From: Dropoff <NO_REPLY@leg.state.fl.us>
Reply-To: "Perez, Michelle" <Perez.Michelle@flsenate.gov>
Date: Wednesday, March 18, 2020 at 12:41 PM
To: AO Records <records@americanoversight.org>
Subject: [Ext][Dropoff] Perez, Michelle has dropped off files for you

This is an automated message sent to you by the Florida Legislature Dropoff service.

Perez, Michelle <Perez.Michelle@flsenate.gov> has dropped off 3 files for you.

IF YOU TRUST THE SENDER and are expecting to receive a file from them, you may choose to retrieve the drop-off by clicking the following link (or copying and pasting it into your web browser):

https://dropoff.flleg.gov/pickup?claimID=bpYCHXg7UBgxPjDf&claimPasscode=PCgkZs5Q3qTBatiZ&emailAddr=records%40americanoversight.org

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The sender has left you a note:

PRR#201 and PRR#202

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Claim ID:	bpYCHXg7UBgxPjDf
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Date of Drop-off:	2020-03-18 12:41:27

AMERICAN OVERSIGHT

— Sender —
Name: Perez, Michelle
Organization: Florida Senate
Email Address: Perez.Michelle@flsenate.gov

— Files —
Name: PRR-201-02.12.2020-1427PM.pst
Size: 263.5 MB
Content Type: application/octet-stream

Name: Email 1_.pdf
Size: 272.5 KB
Content Type: application/pdf

Name: PRR-202-02.12.2020-1443PM.pst
Size: 294.5 MB
Content Type: application/octet-stream

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Perez, Michelle

From: Medley, Lara <Lara.Medley@myfloridahouse.gov>
Sent: Wednesday, January 15, 2020 9:24 AM
Subject: FW: HB 313 Relating to Nonembryonic Stem Cells

Lobby much? ☺☺☺

From: Frank Artiles <frankartiles@me.com>
Sent: Wednesday, January 15, 2020 9:15 AM
To: Medley, Lara <Lara.Medley@myfloridahouse.gov>
Subject: Re: HB 313 Relating to Nonembryonic Stem Cells

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Thank you. Ms. MDawson is sending you a strike all for the registration amendment.

Frank Artiles

Sent from my iPad

> On Jan 15, 2020, at 9:11 AM, Medley, Lara <Lara.Medley@myfloridahouse.gov> wrote:
>
> No problem at all. I've added you to the calendar for 11:15 tomorrow. See you then!
>
> L M
>
> ---
>
> **From:** Frank Artiles <frankartiles@me.com>
> **Sent:** Wednesday, January 15, 2020 8:59 AM
> **To:** Medley, Lara <Lara.Medley@myfloridahouse.gov>
> **Cc:** frank@atlasconsultantsllc.com
> **Subject:** Re: HB 313 Relating to Nonembryonic Stem Cells
>
> **EXTERNAL EMAIL:** This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.
>
> Lara,
>
> Thank you for your quick response and kind words. I would be available at 11:15 for the chair if the slot is open. I really appreciate you and the chair squeezing me in your busy schedule.
>
> [redacted] has been taking stem cells for her knees and when I spoke to the doctor there is no registration, accountability, website or anything. There are hundreds of reports of people taking stem cells that are contaminated. I think as a public policy we should have at minimum voluntary registration then build upon that base.
>
> Sincerely,

AMERICAN OVERSIGHT

Frank Artiles

Sent from my iPhone

On Jan 15, 2020, at 8:41 AM, Medley, Lara <Lara.Medley@myfloridahouse.gov> wrote:

Good Morning,

I was not aware this was an issue of personal significance to you and our office policy is to ask anyone who has requested a meeting if they have not registered to do so. You have never mentioned that you were not lobbying on behalf of this bill and issue so the assumption was made that you were. If you have availability I can get you in for a meeting with the Chair tomorrow at 11:15 or 2:30.

Lara A. Medley

Legislative Assistant
Representative Colleen Burton
Florida House District 40

Lakeland- (863) 413-2640
Tallahassee- (850) 717-5040

From: Frank Artiles <frankartiles@me.com>
Sent: Tuesday, January 14, 2020 6:48 PM
To: Medley, Lara <Lara.Medley@myfloridahouse.gov>
Cc: frank@atlasconsultantsllc.com
Subject: Re: HB 313 Relating to Nonembryonic Stem Cells

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attach
unless you recognize the sender and know the content is safe.

Lara,

[redacted] takes stem cells and I am personally interested because of that reason. I don't have any principles or getting paid to lobby for anyone.

Who do I register, [redacted]?

Frank Artiles

AMERICAN OVERSIGHT

Sent from my iPhone

On Jan 14, 2020, at 5:55 PM, Medley, Lara <Lara.Medley@myfloridahouse.gov> wrote:

Honorable Frank Artiles,

I looked up HB 313 and it's not showing you as a registered lobbyist for this bill. Under House Rule 17.1 you must file an electronic notice of appearance that identifies the specific matter and each principal represented. I've attached a link below with more information and if you have additional questions you can email LobbyistDisclosure@MyFloridaHouse.gov

https://www.myfloridahouse.gov/LD/default.aspx

Lara A. Medley

Legislative Assistant
Representative Colleen Burton
Florida House District 40

Lakeland- (863) 413-2640
Tallahassee- (850) 717-5040

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From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Tuesday, February 11, 2020 4:30 PM EST
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: "Art of Twilight" - Museum of Florida History Event - February 18th
Attachment(s): "MFH - Art at Twilight E-FLYER.pdf"



Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

AMERICAN OVERSIGHT

Florida Secretary of State Laurel M. Lee and
Friends of the Museums of Florida History, Inc.
invite you to

Art at Twilight

An Evening at the Museum of Florida History

February 18, 2020, 5:30–8:00 p.m.

Experience Florida history and art at
your state history museum and view the special exhibit
Florida Inspired—Landscapes from the Risner Fine Art Collection.

Free admission. Event is open to the public.

Featuring drinks, hors d'oevres, and music.

Enjoy a special alligator-themed scavenger hunt through the Museum.

FLORIDA DEPARTMENT of STATE

M·F·H MUSEUM of Florida History

Museum of Florida History • R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida
850.245.6400 • museumoffloridahistory.com

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-000005

From: David Daniel <ddaniel@smithbryanandmyers.com>
Sent: Tuesday, November 26, 2019 11:01 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: <no subject>
Attachment(s): "SB 164 2019 by Sen. Bean.pdf"

Vickie,

Spoke to Joe yesterday. He asked me to send you this language. I will call this morning.

David

3. An employee leasing company licensed pursuant to part XI of chapter 468 that enters into a written agreement or understanding with a client company which places the primary obligation for compliance with this section upon the client company. In the absence of a written agreement or understanding, the term includes an employee leasing company.

SBM
SMITH, BRYAN & MYERS
David Daniel | Smith, Bryan & Myers
311 E. PARK AVE. | TALLAHASSEE, FL 32301
(c) 850-284-4729 | (o) 850-224-5081

AMERICAN OVERSIGHT

By Senator Bean

4-00560-19 2019164__

A bill to be entitled

An act relating to the verification of employment eligibility; defining terms; requiring employers to register with and use the E-Verify system beginning on a specified date to verify the employment eligibility of new employees; requiring the Department of Economic Opportunity to order certain agencies to suspend an employer's license under certain circumstances; prohibiting an employer from knowingly employing an unauthorized alien; authorizing certain persons to file a specified complaint with the department; prohibiting the filing of a complaint based on race, color, or national origin; providing that a person who knowingly files a false or frivolous complaint commits a misdemeanor of the second degree; providing responsibilities and powers of the department relating to notice, investigations, and subpoenas for the production of records; prohibiting the department from independently making a final determination regarding whether an employee is an unauthorized alien; requiring the department to notify the United States Immigration and Customs Enforcement Agency and specified law enforcement agencies of certain violations; requiring the department to order certain employers to take specified actions after the finding of a violation; providing for the suspension of an employer's license upon the finding of certain violations; providing civil immunity for an employer registered with and using the E-Verify system;

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FL_SEN 20-0201 B 20-0202 A 000007

providing specified immunity and nonliability for an employer who complies in good faith with the E-Verify system; requiring the department to maintain a public database containing certain information and make such information available on its website; authorizing the department to apply for a judicial order directing an agency or employer to comply with an order issued by the department; creating a rebuttable presumption for certain employers that the employer did not knowingly employ an unauthorized alien; authorizing an employer or employee to seek an injunction under certain circumstances; providing that certain actions by an employer constitute a deceptive and unfair trade practice; providing that an employee aggrieved by such actions has a private cause of action against the employer and providing available remedies; providing that a cause of action does not exist against an employer under specified circumstances; providing construction; creating s. 287.137, F.S.; defining terms; requiring public employers, contractors, and subcontractors to register with and use the E-Verify system; prohibiting such entities from entering into a contract unless each party to the contract registers with and uses the E-Verify system; requiring a subcontractor to provide certain certification to a contractor, which the contractor must maintain for a specified period of time; authorizing the termination of a contract under certain conditions; providing that such termination is not a breach of contract;

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authorizing a challenge to such termination; prohibiting a contractor from being awarded a public contract under certain circumstances; providing construction; providing an effective date.

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

Section 1. Definitions; use of E-Verify system required for private employers; business licensing enforcement; private right of action for wrongfully discharged employee.—

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

(a) "Agency" means an agency, department, board, or commission of this state or a county, municipality, or town issuing a license to operate a business in this state.

(b) "Department" means the Department of Economic Opportunity.

(c) "E-Verify system" means an Internet-based system operated by the United States Department of Homeland Security that allows participating employers to electronically verify the employment eligibility of newly hired employees.

(d) "Employee" means a person who performs labor or services for an employer in exchange for salary, wages, or other remuneration. The term does not include a licensed independent contractor as defined in federal laws or regulations.

(e) "Employer" means a person or entity that employs persons to perform labor or services in exchange for salary, wages, or other remuneration. The term does not include:

1. A government employer;

2. The occupant or owner of a private residence who hires:

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a. Casual labor, as defined in s. 443.036, Florida Statutes, to be performed entirely within the private residence; or

b. A licensed independent contractor, as defined in federal laws or regulations, to perform a specified portion of labor or services; or

3. An employee leasing company licensed pursuant to part XI of chapter 468 that enters into a written agreement or understanding with a client company which places the primary obligation for compliance with this section upon the client company. In the absence of a written agreement or understanding, the term includes an employee leasing company.

(f) "Knowingly employ an unauthorized alien" has the same meaning as in 8 U.S.C. s. 1324a. The term shall be interpreted consistently with 8 U.S.C. s. 1324a and any applicable federal rules or regulations.

(g) "License" means a franchise, permit, certificate, approval, registration, charter, or similar form of authorization required by state law and issued by an agency for the purpose of operating a business in this state. The term includes, but is not limited to:

1. An article of incorporation.

2. A certificate of partnership, partnership registration, or article of organization.

3. A grant of authority issued pursuant to state or federal law.

4. A transaction privilege tax license.

(h) "Unauthorized alien" means a person who is not authorized under federal law to be employed in the United

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States, as described in 8 U.S.C. s. 1324a(h)(3). The term shall be interpreted consistently with that section and any applicable federal rules or regulations.

(2) VERIFICATION OF EMPLOYMENT ELIGIBILITY; SUSPENSION OF BUSINESS LICENSE.—

(a) Beginning January 1, 2020, an employer shall, after making an offer of employment which has been accepted by a person, use the E-Verify system to verify such person's employment eligibility. Verification must occur within the period stipulated by applicable federal rules or regulations. However, an employer is not required to verify the employment eligibility of a continuing employee hired before the date of the employer's registration with the E-Verify system.

(b) If an employer does not register with the E-Verify system, the department must order the appropriate agency to suspend all applicable licenses held by the employer until the employer registers with the E-Verify system and provides the department with an affidavit stating such fact.

(3) EMPLOYMENT OF UNAUTHORIZED ALIENS; PROHIBITION; FALSE AND FRIVOLOUS COMPLAINTS; VIOLATION; CLASSIFICATION; SUSPENSION AND REVOCATION OF LICENSE.—Beginning January 1, 2020:

(a) An employer may not knowingly employ an unauthorized alien.

(b) A person who has a good faith belief that an employer knowingly employs, or has within the last 90 calendar days knowingly employed, an unauthorized alien may file a complaint with the department.

(c) A complaint may not be based on race, color, or national origin, except to the extent permitted by state or

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federal law.

(d) A person who knowingly files a false or frivolous complaint under this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

(e) Upon the receipt of a valid complaint of a violation of paragraph (a), the department shall notify the employer of the complaint and direct the employer to notify any employees named in the complaint.

(f) The department shall investigate whether a violation of paragraph (a) has occurred and hold an administrative hearing at which the employer has the right to counsel and may present any evidence it desires. The department shall request that the Federal Government verify, pursuant to 8 U.S.C. s. 1373(c), the citizenship or immigration status of any employee named in the complaint, and the department must rely upon such verification. The department may not independently make a final determination as to whether an employee is an unauthorized alien.

(g) The department may issue a subpoena for an employer to produce employment records that relate to employment recruitment, hiring, or termination policies, practices, or acts relating to the investigation of a valid complaint of a violation of paragraph (a).

(h) Upon finding that an employer has violated paragraph (a), the department shall notify:

1. The United States Immigration and Customs Enforcement Agency of the identity of the unauthorized alien and, if known, the physical address at which the unauthorized alien resides.

2. The local law enforcement agency of the jurisdiction in

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which the unauthorized alien resides.

(i)1. Upon finding that an employer has violated paragraph (a), the department shall order the employer to:

a. Terminate the employment of all unauthorized aliens; and

b. File a sworn affidavit with the department within 10 calendar days after receipt of the order. The affidavit must state that the employer has corrected such violation by:

(I) Terminating the employment of all unauthorized aliens; or

(II) Attempting to terminate the employment of all unauthorized aliens but such termination is being challenged in a court of competent jurisdiction.

2. If the employer fails to file the affidavit under subparagraph 1., the department shall order the appropriate agencies to suspend all applicable licenses held by the employer until the affidavit is filed. Notwithstanding any other law, the suspended licenses shall be deemed to have been reinstated upon the filing of the affidavit. During the pendency of any court action or challenge to an E-Verify system determination, the 10-calendar-day period shall be tolled.

3. Licenses subject to suspension under subparagraph 2. include all licenses that are held by the employer that are necessary to operate the employer's business at the specific location at which the unauthorized alien performed work. If a license is not necessary to operate the employer's business at such location, but a license is necessary to operate the employer's business in general, the licenses subject to suspension under subparagraph 2. shall include all licenses held by the employer at the employer's primary place of business.

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(j) Upon finding that a second or subsequent violation of paragraph (a) occurred during a 2-year period, the department shall order the appropriate agencies to suspend, for at least 30 calendar days, all licenses held by the employer that are necessary to operate the employer's business at the specific location at which the unauthorized alien performed work. If a license is not necessary to operate the employer's business at such location, but a license is necessary to operate the employer's business in general, the department shall order the appropriate agencies to suspend, for at least 30 calendar days, all licenses held by the employer at the employer's primary place of business.

(k)1. An employer registered with and using the E-Verify system may not be held civilly liable in a cause of action for the employer's:

a. Unlawful hiring of an unauthorized alien if the information obtained from the E-Verify system indicated that the person's work authorization status was not that of an unauthorized alien; or

b. Refusal to hire a person if the information obtained from the E-Verify system indicated that the person's work authorization status was that of an unauthorized alien.

2. An employer who in good faith registers with and uses the E-Verify system is considered to have complied with the requirements of 8 U.S.C. s. 1324a(b) and may not be held liable for any damages and shall be immune from any legal cause of action brought by any person or entity, including former employees, for the use of and reliance upon any incorrect information obtained from the E-Verify system, including any

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incorrect information obtained as a result of an isolated, sporadic, or accidental technical or procedural failure, when determining final action on a person's work authorization status.

(l) The department shall maintain a public database containing copies of all orders issued pursuant to this subsection and shall make such information available on its website.

(m) If the department determines that an agency or employer has failed to comply with an order under this subsection, the department may apply to the circuit court for a judicial order directing the agency or employer to comply with such order.

(n) For purposes of this subsection, compliance with paragraph (2)(a) creates a rebuttable presumption that an employer did not knowingly employ an unauthorized alien in violation of paragraph (a).

(4) INJUNCTION.—At any time after the department has notified an employer that a valid complaint of a violation of paragraph (3)(a) was received, and up to 30 calendar days after the date on which the department issues an order pursuant to paragraph (3)(i), the employer subject to the complaint, or any employee who is alleged to be an unauthorized alien, may challenge and seek to enjoin the enforcement of this section before a court of competent jurisdiction.

(5) DECEPTIVE AND UNFAIR TRADE PRACTICE.—

(a) An employer commits a deceptive and unfair trade practice in violation of part II of chapter 501, Florida Statutes, if it discharges an employee who is a United States citizen or resident alien, as defined in s. 379.101(31), Florida

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Statutes, while knowingly employing an unauthorized alien at the same job site or in the same job classification elsewhere in this state.

(b) The discharged employee has a private cause of action against the employer for a violation of this subsection. The available remedies to the discharged employee are reinstatement, back pay, court costs, and attorney fees. Criminal or civil sanctions, including fines, may not be imposed against an employer for a violation of this subsection.

(c) A cause of action under this subsection does not exist against an employer who, on the date it discharged an employee as described in paragraph (a), was registered with and used the E-Verify system to verify a person's work authorization status.

(6) CONSTRUCTION.—This section shall be enforced without regard to race, color, or national origin and shall be construed in a manner so as to be fully consistent with any applicable federal laws or regulations.

Section 2. Section 287.137, Florida Statutes, is created to read:

287.137 Verification of work authorization status; public employers.—

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

(a) "Contractor" means a person or entity that has entered into, or is attempting to enter into, a contract with a public employer to provide labor, supplies, or services to such employer in exchange for salary, wages, or other remuneration.

(b) "E-Verify system" means an Internet-based system operated by the United States Department of Homeland Security that allows participating employers to electronically verify the

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employment eligibility of newly hired employees.

(c) "Public employer" means a department, agency, or political subdivision of this state that enters into, or attempts to enter into, a contract with a contractor.

(d) "Subcontractor" means a person or entity that provides labor, supplies, or services to or for a contractor or another subcontractor in exchange for salary, wages, or other remuneration.

(e) "Unauthorized alien" means a person who is not authorized under federal law to be employed in the United States, as described in 8 U.S.C. s. 1324a(h)(3). The term shall be interpreted consistently with that section and any applicable federal rules or regulations.

(2)(a) Every public employer, contractor, and subcontractor shall register with and use the E-Verify system to verify the work authorization status of all new employees.

(b) A public employer, contractor, or subcontractor may not enter into a contract under this section unless each party to the contract registers with and uses the E-Verify system.

(3)(a) If a contractor enters into a contract with a subcontractor, the subcontractor shall certify to the contractor in a manner that does not violate federal law that the subcontractor, at the time of such certification, does not employ, contract, or subcontract with an unauthorized alien.

(b) A contractor shall maintain a copy of such certification for the duration of the contract with the subcontractor.

(4)(a) A public employer, contractor, or subcontractor who has a good faith belief that a person or entity with which it is

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contracting has knowingly violated this section shall terminate the contract with the person or entity.

(b) A public employer that has a good faith belief that a subcontractor knowingly violated this section, but the contractor otherwise complied with this section, shall promptly notify the contractor and order the contractor to immediately terminate the contract with the subcontractor.

(c) A contract terminated pursuant to paragraph (a) or paragraph (b) is not a breach of contract and may not be considered as such.

(d) A public employer, contractor, or subcontractor may file an action with a circuit or county court to challenge a termination under paragraph (a) or paragraph (b) no later than 20 calendar days after the date on which the contract was terminated.

(e) If a public employer terminates a contract with a contractor pursuant to paragraph (a), the contractor may not be awarded a public contract for at least 1 year after the date on which the contract was terminated.

(5) This section shall be construed in a manner so as to be fully consistent with any applicable federal laws or regulations.

Section 3. This act shall take effect July 1, 2019.

AMERICAN OVERSIGHT

From: Michael Holderness <mike@mikeholderness.com>
Sent: Friday, November 22, 2019 4:22 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: #2. Comments to Michael Holderness re seagrass mitigation for Lido project
Attachment(s): "Gilmore 1988 dissertation.pdf","Nekton-of-Sarasota-Bay-Comparison-Nekton-Community-Structure-2010.pdf"

Mitigation site in Manatee failed, per Dr. Gilmore.
Perico Preserve Seagrass Basin over sixteen miles to the north in the Tampa Bay – Manatee River ecosystem. That's "16" MILES AWAY for baby fish to swim? Doesn't really matter because this project will cause a decline in local populations that utilize Big Pass -Meaning: THEY WOULD SIMPLY STOP MAKING BABIES! Since we know that Spotted Seatrout do not migrate more than a few miles from their Big Pass habitat. Spotted Seatrout and their progeny would not utilize the Perico Preserve but, IF THEY TRIED TO SWIM (like Barwin says is acceptable) THEY WOULD DIE – **There is NOT ENOUGH SALINITY at the mitigation site.**

From: Richard Gilmore <rggilmorej@gmail.com>
Sent: Sunday, July 14, 2019 11:44 AM
To: Michael Holderness <mike@mikeholderness.com>
Cc: Rachel Hackney <rbh.snl@gmail.com>
Subject: Re: Comments to Michael Holderness re seagrass mitigation for Lido project

Mike,

I will copy in my statement here, but also attach it as a Word file. I will also attach the publications that document my statements.

Mike,

There are **four arguments** you can make that reveal the inadequacy of the Perico site as mitigation for seagrass loss at Big Pass relative to Spotted Seatrout.

I list them below in layman's terms and with scientific documentation.

1. The Perico seagrass is located at the mouth of a large freshwater river, the Manatee River, so is influenced by freshwater flows from that river. The Sarasota Big Pass seagrass is located at a large opening to the Gulf of Mexico, a major saline ecosystem and is, therefore, largely marine, saline in its salinity regime. These widely differing salinity environments mean that even though the seagrass species may be the same, the creatures that associate with these two different ecosystems will not be the same. It is like stating that apples and oranges are the same fruit. Research over the past 50 years has demonstrated otherwise. For example, in 2018 we captured a Gag Grouper, Mycteroperca microlepis, juvenile in the Sarasota Big Pass seagrass. This species supports the valuable Florida grouper fisheries. Gag grouper would not use the lower salinity Perico mitigation seagrass site.

The scientific evidence:

1. Perico and Big Pass seagrass meadows play a different role in supporting fisheries as high salinity pass seagrass at Sarasota Big Pass will support open Gulf fisheries while lower salinity Perico wetland seagrass will support euryhaline lower salinity fish communities. Inlet seagrass meadows contain a different fish fauna than those further into the bays or lagoons even though the species of seagrass may be the same. Their functional role relative to the animals that associate with them may also be different..

Studies that can be sited are numerous. You can use these with comprehensive fish collections I have made (1974-1980; Gilmore 1988) and FWC-Fisheries Independent Monitoring program (Sarasota Bay studies; MacDonald et al.2010).

MacDonald, T.C., E. Weather, P.W. Stevens, R.H. McMicheal, Jr. 2010. **Nekton of Sarasota Bay and a Comparison of Nekton Community Structure in Adjacent Southwest Florida Estuaries. Fla**. Fish and Wildlife Conserv. Comm., Fish and Wildlife Research Inst., St. Petersburg, FL. 185 pp.

From R. Grant Gilmore, Jr., Ph.D. dissertation entitled: **Subtropical Seagrass Fish Communities: Population Dynamics, Species Guilds and Microhabitat Associations in the the Indian River Lagoon, Florida.**" 1988. Florida Institute of Technology, 199 pp.

This work is based on Seagrass studies from 1974-1980; **1,982,000 fish captured weighed and measured, 164 species in 400 seine and drop net collections**. The most definitive quantitative seagrass fish study in Florida waters at that time.

NOTE LAST SENTENCE OF ABSTRACT:**"These guilds are generally present at most seagrass sites; however, the species within each guild may be replaced by congeneric, or confamilial species depending on the location of the seagrass bed relative to ocean inlets."**

2. Spotted Seatrout do not spawn adjacent to the Perico site, but do spawn within Sarasota Big Pass. Spotted Seatrout spawn at the northwest mouth of Tampa Bay, avoiding the lower salinity waters at the mouth of the Manatee River.

The scientific evidence:

Dr. Susan Lowerre-Barbieri a research scientist with the Florida Fish and Wildlife Conservation Commission research laboratory in St.

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Petersburg (Florida Marine Research Institute = FMRI), mapped Spotted Seatrout spawning sites in Tampa Bay and found trout spawning on the north side of the Bay entrance toward Boca Ciega Bay, not on the south side near the mouth of the Manatee River, where Perico is located. (see references below)

Lowerre-Barbieri S, Walters S, Bickford J (2008b) Spatial and temporal reproductive dynamics of spotted seatrout in Tampa Bay and adjacent waters. In: Barbieri LR, Colvocoresses J (eds) Investigations into nearshore and estuarine gamefish behavior, ecology, and life history in
Florida. Florida Fish and Wildlife Research Institute, St. Petersburg, FL, p 135−151

Lowerre-Barbieri SK, Henderson N, Llopiz J, Walters S, Bickford J, Muller R (2009) Defining a spawning population (spotted seatrout *Cynoscion nebulosus*) over temporal,
spatial, and demographic scales. Mar Ecol Prog Ser 394: 231−245.

3. Post larval Spotted Seatrout settle in seagrass meadows close to the spawning site.Since there is no Spotted Seatrout spawning adjacent to the Perico mitigation site it will not serve as a Spotted Seatrout nursery in the same manner as the seagrass at Sarasota Big Pass.

4. Larval Spotted Seatrout cannot withstand low salinities such as the low salinities that would be encountered at the Perico mitigation site adjacent to the mouth of the Manatee River. They are tolerant of the salinities where the adults spawn, in this case the high salinities, marine conditions at the western opening of Sarasota's Big Pass.

The scientific evidence:

Scott Holt demonstrated that Spotted Seatrout eggs and larvae have physiologies that are based on where the parents spawn with higher salinities preferred. Spotted Seatrout along the Gulf coast spawn at the bay entrance, in passes or even out in the Gulf where higher salinities occur. They do not spawn in, or near the mouths of rivers, such as the Manatee River at the Perico site.

Holt, S. 2002. Effects of variable salinity on reproduction and early life stages of Spotted Seatrout. Chapter 9, pp. 135-145, in Biology of the Spotted Seatrout, S.A. Bortone, ed. CRC Press, Boca Raton, FL. 312 pp.

Dr. Sabine Alshuth and I demonstrated that Spotted Seatrout eggs and larvae could not withstand salinities below 15 ppt from spawning groups in the Indian River Lagoon. In fact, adults stopped spawning at sites impacted by artificial freshwater release.

Alshuth, S. and RG Gilmore. 1993. Egg identification, early larval development and ecology of the spotted seatrout, *Cynoscion nebulosus*. - Pisces: Sciaenidae). ICES CM, 1993.

Alshuth, S. and RG Gilmore. 1994. Salinity and temperature tolerance limits for larval spotted seatrout, Cynoscion nebulosus C.(Pisces: Sciaenidae), ICES CM, 1994.

Examples of other publications on Spotted Seatrout early life history and environmental preferences:

Kupshus, S. 2004. A temperature-dependent reproductive model for Spotted Seatrout (*Cynoscion nebulosus*) explaining spatio-temporal variations in reproduction and young-of-the-year recruitment in Florida estuaries. ICES J. Mar. Sci. 61: 3-11. 2004. Pp. 1-10.

Mazzotti, F.J., L.G. Pearlstine, T. Barnes, S.A. Bortone, K. Charter, A. M. Weinstein, and D. DeAngelis. 2017. Stressor-response model for the Spotted Seatrout (Cynoscion nebulosus). CR1523. UF, IFAS Extension, Univ. Fla., Gainesville, FL. Pp. 1-8.

On Sat, Jul 13, 2019 at 11:12 AM Michael Holderness <mike@mikeholderness.com> wrote:

> Thank you, Sir! You're one of my heroes for sure.
>
> You both truly care! Speechless, in a good way.
>
> **From:** Richard Gilmore <rggilmorej@gmail.com>
> **Sent:** Saturday, July 13, 2019 12:25 AM
> **To:** Rachel Hackney <rbh.snl@gmail.com>
> **Cc:** Michael Holderness <mike@mikeholderness.com>
> **Subject:** Re: Comments to Michael Holderness re seagrass mitigation for Lido project
>
> Rachel
>
> I spent some time today obtaining further documentation for Michael Holderness independent of this request. I will be sending this

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to him tomorrow and include
you in the mailing. It further documents the science behind my statements. No problem with quoting me as I do want to educate the public in order to
protect some of the most valuable living resources of Florida. As a youngster I used for fish for Spotted Seatrout in Sarasota Bay and Lemon Bay.

Regards,

On Fri, Jul 12, 2019 at 5:00 PM Rachel Hackney <rbh.snl@gmail.com> wrote:

> Dr. Gilmore,
>
> Greetings!
>
> I have been covering the U.S. Army Corps of Engineers/City of Sarasota plans for the dredging of Big Pass since they were unveiled publicly in September 2013. In fact, I have written on a number of occasions about your testimony regarding the spotted seatrout when the Division of Administrative Hearings proceeding was held for the SOSS2/SKA challenge in 2017.
>
> Michael Holderness kindly shared with me an email exchange you had with him regarding the proposed seagrass mitigation agreement between the City of Sarasota and Manatee County. (I pasted in at the end of this email what he sent me.)
>
> I have been a journalist for more than 40 years, and I learned from the very beginning to verify comments from third parties, as a courtesy as much as anything.
>
> Therefore, I am hopeful you will give me permission to quote from your email to Mr. Holderness. Alternatively, if you would prefer to make a more formal statement, I would welcome that. Finally, if you would prefer that I **not** include any comments from you in the article I plan to write after the Sarasota City Commission's review of the agreement on July 15, I certainly will adhere to that request.
>
> Thank you so much for all you have done for Big Pass already!
>
> Very truly yours,
> Rachel Hackney
> **********

The Sarasota News Leader

The Progressive Voice of Southwest Florida

Rachel Brown Hackney
Executive Editor

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Web: www.SarasotaNewsLeader.com

From: Richard Gilmore <rggilmorej@gmail.com>
Sent: Thursday, July 11, 2019 12:00 PM
To: Michael Holderness <mike@mikeholderness.com>
Subject: Re: . "Protect our Sea Life,
MIchael,
Most marine ecologists realize that seagrass does not mean a specific species of fish will occur there. There are so many other parameters: salinity, temperature, tide, flow rates, etc. that influence fish distribution that do not necessarily influence plant growth, seagrass.
They are incorrect in assuming trout will associate with seagrass no matter where it is planted. That assumption is basically erroneous.
Perico will not mitigate Big Pass seagrass loss in any way!!!
Thank you Mike....and the trout thanks you too!!!

Grant
R. Grant Gilmore, Jr., Ph.D.
Senior Scientist
Estuarine, Coastal and Ocean Science, Inc.
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SUBTROPICAL SEAGRASS FISH COMMUNITIES: POPULATION DYNAMICS, SPECIES GUILDS AND MICROHABITAT ASSOCIATIONS IN THE INDIAN RIVER LAGOON, FLORIDA

A DISSERTATION

by

RICHARD GRANT GILMORE, JR.

B.S., M.S. University of West Florida

Submitted to
Florida Institute of Technology
in partial fulfillment of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

BIOLOGICAL SCIENCES

Department of Biological Sciences

December 1988

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by

RICHARD GRANT GILMORE, JR.

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ABSTRACT

Subtropical Seagrass Fish Communities: Population Dynamics, Species Guilds and Microhabitat Associations in the Indian River Lagoon, Florida (December 1988)

Richard Grant Gilmore, Jr.

B.S., M.S. Univ. of West Florida

Chairperson of Advisory Committee: Dr. John G. Morris

Over 1.982 million fish, including 164 species in 54 families, were collected in repetitive quantitative samples taken with 67 m seine (1,160 m^2) and drop net (10 m^2) techniques in seagrass beds of the Indian River lagoon. The seagrass ichthyofauna is qualitatively and quantitatively distinct from adjacent mangrove swamp/salt marsh and sand bottom faunas.

The qualitative and quantitative attributes of the seagrass community are greatly affected by the proximity to ocean inlets, as there are distinct upstream (7 km or more from nearest inlet) and inlet ichthyofaunas (less than 3 km from nearest inlet), which are predictable over several annual cycles. The spatial and temporal patterns observed demonstrate that physical geographic and hydroclimatic parameters substantially influence the species composition and relative abundance of the seagrass ichthyofauna at specific sites. Seagrass ichthyofaunal homogeneity (qualitative and quantitative) is relatively high at sites within a few meters, and still reveals significant homogeneity at distances up to 3 km between upstream sites.

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Seasonal and annual faunal changes are predictable, however, quantitative changes are more variable with changes in total recruitment of abundant species over several annual cycles. The ichthyofauna at upstream sites and downstream sites keep their species complement over several annual cycles. Annual variation in number of species, density, biomass and mean individual weight were insignificant ($P \leq 0.05$) at an upstream seagrass site maintained over a five year period.

Spawning periodicity was predicted from larval-juvenile recruitment patterns. Cool-dry season spawners are typically warm temperate species and warm-wet season spawners are generally tropical and eurythermic tropicals, although some warm- temperate species limit their spawning to warm periods of the year (e.g. Cynoscion nebulosus). Some tropical species, e.g. gerreids and centropomids, may spawn throughout the year when climatic conditions are favorable.

The seagrass ichthyofauna may be divided into eight basic guilds based on numbers captured and percent frequency of occurrence, both of which are directly affected by gear bias, vertical and horizontal fish dispersal and behavior. These eight guilds are defined based on relative abundance, species dispersal, trophic habits and microhabitat preferences. These guilds are generally present at most seagrass sites; however, the species within each guild may be replaced by congeneric or confamilial species depending on the location of the seagrass bed relative to ocean inlets.

Key words: Subtropical seagrass; fish communities; spatial/temporal variation and predictability; microhabitat/trophic guilds.

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I thank Dr. John G. Morris for his continued guidance and immeasurable encouragement during my entire graduate school tenure. Constant support from my committee members, Drs. William S. Alevizon, Kerry B. Clark, Walter G. Nelson and Gary N. Wells, is greatly appreciated. I also thank LaVergne Williams, George Kulczycki, Wayne Magely, Christopher Donohoe, Douglas Cooke, Douglas Carlson, Barbara Graunke, James Dean, John Reed, John Miller, and Liberta Poolt for aid in collecting and processing hundreds of thousands of specimens. In addition, I thank Drs. Robert S. Jones, Marsh Youngbluth, Kevin Eckelbarger, all Directors of the Division of Marine Science, Harbor Branch Oceanographic Institution and Dr. Jay Langfelder, Managing Director of the same institution for their continual support and encouragement throughout a period of great professional and personal challenge. I will be forever grateful to my understanding, patient and supportive family, Marilyn, Grant and Randy during a very difficult and prolonged schizophrenic period in our lives.

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DEDICATION

I dedicate this dissertation to my beautiful and understanding wife, Marilyn, and my two incredibly patient sons, Grant and Randy, who grew up as this study progressed into a dissertation.

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INTRODUCTION

The study of fishes within their natural environment has demonstrated that distinct fish communities predictively associate with specific vegetative or geological structures throughout the world's oceans. The most diverse communities are found within tropical seas, and are associated with complex structures such as coral reef formations or elaborate plant biotopes (Briggs, 1974; Levington 1982). Spermatophyte seagrass meadows and associated epiphytic algal growth harbor a wide variety of shallow water fish species. The richness of the seagrass community has attracted the attention of estuarine biologists throughout the world, with numerous descriptive and experimental studies conducted from the tropics to temperate regions (Kikuchi and Perez 1977; Heck and Orth 1980; Pollard and den Hartog 1984).

Many questions have been asked regarding seagrass faunal relationships particularly in regard to trophic interactions, not only between the botanical element and the organism, but among the associated organisms themselves. Considerable recent work has been done on benthic and epibenthic invertebrate faunal distribution relative to microhabitat complexity and predation, in most cases, considering predation by fishes (Young and Young 1977, 1978; Virnstein 1977; Nelson 1979, 1981; Heck and Orth 1980; Heck and Thoman 1981; Howard 1984; Stoner 1979, 1980, 1983; Summerson and Peterson 1984). In some cases, the same underlying mechanisms that were thought to

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affect the seagrass invertebrate fauna, were also hypothesized to influence the distribution of fishes within seagrass beds, particularly the smaller cryptic species or juvenile stages (Heck and Orth 1980). These influential distributional factors are principally those which directly affect growth and mortality for small species or juvenile fish, i.e. food availability and escape from predation. The factors most intensively studied have been habitat complexity and predator - prey distributions (particularly invertebrate populations), predation efficiencies (particularly on invertebrates) and behavior relative to varying habitat structure (e.g. interspecific seagrass comparisons or algal-seagrass comparisons)(Thomas 1974; Nelson 1979, 1981, 1982; Heck and Thoman 1981; Lewis and Stoner 1983; Summerson and Peterson 1984; Virnstein and Carbonaria 1985; Bell and Westoby 1986; Virnstein and Howard 1987a,b). Various ichthyofaunal studies have also hypothesized differential associations with various species of seagrass based on seagrass structural differences, substrate variation (Martin and Cooper 1981; Middleton, et al. 1984) or differential larval recruitment (Young, 1981). Stoner (1983) hypothesized that pinfish were more abundant in shoal grass (Halodule wrightii), due to the increased predation efficiency by the pinfish (Lagodon rhomboides) on amphipods.

With the plethora of experimental work on seagrass invertebrates and limited nature of most fish faunal studies, little attention has been given to detailed or comprehensive analyses of entire seagrass fish communities, including the highest trophic levels. Most ichthyofaunal studies lack comprehensive temporal and spatial treatments with effective gear types. Therefore, few investigators

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have considered predation effects on fish distribution, particularly by species which occupy tertiary or higher trophic levels (piscivores). Some investigators have hypothesized that little higher level predation occurs in estuaries (Miller and Dunn 1980). Only recently have studies been conducted on piscivory in seagrass beds and the effect of piscivory on fish distribution (Holt et al. 1983).

In addition, seagrass ichthyofaunal studies typically lack adequate replication to examine the distribution of the fish fauna within and between seagrass beds while considering a combination of hydrological and biological parameters. Included in this treatment would be ontogentic changes in the biology of seagrass fish species, variation in trophic standing, intraspecific behaviors and phyletic relationships relative to gradients of marine and freshwater conditions within estuaries. Some recent treatments of some of these latter topics are variously effective (Carr and Adams 1973; Blaber and Blaber 1980; Livingston 1980, 1982, 1984a,b; Huh 1984; Huh and Kitting 1985).

Few ichthyofaunal studies have used more than one quantitative technique to capture the diverse assembladge of fishes known to associate with seagrasses. Therefore, most previous studies have either not captured or have underestimated the contribution of some of the most abundant diminutive species as well as many of the larger predators. Much of the difficulty in defining this community comes from the variety of techniques utilized historically. The methodology used most frequently was the trynet or otter trawl, which is relatively inefficient in seagrass beds, particularly in capturing cryptic though abundant resident species such as diminutive gobiids,

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callionymids, blenniids and clinids (Kjelson and Johnson 1978; Gray and Bell 1986; Leber and Greening 1986; Orth and van Montfrans 1987). Similarly, seine hauls, though more efficient than the trawl, do not capture these same resident species as efficiently as other quantitative techniques (Kjelson and Johnson 1973, 1974; Adams 1976; Gilmore et al. 1978). The most effective techniques developed for obtaining a quantitative estimate of small cryptic seagrass associates are drop or throw nets (Moseley and Copeland 1969; Kjelson and Johnson 1973; Gilmore et al. 1978; Kushlan 1981; Jacobsen and Kushlan 1987; Sogard, 1987), suction devices (Brook 1978; Orth and van Montfrans 1987), crab scrapes (Leber and Greening 1986) and rotenone (Burchmore et al. 1984; Gray and Bell 1986). However, none of these techniques are capable of assessing the entire seagrass fish fauna, and it is surprising that few studies have incorporated more than a single fish capture technique. A notable exception to the single gear syndrome is the study by Middleton et al. (1984) where rotenone, beam trawling and gill nets were used to study seagrass fish faunas of Botany Bay, New South Wales, Australia.

A comprehensive study of the topographical and geographical variation in seagrass ichthyofaunas on a scale of meters to tens of kilometers simultaneously has received little treatment, particularly relative to natural hydrological conditions with enough replication to allow for annual variation. The microgeographic variation of ichthyofaunas in an undisturbed natural setting (versus experimental or anthropogenically disturbed settings) needs definition and study before many of the predator-prey relationships and seagrass structure hypotheses that are thought to govern fish distributions at any

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particular location can be accepted. If the distribution of the fish on a broad enough spatial and temporal scale is not known, then short term observations or manipulative experiments will lack perspective. Hypotheses on fish distribution derived from ephemeral experimental work may reveal possible mechanisms behind a distribution pattern, but may not observe the distribution pattern itself. In contrast, ineffective or short term observations may cause erroneous distributional mechanisms to be hypothesized. For example, Heck and Orth (1980) state that the physical structure or complexity of the seagrass habitat is the single most important factor influencing change in faunal composition without examining the "other" factors in long term, adequately replicated sampling scenerios. Consequently, these and other authors more recently (Martin and Cooper 1981; Stoner 1983; Middleton et al. 1984) underestimate the diversity and complexity of the seagrass ichthyofauna and the variety of behavioral and environmental parameters which may govern the distribution of this fauna, particularly with regard to hydrological, topographical and geographical variations.

Most recent seagrass ichthyofaunal classification systems have been simplistic, and typically based on residential and transient categories (Kikuchi and Perez 1977), or on trophic habits (Livingston, 1984a) with little recognition of the complex phyletic and evolutionary relationships which play a role in the functional ecology, behavior and life histories of a very diverse species assemblage. Only studies below the community level and limited to specific confamilial or congeneric seagrass species pairs have considered the phyletic and trophic biological relationships (e.g.

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Syngnathidae, Brown 1972; Monacanthidae, Clements and Livingston 1983; Sparidae, Stoner and Livingston 1984). With a comprehensive data base on a seagrass fish community derived from this study and the literature, a broader classification system can be devised which will reveal the presence of a variety of species guilds based on phyletic, behavioral, trophic, ontogenetic, and microspatial/macrospatial distributional characters.

This study demonstrates the effectiveness of utilizing two complementary quantitative techniques in assessing seagrass fish populations, and utilizes these data to define a seagrass fauna in a variety of geographical locations on monthly intervals over several annual cycles. With this comprehensive collecting strategy, enough material should be presented to allow greater perspective on the seagrass ichthyofauna than has previously been attempted. The objectives of this study are to quantitatively assess and describe: (1) the relative association of the fish fauna within seagrass habitats versus other alternative habitats; (2) the spatial dynamics of this association on a scale of several meters to several kilometers; (3) the temporal dynamics of seagrass fish populations on monthly, seasonal and annual scales; and finally, (4) to reveal discrete species guilds based on a variety of phyletic, habitat association, behavioral and life history criteria.

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STUDY SITES

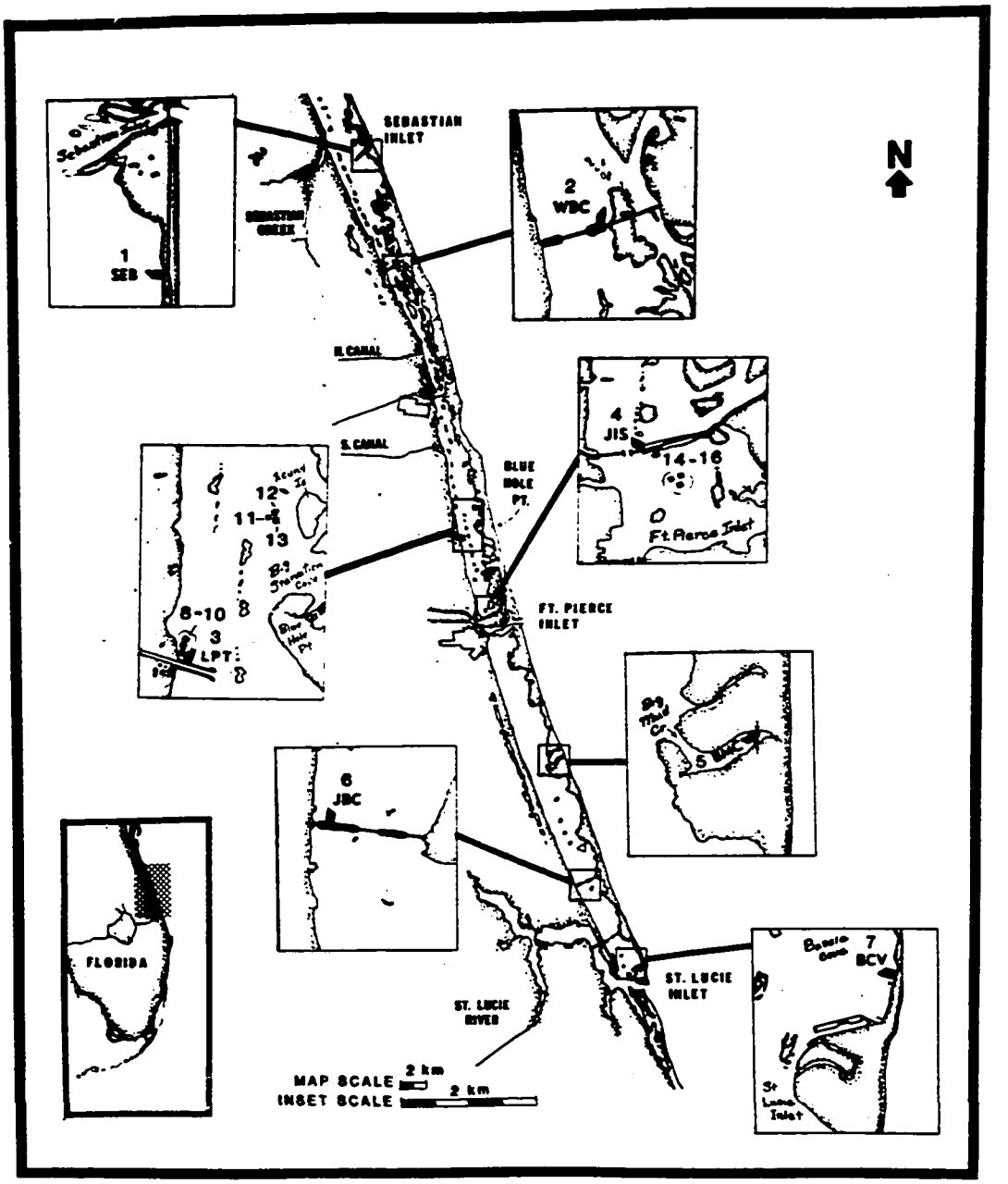
After sampling various seagrass sites within the Indian River lagoon, using a variety of seine and trawl gear types from March to August 1974, seven sites were finally chosen for long term studies with the 62 m seine (Fig. 1). These sites ranged over a coastal distance of 82 km (51 mi.). Three inlet sites (within 1 - 3 km from the nearest ocean inlet) and four upstream sites (7.5 to 15.2 km from the nearest inlet) were chosen for study (Fig 1 and 2). The section of the lagoon between stations 2 (WAB) and 3 (LPT) was not suitable for study based on the limited amount of seagrass found in this region, particularly near the city of Vero Beach. The station sites are briefly described below.

Sebastian (SEB): Station No. 1 - This is the northernmost station, located on the east bank of the lagoon appoximately 2.2 km south of Sebastian Inlet in Indian River County (27°50.8'N : Fig. 1). The water character and quality at this station are influenced by tidal water movements through Sebastian Inlet. However, this influence is more limited when compared to the other two inlet stations (JIS and BVC), due both to the smaller size of Sebastian Inlet (Ned Smith, HBOI, personal communication) and to reduced Coriolis movement of ocean water over the site, as the station is south, rather than north

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Figure 1. Map of study area with seine stations 1-7 and drop net stations 8-16 designated.

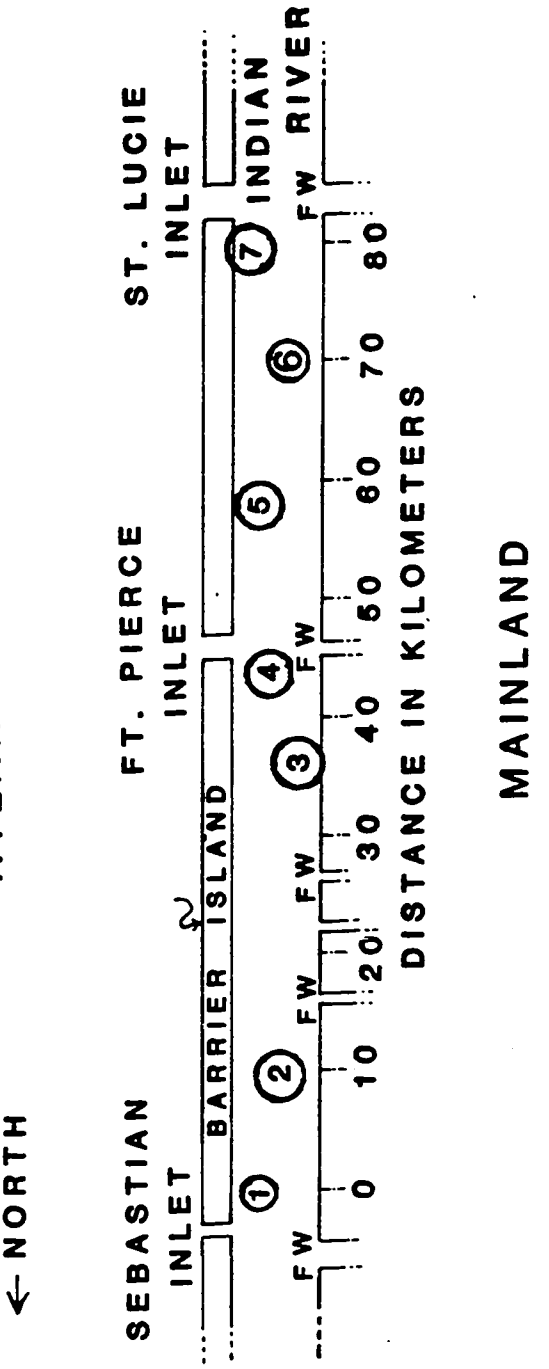
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Figure 2. Diagrammatic representation of the Indian River lagoon and distances (km) between seine stations 1-7. FW = freshwater tributary.

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of the inlet.

During the warmer months, very small amounts of Syringodium were observed, however, the dominant seagrass was Halodule wrightii which reached a maximum bottom coverage of 18% in August (Fig. 3). The mean seagrass coverage for the year was 12.3% which was the lowest value for any of the grass flat stations studied. There is a dense mangrove shore cover (Rhizophora mangle) beginning approximately 50 m north of the station, and the shore for over 400 m south is sand and shell.

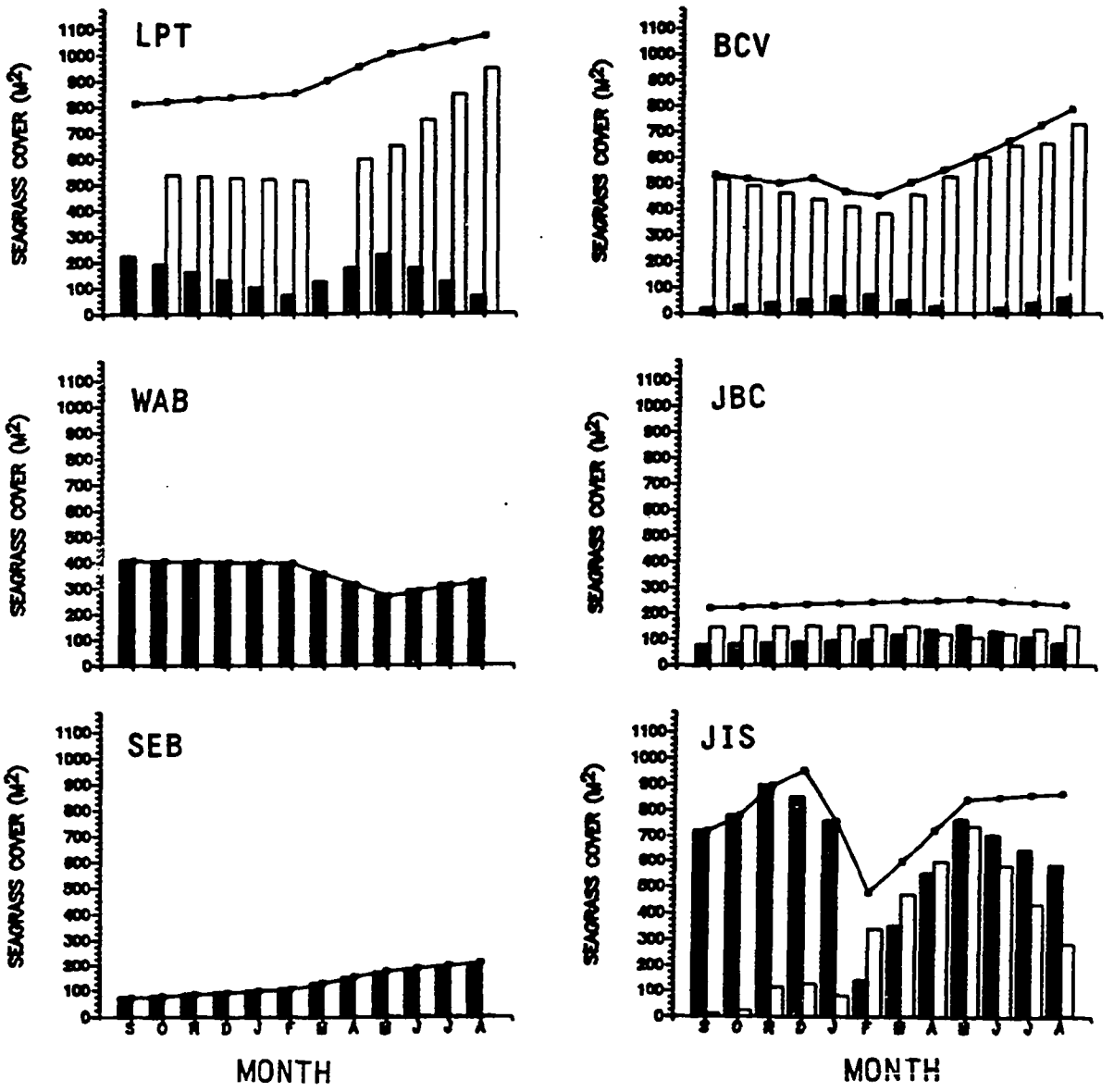
Wabasso (WAB): Station No. 3 - The next station south is located on the north side of the second spoil island proceeding east on the Wabasso Bridge causeway in Indian River County (27° 00.0' N; Fig. 1). This station is 9.3 km south of the Sebastian station. The only seagrass present was Halodule with a mean coverage of 30% for the year (Fig. 3). The shore at this station has many small oyster reefs that have settled on scattered rocks deposited with the dredge spoil when the causeway was constructed. Many of these rocky obstructions were removed from the seine site, but a number of small stones and oysters were always present. A red mangrove stand was located 50 m east of this and a large cordgrass, Spartina alterniflora, stand was located approximately 75 to 100 m northeast of the station. The shore at this site had no associated vegetation on the beach.

Link Port (LPT); Station No. 3 - This station is located on the north shore of the northernmost spoil bank (peninsula) of the Harbor Branch Oceanographic Institution ship channel in St. Lucie County

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Figure 3. Mean monthly seagrass cover for the most abundant seagrass species Syringodium filiforme (open bar), Halodule wrightii (solid bar) with the total seagrass cover depicted by the solid line. These species overlap and, therefore, the total is not additive. Seagrass species presence was determined at 1 m intervals along a 100 m transect line deployed at 10 m intervals along the seine beach site. The survey period extended from September 1974 to August 1975. The BMC seine station is not included as it was not monitored for an entire year.

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(27°32.1'N.; Fig.1). The LPT station is 25.9 km south of station No. 2.

The mean total seagrass cover for LPT was 80.3% for the year, which was the largest seagrass bed in the survey (Fig. 3). The dominant seagrass was Syringodium with an annual mean coverage of 64.5%. The mean Halodule coverage was 19.3% while turtle grass, Thalassia testudium was common only at this station, with an average of 13.0% of the total bottom grass cover. The percentage grass cover for a particular species is not necessarily exclusive of the other seagrass species since Halodule and Syringodium were commonly found growing within the same transect meter.

The shore at this station was mostly a sand-shell-rock mixture, typical of spoil deposits in this region of the lagoon, with no conspicuous supralittoral vegetation. As with the WAB station, small oyster colonies occasionally were found on larger rocks within the littoral zone. Approximately 200 m northwest of the LPT site is a conspicuous mangrove shore and a small Spartina bed.

Jim Island (JIS): Station No. 4 - This station is situated on a spoil deposit across a 114 ha seagrass bed 7.5 km south of LPT and opposite Ft. Pierce Inlet (27°00.0' N.; Fig. 1). A large freshwater flood control canal (Taylor Creek) empties into the lagoon on the west bank of the estuary across from this study site.

Initially the study site had a 41% cover of principally Halodule and Syringodium, with small amounts of Thalassia and Halophila adjacent to a mangrove shore (Fig. 3). Due to a change in accessability the study site was moved in April to a location 0.93 km

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west-northwest of the first site. This latter site had 74% grass cover consisting principally of Syringodium and Halodule. The shore here was sand and shell with no mangrove cover.

Big Mud Creek (BMC): Station No. 5 - This station is located near the eastern terminus of a saline barrier island cove known as Big Mud Creek (27°00.0'N.;Fig. 1), 15.2 km south of the JIS. The collections were made on the northwest foot of the A1A bridge embankment which is approximately 1.6 km from the open waters of the Indian River lagoon. The cove was lined with mangroves except for the small beach used for landing the net. The net site is one of the few areas within the cove that is not over 10 m deep as the cove had been dredged for spoil to depths of 15 m from its mouth to a few meters past the study site (Fig. 4). The spoil was used to fill an impounded mangrove marsh for the construction of a nuclear power plant on the south shore of the cove several years prior to this study.

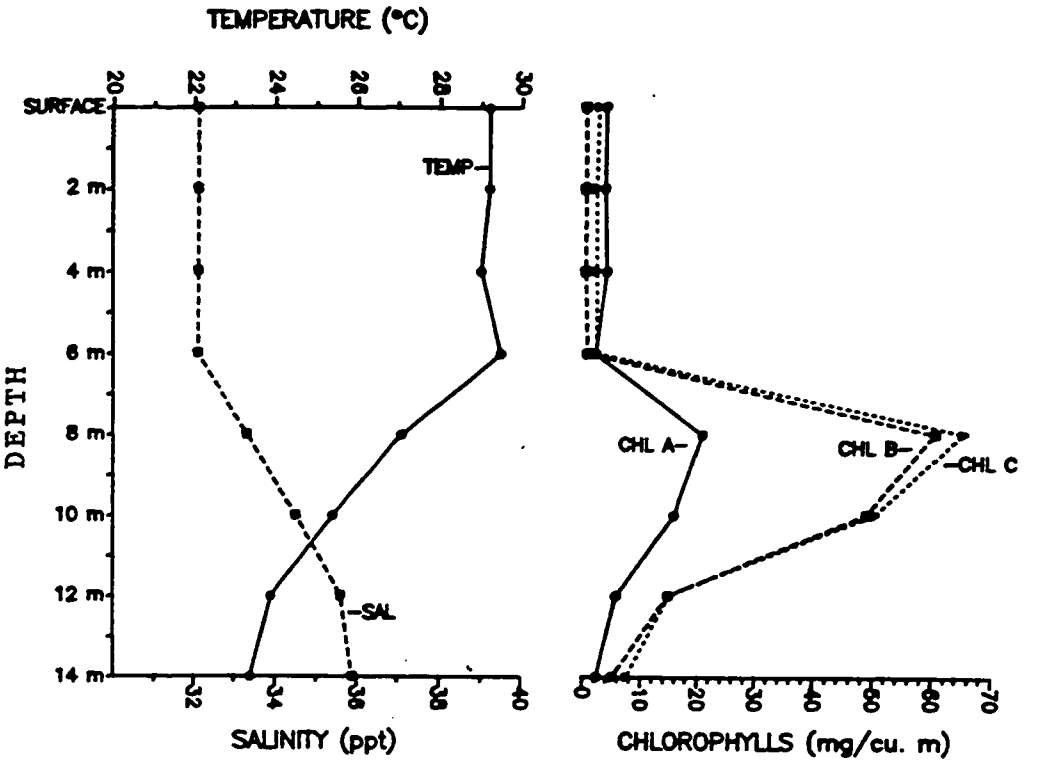
The mean total seagrass cover was 64.7% consisting predominantly of Halodule with some Halophila johnsonii (primarily February).

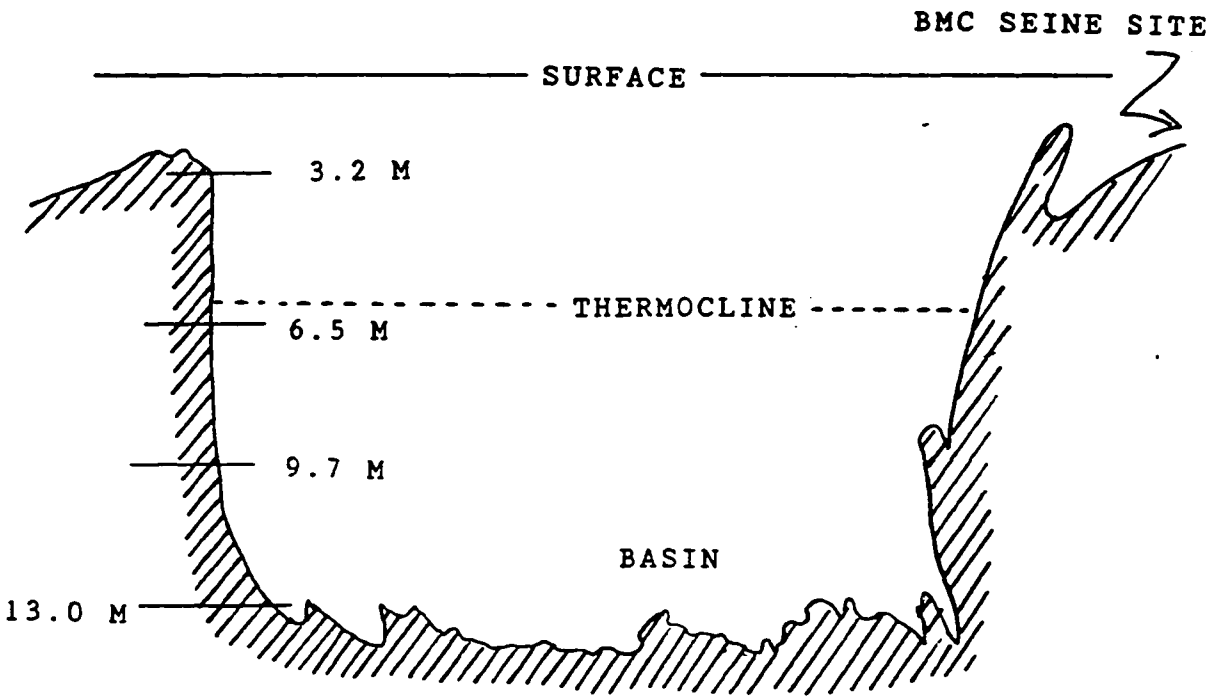
The edge of the BMC basin is vertical, dropping abruptly to depths over 10 m at a distance from shore of 10 to 70 m throughout most of the cove east of the A1A causeway (Fig. 4). A survey of the dredged basin on 26 February, 25-26 June 1975 demonstrated that below a depth of 6 m salinity and temperatures changed considerably and dissolved oxygen levels declined to a minimum of 1.6 ppm (Fig. 4). A peak in plant pigments occurred at 8 m (chlorophyll a,b,c, carotenes and phaeopigments; Fig. 4)) and trawls made near the bottom of the basin came up packed with living and decomposing drift algae (mostly

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Figure 4. Bathymetric profile of the cove adjacent to the BMC seine station with temperature, salinity and chlorophyll profiles taken on 25 June 1975.

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Gracilaria spp. Acanthophora spicifera, Chondria tenuissima, Dictyota dichotoma and Hypnea spp.), and mangrove and seagrass leaf litter.

Jensen Beach (JBC): Station No. 6 - JBC is located off the northwest beach of the west causeway spoil island of the Jensen Beach bridge causeway, 11.2 km south of BMC and 12 km north of St. Lucie Inlet (27°00.0'N.; Fig. 1).

Syringodium and Halodule were present with a mean seasonal coverage of 21.0%, Syringodium being dominant (Fig 3). There was no littoral shoreline vegetation, just a sand-shell-rock beach with a Casuarina equisetifolia stand at the apparent high spring tide mark.

Bessie Cove (BCV): Station No. 7 - BCV is the southernmost station (27°11.9' N.; Fig. 1), located 9.4 km south of JBC on the east bank of the lagoon 2.6 km north of St. Lucie Inlet. The mouth of the St. Lucie River, the largest freshwater tributary to the Indian River lagoon is approximately 3.2 km southwest of the BCV site. Coriolis forces, the proximity of St. Lucie Inlet and the geological configuration of the lower reaches of the river (Sewell Point) keep most of the freshwater flowing away from this site and ocean tidal water flowing over it.

Mean seasonal seagrass cover was 50.8% with Syringodium dominating the little Halodule present (Fig. 3). The shore at this station was predominantly sand although a few Rhizophora occurred along the shore both north and south of the beach site. A wooden dock approximately 40 m in length extended along the south perimeter of the seine site approximately 10 m from the barrier net.

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Drop Net Stations 8, 9, 10 - These sites were located adjacent to the LPT seine station (27°32.1'N; Fig 1) and were situated only in seagrass beds (i.e. no sand) consisting principally of Syringodium, with limited amounts (<10%) of Halodule and Thalassia. Station 8 was situated 40 m from the beach seine site on the north peninsula. Stations 9 and 10 were set on a north-northwest (335') transect from station 8 at intervals of 60 to 70 m and were, therefore, slightly further from the nearest shore than station 8 (station 9 was 60 m from shore, station 10 100 m from shore). Physical and hydrological parameters recorded for LPT also characterize these sites.

Drop Net Stations 11, 12, 13 - Station 11 was situated in a Syringodium bed with small amounts of Halodule (<10%) adjacent to a sand bar (27°33.4'N, 80°20.5'W; Fig. 1) 2.35 km, heading NNE (20°) form the LPT drop net sites 8-10. The site was 500 m from the nearest shore, a mangrove lined island, Round Island. Stations 12 and 13 were situated approximately 20 m from one another, in line on the sand bar and 30 m from station 11. The bar was over 100 m long and had a coarse shell/sand substrate with few coquinoid rocks scattered across the surface. It was 550 m from the nearest shore.

Drop Net Stations 14, 15, 16 - These three stations were located together on the same seagrass bed, 100% Syringodium, and were 900 m SE of the JIS seine station, but closer to the entrance of Ft. Pierce Inlet (27°28.1'N., 80°19.0'W; Fig 1). All nets were placed within 2 m of one another for simultaneous collections within the same seagrass bed and all locations were 400 m from the nearest shore.

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METHODOLOGY

Collections/Sample Treatment - Two complementary quantitative capture techniques were utilized, each with its own inherent gear bias (Fig. 5). A seine technique was utilized to cover a large area and trap larger seagrass predators, while drop nets were used to capture more cryptic and diminutive species.

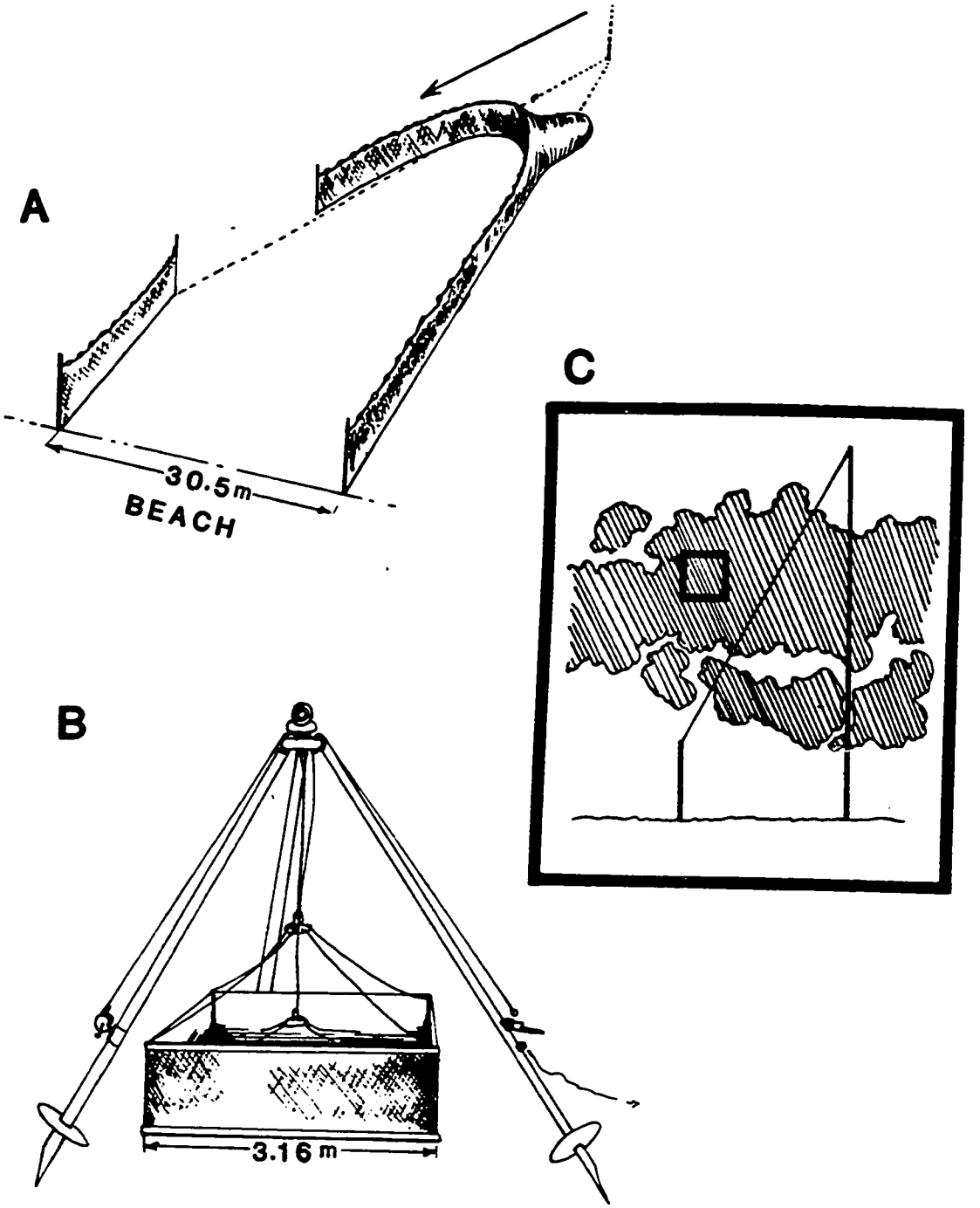
The portable drop net system was previously described by Gilmore et al. (1978). It allowed 10 m^2 samples to be taken, and when three nets were used simultaneously, 30 m^2 could be sampled instantaneously. The drop net was released one h after it was set, once a month for one year beginning in April 1976 at stations 8 through 10, both between 0900 and 1200 h and also one to two hours after sunset, i.e. 1900 to 2200 h. Stations 8 through 10 were maintained in seagrass beds consisting principally of Syringodium, with typically less than 1% Halodule and Thalassia. The net was moved 3 to 5 m away from the morning drop for the evening drop.

Some inaccurate descriptions of the effect of the drop net technique on the seagrass bed are in the literature and should be corrected here as their account covers the period in which the fish in this study were collected. Gore et. al. (1981), state that "...most spermatophyte blade (and much rhizome) biomass was obtained during the cleaning sweeps [of the drop net seine]." Some blade, rhizome and epiphytic algal material was collected but only drift algal material was significantly removed from within the drop net sample area by the

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Figure 5. Fish capture equipment and area sampled (A) 67 m seine transect over 1,160 m^2; (B) 10 m^2 drop net; (C) aerial view of both techniques and sample area enclosed by each relative to a seagrass bed.

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drop net seine, although large amounts of drift algae were collected. In fact, the objective in developing this technique was to efficiently collect fish without damaging the seagrass bed, as the same location was visited monthly. Hence, a rigid seine with a rounded frame (5.0 cm diameter aluminum pipe) was used.

Day/night drop net samples were also taken monthly at stations 11, 12, and 13 from 24 October 1977 to 16 October 1978, while only diurnal samples were taken at stations 14, 15 and 16 from 22 November 1977 to 17 October 1978. All sites except 12 and 13 were Syringodium seagrass meadows.

Seine samples were taken at station 3 adjacent to drop net sites 8 through 10 from 21 April 1976 to 25 April 1977 (Fig. 1). A seine haul was made within an hour of each drop net sample in a seagrass bed contiguous with and approximately 75 m from the drop net site at station 8. A 62 x 1.8 m bag seine (3.2 mm mesh) was pulled with one end anchored on shore and the seaward end stretched perpendicular to shore (Fig. 5). A 15.2 x 1.8 m barrier net (3.2 mm mesh) was set 30.5 m down the beach and parallel to the 62 m seine. The seaward end of the 67 m seine was pulled by hand to the seaward end of the barrier net and then to shore covering approximately 1,160 m^2/haul. After the initial set-up, the seine haul is made within 5-10 min. All seine hauls made utilized this technique. With only nine omissions, seine station 3 was sampled monthly from 20 March 1974 to 18 December 1980. Seine stations 2 and 4 were sampled from 19 March 1974 to 28 April 1977. Stations 1, 5, 6, and 7 were maintained from 27 March 1974 to 27 August 1975, with some exceptions.

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Monthly seagrass transects were made at each seine station while the stations were being monitored from August 1974 to August 1975. These transects were made by visual examination of the species of seagrass present at each meter along a 100 m transect line set perpendicular to the shoreline at 10 m intervals along the seine transect beach. The visual transects were occasionally augmented by benthic cropping by hand.

Water temperature, salinity, tide level, moon phase, percent cloud cover, wind speed and direction, and approximate water clarity were recorded at the time of each fish collection. Other research groups collected organic and inorganic water chemistry parameters, phyto and zooplankton samples, macrocrustacean and algal biomass data and benthic core samples at many of the study sites simultaneous with our collections, or within 48 to 96 hrs. Station 5 (Big Mud Creek; BMD) was bathymetrically surveyed with boat transects using a fathometer.

All specimens taken using both drop net and seine were fixed in 10% formalin, washed and preserved in 70% ethanol, identified, counted and measured. They were blotted and weighed (wet weight) after the wash and prior to preservation. Weighed random subsamples were counted and measured for species with more than 1000 individuals per sample. The total sample was also weighed in increments to determine the total individual count.

Statistics - All numerical data were stored on IBM, DEC and PRIME mainframe computer systems either at the Smithsonian Institution in Washington, D.C. or at the Harbor Branch Oceanographic Institution.

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This allowed various numerical treatments and organization of data which otherwise would have been impossible with a series of large data files. A variety of statistical analyses were utilized for community treatments, most notably, the Shannon-Weaver diversity index (Pielou, 1966), "evenness" index of Pielou (1966), and the Morisita and Czechanowski quantitative and qualitative similarity coefficients. All individual count data were log-transformed prior to similarity computations and during various other statistical treatments. Kruskal-Wallis, Mann-Whitney, one-way and two-way ANOVA, Kendall's W and Chi-square tests were also performed where necessary (Sokal and Rohlf, 1969). Numerical abundance (no. individuals and no./m^2), and weight (species sample weight and biomass g/m^2) were the individual species attributes used most often for individual species analyses. Percent frequency of occurrence was also used and was calculated based on the number of samples in which a species occurred out of the total number of samples taken. An index of relative importance was calculated for each species using the following formula:

$$I = \frac{LN\ (N+1)}{n_2 / n_1}$$

where n_1 is the number of occurrences of a species, n_2 is the total number of collections, and N equals the number of individuals of the particular species collected. This index allowed a more realistic relative ranking of species which were patchily distributed both in space and time. Therefore, species occurring rarely in large

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numbers, such as schooling engraulids and clupeids, or frequently in low numbers, such as certain top predators, i.e. sphyraenids, Cynoscion, and Sciaenops, were treated more equitably.

The similarity index used for spatial and temporal similarity analyses was the quantitative index of Czechanowski (= Bray Curtis; Bloom 1981) using flexible sorting at beta = - 0.25. The qualitative index of Czechanowski was also calculated where appropriate. Both normal and inverse analyses were run on number of species, percent frequency of occurrence, and log-transformed number of individuals.

Nomenclature - In nearly all cases the scientific and common name nomenclature follow Robins et al (1980). The latest published classification is used when exceptions to Robins et al (1980) are found. The classification of the regional species of the Eucinostomus argenteus complex (Gerreidae) follow Matheson and McEachran (1984). Therefore, Eucinostomus harengulus Goode and Bean has been found to be the abundant estuarine mojarra in our collections and was previously identified as E. argenteus Baird. Diapterus plumieri (Cuvier) (Gerreidae) is now Eugerres plumieri (Valenciennes) after the revision of Deckert and Greenfield (1987). The opossum pipefish, formerly Oostethus brachyurus (Bleeker) [also = O. lineatus (Kaup)], is now Mycrophis brachyurus (Bleeker) after the revision of Dawson (1985).

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RESULTS

Hydrology: Water Temperature and Salinity

The Indian River lagoon has been described as a mesohaline estuary with little freshwater influence from mainland sources. This is a somewhat accurate description; however, if the three ocean inlets associated with this study were not artificially maintained, the mean salinities would undoubtedly be reduced. This is partially due to the extensive flood control canal system, which drains into the lagoon from the mainland, and the fact that much of this drainage empties into the lagoon adjacent to ocean inlets in the study area from Sebastian Inlet south. The only exception is the section of the lagoon between the Wabasso and Link Port stations which receives fresh water from three major relief canals and a variety of smaller canals in the vicinity of the city of Vero Beach. Floodgates on these canals (Indian River County) are typically opened when 24 mm or more of rain falls within a 24 hr period anywhere within the drainage district. Larger canals emptying into the Sebastian Creek drainage, Taylor Creek adjacent to the JIS station, and the St. Lucie Canal of the St. Lucie River open under higher rainfall conditions, generally major storm events. They all release fresh water principally during the wet season which extends from late May or June to November or December. Peak wet season rainfall occurs typically from August to October. The dry season usually begins in January, although periodic cold fronts during the winter may bring some rain. The dry season peaks in April to early May.

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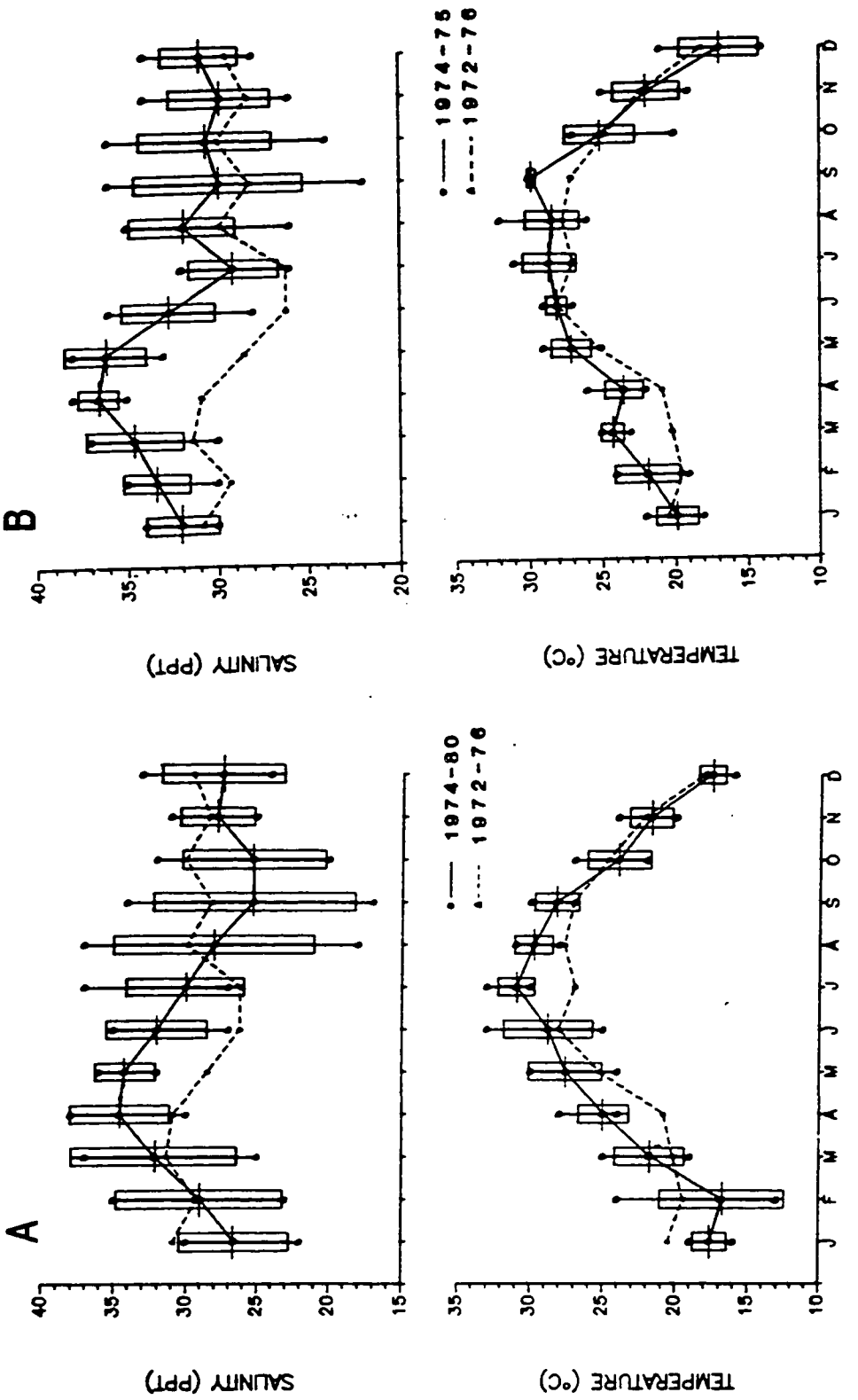
Regional water temperatures are influenced by three major atmospheric and hydrological conditions (1) the warm southeast trade winds blowing from late spring to early fall (and associated cloud cover, humidity and rainfall) (2) periodic cold frontal systems passing over the Florida peninsula from the northwest from December to as late as April (and associated cloud cover, humidity and rainfall) and (3) the proximity of the warm Florida Current, the western edge of which passes 4 to 30 km east of most of the lagoon stations. During the warmer months warm eddies may break away from the Florida Current and approach the coast. In addition, periodic cold upwellings may also occur during this period and may reduce water temperatures at lagoon inlets (Taylor and Stewart, Jr. 1958). Detailed study of local heat flux processes in the Indian River lagoon were conducted within the study area by Smith (1981, 1983a, 1983b).

Salinity- Mean annual salinities remained above 25 ppt throughout the seven year study period at LPT, while mean salinities from September 1974 to August 1975 at the seven seine stations averaged somewhat higher, generally above 30 ppt (Fig 6). The highest mean annual salinities were recorded during the first and last years of the study and the deviation in these salinities was typically low during these "dry" years. Annual variation in salinity at LPT between 1974 and 1980 was greater than the station variation in 1974-75 (Fig. 7). The wet years 1976, 1978-79 were more variable (SDV range of 4.002-5.401) than the dry years (1975, 1980; SDV range 2.640 - 3.801). The total salinity range also reveals this trend with LPT annual range for 1974-1980 of 17-38 ppt (21 ppt) while stations 1-7 ranged only 26-38 ppt

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Figure 6. Mean, standard deviation and range of temperatures and salinity at seine stations. (A) 1974 - 1980 at LPT; (B) 1974 - 1975 at all seine stations. Dashed line is comprehensive 1972-76 data for comparative purposes from Wilcox and Gilmore (1976).

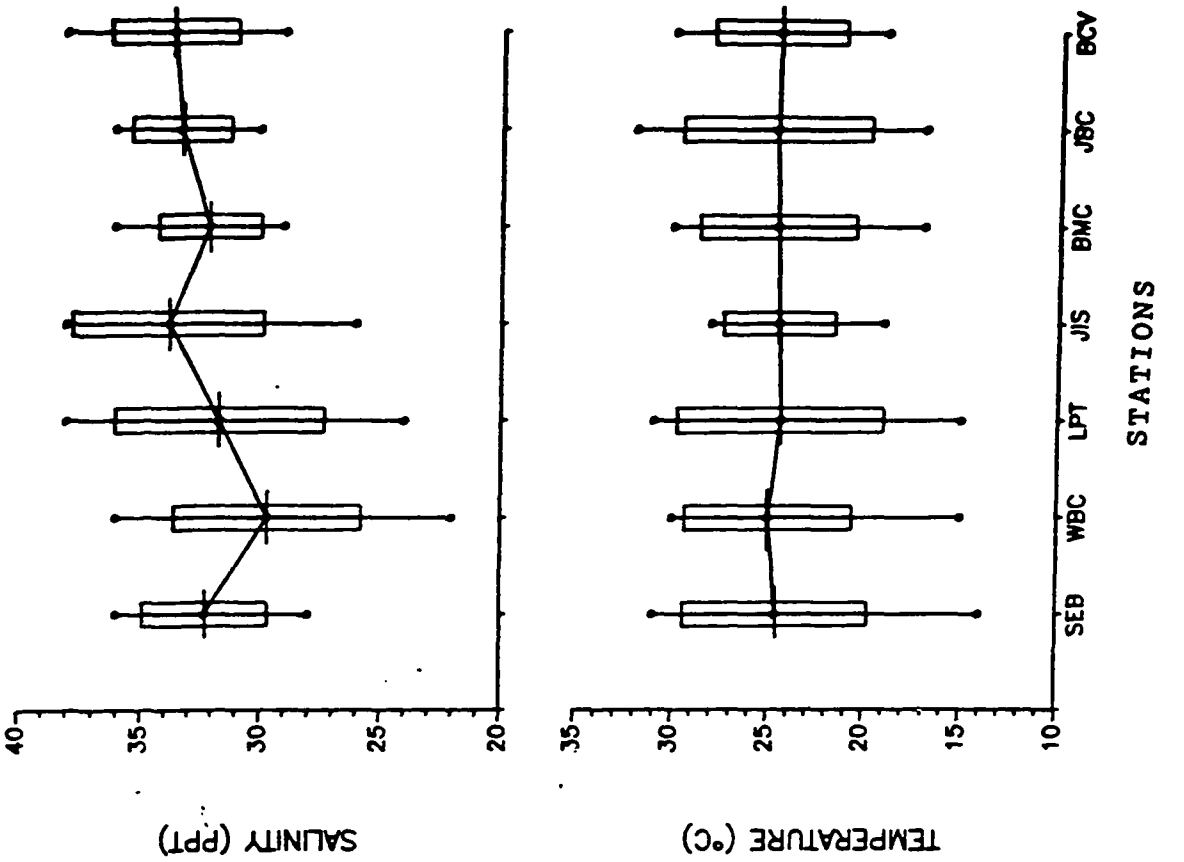
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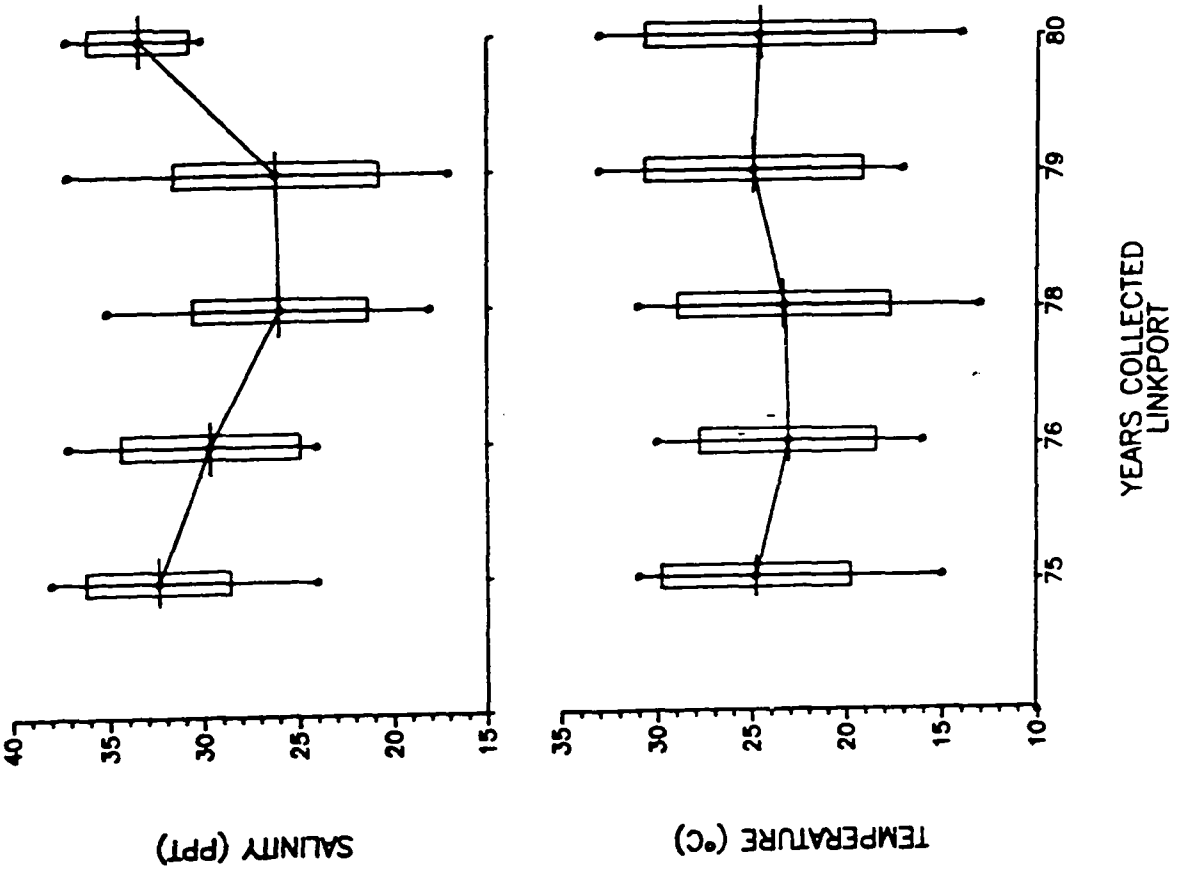


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Figure 7. Mean, standard deviation and range of temperatures and salinity at seine stations.

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(12 ppt) during 1974-75. The salinity means between stations only varied 4.1 ppt in 1974-75, while they varied 7.4 ppt at LPT over the seven year period (Figure 8). A similarity analysis (Fig. 9) demonstrates the distinctness of the 1975 study year from the other study years which unfortunately was the only year in which all seven seine study sites were maintained (Figs 6-9). The differences were significant (ANOVA $P \leq 0.05$, $F_{[4,55]} = 7.61$).

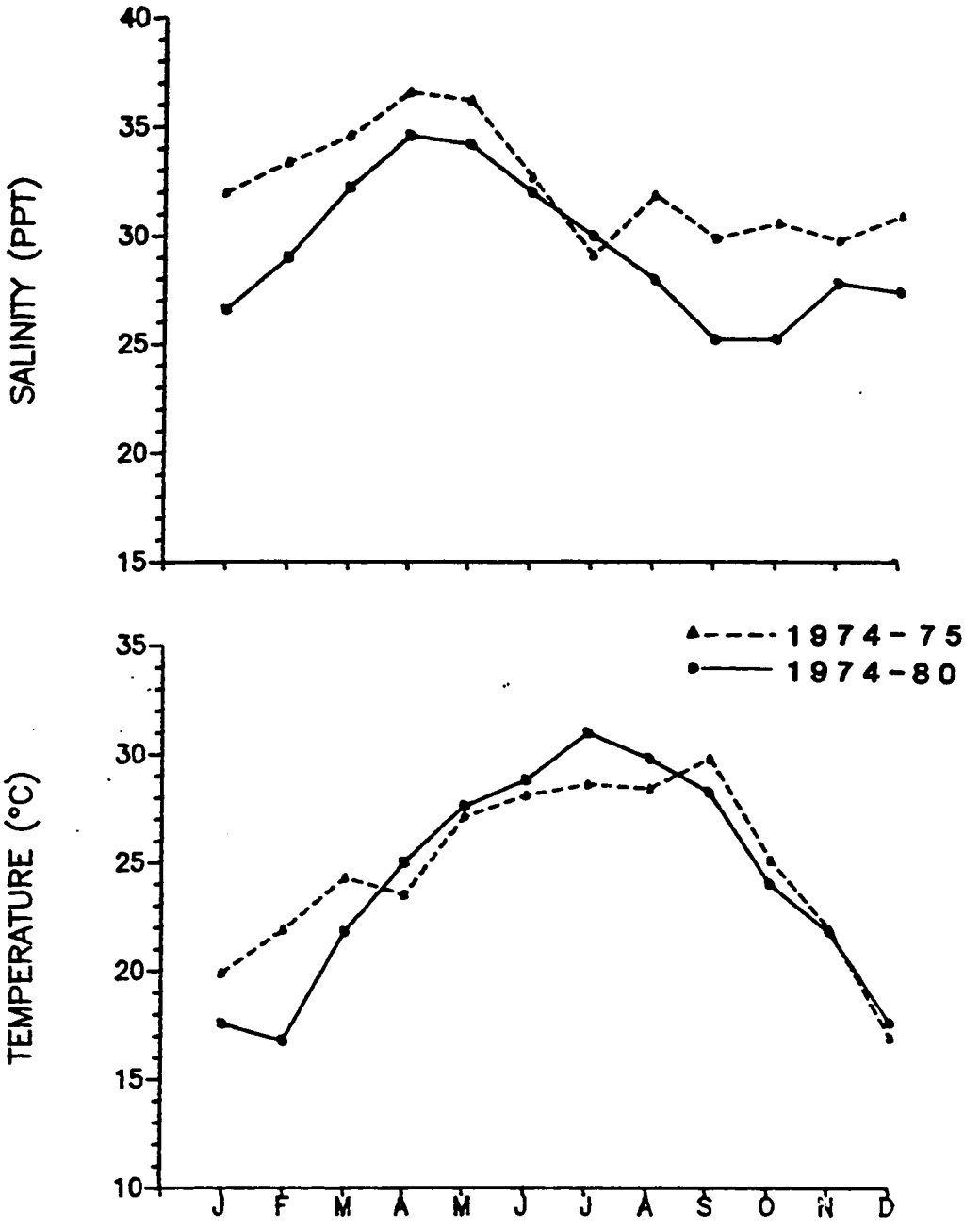
Monthly/seasonal salinity patterns revealed the distinct dry-wet season pattern described earlier for rainfall. Mean salinities stayed above 30 ppt from February to June for the six year period and for all stations monitored during 1974-75 (Fig. 6). They began increasing in January to a high in April and declined from May to June. The April high was also associated with the lowest deviation in salinity. The greatest deviation was consistently seen during all years when the salinities were lowest from August through October. Salinities never ranged below 15 ppt during any year and the highest recorded was 38 ppt. A similarity analysis further demonstrates this seasonal pattern (Fig. 9).

During 1974-75 the lowest salinities were recorded at the WBC(2) station, which also had the largest range, along with LPT(3) which had a larger standard deviation (Fig. 7). The highest mean salinities consistently occurred at inlet stations, i.e. SEB(1), JIS(4) and BCV(7). The lowest range and deviations in salinity occurred at the southern stations BMC(5), JBC(6) and BCV(7) where there is little or no freshwater influence and greater coastal water access. However, salinity differences between the northern and southern sections of the

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Figure 8. Mean salinity and temperature for seine stations 1 - 7, 1974 - 1975 (▲---) and the mean values for the LPT site (Station 3) for 1974-1980 (•—).

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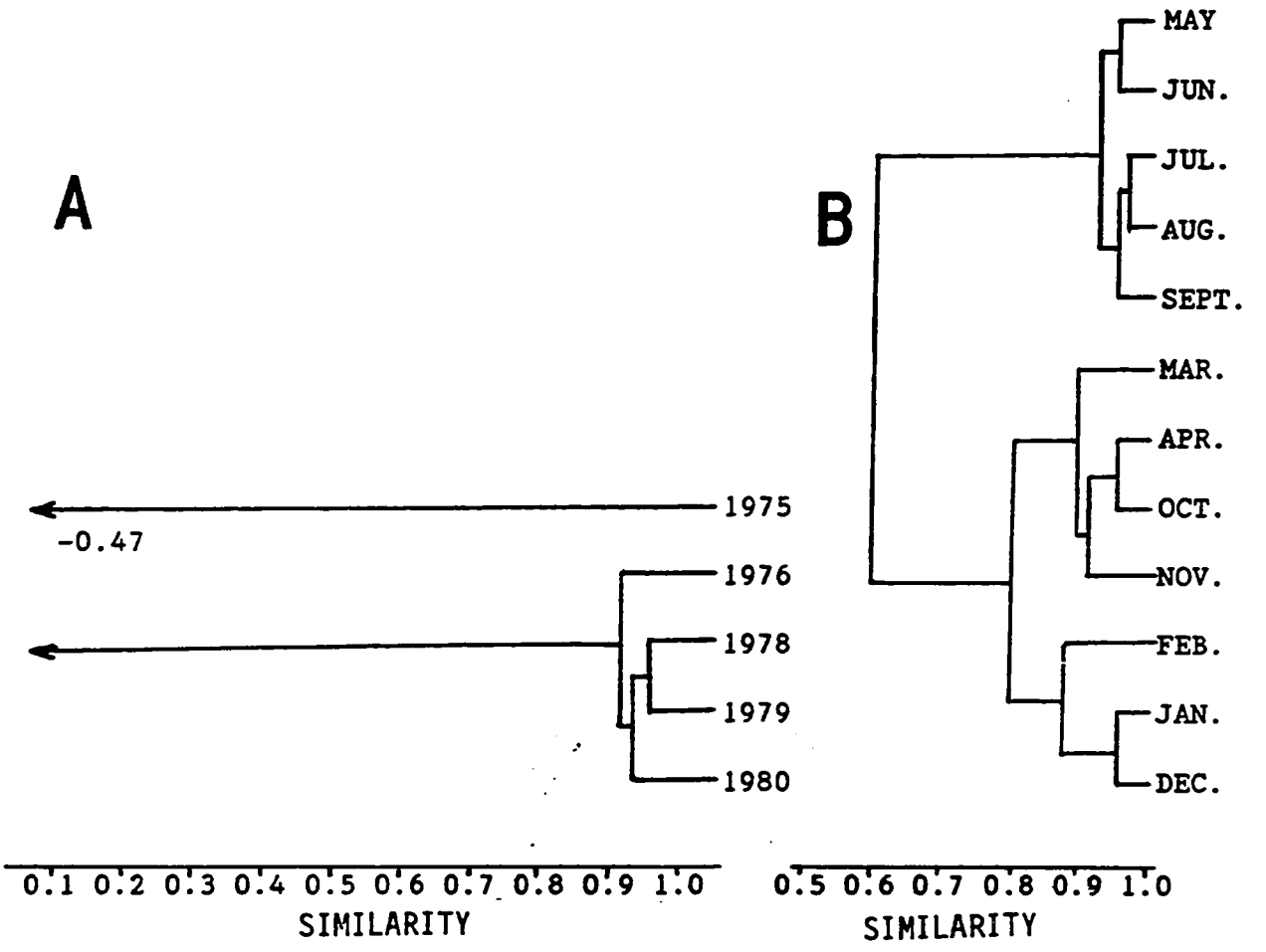


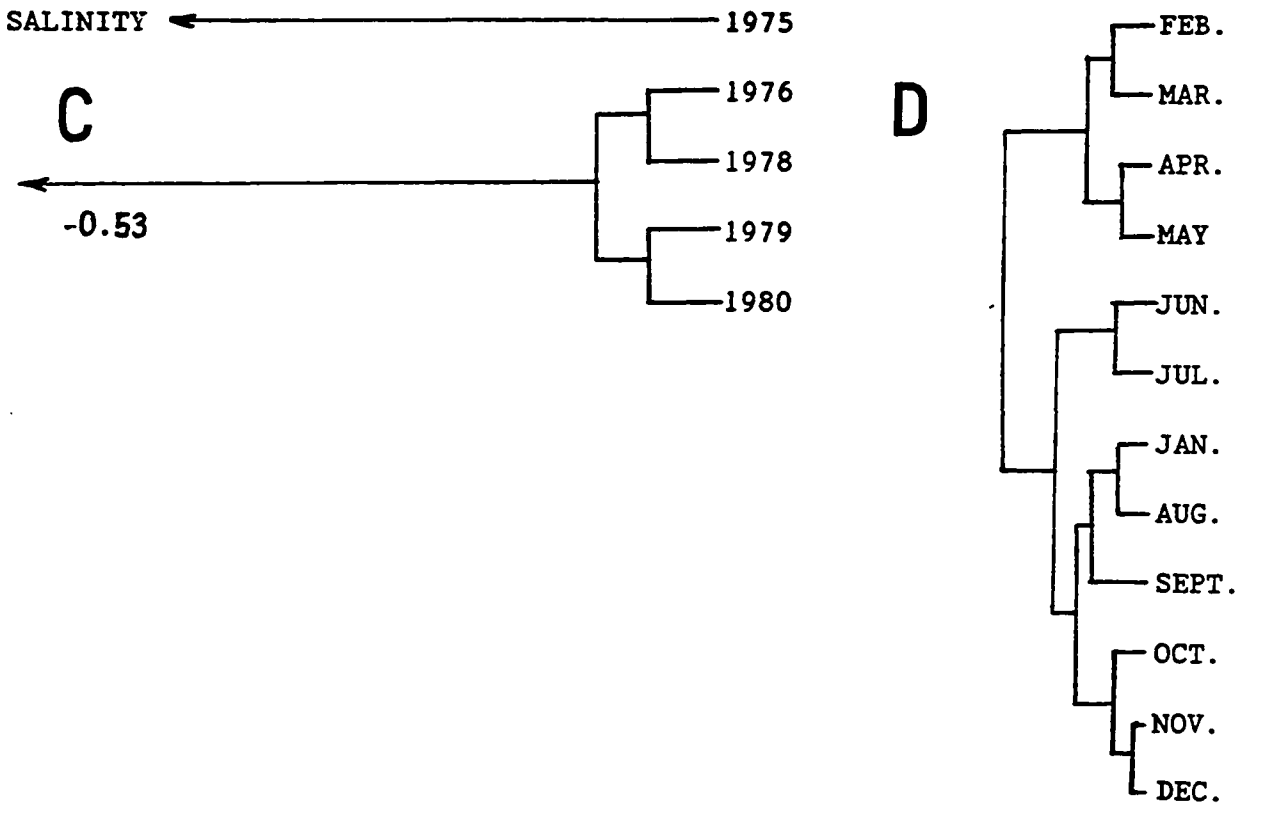
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Figure 9. Dendrograms of salinity and temperature clusters by year and station based on Czechanowski quantitative similarity analyses. (A) and (C) represent annual comparisons at LPT; (B) and (D) are from all seine stations from 1974 to 1975.

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TEMPERATURE





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lagoon during 1974-75 were not significant (ANOVA $P \leq 0.05$, $F_{[6,74]} = 2.32$) even though mean salinities were obviously higher for the southern stations. Salinity variation was greater for the northern stations.

Temperature- Mean annual temperatures remained above 23°C. for all six study years and above 24°C. for all stations during 1974-75 (Figs 6 & 7). The first and last two years of study were the warmest while 1977-78 proved to be the coolest with water temperatures down to 13°C. at the time of fish collection at LPT. The most moderate year was 1976 while the greatest deviation was recorded for 1980. The seven year annual variation in water temperature at LPT was greater than the interstation range during the same year, 1974-75. However, there was no significant difference in temperature means during 1974-1980 at LPT (ANOVA $P \leq 0.05$, $F_{[4,55]} = 0.30$) or interstation means 1974-75 (ANOVA $P \leq 0.05$, $F_{[6,73]} = 0.02$). These data demonstrate the homogeneity of regional temperatures with little variation in the means (LPT mean range = 1.8°C) over several years and even less between stations during the same year (Station 1-7 mean range of 0.6°C). These data, like those for salinity, demonstrate again that the annual variation in meterological and hydrological conditions is consistently greater than the latitudinal variation within the same year over a distance of 82 km. The north-south temperature variation was not as great as the annual variation. A similarity analysis demonstrates the distinctness of the 1975 study year from the remainder, which unfortunately was the

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only year in which all seven seine study sites were maintained (Fig. 9). However, as stated, the differences were not significant.

Mean monthly water temperatures never went below 16°C. for 1974-75 at all stations and also for all seven years at LPT (Fig. 6-8). The lowest temperatures were recorded from December to February even though water temperatures during February occasionally reached 24°C. Temperatures never went below 19°C for the remainder of the year (LPT 1974-1980), and means remained above 21°C. Water temperatures typically began to climb between March and February and began to decline between July and August with the onset of the period of heaviest precipitation. The smallest deviation in temperature occurred from July to January. However, the greatest interstation variation occurred during this same period, October to December during the 1974-75 study year. Virtually no interstation variation occurred during September 1974. A similarity analysis further demonstrates this seasonal pattern (Fig. 9).

Interstation water temperature comparisons reveal a north-south pattern in minimum water temperatures with a gradual warming to the south, particularly at inlet locations (Fig. 7). Water temperatures never went below 19°C at the JIS or BCV stations though the annual means were not significantly different from the other "upstream" stations. Southern inlet stations also had the lowest deviation in water temperature (SDV of 2.877-3.387, all others 4.059-5.368) with lower thermal maxima thus providing a more stable thermal environment than the other lagoon study sites.

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Technique Perspective

The two gear types utilized proved to be complementary, as each captured some species more readily than others. The seine captured a mean of 23 species and 12,853 fish per collection. The mean individual weight of these fish was 1.90 g (Table 1). The most numerous fish were schooling planktivores which, are typically patchily distributed. Therefore, the seine was particularly effective in capturing engraulids, clupeids and atherinids. Mugilids were also more effectively captured by the seine, however, both mullet species were adept at jumping over the float line and the seine has subsequently underestimated the contribution of these species. Large predators were also captured with the seine, and ranged up to 500 mm SL (e.g. Centropomus undecimalis to 500 mm, Sphyraena barracuda to 450 mm, Strongylura notata and S. timucu to 450 mm SL). However, the seine lead line tended to pass over small benthic fishes such as gobiids and blennids as it moved over compressed seagrass blades, while the drop net captured these species readily. Both techniques captured the abundant syngnathids, sparids, haemulids, sciaenids and gerreids readily. However, the drop net did not capture the most numerous species as often as the seine and most species, except the gobiids, had a higher frequency of occurrence in seine samples than in drop net samples simply due to the larger area sampled by the seine (Table 2). Notably absent from the seine were large spotted seatrout, Cynoscion nebulosus, (i.e. over 150 mm SL) which are readily captured

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Table 1. Mean collection statistics for seine samples made at stations 1-7 from September 1974 to August 1975 and drop net stations 8-16, 12 months each site. HAL = Halodule wrightii; SYR = Syringodium filiforme.

SEINE STATION	DIST. FROM INLET (KM)	DENSITY (NO./M^2)	BIOMASS (g/M^2)	INDIVIDUAL WEIGHT(g)	NO. SPECIES	SEAGRASS BED SIZE(M^2)	SP.
JIS(4)	1.0	1.51	9.13	6.04	28	773	HAL/SYR
BCV(7)	2.6	3.24	7.16	2.21	27	569	SYR
SEB(1)	2.2	2.51	4.44	1.77	17	131	HAL
LPT(3)	7.5	11.35	6.66	0.59	19	913	SYR
WAB(2)	11.5	3.06	6.01	1.97	27	354	HAL
JBC(6)	12.0	17.57	4.45	0.25	23	773	SYR
BMC(5)	15.2	38.30	16.95	0.44	21	751	HAL
MEAN		11.08	7.83	1.90	23	609	

DROP NET STATION	DIST. FROM INLET (KM)	DENSITY (NO./M^2)	BIOMASS (g/M^2)	INDIVIDUAL WEIGHT(g)	NO. SPECIES	SEAGRASS BED SIZE(M^2)	SP.
14	0.5	3.20	8.98	2.81	4	100%	SYR
15	0.5	4.11	5.83	1.42	4	100%	SYR
16	0.5	6.08	12.19	2.00	5	100%	SYR
8	7.5	11.45	11.72	1.06	7	100%	SYR
9	7.6	9.00	13.78	1.72	7	100%	SYR
10	7.7	11.98	14.82	1.29	6	100%	SYR
11	9.9	5.63	9.81	1.71	7	100%	SYR
12	9.9	0.45	0.71	1.55	2	0	SAND
13	9.9	0.34	1.42	4.07	2	0	SAND
MEAN(GRASS ONLY)		7.35	11.02	1.72	4.9		

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Table 2. Total frequency of occurrence in collections for all techniques combined, then seine and drop net technique separately. N = total no. of collections. Only species occurring in more than 10% of the of all samples combined are listed. See Table 3 for genera designations.

TECHNIQUES COMBINED			SEINE			DROP NET		
RANK	SPECIES N=400	%		SPECIES N=208	%		SPECIES N=192	%
1	L. rhomboides	.87	E. gula		1.00	L. rhomboides		.70
2	E.gula	.77	L. rhomboides		.96	G. robustum		.54
3	S. scovelli	.65	E. harengulus		.90	S. scovelli		.42
4	E. harengulus	.61	A. mitchilli		.86	E. gula		.38
5	A. mitchilli	.59	D. auratus		.80	M. gulosus		.33
6	G. robustum	.53	S. scovelli		.78	B. chrysoura		.23
7	D. auratus	.53	M. curema		.70	O. chrysoptera		.22
8	B. chrysoura	.52	B. chrysoura		.69	G. boleosoma		.18
9	M. curema	.45	S. notata		.65	H. zosterae		.18
10	O. chrysoptera	.44	S. louisianae		.62	A. lineatus		.16
11	S. louisianae	.43	O. chrysoptera		.57	G. stigmaturus		.16
12	S. notata	.41	H. jaguana		.55	A. mitchilli		.12
13	H. jaguana	.36	L. griseus		.54	E. harengulus		.10
14	L. griseus	.36	G. robustum		.53	S. louisianae		.10
15	M. peninsulae	.33	M. peninsulae		.52	C. nebulosus		.08
16	C. nebulosus	.31	S. barracuda		.46	C. sabuarrae		.08
17	S. barracuda	.30	S. timucu		.45	D. auratus		.06
18	A. probatoceph.	.29	C. nebulosus		.45	A. probatoceph.		.06
19	S. timucu	.29	A. hepsetus		.43	M. hispidus		.06
20	M. gulosus	.28	O. saurus		.42	L. synagris		.05
21	A. hepsetus	.27	M. cephalus		.42	H. parrai		.05
22	M. cephalus	.27	A. probatoceph.		.42	L. griseus		.05
23	O. saurus	.27	C. undecimalis		.36	S. rubripinne		.04
24	H. parrai	.24	H. parrai		.36	L. analis		.04
25	C. undecimalis	.23	B. smithi		.33	S. chrysopterum		.03
26	B. smithi	.22	L. xanthurus		.31	H. jaguana		.03
27	L. synagris	.22	M. martinica		.31	N. usta		.03
28	L. xanthurus	.20	L. synagris		.31	S. foetens		.03
29	M. martinica	.20	T. falcatus		.30	C. schoepfi		.03
30	L. analis	.19	H. unifasciatus		.29	B. smithi		.02
31	O. oglinum	.18	L. analis		.29	A. lyolepis		.02
32	H. zosterae	.18	M. hispidus		.28	L. xanthurus		.02
33	H. unifasciatus	.18	O. oglinum		.28	S. barracuda		.02
34	M. hispidus	.18	S. nephelus		.27	B. soporator		.02
35	A. lyolepis	.17	A. lyolepis		.26	P. albigutta		.02
36	S. nephelus	.17	M. gulosus		.26	M. punctatus		.02
37	G. boleosoma	.16	F. carpio		.26	U. floridaus		.02
38	F. carpio	.16	S. ocellata		.25	D. megalepis		.02
39	S. ocellata	.16	B. soporator		.25	M. curema		.01
40	B. soporator	.16	L. parva		.22	M. cephalus		.01
41	E. saurus	.15	E. saurus		.22	O. oglinum		.01

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Table 2. Total frequency of occurrence...continued.

TECHNIQUES COMBINED			SEINE			DROP NET		
RANK	SPECIES	%	SPECIES	%		SPECIES	%	
42	L. parva	.14	S. foetens	.21	M. peninsulae	.01		
43	S. foetens	.14	S. saurida	.18	T. falcatus	.01		
44	A. lineatus	.13	H. zosterae	.18	S. nephalus	.01		
45	S. saurida	.12	S. spengleri	.17	C. spilopterus	.01		
46	S. spengleri	.11	G. boleosoma	.15	S. timucu	.01		
47	F. similis	.08	F. similis	.13	A. cubana	.01		
48	A. vulpes	.08	A. vulpes	.13	O. tau	.01		
49	N. usta	.08	C. spilopterus	.12	H. erectus	.01		
50	C. spilopterus	.08	A. lineatus	.12	S. brasiliensis	.01		
51	C. schoepfi	.08	S. borealis	.11	O. gomesi	.01		
52	F. grandis	.07	N. usta	.11	S. floridae	.01		
53	S. borealis	.07	C. schoepfi	.11	C. hippos	.01		
54	C. hippos	.07	F. grandis	.11	K. sectotrix	.01		
55	G. stigmaturus	.07	C. hippos	.10	S. plagiusa	.01		
56	M. undulatus	.06	A. rhomboidalis	.10	E. saurus	.01		

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in seagrass meadow habitats with other gear types, including baited rod and reel and gill or trammel nets. A gill net set around the seine transect during one operation at LPT captured a 585 mm C. nebulosus and a 950 mm tarpon, Megalops atlantica, demonstrating the agility of these species in avoiding seine capture.

In the following data treatments, drop net and seine collections will be separated and/or combined depending on the nature of data collected by each technique.

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Community Definition

A total of 1.982 million fish (1,685.2 kgs) were captured representing 164 species in 54 families (Table 3, 4 and 5). Two hundred eight seine collections (covering 241,280 m^2) were made between 19 March 1974 and 18 December 1980 while 192 drop net collections (1,920 m^2) were made from 21 April 1976 to 17 October 1978. Diurnal seine collections averaged 23 species and 9.5 thousand fish per collection (mean density of 8.2 fish/m^2), while drop net collections averaged 4 species and 60 fish (mean density of 6.0 fish/m^2).

Several fish families contributed markedly to species richness in seagrass ecosystems. The most speciose teleostean family, Gobiidae, contributed 11 species, Carangidae 10, followed by Sciaenidae (9), Gerreidae (8), Cyprinodontidae (8), Sparidae (7) and Syngnathidae (7). Although several of these families made major contributions to the total landings, the engraulids (5 species) and clupeids (6 species) dominated the numerical catch. The shallow water estuarine anchovy, Anchoa mitchilli represented 76 % of the number of individuals landed (1.5×10^6, and 576.3 kg; Table 3). Three other anchovy species (Anchoa hepsetus, A. lyolepis and A. cubana) and four clupeids

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Table 3. Fishes ranked by number of individuals and percent frequency of occurrence : all collections, all gear types, all dates and all stations. N=310 collections.

	RANKED BY NUMBER			RANKED BY OCCURRENCE	
RANK	SPECIES	NO. INDIV.	(% TOTAL)	SPECIES	% OCCUR.
1.	Anchoa mitchilli	1,508,372	75.75	Lagodon rhomboides	87
2.	Brevoortia smithi	163,283	8.20	Eucinostomus gula	77
3.	Lagodon rhomboides	70,704	3.55	Syngnathus scovelli	65
4.	Harengula jaguana	34,445	1.73	Eucinostomus harengulus	61
5.	Diapterus auratus	20,986	1.05	Anchoa mitchilli	59
6.	Anchoa hepsetus	20,224	1.02	Gobiosoma robustum	53
7.	Anchoa lyolepis	20,077	1.01	Diapterus auratus	53
8.	Eucinostomus harengulus	16,840	0.85	Bairdiella chrysoura	52
9.	Anchoa cubana	16,759	0.84	Mugil curema	45
10.	Mugil curema	14,979	0.75	Orthopristis chrysoptera	44
11.	Eucinostomus gula	14,454	0.73	Syngnathus louisianae	43
12.	Mugil cephalus	13,723	0.69	Strongylura notata	41
13.	Opisthonema oglinum	12,307	0.62	Harengula jaguana	36
14.	Bairdiella chrysoura	10,144	0.51	Lutjanus griseus	36
15.	Menidia peninsulae	7,770	0.39	Menidia peninsulae	33
16.	Gobiosoma robustum	6,081	0.31	Cynoscion nebulosus	31
17.	Orthopristis chrysoptera	6,018	0.30	Sphyraena barracuda	30
18.	Leiostomus xanthurus	4,112	0.21	Archosargus probatocephalus	29
19.	Sardinella aurita	3,757	0.19	Strongylura timucu	29
20.	Gobionellus boleosoma	2,649	0.13	Microgobius gulosus	28
21.	Syngnathus scovelli	1,980	0.10	Anchoa hepsetus	27
22.	Menidia beryllina	1,652	0.08	Mugil cephalus	27
23.	Membras martinica	1,622	0.08	Oligoplites saurus	27
24.	Diplodus argenteus	1,612	0.08	Haemulon parrai	24
25.	Anchoa lamprotaenia	1,353	0.07	Centropomus undecimalis	23
26.	Hippocampus zosterae	1,120	0.06	Brevoortia smithi	22
27.	Strongylura notata	970	0.05	Lutjanus synagris	22
28.	Microgobius gulosus	745	0.04	Leiostomus xanthurus	20
29.	Lutjanus synagris	739	0.04	Membras martinica	20
30.	Cynoscion nebulosus	706	0.04	Lutjanus analis	19
31.	Micropogonias undulatus	701	0.04	Trachinotus falcatus	19
32.	Haemulon parrai	660	0.03	Opisthonema oglinum	18
33.	Lucania parva	657	0.03	Hippocampus zosterae	18
34.	Fundulus similis	615	0.03	Hyporhamphus unifasciatus	18
35.	Sphyraena barracuda	604	0.03	Monocanthus hispidus	18
36.	Oligoplites saurus	597	0.03	Anchoa lyolepis	17
37.	Elops saurus	587	0.03	Sphoeroides nephelus	17
38.	Archosargus probatocephalus	523	0.03	Gobionellus boleosoma	16
39.	Sciaenops ocellatus	468	0.02	Floridichthys carpio	16
40.	Syngnathus louisianae	461	0.02	Sciaenops ocellatus	16
41.	Strongylura timucu	449	0.02	Bathygobius soporator	16
42.	Trachinotus falcatus	436	0.02	Elops saurus	15
43.	Lutjanus analis	391	0.02	Lucania parva	14
44.	Floridichthys carpio	363	0.02	Synodus foetens	14
45.	Lutjanus griseus	362	0.02	Achirus lineatus	13
46.	Centropomus undecimalis	322	0.02	Sardinella aurita	12

AMERICAN OVERSIGHT

Table 3. Fishes ranked by number and occurrence continued.

	RANKED BY NUMBER			RANKED BY OCCURRENCE	
RANK	SPECIES	NO. INDIV.	(% TOTAL)	SPECIES	% OCCUR.
47.	Albula vulpes	260	0.01	Spheoriodes spengleri	11
48.	Hyporhamphus unifasciatus	229	0.01	Fundulus similis	8
49.	Monocanthus hispidus	207	0.01	Albula vulpes	8
50.	Gobionellus stigmaturus	185	0.01	Nicholsina usta	8
51.	Fundulus grandis	142	0.01	Citharichthys spilopterus	8
52.	Nicholsina usta	111	0.01	Chilomycterus schoepfi	7
53.	Sphyraena borealis	109	0.01	Fundulus grandis	7
54.	Sphoeroides nephelus	105	0.01	Sphyraena borealis	7
55.	Ocyurus chrysurus	95	0.00	Caranx hippos	7
56.	Achirus lineatus	92	0.00	Gobionellus stigmaturus	6
57.	Synodus foetens	85	0.00	Micropogonias undulatus	6
58.	Eucinostomus melanopterus	85	0.00	Ocyurus chrysurus	6
59.	Gobionellus smaragdus	84	0.00	Archosargus rhomboidalis	6
60.	Bathygobius soporator	75	0.00	Arius felis	6
61.	Sphoeroides spengleri	65	0.00	Paralichthys albigutta	6
62.	Poecilia latipinna	51	0.00	Selene vomer	6
63.	Citharichthys spilopterus	44	0.00	Chasmodes saburrae	5
64.	Archosargus rhomboidalis	43	0.00	Anchoa cubana	5
65.	Arius felis	41	0.00	Gobionellus smaragdus	5
66.	Brevoortia smithi x tyrannus	40	0.00	Symphurus plagiusa	5
67.	Opsanus tau	36	0.00	Lactophrys triqueter	4
68.	Paralichthys albigutta	36	0.00	Poecilia latipinna	4
69.	Haemulon plumieri	36	0.00	Eucinostomus melanopterus	4
70.	Chilomycterus schoepfi	35	0.00	Opsanus tau	4
71.	Chasmodes saburrae	35	0.00	Sphoeroides testudineus	4
72.	Caranx hippos	33	0.00	Lactophrys trigonus	4
73.	Selene vomer	24	0.00	Mycteroperca microlepis	3
74.	Sparisoma rubripinne	24	0.00	Anchoa lamprotaenia	3
75.	Symphurus plagiusa	23	0.00	Diplodus argenteus	3
76.	Hippocampus erectus	20	0.00	Haemulon plumieri	3
77.	Lactophrys triqueter	19	0.00	Hippocampus erectus	3
78.	Gobionellus oceanicus	18	0.00	Dasyatis sabina	3
79.	Sparisoma chrysopterum	17	0.00	Prionotus tribulus	3
80.	Microgobius thalassinus	17	0.00	Myrophis punctatus	3
81.	Dorosoma petenense	17	0.00	Caranx latus	3
82.	Sphoeroides testudineus	16	0.00	Chaetodipterus faber	2
83.	Myrophis punctatus	15	0.00	Sparisoma chrysopterum	2
84.	Strongylura marina	15	0.00	Lophogobius cyprinoides	2
85.	Lactophrys trigonus	14	0.00	Scomberomorus maculatus	2
86.	Mycteroperca microlepis	14	0.00	Haemulon sciurus	2
87.	Lophogobius cyprinoides	14	0.00	Pomotomus saltatrix	2
88.	Prionotus tribulus	13	0.00	Tylosurus crocodilus	2
89.	Dasyatis sabina	13	0.00	Monacanthus tuckeri	2
90.	Cyprinodon variegatus	12	0.00	Pogonias cromis	2
91.	Scomberomorus maculatus	11	0.00	Calamus penna	2
92.	Caranx latus	10	0.00	Cynoscion regalis	2
93.	Tylosurus crocodilus	10	0.00	Epinephelus morio	2
94.	Haemulon sciurus	10	0.00	Monacanthus ciliatis	2

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Table 3. Fishes ranked by number and occurrence continued.

RANKED BY NUMBER				RANKED BY OCCURRENCE	
RANK	SPECIES	NO. INDIV.	(% TOTAL)	SPECIES	% OCCUR.
95.	Pomatomus saltatrix	10	0.00	Dasyatis sayi	2
96.	Chaetodipterus faber	9	0.00	Urophycis floridanus	1
97.	Gerres cinereus	9	0.00	Menidia beryllina	1
98.	Monacanthus tuckeri	8	0.00	Sparisoma rubripinne	1
99.	Pogonias cromis	8	0.00	Gobionellus oceanicus	1
100.	Cryptotomus roseus	7	0.00	Dorosoma petenense	1
101.	Calamus penna	6	0.00	Microgobius thalassinus	1
102.	Cynoscion regalis	6	0.00	Strongylura marina	1
103.	Epinephelus morio	6	0.00	Cyprinodon variegatus	1
104.	Monacanthus ciliatus	6	0.00	Gerres cinereus	1
105.	Hemiramphus brasiliensis	6	0.00	Cyrptotomus roseus	1
106.	Dasyatis sayi	5	0.00	Chloroscombrus chrysurus	1
107.	Chloroscombrus chrysurus	5	0.00	Caranx bartholomaei	1
108.	Urophycis floridanus	5	0.00	Epinephelus itjara	1
109.	Alutera schoepfi	4	0.00	Mycrophis brachyurus	1
110.	Mycrophis brachyurus	4	0.00	Alutera schoepfi	1
111.	Epinephelus itjara	4	0.00	Centropomus pectinatus	1
112.	Centropomus pectinatus	4	0.00	Lutjanus jocu	1
113.	Lutjanus jocu	4	0.00	Brevoortia tyrannus	1
114.	Caranx bartholomaei	4	0.00	Caranx crysos	1
115.	Brevoortia tyrannus	3	0.00	Haemulon flavolineatum	1
116.	Scorpeana grandicornis	3	0.00	Scorpeana grandicornis	1
117.	Syngnathus floridae	3	0.00	Balistes capriscus	1
118.	Caranx crysos	3	0.00	Mycteroperca phenax	1
119.	Doratonotus megalepis	3	0.00	Trachinotus carolinus	0.7
120.	Haemulon flavolineatum	3	0.00	Trinectes maculatus	0.7
121.	Scorpeana brasiliensis	3	0.00	Anguilla rostrata	0.7
122.	Balistes capriscus	3	0.00	Eucinostomus smaragdus	0.7
123.	Mycteroperca phenax	3	0.00	Evorthodus lyricus	0.7
124.	Trinectes maculatus	3	0.00	Hippocampus reidi	0.7
125.	Trachinotus carolinus	3	0.00	Lactophrys quadricornis	0.7
126.	Aluterus scriptus	3	0.00	Lutjanus apodus	0.7
127.	Lobotes surinamensis	3	0.00	Pseudupeneus maculatus	0.7
128.	Lactophrys quadricornis	2	0.00	Syungnathus floridae	0.7
129.	Anguilla rostrata	2	0.00	Doratonotus megalepis	0.7
130.	Evorthodus lyricus	2	0.00	Scorpeana brasiliensis	0.7
131.	Eugerres plumieri	2	0.00	Brevoortia smithi-tyrannus	0.7
132.	Erotelis smaragdus	2	0.00	Hemiramphus brasiliensis	0.7
133.	Hippocampus reidi	2	0.00	Aluterus scriptus	0.7
134.	Lutjanus apodus	2	0.00	Lobotes surinamensis	0.7
135.	Pseudupeneus maculatus	2	0.00	Parablennius marmoreus	0.3
136.	Parablennius marmoreus	2	0.00	Halichoeres bivittatus	0.3
137.	Halichoeres bivittatus	2	0.00	Anisotremus virginicus	0.3
138.	Anisotremus virginicus	1	0.00	Astroscopus y-graecum	0.3
139.	Astroscopus y-graecum	1	0.00	Bairdiella sanctaeluciae	0.3
140.	Bairdiella santaeluciae	1	0.00	Caranx ruber	0.3
141.	Calamus arctifrons	1	0.00	Calamus arctifrons	0.3
142.	Caranx ruber	1	0.00	Diplodus holbrooki	0.3

AMERICAN OVERSIGHT

Table 3. Fishes ranked by number and occurrence continued.

RANKED BY NUMBER				RANKED BY OCCURRENCE	
RANK	SPECIES	NO. INDIV.	(% TOTAL)	SPECIES	% OCCUR.
143.	Diplodus holbrooki	1	0.00	Dormitator maculatus	0.3
144.	Dormitator maculatus	1	0.00	Eugerres plumieri	0.3
145.	Fistularia tabacaria	1	0.00	Fistularia tabacaria	0.3
146.	Gymnura micrura	1	0.00	Gymnura micrura	0.3
147.	Hypleurochilus aequipinnis	1	0.00	Halichoeres poeyi	0.3
148.	Hypsoblennius hentzi	1	0.00	Hypleurochilus aequipinnis	0.3
149.	Halichoeres poeyi	1	0.00	Hypsoblennius hentzi	0.3
150.	Kyphosus sectatrix	1	0.00	Kyphosus sectatrix	0.3
151.	Lachnolaimus maximus	1	0.00	Labrisomus nuchipinnis	0.3
152.	Labrisomus nuchipinnis	1	0.00	Lachnolaimus maximus	0.3
153.	Megalops atlanticus	1	0.00	Malacoctenus macropus	0.3
154.	Mycteroperca bonaci	1	0.00	Megalops atlantica	0.3
155.	Malacoctenus macropus	1	0.00	Mycteroperca bonaci	0.3
156.	Ophichthus gomesi	1	0.00	Ophichthus gomesi	0.3
157.	Prionotus scitulus	1	0.00	Prionotus scitulus	0.3
158.	Seriola fasciata	1	0.00	Scomberomorus regalis	0.3
159.	Scomberomorus regalis	1	0.00	Scorpeana calcarata	0.3
160.	Scorpeana calcarata	1	0.00	Scorpeana dispar	0.3
161.	Scorpeana dispar	1	0.00	Seriola fasciata	0.3
162.	Trichiurus lepturus	1	0.00	Trachinotus goodei	0.3
163.	Trachinotus goodei	1	0.00	Trichiurus lepturus	0.3
164.	Paralichthys lethostigma	1	0.00	Paralichthys lethostigma	0.3
TOTAL NUMBER		1,981,986			

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Table 4. Collection data totals and mean sample statistics for all stations maintained from 19 March 1974 to 18 December 1980.

COLLECTION DATA TOTALS FOR ALL STATIONS

STA	NO. COLL	DATE	M^2	SPECIES	NO.	WT(KG)	PERCENT SEAGRASS	DIST. FROM INLET
1	13	11JUL74-27AUG75	15,080	61	36,648	67.124	11	2.2
2	34	25MAR74-28APR77	39,440	88	141,446	204.606	29	11.5
3	73	20MAR74-18DEC80	95,120	107	590,322	489.207	76	7.5
4	33	19MAR74-28APR77	38,280	112	124,411	255.233	70	0.5
5	16	27MAR74-21AUG75	18,560	67	706,769	368.633	57	15.2
6	16	27MAR74-21AUG75	18,560	74	278,279	80.938	21	12.0
7	11	18SEP74-21AUG75	12,760	76	41,309	91.378	48	2.6
8	13	21APR76-25APR77	130	36	3,076	4.098	100	7.5
9	13	21APR76-25APR77	130	25	2,664	4.550	100	7.6
10	13	21APR76-25APR77	130	28	2,512	3.594	100	7.7
11	13	24OCT77-16OCT78	130	29	1,458	2.720	100	9.5
12	13	24OCT77-16OCT78	130	19	140	0.175	0	9.5
13	13	24OCT77-16OCT78	130	19	191	0.942	0	9.5
14	12	22NOV77-17OCT78	120	21	400	1.077	100	0.0
15	12	22NOV77-17OCT78	120	19	501	0.700	100	0.0
16	12	22NOV77-17OCT78	120	23	748	1.463	100	0.0
T.	400		243,200	164	1,981,986	1,576.438		

MEAN SAMPLE STATISTICS

STA	AREA (M^2)	NUMBER SPECIES	NO. INDIV.	WT(G)	PERCENT SEAGRASS	DIST. FROM INLET/KM	DENSITY NO/M^2	BIOMASS G/M^2	MEAN INDIV.WT
1	1,160	17	2,819	5.163	11	2.2	2.4	4.5	1.83
2	1,160	27	4,160	6.017	29	11.5	3.6	5.2	1.44
3	1,160	19	6,945	5.755	76	7.5	6.0	5.0	0.83
4	1,160	28	3,770	7.734	70	0.5	3.3	6.7	2.05
5	1,160	21	44,173	23.040	57	15.2	38.1	19.9	0.52
6	1,160	23	17,392	5.059	21	12.0	15.0	4.4	0.29
7	1,160	27	3,755	8.307	48	2.6	3.2	7.2	2.21
8	10	7	118	0.158	100	7.5	11.8	15.8	1.34
9	10	7	103	0.175	100	7.6	10.3	17.5	1.70
10	10	6	97	0.138	100	7.7	9.7	13.8	1.42
11	10	7	56	0.105	100	9.5	5.6	10.5	1.88
12	10	2	5	0.007	0	9.5	0.5	0.7	1.40
13	10	2	7	0.036	0	9.5	0.7	3.6	5.14
14	10	4	33	0.090	100	0.0	3.3	9.0	2.73
15	10	4	42	0.058	100	0.0	4.2	5.8	1.38
16	10	5	62	0.122	100	0.0	6.2	12.2	1.97
SEAGRASS FISH DENSITY/BIOMASS MEANS							8.8	8.6	

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Table 5. Total wet weight (g) of top 70 species captured.

RANK	SPECIES	SEINE WEIGHT(g)	DROP NET WEIGHT(g)	GRAND TOTAL
1.	A. mitchilli	576327.53	387.96	576715.49
2.	L. rhomboides	200431.20	3551.18	203982.38
3.	B. smithi	131530.10		131530.10
4.	B. chrysoura	123016.37	655.30	123671.67
5.	C. undecimalis	80811.62		80811.62
6.	M. curema	67751.85		67751.85
7.	M. cephalus	64694.11	0.30	64694.41
8.	E. gula	52619.24	330.34	52949.58
9.	E. harengulus	39274.33	21.83	39296.16
10.	S. notata	36249.92		36249.92
11.	D. auratus	30007.29		30156.61
12.	H. jaguana	29962.29		29962.29
13.	S. barracuda	25077.72	2.54	25080.26
14.	A. hepsetus	19467.27		19467.27
15.	A. lyolepis	11567.65		11567.65
16.	O. chrysoptera	9713.79	286.21	10000.00
17.	A. cubana	9884.76		9884.76
18.	L. griseus	9402.47	26.53	9429.00
19.	A. probatocephalus	9226.47	14.57	9241.04
20.	M. peninsulae	8104.97	11.83	8116.80
21.	A. rhomboidalis	5773.43		5773.43
22.	D. sabina	5762.90		5762.90
23.	L. xanthurus	5072.85	0.11	5072.96
24.	S. timucu	4949.24	8.07	4957.31
25.	A. felis	4848.60		4848.60
26.	O. oglinum	4708.74		4708.74
27.	D. sayi	4488.00		4488.00
28.	C. schoepfi	3690.69	541.96	4232.65
29.	L. analis	3907.18	1.54	3908.72
30.	M. undulatus	3538.53		3538.53
31.	L. synagris	3197.00	5.0	3202.00
32.	S. scovelli	3003.51	30.50	3034.01
33.	H. unifasciatus	2936.56		2936.56
34.	O. tau	2465.51	4.41	2469.92
35.	H. parrai	2289.05	5.71	2294.76
36.	S. vomer	2049.11		2049.11
37.	S. ocellatus	1865.02		1865.02
38.	P. cromis	1755.20		1755.20
39.	E. saurus	1735.38	0.70	1736.08
40.	D. argenteus	1735.51		1735.51
41.	M. martinica	1629.99		1629.99
42.	T. falcatus	1602.11		1602.11
43.	E. itjara	1500.71		1500.71
44.	O. saurus	1478.10		1478.10

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Table 5. Total wet weight of top 70 species captured. (Continued page 2)

RANK	SPECIES	SEINE WEIGHT(g)	DROP NET WEIGHT(g)	GRAND TOTAL
45.	M. microlepis	1434.44		1434.44
46.	S. marina	1405.00		1405.00
47.	F. similis	1325.19		1325.19
48.	F. grandis	1308.95		1308.95
49.	S. nephelus	1215.32		1215.32
50.	S. aurita	1142.59		1142.59
51.	A. lamprotaenia	1085.45		1085.45
52.	G. boleosoma	1040.77	10.22	1050.99
53.	L. parva	1023.99		1023.99
54.	N. usta	1017.34		1017.34
55.	S. foetens	929.11	2.54	931.65
56.	F. carpio	830.90		830.90
57.	M. hispidus	788.05	0.48	788.53
58.	S. testudeus	763.82		763.82
59.	G. cinereus	750.80		750.80
60.	S. spengleri	749.53		749.53
61.	M. beryllina	728.56		728.56
62.	M. gulosus	587.22	29.13	616.35
63.	C. nebulosus	492.83	25.95	518.78
64.	L. trigonus	515.40		515.40
65.	B. tyrannus	476.52		476.52
66.	G. robustum	297.50	160.65	458.15
67.	P. albigutta	363.47	0.28	363.75
68.	S. louisianae	331.26	16.46	347.72
69.	C. hippos	333.43		333.43
70.	Brevoortia spp.	328.00		328.00

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(Brevoortia smithi, Harengula jaguana, Opisthonema oglinum and Sardinella aurita) also occurred in considerable numbers (207,852 individuals, 13.6%). However, when the percent frequency of occurrence of engraulid and clupeid species was examined, only one species was included in the top twenty.

Non-planktivorous species were also abundant, as the sparid, Lagodon rhomboides, the gerreids, Diapterus auratus, Eucinostomus harengulus and E. gula, and the sciaenid, Bairdiella chrysoura, were represented by over 10,000 individuals each. These species typically occurred in over 50% of the collections (total of 133,128 individuals, 6.7%). In all, 54 species were represented by over 100 individuals and occurred in over 6% (19) of the collections (Table 3). Therefore, 110 species were represented by less than 100 individuals. This latter group will not be examined in detail but will be included in spatial community comparisons, diversity and richness treatments. Fifty-four species, or 33% of the fishes collected, are considered the core seagrass community for the most detailed analyses. These species qualify for guild classifications based on their abundance and an adequate knowledge of their life history.

When the species were ranked by weight, several additional species appear in the top twenty (Table 5). Top predators are well represented with the snook, Centropomus undecimalis, redfin needlefish, Strongylura notata, great barracuda, Sphyraena barracuda and gray snapper, Lutjanus griseus contributing 151.54 kg (9% of the total) to the total biomass. The mullets Mugil curema and M. cephalus also contribute significantly with 132.45 kg (8% of the total) between the two species.

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Using the number of individuals and the % frequency of occurrence in the samples an importance index was calculated (see Methods). This allowed a more realistic evaluation of patchily distributed species, which were extremely abundant, versus those which occur commonly in lesser numbers. Fifty-six species having index values above 0.30 (also includes species in the top numerical ranking, i.e. 100 or more individuals collected) are ranked in Table 6. Representative species are depicted in spatial and trophic guilds in Table 7. These species define the regional seagrass fauna. Most of these species are plotted in Figure 10 with 45 representative species in eight guilds designated with separate symbols. Due to their numerical importance, these 45 species define the seagrass fish community characteristics in the following sections.

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Table 6. Top fifty-four species (i.e. those with over 100 individuals collected) ranked by abundance/occurrence index (see text). Two additional species are also ranked as their indices were also above 0.30.

RANK	SPECIES	INDEX
1.	L. rhomboides	9.72
2.	A. mitchilli	8.39
3.	E. gula	7.38
4.	E. harengulus	5.94
5.	D. auratus	5.27
6.	S. scovelli	4.89
7.	B. chrysoura	4.80
8.	G. robustum	4.62
9.	M. curema	4.33
10.	O. chrysoptera	3.83
11.	H. jaguana	3.76
12.	M. peninsulae	2.96
13.	S. notata	2.82
14.	A. hepsetus	2.68
15.	S. lousianae	2.64
16.	B. smithi	2.64
17.	M. cephalus	2.58
18.	L. griseus	2.12
19.	C. nebulosus	2.03
20	S. barracuda	1.92
21.	M. gulosus	1.85
22.	A. probatocephalus	1.82
23.	S. timucu	1.77
24.	O. saurus	1.73
25.	O. oglinum	1.70
26.	A. lyolepis	1.68
27.	L. xanthurus	1.66
28.	H. parrai	1.56
29.	M. martinica	1.48
30.	L. synagris	1.45
31.	C. undecimalis	1.33
32.	H. zosterae	1.26
33.	G. boleosoma	1.26
34.	T. falcatus	1.16
35.	L. analis	1.14
36.	S. aurita	0.99
37.	H. unifasciatus	0.98
38.	S. ocellata	0.98
39.	M. hispidus	0.96
40.	E. saurus	0.96
41.	F. carpio	0.94
42.	L. parva	0.91
43.	S. nephalus	0.79
44.	B. soporator	0.69
45.	S. foetens	0.62

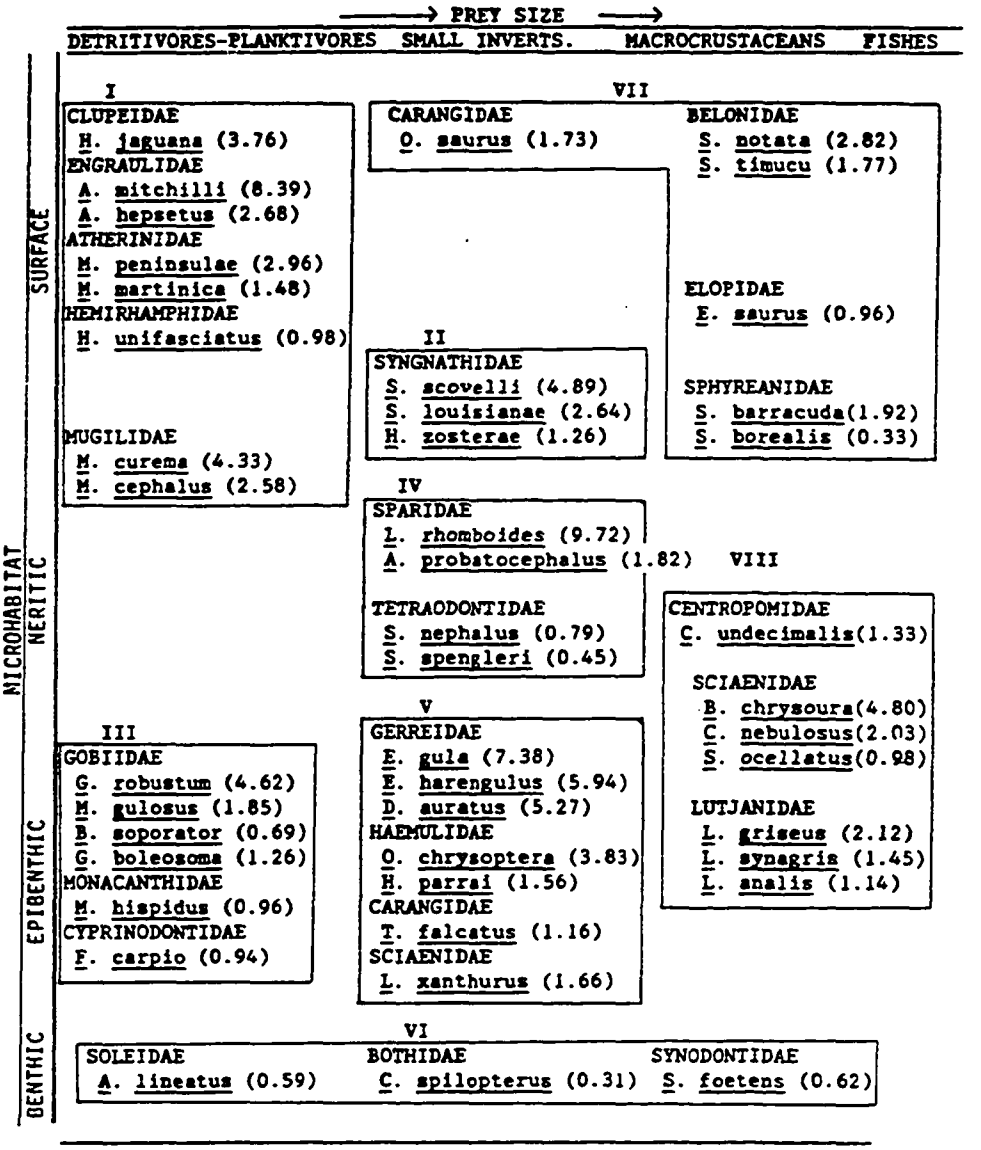
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Table 6. Top fifty-six species ranked by importance index...continued.

RANK	SPECIES	INDEX
46.	A. lineatus	0.59
47.	F. similis	0.51
48.	S. spengleri	0.46
49.	A. vulpes	0.45
50.	M. undulatus	0.39
51.	N. usta	0.38
52.	A. cubana	0.38
53.	F. grandis	0.35
54.	S. borealis	0.33
55.	C. spilopterus	0.31
56.	G. stigmaturus	0.31

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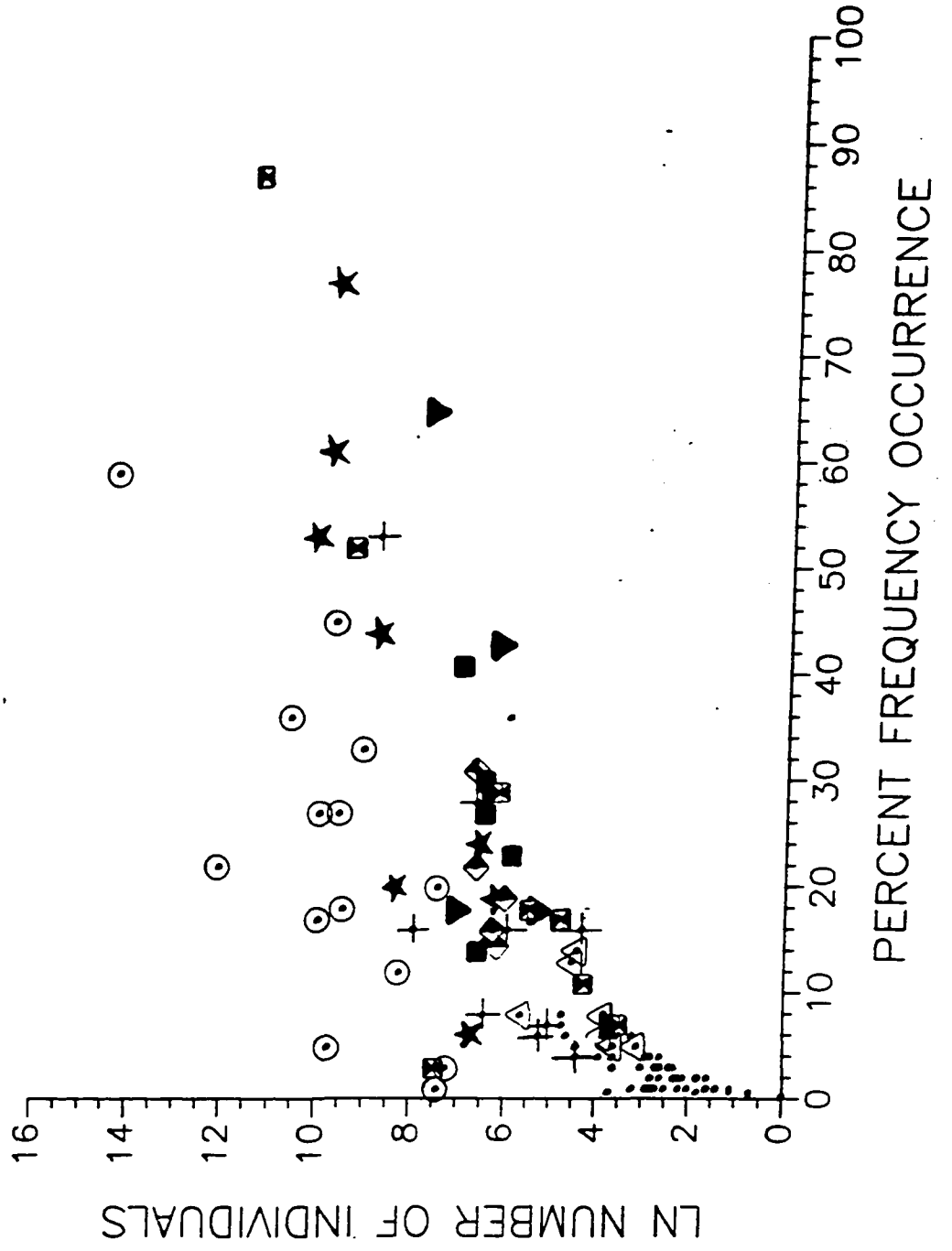
Table 7. Fishes having numerical abundance indices over 0.30, divided into trophic and microhabitat guilds. Abundance index for each species is within parenthesis.



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Figure 10. Plot of percent frequency of occurrence and number of individuals with the distribution of species guilds depicted. ⊙ = schooling planktivores: engraulids, clupeids, atherinids and mugilids; ■ = neritic/epibenthic omnivores: sparids and tetraodontids; ★ = epibenthic carnivores: gerreids, haemulids and carangids (Trachinotus); ▼ = neritic microconsumers: syngnathids, carangids; ✚ = epibenthic/benthic microconsumers: gobiids, monacanthids and cyprinodontids; ◆ = secondary carnivores: lutjanids and sciaenids; ◬ = benthic carnivores: pleuronectiformes and synodontids; ▮ = top predators: centropomids, elopids, sphyraenids and belonids.

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Spatial Distribution

Habitat Associations - Before presenting data on the distribution of fishes within and between seagrass beds of varying size, the composition and location of the seagrass meadow fauna need further definition based on ichthyofaunal comparisons with other habitats. Quantitative collections made in two habitats in addition to seagrass meadows allow comparison of species distributions along with a more detailed definition of spatial species guilds. These two habitats are the herbaceous halophyte marsh/mangrove swamp, a basically intertidal and marginal habitat found throughout the lagoon, and the open sand bottom habitat, which varies considerably in size and consistency.

Table 8 includes data from 3000 collections made in marsh/mangrove swamp habitats made from September 1982 to September 1987 (Gilmore et al. 1985, 1986, 1988). Although 84 species were collected in the marsh/mangrove swamp habitat, 96% of the individuals collected were cyprinodonts or poeciliids, which are principally omnivorous species. Most of these associate with the benthos, except the surface dwelling mosquitofish, Gambusia affinis. Poeciliids were virtually absent from the seagrass meadow as were the numerically dominant marsh cyprinodonts, Fundulus confluentus and Cyprinodon variegatus. However, Fundulus similis was much more abundant at the WBC seagrass site than at any other seagrass or marsh study site. Schooling planktivores such as the engraulids and clupeids which numerically dominate the seagrass fauna were not well represented in marsh/swamp collections, nor were the common seagrass epibenthic and

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Table 8. Interhabitat faunal comparison between seagrass and adjacent mangrove swamp using number of individuals of most abundant species from both habitats (i.e. catch of over 100 individuals). Percent frequency of occurrence is given in parenthesis. Mangrove swamp data is from 3,000 collections with comparable gear types; Gilmore et al 1985, 1986, 1988.

SPECIES	SEAGRASS	MARSH/MANGROVE SWAMP
ENGRAULIDAE		
Anchoa mitchilli	1,508,372 (59)	947 (2)
A. hepsetus	20,224 (27)	
A. lyolepis	20,077 (17)	
A. cubana	16,759 (5)	1 (0.0)
A. lamprotaenia	1 353 (3)	
CLUPEIDAE		
Brevoortia smithi	163,283 (22)	863 (2)
Harengula jaguana	34,445 (36)	20 (0.4)
Opisthonema oglinum	12,307 (18)	15 (0.2)
Sardinella aurita	3,757 (12)	1 (0.0)
ELOPIDAE		
Elops saurus	587 (15)	6,232 (14)
MEGALOPIDAE		
Megalops atlanticus	1 (0.3)	364 (2)
ALBULIDAE		
Albula vulpes	260 (8)	
HEMIRAMPHIDAE		
Hyporhamphus unifasciatus	229 (18)	
BELONIDAE		
S. notata	970 (41)	10 (0.1)
S. timucu	449 (29)	
CYPRINODONTIDAE		
Cyprinodon variegatus	12 (1)	312,085 (31)
Floridichthys carpio	363 (16)	2 (0.1)
Fundulus confluentus		5,296 (11)
F. grandis	142 (7)	744 (4)
F. similis	615 (8)	3 (0.1)
Lucania parva	657 (14)	1,184 (3)
POECILIIDAE		
Gambusia affinis		200,166 (42)
Poecilia latipinna	51 (4)	139,741 (39)
ATHERINIDAE		
Membras martinica	1,622 (20)	
Menidia beryllina	1,652 (1)	2,777 (5)
M. peninsulae	7,770 (33)	77 (0.1)
SYNGNATHIDAE		
H. zosterae	1,120 (18)	2 (0.1)
S. louisianae	461 (43)	2 (0.1)
S. scovelli	1,980 (65)	90 (1)
CENTROPOMIDAE		
C. undecimalis	322 (23)	8,565 (18)

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Table 8. Total habitat comparison...continued.

SPECIES	SEAGRASS	MARSH/MANGROVE SWAMP
CARANGIDAE		
Oligoplites saurus	597 (27)	6 (0.2)
T. falcatus	436 (19)	8 (0.2)
LUTJANIDAE		
Lutjanus analis	391 (19)	
L. griseus	362 (16)	127 (3)
L. synagris	739 (22)	
GERREIDAE		
Diapterus auratus	20,986 (53)	1,316 (8)
Eucinostomus harengulus	16,840 (61)	724 (4)
E. gula	14,454 (77)	8 (0.2)
Gerres cinereus	9 (1)	852 (5)
HAEMULIDAE		
H. parrai	660 (24)	41 (0.3)
Orthopristis chrysoptera	6,018 (44)	15 (0.2)
SPARIDAE		
Archosargus probatocephalus	523 (29)	140 (2)
Diplodus argenteus	1,612 (3)	
Lagodon rhomboides	70,704 (87)	91 (1)
SCIAENIDAE		
Bairdiella chrysoura	10,144 (52)	5 (0.1)
Cynoscion nebulosus	706 (31)	5 (0.2)
Leiostomus xanthurus	4,112 (20)	462 (2)
Micropogonias undulatus	701 (6)	88 (1)
Pogonias cromis	8 (2)	193 (0.7)
Sciaenops ocellata	468 (16)	8 (0.2)
SCARIDAE		
Nicholsina usta	111 (8)	
MUGILIDAE		
Mugil cephalus	13,723 (27)	8,606 (21)
M. curema	14,979 (45)	3,557 (12)
SPHYRAENIDAE		
Sphyraena barracuda	604 (30)	38 (1)
S. borealis	109 (7)	
ELEOTRIDAE		
Dormitator maculatus	1 (0.3)	616 (6)
GOBIIDAE		
B. soporator	75 (16)	63 (2)
Gobionellus boleosoma	2,649 (16)	7 (0.2)
G. stigmaturus	185 (7)	
G. robustum	6,081 (53)	58 (0.7)
Microgobius gulosus	745 (28)	27 (0.6)
SOLEIDAE		
Achirus lineatus	92 (13)	211 (2)
MONACANTHIDAE		
M. hispidus	207 (18)	4 (0.1)
TETRAODONTIDAE		
S. nephelus	105 (17)	3 (0.1)

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neritic perciforms, Eucinostomus gula and Lagodon rhomboides. Thus, these two fish communities share few numerically dominant species and are sufficiently distinct on a qualitative/ quantitative level to be considered independently. However, there are some species which occur often in both habitats (Table 8), the most notable of which are Elops saurus, Lucania parva, Centropomus undecimalis, Eucinostomus harengulus, Diapterus auratus, Lutjanus griseus, Archosargus probatocephalus, Bathygobius soporator, Achirus lineatus and the mullets Mugil cephalus and M. curema.

Collections made over sand bottoms (drop net stations 12 and 13) within 10 m of a seagrass meadow (station 11) revealed differences between the two bottom types, with the nearest seagrass station, RDI(11), showing the greatest difference (Tables 9-12). All fifteen species collected over sand were also captured in seagrass beds but differed significantly in abundance between the two habitats (Table 13). Lagodon rhomboides, E. gula, O. chrysoptera, B. chrysoura, A. mitchilli, the gobiids and syngnathids were abundant at all seagrass meadow drop net stations, but not over open sand bottoms. However, 11 D. auratus were taken over 240 m^2 of sand (stations 12, 13; mean fish density of 0.045/m^2) while only 16 were collected in all seagrass bed drop net samples covering 840 m^2 (stations 8-11, 14-16; mean fish density of 0.019/m^2). This implies that the large numbers of D. auratus collected with the seine may have been captured on sand bottom over which the seine passes as it is pulled between the grass bed and the beach.

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Table 9.(A) Station comparisons values of Kendall's W conducted on 27 top species ranked by relative numerical abundance collected in the drop nets. All W values are significant at P < 0.01.

STATION	CASES	DF	W	STATION SEPARATION (M)
INTRA-SITE COMPARISONS				
1. 14-16	3	26	.9322	2-3
2. 12-13	2	26	.8836	20
3. 8-10	3	26	.8618	60-70
4. 8-11	4	26	.8356	60-2400
GEOGRAPHIC COMPARISONS				
5. 11,14-16	4	26	.5337	2-9900
6. 8-10, 14-16	6	26	.5298	2-7500
7. 8-11, 14-16	7	26	.4899	2-9900
SAND-SEAGRASS HABITAT COMPARISONS				
8. 11, 12-13	3	26	.7156	20-50
9. 8-10, 12-13	5	26	.7055	20-2400
10. 8-13	6	26	.7026	20-2400
11. 12-16	5	26	.4225	20-9900
12. ALL STATIONS	9	26	.4251	2-9900

(B). Station comparisons values of Kendall's W conducted on 27 top species ranked by relative percent frequency of occurrence collected in the drop nets. All W values are significant at P < 0.01.

STATION	CASES	DF	W	STATION SEPARATION (M)
INTRA-SITE COMPARISONS				
1. 14-16	3	26	.9382	2-3
2. 12-13	2	26	.8746	20
3. 8-10	3	26	.8132	60-70
4. 8-11	4	26	.7731	60-2400
GEOGRAPHIC COMPARISONS				
5. 11,14-16	4	26	.5468	2-9900
6. 8-10, 14-16	6	26	.5367	2-7500
7. 8-11, 14-16	7	26	.4861	2-9900
SAND-SEAGRASS HABITAT COMPARISONS				
8. 11, 12-13	3	26	.6902	20-50
9. 8-10, 12-13	5	26	.6487	20-2400
10. 8-13	6	26	.6421	20-2400
11. 12-16	5	26	.4318	20-9900
12. ALL STATIONS	9	26	.4114	2-9900

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Table 10. Number of fish collected at all drop net stations on all dates listed in phyletic order.

SPECIES STATION	8	9	10	11	12	13	14	15	16
A. mitchilli	455	25	328	211	20	2			
A. lyolepis	1		2						
A. cubana	1								
B. smithi				1					
H. jaguana						3			174
O. oglinum									149
E. saurus				3					
M. punctatus	1								1
O. gomesi							1		
O. tau	1								
U. floridanus									1
S. timucu	2								
M. peninsulae		26							
H. erectus	1		1						
H. zosterae	2	12	3	3			4	6	6
S. floridae								1	
S. louisianae	1	1	12	4		1			
S. scovelli	49	22	21	38		2	12	10	4
T. falcatus								1	
L. analis			1					3	1
L. griseus	1	1		7					
L. synagris							6	8	3
H. parrai	1						2	1	3
O. chrysoptera	29	25	39	9			2	2	7
A. probatocephalus	1	4		2			1		
L. rhomboides	320	572	373	73		1	317	343	292
D. auratus			15	1	4	7			
E. harengulus	8	2	4	1	1	1	2	7	2
E. gula	35	72	58	21	7	10	8	17	11
B. chrysoura	14	39	60	40	1	2			
C. nebulosus	2	4	2	6					
L. xanthurus				1		2			
D. megalepis							1	1	
N. usta							10	2	4
C. saburrae	4			6					
S. barracuda	3								
M. cephalus	2								
M. curema	1								
B. soporator							1	1	
G. robustum	399	225	489	225	7	5	1	3	3
G. boleosoma	13	12	5				3	5	5
G. stigmaturus							21	86	63
M. gulosus	26	32	26	26	11	4			
S. brasiliensis							2		
P. albigutta		1				1			
C. spilopterus									1
S. plagiusa		1							1

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Table 10. Number of fish collected continued.

SPECIES STATION	8	9	10	11	12	13	14	15	16
A. lineatus	5	6		4	3		2		2
M. hispidus	2						2	1	4
S. nephelus								1	
C. schoepfi	1		1	1					

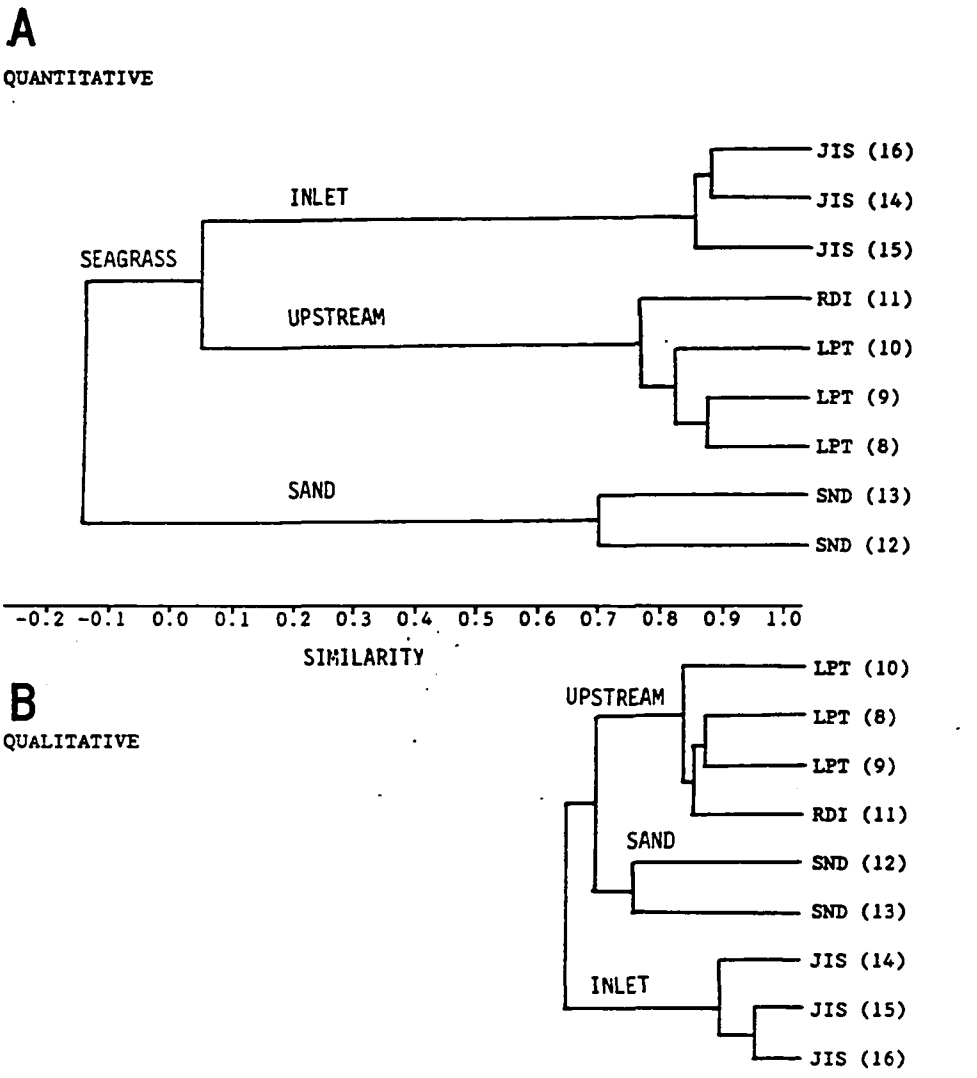
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Seagrass Meadow Heterogeneity - In order to determine heterogeneity within the seagrass bed, drop nets were released simultaneously within 2 m of one another in a pure stand of Syringodium at JIS (stations 14-16). Quantitative similarity analyses revealed that these stations had higher values (.83 - .86) than upstream stations (.75 - .86)(Fig. 11). The relationship among these inlet collections was also found to be significant. Values of Kendall's W were significant both for number of individuals and percent frequency of occurrence (W = .9322, .9382, DF = 26, $P < 0.01$, respectively; Table 9). These analyses revealed that these proximate stations had the greatest faunal homogeneity, both qualitatively and quantitatively (Fig. 11; Tables 9 - 12). The only major difference between the collections was the single capture of a school of Harengula jaguana and Opisthonema oglinum at station 16 while these same species were absent from collections made within 3 m at stations 14 and 15. These schooling planktivores were rarely captured in any of the drop net samples and were subsequently eliminated from many of the statistical analyses due to their low frequency of occurrence (=patchy distribution). The distribution of Lagodon rhomboides among the samples showed no significant difference in rank order based on number of individuals collected during 12 months (Kendall's W = .9245, DF = 11, $P < 0.01$; Table 11). This species has the same seasonal distribution pattern based on a comparison of rank order of abundance among inlet drop net stations (Table 11). Due to its numerical dominance of the seagrass fauna at stations 14, 15 and 16, it is largely responsible for the high degree of homogeneity seen between the drop net stations 14-16. The same number of L. rhomboides were captured in at least two of

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Figure 11. Dendrograms based on Czechanowski quantitative (A) using number of individuals for each species (LN(x=1) transformed) and qualitative (B) similarity analyses of drop net stations 8 - 16.

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Table 11. Kendall's W analyses on number of individuals of Lagodon rhomboides distributed between drop net seagrass stations over 12 months. All W values are significant at $P < 0.05$ except that marked with *.

STATION	CASES	DF	W	STATION SEPARATION (M)
INTRA-SITE COMPARISONS				
1. 14-16	3	11	.9245	2-3
2. 8-10	3	11	.8886	60-70
3. 8-11	4	11	.8651	60-2400
GEOGRAPHIC COMPARISONS				
4. 11,14-16	4	11	.9126	2-9900
5. 8-10, 14-16	6	11	.8685	2-7500
6. 8-11, 14-16	7	11	.8651	2-9900
SAND-SEAGRASS HABITAT COMPARISONS				
7. 8-10, 12-13	5	11	.7055	20-2400
8. 8-13	6	11	.5767	20-2400
9. 12-16	5	11	.5547	20-9900
10. 11, 12-13	3	11	.3333*	20-50
11. ALL STATIONS	9	11	.6729	2-9900

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Table 12. Species groups from inverse Czeckanowski similarity analysis using number of individuals converted to LN(x+1) for drop net stations. Only the top 28 species out of 56 collected were used for this analysis.

SPECIES STATION	8	9	10	11	12	13	14	15	16
GROUP Ia									
E. gula	35	72	58	21	7	10	8	17	11
G. robustum	399	225	489	225	7	5	1	3	3
S. scovelli	49	22	21	38		2	12	10	4
O. chrysoptera	29	25	39	9			2	2	7
A. mitchilli	455	25	328	211	20	2			
M. gulosus	26	32	26	26	11	4			
B. chrysoura	14	39	60	40	1	2			
GROUP Ib									
H. zosterae	2	12	3	3			4	6	6
G. boleosoma	13	12	5				3	5	5
E. harengulus	8	2	4	1	1	1	2	7	2
GROUP Ic									
L. rhomboides	320	572	373	73		1	317	343	292
GROUP IIa									
S. louisianae	1	1	12	4		1			
L. $iseus	1	1		7					
C. saburrae	4			6					
C. nebulosus	2	4	2	6					
A. probatocephalus	1	4		2			1		
GROUP IIb									
D. auratus			15	1	4	7			
H. erectus			1	3					
C. schoepfi	1		1	1					
GROUP IIc									
A. lineatus	5	6		4	3		2		2
GROUP IIIa									
G. stigmaturus							21	86	63
N. usta							10	4	4
L. synagris							6	8	3
GROUP IIIb									
M. hispidus	2						2	1	4
H. parrai	1						2	1	3

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Table 12. Species groups from inverse Czeckanowski continued.

SPECIES	STATION	8	9	10	11	12	13	14	15	16
GROUP IV										
L. analis				1					3	1
GROUP V										
H. jaguana							3			174
GROUP VI										
S. foetens		1				1	1			

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Table 13. Distribution of Lagodon rhomboides at drop net stations with comparison of mean number captured at LPT, stations 8-10; RDI, station 11; and JIS, stations 14-16. No specimens were collected at sand bottom stations 12-13.

	STATIONS							
MONTH	8	9	10	MEAN	11	14	15	16	MEAN
January		3	1	1.3		1	3	3	2.3
February	8	18	3	9.7	3	12	26	6	14.7
March	72	130	84	95.3	9	64	77	58	66.3
April	86	93	110	96.3	19	59	80	53	64.0
May	40	105	42	62.3	17	85	85	94	88.0
June	1	34	24	19.7	10	40	84	27	50.3
July	11	27	12	16.7	9	21	16	21	19.3
August	19	25	20	21.3	2	14	11	11	12.0
September	16	21	11	16.0	3	13	2	8	7.7
October	15	10	7	10.7	1	5	5	8	6.0
November	2	8	3	4.3		3	4	3	3.3
December	1	2		1.0					
MEAN				29.6	6.1				27.8

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the station 14-16 drop nets 50% of the time (Table 13). Another abundant species at this site was Gobionellus stigmaturus, which only occurred at stations 14-16; however, it was not as evenly distributed (Table 12).

Seagrass meadow ichthyofaunas remained homogeneous even though samples were made several tens of meters apart. The drop nets at LPT, stations 8-10, 7.5 km north of stations 14-16, were set 60 - 70 m apart but still showed significant association, revealing faunal continuity at this greater spatial separation, though less than stations 14-16 (Fig. 11; Tables 9-10). The temporal ranks of abundance L. rhomboides did not differ significantly between stations 14 and 15, 14 and 16 (Table 11) indicating similar spatial requirements and recruitment for both locations, i.e. upstream stations 8-10 and inlet stations 14-16. However, more fish were collected at stations 8-10 due to the capture of large numbers of the code goby, Gobiosoma robustum (1,113 individuals) and bay anchovy, Anchoa mitchilli (808 individuals; Table 10 drop net totals). The latter species was totally absent from drop net collections at stations 14-16. Station 10 was was further from shore than 8 or 9 but did not show significant differences from the latter two locations (Table 9).

When drop net stations 8-10 are compared with station 11 2.3 km to the north, there was no significant difference between 27 species ranked by number of individuals and % frequency of occurrence (Table 9). However, fewer fish were collected at this latter location, particularly fewer L. rhomboides (Table 13). This latter station is much further from the nearest shore (500 m) than the other sites which

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may be the reason fewer pinfish, Gobionellus boleosoma, Orthopristis chrysoptera and Eucinostomus gula were captured at this site (Table 10). However, the numbers of A. mitchilli, G. robustum, M. gulosus, and S. scovelli were not significantly different from the LPT sites and are largely responsible for the similarity between station 11 and 8-10 (Fig. 11; Tables 9-12).

When these upstream stations (8-11) are compared with the JIS inlet stations the effect of the inlet on the seagrass fauna is evident. Even though the same seagrass species (Syringodium filiforme) was dominant at all locations, the similarity among the upstream stations is greater than between these stations and the inlet sites, stations 14-16 (Fig. 11; Tables 9-13). Fish densities were typically lower at the inlet sites (3.20-6.08/m^2) than at the upstream seagrass sites (5.63-11.98/m^2; Table 1). In addition, an average of 4-5 species were captured per station at JIS, 6-7 at the LPT/RDI sites. These data consistently revealed significant relationships between upstream drop net stations although they may be 2.4 km apart. Consistent differences were also apparent between all upstream stations and downstream stations, revealing the level of homogeneity between sites based on geographic proximity and proximity to an ocean inlet.

Geographic Heterogeneity - Seine collections were made at three inlet sites and four upstream sites for a period of one year, September 1974 to August 1975, allowing potential replication of inlet and upstream effects on seagrass ichthyofaunas. Complicating this sample design is

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the fact that it had to be conducted over a distance of 82 km in a distinct zoogeographic transition zone. The effect of this latitudinal faunal transition on the seagrass ichthyofauna will be treated on a regional scale in the following section. The present analyses are limited to seine stations 1 - 7.

Except for the northernmost inlet station, SEB (station 1), the inlet sites (JIS and BCV, stations 4 and 7) produced the most cumulative species and averaged 27-28 species per collection. Fish densities were generally lower at all inlet sites (1.51-3.24/m^2) yet mean individual weight was higher than upstream sites making biomass comparable between both regions of the lagoon (Table 1).

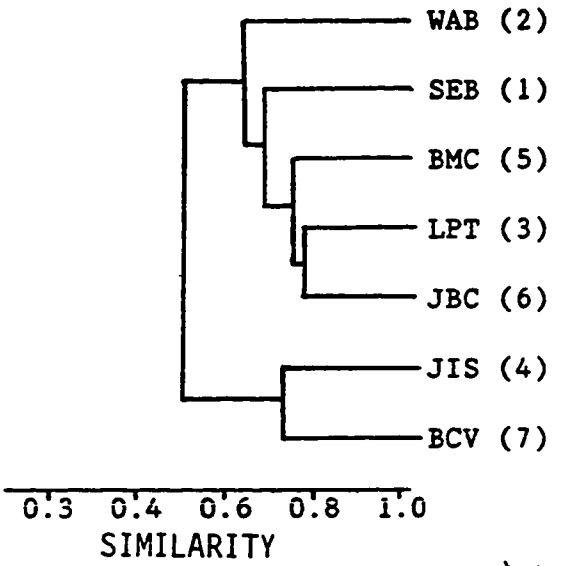
Quantitative similarity cluster analyses on seven seine stations with 82 species based on numbers and frequency of occurrence consistently found the upstream sites LPT and JBC sites most similar (Fig. 12; .759 for percent frequency occurrence, .760 for number of individuals) although they were over 33 km apart. Both stations are situated on the north side of causeways (LPT is actually on a peninsula) in Syringodium meadows off the west shore of the lagoon and were the deepest stations within the survey. Both were 7.5 to 12.0 km from the nearest ocean inlet and 33.9 km from one another (Fig. 2) yet their numerically dominant ichthyofauna was nearly identical (Tables 14 and 15). The BMC station was the next to cluster with these two upstream stations (Fig. 12; at .741 for no.s; .716 for occurrence) and is the station furthest from an ocean inlet, 15.2 km.

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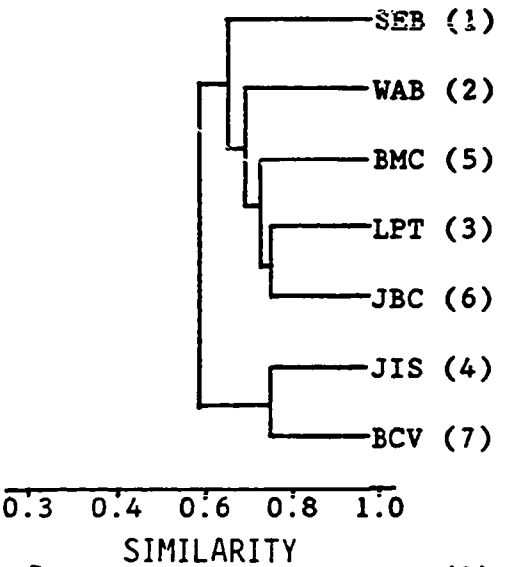
Figure 12. Dendrogram of seine stations 1-7 distribution based on Czechanowski quantitative similarity analyses on number of individuals (LN[x+1] transformed) (A) and percent frequency of occurrence (B) and qualitative (C,D) similarity analyses of 82 species.

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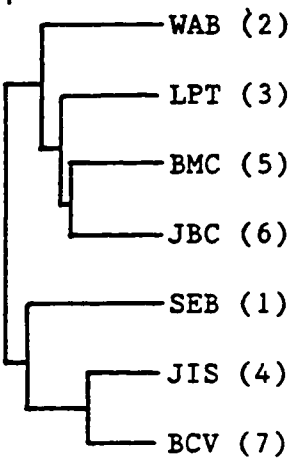
A



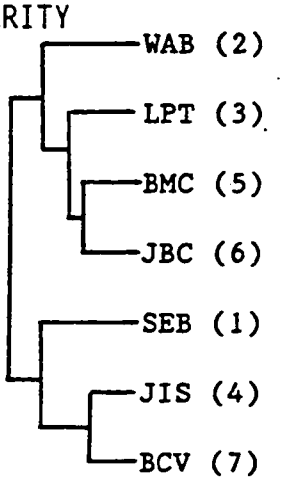
B



C



D



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Table 14. Seine spatial cluster groups based on an inverse quantitative Czeckanowski similarity analysis (Fig. 12A) using LN(x+1) conversion of number of individuals for the top 82 of the 165 species collected. Stations are arranged in order of distance from the nearest inlet left to right.

SPECIES	4-JIS	1-SEB	7-BCV	3-LPT	2-WAB	6-JBC	7-BMC
GROUP Ia							
L. rhomboides	2810	327	816	319	1354	1873	1074
E. gula	584	303	401	191	629	286	1253
E. harengulus	2097	582	212	75	559	777	3843
D. auratus	1318	54	1212	791	2858	856	2821
GROUP Ib							
S. aurita	501	481	1496	246	36	150	233
H. jaguana	3476	2927	1732	4217	87	84	1980
A. hepsetus	2461	503	9817	1447	646	91	714
GROUP Ic							
O. chrysoptera	158	106	130	82	575	124	45
B. chrysoura	4	83	859	613	535	285	46
GROUP Id							
A. mitchilli	2487	27894	13218	137417	29592	233282	472190
A. lyolepis	261	2	2517	11910		1303	1930
GROUP IIa							
S. scovelli	16	12	5	91	56	38	23
S. notata	72	17	23	29	68	29	62
E. saurus	5	13	7	12	75	46	37
C. nebulosus	5	32	18	13	44	38	9
O. saurus	17	5	8	10	17	22	166
L. griseus	11	5	4	12	32	36	35
A. probatocephalus	6	5	3	9	24	19	43
GROUP IIb							
S. louisianae	28		3	34	15	11	19
8							
S. timucu	61	6	45	13	9	50	39
S. barracuda	17	3	77	16	3	19	196
H. parrai	139	16	211	11		7	121
GROUP IIc							
A. vulpes		3	12	1		19	159

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Table 14. Seine spatial cluster continued.

SPECIES	4-JIS	1-SEB	7-BCV	3-LPT	2-WAB	6-JBC	7-BMC
GROUP IIIa							
O. oglinum	7	202	72	41	35	1	784
M. curema	32	146	34	41	962	118	12968
B. smithi	6	72	34	7	196	12	
32254							
GROUP IIIb							
M. peninsulae	1	146		11	2106	210	68
M. martinica		69	4	61	610	121	98
L. xanthurus	4	117		5	158	45	362
GROUP IVa							
S. ocellatus				7	22	26	9
M. undulatus			1	1	17	13	8
M. cephalus	33	1	11	6	51		8
G. robustum	8	2	2	21	65	10	4
C. undecimalis	1		9	13	14	5	15
L. parva	3	2			10	4	30
GROUP IVb							
S. foetens	13	2	8		4	15	6
B. soporator	11		1		9	11	3
S. nephelus	11		3	1		9	5
GROUP Va							
P. saltator				3	1	4	
A. rhomboidalis			6	4		4	1
M. tuckeri	3		1	1	1	2	
C. faber	1		1		1	3	1
C. schoepfi			3	1	4	2	
GROUP Vb							
S. testudineus					8	4	
A. felis		2			6	2	
P. tribulus		1			1	1	1
L. jocu					1	1	2
GROUP Vc							
S. grandicornis		1					1
H. reidi				1		1	

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Table 14. Seine spatial cluster continued.

SPECIES	4-JIS	1-SEB	7-BCV	3-LPT	2-WAB	6-JBC	7-BMC
GROUP VI							
T. falcatus	90	68	4	140	7	3	
H. unifasciatus	3	37	1	8	10	5	
S. spengleri	13	1	14	8	2	6	4
M. hispidus	73		22	10	4	15	1
L. analis	123	5	16	1	2	5	1
L. synagris	276	8	72	10	9		
GROUP VIIa							
S. borealis	8		42	2		1	
O. chrysurus	47		22				
N. usta	14	1	30				
H. plumieri	1	1	32				
P. scitulus			7			1	
GROUP VIIb							
S. rubripinne	2		11				
S. chrysopterum	6		6				
C. roseus	5		1				
S. vomer	1		4	3			
L. trigonus	6		3	2	1		
M. microlepis	3	2	1				
H. flavolineatum	1	1	1				
GROUP VIIIa							
M. gulosus	7	1			56		
F. carpio	3	1			74		
G. smaragdus	17				44		
G. boleosoma	45				6		
C. spilopterus	6				12	1	
GROUP VIIIb							
S. plagiusa	2				1		
D. sabina	3			1	4		
C. hippos	3			1	4		1
A. lineatus	5	1	1	1	4		2
GROUP VIIIc							
F. similis		2			185		1
F. grandis					89		

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Table 14. Seine spatial cluster continued.

SPECIES	4-JIS	1-SEB	7-BCV	3-LPT	2-WAB	6-JBC	7-BMC
GROUP IXa							
A. lamprotaenia		950	2				
A. cubana	2	66	7942			8200	
GROUP IXb							
T. crocidilus		1					6
H. zosterae	1	1	1	6			4

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Table 15. Seine spatial cluster groups based on inverse quantitative Czeckanowski similarity analysis (Fig. 12B) on percent frequency of occurrence of the top 82 of the 165 species collected in all samples taken from September 1974 to August 1975. Stations are arranged in order of distance from the nearest inlet left to right.

SPECIES	4-JIS	1-SEB	7-BCV	3-LPT	2-WAB	6-JBC	7-BMC
GROUP Ia							
M. curema	80	100	55	83	100	67	75
L. rhomboides	100	92	91	83	92	92	67
E. gula	100	92	100	75	92	58	100
E. harengulus	100	100	73	50	100	83	100
D. auratus	80	33	91	92	100	83	58
A. mitchilli	40	67	73	92	100	100	100
GROUP Ib							
S. louisianae	60	25	64	50	58	67	55
H. jaguana	60	42	73	67	50	67	58
S. timucu	100	25	64	50	33	75	67
S. notata	70	50	46	50	58	42	55
O. saurus	50	33	46	50	42	58	42
L. griseus	70	25	36	42	50	50	33
S. barracuda	60	3	55	50	17	50	92
GROUP Ic							
S. scovelli	50	42	18	58	92	75	58
M. peninsulae	10	50		33	100	67	58
M. martinica		50	9	33	92	50	67
C. nebulosus	10	33	45	33	58	75	17
B. chrysoura	10	50	100	67	50	83	33

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Table 15. Seine spatial cluster on occurrence continued.

SPECIES	4-JIS	1-SEB	7-BCV	3-LPT	2-WAB	6-JBC	7-BMC
GROUP IIa'							
M. cephalus	30	8	27	17	75		17
G. robustum	30	8	9	50	67	42	25
E. saurus	10	17	27	25	75	42	25
C. undecimalis	10		46	50	50	8	25
L. xanthurus	30	33		17	58	33	33
A. probatocephalus	40	33	27	17	67	25	58
B. smithi	10	25	27	17	42	33	42
GROUP IIa"							
S. ocellata				25	50	58	8
GROUP IIb							
S. aurita	30	33	55	25	8	17	33
O. oglinum	20	25	46	17	8	8	33
A. vulpes	0	25	36	8		50	58
GROUP IIc							
S. foetens	50	17	36		25	25	25
S. nephelus	40		18	8		33	25
B. soporator	60		9		42	50	17
L. parva	20	8			17	17	42
A. lineatus	40	8	9	8	17		17
GROUP IIIa							
S. spengleri	40	8	55	25	17	33	8
A. lyolepis	40	8	64	17		25	8
M. hispidus	80		46	42	25	25	8
A. hepsetus	60	8	82	33	33	42	8
O. chrysoptera	50	58	73	33	67	33	33
H. parrai	60	50	82	33		25	42
L. synagris	90	25	90	25	50		
L. analis	80	42	82	8	8	17	8
GROUP IIIb							
T. falcatus	60	67	27	33	17	25	
H. unifasciatus	10	75	9	25	42	25	

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Table 15. Seine spatial cluster on occurrence continued.

SPECIES	4-JIS	1-SEB	7-BCV	3-LPT	2-WAB	6-JBC	7-BMC
GROUP IVa							
S. rubripinne	20		9				
C. roseus	20		9				
S. chrysoptera	20		18				
M. microlepis	20	17	9				
H. flavolineatum	10	8	9				
GROUP IVb							
S. vomer	10		9	17			
H. zosterae	10	8	9	33			8
GROUP Va							
S. borealis	30		36	17		8	
L. trigonus	30		18	17	8		
O. chrysurus	40		36				
N. usta	50	8	73				
GROUP Vb							
P. scitulus			36			8	
H. plumieri	10	8	45				
A. cubana	10	8	46			17	
GROUP Vc							
A. lamprotaenia		8	18				
-							
GROUP VIa							
M. gulosus	20	8			50		
F. carpio	10	8			50		
F. similis	8				83		8
F. grandis					75		
GROUP VIb							
S. plagiusa	20				8		
C. hippos	20			8	8		8
M. tuckeri	20		9	8	8	8	
GROUP VIc							
G. smaragdus	50				25		
G. boleosoma	50				17		
C. spilopterus	30				28	8	

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Table 15. Seine spatial cluster on occurrence continued.

SPECIES	4-JIS	1-SEB	7-BCV	3-LPT	2-WAB	6-JBC	7-BMC
GROUP VIIa							
P. saltator				8	8	8	
H. reidi				8		8	
GROUP VIIb							
S. grandicornis	10					8	
GROUP VIIIa							
P. tribulus		8			8	8	8
L. jocu					8	8	8
GROUP VIIIb							
M. undulatus			9	8	17	17	17
C. schoepfi			27	8	25	8	
A. rhomboidalis			27	17		17	8
GROUP VIIIc							
S. testudineus					8	25	
C. faber	10		9		8	25	9
GROUP VIIId							
A. felis		17			17	17	
GROUP IX							
T. crocodilus		8					18

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These were the only three stations at which over 100,000 A. mitchilli were collected. The fauna at the BMC station was quantitatively quite distinct as 50% of the individuals captured during the year from all stations were captured at BMC. This latter station consistently contained more planktivores (Lucania parva [30], Anchoa mitchilli [472,190], Opisthonema oglinum [784], and Brevoortia smithi [32,254]; detritivores: Mugil curema [12,968]) and benthic carnivores (Eucinostomus gula [1,253], E. harengulus [3,843] and Leiostomus xanthurus [362]), in addition to certain top predators (Sphyraena barracuda [196] and Centropomus undecimalis [15])(Tables 14 and 15).Other species which showed higher numbers at BMC than at any of the other stations were Albula vulpes (159), Oligoplites saurus (166) and Archosargus probatocephalus (43).

The next couplet to score relatively high similarity were the southern inlets, JIS and BCV at .754 in numbers and .715 in occurrence (Fig. 12). Species group VI and VII (Table 15) were most indicative of these stations. Many of these species are reef associates as adults and are found principally on the adjacent continental shelf, such as the scarids (Sparisoma rubripinne, S. chrysopterum), grouper (Mycteroperca microlepis), lookdown (Selene vomer), northern sennet (Sphyraena borealis), grunts (Heamulon plumieri and H. flavolineatum),and the snappers (Ocyurus chrysurus, Lutjanus analis and L. synagris). Other inlet seagrass associates are more typically resident in lagoon waters (Nicholsina usta, Cryptotomus roseus, Monocanthus hispidus and Lactophrys trigonus).

The inverse cluster of seine species based on percent frequency of occurrence (Table 15) produced nine group associations that did not

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differ greatly from the cluster based on number of individuals (Table 14). The same species, except for A. mitchilli and M. curema, occurred in the Ia group, though more species occurred in the frequency of occurrence Group I due to a good representation of common species typically occurring in lower numbers. Some planktivores fell out of the Group I cluster due to their patchy distribution.

The northern stations WAB and SEB fell out last with the upstream group, LPT, JBC and BMC (Fig. 12). There was no distinct ichthyofauna at SEB except that Anchoa lamprotaenia only occurred at this station in significant numbers. However, WAB was most distinct in the group VIII species (Table 14) with the cyprinodonts, Fundulus similis, F. grandis and Floridichthys carpio and the gobiids Microgobius gulosus and Gobionellus smaragdus occurring in larger numbers than at any of the other stations.

Qualitative cluster analyses on the same data produced the same general pattern except that all inlet stations fell into the same group, the upstream stations in another (Fig. 12). The JIS and BCV inlet stations had the highest qualitative faunal similarity value (.848), followed by the southern upstream stations JBC and BMC (.822), and then LPT (.815). The northern stations were most dissimilar out of both groups with WAB at .774 and SEB at .749, though these were not particularly low values. These values therefore, further demonstrated that the inlet faunas are quite distinct from the upstream faunas and that the degree of similarity within each group is comparable, particularly for the southern portion of the study area.

The most comprehensive spatial similarity analysis includes all stations based on the top 53 species (those fishes with over 100

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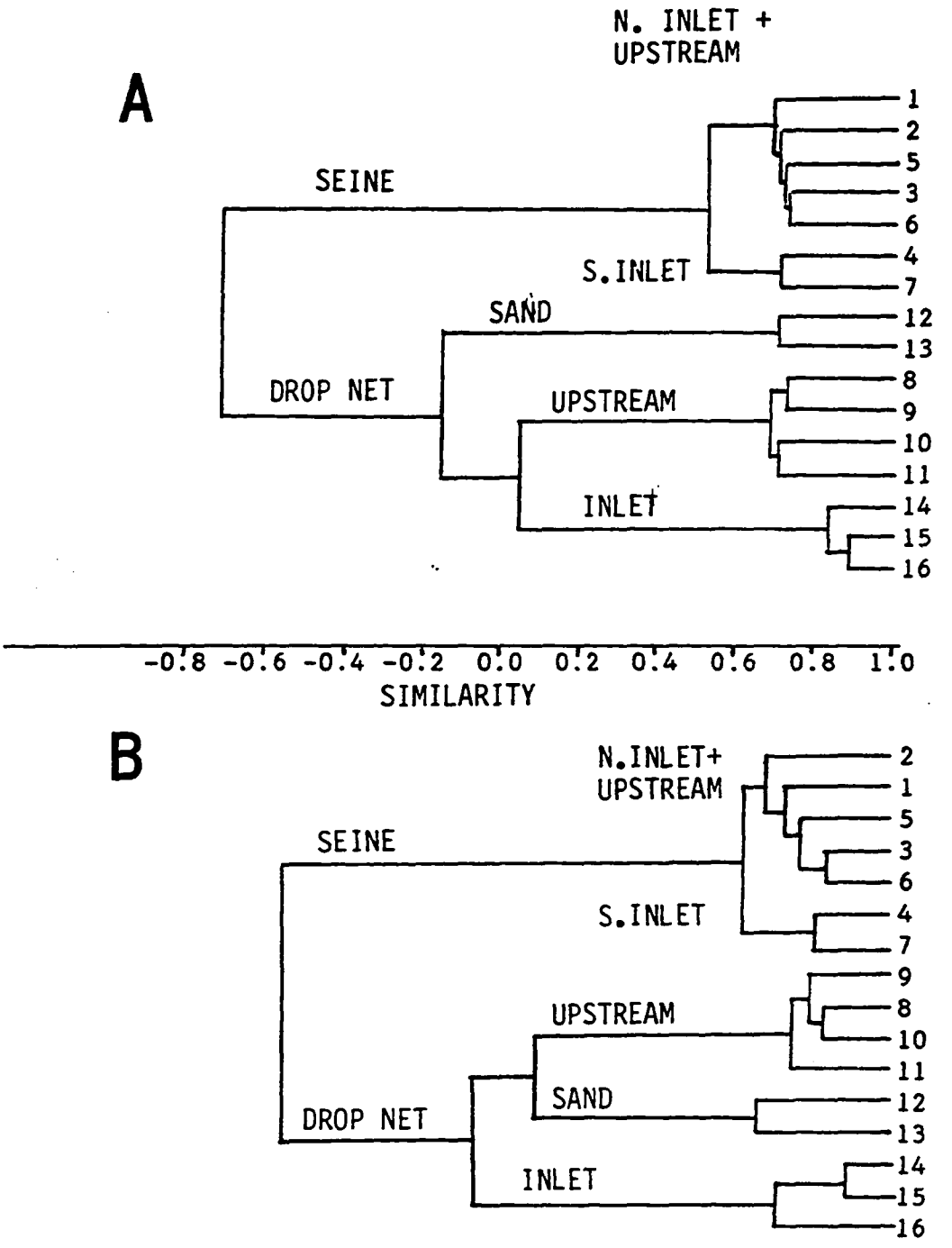
individuals collected). Quantitative clusters based on number of individuals separated seine from drop net techniques with the lowest levels of similarity (-0.588), upstream versus inlet stations for both techniques, and then upstream sand from upstream grass (Fig. 13). Inlet drop net collections at stations 14-16 were most similar (.699-.824), then upstream seagrass drop nets at stations 8-11 (.755-.794), seine inlets, stations 4,7 (.787) and then upstream seine stations 2,3,5,6 and the northern inlet station 1 (.690-.804). This recapitulates the order of separation between sample sites. Drop net upstream - inlet similarities were considerably lower (-0.070) than the same comparison using seines (0.623). This indicates that the ichthyofauna captured by the drop net was more indicative of the habitat and less cosmopolitan. This is undoubtedly in part due to the generally narrow habitat requirements of various gobiid species which tend to numerically dominate the drop net collections.

Qualitative cluster analysis of this same data set shows a higher degree of similarity between most groups (i.e. mean similarity of 0.824 versus 0.555), particularly drop net inlet and seine collections (Fig. 13). However, the inlet versus upstream clusters in the seine cluster are not as clear, though present, and the sand collections separate considerably. The qualitative cluster based on species occurrence was quite different with a lower mean similarity (0.672) but a distinct inlet versus upstream, grass versus sand bottom cluster for both seine and drop net collections is apparent. Qualitative similarities between upstream seagrass (stations 8-11) and sand

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Figure 13. Dendrogram based on Czechanowski quantitative on LN(x+1) transformed number of individuals (A) and qualitative (B) similarity analyses for all seine and drop net collections for top 53 species.

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(stations 12, 13) were greater than between these sites and the inlet (stations 14-16). This indicates that upstream species occur over adjacent sand bottoms, not inlet species. The quantitative cluster on the same data set revealed a similar trend (mean similarity of 0.539; Fig. 13).

Zoogeographic Distribution - Three inlet locations were chosen for study in order to adequately describe distinct inlet faunas and to compare them to upstream seagrass faunas. However, this required 82 coastal km of separation between the southernmost and northern inlet stations. As the study area lies within a distinct faunal transition zone between the tropical Caribbean faunal province and the warm temperate Carolinian province (Gilmore 1977; Snelson 1983), the size of the study area may have qualitative significance due to faunal changes with latitude, proximity to warm coastal currents and changes in ambient climatic and hydrologic conditions. The effect of this latitudinal variation between sites should, therefore, be addressed, particularly if comparative data are available on northern and southern ichthyofaunas adjacent to the study region. Fortunately these data are available and in some cases a similar collection technique was used. In this section we will review the latitudinal change in the seagrass ichthyofauna as one proceeds along the east coast of Florida from Florida Bay, latitude 25°00'N, north to Mosquito Lagoon, latitude 28°30'N. The comparative data used is derived from Sogard (1987), Low (1973), Snyder (1984), McNeese (1986) and Schooley

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(1977), all of which used either seine or 1.0 m^2 throw nets to sample seagrass ichthyofaunas.

A quantitative similarity cluster analysis was conducted using the numerical rank of the top 17 species collected in each study based on numbers of individuals captured. Seventeen species were used as this number represents the most abundant species in the most limited study used for faunal comparison, that of McNeese (1986). This number was also best for the Florida Bay throw net survey conducted by Sogard (1987) due to reduced number of individuals captured with throw net techniques, which in turn reduces the reliability in ranking rarer species. The results of the rank cluster are given in Table 13 and a phyletic listing of species with their respective rank per study and location is presented in Table 14.

Fourteen groups were clustered, giving some indication of site specificity (Table 16). Group I basically consists of species which are ubiquitous, occurring in most east Florida seagrass communities. Lagodon rhomboides and A. mitchilli rank in the top 17 in all regions. However, neither species was ranked as high (top ten) in Florida Bay studies (Sogard, 1987) and L. rhomboides did not make the top ten in Biscayne Bay nor the northern Indian River lagoon. Anchoa mitchilli was absent from the Jupiter Inlet studies of Snyder (1984) and Ft. Pierce Inlet drop net studies (stations 14-16), which is apparently due to the preference of this species for upstream habitats. Otherwise these two species typically ranked 1st or 2nd at several east coast seagrass sites. The mojarras, E. gula and E. harengulus,

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Table 16. Regional zoogeographic species groups based on an inverse Czeckanowski cluster analysis using species rank, i.e. a comparison of top 17 ranked species at each location. The number presented indicates the species rank. FBY = Florida Bay (Sogard, 1987); BBY = Biscayne Bay (Low, 1973); IRS = Indian River lagoon at Jupiter Inlet (Snyder, 1984); IRM = southern Indian River lagoon (McNeese, 1986); BCV, JBC, BMC, JIS, LPT, WAB, SEB = stations from this survey; IRN = northern Indian River and Mosquito lagoon stations (Schooley, 1977).

SPECIES	FBY	BBY	IRS	IRM	BCV	JBC	BMC	JIS	JDP	LPT	LDP	WAB	SEB	IRN
GROUP Ia														
M. curema		10				14	3					17	10	17
H. jaguana		1	11		5	16	6	1	2	3		17	3	13
B. chrysoura				13	8	9				6	5	10	14	16
M. martinica						13	17			14		8	15	7
L. rhomboides	12	15	1	1	9	3	9	2	1	7	1	4	7	14
GROUP Ib														
O. chrysoptera			5	8	13	12		11	10	12	6	11	13	
E. harengulus	9	6	3		11	6	4	5	12	13	14	9	5	
E. gula	9	4	2	9	10	8	8	7	6	9	4	7	8	
GROUP Ic														
M. peninsulae						10					10	3	11	1
GROUP IIa														
S. barracuda			12			14		12						
S. timucu		16			17	17		17						
T. falcatus		11						14		10			16	
S. aurita		7			6	11		8		8			6	
GROUP IIb														
D. auratus					7	5	5	6		5	12	2		
A. lyolepis					4	4	7	9						
A. hepsetus					2	15	10	4				6		
GROUP III														
O. saurus							13			16				
O. oglinum			5		15		14		4	15			9	
A. vulpes							16							
GROUP IV														
L. analis								12						
S. notata								16						
GROUP V														
M. gulosus	11										8			
H. zosterae	6								8		11			
A. mitchilli	10	2		3	1	1	1	3		1	3	1	1	3
G. robustum	4			2					16		2			10
S. scovelli	7			6					7	11	7			11

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Table 16. Regional zoogeographic species group distribution continued.

SPECIES	FBY	BBY	IRS	IRM	BCV	JBC	BMC	JIS	JDP	LPT	LDP	WAB	SEB	IRN
GROUP VIa														
M. hispidus			6			15			15					
N. usta									14					
G. boleosoma			9	5					13		9			
B. smithi				4		7	2		11			12	2	
GROUP VIb														
H. parrai			8		12			13	17					
L. synagris			7		16				9					
GROUP VII														
G. stigmaturus										3				
GROUP VIII														
A. cubana					3	2								
GROUP IX														
M. beryllina														15
P. latipinna														12
L. parva		2												5
C. variegatus														6
GROUP X														
L. xanthurus			16									14	12	8
F. similis												13		
F. grandis												16		9
GROUP XIa														
A. lineatus				10							15			
A. probatocephalus				14							17			
C. nebulosus				17			11				16			
S. louisianae			13	16							13			
GROUP XIb														
C. saburrae				15										
S. ocellatus				12										
M. punctatus				11										
GROUP XII														
S. testudineus			17											
S. chrysopterum			14											
L. apodus			15											
B. soporator			10											
H. clupeola			4											

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Table 16. Regional zoogeographic species group distribution continued.

SPECIES	FBY	BBY	IRS	IRM	BCV	JBC	BMC	JIS	JDP	LPT	LDP	WAB	SEB	IRN
GROUP XIIIa														
S. plagiusa		13		7										
S. radians		14												
C. atherinoides		13												
H. plumieri		12												
M. cephalus		17										5		4
GROUP XIIIb														
F. carpio	1	9												2
H. humeralis		8												
A. lamprotaenia		6											4	
GROUP XIVa														
P. fasciatus	14													
S. floridae	15													
H. sciurus	16													
A. stipes	17													
GROUP XIVb														
C. pauciradiatus	8													
M. crinitus	5													
O. beta	3													

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ranked relatively high at most study sites south of the northern Indian River lagoon (Schooley, 1977), while B. chrysoura and O. chrysoptera ranked at most sites north of Biscayne Bay. The atherinids, Menidia peninsulae and Membras martinica both occurred only north of Bessie Cove (BCV) primarily at upstream sites.

Group IIa, IV, VI, VII and XII consist basically of species which require ocean access, therefore, they were ranked high primarily at Biscayne Bay, and at Indian River inlet sites. These groups principally consist of tropical species, such as scarids, sphyraenids, haemulids, lutjanids, tropical gobiids and warm water engraulids/clupeids.

Group IIb and III consist of species which only occurred abundantly in Indian River lagoon collections. The two anchovies and the mojarra, Diapterus auratus, (all in group IIb) are the most abundant species, ranking within the top ten species in the Indian River lagoon and nowhere else (Table 16).

Except for the bay anchovy, A. mitchilli, group V has a basic distribution in throw or drop net collections, which effectively capture the small cryptic gobiid and syngnathid species contributing to this group. Effective throw and drop net captures are also responsible for the distribution pattern for the upstream species group in XI.

Zoogeographic faunal polarization along the coast is seen when groups XII - XIV are compared. Groups IX and X are northern species groups, all are warm temperate species, Gulf or Carolinian and were ranked high at the Schooley study sites in the northern lagoon and at Sebastian and Wabasso seine sites. Groups XII and XIII contain mostly

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species of tropical origin. Group XIV consists of both tropical species and species which are common in seagrass beds of both the Gulf of Mexico and Caribbean.

The phyletic presentation in Table 17 reveals that the cyprinodont-poeciliid fishes and atherinids numerically dominate the northern lagoon seagrass ichthyofaunas and in Florida Bay (? Gulf Province). Also of interest in this presentation is the limited overlap between two epibenthic carnivores which feed predominately on polychaetes over open bottoms and in seagrass beds, the gerreid, Diapterus auratus and the sciaenid, Leiostomus xanthurus. Diapterus auratus is a stenothermic tropical species while L. xanthurus is a eurythermic temperate species. Diapterus auratus is abundant throughout the study area but is not ranked in other southern and northern seagrass studies, while the temperate sciaenid, Leiostomus xanthurus is ranked higher in the northern region of the lagoon.

In general there is a decided tropical dominance of the majority of the Indian River study area south of the WAB station. Albulids, belonids, lutjanids, haemulids (except O. chrysoptera), scarids, clinids/blenniids, callionymids and sphyreanids are only ranked high in seagrass ichthyofaunal studies from the southern portion of the Indian River lagoon and further south (Table 17).

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Table 17. Zoogeographic variation in seagrass fish faunas listed in phyletic order, seine and drop net/throw net techniques only. Number represent rank of species in collecitons made at the respective sites. Superscripts 1-5 are defined in Table 19.

	SOUTH				---------STUDY SITES----------									NORTH
SPECIES	FBY[1]	BBY[2]	IRS[3]	IRM[4]	BCV	JBC	BMD	JIS	JDP	LPT	LDP	WAB	SEB	IRN[5]
ENGRAULIDAE														
A. cubana					3	2								
A. hepsetus					2	15	10	4				6		
A. lamprotaenia		6											4	
A. lyolepis					4	4	7	9						
A. mitchilli	10	2		3	1	1	1	3		1	3	1	1	3
CLUPIEDAE														
B. smithi				4		7	2		11			12	2	
H. jaguana		1	11		5	16	6	1	2	3		17	3	13
H. humeralis		8												
H. clupeola			4											
O. oglinum		5			15		14		4	15			9	
S. anchovia		7			6	11		8		8			6	
ALBULIDAE														
A. vulpes							16							
OPHICHTHIDAE														
M. punctatus				11										
CYPRINODONTIDAE														
C. variegatus														6
F. carpio	1	9												2
L. parva	2													5
F. grandis												16		9
F. similis												13		
POECILIIDAE														
P. latipinna														12
ATHERINIDAE														
A. stipes	17													
M. peninsulae						10					10	3	11	1
M. beryllina														15
M. martinica						13	17			14		8	15	7
HEMIRHAMPHIDAE														
C. atherinoides		13												
H. unifasciatus														
BELONIDAE														
S. notata								16						
S. timucu		16			17	17		17						
BATROCHOIDIDAE														
O. beta	3													
SYNGNATHIDAE														
H. zosterae	6								8		11			
M. criniger	5													
S. scovelli	7			6					7	11	7			11
S. floridae	15													
S. louisianae			13	16							13			

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Table 17. Zoogeographic distribution, phyletic order continued.

	SOUTH				STUDY SITES									NORTH
SPECIES	FBY[1]	BBY[2]	IRS[3]	IRM[4]	BCV	JBC	BMD	JIS	JDP	LPT	LDP	WAB	SEB	IRN[5]
CARANGIDAE														
O. saurus							13			16				
T. falcatus		11						14		10			16	
GERREIDAE														
D. auratus					7	5	5	6		5	12	2		
E. gula	9	4	2	9	10	8	8	7	6	9	4	7	8	
E. harengulus	9	6	3		11	6	4	5	12	13	14	9	5	
LUTJANIDAE														
L. synagris			7		16				9					
L. analis								12						
L. apodus			15											
O. chrysurus														
HAEMULIDAE														
H. parrai			8		12			13	17					
H. sciurus	16													
H. plumieri		12												
O. chrysoptera			5	8	13	12		11	10	12	6	11	13	
SPARIDAE														
A. probatocephalus				14							17			
L. rhomboides	12	15	1	1	9	3	9	2	1	7	1	4	7	14
SCIAENIDAE														
B. chrysoura				13	8	9				6	5	10	14	16
C. nebulosus				17			11				16			
L. xanthurus			16									14	12	8
S. ocellata				12										
SCARIDAE														
N. usta									14					
S. radians		14												
S. chrysopterum			14											
CLINIDAE														
P. fasciatus	14													
BLENNIDAE														
C. saburrae				15										
SPHYRAENIDAE														
S. barracuda			12		14		12							
MUGILIDAE														
M. cephalus		17										5		4
M. curema		10				14	3					17	10	17
GOBIIDAE														
B. soporator			10											
G. robustum	4			2					16		2			10
M. gulosus	11										8			
G. boleosoma			9	5					13		9			
G. stigmaturus									3					
CALLIONYMIDAE														
C. pauciradiatus	8													

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Table 17. Zoogeographic distribution, phyletic order continued.

	SOUTH				STUDY SITES								NORTH
SPECIES	FBY[1]	BBY[2]	IRS[3]	IRM[4]	BCV	JBC	BMD	JIS	JDP	LPT	LDP	WAB	SEB	IRN[5]
SOLEIDAE														
A. lineatus			10								15			
CYNOGLOSSIDAE														
S. plagiursa	13		7											
BALISTIDAE														
M. hispidus			6			15			15					
TETRAODONTIDAE														
S. testudineus			17											

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Temporal Dynamics

The data permit examination of monthly-seasonal recruitment patterns along with annual variation in populations. Data on various community parameters, such as number of species, fish densities, biomass, diversity and evenness, in addition to temporal variation in individual species, numbers, spatial distribution and size were collected. However, this analysis will be limited to community parameters with presentation of population data limited to specific abundant species.

Monthly/Seasonal Dynamics - Monthly variation in species at seine and drop net sites are presented in Table 18 and Figure 14. It is evident that most seine stations show their greatest faunal diversity from April through October with peak richness in May, July and August. However, the WAB, JIS and BCV stations may harbor over 20 species, to as high as 31, during the January to March period. The latter two stations are ocean inlet sites where winter water temperatures are typically more moderate (Fig. 8). During the 1974-75 study year the lowest number of species captured at each seine site usually occurred in December. Drop net ichthyofaunas were consistently most speciose from September to November with a moderate spring rise typically occurring in May. At upstream stations 8-11, there was a peak in species in August and September, a trend which did not occur at the inlet stations 14-16 as the inlet stations had higher species numbers later in the fall and early winter.

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Table 18. Station species totals from 1974 to 1975 at all seine stations.

	STATION									
MO	SEB	WAB	LPT	JIS	BMC	JBC	BCV	MEAN	RANGE	STDEV
S	10	22	17		25	17	18	18	10-25	5.12
O	16	23	27	34	21	20	25	24	16-34	5.77
N	17	18	6	23	18	17		17	6-23	5.61
D	7	16	7		8	13	21	12	7-21	5.73
J	12	24	19	31	18	15	18	20	12-31	6.24
F	16	25	15	28	23	23	26	22	15-28	4.96
M	19	24	25	27	17	15	23	21	15-27	4.47
A	16	30	28	26	22	38	25	26	16-38	6.83
M	22	30	15	25	30	33	23	25	15-33	6.13
J	19	32	22	38	22	19	36	27	19-38	8.21
J	28	34	19	29	22	28	37	28	19-37	6.26
A	22	40	22	23	29	28	40	29	22-40	7.93
RANGE	7-28	16-40	6-28	8-38	13-30	15-38	12-40			
MEAN	17	27	19	28	21	23	27			
STDEV	5.69	6.90	7.04	7.32	4.92	7.34	8.69			

	UPSTREAM SEAGRASS STATIONS							SAND STATIONS				
MONTH	8	9	10	11	MEAN	RANGE	SDEV	12	13	MEAN	RANGE	SDEV
S	9	4	8	10	8	4-10	2.63	2	0	1	0- 2	1.41
O	13	11	10	11	11	10-11	1.26	4	2	3	2- 4	1.41
N	9	6	6	9	8	6- 9	1.73	0	2	1	0- 2	1.41
D	5	8	6	5	6	5- 8	1.41	3	3	3	3- 3	0.00
J	6	7	4	4	5	4- 7	1.50	1	1	1	1- 1	0.00
F	5	4	3	8	5	3- 8	2.16	1	3	2	1- 3	1.41
M	6	4	5	5	5	4- 5	0.82	0	1	1	0- 1	0.71
A	7	8	6	6	8	6- 8	0.96	1	2	2	1- 2	0.71
M	12	9	5	7	8	5- 9	2.99	2	3	3	2- 3	0.71
J	6	9	8	5	7	5- 9	1.83	1	1	1	1- 1	0.00
J	5	5	7	9	7	5- 9	1.92	1	2	2	1- 2	0.71
A	4	9	9	9	8	4- 9	2.50	3	0	2	0- 3	2.12
RANGE	4-13	4-11	3-10	4-11				0-4	0-3			
MEAN	7	7	6	7				2	2			
STDEV	2.90	2.37	2.07	2.31				1.24	1.07			

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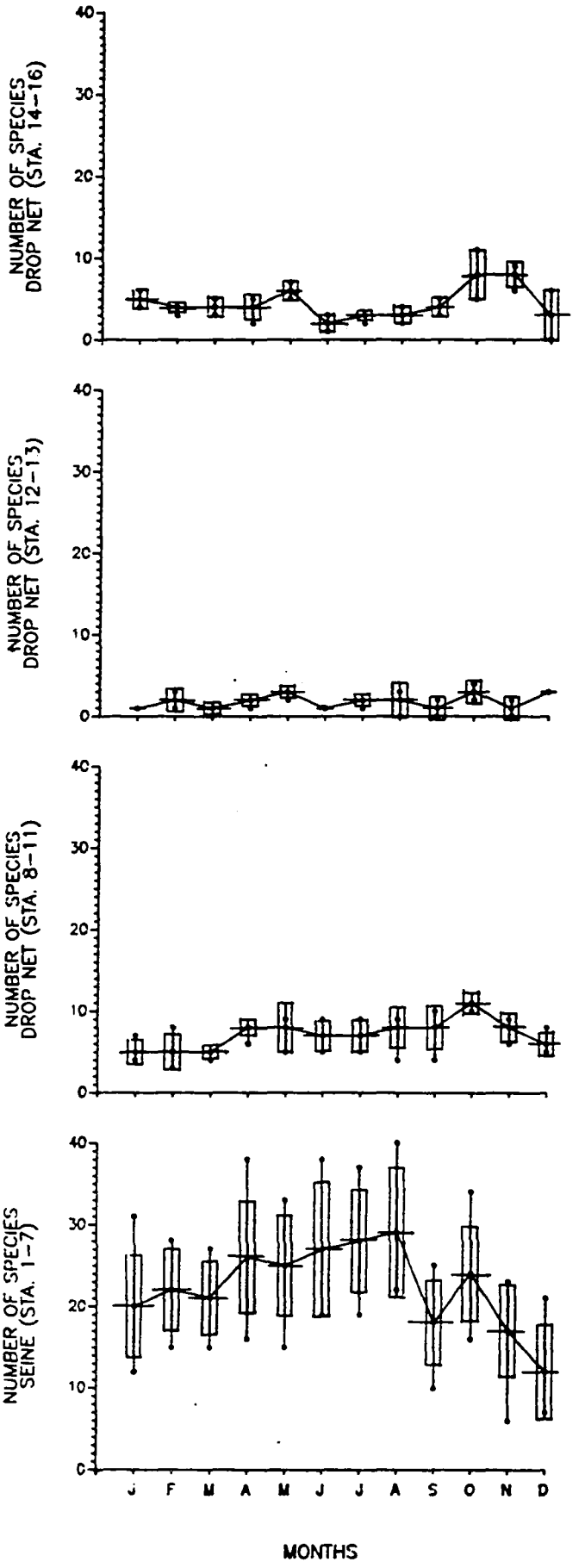
Table 18. Station species totals...continued.

	INLET SEAGRASS STATIONS					
MONTH	14	15	16	MEAN	RANGE	SDEV
S	5	5	3	4	3- 5	1.16
O	8	5	11	8	5-11	3.00
N	9	6	8	8	6- 9	1.53
D	4	6	0	3	0- 6	3.06
J	6	4	6	5	4- 6	1.16
F	4	3	4	4	3- 4	0.58
M	3	5	5	4	3- 5	1.16
A	2	5	4	4	2- 5	1.53
M	5	5	7	6	5- 7	1.16
J	2	1	3	2	1- 3	1.00
J	2	3	3	3	2- 3	0.58
A	2	3	4	3	2- 4	1.00
RANGE	2- 9	1- 6	0-11			
MEAN	4	4	5			
STDEV	2.39	1.49	2.86			

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Figure 14. Monthly variation in number of species at drop net and seine stations (1974-1980), with mean, range and one standard deviation (box) designated

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A statistical treatment of the variation in several basic community parameters is given in Table 19 and Appendix Table 1 which reveal the homogeneity and heterogeneity of the ichthyofauna (A), among months for the same year (1974-75) and seven seine stations, and (B) months for five years using data from the LPT seine station. The number of species differs significantly seasonally and between stations. Variation among months in all community parameters was insignificant ($P \leq 0.05$) diversity (H') based on weight (Table 19[A]). Within-month and annual variation was low over several years and seasonal and monthly community parameters were predictable over several annual cycles (Table 19[B]). The lowest within month variation was in mean individual weight, number of individuals and density with similar results for between year variation. Faunal variation among stations within the same month and year was higher than between years (Table 19 [A]). However, biomass and density showed the greatest relative continuity across sites with evenness (J') based on number of individuals or weight showing insignificant variation (Table 19[A]).

Tables 18 and 19[C], and Figure 14 all show a typical species increase during the warmer months with a slight mid-summer drop. These trends can also be easily observed in Appendix Tables 1 - 4 which graphically depict the seasonal variation in the same community parameters presented in Table 19. The Appendix Table 3 data are derived from a single year while that of Table 4 is for five years. Diversity indices also follow this general seasonal pattern though evenness is a little less predictable and even showed a late fall-early winter increase.

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Table 19. Two-way ANOVA analyses on variation in fish community parameters and seagrass community parameter means among:

(A) months (columns) for the same year (1974-75) and seven seine stations (rows) using a variety of community parameters. * = $P \leq 0.05$.

PARAMETER	MONTH $F_{[8]}$	STATION $F_{[6]}$	MEAN	RANGE	STDEV
NO. SPECIES	2.71*	5.39*	22.7	6-40	7.5598
NO. INDIVID.	1.29	10.03*	13287	105-144199	24571.0
DENSITY NO/M^2	1.29	10.03*	11.45	0.09-124.31	21.18
WGT	1.15	3.29*	9072.2	94-69464	10124.0
BIOMASS G/M^2	1.03	3.22*	7.86	0.08-59.88	8.715
H'(no.)	1.57	4.22*	0.9825	0.028-2.261	0.7044
J'(no.)	1.25	1.22	0.1559	0.035-0.596	0.1114
H'(wgt.)	2.86*	2.91*	1.4447	0.141-2.767	0.6039
J'(wgt)	1.23	1.87	0.2248	0.063-0.605	0.1072

(B) months (columns) for five years (rows) using same community parameters as in (A) except for diversity and evenness indices. All parameters are from the LPT seine station. * = $P \leq 0.05$

PARAMETER	MONTH $F_{[11]}$	YEAR $F_{[4]}$	MEAN	RANGE	STDEV
NO. SPECIES	1.62	1.63	20.7	1-37	7.2110
NO. INDIVID.	1.10	1.38	9625	1-82072	13921.0
DENSITY NO/M^2	1.10	1.38	8.297	0.0009-70.75	12.00
WGT	1.17	0.68	9359.5	0.1-94477	15010.0
BIOMASS G/M^2	1.17	0.68	8.07	0.00009-81.45	12.94
MEAN INDIV. WGT. (G)	0.86	0.36	2.79	0.10-38.90	5.55

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Table 19. Community statistics...continued.

(C). Seagrass fish community parameter means for seine stations 1-7, September 1974 to August 1975. Stations arranged in increasing distance from nearest ocean inlet.

STATION	NO. SPECIES	NO. INDIV.	DENSITY NO./M	BIOMASS WGT(G)	BIOMASS G/M	H'. NO.	J' NO.	H' WGT.	J' WGT.	INDIV. WGT
JIS(4)	28.4	1753	1.5	10480	9.0	1.6	0.2	1.7	0.2	7.38
BCV(7)	26.6	3755	3.2	8322	7.2	1.3	0.2	1.6	0.2	5.44
SEB(1)	17.0	2945	2.5	5162	4.5	0.9	0.2	1.4	0.3	10.00
LPT(3)	18.5	13165	11.3	7387	6.6	0.8	0.2	1.2	0.2	1.82
WAB(2)	26.5	3503	3.0	6591	5.7	1.2	0.2	1.9	0.3	2.01
JBC(6)	22.2	20694	17.8	6099	5.3	0.8	0.1	1.3	0.2	2.27
BMD(5)	21.3	44478	38.3	19636	16.1	0.4	0.1	1.1	0.2	0.56

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Fish densities were generally high during the winter (means of 11.64 - 26.43 individuals/m^2), particularly in December and January, and declined from February into April and May (Appendix Tables 3,4; Tables 20, 21; Fig. 15). From May through August densities usually remained low (means of 2.06 - 5.13 individuals/m^2) except for exceptional ephemeral increases in recruitment, which may occur at any time between May and July (means of 10.38 - 20.48 individuals/m^2)(Appendix Table 3,4). Fish densities steadily increased during the fall to the winter peak (maximum density of 124.31 individuals /m^2). Biomass differed somewhat, in that although there was typically a spring decline in biomass, from a January mean high between 8.134 - 22.65 g/m^2, biomass generally increased from May to September. May means were from 2.88 to 12.05 g/m^2, increasing to a September mean of 3.45 to 13.40 g/m^2. Fall biomass means declined as densities increased, revealing the decline in mean individual size illustrated by the mean individual weight plots (Appendix, Tables 3 and 4).

The autumnal increase in fish densities and decline in mean biomass is due not only to an increase in larval or juvenile recruitment to seagrass beds, but also due to a major influx of planktivorous engraulids, mainly Anchoa mitchilli. This increase is followed by a young of the year recruitment of gulf menhaden, Brevoortia smithi, during the winter. Autumn is also a period when large numbers of larval white mullet, Mugil curema migrate into the estuary, in addition to the increased abundance of the gobiids G.

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Table 20. Monthly distribution of gobiid fishes at all drop net stations.

Gobiosoma robustum	STATIONS									
MO.	LPT-8	LPT-9	LPT-10	RDI-11	SND-12	SND-13	JIS-14	JIS-15	JIS-16	TOTAL
JAN	28	4	10	17	4	1				64
FEB	1	5	5	14	2					27
MAR	12	10	2	1						25
APR	24	15	10	2						51
MAY	39	8	1	2		3		1	2	56
JUN		2	11	4						17
JUL	23	8	109	14						154
AUG	5	21	28	19	1			1		75
SEP	20	38	125	44						227
OCT	131	814	166	4					1	1343
NOV	105	26	8	44				1		184
DEC	11	4	13	60		1	1			90

Microgobius gulosus	STATIONS									
MO.	LPT-8	LPT-9	LPT-10	RDI-11	SND-12	SND-13	JIS-14	JIS-15	JIS-16	TOTAL
JAN	3	4	1	1						9
FEB				1		1				2
MAR			1	1						2
APR			2	1						3
MAY	5									5
JUN	JUL	1	2							3
AUG	1	13	9	3	2					28
SEP	4		4	11						19
OCT	10	7	6	5	4	1				33
NOV	2		2	1						5
DEC		6	1	2	1	1				11

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robustum and M. gulosus (Table 18) and syngnathids S. scovelli and S. louisianae, in association with large accumulations of drift algae typical of the late summer and fall period (Gore, et al. 1981; Kulczycki et al. 1981). However, the predictable monthly pattern in fish densities and biomass observed over several annual cycles cannot be greatly influenced by drift algal associates due to high seasonal variability in the drift algal substrate (Virnstein and Carbonara 1985). Another major group which reaches its maximum population density in seagrass beds from August to November are the gerreids, Diapterus auratus, Eucinostomus gula and E. argenteus (Table 21). However, these species show variable increases in numbers throughout the year indicating multiple spawning activity (also verified by length frequency distribution patterns not presented above). This is principally a post-larval recruitment period for these species.

A variety of warm temperate species recruit to the seagrass beds during the winter and spring from January to May as demonstrated in an abbreviated list of the most abundant species (Table 21). The most notable seagrass species are the sparids, Lagodon rhomboides (Fig. 15) and Archosargus probatocephalus; the atherinids, Menidia beryllina and Membras martinica; gulf pipefish, Syngnathus scovelli, red drum, Sciaenops ocellata, ladyfish, Elops saurus, pigfish, Orthopristis chrysoptera, and the northern sennet, Sphyreana borealis. Two notable warm water species also recruit during this period of the year, the bonefish, Albula vulpes and the fringed filefish, Monacanthus hispidus. Several of these species can be quite abundant (i.e. L. rhomboides), therefore, contributing greatly to seagrass fish

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Table 21. Species groups derived from an inverse Czeckanowski temporal cluster analysis using number of individuals (LN[x+1] transformed) per month for all seine stations taken from September 1974 to August 1975. * = warm temperate species.

		MONTH											
	SPECIES	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG
GROUP I													
A	D.auratus	1922	1555	1730	376	818	494	257	93	80	260	1149	1176
	E.hareng.	393	1098	971	77	327	757	328	535	1030	454	827	1348
	E.gula	248	630	127	86	226	257	237	116	76	51	580	1013
B	*M.martin.	2	34	87	119	78	41	47	129	312	22	16	68
	*M.penin.	45	93	107	143	68	102	299	835	236	278	247	89
C	*B.chrys.	70	265	4	24	77	63	62	362	366	407	430	295
	*L.rhom.	141	79	9	1	169	1248	1171	1598	1641	813	927	776
GROUP II													
A	*S.scov.	3	11	4	3	26	45	49	36	24	15	10	15
	*S.ocel.	2	5	0	3	30	13	4	2	1	0	1	3
B	S.louis.	1	6	8	7	4	7	9	9	13	13	30	11
	*G.robust.	0	5	5	16	23	9	3	6	0	6	6	33
C	*M.hispid.	0	7	2	0	21	7	5	45	2	10	14	12
	*E.saurus	0	4	0	0	143	39	3	1	1	0	0	4
D	A.vulpes	1	0	1	0	13	59	37	8	54	19	2	0

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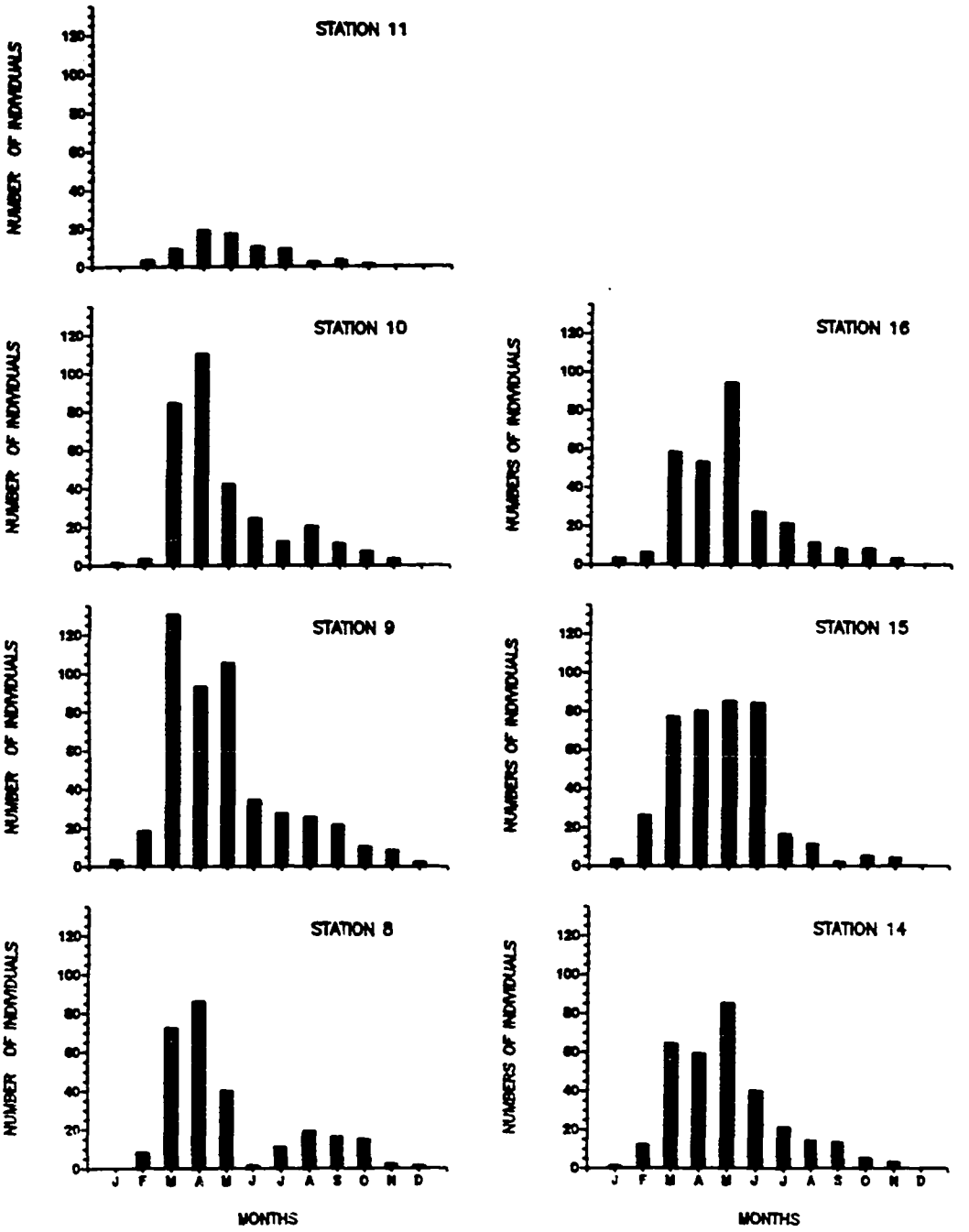
Table 21. continued.

SPECIES		MONTH SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG
GROUP III													
A	O.saurus	2	22	20	1	0	0	1	0	23	115	43	18
	H.parrai	4	42	6	1	0	20	1	51	3	27	153	197
B	L.analis	2	11	11	2	1	1	1	7	15	28	43	31
	S.timucu	9	10	12	0	2	31	37	21	16	25	27	33
C	L.synag.	3	92	31	4	5	9	3	18	48	54	55	53
D	G.smarag.	0	47	5	0	2	3	3	0	1	0	0	0
E	*C.nebul.	2	10	1	1	0	2	0	14	46	27	25	31
	H.unifas.	3	7	5	0	0	2	4	3	9	18	1	12
F	T.falc.	4	4	132	10	0	6	1	57	31	50	5	12
	S.notata	30	3	48	0	1	4	1	18	43	56	38	59
GROUP IV													
A	S.barra.	38	19	4	1	5	8	2	3	14	47	83	107
	L.gris.	48	16	0	2	1	0	4	1	6	3	20	34
B	*O.chrys.	46	0	0	0	2	190	309	272	281	58	56	6
	C.undec.	15	2	0	1	2	0	6	0	4	3	10	14
GROUP V													
	*A.probato.	3	0	0	0	1	17	27	14	32	4	4	7
	*S.borealis	0	0	0	0	1	8	7	30	8	0	0	0

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Figure 15. Monthly variation in number of L. rhomboides collected at drop net stations.

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densities during the winter and early spring.

Warm water species recruiting from March to August generate the great increase in seagrass fish community diversity during this period. The most notable species immigrating to the seagrass meadow during this season are the silver perch (Bairdiella chrysoura), chain pipefish (S. louisianae), leatherjacket (Oligoplites saurus), sailor's choice (Haemulon parrai), snappers (Lutjanus synagris, L. analis and L. griseus), needlefishes (Strongylura timucu and S. notata), halfbeak (Hyporhamphus unifasciatus), spotted seatrout (Cynoscion nebulosus), great barracuda (Sphyraena barracuda), and snook (Centropomus undecimalis). An abundant summer season planktivore during this period is the scaled sardine (Harengula jaguana).

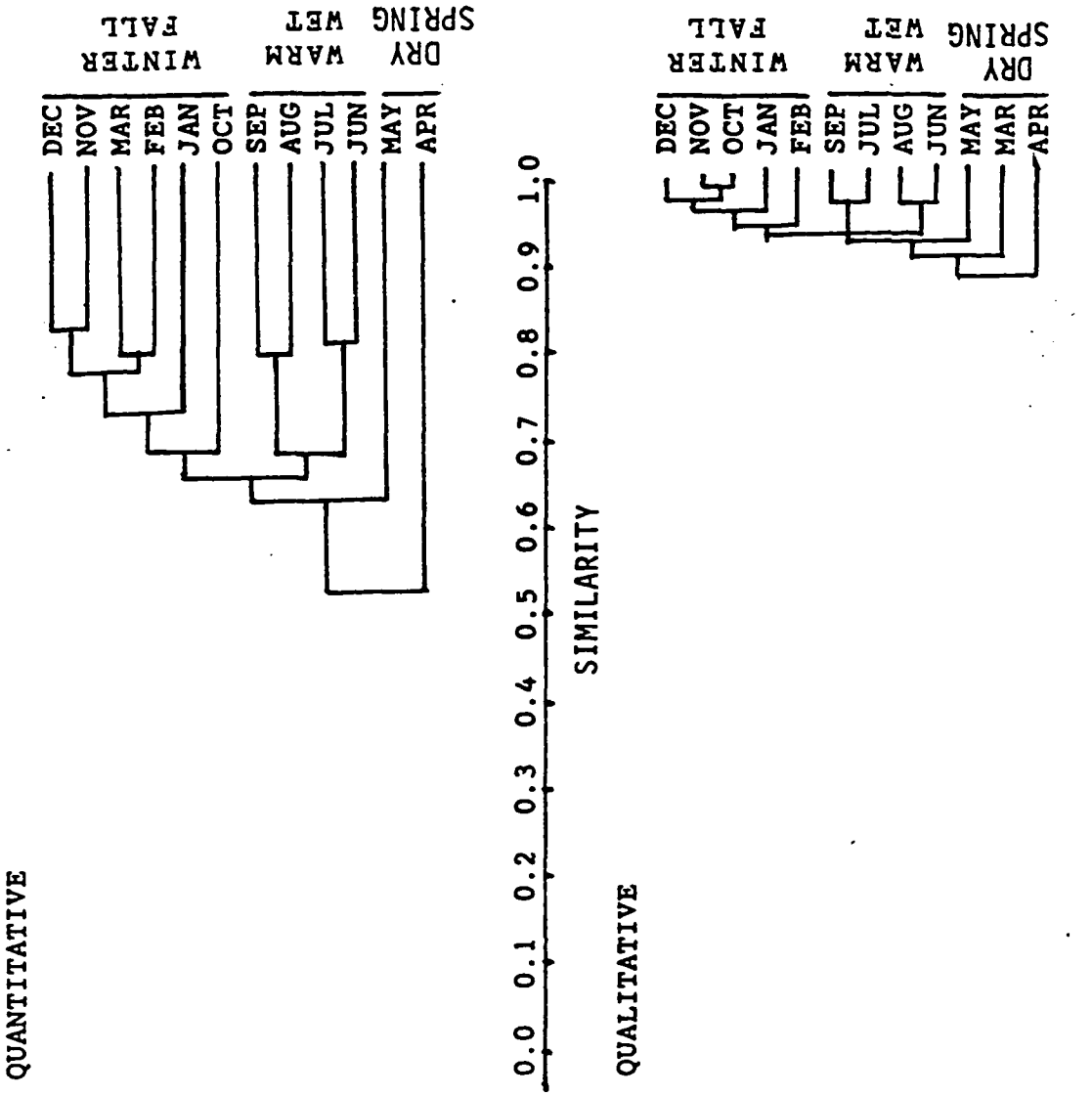
The seasonal continuity was examined with a similarity analysis of the species presented in Table 21. The qualitative and quantitative seasonal patterns are quite similar, with the dry spring months of April and May consistently revealing the lowest similarity (Fig. 16).

Annual Variability - Community parameters were already presented and were significantly predictable (i.e. insignificant variation) on a monthly basis when compared over several annual cycles (Table 19). The distinctness and predictability of the quantitative and qualitative nature of the fauna at a specific site becomes more apparent when several annual cycles of collections are compared. The quantitative cluster on number of individuals presented in Figure 17 reveals the similarity of the LPT, WAB and JIS stations with time. In addition, the southern inlet stations (JIS, BCV) still cluster as do

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Figure 16. Temporal dendrograms based on quantitative using LN(x+1) transformed number of individuals and qualitative Czechanowski similarity indices of species presented in Table 22. Note that March is a transitional month between Winter-Fall and Dry-Spring.

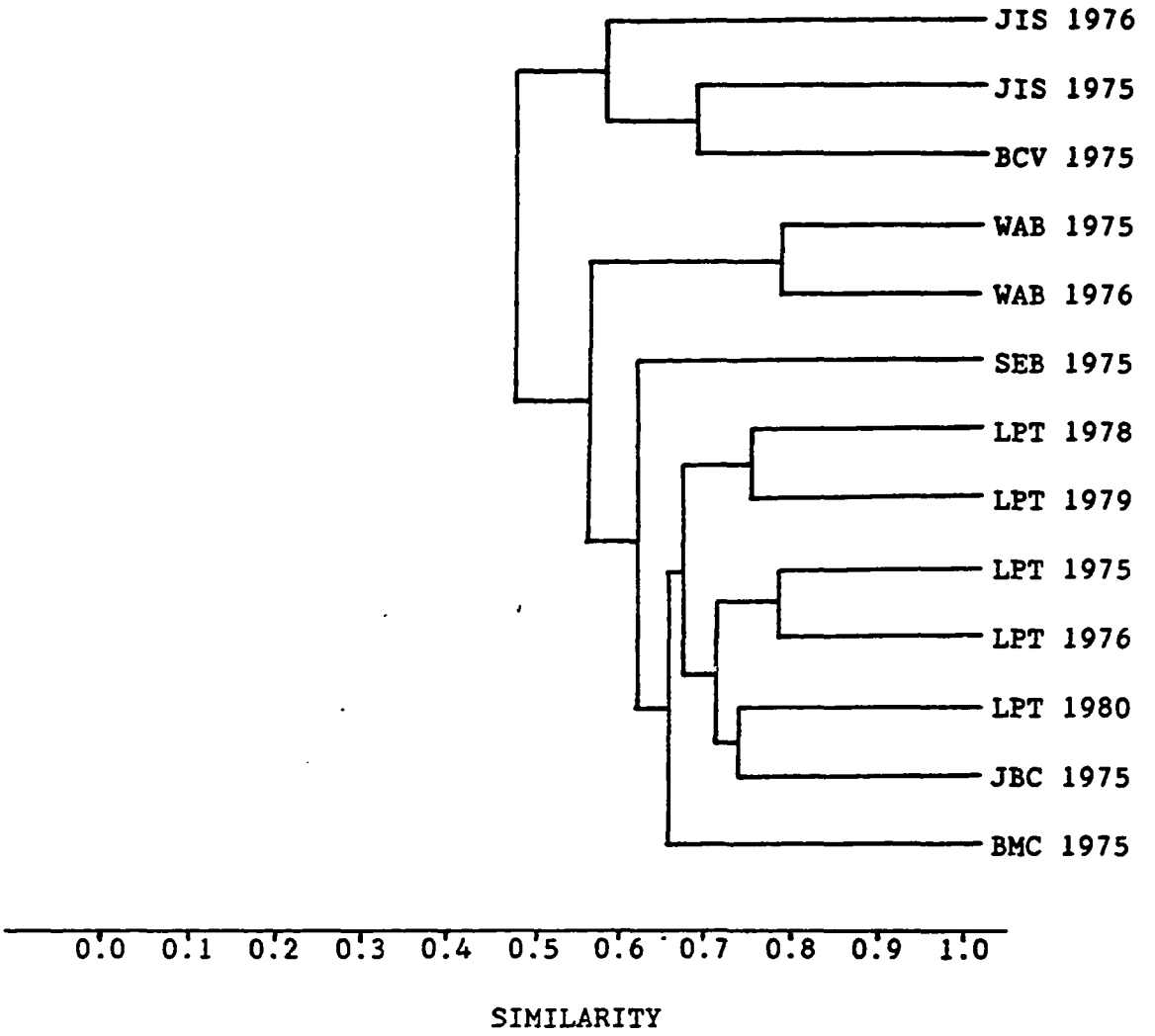
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Figure 17. Dendrogram based on Czechanowski quantitative similarity analyses using LN(x+1) transformed number of individuals from seine stations.

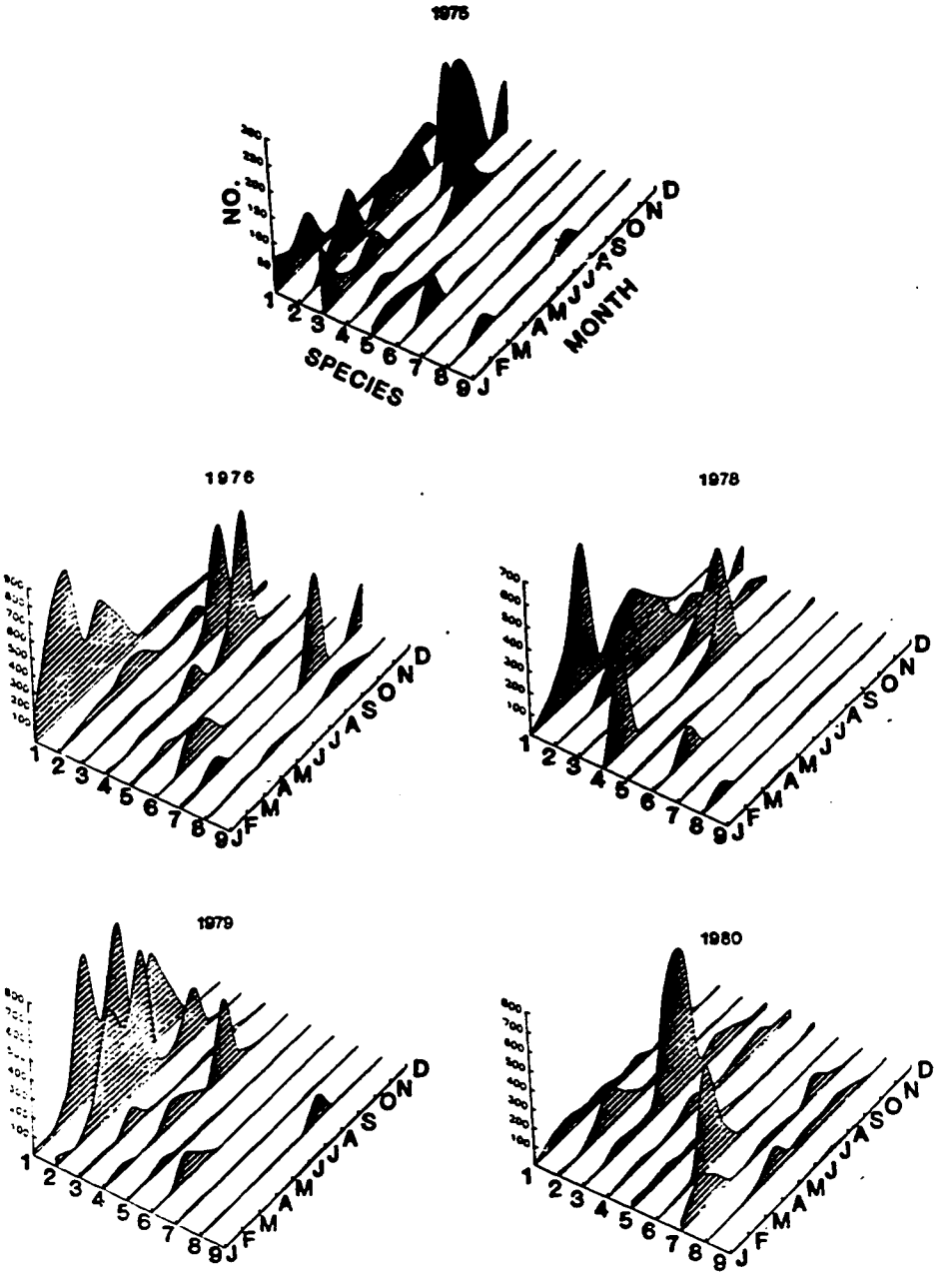
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Figure 18. Three-dimensional plots of monthly and annual variation in numerical abundance of nine abundant seagrass fish species at LPT. 1 = L. rhomboides; 2 = B. chrysoura; 3 = D. auratus; 4 = E. gula; 5 = S. scovelli; 6 = O. chrysoptera; 7 = G. robustum; 8 = E. harengulus; 9 = H. zosterae.

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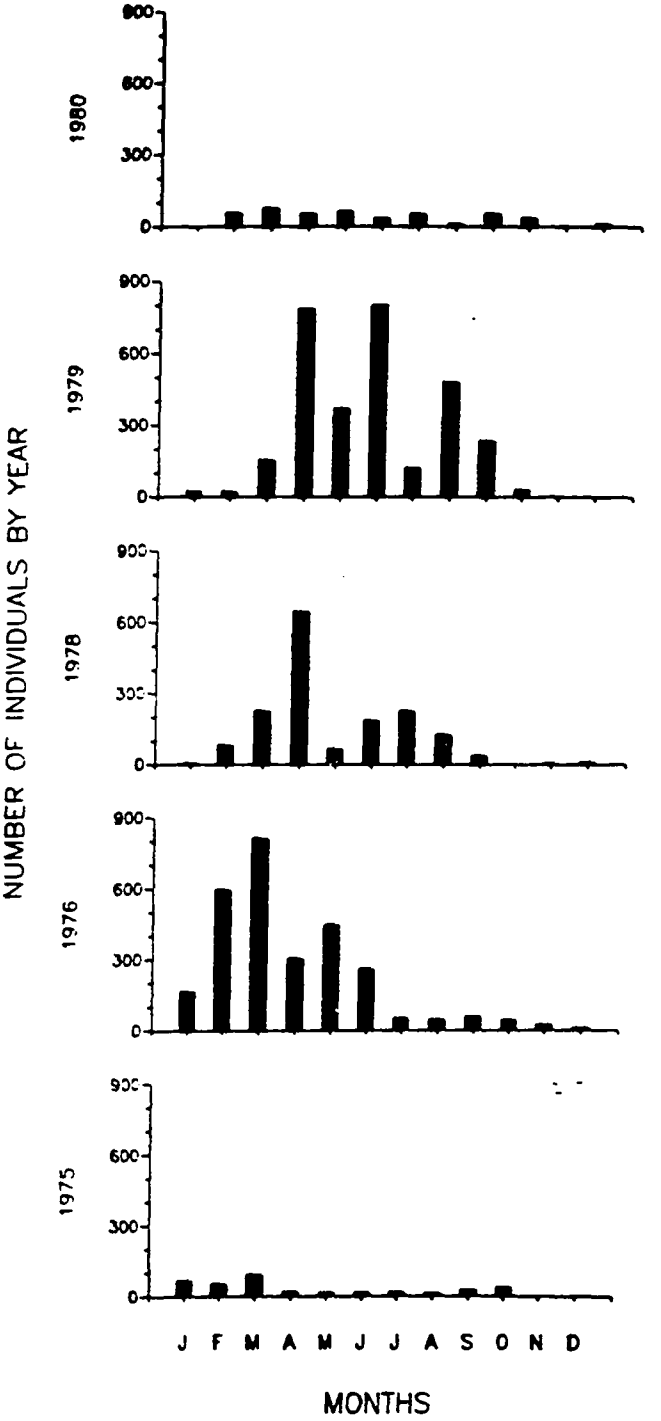
the southern upstream stations (JBC, BMC), while the northernmost stations at SEB and WAB remain distinct from the other sites. Therefore, the respective upstream and inlet ichthyofaunas appear to keep their distinctive character over several annual cycles. However, Figure 18 illustrates the potential quantitative variability in the nine most common epibenthic and neritic fishes occurring at LPT from 1975 to 1980, while Figure 19 illustrates the annual variation in recruitment of pinfish.

Cluster analyses reveal some patterns in quantitative variation over the five years compared (Fig. 20). The species used for these analyses are divided into schooling pelagic planktivores or schooling detritivores and generally dispersed, epibenthic and neritic carnivores (including some omnivores) (Fig. 20, Tables 22 and 23). Both clusters show some relationship between the first and last year of the survey, two years which had higher mean salinities (lower rainfall) and higher mean temperatures than the intermediate years. However, some planktivorous species were abundant during the first year and declined near the end of the survey (Table 22, Group II,A), while others increased variably throughout the period (Group I). However, the most numerous species captured, the bay anchovy (A. mitchilli) was caught in higher numbers during the first and last years as was Group III,A, the rough silverside (Membras martinica) and the Spanish sardine (Sardinella aurita). A similar pattern can be seen in the Group III fish of Table 23, all ocean inlet associates, though it is evident that the majority of species do not follow this pattern. The most abundant epibenthic and neritic species are generally abundant throughout all study years. However, an

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Figure 19. Annual variation in recruitment of L. rhomboides at the LPT seine station.

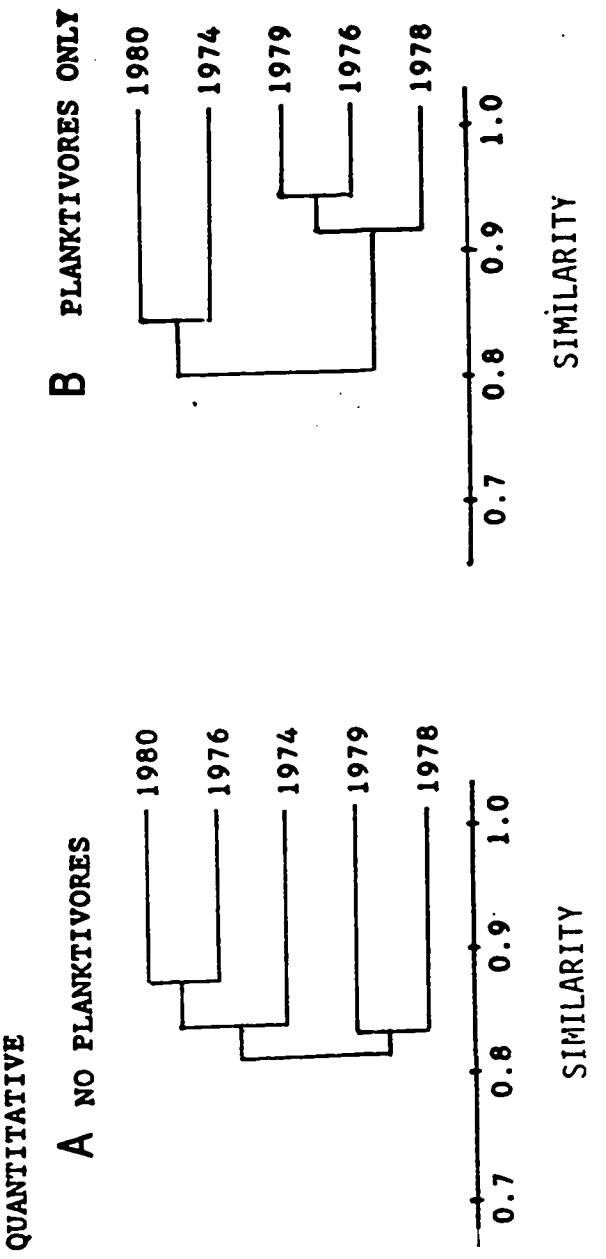
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Figure 20. Dendrogram based on Czechanowski quantitative similarity analyses using number of individuals from the LPT seine station (A) without schooling planktivores (from Table 23) and (B) with schooling planktivores (Table 22).

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Table 22. Planktivorous species distributions based on inverse cluster analysis on annual variation data from the LPT seine station. * = first and second largest catch.

SPECIES		1974	1976	1978	1979	1980
GROUP I						
A	O. oglinum	41	521*	59	481	1389*
	B. smithi	6	1191*	154	129	998*
	M. curema	36	17	12	50*	493*
B	M. cephalus	15*	9	5	40*	7
	M. peninsulae	11	69*	521*	69*	2
GROUP II						
A	H. jaguana	4218*	2739*	2124	696	83
	A. hepsetus	1449*	543*	12	610	221
	A. lyolepis	11910*	656*	4	11	35
B	A. mitchilli	137417*	105250	14711	77241	164754*
GROUP III						
A	M. martinica	61*	7	3	1	16*
	S. anchovia	246*	3	1	0	599*
B	A. cubana	0	2	0	0	545*
GROUP IV						
	D. pentenense	0	0	0	16	0
	A. lamprotaenia	0	0	0	1	0

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Table 23. Species distributions based on inverse cluster analysis on annual variation data from the LPT seine station. * = first and second largest catch.

SPECIES		1974	1976	1978	1979	1980
GROUP I						
A	S. scovelli	91	187*	60	104	270
	E. harengulus	75	209*	113	157	368
	O. chrysoptera	82	403*	161	232	754
B	L. rhomboides	319	2797*	1579	3045*	338
	B. chrysoura	613	640	990*	2215*	535
	E. gula	191	1259*	956*	756	405
	D. auratus	789	970*	620	209	1765*
C	G. robustum	21	987*	18	3	591*
GROUP II						
A	S. louisianae	15	29	23	41*	45*
	C. nebulosus	14	22	56*	44*	34
	O. saurus	39*	23	34	36	41*
	S. barracuda	16	14	20	35*	24*
	S. notata	29	26	95*	85*	48
B	E. saurus	12	10	10	130*	77*
	C. undecimalis	13	8	5	92*	87*
C	M. gulosus		9	17	75*	27*
GROUP III						
A	L. synagris	10*	7*	0	1	7*
	A. rhomboidalis	4*	5*	1	1	5*
B	M. hispidus	10*	4*	2	4*	3
	H. parrai	11*	23*		5	5
C	L. analis	1	6*		4	5*
GROUP IV						
A	H. unifasciatus	8*	2	13*	1	7
	H. zosterae	6	3	11*	8	19*
B	S. nephelus	1	1	4*	13*	2
GROUP V.						
A	T. falcatus	140*	7*	2	4	1
	S. timucu	13*	16*	10	1	1

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interesting pattern can be seen in the pinfish, L. rhomboides, being abundant during the intermediate years and not during the first and last years (Fig. 19), while another abundant species, the Irish pompano, D. auratus, follows an opposite pattern (Table 23). The pinfish is a warm temperate species, while the Irish pompano is a tropical species. A significant period of hypothermal mortality occurred during January and February in 1976 and 1977 in which considerable numbers of Irish pompano were killed (Gilmore, et al. 1978a). Table 24 lists the number of individuals captured and the ambient water temperature at the time of capture for both the pinfish and Irish pompano throughout the study period. The largest number of pinfish captured during the six year period were collected one month after the severe hypothermal mortalities of tropical species were recorded, during January - February 1977. During this period heavy hypothermal mortality of D. auratus occurred and this species was not captured in significant numbers until late 1978. An additional species, B. chrysoura is included to show an ambiguous pattern.

Fishes at higher trophic levels also revealed changes in population as a group, as there is an inordinate number of top carnivores in Group II (Table 23) which all increase in abundance during the study, while two warm water species, T. falcatus and S. timucu (Group V) decrease.

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Table 24. Late fall through early spring distribution of three abundant species from collections made from 1974 to 1980 at the LPT seine station with temperature (C°) for time of collection.

Lagodon rhomboides

YEAR	NOV.(C°)	DEC.(C°)	JAN.(C°)	FEB.(C°)	MAR.(C°)	APR.(C°)
1974-75	0 (19)	0 (15)	65 (18)	50 (24)	89 (25)	15 (24)
1975-76	7 (22)	0 (16)	165 (16)	595 (16)	812 (22)	304 (25)
1976-77	21 (21)	8 (18)	9 (12)	63 (16)	1040 (27)	1050 (23)
1977-78	40 (22)	24 (18)	5 (17)	81 (13)	225 (20)	643 (24)
1978-79	2 (24)	6 (18)	23 (18)	22 (17)	153 (19)	782 (28)
1979-80	1 (22)	0 (18)	0 (19)	57 (14)	76 (23)	51 (24)

Diapterus auratus

1974-75	8 (19)	98 (15)	132 (18)	45 (24)	25 (25)	62 (24)
1975-76	38 (22)	10 (16)	3 (16)	4 (16)	19 (22)	25 (25)
1976-77	37 (21)	35 (18)	13 (12)	0 (16)	0 (27)	0 (23)
1977-78	3 (22)	0 (18)	0 (17)	3 (13)	0 (20)	0 (24)
1978-79	69 (24)	23 (18)	13 (18)	15 (17)	8 (19)	108 (28)
1979-80	6 (22)	2 (18)	5 (19)	2 (14)	54 (23)	38 (24)

Bairdiella chrysoura

1974-75	0 (19)	0 (15)	0 (18)	6 (24)	56 (25)	118 (24)
1975-76	40 (22)	0 (16)	2 (16)	23 (16)	53 (22)	63 (25)
1976-77	45 (21)	60 (18)	3 (12)	1 (16)	20 (27)	217 (23)
1977-78	30 (22)	2 (18)	0 (17)	0 (13)	0 (20)	136 (24)
1978-79	2 (24)	111 (18)	46 (18)	2 (17)	113 (19)	541 (28)
1979-80	1 (22)	0 (18)	13 (19)	2 (14)	66 (23)	196 (24)

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Spatial - Temporal Guilds

The spatial and temporal distribution of 45 representatives of the top species (Table 6) was predictable over several annual cycles, and these species which are used to designate specific ichthyofaunal associations or guilds of species which have similar distributions in time and space. These species also have variable zoogeographic distributions with nearly equal representation of tropical, eurythermic tropical and warm temperate species. Table 25 presents a two dimensional spatial - temporal distribution of these top species for which some life history data is available in the literature. These abundant species are used to define the seagrass ichthyofaunal guilds. Zoogeographic distributions and location of spawning, when known, are also designated. Eighteen, or 43%, are upstream associates, while 29% are inlet associates and 29% are common to both locations. The temporal groups are evenly divided between warm - wet and cool - dry season associates, as 38% reach their greatest numbers in seagrass meadows during the warm wet season, while 38% are most abundant during the cool dry season, leaving 24% showing periodic population increases during both seasons. A review of these groups reveals that several congeneric species show spatial - temporal separation, e.g. Lutjanus analis/synagris and L. griseus, Mugil curema and M. cephalus, Syngnathus scovelli and S. louisianae, A. mitchilli from A. hepsetus, from A. cubana). On the family level several genera separate in the sciaenidae, gobiidae, and clupeidae with species of diverse zoogeographic affinity.

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Table 25. Spatial - temporal species guilds. Zoogeographic affinities are designated, Tp = tropical, ETp = eurythermic tropical, WTem = warm temperate. Spawning activity is designated as: [1] = documented spawning activity within the Indian River lagoon (Mok and Gilmore, 1983; Dahlberg, 1970); [2] preliminary evidence indicates estuarine spawning within the lagoon or literature documents estuarine spawning elsewhere within the species range.

	SEASONS		
LOCATIONS	WARM - WET	both	COOL - DRY
INLET	H. jaguana ETp	A. hepsetus WTem	A. cubana Tp
	S. aurita ETp		G. stimaturus Tp[1]
	S. louisianae WTem		S. borealis WTEm
	T. falcatus Tp		M. hispidus ETp
	L. analis Tp		
	L. synagris Tp		
	H. parrai Tp		
both	O. oglinum ETp	A. mitchilli WTem[1]	A. lyolepis Tp
	S. notata Tp[2]	S. timucu Tp[1]	O. chrysoptera WTem
	B. chrysoura WTem[1]	E. gula ETp[2]	
		E. harengulus ETp[2]	
		D. auratus Tp[1]	
		L. rhomboides WTem[2]	
		G. boleosoma ETp[1]	
UPSTREAM	H. unifasciatus ETp[2]	C. undecimalis Tp	B. smithi WTem[1]
	O. saurus ETp	G. robustum WTem[1]	E. saurus ETp
	L. griseus ETp		A. vulpes Tp
	C. nebulosus WTem[1]		M. peninsulae WTem[1]
	S. barracuda Tp		M. martinica WTem[1]
	M. curema ETp		S. scovelli WTem[1]
			A. probatoceph. WTem
			S. ocellata WTem[1]
			L. xanthurus WTem[2]
			M. cephalus ETp

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Zoogeographic affinities are basically polarized between upstream and inlet species guilds. Inlet faunas are numerically dominated by tropical species while upstream sites contain more warm temperate species (Tables 25 and 26). Seasonal distributions follow a predictable pattern with warm temperate species being more abundant in the cool dry season, tropical species the warm wet season.

Of the 14 species which are known estuarine spawners half spawn principally at upstream sites, six at either location, inlet or upstream, and one at the inlet (a gobiid; Tables 25 and 26). Those predicted to spawn in the estuary are equally divided between upstream species and ubiquitous species. Nearly half of the known estuarine spawners do so during the cool-dry season, four (29%) throughout the year and three only during the warm wet season. Those which are predicted to spawn within the estuary (i.e. estuarine spawning not adequately documented) occur in numbers throughout the year. Therefore, the species guilds designated reveal some continuity in zoogeographic distribution and choice of spawning site.

To recapitulate, the general pattern observed shows three inlet groups and three upstream groups, the inlet groups being principally of tropical affinity with warm wet season population increases and warm wet season spawning activity. The upstream group is mostly an eurythermic tropical or warm temperate group with spawning activity during the cool dry season or throughout the year. In the upstream group there is nearly equal division between upstream and ubiquitous estuarine species. In addition to these groups there is an euryeocious group which occurs in relatively large numbers throughout the estuary (gerreids, L. rhomboides, and G. boleosoma),

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Table 26. Number of species in zoogeographic and spawning categories from the macrospatial - temporal guilds designated in Table 27.

	LOCATION			SEASON		
	INLET	BOTH	UPSTREAM	WARM/WET	BOTH	COOL/DRY
TROPICAL	7 (15%)	4 (9%)	3 (7%)	7 (15%)	3 (7%)	4 (9%)
EURYTHERMIC TROP.	3 (7%)	4 (9%)	6 (13%)	7 (15%)	3 (7%)	3 (7%)
WARM TEMPERATE	3 (7%)	4 (9%)	9 (20%)	3 (7%)	4 (9%)	9 (20%)
ESTUARINE SPAWNERS						
VERIFIED	1	6	7	3	4	6
PREDICTED		2	2	1	2	1

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with potential spawning throughout the estuary and with no particular zoogeographic affinity.

If these macrospatial - temporal guilds are compared with the eight erected earlier with the same species but using trophic, behavioral and microspatial criteria (Table 7) we find that nearly all macrospatial locations (i.e. inlet or upstream sites) have a representation of these eight. Table 27 presents the macrospatial - temporal arrangement combined with the Table 7 microspatial, behavior, trophic guild designation.

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Table 27. Spatial - temporal species guilds. Microspatial - behavioral trophic guilds from Table 7 are designated with roman numerials from Table 7.

	SEASONS		
	WARM - WET	both	COOL - DRY
LOCATIONS			
INLET	H. jaguana I S. aurita I S. louisianae II T. falcatus V L. analis VIII L. synagris VIII H. parrai V	A. hepsetus I	A. cubana I G. stimaturus III S. borealis VII M. hispidus III
both	O. oglinum I S. notata VII B. chrysoura VIII	A. mitchilli I S. timucu VII E. gula V E. harengulus V D. auratus V L. rhomboides IV G. boleosoma III	A. lyolepis I O. chrysoptera V
UPSTREAM	H. unifasciatus I O. saurus VII L. griseus VIII C. nebulosus VIII S. barracuda VII M. curema I	C. undecimalis VIII G. robustum III	B. smithi I E. saurus VII A. vulpes V M. peninsulae I M. martinica I S. scovelli II A. probatoceph. IV S. ocellata VIII L. xanthurus V M. cephalus I

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DISCUSSION

One hundred and sixty-four fish species were captured in the seagrass meadows of the Indian River lagoon between latitude 27°52' N. and 27°10'N. from 19 March 1974 to 18 December 1980. Over 99.9% of the numerical catch was contributed by 53 species (i.e. over 100 individuals captured for each species). Forty-five species are considered principal seagrass species due to their numerical abundance and high frequency of occurrence in seagrass samples.

Habitat Specificity

The Seagrass Community vs. Other Communities - The seagrass fauna is basically distinct from those of adjacent mangrove swamp and herbaceous halophyte salt marshes based on intensive collections made in both habitats using multiple and complimentary gear types. The mangrove swamp and salt marsh ichthyofaunas are dominated by cyprinodontids and poeciliids with common occurrence of detritivorous mugiliids and predaceous centropomid and elopids (Lewis et al. 1985; Gilmore 1987). Marginal red mangrove prop root zones support a wider variety of species, many of which are shared with adjacent seagrass meadows. Species overlap between the two habitats occurs with ontogenetic development in mugilids, Centropomus undecimalis, Lutjanus griseus, Haemulon parrai, Archosargus probatocephalus, Diapterus auratus, Eucinostomus harengulus, Leiostomus xanthurus, Sciaenops ocellatus, Sphyraena barracuda, Microgobius gulosus, Gobionellus

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smaragdus and Achirus lineatus. This overlap demonstrates the euryeocious nature of these particular species and a distribution pattern which may also be associated with changes in microhabitat preference with ontogeny, a hypothesis which could be examined with the present collections but is beyond the scope of this treatment. Thayer et al. (1984) have also discussed the habitat overlap for a number of these species and the habitat transition in C. undecimalis has been discussed in detail in Gilmore et al. 1983. Conspicuously absent from the mangrove swamp are planktivorous engraulid and clupeid fishes, except for the occasional invasion of tidal creeks by Brevoortia smithi and Anchoa mitchilli. Also absent are the syngnathid, and gobiid species so characteristic of the adjacent seagrass meadow. There is a different suit of gobiid species present in seagrass beds. In addition, the very abundant and ubiquitous seagrass species, the pinfish, Lagodon rhomboides, occurs only rarely in the mangrove swamp, and then only in open tidal creeks.

This habitat comparison differs greatly from the recent account of Thayer et al. (1987) on most accounts except that they found, as described in this account, that cyprinodontiform fishes are more abundant in mangrove systems and Lagodon rhomboides is more abundant in seagrass meadows. However, the cyprinodontids which Sogard et al. (1987), Schooley (1977) and the present study consider most indicative of seagrass beds, the Thayer et al.(1987) study found to be abundant as mangrove associates (Floridichthys carpio and Lucania parva). Thayer also found a greater biomass (15.0 g/m^2 versus 0.8 g/m^2) and fish density in the mangrove prop root zone than in adjacent seagrass

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beds. Much of Thayer's comparative community results must be discounted as he used two significantly different collection techniques to compare the two habitats: rotenone fish toxicants to kill fish in the mangrove prop root zone and the quite inefficient trawl net in the seagrass bed. Rotenone and trawl techniques have been recently compared by Gray and Bell (1986). These authors demonstrated the inadequacy of trawls in estimating fish density and biomass in seagrass beds. In contrast to Thayer's results we have captured in abundance in seagrass beds many of the species which he found more abundant in the mangrove fringe and have obtained comparable biomass and density estimates from seagrass meadows (mean biomass 8.8 g/m^2, range 0.00009 to 81.45 g/m^2; density 8.6 $/m^2$, range of 0.0009 to 124.3 $/m^2$). Studies of mangrove communities adjacent to these seagrass study sites have produced mean biomass and fish densities of 4.54 g/m^2 (range 0.0033 - 71.7722 g/m^2) and 9.78/m^2(range 0.024 - 193.035 $/m^2$), respectively, and a different qualitative/quantitative community profile (Table 8; Gilmore et al. 1984, 1985, 1986, 1987).

The red mangrove fringe and prop root zone is a transitional habitat between the open estuary, its sand bottoms and seagrass meadows and the interior mangrove swamp and upper marsh herbaceous halophyte zones (typically vegetated with Batis maritima, Salicornia spp. and Juncus roemerianus in south and central Florida). Therefore, the red mangrove fringe acts as a mixing zone between the two quite hydrologically and faunistically distinct habitats (Gilmore 1987). However, its areal extent is quite small when compared to the broad

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acreage of the seagrass habitats seaward and the upper marsh landward. This perspective should be maintained when comparing the two ecosystems and the Thayer et al. (1987) treatment does not attempt to characterize the mangrove swamp zones beyond the mangrove fringe. The data presented in Table 8 for the mangrove swamp and herbaceous halophyte marsh, however, do include high marsh habitats inland from the red mangrove fringe.

Significant differences are also found between the seagrass fauna and adjacent sand bottoms, with only occasional occurrence of seagrass species over open sand. A typical species of open sand bottom habitats is the lizardfish, Synodus foetens which was captured more often over open bottom, but occurs in seagrass samples. The order of magnitude difference in density and biomass between the two habitats is not surprising as others have produced similar results, albeit with invertebrates (Virnstein et al. 1983; Lewis 1984), freshwater fish (Guillory et al. 1979) and temperate fish faunas (Briggs and O'Conner 1971; Orth and Heck 1980). Recent unpublished work demonstrates distinct diurnal/nocturnal differences in species occurrence on open sand bottoms (Gilmore and Donohoe, in prep.), however, sand bottom fish densities never reach seagrass values during either day or night. All evidence points to increased predatory effectiveness with decreased habitat structural complexity (Vince et al. 1976; Crowder and Cooper 1982; Stoner 1982) even though the choice of seagrass substratum is undoubtedly an innate response selected by predatory pressures (Bell and Westoby 1986a,b).

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Species Composition/Guild Classification

The species composition of the seagrass meadows of the Indian River lagoon are not atypical, at least on the familial level, with seagrass meadow ichthyofaunas studied elsewhere around the globe. Syngnathids, gobiids, monacanthids, sparids, gerreids, sciaenids, tetraodontids, blenniids and mugilids are important components of seagrass ecosystems world wide (Kikuchi and Perez 1977; Robertson 1980; Livingston 1984a; Pollard and den Hartog 1984). There are some differences between the tropical Pacific and western Atlantic ichthyofaunas which affect the contributions of various phyletic groups to seagrass meadow communities. In the Pacific, labrids, scorpeanids, apogonids tetraodontids, and kyphosids are more abundant in seagrass ecosystems than their confamilial relatives in the western Atlantic, although all are a present in tropical seagrass communities of south Florida and the Caribbean (Robertson 1984; Pollard 1984; Springer and McErlean 1962; Weinstein and Heck 1979; Ogden 1976a,b, 1980; Ogden and Zieman 1977; Stoner 1986). In turn, haemulids, lutjanids and certain scarids utilize seagrasses to a greater extent in the western Atlantic than in the Pacific. Teraponids and ambassids common in some Pacific seagrass meadows (Blaber and Blaber 1980; Pollard and den Hartog 1984; Robertson 1984) are absent from the western Atlantic altogether.

Of significance is the general ommission of schooling planktivorous species from many seagrass community analyses. In some cases this is basically due to the ineffectiveness of certain gear

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types in capturing schooling pelagic planktivores. Drop and throw net techniques are ineffective in capturing these patchily distributed species (Gilmore et al. 1978b). These species not only prey heavily on calanoid copepods (diurnally) but also upon certain seagrass invertebrates (harpacticoid copepods and amphipods), particularly those which emerge from seagrass beds at night (Robertson and Howard 1978; Robertson and Klumpp 1983; Walters and Bell 1986). They then overlap trophically with larva and post larvae of a variety of seagrass species (Carr and Adams 1973) and some investigators have even lumped all ontogenetic stages of certain engraulids (e.g. Anchoa mitchilli, Livingston 1980, 1982, 1984a) in with juveniles of species which show quite different feeding habits as late juveniles and adults (i.e. the sciaenid, Leiostomus xanthurus and the gerreids Eucinostomus argenteus = E. harengulus, and E. gula). This trophic placement of A. mitchilli based only on the diurnal data presented by Livingston (1984) is questionable, but it does reveal the potential for considerable dietary overlap between an adult pelagic planktivore and the diverse guild of neritic or epibenthic seagrass associates, particularly as most post larval and early juvenile seagrass species are zooplanktivorous, consuming mostly calanoid copepods (Livingston 1984). Due to the shallow water depths of most seagrass meadows, particularly those under study here, there may be ample opportunity for both adult planktivores and juvenile seagrass associates to forage on the same organisms within the same space. The gerreids and Leiostomus xanthurus are documented diurnal foragers (Kerschner et al. 1985; Choa 1976, Choa and Musick 1977). They, therefore, may have very limited spacial and temporal interaction with the nocturnal

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feeding forays of A. mitchilli even though they are abundant syntopic species. The nocturnal foraging behavior of engraulids in the western Atlantic needs study, as Australian planktivore studies indicate that this may be a generalized behavioral trait of shallow water engraulids and clupeids occurring in or over seagrass meadows (Robertson and Howard 1978). The overwhelming biomass and fish density contribution of engraulids and clupeids, particularly to upstream seagrass meadows, cannot be ignored, especially in their potential for impact on planktonic or semi-planktonic invertebrate communities.

The other trophic group which has received little study from a community perspective (certainly not from a species or fishery perspective) are the top carnivores. Again this group is not easily sampled with quantitative gear types due to their size, agility and sensitivity to the activities of the captor. Spotted seatrout, Cynoscion nebulosus, undoubtedly play a prominent role in consuming a variety of seagrass invertebrates and vertebrates, and have the potential to greatly affect the population dynamics of prey populations. Certain aspects of the life history of C. nebulosus has been determined (Mercer 1984a), but population densities and dynamics of specimens over 150 mm SL appear difficult to assay. Other techniques need to be employed, certainly more active techniques than the standard gill net statistics taken in the commercial fisheries. The long haul seine technique utilized here did capture other top predators, such as snook, C. undecimalis, Strongylura notata, S. timucu and Sphyraena barracuda (up to 550 mm SL) more effectively than most other studies reviewed in the extant literature. These captures emphasize the potential impact of top predators on seagrass

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fish populations in lower trophic levels. The distribution of species at lower trophic levels has been emphasized in most studies due to their effective capture in trawl nets and small beach seines, and high densities in seagrass beds (Kjelson and Johnson 1974, 1978; Livingston 1982). Invertebrate ecologists have characteristically utilized this ichthyofaunal data to hypothesize predator-prey mechanisms governing microhabitat selection, etc. typically with little recognition of the possibility that the piscine invertebrate predator may in turn be distributed through the seagrass meadow habitat due to the predatory influence of the apical predator. Hence, Stoner's (1983) L. rhomboides may not have selected Halodule wrightii beds due to the increased feeding efficiency in this seagrass species, but due to its proximity to a shallow shoreline. The shallow shoreline is an acknowledged refugium from predation by a host of organisms of multiple phyla (Stein 1979). Thus the predatory behavior, predation effectiveness and microdistribution of top predators may ultimately influence population dynamics of all lower trophic levels, including the primary producers.

The evidence presented reveals the diverse fish species assemblage inhabiting the seagrass meadows of the Indian River lagoon, 45 of which are considered the most abundant species and premier seagrass associates. This species assemblage consists of a diverse group of microconsumers, secondary and tertiary consumers on a variety of macrocrustaceans, polychaetes and molluscs, and top predators, several of which are principally piscivorous. The microconsumers prey mainly on calanoid and harpacticoid copepods, larval decapods and amphipods. They may be divided into three basic groups based on their

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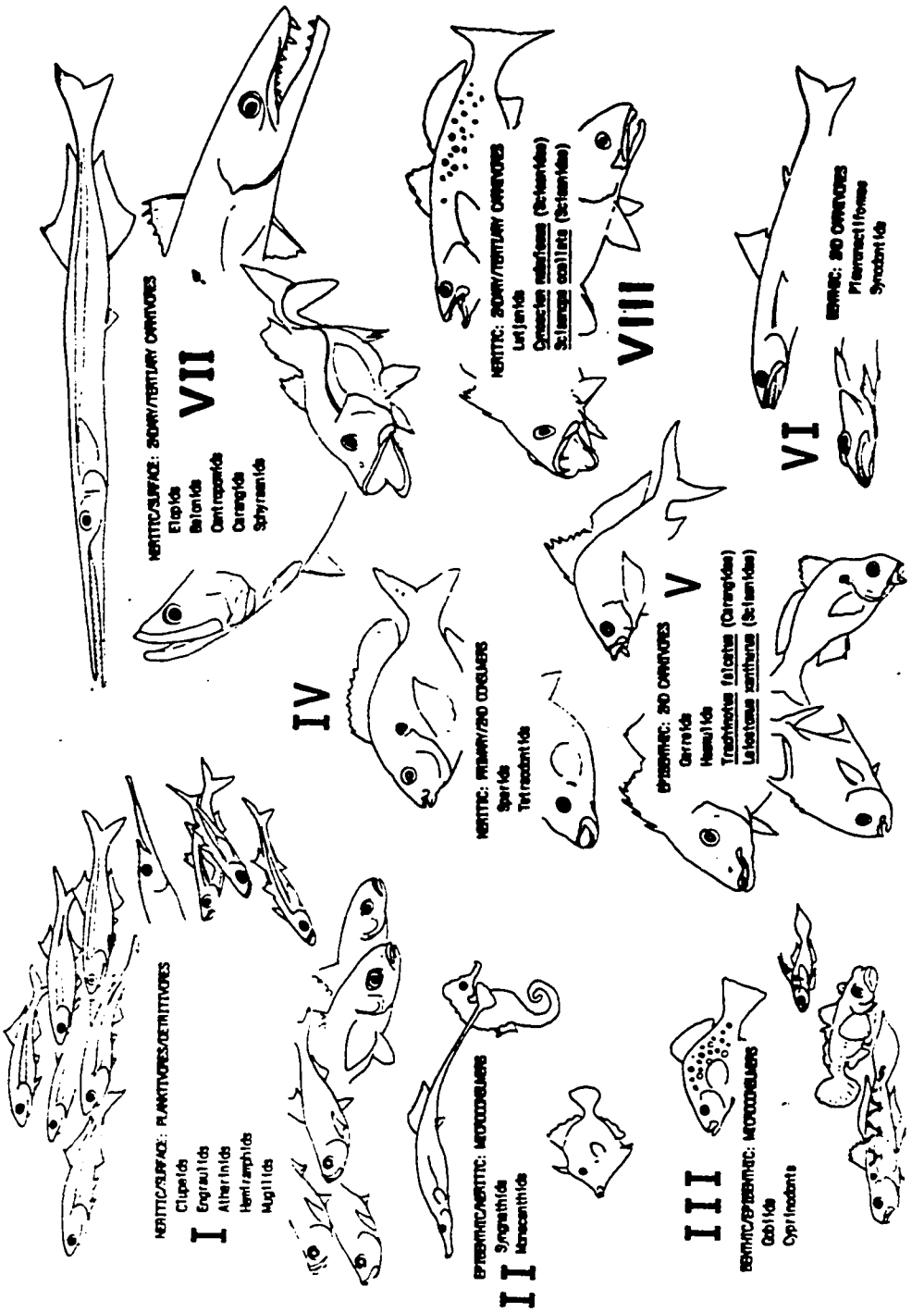
"typical" position in the water column, intraspecific behavior and feeding behaviors (Fig. 21, Groups I-III). The pelagic microconsumer group consists of schooling planktivores, the engraulids, clupeids, atherinids and exocoetids which prey on calanoid copepods for the most part, but may reveal diel diet switching to nocturnal aggregations ofharpacticoid copepods and amphipods (Stevenson 1958; Carr and Adams 1974; Robertson and Howard 1978; Robertson and Klumpp 1983; Livingston 1984a). Menhaden, Brevoortia spp., may feed on detritus and epiphytic algae (diatoms) in addition to zooplankters (Dahlberg 1970). Also included in this group are the mullets which commonly form aggregations and schools and feed both at the surface on neuston, on copepods during the "querimana" larval stage, and on benthic accumulations of detrital materials and algae (Odum 1968). The second major group of microconsumers, Group II, also prey principally on copepods and amphipods, however, they are solitary cryptic epibenthic neritic and epibenthic suction feeders, the syngnathids or the omnivorous scrapers -the monacanthids (Burchmore, et al. 1984). The third microconsumer group, Group III, is principally a benthic/epibenthic group consisting of diminutive burrowing benthic and epibenthic grazers and ambushers, the gobiids, monacanthids and cyprinodonts, which also consume a variety of microcrustaceans in addition to Foraminifera, diatoms, filamentous algae, detritus and other accessible phyla (Buzas and Carle 1979; Springer and Woodburn 1961; Huh and Kitting 1985; Robertson 1984).

The next major group consists of species which form a major portion of the seagrass ichthyofaunal biomass, prey predominately on invertebrates, though some are omnivorous, and are generally found in

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Figure 21. Species guilds typical of seagrass fish communities within the Indian River lagoon.

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loose aggregations, schools or as dispersed solitary individuals throughout the meadow. They may be divided into two subgroups depending on their ability to switch from major prey types and general foraging behavior (Fig. 21, Groups IV and V). The first subgroup, Group IV, consists of species which are generally neritic or epibenthic, feeding principally on macrocrustaceans, amphipods and copepods, but also may switch to seagrass and algae during some period during their ontogeny or due to seasonal variation in prey availability (Burchmore et al. 1984; Huh and Kitting 1985). These fishes are sparids, Lagodon rhomboides, Archosargus probatocephalus and Diplodus argenteus and tetraodontid-ostaciid-diodontid plectognaths, Sphoeroides spp.(principally S. nephelus in this study), Chilomycterus schoepfi and Lactophrys spp.. (Stoner 1979a,b, 1980a,b; Stoner and Livingston 1984 ; Randall 1967; Carr and Adams 1973; Burchmore et al. 1984). The second subgroup, Group V, is wholly carnivorous, preying on benthic invertebrates, macrocrustaceans and polychaetes, and is comprised of gerreids, haemulids, the sciaenid, Leiostomus xanthurus, and the carangid, Trachinotus falcatus. All forage principally over the bottom.

Top predators can be divided into three groups (Fig. 21, Groups VI - VIII) like the microconsumers depending on their principal foraging location. Surface predators, Group VII, consist of needlefishes, Strongylura spp., great barracuda, Sphyraena barracuda, and ladyfish, Elops saurus, whose diet in seagrass meadows has been found to contain large numbers of pelagic planktivores, in addition to the occasional epibenthic mojarra or neritic pinfish (de Sylva 1963; Eidman 1967; Brook 1975; Fahs 1976; Gilmore et al. 1983). This group

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is principally piscivorous. The second top predator group, Group VIII, consists of neritic and epibenthic foragers -- the sciaenids, red drum, Sciaenops ocellatus and the spotted seatrout, Cynoscion nebulosus, the centropomid, snook, Centropomus undecimalis, and the snappers, Lutjanus spp. The snappers typically occur in this habitat only as juveniles, while the spotted seatrout and red drum commonly forage in seagrass beds as adults; in fact seagrasses are one of the principal adult foraging sites in the Indian River lagoon. All group VIII species may occassionally prey on organisms at the surface, which is typically proximate in shallow seagrass meadows. These species are not strictly piscivorous and prey heavily on large decapod crustaceans (Starck and Schroeder 1970; Tabb 1961; Mercer 1984a,b). The third top predator group (Fig. 21; Group VI) consists of benthic predators which are variously associated with sand bottoms and seagrasses. These species are bothid, Paralichthys spp. and Citharichthys spilopterus, cynoglossid, Symphurus plagiusa, and soleid, Achirus lineatus, flatfishes, and the synodontid lizardfish, Synodus foetens. These species prey variously on crustaceans and fishes (Springer and Woodburn, 1960).

Community Dynamics

Pinfish - Trophic Competition/Territoriality - The seagrass fish community was found to be significantly homogeneous in monospecific beds at between site distances of 2 to 70 meters based on species rank comparisons. Much of this homogeneity was due to the relatively even distribution of abundant species such as L. rhomboides. This leads

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one to question the mechanisms governing the equal distribution of this species among drop net samples. Huh and Kitting (1985) conducted experiments which demonstrated that intraspecific competitive interactions for food resources on a seasonal basis may elicit resource partitioning, as L. rhomboides and G. boleosoma switched from a carnivorous diet to herbivory when caged in high densities. This may explain why both this study and that of McNeese (1986) often obtained the same L. rhomboides densities during the warmer months of the year, a period well documented by other workers as one in which L. rhomboides reverts to herbivory. As Huh and Kitting (1985) demonstrated, this is a period when amphipod populations decline in seagrass beds (a decline also documented in the Indian River lagoon [Nelson 1982]) and, therefore, a switch from carnivory to herbivory would be necessary. As the equal monthly rank distribution of L. rhomboides between drop net samples is significant, and improbable to occur by chance alone, this species is probably evenly distributed due to intraspecific interactions that create equal forage areas between fish of similar size. At this time the fish reach a size that would require greater nutritional requirements than early juvenile stages, therefore, greater foraging range and greater opportunity for competitive intraspecific encounters. A simultaneous switch to territoriality and herbivory would alleviate some of this competition for depleted amphipod populations and partition the seagrass bed. The trophic switch - competition scenario presented by Huh and Kitting (1985) allows this territorial hypothesis to be presented as a likely explanation for the inordinately even distribution of pinfish in this study and that of McNeese (1986). This even distribution has not

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been observed in other western Atlantic seagrass bed studies undoubtedly due to the lack of good quantitative technique, differences in trophic resources, or in the case of Sogard, the lack of L. rhomboides. However, this hypothesis is made even more plausible by the documented territoriality in L. rhomboides by Caldwell (1957; albeit in captivity) and the fact that many organisms are facultatively territorial based on resource state (Kaufmann 1983).

Inlet/Upstream Faunal Distribution - This study documented a predictable upstream and inlet seagrass ichthyofauna, which share some common species, i.e. L. rhomboides, but differ significantly both qualitatively and quantitatively in other community constituents. The hydrological differences between the ocean inlet and the upstream portions of the lagoon are also significant, setting the stage for physiologically mediated differences in the respective faunas. In addition to obvious tidal differences, salinity and temperature conditions differ -particularly, wet season salinities and winter water temperatures. A distinct euryeocious, euryhaline estuarine fauna numerically dominates the upstream seagrass beds, while a more stenothermic, stenoecious, tropical/subtropical ocean reef and continental shelf component occurs typically within ocean inlet seagrass meadows. The ocean inlet fauna (i.e. occurring within 3 km of the nearest inlet) compared favorably with seagrass ichthyofaunas described by Snyder (1984), whose two study sites were within 1 km of Jupiter Inlet, the southern terminus of the Indian River lagoon. The upstream fauna described here compares favorably with that of McNeese (1986), who studied seagrass fish populations in the Indian River

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lagoon over 7.0 km from the nearest ocean inlet, explaining her differences from the Snyder (1984) study. These upstream/inlet faunas remained highly predictable over multiple annual cycles, with the major variation attributed not to qualitative differences, but to variations in individual species recruitment patterns between years. The trophic-spatial guild structure was basically the same at both inlet and upstream seagrass sites, with congeneric and confamilial species replacements as one approached an ocean inlet. The distinctness and predictability of these complementary faunas demonstrates the determining effect of geography and hydroclimatology on the species complement of the seagrass ichthyofauna at a particular location. These factors are of major importance in determining seagrass fish communities throughout the world (Kikuchi and Peres 1977, pg. 176; Moyle and Li 1979; Blaber and Blaber 1980; Livingston 1984).

The total numerical catch of upstream faunas differed quantitatively (by an order of magnitude or more) from inlet faunas principally due to increased numbers of zooplanktivores at nutrient rich upstream sites (e.g BMC). These differences in nutrient concentration (Gibson, 1976) may also influence seagrass invertebrate prey from the standpoint of available food, reproductive success and larval survival (Youngbluth and Gamble 1976; Youngbluth et al. 1977), and attract large numbers of secondary consumers, zooplanktivores and subsequently top predators. The larger number of small planktivorous specimens at upstream sites is responsible for the lower mean size of the fishes upstream. In contrast, there is little difference in densities or mean size of L. rhomboides between inlet (mean SL = 37.6

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mm) and upstream sites (mean SL = 35.6 mm), contrary to the findings of Jones et al., (1975). Therefore, most of the size difference is attributed to the bay anchovy, A. mitchilli, the clupeid, B. smithi and possibly some of the gobiids and syngnathids (e.g. G. robustum and S. scovelli) which are more numerous at upstream sites. The most abundant inlet anchovies are larger than A. mitchilli, e.g. A. hepsetus. For this reason we suggest that the amphipod distribution patterns of the Indian River lagoon observed by Nelson (1982) and hypothesized to be due to geographic variation in predatory phenomena, may more likely be due to geographical and hydroclimatographic environmental phenomena than predation by fish per se, i.e. reacting to similar faunal distributional parameters as do the fishes.

Temporal Predictability

Temporal seasonal changes in seagrass ichthyofaunas were significant but showed the same pattern over several annual cycles, particularly on the qualitative level. Quantitative variation in year class strength for most abundant species was variable from year to year, but the year to year prediction of site-specific seagrass faunas was accurate. Although several species may have periodic spawning activity throughout the year most have specific periods of spawning activity, particularly the warm temperate species. Spawning activity in tropical reef species appears to be limited to the warmer months, however, tropical estuarine species, i.e. centropomids and gerreids, may show a longer spawning period under optimum climatic conditions.

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The stochasticity of recruitment predicted by Sogard et al. (1987) to influence the qualitative nature of seagrass ichthyofaunas at various sites is called into question by the highly predictable annual occurrence of the major seagrass species in this survey. Frequency of species occurrence, and therefore, the predictability of faunal components, declined with sample area size (Table 2). The stochasticity of Sogard's (1987) fauna could, therefore, result from the use of the 1 m^2 throw net as it was the only collection device used. All the collection sites in the present study were accessible to larvae of either estuarine spawners or oceanic spawners depending on the relative distance from ocean inlets. Some of the Sogard et al. (ibid) sites may have been more isolated from spawning sites and therefore, received larvae on a less predictable temporal schedule. However, the Sogard et al. (1987) limitation of only three annual collections for two years also calls to question the possibility of predicting recruitment at all in their study.

The present study has demonstrated that the qualitative attributes of site specific seagrass ichthyofaunas were predictable over several annual cycles and that fish recruitment to a site is also predictable for the abundant species. This is particularly true for estuarine spawners at upstream sites, e.g. C. nebulosus, B. chrysoura, G. robustum, S. scovelli and A. mitchilli versus ocean spawners at inlet sites, scarids, L. synagris, L. analis, H. parrai and certain site specific gobiids, G. stigmaturus. The relative ranking of these species based on number of individuals was also conservative while showing most variation in year class strength.

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Importance of Geography and Hydroclimatology

The zoogeographic characterization of the regional ichthyofauna reveals a transitional fauna with warm-temperate Carolinian contributions principally at upstream and northern sites and a tropical Caribbean contribution principally at inlet and southern sites. Greatest faunal overlap occurs with Biscayne Bay, however gear bias makes a Florida Bay faunal comparison difficult to make. Sogard et al. (1987) describes a basically Gulf fauna for Florida Bay seagrass habitats which may be more warm temperate than southern Indian River lagoon inlet faunas, but quite similar to upstream northern lagoon seagrass faunas described by Schooley (1977).

The role various species of seagrasses play in serving as fish habitat was not examined in this study as the same seagrass species was examined at all drop net sites and the size and composition at seine sites varied considerably. The fact that similar upstream/inlet faunal patterns were seen in spite of seagrass species compositional differences at the southern sites indicates that the geographic location of the site is more important than the species of seagrass in determining at least fish species composition at various sites within the Indian River lagoon. The SEB and WAB Halodule bed sites did differ from the other sites dominated by Syringodium in a number of fish species, but they never showed significant similarities to one another. Neither did the inlet versus upstream Syringodium beds. This calls into question the differences in seagrass ichthyofaunas proposed by Martin and Cooper (1981) and Middleton et al. (1984) based on

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studies of different species under comparable geographic separation. The studies of Stoner (1983) and Young (1981) are more convincing as proximate sites were studied with greater sampling frequency even though trawls were used to obtain specimens. Seagrass beds species composition, drift algal production, water depth and distance from the nearest shore all undoubtedly impact microspatial fish distributions at specific upstream or inlet sites. These latter factors are undoubtedly particularly important for the species in guilds II through VII (Fig 21) and need detailed treatment in future studies.

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CONCLUSIONS

These analyses of the seagrass ichthyofauna of the Indian River lagoon produced the following conclusions:

1. The seagrass ecosystem of the Indian River lagoon contains a diverse assembledge of fishes (164 species, 54 families) which is qualitatively and quantitatively distinct from adjacent salt marsh/mangrove swamp and sand bottom fish communities, based on the use of complementary techniques.

2. The qualitative and quantitative attributes of the seagrass community are greatly affected by the proximity to ocean inlets, as there are distinct upstream (7 km or more from nearest inlet) and inlet ichthyofaunas (less than 3 km from nearest inlet), which are predictable over several annual cycles. The spatial and temporal patterns observed demonstrate that physical geographic and hydroclimatic parameters substantially influence the species composition and relative abundance of the seagrass ichthyofauna at specific sites.

3. Seagrass ichthyofaunal homogeneity (qualitative and quantitative) is relatively high at sites within a few meters, but still reveals significant homogeneity at distances up to 3 km between upstream sites.

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4. Seasonal faunal changes are predictable. However, quantitative changes are more variable with significant changes in recruitment over several annual cycles. There are predictable upstream and inlet site specific seagrass ichthyofaunas which maintain their unique species complement over several annual cycles but fluctuate considerably in total numbers captured.

5. Spawning periodicity was predicted from larval-juvenile recruitment patterns. Cool-dry season spawners are typically warm temperate species and warm-wet season spawners are generally tropical and eurythermic tropicals, although some warm-temperate species limit their spawning to this period of the year (e.g. Cynoscion nebulosus). Some tropical species, e.g. gerreids and centropomids, may spawn throughout the year when climatic conditions are favorable.

6. The seagrass ichthyofauna may be divided into eight basic guilds based on numbers captured and percent frequency of occurrence, both of which are directly effected by gear bias, vertical and horizontal fish dispersal and behavior. These eight guilds are defined based on known species dispersal, trophic habits and microhabitat preferences and are generally present at any particular seagrass site. However, the species within each guild may be replaced by congeneric or confamilial species depending on the location of the seagrass bed relative to ocean inlets.

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APPENDIX

Table.1 Two-way ANOVA analyses on basic fish community parameters across months (columns) and seine stations (rows) for the year 1974-1975.

FOR NUMBER OF SPECIES

Source	DF	SS	MS	F	P
STATION	6	890.2	148.37	5.39	0.000
MONTH	8	595.7	74.47	2.71	0.015
Error	48	1320.9	27.52		
Total	62	2806.9	45.27		

FOR MUMBER OF INDIVIDUALS

Source	DF	SS	MS	F	P
STATION	6	1.026E+10	1.711E+09	10.03	0.000
MONTH	8	1.758E+09	219804864	1.29	0.272
Error	48	8.183E+09	170485504		
Total	62	2.020E+10	325883648		

FOR DENSITY, NO./M^2

Source	DF	SS	MS	F	P
STATION	6	7618	1269.7	10.03	0.000
MONTH	8	1306	163.2	1.29	0.271
Error	48	6073	126.5		
Total	62	14997	241.9		

FOR SAMPLE WEIGHT

Source	DF	SS	MS	F	P
STATION	6	975511296	162585216	3.29	0.009
MONTH	8	453225984	56653248	1.15	0.351
Error	48	2.374E+09	49452704		
Total	62	3.802E+09	61330112		

FOR BIOMASS, G/M^2

Source	DF	SS	MS	F	P
STATION	6	718.9	119.81	3.22	0.010
MONTH	8	305.7	38.21	1.03	0.428
Error	48	1783.6	37.16		
Total	62	2808.1	45.29		

FOR DIVERSITY BASED ON NO. INDIVIDUALS

Source	DF	SS	MS	F	P
STATION	6	9.136	1.5226	4.22	0.002
MONTH	8	4.525	0.5656	1.57	0.159
Error	48	17.304	0.3605		

AMERICAN OVERSIGHT

Total	62	30.964	0.4994

FOR EVENNESS BASED ON NO. INDIVIDUALS

Source	DF	SS	MS	F	P
STATION	6	0.08174	0.01362	1.22	0.314
MONTH	8	0.11235	0.01404	1.25	0.289
Error	48	0.53735	0.01119		
Total	62	0.73143	0.01180		

FOR DIVERSITY BASED ON SPECIES WEIGHT

Source	DF	SS	MS	F	P
STATION	6	4.107	0.6844	2.91	0.017
MONTH	8	5.383	0.6728	2.86	0.011
Error	48	11.303	0.2355		
Total	62	20.792	0.3354		

FOR EVENNESS BASED ON SPECIES WEIGHT

Source	DF	SS	MS	F	P
STATION	6	0.09545	0.015908	1.87	0.105
MONTH	8	0.08362	0.010452	1.23	0.302
Error	48	0.40753	0.008490		
Total	62	0.58660	0.009461		

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TABLE 2. Two-way ANOVA analysis on for basic community parameters at LPT seine station months (columns) against five years (rows) as in Table 19B.

FOR NUMBER OF SPECIES

Source	DF	SS	MS	F	P
YEAR	4	293.4	73.35	1.63	0.183
MONTH	11	798.0	72.55	1.62	0.128
Error	44	1976.2	44.91		
Total	59	3067.6	51.99		

FOR NUMBER OF INDIVIDUALS

Source	DF	SS	MS	F	P
YEAR	4	1.024E+09	256067680	1.38	0.256
MONTH	11	2.253E+09	204784640	1.10	0.380
Error	44	8.157E+09	185384096		
Total	59	1.143E+10	193793248		

FOR SAMPLE WEIGHT

Source	DF	SS	MS	F	P
YEAR	4	602600960	150650240	0.68	0.613
MONTH	11	2.875E+09	261360768	1.17	0.334
Error	44	9.816E+09	223080960		
Total	59	1.329E+10	225307328		

FOR DENSITY, NO./M

Source	DF	SS	MS	F	P
YEAR	4	761.2	190.3	1.38	0.256
MONTH	11	1674.1	152.2	1.10	0.380
Error	44	6061.9	137.8		
Total	59	8497.2	144.0		

FOR BIOMASS, G/M

Source	DF	SS	MS	F	P
YEAR	4	447.8	112.0	0.68	0.613
MONTH	11	2136.6	194.2	1.17	0.334
Error	44	7294.6	165.8		
Total	59	9879.0	167.4		

FOR MEAN INDIVIDUAL WEIGHT

Source	DF	SS	MS	F	P
YEAR	4	47.31	11.83	0.36	0.837
MONTH	11	312.93	28.45	0.86	0.584
Error	44	1455.44	33.08		
Total	59	1815.68	30.77		

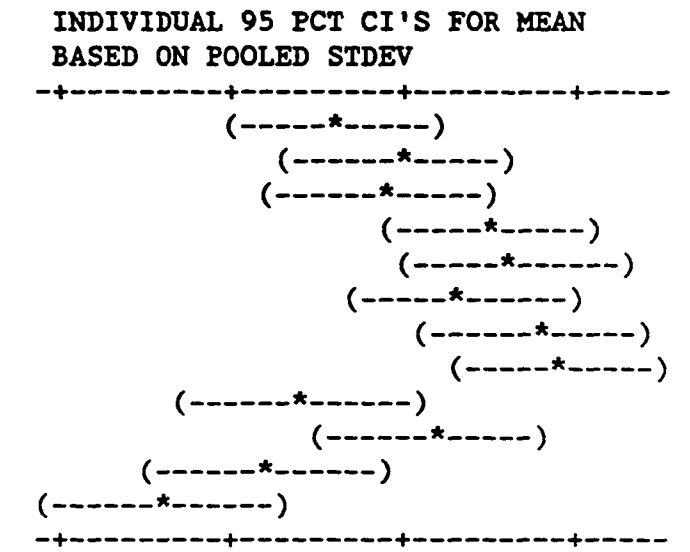
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Table 3. Graphical presentation of variation in major seagrass fish community parameters for seven seine stations from collections made from September 1974 to August 1975, showing interstation variation by month.

NUMBER OF SPECIES

MONTH	N	MEAN	STDEV
1	7	19.571	6.241
2	7	22.286	4.957
3	7	21.429	4.467
4	7	26.429	6.828
5	7	27.286	7.158
6	7	25.000	7.211
7	7	28.143	6.256
8	7	29.143	7.925
9	6	18.167	5.115
10	7	23.714	5.765
11	6	16.500	5.612
12	6	12.000	5.727

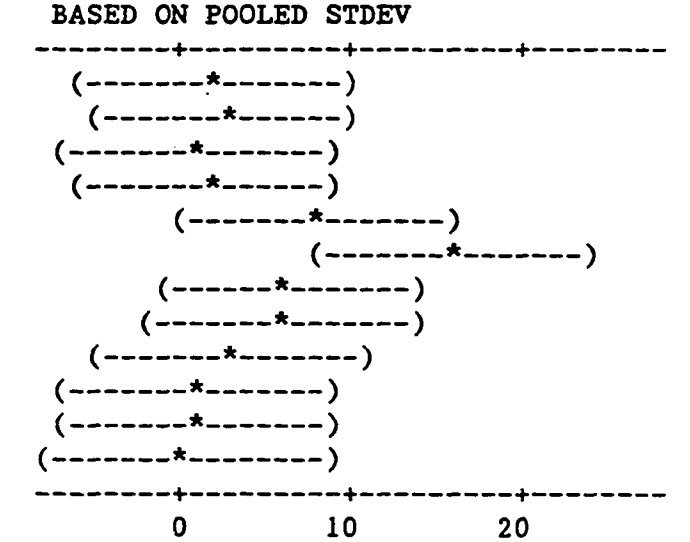
POOLED STDEV = 6.213



MEAN INDIVIDUAL WEIGHT (G)

MONTH	N	MEAN	STDEV
1	7	2.08	2.48
2	7	2.61	4.49
3	7	1.07	0.65
4	7	1.54	1.03
5	7	7.90	6.58
6	7	15.86	32.47
7	7	6.25	6.72
8	7	5.88	3.34
9	6	2.92	4.40
10	7	0.84	0.57
11	6	0.86	0.87
12	6	0.47	0.42

POOLED STDEV = 10.21



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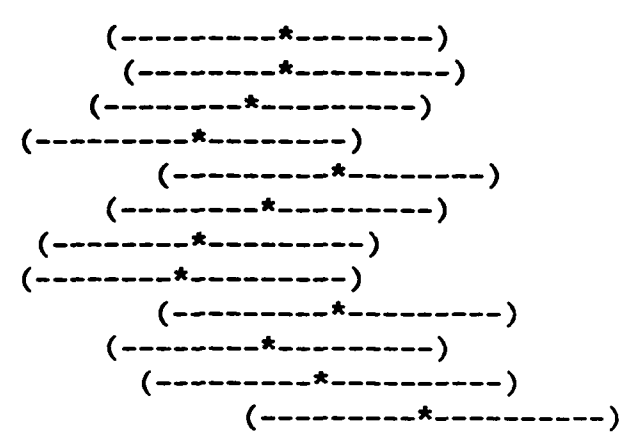
Table 3. Monthly station variation...continued.

NUMBER OF INDIVIDUALS

MONTH	N	MEAN	STDEV
1	7	13507	16242
2	7	14357	20491
3	7	10394	14199
4	7	3981	4144
5	7	19938	36740
6	7	12048	26095
7	7	4807	4739
8	7	2879	2771
9	6	20119	38101
10	7	12180	10535
11	6	18822	21759
12	6	30663	56015

POOLED STDEV = 25184

INDIVIDUAL 95 PCT CI'S FOR MEAN
BASED ON POOLED STDEV

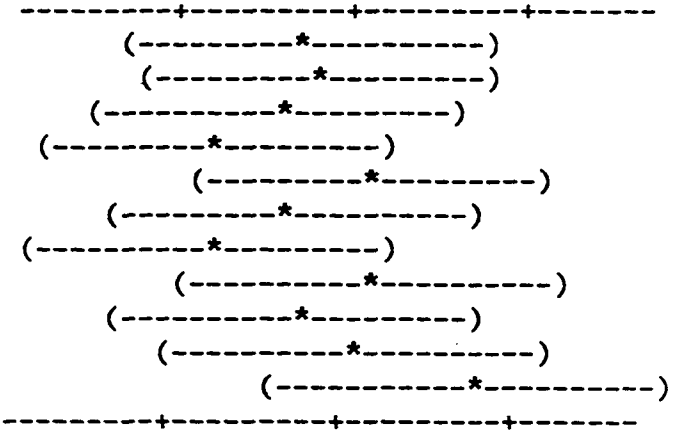


DENSITY, NO/M^2

MONTH	N	MEAN	STDEV
1	7	11.64	14.00
2	7	12.38	17.67
3	7	8.96	12.23
4	7	3.43	3.57
5	7	17.17	31.65
6	7	10.38	22.48
7	7	2.48	2.39
9	6	17.34	32.85
10	7	10.49	9.07
11	6	16.22	18.76
12	6	26.43	48.29

POOLED STDEV = 21.70

INDIVIDUAL 95 PCT CI'S FOR MEAN
BASED ON POOLED STDEV



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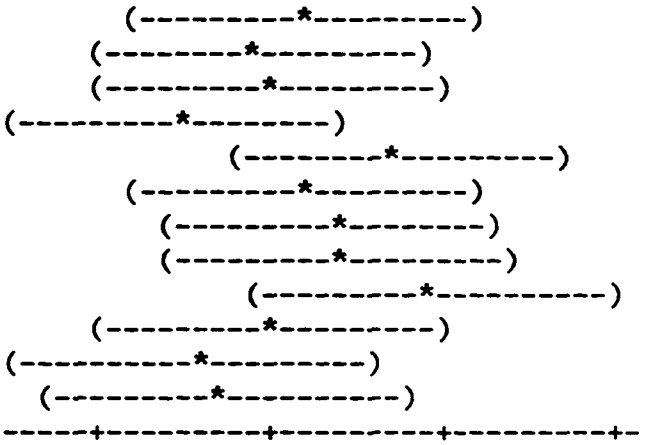
Table 3. Monthly station variation...continued.

TOTAL SAMPLE WEIGHT (G)

MONTH	N	MEAN	STDEV
1	7	9439	7439
2	7	7536	3810
3	7	8079	9597
4	7	3789	1745
5	7	13994	14104
6	7	9761	7868
7	7	10945	6507
8	7	11065	5791
9	6	15547	26640
10	7	7949	7516
11	6	4690	2163
12	6	5923	8926

POOLED STDEV = 10299

INDIVIDUAL 95 PCT CI'S FOR MEAN
BASED ON POOLED STDEV

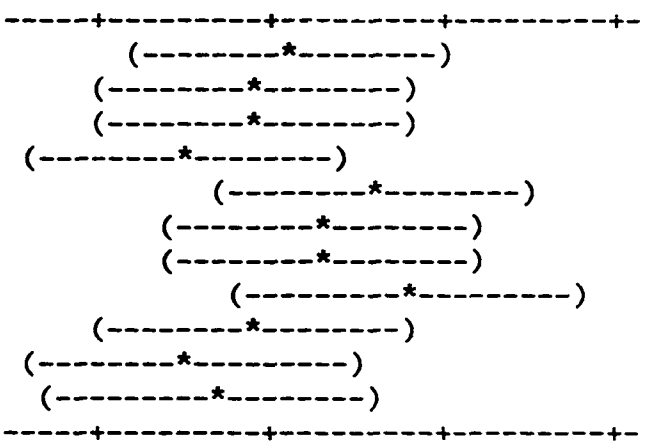


BIOMASS, G/M^2

MONTH	N	MEAN	STDEV
1	7	8.134	6.413
2	7	6.493	3.284
3	7	6.961	8.266
4	7	3.757	2.282
5	7	12.054	12.146
6	7	9.429	5.604
8	7	9.530	4.987
9	6	13.402	22.964
10	7	6.847	6.472
11	6	4.043	1.864
12	6	5.103	7.694

POOLED STDEV = 8.890

INDIVIDUAL 95 PCT CI'S FOR MEAN
BASED ON POOLED STDEV



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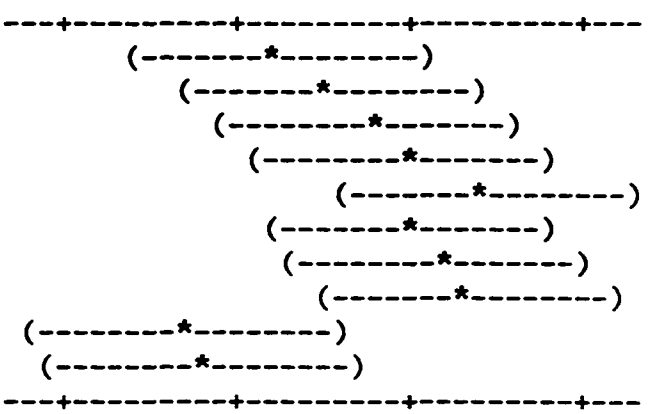
Table 3. Monthly station variation...continued.

H', DIVERSITY BASED ON NO. INDIV.

MONTH	N	MEAN	STDEV
1	7	0.7381	0.6768
2	7	0.9227	0.5567
3	7	1.0584	0.5079
4	7	1.1753	0.6286
5	7	1.4519	0.9966
6	7	1.1954	0.7879
7	7	1.3010	0.6594
8	7	1.3903	0.6268
9	6	0.3933	0.4268
12	6	0.4715	0.4515

POOLED STDEV = 0.6665

INDIVIDUAL 95 PCT CI'S FOR MEAN BASED ON POOLED STDEV

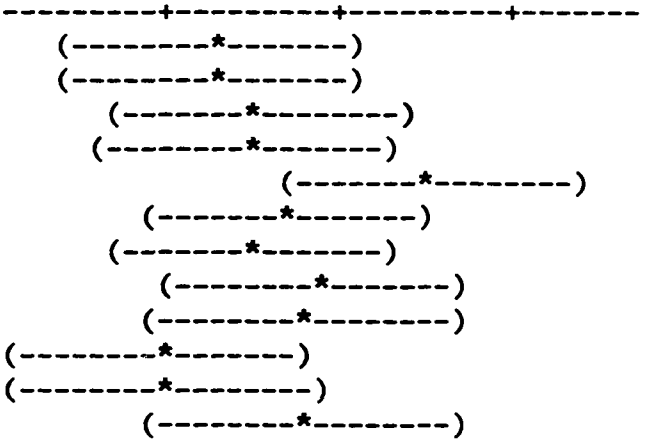


J' EVENESS BASED ON NO. INDIV.

MONTH	N	MEAN	STDEV
1	7	0.1261	0.0699
2	7	0.1257	0.0643
3	7	0.1514	0.0737
4	7	0.1481	0.0898
5	7	0.2527	0.2106
6	7	0.1703	0.1226
7	7	0.1497	0.0701
8	7	0.1876	0.1027
9	6	0.1775	0.1451
10	7	0.0963	0.0761
11	6	0.1038	0.0431
12	6	0.1810	0.1579

POOLED STDEV = 0.1115

INDIVIDUAL 95 PCT CI'S FOR MEAN BASED ON POOLED STDEV

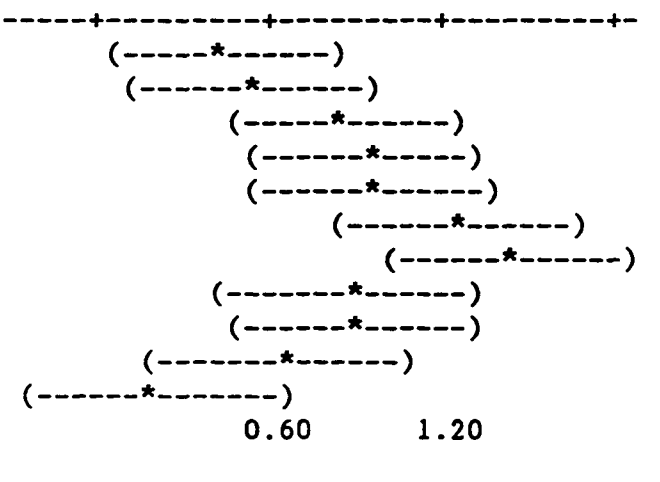


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Table 3. Monthly station variation...continued.

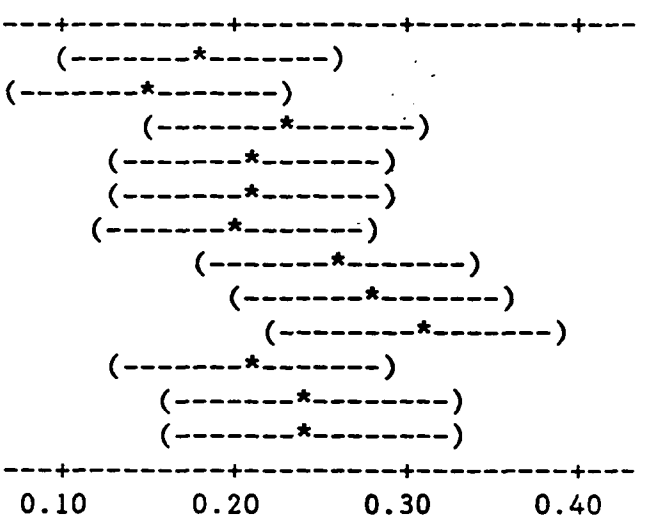
H', DIVERSITY BASED ON WGT.

MONTH	N	MEAN	STDEV
1	7	1.0424	0.6275
2	7	1.1506	0.5142
3	7	1.4636	0.5402
4	7	1.5307	0.5575
5	7	1.5639	0.4834
6	7	1.8756	0.3604
8	7	2.0420	0.4490
9	6	1.4923	0.5302
10	7	1.5050	0.5166
11	6	1.2342	0.7332
12	6	0.7895	0.4589
	POOLED STDEV =	0.5458	



J', EVENESS BASED ON WEIGHT

MONTH	N	MEAN	STDEV
1	7	0.1793	0.1134
2	7	0.1507	0.0481
3	7	0.2279	0.0932
4	7	0.2076	0.1246
5	7	0.2093	0.1163
6	7	0.1999	0.0826
7	7	0.2566	0.1100
8	7	0.2807	0.0749
9	6	0.3063	0.1754
10	7	0.2097	0.0800
11	6	0.2432	0.1088
12	6	0.2435	0.1156
POOLED STDEV =		0.1065	



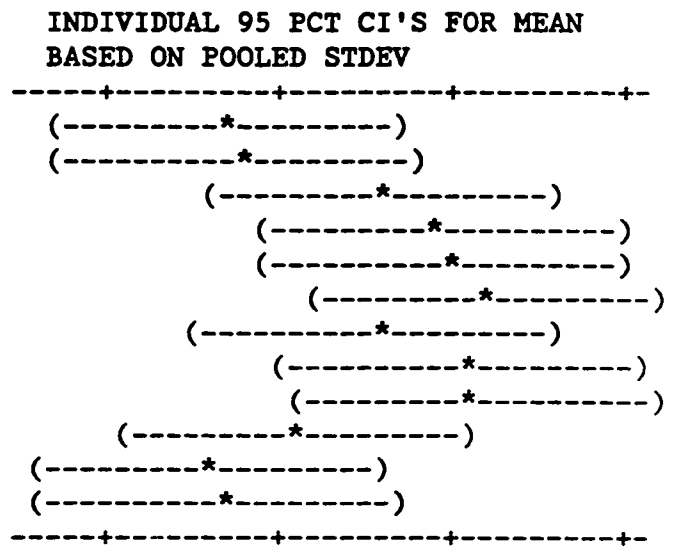
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Table 4. Graphical presentation of within month variation in major seagrass fish community parameters for five years from collections made from September 1974 to December 1980 at the LPT seine site.

NUMBER OF SPECIES

MONTH	N	MEAN	STDEV
1	5	16.200	5.630
2	5	16.600	3.050
3	5	21.600	5.639
4	5	23.600	2.881
5	5	23.800	8.106
6	5	25.200	7.727
7	5	21.400	5.128
8	5	24.400	6.189
9	5	24.800	6.221
10	5	18.600	11.283
11	5	15.600	7.162
12	5	16.000	8.888

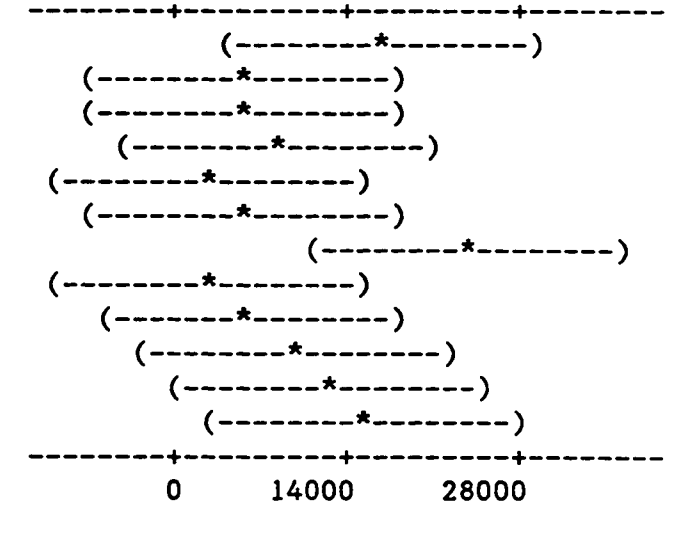
POOLED STDEV = 6.876



NUMBER OF INDIVIDUALS

MONTH	N	MEAN	STDEV
1	5	16495	13960
2	5	6030	6684
3	5	5798	4566
4	5	7956	10567
5	5	2567	1962
6	5	5956	6422
7	5	23762	34452
8	5	2393	3614
9	5	6255	6156
10	5	10006	12136
11	5	12512	13751
12	5	15765	17432

POOLED STDEV = 13830



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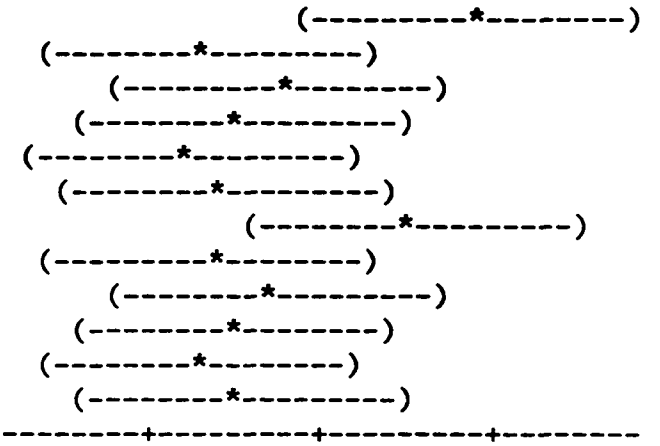
Table 4. Within month variation, 5 years...continued.

TOTAL SAMPLE WEIGHT

MONTH	N	MEAN	STDEV
1	5	26278	38650
2	5	4260	2665
3	5	10750	5838
4	5	7142	5019
5	5	3340	2610
6	5	5689	3537
7	5	21557	28846
8	5	4969	4511
9	5	10092	6566
10	5	6951	9092
11	5	4200	2924
12	5	7086	6182

POOLED STDEV = 14732

INDIVIDUAL 95 PCT CI'S FOR MEAN
BASED ON POOLED STDEV

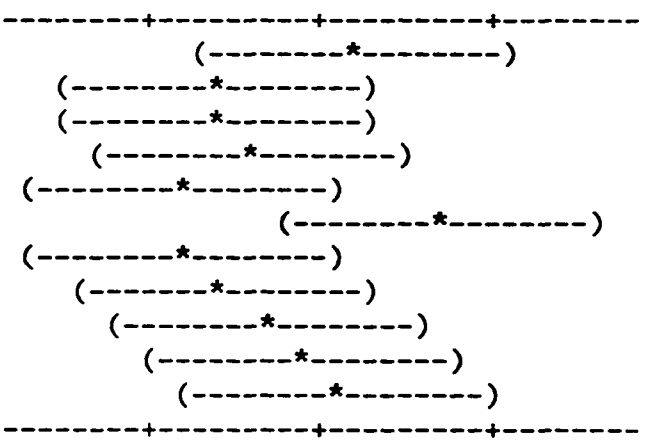


DENSITY, NO/M^2

MONTH	N	MEAN	STDEV
1	5	14.22	12.03
2	5	5.20	5.76
3	5	5.00	3.94
4	5	6.86	9.11
5	5	2.21	1.69
6	5	20.48	29.70
8	5	2.06	3.12
9	5	5.39	5.31
10	5	8.63	10.46
11	5	10.79	11.85
12	5	13.59	15.03

POOLED STDEV = 11.92

INDIVIDUAL 95 PCT CI'S FOR MEAN
BASED ON POOLED STDEV



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Table 4. Within month variation, 5 years...continued.

BIOMASS, G/M^2

INDIVIDUAL 95 PCT CI'S FOR MEAN
BASED ON POOLED STDEV

MONTH	N	MEAN	STDEV	----------+---------+---------+---------
1	5	22.65	33.32	(---------*---------)
2	5	3.67	2.30	(---------*---------)
3	5	9.27	5.03	(---------*---------)
4	5	6.16	4.33	(---------*---------)
5	5	2.88	2.25	(---------*---------)
6	5	4.90	3.05	(---------*---------)
7	5	18.58	24.87	(---------*---------)
8	5	4.28	3.89	(---------*---------)
9	5	8.70	5.66	(---------*---------)
10	5	5.99	7.84	(---------*---------)
11	5	3.62	2.52	(---------*---------)
12	5	6.11	5.33	(---------*---------)
				----------+---------+---------+---------

POOLED STDEV = 12.70 0 12 24

MEAN INDIVIDUAL WEIGHT (G)

INDIVIDUAL 95 PCT CI'S FOR MEAN
BASED ON POOLED STDEV

LEVEL	N	MEAN	STDEV	---------+---------+---------+-------
1	5	1.252	1.336	(---------*---------)
2	5	1.817	2.671	(---------*---------)
3	5	8.787	16.833	(---------*---------)
4	5	2.087	2.571	(---------*---------)
5	5	2.713	3.471	(---------*---------)
6	5	1.738	0.925	(---------*---------)
7	5	4.378	5.175	(---------*---------)
8	5	5.147	3.375	(---------*---------)
9	5	3.445	4.963	(---------*---------)
10	5	0.765	0.643	(---------*---------)
11	5	0.547	0.537	(---------*---------)
12	5	0.773	0.640	(---------*---------)
				---------+---------+---------+-------

POOLED STDEV = 5.595 0.0 5.0 10.0

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Nekton of Sarasota Bay and a Comparison of Nekton Community Structure in Adjacent Southwest Florida estuaries

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SUMMARY

The Sarasota Bay National Estuary Program's Comprehensive Conservation Management Plan stressed the importance of restoring and protecting juvenile fish habitats. The Sarasota Bay estuary has undergone considerable urbanization since the 1950's. An understanding of the distribution, abundance, and habitat use of nekton (fish and macroinvertebrate) within the Sarasota Bay estuary is critical to protecting and restoring estuarine habitats.

The Florida Fish and Wildlife Conservation Commission's (FWCC) Fisheries-Independent Monitoring (FIM) program has been monitoring nekton assemblages in Tampa Bay and Charlotte Harbor since 1989. The goal of the FIM program is to provide timely, accurate, and consistent fisheries-independent data and analysis to fisheries managers for the conservation and protection of Florida's fisheries. The sampling design and data collected are intended to not only assess fishery stocks, but to also describe habitat utilization, biodiversity, nekton communities, and to document changes within Florida's estuarine systems.

The general objectives of this study were to describe the nekton community and habitat utilization within the Sarasota Bay estuary. Specifically, this study was designed to: 1) provide a database of fish and selected invertebrate species that inhabit the Sarasota Bay estuary; 2) examine spatial differences in species composition and relative abundance within the Sarasota Bay estuary; 3) examine spatial differences in species composition and relative abundance between the polyhaline portions of four estuaries along Florida's Southwest Coast; and 4) develop baseline data on mercury

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content in fish from the Sarasota Bay estuary and compare those data to adjacent estuaries.

The FIM program survey used a stratified-random sampling design to select sampling sites from the five Sarasota Bay embayments as defined by the Sarasota Bay estuary program. Samples were collected bi-monthly between June 2009 and April 2010 with 21.3-m seine, 183-m seine, and 6.1-m trawl. Water chemistry parameters (salinity, water temperature, dissolved oxygen and pH) and habitat assessments (bottom type, presence of submerged aquatic vegetation, shore habitat) were taken in association with each net deployment. A large body of descriptive habitat-use information was generated and is presented in the accompanying appendices.

Temperatures during winter/spring 2010, and the rainfall pattern throughout the study period were not typical of Southwest Florida. The weather pattern was defined by an El Nino event, which resulted in unseasonably high rain fall totals and cold temperatures during winter/spring 2010. The water temperatures and salinities observed during this study likely do not reflect the long-term expected condition and the nekton assemblage probably differs somewhat from that which would be expected from a longer-term sampling program that included typical weather patterns.

The nekton community in Sarasota Bay was typical of Florida estuaries. The majority of the animals (n=136,429) were collected with 21.3-m seines and two taxa (bay anchovy and pinfish) represented over 55% of the total catch in this gear. Pinfish were also particularly abundant in the other two gear types, comprising 59.4% and 21.1% of the total catch in the 183-m seine and 6.1-m trawl, respectively. Other

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estuarine dependent species such as spot, eucinostomus mojarra, silver jenny, silver perch, and scaled sardine were relatively abundant as well.

Community analyses of the five embayments of the Sarasota Bay estuary (*intra*bay) and between the polyhaline sections of four Southwest Florida estuaries (*inter*bay) provided similar results. The community structure in "small" estuaries was different than the community structure in "large" estuaries for 21.3-m seines (intrabay and interbay), 183-m seines (interbay), and 6.1-m trawls (interbay). The abundance for the discriminating taxa in the community analyses tended to be higher in "small" estuaries than in "large" estuaries (intra and interbay). Overall abundance tended to be higher in "small" than in "large" bays (intrabay). Differences in community structure and abundance could be related to water depth, salinity, ratio of land-water interface to open water, sediment type, quantity and type of submerged aquatic vegetation, or circulation patterns, residence times, and water quality.

Mercury is a toxic element that has been shown to bio-accumulate in tissues. Tissue samples for mercury content analysis were taken from 323 individuals representing 25 taxa. About 40% of the collected tissue samples have been analyzed. Sample sizes were not large enough to run linear regressions on any of the taxa collected from Sarasota Bay without combining with data from adjacent estuaries (Tampa Bay and Charlotte Harbor). The results of the mercury content analysis indicated that fish from Sarasota Bay do not contain any higher concentrations of mercury than those found in adjacent estuaries and suggest that accumulation rates for Sarasota Bay are similar to those found in Tampa Bay and Charlotte Harbor.

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INTRODUCTION

The Sarasota Bay estuary is an urbanized coastal lagoon system located on the southwest coast of Florida. Since the early 1900s, dredge and fill activities have resulted in significant losses of ecologically important habitats, and historically semi-isolated tidal current regimes within embayments have been joined through the construction of an Intracoastal Waterway (ICW) channel that hydrologically links all embayments. Intense development occurred throughout the system from the late 1950's to 1970 resulting in much of the natural shoreline being replaced by seawalls to retain dredge-and-fill material for housing sites and other construction projects. Mosquito ditching along with significant channelization of tidal creeks has altered historical patterns of surface water runoff to the bay and further exacerbated the problem of wetland habitat loss (Sarasota Bay National Estuary Program, 2003). A thorough understanding of the ecology of local nekton assemblages is imperative if the consequences of further anthropogenic or environmental changes are to be determined (Poulakis et. al. 2004). In addition, the development of a baseline database documenting habitat use, recruitment, and biodiversity can provide a broader understanding of the status of fish populations found within the estuary and guide us in the protection of our estuarine-based fisheries and associated habitats (Paperno, et. al. 2001).

The Sarasota Bay National Estuary Program (SBNEP) Comprehensive Conservation Management Plan (CCMP) stressed the importance of restoring and protecting juvenile fish habitat as well as the need to maintain fish populations while restoration efforts are pursued (SBNEP 1995). The objectives of this study are to: 1)

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provide a database of fish and selected invertebrate species that inhabit the Sarasota Bay estuary; 2) examine spatial differences in species composition and relative abundance within the Sarasota Bay estuary; 3) examine spatial differences in species composition and relative abundance between the polyhaline portions of four estuaries along Florida's Southwest Coast; and 4) develop baseline data on mercury content in fish from the Sarasota Bay estuary and compare those data to adjacent estuaries.

METHODS

Study Area

Sarasota Bay is a coastal lagoon, located on the southwest coast of Florida, which stretches from Anna Maria Sound to the Venice Inlet. The bay is comprised of five embayments, Palma Sola Bay, Sarasota Bay, Roberts Bay, Little Sarasota Bay and Blackburn Bay, which were formed behind a barrier island complex. This system is connected to the Gulf of Mexico through five inlets; Anna Maria Sound, Longboat Pass, New Pass, Big Sarasota Pass and Venice Inlet. Freshwater inflow enters the estuary through a series of creeks, bayous, and unnamed drainage ditches (Roat and Alderson 1990). The main tributaries and receiving water bodies are Bowlees Creek and Whitaker and Hudson bayous (Sarasota Bay), Phillippi Creek (Roberts Bay), Clower and Catfish creeks (Little Sarasota Bay), and South Creek (Blackburn Bay). Shoreline vegetation consists largely of mangroves and marsh grasses, and bottom substrates are typically characterized as sand, mud, oysters, or a combination thereof (Flannery

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1989). Seagrass meadows are the dominant vegetative cover in Sarasota Bay and are widely distributed throughout the bay (Haddad 1989).

Sampling Design

The FIM program utilized a stratified-random sampling (SRS) design and a multi-gear approach to collect data on nekton (fish and select invertebrates) from a wide range of habitats and life history stages. This sampling design provides comprehensive data on size-specific, spatial and temporal patterns of abundance for the nekton community and for individual species. Specimens collected during this sampling are also used for various other assessments, such as fish health, mercury content, diet, age/growth, and reproduction. Three sampling gears (*Table 1*) were used: 1) 21.3-m seines; 2) 183-m seines; and 3) 6.1-m trawls. Generally speaking, the data from seine hauls document habitat use by shallow-water shoreline-associated organisms whereas the data from trawls document habitat use in deeper areas. The dominant catch for the 21.3-m seines and trawls is juvenile fishes, although the adults of smaller species are also commonly caught. The 183-m seine is used to catch larger sub-adult and adult fishes. The seines and trawls also regularly collect a few of the larger macroinvertebrate species from tidal rivers, notably blue crabs (*Callinectes sapidus*), and pink shrimp (*Farfantepenaeus duorarum*).

Sarasota Bay estuary was divided into five geographically-defined zones (Zone A - Palma Sola Bay, Zone B - Sarasota Bay, Zone C - Roberts Bay, Zone D - Little Sarasota Bay, and Zone E - Blackburn Bay; *Figure 1*). Each zone was further subdivided into 1-nm^2 grids. Within each grid, habitat and depth strata were identified, thereby designating the gear types that could be used in each. The number of samples

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collected in each zone with each gear was approximately proportional to the number of grids in the zone that could be sampled with a particular gear. Sites for each sampling event were chosen by randomly selecting grids and then randomly selecting a sampling site within each grid. A single collection was made at each selected site. Thirty primary samples consisting of six 183-m seines, eight 6.1-m trawls and sixteen 21.3-m seines were collected during each sampling event. Nine to twelve additional 21.3-m seine samples were collected during each sampling event as time allowed.

Sampling events were scheduled with a bi-monthly periodicity in the Sarasota Bay estuary. Sampling began in June 2009 and is ongoing with sampling currently scheduled to end in April 2011. This report summarizes the data collected between June 2009 and April 2010.

Table 1. Description of sampling gears used during the Sarasota Bay stratified random sampling, June 2009 – April 2010. A more detailed description of each gear can be found in the FIM program's Procedure Manual.

Gear	Mesh Size (mm)	Area Sampled Estimate (m^2)	Description of use
21.3-m seine	3.2	140	used in near-shore and shoreline areas ≤ 1.5 m
183-m seine	38.1	4,120	used along shorelines ≤ 2.5 m
6.1-m trawl	38.1 (3.2-mm bag liner)	1,400	used in areas from 1.8-m to 7.6-m deep

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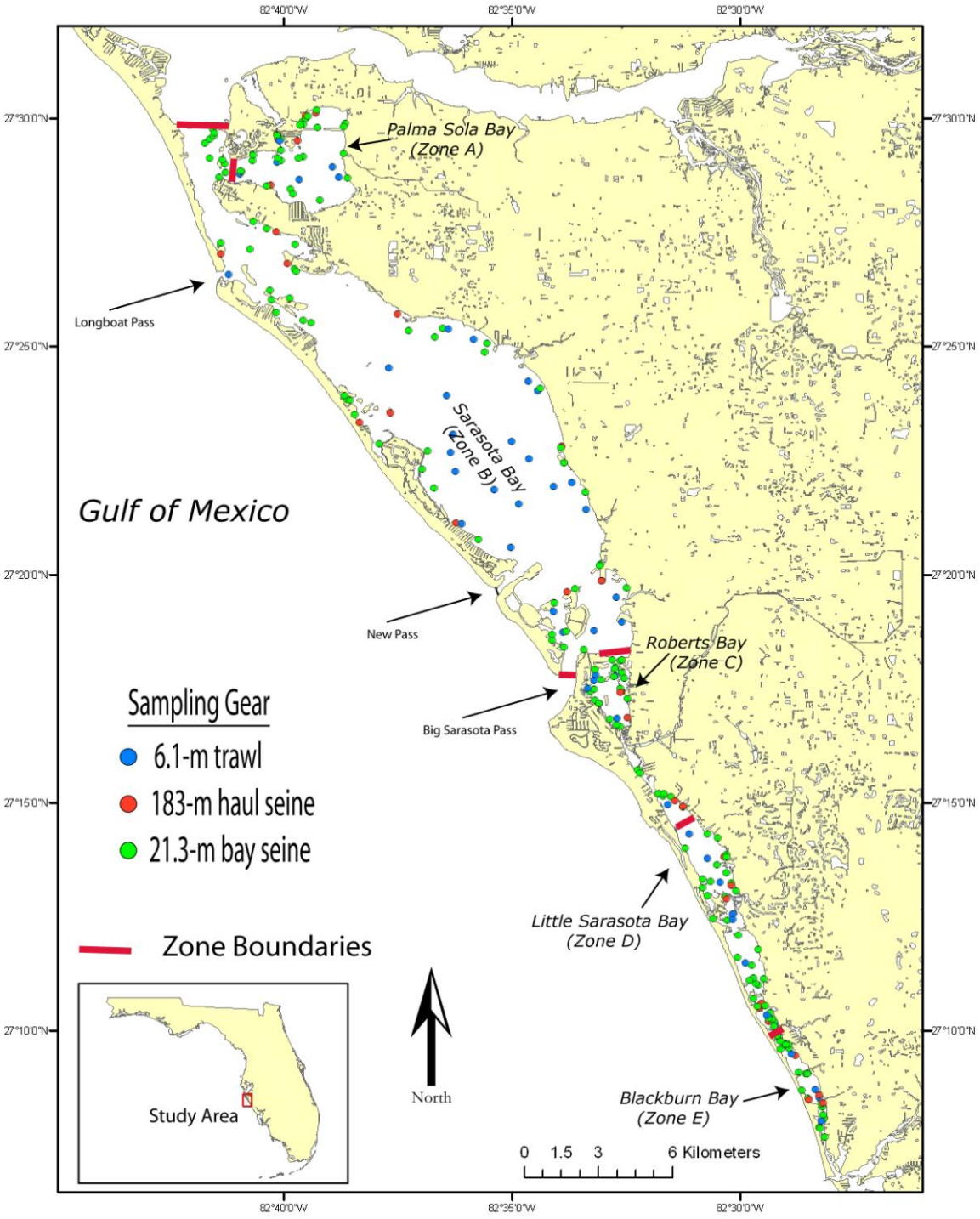


Figure 1.Sampling sites by gear, and zone boundaries for Sarasota Bay stratified random sampling, June 2009 – April 2010.

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Gear Specifications and Deployment

The gear used to collect smaller nekton associated with shorelines and on offshore flats (>5 m from shore) was a 21.3-m center-bag seine with 3.2-mm mesh and leads spaced every 150 mm. The 21.3-m seine was pulled, with a crewmember on each wing, for a distance of 9.1 m with the net wings separated by 15.5 m. The seine was deployed into the current and was landed by collapsing the seine around a pivot pole to close the wings and force the sample into the center bag. Each 21.3-m seine deployment sampled an estimated 140 m^2. Sampling sites for the 21.3-m seine were pre-stratified by the presence or absence of bottom vegetation or a shoreline.

The 183-m haul seine was used to target larger sub-adult and adult nekton associated with shallow, nearshore habitats. Deployment of this gear occurred from the net from the back of a boat in a standard rectangular shape along shorelines in relatively shallow waters (<2.5 m). Net wings were simultaneously hauled along the shoreline, keeping the lead lines close to the bottom, forcing the catch into the center bag portion of the gear. Each 183-m seine set enclosed an area of approximately 4,120 m^2. In Sarasota Bay proper, which had a relatively larger number of bi-monthly 183-m seine hauls, sites were pre-stratified by the presence or absence of overhanging shoreline vegetation. Sample sizes collected each month with 183-m seines in Palma Sola, Roberts, Little Sarasota, and Blackburn bays were too small to pre-stratify sampling sites, so sites were post-stratified by the presence or absence of overhanging shoreline vegetation.

Juvenile and adult nekton that inhabit relatively deeper waters (1.0 – 7.6-m) were collected with the 6.1-m otter trawl which had a 38-mm stretch mesh with a 3.2-mm

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mesh cod-end liner. The trawl was towed from the back of a boat in for ten minutes. Tow speeds averaged 0.6-m/s and start and end locations for each trawl were marked using a global positioning system (GPS) so that the distance fished could be estimated. Each trawl deployment sampled an area of approximately 1,440 m^2.

Salinity, temperature, pH, and dissolved oxygen were measured at the surface and at 1-m intervals to the bottom in association with each gear deployment. . A variety of qualitative habitat assessments were also made, such as characteristics of the shoreline (e.g., vegetation type, inundation), substrate (e.g., sediment type, presence of submerged aquatic vegetation), and bycatch (i.e., total volume, type, and composition). All sampling was conducted during daytime hours (one hour after sunrise to one hour before sunset). Additional sampling details and habitat assessment procedures are described in the FIM program's Procedure Manual (FWC-FWRI 2010).

Sample Processing

Sample work-up was similar for all samples, regardless of gear type or sampling regime. All fish and selected invertebrate species captured were identified to the lowest practical taxonomic level, generally species. Representative samples (three individuals of each species from the 21.3-m seines, and trawls on each sampling trip) were brought back to the FWC-FWRI laboratory to confirm field identification. Species for which field identification was uncertain were also brought back to the laboratory. A maximum of 20 measurements (mm) were made per taxon, unless distinct cohorts were identifiable, in which case a maximum of 20 measurements were taken from each cohort; for certain economically valuable fish species, forty individuals were measured. Standard length (SL) was used for fish (total length [TL] for seahorses and disk width [DW] for rays),

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post-orbital head length (POHL) for shrimp, and carapace width (CW) for crabs. Animals that were not measured were identified and counted. When large numbers of individuals (> 1,000) were captured, the total number was estimated by fractional expansion of sub-sampled portions of the total catch split with a modified Motoda box splitter (Winner and McMichael 1997). Animals not chosen for further laboratory examination were returned to the river. Additional details concerning sample work-up are described in the FIM program's Procedure Manual (FWC-FWRI 2010).

Due to frequent hybridization and/or extreme difficulty in the identification of smaller individuals, members of several abundant species complexes were not identified to species. We did not separate menhaden, *Brevoortia*, species. *Brevoortia patronus* and *B. smithi* frequently hybridize, and juveniles of the hybrids and the parent species are difficult to identify (Dahlberg 1970). Two abundant silverside species (*Menidia beryllina* and *M. peninsulae*) tend to hybridize, form all-female clones, and occur in great abundance that renders identification to species impractical due to the nature of the diagnostic characters so they are represented in this report as Menidia spp. (Duggins et al. 1986; Echelle and Echelle 1997; Chernoff, personal communication). Species-level identification of mojarras (genus *Eucinostomus*) was limited to individuals ≥ 40 mm SL due to great difficulty in separating *E. gula* and *E. harengulus* below this size (Matheson, personal observation). The term "eucinostomus mojarras" is used for these small specimens. Species-level identification of gobies of the genus *Gobiosoma* (i.e., *G. robustum* and *G. bosc*) used in analyses was limited to individuals ≥ 20 mm SL for the same reason; smaller individuals are hereafter referred

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to as “gobiosoma gobies”. Similarly, needlefishes (*Strongylura* spp.) other than *S. notata* were only identified to species at lengths ≥ 100 mm SL.

The data for this report were summarized separately for each estuarine zone and for each gear type. Data were also summarized separately for all taxa and for taxa of recreational or commercial importance (‘Selected Taxa’; *Appendix A*). Abundance estimates for all gear types were calculated as the number of individuals/100 m^2 of area sampled.

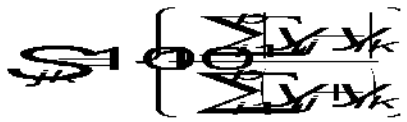
Nekton Community Analysis

Nekton community structure was investigated using nonparametric multivariate analyses in PRIMER v6 software (PRIMER-E Ltd, UK) (Plymouth Routines in Multivariate Ecological Research; Clarke and Warwick 2001). Analyses were based on pooled samples averaged by each bi-monthly sampling event to investigate seasonality, or by geographic area to investigate spatial patterns. Data from each gear type (21.3-m seines, 183-m seines, and 6.1-m trawl) were treated separately. *Intra*bay analyses were conducted to compare nekton assemblages in each of Sarasota Bay’s smaller embayments. Broader-scale geographic analyses (*inter*bay analysis) were conducted to compare nekton assemblages in adjacent bay systems along the southwest coast of Florida (i.e., Lower Tampa Bay North, Lower Tampa Bay South, Sarasota Bay, Lemon Bay, Gasparilla Sound, Pine Island Sound) (*Figure 2*). All nekton taxa collected, including species complexes (e.g., *Eucinostomus* spp., *Menidia* spp.) and invertebrates were included in the community analyses.

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Bray-Curtis similarity calculation

The basis of the multivariate analyses was an assessment of similarity in nekton community structure, calculated according to the method of Bray and Curtis (1957):



where S_{jk} is the Bray-Curtis similarity coefficient, y_{ij} is the abundance of the ith species in the jth sample and y_{jk} is the abundance of the same ith species in the kth sample. Abundance was standardized to number•haul^{-1} for both seine types, and to number•100m^{-2} to account for varying tow lengths. Abundance data were square root-transformed prior to analysis to reduce the influence of highly abundant taxa.

Non-metric multidimensional scaling (MDS) and Similarity Percentage Analysis (SIMPER)

In order to provide a visual depiction of differences in nekton community structure non-metric multidimensional scaling (MDS) of the initial Bray-Curtis similarity matrices was conducted. This technique generates two-dimensional plots of 'distances' between samples on the basis of their similarity in community structure (Clarke 1993). The MDS analysis uses an iterative procedure to attempt to map similarity of samples as closely as possible to the rank order of similarities from the input Bray-Curtis similarity matrix. The adequacy of this representation is judged by a 'stress' value, for which zero is perfect representation, and values below ~0.2 offer appropriate results for interpretation (Clarke and Warwick 2001). MDS-plot axes do not have units, so the important information in these plots is the distances between samples; samples close together on

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the plots are more similar in community structure than samples that are further apart. The MDS plots included ‘samples’ that were averages of all data collected by sampling event or by geographic area. Similarity percentage analysis (SIMPER; Clarke and Warwick 2001) was used to identify species representative of dissimilarities between groups determined from MDS.

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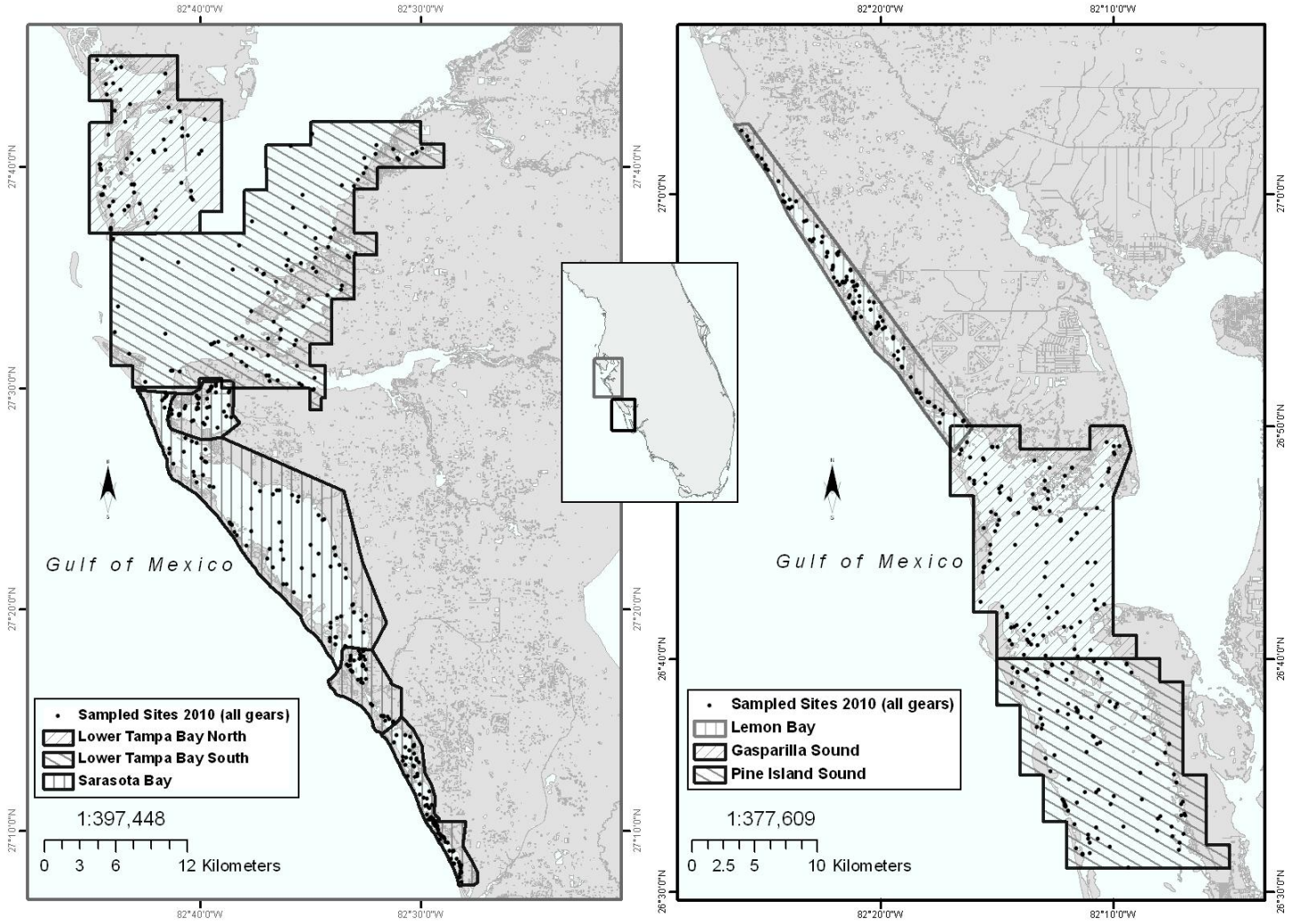


Figure 2.Sampling areas and sample sites along Florida's southwest coast, June 2009 – April 2010.

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Mercury Content Analysis

Fish for mercury content analysis were placed directly on ice and returned to the laboratory, where standard length (SL) and sex were recorded. A clean stainless-steel knife was used to remove axial muscle tissue samples from the left dorsal area above the lateral line and anterior to the origin of the first dorsal fin for each fish. White muscle tissue taken from this region is representative of the portion of fish consumed by humans (Adams and McMichael 2001). Care was taken to assure that the sample did not contact the outer layer of the specimen, blood, scales, or other surrounding surfaces during the extraction process. Tissue samples were immediately placed in sterile polyethylene vials and frozen at -20° C until analyzed.

Total mercury concentration (THg) of each tissue sample was determined by EPA Method 7473 (*Direct Mercury Analysis by Thermal Decomposition, Amalgamation, and Atomic Absorption Spectrometry* [DMA], USEPA 2007). Frozen tissue samples were thawed until ice crystals were no longer present on or within the sample, and approximately 0.20 g of clean unexposed muscle tissue was then excised with sterilized stainless steel instruments from the interior portion of the sample. The tissue sample was placed directly into a clean quartz sampling vessel, weighed to 0.0001 g, and analyzed for total mercury by FWC-FWRI with a calibrated DMA-80 Direct Mercury Analyzer (Milestone Inc., Shelton, CT). Quality control included analysis of laboratory method blanks, duplicate or triplicate tissue samples, and certified fish-tissue reference material (CRM; TORT-2, DOLT-4, obtained from the National Research Council of Canada) for each group of 10 or fewer fish samples analyzed. Matrix spike samples were processed for every 40 samples analyzed in a group. If CRM results were not

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within 10% of their certified value, all samples run subsequent to the last acceptable CRM result were re-analyzed. All total mercury levels were measured and reported as milligrams per kilogram (mg/kg) wet weight, rounded to three decimal points (0.001).

Linear regressions were used to describe relationships between fish size and total mercury concentration. Sample sizes from Sarasota Bay were not large enough to be analyzed independently, so data collected from two adjacent estuaries (Tampa Bay and Charlotte Harbor) were also used in the regression analysis. Total mercury concentrations from Tampa Bay and Charlotte Harbor prior to 2006 were analyzed by EPA Method 245.6 (*Determination of Mercury in Tissues by Cold Vapor Atomic Absorption Spectrometry* [CVAAS]; USEPA 1991), which provides similar but not identical results to the DMA method. Therefore, THg values for all DMA-analyzed fish were converted into CVAAS values using equations developed by FWC from 1,566 split samples that were analyzed by both methods. Total mercury data were log transformed to approximate the normality and homoscedasticity requirements prior to regression analysis. Only species with at least 50 total animals collected, and at least 15 from Sarasota Bay, were analyzed using linear regression.

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RESULTS and DISCUSSION

Physiochemical conditions

Temperature and rainfall patterns during the study period did not follow the long-term Southwest Florida trends (*Figure 3*). The period from May 2009 through April 2010 had slightly higher than average summer and fall air temperatures compared to the longer-term period (January 1990 to May 2010) (*Figure 3*); on average, temperatures were 0.5◦C warmer from June to December 2009 than during the longer-term period. Air temperatures during the winter and early spring of 2010 were colder than normal, with temperatures from January to March 2010 averaging almost 4˚C colder than the longer-term average. Differences from the longer-term climatic trend for rainfall were also apparent (*Figure 3*). Rainfall totals were higher than normal in May and July 2009, at the beginning of the study period. Total rainfall in June, August, September, and October 2009 were lower than normal, while the normally dry period between January and April 2010 had much higher than normal rainfall totals.

Mean water temperature in each of the embayments showed very similar trends with very little difference between the five embayments (*Figure 4*). Temperature followed the normal Florida pattern, being warmest during the summer months of June and August, decreasing during the fall and winter, and rising again in the spring. Although not obvious in the one-year study of Sarasota Bay, water temperatures in adjacent estuaries (Tampa Bay and Charlotte Harbor) with a longer time series of data, indicate that the January to March water temperatures were much colder in 2010 than during the historical period of record (*Figure 5*).

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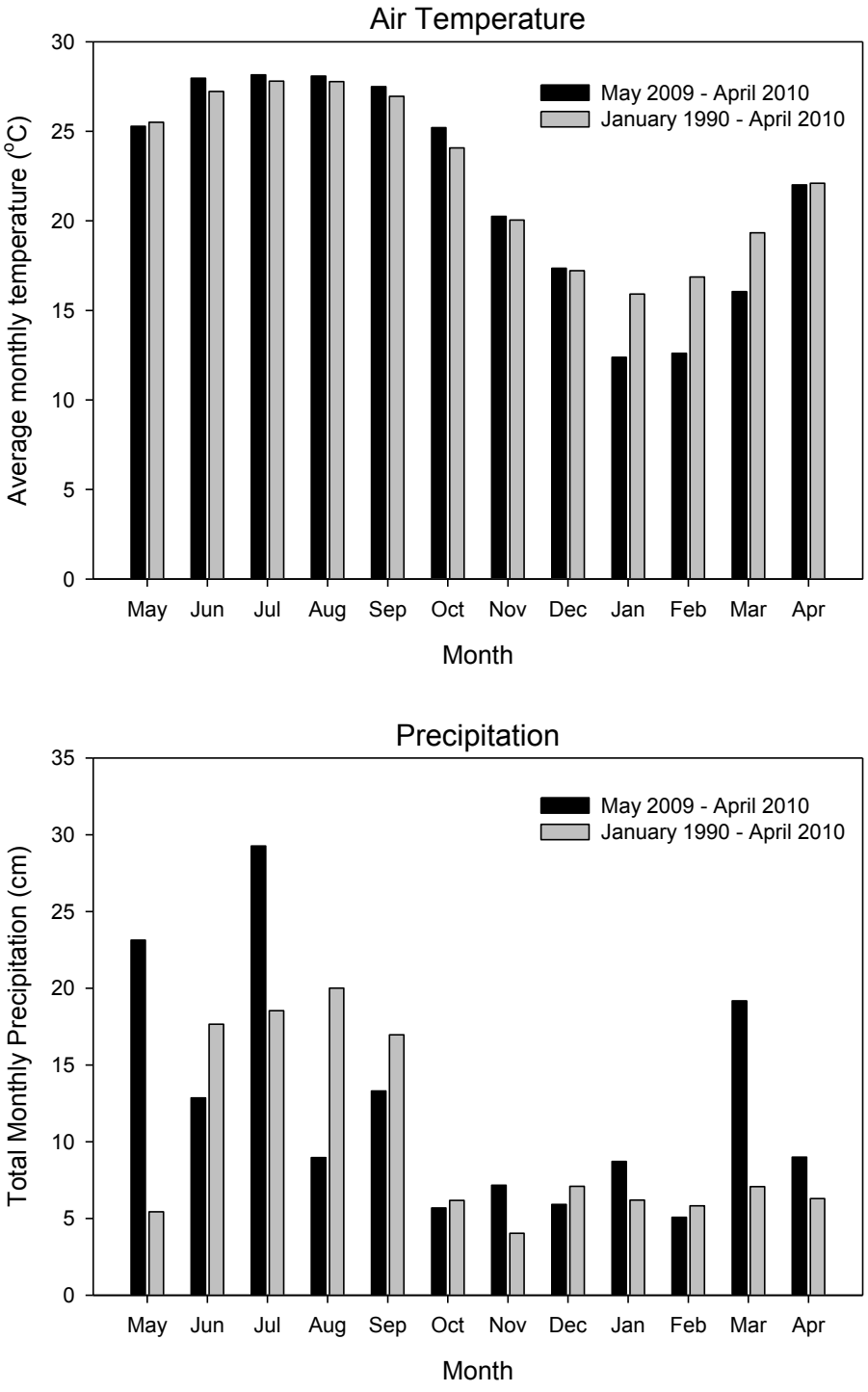


Figure 3. Temperature and total rainfall during the study period (May 2009 to April 2010) and during a longer-term reference period (January 1990 to April 2010). Data are from Tampa International Airport (Station 72211012842) and were downloaded from the National Climatic Data Center (http://gis.ncdc.noaa.gov/website/ims-cdo/gsod/viewer.htm).

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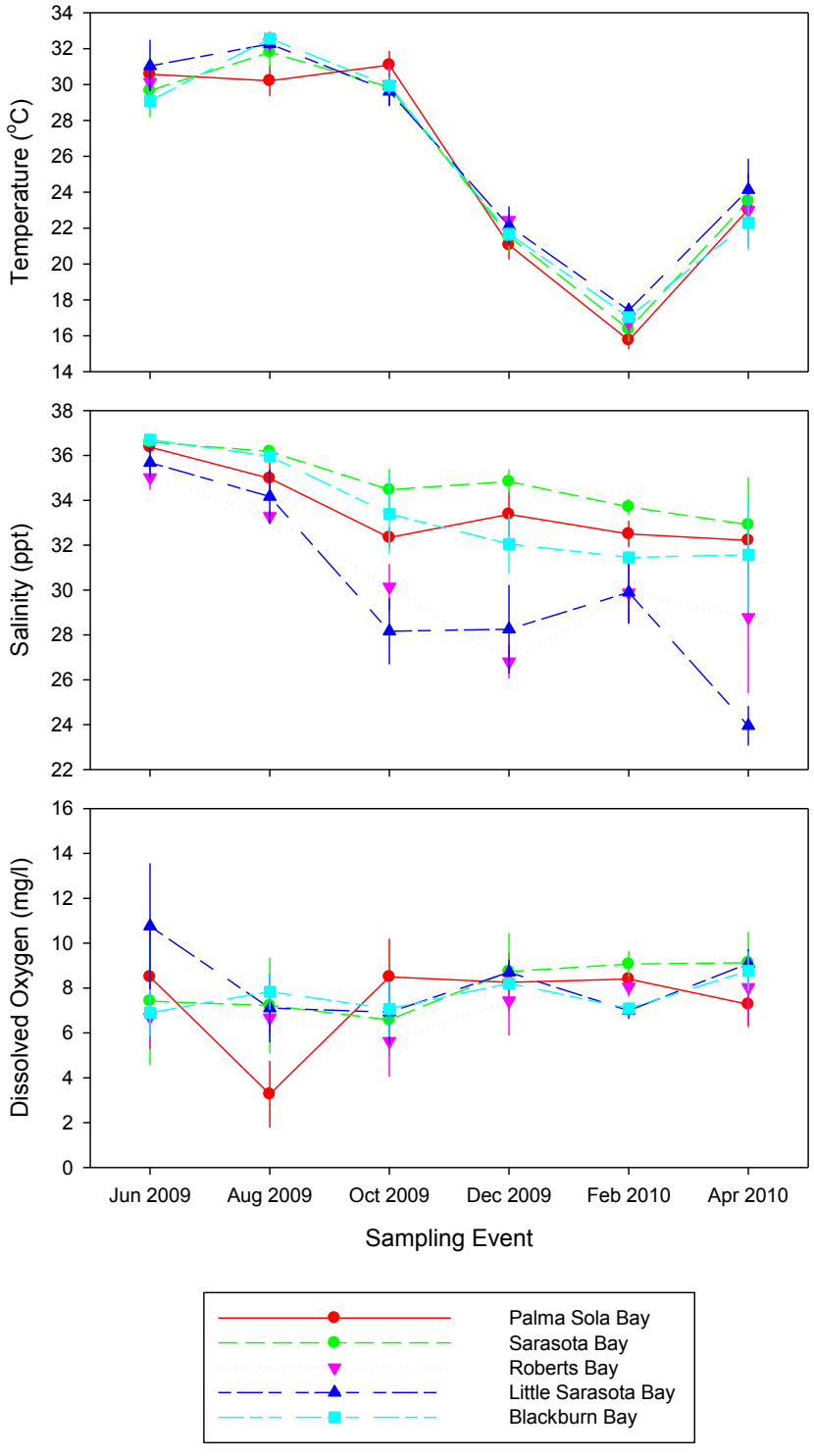


Figure 4. Mean (±standard deviation) water temperature, salinity, and dissolved oxygen (water column average) by embayment, from the Fisheries-Independent Monitoring collections in Sarasota Bay estuary during bi-monthly sampling (June 2009-April 2010).

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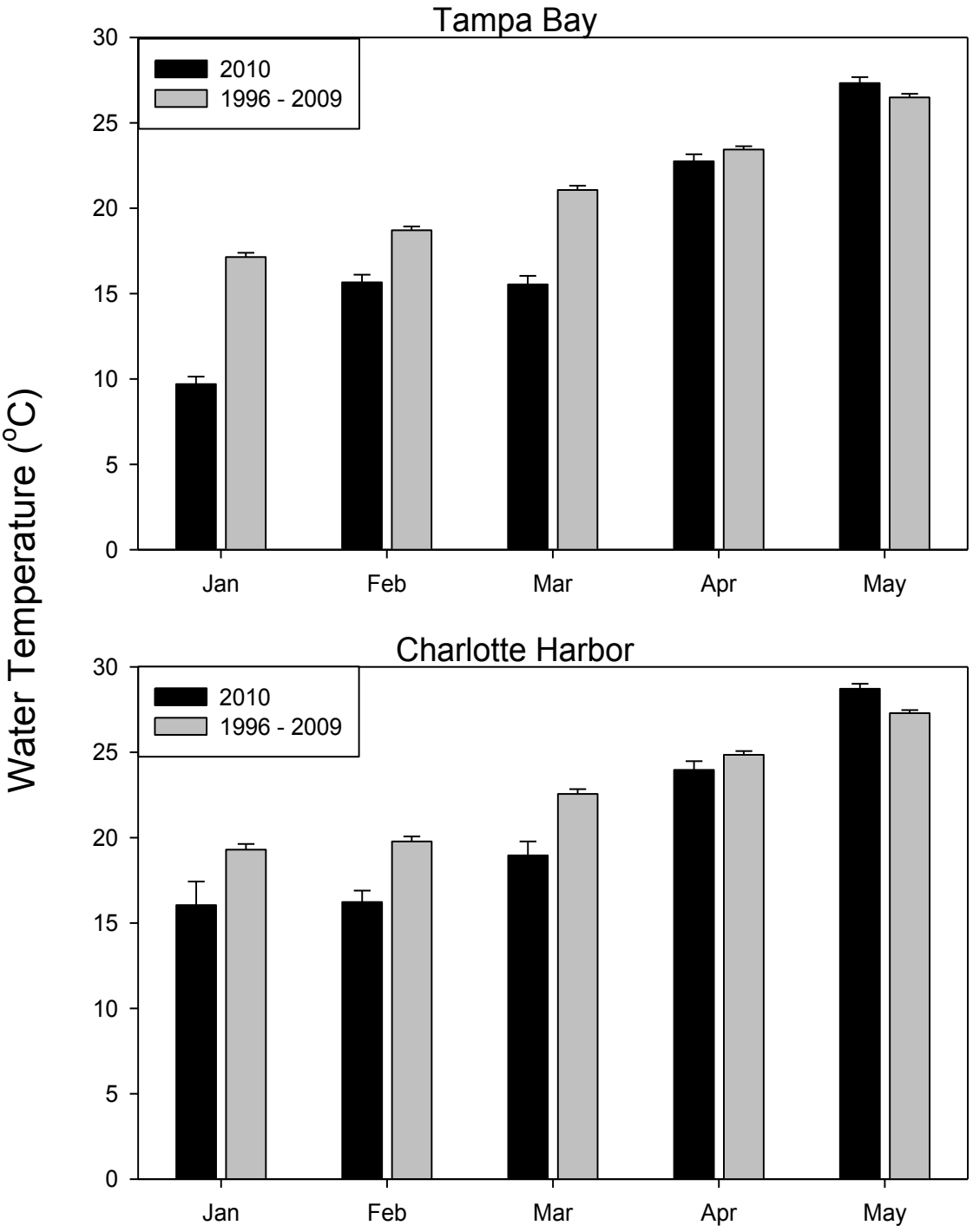


Figure 5. Mean monthly water temperature from the 183-m seine surveys conducted by the Fisheries-Independent Monitoring program in Tampa Bay and Charlotte Harbor. Gray and black fills represent the historical period (1996 – 2009) and 2010, respectively. Error bars represent the 95% confidence interval.

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Each embayment had similar trends in salinity (*Figure 4*). Salinity maxima occurred in June 2006 in each of the embayments with values ranging from 35 to 37 ppt. Salinity was lowest in each embayment during April 2010, with two of the embayments (Roberts and Little Sarasota bays) having lower salinities (28.8 and 24.0 ppt, respectively) than the other three embayments (31 to 33 ppt). Although this pattern was experienced in many Florida estuaries between June 2009 and April 2010, Florida estuaries typically experience their highest salinities in spring (April and May) during which Florida typically receives its lowest rainfall totals.

Water column average dissolved oxygen was above 5 mg/l in each of the embayments during each sampling period (*Figure 4*), except for Palma Sola Bay in August 2009 (3.3 mg/l). The highest average dissolved oxygen occurred in Little Sarasota Bay during June 2009.

The climatic and physiochemical conditions experienced during this one-year study of Sarasota Bay were not typical compared to the longer-term average condition for Southwest Florida. January and February 2010 had unprecedented cold temperatures with fish kills reported throughout Florida. An El Nino rainfall pattern, with unseasonably heavy winter/spring precipitation, was experienced likely resulting in lower salinity in the study area than would normally be expected. It is very likely that the nekton community sampled during this period was impacted by these climatic and physiochemical conditions and may differ from the nekton community that would be sampled over a longer time period. The funding that was recently awarded for a second year of sampling, June 2010 to April 2011, will greatly improve the understanding of the nekton community in this estuary.

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Composition of overall nekton community

A total of 159,271 fishes (103 taxa) and selected invertebrates (8 taxa) were collected from 245 samples (*Table 2*). Species lists with common and scientific names and number of animals collected are provided by sampling event, gear and habitat strata, and geographic strata in *Appendix B*, *C*, and *D*, respectively. About 17% of the total sampling effort, but over a quarter of the total number of animals collected (26.2%) were from Roberts Bay (*Table 2*). Sarasota Bay proper, in which just over 1/3 of the sets were made, accounted for only 28.7% of the total animals collected during the study period. The fewest number of animals (n=15,719, 9.9% of total catch) were collected in Palma Sola Bay.

Pinfish (*Lagodon rhomboides*, n=43,164) was the most numerous taxon collected, representing 27.1% of the total catch (*Appendix B*, *C*, and *D*). Bay anchovy (*Anchoa mitchilli,* n=40,349) was the second most abundant taxon collected, accounting for an additional 25.3% of the total catch. The twenty-one Selected Taxa (n=28,119 animals) that were collected comprised 17.7% of the total catch. Spot (*Leiostomus xanthurus,* n=23,577, 14.8% of total catch) and pink shrimp (*Farfantepenaeus duorarum,* n=1,497, 0.9% of total catch) were the two most abundant Selected Taxa collected.

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Table 2. Summary of catch and effort data for Sarasota Bay stratified-random sampling, June 2009 to April 2010.

	21.3-m seine		183-m seine		6.1-m trawl		Totals	
Bay Segment (Zone)	Animals	Hauls	Animals	Hauls	Animals	Hauls	Animals	Hauls
Palma Sola Bay (A)	13,608	30	1,730	6	381	6	15,719	42
Sarasota Bay (B)	39,629	47	4,585	12	1,511	24	45,725	83
Roberts Bay (C)	34,272	29	560	6	6,945	6	41,777	41
Little Sarasota Bay (D)	29,652	29	622	6	5,199	6	35,473	41
Blackburn Bay (E)	19,268	26	785	6	524	6	20,577	38
Totals	136,429	161	8,282	36	14,560	48	159,271	245

Shallow water habitats sampled with 21.3-m seines

A total of 136,429 animals, representing over 85% of the overall catch, were collected from the Sarasota Bay estuary with 21.3-m seines (n=161 hauls; *Table 2*). Bay anchovy (*A. mitchilli*, n=39,964) was the most abundant taxon collected, accounting for 29.3% of the 21.3-m seine catch (*Table 3*). The taxa most frequently collected with 21.3-m seines were pinfish (*Lagodon rhomboides*, 84.5% occurrence) and eucinostomus mojarra (*Eucinostomus* spp., 57.8% occurrence). Animals collected with 21.3-m seines tended to be relatively small, ranging in length from 2 to 346 mm, with the mean length for each of the dominant taxa between 10 and 53 mm (*Table 3*).

A total of 18,086 animals from 15 Selected Taxa were collected, representing 13.3% of the entire 21.3-m seine catch (*Table 4*). Spot (*L. xanthurus*, n=14,808) was the most abundant Selected Taxon, accounting for 81.9% of the Selected Taxa collected by this gear. The Selected Taxon most frequently collected with 21.3-m seines was the pink shrimp (*F. duorarum*, 54.7% occurrence).

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Nekton were previously sampled during 2002 in the Sarasota Bay estuary (SBNEP study) using a 21.3-m seine and protocols modeled after the Fisheries-Independent Monitoring program (SBNEP 2003). Ninety-three 21.3-m "standard" seine hauls were collected at 40 fixed stations during five-day sampling periods in both February and June. In this earlier study, fixed stations, selected to represent natural (n=22) and restored (n=18) habitats, were sampled. The SBNEP and FIM studies collected very similar numbers of total taxa (71 and 73, respectively). There were, however, many differences in the two species lists (*Table 5*), mostly because of 1) low salinity areas sampled by the SBNEP study were not sampled by the FIM study; 2) clupeids were identified to species (*Opisthonema oglinum* and *Sardinella aurita*) in the FIM study but not in the SBNEP study; 3) the FIM study's stratified-random design sampled more diverse habitats than the SBENP study; and 4) the FIM study sampled six months, instead of the two sampled by the SBNEP study.

The rankings for species collected during both the SBNEP and FIM studies also differed. For instance *Farfantepenaeus duorarum* (pink shrimp) ranked tenth in the FIM study, but 20th in the SBNEP study and *Cyprinodon variegatus* (sheepshead minnow) ranked 10th in the SBNEP study but 38th in the FIM study. As with the differences in the overall species list, differences in ranking can be attributed to differences in the habitats and months that were sampled between the two studies.

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Table 3. Catch statistics for 10 dominant taxa collected in 21.3-m seine samples during Sarasota Bay stratified-random sampling (n=161 hauls), June 2009 to April 2010. Percent (%) is the percent of the total catch represented by that taxon; percent occurrence (% Occur) is the percentage of samples in which that taxon was collected; CV is the coefficient of variation of the mean. Length is standard length for fish and post-orbital head length for shrimp. Taxa are ranked in order of decreasing mean catch-per-unit-effort.

	Number		%	Catch-per-unit-effort (animals/100m^2)				Length (mm)			
Scientific Name (Common Name)	No.	%	Occur	Mean	Stderr	CV	Max	Mean	Stderr	Min	Max
Anchoa mitchilli (bay anchovy)	39,964	29.3	32.9	177.30	70.91	507.49	9,792.14	30	0.03	15	56
Lagodon rhomboides (pinfish)	35,167	25.8	84.5	156.02	19.74	160.54	1,159.29	31	0.08	9	180
Eucinostomus spp. (eucinostomus mojarra)	17,073	12.5	57.8	75.75	21.55	360.92	3,285.71	25	0.05	8	39
Leiostomus xanthurus (spot)	14,808	10.9	36.6	65.70	14.14	273.04	965.00	23	0.07	11	118
Harengula jaguana (scaled sardine)	6,959	5.1	19.3	30.87	13.65	560.87	1,757.86	44	0.15	22	117
Lucania parva (rainwater killifish)	4,024	2.9	37.9	17.85	4.25	302.37	412.14	23	0.07	13	37
Menidia spp. (menidia silversides)	3,855	2.8	34.8	17.10	5.89	437.01	806.43	43	0.15	22	89
Anchoa cubana (cuban anchovy)	3,303	2.4	5.6	14.65	8.54	739.75	1,135.71	38	0.08	25	62
Eucinostomus gula (silver jenny)	2,193	1.6	49.1	9.73	2.65	346.16	377.14	53	0.20	40	91
Farfantepenaeus duorarum (pink shrimp)	1,429	1.0	54.7	6.34	1.22	245.04	97.86	10	0.10	2	39
Subtotal	128,775	94.3	.	.	.	.	.	.	.	2	180
Totals	136,429	100.0	.	605.28	88.62	185.77	10,460.71	.	.	2	346

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Table 4. Catch statistics for Selected Taxa collected in 21.3-m seine samples during Sarasota Bay stratified-random sampling (n=161 hauls), June 2009 to April 2010. Percent (%) is the percent of the total catch represented by that taxon; percent occurrence (% Occur) is the percentage of samples in which that taxon was collected; CV is the coefficient of variation of the mean. Length is standard length for fish, post-orbital head length for shrimp, and carapace width for crabs. Taxa are ranked in order of decreasing mean catch-per-unit-effort.

	Number		%	Catch-per-unit-effort (animals/100m^2)				Length (mm)			
Scientific Name (Common Name)	No.	%	Occur	Mean	Stderr	CV	Max	Mean	Stderr	Min	Max
Leiostomus xanthurus (spot)	14,808	10.9	36.6	65.70	14.14	273.04	965.00	23	0.07	11	118
Farfantepenaeus duorarum (pink shrimp)	1,429	1.0	54.7	6.34	1.22	245.04	97.86	10	0.10	2	39
Mugil cephalus (striped mullet)	1,347	1.0	10.6	5.98	4.20	891.10	635.71	24	0.06	16	32
Cynoscion nebulosus (spotted seatrout)	128	0.1	19.3	0.57	0.13	286.87	10.71	40	1.57	18	101
Lutjanus griseus (gray snapper)	127	0.1	18.0	0.56	0.21	473.79	24.29	41	2.02	14	162
Lutjanus synagris (lane snapper)	87	0.1	12.4	0.39	0.14	468.16	17.14	38	1.51	20	108
Archosargus probatocephalus (sheepshead)	53	0.0	13.7	0.24	0.06	325.36	5.00	58	10.58	13	268
Sciaenops ocellatus (red drum)	36	0.0	5.0	0.16	0.09	680.04	12.86	69	5.50	12	136
Callinectes sapidus (blue crab)	29	0.0	9.3	0.13	0.04	382.06	3.57	38	5.67	7	134
Paralichthys albigutta (Gulf flounder)	22	0.0	8.1	0.10	0.03	413.14	3.57	49	9.62	15	242
Mugil gyrans (fantail mullet)	7	0.0	1.2	0.03	0.02	974.04	3.57	15	0.42	14	17
Centropomus undecimalis (common snook)	6	0.0	1.9	0.03	0.02	787.38	2.14	112	37.86	28	232
Trachinotus falcatus (permit)	4	0.0	1.2	0.02	0.01	894.41	1.43	42	9.09	21	57
Mycteroperca microlepis (gag)	2	0.0	1.2	0.01	0.01	894.41	0.71	135	40.50	94	175
Menippe spp. (stone crab)	1	0.0	0.6	0.00	0.00	1,268.86	0.71	41	.	41	41
Totals	18,086	13.3	83.9	80.24	15.26	241.34	996.43	.	.	2	268

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Table 5. Listing of species that were not collected during both the SBNEP (2002) and the FIM (June 2009 to April 2010) studies. Rank refers to the species ranking based upon number collected – the larger the rank, the fewer animals that were collected.

SBNEP Study		***FIM Study***	
Species	***Rank***	***Species***	***Rank***
Aluterus schoepfi	55	*Acanthostracion quadricornis*	50
Anchoa cubana	23	*Adinia xenica*	65
Brevoortia spp.	15	*Anchoa spp.*	66
Clupeidae spp.	12	*Ariopsis felis*	67
Dasyatis say	64	*Astroscopus* spp.	55
Fundulus confluentus	50	*Blenniidae* spp.	56
Gambusia holbrooki	36	*Chasmodes saburrae*	48
Gobiosoma bosc	43	*Dasyatis sabina*	51
Haemulon parrai	65	*Haemulon plumierii*	44
Limulus polyphemus	51	*Hyporhamphus meeki*	35
Lophogobius cyprinoides	34	*Hyporhamphus unifasciatus*	61
Menticirrhus saxatilis	68	*Mugil gyrans*	28
Mycteroperca microlepis	46	*Nicholsina usta*	63
Pogonias cromis	70	*Ocyurus chrysurus*	45
Scomberomorus maculatus	22	*Opisthonema oglinum*	13
Selene vomer	71	*Ostraciidae* spp.	71
Sphyraena barracuda	60	*Paraclinus marmoratus*	64
Strongylura marina	48	*Prionotus scitulus*	52
Strongylura spp.	62	*Prionotus tribulus*	49
Trinectes maculatus	52	*Sardinella aurita*	72
		Symphurus plagiusa	54
		Urophycis floridana	43

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Nearshore habitats sampled with 183-m seines

A total of 8,282 animals were collected with 183-m seines (n=36 hauls), representing 5.2% of the overall catch (*Table 2*). Pinfish (*L. rhomboides*, n=4,920) was the most abundant taxon collected with 183-m seines, accounting for 59.4% of the total catch (*Table 6*). Pinfish were also the most frequently collected taxon, occurring in every 183-m seine set. Animals collected with 183-m seines (*Table 6*) tended to be larger (mean size typically greater than 100 mm) than those collected with 21.3-m seines (*Table 3*) and 6.1-m trawls (*Table 8*).

A total of 814 animals from 18 Selected Taxa were collected, representing 9.8% of the entire 183-m seine catch (*Table 7*). *Archosargus probatocephalus* (n=160) was the most abundant Selected Taxon, accounting for 19.7% of the Selected Taxa collected by this gear. Sheepshead (58.3% occurrence) was also the most frequently collected Selected Taxa followed by common snook (*C. undecimalis*, 52.8% occurrence).

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Table 6. Catch statistics for 10 dominant taxa collected in 183-m seine samples during Sarasota Bay stratified-random sampling (n=36 hauls), June 2009 to April 2010. Percent (%) is the percent of the total catch represented by that taxon; percent occurrence (% Occur) is the percentage of samples in which that taxon was collected; CV is the coefficient of variation of the mean. Length is standard length. Taxa are ranked in order of decreasing mean catch-per-unit-effort.

	Number		%	Catch-per-unit-effort (animals/haul)				Length (mm)			
Scientific Name (Common Name)	No.	%	Occur	Mean	Stderr	CV	Max	Mean	Stderr	Min	Max
Lagodon rhomboides (pinfish)	4,920	59.4	100.0	136.67	31.02	136.20	723.00	107	0.40	43	213
Bairdiella chrysoura (silver perch)	642	7.8	27.8	17.83	12.71	427.54	441.00	117	0.63	67	171
Harengula jaguana (scaled sardine)	611	7.4	25.0	16.97	11.64	411.53	406.00	100	0.48	60	140
Orthopristis chrysoptera (pigfish)	344	4.2	44.4	9.56	4.09	256.70	114.00	111	1.40	62	206
*Opisthonema oglinum (*Atlantic thread herring)	272	3.3	8.3	7.56	7.47	593.21	269.00	107	0.90	84	158
Ariopsis felis (hardhead catfish)	188	2.3	30.6	5.22	2.36	271.51	72.00	247	3.55	160	368
Eucinostomus gula (silver jenny)	177	2.1	52.8	4.92	1.25	153.08	28.00	81	1.08	41	133
Archosargus probatocephalus (sheepshead)	160	1.9	58.3	4.44	1.33	179.63	40.00	234	4.21	98	382
Centropomus undecimalis (common snook)	127	1.5	52.8	3.53	0.89	151.29	20.00	418	7.26	234	705
Lutjanus griseus (gray snapper)	110	1.3	38.9	3.06	1.09	213.38	29.00	179	4.02	66	285
Subtotal	7,551	91.2	.	.	.	.	.	.	.	41	705
Totals	8,282	100.0	.	230.06	50.81	132.51	1,351.00	.	.	31	716

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Table 7. Catch statistics for Selected Taxa collected in 183-m seine samples during Sarasota Bay stratified-random sampling (n=36 hauls), June 2009 to April 2010. Percent (%) is the percent of the total catch represented by that taxon; percent occurrence (% Occur) is the percentage of samples in which that taxon was collected; CV is the coefficient of variation of the mean. Length is standard length for fish and carapace width for crabs. Taxa are ranked in order of decreasing mean catch-per-unit-effort.

	Number		%	Catch-per-unit-effort (animals/haul)				Length (mm)			
Scientific Name (Common Name)	No.	%	Occur	Mean	Stderr	CV	Max	Mean	Stderr	Min	Max
Archosargus probatocephalus (sheepshead)	160	1.9	58.3	4.44	1.33	179.63	40.00	234	4.21	98	382
Centropomus undecimalis (common snook)	127	1.5	52.8	3.53	0.89	151.29	20.00	418	7.26	234	705
Lutjanus griseus (gray snapper)	110	1.3	38.9	3.06	1.09	213.38	29.00	179	4.02	66	285
Elops saurus (ladyfish)	99	1.2	36.1	2.75	1.04	227.24	31.00	264	4.33	192	440
Leiostomus xanthurus (spot)	70	0.8	27.8	1.94	0.76	233.56	17.00	112	3.60	81	182
Mugil cephalus (striped mullet)	44	0.5	36.1	1.22	0.39	192.74	10.00	280	13.69	122	421
Mugil curema (fantail mullet)	41	0.5	25.0	1.14	0.47	246.71	12.00	221	9.10	112	298
Mycteroperca microlepis (gag)	41	0.5	16.7	1.14	0.60	314.25	18.00	219	8.73	98	331
Paralichthys albigutta (Gulf flounder)	25	0.3	30.6	0.69	0.22	194.17	6.00	175	11.24	77	265
Lutjanus synagris (lane snapper)	23	0.3	8.3	0.64	0.51	477.92	18.00	107	1.82	93	132
Cynoscion nebulosus (spotted seatrout)	19	0.2	27.8	0.53	0.15	172.39	3.00	224	20.65	52	379
Mugil gyrans (fantail mullet)	18	0.2	25.0	0.50	0.16	188.22	3.00	166	12.35	99	246
Sciaenops ocellatus (red drum)	15	0.2	19.4	0.42	0.18	252.53	5.00	306	56.10	75	625
Callinectes sapidus (blue crab)	8	0.1	16.7	0.22	0.09	243.19	2.00	106	14.93	48	158
Trachinotus falcatus (permit)	7	0.1	8.3	0.19	0.12	385.24	4.00	168	34.09	58	270
Scomberomorus maculatus (Spanish mackerel)	4	0.0	5.6	0.11	0.09	470.26	3.00	366	17.04	328	410
Pogonias cromis (black drum)	2	0.0	5.6	0.06	0.04	418.16	1.00	294	46.00	248	340
Menippe spp. (stone crab)	1	0.0	2.8	0.03	0.03	600.00	1.00	106	.	106	106
Totals	814	9.8	100.0	22.61	3.44	91.17	87.00	.	.	48	705

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Deeper-water habitats sampled with 6.1-m trawls

A total of 14,560 animals were collected in 6.1-m trawls (n=48 hauls), representing 9.1% of the overall catch (*Table 2*). Spot (*L. xanthurus*, n=8,629, 59.2% of total catch) was the most abundant taxon collected with this gear (*Table 8*). The taxon most frequently collected with 6.1-m trawls was the pinfish (*L. rhomboides*), which occurred in over 80% of the trawl samples. Trawl collected animals tended to be similar in size to those collected with 21.3-m seines (*Table 3*) and smaller than those collected with 183-m seines (*Table 6*).

Fourteen Selected Taxa (9,219 animals, 63.3% of the entire trawl catch) were collected with 6.1-m trawls (*Table 9*). A single species (spot, *L. xanthurus,* n=8,629) accounted for 93.6% of the Selected Taxa collected with trawls. The Selected Taxon most frequently collected with 6.1-m trawls was the stone crab (*Menippe* spp.) which occurred in almost 50% of the trawl collections.

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Table 8. Catch statistics for 11 dominant taxa collected in 6.1-m trawl samples during Sarasota Bay stratified-random sampling (n=48 hauls), June 2009 to April 2010. Percent (%) is the percent of the total catch represented by that taxon; percent occurrence (% Occur) is the percentage of samples in which that taxon was collected; CV is the coefficient of variation of the mean. Length is standard length for fish and carapace width for crabs. Taxa are ranked in order of decreasing mean catch-per-unit-effort.

	Number		%	Catch-per-unit-effort (animals/100m^2)				Length (mm)			
Scientific Name (Common Name)	No.	%	Occur	Mean	Stderr	CV	Max	Mean	Stderr	Min	Max
Leiostomus xanthurus (spot)	8,629	59.3	12.5	12.48	7.69	426.76	314.14	20	0.10	10	159
Lagodon rhomboides (pinfish)	3,077	21.1	81.3	4.44	1.70	265.54	65.84	35	0.59	11	154
Eucinostomus gula (silver jenny)	481	3.3	64.6	0.69	0.21	209.49	8.30	82	0.78	40	125
Anchoa mitchilli (bay anchovy)	385	2.6	8.3	0.55	0.47	592.40	22.13	29	0.23	20	52
Eucinostomus spp. (eucinostomus mojarra)	311	2.1	31.3	0.45	0.16	246.88	4.88	25	0.40	10	39
Orthopristis chrysoptera (pigfish)	270	1.9	54.2	0.40	0.14	249.92	6.45	116	2.08	46	209
Menippe spp. (stone crab)	255	1.8	45.8	0.36	0.13	247.19	5.46	28	1.25	4	113
Portunus spp. (swimming crab)	168	1.2	47.9	0.24	0.08	224.56	2.90	51	1.27	12	95
Callinectes sapidus (blue crab)	117	0.8	33.3	0.17	0.06	243.83	1.75	79	3.08	12	168
Archosargus probatocephalus (sheepshead)	74	0.5	16.7	0.12	0.07	437.38	3.41	171	8.04	13	360
Gobiosoma spp. (gobies)	81	0.6	16.7	0.12	0.07	418.71	3.24	16	0.23	10	19
Subtotal	13,848	95.2	.	.	.	.	.	.	.	4	360
Totals	14,560	100.0	.	21.01	9.22	304.11	359.37	.	.	4	590

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Table 9. Catch statistics for Selected Taxa collected in 6.1-m trawl samples during Sarasota Bay stratified-random sampling (n=48 hauls), June 2009 to April 2010. Percent (%) is the percent of the total catch represented by that taxon; percent occurrence (% Occur) is the percentage of samples in which that taxon was collected; CV is the coefficient of variation of the mean. Length is standard length for fish, post-orbital head length for shrimp, and carapace width for crabs. Taxa are ranked in order of decreasing mean catch-per-unit-effort.

	Number		%	Catch-per-unit-effort (animals/100m^2)				Length (mm)			
Scientific Name (Common Name)	No.	%	Occur	Mean	Stderr	CV	Max	Mean	Stderr	Min	Max
Leiostomus xanthurus (spot)	8,629	59.3	12.5	12.48	7.69	426.76	314.14	20	0.10	10	159
Menippe spp. (stone crab)	255	1.8	45.8	0.36	0.13	247.19	5.46	28	1.25	4	113
Callinectes sapidus (blue crab)	117	0.8	33.3	0.17	0.06	243.83	1.75	79	3.08	12	168
Archosargus probatocephalus (sheepshead)	74	0.5	16.7	0.12	0.07	437.38	3.41	171	8.04	13	360
Farfantepenaeus duorarum (pink shrimp)	68	0.5	31.3	0.10	0.03	217.24	1.05	15	0.68	4	26
Lutjanus griseus (gray snapper)	23	0.2	10.4	0.03	0.02	407.18	0.71	149	10.90	50	228
Paralichthys albigutta (Gulf flounder)	21	0.1	25.0	0.03	0.01	201.81	0.22	178	20.78	16	301
Lutjanus synagris (lane snapper)	20	0.1	22.9	0.03	0.01	209.11	0.21	89	7.74	30	160
Menticirrhus americanus (southern kingfish)	4	0.0	8.3	0.01	0.00	335.40	0.07	209	59.27	36	287
Cynoscion arenarius (sand seatrout)	3	0.0	4.2	0.00	0.00	511.98	0.13	19	3.06	15	25
Cynoscion nebulosus (spotted seatrout)	2	0.0	4.2	0.00	0.00	484.82	0.07	124	104.50	19	228
Epinephelus morio (red grouper)	1	0.0	2.1	0.00	0.00	692.82	0.07	101	.	101	101
Mycteroperca microlepis (gag)	1	0.0	2.1	0.00	0.00	692.82	0.07	19	.	19	19
Sciaenops ocellatus (red drum)	1	0.0	2.1	0.00	0.00	692.82	0.07	590	.	590	590
Totals	9,219	63.3	81.3	13.33	7.69	399.81	314.43	.	.	4	590

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Species Profiles

The following sections provide profiles on various abundant and frequently occurring species in terms of seasonal abundance, sizes collected, spatial distribution, and bottom habitat preference. Species included in these profiles are numerically dominant or economically important (i.e., recreationally or commercially fished species, such as spotted seatrout, common snook and pink shrimp). Appendices (*Appendix E*, *F*, and *G* for 21.3-m seines, 183-m seines, and 6.1-m trawls, respectively) contain summary graphs for all taxa that were identified to species, had at least a 15% occurrence, and for which at least 40 individuals were collected during bi-monthly sampling in the Sarasota Bay estuary between June 2009 and April 2010. The abundance and size distribution results presented here are based on a limited time series (one year of bi-monthly sampling) and relatively small sample size, so there tends to be considerable variability in the data.

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Pink shrimp, *Farfantepenaeus duorarum*

Pink shrimp range from the Chesapeake Bay to the Yucatan Peninsula and are of great commercial importance, especially in the Gulf of Mexico (Carpenter 2002). Catches in Florida were valued at nearly $21M in 2005 (FWRI, unpublished data). They spawn offshore and enter estuaries as postlarvae (Allen et al. 1980). They probably use selective tidal stream transport to recruit to nursery grounds (i.e., they ascend into the water column on flood tides and descend to near the substrate on ebb tides [Hughes, 1969]). Different life stages of pink shrimp exhibit a broad range of salinity tolerance, although salinities from approximately 12 to 45 ppt seem to be preferred (Pattillo et al. 1997).

Pink shrimp were not collected with the 183-m seines (*Appendix C*) but were the tenth most abundant species collected with 21.3-m seines (*Table 3*) and were commonly collected with 6.1-m trawls (*Table 8*). Pink shrimp collected with 6.1-m trawls tended to be larger (median post-orbital head length of 14 mm; *Figure 7*) than those collected with 21.3-m seine (10 mm; *Figure 6*). Abundance in the shallow water habitats sampled with the 21.3-m seine was greater during October and December than in the other months (*Figure 6*). Pink shrimp were more abundant in Little Sarasota and Blackburn bays and over vegetated bottom habitats (*Figure 6*). Although mean abundance in the deeper waters sampled with 6.1-m trawls were higher in February and June and in Roberts and Little Sarasota Bay, the variability in the abundance estimates was too high to discern any real trends (*Figure 7*).

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Farfantepenaeus duorarum (pink shrimp)
21.3-m seine

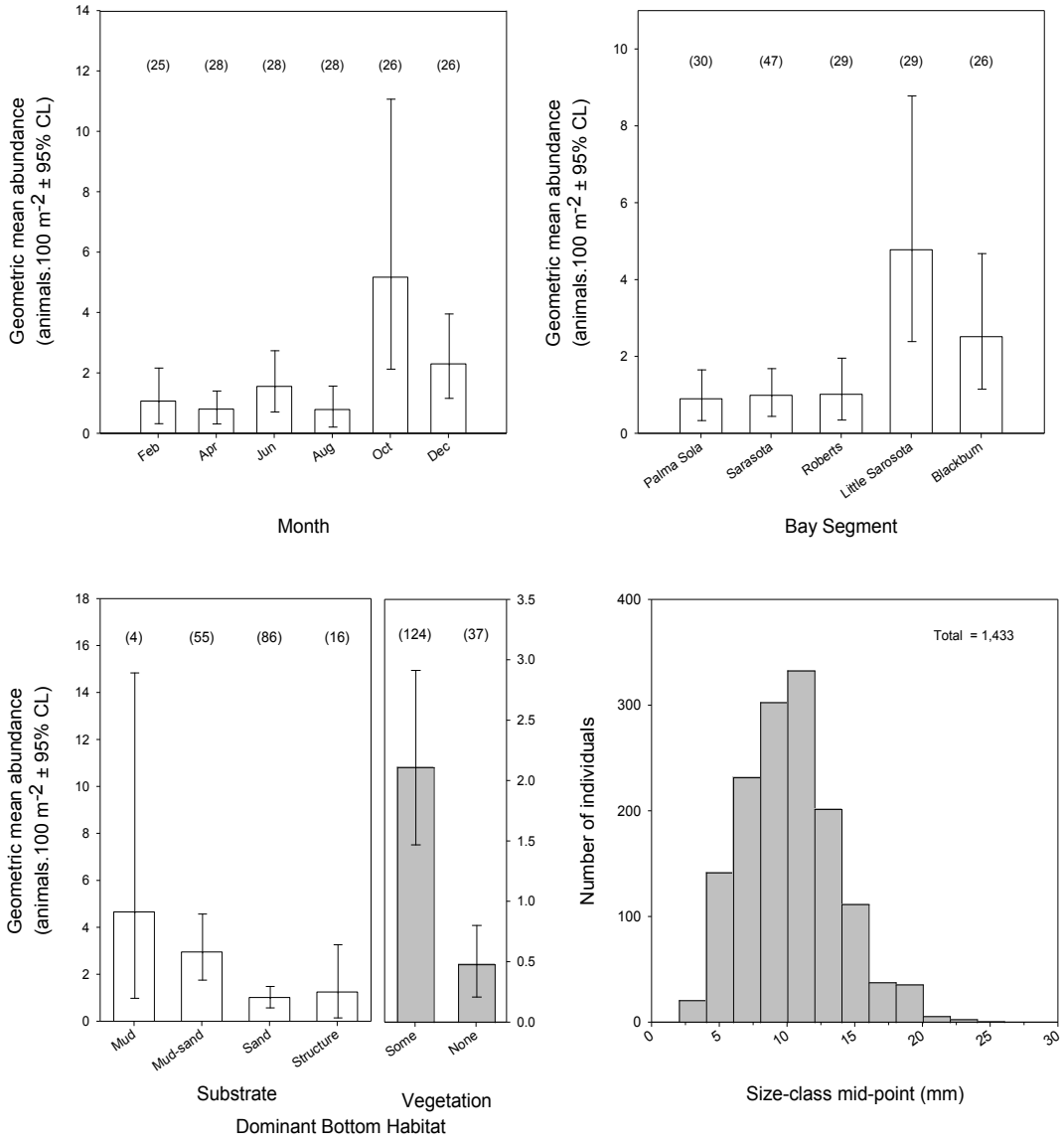


Figure 6. Relative abundance and length-frequency distribution of pink shrimp collected with 21.3-m seines in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Farfantepenaeus duorarum (pink shrimp)
6.1-m trawl

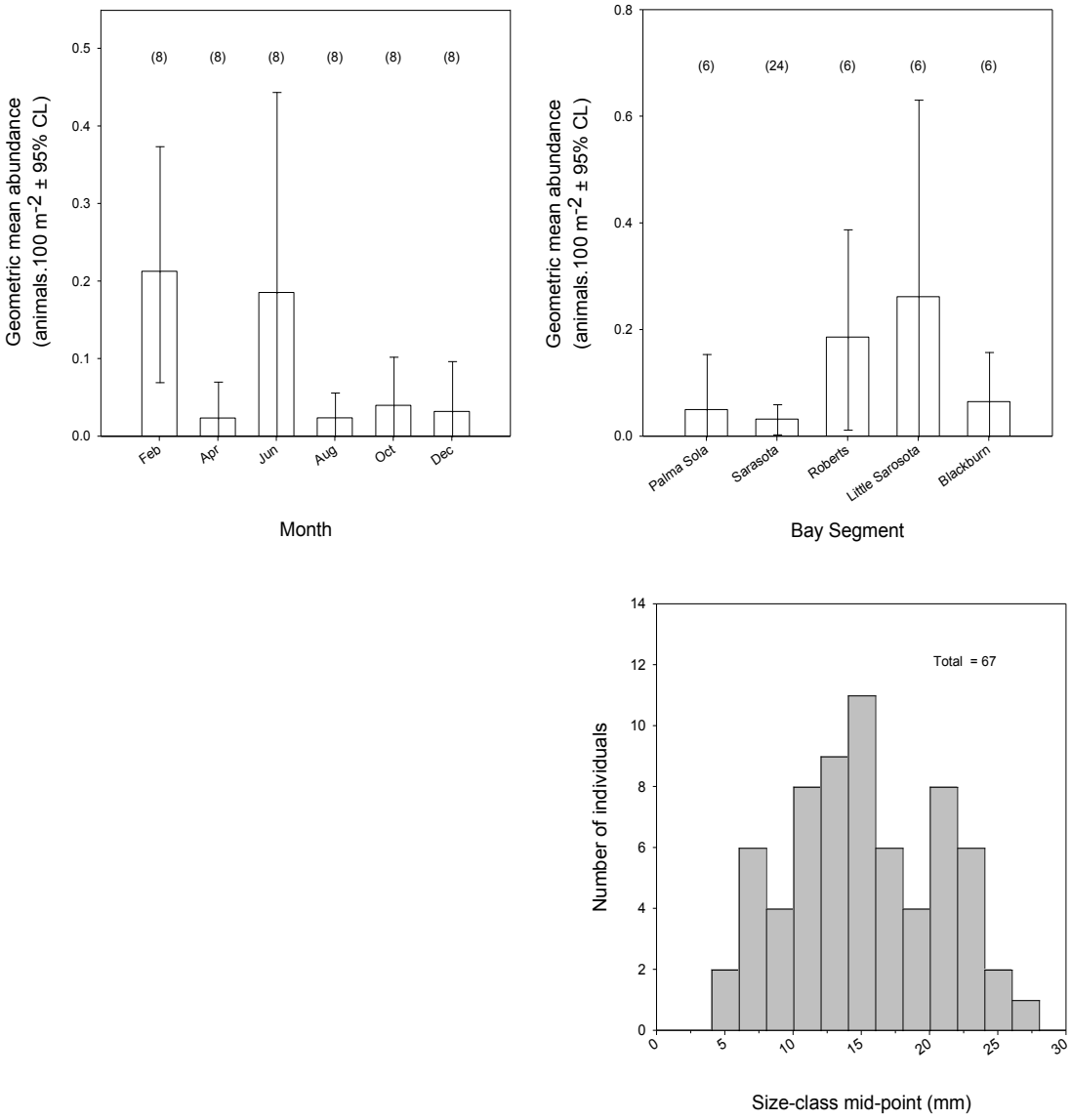


Figure 7. Relative abundance and length-frequency distribution of pink shrimp collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Blue crab, *Callinectes sapidus*

Blue crabs occur in the western Atlantic from Canada to Argentina, including Bermuda and the Antilles, and have been successfully introduced in Europe and Japan (Carpenter, 2002). This species supports large commercial fisheries in Florida, valued at nearly $12M in 2005 (FWRI, unpublished data), and is an important predator and prey species in inshore waters (Steele and Bert 1994). Blue crabs are transients in estuaries: spawning and larval development occur in marine waters, but juveniles and adults spend most of their time in estuaries (Steele and Bert 1994). Both larval blue crabs recruiting to the estuary and females leaving the estuary to spawn use selective tidal stream transport (Olmi 1994; Tankersley et al. 1998). Chemical cues emanating from estuarine and freshwater watersheds promote settlement by triggering metamorphosis in larvae (Wolcott and De Vries 1994; Forward et al. 1994 and 1997). Blue crabs tolerate salinities from freshwater to at least 50 ppt, but optimal salinities differ among life-history stages: 12–36 ppt for larvae, 2–21 ppt for juveniles, less than 10 ppt for adult males, and 23–33 ppt for egg-bearing females (Pattillo et al. 1997).

Blue crabs were collected with all three gear types deployed during this study (*Appendix C*), but were only common in the deeper-water habitats sampled with the 6.1-m trawl (*Table 9*). They were collected during all months sampled with no seasonal trend in abundance (*Figure 8*). Blue crabs were collected with 6.1-m trawls from each of the bays sampled, but were most abundant in Little Sarasota Bay and least abundant in Sarasota Bay. Sizes captured with 6.1-m trawls ranged from 12 mm to 168 mm carapace width (CW) with a bimodal distribution (modes at 50 and 90 mm CW).

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Callinectes sapidus (blue crab)
6.1-m trawl

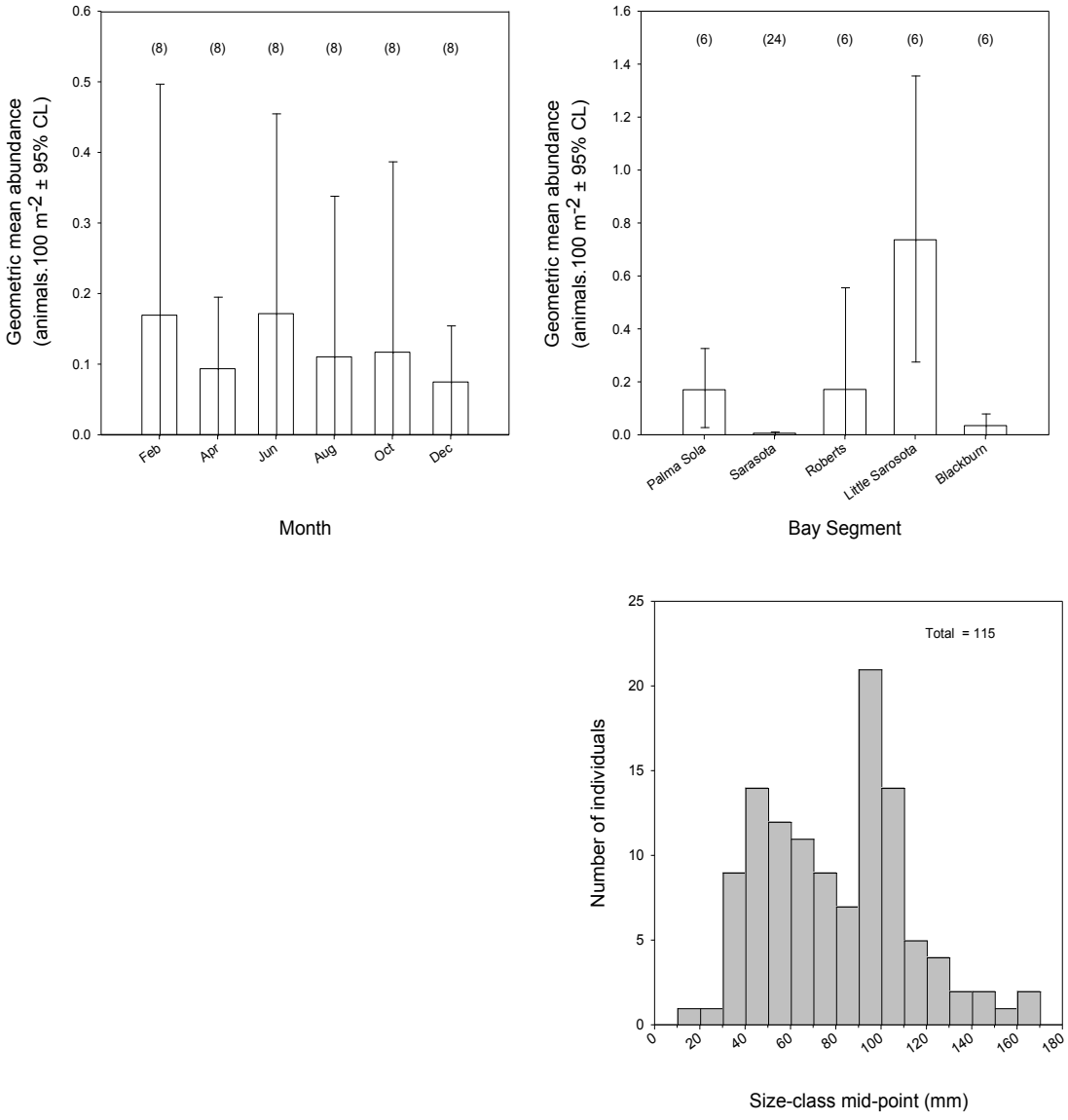


Figure 8. Relative abundance and length-frequency distribution of blue crab collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Ladyfish, *Elops saurus*

Ladyfish inhabit estuarine and nearshore waters throughout Florida. Larval and juvenile ladyfish can be found in a variety of nearshore habitats, including coastal beaches, canals, rivers, and mosquito impoundments (Gilmore et al. 1982 and McBride et al. 2001). Length-frequency analysis suggests that ladyfish grow to 200 mm to 300 mm standard length by age 1. Their diet consists mainly of fish with decapod crustaceans being of secondary importance (Darnell 1958 and Sekavec 1974). Florida landings were just over 1 million pounds in 2007 with over 75% being landed by the commercial fishery (FWRI-FWC 2008).

Ladyfish were only captured with the 183-m seine during this study (*Appendix C*); they comprised just over 1% of the catch in this gear and occurred in 36.1% of the hauls (*Table 7*). Although the largest ladyfish collected was 440 mm SL, the majority were between 200 and 300 mm SL (*Figure 9*). There appear to be both seasonal and distributional trends in abundance, but the variability was so high that discernment of real trends was not possible.

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Elops saurus (ladyfish)
183-m seine

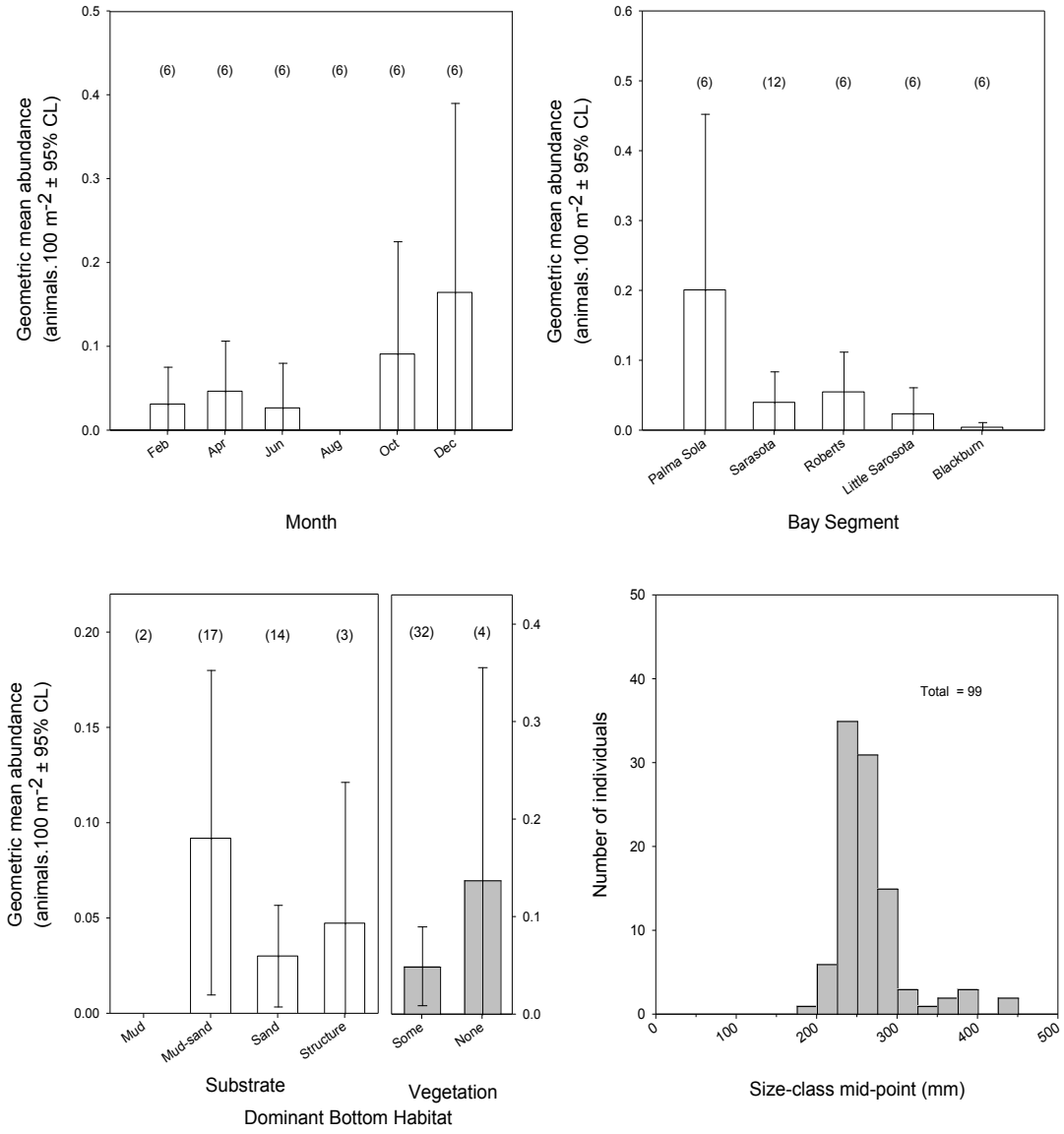


Figure 9. Relative abundance and length-frequency distribution of ladyfish collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Bay anchovy, *Anchoa mitchilli*

Bay anchovies range from Maine to the Yucatan Peninsula and are of great importance in estuarine food chains due to their trophic position, small size, and extreme abundance (Pattillo et al. 1997; Carpenter 2002). They spawn in nearshore marine waters and estuaries (Peebles et al. 1996; Pattillo et al. 1997). Larvae use selective tidal stream transport to travel to upstream nursery areas (Schultz et al. 2003). Although each life stage of bay anchovy exhibits a broad range of salinity tolerance (Pattillo et al. 1997), each tends to distribute differently in relation to salinity: spawning adults, eggs, and newly hatched larvae are found at higher salinities than are later-stage larvae and juveniles (Peebles et al. 1991).

Bay anchovies were collected with 21.3-m seines (*Table 3*) and 6.1-m trawls (*Table 8*), but not with 183-m seine (*Appendix C*). They were only abundant (39,964 animals collected) and common (32.9% occurrence) enough in the 21.3-m seine collections for summary plots to be prepared. There were no obvious seasonal trends in abundance for bay anchovy (*Figure 10*) collected from the shallow waters sampled with 21.3-m seines; the low abundance in February may be indicative of the colder than average January/February water temperatures experienced during 2010. Bay anchovies were least abundant in Blackburn Bay and most abundant in Roberts and Little Sarasota Bay. They tended to have higher abundance in collections that sampled at least some seagrass. Bay anchovies collected with 21.3-m seines ranged in size from 15 mm to 56 mm SL.

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Anchoa mitchilli (bay anchovy)
21.3-m seine

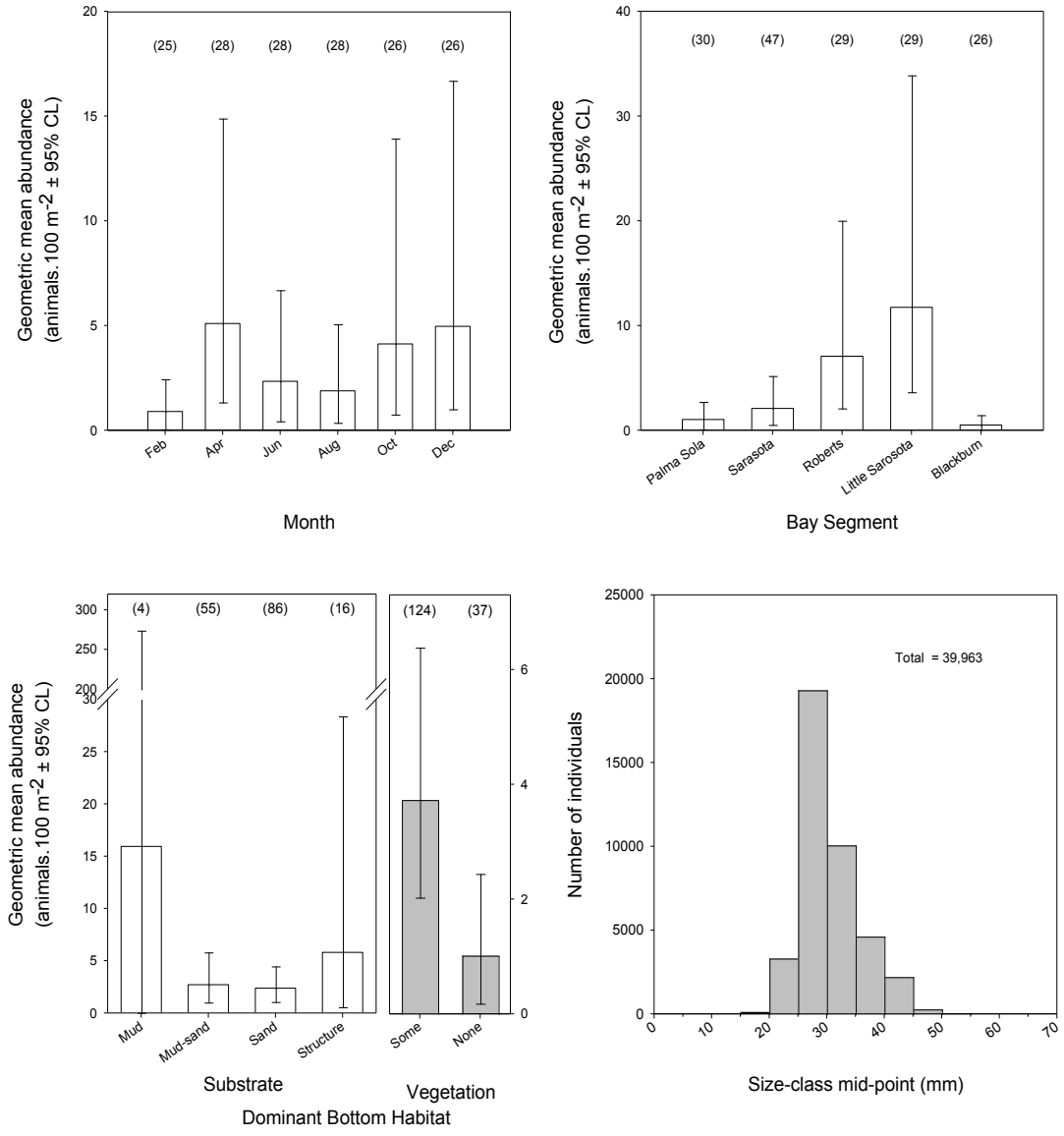


Figure 10. Relative abundance and length-frequency distribution of bay anchovy collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Common snook, *Centropomus undecimalis*

Common snook occur in tropical and subtropical estuarine systems of the western Atlantic (Rivas 1986). In Florida, they occur principally from Cape Canaveral on the Atlantic coast southward around the peninsula to Cedar Key on the Gulf of Mexico coast (Taylor et al. 2000). Common snook are popular sport fish that support a large recreational fishery throughout much of coastal south and central Florida (Muller and Taylor 2002). Spawning occurs primarily in ocean passes and secondary embayments (Taylor et al., 1998). Small juveniles are found in quiet shallow-water creeks, canals, and lagoons in both low-salinity (riverine) and high-salinity (mangrove and saltmarsh) environments (McMichael et al. 1989; Peters et al. 1998). As juvenile common snook grow to about 150 mm SL, marked changes in their tolerance of high temperature and low dissolved oxygen occur (Peterson and Gilmore 1991), and juveniles are no longer abundant at the sites described above. Larger juveniles and adult common snook are found in a wider variety of estuarine habitats.

Common snook were not collected with 6.1-m trawls (*Appendix C*), were rarely collected with 21.3-m seines (*Table 4*), but were encountered in over 50% of the 183-m seine sets (*Table 7*). There were no obvious seasonal trends in common snook abundance (*Figure 11*). Low abundance in February and August are likely due to the low sample size (6 hauls) collected during each sampling event, although the lower than average water temperatures during January/February 2010 likely also influenced the February catch. Common snook had much higher abundance in samples over seagrass, but the number of hauls that did not sample seagrass was very low. Common snook collected with 183-m seines ranged in size from 234 to 705 mm SL.

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Centropomus undecimalis (common snook)
183-m seine

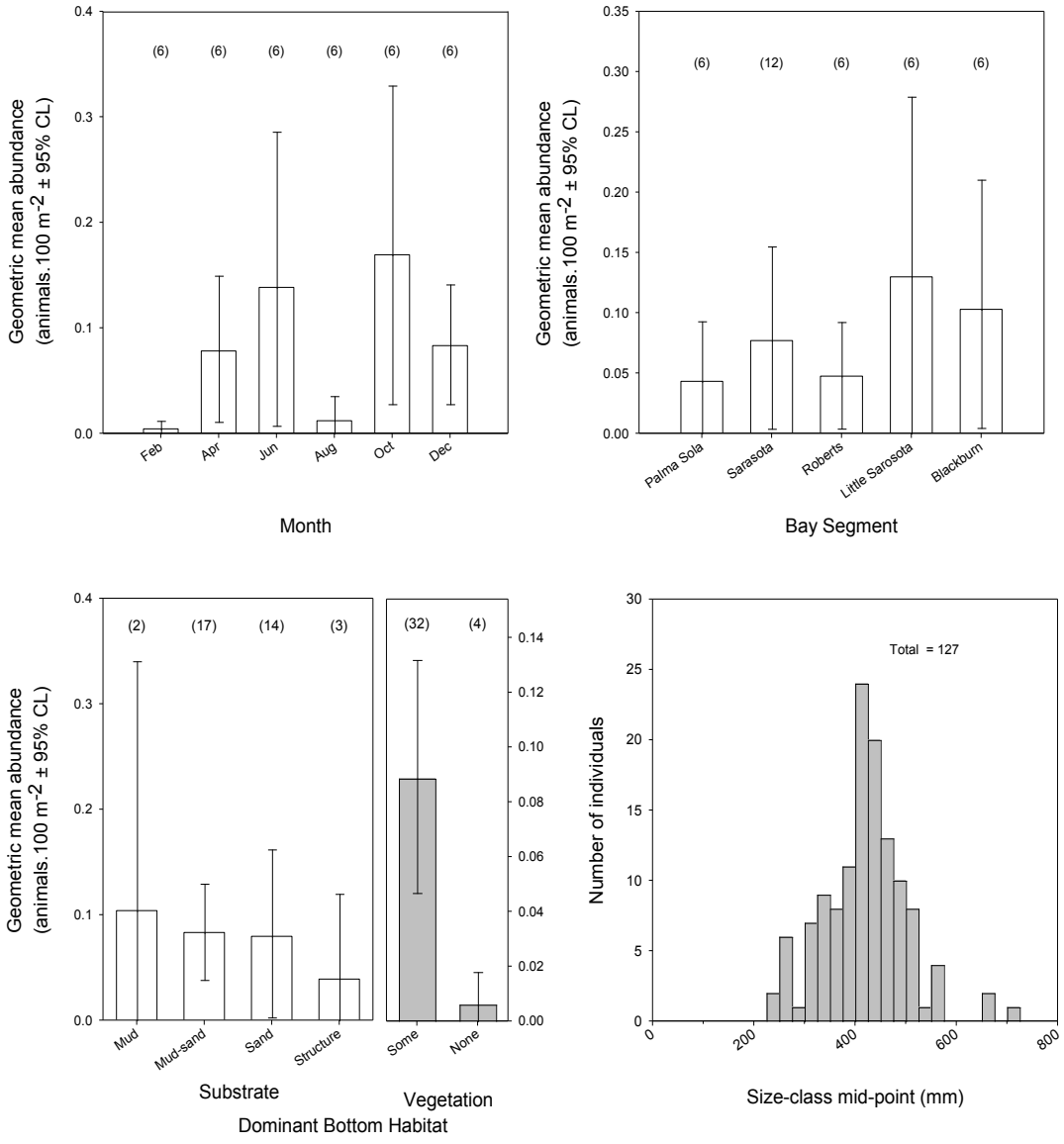


Figure 11. Relative abundance and length-frequency distribution of common snook collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Gag, *Mycteroperca microlepis*

Gag is an economically important species of grouper found in the western Atlantic from Massachusetts southward to Florida, the Gulf of Mexico, and possibly to Brazil—excluding the West Indies (Bullock and Smith 1991). Juvenile gag inhabit estuarine seagrass areas (Keener et al. 1988; Ross and Moser 1995; Mullaney and Gale 1996; Koenig and Coleman 1998; Nagelkerken et al. 2000; Cocheret de la Moriniere et al. 2002; Casey et al. 2007; Whaley et al. 2007; Faunce and Serafy 2008) until approximately one year old and then move to deeper, offshore areas of reef and hard bottom. Almost 90% of the total gag catch in Florida during 2007 (4,246,561 pounds) was landed on Florida's Gulf coast (FWC-FWRI 2008).

Gag were collected with all three gear types (*Table 4*, *Table 7*, and *Table 9*) but only met the abundance and frequency of occurrence thresholds (≥40 animals and ≥15% occurrence) for the 183-m seine collections. Gag in 183-m seines were only collected when the net sampled at least some seagrass, were only present during June through August, and were not collected from Palma Sola or Roberts bays (*Figure 12*). Gag exhibited a bimodal length-frequency distribution with modes at 206 and 340 mm SL (*Figure 12*), possibly representing young-of-the-year and one-year old fish, respectively.

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Mycteroperca microlepis (gag)
183-m seine

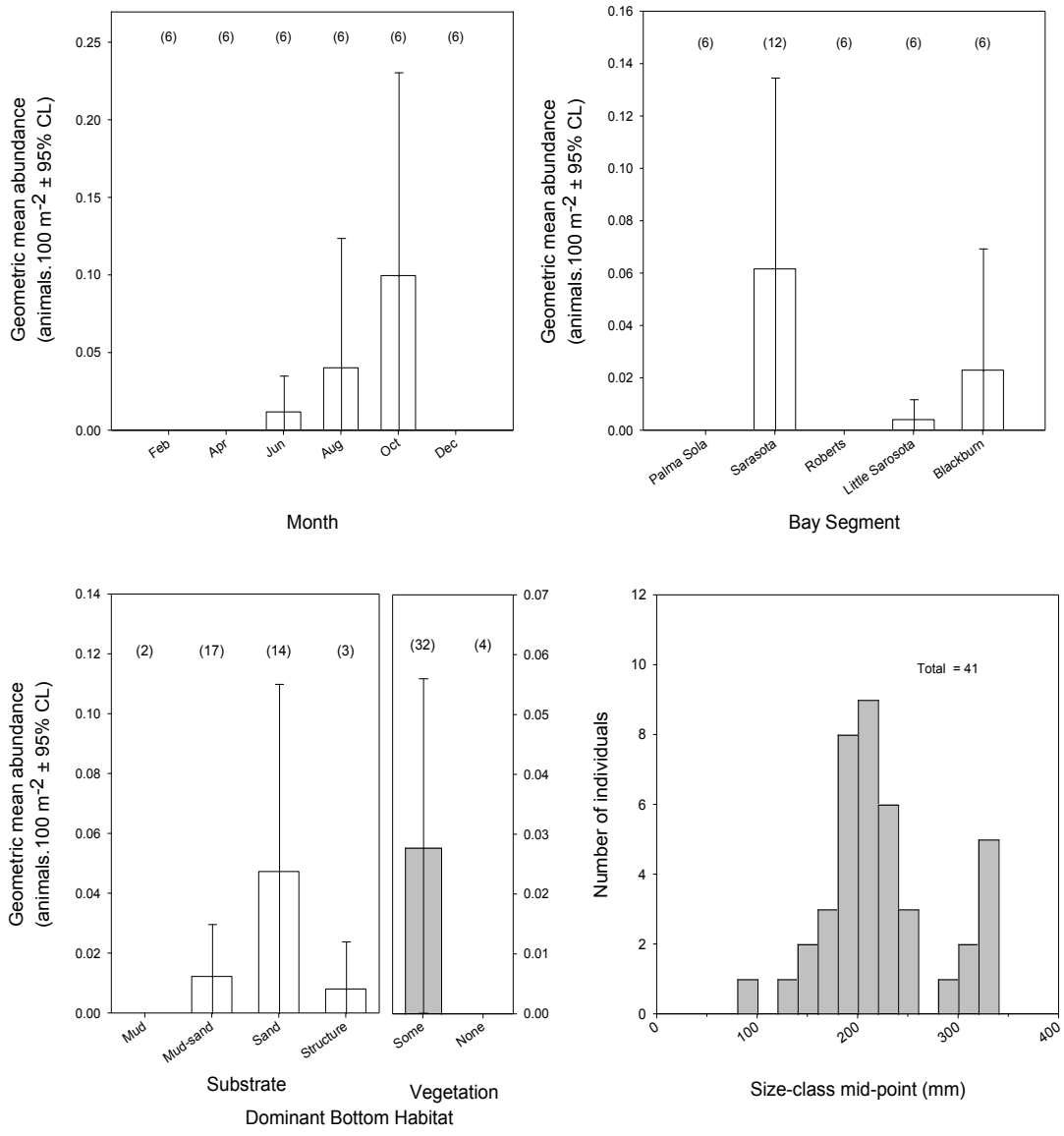


Figure 12. Relative abundance and length-frequency distribution of gag collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Gray snapper, *Lutjanus griseus*

Gray snapper are a reef species that can be found along the western Atlantic from Massachusetts south to Rio de Janeiro, Brazil. Adults spawn during summer (June–September) near areas of bottom structure in offshore waters (Stark 1971; Domeier et al. 1997). Juvenile gray snapper recruit to estuarine areas including seagrass beds and mangrove shorelines (Nagelkerken et al. 2000; Cocheret de la Moriniere et al. 2002; Serafy et al. 2003; Whaley et al. 2007; Faunce and Serafy 2008) where they typically spend the first year or two of their lives. Juvenile gray snapper feed primarily on penaeid shrimp and crabs (Rutherford et al.1989) and adults feed on fish, shrimp, and crabs. (Harrigan et al. 1989; Hettler 1989). Gray snapper are an economically important species with Florida landings totaling 2,230,737 pounds in 2007 (FWC-FWRI 2008).

Gray snapper were collected in all three gear types deployed in the Sarasota Bay estuary, but were more frequently encountered with the 21.3-m (18.0%; *Table 4*) and 183-m (38.9%; *Table 7*) seines than with the 6.1-m trawl (10.4%; *Table 9*). The 21.3-m seine collected smaller gray snapper (mean of 41 mm SL) than did the 183-m seine (179 mm SL), but abundance trends between the two gears were similar (*Figure 13* and *Figure 14*, respectively). With both seines, gray snapper were absent from collections made in February and were most abundant in October, were least abundant or absent from Palma Sola Bay, and were more abundant in collections that sampled some bottom vegetation.

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Lutjanus griseus (gray snapper)
21.3-m seine

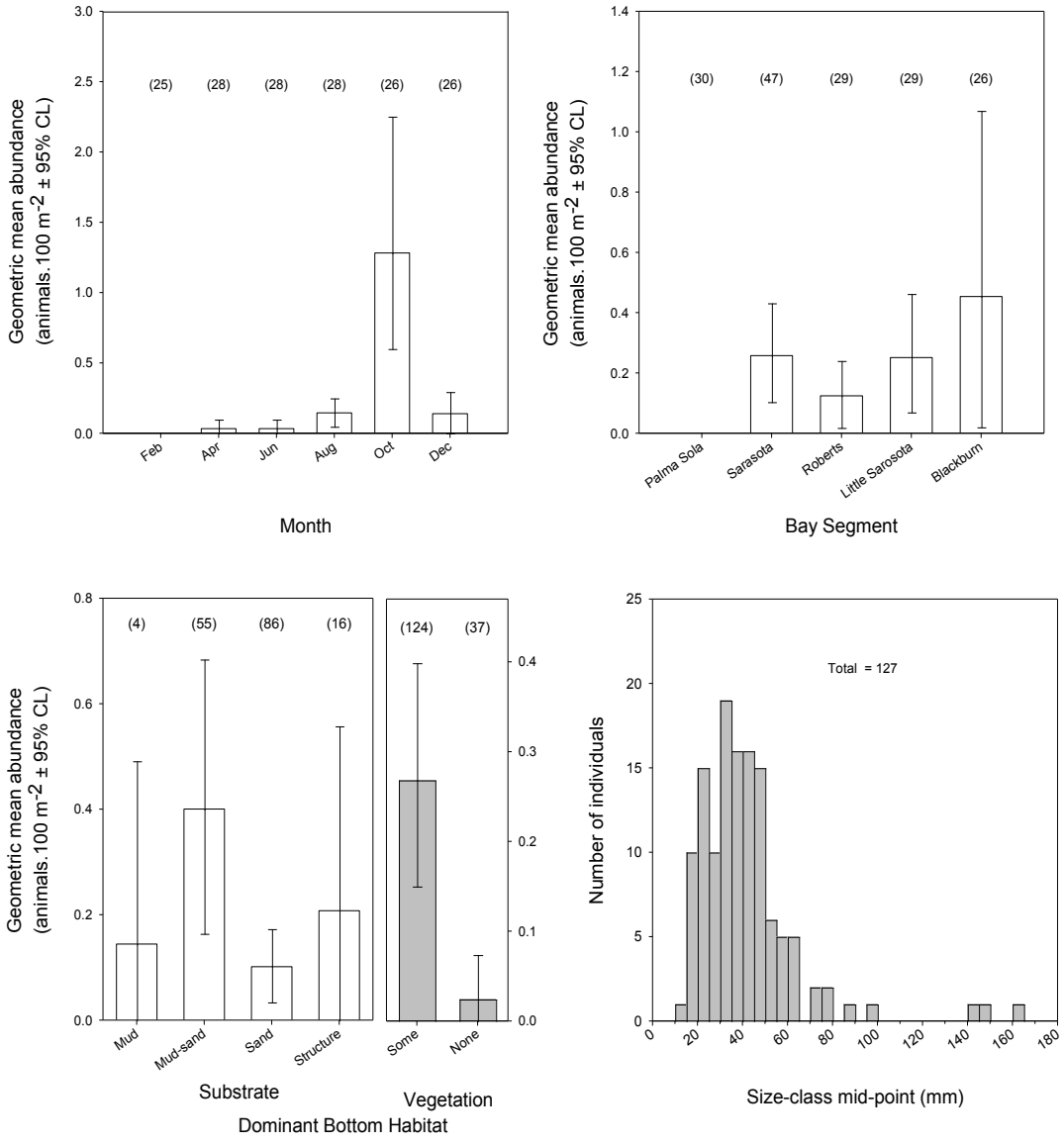


Figure 13. Relative abundance and length-frequency distribution of gray snapper collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Lutjanus griseus (gray snapper)
183-m seine

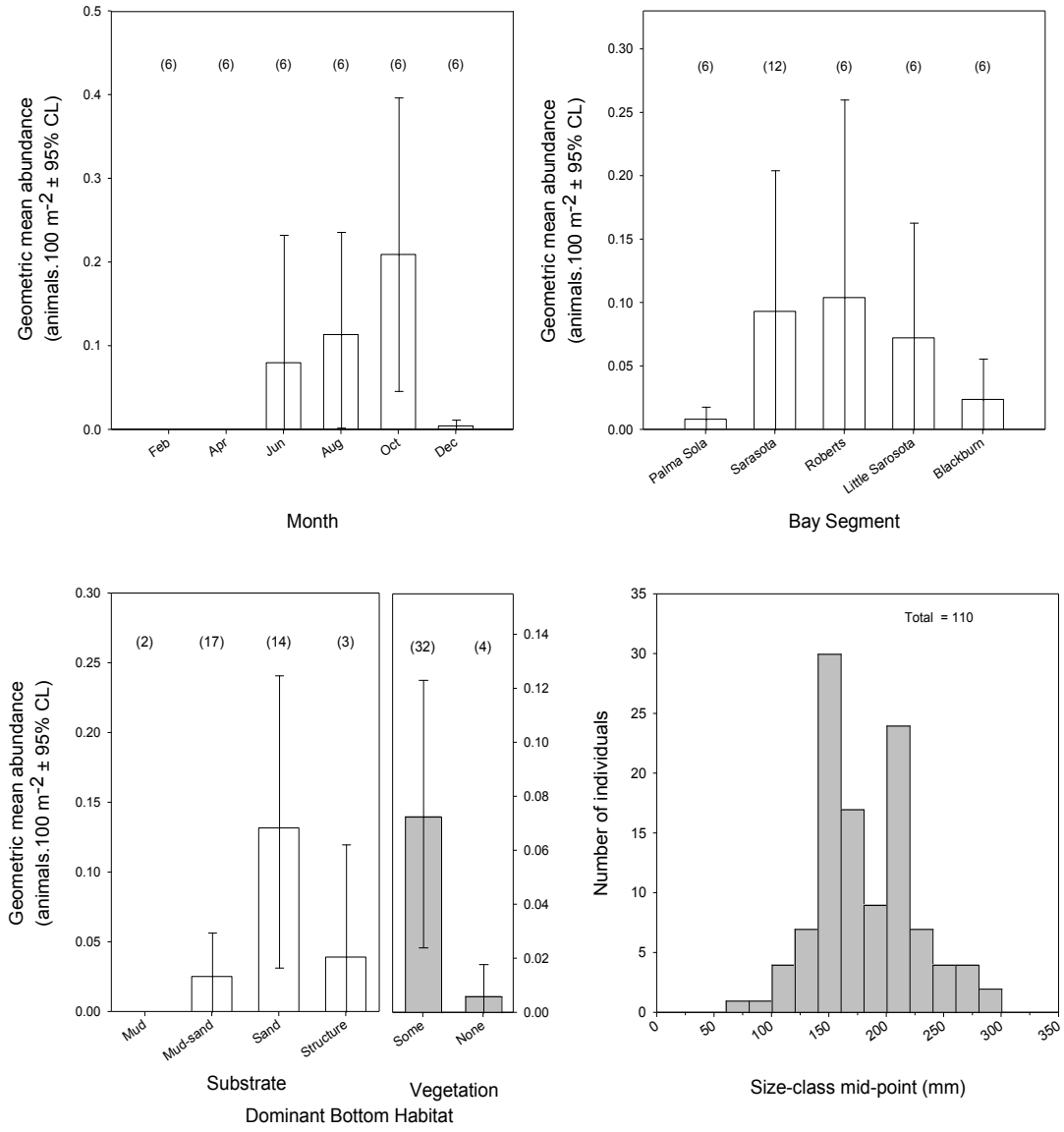


Figure 14. Relative abundance and length-frequency distribution of gray snapper collected with 183-m seines in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Pinfish, *Lagodon rhomboides*

Pinfish range from Cape Cod to the Yucatan Peninsula, including Bermuda and northern Cuba. They are most abundant from Cape Hatteras through the northern Gulf of Mexico (Pattillo et al. 1997; Carpenter, 2002). Florida's pinfish landings in 2007 were 2,022,492 pound with 96% of the total being landed by recreational fisherman and 83% coming from the gulf coast (FWRI-FWC 2008). Their great abundance in estuaries and their trophic habits have led some to suggest that they play an even more important role in structuring epibenthic communities (Pattillo et al. 1997) than they do in the fishery. Spawning occurs offshore, and larvae use selective tidal stream transport to travel to nursery areas (Pattillo et al. 1997; Forward et al. 1998). Pinfish have been recorded in salinities ranging from 0 to >40 ppt, but may avoid the lower end of this range (Pattillo et al. 1997).

Pinfish were one of the two most abundant taxa collected in each of the three gear types, comprising 21%, 59%, and 21% of the total catch in 21.3-m seines, 183-m seines, and 6.1-m trawls, respectively (*Table 3*, *Table 6*, and *Table 8*, respectively). Pinfish were also one of the most commonly collected taxa, occurring in over 80% of the samples collected with 21.3-m seines and 6.1-m trawls and in 100% of the 183-m seine samples. Pinfish collected with 183-m seines tended to be larger (mean 107 mm SL, range 43 to 213 mm) than those collected with either the 21.3-m seine (mean 31 mm, range 9 to 180 mm) or the 6.1-m trawl (mean 35 mm, range 10 to 159 mm).

Pinfish were most abundant in the winter and spring (February to June) for both 21.3-m seines and 6.1-m trawl collections (*Figure 15* and *Figure 17*), but there were no

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obvious seasonal trends to the catches with the 183-m seine (*Figure 16*). Pinfish did not show any strong distributional trends among the five embayments with any of the gear types. Pinfish were more abundant in 21.3-m seine collections that sampled some seagrass (*Figure 15*), whereas pinfish collected with 183-m seines did not show an abundance trend related to bottom vegetation (*Figure 16*).

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Lagodon rhomboides (pinfish)
21.3-m seine

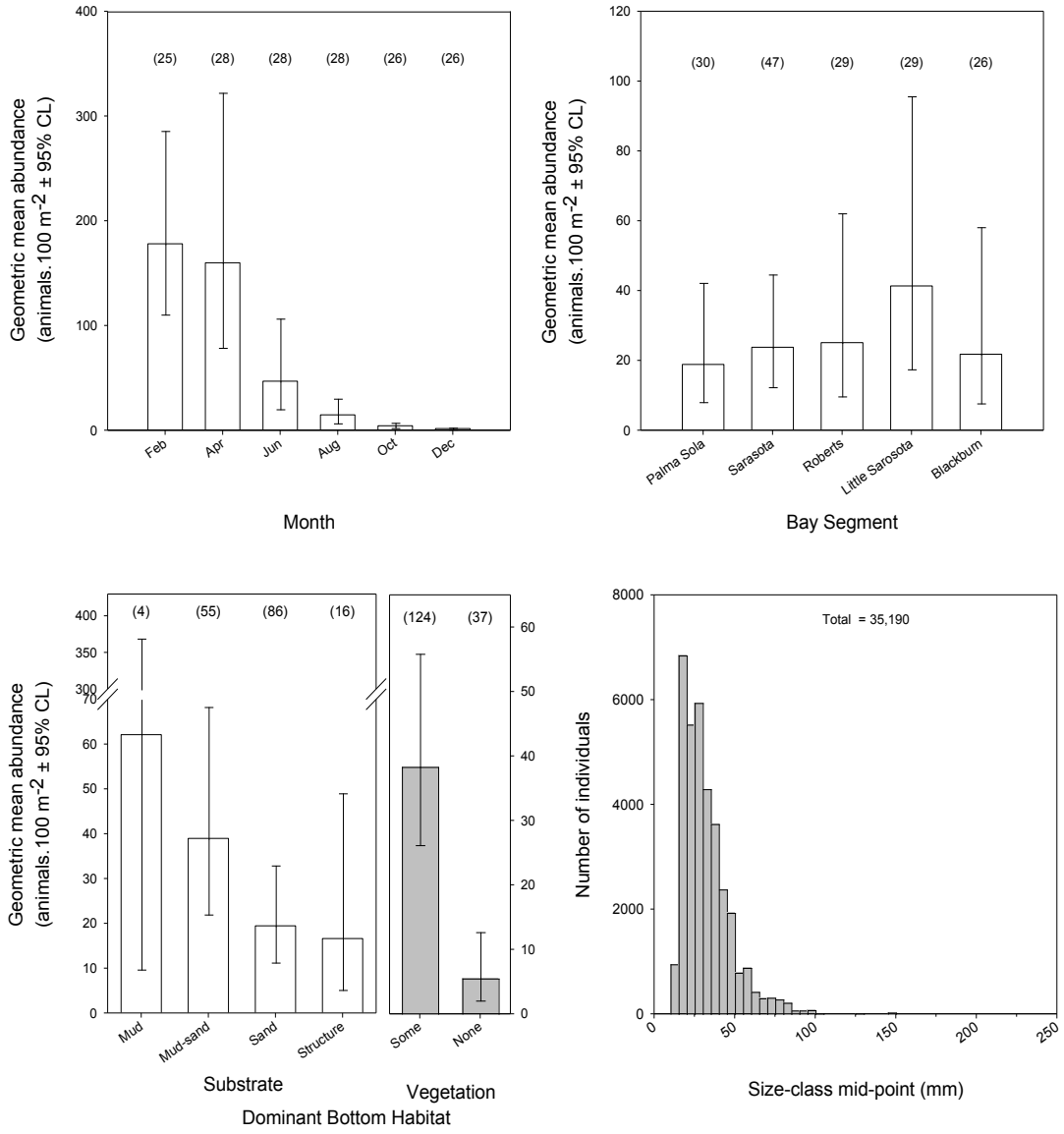


Figure 15. Relative abundance and length-frequency distribution of pinfish collected with 21.3-m seines in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Lagodon rhomboides (pinfish)
183-m seine

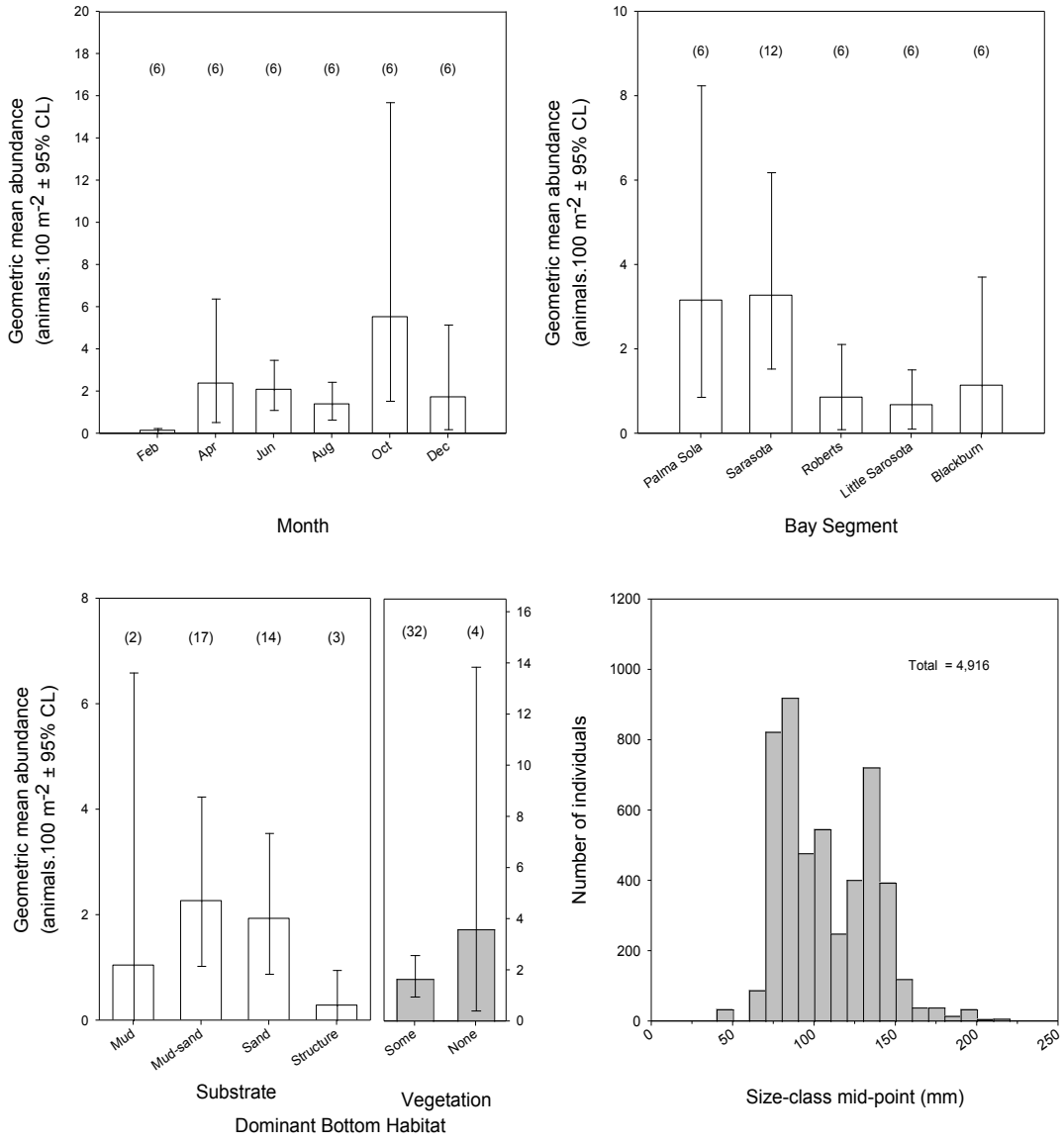


Figure 16. Relative abundance and length-frequency distribution of pinfish collected with 183-m seines in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Lagodon rhomboides (pinfish)
6.1-m trawl

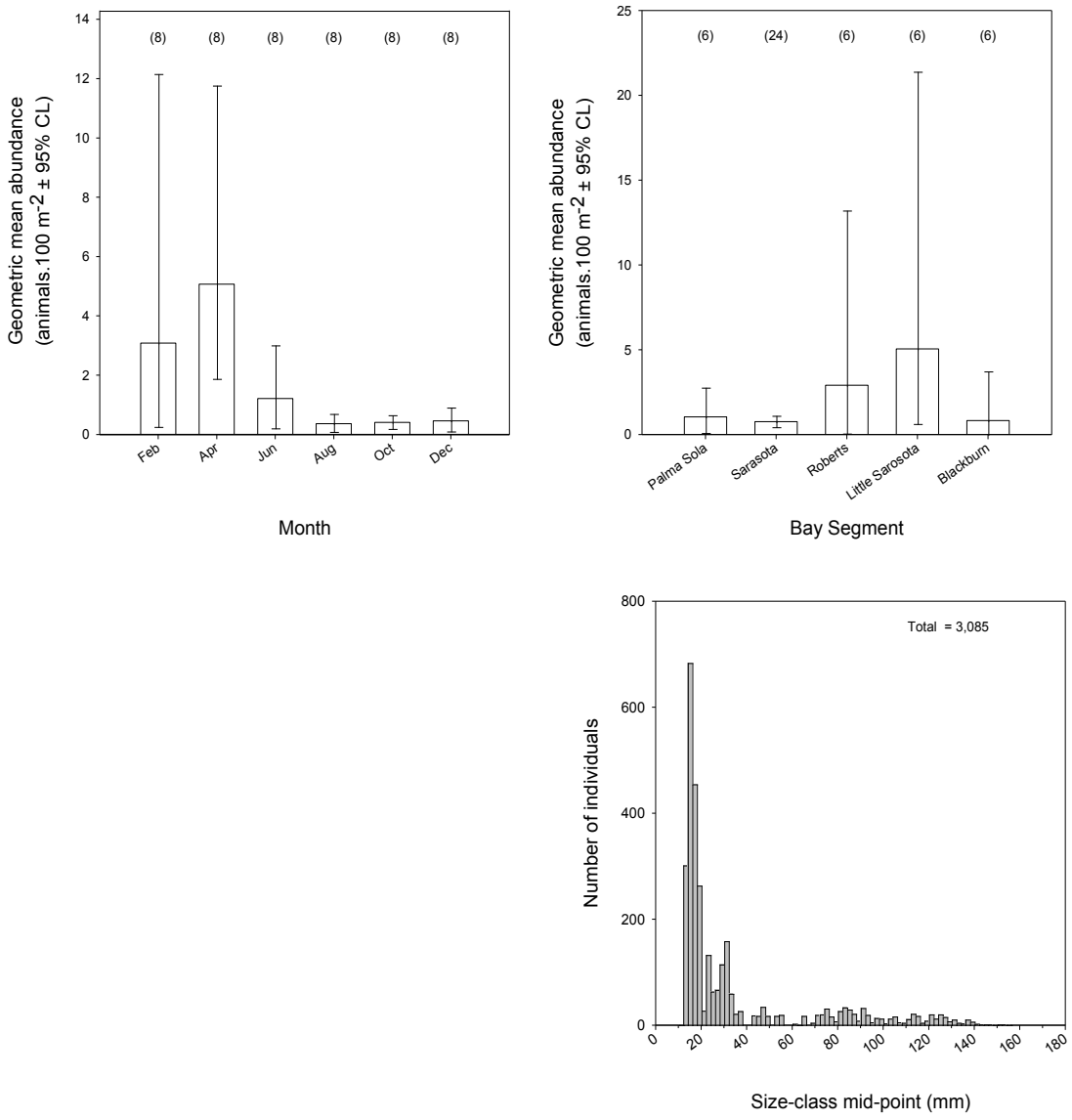


Figure 17. Relative abundance and length-frequency distribution of pinfish collected with 6.1-m trawls in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Sheepshead, *Archosargus probatocephalus*

Sheepshead, *Archosargus probatocephalus*, is common in coastal estuarine and inner- to mid-shelf waters from Cape Cod to Brazil (Jennings 1985). Larval sheepshead are pelagic and metamorphose into juveniles at about 8mm (Parsons and Peters 1989; Tucker and Alshuth 1997). Juvenile sheepshead are most abundant in grass flats and over mud bottoms (Springer and Woodburn 1960, Odum and Heald 1972, Jennings 1985). In late summer, juvenile sheepshead begin to congregate with adults around stone jetties, breakwaters, piers, wrecks, and bulkheads (Jennings 1985). Recreational and commercial fishermen commonly harvest sheepshead, with the recreational fishery accounting for almost 90% of the total pounds landed in recent years (Munyandorero et al. 2006).

Sheepshead were collected in more than 10% of the hauls made with each of the sampling gears (*Table 4*, *Table 7*, and *Table 9*). Sheepshead collected with the 21.3-m seine tended to be smaller (mean 58 mm SL, range 12 to 268) than sheepshead collected in the other two gear types. Abundance of sheepshead collected with 21.3-m seines was higher in April than any other month (*Figure 18*), corresponding to the time when young-of-the-year sheepshead typically recruit into Florida's estuaries. There were no obvious seasonal trends for sheepshead collected with 183-m seines or 6.1-m trawls (*Figure 19* and *Figure 20*). Sheepshead collected with 21.3-m seines were least abundant in Sarasota Bay proper and did not show any trend with respect to bottom vegetation (*Figure 18*). Abundance of sheepshead collected with 183-m seines was highest in Little Sarasota Bay and from collections that sampled at least some bottom vegetation (*Figure 19*).

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Archosargus probatocephalus (sheepshead)
21.3-m seine

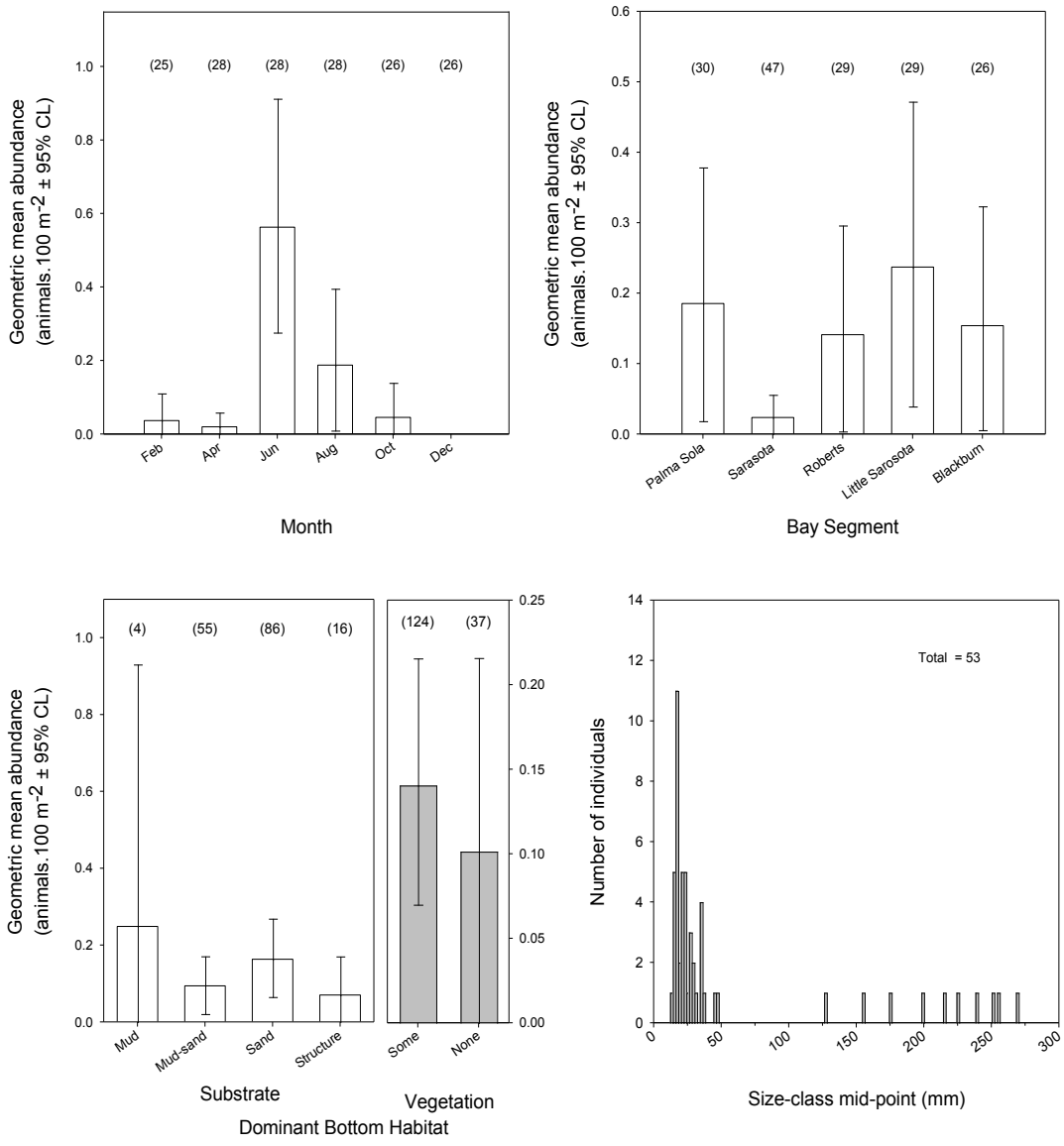


Figure 18. Relative abundance and length-frequency distribution of sheepshead collected with 21.3-m seines in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Archosargus probatocephalus (sheepshead)
183-m seine

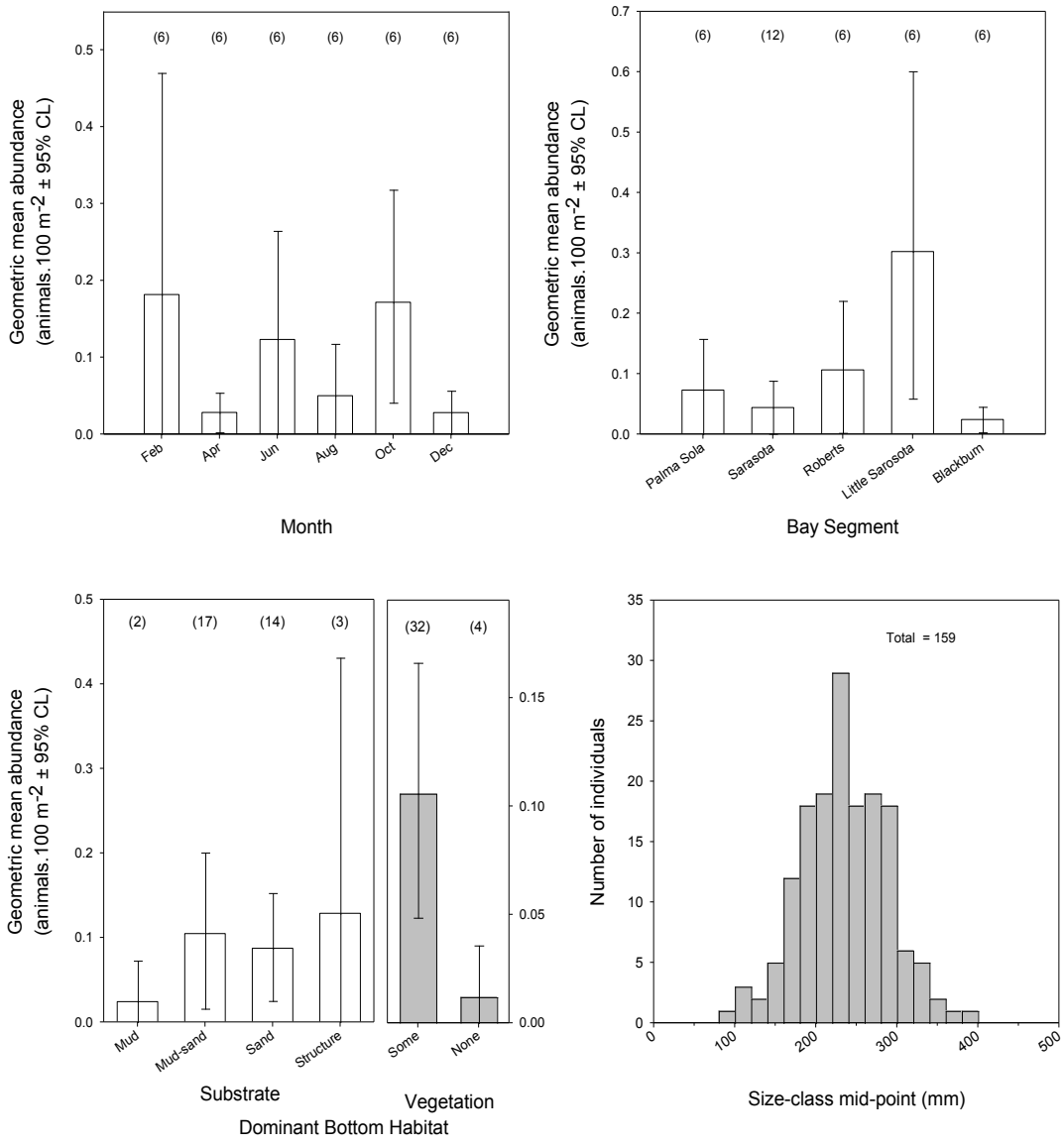


Figure 19. Relative abundance and length-frequency distribution of sheepshead collected with 183-m seines in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Archosargus probatocephalus (sheepshead)
6.1-m trawl

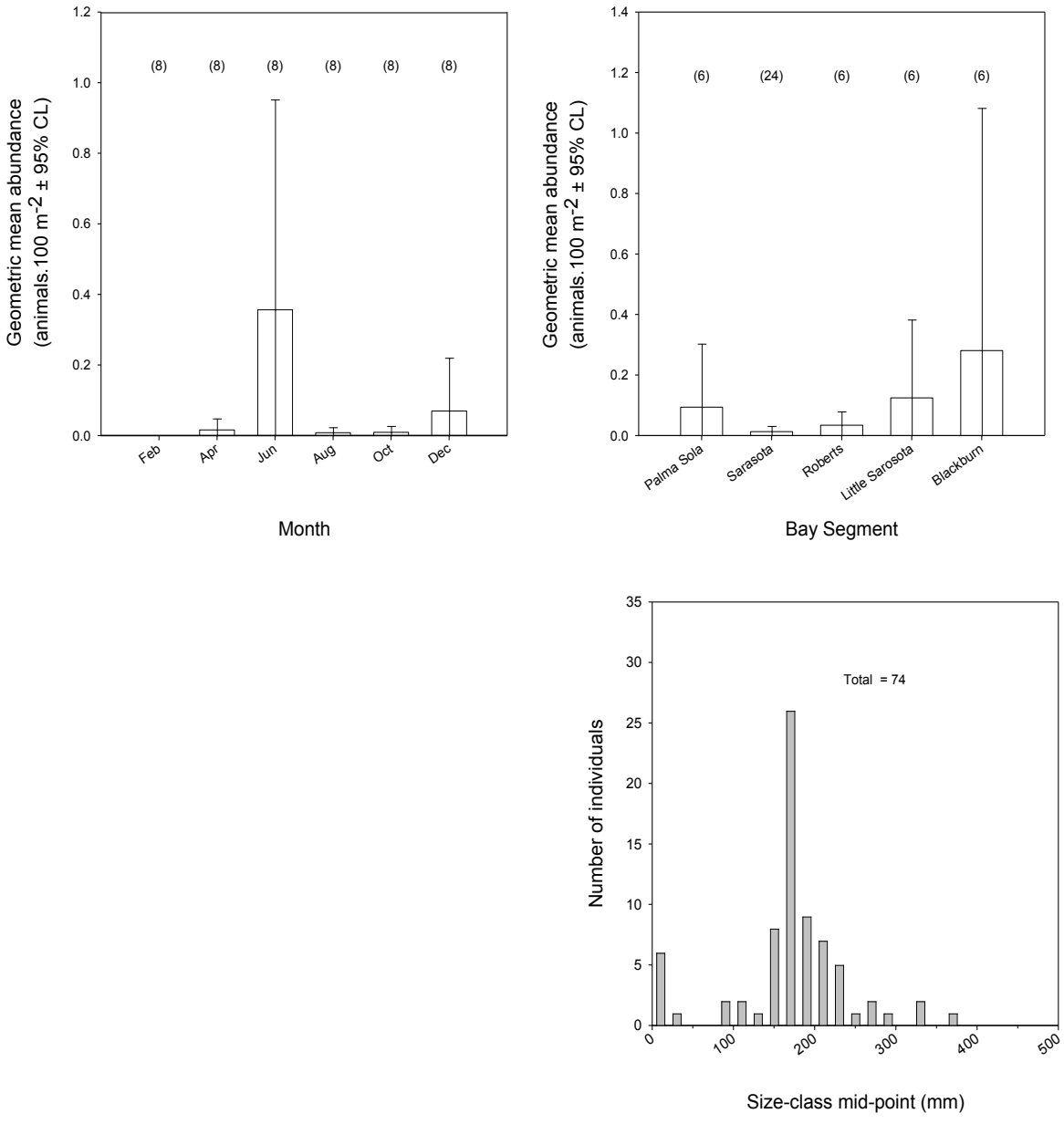


Figure 20. Relative abundance and length-frequency distribution of sheepshead collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Spotted Seatrout, *Cynoscion nebulosus*

Spotted seatrout occur along the U.S. and Mexican east coasts and in the Gulf of Mexico from New York to Laguna Madre (Carpenter 2002). Over much of its range, it is the target of important recreational and commercial fisheries (Bortone 2003). Spawning occurs within estuaries or near passes into estuaries (Brown-Peterson, 2003). Spotted seatrout have been collected at salinities ranging from 0 to 75 ppt, but juveniles may prefer 8-25 ppt, and 20-25 ppt may be the physiological optimum for larger juveniles and adults (Pattillo et al. 1997).

Spotted seatrout were collected with each of the gear types (*Table 4*, *Table 7*, and *Table 9*), but were only abundant (n=128) and frequently collected (19.3% of samples) in the 21.3-m seine hauls. The 21.3-m seine tended to collect relatively small spotted seatrout (≤101 mm SL) which represent young-of-the-year animals (*Table 4*). Abundance was higher during the summer and fall months (June, August, and October; *Figure 21*) than during other months (December, February, and April). They were most abundant in collections that sampled some bottom vegetation and had relatively similar abundance in each of the embayments, except Blackburn Bay.

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Cynoscion nebulosus (spotted seatrout)
21.3-m seine

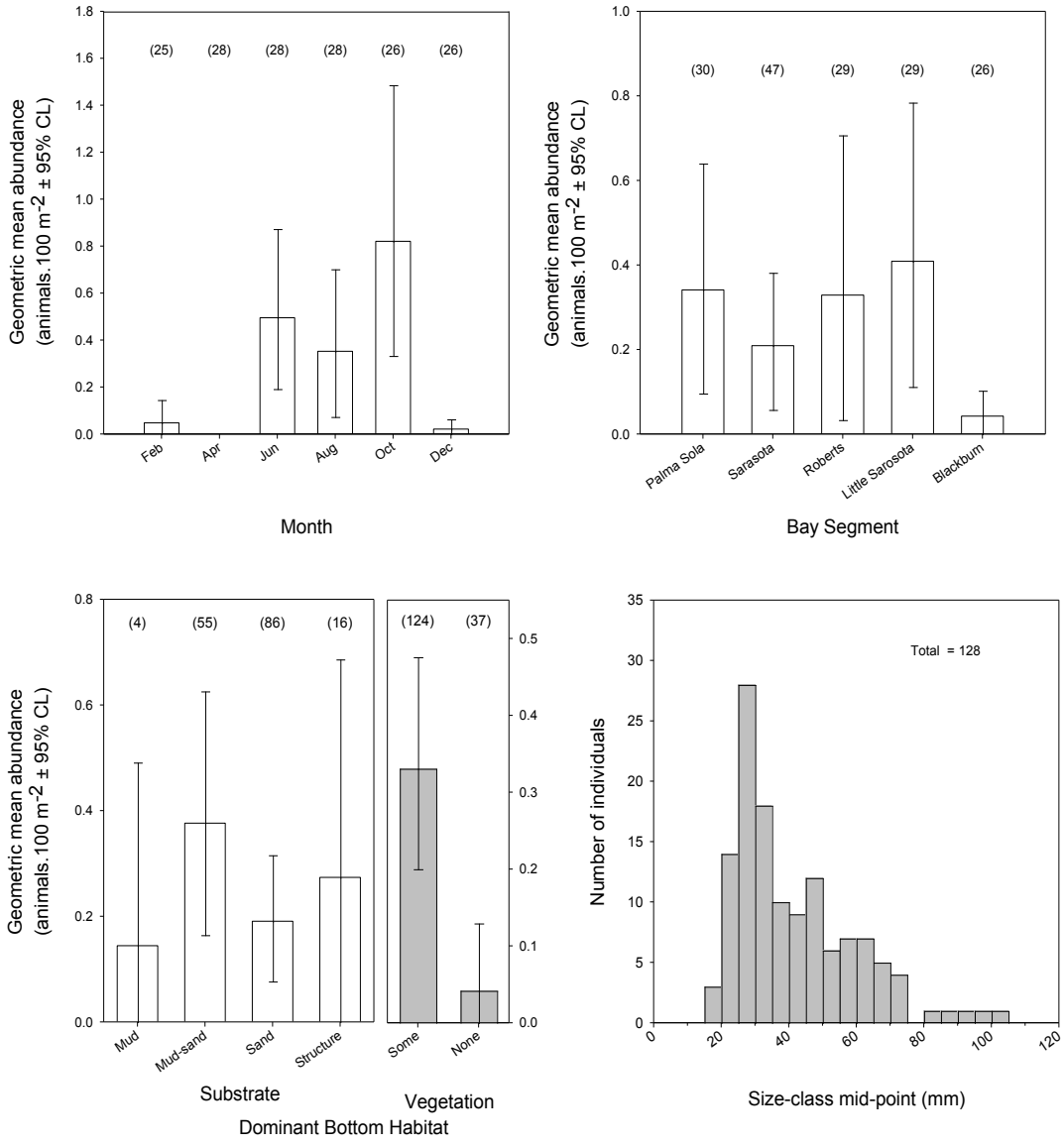


Figure 21. Relative abundance and length-frequency distribution of spotted seatrout collected with 21.3-m seines in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Striped mullet, *Mugil cephalus*

Striped mullet are cosmopolitan and range from Nova Scotia to Argentina in the Western Atlantic (Carpenter, 2002). This species supports large fisheries in many areas, including Florida; state landings were valued at over $5M in 2005, although this was less than half of the value in 1994 (FWRI, unpublished data), the year before the constitutional restriction on entangling nets was initiated. Striped mullet are a major prey item for many larger fishes and birds (Pattillo et al. 1997; Withers and Brooks 2004; Bacheler et al. 2005; Blewett et al. 2006). They spawn on the continental shelf and recruit to estuaries as slender, silvery pelagic juveniles (Pattillo et al. 1997; McDonough and Wenner 2003). Recruiting juveniles are strong swimmers capable of traversing long distances to locate nursery habitats, perhaps aided by olfactory cues (Etnier and Starnes 1993; Peters and Matheson, pers. obs.). Juvenile and adult striped mullet exhibit a broad range of salinity tolerance and can be extremely abundant in tidal rivers (Pattillo et al. 1997; Paperno and Brodie 2004; Idelberger and Greenwood 2005). Adults sometimes move hundreds of miles inland in major river systems such as the Mississippi, but juveniles are most common at salinities higher than freshwater (Etnier and Starnes 1993; Boschung and Mayden 2004).

Striped mullet were not collected with 6.1-m trawls (*Appendix C*), but were relatively abundant and frequently collected with 21.3-m seines (*Table 4*) and 183-m seines (*Table 7*). Striped mullet collected with 21.3-m seines represented young-of-the-year animals that had just recruited into the estuary (mean of 24 mm SL, range 16 to 32 mm; *Figure 22*). Peak abundance for striped mullet collected with 21.3-m seines occurred in February and April, months during which young-of-the-year striped mullet

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typically recruit into Florida's estuaries (*Figure 22*). There were no obvious abundance seasonal, geographical, or habitat trends for striped mullet collected with 183-m seines (*Figure 23*).

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Mugil cephalus (striped mullet)
21.3-m seine

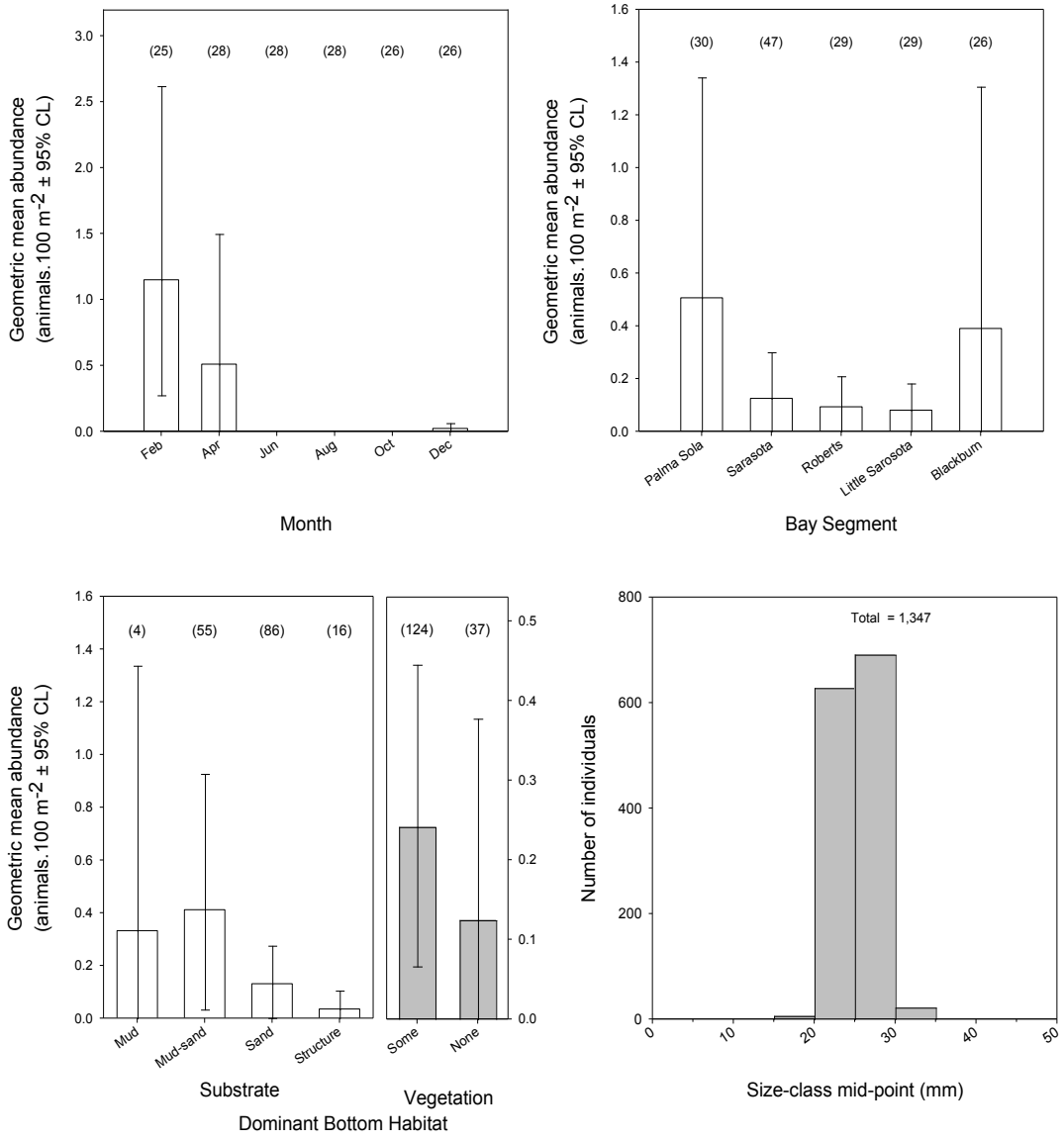


Figure 22. Relative abundance and length-frequency distribution of striped mullet collected with 21.3-m seines in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Mugil cephalus (striped mullet)
183-m seine

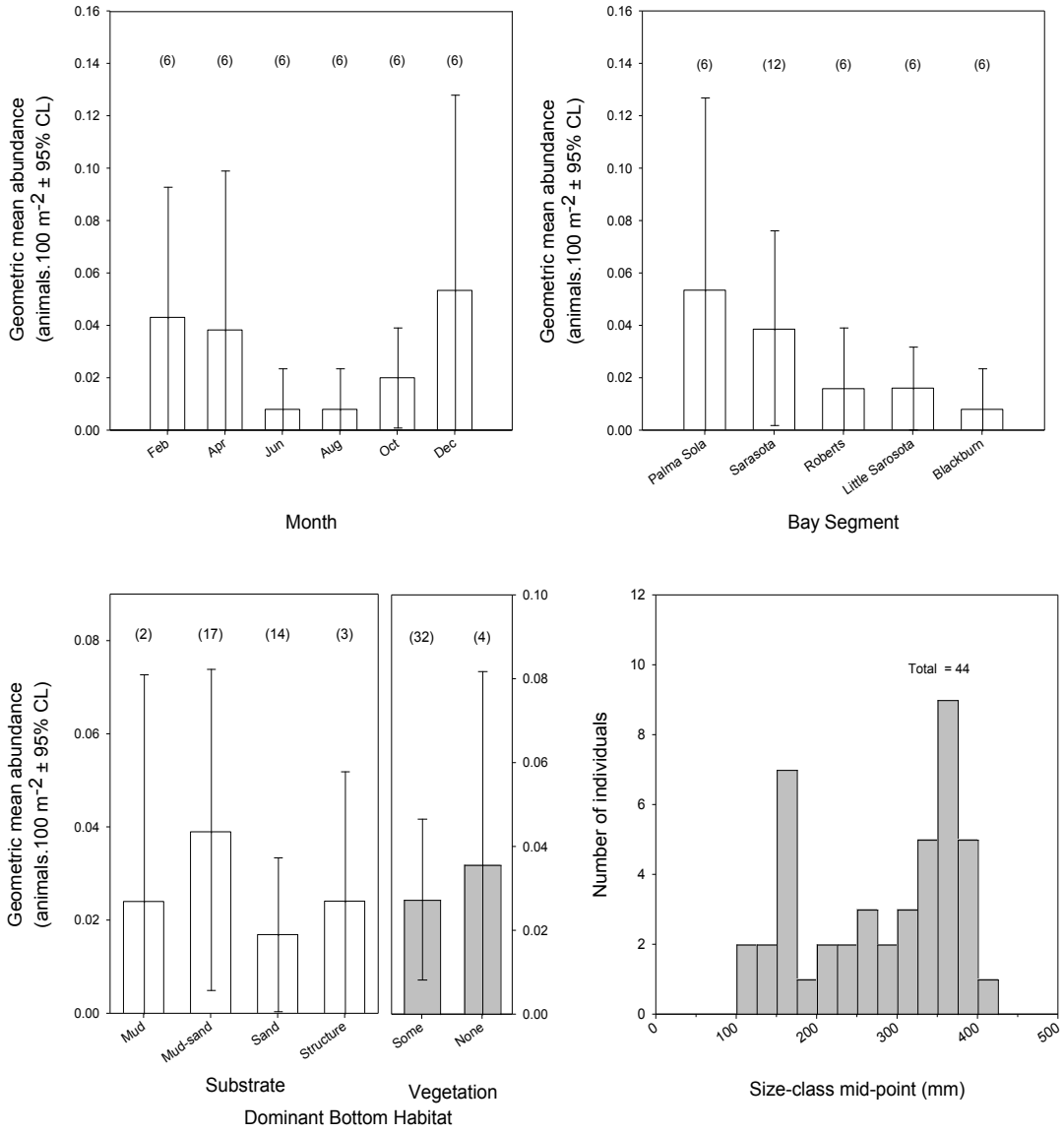


Figure 23. Relative abundance and length-frequency distribution of striped mullet collected with 183-m seines in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Nekton Community Structure

Intrabay Comparison

The non-metric multi-dimensional scaling (MDS) plots show no differences in nekton community structure between the five embayments that comprise the polyhaline portion of the Sarasota Bay estuary for the nekton assemblages sampled with the 183-m seine or 6.1-m trawl (*Figure 24*). Differences, however, were apparent between embayments for the nekton community sampled with the 21.3-m seine. Blackburn and Roberts bays, the two smallest embayments sampled, were similar to each other, but were different from the two larger embayments (Sarasota and Little Sarasota bays). The nekton community of Palma Sola Bay was distinct from the nekton assemblages of both the “small” and “large” embayments.

Similarity percentage analyses (SIMPER) indicated that mean abundance was greater in “small” relative to “large” embayments for six taxa (*Eucinostomus* spp., *Leiostomus xanthurus*, *Eucinostomus gula*, *Menidia* spp, *Harengulus jaguana*, and *Eucinostomus harengulus*; *Figure 25*). The remaining six taxa that distinguished “large” and “small” embayments either had similar abundance in both (*Lagodon rhomboides*), or greater abundance in the “large” bays (*Anchoa mitchilli*, *Orthopristis chrysoptera*, *Lucania parva*, and *Bairdiella chrysoura*). Ten of the top twelve taxa that distinguished “small” embayments from Palma Sola Bay had greater abundance in the “small” embayments (*Figure 25*). Eight of the twelve top taxa (*L. rhomboides*, *Eucinostomus* spp., *A. mitchilli*, *E. gula*, *F. duorarum*, *H. jaguana*, and *B. chrysoura*; *Figure 25*) that

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differentiated them “large” embayments from Palma Sola Bay were more abundant in the “large” embayments.

Palma Sola Bay has been identified by the Sarasota Bay Estuary Program and the Florida Department of Environmental Protection as not meeting Florida’s standards for water quality due to high bacteria and chlorophyll concentrations (SBEP 2006). The multivariate community analyses separated Palma Sola Bay from the other embayments. Most taxa had lower abundance in Palma Sola Bay than in the other embayment groupings. Rainwater killifish, however, were 3.1 and 5.7 times more abundant in Palma Sola Bay than in the “small” and “large” bay groupings, respectively. Rainwater killifish have been described as pollution tolerant (Patrick and Palavage 1994) but are also a species that has highest abundance in aquatic vegetation regardless of salinity (Able and Fahay 1998). Any relationship between water quality standards and nekton community structure for Palma Sola Bay would require a more directed and coordinated collection of both water quality parameters and nekton.

There was considerable variability in the mean abundance of nekton sampled with each of the gear types (*Figure 26*). Significant differences in abundance (Analysis of Variance, Tukey post hoc test) were identified for nekton sampled with the 21.3-m seine (P<0.01, n=161, df=4, Model SS=42.995, Error SS=433.246) and the 6.1-m trawl (P<0.01, n=48, df=4, Model SS=21.848, Error SS=56.818). Nekton abundance for the 21.3-m seine was significantly higher in Little Sarasota Bay than in Palma Sola and Sarasota bays. For nekton collected with 6.1-m trawls, abundance was significantly higher in Roberts and Little Sarasota bays than in Sarasota Bay proper.

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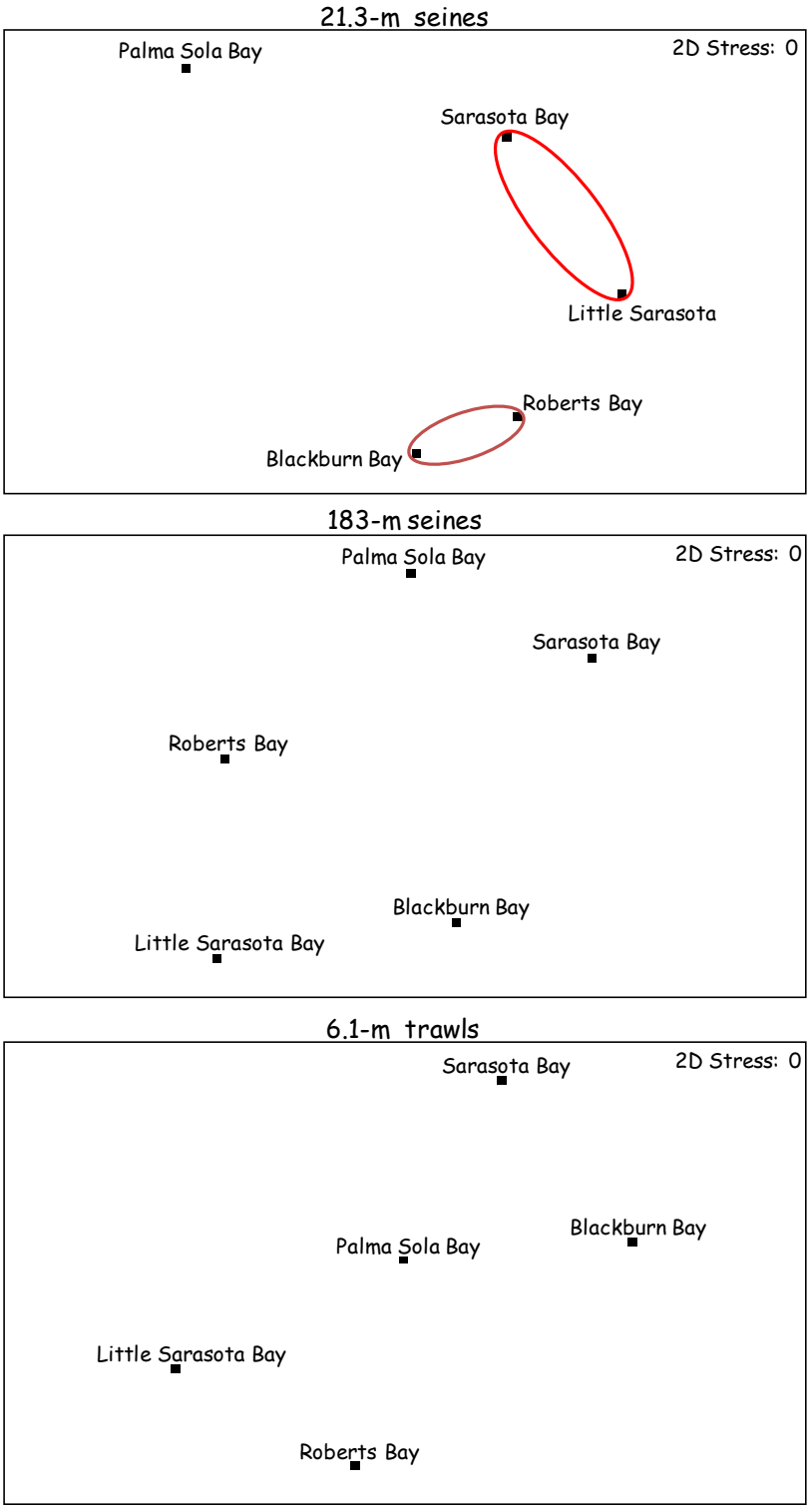


Figure 24. Non-metric Multidimensional Scaling (MDS) ordination plot of nekton community structure collected in five embayments within the Sarasota Bay estuary during bi-monthly Fisheries-Independent sampling (June 2009-April 2010). Ellipses in the 21.3.-m seine plot denote groups determined using Bray-Curtis similarity percentages of 75 from hierarchical agglomerative cluster analysis. No groupings could be discerned in the 183-m seine and 6.1-m trawl data.

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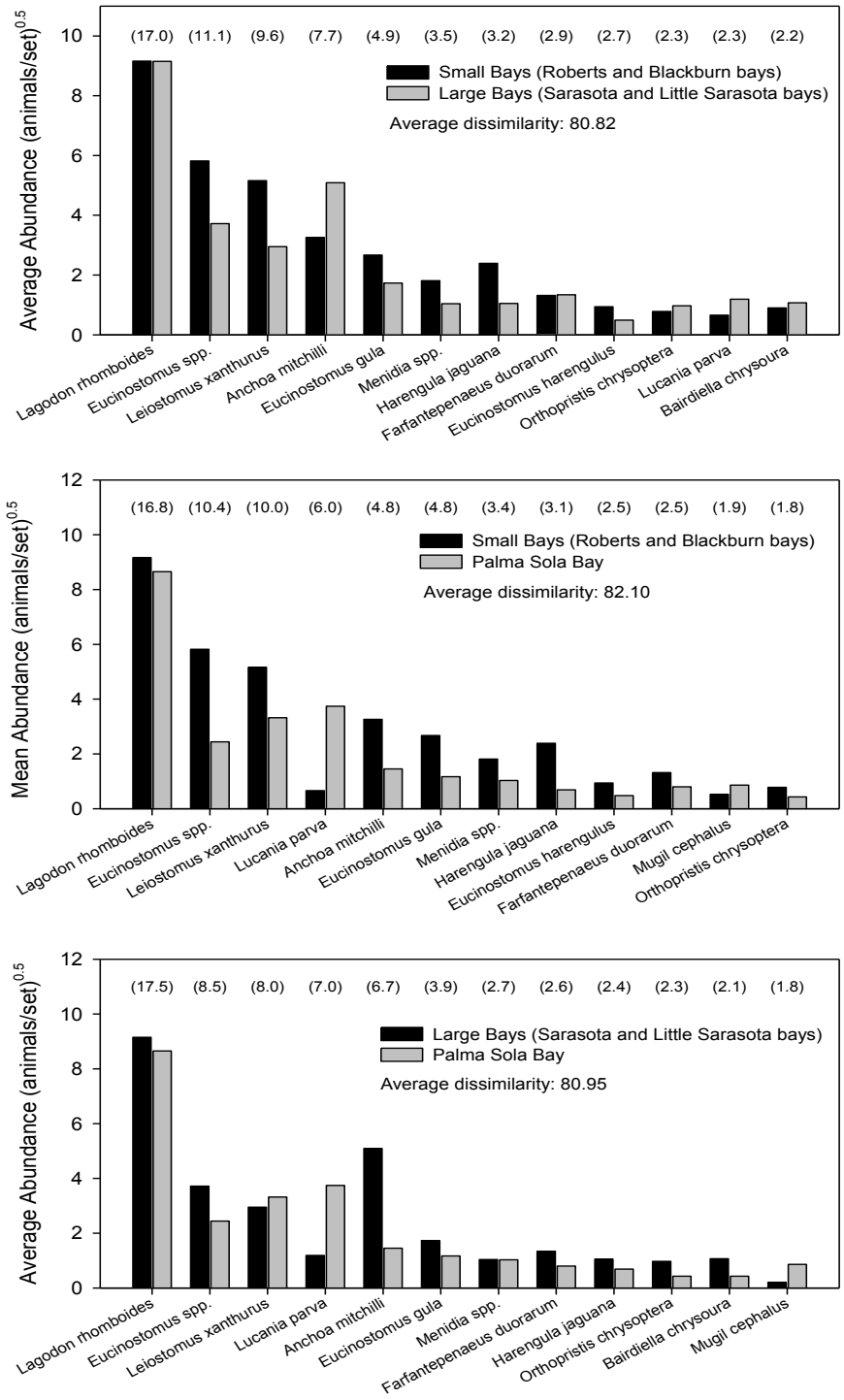


Figure 25. Similarity percentage (SIMIPER) analysis mean abundance for the top twelve taxa collected with 21.3-m seines that distinguished embayment groupings depicted in the MDS ordination. Average dissimilarity between groupings is listed in each plot. The percent contribution of each species to the total average dissimilarity is shown in parentheses above each species grouping.

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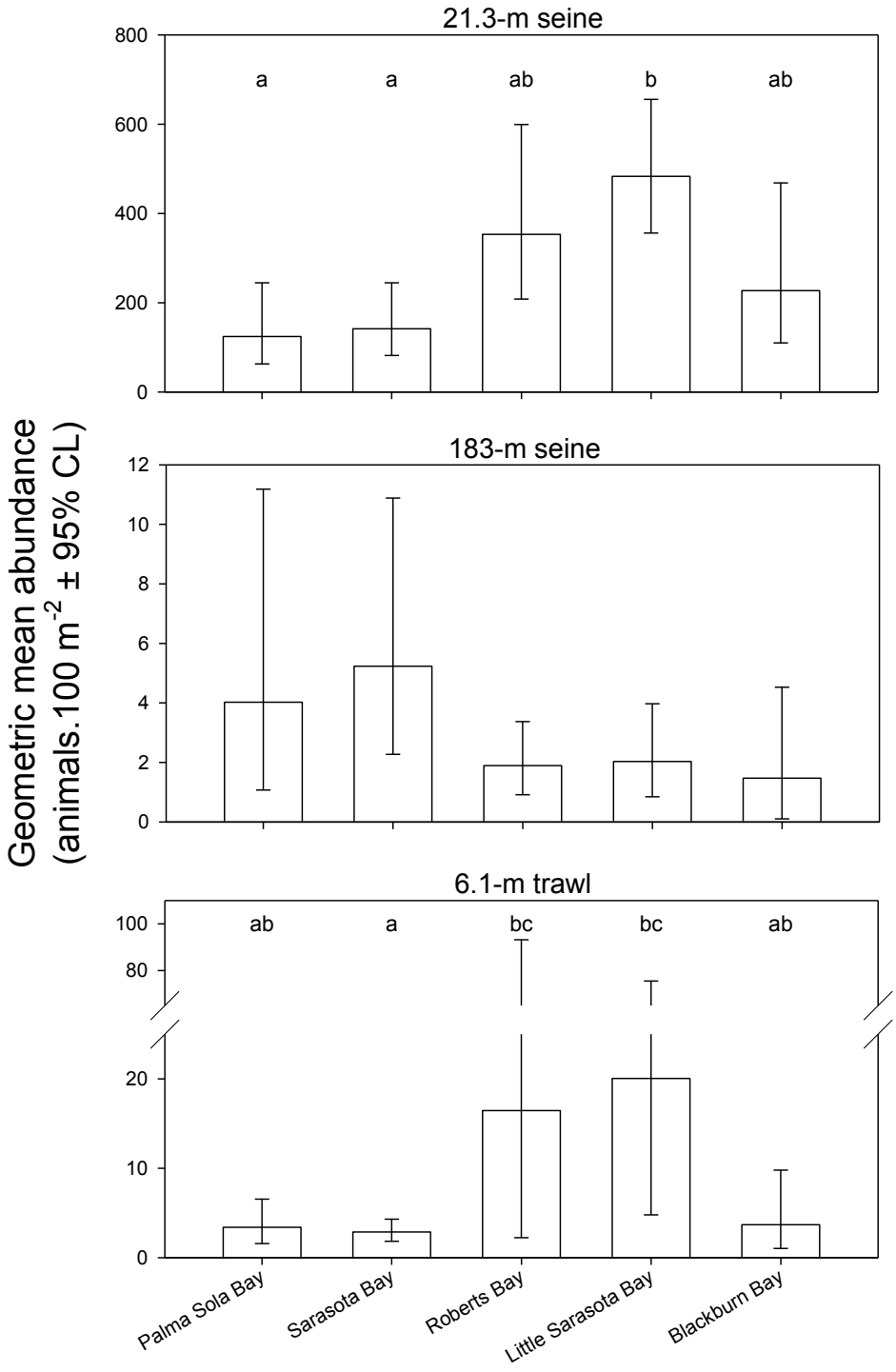


Figure 26. Mean abundance for nekton collected with 21.3-m seines for each of the five embayments of the Sarasota Bay estuary. Letters above bars in 21.3-m seine and 6.1-m trawl plot represent significant differences (ANOVA, $P<0.001$, Tukey post hoc test, c>b>a); significant differences ($P<0.05$) were not found for 183-m seines.

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Bay morphology (“small” vs. “large”) appears to play a role in the nekton community structure that was sampled with 21.3-m seines (*Figure 24*), but other factors such as water quality, connectivity to the Gulf of Mexico, salinity, freshwater inflow and urbanization might also play a roll. Neither of the two “small” embayments (Roberts and Blackburn bays) has a direct connection to the Gulf of Mexico and, therefore, each depends on passes to the north and south for tidal flushing. Both of the “small” embayments have been identified as areas of concern due to chlorophyll concentrations (SBEP 2006). Unlike Palma Sola Bay, which did not meet water quality standards for bacteria and chlorophyll (SBEP 2006), nekton abundance in the “small” bay group was relatively high. Additional nekton data, inclusion of other environmental factors in the analysis, and comparison with adjacent estuaries (Tampa Bay, Lemon Bay, and Charlotte Harbor) should improve the understanding of the differences in community structure between “small” and “large” embayments.

Temporal differences in nekton community structure where not apparent, with the MDS plots showing a wide scatter of samples with no discernable pattern. The MDS plot for 21.3-m seines, the gear type with the largest number of collections, provided the best result but no obvious trends or groupings (*Figure 27*). The lack of patterns in these data is likely the result of small sample sizes within each embayment–month grouping, bi-monthly sampling, and an atypical weather pattern during the one year study period.

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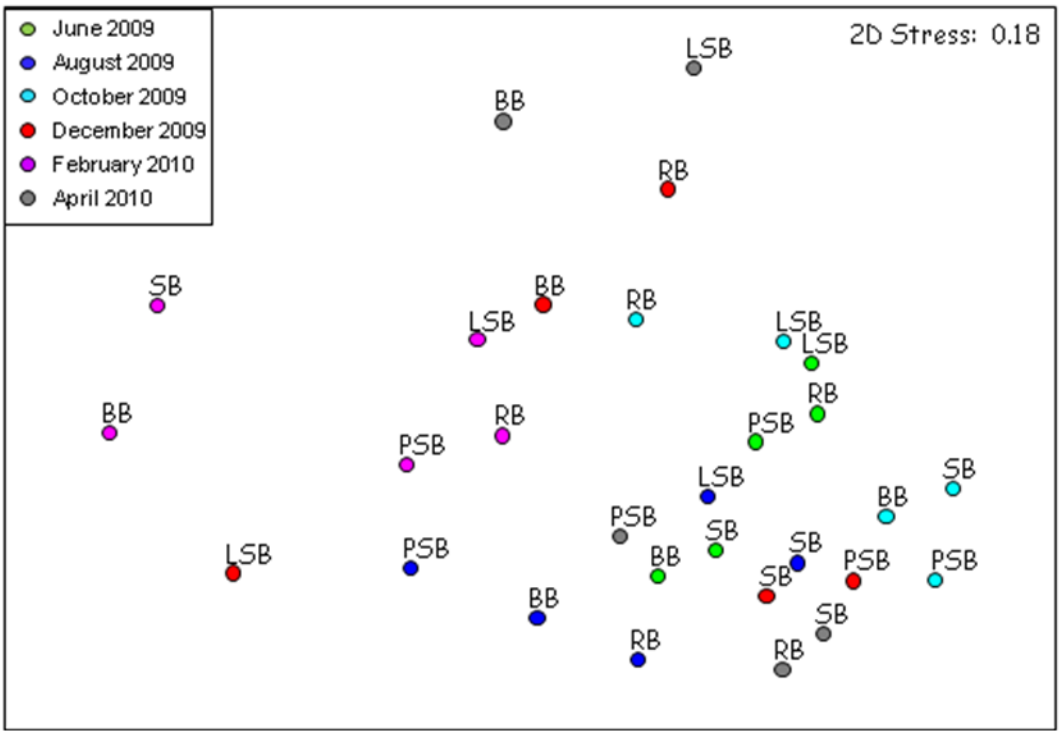


Figure 27. Non-metric Multidimensional Scaling (MDS) ordination plot of bi-monthly nekton community structure sampled with 21.3-m seines in five embayments within the Sarasota Bay estuary. PSB=Palma Sola Bay, SB=Sarasota Bay, RB=Roberts Bay, LSB=Little Sarasota bay, and BB=Blackburn Bay.

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Interbay Comparison

Analysis of community structure in Tampa Bay, Sarasota Bay, Lemon Bay, and Charlotte Harbor initially included geographic strata that subdivided the polyhaline sections of Tampa Bay into lower North and lower South, and Charlotte Harbor into Gasparilla Sound and Pine Island Sound (*Figure 2*). The MDS plots from these analyses indicated that the Tampa Bay and Charlotte Harbor geographic strata were more like each other, plotting in the upper half of the MDS plot, and different from the smaller, Lemon and Sarasota bays (e.g., *Figure 28*). To better compare larger, open water estuaries with smaller, narrow estuaries, the geographic strata for Tampa Bay and Charlotte Harbor were dropped from subsequent analyses and these two systems were analyzed as Lower Tampa Bay and Lower Charlotte Harbor.

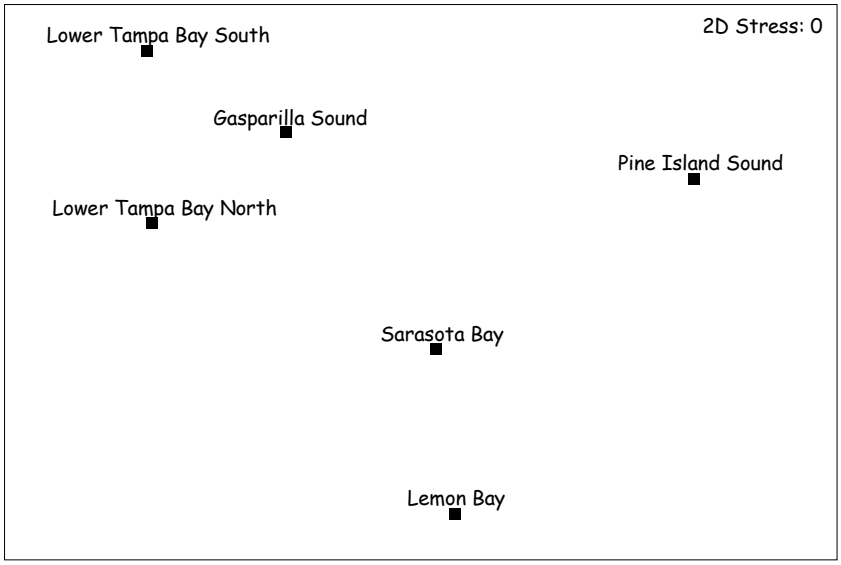


Figure 28. Non-metric Multidimensional Scaling (MDS) ordination plot of nekton community structure sampled with 21.3-m seines in the polyhaline portions of Sarasota Bay, Lemon Bay, Tampa Bay (Lower North and South) and Charlotte Harbor (Gasparilla and Pine Island sounds). Subsequent analyses combined Lower Tampa Bay North and South into Lower Tampa Bay and Gasparilla and Pine Island sounds into Lower Charlotte Harbor.

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Physiochemical parameters were very similar between the four estuaries during each bi-monthly sampling event (*Figure 29*). The largest difference in water temperature between the four estuaries was in April 2010, during which Lemon Bay was about 3◦C cooler than the warmest estuary (Charlotte Harbor). Tampa Bay had a tendency to have slightly lower mean salinity (~3 ppt) during each bi-monthly sampling event, most likely because of the influence of the Manatee River which discharges directly into Lower Tampa Bay South. Each estuary, however, followed the same general trend with mean salinity highest in June 2009 and lowest in April 2010. Dissolved oxygen also followed the same general trend regardless of estuary; lowest values were recorded in August 2009 with higher values between December 2009 and April 2010.

Nekton community structure was very similar between the four estuarine systems analyzed; Bray-Curtis similarity percentages ranged from 67 to 76% for each of the gear types. There was, however, a tendency for the two small estuaries (Lemon and Sarasota bays) to group separately (79 to 85% Bray-Curtis similarity percentages) from the polyhaline portions of the two large estuaries (Tampa Bay and Charlotte Harbor; 78 to 79% Bray-Curtis similarities) (*Figure 30*) for each of the gear types.

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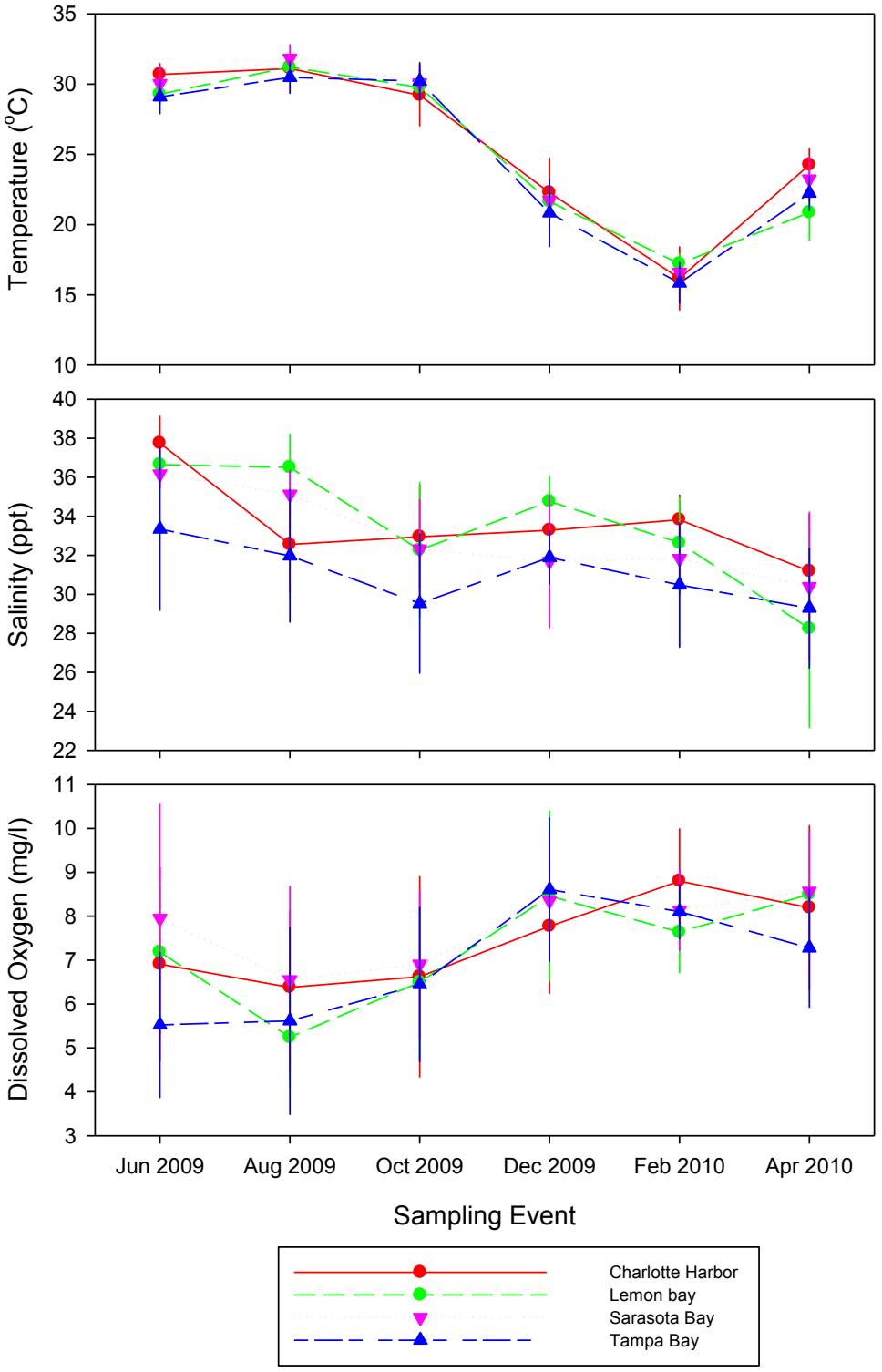


Figure 29. Mean (±standard deviation) water temperature, salinity, and dissolved oxygen (water column average) for the polyhaline portions of four estuaries along the southwest coast of Florida.

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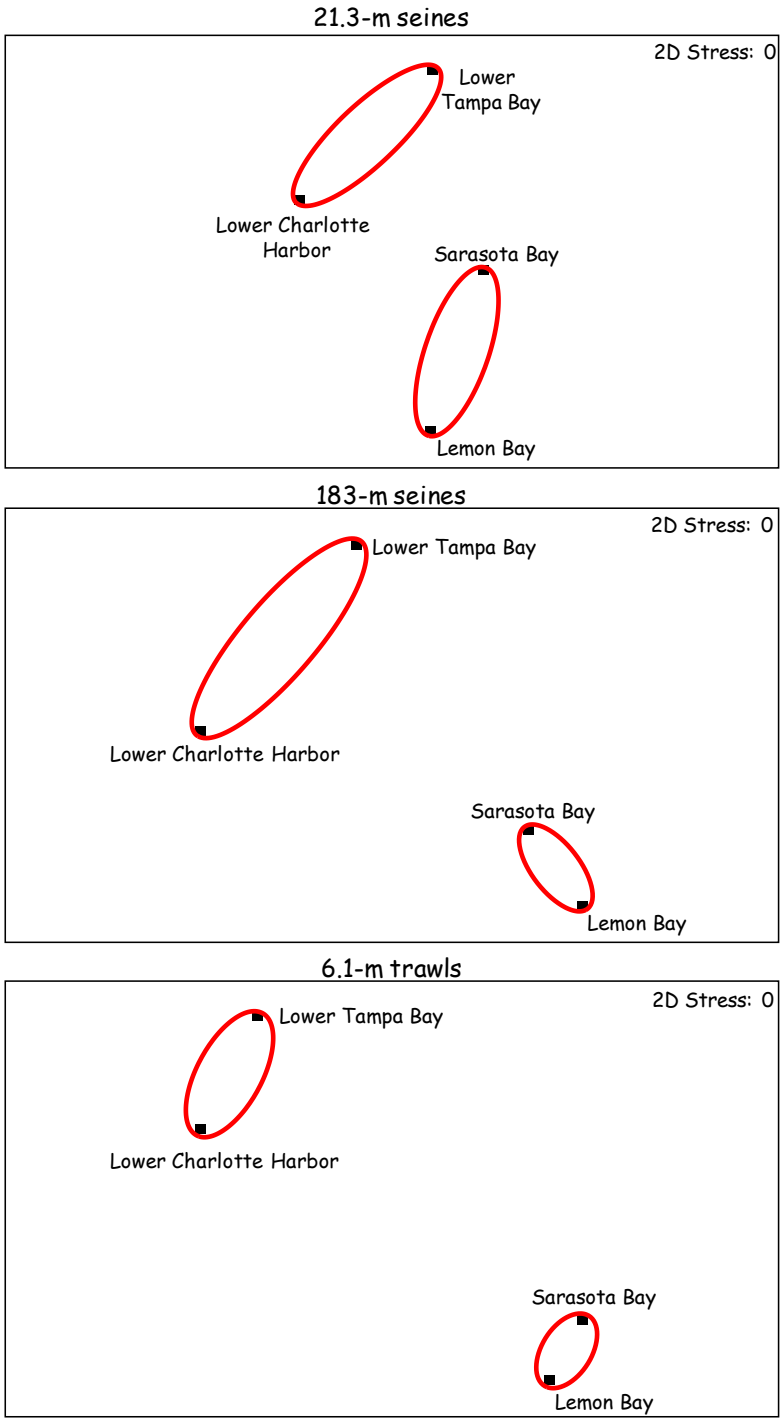


Figure 30. Non-metric Multidimensional Scaling (MDS) ordination plot of nekton community structure in the polyhaline portions of four estuaries located on Florida's southwest coast between Tampa Bay and Charlotte Harbor. Nekton sample in each estuary were collected by the Fisheries-Independent program using standardized procedures between June 2009 and – April 2010. Ellipses denote groups determined using Bray-Curtis similarity percentages of 68 to 75 from hierarchical agglomerative cluster analysis.

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Similarity percentage analyses (SIMPER) showed that mean abundance was higher in “small” estuaries (Sarasota and Lemon bays) than in the polyhaline portions of the “large” estuaries (Tampa Bay and Charlotte Harbor) for most of the taxa that distinguished the two groups for each of the gear deployment methods (*Figure 31*). Eleven of the twelve distinguishing taxa for 21.3-m seines were more abundant in “small” estuaries than in “large”. The bay anchovy, which accounted for 6.9% of the dissimilarity between the two groupings in the 21.3-m seine, was over four times more abundant in “small” estuaries. In the deeper waters sampled by trawls, almost half of the top twelve distinguishing taxa were of recreational or commercial importance (*Menippe* spp., *L. xanthurus*, *C. sapidus*, *Lutjanus synagris*, and *F. duorarum*) (*Figure 31*). Seven of the top twelve distinguishing taxa collected in trawls were more abundant in “small” estuaries than in “large” (*L. rhomboides*, *E. gula*, *Menippe* spp., *Eucinostomus* spp., *L. xanthurus*, *C. sapidus*, and *F. duorarum*). Similarly, the majority of the distinguishing species collected with 183-m seines had higher abundance in “small” rather than “large” estuaries (*E. gula*, *B. chrysoura*, *O. chrysoptera*, *A. probatocephalus*, *C. undecimalis*, *A. felis*, *L. griseus*, and *E. saurus*)(*Figure 31*).

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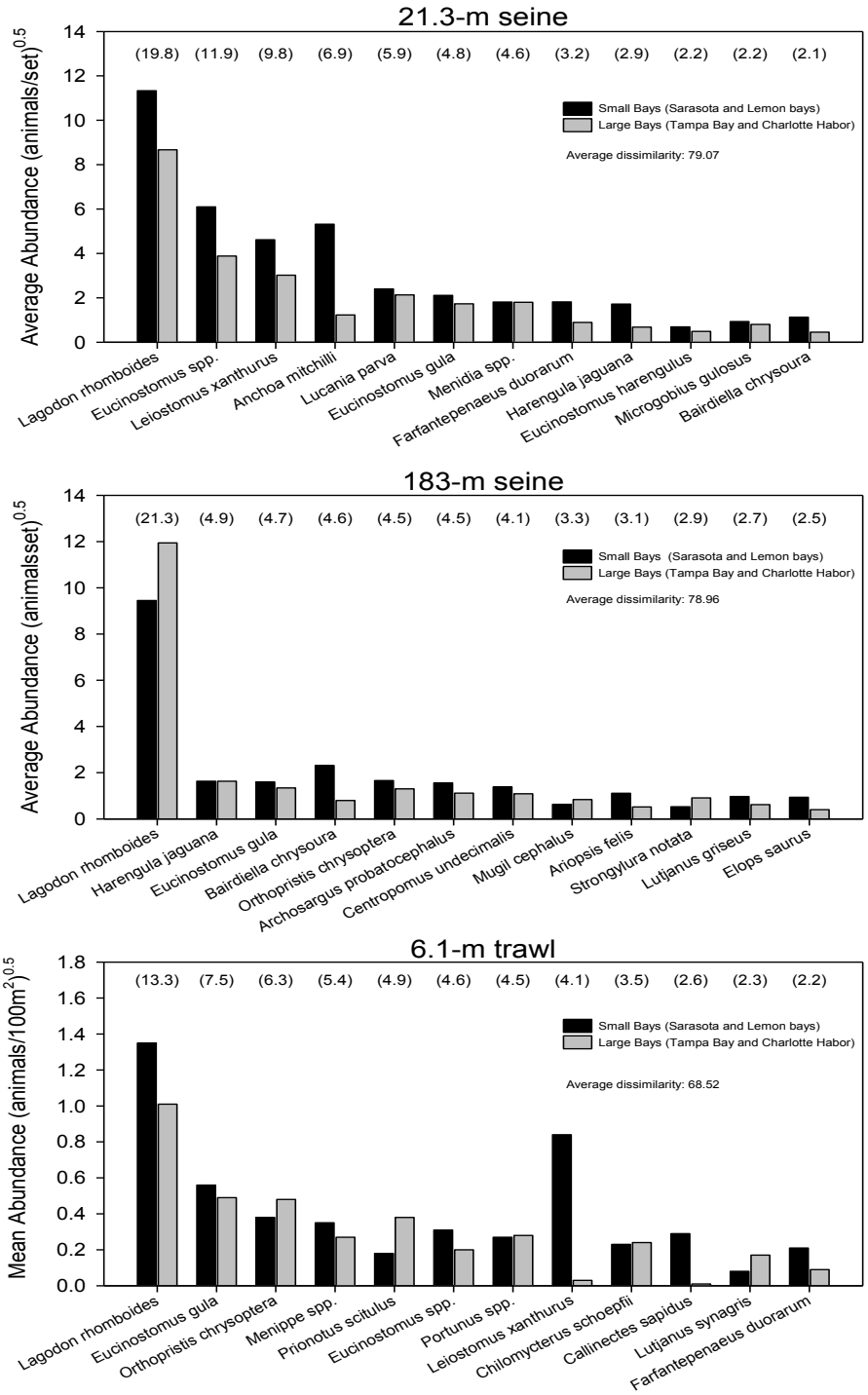


Figure 31, Similarity percentage (SIMIPER) analysis mean abundance for the top twelve taxa collected by gear deployment type that distinguished estuary groupings depicted in the MDS ordination (*Figure 30*). Average dissimilarity between groupings is listed in each plot. The percent contribution of each species to the total average dissimilarity is shown in parentheses above each species grouping.

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The grouping of nekton communities by estuary morphology (“small” and “large”) in the interbay analysis is similar to the groupings identified in the analysis of the five Sarasota Bay embayments (intrabay). As with the intrabay comparison, overall mean abundance for the interbay comparisons showed considerable variability and overlap (*Figure 32*). Analysis of variance (ANOVA, Tukey post hoc test) identified significant difference in abundance between bays for the nekton community sampled with 21.3-m seines (P<0.001, n=389, df=3, Model SS=56.089, Error SS=1,161.39). The two “small” estuaries (Sarasota and Lemon bays) had higher abundance than the two “large” estuaries (Lower Tampa Bay and Charlotte Harbor) (*Figure 32*). Although the nekton abundance pattern for the 6.1-m trawl was similar to that of the 21.3-m seine (higher abundance in “small” estuaries), the differences between estuaries was not significant (ANOVA, P>0.05, n=168, df=3, Model SS=6.337, Error SS=198.261). There were no obvious abundance trends and no significant differences (ANOVA, P>0.05, n=156, df=3, Model SS=2.349, Error SS=138.210) between bays in the abundance of the larger bodied juvenile and adult nekton collected with 183-m seines.

The MDS plots and abundance trends indicate that the two narrow, polyhaline estuaries (Sarasota and Lemon bays) are more productive than wider, more open estuaries for smaller nekton (juveniles and adult’s with small body size) that predominate in 21.3-m seines and 6.1-m trawl collections. Similarly, the MDS plots for the larger bodied juvenile and adult nekton community sampled with 183-m seines showed that there were differences between “small” and “large” estuaries, but there was no trend in overall abundance. The mechanism behind these observations could be differences in water depths, more stable salinity in the “small” estuaries, ratio of land-

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water interface to open water, sediment type, quantity and type of submerged aquatic vegetation, or circulation patterns and residence times. Other metrics that could be assessed to determine if this abundance really relates to productivity would be differences in growth rates, mortality, reproduction, and condition. Additionally, comparisons that included the tributaries in each of these estuaries would likely prove informative.

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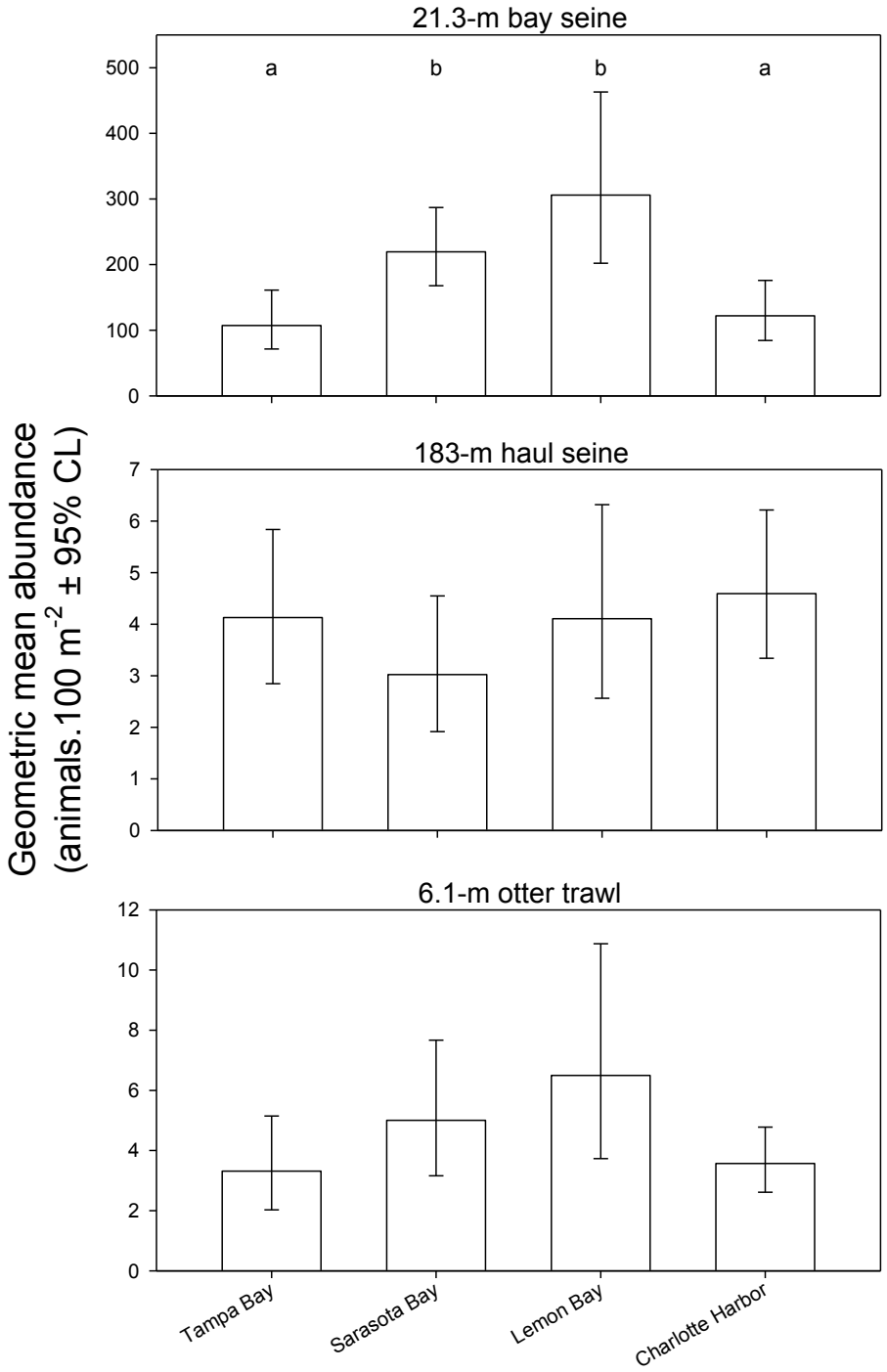


Figure 32. Geometric mean abundance for nekton collected from the polyhaline portions of four estuaries along the southwest coast of Florida. Letters above bars in 21.3-m seine plot represent significant differences (ANOVA, $P<0.001$, Tukey post hoc test, b>a); significant differences ($P<0.05$) were not found for 183-m seines or 6.1-m trawls.

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Mercury Content Analysis

Tissue samples for mercury content analysis were taken from 323 individuals representing 25 taxa (*Table 10*). Animals collected for mercury analysis ranged in size from 49 to 658 mm SL. To date, just over 40% (n=133) of the tissue samples have been analyzed for mercury concentrations. Of the samples analyzed, 19 animals (10.0%), representing five taxa (*C. undecimalis*, common snook [n=12]; *Scomberomorus maculatus*, Spanish mackerel [n=3]; *Cynoscion nebulosus*, spotted seatrout [n=2]; *Elops saurus*, ladyfish [n=1]; and *Chaetodipterus faber*, spadefish [n=1]), had mercury concentrations above 0.3 mg/kg, a guidance level adopted by the U.S. EPA to protect public health (USEPA 2001). The highest mercury concentration level was 0.60 mg/kg (common snook, 524 mm SL, female).

Linear regression analyses were run on four taxa (ladyfish, *Elops saurus*; common snook, *Centropomus undecimalis*; sheepshead, *Archosargus probatocephalus*; and gray snapper, *Lutjanus griseus*) which had a large enough sample size in Sarasota Bay (≥15) and from the gulf coast of Florida between Tampa Bay and Charlotte Harbor (≥50).

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Table 10. Summary of the number of animals, sizes, and mercury levels for fish tissue samples analyzed from the fisheries-independent sampling of Sarasota Bay, June 2009 through April 2010. Min = minimum, Max = maximum, Analyzed = number of fish that have been processed for mercury concentration, and Total = total number of fish collected for mercury content analysis. Species with at least 50 total animals collected and at least 15 from Sarasota Bay were analyzed using linear regression (* in Reg.).

	Sizes (mm)			*Hg Concentration (mg/kg)*			*Number*		
Species	*Mean*	*Min*	*Max*	*Mean*	*Min*	*Max*	*Analyzed*	*Total*	Reg.
Ancylopsetta quadrocellata	153.5	149	158	0.06	0.05	0.06	2	2	
Archosargus probatocephalus	251.6	131	358	0.13	0.03	0.21	17	90	*
Caranx hippos	240.0	240	240	0.29	0.29	0.29	1	1	
Centropomus undecimalis	409.9	200	658	0.24	0.06	0.60	42	59	*
Chaetodipterus faber	278.5	252	312	0.20	0.11	0.34	4	4	
Cynoscion nebulosus	262.9	137	379	0.20	0.03	0.36	7	14	
Elops saurus	253.8	209	376	0.17	0.05	0.39	30	47	*
Epinephelus morio	101.0	101	101	0.03	0.03	0.03	1	1	
Eugerres plumieri	222.8	203	235	0.18	0.06	0.27	5	5	
Lagodon rhomboides	105.3	63	151	0.05	0.02	0.10	31	87	
Lutjanus griseus	185.8	115	240	0.08	0.03	0.17	26	26	*
Lutjanus synagris	89.5	49	133	0.06	0.05	0.07	3	12	
Menticirrhus americanus	285.0	285	285	0.24	0.24	0.24	1	1	
Mugil cephalus	262.5	135	379				0	20	
Mugil curema	125.7	112	135				0	3	
Mugil gyrans	125.7	112	135				0	3	
Mycteroperca microlepis	244.8	210	320	0.09	0.07	0.12	5	5	
Orthopristis chrysoptera	95.0	91	99				0	4	
Paralichthys albigutta	220.9	194	265	0.12	0.06	0.22	4	8	
Pogonias cromis	278.7	248	340	0.15	0.15	0.15	1	3	
Sciaenops ocellatus	526.0	494	590	0.13	0.08	0.19	4	5	
Scomberomorus maculatus	365.5	328	410	0.38	0.2	0.52	4	4	
Strongylura marina	414.0	324	480				0	6	
Synodus foetens	175.0	128	222				0	4	
Trachinotus falcatus	267.0	264	270	0.07	0.06	0.07	2	2	
Total	237.2	49	658	0.15	0.02	0.60	190	416	

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Ladyfish, *Elops saurus*

Ladyfish that were collected in Sarasota Bay for mercury analysis ranged in size from 209 to 376 mm standard length (*Table 10*). Thirty of the 47 animals retained for mercury analysis from Sarasota Bay have been processed with a mean total mercury level of 0.17 mg/kg. The highest total mercury level recorded for ladyfish from Sarasota Bay was 0.39 mg/kg which was found in a fish measuring 271 mm SL.

There was a significant ($P<0.0001$), positive linear relationship between mercury concentration and standard length for ladyfish collected from the gulf coast between Tampa Bay and Charlotte Harbor (*Figure 33*), indicating a tendency for mercury concentrations to increase over time as ladyfish grow. Ladyfish collected for mercury analysis in Sarasota Bay were smaller (average 253 mm SL) than those collected in Tampa Bay and Charlotte Harbor (351 and 318 mm SL, respectively). A larger number of samples and a wider size range of ladyfish would be required to determine any estuary-specific difference in mercury concentrations at size.

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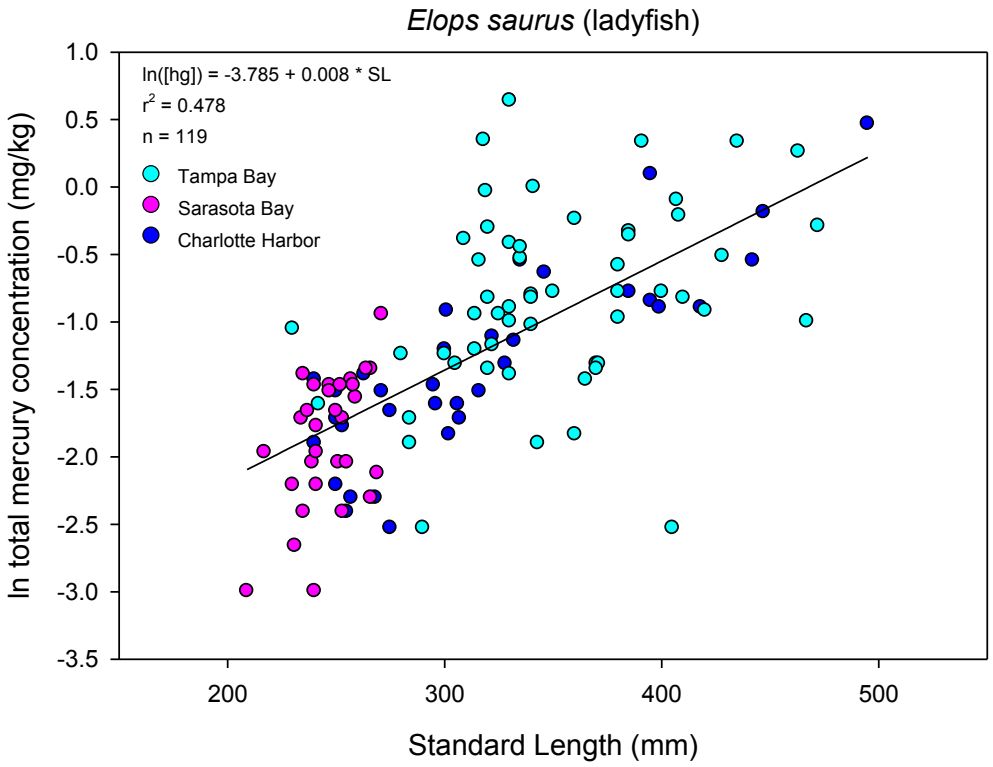


Figure 33.Relationship between ln total mercury concentration (mg/kg) and standard length (mm) for ladyfish collected in Tampa Bay, Sarasota Bay, and Charlotte Harbor.

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Common Snook, *Centropomus undecimalis*

Forty-two of the 59 common snook collected for mercury analysis from Sarasota Bay have been processed (*Table 10*). The fish collected for mercury analysis range in size from 200 to 658 mm standard length (mean of 409.9 mm). The mean total mercury concentration for common snook in Sarasota Bay was 0.24 mg/kg. The highest concentration of mercury recorded for common snook in Sarasota Bay was from a 524 mm SL female (0.60 mg/kg); this was also the highest value recorded for any fish in the Sarasota Bay estuary analyzed to date.

Common snook from the gulf coast of Florida between Tampa Bay and Charlotte Harbor had a significant (P<0.0001) positive linear relationship with standard length (*Figure 34*). The common snook analyzed from Sarasota Bay (n=42) did not show any obvious differences in total mercury concentration or size distribution from the common snook analyzed from Charlotte Harbor (n=156) and Tampa Bay (n=1,032). More samples and a wider size range of common snook from Sarasota Bay would be necessary to determine any statistical difference in mercury concentrations between Sarasota Bay and Charlotte Harbor or Tampa Bay.

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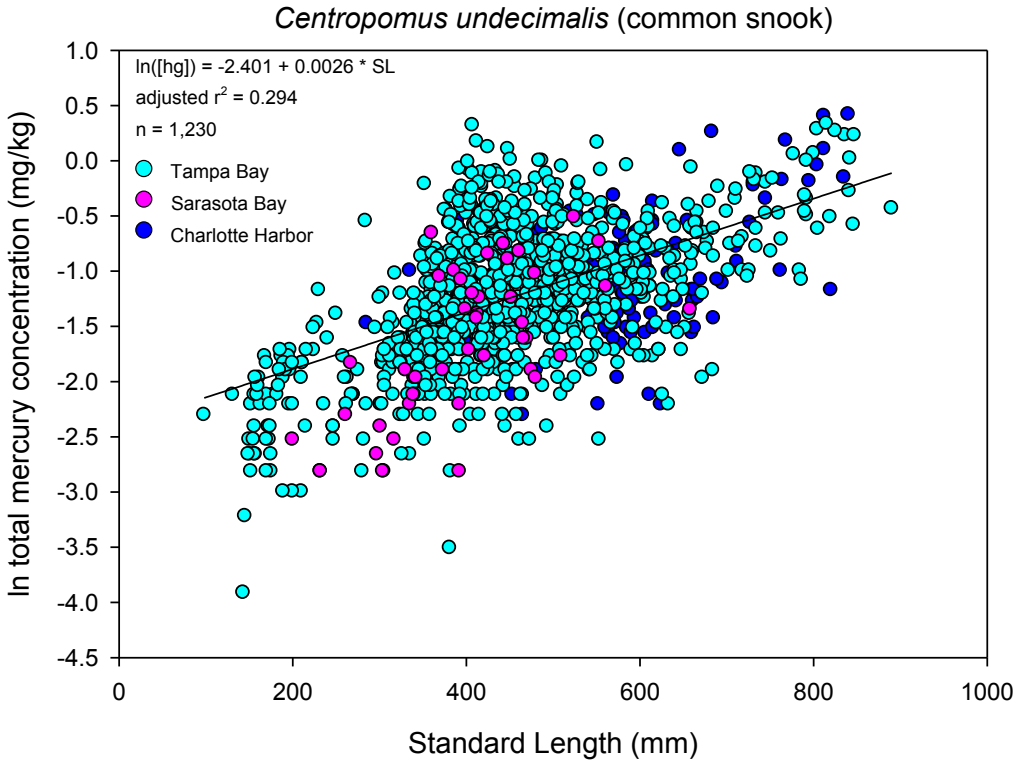


Figure 34. Relationship between ln total mercury level (mg/kg) and standard length (mm) for common snook collected in Tampa Bay, Sarasota Bay, and Charlotte Harbor.

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Sheepshead, *Archosargus probatocephalus*

Within Sarasota Bay, 90 sheepshead, ranging in size from 131 to 358 mm SL, were collected for mercury analysis between June 2009 and April 2010 (*Table 10*). The 17 fish processed for total mercury from Sarasota Bay had total mercury levels ranging from 0.03 to 0.21 mg/kg (mean of 0.13 mg/kg). Linear regression indicates that total mercury concentration had a significant ($P<0.01$) positive relationship with standard length for sheepshead collected between Tampa Bay and Charlotte Harbor (*Figure 35*). Total mercury concentrations for sheepshead were consistently low as compared to other estuarine species of recreational importance. There were no obvious differences in mercury concentration at size between the three estuaries; larger sample sizes of sheepshead from Tampa Bay, Sarasota Bay and Charlotte Harbor would be required to determine any statistical difference in mercury concentrations between the three estuaries.

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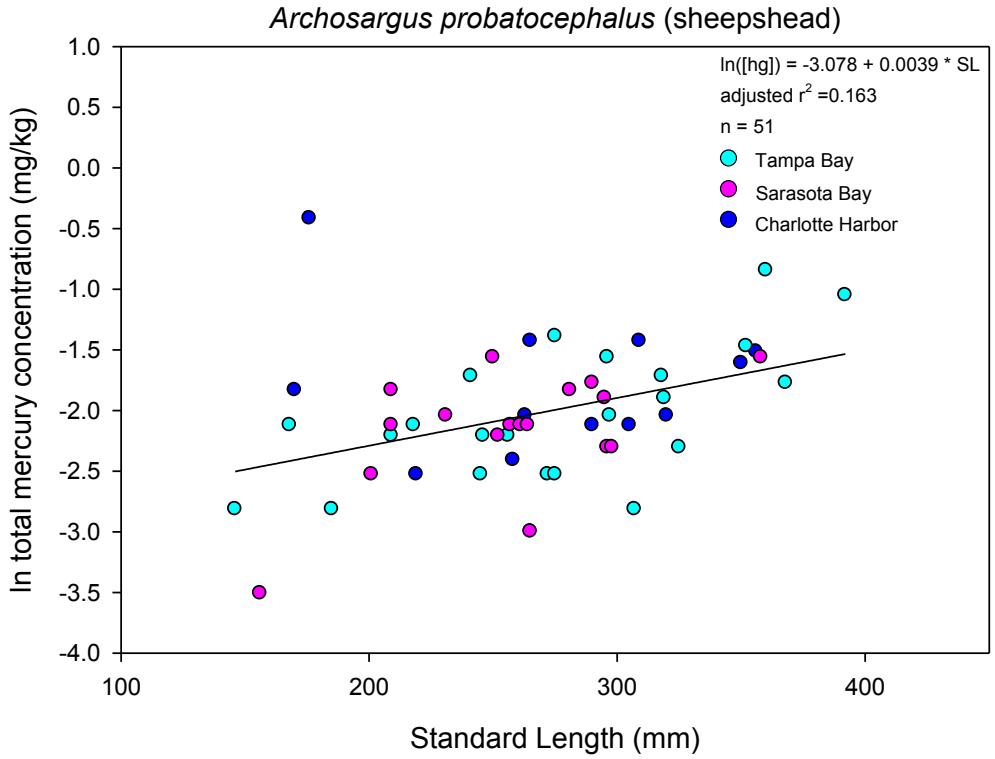


Figure 35. Relationship between ln total mercury level (mg/kg) and standard length (mm) for sheepshead collected in Tampa Bay, Sarasota Bay, and Charlotte Harbor.

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Gray Snapper, *Lutjanus griseus*

All of the gray snapper collected for mercury analysis (n=26) from Sarasota Bay have been processed (*Table 10*). Gray snapper collected for mercury analysis ranged in size from 115 to 240 mm SL (mean of 185.8 mm). The mean total mercury level for gray snapper in Sarasota Bay was 0.08 mg/kg (range 0.03 to 0.17 mg/kg).

Gray snapper from estuarine waters along the gulf coast of Florida between Tampa Bay and Charlotte Harbor had a significant ($P<0.0001$) positive linear relationship with size, indicating that mercury concentrations increase as gray snapper grow and age (*Figure 36*). More samples of gray snapper from Sarasota Bay would be necessary to statistically determine any bay-specific differences, but no obvious differences in total mercury concentration at size were evident for gray snapper collected from Sarasota Bay, Charlotte Harbor (n=174) and Tampa Bay (n=204).

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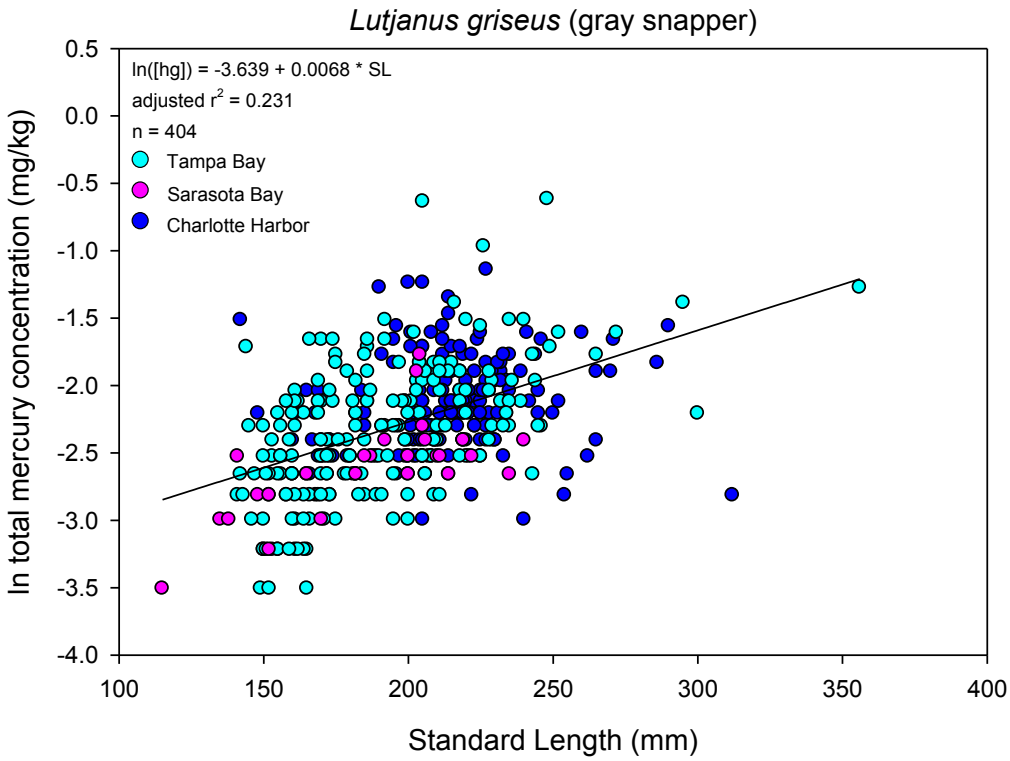


Figure 36. Relationship between ln total mercury level (mg/kg) and standard length (mm) for gray snapper collected in Tampa Bay, Sarasota Bay, and Charlotte Harbor.

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CONCLUSION

Physiochemical conditions

The climatic conditions during this one-year sampling period were not typical of conditions in Southwest Florida, with below average temperatures in January and February and an unseasonably rainy winter/spring 2010. Undoubtedly these conditions influenced the physiochemical situation in Sarasota Bay during the study period. Water temperatures were colder for winter/spring 2010 in two estuaries adjacent to Sarasota Bay (Tampa Bay and Charlotte Harbor) as compared to the longer-time historical period. Salinity, during the normally dry period from January to April, was lower in Sarasota Bay and adjacent estuaries (Tampa Bay, Lemon Bay, and Charlotte Harbor) than normal. The climate and physiochemical conditions during this study period likely influenced the nekton community in Sarasota Bay such that some differences in community structure might be expected as compared to a longer-term sampling period.

Composition of overall nekton community

The nekton community in Sarasota Bay was generally quite typical of Florida estuaries. More than 80% of the total animals caught during the study came from just one of the gear types, 21.3-m seine. The bay anchovy, a small schooling fish, comprised almost 30% of the catch in this gear and 25% of the total catch during the study. Pinfish were also particularly abundant, representing one of the top two abundant taxa in each of the gear types and comprising over 27% of the total catch. Other

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estuarine dependent species such as spot, eucinostomus mojarra, silver jenny, silver perch, and scaled sardines were relatively dominant in overall abundance as well.

Nekton Community Structure

The intrabay comparison indicated that only the nekton community sampled with the 21.3-m seine showed differences between Sarasota Bay's five embayments. The two "small" embayments (Blackburn and Roberts bays), were similar to each other, but different from the two "large" embayments (Sarasota and Little Sarasota bays). The nekton community of Palma Sola Bay was distinct from the nekton assemblages of both the "small" and "large" embayments. Overall abundance and the abundance for most taxa collected with 21.3-m seines were higher in the "small" embayments than in either the "large" embayments or Palma Sola Bay.

The interbay comparison also indicated that "small" estuaries (Sarasota and Lemon bays) were different from polyhaline portions of the "large" estuaries (Tampa Bay and Charlotte Harbor) for the nekton communities sampled with 21.3-m seines, 183-m seines, and 6.1-m trawls. The majority of discriminating taxa in the community analysis had higher abundance in the small estuaries. Overall abundance was greater in the "small" estuaries for 21.3-m seine collections, which had much larger sample sizes than the other two gear deployment methods.

The intrabay and interbay community analyses provided similar results. The community structure in "small" estuaries was different than the community structure in "large" estuaries for 21.3-m seines (intrabay and interbay), 183-m seines (interbay), and 6.1-m trawls (interbay). The abundance for the discriminating taxa in the community analyses tended to be higher in "small" than in "large" estuaries (intra and interbay) and

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overall abundance tended to be higher in “small” than “large” bays (intrabay). These differences in community structure and abundance could be related to water depth, salinity, ratio of land-water interface to open water, sediment type, quantity and type of submerged aquatic vegetation, or circulation patterns, residence times, and water quality.

Mercury Content Analysis

Sample sizes were not large enough to run linear regressions on any of the taxa collected from Sarasota Bay without combining with data from adjacent estuaries (Tampa Bay and Charlotte Harbor). The results of the mercury content analysis provides no reason to suspect that fish from Sarasota Bay contain any higher concentrations of mercury than those found in adjacent estuaries and suggest that accumulation rates for Sarasota Bay are similar to those found in Tampa Bay and Charlotte Harbor.

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APPENDICES

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Appendix A. Animals designated as Selected Taxa because of their commercial or recreational importance.

Scientific Name	Common Name
Albula vulpes	*bonefish*
Archosargus probatocephalus	*sheepshead*
Callinectes sapidus	*blue crab*
Centropomus undecimalis	*common snook*
Cynoscion arenarius	*sand seatrout*
Cynoscion nebulosus	spotted seatrout
Cynoscion nothus	silver seatrout
Cynoscion regalis	weakfish
Cynoscion complex	seatrout
Elops saurus	ladyfish
Epinephelus adscensionis	rock hind
Epinephelus afer	mutton hamlet
Epinephelus cruentatus	graysby
Epinephelus drummondhayi	speckled hind
Epinephelus flavolimbatus	yellowedge grouper
Epinephelus fulvus	coney
Epinephelus guttatus	red hind
Epinephelus inermis	marbled grouper
Epinephelus itajara	goliath grouper
Epinephelus morio	red grouper
Epinephelus mystacinus	misty grouper
Epinephelus nigritus	Warsaw grouper
Epinephelus niveatus	snowy grouper
Epinephelus striatus	Nassau grouper
Farfantepenaeus aztecus	brown shrimp
Farfantepenaeus duorarum	pink shrimp
Farfantepenaeus brasiliensis	pinkspotted shrimp
Farfantepenaeus spp.	penaeid shrimps
Leiostomus xanthurus	spot
Litopenaeus setiferus	white shrimp
Lutjanus analis	mutton snapper
Lutjanus apodus	schoolmaster
Lutjanus buccanella	blackfin snapper
Lutjanus campechanus	red snapper
Lutjanus cyanopterus	cubera snapper
Lutjanus griseus	gray snapper
Lutjanus jocu	dog snapper
Lutjanus mahogoni	mahogany snapper
Lutjanus synagris	lane snapper
Lutjanus vivanus	silk snapper
Megalops atlanticus	tarpon
Menippe spp.	stone crab
Menticirrhus americanus	southern kingfish
Menticirrhus littoralis	Gulf kingfish
Menticirrhus saxatillis	northern kingfish
Micropogonias undulatus	Atlantic croaker
Mugil cephalus	striped mullet
Mugil curema	white mullet
Mugil gaimardianus	redeye mullet
Mugil gyrans	whirligig mullet
Mugil liza	liza
Mycteroperca bonaci	black grouper
Mycteroperca microlepis	gag
Mycteroperca phenax	scamp
Mycteroperca tigris	tiger grouper
Mycteroperca venenosa	yellowfin grouper
Panulirus argus	spiny lobster
Paralichthys albigutta	Gulf flounder
Paralichthys dentatus	summer flounder
Paralichthys lethostigma	southern flounder
Paralichthys oblongus	fourspot flounder
Paralichthys squamilentus	broad flounder
Penaeidae spp.	shrimps
Pogonias cromis	black drum
Pomatomus saltatrix	bluefish
Rachycentron canadum	cobia
Sciaenops ocellatus	red drum
Scomberomorus cavalla	king mackerel
Scomberomorus maculatus	Spanish mackerel
Scomberomorus regalis	cero
Trachinotus carolinus	pompano
Trachinotus falcatus	permit
Trachinotus goodei	palometa

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Appendix B. Summary of species collected, by sampling event (bi-monthly), during Sarasota Bay stratified-random sampling, June 2009 to April 2010. Effort, or total number of hauls, is labeled 'E'. Taxa are arranged alphabetically.

Scientific Name	Common Name	Month and Year						Totals
		June 2009	August 2009	October 2009	December 2009	February 2010	April 2010	
		E=42	E=42	E=40	E=40	E=39	E=42	E=245
Acanthostracion quadricornis	scrawled cowfish	7	2	3	6	6	6	30
Achirus lineatus	lined sole	3	.	5	8	9	10	35
Anchoa cubana	cuban anchovy	.	792	2,358	2	.	152	3,304
Anchoa hepsetus	striped anchovy	.	200	.	1	.	.	201
Anchoa mitchilli	bay anchovy	4,547	1,778	11,258	17,671	555	4,540	40,349
Ancylopsetta quadrocellata	ocellated flounder	2	2	.	.	.	2	6
Archosargus probatocephalus	sheepshead	126	28	49	17	57	10	287
Argopecten spp.	bay scallops	6	2	1	.	.	.	9
Ariopsis felis	hardhead catfish	111	10	67	5	1	13	207
Astroscopus y-graecum	southern stargazer	.	.	.	.	.	1	1
Bairdiella chrysoura	silver perch	652	400	731	20	.	3	1,806
Brevoortia spp.	menhaden	.	19	5	2	.	.	26
Callinectes ornatus	shelligs	15	2	.	1	.	1	19
Callinectes sapidus	blue crab	28	26	25	13	36	26	154
Caranx hippos	crevalle jack	2	2	12	2	.	.	18
Caranx latus	horse-eye jack	.	.	1	.	.	.	1
Centropomus undecimalis	snook	37	7	47	21	1	20	133
Centropristis striata	black sea bass	2	.	5	.	.	.	7
Chaetodipterus faber	atlantic spadefish	1	10	5	.	.	.	16

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Scientific Name	Common Name	Month and Year						Totals
		June 2009	August 2009	October 2009	December 2009	February 2010	April 2010	
		E=42	E=42	E=40	E=40	E=39	E=42	E=245
Chasmodes saburrae	florida blenny	1	3	16	2	.	1	23
Chilomycterus schoepfii	striped burrfish	17	4	13	11	19	6	70
Chloroscombrus chrysurus	atlantic bumper	.	.	1	.	.	.	1
Citharichthys macrops	spotted whiff	.	1	.	.	.	4	5
Ctenogobius boleosoma	darter goby	.	.	.	.	.	10	10
Cynoscion arenarius	sand seatrout	.	2	1	.	.	.	3
Cynoscion nebulosus	spotted seatrout	37	33	66	5	5	3	149
Cyprinodon variegatus	sheepshead minnow	.	181	6	.	.	17	204
Dasyatis americana	southern stingray	1	.	2	.	.	.	3
Dasyatis sabina	atlantic stingray	.	.	.	.	.	5	5
Dasyatis say	bluntnose stingray	.	.	.	.	.	1	1
Diplectrum formosum	sand perch	.	.	.	1	2	.	3
Diplodus holbrookii	spottail pinfish	7	36	4	.	.	.	47
Elops saurus	ladyfish	7	.	25	47	8	12	99
Epinephelus morio	red grouper	.	1	.	.	.	.	1
Etropus crossotus	fringed flounder	.	1	.	2	5	1	9
Eucinostomus gula	silver jenny	176	910	873	622	86	184	2,851
Eucinostomus harengulus	tidewater mojarra	323	194	170	28	.	12	727
Eucinostomus spp.	eucinostomus mojarra	1,832	6,840	4,889	3,816	5	2	17,384
Eugerres plumieri	striped mojarra	5	1	5	5	.	.	16
Farfantepenaeus duorarum	pink shrimp	173	96	766	219	168	75	1,497
Floridichthys carpio	goldspotted killifish	13	321	11	10	41	54	450
Fundulus grandis	gulf killifish	11	.	.	.	.	3	14
Fundulus similis	longnose killifish	14	22	.	.	48	.	84

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Scientific Name	Common Name	Month and Year						Totals
		June 2009	August 2009	October 2009	December 2009	February 2010	April 2010	
		E=42	E=42	E=40	E=40	E=39	E=42	E=245
Gobiesox strumosus	skilletfish	1	.	.	.	.	.	1
Gobiosoma longipala	twoscale goby	1	.	.	1	3	5	10
Gobiosoma robustum	code goby	35	8	8	50	106	159	366
Gobiosoma spp.	gobies	78	4	9	63	62	15	231
Gymnura micrura	smooth butterfly ray	.	.	1	.	.	2	3
Haemulon plumierii	white grunt	4	9	29	6	.	1	49
Harengula jaguana	scaled sardine	760	3,182	2,719	273	.	637	7,571
Hemicaranx amblyrhynchus	bluntnose jack	.	.	1	.	.	.	1
Hippocampus erectus	lined seahorse	3	1	.	.	1	6	11
Hippocampus zosterae	dwarf seahorse	4	2	1	10	5	1	23
Hypleurochilus caudovittatus	zebratail blenny	.	.	.	4	1	.	5
Hyporhamphus meeki	american halfbeak	1	11	7	.	.	.	19
Hyporhamphus spp.	halfbeaks	.	1	.	.	.	.	1
Hypsoblennius hentz	feather blenny	.	.	.	.	.	2	2
Lagodon rhomboides	pinfish	8,066	2,609	2,575	925	12,380	16,609	43,164
Leiostomus xanthurus	spot	29	23	25	9	19,389	4,032	23,507
Limulus polyphemus	horseshoe crab	1	.	1	2	.	2	6
Lucania parva	rainwater killifish	943	1,435	681	498	272	197	4,026
Lutjanus griseus	gray snapper	34	37	166	21	.	2	260
Lutjanus synagris	lane snapper	.	17	99	14	.	.	130
Membras martinica	rough silverside	38	.	.	1	.	.	39
Menidia spp.	menidia silversides	1,384	1,686	240	346	154	45	3,855
Menippe spp.	stone crab	3	33	99	29	90	3	257
Menticirrhus americanus	southern kingfish	.	2	.	1	.	1	4

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Scientific Name	Common Name	Month and Year						Totals
		June 2009	August 2009	October 2009	December 2009	February 2010	April 2010	
		E=42	E=42	E=40	E=40	E=39	E=42	E=245
Microgobius gulosus	clown goby	72	14	83	126	64	189	548
Microgobius thalassinus	green goby	.	.	.	.	12	.	12
Monacanthus ciliatus	fringed filefish	.	.	.	7	.	2	9
Mugil cephalus	striped mullet	2	2	5	15	424	943	1,391
Mugil curema	white mullet	.	1	.	31	4	5	41
Mugil gyrans	fantail mullet	11	4	.	7	.	3	25
Mycteroperca microlepis	gag	4	11	28	.	.	1	44
Nicholsina usta	emerald parrotfish	10	2	.	4	.	2	18
Ogcocephalus cubifrons	batfish	1	.	7	1	2	6	17
Oligoplites saurus	leatherjacket	22	40	19	.	.	.	81
Opisthonema oglinum	atlantic thread herring	1	187	726	6	.	271	1,191
Opsanus beta	gulf toadfish	15	1	6	3	7	9	41
Orthopristis chrysoptera	pigfish	276	117	351	34	23	26	827
Ostraciidae spp.	boxfish, trunkfish and cowfish	.	.	.	1	.	.	1
Paralichthys albigutta	gulf flounder	14	3	13	8	6	24	68
Poecilia latipinna	sailfin molly	.	.	1	.	.	.	1
Pogonias cromis	black drum	.	.	1	.	1	.	2
Portunus spp.	swimming crabs	54	28	4	3	29	58	176
Prionotus scitulus	leopard searobin	10	10	7	5	13	12	57
Prionotus tribulus	bighead searobin	.	.	.	7	8	10	25
Rhinoptera bonasus	cownose ray	4	.	2	.	.	3	9
Sardinella aurita	spanish sardine	1	5	.	.	.	.	6
Sarotherodon melanotheron	blackchin tilapia	1	1	.	.	.	.	2
Sciaenops ocellatus	red drum	1	.	5	7	3	36	52

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Scientific Name	Common Name	Month and Year						Totals
		June 2009	August 2009	October 2009	December 2009	February 2010	April 2010	
		E=42	E=42	E=40	E=40	E=39	E=42	E=245
Scomberomorus maculatus	spanish mackerel	.	.	4	.	.	.	4
Scorpaena brasiliensis	barbfish	.	.	.	.	3	1	4
Selene vomer	lookdown	13	2	5	.	.	.	20
Serraniculus pumilio	pygmy sea bass	.	.	.	.	1	.	1
Serranus subligarius	belted sandfish	.	.	1	1	1	.	3
Sicyonia laevigata	hardback	.	.	.	1	.	4	5
Sphoeroides nephelus	southern puffer	10	.	12	17	9	6	54
Sphyraena barracuda	great barracuda	.	1	5	17	.	.	23
Sphyrna tiburo	bonnethead	.	.	2	2	.	.	4
Stephanolepis hispidus	planehead filefish	6	10	8	95	6	1	126
Strongylura marina	atlantic needlefish	16	.	.	7	.	.	23
Strongylura notata	redfin needlefish	18	27	41	21	1	4	112
Strongylura spp.	needlefish	4	.	.	.	.	.	4
Symphurus plagiusa	blackcheek tonguefish	.	.	1	2	6	14	23
Syngnathus floridae	dusky pipefish	1	1	4	3	1	1	11
Syngnathus louisianae	chain pipefish	6	1	1	7	2	4	21
Syngnathus scovelli	gulf pipefish	52	15	38	40	37	44	226
Synodus foetens	inshore lizardfish	17	16	10	31	18	30	122
Trachinotus falcatus	permit	.	.	5	6	.	.	11
Urophycis floridana	southern hake	.	.	.	.	23	1	24
Totals		20,183	21,485	29,476	25,305	34,219	28,603	159,271

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Appendix C. Summary of species collected, by gear and stratum, during Sarasota Bay stratified-random sampling, June 2009 to April 2010. Effort, or the total number of hauls, is labeled 'E'. Taxa are arranged alphabetically.

Scientific Name	Common Name	Gear and Strata						Totals
		21.3-m seine			183-m seine		6.1-m trawl	
		Veg	Unveg	Shore	Over	Nonover		
		E=63	E=39	E=59	E=24	E=12	E=48	E=245
Acanthostracion quadricornis	scrawled cowfish	1	.	.	.	3	26	30
Achirus lineatus	lined sole	5	2	12	.	.	16	35
Anchoa cubana	cuban anchovy	918	3	2,382	.	.	1	3,304
Anchoa hepsetus	striped anchovy	.	.	200	.	.	1	201
Anchoa mitchilli	bay anchovy	18,973	1,755	19,236	.	.	385	40,349
Ancylopsetta quadrocellata	ocellated flounder	.	.	.	.	.	6	6
Archosargus probatocephalus	sheepshead	26	4	23	122	38	74	287
Argopecten spp.	bay scallops	3	1	1	2	.	2	9
Ariopsis felis	hardhead catfish	2	.	.	111	77	17	207
Astroscopus y-graecum	southern stargazer	1	.	.	.	.	.	1
Bairdiella chrysoura	silver perch	877	2	281	491	151	4	1,806
Brevoortia spp.	menhaden	.	.	16	8	2	.	26
Callinectes ornatus	shelligs	.	.	1	.	.	18	19
Callinectes sapidus	blue crab	14	1	14	6	2	117	154
Caranx hippos	crevalle jack	1	1	.	14	2	.	18
Caranx latus	horse-eye jack	.	.	1	.	.	.	1
Centropomus undecimalis	snook	.	.	6	97	30	.	133
Centropristis striata	black sea bass	2	.	4	1	.	.	7
Chaetodipterus faber	atlantic spadefish	.	.	1	13	2	.	16

AMERICAN OVERSIGHT

Scientific Name	Common Name	Gear and Strata						Totals
		21.3-m seine			183-m seine		6.1-m trawl	
		Veg	Unveg	Shore	Over	Nonover		
		E=63	E=39	E=59	E=24	E=12	E=48	E=245
Chasmodes saburrae	florida blenny	16	2	3	.	.	2	23
Chilomycterus schoepfii	striped burrfish	8	1	.	1	9	51	70
Chloroscombrus chrysurus	atlantic bumper	.	.	.	.	.	1	1
Citharichthys macrops	spotted whiff	.	.	.	.	.	5	5
Ctenogobius boleosoma	darter goby	8	.	.	.	.	2	10
Cynoscion arenarius	sand seatrout	.	.	.	.	.	3	3
Cynoscion nebulosus	spotted seatrout	55	.	73	12	7	2	149
Cyprinodon variegatus	sheepshead minnow	.	.	203	1	.	.	204
Dasyatis americana	southern stingray	.	.	.	1	1	1	3
Dasyatis sabina	atlantic stingray	.	.	.	.	4	1	5
Dasyatis say	bluntnose stingray	.	.	.	.	.	1	1
Diplectrum formosum	sand perch	.	.	.	.	.	3	3
Diplodus holbrookii	spottail pinfish	9	.	.	3	33	2	47
Elops saurus	ladyfish	.	.	.	41	58	.	99
Epinephelus morio	red grouper	.	.	.	.	.	1	1
Etropus crossotus	fringed flounder	.	.	.	.	.	9	9
Eucinostomus gula	silver jenny	521	178	1,494	72	105	481	2,851
Eucinostomus harengulus	tidewater mojarra	11	296	330	25	9	56	727
Eucinostomus spp.	eucinostomus mojarra	4,919	2,341	9,813	.	.	311	17,384
Eugerres plumieri	striped mojarra	.	.	.	9	7	.	16
Farfantepenaeus duorarum	pink shrimp	598	36	795	.	.	68	1,497
Floridichthys carpio	goldspotted killifish	1	1	448	.	.	.	450
Fundulus grandis	gulf killifish	.	.	13	1	.	.	14
Fundulus similis	longnose killifish	.	.	83	.	1	.	84

AMERICAN OVERSIGHT

Scientific Name	Common Name	Gear and Strata						Totals
		21.3-m seine			183-m seine		6.1-m trawl	
		Veg	Unveg	Shore	Over	Nonover		
		E=63	E=39	E=59	E=24	E=12	E=48	E=245
Gobiesox strumosus	skilletfish	.	.	.	.	.	1	1
Gobiosoma longipala	twoscale goby	.	1	.	.	.	9	10
Gobiosoma robustum	code goby	188	13	130	.	.	35	366
Gobiosoma spp.	gobies	74	34	42	.	.	81	231
Gymnura micrura	smooth butterfly ray	.	.	.	1	.	2	3
Haemulon plumierii	white grunt	4	.	29	3	5	8	49
Harengula jaguana	scaled sardine	1,474	2	5,483	6	605	1	7,571
Hemicaranx amblyrhynchus	bluntnose jack	.	.	.	1	.	.	1
Hippocampus erectus	lined seahorse	.	.	.	1	.	10	11
Hippocampus zosterae	dwarf seahorse	17	.	4	.	.	2	23
Hypleurochilus caudovittatus	zebratail blenny	.	.	.	.	.	5	5
Hyporhamphus meeki	american halfbeak	7	2	10	.	.	.	19
Hyporhamphus spp.	halfbeaks	.	1	.	.	.	.	1
Hypsoblennius hentz	feather blenny	2	.	.	.	.	.	2
Lagodon rhomboides	pinfish	19,540	2,729	12,898	3,104	1,816	3,077	43,164
Leiostomus xanthurus	spot	3,690	3,105	8,013	39	31	8,629	23,507
Limulus polyphemus	horseshoe crab	.	.	1	2	.	3	6
Lucania parva	rainwater killifish	1,719	22	2,283	.	.	2	4,026
Lutjanus griseus	gray snapper	65	2	60	38	72	23	260
Lutjanus synagris	lane snapper	51	1	35	22	1	20	130
Membras martinica	rough silverside	.	.	39	.	.	.	39
Menidia spp.	menidia silversides	800	21	3,034	.	.	.	3,855
Menippe spp.	stone crab	.	1	.	.	1	255	257
Menticirrhus americanus	southern kingfish	.	.	.	.	.	4	4

AMERICAN OVERSIGHT

Scientific Name	Common Name	Gear and Strata						Totals
		21.3-m seine			183-m seine		6.1-m trawl	
		Veg	Unveg	Shore	Over	Nonover		
		E=63	E=39	E=59	E=24	E=12	E=48	E=245
Microgobius gulosus	clown goby	203	34	289	.	.	22	548
Microgobius thalassinus	green goby	.	.	.	.	.	12	12
Monacanthus ciliatus	fringed filefish	1	.	4	.	1	3	9
Mugil cephalus	striped mullet	14	.	1,333	26	18	.	1,391
Mugil curema	white mullet	.	.	.	10	31	.	41
Mugil gyrans	fantail mullet	2	.	5	8	10	.	25
Mycteroperca microlepis	gag	1	.	1	25	16	1	44
Nicholsina usta	emerald parrotfish	3	.	3	2	9	1	18
Ogcocephalus cubifrons	batfish	.	.	.	.	7	10	17
Oligoplites saurus	leatherjacket	18	12	44	5	2	.	81
Opisthonema oglinum	atlantic thread herring	171	2	744	.	272	2	1,191
Opsanus beta	gulf toadfish	3	.	7	2	1	28	41
Orthopristis chrysoptera	pigfish	153	.	60	275	69	270	827
Ostraciidae spp.	boxfish, trunkfish and cowfish	1	.	.	.	.	.	1
Paralichthys albigutta	gulf flounder	3	8	11	16	9	21	68
Poecilia latipinna	sailfin molly	.	.	1	.	.	.	1
Pogonias cromis	black drum	.	.	.	2	.	.	2
Portunus spp.	swimming crabs	1	1	4	1	1	168	176
Prionotus scitulus	leopard searobin	1	.	5	.	.	51	57
Prionotus tribulus	bighead searobin	1	1	5	1	.	17	25
Rhinoptera bonasus	cownose ray	.	.	.	2	7	.	9
Sardinella aurita	spanish sardine	5	.	1	.	.	.	6
Sarotherodon melanotheron	blackchin tilapia	.	.	.	2	.	.	2
Sciaenops ocellatus	red drum	.	3	33	13	2	1	52

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Scientific Name	Common Name	Gear and Strata						Totals
		21.3-m seine			183-m seine		6.1-m trawl	
		Veg	Unveg	Shore	Over	Nonover		
		E=63	E=39	E=59	E=24	E=12	E=48	E=245
Scomberomorus maculatus	spanish mackerel	.	.	.	1	3	.	4
Scorpaena brasiliensis	barbfish	.	.	.	.	.	4	4
Selene vomer	lookdown	.	.	.	2	18	.	20
Serraniculus pumilio	pygmy sea bass	.	.	.	.	.	1	1
Serranus subligarius	belted sandfish	.	.	.	.	.	3	3
Sicyonia laevigata	hardback	1	.	2	.	.	2	5
Sphoeroides nephelus	southern puffer	11	7	13	4	14	5	54
Sphyraena barracuda	great barracuda	2	.	1	9	11	.	23
Sphyrna tiburo	bonnethead	.	.	.	.	4	.	4
Stephanolepis hispidus	planehead filefish	11	.	85	7	7	16	126
Strongylura marina	atlantic needlefish	1	1	14	.	7	.	23
Strongylura notata	redfin needlefish	12	10	72	5	13	.	112
Strongylura spp.	needlefish	1	.	3	.	.	.	4
Symphurus plagiusa	blackcheek tonguefish	1	5	2	.	.	15	23
Syngnathus floridae	dusky pipefish	4	.	7	.	.	.	11
Syngnathus louisianae	chain pipefish	3	4	6	.	.	8	21
Syngnathus scovelli	gulf pipefish	124	10	84	.	.	8	226
Synodus foetens	inshore lizardfish	15	28	36	.	5	38	122
Trachinotus falcatus	permit	.	.	4	1	6	.	11
Urophycis floridana	southern hake	4	1	.	.	.	19	24
Totals		55,371	10,685	70,373	4,667	3,615	14,560	159,271

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Appendix D. Summary of species collected, by embayment, during Sarasota Bay stratified-random sampling, June 2009 to April 2010. Effort, or the total number of hauls, is labeled 'E'. Taxa are arranged alphabetically.

Scientific Name	Common Name	Bay (Zone)					Totals
		Palma Sola Bay (A)	Sarasota Bay (B)	Roberts Bay (C)	Little Sarasota Bay (D)	Blackburn Bay (E)	
		E=42	E=83	E=41	E=41	E=38	E=245
Acanthostracion quadricornis	scrawled cowfish	4	22	1	2	1	30
Achirus lineatus	lined sole	4	7	11	9	4	35
Anchoa cubana	cuban anchovy	.	101	3,147	2	54	3,304
Anchoa hepsetus	striped anchovy	.	.	200	.	1	201
Anchoa mitchilli	bay anchovy	1,000	20,727	6,405	11,639	578	40,349
Ancylopsetta quadrocellata	ocellated flounder	.	3	.	2	1	6
Archosargus probatocephalus	sheepshead	43	30	41	115	58	287
Argopecten spp.	bay scallops	1	.	1	5	2	9
Ariopsis felis	hardhead catfish	22	37	48	98	2	207
Astroscopus y-graecum	southern stargazer	.	1	.	.	.	1
Bairdiella chrysoura	silver perch	54	709	340	567	136	1,806
Brevoortia spp.	menhaden	7	.	18	.	1	26
Callinectes ornatus	shelligs	.	.	16	2	1	19
Callinectes sapidus	blue crab	20	15	28	87	4	154
Caranx hippos	crevalle jack	10	2	3	2	1	18
Caranx latus	horse-eye jack	.	.	1	.	.	1
Centropomus undecimalis	snook	12	42	15	37	27	133
Centropristis striata	black sea bass	.	1	3	.	3	7
Chaetodipterus faber	atlantic spadefish	4	.	8	4	.	16

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Scientific Name	Common Name	Bay (Zone)					Totals
		Palma Sola Bay (A)	Sarasota Bay (B)	Roberts Bay (C)	Little Sarasota Bay (D)	Blackburn Bay (E)	
		E=42	E=83	E=41	E=41	E=38	E=245
Chasmodes saburrae	florida blenny	2	18	1	1	1	23
Chilomycterus schoepfii	striped burrfish	10	41	10	1	8	70
Chloroscombrus chrysurus	atlantic bumper	.	1	.	.	.	1
Citharichthys macrops	spotted whiff	.	.	.	.	5	5
Ctenogobius boleosoma	darter goby	.	7	2	1	.	10
Cynoscion arenarius	sand seatrout	.	3	.	.	.	3
Cynoscion nebulosus	spotted seatrout	33	32	38	42	4	149
Cyprinodon variegatus	sheepshead minnow	188	16	.	.	.	204
Dasyatis americana	southern stingray	.	2	.	1	.	3
Dasyatis sabina	atlantic stingray	1	.	4	.	.	5
Dasyatis say	bluntnose stingray	1	.	.	.	.	1
Diplectrum formosum	sand perch	.	3	.	.	.	3
Diplodus holbrookii	spottail pinfish	.	38	6	.	3	47
Elops saurus	ladyfish	57	21	14	6	1	99
Epinephelus morio	red grouper	.	.	.	.	1	1
Etropus crossotus	fringed flounder	2	5	.	1	1	9
Eucinostomus gula	silver jenny	153	643	1,154	388	513	2,851
Eucinostomus harengulus	tidewater mojarra	63	149	314	80	121	727
Eucinostomus spp.	eucinostomus mojarra	1,236	3,542	6,872	2,594	3,140	17,384
Eugerres plumieri	striped mojarra	3	1	7	5	.	16
Farfantepenaeus duorarum	pink shrimp	110	300	166	603	318	1,497
Floridichthys carpio	goldspotted killifish	383	21	1	21	24	450
Fundulus grandis	gulf killifish	.	8	.	4	2	14
Fundulus similis	longnose killifish	24	29	.	31	.	84

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Scientific Name	Common Name	Bay (Zone)					Totals
		Palma Sola Bay (A)	Sarasota Bay (B)	Roberts Bay (C)	Little Sarasota Bay (D)	Blackburn Bay (E)	
		E=42	E=83	E=41	E=41	E=38	E=245
Gobiesox strumosus	skilletfish	.	.	.	.	1	1
Gobiosoma longipala	twoscale goby	1	3	3	.	3	10
Gobiosoma robustum	code goby	118	50	26	94	78	366
Gobiosoma spp.	gobies	16	35	69	88	23	231
Gymnura micrura	smooth butterfly ray	.	.	.	2	1	3
Haemulon plumierii	white grunt	.	14	25	4	6	49
Harengula jaguana	scaled sardine	205	1,155	4,341	550	1,320	7,571
Hemicaranx amblyrhynchus	bluntnose jack	.	.	.	1	.	1
Hippocampus erectus	lined seahorse	1	8	.	.	2	11
Hippocampus zosterae	dwarf seahorse	7	7	2	5	2	23
Hypleurochilus caudovittatus	zebratail blenny	.	4	.	1	.	5
Hyporhamphus meeki	american halfbeak	4	9	1	3	2	19
Hyporhamphus spp.	halfbeaks	1	.	.	.	.	1
Hypsoblennius hentz	feather blenny	.	2	.	.	.	2
Lagodon rhomboides	pinfish	6,612	12,210	7,394	9,790	7,158	43,164
Leiostomus xanthurus	spot	1,937	2,522	8,762	6,318	3,968	23,507
Limulus polyphemus	horseshoe crab	5	1	.	.	.	6
Lucania parva	rainwater killifish	2,084	1,225	349	249	119	4,026
Lutjanus griseus	gray snapper	3	86	36	54	81	260
Lutjanus synagris	lane snapper	4	73	26	4	23	130
Membras martinica	rough silverside	.	4	34	1	.	39
Menidia spp.	menidia silversides	357	276	561	1,131	1,530	3,855
Menippe spp.	stone crab	34	197	2	11	13	257
Menticirrhus americanus	southern kingfish	1	1	1	1	.	4

AMERICAN OVERSIGHT

Scientific Name	Common Name	Bay (Zone)					Totals
		Palma Sola Bay (A)	Sarasota Bay (B)	Roberts Bay (C)	Little Sarasota Bay (D)	Blackburn Bay (E)	
		E=42	E=83	E=41	E=41	E=38	E=245
Microgobius gulosus	clown goby	161	20	90	257	20	548
Microgobius thalassinus	green goby	.	.	.	12	.	12
Monacanthus ciliatus	fringed filefish	.	7	.	.	2	9
Mugil cephalus	striped mullet	407	63	10	9	902	1,391
Mugil curema	white mullet	15	20	6	.	.	41
Mugil gyrans	fantail mullet	9	9	1	4	2	25
Mycteroperca microlepis	gag	.	34	.	1	9	44
Nicholsina usta	emerald parrotfish	2	14	.	1	1	18
Ogcocephalus cubifrons	batfish	.	15	2	.	.	17
Oligoplites saurus	leatherjacket	27	26	13	12	3	81
Opisthonema oglinum	atlantic thread herring	4	275	841	69	2	1,191
Opsanus beta	gulf toadfish	13	8	12	3	5	41
Orthopristis chrysoptera	pigfish	55	287	92	263	130	827
Ostraciidae spp.	boxfish, trunkfish and cowfish	1	.	.	.	.	1
Paralichthys albigutta	gulf flounder	9	21	18	9	11	68
Poecilia latipinna	sailfin molly	1	.	.	.	.	1
Pogonias cromis	black drum	.	.	1	1	.	2
Portunus spp.	swimming crabs	43	35	57	18	23	176
Prionotus scitulus	leopard searobin	6	33	8	2	8	57
Prionotus tribulus	bighead searobin	8	3	4	7	3	25
Rhinoptera bonasus	cownose ray	.	.	7	2	.	9
Sardinella aurita	spanish sardine	5	1	.	.	.	6
Sarotherodon melanotheron	blackchin tilapia	1	1	.	.	.	2
Sciaenops ocellatus	red drum	13	22	5	8	4	52

AMERICAN OVERSIGHT

Scientific Name	Common Name	Bay (Zone)					Totals
		Palma Sola Bay (A)	Sarasota Bay (B)	Roberts Bay (C)	Little Sarasota Bay (D)	Blackburn Bay (E)	
		E=42	E=83	E=41	E=41	E=38	E=245
Scomberomorus maculatus	spanish mackerel	1	3	.	.	.	4
Scorpaena brasiliensis	barbfish	.	3	1	.	.	4
Selene vomer	lookdown	.	19	1	.	.	20
Serraniculus pumilio	pygmy sea bass	.	1	.	.	.	1
Serranus subligarius	belted sandfish	.	3	.	.	.	3
Sicyonia laevigata	hardback	.	2	.	.	3	5
Sphoeroides nephelus	southern puffer	14	23	7	5	5	54
Sphyraena barracuda	great barracuda	.	15	.	5	3	23
Sphyrna tiburo	bonnethead	.	4	.	.	.	4
Stephanolepis hispidus	planehead filefish	8	103	4	6	5	126
Strongylura marina	atlantic needlefish	6	14	2	.	1	23
Strongylura notata	redfin needlefish	13	43	10	21	25	112
Strongylura spp.	needlefish	.	2	.	2	.	4
Symphurus plagiusa	blackcheek tonguefish	2	1	9	6	5	23
Syngnathus floridae	dusky pipefish	.	7	2	.	2	11
Syngnathus louisianae	chain pipefish	2	9	3	1	6	21
Syngnathus scovelli	gulf pipefish	50	67	21	62	26	226
Synodus foetens	inshore lizardfish	5	30	33	30	24	122
Trachinotus falcatus	permit	.	6	4	.	1	11
Urophycis floridana	southern hake	1	17	6	.	.	24
Totals		15,719	45,725	41,777	35,473	20,577	159,271

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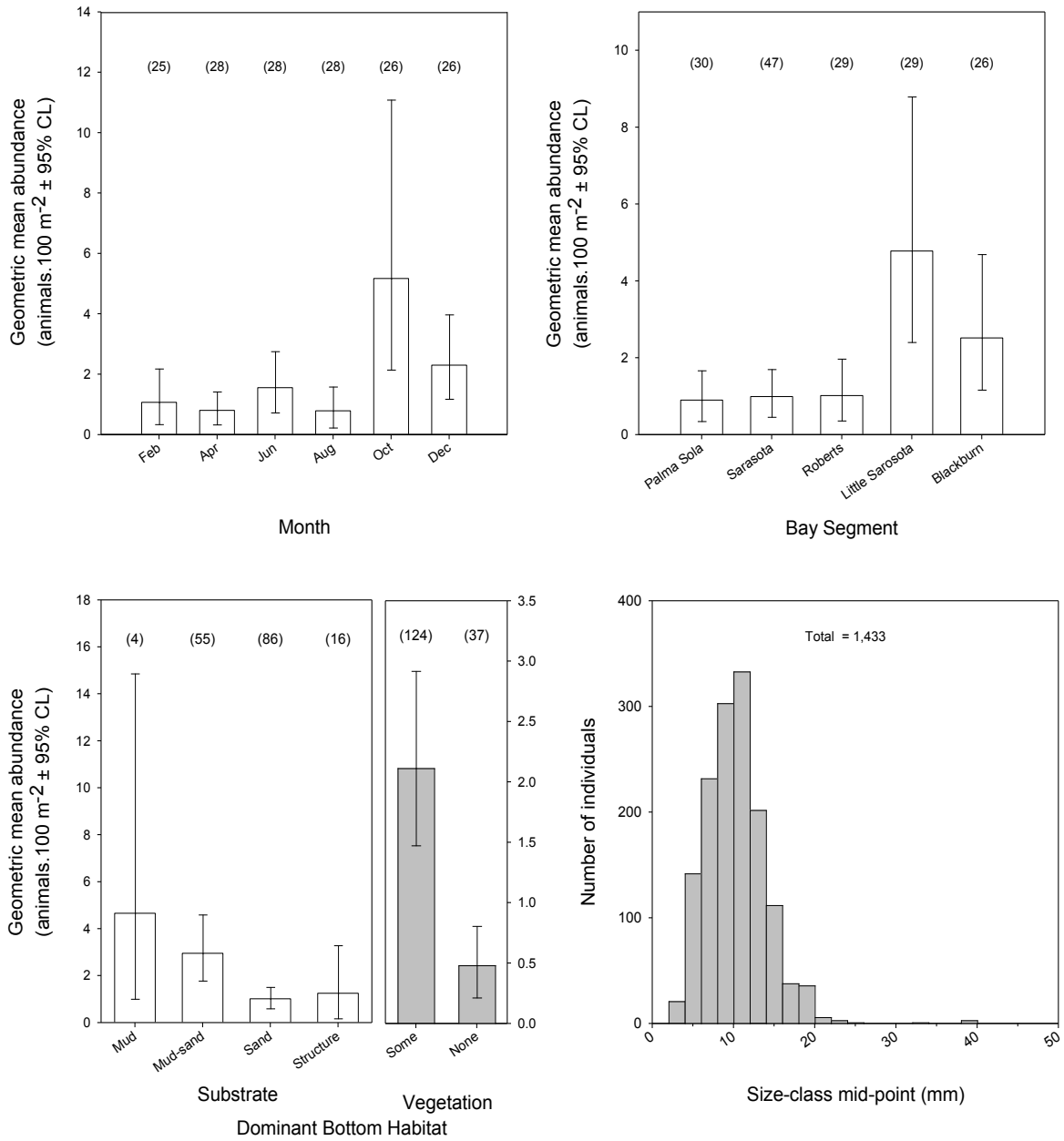
Appendix E. Catch overview plots for dominant taxa (≥40 animals collected and ≥10 occurrence in a gear type) collected with 21.3-m seines. Taxa are arranged phylogenetically.

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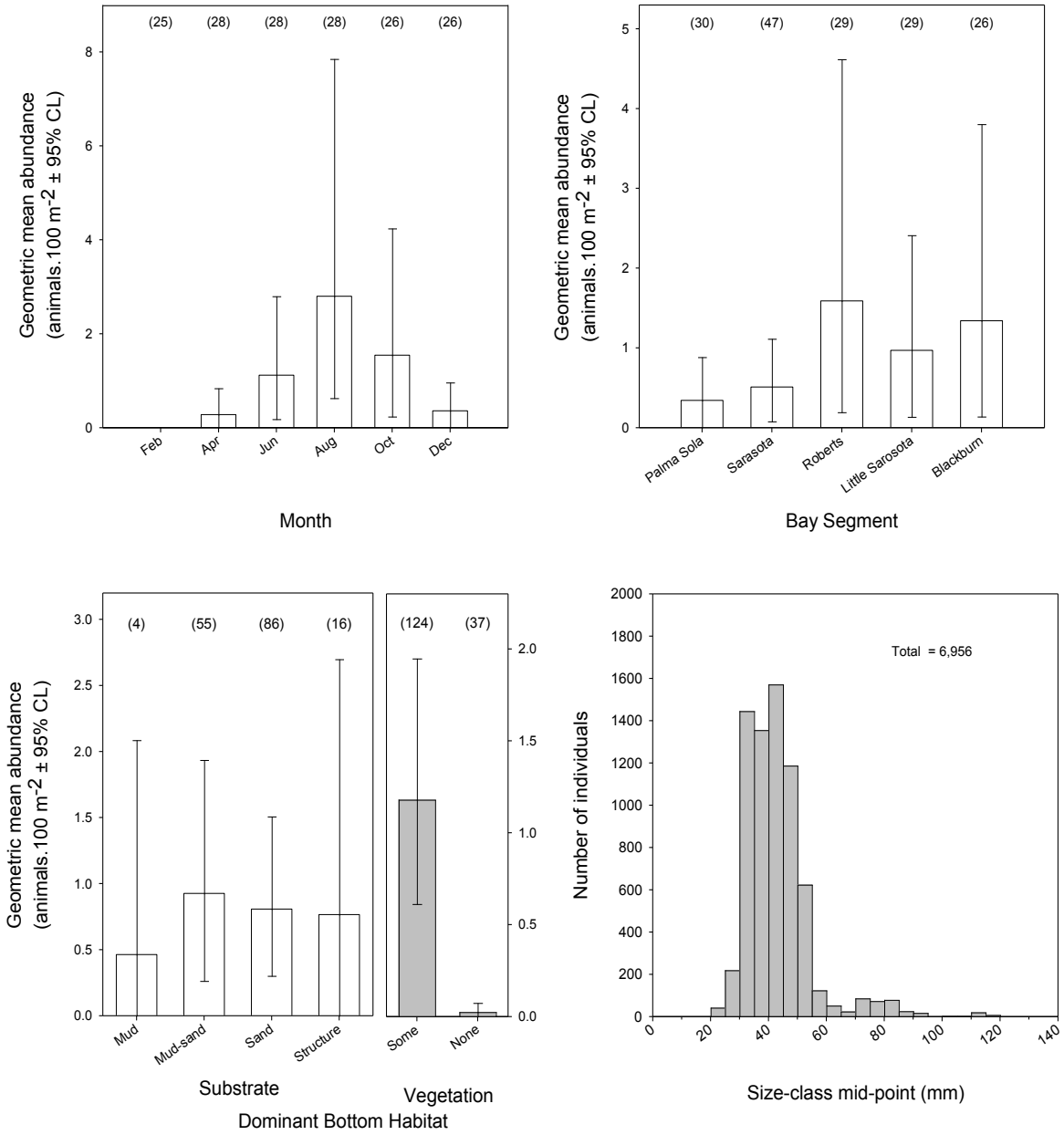
Farfantepenaeus duorarum (pink shrimp)
21.3-m seine



Appendix E Figure 1. Relative abundance and length-frequency distribution of pink shrimp collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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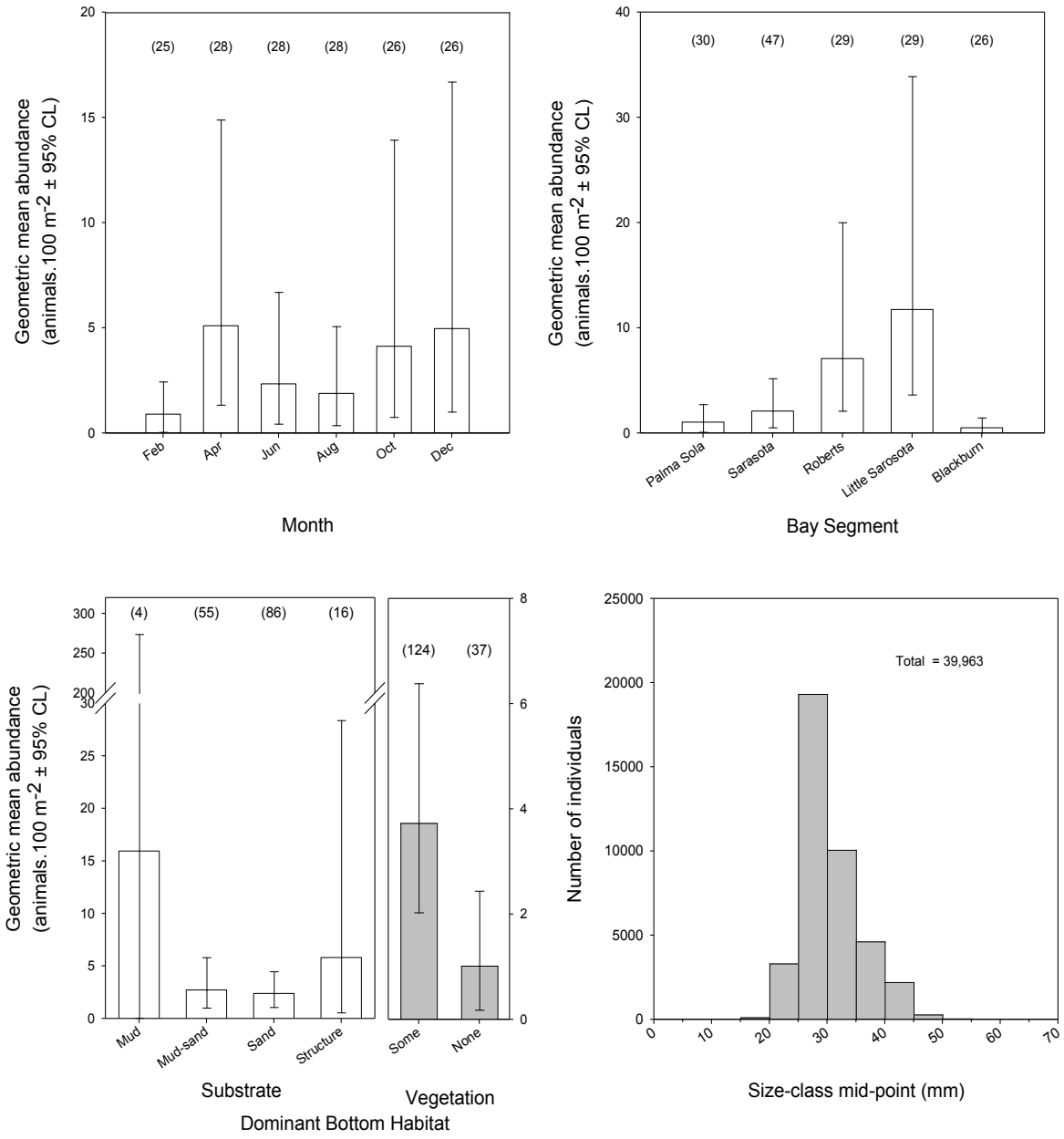
Harengula jaguana (scaled sardine)
21.3-m seine



Appendix E Figure 2. Relative abundance and length-frequency distribution of scaled sardine collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

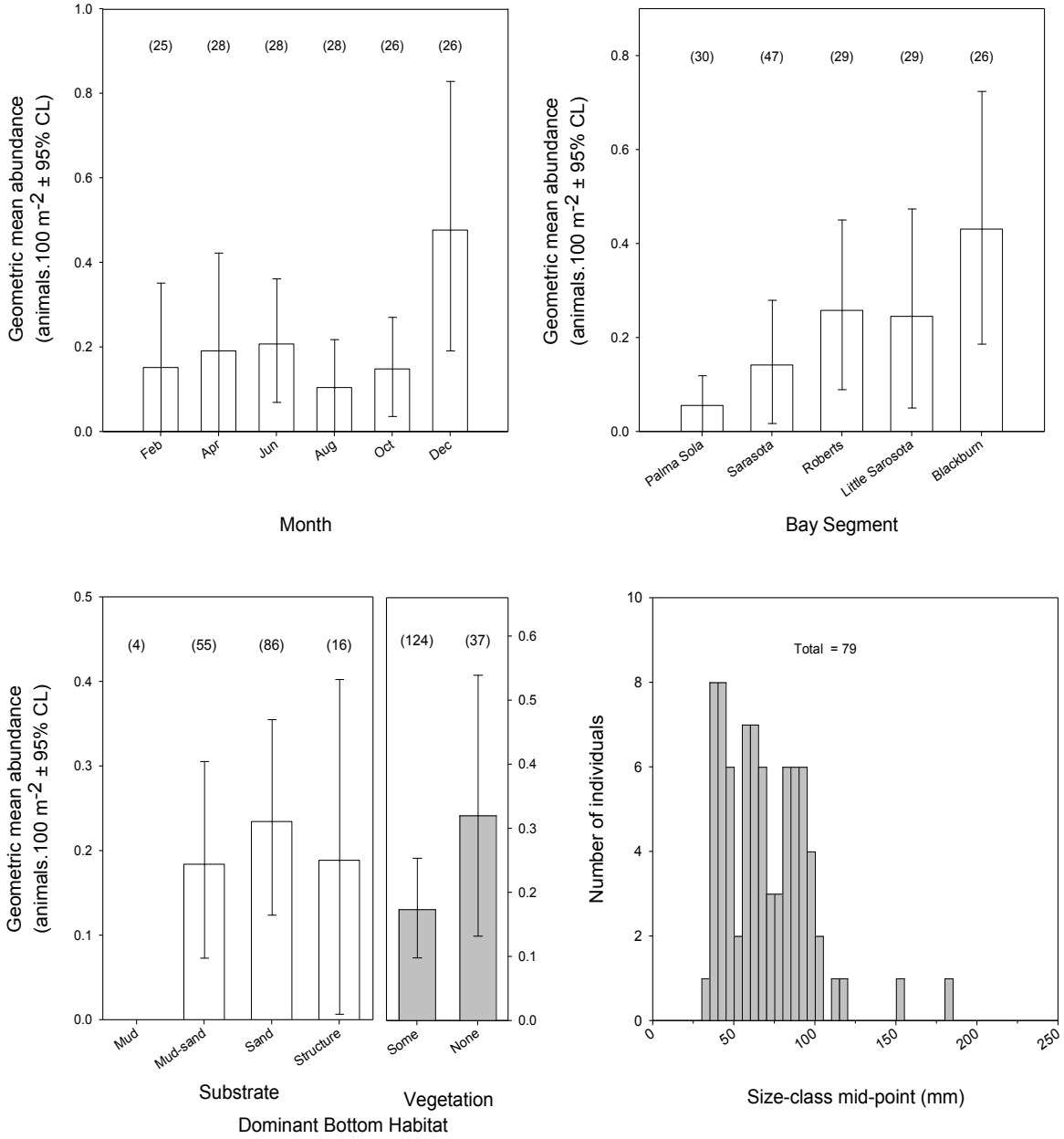
Anchoa mitchilli (bay anchovy)
21.3-m seine



Appendix E Figure 3. Relative abundance and length-frequency distribution of bay anchovy collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

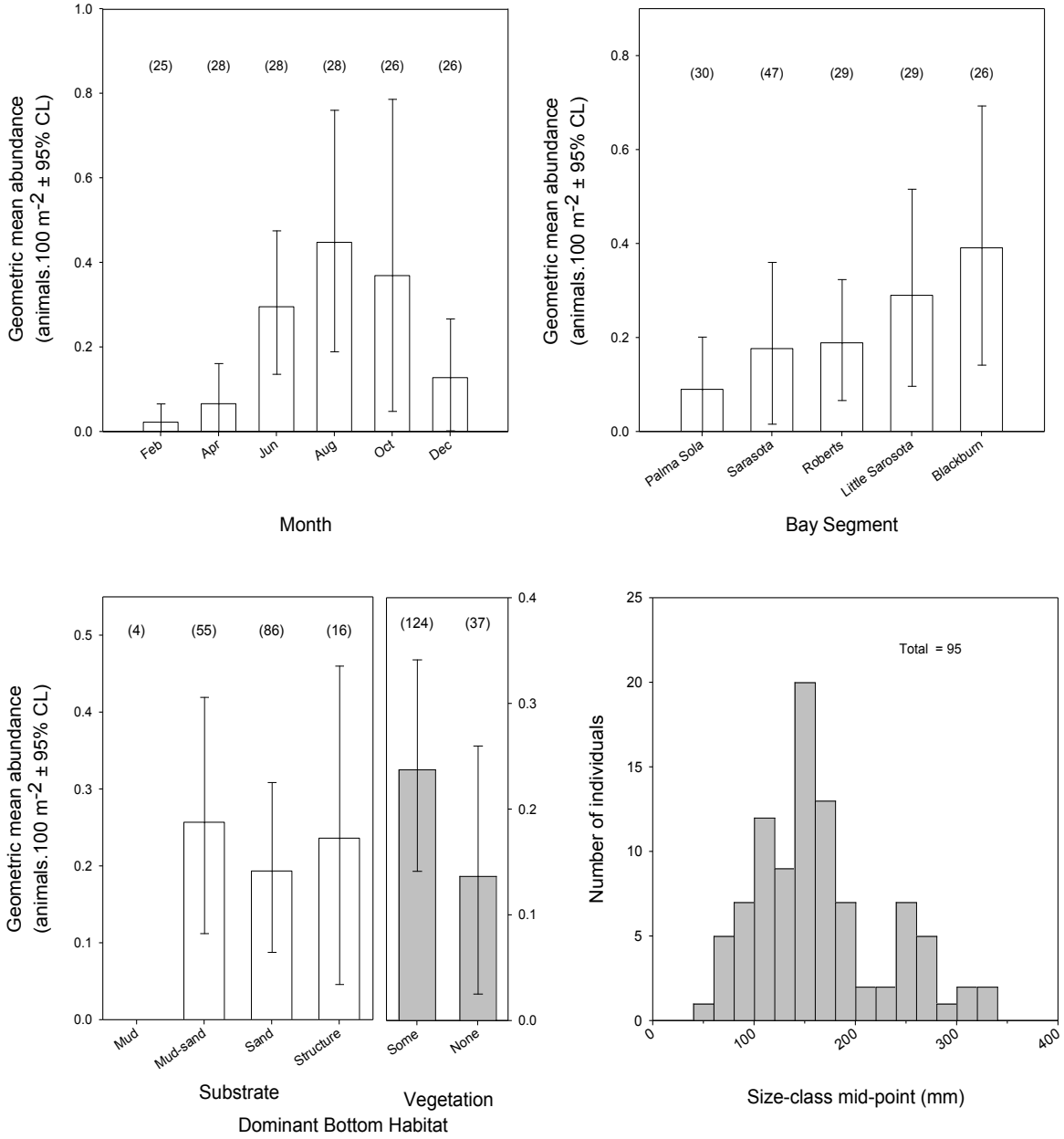
Synodus foetens (inshore lizardfish)
21.3-m seine



Appendix E Figure 4. Relative abundance and length-frequency distribution of inshore lizardfish collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

Strongylura notata (redfin needlefish)
21.3-m seine

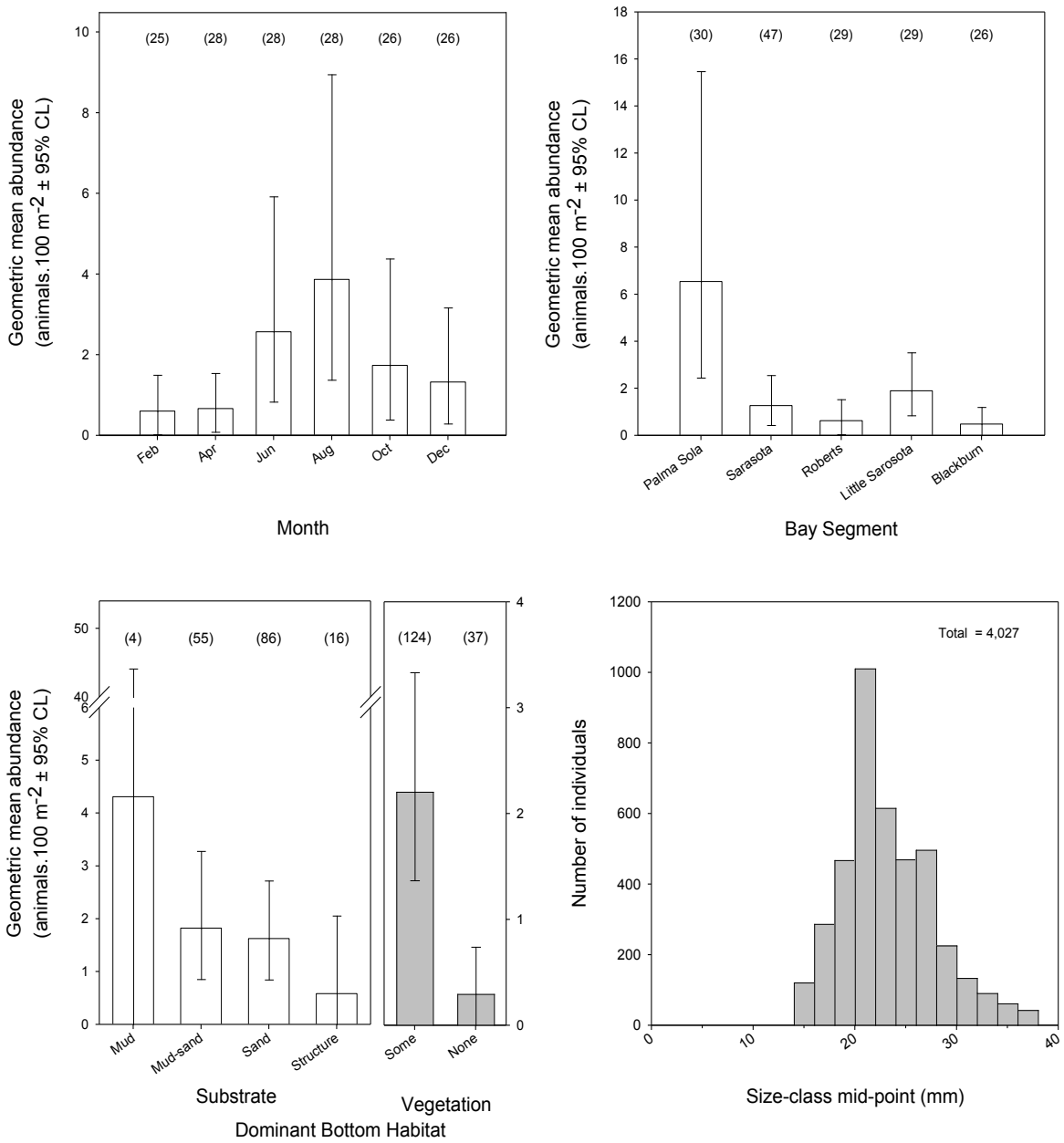


Appendix E Figure 5. Relative abundance and length-frequency distribution of redfin needlefish collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Lucania parva (rainwater killifish)

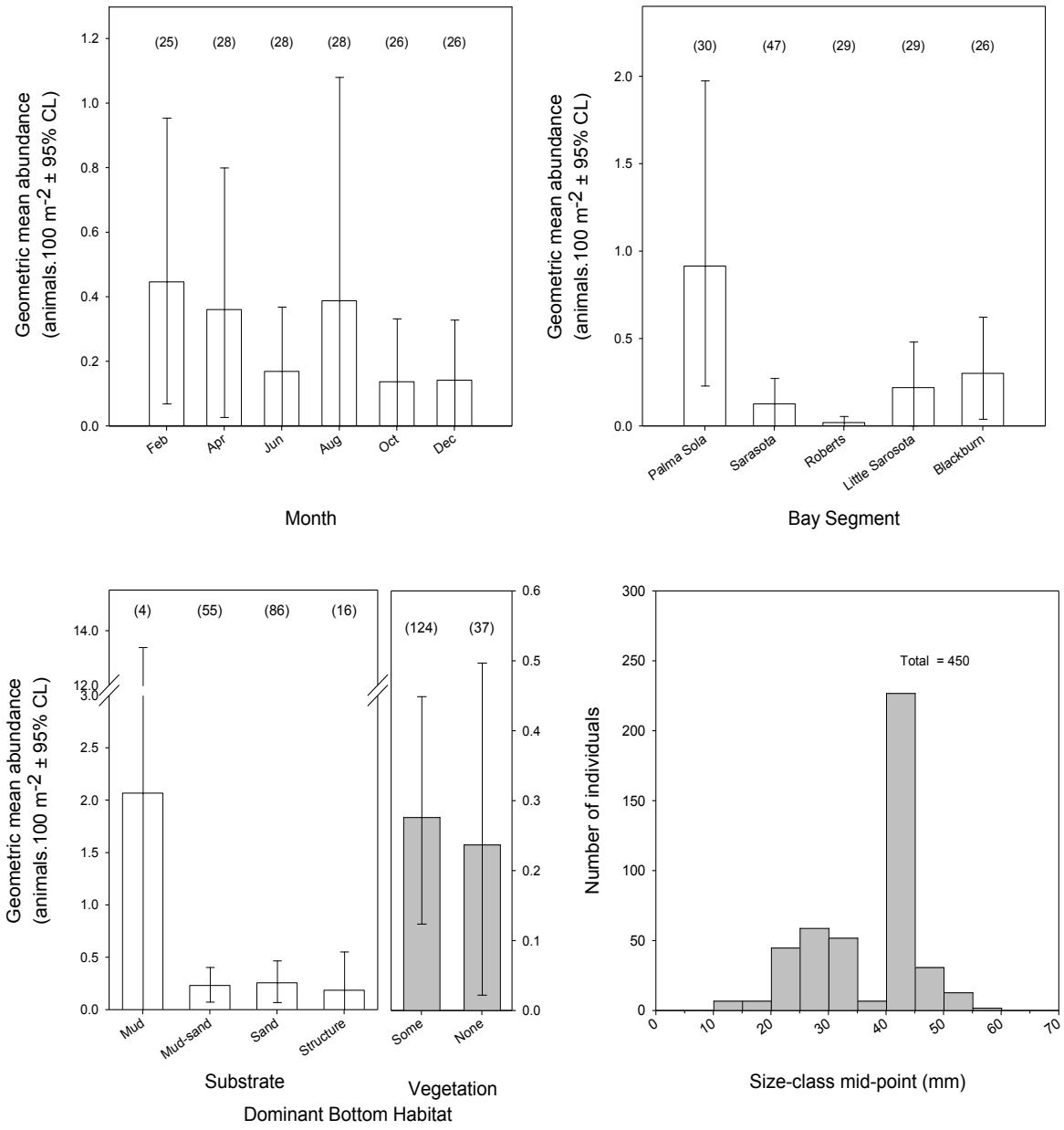
21.3-m seine



Appendix E Figure 6. Relative abundance and length-frequency distribution of rainwater killifish collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

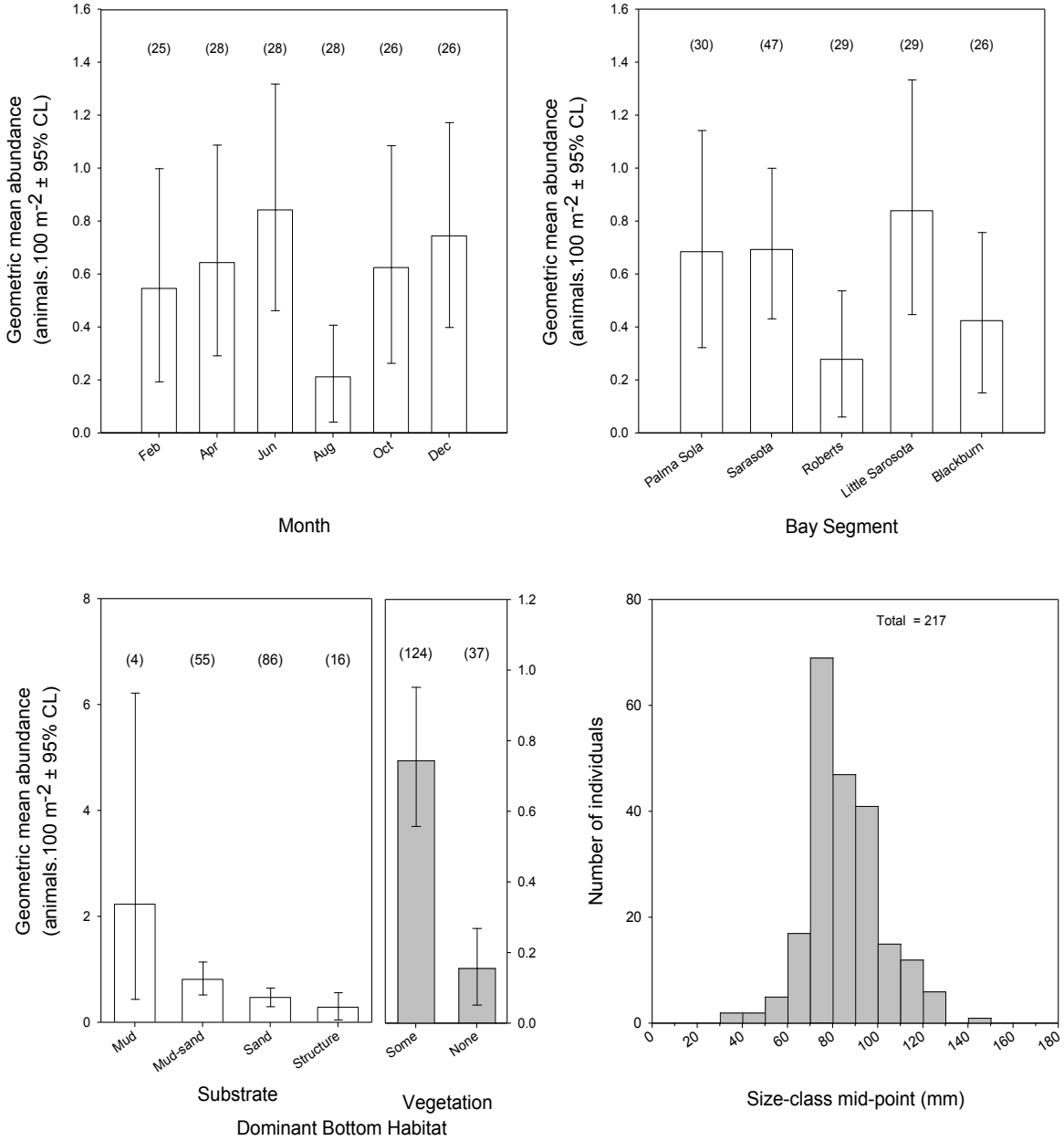
Floridichthys carpio (goldspotted killifish)
21.3-m seine



Appendix E Figure 7. Relative abundance and length-frequency distribution of goldspotted killifish collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

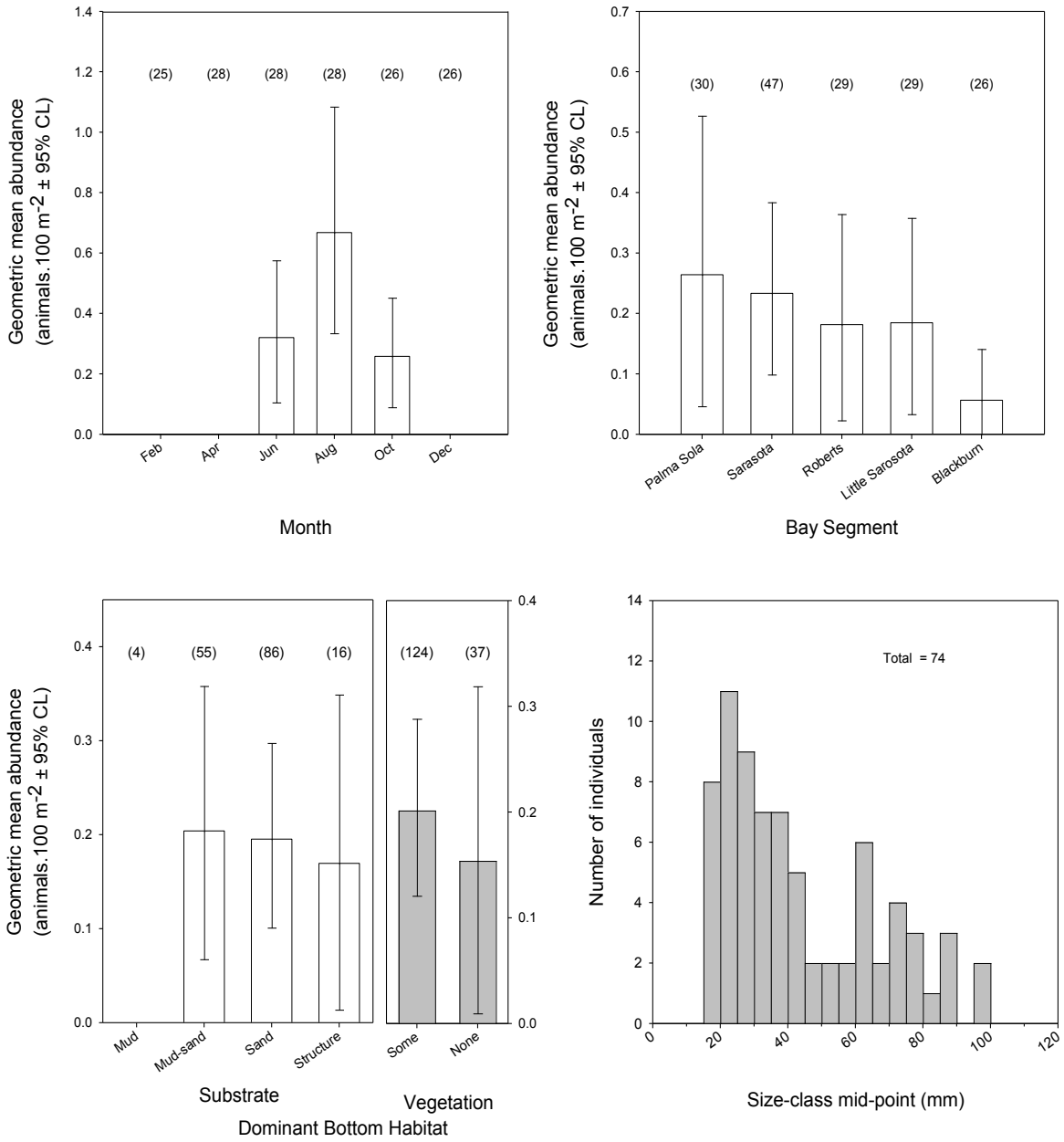
Syngnathus scovelli (gulf pipefish)
21.3-m seine



Appendix E Figure 8. Relative abundance and length-frequency distribution of gulf pipefish collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

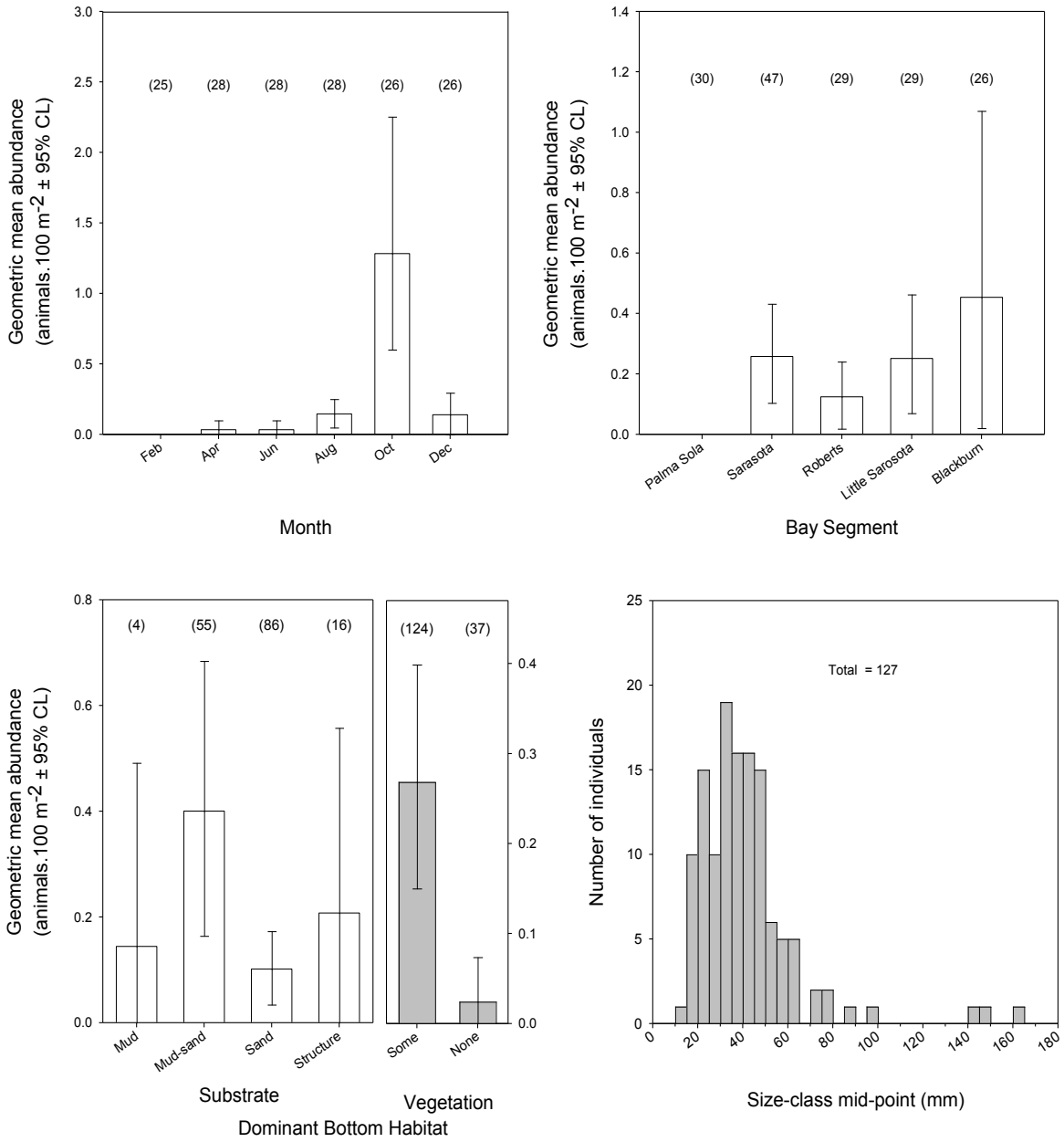
Oligoplites saurus (leatherjack)
21.3-m seine



Appendix E Figure 9. Relative abundance and length-frequency distribution of leatherjack collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

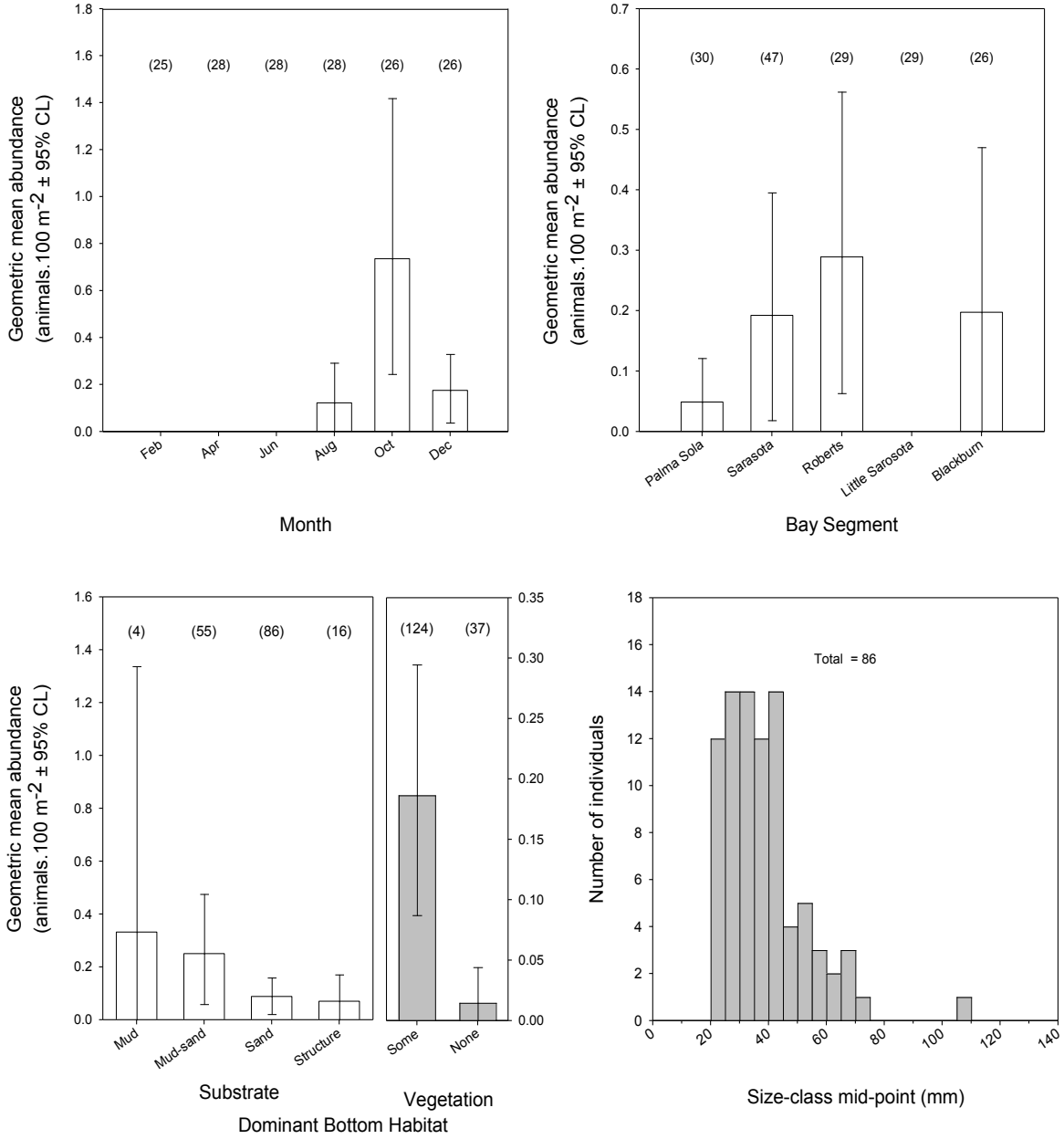
Lutjanus griseus (gray snapper)
21.3-m seine



Appendix E Figure 10. Relative abundance and length-frequency distribution of gray snapper collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT
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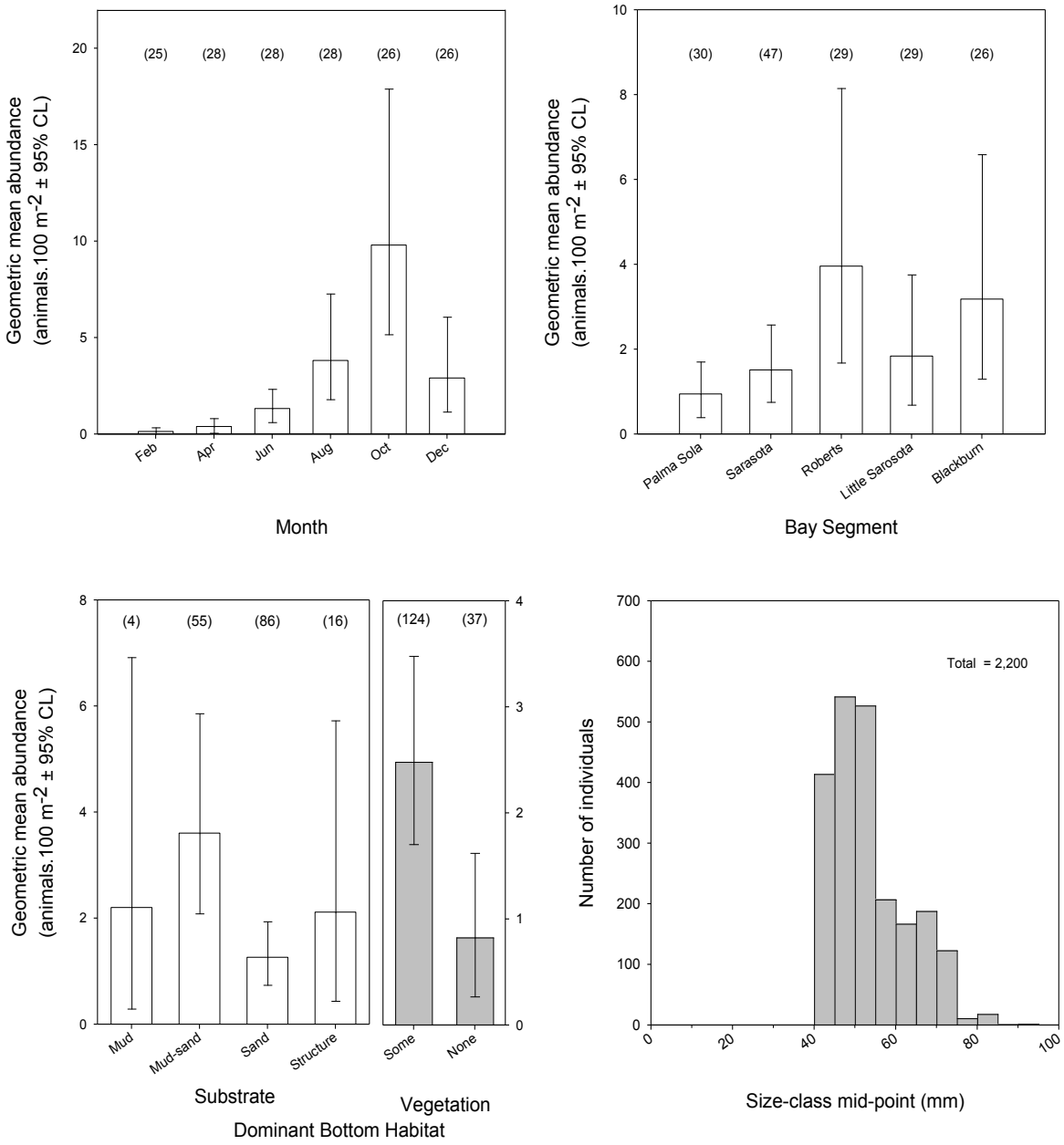
Lutjanus synagris (lane snapper)
21.3-m seine



Appendix E Figure 11. Relative abundance and length-frequency distribution of lane snapper collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT
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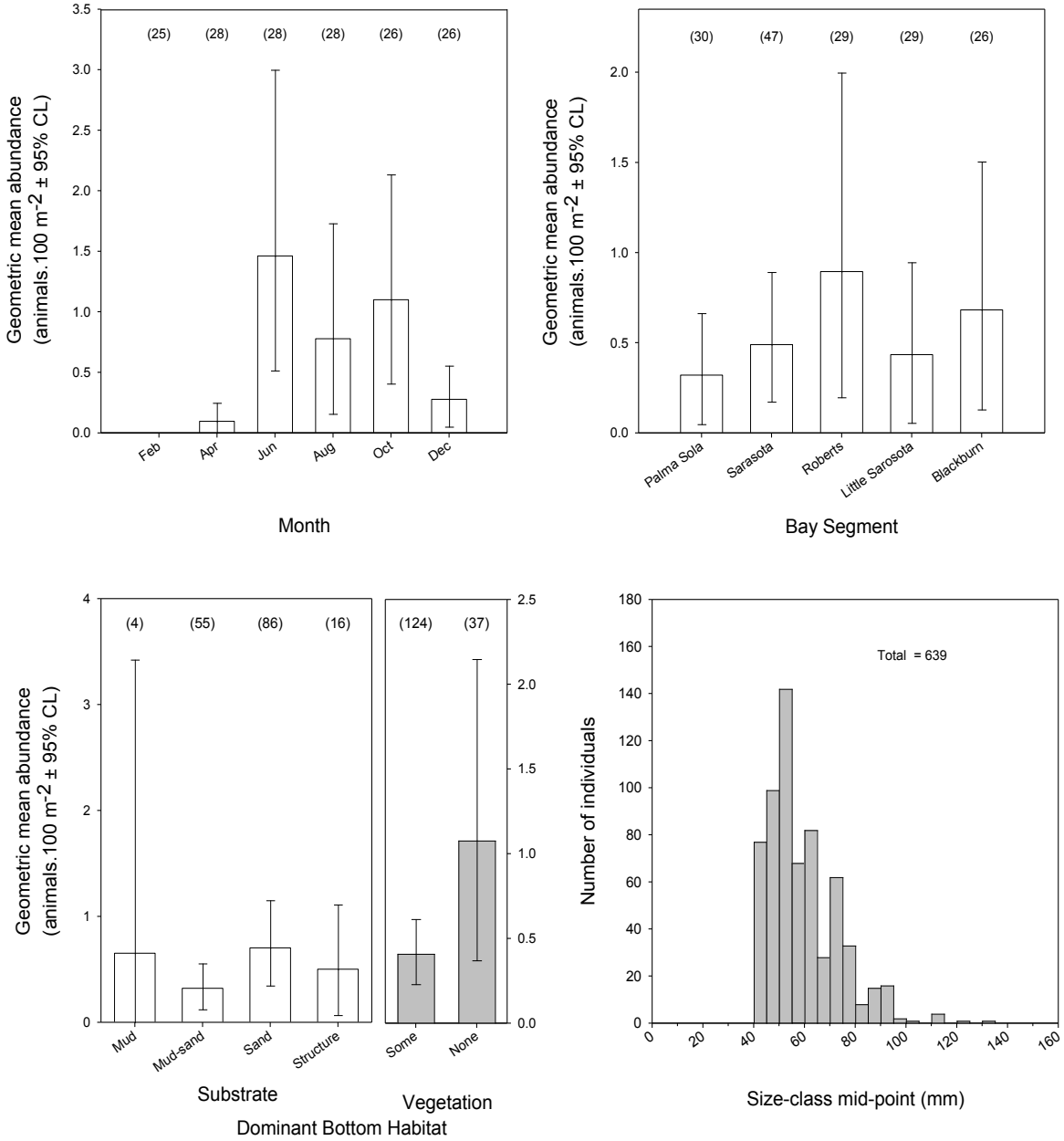
Eucinostomus gula (silver jenny)
21.3-m seine



Appendix E Figure 12. Relative abundance and length-frequency distribution of silver jenny collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

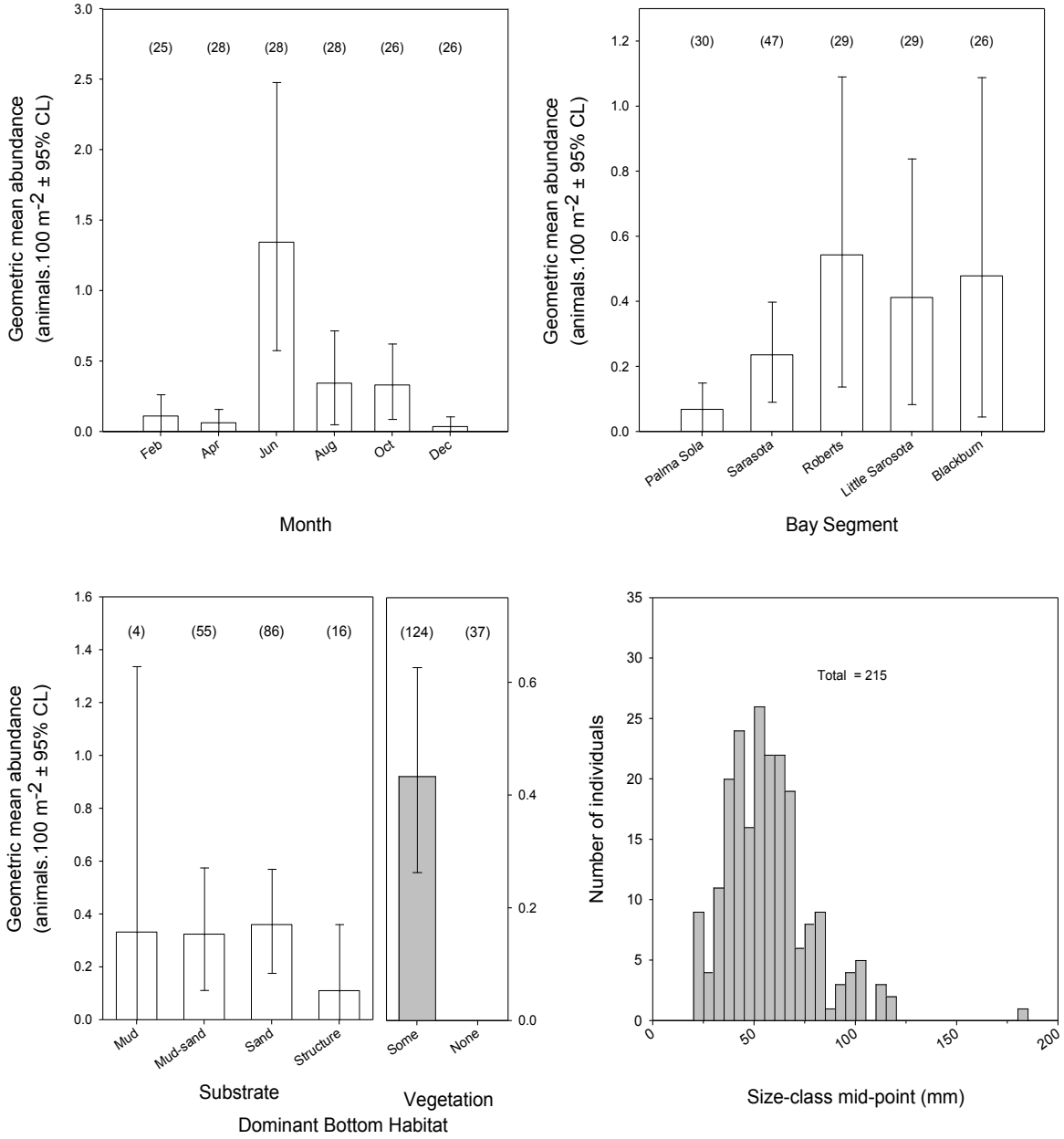
Eucinostomus harengulus (tidewater mojarra)
21.3-m seine



Appendix E Figure 13. Relative abundance and length-frequency distribution of tidewater mojarra collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

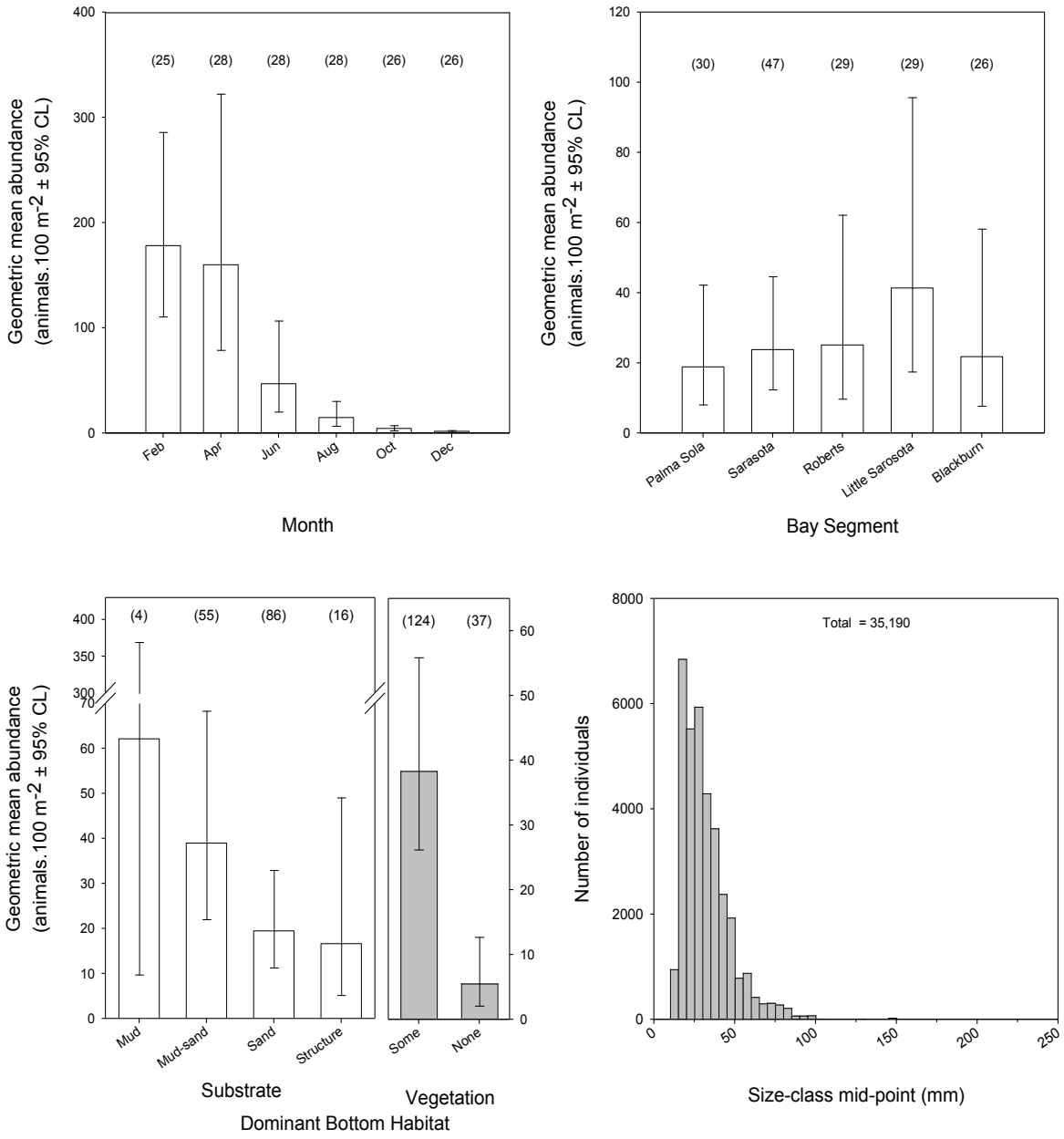
Orthopristis chrysoptera (pigfish)
21.3-m seine



Appendix E Figure 14. Relative abundance and length-frequency distribution of pigfish collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

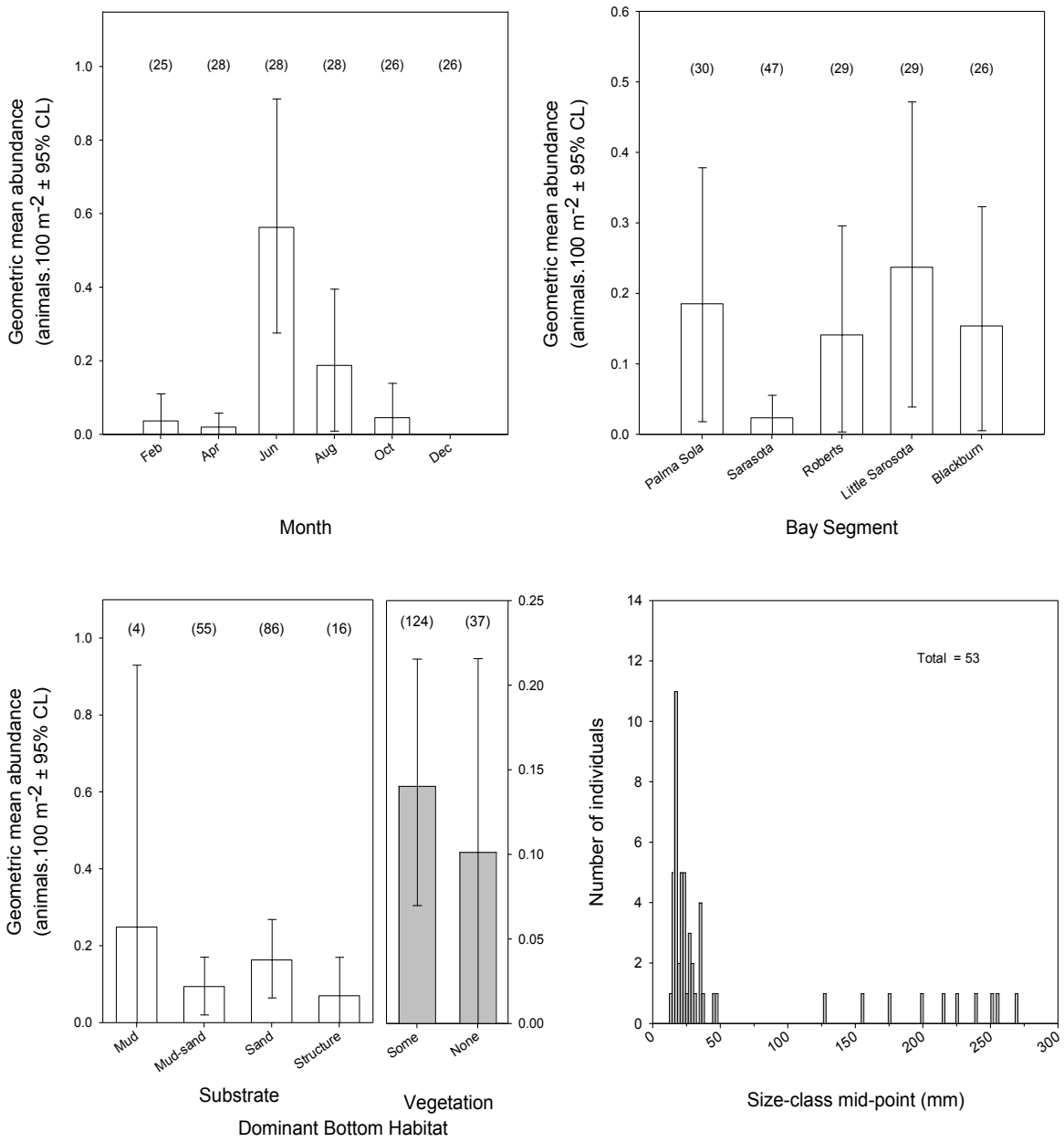
Lagodon rhomboides (pinfish)
21.3-m seine



Appendix E Figure 15. Relative abundance and length-frequency distribution of pinfish collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

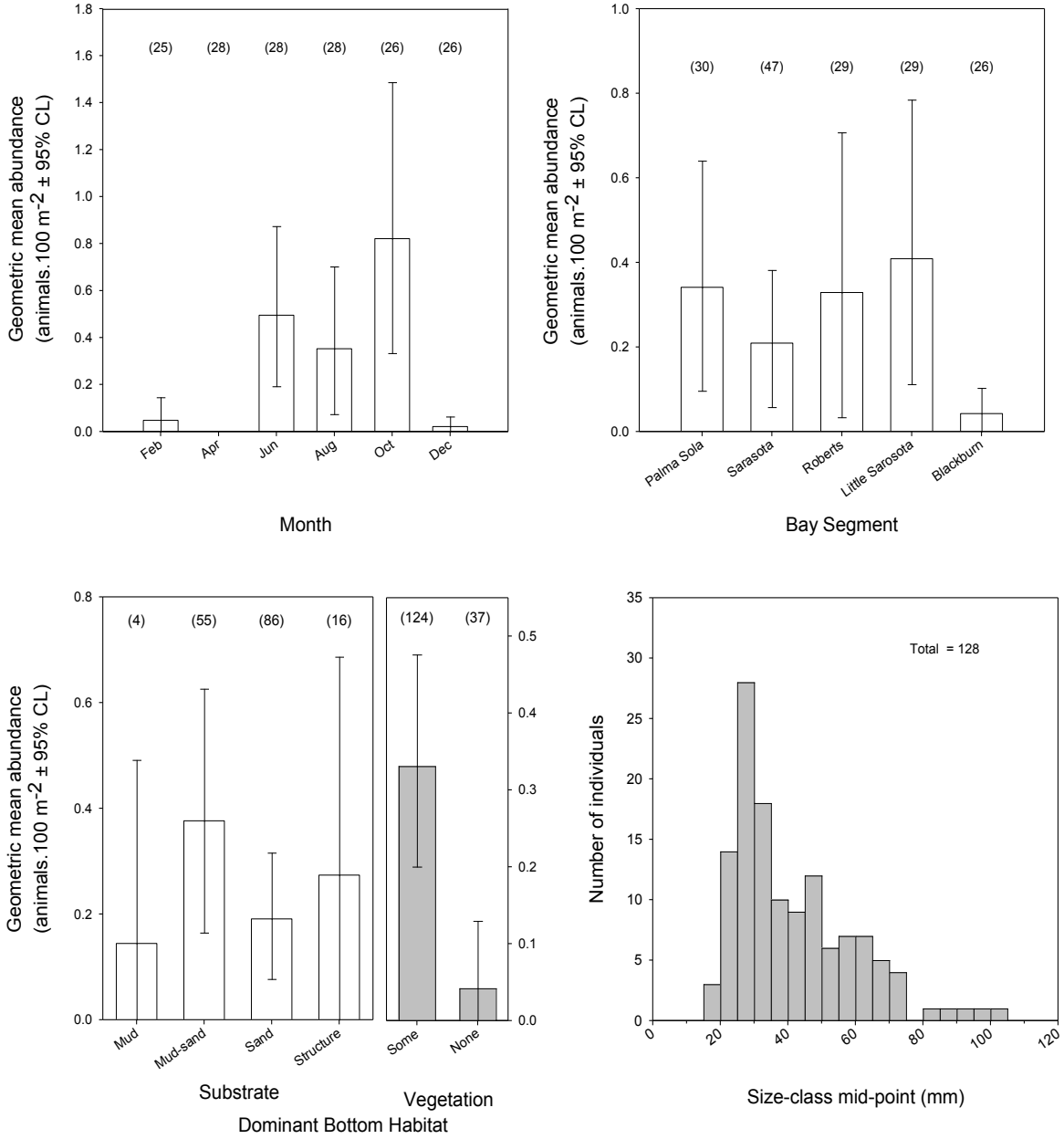
Archosargus probatocephalus (sheepshead)
21.3-m seine



Appendix E Figure 16. Relative abundance and length-frequency distribution of sheepshead collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-000398

Cynoscion nebulosus (spotted seatrout)
21.3-m seine

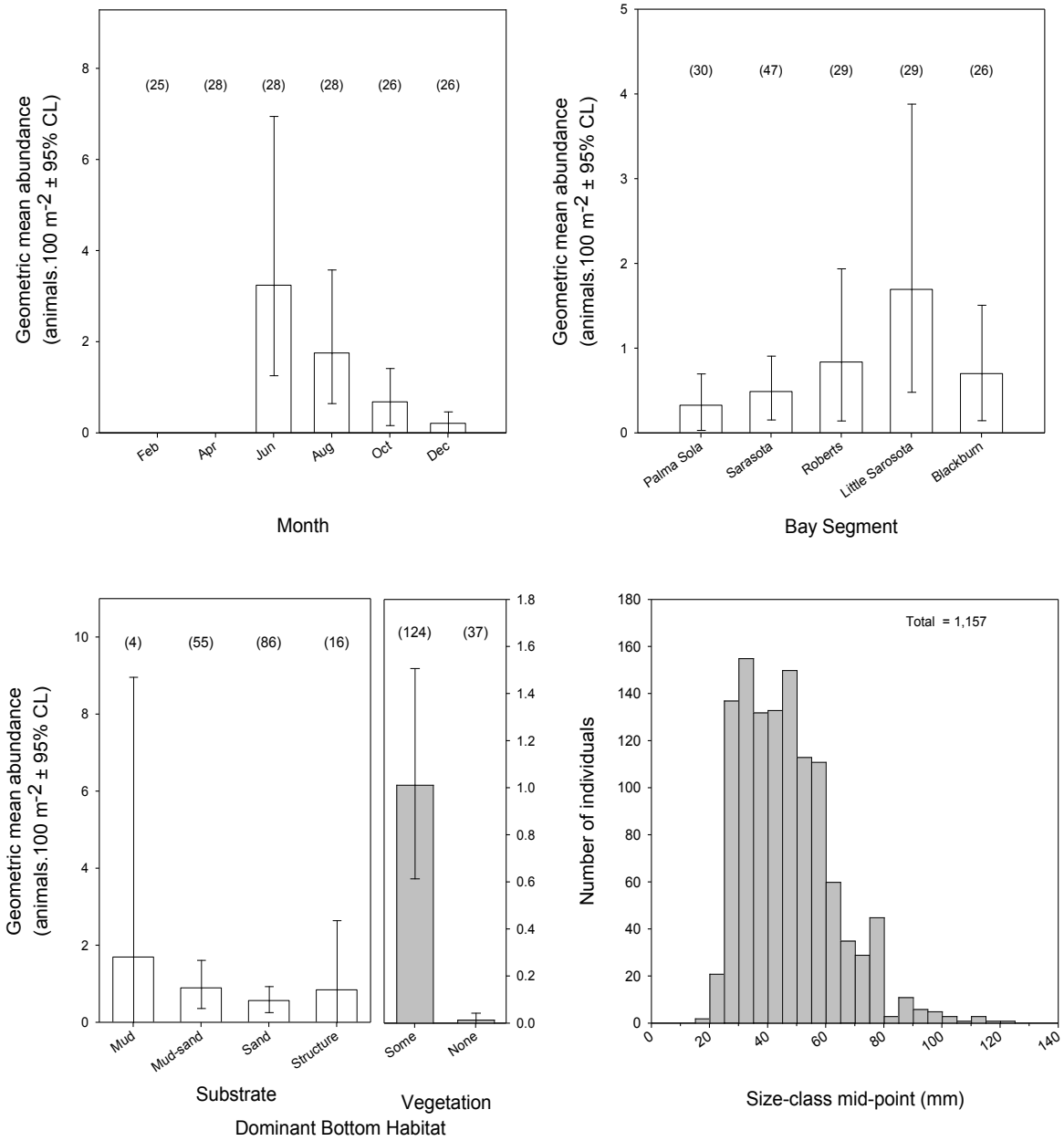


Appendix E Figure 17. Relative abundance and length-frequency distribution of spotted seatrout collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Bairdiella chrysoura (silver perch)

21.3-m seine

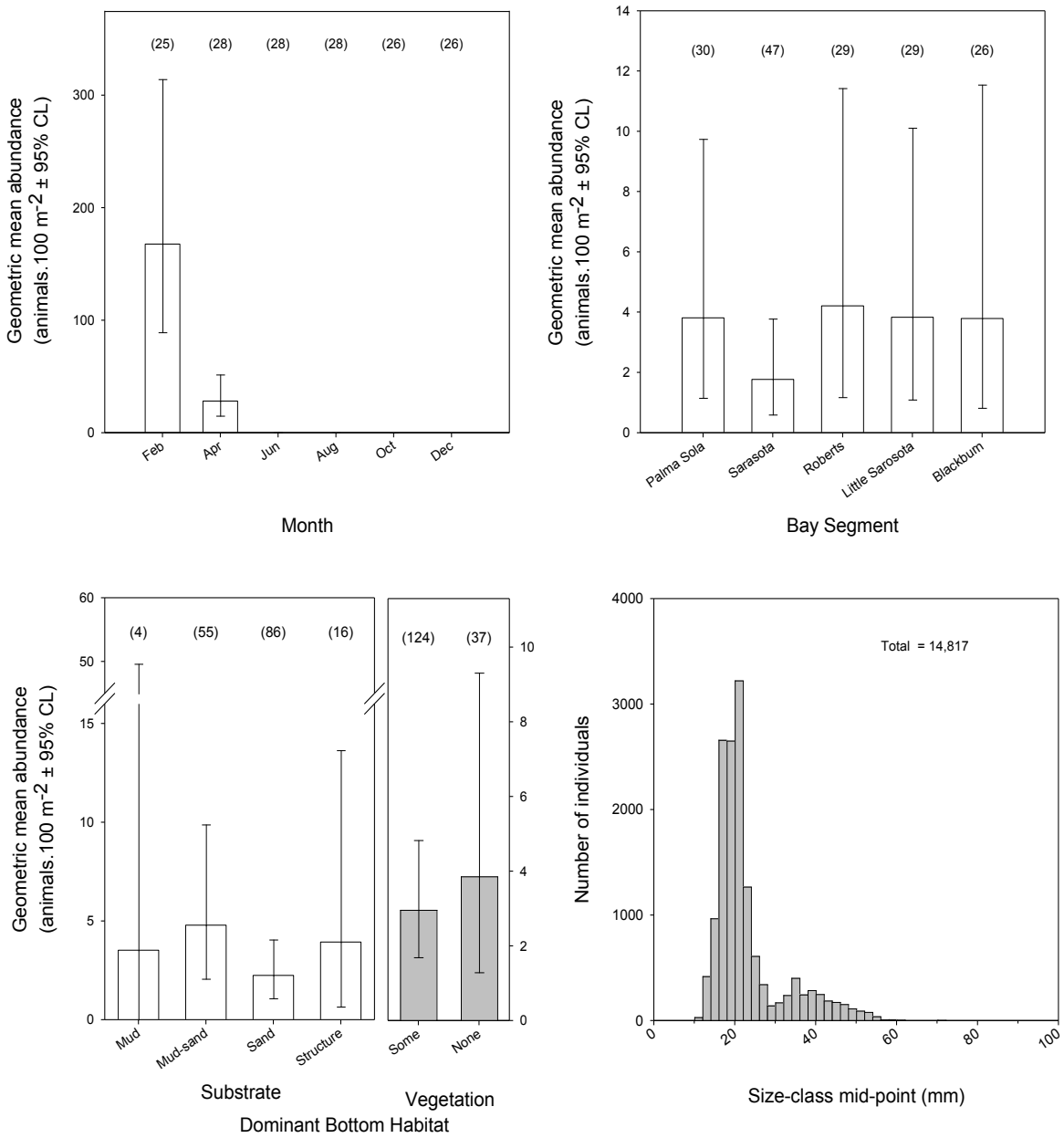


Appendix E Figure 18. Relative abundance and length-frequency distribution of silver perch collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Leiostomus xanthurus (spot)

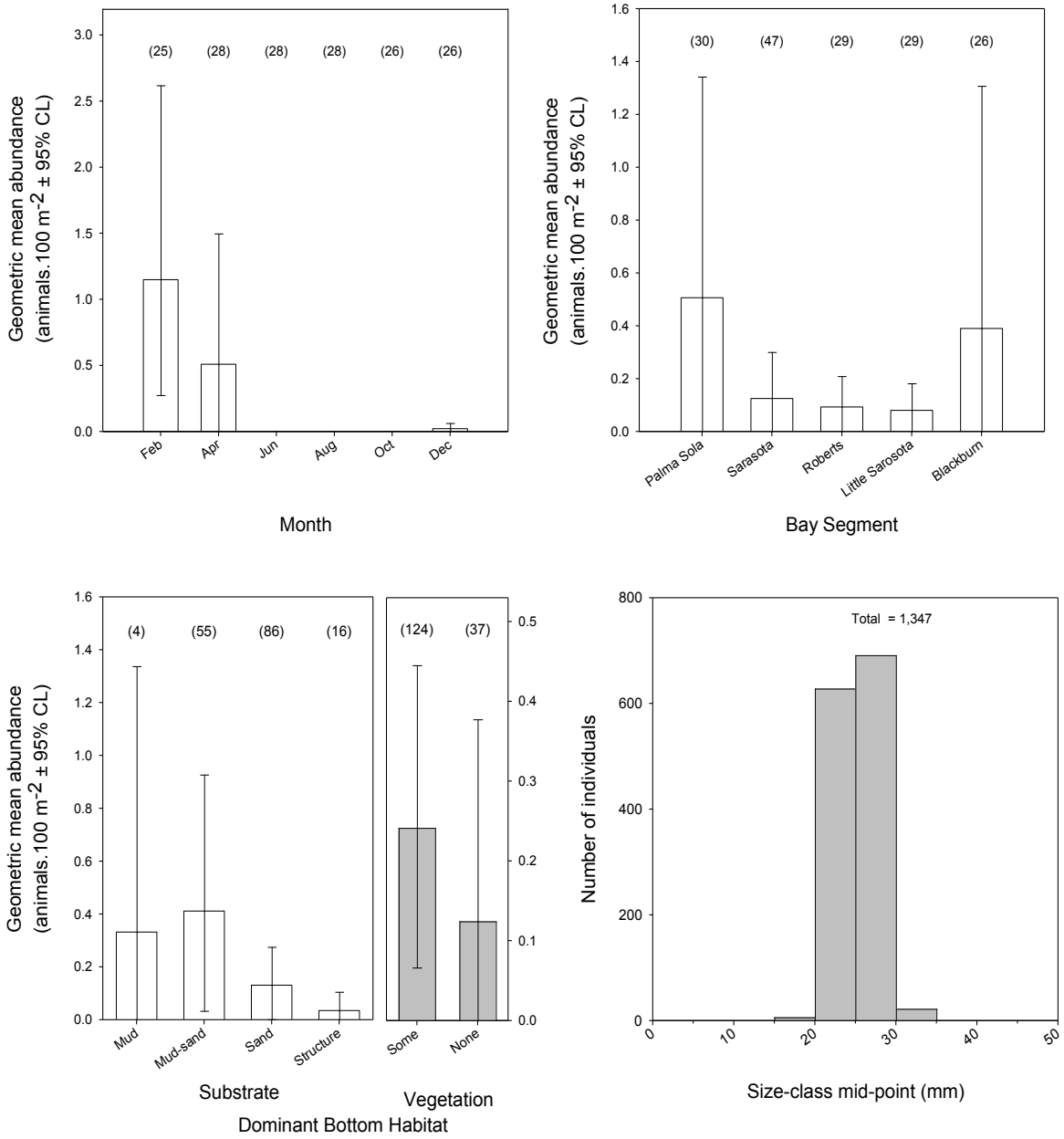
21.3-m seine



Appendix E Figure 19. Relative abundance and length-frequency distribution of spot collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

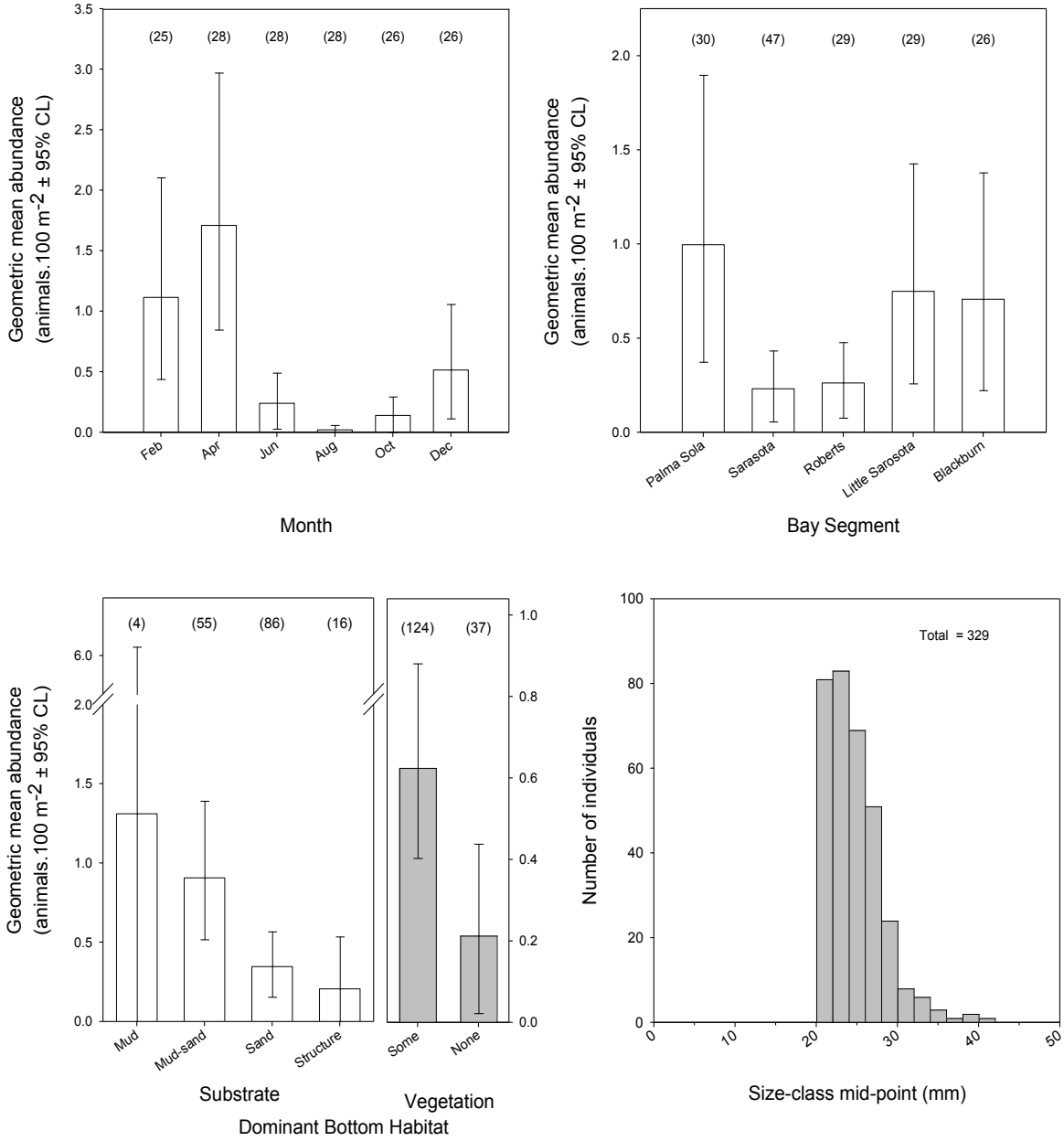
Mugil cephalus (striped mullet)
21.3-m seine



Appendix E Figure 20. Relative abundance and length-frequency distribution of striped mullet collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

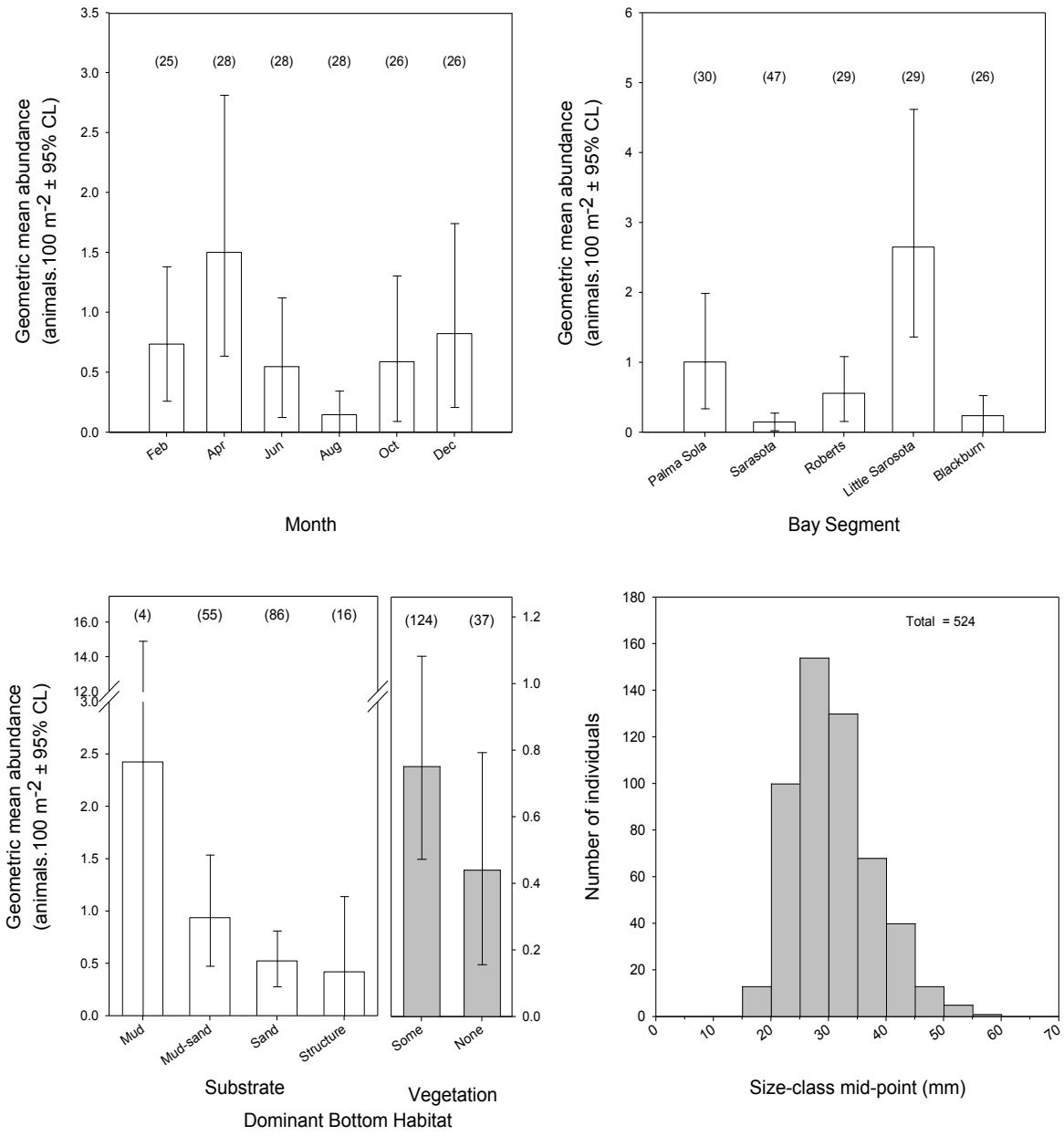
Gobiosoma robustum (code goby)
21.3-m seine



Appendix E Figure 21. Relative abundance and length-frequency distribution of code goby collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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FL-SEN-20-0201-B, 20-0202-A-000403

Microgobius gulosus (clown goby)
21.3-m seine



Appendix E Figure 22. Relative abundance and length-frequency distribution of clown goby collected with 21.3-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

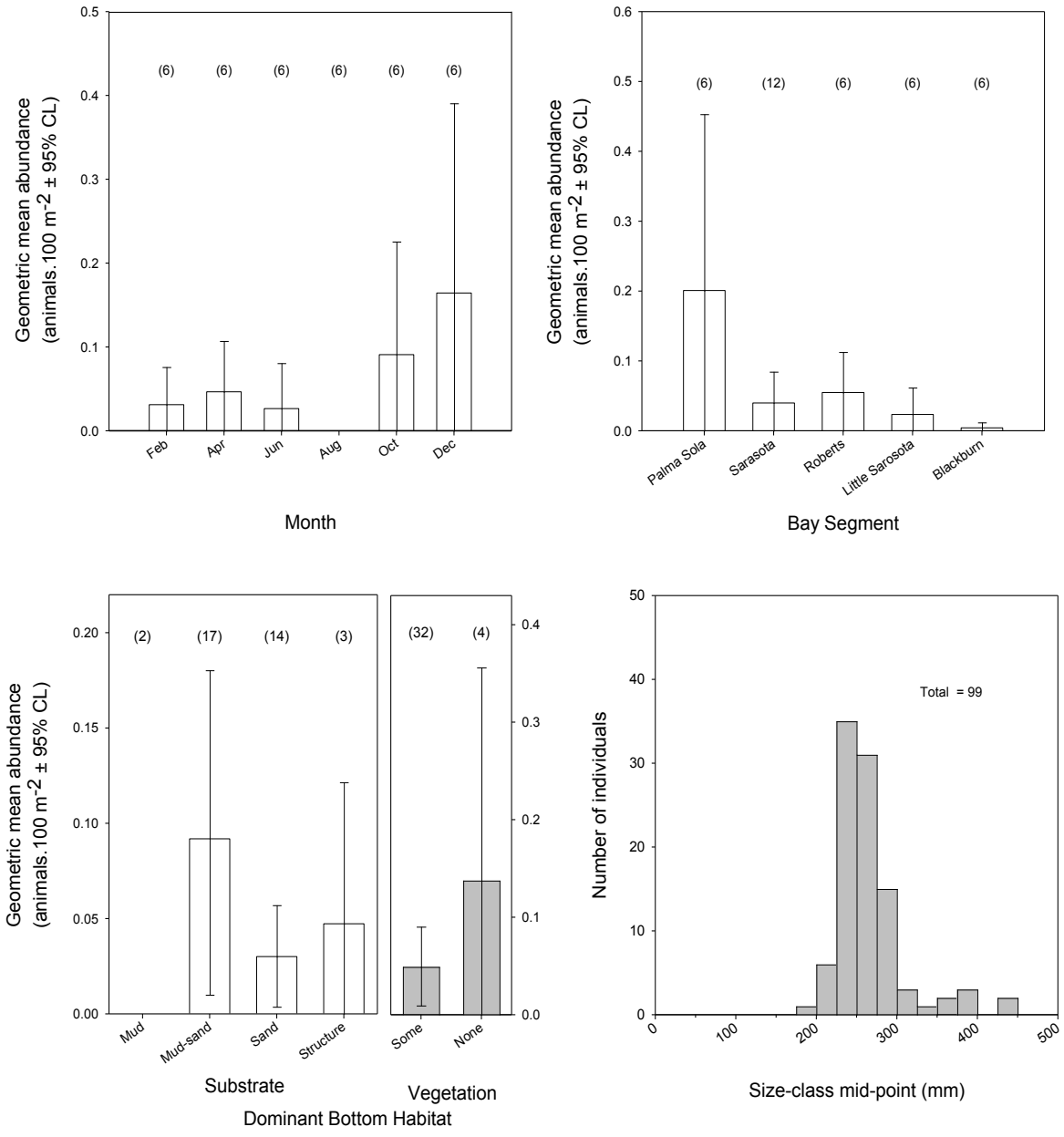
Appendix F. Species overview plots for dominant taxa (≥40 animals collected and ≥10 occurrence in a gear type) collected with183-m seines. Taxa are arranged phylogenetically.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-000405

AMERICAN OVERSIGHT

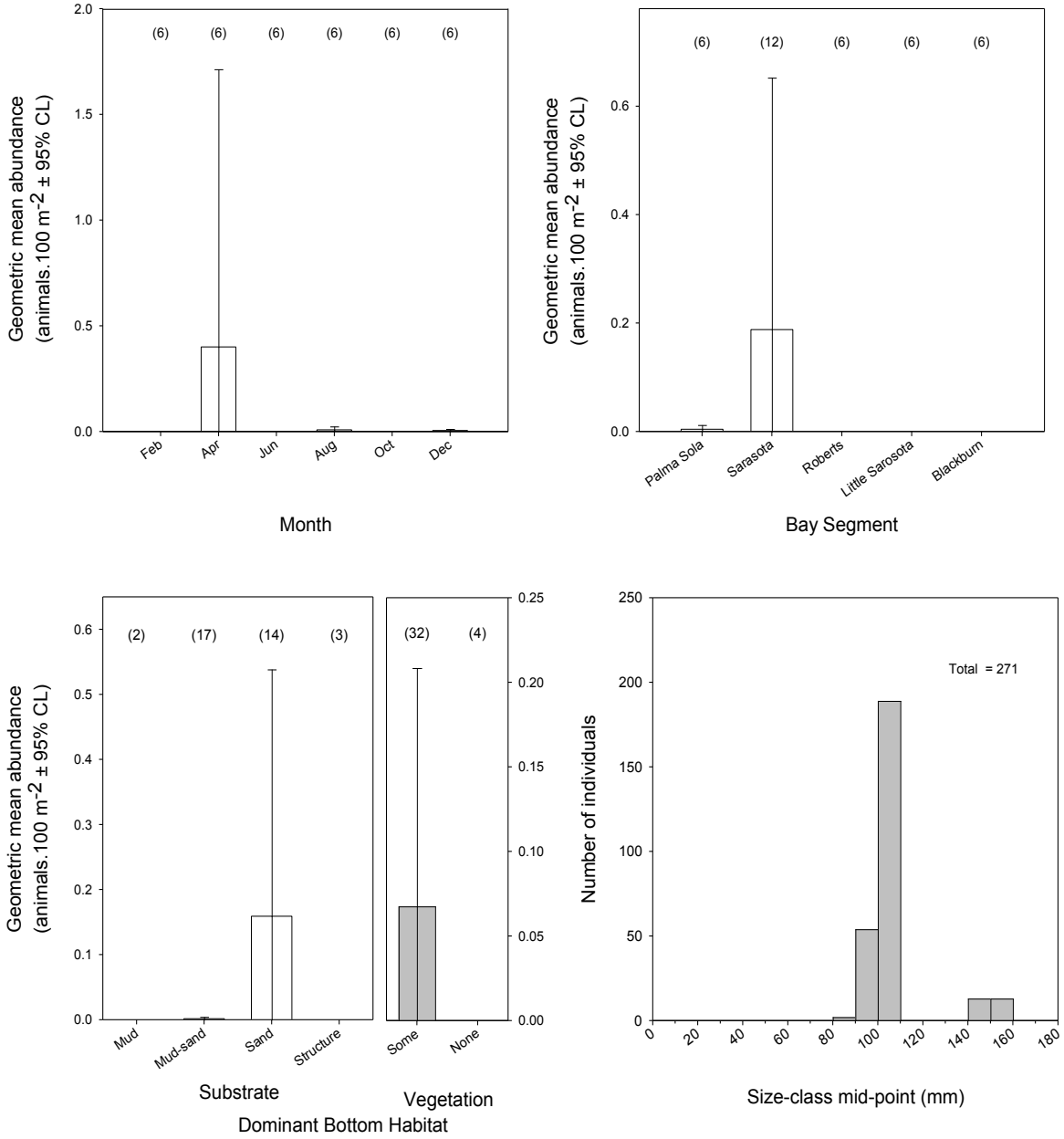
Elops saurus (ladyfish)
183-m seine



Appendix F Figure 1. Relative abundance and length-frequency distribution of ladyfish collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

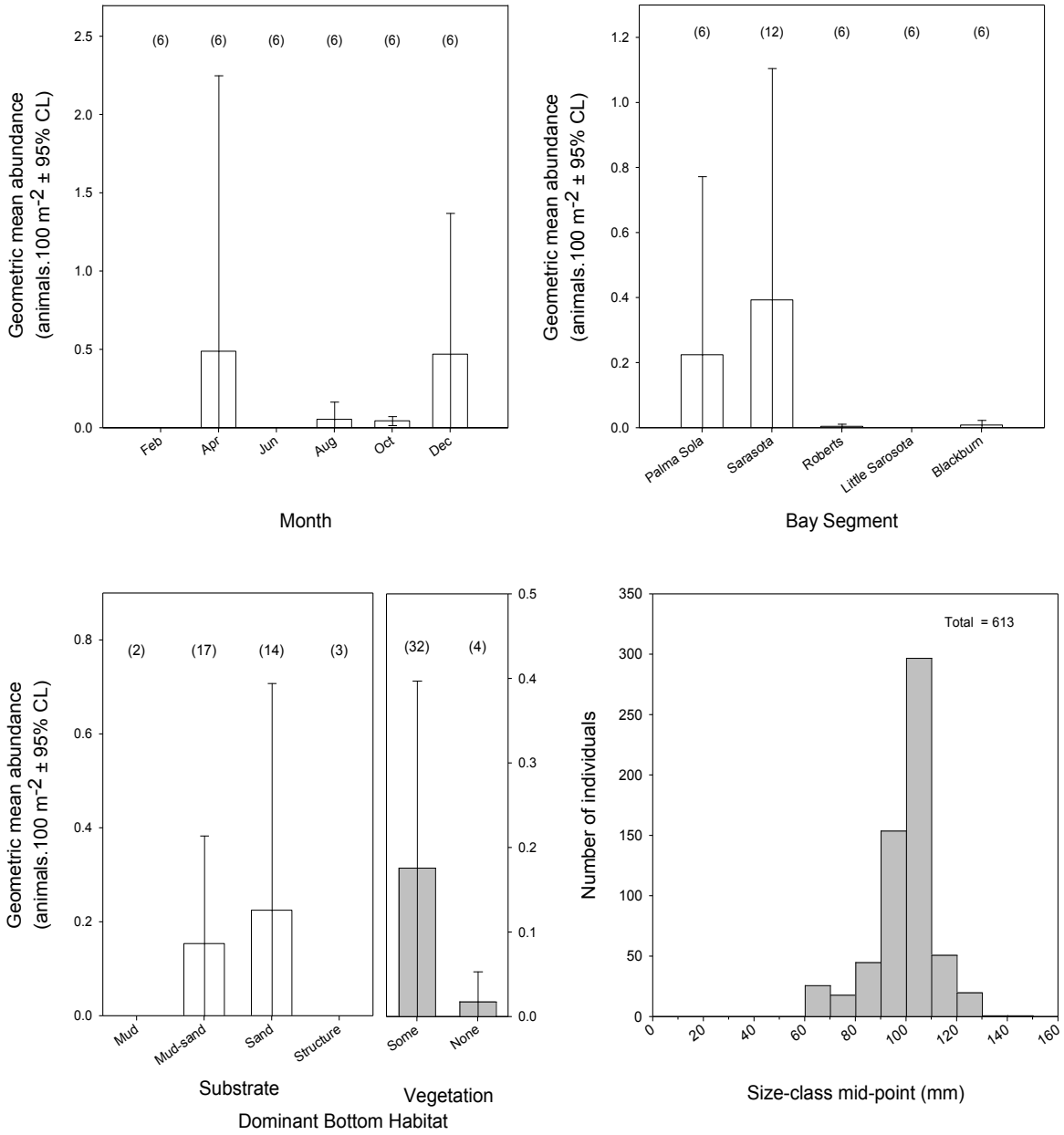
Opisthonema oglinum (atlantic thread herring)
183-m seine



Appendix F Figure 2. Relative abundance and length-frequency distribution of atlantic thread herring collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

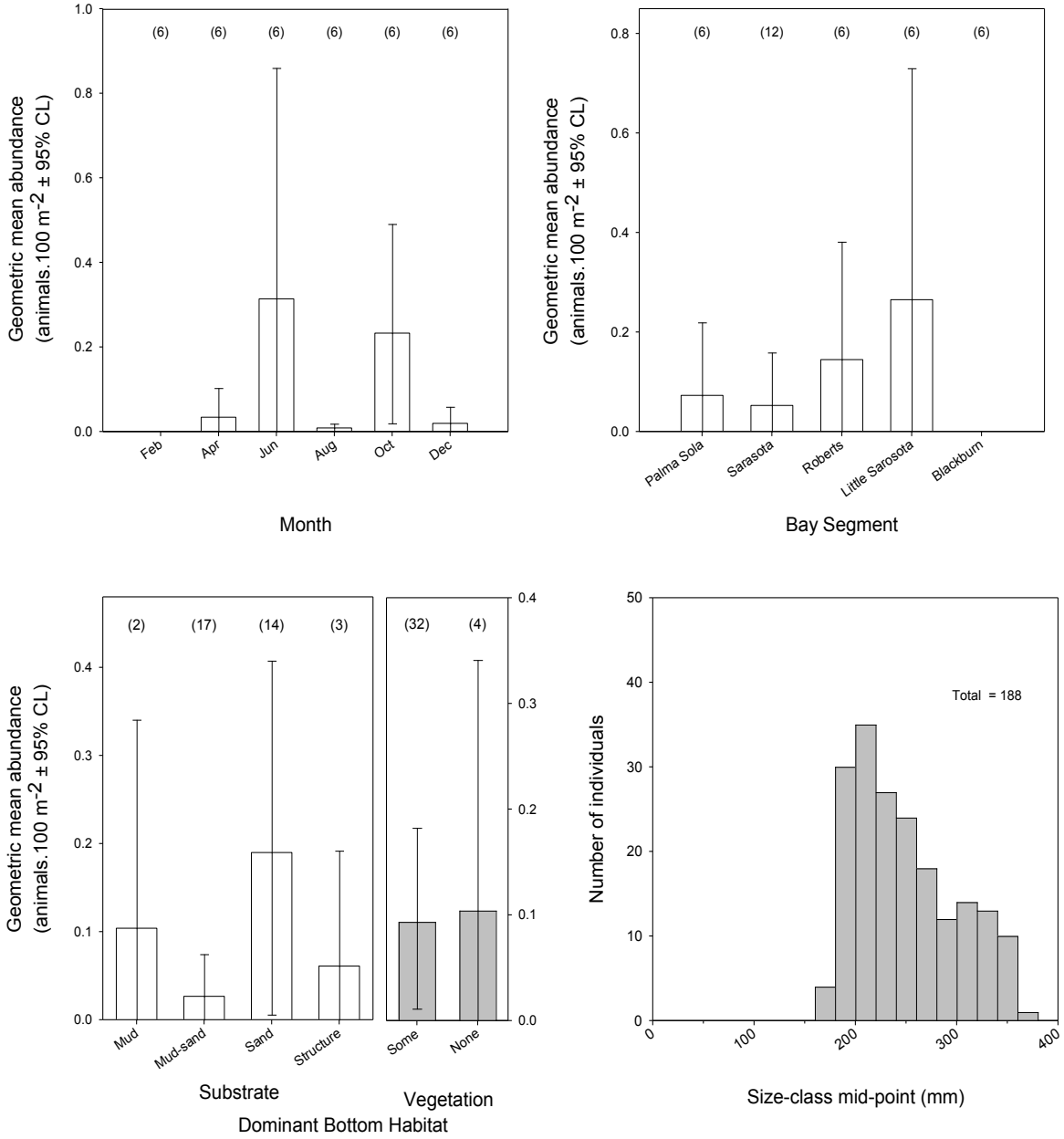
Harengula jaguana (scaled sardine)
183-m seine



Appendix F Figure 3. Relative abundance and length-frequency distribution of scaled sardine collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

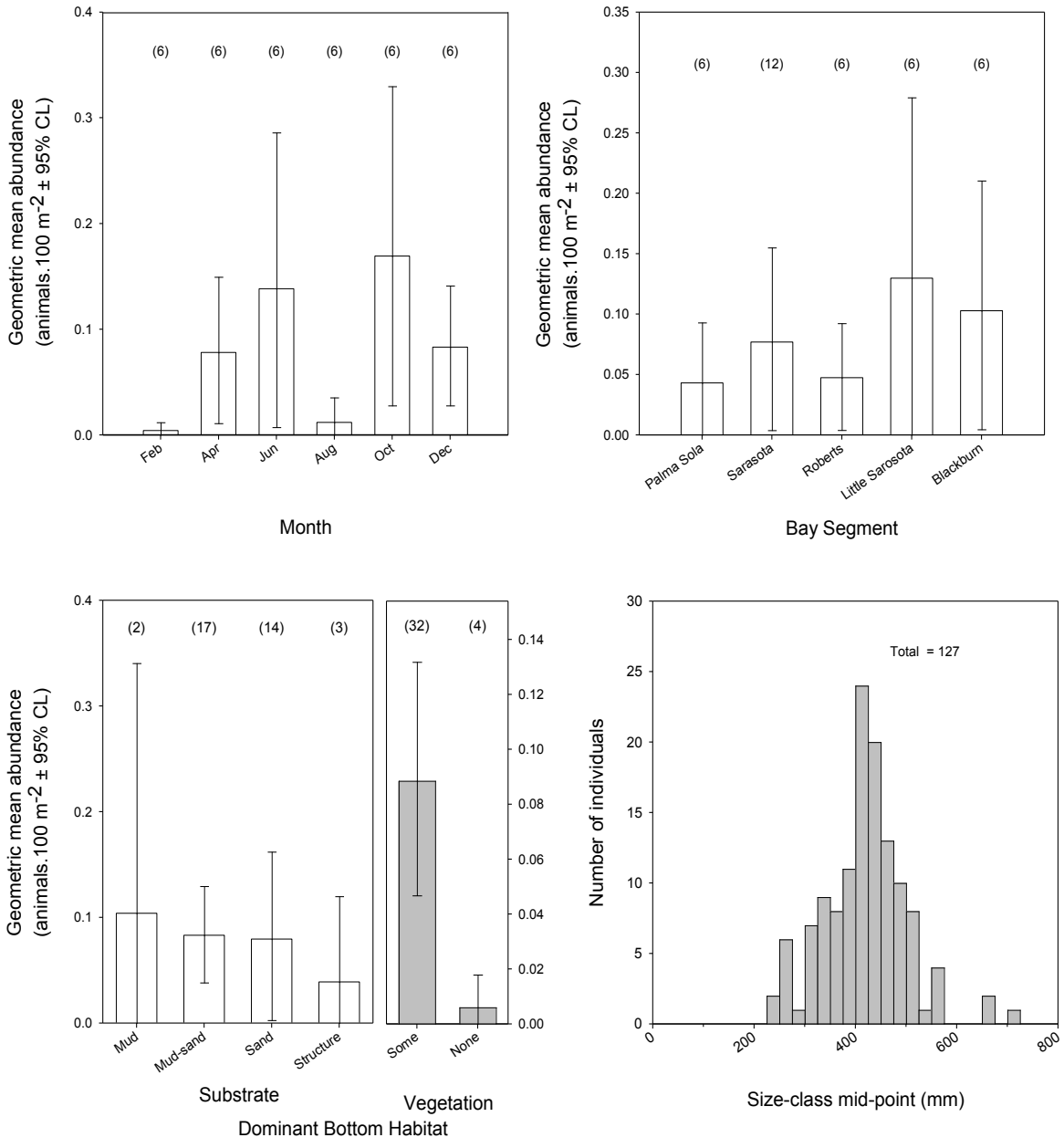
Ariopsis felis (hardhead catfish)
183-m seine



Appendix F Figure 4. Relative abundance and length-frequency distribution of hardhead catfish collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Centropomus undecimalis (common snook)
183-m seine

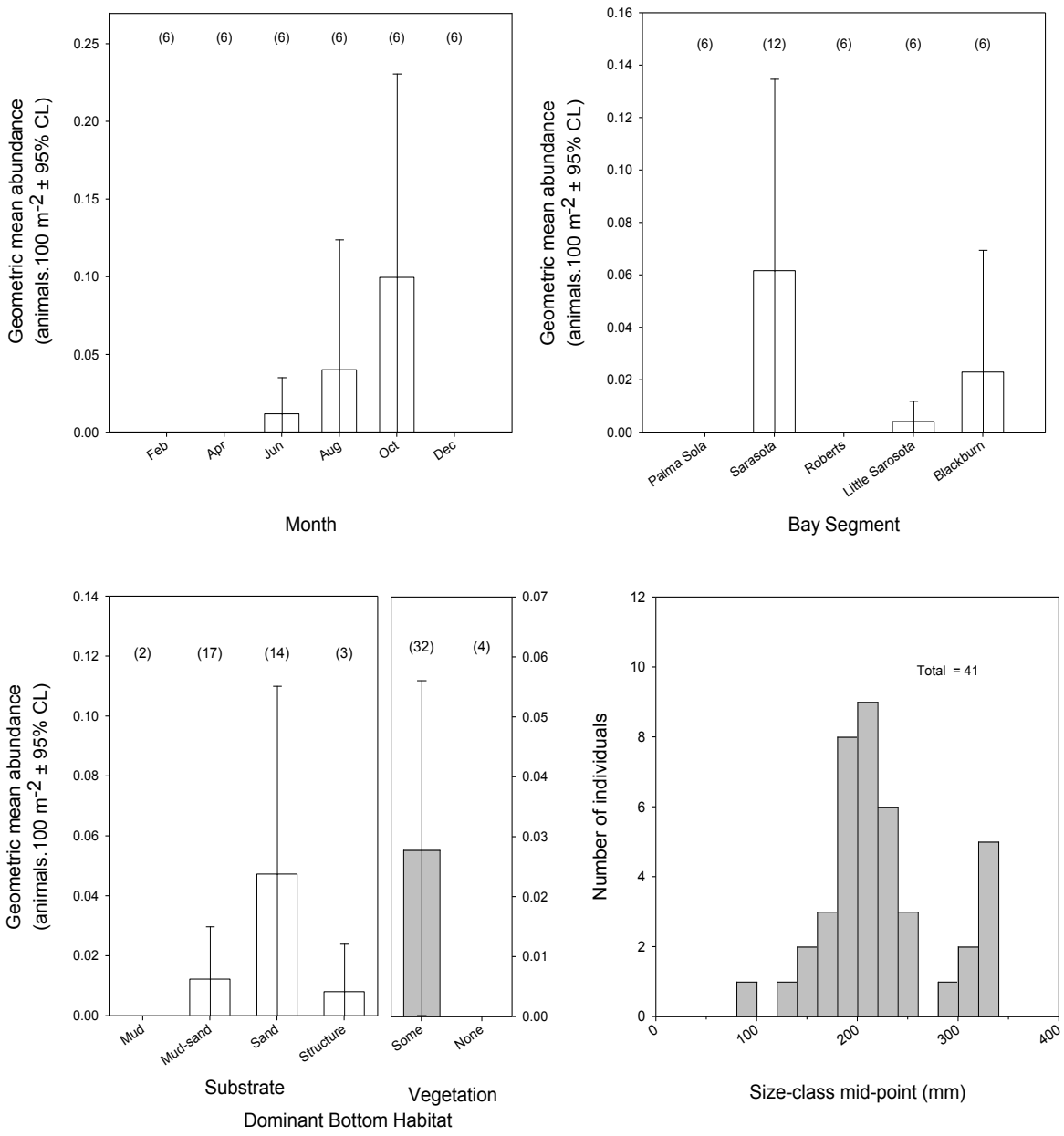


Appendix F Figure 5. Relative abundance and length-frequency distribution of common snook collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Mycteroperca microlepis (gag)

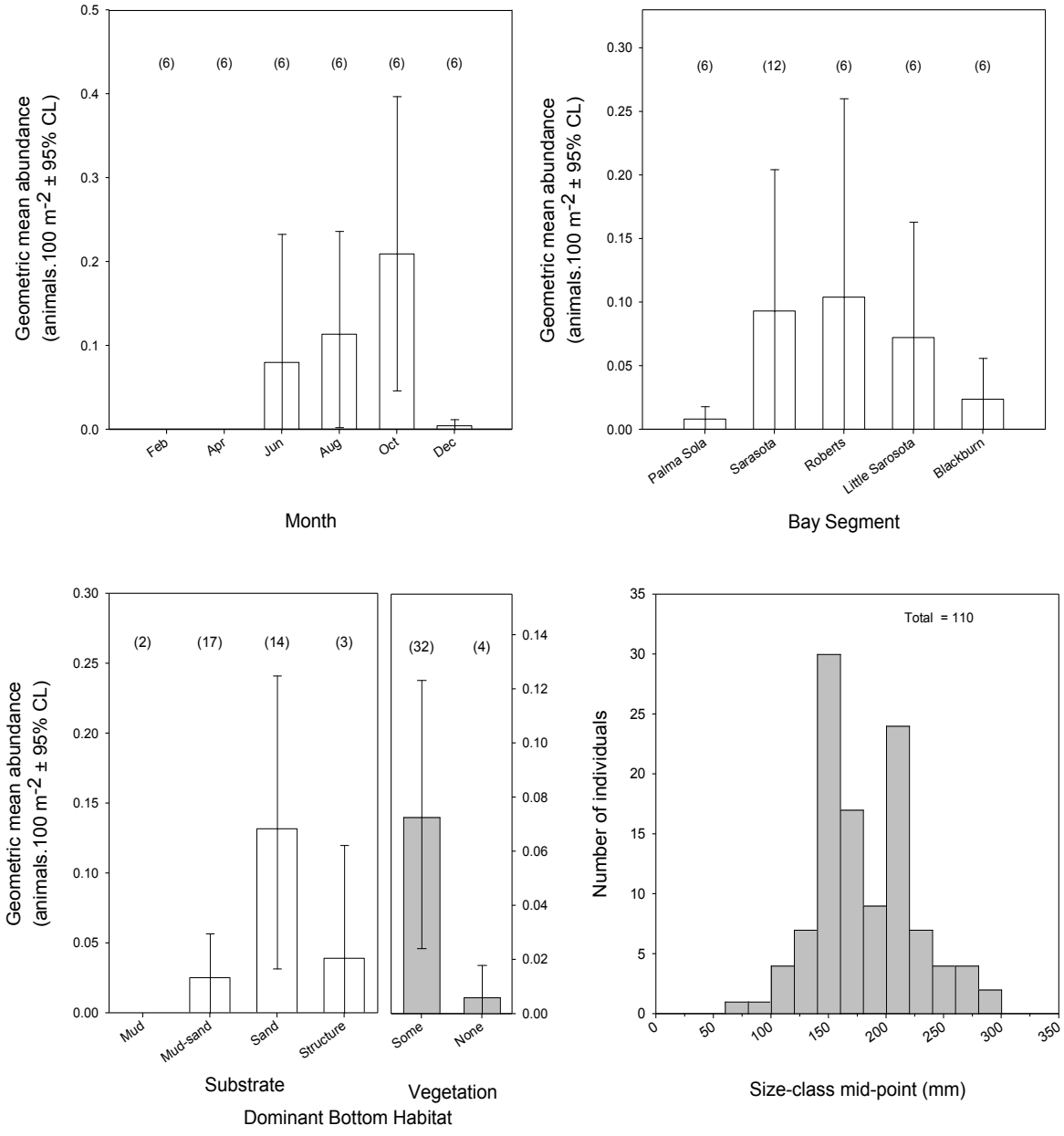
183-m seine



Appendix F Figure 6. Relative abundance and length-frequency distribution of gag collected with 183-m seine in th Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

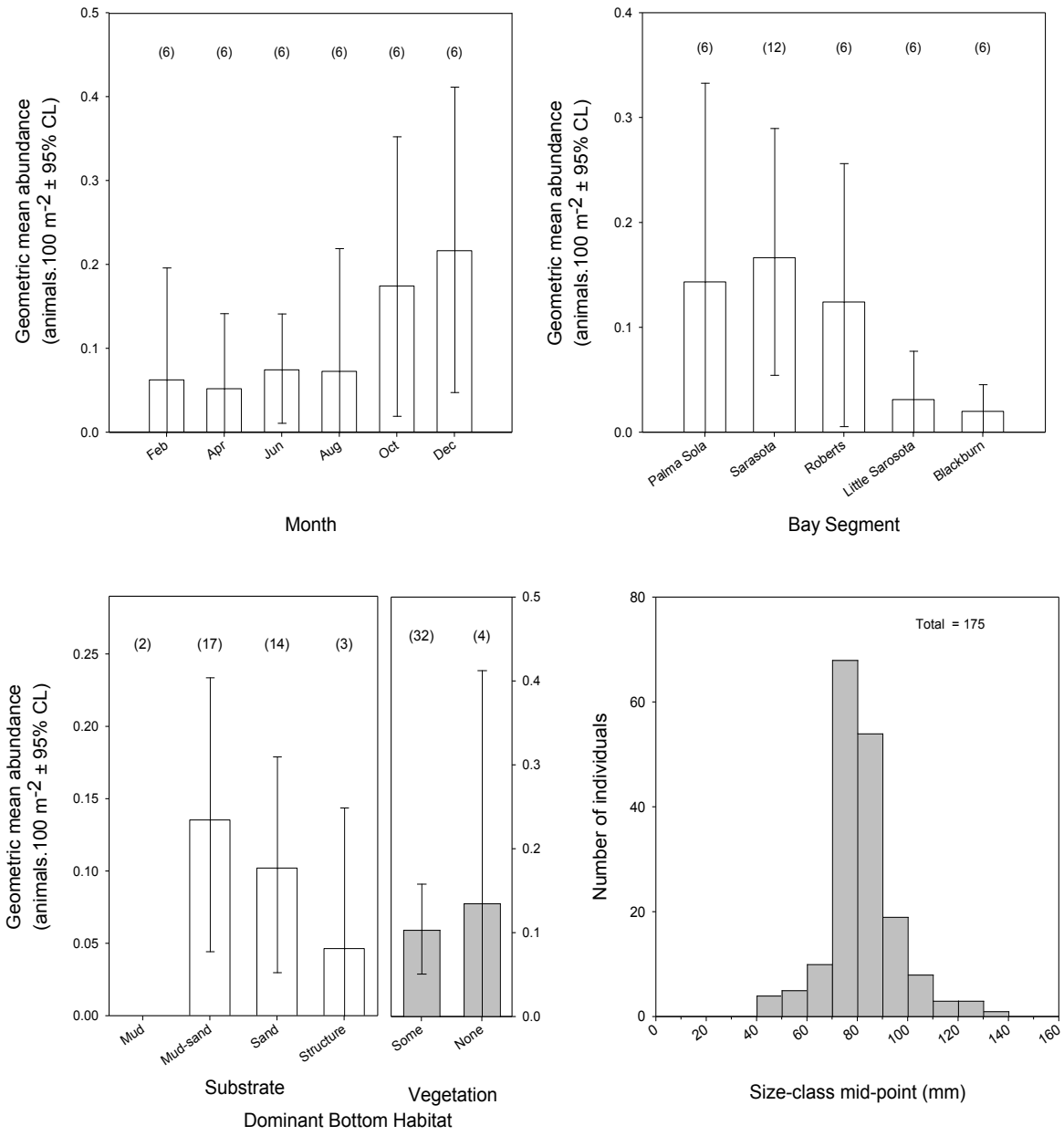
Lutjanus griseus (gray snapper)
183-m seine



Appendix F Figure 7. Relative abundance and length-frequency distribution of gray snapper collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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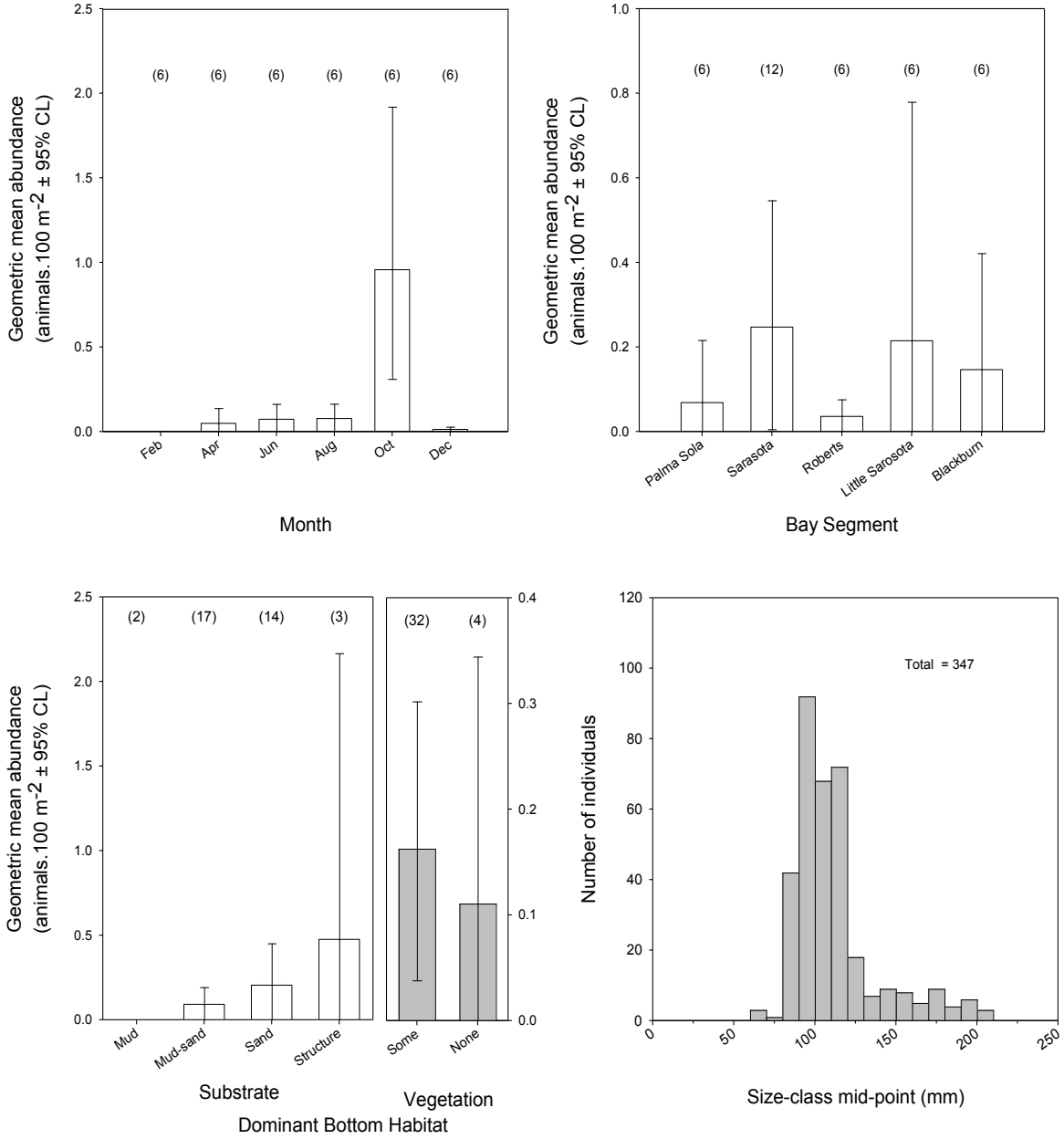
Eucinostomus gula (silver jenny)
183-m seine



Appendix F Figure 8. Relative abundance and length-frequency distribution of silver jenny collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

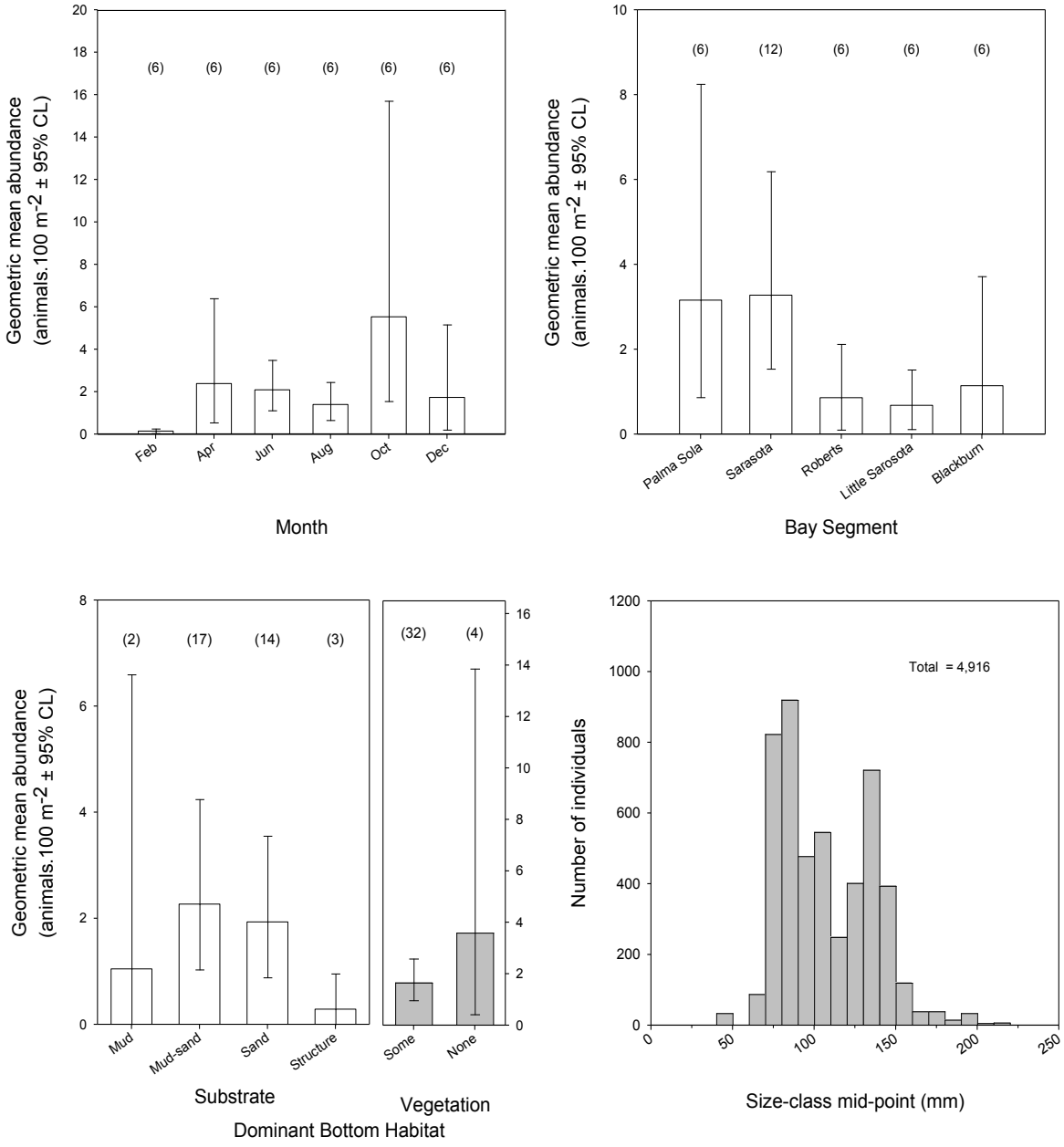
Orthopristis chrysoptera (pigfish)
183-m seine



Appendix F Figure 9. Relative abundance and length-frequency distribution of pigfish collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

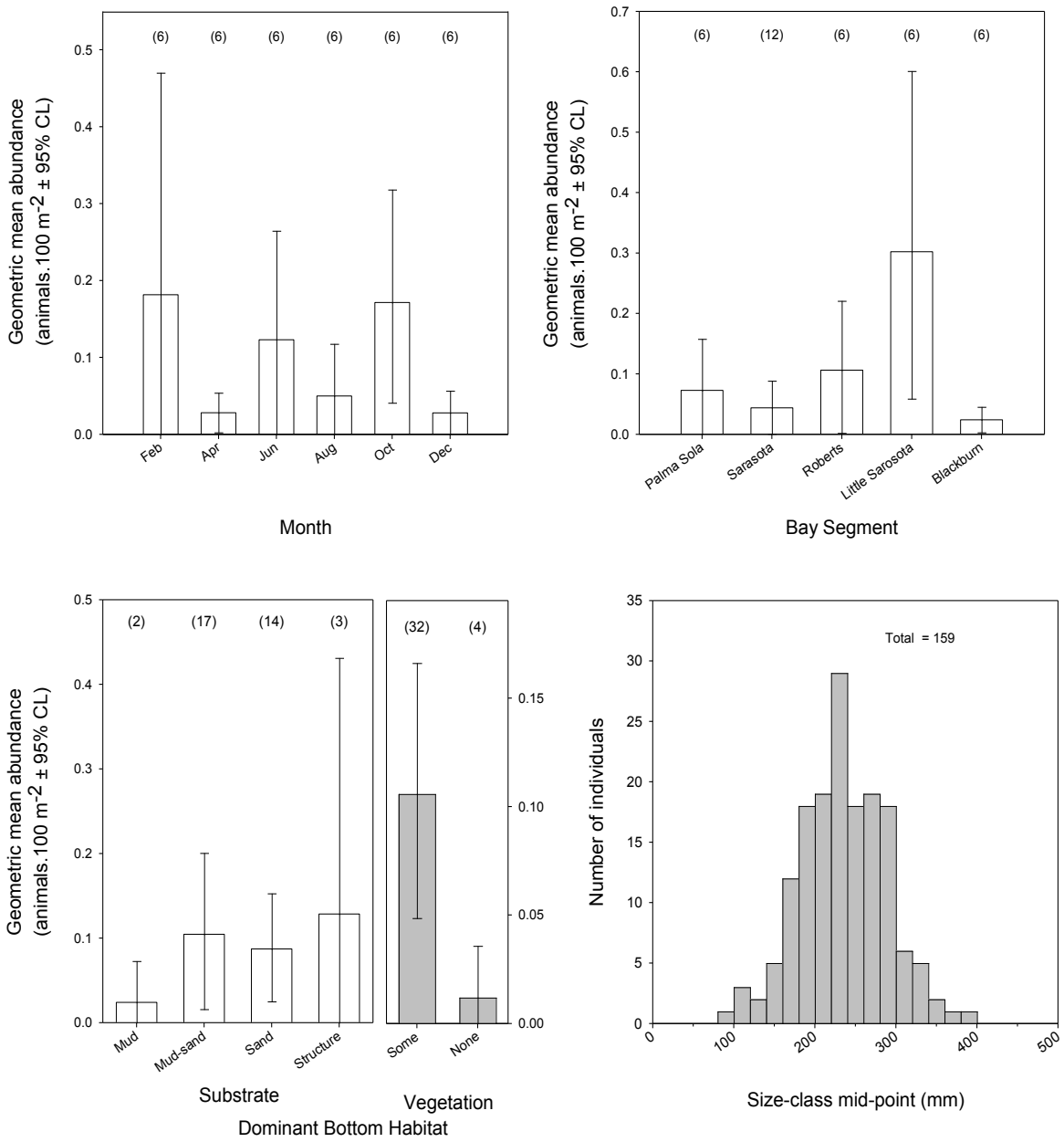
Lagodon rhomboides (pinfish)
183-m seine



Appendix F Figure 10. Relative abundance and length-frequency distribution of pinfish collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

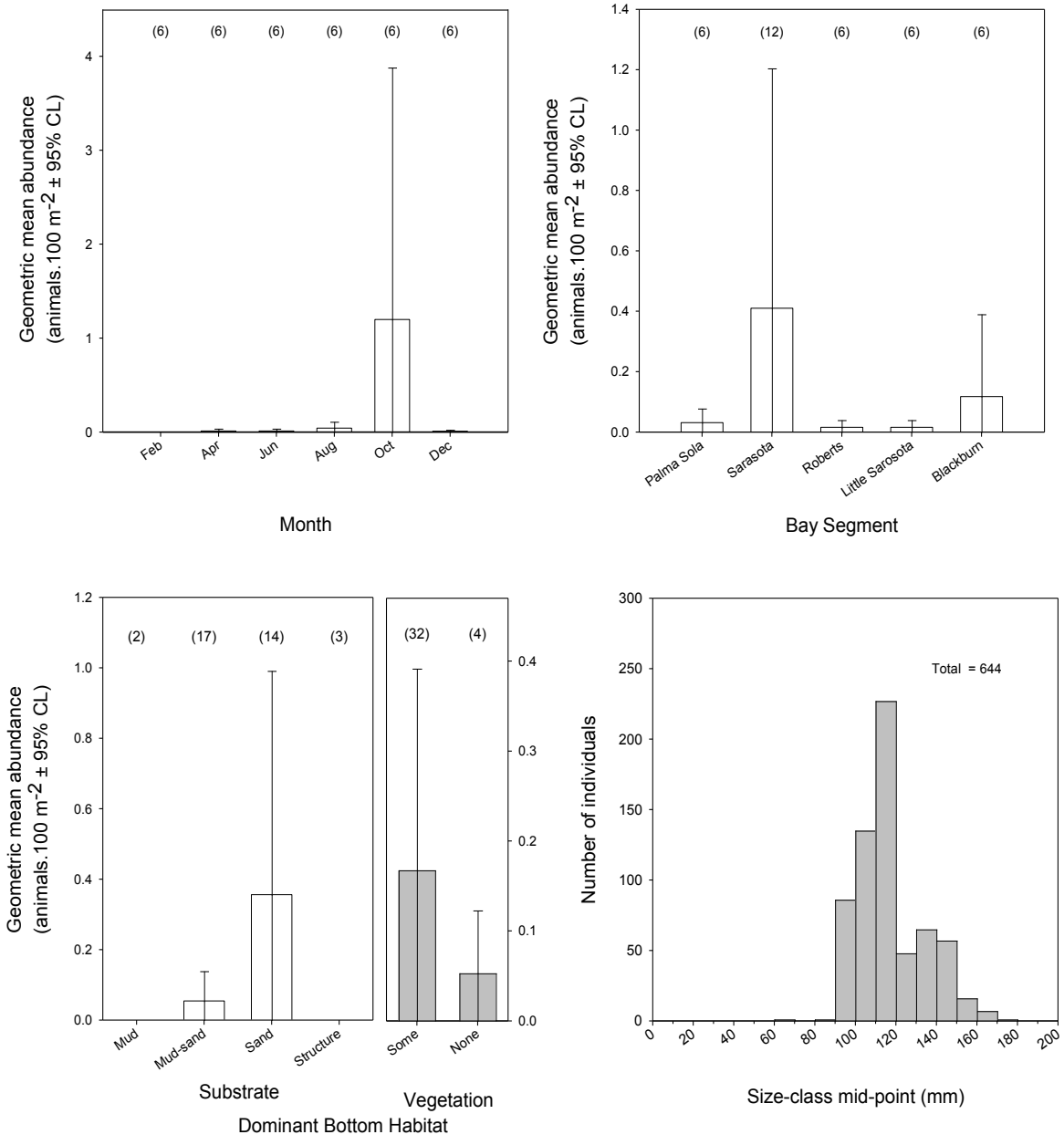
Archosargus probatocephalus (sheepshead)
183-m seine



Appendix F Figure 11. Relative abundance and length-frequency distribution of sheepshead collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Bairdiella chrysoura (silver perch)
183-m seine

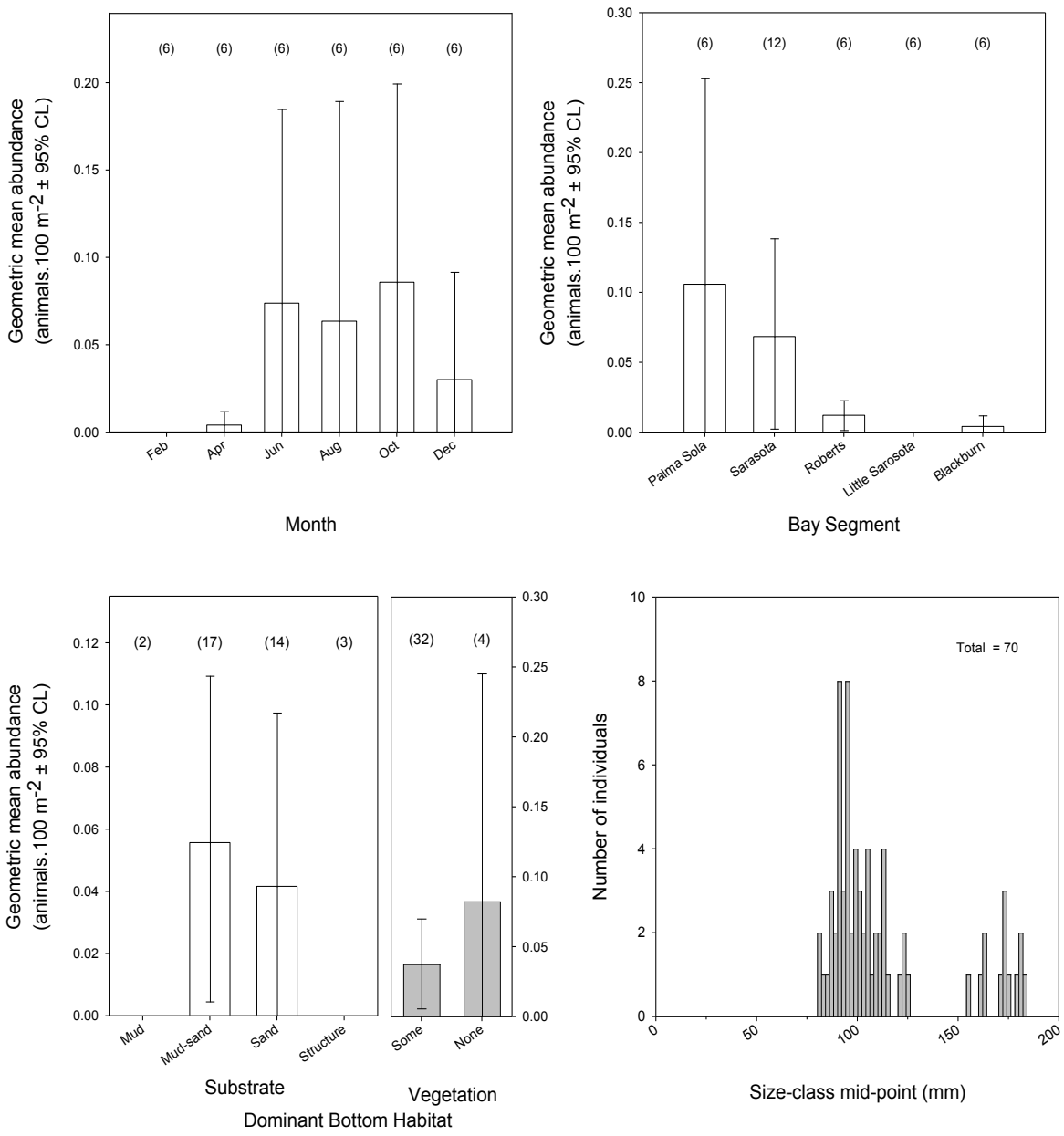


Appendix F Figure 12. Relative abundance and length-frequency distribution of silver perch collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Leiostomus xanthurus (spot)

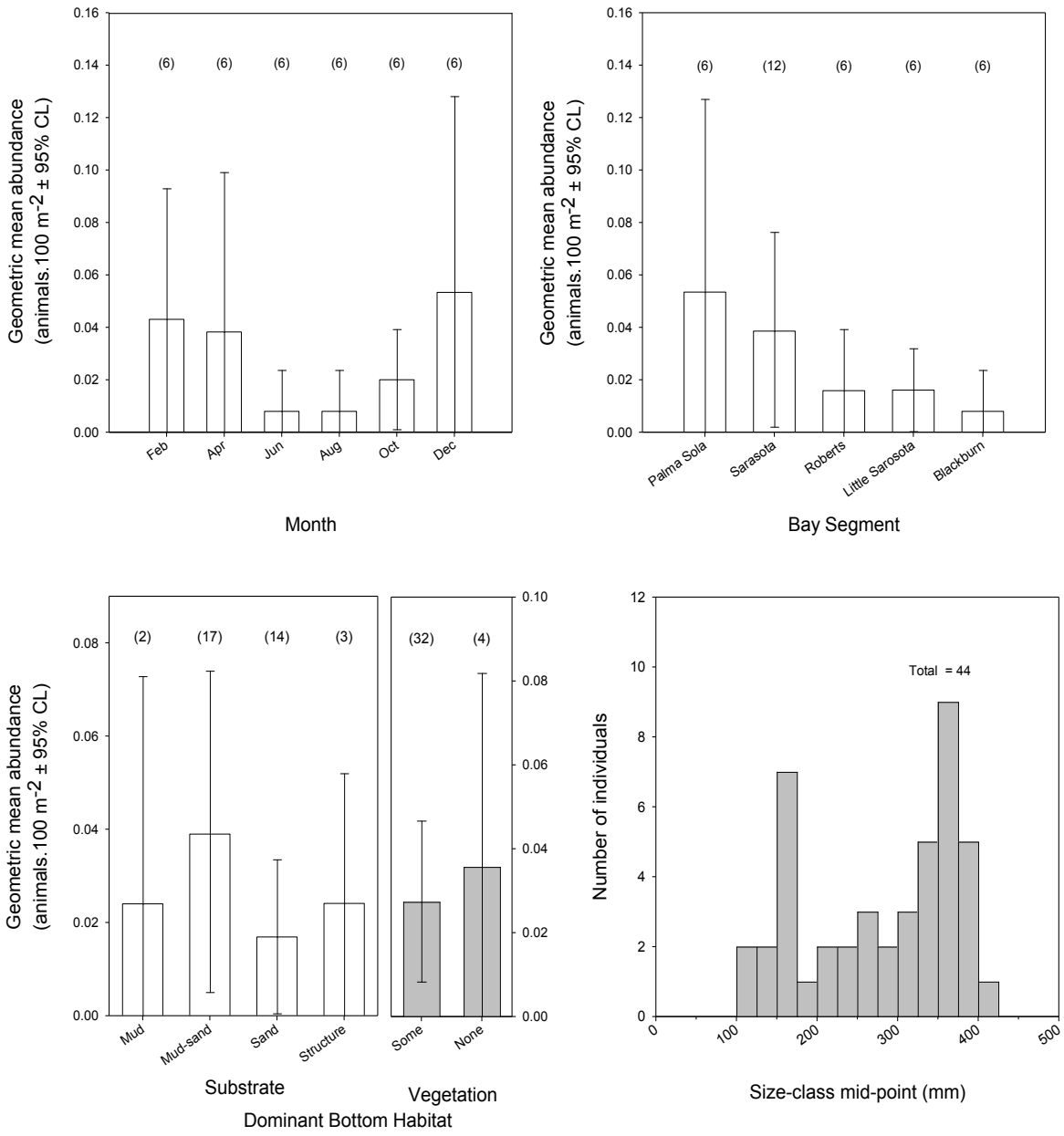
183-m seine



Appendix F Figure 13. Relative abundance and length-frequency distribution of spot collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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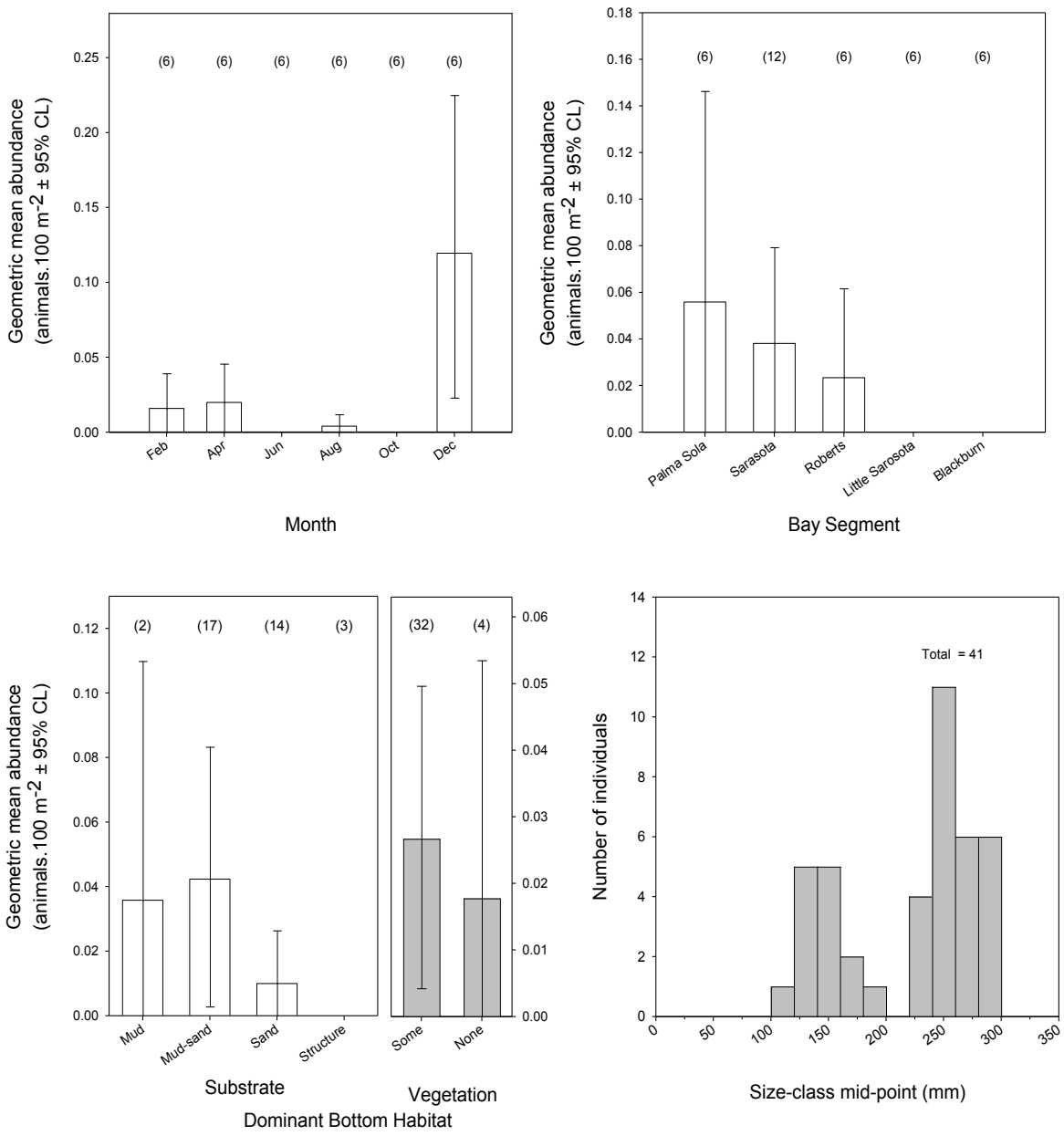
Mugil cephalus (striped mullet)
183-m seine



Appendix F Figure 14. Relative abundance and length-frequency distribution of striped mullet collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Mugil curema (white mullet)
183-m seine



Appendix F Figure 15. Relative abundance and length-frequency distribution of white mullet collected with 183-m seine in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

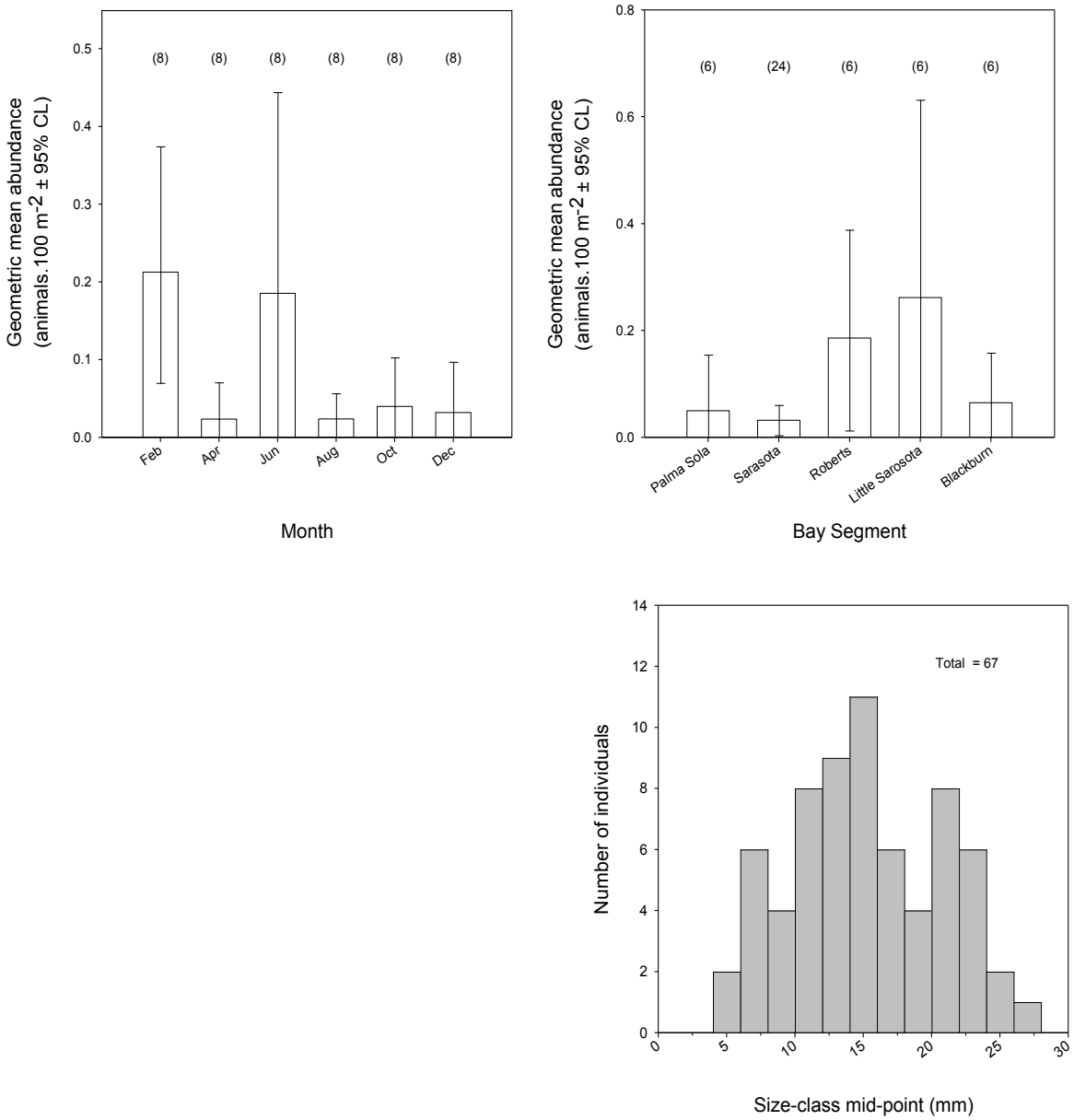
AMERICAN OVERSIGHT

Appendix G. Species overview plots for dominant taxa (≥40 animals collected and ≥10 occurrence in a gear type) collected with 6.1-m trawls. Taxa are arranged phylogenetically.

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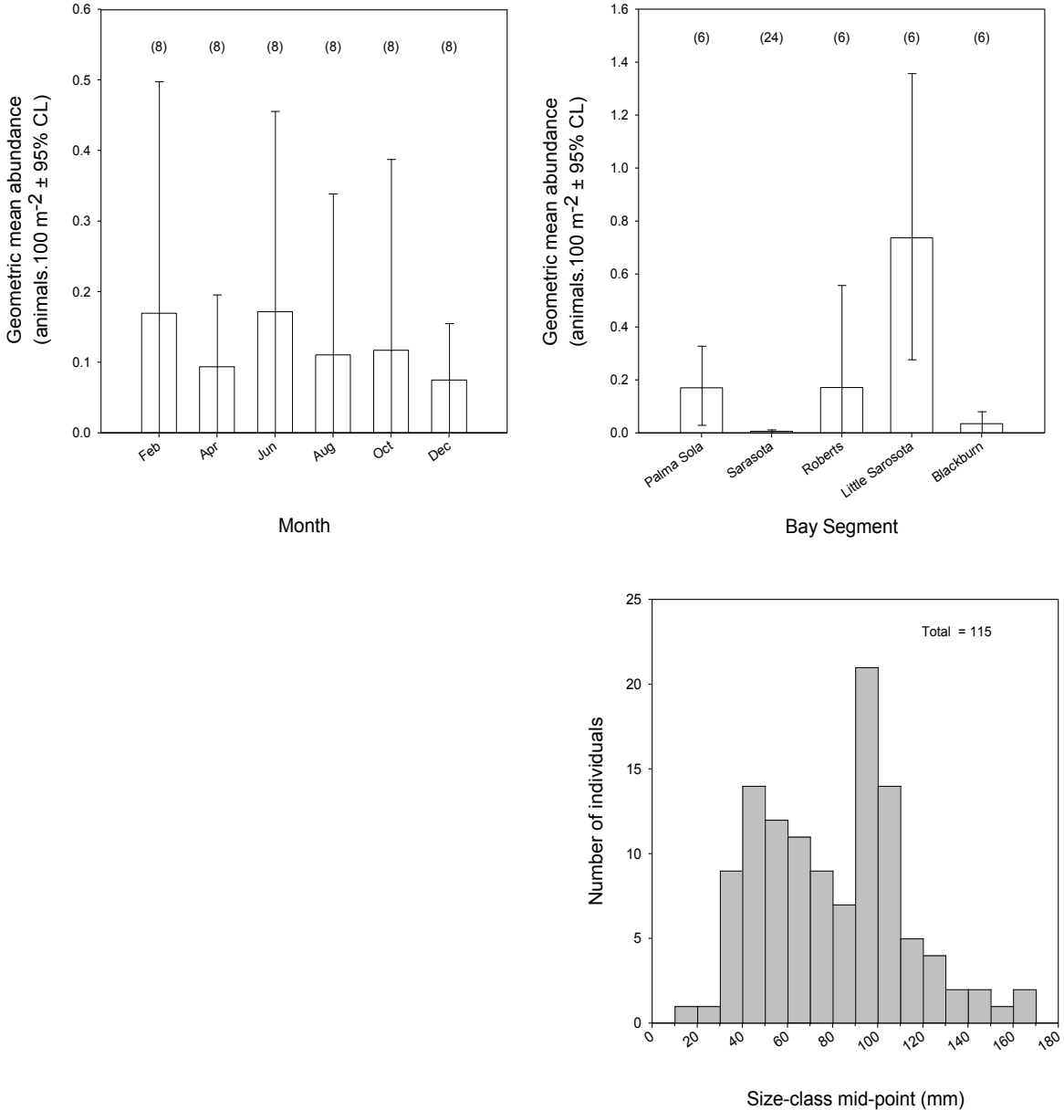
Farfantepenaeus duorarum (pink shrimp)
6.1-m trawl



Appendix G Figure 1. Relative abundance and length-frequency distribution of pink shrimp collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-000425

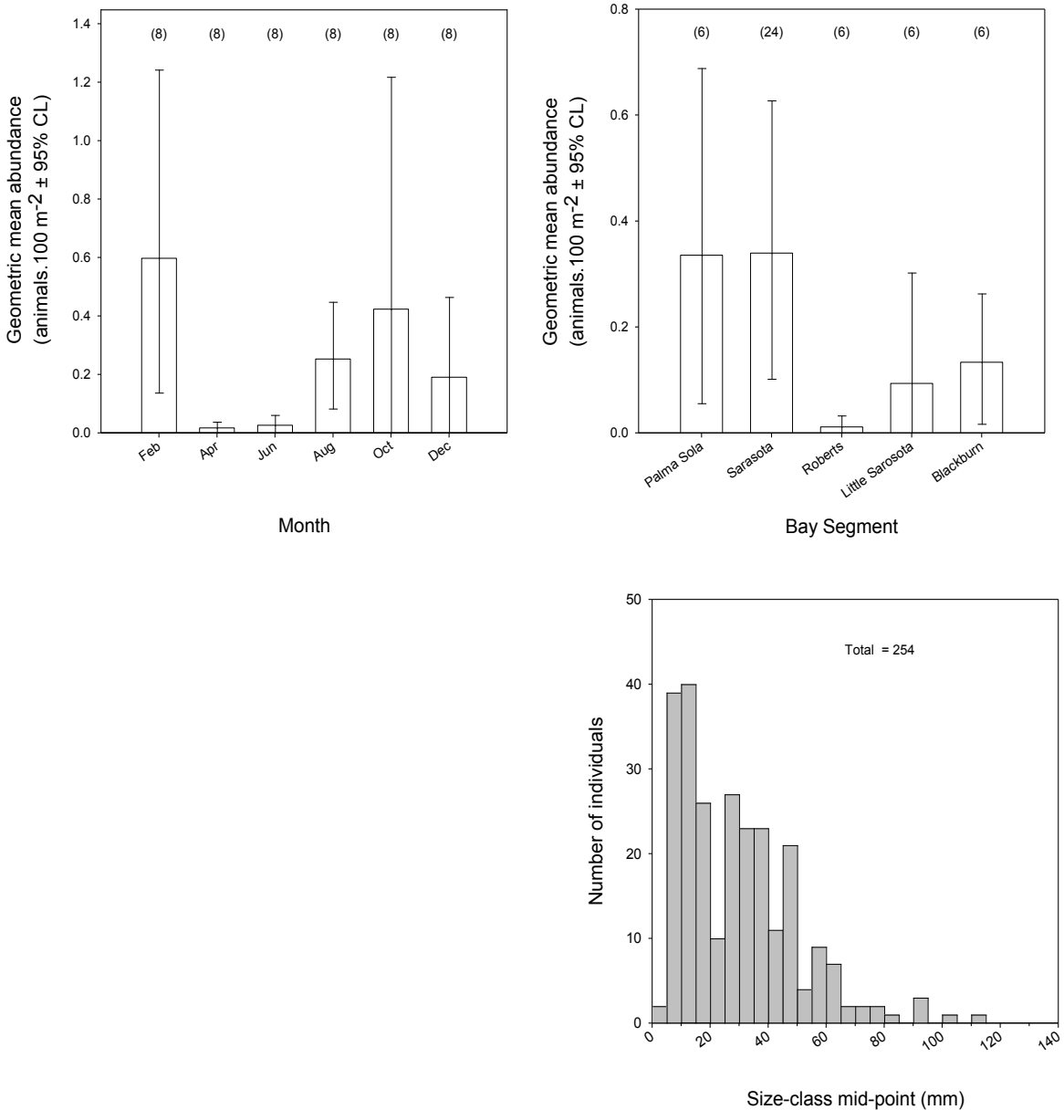
Callinectes sapidus (blue crab)
6.1-m trawl



Appendix G Figure 2. Relative abundance and length-frequency distribution of blue crab collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Menippe spp. (stone crabs)
6.1-m trawl

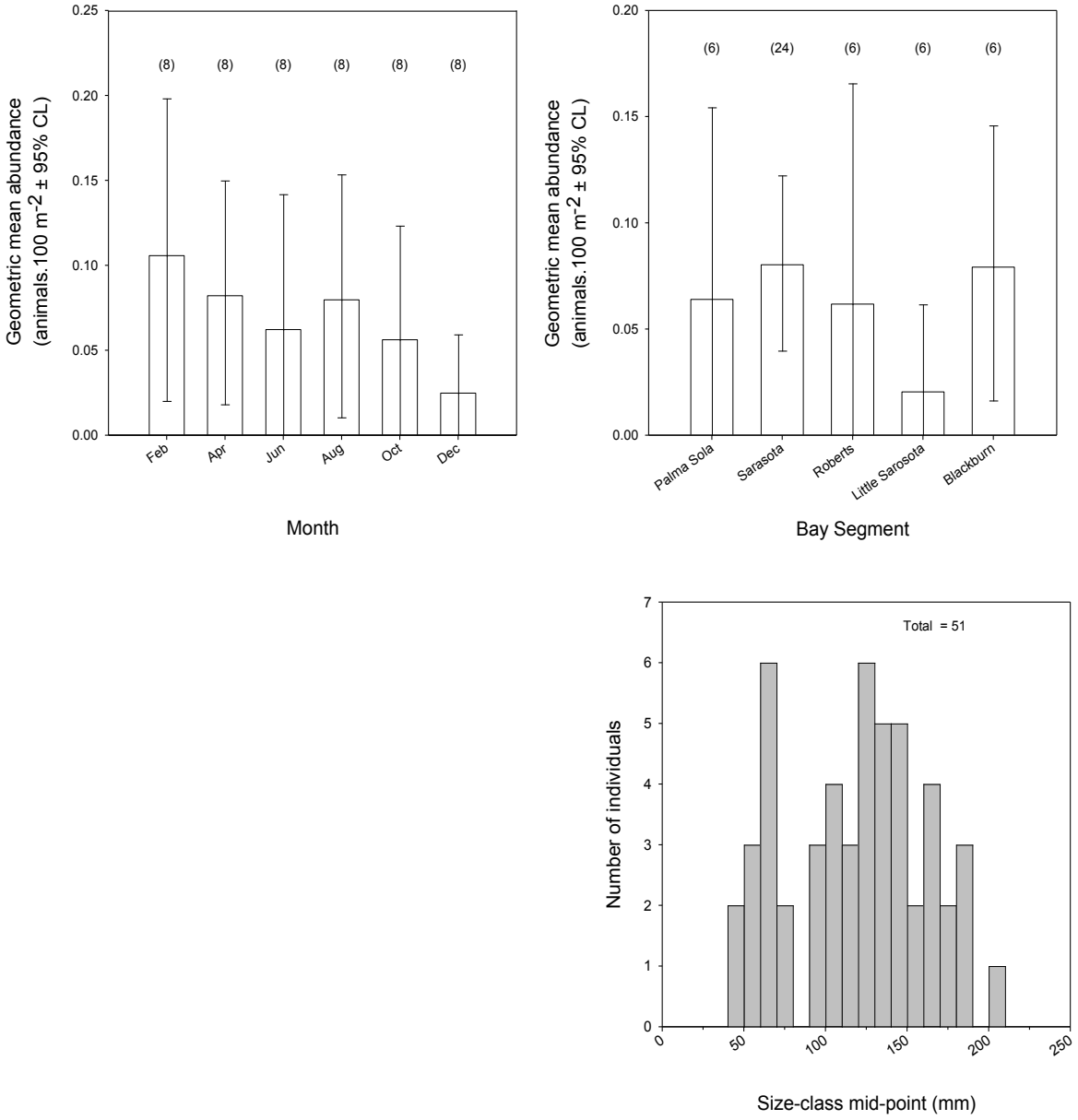


Appendix G Figure 3. Relative abundance and length-frequency distribution of stone crabs collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-000427

Prionotus scitulus (leopard searobin)

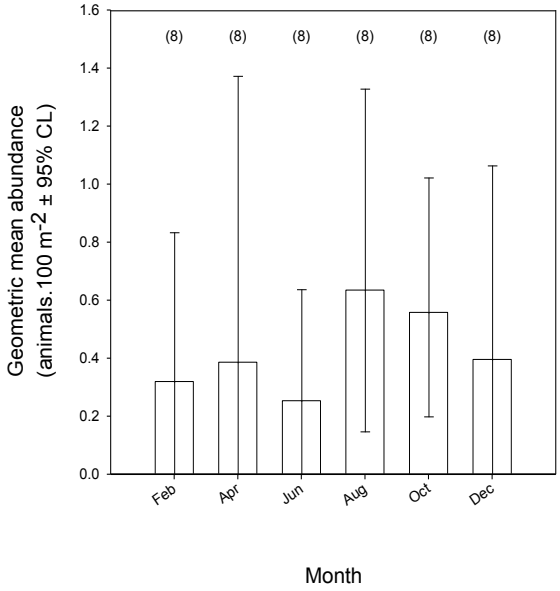
6.1-m trawl

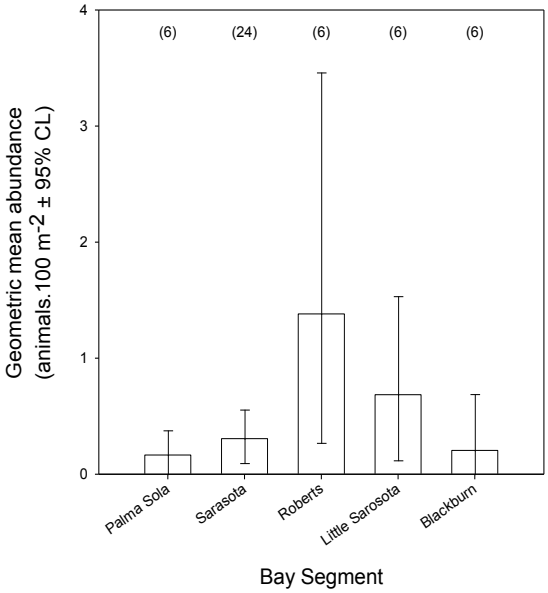


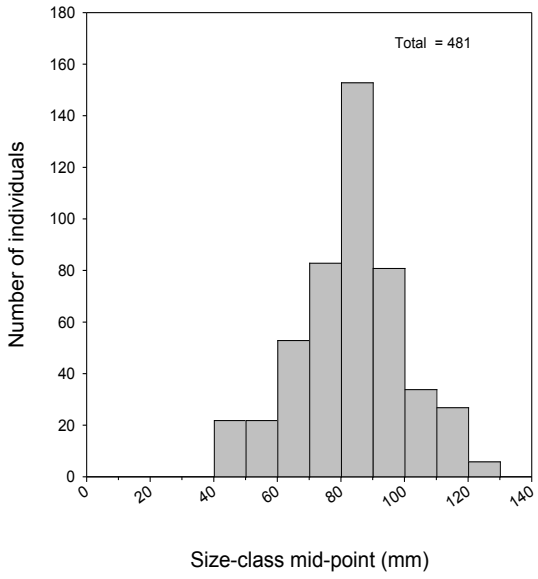
Appendix G Figure 4. Relative abundance and length-frequency distribution of leopard searobin collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Eucinostomus gula (silver jenny)
6.1-m trawl



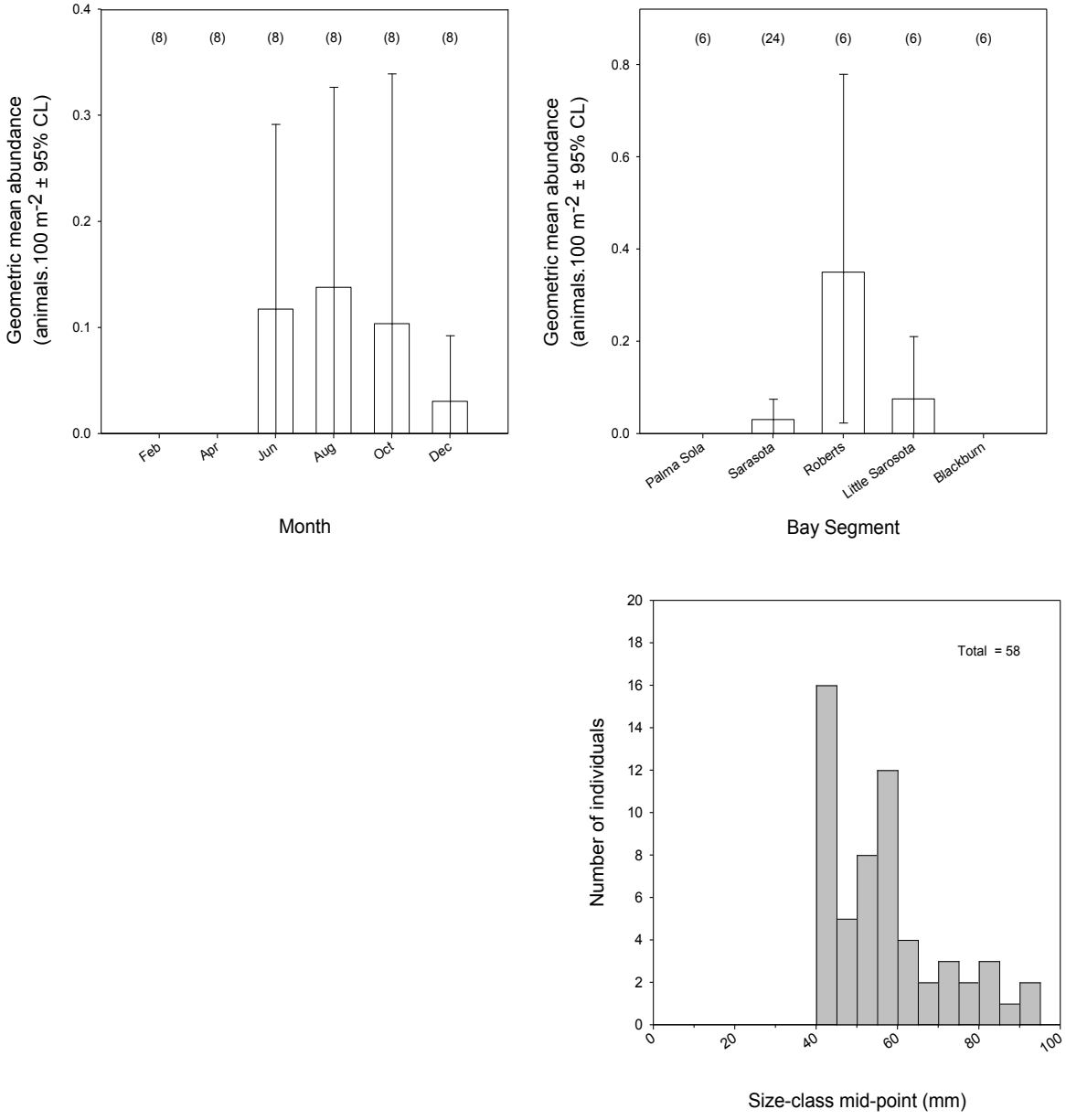




Appendix G Figure 5. Relative abundance and length-frequency distribution of silver jenny collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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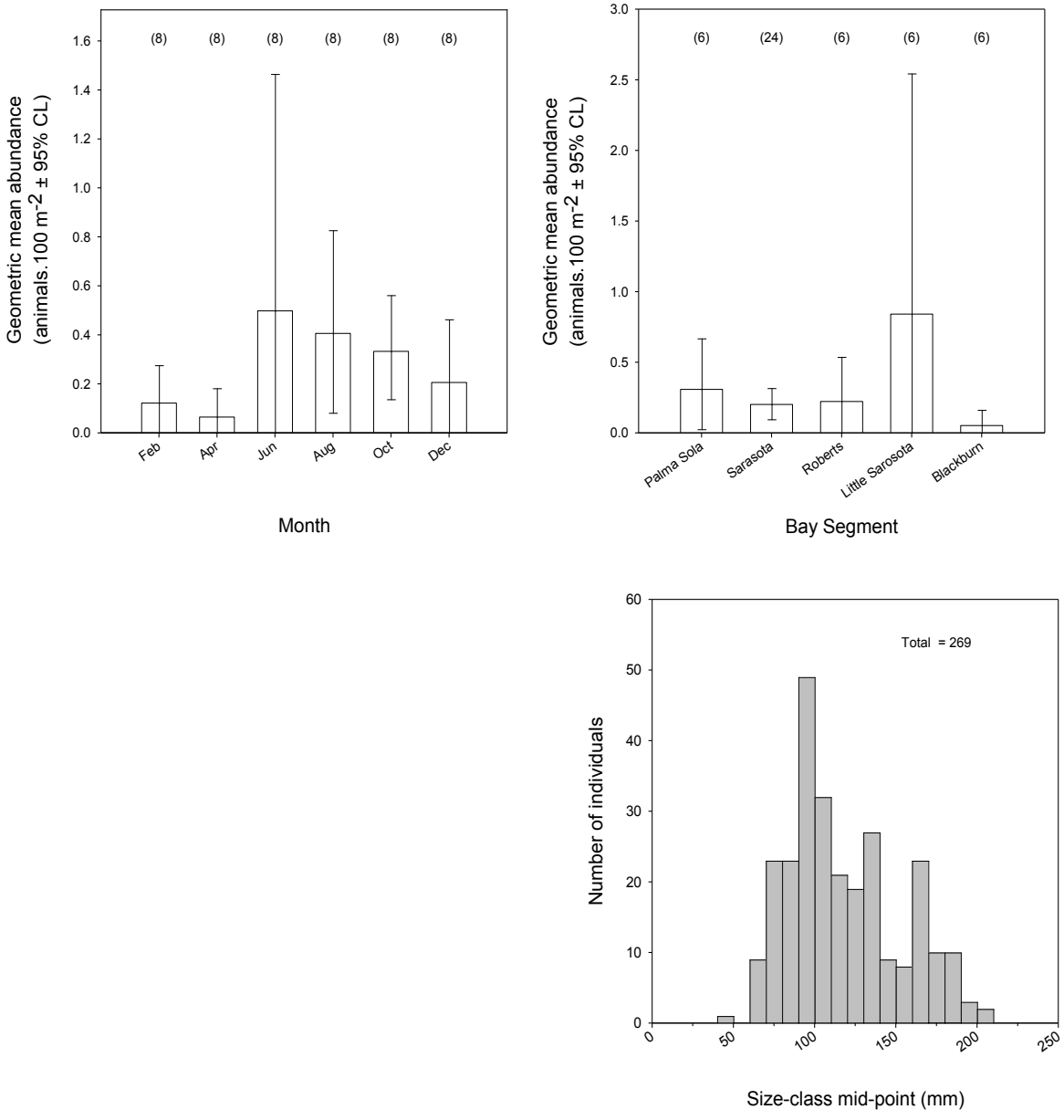
Eucinostomus harengulus (tidewater mojarra)
6.1-m trawl



Appendix G Figure 6. Relative abundance and length-frequency distribution of tidewater mojarra collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Orthopristis chrysoptera (pigfish)
6.1-m trawl

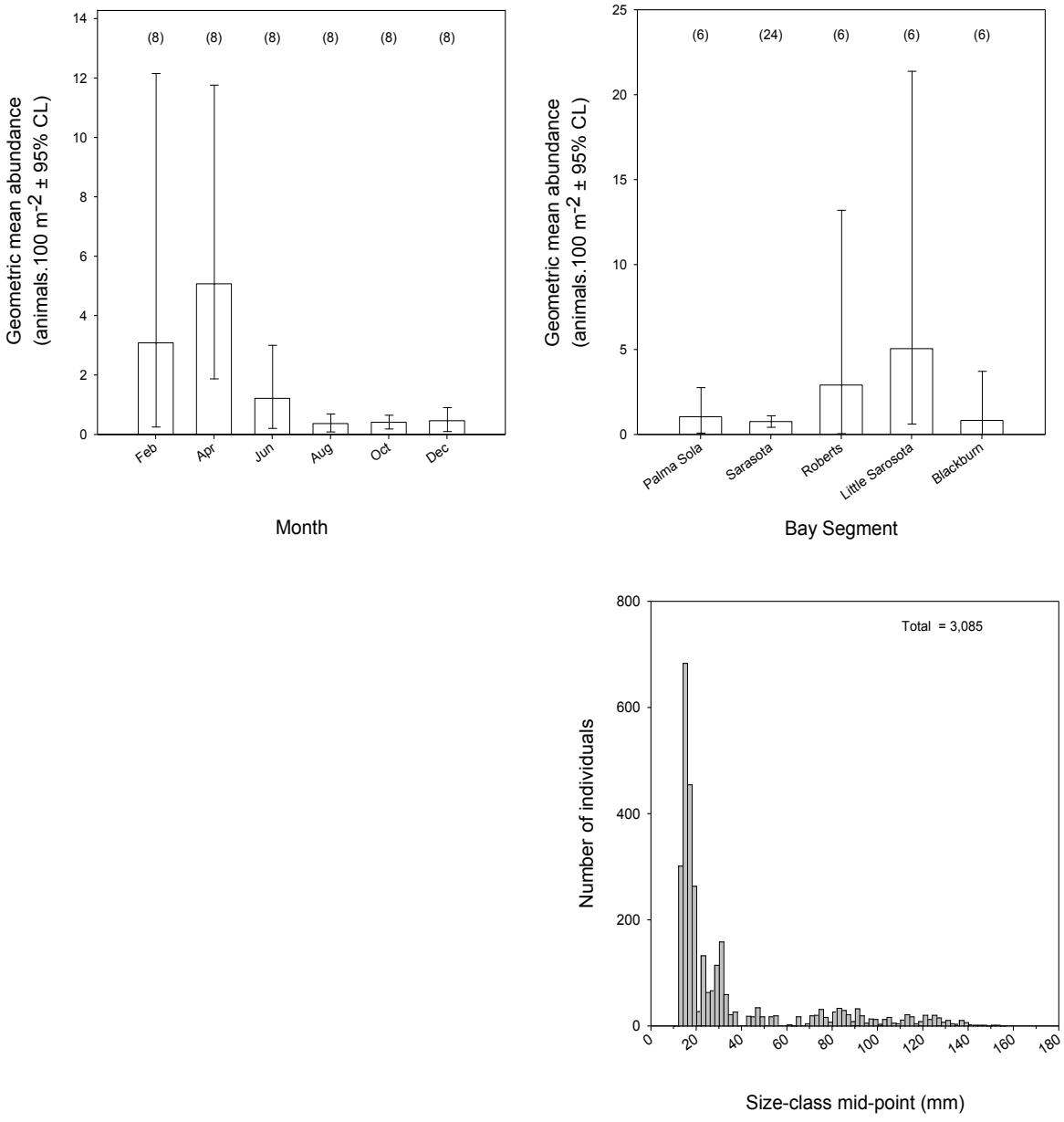


Appendix G Figure 7. Relative abundance and length-frequency distribution of pigfish collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Lagodon rhomboides (pinfish)

6.1-m trawl

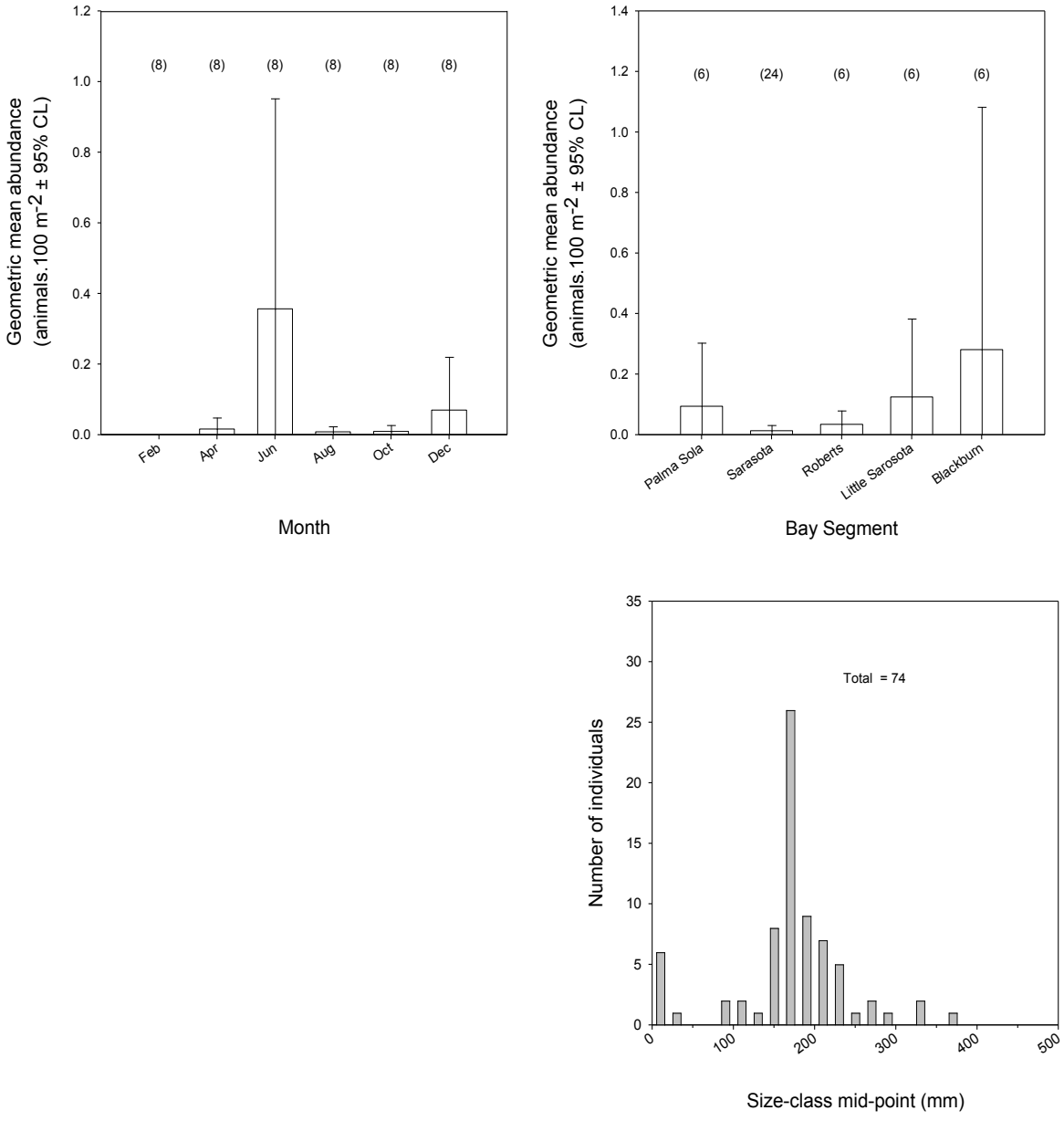


Appendix G Figure 8. Relative abundance and length-frequency distribution of pinfish collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Archosargus probatocephalus (sheepshead)
6.1-m trawl

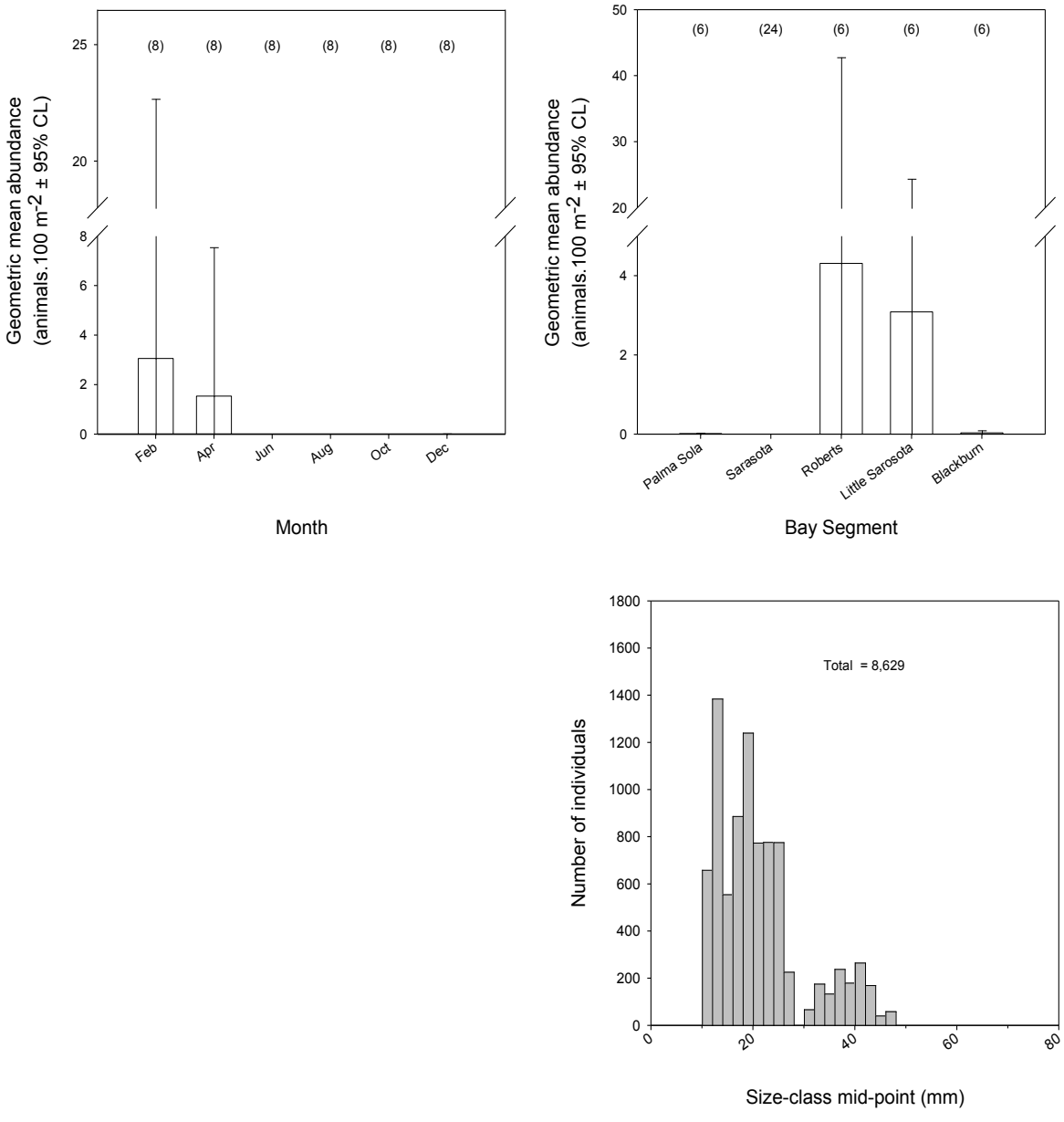


Appendix G Figure 9. Relative abundance and length-frequency distribution of sheepshead collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Leiostomus xanthurus (spot)

6.1-m trawl

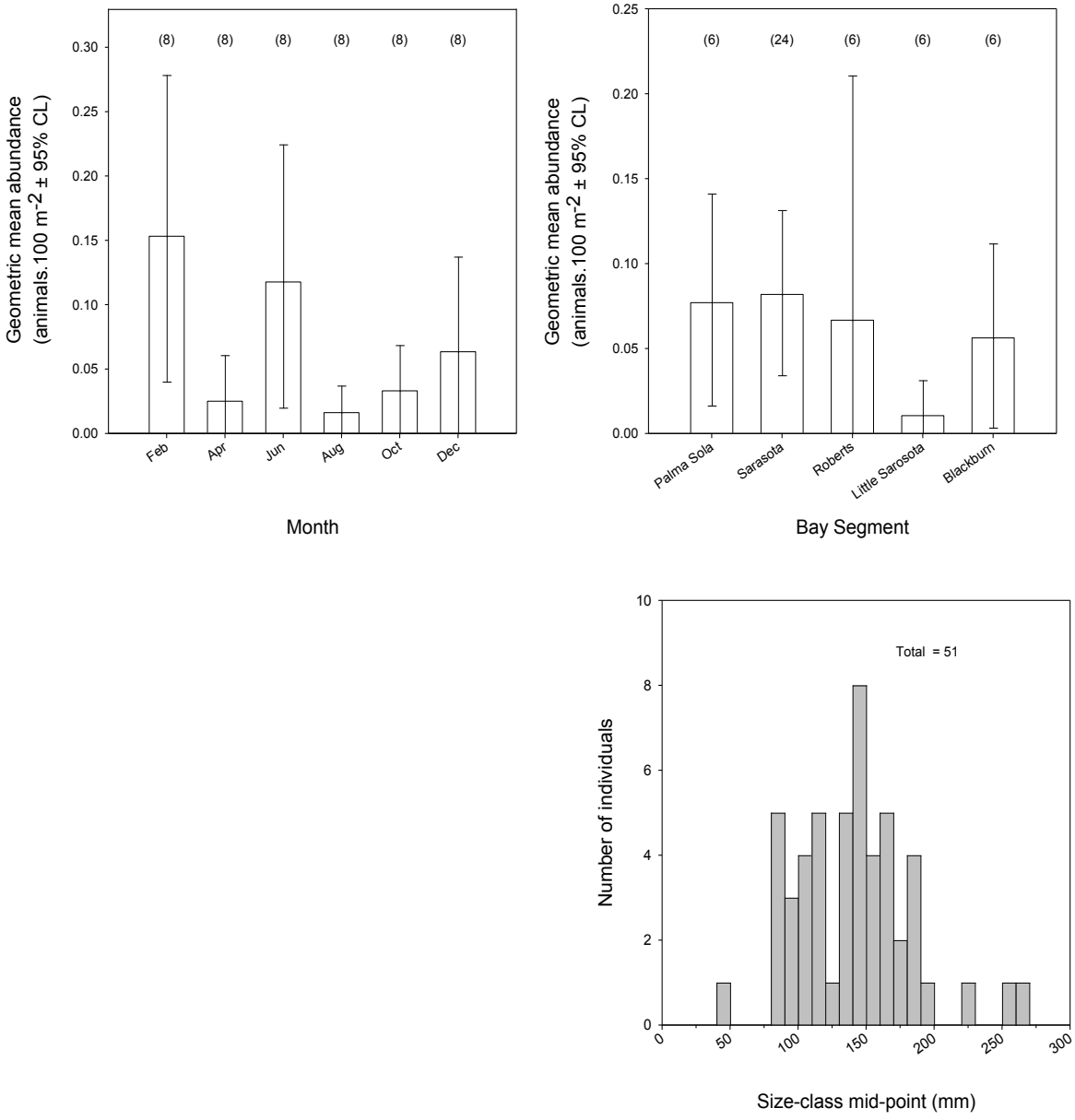


Appendix G Figure 10. Relative abundance and length-frequency distribution of spot collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

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Chilomycterus schoepfii (striped burrfish)
6.1-m trawl



Appendix G Figure 11. Relative abundance and length-frequency distribution of striped burrfish collected with 6.1-m trawl in the Sarasota Bay estuary, June 2009 to April 2010. Numbers in parenthesis along the top of each abundance graph represent the number of samples collected within each category.

AMERICAN OVERSIGHT

From: Alex Funkhouser <inboundnewsletter@sherlocktechnology.com>
Sent: Tuesday, January 21, 2020 12:12 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: $150K+ Digital Mgr Miami; Homnick on AI; SW DevCon; STATE OF THE CIO; NAF Mega Conf

$150K+ Digital Mgr Miami; Homnick on AI; SW DevCon; STATE OF THE CIO; NAF Mega Conf.

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Previous Newsletters
View in a Browser

Published Tuesday, January 21, 2020
to over 30,000 South Florida IT Professionals

display image | display image | display image

Tech Events

Tuesday, Jan 21 2020

Ironhack Open House : Learn how you can change careers ASAP!

Monthly Linux Meetup (also covering Open Source, UNIX and UNIX-Like Systems)

Direct Device to Device Communication – Shelly Products from Allterco Robotics

Wednesday, Jan 22 2020

vBeersPlus @ vBeersPlus New Horizons Miami (Blue Lagoon)

Thursday, Jan 23 2020

R + Tableau: Let's Enrich Data Science with More Visualizations with Hong Wang

Tuesday, Jan 28 2020

SFAA SIG – SAFe Scaling Agile : What , How and When ?

World Economic Forum 2020 Kicks Off

The World Economic Forum Annual Meeting in Davos-Klosters is the foremost creative force for engaging the world's top leaders in collaborative activities to shape global, regional and industry agendas at the beginning of each year. The theme of the 2020 meeting is Stakeholde... Read More

$150K+Bonus Sr. Manager Digital Product Miami, Florida

Senior Digital Product Manager, Permanent, Miami, Florida. Compensation: $130k-$150k with 15% bonus, plus outstanding benefits package! Based in Miami, FL and reporting to the Director, Product, the Sr. Manager/Manager, Product will be responsible fo... Read More

Earlybird Registration: 14th Annual State of the CIO 2020, Mar 4

We are excited to announce that the 14th Annual State of the CIO will take place on Wednesday, March 4, 2020, at the Signature Grand, Fort Lauderdale. The State of the CIO is the CIO Council's premier annual event and offers CIOs, CTOs, Senior IT Managers and Technology... Read More

Democratizing Artificial Intelligence (AI) with Google Cloud and Power BI, Jan 30

Details: This is a joint event between Gold Coast User Group (GCUG) and the Microsoft Data and AI South Florida User Group. Title: Democratizing Artificial Intelligence (AI) with Google Cloud and Power BI Presenter: Joe Homnick, Certified DBA and Data Scientist ... Read More

Call for Speakers & Sponsors for the South Florida Software Developer Conference (aka CodeCamp), Feb 29

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Wednesday, Jan 29 2020

OpenHackNight @ Ultimate Software

Thursday, Jan 30 2020

Democratizing AI with Google Cloud and Power BI by Joe "OG of the UG" Homnick

Saturday, Feb 01 2020

Tech for Good: Census 2020

Tuesday, Feb 04 2020

rstudio::conf 2020 viewing party □□□

Online Love + Data Analytics – Learn the data behind your favorite dating sites

Wednesday, Feb 05 2020

vBeersPlus @ West Palm Beach (Venture X)

Boca JS – Node JS 101 – Learn NodeJS w/ Damian Montero

Thursday, Feb 06 2020

WCMIA, Using Block Editor For Page Layout, And More

Wednesday, Feb 12 2020

vBeersPlus @ General Provision Downtown Ft. Lauderdale

The 2020 South Florida Software Developer Conference is the 16th annual conference previously known as the South Florida Code Camp. It is a FREE one-day GEEK FEST held on Saturday, February 29, 2020, at Nova Southeastern University. This year we are teaming up with Tech ... Read More

Join Us For SQLSATURDAY #946, South Florida, BI Edition, Feb 22

PASS SQLSaturday is a free training event for professionals who use the Microsoft data platform. These community events offer content across data management, cloud and hybrid architecture, analytics, business intelligence, AI, and more. This event will be held on Feb 22,... Read More

SUPERCONF 2020 Miami, Mar 13 to 14

SUPERCONF is a conference for makers! The designers, developers, and entrepreneurs molding our future. Hosted in sunny Miami (Wynwood to be exact). It's an intimate conference with only 250 tickets, so you'll get a chance to meet everyone; attendees, speakers, founders, ... Read More

Join us for the 2020 NAF Mega Student Conference, Apr 21

Developing Our Leaders and Innovators The conference features keynote speakers and other special speakers, break out sessions, plus internship interviews with industry professionals. Approximately 1,400 high school students will be attending from Miami-Dade NAF Academies ... Read More

Call for CyberSecurity Research White Papers – Journal of Cybersecurity Awareness & Education (CAE)

Journal of Cybersecurity Awareness & Education (CAE Journal) serves as a forum for higher education students to develop their research foundations through a better understanding of core cybersecurity elements that underpin our National Infrastructure and global technolog... Read More

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We believe that an educated community of technology professionals strengthens our companies, builds our economic region, and enhances all of our lives. That's why we are active in the South Florida technology community and why we proudly sponsor a wide range of events and user groups.

We would also appreciate the opportunity to serve your company's hiring needs by providing the best professionals our IT community has to offer for your specialized technical requirements.

Senior Java Developer, Miami
Sr. Manager, Digital Product, Miami
Director, Digital Product, Miami
Salesforce Cloud Dev/Admin contract, Weston
Node.js / Full Stack Developer, Miami
Junior Analyst / DB Developer, Miami
Systems Engineer, Boca Raton
Pre-Sales Engineer – Mobile, Boca Raton
Director – End User Experience, Miami
Director, Global Network Services, Miami
Chief Information Security Officer – CISO, Boca Raton
Graphic Designer, San Francisco
Senior iOS Developer, Webster
Data Science & Analytics Manager, Miami
Director of PR Business Development, Miami
System Engineer, Miami
Shopify eCommerce Manager, Fort Lauderdale
Jr. SEM Specialist, Miami
Software Developer – Full Stack, Fort Lauderdale
QA – Engineer, Boca Raton
Developer – Magento, Boca Raton
BI Analyst, Coral Gables
Java – Developer, Boca Raton
Social Media Creative Director, San Francisco
Social Media Account Director, San Francisco
IT Security – Director, Boca Raton
PR Account Supervisor, Miami
PR Account Coordinator, Miami
VoIP – Developer, Fort Lauderdale
Bilingual IBM Project Manager – Technical, Boca Raton
Sr. Security Development Engineer, Miami
Social Media – Account Executive, San Francisco
Account Executive – PR, Miami
Lead QA – Analyst, Fort Lauderdale
SharePoint – Developer – Admin, Boca Raton
Social Media – Account Supervisor, San Francisco
Business Analyst – Medicare C & D, Fort Lauderdale
Developer – Evangelist, New York
Senior Cloud Data Engineer, Miami
Marketing Manager – BD, Miami
Senior Account Executive – PR, Miami
Senior Cyber Security – Engineer, Weston
IT Director – Micros Systems, Fort Lauderdale
Business Continuity and Disaster Recovery Analyst & Project Manager (two roles) , Coral Springs
Product Manager- MAPD/PDP, Fort Lauderdale
Business Analyst – Medicare Enrollment, Fort Lauderdale
Chief of Staff to the Village Manager, North Bay Village
QA Analyst, Ft. Lauderdale
Software Developer (Junior and Mid), Coral Gables
Network Technician, North Bay Village
Software Developer (C++ to C# Development), Miami
Mid Java Developer, Miami
Senior Low Level Programmer with Video Drivers experience, Miami, FL

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This email was sent to **barnhill.josh@flsenate.gov** by **Alex Funkhouser**
SherlockTalent, 1666 Kennedy Causeway Miami Beach, FL 33141

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EnFlyer The Email Marketing Experts

AMERICAN OVERSIGHT

From: Florida Chamber Foundation <emartin@flchamber.com>
Sent: Monday, October 28, 2019 2:42 PM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: $4,442 Reasons to Fix Florida's Broken Legal Climate

FIXING FLORIDA'S LAWSUIT ABUSE PROBLEM

$4,442 Reasons to Fix Florida's Broken Legal Climate

Unfortunately, Florida currently ranks among the nation's worst when it comes to legal climate. Florida's broken system is ranked 46th out of 50 states and puts the interests of personal injury trial lawyers who advertise on TV ahead of the people they represent. An average Florida family pays $4,442 in "lawsuit taxes," through increased prices caused by frivolous and other lawsuits.

"Now is more important than ever for the national Chamber to partner with state chambers because a lot of the legislative opportunities for lawsuit abuse reform are happening in the states," said Harold Kim, VP U.S. Chamber of Commerce and COO U.S. Chamber Institute for Legal Reform. "Florida is well positioned given the fact that the Florida Chamber has such a strong presence in Tallahassee and has the ability to advocate on some pretty difficult issues."

In the video below, you'll meet Mary, a hard-working Floridian who has money taken out of her pocket every day due to Florida's legal climate. Please share this educational video with your employees, vendors and family.

It's time to make Florida's legal system work for the people, not their personal injury lawyers.

Get Involved Today

Sign the petition to help fix Florida's broken legal system. Contact Carolyn Johnson at cjohnson@flchamber.com or 850-521-1235 for more information.

Florida Chamber Foundationl www.FLFoundation.org l Unsubscribe
136 S. Bronough Street, Tallahassee, Florida 32301 l (850) 521-1200

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Friday, January 10, 2020 4:57 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 01/13 Daily Briefing
Attachment(s): "Daily Briefing01-13 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the January 13, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Monday, January 13, 2020

SCHEDULE

N/A

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	In committee/council (ACJ)
SB 126	Sales and Use Tax	In committee/council (FT)
SB 514	Homestead Exemptions	In committee/council (CA)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	On agenda (HP)
SB 520	Drones	In committee/council (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	In committee/council (GO)
SB 898	Insurance Guaranty Associations	On agenda (BI)
SB 922	Economic Development	In committee/council (CM)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	In committee/council (CF)

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SB 1066	Impact Fees	In committee/council (CA)
SB 1102	Specialty Contracting Services	In committee/council (IT)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	In committee/council (IT)
SB 1190	Cooling Towers	In committee/council (HP)
SB 1192	Tax on Aviation Fuel	On agenda (CM)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
SB 1212	International Affairs	In committee/council (GO)
SJR 1216	Limitation on Terms of Office for Members of a District School Board	In committee/council (EE)
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
SB 1236	Educational Property Tax Exemption	In committee/council (CA)
SB 1240	Corporate Income Tax Credit	In committee/council (CM)
SB 1266	Social Media Websites	In committee/council (IT)
SB 1268	Capital Investment Tax Credit	In committee/council (IT)
SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	In committee/council (JU)
SB 1366	Trusts	Filed
SB 1424	Special Neighborhood Improvement Districts	Filed
SB 1450	Environmental Enforcement	Filed
SB 1488	Construction Defects	Filed
SB 1494	Insurance Coverage for Condominium Unit Owners	Filed
SB 1518	Acquisition of Certain Professional Services	Filed
SB 1538	Government Integrity	Filed
SB 1642	Tax Exemptions	Filed
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	Filed
SB 1684	Health Care Provider Credentialing	Filed

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Chair Diaz and the Education Committee will meet to consider the following bills: SB 62 by Senator Stargel—K-12 Education, SB 72 by Senator Stargel—Postsecondary Education, SB 536 by Senator Diaz—Charter Schools, SB 836 by Senator Simmons—Funds for the Operation of Schools, SB 1088 by Senator Diaz—Teacher Salary Enhancement, SB 1164 by Senator Perry—Gardiner Scholarship, and SB 1218 by Senator Diaz—Anti-bullying and Anti-harassment in Schools.

Chair Hooper and the Governmental Oversight and Accountability Committee will meet to consider the following bills: CS/SB 406 by the Committee on Health Policy and Senator Stargel—Public Records/Minor's Petition to Waive Consent/Abortion, CS/SB 476 by the Committee on Innovation, Industry, and Technology and Senator Hooper—Law Enforcement Vehicles, SB 504 by Senator Perry—Local Government Public Construction Works, SB 506 by Senator Perry—Public Procurement of Services, SB 620 by Senator Hooper—Firefighters' Bill of Rights, SB 936 by Senator Gainer—Disability Retirement Benefits, SM 976 by Senator Pizzo—Haitian and Caribbean American Recognitions, SM 978 by Senator Pizzo—Juneteenth Independence Day, SB 1050 by Senator Diaz—Disaster Volunteer Leave for State Employees, SB 1114 by Senator Montford—Cost-of-living Adjustments to State Employee Salaries, and SB 7010 by the Committee on Military and Veterans Affairs and Space (Wright)—OGSR/Servicemembers and the Spouses and Dependents of Servicemembers.

Chair Simpson and the Innovation, Industry, and Technology Committee will meet to consider the following bills: CS/SB 802 by the Committee on Judiciary; Senator Perry and others—Marketable Record Title Act, SB 1060 by Senator Thurston—Public Records and Meetings/911 or E911 Communication System, SB 1170 by Senator Baxley—Public Records and Meetings/Division of State Technology, SB 818 by Senator Hooper—Manufactured Housing, and SB 1128 by Senator Diaz—Vacation Rentals.

Chair Flores and the Community Affairs Committee will meet to consider the following bills: SB 566 by Senator Bracy—Prohibited Discrimination, CS/SB 580 by the Committee on Judiciary and Senator Bracy— Uniform Partition of Heirs Property Act, SB 630 by Senator Mayfield—Regulation of Smoking, SB 998 by Senator Hutson—Housing, and SB 1072 by Senator Wright—Redevelopment Trust Funds.

Chair Montford and the Environment and Natural Resources Committee will for presentations by the Florida Department of Environmental Protection on the Overview of Resiliency Programs and the Florida Department of Economic Opportunity on the Funding for Disaster Mitigation. The Committee will also meet to consider the following bills: Projects SB 606 by Senator Bean—Anchoring Limitation Areas, SB 812 by Senator Hutson—Public Records/Threatened or Endangered Species, SB 7016 by the Committee on Infrastructure and Security (Lee)— Statewide Office of Resiliency, SB 822 by Senator Albritton—Drones, and SPB 7024—Florida Forever.

Chair Lee and the Infrastructure and Security Committee will meet to consider the following bills: SB 70 by Senator Book and others—Panic Alarms in Public Schools, SB 728 by Senator Stargel—Threats, SB 788 by Senator Book—Statewide Active Shooter Response Planning, SB 834 by Senator Simmons—Emergency Alerts, a proposed committee substitute combining the following bills: SR 214 by Senator Rodriguez and others—White Nationalism and White Supremacy and SR 222 by Senator Simpson and others—White Nationalism and White Supremacy, SPB 7028—Public Safety and SPB 7030—Public Records/Active Threat Assessments and Threat Management Records.

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TOP CAUCUS TWEETS AND POSTS

Bill Galvano @BillGalvano
Art is an important part of our society. A goal of my term as Senate President was to commission a timeless, unifying, and welcoming piece of art for our 5th Floor Gallery. We will unveil this beautiful work of art on Tuesday.

George Gainer @SenatorGainer
Honored to help bring this wonderful program to #Okaloosa. #MentalHealthMatters

Sen. Anitere Flores @anitere_flores
On Tuesday, I received the Honors College Medallion from @fiuhonors for my continued support of @FIU over the years & for having established the 1st Gen Scholarship program. Thank you FIU for this award & for all the phenomenal work you're doing. #FIUAlum#GoPanthers

IN CASE YOU MISSED IT

CBS Miami: Ten Big Issues To Watch During The 2020 Florida Legislative Session
News 4 Jax: Florida lawmakers address ‘silent killer’ taking the lives of firefighters
Tallahassee Democrat: Lawmaker combines 'accountability' and 'compassion' in drunk driving bill

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Biscuit Bar (Chicken, Eggs), Apple Butter, Seasonal Fruit Salad

Lunch: Pulled Pork, Pulled Chicken, Buns, Tossed Salad, Mac & Cheese, Green Beans, Banana Pudding

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Monday, January 13, 2020 6:02 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 01/14 Daily Briefing
Attachment(s): "Daily Briefing01-14 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the January 14, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Tuesday, January 14, 2020

SCHEDULE

9:30 — 11:00 AM
SESSION
11:00 AM — until completion
JOINT SESSION
2:30 — 4:30 PM **Schedule Conflict**
Commerce and Tourism - 110 Senate Building

- SB 838 - Business Organizations (Simmons)
- SB 848 - Rural Communities (Montford)
- SB 886 - Errors in Deeds (Powell)
- **SB 1192 - Tax on Aviation Fuel (Gruters)**

Health Policy - 412 Knott Building

- Impact of the Medicaid Retroactive Eligibility Waiver by the Agency for Health Care Administration
- SB 708 - Automated Pharmacy Systems (Hutson)
- **SB 518 - Cardiac Screening for Newborns (Gruters)**
- SB 1080 - Nonopioid Alternatives (Perry)
- SB 864 - Surrendered Newborn Infants (Baxley)
- SB 1020 - Institutional Formularies Established by Nursing Home Facilities (Bean)
- SB 500 - Prohibited Acts by Health Care Practitioners (Harrell)
- SB 878 - Public Records/Emergency Room Health Care Practitioners (Harrell)
- SB 1296 - Health Access Dental Licenses (Berman)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	In committee/council (ACJ)
SB 126	Sales and Use Tax	In committee/council (FT)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

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SB 514	Homestead Exemptions	In committee/council (CA)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	On agenda (HP)
SB 520	Drones	In committee/council (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	In committee/council (GO)
SB 898	Insurance Guaranty Associations	On agenda (BI)
SB 922	Economic Development	In committee/council (CM)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	In committee/council (CF)
SB 1066	Impact Fees	In committee/council (CA)
SB 1102	Specialty Contracting Services	In committee/council (IT)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	In committee/council (IT)
SB 1190	Cooling Towers	In committee/council (HP)
SB 1192	Tax on Aviation Fuel	On agenda (CM)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
SB 1212	International Affairs	In committee/council (GO)
SJR 1216	Limitation on Terms of Office for Members of a District School Board	In committee/council (EE)
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
SB 1236	Educational Property Tax Exemption	In committee/council (CA)
SB 1240	Corporate Income Tax Credit	In committee/council (CM)
SB 1266	Social Media Websites	In committee/council (IT)
SB 1268	Capital Investment Tax Credit	In committee/council (IT)
SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	In committee/council (JU)
SB 1366	Trusts	In committee/council (JU)
SB 1424	Special Neighborhood Improvement Districts	In committee/council (CA)
SB 1450	Environmental Enforcement	In committee/council (EN)
SB 1488	Construction Defects	In committee/council (CA)

AMERICAN OVERSIGHT

SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)
SB 1538	Government Integrity	In committee/council (GO)
SB 1642	Tax Exemptions	Filed
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	Filed
SB 1684	Health Care Provider Credentialing	Filed
SB 1778	Taxation of Real Property	Filed
SB 1822	Verification of Employment Eligibility	Filed

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

Chair Albritton and the Agriculture Committee will to consider the following bills: SB 48 by Senator Book—Declawing of Cats, SB 786 by Senator Gainer—Public Records/Aquaculture Records/Department of Agriculture and Consumer Services, SB 1048 by Senator Pizzo—Courtroom Animal Advocates, SB 1082 by Senator Albritton—Domestic Violence Injunctions, SB 1084 by Senator Diaz and others—Emotional Support Animals, SB 1130 by Senator Albritton—Young Farmers and Ranchers, and SB 1276 by Senator Albritton—Department of Citrus.

Chair Gruters and the Commerce and Tourism Committee will meet to consider the following bills: SB 838 by Senator Simmons—Business Organizations, SB 848 by Senator Montford and others—Rural Communities, SB 886 by Senator Powell—Errors in Deeds, and SB 1192 by Senator Gruters—Tax on Aviation Fuel.

Chair Perry and the Criminal Justice Committee will meet to consider the following bills: SB 294 by Senator Wright and others—Crimes Against Veterans, SB 544 by Senator Harrell—Husband-wife Communications Privilege, SB 700 by Senator Perry and others—Juvenile Diversion Program Expunction, SB 846 by Senator Simmons—Costs of Prosecution and Investigation, SB 852 by Senator Pizzo—Restrictive Housing for Incarcerated Pregnant Women, SB 872 by Senator Perry—Public Records/Commissioners and Specified Personnel/School Administrators, SB 884 by Senator Hooper and others—Law Enforcement and Correctional Officers, SB 888 by Senator Perry—Public Nuisances, SB 1056 by Senator Simpson—PACE Center for Girls, SB 1292 by Senator Perry—Public Records/Nonjudicial Arrest Record of a Minor, SPB 7036—OGSR/Criminal Intelligence Information/Criminal Investigative Information, SPB 7032—OGSR/Body Camera Recordings Obtained by Law Enforcement Officers, SPB 7034—OGSR/Location Information, and SPB 7038—OGSR/Information Held by an Investigative Agency.

Chair Harrell and the Health Policy Committee will meet to consider the following bills: SB 708 by Senator Hutson—Automated Pharmacy Systems, SB 518 by Senator Gruters and others—Cardiac Screening for Newborns, SB 1080 by Senator Perry—Nonopioid Alternatives, SB 864 by Senator Baxley—Surrendered Newborn Infants, SB 1020 by Senator Bean—Institutional Formularies Established by Nursing Home Facilities, SB 500 by Senator Harrell—Prohibited Acts by Health Care Practitioners, SB 878 by Senator Harrell—Public Records/Emergency Room Health Care Practitioners, and SB 1296 by Senator Berman—Health Access Dental Licenses.

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

Rob Bradley @Rob_Bradley
So proud that @FLCaseyDeSantis visited our region today to learn about #ProjectSaveLives! Her incredible advocacy for these issues is already making a huge difference and saving lives-future is even brighter! We've invested in this program for 2 years at state level. More to do!

George Gainer @SenatorGainer
Off to a great start with the unanimous passage of our bill SB 936 which will better serve our state's veterans who are members or beneficiaries of the Florida Retirement System. This bill will further our goal of being the most veteran friendly state in the US. #District2

Debbie Mayfield @debbie_mayfield
Tomorrow, January 14th marks the start of the 2020 Legislative Session. The next 60 days will be extremely busy as we prepare the state budget and act on issues impacting all Floridians. Learn more about the upcoming Session in this week's #MayfieldMinute. conta.cc/2Nkp2cw

FL Senate Majority @FLSenateGOP
SB 1088 by @SenMannyDiazJr passed the Senate Education Committee. The Senate Republican Caucus values our teachers and is proud to support this legislation which aims to increase teacher salaries.

IN CASE YOU MISSED IT

WTSP Tampa: Florida Senate will honor first responders, survivors and those killed at NAS Pensacola
Florida Times-Union: DeSantis announces reduced Florida Prepaid prices
WUSF Tampa: A Slew Of Criminal Justice Bills Are Teed Up For The 2020 Session: Here's A Look At A Few Of Them

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bagels, Pastries, Breakfast Sandwiches, Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Pasta, Meat Sauce, Alfredo Sauce, Marinara Sauce, Meatballs, House Salad, Breadsticks

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Tuesday, January 14, 2020 5:21 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 01/15 Daily Briefing
Attachment(s): "Daily Briefing01-15 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the January 15, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
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Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Wednesday, January 15, 2020

SCHEDULE

10:30 AM — 12:30 PM

Banking and Insurance - 412 Knott Building

- SB 116 - Prescription Insulin Drugs (Cruz)
- SB 880 - Nurse Registry (Baxley)
- SB 894 - Business Services (Rouson)
- **SB 898 - Insurance Guaranty Associations (Gruters)**
  - **A 336280 - Delete line 85 and insert: (Gruters)**
- SB 1092 - Fire Prevention and Control (Bean)
- SB 1188 - Public Records/Records of Insurers/Department of Financial Services (Albritton)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	In committee/council (ACJ)
SB 126	Sales and Use Tax	In committee/council (FT)
SB 514	Homestead Exemptions	In committee/council (CA)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	On agenda (HP)
SB 520	Drones	In committee/council (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	In committee/council (GO)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

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SB 898	Insurance Guaranty Associations	On agenda (BI)
SB 922	Economic Development	In committee/council (CM)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	In committee/council (CF)
SB 1066	Impact Fees	In committee/council (CA)
SB 1102	Specialty Contracting Services	In committee/council (IT)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	In committee/council (IT)
SB 1190	Cooling Towers	In committee/council (HP)
SB 1192	Tax on Aviation Fuel	Acted on by committee/council, pending report (CM)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
SB 1212	International Affairs	In committee/council (GO)
SJR 1216	Limitation on Terms of Office for Members of a District School Board	In committee/council (EE)
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
SB 1236	Educational Property Tax Exemption	In committee/council (CA)
SB 1240	Corporate Income Tax Credit	In committee/council (CM)
SB 1266	Social Media Websites	In committee/council (IT)
SB 1268	Capital Investment Tax Credit	In committee/council (IT)
SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	In committee/council (JU)
SB 1366	Trusts	In committee/council (JU)
SB 1424	Special Neighborhood Improvement Districts	In committee/council (CA)
SB 1450	Environmental Enforcement	In committee/council (EN)
SB 1488	Construction Defects	In committee/council (CA)
SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)
SB 1538	Government Integrity	In committee/council (GO)
SB 1642	Tax Exemptions	Filed
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	Filed
SB 1684	Health Care Provider Credentialing	Filed
SB 1778	Taxation of Real Property	Filed
SB 1822	Verification of Employment Eligibility	Filed

AMERICAN OVERSIGHT

Chair Wright and the Military and Veterans Affairs and Space Committee will meet for a Senate Confirmation Hearing for Adjutant General of Florida National Guard Appointee: Eifert, James O. The committee will also meet to consider SB 96 by Senator Cruz and others—Educational Opportunities for Veterans and SB 352 by Senator Hutson—Unlawful Use of Uniforms, Medals, or Insignia.

Chair Benacquisto and the Rules Committee will meet to consider the following bills: SM 420 by Senator Diaz and others—VA MISSION Act of 2018, CS/CS/SB 140 by the Committees on Banking and Insurance, Community Affairs; Senator Hutson and others—Fireworks, CS/SB 356 by the Committee on Innovation, Industry, and Technology; Senator Hutson and others—Keep Our Graduates Working Act, SB 172 by Senator Bradley—Florida Drug and Cosmetic Act, SR 546 by Senator Rodriguez—Oppression of the Nicaraguan People/President Daniel Ortega, SB 594 by Senator Benacquisto—Florida Statutes, SB 596 by Senator Benacquisto—Florida Statutes, SB 598 by Senator Benacquisto—Florida Statutes, and SB 600 by Senator Benacquisto—Florida Statutes.

Chair Simmons and the Judiciary Committee will meet to consider the following bills: CS/SB 404 by the Committee on Health Policy; Senator Stargel and others—Parental Consent for Abortion, SB 726 by Senator Rouson—Florida Commission on Human Relations, SB 748 by Senator Flores—Takings Claims Within Areas of Critical State Concern, and SB 1002 by Senator Rodriguez—Subpoenas.

Chair Broxson and the Banking and Insurance Committee will meet to consider the following bills: SB 116 by Senator Cruz and others—Prescription Insulin Drugs, SB 880 by Senator Baxley—Nurse Registry, SB 894 by Senator Rouson—Business Services, SB 898 by Senator Gruters and others—Insurance Guaranty Associations, SB 1092 by Senator Bean—Fire Prevention and Control, and SB 1188 by Senator Albritton—Public Records/Records of
Insurers/Department of Financial Services.

Chair Book and the Children, Families, and Elder Affairs Committee will meet to consider the following bills: SB 82 by Senator Bean—Individuals With Disabilities, SB 994 by Senator Passidomo and others—Guardianship, and SB 1324 by Senator Simpson—Child Welfare.

Chair Mayfield and the Appropriations Subcommittee on Agriculture, Environment, and General Government will meet for the following Senate Confirmation Hearings: Executive Director of Northwest Florida Water Management District Appointee: Cyphers, Brett J., Executive Director of St. Johns River Water Management District Appointee: Shortelle, Ann B., Executive Director of South Florida Water Management District Appointee: Bartlett, Andrew "Drew", Executive Director of Southwest Florida Water Management District Appointee: Armstrong, Brian J., and Executive Director of Suwannee River Water Management District Appointee: Thomas, Hugh L.

Chair Bean and the Appropriations Subcommittee on Health and Human Services will meet to consider CS/SB 58 by the Committee on Health Policy; Senator Book and others—Prescription Drug Donation Repository Program and for a Senate Confirmation Hearing for State Surgeon General Appointee: Rivkees, Scott A.

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

Sen. Dennis Baxley @dennisbaxley
Today marks the first day of our 60 day Legislative Session and my colleagues and I are ready to continue our work of representing you in the Florida Senate! #OpeningDay

Kathleen Passidomo @Kathleen4SWFL
This morning we embark on a mission to create good policy for all Floridians. I am proud to serve Florida's Senate District 28 in Tallahassee.

Bill Galvano @BillGalvano
It was an honor to visit with the survivors and first responders of the NAS Pensacola terrorist attack, as well as the families of those we lost.

Lizbeth Benacquisto @lizbethkb
This morning @BillGalvano and the @FLSenate unveiled the new artwork that will greet Floridians from across the state as they enter the Senate Gallery, a beautiful piece carved from a native cypress tree.

IN CASE YOU MISSED IT

WPTV West Palm Beach: Key Florida senator files plan for Everglades restoration, money for other water projects
Miami Herald: Senate president doesn't set his agenda to start session but does quote Mother Theresa
Bay News 9: Watchdog: New Florida Legislation Aims to Toughen Guardianship Laws
Tallahassee Democrat: NAS Pensacola shooting first responders, victims, families honored by lawmakers

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Fajita Bar, Salad Bar, Chips, Guacamole, Queso, Salsa, Cookies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Friday, January 17, 2020 5:17 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 01/21 Daily Briefing
Attachment(s): "Daily Briefing01-21 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the January 21, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

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Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Tuesday, January 21, 2020

SCHEDULE

10:00 — 11:30 AM

Commerce and Tourism - 110 Senate Building

- SB 666 - Florida Development Finance Corporation (Mayfield)
- SB 1112 - Bottled Water Excise Tax (Taddeo)
- SB 1244 - State Workforce Development Boards (Albritton)
- SB 1310 - Hunting and Fishing Sales Tax Holiday (Mayfield)
- **SB 922 - Economic Development (Gruters)**
  - **A 818472 - Between lines 114 and 115 insert: (Gruters)**
  - **A 694026 - Between lines 114 and 115 insert: (Gruters)**
  - **AA 460038 - Delete line 10 and insert: (Gruters)**

12:00 noon — 1:30 PM

Banking and Insurance - 412 Knott Building

- SB 736 - Coverage for Air Ambulance Services (Diaz)
- SB 914 - Property Insurance (Brandes)
- SB 1006 - Coverage for Hearing Aids for Children (Baxley)
- SB 1224 - Real Estate Conveyances (Simmons)
- SB 1338 - Prescription Drug Coverage (Wright)
- SB 1376 - Credit For Reinsurance (Broxson)
- SB 1404 - Department of Financial Services (Perry)

2:30 — 4:00 PM

Innovation, Industry, and Technology - 110 Senate Building

- SB 474 - Deregulation of Professions and Occupations (Albritton)
- CS/SB 498 - Consumer Protection (Baxley)
- SB 900 - Malt Beverages (Stargel)
- **SB 1102 - Specialty Contracting Services (Gruters)**
- **SB 1140 - Public Accountancy (Gruters)**

4:30 — 6:00 PM

Community Affairs - 301 Senate Building

- SB 388 - Citrus/Hernando Waterways Restoration Council (Hooper)

AMERICAN OVERSIGHT

- **SB 514 - Homestead Exemptions (Gruters)**
  - **D 301196 - Delete everything after the enacting clause and insert: (Gruters)**
- SB 1136 - Children's Services Councils (Brandes)
- SB 1254 - Community Development District Bond Financing (Wright)
- SB 1332 - Towing and Immobilizing Vehicles and Vessels (Hooper)
- SB 1398 - Regional Planning Council Meetings (Flores)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	On agenda (ACJ)
SB 126	Sales and Use Tax	In committee/council (FT)
SB 514	Homestead Exemptions	On agenda (CA)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	In committee/council (AHS)
SB 520	Drones	In committee/council (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	In committee/council (GO)
CS/SB 898	Insurance Guaranty Associations	In committee/council (IT)
SB 922	Economic Development	On agenda (CM)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	In committee/council (CF)
SB 1066	Impact Fees	In committee/council (CA)
SB 1102	Specialty Contracting Services	On agenda (IT)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	On agenda (IT)
SB 1190	Cooling Towers	In committee/council (HP)
SB 1192	Tax on Aviation Fuel	In committee/council (FT)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
SB 1212	International Affairs	In committee/council (GO)
SJR 1216	Limitation on Terms of Office for Members of a District School Board	In committee/council (EE)
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
SB 1236	Educational Property Tax Exemption	In committee/council (CA)
SB 1240	Corporate Income Tax Credit	In committee/council (CM)
SB 1266	Social Media Websites	In committee/council (IT)
SB 1268	Capital Investment Tax Credit	In committee/council (IT)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	In committee/council (JU)
SB 1366	Trusts	In committee/council (JU)
SB 1424	Special Neighborhood Improvement Districts	In committee/council (CA)
SB 1450	Environmental Enforcement	In committee/council (EN)
SB 1488	Construction Defects	In committee/council (CA)
SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)
SB 1538	Government Integrity	In committee/council (GO)
SB 1642	Tax Exemptions	In committee/council (CM)
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	In committee/council (CM)
SB 1684	Health Care Provider Credentialing	In committee/council (BI)
SB 1778	Taxation of Real Property	In committee/council (CM)
SB 1822	Verification of Employment Eligibility	In committee/council (JU)

AMERICAN OVERSIGHT

Chair Albritton and the Agriculture Committee will meet to consider the following bills: SB 240 by Senator Rader—State Symbols, SB 764 by Senator Baxley—Certified Pile Burning, SB 806 by Senator Gainer—Public Records/Animal Health Records/Department of Agriculture and Consumer Services, SB 980 by Senator Brandes—Lost, Stray, Unwanted, or Homeless Dogs and Cats, and SB 1282 by Senator Harrell—Animal Cremation.

Chair Gruters and the Commerce and Tourism Committee will meet to consider the following bills: SB 666 by Senator Mayfield—Florida Development Finance Corporation, SB 1112 by Senator Taddeo and others—Bottled Water Excise Tax, SB 1244 by Senator Albritton—State Workforce Development Boards, SB 1310 by Senator Mayfield—Hunting and Fishing Sales Tax Holiday, and SB 922 by Senator Gruters—Economic Development.

Chair Perry and the Criminal Justice Committee will meet to consider the following bills: SB 92 by Senator Simmons—Controlled Substances, SB 656 by Senator Pizzo—Arrests, SB 850 by Senator Pizzo—Exposure of Sexual Organs, SB 1044 by Senator Pizzo and others—Animal Cruelty, SB 1116 by Senator Brandes—Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections, SB 1118 by Senator Brandes—Inmate Welfare Trust Funds, SB 1142 by Senator Hooper—Offenses Against Firefighters, SB 1144 by Senator Brandes—Department of Juvenile Justice, SB 1146 by Senator Brandes—Special Risk Class of the Florida Retirement System, and SB 1304 by Senator Brandes—Sentencing.

Chair Harrell and the Health Policy Committee will meet to consider the following bills: SB 494 by Senator Simpson and others—H. Lee Moffitt Cancer Center and Research Institute, SB 810 by Senator Simmons—Tobacco and Nicotine Products, SB 792 by Senator Albritton and others—Physical Therapy, SB 120 by Senator Pizzo and others—Naloxone in Schools, SB 842 by Senator Wright—Injured Police Canines, SB 52 by Senator Bean—Medicaid Services, SB 916 by Senator Baxley—Program of All-Inclusive Care for the Elderly, and SB 1374 by Senator Harrell—Regional Perinatal Intensive Care Centers.

Chair Broxson and the Banking and Insurance Committee will meet to consider the following bills: SB 736 by Senator Diaz—Coverage for Air Ambulance Services, SB 914 by Senator Brandes—Property Insurance, SB 1006 by Senator Baxley and others—Coverage for Hearing Aids for Children, SB 1224 by Senator Simmons—Real Estate Conveyances, SB 1338 by Senator Wright—Prescription Drug Coverage, SB 1376 by Senator Broxson—Credit For Reinsurance, and SB 1404 by Senator Perry—Department of Financial Services.

Chair Book and the Children, Families, and Elder Affairs Committee will meet to consider the following bills: SB 122 by Senator Rouson and others—Child Welfare, SB 604 by Senator Bean—Servicemembers Civil Relief Act, SB 1104 by Senator Baxley—State Park Fee Waivers and Discounts, SB 1326 by Senator Simpson—Department of Children and Families, and SB 1542 by Senator Stargel—Alzheimer's Disease.

Chair Simmons and the Judiciary Committee will meet to consider the following bills: SM 978 by Senator Pizzo—Juneteenth Independence Day, SB 1262 by Senator Bracy—1920 Ocoee Election Day Riots, SB 1264 by Senator Bracy—Ocoee Election Day Riots Descendant Compensation Trust Fund/Department of Legal Affairs, SB 1302 by Senator Flores and others—Sovereign Immunity, SB 1510 by Senator Brandes—Jurisdiction of Courts, SB 1362 by Senator Rodriguez—Rental Agreements, SB 1298 by Senator Simmons—Office of the Judges of Compensation Claims, and SB 1392 by Senator Simmons—Official Headquarters of Judicial Officers. The committee will also hold a workshop, discussion and testimony on SB 1328 by Senator Wright—Fines and Fees.

Chair Diaz and the Education Committee will meet to consider the following bills: SB 132 by Senator Braynon—Sunshine Scholarship Program, SB 754 by Senator Baxley—School Crossing Guards, SB 866 by Senator Diaz—Florida Talent Development Council, SB 918 by Senator Brandes—Civic Education, SB 1220

AMERICAN OVERSIGHT

by Senator Diaz—Education, SB 1246 by Senator Stargel—Dual Enrollment, SB 1420 by Senator Flores—Charter Schools, and SPB 7040—Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission.

Chair Hooper and the Governmental Oversight and Accountability Committee will meet to consider the following bills: SB 338 by Senator Rodriguez—Energy Efficiency Savings in State Agencies, SB 952 by Senator Perry—Senior Management Service Class, SM 974 by Senator Pizzo—Jean-Jacques Dessalines Day, SB 1276 by Senator Albritton—Department of Citrus, SB 7014 by the Committee on Banking and Insurance (Broxson)—OGSR/Payment Instrument Transaction Information/Office of Financial Regulation, SB 7022 by the Committee on Infrastructure and Security (Lee)— OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles, SPB 7042—State University Facility Designations, and SPB 7044—State-administered Retirement Systems.

Chair Simpson and the Innovation, Industry, and Technology Committee will meet to consider the following bills: SB 474 by Senator Albritton—Deregulation of Professions and Occupations, CS/SB 498 by the Committee on Commerce and Tourism and Senator Baxley—Consumer Protection, SB 900 by Senator Stargel—Malt Beverages, SB 1102 by Senator Gruters—Specialty Contracting Services, and SB 1140 by Senator Gruters—Public Accountancy.

Chair Flores and the Community Affairs Committee will meet to consider the following bills: SB 388 by Senator Hooper—Citrus/Hernando Waterways Restoration Council, SB 514 by Senator Gruters—Homestead Exemptions, SB 1136 by Senator Brandes—Children's Services Councils, SB 1254 by Senator Wright—Community Development District Bond Financing, SB 1332 by Senator Hooper—Towing and Immobilizing Vehicles and Vessels, and SB 1398 by Senator Flores—Regional Planning Council Meetings.

Chair Montford and the Environment and Natural Resources Committee will meet to consider the following bills: SB 906 by Senator Farmer—Prohibited Reptiles, SB 1042 by Senator Albritton—Aquatic Preserves, SB 1096 by Senator Cruz and others—Bottled Water, and SB 1098 by Senator Cruz and others—Fees/Bottled Water Companies/Department of Environmental Protection. The committee will also meet for a Presentation by the Office of Economic and Demographic Research on the Annual Assessment of Florida's Water Resources and Conservation Lands.

Chair Baxley and the Ethics and Elections Committee will meet for the following Senate Confirmation Hearings: Florida Citrus Commission Appointees: Hancock, Jonathan Ned Martinez, Carlos H., and Schirard, John Patrick, Board of Trustees of Daytona State College Appointees: Holness, Betty Jean, Howard, Randall B., Lloyd, Robert W., and Lubi, Garry R., Board of Trustees of Miami-Dade College Appointees: Abraham, Anay Marie and Bileca, Michael, Board of Trustees of St. Petersburg College Appointee: Gibbons, Deveron M., Board of Trustees of Valencia College Appointees: Lopez-Cid, Daisy and Sasso, Michael Adam, Board of Trustees for the Florida School for the Deaf and the Blind Appointee: Kramer, Matthew, Central Florida Expressway Authority Appointee: Madara, Jay, Board of Medicine Appointee: Cairns, Kevin, Tampa Port Authority Appointees: Allman, Patrick H. III and Mai, Hung T., Jacksonville Port Authority Appointee: Fleming, Edward J., Jr., Board of Professional Surveyors and Mappers Appointee: Hall, Iarelis Diaz, Governing Board of the Northwest Florida Water Management District Appointee: Roberts, George A., and Governing Board of the Suwannee River Water Management District Appointees: Keith, Charles G. and Schwab, Richard. The committee will also meet to consider the following bills: SB 1490 by Senator Bradley and others—Public Officers and Employees, SB 832 by Senator Stargel—Public Records/Members of the Legislature and the Cabinet, SB 1108 by Senator Baxley—Campaign Finance, SJR 1110 by Senator Baxley—Repeal of Public Campaign Financing Requirement, and SR 1458 by Senator Baxley—Supporting the Preservation of the Electoral College.

Chair Lee and the Infrastructure and Security Committee will meet to consider the following bills: SB 88 by Senator Stewart and others—Child Care Facilities, SB 158 by Senator Perry and others—Child Restraint

AMERICAN OVERSIGHT

Requirements, SB 290 by Senator Hooper—School Bus Safety, SB 378 by Senator Lee and others—Motor Vehicle Insurance, SB 538 by Senator Diaz and others—Emergency Reporting, SB 636 by Senator Stargel—Department of Highway Safety and Motor Vehicles, SB 676 by Senator Mayfield—High-speed Passenger Rail Safety, SB 966 by Senator Gainer—Public Records/Disaster Recovery Assistance, SB 1030 by Senator Stargel—Public Records/Vessel Title or Registration/Department of Highway Safety and Motor Vehicles, SB 1086 by Senator Diaz—Vehicle and Vessel Registration Data and Functionality, and SB 1500 by Senator Broxson—Specialty License Plate Fees.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

Rob Bradley @Rob_Bradley
Of course “terms of sentence” in A4 includes paying restitution to victims of crime. Thanks to @flcourts for respecting the right of voters to have our constitutional amendments properly implemented. Great work @JamesGrantFL@JeffreyBrandes@Paul_Renner!

Debbie Mayfield @debbie_mayfield
Artwork from students across #Florida is being displayed in the Capitol during the 2020 Legislative Session. This beautiful piece is by Samantha from @GiffordMiddle@IRCSchools! #RisingStar

Sen. Anitere Flores @anitere_flores
16 years ago, I set out to be YOUR voice in Tallahassee. My constituents were seeking leadership on the economy, education, healthcare, property insurance & more. Thank you for your support & guidance all these years. I pray I served our Districts & Florida well. #FloresFinale

IN CASE YOU MISSED IT

Pensacola News Journal: Florida bill would create 'loophole' to let state employees raise money for medical bills
News 6 Orlando: Guardian bill passes first Senate hurdle
News 4 Jax: Florida Senate bill tackles school safety concerns
Business Observer Florida: Taxes, regulations on the docket in Tallahassee

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Beef Burger Bar, Chicken Burger Bar, Vertigo Chips, Garden Salad, Bread Pudding

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Tuesday, January 21, 2020 6:02 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 01/22 Daily Briefing
Attachment(s): "Daily Briefing01-22 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the January 22, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Wednesday, January 22, 2020

SCHEDULE

10:30 AM — 12:00 noon
SESSION Special Order

- SB 172 - Florida Drug and Cosmetic Act (Bradley)
- SM 420 - VA MISSION Act of 2018 (Diaz)
- SR 546 - Oppression of the Nicaraguan People/President Daniel Ortega (Rodriguez)
- SB 594 - Florida Statutes (Benacquisto)
- SB 596 - Florida Statutes (Benacquisto)
- SB 598 - Florida Statutes (Benacquisto)
- SB 600 - Florida Statutes (Benacquisto)

1:30 — 3:30 PM
Appropriations Subcommittee on Criminal and Civil Justice - 37 Senate Building

- **SB 118 - Security in Trial Court Facilities (Gruters)**
- CS/SB 556 - Inmate Conditional Medical Release (Brandes)
- SB 560 - Sentencing (Brandes)
- CS/SB 574 - Conditional Aging Inmate Release (Brandes)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	On agenda (ACJ)
SB 126	Sales and Use Tax	In committee/council (FT)
SB 514	Homestead Exemptions	Acted on by committee/council, pending report (CA)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	In committee/council (AHS)
SB 520	Drones	In committee/council (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	In committee/council (GO)
CS/SB 898	Insurance Guaranty Associations	In committee/council (IT)
SB 922	Economic Development	Acted on by committee/council, pending report (CM)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	In committee/council (CF)
SB 1066	Impact Fees	In committee/council (CA)
SB 1102	Specialty Contracting Services	In committee/council (CA)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	In committee/council (CM)
SB 1190	Cooling Towers	In committee/council (HP)
SB 1192	Tax on Aviation Fuel	In committee/council (FT)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
SB 1212	International Affairs	In committee/council (GO)
SJR 1216	Limitation on Terms of Office for Members of a District School Board	In committee/council (EE)
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
SB 1236	Educational Property Tax Exemption	In committee/council (CA)
SB 1240	Corporate Income Tax Credit	In committee/council (CM)
SB 1266	Social Media Websites	In committee/council (IT)
SB 1268	Capital Investment Tax Credit	In committee/council (IT)
SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	In committee/council (JU)
SB 1366	Trusts	In committee/council (JU)
SB 1424	Special Neighborhood Improvement Districts	In committee/council (CA)
SB 1450	Environmental Enforcement	In committee/council (EN)
SB 1488	Construction Defects	In committee/council (CA)
SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)
SB 1538	Government Integrity	In committee/council (GO)
SB 1642	Tax Exemptions	In committee/council (CM)
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	In committee/council (CM)
SB 1684	Health Care Provider Credentialing	In committee/council (BI)
SB 1778	Taxation of Real Property	In committee/council (CM)
SB 1822	Verification of Employment Eligibility	In committee/council (JU)

AMERICAN OVERSIGHT

Chair Wright and the Military and Veterans Affairs and Space Committee will meet to consider the following bills: SB 1070 by Senator Wright—Space Florida, SB 1074 by Senator Wright—Surviving Spouse Ad Valorem Tax Reduction, SJR 1076 by Senator Wright—Surviving Spouse Ad Valorem Tax Reduction, SB 1078 by Senator Wright—Special Election/Surviving Spouse Ad Valorem Tax Reduction, and SB 1260 by Senator Albritton—Florida Space Exploration Monument.

Chair Benacquisto and the Rules Committee will meet to consider the following bills: CS/SB 404 by the Committee on Health Policy; Senator Stargel and others—Parental Consent for Abortion and CS/SB 406 by the Committee on Health Policy and Senator Stargel—Public Records/Minor's Petition to Waive Consent/Abortion.

Chair Mayfield and the Appropriations Subcommittee on Agriculture, Environment, and General Government will meet to consider the following bills: CS/SB 506 by the Committee on Governmental Oversight and Accountability and Senator Perry—Public Procurement of Services, SB 540 by Senator Rader—Insurance Guaranty Associations, and CS/SB 712 by the Committee on Community Affairs and Senator Mayfield—Water Quality Improvements.

Chair Brandes and the Appropriations Subcommittee on Criminal and Civil Justice will meet to consider the following bills: SB 118 by Senator Gruters—Security in Trial Court Facilities, CS/SB 556 by the Committee on Criminal Justice; Senator Brandes and others—Inmate Conditional Medical Release, SB 560 by Senator Brandes and others—Sentencing, and CS/SB 574 by the Committee on Criminal Justice; Senator Brandes and others—Conditional Aging Inmate Release.

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

Florida Senate @FLSenate
We are pleased to welcome the newest member of the Florida Senate family. Turner Easton Hutson, born last night at 9:26 p.m to Senator and Mrs. @TravisJHutson. Welcome Turner! We can't wait to meet you.

Bill Galvano @BillGalvano
Great to be with @GovRonDeSantis@FLCaseyDeSantis@richardcorcoran@KeithPerryFL@SenMannyDiazJr former @FLSenatePresident Andy Gardiner and many others today to support the Gardiner Scholarship for our students with unique abilities! @StepUp4Students#SchoolChoice

George Gainer @SenatorGainer
Had a great visit today with my good friend Congressman @DrNealDunnFL2. I am consistently impressed with the work he is doing for the people in the panhandle. Thank you for the update and your dedicated service!

IN CASE YOU MISSED IT

Florida-Times Union: In Legislature, septic tank problems getting notice after heavy algae impacts prompt state review
WJHG Panama City: New facility to house special vehicles to be built for BCSO
Daily Commercial: State lawmakers vow to crack down on pollution that contributes to algae issues

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Shrimp and Pimento Cheese Grits, Orange Bourbon Chicken, Veggie Succotash, Rolls, Cobb Salad, Shortcake Bar

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Monday, January 27, 2020 8:30 AM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 01/27 Daily Briefing
Attachment(s): "Daily Briefing01-27 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the January 27, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

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(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Monday, January 27, 2020

SCHEDULE

1:30 — 3:30 PM
Governmental Oversight and Accountability - 301 Senate Building

- **SB 1212 - International Affairs (Gruters)**
  - **A 316316 - Delete lines 54 - 173 and insert: (Gruters)**
- SB 7002 - OGSR/State Child Abuse Death Review Committee (Children, Families, and Elder Affairs)
- SB 7032 - OGSR/Body Camera Recordings Obtained by Law Enforcement Officers (Criminal Justice)
- SB 7034 - OGSR/Residential Facilities Serving Victims of Sexual Exploitation (Criminal Justice)
- SB 7036 - OGSR/Criminal Intelligence Information/Criminal Investigative Information (Criminal Justice)
- SB 7038 - OGSR/Information Held by an Investigative Agency (Criminal Justice)
- SB 822 - Drones (Albritton)
- SB 1690 - Preservation of Memorials (Torres)
- SB 240 - State Symbols (Rader)
- Consideration of proposed bill:
- SPB 7046 - State Group Insurance Program ()
- Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.
- 1280 Jones Jr., J. Robert

4:00 — 6:00 PM Schedule Conflict
Community Affairs - 301 Senate Building

- SB 334 - Tourist Development Tax (Stewart)
- SB 410 - Growth Management (Perry)
- SB 1336 - Preemption of Local Occupational Licensing (Perry)
- SB 716 - County Boundaries (Mayfield)
- SB 772 - Recreational Vehicle Parks (Hutson)
- SB 996 - Displacement of Private Waste Companies (Albritton)
- **SB 1236 - Educational Property Tax Exemption (Gruters)**
  - **A 928038 - Delete lines 50 - 54 and insert: (Gruters)**
- SB 1466 - Special Districts (Baxley)
- SB 748 - Takings Claims Within Areas of Critical State Concern (Flores)

AMERICAN OVERSIGHT

Environment and Natural Resources - 37 Senate Building

- Report by the Department of Environmental Protection on Citizen Support Organizations
- SB 1390 - Everglades Protection Area (Simmons)
- **SB 1450 - Environmental Enforcement (Gruters)**
  - **A 812520 - Delete line 164 and insert: (Gruters)**
- SB 1618 - Construction Materials Mining Activities (Diaz)
- SB 702 - Petroleum Cleanup (Albritton)
- SB 1382 - Environmental Resource Management (Albritton)

Ethics and Elections - 412 Knott Building

- Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.
- 295 Dye, Randall W.
- 305 Young, Orrin Wayne
- 1435 Payne, Danielle Holm
- 1845 Conner, William Theodore
- 1575 Eifert, James O.
- CS/SB 352 - Unlawful Use of Uniforms, Medals, or Insignia (Hutson)
- **SJR 1216 - Limitation on Terms of Office for Members of a District School Board (Gruters)**
  - **A 327674 - Delete lines 34 - 53 and insert: (Gruters)**
- SB 1312 - Voting Systems (Montford)
- SB 1354 - Statewide Voter Registration Application (Brandes)
- SB 1794 - Constitutional Amendments Proposed by Initiative (Hutson)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	In committee/council (AP)
SB 126	Sales and Use Tax	In committee/council (FT)
CS/SB 514	Homestead Exemptions	In committee/council (FT)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	In committee/council (AHS)
SB 520	Drones	In committee/council (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	In committee/council (GO)
CS/SB 898	Insurance Guaranty Associations	In committee/council (IT)
CS/SB 922	Economic Development	In committee/council (AHS)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	In committee/council (CF)

AMERICAN OVERSIGHT

SB 1066	Impact Fees	In committee/council (CA)
SB 1102	Specialty Contracting Services	In committee/council (CA)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	On agenda (CM)
SB 1190	Cooling Towers	In committee/council (HP)
SB 1192	Tax on Aviation Fuel	In committee/council (FT)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
SB 1212	International Affairs	On agenda (GO)
SJR 1216	Limitation on Terms of Office for Members of a District School Board	On agenda (EE)
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
SB 1236	Educational Property Tax Exemption	On agenda (CA)
SB 1240	Corporate Income Tax Credit	On agenda (CM)
SB 1266	Social Media Websites	In committee/council (IT)
SB 1268	Capital Investment Tax Credit	In committee/council (IT)
SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	In committee/council (JU)
SB 1366	Trusts	In committee/council (JU)
SB 1424	Special Neighborhood Improvement Districts	In committee/council (CA)
SB 1450	Environmental Enforcement	On agenda (EN)
SB 1488	Construction Defects	In committee/council (CA)
SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)
SB 1538	Government Integrity	In committee/council (GO)
SB 1642	Tax Exemptions	In committee/council (CM)
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	In committee/council (CM)
SB 1684	Health Care Provider Credentialing	In committee/council (BI)
SB 1778	Taxation of Real Property	In committee/council (CM)
SB 1822	Verification of Employment Eligibility	In committee/council (JU)

AMERICAN OVERSIGHT

Chair Diaz and the Education Committee will meet to consider the following bills: SB 190 by Senator Montford and others—Medicaid School-based Services, SB 738 by Senator Harrell—Jury Service, SB 774 by Senator Diaz—Public Records and Meetings/Applicant for President/State University or Florida College System Institution, SB 876 by Senator Gibson—Historically Black Colleges and Universities Matching Endowment Scholarship Program, SB 946 by Senator Baxley—Moments of Silence in Public Schools, SB 1568 by Senator Hutson—Education, SB 1688 by Senator Harrell—Early Learning and Early Grade Success, and SB 1696 by Senator Perry—Student Athletes.

Chair Hooper and the Governmental Oversight and Accountability Committee will meet to consider the following bills: SB 1212 by Senator Gruters—International Affairs, SB 7002 the Committee on Children, Families, and Elder Affairs (Book)—OGSR/State Child Abuse Death Review Committee, SB 7032 by the Committee on Criminal Justice (Perry)— OGSR/Body Camera Recordings Obtained by Law Enforcement Officers, SB 7034 by the Committee on Criminal Justice (Perry)— OGSR/Residential Facilities Serving Victims of Sexual Exploitation, SB 7036 by the Committee on Criminal Justice (Perry)—OGSR/Criminal Intelligence Information/Criminal Investigative Information, SB 7038 by the Committee on Criminal Justice (Perry)—OGSR/Information Held by an Investigative Agency, SB 822 by Senator Albritton—Drones, SB 1690 by Senator Torres—Preservation of Memorials, SB 240 by Senator Rader—State Symbols, and SPB 7046—State Group Insurance Program. The committee will also meet for a Confirmation Hearing for Investment Advisory Council Appointee: Jones, J. Robert, Jr.

Chair Simpson and the Innovation, Industry, and Technology Committee will meet to consider the following bills: SB 1154 by Senator Baxley—Community Associations, SB 1214 by Senator Baxley—Engineers, SB 1256 by Senator Albritton—Telegraph Companies, SB 890 by Senator Perry—Local Licensing, and SB 478 by Senator Perry—Motor Vehicle Rentals.

Chair Flores and the Community Affairs Committee will meet to consider the following bills: SB 334 by Senator Stewart—Tourist Development Tax, SB 410 by Senator Perry—Growth Management, SB 1336 by Senator Perry—Preemption of Local Occupational Licensing, SB 716 by Senator Mayfield—County Boundaries, SB 772 by Senator Hutson and others—Recreational Vehicle Parks, SB 996 by Senator Albritton—Displacement of Private Waste Companies, SB 1236 by Senator Gruters—Educational Property Tax Exemption, SB 1466 by Senator Baxley—Special Districts, and SB 748 by Senator Flores—Takings Claims Within Areas of Critical State Concern.

Chair Montford and the Environment and Natural Resources Committee will meet to consider the following bills: Report by the Department of Environmental Protection on Citizen Support Organizations, SB 1390 by Senator Simmons—Everglades Protection Area, SB 1450 by Senator Gruters—Environmental Enforcement, SB 1618 by Senator Diaz—Construction Materials Mining Activities, SB 702 by Senator Albritton—Petroleum Cleanup, and SB 1382 by Senator Albritton—Environmental Resource Management.

Chair Baxley and the Ethics and Elections Committee will meet for the following Senate Confirmation Hearings: Board of Trustees of Daytona State College Appointee: Dye, Randall W., Board of Trustees of Florida State College at Jacksonville Appointee: Young, Orrin Wayne , Governor's Mansion Commission Appointee: Payne, Danielle Holm, Tampa Port Authority Appointee: Conner, William Theodore, and Adjutant General of Florida National Guard
Appointee: Eifert, James O. Pleasure of Governor. The committee will also meet to consider the following bills: CS/SB 352 by the Committee on Military and Veterans Affairs and Space and Senator Hutson—Unlawful Use of Uniforms, Medals, or Insignia, SJR 1216 by Senator Gruters—Limitation on Terms of Office for Members of a District School Board, SB 1312 by Senator Montford—Voting Systems, SB 1354 by Senator Brandes—Statewide Voter Registration Application, and SB 1794 by Senator Hutson—Constitutional Amendments Proposed by Initiative.

AMERICAN OVERSIGHT

Chair Lee and the Infrastructure and Security Committee will meet to consider the following bills: SB 76 by Senator Book—Transportation Disadvantaged, SB 368 by Senator Rouson—Tampa Bay Area Regional Transit Authority, SB 422 by Senator Perry—Recreational Vehicles, SB 752 by Senator Bean and others—Emergency Sheltering of Persons with Pets, SB 844 by Senator Taddeo—Sales Tax Exemption for Hurricane Shutters and Impact-resistant Windows, SB 1000 by Senator Perry and others—Traffic and Pedestrian Safety, SB 1090 by Senator Diaz and others—Express Lanes, SB 1198 by Senator Berman—Purple Alert, SB 1258 by Senator Diaz—Commercial Service Airports, SB 1352 by Senator Brandes—Transportation Companies, SB 1464 by Senator Flores—Underground Facility Damage Prevention and Safety, and SR 1572 by Senator Stewart—Climate Change.

Chair Benacquisto and the Special Order Calendar Group will meet to set the Special Order Calendar.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

Rob Bradley @Rob_Bradley
Incredibly honored to receive award from my dear friend Leader @SenAudrey2eet at the @FCBSL reception last night along with President @BillGalvano! Fabulous night as we celebrated milestones together-including the new CASS building at @FAMU_1887!

Kathleen Passidomo @Kathleen4SWFL
Pleased to welcome @GovRonDeSantis to Naples for his education standards announcement.

Bill Galvano @BillGalvano
Great news! @GovRonDeSantis announced Florida's unemployment rate dropped to record low of 3.0 percent in December 2019.

IN CASE YOU MISSED IT

FOX 51 Gainesville: Military training could translate to Florida college credits
News 4 Jax: House, Senate to take up genetic information issue
WPEC West Palm Beach: Gov. DeSantis announces Florida's unemployment rate drops to record low

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Assorted Breakfast Sandwiches, Fresh Fruit

Lunch: Signature Sandwiches, Chips, Garden Salad, Cookies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Monday, January 27, 2020 6:41 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 01/28 Daily Briefing
Attachment(s): "Daily Briefing01-28 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the January 28, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Tuesday, January 28, 2020

SCHEDULE

8:30 — 10:30 AM

Appropriations Subcommittee on Criminal and Civil Justice - 37 Senate Building

- CS/SB 554 - Sentencing (Brandes)
- CS/SB 700 - Juvenile Diversion Program Expunction (Perry)
- CS/SB 846 - Costs of Prosecution and Investigation (Simmons)
- SB 1002 - Subpoenas (Rodriguez)
- Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Corrections Department of Juvenile Justice Department of Law Enforcement Department of Legal Affairs/Attorney General Florida Commission on Offender Review State Courts Public Defenders State Attorneys Regional Conflict Counsels Statewide Guardian ad Litem Capital Collateral Regional Counsels Justice Administrative Commissions

11:00 AM — 1:00 PM

Finance and Tax - Not Meeting

1:30 — 3:30 PM

Commerce and Tourism - 110 Senate Building

- SB 1166 - Broadband Internet Service (Albritton)
- SB 1186 - Drug-free Workplaces (Baxley)
- SB 1356 - Employer Contributions for Reemployment Assistance (Bean)
- SB 1492 - Consumer Protection (Wright)
- **SB 1140 - Public Accountancy (Gruters)**
- **SB 1240 - Corporate Income Tax Credit (Gruters)**
- Presentation on Policy Considerations Related to Emerging Facial Recognition Technologies

4:00 — 6:00 PM

Banking and Insurance - 412 Knott Building

- SB 924 - Civil Actions Against Insurers (Brandes)
- SB 1306 - Individual Retirement Accounts (Thurston)
- SB 1338 - Prescription Drug Coverage (Wright)
- SB 1564 - Genetic Information for Insurance Purposes (Stargel)
- SB 1672 - Protection of Vulnerable Investors (Broxson)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	In committee/council (AP)
SB 126	Sales and Use Tax	In committee/council (FT)
CS/SB 514	Homestead Exemptions	In committee/council (FT)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	In committee/council (AHS)
SB 520	Drones	In committee/council (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	In committee/council (GO)
CS/SB 898	Insurance Guaranty Associations	In committee/council (IT)
CS/SB 922	Economic Development	In committee/council (AHS)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	In committee/council (CF)
SB 1066	Impact Fees	In committee/council (CA)
SB 1102	Specialty Contracting Services	In committee/council (CA)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	On agenda (CM)
SB 1190	Cooling Towers	In committee/council (HP)
SB 1192	Tax on Aviation Fuel	In committee/council (FT)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
SB 1212	International Affairs	Acted on by committee/council, pending report (GO)
SJR 1216	Limitation on Terms of Office for Members of a District School Board	On agenda (EE)
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
SB 1236	Educational Property Tax Exemption	On agenda (CA)
SB 1240	Corporate Income Tax Credit	On agenda (CM)
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SB 1268	Capital Investment Tax Credit	In committee/council (IT)
SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	In committee/council (JU)
SB 1366	Trusts	In committee/council (JU)
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SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SB 1538	Government Integrity	In committee/council (GO)
SB 1642	Tax Exemptions	In committee/council (CM)
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	In committee/council (CM)
SB 1684	Health Care Provider Credentialing	In committee/council (BI)
SB 1778	Taxation of Real Property	In committee/council (CM)
SB 1822	Verification of Employment Eligibility	In committee/council (JU)

FYI – COMMITTEE ACTIVITY

Chair Mayfield and the Appropriations Subcommittee on Agriculture, Environment, and General Government will meet for a Presentation on Derelict Vessels by the Florida Fish and Wildlife Conservation Commission.

Chair Brandes and the Appropriations Subcommittee on Criminal and Civil Justice will meet to consider the following bills: CS/SB 554 by the Committee on Criminal Justice; Senator Brandes and others—Sentencing, CS/SB 700 by the Committee on Criminal Justice; Senator Perry and others—Juvenile Diversion Program Expunction, CS/SB 846 by the Committee on Criminal Justice and Senator Simmons—Costs of Prosecution and Investigation, and SB 1002 by Senator Rodriguez—Subpoenas. The subcommittee will also meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Corrections, Department of Juvenile Justice, Department of Law Enforcement, Department of Legal Affairs/Attorney General, Florida Commission on Offender Review, State Courts, Public Defenders, State Attorneys, Regional Conflict Counsels, Statewide Guardian ad Litem, Capital Collateral Regional Counsels, and Justice Administrative Commissions

Chair Diaz and the Appropriations Subcommittee on Education will meet to consider the following bills: SB 62 by Senator Stargel—K-12 Education, SB 72 by Senator Stargel—Postsecondary Education, CS/SB 434 by the Committee on Education and Senator Montford—Designation of School Grades, SB 486 by Senator Bradley—Florida Best and Brightest Programs, and SB 836 by Senator Simmons—Funds for the Operation of Schools. The subcommittee will also meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Education, Office of Early Learning, and Board of Governors.

Chair Bean and the Appropriations Subcommittee on Health and Human Services will meet to consider the following bills: SB 52 by Senator Bean—Medicaid Services, SB 82 by Senator Bean—Individuals With Disabilities, SB 1020 by Senator Bean—Institutional Formularies Established by Nursing Home Facilities, CS/SB 1324 by the Committee on Children, Families, and Elder Affairs and Senator Simpson—Child Welfare, and SB 1326 by Senator Simpson—Department of Children and Families.

Chair Albritton and the Agriculture Committee will meet to consider the following bills: SB 48 by Senator Book—Declawing of Cats, SB 1772 by Senator Montford—Environmental Value of Agricultural Lands and Timberlands, and SB 1876 by Senator Montford—State Hemp Program. The committee will also meet for a Presentation by Florida 4-H and an Update on the Florida Citrus Recovery Block Grant Program by the Florida Division of Emergency Management.

Chair Gruters and the Commerce and Tourism Committee will meet to consider the following bills: SB 1166 by Senator Albritton—Broadband Internet Service, SB 1186 by Senator Baxley—Drug-free Workplaces, SB 1356 by Senator Bean—Employer Contributions for Reemployment Assistance, SB 1492 by Senator Wright—Consumer Protection, SB 1140 by Senator Gruters—Public Accountancy, and SB 1240 by Senator Gruters—Corporate Income Tax Credit. The committee will also meet for a Presentation on Policy Considerations Related to Emerging Facial Recognition Technologies.

AMERICAN OVERSIGHT

Chair Perry and the Criminal Justice Committee will meet to consider the following bills: SB 652 by Senator Pizzo—Urban Core Gun Violence Task Force, CS/SB 728 by the Committee on Infrastructure and Security; Senator Stargel and others—Threats, SB 1018 by Senator Stewart—Exposure of Sexual Organs, SB 1024 by Senator Bean—Public Records/Criminal Intelligence and Criminal Investigative Information, SB 1286 by Senator Simmons—Contraband in Specified Facilities, SB 1416 by Senator Perry—Assaults on Specified Persons, SB 1718 by Senator Brandes—Public Meetings and Records/Conditional Aging Inmate Release Program, SB 1728 by Senator Brandes—Public Meetings and Records/Conditional Medical Release Program, SB 1802 by Senator Pizzo—Public Meetings/Urban Core Gun Violence Task Force, and SB 1880 by Senator Perry—Restitution for Juvenile Offenses.

Chair Harrell and the Health Policy Committee will meet to consider the following bills: SB 120 by Senator Pizzo and others—Naloxone in Schools, SB 916 by Senator Baxley—Program of All-Inclusive Care for the Elderly, SB 1374 by Senator Harrell—Regional Perinatal Intensive Care Centers, SB 1516 by Senator Harrell—Organ Transplant Technical Advisory Council, SB 798 by Senator Rouson—Procurement of Human Organs and Tissue, SB 1556 by Senator Bean—Nondiscrimination in Organ Transplants, SB 1726 by Senator Bean—Agency for Health Care Administration, SB 1742 by Senator Mayfield—Home Medical Equipment Providers, SB 926 by Senator Harrell—Health Care Practitioner Licensure, SB 928 by Senator Harrell—Public Records and Meetings/Interstate Medical Licensure Compact, SB 1676 by Senator Albritton—Direct Care Workers, and SB 1344 by Senator Harrell—Intermediate Care Facilities. The committee will also meet for a Review of Florida's Organ Donation and Transplantation System by OPPAGA.

Chair Broxson and the Banking and Insurance Committee will meet to consider the following bills: SB 924 by Senator Brandes—Civil Actions Against Insurers, SB 1306 by Senator Thurston—Individual Retirement Accounts, SB 1338 by Senator Wright and others—Prescription Drug Coverage, SB 1564 by Senator Stargel—Genetic Information for Insurance Purposes, and SB 1672 by Senator Broxson—Protection of Vulnerable Investors.

Chair Book and the Children, Families, and Elder Affairs Committee will meet to consider the following bills: SB 682 by Senator Baxley—Florida Guide to a Healthy Marriage, SB 870 by Senator Book—Mental Health, SB 1120 by Senator Harrell—Substance Abuse Services, SB 1218 by Senator Diaz—Anti-bullying and Anti-harassment in Schools, SB 1482 by Senator Bean—Domestic Violence Services, SB 1548 by Senator Perry—Child Welfare, SB 1586 by Senator Hooper and others—First Responders Suicide Deterrence Task Force, and SB 1748 by Senator Hutson and others—Child Welfare. The committee will also meet for a Presentation on Child Welfare Research by Robert Latham, Children and Youth Law Clinic, University of Miami.

Chair Simmons and the Judiciary Committee will meet to consider the following bills: SB 186 by Senator Taddeo—Contracts for the Sale or Lease of Pets, CS/SR's 214 & 222 by the Committee on Infrastructure and Security; Senators Rodriguez, Simpson and others—Philosophies that Espouse Superiority, SB 604 by Senator Bean—Servicemembers Civil Relief Act, SB 994 by Senator Passidomo and others—Guardianship, SB 1080 by Senator Perry and others—Nonopioid Alternatives, SB 1328 by Senator Wright—Fines and Fees, SB 1376 by Senator Broxson—Credit For Reinsurance, SB 28 by Senator Gibson—Relief of Clifford Williams by the State of Florida, SB 1668 by Senator Simmons—Damages, CS/SB 838 by the Committee on Commerce and Tourism and Senator Simmons—Business Organizations, SB 1224 by Senator Simmons and others—Real Estate Conveyances, and SB 1044 by Senator Pizzo and others—Animal Cruelty.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

Debbie Mayfield @debbie_mayfield
See updates from Week 2 of the @FLSenate Legislative Session in this edition of the #MayfieldMinute!
conta.cc/2NY0MgL#FlaPol#SpaceCoast#TreasureCoast

Sen. Anitere Flores @anitere_flores
Kicking off the week thanking the best legislative staff ever! Diana Caridad, Alex Prado, Jennifer Gaviria, Patti Flor, Maria Chamorro, Alex Garcia, Will McRea, Demi Busatta, Nick Alvarez and Tiffany Lorente.

Kathleen Passidomo @Kathleen4SWFL
Today marks the 75th anniversary of the liberation of Auschwitz. As we reflect on the past, please take a moment today to celebrate resistance and heroism in the face of evil. We must do everything in our power to prevent the recurrence of mass atrocities like the Holocaust.

IN CASE YOU MISSED IT

ABC News Tampa: New push by Florida lawmakers to improve foster care system
News Talk Florida: Florida lawmakers advance fight against blue-green algae
WTSP Tampa: New legislation could change Safe Haven law and save lives

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Cuban Sandwiches, Pulled Pork, Grilled Chicken, Fried Plantains, Salad

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Tuesday, January 28, 2020 6:19 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 01/29 Daily Briefing
Attachment(s): "Daily Briefing01-29 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the January 29, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Wednesday, January 29, 2020

SCHEDULE

9:00 — 10:30 AM

Appropriations Subcommittee on Criminal and Civil Justice - 37 Senate Building

- CS/SB 556 - Inmate Conditional Medical Release (Brandes)
- CS/SB 574 - Conditional Aging Inmate Release (Brandes)
- Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Corrections Department of Juvenile Justice Department of Law Enforcement Department of Legal Affairs/Attorney General Florida Commission on Offender Review State Courts Public Defenders State Attorneys Regional Conflict Counsels Statewide Guardian ad Litem Capital Collateral Regional Counsels Justice Administrative Commissions

4:00 — 6:00 PM

SESSION Third Reading

- SB 172 - Florida Drug and Cosmetic Act (Bradley)

Special Order

- CS/SB 356 - Keep Our Graduates Working Act (Hutson)
- SB 400 - Elder Abuse Fatality Review Teams (Gibson)
- CS/CS/SB 404 - Abortion (Stargel)
- CS/CS/SB 406 - Public Records/Minor's Petition to Waive Consent/Abortion (Stargel)

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SB 520	Drones	In committee/council (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)

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President of the Senate

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SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
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SB 732	Insulation Products	In committee/council (CA)
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SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	In committee/council (GO)
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SB 1192	Tax on Aviation Fuel	In committee/council (FT)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
CS/SB 1212	International Affairs	Pending Reference Review
SJR 1216	Limitation on Terms of Office for Members of a District School Board	In committee/council (EE)
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
SB 1236	Educational Property Tax Exemption	Acted on by committee/council, pending report (CA)
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SB 1268	Capital Investment Tax Credit	In committee/council (IT)
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SB 1424	Special Neighborhood Improvement Districts	In committee/council (CA)
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SB 1538	Government Integrity	In committee/council (GO)
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SB 1778	Taxation of Real Property	In committee/council (CM)
SB 1822	Verification of Employment Eligibility	In committee/council (JU)

AMERICAN OVERSIGHT

Chair Mayfield and the Appropriations Subcommittee on Agriculture, Environment, and General Government will meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Agriculture and Consumer Services, Department of Citrus, Department of Environmental Protection, Fish and Wildlife Conservation Commission, Department of Business and Professional Regulation, Department of Financial Services, Department of Lottery, Department of Management Services, Public Service Commission and Department of Revenue.

Chair Brandes and the Appropriations Subcommittee on Criminal and Civil Justice will meet to consider the following bills: CS/SB 556 by the Committee on Criminal Justice; Senator Brandes and others—Inmate Conditional Medical Release and CS/SB 574 by the Committee on Criminal Justice; Senator Brandes and others—Conditional Aging Inmate Release. The subcommittee will also meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Corrections, Department of Juvenile Justice, Department of Law Enforcement, Department of Legal Affairs/Attorney General, Florida Commission on Offender Review, State Courts, Public Defenders, State Attorneys, Regional Conflict Counsels, Statewide Guardian ad Litem, Capital Collateral Regional Counsels, and Justice Administrative Commissions

Chair Diaz and the Appropriations Subcommittee on Education will meet to consider the following bills: SB 62 by Senator Stargel—K-12 Education, SB 72 by Senator Stargel—Postsecondary Education, CS/SB 434 by the Committee on Education and Senator Montford—Designation of School Grades, SB 486 by Senator Bradley—Florida Best and Brightest Programs, and SB 836 by Senator Simmons—Funds for the Operation of Schools. The subcommittee will also meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Education, Office of Early Learning, and Board of Governors.

Chair Bean and the Appropriations Subcommittee on Health and Human Services will meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Children and Families, Department of Elderly Affairs, Department of Health, and Department of Veterans' Affairs. The subcommittee will also consider the following bills as a continuation of Tuesday, January 28, 2020 Meeting: SB 52 by Senator Bean—Medicaid Services, SB 82 by Senator Bean—Individuals With Disabilities, SB 1020 by Senator Bean—Institutional Formularies Established by Nursing Home Facilities, CS/SB 1324 by the Committee on Children, Families, and Elder Affairs and Senator Simpson—Child Welfare, and SB 1326 by Senator Simpson—Department of Children and Families.

Chair Hutson and the Appropriations Subcommittee on Transportation, Tourism, and Economic Development will meet to consider the following bills: SB 362 by Senator Hooper and others—Florida Tourism Marketing and SB 7020 by the Committee on Infrastructure and Security (Lee)—Emergency Staging Areas. The subcommittee will also meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Economic Opportunity, Department of Transportation, Department of State, Department of Military Affairs, Division of Emergency Management, and Department of Highway Safety and Motor Vehicles.

Chair Benacquisto and the Rules Committee will meet to consider the following bills: SB 88 by Senator Stewart and others—Child Care Facilities, CS/CS/SB 124 by the Committees on Judiciary, Children, Families, and Elder Affairs and Senator Bean—Custody of Minor Children by Extended Family, CS/SB 128 by the Committee on Governmental Oversight and Accountability and Senator Wright—Public Records/Judicial Assistants, SB 294 by Senator Wright and others—Crimes Against Veterans, CS/SB 7010 by the Committees on Governmental Oversight and Accountability, and Military and Veterans Affairs and Space (Wright)—OGSR/Servicemembers and the Spouses and Dependents of Servicemembers, SB 248 by Senator Hooper—Public Records/County Attorneys and Assistant County Attorneys, CS/SB 476 by the Committee on Innovation, Industry, and Technology and Senator Hooper—Law Enforcement Vehicles, SB 886 by Senator Powell—Errors in Deeds, SM 978 by Senator Pizzo and others—Juneteenth Independence Day, SB 7006 by the

AMERICAN OVERSIGHT

Committee on Ethics and Elections (Baxley)— Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position, and SJR 142 by Senator Brandes and others—Abolishing the Constitution Revision Commission.

Chair Benacquisto and the Special Order Calendar Group will meet to set the Special Order Calendar.

TOP CAUCUS TWEETS AND POSTS

Debbie Mayfield @debbie_mayfield
Welcome to the @FLSenate Junny and @SheriffIvey. Thank you for your work to keep our communities safe. #whereisjunny#WeLoveOurCanines

Manny Diaz Jr. @SenMannyDiazJr
Thanks to @FLSenateGOP office for the assist today in delivering timely information to our local media outlets! Great job

Sen. Anitere Flores @anitere_flores
All Work, No Play isn't beneficial for children's development, so in 2017, we advocated for Public School Recess by passing SB 78. Studies show daily physical activity is crucial for students to develop social skills & better focus when in class. #FloresFactor

IN CASE YOU MISSED IT

Tampa Bay Times: Florida Senate tags $500 million for teacher pay raises
WCTV Tallahassee: Florida could use drones to fight pythons, invasive species
News-Press: Senate moves to boost environmental fines in Florida
WGCU Southwest Florida: In The Sunshine State, Lawmakers Hope To Protect Young Athletes From Dangers Of Sweltering Heat

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Chicken Marsala, Chicken Parmesan, Lasagna, House Salad, Brownies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Friday, January 31, 2020 4:55 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 02/03 Daily Briefing
Attachment(s): "Daily Briefing02-03 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the Febuarary 3, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

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404 South Monroe Street
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(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Monday, February 3, 2020

SCHEDULE

4:00 — 6:00 PM **Schedule Conflict**

Community Affairs - 301 Senate Building

- CS/SB 724 - Local Government Recycling Programs (Albritton)
- SB 1662 - Property Tax Exemption for Disabled Veterans (Albritton)
- SB 760 - Independent Special Fire Control Districts (Brandes)
- SB 888 - Public Nuisances (Perry)
- SB 1336 - Preemption of Local Occupational Licensing (Perry)
- **SB 1424 - Special Neighborhood Improvement Districts (Gruters)**
- SB 856 - Affordable Housing Tax Reduction (Pizzo)
- CS/SB 1302 - Sovereign Immunity (Flores)

Ethics and Elections - 412 Knott Building

- Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.
- 180 Johnson, Steve Allen
- 180 Poulton, William Scott
- 345 Felipe, Marcell
- 385 Kidwell, Thomas
- 1140 Benson, Ryan
- 1280 Jones Jr., J. Robert
- 1535 Vila Jr., Hector
- 2270 Fountain, Keith R.
- 2270 Zoltek, Michael John
- **SJR 1216 - Limitation on Terms of Office for Members of a District School Board (Gruters)**
  - **A 327674 - Delete lines 34 - 53 and insert: (Gruters)**
- SB 814 - Disposition of Surplus Funds by Candidates (Perry)
- CS/SB 1078 - Special Election/Surviving Spouse Ad Valorem Tax Reduction (Wright)
- SB 1372 - Elections (Brandes)

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SB 1488	Construction Defects	In committee/council (CA)
SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)

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DAVID SIMMONS
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SB 1642	Tax Exemptions	On agenda (CM)
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	In committee/council (CM)
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SB 1822	Verification of Employment Eligibility	In committee/council (JU)

FYI – COMMITTEE ACTIVITY

Chair Diaz and the Education Committee will meet for the following Senate Confirmation Hearings: Board of Governors of the State University System Appointees: Lamb, Brian D., Scott, Steven M., Silagy, Eric E., and Stermon, Kent; Board of Trustees, Florida A & M University Appointee: Harper, Kristin R.; Board of Trustees, Florida Atlantic University Appointees: Dennis, Michael T.B. and Morris, Elycia; Board of Trustees, University of Central Florida Appointees: McAlpin, Caryl C., Mills, Harold F., and Okaty, Michael A.; Board of Trustees, Florida State University Appointees: Sasser, Bobby L. and Thiel, John William; Board of Trustees, Florida Gulf Coast University Appointees: Coone, Ashley, Morton, Edward Allen, and Semrod, Jaye; Board of Trustees, Florida International University Appointee: Lowell, Natasha; Board of Trustees, New College of Florida Appointees: Christaldi, Ronald A. and Ruiz, Mary; Board of Trustees, Florida Polytechnic University Appointee: Sasser, W. Earl, Jr.; Board of Trustees, University of Florida Appointees: Brandon, David Lee and Zucker, Anita G.; Board of Trustees, University of North Florida Appointees: Davis, Jill Smith and Patel, Nikul; Board of Trustees, University of South Florida Appointees: Callahan, Sandra W. and Griffin, Michael E.; and Board of Trustees, University of West Florida Appointees: Scott, Alonzie III, Singer, Jill Anne, and White, Stephanie S. The committee will also meet to consider the following bills: SB 1320 by Senator Cruz—Postsecondary Fee Waivers, SB 1402 by Senator Diaz—Higher Education, SB 1438 by Senator Harrell and others—Dyslexia, SB 1578 by Senator Hutson—Education, SB 1746 by Senator Stargel—Florida Virtual Education, SB 1784 by Senator Gainer—Vocational Rehabilitation Services, and SB 7000 by the Committee on Children, Families, and Elder Affairs (Book)—Reporting Abuse, Abandonment, and Neglect.

Chair Hooper and the Governmental Oversight and Accountability Committee will meet to consider the following bills: CS/SB 668 by the Committee on Children, Families, and Elder Affairs; Senator Book and others—Government-sponsored Recreation Programs, SB 716 by Senator Mayfield—County Boundaries, SB 786 by Senator Gainer—Public Records/Aquaculture Records/Department of Agriculture and Consumer Services, CS/SB 812 by the Committee on Environment and Natural Resources and Senator Hutson—Public Records/Endangered and Threatened Species, CS/SB 1060 by the Committee on Innovation, Industry, and Technology and Senator Thurston—Public Records and Meetings/911 or E911 Communication System, CS/SB 1146 by the Committee on Criminal Justice and Senator Brandes—Special Risk Class of the Florida Retirement System, SB 1170 by Senator Baxley and others—Public Records and Meetings/Division of State Technology, SB 1270 by Senator Lee—Fiduciary Duty of Care for Appointed Public Officials and Executive Officers, SB 1292 by Senator Perry—Public Records/Nonjudicial Arrest Record of a Minor, SB 1398 by Senator Flores—Regional Planning Council Meetings, SB 1490 by Senator Bradley and others—Public Officers and Employees, SB 1570 by Senator Perry—Division of Library and Information Services, SB 1714 by Senator Bradley—Sale of Surplus State-owned Office Buildings and Associated Nonconservation Lands, SB 1042 by Senator Albritton—Aquatic Preserves, and SB 1188 by Senator Albritton—Public Records/Records of Insurers/Department of Financial Services.

Chair Simpson and the Innovation, Industry, and Technology Committee will meet to consider the following bills: SB 1656 by Senator Albritton—Reclaimed Water, CS/SB 810 by the Committee on Health Policy and Senator Simmons—Tobacco and Nicotine Products, SB 1394 by Senator Simmons—Taxes and Fees, SB 912 by Senator Diaz—Department of Business and Professional Regulation, SB 1084 by Senator Diaz and

AMERICAN OVERSIGHT

others—Emotional Support Animals, SB 1698 by Senator Diaz—Regulation of Pet Stores, CS/SB 708 by the Committee on Health Policy and Senator Hutson—Automated Pharmacy Systems, SB 1174 by Senator Hutson—Communications Services Tax, and SB 630 by Senator Mayfield—Regulation of Smoking.

Chair Flores and the Community Affairs Committee will meet to consider the following bills: CS/SB 724 by the Committee on Environment and Natural Resources and Senator Albritton—Local Government Recycling Programs, SB 1662 by Senator Albritton—Property Tax Exemption for Disabled Veterans, SB 760 by Senator Brandes—Independent Special Fire Control Districts, SB 888 by Senator Perry—Public Nuisances, SB 1336 by Senator Perry—Preemption of Local Occupational Licensing, SB 1424 by Senator Gruters—Special Neighborhood Improvement Districts, SB 856 by Senator Pizzo—Affordable Housing Tax Reduction, and CS/SB 1302 by the Committee on Judiciary; Senator Flores and others—Sovereign Immunity.

Chair Montford and the Environment and Natural Resources Committee will for the following Senate Confirmation Hearings: Fish and Wildlife Conservation Commission Appointees: Barreto, Rodney L. and Hudson, Steven W.; Executive Director of Northwest Florida Water Management District Appointee: Cyphers, Brett J.; Governing Board of the St. Johns River Water Management District Appointees: Davis, Daniel J. and Howse, Ronald S.; Executive Director of St. Johns River Water Management District Appointee: Shortelle, Ann B.; Governing Board of the South Florida Water Management District Appointees: Butler, Benjamin L. and Bergeron, Ronald M.; Executive Director of South Florida Water Management District Appointee: Bartlett, Andrew "Drew"; Governing Board of the Southwest Florida Water Management District Appointees: Bispham, Paul J., Weightman, Seth, Schleicher, Joel A., Rice, Kelly S., and Germann, Roger W., Jr.; and Executive Director of Southwest Florida Water Management District Appointee: Armstrong, Brian J. The committee will also meet to consider the following bills: SB 32 by Senator Gibson—Relief of former employees of Fairfax Street Wood Treaters by the State of Florida, SB 680 by Senator Hutson and others—Shark Fins, SB 1152 by Senator Broxson—Brownfield Site Rehabilitation, SB 1720 by Senator Cruz—Florida Safe Drinking Water Act, SB 1878 by Senator Bradley and others—Environmental Protection, SB 688 by Senator Wright—Illegal Taking and Possession of Bears, SB 826 by Senator Mayfield—Marina Evacuations, and SB 1414 by Senator Mayfield—Fish and Wildlife Activities.

Chair Baxley and the Ethics and Elections Committee will meet for the following Senate Confirmation Hearings: Florida Citrus Commission Appointees: Johnson, Steve Allen and Poulton, William Scott; Board of Trustees of Miami-Dade College Appointee: Felipe, Marcell; Board of Trustees of St. Petersburg College Appointee: Kidwell, Thomas; Florida Housing Finance Corporation Appointee: Benson, Ryan; Investment Advisory Council Appointee: Jones, J. Robert, Jr.; Board of Medicine Appointee: Vila, Hector, Jr.; and Board of Professional Surveyors and Mappers Appointees: Fountain, Keith R. and Zoltek, Michael John. The committee will also meet to consider the following bills: SJR 1216 by Senator Gruters—Limitation on Terms of Office for Members of a District School Board, SB 814 by Senator Perry—Disposition of Surplus Funds by Candidates, CS/SB 1078 by the Committee on Military and Veterans Affairs and Space and Senator Wright—Special Election/Surviving Spouse Ad Valorem Tax Reduction, and SB 1372 by Senator Brandes—Elections.

Chair Lee and the Infrastructure and Security Committee will meet to consider the following bills: SB 306 by Senator Mayfield and others—State Funds, CS/SB 754 by the Committee on Education and Senator Baxley—School Crossing Guards, SB 1148 by Senator Brandes—Electric Bicycles, SB 1272 by Senator Montford—Statewide Emergency Shelter Task Force, SB 7040 by the Committee on Education (Diaz)—Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission, SPB 7048—Public Records/Public Shelter Space, SB 412 by Senator Bean and others—License Plates, SB 414 by Senator Bean and others—Fees/Specialty License Plates, SB 108 by Senator Rader—Specialty License Plates/Florida State Beekeepers Association, SB 110 by Senator Rader—Fees/Florida State Beekeepers Association License Plate, SB 314 by Senator Stewart—Specialty License Plates/Toastmasters, SB 316 by Senator Stewart—Fees/Toastmasters License Plate, SB 322 by Senator Stewart—Specialty License Plates/Gopher Tortoise, SB 324 by Senator Stewart—Fees/Gopher Tortoise License Plate, SB 328 by Senator Stewart—Specialty License Plates/Orlando United, SB 330 by Senator Stewart—Fees/Orlando United License

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Plate, SB 956 by Senator Perry—Specialty License Plates/Solar Power, SB 958 by Senator Perry—Fees/Solar Power License Plate, SB 1454 by Senator Powell and others—Specialty License Plates/Highwaymen, and SB 1456 by Senator Powell—Specialty License Plate Fees/Highwaymen. The committee will also meet for the following Senate Confirmation Hearing: Florida Transportation Commission Appointee: Burke, Richard.

Chair Benacquisto and the Special Order Calendar Group will meet to set the Special Order Calendar.

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

Sen. Anitere Flores @anitere_flores
This week was extremely special because my son Max served as a Senate Page— engaging in what our legislative process is all about. #FloresFinale

Debbie Mayfield @debbie_mayfield
Thank you @GovRonDeSantis and @FLDEO for supporting our local communities. These grants will help #Fellsmere and #WestMelbourne be better prepared for future storms.

George Gainer @SenatorGainer
Two very impressive young ladies with the Florida Alliance of @YMCAs joined me in our Tallahassee office to discuss upcoming legislation this week. I appreciate their willingness to communicate the issues that matter to them!

IN CASE YOU MISSED IT

Tallahassee Democrat: Florida Senate delivers 3% pay raise for state workers in 2020-21 budget proposal
WTSP Tampa: Bill pushes for cooling tanks to keep Florida's student athletes safer
WCTV Tallahassee: Florida Senate, House $1.4 billion apart on budget proposals

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit, Pastries

Lunch: Deluxe Sandwich Tray, Pasta Salad, Fresh Fruit, Salad, Soup, Dessert Tray

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Monday, February 03, 2020 6:22 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 02/04 Daily Briefing
Attachment(s): "Daily Briefing02-04 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the February 4, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Tuesday, February 4, 2020

SCHEDULE

9:00 — 11:00 AM

Commerce and Tourism - 110 Senate Building

- CS/SB 474 - Deregulation of Professions and Occupations (Albritton)
- SB 660 - Uniform Commercial Real Estate Receivership Act (Berman)
- SB 850 - Exposure of Sexual Organs (Pizzo)
- SR 1704 - Taiwan (Flores)
- **SB 1140 - Public Accountancy (Gruters)**
- **SB 1240 - Corporate Income Tax Credit (Gruters)**
  - **A 306312 - Delete line 20 and insert: (Gruters)**
- **SB 1642 - Tax Exemptions (Gruters)**
  - **D 854736 - Delete everything after the enacting clause and insert: (Gruters)**

12:30 — 2:30 PM

Banking and Insurance - 412 Knott Building

- CS/SB 478 - Motor Vehicle Rentals (Perry)
- SB 924 - Civil Actions Against Insurers (Brandes)
- SB 1334 - Financial Services (Brandes)
- SB 1492 - Consumer Protection (Wright)
- SB 1606 - Insurance (Perry)

3:00 — 4:30 PM Schedule Conflict

SESSION Third Reading

- SB 400 - Elder Abuse Fatality Review Teams (Gibson)
- CS/CS/SB 404, 1st Eng. - Abortion (Stargel)
- CS/CS/SB 406 - Public Records/Minor's Petition to Waive Consent/Abortion (Stargel)

Special Order

- CS/SB 476 - Law Enforcement Vehicles (Hooper)
- SB 886 - Errors in Deeds (Powell)
- CS/SB 1056 - PACE Center for Girls (Simpson)
- CS/SB 356 - Keep Our Graduates Working Act (Hutson)

3:45 PM — until completion Schedule Conflict

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

Reunion Session

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	In committee/council (AP)
SB 126	Sales and Use Tax	In committee/council (FT)
CS/SB 514	Homestead Exemptions	In committee/council (FT)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	In committee/council (AHS)
SB 520	Drones	In committee/council (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	In committee/council (GO)
CS/SB 898	Insurance Guaranty Associations	In committee/council (IT)
CS/SB 922	Economic Development	In committee/council (AHS)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	In committee/council (CF)
SB 1066	Impact Fees	In committee/council (CA)
SB 1102	Specialty Contracting Services	In committee/council (CA)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	On agenda (CM)
SB 1190	Cooling Towers	In committee/council (HP)
SB 1192	Tax on Aviation Fuel	In committee/council (FT)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
CS/SB 1212	International Affairs	In committee/council (IS)
SJR 1216	Limitation on Terms of Office for Members of a District School Board	On agenda (EE)
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
CS/SB 1236	Educational Property Tax Exemption	In committee/council (FT)
SB 1240	Corporate Income Tax Credit	On agenda (CM)
SB 1266	Social Media Websites	In committee/council (IT)
SB 1268	Capital Investment Tax Credit	In committee/council (IT)
SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	In committee/council (JU)
SB 1366	Trusts	In committee/council (JU)
SB 1424	Special Neighborhood Improvement Districts	On agenda (CA)
CS/SB 1450	Environmental Enforcement	In committee/council (ACJ)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

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SB 1488	Construction Defects	In committee/council (CA)
SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)
SB 1538	Government Integrity	In committee/council (GO)
SB 1642	Tax Exemptions	On agenda (CM)
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	In committee/council (CM)
SB 1684	Health Care Provider Credentialing	In committee/council (BI)
SB 1778	Taxation of Real Property	In committee/council (CM)
SB 1822	Verification of Employment Eligibility	In committee/council (JU)

FYI – COMMITTEE ACTIVITY

Chair Albritton and the Agriculture Committee will meet to consider the following bills: SB 806 by Senator Gainer—Public Records/Animal Health Records/Department of Agriculture and Consumer Services and SB 1876 by Senator Montford—State Hemp Program. The committee will also meet for an Overview of Carbon Farming.

Chair Gruters and the Commerce and Tourism Committee will meet to consider the following bills: CS/SB 474 by the Committee on Innovation, Industry, and Technology and Senator Albritton—Deregulation of Professions and Occupations, SB 660 by Senator Berman—Uniform Commercial Real Estate Receivership Act, SB 850 by Senator Pizzo—Exposure of Sexual Organs, SR 1704 by Senator Flores—Taiwan, SB 1140 by Senator Gruters—Public Accountancy, SB 1240 by Senator Gruters—Corporate Income Tax Credit, and SB 1642 by Senator Gruters—Tax Exemptions.

Chair Perry and the Criminal Justice Committee will meet for the following Senate Confirmation Hearing: Capital Collateral Regional Counsel - Middle Region Appointee: Pinkard, Eric. The committee will also meet to consider the following bills: CS/SB 728 by the Committee on Infrastructure and Security; Senator Stargel and others—Threats, SB 842 by Senator Wright—Injured Police Canines, CS/SB 952 by the Committee on Governmental Oversight and Accountability and Senator Perry—Senior Management Service Class, SB 1018 by Senator Stewart—Exposure of Sexual Organs, SB 1308 by Senator Brandes—Criminal Justice, SB 1396 by Senator Simmons—Driving Under the Influence, SB 1416 by Senator Perry—Assaults on Specified Persons, SB 1504 by Senator Brandes and others—Sentencing, SB 1506 by Senator Brandes—Public Records/Expunction of Specified Convictions, SB 1716 by Senator Brandes—Sentencing, and SB 1880 by Senator Perry—Restitution for Juvenile Offenses.

Chair Harrell and the Health Policy Committee will meet for the following Senate Confirmation Hearing: State Surgeon General Appointee: Rivkees, Scott A. The committee will also meet to consider the following bills: SB 1764 by Senator Flores—Childbirth, SB 1676 by Senator Albritton—Direct Care Workers, SB 1544 by Senator Albritton—Elderly Care, SB 1650 by Senator Simmons—Medicaid Provider Agreements for Charter and Private Schools, SB 512 by Senator Hutson—Nonembryonic Stem Cells, SB 1014 by Senator Rouson—Public Safety Telecommunicator Training, SB 744 by Senator Hooper and others—Podiatric Medicine, and SB 1206 by Senator Harrell—Applied Behavior Analysis Services.

Chair Broxson and the Banking and Insurance Committee will meet to consider the following bills: CS/SB 478 by the Committee on Innovation, Industry, and Technology and Senator Perry—Motor Vehicle Rentals, SB 924 by Senator Brandes—Civil Actions Against Insurers, SB 1334 by Senator Brandes—Financial Services, SB 1492 by Senator Wright—Consumer Protection, and SB 1606 by Senator Perry—Insurance.

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Chair Book and the Children, Families, and Elder Affairs Committee will meet to consider the following bills: SB 152 by Senator Brandes and others—Dental Therapy, SB 302 by Senator Rader—Adoption Records, SB 1062 by Senator Harrell and others—Involuntary Examinations of Minors, SB 1440 by Senator Powell—Children's Mental Health, SB 1548 by Senator Perry and others—Child Welfare, SB 1624 by Senator Perry—Economic Self-sufficiency, SB 1648 by Senator Albritton—Support for Incapacitated Adult Children, SB 1748 by Senator Hutson and others—Child Welfare, and SB 1886 by Senator Brandes—Grandparent Visitation Rights.

Chair Simmons and the Judiciary Committee will meet to consider the following bills: SB 290 by Senator Hooper—School Bus Safety, SB 868 by Senator Albritton—Construction Contracting, SB 1256 by Senator Albritton—Telegraph Companies, CS/SB 914 by the Committee on Banking and Insurance and Senator Brandes—Contingency Risk Multipliers, SB 1354 by Senator Brandes—Statewide Voter Registration Application, SB 1044 by Senator Pizzo and others—Animal Cruelty, SB 656 by Senator Pizzo—Arrests, SB 1306 by Senator Thurston—Individual Retirement Accounts,SB 1590 by Senator Powell—Juror Sanctions, SB 1766 by Senator Lee and others—Growth Management, SB 946 by Senator Baxley—Moments of Silence in Public Schools, SB 1634 by Senator Stargel—Parental Rights, and SB 1582 by Senator Simmons—Asbestos Trust Claims.

TOP CAUCUS TWEETS AND POSTS

Aaron Bean @AaronPBean
Had a blast on Saturday with my son and the Rotary Club of Fernandina Beach to make Rise Against Hunger happen. 55,000 total meals packaged Saturday morning!

Kathleen Passidomo @Kathleen4SWFL
I filed Senate Bill 994 to protect Florida's most vulnerable adults. Join me in my fight to ensure Florida's guardianship program is free from "bad actors." Learn more here: naplesnews.com/story/opinion/…

Sen. Dennis Baxley @dennisbaxley
In case you missed it: Appeared on The Bob Rose Show this last Friday. Check it out!
thesky973.radio.com/sen-dennis-bax…

IN CASE YOU MISSED IT

WUSF Tampa: Raises For State Employees Part of Florida Senate's $92.83 Billion Budget
News 4 Jax: Legislation could bring relief to Florida homeowners impacted by hurricane
WJCT Public Media: Lawtey, Other Hurricane Irma-Impacted FL Communities Get $84M For Infrastructure

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Assorted Breakfast Wraps, Bagel Melts, Fruit Bowl

Lunch: Fajita Bar, Salad Bar, Chips, Queso, Guacamole, Salsa, Cookies, Brownies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Tuesday, February 04, 2020 4:46 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 02/05 Daily Briefing
Attachment(s): "Daily Briefing02-05 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the February 5, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
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Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Wednesday, February 5, 2020

SCHEDULE

N/A

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	In committee/council (AP)
SB 126	Sales and Use Tax	In committee/council (FT)
CS/SB 514	Homestead Exemptions	In committee/council (FT)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	In committee/council (AHS)
SB 520	Drones	In committee/council (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	In committee/council (GO)
CS/SB 898	Insurance Guaranty Associations	In committee/council (IT)
CS/SB 922	Economic Development	In committee/council (AHS)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	In committee/council (CF)
SB 1066	Impact Fees	In committee/council (CA)
SB 1102	Specialty Contracting Services	In committee/council (CA)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	Acted on by committee/council, pending report (CM)
SB 1190	Cooling Towers	In committee/council (HP)

AMERICAN OVERSIGHT

SB 1192	Tax on Aviation Fuel	In committee/council (FT)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
CS/SB 1212	International Affairs	In committee/council (IS)
CS/SJR 1216	Limitation on Terms of Office for Members of a District School Board	Pending Reference Review
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
CS/SB 1236	Educational Property Tax Exemption	In committee/council (FT)
SB 1240	Corporate Income Tax Credit	Acted on by committee/council, pending report (CM)
SB 1266	Social Media Websites	In committee/council (IT)
SB 1268	Capital Investment Tax Credit	In committee/council (IT)
SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	In committee/council (JU)
SB 1366	Trusts	In committee/council (JU)
SB 1424	Special Neighborhood Improvement Districts	In committee/council (IT)
CS/SB 1450	Environmental Enforcement	In committee/council (ACJ)
SB 1488	Construction Defects	In committee/council (CA)
SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)
SB 1538	Government Integrity	In committee/council (GO)
SB 1642	Tax Exemptions	Acted on by committee/council, pending report (CM)
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	In committee/council (CM)
SB 1684	Health Care Provider Credentialing	In committee/council (BI)
SB 1778	Taxation of Real Property	In committee/council (CM)
SB 1822	Verification of Employment Eligibility	In committee/council (JU)

AMERICAN OVERSIGHT

Chair Wright and the Military and Veterans Affairs and Space Committee will meet to consider SB 936 by Senator Gainer—Disability Retirement Benefits and for a Presentation by Emmanuel Tormes, Senior Manager, Government Operations of The Boeing Company.

Chair Benacquisto and the Rules Committee will meet to consider the following bills: CS/SB 226 by the Committee on Health Policy and Senator Harrell—Athletic Trainers, CS/SB 292 by the Committee on Banking and Insurance and Senator Broxson—Insurance Claims Data, CS/SB 326 by the Committee on Environment and Natural Resources and Senator Perry—Environmental Regulation, SB 374 by Senator Rouson—Housing Discrimination, CS/CS/SB 580 by the Committees on Community Affairs, Judiciary; Senator Bracy and others—Uniform Partition of Heirs Property Act, CS/SB 604 by the Committee on Judiciary and Senator Bean—Servicemembers Civil Relief Act, SB 7004 by the Committee on Finance and Tax (Gainer)—OGSR/Taxpayer E-mail Addresses Held by a Tax Collector, CS/SB 352 by the Committee on Military and Veterans Affairs and Space and Senator Hutson—Unlawful Use of Uniforms, Medals, or Insignia, CS/SB 838 by the Committee on Commerce and Tourism and Senator Simmons—Business Organizations, SB 1224 by Senator Simmons and others—Real Estate Conveyances, and SB 7022 by the Committee on Infrastructure and Security (Lee)—OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles.

Chair Bradley and the Appropriations Committee will meet to consider the following bills: SPB 2500—Appropriations, SPB 2502—Implementing the 2020-2021 General Appropriations Act, SPB 2504—State Employees, SB 7044 by the Committee on Governmental Oversight and Accountability (Hooper)—State-administered Retirement Systems, SPB 2506—Correctional Medical Authority, CS/SB 58 by the Committee on Health Policy; Senator Book and others—Prescription Drug Donation Repository Program (With subcommittee recommendation – Health and Human Services), A proposed committee substitute for SB 62 by Senator Stargel—K-12 Education (With subcommittee recommendation – Education), A proposed committee substitute for SB 72 by Senator Stargel—Postsecondary Education (With subcommittee recommendation – Education), A proposed committee substitute for SB 82 by Senator Bean—Individuals With Disabilities (With subcommittee recommendation – Health and Human Services), SB 100 by Senator Harrell and others—Dispensing Medicinal Drugs (With subcommittee recommendation – Health and Human Services), A proposed committee substitute for SB 136 by Senator Bean and others—Adoption Benefits (With subcommittee recommendation – Health and Human Services), CS/SB 154 by the Committee on Education and Senator Thurston—Human Trafficking Education in Schools, CS/SB 230 by the Committee on Health Policy and Senator Harrell—Department of Health, CS/SB 246 by the Committee on Governmental Oversight and Accountability and Senator Hooper—Public Construction, SB 348 by Senator Bean and others—Florida Kidcare Program (With subcommittee recommendation – Health and Human Services), SB 362 by Senator Hooper and others—Florida Tourism Marketing (With subcommittee recommendation – Transportation, Tourism, and Economic Development), SB 486 by Senator Bradley—Florida Best and Brightest Programs (With subcommittee recommendation – Education), CS/SB 500 by the Committee on Health Policy and Senator Harrell—Prohibited Acts by Health Care Practitioners, SB 540 by Senator Rader and others—Insurance Guaranty Associations (With subcommittee recommendation - Agriculture, Environment, and General Government), A proposed committee substitute for CS/SB 712 by the Committee on Community Affairs; Senator Mayfield and others—Water Quality Improvements (With subcommittee recommendation - Agriculture, Environment, and General Government), SB 7016 by the Committee on Infrastructure and Security (Lee)— Statewide Office of Resiliency, and SPB 7050—Circuit Court Judges.

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

George Gainer @SenatorGainer
As a supporter of #WorldCancerDay, we believe that through our positive actions, together, we can reach the target of reducing the number of premature deaths from cancer by one third by 2030. See how you can help at worldcancerday.org #IAmAndIWill

Sen. Anitere Flores @anitere_flores
Radiologists, Dentists, Realtors, Home Builders, and Letter Carriers all stopped by my office today to share their issues, stories, and some laughs! Thank you all for visiting the Florida Senate! #session2020#dentalday

Debbie Mayfield @debbie_mayfield
Thank you @GovRonDeSantis for your dedication to protecting these environmentally sensitive lands. #FloridaForever

IN CASE YOU MISSED IT

Tampa Bay Times: Lawmakers seek to end Florida's key role in shark fin trade
WPTV West Palm Beach: Florida Senators back stamping-out smoking in parks
WTSP Tampa: Florida leaders approve $19M deal to preserve land in Sarasota County

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Spaghetti and Meatballs, Smoked Mozzarella Ravioli, Garlic Rolls, Caesar Salad, Greek Salad, Cookies

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Wednesday, February 05, 2020 5:58 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 02/06 Daily Briefing
Attachment(s): "Daily Briefing02-06 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the February 6, 2020 Majority Office Daily Brief for Sen. Gruters.
Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Thursday, February 6, 2020

SCHEDULE

10:00 AM — 6:00 PM
SESSION Third Reading

- CS/CS/SB 404, 1st Eng. - Abortion (Stargel)
- CS/CS/SB 406 - Public Records/Minor's Petition to Waive Consent/Abortion (Stargel)

Special Order

- CS/CS/SB 124 - Custody of Minor Children by Extended Family (Bean)
- SB 7006 - Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position (Ethics and Elections) Identical to HB 7009 - Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position
- CS/SB 356 - Keep Our Graduates Working Act (Hutson) Similar to CS/CS/CS/HB 115 - Keep Our Graduates Working Act

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	In committee/council (AP)
SB 126	Sales and Use Tax	In committee/council (FT)
CS/SB 514	Homestead Exemptions	In committee/council (FT)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	In committee/council (AHS)
SB 520	Drones	In committee/council (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	In committee/council (GO)
CS/SB 898	Insurance Guaranty Associations	In committee/council (IT)
CS/SB 922	Economic Development	In committee/council (AHS)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	In committee/council (CF)
SB 1066	Impact Fees	In committee/council (CA)
SB 1102	Specialty Contracting Services	In committee/council (CA)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	In committee/council (RC)
SB 1190	Cooling Towers	In committee/council (HP)
SB 1192	Tax on Aviation Fuel	In committee/council (FT)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
CS/SB 1212	International Affairs	In committee/council (IS)
CS/SJR 1216	Limitation on Terms of Office for Members of a District School Board	In committee/council (ED)
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
CS/SB 1236	Educational Property Tax Exemption	In committee/council (FT)
CS/SB 1240	Corporate Income Tax Credit	Pending Reference Review
SB 1266	Social Media Websites	In committee/council (IT)
SB 1268	Capital Investment Tax Credit	In committee/council (IT)
SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	In committee/council (JU)
SB 1366	Trusts	In committee/council (JU)
SB 1424	Special Neighborhood Improvement Districts	In committee/council (IT)
CS/SB 1450	Environmental Enforcement	In committee/council (ACJ)
SB 1488	Construction Defects	In committee/council (CA)
SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)
SB 1538	Government Integrity	In committee/council (GO)
CS/SB 1642	Tax Exemptions	Pending Reference Review
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	In committee/council (CM)
SB 1684	Health Care Provider Credentialing	In committee/council (BI)
SB 1778	Taxation of Real Property	In committee/council (CM)
SB 1822	Verification of Employment Eligibility	In committee/council (JU)

AMERICAN OVERSIGHT

FYI – COMMITTEE ACTIVITY

Chair Benacquisto and the Special Order Calendar Group will meet to set the Special Order Calendar.

TOP CAUCUS TWEETS AND POSTS

Sen. Anitere Flores @anitere_flores
It's @FIU Day! As a #ProudPanther, I have championed programs, bldgs,& more. From millions in funding for the Student Academic Success Center to the Engineering School, from UpLift to the Med School, we've worked hard to make FIU one of the best in our country! #FloresFinale

George Gainer @SenatorGainer
Thank you to Chair @SenTomWright and the entire @FLSenate Military, Veteran Affairs and Space Committee for unanimously passing SB 936 Disability Retirement Benefits for our veterans. I am very proud of this bill and our continued efforts to support veterans in Florida.

Rob Bradley @Rob_Bradley
Continuing the fight for the St. Johns, Apalachicola and Suwannee Rivers! jacksonville.com/news/20200204/…

IN CASE YOU MISSED IT

Florida Times-Union: North Florida rivers get boost in Senate bill
Tallahassee Democrat: 42 Hours for the 42 Million: Two days of walking brings awareness to child sex abuse

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Beef Brisket, Pulled Chicken, Mac-N-Cheese, Salad, Blueberry Cobbler

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Friday, February 07, 2020 5:17 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 02/10 Daily Briefing
Attachment(s): "Daily Briefing02-10 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the February 10, 2020 Majority Office Daily Brief for Sen. Gruters.
Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
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(850) 487-5184
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Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Monday, February 10, 2020

SCHEDULE

1:30 — 3:30 PM **Schedule Conflict**

Education - 412 Knott Building

- SB 646 - Postsecondary Student Athletes (Mayfield)
- SB 662 - School Grading System (Wright)
- SB 1100 - Florida Seal of Fine Arts Program (Rouson)
- **CS/SJR 1216 - Limitation on Terms of Office for Members of a District School Board (Gruters)**
  - **A 182116 - Delete lines 31 - 35 and insert: (Gruters)**
- SB 1550 - High School Graduation Requirements (Cruz)
- SB 1628 - Holocaust Education (Book)
- SB 1644 - Students With Disabilities in Public Schools (Book)
- SB 1750 - High School Graduation Requirements (Montford)
- SB 7042 - State University Facility Designations (Governmental Oversight and Accountability)

Governmental Oversight and Accountability - 301 Senate Building

- CS/SB 666 - Florida Development Finance Corporation (Mayfield)
- **SB 858 - Cost-of-living Adjustment for Special Risk Class Retirees (Gruters)**
  - **A 873758 - Between lines 33 and 34 insert: (Gruters)**
- CS/SB 928 - Public Records and Meetings/Interstate Medical Licensure Compact (Harrell)
- SB 966 - Public Records/Disaster Recovery Assistance (Gainer)
- CS/SB 1024 - Public Records/Postconviction Reinvestigative Information (Bean)
- CS/SB 1030 - Public Records/Vessel Title or Registration/Department of Highway Safety and Motor Vehicles (Stargel)
- SB 1260 - Florida Space Exploration Monument (Albritton)
- SB 1270 - Fiduciary Duty of Care for Appointed Public Officials and Executive Officers (Lee)
- SB 1312 - Voting Systems (Montford)
- SB 1466 - Special Districts (Baxley)
- SB 1632 - Cultural Affairs (Rouson)
- SB 1636 - Repeal of Advisory Bodies and Councils (Baxley)
- CS/SB 1718 - Public Meetings and Records/Conditional Aging Inmate Release Program (Brandes)
- CS/SB 1728 - Public Meetings and Records/Conditional Medical Release Program (Brandes)

AMERICAN OVERSIGHT

- SM 1756 - Temporary Protected Status to Venezuelans in the United States (Flores)
- CS/SB 1802 - Public Meetings/Urban Core Gun Violence Task Force (Pizzo)
- SB 1872 - Public Records/Commissioner of Financial Regulation/Financial Technology Sandbox Applications (Hutson)
- SB 1874 - Fees/Office of Financial Regulation/Financial Technology Sandbox Applications (Hutson)
- Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.
- 1280 Canida, Maria Teresa
- 1280 Olmstead, Vinny

Innovation, Industry, and Technology - 110 Senate Building

- SB 658 - Acquisition of Water and Wastewater Systems (Albritton)
- SB 1244 - State Workforce Development Boards (Albritton)
- SB 776 - Florida Real Estate Appraisal Board (Perry)
- **SB 1268 - Capital Investment Tax Credit (Gruters)**
- SB 1084 - Emotional Support Animals (Diaz)
- SB 912 - Department of Business and Professional Regulation (Diaz)
- Consideration of proposed bill:
- SPB 7052 - Office of Public Counsel ()
- SB 1352 - Transportation Companies (Brandes)
- SB 1870 - Technological Development (Hutson)

4:00 — 6:00 PM Schedule Conflict

Community Affairs - 301 Senate Building

- CS/SB 368 - Tampa Bay Area Regional Transit Authority (Rouson)
- CS/SB 538 - Emergency Reporting (Diaz)
- CS/SB 724 - Local Government Recycling Programs (Albritton)
- CS/SB 752 - Emergency Sheltering of Persons with Pets (Bean)
- SB 906 - Prohibited Reptiles (Farmer)
- **SB 1066 - Impact Fees (Gruters)**
  - **D 977602 - Delete everything after the enacting clause and insert: (Gruters)**
- **SB 1102 - Specialty Contracting Services (Gruters)**
  - **A 166916 - Between lines 17 and 18 insert: (Gruters)**
- SB 1122 - Emergency Telecommunication Devices in Public Swimming Pools (Pizzo)
- CS/SB 1148 - Electric Bicycles (Brandes)
- CS/SB 1154 - Community Associations (Baxley)
- SJR 1502 - Information About Counties and Municipalities (Diaz)
- SB 1512 - Local Government Reporting (Diaz)
- SB 1662 - Property Tax Exemption for Disabled Veterans (Albritton)
- CS/SB 1766 - Growth Management (Lee)

Infrastructure and Security - 110 Senate Building

- SB 78 - Transportation Facility Designations/General Daniel 'Chappie' James, Jr. (Broxson)
- SB 502 - Emergency Mitigation and Response (Montford)
- **SB 520 - Drones (Gruters)**
- **CS/SB 1212 - International Affairs (Gruters)**
- CS/SB 1332 - Towing and Immobilizing Vehicles and Vessels (Hooper)
- SB 1484 - Motor Vehicle Manufacturers and Dealers (Diaz)
- SB 1692 - Driver Licenses (Flores)

AMERICAN OVERSIGHT

- SB 1694 - Driver License Fees (Flores)
- SB 1738 - Motor Vehicle Dealers (Brandes)
- SPB 7054 - Transportation ()

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	In committee/council (AP)
SB 126	Sales and Use Tax	In committee/council (FT)
CS/SB 514	Homestead Exemptions	In committee/council (FT)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	In committee/council (AHS)
SB 520	Drones	On agenda (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	On agenda (GO)
CS/SB 898	Insurance Guaranty Associations	In committee/council (IT)
CS/SB 922	Economic Development	In committee/council (AHS)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	On agenda (CF)
SB 1066	Impact Fees	On agenda (CA)
SB 1102	Specialty Contracting Services	On agenda (CA)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	In committee/council (RC)
SB 1190	Cooling Towers	In committee/council (HP)
SB 1192	Tax on Aviation Fuel	In committee/council (FT)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
CS/SB 1212	International Affairs	On agenda (IS)
CS/SJR 1216	Limitation on Terms of Office for Members of a District School Board	On agenda (ED)
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
CS/SB 1236	Educational Property Tax Exemption	In committee/council (FT)
CS/SB 1240	Corporate Income Tax Credit	Pending Reference Review
SB 1266	Social Media Websites	In committee/council (IT)
SB 1268	Capital Investment Tax Credit	On agenda (IT)
SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	On agenda (JU)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

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SB 1366	Trusts	On agenda (JU)
SB 1424	Special Neighborhood Improvement Districts	In committee/council (IT)
CS/SB 1450	Environmental Enforcement	In committee/council (ACJ)
SB 1488	Construction Defects	In committee/council (CA)
SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)
SB 1538	Government Integrity	In committee/council (GO)
CS/SB 1642	Tax Exemptions	Pending Reference Review
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	In committee/council (CM)
SB 1684	Health Care Provider Credentialing	In committee/council (BI)
SB 1778	Taxation of Real Property	In committee/council (CM)
SB 1822	Verification of Employment Eligibility	In committee/council (JU)

FYI – COMMITTEE ACTIVITY

Chair Diaz and the Education Committee will meet to consider the following bills: SB 646 by Senator Mayfield—Postsecondary Student Athletes, SB 662 by Senator Wright—School Grading System, SB 1100 by Senator Rouson—Florida Seal of Fine Arts Program, CS/SJR 1216 by the Committee on Ethics and Elections and Senator Gruters—Limitation on Terms of Office for Members of a District School Board, SB 1550 by Senator Cruz—High School Graduation Requirements, SB 1628 by Senator Book and others—Holocaust Education, SB 1644 by Senator Book and others—Students With Disabilities in Public Schools, SB 1750 by Senator Montford—High School Graduation Requirements, and SB 7042 by the Committee on Governmental Oversight and Accountability (Hooper)—State University Facility Designations.

Chair Hooper and the Governmental Oversight and Accountability Committee will meet to consider the following bills: CS/SB 666 by the Committee on Commerce and Tourism and Senator Mayfield—Florida Development Finance Corporation, SB 858 by Senator Gruters—Cost-of-living Adjustment for Special Risk Class Retirees, CS/SB 928 by the Committee on Health Policy and Senator Harrell—Public Records and Meetings/Interstate Medical Licensure Compact, SB 966 by Senator Gainer—Public Records/Disaster Recovery Assistance, CS/SB 1024 by the Committee on Criminal Justice and Senator Bean—Public Records/Postconviction Reinvestigative Information, CS/SB 1030 by the Committee on Infrastructure and Security and Senator Stargel—Public Records/Vessel Title or Registration/Department of Highway Safety and Motor Vehicles, SB 1260 by Senator Albritton—Florida Space Exploration Monument, SB 1270 by Senator Lee—Fiduciary Duty of Care for Appointed Public Officials and Executive Officers, SB 1312 by Senator Montford—Voting Systems, SB 1466 by Senator Baxley and others—Special Districts, SB 1632 by Senator Rouson—Cultural Affairs, SB 1636 by Senator Baxley—Repeal of Advisory Bodies and Councils, CS/SB 1718 by the Committee on Criminal Justice and Senator Brandes—Public Meetings and Records/Conditional Aging Inmate Release Program, CS/SB 1728 by the Committee on Criminal Justice and Senator Brandes—Public Meetings and Records/Conditional Medical Release Program, SM 1756 by Senator Flores—Temporary Protected Status to Venezuelans in the United States, CS/SB 1802 by the Committee on Criminal Justice and Senator Pizzo—Public Meetings/Urban Core Gun Violence Task Force, SB 1872 by Senator Hutson—Public Records/Commissioner of Financial Regulation/Financial Technology Sandbox Applications, and SB 1874 by Senator Hutson—Fees/Office of Financial Regulation/Financial Technology Sandbox Applications. The committee will also meet for the following Senate Confirmation Hearings: Investment Advisory Council Appointee: Canida, Maria Teresa and Olmstead, Vinny.

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Chair Simpson and the Innovation, Industry, and Technology Committee will meet to consider the following bills: SB 658 by Senator Albritton—Acquisition of Water and Wastewater Systems, SB 1244 by Senator Albritton—State Workforce Development Boards, SB 776 by Senator Perry—Florida Real Estate Appraisal Board, SB 1268 by Senator Gruters—Capital Investment Tax Credit, SB 1084 by Senator Diaz and others—Emotional Support Animals, SB 912 by Senator Diaz—Department of Business and Professional Regulation, SPB 7052—Office of Public Counsel, SB 1352 by Senator Brandes—Transportation Companies, and SB 1870 by Senator Hutson and others—Technological Development.

Chair Flores and the Community Affairs Committee will meet to consider the following bills: CS/SB 368 by the Committee on Infrastructure and Security and Senator Rouson—Tampa Bay Area Regional Transit Authority, CS/SB 538 by the Committee on Infrastructure and Security; Senator Diaz and others—Emergency Reporting, CS/SB 724 by the Committee on Environment and Natural Resources and Senator Albritton—Local Government Recycling Programs, CS/SB 752 by the Committee on Infrastructure and Security; Senator Bean and others—Emergency Sheltering of Persons with Pets, SB 906 by Senator Farmer—Prohibited Reptiles, SB 1066 by Senator Gruters—Impact Fees, SB 1102 by Senator Gruters—Specialty Contracting Services, SB 1122 by Senator Pizzo—Emergency Telecommunication Devices in Public Swimming Pools, CS/SB 1148 by the Committee on Infrastructure and Security and Senator Brandes—Electric Bicycles, CS/SB 1154 by the Committee on Innovation, Industry, and Technology and Senator Baxley—Community Associations, SJR 1502 by Senator Diaz—Information About Counties and Municipalities, SB 1512 by Senator Diaz—Local Government Reporting, SB 1662 by Senator Albritton—Property Tax Exemption for Disabled Veterans, and CS/SB 1766 by the Committee on Judiciary; Senator Lee and others—Growth Management.

Chair Montford and the Environment and Natural Resources Committee will for the following Senate Confirmation Hearings: Executive Director of South Florida Water Management District Appointee: Bartlett, Andrew "Drew"; Governing Board of the South Florida Water Management District Appointee: Bergeron, Ronald M.; and Executive Director of Suwannee River Water Management District Appointee: Thomas, Hugh L. The committee will also meet to consider the following bills: SB 1360 by Senator Rodriguez—Florida Endangered and Threatened Species Act, SB 1378 by Senator Rouson—Vessels, CS/SR 1572 by the Committee on Infrastructure and Security and Senator Stewart—Climate Change, CS/SB 996 by the Committee on Community Affairs and Senator Albritton—Displacement of Private Waste Companies, and SB 1706 by Senator Montford—Water Testing for Pollution.

Chair Baxley and the Ethics and Elections Committee will meet for the following Senate Confirmation Hearings: Jacksonville Aviation Authority Appointee: Barnett, Michelle; Board of Trustees of Florida State College at Jacksonville Appointee; Odom, Roderick D.; Fish and Wildlife Conservation Commission Appointees: Barreto, Rodney L. and Hudson, Steven W.; Board of Governors of the State University System Appointees: Lamb, Brian D., Scott, Steven M., Silagy, Eric E. and Stermon, Kent; Higher Educational Facilities Financing Authority Appointees: Berardinelli, Joseph C., Czerniec, Timothy H. and Wagner, Tracy A.; Florida Housing Finance Corporation Appointee: Gulliford, William Irving; Board of Optometry Appointees: Burns-LeGros, Denise and Griffin, John Edmund; Board of Pilot Commissioners Appointee: Russo, Edward; Jacksonville Port Authority Appointee: Clarkson, John Palmer Florida Transportation Commission Appointee: Burke, Richard; Executive Director of Northwest Florida Water Management District Appointee: Cyphers, Brett J.; Governing Board of the St. Johns River Water Management District Appointees: Davis, Daniel J. and Howse, Ronald S.; Executive Director of St. Johns River Water Management District Appointee: Shortelle, Ann B.; Governing Board of the South Florida Water Management District Appointee: Butler, Benjamin L.; Governing Board of the Southwest Florida Water Management District Appointees: Bispham, Paul J., Germann, Roger W., Jr., Rice, Kelly S., Schleicher, Joel A. and Weightman, Seth; Executive Director of Southwest Florida Water Management District Appointee: Armstrong, Brian J.; Board of Trustees, Florida A & M University Appointee: Harper, Kristin R. Board of Trustees, Florida Atlantic University Appointees: Dennis, Michael T.B. and Morris, Elycia; Board of Trustees, University of Central Florida Appointees: McAlpin, Caryl C., Mills, Harold F. and Okaty, Michael A.; Board of Trustees, Florida State University Appointees: Sasser, Bobby L. and Thiel, John William; Board of Trustees, Florida Gulf Coast University Appointees: Coone, Ashley, Morton, Edward Allen and Semrod, Jaye;

AMERICAN OVERSIGHT

Board of Trustees, Florida International University Appointee: Lowell, Natasha; Board of Trustees, New College of Florida Appointees: Christaldi, Ronald A. and Ruiz, Mary; Board of Trustees, Florida Polytechnic University Appointee: Sasser, W. Earl, Jr.; Board of Trustees, University of Florida Appointees: Brandon, David Lee and Zucker, Anita G.; Board of Trustees, University of North Florida Appointees: Davis, Jill Smith and Patel, Nikul; Board of Trustees, University of South Florida Appointees: Callahan, Sandra W. and Griffin, Michael E.; Board of Trustees, University of West Florida Appointees: Scott, Alonzie III, Singer, Jill Anne and White, Stephanie S.

Chair Lee and the Infrastructure and Security Committee will meet to consider the following bills: SB 78 by Senator Broxson—Transportation Facility, Designations/General Daniel 'Chappie' James, Jr., SB 502 by Senator Montford and others—Emergency Mitigation and Response, SB 520 by Senator Gruters and others—Drones, CS/SB 1212 by the Committee on Governmental Oversight and, Accountability and Senator Gruters—International Affairs, CS/SB 1332 by the Committee on Community Affairs and Senator Hooper—Towing and Immobilizing Vehicles and Vessels, SB 1484 by Senator Diaz—Motor Vehicle Manufacturers and Dealers, SB 1692 by Senator Flores—Driver Licenses, SB 1694 by Senator Flores—Driver License Fees, and SB 1738 by Senator Brandes—Motor Vehicle Dealers.

Chair Benacquisto and the Special Order Calendar Group will meet to set the Special Order Calendar.

TOP CAUCUS TWEETS AND POSTS

George Gainer @SenatorGainer
ATTENTION, @FLDEO will be holding public workshops in the following Hurricane Michael-impacted communities: facebook.com/81587347852546…

Debbie Mayfield @debbie_mayfield
SCHOLARSHIP OPPORTUNITY for @BrevardSchools seniors! The @BrevardSF has more than 50 different scholarships covering a wide array of career interests, skills & community involvement. #SpaceCoastbit.ly/2uhqLsP

IN CASE YOU MISSED IT

WEAR TV Pensacola: Florida Senate passes bill requiring parental consent for abortions
WINK News Fort Myers: New Florida bill would set rules on converting water we use into something drinkable
Tampa Bay Times: Paramedics now carry guns on some SWAT teams in Tampa Bay area

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Biscuit Bar (Apple Butter, Chicken, Eggs), Fresh Fruit

Lunch: Chicken Sandwich, Grilled Chicken Wrap, Chicken Nuggets, Kale Salad, Cookies

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Monday, February 10, 2020 6:26 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 02/11 Daily Briefing
Attachment(s): "Daily Briefing02-11 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the February 11, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Tuesday, February 11, 2020

SCHEDULE

10:00 AM — 12:00 noon

Commerce and Tourism - 110 Senate Building

- SB 54 - Tax Exemption for Diapers and Incontinence Products (Book)
- SB 900 - Malt Beverages (Stargel)
- SB 1128 - Vacation Rentals (Diaz)
- CS/SB 1214 - Engineers (Baxley)
- SB 1362 - Rental Agreements (Rodriguez)
- SB 1580 - Minority Businesses (Braynon)
- SB 1600 - Black Business Loan Program (Powell)

2:00 — 4:00 PM Schedule Conflict

Banking and Insurance - 412 Knott Building

- SB 378 - Motor Vehicle Insurance (Lee)
- SB 380 - Bank Property of Deceased Account Holders (Baxley)
- CS/SB 478 - Motor Vehicle Rentals (Perry)
- CS/SB 792 - Physical Therapy Practice (Albritton)
- SB 924 - Civil Actions Against Insurers (Brandes)
- SB 1334 - Financial Services (Brandes)
- CS/SB 1464 - Underground Facility Damage Prevention and Safety (Flores)
- SB 1556 - Nondiscrimination in Organ Transplants (Bean)
- SB 1618 - Construction Materials Mining Activities (Diaz)
- SB 1626 - Price Transparency in Health Care Services (Flores)
- SB 1828 - Litigation Financing Consumer Protection (Broxson)

Children, Families, and Elder Affairs - 301 Senate Building

- SB 152 - Dental Therapy (Brandes)
- SB 920 - First-episode Psychosis Programs (Rouson)
- **SB 1054 - Substance Abuse Services (Gruters)**
- SB 1156 - Children's Initiatives (Braynon)
- SB 1198 - Purple Alert (Berman)
- SB 1678 - Substance Abuse and Mental Health (Montford)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

2:00 — 5:00 PM **Schedule Conflict**
Judiciary - 110 Senate Building

- SB 4 - Relief of Dontrell Stephens by the Palm Beach County Sheriff's Office (Flores)
- CS/SB 410 - Growth Management (Perry)
- SB 664 - Verification of Employment Eligibility (Lee)
- SB 698 - Assisted Reproduction Facilities (Book)
- **SB 1340 - Legal Notices (Gruters)**
  - **A 190756 - Delete line 157 and insert: (Gruters)**
- **SB 1366 - Trusts (Gruters)**
  - **A 409666 - Delete lines 65 - 81 and insert: (Gruters)**
- CS/SB 1516 - Organ Donation (Harrell)
- SB 1672 - Protection of Vulnerable Investors (Broxson)
- CS/SB 1564 - Use of Genetic Information (Stargel)
- SB 1746 - Florida Virtual Education (Stargel)
- CS/SB 1794 - Constitutional Amendments Proposed by Initiative (Hutson)
- SB 16 - Relief of Christeia Jones, Logan Grant, Denard Maybin, Jr., and Lanard Maybin/Department of Highway Safety and Motor Vehicles (Simmons)
- CS/SB 1286 - Contraband in Specified Facilities (Simmons)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	In committee/council (AP)
SB 126	Sales and Use Tax	On agenda (FT)
CS/SB 514	Homestead Exemptions	On agenda (FT)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	In committee/council (AHS)
SB 520	Drones	On agenda (IS)
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	On agenda (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	Acted on by committee/council, pending report (GO)
CS/SB 898	Insurance Guaranty Associations	In committee/council (IT)
CS/SB 922	Economic Development	On agenda (AHS)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	On agenda (CF)
SB 1066	Impact Fees	On agenda (CA)
SB 1102	Specialty Contracting Services	On agenda (CA)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	In committee/council (RC)
SB 1190	Cooling Towers	In committee/council (HP)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SB 1192	Tax on Aviation Fuel	In committee/council (FT)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
CS/SB 1212	International Affairs	On agenda (IS)
CS/SJR 1216	Limitation on Terms of Office for Members of a District School Board	Acted on by committee/council, pending report (ED)
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
CS/SB 1236	Educational Property Tax Exemption	In committee/council (FT)
CS/SB 1240	Corporate Income Tax Credit	In committee/council (FT)
SB 1266	Social Media Websites	In committee/council (IT)
SB 1268	Capital Investment Tax Credit	In committee/council (IT)
SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	On agenda (JU)
SB 1366	Trusts	On agenda (JU)
SB 1424	Special Neighborhood Improvement Districts	In committee/council (IT)
CS/SB 1450	Environmental Enforcement	In committee/council (ACJ)
SB 1488	Construction Defects	In committee/council (CA)
SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)
SB 1538	Government Integrity	In committee/council (GO)
CS/SB 1642	Tax Exemptions	In committee/council (FT)
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	In committee/council (CM)
SB 1684	Health Care Provider Credentialing	In committee/council (BI)
SB 1778	Taxation of Real Property	In committee/council (CM)
SB 1822	Verification of Employment Eligibility	In committee/council (JU)

FYI – COMMITTEE ACTIVITY

Chair Albritton and the Agriculture Committee will meet to consider the following bills: SB 1514 by Senator Albritton—Department of Agriculture and Consumer Services and CS/SB 1414 by the Committee on Environment and Natural Resources and Senator Mayfield—Fish and Wildlife Activities.

Chair Gruters and the Commerce and Tourism Committee will meet to consider the following bills: SB 54 by Senator Book and others—Tax Exemption for Diapers and Incontinence Products, SB 900 by Senator Stargel—Malt Beverages, SB 1128 by Senator Diaz—Vacation Rentals, CS/SB 1214 by the Committee on Innovation, Industry, and Technology and Senator Baxley—Engineers, SB 1362 by Senator Rodriguez—Rental Agreements, SB 1580 by Senator Braynon—Minority Businesses, and SB 1600 by Senator Powell—Black Business Loan Program.

Chair Perry and the Criminal Justice Committee will meet to consider the following bills: SB 618 by Senator Powell—Detention of Children, CS/SB 688 by the Committee on Environment and Natural Resources and Senator Wright—Illegal Taking, Possession, and Sale of Bears, SB 798 by Senator Rouson—Procurement of Human Organs and Tissue, SB 1508 by Senator Taddeo—Police Vehicles, SB 1552 by Senator Flores—Law Enforcement Activities, SB 1594 by Senator Powell—Firesafety Inspectors, SB 1690 by Senator Torres—Preservation of Memorials, SB 1866 by Senator Pizzo—Assault or Battery, and SB 1880 by Senator Perry—Restitution for Juvenile Offenses.

Chair Harrell and the Health Policy Committee will meet to consider the following bills: SB 1406 by Senator Broxson—Youth Athletic Activities, SB 190 by Senator Montford and others—Medicaid School-based Services, CS/SB 772 by the Committee on Community Affairs; Senator Hutson and others—Recreational Vehicle Parks,

AMERICAN OVERSIGHT

CS/SB 1668 by the Committee on Judiciary and Senator Simmons—Damages, SB 46 by Senator Farmer and others—Eye Care for Newborns and Infants, CS/SB 736 by the Committee on Banking and Insurance and Senator Diaz—Coverage for Air Ambulance Services, SB 1094 by Senator Diaz—Consultant Pharmacists, SB 1006 by Senator Baxley and others—Coverage for Hearing Aids for Children, CS/SB 880 by the Committee on Banking and Insurance and Senator Baxley—Nurse Registry, SB 1370 by Senator Harrell—Patient Safety Culture Surveys, and SB 584 by Senator Harrell—Council on Physician Assistants.

Chair Broxson and the Banking and Insurance Committee will meet to consider the following bills: SB 378 by Senator Lee and others—Motor Vehicle Insurance, SB 380 by Senator Baxley—Bank Property of Deceased Account Holders, CS/SB 478 by the Committee on Innovation, Industry, and Technology and Senator Perry—Motor Vehicle Rentals, CS/SB 792 by the Committee on Health Policy; Senator Albritton and others—Physical Therapy Practice, SB 924 by Senator Brandes—Civil Actions Against Insurers, SB 1334 by Senator Brandes—Financial Services, CS/SB 1464 by the Committee on Infrastructure and Security and Senator Flores—Underground Facility Damage Prevention and Safety, SB 1556 by Senator Bean—Nondiscrimination in Organ Transplants, SB 1618 by Senator Diaz—Construction Materials Mining Activities, SB 1626 by Senator Flores—Price Transparency in Health Care Services, and SB 1828 by Senator Broxson—Litigation Financing Consumer Protection.

Chair Book and the Children, Families, and Elder Affairs Committee will meet to consider the following bills: SB 152 by Senator Brandes and others—Dental Therapy, SB 920 by Senator Rouson—First-episode Psychosis Programs, SB 1054 by Senator Gruters—Substance Abuse Services, SB 1156 by Senator Braynon—Children's Initiatives, SB 1198 by Senator Berman—Purple Alert, and SB 1678 by Senator Montford—Substance Abuse and Mental Health.

Chair Simmons and the Judiciary Committee will meet to consider the following bills: SB 4 by Senator Flores—Relief of Dontrell Stephens by the Palm Beach County Sheriff's Office, CS/SB 410 by the Committee on Community Affairs and Senator Perry—Growth Management, SB 664 by Senator Lee and others—Verification of Employment Eligibility, SB 698 by Senator Book and others—Assisted Reproduction Facilities, SB 1340 by Senator Gruters—Legal Notices, SB 1366 by Senator Gruters—Trusts, CS/SB 1516 by the Committee on Health Policy and Senator Harrell—Organ Donation, SB 1672 by Senator Broxson—Protection of Vulnerable Investors, CS/SB 1564 by the Committee on Banking and Insurance and Senator Stargel—Use of Genetic Information, SB 1746 by Senator Stargel—Florida Virtual Education, CS/SB 1794 by the Committee on Ethics and Elections and Senator Hutson—Constitutional Amendments Proposed by Initiative, SB 16 by Senator Simmons—Relief of Christeia Jones, Logan Grant, Denard Maybin, Jr., and Lanard Maybin/Department of Highway Safety and Motor Vehicles, and CS/SB 1286 by the Committee on Criminal Justice and Senator Simmons—Contraband in Specified Facilities.

TOP CAUCUS TWEETS AND POSTS

Keith Perry @KeithPerryFL
Staying on the forefront of #cybersecurity is crucial for safeguarding our communities from hacking and fraud. Thank you Attorney General @AshleyMoodyFL for participating in this important workshop! Tomorrow's event is free and open to public #FlaPoltinyurl.com/uxp3w9b

Manny Diaz Jr. @SenMannyDiazJr
Looking for Another reason why Americans are flocking to #Florida? not to mention low taxes, beautiful weather and abundant School Choice!

Rob Bradley @Rob_Bradley
When folks talk about our work on #CJReform, they rarely mention our state's investment in Operation New Hope. This is real reform, real change, real hope...and it was done through targeted investments in the state budget over several years. @Travis_Cummings is a great partner.

AMERICAN OVERSIGHT

IN CASE YOU MISSED IT

WINK News Southwest Florida: Florida bills protect pets of domestic violence, victim's pet pivotal helping her escape
Sun Sentinel: Florida travelers may get free orange juice again, thanks to Senate's proposed budget
WTXL Tallahassee: Gov. Ron DeSantis announces new funding for Hurricane Michael recovery aid

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit, Pastries

Lunch: Chicken, Steak, and Shrimp Kabobs, Turmeric Rice, Pasta Salad, Greek Salad, Cookies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Tuesday, February 11, 2020 6:29 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 02/12 Daily Briefing
Attachment(s): "Daily Briefing02-12 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the February 12, 2020 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Wednesday, February 12, 2020

SCHEDULE

10:00 AM — 3:30 PM
SESSION Third Reading

- CS/CS/SB 124, 1st Eng. - Custody of Minor Children by Extended Family (Bean)
- HB 7009 - Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position (Public Integrity and Ethics Committee)
- CS/CS/CS/HB 115 - Keep Our Graduates Working Act (Health Quality Subcommittee)

Special Order

- SB 2500 - Appropriations (Appropriations)
- SB 2502 - Implementing the 2020-2021 General Appropriations Act (Appropriations)
- SB 2504 - State Employees (Appropriations)
- SB 2506 - Correctional Medical Authority (Appropriations)
- SB 7044 - State-administered Retirement Systems (Governmental Oversight and Accountability)
- SB 348 - Florida Kidcare Program (Bean)
- SB 362 - Florida Tourism Marketing (Hooper)
- CS/SB 58 - Prescription Drug Donation Repository Program (Book) Compare to CS/HB 177 - Prescription Drug Donation Repository Program
- SJR 142 - Abolishing the Constitution Revision Commission (Brandes) Similar to HJR 301 - Repeal of Constitution Revision Commission
- CS/SB 372 - Postsecondary Education for Certain Military Personnel (Lee)
- SM 978 - Juneteenth Independence Day (Pizzo)
- SB 7004 - OGSR/Taxpayer E-mail Addresses Held by a Tax Collector (Finance and Tax)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	In committee/council (AP)
SB 126	Sales and Use Tax	On agenda (FT)
CS/SB 514	Homestead Exemptions	On agenda (FT)

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President of the Senate

DAVID SIMMONS
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SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	In committee/council (AHS)
CS/SB 520	Drones	Pending Reference Review
CS/SB 522	Cruelty to Dogs	In committee/council (JU)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	On agenda (FT)
CS/SB 530	Entertainment Industry	In committee/council (IT)
SB 576	Research and Development Tax Credit	In committee/council (FT)
CS/SB 670	Smoking on Public Beaches and in Public Parks	In committee/council (IT)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
CS/SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	Pending Reference Review
CS/SB 898	Insurance Guaranty Associations	In committee/council (IT)
CS/SB 922	Economic Development	On agenda (AHS)
SB 1040	Reentry Into this State by Certain Persons	In committee/council (CJ)
SB 1054	Substance Abuse Services	Acted on by committee/council, pending report (CF)
SB 1066	Impact Fees	Acted on by committee/council, pending report (CA)
SB 1102	Specialty Contracting Services	Acted on by committee/council, pending report (CA)
SB 1126	Employment Conditions	In committee/council (GO)
SB 1140	Public Accountancy	In committee/council (RC)
SB 1190	Cooling Towers	In committee/council (HP)
SB 1192	Tax on Aviation Fuel	In committee/council (FT)
SB 1200	Voter Registration Maintenance	In committee/council (EE)
CS/SB 1212	International Affairs	In committee/council (RC)
CS/CS/SJR 1216	Limitation on Terms of Office for Members of a District School Board	Pending Reference Review
SM 1222	Designating Drug Cartels as Terrorist Organizations	In committee/council (GO)
CS/SB 1236	Educational Property Tax Exemption	In committee/council (FT)
CS/SB 1240	Corporate Income Tax Credit	In committee/council (FT)
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SB 1268	Capital Investment Tax Credit	In committee/council (IT)
SB 1330	Municipal Service Taxing Units and Municipal Service Benefit Units	In committee/council (CA)
SB 1340	Legal Notices	On agenda (JU)
SB 1366	Trusts	On agenda (JU)
SB 1424	Special Neighborhood Improvement Districts	In committee/council (IT)
CS/SB 1450	Environmental Enforcement	In committee/council (ACJ)
SB 1488	Construction Defects	In committee/council (CA)
SB 1494	Insurance Coverage for Condominium Unit Owners	In committee/council (BI)
SB 1518	Acquisition of Certain Professional Services	In committee/council (CA)
SB 1538	Government Integrity	In committee/council (GO)
CS/SB 1642	Tax Exemptions	In committee/council (FT)
SM 1658	Free Trade Agreement Between the United States and the United Kingdom	In committee/council (CM)
SB 1684	Health Care Provider Credentialing	In committee/council (BI)
SB 1778	Taxation of Real Property	In committee/council (CM)
SB 1822	Verification of Employment Eligibility	In committee/council (JU)

AMERICAN OVERSIGHT

Chair Wright and the Military and Veterans Affairs and Space Committee will meet to consider the following bills: SB 1496 by Senator Lee—Veterans Treatment Courts and CS/SB 1586 by the Committee on Children, Families, and Elder Affairs; Senator Hooper and others—First Responders Suicide Deterrence Task Force.

Chair Benacquisto and the Rules Committee will meet to consider the following bills: CS/SB 290 by the Committee on Judiciary and Senator Hooper—School Bus Safety, CS/SB 364 by the Committee on Community Affairs; Senator Rader and others—Independent Living Task Force, SB 384 by Senator Baxley—Harris Chain of Lakes, SB 630 by Senator Mayfield—Regulation of Smoking, SB 716 by Senator Mayfield—County Boundaries, SB 936 by Senator Gainer—Disability Retirement Benefits, SB 1292 by Senator Perry—Public Records/Nonjudicial Arrest Record of a Minor, SB 7036 by the Committee on Criminal Justice (Perry)—OGSR/Criminal Intelligence Information/Criminal Investigative Information, SB 7038 by the Committee on Criminal Justice (Perry)— OGSR/Information Held by an Investigative Agency, CS/SB 7010 by the Committees on Governmental Oversight and Accountability, and Military and Veterans Affairs and Space (Wright)—OGSR/Servicemembers and the Spouses and Dependents of Servicemembers, SJR 396 by Senator Rodriguez—Single-subject Limitation for Taxation and Budget Reform Commission, SB 828 by Senator Benacquisto—Florida ABLE Program, SB 830 by Senator Benacquisto—OGSR/Certain Personal Financial and Health Information, CS/SB 994 by the Committee on Judiciary; Senator Passidomo and others—Guardianship, SB 1398 by Senator Flores—Regional Planning Council Meetings, and SR 1704 by Senator Flores—Taiwan.

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

Bill Galvano @BillGalvano
Such a great surprise and a tremendous honor to be presented with an honorary membership in the Florida Professional Firefighters @FPF343. Thank you!

George Gainer @SenatorGainer
Our #BayCounty officials never rest when it comes to #HurricaneMichael recovery. Couldn't ask for any better people to work alongside for the panhandle. Thank you for everything you do for our community.#District2

Debbie Mayfield @debbie_mayfield
SB1414 has passed the @FLSenate Agriculture Committee. Thank you Chairman @RepAlbritton for hearing this good bill today!

IN CASE YOU MISSED IT

WTXL Tallahassee: Bill to pay student athletes makes headway in Florida
The Independent Florida Alligator: UF/IFAS ranked the No. 1 public institution for agricultural sciences

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Rice Bowls (Chicken, Steak, Shrimp), Salad, Brownies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Tuesday, December 10, 2019 5:05 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>
Subject: 12/11 Daily Briefing
Attachment(s): "Daily Briefing12-11 Gruters Daily Briefing.docx"

Good Afternoon,

Attached is the December 11, 2019 Majority Office Daily Brief for Sen. Gruters.

Thank you,

Austin Kernan
Legislative Analyst
Senate Majority Office
Office: (850) 487-5184
Cell: (352) 361-1691

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Gruters
Wednesday, December 11, 2019

SCHEDULE

1:30 — 3:30 PM

Appropriations Subcommittee on Criminal and Civil Justice - 37 Senate Building

- CS/SB 346 - Criminal Justice (Bradley)
- Presentation on Governor's Fiscal Year 2020-2021 Budget Recommendations: Department of Corrections Department of Juvenile Justice Department of Law Enforcement Department of Legal Affairs/Attorney General Florida Commission on Offender Review State Courts Public Defenders State Attorneys Regional Conflict Counsels Statewide Guardian ad Litem Capital Collateral Regional Counsels Justice Administrative Commission
- Presentation on a Study of Health Care Services in the Florida Department of Corrections by Office of Program Policy Analysis and Government Accountability
- Presentation on Recommendation of the Appellate Review of County Court Decisions Workgroup

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SB 118	Security in Trial Court Facilities	In committee/council (ACJ)
SB 126	Sales and Use Tax	In committee/council (FT)
SB 514	Homestead Exemptions	In committee/council (CA)
SB 516	Campaign Financing	In committee/council (EE)
SB 518	Cardiac Screening for Newborns	In committee/council (HP)
SB 520	Drones	In committee/council (IS)
SB 522	Cruelty to Dogs	Acted on by committee/council, pending report (CJ)
SB 524	Sales Tax Holiday for Disaster Preparedness Supplies	In committee/council (FT)
SB 530	Entertainment Industry	Acted on by committee/council, pending report (CM)
SB 576	Research and Development Tax Credit	In committee/council (FT)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SB 670	Smoking on Public Beaches and in Public Parks	Acted on by committee/council, pending report (CA)
SB 686	Stormwater Management Systems	In committee/council (EN)
SB 732	Insulation Products	In committee/council (CA)
SB 734	Termination of Pregnancy	In committee/council (HP)
SB 858	Cost-of-living Adjustment for Special Risk Class Retirees	In committee/council (GO)
SB 898	Insurance Guaranty Associations	Filed
SB 922	Economic Development	Filed
SB 1040	Reentry Into this State by Certain Persons	Filed
SB 1054	Substance Abuse Services	Filed
SB 1066	Impact Fees	Filed
SB 1102	Specialty Contracting Services	Filed
SB 1126	Employment Conditions	Filed
SB 1140	Public Accountancy	Filed
SB 1190	Cooling Towers	Filed
SB 1192	Tax on Aviation Fuel	Filed
SB 1200	Voter Registration Maintenance	Filed

FYI – COMMITTEE ACTIVITY

Chair Wright and the Military and Veterans Affairs and Space Committee will meet to for presentation by Brigadier General Tom Landerwermeyer, USA (Ret.), President and CEO, Homes for our Troops and Andy Pujol, CEO, Founder and Volunteer, Building Homes for Heroes, Inc.

Chair Mayfield and the Appropriations Subcommittee on Agriculture, Environment, and General Government will meet for the following presentations: Governor's Environment Fiscal Year 2020-2021 Budget Recommendations, Governor's General Government Fiscal Year 2020-2021 Budget Recommendations, Florida PALM by the Department of Financial Services, and Florida Water and Wastewater Infrastructure by the Florida Water Environment Association Utility Council.

Chair Brandes and the Appropriations Subcommittee on Criminal and Civil Justice will meet for presentations on the Governor's Fiscal Year 2020-2021 Budget Recommendations, a Study of Health Care Services in the Florida Department of Corrections by the Office of Program Policy Analysis and Government Accountability, and Recommendation of the Appellate Review of County Court Decisions Workgroup. The subcommittee will also meet to consider CS/SB 346 by the Committee on Criminal Justice; Senator Bradley and others—Criminal Justice.

Chair Diaz and the Appropriations Subcommittee on Education will meet for a Presentation on Governor's Fiscal Year 2020-2021 Budget Recommendations.

Chair Bean and the Appropriations Subcommittee on Health and Human Services will meet for a Presentation on Governor's Fiscal Year 2020-2021 Budget Recommendations and to consider SB 348 by Senator Bean—Florida Kidcare Program.

Chair Hutson and the Appropriations Subcommittee on Transportation, Tourism, and Economic Development will meet for a Presentation on Governor's Fiscal Year 2020-2021 Budget Recommendations.

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

Manny Diaz Jr. @SenMannyDiazJr
Congrats to @iMaterKnights Principal Teresa Santalo in #District36 for being named a winner of @FloridaTaxWatch 2019-2020 Principal Leadership Awards! #ForTheKids

Keith Perry @KeithPerryFL
Always a great day when I get to visit with Florida Farm Bureau leaders from Alachua and Marion counties! #Agriculture is the backbone of Florida, and we need to use long-term science-based measures to help this industry flourish. #FarmBureauDay#BeTheVoice

Aaron Bean @AaronPBean
I had an awesome time last night catching up with the Governor at a Christmas Party at the Governor's Mansion! Florida continues to benefit from his bold leadership and I look forward to continuing to work with him this next legislative session.

IN CASE YOU MISSED IT

News 4 Jax: Florida Senate panel backs 'Best and Brightest' repeal
WCTV Tallahassee: Bill stopping HOAs from prohibiting police vehicles in officers' driveways advances
FOX 35 Orlando: Senators back task force on sea level rise
Pensacola News Journal: Longtime Santa Rosa County figure, former legislator John Broxson, dies at age 87

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Edamame, Spring Rolls, House Salad, Mongolian Beef, Masa Chili Chicken, Fried Rice, Steamed Rice, California Rolls, Shrimp Tempura Rolls, Dirty Harry Rolls

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Monday, January 27, 2020 11:45 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: 1212
Attachment(s): "Sisters of Florida State Cities and Counties.docx","Citizen Support Organizations Friends of Florida History EXAMPLE.docx","Friends Of Florida History Annual Report 19 20 EXAMPLE.pdf"

Victoria,

Please see the link below that will direct you to the Consular Corp of Florida listed by country.

Thank you!!!

http://orlando.consularcorps.info/countries/

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

AMERICAN OVERSIGHT

Citizen Support Organizations

Friends of Florida History, Inc.

- Purpose is to provide assistance, funding, and promotional support for the archaeology, historic sites, museums, folklife, and historic preservation programs of the Division of Historical Resources.
- Up to twenty-five members appointed by the Secretary of State.
- Chair, Mr. Lester Abberger
- The Code of Ethics of Friends of Florida History, Inc. (.pdf)

AMERICAN OVERSIGHT

Friends of Florida History, Inc.

Division of Historical Resources
R.A. Gray Building, Suite 305
500 South Bronough Street
Tallahassee, FL 32399-0250
850.245.6300
www.flheritage.com

FY 2019-2020 Report

I. Statutory Authority or Executive Order Creating Organization

Section 267.17, *Florida Statutes*, provides statutory authority for the organization.

II. Mission and Results Obtained

Mission

The mission of Friends of Florida History, Inc. (FFH) shall be to enhance and perpetuate, through prudent stewardship and non-state financial support, the archaeology, historic sites, museums, folklife, historic preservation sites and programs of the Florida Division of Historical Resources (including, but not limited to, Miami Circle, Florida Folklife Program, Florida Main Street) and the Office of External Affairs (Mission San Luis and The Grove Museum) for the people of Florida and its visitors.

Results Obtained

Friends of Florida History, Inc. board members accomplish their mission through financial support for Florida Division of Historical Resources and the Office of External Affairs (Mission San Luis and The Grove Museum) programs and facilities. During FY 2018-2019, Friends of Florida History raised funds and in-kind donations of goods and services for Mission San Luis (2018-2019 Cultural Thursdays Colonial Spanish Florida History Lecture Series, 2019 Winter Solstice Celebration), The Grove Museum (education and membership programs), Florida Folklife Program (Florida Folk Heritage Awards, Florida Folk Festival – Florida Folk Program Area), Florida Main Street Program (2018 Florida Main Street Annual Conference, 2019 Florida Main Street Spring Quarterly Meeting) as well as activities organized by the Bureau of Historic Preservation (regional Certified Local Government trainings held in St. Augustine, Jupiter, and Deland) and the Bureau of Archaeological Research (2019 Florida Archaeology Month presentations).

FFH established a Florida Division of Historical Resources 'DHR Program Area Operating General Fund' account. In addition, Friends of Florida History, Inc. opened a money market ($125,000 MM) and CD accounts (a $75,000 6-month CD and a $75,000

AMERICAN OVERSIGHT

18-month CD) with funds earmarked for Mission San Luis. Throughout FY 2018-2019, Friends of Florida History, Inc. provided advice on Division programming.

III. Three Year Plan

To solicit, receive, hold, invest, and administer property, and subject to approval of the Department of State, make expenditures to provide assistance, funding, and promotional support to the archaeology, historic sites, museums, folklife, and historic preservation programs of the Division, in a manner consistent with the policies and goals of the Department in accordance with Chapter 267, *Florida Statutes.*

To support the Division in its efforts to implement and manage programs designed to create statewide impact and position Florida as a national leader in historic preservation.

IV. Code of Ethics

The Code of Ethics of Friends of Florida History, Inc. is as follows:

PREAMBLE

(1) It is essential to the proper conduct and operation of Friends of Florida History, Inc., (herein "CSO") that its board members, officers, and employees be independent and impartial and that their position not be used for private gain. Therefore, the Florida Legislature in Section 112.3251, *Florida Statutes*, requires that the law protect against any conflict of interest and establish standards for the conduct of CSO board members, officers, and employees in situations where conflicts may exist.

(2) It is hereby declared to be the policy of the state that no CSO board member, officer, or employee shall have any interest, financial or otherwise, direct or indirect, or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties for the CSO. To implement this policy and strengthen the faith and confidence of the people in Citizen Support Organizations, there is enacted a code of ethics setting forth standards of conduct required of Friends of Florida History, Inc., board members, officers, and employees in the performance of their official duties.

STANDARDS

The following standards of conduct are enumerated in Chapter 112, *Florida Statutes*, and are required by Section 112.3251, *Florida Statutes*, to be observed by CSO board members, officers, and employees.

1. Prohibition of Solicitation or Acceptance of Gifts

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No CSO board member, officer, or employee shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the CSO board member, officer, or employee would be influenced thereby.

2. Prohibition of Accepting Compensation Given to Influence a Vote

No CSO board member, officer, or employee shall accept any compensation, payment, or thing of value when the person knows, or, with reasonable care, should know that it was given to influence a vote or other action in which the CSO board member, officer, or employee was expected to participate in his or her official capacity.

3. Salary and Expenses

No CSO board member or officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a CSO board member or officer, as provided by law.

4. Prohibition of Misuse of Position

A CSO board member, officer, or employee shall not corruptly use or attempt to use one's official position or any property or resource which may be within one's trust, or perform official duties, to secure a special privilege, benefit, or exemption.

5. Prohibition of Misuse of Privileged Information

No CSO board member, officer, or employee shall disclose or use information not available to members of the general public and gained by reason of one's official position for one's own personal gain or benefit or for the personal gain or benefit of any other person or business entity.

6. Post-Office/Employment Restrictions

A person who has been elected to any CSO board or office or who is employed by a CSO may not personally represent another person or entity for compensation before the governing body of the CSO of which he or she was a board member, officer, or employee for a period of two years after he or she vacates that office or employment position.

7. Prohibition of Employees Holding Office

No person may be, at one time, both a CSO employee and a CSO board member at the same time.

8. Requirements to Abstain from Voting

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A CSO board member or officer shall not vote in official capacity upon any measure which would affect his or her special private gain or loss, or which he or she knows would affect the special gain or any principal by whom the board member or officer is retained. When abstaining, the CSO board member or officer, prior to the vote being taken, shall make every reasonable effort to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the CSO board member or officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

9. Failure to Observe CSO Code of Ethics

Failure of a CSO board member, officer, or employee to observe the Code of Ethics may result in the removal of that person from their position. Further, failure of the CSO to observe the Code of Ethics may result in the Florida Department of State terminating its Agreement with the CSO.

V. Current Federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

Please see attached IRS Form 990 for the 2017 tax year.

AMERICAN OVERSIGHT

Filing Instructions

Friends of Florida History, Inc.

Exempt Organization Tax Return

Taxable Year Ended June 30, 2018

Date Due: May 15, 2019

Remittance: None is required. Your Form 990 for the tax year ended 6/30/18 shows no balance due.

Signature: You are using a Personal Identification Number (PIN) for signing your return electronically. Sign the IRS e-file Authorization and mail it as soon as possible to:

Thomson Brock Luger & Company
3375G Capital Cir NE
Tallahassee, FL 32308-3736

Other: Initial and date the copies of the IRS e-file Signature Authorization and the Form 990. Retain them for your records. If previously signed and returned no further action is required for Form 8879-EO.

Your return is being filed electronically with the IRS and is not required to be mailed. Mailing a paper copy of your return to the IRS will delay the processing of your return.

AMERICAN OVERSIGHT

Form **8879-EO**

Department of the Treasury
Internal Revenue Service

IRS *e-file* Signature Authorization for an Exempt Organization

For calendar year 2017, or fiscal year beginning 7/01, 2017, and ending 6/30, 20 18

u **Do not send to the IRS. Keep for your records.**
u **Go to *www.irs.gov/Form8879EO* for the latest information.**

OMB No. 1545-1878

2017

Name of exempt organization

FRIENDS OF FLORIDA HISTORY, INC.

Employer identification number

59-3753544

Name and title of officer

LESTER ABBERGER
CHAIR

Part I Type of Return and Return Information (Whole Dollars Only)

Check the box for the return for which you are using this Form 8879-EO and enter the applicable amount, if any, from the return. If you check the box on line **1a, 2a, 3a, 4a,** or **5a,** below, and the amount on that line for the return being filed with this form was blank, then leave line **1b, 2b, 3b, 4b,** or **5b,** whichever is applicable, blank (do not enter -0-). But, if you entered -0- on the return, then enter -0- on the applicable line below. **Do not** complete more than one line in Part I.

1a Form 990 check here ▶ [X]	**b** **Total revenue,** if any (Form 990, Part VIII, column (A), line 12)	**1b**	622,888
2a Form 990-EZ check here ▶ [ ]	**b** **Total revenue,** if any (Form 990-EZ, line 9)	**2b**	
3a Form 1120-POL check here ▶ [ ]	**b** **Total tax** (Form 1120-POL, line 22)	**3b**	
4a Form 990-PF check here ▶ [ ]	**b** **Tax based on investment income** (Form 990-PF, Part VI, line 5)	**4b**	
5a Form 8868 check here ▶ [ ]	**b** **Balance Due** (Form 8868, line 3c)	**5b**	

Part II Declaration and Signature Authorization of Officer

Under penalties of perjury, I declare that I am an officer of the above organization and that I have examined a copy of the organization's 2017 electronic return and accompanying schedules and statements and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that the amount in Part I above is the amount shown on the copy of the organization's electronic return. I consent to allow my intermediate service provider, transmitter, or electronic return originator (ERO) to send the organization's return to the IRS and to receive from the IRS **(a)** an acknowledgement of receipt or reason for rejection of the transmission, **(b)** the reason for any delay in processing the return or refund, and **(c)** the date of any refund. If applicable, I authorize the U.S. Treasury and its designated Financial Agent to initiate an electronic funds withdrawal (direct debit) entry to the financial institution account indicated in the tax preparation software for payment of the organization's federal taxes owed on this return, and the financial institution to debit the entry to this account. To revoke a payment, I must contact the U.S. Treasury Financial Agent at 1-888-353-4537 no later than 2 business days prior to the payment (settlement) date. I also authorize the financial institutions involved in the processing of the electronic payment of taxes to receive confidential information necessary to answer inquiries and resolve issues related to the payment. I have selected a personal identification number (PIN) as my signature for the organization's electronic return and, if applicable, the organization's consent to electronic funds withdrawal.

Officer's PIN: check one box only

[X] I authorize THOMSON BROCK LUGER & COMPANY to enter my PIN 02062 as my signature

ERO firm name

Enter five numbers, but do not enter all zeros

on the organization's tax year 2017 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I also authorize the aforementioned ERO to enter my PIN on the return's disclosure consent screen.

[ ] As an officer of the organization, I will enter my PIN as my signature on the organization's tax year 2017 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I will enter my PIN on the return's disclosure consent screen.

Officer's signature } Date } 04/26/18

Part III Certification and Authentication

ERO's EFIN/PIN. Enter your six-digit electronic filing identification number (EFIN) followed by your five-digit self-selected PIN.

59409000016

Do not enter all zeros

I certify that the above numeric entry is my PIN, which is my signature on the 2017 electronically filed return for the organization indicated above. I confirm that I am submitting this return in accordance with the requirements of **Pub. 4163,** Modernized e-File (MeF) Information for Authorized IRS *e-file* Providers for Business Returns.

ERO's signature } Date } 04/26/18

ERO Must Retain This Form — See Instructions
Do Not Submit This Form to the IRS Unless Requested To Do So

For Paperwork Reduction Act Notice, see back of form. Form **8879-EO** (2017)

AMERICAN OVERSIGHT

Form **990**

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

u Do not enter social security numbers on this form as it may be made public.

u Go to *www.irs.gov/Form990* for instructions and the latest information.

OMB No. 1545-0047

2017

Open to Public Inspection

A For the 2017 calendar year, or tax year beginning 07/01/17 , and ending 06/30/18

B Check if applicable:
- ☐ Address change
- ☐ Name change
- ☐ Initial return
- ☐ Final return/ terminated
- ☐ Amended return
- ☐ Application pending

C Name of organization
FRIENDS OF FLORIDA HISTORY, INC.

Doing business as

Number and street (or P.O. box if mail is not delivered to street address) | Room/suite
500 SOUTH BRONOUGH STREET, STE 305

City or town, state or province, country, and ZIP or foreign postal code
TALLAHASSEE FL 32399

D Employer identification number
59-3753544

E Telephone number
850-245-6332

G Gross receipts $ 2,043,804

F Name and address of principal officer:
LESTER ABBERGER
500 SOUTH BRONOUGH STREET, STE 305
TALLAHASSEE FL 32303

H(a) Is this a group return for subordinates? ☐ Yes ☒ No

H(b) Are all subordinates included? ☐ Yes ☐ No
If "No," attach a list. (see instructions)

I Tax-exempt status: ☒ 501(c)(3) ☐ 501(c) ( ) t (insert no.) ☐ 4947(a)(1) or ☐ 527

J Website: u WWW.MISSIONSANLUIS.ORG

H(c) Group exemption number u

K Form of organization: ☒ Corporation ☐ Trust ☐ Association ☐ Other u

L Year of formation: 2002

M State of legal domicile: FL

Part I Summary

Activities & Governance

1 Briefly describe the organization's mission or most significant activities:
SEE SCHEDULE O

2 Check this box u ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets.

3 Number of voting members of the governing body (Part VI, line 1a)	3	9
4 Number of independent voting members of the governing body (Part VI, line 1b)	4	9
5 Total number of individuals employed in calendar year 2017 (Part V, line 2a)	5	0
6 Total number of volunteers (estimate if necessary)	6	209
7a Total unrelated business revenue from Part VIII, column (C), line 12	7a	0
b Net unrelated business taxable income from Form 990-T, line 34	7b	0

	Prior Year	Current Year
Revenue		
8 Contributions and grants (Part VIII, line 1h)	17,181	62,126
9 Program service revenue (Part VIII, line 2g)	74,270	81,047
10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	212,328	300,207
11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	208,500	179,508
12 Total revenue – add lines 8 through 11 (must equal Part VIII, column (A), line 12)	512,279	622,888
Expenses		
13 Grants and similar amounts paid (Part IX, column (A), lines 1–3)		0
14 Benefits paid to or for members (Part IX, column (A), line 4)		0
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)		0
16a Professional fundraising fees (Part IX, column (A), line 11e)		0
b Total fundraising expenses (Part IX, column (D), line 25) u 32,420		
17 Other expenses (Part IX, column (A), lines 11a–11d, 11f–24e)	208,611	284,433
18 Total expenses. Add lines 13–17 (must equal Part IX, column (A), line 25)	208,611	284,433
19 Revenue less expenses. Subtract line 18 from line 12	303,668	338,455

	Beginning of Current Year	End of Year
Net Assets or Fund Balances		
20 Total assets (Part X, line 16)	3,695,523	3,881,903
21 Total liabilities (Part X, line 26)	108,509	95,645
22 Net assets or fund balances. Subtract line 21 from line 20	3,587,014	3,786,258

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here

Signature of officer — Date

LESTER ABBERGER CHAIR
Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed	PTIN
MATTHEW R. HANSARD				P00273516

Firm's name } THOMSON BROCK LUGER & COMPANY — Firm's EIN } 20-2259573

Firm's address } 3375G CAPITAL CIR NE TALLAHASSEE, FL 32308-3736 — Phone no. 850-385-7444

May the IRS discuss this return with the preparer shown above? (see instructions) ☒ Yes ☐ No

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For Paperwork Reduction Act Notice, see the separate instructions.

DAA

Form **990** (2017)

Part III **Statement of Program Service Accomplishments**

Check if Schedule O contains a response or note to any line in this Part III ☒

1 Briefly describe the organization's mission:

SEE SCHEDULE O

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? ☐ Yes ☒ No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? ☐ Yes ☒ No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses $ **231,836** including grants of $) (Revenue $ **81,047**)

TO PROMOTE USE, PRESERVATION, AND ENHANCEMENT OF FRIENDS OF FLORIDA HISTORY, INC. THROUGH PUBLIC AWARENESS PROJECTS, SPECIAL EVENTS, TOURS, MARKET RESEARCH, AND JOINT PARTNERSHIPS WITH OTHER NON-PROFIT AND FOR-PROFIT ORGANIZATIONS. ADDITIONALLY, TO PROVIDE CAPACITY FOR GRANT FUNDING AND SPECIAL PROJECTS RELATED TO MISSION SAN LUIS AND TO DEVELOP AND MAINTAIN GENERAL MEMBERSHIP SUPPORT FOR THE PURPOSES OF THE ORGANIZATION.

4b (Code:) (Expenses $ including grants of $) (Revenue $)

4c (Code:) (Expenses $ including grants of $) (Revenue $)

4d Other program services (Describe in Schedule O.)

(Expenses $ including grants of $) (Revenue $)

4e Total program service expenses u **231,836**

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Part IV Checklist of Required Schedules

			Yes	No
1	Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? *If "Yes," complete Schedule A*	1	X	
2	Is the organization required to complete *Schedule B, Schedule of Contributors* (see instructions)?	2		X
3	Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? *If "Yes," complete Schedule C, Part I*	3		X
4	**Section 501(c)(3) organizations.** Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? *If "Yes," complete Schedule C, Part II*	4		X
5	Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? *If "Yes," complete Schedule C, Part III*	5		X
6	Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? *If "Yes," complete Schedule D, Part I*	6		X
7	Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? *If "Yes," complete Schedule D, Part II*	7		X
8	Did the organization maintain collections of works of art, historical treasures, or other similar assets? *If "Yes," complete Schedule D, Part III*	8		X
9	Did the organization report an amount in Part X, line 21, for escrow or custodial account liability, serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? *If "Yes," complete Schedule D, Part IV*	9		X
10	Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi-endowments? *If "Yes," complete Schedule D, Part V*	10	X	
11	If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.			
a	Did the organization report an amount for land, buildings, and equipment in Part X, line 10? *If "Yes," complete Schedule D, Part VI*	11a	X	
b	Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part VII*	11b	X	
c	Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part VIII*	11c		X
d	Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part IX*	11d		X
e	Did the organization report an amount for other liabilities in Part X, line 25? *If "Yes," complete Schedule D, Part X*	11e		X
f	Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? *If "Yes," complete Schedule D, Part X*	11f	X	
12a	Did the organization obtain separate, independent audited financial statements for the tax year? *If "Yes," complete Schedule D, Parts XI and XII*	12a	X	
b	Was the organization included in consolidated, independent audited financial statements for the tax year? *If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional*	12b		X
13	Is the organization a school described in section 170(b)(1)(A)(ii)? *If "Yes," complete Schedule E*	13		X
14a	Did the organization maintain an office, employees, or agents outside of the United States?	14a		X
b	Did the organization have aggregate revenues or expenses of more than $10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at $100,000 or more? *If "Yes," complete Schedule F, Parts I and IV*	14b		X
15	Did the organization report on Part IX, column (A), line 3, more than $5,000 of grants or other assistance to or for any foreign organization? *If "Yes," complete Schedule F, Parts II and IV*	15		X
16	Did the organization report on Part IX, column (A), line 3, more than $5,000 of aggregate grants or other assistance to or for foreign individuals? *If "Yes," complete Schedule F, Parts III and IV*	16		X
17	Did the organization report a total of more than $15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? *If "Yes," complete Schedule G, Part I* (see instructions)	17		X
18	Did the organization report more than $15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? *If "Yes," complete Schedule G, Part II*	18		X
19	Did the organization report more than $15,000 of gross income from gaming activities on Part VIII, line 9a? *If "Yes," complete Schedule G, Part III*	19		X

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Part IV Checklist of Required Schedules *(continued)*

			Yes	No
20a	Did the organization operate one or more hospital facilities? *If "Yes," complete Schedule H*	**20a**		X
b	If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?	**20b**		
21	Did the organization report more than $5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? *If "Yes," complete Schedule I, Parts I and II*	**21**		X
22	Did the organization report more than $5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? *If "Yes," complete Schedule I, Parts I and III*	**22**		X
23	Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? *If "Yes," complete Schedule J*	**23**		X
24a	Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than $100,000 as of the last day of the year, that was issued after December 31, 2002? *If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a*	**24a**		X
b	Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?	**24b**		
c	Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?	**24c**		
d	Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?	**24d**		
25a	**Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations.** Did the organization engage in an excess benefit transaction with a disqualified person during the year? *If "Yes," complete Schedule L, Part I*	**25a**		X
b	Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? *If "Yes," complete Schedule L, Part I*	**25b**		X
26	Did the organization report any amount on Part X, line 5, 6, or 22 for receivables from or payables to any current or former officers, directors, trustees, key employees, highest compensated employees, or disqualified persons? *If "Yes," complete Schedule L, Part II*	**26**		X
27	Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, substantial contributor or employee thereof, a grant selection committee member, or to a 35% controlled entity or family member of any of these persons? *If "Yes," complete Schedule L, Part III*	**27**		X
28	Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):			
a	A current or former officer, director, trustee, or key employee? *If "Yes," complete Schedule L, Part IV*	**28a**		X
b	A family member of a current or former officer, director, trustee, or key employee? *If "Yes," complete Schedule L, Part IV*	**28b**		X
c	An entity of which a current or former officer, director, trustee, or key employee (or a family member thereof) was an officer, director, trustee, or direct or indirect owner? *If "Yes," complete Schedule L, Part IV*	**28c**		X
29	Did the organization receive more than $25,000 in non-cash contributions? *If "Yes," complete Schedule M*	**29**		X
30	Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? *If "Yes," complete Schedule M*	**30**		X
31	Did the organization liquidate, terminate, or dissolve and cease operations? *If "Yes," complete Schedule N, Part I*	**31**		X
32	Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? *If "Yes," complete Schedule N, Part II*	**32**		X
33	Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? *If "Yes," complete Schedule R, Part I*	**33**		X
34	Was the organization related to any tax-exempt or taxable entity? *If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1*	**34**	X	
35a	Did the organization have a controlled entity within the meaning of section 512(b)(13)?	**35a**		X
b	If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? *If "Yes," complete Schedule R, Part V, line 2*	**35b**		
36	**Section 501(c)(3) organizations.** Did the organization make any transfers to an exempt non-charitable related organization? *If "Yes," complete Schedule R, Part V, line 2*	**36**		X
37	Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? *If "Yes," complete Schedule R, Part VI*	**37**		X
38	Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? **Note.** All Form 990 filers are required to complete Schedule O.	**38**	X	

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Part V Statements Regarding Other IRS Filings and Tax Compliance

Check if Schedule O contains a response or note to any line in this Part V ☐

				Yes	No
1a	Enter the number reported in Box 3 of Form 1096. Enter -0- if not applicable	1a	5		
b	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable	1b	0		
c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?	1c		X	
2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a	0		
b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns?	2b			
	Note. If the sum of lines 1a and 2a is greater than 250, you may be required to *e-file* (see instructions)				
3a	Did the organization have unrelated business gross income of $1,000 or more during the year?	3a			X
b	If "Yes," has it filed a Form 990-T for this year? *If "No" to line 3b, provide an explanation in Schedule O*	3b			
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?	4a			X
b	If "Yes," enter the name of the foreign country: u See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).				
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?	5a			X
b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?	5b			X
c	If "Yes" to line 5a or 5b, did the organization file Form 8886-T?	5c			
6a	Does the organization have annual gross receipts that are normally greater than $100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?	6a			X
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	6b			
7	**Organizations that may receive deductible contributions under section 170(c).**				
a	Did the organization receive a payment in excess of $75 made partly as a contribution and partly for goods and services provided to the payor?	7a			X
b	If "Yes," did the organization notify the donor of the value of the goods or services provided?	7b			
c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?	7c			X
d	If "Yes," indicate the number of Forms 8282 filed during the year	7d			
e	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?	7e			X
f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?	7f			X
g	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?	7g			
h	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?	7h			
8	**Sponsoring organizations maintaining donor advised funds.** Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?	8			
9	**Sponsoring organizations maintaining donor advised funds.**				
a	Did the sponsoring organization make any taxable distributions under section 4966?	9a			
b	Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?	9b			
10	**Section 501(c)(7) organizations.** Enter:				
a	Initiation fees and capital contributions included on Part VIII, line 12	10a			
b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b			
11	**Section 501(c)(12) organizations.** Enter:				
a	Gross income from members or shareholders	11a			
b	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b			
12a	**Section 4947(a)(1) non-exempt charitable trusts.** Is the organization filing Form 990 in lieu of Form 1041?	12a			
b	If "Yes," enter the amount of tax-exempt interest received or accrued during the year	12b			
13	**Section 501(c)(29) qualified nonprofit health insurance issuers.**				
a	Is the organization licensed to issue qualified health plans in more than one state? **Note.** See the instructions for additional information the organization must report on Schedule O.	13a			
b	Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b			
c	Enter the amount of reserves on hand	13c			
14a	Did the organization receive any payments for indoor tanning services during the tax year?	14a			X
b	If "Yes," has it filed a Form 720 to report these payments? *If "No," provide an explanation in Schedule O*	14b			

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Part VI **Governance, Management, and Disclosure** *For each "Yes" response to lines 2 through 7b below, and for a "No" response to line 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.*

Check if Schedule O contains a response or note to any line in this Part VI ..... [X]

Section A. Governing Body and Management

				Yes	No
1a	Enter the number of voting members of the governing body at the end of the tax year	1a	9		
	If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.				
b	Enter the number of voting members included in line 1a, above, who are independent	1b	9		
2	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	2			X
3	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors, or trustees, or key employees to a management company or other person?	3			X
4	Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?	4			X
5	Did the organization become aware during the year of a significant diversion of the organization's assets?	5			X
6	Did the organization have members or stockholders?	6			X
7a	Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?	7a			X
b	Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?	7b			X
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:				
a	The governing body?	8a		X	
b	Each committee with authority to act on behalf of the governing body?	8b		X	
9	Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? *If "Yes," provide the names and addresses in Schedule O*	9			X

Section B. Policies *(This Section B requests information about policies not required by the Internal Revenue Code.)*

			Yes	No
10a	Did the organization have local chapters, branches, or affiliates?	10a		X
b	If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?	10b		
11a	Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	11a	X	
b	Describe in Schedule O the process, if any, used by the organization to review this Form 990.			
12a	Did the organization have a written conflict of interest policy? *If "No," go to line 13*	12a		X
b	Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b		
c	Did the organization regularly and consistently monitor and enforce compliance with the policy? *If "Yes," describe in Schedule O how this was done*	12c		
13	Did the organization have a written whistleblower policy?	13		X
14	Did the organization have a written document retention and destruction policy?	14	X	
15	Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?			
a	The organization's CEO, Executive Director, or top management official	15a		X
b	Other officers or key employees of the organization	15b		X
	If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions).			
16a	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a		X
b	If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?	16b		

Section C. Disclosure

17 List the states with which a copy of this Form 990 is required to be filed u **NONE**

18 Section 6104 requires an organization to make its Forms 1023 (or 1024 if applicable), 990, and 990-T (Section 501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.

[ ] Own website [ ] Another's website [X] Upon request [ ] Other *(explain in Schedule O)*

19 Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.

20 State the name, address, and telephone number of the person who possesses the organization's books and records: u

LESTER ABBERGER 500 SOUTH BRONOUGH STREET, STE 305

TALLAHASSEE FL 32304 850-245-6388

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Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors

Check if Schedule O contains a response or note to any line in this Part VII ☐

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's **current** key employees, if any. See instructions for definition of "key employee."
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than $100,000 from the organization and any related organizations.
- List all of the organization's **former** officers, key employees, and highest compensated employees who received more than $100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than $10,000 of reportable compensation from the organization and any related organizations.

List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

☐ Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and Title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) **MELISSA SCHECHTER**	1.00									
SECRETARY	0.00	X		X				0	0	0
(2) **LESTER ABBERGER**	1.00									
CHAIR	0.00	X		X				0	0	0
(3) **TIMOTHY A. PARSONS, PH.D.**	1.00									
DIVISION DIRECTOR	0.00			X				0	87,100	18,715
(4) **CANDIDO CREIS ESTRADA**	1.00									
DIRECTOR	0.00	X						0	0	0
(5) **DON SLESNICK**	1.00									
VICE CHAIR	0.00	X		X				0	0	0
(6) **LEROY COLLINS, III**	1.00									
DIRECTOR	0.00	X						0	0	0
(7) **DANIEL FESENMAIER**	1.00									
DIRECTOR	0.00	X						0	0	0
(8) **CHERYL GRAGANELLA**	1.00									
TREASURER	0.00	X		X				0	0	0
(9) **MORRIS HYLTON**	1.00									
DIRECTOR	0.00	X						0	0	0
(10) **JAYMES TURNBULL**	1.00									
DIRECTOR	0.00	X						0	0	0
(11)										

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Part VII **Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees** *(continued)*

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
1b Sub-total u									87,100	18,715
c Total from continuation sheets to Part VII, Section A u										
d Total (add lines 1b and 1c) u									87,100	18,715

2 Total number of individuals (including but not limited to those listed above) who received more than $100,000 of reportable compensation from the organization u **0**

		Yes	No
3	Did the organization list any **former** officer, director, or trustee, key employee, or highest compensated employee on line 1a? *If "Yes," complete Schedule J for such individual*		X
4	For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than $150,000? *If "Yes," complete Schedule J for such individual*		X
5	Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? *If "Yes," complete Schedule J for such person*		X

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than $100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

(A) Name and business address	(B) Description of services	(C) Compensation

2 Total number of independent contractors (including but not limited to those listed above) who received more than $100,000 of compensation from the organization u

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Part VIII Statement of Revenue

Check if Schedule O contains a response or note to any line in this Part VIII ☐

				(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512-514
Contributions, Gifts, Grants and Other Similar Amounts	1a Federated campaigns	1a					
	b Membership dues	1b	4,929				
	c Fundraising events	1c					
	d Related organizations	1d					
	e Government grants (contributions)	1e					
	f All other contributions, gifts, grants, and similar amounts not included above	1f	57,197				
	g Noncash contributions included in lines 1a-1f: $						
	h **Total.** Add lines 1a–1f ▸			62,126			
Program Service Revenue		Busn. Code					
	2a ADMISSION FEES			73,068	73,068		
	b ALL OTHER PROGRAMS			7,979	7,979		
	c						
	d						
	e						
	f All other program service revenue						
	g **Total.** Add lines 2a–2f ▸			81,047			
	3 Investment income (including dividends, interest, and other similar amounts) ▸			82,438			82,438
	4 Income from investment of tax-exempt bond proceeds ▸						
	5 Royalties ▸						
		(i) Real	(ii) Personal				
	6a Gross rents	145,146					
	b Less: rental exps.	811					
	c Rental inc. or (loss)	144,335					
	d Net rental income or (loss) ▸			144,335			144,335
	7a Gross amount from sales of assets other than inventory	(i) Securities 1,614,849	(ii) Other				
	b Less: cost or other basis & sales exps.	1,397,080					
	c Gain or (loss)	217,769					
	d Net gain or (loss) ▸			217,769	217,769		
Other Revenue	8a Gross income from fundraising events (not including $ ____ of contributions reported on line 1c). See Part IV, line 18	a					
	b Less: direct expenses	b					
	c Net income or (loss) from fundraising events ▸						
	9a Gross income from gaming activities. See Part IV, line 19	a					
	b Less: direct expenses	b					
	c Net income or (loss) from gaming activities ▸						
	10a Gross sales of inventory, less returns and allowances	a	58,198				
	b Less: cost of goods sold	b	23,025				
	c Net income or (loss) from sales of inventory ▸			35,173			35,173
	Miscellaneous Revenue		Busn. Code				
	11a						
	b						
	c						
	d All other revenue						
	e **Total.** Add lines 11a–11d ▸						
	12 **Total revenue.** See instructions. ▸			622,888	298,816	0	261,946

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Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

Check if Schedule O contains a response or note to any line in this Part IX ☐

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees				
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages				
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)				
9 Other employee benefits				
10 Payroll taxes				
11 Fees for services (non-employees):				
a Management				
b Legal				
c Accounting	14,165	12,040	1,417	708
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other. (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O.)				
12 Advertising and promotion	15,677	13,325	1,568	784
13 Office expenses	1,484	1,262	148	74
14 Information technology				
15 Royalties				
16 Occupancy				
17 Travel				
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	7,894	6,710	789	395
23 Insurance				
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O.)				
a UTILITIES	96,546	82,064	9,655	4,827
b OTHER PROGRAM EXPENSES	58,240	58,240		
c LANDSCAPING	46,800	39,780	4,680	2,340
d SPECIAL EVENTS	21,310			21,310
e All other expenses	22,317	18,415	1,920	1,982
25 **Total functional expenses.** Add lines 1 through 24e	284,433	231,836	20,177	32,420
26 **Joint costs.** Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here ▶ ☐ if following SOP 98-2 (ASC 958-720)				

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Part X Balance Sheet

Check if Schedule O contains a response or note to any line in this Part X ☐

				(A) Beginning of year		(B) End of year
Assets	1	Cash—non-interest bearing		637,909	1	406,549
	2	Savings and temporary cash investments		436,664	2	774,474
	3	Pledges and grants receivable, net			3	
	4	Accounts receivable, net			4	
	5	Loans and other receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L			5	
	6	Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions). Complete Part II of Schedule L			6	
	7	Notes and loans receivable, net			7	
	8	Inventories for sale or use		30,296	8	39,951
	9	Prepaid expenses and deferred charges		3,259	9	4,695
	10a	Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 75,113			
	b	Less: accumulated depreciation	10b 35,857	23,613	10c	39,256
	11	Investments—publicly traded securities		1,242,867	11	1,351,842
	12	Investments—other securities. See Part IV, line 11		1,320,915	12	1,265,136
	13	Investments—program-related. See Part IV, line 11			13	
	14	Intangible assets			14	
	15	Other assets. See Part IV, line 11			15	
	16	**Total assets.** Add lines 1 through 15 (must equal line 34)		3,695,523	16	3,881,903
Liabilities	17	Accounts payable and accrued expenses		9,669	17	14,605
	18	Grants payable			18	
	19	Deferred revenue		98,840	19	81,040
	20	Tax-exempt bond liabilities			20	
	21	Escrow or custodial account liability. Complete Part IV of Schedule D			21	
	22	Loans and other payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L			22	
	23	Secured mortgages and notes payable to unrelated third parties			23	
	24	Unsecured notes and loans payable to unrelated third parties			24	
	25	Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17-24). Complete Part X of Schedule D			25	
	26	**Total liabilities.** Add lines 17 through 25		108,509	26	95,645
Net Assets or Fund Balances		**Organizations that follow SFAS 117 (ASC 958), check here** u ☒ **and complete lines 27 through 29, and lines 33 and 34.**				
	27	Unrestricted net assets		2,044,751	27	2,243,995
	28	Temporarily restricted net assets			28	
	29	Permanently restricted net assets		1,542,263	29	1,542,263
		Organizations that do not follow SFAS 117 (ASC 958), check here u ☐ **and complete lines 30 through 34.**				
	30	Capital stock or trust principal, or current funds			30	
	31	Paid-in or capital surplus, or land, building, or equipment fund			31	
	32	Retained earnings, endowment, accumulated income, or other funds			32	
	33	Total net assets or fund balances		3,587,014	33	3,786,258
	34	Total liabilities and net assets/fund balances		3,695,523	34	3,881,903

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Part XI Reconciliation of Net Assets

Check if Schedule O contains a response or note to any line in this Part XI ☐

1	Total revenue (must equal Part VIII, column (A), line 12)	1	622,888
2	Total expenses (must equal Part IX, column (A), line 25)	2	284,433
3	Revenue less expenses. Subtract line 2 from line 1	3	338,455
4	Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A))	4	3,587,014
5	Net unrealized gains (losses) on investments	5	-139,211
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 33, column (B))	10	3,786,258

Part XII Financial Statements and Reporting

Check if Schedule O contains a response or note to any line in this Part XII ☐

			Yes	No
1	Accounting method used to prepare the Form 990: ☐ Cash ☒ Accrual ☐ Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.			
2a	Were the organization's financial statements compiled or reviewed by an independent accountant? If "Yes," check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both: ☐ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis	2a		X
b	Were the organization's financial statements audited by an independent accountant? If "Yes," check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both: ☐ Separate basis ☒ Consolidated basis ☐ Both consolidated and separate basis	2b	X	
c	If "Yes" to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.	2c	X	
3a	As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?	3a		
b	If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.	3b		

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SCHEDULE A
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Public Charity Status and Public Support

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.

u **Attach to Form 990 or Form 990-EZ.**

u **Go to *www.irs.gov/Form990* for instructions and the latest information.**

OMB No. 1545-0047

2017

Open to Public Inspection

Name of the organization

FRIENDS OF FLORIDA HISTORY, INC.

Employer identification number

59-3753544

Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 12, check only one box.)

1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i).**

2 ☐ A school described in **section 170(b)(1)(A)(ii).** (Attach Schedule E (Form 990 or 990-EZ).)

3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii).**

4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii).** Enter the hospital's name, city, and state: .....

5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv).** (Complete Part II.)

6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v).**

7 ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi).** (Complete Part II.)

8 ☐ A community trust described in **section 170(b)(1)(A)(vi).** (Complete Part II.)

9 ☐ An agricultural research organization described in **section 170(b)(1)(A)(ix)** operated in conjunction with a land-grant college or university or a non-land grant college of agriculture (see instructions). Enter the name, city, and state of the college or university: .....

10 ☐ An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2).** (Complete Part III.)

11 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4).**

12 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2).** See **section 509(a)(3).** Check the box in lines 12a through 12d that describes the type of supporting organization and complete lines 12e, 12f, and 12g.

a ☐ **Type I.** A supporting organization operated, supervised, or controlled by its supported organization(s), typically by giving the supported organization(s) the power to regularly appoint or elect a majority of the directors or trustees of the supporting organization. **You must complete Part IV, Sections A and B.**

b ☐ **Type II.** A supporting organization supervised or controlled in connection with its supported organization(s), by having control or management of the supporting organization vested in the same persons that control or manage the supported organization(s). **You must complete Part IV, Sections A and C.**

c ☐ **Type III functionally integrated.** A supporting organization operated in connection with, and functionally integrated with, its supported organization(s) (see instructions). **You must complete Part IV, Sections A, D, and E.**

d ☐ **Type III non-functionally integrated.** A supporting organization operated in connection with its supported organization(s) that is not functionally integrated. The organization generally must satisfy a distribution requirement and an attentiveness requirement (see instructions). **You must complete Part IV, Sections A and D, and Part V.**

e ☐ Check this box if the organization received a written determination from the IRS that it is a Type I, Type II, Type III functionally integrated, or Type III non-functionally integrated supporting organization.

f Enter the number of supported organizations .....

g Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1–10 above (see instructions))	(iv) Is the organization listed in your governing document? Yes	(iv) No	(v) Amount of monetary support (see instructions)	(vi) Amount of other support (see instructions)
(A)						
(B)						
(C)						
(D)						
(E)						
Total						

AMERICAN OVERSIGHT

Part II **Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)**
(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in) u	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")	54,627	255,024	12,072	17,181	62,126	401,030
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge	205,974	205,118	247,119	502,203	370,929	1,531,343
4 **Total.** Add lines 1 through 3	260,601	460,142	259,191	519,384	433,055	1,932,373
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						
6 **Public support.** Subtract line 5 from line 4.						1,932,373

Section B. Total Support

Calendar year (or fiscal year beginning in) u	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
7 Amounts from line 4	260,601	460,142	259,191	519,384	433,055	1,932,373
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties, and income from similar sources	181,592	198,302	246,413	302,343	227,584	1,156,234
9 Net income from unrelated business activities, whether or not the business is regularly carried on						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)	2,494	1,816	4,862	5,359	7,979	22,510
11 **Total support.** Add lines 7 through 10						3,111,117

12	Gross receipts from related activities, etc. (see instructions)	12	200,639

13 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** ▶ ☐

Section C. Computation of Public Support Percentage

14	Public support percentage for 2017 (line 6, column (f) divided by line 11, column (f))	14	62.11 %
15	Public support percentage from 2016 Schedule A, Part II, line 14	15	64.02 %

16a **33 1/3% support test—2017.** If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☒

b **33 1/3% support test—2016.** If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

17a **10%-facts-and-circumstances test—2017.** If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ▶ ☐

b **10%-facts-and-circumstances test—2016.** If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ▶ ☐

18 **Private foundation.** If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions ▶ ☐

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Part III Support Schedule for Organizations Described in Section 509(a)(2)

(Complete only if you checked the box on line 10 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support

Calendar year (or fiscal year beginning in) u	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under section 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 **Total.** Add lines 1 through 5						
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of $5,000 or 1% of the amount on line 13 for the year						
c Add lines 7a and 7b						
8 **Public support.** (Subtract line 7c from line 6.)						

Section B. Total Support

Calendar year (or fiscal year beginning in) u	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
9 Amounts from line 6						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties, and income from similar sources						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
c Add lines 10a and 10b						
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						
13 **Total support.** (Add lines 9, 10c, 11, and 12.)						

14 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** ▶ ☐

Section C. Computation of Public Support Percentage

15	Public support percentage for 2017 (line 8, column (f) divided by line 13, column (f))	15	%
16	Public support percentage from 2016 Schedule A, Part III, line 15	16	%

Section D. Computation of Investment Income Percentage

17	Investment income percentage for **2017** (line 10c, column (f) divided by line 13, column (f))	17	%
18	Investment income percentage from **2016** Schedule A, Part III, line 17	18	%

19a **33 1/3% support tests—2017.** If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

b **33 1/3% support tests—2016.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3%, and line 18 is not more than 33 1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

20 **Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions ▶ ☐

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Part IV Supporting Organizations

(Complete only if you checked a box in line 12 on Part I. If you checked 12a of Part I, complete Sections A and B. If you checked 12b of Part I, complete Sections A and C. If you checked 12c of Part I, complete Sections A, D, and E. If you checked 12d of Part I, complete Sections A and D, and complete Part V.)

Section A. All Supporting Organizations

			Yes	No
1	Are all of the organization's supported organizations listed by name in the organization's governing documents? *If "No," describe in* ***Part VI*** *how the supported organizations are designated. If designated by class or purpose, describe the designation. If historic and continuing relationship, explain.*	1		
2	Did the organization have any supported organization that does not have an IRS determination of status under section 509(a)(1) or (2)? *If "Yes," explain in* ***Part VI*** *how the organization determined that the supported organization was described in section 509(a)(1) or (2).*	2		
3a	Did the organization have a supported organization described in section 501(c)(4), (5), or (6)? *If "Yes," answer (b) and (c) below.*	3a		
b	Did the organization confirm that each supported organization qualified under section 501(c)(4), (5), or (6) and satisfied the public support tests under section 509(a)(2)? *If "Yes," describe in* ***Part VI*** *when and how the organization made the determination.*	3b		
c	Did the organization ensure that all support to such organizations was used exclusively for section 170(c)(2)(B) purposes? *If "Yes," explain in* ***Part VI*** *what controls the organization put in place to ensure such use.*	3c		
4a	Was any supported organization not organized in the United States ("foreign supported organization")? *If "Yes," and if you checked 12a or 12b in Part I, answer (b) and (c) below.*	4a		
b	Did the organization have ultimate control and discretion in deciding whether to make grants to the foreign supported organization? *If "Yes," describe in* ***Part VI*** *how the organization had such control and discretion despite being controlled or supervised by or in connection with its supported organizations.*	4b		
c	Did the organization support any foreign supported organization that does not have an IRS determination under sections 501(c)(3) and 509(a)(1) or (2)? *If "Yes," explain in* ***Part VI*** *what controls the organization used to ensure that all support to the foreign supported organization was used exclusively for section 170(c)(2)(B) purposes.*	4c		
5a	Did the organization add, substitute, or remove any supported organizations during the tax year? *If "Yes," answer (b) and (c) below (if applicable). Also, provide detail in* ***Part VI,*** *including (i) the names and EIN numbers of the supported organizations added, substituted, or removed; (ii) the reasons for each such action; (iii) the authority under the organization's organizing document authorizing such action; and (iv) how the action was accomplished (such as by amendment to the organizing document).*	5a		
b	**Type I or Type II only.** Was any added or substituted supported organization part of a class already designated in the organization's organizing document?	5b		
c	**Substitutions only.** Was the substitution the result of an event beyond the organization's control?	5c		
6	Did the organization provide support (whether in the form of grants or the provision of services or facilities) to anyone other than (i) its supported organizations, (ii) individuals that are part of the charitable class benefited by one or more of its supported organizations, or (iii) other supporting organizations that also support or benefit one or more of the filing organization's supported organizations? *If "Yes," provide detail in* ***Part VI.***	6		
7	Did the organization provide a grant, loan, compensation, or other similar payment to a substantial contributor (defined in section 4958(c)(3)(C)), a family member of a substantial contributor, or a 35% controlled entity with regard to a substantial contributor? *If "Yes," complete Part I of Schedule L (Form 990 or 990-EZ).*	7		
8	Did the organization make a loan to a disqualified person (as defined in section 4958) not described in line 7? *If "Yes," complete Part I of Schedule L (Form 990 or 990-EZ).*	8		
9a	Was the organization controlled directly or indirectly at any time during the tax year by one or more disqualified persons as defined in section 4946 (other than foundation managers and organizations described in section 509(a)(1) or (2))? *If "Yes," provide detail in* ***Part VI.***	9a		
b	Did one or more disqualified persons (as defined in line 9a) hold a controlling interest in any entity in which the supporting organization had an interest? *If "Yes," provide detail in* ***Part VI.***	9b		
c	Did a disqualified person (as defined in line 9a) have an ownership interest in, or derive any personal benefit from, assets in which the supporting organization also had an interest? *If "Yes," provide detail in* ***Part VI.***	9c		
10a	Was the organization subject to the excess business holdings rules of section 4943 because of section 4943(f) (regarding certain Type II supporting organizations, and all Type III non-functionally integrated supporting organizations)? *If "Yes," answer 10b below.*	10a		
b	Did the organization have any excess business holdings in the tax year? *(Use Schedule C, Form 4720, to determine whether the organization had excess business holdings.)*	10b		

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Part IV Supporting Organizations *(continued)*

			Yes	No
11	Has the organization accepted a gift or contribution from any of the following persons?			
a	A person who directly or indirectly controls, either alone or together with persons described in (b) and (c) below, the governing body of a supported organization?	11a		
b	A family member of a person described in (a) above?	11b		
c	A 35% controlled entity of a person described in (a) or (b) above? *If "Yes" to a, b, or c, provide detail in* ***Part VI.***	11c		

Section B. Type I Supporting Organizations

			Yes	No
1	Did the directors, trustees, or membership of one or more supported organizations have the power to regularly appoint or elect at least a majority of the organization's directors or trustees at all times during the tax year? *If "No," describe in* ***Part VI*** *how the supported organization(s) effectively operated, supervised, or controlled the organization's activities. If the organization had more than one supported organization, describe how the powers to appoint and/or remove directors or trustees were allocated among the supported organizations and what conditions or restrictions, if any, applied to such powers during the tax year.*	1		
2	Did the organization operate for the benefit of any supported organization other than the supported organization(s) that operated, supervised, or controlled the supporting organization? *If "Yes," explain in* ***Part VI*** *how providing such benefit carried out the purposes of the supported organization(s) that operated, supervised, or controlled the supporting organization.*	2		

Section C. Type II Supporting Organizations

			Yes	No
1	Were a majority of the organization's directors or trustees during the tax year also a majority of the directors or trustees of each of the organization's supported organization(s)? *If "No," describe in* ***Part VI*** *how control or management of the supporting organization was vested in the same persons that controlled or managed the supported organization(s).*	1		

Section D. All Type III Supporting Organizations

			Yes	No
1	Did the organization provide to each of its supported organizations, by the last day of the fifth month of the organization's tax year, (i) a written notice describing the type and amount of support provided during the prior tax year, (ii) a copy of the Form 990 that was most recently filed as of the date of notification, and (iii) copies of the organization's governing documents in effect on the date of notification, to the extent not previously provided?	1		
2	Were any of the organization's officers, directors, or trustees either (i) appointed or elected by the supported organization(s) or (ii) serving on the governing body of a supported organization? *If "No," explain in* ***Part VI*** *how the organization maintained a close and continuous working relationship with the supported organization(s).*	2		
3	By reason of the relationship described in (2), did the organization's supported organizations have a significant voice in the organization's investment policies and in directing the use of the organization's income or assets at all times during the tax year? *If "Yes," describe in* ***Part VI*** *the role the organization's supported organizations played in this regard.*	3		

Section E. Type III Functionally-Integrated Supporting Organizations

1 *Check the box next to the method that the organization used to satisfy the Integral Part Test during the year (****see instructions****).*

a ☐ The organization satisfied the Activities Test. *Complete* ***line 2*** *below.*

b ☐ The organization is the parent of each of its supported organizations. *Complete* ***line 3*** *below.*

c ☐ The organization supported a governmental entity. *Describe in* ***Part VI*** *how you supported a government entity (see instructions).*

			Yes	No
2	Activities Test. ***Answer (a) and (b) below.***			
a	Did substantially all of the organization's activities during the tax year directly further the exempt purposes of the supported organization(s) to which the organization was responsive? *If "Yes," then in* ***Part VI identify those supported organizations and explain*** *how these activities directly furthered their exempt purposes, how the organization was responsive to those supported organizations, and how the organization determined that these activities constituted substantially all of its activities.*	2a		
b	Did the activities described in (a) constitute activities that, but for the organization's involvement, one or more of the organization's supported organization(s) would have been engaged in? *If "Yes," explain in* ***Part VI*** *the reasons for the organization's position that its supported organization(s) would have engaged in these activities but for the organization's involvement.*	2b		
3	Parent of Supported Organizations. ***Answer (a) and (b) below.***			
a	Did the organization have the power to regularly appoint or elect a majority of the officers, directors, or trustees of each of the supported organizations? *Provide details in* ***Part VI.***	3a		
b	Did the organization exercise a substantial degree of direction over the policies, programs, and activities of each of its supported organizations? *If "Yes," describe in* ***Part VI*** *the role played by the organization in this regard.*	3b		

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Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations

1 ☐ Check here if the organization satisfied the Integral Part Test as a qualifying trust on Nov. 20, 1970 (explain in Part VI). **See instructions.** All other Type III non-functionally integrated supporting organizations must complete Sections A through E.

Section A - Adjusted Net Income		(A) Prior Year	(B) Current Year (optional)
1 Net short-term capital gain	**1**		
2 Recoveries of prior-year distributions	**2**		
3 Other gross income (see instructions)	**3**		
4 Add lines 1 through 3.	**4**		
5 Depreciation and depletion	**5**		
6 Portion of operating expenses paid or incurred for production or collection of gross income or for management, conservation, or maintenance of property held for production of income (see instructions)	**6**		
7 Other expenses (see instructions)	**7**		
8 **Adjusted Net Income** (subtract lines 5, 6 and 7 from line 4).	**8**		

Section B - Minimum Asset Amount		(A) Prior Year	(B) Current Year (optional)
1 Aggregate fair market value of all non-exempt-use assets (see instructions for short tax year or assets held for part of year):			
a Average monthly value of securities	**1a**		
b Average monthly cash balances	**1b**		
c Fair market value of other non-exempt-use assets	**1c**		
d **Total** (add lines 1a, 1b, and 1c)	**1d**		
e **Discount** claimed for blockage or other factors (explain in detail in **Part VI**):			
2 Acquisition indebtedness applicable to non-exempt-use assets	**2**		
3 Subtract line 2 from line 1d.	**3**		
4 Cash deemed held for exempt use. Enter 1-1/2% of line 3 (for greater amount, see instructions).	**4**		
5 Net value of non-exempt-use assets (subtract line 4 from line 3)	**5**		
6 Multiply line 5 by .035.	**6**		
7 Recoveries of prior-year distributions	**7**		
8 **Minimum Asset Amount** (add line 7 to line 6)	**8**		

Section C - Distributable Amount			Current Year
1 Adjusted net income for prior year (from Section A, line 8, Column A)	**1**		
2 Enter 85% of line 1.	**2**		
3 Minimum asset amount for prior year (from Section B, line 8, Column A)	**3**		
4 Enter greater of line 2 or line 3.	**4**		
5 Income tax imposed in prior year	**5**		
6 **Distributable Amount.** Subtract line 5 from line 4, unless subject to emergency temporary reduction (see instructions).	**6**		

7 ☐ Check here if the current year is the organization's first as a non-functionally integrated Type III supporting organization (see instructions).

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Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations *(continued)*

Section D - Distributions		Current Year
1	Amounts paid to supported organizations to accomplish exempt purposes	
2	Amounts paid to perform activity that directly furthers exempt purposes of supported organizations, in excess of income from activity	
3	Administrative expenses paid to accomplish exempt purposes of supported organizations	
4	Amounts paid to acquire exempt-use assets	
5	Qualified set-aside amounts (prior IRS approval required)	
6	Other distributions (describe in **Part VI**). See instructions.	
7	**Total annual distributions.** Add lines 1 through 6.	
8	Distributions to attentive supported organizations to which the organization is responsive (provide details in **Part VI**). See instructions.	
9	Distributable amount for 2017 from Section C, line 6	
10	Line 8 amount divided by line 9 amount	

Section E - Distribution Allocations (see instructions)		(i) Excess Distributions	(ii) Underdistributions Pre-2017	(iii) Distributable Amount for 2017
1	Distributable amount for 2017 from Section C, line 6			
2	Underdistributions, if any, for years prior to 2017 (reasonable cause required-explain in **Part VI**). See instructions.			
3	Excess distributions carryover, if any, to 2017:			
a				
b	From 2013			
c	From 2014			
d	From 2015			
e	From 2016			
f	**Total** of lines 3a through e			
g	Applied to underdistributions of prior years			
h	Applied to 2017 distributable amount			
i	Carryover from 2012 not applied (see instructions)			
j	Remainder. Subtract lines 3g, 3h, and 3i from 3f.			
4	Distributions for 2017 from Section D, line 7: $			
a	Applied to underdistributions of prior years			
b	Applied to 2017 distributable amount			
c	Remainder. Subtract lines 4a and 4b from 4.			
5	Remaining underdistributions for years prior to 2017, if any. Subtract lines 3g and 4a from line 2. For result greater than zero, explain in **Part VI**. See instructions.			
6	Remaining underdistributions for 2017. Subtract lines 3h and 4b from line 1. For result greater than zero, explain in **Part VI**. See instructions.			
7	**Excess distributions carryover to 2018.** Add lines 3j and 4c.			
8	Breakdown of line 7:			
a	Excess from 2013			
b	Excess from 2014			
c	Excess from 2015			
d	Excess from 2016			
e	Excess from 2017			

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Part VI **Supplemental Information.** Provide the explanations required by Part II, line 10; Part II, line 17a or 17b; Part III, line 12; Part IV, Section A, lines 1, 2, 3b, 3c, 4b, 4c, 5a, 6, 9a, 9b, 9c, 11a, 11b, and 11c; Part IV, Section B, lines 1 and 2; Part IV, Section C, line 1; Part IV, Section D, lines 2 and 3; Part IV, Section E, lines 1c, 2a, 2b, 3a and 3b; Part V, line 1; Part V, Section B, line 1e; Part V, Section D, lines 5, 6, and 8; and Part V, Section E, lines 2, 5, and 6. Also complete this part for any additional information. (See instructions.)

PART II, LINE 10 - OTHER INCOME DETAIL

OTHER INCOME	**$ 22,510**

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SCHEDULE D (Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Financial Statements

u **Complete if the organization answered "Yes" on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.**
u **Attach to Form 990.**
u **Go to *www.irs.gov/Form990* for instructions and the latest information.**

OMB No. 1545-0047

2017

Open to Public Inspection

Name of the organization

FRIENDS OF FLORIDA HISTORY, INC.

Employer identification number

59-3753544

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

		(a) Donor advised funds	(b) Funds and other accounts
1	Total number at end of year		
2	Aggregate value of contributions to (during year)		
3	Aggregate value of grants from (during year)		
4	Aggregate value at end of year		

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? ☐ Yes ☐ No

6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit? ☐ Yes ☐ No

Part II Conservation Easements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply).

☐ Preservation of land for public use (e.g., recreation or education)
☐ Protection of natural habitat
☐ Preservation of open space
☐ Preservation of a historically important land area
☐ Preservation of a certified historic structure

2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

			Held at the End of the Tax Year
a	Total number of conservation easements	2a	
b	Total acreage restricted by conservation easements	2b	
c	Number of conservation easements on a certified historic structure included in (a)	2c	
d	Number of conservation easements included in (c) acquired after 7/25/06, and not on a historic structure listed in the National Register	2d	

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year u

4 Number of states where property subject to conservation easement is located u

5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds? ☐ Yes ☐ No

6 Staff and volunteer hours devoted to monitoring, inspecting, handling of violations, and enforcing conservation easements during the year u

7 Amount of expenses incurred in monitoring, inspecting, handling of violations, and enforcing conservation easements during the year u $

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)? ☐ Yes ☐ No

9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

1a If the organization elected, as permitted under SFAS 116 (ASC 958), not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIII, the text of the footnote to its financial statements that describes these items.

b If the organization elected, as permitted under SFAS 116 (ASC 958), to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenue included on Form 990, Part VIII, line 1 u $
(ii) Assets included in Form 990, Part X u $

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 (ASC 958) relating to these items:

a Revenue included on Form 990, Part VIII, line 1 u $
b Assets included in Form 990, Part X u $

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Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets *(continued)*

3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):

- **a** ☐ Public exhibition
- **b** ☐ Scholarly research
- **c** ☐ Preservation for future generations
- **d** ☐ Loan or exchange programs
- **e** ☐ Other

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.

5 During the year, did the organization solicit or receive donations of art, historical treasures, or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? ☐ Yes ☐ No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIII and complete the following table:

		Amount
c Beginning balance	1c	
d Additions during the year	1d	
e Distributions during the year	1e	
f Ending balance	1f	

2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided on Part XIII ☐

Part V Endowment Funds.

Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance	2,106,263	2,105,263	2,105,263	1,505,263	1,404,789
b Contributions		1,000		600,000	100,474
c Net investment earnings, gains, and losses					
d Grants or scholarships					
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance	2,106,263	2,106,263	2,105,263	2,105,263	1,505,263

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- **a** Board designated or quasi-endowment u 26.78 %
- **b** Permanent endowment u 73.22 %
- **c** Temporarily restricted endowment u %

The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

		Yes	No
(i) unrelated organizations	3a(i)		X
(ii) related organizations	3a(ii)		X
b If "Yes" on line 3a(ii), are the related organizations listed as required on Schedule R?	3b		

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land				
b Buildings				
c Leasehold improvements				
d Equipment		75,113	35,857	39,256
e Other				
Total. Add lines 1a through 1e. *(Column (d) must equal Form 990, Part X, column (B), line 10c.)* u				39,256

AMERICAN OVERSIGHT DAA

Part VII Investments—Other Securities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other **VANGUARD INSTITUTIONAL INDEX F**	**421,922**	**MARKET**
(A) **ISHARES RUSSELL 1000 GROWTH ETF**	**369,020**	**MARKET**
(B) **DFA U.S. LARGE CAP VALUE**	**270,587**	**MARKET**
(C) **DOUBLELINE TOTAL RETURN BOND FUND**	**203,607**	**MARKET**
(D)		
(E)		
(F)		
(G)		
(H)		
Total. *(Column (b) must equal Form 990, Part X, col. (B) line 12.)* u	**1,265,136**	

Part VIII Investments—Program Related.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. *(Column (b) must equal Form 990, Part X, col. (B) line 13.)* u		

Part IX Other Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. *(Column (b) must equal Form 990, Part X, col. (B) line 15.)* u	

Part X Other Liabilities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

1. (a) Description of liability	(b) Book value
(1) Federal income taxes	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. *(Column (b) must equal Form 990, Part X, col. (B) line 25.)* u	

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII X

AMERICAN OVERSIGHT

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.
Complete if the organization answered "Yes" on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements			1	882,196
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:				
a	Net unrealized gains (losses) on investments	2a	-139,211		
b	Donated services and use of facilities	2b	374,683		
c	Recoveries of prior year grants	2c			
d	Other (Describe in Part XIII.)	2d			
e	Add lines **2a** through **2d**			2e	235,472
3	Subtract line **2e** from line **1**			3	646,724
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:				
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIII.)	4b	-23,836		
c	Add lines **4a** and **4b**			4c	-23,836
5	Total revenue. Add lines **3** and **4c.** *(This must equal Form 990, Part I, line 12.)*			5	622,888

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.
Complete if the organization answered "Yes" on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements			1	682,952
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:				
a	Donated services and use of facilities	2a	374,683		
b	Prior year adjustments	2b			
c	Other losses	2c			
d	Other (Describe in Part XIII.)	2d			
e	Add lines **2a** through **2d**			2e	374,683
3	Subtract line **2e** from line **1**			3	308,269
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:				
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIII.)	4b	-23,836		
c	Add lines **4a** and **4b**			4c	-23,836
5	Total expenses. Add lines **3** and **4c.** *(This must equal Form 990, Part I, line 18.)*			5	284,433

Part XIII Supplemental Information.

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

PART X - FIN 48 FOOTNOTE

MANAGEMENT IS NOT AWARE OF ANY ACTIVITIES THAT WOULD JEOPARDIZE THE ORGANIZATION'S TAX EXEMPT STATUS AND BELIEVES IT HAS NO UNCERTAIN TAX POSITIONS THAT QUALIFY FOR EITHER RECOGNITION OR DISCLOSURE IN THE FINANCIAL STATEMENTS AS OF JUNE 30, 2018 AND 2017.

THE ORGANIZATION IS SUBJECT TO ROUTINE AUDITS BY TAXING JURISDICTIONS. HOWEVER, THERE ARE CURRENTLY NO AUDITS IN PROGRESS FOR ANY TAX PERIODS. THE ORGANIZATION BELIEVES IT IS NO LONGER SUBJECT TO INCOME TAX EXAMINATIONS FOR FISCAL YEARS ENDING PRIOR TO JUNE 30, 2015.

PART XI, LINE 4B - REVENUE AMOUNTS INCLUDED ON RETURN - OTHER

AMERICAN OVERSIGHT

Part XIII Supplemental Information *(continued)*

FACILITY EXPENSES AND COST OF GOODS NETTED AGAINST REVENUE $ -23,836

PART XII, LINE 4B - EXPENSE AMOUNTS INCLUDED ON RETURN - OTHER

FACILITY EXPENSES AND COST OF GOODS NETTED AGAINST REVENUE $ -23,836

AMERICAN OVERSIGHT

SCHEDULE O (Form 990 or 990-EZ)	Supplemental Information to Form 990 or 990-EZ	OMB No. 1545-0047
Department of the Treasury Internal Revenue Service	Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information. u Attach to Form 990 or 990-EZ. u Go to *www.irs.gov/Form990* for the latest information.	2017 Open to Public Inspection

Name of the organization	Employer identification number
FRIENDS OF FLORIDA HISTORY, INC.	59-3753544

FORM 990 - ORGANIZATION'S MISSION OR MOST SIGNIFICANT ACTIVITIES

TO ENHANCE AND PERPETUATE THE ARCHAEOLOGY, HISTORIC SITES, MUSEUMS, FOLKLIFE, AND HISTORIC PRESERVATION PROGRAMS OF THE DIVISION (INCLUDING, BUT NOT LIMITED TO, MISSION SAN LUIS, THE GROVE, AND FLORIDA MAIN STREET) FOR THE PEOPLE OF FLORIDA AND ITS VISITORS.

FORM 990 - ORGANIZATION'S MISSION

TO ENHANCE AND PERPETUATE THE ARCHAEOLOGY, HISTORIC SITES, MUSEUMS, FOLKLIFE, AND HISTORIC PRESERVATION PROGRAMS OF THE DIVISION (INCLUDING, BUT NOT LIMITED TO, MISSION SAN LUIS, THE GROVE, AND FLORIDA MAIN STREET) FOR THE PEOPLE OF FLORIDA AND ITS VISITORS.

FORM 990 - ADDITIONAL INFORMATION

FORM 990, SCH D, PG 1, PART II, LINE 1B - THE STATE AGENCY IS RESPONSIBLE FOR PROMOTING FRIENDS OF FLORIDA HISTORY.

FORM 990, PART VI, LINE 11B - ORGANIZATION'S PROCESS TO REVIEW FORM 990

THE 990 IS FIRST REVIEWED BY THE CHAIR AND FINANCE COMMITTEE CHAIR. AFTER THEIR REVIEW IT IS BROUGHT BEFORE THE GOVERNANCE BOARD FOR THEIR REVIEW. IF THEY ARE IN AGREEMENT WITH THE CONTENTS, IT IS ACCEPTED FOR FILING.

FORM 990, PART VI, LINE 19 - GOVERNING DOCUMENTS DISCLOSURE EXPLANATION

THE ORGANIZATION MAKES ITS GOVERNING DOCUMENTS AND FINANCIAL STATEMENTS AVAILABLE TO THE PUBLIC UPON REQUEST.

AMERICAN OVERSIGHT

Name of the organization: FRIENDS OF FLORIDA HISTORY, INC.

Employer identification number: 59-3753544

FORM 990, PART XI, LINE 9 - OTHER CHANGES IN NET ASSETS EXPLANATION

FACILITY EXPENSES AND COST OF GOODS NETTED AGAINST REVENUE $ 23,836

FACILITY EXPENSES AND COST OF GOODS NETTED AGAINST REVENUE $ -23,836

AMERICAN OVERSIGHT

SCHEDULE R (Form 990)

Department of the Treasury
Internal Revenue Service

Related Organizations and Unrelated Partnerships

u **Complete if the organization answered "Yes" on Form 990, Part IV, line 33, 34, 35b, 36, or 37.**

u **Attach to Form 990.**

u **Go to *www.irs.gov/Form990* for instructions and the latest information.**

OMB No. 1545-0047

2017

Open to Public Inspection

Name of the organization

FRIENDS OF FLORIDA HISTORY, INC.

Employer identification number

59-3753544

Part I Identification of Disregarded Entities. Complete if the organization answered "Yes" on Form 990, Part IV, line 33.

(a) Name, address, and EIN (if applicable) of disregarded entity	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Total income	(e) End-of-year assets	(f) Direct controlling entity
(1)					
(2)					
(3)					
(4)					
(5)					

Part II Identification of Related Tax-Exempt Organizations. Complete if the organization answered "Yes" on Form 990, Part IV, line 34 because it had one or more related tax-exempt organizations during the tax year.

(a) Name, address, and EIN of related organization	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Exempt Code section	(e) Public charity status (if section 501(c)(3))	(f) Direct controlling entity	(g) Section 512(b)(13) controlled entity? Yes	(g) Section 512(b)(13) controlled entity? No
(1) FDOS, DIV. OF HISTORICAL RESOURCES 500 S. BRONOUGH STREET 59-6001874 TALLAHASSEE FL 32399-0250	PROMOTION	FL	501C 1		FDOS		X
(2)							
(3)							
(4)							
(5)							

AMERICAN OVERSIGHT

Part III **Identification of Related Organizations Taxable as a Partnership.** Complete if the organization answered "Yes" on Form 990, Part IV, line 34 because it had one or more related organizations treated as a partnership during the tax year.

(a) Name, address, and EIN of related organization	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Direct controlling entity	(e) Predominant income (related, unrelated, excluded from tax under sections 512-514)	(f) Share of total income	(g) Share of end-of-year assets	(h) Dispro-portionate alloc.? Yes	(h) No	(i) Code V—UBI amount in box 20 of Schedule K-1 (Form 1065)	(j) General or managing partner? Yes	(j) No	(k) Percentage ownership
(1)												
(2)												
(3)												
(4)												

Part IV **Identification of Related Organizations Taxable as a Corporation or Trust.** Complete if the organization answered "Yes" on Form 990, Part IV, line 34 because it had one or more related organizations treated as a corporation or trust during the tax year.

(a) Name, address, and EIN of related organization	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Direct controlling entity	(e) Type of entity (C corp, S corp, or trust)	(f) Share of total income	(g) Share of end-of-year assets	(h) Percentage ownership	(i) Section 512(b)(13) controlled entity? Yes	(i) No
(1)									
(2)									
(3)									
(4)									

AMERICAN OVERSIGHT

Part V Transactions With Related Organizations. Complete if the organization answered "Yes" on Form 990, Part IV, line 34, 35b, or 36.

		Yes	No
Note: Complete line 1 if any entity is listed in Parts II, III, or IV of this schedule.			
1 During the tax year, did the organization engage in any of the following transactions with one or more related organizations listed in Parts II–IV?			
a Receipt of **(i)** interest, **(ii)** annuities, **(iii)** royalties, or **(iv)** rent from a controlled entity	1a		X
b Gift, grant, or capital contribution to related organization(s)	1b		X
c Gift, grant, or capital contribution from related organization(s)	1c		X
d Loans or loan guarantees to or for related organization(s)	1d		X
e Loans or loan guarantees by related organization(s)	1e		X
f Dividends from related organization(s)	1f		X
g Sale of assets to related organization(s)	1g		X
h Purchase of assets from related organization(s)	1h		X
i Exchange of assets with related organization(s)	1i		X
j Lease of facilities, equipment, or other assets to related organization(s)	1j		X
k Lease of facilities, equipment, or other assets from related organization(s)	1k		X
l Performance of services or membership or fundraising solicitations for related organization(s)	1l		X
m Performance of services or membership or fundraising solicitations by related organization(s)	1m		X
n Sharing of facilities, equipment, mailing lists, or other assets with related organization(s)	1n		X
o Sharing of paid employees with related organization(s)	1o	X	
p Reimbursement paid to related organization(s) for expenses	1p		X
q Reimbursement paid by related organization(s) for expenses	1q		X
r Other transfer of cash or property to related organization(s)	1r		X
s Other transfer of cash or property from related organization(s)	1s		X

2 If the answer to any of the above is "Yes," see the instructions for information on who must complete this line, including covered relationships and transaction thresholds.

	(a) Name of related organization	(b) Transaction type (a–s)	(c) Amount involved	(d) Method of determining amount involved
(1)	FDOS, DIV. OF HISTORICAL RESOURCES	O	370,929	CASH VALUE
(2)				
(3)				
(4)				
(5)				
(6)				

AMERICAN OVERSIGHT

Part VI Unrelated Organizations Taxable as a Partnership. Complete if the organization answered "Yes" on Form 990, Part IV, line 37.

Provide the following information for each entity taxed as a partnership through which the organization conducted more than five percent of its activities (measured by total assets or gross revenue) that was not a related organization. See instructions regarding exclusion for certain investment partnerships.

(a) Name, address, and EIN of entity	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Predominant income (related, unrelated, excluded from tax under sections 512-514)	(e) Are all partners section 501(c)(3) organizations?		(f) Share of total income	(g) Share of end-of-year assets	(h) Disproportionate allocations?		(i) Code V—UBI amount in box 20 of Schedule K-1 (Form 1065)	(j) General or managing partner?		(k) Percentage ownership
				Yes	No			Yes	No		Yes	No	
(1)													
(2)													
(3)													
(4)													
(5)													
(6)													
(7)													
(8)													
(9)													
(10)													
(11)													

AMERICAN OVERSIGHT

Part VII **Supplemental Information.**
Provide additional information for responses to questions on Schedule R. See Instructions.

SCHEDULE R - ADDITIONAL INFORMATION

NAME OF RELATED ORGANIZATION: FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES, THE OFFICE OF EXTERNAL AFFAIRS

AMERICAN OVERSIGHT

Form **4562**

Department of the Treasury
Internal Revenue Service (99)

Depreciation and Amortization

(Including Information on Listed Property)

u **Attach to your tax return.**

u **Go to *www.irs.gov/Form4562* for instructions and the latest information.**

OMB No. 1545-0172

2017

Attachment Sequence No. **179**

Name(s) shown on return: **FRIENDS OF FLORIDA HISTORY, INC.**

Identifying number: **59-3753544**

Business or activity to which this form relates: **INDIRECT DEPRECIATION**

Part I Election To Expense Certain Property Under Section 179

Note: If you have any listed property, complete Part V before you complete Part I.

1	Maximum amount (see instructions)	1	510,000
2	Total cost of section 179 property placed in service (see instructions)	2	
3	Threshold cost of section 179 property before reduction in limitation (see instructions)	3	2,030,000
4	Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0-	4	
5	Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see instructions	5	

6	(a) Description of property	(b) Cost (business use only)	(c) Elected cost

7	Listed property. Enter the amount from line 29	7	
8	Total elected cost of section 179 property. Add amounts in column (c), lines 6 and 7	8	
9	Tentative deduction. Enter the **smaller** of line 5 or line 8	9	
10	Carryover of disallowed deduction from line 13 of your 2016 Form 4562	10	
11	Business income limitation. Enter the smaller of business income (not less than zero) or line 5 (see instructions)	11	
12	Section 179 expense deduction. Add lines 9 and 10, but don't enter more than line 11	12	
13	Carryover of disallowed deduction to 2018. Add lines 9 and 10, less line 12 ▶	13	

Note: Don't use Part II or Part III below for listed property. Instead, use Part V.

Part II Special Depreciation Allowance and Other Depreciation (Don't include listed property.) (See instructions.)

14	Special depreciation allowance for qualified property (other than listed property) placed in service during the tax year (see instructions)	14	2,006
15	Property subject to section 168(f)(1) election	15	
16	Other depreciation (including ACRS)	16	7,395

Part III MACRS Depreciation (Don't include listed property.) (See instructions.)

Section A

17	MACRS deductions for assets placed in service in tax years beginning before 2017	17	0
18	If you are electing to group any assets placed in service during the tax year into one or more general asset accounts, check here u ☐		

Section B—Assets Placed in Service During 2017 Tax Year Using the General Depreciation System

	(a) Classification of property	(b) Month and year placed in service	(c) Basis for depreciation (business/investment use only–see instructions)	(d) Recovery period	(e) Convention	(f) Method	(g) Depreciation deduction
19a	3-year property						
b	5-year property						
c	7-year property						
d	10-year property						
e	15-year property						
f	20-year property						
g	25-year property			25 yrs.		S/L	
h	Residential rental property			27.5 yrs.	MM	S/L	
				27.5 yrs.	MM	S/L	
i	Nonresidential real property			39 yrs.	MM	S/L	
					MM	S/L	

Section C—Assets Placed in Service During 2017 Tax Year Using the Alternative Depreciation System

20a	Class life					S/L	
b	12-year			12 yrs.		S/L	
c	40-year			40 yrs.	MM	S/L	

Part IV Summary (See instructions.)

21	Listed property. Enter amount from line 28	21	
22	**Total.** Add amounts from line 12, lines 14 through 17, lines 19 and 20 in column (g), and line 21. Enter here and on the appropriate lines of your return. Partnerships and S corporations—see instructions	22	9,401
23	For assets shown above and placed in service during the current year, enter the portion of the basis attributable to section 263A costs	23	

AMERICAN OVERSIGHT

Federal Asset Report
Form 990, Page 1

Asset	Description	Date In Service	Cost	Bus %	Sec 179	Bonus	Basis for Depr	Per	Conv	Meth	Prior	Current
Other Depreciation:												
1	Security Equipment Gift Shop	5/28/09	641				641	5	MO	S/L	641	0
2	Shop Equipment	10/28/10	6,703				6,703	5	MO	S/L	6,703	0
3	2 Printers and Cash Draws	10/28/10	1,000				1,000	5	MO	S/L	1,000	0
4	Furniture for Gift Shop	9/04/07	1,287				1,287	10	MO	S/L	1,264	23
5	Mirror	10/06/09	399				399	7	MO	S/L	399	0
6	Haverty's Dining Table and 4 Chairs	10/05/09	600				600	7	MO	S/L	600	0
7	2 Fountains	10/06/09	4,199				4,199	10	MO	S/L	3,254	420
8	Consoles	10/06/09	2,224				2,224	7	MO	S/L	2,224	0
9	Lowe's Refrigerator & Icemaker	10/30/09	941				941	5	MO	S/L	941	0
10	8 Benches	1/08/10	2,107				2,107	7	MO	S/L	2,107	0
11	Conference Room Table	1/08/10	1,344				1,344	7	MO	S/L	1,344	0
12	Exhibit Cases	5/31/10	3,558				3,558	10	MO	S/L	2,520	356
13	Case Cover Over Exhibit	5/31/10	650				650	5	MO	S/L	650	0
14	Exhibit Cases	6/30/10	3,558				3,558	10	MO	S/L	2,490	356
15	Conference Recorder	5/15/06	740				740	10	MO	S/L	740	0
16	Television	8/21/15	322				322	5	MO	S/L	118	65
17	Macbook Pro	6/22/17	1,046				1,046	5	MO	S/L	0	209
18	Dell Computer	6/27/17	1,800				1,800	5	MO	S/L	0	360
19	200 Chairs	6/26/17	5,334				5,334	7	MO	S/L	0	762
20	Portable Shed	12/12/16	10,778				10,778	7	MO	S/L	898	1,540
21	Listening System	6/22/17	1,186				1,186	5	MO	S/L	0	237
22	Buffalo and Blackbear Furs	2/02/17	1,160				1,160	7	MO	S/L	69	166
23	Samsung 4.2-cu ft Washer	7/12/17	599				599	7	MO	S/L	0	86
24	Southeast Portable Shed	7/20/17	19,434				19,434	7	MO	S/L	0	2,545
25	Epson Home Cinema 1040 Projector	7/07/17	599				599	5	MO	S/L	0	120
26	Lavalier Wireless System	8/28/17	899				899	5	MO	S/L	0	150
28	PastPerfect Software - Living History	10/31/17	2,006			X	0	3	MO	Amort	0	2,006
	Total Other Depreciation		75,114				73,108				27,962	9,401
	Total ACRS and Other Depreciation		75,114				73,108				27,962	9,401
	Grand Totals		75,114				73,108				27,962	9,401
	Less: Dispositions and Transfers		0				0				0	0
	Less: Start-up/Org Expense		0				0				0	0
	Net Grand Totals		75,114				73,108				27,962	9,401

AMERICAN OVERSIGHT

FL Asset Report
Form 990, Page 1

Asset	Description	Date In Service	Cost	Basis for Depr	FL Prior	FL Current	Federal Current	Difference Fed - FL
Other Depreciation:								
1	Security Equipment Gift Shop	5/28/09	641	641	641	0	0	0
2	Shop Equipment	10/28/10	6,703	6,703	6,703	0	0	0
3	2 Printers and Cash Draws	10/28/10	1,000	1,000	1,000	0	0	0
4	Furniture for Gift Shop	9/04/07	1,287	1,287	1,265	22	23	1
5	Mirror	10/06/09	399	399	399	0	0	0
6	Haverty's Dining Table and 4 Chairs	10/05/09	600	600	600	0	0	0
7	2 Fountains	10/06/09	4,199	4,199	3,254	420	420	0
8	Consoles	10/06/09	2,224	2,224	2,224	0	0	0
9	Lowe's Refrigerator & Icemaker	10/30/09	941	941	941	0	0	0
10	8 Benches	1/08/10	2,107	2,107	2,107	0	0	0
11	Conference Room Table	1/08/10	1,344	1,344	1,344	0	0	0
12	Exhibit Cases	5/31/10	3,558	3,558	2,520	356	356	0
13	Case Cover Over Exhibit	5/31/10	650	650	650	0	0	0
14	Exhibit Cases	6/30/10	3,558	3,558	2,490	356	356	0
15	Conference Recorder	5/15/06	740	740	740	0	0	0
16	Television	8/21/15	322	322	118	65	65	0
17	Macbook Pro	6/22/17	1,046	1,046	0	209	209	0
18	Dell Computer	6/27/17	1,800	1,800	0	360	360	0
19	200 Chairs	6/26/17	5,334	5,334	0	762	762	0
20	Portable Shed	12/12/16	10,778	10,778	898	1,540	1,540	0
21	Listening System	6/22/17	1,186	1,186	0	237	237	0
22	Buffalo and Blackbear Furs	2/02/17	1,160	1,160	69	166	166	0
23	Samsung 4.2-cu ft Washer	7/12/17	599	599	0	86	86	0
24	Southeast Portable Shed	7/20/17	19,434	19,434	0	2,545	2,545	0
25	Epson Home Cinema 1040 Projector	7/07/17	599	599	0	120	120	0
26	Lavalier Wireless System	8/28/17	899	899	0	150	150	0
28	PastPerfect Software - Living History	10/31/17	2,006	0	0	2,006	2,006	0
	Total Other Depreciation		75,114	73,108	27,963	9,400	9,401	1
	Total ACRS and Other Depreciation		75,114	73,108	27,963	9,400	9,401	1
	Grand Totals		75,114	73,108	27,963	9,400	9,401	1
	Less: Dispositions		0	0	0	0	0	0
	Less: Start-up/Org Expense		0	0	0	0	0	0
	Net Grand Totals		75,114	73,108	27,963	9,400	9,401	1

AMERICAN OVERSIGHT

AMT Asset Report
Form 990, Page 1

Asset	Description	Date In Service	Cost	Bus %	Sec 179	Bonus	Basis for Depr	Per	Conv	Meth	Prior	Current
Other Depreciation:												
1	Security Equipment Gift Shop	5/28/09	0				0	0	HY		0	0
2	Shop Equipment	10/28/10	0				0	0	HY		0	0
3	2 Printers and Cash Draws	10/28/10	0				0	0	HY		0	0
4	Furniture for Gift Shop	9/04/07	0				0	0	HY		0	0
5	Mirror	10/06/09	0				0	0	HY		0	0
6	Haverty's Dining Table and 4 Chairs	10/05/09	0				0	0	HY		0	0
7	2 Fountains	10/06/09	0				0	0	HY		0	0
8	Consoles	10/06/09	0				0	0	HY		0	0
9	Lowe's Refrigerator & Icemaker	10/30/09	0				0	0	HY		0	0
10	8 Benches	1/08/10	0				0	0	HY		0	0
11	Conference Room Table	1/08/10	0				0	0	HY		0	0
12	Exhibit Cases	5/31/10	0				0	0	HY		0	0
13	Case Cover Over Exhibit	5/31/10	0				0	0	HY		0	0
14	Exhibit Cases	6/30/10	0				0	0	HY		0	0
15	Conference Recorder	5/15/06	0				0	0	HY		0	0
16	Television	8/21/15	322				322	5	MO	S/L	118	65
17	Macbook Pro	6/22/17	1,046				1,046	5	MO	S/L	0	209
18	Dell Computer	6/27/17	1,800				1,800	5	MO	S/L	0	360
19	200 Chairs	6/26/17	5,334				5,334	7	MO	S/L	0	762
20	Portable Shed	12/12/16	10,778				10,778	7	MO	S/L	898	1,540
21	Listening System	6/22/17	1,186				1,186	5	MO	S/L	0	237
22	Buffalo and Blackbear Furs	2/02/17	1,160				1,160	7	MO	S/L	69	166
23	Samsung 4.2-cu ft Washer	7/12/17	599				599	7	MO	S/L	0	86
24	Southeast Portable Shed	7/20/17	19,434				19,434	7	MO	S/L	0	2,545
25	Epson Home Cinema 1040 Projector	7/07/17	599				599	5	MO	S/L	0	120
26	Lavalier Wireless System	8/28/17	899				899	5	MO	S/L	0	150
	Total Other Depreciation		43,157				43,157				1,085	6,240
	Total ACRS and Other Depreciation		43,157				43,157				1,085	6,240
	Grand Totals		43,157				43,157				1,085	6,240
	Less: Dispositions and Transfers		0				0				0	0
	Net Grand Totals		43,157				43,157				1,085	6,240

AMERICAN OVERSIGHT

Bonus Depreciation Report

Asset	Property Description	Date In Service	Tax Cost	Bus Pct	Tax Sec 179 Exp	Current Bonus	Prior Bonus	Tax - Basis for Depr
Activity: Form 990, Page 1								
28	PastPerfect Software - Living History	10/31/17	2,006		0	2,006	0	0
	Form 990, Page 1		2,006		0	2,006	0	0
	Grand Total		2,006		0	2,006	0	0

AMERICAN OVERSIGHT

Depreciation Adjustment Report
All Business Activities

Form	Unit	Asset	Description	Tax	AMT	AMT Adjustments/ Preferences

There are no assets that meet the criteria of this report

AMERICAN OVERSIGHT

Form **990**

Two Year Comparison Report

For calendar year 2017, or tax year beginning 07/01/17 , ending 06/30/18

2016 & 2017

Name

FRIENDS OF FLORIDA HISTORY, INC.

Taxpayer Identification Number

59-3753544

			2016	2017	Differences
Revenue	1. Contributions, gifts, grants	1.	12,181	57,197	45,016
	2. Membership dues and assessments	2.	5,000	4,929	-71
	3. Government contributions and grants	3.			
	4. Program service revenue	4.	74,270	81,047	6,777
	5. Investment income	5.	55,389	82,438	27,049
	6. Proceeds from tax exempt bonds	6.			
	7. Net gain or (loss) from sale of assets other than inventory	7.	156,939	217,769	60,830
	8. Net income or (loss) from fundraising events	8.			
	9. Net income or (loss) from gaming	9.			
	10. Net gain or (loss) on sales of inventory	10.	27,835	35,173	7,338
	11. Other revenue	11.	180,665	144,335	-36,330
	12. **Total revenue.** Add lines 1 through 11	12.	512,279	622,888	110,609
Expenses	13. Grants and similar amounts paid	13.			
	14. Benefits paid to or for members	14.			
	15. Compensation of officers, directors, trustees, etc.	15.			
	16. Salaries, other compensation, and employee benefits	16.			
	17. Professional fundraising fees	17.			
	18. Other professional fees	18.	14,150	14,165	15
	19. Occupancy, rent, utilities, and maintenance	19.			
	20. Depreciation and Depletion	20.	2,653	7,894	5,241
	21. Other expenses	21.	191,808	262,374	70,566
	22. **Total expenses.** Add lines 13 through 21	22.	208,611	284,433	75,822
	23. **Excess or (Deficit).** Subtract line 22 from line 12	23.	303,668	338,455	34,787
Other Information	24. Total exempt revenue	24.	512,279	622,888	110,609
	25. Total unrelated revenue	25.			
	26. Total excludable revenue	26.	495,098	560,762	65,664
	27. Total assets	27.	3,695,523	3,881,903	186,380
	28. Total liabilities	28.	108,509	95,645	-12,864
	29. Retained earnings	29.	3,587,014	3,786,258	199,244
	30. Number of voting members of governing body	30.	8	9	
	31. Number of independent voting members of governing body	31.	8	9	
	32. Number of employees	32.	1	0	
	33. Number of volunteers	33.	68	209	

AMERICAN OVERSIGHT

Federal Statements

Form 990, Part IX, Line 24e - All Other Expenses

Description	Total Expenses	Program Service	Management & General	Fund Raising
OTHER EXPENSES	$ 16,850	$ 13,163	$ 1,777	$ 1,910
LIVING HISTORY	4,035	4,035		
BANK SERVICE CHARGES	1,432	1,217	143	72
TOTAL	$ 22,317	$ 18,415	$ 1,920	$ 1,982

AMERICAN OVERSIGHT

Federal Statements

Schedule A, Part II, Line 1(e)

Description	Amount
MEMBERSHIP DUES	$ 4,929
OTHER CONTRIBUTIONS	57,197
TOTAL	$ 62,126

Schedule A, Part II, Line 8(e)

Description	Amount
INVESTMENT INCOME	$ 82,438
MUSEUM SPACE	145,146
TOTAL	$ 227,584

Schedule A, Part II, Line 12 - Current year

Description	Amount
ADMISSION FEES	$ 73,068
ALL OTHER PROGRAMS	7,979
TOTAL	$ 81,047

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
Apalachicola	Columbus, Georgia	USA	1800[8]
Bay County	Mérida, Yucatán	Mexico	2003[9]
Bay Harbor Islands	Marechal Deodoro, Alagoas	Brazil	2003[10]
Boca Raton	Spandau Borough, Berlin[11]	Germany	1980[6]
Bonita Springs	Grünstadt, Rhineland-Palatinate[11]	Germany	1991[12]
Boynton Beach	Qufu, Shandong	China	2001[13]
	Les Cayes, Sud	Haiti	2001[14]
Bradenton	Barcarrota, Extremadura	Spain	1962[15]
	Guidonia Montecelio, Lazio	Italy	1988[16]
Cape Canaveral	Ithaca, Kefallinia	Greece	2005~[17]
	Kloten, Zurich	Switzerland	2000~[18]
	Sagres, Algarve	Portugal	2004[19]
Cape Coral	Nyeri, Nyeri	Kenya	2014[20]
	Kalamaria, Thessaloniki	Greece	2001[7]
Clearwater	Nagano, Nagano	Japan	1959[21]
	Wyong, New South Wales[11]	Australia	2001~[7]
Cocoa	Beit Shemesh, Jerusalen District	Israel	2004[14]
Cocoa Beach	Kyustendil, Kyustendil[11]	Bulgaria	2004[22]
	Santa Marta, Magdalena[11]	Colombia	1965[23]
Cooper City	Killarney, County Kerry	Ireland	2003[24]
Coral Gables	Aix-en-Provence, Provence-Alpes-Côte d'Azur	France	1997[25]
	Annapolis Royal, Nova Scotia	Canada	1984[26]
	Antigua Guatemala, Antigua	Guatemala	1993[27]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	El Puerto de Santa María, Cádiz	Spain	1987~[28]
	Granada, Granada		1988~[29]
	Provincia di Pisa, Toscana[30]	Italy	2003[31]
	Quito, Pichincha	Ecuador	1983~[32]
Coral Springs	Paraíso, Cartago	Costa Rica	2002[33]
Crestview	Noirmoutier-en-l'Île, Pays de la Loire	France	2001~[7]
Dania Beach	Fredensborg, Central Region	Denmark	2003[34]
Daytona Beach	Bayonne, Aquitaine	France	1998[35]
	Campeche, Campeche[11]	Mexico	1996~[36]
Deerfield Beach	Acre, North	Israel	1994[37]
DeLand	Belén, Guanacaste	Costa Rica	1996 [38]
	Miyazu, Kyoto	Japan	1977[39]
Delray Beach	Moshi, Arusha	Tanzania	2001 [39]
	Aquin, Sud	Haiti	2014 [40]
	Pesaro, Marche	Italy	2015 [41]
Deltona	Sanford, Florida	USA	2013[42]
Destin	Saint-Gilles-Croix-de-Vie, Pays de la Loire	France	1994[43]
Doral	Xizhi District	Taiwan	1964[44]
Dunedin	Stirling	Scotland, UK	1964[45][46]
	Summerside, Prince Edward Island	Canada	2000 [47]
Eatonville	Bamenda, Northwest Province	Cameroon	1976~[48]
	Agogo, Asante Akim North	Ghana	2001~[7]
Fort Lauderdale	Belo Horizonte, Minas Gerais	Brazil	2003[49]
	Cap-Haïtien, Nord	Haiti	2003[50]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	Duisburg	Germany	2003[51]
	Mataró	Spain	2003[51]
	Ciudad de Panamá, Panamá	Panama	2001~[52]
	Gold Coast, Queensland	Australia	1980[53]
	Haifa, Haifa	Israel	2002[54]
	Isla Margarita, Nueva Esparta	Venezuela	1997[55]
	La Romana, La Romana	Dominican Republic	1995[56]
	Mar del Plata, Buenos Aires	Argentina	2000[57]
	Medellín, Antioquia	Colombia	1967[58]
	Muğla, Muğla	Turkey	1995~[59]
	Quepos, Puntarenas	Costa Rica	2003[50]
	Rimini, Emilia-Romagna	Italy	1985[60]
	São Sebastião, São Paulo[11]	Brazil	2001~[7][61]
	Sefton, Merseyside	England, UK	2000[62]
	Venezia, Veneto	Italy	2007[63]
Fort Walton Beach	Quezon City, Metro Manila	Philippines	2007[64]
	Dahuk, Dahuk	Iraq	2006[65]
	Jacmel, Sud-Est	Haiti	1998[66]
	Kfar Saba, Center	Israel	1998[67]
Gainesville	Novorossiysk, Krasnodar Krai	Russia	1982[68]
	Qalqilyah, West Bank	Palestinian National Authority	1998[67]
	Rzeszów, Podkarpackie Voivodeship	Poland	2001~[69]
Hialeah	Bucaramanga, Región Andina[11]	Colombia	2001~[7]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	Cartago, Cartago[11]	Costa Rica	1984[70]
	Luján de Cuyo, Mendoza[11]	Argentina	1986[71]
	Managua, Managua[11]	Nicaragua	1966[71]
	Baia Mare, Maramureş	Romania	2003[72]
	Ciudad de la Costa, Canelones	Uruguay	1996~[73]
	Guatemala, Guatemala	Guatemala	1988[74]
	Herzliya, Tel Aviv	Israel	1988[75]
Hollywood	Lechería, Anzoátegui	Venezuela	2003~[72]
	Romorantin-Lanthenay, Centre[7]	France	1989[76]
	Salvaleón de Higüey, La Altagracia	Dominican Republic	2003[77]
	San Salvador, San Salvador	El Salvador	1962[5]
	Vlorë, Vlorë[7]	Albania	1994[78]
Homestead	Liberia, Guanacaste	Costa Rica	1977[79]
	Petit Goâve, Ouest	Haiti	2007[80]
Inverness	Inverness, Highland	Scotland, UK	2001~[7]
	Bahía Blanca, Buenos Aires	Argentina	1967[81]
	Changwon Unified, South Gyeongsang	South Korea	1983[81]
	Changwon Unified, South Gyeongsang		1983[82]
	Murmansk, Murmansk	Russia	1975[81]
Jacksonville	Nantes, Pays de la Loire	France	1984[81]
	Nelson Mandela Metropolitan Municipality, Eastern Cape	South Africa	2000[81]
	San Juan	Puerto Rico	2009
	Curitiba, Paraná	Brazil	2010
	Yingkou, Liaoning		1990[83]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	Ningbo, Zhejiang	China	1990[84]
	Shaoxing, Zhejiang		1990[84]
	Suzhou, Jiangsu		1990[84]
Jensen Beach	Gregory Town, Eleuthera	The Bahamas	1989[85]
Key West	Green Turtle Cay, Abaco		2004[86]
Kissimmee	Hualien, Hualien County	Taiwan	1989[87]
	Miaoli, Miaoli County		1989[88]
Lake Placid	Lake Placid, New York	USA	1991[89]
Lake Worth	Lappeenranta, South Karelia[7]	Finland	1991~[90]
	Bălți, Bălți	Moldova	1997[81]
	Imabari, Ehime	Japan	1993[81]
	Richmond Hill, Ontario	Canada	1990[91]
Lakeland	Jiaxing, Zhejiang	China	1993
	Fengxian, Shanghai		1993
	Chongming, Shanghai		1993
	Rîbnița, Rîbnița District	Moldova (Transnistria)	1993[14]
	Portmore, Saint Catherine	Jamaica	1993[14]
Lantana	Lapua, Lansi-Suomen Laani	Finland	1979[92]
Largo	Tosayamada, Kōchi	Japan	1969[93]
Lauderdale-by-the-Sea	Henley-on-Thames, Oxfordshire	England, UK	2007 [94]
	San Isidro, Lima	Peru	2004[94]
Lauderdale Lakes	Port-de-Paix, Nord-Ouest	Haiti	2005 [95]
Lauderhill	Chaguanas	Trinidad and Tobago	2001[96]
	Gemlik, Bursa	Turkey	2002[97]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	Falmouth, Trelawny	Jamaica	2002[14]
	Pétionville, Ouest	Haiti	2002[14]
	Suzano, São Paulo	Brazil	2002[14]
Madeira Beach	Machico, Ilha da Madeira	Portugal	1974[98]
	Agadir, Souss-Massa-Draâ	Morocco	1995[99]
	Amman, Amman	Jordan	1995[100]
	Bogotá, Distrito Capital	Colombia	1971[101]
	Buenos Aires, Buenos Aires	Argentina	1979[102]
	Cochabamba, Cochabamba	Bolivia	1995[103]
	Ibiza, Balearic Islands	Spain	1986~[104]
	Kagoshima, Kagoshima	Japan	1990[105]
	Kaohsiung	Taiwan	1987[106]
	Lima, Lima[107]	Peru	1977[108]
	Madrid, Madrid[107]	Spain	1997~[109]
Miami	Managua, Managua	Nicaragua	1991[110]
	Margherita di Savoia, Puglia	Italy	2011[111]
	Montes de Oca, San José	Costa Rica	1986~[104]
	Murcia, Murcia	Spain	1993[112]
	Nice, Provence-Alpes-Côte d'Azur	France	1986~[104]
	Palermo, Sicilia	Italy	2001~[7]
	Port-au-Prince, Ouest[107]	Haiti	2001[113]
	Qingdao, Shandong[107]	China	2005[114]
	Salvador, Bahia	Brazil	2006[115]
	Santiago	Chile	1986~[104]
	Santiago de Cali, Pacific Region	Colombia	1986~[104]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
Miami Beach	Santo Domingo, Distrito Nacional	Dominican Republic	1987~[116]
	Varna, Varna	Bulgaria	1994~[117]
	Yeruham, Hadarom	Israel	2007[118]
	Cozumel, Quintana Roo	Mexico	1992[119]
	Fortaleza, Ceará	Brazil	2006[120]
	Fujisawa, Kanagawa	Japan	1959[121]
	Ica, Ica	Peru	1996[122]
	Pescara, Abruzzo	Italy	1997~[123]
	Nahariya, North District	Israel	1971[124]
	Almonte, Andalusia	Spain	1971[124]
	Brampton, Ontario	Canada	1971[124]
	Basel	Switzerland	1971[124]
Miami-Dade County	Santa Marta, Magdalena	Colombia	1983~[125]
	Asunción, Asunción	Paraguay	1994[126]
	Cabildo de Tenerife, Tenerife	Spain	1993~[127]
	Cape Town, Western Cape	South Africa	2007[128]
	Cayman Islands	Cayman Islands	1986~[129]
	Gdańsk, Pomeranian Voivodeship	Poland	1990[130]
	Guatemala (department)	Guatemala	2007[131]
	Iquique, Tarapacá	Chile	1996[132]
	Kingston, Surrey	Jamaica	1987~[116]
	Lamentin, Basse-Terre	Guadeloupe	2003~[133]
	Maldonado, Maldonado	Uruguay	2001~[7]
	Mendoza, Mendoza	Argentina	2001[134]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	Monagas	Venezuela	1996[135]
	Pereira, Risaralda	Colombia	2002[136]
	Petit Goâve, Ouest	Haiti	2001~[7]
	Provincia di Asti, Piemonte	Italy	1986[137]
	Pucallpa, Ucayali	Peru	2001~[7]
	Saint Kitts and Nevis	Saint Kitts and Nevis	2004[138]
	San Jose	Costa Rica	1990[130]
	Santa Cruz (department)	Bolivia	1996~[139]
	Santo Domingo, Distrito Nacional	Dominican Republic	1975[140]
	São Paulo, São Paulo	Brazil	1988[141]
	Stockholm County	Sweden	1996[142]
	New Taipei City	Taiwan	1990[130]
	The Bahamas	The Bahamas	1996[143]
	Turks and Caicos Islands	Turks and Caicos Islands	2001[144]
	Veracruz, Veracruz	Mexico	1993[127]
	Vitória, Espírito Santo	Brazil	2010[145]
Miramar	Santa Ana, Santa Ana[11]	El Salvador	2001~[7]
Miami Lakes	Desamparados, San José	Costa Rica	2006[146]
Mount Dora	Forres, Moray	Scotland, UK	1990 [147][148]
New Port Richey	Cavalaire-sur-Mer, Provence-Alpes-Côte d'Azur	France	2001~[7]
Niceville	Les Sables-d'Olonne, Pays de la Loire	France	2001~[7]
North Lauderdale	Yatağan, Muğla	Turkey	2002[149]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
North Miami	Delmas, Ouest	Haiti	2008[150]
	Miqdal, North	Israel	1989[151]
	San Pedro Sula, Cortés	Honduras	1989[152]
	Lucca, Tuscany	Italy	1989[152]
North Miami Beach	Sosúa, Puerto Plata	Dominican Republic	1989[152]
	Gonaives, Artibonite		1989[152]
	La Chapelle, Artibonite	Haiti	1989[152]
	Tabarre, Ouest		1989[152]
	Accra Metropolis District, Greater Accra	Ghana	1989[152]
	Pingzhen District, Taoyuan City	Taiwan	1989[152]
	Pisa, Toscana	Italy	2004 [153]
Ocala	Newbridge, County Kildare	Ireland	2008 [154]
	Sincelejo, Sucre	Colombia	1967[155]
Opa-Locka	Isla Pucu, Cordillera	Paraguay	1996[156]
	Curitiba, Paraná[11]	Brazil	1996[157]
	Guilin, Guangxi	China	1986[83]
	Monterrey, Nuevo León	Mexico	2001~[7]
	Orenburg	Russia	1997[158]
Orlando	Reykjanesbær, Gullbringusýsla	Iceland	1997~[159]
	Seine-et-Marne, Île-de-France	France	2002[7][160]
	Tainan, Tainan	Taiwan	2001~[7]
	Keelung		1982[87]
	Urayasu, Chiba	Japan	1991[161]
	Valladolid, Castilla y León	Spain	2006[162]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
Palatka	Palatka[11]	Russia	1991[163][164]
Palm Coast	Liberia, Guanacaste	Costa Rica	2005[165]
Pembroke Pines	Astrakhan, Astrakhan	Russia	1996[166]
	Chimbote, Santa	Peru	1964[167]
	Escazú, San José	Costa Rica	1981[167]
	Gero, Gifu[168]	Japan	1988[167]
Pensacola	Gorlivka, Donetsk	Ukraine	1981[167]
	Kaohsiung	Taiwan	1977[167]
	Miraflores, Lima	Peru	1964[167]
	Macharaviaya, Andalusia	Spain	1981[14]
Pinecrest (Dade County)	Cognac, Charente	France	1964[169]
Plant City	Portage la Prairie, Manitoba[11]	Canada	2001~[7]
Port St. Lucie	Putuo District, Zhoushan	China	2007[170]
Royal Palm Beach	Călăraşi, Călăraşi[171]	Romania	2005[172]
	Avilés, Asturias	Spain	1963[173]
	Cartagena, Bolívar	Colombia	2001~[7]
Saint Augustine	Santo Domingo, Distrito Nacional	Dominican Republic	2001~[7]
	Menorca, Baleares Islands	Spain	2001[174]
Saint Pete Beach	Sandown, Isle of Wight	England, UK	1999[175]
	Takamatsu, Kagawa	Japan	1960[176]
Saint Petersburg	Saint Petersburg, Leningrad	Russia	2003[177]
	Figueres, Catalonia	Spain	2003[14]
Sanford	Deltona, Florida	USA	2013[42]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
Sarasota	Dunfermline, Fife	Scotland, UK	1990[178][179]
	Hamilton, Ontario	Canada	1990[180]
	Perpignan, Languedoc-Roussillon	France	1994[181]
	Santo Domingo, Distrito Nacional	Dominican Republic	1963[182]
	Tel Mond, Center	Israel	1999[183]
	Province of Treviso	Italy	2007[184]
	Vladimir, Vladimir	Russia	1994[185]
	Xiamen, Fujian	China	2008[186]
	Mérida, Yucatán	Mexico	2010[187]
Southwest Ranches	Clifden, Connacht	Ireland	2006[188]
St. Cloud	Lynn Haven	USA	1995[189]
Sunny Isles Beach	Netanya, Center	Israel	2005[190]
	Hengchun, Pingtung County	Taiwan	2005[191]
	Taormina, Sicily	Italy	2005[191]
Sunrise	Yavne, Center	Israel	1985[192]
Stuart	Hope Town, Abaco	Bahamas	2014[193]
Sweetwater	Guitiriz, Lugo	Spain	1990[194]
	La Paz Centro, León	Nicaragua	1996[195]
	San Felipe de Puerto Plata, Puerto Plata[11]	Dominican Republic	1983[196]
	Konongo-Odumase, Asante Akim North	Ghana	2002[197]
Tallahassee	Krasnodar, Krasnodar Krai	Russia	1983[198]
	Ramat HaSharon, Tel Aviv	Israel	2006 [199]
	Sligo, Connacht	Ireland	1989[200]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	St. Maarten	Netherlands	2001~[7]
	Rugao, Jiangsu	China	2001
Tamarac	Fatsa, Ordu	Turkey	2002[201]
	Agrigento, Sicilia	Italy	1987[202]
	Ashdod, South	Israel	2005[203]
	Barranquilla, Atlántico	Colombia	1966[204]
	Boca del Río, Veracruz	Mexico	2002[205]
	Camarines Sur, Bicol	Philippines	2001~[7]
	Córdoba, Córdoba	Argentina	1966[206]
Tampa	Granada, Granada	Nicaragua	2001~[7]
	İzmir, İzmir	Turkey	2001~[7]
	Jiāxīng Shì, Zhèjiāng Shěng	China	2002~[205]
	Le Havre, Haute-Normandie	France	2001~[7]
	Oviedo, Asturias	Spain	2001~[7]
	Veracruz, Veracruz	Mexico	2002[205]
	Porto Alegre, Rio Grande do Sul	Brazil	2002[14]
	Kalymnos, Dhodhekanisos	Greece	2000[207]
Tarpon Springs	Larnaca, Lamaca District	Cyprus	2000[14]
	Halki, Dhodhekanisos	Greece	2000[14]
	Symi, Dhodhekanisos		2000[14]
Tavares	Xindian District, New Taipei City	Taiwan	2000
Temple Terrace	Eastleigh, Hampshire	England, UK	1989[208]
	Ceadîr-Lunga, Gagauzia[11]	Moldova	2001~[7]
Titusville	Soest, Utrecht[11]	Netherlands	1982[209]
	Yueyang, Hunan[11]	China	1988[83]

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Florida jurisdiction	Sister jurisdiction	Country	Year
Volusia County	Bayonne, Aquitaine[11]	France	1998[210]
	Campeche State[11]	Mexico	1995[38]
West Miami	León, León	Nicaragua	1974[211]
	Santa Cruz del Quiché, Quiché	Guatemala	1987[211]
West Palm Beach	Tzahar Region, North	Israel	1996[212]
Winter Haven	Sambuca di Sicilia, Sicilia	Italy	1987[213]

AMERICAN OVERSIGHT

From: FAHP <fahp@memberclicks-mail.net>
Sent: Thursday, November 07, 2019 1:17 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: 2019 FAHP Annual Conference Speaker Line-Up

SPONSORED GENERAL SESSIONS

State of Florida Health Insurance Marketplace Report andInsurance Commissioners Round-table

Florida Legislative Update

The Promise Fund: Delivering Care Where it is Needed Most | New ideas, practices and realities

***A*gency for Health Care Administration (AHCA) Update**

International Dialogue - The Evolving Global Regulatory Framework

Introduction to Tiatros: A Digital Therapeutics for Behavioral Health company

Increasing Healthy Actions: A Basic Strategic Approach to Digital Communications

The Rollout of EVV in Florida

I Want it All and I Want it Now: Executing Your Clinical Data Strategy

Incorporating Ridesharing into Your NEMT Program: The Capabilities of Lyft

Moving from Meeting Performance Goals toExcelling in Value-Based Care

Public-Private Collaboration to Drive Innovation in Medicaid

FAHP THANKS OUR SPONSORS AND EXHIBITORS

3M Health Information Systems; Access2Care; AHCV; Akerman; American Logistics; American Well; Amplifon Hearing Health Care; Beacon Health Options; Capital City Consulting; CastiaRx; Celtic Global Consulting;
Collective Medical; Corcoran Partners; DataLink Software; DentaQuest; Dexcom; Envolve; Genomic Health; GMS Call Center; Greenberg Traurig; healow Insights; HealthCrowd; Health Dialog Services Corporation; Health Network One; Health Management Systems, Inc.; Healthy Start; HHAeXchange; Hologic; HPA, A Cognizant Company; Independent Living Systems; IntelliRide by Transdev; InterSystems; J & B Medical;LIBERTY Dental Plan; LogistiCare Solutions; MCG Health; Medline Industries; Melinta Therapeutics; NationsHearing; PerformRx/PerformSpecialty; Pinnacle Brokers; Pulse8; RIDE2MD, Inc.; Rubin Turnbull & Associates; SafeRide Health; Tellus; The Promise Fund; Tiatros; Trividia Health; Uber Health; VARIS; Veyo

This email was sent togruters.joe@flsenate.gov by meetingplanner@fahp.net

Florida Association of Health Plans· 200 W. College Ave. , Tallahassee, Florida 32301 , United States

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From: NCOIL <scb@thebeaumontgroup.com>
Sent: Wednesday, October 02, 2019 9:14 AM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: 2019 NCOIL Annual National Meeting Early Bird Rate Closes on October 14

View this email in your browser

Dear NCOIL Participant:

We write today to remind you that registration for the 2019 NCOIL Annual Meeting at the JW Marriott in Austin, TX from December 10th – 13th is now open here. The early bird rate closes on October 14th.

A tentative meeting schedule is posted here.

NCOIL will celebrate its' 50th year at this meeting.

This meeting has been approved for 15.25 credits of Texas CLE.

The Annual Meeting will begin at the conclusion of the NAIC meeting at the same location. Please plan to arrive in time for the Welcome Reception on the evening of December 10th. There will also be an optional tour of the Texas state capitol on that afternoon.

A full day of policy committees and general sessions will start with the busy Welcome Breakfast on December 11th.

If you are attending the NAIC meeting prior to the NCOIL meeting, we kindly ask that you make a hotel reservation beginning on December 10th with the NCOIL hotel code. You can do this by calling the hotel at 512-474-4744. If you have already made your hotel reservations with NAIC, we ask that you call the hotel with your confirmation code to amend them. You will not need to physically check out of the hotel room and will receive one hotel bill at the conclusion of your stay.

The hotel block closes on November 25th. The link for legislators is here - and the link for general participants is here.

Please do not hesitate to reach out to us with any questions at the NCOIL National Office.

Paul Penna
NCOIL

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You are receiving this email because you are a member of NCOIL

Our mailing address is:
NCOIL
2317 Highway 34 Ste 2B
Manasquan, NJ 08736-1443

Add us to your address book

Want to change how you receive these emails?
You can update your preferences or unsubscribe from this list.

AMERICAN OVERSIGHT

From: Baker, Tiffany <BAKER.TIFFANY@flhistoriccapitol.gov>
Sent: Friday, January 10, 2020 9:26 AM EST
To: Senators and District Staff – All <SenateDistrictStaff-All@flsenate.gov>
CC: Brown, Debbie <BROWN.DEBBIE@flsenate.gov>; Galea, Kathy <GALEA.KATHY@flsenate.gov>; Betta, Katherine <BETTA.KATHERINE@flsenate.gov>; Vickers, Lisa <VICKERS.LISA@flsenate.gov>; Hay, Timothy <HAY.TIMOTHY@flsenate.gov>
Subject: 2020 Legislative Legacies Reunion Dinner
Attachment(s): "HC Legislative Reunion Registration Brochure 2019 Web.pdf"

Dear Senator,

Please join your colleagues for a commemoration of your collective service to the State during the ***2020 Legislative Legacies Reunion Dinner*** on ***Tuesday, February 4, 2020*** at ***6:30 PM*** at the ***FSU Alumni Center***.

Gather during this signature Legislative Reunion program to enjoy the soulful sounds of Baby Grey, historic photos and stories featuring the decades past and present, and a delicious buffet dinner.

To register for the ***2020 Legislative Legacies Reunion Dinner***, please visit the Legislative Reunion Registration Page.

For more information about the entire exciting slate of 2020 Legislative Reunion activities to be held February 3-5, we have attached the complete Legislative Reunion Registration Brochure.

Please do not hesitate to reach out to Historic Capitol staff at 850-487-1902 if you have any questions regarding the program or would like assistance with the registration process.

We hope that you will join us for an evening filled with historic moments!

With warm regards,
The 2020 Legislative Reunion Host Committee

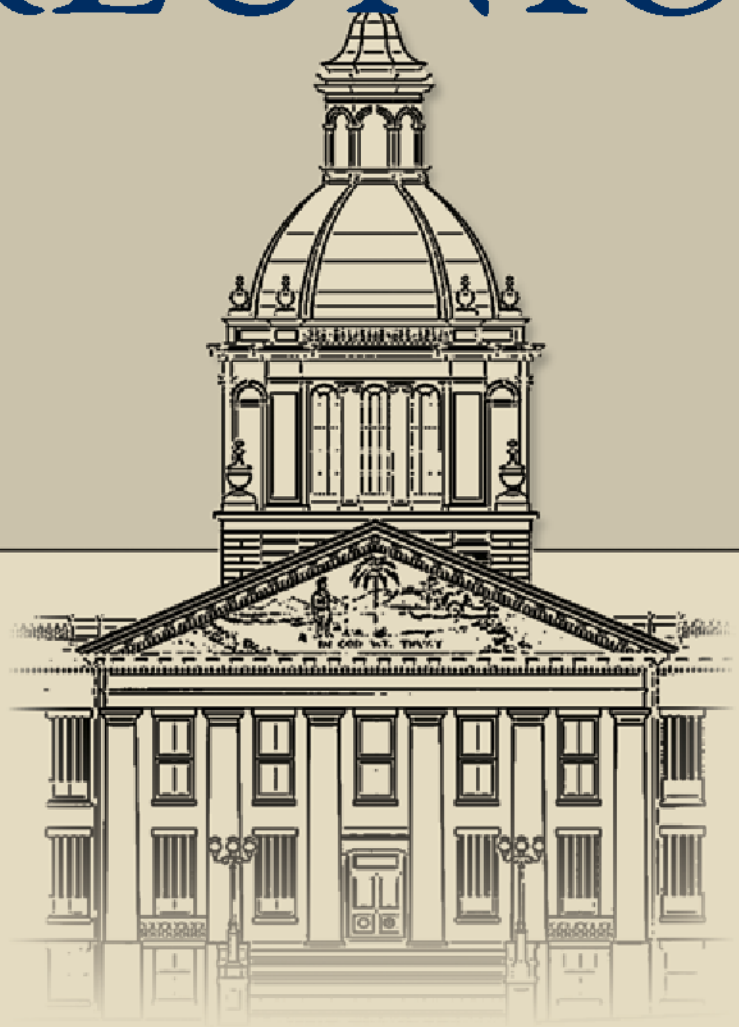
FLORIDA HISTORIC CAPITOL MUSEUM COUNCIL	**FLORIDA HISTORIC CAPITOL FOUNDATION**
The Honorable Curt Kiser, Chairman	Mr. John Clark, Chairman
The Honorable Ellyn Bogdanoff	The Honorable Kurt Browning, Vice Chair
Secretary Debbie Brown, Florida Senate	The Honorable Bill Gunter, Treasurer
The Honorable Dean Cannon	The Honorable Van Poole, Secretary
The Honorable Charlie Clary	The Honorable Dixie Sansom, Immediate Past Chair
The Honorable Bill Gunter	The Honorable J.D. Alexander
Sgt. at Arms Tim Hay, Florida Senate	Mr. Dominic Calabro
Sgt. at Arms Russell Hosford, Florida House	Mr. Frank Gernert
The Honorable Jeffrey Kottkamp	Justice Major Harding
Ms. Joanne Leznoff	The Honorable Jeffrey Kottkamp
The Honorable John Phelps	Dr. Ed Moore
The Honorable Van Poole	The Honorable Michelle Rehwinkel-Vasilinda
Clerk Jeff Takacs, Florida House	Mr. Mayo Woodward

Tiffany Baker / Museum Director
Florida Historic Capitol Museum / Room B-12 / 400 S. Monroe St. / Tallahassee, FL 32301-1100
email: baker.tiffany@flhistoriccapitol.gov
phone: 850-487-1902 or Direct Line: 850-410-2230
fax: 850-410-2233
www.flhistoriccapitol.gov

AMERICAN OVERSIGHT

REGISTER SOON!
Registration closes Friday, January 24, 2020

2020 LEGISLATIVE REUNION



Join us for three exciting days filled with non-stop fun and special moments with the friends and colleagues who helped you shape the future of Florida.

This year, as we mark the beginning of a new decade, plan to spend time reflecting on the impactful events of the past. Gather with friends to participate in behind-the-scenes tours, enjoy delicious food and drink, share institutional knowledge, and celebrate the legacy of your collective service to the state.

MONDAY, FEBRUARY 3 — WEDNESDAY, FEBRUARY 5 IN TALLAHASSEE, FLORIDA

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-000697

Daily Schedule

Schedule is subject to change. Final schedule to be distributed in reunion program.

MONDAY, FEBRUARY 3

Director's Tour at The Grove Museum

4:00 PM-5:00 PM

Meet in The Grove parking lot on Monroe Street.

Limited to 25 registrants

Executive Director Johnathan Grandage will showcase Governor LeRoy Collins' legislative impact during this after-hours program at The Grove.

Welcome Reception

5:30 PM-7:00 PM | $25

Enjoy a warm welcome to the 2020 Legislative Reunion with food, friends, and fun. Fee includes beer, wine, and hors d'oeuvres.

TUESDAY, FEBRUARY 4

Registration

8:00 AM-4:00 PM

Historic Capitol Rotunda

Continental Breakfast, Coffee, and Capitol Updates with the Department of Management Services

9:00 AM-10:00 AM

Historic Capitol Senate Chamber

Have you been watching the construction process at the Capitol Complex? Does the Complex look completely different from the last time you were onsite? Wondering what the next step will be? Members of the Capitol Complex project team will share all the latest details about the transformation.

Historic Capitol Open Doors Tour

10:00 AM-11:00 AM

Meet at Registration Desk.

Limited to 15 registrants

Historic Capitol staff members will showcase fun new acquisitions and plans for the future while unlocking a few doors for a special look along the way.

State Treasures Tour

10:00 AM-11:30 AM

Meet at Historic Capitol Visitor Services Desk to walk down to Department of State.

Limited to 20 registrants

View the State's historic treasures at the State Archives and the Bureau of Archaeological Research's Conservation Lab.

Culturally Tallahassee Tour

10:00 AM-11:45 AM

Meet at Historic Capitol Visitor Services Desk to walk to bus for departure.

Limited to 25 registrants

Explore Tallahassee by bus for an overview of the impact of recent construction, new cultural opportunities, and a changing landscape.

Election 2000: Twenty Years Later Luncheon

NOON-1:30 PM | $20

Historic Capitol Senate Chamber

Limited to 80 registrants

Panel participants, including former Senate President John McKay and House Speaker Tom Feeney, will share Florida stories about the historic outcome of the 2000 Presidential Election. Before the program, stop by room 118 to view the "butterfly" ballot and voting booth. Do you have any artifacts from Election 2000? Be sure to let Historic Capitol staff know! Fee includes lunch.

Supreme Court Tour

1:45 PM-3:00 PM

Meet at Historic Capitol Visitor Services Desk to walk down to the Supreme Court.

Limited to 20 registrants

Tour the Supreme Court of Florida.

Venues

Be sure to refer to the list below when signing up for events.

CAPITOL COMPLEX
400 South Monroe Street
Tallahassee, FL 32399

DEPARTMENT OF STATE
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399

FLORIDA SUPREME COURT
500 South Duval Street
Tallahassee, FL 32399

FSU ALUMNI CENTER
1030 West Tennessee Street
Tallahassee, FL 32304

FSU PRESIDENT'S HOUSE
Corner of Woodward and Tennessee Street
Tallahassee, FL 32304

THE GROVE
West 1st Avenue
Tallahassee, FL 32303

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PARKING AND DIRECTIONS

Because parking can be limited near the Capitol Complex, parking will be available at Governor's Square Mall and you may ride the Legislative Employee Shuttles to the Capitol Complex. Downtown and Governor's Square parking maps are available at www.flhistoriccapitol.gov.

On-street metered parking is available in downtown Tallahassee. Paid parking is also available at the Kleman Plaza Parking Garage, located between College Avenue and Pensacola Street with entrances on Duval or Bronough Streets.

Spouses Tea in the Senate Spouse Lounge

2:00 PM-3:00 PM

Mrs. Galvano invites all former spouses to share in fellowship and fun with the current spouses.
Please RSVP by selecting Spouses Tea during registration.

Reunion Appearance on the Senate Floor

3:30 PM-4:30 PM

Fourth Floor Rotunda
Line up by decade with your fellow former Senators to be honored on the Senate floor.

Legislative Reception hosted by the Honorable John Thrasher

5:30 PM-6:15 PM | $15

FSU President's House
Please park at the FSU Alumni Center adjacent to the FSU President's House. Enter lots via West Tennessee Street entrance.
Limited to 100 registrants
Florida State University President John Thrasher and First Lady Jean Thrasher invite you to the FSU President's House for a reception in honor of your legislative service.

Legislative Legacies Reunion Dinner

6:30 PM-9:00 PM | $65

FSU Alumni Center
Drinks and Dinner Service at 6:30 PM
Program at 7:15 PM
Enjoy the soulful sounds of Baby Gray and share your favorite memories with your classmates. Fee includes beer, wine, and buffet dinner.

WEDNESDAY, FEBRUARY 5

Reunion Appearance on the House Floor

9:00 AM-10:00 AM

Fourth Floor Rotunda
Line up by decade with your fellow former Representatives to be honored on the House floor.

Tour of *Florida Inspired*

10:00 AM-11:00 AM

Meet at Historic Capitol Visitor Services Desk to walk down to Department of State.
Limited to 20 registrants
Explore the Museum of Florida History's newest exhibit featuring more than 125 landscape paintings by 98 different artists from the Risner Fine Art Collection.

Farewell Luncheon and Author Talk

10:30 AM-NOON | $25

The Governor's Club Plantation Room
Limited to 40 registrants
Gather for a fond farewell as former Senate President Mike Haridopolos and Mr. Peter Dunbar discuss their work on *The Modern Republican Party in Florida* (University of Florida Press, 2019). Fee includes lunch.



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Room Block Information

Book your hotel now as hotels in Tallahassee next year are in high-demand.
For your convenience, we have secured room blocks at the following locations:

HOME2 SUITES TALLAHASSEE
Cutoff date: 1/14/20
210 South Magnolia
Tallahassee, FL 32301
Rate: $189.00/night
850-402-8900
Ask for the Historic Capitol Museum Legislative Reunion group rate.

HOLIDAY INN TALLAHASSEE EAST CAPITOL-UNIVERSITIES
Cutoff date: 1/3/20
2003 Apalachee Parkway
Tallahassee, FL 32301
Rate: $225.00/night
Call for reservations:
850-792-8300 or
1-800-HOLIDAY
Ask for Room Block Code: HLR

HAMPTON INN & SUITES CAPITOL-UNIVERSITY
Cutoff date: 1/3/20
824 Railroad Avenue
Tallahassee, FL 32310
Rate: $259.00/night
Ask for Legislative Reunion group rate.

FOUR POINTS BY SHERATON TALLAHASSEE DOWNTOWN
Cutoff date: 1/13/20
316 West Tennessee Street
Tallahassee, FL 32399
Rate: $199.00/night
800-368-7764
Ask for Legislative Reunion group rate.

Although a room block was not available at the Doubletree hotel downtown, you may be able to still secure a single room:

DOUBLETREE BY HILTON
101 S Adams Street
Tallahassee, FL 32301
850-224-5000

Host Committee

We look forward to creating new memories with you.

FLORIDA HISTORIC CAPITOL MUSEUM COUNCIL

The Honorable Curt Kiser, Chairman
The Honorable Ellyn Bogdanoff
Secretary Debbie Brown, Florida Senate
The Honorable Dean Cannon
The Honorable Charlie Clary
The Honorable Bill Gunter
Sgt. at Arms Tim Hay, Florida Senate
Sgt. at Arms Russell Hosford, Florida House
The Honorable Jeffrey Kottkamp
Ms. Joanne Leznoff
The Honorable John Phelps
The Honorable Van Poole
Clerk Jeff Takacs, Florida House

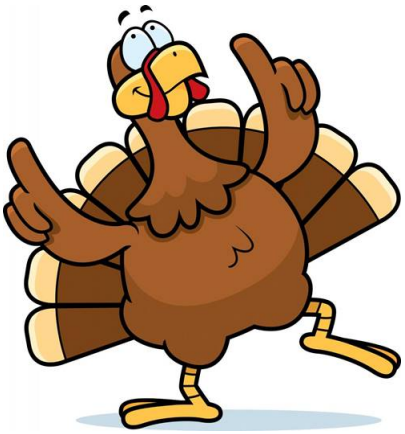
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The Honorable J.D. Alexander
Mr. Dominic Calabro
Mr. Frank Gernert
Justice Major Harding
Mr. Peter Harris
The Honorable Jeffrey Kottkamp
Dr. Ed Moore
The Honorable Michelle Rehwinkel-Vasilinda
Mr. Mayo Woodward

FLORIDA HISTORIC CAPITOL MUSEUM

AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Monday, November 25, 2019 3:38 PM EST
To: French Brown <FBrown@deanmead.com>
Attachment(s): "_s00126__.DOCX"



AMERICAN OVERSIGHT

By Senator Gruters

23-00203-20 2020126__

A bill to be entitled

An act relating to the sales and use tax; amending s. 212.02, F.S.; revising the definition of the term "retail sale"; amending s. 212.05, F.S.; conforming a provision to changes made by the act; amending s. 212.0596, F.S.; renaming the term "mail order sale" to "remote sale" and revising the definition; revising conditions under which certain dealers are subject to sales tax levies and collection; defining the term "making a substantial number of remote sales"; deleting an exemption for certain dealers from collecting local option surtaxes; conforming provisions to changes made by the act; creating s. 212.05965, F.S.; defining terms; providing that certain marketplace providers are subject to registration, collection, and remittance requirements for sales taxes; requiring marketplace providers to provide a certain certification to their marketplace sellers; specifying requirements for marketplace sellers; requiring marketplace providers to allow the Department of Revenue to examine and audit their books and records; specifying the examination and audit authority of the department; providing that a marketplace seller, and not the marketplace provider, is liable for sales tax collection and remittance under certain circumstances; authorizing marketplace providers and marketplace sellers to enter into agreements for the recovery of certain taxes, interest, and penalties; authorizing the department to

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FL-SEN-20-0201-B-20-0202-A-000602

settle and compromise taxes, interest, or penalties assessed on sales conducted through a marketplace; providing construction and applicability; amending s. 212.06, F.S.; revising the definition of the term "dealer"; conforming provisions to changes made by the act; amending s. 212.12, F.S.; deleting an exclusion from certain dealers who are allowed a dealer's credit for collecting tax; deleting the authority of the department's executive director to negotiate a collection allowance with certain dealers; conforming a provision to changes made by the act; amending s. 212.18, F.S.; conforming a provision to changes made by the act; reenacting s. 212.20(4), F.S., relating to refunds of taxes adjudicated unconstitutionally collected, to incorporate the amendment made to s. 212.0596, F.S., in a reference thereto; authorizing the department to adopt emergency rules; providing for expiration of the authority; providing for severability; providing effective dates.

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

Section 1. Paragraph (e) of subsection (14) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(14)

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(e) The term "retail sale" includes a remote ~~mail order~~ sale~~,~~ as defined in s. 212.0596(1).

Section 2. Effective October 1, 2020, paragraph (f) is added to subsection (14) of section 212.02, Florida Statutes, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(14)

(f) The term "retail sale" includes a sale facilitated through a marketplace as defined in s. 212.05965(1).

Section 3. Section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making remote ~~mail order~~ sales~~;, or~~ who rents or furnishes any of the things or services taxable under this chapter~~;,~~ or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the

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purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

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2. This paragraph does not apply to the sale of a boat or aircraft by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat or aircraft will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the purchaser may be deemed to be the selling dealer. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in sub-subparagraph f., from the state within 90 days after the date of purchase or extension, or the purchaser removes a nonqualifying boat or an aircraft from this state within 10 days after the date of purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of the repairs or alterations; or if the aircraft will be registered in a foreign jurisdiction and:

(I) Application for the aircraft's registration is properly filed with a civil airworthiness authority of a foreign jurisdiction within 10 days after the date of purchase;

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(II) The purchaser removes the aircraft from the state to a foreign jurisdiction within 10 days after the date the aircraft is registered by the applicable foreign airworthiness authority; and

(III) The aircraft is operated in the state solely to remove it from the state to a foreign jurisdiction.

For purposes of this sub-subparagraph, the term "foreign jurisdiction" means any jurisdiction outside of the United States or any of its territories;

b. The purchaser, within 30 days from the date of departure, provides the department with written proof that the purchaser licensed, registered, titled, or documented the boat or aircraft outside the state. If such written proof is unavailable, within 30 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt;

c. The purchaser, within 10 days of removing the boat or aircraft from Florida, furnishes the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of Florida. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 5 days of the date of sale, provides to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions

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of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser applies to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. The nonresident purchaser of a qualifying boat may apply to the selling dealer within 60 days after the date of purchase for an extension decal that authorizes the boat to remain in this state for an additional 90 days, but not more than a total of 180 days, before the nonresident purchaser is required to pay the tax imposed by this chapter. The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, before delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued, except the extension decal shall cost $425.

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but

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not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal before permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date before its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt

AMERICAN OVERSIGHT

emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within the maximum 180 days after purchase or a nonqualifying boat or an aircraft from this state within 10 days after purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or aircraft to return to this state within 6 months from the date of departure, except as provided in s. 212.08(7)(fff), or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or aircraft and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2). The maximum 180-day period following the sale of a qualifying boat tax-exempt to a nonresident may not be tolled for any reason.

(b) At the rate of 6 percent of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed, distributed, or stored for use or consumption in this state; however, for tangible property originally purchased exempt from tax for use exclusively for lease and which is converted to the owner’s own use, tax may be paid on the fair market value of the property at the time of conversion. If the fair market value of the property cannot be determined, use tax at the time of conversion shall be based on

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the owner's acquisition cost. Under no circumstances may the aggregate amount of sales tax from leasing the property and use tax due at the time of conversion be less than the total sales tax that would have been due on the original acquisition cost paid by the owner.

(c) At the rate of 6 percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein; however, the following special provisions apply to the lease or rental of motor vehicles:

1. When a motor vehicle is leased or rented for a period of less than 12 months:

a. If the motor vehicle is rented in Florida, the entire amount of such rental is taxable, even if the vehicle is dropped off in another state.

b. If the motor vehicle is rented in another state and dropped off in Florida, the rental is exempt from Florida tax.

2. Except as provided in subparagraph 3., for the lease or rental of a motor vehicle for a period of not less than 12 months, sales tax is due on the lease or rental payments if the vehicle is registered in this state; provided, however, that no tax shall be due if the taxpayer documents use of the motor vehicle outside this state and tax is being paid on the lease or rental payments in another state.

3. The tax imposed by this chapter does not apply to the lease or rental of a commercial motor vehicle as defined in s. 316.003(13)(a) to one lessee or rentee for a period of not less than 12 months when tax was paid on the purchase price of such vehicle by the lessor. To the extent tax was paid with respect to the purchase of such vehicle in another state, territory of

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the United States, or the District of Columbia, the Florida tax payable shall be reduced in accordance with the provisions of s. 212.06(7). This subparagraph shall only be available when the lease or rental of such property is an established business or part of an established business or the same is incidental or germane to such business.

(d) At the rate of 6 percent of the lease or rental price paid by a lessee or rentee, or contracted or agreed to be paid by a lessee or rentee, to the owner of the tangible personal property.

(e)1. At the rate of 6 percent on charges for:

a. Prepaid calling arrangements. The tax on charges for prepaid calling arrangements shall be collected at the time of sale and remitted by the selling dealer.

(I) "Prepaid calling arrangement" has the same meaning as provided in s. 202.11.

(II) If the sale or recharge of the prepaid calling arrangement does not take place at the dealer's place of business, it shall be deemed to have taken place at the customer's shipping address or, if no item is shipped, at the customer's address or the location associated with the customer's mobile telephone number.

(III) The sale or recharge of a prepaid calling arrangement shall be treated as a sale of tangible personal property for purposes of this chapter, regardless of whether a tangible item evidencing such arrangement is furnished to the purchaser, and such sale within this state subjects the selling dealer to the jurisdiction of this state for purposes of this subsection.

(IV) No additional tax under this chapter or chapter 202 is

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due or payable if a purchaser of a prepaid calling arrangement who has paid tax under this chapter on the sale or recharge of such arrangement applies one or more units of the prepaid calling arrangement to obtain communications services as described in s. 202.11(9)(b)3., other services that are not communications services, or products.

b. The installation of telecommunication and telegraphic equipment.

c. Electrical power or energy, except that the tax rate for charges for electrical power or energy is 4.35 percent. Charges for electrical power and energy do not include taxes imposed under ss. 166.231 and 203.01(1)(a)3.

2. Section 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, is equally applicable to any tax paid under this section on charges for prepaid calling arrangements, telecommunication or telegraph services, or electric power subsequently found to be uncollectible. As used in this paragraph, the term "charges" does not include any excise or similar tax levied by the Federal Government, a political subdivision of this state, or a municipality upon the purchase, sale, or recharge of prepaid calling arrangements or upon the purchase or sale of telecommunication, television system program, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

(f) At the rate of 6 percent on the sale, rental, use, consumption, or storage for use in this state of machines and equipment, and parts and accessories therefor, used in manufacturing, processing, compounding, producing, mining, or

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quarrying personal property for sale or to be used in furnishing communications, transportation, or public utility services.

(g)1. At the rate of 6 percent on the retail price of newspapers and magazines sold or used in Florida.

2. Notwithstanding other provisions of this chapter, inserts of printed materials which are distributed with a newspaper or magazine are a component part of the newspaper or magazine, and neither the sale nor use of such inserts is subject to tax when:

a. Printed by a newspaper or magazine publisher or commercial printer and distributed as a component part of a newspaper or magazine, which means that the items after being printed are delivered directly to a newspaper or magazine publisher by the printer for inclusion in editions of the distributed newspaper or magazine;

b. Such publications are labeled as part of the designated newspaper or magazine publication into which they are to be inserted; and

c. The purchaser of the insert presents a resale certificate to the vendor stating that the inserts are to be distributed as a component part of a newspaper or magazine.

(h)1. A tax is imposed at the rate of 4 percent on the charges for the use of coin-operated amusement machines. The tax shall be calculated by dividing the gross receipts from such charges for the applicable reporting period by a divisor, determined as provided in this subparagraph, to compute gross taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. For counties that do not impose a discretionary sales surtax, the divisor is

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equal to 1.04; for counties that impose a 0.5 percent discretionary sales surtax, the divisor is equal to 1.045; for counties that impose a 1 percent discretionary sales surtax, the divisor is equal to 1.050; and for counties that impose a 2 percent sales surtax, the divisor is equal to 1.060. If a county imposes a discretionary sales surtax that is not listed in this subparagraph, the department shall make the applicable divisor available in an electronic format or otherwise. Additional divisors shall bear the same mathematical relationship to the next higher and next lower divisors as the new surtax rate bears to the next higher and next lower surtax rates for which divisors have been established. When a machine is activated by a slug, token, coupon, or any similar device which has been purchased, the tax is on the price paid by the user of the device for such device.

2. As used in this paragraph, the term "operator" means any person who possesses a coin-operated amusement machine for the purpose of generating sales through that machine and who is responsible for removing the receipts from the machine.

a. If the owner of the machine is also the operator of it, he or she shall be liable for payment of the tax without any deduction for rent or a license fee paid to a location owner for the use of any real property on which the machine is located.

b. If the owner or lessee of the machine is also its operator, he or she shall be liable for payment of the tax on the purchase or lease of the machine, as well as the tax on sales generated through the machine.

c. If the proprietor of the business where the machine is located does not own the machine, he or she shall be deemed to

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be the lessee and operator of the machine and is responsible for the payment of the tax on sales, unless such responsibility is otherwise provided for in a written agreement between him or her and the machine owner.

3.a. An operator of a coin-operated amusement machine may not operate or cause to be operated in this state any such machine until the operator has registered with the department and has conspicuously displayed an identifying certificate issued by the department. The identifying certificate shall be issued by the department upon application from the operator. The identifying certificate shall include a unique number, and the certificate shall be permanently marked with the operator's name, the operator's sales tax number, and the maximum number of machines to be operated under the certificate. An identifying certificate shall not be transferred from one operator to another. The identifying certificate must be conspicuously displayed on the premises where the coin-operated amusement machines are being operated.

b. The operator of the machine must obtain an identifying certificate before the machine is first operated in the state and by July 1 of each year thereafter. The annual fee for each certificate shall be based on the number of machines identified on the application times $30 and is due and payable upon application for the identifying device. The application shall contain the operator's name, sales tax number, business address where the machines are being operated, and the number of machines in operation at that place of business by the operator. No operator may operate more machines than are listed on the certificate. A new certificate is required if more machines are

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being operated at that location than are listed on the certificate. The fee for the new certificate shall be based on the number of additional machines identified on the application form times $30.

c. A penalty of $250 per machine is imposed on the operator for failing to properly obtain and display the required identifying certificate. A penalty of $250 is imposed on the lessee of any machine placed in a place of business without a proper current identifying certificate. Such penalties shall apply in addition to all other applicable taxes, interest, and penalties.

d. Operators of coin-operated amusement machines must obtain a separate sales and use tax certificate of registration for each county in which such machines are located. One sales and use tax certificate of registration is sufficient for all of the operator’s machines within a single county.

4. The provisions of this paragraph do not apply to coin-operated amusement machines owned and operated by churches or synagogues.

5. In addition to any other penalties imposed by this chapter, a person who knowingly and willfully violates any provision of this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

6. The department may adopt rules necessary to administer the provisions of this paragraph.

(i)1. At the rate of 6 percent on charges for all:

a. Detective, burglar protection, and other protection services (NAICS National Numbers 561611, 561612, 561613, and 561621). Fingerprint services required under s. 790.06 or s.

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790.062 are not subject to the tax. Any law enforcement officer, as defined in s. 943.10, who is performing approved duties as determined by his or her local law enforcement agency in his or her capacity as a law enforcement officer, and who is subject to the direct and immediate command of his or her law enforcement agency, and in the law enforcement officer's uniform as authorized by his or her law enforcement agency, is performing law enforcement and public safety services and is not performing detective, burglar protection, or other protective services, if the law enforcement officer is performing his or her approved duties in a geographical area in which the law enforcement officer has arrest jurisdiction. Such law enforcement and public safety services are not subject to tax irrespective of whether the duty is characterized as "extra duty," "off-duty," or "secondary employment," and irrespective of whether the officer is paid directly or through the officer's agency by an outside source. The term "law enforcement officer" includes full-time or part-time law enforcement officers, and any auxiliary law enforcement officer, when such auxiliary law enforcement officer is working under the direct supervision of a full-time or part-time law enforcement officer.

b. Nonresidential cleaning, excluding cleaning of the interiors of transportation equipment, and nonresidential building pest control services (NAICS National Numbers 561710 and 561720).

2. As used in this paragraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.

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3. Charges for detective, burglar protection, and other protection security services performed in this state but used outside this state are exempt from taxation. Charges for detective, burglar protection, and other protection security services performed outside this state and used in this state are subject to tax.

4. If a transaction involves both the sale or use of a service taxable under this paragraph and the sale or use of a service or any other item not taxable under this chapter, the consideration paid must be separately identified and stated with respect to the taxable and exempt portions of the transaction or the entire transaction shall be presumed taxable. The burden shall be on the seller of the service or the purchaser of the service, whichever applicable, to overcome this presumption by providing documentary evidence as to which portion of the transaction is exempt from tax. The department is authorized to adjust the amount of consideration identified as the taxable and exempt portions of the transaction; however, a determination that the taxable and exempt portions are inaccurately stated and that the adjustment is applicable must be supported by substantial competent evidence.

5. Each seller of services subject to sales tax pursuant to this paragraph shall maintain a monthly log showing each transaction for which sales tax was not collected because the services meet the requirements of subparagraph 3. for out-of-state use. The log must identify the purchaser’s name, location and mailing address, and federal employer identification number, if a business, or the social security number, if an individual, the service sold, the price of the service, the date of sale,

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the reason for the exemption, and the sales invoice number. The monthly log shall be maintained pursuant to the same requirements and subject to the same penalties imposed for the keeping of similar records pursuant to this chapter.

(j)1. Notwithstanding any other provision of this chapter, there is hereby levied a tax on the sale, use, consumption, or storage for use in this state of any coin or currency, whether in circulation or not, when such coin or currency:

a. Is not legal tender;

b. If legal tender, is sold, exchanged, or traded at a rate in excess of its face value; or

c. Is sold, exchanged, or traded at a rate based on its precious metal content.

2. Such tax shall be at a rate of 6 percent of the price at which the coin or currency is sold, exchanged, or traded, except that, with respect to a coin or currency which is legal tender of the United States and which is sold, exchanged, or traded, such tax shall not be levied.

3. There are exempt from this tax exchanges of coins or currency which are in general circulation in, and legal tender of, one nation for coins or currency which are in general circulation in, and legal tender of, another nation when exchanged solely for use as legal tender and at an exchange rate based on the relative value of each as a medium of exchange.

4. With respect to any transaction that involves the sale of coins or currency taxable under this paragraph in which the taxable amount represented by the sale of such coins or currency exceeds $500, the entire amount represented by the sale of such coins or currency is exempt from the tax imposed under this

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paragraph. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of coins or currency and is exempt under this subparagraph.

(k) At the rate of 6 percent of the sales price of each gallon of diesel fuel not taxed under chapter 206 purchased for use in a vessel, except dyed diesel fuel that is exempt pursuant to s. 212.08(4)(a)4.

(l) Florists located in this state are liable for sales tax on sales to retail customers regardless of where or by whom the items sold are to be delivered. Florists located in this state are not liable for sales tax on payments received from other florists for items delivered to customers in this state.

(m) Operators of game concessions or other concessionaires who customarily award tangible personal property as prizes may, in lieu of paying tax on the cost price of such property, pay tax on 25 percent of the gross receipts from such concession activity.

(2) The tax shall be collected by the dealer, as defined herein, and remitted by the dealer to the state at the time and in the manner as hereinafter provided.

(3) The tax so levied is in addition to all other taxes, whether levied in the form of excise, license, or privilege taxes, and in addition to all other fees and taxes levied.

(4) The tax imposed pursuant to this chapter shall be due and payable according to the brackets set forth in s. 212.12.

(5) Notwithstanding any other provision of this chapter, the maximum amount of tax imposed under this chapter and collected on each sale or use of a boat in this state may not

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exceed $18,000 and on each repair of a boat in this state may not exceed $60,000.

Section 4. Section 212.0596, Florida Statutes, is amended to read:

212.0596 Taxation of remote ~~mail order~~ sales.—

(1) For purposes of this chapter, a "remote ~~mail order~~ sale" is a retail sale of tangible personal property~~,~~ ordered by mail, telephone, the Internet, or other means of communication, from a dealer who receives the order outside of this state ~~in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States,~~ and transports the property or causes the property to be transported~~, whether or not by mail,~~ from any jurisdiction ~~of the United States~~, including this state, to a person in this state, including the person who ordered the property.

(2) Every dealer as defined in s. 212.06(2)(c) who makes a remote ~~mail order~~ sale is subject to the power of this state to levy and collect the tax imposed by this chapter when any of the following applies:

(a) The dealer is a corporation doing business under the laws of this state or is a person domiciled in, a resident of, or a citizen of~~,~~ this state.~~;~~

(b) The dealer maintains retail establishments or offices in this state, regardless of whether the remote ~~mail order~~ sales thus subject to taxation by this state result from or are related in any other way to the activities of such establishments or offices.~~;~~

(c) The dealer has agents in this state who solicit business or transact business on behalf of the dealer,

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regardless of whether the remote ~~mail order~~ sales thus subject to taxation by this state result from or are related in any other way to such solicitation or transaction of business. For purposes of this paragraph, ~~except that~~ a printer who mails or delivers for an out-of-state print purchaser material the printer printed for it is ~~shall~~ not ~~be~~ deemed to be the print purchaser's agent. ~~for purposes of this paragraph;~~

(d) The property was delivered in this state in fulfillment of a sales contract that was entered into in this state, in accordance with applicable conflict of laws rules, when a person in this state accepted an offer by ordering the property.~~;~~

(e) The dealer, by purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct mail advertising, unsolicited distribution of catalogs, computer-assisted shopping, television, radio, or other electronic media, or magazine or newspaper advertisements or other media, creates nexus with this state.~~;~~

(f) Through compact or reciprocity with another jurisdiction of the United States, that jurisdiction uses its taxing power and its jurisdiction over the retailer in support of this state's taxing power.~~;~~

(g) The dealer consents, expressly or by implication, to the imposition of the tax imposed by this chapter.~~;~~

(h) The dealer is subject to service of process under s. 48.181.~~;~~

(i) The dealer's remote ~~mail order~~ sales are subject to the power of this state to tax sales or to require the dealer to

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collect use taxes under a statute or statutes of the United States.~~;~~

(j) The dealer owns real property or tangible personal property that is physically in this state. For purposes of this paragraph, ~~except that~~ a dealer whose only property, ~~(~~including property owned by an affiliate,~~)~~ in this state is located at the premises of a printer with which the vendor has contracted for printing~~,~~ and is either a final printed product, ~~or~~ property that ~~which~~ becomes a part of the final printed product, or property from which the printed product is produced, is not deemed to own such property. ~~for purposes of this paragraph;~~

(k) The dealer, while not having nexus with this state on any of the bases described in paragraphs (a)-(j) or paragraph (l), is a corporation that is a member of an affiliated group of corporations, as defined in s. 1504(a) of the Internal Revenue Code, whose members are includable under s. 1504(b) of the Internal Revenue Code and whose members are eligible to file a consolidated tax return for federal corporate income tax purposes and any parent or subsidiary corporation in the affiliated group has nexus with this state on one or more of the bases described in paragraphs (a)-(j) or paragraph (l).~~; or~~

(l) The dealer or the dealer's activities, ~~have sufficient connection with or relationship to this state or its residents of some type~~ other than those described in paragraphs (a)-(k), result in making a substantial number of remote sales under subsection (3) ~~to create nexus empowering this state to tax its mail order sales or to require the dealer to collect sales tax or accrue use tax~~.

(3)(a) Every person ~~dealer~~ engaged in the business of

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making a substantial number of remote ~~mail order~~ sales is a dealer for purposes of this chapter ~~subject to the requirements of this chapter for cooperation of dealers in collection of taxes and in administration of this chapter, except that no fee shall be imposed upon such dealer for carrying out any required activity~~.

(b) As used in this section, the term "making a substantial number of remote sales" means:

1. Conducting 200 or more retail sales of tangible personal property in the previous calendar year to be delivered to a location within this state; or

2. Conducting any number of retail sales of tangible personal property in an amount exceeding $100,000 in the previous calendar year to be delivered to a location within this state.

For purposes of this paragraph, tangible personal property delivered to a location within this state is presumed to be used, consumed, distributed, or stored to be used or consumed in this state.

(4) The department shall, with the consent of another jurisdiction of the United States whose cooperation is needed, enforce this chapter in that jurisdiction, either directly or, at the option of that jurisdiction, through its officers or employees.

(5) The tax required under this section to be collected and any amount unreturned to a purchaser that is not tax but was collected from the purchaser under the representation that it was tax constitute funds of the State of Florida from the moment

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of collection.

(6) ~~Notwithstanding other provisions of law, a dealer who makes a mail order sale in this state is exempt from collecting and remitting any local option surtax on the sale, unless the dealer is located in a county that imposes a surtax within the meaning of s. 212.054(3)(a), the order is placed through the dealer's location in such county, and the property purchased is delivered into such county or into another county in this state that levies the surtax, in which case the provisions of s. 212.054(3)(a) are applicable.~~

~~(7)~~ The department may establish by rule procedures for collecting the use tax from unregistered persons who but for their remote ~~mail order~~ purchases would not be required to remit sales or use tax directly to the department. The procedures may provide for waiver of registration, provisions for irregular remittance of tax, elimination of the collection allowance, and nonapplication of local option surtaxes.

Section 5. Effective October 1, 2020, section 212.05965, Florida Statutes, is created to read:

212.05965 Taxation of marketplace sales.—

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

(a) "Marketplace" means any physical place or electronic medium through which tangible personal property is offered for sale.

(b) "Marketplace provider" means a person who facilitates a retail sale by a marketplace seller by listing or advertising for sale by the marketplace seller tangible personal property in a marketplace, and who directly, or indirectly through agreements or arrangements with third parties, collects payment

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from the customer and transmits the payment to the marketplace seller, regardless of whether the marketplace provider receives compensation or other consideration in exchange for its services.

1. The term does not include a person who solely provides travel agency services. As used in this subparagraph, the term "travel agency services" means arranging, booking, or otherwise facilitating for a commission, fee, or other consideration vacation or travel packages, rental cars, or other travel reservations; tickets for domestic or foreign travel by air, rail, ship, bus, or other mode of transportation; or hotel or other lodging accommodations.

2. The term does not include a person who is a delivery network company unless the delivery network company is a registered dealer for purposes of this chapter and the delivery network company notifies all local merchants that sell through the delivery network company's website or mobile application that the delivery network company is subject to the requirements of a marketplace provider under this section. As used in this subparagraph, the term:

a. "Delivery network company" means a person who maintains a website or mobile application used to facilitate delivery services, the sale of local products, or both.

b. "Delivery network courier" means an individual who provides delivery services through a delivery network company website or mobile application using a personal means of transportation, such as a motor vehicle as defined in s. 320.01(1), bicycle, scooter, or other similar means of transportation; using public transportation; or by walking.

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c. "Delivery services" means the pickup and delivery by a delivery network courier of one or more local products from a local merchant to a customer, which may include the selection, collection, and purchase of the local product in connection with the delivery. The term does not include any delivery requiring more than 75 miles of travel from the local merchant to the customer.

d. "Local merchant" means a kitchen, restaurant, or a third-party merchant, including a grocery store, retail store, convenience store, or business of another type, which is not under common ownership or control of the delivery network company.

e. "Local product" means any tangible personal property, including food, but excluding freight, mail, or a package to which postage has been affixed.

(c) "Marketplace seller" means a person who has an agreement with a marketplace provider and who makes retail sales of tangible personal property through a marketplace owned, operated, or controlled by the marketplace provider.

(2) Every marketplace provider that has a physical presence in this state or that is making or facilitating through a marketplace a substantial number of remote sales as defined in s. 212.0596(3)(b) is subject to the requirements imposed by this chapter on dealers for registration and for the collection and remittance of taxes.

(3) A marketplace provider shall certify to its marketplace sellers that it will collect and remit the tax imposed under this chapter on taxable retail sales made through the marketplace. Such certification may be included in the agreement

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between the marketplace provider and marketplace seller.

(4)(a) A marketplace seller may not collect and remit the tax under this chapter on a taxable retail sale when the sale is made through the marketplace and the marketplace provider certifies, as required under subsection (3), that it will collect and remit such tax. A marketplace seller shall exclude such sales made through the marketplace from the marketplace seller's tax return under s. 212.11.

(b)1. A marketplace seller that has a physical presence in this state shall register and shall collect and remit the tax imposed under this chapter on all taxable retail sales made outside of the marketplace.

2. A marketplace seller making a substantial number of remote sales as defined in s. 212.0596(3)(b) shall register and shall collect and remit the tax imposed under this chapter on all taxable retail sales made outside of the marketplace. Sales made through the marketplace are not considered for the purposes of determining whether the seller has made a substantial number of remote sales.

(5)(a) A marketplace provider shall allow the department to examine and audit its books and records pursuant to s. 212.13. For retail sales facilitated through a marketplace, the department may not examine or audit the books and records of marketplace sellers, nor may the department assess marketplace sellers except to the extent the marketplace provider seeks relief under paragraph (b). The department may examine, audit, and assess a marketplace seller for retail sales made outside of the marketplace under paragraph (4)(b).

(b) The marketplace provider is relieved of liability for

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the tax on the retail sale and the marketplace seller or customer is liable for the tax imposed under this chapter if the marketplace provider demonstrates to the department's satisfaction that the marketplace provider made a reasonable effort to obtain accurate information related to the retail sales facilitated through the marketplace from the marketplace seller, but that the failure to collect and pay the correct amount of tax imposed under this chapter was due to the marketplace seller providing incorrect or incomplete information to the marketplace provider. This paragraph does not apply to a retail sale for which the marketplace provider is the seller if the marketplace provider and marketplace seller are related parties or if transactions between a marketplace seller and marketplace buyer are not conducted at arm's length.

(6) For purposes of registration pursuant to s. 212.18, a marketplace is deemed a separate place of business.

(7) A marketplace provider and marketplace seller may agree by contract or otherwise that if a marketplace provider pays the tax imposed under this chapter on a retail sale facilitated through a marketplace for a marketplace seller as a result of an audit or otherwise, the marketplace provider has the right to recover such tax and any associated interest and penalties from the marketplace seller.

(8) Consistent with s. 213.21, the department may settle and compromise any tax, interest, or penalty assessed on retail sales conducted through a marketplace.

(9) For purposes of this section, the limitations in ss. 213.30(3) and 213.756(2) apply.

(10) This section may not be construed to authorize the

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state to collect sales tax from both the marketplace provider and the marketplace seller on the same retail sale.

Section 6. Paragraph (c) of subsection (2) and paragraph (a) of subsection (5) of section 212.06, Florida Statutes, are amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(2)

(c) The term "dealer" is further defined to mean every person, as used in this chapter, who sells at retail or who offers for sale at retail, or who has in his or her possession for sale at retail; or for use, consumption, or distribution; or for storage to be used or consumed in this state, tangible personal property as defined herein, including a retailer who transacts a remote ~~mail order~~ sale or who is a marketplace provider under s. 212.05965.

(5)(a)1. Except as provided in subparagraph 2., it is not the intention of this chapter to levy a tax upon tangible personal property imported, produced, or manufactured in this state for export, provided that tangible personal property may not be considered as being imported, produced, or manufactured for export unless the importer, producer, or manufacturer delivers the same to a licensed exporter for exporting or to a common carrier for shipment outside the state or mails the same by United States mail to a destination outside the state; or, in the case of aircraft being exported under their own power to a destination outside the continental limits of the United States, by submission to the department of a duly signed and validated

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United States customs declaration, showing the departure of the aircraft from the continental United States; and further with respect to aircraft, the canceled United States registry of said aircraft; or in the case of parts and equipment installed on aircraft of foreign registry, by submission to the department of documentation, the extent of which shall be provided by rule, showing the departure of the aircraft from the continental United States; nor is it the intention of this chapter to levy a tax on any sale which the state is prohibited from taxing under the Constitution or laws of the United States. Every retail sale made to a person physically present at the time of sale shall be presumed to have been delivered in this state.

2.a. Notwithstanding subparagraph 1., a tax is levied on each sale of tangible personal property to be transported to a cooperating state as defined in sub-subparagraph c., at the rate specified in sub-subparagraph d. However, a Florida dealer will be relieved from the requirements of collecting taxes pursuant to this subparagraph if the Florida dealer obtains from the purchaser an affidavit setting forth the purchaser's name, address, state taxpayer identification number, and a statement that the purchaser is aware of his or her state's use tax laws, is a registered dealer in Florida or another state, or is purchasing the tangible personal property for resale or is otherwise not required to pay the tax on the transaction. The department may, by rule, provide a form to be used for the purposes set forth herein.

b. For purposes of this subparagraph, "a cooperating state" is one determined by the executive director of the department to cooperate satisfactorily with this state in collecting taxes on

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remote ~~mail order~~ sales. No state shall be so determined unless it meets all the following minimum requirements:

(I) It levies and collects taxes on remote ~~mail order~~ sales of property transported from that state to persons in this state, as described in s. 212.0596, upon request of the department.

(II) The tax so collected shall be at the rate specified in s. 212.05, not including any local option or tourist or convention development taxes collected pursuant to s. 125.0104 or this chapter.

(III) Such state agrees to remit to the department all taxes so collected no later than 30 days from the last day of the calendar quarter following their collection.

(IV) Such state authorizes the department to audit dealers within its jurisdiction who make remote ~~mail order~~ sales that are the subject of s. 212.0596, or makes arrangements deemed adequate by the department for auditing them with its own personnel.

(V) Such state agrees to provide to the department records obtained by it from retailers or dealers in such state showing delivery of tangible personal property into this state upon which no sales or use tax has been paid in a manner similar to that provided in sub-subparagraph g.

c. For purposes of this subparagraph, "sales of tangible personal property to be transported to a cooperating state" means remote ~~mail order~~ sales to a person who is in the cooperating state at the time the order is executed, from a dealer who receives that order in this state.

d. The tax levied by sub-subparagraph a. shall be at the

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rate at which such a sale would have been taxed pursuant to the cooperating state's tax laws if consummated in the cooperating state by a dealer and a purchaser, both of whom were physically present in that state at the time of the sale.

e. The tax levied by sub-subparagraph a., when collected, shall be held in the State Treasury in trust for the benefit of the cooperating state and shall be paid to it at a time agreed upon between the department, acting for this state, and the cooperating state or the department or agency designated by it to act for it; however, such payment shall in no event be made later than 30 days from the last day of the calendar quarter after the tax was collected. Funds held in trust for the benefit of a cooperating state shall not be subject to the service charges imposed by s. 215.20.

f. The department is authorized to perform such acts and to provide such cooperation to a cooperating state with reference to the tax levied by sub-subparagraph a. as is required of the cooperating state by sub-subparagraph b.

g. In furtherance of this act, dealers selling tangible personal property for delivery in another state shall make available to the department, upon request of the department, records of all tangible personal property so sold. Such records shall include a description of the property, the name and address of the purchaser, the name and address of the person to whom the property was sent, the purchase price of the property, information regarding whether sales tax was paid in this state on the purchase price, and such other information as the department may by rule prescribe.

Section 7. Paragraph (a) of subsection (1) and paragraph

AMERICAN OVERSIGHT

(a) of subsection (5) of section 212.12, Florida Statutes, are amended to read:

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

(1)(a)~~1.~~ Notwithstanding any other law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records, filing timely tax returns, and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner, and remitter ~~(except dealers who make mail order sales)~~ who files the return required pursuant to s. 212.11 only by electronic means and who pays the amount due on such return only by electronic means shall be allowed 2.5 percent of the amount of the tax due, accounted for, and remitted to the department in the form of a deduction. However, if the amount of the tax due and remitted to the department by electronic means for the reporting period exceeds $1,200, an allowance is not allowed for all amounts in excess of $1,200. For purposes of this paragraph ~~subparagraph~~, the term "electronic means" has the same meaning as provided in s. 213.755(2)(c).

AMERICAN OVERSIGHT

~~2. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.~~

(5)(a) The department is authorized to audit or inspect the records and accounts of dealers defined herein, including audits or inspections of dealers who make remote ~~mail order~~ sales ~~to the extent permitted by another state~~, and to correct by credit any overpayment of tax, and, in the event of a deficiency, an assessment shall be made and collected. No administrative finding of fact is necessary prior to the assessment of any tax deficiency.

Section 8. Paragraph (f) of subsection (3) of section 212.18, Florida Statutes, is amended to read:

212.18 Administration of law; registration of dealers; rules.—

(3)

(f) As used in this paragraph, the term "exhibitor" means a person who enters into an agreement authorizing the display of tangible personal property or services at a convention or a trade show. The following provisions apply to the registration

AMERICAN OVERSIGHT

of exhibitors as dealers under this chapter:

1. An exhibitor whose agreement prohibits the sale of tangible personal property or services subject to the tax imposed in this chapter is not required to register as a dealer.

2. An exhibitor whose agreement provides for the sale at wholesale only of tangible personal property or services subject to the tax imposed by this chapter must obtain a resale certificate from the purchasing dealer but is not required to register as a dealer.

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

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

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

Section 9. For the purpose of incorporating the amendment made by this act to section 212.0596, Florida Statutes, in a reference thereto, subsection (4) of section 212.20, Florida Statutes, is reenacted to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(4) When there has been a final adjudication that any tax pursuant to s. 212.0596 was levied, collected, or both, contrary to the Constitution of the United States or the State

AMERICAN OVERSIGHT

Constitution, the department shall, in accordance with rules, determine, based upon claims for refund and other evidence and information, who paid such tax or taxes, and refund to each such person the amount of tax paid. For purposes of this subsection, a "final adjudication" is a decision of a court of competent jurisdiction from which no appeal can be taken or from which the official or officials of this state with authority to make such decisions has or have decided not to appeal.

Section 10. (1) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of administering this act.

(2) Notwithstanding any other law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section shall take effect upon this act becoming a law and expires July 1, 2021.

Section 11. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 12. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: SEN-AP@laspbs.state.fl.us <SEN-AP@laspbs.state.fl.us>
Sent: Monday, December 02, 2019 3:41 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Action Required – New College of Florida Multi-Purpose Building - Senator Joe Gruters
Attachment(s): "LFIR New College of Florida Multi-Purpose Building.pdf"

Notification of Senate Local Funding Initiative Request

This is a system generated email. Please do not reply to this email.

Please note that the following Local Funding Initiative Request, sponsored by **Senator Joe Gruters**, is available for publishing to the Senate website (flsenate.gov):

New College of Florida Multi-Purpose Building

Attached is a copy of the appropriations project information that is available for publishing.

If you approve of the information on the attached document, you can finalize submission by clicking on this request from your Local Funding Initiative Request Dashboard, then click publish.

Please contact the Senate Appropriations Committee at 850-487-5140 if you have any questions.

AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 10758

1. **Project Title** New College of Florida Multi-Purpose Building

2. **Senate Sponsor** Joe Gruters

3. **Date of Request** 12/02/2019

4. **Project/Program Description**

These funds will provide for the planning and design of new, multi-purpose facilities space to support enrollment growth at New College to 1200 students (approximately a 50% increase in enrollment). This project – the highest priority for New College and the third highest priority for the State University System as well – will provide approximately 107,000 square feet of space to support academic programs (classrooms, labs, auditorium), student development (health & wellness, student life), and administrative support (campus safety, financial affairs).

5. **State Agency to receive requested funds** Board of Governors

State Agency contacted? (•) Yes ( ) No

6. **Amount of the Nonrecurring Request for Fiscal Year 2020-2021**

Type of Funding	Amount
Operations	000
Fixed Capital Outlay	6,000,000
Total State Funds Requested	6,000,000

7. **Total Project Cost for Fiscal Year 2020-2021 (including matching funds available for this project)**

Type of Funding	Amount	Percentage
Total State Funds Requested (from question #6)	6000000	100.0 %
Matching Funds		
Federal	00	0 %
State (excluding the amount of this request)	00	0 %
Local	00	0 %
Other	00	0 %
Total Project Costs for Fiscal Year 2020-2021	6,000,000	100 %

8. **Has this project previously received state funding?** ( ) Yes (•) No

If yes, provide the most recent instance:

Fiscal Year (yyyy-yy)	Amount		Specific Appropriation #	Vetoed
	Recurring	Nonrecurring		

9. **Is future-year funding likely to be requested?** (•) Yes ( ) No

If yes, indicate nonrecurring amount per year. 17,400,000

AMERICAN OVERSIGHT

10. **Details on how the requested state funds will be expended**

Spending Category	Description	Amount
Administrative Costs:		
Executive Director/Project Head Salary and Benefits		
Other Salary and Benefits		
Expense/Equipment/ Travel/Supplies/Other		
Consultants/Contracted Services/Study		
Operational Costs: Other		
Salary and Benefits		
Expense/Equipment/ Travel/Supplies/Other		
Consultants/Contracted Services/Study		
Fixed Capital Construction/Major Renovation:		
Construction/Renovation/ Land/Planning Engineering	Preparation of architectural design, engineering, and per-construction bid documents and permits.	6,000,000
Total State Funds Requested (must equal total from question #6)		6,000,000

AMERICAN OVERSIGHT

11. **Program Performance**

a. What specific purpose or goal will be achieved by the funds requested?

These funds will provide for the planning and design of new, multi-purpose facilities space to support enrollment growth at New College to 1200 students (approximately a 50% increase in enrollment). This project -- the highest priority for New College and the second highest priority for the State University System as well -- will provide approximately 107,000 square feet of space to support academic programs (classrooms, labs, auditorium), student development (health & wellness, student life), and administrative support (campus safety, financial affairs).

b. What activities and services will be provided to meet the intended purpose of these funds?

Preparation of architectural design, engineering, and pre-construction bid documents and permits.

c. What direct services will be provided to citizens by the appropriation project?

The new facilities space will allow New College to grow to 1,200 students and reach an 80% four-year graduation rate. This will result in an extra 100 New College graduates per year, providing critical human capital the state needs. The new facilities will provide space for academic programs (classrooms, labs, auditorium), student development (health & wellness, student life), and administrative support (campus safety, financial affairs).

d. Who is the target population served by this project? How many individuals are expected to be served?

University students (1,200), plus faculty and support staff.

e. What is the expected benefit or outcome of this project? What is the methodology by which this outcome will be measured?

Growing to 1,200 students and reaching an 80% four-year graduation rate will result in an extra 100 New College graduates per year. The 80% graduation rate will propel New College into the premier tier of all public and private liberal arts colleges in the country. Part of increasing the graduation rate focuses on increasing retention. The cost of educating first year undergraduates at NCF who do not begin a second year is estimated to be $1.2 million. Increasing the retention rate to hit hit a 4-year graduation rate of 80% will reduce those costs by more than half.

f. What are the suggested penalties that the contracting agency may consider in addition to its standard penalties for failing to meet deliverables or performance measures provided for in the contract?

Withholding state funds.

AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 10758

12. **The owners of the facility to receive, directly or indirectly, any fixed capital outlay funding. Include the relationship between the owners of the facility and the entity.**

New College of Florida

13. **Requestor Contact Information**

a. First Name: Donal Last Name: O'Shea

b. Organization: New College of Florida

c. E-mail Address: doshea@ncf.edu

d. Phone Number: (941)487-4100 Ext.

14. **Recipient Contact Information**

a. Organization: New College of Florida

b. Municipality and County: Sarasota

c. Organization Type

- ○ For-profit Entity
- ○ Non-Profit 501(c) (3)
- ○ Non-Profit 501(c) (4)
- ○ Local Entity
- ● University or College
- ○ Other (please specify)

d. First Name: Donal Last Name: O'Shea

e. E-mail Address: doshea@ncf.edu

f. Phone Number: (941)487-4100

15. **Lobbyist Contact Information**

a. Name: Chris Schoonover

b. Firm Name: Capital City Consulting

c. E-mail Address: Chris@cccfla.com

d. Phone Number: (850)222-9075 Ext.

AMERICAN OVERSIGHT

From: SEN-AP@laspbs.state.fl.us <SEN-AP@laspbs.state.fl.us>
Sent: Tuesday, November 05, 2019 3:18 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Action Required – See Something-Say Something - Returned to District - Senator Joe Gruters
Attachment(s): "LFIR See Something-Say Something.pdf"

Notification of Senate Local Funding Initiative Request

This is a system generated email. Please do not reply to this email.

Please note that the following Local Funding Initiative Request, been returned for updates/corrections:

See Something-Say Something

Please contact the Senate Appropriations Committee at 850-487-5140 if you have any questions.

AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 8866

1. **Project Title** See Something-Say Something

2. **Senate Sponsor** Joe Gruters

3. **Date of Request** 10/24/2019

4. **Project/Program Description**

First Step of Sarasota in conjunction with the Sarasota School District providing a comprehensive school based program. Service components include health promotion; attention to students at risk for substance abuse, teen pregnancy, violence/bullying, suicide, academic failure, suspension or dropping out; early problem identification, referral, and intervention fo studentrs exhibiting problem behaviors. Working with a Student Assistance Specialist to partner with students, families, parents, school resorce officers, school faculty and community agencies in seeking to remove barriers that impede student success Making sue that students and families have early access to referrals for additional services both social and emotional health. Providing high quality prevention and intervention programs to support safe environment for all students and faculty.

5. **State Agency to receive requested funds** Department of Education

State Agency contacted? ○ Yes ◉ No

6. **Amount of the Nonrecurring Request for Fiscal Year 2020-2021**

Type of Funding	Amount
Operations	823,807
Fixed Capital Outlay	000
Total State Funds Requested	823,807

7. **Total Project Cost for Fiscal Year 2020-2021 (including matching funds available for this project)**

Type of Funding	Amount	Percentage
Total State Funds Requested (from question #6)	823807	100.0 %
Matching Funds		
Federal	00	0 %
State (excluding the amount of this request)	00	0 %
Local	00	0 %
Other	00	0 %
Total Project Costs for Fiscal Year 2020-2021	823,807	100 %

8. **Has this project previously received state funding?** ○ Yes ◉ No

If yes, provide the most recent instance:

Fiscal Year (yyyy-yy)	Amount		Specific Appropriation #	Vetoed
	Recurring	Nonrecurring		

9. **Is future-year funding likely to be requested?** ○ Yes ◉ No

If yes, indicate nonrecurring amount per year. to be determinded

AMERICAN OVERSIGHT

10. **Details on how the requested state funds will be expended**

Spending Category	Description	Amount
Administrative Costs:		
Executive Director/Project Head Salary and Benefits	1 School Board of Sarasota County, FL Project Manager Salary and Benefits	104,376
Other Salary and Benefits	1 Project Manager	75,000
Expense/Equipment/ Travel/Supplies/Other		
Consultants/Contracted Services/Study	Project Evaluation	20,000
Operational Costs: Other		
Salary and Benefits	4 HS and 1 Second Chance School Student Assistance Program Specialists 5 tMHFA Coordinators Benefits	581,250
Expense/Equipment/ Travel/Supplies/Other	Microsoft Surface Laptops (11 X $799 each) Cell Phones (11 phones @ $30/month X 12 months) Local Travel 1200 Miles a month X 12 months X $.405/mile Consumable Supplies $300/month X 12 months	22,181
Consultants/Contracted Services/Study	Teen Mental Health First Aid Train the Trainer-Training $3000/person X 5 Coordinators 1 Project Director and Travel (flight, room and board) est. $1200/person X 5 Coordinators and 1 Project Director	21,000
Fixed Capital Construction/Major Renovation:		
Construction/Renovation/ Land/Planning Engineering		
Total State Funds Requested (must equal total from question #6)		823,807

AMERICAN OVERSIGHT

11. **Program Performance**

a. What specific purpose or goal will be achieved by the funds requested?

To provide high quality prevention and intervention programs to support a safe learning environment for all students and faculty. To provide early substance abuse and mental health prevention and intervention services to students. To develop collaborative relationships with community partners to better serve students.

b. What activities and services will be provided to meet the intended purpose of these funds?

Service components of the program include health promotion for the general student body; attention to students who are at specie risk for substance abuse, teen pregnancy, violence/bullying, suicide, academic failure suspension,, or dropping out; and early problem identification, referral, and intervention for students exhibiting problem behaviors.

c. What direct services will be provided to citizens by the appropriation project?

Making available a Student Assistance Specialisty to identify and refer students to services/specialists specific to the needs of the student to address their issues.

d. Who is the target population served by this project? How many individuals are expected to be served?

The Sarasota School District for students in 9th through 12th grade.

e. What is the expected benefit or outcome of this project? What is the methodology by which this outcome will be measured?

To assure that the students and faculty by using effective practices, principle, and strategies will remove barriers that impede students success. The overall evaluation will be the cooperative responsibility of the Office of Research and Evaluation, the Sarasota School Board and the Student Assistance Program Coordinator and/or First Step Program Director, and a contracter external evaluation.

f. What are the suggested penalties that the contracting agency may consider in addition to its standard penalties for failing to meet deliverables or performance measures provided for in the contract?

Either to re-write the program or shut the program down and return unused funds.

AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 8866

12. **The owners of the facility to receive, directly or indirectly, any fixed capital outlay funding. Include the relationship between the owners of the facility and the entity.**

N/A

13. **Requestor Contact Information**

a. First Name: David Last Name: Beesley

b. Organization: First Step of Saraota

c. E-mail Address: dbeesley@fsos.org

d. Phone Number: (941)366-5333 Ext.

14. **Recipient Contact Information**

a. Organization: First Step of Saraota

b. Municipality and County: Sarasota

c. Organization Type

- ○ For-profit Entity
- ● Non-Profit 501(c) (3)
- ○ Non-Profit 501(c) (4)
- ○ Local Entity
- ○ University or College
- ○ Other (please specify)

d. First Name: David Last Name: Beesley

e. E-mail Address: dbeesley@fsos.org

f. Phone Number: (941)366-5333

15. **Lobbyist Contact Information**

a. Name: Carole Green

b. Firm Name: Capitol Strategies Consulting Inc.

c. E-mail Address: Carole@capitolstrategiesinc.com

d. Phone Number: (850)590-2206 Ext.

AMERICAN OVERSIGHT

From: SEN-AP@laspbs.state.fl.us <SEN-AP@laspbs.state.fl.us>
Sent: Tuesday, November 05, 2019 3:15 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Action Required – See Something-Say Something - Returned to District - Senator Joe Gruters
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AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 8866

1. **Project Title** See Something-Say Something

2. **Senate Sponsor** Joe Gruters

3. **Date of Request** 10/24/2019

4. **Project/Program Description**

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5. **State Agency to receive requested funds** Department of Education

State Agency contacted? ○ Yes ◉ No

6. **Amount of the Nonrecurring Request for Fiscal Year 2020-2021**

Type of Funding	Amount
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Fixed Capital Outlay	000
Total State Funds Requested	823,807

7. **Total Project Cost for Fiscal Year 2020-2021 (including matching funds available for this project)**

Type of Funding	Amount	Percentage
Total State Funds Requested (from question #6)	823807	100.0 %
Matching Funds		
Federal	00	0 %
State (excluding the amount of this request)	00	0 %
Local	00	0 %
Other	00	0 %
Total Project Costs for Fiscal Year 2020-2021	823,807	100 %

8. **Has this project previously received state funding?** ○ Yes ◉ No

If yes, provide the most recent instance:

Fiscal Year (yyyy-yy)	Amount		Specific Appropriation #	Vetoed
	Recurring	Nonrecurring		

9. **Is future-year funding likely to be requested?** ○ Yes ◉ No

If yes, indicate nonrecurring amount per year. to be determinded

AMERICAN OVERSIGHT

10. **Details on how the requested state funds will be expended**

Spending Category	Description	Amount
Administrative Costs:		
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Construction/Renovation/ Land/Planning Engineering		
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AMERICAN OVERSIGHT

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f. What are the suggested penalties that the contracting agency may consider in addition to its standard penalties for failing to meet deliverables or performance measures provided for in the contract?

Either to re-write the program or shut the program down and return unused funds.

AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 8866

12. **The owners of the facility to receive, directly or indirectly, any fixed capital outlay funding. Include the relationship between the owners of the facility and the entity.**

N/A

13. **Requestor Contact Information**

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b. Organization: First Step of Saraota

c. E-mail Address: dbeesley@fsos.org

d. Phone Number: (941)366-5333 Ext.

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a. Organization: First Step of Saraota

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c. Organization Type

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d. First Name: David Last Name: Beesley

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AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 8866

1. **Project Title** See Something-Say Something

2. **Senate Sponsor** Joe Gruters

3. **Date of Request** 10/24/2019

4. **Project/Program Description**

First Step of Sarasota in conjunction with the Sarasota School District providing a comprehensive school based program. Service components include health promotion; attention to students at risk for substance abuse, teen pregnancy, violence/bullying, suicide, academic failure, suspension or dropping out; early problem identification, referral, and intervention fo studentrs exhibiting problem behaviors. Working with a Student Assistance Specialist to partner with students, families, parents, school resorce officers, school faculty and community agencies in seeking to remove barriers that impede student success Making sue that students and families have early access to referrals for additional services both social and emotional health. Providing high quality prevention and intervention programs to support safe environment for all students and faculty.

5. **State Agency to receive requested funds** Department of Education

State Agency contacted? ○ Yes ◉ No

6. **Amount of the Nonrecurring Request for Fiscal Year 2020-2021**

Type of Funding	Amount
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Fixed Capital Outlay	000
Total State Funds Requested	823,807

7. **Total Project Cost for Fiscal Year 2020-2021 (including matching funds available for this project)**

Type of Funding	Amount	Percentage
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Matching Funds		
Federal	00	0 %
State (excluding the amount of this request)	00	0 %
Local	00	0 %
Other	00	0 %
Total Project Costs for Fiscal Year 2020-2021	823,807	100 %

8. **Has this project previously received state funding?** ○ Yes ◉ No

If yes, provide the most recent instance:

Fiscal Year (yyyy-yy)	Amount		Specific Appropriation #	Vetoed
	Recurring	Nonrecurring		

9. **Is future-year funding likely to be requested?** ○ Yes ◉ No

If yes, indicate nonrecurring amount per year. to be determinded

AMERICAN OVERSIGHT

10. **Details on how the requested state funds will be expended**

Spending Category	Description	Amount
Administrative Costs:		
Executive Director/Project Head Salary and Benefits	1 School Board of Sarasota County, FL Project Manager Salary and Benefits	104,376
Other Salary and Benefits	1 Project Manager	93,750
Expense/Equipment/ Travel/Supplies/Other		
Consultants/Contracted Services/Study	Project Evaluation	20,000
Operational Costs: Other		
Salary and Benefits	4 HS and 1 Second Chance School Student Assistance Program Specialists 5 tMHFA Coordinators Benefits	562,500
Expense/Equipment/ Travel/Supplies/Other	Microsoft Surface Laptops (11 X $799 each) Cell Phones (11 phones @ $30/month X 12 months) Local Travel 1200 Miles a month X 12 months X $.405/mile Consumable Supplies $300/month X 12 months	22,181
Consultants/Contracted Services/Study	Teen Mental Health First Aid Train the Trainer-Training $3000/person X 5 Coordinators 1 Project Director and Travel (flight, room and board) est. $1200/person X 5 Coordinators and 1 Project Director	25,200
Fixed Capital Construction/Major Renovation:		
Construction/Renovation/ Land/Planning Engineering		
Total State Funds Requested (must equal total from question #6)		823,807

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11. **Program Performance**

a. What specific purpose or goal will be achieved by the funds requested?

To provide high quality prevention and intervention programs to support a safe learning environment for all students and faculty. To provide early substance abuse and mental health prevention and intervention services to students. To develop collaborative relationships with community partners to better serve students.

b. What activities and services will be provided to meet the intended purpose of these funds?

Service components of the program include health promotion for the general student body; attention to students who are at specie risk for substance abuse, teen pregnancy, violence/bullying, suicide, academic failure suspension,, or dropping out; and early problem identification, referral, and intervention for students exhibiting problem behaviors.

c. What direct services will be provided to citizens by the appropriation project?

Making available a Student Assistance Specialisty to identify and refer students to services/specialists specific to the needs of the student to address their issues.

d. Who is the target population served by this project? How many individuals are expected to be served?

The Sarasota School District for students in 9th through 12th grade.

e. What is the expected benefit or outcome of this project? What is the methodology by which this outcome will be measured?

To assure that the students and faculty by using effective practices, principle, and strategies will remove barriers that impede students success. The overall evaluation will be the cooperative responsibility of the Office of Research and Evaluation, the Sarasota School Board and the Student Assistance Program Coordinator and/or First Step Program Director, and a contracter external evaluation.

f. What are the suggested penalties that the contracting agency may consider in addition to its standard penalties for failing to meet deliverables or performance measures provided for in the contract?

Either to re-write the program or shut the program down and return unused funds.

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The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 8866

12. **The owners of the facility to receive, directly or indirectly, any fixed capital outlay funding. Include the relationship between the owners of the facility and the entity.**

N/A

13. **Requestor Contact Information**

a. First Name: David Last Name: Beesley

b. Organization: First Step of Saraota

c. E-mail Address: dbeesley@fsos.org

d. Phone Number: (941)366-5333 Ext.

14. **Recipient Contact Information**

a. Organization: First Step of Saraota

b. Municipality and County: Sarasota

c. Organization Type

- ○ For-profit Entity
- ● Non-Profit 501(c) (3)
- ○ Non-Profit 501(c) (4)
- ○ Local Entity
- ○ University or College
- ○ Other (please specify)

d. First Name: David Last Name: Beesley

e. E-mail Address: dbeesley@fsos.org

f. Phone Number: (941)366-5333

15. **Lobbyist Contact Information**

a. Name: Carole Green

b. Firm Name: Capitol Strategies Consulting Inc.

c. E-mail Address: Carole@capitolstrategiesinc.com

d. Phone Number: (850)590-2206 Ext.

AMERICAN OVERSIGHT

From: Florida Trend <news@floridatrend.com>
Sent: Thursday, January 23, 2020 2:01 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Afternoon Update: By renting their homes, Floridians will make $24 million as the Super Bowl comes to town

Florida Trend

Subscribe to: Florida Trend

Florida Trend Afternoon Update

Thursday, January 23, 2020

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By renting their homes, Floridians will make $24 million as the Super Bowl comes to town

During last year's Super Bowl, one in four hosts who rented out their homes on Airbnb were doing so for the first time. It's safe to expect more of the same this year, as about 61,000 guests fill rooms in South Florida.

Florida House supports asking voters to repeal state's Constitution Revision Commission

The state House approved a proposal that would ask Florida voters in November to eliminate a powerful panel that placed seven constitutional amendments on the 2018 ballot — all of which passed.

Florida gas prices on the decline after 2020 record high

Gas prices in Florida jumped to a new 2020 high of $2.56 per gallon on Wednesday but have since declined 4 cents.

Human trafficking continues to be a growing problem in Florida

Florida has been known as a hotbed for human trafficking because of the state's economy. Florida's booming agriculture and tourism industries are two industries where trafficking can flourish.

Sysco's FreshPoint Central Florida distribution center to add 150 jobs after doubling size

A produce distribution center south of Orlando has doubled in size and is expected to add 150 jobs by 2029.

Best Companies To Work For In Florida

Last chance to join the winner list! Florida Trend's Best Companies To Work For In Florida program is a great way to find out how your company ranks. Participation is FREE, and you'll receive a benchmark summary just for participating. Registration closes on Friday, January 24th so sign up today at BestCcompaniesFL.com

---

Entertainment

Florida's hidden gems: Under-the-radar places worth checking out in the Sunshine State

See a list of some of Florida's hidden gems, those tiny towns and under-the-radar spots you might never have heard of but are worth checking out. **More...**

Profile

Brian Kornfeld

National buzz over Tampa's arrival as a go-to region for tech startups and companies continues to percolate. Brian Kornfeld has played a key role in the rise. **More...**

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(727) 821-5800

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From: Brill, Victoria
Sent: Thursday, February 06, 2020 9:49 PM EST
To: Hebrank, Kari B. <KHebrank@carltonfields.com>; Carlos Cruz <cruz@convergegov.com>
Subject: amendmentdraft77275
Attachment(s): "amendmentdraft77275.DOCX"

Hi Kari/Carlos,

Please see the attached draft language for SB 1102. The drafter also recommended the language on lines 13-15 of this draft to mirror the same phrase we use in the bill on line 28.

Please let me know ASAP if this is ok.

Thank you,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

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LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Community Affairs (Gruters) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 17 and 18
insert:

(d) Any person who is not required to obtain registration or certification pursuant to s. 489.105(3)(d)-(o) may perform contracting services for the construction, remodeling, repair, or improvement of single-family residences, including a townhouse as defined in the Florida Building Code, and clubhouses or recreation buildings in a residential development without obtaining a local license if such person is under the

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supervision of a certified or registered general, building, or residential contractor. Such ~~As used in this paragraph,~~ supervision does not ~~shall not be deemed to~~ require ~~the existence of~~ a direct contract between the certified or registered general, building, or residential contractor and the person performing specialty contracting services.

====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
And the directory clause is amended as follows:

Delete lines 14 - 15

and insert:

Section 1. Paragraph (d) of subsection (4) of section 489.117, Florida Statutes, is amended, and paragraph (e) is added to that subsection, to read:

================ T I T L E A M E N D M E N T ================
And the title is amended as follows:

Delete line 3

and insert:

amending s. 489.117, F.S.; revising the types of buildings for which individuals who are not required to obtain certain registrations or certifications may perform contracting services without a local license; authorizing certain persons

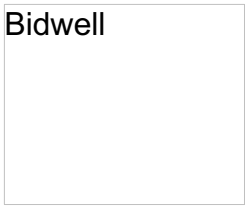
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From: NCSL Capitol Forum <events@ncsl.org>
Sent: Monday, November 18, 2019 8:37 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Arizona Cardinals President to Address NCSL Capitol Forum - Final Days to Save!

Forum

One More Day to Save on Registration!

Leadership Through the Lens of Arizona Cardinals President



Michael Bidwell, president of the Arizona Cardinals, will share his game plan for leadership both on and off the field. Away from the front office, Bidwell is Chairman-elect of Greater Phoenix Leadership and past Chairman of the Greater Phoenix Economic Council. He also serves on the boards of the Arizona Commerce Authority, Arizona Super Bowl Host Committee and the Pat Tillman Foundation.

Prepare for the 2020 Legislative Session

In addition to huddling up with an NFL president, this year's NCSL Capitol Forum offers a full agenda that covers the issues that matter the most to your state. Here are just a few can't-miss sessions:

- The State of Redistricting: An Overview
- Arming School Personnel: The Pros and Cons
- It's Go Time for the Census: Counting Down to 2020
- State Actions on Student Loan Oversight: Dollars and Sense
- Supreme Court Preview: Get Briefed on All the Hot Issues

Register by Nov. 19 to save!

Register Now **View Agenda**

Placeholder

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National Conference of State Legislatures
Denver: 303-364-7700
Washington: 202-624-5400

Unsubscribe from these messages.

7700 East First Place, Denver, CO 80230

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From: Romant, Amanda <ROMANT.AMANDA@flsenate.gov>
Sent: Friday, November 15, 2019 1:15 PM EST
Subject: BALD Details for Tuesday, November 19, 2019
Attachment(s): "BALD Nov 2019 Agenda_Final.pdf","BALD Presentation_11.19.19.pptx","CourthouseProposal.pdf","Parking_SCF Bradenton map 10_2019.pdf"

Good Afternoon,

President Galvano is looking forward to seeing everyone at the Bay Area Legislative Delegation Meeting this Tuesday, November 19. Here are some final details related to parking, the agenda, as well as the electronic versions of the presentations available.

***
Date: Tuesday, November 19, 2019
Time: 9:00 a.m. to Noon
Location: Library and Learning Center at State College of Florida, 5840 26th St W, Bradenton, FL 34207
***

Parking: State College of Florida recommends **Parking Lot H**, located off the 60th Ave. W. entrance of the campus. Parking passes are not required for guests of special events and there are no fees to park on campus. If you need assistance, the SCF Public Safety team will be available to help.

If you have not confirmed your attendance, please do so by the end of the day. To ensure that every delegation member has a seat, we must communicate a final head count to SCF staff by 5:00 p.m. today.

Please feel free to reach out at any time with questions.

Sincerely,

Amanda E. Romant

Legislative Assistant to President Bill Galvano, District 21
1023 Manatee Avenue West
Suite 201
Bradenton, Florida 34205
Office: 941.741.3401
Fax: 888.263.7894

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BAY AREA
LEGISLATIVE DELEGATION

NOVEMBER 19, 2019 | AGENDA | Chairman, President Bill Galvano

9:00 a.m. - Welcome, Pledge, Invocation

- Chairman, Pres. Bill Galvano gavels in meeting and welcomes delegation members and guests.
- Senator Stargel leads the Pledge of Allegiance.
- Representative Valdes leads the invocation.
- Roll Call.

9:05 a.m. - Introductory Remarks and Delegation Introductions

- Pres. Galvano gives brief introductory remarks.
- BALD members introduce themselves and their districts.

9:15 a.m. - Opening Remarks from Dr. Carol Probstfeld, State College of Florida

- Welcome.

9:30 a.m. - Presentation / Judge Robert Morris

- Second District Court of Appeal Courtroom Proposal.
- Time for questions and answers.

10:00 a.m. - Presentation / Rick Homans, President and CEO, Tampa Bay Partnership

- "Building Tampa Bay's Talent Pipeline" Tampa Bay Works Initiative Update - Talent Pipeline Management.
- Time for questions and answers.

10:30 a.m. - Presentation / Westshore Interchange

- Remarks from Secretary David Gwynn (District 7).
- Remarks from Beth Alden, Executive Director, Hillsborough County Metropolitan Planning Organization.
- Time for questions and answers.

11:00 a.m. - Presentation / Kevin Sowers, President, John Hopkins Health Systems

- Presentation: "Progress Towards Sustained Compliance".
- Time for questions and answers.

11:30 a.m. - Additional Comments & Adjournment

- Additional comments by Pres. Galvano or Delegation members.
- Adjourn.

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ABOUT THE PARTNERSHIP



OUR MISSION

Create a unified, competitive and prosperous Tampa Bay

CEO-DRIVEN

Privately funded and led by a small group of the region's top business executives

ISSUE-FOCUSED

Identify and prioritize regional challenges, then advocate for public policy solutions

FACT-BASED

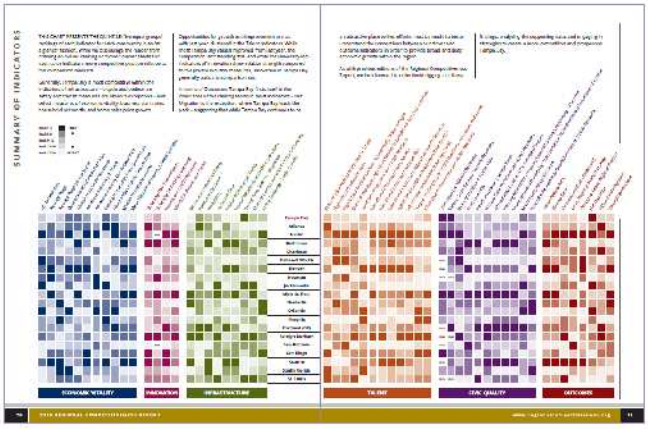
Objective, data-driven research to shape our agenda and measure our progress

TAMPA BAY PARTNERSHIP

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REGIONAL COMPETITIVENESS REPORT





TAMPA BAY
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TALENT IN TAMPA BAY



#17	#19	#19	#20	#20	#20
GRADUATION RATE	DISCONNECTED YOUTH	EDUCATIONAL ATTAINMENT (AA/AS+)	EDUCATIONAL ATTAINMENT (BA/BS+)	EDUCATIONAL ATTAINMENT (GRAD/PROF)	LABOR FORCE PARTICIPATION RATE
78.92%	13.9%	36.9%	27.7%	9.9%	74.9%

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TALENT PIPELINE RESEARCH



Regional Talent Working Group

- 30+ CEOs and senior HR executives
- Co-Chairs have included Judy Genshaft (USF), Troy Taylor (Coca-Cola Beverages Florida), Scott Fink (Fink Automotive Group) and Gwen Cummings (Amgen)

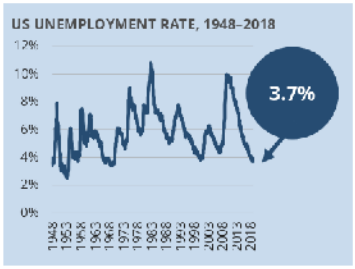
Key Activities

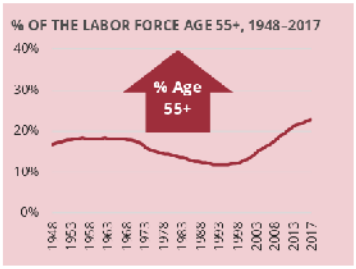
- Benchmark trip to review best practices from Upskill Houston
- $300,000 workforce grant from JPMorgan Chase
- Hired TIP Strategies research and develop a regional workforce strategy for the Tampa-St. Pete-Clearwater MSA
- Stakeholder, employer and best practice interviews

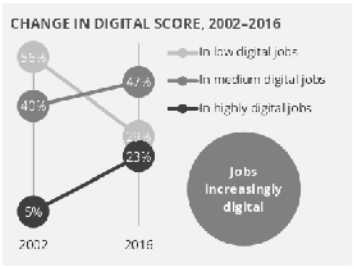
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NATIONAL TRENDS







The economy is at full employment

Almost one-quarter of the workforce is eligible to retire in the next 10 years

The digitalization of the workplace has placed new demands on job skills

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REGIONAL CHALLENGES

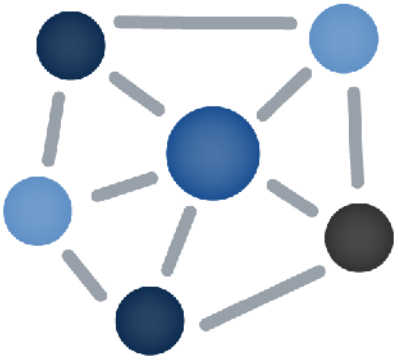


The workforce system is fragmented and largely siloed by county lines

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REGIONAL CHALLENGES



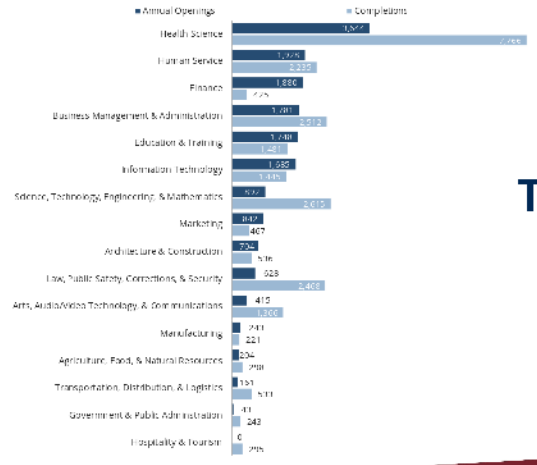
Regional coordination is limited and lacking for large-scale needs

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REGIONAL CHALLENGES

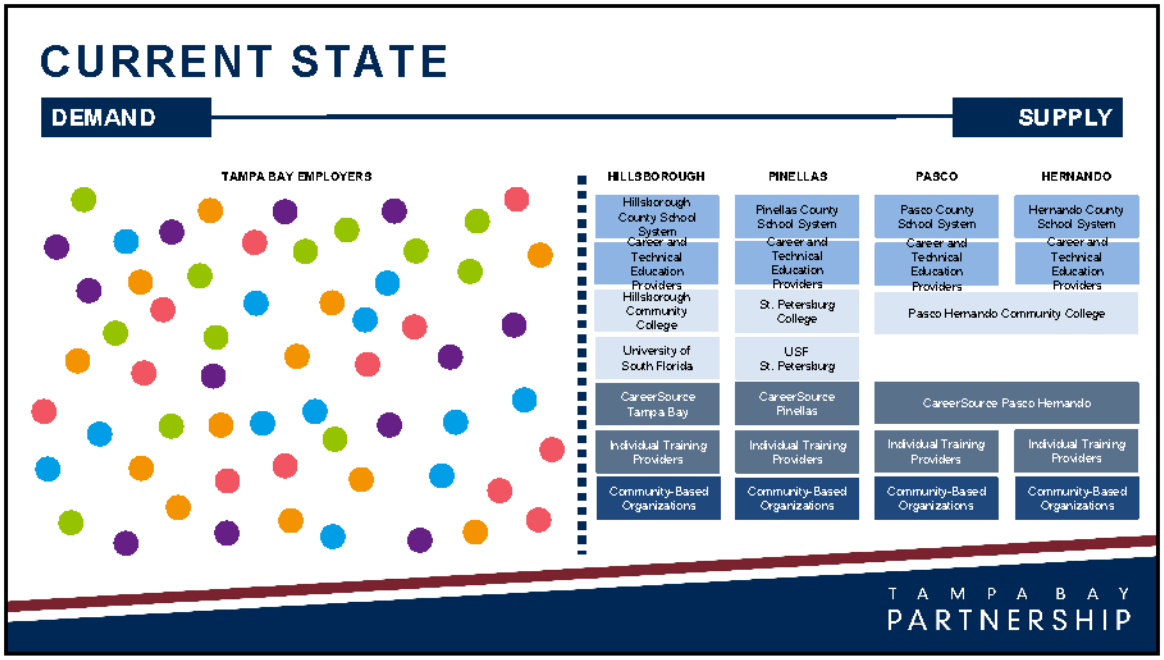
FIGURE 10. ENTRY-LEVEL OPENINGS AND COMPLETIONS BY CAREER CLUSTER



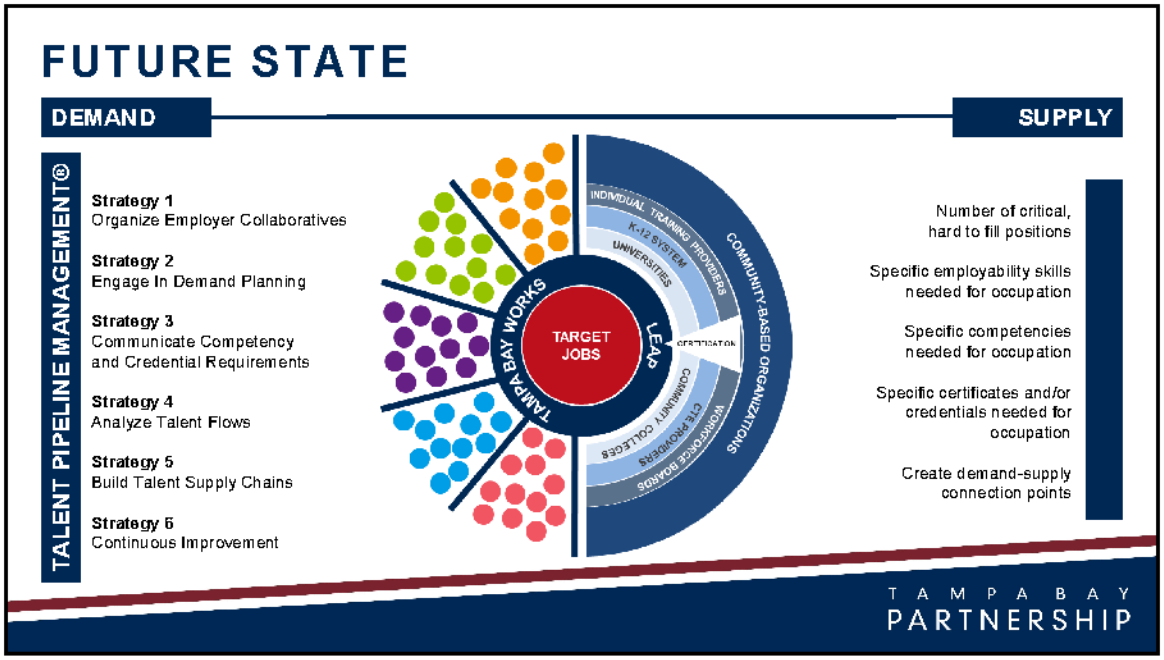
Talent supply isn't aligned with employer demand

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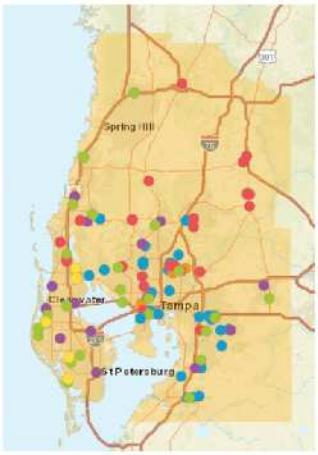


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HEALTHCARE COLLABORATIVE



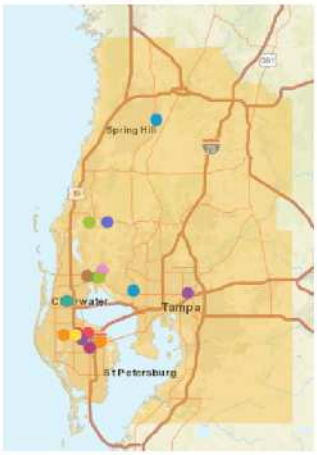
8 companies representing 68,800+ employees

- ADVENTHEALTH
- BAYCARE HEALTH SYSTEM
- DIAGNOSTIC CLINIC MEDICAL GROUP
- HCA WEST FLORIDA
- MOFFITT CANCER CENTER
- TAMPA GENERAL HOSPITAL
- LABCORP
- QUEST DIAGNOSTICS

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MANUFACTURING COLLABORATIVE



18 companies representing 3,200+ employees

- ACTRON ENGINEERING
- BARRETTE OUTDOOR LIVING
- FACTS ENGINEERING
- HEAT PIPE TECHNOLOGIES, INC
- JABIL
- JAMSON LABORATORIES
- LEADER TECH, INC
- LOCKHEED MARTIN
- MONIN INDUSTRIES
- PHARMAWORKS
- POLYPACK, INC
- QTM, INC
- SEABOARD MANUFACTURING
- SPARTON ENGINEERING
- SOUTHERN MFG TECHNOLOGIES
- TIMBERLAND DOORS
- TSE INDUSTRIES
- WENDOVER ART GROUP

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HEALTHCARE COLLABORATIVE

DEMAND — **SUPPLY**

TALENT PIPELINE MANAGEMENT®

Strategy 1
Organize Employer Collaboratives

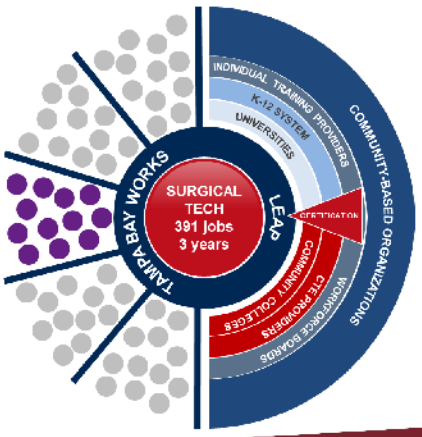
Strategy 2
Engage In Demand Planning

Strategy 3
Communicate Competency and Credential Requirements

Strategy 4
Analyze Talent Flows

Strategy 5
Build Talent Supply Chains

Strategy 6
Continuous Improvement



Number of critical, hard to fill positions

Specific employability skills needed for occupation

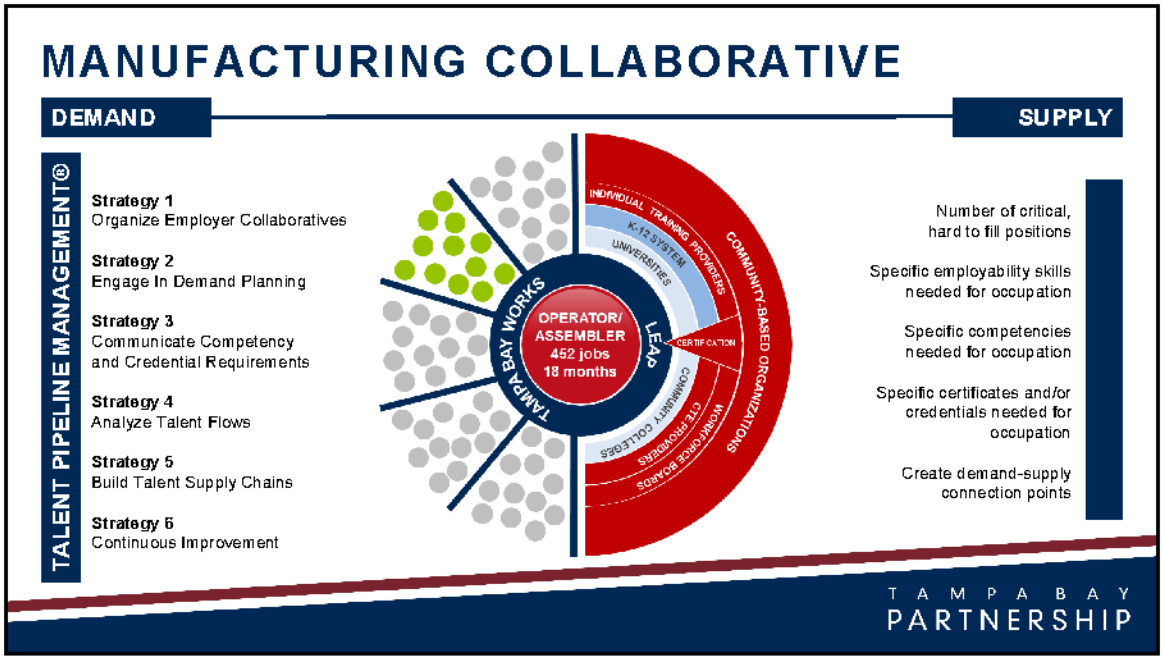
Specific competencies needed for occupation

Specific certificates and/or credentials needed for occupation

Create demand-supply connection points

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PERFORMANCE METRICS

DEMAND

Number of Qualified Job Applicants

Time to Fill Open Positions

Time to Productivity

Turnover Rate



SUPPLY

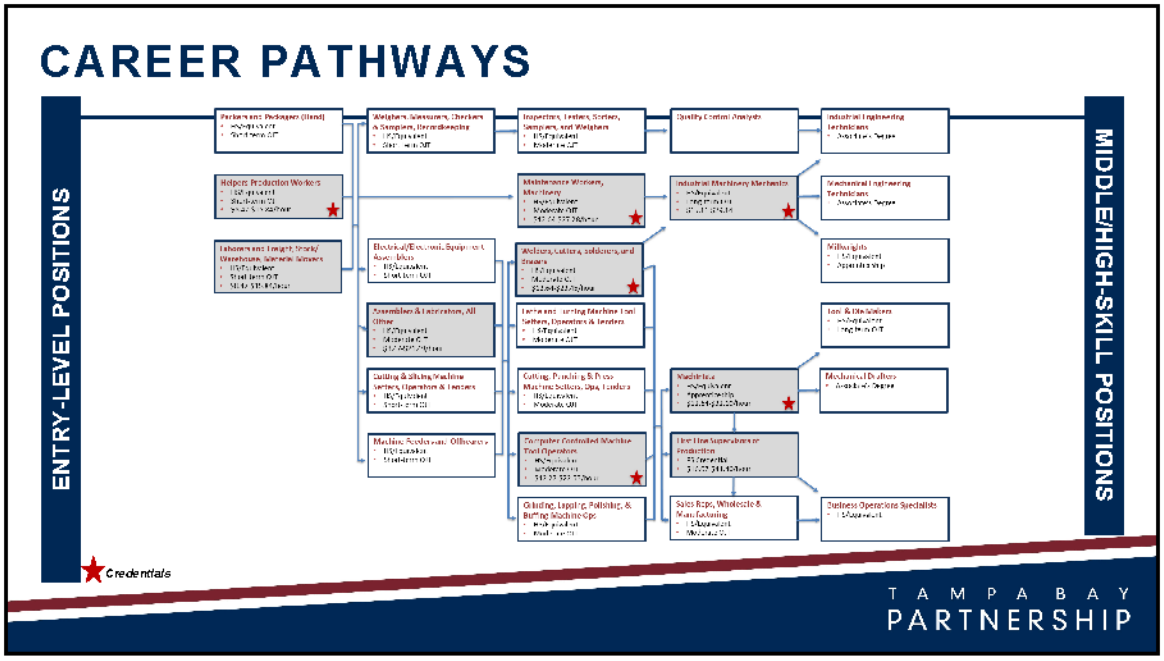
Number of Training Programs

Number of Program Participants

Number of Program Graduates

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HOW YOU CAN HELP

1. Create a formal process to gather demand-planning input directly from employers and inform the supply-side, by region
2. Define performance and incentive criteria for in-demand credentials/certificates
3. Create supportive processes for establishing work-based learning opportunities for K-12 and Post-Secondary students
4. Create a process within education for career awareness and exploration that is grounded in employer input, by region

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SECOND DISTRICT COURT OF APPEAL SPACE AND LOCATION NEEDS

Issue

The Second DCA headquarters is currently located in leased office space in Lakeland, with space for three judges but with no courtroom. The court also occupies leased space in Tampa controlled by Stetson University College of Law. With the Tampa lease expiring in June 2023, the Second DCA is seeking a long-term solution to its Tampa branch space and location needs.

Proposed Solution

- Keep Lakeland as Second DCA's headquarters, pursuant to s. 35.05, F.S.
- Maintain current 13,000-square-foot leased space in Lakeland.
- Secure new Tampa branch leased space for court operations under rent-to-own arrangement with option to buy during the term, an approach the Legislature has used to address other state government building needs.

Considerations

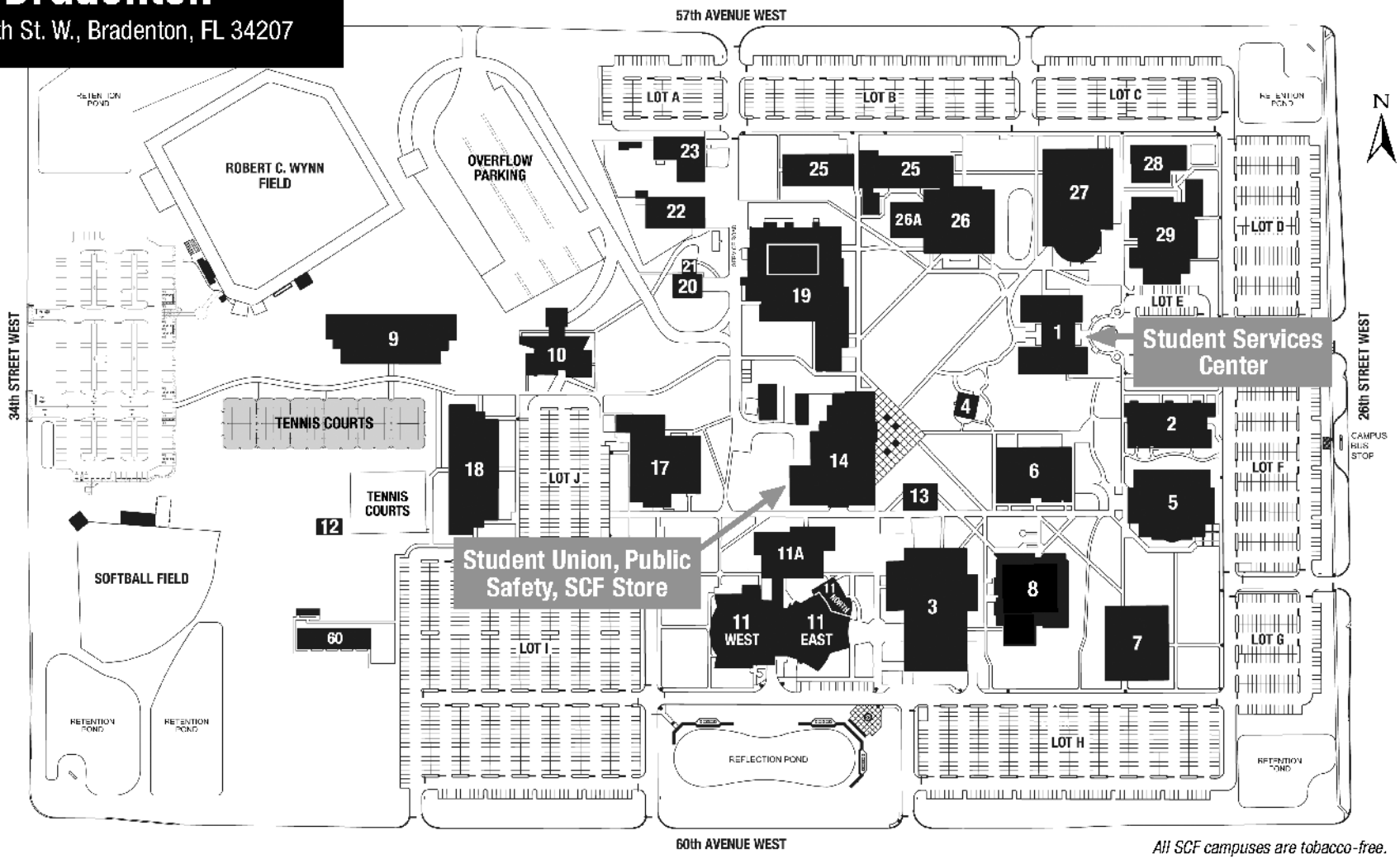
- Current space in Stetson building is 26,500 square feet. Extrapolating from the 2016 space and location needs study commissioned by the Legislature, the Tampa branch location should be approximately 60,000 square feet, which by maintaining the leased space in Lakeland is 13,000 less than would otherwise be needed.
- New Tampa branch facility would be located somewhere within the zone suggested by the previously referenced study. A near-airport or easy-interstate-access location makes more economic and practical sense, but all options will be considered.
- Lease would be rent-to-own over 30 years with option to purchase at any time during the term. It will include a clause that the court can terminate in any year in which the Legislature chooses not to fund the rental payment.
- The space would be designed by the owner/lessor but with court input and will be:
    - Understated from traditional courthouses, as it will be designed to meet the court's needs but also anticipate a subsequent tenant should the court vacate during the term.
    - Designed with a sharp focus on the future and make maximum use of technology for the benefit of the court, lawyers, and parties.
    - Designed as class A space as per DMS requirements.
- Space would be self-contained and free-standing for security purposes.
- Current rent for Stetson space is $678,000 per year. Anticipated rent for new space with adequate square footage is $2.2 million per year, based on a square-foot average of $38-$40 for commercial space in Tampa Bay Area.

September 13, 2019

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SCF Bradenton

5840 26th St. W., Bradenton, FL 34207



All SCF campuses are tobacco-free.

Directory

1 Student Services Center

2 Radiography Lab and Dental Hygiene Clinic
3 Library & Learning Center and Family Heritage House
4 Campus Ministry/Student Services Annex
5 Academic Resource Center
6 Information Technology Center
7 Office Complex
8 Multi-use
9 Classroom Building
10 Art & Design
11 EAST: SCF Neel Performing Arts Center
WEST: Music and Theatre
Howard Studio Theatre
NORTH: The Gallery at SCF
11A Future site of Studio for the Performing Arts
12 Theatre/Athletics Warehouse
13 Performance Pavilion

14 Student Union, Public Safety, SCF Store

17 Gymnasium
18 Professional Development Center, Center for Corporate and Community Development, Traffic Safety Institute
19 SCFCS/Multi-use
20 Central Services
21 Motorcycle
22 Warehouse
23 Facilities Management
25 Science
26 Science Lab
26A Future site of expanded Science Lab
27 Mathematics
28 Occupational Therapy Assistant and Physical Therapist Assistant
29 Nursing
60 Portable Classrooms (100-104)

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STATE COLLEGE OF FLORIDA - SCF Bradenton Building Descriptions

(See reverse side for detailed map of Bradenton campus)

Bldg. 1–Stephen J. Korcheck Student Services Center
Admissions, educational records, registration, advising, financial aid, disability resource center, testing and assessment, career resource center and other support functions

Bldg. 2–Radiography Laboratory and Dental Hygiene Clinic
Radiography and dental hygiene offices and laboratories, public dental hygiene clinic

Bldg. 3–Library & Learning Center
Books, electronic resources, online databases, photocopying, group study rooms, and café. The Family Heritage House African American history museum is located on the second floor.

Bldg. 4–Campus Ministry/Student Services Annex
Large meeting room, office, kitchen area, and smaller meeting room

Bldg. 5–Raymond D. Cheydleur Academic Resource Center
Offices, tutorial areas for developmental education programs and other specialized learning labs

Bldg. 6–Lillian B. and George R. Greene Information Technology Center
Computer center, electronic classrooms, information technology services and institutional research offices

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Administrative offices for the president, vice presidents, communications and marketing, finance, business services, human resources, and the Foundation

Bldg. 8–Multi-use

Bldg. 9–Classroom Building
Social & behavioral sciences and language & literature department offices, general classrooms and a digital cinema/photography suite

Bldg. 10–Art and Design Building
Art and design offices, computer labs for graphic design program, digital cinema program classrooms; printmaking, photography and ceramics studios

Bldg. 11–EAST: SCF Neel Performing Arts Center - Seating for 839 with wheelchair-accessible seating and restrooms

WEST: Music and Theatre Building - Music department offices, Howard Studio Theatre, music rehearsal room, music classrooms and practice rooms

NORTH: The Gallery at SCF - Art gallery and exhibits

Bldg. 11A–Future site of Studio for the Performing Arts

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Café and food service, Public Safety, SCF Store, Student Solution Center and Office of Student Life

Bldg. 17–Hal Chasey Gymnasium
Gymnasium that seats 904, locker rooms, weight room and athletics department offices

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Bldg. 21–Motorcycle

Bldg. 22–Warehouse

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Offices for the facilities management department

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Natural science department offices, classrooms, laboratories for physics and physical science

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Mathematics department offices and classrooms

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Nursing department offices, teaching auditorium, classrooms, conference room, audiovisual/computer/nursing skill laboratories

Bldg. 60–Portables
Classrooms 100-104

AMERICAN OVERSIGHT

From: Romant, Amanda <ROMANT.AMANDA@flsenate.gov>
Sent: Friday, November 15, 2019 9:55 AM EST
Subject: BALD Details for Tuesday, November 19, 2019
Attachment(s): "BALD Nov 2019 Agenda_Final.pdf","BALD Presentation_11.19.19.pptx","CourthouseProposal.pdf","Parking_SCF Bradenton map 10_2019.pdf"

Good Morning,

President Galvano is looking forward to seeing everyone at the Bay Area Legislative Delegation Meeting this Tuesday, November 19. Here are some final details related to parking, the agenda, as well as the electronic versions of the presentations available.

***
Date: Tuesday, November 19, 2019
Time: 9:00 a.m. to Noon
Location: Library and Learning Center at State College of Florida, 5840 26th St W, Bradenton, FL 34207
***

Parking: State College of Florida recommends **Parking Lot H**, located off the 60th Ave. W. entrance of the campus. Parking passes are not required for guests of special events and there are no fees to park on campus. If you need assistance, the SCF Public Safety team will be available to help.

If you have not confirmed your attendance, please do so by the end of the day. To ensure that every delegation member has a seat, we must communicate a final head count to SCF staff by 5:00 p.m. today.

Please feel free to reach out at any time with questions.

Sincerely,

Amanda E. Romant

Legislative Assistant to President Bill Galvano, District 21
1023 Manatee Avenue West
Suite 201
Bradenton, Florida 34205
Office: 941.741.3401
Fax: 888.263.7894

AMERICAN OVERSIGHT

BAY AREA
LEGISLATIVE DELEGATION

NOVEMBER 19, 2019 | AGENDA | Chairman, President Bill Galvano

9:00 a.m. - Welcome, Pledge, Invocation

- Chairman, Pres. Bill Galvano gavels in meeting and welcomes delegation members and guests.
- Senator Stargel leads the Pledge of Allegiance.
- Representative Valdes leads the invocation.
- Roll Call.

9:05 a.m. - Introductory Remarks and Delegation Introductions

- Pres. Galvano gives brief introductory remarks.
- BALD members introduce themselves and their districts.

9:15 a.m. - Opening Remarks from Dr. Carol Probstfeld, State College of Florida

- Welcome.

9:30 a.m. - Presentation / Judge Robert Morris

- Second District Court of Appeal Courtroom Proposal.
- Time for questions and answers.

10:00 a.m. - Presentation / Rick Homans, President and CEO, Tampa Bay Partnership

- "Building Tampa Bay's Talent Pipeline" Tampa Bay Works Initiative Update - Talent Pipeline Management.
- Time for questions and answers.

10:30 a.m. - Presentation / Westshore Interchange

- Remarks from Secretary David Gwynn (District 7).
- Remarks from Beth Alden, Executive Director, Hillsborough County Metropolitan Planning Organization.
- Time for questions and answers.

11:00 a.m. - Presentation / Kevin Sowers, President, John Hopkins Health Systems

- Presentation: "Progress Towards Sustained Compliance".
- Time for questions and answers.

11:30 a.m. - Additional Comments & Adjournment

- Additional comments by Pres. Galvano or Delegation members.
- Adjourn.

AMERICAN OVERSIGHT



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ABOUT THE PARTNERSHIP



OUR MISSION

Create a unified, competitive and prosperous Tampa Bay

CEO-DRIVEN

Privately funded and led by a small group of the region's top business executives

ISSUE-FOCUSED

Identify and prioritize regional challenges, then advocate for public policy solutions

FACT-BASED

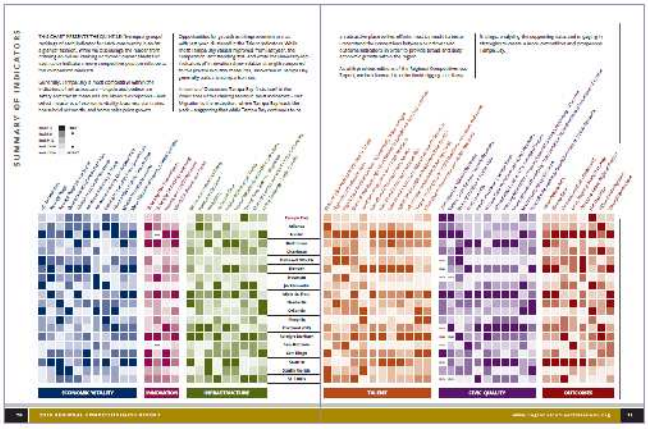
Objective, data-driven research to shape our agenda and measure our progress

TAMPA BAY PARTNERSHIP

AMERICAN OVERSIGHT

REGIONAL COMPETITIVENESS REPORT





TAMPA BAY
PARTNERSHIP

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TALENT IN TAMPA BAY



#17	#19	#19	#20	#20	#20
GRADUATION RATE	DISCONNECTED YOUTH	EDUCATIONAL ATTAINMENT (AA/AS+)	EDUCATIONAL ATTAINMENT (BA/BS+)	EDUCATIONAL ATTAINMENT (GRAD/PROF)	LABOR FORCE PARTICIPATION RATE
78.92%	13.9%	36.9%	27.7%	9.9%	74.9%

TAMPA BAY PARTNERSHIP

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TALENT PIPELINE RESEARCH



Regional Talent Working Group

- 30+ CEOs and senior HR executives
- Co-Chairs have included Judy Genshaft (USF), Troy Taylor (Coca-Cola Beverages Florida), Scott Fink (Fink Automotive Group) and Gwen Cummings (Amgen)

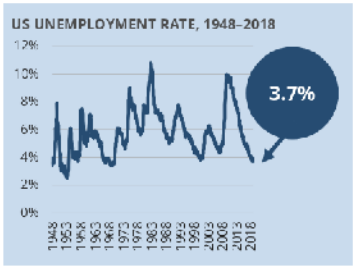
Key Activities

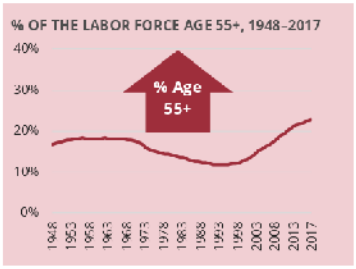
- Benchmark trip to review best practices from Upskill Houston
- $300,000 workforce grant from JPMorgan Chase
- Hired TIP Strategies research and develop a regional workforce strategy for the Tampa-St. Pete-Clearwater MSA
- Stakeholder, employer and best practice interviews

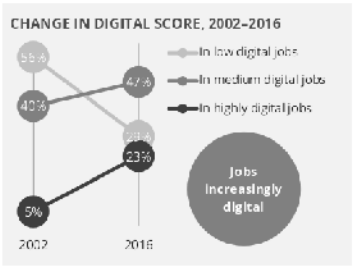
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NATIONAL TRENDS







The economy is at full employment

Almost one-quarter of the workforce is eligible to retire in the next 10 years

The digitalization of the workplace has placed new demands on job skills

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REGIONAL CHALLENGES

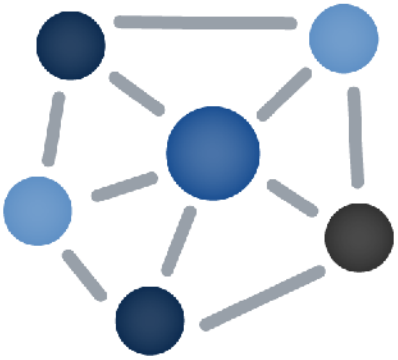


The workforce system is fragmented and largely siloed by county lines

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REGIONAL CHALLENGES



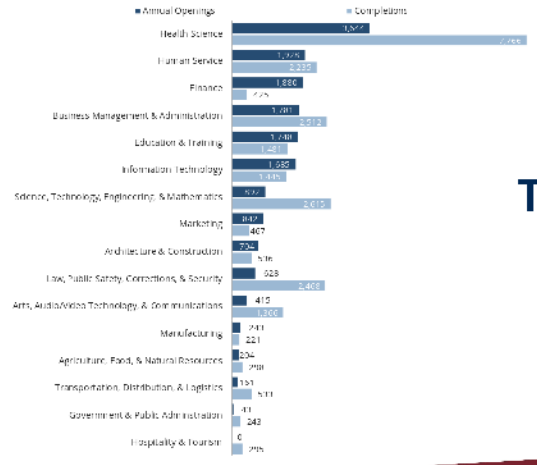
Regional coordination is limited and lacking for large-scale needs

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REGIONAL CHALLENGES

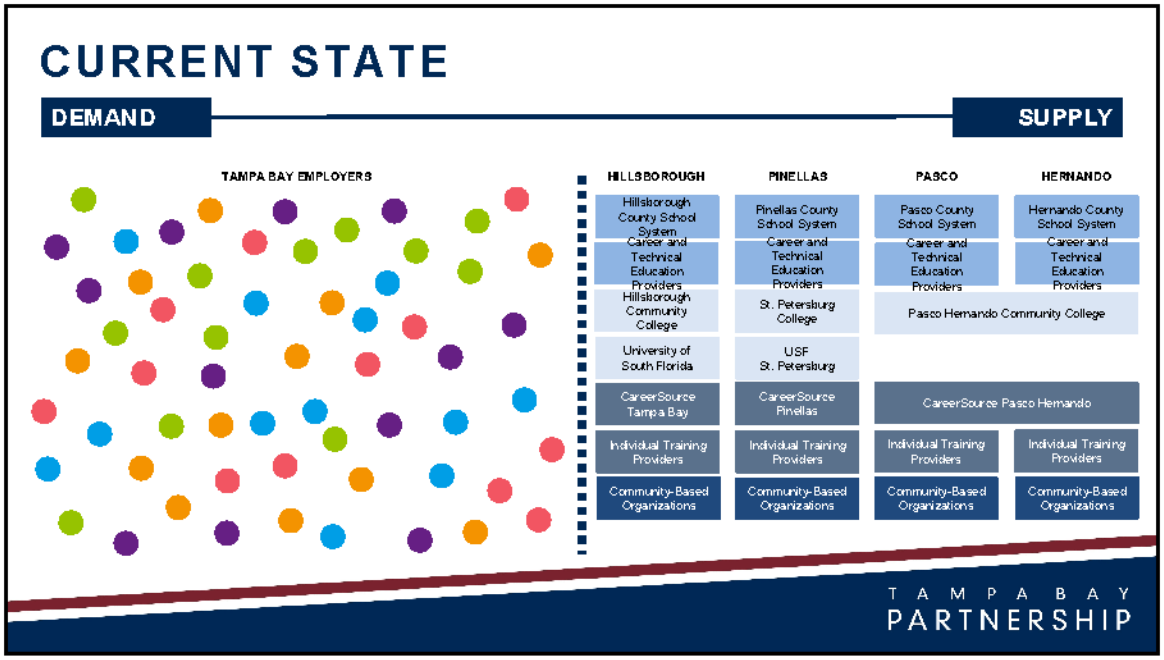
FIGURE 10. ENTRY-LEVEL OPENINGS AND COMPLETIONS BY CAREER CLUSTER



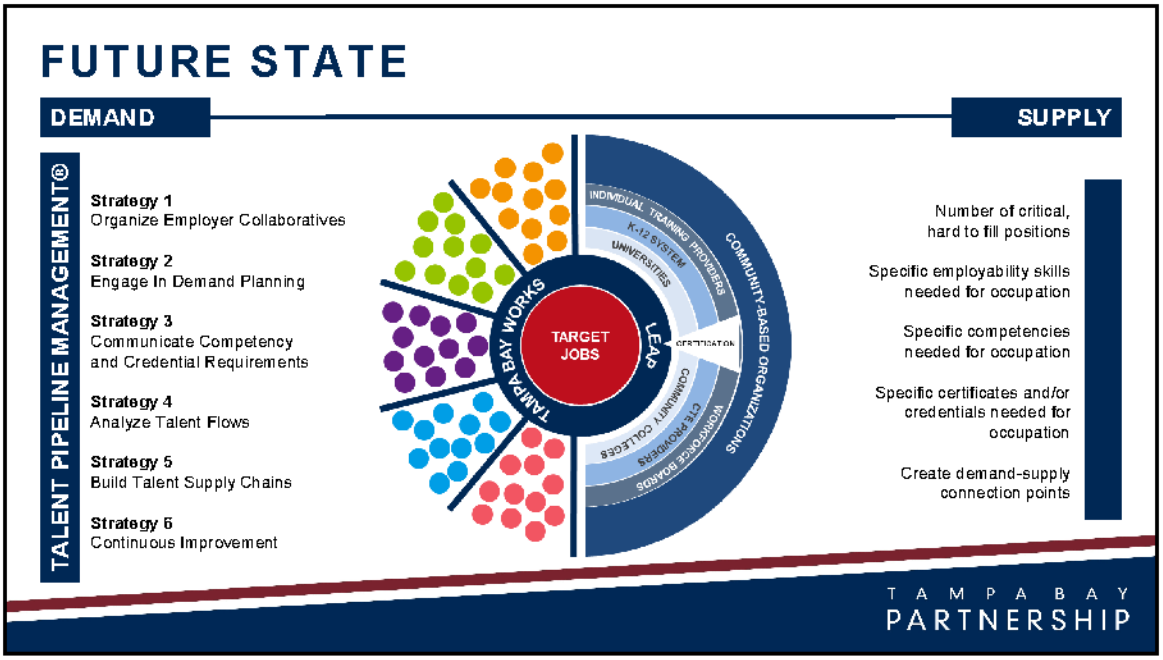
Talent supply isn't aligned with employer demand

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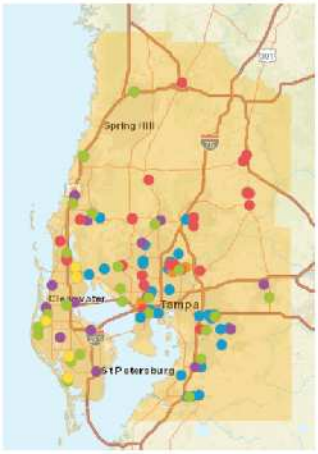


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HEALTHCARE COLLABORATIVE



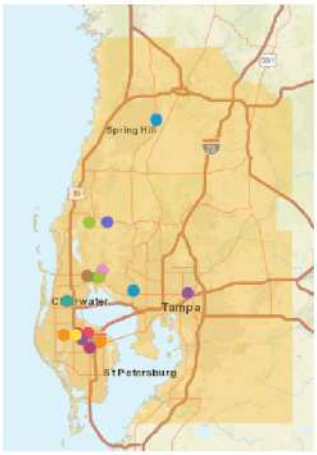
8 companies representing 68,800+ employees

- ADVENTHEALTH
- BAYCARE HEALTH SYSTEM
- DIAGNOSTIC CLINIC MEDICAL GROUP
- HCA WEST FLORIDA
- MOFFITT CANCER CENTER
- TAMPA GENERAL HOSPITAL
- LABCORP
- QUEST DIAGNOSTICS

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MANUFACTURING COLLABORATIVE



18 companies representing 3,200+ employees

- ACTRON ENGINEERING
- BARRETTE OUTDOOR LIVING
- FACTS ENGINEERING
- HEAT PIPE TECHNOLOGIES, INC
- JABIL
- JAMSON LABORATORIES
- LEADER TECH, INC
- LOCKHEED MARTIN
- MONIN INDUSTRIES
- PHARMAWORKS
- POLYPACK, INC
- QTM, INC
- SEABOARD MANUFACTURING
- SPARTON ENGINEERING
- SOUTHERN MFG TECHNOLOGIES
- TIMBERLAND DOORS
- TSE INDUSTRIES
- WENDOVER ART GROUP

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HEALTHCARE COLLABORATIVE

DEMAND — **SUPPLY**

TALENT PIPELINE MANAGEMENT®

Strategy 1
Organize Employer Collaboratives

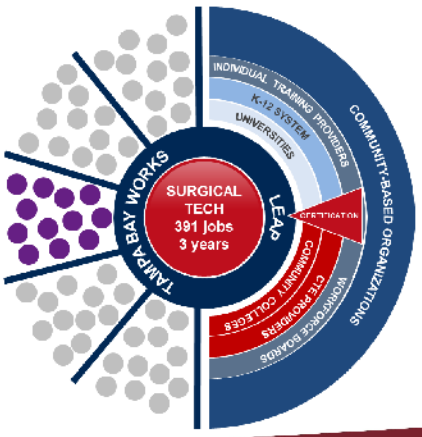
Strategy 2
Engage In Demand Planning

Strategy 3
Communicate Competency and Credential Requirements

Strategy 4
Analyze Talent Flows

Strategy 5
Build Talent Supply Chains

Strategy 6
Continuous Improvement



Number of critical, hard to fill positions

Specific employability skills needed for occupation

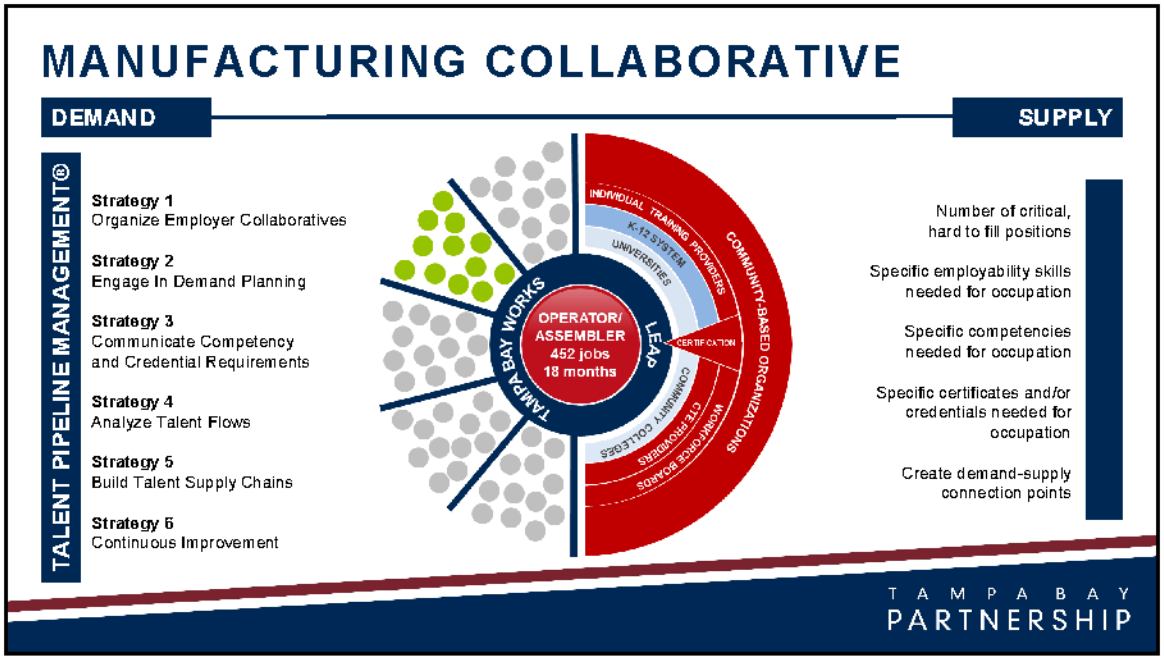
Specific competencies needed for occupation

Specific certificates and/or credentials needed for occupation

Create demand-supply connection points

TAMPA BAY PARTNERSHIP

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PERFORMANCE METRICS

DEMAND

Number of Qualified Job Applicants

Time to Fill Open Positions

Time to Productivity

Turnover Rate



SUPPLY

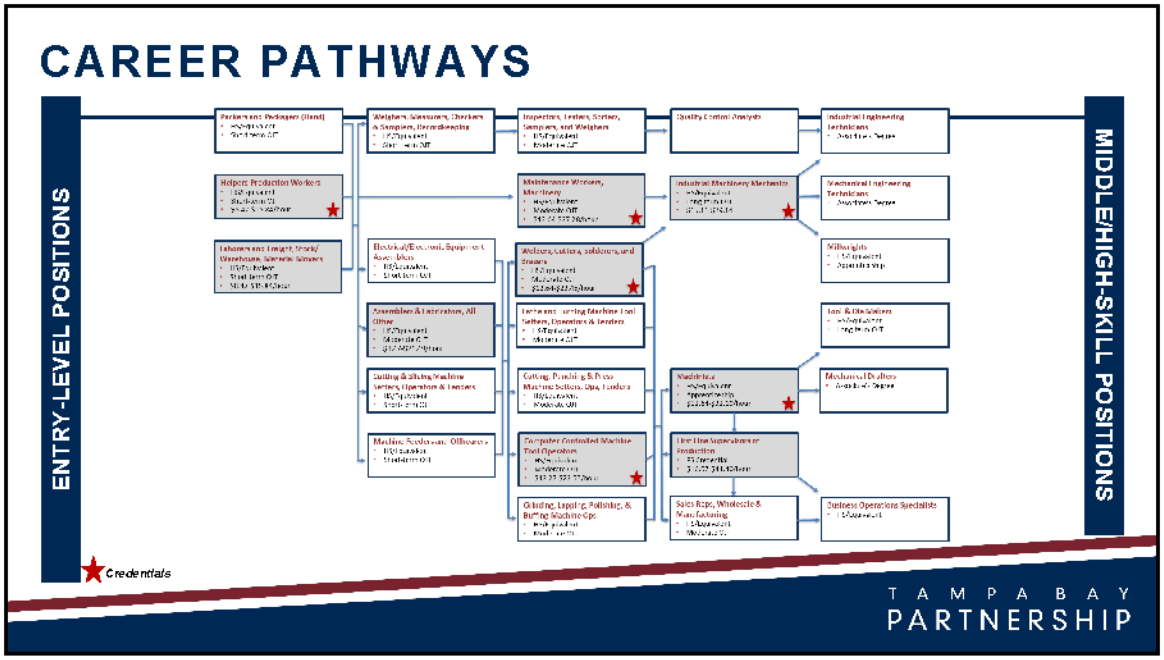
Number of Training Programs

Number of Program Participants

Number of Program Graduates

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HOW YOU CAN HELP

1. Create a formal process to gather demand-planning input directly from employers and inform the supply-side, by region
2. Define performance and incentive criteria for in-demand credentials/certificates
3. Create supportive processes for establishing work-based learning opportunities for K-12 and Post-Secondary students
4. Create a process within education for career awareness and exploration that is grounded in employer input, by region

TAMPA BAY
PARTNERSHIP

AMERICAN OVERSIGHT

SECOND DISTRICT COURT OF APPEAL SPACE AND LOCATION NEEDS

Issue

The Second DCA headquarters is currently located in leased office space in Lakeland, with space for three judges but with no courtroom. The court also occupies leased space in Tampa controlled by Stetson University College of Law. With the Tampa lease expiring in June 2023, the Second DCA is seeking a long-term solution to its Tampa branch space and location needs.

Proposed Solution

- Keep Lakeland as Second DCA's headquarters, pursuant to s. 35.05, F.S.
- Maintain current 13,000-square-foot leased space in Lakeland.
- Secure new Tampa branch leased space for court operations under rent-to-own arrangement with option to buy during the term, an approach the Legislature has used to address other state government building needs.

Considerations

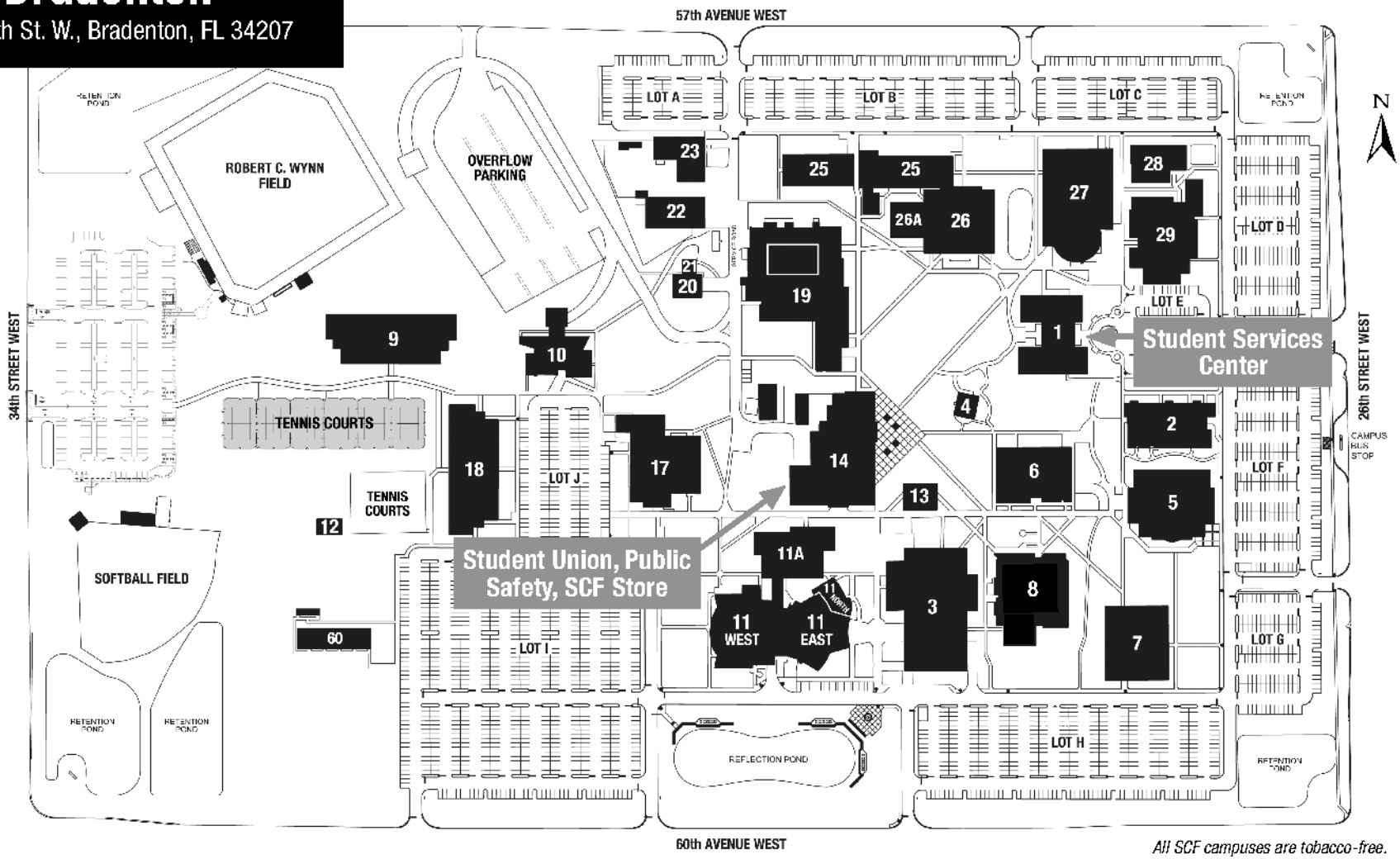
- Current space in Stetson building is 26,500 square feet. Extrapolating from the 2016 space and location needs study commissioned by the Legislature, the Tampa branch location should be approximately 60,000 square feet, which by maintaining the leased space in Lakeland is 13,000 less than would otherwise be needed.
- New Tampa branch facility would be located somewhere within the zone suggested by the previously referenced study. A near-airport or easy-interstate-access location makes more economic and practical sense, but all options will be considered.
- Lease would be rent-to-own over 30 years with option to purchase at any time during the term. It will include a clause that the court can terminate in any year in which the Legislature chooses not to fund the rental payment.
- The space would be designed by the owner/lessor but with court input and will be:
    - Understated from traditional courthouses, as it will be designed to meet the court's needs but also anticipate a subsequent tenant should the court vacate during the term.
    - Designed with a sharp focus on the future and make maximum use of technology for the benefit of the court, lawyers, and parties.
    - Designed as class A space as per DMS requirements.
- Space would be self-contained and free-standing for security purposes.
- Current rent for Stetson space is $678,000 per year. Anticipated rent for new space with adequate square footage is $2.2 million per year, based on a square-foot average of $38-$40 for commercial space in Tampa Bay Area.

September 13, 2019

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SCF Bradenton

5840 26th St. W., Bradenton, FL 34207



All SCF campuses are tobacco-free.

Directory

1 Student Services Center

2 Radiography Lab and Dental Hygiene Clinic
3 Library & Learning Center and Family Heritage House
4 Campus Ministry/Student Services Annex
5 Academic Resource Center
6 Information Technology Center
7 Office Complex
8 Multi-use
9 Classroom Building
10 Art & Design
11 EAST: SCF Neel Performing Arts Center
WEST: Music and Theatre
Howard Studio Theatre
NORTH: The Gallery at SCF
11A Future site of Studio for the Performing Arts
12 Theatre/Athletics Warehouse
13 Performance Pavilion

14 Student Union, Public Safety, SCF Store

17 Gymnasium
18 Professional Development Center, Center for Corporate and Community Development, Traffic Safety Institute
19 SCFCS/Multi-use
20 Central Services
21 Motorcycle
22 Warehouse
23 Facilities Management
25 Science
26 Science Lab
26A Future site of expanded Science Lab
27 Mathematics
28 Occupational Therapy Assistant and Physical Therapist Assistant
29 Nursing
60 Portable Classrooms (100-104)

AMERICAN OVERSIGHT

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Bldg. 60–Portables
Classrooms 100-104

AMERICAN OVERSIGHT

From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Friday, January 03, 2020 11:30 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Be Informed About Your Cybersecurity! GCBX LUNCH & LEARN: CYBERSECURITY- Wednesday, January 22nd

Dear Senator Joe Gruters,
You are invited to the followingevent:

GCBX LUNCH & LEARN: CYBERSECURITY

When: 22 Jan 2020 11:30 AM, EST
Where: Grove- 10670 Boardwalk Loop, Lakewood Ranch, FL 34202

Will you be attending?

Register | Not attending

EVENT DETAILS:

GCBX Lunch & Learn: Cybersecurity

Wednesday, January 22nd
11:30 am – 1:15 pm
11:30 - Registration
12:00 - Program
Location: The Grove - Fever Tree Hall

Attendees will learn about the National Institute of Standards and Technology (NIST) Framework, a comprehensive five-step process that helps businesses prepare for the cyber-attacks threatening your data.

Presented By:
Nathan Bailey, Chief Operating Officer for SouthTech
David Karins, Karins Engineering Group
Jared Hawkins, Atlas Insurance Agency

$40 for GCBX Members

Lunch will be Included.

Click here for Flyer

*It is the policy of GCBX to charge for events if cancellations are not made at least 72 hours prior to the even .

Best regards,
Gulf Coast Builders Exchange

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If you no longer wish to receive these emails you can unsubscribe at any time.

This email contains links that will automatically log you into the Gulf Coast Builders Exchange site.
These links will work for the next 7 days only. Please, don't forward this email to anyone!

AMERICAN OVERSIGHT

From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Tuesday, January 14, 2020 11:25 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Become Informed About Your Cybersecurity at the next GCBX Lunch & Learn- Wednesday, January 22nd

AMERICAN OVERSIGHT

Dear Senator Joe Gruters,
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GCBX LUNCH & LEARN: CYBERSECURITY

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AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Thursday, November 21, 2019 4:16 PM EST
To: Kopelousos, Stephanie <Stephanie.Kopelousos@eog.myflorida.com>; Spencer, Chris <Chris.Spencer@LASPBS.STATE.FL.US>
CC: Russell, Tyler <Tyler.Russell@eog.myflorida.com>
Subject: Bill Draft - DEP
Attachment(s): "billdraft75494.DOCX"

Good Afternoon!

Please find the attached draft from Bill Drafting. Please let me know if you have any edits.

Thank you,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

AMERICAN OVERSIGHT

23-01448-20

A bill to be entitled

An act relating to environmental enforcement; amending ss. 161.054, 252.941, 258.397, 258.46, 373.129, 373.209, 373.430, 376.065, 376.071, 376.16, 376.25, 376.302, 377.37, 378.211, 403.086, 403.121, 403.141, 403.161, 403.413, 403.7234, 403.726, 403.727, and 403.93345, F.S.; increasing the civil penalties for violations of certain provisions relating to beach and shore construction, the Accidental Release Prevention Program, the Biscayne Bay Aquatic Preserve, aquatic preserves, the state water resource plan, artesian wells, pollution, operating a terminal facility without discharge prevention and response certificates, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, the pollution of surface and ground waters, the regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs and expenses for pollution releases, necessary permits, dumping litter, small quantity generators, the abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, and coral reef protection, respectively; providing that each day that certain violations are not remediated constitutes a separate offense; making technical changes; reenacting s. 252.940(1)(c), F.S., to incorporate the amendment made to s. 252.941, F.S., in a reference thereto;

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reenacting s. 823.11(5), F.S., to incorporate the amendment made to s. 376.16, F.S., in a reference thereto; reenacting s. 376.303(1)(d), F.S., to incorporate the amendment made to s. 376.302, F.S., in a reference thereto; reenacting ss. 403.077(5), 403.131(2), 403.4154(3)(d), and 403.860(5), F.S., to incorporate the amendment made to s. 403.121, F.S., in a reference thereto; reenacting ss. 403.708(10), 403.7191(7), and 403.811, F.S., to incorporate the amendment made to s. 403.141, F.S., in a reference thereto; reenacting s. 403.7255(2), F.S., to incorporate the amendment made to s. 403.161, F.S., in a reference thereto; reenacting s. 403.7186(8), F.S., to incorporate the amendment made to ss. 403.141 and 403.161, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (1) of section 161.054, Florida Statutes, is amended to read:

161.054 Administrative fines; liability for damage; liens.—

(1) In addition to the penalties provided for in ss. 161.052, 161.053, and 161.121, any person, firm, corporation, or governmental agency, or agent thereof, refusing to comply with or willfully violating ~~any of the provisions of~~ s. 161.041, s. 161.052, or s. 161.053, or any rule or order prescribed by the department thereunder, shall incur a fine for each offense in an amount up to $15,000 ~~$10,000~~ to be fixed, imposed, and collected

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by the department. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 2. Subsection (2) of section 252.941, Florida Statutes, is amended to read:

252.941 Prohibitions, violations, penalties, intent.—

(2) A ~~Any~~ person who willfully violates ~~commits a violation specified in~~ subsection (1) commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.083(1)(g) by a fine of not more than $15,000 ~~$10,000~~ for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 3. Subsection (7) of section 258.397, Florida Statutes, is amended to read:

258.397 Biscayne Bay Aquatic Preserve.—

(7) ENFORCEMENT.—~~The provisions of~~ This section may be enforced in accordance with ~~the provisions of~~ s. 403.412. In addition, the Department of Legal Affairs may ~~is authorized to~~ bring an action for civil penalties of $7,500 ~~$5,000~~ per day against any person, natural or corporate, who violates ~~the provisions of~~ this section or any rule or regulation issued hereunder. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. Enforcement of applicable state regulations shall be supplemented by the Miami-Dade County Department of Environmental Resources Management through the creation of a full-time enforcement presence along the Miami River.

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Section 4. Section 258.46, Florida Statutes, is amended to read:

258.46 Enforcement; violations; penalty.—~~The provisions of~~ This act may be enforced by the Board of Trustees of the Internal Improvement Trust Fund or in accordance with ~~the provisions of~~ s. 403.412. However, any violation by any person, natural or corporate, of ~~the provisions of~~ this act or any rule or regulation issued hereunder is ~~shall be~~ further punishable by a civil penalty of not less than $4,750 ~~$500~~ per day or more than $7,500 ~~$5,000~~ per day of such violation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 5. Subsections (5) and (7) of section 373.129, Florida Statutes, are amended, to read:

373.129 Maintenance of actions.—The department, the governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(5) To recover a civil penalty for each offense in an amount not to exceed $15,000 ~~$10,000~~ per offense. Until a violation is resolved by order or judgment, each date during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(a) A civil penalty recovered by a water management district pursuant to this subsection shall be retained and used

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exclusively by the water management district that collected the money. A civil penalty recovered by the department pursuant to this subsection must be deposited into the Water Quality Assurance Trust Fund established under s. 376.307.

(b) A local government that is delegated authority pursuant to s. 373.103(8) may deposit a civil penalty recovered pursuant to this subsection into a local water pollution control program trust fund, notwithstanding ~~the provisions of~~ paragraph (a). However, civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violations of state water quality standards may be used only to restore water quality in the area that was the subject of the action, and civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violation of requirements relating to water quantity may be used only to purchase lands and make capital improvements associated with surface water management, or other purposes consistent with the requirements of this chapter for the management and storage of surface water.

(7) To enforce ~~the provisions of~~ part IV of this chapter in the same manner and to the same extent as provided in ss. 373.430, 403.121(1) and (2), 403.131, 403.141, and 403.161.

Section 6. Subsection (3) of section 373.209, Florida Statutes, is amended to read:

373.209 Artesian wells; penalties for violation.—

(3) Any person who violates ~~any provision of~~ this section is ~~shall be~~ subject to either:

(a) The remedial measures provided for in s. 373.436; or

(b) A civil penalty of $150 ~~$100~~ a day for each and every

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day of such violation and for each and every act of violation. The civil penalty may be recovered by the water management board of the water management district in which the well is located or by the department in a suit in a court of competent jurisdiction in the county where the defendant resides, in the county of residence of any defendant if there is more than one defendant, or in the county where the violation took place. The place of suit shall be selected by the board or department, and the suit, by direction of the board or department, shall be instituted and conducted in the name of the board or department by appropriate counsel. The payment of any such damages does not impair or abridge any cause of action which any person may have against the person violating ~~any provision of~~ this section.

Section 7. Subsections (2) through (5) of section 373.430, Florida Statutes, are amended to read:

373.430 Prohibitions, violation, penalty, intent.—

(2) A person who ~~Whoever~~ commits a violation specified in subsection (1) is liable for any damage caused and for civil penalties as provided in s. 373.129.

(3) A ~~Any~~ person who willfully violates ~~commits a violation specified in~~ paragraph (1)(a) commits ~~is guilty of~~ a felony of the third degree, punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g), by a fine of not more than $50,000 or by imprisonment for 5 years, or by both, for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(4) A ~~Any~~ person who violates ~~commits a violation specified in~~ paragraph (1)(a) or paragraph (1)(b) due to reckless

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indifference or gross careless disregard commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g), by a fine of not more than $10,000 ~~$5,000~~ or 60 days in jail, or by both, for each offense.

(5) A ~~Any~~ person who willfully violates ~~commits a violation specified in~~ paragraph (1)(b) or who violates paragraph (1)(c) commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g), by a fine of not more than $10,000 or by 6 months in jail, or by both, for each offense.

Section 8. Paragraphs (a) and (e) of subsection (5) of section 376.065, Florida Statutes, are amended to read:

376.065 Operation of terminal facility without discharge prevention and response certificate prohibited; penalty.—

(5)(a) A person who violates this section or the terms and requirements of such certification commits a noncriminal infraction. The civil penalty for any such infraction shall be $750 ~~$500~~, except as otherwise provided in this section.

(e) A person who elects to appear before the county court or who is required to so appear waives the limitations of the civil penalty specified in paragraph (a). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of the infraction is proved, the court shall impose a civil penalty of $750 ~~$500~~.

Section 9. Paragraphs (a) and (e) of subsection (2) of section 376.071, Florida Statutes, are amended to read:

376.071 Discharge contingency plan for vessels.—

(2)(a) A master of a vessel that violates subsection (1) commits a noncriminal infraction and shall be cited for such

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infraction. The civil penalty for such an infraction shall be $7,500 ~~$5,000~~, except as otherwise provided in this subsection.

(e) A person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalty specified in paragraph (a). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of the infraction is proved, the court shall impose a civil penalty of $7,500 ~~$5,000~~.

Section 10. Section 376.16, Florida Statutes, is amended to read:

376.16 Enforcement and penalties.—

(1) It is unlawful for any person to violate ~~any provision of~~ ss. 376.011-376.21 or any rule or order of the department made pursuant to this act. A violation is ~~shall be~~ punishable by a civil penalty of up to $75,000 ~~$50,000~~ per violation per day to be assessed by the department. Until a violation is resolved by order or judgment, each day during any portion of which the violation occurs or is not remediated constitutes a separate offense. The penalty provisions of this subsection do ~~shall~~ not apply to any discharge promptly reported and removed by a person responsible, in accordance with the rules and orders of the department, or to any discharge of pollutants equal to or less than 5 gallons.

(2) In addition to the penalty provisions which may apply under subsection (1), a person responsible for two or more discharges of any pollutant reported pursuant to s. 376.12 within a 12-month period at the same facility commits a noncriminal infraction and shall be cited by the department for such infraction.

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(a) For discharges of gasoline or diesel over 5 gallons, the civil penalty for the second discharge shall be $750 ~~$500~~ and the civil penalty for each subsequent discharge within a 12-month period shall be $1,500 ~~$1,000~~, except as otherwise provided in this section.

(b) For discharges of any pollutant other than gasoline or diesel, the civil penalty for a second discharge shall be $3,750 ~~$2,500~~ and the civil penalty for each subsequent discharge within a 12-month period shall be $7,500 ~~$5,000~~, except as otherwise provided in this section.

(3) A person responsible for two or more discharges of any pollutant reported pursuant to s. 376.12 within a 12-month period at the same facility commits a noncriminal infraction and shall be cited by the department for such infraction.

(a) For discharges of gasoline or diesel equal to or less than 5 gallons, the civil penalty shall be $75 ~~$50~~ for each discharge subsequent to the first.

(b) For discharges of pollutants other than gasoline or diesel equal to or less than 5 gallons, the civil penalty shall be $150 ~~$100~~ for each discharge subsequent to the first.

(4) A person charged with a noncriminal infraction pursuant to subsection (2) or subsection (3) may:

(a) Pay the civil penalty;

(b) Post a bond equal to the amount of the applicable civil penalty; or

(c) Sign and accept a citation indicating a promise to appear before the county court.

The department employee authorized to issue these citations may

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indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

(5) Any person who willfully refuses to post bond or accept and sign a citation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) After compliance with paragraph (4)(b) or paragraph (4)(c), any person charged with a noncriminal infraction under subsection (2) or subsection (3) may:

(a) Pay the civil penalty, either by mail or in person, within 30 days after the date of receiving the citation; or

(b) If the person has posted bond, forfeit the bond by not appearing at the designated time and location.

A person cited for an infraction under this section who pays the civil penalty or forfeits the bond has admitted the infraction and waives the right to a hearing on the issue of commission of the infraction. Such admission may not be used as evidence in any other proceeding.

(7) Any person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalties specified in subsection (2). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is proved, the court may impose a civil penalty up to, but not exceeding, $750 ~~$500~~ for the second discharge of gasoline or diesel and a civil penalty up to, but not exceeding, $1,500 ~~$1,000~~ for each subsequent discharge of gasoline or diesel within a 12-month period.

(8) Any person who elects to appear before the county court

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or who is required to appear waives the limitations of the civil penalties specified in subsection (2) or subsection (3). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is proved, the court may impose a civil penalty up to, but not exceeding, $7,500 ~~$5,000~~ for the second discharge of pollutants other than gasoline or diesel and a civil penalty up to, but not exceeding, $15,000 ~~$10,000~~ for each subsequent discharge of pollutants other than gasoline or diesel within a 12-month period.

(9) At a hearing under this section, the commission of a charged offense must be proved by the greater weight of the evidence.

(10) A person who is found by a hearing official to have committed an infraction may appeal that finding to the circuit court.

(11) Any person who has not posted bond and who neither pays the applicable civil penalty, as specified in subsection (2) or subsection (3) within 30 days of receipt of the citation nor appears before the court commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(12) Any person who makes or causes to be made a false statement that which the person does not believe to be true in response to requirements of ~~the provisions of~~ ss. 376.011-376.21 commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. Paragraph (a) of subsection (6) of section 376.25, Florida Statutes, is amended to read:

376.25 Gambling vessels; registration; required and

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prohibited releases.—

(6) PENALTIES.—

(a) A person who violates this section is subject to a civil penalty of not more than $75,000 ~~$50,000~~ for each violation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 12. Subsections (2) and (3) of section 376.302, Florida Statutes, are amended to read:

376.302 Prohibited acts; penalties.—

(2) Except as provided in s. 376.311, any person who violates ~~commits a violation specified in~~ subsection (1) is liable to the state for any damage caused and for civil penalties as provided in s. 403.141.

(3) Any person who willfully violates ~~commits a violation specified in~~ paragraph (1)(a) or paragraph (1)(b) commits ~~shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g), by a fine of not less than $2,500 or more than $25,000, or punishable by 1 year in jail, or by both for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 13. Paragraph (a) of subsection (1) of section 377.37, Florida Statutes, is amended to read:

377.37 Penalties.—

(1)(a) Any person who violates ~~any provision of~~ this law or any rule, regulation, or order of the division made under this chapter or who violates the terms of any permit to drill for or

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produce oil, gas, or other petroleum products referred to in s. 377.242(1) or to store gas in a natural gas storage facility, or any lessee, permitholder, or operator of equipment or facilities used in the exploration for, drilling for, or production of oil, gas, or other petroleum products, or storage of gas in a natural gas storage facility, who refuses inspection by the division as provided in this chapter, is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state. Furthermore, such person, lessee, permitholder, or operator is subject to the judicial imposition of a civil penalty in an amount of not more than $15,000 ~~$10,000~~ for each offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. This section does not ~~Nothing herein shall~~ give the department the right to bring an action on behalf of any private person.

Section 14. Subsection (2) of section 378.211, Florida Statutes, is amended to read:

378.211 Violations; damages; penalties.—

(2) The department may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for violation of this part or of any rule adopted or order issued pursuant to this part. The penalty may ~~shall~~ not exceed the following amounts, and the court shall consider evidence in

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mitigation:

(a) For violations of a minor or technical nature, $150 ~~$100~~ per violation.

(b) For major violations by an operator on which a penalty has not been imposed under this paragraph during the previous 5 years, $1,500 ~~$1,000~~ per violation.

(c) For major violations not covered by paragraph (b), $7,500 ~~$5,000~~ per violation.

Subject to ~~the provisions of~~ subsection (4), until a violation is resolved by order or judgment, each day or any portion thereof in which the violation continues or is not remediated shall constitute a separate violation.

Section 15. Subsection (2) of section 403.086, Florida Statutes, is amended to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(2) Any facilities for sanitary sewage disposal shall provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the Department of Environmental Protection. Failure to conform shall be punishable by a civil penalty of $750 ~~$500~~ for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

Section 16. Section 403.121, Florida Statutes, is amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in

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s. 403.161(1).

(1) Judicial remedies:

(a) The department may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, of the state caused by any violation.

(b) The department may institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation in an amount of not more than $15,000 ~~$10,000~~ per offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(c) Except as provided in paragraph (2)(c), it is ~~shall~~ not ~~be~~ a defense to, or ground for dismissal of, these judicial remedies for damages and civil penalties that the department has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing prior to the institution of a civil action.

(2) Administrative remedies:

(a) The department may institute an administrative proceeding to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, or aquatic life, of the state caused by any violation. The department may order that the violator pay a specified sum as damages to the state. Judgment for the amount of damages determined by the department may be entered in any court having

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jurisdiction thereof and may be enforced as any other judgment.

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed $50,000 ~~$10,000~~ per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 shall be not less than $1,000 per day per violation. The department may ~~shall~~ not impose administrative penalties in excess of $50,000 ~~$10,000~~ in a notice of violation. The department may ~~shall~~ not have more than one notice of violation seeking administrative penalties pending against the same party at the same time unless the violations occurred at a different site or the violations were discovered by the department subsequent to the filing of a previous notice of violation.

(c) An administrative proceeding shall be instituted by the department's serving of a written notice of violation upon the alleged violator by certified mail. If the department is unable to effect service by certified mail, the notice of violation may be hand delivered or personally served in accordance with chapter 48. The notice shall specify the ~~provision of the~~ law, rule, regulation, permit, certification, or order of the

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department alleged to be violated and the facts alleged to constitute a violation thereof. An order for corrective action, penalty assessment, or damages may be included with the notice. When the department is seeking to impose an administrative penalty for any violation by issuing a notice of violation, any corrective action needed to correct the violation or damages caused by the violation must be pursued in the notice of violation or they are waived. However, an ~~no~~ order is not ~~shall become~~ effective until after service and an administrative hearing, if requested within 20 days after service. Failure to request an administrative hearing within this time period constitutes ~~shall constitute~~ a waiver thereof, unless the respondent files a written notice with the department within this time period opting out of the administrative process initiated by the department to impose administrative penalties. Any respondent choosing to opt out of the administrative process initiated by the department in an action that seeks the imposition of administrative penalties must file a written notice with the department within 20 days after service of the notice of violation opting out of the administrative process. A respondent's decision to opt out of the administrative process does not preclude the department from initiating a state court action seeking injunctive relief, damages, and the judicial imposition of civil penalties.

(d) If a person timely files a petition challenging a notice of violation, that person will thereafter be referred to as the respondent. The hearing requested by the respondent shall be held within 180 days after the department has referred the initial petition to the Division of Administrative Hearings

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unless the parties agree to a later date. The department has the burden of proving with the preponderance of the evidence that the respondent is responsible for the violation. ~~No~~ Administrative penalties should not be imposed unless the department satisfies that burden. Following the close of the hearing, the administrative law judge shall issue a final order on all matters, including the imposition of an administrative penalty. When the department seeks to enforce that portion of a final order imposing administrative penalties pursuant to s. 120.69, the respondent may ~~shall~~ not assert as a defense the inappropriateness of the administrative remedy. The department retains its final-order authority in all administrative actions that do not request the imposition of administrative penalties.

(e) After filing a petition requesting a formal hearing in response to a notice of violation in which the department imposes an administrative penalty, a respondent may request that a private mediator be appointed to mediate the dispute by contacting the Florida Conflict Resolution Consortium within 10 days after receipt of the initial order from the administrative law judge. The Florida Conflict Resolution Consortium shall pay all of the costs of the mediator and for up to 8 hours of the mediator's time per case at $150 per hour. Upon notice from the respondent, the Florida Conflict Resolution Consortium shall provide to the respondent a panel of possible mediators from the area in which the hearing on the petition would be heard. The respondent shall select the mediator and notify the Florida Conflict Resolution Consortium of the selection within 15 days of receipt of the proposed panel of mediators. The Florida Conflict Resolution Consortium shall provide all of the

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administrative support for the mediation process. The mediation must be completed at least 15 days before the final hearing date set by the administrative law judge.

(f) In any administrative proceeding brought by the department, the prevailing party shall recover all costs as provided in ss. 57.041 and 57.071. The costs must be included in the final order. The respondent is the prevailing party when an order is entered awarding no penalties to the department and such order has not been reversed on appeal or the time for seeking judicial review has expired. The respondent is ~~shall be~~ entitled to an award of attorney's fees if the administrative law judge determines that the notice of violation issued by the department seeking the imposition of administrative penalties was not substantially justified as defined in s. 57.111(3)(e). An ~~No~~ award of attorney's fees as provided by this subsection may not ~~shall~~ exceed $15,000.

(g) Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law. Nothing in this subsection shall limit the department's authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief. When the department exercises its authority to judicially pursue injunctive relief, penalties in any amount up to the statutory maximum sought by the department must be pursued as part of the state court action and not by initiating a separate administrative proceeding. The department retains the authority to judicially pursue penalties in excess of $50,000 ~~$10,000~~ for violations not specifically included in the administrative penalty schedule, or for multiple or multiday violations alleged to exceed a total of $50,000

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~~$10,000~~. The department also retains the authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief and damages, if a notice of violation seeking the imposition of administrative penalties has not been issued. The department has the authority to enter into a settlement, either before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of $50,000 ~~$10,000~~ in penalties may be settled in the court action for less than $50,000 ~~$10,000~~.

(h) Chapter 120 applies ~~shall apply~~ to any administrative action taken by the department or any delegated program pursuing administrative penalties in accordance with this section.

(3) Except for violations involving hazardous wastes, asbestos, or underground injection, administrative penalties must be calculated according to the following schedule:

(a) For a drinking water contamination violation, the department shall assess a penalty of $3,000 ~~$2,000~~ for a Maximum Containment Level (MCL) violation; plus $1,500 ~~$1,000~~ if the violation is for a primary inorganic, organic, or radiological Maximum Contaminant Level or it is a fecal coliform bacteria violation; plus $1,500 ~~$1,000~~ if the violation occurs at a community water system; and plus $1,500 ~~$1,000~~ if any Maximum Contaminant Level is exceeded by more than 100 percent. For failure to obtain a clearance letter prior to placing a drinking water system into service when the system would not have been eligible for clearance, the department shall assess a penalty of $4,500 ~~$3,000~~.

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(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge, the department shall assess a penalty of $1,500 ~~$1,000~~. For a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation, the department shall assess a penalty of $3,000 ~~$2,000~~ for an unpermitted or unauthorized discharge or effluent-limitation exceedance. For an unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation, the department shall assess a penalty of $7,500 ~~$5,000~~.

(c) For a dredge and fill or stormwater violation, the department shall assess a penalty of $1,500 ~~$1,000~~ for unpermitted or unauthorized dredging or filling or unauthorized construction of a stormwater management system against the person or persons responsible for the illegal dredging or filling, or unauthorized construction of a stormwater management system plus $3,000 ~~$2,000~~ if the dredging or filling occurs in an aquatic preserve, an Outstanding Florida Water, a conservation easement, or a Class I or Class II surface water, plus $1,500 ~~$1,000~~ if the area dredged or filled is greater than one-quarter acre but less than or equal to one-half acre, and plus $1,500 ~~$1,000~~ if the area dredged or filled is greater than one-half acre but less than or equal to one acre. The administrative penalty schedule does ~~shall~~ not apply to a dredge and fill violation if the area dredged or filled exceeds one acre. The department retains the authority to seek the judicial imposition of civil penalties for all dredge and fill violations involving more than one acre. The department shall assess a

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penalty of $4,500 ~~$3,000~~ for the failure to complete required mitigation, failure to record a required conservation easement, or for a water quality violation resulting from dredging or filling activities, stormwater construction activities or failure of a stormwater treatment facility. For stormwater management systems serving less than 5 acres, the department shall assess a penalty of $3,000 ~~$2,000~~ for the failure to properly or timely construct a stormwater management system. In addition to the penalties authorized in this subsection, the department shall assess a penalty of $7,500 ~~$5,000~~ per violation against the contractor or agent of the owner or tenant that conducts unpermitted or unauthorized dredging or filling. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does ~~shall~~ not make that person an agent of the owner or tenant.

(d) For mangrove trimming or alteration violations, the department shall assess a penalty of $7,500 ~~$5,000~~ per violation against the contractor or agent of the owner or tenant that conducts mangrove trimming or alteration without a permit as required by s. 403.9328. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does ~~shall~~ not make that person an agent of the owner or tenant.

(e) For solid waste violations, the department shall assess a penalty of $3,000 ~~$2,000~~ for the unpermitted or unauthorized disposal or storage of solid waste; plus $1,000 if the solid waste is Class I or Class III (excluding yard trash) or if the

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solid waste is construction and demolition debris in excess of 20 cubic yards, plus $1,500 ~~$1,000~~ if the waste is disposed of or stored in any natural or artificial body of water or within 500 feet of a potable water well, plus $1,500 ~~$1,000~~ if the waste contains PCB at a concentration of 50 parts per million or greater; untreated biomedical waste; friable asbestos greater than 1 cubic meter which is not wetted, bagged, and covered; used oil greater than 25 gallons; or 10 or more lead acid batteries. The department shall assess a penalty of $4,500 ~~$3,000~~ for failure to properly maintain leachate control; unauthorized burning; failure to have a trained spotter on duty at the working face when accepting waste; or failure to provide access control for three consecutive inspections. The department shall assess a penalty of $3,000 ~~$2,000~~ for failure to construct or maintain a required stormwater management system.

(f) For an air emission violation, the department shall assess a penalty of $1,500 ~~$1,000~~ for an unpermitted or unauthorized air emission or an air-emission-permit exceedance, ~~plus $1,000 if the emission results in an air quality violation,~~ plus $4,500 ~~$3,000~~ if the emission was from a major source and the source was major for the pollutant in violation; plus $1,500 ~~$1,000~~ if the emission was more than 150 percent of the allowable level.

(g) For storage tank system and petroleum contamination violations, the department shall assess a penalty of $7,500 ~~$5,000~~ for failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed; when a release has occurred from that storage tank system; for failure to timely recover

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free product; or for failure to conduct remediation or monitoring activities until a no-further-action or site-rehabilitation completion order has been issued. The department shall assess a penalty of $4,500 ~~$3,000~~ for failure to timely upgrade a storage tank system. The department shall assess a penalty of $3,000 ~~$2,000~~ for failure to conduct or maintain required release detection; failure to timely investigate a suspected release from a storage system; depositing motor fuel into an unregistered storage tank system; failure to timely assess or remediate petroleum contamination; or failure to properly install a storage tank system. The department shall assess a penalty of $1,500 ~~$1,000~~ for failure to properly operate, maintain, or close a storage tank system.

(4) In an administrative proceeding, in addition to the penalties that may be assessed under subsection (3), the department shall assess administrative penalties according to the following schedule:

(a) For failure to satisfy financial responsibility requirements or for violation of s. 377.371(1), $7,500 ~~$5,000~~.

(b) For failure to install, maintain, or use a required pollution control system or device, $6,000 ~~$4,000~~.

(c) For failure to obtain a required permit before construction or modification, $4,500 ~~$3,000~~.

(d) For failure to conduct required monitoring or testing; failure to conduct required release detection; or failure to construct in compliance with a permit, $3,000 ~~$2,000~~.

(e) For failure to maintain required staff to respond to emergencies; failure to conduct required training; failure to prepare, maintain, or update required contingency plans; failure

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to adequately respond to emergencies to bring an emergency situation under control; or failure to submit required notification to the department, $1,500 ~~$1,000~~.

(f) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to prepare, submit, maintain, or use required reports or other required documentation, $750 ~~$500~~.

(5) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to comply with any other departmental regulatory statute or rule requirement not otherwise identified in this section, the department may assess a penalty of $1,000 ~~$500~~.

(6) For each additional day during which a violation occurs, the administrative penalties in subsections ~~subsection~~ (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be assessed per day per violation.

(7) The history of noncompliance of the violator for any previous violation resulting in an executed consent order, but not including a consent order entered into without a finding of violation, or resulting in a final order or judgment after the effective date of this law involving the imposition of $3,000 ~~$2,000~~ or more in penalties shall be taken into consideration in the following manner:

(a) One previous such violation within 5 years prior to the filing of the notice of violation will result in a 25-percent per day increase in the scheduled administrative penalty.

(b) Two previous such violations within 5 years prior to the filing of the notice of violation will result in a 50-percent per day increase in the scheduled administrative

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penalty.

(c) Three or more previous such violations within 5 years prior to the filing of the notice of violation will result in a 100-percent per day increase in the scheduled administrative penalty.

(8) The direct economic benefit gained by the violator from the violation, where consideration of economic benefit is provided by Florida law or required by federal law as part of a federally delegated or approved program, shall be added to the scheduled administrative penalty. The total administrative penalty, including any economic benefit added to the scheduled administrative penalty, may ~~shall~~ not exceed $15,000 ~~$10,000~~.

(9) The administrative penalties assessed for any particular violation may ~~shall~~ not exceed $7,500 ~~$5,000~~ against any one violator, unless the violator has a history of noncompliance, the economic benefit of the violation as described in subsection (8) exceeds $7,500 ~~$5,000~~, or there are multiday violations. The total administrative penalties may ~~shall~~ not exceed $50,000 ~~$10,000~~ per assessment for all violations attributable to a specific person in the notice of violation.

(10) The administrative law judge may receive evidence in mitigation. The penalties identified in subsections ~~subsection~~ (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be reduced up to 50 percent by the administrative law judge for mitigating circumstances, including good faith efforts to comply prior to or after discovery of the violations by the department. Upon an affirmative finding that the violation was caused by circumstances beyond the reasonable control of the respondent

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and could not have been prevented by respondent's due diligence, the administrative law judge may further reduce the penalty.

(11) Penalties collected pursuant to this section shall be deposited into the Water Quality Assurance Trust Fund or other trust fund designated by statute and shall be used to fund the restoration of ecosystems, or polluted areas of the state, as defined by the department, to their condition before pollution occurred. The Florida Conflict Resolution Consortium may use a portion of the fund to administer the mediation process provided in paragraph (2)(e) and to contract with private mediators for administrative penalty cases.

(12) The purpose of the administrative penalty schedule and process is to provide a more predictable and efficient manner for individuals and businesses to resolve relatively minor environmental disputes. Subsections (3)-(7) may ~~Subsection (3), subsection (4), subsection (5), subsection (6), or subsection (7) shall~~ not be construed as limiting a state court in the assessment of damages. The administrative penalty schedule does not apply to the judicial imposition of civil penalties in state court as provided in this section.

Section 17. Subsection (1) of section 403.141, Florida Statutes, is amended to read:

403.141 Civil liability; joint and several liability.—

(1) Whoever violates ~~commits a violation specified in~~ s. 403.161(1) is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air,

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waters, and property, including animal, plant, and aquatic life, of the state to their former condition, and furthermore is subject to the judicial imposition of a civil penalty for each offense in an amount of not more than $15,000 ~~$10,000~~ per offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. Nothing herein gives ~~shall give~~ the department the right to bring an action on behalf of any private person.

Section 18. Subsections (2) through (5) of section 403.161, Florida Statutes, are amended to read:

403.161 Prohibitions, violation, penalty, intent.—

(2) A person who violates ~~Whoever commits a violation specified in~~ subsection (1) is liable to the state for any damage caused and for civil penalties as provided in s. 403.141.

(3) A ~~Any~~ person who willfully violates ~~commits a violation specified in~~ paragraph (1)(a) commits ~~is guilty of~~ a felony of the third degree, punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g) by a fine of not more than $50,000 or by imprisonment for 5 years, or by both, for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(4) A ~~Any~~ person who violates ~~commits a violation specified in~~ paragraph (1)(a) or paragraph (1)(b) due to reckless indifference or gross careless disregard commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g) by a fine of not more than

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$10,000 ~~$5,000~~ or by 60 days in jail, or by both, for each offense.

(5) A ~~Any~~ person who willfully violates ~~commits a violation specified in~~ paragraph (1)(b) or who violates paragraph (1)(c) commits ~~is guilty of~~ a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g) by a fine of not more than $10,000 or by 6 months in jail, or by both for each offense.

Section 19. Paragraph (a) of subsection (6) of section 403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.—

(6) PENALTIES; ENFORCEMENT.—

(a) Any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes commits ~~is guilty of~~ a noncriminal infraction, punishable by a civil penalty of $150 ~~$100~~, from which $50 shall be deposited into the Solid Waste Management Trust Fund to be used for the solid waste management grant program pursuant to s. 403.7095. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

Section 20. Subsection (5) of section 403.7234, Florida Statutes, is amended to read:

403.7234 Small quantity generator notification and verification program.—

(5) Any small quantity generator who does not comply with the requirements of subsection (4) and who has received a notification and survey in person or through one certified letter from the county is subject to a fine of between $75 ~~$50~~

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and $150 ~~$100~~ per day for a maximum of 100 days. The county may collect such fines and deposit them in its general revenue fund. Fines collected by the county shall be used to carry out the notification and verification procedure established in this section. If there are excess funds after the notification and verification procedures have been completed, such funds shall be used for hazardous and solid waste management purposes only.

Section 21. Subsection (3) of section 403.726, Florida Statutes, is amended to read:

403.726 Abatement of imminent hazard caused by hazardous substance.—

(3) An imminent hazard exists if any hazardous substance creates an immediate and substantial danger to human health, safety, or welfare or to the environment. The department may institute action in its own name, using the procedures and remedies of s. 403.121 or s. 403.131, to abate an imminent hazard. However, the department is authorized to recover a civil penalty of not more than $37,500 ~~$25,000~~ for each day until a ~~of continued~~ violation is resolved by order or judgment. Whenever serious harm to human health, safety, and welfare; the environment; or private or public property may occur prior to completion of an administrative hearing or other formal proceeding that which might be initiated to abate the risk of serious harm, the department may obtain, ex parte, an injunction without paying filing and service fees prior to the filing and service of process.

Section 22. Paragraph (a) of subsection (3) of section 403.727, Florida Statutes, is amended to read:

403.727 Violations; defenses, penalties, and remedies.—

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(3) Violations of the provisions of this act are punishable as follows:

(a) Any person who violates ~~the provisions of~~ this act, the rules or orders of the department, or the conditions of a permit is liable to the state for any damages specified in s. 403.141 and for a civil penalty of not more than $75,000 ~~$50,000~~ for each day of continued violation or until a violation is resolved by order or judgment, except as otherwise provided herein. The department may revoke any permit issued to the violator. In any action by the department against a small hazardous waste generator for the improper disposal of hazardous wastes, a rebuttable presumption of improper disposal shall be created if the generator was notified pursuant to s. 403.7234; the generator shall then have the burden of proving that the disposal was proper. If the generator was not so notified, the burden of proving improper disposal shall be placed upon the department.

Section 23. Subsection (8) of section 403.93345, Florida Statutes, is amended to read:

403.93345 Coral reef protection.—

(8) In addition to the compensation described in subsection (5), the department may assess, per occurrence, civil penalties according to the following schedule:

(a) For any anchoring of a vessel on a coral reef or for any other damage to a coral reef totaling less than or equal to an area of 1 square meter, $225 ~~$150~~, provided that a responsible party who has anchored a recreational vessel as defined in s. 327.02 which is lawfully registered or exempt from registration pursuant to chapter 328 is issued, at least once, a

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warning letter in lieu of penalty; with aggravating circumstances, an additional $225 ~~$150~~; occurring within a state park or aquatic preserve, an additional $225 ~~$150~~.

(b) For damage totaling more than an area of 1 square meter but less than or equal to an area of 10 square meters, $450 ~~$300~~ per square meter; with aggravating circumstances, an additional $450 ~~$300~~ per square meter; occurring within a state park or aquatic preserve, an additional $450 ~~$300~~ per square meter.

(c) For damage exceeding an area of 10 square meters, $1,500 ~~$1,000~~ per square meter; with aggravating circumstances, an additional $1,500 ~~$1,000~~ per square meter; occurring within a state park or aquatic preserve, an additional $1,500 ~~$1,000~~ per square meter.

(d) For a second violation, the total penalty may be doubled.

(e) For a third violation, the total penalty may be tripled.

(f) For any violation after a third violation, the total penalty may be quadrupled.

(g) The total of penalties levied may not exceed $375,000 ~~$250,000~~ per occurrence.

Section 24. Paragraph (c) of subsection (1) of s. 252.940, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 252.941, Florida Statutes, in a reference thereto.

Section 25. Subsection (5) of s. 823.11, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 376.16, Florida Statutes, in a reference thereto.

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Section 26. Paragraph (d) of subsection (1) of s. 376.303, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 376.302, Florida Statutes, in a reference thereto.

Section 27. Subsection (5) of s. 403.077, subsection (2) of s. 403.131, paragraph (d) of subsection (3) of s. 403.4154, and subsection (5) of s. 403.860, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by this act to s. 403.121, Florida Statutes, in references thereto.

Section 28. Subsection (10) of s. 403.708, subsection (7) of s. 403.7191, and s. 403.811, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by this act to s. 403.141, Florida Statutes, in references thereto.

Section 29. Subsection (2) of s. 403.7255, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 403.161, Florida Statutes, in a reference thereto.

Section 30. Subsection (8) of s. 403.7186, Florida Statutes, is reenacted for the purpose of incorporating the amendments made by this act to ss. 403.141 and 403.161, Florida Statutes, in references thereto.

Section 31. This act shall take effect July 1, 2020.

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From: Zander, Lindsey <lindsey.zander@myflfamilies.com>
Sent: Friday, November 08, 2019 4:46 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
CC: Wickersheim, Michael <Michael.Wickersheim@myflfamilies.com>; Fiore, John Paul <John.Fiore@myflfamilies.com>
Subject: Bill Draft Transfer
Attachment(s): "SAMH Bill 1 Language.doc","OCW Bill 2 Child Welfare Language.docx"

Hi Vickie,

Could you please transfer the following bill drafts to the respective Senator's offices:

23-01040-20 (OCW Bill 2) – Kayla Lott in Senator Perry's office
23-01042-20 (SAMH Bill 1) – Taylor Peck in Senator Montford's office

Thank you so much, and have a great weekend!

Best,

Lindsey Zander
Deputy Director of Legislative Affairs
Department of Children and Families
1317 Winewood Blvd.
Tallahassee, Florida 32399
(o): (850) 488-9410 | (c): (850) 228-1833
lindsey.zander@myflfamilies.com

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A bill to be entitled

An act relating to child welfare

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

Section 1. Paragraph (a) of subsection (4) of section 20.19, Florida Statutes is amended to read:

20.19 Department of Children and Families. -

(4)

(a) The department, through offices, shall provide services relating to:

1. Adult protection.

2. Child care regulation.

3. Child welfare.

4. Domestic violence.

5. Economic self-sufficiency.

6. Homelessness.

7. Mental health.

8. Refugees.

9. Substance abuse.

10. Well-being of staff.

Section 2. Subsection (2) is incorporated in section (1) of section 25.385, Florida Statutes, and new subsection (2) is added to that section, to read:

25.385 Standards for instruction of circuit and county court judges ~~in handling domestic violence cases~~.-

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FL-SEN-20-0201-B, 20-0202-A-000753

(1) The Florida Court Educational Council shall establish standards for instruction of circuit and county court judges who have responsibility for domestic violence cases, and the council shall provide such instruction on a periodic and timely basis.

~~(2)~~ As used in this section:

(a) The term "domestic violence" has the meaning set forth in s. 741.28.

(b) "Family or household member" has the meaning set forth in s. 741.28.

(2) The Florida Court Educational Council shall establish standards for instruction of circuit court judges who have responsibility for dependency cases. The standards for instruction must be consistent with an reinforce the purposes of Chapter 39, particularly the purpose of ensuring that a permanent placement is achieved as soon as possible for every child in foster care and that no child remains in foster care longer than 1 year. This instruction must be provided on a periodic and timely basis and may be provided by or in consultation with current or retired judiciary, the Department of Children and Families, or the Statewide Guardian ad Litem Office established by s. 39.8296, F.S.

Section 3. Section 39.01(56), Florida Statutes, is amended to read:

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FL-SEN-20-0201-B, 20-0202-A-000754

(56) "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). The term "parent" also means legal father as defined in this section. If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. For purposes of this chapter only, when the phrase "parent or legal custodian" is used, it refers to rights or responsibilities of the parent and, only if there is no living parent with intact parental rights, to the rights or responsibilities of the legal custodian who has assumed the role of the parent. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless~~:~~

~~(a) The parental status falls within the terms of s. 39.503(1) or s. 63.062(1); or~~

~~(b)~~ P<u>parental</u> status is applied for the purpose of determining whether the child has been abandoned.

Section 4. Subsection (7) of section 39.205, Florida Statutes, is amended to read:

39.205 Penalties relating to reporting of child abuse, abandonment, or neglect.-

(7) The department shall establish procedures for determining whether a false report of child abuse, abandonment, or neglect has been made and for submitting all identifying information relating to such a report to

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FL-SEN-20-0201-B, 20-0202-A-000755

the appropriate law enforcement agency ~~and shall report annually to the Legislature the number of reports referred~~.

Section 5. Paragraph (a) of subsection (7) of section 39.302, Florida Statutes is amended to read:

39.302 Protective Investigations of institutional child abuse, abandonment, or neglect.-

(7)

(a) However, if such a person is a licensee of the department and is named in any capacity in a report ~~in three or more reports~~ within a 5-year period, the department must ~~may~~ review the report ~~those reports~~ and determine whether the information contained in the report~~s~~ is relevant for purposes of determining whether the person's license should be renewed or revoked. If the information is relevant to the decision to renew or revoke the license, the department may rely on the information contained in the report in making that decision.

Section 6. Paragraph (c) of subsection (8) of section 39.402, Florida Statutes, is amended to read:

39.402 Placement in a shelter.-

(8)

(c) At the shelter hearing, the court shall:

1. Appoint a guardian ad litem to represent the best interest of the child, unless the court finds that such representation is unnecessary;

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2. Inform the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013;

3. Give the parents or legal custodians an opportunity to be heard and to present evidence; and

4. Inquire of those present at the shelter hearing as to the identity and location of the legal father. In determining who the legal father of the child may be, the court shall inquire under oath of those present at the shelter hearing whether they have any of the following information:

a. Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

b. Whether the mother was cohabiting with a male at the probable time of conception of the child.

c. Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

d. Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

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e. Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child or in which the child has resided or resides.

f. Whether a man is named on the birth certificate of the child pursuant to s. 382.013(2).

g. Whether a man has been determined by a court order to be the father of the child.

h. Whether a man has been determined to be the father of the child by the Department of Revenue as provided in s. 409.256.

5. If the inquiry under subsection (8)(c)4. identifies a person as a legal father, as defined in s. 39.01(40), the court shall enter an order establishing the paternity of the child. Once an order establishing paternity has been entered, the court shall not take any further action to disestablish this paternity in the absence of an action filed pursuant to chapter 742. Where a Chapter 742 action is filed, the court having jurisdiction over the dependency matter may conduct proceedings under chapter 742 either as part of the chapter 39 proceeding or in a separate action under chapter 742. In such a proceeding, the putative father must first prove he has acted with diligence in seeking the establishment of paternity and has manifested a substantial and continuing concern for the welfare of the child. If these facts are established, the

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putative father must then prove by clear and convincing evidence that there is a clear and compelling reason to establish paternity and disestablish the legal father based primarily on the child's best interest. Where the establishment of the putative father's paternity will delay permanency for the child or the putative father cannot pass a home study to be a placement for the child, there is a rebuttable presumption that it is not in the child's best interest to disestablish the child's legal father to establish the legal status of the putative father.

Section 7. Paragraphs (b) and (i) of subsection (6) of section 39.407, Florida Statutes, are amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical, mental, or substance abuse examination of person with or requesting child custody. -

(6) Children who are in the legal custody of the department may be placed by the department, without prior approval of the court, in a residential treatment center licensed under s. 394.875 or a hospital licensed under chapter 395 for residential mental health treatment only pursuant to this section or may be placed by the court in accordance with an order of involuntary examination or involuntary placement entered pursuant to s. 394.463 or s. 394.467. All children placed in a residential treatment

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program under this subsection must have a guardian ad litem appointed.

(b) Whenever the department believes that a child in its legal custody is emotionally disturbed and may need residential treatment, an examination and suitability assessment must be conducted by a qualified evaluator who is appointed by the ~~Agency for Health Care Administration~~ Department of Children and Families. This suitability assessment must be completed before the placement of the child in a residential treatment center for emotionally disturbed children and adolescents or a hospital. The qualified evaluator must be a psychiatrist or a psychologist licensed in Florida who has at least 3 years of experience in the diagnosis and treatment of serious emotional disturbances in children and adolescents and who has no actual or perceived conflict of interest with any inpatient facility or residential treatment center or program.

(i) The department must adopt rules for implementing timeframes for the completion of suitability assessments by qualified evaluators and a procedure that includes timeframes for completing the 3-month independent review by the qualified evaluators of the child's progress toward achieving the goals and objectives of the treatment plan which review must be submitted to the court. The ~~Agency for Health Care Administration~~ Department and Children and Families must adopt rules for the registration of qualified

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evaluators, the procedure for selecting the evaluators to conduct the reviews required under this section, and a reasonable, cost-efficient fee schedule for qualified evaluators.

Section 8. Section 39.503, Florida Statutes, is amended to read:

39.503 Identity or location of parent unknown; special procedures.—

(1) If the identity or location of a parent is unknown and a petition for dependency ~~or shelter~~ is filed, the court shall conduct under oath the following inquiry of the parent or legal custodian who is available, or, if no parent or legal custodian is available, of any relative or custodian of the child who is present at the hearing and likely to have any of the following information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in

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FL-SEN-20-0201-B, 20-0202-A-000761

connection with applying for or receiving public assistance.

(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

(f) Whether a man is named on the birth certificate of the child pursuant to s. 382.013(2).

(g) Whether a man has been determined by a court order to be the father of the child.

(h) Whether a man has been determined to be the father of the child by the Department of Revenue as provided in s. 409.256.

(2) The information required in subsection (1) may be supplied to the court or the department in the form of a sworn affidavit by a person having personal knowledge of the facts.

(3) If the inquiry under subsection (1) identifies any person as a parent or, where there is no legal father, a prospective parent and that person's location is known, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) identifies a person as a legal father, as defined in s. 39.01(40), the court shall enter an order establishing the paternity of the child. Once an order establishing

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paternity has been entered, the court shall not take any further action to disestablish this paternity in the absence of an action filed pursuant to chapter 742. Where a chapter 742 action is filed, the court having jurisdiction over the dependency matter may conduct proceedings under chapter 742 either as part of the chapter 39 proceeding or in a separate action under chapter 742. In such a proceeding, the putative father must first prove he has acted with diligence in seeking the establishment of paternity and has manifested a substantial and continuing concern for the welfare of the child. If these facts are established, the putative father must then prove by clear and convincing evidence that there is a clear and compelling reason to establish paternity and disestablish the legal father based primarily on the child's best interest. Where the establishment of the putative father's paternity will delay permanency for the child or the putative father cannot pass a home study to be a placement for the child, there is a rebuttable presumption that it is not in the child's best interest to disestablish the child's legal father to establish the legal status of the putative father.

~~(4)~~(5) If the inquiry under subsection (1) fails to identify any person as a parent or, where there is no legal father, a prospective parent, the court shall

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so find and may proceed without further notice and the petitioner is relieved of further search.

~~(5)~~(6) If the inquiry under subsection (1) identifies a parent or, where there is no legal father, a prospective parent~~,~~ and that person's location is unknown, the court shall direct the petitioner to conduct a diligent search for that person before scheduling a disposition hearing regarding the dependency of the child unless the court finds that the best interest of the child requires proceeding without notice to the person whose location is unknown.

~~(6)~~(7) The diligent search required by subsection ~~(5)~~(6) must include, at a minimum, inquiries of all relatives of the parent or prospective parent made known to the petitioner, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, a thorough search of at least one electronic database specifically designed for locating persons, a search of the Florida Putative Father Registry, and inquiries of appropriate law enforcement agencies. Pursuant to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the department, as the state agency administering Titles IV-B and IV-E of the act,

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shall be provided access to the federal and state parent locator service for diligent search activities.

~~(7)~~(8) Any agency contacted by a petitioner with a request for information pursuant to subsection ~~(6)~~(7) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

~~(8)~~(9) If the inquiry and diligent search identifies and locates a parent, the individual shall be considered a parent for all purposes under this chapter and the court shall require notice of all hearings to be provided to that person.

(10) If the inquiry and diligent search identifies and locates a prospective parent and there is no legal father, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or before the adjudicatory hearing in any termination of parental rights proceeding for the child shall be considered a parent for all purposes under this ~~section~~ chapter unless the other parent contests the determination of parenthood. No person shall have standing to file a sworn affidavit of parenthood or otherwise establish parenthood at the time of or after the adjudicatory

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hearing in a termination of parental rights proceeding for a child. If the known parent contests the recognition of the prospective parent as a parent, the court having jurisdiction over the dependency matter shall conduct paternity proceedings under chapter 742. ~~t~~The prospective parent may not be recognized as a parent until proceedings to determine maternity or paternity ~~under chapter 742~~ have been concluded. However, the prospective parent shall continue to receive notice of hearings as a participant pending results of the ~~chapter 742~~ proceedings to determine maternity or paternity.

~~(9)~~(11) If the diligent search under subsection ~~(5)~~(6) fails to ~~identify and~~ locate a parent or, where there is no legal father, a prospective parent who was identified during the inquiry under subsection (1), the court shall so find and may proceed without further notice and the petitioner is relieved of further search.

Section 9. Paragraph (c) of subsection (1) and subsections (3) and (7) of section 39.521, Florida Statutes, are amended to read:

39.521 Disposition hearings; powers of disposition.--

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(c) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power by order to:

1. Require the parent and, when appropriate, the legal guardian or the child to participate in treatment and services identified as necessary. The court may require the person who has custody or who is requesting custody of the child to submit to a mental health or substance abuse disorder assessment or evaluation. The order may be made only upon good cause shown and pursuant to notice and procedural requirements provided under the Florida Rules of Juvenile Procedure. The mental health assessment or evaluation must be administered by a qualified professional as defined in s. 39.01, and the substance abuse assessment or evaluation must be administered by a qualified professional as defined in s. 397.311. The court may also require such person to participate in and comply with treatment and services identified as necessary, including, when appropriate and available, participation in and compliance with a mental health court program established under chapter 394 or a treatment-based drug court program established under s. 397.334. Adjudication of a child as dependent based upon evidence of harm as defined in s. 39.01(35)(g) demonstrates good cause, and the court shall require the parent whose actions caused the harm to submit to a

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substance abuse disorder assessment or evaluation and to participate and comply with treatment and services identified in the assessment or evaluation as being necessary. In addition to supervision by the department, the court, including the mental health court program or the treatment-based drug court program, may oversee the progress and compliance with treatment by a person who has custody or is requesting custody of the child. The court may impose appropriate available sanctions for noncompliance upon a person who has custody or is requesting custody of the child or make a finding of noncompliance for consideration in determining whether an alternative placement of the child is in the child's best interests. Any order entered under this subparagraph may be made only upon good cause shown. This subparagraph does not authorize placement of a child with a person seeking custody of the child, other than the child's parent or legal custodian, who requires mental health or substance abuse disorder treatment.

2. Require, if the court deems necessary, the parties to participate in dependency mediation.

3. Require placement of the child either under the protective supervision of an authorized agent of the department in the home of one or both of the child's parents or in the home of a relative of the child or another adult approved by the court, or in the custody

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of the department. ~~Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department must set forth the powers of the custodian of the child and include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, further judicial reviews are not required if permanency has been established for the child.~~

4. Determine whether the child has a strong attachment to the prospective permanent guardian and whether such guardian has a strong commitment to permanently caring for the child.

(3) When any child is adjudicated by a court to be dependent, the court shall determine the appropriate placement for the child as follows:

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(a) If the court determines that the child can safely remain in the home with the parent with whom the child was residing at the time the events or conditions arose that brought the child within the jurisdiction of the court and that remaining in this home is in the best interest of the child, then the court shall order conditions under which the child may remain or return to the home and that this placement be under the protective supervision of the department for not less than 6 months.

(b) If there is a parent with whom the child was not residing at the time the events or conditions arose that brought the child within the jurisdiction of the court who desires to assume custody of the child, the court shall place the child with that parent upon completion of a home study, unless the court finds that such placement would endanger the safety, well-being, or physical, mental, or emotional health of the child. Any party with knowledge of the facts may present to the court evidence regarding whether the placement will endanger the safety, well-being, or physical, mental, or emotional health of the child. If the court places the child with such parent, it may do either of the following:

1. Order that the parent assume sole custodial responsibilities for the child. The court may also provide for reasonable visitation by the noncustodial

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parent. The court may then terminate its jurisdiction over the child.

2. Order that the parent assume custody subject to the jurisdiction of the circuit court hearing dependency matters. The court may order that reunification services be provided to the parent from whom the child has been removed, that services be provided solely to the parent who is assuming physical custody in order to allow that parent to retain later custody without court jurisdiction, or that services be provided to both parents, in which case the court shall determine at every review hearing which parent, if either, shall have custody of the child. The standard for changing custody of the child from one parent to another or to a relative or another adult approved by the court shall be the best interest of the child.

(c) If no fit parent is willing or available to assume care and custody of the child, place the child in the temporary legal custody of an adult relative, the adoptive parent of the child's sibling, or another adult approved by the court who is willing to care for the child, under the protective supervision of the department. The department must supervise this placement until the child reaches permanency status in this home, and in no case for a period of less than 6 months. Permanency in a relative placement shall be by adoption, long-term custody, or guardianship.

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(d) If the child cannot be safely placed in a nonlicensed placement, the court shall commit the child to the temporary legal custody of the department. Such commitment invests in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for court-approved visitation periods, without the approval of the court. Any order for visitation or other contact must conform to the provisions of s. 39.0139. The term of such commitment continues until terminated by the court or until the child reaches the age of 18. After the child is committed to the temporary legal custody of the department, all further proceedings under this section are governed by this chapter.

~~Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating~~

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~~supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, no further judicial reviews are required, so long as permanency has been established for the child.~~

~~(7) The court may enter an order ending its jurisdiction when a child has been returned to the parents, provided the court shall not terminate its jurisdiction or the department's supervision over the child until 6 months after the child's return. The department shall supervise the placement of the child after reunification for at least 6 months with each parent or legal custodian from whom the child was removed. The court shall determine whether its jurisdiction should be continued or terminated in such a case based on a report of the department or agency or the child's guardian ad litem, and any other relevant factors; if its jurisdiction is to be terminated, the court shall enter an order to that effect.~~

Section 10. Section 39.522, Florida Statutes, is amended to read:

39.522 Postdisposition change of custody.- The court may change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing, without the necessity of

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another adjudicatory hearing. If a child must be removed from the parent's custody while the department is supervising the placement of the child after the child has been returned to the parent, the modification of placement shall be pursuant to this section.

(1) At any time, an authorized agent of the Department or a law enforcement officer may remove a child from a court-ordered placement and take the child into custody if the child's current caregiver requests immediate removal of the child from the home or if the circumstances meet the criteria of s. 39.401(b). The Department shall file a motion to modify placement within one business day of the child being taken into custody. Unless all parties stipulate to the change of placement, the court shall set a hearing within 24 hours of the filing of the motion. At the hearing, the court shall determine whether the Department has established probable cause that reasonable grounds exist to immediately remove the child from the current placement. The court may base its determination on a sworn motion or affidavit and may hear all relevant and material evidence, including oral and written reports to the extent of its probative value even though it would not be competent evidence at an adjudicatory hearing. If probable cause is not established to support the removal from the placement, the court shall enter an order to return the child to the placement.

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If the caregiver admits to a need for a change of placement or probable cause is established to support the removal from the placement, the court shall enter an order changing the placement. If the child is not placed in foster care, then the new placement for the child must meet the home study criteria in Chapter 39. Where the court modifies a child's placement based upon a probable cause standard, the court shall conduct a subsequent evidentiary hearing on the motion, unless all parties waive the hearing, at which the court shall determine whether the Department has established by a preponderance of the evidence that continuing the child in the new placement is in the child's best interest. When applying this standard, the court shall consider the continuity of the child's placement in the same out-of-home residence as a factor when determining the best interests of the child.

(2) At any time before a child is residing in the permanent placement approved at a permanency hearing, a child who has been placed in the child's own home under the protective supervision of an authorized agent of the department, in the home of a relative, in the home of a legal custodian, or in some other place may be brought before the court by the department or by any other party ~~interested person~~, upon the filing of a ~~petition~~ motion alleging a need for a change in the conditions of protective supervision or the placement.

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If the parents or other legal custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. The standard for changing custody of the child shall be whether a preponderance of the evidence establishes that a change is in the best interest of the child. When applying this standard, the court shall consider the continuity of the child's placement in the same out-of-home residence as a factor when determining the best interests of the child. If the child is not placed in foster care, then the new placement for the child must meet the home study criteria and court approval pursuant to this chapter.

~~(2)~~(3) In cases where the issue before the court is whether a child should be reunited with a parent, the court shall review the conditions for return and determine whether the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied to the extent that the return of the child to the home with an in-home safety plan prepared or approved by the department will not be detrimental to the child's safety, well-being, and physical, mental, and emotional health.

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~~(3)~~(4) In cases where the issue before the court is whether a child who is placed in the custody of a parent should be reunited with the other parent upon a finding that the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied to the extent that the return of the child to the home of the other parent with an in-home safety plan prepared or approved by the department will not be detrimental to the child, the standard shall be that the safety, well-being, and physical, mental, and emotional health of the child would not be endangered by reunification and that reunification would be in the best interest of the child.

Section 11. Subsection (7) of section 39.6011, Florida Statutes, is amended to read:

39.6011 Case plan development.-

(7) The case plan must be filed with the court and copies provided to all parties, including the child if appropriate:~~, not less than 3 business days before the disposition hearing.~~

(a) Not less than 72 hours before the disposition hearing, if the disposition hearing occurs on or after the 60th day after the date the child was placed in out-of-home care.

(b) Not less than 72 hours before the case plan acceptance hearing, if the disposition hearing occurs before the 60th day after the date the child was placed in

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out-of-home care and a case plan has not been submitted pursuant to this paragraph, or if the court does not approve the case plan at the disposition hearing.

Section 12. Section 39.630, Florida Statutes, is created to read:

39.630 Case closure.- For all proceedings under this chapter, the court shall close the judicial case by terminating protective supervision and its jurisdiction as provided in this section.

(1) Where a child has been placed under the protective supervision of the department, protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed except that the department must supervise the placement of the child after reunification for at least 6 months with each parent or legal custodian from whom the child was removed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion.

(2) The order terminating supervision by the department must set forth the powers of the custodian of the child and include the powers ordinarily granted

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to a guardian of the person of a minor unless otherwise specified.

(3) Upon the court's termination of supervision by the department, further judicial reviews are not required.

(4) The court must enter a written order ending its jurisdiction when a child has been returned to a parent, provided the court shall not terminate its jurisdiction over the child for at least 6 months after the child's return to the home and not until protective supervision is no longer need.

(5) Where a child has not been removed from the home, the court must enter a written order ending its jurisdiction when the court determines that permanency has been achieved for the child.

(6) Where a child is placed in the custody of a parent and the court determines that reasonable efforts to reunify the child with the other parent are not required, the court may at any time order that the custodial parent assume sole custodial responsibilities for the child, may provide for reasonable visitation by the noncustodial parent, and may then terminate its jurisdiction over the child. If the court has previously approved a case plan that requires that services be provided to the noncustodial parent, the court may not terminate its jurisdiction prior to the expiration of the case plan unless the court finds by a

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preponderance of the evidence that it is not likely that the child will be reunified with the noncustodial parent within 12 months after the child was removed from the home.

(7) Where a child has been adopted pursuant to a chapter 63 proceeding, the court must enter a written order terminating its jurisdiction over the child in the chapter 39 proceeding.

(8) The court shall determine whether its jurisdiction should be continued or terminated based on a report of the department or agency or the child's guardian ad litem.

Section 13. Subsection (3) of section 39.801, Florida Statutes, is amended to read:

(3) Before the court may terminate parental rights, in addition to the other requirements set forth in this part, the following requirements must be met:

(a) Notice of the date, time, and place of the advisory hearing for the petition to terminate parental rights and a copy of the petition must be personally served upon the following persons, specifically notifying them that a petition has been filed:

1. The parents of the child.

2. The legal custodians of the child.

3. If the parents who would be entitled to notice are dead or unknown, a living relative of the child,

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unless upon diligent search and inquiry no such relative can be found.

4. Any person who has physical custody of the child.

5. Any grandparent entitled to priority for adoption under s. 63.0425.

6. Any prospective parent who has been identified and located under s. 39.503 or s. 39.803, unless a court order has been entered pursuant to s. 39.503~~(4)~~(5) or ~~(9)~~(11) or s. 39.803~~(4)~~(5) or ~~(9)~~(11) which indicates no further notice is required. Except as otherwise provided in this section, if there is not a legal father, notice of the petition for termination of parental rights must be provided to any known prospective father who is identified under oath before the court or who is identified by a diligent search of the Florida Putative Father Registry. Service of the notice of the petition for termination of parental rights is not required if the prospective father executes an affidavit of nonpaternity or a consent to termination of his parental rights which is accepted by the court after notice and opportunity to be heard by all parties to address the best interests of the child in accepting such affidavit.

7. The guardian ad litem for the child or the representative of the guardian ad litem program, if the program has been appointed.

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The document containing the notice to respond or appear must contain, in type at least as large as the type in the balance of the document, the following or substantially similar language: "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS NOTICE."

(b) If a party required to be served with notice as prescribed in paragraph (a) cannot be served, notice of hearings must be given as prescribed by the rules of civil procedure, and service of process must be made as specified by law or civil actions.

(c) Notice as prescribed by this section may be waived, in the discretion of the judge, with regard to any person to whom notice must be given under this subsection if the person executes, before two witnesses and a notary public or other officer authorized to take acknowledgments, a written surrender of the child to a licensed child-placing agency or the department.

(d) If the person served with notice under this section fails to personally appear at the advisory hearing, the failure to personally appear shall constitute consent for termination of parental rights

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by the person given notice. If a parent appears for the advisory hearing and the court orders that parent to personally appear at the adjudicatory hearing for the petition for termination of parental rights, stating the date, time, and location of said hearing, then failure of that parent to personally appear at the adjudicatory hearing shall constitute consent for termination of parental rights.

Section 14. Section 39.8025, Florida Statutes, is created to read:

39.8025 Permanent commitment of children with deceased parents to the department for subsequent adoption.-

(1) Where both parents of a child are deceased and the child does not have a legal custodian through a probate or guardianship proceeding, the child meets the definition of a child who is found to be dependent pursuant to s. 39.01(15)(e) and shall be permanently committed to the custody of the department for the purpose of adoption as outlined in this section.

(2) Where both parents of a child are deceased and the child does not have a legal custodian through a probate or guardianship proceeding, an attorney for the department, or any other person who has knowledge of the facts alleged or is informed of them and believes that they are true, may initiate a proceeding seeking an adjudication of dependency and permanent commitment of the child to the custody of the

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department for the purpose of adoption by filing a petition for adjudication and permanent commitment. If after a child has already been adjudicated dependent both parents become deceased or the last living parent becomes deceased, an attorney for the department, or any other person who has knowledge of the facts alleged or is informed of them and believes that they are true, may file a petition for permanent commitment.

(a) The petition shall be in writing, identify the deceased parents, and allege the facts that establish both parents of a child are deceased and the child does not have a legal custodian through a probate or guardianship proceeding.

(b) The form of the petition is governed by the Florida Rules of Juvenile Procedure.

(c) The petition must be signed by the petitioner under oath stating the petitioner's good faith in filing the petition.

(3) When a child has been placed in shelter status by order of the court and not yet adjudicated, a petition for adjudication and permanent commitment must be filed within 21 days after the shelter hearing. In all other cases, the petition must be filed within a reasonable time after the date the child was referred to protective investigation or after the petitioner becomes aware of the facts supporting the petition.

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(4) When a petition for adjudication and permanent commitment or a petition for permanent commitment has been filed, the clerk of court shall set the case before the court for an adjudicatory hearing.

(5) Notice of the date, time, and place of the adjudicatory hearing for the petition for adjudication and permanent commitment or the petition for permanent commitment and a copy of the petition must be served upon the following persons in accordance with the Florida Rules of Juvenile Procedure, specifically notifying them that a petition has been filed:

(a) Any person who has physical custody of the child.

(b) A living relative of each parent of the child, unless upon diligent search and inquiry no such relative can be found.

(c) The guardian ad litem for the child or the representative of the guardian ad litem program, if the program has been appointed.

(6) The adjudicatory hearing shall be held as soon as practicable after the petition is filed and in accordance with the Florida Rules of Juvenile Procedure, but no later than 30 days after the arraignment.

(7) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In a hearing on a petition for adjudication and permanent commitment or a petition for

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permanent commitment, the court shall consider whether the petitioner has established by clear and convincing evidence that both parents of the child are deceased and the child does not have a legal custodian through a probate or guardianship proceeding. The presentation of a certified copy of the death certificate for each parent shall constitute evidence of the parents' deaths and no further evidence is required to establish that element.

(8) If the court finds that a petition for adjudication and permanent commitment has been establish by clear and convincing evidence, the court shall enter a written order adjudicating the child dependent and permanently committing the child to the custody of the department for the purpose of adoption. The order shall provide for a disposition hearing, to be scheduled no later than 30 days after entry of the order, in which the department shall provide to the court a case plan that identifies the permanency goal for the child. Reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child. Thereafter, until the adoption of the child is finalized or the child reaches the age of 18 years, whichever occurs first, the court shall hold hearings at 6-month intervals to review the progress being made toward permanency for the child.

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(9) If the court finds that a petition for permanent commitment has been establish by clear and convincing evidence, the court shall enter a written order permanently committing the child to the custody of the department for the purpose of adoption. The order does not need to readjudicate the child. The order shall provide for a disposition hearing, to be scheduled no later than 30 days after entry of the order, in which the department shall provide to the court an amended case plan that identifies the permanency goal for the child. Reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child. Thereafter, until the adoption of the child is finalized or the child reaches the age of 18 years, whichever occurs first, the court shall hold hearings at 6-month intervals to review the progress being made toward permanency for the child.

(10) If the court finds at the adjudicatory hearing on a petition for adjudication and permanent commitment that clear and convincing evidence does not establish that both parents of a child are deceased and the child does not have a legal custodian through a probate or guardianship proceeding but that a preponderance of the evidence establishes the child has no parent or legal custodian capable of providing supervision or care, the court shall enter a written order adjudicating the child dependent.

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The order shall provide for a disposition hearing, to be scheduled no later than 30 days after entry of the order, pursuant to s. 39.521.

(11) If the court finds at the adjudicatory hearing on a petition for adjudication and permanent commitment that clear and convincing evidence does not establish that both parents of a child are deceased and the child does not have a legal custodian through a probate or guardianship proceeding and that a preponderance of the evidence does not establish the child has no parent or legal custodian capable of providing supervision or care, the court shall enter a written order so finding and dismissing the case.

(12) If the court finds at the adjudicatory hearing on a petition for permanent commitment that clear and convincing evidence does not establish that both parents of a child are deceased and the child does not have a legal custodian through a probate or guardianship proceeding the court shall enter a written order so finding. Such an order does not bar the petitioner from filing a subsequent petition for permanent commitment based on newly discovered evidence that establishes both parents of a child are deceased and the child does not have a legal custodian through a probate or guardianship proceeding.

Section 15 Section 39.803, Florida Statutes, is amended to read:

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39.803 Identity or location of parent unknown after filing of termination of parental rights petition; special procedures.—

(1) If the identity or location of a parent is unknown, ~~and~~ a petition for termination of parental rights is filed, and the court has not previously conducted an inquiry or entered an order relieving the petitioner of further notice or search under s. 39.503, the court shall conduct under oath the following inquiry of the parent who is available, or, if no parent is available, of any relative, caregiver, or legal custodian of the child who is present at the hearing and likely to have the information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

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(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

(f) Whether a man is named on the birth certificate of the child pursuant to s. 382.013(2).

(g) Whether a man has been determined by a court order to be the father of the child.

(h) Whether a man has been determined to be the father of the child by the Department of Revenue as provided in s. 409.256.

(2) The information required in subsection (1) may be supplied to the court or the department in the form of a sworn affidavit by a person having personal knowledge of the facts.

(3) If the inquiry under subsection (1) identifies any person as a parent or, where there is no legal father, a prospective parent and that person's location is known, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) identifies a person as a legal father, as defined in s. 39.01(40), the court shall enter an order establishing the paternity of the child. Once an order establishing paternity has been entered, the court shall not take any further action to disestablish this paternity in

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the absence of an action filed pursuant to chapter 742. Where a Chapter 742 action is filed, the court having jurisdiction over the dependency matter may conduct proceedings under chapter 742 either as part of the chapter 39 proceeding or in a separate action under chapter 742. In such a proceeding, the putative father must first prove he has acted with diligence in seeking the establishment of paternity and has manifested a substantial and continuing concern for the welfare of the child. If these facts are established, the putative father must then prove by clear and convincing evidence that there is a clear and compelling reason to establish paternity and disestablish the legal father based primarily on the child's best interest. Where the establishment of the putative father's paternity will delay permanency for the child or the putative father cannot pass a home study to be a placement for the child, there is a rebuttable presumption that it is not in the child's best interest to disestablish the child's legal father to establish the legal status of the putative father.

~~(4)~~(5) If the inquiry under subsection (1) fails to identify any person as a parent or, where there is no legal father, a prospective parent, the court shall so find and may proceed without further notice and the petitioner is relieved of further search.

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~~(5)~~(6) If the inquiry under subsection (1) identifies a parent or, where there is no legal father, prospective parent, and that person's location is unknown, the court shall direct the petitioner to conduct a diligent search for that person before scheduling an adjudicatory hearing regarding the petition for termination of parental rights to the child unless the court finds that the best interest of the child requires proceeding without actual notice to the person whose location is unknown.

~~(6)~~(7) The diligent search required by subsection ~~(5)~~(6) must include, at a minimum, inquiries of all known relatives of the parent or prospective parent, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, a thorough search of at least one electronic database specifically designed for locating persons, a search of the Florida Putative Father Registry, and inquiries of appropriate law enforcement agencies. Pursuant to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the department, as the state agency administering Titles IV-B and IV-E of the act, shall be provided access to the federal and

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state parent locator service for diligent search activities.

~~(7)~~(8) Any agency contacted by a petitioner with a request for information pursuant to subsection ~~(6)~~(7) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

~~(8)~~(9) If the inquiry and diligent search identifies and locates a parent, the individual shall be considered a parent for all purposes under this chapter and the court shall require notice of all hearings to be provided to that person.

(10) If the inquiry and diligent search identifies and locates a prospective parent and there is no legal father, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or before the adjudicatory hearing in the termination of parental rights proceeding for the child shall be considered a parent for all purposes under this ~~section~~ chapter. No person shall have standing to file a sworn affidavit of parenthood or otherwise establish parenthood at the time of or after the adjudicatory hearing in a termination of parental rights proceeding for a child.

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If the known parent contests the recognition of the prospective parent as a parent, the court having jurisdiction over the dependency matter shall conduct paternity proceedings under chapter 742. The prospective parent may not be recognized as a parent until proceedings to determine maternity or paternity have been concluded. However, the prospective parent shall continue to receive notice of hearings as a participant pending results of the proceedings to determine maternity or paternity.

~~(9)~~(11) If the diligent search under subsection ~~(5)~~(6) fails to ~~identify and~~ locate a parent or, where there is no legal father, a prospective parent who was identified during the inquiry under subsection (1), the court shall so find and may proceed without further notice and the petitioner is relieved of further search.

Section 16. Subsection (2) of section 39.806, Florida Statutes, is amended to read:

39.806 Grounds for termination of parental rights.-

(2) Reasonable efforts to preserve and reunify families are not required if a court of competent jurisdiction has determined that any of the events described in paragraphs (1)(b)-(d) or paragraphs (1)(f)-~~(m)~~(n) have occurred.

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Section 17. Section 39.812, Florida Statutes, is amended to read:

39.812 Postdisposition relief; petition for adoption.-

(1) If the department is given custody of a child for subsequent adoption in accordance with this chapter, the department may place the child with an agency as defined in s. 63.032, with a child-caring agency registered under s. 409.176, or in a family home for prospective subsequent adoption without the need for a court order unless as otherwise provided by s. 39.812. The department is authorized, without the need for a court order, to allow prospective adoptive parents to visit with a child in the department's custody to determine whether adoptive placement would be appropriate. The department may thereafter become a party to any proceeding for the legal adoption of the child and appear in any court where the adoption proceeding is pending and consent to the adoption, and that consent alone shall in all cases be sufficient.

(2) In any subsequent adoption proceeding, the parents are not entitled to notice of the proceeding and are not entitled to knowledge at any time after the order terminating parental rights is entered of the whereabouts of the child or of the identity or location of any person having the custody of or having adopted the child, except as provided by order of the court

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pursuant to this chapter or chapter 63. In any habeas corpus or other proceeding involving the child brought by any parent of the child, an agent or contract provider of the department may not be compelled to divulge that information, but may be compelled to produce the child before a court of competent jurisdiction if the child is still subject to the guardianship of the department.

(3) The entry of the custody order to the department does not entitle the department to guardianship of the estate or property of the child, but the department shall be the guardian of the person of the child.

(4) The court shall retain jurisdiction over any child placed in the custody of the department until the child is adopted. After custody of a child for subsequent adoption has been given to the department, the court has jurisdiction for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.

(a) If the department has denied an individual's application to adopt a child, that denied applicant may file a motion to file a Chapter 63 petition to adopt a

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child without the department's consent, wherein the denied applicant must allege that the department unreasonably withheld its consent to the adoption, and the court as part of its continuing jurisdiction may review and rule upon the motion.

1. The denied applicant shall have standing in the Chapter 39 proceeding only to file such a motion and to present evidence in support of the motion at a hearing.

2. When reviewing whether the department unreasonably withheld its consent, the court shall only consider whether the department's review of the application was consistent with the agency's policies and made in an expeditious manner, using an abuse of discretion review. The court may not weigh the denied applicant against another applicant to determine which placement is in the child's best interest.

3. If the denied applicant establishes by a preponderance of the evidence that the department unreasonably withheld its consent, the court shall enter an order that finds the denied applicant may file a petition to adopt the child pursuant to Chapter 63 and the department's consent is waived.

4. If the denied applicant does not prove by a preponderance of the evidence that the department unreasonably withheld its consent, the court shall enter an order so finding.

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5. The denied applicant's standing in the Chapter 39 proceeding is terminated upon the entry of a court order on the motion.

(b) When a licensed foster parent or court-ordered custodian has applied to adopt a child who has resided with the foster parent or custodian for at least 6 months and who has previously been permanently committed to the legal custody of the department and the department does not grant the application to adopt, the department may not, in the absence of a prior court order authorizing it to do so, remove the child from the foster home or custodian, except when:

1.~~(a)~~ There is probable cause to believe that the child is at imminent risk of abuse or neglect;

2.~~(b)~~ Thirty days have expired following written notice to the foster parent or custodian of the denial of the application to adopt, within which period no formal challenge of the department's decision has been filed; or

3.~~(c)~~ The foster parent or custodian agrees to the child's removal.; or

4.~~(d)~~ The department has selected another prospective adoptive applicant to adopt the child and either the foster parent or custodian has not filed a motion to file a Chapter 63 petition to adopt a child without the department's consent pursuant to subsection (4) or the court has denied such a motion.

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(5) The petition for adoption must be filed in the division of the circuit court which entered the judgment terminating parental rights, unless a motion for change of venue is granted pursuant to s. 47.122. A copy of the consent executed by the department must be attached to the petition, unless waived pursuant to ~~s. 63.062(7)~~subsection (4) of this section. The petition must be accompanied by a statement, signed by the prospective adoptive parents, acknowledging receipt of all information required to be disclosed under s. 63.085 and a form provided by the department which details the social and medical history of the child and each parent and includes the social security number and date of birth for each parent, if such information is available or readily obtainable. The prospective adoptive parents may not file a petition for adoption until the judgment terminating parental rights becomes final. An adoption proceeding under this subsection is governed by chapter 63.

(6)(a) Once a child's adoption is finalized, the community-based care lead agency must make a reasonable effort to contact the adoptive family by telephone 1 year after the date of finalization of the adoption as a postadoption service. For purposes of this subsection, the term "reasonable effort" means the exercise of reasonable diligence and care by the community-based care lead agency to make contact with

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the adoptive family. At a minimum, the agency must document the following:

1. The number of attempts made by the community-based care lead agency to contact the adoptive family and whether those attempts were successful;

2. The types of postadoption services that were requested by the adoptive family and whether those services were provided by the community-based care lead agency; and

3. Any feedback received by the community-based care lead agency from the adoptive family relating to the quality or effectiveness of the services provided.

(b) The community-based care lead agency must report annually to the department on the outcomes achieved and recommendations for improvement under this subsection.

Section 18. Section 39.813, Florida Statutes, is amended to read:

39.813 Continuing jurisdiction.- The court which terminates the parental rights of a child who is the subject of termination proceedings pursuant to this chapter shall retain exclusive jurisdiction in all matters pertaining to the child's adoption pursuant to chapter 63. The Department's decision to deny an application to adopt a child who is under the court's jurisdiction is reviewable only through a motion to file a chapter 63 petition to adopt a child without the department's consent as provided

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in s. 39.812(4) and is not subject to the provisions of chapter 120.

Section 19. Subsection (7) of section 63.062, Florida Statutes, is amended to read:

63.062 Persons required to consent to adoption; affidavit of nonpaternity; waiver of venue.-

(7) If parental rights to the minor have previously been terminated, the adoption entity with which the minor has been placed for subsequent adoption may provide consent to the adoption. In such case, no other consent is required. When the minor has been permanently committed to the department for subsequent adoption, the department must consent to the adoption or the petition must attach to the petition to adopt a court order entered pursuant to s 39.812(4) that finds the department ~~The consent of the department shall be waived upon a determination by the court that such consent is being~~ unreasonably withheld its consent and ~~if the petitioner has filed with the court~~ a favorable preliminary adoptive home study as required under s. 63.092.

Section 20. Subsection (6) of section 63.082, Florida Statutes, is amended to read:

63.082 Execution of consent to adoption or affidavit of nonpaternity; family social and medical history; revocation of consent.-

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(6)(a) If a parent executes a consent for adoption of a minor with an adoption entity or qualified prospective adoptive parents and the minor child is under the supervision of the department, or otherwise subject to the jurisdiction of the dependency court as a result of the entry of a shelter order, a dependency petition, or a petition for termination of parental rights pursuant to chapter 39, but parental rights have not yet been terminated, the adoption consent is valid, binding, and enforceable by the court.

(b) Upon execution of the consent of the parent, the adoption entity shall be permitted to intervene in the dependency case as a party in interest and must provide the court that acquired jurisdiction over the minor, pursuant to the shelter order or dependency petition filed by the department, a copy of the preliminary home study of the prospective adoptive parents and any other evidence of the suitability of the placement. The preliminary home study must be maintained with strictest confidentiality within the dependency court file and the department's file. A preliminary home study must be provided to the court in all cases in which an adoption entity has intervened pursuant to this section. The exemption in s. 63.092(3) excusing the filing of a home study for a stepparent or a relative does not apply when a minor child is under the supervision of the department or otherwise subject to the jurisdiction of the dependency court as a result of the filing of a shelter

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petition, a dependency petition, or a petition for termination of parental rights pursuant to chapter 39. Unless the court has concerns regarding the qualifications of the home study provider, or concerns that the home study may not be adequate to determine the best interests of the child, the home study provided by the adoption entity shall be deemed to be sufficient and no additional home study needs to be performed by the department.

(c) If an adoption entity files a motion to intervene in the dependency case in accordance with this chapter, the dependency court shall promptly grant a hearing to determine whether the adoption entity has filed the required documents to be permitted to intervene and whether a change of placement of the child is in the best interests of the child. Absent good cause or mutual agreement of the parties, the final hearing on the motion to intervene and the change of placement of the child must be held within 30 days after the filing of the motion, and a written final order shall be filed within 15 days after the hearing.

(d) If after consideration of all relevant factors, including those set forth in paragraph (e), the court determines that the prospective adoptive parents are properly qualified to adopt the minor child and that the adoption is in the best interests of the minor child, the court shall promptly order the transfer of custody of the minor child to the prospective adoptive parents, under the supervision of the adoption entity. The court may establish

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reasonable requirements for the transfer of custody in the transfer order, including a reasonable period of time to transition final custody to the prospective adoptive parents. The adoption entity shall thereafter provide monthly supervision reports to the department until finalization of the adoption. If the child has been determined to be dependent by the court, the department shall provide information to the prospective adoptive parents at the time they receive placement of the dependent child regarding approved parent training classes available within the community. The department shall file with the court an acknowledgment of the parent's receipt of the information regarding approved parent training classes available within the community.

(e) In determining whether the best interests of the child are served by transferring the custody of the minor child to the prospective adoptive parent selected by the parent or adoption entity, the court shall consider and weigh all relevant factors, including, but not limited to:

1. The permanency offered;

2. The established bonded relationship between the child and the current caregiver in any potential adoptive home in which the child has been residing;

3. The stability of the potential adoptive home in which the child has been residing as well as the desirability of maintaining continuity of placement;

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4. The importance of maintaining sibling relationships, if possible;

5. The reasonable preferences and wishes of the child, if the court deems the child to be of sufficient maturity, understanding, and experience to express a preference;

6. Whether a petition for termination of parental rights has been filed pursuant to s. 39.806(1)(f), (g), or (h);

7. What is best for the child; and

8. The right of the parent to determine an appropriate placement for the child.

(f) The adoption entity shall be responsible for keeping the dependency court informed of the status of the adoption proceedings at least every 90 days from the date of the order changing placement of the child until the date of finalization of the adoption.

(g) At the arraignment hearing held pursuant to s. 39.506, in the order that approves the case plan pursuant to s. 39.603, and in the order that changes the permanency goal to adoption pursuant to s. 39.621, the court shall provide written notice to the biological parent who is a party to the case of his or her right to participate in a private adoption plan including written notice of the factors provided in paragraph (e).

Section 21. Subsection (4) of section 402.281, Florida Statutes, is amended to read:

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402.281 Gold Seal Quality Care Program.-

(4) In order to obtain and maintain a designation as a Gold Seal Quality Care provider, a child care facility, large family child care home, or family day care home must meet the following additional criteria:

(a) The child care provider must not have had any class I violations, as defined by rule, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of a class I violation shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class I violations for a period of 2 years from the date of the Department's final action.

(b) The child care provider must not have had three or more class II violations, as defined by rule, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of three or more class II violations within a 2-year period shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class II violations for a period of 1 year from the date of the Department's final action.

(c) The child care provider must not have been cited for the same class III violation, as defined by rule, three or more times and failed to correct the violation within 1 year after the date of each citation, within the 2 years preceding its application for designation as a Gold Seal

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Quality Care provider. Commission of the same class III violation three or more times and failure to correct within the required time during a 2-year period may be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class III violations for a period of 1 year from the date of the Department's final action.

Section 22. Subsection (1) of section 402.301, Florida Statutes is amended to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.— It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing. During periods of rule development, the department may work with a child care advisory council that consists of child care facility owners/directors, operators of family day care homes, and large family child care operators.

Section 23. Subsections (8) and (11) of section 402.302, Florida Statutes, are amended to read:

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402.302 Definitions.-As used in this chapter, the term:

(8) "Family day care home" means an occupied primary residence belonging to the operator of the family day care home in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children present in the home under 13 years of age:

(a) A maximum of four children from birth to 12 months of age.

(b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

(c) A maximum of six preschool children if all are older than 12 months of age.

(d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

(11) "Large family child care home" means an occupied primary residence belonging to the large family child care

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home operator in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent and for 1 year, before seeking licensure as a large family child care home. Household children under 13 years of age, when on the premises of the large family child care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include household children present in the home under 13 years of age:

(a) A maximum of 8 children from birth to 24 months of age.

(b) A maximum of 12 children, with no more than 4 children under 24 months of age.

Section 24. Subparagraphs (1), (7), and (9) of section 402.305, Florida Statutes, are amended to read:

402.305 Licensing standards; child care facilities.—

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(1) LICENSING STANDARDS. — The department shall establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility.

(a) The standards shall be designed to address the following areas:

1. The health, sanitation, safety, and adequate physical surroundings for all children in child care.

2. The health and nutrition of all children in child care.

3. The child development needs of all children in child care.

(b) All standards established under ss. 402.301-402.319 must be consistent with the rules adopted by the State Fire Marshal for child care facilities. However, if the facility is operated in a public school, the department shall use the public-school fire code, as provided in the rules of the State Board of Education, as the minimum standard for firesafety.

(c) The minimum standards for child care facilities shall be adopted in the rules of the department and shall address the areas delineated in this section. The standards shall align with the requirements of this section and the Child Care and Development Fund pursuant to 45 C.F.R. part 98. The department, in adopting rules to establish minimum standards for child care facilities, shall recognize that

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different age groups of children may require different standards. The department may adopt different minimum standards for facilities that serve children in different age groups, including school-age children. The department shall also adopt by rule a definition for child care which distinguishes between child care programs that require child care licensure and after-school programs that do not require licensure. Notwithstanding any other provision of law to the contrary, minimum child care licensing standards shall be developed to provide for reasonable, affordable, and safe before-school and after-school care. After-school programs that otherwise meet the criteria for exclusion from licensure may provide snacks and meals through the federal Afterschool Meal Program (AMP) administered by the Department of Health in accordance with federal regulations and standards. The Department of Health shall consider meals to be provided through the AMP only if the program is actively participating in the AMP, is in good standing with the department, and the meals meet AMP requirements. Standards, at a minimum, shall allow for a credentialed director to supervise multiple before-school and after-school sites.

(7) SANITATION AND SAFETY.—

(a) Minimum standards shall include requirements for sanitary and safety conditions, first aid treatment, emergency procedures, and pediatric cardiopulmonary resuscitation. The minimum standards shall require that at

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least one staff person trained and certified in cardiopulmonary resuscitation, as evidenced by current documentation of course completion, must be present at all times that children are present.

(b) In the case of a child care program for school-age children attending before and after school programs on the public-school site, the department shall use the public school fire code, as adopted in the rules of the State Board of Education, as the minimum standard for firesafety. In the case of a child care program for school-age children attending before-school and after-school programs on a site operated by a municipality, the department shall adopt rules for such site and intended use.

(c) Some type of communications system, such as a pocket pager or beeper, shall be provided to a parent whose child is in drop-in child care to ensure the immediate return of the parent to the child, if necessary.

(9) ADMISSIONS AND RECORDKEEPING.—

(a) Minimum standards shall include requirements for preadmission and periodic health examinations, requirements for immunizations, and requirements for maintaining emergency information and health records on all children.

(b) At time of enrollment and annually thereafter, ~~During the months of August and September of each year,~~ each child care facility shall provide parents of children enrolled in the facility detailed information regarding the causes, symptoms, and transmission of the influenza virus

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in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(c) At time of enrollment and annually thereafter, ~~During the months of April and September of each year,~~ at a minimum, each facility shall provide parents of children enrolled in the facility information regarding the potential for a distracted adult to fail to drop off a child at the facility and instead leave the child in the adult's vehicle upon arrival at the adult's destination. The child care facility shall also give parents information about resources with suggestions to avoid this occurrence. The department shall develop a flyer or brochure with this information that shall be posted to the department's website, which child care facilities may choose to reproduce and provide to parents to satisfy the requirements of this paragraph.

(d) Because of the nature and duration of drop-in child care, requirements for preadmission and periodic health examinations and requirements for medically signed records of immunization required for child care facilities shall not apply. A parent of a child in drop-in child care shall, however, be required to attest to the child's health condition and the type and current status of the child's immunizations.

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(e) Any child shall be exempt from medical or physical examination or medical or surgical treatment upon written request of the parent or guardian of such child who objects to the examination and treatment. However, the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated because of any exemption from or variation of the health and immunization minimum standards.

(10) TRANSPORTATION SAFETY.—

(a) Minimum standards shall include all of the following for child care facilities, family day care homes, and large family child care homes:

1. Requirements ~~requirements~~ for child restraints or seat belts in vehicles used by child care facilities and large family child care homes to transport children,

2. Requirements ~~requirements~~ for annual inspections of such ~~the~~ vehicles,

3. Limitations ~~limitations~~ on the number of children that may be transported in ~~the~~ such vehicles,

4. Procedures ~~procedures~~ to ensure that ~~avoid leaving~~ children are not inadvertently left in vehicles when transported by the facility, and that systems are in place to ensure accountability for children transported by such facilities and homes ~~the child care facility~~.

5. Prior to providing transportation services or reinstating transportation services after a lapse or discontinuation of more than 30 days, a child care

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facility, family day care home, or large family child care home shall be approved by the department to transport children. Approval by the department is based on the provider's demonstration of compliance with all current rules for transportation.

(b) A child care facility, family day care home, or large family child care home is not responsible for the safe transport of children when they are being transported by a parent or guardian.

Section 25. Subsection (3) of section 402.3054, Florida Statutes, is amended to read:

402.3054 Child enrichment service providers.-

(3) A child enrichment service provider shall be of good moral character based upon screening. This screening shall be conducted in the same manner as that of child care personnel and as provided in s. 402.305(2)(a)~~chapter 435~~, using the level 2 standards for screening set forth in that chapter. A child enrichment service provider must meet the screening requirements prior to providing services to a child in a child care facility. A child enrichment service provider who has met the screening standards shall not be required to be under the direct and constant supervision of child care personnel.

Section 26. Subsections (13) through (15) of section 402.313, Florida Statutes, are amended to read:

402.313 Family day care homes.—

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(13) The department shall, by rule, establish minimum standards for family day care homes that are required to be licensed by county licensing ordinance or county licensing resolution or that voluntarily choose to be licensed. The standards should include requirements for staffing, training, maintenance of immunization records, minimum health and safety standards, reduced standards for the regulation of child care during evening hours by municipalities and counties, and enforcement of standards. The standards shall align with the requirements of this section and the Child Care and Development Fund pursuant to 45 C.F.R. part 98.

(14) At time of enrollment and annually thereafter, ~~During the months of August and September of each year,~~ each family day care home shall provide parents of children enrolled in the home detailed information regarding the causes, symptoms, and transmission of the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(15) At time of enrollment and annually thereafter, ~~During the months of April and September of each year,~~ at a minimum, each family day care home shall provide parents of children attending the family day care home information regarding the potential for a distracted adult to fail to

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drop off a child at the family day care home and instead leave the child in the adult's vehicle upon arrival at the adult's destination. The family day care home shall also give parents information about resources with suggestions to avoid this occurrence. The department shall develop a flyer or brochure with this information that shall be posted to the department's website, which family day care homes may choose to reproduce and provide to parents to satisfy the requirements of this subsection.

Section 27. Subsections (7), (9), and (10) of section 402.3131, Florida Statutes, are amended to read:

402.3131 Large Family Child Care homes. -

(7) The department shall, by rule, establish minimum standards for large family child care homes. The standards shall include, at a minimum, requirements for staffing, maintenance of immunization records, minimum health standards, minimum safety standards, minimum square footage, and enforcement of standards. The standards shall align with the requirements of this section and the Child Care and Development Fund pursuant to 45 C.F.R. part 98.

(9) At time of enrollment and annually thereafter, ~~During the months of August and September of each year,~~ each large family child care home shall provide parents of children enrolled in the home detailed information regarding the causes, symptoms, and transmission of the influenza virus in an effort to educate those parents regarding the importance of immunizing their children

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against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(10) At time of enrollment and annually thereafter, ~~During the months of April and September of each year,~~ at a minimum, each large family child care home shall provide parents of children attending the large family child care home information regarding the potential for a distracted adult to fail to drop off a child at the large family child care home and instead leave the child in the adult's vehicle upon arrival at the adult's destination. The large family child care home shall also give parents information about resources with suggestions to avoid this occurrence. The department shall develop a flyer or brochure with this information that shall be posted to the department's website, which large family child care homes may choose to reproduce and provide to parents to satisfy the requirements of this subsection.

Section 28. Subsections (6) and (7) of section 409.1451, Florida Statutes, are amended to read:

409.1451 The Road-to-Independence Program

(6) Accountability.- The department shall develop outcome measures for the program and other performance measures ~~in order~~ to maintain oversight of the program. ~~No later than January 31 of each year, the department shall prepare a report on the outcome measures and the department's oversight activities and submit the report to~~

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~~the President of the Senate, the Speaker of the House of Representatives, and the committees with jurisdiction over issues relating to children and families in the Senate and the House of Representatives. The report must include:~~

~~(a) An analysis of performance on the outcome measures developed under this section reported for each community-based care lead agency and compared with the performance of the department on the same measures.~~

~~(b) A description of the department's oversight of the program, including, by lead agency, any programmatic or fiscal deficiencies found, corrective actions required, and current status of compliance.~~

~~(c) Any rules adopted or proposed under this section since the last report. For the purposes of the first report, any rules adopted or proposed under this section must be included~~.

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The secretary shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the provisions of s. 39.6251 and the Road-to-Independence Program. The advisory council shall function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department's efforts to achieve the

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goals of the services designed to enable a young adult to live independently.

(a) The advisory council shall assess the implementation and operation of the Road-to-Independence Program and advise the department on actions that would improve the ability of these Road-to-Independence Program services to meet the established goals. The advisory council shall keep the department informed of problems being experienced with the services, barriers to the effective and efficient integration of services and support across systems, and successes that the system of services has achieved. The department shall consider, but is not required to implement, the recommendations of the advisory council.

~~(b) The advisory council shall report to the secretary on the status of the implementation of the Road to Independence Program, efforts to publicize the availability of the Road to Independence Program, the success of the services, problems identified, recommendations for department or legislative action, and the department's implementation of the recommendations contained in the Independent Living Services Integration Workgroup Report submitted to the appropriate substantive committees of the Legislature by December 31, 2013. The department shall submit a report by December 31 of each year to the Governor, the President of the Senate, and the Speaker of the House~~

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~~of Representatives which includes a summary of the factors reported on by the council and identifies the recommendations of the advisory council and either describes the department's actions to implement the recommendations or provides the department's rationale for not implementing the recommendations.~~

(c) Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, representatives from the headquarters and regional offices of the Department of Children and Families, community-based care lead agencies, the Department of Juvenile Justice, the Department of Economic Opportunity, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, CareerSource Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, recipients of services and funding through the Road-to-Independence Program, and advocates for children in care. The secretary shall determine the length of the term to be served by each member appointed to the advisory council, which may not exceed 4 years.

(d) The department shall provide administrative support to the Independent Living Services Advisory Council to accomplish its assigned tasks. The advisory council shall be afforded access to all appropriate data from the department, each community-based care

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lead agency, and other relevant agencies in order to accomplish the tasks set forth in this section. The data collected may not include any information that would identify a specific child or young adult.

(e) The advisory council report required under paragraph (b) must include an analysis of the system of independent living transition services for young adults who reach 18 years of age while in foster care before completing high school or its equivalent and recommendations for department or legislative action. The council shall assess and report on the most effective method of assisting these young adults to complete high school or its equivalent by examining the practices of other states.

Section 29. This act shall take effect July 1, 2020.

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SAMH BILL #1

A bill to be entitled

An act relating to substance abuse and mental health; amending s. 394.455, F.S.; revising the definition of mental illness; amending s. 394.492, F.S.; revising definitions; amending s. 394.674, F.S.; revising eligibility requirements for department-funded substance abuse and mental health services; amending s. 916.111, F.S.; revising definitions; amending s. 394.656, F.S.; revising requirements for the criminal justice, mental health, and substance abuse reinvestment grant program; amending s. 394.658, F.S.; revising requirements for selection of grant award recipients; amending s. 397.321, F.S.; revising duties of the department of children and families; amending s. 397.99, F.S.; revising requirements for the school substance abuse prevention partnership grant; amending s. 394.908, F.S.; revising requirements for substance abuse and mental health funding equity; providing for an effective date.

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

Section 1. Subsection (28) of section 394.455, Florida Statutes, is amended to read:

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394.455 Definitions.—As used in this part, the term:

(28) "Mental illness" means an impairment of the mental or emotional processes that exercise conscious control of one's actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person's ability to meet the ordinary demands of living. For the purposes of this part, the term does not include a developmental disability as defined in chapter 393, intoxication, or conditions manifested only by dementia, antisocial behavior, or substance abuse.

Section 2. Subsections (1) and (4) through (6) of section 394.492, Florida Statutes, are amended to read:

394.492 Definitions.—As used in ss. 394.490-394.497, the term:

(1) "Adolescent" means a person who is at least 13 years of age but under 21 ~~18~~ years of age.

(4) "Child or adolescent at risk of emotional disturbance" means a person under 21 ~~18~~ years of age who has an increased likelihood of becoming emotionally disturbed because of risk factors that include, but are not limited to:

(a) Being homeless.

(b) Having a family history of mental illness.

(c) Being physically or sexually abused or neglected.

(d) Abusing alcohol or other substances.

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(e) Being infected with human immunodeficiency virus (HIV).

(f) Having a chronic and serious physical illness.

(g) Having been exposed to domestic violence.

(h) Having multiple out-of-home placements.

(i) Having trauma exposure.

(5) "Child or adolescent who has an emotional disturbance" means a person under 21 ~~18~~ years of age who is diagnosed with a mental, emotional, or behavioral disorder of sufficient duration to meet one of the diagnostic categories specified in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, but who does not exhibit behaviors that substantially interfere with or limit his or her role or ability to function in the family, school, or community. The emotional disturbance must not be considered to be a temporary response to a stressful situation. The term does not include a child or adolescent who meets the criteria for involuntary placement under s. 394.467(1).

(6) "Child or adolescent who has a serious emotional disturbance or mental illness" means a person under 21 ~~18~~ years of age who:

(a) Is diagnosed as having a mental, emotional, or behavioral disorder that meets one of the diagnostic categories specified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association; and

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(b) Exhibits behaviors that substantially interfere with or limit his or her role or ability to function in the family, school, or community, which behaviors are not considered to be a temporary response to a stressful situation.

The term includes a child or adolescent who meets the criteria for involuntary placement under s. 394.467(1).

Section 3. Section 394.674, Florida Statutes, is amended to read:

394.674 Eligibility for publicly funded substance abuse and mental health services; fee collection requirements.—

(1) To be eligible to receive substance abuse and mental health services funded by the department, an individual must be indigent, uninsured, or underinsured, and must meet at least one of the following criteria: ~~a member of at least one of the department's priority populations approved by the Legislature. The priority populations include:~~

(a) For ~~adult~~ mental health services, an individual must be one of the following:

1. An adult who has a serious mental illness, as defined by the department using criteria that minimally include diagnosis, prognosis, functional impairment, and receipt of disability income for a psychiatric condition.

2. An adult at risk of serious mental illness, defined as:

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a. Having a primary diagnosis of a mental disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association that is not considered a serious mental illness; or

b. Having a diagnosed condition defined as Z-codes in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association; and

c. Experiencing a severe stressful event and problems with coping or symptoms placing the individual at risk of more restrictive interventions.

3. A child or adolescent at risk of emotional disturbance as defined in s. 394.492(4).

4. A child or adolescent who has an emotional disturbance as defined in s. 394.492(5).

5. A child or adolescent who has a serious emotional disturbance or mental illness as defined in s. 394.492(6).

6. An individual who has a primary diagnosis of mental illness and a co-occurring substance use disorder.

An individual experiencing an acute mental or emotional crisis as defined in s. 394.67(17).

~~Adults who have severe and persistent mental illness, as designated by the department using criteria that include severity of diagnosis, duration of the mental illness, ability to independently perform activities of daily~~

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~~living, and receipt of disability income for a psychiatric condition. Included within this group are:~~

~~a. Older adults in crisis.~~

~~b. Older adults who are at risk of being placed in a more restrictive environment because of their mental illness.~~

~~c. Persons deemed incompetent to proceed or not guilty by reason of insanity under chapter 916.~~

~~d. Other persons involved in the criminal justice system.~~

~~e. Persons diagnosed as having co-occurring mental illness and substance abuse disorders.~~

~~2. Persons who are experiencing an acute mental or emotional crisis as defined in s. 394.67(17).~~

(b) For substance abuse services, an individual must meet one of the following:

~~children's mental health services:~~

1. Have a substance use disorder that meets one of the diagnostic categories specified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

2. Have a substance use disorder that meets one of the diagnostic categories specified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association as the primary diagnosis, and a co-occurring mental illness or serious emotional disturbance.

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3. Be at risk for initiating alcohol or drug use.

~~1. Children who are at risk of emotional disturbance as defined in s. 394.492(4).~~

~~2. Children who have an emotional disturbance as defined in s. 394.492(5).~~

~~3. Children who have a serious emotional disturbance as defined in s. 394.492(6).~~

~~4. Children diagnosed as having a co-occurring substance abuse and emotional disturbance or serious emotional disturbance.~~

~~(c) For substance abuse treatment services:~~

~~1. Adults who have substance abuse disorders and a history of intravenous drug use.~~

~~2. Persons diagnosed as having co-occurring substance abuse and mental health disorders.~~

~~3. Parents who put children at risk due to a substance abuse disorder.~~

~~4. Persons who have a substance abuse disorder and have been ordered by the court to receive treatment.~~

~~5. Children at risk for initiating drug use.~~

~~6. Children under state supervision.~~

~~7. Children who have a substance abuse disorder but who are not under the supervision of a court or in the custody of a state agency.~~

~~8. Persons identified as being part of a priority population as a condition for receiving services funded~~

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~~through the Center for Mental Health Services and Substance Abuse Prevention and Treatment Block Grants.~~

(2) Providers receiving department funds for behavioral health services must give priority to the following populations:

1. Pregnant women and women with dependent children.

2. Intravenous drug users.

3. Individuals who have a substance use disorder and have been ordered by the court to receive treatment.

4. Parents and caretakers with child welfare involvement and parents and caretakers who put children at risk due to substance abuse.

5. Children and adolescents under state supervision.

6. Individuals involved in the criminal justice system including those deemed incompetent to proceed or not guilty by reason of insanity under chapter 916.

(3)~~(2)~~ Crisis services, as defined in s. 394.67, must, within the limitations of available state and local matching resources, be available to each individual ~~person~~ who is eligible for services under subsection (1), regardless of the individual's ~~person's~~ ability to pay for such services. An individual ~~person~~ who is experiencing a mental health crisis and who does not meet the criteria for involuntary examination under s. 394.463(1), or an individual ~~person~~ who is experiencing a substance abuse crisis and who does not meet the involuntary admission criteria in s. 397.675, must contribute to the cost of his

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or her care and treatment pursuant to the sliding fee scale developed under subsection (5) ~~(4)~~, unless charging a fee is contraindicated because of the crisis situation.

(4)~~(3)~~ Mental health services, substance abuse services, and crisis services, as defined in s. 394.67, must, within the limitations of available state and local matching resources, be available to each individual ~~person~~ who is eligible for services under subsection (1). Such individual ~~person~~ must contribute to the cost of his or her care and treatment pursuant to the sliding fee scale developed under subsection (5)~~(4)~~.

(5)~~(4)~~ The department shall adopt rules to implement ~~client~~ eligibility, ~~client~~ enrollment, and fee collection requirements for publicly funded substance abuse and mental health services.

(a) The rules must require each provider under contract with the department or managing entities which enrolls eligible individuals ~~persons~~ into treatment to develop a sliding fee scale for individuals ~~persons~~ who have a net family income at or above 150 percent of the Federal Poverty Income Guidelines, unless otherwise required by state or federal law. The sliding fee scale must use the uniform schedule of discounts by which a provider under contract with the department or managing entity discount~~s~~ its established ~~client~~ charges for services supported with state, federal, or local funds, using, at a minimum, factors such as family income,

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financial assets, and family size as declared by the individual ~~person~~ or the individual's ~~person's~~ guardian. The rules must include uniform criteria to be used by all service providers in developing the schedule of discounts for the sliding fee scale.

(b) The rules must address the most expensive types of treatment, such as residential and inpatient treatment, in order to make it possible for an individual ~~client~~ to responsibly contribute to his or her mental health or substance abuse care without jeopardizing the family's financial stability. An individual ~~person~~ who is not eligible for Medicaid and whose net family income is less than 150 percent of the Federal Poverty Income Guidelines must pay a portion of his or her treatment costs which is comparable to the copayment amount required by the Medicaid program for Medicaid clients pursuant to s. 409.9081.

(c) The rules must require that individuals ~~persons~~ who receive financial assistance from the Federal Government because of a disability and are in long-term residential treatment settings contribute to their board and care costs and treatment costs and must be consistent with the provisions in s. 409.212.

(6)~~(5)~~ An individual ~~person~~ who meets the eligibility criteria in subsection (1) shall be served in accordance with the appropriate district substance abuse and mental health services plan specified in s. 394.75 and within available resources.

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Section 4. Subsections (2) through (6) of section 394.656, Florida Statutes, are amended to read:

394.656 Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program.—

(2) The department shall establish a Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Advisory ~~Review~~ Committee. The committee shall include:

(a) One representative of the Department of Children and Families;

(b) One representative of the Department of Corrections;

(c) One representative of the Department of Juvenile Justice;

(d) One representative of the Department of Elder Affairs;

(e) One representative of the Office of the State Courts Administrator;

(f) One representative of the Department of Veterans' Affairs;

(g) One representative of the Florida Sheriffs Association;

(h) One representative of the Florida Police Chiefs Association;

(i) One representative of the Florida Association of Counties;

(j) One representative of the Florida's One Behavioral Health Association ~~Alcohol and Drug Abuse Association~~;

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(k) One representative of the Florida Association of Managing Entities;

~~(l) One representative of the Florida Council for Community Mental Health;~~

(l)~~(m)~~ One representative of the National Alliance of Mental Illness;

(m)~~(n)~~ One representative of the Florida Prosecuting Attorneys Association;

(n)~~(o)~~ One representative of the Florida Public Defender Association; and

(o)~~(p)~~ One administrator of an assisted living facility that holds a limited mental health license.

(3) The committee shall serve as the advisory body to review policy and funding issues that help reduce the impact of persons with mental illness and substance abuse disorders on communities, criminal justice agencies, and the court system. The committee shall advise the department in selecting priorities for grants~~ and investing awarded grant moneys~~.

(4) The committee must have experience in substance use and mental health disorders, community corrections, and law enforcement. ~~To the extent possible, the committee shall have expertise in grant review and grant application scoring.~~

(5)(a) A county, a consortium of counties, or an~~ not for profit community provider or managing~~ entity designated by the county planning council or committee, as described

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in s. 394.657, may apply for a 1-year planning grant or a 3-year implementation or expansion grant. ~~The purpose of the grants is to demonstrate that investment in treatment efforts related to mental illness, substance abuse disorders, or co-occurring mental health and substance abuse disorders results in a reduced demand on the resources of the judicial, corrections, juvenile detention, and health and social services systems.~~

(b) To be eligible to receive a ~~1 year planning grant or a 3 year implementation or expansion~~ grant:

1. A county applicant must have a planning council or committee that is in compliance with the membership requirements set forth in this section.

2. A county planning council or committee may designate a not-for-profit community provider, ~~or~~ a managing entity as described in s. 394.9082, a sheriff's office, or a local law enforcement agency to apply on behalf of the county. The county planning council or committee must provide ~~must be designated by the county planning council or committee and have written authorization to submit an application. A not-for-profit community provider or managing entity must have~~ written authorization for each designated entity and each submitted application.

(c) The department may award a 3-year implementation or expansion grant to an applicant who has not received a 1-year planning grant.

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(d) The department may require an applicant to conduct sequential intercept mapping for a project. For purposes of this paragraph, the term "sequential intercept mapping" means a process for reviewing a local community's mental health, substance abuse, criminal justice, and related systems and identifying points of interceptions where interventions may be made to prevent an individual with a substance abuse disorder or mental illness from deeper involvement in the criminal justice system.

(6) The department ~~grant review and selection committee~~ shall select the grant recipients in collaboration with the Department of Corrections, the Department of Juvenile Justice, the Department of Elder Affairs, the Office of the State Courts Administrator, and the Department of Veterans' Affairs. ~~and notify the department in writing of the recipients' names.~~ Contingent upon the availability of funds ~~and upon notification by the grant review and selection committee of those applicants approved to receive planning, implementation, or expansion grants~~, the department may transfer funds appropriated for the grant program to a selected grant recipient.

Section 5. Subsection (1) is amended, and subsection (3) is repealed of section 394.658, Florida Statutes, to read:

394.658 Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program requirements.—

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(1) The ~~Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee, in collaboration with the~~ Department of Children and Families, in collaboration with the Department of Corrections, the Department of Juvenile Justice, the Department of Elder~~ly~~ Affairs, the Department of Veterans' Affairs, and the Office of the State Courts Administrator, shall establish criteria to be used to review submitted applications and to select the county that will be awarded a 1-year planning grant or a 3-year implementation or expansion grant. A planning, implementation, or expansion grant may not be awarded unless the application of the county meets the established criteria.

(a) The application criteria for a 1-year planning grant must include a requirement that the applicant county or counties have a strategic plan to initiate systemic change to identify and treat individuals who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders who are in, or at risk of entering, the criminal or juvenile justice systems. The 1-year planning grant must be used to develop effective collaboration efforts among participants in affected governmental agencies, including the criminal, juvenile, and civil justice systems, mental health and substance abuse treatment service providers, transportation programs, and housing assistance programs. The collaboration efforts shall be the basis for developing a problem-solving model

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and strategic plan for treating adults and juveniles who are in, or at risk of entering, the criminal or juvenile justice system and doing so at the earliest point of contact, taking into consideration public safety. The planning grant shall include strategies to divert individuals from judicial commitment to community-based service programs offered by the Department of Children and Families in accordance with ss. 916.13 and 916.17.

(b) The application criteria for a 3-year implementation or expansion grant shall require information from a county that demonstrates its completion of a well-established collaboration plan that includes public-private partnership models and the application of evidence-based practices. The implementation or expansion grants may support programs and diversion initiatives that include, but need not be limited to:

1. Mental health courts;

2. Diversion programs;

3. Alternative prosecution and sentencing programs;

4. Crisis intervention teams;

5. Treatment accountability services;

6. Specialized training for criminal justice, juvenile justice, and treatment services professionals;

7. Service delivery of collateral services such as housing, transitional housing, and supported employment; and

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8. Reentry services to create or expand mental health and substance abuse services and supports for affected persons.

(c) Each county application must include the following information:

1. An analysis of the current population of the jail and juvenile detention center in the county, which includes:

a. The screening and assessment process that the county uses to identify an adult or juvenile who has a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders;

b. The percentage of each category of persons admitted to the jail and juvenile detention center that represents people who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders; and

c. An analysis of observed contributing factors that affect population trends in the county jail and juvenile detention center.

2. A description of the strategies the county intends to use to serve one or more clearly defined subsets of the population of the jail and juvenile detention center who have a mental illness or to serve those at risk of arrest and incarceration. The proposed strategies may include identifying the population designated to receive the new interventions, a description of the services and

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supervision methods to be applied to that population, and the goals and measurable objectives of the new interventions. The interventions a county may use with the target population may include, but are not limited to:

a. Specialized responses by law enforcement agencies;

b. Centralized receiving facilities for individuals evidencing behavioral difficulties;

c. Postbooking alternatives to incarceration;

d. New court programs, including pretrial services and specialized dockets;

e. Specialized diversion programs;

f. Intensified transition services that are directed to the designated populations while they are in jail or juvenile detention to facilitate their transition to the community;

g. Specialized probation processes;

h. Day-reporting centers;

i. Linkages to community-based, evidence-based treatment programs for adults and juveniles who have mental illness or substance abuse disorders; and

j. Community services and programs designed to prevent high-risk populations from becoming involved in the criminal or juvenile justice system.

3. The projected effect the proposed initiatives will have on the population and the budget of the jail and juvenile detention center. The information must include:

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a. The county's estimate of how the initiative will reduce the expenditures associated with the incarceration of adults and the detention of juveniles who have a mental illness;

b. The methodology that the county intends to use to measure the defined outcomes and the corresponding savings or averted costs;

c. The county's estimate of how the cost savings or averted costs will sustain or expand the mental health and substance abuse treatment services and supports needed in the community; and

d. How the county's proposed initiative will reduce the number of individuals judicially committed to a state mental health treatment facility.

4. The proposed strategies that the county intends to use to preserve and enhance its community mental health and substance abuse system, which serves as the local behavioral health safety net for low-income and uninsured individuals.

5. The proposed strategies that the county intends to use to continue the implemented or expanded programs and initiatives that have resulted from the grant funding.

~~(3) Using the criteria adopted by rule, the county designated or established criminal justice, juvenile justice, mental health, and substance abuse planning council or committee shall prepare the county or counties' application for the 1-year planning or 3-year~~

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~~implementation or expansion grant. The county shall submit the completed application to the statewide grant review committee.~~

Section 6. Section 394.908, Florida Statutes, is amended to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity in the funding of substance abuse and mental health services for the department's districts and regions and to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be used:

(1) Funding thresholds for substance abuse and mental health services in each of the current districts, statewide, shall be established based on the current number of individuals in need per district of substance abuse and mental health services, respectively.

(2) "Individuals in need" means those persons who meet eligibility criteria pursuant to s. 394.674 ~~fit the profile of the respective priority populations~~ and require mental health or substance abuse services.

(3) Any additional funding beyond the 2005-2006 fiscal year base appropriation for ~~alcohol, drug abuse, and~~ substance abuse and mental health services shall be allocated to districts for substance abuse and mental health services based on:

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(a) Epidemiological estimates of disabilities that apply to eligible individuals ~~the respective priority populations~~.

(b) A pro rata share distribution that ensures districts below the statewide average funding level per ~~individual in each priority population of~~ "individuals in need" receive funding necessary to achieve equity.

(4) Individuals ~~Priority populations for individuals~~ in need shall be displayed for each district and distributed concurrently with the approved operating budget. The display ~~by priority population~~ shall show: The annual number of individuals served based on prior year actual numbers, the annual cost per individual served, and the estimated number of the total ~~priority population for~~ individuals in need.

(5) The annual cost per individual served shall be defined as the total actual funding for either mental health or substance abuse services ~~each priority population~~ divided by the number of individuals served receiving either mental health or substance abuse services in ~~the priority population for~~ that year.

Section 7. Present subsections (17) through (20) of section 397.321, Florida Statutes, are redesignated as subsections (16) through (19), respectively, and present subsection (16) of that section is deleted, to read:

397.321 Duties of the department.—The department shall:

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AMERICAN OVERSIGHT
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~~(16) Develop a certification process by rule for community substance abuse prevention coalitions.~~

(16)~~(17)~~ Provide sufficient and qualified staff to oversee all contracting, licensing, and planning functions within each of its substate offices, as permitted by legislative appropriation.

(17)~~(18)~~ Ensure that the department develops and ensures the implementation of procedures between its Substance Abuse Program Office and other departmental programs regarding the referral of substance abuse impaired persons to service providers, information on service providers, information on methods of identifying substance abuse impaired juveniles, and procedures for referring such juveniles to appropriate service providers.

(18)~~(19)~~ Designate addictions receiving facilities for the purpose of ensuring that only qualified service providers render services within the context of a secure facility setting.

(19)~~(20)~~ Develop and prominently display on its website all forms necessary for the implementation and administration of parts IV and V of this chapter. These forms shall include, but are not limited to, a petition for involuntary admission form and all related pleading forms, and a form to be used by law enforcement agencies pursuant to s. 397.6772. The department shall notify law enforcement agencies, the courts, and other state agencies of the existence and availability of such forms.

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Section 8. Subsections (1) through (3) of section 397.99, Florida Statutes, are amended, to read:

397.99 School substance abuse prevention partnership grants.—

(1) GRANT PROGRAM.—

(a) In order to encourage the development of effective substance abuse prevention and early intervention strategies for school-age populations, the school substance abuse prevention partnership grant program is established.

(b) The department shall administer the program in cooperation with the Department of Education, ~~and~~ the Department of Juvenile Justice, and the managing entities under contract with the department pursuant to s. 394.9082.

(2) APPLICATION PROCEDURES; FUNDING REQUIREMENTS.—

(a) Schools, or community-based organizations in partnership with schools, may submit a grant proposal for funding or continued funding to the managing entity ~~department~~ by March 1 of each year. Notwithstanding the requirements in s. 394.9082(5)(i), the managing entity shall use a competitive solicitation process for ~~The department shall establish~~ grant application procedure~~s~~ which ensures that grant recipients implement programs and practices that are effective. The Managing Entity ~~department~~ shall include the grant application document on its ~~an~~ Internet website.

(b) Grants may fund programs to conduct prevention activities serving students who are not involved in

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substance use, intervention activities serving students who are experimenting with substance use, or both prevention and intervention activities, if a comprehensive approach is indicated as a result of a needs assessment.

(c) Grants may target youth, parents, and teachers and other school staff, coaches, social workers, case managers, and other prevention stakeholders.

(d) Performance measures for grant program activities shall measure improvements in student attitudes or behaviors as determined by the department.

(e) At least 50 percent of the grant funds available for local projects must be allocated to support the replication of prevention programs and practices that are based on research and have been evaluated and proven effective. The Managing Entity ~~department~~ shall develop related qualifying criteria.

(f) In order to be considered for funding, the grant application shall include the following assurances and information:

1. A letter from the administrators of the programs collaborating on the project, such as the school principal, community-based organization executive director, or recreation department director, confirming that the grant application has been reviewed and that each partner is committed to supporting implementation of the activities described in the grant proposal.

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2. A rationale and description of the program and the services to be provided, including:

a. An analysis of prevention issues related to the substance abuse prevention profile of the target population.

b. A description of other primary substance use and related risk factors.

c. Goals and objectives based on the findings of the needs assessment.

d. The selection of programs or strategies that have been shown to be effective in addressing the findings of the needs assessment.

e. A method of identifying the target group for universal prevention strategies, and a method for identifying the individual student participants in selected and indicated prevention strategies.

f. A description of how students will be targeted.

g. Provisions for the participation of parents and guardians in the program.

h. An evaluation component to measure the effectiveness of the program in accordance with performance-based program budgeting effectiveness measures.

i. A program budget, which includes the amount and sources of local cash and in-kind resources committed to the budget and which establishes, to the satisfaction of the Managing Entity ~~department~~, that the entity will make a

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cash or in-kind contribution to the program of a value that is at least 25 percent of the amount of the grant.

(g) The Managing Entity ~~department~~ shall consider the following in awarding such grants:

1. The number of youths that will be targeted.

2. The validity of the program design to achieve project goals and objectives that are clearly related to performance-based program budgeting effectiveness measures.

3. The desirability of funding at least one approved project in each of the department's substate entities.

(3) The department shall require the Managing Entity to coordinate the review of grant applications with local representatives of the Department of Education and the Department of Juvenile Justice and shall make award determinations no later than June 30 of each year. All applicants shall be notified by the Managing Entity ~~department~~ of its final action.

Section 9. Subsection (1) of section 916.111, Florida Statutes is amended to read:

916.111 Training of Experts.—The evaluation of defendants for competency to proceed or for sanity at the time of the commission of the offense shall be conducted in such a way as to ensure uniform application of the criteria enumerated in Rules 3.210 and 3.216, Florida Rules of Criminal Procedure. The department shall develop, and may contract with accredited institutions:

(1) To provide:

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FL-SEN-20-0201-B, 20-0202-A-000848

(a) A plan for training mental health professionals to perform forensic evaluations and to standardize the criteria for procedures to be used in these evaluations;

(b) Clinical protocols and procedures based upon the criteria of Rules 3.210 and 3.216, Florida Rules of Criminal Procedure; ~~and~~

(c) Training of mental health professionals in the application of these protocols and procedures in performing forensic evaluations and providing reports to the courts; and

(d) Refresher training every three years for previously trained mental health professionals who are conducting evaluations for the courts, to review forensic statutory requirements, recent changes to statute, Florida trends and concerns related to forensic commitments, alternatives to maximum security treatment facilities, community forensic treatment providers, evaluation requirements, and forensic service array updates.

Section 10. This act shall take effect on July 1, 2020.

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

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-000849

From: Anita Berry <Anita@johnstonstewart.com>
Sent: Tuesday, November 12, 2019 5:48 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Bill Drafting
Attachment(s): "FFTA Draft Language 11.7.19.docx"

Hi Vickie!

Thank you so much for your help, as always. If you wouldn't mind putting the attached into drafting, that would be great! Rep. McClure is putting it in drafting in the House. Please let me know if you need anything else.

Thank you so much!

Anita

Anita Berry

JS | JOHNSTON & STEWART
GOVERNMENT STRATEGIES

C: (301) 524-0172
E: anita@johnstonstewart.com

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AMERICAN OVERSIGHT

509.XXX Mobile food dispensing vehicle; preemption. –

1. As used in this section, the term:
    a. “Mobile food dispensing vehicle” means any vehicle mounted public food service establishment which is self-propelled or otherwise movable from place to place and includes self-contained utilities, such as gas, water, electricity and liquid waste disposal.
    b. “Division” means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

2. A municipality, county or other local government entity may not:
    a. Require a separate license, registration or permit beyond those established by the division pursuant to F.S. 509.241 as a condition for the mobile food dispensing vehicle’s operation within the jurisdiction.
    b. Require a separate license, registration or permit fee beyond those established by the division pursuant to F.S. 509.251. as a condition for the mobile food dispensing vehicle’s operation within the jurisdiction.
    c. Entirely or constructively prohibit mobile food dispensing vehicles from operating within the jurisdiction.

AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Monday, November 25, 2019 5:33 PM EST
To: Anita Berry <Anita@johnstonstewart.com>
Subject: Bill Draft
Attachment(s): "billdraft75499 (1).DOCX"

Hello!

Please see the attached bill. Please let me know if any changes are needed.

Thank you!
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

AMERICAN OVERSIGHT

23-01453-20

A bill to be entitled

An act relating to the tax on aviation fuel; repealing ss. 206.9815, 206.9825, 206.9826, 206.9835, 206.9837, 206.9845, 206.9855, 206.9865, and 206.9875, F.S., relating to definitions, the tax on aviation fuel, refunds for certain air carriers, administration of the tax, disclosure of price, distribution of proceeds, refunds to carriers, commercial air carrier registration and reporting, and a tax exemption for federal entities, respectively; amending ss. 163.3206, 206.42, 206.9915, 207.003, 207.005, 213.053, 332.007, and 332.009, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Part III of chapter 206, Florida Statutes, composed of ss. 206.9815, 206.9825, 206.9826, 206.9835, 206.9837, 206.9845, 206.9855, 206.9865, and 206.9875, Florida Statutes, is repealed.

Section 2. Paragraph (a) of subsection (2) of section 163.3206, Florida Statutes, is amended to read:

163.3206 Fuel terminals.—

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

(a) "Fuel" means any of the following:

1. Alternative fuel as defined in s. 525.01.

2. Aviation fuel. As used in this subparagraph, the term "aviation fuel" means fuel for use in aircraft, and includes aviation gasoline and aviation turbine fuels and kerosene, as

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determined by the American Society for Testing and Materials specifications D-910 or D-1655 or current specifications ~~as defined in s. 206.9815~~.

3. Diesel fuel as defined in s. 206.86.

4. Gas as defined in s. 206.9925.

5. Motor fuel as defined in s. 206.01.

6. Natural gas fuel as defined in s. 206.9951.

7. Oil as defined in s. 206.9925.

8. Petroleum fuel as defined in s. 525.01.

9. Petroleum product as defined in s. 206.9925.

Section 3. Subsection (1) of section 206.42, Florida Statutes, is amended to read:

206.42 Aviation gasoline exempt from excise tax; rocket fuel.—

(1) Each and every dealer in aviation gasoline in the state by whatever name designated who purchases from any terminal supplier, importer, or wholesaler, and sells, aviation gasoline (A.S.T.M. specification D-910 or current specification), of such quality not adapted for use in ordinary motor vehicles, being designed for and sold and exclusively used for aircraft, is exempted from the payment of taxes levied under this part~~, but is subject to the tax levied under part III~~.

Section 4. Subsection (3) of section 206.9915, Florida Statutes, is amended to read:

206.9915 Legislative intent and general provisions.—

(3) The provisions of ss. 206.01, 206.02, 206.026, 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18,

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206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.416, 206.42, 206.44, 206.48, 206.49, 206.56, 206.59, 206.86, 206.87, 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.8745, 206.94, and 206.945~~, and 206.9815~~ shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part and made expressly applicable to the taxes imposed herein.

Section 5. Section 207.003, Florida Statutes, is amended to read:

207.003 Privilege tax levied.—A tax for the privilege of operating any commercial motor vehicle upon the public highways of this state shall be levied upon every motor carrier at a rate which includes the minimum rates provided in parts I, II, and III ~~IV~~ of chapter 206 on each gallon of diesel fuel or motor fuel used for the propulsion of a commercial motor vehicle by such motor carrier within the state.

Section 6. Subsection (3) of section 207.005, Florida Statutes, is amended to read:

207.005 Returns and payment of tax; delinquencies; calculation of fuel used during operations in the state; credit; bond.—

(3) For the purpose of computing the carrier's liability for the road privilege tax, the total gallons of fuel used in the propulsion of any commercial motor vehicle in this state shall be multiplied by the rates provided in parts I, II, and III ~~IV~~ of chapter 206. From the sum determined by this calculation, there shall be allowed a credit equal to the amount of the tax per gallon under parts I, II, and III ~~IV~~ of chapter

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206 for each gallon of fuel purchased in this state during the reporting period when the diesel fuel or motor fuel tax was paid at the time of purchase. If the tax paid under parts I, II, and III ~~IV~~ of chapter 206 exceeds the total tax due under this chapter, the excess may be allowed as a credit against future tax payments, until the credit is fully offset or until eight calendar quarters shall have passed since the end of the calendar quarter in which the credit accrued, whichever occurs first. A refund may be made for this credit provided it exceeds $10.

Section 7. Paragraph (h) of subsection (8) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(h) Names and addresses of persons paying taxes pursuant to part III ~~IV~~ of chapter 206 to the Department of Environmental Protection in the conduct of its official duties.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 8. Subsection (7) of section 332.007, Florida Statutes, is amended to read:

332.007 Administration and financing of aviation and

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airport programs and projects; state plan.—

(7) Subject to the availability of appropriated funds ~~in addition to aviation fuel tax revenues~~, the department may participate in the capital cost of eligible public airport and aviation discretionary capacity improvement projects. The annual legislative budget request shall be based on the funding required for discretionary capacity improvement projects in the aviation and airport work program.

(a) The department shall provide priority funding in support of:

1. Land acquisition which provides additional capacity at the qualifying international airport or at that airport's supplemental air carrier airport.

2. Runway and taxiway projects that add capacity or are necessary to accommodate technological changes in the aviation industry.

3. Airport access transportation projects that improve direct airport access and are approved by the airport sponsor.

4. International terminal projects that increase international gate capacity.

(b) No single airport shall secure discretionary capacity improvement project funds in excess of 50 percent of the total discretionary capacity improvement project funds available in any given budget year.

(c) Unless prohibited by the General Appropriations Act or by law, the department may transfer funds within each category of the airport and aviation discretionary capacity improvement program to maximize the aviation services or federal aid available to this state.

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(d) The department may fund up to 50 percent of the portion of eligible project costs which are not funded by the Federal Government except that the department may initially fund up to 75 percent of the cost of land acquisition for a new airport or for the expansion of an existing airport which is owned and operated by a municipality, a county, or an authority, and shall be reimbursed to the normal statutory project share when federal funds become available or within 10 years after the date of acquisition, whichever is earlier.

Section 9. Section 332.009, Florida Statutes, is amended to read:

332.009 Limitation on operation of chapter. ~~Nothing in this chapter shall be construed to authorize expenditure of aviation fuel tax revenues on space transportation projects.~~ Nothing in this chapter shall be construed to limit the department's authority under s. 331.360.

Section 10. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Wednesday, January 08, 2020 2:17 PM EST
To: Ballard, David <David.Ballard@myfloridahouse.gov>
Subject: billdraft75050 (2)
Attachment(s): "billdraft75050 (2).DOCX"

AMERICAN OVERSIGHT

23-01005B-20

A bill to be entitled

An act relating to the Department of Health; amending s. 400.93, F.S.; exempting allopathic, osteopathic, and chiropractic physicians who sell or rent electrostimulation medical equipment and supplies therefor from home medical equipment provider licensure requirements under certain circumstances; creating s. 456.4501, F.S.; implementing the Interstate Medical Licensure Compact in this state; providing for an interstate medical licensure process; providing requirements for multistate practice; creating s. 456.4502, F.S.; establishing that a formal hearing before the Division of Administrative Hearings must be held if there are any disputed issues of material fact when the licenses of certain physicians and osteopathic physicians are suspended or revoked by this state under the compact; requiring the department to notify the division of a petition for a formal hearing within a specified timeframe; requiring the administrative law judge to issue a recommended order; requiring the Board of Medicine or the Board of Osteopathic Medicine, as applicable, to determine and issue final orders in certain cases; providing the department with standing to seek judicial review of any final order of the boards; creating s. 456.4504, F.S.; authorizing the department to adopt rules; creating s. 456.48, F.S.; providing a definition for the term "health insurer"; requiring the Financial Services Commission, in consultation with the Agency

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for Health Care Administration, to adopt a certain standard form by rule for the verification of credentials of specified health care professionals; requiring health insurers and hospitals to use only such form after a specified date; creating s. 456.481, F.S.; providing definitions and applicability; specifying requirements for applicants to qualify for expedited credentialing and certain payments; requiring managed care plans to treat applicants as participating providers in their respective health benefit plan networks for certain purposes; authorizing a managed care plan to exclude applicants from its participating provider directory or listings while their applications are pending approval; specifying a managed care plan's right to recover certain amounts from an applicant under certain circumstances; prohibiting an applicant or the applicant's medical group from charging a managed care plan enrollee certain fees; providing construction; creating s. 458.3129, F.S.; establishing that a physician licensed under the Interstate Medical Licensure Compact is deemed to be licensed under chapter 458, F.S.; creating s. 459.074, F.S.; establishing that an osteopathic physician licensed under the Interstate Medical Licensure Compact is deemed to be licensed under chapter 459, F.S.; amending s. 491.003, F.S.; defining the terms "certified master social worker" and "practice of generalist social work"; amending s. 491.004, F.S.;

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deleting an obsolete provision; amending s. 491.0045, F.S.; revising intern registration requirements; providing an exception; amending s. 491.005, F.S.; revising the licensure requirements for clinical social workers, marriage and family therapists, and mental health counselors; amending s. 491.0057, F.S.; requiring that an applicant for dual licensure as a marriage and family therapist pass an examination designated by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling instead of by the department; amending s. 491.006, F.S.; revising requirements for licensure or certification by endorsement for certain professions; repealing s. 491.0065, F.S., relating to requirements for instruction on HIV and AIDS; amending s. 491.007, F.S.; deleting a provision providing certified master social workers an exemption from continuing education requirements; deleting a provision requiring the board to establish a procedure for the biennial renewal of intern registrations; amending s. 491.009, F.S.; revising who may enter an order denying licensure or imposing penalties against an applicant for licensure under certain circumstances; amending s. 491.012, F.S.; providing that using the title "certified master social worker" without a valid, active license is unlawful; amending s. 491.0145, F.S.; requiring the department to license an applicant for designation as a certified master social worker under certain circumstances; requiring applicants for designation as

AMERICAN OVERSIGHT

a certified master social worker to submit their application to the board; deleting a provision relating to the nonrefundable fee for examination set by department rule; authorizing the board to adopt rules; amending s. 491.0149, F.S.; requiring the use of applicable professional titles by specified licensees and registrants on social media and other specified materials; repealing s. 491.015, F.S., relating to duties of the department as to certified master social workers; creating s. 627.444, F.S.; providing a definition for the term "health insurer"; specifying requirements and procedures for, and restrictions on, health insurers and their designees in reviewing credentialing applications; authorizing a civil cause of action for applicants against health insurers or designees under certain circumstances; amending s. 768.28, F.S.; designating the state commissioners of the Interstate Medical Licensure Compact Commission and other members or employees of the commission as state agents for the purpose of applying sovereign immunity and waivers of sovereign immunity; requiring the commission to pay certain claims or judgments; authorizing the commission to maintain insurance coverage to pay such claims or judgments; amending s. 414.065, F.S.; conforming a cross-reference; providing an effective date.

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

AMERICAN OVERSIGHT

Section 1. Paragraph (l) is added to subsection (5) of section 400.93, Florida Statutes, to read:

400.93 Licensure required; exemptions; unlawful acts; penalties.—

(5) The following are exempt from home medical equipment provider licensure, unless they have a separate company, corporation, or division that is in the business of providing home medical equipment and services for sale or rent to consumers at their regular or temporary place of residence pursuant to the provisions of this part:

(l) Physicians licensed under chapter 458, chapter 459, or chapter 460 for the sale or rental of electrostimulation medical equipment and electrostimulation medical equipment supplies to their patients in the course of their practice.

Section 2. Section 456.4501, Florida Statutes, is created to read:

456.4501 Interstate Medical Licensure Compact.—The Interstate Medical Licensure Compact is hereby enacted into law and entered into by this state with all other jurisdictions legally joining therein in the form substantially as follows:

SECTION 1

PURPOSE

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of

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state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The Compact creates another pathway for licensure and does not otherwise change a state's existing Medical Practice Act. The Compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the Compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the Compact.

SECTION 2

DEFINITIONS

In this compact:

(a) "Bylaws" means those bylaws established by the Interstate Commission pursuant to Section 11 for its governance, or for directing and controlling its actions and conduct.

(b) "Commissioner" means the voting representative appointed by each member board pursuant to Section 11.

(c) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal

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offense by the court shall be considered final for purposes of disciplinary action by a member board.

(d) "Expedited License" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the Compact.

(e) "Interstate Commission" means the interstate commission created pursuant to Section 11.

(f) "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.

(g) "Medical Practice Act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

(h) "Member Board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.

(i) "Member State" means a state that has enacted the Compact.

(j) "Practice of medicine" means the diagnosis, treatment, prevention, cure, or relieving of a human disease, ailment, defect, complaint, or other physical or mental condition, by attendance, advice, device, diagnostic test, or other means, or offering, undertaking, attempting to do, or holding oneself out as able to do, any of these acts.

(k) "Physician" means any person who:

(1) Is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in

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the International Medical Education Directory or its equivalent;

(2) Passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;

(3) Successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

(4) Holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists; however, the specialty certification or a time-unlimited specialty certificate does not have to be maintained once a physician is initially determined to be eligible for expedited licensure through the Compact;

(5) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;

(6) Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(7) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license;

(8) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug

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Enforcement Administration; and

(9) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

(l) "Offense" means a felony, high court misdemeanor, or crime of moral turpitude.

(m) "Rule" means a written statement by the Interstate Commission promulgated pursuant to Section 12 of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, if the rule is not inconsistent with the laws of the member state. The term includes the amendment, repeal, or suspension of an existing rule.

(n) "State" means any state, commonwealth, district, or territory of the United States.

(o) "State of Principal License" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the Compact.

SECTION 3

ELIGIBILITY

(a) A physician must meet the eligibility requirements as defined in Section 2(k) to receive an expedited license under the terms and provisions of the Compact.

(b) A physician who does not meet the requirements of

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Section 2(k) may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the Compact, relating to the issuance of a license to practice medicine in that state.

SECTION 4

DESIGNATION OF STATE OF PRINCIPAL LICENSE

(a) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the Compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:

(1) The state of primary residence for the physician, or

(2) The state where at least 25% of the practice of medicine occurs, or

(3) The location of the physician's employer, or

(4) If no state qualifies under subsection (1), subsection (2), or subsection (3), the state designated as state of residence for purpose of federal income tax.

(b) A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements in subsection (a).

(c) The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

SECTION 5

APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

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(a) A physician seeking licensure through the Compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.

(b) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the Interstate Commission.

(1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the Interstate Commission through rule, shall not be subject to additional primary source verification where already primary source verified by the state of principal license.

(2) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with U.S. 5 C.F.R. s. 731.202.

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

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(c) Upon verification in subsection (b), physicians eligible for an expedited license shall complete the registration process established by the Interstate Commission to receive a license in a member state selected pursuant to subsection (a), including the payment of any applicable fees.

(d) After receiving verification of eligibility under subsection (b) and any fees under subsection (c), a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the Medical Practice Act and all applicable laws and regulations of the issuing member board and member state.

(e) An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

(f) An expedited license obtained through the Compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

(g) The Interstate Commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

SECTION 6

FEES FOR EXPEDITED LICENSURE

(a) A member state issuing an expedited license authorizing the practice of medicine in that state, or the regulating

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authority of the member state, may impose a fee for a license issued or renewed through the Compact.

(b) The Interstate Commission is authorized to develop rules regarding fees for expedited licenses. However, those rules shall not limit the authority of a member state, or the regulating authority of the member state, to impose and determine the amount of a fee under subsection (a).

SECTION 7

RENEWAL AND CONTINUED PARTICIPATION

(a) A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the physician:

(1) Maintains a full and unrestricted license in a state of principal license;

(2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(3) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license; and

(4) Has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.

(b) Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

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(c) The Interstate Commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

(d) Upon receipt of any renewal fees collected in subsection (c), a member board shall renew the physician's license.

(e) Physician information collected by the Interstate Commission during the renewal process will be distributed to all member boards.

(f) The Interstate Commission is authorized to develop rules to address renewal of licenses obtained through the Compact.

SECTION 8

COORDINATED INFORMATION SYSTEM

(a) The Interstate Commission shall establish a database of all physicians licensed, or who have applied for licensure, under Section 5.

(b) Notwithstanding any other provision of law, member boards shall report to the Interstate Commission any public action or complaints against a licensed physician who has applied or received an expedited license through the Compact.

(c) Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the Interstate Commission.

(d) Member boards may report any non-public complaint, disciplinary, or investigatory information not required by subsection (c) to the Interstate Commission.

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(e) Member boards shall share complaint or disciplinary information about a physician upon request of another member board.

(f) All information provided to the Interstate Commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

(g) The Interstate Commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

SECTION 9

JOINT INVESTIGATIONS

(a) Licensure and disciplinary records of physicians are deemed investigative.

(b) In addition to the authority granted to a member board by its respective Medical Practice Act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

(c) A subpoena issued by a member state shall be enforceable in other member states.

(d) Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

(e) Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license

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to practice medicine.

SECTION 10

DISCIPLINARY ACTIONS

(a) Any disciplinary action taken by any member board against a physician licensed through the Compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the Medical Practice Act or regulations in that state.

(b) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the Medical Practice Act of that state.

(c) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:

(1) Impose the same or lesser sanction(s) against the physician so long as such sanctions are consistent with the Medical Practice Act of that state; or

(2) Pursue separate disciplinary action against the

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physician under its respective Medical Practice Act, regardless of the action taken in other member states.

(d) If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any other member board(s) shall be suspended, automatically and immediately without further action necessary by the other member board(s), for ninety (90) days upon entry of the order by the disciplining board, to permit the member board(s) to investigate the basis for the action under the Medical Practice Act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety (90) day suspension period in a manner consistent with the Medical Practice Act of that state.

SECTION 11

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

(a) The member states hereby create the "Interstate Medical Licensure Compact Commission."

(b) The purpose of the Interstate Commission is the administration of the Interstate Medical Licensure Compact, which is a discretionary state function.

(c) The Interstate Commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the Compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the Compact.

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(d) The Interstate Commission shall consist of two voting representatives appointed by each member state who shall serve as Commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A Commissioner shall be a(n):

(1) Allopathic or osteopathic physician appointed to a member board;

(2) Executive director, executive secretary, or similar executive of a member board; or

(3) Member of the public appointed to a member board.

(e) The Interstate Commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the Commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

(f) The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

(g) Each Commissioner participating at a meeting of the Interstate Commission is entitled to one vote. A majority of Commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. A Commissioner shall not delegate a vote to another Commissioner. In the absence of its Commissioner, a member state may delegate voting authority for a

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specified meeting to another person from that state who shall meet the requirements of subsection (d).

(h) The Interstate Commission shall provide public notice of all meetings and all meetings shall be open to the public. The Interstate Commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the Commissioners present that an open meeting would be likely to:

(1) Relate solely to the internal personnel practices and procedures of the Interstate Commission;

(2) Discuss matters specifically exempted from disclosure by federal statute;

(3) Discuss trade secrets, commercial, or financial information that is privileged or confidential;

(4) Involve accusing a person of a crime, or formally censuring a person;

(5) Discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(6) Discuss investigative records compiled for law enforcement purposes; or

(7) Specifically relate to the participation in a civil action or other legal proceeding.

(i) The Interstate Commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.

(j) The Interstate Commission shall make its information and official records, to the extent not otherwise designated in the Compact or by its rules, available to the public for

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inspection.

(k) The Interstate Commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. When acting on behalf of the Interstate Commission, the executive committee shall oversee the administration of the Compact including enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other such duties as necessary.

(l) The Interstate Commission may establish other committees for governance and administration of the Compact.

SECTION 12

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the duty and power to:

(a) Oversee and maintain the administration of the Compact;

(b) Promulgate rules which shall be binding to the extent and in the manner provided for in the Compact;

(c) Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the Compact, its bylaws, rules, and actions;

(d) Enforce compliance with Compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

(e) Establish and appoint committees including, but not

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limited to, an executive committee as required by Section 11, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;

(f) Pay, or provide for the payment of the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission;

(g) Establish and maintain one or more offices;

(h) Borrow, accept, hire, or contract for services of personnel;

(i) Purchase and maintain insurance and bonds;

(j) Employ an executive director who shall have such powers to employ, select or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation;

(k) Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

(l) Accept donations and grants of money, equipment, supplies, materials and services, and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies established by the Interstate Commission;

(m) Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use, any property, real, personal, or mixed;

(n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(o) Establish a budget and make expenditures;

(p) Adopt a seal and bylaws governing the management and

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operation of the Interstate Commission;

(q) Report annually to the legislatures and governors of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the Interstate Commission;

(r) Coordinate education, training, and public awareness regarding the Compact, its implementation, and its operation;

(s) Maintain records in accordance with the bylaws;

(t) Seek and obtain trademarks, copyrights, and patents; and

(u) Perform such functions as may be necessary or appropriate to achieve the purposes of the Compact.

SECTION 13

FINANCE POWERS

(a) The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff. The total assessment, subject to appropriation, must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

(b) The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

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(c) The Interstate Commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.

(d) The Interstate Commission shall be subject to a yearly financial audit conducted by a certified or licensed public accountant and the report of the audit shall be included in the annual report of the Interstate Commission.

SECTION 14

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(a) The Interstate Commission shall, by a majority of Commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact within twelve (12) months of the first Interstate Commission meeting.

(b) The Interstate Commission shall elect or appoint annually from among its Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.

(c) Officers selected in subsection (b) shall serve without remuneration from the Interstate Commission.

(d) The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or

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arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(1) The liability of the executive director and employees of the Interstate Commission or representatives of the Interstate Commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(2) The Interstate Commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of

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Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

SECTION 15

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(a) The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

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(b) Rules deemed appropriate for the operations of the Interstate Commission shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act" of 2010, and subsequent amendments thereto.

(c) Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the Interstate Commission.

SECTION 16

OVERSIGHT OF INTERSTATE COMPACT

(a) The executive, legislative, and judicial branches of state government in each member state shall enforce the Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of the Compact and the rules promulgated hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of medicine.

(b) All courts shall take judicial notice of the Compact

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and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the Compact which may affect the powers, responsibilities or actions of the Interstate Commission.

(c) The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, the Compact, or promulgated rules.

SECTION 17

ENFORCEMENT OF INTERSTATE COMPACT

(a) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the Compact.

(b) The Interstate Commission may, by majority vote of the Commissioners, initiate legal action in the United States District Court for the District of Columbia, or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the Compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

(c) The remedies herein shall not be the exclusive remedies

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of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

SECTION 18

DEFAULT PROCEDURES

(a) The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the Compact, or the rules and bylaws of the Interstate Commission promulgated under the Compact.

(b) If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the Compact, or the bylaws or promulgated rules, the Interstate Commission shall:

(1) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; and

(2) Provide remedial training and specific technical assistance regarding the default.

(c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the Compact upon an affirmative vote of a majority of the Commissioners and all rights, privileges, and benefits conferred by the Compact shall terminate on the effective date of termination. A cure of the

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default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

(d) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(e) The Interstate Commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state.

(f) The member state which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.

(g) The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the Compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

(h) The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

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SECTION 19

DISPUTE RESOLUTION

(a) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the Compact and which may arise among member states or member boards.

(b) The Interstate Commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

SECTION 20

MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

(a) Any state is eligible to become a member state of the Compact.

(b) The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than seven (7) states. Thereafter, it shall become effective and binding on a state upon enactment of the Compact into law by that state.

(c) The governors of non-member states, or their designees, shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the Compact by all states.

(d) The Interstate Commission may propose amendments to the Compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by

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unanimous consent of the member states.

SECTION 21

WITHDRAWAL

(a) Once effective, the Compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the Compact by specifically repealing the statute which enacted the Compact into law.

(b) Withdrawal from the Compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

(c) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact in the withdrawing state.

(d) The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt of notice provided under subsection (c).

(e) The withdrawing state is responsible for all dues, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Interstate Commission.

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(g) The Interstate Commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

SECTION 22
DISSOLUTION

(a) The Compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the Compact to one (1) member state.

(b) Upon the dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

SECTION 23
SEVERABILITY AND CONSTRUCTION

(a) The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

(b) The provisions of the Compact shall be liberally construed to effectuate its purposes.

(c) Nothing in the Compact shall be construed to prohibit the applicability of other interstate compacts to which the

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states are members.

SECTION 24

BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

(b) All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

(c) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

(d) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

(e) In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Section 3. Section 456.4502, Florida Statutes, is created to read:

456.4502 Interstate Medical Licensure Compact; disciplinary proceedings.—A physician licensed pursuant to chapter 458, chapter 459, or s. 456.4501 whose license is suspended or revoked by this state pursuant to the Interstate Medical Licensure Compact as a result of disciplinary action taken against the physician's license in another state shall be granted a formal hearing before an administrative law judge from the Division of Administrative Hearings held pursuant to chapter

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120 if there are any disputed issues of material fact. In such proceedings:

(a) Notwithstanding s. 120.569(2), the department shall notify the division within 45 days after receipt of a petition or request for a formal hearing.

(b) The determination of whether the physician has violated the laws and rules regulating the practice of medicine or osteopathic medicine, as applicable, including a determination of the reasonable standard of care, is a conclusion of law that is to be determined by appropriate board, and is not a finding of fact to be determined by an administrative law judge.

(c) The administrative law judge shall issue a recommended order pursuant to chapter 120.

(d) The Board of Medicine or the Board of Osteopathic Medicine, as applicable, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action.

(e) Any consent order or agreed-upon settlement is subject to the approval of the department.

(f) The department shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

Section 4. Section 456.4504, Florida Statutes, is created to read:

456.4504 Interstate Medical Licensure Compact rules.—The department may adopt rules to implement the Interstate Medical Licensure Compact.

Section 5. Section 456.48, Florida Statutes, is created to read:

456.48 Standardized credentialing application.—

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(1) As used in this section, the term "health insurer" means an authorized insurer offering health insurance as defined in s. 624.603, a managed care plan as defined in s. 409.962, or a health maintenance organization as defined in s. 641.19(12).

(2) The Financial Services Commission, in consultation with the Agency for Health Care Administration, shall adopt by rule a standardized credentialing form for verifying the credentials of an applicant licensed under chapter 458, chapter 459, chapter 461, or chapter 466. In prescribing a form under this section, the commission shall adopt the most current version of the credentialing application form provided by the Council for Affordable Quality Healthcare, Inc.

(3) Notwithstanding any other law to the contrary, effective January 1, 2021, or 6 months after the effective date of the rule adopting the standardized credentialing form, whichever is later, a health insurer or a hospital licensed under chapter 395 shall use only the standardized credentialing form approved by the commission to verify the credentials of an applicant licensed under chapter 458, chapter 459, chapter 461, or chapter 466.

Section 6. Section 456.481, Florida Statutes, is created to read:

456.481 Expedited credentialing process.—

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

(a) "Applicant" means a person licensed under chapter 458, chapter 459, chapter 461, or chapter 466 who is applying for expedited credentialing under this section.

(b) "Enrollee" means an individual who is eligible to receive health care services under a managed care plan.

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(c) "Managed care plan" means an insurer issuing a health insurance policy pursuant to s. 627.6471 or s. 627.6472, a managed care plan as defined in s. 409.962, or a health maintenance organization as defined in s. 641.19(12).

(d) "Medical group" means an entity through which health care services are provided to individuals by two or more persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 and that receives reimbursement for such services.

(e) "Participating provider" means a person licensed under chapter 458, chapter 459, chapter 461, or chapter 466 who has contracted with a managed care plan to provide services to enrollees.

(2) This section applies only to an applicant who joins an established medical group that has a current contract in force with a managed care plan.

(3) To qualify for expedited credentialing under this section and for payment under subsection (4), an applicant must:

(a) Be licensed in this state by, and be in good standing with, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Podiatric Medicine, or the Board of Dentistry, as applicable.

(b) Submit all documentation and any other information required by the managed care plan as necessary for the managed care plan to begin the credentialing process to include such applicant in its health benefit plan network.

(c) Agree to comply with the terms of the managed care plan's participating provider contract in force with the applicant's established medical group.

(4) For purposes of payment, after an applicant qualifies

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for expedited credentialing under subsection (3), the managed care plan shall consider the applicant a participating provider in its health benefit plan network when services are provided to the managed care plan's enrollees by the applicant, including:

(a) Authorizing the applicant to collect copayments from enrollees.

(b) Making payments to the applicant.

(c) Authorizing the applicant to provide services to enrollees.

(5) Pending the approval of an application submitted under this section, the managed care plan may exclude the applicant from the managed care plan's directory of participating providers or any other listing of participating providers.

(6) If, upon completion of the expedited credentialing process, the managed care plan determines that the applicant does not meet the managed care plan's credentialing requirements:

(a) The managed care plan may recover from the applicant or the applicant's medical group an amount equal to the difference between payments for in-network benefits and out-of-network benefits.

(b) The applicant or the applicant's medical group may retain any copayments collected or in the process of being collected as of the date of the managed care plan's determination.

(7) An enrollee in a managed care plan is not responsible, and must be held harmless, for the difference between the in-network payment to the applicant and the out-of-network charge of the applicant or the applicant's medical group for the

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service provided to the enrollee. The applicant and the applicant's medical group may not charge the enrollee for any portion of the applicant's fee which is not paid or reimbursed by the enrollee's managed care plan.

(8) A managed care plan that complies with this section is not subject to any liability for damages arising out of or in connection with, directly or indirectly, payment by the managed care plan to an applicant as if the applicant were a participating provider in the health benefit plan network.

Section 7. Section 458.3129, Florida Statutes, is created to read:

458.3129 Interstate Medical Licensure Compact.—A physician licensed to practice medicine under s. 456.4501 is deemed to also be licensed under this chapter.

Section 8. Section 459.074, Florida Statutes, is created to read:

459.074 Interstate Medical Licensure Compact.—A physician licensed to practice osteopathic medicine under s. 456.4501 is deemed to also be licensed under this chapter.

Section 9. Present subsections (2) through (7) of section 491.003, Florida Statutes, are redesignated as subsections (3) through (8), respectively, present subsections (8) through (17) are redesignated as subsections (10) through (19), respectively, and new subsections (2) and (9) are added to that section to read:

491.003 Definitions.—As used in this chapter:

(2) "Certified master social worker" means a person licensed under this chapter to practice generalist social work.

(9) The term "practice of generalist social work" means the

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application of social work theory, knowledge, methods, and ethics to and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. The term includes the application of specialized knowledge and advanced practice skills to nondiagnostic assessment, treatment planning, implementation and evaluation, case management, information and referral, supervision, and consultation; to education, research, advocacy, community organization; and to the development, implementation, and administration of policies, programs, and activities.

Section 10. Subsections (3) and (4) of section 491.004, Florida Statutes, are amended to read:

491.004 Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.—

~~(3) No later than January 1, 1988, the Governor shall appoint nine members of the board as follows:~~

~~(a) Three members for terms of 2 years each.~~

~~(b) Three members for terms of 3 years each.~~

~~(c) Three members for terms of 4 years each.~~

(3) ~~(4)~~ As the terms of the ~~initial~~ members expire, the Governor shall appoint successors for terms of 4 years; and those members shall serve until their successors are appointed.

Section 11. Subsections (2) and (6) of section 491.0045, Florida Statutes, are amended to read:

491.0045 Intern registration; requirements.—

(2) The department shall register as a clinical social worker intern, marriage and family therapist intern, or mental health counselor intern each applicant who the board certifies

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has done all of the following:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $200, as set by board rule.~~;~~

(b)1. Completed the education requirements as specified in s. 491.005(1)(c), (3)(c), or (4)(c) for the profession for which he or she is applying for licensure, if needed; and

2. Submitted an acceptable supervision plan, as determined by the board, for meeting the practicum, internship, or field work required for licensure that was not satisfied in his or her graduate program.

(c) Identified a qualified supervisor.

(d) Completed an 8-hour Florida laws and rules course approved by the board.

(6) A registration issued on or before March 31, 2017, expires March 31, 2022, and may not be renewed or reissued. Any registration issued after March 31, 2017, expires 60 months after the date it is issued. The board may make a one-time exception from the requirements of this section in emergency or hardship cases, as defined by board rule, if ~~A subsequent intern registration may not be issued unless~~ the candidate has passed the theory and practice examination described in s. 491.005(1)(d), (3)(d), and (4)(d).

Section 12. Subsection (1), paragraph (b) of subsection (2), and subsections (3) and (4) of section 491.005, Florida Statutes, are amended to read:

491.005 Licensure by examination.—

(1) CLINICAL SOCIAL WORK.—Upon verification of documentation and payment of a fee not to exceed $200, as set by

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board rule, plus the actual per applicant cost ~~to the department~~ for purchase of the examination from the ~~American~~ Association of ~~State~~ Social Work ~~Worker's~~ Boards or its successor ~~a similar national organization~~, the department shall issue a license as a clinical social worker to an applicant who the board certifies:

(a) Has submitted an application and paid the appropriate fee.

(b)1. Has received a doctoral degree in social work from a graduate school of social work which at the time the applicant graduated was accredited by an accrediting agency recognized by the United States Department of Education or has received a master's degree in social work from a graduate school of social work which at the time the applicant graduated:

a. Was accredited by the Council on Social Work Education;

b. Was accredited by the Canadian Association of Schools of Social Work; or

c. Has been determined to have been a program equivalent to programs approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education. An applicant who graduated from a program at a university or college outside of the United States or Canada must present documentation of the equivalency determination from the council in order to qualify.

2. The applicant's graduate program must have emphasized direct clinical patient or client health care services, including, but not limited to, coursework in clinical social work, psychiatric social work, medical social work, social casework, psychotherapy, or group therapy. The applicant's graduate program must have included all of the following

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coursework:

a. A supervised field placement which was part of the applicant's advanced concentration in direct practice, during which the applicant provided clinical services directly to clients.

b. Completion of 24 semester hours or 32 quarter hours in courses approved by board rule ~~theory of human behavior and practice methods as courses in clinically oriented services, including a minimum of one course in psychopathology, and no more than one course in research, taken in a school of social work accredited or approved pursuant to subparagraph 1~~.

~~3. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.~~

(c) Has had at least 2 years of clinical social work experience, which took place subsequent to completion of a graduate degree in social work at an institution meeting the accreditation requirements of this section, under the supervision of a licensed clinical social worker or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If the applicant's graduate program was not a program which emphasized direct clinical patient or client health care services as described in subparagraph (b)2., the supervised experience requirement must take place after the applicant has completed a minimum of 15

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semester hours or 22 quarter hours of the coursework required. A doctoral internship may be applied toward the clinical social work experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(d) Has passed a theory and practice examination designated ~~provided~~ by the board ~~department for this purpose~~.

(e) Has demonstrated, in a manner designated by board rule ~~of the board~~, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

(2) CLINICAL SOCIAL WORK.—

(b) An applicant from a master's or doctoral program in social work which did not emphasize direct patient or client services may complete the clinical curriculum content requirement by returning to a graduate program accredited by the Council on Social Work Education or the Canadian Association for Social Work Education ~~of Schools of Social Work~~, or to a clinical social work graduate program with comparable standards, in order to complete the education requirements for examination. However, a maximum of 6 semester or 9 quarter hours of the clinical curriculum content requirement may be completed by credit awarded for independent study coursework as defined by board rule.

(3) MARRIAGE AND FAMILY THERAPY.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual cost ~~to the department~~ for the purchase of the examination from the Association of Marital and Family Therapy Regulatory Boards ~~Board~~, or its successor ~~similar~~

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~~national~~ organization, the department shall issue a license as a marriage and family therapist to an applicant who the board certifies:

(a) Has submitted an application and paid the appropriate fee.

(b)~~1.~~ Has a minimum of a master's degree with major emphasis in marriage and family therapy, or a closely related field, from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education or from a state university program accredited by the Council for Accreditation of Counseling and Related Educational Programs which has graduate courses approved by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling ~~and has completed all of the following requirements:~~

~~a. Thirty-six semester hours or 48 quarter hours of graduate coursework, which must include a minimum of 3 semester hours or 4 quarter hours of graduate-level course credits in each of the following nine areas: dynamics of marriage and family systems; marriage therapy and counseling theory and techniques; family therapy and counseling theory and techniques; individual human development theories throughout the life cycle; personality theory or general counseling theory and techniques; psychopathology; human sexuality theory and counseling techniques; psychosocial theory; and substance abuse theory and counseling techniques. Courses in research, evaluation, appraisal, assessment, or testing theories and procedures; thesis or dissertation work; or practicums, internships, or fieldwork may not be applied toward this requirement.~~

~~b. A minimum of one graduate-level course of 3 semester~~

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~~hours or 4 quarter hours in legal, ethical, and professional standards issues in the practice of marriage and family therapy or a course determined by the board to be equivalent.~~

~~c. A minimum of one graduate-level course of 3 semester hours or 4 quarter hours in diagnosis, appraisal, assessment, and testing for individual or interpersonal disorder or dysfunction; and a minimum of one 3-semester-hour or 4-quarter-hour graduate-level course in behavioral research which focuses on the interpretation and application of research data as it applies to clinical practice. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.~~

~~d. A minimum of one supervised clinical practicum, internship, or field experience in a marriage and family counseling setting, during which the student provided 180 direct client contact hours of marriage and family therapy services under the supervision of an individual who met the requirements for supervision under paragraph (c). This requirement may be met by a supervised practice experience which took place outside the academic arena, but which is certified as equivalent to a graduate-level practicum or internship program which required a minimum of 180 direct client contact hours of marriage and family therapy services currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education, or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada or a training institution accredited by the Commission on Accreditation for Marriage and Family Therapy Education~~

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~~recognized by the United States Department of Education. Certification shall be required from an official of such college, university, or training institution.~~

~~2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course~~.

The required master's degree must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Council for Higher Education Accreditation ~~Commission on Recognition of Postsecondary Accreditation~~; publicly recognized as a member in good standing with ~~the Association of~~ Universities ~~and Colleges of~~ Canada; or an institution of higher education located outside the United States and Canada~~,~~ which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The burden of establishing that the requirements of this

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provision have been met shall be upon the applicant, and the board shall require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. An applicant with a master's degree from a program which did not emphasize marriage and family therapy may complete the coursework requirement in a training institution fully accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education.

(c) Has had at least 2 years of clinical experience during which 50 percent of the applicant's clients were receiving marriage and family therapy services, which must be at the post-master's level under the supervision of a licensed marriage and family therapist with at least 5 years of experience, or the equivalent, who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If a graduate has a master's degree with a major emphasis in marriage and family therapy or a closely related field that did not include all the coursework required under paragraph (b) ~~sub-subparagraphs (b)1.a.-c.~~, credit for the post-master's level clinical experience shall not commence until the applicant has completed a minimum of 10 of the courses required under paragraph (b) ~~sub-subparagraphs (b)1.a.-c.~~, as determined by the board, and at least 6 semester hours or 9 quarter hours of the course credits must have been completed in the area of marriage

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and family systems, theories, or techniques. Within the 2 ~~3~~ years of required experience, the applicant shall provide direct individual, group, or family therapy and counseling, to include the following categories of cases: unmarried dyads, married couples, separating and divorcing couples, and family groups including children. A doctoral internship may be applied toward the clinical experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(d) Has passed a theory and practice examination designated ~~provided~~ by the board ~~department~~ for this purpose.

(e) Has demonstrated, in a manner designated by board rule ~~of the board~~, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

(f) For the purposes of dual licensure, the department shall license as a marriage and family therapist any person who meets the requirements of s. 491.0057. Fees for dual licensure shall not exceed those stated in this subsection.

(4) MENTAL HEALTH COUNSELING.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost ~~to the department~~ for purchase of the examination from the National Board for Certified Counselors or its successor ~~Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors or a similar national organization~~, the department shall issue a license as a mental health counselor to an applicant who the board certifies:

(a) Has submitted an application and paid the appropriate

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fee.

(b)1. Has a minimum of an earned master's degree from a mental health counseling program accredited by the Council for the Accreditation of Counseling and Related Educational Programs that consists of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction~~, including a course in human sexuality and a course in substance abuse~~. If the master's degree is earned from a program related to the practice of mental health counseling that is not accredited by the Council for the Accreditation of Counseling and Related Educational Programs, then the coursework and practicum, internship, or fieldwork must consist of at least 60 semester hours or 80 quarter hours and meet the following requirements:

a. Thirty-three semester hours or 44 quarter hours of graduate coursework, which must include a minimum of 3 semester hours or 4 quarter hours of graduate-level coursework in each of the following 11 content areas: counseling theories and practice; human growth and development; diagnosis and treatment of psychopathology; human sexuality; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; substance abuse; and legal, ethical, and professional standards issues in the practice of mental health counseling ~~in community settings; and substance abuse~~. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

b. A minimum of 3 semester hours or 4 quarter hours of graduate-level coursework addressing diagnostic processes,

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including differential diagnosis and the use of the current diagnostic tools, such as the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders. The graduate program must have emphasized the common core curricular experience ~~in legal, ethical, and professional standards issues in the practice of mental health counseling, which includes goals, objectives, and practices of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certifications and licensing, and the role identity and professional obligations of mental health counselors. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement~~.

c. The equivalent, as determined by the board, of at least 700 ~~1,000~~ hours of university-sponsored supervised clinical practicum, internship, or field experience that includes at least 280 hours of direct client services, as required in the accrediting standards of the Council for Accreditation of Counseling and Related Educational Programs for mental health counseling programs. This experience may not be used to satisfy the post-master's clinical experience requirement.

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

Education and training in mental health counseling must have been received in an institution of higher education which at the

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time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Council for Higher Education Accreditation or its successor ~~Commission on Recognition of Postsecondary Accreditation~~; publicly recognized as a member in good standing with ~~the Association of~~ Universities ~~and Colleges of~~ Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Council for Higher Education Accreditation or its successor ~~Commission on Recognition of Postsecondary Accreditation~~. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as mental health counselors. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board shall require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. Beginning July 1, 2026, an applicant must have a master's degree in a program that is accredited by the Council for Accreditation of Counseling and Related Educational Programs which consists of at least 60 semester hours or 80 quarter hours to apply for licensure under this paragraph.

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(c) Has had at least 2 years of clinical experience in mental health counseling~~,~~ which must be at the post-master's level under the supervision of a licensed mental health counselor or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If a graduate has a master's degree with a major related to the practice of mental health counseling that did not include all the coursework required under sub-subparagraphs (b)1.a.-b., credit for the post-master's level clinical experience shall not commence until the applicant has completed a minimum of seven of the courses required under sub-subparagraphs (b)1.a.-b., as determined by the board, one of which must be a course in psychopathology or abnormal psychology. A doctoral internship may be applied toward the clinical experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(d) Has passed a theory and practice examination designated ~~provided~~ by the board ~~department~~ for this purpose.

(e) Has demonstrated, in a manner designated by board rule ~~of the board~~, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

Section 13. Subsection (3) of section 491.0057, Florida Statutes, is amended to read:

491.0057 Dual licensure as a marriage and family therapist.—The department shall license as a marriage and family

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therapist any person who demonstrates to the board that he or she:

(3) Has passed the examination designated ~~provided~~ by the board ~~department~~ for marriage and family therapy.

Section 14. Paragraph (b) of subsection (1) of section 491.006, Florida Statutes, is amended to read:

491.006 Licensure or certification by endorsement.—

(1) The department shall license or grant a certificate to a person in a profession regulated by this chapter who, upon applying to the department and remitting the appropriate fee, demonstrates to the board that he or she:

(b)1. Holds an active valid license to practice and has actively practiced the profession for which licensure is applied in another state for 3 of the last 5 years immediately preceding licensure.

~~2. Meets the education requirements of this chapter for the profession for which licensure is applied.~~

2.~~3.~~ Has passed a substantially equivalent licensing examination in another state or has passed the licensure examination in this state in the profession for which the applicant seeks licensure.

3.~~4.~~ Holds a license in good standing, is not under investigation for an act that would constitute a violation of this chapter, and has not been found to have committed any act that would constitute a violation of this chapter. ~~The fees paid by any applicant for certification as a master social worker under this section are nonrefundable.~~

Section 15. Section 491.0065, Florida Statutes, is repealed.

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Section 16. Subsections (2) and (3) of section 491.007, Florida Statutes, are amended to read:

491.007 Renewal of license, registration, or certificate.—

(2) Each applicant for renewal shall present satisfactory evidence that, in the period since the license or certificate was issued, the applicant has completed continuing education requirements set by rule of the board or department. Not more than 25 classroom hours of continuing education per year shall be required. ~~A certified master social worker is exempt from the continuing education requirements for the first renewal of the certificate.~~

~~(3) The board or department shall prescribe by rule a method for the biennial renewal of an intern registration at a fee set by rule, not to exceed $100.~~

Section 17. Subsection (2) of section 491.009, Florida Statutes, is amended to read:

491.009 Discipline.—

(2) The ~~department, or, in the case of psychologists, the~~ board~~,~~ may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 18. Paragraph (a) of subsection (1) of section 491.012, Florida Statutes, is amended to read:

491.012 Violations; penalty; injunction.—

(1) It is unlawful and a violation of this chapter for any person to:

(a) Use the following titles or any combination thereof,

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unless she or he holds a valid, active license as a clinical social worker issued pursuant to this chapter:

1. "Licensed clinical social worker."

2. "Clinical social worker."

3. "Licensed social worker."

4. "Psychiatric social worker."

5. "Psychosocial worker."

6. "Certified master social worker."

Section 19. Section 491.0145, Florida Statutes, is amended to read:

491.0145 Certified master social worker.—

(1) The department shall license ~~may certify~~ an applicant for a designation as a certified master social worker who, upon applying to the department and remitting the appropriate fee, demonstrates to the board that he or she has met the following conditions:

(a) ~~(1)~~ The applicant has submitted ~~completes~~ an application and has paid ~~to be provided by the department and pays~~ a nonrefundable fee not to exceed $250 to be established by rule of the board ~~department. The completed application must be received by the department at least 60 days before the date of the examination in order for the applicant to qualify to take the scheduled exam~~.

(b) ~~(2)~~ The applicant submits proof satisfactory to the board ~~department~~ that the applicant has received a doctoral degree in social work, or a master's degree in social work with a major emphasis or specialty in ~~clinical practice or administration, including, but not limited to, agency~~ administration and supervision, program planning and evaluation,

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staff development, research, community organization, community services, social planning, and human service advocacy. Doctoral degrees must have been received from a graduate school of social work which at the time the applicant was enrolled and graduated was accredited by an accrediting agency approved by the United States Department of Education. Master's degrees must have been received from a graduate school of social work which at the time the applicant was enrolled and graduated was accredited by the Council on Social Work Education or the Canadian Association of Schools for ~~of~~ Social Work Education or by one that meets comparable standards.

(c) ~~(3)~~ The applicant has had at least 2 ~~3~~ years' experience, as defined by rule of the board, including, but not limited to, clinical services or administrative activities as described in paragraph (b) ~~defined in subsection (2)~~, ~~2 years of~~ which must be at the post-master's level under the supervision of a person who meets the education and experience requirements for licensure ~~certification~~ as a certified master social worker, as defined by rule of the board, or licensure as a clinical social worker under this chapter. A doctoral internship may be applied toward the supervision requirement.

(d) ~~(4)~~ Any person who holds a master's degree in social work from an institution ~~institutions~~ outside the United States may apply to the board ~~department~~ for licensure ~~certification~~ if the academic training in social work has been evaluated as equivalent to a degree from a school accredited by the Council on Social Work Education. Any such person shall submit a copy of the academic training from the Foreign Equivalency Determination Service of the Council on Social Work Education.

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(e)~~(5)~~ The applicant has passed an examination required by the board ~~department~~ for this purpose. ~~The nonrefundable fee for such examination may not exceed $250 as set by department rule.~~

(2)~~(6)~~ ~~Nothing in~~ This chapter does not ~~shall be construed to~~ authorize a certified master social worker to provide clinical social work services.

(3) The board may adopt rules to implement this section.

Section 20. Section 491.0149, Florida Statutes, is amended to read:

491.0149 Display of license; use of professional title on promotional materials.—

(1)(a) A person licensed under this chapter as a clinical social worker, marriage and family therapist, ~~or~~ mental health counselor, or certified ~~as a~~ master social worker shall conspicuously display the valid license issued by the department or a true copy thereof at each location at which the licensee practices his or her profession.

(b)1. A licensed clinical social worker shall include the words "licensed clinical social worker" or the letters "LCSW" on all promotional materials, including cards, brochures, stationery, advertisements, social media, and signs, naming the licensee.

2. A licensed marriage and family therapist shall include the words "licensed marriage and family therapist" or the letters "LMFT" on all promotional materials, including cards, brochures, stationery, advertisements, social media, and signs, naming the licensee.

3. A licensed mental health counselor shall include the words "licensed mental health counselor" or the letters "LMHC"

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on all promotional materials, including cards, brochures, stationery, advertisements, social media, and signs, naming the licensee.

(c) A generalist social worker shall include the words "certified master social worker" or the letters "CMSW" on all promotional materials, including cards, brochures, stationery, advertisements, social media, and signs, naming the licensee.

(2)(a) A person registered under this chapter as a clinical social worker intern, marriage and family therapist intern, or mental health counselor intern shall conspicuously display the valid registration issued by the department or a true copy thereof at each location at which the registered intern is completing the experience requirements.

(b) A registered clinical social worker intern shall include the words "registered clinical social worker intern," a registered marriage and family therapist intern shall include the words "registered marriage and family therapist intern," and a registered mental health counselor intern shall include the words "registered mental health counselor intern" on all promotional materials, including cards, brochures, stationery, advertisements, social media, and signs, naming the registered intern.

(3)(a) A person provisionally licensed under this chapter as a provisional clinical social worker licensee, provisional marriage and family therapist licensee, or provisional mental health counselor licensee shall conspicuously display the valid provisional license issued by the department or a true copy thereof at each location at which the provisional licensee is providing services.

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(b) A provisional clinical social worker licensee shall include the words "provisional clinical social worker licensee," a provisional marriage and family therapist licensee shall include the words "provisional marriage and family therapist licensee," and a provisional mental health counselor licensee shall include the words "provisional mental health counselor licensee" on all promotional materials, including cards, brochures, stationery, advertisements, social media, and signs, naming the provisional licensee.

Section 21. Section 491.015, Florida Statutes, is repealed.

Section 22. Section 627.444, Florida Statutes, is created to read:

627.444 Credentialing.—

(1) As used in this section, the term "health insurer" means an authorized insurer offering health insurance as defined in s. 624.603, a managed care plan as defined in s. 409.962, or a health maintenance organization as defined in s. 641.19(12).

(2) A health insurer or its designee must provide electronic or written verification of receipt to an applicant within 10 calendar days after the health insurer or its designee receives the applicant's application.

(3)(a) Upon receipt of an application, a health insurer or its designee must promptly review the application to determine whether it is complete. The health insurer or its designee must conclude the credentialing process within 30 calendar days after the date on which the health insurer or its designee determines an application is complete.

(b) If the health insurer or its designee determines that the application is incomplete, the health insurer or its

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designee must so notify the applicant in writing within 10 calendar days after the date on which the health insurer or its designee received the application. The written notice must include a detailed list of all items required to complete the application. If the health insurer or its designee does not send the notice within such period, the application is deemed complete.

(c) If the health insurer or its designee notifies the applicant of an incomplete application in accordance with paragraph (b), the period under paragraph (a) is tolled and the application is suspended from the date on which the notice was sent to the applicant until the date on which the health insurer or its designee receives the required information from the applicant.

(d) The health insurer or its designee may request only that information necessary for the health insurer or its designee to fairly and responsibly review the application.

(4) An applicant may bring an action in a court of appropriate jurisdiction against a health insurer or its designee for a violation of this section.

Section 23. Paragraph (h) is added to subsection (10) of section 768.28, Florida Statutes, to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(10)

(h) For the purposes of this section, the representative appointed from the Board of Medicine and the representative

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appointed from the Board of Osteopathic Medicine, when serving as commissioners of the Interstate Medical Licensure Compact Commission pursuant to s. 456.4501, and any administrator, officer, executive director, employee, or representative of the Interstate Medical Licensure Compact Commission, when acting within the scope of their employment, duties, or responsibilities in this state, are considered agents of the state. The commission shall pay any claims or judgments pursuant to this section and may maintain insurance coverage to pay any such claims or judgments.

Section 24. Paragraph (c) of subsection (4) of section 414.065, Florida Statutes, is amended to read:

414.065 Noncompliance with work requirements.—

(4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—Unless otherwise provided, the situations listed in this subsection shall constitute exceptions to the penalties for noncompliance with participation requirements, except that these situations do not constitute exceptions to the applicable time limit for receipt of temporary cash assistance:

(c) *Noncompliance related to treatment or remediation of past effects of domestic violence.*—An individual who is determined to be unable to comply with the work requirements under this section due to mental or physical impairment related to past incidents of domestic violence may be exempt from work requirements, except that such individual shall comply with a plan that specifies alternative requirements that prepare the individual for self-sufficiency while providing for the safety of the individual and the individual's dependents. A participant who is determined to be out of compliance with the alternative

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requirement plan shall be subject to the penalties under subsection (1). The plan must include counseling or a course of treatment necessary for the individual to resume participation. The need for treatment and the expected duration of such treatment must be verified by a physician licensed under chapter 458 or chapter 459; a psychologist licensed under s. 490.005(1), s. 490.006, or the provision identified as s. 490.013(2) in s. 1, chapter 81-235, Laws of Florida; a therapist as defined in s. 491.003(3) or (7) ~~s. 491.003(2) or (6)~~; or a treatment professional who is registered under s. 39.905(1)(g), is authorized to maintain confidentiality under s. 90.5036(1)(d), and has a minimum of 2 years' ~~years~~ experience at a certified domestic violence center. An exception granted under this paragraph does not automatically constitute an exception from the time limitations on benefits specified under s. 414.105.

Section 25. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Wednesday, January 08, 2020 4:12 PM EST
To: Anita Berry <Anita@johnstonstewart.com>
Subject: billdraft75453
Attachment(s): "billdraft75453.DOCX"

Here you go!

AMERICAN OVERSIGHT

23-01407-20

A bill to be entitled

An act relating to mobile food dispensing vehicles; amending s. 509.013, F.S.; providing a definition for the term "mobile food dispensing vehicle"; creating s. 509.099, F.S.; prohibiting a municipality, a county, or another local governmental entity from requiring a mobile food dispensing vehicle to obtain a separate license, registration, or permit or to pay a separate license, registration, or permit fee or from prohibiting such a vehicle from operating within the jurisdiction of the municipality, county, or locality; amending ss. 159.27, 212.08, 316.1955, 404.056, 477.0135, 509.032, 509.221, 553.5041, 705.17, 705.185, 717.1355, and 877.24, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 509.013, Florida Statutes, is amended to read:

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

(1)~~(6)~~ "Director" means the director of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(2)~~(1)~~ "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(3) "Guest" means any patron, customer, tenant, lodger, boarder, or occupant of a public lodging establishment or public

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food service establishment.

(4) "Mobile food dispensing vehicle" means any vehicle-mounted public food service establishment which is self-propelled or otherwise movable from place to place and includes self-contained utilities, such as gas, water, electricity, and liquid waste disposal.

(5) ~~(16)~~ "Nontransient" means a guest in nontransient occupancy.

(6) ~~(14)~~ "Nontransient establishment" means any public lodging establishment that is rented or leased to guests by an operator whose intention is that the dwelling unit occupied will be the sole residence of the guest.

(7) ~~(15)~~ "Nontransient occupancy" means occupancy when it is the intention of the parties that the occupancy will not be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient.

(8) ~~(2)~~ "Operator" means the owner, licensee, proprietor, lessee, manager, assistant manager, or appointed agent of a public lodging establishment or public food service establishment.

(9) ~~(5)~~ (a) "Public food service establishment" means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared before ~~prior to~~ being delivered to another location for consumption. The term includes a culinary education program, as defined in s. 381.0072(2), which offers, prepares, serves, or

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sells food to the general public, regardless of whether it is inspected by another state agency for compliance with sanitation standards.

(b) The following are excluded from the definition in paragraph (a):

1. Any place maintained and operated by a public or private school, college, or university:

a. For the use of students and faculty; or

b. Temporarily to serve such events as fairs, carnivals, food contests, cook-offs, and athletic contests.

2. Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization:

a. For the use of members and associates; or

b. Temporarily to serve such events as fairs, carnivals, food contests, cook-offs, or athletic contests.

Upon request by the division, a church or a religious, nonprofit fraternal, or nonprofit civic organization claiming an exclusion under this subparagraph must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

3. Any eating place maintained and operated by an individual or entity at a food contest, cook-off, or a temporary event lasting from 1 to 3 days which is hosted by a church or a religious, nonprofit fraternal, or nonprofit civic organization. Upon request by the division, the event host must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

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4. Any eating place located on an airplane, train, bus, or watercraft which is a common carrier.

5. Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place that is regulated under s. 381.0072.

6. Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12.

7. Any place of business where the food available for consumption is limited to ice, beverages with or without garnishment, popcorn, or prepackaged items sold without additions or preparation.

8. Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters.

9. Any vending machine that dispenses any food or beverages other than potentially hazardous foods, as defined by division rule.

10. Any vending machine that dispenses potentially hazardous food and which is located in a facility regulated under s. 381.0072.

11. Any research and development test kitchen limited to the use of employees and which is not open to the general public.

(10) ~~(4)~~ (a) "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph 1. and a nontransient public lodging establishment as defined in subparagraph 2.

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1. "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

2. "Nontransient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103.

(b) The following are excluded from the definitions in paragraph (a):

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.

2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072.

3. Any place renting four rental units or less, unless the

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rental units are advertised or held out to the public to be places that are regularly rented to transients.

4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.

5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895.

6. Any establishment inspected by the Department of Health and regulated by chapter 513.

7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.

8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement.

9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel,

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timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242.

(11) ~~(7)~~ "Single complex of buildings" means all buildings or structures that are owned, managed, controlled, or operated under one business name and are situated on the same tract or plot of land that is not separated by a public street or highway.

(12) ~~(8)~~ "Temporary food service event" means any event of 30 days or less in duration where food is prepared, served, or sold to the general public.

(13) ~~(9)~~ "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(14) ~~(10)~~ "Third-party provider" means, for purposes of s. 509.049, any provider of an approved food safety training program that provides training or such a training program to a public food service establishment that is not under common ownership or control with the provider.

(15) ~~(13)~~ "Transient" means a guest in transient occupancy.

(16) ~~(11)~~ "Transient establishment" means any public lodging establishment that is rented or leased to guests by an operator whose intention is that such guests' occupancy will be temporary.

(17) ~~(12)~~ "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest,

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the occupancy is transient.

Section 2. Section 509.099, Florida Statutes, is created to read:

509.099 Mobile food dispensing vehicle; preemption.—A municipality, a county, or other local governmental entity may not:

(1) Require a separate license, registration, or permit, or a separate license, registration, or permit fee beyond those established by the division under s. 509.241 or s. 509.251, as applicable, as a condition for the operation of a mobile food dispensing vehicle within the jurisdiction of the municipality, county, or locality.

(2) Prohibit mobile food dispensing vehicles from operating within the jurisdiction of the municipality, county, or locality.

Section 3. Subsection (12) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(12) "Public lodging or restaurant facility" means property used for any public lodging establishment as defined in s. 509.242 or public food service establishment as defined in s. 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or necessary to, another facility qualifying under this part.

Section 4. Paragraph (jj) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the

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rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(jj) *Complimentary meals.*—Also exempt from the tax imposed by this chapter are food or drinks that are furnished as part of a packaged room rate by any person offering for rent or lease any transient living accommodations as described in s. 509.013 ~~s. 509.013(4)(a)~~ which are licensed under part I of chapter 509 and which are subject to the tax under s. 212.03, if a separate charge or specific amount for the food or drinks is not shown.

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Such food or drinks are considered to be sold at retail as part of the total charge for the transient living accommodations. Moreover, the person offering the accommodations is not considered to be the consumer of items purchased in furnishing such food or drinks and may purchase those items under conditions of a sale for resale.

Section 5. Paragraph (b) of subsection (4) of section 316.1955, Florida Statutes, is amended to read:

316.1955 Enforcement of parking requirements for persons who have disabilities.—

(4)

(b) Notwithstanding paragraph (a), a theme park or an entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~ which provides parking in designated areas for persons who have disabilities may allow any vehicle that is transporting a person who has a disability to remain parked in a space reserved for persons who have disabilities throughout the period the theme park is open to the public for that day.

Section 6. Subsection (5) of section 404.056, Florida Statutes, is amended to read:

404.056 Environmental radiation standards and projects; certification of persons performing measurement or mitigation services; mandatory testing; notification on real estate documents; rules.—

(5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification shall be provided on at least one document, form, or application executed at the time of, or before ~~prior to~~, contract for sale and purchase of any building or execution of a rental agreement for any building. Such notification shall contain the following

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language:

"RADON GAS: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health department."

The requirements of this subsection do not apply to any residential transient occupancy, as described in s. 509.013 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less in duration.

Section 7. Subsection (6) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(6) A license is not required of any individual providing makeup or special effects services in a theme park or entertainment complex to an actor, stunt person, musician, extra, or other talent, or providing makeup or special effects services to the general public. The term "theme park or entertainment complex" has the same meaning as in s. 509.013 ~~s. 509.013(9)~~.

Section 8. Paragraph (c) of subsection (3) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.—The division shall:

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(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days before the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendors participating in the event, the number of individual food service facilities each vendor will operate at the event, and the identification number of each food service vendor's current license as a public food service establishment or temporary food service event licensee. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors and notify the event sponsors of the availability of the food-recovery brochure developed under s. 595.420.

3.a. Unless excluded under s. 509.013 ~~s. 509.013(5)(b)~~, a public food service establishment or other food service vendor must obtain one of the following classes of license from the division: an individual license, for a fee of no more than $105, for each temporary food service event in which it participates; or an annual license, for a fee of no more than $1,000, that entitles the licensee to participate in an unlimited number of food service events during the license period. The division shall establish license fees, by rule, and may limit the number

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of food service facilities a licensee may operate at a particular temporary food service event under a single license.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events.

Section 9. Paragraph (b) of subsection (2) of section 509.221, Florida Statutes, is amended to read:

509.221 Sanitary regulations.—

(2)

(b) Within a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to be in the same building as the public food service establishment, so long as they are reasonably accessible.

Section 10. Paragraph (b) of subsection (5) of section 553.5041, Florida Statutes, is amended to read:

553.5041 Parking spaces for persons who have disabilities.—

(5) Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located to conform to ss. 502 and 503 of the standards.

(b) If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~ provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible

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entrance.

Section 11. Subsection (2) of section 705.17, Florida Statutes, is amended to read:

705.17 Exceptions.—

(2) Sections 705.1015-705.106 do not apply to any personal property lost or abandoned on premises located within a theme park or entertainment complex, as defined in s. 509.013 ~~s. 509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or on the premises of a public food service establishment or a public lodging establishment licensed under part I of chapter 509, if the owner or operator of such premises elects to comply with s. 705.185.

Section 12. Section 705.185, Florida Statutes, is amended to read:

705.185 Disposal of personal property lost or abandoned on the premises of certain facilities.—When any lost or abandoned personal property is found on premises located within a theme park or entertainment complex, as defined in s. 509.013 ~~s. 509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or on the premises of a public food service establishment or a public lodging establishment licensed under part I of chapter 509, if the owner or operator of such premises elects to comply with this section, any lost or abandoned property must be delivered to such owner or operator, who must take charge of the property and make a record of the date such property was found. If the property is not claimed by its owner within 30 days after it is found, or a longer period of time as may be deemed appropriate by the owner or operator of the premises, the owner or operator of the premises may not sell and must dispose of the

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property or donate it to a charitable institution that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code for sale or other disposal as the charitable institution deems appropriate. The rightful owner of the property may reclaim the property from the owner or operator of the premises at any time before the disposal or donation of the property in accordance with this section and the established policies and procedures of the owner or operator of the premises. A charitable institution that accepts an electronic device, as defined in s. 815.03(9), access to which is not secured by a password or other personal identification technology, shall make a reasonable effort to delete all personal data from the electronic device before its sale or disposal.

Section 13. Section 717.1355, Florida Statutes, is amended to read:

717.1355 Theme park and entertainment complex tickets.—This chapter does not apply to any tickets for admission to a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~, or to any tickets to a permanent exhibition or recreational activity within such theme park or entertainment complex.

Section 14. Subsection (8) of section 877.24, Florida Statutes, is amended to read:

877.24 Nonapplication of s. 877.22.—Section 877.22 does not apply to a minor who is:

(8) Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~.

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436 Section 15. This act shall take effect July 1, 2020.

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From: Brill, Victoria
Sent: Friday, January 17, 2020 6:16 PM EST
To: Joe Gruters <joegruters@gmail.com>
CC: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Bills for Tuesday 1/21/2020
Attachment(s): "1140_Staff Analysis.PDF","1102_ITT_Staff Analysis.PDF","922_CM_Staff Analysis.PDF","514_CA_Staff Analysis.PDF","Q&A.docx","TPs_Background.docx"

Senator,

The following four bills are up on Tuesday:

1) SB 922 – Economic Development @ 10 AM in Commerce & Tourism
    a. Staff Analysis attached (http://flsenate.gov/Session/Bill/2020/922/Analyses/2020s00922.pre.cm.PDF)
    b. Waiting on Q&A and TP
    c. Need to discuss amendments (1 technical and 1 substantive) and amendment to the amendment to substantive amendment
2) SB 1102 – Specialty Contracting Services @ 2:30 PM in Innovation, Industry, & Technology
    a. Staff Analysis attached (http://flsenate.gov/Session/Bill/2020/1102/Analyses/2020s01102.pre.it.PDF)
    b. Background information & Q&A attached (VB review not complete yet)
    c. No amendments
3) SB 1140 – Public Accountancy @ 2:30 PM in Innovation, Industry, & Technology
    a. Staff Analysis attached (http://flsenate.gov/Session/Bill/2020/1140/Analyses/2020s01140.pre.it.PDF)
    b. Waiting on Q&A and TP
    c. No amendments
4) SB 514 – Homestead Exemptions @ 4:30 in Community Affairs
    a. Staff Analysis attached (http://flsenate.gov/Session/Bill/2020/514/Analyses/2020s00514.pre.ca.PDF)
    b. Working on modifying Q&A & TP from last year (similar bill)
    c. Strike-All amendments recommended from staff and matches HB (http://flsenate.gov/Session/Bill/2020/514/Amendment/301196/PDF)

Please let me know if you have any questions.

-Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

BILL:	SB 1102
INTRODUCER:	Senator Gruters
SUBJECT:	Specialty Contracting Services
DATE:	January 17, 2020
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	IT	**Pre-meeting**
2.			CA	
3.			RC	

I. Summary:

SB 1102 creates an exemption from local and state licensing for persons under the supervision of a certified or registered pool contractor for the construction, remodeling, or repair of swimming pools, hot tubs, and other water features. The supervising contractor need not have a direct contract with the unlicensed person performing the specialty contracting services. The exemption is not available for persons required to be certified or registered as contractors for specified trade categories described in current law.[1]

The bill has no impact on state government.

The bill provides an effective date of July 1, 2020.

II. Present Situation:

Part I of ch. 489, F.S., dealing with Constructing Contracting, sets forth requirements for qualified persons to be licensed if they have sufficient technical expertise in the applicate trade.[2]

A contractor is a person who undertakes a job or submits a bid to construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure for others, and whose job scope is substantially similar to one of 17 specified scopes of work.[3] A contractor

[1] *See* ss. 489.105(3)(a) through (i) and (m) through (o), F.S. The specified scopes of work are identified as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, plumbing contractor, underground utility and excavation contractor, and solar contractor.
[2] *See* ss. 489.101-489.146, F.S.
[3] *See* ss. 489.105(3)(a) through (q), F.S. The specified scopes of work are identified as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, commercial pool/spa contractor, residential pool/spa contractor, swimming pool servicing contractor, plumbing contractor, underground utility and excavation contractor, solar contractor, pollutant storage systems contractor, and specialty contractor.

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must be licensed by the Department of Business and Professional Regulation's Construction Industry Licensing Board (board) or certified by the county in which he or she wishes to work.[4] In most circumstances, a contractor must subcontract all electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air-conditioning work unless the contractor holds a state certificate or registration in the appropriate trade category.[5]

A subcontractor who does not have a state certificate or registration may work under the supervision of a licensed or certified contractor, if:

- The work of the subcontractor falls within the scope of the contractor's license; and
- The subcontractor is not engaged in construction work that would require specified contractor licensing (i.e., licensure as an electrical contractor,[6]a septic tank contractor,[7] a sheet metal contractor, roofing contractor, Class A, B, or C air-conditioning contractor, mechanical contractor, commercial pool/spa contractor, residential pool/spa contractor, swimming pool servicing contractor, plumbing contractor, underground utility and excavation contractor, or solar contractor.[8]

The term "certification" means the act by a contractor obtaining or holding a geographically unlimited certificate of competency from the DBPR.[9] A contractor registered with the DBPR has fulfilled competency requirements only in those jurisdictions in which a registration is issued, and registered contractors may contract only in those jurisdictions.[10]

The term "specialty contractor" means a contractor whose scope of practice is limited to:

- A particular construction category adopted by board rule; and
- A subset of the [trade categories for contractors listed in s. 489.105(3)(a) through (p), F.S., such as roofing, air-conditioning, plumbing, etc.].[11]

The board has adopted rules for the voluntary certification of swimming pool specialty contractors and residential pool/spa servicing contractors.[12] Licenses for these contractors include those for:

- Swimming Pool Layout;
- Swimming Pool Structural;
- Swimming Pool Excavation;
- Swimming Pool Trim;
- Swimming Pool Decking;
- Swimming Pool Piping; and
- Swimming Pool Finishes.

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[4] Sections 489.107(1), 489.113(1), and 489.117(1)(b), F.S.
[5] Section 489.113(3), F.S. Various exceptions for general, building, residential, and solar contractors are set forth in ss. 489.113(3)(a) through (g), F.S.
[6] *See* Part II, of ch. 489, F.S., relating to Electrical and Alarm System Contracting,
[7] *See* Part III of ch. 489, F.S., relating to Septic Tank Contracting.
[8] Section 489.113(2), F.S.
[9] *See* s. 489.105(7) and (8), F.S.
[10] *See* ss. 489.105((9) and (10), F.S.
[11] Section 489.105(3)(q), F.S.
[12] *See* Fla. Admin. Code R. 61G4-15.032 and 61G4-15.040 (2020) available at https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61G4-15 (last visited Jan. 14, 2020).

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Section 489.117(4(d), F.S., similarly allows unlicensed persons to perform contracting services[13] related to the construction, remodeling, repair, or improvement of single-family residences and townhomes, under supervision by a certified or registered general, building, or residential contractor. The supervising contractor need not have a direct contract with the unlicensed person performing the contracting services. A legal challenge to the applicability of this exemption to local license requirements in St. Johns County was not successful.[14]

III. Effect of Proposed Changes:

SB 1102 amends s. 487.117(4), F.S., to exempt from local and state licensing for persons under the supervision of a certified or registered commercial pool/spa contractor, a residential pool/spa contractor, or a swimming pool/spa servicing contractor (a licensed pool contractor) for the performance of certain specialty contracting services. The bill provides a contractual relationship between the supervising contractor and those performing the specialty contracting services is not required (i.e., the performance of such contracting services is outside the business of contracting and need not be undertaken through a contractor/subcontractor relationship).

The services that may be performed by unlicensed persons under the supervision of a licensed pool contractor include the construction, remodeling, repair, or improvement of swimming pools, hot tubs, spas, and interactive water features, as defined in the Florida Building Code (code).[15] Of those terms, the current code does not appear to define "interactive water features." However, the described scope of work for "swimming pool piping specialty contractor" includes "decorative or interactive water displays or areas."[16]

The exemption is not available for persons required to be certified or registered as contractors for specified trade categories described in s. 489.105(3), F.S.[17]

The exemption from local contractor licensing and specialty contractor licensing created in the bill is similar to an exemption enacted in 1993.[18] Section 489.117(4)(d), F.S., allows unlicensed persons to perform contracting services related to the construction, remodeling, repair, or improvement of single-family residences and townhomes, under supervision by a certified or registered general, building, or residential contractor. The supervising contractor need not have a direct contract with the unlicensed person performing the contracting services.

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[13] The specified scopes of work are sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, plumbing contractor, underground utility and excavation contractor, and solar contractor.
[14] *See Florida Home Builders Ass'n v. St. Johns County*, 914 So.2d 1035 (Fla. 5th DCA 2005).
[15] The term "swimming pool" is defined as "[a]ny structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground pools; hot tubs; spas and fixed-in-place wading pools." *See* ch. 2 of the 2017 Florida Building Code (Sixth Edition), available at https://codes.iccsafe.org/content/FBC2017/chapter-2-definitions (last visited Jan. 14, 2020).
[16] *See* Fla. Admin. Code R. 61G4-15.032(2)(f), relating to certification of swimming pool piping specialty contractors, available at https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61G4-15 (last visited Jan. 14, 2020).
[17] *See* ss. 489.105(3)(a) through (i) and (m) through (o), F.S. The specified scopes of work are identified as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, plumbing contractor, underground utility and excavation contractor, and solar contractor.
[18] *See* ch. 93-154, s. 3, and ch. 93-166, s. 12, Laws of Fla. These provisions have been subsequently amended.

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IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who are not licensed as contractors in a trade and have not been eligible to engage in such work may now, under the supervision of certified or registered contractors whose licenses cover such work, construct, remodel, repair, or improve swimming pools, hot tubs, spas, or interactive water features.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 489.117 of the Florida Statutes.

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IX. Additional Information:

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

None.

B. Amendments:

None.

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

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

BILL:	SB 1140
INTRODUCER:	Senator Gruters
SUBJECT:	Public Accountancy
DATE:	January 17, 2020
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	IT	**Pre-meeting**
2.			CM	
3.			RC	

I. Summary:

SB 1140 permits a nonresident Florida-licensed certified public accountant (CPA) to renew his or her license, if the CPA has complied with the continuing education requirements in the state in which his or her office is located. However, a nonresident CPA must satisfy Florida's ethics-related continuing education requirements. If the state in which the nonresident CPA's office is located does not have continuing education requirements as a condition for license renewal, the nonresident CPA must comply with the continuing education requirements in Florida.

The bill requires that the majority of the hours for continuing education in ethics must review the applicable Florida statutes and rules.

The bill permits a CPA to place his or her license in a retired status if the person is at least 55 years of age, holds a current active or inactive license that is in good standing, and is not the subject of any sanction or disciplinary action. If a licensee on retired status reenters the workforce in a position that has an association with accounting or any of the CPA services, the licensee automatically loses her or his retired status. A retired CPA:

- May continue to provide services utilizing accounting skills, and tax, management advisory, or consulting services, as defined in s. 473.302(8)(b), F.S., but may not provide certain accounting services defined ss. 473.302(8)(a), (c), and (d), F.S., such as services that involve an opinion on financial statements or the preparation of financial statements.
- May engage in specified activities, including serving without compensation on a board of directors or board of trustees, providing volunteer tax preparation services, and participating in an advisory role for a similar charitable, civic, or other nonprofit organizations.
- May accept routine reimbursement for certain expenses, such as actual costs of travel and meals associated with volunteer services.
- May use the title of "retired CPA," but may not offer or render professional services that require her or his signature and use of the CPA title, regardless of whether the word "retired" is attached to such title.

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- Is not required to fulfill the continuing education requirements.
- May reactivate her or his license in a conditional manner determined by the board, which must require the payment of fees and the completion of any required continuing education.

The effective date of the bill is July 1, 2020.

II. Present Situation:

The Florida Board of Accounting (board) in the Department of Business and Professional Regulation (DBPR) is the agency responsible for regulating and licensing more than 38,000 active and 2,700 inactive CPAs and more than 5,700 accounting firms in Florida.[1] The Division of Certified Public Accounting provides administrative support to the nine-member board, which consists of seven CPAs and two laypersons.[2]

A certified public accountant is a person who holds a license to practice public accounting in this state under ch. 473, F.S., or an individual who is practicing public accounting in this state pursuant to the practice privilege granted in s. 473.3141, F.S.[3]

The practice of public accounting includes offering to the public the performance of services involving audits, reviews, compilations, tax preparation, management advisory or consulting services, or preparation of financial statements.[4] To engage in the practice of public accounting, as defined in s. 473.302(8)(a), F.S., an individual or firm must be licensed pursuant to ss. 473.308 or 473.3101, F.S., and business entities must meet the requirements of s. 473.309, F.S.

Definitions

Section 473.302(8), F.S., define the terms "practice of," "practicing public accountancy," or "public accounting" to mean:

> (a) Offering to perform or performing for the public one or more types of services involving the expression of an opinion on financial statements, the attestation as an expert in accountancy to the reliability or fairness of presentation of financial information, the utilization of any form of opinion or financial statements that provide a level of assurance, the utilization of any form of disclaimer of opinion which conveys an assurance of reliability as to matters not specifically disclaimed, or the expression of an opinion on the reliability of an assertion by one party for the use by a third party;

[1] Florida Department of Business and Professional Regulation, Fiscal Year 2018-2019 Annual Report, page 12, available at http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport_FY1819.pdf(last visited Jan. 14, 2020).
[2] Section 473.303, F.S.
[3] *See* s. 473.302(4), F.S. Section 473.3141, F.S., permits a person who does not have an office in Florida to practice public accountancy in this state without obtaining a license under ch. 473, F.S., notifying or registering with the board, or paying a fee if the person meets the required criteria.
[4] Section 473.302(8), F.S.

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(b) Offering to perform or performing for the public one or more types of services involving the use of accounting skills, or one or more types of tax, management advisory, or consulting services, by any person who is a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141, [F.S.,] including the performance of such services by a certified public accountant in the employ of a person or firm; or

(c) Offering to perform or performing for the public one or more types of service involving the preparation of financial statements not included within paragraph (a), by a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141[, F.S.]; by a firm of certified public accountants; or by a firm in which a certified public accountant has an ownership interest, including the performance of such services in the employ of another person. The board shall adopt rules establishing standards of practice for such reports and financial statements; provided, however, that nothing in this paragraph shall be construed to permit the board to adopt rules that have the result of prohibiting Florida certified public accountants employed by unlicensed firms from preparing financial statements as authorized by this paragraph.

Qualifications

To be licensed as a certified public accountant, a person must:[5]

- Be of good moral character;
- Pass the licensure exam; and
- Have at least 150 semester hours of education, with a focus on accounting and business.

License by Endorsement

Section 473.308, F.S., provides for the licensure of individuals desiring to be licensed as a certified public accountant. Section 473.308(7), F.S., provides for licensure of certified public accountants by endorsement. To qualify, an applicant for licensure by endorsement the applicant must satisfy education, work experience, good moral character requirements. Applicants for endorsement must also have completed education courses that are equivalent to the continuing education requirements in this state during the two years immediately preceding the application for licensure by endorsement.

If the applicant is <u>not licensed</u> in another state or territory, the applicant must:[6]

- Have passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306, F.S.; and
- Have completed continuing professional education courses that are at least equivalent to the continuing professional education requirements for a Florida certified public accountant.

[5] Sections 473.308(2)-(5), F.S.
[6] Section 473.308(7)(a), F.S.

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If the applicant is licensed in another state or territory, the applicant has:[7]

- Satisfied licensing criteria that were substantially equivalent to the licensure criteria in this state at the time the license was issued; or
- If the licensing criterial are not substantially equivalent to Florida, passed a national, regional, state of territorial licensing examination with examination criteria that were substantially equivalent to the examination criteria required in this state; or
- A valid license in another state or territory for at least 10 years before applying for a license in Florida, and has passed a national, regional, state of territorial licensing examination with examination criteria that were substantially equivalent to the examination criteria required in this state.

Continuing Education

Certified public accountants, as part of the license renewal procedure, are required to submit proof satisfactory to the board that, during the two years prior to their application for renewal, they have successfully completed not less than 48 or more than 80 hours of continuing professional education programs in public accounting subjects approved by the board.[8] The board has the authority to prescribe by rule additional continuing professional education hours, not to exceed 25 percent of the total hours required, for failure to complete the hours required for renewal by the end of the reestablishment period.[9]

At least 25 percent of the total hours required by the board must be in accounting-related and auditing-related subjects, as distinguished from federal and local taxation matters and management services.[10]

Not less than 10 percent of the total continuing education hours must be in accounting-related and auditing-related subjects, as distinguished from federal and local taxation matters and management services.[11]

Not less than five percent of the continuing education must be in ethics applicable to the practice of public accounting, including a review of the provisions of ch. 455, F.S.,[12] and ch. 473, F.S., and the related administrative rules. This requirement must be administered by providers approved by the board.

Inactive Licenses

Section 473.313(1), F.S., permits Florida-licensed CPAs to request that their license be placed on inactive status. Section 473.313(2), F.S., authorizes the board to adopt rules establishing the

[7] Section 473.308(7)(b), F.S.
[8] Section 473.312(1)(a), F.S.
[9] *Id.*
[10] *Id.*
[11] Section 473.312(1)(b), F.S.
[12] Chapter 455, relates to the regulation of professions by the department.

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minimum requirements for placing a license on inactive status, renewing an inactive license, and reactivating the inactive license.[13]

A person may reactivate a license by applying to the department and paying a $250 application fee.[14] If the license is delinquent on January 1 because of failure to report completed continuing education requirements, the applicant must submit a complete application to the board by March 15 immediately after the delinquent period.[15]

Current law does not provide CPAs the option of placing licenses into a retired status as an alternative to inactive status.

III. Effect of Proposed Changes:

Licensure by Endorsement

The bill amends s. 476.308(1)(a)1., F.S., to change the term "another state" to "any state". The bill does not make the same change throughout s. 476.308, F.S., where the term "another state" is used. Section 476.308(1)(a)1., F.S., as amended by the bill, appears to include persons who have not been licensed in Florida within the licensure by endorsement requirements in paragraph (a). The amendment to this section appears to not have a substantive effect because such a person, i.e., a person from Florida who has not been license in any state or territory, must satisfy the licensing requirements of this state whether they do so through the regular licensure qualification process or the licensure by endorsement process.

Continuing Education

The bill amends s. 473.311(1), F.S., to permit a nonresident licensee to renew his or her Florida license if the licensee has complied with the continuing education requirements in the state in which his or her office is located. However, under the bill, the nonresident licensee is required to complete not less than 5 percent of the continuing education in ethics applicable to the practice of public accounting, including a review of the provisions of ch. 455, F.S., and ch. 473, F.S., and the related administrative rules.

The nonresident licensee must comply with the continuing education requirements in Florida if the state in which the nonresident licensee's office is located does not have continuing education requirements as a condition for license renewal.

The bill amends s. 473.312(1)(c), F.S., require that the majority of the hours for the continuing education in ethics must be in a review of the provisions of ch. 455, F.S.,[16] and ch. 473, F.S., and the related administrative rules.

[13] *See* Fla. Admin R. 61H1-33.006 (2019).
[14] Fla Admin. R. 61H1-31.006 (2019).
[15] Section 473.313(3), F.S.
[16] Chapter 455, relates to the regulation of professions by the department.

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Retired Status

The bill amends s. 473.313, F.S., to permit a Florida CPA to place his or her license in a retired status if the person is:

- At least 55 years of age;
- Holds a current active or inactive license; and
- In good standing and not the subject of any sanction or disciplinary action.

If a licensee on retired status reenters the workforce in a position that has an association with accounting or any of the services, the licensee automatically loses her or his retired status. However, a CPA on retired status may continue to provide services utilizing accounting skills, and tax, management advisory, or consulting services, as defined in s. 473.302(8)(b), F.S., but may not provide certain accounting services defined ss. 473.302(8)(a), (c), and (d), F.S., such as services that involve an opinion on financial statements or the preparation of financial statements.

The bill authorizes a retired licensee to engage in specified activities, including serving without compensation on a board of directors or board of trustees, providing volunteer tax preparation services, and participating in an advisory role for a similar charitable, civic, or other nonprofit organizations.

A licensee on retired status must affirm in writing her or his understanding of the limited types of activities in which she or he may engage while in retired status and that she or he has a professional duty to ensure that she or he holds the professional competencies necessary to participate in such activities.

A retired licensee:

- May accept routine reimbursement for actual costs of travel and meals associated with volunteer services or de minimis per diem amounts paid to the licensee to cover such expenses as allowed by law.
- May use the title of "retired CPA," but may not offer or render professional services that require her or his signature and use of the CPA title, regardless of whether the word "retired" is attached to such title.
- Is not required to maintain the continuing education requirements.
- May reactivate her or his license in a conditional manner determined by the board, which must require the payment of fees and the completion of any required continuing education.

Effective Date

The effective date of the bill is July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 473.308, 473.311, 473.312, and 473.313.

IX. Additional Information:

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

None.

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B. Amendments:

None.

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

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	SB 514
INTRODUCER:	Senator Gruters
SUBJECT:	Homestead Exemptions
DATE:	January 14, 2020
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Ryon	CA	**Pre-meeting**
2.			FT	
3.			AP	

I. Summary:

SB 514 allows a person or family unit to retain a homestead exemption under certain circumstances.

Current law provides that a property owner who is receiving or claiming an ad valorem tax exemption in another state that is conditioned upon permanent residency in that state may not receive the ad valorem homestead exemption in Florida. This provision operates regardless of whether the property owner applied for the exemption in the other state or was granted the exemption without applying for it.

The bill allows a person or family unit that has a homestead exemption in Florida and an ad valorem, residency-based exemption or credit in another state to retain the Florida homestead exemption if: 1) the person or family unit demonstrates to the satisfaction of the property appraiser that the person or family unit did not apply for the exemption or credit in the other state and, 2) the person or family unit has relinquished the exemption or credit in the other state.

The bill authorizes the Department of Revenue to require its homestead exemption forms to contain information about an applicant's receipt of residency-based tax exemptions or credits in another state.

The changes made by the bill apply to tax years beginning on or after January 1, 2021.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of

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January 1 of each year.[1] The property appraiser annually determines the assessed or "just value"[2] of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."[3] Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

The Florida Constitution prohibits the state from levying ad valorem taxes[4] and limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.[5]

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;[6] however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include: agricultural land, land producing high water recharge to Florida's aquifers, and land used exclusively for noncommercial recreational purposes;[7] land used for conservation purposes;[8] historic properties when authorized by the county or municipality;[9] and certain working waterfront property.[10]

Statewide Homestead Exemption

Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a $25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.[11] An additional $25,000 exemption applies to homestead property value between $50,000 and $75,000.[12] This exemption does not apply to ad valorem taxes levied by school districts.

Section 196.031(5), F.S., provides that a person who is receiving or claiming an ad valorem tax exemption or a tax credit in another state where permanent residency is required as a basis for the granting of that exemption or tax credit is not entitled to a homestead exemption in Florida.

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[1] Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

[2] Property must be valued at "just value" for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm's-length transaction. *See Walter v. Shuler,* 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County,* 275 So. 2d 4 (Fla. 1973).

[3] *See* s. 192.001(2) and (16), F.S.

[4] FLA. CONST. art. VII, s. 1(a).

[5] *See* FLA. CONST. art. VII, s. 4.

[6] Section 193.011(2), F.S.

[7] FLA. CONST. art. VII, s. 4(a).

[8] FLA. CONST. art. VII, s. 4(b).

[9] FLA. CONST. art. VII, s. 4(e).

[10] FLA. CONST. art. VII, s. 4(j).

[11] FLA. CONST. art VII, s. 6(a).

[12] *Id.*

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Improperly Granted Homestead Exemptions

Florida provides several property tax exemptions for homestead property.[13] Since Florida's homestead exemption requires that the property owner use the homestead property as a permanent residence, a property owner can only have one homestead exemption.

If a property appraiser determines that for any year or years within the prior 10 years a property owner was granted a homestead exemption, but was not entitled to it, the property appraiser must send the owner a notice of intent to file a tax lien on any property owned by the owner in that county.[14] The property owner has 30 days to pay the taxes owed, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. If not paid within 30 days of notice, the property appraiser must file a tax lien.[15] The tax lien remains on the property until it is paid or until it expires after 20 years.[16] The lien process applies whether or not the taxpayer applied for the residency-based exemption in the other state.

If a homestead exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the person improperly receiving the exemption shall not be assessed penalty and interest.[17]

III. Effect of Proposed Changes:

Section 1 amends s. 196.031, F.S., to specify that a person or family unit that receives or claims an ad valorem tax exemption or tax credit in another state where permanent residency is required as a basis for granting that exemption or credit is disqualified from the homestead tax exemption in Florida, unless the person or family unit demonstrates to the satisfaction of the property appraiser that the person or family unit did not apply for the exemption or credit in the other state and that the person or family unit has relinquished such exemption or credit.

Section 2 amends s. 196.121, F.S., to authorize the Department of Revenue to include on its forms for homestead exemptions the requirement that the homestead exemption applicant provide information about tax exemptions or tax credits in another state where permanent residency is required as a basis for the tax exemption or tax credit.

Section 3 provides that the changes made by the bill apply beginning with the 2021 tax roll.

Section 4 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[13] *See, e.g.,* ss. 196.031, 196.071, 196.075, 196.081, and 196.091, F.S.
[14] *See* ss. 196.011(9)(a), 196.075, and 196.161(1)(b), F.S.
[15] *Id.*
[16] Section 95.091(1)(b), F.S.
[17] Section 196.161(1)(b), F.S.

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B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill.

B. Private Sector Impact:

A property owner that has been found to have a Florida homestead exemption and a similar exemption or credit in another state may continue to qualify for the homestead exemption in Florida if she or he did not apply for the tax exemption or tax credit in another state and relinquishes the exemption or credit in the other state.

C. Government Sector Impact:

According to the Florida Department of Revenue (DOR), if the bill passes, DOR would need to amend Form DR-501 and Rule 12D-16.002, F.A.C.[18]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 196.031 and 196.121.

[18] Florida Department of Revenue, *HB 223/SB 514 Agency Analysis* (November 5, 2019) (on file with the Senate Committee on Community Affairs).

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IX. Additional Information:

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

None.

B. Amendments:

None.

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

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL:	SB 922
INTRODUCER:	Senator Gruters
SUBJECT:	Economic Development
DATE:	January 17, 2020
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Reeve	McKay	CM	**Pre-meeting**
2.			ATD	
3.			AP	

I. Summary:

SB 922 makes changes to the Qualified Target Industry Tax Refund Program. Specifically, the bill provides that certain businesses that relocate to, or expand into, a county affected by Hurricane Michael are eligible to receive an increased tax refund and authorizes certain businesses located in a county affected by Hurricane Michael to apply for an economic recovery extension. The bill also removes the scheduled repeal date for the tax refund program.

The bill takes effect July 1, 2020.

II. Present Situation:

Qualified Target Industry Tax Refund Program

The Qualified Target Industry (QTI) Tax Refund Program was created by the Legislature in 1994 to encourage the creation and retention of high-quality, high-wage jobs by providing state tax refunds to eligible businesses creating jobs in certain target industries. Tax refunds awarded through the program are determined by the number of jobs created, the average annual wages paid, and the location of the eligible business. Under current law, the tax refund program will expire on June 30, 2020.[1]

In order to be eligible to receive a tax refund, a business must apply to be certified as a qualified target industry business by the Department of Economic Opportunity (DEO). Businesses must be engaged in one of Florida's target industries as identified by DEO and Enterprise Florida, Inc. (EFI).[2] The current qualified targeted industries are aviation and aerospace; life sciences;

[1] Section 288.106(9), F.S.

[2] Section 288.106(2)(q), F.S. Every three years, beginning January 1, 2011, DEO must consult with EFI, economic development organizations, the State University System, local governments, employee and employer organizations, market

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manufacturing; defense and homeland security; information technology; financial and professional services; logistics and distribution; research and development; cleantech; and corporate headquarters.[3]

Additionally, a business applying for certification as a qualified target industry business must meet the following requirements:

- A business's project must create at least 10 new jobs, or create a net employment increase of at least 10 percent in the case of an expansion of an existing business. The DEO is authorized to waive this requirement for a business in a rural community or an enterprise zone;[4]
- New jobs must pay an annual average wage of at least 115 percent of the average private sector wage in a business's area or the statewide private sector average wage. The DEO is authorized to waive this requirement for a business in a brownfield area, a rural city, a rural community, or an enterprise zone.[5] Jobs created by a manufacturing project in any location within the state may pay an annual average wage of at least 100 percent of the average private sector wage in a business's area;[6] and
- A business must receive a local funding match, paid by public or private sources, equal to 20 percent of the annual tax refund. The existence of local financial support must be confirmed by a resolution adopted by the governing body of the county or municipality where the business is located.[7] A business located in a brownfield area, a rural city, or a rural community is authorized to exercise an exemption from the local financial support requirement, but the business would not be eligible for more than 80 percent of the total tax refunds originally allowed.[8]

Under s. 288.106(3)(d), tax refunds may be claimed for one or more of the following taxes paid:

- Sales and use tax;
- Corporate income taxes;
- Insurance premium taxes;
- Intangible personal property taxes;
- Ad valorem taxes;
- Certain state communication services taxes; and
- Excise taxes on documents.

Qualified target industry businesses are eligible to receive a tax refund equal to $3,000 per newly created job. If a business is located in a rural community or an enterprise zone, the refund amount is increased to $6,000 per created job.[9] Qualified target industry businesses may also be eligible for the following additional tax refund payments under s. 288.106(3)(b):

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analysts, and economists to review and revise the list of target industries. Target industries are determined according to criteria found in statute.

[3] Enterprise Florida, Inc., *Qualified Targeted Industries for Incentives, available at* https://www.enterpriseflorida.com/wp-content/uploads/SI_Targeted_Industries.pdf (last visited Jan. 17, 2020).

[4] Section 288.106(4)(b)2., F.S.

[5] Section 288.106(4)(b)1.a., F.S.

[6] Section 288.106(4)(b)1.b., F.S.

[7] Section 288.106(4)(a)10., F.S.

[8] Section 288.106(2)(k), F.S.

[9] Section 288.106(3)(b)1., F.S.

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- $1,000 per created job if such jobs pay an average annual wage of at least 150 percent of the average private sector wage in a business's area;
- $2,000 per created job if such jobs pay an average annual wage of at least 200 percent of the average private sector wage in a business's area;
- $1,000 per created job if a business's local financial support is equal to the state's incentive award; and
- $2,000 per created jobs if a business falls within one of the designated high-impact sectors[10] or increases exports of its goods through a seaport[11] or airport in the state by at least 10 percent by value or tonnage in each of the years the business receives a tax refund.

A qualified target industry business cannot receive more than $1.5 million in tax refunds in any fiscal year, or more than $2.5 million in any fiscal year if the business is located in an enterprise zone.[12] The total state share of tax refund payments may not exceed $35 million.[13]

In the event of negative economic conditions in a business's industry, a named hurricane or tropical storm, or specific acts of terrorism, a qualified target industry business may request an economic recovery extension. The request must provide evidence detailing how the aforementioned conditions have prevented a business from carrying out the terms of its tax refund agreement. Upon approval, the DEO will renegotiate a business's tax refund agreement. Agreements may not be extended for more than 2 years, and a business that receives an extension may not receive a tax refund for the period covered by the extension. Requests for an economic recovery extension were permitted in lieu of any tax refund claim scheduled between January 1, 2009, and July 1, 2012.[14]

In response to the Deepwater Horizon oil spill, the Legislature enacted a special incentive within the QTI program to encourage business investment in the counties disproportionally affected by the disaster.[15] DEO was authorized to waive any or all wage or local financial support requirements between July 1, 2011, and June 30, 2014, for a business located in Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, or Wakulla County. During this period, a qualified target industry business that relocated all or part of its business to one of such counties from another state was also eligible for a tax refund of $6,000 per job created.[16]

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[10] Pursuant to s. 288.108(6), F.S., EFI must consult with the DEO, economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists every three years, beginning January 1, 2011, to review the designated high-impact sectors. The sectors currently designated as high impact are transportation equipment (including aviation and aerospace), information technology, life sciences, financial services, corporate headquarters, and clean energy. *See* Office of Program Policy Analysis and Government Accountability, *Florida Economic Development Program Evaluations – Year 7*, 17 (2019), *available at* http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1916rpt.pdf (last visited Jan. 17, 2020).

[11] Section 288.106(3)(b)4.b., F.S., limits seaports to the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.

[12] Section 288.106(3)(c), F.S.

[13] Section 288.095(3)(a), F.S.

[14] Section 288.106(5)(b)1., F.S.

[15] Chapter 2011-142, s. 150, Laws of Fla.

[16] Section 288.106(8), F.S.

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To date, 1,360 businesses have been approved to participate in the QTI program and over $260 million has been awarded in tax refunds. According to the DEO, the 321 businesses actively participating in the program in the 2018-2019 fiscal year created 7,462 jobs in total and exceeded the number of total new jobs expected to be created by 3,184.[17]

After June 30, 2020, a business may not become certified as a qualified target industry business. Tax refund agreements already in existence before then will remain in effect.

Hurricane Michael

Hurricane Michael made landfall in the Florida Panhandle as a Category 5 Hurricane on October 10, 2018. The storm, the fourth most powerful hurricane to hit the country, remained at category 3 strength as it traveled into southwest Georgia. Storm surge and 160 mph winds caused destruction and losses of almost $7 billion along the hurricane's path.[18] In the year following the storm, FEMA has provided $1.9 billion in federal funds for housing assistance, disaster loans, public assistance grants, and hazard mitigation grants.[19] Businesses have been slow to reopen, largely due to a shortage of workers worsened by the lack of affordable housing in the area.

III. Effect of Proposed Changes:

SB 922 amends certain provisions in s. 288.106, F.S., regarding economic recovery extensions and additional tax refunds for qualified businesses in Disproportionally Affected Counties.

Under current law, a qualified target industry business was authorized to submit a request for an economic recovery extension in lieu of any tax refund claim scheduled to be submitted between January 1, 2009, and July 1, 2012. The bill amends s. 288.106(5)(b)4, F.S., which would allow a qualified target industry business located in a county affected by Hurricane Michael to apply for an economic recovery extension in lieu of any tax refund claim scheduled to be submitted after January 1, 2021, but before July 1, 2023. A business that receives an economic recovery extension may not receive a tax refund for the period covered by the extension, which is not to exceed 2 years.

Section 288.106(8), F.S., authorized the DEO to waive any or all wage or local financial support requirements between July 1, 2011, and June 30, 2014, for a business located in a "Disproportionally Affected County." During this period, a qualified target industry business relocating all or part of its business to a "Disproportionally Affected County" from another state was also eligible for a tax refund of $6,000 per job created. SB 922 would replace all references to a "Disproportionally Affected County" with a "county affected by Hurricane Michael" and update the period during which requirements can be waived and businesses can receive an additional tax refund to between July 1, 2020, and June 30, 2023. DEO's decision to waive wage

[17] Florida Department of Economic Opportunity, *2019 Incentives Report*, 7-8, *available at* http://www.floridajobs.org/docs/default-source/reports-and-legislation/2018-2019-annual-incentives-report---final.pdf?sfvrsn=c2a340b0_2 (last visited Jan. 17, 2020).
[18] "A year after Michael, Florida community still in crisis" *Associated Press,* October 9, 2019, *available at* https://apnews.com/0d260a9ec44545458ab1f25b6f969a5a (last visited Jan. 13, 2020).
[19] Federal Emergency Management Agency, *Florida Hurricane Michael, available at* https://www.fema.gov/disaster/4399 (last visited Jan. 17, 2020).

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or financial support eligibility requirements would also have to be stated in writing. The bill would increase the additional tax refund to $10,000 per created job and entitle a business that "relocates from another state to, or establishes its business or expands its existing business in, a county affected by Hurricane Michael" to such a refund. The bill defines a "county affected by Hurricane Michael" as Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Wakulla, Walton, or Washington County.

The bill removes the tax refund program's expiration date of June 30, 2020, and would permanently reauthorize the program.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not yet met regarding the bill.

The bill increases the amount of tax refunds that certain qualified target industry businesses in specified counties are eligible to receive. However, the annual funding cap of $35 million, pursuant to s. 288.095(3)(a), F.S., would still apply. This could decrease the total number of tax refunds the DEO is able to award through the program.

B. Private Sector Impact:

The amount of tax refunds available to a qualified target industry business that relocates to or expands into to a county affected by Hurricane Michael is increased from $6,000 to

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$10,000 per created job, which could incentivize certain businesses to relocate to or expand into those areas.

C. Government Sector Impact:

The Department of Economic Opportunity has not yet analyzed the bill's potential impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 288.106 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

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SB 1102

Questions & Answers

Q: Why is this bill needed?
A: There is a labor shortage in the swimming pool subcontractor market—there are not enough licensed swimming pool subcontractors to serve the active pool contractors (roughly 11:1 ratio of contractors to subcontractors—3893 active licensed swimming pool contractors and only 351 licensed swimming specialty subcontractors). Consequently, many pool contractors find themselves in a position where their only option to finish a job is use an unlicensed subcontractor. This bill will put more people to work legally in the swimming pool industry.

Q: Why can't subcontractors just get licensed?
A: The statutory requirements disincentivizes subcontractors from obtaining the subcontractor license. They have to demonstrate 4 years of specific experience in the license area, pass a credit check or post a bond, and pass an exam—nearly the same requirements as full-fledged swimming pool contractor. Consequently, many elect not to obtain the license. As a result, there have only been 75 new specialty swimming pool sub-contractors licensed since 2016.

Q:Wouldn't removing the licensing requirement lead to bad or dangerous work being done on swimming pools?
A: No. The prime swimming pool contractor is ultimately responsible for the construction of the swimming pool, whether it is an employee of the contractor or a subcontractor. The swimming pool contractor is supervising and checking the work and is responsible for the quality of the work.

Q: How would this bill effect the subcontractors' and contractors' workers comp insurance?
A: There should be no effect. A prime swimming pool contractor's workers comp policy should account for subcontractors on the job site and a subcontractor would still be able to carry a workers comp policy based on a local business license.

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SB 1102 – Specialty Contracting Services

- Any person who is not required to be registered or certified as a contractor for licensed trades may perform residential contracting services without a local license under the supervision of a general, building, or residential contractor. This law is known as the Jim Walters exemption.

- The Jim Walters exemption ensures Florida's construction industry is able to safely and economically complete projects without being stifled by unnecessary government regulations.

- Swimming pool contractors are similar to general, building, and residential contractors because they are largely responsible for the entire project, from the first turn of dirt to final completion of the project.

- Unlike general, building, and residential contractors, however, swimming pool contractors are not covered by the Jim Walters exemption. Instead, they are restricted in their use of subcontractors to specialty contractors. Licenses for these specialty contractors were created by agency rule and include areas such as decking, excavation, and trim.

- While specialty licenses were created to allow swimming pool contractors to subcontract their work, specialty licenses have become an unnecessary chokehold restricting job and wage growth because of significant shortage of specialty contractors statewide. There are only 351 specialty contractor licensees for nearly 4,000 swimming pool contractors, and growth has been anemic with just 75 new licensees in the last four years.

- The proposed bill will generate growth in jobs and wages by allowing swimming pool contractors to use individuals who will work under the supervision and scope of the contractor's license. Similar to the Jim Walters exemption, safety and quality will be ensured by requiring oversight of these individuals by a licensed swimming pool contractor.

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Swimming Pool Subcontractors: Fact Sheet

Swimming Pool Contractors (CPC licensees) rely heavily on subcontractors that specialize in a limited part of the swimming pool construction process to complete new builds and remodels efficiently while keeping high standards.

To allow CPC licensees to hire subcontractors, 7 categories of Swimming Pool Specialty Contractors were created by administrative rule under Rule 61G4-15.032:

1. Swimming Pool Layout Specialty Contractor
    a. Scope: layout, shaping, steel installation, and rough piping of pools, spas, and hot tub shells
2. Swimming Pool Structural Specialty Contractor
    a. Scope: shaping and shooting of gunite, shotcrete, concrete, or similar product mix used in the construction of swimming pools and spas. This scope of work includes the installation of fiberglass shells and vinyl liners
3. Swimming Pool Excavation Specialty Contractor
    a. Scope: the excavation and earthmoving required for the installation of pools, spas, and hot tub shells
4. Swimming Pool Trim Specialty Contractor
    a. Scope: installation of tile and coping for pools, spas, and hot tub shells. Decorative or interactive water displays or areas that use recirculated water, including waterfalls and spray nozzles, are also included
5. Swimming Pool Decking Specialty Contractor
    a. Scope: construction and installation of concrete flatwork, pavers and bricks, retaining walls, and footings associated with the construction of pools, spas, and hot tub shells
6. Swimming Pool Piping Specialty Contractor
    a. Scope: installation of piping or the installation of circulating, filtering, disinfecting, controlling, or monitoring equipment and devices used in the construction of pools, spas, hot tubs, and decorative or interactive water displays or areas
7. Swimming Pool Finishes Specialty Contractor
    a. Scope: coating or plastering of the interior surfaces of pools, spas, or hot tub shells

Swimming Pool Specialty Subcontractor licensure has similar requirements as a Swimming Pool Contractor, disincentivizing application for Specialty Subcontractor license:

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- 4 Years of Experience
- Credit Check or Bond
- Practical Exam

Swimming Pool Specialty Subcontractor Shortage

- 3893 Licensed Swimming Pool Contractors in the State of Florida
- 351 Licensed Swimming Pool Specialty Sub Contractors in the State of Florida
- Only 75 new Swimming Pool Specialty Contractors Since 2016
- Only 107 License Practical Exam Proctors throughout the state

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From: NCSL <dc-directors@ncsl.org>
Sent: Monday, October 21, 2019 3:51 PM EDT
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Capitol to Capitol | Monday, Oct. 21, 2019: NCSL in D.C.

NCSL Banner

building-1758584_640(4).jpg

Capitol to Capitol | Monday, Oct. 21, 2019

NCSL in D.C.

NCSL will host a briefing on Capitol Hill this week to educate congressional staff on the importance of state cyber proficiency and funding. In addition to South Carolina Senator Tom Alexander (R), co-chair of NCSL's Executive Committee Task Force on Cybersecurity, other participants include New Jersey Office of Homeland Security Director and Preparedness Jared Maples; Maj. Gen. Timothy Williams, adjutant general, Virginia; and Delaware Chief Information Officer James Collins, the National Association of State Chief Information Officers' past-president. Senator Gary Peters, a chief co-sponsor of the NCSL supported S. 1846, the "State and Local Government Cybersecurity Act of 2019" is also expected to speak on the importance of federal-state-local collaboration on cybersecurity issues.

Last week, NCSL participated in an event with U.S. Senator Mike Lee (R-Utah) where he unveiled legislation to provide significant new authority to state and local governments to regulate drone operations. The bill, which NCSL supports, would allow state and local governments (when not preempted by states) to set reasonable restrictions on drone operations—something states are generally preempted from doing now.

NCSL's recent correspondence with the Hill and the administration:

- NCSL letter to Senator Gary Peters (D-Mich.) and Senator Rob Portman (R-Ohio) thanking them for their leadership in introducing S 1846, the "State and Local Government Cybersecurity Act of 2019." (Oct. 21, 2019)
- NCSL comments in response to the U.S. Environmental Protection Agency's (EPA) proposed rule, Updating Regulations on Water Quality Certification (Oct. 16, 2019)

State-Federal Blogs:

- Long-Awaited Updates to Lead and Copper Rule Released—What's Proposed? (NCSL, Oct. 16, 2019
- States, Not Feds, Should Oversee Sports Betting (NCSL, Oct. 16, 2019)

After Recess, Senate Appropriators May Drive "Mini-Bus"

Upon returning last week from October recess, lawmakers made little progress in advancing fiscal year (FY) 2020 spending bills, but Senate leadership expressed it may attempt to move a cluster of less controversial bills this week. Senate Appropriations Chairman Richard Shelby (R-Ala.) hopes to pass a "mini-bus" of bills first procedurally, then to the actual Senate floor.

The package is expected to include funding for Commerce-Justice-Science, Agriculture-FDA, Interior-Environment, Transportation-HUD and MILCON-VA. House and Senate staffers attempted to craft allocations over the October recess that would be amenable to both chambers but funding over the president's border wall continued to be an obstacle for any substantive reconciliation. While the House passed 10 of its 12 annual spending bills before the August recess, the Senate has yet to pass any of the bills required to fund the FY that began Oct. 1. The continuing resolution (PL 116-59), which has kept the federal government operating into this new FY based on FY 2019 levels, is set to expire Nov. 21.

NCSL Contact: Erlinda Doherty

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Senate Considers Pension Plan Relief

Senate activity to help failing pension plans for coal miners and other union workers is gaining bipartisan momentum as more than 1 million retirees would be affected by a $66 billion looming shortfall, according to reports. While the strategy for advancing measures is still unclear, Senate Finance Chairman Chuck Grassley (R-Iowa) said his committee is working on a plan he hopes can be used to engage in substantive discussions with the House, which proposed its own version of legislation that would extend loans to struggling plans. The Congressional Budget Office ultimately found the House bill would have had very little impact on addressing the crisis, but the Senate has expressed interest in proposing a comprehensive plan that would include low-interest loans and grants.

NCSL Contact: Erlinda Doherty

Vaping Tax, Extenders Legislation Gain Momentum

The House Ways and Means Committee plans to consider legislation this week that would place a federal tax on electronic cigarettes. While the actual vehicle for moving this measure forward is still unclear, a bipartisan measure from Representative Tom Suozzi (D-N.Y.) and Representative Pete King (R-N.Y.) that would tax e-cigarettes at $3 a pack, is being considered. Bipartisan momentum on tax extender legislation is also forming as Grassley has expressed support in working with Minority Chairman Ron Wyden (D-Ore.) to potentially adopt the House Ways and Means version of an extenders package that has already gained ground in that chamber.

NCSL Contact: Erlinda Doherty

DYK? Considered baseball's national anthem, "Take Me Out to the Ball Game" was written by composer Albert von Tilzer and lyricist Jack Norworth, both of whom had never attended a professional baseball game prior to writing the song.

EPA Proposes Major Changes to Renewable Fuel Standard

The Environmental Protection Agency (EPA) proposed a major update to the Renewable Fuel standard for FY 2020 and FY 2021. The proposed rule is centered around ensuring a set amount of biofuels is blended into the nation's fuel supply, based upon the amount determined by the EPA regardless of the hardship waivers it issues.

Specifically, the EPA will continue to grant economic hardship waivers to small refiners when warranted, but will require large refineries to blend extra gallons equal to a three-year rolling average of the number of exempted gallons, which for the upcoming 2020 compliance year is expected to be about a billion gallons. The intent is to ensure that refiners must blend close to the 15 billion gallons of conventional ethanol required by the EPA's annual rule. The administration also announced it will begin a process to make it easier for gas stations to sell gasoline with 15% ethanol (E15), as it will permit gas stations to use the same tanks they use for 10% ethanol fuel—the standard gasoline used in most cars—for 15% ethanol (E15). Previously, the administration acted to legalize the year-round sales of E15.

NCSL Contacts: Ben Husch and Kristen Hildreth

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Trump Administration Announces Future Changes to Medicare Reform

Earlier this month, the administration announced an executive order (EO) regarding future changes to the Medicare program with a focus on Medicare Advantage (MA) plans. Several of the EO's recommendations include: reducing barriers for enrollees to get Medicare Medical Savings Accounts, ensuring fee-for-service (FFS) Medicare is not promoted over MA; a report submitted by the secretary of Health and Human Services and other White House officials identifying approaches that would modify Medicare FFS payments to more closely reflect prices paid for MA and commercial health insurance plans services; providing beneficiaries with improved access to providers; emphasizing time spent with patients over Medicare payments received; and the elimination of unnecessary regulatory billing requirements and benefit definitions among others. The announcement included a response regarding Democratic presidential candidates' proposals to reform America's health care system into a universal health care model, with some including Medicare for All.

NCSL Contacts: Haley Nicholson and Margaret Wile

POTUS Issues New EO on Federal Guidance

The president issued two EOs. One EO requires agencies to post all guidance documents on a searchable website, and anything not posted is considered rescinded. The other EO is aimed at preventing opaque or unlawful interpretations of regulations. Requiring federal agencies to make all agency guidance publicly available, as well as conducting educational outreach to industries when policy changes are made, is intended to reduce the legal weight of federal agency guidance. In addition, "significant" guidance documents will go through a public comment process, although this process is already standard practice at certain agencies.

NCSL Contacts: Ben Husch, Kristen Hildreth (natural resources and infrastructure) and Lucia Bragg (law, criminal justice and public safety)

DYK? The Washington Nationals, recently clinching the National League pennant, will advance to their first World Series, facing the Houston Astros this week. They will be the 29th of 30 baseball franchises to play in at least one World Series (the Seattle Mariners are the now only team to never have made a World Series appearance). The Washington Senators—named in tribute to Senator Arthur Gorman, who represented Maryland from 1881 to 1899 and from 1903 to his death in 1906, and was an avid baseball player—were the last Washington, D.C., baseball team to play in a World Series game.

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State and Local Legal Center **Upcoming Webinars**

May Statutory Annotations by Copyrighted?

In *Georgia v. Public.Resource.Org, Inc.*, the U.S. Supreme Court will decide the deceptively simple question of whether statutory annotations may be copyrighted. Numerous state legislatures, including Georgia, work with an outside publisher that updates statutory annotations each year. Webinar speakers will cover the implications of this case for state and local governments more generally, the policy and legal arguments each side is making before the Supreme Court, and how this case may impact the legal publishing industry.

Date: Nov. 13
Time: 1 p.m. ET/ Noon CT/ 11 a.m. MT/ 10 a.m. PT
Register here.

ADA Compliant Websites

Local governments and many other entities across the country have been sued for violating the Americans with Disabilities Act (ADA) because their websites are not accessible to persons with disabilities. Minh Vu and Seyfarth Shaw will discuss the laws that require accessible websites, why government entities have been targeted for lawsuits, and what state and local government officials can do to avoid being sued.

Date: Dec. 9
Time: 1 p.m. ET
Register here.

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The Reading Room

- Unmanned Aircraft Systems: FAA's Compliance and Enforcement Approach for Drones Could Benefit from Improved Communication and Data (GAO, Oct. 17, 2019)
- Gun Control: National Instant Criminal Background Check System (NICS) Operations and Related Legislation (CRS, Oct. 17, 2019)
- H.R. 2514, COUNTER Act of 2019 (CBO, Oct. 16, 2019)
- H.R. 1230, Protecting Older Workers Against Discrimination Act (CBO, Oct. 16, 2019)
- H.R. 4334, Dignity in Aging Act of 2019 (CBO, Oct. 16, 2019)
- Public Transit Ridership Continues to Decline (CRS, Oct. 16, 2019)
- Reissued Labor Department Rule Tests Congressional Review Act Ban on Promulgating "Substantially the Same" Rules (CRS, Oct. 15, 2019)
- H.R. 2507, Newborn Screening Saves Lives Reauthorization Act of 2019 (CBO, Oct. 15, 2019)
- Two Decades of Change in Federal and State Higher Education Funding (Pew, Oct. 15, 2019)
- The Diesel Emissions Reduction Act (DERA) Program (CRS, Oct. 11, 2019)
- H.R. 4432, Protecting Critical Infrastructure Against Drones and Emerging Threats Act (CBO, Oct. 10, 2019)
- Court Upholds Net Neutrality But Says States Can Write Their Own Rules (NCSL, Oct. 9, 2019)
- Health Care for Veterans: Answers to Frequently Asked Questions (CRS, Oct. 10, 2019)
- The Controlled Substances Act (CSA): A Legal Overview for the 116th Congress (CRS, Oct. 9, 2019)
- H.R. 1309, Workplace Violence Prevention for Health Care and Social Service Workers Act (CBO, Oct. 9, 2019)
- Maternal and Child Home Visiting Program: HHS Determined That States Generally Met the Maintenance of Effort Requirement (GAO, Oct. 9, 2019)
- Unaccompanied Alien Children: An Overview (CRS, Oct. 9, 2019)
- "Technical Corrections" to Tax Reform (CRS, Oct. 9, 2019)
- A Brief Introduction to the National Flood Insurance Program (CRS, Oct. 8, 2019)
- Closing the Flood Insurance Gap (CRS, Oct. 8, 2019)
- Private Flood Insurance and the National Flood Insurance Program (NFIP) (CRS, Oct. 8, 2019)
- H.R. 3167, National Flood Insurance Program Reauthorization Act of 2019 (CBO, Oct. 4, 2019)

Correction, Capitol to Capitol Oct. 7: House Ways and Means Chairman Richard Neal (D-Mass.).

Read the Oct. 7 Capitol to Capitol.

Like Capitol to Capitol? Have ideas or suggestions for how it can be improved? Please take two minutes to let us know in this very short survey.

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From: NCSL <dc-directors@ncsl.org>
Sent: Monday, October 28, 2019 4:23 PM EDT
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Capitol to Capitol | Monday, Oct. 28, 2019: NCSL State and Local Cybersecurity Day on the Hill

NCSL Banner

building-1758584_640(4).jpg

Capitol to Capitol | Monday, Oct. 28, 2019

This week the Senate will continue to try and move fiscal year 2020 appropriations. The House, in addition to hearing more impeachment testimony, is scheduled to hold votes on several bills including reauthorizing funding and programs under the Older Americans Act, regulating the sale of online e-cigarettes and making full use of the Harbor Maintenance Trust Fund (read NCSL's letter of support).

NCSL State and Local Cybersecurity Day on the Hill

Last week NCSL organized and participated in a congressional briefing titled "State and Local Cybersecurity Day on the Hill." Senator Thomas Alexander (R-S.C.) represented NCSL, and was joined by officials from the National Governors Association and the National Association of Chief Information Officers. Alexander's remarks addressed cybersecurity as a nonpartisan issue, the need for increased coordination between federal, state and local governments, and reiterated NCSL's support for federal legislation, S.1846, that supports the goal of federal, state, and local collaboration on cybersecurity issues.

SenatorAlexander.png?r=1572287959882

NCSL Contacts: Susan Frederick (law, criminal justice and public safety) and Abbie Gruwell (commerce and finance)

Longer-Term Continuing Resolution Becoming More Likely

The Senate was expected to pass a "minibus" last week—a package of noncontroversial bills funding the departments of Agriculture, Transportation-HUD, Interior-Environment and Commerce-Justice-State—but debate regarding amendments halted that progress. While Senate leadership maintains that passage is still possible this week, both chambers remain nearly at an impasse on funding for the border wall, making a longer-term continuing resolution seem more likely.

NCSL Contact: Erlinda Doherty

AMERICAN OVERSIGHT

Ways and Means Approves First Federal E-Cigarette Tax

The House Ways and Means Committee approved legislation last week creating a tax on e-cigarettes with the expectation that the measure would lower usage rates in minors and young adults, while generating an estimated $10 billion in revenue. HR 4742 would apply a $1-per-pack federal tax rate on nicotine-based vapes, which is about the same rate currently enforced on traditional cigarettes. While the bill was approved along mostly partisan lines, there has been discussion that a bill taxing a wider array of vaporized products could get more widespread support. The House has already drafted a bipartisan version of this broader bill and the Senate Finance Committee has two versions of its own. There has been momentum in recent weeks to pass legislation aimed at banning flavored vaping products due to reported harmful effects, but the already large list of tax measures lingering in both chambers presents a challenge for this issue to take priority. Meanwhile, the president, who originally supported an across-the-board ban of flavored vaping products, has recently backpedaled on that pledge.

NCSL Contact: Erlinda Doherty

DYK? Candy corn—the tri-colored confection, which has maintained the same recipe since its invention in the 1880s—was designed to resemble chicken feed. At the time of its invention, farmers made up half of America's labor force, and candy corn was packed in boxes with a rooster on the front to appeal to America's agricultural roots. Oct. 30 is National Candy Corn Day.

EPA Sues California for Cap and Trade Program

The Department of Justice sued the state of California for participating in a cap-and-trade greenhouse emissions reduction program with Quebec. The lawsuit alleges that the program, which California and Quebec first agreed to in 2014, is illegal because it puts the state in the position of conducting foreign policy, a power reserved for the federal government. Another joint auction is scheduled for Nov. 19.

NCSL Contacts: Ben Husch and Kristen Hildreth

Supreme Court Declines to Halt State Court Climate Cases

The U.S. Supreme Court denied, without explanation, a request from several oil companies to move a court case brought by the city of Baltimore regarding the impacts of climate change from Maryland State Court into the federal court system. The court has already ruled that "common law" lawsuits over greenhouse gas pollution are preempted by the EPA's authority under the Clean Air Act. However, claims under public nuisance or product liability laws might be successful at the state level.

NCSL Contacts: Ben Husch and Kristen Hildreth

Treasury Reports FY 2019 Deficit

The Treasury Department reported that the federal deficit totaled $984 billion for fiscal year 2019, or 4.7% of the GDP. The level is the highest recorded deficit since 2012, marking an increase of $205 billion—or 26%—over the previous fiscal year.

NCSL Contact: Erlinda Doherty

AMERICAN OVERSIGHT

Roadway Fatalities Continue Decline, but Pedestrian and Bicycle Deaths Increase

New data released by the National Highway and Traffic Safety Administration (NHTSA) show there was a decrease in overall highway traffic fatalities in 2018, but deaths of pedestrians and bicyclists increased. Overall, 36,560 people died on the roads in 2018, down 2.4% from the year before. However, despite the decrease in overall deaths, pedestrian and bicyclist fatalities continued to rise, with deaths of those on foot climbing 3.4% to 6,283 last year, more than in any year since 1990. Deaths of pedestrians have jumped by 42% in the last decade, even as the combined number of all other traffic deaths has fallen by 8%. NHTSA's initial estimates for the first half of 2019 also show the positive trends may continue, with a 3.4% decrease in total fatalities compared to the same period in 2018.

NCSL Contacts: Ben Husch and Kristen Hildreth

DYK? New Hampshire's Keene Pumpkin Festival holds the annual record for most lit jack-o'-lanterns on display (30,581) at one event, a tradition that broke the Guinness World Record in 2013.

NCSL's 2019 Capitol Forum

Prepare for 2020: From disaster spending to the Electoral College and everything in between, we've got you covered. Join colleagues and experts from across the country in sunny Phoenix to roll up your sleeves and dig into the issues states will be discussing next year.

NCSL's 2019 Capitol Forum will take place **Dec. 10- 12** in Phoenix, at the JW Marriott Phoenix Desert Ridge Resort and Spa.

Upcoming Capitol Forum Dates:

- **Nov. 19:** Hotel reservations must be completed to take advantage of NCSL's discount room rates ($199/night plus tax and discounted Resort Fee of $20/night).
- **Nov. 19:** Final day to access the advanced registration rate of $400 for legislators and legislative staff.

The Reading Room

- Private School Choice: Accountability in State Tax Credit Scholarship Programs (GAO, Oct. 24, 2019)
- Substance Use Disorder: Prevalence of Recovery Homes, and Selected States' Investigations and Oversight (GAO, Oct. 24, 2019)
- Medicaid: Opioid Use Disorder Services for Pregnant and Postpartum Women, and Children (GAO, Oct. 24, 2019)
- Introduction to Veterans Health Care (CRS, Oct. 24, 2019)
- PHMSA's Pipeline Safety Reauthorization: Funding Issues (CRS, Oct. 24, 2019)
- S.1881, VETS Safe Travel Act (CBO, Oct. 23, 2019)
- Market-Based Greenhouse Gas Emission Reduction Legislation: 108th through 116th Congresses (CRS, Oct. 23, 2019)
- Unemployment Insurance: Consequences of Changes in State Unemployment Compensation Laws (CRS, Oct. 23, 2019)
- Disaster Recovery: Recent Disasters Highlight Progress and Challenges (GAO, Oct. 22, 2019)
- Traffic Safety: Improved Reporting Could Clarify States' Achievement of Fatality and Injury Targets (GAO, Oct. 22, 2019)
- Assistance to States for the Education of Children With Disabilities (Federal Register, Oct. 21, 2019)
- H.R. 4617, SHIELD Act (CBO, Oct. 21, 2019)
- S. 1822, Broadband Deployment Accuracy and Technological Availability Act (CBO, Oct. 18, 2019)
- S. 2094, Enhancing State Energy Security Planning and Emergency Preparedness Act of 2019 (CBO, Oct. 18, 2019)

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Read the Oct. 21 Capitol to Capitol.

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From: NCSL <dc-directors@ncsl.org>
Sent: Monday, October 07, 2019 4:27 PM EDT
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Capitol to Capitol | Monday, Oct. 7, 2019: Surprise Billing, REAL ID...

NCSL Banner

building-1758584_640(4).jpg

Capitol to Capitol | Monday, Oct. 7, 2019

Congress is in recess until Oct. 15; the current continuing resolution (CR) expires Nov. 21. More on the CR can be found in last week's Capitol to Capitol.

Surprise Billing and Prescription Drugs, Congress Marches On

Members and staff are still meeting to work on proposals to address surprise medical bills and prescription drug prices. House Ways and Means Chairman Richard Neal (D-Maine) proposed a solution to Democratic lawmakers that would bring together stakeholder groups and relevant federal agencies, such as Health and Human Services and the departments of Labor and Treasury, to develop recommendations that could then be issued as a regulation by the administration. Neal's proposal is one of several among lawmakers to address these policies before the end the of the year.

NCSL Contacts: Haley Nicholson and Margaret Wile

TSA: Only 27% of Americans have REAL ID as One Year Deadline Passes

TSA reported that only 27% of Americans have been issued a Real ID-compliant identification card. Acting TSA Deputy Administrator Patricia Cogswell noted that the low enrollment numbers may in part be explained by the fact that some states have only recently begun to issue the licenses, but acknowledged that the low enrollment is concerning. All travelers age 18 or older have until Oct. 1, 2020, to obtain a Real ID-compliant identification card. After that date, those without a Real ID will have to present another form of acceptable identification to fly domestically. That includes U.S. passports, Department of Homeland Security trusted traveler cards, transportation worker identification credentials and permanent resident cards. Currently, 47 states issue compliant ID cards. More on the REAL ID can be found here.

NCSL Contacts: Ben Husch and Kristen Hildreth

Court Rules EPA Failed to Achieve Appropriate Reductions in Interstate Air Pollution

The D.C. Circuit Court of Appeals unanimously ordered the Environmental Protection Agency (EPA) to devise a new plan on how to address pollution that travels across state lines. Specifically, EPA is ordered to revise its 2018 "closeout" rule, which would have ended the requirements of certain states in the eastern half of the U.S. to reduce smog under the Cross State Air Pollution Rule (CSAPR).

CSAPR was initially promulgated to require upwind states to reduce power plant emissions that travel with wind patterns and contribute to ozone and fine particle pollution on downwind states. This ruling builds off a related case from Sept. 2019 where the court ruled largely in favor of CSAPR, but that EPA needed impose a deadline for upwind states to eliminate their "significant contributions" to downwind ozone pollution. Further legal challenges surrounding the CSAPR are anticipated.

NCSL Contacts: Ben Husch and Kristen Hildreth

AMERICAN OVERSIGHT

NTSB Formally Recommends Seat Belt Requirement for Limos

The National Transportation Safety Board (NTSB) issued a recommendation, which is not legally binding, for new federal seat belt requirements for limousines. The recommendation comes as NTSB investigates an October 2018 limousine crash that killed 20 people. Specifically, the board wants the National Highway Traffic Safety Administration to require lap/shoulder belts for each passenger seat on all new vehicles used as limousines, and to require that limousine seating systems "meet minimum performance standards to ensure their integrity during a crash."

NCSL Contacts: Ben Husch and Kristen Hildreth

CMS Appeals 340B Ruling Date

A federal D.C. district court judge ruled last year that the Centers for Medicare and Medicaid Services (CMS) lacked authority to reduce reimbursements for Medicare Part B drugs, which are purchased through the 340B program by certain hospitals. Despite the court's decision, the CMS has defended the reductions during the appeals process, with oral arguments scheduled before the D.C. Circuit Court of Appeals on Nov. 8. The agency's proposed cuts are almost 30% to hospitals participating in the 340B program.

NCSL Contacts: Haley Nicholson and Margaret Wile

DYK? Last week, Jimmy Carter, the 39th commander in chief, became the oldest living former U.S. president.

FDA Releases New Food Safety Dashboard

The Food and Drug Administration (FDA) announced a "Food Safety Dashboard" (FSMA) tool used to track implementation of new rules under the Food Safety Modernization Act and new metrics for inspections and recalls. The FDA noted that "comparing the FSMA data with our recall data shows the bigger picture, demonstrating the effectiveness of preventive measures as food recalls once again have reached a five-year low."

NCSL Contacts: Ben Husch and Kristen Hildreth

Explore Critical Issues Facing States at NCSL Capitol Forum
Registration is now open for NCSL's Capitol Forum, **Dec. 10-12 in sunny Phoenix.**

This year's NCSL Capitol Forum is an excellent opportunity to connect with your colleagues from across the country to explore the most critical issues facing the states. From redistricting to our ever-popular Supreme Court roundup and preview, there will be something for everyone.

Early bird registration for the 2019 NCSL Capitol Forum ends Tuesday, Nov. 19. Take advantage of this discounted rate and register today!

DYK? The Pony Express mail service ran nonstop and was faster than its competitors. During a route, a rider typically traveled 75 to 100 miles, and changed horses every 10 to 15 miles at one of the nearly 200 relief stations along the way. Changes between horses and riders were synchronized so no time was wasted. For the more dangerous work, riders were paid between $100 and $125 per month; for treacherous routes, a few riders were paid $150.

AMERICAN OVERSIGHT

The Reading Room

- EPA Repeals the Clean Power Plan and Finalizes Affordable Clean Energy Rule (CRS, Oct. 4, 2019)
- H.R. 3167, National Flood Insurance Program Reauthorization Act of 2019 (CBO, Oct. 4, 2019)
- Foster Care: Education Could Help States Improve Educational Stability for Youth in Foster Care (GAO, Oct. 2, 2019)
- Indian Health Service: Facilities Reported Expanding Services Following Increases in Health Insurance Coverage and Collections (GAO, Oct. 1, 2019)
- H.R. 2486, the Fostering Undergraduate Talent by Unlocking Resources for Education Act (the "FUTURE Act") (CRS, Oct. 2, 2019)
- Nonimmigrant and Immigrant Visa Categories: Data Brief (CRS, Oct. 1, 2019)
- Water Resources Development Act: Primer (CRS, Sept. 30, 2019)
- Military Funding for Southwest Border Barriers (CRS, Sept. 27, 2019)
- Social Security: Raising or Eliminating the Taxable Earnings Base (CRS, Sept. 27, 2019)

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From: Tracey Lowe <tlowe@flfoundation.org>
Sent: Wednesday, October 23, 2019 8:36 AM EDT
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Chief Economist Says “Consumer Sentiment is Up”

BY THE NUMBERS

Florida Chamber Foundation Chief Economist: "Consumer Sentiment is Up" Small Businesses Still Concerned About a Quality Workforce

Consumer sentiment is up, the probability of a recession is down and the 900 net new people coming to Florida every day bring $989,000 in annual income with them - every hour, 24 hours a day.

These are a few of the highlights Dr. Jerry Parrish, Chief Economist for the Florida Chamber Foundation, discusses in the recent ***By the Numbers***. Click here for details as well the Florida Chamber of Commerce Quarterly Business Index Survey results and an update on the impact the trade wars are having on the manufacturing industry.

Dr. Parrish and Florida's Future

Are happy days here again, or are recent improvements in Consumer Sentiment and the Probability of a Florida Recession a temporary reprieve? Join the Florida Chamber Foundation and business leaders around Florida at the 2019 Future of Florida Forum to hear Dr. Parrish share insights on economic trends and Florida's future.

Florida Chamber Foundation | www.FLFoundation.org
136 S. Bronough Street, Tallahassee, Florida 32301 | (850) 521-1200

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From: Tracey Lowe <tlowe@flfoundation.org>
Sent: Wednesday, October 23, 2019 8:33 AM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Chief Economist Says “Consumer Sentiment is Up”

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AMERICAN OVERSIGHT

From: Candace Bunker <candace.bunker@citizensfla.com>
Sent: Tuesday, December 17, 2019 6:36 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Citizens Advisor: December 17, 2019

AMERICAN OVERSIGHT

Citizens again to evaluate reduction options

Print

MAITLAND, FL - Citizens Property Insurance Corporation will again seek input from independent evaluators to determine if it is doing all it can to serve its policyholders and Floridians as the state's insurer of last resort.

Citizens Board of Governors last week agreed that Citizens should again seek an outside review to see if additional options are available for Citizens to continue protecting Florida property owners while further reducing its footprint since the last outside study was published five years ago.

In August 2019, Senator Jeff Brandes, R-St. Petersburg, challenged Citizens to look at ways to further reduce its policy count, which at the time was 420,000. The board first discussed the issue at its September meeting. Last Wednesday, board members agreed with Citizens staff to move forward.

"Senator Brandes is right. We should continue to look at ways to improve for our policyholders and stakeholders," said Citizens Chairman Bo Rivard. "We agree the timing is right and look forward to seeing where it leads us."

At its peak in 2011, Citizens covered 1.5 million policies - 23 percent of the Florida market - with exposure that topped $512 billion. In the event of a 1-in-100-year storm, Floridians were on the hook for $11.6 billion in assessments.

Since then, Citizens has eliminated the risk of assessment in a 1-in-100-year storm and reduced its policy count through depopulation efforts, an invigorated private market and legislative reforms to reduce unnecessary litigation and assignment of benefits abuse.

From 2011 to 2015, Citizens was the subject of studies by outside groups including Florida State University, the James Madison Institute, the Insurance Information Institute and the National Association of Insurance Commissioners. The studies focused on ways to reduce Citizens exposure from its peak.

Citizens policy count has since leveled off and remained relatively stable in 2019, hovering above 420,000 until November, when Citizens added roughly 23,000 policyholders from Florida Specialty Insurance Company, which was placed in receivership by state regulators in October. As of December 6, 2019, Citizens policy count stood at 444,000.

"We still believe it is appropriate to examine what might be necessary to get Citizens exposure to an even lower level," said Barry Gilway, Citizens President/CEO and Executive Director.

"We got lucky:" 2019 CAT season brings minimal losses

JACKSONVILLE, FL - After dodging a few meteorological bullets, Floridians emerged from the 2019 hurricane season with hardly a scratch as potentially disastrous storms spared the state despite a couple very close calls.

Citizens suffered minimal losses during the six-month hurricane season that ended November 30, a big relief following two previous seasons that so far brought nearly $2 billion in claims from tens of thousands of policyholders in the Keys and the Florida Panhandle.

The year's biggest threat was Hurricane Dorian. At one point, the storm reached Category 5 strength as it battered the Bahamas with sustained winds of 185 mph. It was the strongest hurricane on record to strike the Bahamas since records began in 1851.

At Citizens, earlier projections estimated the potential for billions of dollars in losses from nearly 250,000 policyholders within the hurricane cone if Dorian made landfall in south Florida and then turned north to rake the entire eastern Florida seaboard.

"We were incredibly lucky with Dorian," said Barry Gilway, President/CEO and Executive Director. "If that storm would have hit the way it hit in the Bahamas between Dade and Broward, then this would have been the storm of the century. It would have been the

December 17, 2019

Events

March 25 @ 9 a.m.
Citizens Board of Governors
Tampa

Spotlight

Image

Christine Ashburn
Chief - Communications, Legislative & External Affairs

Image

Candace Bunker
Director - Legislative & External Affairs

Policies in Force

444,272
as of December 6, 2019

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largest storm on record."

In preparation, Citizens catastrophe response team kicked into high gear preparing for a worst-case scenario. Logistical preparations included plans to deploy staff to Catastrophe Response Centers, and alerting vendors that adjusters may be needed to handle claims. Daily briefings over several days updated Board members and Citizens leadership about the shifting nature of the storm in both direction and intensity.

While Florida was spared much of Dorian's wrath, Citizens policyholders did not go through the 2019 hurricane season unscathed. Dorian has so far resulted in 116 claims representing about $250,000 in indemnity payments. Additionally, a Brevard County hailstorm and Tropical Storms Humberto and Nestor prompted 429 claims and $4.5 million in indemnity payments.

Citizens and other insurers also continued to deal with effects from Hurricane Michael. As of December 13, Citizens had closed 94 percent of claims.

2019 rates kick in December 1, reflect savings from HB 7065

TALLAHASSEE, FL - Citizens 2019 rates began kicking in for new and renewal polices on December 1, 2019 with many policyholders seeing rate reductions or more limited rate increases after Florida lawmakers made significant assignment of benefits reforms earlier in the year.

Florida lawmakers in the 2019 session approved HB 7065. In June, Citizens Board of Governors approved a statewide average capped increase of 2.3 percent for homeowners multiperil policyholders. The increase was smaller than the 8.5 percent increase recommended in December 2018 that did not reflect passage of HB 7065.

Taking the changes into account, 110,000 homeowners, condo unit owners, dwelling and mobile homeowners policyholders will see rate decreases or smaller increases. Going forward,Citizens has preliminary data showing HB 7065 has had a positive impact on lowering AOB litigation and abuse.

Reminder: Lobbyist registration with Citizens deadline December 31

TALLAHASSEE, FL - Any lobbyist who represents a principal seeking to influence Citizens' policy and procurement decisions after September 1, 2018, is required to register with Citizens. Registered lobbyists and their principals are entered in a publicly searchable database on Citizens' website.

Visit the Lobbyist page on Citizens' website to learn more information. The 2020 Citizens lobbyist registration deadline is December 31, 2019. Lobbyists previously registered with Citizens should have received an email reminder with renewal instructions.

If you have any questions or need further assistance, use theContact Us feature on our website and select Lobbyist Registration as the topic.

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Image

News Links

Hurricane Season Ends This Weekend. It's The Fourth In A Row That Was Busier Than Normal
WLRN Miami

Citizens Property Insurance looks for ways to reduce its policy count
Tampa Bay Times

Jimmy Patronis Meets With FEMA to Talk Hurricane Response Efforts, Flood Insurance
Florida Daily

Northwest Florida getting $287 million for Michael expenses
WMBB

Florida's New Consumer Advocate Tackles Open Hurricane Michael Claims
Insurance Journal

Florida Sends $25 Million To The Keys and Miami-Dade To Buy Out Irma Flood Victims
WLRN Miami

Insurers Pay $4.1M in Claims During Recent Hurricane Michael Claims Villages
Insurance Journal

US Senate votes to extend NFIP until Dec. 20
Business Insurance

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Citizens Property Insurance Corporation
www.citizensfla.com

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March 25 @ 9 a.m.
Citizens Board of Governors
Tampa

Spotlight

Image

Christine Ashburn
Chief - Communications, Legislative & External Affairs

Image

Candace Bunker
Director - Legislative & External Affairs

Policies in Force

444,272
as of December 6, 2019

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While Florida was spared much of Dorian's wrath, Citizens policyholders did not go through the 2019 hurricane season unscathed. Dorian has so far resulted in 116 claims representing about $250,000 in indemnity payments. Additionally, a Brevard County hailstorm and Tropical Storms Humberto and Nestor prompted 429 claims and $4.5 million in indemnity payments.

Citizens and other insurers also continued to deal with effects from Hurricane Michael. As of December 13, Citizens had closed 94 percent of claims.

2019 rates kick in December 1, reflect savings from HB 7065

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Taking the changes into account, 110,000 homeowners, condo unit owners, dwelling and mobile homeowners policyholders will see rate decreases or smaller increases. Going forward,Citizens has preliminary data showing HB 7065 has had a positive impact on lowering AOB litigation and abuse.

Reminder: Lobbyist registration with Citizens deadline December 31

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Visit the Lobbyist page on Citizens' website to learn more information. The 2020 Citizens lobbyist registration deadline is December 31, 2019. Lobbyists previously registered with Citizens should have received an email reminder with renewal instructions.

If you have any questions or need further assistance, use theContact Us feature on our website and select Lobbyist Registration as the topic.

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Hurricane Season Ends This Weekend. It's The Fourth In A Row That Was Busier Than Normal
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Tampa Bay Times

Jimmy Patronis Meets With FEMA to Talk Hurricane Response Efforts, Flood Insurance
Florida Daily

Northwest Florida getting $287 million for Michael expenses
WMBB

Florida's New Consumer Advocate Tackles Open Hurricane Michael Claims
Insurance Journal

Florida Sends $25 Million To The Keys and Miami-Dade To Buy Out Irma Flood Victims
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Insurers Pay $4.1M in Claims During Recent Hurricane Michael Claims Villages
Insurance Journal

US Senate votes to extend NFIP until Dec. 20
Business Insurance

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Citizens Property Insurance Corporation
www.citizensfla.com

From: Candace Bunker <candace.bunker@citizensfla.com>
Sent: Tuesday, December 17, 2019 6:36 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Citizens Advisor: December 17, 2019

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Citizens again to evaluate reduction options

Print

MAITLAND, FL - Citizens Property Insurance Corporation will again seek input from independent evaluators to determine if it is doing all it can to serve its policyholders and Floridians as the state's insurer of last resort.

Citizens Board of Governors last week agreed that Citizens should again seek an outside review to see if additional options are available for Citizens to continue protecting Florida property owners while further reducing its footprint since the last outside study was published five years ago.

In August 2019, Senator Jeff Brandes, R-St. Petersburg, challenged Citizens to look at ways to further reduce its policy count, which at the time was 420,000. The board first discussed the issue at its September meeting. Last Wednesday, board members agreed with Citizens staff to move forward.

"Senator Brandes is right. We should continue to look at ways to improve for our policyholders and stakeholders," said Citizens Chairman Bo Rivard. "We agree the timing is right and look forward to seeing where it leads us."

At its peak in 2011, Citizens covered 1.5 million policies - 23 percent of the Florida market - with exposure that topped $512 billion. In the event of a 1-in-100-year storm, Floridians were on the hook for $11.6 billion in assessments.

Since then, Citizens has eliminated the risk of assessment in a 1-in-100-year storm and reduced its policy count through depopulation efforts, an invigorated private market and legislative reforms to reduce unnecessary litigation and assignment of benefits abuse.

From 2011 to 2015, Citizens was the subject of studies by outside groups including Florida State University, the James Madison Institute, the Insurance Information Institute and the National Association of Insurance Commissioners. The studies focused on ways to reduce Citizens exposure from its peak.

Citizens policy count has since leveled off and remained relatively stable in 2019, hovering above 420,000 until November, when Citizens added roughly 23,000 policyholders from Florida Specialty Insurance Company, which was placed in receivership by state regulators in October. As of December 6, 2019, Citizens policy count stood at 444,000.

"We still believe it is appropriate to examine what might be necessary to get Citizens exposure to an even lower level," said Barry Gilway, Citizens President/CEO and Executive Director.

"We got lucky:" 2019 CAT season brings minimal losses

JACKSONVILLE, FL - After dodging a few meteorological bullets, Floridians emerged from the 2019 hurricane season with hardly a scratch as potentially disastrous storms spared the state despite a couple very close calls.

Citizens suffered minimal losses during the six-month hurricane season that ended November 30, a big relief following two previous seasons that so far brought nearly $2 billion in claims from tens of thousands of policyholders in the Keys and the Florida Panhandle.

The year's biggest threat was Hurricane Dorian. At one point, the storm reached Category 5 strength as it battered the Bahamas with sustained winds of 185 mph. It was the strongest hurricane on record to strike the Bahamas since records began in 1851.

At Citizens, earlier projections estimated the potential for billions of dollars in losses from nearly 250,000 policyholders within the hurricane cone if Dorian made landfall in south Florida and then turned north to rake the entire eastern Florida seaboard.

"We were incredibly lucky with Dorian," said Barry Gilway, President/CEO and Executive Director. "If that storm would have hit the way it hit in the Bahamas between Dade and Broward, then this would have been the storm of the century. It would have been the

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www.citizensfla.com

From: Jim Watson, President and CEO <comm@cmtc.com>
Sent: Monday, November 25, 2019 6:52 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: CMTC's eNewsletter for November 2019

NOVEMBER 2019

Welcome to CMTC's *News for Manufacturers* eNewsletter!

In this Issue

- Technology is Key to Survival
- Black Friday and Cyber Monday Top 10 Fraud Alert Tips
- Why Veterans Make Great Hires and How to Recruit Them
- December Events
- Show Off Your Made in CA Pride or Join Today
- Manufacturing Month Success
- Gen Z is the Answer to Skills Gap
- Getting Food on the Table Safely and Less Wastefully
- SB 1343 Harassment Avoidance Training
- Blog Posts
- California Manufacturing Quiz

In the News

Gregg Profozich speaking to Manufacturers' Council of the Inland Empire

TECHNOLOGY IS KEY TO SURVIVAL OF MANUFACTURERS

Presenter, Gregg Profozich, Director of Advanced Manufacturing Technologies at California Manufacturing Technology Consulting (CMTC), gave the audience plenty to think about as he covered Manufacturing 4.0: Where We Are… Where We Are Going. Manufacturers attending the Manufacturers' Council of the Inland Empire meeting on October 30 were intrigued to learn about the latest innovations in their industry.

Manufacturing 4.0 includes cyber-physical systems (CPS), the internet of things (IoT), industrial internet of things (IIoT), cloud computing, cognitive computing and artificial intelligence.

Profozich said, "New technologies can lead to rapid, widespread change as the rate of technology adoption is accelerating across society. As an example, the hearing aid industry essentially converted to additive manufacturing in only 500 days." He then went into detail on three emerging manufacturing technologies: additive manufacturing, advanced robotics and smart manufacturing. Each of these technologies will fundamentally change how products are manufactured.

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SMART MANUFACTURING SERVICES WITH CMTC

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ADVANCED ROBOTICS AND AUTOMATION SERVICES WITH CMTC

https://www.cmtc.com/advanced-robotics-cmtc

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BLACK FRIDAY AND CYBER MONDAY TOP 10 FRAUD ALERT TIPS

Reprinted from KnowB4 blog article by Stu Sjouwerman

We have been warning against these types of scams for years and the bad guys are at it again. Black Friday attracts crowds, crowds attract scammers, and that means you need to take extra care when shopping online over the Black Friday and Cyber Monday weekend.

About 75% of Americans plan to do at least half of their holiday shopping online this year, shows a new TransUnion 2019 Holiday Retail Fraud Survey. Yes, online shopping skips the crowds at the mall, but you need to navigate an increasingly dangerous cybersecurity minefield.

It's Holiday Season for the bad guys too! But not the way you might think. They go into scam-overdrive mode. Black Friday and Cyber Monday are the busiest on-line shopping days and the bad guys are planning to get rich with your money. So, here are the **Top 10 Fraud Alert Tips:**

- **Never click on links in emails.** If you want to shop at a site, enter that site address in your browser. There are thousands of fake sites that look almost identical to the real thing. Don't fall for evil-twin shopping sites.
- **Don't open attachments with special offers.** It's a classic scam. The offer should be in the email and you should be able to see it right away.
- **Watch for malicious ads and popups.** Do not click on ads that sound too good to be true, and ignore popups that might propose the "best deal ever".
- **Beware of e-skimmers.** This is a new one. Do you know that bad guys sometimes skim your credit card at gas stations or ATMs? Well, there is a new flavor of that, the shopping website you order from might be infected with a "e-skimmer" and they steal your card data when you check out. You can prevent that by using PayPal or Amazon.
- **Use a credit card to buy stuff online if possible.** NEVER use a debit card to make online purchases but use that debit card to take out cash only.
- **Do not shop over a public Wi-Fi.** You simply do not know if it's secure and who is listening. Only shop using a secure, trusted network. If you have no other way to shop, use a VPN which encrypts your traffic.
- **Be very careful when you see a free offer during the holidays.** There is an explosion of all kinds of survey fraud and gift card scams.
- **Do not re-use any of your passwords.** Instead, use a password manager to create hard-to-break passwords. Re-using any password is literally an invitation to get hacked.
- **Keep a close eye on your credit card and bank accounts.** During this season, unexpected and strange charges might appear which could very well be the first sign your card or even your whole identity has been stolen. If you think you might have been scammed, stay calm and call your credit card company, nix that card and get a new one.
- **Be especially suspicious of gift card scams**. They can be a perfect holiday gift, but gift card scams are skyrocketing. Only buy gift cards from trusted sources.

So, especially this time of year, do not let the bad guys exploit your holiday spirit and use it against you. Remember to stay alert when you shop online! *Think Before You Click!*

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WHY VETERANS MAKE GREAT INDUSTRIAL EMPLOYEES AND HOW TO RECRUIT THEM TO JOIN YOUR TEAM

Reprinted from Thomas Net, author Lindsay Gilder

Serving in the military is an incredible challenge. But for many veterans, the biggest hurdle often comes during their return to civilian life. 44% of veterans who served in the decade since September 11 have a difficult time readjusting after completing their service, according to a recent Pew Research Center study.

A great way to give back to the veterans who protect our freedom and our country is to make this difficult transition a little bit easier.

Veterans possess a wealth of skills and knowledge that makes them great candidates for jobs in manufacturing and industrial businesses. Thomas Insights spoke to leading industry professionals about the traits that make veterans uniquely qualified for these rewarding positions, and how your industrial business can find and recruit talented veteran candidates for your open job opportunities.

Read the article online to learn more about:

- What Traits Make Veterans Great Candidates for Industrial Jobs?
- What You Need to Know About Hiring Veterans
- How to Recruit Veterans into Open Opportunities at Your Company

"Smart employers realize that there are some skills that can be taught and learned while there are other intangible skills that must be developed via experience over time. The military does a very good job of putting people in positions of great responsibility early in their careers. This is why many military veterans have leadership skills and a work ethic that is usually found in more experienced candidates."

Read more online...

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Upcoming Events

Check out Our Events Page at www.cmtc.com

December

Tuesday, December 3
10:00 am PST
WEBINAR
Machine Vision 101: an Introduction to Industrial Machine Vision
Join Catalyst Connection, CMTC, FuzeHub, and Impact Washington for a webinar webinar, presented by Raminder Sandhu, Advanced Automation Practice Lead, for CMTC in California.

Topics to be covered:

- What is machine vision?
- Key players in the industry
- Line Scan, 2D and 3D Vision Systems
- What are good places to apply machine vision on the factory floor?
- Artificial Intelligence vs Traditional Machine Vision Software

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Thursday, December 5
5:30 pm
RBC MT Panel Event: Planning Before the Sale of Your Company
Hosted by M&T Investment Group, RBC Wealth Management, and CMTC. Reid Matthews and Chase Tushaus will lead the panel discussion.

Location: AleSmith Brewing Company
9990 AleSmith Ct., San Diego, CA 92126

RSVP: www.theMTinvestmentgroup.com

Click here to download a printable pdf

NAVFAC EXWC Industry Day
Tuesday, December 10
8:00 am
Marriott Hotel Ventura
Naval Facilities Engineering and Expeditionary Warfare Center, Economic Development Collaborative and MatterLabs present a Technology Exposition, hosted by RDP-21. For details about opportunities to participate as a sponsor or exhibitor, please contact: Bill Simmons (805) 351-9429.
Ticketed event: Eventbrite.com

2020

January

Wednesday, January 22
11:30 am -1:30 pm
Technology Showcase and Accessing Capital Seminar
SBDC hosted by El Camino College

13430 Hawthorne Blvd
Hawthorne, CA 90250

Registration link TBA on Events Page at cmtc.com

February

Thursday, February 20
11:30 am -1:30 pm
Kern County Technology Showcase and Accessing Capital Seminar
CMTC, CSUB Small Business Development Center, with the participation of the Kern Economic Development Corp.

Owens Valley Career Development Center
2574 Diaz Ln, Bishop, CA 93514

Registration link TBA on Events Page at cmtc.com

March

Wednesday, March 25 - Friday, March 27
CALED 2020 Annual Conference: Getting It Done

Sheraton Grand Sacramento Hotel
13th and J St
Sacramento, CA 95814

California Association for Local Economic Development Conference. CMTC is a co-sponsor of the event.

Register: https://caled.org/40-caled-annual-training-conference/ Secure the Early Bird rates through 2019.

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Made in California Proud

SHOW OFF YOUR MADE IN CA PRIDE

Studies demonstrate that consumers are seeking out—and willing to pay more—for American-made products because they're known for their quality. That means sharing your Made in CA logo can really pay off.

Simply take a photo of your Made in CA logo and post it to Twitter, Facebook or Linkedin using the hashtag **#MadeinCAProud**. The logo can be on the wall (frame and display your certificate), on your packaging, on your website, or even in a selfie! When you share the photo, we'll then feature it on our main Made in CA webpage and repost it in our social media posts. Increasing your company's online visibility at no cost to you can only be a plus!

https://www.cmtc.com/made-in-california-profile

Ready to Join Made in CA

Complete the online form and include a copy of your logo artwork and NAICS code.

https://offers.cmtc.com/join-the-made-in-california-program

Manufacturing Month

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On behalf of over 5,000 students and communi[illegible]

You Rock

On behalf of over 5,000 students and community members in California, thank you for your participation, making Manufacturing Day 2019 a success! We really appreciate all the organizers and event hosts for helping manufacturers to shine a spotlight on manufacturing and inspiring new talent to consider it for the future.

Hey! We have lots of photos to share ... but may be missing yours. Please take a moment to send us any photos taken during your Manufacturing Month event. Look for the MFGDAY19 Flip Book posted soon on our website — highlighting the manufacturers and organizations involved.

Are you ready?

MFGDAY-sq

Planning for Manufacturing Day October 2, 2020 has started! Throughout the month of October next year, manufacturers will be celebrating National Manufacturing Day by opening their facilities for student tours or participating in expos. Taking on the vital work of inspiring our young people to pursue careers in manufacturing and engineering, manufacturers help answer the critical challenge of workforce development. Today's science, technology, engineering, and math graduates will help manufacturing face the challenges of changing technology, global competition, and sustaining production growth.

Are you interested in holding a Manufacturing Day event in October 2020? Please contact Steve Brand, Communications Manager, at comm@cmtc.com

GEN Z IS THE ANSWER TO THE SKILLS GAP— THEY JUST DON'T KNOW IT YET

Reprinted from IndustryWeek.com (Oct. 30, 2019), author Alan Mindlin

> Gen Z refers to the generation that was born between 1996-2010, following milennials. This generation has been raised on the internet and social media, with some the oldest finishing college by 2020 and entering the workforce.

Having witnessed the student-loan crisis, this generation [Gen Z] may be more open to educational paths other than four-year college.

With their unique characteristics and career outlook, the Gen Z workforce can help solve the manufacturing skills gap. But lack of awareness and mis-perceptions about the industry are holding them back. That all adds up to a big opportunity for manufacturers to change their outreach, hiring and benefit strategies to connect with this generation of potential workers.

Having witnessed the massive debt and competitive job market many milennials faced upon graduation, Gen Z is determined to make practical educational decisions with an emphasis on financial stability. For many of them, a four-year college degree is only necessary if it's a requirement for their ultimate career goals. Instead, they're considering alternative education options that require less time and money to set them on their future paths.

New-collar jobs, a term coined by IBM CEO Ginni Rometty, provide that balance of job security and little up-front investment. These jobs require the technical and soft skills that are valuable in today's economy, but don't require a four-year degree. Instead, *new-collar workers* are trained through technical colleges, vocational schools, certification programs or even on-the-job instruction.

New-collar jobs are especially prevalent in the manufacturing industry, which has evolved dramatically with advances

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in technology. Today's manufacturers need employees with digital skills in automation, software, robotics, analytics, cloud computing and 3D printing. As digital natives, Gen Z's experience with tech means they can easily adapt and adopt the skills needed to work with these new technologies.

The lack of awareness around manufacturing

Despite this seemingly perfect fit, most members of Gen Z haven't considered careers in manufacturing. This is due in large part to a lack of awareness around the number of available manufacturing jobs and the variety of roles, as well as the misperceptions associated with the industry.

Many Gen Z'ers simply don't know much about the manufacturing industry. Manufacturing careers are rarely included in high school curriculums. And parents likely aren't talking to their kids about the industry either, as many believe manufacturing is outdated, low-paying or unchallenging. Similarly, Silicon Valley giants like Google, Apple and Tesla are perceived as more tech-savvy — even though new innovations like IoT and advanced robotics are also transforming the manufacturing industry. By the time many members of Gen Z learn about the career possibilities in manufacturing (if they ever do), they've already chosen another path.

What manufacturers can do

Employers can take several steps to help create awareness, change misperceptions and encourage Gen Z to get excited about their industry.

- **Public outreach and partnerships**: Reach out to Gen Z where they already are — get in touch with local high schools, community colleges, vocational programs and other nearby services. Establish collaborative programs aimed at creating a talent pipeline that will benefit the entire community. Internships and apprenticeships provide Gen Z'ers the opportunity to gain the active, hands-on and immersive learning experiences they crave,while allowing businesses the chance to test-run future candidates.
- **Financial and career growth incentives**: Give Gen Z'ers what they want: a clear path to financial and career growth. Aside from partnerships with local educational institutions, create your own in-house learning and development programs. Cover the costs of training and certification in exchange for job contracts with minimum durations. Consider a scholarship program to pay for the offsite training of promising candidates. Additionally, offer cross-training and create paths for employees to transfer and grow within your organization.
- **On-the-job perks**: Make your company a great place to work. This may sound obvious, but keep in mind that Gen Z has different preferences than older generations. While Gen Z'ers appreciate traditional benefits like healthcare and 401(k) matches, they're also inclined to seek out flexible perks, like remote work opportunities for office employees or factories that have transitioned to a four-day work week.
- **Government programs**: Contact your local representatives about changing school curriculum, providing community resources or creating a public awareness campaign. Your state workforce development board can help you coordinate training programs, which may be eligible for funding through the Workforce Innovation and Opportunity Act (WIOA).

Skilled workers are out there — manufacturers just need to adapt their searches. A change in perspective around job requirements combined with awareness and training initiatives will widen the talent pool and welcome the next generation of new-collar workers.

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GETTING FOOD ON OUR TABLES FROM THE U.S. AND AROUND THE WORLD, SAFELY AND LESS WASTEFULLY

Reprinted from NIST article, author Nenad Ivezic
Nenad Ivezic is the leader of the Process Engineering Group in the Systems Integration Division of the NIST Engineering Laboratory.

I'm still amazed to see strawberries, avocados and watermelons in my grocery store out of their "normal" season. As amazing as this is, I know it means that my food is arriving from far-flung destinations and may be subjected to poor conditions or handling along the way. So, now, even more so than before, I regularly check where the fresh fruit or produce is hauled in from. Instinctively, I try to remember any recent news of recalls due to foodborne illness. Did I hear about any recalls or hospitalizations lately?

Yes, grocery shopping does give me pause these days.

A recent study found that "addressing drivers of food waste can slash the value of food lost and wasted every year globally by nearly $700 billion." Clearly, moving food from farm to table nowadays is not without challenges, to say the least. Yet, there are some outstanding developments that are starting to help address these safety and waste issues.

For example, food manufacturers and distributors are beginning to attach new internet of things (IoT) sensors to food shipping containers. These IoT devices use the regular internet communication infrastructure (the same as your email app does) to "talk" to senders and receivers of the containers about their temperature, humidity and other conditions, including unauthorized tampering with the contents. These sensors provide critical and useful information to the monitoring systems of both the sender and the receiver of the shipments.

Also, to achieve efficient delivery, up-to-date information on things like shipment plans needs to be exchanged among all partners.

And, at the end of the supply chain, before appearing in grocery stores, the crops and food shipments may need to pass quality tests. Hence, laboratories and their partners must electronically exchange testing information such as inspection orders, test specifications and test results.

As you can see, more than ever, moving food safely and efficiently around the U.S. and the world requires that partners in the food supply chain exchange important information in a usable and timely manner. Before that can happen, however, a community of stakeholders, including food manufacturers, IoT device-makers and operators in the food supply chain, needs to find a meaningful and feasible way of representing that data to assure it is communicated and interpreted as intended.

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Regulatory Updates

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SB 1343 Harassment Avoidance Training Requirement

To ensure a workplace free of sexual harassment, **employers must satisfy the harassment avoidance training requirement** under Section 12950.1.

Harassment Avoidance Training

CMTC offers web-based events, facilitated by a Harassment Avoidance trainer, to satisfy this legal requirement. This comprehensive course is designed specifically for the small- and medium-sized manufacturer.

Price is only $35 per person. To register, simply select from the dates below, click on the date that fits your schedule. Training available in English or in Spanish.

Upon completion of the webinar, your company will be sent a third-party survey from our funding partner. This survey is confidential and is used to capture the economic impacts of our projects.

December Webinars

Classes in English

Wednesdays **9:00 am - 11:00 am**	**Thursdays** **1:00 - 3:00 pm**
December 4	December 5
December 11	December 12

Classes in Spanish
Tuesdays: 8:00 am - 10:00 am

December 3	December 10

Thursdays: 10:00 am - Noon

December 5	December 12

SB 1343 requires California employers who employ 5 or more employees, including temporary or seasonal employees, to provide at least 2 hours of sexual harassment avoidance training to all supervisory employees and at least one hour of sexual harassment avoidance training to all non-supervisory employees, and once every 2 years as specified.

CMTC's Most Recent Blog Posts

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EXPORTING? FEDERAL ASSISTANCE IS AVAILABLE FOR CALIFORNIA MANUFACTURERS

Last year, the United States exported $2.5 trillion—yes, *trillion*—dollars worth of goods and services to foreign countries. Our nation is the third-largest exporter in the world, trailing only China and the European Union. Within our borders, California is by far the top exporting state, shipping out nearly $280 billion worth of goods and services in 2018. Have you got in on global trade yet, or are you letting the competition reap all the rewards? For many small and medium-sized manufacturers (SMMs), entering the exporting arena often comes down to a matter of knowledge and cost. But did you know that there federal programs available to assist you?

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WHY IT'S IMPORTANT FOR MANUFACTURERS TO KEEP UP WITH TECHNOLOGY

Technology is evolving at an astonishing pace, changing the way we live and the way we do business. Of course, it's not just Silicon Valley tech companies that need to keep up with these advancements. Today, businesses big and small, across all industries, need to prioritize technology in order to effectively compete, keep operations running efficiently, and deliver greater value to customers. Manufacturers that allow themselves to fall behind simply enable others to step up and steal their customers, and potentially their entire business.

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From: Jim Watson, President and CEO <comm@cmtc.com>
Sent: Monday, November 25, 2019 6:50 PM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: CMTC's eNewsletter for November 2019

NOVEMBER 2019

Welcome to CMTC's *News for Manufacturers* eNewsletter!

In this Issue

- Technology is Key to Survival
- Black Friday and Cyber Monday Top 10 Fraud Alert Tips
- Why Veterans Make Great Hires and How to Recruit Them
- December Events
- Show Off Your Made in CA Pride or Join Today
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- Getting Food on the Table Safely and Less Wastefully
- SB 1343 Harassment Avoidance Training
- Blog Posts
- California Manufacturing Quiz

In the News

Gregg Profozich speaking to Manufacturers' Council of the Inland Empire

TECHNOLOGY IS KEY TO SURVIVAL OF MANUFACTURERS

Presenter, Gregg Profozich, Director of Advanced Manufacturing Technologies at California Manufacturing Technology Consulting (CMTC), gave the audience plenty to think about as he covered Manufacturing 4.0: Where We Are… Where We Are Going. Manufacturers attending the Manufacturers' Council of the Inland Empire meeting on October 30 were intrigued to learn about the latest innovations in their industry.

Manufacturing 4.0 includes cyber-physical systems (CPS), the internet of things (IoT), industrial internet of things (IIoT), cloud computing, cognitive computing and artificial intelligence.

Profozich said, "New technologies can lead to rapid, widespread change as the rate of technology adoption is accelerating across society. As an example, the hearing aid industry essentially converted to additive manufacturing in only 500 days." He then went into detail on three emerging manufacturing technologies: additive manufacturing, advanced robotics and smart manufacturing. Each of these technologies will fundamentally change how products are manufactured.

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SMART MANUFACTURING SERVICES WITH CMTC

https://www.cmtc.com/smart

ADVANCED ROBOTICS AND AUTOMATION SERVICES WITH CMTC

https://www.cmtc.com/advanced-robotics-cmtc

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BLACK FRIDAY AND CYBER MONDAY TOP 10 FRAUD ALERT TIPS

Reprinted from KnowB4 blog article by Stu Sjouwerman

We have been warning against these types of scams for years and the bad guys are at it again. Black Friday attracts crowds, crowds attract scammers, and that means you need to take extra care when shopping online over the Black Friday and Cyber Monday weekend.

About 75% of Americans plan to do at least half of their holiday shopping online this year, shows a new TransUnion 2019 Holiday Retail Fraud Survey. Yes, online shopping skips the crowds at the mall, but you need to navigate an increasingly dangerous cybersecurity minefield.

It's Holiday Season for the bad guys too! But not the way you might think. They go into scam-overdrive mode. Black Friday and Cyber Monday are the busiest on-line shopping days and the bad guys are planning to get rich with your money. So, here are the **Top 10 Fraud Alert Tips:**

- **Never click on links in emails.** If you want to shop at a site, enter that site address in your browser. There are thousands of fake sites that look almost identical to the real thing. Don't fall for evil-twin shopping sites.
- **Don't open attachments with special offers.** It's a classic scam. The offer should be in the email and you should be able to see it right away.
- **Watch for malicious ads and popups.** Do not click on ads that sound too good to be true, and ignore popups that might propose the "best deal ever".
- **Beware of e-skimmers.** This is a new one. Do you know that bad guys sometimes skim your credit card at gas stations or ATMs? Well, there is a new flavor of that, the shopping website you order from might be infected with a "e-skimmer" and they steal your card data when you check out. You can prevent that by using PayPal or Amazon.
- **Use a credit card to buy stuff online if possible.** NEVER use a debit card to make online purchases but use that debit card to take out cash only.
- **Do not shop over a public Wi-Fi.** You simply do not know if it's secure and who is listening. Only shop using a secure, trusted network. If you have no other way to shop, use a VPN which encrypts your traffic.
- **Be very careful when you see a free offer during the holidays.** There is an explosion of all kinds of survey fraud and gift card scams.
- **Do not re-use any of your passwords.** Instead, use a password manager to create hard-to-break passwords. Re-using any password is literally an invitation to get hacked.
- **Keep a close eye on your credit card and bank accounts.** During this season, unexpected and strange charges might appear which could very well be the first sign your card or even your whole identity has been stolen. If you think you might have been scammed, stay calm and call your credit card company, nix that card and get a new one.
- **Be especially suspicious of gift card scams**. They can be a perfect holiday gift, but gift card scams are skyrocketing. Only buy gift cards from trusted sources.

So, especially this time of year, do not let the bad guys exploit your holiday spirit and use it against you. Remember to stay alert when you shop online! *Think Before You Click!*

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WHY VETERANS MAKE GREAT INDUSTRIAL EMPLOYEES AND HOW TO RECRUIT THEM TO JOIN YOUR TEAM

Reprinted from Thomas Net, author Lindsay Gilder

Serving in the military is an incredible challenge. But for many veterans, the biggest hurdle often comes during their return to civilian life. 44% of veterans who served in the decade since September 11 have a difficult time readjusting after completing their service, according to a recent Pew Research Center study.

A great way to give back to the veterans who protect our freedom and our country is to make this difficult transition a little bit easier.

Veterans possess a wealth of skills and knowledge that makes them great candidates for jobs in manufacturing and industrial businesses. Thomas Insights spoke to leading industry professionals about the traits that make veterans uniquely qualified for these rewarding positions, and how your industrial business can find and recruit talented veteran candidates for your open job opportunities.

Read the article online to learn more about:

- What Traits Make Veterans Great Candidates for Industrial Jobs?
- What You Need to Know About Hiring Veterans
- How to Recruit Veterans into Open Opportunities at Your Company

"Smart employers realize that there are some skills that can be taught and learned while there are other intangible skills that must be developed via experience over time. The military does a very good job of putting people in positions of great responsibility early in their careers. This is why many military veterans have leadership skills and a work ethic that is usually found in more experienced candidates."

Read more online...

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Upcoming Events

Check out Our Events Page at www.cmtc.com

December

Tuesday, December 3
10:00 am PST
WEBINAR
Machine Vision 101: an Introduction to Industrial Machine Vision
Join Catalyst Connection, CMTC, FuzeHub, and Impact Washington for a webinar webinar, presented by Raminder Sandhu, Advanced Automation Practice Lead, for CMTC in California.

Topics to be covered:

- What is machine vision?
- Key players in the industry
- Line Scan, 2D and 3D Vision Systems
- What are good places to apply machine vision on the factory floor?
- Artificial Intelligence vs Traditional Machine Vision Software

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Thursday, December 5
5:30 pm
RBC MT Panel Event: Planning Before the Sale of Your Company
Hosted by M&T Investment Group, RBC Wealth Management, and CMTC. Reid Matthews and Chase Tushaus will lead the panel discussion.

Location: AleSmith Brewing Company
9990 AleSmith Ct., San Diego, CA 92126

RSVP: www.theMTinvestmentgroup.com

Click here to download a printable pdf

NAVFAC EXWC Industry Day
Tuesday, December 10
8:00 am
Marriott Hotel Ventura
Naval Facilities Engineering and Expeditionary Warfare Center, Economic Development Collaborative and MatterLabs present a Technology Exposition, hosted by RDP-21. For details about opportunities to participate as a sponsor or exhibitor, please contact: Bill Simmons (805) 351-9429.
Ticketed event: Eventbrite.com

2020

January

Wednesday, January 22
11:30 am -1:30 pm
Technology Showcase and Accessing Capital Seminar
SBDC hosted by El Camino College

13430 Hawthorne Blvd
Hawthorne, CA 90250

Registration link TBA on Events Page at cmtc.com

February

Thursday, February 20
11:30 am -1:30 pm
Kern County Technology Showcase and Accessing Capital Seminar
CMTC, CSUB Small Business Development Center, with the participation of the Kern Economic Development Corp.

Owens Valley Career Development Center
2574 Diaz Ln, Bishop, CA 93514

Registration link TBA on Events Page at cmtc.com

March

Wednesday, March 25 - Friday, March 27
CALED 2020 Annual Conference: Getting It Done

Sheraton Grand Sacramento Hotel
13th and J St
Sacramento, CA 95814

California Association for Local Economic Development Conference. CMTC is a co-sponsor of the event.

Register: https://caled.org/40-caled-annual-training-conference/ Secure the Early Bird rates through 2019.

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Made in California Proud

SHOW OFF YOUR MADE IN CA PRIDE

Studies demonstrate that consumers are seeking out—and willing to pay more—for American-made products because they're known for their quality. That means sharing your Made in CA logo can really pay off.

Simply take a photo of your Made in CA logo and post it to Twitter, Facebook or Linkedin using the hashtag **#MadeinCAProud**. The logo can be on the wall (frame and display your certificate), on your packaging, on your website, or even in a selfie! When you share the photo, we'll then feature it on our main Made in CA webpage and repost it in our social media posts. Increasing your company's online visibility at no cost to you can only be a plus!

https://www.cmtc.com/made-in-california-profile

Ready to Join Made in CA

Complete the online form and include a copy of your logo artwork and NAICS code.

https://offers.cmtc.com/join-the-made-in-california-program

Manufacturing Month

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You Rock

On behalf of over 5,000 students and community members in California, thank you for your participation, making Manufacturing Day 2019 a success! We really appreciate all the organizers and event hosts for helping manufacturers to shine a spotlight on manufacturing and inspiring new talent to consider it for the future.

Hey! We have lots of photos to share ... but may be missing yours. Please take a moment to send us any photos taken during your Manufacturing Month event. Look for the MFGDAY19 Flip Book posted soon on our website — highlighting the manufacturers and organizations involved.

Are you ready?

MFGDAY-sq

Planning for Manufacturing Day October 2, 2020 has started! Throughout the month of October next year, manufacturers will be celebrating National Manufacturing Day by opening their facilities for student tours or participating in expos. Taking on the vital work of inspiring our young people to pursue careers in manufacturing and engineering, manufacturers help answer the critical challenge of workforce development. Today's science, technology, engineering, and math graduates will help manufacturing face the challenges of changing technology, global competition, and sustaining production growth.

Are you interested in holding a Manufacturing Day event in October 2020? Please contact Steve Brand, Communications Manager, at comm@cmtc.com

GEN Z IS THE ANSWER TO THE SKILLS GAP— THEY JUST DON'T KNOW IT YET

Reprinted from IndustryWeek.com (Oct. 30, 2019), author Alan Mindlin

> Gen Z refers to the generation that was born between 1996-2010, following milennials. This generation has been raised on the internet and social media, with some the oldest finishing college by 2020 and entering the workforce.

Having witnessed the student-loan crisis, this generation [Gen Z] may be more open to educational paths other than four-year college.

With their unique characteristics and career outlook, the Gen Z workforce can help solve the manufacturing skills gap. But lack of awareness and mis-perceptions about the industry are holding them back. That all adds up to a big opportunity for manufacturers to change their outreach, hiring and benefit strategies to connect with this generation of potential workers.

Having witnessed the massive debt and competitive job market many milennials faced upon graduation, Gen Z is determined to make practical educational decisions with an emphasis on financial stability. For many of them, a four-year college degree is only necessary if it's a requirement for their ultimate career goals. Instead, they're considering alternative education options that require less time and money to set them on their future paths.

New-collar jobs, a term coined by IBM CEO Ginni Rometty, provide that balance of job security and little up-front investment. These jobs require the technical and soft skills that are valuable in today's economy, but don't require a four-year degree. Instead, *new-collar workers* are trained through technical colleges, vocational schools, certification programs or even on-the-job instruction.

New-collar jobs are especially prevalent in the manufacturing industry, which has evolved dramatically with advances

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in technology. Today's manufacturers need employees with digital skills in automation, software, robotics, analytics, cloud computing and 3D printing. As digital natives, Gen Z's experience with tech means they can easily adapt and adopt the skills needed to work with these new technologies.

The lack of awareness around manufacturing

Despite this seemingly perfect fit, most members of Gen Z haven't considered careers in manufacturing. This is due in large part to a lack of awareness around the number of available manufacturing jobs and the variety of roles, as well as the misperceptions associated with the industry.

Many Gen Z'ers simply don't know much about the manufacturing industry. Manufacturing careers are rarely included in high school curriculums. And parents likely aren't talking to their kids about the industry either, as many believe manufacturing is outdated, low-paying or unchallenging. Similarly, Silicon Valley giants like Google, Apple and Tesla are perceived as more tech-savvy — even though new innovations like IoT and advanced robotics are also transforming the manufacturing industry. By the time many members of Gen Z learn about the career possibilities in manufacturing (if they ever do), they've already chosen another path.

What manufacturers can do

Employers can take several steps to help create awareness, change misperceptions and encourage Gen Z to get excited about their industry.

- **Public outreach and partnerships**: Reach out to Gen Z where they already are — get in touch with local high schools, community colleges, vocational programs and other nearby services. Establish collaborative programs aimed at creating a talent pipeline that will benefit the entire community. Internships and apprenticeships provide Gen Z'ers the opportunity to gain the active, hands-on and immersive learning experiences they crave,while allowing businesses the chance to test-run future candidates.
- **Financial and career growth incentives**: Give Gen Z'ers what they want: a clear path to financial and career growth. Aside from partnerships with local educational institutions, create your own in-house learning and development programs. Cover the costs of training and certification in exchange for job contracts with minimum durations. Consider a scholarship program to pay for the offsite training of promising candidates. Additionally, offer cross-training and create paths for employees to transfer and grow within your organization.
- **On-the-job perks**: Make your company a great place to work. This may sound obvious, but keep in mind that Gen Z has different preferences than older generations. While Gen Z'ers appreciate traditional benefits like healthcare and 401(k) matches, they're also inclined to seek out flexible perks, like remote work opportunities for office employees or factories that have transitioned to a four-day work week.
- **Government programs**: Contact your local representatives about changing school curriculum, providing community resources or creating a public awareness campaign. Your state workforce development board can help you coordinate training programs, which may be eligible for funding through the Workforce Innovation and Opportunity Act (WIOA).

Skilled workers are out there — manufacturers just need to adapt their searches. A change in perspective around job requirements combined with awareness and training initiatives will widen the talent pool and welcome the next generation of new-collar workers.

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GETTING FOOD ON OUR TABLES FROM THE U.S. AND AROUND THE WORLD, SAFELY AND LESS WASTEFULLY

Reprinted from NIST article, author Nenad Ivezic
Nenad Ivezic is the leader of the Process Engineering Group in the Systems Integration Division of the NIST Engineering Laboratory.

I'm still amazed to see strawberries, avocados and watermelons in my grocery store out of their "normal" season. As amazing as this is, I know it means that my food is arriving from far-flung destinations and may be subjected to poor conditions or handling along the way. So, now, even more so than before, I regularly check where the fresh fruit or produce is hauled in from. Instinctively, I try to remember any recent news of recalls due to foodborne illness. Did I hear about any recalls or hospitalizations lately?

Yes, grocery shopping does give me pause these days.

A recent study found that "addressing drivers of food waste can slash the value of food lost and wasted every year globally by nearly $700 billion." Clearly, moving food from farm to table nowadays is not without challenges, to say the least. Yet, there are some outstanding developments that are starting to help address these safety and waste issues.

For example, food manufacturers and distributors are beginning to attach new internet of things (IoT) sensors to food shipping containers. These IoT devices use the regular internet communication infrastructure (the same as your email app does) to "talk" to senders and receivers of the containers about their temperature, humidity and other conditions, including unauthorized tampering with the contents. These sensors provide critical and useful information to the monitoring systems of both the sender and the receiver of the shipments.

Also, to achieve efficient delivery, up-to-date information on things like shipment plans needs to be exchanged among all partners.

And, at the end of the supply chain, before appearing in grocery stores, the crops and food shipments may need to pass quality tests. Hence, laboratories and their partners must electronically exchange testing information such as inspection orders, test specifications and test results.

As you can see, more than ever, moving food safely and efficiently around the U.S. and the world requires that partners in the food supply chain exchange important information in a usable and timely manner. Before that can happen, however, a community of stakeholders, including food manufacturers, IoT device-makers and operators in the food supply chain, needs to find a meaningful and feasible way of representing that data to assure it is communicated and interpreted as intended.

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Regulatory Updates

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SB 1343 Harassment Avoidance Training Requirement

To ensure a workplace free of sexual harassment, **employers must satisfy the harassment avoidance training requirement** under Section 12950.1.

Harassment Avoidance Training

CMTC offers web-based events, facilitated by a Harassment Avoidance trainer, to satisfy this legal requirement. This comprehensive course is designed specifically for the small- and medium-sized manufacturer.

Price is only $35 per person. To register, simply select from the dates below, click on the date that fits your schedule. Training available in English or in Spanish.

Upon completion of the webinar, your company will be sent a third-party survey from our funding partner. This survey is confidential and is used to capture the economic impacts of our projects.

December Webinars

Classes in English

Wednesdays **9:00 am - 11:00 am**	**Thursdays** **1:00 - 3:00 pm**
December 4	December 5
December 11	December 12

Classes in Spanish
Tuesdays: 8:00 am - 10:00 am

December 3	December 10

Thursdays: 10:00 am - Noon

December 5	December 12

SB 1343 requires California employers who employ 5 or more employees, including temporary or seasonal employees, to provide at least 2 hours of sexual harassment avoidance training to all supervisory employees and at least one hour of sexual harassment avoidance training to all non-supervisory employees, and once every 2 years as specified.

CMTC's Most Recent Blog Posts

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EXPORTING? FEDERAL ASSISTANCE IS AVAILABLE FOR CALIFORNIA MANUFACTURERS

Last year, the United States exported $2.5 trillion—yes, *trillion*—dollars worth of goods and services to foreign countries. Our nation is the third-largest exporter in the world, trailing only China and the European Union. Within our borders, California is by far the top exporting state, shipping out nearly $280 billion worth of goods and services in 2018. Have you got in on global trade yet, or are you letting the competition reap all the rewards? For many small and medium-sized manufacturers (SMMs), entering the exporting arena often comes down to a matter of knowledge and cost. But did you know that there federal programs available to assist you?

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WHY IT'S IMPORTANT FOR MANUFACTURERS TO KEEP UP WITH TECHNOLOGY

Technology is evolving at an astonishing pace, changing the way we live and the way we do business. Of course, it's not just Silicon Valley tech companies that need to keep up with these advancements. Today, businesses big and small, across all industries, need to prioritize technology in order to effectively compete, keep operations running efficiently, and deliver greater value to customers. Manufacturers that allow themselves to fall behind simply enable others to step up and steal their customers, and potentially their entire business.

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From: Redig, Tamra <Redig.Tamra@flsenate.gov>
Sent: Wednesday, February 05, 2020 6:07 PM EST
To: Denson, Tori <Tori.Denson@myfloridahouse.gov>; Frier, Nancy <Frier.Nancy@flsenate.gov>; Grissom, William <Grissom.William@flsenate.gov>; Harrington, Tiffany <Tiffany.Harrington@myfloridahouse.gov>; Hay, Timothy <Hay.Timothy@flsenate.gov>; Mackintosh, Andrew <Mackintosh.Andrew@flsenate.gov>; Moore, Alexandra <Alexandra.Moore@myfloridahouse.gov>; Senate Committee - Approp. Sub. Agr, Env., & Gen. Gov. <SenateCommittee-Approp.Sub.AgrEnv&GenGovt@flsenate.gov>; Senate Committee - Governmental Oversight and Accountability <SenateCommittee-GovernmentalOversightandAccountability@flsenate.gov>; Senate District 04 (Bean) <SenateDistrict04Bea@flsenate.gov>; Senate District 15 (Torres) <SenateDistrict15Torre@flsenate.gov>; Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 29 (Rader) <SenateDistrict29Rader@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>; Smith, Melissa <Melissa.Smith@myfloridahouse.gov>; Williamson, Heather <Heather.Williamson@myfloridahouse.gov>; Crawford, Lindsay <Crawford.Lindsay@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 39 (Flores) <SenateDistrict39Flores@flsenate.gov>; Senate District 02 (Gainer) <SenateDistrict02Gainer@flsenate.gov>; Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>; Senate District 25 (Harrell) <SenateDistrict25Harrell@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate District 17 (Mayfield) <SenateDistrict17Mayfield@flsenate.gov>; Senate District 03 (Montford) <SenateDistrict03Montford@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 19 (Rouson) <SenateDistrict19Rouson@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate Committee - Community Affairs <SenateCommittee-CommunityAffairs@flsenate.gov>; Senate Committee - Commerce and Tourism <SenateCommittee-CommerceandTourism@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Health Policy <SenateCommittee-HealthPolicy@flsenate.gov>; Senate Committee - Infrastructure and Security <SenateCommittee-InfrastructureandSecurity@flsenate.gov>; Senate Committee - Military and Veterans Affairs and Space <SenateCommittee-MilitaryandVeteransAffairsandSpace@flsenate.gov>
Subject: Committee Meeting Notice: GO 02/10/20 1:30 p.m.
Attachment(s): "tmp7D1A.PDF"

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The Florida Senate

COMMITTEE MEETING NOTICE

GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
Senator Hooper, Chair
Senator Rader, Vice Chair

MEETING DATE: Monday, February 10, 2020
TIME: 1:30—3:30 p.m.
PLACE: 301 Senate Building

AMENDMENT DEADLINE: The amendment deadline for this meeting, including proposed committee substitutes and delete everything amendments, is Friday, February 7, 2020 at 1:30 p.m. All amendments must be in final form and barcoded when filed.

MEMBERS: Senator Hooper, Chair; Senator Rader, Vice Chair; Senators Albritton, Bean, and Torres

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CS/SB 666 by Commerce and Tourism / Mayfield—Florida Development Finance Corporation

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SB 858 by Gruters—Cost-of-living Adjustment for Special Risk Class Retirees

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CS/SB 928 by Health Policy / Harrell—Public Records and Meetings/Interstate Medical Licensure Compact

---

SB 966 by Gainer—Public Records/Disaster Recovery Assistance

CS/SB 1024 by Criminal Justice / Bean—Public Records/Postconviction Reinvestigative Information

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CS/SB 1030 by Infrastructure and Security / Stargel—Public Records/Vessel Title or Registration/Department of Highway Safety and Motor Vehicles

---

SB 1260 by Albritton—Florida Space Exploration Monument

SB 1270 by Lee—Fiduciary Duty of Care for Appointed Public Officials and Executive Officers

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SB 1312 by Montford—Voting Systems

SB 1466 by Baxley—Special Districts

SB 1632 by Rouson—Cultural Affairs

SB 1636 by Baxley—Repeal of Advisory Bodies and Councils

CS/SB 1718 by Criminal Justice / Brandes—Public Meetings and Records/Conditional Aging Inmate Release Program

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With the Chair's approval, DURING regular session file 1 copy with the Secretary of the Senate (Room 303, Capitol) at least 3 days before meeting and PRIOR to regular session at least 7 days before meeting (Rules 2.6 and 2.8). File 1 copy with the Sergeant at Arms.

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CS/SB 1728 by Criminal Justice / Brandes—Public Meetings and Records/Conditional Medical Release Program

SM 1756 by Flores—Temporary Protected Status to Venezuelans in the United States

CS/SB 1802 by Criminal Justice / Pizzo—Public Meetings/Urban Core Gun Violence Task Force

SB 1872 by Hutson—Public Records/Commissioner of Financial Regulation/Financial Technology Sandbox Applications

SB 1874 by Hutson—Fees/Office of Financial Regulation/Financial Technology Sandbox Applications

Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.

OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING
Investment Advisory Council	
Canida, Maria Teresa (Coral Gables)	12/12/2022
Olmstead, Vinny (Vero Beach)	02/01/2023

Other Related Meeting Documents

With the Chair's approval, DURING regular session file 1 copy with the Secretary of the Senate (Room 303, Capitol) at least 3 days before meeting and PRIOR to regular session at least 7 days before meeting (Rules 2.6 and 2.8). File 1 copy with the Sergeant at Arms.

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Monday, January 20, 2020 11:32 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Critical Information for your Business! Last Chance to Register! GCBX Lunch & Learn- Wednesday, January 22nd

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Dear Senator Joe Gruters,
You are invited to the following event:

GCBX LUNCH & LEARN: CYBERSECURITY

When: 22 Jan 2020 11:30 AM, EST
Where: Grove- 10670 Boardwalk Loop, Lakewood Ranch, FL 34202

Each attendee will leave with a Cybersecurity Playbook for Contractors that you can use now and in the future to Identify, Protect, Detect & Respond to Cybersecuirty attacks/issues in your business.

Will you be attending?

Register | Not attending

EVENT DETAILS:

GCBX Lunch & Learn: Cybersecurity

Wednesday, January 22nd

11:30 am – 1:15 pm

11:30 - Registration

12:00 - Program

Location: The Grove - Fever Tree Hall

Attendees will learn about the National Institute of Standards and Technology (NIST) Framework, a comprehensive five-step process that helps businesses prepare for the cyber-attacks threatening your data.

Each attendee will leave with a Cybersecurity Playbook for contractors that you can use now and in the future to Identify, Protect, Detect & Respond to Cybersecuirty attacks/issues in your business.

Presented By:
Nathan Bailey, Chief Operating Officer for SouthTech
David Karins, Karins Engineering Group

$40 for GCBX Members

Lunch will be Included.

Click here for Flyer

Thank You Presenting Sponsor!

*It is the policy of GCBX to charge for events if cancellations are not made at least 72 hours prior to the even .

Best regards,
Gulf Coast Builders Exchange

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This email contains links that will automatically log you into the Gulf Coast Builders Exchange site.
These links will work for the next 7 days only. Please, don't forward this email to anyone!

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From: Brill, Victoria
Sent: Friday, December 20, 2019 3:02 PM EST
To: Kopelousos, Stephanie <Stephanie.Kopelousos@eog.myflorida.com>; Russell, Tyler <Tyler.Russell@eog.myflorida.com>
Subject: DEP Bill Draft
Attachment(s): "billdraft75494 (2).DOCX"

Hello & Happy Friday!

Here is the updated draft from the last revision. Please let me know if you have any additional thoughts.

Thanks,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

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23-01448A-20

A bill to be entitled

An act relating to environmental enforcement; amending ss. 161.054, 258.397, 258.46, 373.129, 373.209, 373.430, 376.065, 376.071, 376.16, 376.25, 377.37, 378.211, 403.086, 403.121, 403.141, 403.161, 403.413, 403.7234, 403.726, 403.727, and 403.93345, F.S.; increasing the civil penalties for violations of certain provisions relating to beach and shore construction, the Biscayne Bay Aquatic Preserve, aquatic preserves, the state water resource plan, artesian wells, pollution, operating a terminal facility without discharge prevention and response certificates, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, the pollution of surface and ground waters, the regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs and expenses for pollution releases, necessary permits, dumping litter, small quantity generators, the abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, and coral reef protection, respectively; providing that each day that certain violations are not remediated constitutes a separate offense; making technical changes; reenacting s. 823.11(5), F.S., to incorporate the amendment made to s. 376.16, F.S., in a reference thereto; reenacting ss. 403.077(5), 403.131(2), 403.4154(3)(d), and

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403.860(5), F.S., to incorporate the amendment made to s. 403.121, F.S., in a reference thereto; reenacting ss. 403.708(10), 403.7191(7), and 403.811, F.S., to incorporate the amendment made to s. 403.141, F.S., in a reference thereto; reenacting s. 403.7255(2), F.S., to incorporate the amendment made to s. 403.161, F.S., in a reference thereto; reenacting s. 403.7186(8), F.S., to incorporate the amendment made to ss. 403.141 and 403.161, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (1) of section 161.054, Florida Statutes, is amended to read:

161.054 Administrative fines; liability for damage; liens.—

(1) In addition to the penalties provided for in ss. 161.052, 161.053, and 161.121, any person, firm, corporation, or governmental agency, or agent thereof, refusing to comply with or willfully violating ~~any of the provisions of~~ s. 161.041, s. 161.052, or s. 161.053, or any rule or order prescribed by the department thereunder, shall incur a fine for each offense in an amount up to $15,000 ~~$10,000~~ to be fixed, imposed, and collected by the department. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 2. Subsection (7) of section 258.397, Florida Statutes, is amended to read:

258.397 Biscayne Bay Aquatic Preserve.—

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(7) ENFORCEMENT.—~~The provisions of~~ This section may be enforced in accordance with ~~the provisions of~~ s. 403.412. In addition, the Department of Legal Affairs may ~~is authorized to~~ bring an action for civil penalties of $7,500 ~~$5,000~~ per day against any person, natural or corporate, who violates ~~the provisions of~~ this section or any rule or regulation issued hereunder. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. Enforcement of applicable state regulations shall be supplemented by the Miami-Dade County Department of Environmental Resources Management through the creation of a full-time enforcement presence along the Miami River.

Section 3. Section 258.46, Florida Statutes, is amended to read:

258.46 Enforcement; violations; penalty.—~~The provisions of~~ This act may be enforced by the Board of Trustees of the Internal Improvement Trust Fund or in accordance with ~~the provisions of~~ s. 403.412. However, any violation by any person, natural or corporate, of ~~the provisions of~~ this act or any rule or regulation issued hereunder is ~~shall be~~ further punishable by a civil penalty of not less than $750 ~~$500~~ per day or more than $7,500 ~~$5,000~~ per day of such violation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 4. Subsections (5) and (7) of section 373.129, Florida Statutes, are amended, to read:

373.129 Maintenance of actions.—The department, the

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governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(5) To recover a civil penalty for each offense in an amount not to exceed $15,000 ~~$10,000~~ per offense. Until a violation is resolved by order or judgment, each date during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(a) A civil penalty recovered by a water management district pursuant to this subsection shall be retained and used exclusively by the water management district that collected the money. A civil penalty recovered by the department pursuant to this subsection must be deposited into the Water Quality Assurance Trust Fund established under s. 376.307.

(b) A local government that is delegated authority pursuant to s. 373.103(8) may deposit a civil penalty recovered pursuant to this subsection into a local water pollution control program trust fund, notwithstanding ~~the provisions of~~ paragraph (a). However, civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violations of state water quality standards may be used only to restore water quality in the area that was the subject of the action, and civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violation of requirements relating to water quantity may be used only to purchase lands and make capital improvements associated

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with surface water management, or other purposes consistent with the requirements of this chapter for the management and storage of surface water.

(7) To enforce ~~the provisions of~~ part IV of this chapter in the same manner and to the same extent as provided in ss. 373.430, 403.121(1) and (2), 403.131, 403.141, and 403.161.

Section 5. Subsection (3) of section 373.209, Florida Statutes, is amended to read:

373.209 Artesian wells; penalties for violation.—

(3) Any person who violates ~~any provision of~~ this section is ~~shall be~~ subject to either:

(a) The remedial measures provided for in s. 373.436; or

(b) A civil penalty of $150 ~~$100~~ a day for each and every day of such violation and for each and every act of violation. The civil penalty may be recovered by the water management board of the water management district in which the well is located or by the department in a suit in a court of competent jurisdiction in the county where the defendant resides, in the county of residence of any defendant if there is more than one defendant, or in the county where the violation took place. The place of suit shall be selected by the board or department, and the suit, by direction of the board or department, shall be instituted and conducted in the name of the board or department by appropriate counsel. The payment of any such damages does not impair or abridge any cause of action which any person may have against the person violating ~~any provision of~~ this section.

Section 6. Subsections (2) through (5) of section 373.430, Florida Statutes, are amended to read:

373.430 Prohibitions, violation, penalty, intent.—

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(2) A person who ~~Whoever~~ commits a violation specified in subsection (1) is liable for any damage caused and for civil penalties as provided in s. 373.129.

(3) A ~~Any~~ person who willfully commits a violation specified in paragraph (1)(a) commits ~~is guilty of~~ a felony of the third degree, punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g), by a fine of not more than $50,000 or by imprisonment for 5 years, or by both, for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(4) A ~~Any~~ person who commits a violation specified in paragraph (1)(a) or paragraph (1)(b) due to reckless indifference or gross careless disregard commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g), by a fine of not more than $10,000 ~~$5,000~~ or 60 days in jail, or by both, for each offense.

(5) A ~~Any~~ person who willfully commits a violation specified in paragraph (1)(b) or paragraph (1)(c) commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g), by a fine of not more than $10,000 or by 6 months in jail, or by both, for each offense.

Section 7. Paragraphs (a) and (e) of subsection (5) of section 376.065, Florida Statutes, are amended to read:

376.065 Operation of terminal facility without discharge prevention and response certificate prohibited; penalty.—

(5)(a) A person who violates this section or the terms and requirements of such certification commits a noncriminal

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infraction. The civil penalty for any such infraction shall be $750 ~~$500~~, except as otherwise provided in this section.

(e) A person who elects to appear before the county court or who is required to so appear waives the limitations of the civil penalty specified in paragraph (a). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of the infraction is proved, the court shall impose a civil penalty of $750 ~~$500~~.

Section 8. Paragraphs (a) and (e) of subsection (2) of section 376.071, Florida Statutes, are amended to read:

376.071 Discharge contingency plan for vessels.—

(2)(a) A master of a vessel that violates subsection (1) commits a noncriminal infraction and shall be cited for such infraction. The civil penalty for such an infraction shall be $7,500 ~~$5,000~~, except as otherwise provided in this subsection.

(e) A person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalty specified in paragraph (a). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of the infraction is proved, the court shall impose a civil penalty of $7,500 ~~$5,000~~.

Section 9. Section 376.16, Florida Statutes, is amended to read:

376.16 Enforcement and penalties.—

(1) It is unlawful for any person to violate ~~any provision of~~ ss. 376.011-376.21 or any rule or order of the department made pursuant to this act. A violation is ~~shall be~~ punishable by a civil penalty of up to $75,000 ~~$50,000~~ per violation per day to be assessed by the department. Until a violation is resolved

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by order or judgment, each day during any portion of which the violation occurs or is not remediated constitutes a separate offense. The penalty provisions of this subsection do ~~shall~~ not apply to any discharge promptly reported and removed by a person responsible, in accordance with the rules and orders of the department, or to any discharge of pollutants equal to or less than 5 gallons.

(2) In addition to the penalty provisions which may apply under subsection (1), a person responsible for two or more discharges of any pollutant reported pursuant to s. 376.12 within a 12-month period at the same facility commits a noncriminal infraction and shall be cited by the department for such infraction.

(a) For discharges of gasoline or diesel over 5 gallons, the civil penalty for the second discharge shall be $750 ~~$500~~ and the civil penalty for each subsequent discharge within a 12-month period shall be $1,500 ~~$1,000~~, except as otherwise provided in this section.

(b) For discharges of any pollutant other than gasoline or diesel, the civil penalty for a second discharge shall be $3,750 ~~$2,500~~ and the civil penalty for each subsequent discharge within a 12-month period shall be $7,500 ~~$5,000~~, except as otherwise provided in this section.

(3) A person responsible for two or more discharges of any pollutant reported pursuant to s. 376.12 within a 12-month period at the same facility commits a noncriminal infraction and shall be cited by the department for such infraction.

(a) For discharges of gasoline or diesel equal to or less than 5 gallons, the civil penalty shall be $75 ~~$50~~ for each

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discharge subsequent to the first.

(b) For discharges of pollutants other than gasoline or diesel equal to or less than 5 gallons, the civil penalty shall be $150 ~~$100~~ for each discharge subsequent to the first.

(4) A person charged with a noncriminal infraction pursuant to subsection (2) or subsection (3) may:

(a) Pay the civil penalty;

(b) Post a bond equal to the amount of the applicable civil penalty; or

(c) Sign and accept a citation indicating a promise to appear before the county court.

The department employee authorized to issue these citations may indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

(5) Any person who willfully refuses to post bond or accept and sign a citation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) After compliance with paragraph (4)(b) or paragraph (4)(c), any person charged with a noncriminal infraction under subsection (2) or subsection (3) may:

(a) Pay the civil penalty, either by mail or in person, within 30 days after the date of receiving the citation; or

(b) If the person has posted bond, forfeit the bond by not appearing at the designated time and location.

A person cited for an infraction under this section who pays the civil penalty or forfeits the bond has admitted the infraction and waives the right to a hearing on the issue of commission of

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the infraction. Such admission may not be used as evidence in any other proceeding.

(7) Any person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalties specified in subsection (2). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is proved, the court may impose a civil penalty up to, but not exceeding, $750 ~~$500~~ for the second discharge of gasoline or diesel and a civil penalty up to, but not exceeding, $1,500 ~~$1,000~~ for each subsequent discharge of gasoline or diesel within a 12-month period.

(8) Any person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalties specified in subsection (2) or subsection (3). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is proved, the court may impose a civil penalty up to, but not exceeding, $7,500 ~~$5,000~~ for the second discharge of pollutants other than gasoline or diesel and a civil penalty up to, but not exceeding, $15,000 ~~$10,000~~ for each subsequent discharge of pollutants other than gasoline or diesel within a 12-month period.

(9) At a hearing under this section, the commission of a charged offense must be proved by the greater weight of the evidence.

(10) A person who is found by a hearing official to have committed an infraction may appeal that finding to the circuit court.

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(11) Any person who has not posted bond and who neither pays the applicable civil penalty, as specified in subsection (2) or subsection (3) within 30 days of receipt of the citation nor appears before the court commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(12) Any person who makes or causes to be made a false statement that which the person does not believe to be true in response to requirements of ~~the provisions of~~ ss. 376.011-376.21 commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Paragraph (a) of subsection (6) of section 376.25, Florida Statutes, is amended to read:

376.25 Gambling vessels; registration; required and prohibited releases.—

(6) PENALTIES.—

(a) A person who violates this section is subject to a civil penalty of not more than $75,000 ~~$50,000~~ for each violation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 11. Paragraph (a) of subsection (1) of section 377.37, Florida Statutes, is amended to read:

377.37 Penalties.—

(1)(a) Any person who violates ~~any provision of~~ this law or any rule, regulation, or order of the division made under this chapter or who violates the terms of any permit to drill for or produce oil, gas, or other petroleum products referred to in s. 377.242(1) or to store gas in a natural gas storage facility, or any lessee, permitholder, or operator of equipment or facilities

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used in the exploration for, drilling for, or production of oil, gas, or other petroleum products, or storage of gas in a natural gas storage facility, who refuses inspection by the division as provided in this chapter, is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state. Furthermore, such person, lessee, permitholder, or operator is subject to the judicial imposition of a civil penalty in an amount of not more than $15,000 ~~$10,000~~ for each offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. This section does not ~~Nothing herein shall~~ give the department the right to bring an action on behalf of any private person.

Section 12. Subsection (2) of section 378.211, Florida Statutes, is amended to read:

378.211 Violations; damages; penalties.—

(2) The department may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for violation of this part or of any rule adopted or order issued pursuant to this part. The penalty may ~~shall~~ not exceed the following amounts, and the court shall consider evidence in mitigation:

(a) For violations of a minor or technical nature, $150 ~~$100~~ per violation.

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(b) For major violations by an operator on which a penalty has not been imposed under this paragraph during the previous 5 years, $1,500 ~~$1,000~~ per violation.

(c) For major violations not covered by paragraph (b), $7,500 ~~$5,000~~ per violation.

Subject to ~~the provisions of~~ subsection (4), until a violation is resolved by order or judgment, each day or any portion thereof in which the violation continues or is not remediated shall constitute a separate violation.

Section 13. Subsection (2) of section 403.086, Florida Statutes, is amended to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(2) Any facilities for sanitary sewage disposal shall provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the Department of Environmental Protection. Failure to conform shall be punishable by a civil penalty of $750 ~~$500~~ for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

Section 14. Section 403.121, Florida Statutes, is amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(1) Judicial remedies:

(a) The department may institute a civil action in a court

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of competent jurisdiction to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, of the state caused by any violation.

(b) The department may institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation in an amount of not more than $15,000 ~~$10,000~~ per offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(c) Except as provided in paragraph (2)(c), it is ~~shall~~ not ~~be~~ a defense to, or ground for dismissal of, these judicial remedies for damages and civil penalties that the department has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing prior to the institution of a civil action.

(2) Administrative remedies:

(a) The department may institute an administrative proceeding to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, or aquatic life, of the state caused by any violation. The department may order that the violator pay a specified sum as damages to the state. Judgment for the amount of damages determined by the department may be entered in any court having jurisdiction thereof and may be enforced as any other judgment.

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order

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the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed $50,000 ~~$10,000~~ per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 shall be not less than $1,000 per day per violation. The department may ~~shall~~ not impose administrative penalties in excess of $50,000 ~~$10,000~~ in a notice of violation. The department may ~~shall~~ not have more than one notice of violation seeking administrative penalties pending against the same party at the same time unless the violations occurred at a different site or the violations were discovered by the department subsequent to the filing of a previous notice of violation.

(c) An administrative proceeding shall be instituted by the department's serving of a written notice of violation upon the alleged violator by certified mail. If the department is unable to effect service by certified mail, the notice of violation may be hand delivered or personally served in accordance with chapter 48. The notice shall specify the ~~provision of the~~ law, rule, regulation, permit, certification, or order of the department alleged to be violated and the facts alleged to constitute a violation thereof. An order for corrective action, penalty assessment, or damages may be included with the notice.

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When the department is seeking to impose an administrative penalty for any violation by issuing a notice of violation, any corrective action needed to correct the violation or damages caused by the violation must be pursued in the notice of violation or they are waived. However, an ~~no~~ order is not ~~shall become~~ effective until after service and an administrative hearing, if requested within 20 days after service. Failure to request an administrative hearing within this time period constitutes ~~shall constitute~~ a waiver thereof, unless the respondent files a written notice with the department within this time period opting out of the administrative process initiated by the department to impose administrative penalties. Any respondent choosing to opt out of the administrative process initiated by the department in an action that seeks the imposition of administrative penalties must file a written notice with the department within 20 days after service of the notice of violation opting out of the administrative process. A respondent's decision to opt out of the administrative process does not preclude the department from initiating a state court action seeking injunctive relief, damages, and the judicial imposition of civil penalties.

(d) If a person timely files a petition challenging a notice of violation, that person will thereafter be referred to as the respondent. The hearing requested by the respondent shall be held within 180 days after the department has referred the initial petition to the Division of Administrative Hearings unless the parties agree to a later date. The department has the burden of proving with the preponderance of the evidence that the respondent is responsible for the violation. ~~No~~

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Administrative penalties should not be imposed unless the department satisfies that burden. Following the close of the hearing, the administrative law judge shall issue a final order on all matters, including the imposition of an administrative penalty. When the department seeks to enforce that portion of a final order imposing administrative penalties pursuant to s. 120.69, the respondent may ~~shall~~ not assert as a defense the inappropriateness of the administrative remedy. The department retains its final-order authority in all administrative actions that do not request the imposition of administrative penalties.

(e) After filing a petition requesting a formal hearing in response to a notice of violation in which the department imposes an administrative penalty, a respondent may request that a private mediator be appointed to mediate the dispute by contacting the Florida Conflict Resolution Consortium within 10 days after receipt of the initial order from the administrative law judge. The Florida Conflict Resolution Consortium shall pay all of the costs of the mediator and for up to 8 hours of the mediator's time per case at $150 per hour. Upon notice from the respondent, the Florida Conflict Resolution Consortium shall provide to the respondent a panel of possible mediators from the area in which the hearing on the petition would be heard. The respondent shall select the mediator and notify the Florida Conflict Resolution Consortium of the selection within 15 days of receipt of the proposed panel of mediators. The Florida Conflict Resolution Consortium shall provide all of the administrative support for the mediation process. The mediation must be completed at least 15 days before the final hearing date set by the administrative law judge.

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(f) In any administrative proceeding brought by the department, the prevailing party shall recover all costs as provided in ss. 57.041 and 57.071. The costs must be included in the final order. The respondent is the prevailing party when an order is entered awarding no penalties to the department and such order has not been reversed on appeal or the time for seeking judicial review has expired. The respondent is ~~shall be~~ entitled to an award of attorney's fees if the administrative law judge determines that the notice of violation issued by the department seeking the imposition of administrative penalties was not substantially justified as defined in s. 57.111(3)(e). An ~~No~~ award of attorney's fees as provided by this subsection may not ~~shall~~ exceed $15,000.

(g) Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law. Nothing in this subsection shall limit the department's authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief. When the department exercises its authority to judicially pursue injunctive relief, penalties in any amount up to the statutory maximum sought by the department must be pursued as part of the state court action and not by initiating a separate administrative proceeding. The department retains the authority to judicially pursue penalties in excess of $50,000 ~~$10,000~~ for violations not specifically included in the administrative penalty schedule, or for multiple or multiday violations alleged to exceed a total of $50,000 ~~$10,000~~. The department also retains the authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief and damages, if a notice of violation seeking

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the imposition of administrative penalties has not been issued. The department has the authority to enter into a settlement, either before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of $50,000 ~~$10,000~~ in penalties may be settled in the court action for less than $50,000 ~~$10,000~~.

(h) Chapter 120 applies ~~shall apply~~ to any administrative action taken by the department or any delegated program pursuing administrative penalties in accordance with this section.

(3) Except for violations involving hazardous wastes, asbestos, or underground injection, administrative penalties must be calculated according to the following schedule:

(a) For a drinking water contamination violation, the department shall assess a penalty of $3,000 ~~$2,000~~ for a Maximum Containment Level (MCL) violation; plus $1,500 ~~$1,000~~ if the violation is for a primary inorganic, organic, or radiological Maximum Contaminant Level or it is a fecal coliform bacteria violation; plus $1,500 ~~$1,000~~ if the violation occurs at a community water system; and plus $1,500 ~~$1,000~~ if any Maximum Contaminant Level is exceeded by more than 100 percent. For failure to obtain a clearance letter prior to placing a drinking water system into service when the system would not have been eligible for clearance, the department shall assess a penalty of $4,500 ~~$3,000~~.

(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge, the department shall assess a penalty of $1,500 ~~$1,000~~. For a

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552 domestic or industrial wastewater violation not involving a
553 surface water or groundwater quality violation, the department
554 shall assess a penalty of $3,000 ~~$2,000~~ for an unpermitted or
555 unauthorized discharge or effluent-limitation exceedance. For an
556 unpermitted or unauthorized discharge or effluent-limitation
557 exceedance that resulted in a surface water or groundwater
558 quality violation, the department shall assess a penalty of
559 $7,500 ~~$5,000~~.
560 (c) For a dredge and fill or stormwater violation, the
561 department shall assess a penalty of $1,500 ~~$1,000~~ for
562 unpermitted or unauthorized dredging or filling or unauthorized
563 construction of a stormwater management system against the
564 person or persons responsible for the illegal dredging or
565 filling, or unauthorized construction of a stormwater management
566 system plus $3,000 ~~$2,000~~ if the dredging or filling occurs in
567 an aquatic preserve, an Outstanding Florida Water, a
568 conservation easement, or a Class I or Class II surface water,
569 plus $1,500 ~~$1,000~~ if the area dredged or filled is greater than
570 one-quarter acre but less than or equal to one-half acre, and
571 plus $1,500 ~~$1,000~~ if the area dredged or filled is greater than
572 one-half acre but less than or equal to one acre. The
573 administrative penalty schedule does ~~shall~~ not apply to a dredge
574 and fill violation if the area dredged or filled exceeds one
575 acre. The department retains the authority to seek the judicial
576 imposition of civil penalties for all dredge and fill violations
577 involving more than one acre. The department shall assess a
578 penalty of $4,500 ~~$3,000~~ for the failure to complete required
579 mitigation, failure to record a required conservation easement,
580 or for a water quality violation resulting from dredging or

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filling activities, stormwater construction activities or failure of a stormwater treatment facility. For stormwater management systems serving less than 5 acres, the department shall assess a penalty of $3,000 ~~$2,000~~ for the failure to properly or timely construct a stormwater management system. In addition to the penalties authorized in this subsection, the department shall assess a penalty of $7,500 ~~$5,000~~ per violation against the contractor or agent of the owner or tenant that conducts unpermitted or unauthorized dredging or filling. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does ~~shall~~ not make that person an agent of the owner or tenant.

(d) For mangrove trimming or alteration violations, the department shall assess a penalty of $7,500 ~~$5,000~~ per violation against the contractor or agent of the owner or tenant that conducts mangrove trimming or alteration without a permit as required by s. 403.9328. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does ~~shall~~ not make that person an agent of the owner or tenant.

(e) For solid waste violations, the department shall assess a penalty of $3,000 ~~$2,000~~ for the unpermitted or unauthorized disposal or storage of solid waste; plus $1,000 if the solid waste is Class I or Class III (excluding yard trash) or if the solid waste is construction and demolition debris in excess of 20 cubic yards, plus $1,500 ~~$1,000~~ if the waste is disposed of or stored in any natural or artificial body of water or within

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500 feet of a potable water well, plus $1,500 ~~$1,000~~ if the waste contains PCB at a concentration of 50 parts per million or greater; untreated biomedical waste; friable asbestos greater than 1 cubic meter which is not wetted, bagged, and covered; used oil greater than 25 gallons; or 10 or more lead acid batteries. The department shall assess a penalty of $4,500 ~~$3,000~~ for failure to properly maintain leachate control; unauthorized burning; failure to have a trained spotter on duty at the working face when accepting waste; or failure to provide access control for three consecutive inspections. The department shall assess a penalty of $3,000 ~~$2,000~~ for failure to construct or maintain a required stormwater management system.

(f) For an air emission violation, the department shall assess a penalty of $1,500 ~~$1,000~~ for an unpermitted or unauthorized air emission or an air-emission-permit exceedance, ~~plus $1,000 if the emission results in an air quality violation,~~ plus $4,500 ~~$3,000~~ if the emission was from a major source and the source was major for the pollutant in violation; plus $1,500 ~~$1,000~~ if the emission was more than 150 percent of the allowable level.

(g) For storage tank system and petroleum contamination violations, the department shall assess a penalty of $7,500 ~~$5,000~~ for failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed; when a release has occurred from that storage tank system; for failure to timely recover free product; or for failure to conduct remediation or monitoring activities until a no-further-action or site-rehabilitation completion order has been issued. The department

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shall assess a penalty of $4,500 ~~$3,000~~ for failure to timely upgrade a storage tank system. The department shall assess a penalty of $3,000 ~~$2,000~~ for failure to conduct or maintain required release detection; failure to timely investigate a suspected release from a storage system; depositing motor fuel into an unregistered storage tank system; failure to timely assess or remediate petroleum contamination; or failure to properly install a storage tank system. The department shall assess a penalty of $1,500 ~~$1,000~~ for failure to properly operate, maintain, or close a storage tank system.

(4) In an administrative proceeding, in addition to the penalties that may be assessed under subsection (3), the department shall assess administrative penalties according to the following schedule:

(a) For failure to satisfy financial responsibility requirements or for violation of s. 377.371(1), $7,500 ~~$5,000~~.

(b) For failure to install, maintain, or use a required pollution control system or device, $6,000 ~~$4,000~~.

(c) For failure to obtain a required permit before construction or modification, $4,500 ~~$3,000~~.

(d) For failure to conduct required monitoring or testing; failure to conduct required release detection; or failure to construct in compliance with a permit, $3,000 ~~$2,000~~.

(e) For failure to maintain required staff to respond to emergencies; failure to conduct required training; failure to prepare, maintain, or update required contingency plans; failure to adequately respond to emergencies to bring an emergency situation under control; or failure to submit required notification to the department, $1,500 ~~$1,000~~.

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(f) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to prepare, submit, maintain, or use required reports or other required documentation, $750 ~~$500~~.

(5) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to comply with any other departmental regulatory statute or rule requirement not otherwise identified in this section, the department may assess a penalty of $1,000 ~~$500~~.

(6) For each additional day during which a violation occurs, the administrative penalties in subsections ~~subsection~~ (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be assessed per day per violation.

(7) The history of noncompliance of the violator for any previous violation resulting in an executed consent order, but not including a consent order entered into without a finding of violation, or resulting in a final order or judgment after the effective date of this law involving the imposition of $3,000 ~~$2,000~~ or more in penalties shall be taken into consideration in the following manner:

(a) One previous such violation within 5 years prior to the filing of the notice of violation will result in a 25-percent per day increase in the scheduled administrative penalty.

(b) Two previous such violations within 5 years prior to the filing of the notice of violation will result in a 50-percent per day increase in the scheduled administrative penalty.

(c) Three or more previous such violations within 5 years prior to the filing of the notice of violation will result in a

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100-percent per day increase in the scheduled administrative penalty.

(8) The direct economic benefit gained by the violator from the violation, where consideration of economic benefit is provided by Florida law or required by federal law as part of a federally delegated or approved program, shall be added to the scheduled administrative penalty. The total administrative penalty, including any economic benefit added to the scheduled administrative penalty, may ~~shall~~ not exceed $15,000 ~~$10,000~~.

(9) The administrative penalties assessed for any particular violation may ~~shall~~ not exceed $7,500 ~~$5,000~~ against any one violator, unless the violator has a history of noncompliance, the economic benefit of the violation as described in subsection (8) exceeds $7,500 ~~$5,000~~, or there are multiday violations. The total administrative penalties may ~~shall~~ not exceed $50,000 ~~$10,000~~ per assessment for all violations attributable to a specific person in the notice of violation.

(10) The administrative law judge may receive evidence in mitigation. The penalties identified in subsections ~~subsection~~ (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be reduced up to 50 percent by the administrative law judge for mitigating circumstances, including good faith efforts to comply prior to or after discovery of the violations by the department. Upon an affirmative finding that the violation was caused by circumstances beyond the reasonable control of the respondent and could not have been prevented by respondent's due diligence, the administrative law judge may further reduce the penalty.

(11) Penalties collected pursuant to this section shall be

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deposited into the Water Quality Assurance Trust Fund or other trust fund designated by statute and shall be used to fund the restoration of ecosystems, or polluted areas of the state, as defined by the department, to their condition before pollution occurred. The Florida Conflict Resolution Consortium may use a portion of the fund to administer the mediation process provided in paragraph (2)(e) and to contract with private mediators for administrative penalty cases.

(12) The purpose of the administrative penalty schedule and process is to provide a more predictable and efficient manner for individuals and businesses to resolve relatively minor environmental disputes. Subsections (3)-(7) may ~~Subsection (3), subsection (4), subsection (5), subsection (6), or subsection (7) shall~~ not be construed as limiting a state court in the assessment of damages. The administrative penalty schedule does not apply to the judicial imposition of civil penalties in state court as provided in this section.

Section 15. Subsection (1) of section 403.141, Florida Statutes, is amended to read:

403.141 Civil liability; joint and several liability.—

(1) A person who ~~Whoever~~ commits a violation specified in s. 403.161(1) is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state to their former condition, and furthermore is subject to the judicial imposition of a civil

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penalty for each offense in an amount of not more than $15,000 ~~$10,000~~ per offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. Nothing herein gives ~~shall give~~ the department the right to bring an action on behalf of any private person.

Section 16. Subsections (2) through (5) of section 403.161, Florida Statutes, are amended to read:

403.161 Prohibitions, violation, penalty, intent.—

(2) A person who ~~Whoever~~ commits a violation specified in subsection (1) is liable to the state for any damage caused and for civil penalties as provided in s. 403.141.

(3) A ~~Any~~ person who willfully commits a violation specified in paragraph (1)(a) commits ~~is guilty of~~ a felony of the third degree, punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g) by a fine of not more than $50,000 or by imprisonment for 5 years, or by both, for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(4) A ~~Any~~ person who commits a violation specified in paragraph (1)(a) or paragraph (1)(b) due to reckless indifference or gross careless disregard commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g) by a fine of not more than $10,000 ~~$5,000~~ or by 60 days in jail, or by both, for each offense.

(5) A ~~Any~~ person who willfully commits a violation

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specified in paragraph (1)(b) or paragraph (1)(c) commits ~~is guilty of~~ a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g) by a fine of not more than $10,000 or by 6 months in jail, or by both for each offense.

Section 17. Paragraph (a) of subsection (6) of section 403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.—

(6) PENALTIES; ENFORCEMENT.—

(a) Any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes commits ~~is guilty of~~ a noncriminal infraction, punishable by a civil penalty of $150 ~~$100~~, from which $50 shall be deposited into the Solid Waste Management Trust Fund to be used for the solid waste management grant program pursuant to s. 403.7095. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

Section 18. Subsection (5) of section 403.7234, Florida Statutes, is amended to read:

403.7234 Small quantity generator notification and verification program.—

(5) Any small quantity generator who does not comply with the requirements of subsection (4) and who has received a notification and survey in person or through one certified letter from the county is subject to a fine of between $75 ~~$50~~ and $150 ~~$100~~ per day for a maximum of 100 days. The county may collect such fines and deposit them in its general revenue fund. Fines collected by the county shall be used to carry out the

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notification and verification procedure established in this section. If there are excess funds after the notification and verification procedures have been completed, such funds shall be used for hazardous and solid waste management purposes only.

Section 19. Subsection (3) of section 403.726, Florida Statutes, is amended to read:

403.726 Abatement of imminent hazard caused by hazardous substance.—

(3) An imminent hazard exists if any hazardous substance creates an immediate and substantial danger to human health, safety, or welfare or to the environment. The department may institute action in its own name, using the procedures and remedies of s. 403.121 or s. 403.131, to abate an imminent hazard. However, the department is authorized to recover a civil penalty of not more than $37,500 ~~$25,000~~ for each day until a ~~of continued~~ violation is resolved by order or judgment. Whenever serious harm to human health, safety, and welfare; the environment; or private or public property may occur prior to completion of an administrative hearing or other formal proceeding that which might be initiated to abate the risk of serious harm, the department may obtain, ex parte, an injunction without paying filing and service fees prior to the filing and service of process.

Section 20. Paragraph (a) of subsection (3) of section 403.727, Florida Statutes, is amended to read:

403.727 Violations; defenses, penalties, and remedies.—

(3) Violations of the provisions of this act are punishable as follows:

(a) Any person who violates ~~the provisions of~~ this act, the

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rules or orders of the department, or the conditions of a permit is liable to the state for any damages specified in s. 403.141 and for a civil penalty of not more than $75,000 ~~$50,000~~ for each day of continued violation or until a violation is resolved by order or judgment, except as otherwise provided herein. The department may revoke any permit issued to the violator. In any action by the department against a small hazardous waste generator for the improper disposal of hazardous wastes, a rebuttable presumption of improper disposal shall be created if the generator was notified pursuant to s. 403.7234; the generator shall then have the burden of proving that the disposal was proper. If the generator was not so notified, the burden of proving improper disposal shall be placed upon the department.

Section 21. Subsection (8) of section 403.93345, Florida Statutes, is amended to read:

403.93345 Coral reef protection.—

(8) In addition to the compensation described in subsection (5), the department may assess, per occurrence, civil penalties according to the following schedule:

(a) For any anchoring of a vessel on a coral reef or for any other damage to a coral reef totaling less than or equal to an area of 1 square meter, $225 ~~$150~~, provided that a responsible party who has anchored a recreational vessel as defined in s. 327.02 which is lawfully registered or exempt from registration pursuant to chapter 328 is issued, at least once, a warning letter in lieu of penalty; with aggravating circumstances, an additional $225 ~~$150~~; occurring within a state park or aquatic preserve, an additional $225 ~~$150~~.

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(b) For damage totaling more than an area of 1 square meter but less than or equal to an area of 10 square meters, $450 ~~$300~~ per square meter; with aggravating circumstances, an additional $450 ~~$300~~ per square meter; occurring within a state park or aquatic preserve, an additional $450 ~~$300~~ per square meter.

(c) For damage exceeding an area of 10 square meters, $1,500 ~~$1,000~~ per square meter; with aggravating circumstances, an additional $1,500 ~~$1,000~~ per square meter; occurring within a state park or aquatic preserve, an additional $1,500 ~~$1,000~~ per square meter.

(d) For a second violation, the total penalty may be doubled.

(e) For a third violation, the total penalty may be tripled.

(f) For any violation after a third violation, the total penalty may be quadrupled.

(g) The total of penalties levied may not exceed $375,000 ~~$250,000~~ per occurrence.

Section 22. Subsection (5) of s. 823.11, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 376.16, Florida Statutes, in a reference thereto.

Section 23. Subsection (5) of s. 403.077, subsection (2) of s. 403.131, paragraph (d) of subsection (3) of s. 403.4154, and subsection (5) of s. 403.860, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by this act to s. 403.121, Florida Statutes, in references thereto.

Section 24. Subsection (10) of s. 403.708, subsection (7) of s. 403.7191, and s. 403.811, Florida Statutes, are reenacted

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for the purpose of incorporating the amendment made by this act to s. 403.141, Florida Statutes, in references thereto.

Section 25. Subsection (2) of s. 403.7255, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 403.161, Florida Statutes, in a reference thereto.

Section 26. Subsection (8) of s. 403.7186, Florida Statutes, is reenacted for the purpose of incorporating the amendments made by this act to ss. 403.141 and 403.161, Florida Statutes, in references thereto.

Section 27. This act shall take effect July 1, 2020.

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From: Baps.Administrator@laspbs.state.fl.us <Baps.Administrator@laspbs.state.fl.us>
Sent: Friday, November 15, 2019 11:13 AM EST
CC: BAPS Administrator <BAPS.Administrator@LASPBS.STATE.FL.US>
Subject: Department of Revenue Proposed Budget Amendment EOG Log# O0049

To All Legislative Members: This request is pending approval by the Executive Office of the Governor and is now in Legislative Consultation. It will be implemented at the end of the consultation period on 12/2/2019 if no formal objection is filed, pursuant to Chapter 216.177 F.S.

Budget Amendment Request #: O0049
Requested by: Department of Revenue

Problem Statement:

The Department of Revenue (Department) requests changes to its legislatively approved performance measures and standards (LRPP) pursuant to section 216.1827(3)(a), Florida Statutes, by submitting such changes to the Executive Office of the Governor for approval, subject to the review and objection procedure set forth

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in section 216.177, Florida Statutes. The Department evaluates changes in laws, economic conditions, agency responsibilities, and other factors that may require revisions to currently approved performance measures and standards.

Agency Request:

The Department requests to revise certain current year performance measures and standards as indicated in the LRPP for Fiscal Years 2020-21 through 2024-25. These changes will ensure that measures and standards are appropriately stated and consistent with the Department's current processes and methodologies. Without these changes, the currently approved performance measures and standards for Fiscal Year 2019-20 will not provide a precise means of assessing

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agency performance. The following performance measures and standards changes are needed for the Exhibit II.

1) Total collections received (in billions) - Standard change: Increase to $52.694

FY 18-19 Prior Year Actual - $52.562B, Exhibit II

FY 19-20 Approved Standard - $51.818B, Exhibit II

Explanation: This standard is comprised of taxes and fees administered by the Department as well as other receipts processed by the agency. The taxes and fees portion of the standard is subject to revision by the Revenue Estimating Conference (REC) at designated intervals throughout the year. Therefore, fluctuations in the economy can potentially impact total collections received. In FY 2018-19, the total

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collections received were $52.562 billion or 4.6% above the approved standard. Therefore, the Department is recommending an upward revision to $52.694 billion or 1.69% above the previously published standard of $51.818 billion for FY 2019/20.

2) Percent of Audits Completed within 305 days from commencement - Standard change: Increase to 90%

FY 18-19 Prior Year Actual – 93.9%, Exhibit II

FY 19-20 Approved Standard – 82%, Exhibit II

Explanation: The Department anticipates an overall increase in this standard due to the integration of Compliance Campaigns audits into the Customer Relationship Management (CRM) system. This shift allows all Notices of Proposed

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Assessments (NOPAs) issued Department-wide to follow a consistent, parallel process. The requested standard increase is commensurate with expected performance for FY 2019-20.

3) Percent of collection cases resolved with payment -New title and standard: 63.0%

FY 18-19 Prior Year Actual – N/A

FY 19-20 Approved Standard – N/A

Explanation: The successful implementation and continuation of the General Tax Administration (GTA) Program's collections strategy to focus on pre-warrant "case resolution" prevents the aging of outstanding liabilities. Pre-warrant cases may be resolved via waivers, cancellations, payments, or filed returns. A full year of data was compiled to establish a baseline for this new

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measure. Thus, the requested standard is commensurate with expected performance for FY 2019-20.

4) Number of collection cases resolved- New title and standard: 600,000

FY 18-19 Prior Year Actual – N/A

FY 19-20 Approved Standard – N/A

Explanation: The Department is requesting this change to properly align the measure with the workflow of the Receivables Management process. The shift to “case resolution” strategy continues to transform taxpayer behavior resulting in the generation of fewer notices of outstanding tax liabilities. In addition, the Receivables Management Process has instituted the following preemptive methods to minimize the creation of notices:

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- Launching Education and Compliance Outreach (ECO) Program to contact newly registered taxpayers and help them with common filing errors

- Making corrections to account registration information to prevent issuance of erroneous delinquencies.

- Working on creating a bankruptcy service center to route bankruptcy items to a specialized group

- Corporate Income Tax (CIT) project – accounts created based on extension of time requests are inactivated preventing a delinquency notice from being issued.

A full year of data was compiled to establish a baseline for this new measure. Thus, the requested standard is commensurate with expected performance for FY 2019-20.

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5) Cost Effectiveness - Standard change: Increase to $319.67

FY 18-19 Prior Year Actual - $363.85, Exhibit II

FY 19-20 Approved Standard - $314.85, Exhibit II

Explanation- “Total Collections Received” serves as the numerator for the calculation of this measure. Therefore, any revisions to the “Total Collections Received” standard will impact the calculation of the cost effectiveness measure. See the “Total Collections Received” explanation for more detail. The Department is recommending an upward revision for this standard to $319.67 from $314.85 previously published.

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Agency Contact: Tiffany Helton
(850)717-6942

If there are any questions, please contact the following committee staff:

House: Adam Keith
(850) 717-4965

Senate: Sandra Blizzard
(850) 487-5140

Email Recipients: AllLegislators@Leg.state.fl.us, Adam Keith, Alicia Trexler, Bruce Topp, Christina Smith, Cindy Kynoch, Clark Rogers, Gino Betta, J. Eric Pridgeon, Jamie DeLoach, John Shettle, Kailey Fairchild, Kim Burke, Laurie Grasel, Lee Moore, Michelle Mullins, Olivia Hagood, Sandra Blizzard

AMERICAN OVERSIGHT

From: Governor's Press Office <Governor'sPressOffice@eog.myflorida.com>
Sent: Monday, November 04, 2019 8:57 AM EST
Subject: DeSantis/ Nuñez Administrative Schedule for Monday, November 4, 2019

GOVERNOR RON DESANTIS SCHEDULE
FOR
MONDAY, NOVEMBER 4, 2019

8:00am **CALL WITH CHIEF OF STAFF SHANE STRUM**

9:30am **CALL WITH UPS LEADERSHIP**

10:00am **MAJOR ANNOUNCEMENT**
Location: Walmart Supercenter
Address: 35404 US Hwy 19 North
Palm Harbor, FL 34684

1:00pm **MEETING WITH COMMUNICATIONS DIRECTOR HELEN FERRÉ**
Location: Florida State Capitol
Address: 400 South Monroe Street
Tallahassee, FL 32399

2:00pm **MEETING WITH POLICY DIRECTOR CHRIS SPENCER**
Location: Florida State Capitol
Address: 400 South Monroe Street
Tallahassee, FL 32399

###

LT. GOVERNOR JEANETTE NUÑEZ SCHEDULE
FOR
MONDAY, NOVEMBER 4, 2019

9:00am **MIAMI GLOBAL REAL ESTATE CONGRESS**
Location: Biltmore Hotel
Address: 1200 Anastasia Avenue
Coral Gables, FL 33134

11:30am **FLORIDA CHAMBER INSURANCE SUMMIT**
Location: JW Marriott Miami
Address: 1109 Brickell Avenue
Miami, FL 33131

1:30pm **KIWI NAMING CEREMONY**
Location: Miami-Dade Zoological Park and Gardens
Address: 12400 SW 152nd Street
Miami, FL 33177

###

AMERICAN OVERSIGHT

From: Governor's Press Office <Governor'sPressOffice@eog.myflorida.com>
Sent: Thursday, December 19, 2019 10:17 AM EST
Subject: DeSantis/ Nuñez Administrative Schedule for Thursday, December 19, 2019

GOVERNOR RON DESANTIS SCHEDULE
FOR
THURSDAY, DECEMBER 19, 2019

7:45am ET **CALL WITH CHIEF OF STAFF SHANE STRUM**

10:00am ET **MAJOR ANNOUNCEMENT**
Location: Gadsden County Emergency Operations Center
Address: 339 East Jefferson Street
Quincy Historic District, FL 32351

11:00am CT **MAJOR ANNOUNCEMENT**
Location: Scott's Ferry Volunteer Fire Department
Address: 7226 G U Parker Road
Blountstown, FL 32424

1:30pm CT **MAJOR ANNOUNCEMENT**
Location: Bay High School
Address: 1200 Harrison Avenue
Panama City, FL 32401

###

LT. GOVERNOR JEANETTE NUÑEZ SCHEDULE
FOR
THURSDAY, DECEMBER 19, 2019

1:00pm **RIBBON CUTTING OF HOMESTEAD CHRISTIAN ACADEMY**
Location: Homestead Christian Academy
Address: 255 NE 2nd Drive
Homestead, FL 33030

2:30pm **BRIGHTEN THE HOLIDAYS TOY DRIVE**
Location: Chapman Partnership South Center
Address: 28205 SW 124 Court
Homestead, FL 33033

###

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From: Governor's Press Office <Governor'sPressOffice@eog.myflorida.com>
Sent: Tuesday, November 05, 2019 9:00 AM EST
Subject: DeSantis/ Nuñez Administrative Schedule for Tuesday, November 5, 2019

GOVERNOR RON DESANTIS SCHEDULE
FOR
TUESDAY, NOVEMBER 5, 2019

9:00am **MAJOR ANNOUNCEMENT**
Location: Florida Oceanographic Coastal Center
Address: 890 NE Ocean Blvd.
Stuart, FL 34996

12:00pm **MAJOR ANNOUNCEMENT**
Location: Lover's Key State Park
Address: 8700 Estero Blvd.
Fort Myers Beach, FL 33931

###

LT. GOVERNOR JEANETTE NUÑEZ SCHEDULE
FOR
TUESDAY, NOVEMBER 5, 2019

8:30am **MEETING WITH AMBASSADOR ROSEMARY BANKS OF NEW ZEALAND**
Location: Biltmore Hotel
Address: 1200 Anastasia Avenue
Coral Gables, FL 33134

3:30pm **MEETING WITH COMMUNICATIONS DIRECTOR HELEN FERRÉ**
Location: Florida State Capitol
Address: 400 South Monroe Street
Tallahassee, FL 32399

###

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From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Thursday, November 21, 2019 3:17 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: DOS Proposals
Attachment(s): "Department of State Legislative Proposal-OIA.docx"

Josh,

The International affairs legislation has been submitted to bill drafting but Senator Gruters has agreed to sponsor it for us. I have it attached for your reference.

Thank yoU!

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

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Department of State Legislative Proposal
Office of International Affairs

Create Statute in Chapter 15 Secretary of State-
State Protocol Officer-
The Secretary of State shall serve as the state protocol officer. In consultation with the Governor and other governmental officials, the Secretary of State shall develop, maintain, publish, and distribute the state protocol manual.

15.182 International travel by state-funded musical, cultural, or artistic organizations; notification to the Department of ~~Economic Opportunity~~ State.—
(1) If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing, including an organization associated with a college or university, such organization shall notify the Department of ~~Economic Opportunity~~ State of its intentions to travel, together with the date, time, and location of each appearance.
(2) The Department of ~~Economic Opportunity~~ State, in conjunction with the Department of Economic Opportunity and Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.
(3) An organization shall provide the notification to the Department of State required by this section at least 30 days before the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The Department of State shall take an active role in informing such groups of the responsibility to notify the department of travel intentions.

288.012 State of Florida international offices; state protocol officer; protocol manual.—
~~(7) The Governor may designate a state protocol officer. The state protocol officer shall be housed within the Executive Office of the Governor. In consultation with the Governor and other governmental officials, the state protocol officer shall develop, maintain, publish, and distribute the state protocol manual.~~

Create Statute in Chapter 288 International Affairs-
Citizen support organizations; use of state administrative services and property; audit.—
(1) CITIZEN SUPPORT ORGANIZATIONS.—The Office of International Affairs within the Department of State may support the establishment of citizen support organizations to provide assistance, funding, and promotional support for intergovernmental programs. For the purposes of this section, a “citizen support organization” means an organization which is:
(a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.
(b) Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Office.
(c) Determined by the Office to be consistent with the goals of the Office and in the best interests of the state.

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(d) Approved in writing by the Office to operate for the direct or indirect benefit of the Office. Such approval shall be given in a letter of agreement from the Office.
(2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—
(a) The Office may prescribe by rule any condition with which a citizen support organization shall comply in order to use Office administrative services, property, or facilities.
(b) The Office shall not permit the use of any administrative services, property, or facilities of the state by a citizen support organization which does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.
(3) ANNUAL AUDIT.—The citizen support organization shall provide for an annual financial audit in accordance with s. 215.981.

288.816 Intergovernmental relations.—
(1) The state protocol officer shall be responsible for consular operations and the sister city and sister state program and shall serve as liaison with foreign, federal, and other state international organizations and with county and municipal governments in Florida.
(2) The state protocol officer shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The state protocol officer shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The state protocol officer shall promulgate rules which shall:
(a) Establish a viable system of registration for foreign government officials residing or having jurisdiction in the state. Emphasis shall be placed on maintaining active communication between the state protocol officer and the United States Department of State in order to be currently informed regarding foreign governmental personnel stationed in, or with official responsibilities for, Florida. Active dialogue shall also be maintained with foreign countries which historically have had dealings with Florida in order to keep them informed of the proper procedure for registering with the state.
(b) Maintain and systematically update a current and accurate list of all such foreign governmental officials, consuls, or consulates.
~~(c) Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government.~~
~~(d) Verify entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods.~~
(e) Verify entitlement to issuance of special motor vehicle license plates by the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.
(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen.
(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 943.68.
(h) Coordinate, when necessary, special activities between foreign governments and Florida state and local governments. These may include Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities.
(i) Notify all newly arrived foreign governmental officials of the services offered by the state protocol officer.
(3) The state protocol officer may: ~~shall operate the sister city and sister state program and~~

AMERICAN OVERSIGHT

~~establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, the state protocol officer shall have the power and authority to:~~

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

(c) Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities.

~~(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.~~

~~(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.~~

(4) The state protocol officer shall serve as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations. All inquiries received regarding international economic trade development or reverse investment opportunities shall be referred to Enterprise Florida, Inc. In addition, the state protocol officer shall serve as liaison with other states with respect to international programs of interest to Florida. The state protocol officer shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(5) The state protocol officer shall have the power and duty to encourage the relocation to Florida of consular offices and multilateral and international agencies and organizations.

(6) The department and Enterprise Florida, Inc., shall help to contribute an international perspective to the state’s development efforts.

AMERICAN OVERSIGHT

From: Woodby, Katherine <Katherine.Woodby@myfloridahouse.gov>
Sent: Friday, January 10, 2020 10:52 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: E Verify HB 1265
Attachment(s): "E VErify HB 1265__.pdf"

Vickie,

Attached is HB 1265, E Verify. Sorry did not get to you sooner as I have been swamped.

Regards,

Katherine Woodby – Legislative Assistant
State Representative Cord Byrd
Florida House of Representatives – District

DISTRICT OFFICES

308 House Office Building
402 South Monroe Street
Tallahassee, FL 32399
(850) 717-5011

Robert M. Foster Justice Center
6347 Veterans Way
Yulee, FL 32097
(904) 548-9333

421 Third Street North
Jacksonville Beach, FL 32250
(904) 242-3495

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to the verification of employment eligibility; amending s. 448.09, F.S.; providing definitions; requiring public employers, contractors, and subcontractors to register with and use the E-Verify system; prohibiting such entities from entering into a contract unless each party to the contract registers with and uses the E-Verify system; requiring a subcontractor to provide a contractor with a certain affidavit; requiring a contractor to maintain a copy of such affidavit; authorizing the termination of a contract under certain conditions; providing that such termination is not a breach of contract; authorizing a challenge to such termination; requiring private employers to verify the employment eligibility of newly hired employees beginning on a specified date; providing an exception; providing acceptable methods for verifying employment eligibility; requiring a private employer to provide a public employer with a certain affidavit in order to bid on or otherwise contract with the public employer; authorizing the termination of a contract under certain conditions; providing that such termination is not a breach of contract; providing certain liability if a contract is terminated; providing specified immunity and

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001075

nonliability for private employers; creating a rebuttable presumption for private employers; providing construction; providing an effective date.

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

Section 1. Section 448.09, Florida Statutes, is amended to read:

448.09 Unauthorized aliens; employment prohibited.—

(1) EMPLOYMENT ELIGIBILITY.—It is ~~shall be~~ unlawful for any person or entity to knowingly ~~to~~ employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment within the state, an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States.

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

(a) "Contractor" means a person or entity that has entered or is attempting to enter into a contract with a public employer to provide labor, supplies, or services to such employer in exchange for salary, wages, or other remuneration.

(b) "Employee" means a person filling an authorized and established position who performs labor or services for a public or private employer in exchange for salary, wages, or other remuneration.

(c) "E-Verify system" means an Internet-based system

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001076

operated by the United States Department of Homeland Security that allows participating employers to electronically verify the employment eligibility of newly hired employees.

(d) "Legal alien" means a person who is or was lawfully present or permanently residing legally in the United States and allowed to work at the time of employment and remains so throughout the duration of that employment.

(e) "Private employer" means a person or entity that employs persons to perform labor or services in exchange for salary, wages, or other remuneration. The term does not include:

1. A public employer;

2. The occupant or owner of a private residence who hires:

a. Casual labor, as defined in s. 443.036, to be performed entirely within the private residence; or

b. A licensed independent contractor, as defined in federal laws or regulations, to perform a specified portion of labor or services; or

3. An employee leasing company licensed under part XI of chapter 468 that enters into a written agreement or understanding with a client company which places the primary obligation for compliance with this section upon the client company. In the absence of a written agreement or understanding, the employee leasing company is responsible for compliance with this section. Such employee leasing company shall, at all times, remain an employer as otherwise defined in federal laws or

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001077

regulations.

(f) "Public employer" means an agency within state, regional, county, local, or municipal government, whether executive, judicial, or legislative, or any public school, community college, or state university that employs persons who perform labor or services for that employer in exchange for salary, wages, or other remuneration or that enters or attempts to enter into a contract with a contractor.

(g) "Subcontractor" means a person or entity that provides labor, supplies, or services to or for a contractor or another subcontractor in exchange for salary, wages, or other remuneration.

(h) "Unauthorized alien" means a person who is not authorized under federal law to be employed in the United States, as described in 8 U.S.C. s. 1324a(h)(3). The term shall be interpreted consistently with that section and any applicable federal rules or regulations.

(3) PUBLIC EMPLOYERS, CONTRACTORS, AND SUBCONTRACTORS.—

(a) Beginning January 1, 2021, every public employer, contractor, and subcontractor shall register with and use the E-Verify system to verify the work authorization status of all newly hired employees. A public employer, contractor, or subcontractor may not enter into a contract unless each party to the contract registers with and uses the E-Verify system.

(b)1. If a contractor enters into a contract with a

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001078

subcontractor, the subcontractor must provide the contractor with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien.

2. The contractor shall maintain a copy of such affidavit for the duration of the contract.

(c)1. A public employer, contractor, or subcontractor who has a good faith belief that a person or entity with which it is contracting has knowingly violated subsection (1) shall terminate the contract with the person or entity.

2. A public employer that has a good faith belief that a subcontractor knowingly violated this subsection, but the contractor otherwise complied with this subsection, shall promptly notify the contractor and order the contractor to immediately terminate the contract with the subcontractor.

3. A contract terminated under subparagraph 1. or subparagraph 2. is not a breach of contract and may not be considered as such.

(d) A public employer, contractor, or subcontractor may file an action with a circuit or county court to challenge a termination under paragraph (c) no later than 20 calendar days after the date on which the contract was terminated.

(e) If a public employer terminates a contract with a contractor under paragraph (c), the contractor may not be awarded a public contract for at least 1 year after the date on

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001079

which the contract was terminated.

(4) PRIVATE EMPLOYERS.—

(a) Beginning January 1, 2021, a private employer shall, after making an offer of employment which has been accepted by a person, verify such person's employment eligibility. A private employer is not required to verify the employment eligibility of a continuing employee hired before January 1, 2021. However, if a person is a contract employee retained by a private employer, the private employer must verify the employee's employment eligibility upon the renewal or extension of his or her contract.

(b) A private employer shall verify a person's employment eligibility by:

1. Using the E-Verify system; or

2. Requiring the person to provide a picture identification card that complies with the Real ID Act of 2005, Pub. L. No. 109-13, and a certified copy of one of the following documents:

a. A United States birth certificate;

b. A certificate of naturalization;

c. A certificate of citizenship;

d. An alien registration receipt card; or

e. A United States immigration form I-94 stamped to indicate "employment authorized."

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001080

The private employer must retain a copy of the documents provided under this subparagraph for at least 3 years after the person's initial date of employment.

(c) A private employer may not bid on or otherwise contract with a public employer for the performance of labor or services in this state unless the private employer provides the public employer with an affidavit stating that:

1. The private employer is registered with and uses the E-Verify system to verify that all newly hired employees are legal citizens of the United States or legal aliens.

2. The private employer will continue to use the E-Verify system to verify the employment eligibility of all newly hired employees for the duration of the contract.

3. The private employer requires all subcontractors to provide an affidavit stating compliance with subparagraphs 1. and 2.

(d)1. A private employer that violates this subsection may be subject to termination of its public contract, if applicable, and may not be awarded a public contract for at least 1 year after the date on which the contract was terminated. The termination of the contract is not a breach of contract and may not be considered as such.

2. A private employer is liable for any additional costs incurred by the public employer as a result of the termination of the contract.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001081

(e) A private employer that complies with this subsection may not be held civilly or criminally liable under state law for hiring, continuing to employ, or refusing to hire an unauthorized alien if the information obtained under paragraph (b) indicates that the person's work authorization status was not that of an unauthorized alien.

(f) For purposes of this subsection, compliance with paragraph (b) creates a rebuttable presumption that a private employer did not knowingly employ an unauthorized alien in violation of subsection (1).

(5) ~~(2)~~ PENALTIES.—

(a) The first violation of subsection (1) is ~~shall be~~ a noncriminal violation as defined in s. 775.08(3) and, upon conviction, is ~~shall be~~ punishable as provided in s. 775.082(5) by a civil fine of not more than $500, regardless of the number of unauthorized aliens with respect to whom the violation occurred.

(b) ~~(3)~~ Any person who has been previously convicted for a violation of subsection (1) and who thereafter violates subsection (1) is~~, shall be~~ guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any such subsequent violation of this section constitutes ~~shall constitute~~ a separate offense with respect to each unauthorized alien.

(6) CONSTRUCTION.—This section shall be enforced without

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FL-SEN-20-0201-B, 20-0202-A-001082

regard to race, color, or national origin and shall be construed in a manner so as to be fully consistent with any applicable federal laws or regulations.

Section 2. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001083

From: NCOIL <scb@thebeaumontgroup.com>
Sent: Monday, October 07, 2019 10:29 AM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Early Bird Rate for 2019 NCOIL Annual National Meeting Closes in ONE Week!

View this email in your browser

Dear NCOIL Participant:

We write today to remind you that registration for the 2019 NCOIL Annual Meeting at the JW Marriott in Austin, TX from December 10th – 13th is now open here. The early bird rate closes on October 14th.

A tentative meeting schedule is posted here.

NCOIL will celebrate its' 50th year at this meeting.

This meeting has been approved for 15.25 credits of Texas CLE.

The Annual Meeting will begin at the conclusion of the NAIC meeting at the same location. Please plan to arrive in time for the Welcome Reception on the evening of December 10th. There will also be an optional tour of the Texas state capitol on that afternoon.

A full day of policy committees and general sessions will start with the busy Welcome Breakfast on December 11th.

If you are attending the NAIC meeting prior to the NCOIL meeting, we kindly ask that you make a hotel reservation beginning on December 10th with the NCOIL hotel code. You can do this by calling the hotel at 512-474-4744. If you have already made your hotel reservations with NAIC, we ask that you call the hotel with your confirmation code to amend them. You will not need to physically check out of the hotel room and will receive one hotel bill at the conclusion of your stay.

The hotel block closes on November 25th. The link for legislators is here - and the link for general participants is here.

Please do not hesitate to reach out to us with any questions at the NCOIL National Office.

Paul Penna
NCOIL

AMERICAN OVERSIGHT





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2317 Highway 34 Ste 2B
Manasquan, NJ 08736-1443

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From: NCOIL <scb@thebeaumontgroup.com>
Sent: Friday, October 11, 2019 10:14 AM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Early Bird Rate for 2019 NCOIL Annual National Meeting Closes on MONDAY!

View this email in your browser

Dear NCOIL Participant:

We write today to remind you that registration for the 2019 NCOIL Annual Meeting at the JW Marriott in Austin, TX from December 10th – 13th is now open here. The early bird rate closes on October 14th.

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Paul Penna
NCOIL

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From: NCOIL <scb@thebeaumontgroup.com>
Sent: Monday, October 14, 2019 9:06 AM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Early Bird Rate for 2019 NCOIL Annual National Meeting Closes TODAY!

View this email in your browser

Dear NCOIL Participant:

We write today to remind you that registration for the 2019 NCOIL Annual Meeting at the JW Marriott in Austin, TX from December 10th – 13th is now open here. The early bird rate closes today, October 14th.

A tentative meeting schedule is posted here.

NCOIL will celebrate its' 50th year at this meeting.

This meeting has been approved for 15.25 credits of Texas CLE.

The Annual Meeting will begin at the conclusion of the NAIC meeting at the same location. Please plan to arrive in time for the Welcome Reception on the evening of December 10th. There will also be an optional tour of the Texas state capitol on that afternoon.

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Paul Penna
NCOIL

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AMERICAN OVERSIGHT

From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Tuesday, October 01, 2019 6:46 PM EDT
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Event Announcement: Executive Golf Outing at Innisbrook, November 13 & 14, 2019

AMERICAN OVERSIGHT

Dear Senator Joe Gruters,
You are invited to the followingevent:

Executive Golf Outing at Innisbrook

When: 13 Nov 2019 10:00 AM, EST
Where: Innisbrook Resort- 36750 U.S. HIGHWAY 19 NORTH PALM HARBOR, FL 34684

Will you be attending?

Register | Not attending

EVENT DETAILS:

Executive Golf Outing at Innisbrook

Wednesday, November 13th &

Thursday, November 14th

Golf Package Includes:

Lunch, 2 rounds of Golf, complimentary cocktail reception Wednesday evening, room for two nights (room for Nov. 12 & 13 included in pricing) and full breakfast buffet both mornings.

Single Occupancy Executive Suite: $675

Single Occupancy 1-Bedroom Suite: $710

Registration Deadline: October 11th; Limited Spaces Available

Choose your Copperhead Tee Time and the other day you will golf on their North Course, either Wednesday afternoon or Thursday morning:

November 13th, 2019

Copperhead 1st Tee: 7:30AM – 8:10AM(5 Tee Times), 8:40AM

Copperhead 10th Tee: 7:30AM, 7:40AM – 7:50AM(2 tee times), 1:40PM

November 14th, 2019

Copperhead 1st Tee: 8:00AM – 8:20AM (3 Tee Times), 12:30PM, 12:40PM, 1:40PM

November 12th, 2019

(optional to golf this day if 13th & 14th Copperhead times do not work for you)

Copperhead 1st Tee: 7:40AM – 8:20AM(5 Tee Times), 11:00AM, 1:20PM, 1:30PM, 1:40PM

Please email your Copperhead Tee Time Choice to AlbaniHogan@gcbx.org once registered.

Exclusive & Unique Sponsorship Opportunity- Cocktail Reception Sponsorships Available!

Best regards,
Gulf Coast Builders Exchange

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This email contains links that will automatically log you into the Gulf Coast Builders Exchange site.
These links will work for the next 7 days only. Please, don't forward this email to anyone!

AMERICAN OVERSIGHT

From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Wednesday, December 18, 2019 10:30 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Event Announcement: GCBX 68th ANNUAL INSTALLATION & AWARDS DINNER- February 20, 2020

Dear Senator Joe Gruters,
You are invited to the following event:

GCBX 68th ANNUAL INSTALLATION & AWARDS DINNER

When: 20 Feb 2020 6:00 PM, EST
Where: Hyatt Regency Sarasota- 1000 Blvd of the Arts

This year's dinner theme will be *Preserving Our Past and Building Our Future*. We are asking members to submit local projects for consideration to be showcased at the dinner in different ways including table settings, powerpoint features and more. Please send your project submission to AlbaniHogan@gcbx.org. We are looking for local projects that fit this theme so please submit your project name for consideration! We will provide more details once you have submitted.

Will you be attending?

REGISTER

Hyatt Regency Sarasota

Networking 6:00 - 7:00 pm
Program 7:00 - 9:00 pm

Registration opens at 5:45 PM

Keynote Speaker:
Announcing soon!

Join us in Welcoming Incoming Chairman

Senator Michael Bennett, Manatee County Supervisor of Elections

Lifetime Achievement Awardee:
Rich Stehle, Climatic Conditioning Company

Posthumous Lifetime Achievment Awardee:

Nathan Benderson, Benderson Development

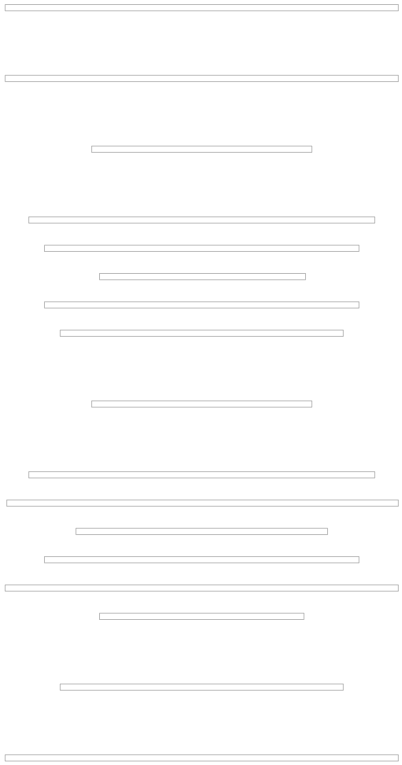
Plus a Surprise Chairman's Award and Volunteer of the Year!

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THANK YOU AWARDS SPONSOR!

THANK YOU PRESENTING SPONSOR!

THANK YOU KEYSTONE EVENT SPONSORS!



Best regards,
Gulf Coast Builders Exchange

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Monday, December 02, 2019 3:45 PM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Event Announcement: GCBX 68th ANNUAL INSTALLATION & AWARDS DINNER- February 20, 2020

Dear Senator Joe Gruters,
You are invited to the following event:

GCBX 68th ANNUAL INSTALLATION & AWARDS DINNER

When: 20 Feb 2020 6:00 PM, EST
Where: Hyatt Regency Sarasota- 1000 Blvd of the Arts

This year's dinner theme will be *Preserving Our Past and Building Our Future*. We are asking members to submit local projects for consideration to be showcased at the dinner in different ways including table settings, powerpoint features and more. Please send your project submission to AlbaniHogan@gcbx.org. We are looking for local projects that fit this theme so please submit your project name for consideration! We will provide more details once you have submitted.

Will you be attending?

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Networking 6:00 - 7:00 pm
Program 7:00 - 9:00 pm

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Keynote Speaker:
Announcing soon!

Join us in Welcoming Incoming Chairman

Senator Michael Bennett, Manatee County Supervisor of Elections

Lifetime Achievement Awardee:
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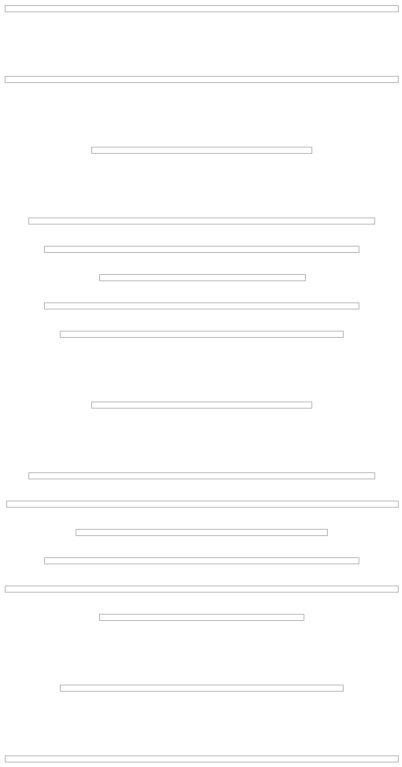
Nathan Benderson, Benderson Development

Plus a Surprise Chairman's Award and Volunteer of the Year!

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THANK YOU AWARDS SPONSOR!

THANK YOU KEYSTONE EVENT SPONSORS!



Best regards,
Gulf Coast Builders Exchange

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Monday, December 23, 2019 11:30 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Event Announcement: GCBX LUNCH & LEARN: CYBERSECURITY- Wednesday, January 22nd

Dear Senator Joe Gruters,
You are invited to the followingevent:

GCBX LUNCH & LEARN: CYBERSECURITY

When: 22 Jan 2020 11:30 AM, EST
Where: Grove- 10670 Boardwalk Loop, Lakewood Ranch, FL 34202

Will you be attending?

Register | Not attending

EVENT DETAILS:

GCBX Lunch & Learn: Cybersecurity

Wednesday, January 22nd
11:30 am – 1:15 pm
11:30 - Registration
12:00 - Program
Location: The Grove - Fever Tree Hall

Attendees will learn about the National Institute of Standards and Technology (NIST) Framework, a comprehensive five-step process that helps businesses prepare for the cyber-attacks threatening your data.

Presented By:
Nathan Bailey, Chief Operating Officer for SouthTech
David Karins, Karins Engineering Group
Jared Hawkins, Atlas Insurance Agency

$40 for GCBX Members

Lunch will be Included.

Click here for Flyer

*It is the policy of GCBX to charge for events if cancellations are not made at least 72 hours prior to the even .

Best regards,
Gulf Coast Builders Exchange

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Monday, November 04, 2019 2:21 PM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Event Announcement: GCBX SPORTING CLAYS TOURNAMENT, November 15th

Dear Senator Joe Gruters,
You are invited to the followingevent:

GCBX SPORTING CLAYS TOURNAMENT

When: 15 Nov 2019 9:00 AM, EST
Where: Knight's Trial Range - 3445 Rustic Road - Nokomis, FL 34275

Regsiter your team today!

Lunch only available for networking!

Will you be attending?

Register | Not attending

EVENT DETAILS:

at Knights Trail Park

Friday, November 15, 2019

9:00 am - 3:00 pm

9:00-11:00am ~ Registration & Practice
11:00-12:00pm ~ Lunch
12:00-2:30pm ~ Shoot
2:30-3:30pm ~ Awards

Knights Trail Park

3445 Rustic Road, Nokomis, Fl 34275
941-488-3223

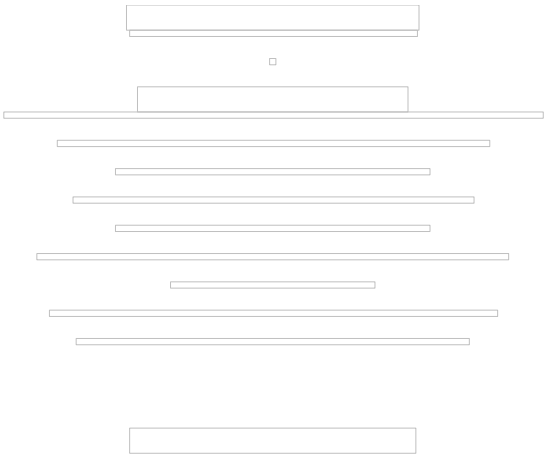
Sponsorship's Available! Become a Team Sponsor Today!

****Click here for Flyer***

Shot gun rentals available at Knight's Trail.

PAYMENT must be received in advance. DEADLINE to Register: November 5th. CANCELLATIONS after Nov. 5th WILL be invoiced as guarantees have been made on our behalf.

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Aqua Plumbing & Air

Badger Bob's Services, Inc.

Benderson Development

Core Construction

Creative Contractors, Inc.

Gator Grading & Paving

Gulf Coast Signs of Sarasota, Inc.

Gulfshore Insurance

High Associates

Icard Merrill

Interior Logic Group

Karins Engineering Group, Inc.

LaGasse Plumbing, Inc.

McIntyre Elwell & Strammer General Contractors, Inc.

Mullet's Aluminum Products, Inc.

NDC Construction Company

Neal Communities

One Eight Oh PR

PGT Industries, Inc.

Phillips & Jordan

Quest Design Group

Sarasota Ford

Service Contracting Solutions

Southern Structural Steel of FL

Sutter Roofing Company of FL

Tandem Construction

Waste Pro USA

Willis Smith Construction, Inc.

Best regards,
Gulf Coast Builders Exchange

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These links will work for the next 7 days only. Please, don't forward this email to anyone!

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From: Russell, Tyler <Tyler.Russell@eog.myflorida.com>
Sent: Friday, January 10, 2020 8:51 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: E-Verify draft
Attachment(s): "billdraft69649.docx"

Tyler C. Russell
Deputy Legislative Affairs Director
Office of the Governor
850.445.0709

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to the verification of employment eligibility; amending s. 448.09, F.S.; providing definitions; requiring public employers, contractors, and subcontractors to register with and use the E-Verify system; prohibiting such entities from entering into a contract unless each party to the contract registers with and uses the E-Verify system; requiring a subcontractor to provide a contractor with a certain affidavit; requiring a contractor to maintain a copy of such affidavit; authorizing the termination of a contract under certain conditions; providing that such termination is not a breach of contract; authorizing a challenge to such termination; requiring private employers to verify the employment eligibility of newly hired employees beginning on a specified date; providing an exception; providing acceptable methods for verifying employment eligibility; requiring a private employer to provide a public employer with a certain affidavit in order to bid on or otherwise contract with the public employer; authorizing the termination of a contract under certain conditions; providing that such termination is not a breach of contract; providing certain liability if a contract is terminated; providing specified immunity and

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AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001103

nonliability for private employers; creating a rebuttable presumption for private employers; providing construction; providing an effective date.

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

Section 1. Section 448.09, Florida Statutes, is amended to read:

448.09 Unauthorized aliens; employment prohibited.—

(1) EMPLOYMENT ELIGIBILITY.—It is ~~shall be~~ unlawful for any person or entity to knowingly ~~to~~ employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment within the state, an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States.

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

(a) "Contractor" means a person or entity that has entered or is attempting to enter into a contract with a public employer to provide labor, supplies, or services to such employer in exchange for salary, wages, or other remuneration.

(b) "Employee" means a person filling an authorized and established position who performs labor or services for a public or private employer in exchange for salary, wages, or other remuneration.

(c) "E-Verify system" means an Internet-based system

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FL-SEN-20-0201-B, 20-0202-A-001104

operated by the United States Department of Homeland Security that allows participating employers to electronically verify the employment eligibility of newly hired employees.

(d) "Legal alien" means a person who is or was lawfully present or permanently residing legally in the United States and allowed to work at the time of employment and remains so throughout the duration of that employment.

(e) "Private employer" means a person or entity that employs persons to perform labor or services in exchange for salary, wages, or other remuneration. The term does not include:

1. A public employer;

2. The occupant or owner of a private residence who hires:

a. Casual labor, as defined in s. 443.036, to be performed entirely within the private residence; or

b. A licensed independent contractor, as defined in federal laws or regulations, to perform a specified portion of labor or services; or

3. An employee leasing company licensed under part XI of chapter 468 that enters into a written agreement or understanding with a client company which places the primary obligation for compliance with this section upon the client company. In the absence of a written agreement or understanding, the employee leasing company is responsible for compliance with this section. Such employee leasing company shall, at all times, remain an employer as otherwise defined in federal laws or

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FL-SEN-20-0201-B, 20-0202-A-001105

regulations.

(f) "Public employer" means an agency within state, county, or municipal government that employs persons who perform labor or services for that employer in exchange for salary, wages, or other remuneration or that enters or attempts to enter into a contract with a contractor.

(g) "Subcontractor" means a person or entity that provides labor, supplies, or services to or for a contractor or another subcontractor in exchange for salary, wages, or other remuneration.

(h) "Unauthorized alien" means a person who is not authorized under federal law to be employed in the United States, as described in 8 U.S.C. s. 1324a(h)(3). The term shall be interpreted consistently with that section and any applicable federal rules or regulations.

(3) PUBLIC EMPLOYERS, CONTRACTORS, AND SUBCONTRACTORS.—

(a) Beginning January 1, 2021, every public employer, contractor, and subcontractor shall register with and use the E-Verify system to verify the work authorization status of all newly hired employees. A public employer, contractor, or subcontractor may not enter into a contract unless each party to the contract registers with and uses the E-Verify system.

(b)1. If a contractor enters into a contract with a subcontractor, the subcontractor must provide the contractor with an affidavit stating that the subcontractor does not

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FL-SEN-20-0201-B, 20-0202-A-001106

employ, contract with, or subcontract with an unauthorized alien.

2. The contractor shall maintain a copy of such affidavit for the duration of the contract.

(c)1. A public employer, contractor, or subcontractor who has a good faith belief that a person or entity with which it is contracting has knowingly violated subsection (1) shall terminate the contract with the person or entity.

2. A public employer that has a good faith belief that a subcontractor knowingly violated this subsection, but the contractor otherwise complied with this subsection, shall promptly notify the contractor and order the contractor to immediately terminate the contract with the subcontractor.

3. A contract terminated under subparagraph 1. or subparagraph 2. is not a breach of contract and may not be considered as such.

(d) A public employer, contractor, or subcontractor may file an action with a circuit or county court to challenge a termination under paragraph (c) no later than 20 calendar days after the date on which the contract was terminated.

(e) If a public employer terminates a contract with a contractor under paragraph (c), the contractor may not be awarded a public contract for at least 1 year after the date on which the contract was terminated.

(4) PRIVATE EMPLOYERS.—

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FL-SEN-20-0201-B, 20-0202-A-001107

(a) Beginning January 1, 2021, a private employer shall, after making an offer of employment which has been accepted by a person, verify such person's employment eligibility. A private employer is not required to verify the employment eligibility of a continuing employee hired before January 1, 2021. However, if a person is a contract employee retained by a private employer, the private employer must verify the employee's employment eligibility upon the renewal or extension of his or her contract.

(b) A private employer shall verify a person's employment eligibility by:

1. Using the E-Verify system; or

2. Requiring the person to provide a picture identification card that complies with the Real ID Act of 2005, Pub. L. No. 109-13, and a certified copy of one of the following documents:

a. A United States birth certificate;

b. A certificate of naturalization;

c. A certificate of citizenship;

d. An alien registration receipt card; or

e. A United States immigration form I-94 stamped to indicate "employment authorized."

The private employer must retain a copy of the documents provided under this subparagraph for at least 3 years after the

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FL-SEN-20-0201-B, 20-0202-A-001108

person's initial date of employment.

(c) A private employer may not bid on or otherwise contract with a public employer for the performance of labor or services in this state unless the private employer provides the public employer with an affidavit stating that:

1. The private employer is registered with and uses the E-Verify system to verify that all newly hired employees are legal citizens of the United States or legal aliens.

2. The private employer will continue to use the E-Verify system to verify the employment eligibility of all newly hired employees for the duration of the contract.

3. The private employer requires all subcontractors to provide an affidavit stating compliance with subparagraphs 1. and 2.

(d)1. A private employer that violates this subsection may be subject to termination of its public contract, if applicable, and may not be awarded a public contract for at least 1 year after the date on which the contract was terminated. The termination of the contract is not a breach of contract and may not be considered as such.

2. A private employer is liable for any additional costs incurred by the public employer as a result of the termination of the contract.

(e) A private employer that complies with this subsection may not be held civilly or criminally liable under state law for

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FL-SEN-20-0201-B, 20-0202-A-001109

hiring, continuing to employ, or refusing to hire an unauthorized alien if the information obtained under paragraph (b) indicates that the person's work authorization status was not that of an unauthorized alien.

(f) For purposes of this subsection, compliance with paragraph (b) creates a rebuttable presumption that a private employer did not knowingly employ an unauthorized alien in violation of subsection (1).

(5) ~~(2)~~ PENALTIES.—

(a) The first violation of subsection (1) is ~~shall be~~ a noncriminal violation as defined in s. 775.08(3) and, upon conviction, is ~~shall be~~ punishable as provided in s. 775.082(5) by a civil fine of not more than $500, regardless of the number of unauthorized aliens with respect to whom the violation occurred.

(b) ~~(3)~~ Any person who has been previously convicted for a violation of subsection (1) and who thereafter violates subsection (1) is~~, shall be~~ guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any such subsequent violation of this section constitutes ~~shall constitute~~ a separate offense with respect to each unauthorized alien.

(6) CONSTRUCTION.—This section shall be enforced without regard to race, color, or national origin and shall be construed in a manner so as to be fully consistent with any applicable

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FL-SEN-20-0201-B, 20-0202-A-001110

federal laws or regulations.

Section 2. This act shall take effect July 1, 2020.

DRAFT

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001111

From: Tracey Lowe <tlowe@flfoundation.org>
Sent: Thursday, January 02, 2020 10:22 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: EXCLUSIVE: Your free 2020 Economic Outlook awaits!

Florida Chamber Foundation | **www.FLFoundation.org**
136 S. Bronough Street, Tallahassee, Florida 32301 | (850) 521-1200

AMERICAN OVERSIGHT

From: Tracey Lowe <tlowe@flfoundation.org>
Sent: Thursday, December 19, 2019 12:52 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: EXCLUSIVE: Your free 2020 Economic Outlook awaits

Florida Chamber Foundation | www.FLFoundation.org
136 S. Bronough Street, Tallahassee, Florida 32301 | (850) 521-1200

AMERICAN OVERSIGHT

From: FAHP <fahp@memberclicks-mail.net>
Sent: Friday, November 01, 2019 12:25 PM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: FAHP Announces Uber Health & American Logistics Company (ALC) as the Presenting Sponsor for the 2019 Annual Conference

This email was sent togruters.joe@flsenate.gov by meetingplanner@fahp.net

Florida Association of Health Plans · 200 W. College Ave. , Tallahassee, Florida 32301 , United States

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From: Florida Association of Health Plans <fahp@memberclicks-mail.net>
Sent: Thursday, October 31, 2019 12:55 PM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: FAHP News - October

FAHP CONFERENCE RESCHEDULED for NOVEMBER 18-20

REGISTRATION OPEN

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NEWS

Florida's Rate Of Uninsured Children Continues To Increase
Health News Florida

The number and rate of uninsured children continued to increase in Florida and across...

Medicaid Health Plans Get Good Grades
News Service of Florida

Most people enrolled in Florida's Medicaid managed-care program give their health plans high grades...

Stable Costs But More Uninsured As 'Obamacare' Sign-Ups Open
Associated Press

More Americans are going without health insurance, and stable premiums plus greater choice...

FAHP EVENTS

FAHP HEALTH PLAN MEMBER NEWS

Community Care Plan Earned Designation As A Great Place To Work-Certified Company in 2019

Cigna Partners with Former NFL Star Surprises Single Mother And Son With New House In Florida

Molina Healthcare of Florida Announces Expansion Of Marketplace Offerings For 2020

Humana Expands Medicare Advantage Offerings In Northwest Florida

Humana To Provide Medicare Advantage Plans To Florida's State Retirees

CarePlus Expands Medicare Offerings To Beneficiaries In Clay And Volusia Counties

CarePlus Health Plans Once Again Achieves Medicare's Highest Quality Rating

Prestige Health Choice Earns NCQA's Second Highest Health Plan Accreditation Status Level

ASSOCIATE MEMBER NEWS

AMERICAN OVERSIGHT

Rescheduled to November 18-20, 2019

- Program Highlights
- Hotel Information
- Registration Fees
- Registration Form
- Golf Tourney
- Sponsorship Prospectus
- Tradeshow

Sponsors and Exhibitors

(as of 10/31/19)

3M Health Information Systems
Access2Care
AHCV
Akerman
American Logistics
American Well
Amplifon Hearing Health Care
Beacon Health Options
Capital City Consulting
CastiaRx
Celtic Global Consulting
Collective Medical
Corcoran Partners
DataLink Software
DentaQuest
Dexcom
Envolve
Genomic Health
GMS Call Center
Greenberg Traurig
healow Insights
HealthCrowd
Health Dialog Services Corporation
Health Network One
Health Management Systems
Healthy Start
HHAeXchange
Hologic
HPA, A Cognizant Company
IntelliRide by Transdev
InterSystems
J& B Medical
LogistiCare Solutions
MCG Health
Medline Industries
Melinta Therapeutics
NationsHearing
PerformRx/PerformSpecialty
Pinnacle Brokers
Pulse8
RIDE2MD, Inc
Rubin Turnbull & Associates
SafeRide Health
Tellus
The Promise Fund
Tiatros
Trividia Health
Uber Health
VARIS
Veyo

FAHP Members

Cologuard Gains FDA Approval For Use In Younger Americans, Ages 45-49

Dentaquest - America's Oral Health: An Emerging Crisis

Uber Eyes Pharma, DME And Healthy Meal Delivery

15% Of Arizona's Medicaid Rides Involved Uber, Lyft This Summer

State Transportation Was Unreliable, So Uber And Lyft Help Medical Patients Make Their Appointments

Uber Health And Kryuus Partner To Boost Appointment Follow-Through

Heathcare and Insurance Staffing Services

For your 4 free hours of staffing services click here

NTT Data Named Leader In Digital Workplace Services Everest Group

Liberty Dental Earns Full URAC Accreditation

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Health Plan Members

Associate Members

Florida Association of Health Plans

200 West College Ave, Suite 104; P.O. Box 10748 | Tallahassee, FL 32301

Audrey Brown Bridges, President and CEO

Wences Troncoso, Vice President and General Counsel

Paul Runk, Vice President Government Programs

Laura Pridgeon, Operations Manager

Meetingplanner@fahp.net

This email was sent togruters.joe@flsenate.gov by laura@fahp.net

Florida Association of Health Plans · 200 W. College Ave. , Tallahassee, Florida 32301 , United States

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AMERICAN OVERSIGHT

From: Josh Burkett <josh@consultanderson.com>
Sent: Tuesday, January 14, 2020 6:27 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
CC: Mark Anderson <mark@consultanderson.com>; Travis W. Moore <travis@moore-relations.com>
Subject: FAQ SB 898
Attachment(s): "FAQ SB 898 FIGA Limits.docx"

Hi Vickie,

Please attached Q and A you asked for. If we get other questions in committee I can update. Call me with any questions you have. We will be in committee tomorrow.

Josh Burkett

Cell:727-656-3316
Email:Josh@consultanderson.com
Website: www.consultanderson.com

AMERICAN OVERSIGHT

FAQ SB 898 FIGA Limits

Q. What is FIGA?

A. The Florida Insurance Guarantee Association. Established by the legislature in 1970 to protect admitted carrier policyholders should an admitted carrier become insolvent and unable to pay claims. FIGA is the safety net for Florida's admitted carrier policyholders.

Q. How long has the FIGA limit been at $100k per condominium unit?

A. It has been 50 years, since the inception of FIGA in 1970 the level of coverage has not increased. The cost to rebuild or repair has gone up significantly in the last 50 years.

Q. Has the FIGA limit for single family homes been increased since 1970?

A. Yes it has, it has been increased to $500k in the last several years.

Q. What is the impact on Florida's Condominium Associations if this limit is not increased?

A. Currently in Florida, due to the lack of an increase in the FIGA cap for Condominium Associations, condominiums in Florida are severely under insured. The current FIGA cap would not cover the cost to rebuild the condominium in the event of a major storm like we saw in the panhandle. Because of the recent storms of 2017 and 2018, the inadequacy of the current FIGA limit for condominiums has been exposed. SB 898's intention is to address this inadequacy before not after a catastrophic storm impacts Florida.

Q. How does SB 898 address the lack of coverage for condominium associations?

A. By increasing the FIGA cap on condominiums from $100k to $200k per unit. Condominium owners in Florida will be afforded needed safety net protections to be made whole.

Q. How does FIGA generate the additional revenue needed to cover the increase in coverage?

A. SB 898 affords FIGA the ability to increase its assessment points and bonding ability from 2 to 4 points to cover the increase in coverage.

Q. When can FIGA access these additional assessment points?

A. As prescribed by Florida law, FIGA can only access these additional points in cases of extreme loss and the policy holder's admitted carrier has become insolvent. To sum it up, only in the event of a major category 5 storm would these additional assessment points be accessed.

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Q. Dos this bill deal with surplus lines coverage in any way?

A. No, FIGA only applies to admitted carriers.

Q. How does current law affect the states effort to depopulate Citizens?

A. Currently, by not having adequate FIGA limits commercial residential policy holders are unwilling to move out of citizens to an admitted carrier for fear of not having adequate coverage. SB 898 would help to depopulate Citizens and incentive policy holders to move into the private market place.

AMERICAN OVERSIGHT

From: Mark Segel <Mark@fiba.io>
Sent: Thursday, October 31, 2019 2:20 PM EDT
CC: Mark Segel <Mark@fiba.io>
Subject: FIBA Southwest Florida Showcase Invitation

Hello.

Please find below the event details for the Florida-Israel Business Accelerator (FIBA) Southwest Florida Showcase events in Naples (Tuesday, 11/19), Fort Myers (Wednesday, 11/20), and Sarasota/Manatee (Thursday, 11/21). You can register for the event(s) of your choice via this link: **FIBA Registration**. There is no charge to attend and, if you know of anyone who'd like to learn about investing in tech, our FIBA companies, and how FIBA can impact economic development in your community, please feel free to forward this invitation. We look forward to seeing you there!

You can also click on the invitation itself for a direct link to the RSVP site and if you have any questions about the event please resond to this message or email mark@fiba.io

Mark

Mark Segel
Senior Consultant
FIBA Services, Inc.
522 N. Howard Avenue
Tampa, FL 33606
813.263.4976 (M)

FLORIDA-ISRAEL
business accelerator

AMERICAN OVERSIGHT

Israeli Technology: What You Need to Know About Investing

FLORIDA-ISRAEL
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Please join the Florida-Israel Business Accelerator (FIBA) at one of the three upcoming special events in a community near you for a panel discussion plus presentations from three Israeli tech companies participating in the FIBA progam:

ECOncrete, QinFlow & UC-Care

PANELISTS:



Brian Rosenzweig
Partner
JANVEST Capital Partners



Saxon Baum
Director of Business Development
Florida Funders



Tom Wallace
Managing Partner/ Investment Committee
Florida Funders

- **Tuesday, Nov 19 - Naples:** Florida SouthWestern State College
- **Wednesday, Nov 20 - Fort Myers:** Florida Gulf Coast University School of Entrepreneurship
- **Thursday, Nov 21 - Sarasota/Manatee:** USF Sarasota-Manatee Campus

ALL EVENTS ARE SCHEDULED 9:30-11:30AM

RSVP: fibaevents.eventbrite.com | Inquiries: mark@fiba.io

In cooperation with: Tampa Jewish Community Centers & Federation; Jewish Federation of Greater Naples; Jewish Federation Lee and Charlotte Counties; The Jewish Federation of Sarasota-Manatee

FIBA is funded by: DEO Florida Department of Economic Opportunity; Hillsborough County Florida

Event sponsored by: Israel Bonds; Florida Gulf Coast University; Janvest Capital Partners; University of South Florida Sarasota-Manatee; Florida Funders

AMERICAN OVERSIGHT

From: Mark Segel <Mark@fiba.io>
Sent: Monday, November 04, 2019 1:50 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: FIBA Southwest Florida Showcase Invitation

Hello, Josh.

Per my conversation with Emmabella a few minutes ago, I met with Sen. Gruters on August 29 in Venice to update him on the work our accelerator is doing. I mentioned that we would be having a special showcase event and panel in his district and he asked that I keep him in the loop. That event is scheduled for Thursday, November 21 at the USF Sarasota-Manatee campus. – 9:30 to 11:30 AM. The invitation and event details are below. Please contact me with any questions. If Sen. Gruters can't make it, perhaps someone from your office will join us. Thank you for your help on this and have a great day!

Mark

Please find below the event details for the Florida-Israel Business Accelerator (FIBA) Southwest Florida Showcase events in Naples (Tuesday, 11/19), Fort Myers (Wednesday, 11/20), and Sarasota/Manatee (Thursday, 11/21). You can register for the event(s) of your choice via this link: **FIBA Registration**. There is no charge to attend and, if you know of anyone who'd like to learn about investing in tech, our FIBA companies, and how FIBA can impact economic development in your community, please feel free to forward this invitation. We look forward to seeing you there!

You can also click on the invitation itself for a direct link to the RSVP site and if you have any questions about the event please respond to this message or email mark@fiba.io

Mark

Mark Segel
Senior Consultant
FIBA Services, Inc.
522 N. Howard Avenue
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813.263.4976 (M)

FLORIDA-ISRAEL
business accelerator

AMERICAN OVERSIGHT

Israeli Technology: What You Need to Know About Investing

FLORIDA-ISRAEL
business accelerator

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In cooperation with: Tampa Jewish Community Centers & Federation; Jewish Federation of Greater Naples; Jewish Federation Lee and Charlotte Counties; The Jewish Federation of Sarasota-Manatee

FIBA is funded by: DEO Florida Department of Economic Opportunity; Hillsborough County Florida

Event sponsored by: Israel Bonds; Florida Gulf Coast University; Janvest Capital Partners; University of South Florida Sarasota-Manatee; Florida Funders

AMERICAN OVERSIGHT

From: Anna Grace Lewis <alewis@flchamber.com>
Sent: Tuesday, February 11, 2020 8:29 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Fl Chamber Supports SB 1828
Attachment(s): "image001.emz"

136 S. Bronough Street
Tallahassee, FL 32301
Phone: (850) 521-1200
Fax: (850) 521-1203

www.floridachamber.com

February 11, 2020

The Honorable Joe Gruters
Florida Senate
324 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

RE: Support SB 1828: Litigation Financing Consumer Protection
When the 2020 Florida Chamber Business Agenda Wins, Florida Wins

Dear Senator Gruters:

The Florida Chamber of Commerce urges you to **support SB 1828,** related to litigation financing consumer protection. This bill, proposed by Senator Jeff Brandes, will be heard in the Senate Banking and Insurance Committee on Tuesday, February 11, 2020.

Litigation financing is a newer industry that has emerged to provide loans to consumers in exchange for a portion of the recovery or proceeds from a civil claim. These loans are up-front cash for the consumer, but often come with very high interest rates and leave the borrower with little to no recovery by the conclusion of the case. In fact, these loans sometimes force consumers to not act in their best interest and settle the case because the amount of the settlement offer does not leave the consumer with any recovery money after the litigation financier and other liens are paid.

SB 1828 is a consumer friendly bill to regulate litigation financing companies. This bill creates a registration process and requires the posting of a surety bond to do business in the state. The bill also requires a series of disclosures to the consumer, including the amount of the loan, an itemized list of all fees and charges, the interest rate, and the total amount due in 6 month intervals for 3 years. The bill also requires disclosure that the consumer owes nothing if they lose the case, or if the amount awarded is less than the loan, that the litigation financier will accept a reduced sum as full payment. Additionally, the consumer has the ability to cancel the contract within 5 days and return the loan.

This bill is important to Florida's business community because it:

- Prevents gamesmanship by litigation financing companies to take advantage of consumers;
- Provides transparency and protections to consumers that might borrow money from litigation financiers; and
- Requires notification to the other party or defense that a third party has a contingent right to receive any proceeds from the claim.

The Florida Chamber urges you to **support SB 1828**, and will consider votes on this legislation, and any substantive amendments to it in committee or on the floor, in our annual *How They Voted* report card. Because of the importance of this issue to employers across the state, our Board of Directors has determined that this bill, and any substantive amendments to it in committee or on the floor, will be counted ***twice*** on our legislative report card. The grade that you earn will be based on your voting record on the issues, such as this one. We will make every effort to notify you prior to a vote that may be included in our annual Legislative Report Card. If you have any questions about this or other issues, please do not hesitate to contact me.

Regards,

Frank C. Walker, III
Vice President of Government Affairs

CC: Charles Caulkins, Chair, Florida Chamber of Commerce
Mark Wilson, President & CEO, Florida Chamber of Commerce
David Hart, Executive Vice President, Florida Chamber of Commerce

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AMERICAN OVERSIGHT

From: Tracey Lowe <tlowe@flfoundation.org>
Sent: Monday, October 28, 2019 2:44 PM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Florida Chamber Creates New Political Initiatives

2020 ELECTION

The Florida Chamber Unveils the Free Enterprise Fund and the Florida Institute for Political Leadership

At this year's Future of Florida Forum, the Florida Chamber announced the expansion of the Florida Chamber Political Institute (FCPI) and the creation of two new political initiatives.

FCPI is the research-based arm of the Florida Chamber's political operation. FCPI travels statewide and interviews hundreds of new candidates, identifying pro-jobs, pro-business candidates. These efforts are vital in ensuring the right candidates are identified, but as campaigns have changed over the years, the Chamber realizes it's time to increase the scope of the Florida Chamber's political efforts.

David Hart, Executive Vice President of the Florida Chamber of Commerce shared that in 2018, Florida saw two key races, the Governor's race and the U.S. Senate race, become the two most expensive statewide campaigns in the entire country. In an effort to ensure the business community's interests remain paramount, the Florida Chamber is announcing the creation of the Free Enterprise Fund. The fund will unite Florida's business community in support of candidates who share our belief in free enterprise.

Florida Institute for Political Leadership

During a session entitled, Better Candidates Equal a Better Future, Rick Asnani, President of Cornerstone Solutions Florida identified the reasons it is imperative for the business community to continue to recruit and support the right candidates at all levels of government. To accomplish this, the Florida Chamber is launching the Florida Institute for Political Leadership (FIPL).

FIPL is a non-partisan effort to recruit, train, and provide campaign training to business-friendly candidates for a wide array of local government offices. Anyone interested in running for an elected position can use the FIPL portal to identify what positions have upcoming elections. The heart of the Institute is the leadership and campaign training offered at no cost to the participants we are partnering with to improve Florida's economic future. The Florida Chamber will partner with local chambers to offer these trainings in communities across the state.

Get Involved Today

Visit the Florida Chamber Political Institute for more information on how you can get involved.

For more information on the Florida Chamber Free Enterprise Fund, contact David Hart at dhart@flchamber.com.

Visit the Florida Institute For Political Leadership to find out how you can get more involved in elections.

Florida Chamber Foundation l **www.FLFoundation.org** l **Unsubscribe**
136 S. Bronough Street, Tallahassee, Florida 32301 l (850) 521-1200

AMERICAN OVERSIGHT

From: Staniscia, Corey <Corey.Staniscia@myfloridahouse.gov>
Sent: Thursday, November 14, 2019 7:40 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: FLORIDA FIRST ROBOTICS TEAM GRANT - Representative Chip LaMarca.pdf
Attachment(s): "FLORIDA FIRST ROBOTICS TEAM GRANT - Representative Chip LaMarca.pdf","ATT00001.htm"

Hey Vicky didn't have josh's email and I wanted to get this to him ASAP. It's the approp we discussed yesterday. Talk soon!

AMERICAN OVERSIGHT

Corey Staniscia
Chief Legislative Assistant
Representative Chip LaMarca
Florida House of Representatives Dist. 93

"*Thanks for Chippin' In*"

Sent from my iPad

AMERICAN OVERSIGHT

Appropriations Project Request - Fiscal Year 2020-21

For projects meeting the Definition of House Rule 5.14

1. Title of Project: FLORIDA FIRST ROBOTICS TEAM GRANT
2. Date of Submission: 11/13/2019
3. House Member Sponsor: Chip LaMarca
   Members Copied:

4. DETAILS OF AMOUNT REQUESTED:

a. Has funding been provided in a previous state budget for this activity? Yes
   If answer to 4a is "No" skip 4b and 4c and proceed to 4d, Col. E
b. What is the most recent fiscal year the project was funded? 2018-19
c. Were the funds provided in the most recent fiscal year subsequently vetoed? No
d. Complete the following Project Request Worksheet to develop your request:

FY:	Input Prior Year Appropriation for this project for FY 2019-20 (If appropriated in 2019-20 enter the appropriated amount, even if vetoed.)			Develop New Funds Request for FY 2020-21 (Requests for additional RECURRING funds are prohibited.)		
Column:	A	B	C	D	E	F
Funds Description:	Prior Year Recurring Funds	Prior Year Nonrecurring Funds	Total Funds Appropriated (Recurring plus Nonrecurring: column A + column B)	Recurring Base Budget (Will equal non-vetoed amounts provided in Column A)	**Additional Nonrecurring Request**	**TOTAL Nonrecurring plus Recurring Base Funds** (Will equal the amount from the Recurring base in Column D plus the Additional Nonrecurring Request in Column E.)
Input Amounts:					900,000	900,000

5. Are funds for this issue requested in a state agency's Legislative Budget Request submitted for FY 2020-21? No
   5a. If yes, which state agency?
   5b. If no, which is the most appropriate state agency to place an appropriation for the issue being requested? Department of Education
   5c. Has the appropriate state agency for administering the funding, if the request were appropriated, been contacted? No
   5d. Describe penalties for failing to meet deliverables or performance measures which the agency should provide in its contract to administer the funding if appropriated.
   Deobligate a portion of the funds for future grants, but taking into consideration extenuating circumstances

AMERICAN OVERSIGHT
Tracking #: 17325

6. Requester:
   a. Name: Sandra Contreras
   b. Organization: FIRST Robotics (For Inspiration and Recognition of Science and Technology)
   c. Email: scontreras@firstinspires.org
   d. Phone #: (954)281-2202

7. Contact for questions about specific technical or financial details about the project:
   a. Name: Sandra Contreras
   b. Organization: FIRST Robotics (For Inspiration and Recognition of Science and Technology)
   c. Email: scontreras@firstinspires.org
   d. Phone #: (954)281-2202

8. Is there a registered lobbyist working to secure funding for this project?
   a. Name: None
   b. Firm: None
   c. Email:
   d. Phone #:

9. Organization or Name of entity receiving funds:
   a. Name: FIRST Robotics
   b. County (County where funds are to be expended): Orange, Palm Beach
   c. Service Area (Counties being served by the service(s) provided with funding): Statewide

10. What type of organization is the entity that will receive the funds? (Select one)
   ○ For Profit
   ◉ Non Profit 501(c) (3)
   ○ Non Profit 501(c) (4)
   ○ Local Government
   ○ University or College
   ○ Other (Please describe)

AMERICAN OVERSIGHT
Tracking #: 17325

11. What is the specific purpose or goal that will be achieved by the funds being requested?

FIRST is the world's leading youth-serving nonprofit advancing STEM. FIRST programs inspire innovation and leadership through engaging robotics challenges developed to ignite curiosity and passion in students in grade K-12.These funds will help support high school teams participating in the FIRST Robotics Competition and FIRST Tech Challenge, help fund the FRC Regional competitions: Orlando and South FL, and the FTC State Championship. It will also help other FIRST cross program initiatives.

12. Provide specific details on how funds will be spent. (Select all that apply)

Spending Category	Description	Nonrecurring (Should equal 4d, Col. E) Enter "0" if request is zero for the category
Administrative Costs:		
☐a. Executive Director/Project Head Salary and Benefits		
☐b. Other Salary and Benefits		
☐c. Expense/Equipment/Travel/Supplies/Other		
☐d. Consultants/Contracted Services/Study		
Operational Costs:		
☐e. Salaries and Benefits		
☑f. Expenses/Equipment/Travel/Supplies/Other	$3,000 to each Florida FRC team that participates in a Florida regional, funds to cover part of the regional registration fee. An additional $2,500 for Florida FRC teams that register for a 2nd Florida regional, funds to cover part of the registration fee. Each Florida FRC team that qualifies for the FIRST World Championship by winning their way there to receive $3,000 to help defray cost of travel	900,000

AMERICAN OVERSIGHT
Tracking #: 17325

	and participation at the World Competition. $200,000 for each regional competition in Florida (Sou	
☐g. Consultants/Contracted Services/Study		
Fixed Capital Construction/Major Renovation:		
☐h. Construction/Renovation/Land/Planning Engineering		
TOTAL		900,000

13. For the Fixed Capital Costs requested with this issue (In Question 12, category "h. Fixed Capital Outlay" was selected), what type of ownership will the facility be under when complete? (Select one correct option)

○For Profit
○Non Profit 501(c) (3)
○Non Profit 501(c) (4)
○Local Government (e.g., police, fire or local government buildings, local roads, etc.)
○State agency owned facility (For example: college or university facility, buildings for public schools, roads in the state transportation system, etc.)
○Other (Please describe)

14. Is the project request an information technology project?

No

15. Is there any documented show of support for the requested project in the community including public hearings, letters of support, major organizational backing, or other expressions of support?

Yes

15a. Please Describe:

We have a video created by the teams: https://firstinflorida.org/ that has been accessed more than 4,190 times. In previous years, more than 210 letters were sent to Representatives and Senators from teams all across the state of Florida, thanking them for the support received and asking for their continued support.

16. Has the need for the funds been documented by a study, completed by an independent 3rd party, for the area to be served?

Yes

AMERICAN OVERSIGHT
Tracking #: 17325

16a. Please Describe:

The U.S. is ranked 20th out of 30 in high school graduation rates among industrialized nations.[1] Standardized test scores from 30 nations rank 14-year-olds in the U.S. 25th in math and 21st in science.[2] [1 & 2] National Science Board (May, 2010). Preparing the Next Generation of STEM Innovators: Identifying and Developing Our Nation's Human Capital. National Science Foundation.

17. Will the requested funds be used directly for services to citizens?

Yes

17a. What are the activities and services that will be provided to meet the purpose of the funds?

The funds will directly impact 9-12th grade students in their ability to participate and compete in the FIRST Robotics Competition and the FIRST Tech Challenge by lowering the barrier to entry by paying some competition registration costs. It will also support the competitions in which students compete with the robot designed specifically for that year's challenge.

17b. Describe the direct services to be provided to the citizens by the funding requested.

Through the participation in the FIRST Robotics Competition and FIRST Tech Challenge program, students learn many of the required skills needed not only to develop a competitive robot, but also to manage a small business. We also provide a location where registered teams can participate in the robotics competition challenge designed for that year.

17c. Describe the target population to be served (i.e., "the majority of the funds requested will serve these target populations or groups."). Select all that apply to the target population:

- ☐Elderly persons
- ☐Persons with poor mental health
- ☐Persons with poor physical health
- ☐Jobless persons
- ☑Economically disadvantaged persons
- ☑At-risk youth
- ☐Homeless
- ☐Developmentally disabled
- ☐Physically disabled
- ☐Drug users (in health services)
- ☐Preschool students
- ☐Grade school students
- ☑High school students
- ☐University/college students

AMERICAN OVERSIGHT
Tracking #: 17325

☐Currently or formerly incarcerated persons
☐Drug offenders (in criminal Justice)
☐Victims of crime
☐General (The majority of the funds will benefit no specific group)
☐Other (Please describe)

17d. How many in the target population are expected to be served?
○< 25
○25-50
○51-100
○101-200
○201-400
○401-800
⊙>800

18. What benefits or outcomes will be realized by the expenditure of funds requested? (Select each Benefit/Outcome that applies)

Benefit or Outcome	Provide a specific measure of the benefit or outcome	Describe the method for measuring level of benefit
☐Improve physical health		
☐Improve mental health		
☐Enrich cultural experience		
☐Improve agricultural production/promotion/education		
☑Improve quality of education	Number of teams that register for the 2020 FIRST Robotics Competition and FIRST Tech Challenge Season in Florida.	Registration numbers for 2020. Compare number of teams before funding to number of teams after funding.
☐Enhance/preserve/improve environmental or fish and wildlife quality		
☐Protect the general public from harm (environmental, criminal, etc.)		

AMERICAN OVERSIGHT
Tracking #: 17325

☐Improve transportation conditions		
☐Increase or improve economic activity		
☐Increase tourism		
☐Create specific immediate job opportunities		
☑Enhance specific individual's economic self sufficiency	Senior High School Students that register for a College or Technical Career	Number of Seniors who register in the FIRST Alumni database for the year 2020.
☐Reduce recidivism		
☐Reduce substance abuse		
☐Divert from Criminal/Juvenile justice system		
☐Improve wastewater management		
☐Improve stormwater management		
☐Improve groundwater quality		
☐Improve drinking water quality		
☐Improve surface water quality		
☐Other (Please describe):		

19. Provide the total cost of the project for FY 2020-21 from all sources of funding (Enter "0" if amount is zero):

Type of Funding	Amount	Percent of Total	Are the other sources of funds guaranteed in writing?
1. Amount Requested from the State in this Appropriations Project Request:	900,000	18.0%	N/A

AMERICAN OVERSIGHT
Tracking #: 17325

2. Federal:	0	0.0%	No
3. State: (Excluding the requested Total Amount in #4d, Column F)	100,000	2.0%	Yes
4. Local:	0	0.0%	No
5. Other:	4,000,000	80.0%	Yes
TOTAL	5,000,000	100%	

20. Is this a multi-year project requiring funding from the state for more than one year?
Yes

20a. How much state funding would be requested after 2020-21 over the next 5 years?
- ○<1M
- ⦿1-3M
- ○>3-10M
- ○>10M

20b. How many additional years of state support do you expect to need for this project?
- ○1 year
- ○2 years
- ○3 years
- ○4 years
- ⦿>= 5 years

20c. What is the total project cost for all years including all federal, local, state, and any other funds? Select the single answer which best describes the total project cost. If funds requested are for ongoing services or for recurring activities, select “ongoing activity”.
- ⦿ongoing activity – no total cost
- ○<1M
- ○1-3M
- ○>3-10M
- ○>10M

AMERICAN OVERSIGHT
Tracking #: 17325

From: Barnhill, Josh
Sent: Thursday, November 14, 2019 11:55 AM EST
To: scontreras@firstinspires.org <scontreras@firstinspires.org>
Subject: FLORIDA FIRST ROBOTICS TEAM GRANT - Representative Chip LaMarca.pdf
Attachment(s): "FLORIDA FIRST ROBOTICS TEAM GRANT - Representative Chip LaMarca.pdf","ATT00001.htm"

AMERICAN OVERSIGHT

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

AMERICAN OVERSIGHT

Appropriations Project Request - Fiscal Year 2020-21

For projects meeting the Definition of House Rule 5.14

1. Title of Project: FLORIDA FIRST ROBOTICS TEAM GRANT
2. Date of Submission: 11/13/2019
3. House Member Sponsor: Chip LaMarca
   Members Copied:

4. DETAILS OF AMOUNT REQUESTED:

a. Has funding been provided in a previous state budget for this activity? Yes
   If answer to 4a is "No" skip 4b and 4c and proceed to 4d, Col. E
b. What is the most recent fiscal year the project was funded? 2018-19
c. Were the funds provided in the most recent fiscal year subsequently vetoed? No
d. Complete the following Project Request Worksheet to develop your request:

FY:	Input Prior Year Appropriation for this project for FY 2019-20 (If appropriated in 2019-20 enter the appropriated amount, even if vetoed.)			Develop New Funds Request for FY 2020-21 (Requests for additional RECURRING funds are prohibited.)		
Column:	A	B	C	D	E	F
Funds Description:	Prior Year Recurring Funds	Prior Year Nonrecurring Funds	Total Funds Appropriated (Recurring plus Nonrecurring: column A + column B)	Recurring Base Budget (Will equal non-vetoed amounts provided in Column A)	**Additional Nonrecurring Request**	**TOTAL Nonrecurring plus Recurring Base Funds** (Will equal the amount from the Recurring base in Column D plus the Additional Nonrecurring Request in Column E.)
Input Amounts:					900,000	900,000

5. Are funds for this issue requested in a state agency's Legislative Budget Request submitted for FY 2020-21? No
   5a. If yes, which state agency?
   5b. If no, which is the most appropriate state agency to place an appropriation for the issue being requested? Department of Education
   5c. Has the appropriate state agency for administering the funding, if the request were appropriated, been contacted? No
   5d. Describe penalties for failing to meet deliverables or performance measures which the agency should provide in its contract to administer the funding if appropriated.
   Deobligate a portion of the funds for future grants, but taking into consideration extenuating circumstances

AMERICAN OVERSIGHT
Tracking #: 17325

6. Requester:
   a. Name: Sandra Contreras
   b. Organization: FIRST Robotics (For Inspiration and Recognition of Science and Technology)
   c. Email: scontreras@firstinspires.org
   d. Phone #: (954)281-2202

7. Contact for questions about specific technical or financial details about the project:
   a. Name: Sandra Contreras
   b. Organization: FIRST Robotics (For Inspiration and Recognition of Science and Technology)
   c. Email: scontreras@firstinspires.org
   d. Phone #: (954)281-2202

8. Is there a registered lobbyist working to secure funding for this project?
   a. Name: None
   b. Firm: None
   c. Email:
   d. Phone #:

9. Organization or Name of entity receiving funds:
   a. Name: FIRST Robotics
   b. County (County where funds are to be expended): Orange, Palm Beach
   c. Service Area (Counties being served by the service(s) provided with funding): Statewide

10. What type of organization is the entity that will receive the funds? (Select one)
   ○ For Profit
   ◉ Non Profit 501(c) (3)
   ○ Non Profit 501(c) (4)
   ○ Local Government
   ○ University or College
   ○ Other (Please describe)

AMERICAN OVERSIGHT
Tracking #: 17325

11. What is the specific purpose or goal that will be achieved by the funds being requested?

FIRST is the world's leading youth-serving nonprofit advancing STEM. FIRST programs inspire innovation and leadership through engaging robotics challenges developed to ignite curiosity and passion in students in grade K-12.These funds will help support high school teams participating in the FIRST Robotics Competition and FIRST Tech Challenge, help fund the FRC Regional competitions: Orlando and South FL, and the FTC State Championship. It will also help other FIRST cross program initiatives.

12. Provide specific details on how funds will be spent. (Select all that apply)

Spending Category	Description	Nonrecurring (Should equal 4d, Col. E) Enter "0" if request is zero for the category
Administrative Costs:		
☐a. Executive Director/Project Head Salary and Benefits		
☐b. Other Salary and Benefits		
☐c. Expense/Equipment/Travel/Supplies/Other		
☐d. Consultants/Contracted Services/Study		
Operational Costs:		
☐e. Salaries and Benefits		
☑f. Expenses/Equipment/Travel/Supplies/Other	$3,000 to each Florida FRC team that participates in a Florida regional, funds to cover part of the regional registration fee. An additional $2,500 for Florida FRC teams that register for a 2nd Florida regional, funds to cover part of the registration fee. Each Florida FRC team that qualifies for the FIRST World Championship by winning their way there to receive $3,000 to help defray cost of travel	900,000

AMERICAN OVERSIGHT
Tracking #: 17325

	and participation at the World Competition. $200,000 for each regional competition in Florida (Sou	
☐g. Consultants/Contracted Services/Study		
Fixed Capital Construction/Major Renovation:		
☐h. Construction/Renovation/Land/Planning Engineering		
TOTAL		900,000

13. For the Fixed Capital Costs requested with this issue (In Question 12, category "h. Fixed Capital Outlay" was selected), what type of ownership will the facility be under when complete? (Select one correct option)

○For Profit
○Non Profit 501(c) (3)
○Non Profit 501(c) (4)
○Local Government (e.g., police, fire or local government buildings, local roads, etc.)
○State agency owned facility (For example: college or university facility, buildings for public schools, roads in the state transportation system, etc.)
○Other (Please describe)

14. Is the project request an information technology project?

No

15. Is there any documented show of support for the requested project in the community including public hearings, letters of support, major organizational backing, or other expressions of support?

Yes

15a. Please Describe:

We have a video created by the teams: https://firstinflorida.org/ that has been accessed more than 4,190 times. In previous years, more than 210 letters were sent to Representatives and Senators from teams all across the state of Florida, thanking them for the support received and asking for their continued support.

16. Has the need for the funds been documented by a study, completed by an independent 3rd party, for the area to be served?

Yes

AMERICAN OVERSIGHT
Tracking #: 17325

16a. Please Describe:

The U.S. is ranked 20th out of 30 in high school graduation rates among industrialized nations.[1] Standardized test scores from 30 nations rank 14-year-olds in the U.S. 25th in math and 21st in science.[2] [1 & 2] National Science Board (May, 2010). Preparing the Next Generation of STEM Innovators: Identifying and Developing Our Nation's Human Capital. National Science Foundation.

17. Will the requested funds be used directly for services to citizens?

Yes

17a. What are the activities and services that will be provided to meet the purpose of the funds?

The funds will directly impact 9-12th grade students in their ability to participate and compete in the FIRST Robotics Competition and the FIRST Tech Challenge by lowering the barrier to entry by paying some competition registration costs. It will also support the competitions in which students compete with the robot designed specifically for that year's challenge.

17b. Describe the direct services to be provided to the citizens by the funding requested.

Through the participation in the FIRST Robotics Competition and FIRST Tech Challenge program, students learn many of the required skills needed not only to develop a competitive robot, but also to manage a small business. We also provide a location where registered teams can participate in the robotics competition challenge designed for that year.

17c. Describe the target population to be served (i.e., "the majority of the funds requested will serve these target populations or groups."). Select all that apply to the target population:

- ☐Elderly persons
- ☐Persons with poor mental health
- ☐Persons with poor physical health
- ☐Jobless persons
- ☑Economically disadvantaged persons
- ☑At-risk youth
- ☐Homeless
- ☐Developmentally disabled
- ☐Physically disabled
- ☐Drug users (in health services)
- ☐Preschool students
- ☐Grade school students
- ☑High school students
- ☐University/college students

AMERICAN OVERSIGHT
Tracking #: 17325

☐Currently or formerly incarcerated persons
☐Drug offenders (in criminal Justice)
☐Victims of crime
☐General (The majority of the funds will benefit no specific group)
☐Other (Please describe)

17d. How many in the target population are expected to be served?
○< 25
○25-50
○51-100
○101-200
○201-400
○401-800
⊙>800

18. What benefits or outcomes will be realized by the expenditure of funds requested? (Select each Benefit/Outcome that applies)

Benefit or Outcome	Provide a specific measure of the benefit or outcome	Describe the method for measuring level of benefit
☐Improve physical health		
☐Improve mental health		
☐Enrich cultural experience		
☐Improve agricultural production/promotion/education		
☑Improve quality of education	Number of teams that register for the 2020 FIRST Robotics Competition and FIRST Tech Challenge Season in Florida.	Registration numbers for 2020. Compare number of teams before funding to number of teams after funding.
☐Enhance/preserve/improve environmental or fish and wildlife quality		
☐Protect the general public from harm (environmental, criminal, etc.)		

AMERICAN OVERSIGHT
Tracking #: 17325

☐Improve transportation conditions		
☐Increase or improve economic activity		
☐Increase tourism		
☐Create specific immediate job opportunities		
☑Enhance specific individual's economic self sufficiency	Senior High School Students that register for a College or Technical Career	Number of Seniors who register in the FIRST Alumni database for the year 2020.
☐Reduce recidivism		
☐Reduce substance abuse		
☐Divert from Criminal/Juvenile justice system		
☐Improve wastewater management		
☐Improve stormwater management		
☐Improve groundwater quality		
☐Improve drinking water quality		
☐Improve surface water quality		
☐Other (Please describe):		

19. Provide the total cost of the project for FY 2020-21 from all sources of funding (Enter "0" if amount is zero):

Type of Funding	Amount	Percent of Total	Are the other sources of funds guaranteed in writing?
1. Amount Requested from the State in this Appropriations Project Request:	900,000	18.0%	N/A

AMERICAN OVERSIGHT
Tracking #: 17325

2. Federal:	0	0.0%	No
3. State: (Excluding the requested Total Amount in #4d, Column F)	100,000	2.0%	Yes
4. Local:	0	0.0%	No
5. Other:	4,000,000	80.0%	Yes
TOTAL	5,000,000	100%	

20. Is this a multi-year project requiring funding from the state for more than one year?
Yes

20a. How much state funding would be requested after 2020-21 over the next 5 years?
- ○<1M
- ⦿1-3M
- ○>3-10M
- ○>10M

20b. How many additional years of state support do you expect to need for this project?
- ○1 year
- ○2 years
- ○3 years
- ○4 years
- ⦿>= 5 years

20c. What is the total project cost for all years including all federal, local, state, and any other funds? Select the single answer which best describes the total project cost. If funds requested are for ongoing services or for recurring activities, select “ongoing activity”.
- ⦿ongoing activity – no total cost
- ○<1M
- ○1-3M
- ○>3-10M
- ○>10M

AMERICAN OVERSIGHT
Tracking #: 17325

From: SEN-AP@laspbs.state.fl.us <SEN-AP@laspbs.state.fl.us>
Sent: Monday, January 13, 2020 11:56 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: FLORIDA FIRST ROBOTICS TEAM GRANT - Senator Joe Gruters
Attachment(s): "FLORIDA FIRST ROBOTICS TEAM GRANT - Senator Joe Gruters.pdf"

Confirmation of Senate Local Funding Initiative Request

This is a system generated email. Please do not reply to this email.

This email confirms receipt by the Senate Appropriations Committee of the following Local Funding Initiative Request, sponsored by **Senator Joe Gruters**, with the title:

FLORIDA FIRST ROBOTICS TEAM GRANT

Attached is a copy of the appropriations project information you submitted.

Please note that your Local Funding Initiative Request will be reviewed and assigned to the appropriations subcommittee under whose jurisdiction it falls. If additional information is needed, you will be contacted by a member of the appropriations staff.

If this request has been submitted in error or you have any questions, please contact the Appropriations Committee at 850-487-5140.

AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 12015

1. **Project Title** FLORIDA FIRST ROBOTICS TEAM GRANT

2. **Senate Sponsor** Joe Gruters

3. **Date of Request** 01/13/2020

4. **Project/Program Description**

FIRST is the world's leading youth-serving nonprofit advancing STEM. FIRST programs inspire innovation and leadership through engaging robotics challenges developed to ignite curiosity and passion in students in grade K-12.These funds will help support high school teams participating in the FIRST Robotics Competition and help fund the FRC Regional competitions: Orlando and South FL. It will also help other FIRST cross-program initiatives.

5. **State Agency to receive requested funds** Department of Education

State Agency contacted? ○ Yes ◉ No

6. **Amount of the Nonrecurring Request for Fiscal Year 2020-2021**

Type of Funding	Amount
Operations	900,000
Fixed Capital Outlay	000
Total State Funds Requested	900,000

7. **Total Project Cost for Fiscal Year 2020-2021 (including matching funds available for this project)**

Type of Funding	Amount	Percentage
Total State Funds Requested (from question #6)	900000	100.0 %
Matching Funds		
Federal	00	0 %
State (excluding the amount of this request)	00	0 %
Local	00	0 %
Other	00	0 %
Total Project Costs for Fiscal Year 2020-2021	900,000	100 %

8. **Has this project previously received state funding?** ◉ Yes ○ No

If yes, provide the most recent instance:

Fiscal Year (yyyy-yy)	Amount		Specific Appropriation #	Vetoed
	Recurring	Nonrecurring		
2018-19	100,000	400,000		No

9. **Is future-year funding likely to be requested?** ◉ Yes ○ No

If yes, indicate nonrecurring amount per year. 500,000

AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 12015

10. **Details on how the requested state funds will be expended**

Spending Category	Description	Amount
Administrative Costs:		
Executive Director/Project Head Salary and Benefits		
Other Salary and Benefits		
Expense/Equipment/ Travel/Supplies/Other		
Consultants/Contracted Services/Study		
Operational Costs: Other		
Salary and Benefits		
Expense/Equipment/ Travel/Supplies/Other	At least $2,500 to pay part of the registration fees for Florida FRC teams that participate in FL events. At least $80,000 for each Regional competition. Additional money will be allocated to support specific projects directed to increase participation of new teams, at risk students, and make FRC teams more sustainable and competitive, as well as to support other FIRST programs and initiatives.	900,000
Consultants/Contracted Services/Study		
Fixed Capital Construction/Major Renovation:		
Construction/Renovation/ Land/Planning Engineering		
Total State Funds Requested (must equal total from question #6)		900,000

AMERICAN OVERSIGHT

11. **Program Performance**

a. What specific purpose or goal will be achieved by the funds requested?

Allow more High School students to participate in FIRST Robotics Competition and support the infrastructure needed to provide the program in the State.

b. What activities and services will be provided to meet the intended purpose of these funds?

The funds will directly impact 9-12th grade students in their ability to participate and compete in the FIRST Robotics Competition by lowering the barrier to entry by paying some competition registration costs. It will also support the events in which students compete with the robot designed specifically for that year's challenge.

c. What direct services will be provided to citizens by the appropriation project?

Through the participation in the FIRST Robotics Competition program, students learn many of the required skills needed not only to develop a competitive robot, but also to manage a small business. We also provide a location where registered teams can participate in the robotics competition challenge designed for that year.
Services include supporting competition venue, defraying expenditures of teams so that students can focus on STEM and not in additional fundraising activities. In many cases these funds will be the difference between a team existing or not, so funding provides a service of constructive, hands on, educational experience for young people.

d. Who is the target population served by this project? How many individuals are expected to be served?

The target population is high school students, economically disadvantaged youth persons, at-risk youth. We expect to serve over 3,000 students next year.

e. What is the expected benefit or outcome of this project? What is the methodology by which this outcome will be measured?

The quality of education will be improved, generating more students that when they graduate from High School, they are interested in following a STEM career. The methodology will be to survey Seniors attending the FL Regionals and count how many are following a STEM path. The first year is the base line, and the results will be compared versus following years.

f. What are the suggested penalties that the contracting agency may consider in addition to its standard penalties for failing to meet deliverables or performance measures provided for in the contract?

De-obligate a portion of the funds for future grants, but taking into consideration extenuating circumstances.

AMERICAN OVERSIGHT

12. **The owners of the facility to receive, directly or indirectly, any fixed capital outlay funding. Include the relationship between the owners of the facility and the entity.**

N/A

13. **Requestor Contact Information**

a. First Name: Sandra Last Name: Contreras

b. Organization: For Inspiration and Recognition of Science and Technology - FIRST

c. E-mail Address: scontreras@FIRSTinspires.org

d. Phone Number: (954)281-2202 Ext.

14. **Recipient Contact Information**

a. Organization: For Inspiration and Recognition of Science and Technology - FIRST

b. Municipality and County: Statewide

c. Organization Type

- ○ For-profit Entity
- ◉ Non-Profit 501(c) (3)
- ○ Non-Profit 501(c) (4)
- ○ Local Entity
- ○ University or College
- ○ Other (please specify)

d. First Name: Sandra Last Name: Contreras

e. E-mail Address: scontreras@FIRSTinspires.org

f. Phone Number: (954)281-2202

15. **Lobbyist Contact Information**

a. Name: None

b. Firm Name: None

c. E-mail Address:

d. Phone Number: Ext.

AMERICAN OVERSIGHT

From: Florida Chamber Foundation <tlowe@flfoundation.org>
Sent: Monday, October 28, 2019 4:05 PM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Florida Putting A Woman On The Moon By 2024

GOING BACK TO THE MOON

Florida Putting a Woman On the Moon By 2024

At the Florida Chamber Foundation's Future of Florida Forum, Frank DiBello, President & CEO of Space Florida and Mark Wiese, Gateway Logistics Element Manager from NASA's Kennedy Space Center, gave more information on the Artemis program, NASA's plan to put the first woman on the moon by 2024.

The Artemis program will also seek to put the first human on Mars and develop support systems for both endeavors.

The economic impact to Florida's Space Coast has enormous potential as NASA will team with the private sector and international partners to develop the material support needed for these missions.

"In the next decade, we expect over 10,000 satellites to be launched to support our insatiable demand for bandwidth globally and to connect all of the people in the world who are now unconnected to the internet," said Frank DiBello, President and CEO of Space Florida. "More importantly there will be companies going up into lower earth orbit to create research and manufacture value in space. Our vision is for Florida to be the economic center of that activity."

Get Involved Today

Sign the petition to strengthen Florida's leadership in space exploration.

Florida Chamber Foundation | **www.FLFoundation.org** | **Unsubscribe**
136 S. Bronough Street, Tallahassee, Florida 32301 | (850) 521-1200

From: Tracey Lowe <tlowe@flfoundation.org>
Sent: Thursday, October 03, 2019 8:43 AM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Florida's Hidden Gems

Arts, Culture, and Heritage

Defining Florida's Quality of Life at 2019 Future of Florida Forum

Arts and culture are vital to the future of Florida, and play a key role in why more than 900 people are moving to Florida every day.

Florida's hidden gems will take center stage during the 2019 Future of Florida Forum as Florida Humanities Council Executive Director **Steve Seibert** shares with statewide business leaders how the humanities are helping to define Florida's quality of life.

The Florida Chamber Foundation's Future of Florida Forum is Florida's top statewide conference uniting Florida business leaders to secure Florida's future.

Register today to reserve your spot and be a part of this discussion.

2019 Future of Florida Forum

October 28-29, 2019
Hyatt Regency Grand Cypress
One Grand Cypress Boulevard
Orlando, Florida

AMERICAN OVERSIGHT

From: Florida Chamber Foundation <emartin@flchamber.com>
Sent: Tuesday, October 29, 2019 1:00 PM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Florida's Strategy to Diversify the Economy and Grow High Wage Jobs

ENTERPRISE FLORIDA

Florida's Strategy to Diversify the Economy and Grow High Wage Jobs

The Florida Chamber has consistently advocated for fully funding Enterprise Florida. Enterprise Florida is the principle economic development organization for the state of Florida, with a mission to diversify Florida's economy by recruiting new businesses to the state and retain and expand existing industries and businesses.
At today's Future of Florida Forum, **Jamal Sowell, Florida's Secretary of Commerce and President and CEO of Enterprise Florida** explained how Florida's economy can thrive and grow high wage jobs.
"Workforce and talent are the best incentives Florida has to offer," said Secretary Sowell. "A cohesive pipeline of skills development does not just make sense for businesses who are seeking qualified and trained workers, it is also a signal of hope to Floridians of all walks of life. A highly skilled workforce demands a cohesive statewide strategy that ignores no socio-economic class and sets up students for success."

Get Involved Today

Learn more about how you can help keep Florida's economy diversified and robust. Contact **Carolyn Johnson** at **cjohnson@flchamber.com** or 850-521-1235 for more information

Florida Chamber Foundation l **www.FLFoundation.org** l **Unsubscribe**
136 S. Bronough Street, Tallahassee, Florida 32301 l (850) 521-1200

AMERICAN OVERSIGHT

From: Global-5 <enews@global-5.com>
Sent: Friday, December 06, 2019 12:39 PM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Free Webinar: Public Communication Aspects of Deploying Connected and Automated Vehicles

logo

Positive Message. Positive Engagement. Positive Opinion.

img

Global-5 is offering a free webinar for transportation officials, planners and engineers on how to communicate with the public about connected and automated vehicles. The webinar will be held Friday, December 13, from 12 p.m. to 1 p.m. Eastern Time. Advance registration is requested but not required.

OVERVIEW

Transportation pros understand the benefits of connected and automated vehicles, but communicating that knowledge to the public can be a challenge. Global-5 has been a key player in connected and automated vehicle deployments-and we've learned a lot along the way. In this webinar, we'll offer tips and tools for engaging the public for a successful deployment. Topics will include gauging your community's readiness for connected and automated vehicles; communicating the benefits; building public acceptance; and recruiting and training participants.

ABOUT US

Global-5 is a full-service public relations and marketing firm with more than 20 years of experience exceeding client expectations in government and in the transportation, construction, automotive

AMERICAN OVERSIGHT

and emerging technologies industries. A nationwide leader in communicating about connected and automated vehicles, Global-5 has performed outreach, knowledge transfer, participant recruitment and training services for transportation agencies at the federal, state and local levels.

AT A GLANCE

TITLE: **Public Communication Aspects of Deploying Connected and Automated Vehicles**
DATE: Friday, December 13, 2019
TIME: 12 p.m. to 1 p.m. Eastern Time
REGISTRATION: **Please register here**.

About Us

Global-5 is a full-service public relations, marketing and digital firm with more than 20 years of experience exceeding client expectations in transportation, construction, automotive and emerging technologies industries.

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Email Us

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From: Global-5 <enews@global-5.com>
Sent: Tuesday, December 10, 2019 11:20 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Free Webinar This Friday: Public Communication Aspects of Deploying Connected and Automated Vehicles

logo

Positive Message. Positive Engagement. Positive Opinion.

img

YOU'RE INVITED

Please join Global-5 this Friday, December 13, for a free webinar on how to communicate with the public about connected and automated vehicles. The webinar will be held from 12 p.m. to 1 p.m. Eastern Time.
Register today!

OVERVIEW

Transportation pros understand the benefits of connected and automated vehicles, but communicating that knowledge to the public can be a challenge. Global-5 has been a key player in connected and automated vehicle deployments-and we've learned a lot along the way. In this webinar, we'll offer tips and tools for engaging the public for a successful deployment. Topics will include gauging your community's readiness for connected and automated vehicles; communicating the benefits; building public acceptance; and recruiting and training participants.

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AT A GLANCE

TITLE: **Public Communication Aspects of Deploying Connected and Automated Vehicles**
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Global-5 is a full-service public relations, marketing and digital firm with more than 20 years of experience exceeding client expectations in transportation, construction, automotive and emerging technologies industries.

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From: Brill, Victoria
Sent: Monday, January 27, 2020 12:16 PM EST
To: Angel Garcia <aeg18e@my.fsu.edu>
Subject: FW: 1212
Attachment(s): "Sisters of Florida State Cities and Counties.docx"

Can you give me a count of how many there are please?

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Monday, January 27, 2020 11:46 AM
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: 1212

Victoria,

Please see the link below that will direct you to the Consular Corp of Florida listed by country.

Thank you!!!

http://orlando.consularcorps.info/countries/

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
Apalachicola	Columbus, Georgia	USA	1800[8]
Bay County	Mérida, Yucatán	Mexico	2003[9]
Bay Harbor Islands	Marechal Deodoro, Alagoas	Brazil	2003[10]
Boca Raton	Spandau Borough, Berlin[11]	Germany	1980[6]
Bonita Springs	Grünstadt, Rhineland-Palatinate[11]	Germany	1991[12]
Boynton Beach	Qufu, Shandong	China	2001[13]
	Les Cayes, Sud	Haiti	2001[14]
Bradenton	Barcarrota, Extremadura	Spain	1962[15]
	Guidonia Montecelio, Lazio	Italy	1988[16]
Cape Canaveral	Ithaca, Kefallinia	Greece	2005~[17]
	Kloten, Zurich	Switzerland	2000~[18]
	Sagres, Algarve	Portugal	2004[19]
Cape Coral	Nyeri, Nyeri	Kenya	2014[20]
	Kalamaria, Thessaloniki	Greece	2001[7]
Clearwater	Nagano, Nagano	Japan	1959[21]
	Wyong, New South Wales[11]	Australia	2001~[7]
Cocoa	Beit Shemesh, Jerusalen District	Israel	2004[14]
Cocoa Beach	Kyustendil, Kyustendil[11]	Bulgaria	2004[22]
	Santa Marta, Magdalena[11]	Colombia	1965[23]
Cooper City	Killarney, County Kerry	Ireland	2003[24]
Coral Gables	Aix-en-Provence, Provence-Alpes-Côte d'Azur	France	1997[25]
	Annapolis Royal, Nova Scotia	Canada	1984[26]
	Antigua Guatemala, Antigua	Guatemala	1993[27]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	El Puerto de Santa María, Cádiz	Spain	1987~[28]
	Granada, Granada		1988~[29]
	Provincia di Pisa, Toscana[30]	Italy	2003[31]
	Quito, Pichincha	Ecuador	1983~[32]
Coral Springs	Paraíso, Cartago	Costa Rica	2002[33]
Crestview	Noirmoutier-en-l'Île, Pays de la Loire	France	2001~[7]
Dania Beach	Fredensborg, Central Region	Denmark	2003[34]
Daytona Beach	Bayonne, Aquitaine	France	1998[35]
	Campeche, Campeche[11]	Mexico	1996~[36]
Deerfield Beach	Acre, North	Israel	1994[37]
DeLand	Belén, Guanacaste	Costa Rica	1996 [38]
	Miyazu, Kyoto	Japan	1977[39]
Delray Beach	Moshi, Arusha	Tanzania	2001 [39]
	Aquin, Sud	Haiti	2014 [40]
	Pesaro, Marche	Italy	2015 [41]
Deltona	Sanford, Florida	USA	2013[42]
Destin	Saint-Gilles-Croix-de-Vie, Pays de la Loire	France	1994[43]
Doral	Xizhi District	Taiwan	1964[44]
Dunedin	Stirling	Scotland, UK	1964[45][46]
	Summerside, Prince Edward Island	Canada	2000 [47]
Eatonville	Bamenda, Northwest Province	Cameroon	1976~[48]
	Agogo, Asante Akim North	Ghana	2001~[7]
Fort Lauderdale	Belo Horizonte, Minas Gerais	Brazil	2003[49]
	Cap-Haïtien, Nord	Haiti	2003[50]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	Duisburg	Germany	2003[51]
	Mataró	Spain	2003[51]
	Ciudad de Panamá, Panamá	Panama	2001~[52]
	Gold Coast, Queensland	Australia	1980[53]
	Haifa, Haifa	Israel	2002[54]
	Isla Margarita, Nueva Esparta	Venezuela	1997[55]
	La Romana, La Romana	Dominican Republic	1995[56]
	Mar del Plata, Buenos Aires	Argentina	2000[57]
	Medellín, Antioquia	Colombia	1967[58]
	Muğla, Muğla	Turkey	1995~[59]
	Quepos, Puntarenas	Costa Rica	2003[50]
	Rimini, Emilia-Romagna	Italy	1985[60]
	São Sebastião, São Paulo[11]	Brazil	2001~[7][61]
	Sefton, Merseyside	England, UK	2000[62]
	Venezia, Veneto	Italy	2007[63]
Fort Walton Beach	Quezon City, Metro Manila	Philippines	2007[64]
	Dahuk, Dahuk	Iraq	2006[65]
	Jacmel, Sud-Est	Haiti	1998[66]
	Kfar Saba, Center	Israel	1998[67]
Gainesville	Novorossiysk, Krasnodar Krai	Russia	1982[68]
	Qalqilyah, West Bank	Palestinian National Authority	1998[67]
	Rzeszów, Podkarpackie Voivodeship	Poland	2001~[69]
Hialeah	Bucaramanga, Región Andina[11]	Colombia	2001~[7]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	Cartago, Cartago[11]	Costa Rica	1984[70]
	Luján de Cuyo, Mendoza[11]	Argentina	1986[71]
	Managua, Managua[11]	Nicaragua	1966[71]
	Baia Mare, Maramureş	Romania	2003[72]
	Ciudad de la Costa, Canelones	Uruguay	1996~[73]
	Guatemala, Guatemala	Guatemala	1988[74]
	Herzliya, Tel Aviv	Israel	1988[75]
Hollywood	Lechería, Anzoátegui	Venezuela	2003~[72]
	Romorantin-Lanthenay, Centre[7]	France	1989[76]
	Salvaleón de Higüey, La Altagracia	Dominican Republic	2003[77]
	San Salvador, San Salvador	El Salvador	1962[5]
	Vlorë, Vlorë[7]	Albania	1994[78]
Homestead	Liberia, Guanacaste	Costa Rica	1977[79]
	Petit Goâve, Ouest	Haiti	2007[80]
Inverness	Inverness, Highland	Scotland, UK	2001~[7]
	Bahía Blanca, Buenos Aires	Argentina	1967[81]
	Changwon Unified, South Gyeongsang	South Korea	1983[81]
	Changwon Unified, South Gyeongsang		1983[82]
	Murmansk, Murmansk	Russia	1975[81]
Jacksonville	Nantes, Pays de la Loire	France	1984[81]
	Nelson Mandela Metropolitan Municipality, Eastern Cape	South Africa	2000[81]
	San Juan	Puerto Rico	2009
	Curitiba, Paraná	Brazil	2010
	Yingkou, Liaoning		1990[83]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	Ningbo, Zhejiang	China	1990[84]
	Shaoxing, Zhejiang		1990[84]
	Suzhou, Jiangsu		1990[84]
Jensen Beach	Gregory Town, Eleuthera	The Bahamas	1989[85]
Key West	Green Turtle Cay, Abaco		2004[86]
Kissimmee	Hualien, Hualien County	Taiwan	1989[87]
	Miaoli, Miaoli County		1989[88]
Lake Placid	Lake Placid, New York	USA	1991[89]
Lake Worth	Lappeenranta, South Karelia[7]	Finland	1991~[90]
	Bălți, Bălți	Moldova	1997[81]
	Imabari, Ehime	Japan	1993[81]
	Richmond Hill, Ontario	Canada	1990[91]
Lakeland	Jiaxing, Zhejiang	China	1993
	Fengxian, Shanghai		1993
	Chongming, Shanghai		1993
	Rîbnița, Rîbnița District	Moldova (Transnistria)	1993[14]
	Portmore, Saint Catherine	Jamaica	1993[14]
Lantana	Lapua, Lansi-Suomen Laani	Finland	1979[92]
Largo	Tosayamada, Kōchi	Japan	1969[93]
Lauderdale-by-the-Sea	Henley-on-Thames, Oxfordshire	England, UK	2007 [94]
	San Isidro, Lima	Peru	2004[94]
Lauderdale Lakes	Port-de-Paix, Nord-Ouest	Haiti	2005 [95]
Lauderhill	Chaguanas	Trinidad and Tobago	2001[96]
	Gemlik, Bursa	Turkey	2002[97]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	Falmouth, Trelawny	Jamaica	2002[14]
	Pétionville, Ouest	Haiti	2002[14]
	Suzano, São Paulo	Brazil	2002[14]
Madeira Beach	Machico, Ilha da Madeira	Portugal	1974[98]
	Agadir, Souss-Massa-Draâ	Morocco	1995[99]
	Amman, Amman	Jordan	1995[100]
	Bogotá, Distrito Capital	Colombia	1971[101]
	Buenos Aires, Buenos Aires	Argentina	1979[102]
	Cochabamba, Cochabamba	Bolivia	1995[103]
	Ibiza, Balearic Islands	Spain	1986~[104]
	Kagoshima, Kagoshima	Japan	1990[105]
	Kaohsiung	Taiwan	1987[106]
	Lima, Lima[107]	Peru	1977[108]
	Madrid, Madrid[107]	Spain	1997~[109]
Miami	Managua, Managua	Nicaragua	1991[110]
	Margherita di Savoia, Puglia	Italy	2011[111]
	Montes de Oca, San José	Costa Rica	1986~[104]
	Murcia, Murcia	Spain	1993[112]
	Nice, Provence-Alpes-Côte d'Azur	France	1986~[104]
	Palermo, Sicilia	Italy	2001~[7]
	Port-au-Prince, Ouest[107]	Haiti	2001[113]
	Qingdao, Shandong[107]	China	2005[114]
	Salvador, Bahia	Brazil	2006[115]
	Santiago	Chile	1986~[104]
	Santiago de Cali, Pacific Region	Colombia	1986~[104]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
Miami Beach	Santo Domingo, Distrito Nacional	Dominican Republic	1987~[116]
	Varna, Varna	Bulgaria	1994~[117]
	Yeruham, Hadarom	Israel	2007[118]
	Cozumel, Quintana Roo	Mexico	1992[119]
	Fortaleza, Ceará	Brazil	2006[120]
	Fujisawa, Kanagawa	Japan	1959[121]
	Ica, Ica	Peru	1996[122]
	Pescara, Abruzzo	Italy	1997~[123]
	Nahariya, North District	Israel	1971[124]
	Almonte, Andalusia	Spain	1971[124]
	Brampton, Ontario	Canada	1971[124]
	Basel	Switzerland	1971[124]
Miami-Dade County	Santa Marta, Magdalena	Colombia	1983~[125]
	Asunción, Asunción	Paraguay	1994[126]
	Cabildo de Tenerife, Tenerife	Spain	1993~[127]
	Cape Town, Western Cape	South Africa	2007[128]
	Cayman Islands	Cayman Islands	1986~[129]
	Gdańsk, Pomeranian Voivodeship	Poland	1990[130]
	Guatemala (department)	Guatemala	2007[131]
	Iquique, Tarapacá	Chile	1996[132]
	Kingston, Surrey	Jamaica	1987~[116]
	Lamentin, Basse-Terre	Guadeloupe	2003~[133]
	Maldonado, Maldonado	Uruguay	2001~[7]
	Mendoza, Mendoza	Argentina	2001[134]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
	Monagas	Venezuela	1996[135]
	Pereira, Risaralda	Colombia	2002[136]
	Petit Goâve, Ouest	Haiti	2001~[7]
	Provincia di Asti, Piemonte	Italy	1986[137]
	Pucallpa, Ucayali	Peru	2001~[7]
	Saint Kitts and Nevis	Saint Kitts and Nevis	2004[138]
	San Jose	Costa Rica	1990[130]
	Santa Cruz (department)	Bolivia	1996~[139]
	Santo Domingo, Distrito Nacional	Dominican Republic	1975[140]
	São Paulo, São Paulo	Brazil	1988[141]
	Stockholm County	Sweden	1996[142]
	New Taipei City	Taiwan	1990[130]
	The Bahamas	The Bahamas	1996[143]
	Turks and Caicos Islands	Turks and Caicos Islands	2001[144]
	Veracruz, Veracruz	Mexico	1993[127]
	Vitória, Espírito Santo	Brazil	2010[145]
Miramar	Santa Ana, Santa Ana[11]	El Salvador	2001~[7]
Miami Lakes	Desamparados, San José	Costa Rica	2006[146]
Mount Dora	Forres, Moray	Scotland, UK	1990 [147][148]
New Port Richey	Cavalaire-sur-Mer, Provence-Alpes-Côte d'Azur	France	2001~[7]
Niceville	Les Sables-d'Olonne, Pays de la Loire	France	2001~[7]
North Lauderdale	Yatağan, Muğla	Turkey	2002[149]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
North Miami	Delmas, Ouest	Haiti	2008[150]
	Miqdal, North	Israel	1989[151]
	San Pedro Sula, Cortés	Honduras	1989[152]
	Lucca, Tuscany	Italy	1989[152]
North Miami Beach	Sosúa, Puerto Plata	Dominican Republic	1989[152]
	Gonaives, Artibonite		1989[152]
	La Chapelle, Artibonite	Haiti	1989[152]
	Tabarre, Ouest		1989[152]
	Accra Metropolis District, Greater Accra	Ghana	1989[152]
	Pingzhen District, Taoyuan City	Taiwan	1989[152]
	Pisa, Toscana	Italy	2004 [153]
Ocala	Newbridge, County Kildare	Ireland	2008 [154]
	Sincelejo, Sucre	Colombia	1967[155]
Opa-Locka	Isla Pucu, Cordillera	Paraguay	1996[156]
	Curitiba, Paraná[11]	Brazil	1996[157]
	Guilin, Guangxi	China	1986[83]
	Monterrey, Nuevo León	Mexico	2001~[7]
	Orenburg	Russia	1997[158]
Orlando	Reykjanesbær, Gullbringusýsla	Iceland	1997~[159]
	Seine-et-Marne, Île-de-France	France	2002[7][160]
	Tainan, Tainan	Taiwan	2001~[7]
	Keelung		1982[87]
	Urayasu, Chiba	Japan	1991[161]
	Valladolid, Castilla y León	Spain	2006[162]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
Palatka	Palatka[11]	Russia	1991[163][164]
Palm Coast	Liberia, Guanacaste	Costa Rica	2005[165]
Pembroke Pines	Astrakhan, Astrakhan	Russia	1996[166]
	Chimbote, Santa	Peru	1964[167]
	Escazú, San José	Costa Rica	1981[167]
	Gero, Gifu[168]	Japan	1988[167]
Pensacola	Gorlivka, Donetsk	Ukraine	1981[167]
	Kaohsiung	Taiwan	1977[167]
	Miraflores, Lima	Peru	1964[167]
	Macharaviaya, Andalusia	Spain	1981[14]
Pinecrest (Dade County)	Cognac, Charente	France	1964[169]
Plant City	Portage la Prairie, Manitoba[11]	Canada	2001~[7]
Port St. Lucie	Putuo District, Zhoushan	China	2007[170]
Royal Palm Beach	Călăraşi, Călăraşi[171]	Romania	2005[172]
	Avilés, Asturias	Spain	1963[173]
	Cartagena, Bolívar	Colombia	2001~[7]
Saint Augustine	Santo Domingo, Distrito Nacional	Dominican Republic	2001~[7]
	Menorca, Baleares Islands	Spain	2001[174]
Saint Pete Beach	Sandown, Isle of Wight	England, UK	1999[175]
	Takamatsu, Kagawa	Japan	1960[176]
Saint Petersburg	Saint Petersburg, Leningrad	Russia	2003[177]
	Figueres, Catalonia	Spain	2003[14]
Sanford	Deltona, Florida	USA	2013[42]

AMERICAN OVERSIGHT

Florida jurisdiction	Sister jurisdiction	Country	Year
Sarasota	Dunfermline, Fife	Scotland, UK	1990[178][179]
	Hamilton, Ontario	Canada	1990[180]
	Perpignan, Languedoc-Roussillon	France	1994[181]
	Santo Domingo, Distrito Nacional	Dominican Republic	1963[182]
	Tel Mond, Center	Israel	1999[183]
	Province of Treviso	Italy	2007[184]
	Vladimir, Vladimir	Russia	1994[185]
	Xiamen, Fujian	China	2008[186]
	Mérida, Yucatán	Mexico	2010[187]
Southwest Ranches	Clifden, Connacht	Ireland	2006[188]
St. Cloud	Lynn Haven	USA	1995[189]
Sunny Isles Beach	Netanya, Center	Israel	2005[190]
	Hengchun, Pingtung County	Taiwan	2005[191]
	Taormina, Sicily	Italy	2005[191]
Sunrise	Yavne, Center	Israel	1985[192]
Stuart	Hope Town, Abaco	Bahamas	2014[193]
Sweetwater	Guitiriz, Lugo	Spain	1990[194]
	La Paz Centro, León	Nicaragua	1996[195]
	San Felipe de Puerto Plata, Puerto Plata[11]	Dominican Republic	1983[196]
	Konongo-Odumase, Asante Akim North	Ghana	2002[197]
Tallahassee	Krasnodar, Krasnodar Krai	Russia	1983[198]
	Ramat HaSharon, Tel Aviv	Israel	2006 [199]
	Sligo, Connacht	Ireland	1989[200]

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Florida jurisdiction	Sister jurisdiction	Country	Year
	St. Maarten	Netherlands	2001~[7]
	Rugao, Jiangsu	China	2001
Tamarac	Fatsa, Ordu	Turkey	2002[201]
	Agrigento, Sicilia	Italy	1987[202]
	Ashdod, South	Israel	2005[203]
	Barranquilla, Atlántico	Colombia	1966[204]
	Boca del Río, Veracruz	Mexico	2002[205]
	Camarines Sur, Bicol	Philippines	2001~[7]
	Córdoba, Córdoba	Argentina	1966[206]
Tampa	Granada, Granada	Nicaragua	2001~[7]
	İzmir, İzmir	Turkey	2001~[7]
	Jiāxīng Shì, Zhèjiāng Shěng	China	2002~[205]
	Le Havre, Haute-Normandie	France	2001~[7]
	Oviedo, Asturias	Spain	2001~[7]
	Veracruz, Veracruz	Mexico	2002[205]
	Porto Alegre, Rio Grande do Sul	Brazil	2002[14]
	Kalymnos, Dhodhekanisos	Greece	2000[207]
Tarpon Springs	Larnaca, Larnaca District	Cyprus	2000[14]
	Halki, Dhodhekanisos	Greece	2000[14]
	Symi, Dhodhekanisos		2000[14]
Tavares	Xindian District, New Taipei City	Taiwan	2000
Temple Terrace	Eastleigh, Hampshire	England, UK	1989[208]
	Ceadîr-Lunga, Gagauzia[11]	Moldova	2001~[7]
Titusville	Soest, Utrecht[11]	Netherlands	1982[209]
	Yueyang, Hunan[11]	China	1988[83]

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Florida jurisdiction	Sister jurisdiction	Country	Year
Volusia County	Bayonne, Aquitaine[11]	France	1998[210]
	Campeche State[11]	Mexico	1995[38]
West Miami	León, León	Nicaragua	1974[211]
	Santa Cruz del Quiché, Quiché	Guatemala	1987[211]
West Palm Beach	Tzahar Region, North	Israel	1996[212]
Winter Haven	Sambuca di Sicilia, Sicilia	Italy	1987[213]

AMERICAN OVERSIGHT

From: Russell, Tyler <Tyler.Russell@eog.myflorida.com>
Sent: Tuesday, December 17, 2019 2:03 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
CC: Kopelousos, Stephanie <Stephanie.Kopelousos@eog.myflorida.com>; Cramer, Kim <Kim.Cramer@laspbs.state.fl.us>
Subject: FW: Bill Draft - DEP
Attachment(s): "billdraft75494.DOCX"

Hey Vickie,

Please see the below comments for the bill draft attached.

Let us know if you have any questions or concerns.

Thank you!

Tyler C. Russell
Deputy Legislative Affairs Director
Office of the Governor
850.445.0709

1. Section 252.941 (lines 64-71) should be removed from the bill altogether. This is not a statute administered by DEP. It's administered by DEM. In addition, the fine is criminal and this legislation is designed to address only civil and administrative penalties (*with the exception of the criminal fines necessary to comply with federal requirements for our delegated programs in 373.430 and 403.161).
2. Section 376.302 (lines 329-342) should also be removed from the bill altogether. There is no civil penalty amount being increased because, instead of specifying an amount, the statute cross references section 403.141 and the penalty amount in 403.141 is already being adjusted at line 787. So nothing needs to be done to section 376.302. The proposed amendments to the criminal provision is not consistent with the legislation because, again, it is designed to address only civil and administrative penalty provisions (*with the exception of the criminal fines necessary to comply with federal requirements for our delegated programs in 373.430 and 403.161).
3. There is a typo at line 96. Instead of $4750, it should be $750.
4. In lines 65, 165, 173, 179, 331, 334, 778, 797, 800, 808, 815-816, the legislation changes the phrase "commits violations specified in …" to "violates." This is technically incorrect because, you cannot "violate" the cross-referenced sections --- they all say "It is a violation to do X," not "You cannot do X." You can violate the latter, but not the former.

From: Brill, Victoria <Brill.Victoria@flsenate.gov>
Sent: Thursday, November 21, 2019 4:16:11 PM
To: Kopelousos, Stephanie <Stephanie.Kopelousos@eog.myflorida.com>; Spencer, Chris <Chris.Spencer@LASPBS.STATE.FL.US>
Cc: Russell, Tyler <Tyler.Russell@eog.myflorida.com>
Subject: Bill Draft - DEP

Good Afternoon!

Please find the attached draft from Bill Drafting. Please let me know if you have any edits.

Thank you,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

23-01448-20

A bill to be entitled

An act relating to environmental enforcement; amending ss. 161.054, 252.941, 258.397, 258.46, 373.129, 373.209, 373.430, 376.065, 376.071, 376.16, 376.25, 376.302, 377.37, 378.211, 403.086, 403.121, 403.141, 403.161, 403.413, 403.7234, 403.726, 403.727, and 403.93345, F.S.; increasing the civil penalties for violations of certain provisions relating to beach and shore construction, the Accidental Release Prevention Program, the Biscayne Bay Aquatic Preserve, aquatic preserves, the state water resource plan, artesian wells, pollution, operating a terminal facility without discharge prevention and response certificates, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, the pollution of surface and ground waters, the regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs and expenses for pollution releases, necessary permits, dumping litter, small quantity generators, the abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, and coral reef protection, respectively; providing that each day that certain violations are not remediated constitutes a separate offense; making technical changes; reenacting s. 252.940(1)(c), F.S., to incorporate the amendment made to s. 252.941, F.S., in a reference thereto;

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reenacting s. 823.11(5), F.S., to incorporate the amendment made to s. 376.16, F.S., in a reference thereto; reenacting s. 376.303(1)(d), F.S., to incorporate the amendment made to s. 376.302, F.S., in a reference thereto; reenacting ss. 403.077(5), 403.131(2), 403.4154(3)(d), and 403.860(5), F.S., to incorporate the amendment made to s. 403.121, F.S., in a reference thereto; reenacting ss. 403.708(10), 403.7191(7), and 403.811, F.S., to incorporate the amendment made to s. 403.141, F.S., in a reference thereto; reenacting s. 403.7255(2), F.S., to incorporate the amendment made to s. 403.161, F.S., in a reference thereto; reenacting s. 403.7186(8), F.S., to incorporate the amendment made to ss. 403.141 and 403.161, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (1) of section 161.054, Florida Statutes, is amended to read:

161.054 Administrative fines; liability for damage; liens.—

(1) In addition to the penalties provided for in ss. 161.052, 161.053, and 161.121, any person, firm, corporation, or governmental agency, or agent thereof, refusing to comply with or willfully violating ~~any of the provisions of~~ s. 161.041, s. 161.052, or s. 161.053, or any rule or order prescribed by the department thereunder, shall incur a fine for each offense in an amount up to $15,000 ~~$10,000~~ to be fixed, imposed, and collected

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by the department. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 2. Subsection (2) of section 252.941, Florida Statutes, is amended to read:

252.941 Prohibitions, violations, penalties, intent.—

(2) A ~~Any~~ person who willfully violates ~~commits a violation specified in~~ subsection (1) commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.083(1)(g) by a fine of not more than $15,000 ~~$10,000~~ for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 3. Subsection (7) of section 258.397, Florida Statutes, is amended to read:

258.397 Biscayne Bay Aquatic Preserve.—

(7) ENFORCEMENT.—~~The provisions of~~ This section may be enforced in accordance with ~~the provisions of~~ s. 403.412. In addition, the Department of Legal Affairs may ~~is authorized to~~ bring an action for civil penalties of $7,500 ~~$5,000~~ per day against any person, natural or corporate, who violates ~~the provisions of~~ this section or any rule or regulation issued hereunder. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. Enforcement of applicable state regulations shall be supplemented by the Miami-Dade County Department of Environmental Resources Management through the creation of a full-time enforcement presence along the Miami River.

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Section 4. Section 258.46, Florida Statutes, is amended to read:

258.46 Enforcement; violations; penalty.—~~The provisions of~~ This act may be enforced by the Board of Trustees of the Internal Improvement Trust Fund or in accordance with ~~the provisions of~~ s. 403.412. However, any violation by any person, natural or corporate, of ~~the provisions of~~ this act or any rule or regulation issued hereunder is ~~shall be~~ further punishable by a civil penalty of not less than $4,750 ~~$500~~ per day or more than $7,500 ~~$5,000~~ per day of such violation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 5. Subsections (5) and (7) of section 373.129, Florida Statutes, are amended, to read:

373.129 Maintenance of actions.—The department, the governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(5) To recover a civil penalty for each offense in an amount not to exceed $15,000 ~~$10,000~~ per offense. Until a violation is resolved by order or judgment, each date during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(a) A civil penalty recovered by a water management district pursuant to this subsection shall be retained and used

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exclusively by the water management district that collected the money. A civil penalty recovered by the department pursuant to this subsection must be deposited into the Water Quality Assurance Trust Fund established under s. 376.307.

(b) A local government that is delegated authority pursuant to s. 373.103(8) may deposit a civil penalty recovered pursuant to this subsection into a local water pollution control program trust fund, notwithstanding ~~the provisions of~~ paragraph (a). However, civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violations of state water quality standards may be used only to restore water quality in the area that was the subject of the action, and civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violation of requirements relating to water quantity may be used only to purchase lands and make capital improvements associated with surface water management, or other purposes consistent with the requirements of this chapter for the management and storage of surface water.

(7) To enforce ~~the provisions of~~ part IV of this chapter in the same manner and to the same extent as provided in ss. 373.430, 403.121(1) and (2), 403.131, 403.141, and 403.161.

Section 6. Subsection (3) of section 373.209, Florida Statutes, is amended to read:

373.209 Artesian wells; penalties for violation.—

(3) Any person who violates ~~any provision of~~ this section is ~~shall be~~ subject to either:

(a) The remedial measures provided for in s. 373.436; or

(b) A civil penalty of $150 ~~$100~~ a day for each and every

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day of such violation and for each and every act of violation. The civil penalty may be recovered by the water management board of the water management district in which the well is located or by the department in a suit in a court of competent jurisdiction in the county where the defendant resides, in the county of residence of any defendant if there is more than one defendant, or in the county where the violation took place. The place of suit shall be selected by the board or department, and the suit, by direction of the board or department, shall be instituted and conducted in the name of the board or department by appropriate counsel. The payment of any such damages does not impair or abridge any cause of action which any person may have against the person violating ~~any provision of~~ this section.

Section 7. Subsections (2) through (5) of section 373.430, Florida Statutes, are amended to read:

373.430 Prohibitions, violation, penalty, intent.—

(2) A person who ~~Whoever~~ commits a violation specified in subsection (1) is liable for any damage caused and for civil penalties as provided in s. 373.129.

(3) A ~~Any~~ person who willfully violates ~~commits a violation specified in~~ paragraph (1)(a) commits ~~is guilty of~~ a felony of the third degree, punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g), by a fine of not more than $50,000 or by imprisonment for 5 years, or by both, for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(4) A ~~Any~~ person who violates ~~commits a violation specified in~~ paragraph (1)(a) or paragraph (1)(b) due to reckless

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indifference or gross careless disregard commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g), by a fine of not more than $10,000 ~~$5,000~~ or 60 days in jail, or by both, for each offense.

(5) A ~~Any~~ person who willfully violates ~~commits a violation specified in~~ paragraph (1)(b) or who violates paragraph (1)(c) commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g), by a fine of not more than $10,000 or by 6 months in jail, or by both, for each offense.

Section 8. Paragraphs (a) and (e) of subsection (5) of section 376.065, Florida Statutes, are amended to read:

376.065 Operation of terminal facility without discharge prevention and response certificate prohibited; penalty.—

(5)(a) A person who violates this section or the terms and requirements of such certification commits a noncriminal infraction. The civil penalty for any such infraction shall be $750 ~~$500~~, except as otherwise provided in this section.

(e) A person who elects to appear before the county court or who is required to so appear waives the limitations of the civil penalty specified in paragraph (a). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of the infraction is proved, the court shall impose a civil penalty of $750 ~~$500~~.

Section 9. Paragraphs (a) and (e) of subsection (2) of section 376.071, Florida Statutes, are amended to read:

376.071 Discharge contingency plan for vessels.—

(2)(a) A master of a vessel that violates subsection (1) commits a noncriminal infraction and shall be cited for such

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infraction. The civil penalty for such an infraction shall be $7,500 ~~$5,000~~, except as otherwise provided in this subsection.

(e) A person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalty specified in paragraph (a). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of the infraction is proved, the court shall impose a civil penalty of $7,500 ~~$5,000~~.

Section 10. Section 376.16, Florida Statutes, is amended to read:

376.16 Enforcement and penalties.—

(1) It is unlawful for any person to violate ~~any provision of~~ ss. 376.011-376.21 or any rule or order of the department made pursuant to this act. A violation is ~~shall be~~ punishable by a civil penalty of up to $75,000 ~~$50,000~~ per violation per day to be assessed by the department. Until a violation is resolved by order or judgment, each day during any portion of which the violation occurs or is not remediated constitutes a separate offense. The penalty provisions of this subsection do ~~shall~~ not apply to any discharge promptly reported and removed by a person responsible, in accordance with the rules and orders of the department, or to any discharge of pollutants equal to or less than 5 gallons.

(2) In addition to the penalty provisions which may apply under subsection (1), a person responsible for two or more discharges of any pollutant reported pursuant to s. 376.12 within a 12-month period at the same facility commits a noncriminal infraction and shall be cited by the department for such infraction.

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(a) For discharges of gasoline or diesel over 5 gallons, the civil penalty for the second discharge shall be $750 ~~$500~~ and the civil penalty for each subsequent discharge within a 12-month period shall be $1,500 ~~$1,000~~, except as otherwise provided in this section.

(b) For discharges of any pollutant other than gasoline or diesel, the civil penalty for a second discharge shall be $3,750 ~~$2,500~~ and the civil penalty for each subsequent discharge within a 12-month period shall be $7,500 ~~$5,000~~, except as otherwise provided in this section.

(3) A person responsible for two or more discharges of any pollutant reported pursuant to s. 376.12 within a 12-month period at the same facility commits a noncriminal infraction and shall be cited by the department for such infraction.

(a) For discharges of gasoline or diesel equal to or less than 5 gallons, the civil penalty shall be $75 ~~$50~~ for each discharge subsequent to the first.

(b) For discharges of pollutants other than gasoline or diesel equal to or less than 5 gallons, the civil penalty shall be $150 ~~$100~~ for each discharge subsequent to the first.

(4) A person charged with a noncriminal infraction pursuant to subsection (2) or subsection (3) may:

(a) Pay the civil penalty;

(b) Post a bond equal to the amount of the applicable civil penalty; or

(c) Sign and accept a citation indicating a promise to appear before the county court.

The department employee authorized to issue these citations may

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indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

(5) Any person who willfully refuses to post bond or accept and sign a citation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) After compliance with paragraph (4)(b) or paragraph (4)(c), any person charged with a noncriminal infraction under subsection (2) or subsection (3) may:

(a) Pay the civil penalty, either by mail or in person, within 30 days after the date of receiving the citation; or

(b) If the person has posted bond, forfeit the bond by not appearing at the designated time and location.

A person cited for an infraction under this section who pays the civil penalty or forfeits the bond has admitted the infraction and waives the right to a hearing on the issue of commission of the infraction. Such admission may not be used as evidence in any other proceeding.

(7) Any person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalties specified in subsection (2). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is proved, the court may impose a civil penalty up to, but not exceeding, $750 ~~$500~~ for the second discharge of gasoline or diesel and a civil penalty up to, but not exceeding, $1,500 ~~$1,000~~ for each subsequent discharge of gasoline or diesel within a 12-month period.

(8) Any person who elects to appear before the county court

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or who is required to appear waives the limitations of the civil penalties specified in subsection (2) or subsection (3). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is proved, the court may impose a civil penalty up to, but not exceeding, $7,500 ~~$5,000~~ for the second discharge of pollutants other than gasoline or diesel and a civil penalty up to, but not exceeding, $15,000 ~~$10,000~~ for each subsequent discharge of pollutants other than gasoline or diesel within a 12-month period.

(9) At a hearing under this section, the commission of a charged offense must be proved by the greater weight of the evidence.

(10) A person who is found by a hearing official to have committed an infraction may appeal that finding to the circuit court.

(11) Any person who has not posted bond and who neither pays the applicable civil penalty, as specified in subsection (2) or subsection (3) within 30 days of receipt of the citation nor appears before the court commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(12) Any person who makes or causes to be made a false statement that which the person does not believe to be true in response to requirements of ~~the provisions of~~ ss. 376.011-376.21 commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. Paragraph (a) of subsection (6) of section 376.25, Florida Statutes, is amended to read:

376.25 Gambling vessels; registration; required and

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prohibited releases.—

(6) PENALTIES.—

(a) A person who violates this section is subject to a civil penalty of not more than $75,000 ~~$50,000~~ for each violation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 12. Subsections (2) and (3) of section 376.302, Florida Statutes, are amended to read:

376.302 Prohibited acts; penalties.—

(2) Except as provided in s. 376.311, any person who violates ~~commits a violation specified in~~ subsection (1) is liable to the state for any damage caused and for civil penalties as provided in s. 403.141.

(3) Any person who willfully violates ~~commits a violation specified in~~ paragraph (1)(a) or paragraph (1)(b) commits ~~shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g), by a fine of not less than $2,500 or more than $25,000, or punishable by 1 year in jail, or by both for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 13. Paragraph (a) of subsection (1) of section 377.37, Florida Statutes, is amended to read:

377.37 Penalties.—

(1)(a) Any person who violates ~~any provision of~~ this law or any rule, regulation, or order of the division made under this chapter or who violates the terms of any permit to drill for or

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produce oil, gas, or other petroleum products referred to in s. 377.242(1) or to store gas in a natural gas storage facility, or any lessee, permitholder, or operator of equipment or facilities used in the exploration for, drilling for, or production of oil, gas, or other petroleum products, or storage of gas in a natural gas storage facility, who refuses inspection by the division as provided in this chapter, is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state. Furthermore, such person, lessee, permitholder, or operator is subject to the judicial imposition of a civil penalty in an amount of not more than $15,000 ~~$10,000~~ for each offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. This section does not ~~Nothing herein shall~~ give the department the right to bring an action on behalf of any private person.

Section 14. Subsection (2) of section 378.211, Florida Statutes, is amended to read:

378.211 Violations; damages; penalties.—

(2) The department may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for violation of this part or of any rule adopted or order issued pursuant to this part. The penalty may ~~shall~~ not exceed the following amounts, and the court shall consider evidence in

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mitigation:

(a) For violations of a minor or technical nature, $150 ~~$100~~ per violation.

(b) For major violations by an operator on which a penalty has not been imposed under this paragraph during the previous 5 years, $1,500 ~~$1,000~~ per violation.

(c) For major violations not covered by paragraph (b), $7,500 ~~$5,000~~ per violation.

Subject to ~~the provisions of~~ subsection (4), until a violation is resolved by order or judgment, each day or any portion thereof in which the violation continues or is not remediated shall constitute a separate violation.

Section 15. Subsection (2) of section 403.086, Florida Statutes, is amended to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(2) Any facilities for sanitary sewage disposal shall provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the Department of Environmental Protection. Failure to conform shall be punishable by a civil penalty of $750 ~~$500~~ for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

Section 16. Section 403.121, Florida Statutes, is amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in

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s. 403.161(1).

(1) Judicial remedies:

(a) The department may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, of the state caused by any violation.

(b) The department may institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation in an amount of not more than $15,000 ~~$10,000~~ per offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(c) Except as provided in paragraph (2)(c), it is ~~shall~~ not ~~be~~ a defense to, or ground for dismissal of, these judicial remedies for damages and civil penalties that the department has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing prior to the institution of a civil action.

(2) Administrative remedies:

(a) The department may institute an administrative proceeding to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, or aquatic life, of the state caused by any violation. The department may order that the violator pay a specified sum as damages to the state. Judgment for the amount of damages determined by the department may be entered in any court having

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jurisdiction thereof and may be enforced as any other judgment.

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed $50,000 ~~$10,000~~ per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 shall be not less than $1,000 per day per violation. The department may ~~shall~~ not impose administrative penalties in excess of $50,000 ~~$10,000~~ in a notice of violation. The department may ~~shall~~ not have more than one notice of violation seeking administrative penalties pending against the same party at the same time unless the violations occurred at a different site or the violations were discovered by the department subsequent to the filing of a previous notice of violation.

(c) An administrative proceeding shall be instituted by the department's serving of a written notice of violation upon the alleged violator by certified mail. If the department is unable to effect service by certified mail, the notice of violation may be hand delivered or personally served in accordance with chapter 48. The notice shall specify the ~~provision of the~~ law, rule, regulation, permit, certification, or order of the

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department alleged to be violated and the facts alleged to constitute a violation thereof. An order for corrective action, penalty assessment, or damages may be included with the notice. When the department is seeking to impose an administrative penalty for any violation by issuing a notice of violation, any corrective action needed to correct the violation or damages caused by the violation must be pursued in the notice of violation or they are waived. However, an ~~no~~ order is not ~~shall become~~ effective until after service and an administrative hearing, if requested within 20 days after service. Failure to request an administrative hearing within this time period constitutes ~~shall constitute~~ a waiver thereof, unless the respondent files a written notice with the department within this time period opting out of the administrative process initiated by the department to impose administrative penalties. Any respondent choosing to opt out of the administrative process initiated by the department in an action that seeks the imposition of administrative penalties must file a written notice with the department within 20 days after service of the notice of violation opting out of the administrative process. A respondent's decision to opt out of the administrative process does not preclude the department from initiating a state court action seeking injunctive relief, damages, and the judicial imposition of civil penalties.

(d) If a person timely files a petition challenging a notice of violation, that person will thereafter be referred to as the respondent. The hearing requested by the respondent shall be held within 180 days after the department has referred the initial petition to the Division of Administrative Hearings

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unless the parties agree to a later date. The department has the burden of proving with the preponderance of the evidence that the respondent is responsible for the violation. ~~No~~ Administrative penalties should not be imposed unless the department satisfies that burden. Following the close of the hearing, the administrative law judge shall issue a final order on all matters, including the imposition of an administrative penalty. When the department seeks to enforce that portion of a final order imposing administrative penalties pursuant to s. 120.69, the respondent may ~~shall~~ not assert as a defense the inappropriateness of the administrative remedy. The department retains its final-order authority in all administrative actions that do not request the imposition of administrative penalties.

(e) After filing a petition requesting a formal hearing in response to a notice of violation in which the department imposes an administrative penalty, a respondent may request that a private mediator be appointed to mediate the dispute by contacting the Florida Conflict Resolution Consortium within 10 days after receipt of the initial order from the administrative law judge. The Florida Conflict Resolution Consortium shall pay all of the costs of the mediator and for up to 8 hours of the mediator's time per case at $150 per hour. Upon notice from the respondent, the Florida Conflict Resolution Consortium shall provide to the respondent a panel of possible mediators from the area in which the hearing on the petition would be heard. The respondent shall select the mediator and notify the Florida Conflict Resolution Consortium of the selection within 15 days of receipt of the proposed panel of mediators. The Florida Conflict Resolution Consortium shall provide all of the

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administrative support for the mediation process. The mediation must be completed at least 15 days before the final hearing date set by the administrative law judge.

(f) In any administrative proceeding brought by the department, the prevailing party shall recover all costs as provided in ss. 57.041 and 57.071. The costs must be included in the final order. The respondent is the prevailing party when an order is entered awarding no penalties to the department and such order has not been reversed on appeal or the time for seeking judicial review has expired. The respondent is ~~shall be~~ entitled to an award of attorney's fees if the administrative law judge determines that the notice of violation issued by the department seeking the imposition of administrative penalties was not substantially justified as defined in s. 57.111(3)(e). An ~~No~~ award of attorney's fees as provided by this subsection may not ~~shall~~ exceed $15,000.

(g) Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law. Nothing in this subsection shall limit the department's authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief. When the department exercises its authority to judicially pursue injunctive relief, penalties in any amount up to the statutory maximum sought by the department must be pursued as part of the state court action and not by initiating a separate administrative proceeding. The department retains the authority to judicially pursue penalties in excess of $50,000 ~~$10,000~~ for violations not specifically included in the administrative penalty schedule, or for multiple or multiday violations alleged to exceed a total of $50,000

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~~$10,000~~. The department also retains the authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief and damages, if a notice of violation seeking the imposition of administrative penalties has not been issued. The department has the authority to enter into a settlement, either before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of $50,000 ~~$10,000~~ in penalties may be settled in the court action for less than $50,000 ~~$10,000~~.

(h) Chapter 120 applies ~~shall apply~~ to any administrative action taken by the department or any delegated program pursuing administrative penalties in accordance with this section.

(3) Except for violations involving hazardous wastes, asbestos, or underground injection, administrative penalties must be calculated according to the following schedule:

(a) For a drinking water contamination violation, the department shall assess a penalty of $3,000 ~~$2,000~~ for a Maximum Containment Level (MCL) violation; plus $1,500 ~~$1,000~~ if the violation is for a primary inorganic, organic, or radiological Maximum Contaminant Level or it is a fecal coliform bacteria violation; plus $1,500 ~~$1,000~~ if the violation occurs at a community water system; and plus $1,500 ~~$1,000~~ if any Maximum Contaminant Level is exceeded by more than 100 percent. For failure to obtain a clearance letter prior to placing a drinking water system into service when the system would not have been eligible for clearance, the department shall assess a penalty of $4,500 ~~$3,000~~.

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(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge, the department shall assess a penalty of $1,500 ~~$1,000~~. For a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation, the department shall assess a penalty of $3,000 ~~$2,000~~ for an unpermitted or unauthorized discharge or effluent-limitation exceedance. For an unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation, the department shall assess a penalty of $7,500 ~~$5,000~~.

(c) For a dredge and fill or stormwater violation, the department shall assess a penalty of $1,500 ~~$1,000~~ for unpermitted or unauthorized dredging or filling or unauthorized construction of a stormwater management system against the person or persons responsible for the illegal dredging or filling, or unauthorized construction of a stormwater management system plus $3,000 ~~$2,000~~ if the dredging or filling occurs in an aquatic preserve, an Outstanding Florida Water, a conservation easement, or a Class I or Class II surface water, plus $1,500 ~~$1,000~~ if the area dredged or filled is greater than one-quarter acre but less than or equal to one-half acre, and plus $1,500 ~~$1,000~~ if the area dredged or filled is greater than one-half acre but less than or equal to one acre. The administrative penalty schedule does ~~shall~~ not apply to a dredge and fill violation if the area dredged or filled exceeds one acre. The department retains the authority to seek the judicial imposition of civil penalties for all dredge and fill violations involving more than one acre. The department shall assess a

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penalty of $4,500 ~~$3,000~~ for the failure to complete required mitigation, failure to record a required conservation easement, or for a water quality violation resulting from dredging or filling activities, stormwater construction activities or failure of a stormwater treatment facility. For stormwater management systems serving less than 5 acres, the department shall assess a penalty of $3,000 ~~$2,000~~ for the failure to properly or timely construct a stormwater management system. In addition to the penalties authorized in this subsection, the department shall assess a penalty of $7,500 ~~$5,000~~ per violation against the contractor or agent of the owner or tenant that conducts unpermitted or unauthorized dredging or filling. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does ~~shall~~ not make that person an agent of the owner or tenant.

(d) For mangrove trimming or alteration violations, the department shall assess a penalty of $7,500 ~~$5,000~~ per violation against the contractor or agent of the owner or tenant that conducts mangrove trimming or alteration without a permit as required by s. 403.9328. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does ~~shall~~ not make that person an agent of the owner or tenant.

(e) For solid waste violations, the department shall assess a penalty of $3,000 ~~$2,000~~ for the unpermitted or unauthorized disposal or storage of solid waste; plus $1,000 if the solid waste is Class I or Class III (excluding yard trash) or if the

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solid waste is construction and demolition debris in excess of 20 cubic yards, plus $1,500 ~~$1,000~~ if the waste is disposed of or stored in any natural or artificial body of water or within 500 feet of a potable water well, plus $1,500 ~~$1,000~~ if the waste contains PCB at a concentration of 50 parts per million or greater; untreated biomedical waste; friable asbestos greater than 1 cubic meter which is not wetted, bagged, and covered; used oil greater than 25 gallons; or 10 or more lead acid batteries. The department shall assess a penalty of $4,500 ~~$3,000~~ for failure to properly maintain leachate control; unauthorized burning; failure to have a trained spotter on duty at the working face when accepting waste; or failure to provide access control for three consecutive inspections. The department shall assess a penalty of $3,000 ~~$2,000~~ for failure to construct or maintain a required stormwater management system.

(f) For an air emission violation, the department shall assess a penalty of $1,500 ~~$1,000~~ for an unpermitted or unauthorized air emission or an air-emission-permit exceedance, ~~plus $1,000 if the emission results in an air quality violation,~~ plus $4,500 ~~$3,000~~ if the emission was from a major source and the source was major for the pollutant in violation; plus $1,500 ~~$1,000~~ if the emission was more than 150 percent of the allowable level.

(g) For storage tank system and petroleum contamination violations, the department shall assess a penalty of $7,500 ~~$5,000~~ for failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed; when a release has occurred from that storage tank system; for failure to timely recover

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free product; or for failure to conduct remediation or monitoring activities until a no-further-action or site-rehabilitation completion order has been issued. The department shall assess a penalty of $4,500 ~~$3,000~~ for failure to timely upgrade a storage tank system. The department shall assess a penalty of $3,000 ~~$2,000~~ for failure to conduct or maintain required release detection; failure to timely investigate a suspected release from a storage system; depositing motor fuel into an unregistered storage tank system; failure to timely assess or remediate petroleum contamination; or failure to properly install a storage tank system. The department shall assess a penalty of $1,500 ~~$1,000~~ for failure to properly operate, maintain, or close a storage tank system.

(4) In an administrative proceeding, in addition to the penalties that may be assessed under subsection (3), the department shall assess administrative penalties according to the following schedule:

(a) For failure to satisfy financial responsibility requirements or for violation of s. 377.371(1), $7,500 ~~$5,000~~.

(b) For failure to install, maintain, or use a required pollution control system or device, $6,000 ~~$4,000~~.

(c) For failure to obtain a required permit before construction or modification, $4,500 ~~$3,000~~.

(d) For failure to conduct required monitoring or testing; failure to conduct required release detection; or failure to construct in compliance with a permit, $3,000 ~~$2,000~~.

(e) For failure to maintain required staff to respond to emergencies; failure to conduct required training; failure to prepare, maintain, or update required contingency plans; failure

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to adequately respond to emergencies to bring an emergency situation under control; or failure to submit required notification to the department, $1,500 ~~$1,000~~.

(f) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to prepare, submit, maintain, or use required reports or other required documentation, $750 ~~$500~~.

(5) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to comply with any other departmental regulatory statute or rule requirement not otherwise identified in this section, the department may assess a penalty of $1,000 ~~$500~~.

(6) For each additional day during which a violation occurs, the administrative penalties in subsections ~~subsection~~ (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be assessed per day per violation.

(7) The history of noncompliance of the violator for any previous violation resulting in an executed consent order, but not including a consent order entered into without a finding of violation, or resulting in a final order or judgment after the effective date of this law involving the imposition of $3,000 ~~$2,000~~ or more in penalties shall be taken into consideration in the following manner:

(a) One previous such violation within 5 years prior to the filing of the notice of violation will result in a 25-percent per day increase in the scheduled administrative penalty.

(b) Two previous such violations within 5 years prior to the filing of the notice of violation will result in a 50-percent per day increase in the scheduled administrative

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penalty.

(c) Three or more previous such violations within 5 years prior to the filing of the notice of violation will result in a 100-percent per day increase in the scheduled administrative penalty.

(8) The direct economic benefit gained by the violator from the violation, where consideration of economic benefit is provided by Florida law or required by federal law as part of a federally delegated or approved program, shall be added to the scheduled administrative penalty. The total administrative penalty, including any economic benefit added to the scheduled administrative penalty, may ~~shall~~ not exceed $15,000 ~~$10,000~~.

(9) The administrative penalties assessed for any particular violation may ~~shall~~ not exceed $7,500 ~~$5,000~~ against any one violator, unless the violator has a history of noncompliance, the economic benefit of the violation as described in subsection (8) exceeds $7,500 ~~$5,000~~, or there are multiday violations. The total administrative penalties may ~~shall~~ not exceed $50,000 ~~$10,000~~ per assessment for all violations attributable to a specific person in the notice of violation.

(10) The administrative law judge may receive evidence in mitigation. The penalties identified in subsections ~~subsection~~ (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be reduced up to 50 percent by the administrative law judge for mitigating circumstances, including good faith efforts to comply prior to or after discovery of the violations by the department. Upon an affirmative finding that the violation was caused by circumstances beyond the reasonable control of the respondent

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and could not have been prevented by respondent's due diligence, the administrative law judge may further reduce the penalty.

(11) Penalties collected pursuant to this section shall be deposited into the Water Quality Assurance Trust Fund or other trust fund designated by statute and shall be used to fund the restoration of ecosystems, or polluted areas of the state, as defined by the department, to their condition before pollution occurred. The Florida Conflict Resolution Consortium may use a portion of the fund to administer the mediation process provided in paragraph (2)(e) and to contract with private mediators for administrative penalty cases.

(12) The purpose of the administrative penalty schedule and process is to provide a more predictable and efficient manner for individuals and businesses to resolve relatively minor environmental disputes. Subsections (3)-(7) may ~~Subsection (3), subsection (4), subsection (5), subsection (6), or subsection (7) shall~~ not be construed as limiting a state court in the assessment of damages. The administrative penalty schedule does not apply to the judicial imposition of civil penalties in state court as provided in this section.

Section 17. Subsection (1) of section 403.141, Florida Statutes, is amended to read:

403.141 Civil liability; joint and several liability.—

(1) Whoever violates ~~commits a violation specified in~~ s. 403.161(1) is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air,

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waters, and property, including animal, plant, and aquatic life, of the state to their former condition, and furthermore is subject to the judicial imposition of a civil penalty for each offense in an amount of not more than $15,000 ~~$10,000~~ per offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. Nothing herein gives ~~shall give~~ the department the right to bring an action on behalf of any private person.

Section 18. Subsections (2) through (5) of section 403.161, Florida Statutes, are amended to read:

403.161 Prohibitions, violation, penalty, intent.—

(2) A person who violates ~~Whoever commits a violation specified in~~ subsection (1) is liable to the state for any damage caused and for civil penalties as provided in s. 403.141.

(3) A ~~Any~~ person who willfully violates ~~commits a violation specified in~~ paragraph (1)(a) commits ~~is guilty of~~ a felony of the third degree, punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g) by a fine of not more than $50,000 or by imprisonment for 5 years, or by both, for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(4) A ~~Any~~ person who violates ~~commits a violation specified in~~ paragraph (1)(a) or paragraph (1)(b) due to reckless indifference or gross careless disregard commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g) by a fine of not more than

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$10,000 ~~$5,000~~ or by 60 days in jail, or by both, for each offense.

(5) A ~~Any~~ person who willfully violates ~~commits a violation specified in~~ paragraph (1)(b) or who violates paragraph (1)(c) commits ~~is guilty of~~ a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g) by a fine of not more than $10,000 or by 6 months in jail, or by both for each offense.

Section 19. Paragraph (a) of subsection (6) of section 403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.—

(6) PENALTIES; ENFORCEMENT.—

(a) Any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes commits ~~is guilty of~~ a noncriminal infraction, punishable by a civil penalty of $150 ~~$100~~, from which $50 shall be deposited into the Solid Waste Management Trust Fund to be used for the solid waste management grant program pursuant to s. 403.7095. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

Section 20. Subsection (5) of section 403.7234, Florida Statutes, is amended to read:

403.7234 Small quantity generator notification and verification program.—

(5) Any small quantity generator who does not comply with the requirements of subsection (4) and who has received a notification and survey in person or through one certified letter from the county is subject to a fine of between $75 ~~$50~~

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and $150 ~~$100~~ per day for a maximum of 100 days. The county may collect such fines and deposit them in its general revenue fund. Fines collected by the county shall be used to carry out the notification and verification procedure established in this section. If there are excess funds after the notification and verification procedures have been completed, such funds shall be used for hazardous and solid waste management purposes only.

Section 21. Subsection (3) of section 403.726, Florida Statutes, is amended to read:

403.726 Abatement of imminent hazard caused by hazardous substance.—

(3) An imminent hazard exists if any hazardous substance creates an immediate and substantial danger to human health, safety, or welfare or to the environment. The department may institute action in its own name, using the procedures and remedies of s. 403.121 or s. 403.131, to abate an imminent hazard. However, the department is authorized to recover a civil penalty of not more than $37,500 ~~$25,000~~ for each day until a ~~of continued~~ violation is resolved by order or judgment. Whenever serious harm to human health, safety, and welfare; the environment; or private or public property may occur prior to completion of an administrative hearing or other formal proceeding that which might be initiated to abate the risk of serious harm, the department may obtain, ex parte, an injunction without paying filing and service fees prior to the filing and service of process.

Section 22. Paragraph (a) of subsection (3) of section 403.727, Florida Statutes, is amended to read:

403.727 Violations; defenses, penalties, and remedies.—

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(3) Violations of the provisions of this act are punishable as follows:

(a) Any person who violates ~~the provisions of~~ this act, the rules or orders of the department, or the conditions of a permit is liable to the state for any damages specified in s. 403.141 and for a civil penalty of not more than $75,000 ~~$50,000~~ for each day of continued violation or until a violation is resolved by order or judgment, except as otherwise provided herein. The department may revoke any permit issued to the violator. In any action by the department against a small hazardous waste generator for the improper disposal of hazardous wastes, a rebuttable presumption of improper disposal shall be created if the generator was notified pursuant to s. 403.7234; the generator shall then have the burden of proving that the disposal was proper. If the generator was not so notified, the burden of proving improper disposal shall be placed upon the department.

Section 23. Subsection (8) of section 403.93345, Florida Statutes, is amended to read:

403.93345 Coral reef protection.—

(8) In addition to the compensation described in subsection (5), the department may assess, per occurrence, civil penalties according to the following schedule:

(a) For any anchoring of a vessel on a coral reef or for any other damage to a coral reef totaling less than or equal to an area of 1 square meter, $225 ~~$150~~, provided that a responsible party who has anchored a recreational vessel as defined in s. 327.02 which is lawfully registered or exempt from registration pursuant to chapter 328 is issued, at least once, a

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warning letter in lieu of penalty; with aggravating circumstances, an additional $225 ~~$150~~; occurring within a state park or aquatic preserve, an additional $225 ~~$150~~.

(b) For damage totaling more than an area of 1 square meter but less than or equal to an area of 10 square meters, $450 ~~$300~~ per square meter; with aggravating circumstances, an additional $450 ~~$300~~ per square meter; occurring within a state park or aquatic preserve, an additional $450 ~~$300~~ per square meter.

(c) For damage exceeding an area of 10 square meters, $1,500 ~~$1,000~~ per square meter; with aggravating circumstances, an additional $1,500 ~~$1,000~~ per square meter; occurring within a state park or aquatic preserve, an additional $1,500 ~~$1,000~~ per square meter.

(d) For a second violation, the total penalty may be doubled.

(e) For a third violation, the total penalty may be tripled.

(f) For any violation after a third violation, the total penalty may be quadrupled.

(g) The total of penalties levied may not exceed $375,000 ~~$250,000~~ per occurrence.

Section 24. Paragraph (c) of subsection (1) of s. 252.940, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 252.941, Florida Statutes, in a reference thereto.

Section 25. Subsection (5) of s. 823.11, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 376.16, Florida Statutes, in a reference thereto.

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Section 26. Paragraph (d) of subsection (1) of s. 376.303, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 376.302, Florida Statutes, in a reference thereto.

Section 27. Subsection (5) of s. 403.077, subsection (2) of s. 403.131, paragraph (d) of subsection (3) of s. 403.4154, and subsection (5) of s. 403.860, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by this act to s. 403.121, Florida Statutes, in references thereto.

Section 28. Subsection (10) of s. 403.708, subsection (7) of s. 403.7191, and s. 403.811, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by this act to s. 403.141, Florida Statutes, in references thereto.

Section 29. Subsection (2) of s. 403.7255, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 403.161, Florida Statutes, in a reference thereto.

Section 30. Subsection (8) of s. 403.7186, Florida Statutes, is reenacted for the purpose of incorporating the amendments made by this act to ss. 403.141 and 403.161, Florida Statutes, in references thereto.

Section 31. This act shall take effect July 1, 2020.

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From: Hebel, Meagan <Meagan.Hebel@myfloridahouse.gov>
Sent: Tuesday, November 12, 2019 10:15 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: FW: Charter Review Board Member Barcomb

Warm regards,

Meagan Hebel

Legislative Aide
Representative Will Robinson
District 71

District Office:
717 Manatee Ave W
Unit 100
Bradenton, FL 34205
(941) 708 - 4968

Tallahassee Office:
1401 The Capitol
402 S. Monroe St.
Tallahassee, FL 32399
(850) 717 - 5071

Florida has a very broad public records law. Most written communications to or from state officials and staff are considered public record and are made available to the public and the media upon request. Please note, your e-mail message may be subject to public disclosure.

From: Gabriel Hament <gabrielhament@gmail.com>
Sent: Tuesday, November 12, 2019 10:10 AM
To: Public Records <PublicRecords@scgov.net>; Drew Winchester <dwinches@scgov.net>
Cc: ncdetert@scgov.net; Shelli.FreelandEddie@sarasotafl.gov; Jen.Ahearn-Koch@sarasotafl.gov; Willie Charles Shaw <Willie.Shaw@sarasotagov.com>; Edward James <edward.james807@gmail.com>; Kurt.Spitzer@ksanet.net; mmoran@scgov.net; amaio@scgov.net; chines@scgov.net; countyadministrator@scgov.net; brad.johnson@scgov.net; Hagen.Brody@sarasotafl.gov; City Council <citycouncil@venicegov.com>; Commissioners <commissioners@cityofnorthport.com>; commissioners@sarasotafl.gov; Warren Richardson <jondaltonwr@gmail.com>; Carrie Seidman <carrie.seidman@heraldtribune.com>; Fredd Atkins <flsatkins59@gmail.com>; mike.beatty@yoursun.com; Rachel Brown Hackney <rachel@sarasotanewsleader.com>; Terrie Rizzo <terrie@floridadems.org>; Griffith Kevin <kevinmgriffith@gmail.com>; Good, Margaret <Margaret.Good@myfloridahouse.gov>; juan@floridadems.org; Glen Nickerson <glen.nickerson@yoursun.com>; Harold.Bubil@heraldtribune.com; rdupont@venicegondolier.com; barbara.smith@heraldtribune.com; liz.alpert@sarasotagov.com; Logan, Bill <blogan@wwsb.tv>; Cox, Billy <billy.cox@heraldtribune.com>; Jacob Ogles <jacob.ogles@srqme.com>; David Conway <dconway@yourobserver.com>; Tom Walker <tom@watsonwalker.com>; carol.moore@yoursun.com; daviddr@sun-herald.com; Tom Tryon <tom.tryon@heraldtribune.com>; grant.boxleitner@snntv.com; Anderson, Zac <zac.anderson@heraldtribune.com>; Kimel, Earle <earle.kimel@heraldtribune.com>; JoAnne DeVries <Jdv.devries8@gmail.com>; Lee Williams <lee.williams@heraldtribune.com>; samantha.sonner@snntv.com; galvano.bill.web@flsenate.gov; Gregory, Tommy <Tommy.Gregory@myfloridahouse.gov>; Robinson, Will <Will.Robinson@myfloridahouse.gov>; Trevor Harvey (sarasotanaacp@msn.com) <sarasotanaacp@msn.com>; Cooper Levey-Baker <levey.baker@gmail.com>; Joe Gruters <joegruters@gmail.com>; Jack Brill <johncbrill@verizon.net>; Turner, Ron <rturner@sarasotavotes.com>
Subject: Charter Review Board Member Barcomb

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning Public Records Team,

I am requesting all of Charter Review Board Member Donna Barcomb's emails and text messages from 10/31/18 to 4/30/19 with the Supervisor of Elections Office, Commissioner Detert, Acting Chair Jack Brill and Robert Waechter.

Thank you,

AMERICAN OVERSIGHT

--Gabriel Hament

On Thu, Nov 7, 2019 at 2:46 PM Gabriel Hament <gabrielhament@gmail.com> wrote:

> Close ally of Commissioner Detert, **former State Senator Carlton**, **intimidated today's audience at Tiger Bay.**
>
> In direct conflict with Tiger Bay's mission "*To promote community understanding of current political and social issues, through public discourse and the free exchange of ideas...*" which includes "*...no-holds-barred question and answer sessions by moderators and Tiger members*" former **State Senator Carlton restricted audience members from discussing Commissioner Detert's underhanded ploy to DISENFRANCHISE Sarasota's black community from the 2020 County Commission elections.**
>
> A panel focused on the 19th amendment kicked off with intimidating audience members against exercising their first amendment rights in order to prevent audience members from highlighting Commissioner Detert's effort to undermine the 15th.
>
> This is unacceptable.
>
> Also, it has come to light that the Tiger Bay Board, stacked with allies of Commissioner Detert, allowed Commissioner Detert to appear even though Detert has made clear her intentions to run for re-election.
>
> This "active campaigns" rule was designed specifically to BLOCK Sarasota's top Democrat, State Representative Margaret Good, from participating.
>
> --Gabriel Hament

On Wed, Nov 6, 2019, 2:06 PM Gabriel Hament <gabrielhament@gmail.com> wrote:

> Tomorrow's Tiger Bay panel has been marketed as a celebration of the 19th amendment to the United States Constitution which guaranteed women the right to vote.
>
> - Yet front and center will be former state Senator and now County Commissioner **Detert, who, last week, bullied and insulted Sarasota's African American community** from the County Commission dais, brazenly asking: " "Did you care enough about your "community" to draw a map to protect your "community"? (referring to Newtown) (VIDEO at the 59:00 mark at the Oct. 30th Meeting; press the "Video" hyperlink)
> - Detert's record of lashing out at constituents who challenge her ethically bankrupt behavior is now documented. In the previous email below, Detert attempted to shame the citizens of Sarasota in 2011 for questioning the 2011 decennial redistricting effort that resulted in **ILLEGAL**, **GERRYMANDERED** state legislative and US Congressional maps that **VIOLATED** the Florida Constitution.
> - **It is crystal clear Detert has no regard for the rule of law as Detert attempts to RACIALLY GERRYMANDER Sarasota.**
> - **Detert on multiple occasions has attempted to mislead the citizens of Sarasota** into thinking that the Fair Districts amendments to the Florida Constitution apply to localities, thus protecting Sarasota from Detert's attempt to rig the 2020 election through partisan (and now racial--which is federally illegal) gerrymandering designed to favor incumbents and their hand-picked successors. (VIDEO This can be found at the 47:00 mark from the Oct. 30th meeting)
> - **So, what is happening tomorrow at Tiger Bay is a celebration of the 19th amendment to the US Constitution that includes a panelist who is actively attempting to run roughshod over the 15th amendment which enfranchised black men.**
> - HYPOCRISY + INJUSTICE: Detert is attempting to advance a map that **CUTS OUT** from the 2020 election the first ever **African American person elected to the City Commission, Mayor Fredd Atkins.**
> - **Compounding the hypocritical composition of this panel** is Detert's record in the State Senate where she CUT the number of Early Voting Days from 14 to 8 and specifically **ELIMINATED Early Voting the Sunday before Election Day when predominantly black churches host "Souls to the Polls" voting drives.** This measure was designed to reduce participation of black voters in advance of the 2012 Presidential election.
> - Then-state Senator Detert's response when questioned about her vote to CUT EARLY VOTING: "Nevertheless, Detert doesn't want to go back to the full 14-day schedule, **saying those who support the extended schedule are guilty of "rounding up people who had no intention of voting" and "know nothing about any of the candidates."** (Sarasota Magazine)
> - The news media is beginning to catch on to Commissioner Detert's unacceptable behavior when she

AMERICAN OVERSIGHT

- The news media is beginning to catch on to Commissioner Detert's unacceptable behavior. But she crossed the line when she challenged certain speakers as “not caring enough” to have submitted a map themselves, and charged some citizens with being “vicious” and ignorant." (Herald Tribune)

- Herald Tribune: "Not only would this eliminate the campaign of the only other announced District 1 candidate — former mayor, city commissioner and longtime Newtown leader Fredd Atkins, who lost a bid for an at-large County Commission seat in 2017 — **it would effectively disenfranchise Sarasota’s historically black neighborhood for the next two years. How can anyone who knows anything of Sarasota and Newtown’s history possibly think this is a good idea?** Even if by appearance alone, it echoes historical racial injustices and black voter suppression and sends a clear message to the neighborhood that, once again, the white majority controls its fate.

Redistricting Scam Fueling Anti-Establishment Energy + GOP Losses

- The City of Venice is composed of 9,000 Republicans, 5,900 Democrats and 5,300 NPAs.
- The new Mayor-elect of Venice, Ron Feinsod (D), DEFEATED a sitting incumbent, Bob Daniels (R), who was supported by UNLIMITED political committee dollars with a mailer hitting almost daily for three weeks.
- Bob Daniels refused to speak out against redistricting. (SRQ Daily)

Thoughts on Tiger Bay

- When you ask a question to Commission Detert on the redistricting scam, do not let Detert or her close ally, moderator of the panel, former state Senator Lisa Carlton, interrupt you or bully you in their response. **Detert has a history of bullying individuals in an audience setting.** The panel has been **rigged** by Detert's allies who control Tiger Bay. Their aim is to support and elevate Detert despite her effort to racially gerrymander Sarasota through the selection of a map developed by a self-admitted criminal, Robert Waechter, using bad data that undercounts minority populations.

We will fight and we will win.

--Gabriel Hament

On Mon, Nov 4, 2019 at 12:35 PM Gabriel Hament <gabrielhament@gmail.com> wrote:

> It is important to put now-Commissioner **Nancy Detert's bullying tactics and record of illegal gerrymandering in historical context.**
>
> **Last week:** "Did you care enough about your "community" to draw a map to protect your "community"?" Detert asked. (Referring to Newtown)
>
> VIDEO: http://sarasotacounty.granicus.com/ViewPublisher.php?view_id=44 (at the 59:00 mark at the Oct. 30th Meeting; press the "Video" hyperlink)
>
> To review:
>
> - Then-Senator Nancy Detert in 2011-2012 was FRONT and CENTER in the RIGGED process that resulted in illegally gerrymandered State Senate and US Congressional maps that VIOLATED the FLORIDA CONSTITUTION.
>
> - As a Tallahassee Politician...Detert Had a Central Role in the 2011-2012 State Senate Decennial Redistricting Effort Which Resulted in Illegal, Unconstitutional Gerrymandered State Senate Maps
>   - Not only was Nancy Detert a State Senator who voted for illegal, unconstitutional gerrymandered maps, **Senator Detert WAS ON THE REAPPORTIONMENT COMMITTEE.** (Link to Committee Members)
>   - Somehow, then-State Senator Nancy Detert's "...new District 28 contains(ed) more of her previous district than any member of the Senate, Democrats say."
>   - "The Florida Democratic Party attorneys argue in court documents **that the Florida Senate went out of its way to protect State Sen. Nancy Detert, R-Venice, and her Sarasota-based district.** FDP attorneys say the new constitutional amendments aimed at stopping gerrymandering specifically told legislators not to favor incumbents. Yet Detert, under the new maps, "enjoys a district in which 89 percent of her previous constituents are placed," Democratic attorneys say." (Herald Tribune)
>
> As a Tallahassee Politician and Member of the Reapportionment Committee...**Nancy Detert Was at the Center of a Sham Public Input Process Manipulated by Partisan Operatives**
>
> - "The shadow redistricting process that brought down the congressional map also was in full swing in the state Senate’s efforts to redraw its own districts in 2011 and 2012, depositions and email documents submitted as part of a court case revealed." (Miami Herald)
> - "The documents, filed Wednesday in Leon County Circuit Court as part of a lawsuit over the Senate map, show that **Republican operatives faked “public” submissions, possessed draft Senate maps more than a month before senators, and submitted Republican-leaning maps that matched pieces that became the foundation of the adopted Senate redistricting plan."** (Miami Herald)
> - "But John Guthrie, former staff director of the Senate Reapportionment Committee who retired in June, **said Gaetz intentionally met individually with senators so they could “share their**

AMERICAN OVERSIGHT

reactions" and avoid the public meeting requirements of Senate rules." (Miami Herald)
    - "The Republican-led Florida Senate admitted in a court filing on Tuesday**that unnamed senators had violated the state Constitution** by gerrymandering some Senate districts – and now they'll have to be redrawn in a special session later this year." (Politico)

- **Please see page 153.** (http://censusvalidator.blob.core.windows.net/mydistrictbuilderdata/Legislative%20Record/LR-917-SARASOTA-STATE.pdf)

And then in 2011--

SENATOR DETERT: It is probably not in my best interest to tell you what I think, but, frankly, I am very disappointed in our community. If you recall last year, we spent about a half a million dollars to promote civility, and for this woman in the front to stand up and say, "Stop, the child is fighting," this is our half of the table. This is my good friend, Senator Joyner, from a gerrymandered district, my good friend, the Democrat. Nobody on this side of the table is fighting. None of this group is fighting over districts or anything else. We came to listen. I thank the Representatives, look at the size of the crowd that came here today, they came early, they took a tour of the Ringling Museum. I was hoping they would be impressed with our community, because they all get to vote on our budget, things like this university, things that we want for our community. This is an opportunity to showcase the community. It is also an opportunity to participate in your government. **Now, you can either have tons of paranoia run rampant and you can protest, or you can pull up a chair and you can participate.** In the past, districts were gerrymandered. **No one at this table probably drew any of the districts, the salamander, the this, the that, the whatever.**

- (Writer's note: But guess who did draw those districts in 2001? **Former State Senator Lisa Carlton**--please see page 98 of the Senate Journal from 2001 and meeting minutes from the 2001 meeting at same location of the 2011 hearing where former **Senator Detert had the audacity to lash out at her constituents** before voting to VIOLATE the Florida Constitution and ILLEGALLY gerrymander state legislative and US Congressional districts)

The best testimony we had today was this morning in Largo at 8:00 a.m. from an 84-year-old woman who was probably the smartest woman in the room. She's seen lots of redistricting. And she referred to one map as the bug splat. Peggy Simone, you probably did that, for crying out loud. So it is not like gerrymandering is new. This is the most open, transparent situation you will ever see up until now, thanks to things like technology, the Internet. There are no maps in the back room that we are all going to run back there and arm wrestle over. In fact, I have to congratulate our Chairman, Senator Gaetz. The very first meeting we ever had -- and he told this to me, frankly, in private, he said, "I don't even want to know where anybody on the Committee lives." And you know what? I don't want to know where anybody on the Committee lives either. I think -- I did participate in redistricting in the year 2000. I personally 2 drew District 70. I think it is compact. I think it is a community of interest. You have to hit the numbers. **There are certain rules. And for you all to stand up and read us the rules, guess what, we know the rules. We have read the amendments, and we did not start out 8 this meeting by saying we have no intention of 9 keeping any of the rules.** So, frankly, I am a little disappointed in the lack of civility. I think we have been as polite on our side of the table as we can be. We intend to be fair, and, really, you probably won't know until we do produce the maps, and then you will -- and then you will be --

- Then-State Senator Detert's venomous diatribe was interrupted by her colleague, Senate President Don Gaetz.

SENATOR GAETZ: Ma'am, ma'am, ma'am

Commissioner Detert--You are a bully and now that Halloween has passed, YOU have been unmasked.

--Gabriel Hament

On Sun, Nov 3, 2019 at 6:12 PM Gabriel Hament <gabrielhament@gmail.com> wrote:

> Chair Gruters has allowed the redistricting process to CAREEN off the rails and SPILL into GOP candidates' campaigns and harm the GOP's Trump-focused message.
>
> The egregious nature of it--
>
> - **racial gerrymandering**;
> - willful indifference by **Detert**, **Moran** and **Maio** toward the application of flawed population estimates that undercount African American and Hispanic populations,
> - the manipulation of the "process" by **self-admitted criminal**, former Sarasota GOP Chair--one of Mr. Gruter's predecessors--Robert Waechter,
>
> is now ENGULFING the Sarasota County GOP, its credibility and its candidates.
>
> As Zac Anderson of the Herald Tribunewrites in today's column:
>
> "A rising tide lifts all ships," said**acting Sarasota GOP Chairman Jack Brill**.

AMERICAN OVERSIGHT

But some local Republicans are predicting that the GOP will experience some blowback from the Sarasota County Commission's redistricting effort, which has drawn significant criticism from both Republicans and Democrats who view it as an effort to gerrymander the districts for partisan purposes, and to protect incumbents."

- Chair Gruters has stood by idly as one of his predecessors, self-admitted criminal, Robert Waechter, hijacks and manipulates the process.
- The "Acting" Chair of the Sarasota GOP canceled his appearance on Bill Logan's ABC7 Roundtable this Wednesday because he has lost control of the redistricting situation and is in a state of panic. He instead dispatched a proxy that had no depth of knowledge on the issue and further eroded any remaining public trust in the Sarasota County GOP, Commissioners Detert/Moran/Maio. (VIDEO)
- Gruters' "Acting" Chair began constructing a flimsy house of cards when he submitted a misleading guest opinion editorial in both the Herald Tribune and SRQ Magazine asserting that pre-2020 Census redistricting must be undertaken due to an imbalance IN REGISTERED VOTERS. We all know that redistricting is done on the basis of TOTAL POPULATION. (Herald Tribune)
- Commissioner Detert back in June also attempted to mislead the citizens of Sarasota: "Commissioner Nancy Detert said she determined that redistricting was necessary **after reviewing the total number of registered voters in each district** and finding that they vary significantly." (Herald Tribune)

Under Chair Gruters' tenure, the Sarasota GOP has been thrust into a world of trouble and is seeing its power to control the conversation, diminish. He is standing by idly as Commissioners **Detert**, **Moran** and **Maio** plot to RACIALLY GERRYMANDER Sarasota County.

The credibility of a major political party--the Sarasota and Florida GOP--is quickly evaporating.

--Gabriel Hament

On Sat, Nov 2, 2019 at 5:50 PM Gabriel Hament <gabrielhament@gmail.com> wrote:

> "Did you care enough about your "community" to draw a map to protect your "community"?" Detert asked.
>
> VIDEO: http://sarasotacounty.granicus.com/ViewPublisher.php?view_id=44 (at the 59:00 mark at the Oct. 30th Meeting; press the "Video" hyperlink)
>
> This is as depraved **Detert** and **Moran** and **Maio** were preparing to vote for a map submitted by **self-admitted criminal** Robert Waechter that REMOVES 10,000 black people from the 2020 election and REMOVES Mayor Fredd Atkins, the first ever African American elected to the Sarasota City Commission, from the 2020 election. All the while exhibiting WILLFUL INDIFFERENCE toward the application of FLAWED population estimates that undercount Sarasota's African American and Hispanic populations.
>
> Detert also grossly misleads the public, for the second time, into believing that the Fair Districts amendments to the Florida Constitution, of which she violated while in the State Senate, applies to local redistricting. The amendments only apply to state legislative and US Congressional redistricting performed every ten years by the Florida Legislature. (This can be found at the 47:00 mark)
>
> Barbara Langston of Newtown is right: "redistricting is about voter suppression and it is about racism." (Herald Tribune)
>
> Detert is destroying the Sarasota community.
>
> E-mail the Commissioners: commissioners@scgov.net
>
> --Gabriel Hament
>
> On Thu, Oct 31, 2019 at 11:23 AM Gabriel Hament <gabrielhament@gmail.com> wrote:
>
> > Commissioner Fried:
> >
> > I believe either your campaign advisory staff and/or your Department staff have been contacted regarding your planned participation on the November 7th Sarasota Tiger Bay panel focused on women in politics.
> >
> > The news may have already made it up to Tallahassee, but in the case that you or your staff has not yet been brought up to speed, I will do my best to provide a quick summary. (ABC 7 Panel Discussion)
> >
> > Yesterday, the Sarasota County Commission, at the urging of former State Senator and now-Commissioner Nancy Detert,

AMERICAN OVERSIGHT

voted 3-2 to send two maps to a public hearing process, for possible adoption and implementation for the 2020 election. (Herald Tribune)

The map publicly favored by Commissioner Detert was submitted at the eleventh hour by self-admitted criminal and former Chair of the Sarasota County Republican Party, Robert Waechter. (Herald Tribune)

The proposed map would do two things:

1. Remove Sarasota's historically black neighborhood (Newtown) from the existing district (District 1 held by Commissioner Michael Moran) and slide Sarasota's black community into an adjacent district, thereby disallowing Newtown from participating in the 2020 County Commission election.
2. Remove Sarasota's first ever African American citizen elected to the Sarasota City Commission, Mayor Fredd Atkins, from his existing district, and preventing him from continuing his 2020 campaign for County Commission. Mayor Atkins is a Sarasota icon, and, as I stated, was the first ever African American elected to the Sarasota City Commission as a result of a federal lawsuit filed in the 1980's. This lawsuit resulted in the City of Sarasota moving from an at-large format of electing Commissioners to a hybrid at-large and single member district system.

Sadly, yesterday's vote by Commissioner Detert is a continuation of Commissioner Detert's **malevolent pattern of minority voter disenfranchisement** that first began during her time in the State Senate when she voted in 2011 to CUT Early Voting from 14 days to 8, specifically targeting the final Sunday of Early Voting before Election Day when predominantly black churches organize Souls to the Polls drives.

- "In 2011 Republicans, who had super majorities in both chambers of the legislature, passed HB 1355, which curtailed early voting days from 14 to eight; greatly proscribed the activities of voter registration organizations like the League of Women Voters; and made it harder for voters who had changed counties since the last election to cast ballots, a move that affected minorities proportionately more than whites. The League and others challenged the law in court, and a federal judge threw out most of the provisions related to voter registration organizations." (Palm Beach Post)
- "But a GOP consultant who asked to remain anonymous out of fear of retribution said black voters were a concern. “I know that the cutting out of the Sunday before Election Day was one of their targets only because that’s a big day when the black churches organize themselves,” he said." (Palm Beach Post)
- "... but she (Detert) remains unapologetic about one vote: her 2011 “yes” that helped cut the number of early voting days from 14 to eight. The measure eliminated voting on the final Sunday before Election Day, which had been a popular day for African-Americans to cast their ballots. One study estimated that 49,000 voters in Central Florida alone were discouraged from voting in 2012 because of long lines on Election Day. Nevertheless, Detert doesn’t want to go back to the full 14-day schedule, saying those who support the extended schedule are guilty of “rounding up people who had no intention of voting” and “know nothing about any of the candidates.” (Sarasota Magazine)
- Also while in the State Senate, Nancy Detert voted to BLOCK the passage of what is now referred to as the Competitive Workforce Act which would make illegal discrimination in the workplace and public accommodation on the basis of sexual orientation/gender identity.
- "For example one Republican legislator, Sen. Nancy Detert of Sarasota, tells the Palm Beach Post that she's worried that "cross-dressing" employees will cause disruptions, and that the bill will only be used as an opportunity not to protect people's rights but give people more reasons to suit when being fired." (Miami New Times)

If you appear on the Tiger Bay panel next week, but make no mention of the racial gerrymandering taking place in Sarasota, your presence would elevate Commissioner Detert and normalize her behavior.

Commissioner Fried, as the state's top and only statewide elected Democrat, I urge you to carefully weigh the pros and cons of appearing on a panel with Commissioner Detert.

This is a crucial time for Sarasota and the state of Florida.

I am asking you to lead on this issue.

Respectfully,

--Gabriel Hament

From: Gruters, Joe <Gruters.Joe@flsenate.gov>
Sent: Tuesday, October 15, 2019 9:53 AM EDT
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: FW: FI Chamber Supports Bill 126
Attachment(s): "image001.emz","image005.emz"

FYI….

From: Anna Grace Lewis <alewis@flchamber.com>
Sent: Monday, October 14, 2019 4:51 PM
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: FI Chamber Supports Bill 126

136 S. Bronough Street
Tallahassee, FL 32301
Phone: (850) 521-1200
Fax: (850) 521-1203

www.floridachamber.com

FLORIDA CHAMBER of Commerce

October 14, 2019

The Honorable Joe Gruters
Florida Senate
324 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

RE: Support SB 126: Sales and Use Tax
When the 2020 Florida Chamber Business Agenda Wins, Florida Wins

Dear Chair Gruters:

The Florida Chamber of Commerce urges you to **support SB 126**, related to the sales and use tax. This bill, proposed by Senator Joe Gruters, will be heard in the Senate Commerce & Tourism Committee on Tuesday, October 15, 2019.

Historically, brick and mortar businesses have been at a 6 percent disadvantage in Florida compared to their online counterparts because they are required to collect sales taxes. In June 2018, the United States Supreme Court issued an opinion in *South Dakota v. Wayfair* which paved the way for states to begin collecting the sales tax on internet purchases if a company has a significant economic presence in the state. Of the 45 states that collect sales tax, 43 states have adopted rules or passed legislation to implement the *Wayfair* decision and set minimum requirements to establish an economic presence. In Florida, this is a tax that has always been due. The responsibility has simply been on the taxpayer to submit the tax to the Florida Department of Revenue for online purchases.

SB 126 amends Florida's mail order sales statute to include remote sales that are made by mail, telephone or on the Internet and sets minimum requirements to establish an economic presence, per the *Wayfair* decision. Under this bill, businesses that conduct 200 or more transactions or sales of over $100,000 in Florida will be required to register with the Florida Department of Revenue and collect and remit sales tax. Alternatively, the bill allows for marketplace providers, like Ebay or Amazon, to collect and remit the sales tax.

This bill is important to Florida's business community because it:

- Puts Florida main street businesses on equal footing with out of state businesses and remote sellers;
- Streamlines the tax collection process for consumers by requiring remote businesses and marketplace providers to collect and remit the tax; and
- Creates equity in Florida's tax system for all businesses.

The Florida Chamber urges you to **support SB 126**, and will consider votes on this legislation, and any substantive amendments to it in committee or on the floor, in our annual *How They Voted* report card. The grade that you earn will be based on your voting record on the issues, such as this one. We will make every effort to notify you prior to a vote that may be included in our annual legislative report card. If you have any questions about this or other issues, please do not hesitate to contact me.

AMERICAN OVERSIGHT

Regards,



Frank C. Walker, III
Vice President of Government Affairs

CC: Bob Grammig, Chair, Florida Chamber of Commerce
Mark Wilson, President & CEO, Florida Chamber of Commerce
David Hart, Executive Vice President, Florida Chamber of Commerce

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From: Gruters, Joe <Gruters.Joe@flsenate.gov>
Sent: Tuesday, January 21, 2020 9:55 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: FW: FI Chamber Supports SB 914
Attachment(s): "image001.emz","image005.emz"

From: Anna Grace Lewis <alewis@flchamber.com>
Sent: Tuesday, January 21, 2020 9:49 AM
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: FI Chamber Supports SB 914

136 S. Bronough Street
Tallahassee, FL 32301
Phone: (850) 521-1200
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www.floridachamber.com

FLORIDA CHAMBER of Commerce

January 21, 2020

The Honorable Joe Gruters
Florida Senate
324 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

RE: Support SB 914: Property Insurance
When the 2020 Florida Chamber Business Agenda Wins, Florida Wins

Dear Senator Gruters:

The Florida Chamber of Commerce urges you to **support SB 914,** related to property insurance. This bill, proposed by Senator Jeff Brandes, will be heard in the Senate Banking and Insurance Committee on Tuesday, January 21, 2020.

The Florida Chamber of Commerce supports reducing cost drivers in insurance claims and reducing unnecessary litigation. SB 914 specifies that attorney fees in property insurance claims shall be awarded using a loadstar fee and that a contingency risk multiplier should not be used. A loadstar fee is calculated using the number of attorney hours that were expended on the case multiplied by a reasonable hourly rate. When a contingency risk multiplier is used, not only do attorney fees increase exponentially, but attorneys are able to take on less legitimate claims. Attorneys can win fewer cases and make the same amount or more money when contingency risk multipliers are added to an outcome of a case.

The United States Supreme Court has already found that contingency risk multipliers should only be used in "rare and exceptional" circumstances and that the loadstar already reflects the difficulty of a claim either through a higher number of hours expended by the attorney or a higher hourly rate. Unfortunately, the former Florida Supreme Court opened the floodgates for a contingency risk multiplier in the case *Joyce v. Federated National Insurance Company* and made multipliers the rule, not the exception, in property insurance cases. The Florida Legislature has precedent in eliminating the contingency risk multiplier and eliminated the multiplier for PIP claims in 2012.

This bill is important to Florida's business community because it:

- Addresses rising attorney fees by eliminating the contingency fee risk multiplier in favor of a loadstar fee, which adequately considers the difficulty of a case;
- Fixes a Florida Supreme Court decision that overturned decades of precedent related to attorney fees; and
- Ensures a reasonable attorney fee through the calculation of a loadstar fee.

The Florida Chamber urges you to **support SB 914**, and will consider votes on this legislation, and any substantive amendments to it in committee or on the floor, in our annual *How They Voted* report card. Because of the importance of this issue to employers across the state, our Board of Directors has determined that this bill, and any substantive amendments to it in committee or on the floor, will be counted ***twice*** on our legislative report card. The grade that you earn will be based on your voting record on the issues,

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such as this one. We will make every effort to notify you prior to a vote that may be included in our annual Legislative Report Card. If you have any questions about this or other issues, please do not hesitate to contact me.

Regards,



Frank C. Walker, III
Vice President of Government Affairs

CC: Charles Caulkins, Chair, Florida Chamber of Commerce
Mark Wilson, President & CEO, Florida Chamber of Commerce
David Hart, Executive Vice President, Florida Chamber of Commerce

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From: Gruters, Joe <Gruters.Joe@flsenate.gov>
Sent: Tuesday, January 21, 2020 9:58 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: FW: FI Chamber Supports SB 922
Attachment(s): "image001.emz","image005.emz"

From: Anna Grace Lewis <alewis@flchamber.com>
Sent: Tuesday, January 21, 2020 7:14 AM
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: FI Chamber Supports SB 922

136 S. Bronough Street
Tallahassee, FL 32301
Phone: (850) 521-1200
Fax: (850) 521-1203

www.floridachamber.com

FLORIDA CHAMBER of Commerce

January 21, 2020

The Honorable Joe Gruters
Florida Senate
324 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

RE: Support SB 922: Economic Development
When the 2020 Florida Chamber Business Agenda Wins, Florida Wins

Dear Chair Gruters:

The Florida Chamber of Commerce urges you to **support SB 922,** related to economic development. This bill, proposed by Senator Joe Gruters, will be heard in the Senate Commerce and Tourism Committee on Tuesday, January 21, 2020.

SB 922 extends the Qualified Targeted Industry (QTI) Tax Refund program, which is set to expire on June 30, 2020, without legislative action. Additionally, the bill encourages the recovery in areas impacted by Hurricane Michael by relaxing certain requirements for the QTI program in those counties. Qualified targeted industries are determined by the Florida Department of Economic Opportunity and are high-wage industries that help diversify Florida's economy. Current targeted industries include aviation & aerospace, informational technology, manufacturing and logistics & distribution. The QTI Tax Refund program is available for existing and relocating companies that are in a designated targeted industry and create new-full time jobs that pay at least 115% of the private-sector annual average wage.

This bill is important to Florida's business community because it:

- Encourages the growth of high-wage jobs by extending the QTI Tax Refund program;
- Assists in Hurricane Michael recovery by relaxing wage and local match requirements for Michael affected counties; and
- Maintains an important tool to diversify the state's economy, protecting the state and its taxpayers during a recession.

The Florida Chamber urges you to **support SB 922**, and will consider votes on this legislation, and any substantive amendments to it in committee or on the floor, in our annual *How They Voted* report card. Because of the importance of this issue to employers across the state, our Board of Directors has determined that this bill, and any substantive amendments to it in committee or on the floor, will be counted ***twice*** on our legislative report card. The grade that you earn will be based on your voting record on the issues, such as this one. We will make every effort to notify you prior to a vote that may be included in our annual Legislative Report Card. If you have any questions about this or other issues, please do not hesitate to contact me.

Regards,

Frank C. Walker III

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Frank C. Walker, III
Vice President of Government Affairs

CC: Charles Caulkins, Chair, Florida Chamber of Commerce
Mark Wilson, President & CEO, Florida Chamber of Commerce
David Hart, Executive Vice President, Florida Chamber of Commerce

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From: Tim Meenan <Tim@meenanlawfirm.com>
Sent: Tuesday, January 28, 2020 12:29 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
CC: Karl Rasmussen <Karl@meenanlawfirm.com>
Subject: FW: FLAHIGA Amendments and Talk Sheet
Attachment(s): "Generic FLAHIGA Amendments 012820.docx","FLAHIGA AMENDMENT TALK SHEET.docx"

Victoria:

Thank you for meeting with us today. Attached is the amendment and the talk sheet for SB 898. Thank you for your assistance!

Timothy J. Meenan
Meenan P.A.
300 S. Duval Street, Ste. 410
P. O. Box 11247 (32302)
Tallahassee, FL 32301
850.425.4000 – Office
850.284.9240 – Cell



MEENAN
REGULATORY AND LEGISLATIVE ATTORNEYS



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FLAHIGA AMENDMENT

Currently there are two classes of assessments that the Florida Life and Health Insurance Guaranty Association (FLAHIGA) may levy; a “Class A” assessment for expenses, capped at $250 per insurer per year; and a “Class B” assessment, to pay the claims of insolvent life and health insurers (capped at 1% of an insurers net written premium for life and health, and 0.5 percent for long term care).

The other guaranty funds, (FIGA and FWCIGA) do not make this distinction between Class A and Class B assessments, and only have a single assessment which may cover both policyholder claims and the administrative costs to pay those claims.

This amendment eliminates the distinction between Class A and Class B, and conforms FLAHIGA to FIGA and FWCIGA.

No change is made in the 1% and 0.5% assessment caps in current law.

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Amendment _____

Between lines _____ and _____ insert:

Section ____. Subsections (2) through (9) of section 631.718, Florida Statutes are amended to read:

631.718 Assessments.—

~~(2) There shall be two classes of assessments, as follows:~~

~~(a) Class A assessments shall be made by the board of directors for the purpose of meeting administrative costs and other general expenses and for examinations conducted under the authority of s. 631.723(3) which are not related to a particular impaired or insolvent insurer.~~

~~(b) Class B assessments shall be made by the board of directors for the purpose of carrying out the powers and duties of the association under s. 631.717 relating to an impaired or insolvent domestic, foreign, or alien insurer.~~

~~(3)(a) The amount of any Class A assessment shall be determined by the board and may be made on a non-pro rata basis. The assessment may not be credited against future insolvency assessments and may not exceed $250 per member insurer in any one calendar year.~~

~~1.~~(b)~~1.~~ (2)(a) The amount of any ~~Class B~~ assessment, except for assessments related to long-term care insurance, must be allocated for assessment purposes among the accounts pursuant to an allocation formula, which may be based on the premiums or reserves of the impaired or insolvent insurer.

(b)~~2.~~ The amount of the ~~Class B~~ assessment for long-term care insurance written by the impaired or insolvent insurer must be allocated according to a methodology included in the plan of operation and approved by the department. The methodology must provide for 50 percent of the assessment to be allocated to health member insurers and 50 percent to be allocated to life and annuity member insurers.

(c)~~3.~~ For the purposes of the methodology outlined in ~~subparagraph 2.~~paragraph (b) and included in the plan of operation, the health member insurers' share of the assessment must be calculated by including the assessable premiums of member health maintenance organizations of the Florida Health Maintenance Organization Consumer Assistance Plan.

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(dc) ~~Class B assessments~~Assessments against member insurers for each account must be based upon the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account for the 3 most recent calendar years for which information is available preceding the year of the assessment in proportion to premiums received on business in this state for those calendar years by all assessed member insurers. If the most recent 3 years of premium information is not available for each member insurer, the board of directors may use the premium information that is reasonably available.

(ed) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer may not be made until necessary to implement the purposes of this part.

(fe) ~~Classification of assessments under subsection (2) and computation~~ Computation of assessments under this subsection must be made with a reasonable degree of accuracy, recognizing that exact determinations are not always possible.

(34) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section.

(45)(a)1. The total of all assessments upon a member insurer for each account may not in any one calendar year exceed 1 percent of the sum of the insurer's premiums written in this state regarding business covered by the account received during the 3 calendar years preceding the year in which the assessment is made, divided by three. If premium information for the 3-year period is not reasonably available for each member insurer, the association may use any reasonably available premium information.

2. For long-term care insurer impairments and insolvencies only, the total assessments upon a member insurer or member health maintenance organization of the Florida Health Maintenance Organization Consumer Assistance Plan may not, in any one calendar year, exceed 0.5 percent of the sum of the member insurer's or member health maintenance organization's premiums written in this state regarding business covered by the account received during the calendar year preceding the year in which

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the assessment is made. If premium information is not reasonably available for each member insurer or member health maintenance organization of the Florida Health Maintenance Organization Consumer Assistance Plan, the association or the Florida Health Maintenance Organization Consumer Assistance Plan may use any reasonably available premium information.

(b) The provisions of this subsection apply to any assessments made on or after October 1, 1995, without regard to the date of the impairment or insolvency.

(c) If the maximum assessment, together with the other assets of the association in its nonadministrative accounts, does not provide in any one year in any account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds must be assessed as soon thereafter as permitted by this part.

(5~~6~~) The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to an account, the amount by which the assets of such account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses if refunds are impractical.

(~~7~~6) It shall be proper for any member insurer, in determining its premium rates and policyowner dividends as to any kind of insurance within the scope of this part, to consider the amount reasonably necessary to meet its assessment obligations under this part.

(~~8~~7) The association shall issue to each member insurer paying an assessment under this part, ~~other than a Class A assessment,~~ a certificate of contribution, in a form prescribed by the office, for the amount of the assessment so paid. All outstanding certificates are of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the office approves. However, any amount offset pursuant to s. 631.72 may not be shown as an asset of the insurer on any of its financial statements.

(~~9~~8) Notwithstanding any provision to the contrary, no member insurer that is a nonprofit insurance company which issues annuity contracts or group annuity contracts pursuant to s. 121.35, or for

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the benefit of employees of educational institutions situated in this state may be assessed in any one calendar year an amount greater than the amount which it paid to this state in the previous year as premium tax and corporate tax on the business to which this part applies or 0.1 percent of written premium on such business in this state, whichever is greater.

Section _____. Subsection (2) of section 631.818, Florida Statutes is amended to read:

631.818 Powers and duties of the plan.—

(2) In the event of a long-term care insurer impairment or insolvency, pursuant to s. 631.819(2)(c), the plan shall:

(a) Collect and transmit all information requested by the Florida Life and Health Insurance Guaranty Association for the association to determine the appropriate assessment base of the health insurance account pursuant to ss. 631.715(2)(a)1. and 631.718(23)(ba)-(c).

Section _____. Subsection (2) of section 631.819, Florida Statutes is amended to read:

631.819 Assessments.—

(2) Assessments for funds to meet the requirements of the plan with respect to an insolvent HMO shall not be made until necessary to implement the purposes of this part. In order to carry out its duties and powers under this part, upon the insolvency of an HMO, the plan shall levy and collect assessments as follows:

(a) Each HMO, prior to receiving a certificate of authority after July 1, 1989, shall pay an assessment of $25,000 to the plan.

(b) If the funds provided under paragraph (a) are insufficient to carry out the powers and duties of the plan, the plan shall levy an assessment directly against all HMOs.

(c) For the purposes of long-term care insurer impairment and insolvency assessments under s. 631.718(32)(ba), member HMOs must be assessed in the same manner as member insurers of the Florida Life and Health Insurance Guaranty Association under part III of this chapter. Long-term care insurer impairment and insolvency assessments must be levied and collected by the plan pursuant to this part, deposited into the health insurance account established under s. 631.715, and used solely for long-term

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AMERICAN OVERSIGHT

care insurer impairment or insolvency obligations. Assessments collected from member HMOs are considered part of and satisfy the obligations of the health insurance account under ss. 631.715(2)(a)1. and 631.718(~~3~~2)(b~~a~~).

RENUMBER REMAINING SECTIONS.

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AMERICAN OVERSIGHT

From: Kathryn Shea <kathryn.shea@thefloridacenter.org>
Sent: Tuesday, October 08, 2019 1:28 PM EDT
To: Ballard, David <David.Ballard@myfloridahouse.gov>; Ramos, Dione <Dione.Ramos@myfloridahouse.gov>; Buchanan, James <James.Buchanan@myfloridahouse.gov>; Gruters, Joe <Gruters.Joe@flsenate.gov>; Mathers, Kay <Kay.Mathers@myfloridahouse.gov>; Hebel, Meagan <Meagan.Hebel@myfloridahouse.gov>; McCloskey, Michele <Michele.McCloskey@myfloridahouse.gov>; Grimsley, Michelle <Michelle.Grimsley@myfloridahouse.gov>; Good, Margaret <Margaret.Good@myfloridahouse.gov>; Gregory, Tommy <Tommy.Gregory@myfloridahouse.gov>; Victoria Brill <Victoria.brill@myfloridahouse.gov>; Newton, Newt <Newt.Newton@myfloridahouse.gov>; william robinson <william.robinson@myfloridahouse.gov>
Subject: FW: Join us for a screening of Brain Matters
Attachment(s): "brain matters Invite all.pdf"

Dear delegation members and legislative assistants,

Please see message below from Beth Duda, Executive Director of the Suncoast Campaign for Grade Level Reading. I hope you can join us for one of these screenings of *Brain Matters*, an international documentary on the importance of early brain development, early nurturing experiences, and the lifelong impact of high quality early childhood development. We must make a greater investment in the early years of a child's life. The science is clear and convincing and now policy decisions must match and support the science. I do hope Speaker Oliva does declare 2020 the Year of the Child and we, as a state, commit to investing in the lives of young children and their families. It is a great return on investment! Respectfully, kathryn

---

From: Beth Duda [mailto:bduda@thepattersonfoundation.org]
Sent: Tuesday, September 24, 2019 2:44 PM
To: Elizabeth Duda <bethduda10@gmail.com>
Subject: Join us for a screening of Brain Matters

Friends,

Why is it that some children thrive while other's do not? Is it a matter of genetics, IQ, socioeconomic background or education? Carlota Nelson, in her ground-breaking documentary, answers these questions in an enlightening globe-trotting journey about what truly helps make children realize their full potential…..and now is your chance to see this important film.

I hope you will participate in one of the upcoming screenings of this documentary*Brain Matters*. We have a local connection to this documentary…and we'll be hosting screenings in Charlotte, DeSoto, Manatee and Sarasota counties. Please spread the word – we want to have a full-house for each showing. I've attached a flyer with direct registration links for all the events.

Here's the background on the film. In April of 2017, The Suncoast Campaign for Grade-Level Reading worked with the international documentary film crew of *Brain Matters* and director, Carlota Nelson. As they were working on the film, funded by the Genesis Foundation, they came to the Suncoast to interview Ellen Galinsky, author of Mind in the Making, during one of her visits here. They also interviewed Kathryn Shea, CEO of The Florida Center and filmed part of a Mind in the Making workshop at Glenallen school led by Jennifer Kahler and Lora Kosten. Pamela Melton, an elementary school teacher participating in the Mind in the Making workshop and her husband Eric, allowed the crew to come to their home to film them with their two children. The final film includes footage of all of those events.

The Florida Center for Early Childhood Education is partnering with the Suncoast Campaign for Grade-Level Reading for 5 screenings of the documentary film, *Brain Matters*. We will have a screening in Charlotte County, Manatee County, Sarasota County, and two in DeSoto County. Each screening will be followed by a facilitated Q&A session. Target Audience: Early Learning Educators, K-12 Teachers, Social Services Staff, Nonprofits working with children and parents, Government agencies, Business Leaders and elected officials.

- **The following are the confirmed dates and times for the Screenings/Discussions**
    - **Sarasota County: Saturday, November 9, 2019 from 10:00am – 12:30pm at USF-SM Selby Auditorium.**
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There was a screening of the completed film in late May in Bogotá, Colombia and one in early June in New York. This film is beautifully shot and was created to focus on the importance of brain development in the first years of life.

Here are two links to the trailers forBrain Matters.
English https://www.facebook.com/watch/?v=1197693800410767
Spanish https://www.youtube.com/watch?v=xxUwqw8y6xs "

I hope you will join us for one or more of these events,
Beth

AMERICAN OVERSIGHT

Beth Duda
Director, Suncoast Campaign for Grade-Level Reading
The Patterson Foundation 2 N. Tamiami Trail, Suite 206 Sarasota, FL 34236
Phone: 941-952-1413
Fax: 941-952-1435
ThePattersonFoundation.org
Pronouns: She, Her, Hers

Join The Patterson Foundation and be a part of realizing the possibilities for Phase 1 of The Bay

AMERICAN OVERSIGHT

"There is no more urgent human priority than this"

Robert J. Waldinger, M.D.

Director, Harvard Study of Adult Development

An international documentary, with a local connection.



Brain Matters

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A Documentary by Carlota Nelson

GENESIS FOUNDATION PRESENTS AN LS GOODIES PRODUCTION

EDITOR NACHO RUIZ CAPILLAS DIRECTOR OF PHOTOGRAPHY NITIN UPADHYE · ABRAHAM MARTINEZ · JUAN GONZALEZ

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This event includes the movie screening, a buffet, and a panel discussion led by The Florida Center for Early Childhood

The Florida Center for Early Childhood

SUNCOAST The Campaign for GRADE-LEVEL READING

{genesisfoundation}

AMERICAN OVERSIGHT

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USF-SM Selby Auditorium 8350 N. Tamiami Trail Sarasota

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FL-SEN-20-0201-B, 20-0202-A-001235

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To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: FW: Join us for a screening of Brain Matters
Attachment(s): "brain matters Invite all.pdf"

Oops. Wrong email first time. J

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Sent: Tuesday, October 8, 2019 1:28 PM
To: david ballard <david.ballard@myfloridahouse.gov>; dione ramos <dione.ramos@myfloridahouse.gov>; james buchanan (james.buchanan@myfloridahouse.gov) <james.buchanan@myfloridahouse.gov>; joe gruters <gruters.joe@flsenate.gov>; kay mathers <kay.mathers@myfloridahouse.gov>; meagan hebel <meagan.hebel@myfloridahouse.gov>; michele McCloskey <michele.McCloskey@myfloridahouse.gov>; michelle grimsley <michelle.grimsley@myfloridahouse.gov>; Rep Margaret Good <margaret.good@myfloridahouse.gov>; Tommy Gregory <tommy.gregory@myfloridahouse.gov>; Victoria Brill <Victoria.brill@myfloridahouse.gov>; Wengay Newton <newt.newton@myfloridahouse.gov>; william robinson (william.robinson@myfloridahouse.gov) <william.robinson@myfloridahouse.gov>
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This event is underwritten by

THE PATTERSON FOUNDATION

FL-SEN-20-0201-B, 20-0202-A-001238

From: Brill, Victoria
Sent: Wednesday, December 11, 2019 5:07 PM EST
To: Joe Gruters <joegruters@gmail.com>
Subject: FW: Please send me the 3rd DRAFT of Rep. Toledo's Bill
Attachment(s): "new billdraft70897.docx"

Senator,

Please see the attached Omnibus PBM Bill for your review today.

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Barney T. Bishop, III <barney@barneybishop.com>
Sent: Wednesday, December 11, 2019 11:00 AM
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Fwd: Please send me the 3rd DRAFT of Rep. Toledo's Bill

Vickie (is that the correct spelling?), this is the bill that Sen. Greeters asked us to forward to you so he can review it.

This is Rep. Toledo's Omnibus PBM Bill which we call the "Kitchen Sink" bill.

Please confirm receipt of this email.

Thanks!

Sent from my iPhone

Begin forwarded message:

> **From:** "Clemens, Clayton" <Clayton.Clemens@myfloridahouse.gov>
> **Date:** December 11, 2019 at 9:31:14 AM EST
> **To:** "Barney T. Bishop, III" <barney@barneybishop.com>
> **Cc:** "Jeff Kottkamp jeffkottkamp@gmail.com" <jeffkottkamp@gmail.com>, "Dawn A. Butterfield (cocoapharmacy@gmail.com)" <cocoapharmacy@gmail.com>
> **Subject: Re: Please send me the 3rd DRAFT of Rep. Toledo's Bill**
>
> Here is the updated draft. Thank you all!
>
> Clayton Clemens
>
> Aide to Rep. Jackie Toledo
>
> House District 60
>
> ---
>
> **From:** Barney T. Bishop, III <barney@barneybishop.com>
> **Sent:** Wednesday, December 11, 2019 7:47:38 AM
> **To:** Clemens, Clayton
> **Cc:** Jeff Kottkamp jeffkottkamp@gmail.com; Dawn A. Butterfield (cocoapharmacy@gmail.com)
> **Subject:** Please send me the 3rd DRAFT of Rep. Toledo's Bill
>
> **EXTERNAL EMAIL:** This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.
>
> Clay, we're meeting with three (3) Senators today to see if they will sponsor Rep. Toledo's Bill: Sen. Harrell (who has already demurred somewhat), Sen. Gruters, and Sen. Wright, both per the suggestion of Rep. Toledo in our meeting yesterday…
>
> Please send the me the latest DRAFT from House Bill Drafting as they will want to see the bill for review…
>
> And BTW, Sen. Perry said yesterday he'd review the bill, but he thought it was out of his wheelhouse (from a knowledge perspective) and he recognized that it's a major push…but, I'll send the bil to hi m also…
>
> Please advise…thanks!

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to pharmacy benefit managers; providing a short title; providing legislative findings; amending s. 465.003, F.S; providing the definitions of the terms "pharmacy benefit manager" and "pharmacy benefit management services"; creating s. 465.203, F.S.; providing definitions; providing that pharmacy benefit managers have a fiduciary duty and obligation to specified individuals and entities; providing requirements for service performance, contracts, and specified funds for pharmacy benefit managers; authorizing specified pharmacies and pharmacists to contract with pharmacy benefit managers; providing requirements for maximum allowable cost lists; requiring pharmacy benefit managers to respond to certain appeals within a specified timeframe; prohibiting pharmacy benefit managers from engaging in certain practices; requiring pharmacy benefit managers to allow payors access to specified records, data, and information; providing disclosure and reporting requirements; requiring certain income and financial benefits to be passed through to payors; requiring pharmacy benefit managers to allow the Department of Financial Services access to specified records, data, and information; requiring the

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001241

department to investigate certain violations; providing penalties; providing that specified violations are subject to the Florida Deceptive and Unfair Trade Practices Act; providing applicability; amending ss. 624.490, 627.64741, 627.6572, and 641.314, F.S.; conforming provisions to changes made by the act; amending ss. 409.9201, 458.331, 459.015, 465.014, 465.015, 465.0156, 465.016, 465.0197, 465.022, 465.023, 465.1901, 499.003, and 893.02, F.S.; conforming cross-references; providing severability; providing an effective date.

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

Section 1. This act may be cited as the "Prescription Drug Cost Reduction Act."

Section 2. The Legislature finds that the use of spread pricing, the practice of directing patients to pharmacies owned in whole or in part by pharmacy benefit managers, and other practices by pharmacy benefit managers such as charging drug manufacturers rebates to be included on a drug formulary and keeping the rebates for their own financial gain rather than passing the savings on to health plans, health plan sponsors and providers, health insurers, and patients contribute to the high cost of prescription drugs. In order to reduce the cost of

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FL-SEN-20-0201-B, 20-0202-A-001242

prescription drugs in this state, such practices should be prohibited.

Section 3. Section 465.003, Florida Statutes, is amended to read:

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

(1) "Administration" means the obtaining and giving of a single dose of medicinal drugs by a legally authorized person to a patient for her or his consumption.

(3) ~~(2)~~ "Board" means the Board of Pharmacy.

(9) ~~(3)~~ "Consultant pharmacist" means a pharmacist licensed by the department and certified as a consultant pharmacist pursuant to s. 465.0125.

(10) ~~(4)~~ "Data communication device" means an electronic device that receives electronic information from one source and transmits or routes it to another, including, but not limited to, any such bridge, router, switch, or gateway.

(11) ~~(5)~~ "Department" means the Department of Health.

(12) ~~(6)~~ "Dispense" means the transfer of possession of one or more doses of a medicinal drug by a pharmacist to the ultimate consumer or her or his agent. As an element of dispensing, the pharmacist shall, prior to the actual physical transfer, interpret and assess the prescription order for potential adverse reactions, interactions, and dosage regimen she or he deems appropriate in the exercise of her or his professional judgment, and the pharmacist shall certify that the

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medicinal drug called for by the prescription is ready for transfer. The pharmacist shall also provide counseling on proper drug usage, either orally or in writing, if in the exercise of her or his professional judgment counseling is necessary. The actual sales transaction and delivery of such drug shall not be considered dispensing. The administration shall not be considered dispensing.

(13) ~~(7)~~ "Institutional formulary system" means a method whereby the medical staff evaluates, appraises, and selects those medicinal drugs or proprietary preparations which in the medical staff's clinical judgment are most useful in patient care, and which are available for dispensing by a practicing pharmacist in a Class II or Class III institutional pharmacy.

(14) ~~(8)~~ "Medicinal drugs" or "drugs" means those substances or preparations commonly known as "prescription" or "legend" drugs which are required by federal or state law to be dispensed only on a prescription, but shall not include patents or proprietary preparations as hereafter defined.

(17) ~~(9)~~ "Patent or proprietary preparation" means a medicine in its unbroken, original package which is sold to the public by, or under the authority of, the manufacturer or primary distributor thereof and which is not misbranded under the provisions of the Florida Drug and Cosmetic Act.

(18) ~~(10)~~ "Pharmacist" means any person licensed pursuant to this chapter to practice the profession of pharmacy.

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(19) ~~(11)~~ (a) "Pharmacy" includes a community pharmacy, an institutional pharmacy, a nuclear pharmacy, a special pharmacy, and an Internet pharmacy.

1. The term "community pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.

2. The term "institutional pharmacy" includes every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility, hereinafter referred to as "health care institutions," where medicinal drugs are compounded, dispensed, stored, or sold.

3. The term "nuclear pharmacy" includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold. The term "nuclear pharmacy" does not include hospitals licensed under chapter 395 or the nuclear medicine facilities of such hospitals.

4. The term "special pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold if such locations are not otherwise defined in this subsection.

5. The term "Internet pharmacy" includes locations not otherwise licensed or issued a permit under this chapter, within or outside this state, which use the Internet to communicate with or obtain information from consumers in this state and use

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such communication or information to fill or refill prescriptions or to dispense, distribute, or otherwise engage in the practice of pharmacy in this state. Any act described in this definition constitutes the practice of pharmacy as defined in subsection (23) ~~(13)~~.

(b) The pharmacy department of any permittee shall be considered closed whenever a Florida licensed pharmacist is not present and on duty. The term "not present and on duty" shall not be construed to prevent a pharmacist from exiting the prescription department for the purposes of consulting or responding to inquiries or providing assistance to patients or customers, attending to personal hygiene needs, or performing any other function for which the pharmacist is responsible, provided that such activities are conducted in a manner consistent with the pharmacist's responsibility to provide pharmacy services.

(20) "Pharmacy benefit manager" means an entity that performs pharmacy benefit management services for a health plan, a health plan sponsor, a health plan provider, a health insurer, or any other payor. The term does not include a provider as defined in s. 641.19 or a physician as defined in s. 458.305.

(21) "Pharmacy benefit management services" means services that:

(a) Are provided, directly or through another entity, to a health plan, a health plan sponsor, a health plan provider, a

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health insurer, or any other payor, regardless of whether the services provider and the health plan, health plan sponsor, health plan provider, health insurer, or other payor are related or associated by ownership, common ownership, organization, or otherwise.

(b) Include the procurement of prescription drugs to be dispensed to patients and the administration or management of prescription drug benefits, including, but not limited to, any of the following:

1. Mail service pharmacy or specialty pharmacy.

2. Claims processing, retail network management, or payment of claims to pharmacies for dispensing drugs.

3. Clinical or other formulary or preferred-drug-list development or management.

4. Negotiation, administration, or receipt of rebates, discounts, payment differentials, or other incentives, to include particular drugs in a particular category or to promote the purchase of particular drugs.

5. Patients' compliance, therapeutic intervention, or generic substitution programs.

6. Disease management.

7. Drug use review, step-therapy protocol, or prior authorization.

8. Adjudication of appeals or grievances related to prescription drug coverage.

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9. Contracts with network pharmacies.

10. Control of the cost of covered prescription drugs.

(22) ~~(12)~~ "Pharmacy intern" means a person who is currently registered in, and attending, a duly accredited college or school of pharmacy, or who is a graduate of such a school or college of pharmacy, and who is duly and properly registered with the department as provided for under its rules.

(23) ~~(13)~~ "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and conducting other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of the patient's drug therapy and communication with the patient's prescribing health care provider as licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient, regarding the drug therapy. However, nothing in this subsection may be interpreted to permit an alteration of a prescriber's directions, the diagnosis or

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treatment of any disease, the initiation of any drug therapy, the practice of medicine, or the practice of osteopathic medicine, unless otherwise permitted by law. "Practice of the profession of pharmacy" also includes any other act, service, operation, research, or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, and shall expressly permit a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients. The practice of the profession of pharmacy also includes the administration of vaccines to adults pursuant to s. 465.189 and the preparation of prepackaged drug products in facilities holding Class III institutional pharmacy permits.

(24) ~~(14)~~ "Prescription" includes any order for drugs or medicinal supplies written or transmitted by any means of communication by a duly licensed practitioner authorized by the laws of the state to prescribe such drugs or medicinal supplies and intended to be dispensed by a pharmacist. The term also includes an orally transmitted order by the lawfully designated agent of such practitioner. The term also includes an order written or transmitted by a practitioner licensed to practice in a jurisdiction other than this state, but only if the pharmacist called upon to dispense such order determines, in the exercise of her or his professional judgment, that the order is valid and

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necessary for the treatment of a chronic or recurrent illness. The term "prescription" also includes a pharmacist's order for a product selected from the formulary created pursuant to s. 465.186. Prescriptions may be retained in written form or the pharmacist may cause them to be recorded in a data processing system, provided that such order can be produced in printed form upon lawful request.

(15) "Nuclear pharmacist" means a pharmacist licensed by the department and certified as a nuclear pharmacist pursuant to s. 465.0126.

(5) ~~(16)~~ "Centralized prescription filling" means the filling of a prescription by one pharmacy upon request by another pharmacy to fill or refill the prescription. The term includes the performance by one pharmacy for another pharmacy of other pharmacy duties such as drug utilization review, therapeutic drug utilization review, claims adjudication, and the obtaining of refill authorizations.

(2) ~~(17)~~ "Automated pharmacy system" means a mechanical system that delivers prescription drugs received from a Florida licensed pharmacy and maintains related transaction information.

(8) ~~(18)~~ "Compounding" means combining, mixing, or altering the ingredients of one or more drugs or products to create another drug or product.

(16) ~~(19)~~ "Outsourcing facility" means a single physical location registered as an outsourcing facility under the federal

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Drug Quality and Security Act, Pub. L. No. 113-54, at which sterile compounding of a drug or product is conducted.

(7) ~~(20)~~ "Compounded sterile product" means a drug that is intended for parenteral administration, an ophthalmic or oral inhalation drug in aqueous format, or a drug or product that is required to be sterile under federal or state law or rule, which is produced through compounding, but is not approved by the United States Food and Drug Administration.

(4) ~~(21)~~ "Central distribution facility" means a facility under common control with a hospital holding a Class III institutional pharmacy permit that may dispense, distribute, compound, or fill prescriptions for medicinal drugs; prepare prepackaged drug products; and conduct other pharmaceutical services.

(6) ~~(22)~~ "Common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, voting rights, contract, or otherwise.

Section 4. Section 465.203, Florida Statutes, is created to read:

465.203 Pharmacy benefit managers.—

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

(a) "Affiliate" means a pharmacy:

1. In which a pharmacy benefit manager, directly or indirectly, has an investment, financial interest, or ownership

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interest; or

2. The ownership of which is shared, directly or indirectly, with a pharmacy benefit manager.

(b) "Covered individual" means a member, participant, enrollee, contract holder, policyholder, or beneficiary of a payor.

(c) "Make a referral" means any of the following:

1. To order, direct, or influence, orally or in writing, a covered individual to use an affiliate, including by sending messages to the covered individual through electronic mail, a cellular telephone, or a facsimile machine, or by making telephone calls.

2. To offer or implement plan designs that require a covered individual to use an affiliate.

3. To target a covered individual or a prospective patient with advertisement, marketing, or promotion of an affiliate, including by placing a specific pharmacy name on an insurance card or health plan card supplied to the covered individual.

(d) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacy or pharmacist for a generic drug, brand name drug, specialty drug, biological product, or other prescription drug, excluding dispensing fees, before the application of copayments, coinsurance, and other cost-sharing charges, if any.

(e) "Maximum allowable cost list" means a listing of

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generic drugs, brand name drugs, specialty drugs, biological products, or other prescription drugs or other methodology used directly or indirectly by a pharmacy benefit manager to set the maximum allowable costs for the drugs.

(f) "Payor" means a health plan, a health plan sponsor, a health plan provider, a health insurer, or any other payor that uses pharmacy benefit management services in this state.

(g) "Spread pricing" means the practice by a pharmacy benefit manager of charging or claiming from a payor an amount that is more than the amount the pharmacy benefit manager paid to the pharmacy or pharmacist who filled the prescription or who provided the pharmacy services.

(2)(a) A pharmacy benefit manager has a fiduciary duty and obligation to the covered individuals and the payor. A pharmacy benefit manager shall perform pharmacy benefit management services with care, skill, prudence, diligence, and professionalism and for the best interests of the covered individuals and the payor.

(b) Any provision in a contract between a pharmacy benefit manager and a payor which limits or prohibits the fiduciary duty or obligation of a pharmacy benefit manager to the covered individuals and the payor is void and against the public policy of the state.

(c) All funds received by a pharmacy benefit manager in relation to providing pharmacy benefit management services shall

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be received by the pharmacy benefit manager in trust for the payor. A pharmacy benefit manager shall use or distribute such funds only for the benefit of the covered individuals or the payor.

(3) A pharmacy or pharmacist licensed or registered under this chapter which has a pharmacy permit and is in good standing with the Board of Pharmacy may contract directly or indirectly with a pharmacy benefit manager within 30 days after filing an application with the pharmacy benefit manager, without a probation period, an exclusion period, or minimum inventory requirements.

(4)(a) A maximum allowable cost list must include:

1. Average acquisition cost, including national average drug acquisition cost.

2. Average manufacturer price.

3. Average wholesale price.

4. Brand effective rate or generic effective rate.

5. Discount indexing.

6. Federal upper limits.

7. Wholesale acquisition cost.

8. Any other item that a pharmacy benefit manager or a payor may use to establish reimbursement rates to a pharmacist or pharmacy for filling prescriptions or providing other pharmacy services.

(b) A pharmacy benefit manager must respond within 7 days

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after receipt of an appeal to a maximum allowable cost by a pharmacy, a pharmacist, or a pharmacy services administrative organization on behalf of a pharmacy or pharmacist. The pharmacy benefit manager's failure to respond within 7 days shall be deemed approval of the appeal.

(5) A pharmacy benefit manager may not do any of the following:

(a) Conduct or participate in spread pricing in this state.

(b) Charge a pharmacy or pharmacist a fee related to the adjudication of a claim, including, without limitation, a fee for:

1. The submission of a claim;

2. The enrollment or participation in a retail pharmacy network; or

3. The development or management of claims processing services or claims payment services related to participation in a retail pharmacy network.

(c) Deny a pharmacy or pharmacist the opportunity to participate in a pharmacy network at the preferred participation status even though the pharmacy or pharmacist is willing to accept, as a condition of the preferred participation status, the terms and conditions that the pharmacy benefit manager has established for other pharmacies that are in a pharmacy network at the preferred participation status and that are not owned in

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whole or in part by the pharmacy benefit manager.

(d) Impose registration or permit requirements for a pharmacy or accreditation standards or recertification requirements for a pharmacist which are inconsistent with, more stringent than, or in addition to federal and state requirements for licensure as a pharmacy or pharmacist in this state.

(e) Pay or reimburse a pharmacy or pharmacist an amount for a drug, product, or pharmacy service in the state which is:

1. Less than the amount the pharmacy benefit manager reimburses a pharmacy benefit manager affiliate for providing the same drug, product, or pharmacy service in this state;

2. Less than the actual cost incurred by the pharmacy or pharmacist for providing the drug, product, or pharmacy service in this state; or

3. Different from the combined maximum allowable cost and dispensing fees for a drug. The dispensing fees must be a least equal to the fees for service set by the Agency for Health Care Administration.

(f) Retroactively deny, hold back, or reduce reimbursement for a covered service claim after paying a claim, unless the original claim was submitted fraudulently.

(g) Prohibit a pharmacy or pharmacist from providing information regarding drug pricing, contract terms, or drug reimbursement rates to a member of the Legislature.

(h) Drop a pharmacy or pharmacist from a pharmacy network

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or plan or otherwise engage in any action to retaliate against a pharmacy or pharmacist for providing information regarding drug pricing, contract terms, or drug reimbursement rates to a member of the Legislature.

(i) Engage in the practice of the profession of pharmacy.

(j) Engage in the practice of medicine as defined s. 458.305 or the practice of osteopathic medicine as defined in s. 459.003.

(k) Make a referral.

(6) A payor shall have access to all financial and utilization records, data, and information used by the pharmacy benefit manager in relation to the pharmacy benefit management services provided to the payor.

(7) A pharmacy benefit manager shall:

(a) Disclose in writing to the payor any activity, policy, practice, contract, or arrangement of the pharmacy benefit manager which directly or indirectly presents conflicts of interest with the pharmacy benefit manager's relationship with, or fiduciary duty or obligation to, the covered individuals and the payor.

(b) Report quarterly to the payor any income resulting from pricing discounts, rebates of any kind, inflationary payments, credits, clawbacks, fees, grants, chargebacks, reimbursements, or other financial benefits received by the pharmacy benefit manager from any person or entity. The pharmacy

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benefit manager shall ensure that such income and financial benefits are passed through in full, at least quarterly, to the payor to reduce the cost of prescription drugs and pharmacy services to covered individuals.

(8) The Department of Financial Services shall have access to all financial and utilization records, data, and information used by pharmacy benefit managers in relation to pharmacy benefit management services provided to payors in this state. The department shall investigate any alleged violation of this section.

(9)(a) A pharmacy benefit manager that violates this section is liable for a civil fine of $10,000 for each violation and may have its registration revoked by the Department of Financial Services.

(b) A violation of this section which is committed or performed with such frequency as to indicate a general business practice is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501.

(10) This section applies to contracts entered into or renewed on or after January 1, 2021.

Section 5. Subsection (1) of section 624.490, Florida Statutes, is amended to read:

624.490 Registration of pharmacy benefit managers.—

(1) As used in this section, the term "pharmacy benefit manager" means an ~~a person or~~ entity that performs pharmacy

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benefit management services for a health plan, a health plan sponsor, a health plan provider, a health insurer, or any other payor that uses pharmacy benefit management services ~~doing business in this state which contracts to administer prescription drug benefits on behalf of a health insurer or a health maintenance organization to residents of this state~~. The term does not include a provider as defined in s. 641.19 or a physician as defined in s. 458.305. As used in this subsection, the term "pharmacy benefit management services" means services that:

(a) Are provided, directly or through another entity, to a health plan, a health plan sponsor, a health plan provider, a health insurer, or any other payor, regardless of whether the services provider and the health plan, health plan sponsor, health plan provider, health insurer, or other payor are related or associated by ownership, common ownership, organization, or otherwise.

(b) Include the procurement of prescription drugs to be dispensed to patients and the administration or management of prescription drug benefits, including, but not limited to, any of the following:

1. Mail service pharmacy or specialty pharmacy.

2. Claims processing, retail network management, or payment of claims to pharmacies for dispensing drugs.

3. Clinical or other formulary or preferred-drug-list

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development or management.

4. Negotiation, administration, or receipt of rebates, discounts, payment differentials, or other incentives, to include particular drugs in a particular category or to promote the purchase of particular drugs.

5. Patients' compliance, therapeutic intervention, or generic substitution programs.

6. Disease management.

7. Drug use review, step-therapy protocol, or prior authorization.

8. Adjudication of appeals or grievances related to prescription drug coverage.

9. Contracts with network pharmacies.

10. Control of the cost of covered prescription drugs.

Section 6. Section 627.64741, Florida Statutes, is amended to read:

627.64741 Pharmacy benefit manager contracts.—

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

(a) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacy or pharmacist for a generic drug, brand name drug, specialty drug, biological product, or other prescription drug, excluding dispensing fees, before ~~prior to~~ the application of copayments, coinsurance, and other cost-sharing charges, if any.

(b) "Maximum allowable cost list" means a listing of

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generic drugs, brand name drugs, specialty drugs, biological products, or other prescription drugs or other methodology used directly or indirectly by a pharmacy benefit manager to set the maximum allowable costs for the drugs.

(c) "Payor" means a health plan, a health plan sponsor, a health plan provider, or any other payor that uses pharmacy benefit management services in this state.

(d) ~~(b)~~ "Pharmacy benefit manager" means an ~~a person or~~ entity that performs pharmacy benefit management services for ~~doing business in this state which contracts to administer or manage prescription drug benefits on behalf of~~ a health insurer or payor ~~to residents of this state~~. The term does not include a provider as defined in s. 641.19 or a physician as defined in s. 458.305.

(e) "Pharmacy benefit management services" means services that:

1. Are provided, directly or through another entity, to a health insurer or payor, regardless of whether the services provider and the health insurer or payor are related or associated by ownership, common ownership, organization, or otherwise.

2. Include the procurement of prescription drugs to be dispensed to patients and the administration or management of prescription drug benefits, including, but not limited to, any of the following:

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a. Mail service pharmacy or specialty pharmacy.

b. Claims processing, retail network management, or payment of claims to pharmacies for dispensing drugs.

c. Clinical or other formulary or preferred-drug-list development or management.

d. Negotiation, administration, or receipt of rebates, discounts, payment differentials, or other incentives, to include particular drugs in a particular category or to promote the purchase of particular drugs.

e. Patients' compliance, therapeutic intervention, or generic substitution programs.

f. Disease management.

g. Drug use review, step-therapy protocol, or prior authorization.

h. Adjudication of appeals or grievances related to prescription drug coverage.

i. Contracts with network pharmacies.

j. Control of the cost of covered prescription drugs.

(2) A contract between a health insurer or payor and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug

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prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) A contract between a health insurer or payor and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacy's or pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health insurer or payor and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring an insured to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5)(a) A pharmacy benefit manager has a fiduciary duty and obligation to the insureds and to the health insurer that uses pharmacy benefit management services or the payor. The pharmacy benefit manager must meet all the requirements of s. 465.203 and must perform pharmacy benefit management services with care, skill, prudence, diligence, and professionalism and for the best interests of the insureds and the health insurer or payor.

(b) A provision in a contract between a health insurer or

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payor and a pharmacy benefit manager is void and against the public policy of the state if the policy:

1. Limits or prohibits the fiduciary duty or obligation of the pharmacy benefit manager to the insureds and the health insurer or payor; or

2. Violates any provision of s. 465.203.

(c) All funds received by a pharmacy benefit manager in relation to providing pharmacy benefit management services shall be received by the pharmacy benefit manager in trust for the health insurer or payor and shall be used or distributed only for the benefit of the insureds or the health insurer or payor.

(6) A contract between a health insurer or payor and a pharmacy benefit manager must require the maximum allowable cost list to include:

(a) Average acquisition cost, including national average drug acquisition cost.

(b) Average manufacturer price.

(c) Average wholesale price.

(d) Brand effective rate or generic effective rate.

(e) Discount indexing.

(f) Federal upper limits.

(g) Wholesale acquisition cost.

(h) Any other item that a pharmacy benefit manager or a health insurer or payor may use to establish reimbursement rates to a pharmacist or pharmacy for filling prescriptions or

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providing other pharmacy services.

(7) A health insurer that uses pharmacy benefit management services or a payor shall have access to all financial and utilization records, data, and information used by the pharmacy benefit manager in relation to the pharmacy benefit management services provided to the health insurer or payor.

(8) A pharmacy benefit manager shall:

(a) Disclose in writing to the health insurer that uses pharmacy benefit management services or payor any activity, policy, practice, contract, or arrangement of the pharmacy benefit manager which directly or indirectly presents conflicts of interest with the pharmacy benefit manager's relationship with, or fiduciary duty or obligation to, the insureds and the health insurer or payor.

(b) Report quarterly to the health insurer or payor any income resulting from pricing discounts, rebates of any kind, inflationary payments, credits, clawbacks, fees, grants, chargebacks, reimbursements, or other financial benefits received by the pharmacy benefit manager from any person or entity. The pharmacy benefit manager shall ensure that such income and financial benefits are passed through in full, at least quarterly, to the health insurer or payor to reduce the cost of prescription drugs and pharmacy services to the insureds.

(9) The department shall investigate any alleged violation

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of this section.

(10)(a) A pharmacy benefit manager that violates any provision of this section is liable for a civil fine of $10,000 for each violation and may have its registration revoked by the department.

(b) A violation by a pharmacy benefit manager of any provision of this section which is committed or performed with such frequency as to indicate a general business practice is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501.

(11) ~~(5)~~ This section applies to contracts entered into or renewed on or after January 1, 2021 ~~July 1, 2018~~.

Section 7. Section 627.6572, Florida Statutes, is amended to read:

627.6572 Pharmacy benefit manager contracts.—

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

(a) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacy or pharmacist for a generic drug, brand name drug, specialty drug, biological product, or other prescription drug, excluding dispensing fees, before ~~prior to~~ the application of copayments, coinsurance, and other cost-sharing charges, if any.

(b) "Maximum allowable cost list" means a listing of generic drugs, brand name drugs, specialty drugs, biological products, or other prescription drugs or other methodology used

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directly or indirectly by a pharmacy benefit manager to set the maximum allowable costs for the drugs.

(c) "Payor" means a health plan, a health plan sponsor, a health plan provider, or any other payor that uses pharmacy benefit management services in this state.

(d) ~~(b)~~ "Pharmacy benefit manager" means an ~~a person or~~ entity that performs pharmacy benefit management services for ~~doing business in this state which contracts to administer or manage prescription drug benefits on behalf of~~ a health insurer or payor ~~to residents of this state~~. The term does not include a provider as defined in s. 641.19 or a physician as defined in s. 458.305.

(e) "Pharmacy benefit management services" means services that:

1. Are provided, directly or through another entity, to a health insurer or payor, regardless of whether the services provider and the health insurer or payor are related or associated by ownership, common ownership, organization, or otherwise.

2. Include the procurement of prescription drugs to be dispensed to patients and the administration or management of prescription drug benefits, including, but not limited to, any of the following:

a. Mail service pharmacy or specialty pharmacy.

b. Claims processing, retail network management, or

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payment of claims to pharmacies for dispensing drugs.

c. Clinical or other formulary or preferred-drug-list development or management.

d. Negotiation, administration, or receipt of rebates, discounts, payment differentials, or other incentives, to include particular drugs in a particular category or to promote the purchase of particular drugs.

e. Patients' compliance, therapeutic intervention, or generic substitution programs.

f. Disease management.

g. Drug use review, step-therapy protocol, or prior authorization.

h. Adjudication of appeals or grievances related to prescription drug coverage.

i. Contracts with network pharmacies.

j. Control of the cost of covered prescription drugs.

(2) A contract between a health insurer or payor and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product

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availability.

(3) A contract between a health insurer or payor and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacy's or pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health insurer or payor and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring an insured to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5)(a) A pharmacy benefit manager has a fiduciary duty and obligation to the insureds and to the health insurer that uses pharmacy benefit management services or the payor. The pharmacy benefit manager must meet all the requirements of s. 465.203 and must perform pharmacy benefit management services with care, skill, prudence, diligence, and professionalism and for the best interests of the insureds and the health insurer or payor.

(b) A provision in a contract between a health insurer or payor and a pharmacy benefit manager is void and against the public policy of the state if the policy:

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1. Limits or prohibits the fiduciary duty or obligation of the pharmacy benefit manager to the insureds and the health insurer or payor; or

2. Violates any provision of s. 465.203.

(c) All funds received by a pharmacy benefit manager in relation to providing pharmacy benefit management services shall be received by the pharmacy benefit manager in trust for the health insurer or payor and shall be used or distributed only for the benefit of the insureds or the health insurer or payor.

(6) A contract between a health insurer or payor and a pharmacy benefit manager must require the maximum allowable cost list to include:

(a) Average acquisition cost, including national average drug acquisition cost.

(b) Average manufacturer price.

(c) Average wholesale price.

(d) Brand effective rate or generic effective rate.

(e) Discount indexing.

(f) Federal upper limits.

(g) Wholesale acquisition cost.

(h) Any other item that a pharmacy benefit manager or a health insurer or payor may use to establish reimbursement rates to a pharmacist or pharmacy for filling prescriptions or providing other pharmacy services.

(7) A health insurer that uses pharmacy benefit management

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services or a payor shall have access to all financial and utilization records, data, and information used by the pharmacy benefit manager in relation to the pharmacy benefit management services provided to the health insurer or payor.

(8) A pharmacy benefit manager shall:

(a) Disclose in writing to the health insurer that uses pharmacy benefit management services or the payor any activity, policy, practice, contract, or arrangement of the pharmacy benefit manager which directly or indirectly presents conflicts of interest with the pharmacy benefit manager's relationship with, or fiduciary duty or obligation to, the insureds and the health insurer or payor.

(b) Report quarterly to the health insurer or payor any income resulting from pricing discounts, rebates of any kind, inflationary payments, credits, clawbacks, fees, grants, chargebacks, reimbursements, or other financial benefits received by the pharmacy benefit manager from any person or entity. The pharmacy benefit manager shall ensure that such income and financial benefits are passed through in full, at least quarterly, to the health insurer or payor to reduce the cost of prescription drugs and pharmacy services to the insureds.

(9) The department shall investigate any alleged violation of this section.

(10)(a) A pharmacy benefit manager that violates any

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provision of this section is liable for a civil fine of $10,000 for each violation and may have its registration revoked by the department.

(b) A violation by a pharmacy benefit manager of any provision of this section which is committed or performed with such frequency as to indicate a general business practice is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501.

(11) ~~(5)~~ This section applies to contracts entered into or renewed on or after January 1, 2021 ~~July 1, 2018~~.

Section 8. Section 641.314, Florida Statutes, is amended to read:

641.314 Pharmacy benefit manager contracts.—

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

(a) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacy or pharmacist for a generic drug, brand name drug, specialty drug, biological product, or other prescription drug, excluding dispensing fees, before ~~prior to~~ the application of copayments, coinsurance, and other cost-sharing charges, if any.

(b) "Maximum allowable cost list" means a listing of generic drugs, brand name drugs, specialty drugs, biological products, or other prescription drugs or other methodology used directly or indirectly by a pharmacy benefit manager to set the maximum allowable costs for the drugs.

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(c) "Payor" means a health plan, a health plan sponsor, a health plan provider, or any other payor that uses pharmacy benefit management services in this state.

(d) ~~(b)~~ "Pharmacy benefit manager" means an ~~a person or~~ entity that performs pharmacy benefit management services for ~~doing business in this state which contracts to administer or manage prescription drug benefits on behalf of~~ a health maintenance organization or payor ~~to residents of this state~~. The term does not include a provider as defined in s. 641.19 or a physician as defined in s. 458.305.

(e) "Pharmacy benefit management services" means services that:

1. Are provided, directly or through another entity, to a health maintenance organization or payor, regardless of whether the services provider and the health maintenance organization or payor are related or associated by ownership, common ownership, organization, or otherwise.

2. Include the procurement of prescription drugs to be dispensed to patients and the administration or management of prescription drug benefits, including, but not limited to, any of the following:

a. Mail service pharmacy or specialty pharmacy.

b. Claims processing, retail network management, or payment of claims to pharmacies for dispensing drugs.

c. Clinical or other formulary or preferred-drug-list

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development or management.

d. Negotiation, administration, or receipt of rebates, discounts, payment differentials, or other incentives, to include particular drugs in a particular category or to promote the purchase of particular drugs.

e. Patients' compliance, therapeutic intervention, or generic substitution programs.

f. Disease management.

g. Drug use review, step-therapy protocol, or prior authorization.

h. Adjudication of appeals or grievances related to prescription drug coverage.

i. Contracts with network pharmacies.

j. Control of the cost of covered prescription drugs.

(2) A contract between a health maintenance organization or payor and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) A contract between a health maintenance organization

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or payor and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacy's or pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health maintenance organization or payor and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring a subscriber to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5)(a) A pharmacy benefit manager has a fiduciary duty and obligation to the subscribers and to the health maintenance organization that uses pharmacy benefit management services or a payor. The pharmacy benefit manager must meet all the requirements of s. 465.203 and must perform pharmacy benefit management services with care, skill, prudence, diligence, and professionalism and for the best interests of the subscribers and the health maintenance organization or payor.

(b) A provision in a contract between a health maintenance organization or payor and a pharmacy benefit manager is void and against the public policy of this state if the policy:

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1. Limits or prohibits the fiduciary duty or obligation of the pharmacy benefit manager to the insureds and the health maintenance organization or payor; or

2. Violates any provision of s. 465.203.

(c) All funds received by a pharmacy benefit manager in relation to providing pharmacy benefit management services shall be received by the pharmacy benefit manager in trust for the health maintenance organization or payor and shall be used or distributed only for the benefit of the insureds or the health maintenance organization or payor.

(6) A contract between a health maintenance organization or payor and a pharmacy benefit manager must require the maximum allowable cost list to include:

(a) Average acquisition cost, including national average drug acquisition cost.

(b) Average manufacturer price.

(c) Average wholesale price.

(d) Brand effective rate or generic effective rate.

(e) Discount indexing.

(f) Federal upper limits.

(g) Wholesale acquisition cost.

(h) Any other item that a pharmacy benefit manager or a health maintenance organization or payor may use to establish reimbursement rates to a pharmacist or pharmacy for filling prescriptions or providing other pharmacy services.

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(7) A health maintenance organization that uses pharmacy benefit management services or a payor shall have access to all financial and utilization records, data, and information used by the pharmacy benefit manager in relation to the pharmacy benefit management services provided to the health maintenance organization or payor.

(8) A pharmacy benefit manager shall:

(a) Disclose in writing to the maintenance organization that uses pharmacy benefit management services or the payor any activity, policy, practice, contract, or arrangement of the pharmacy benefit manager which directly or indirectly presents conflicts of interest with the pharmacy benefit manager's relationship with, or fiduciary duty or obligation to, the subscribers and the health maintenance organization or payor.

(b) Report quarterly to the health maintenance organization or payor any income resulting from pricing discounts, rebates of any kind, inflationary payments, credits, clawbacks, fees, grants, chargebacks, reimbursements, or other financial benefits received by the pharmacy benefit manager from any person or entity. The pharmacy benefit manager shall ensure that such income and financial benefits are passed through in full, at least quarterly, to the health maintenance organization or payor to reduce the cost of prescription drugs and pharmacy services to the subscribers.

(9) The department shall investigate any alleged violation

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of this section.

(10)(a) A pharmacy benefit manager that violates any provision of this section is liable for a civil fine of $10,000 for each violation and may have its registration revoked by the department.

(b) A violation of any provision of this section which is committed or performed with such frequency as to indicate a general business practice is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501.

(11)~~(5)~~ This section applies to contracts entered into or renewed on or after January 1, 2021 ~~July 1, 2018~~.

Section 9. Paragraph (a) of subsection (1) of section 409.9201, Florida Statutes, is amended to read:

409.9201 Medicaid fraud.—

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

(a) "Prescription drug" means any drug, including, but not limited to, finished dosage forms or active ingredients that are subject to, defined in, or described in s. 503(b) of the Federal Food, Drug, and Cosmetic Act or in s. 465.003(14) ~~465.003(8)~~, s. 499.003(17), s. 499.007(13), or s. 499.82(10).

The value of individual items of the legend drugs or goods or services involved in distinct transactions committed during a single scheme or course of conduct, whether involving a single person or several persons, may be aggregated when determining

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the punishment for the offense.

Section 10. Paragraph (pp) of subsection (1) of section 458.331, Florida Statutes, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(pp) Applicable to a licensee who serves as the designated physician of a pain-management clinic as defined in s. 458.3265 or s. 459.0137:

1. Registering a pain-management clinic through misrepresentation or fraud;

2. Procuring, or attempting to procure, the registration of a pain-management clinic for any other person by making or causing to be made, any false representation;

3. Failing to comply with any requirement of chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Drug Abuse Prevention and Control Act; or chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act;

4. Being convicted or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonesty, or deceit in any jurisdiction of the courts of this state, of any other state, or of the United States;

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5. Being convicted of, or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for, any offense that would constitute a violation of this chapter;

6. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to the practice of, or the ability to practice, a licensed health care profession;

7. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to health care fraud;

8. Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in s. 465.003 ~~465.003(14)~~ or s. 893.02 if the dispensing practitioner knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship; or

9. Failing to timely notify the board of the date of his or her termination from a pain-management clinic as required by s. 458.3265(3).

Section 11. Paragraph (rr) of subsection (1) of section 459.015, Florida Statutes, is amended to read:

459.015 Grounds for disciplinary action; action by the

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board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(rr) Applicable to a licensee who serves as the designated physician of a pain-management clinic as defined in s. 458.3265 or s. 459.0137:

1. Registering a pain-management clinic through misrepresentation or fraud;

2. Procuring, or attempting to procure, the registration of a pain-management clinic for any other person by making or causing to be made, any false representation;

3. Failing to comply with any requirement of chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Drug Abuse Prevention and Control Act; or chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act;

4. Being convicted or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonesty, or deceit in any jurisdiction of the courts of this state, of any other state, or of the United States;

5. Being convicted of, or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for, any offense that would constitute a violation of this chapter;

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6. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to the practice of, or the ability to practice, a licensed health care profession;

7. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to health care fraud;

8. Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in s. 465.003 ~~465.003(14)~~ or s. 893.02 if the dispensing practitioner knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship; or

9. Failing to timely notify the board of the date of his or her termination from a pain-management clinic as required by s. 459.0137(3).

Section 12. Subsection (1) of section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—

(1) A person other than a licensed pharmacist or pharmacy intern may not engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to pharmacy technicians who are registered pursuant to this section

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1051 those duties, tasks, and functions that do not fall within the
1052 purview of s. 465.003(23) ~~465.003(13)~~. All such delegated acts
1053 must be performed under the direct supervision of a licensed
1054 pharmacist who is responsible for all such acts performed by
1055 persons under his or her supervision. A registered pharmacy
1056 technician, under the supervision of a pharmacist, may initiate
1057 or receive communications with a practitioner or his or her
1058 agent, on behalf of a patient, regarding refill authorization
1059 requests. A licensed pharmacist may not supervise more than one
1060 registered pharmacy technician unless otherwise permitted by the
1061 guidelines adopted by the board. The board shall establish
1062 guidelines to be followed by licensees or permittees in
1063 determining the circumstances under which a licensed pharmacist
1064 may supervise more than one pharmacy technician.
1065 Section 13. Paragraph (c) of subsection (2) of section
1066 465.015, Florida Statutes, is amended to read:
1067 465.015 Violations and penalties.—
1068 (2) It is unlawful for any person:
1069 (c) To sell or dispense drugs as defined in s. 465.003(14)
1070 ~~465.003(8)~~ without first being furnished with a prescription.
1071 Section 14. Subsection (9) of section 465.0156, Florida
1072 Statutes, is amended to read:
1073 465.0156 Registration of nonresident pharmacies.—
1074 (9) Notwithstanding s. 465.003(18) ~~465.003(10)~~, for
1075 purposes of this section, the registered pharmacy and the

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pharmacist designated by the registered pharmacy as the prescription department manager or the equivalent must be licensed in the state of location in order to dispense into this state.

Section 15. Paragraph (s) of subsection (1) of section 465.016, Florida Statutes, is amended to read:

465.016 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(s) Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in ~~by~~ s. 465.003 ~~465.003(14)~~ or s. 893.02 when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship.

Section 16. Subsection (4) of section 465.0197, Florida Statutes, is amended to read:

465.0197 Internet pharmacy permits.—

(4) Notwithstanding s. 465.003(18) ~~465.003(10)~~, for purposes of this section, the Internet pharmacy and the pharmacist designated by the Internet pharmacy as the prescription department manager or the equivalent must be licensed in the state of location in order to dispense into this state.

Section 17. Paragraph (j) of subsection (5) of section 465.022, Florida Statutes, is amended to read:

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465.022 Pharmacies; general requirements; fees.—

(5) The department or board shall deny an application for a pharmacy permit if the applicant or an affiliated person, partner, officer, director, or prescription department manager or consultant pharmacist of record of the applicant:

(j) Has dispensed any medicinal drug based upon a communication that purports to be a prescription as defined in ~~by~~ s. 465.003 ~~465.003(14)~~ or s. 893.02 when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship that includes a documented patient evaluation, including history and a physical examination adequate to establish the diagnosis for which any drug is prescribed and any other requirement established by board rule under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, or chapter 466.

For felonies in which the defendant entered a plea of guilty or nolo contendere in an agreement with the court to enter a pretrial intervention or drug diversion program, the department shall deny the application if upon final resolution of the case the licensee has failed to successfully complete the program.

Section 18. Paragraph (h) of subsection (1) of section 465.023, Florida Statutes, is amended to read:

465.023 Pharmacy permittee; disciplinary action.—

(1) The department or the board may revoke or suspend the

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permit of any pharmacy permittee, and may fine, place on probation, or otherwise discipline any pharmacy permittee if the permittee, or any affiliated person, partner, officer, director, or agent of the permittee, including a person fingerprinted under s. 465.022(3), has:

(h) Dispensed any medicinal drug based upon a communication that purports to be a prescription as defined in ~~by~~ s. 465.003 ~~465.003(14)~~ or s. 893.02 when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship that includes a documented patient evaluation, including history and a physical examination adequate to establish the diagnosis for which any drug is prescribed and any other requirement established by board rule under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, or chapter 466.

Section 19. Section 465.1901, Florida Statutes, is amended to read:

465.1901 Practice of orthotics and pedorthics.—The provisions of chapter 468 relating to orthotics or pedorthics do not apply to any licensed pharmacist or to any person acting under the supervision of a licensed pharmacist. The practice of orthotics or pedorthics by a pharmacist or any of the pharmacist's employees acting under the supervision of a pharmacist shall be construed to be within the meaning of the term "practice of the profession of pharmacy" as defined ~~set~~

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~~forth~~ in s. 465.003 ~~465.003(13)~~, and shall be subject to regulation in the same manner as any other pharmacy practice. The Board of Pharmacy shall develop rules regarding the practice of orthotics and pedorthics by a pharmacist. Any pharmacist or person under the supervision of a pharmacist engaged in the practice of orthotics or pedorthics is not precluded from continuing that practice pending adoption of these rules.

Section 20. Subsection (40) of section 499.003, Florida Statutes, is amended to read:

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

(40) "Prescription drug" means a prescription, medicinal, or legend drug, including, but not limited to, finished dosage forms or active pharmaceutical ingredients subject to, defined by, or described by s. 503(b) of the federal act or s. 465.003(14) ~~465.003(8)~~, s. 499.007(13), subsection (31), or subsection (47), except that an active pharmaceutical ingredient is a prescription drug only if substantially all finished dosage forms in which it may be lawfully dispensed or administered in this state are also prescription drugs.

Section 21. Paragraph (c) of subsection (24) of section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

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(24) "Prescription" includes any order for drugs or medicinal supplies which is written or transmitted by any means of communication by a licensed practitioner authorized by the laws of this state to prescribe such drugs or medicinal supplies, is issued in good faith and in the course of professional practice, is intended to be dispensed by a person authorized by the laws of this state to do so, and meets the requirements of s. 893.04.

(c) A prescription for a controlled substance may not be issued on the same prescription blank with another prescription for a controlled substance that is named or described in a different schedule or with another prescription for a medicinal drug, as defined in s. 465.003 ~~465.003(8)~~, that is not a controlled substance.

Section 22. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 23. This act shall take effect January 1, 2021.

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From: Hodge, Chris <Chris.Hodge@myfloridahouse.gov>
Sent: Friday, January 17, 2020 12:06 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: FW: Rep. James Buchanan HB 941 Question Follow-Up
Attachment(s): "First Step LOS.pdf","HB 941 Committee Information.pdf"

Christopher Hodge, MBA
Legislative Aide
C:(850)-375-2532

REPRESENTATIVE JAMES V. BUCHANAN
Florida House of Representatives, District 74

Please note that Florida has a broad public records law (Chapter 119, F.S.). Most written communications to or from state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public and will only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida.

From: Hodge, Chris
Sent: Friday, January 17, 2020 12:03 PM
To: Brazzell, Hilary <Hilary.Brazzell@myfloridahouse.gov>
Cc: Buchanan, James <James.Buchanan@myfloridahouse.gov>; Ramos, Dione <Dione.Ramos@myfloridahouse.gov>
Subject: Rep. James Buchanan HB 941 Question Follow-Up

Good Afternoon Hilary,

I appreciate meeting with you and Jo yesterday and the opportunity to answer some of your questions.

Please find attached the information we compiled in conjunction with our office, stakeholders, and substance abuse experts.
Information provided:

- Intent
- Competitors
- Marchman Act Information
- Substance Abuse Services Efficacy
- Example of Terms of Service
- Privacy Policy
- Letter of Support for such services

Thank you,

Christopher Hodge, MBA
Legislative Aide
C:(850)-375-2532

REPRESENTATIVE JAMES V. BUCHANAN
Florida House of Representatives, District 74

Please note that Florida has a broad public records law (Chapter 119, F.S.). Most written communications to or from state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public and will only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida.

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First Step
Addiction Recovery Programs

Chuck Madden, CEO
Trust but Verify
1626 Ringling Blvd.
Sarasota, FL 34236

Dear Chuck:

Since beginning as a Beta testing site for the Trust but Verify Phone Application in early 2019, First Step of Sarasota has experienced many positives as a direct result of utilization of this app beyond accountability. Clients that have used the app for tracking sober support/12 step meeting attendance have reported that they like the app and the ease of checking in and out of meetings. The paper format used prior to this app for verification of attendance not only took away the anonymous factor for many clients but, also left First Step staff questioning the verifiability. Clients also report that they like how they are able to access available meetings nearby and at convenient times with ease which has increased engagement in sober support meetings. Clients also have the ability to have a compiled list of all meetings documenting they have attended which has proven to be helpful for family or judicial court related proceedings.

The TBV app aids the counselor and client relationship. Counselors are able to check in with their clients via a messaging system between face-to-face contacts. Counselors can "nudge" clients that have not been engaging in meetings or can send a message reminding clients of upcoming appts. This allows the TBV app to become a treatment "extender" helping to ensure additional recovery support beyond the clinical setting. One of the most important indicators of potential treatment success is how engaged the individual is in 12 step recovery. This app is proving to improve treatment outcomes by reinforcing exposure to support systems outside of our clinical office.

As a result of our positive experience with the TBV app, First Step outpatient is expanding its utilization with Child Welfare parents through our Family Safety Program and plan to implement it as part of our Road to Recovery initiative with Sarasota County Jail. Our project Recovery Peer Specialist will make the app available to inmates with opiate disorders exiting jail into the community. It will be a part of an overall treatment based transition program.

In closing, First Step feels fortunate to have the opportunity to be an initial partner with TBV and are happy to share our experience further with those who might have additional questions.

Best regards,

Phillip J. "P.J." Brooks, MA, LMHC

Vice President of Outpatient and Youth Services

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Changing Lives, Saving Families

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Tallahassee, FL 32399

THE FLORIDA HOUSE OF REPRESENTATIVES

Representative James Buchanan
District74

HB 941 *Substance Abuse Services* Act Children, Family, Seniors Question

Follow-Up to January 16th Staff Meeting

Surgeon General: 1 in 7 in USA will face substance addiction
https://www.usatoday.com/story/news/nation-now/2016/11/17/surgeon-general-1-7-us-face-substance-addiction/93993474/

- Intent: Provide for the state a means for use of an Opt-In Application of Technology for electronic verification in conjunction with traditional verification means. This is another tool in the belt of the state to help combat addiction.
- Safe use of third-party service with protected cloud based service utility
- State of Florida already employs electronic verification of location and other biometrics in regards to ankle monitoring bracelets and urine tests for verification of use of banned or illicit substances.

Venders who provide such services

Trust but verify ("TBV") Competitors

Attached please find information regarding TBV competitors. If you have any further questions and or comments please feel free to contact Chuck or me.

1. Pear reSET https://peartherapeutics.com/
    a. Pear reSET is a medical tool for substance use disorder treatment approved by the Food and Drug Administration
2. Sobertool www.sobertool.com
    a. Sobertool was designed specifically for people in recovery from alcohol addiction.
3. Affinity eHealth www.affinityehealth.com
    a. Affinity eHealth enhances lives by improving compliance outcomes.
4. WEconnect Health Management www.weconnectrecovery.com
    a. WEconnect helps people stay connected and accountable on their recovery journey.
5. DynamiCare Health www.dynamicarehealth.com

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a. Dynamicare is an evidenced based digital platform that reinforces a person's recovery from addiction and rewards healthy behavior.

How often do people ordered to substance abuse treatment receive self-help group mandates?

- 59% of AA members received treatment / counseling prior to entering the program
- 397.334: "Treatment-based drug court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.345, treatment-based drug court programs authorized in chapter 39, postadjudicatory programs as provided in ss. 948.01, 948.06, and 948.20, and review of the status of compliance or noncompliance of sentenced offenders through a treatment-based drug court program. While enrolled in a treatment-based drug court program, the participant is subject to a coordinated strategy developed by a drug court team under subsection (4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in s. 397.311"
- substance abuse services FL statutes link
  - http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0397/0397.html
- Alcohol.org
  - https://www.alcohol.org/laws/court-ordered/

If Marchman Acted (sent to licensed treatment center) is there also a self-help component?

- Submitted by person on behalf of another individual (in county where individual is located)
- Assessment (up to 5 days), stabilization and long-term treatment (up to 60 days)
- Trained medical professionals assess patient and make treatment recommendations (delivered to the court)
- No punishment for non-compliance, however petitioner can open civil case and repercussions can be put in place if patient does not comply with Marchman rules

How successful are groups like AA?

- 2014 Member Survey
  - 27% Sober < 1 Year
  - 24% 1-5 Years
- **https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2746426/**
  - Rates of abstinence are about twice as high among those who attend AA (study)
  - Higher levels of attendance are related to higher rates of abstinence (study)
  - Prior AA attendance is predictive of subsequent abstinence (study)

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Are there any mandated self-help assignments in prior statutes?

Proof of Attendance at Meetings

- Some judges require written proof that offenders have attended a certain number of meetings. Often, when the court-ordered newcomer attends an A.A. meeting, the group secretary (or other group officer) is willing to sign their first name, or to initial a slip furnished by the court saying so-and-so was at the meeting on a particular date. Hopefully, all involved recognize that neither the group nor its members are "bound" in any way by the signature, nor does this courtesy signify affiliation of the A.A. group with any other program or guarantee that the attendee was present for the entire meeting; it simply illustrates cooperation. Court professionals should understand too, that attendance at A.A. meetings doesn't guarantee sobriety.
- Placing great emphasis on A.A.'s principle of Anonymity, we understand that some A.A. members are uncomfortable when asked to sign their full name or to supply other personal information indicating that they are A.A. members. This cherished Tradition of Anonymity provides protection to all A.A.s from being publicly identified as alcoholics, a safeguard especially important to the newcomer. Since each group is autonomous, and providing proof of attendance at meetings is *not* a specific part of A.A.'s program, each group and group member has the right to choose whether or not to sign court slips.
- While some groups have elected not to sign court cards, it is our experience that most groups will try to cooperate with our professional friends. In some areas, courts furnish cooperating A.A. groups with sealed, stamped envelopes addressed to the court. In general, the secretary of the group announces that anybody needing an envelope may get it after the meeting. The newcomer takes the envelope, privately writes his or her name and/or return address on it, and mails it. In other areas, each cooperating group has a sheet, furnished by the court, that the secretary announces is available for court ordered newcomers to sign after the meeting. The secretary returns the sheets in envelopes furnished by the referring agency. In this way, it is not the A.A. group, but the prospect's own signature which affirms he or she was at the meeting.
    - https://www.aa.org/pages/en_US/alcoholics-anonymous-as-a-resource-for-drug-and-alcohol-court-professionals

- So doing violates the Establishment Clause, guaranteeing that at a minimum, "government may not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which establishes a [state] religion or religious faith, or tends to do so." (Lee v. Weisman, 1992, U.S. Supreme Court on school prayer.) In short, while not deemed an actual religion, AA – with the steps' numerous references to "God" – is considered to contain enough religious components to make coerced attendance unconstitutional, despite the fact that attendees commonly argue that the 12 steps are "spiritual," not religious.
    - https://www.rehabs.com/pro-talk-articles/you-cant-make-me-or-can-you-mandated-aa-attendance/
    - https://www.drugrehab.com/treatment/court-ordered/

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Who would be paying for the app? Users, groups or states?

- Users ($20 / Month for specific service in HB 941
- Provide to state
- Intent is to provide no mandate for exclusive electronic verification

Biometric concerns – data storage and usage?

Court Ordered use

Stakeholder Point of View & Talking Points

How often do people ordered to substance abuse treatment receive self-help group mandates?

1. Based on my experience, nearly 100% of people ordered to substance abuse treatment are either mandated or strongly encouraged to attend some form of self-help meetings in addition to any formal programming
2. Can't speak to the balance of the paragraph other than to state that ALL drug court and other addiction courts that I am familiar with strongly suggest or mandate self-help group attendance in addition to court mandates

If Marchman Acted is there a self-help component?

1. All Marchman Act holding facilities incorporate self-help meetings within the facilities.
2. Upon discharge, self-help meeting attendance is strongly encouraged along with professional substance abuse treatment for all Marchman acted individuals

How successful are groups like AA?

1. I think it is important to not focus solely on AA, but to look at all self-help groups nationally. While it remains very difficult to get actual statistics on 'self-help" success, most people in long-term recovery will reference the importance of meeting like mined people and self-help meeting attendance as important or very important in their early recovery.
2. A regularly accepted recovery anecdote is "90 meetings in 90 days 90% chance of remaining sober/clean at 1 year"
3. As a founder of TBV, I can state unequivocally that meeting attendance and the people I met in those meetings saved my life and is one of the most important factors in my sobriety

Are there any mandated self-help assignments in prior statutes?

1. Can't speak to the majority of this section however I will state that my experience across the country shows me that self-help attendance is mandated or strongly encouraged in very state and within multiple verticals within each state, not to mention nearly every outpatient treatment program and upon discharge from most inpatient programs.

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2. The current method of "honor method" reporting of attendance is ineffective and potentially damaging. The court wants you attend therefore the court should actually want to know if the person actually attended. The court would never accept a "self-reported result" for a urinalysis and should treat meeting attendance compliance the same way.
3. TBV provides BETTER anonymity for the court ordered person because they can provide proof of attendance without having to present themselves to a chairperson for a signature.
4. TBV offers self-help meetings in many genres. Some 12 step with religious undertones (AA, NA, Celebrate Recovery). Some secular (Life Ring, Smart Recovery) and a Buddhist inspired group (Refuge Recovery) and recovery yoga. Referring someone to self-help, does not equate to referring someone to a religious program.

Who would be paying for the app?

1. TBV is designed to paid for by the person attending the group meetings similar to drug testing costs, interlock devices etc. We have established a price of $20/mnth/client as a very low barrier to entry. (This is designed to help the recovery community not hurt). Additionally, TBV is in the process of issuing thousands of free licenses to assist the recovery and ultimately TBV will have a 501c3 sister group that will give away a free license for every 20 sold and as looking at sponsoring (paying for) detox and half-way house beds in markets where we operate

Example of End User License Agreement and Privacy Policy for Florida based business

TBV ME, CO.
TBV ME End-User License Agreement (Android)

THIS IS A LEGAL AGREEMENT BETWEEN YOU AS THE PERSON ACQUIRING THE SOFTWARE AND/OR YOUR COMPANY IF YOU HAVE ACQUIRED THE SOFTWARE FOR YOUR COMPANY (COLLECTIVELY, "CUSTOMER") AND TBV ME, CO. ("LICENSOR") REGARDING YOUR USE OF THE TBV PLATFORM SOFTWARE AND ALL DATA OR CONTENT THAT IS ACCESSED OR UTILIZED BY THE TBV PLATFORM SOFTWARE (COLLECTIVELY THE "SOFTWARE"). BY INSTALLING OR USING THE SOFTWARE, YOU AGREE TO BE BOUND BY TERMS OF THIS END-USER LICENSE AGREEMENT (THE "AGREEMENT"). IF YOU DO NOT AGREE TO THE TERMS OF THIS AGREEMENT, YOU ARE NOT ENTITLED TO USE THE SOFTWARE AND MUST UNINSTALL THE SOFTWARE FROM ANY COMPUTERS OR DEVICES ON WHICH IT IS INSTALLED.

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c. Send to licensor material containing software viruses, worms, Trojan horses or other harmful computer code, files, scripts, agents or programs, or otherwise interfere with or disrupt the integrity or performance of the Software;
d. Modify, translate or adapt the Software or documentation, incorporate the Software or documentation in whole or in part in any other product or create derivative works based on all or part of the Software or documentation;
e. Copy the Software or documentation in any manner or for any purpose.
f. Install or use the Software in a network or similar configuration which permits access by more than one user or device at a time;
g. Disassemble, decrypt, extract, reverse engineer or reverse compile the Software, or otherwise attempt to discover the confidential algorithms and techniques incorporated in the Software, or disclose or use any confidential information of Licensor in any manner other than as expressly authorized in this Agreement; or
h. Share Your login with any other person (including another user or other third party).

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This Software is for Your personal use only. Use of this directory or the information available for any other purpose, including, but not limited to, reproducing, and storing in a retrieval system by any means, electronic or mechanical, photocopying or using the addresses (electronic or otherwise) or other information contained in this directory for any commercial or political purpose or mailing is strictly prohibited and is in direct violation of copyright and constitutes misappropriation of corporate property. Such unauthorized use may also violate the rights of privacy and/or publicity of individuals.

5. Term

This Agreement is effective until terminated. The Agreement and Your right to install and use the Software and documentation will automatically terminate without notice in the event of any failure by You to comply with any of the above restrictions or any term of this Agreement. Upon termination, You shall destroy or delete all copies of the Software in Your possession. All provisions of Sections 1, 7 and 8 of this Agreement shall survive termination.

6. Android-Enabled Software Applications:

Licensor offers software applications that are intended to be operated in connection with products made commercially available by third parties that operate using the Android operating system, which is owned by Google Inc. ("Google"). With respect to the Software that is made available for your use in connection with a Google-branded product, in addition to the other terms and conditions set forth in this Agreement, the following terms and conditions apply:

a. Licensor and you acknowledge that this Agreement is concluded between Licensor and you only, and not with Google, and that as between Licensor and Google, Licensor, not Google, is solely responsible for the Software and the content thereof.
b. The Google Play marketplace is owned and operated by Google. Your use of Google Play is governed by a legal agreement between you and Google consisting of the Google Terms of Service (found at

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http://www.google.com/intl/en/policies/terms/) and the Google Play Terms of Service (found at https://play.google.com/intl/en-US_us/about/play-terms.html, and together with the Google Terms of Service called the "Terms"). In addition, your use of Google Play is subject to the Google Play Business and Program Policies (found at http://play.google.com/about/android-developer-policies.html). The Google Play Market Terms of Service, Google Play Business and Program Policies, and Google Terms of Service shall take precedence in that order in the event of a conflict between them, to the extent of such conflict.

c. Your license to use the Software is limited to a non-transferable license to use the Software on a product that you own or control, as permitted by the terms of this Agreement.
d. Google has no obligation whatsoever to provide any maintenance or support services with respect to the Software.
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g. In the event of any third party claim that the Software or the end-user's possession and use of the Software infringes that third party's intellectual property rights, as between Licensor and Google, Licensor, not Google, will be solely responsible for the investigation, defense, settlement and discharge of any such intellectual property infringement claim.
h. You represent and warrant that (i) you are not located in a country that is subject to a U.S. Government embargo, or that has been designated by the U.S. Government as a "terrorist supporting" country; and (ii) you are not listed on any U.S. Government list of prohibited or restricted parties.
i. If you have any questions, complaints or claims with respect to the Software, they should be directed to Licensor.

7. Limited Warranty

a. You acknowledge and agree that the Software is provided "AS IS" without warranty of any kind. This is Licensor's entire liability and Your sole and exclusive remedy in connection with any breach of this Agreement, including, but not limited to, any breach of warranty. By accepting this Agreement, You acknowledge and agree that Licensor cannot and does not guarantee or warrant that files available for downloading through the Internet will be free of infection or viruses, worms, Trojan horses or other code that manifests contaminating or destructive properties. You download all files at Your own risk.

b. LICENSOR DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE OR NONINFRINGEMENT OF THIRD PARTIES' INTELLECTUAL PROPERTY RIGHTS.

8. Limitation of Liability

In no event will Licensor be liable for any damages including any lost profits or other incidental, special, punitive, exemplary, direct, indirect or consequential damages, arising out of or related to the Software, documentation or the use thereof, even if Licensor has been advised, or is otherwise aware, of the possibility of such damages and even if the warranty remedy of Section 7 fails of its essential purpose. You agree that the Limited Warranty of Section 7 and the Limited Liability of Section b are reasonable in light of the licenses fees paid under the License Agreement.

Some states do not allow exclusion of implied warranties or limitation of liability for incidental, special, punitive, or other indirect or consequential damages, so the limitations or exclusions of Sections 7 and 8 of the License Agreement may not apply to You. IN SUCH STATES, THE LIABILITY OF LICENSOR SHALL BE LIMITED TO THE GREATEST EXTENT PERMITTED BY LAW.

9. Miscellaneous

This Agreement, the license granted hereunder, the Software, any modifications thereto and any Services may not be assigned or in any way transferred without the prior written consent of Licensor. This Agreement is entered into solely for the respective benefit of the parties and their successors and assigns, and nothing in this Agreement will be construed as giving any right, remedy or claim under this Agreement to any third parties. Licensor shall not be in default to the extent that

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failure to perform any obligation under this Agreement is caused solely by supervening conditions beyond its control, including acts of God, fire, natural disaster, war, terrorism, riot or other civil disturbance, outages of electrical, telecommunications or computer server hosting services, acts of government or labor strikes or lockouts ("Force Majeure"). The terms of this Agreement shall be construed in accordance with the substantive laws of the Commonwealth of Massachusetts. The original of this Agreement has been written in English. The parties hereto waive any statute, law, or regulation that might provide an alternative law or forum or to have this Agreement written in any language other than English. Licensor and You exclude the United Nations Convention on Contracts for the International Sale of Goods and the Uniform Computer Information Transactions Act from this Agreement. If any provision of this Agreement is held to be excessively broad as to scope, activity, subject or otherwise so as to be unenforceable at law, such provision shall be constructed by limiting or reducing it so as to be enforceable to the maximum extent compatible with the applicable law as it shall then appear. This Agreement represents the entire understanding between the parties with respect to its subject matter and supersedes all prior written and oral communications. This Agreement may not be modified except by a written agreement signed by authorized representatives of both parties. A waiver by either party of its rights hereunder shall not be binding unless contained in a written agreement signed by an authorized representative of the party waiving its rights. The non-enforcement or waiver of any provision on one occasion shall not constitute a waiver of such provision on any other occasions unless expressly so agreed in writing. The relationship of the parties shall be that of independent contractors. Nothing herein shall be construed to create any agency, partnership, joint venture or similar relationship or to subject the parties to any implied duties or obligations respecting the conduct of their affairs which are not expressly stated herein. Neither party shall have any right or authority to assume or create any obligation or responsibility, either express or implied, on behalf of or in the name of the other party, or to bind the other party in any matter or thing whatsoever.

TBV ME Application Privacy Policy

TBV ME, Co., ("**TBV**", "**We**", "**Us**") has created this privacy policy ("**Privacy Policy**") in order to set out how we collect, use, and disclose personal information through the TBV platform and our related personal contact management services and applications (collectively, together with the TBV platform, the "**Services**"). Any capitalized terms in this Privacy Policy shall have the same meaning as set out in our Terms of Service.

The privacy of our users is of great importance to us. By using the Services in any manner, you acknowledge that you accept the practices and policies outlined in this Privacy Policy and you hereby consent to the collection, use and disclosure of your personal information in accordance with this Privacy Policy.

1 WHAT DOES THIS PRIVACY POLICY COVER?

This Privacy Policy covers our collection, use and disclosure of information about identifiable individuals ("**Personal Information**"), who use the Services ("**Users**").

2 COLLECTION AND USE OF PERSONAL INFORMATION

2.1 User Information

In order to use certain Services, Users must have a valid TBV App account to log into the Services ("**Account**").

When you register for an Account using email registration, TBV collects your name, cell phone number, email address, and location,. This Personal Information is used for the following purposes:

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- Verifying the User's identity;
- Allowing Users to create a profile; and
- Contacting Users about relevant information related to the Services.

2.2 Transaction History

When Users use the Services, TBV collects information about the User's activity and transaction history. In particular, TBV keeps track of the device used to log in, the time of day, the time spent on the app, location, actions completed and IP address, and you may also be asked to provide other personal data such as age, location, gender, personal history, etc. ("Personal Information"). This Personal Information is used for the following purposes:

- To allow Users to keep track of their history;
- To store and report activities tracked by the Services;
- To support research and efficacy of the Services;
- For TBV's accounting records;
- To enhance and customize User experience, including showing Users relevant contents; and
- To monitor compliance with our Terms of Service.

2.3 Marketing Communications

TBV will use the contact information provided to notify Users of important information that is relevant to the Services and for marketing communications if the User chooses to opt in. Despite your indicated e-mail preferences, we may send you relevant notices where permitted by law.

2.4 Usage Data

TBV may also collect certain information from Users of the Website and Services, such as Internet addresses, time spent logged into the Services and other usage data ("**Usage Data**"). This Usage Data is logged to help diagnose technical problems, and to administer our Website and Services in order to constantly improve the quality of the Website and Services.

2.5 Cookies

TBV uses tracking technologies, such as cookies, beacons, scripts and tags, are used by us and our third-party partners. These technologies are used in analyzing trends, administering the Services, tracking Users' movements around the Services, gathering demographic information about our User base as a whole and collecting information about your browsing activities over time and across different websites following your use of the Services. We may receive reports based on the use of these technologies by these companies on an individual and aggregated basis. Various browsers may offer their own management tools for removing these types of tracking technologies.

Standing alone, cookies do not identify you personally. They merely recognize your browser. Cookies come in two flavors: session and persistent-based. Session cookies exist only during an online session. They disappear from your computer when you close your browser software or turn off your

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computer. Persistent cookies remain on your computer after you've closed your browser or turned off your computer.

TBV uses session cookies containing encrypted information to allow the system to uniquely identify you while you are logged in. This information allows TBV to process online transactions and requests. Session cookies help us make sure you are who you say you are after you've logged in and are required in order to use the Service.

TBV uses persistent cookies that only TBV can read and use, to identify the fact that you are a TBV User. We are especially careful about the security and confidentiality of the information stored in persistent cookies. Users who disable their web browser's ability to accept cookies will be able to browse our Website but may not be able to use all features of our Services.

3 SECURITY AND STORAGE

3.1 Storage Location

TBV stores its data, including Personal Information, on Amazon Web Services servers located in the United States. By submitting any Personal Information or using the Services, you agree to this transfer, storing or processing of your Personal Information in the United States. You acknowledge and agree that your Personal Information may be accessible to law enforcement and governmental agencies in those countries under lawful access regimes or court order.

3.2 Security

The security of your Personal Information is important to us. We use commercially reasonable efforts to store and maintain your Personal Information in a secure environment. We take technical, contractual, administrative, and physical security steps designed to protect Personal Information that you provide to us. We have implemented procedures designed to limit the dissemination of your Personal Information to only such designated staff as are reasonably necessary to carry out the stated purposes we have communicated to you. However, no Internet or email transmission is ever fully secure or error free. In particular, email sent to or from the Services may not be secure. Therefore, you should take special care in deciding what information you send to us via email. Please keep this in mind when disclosing any Personal Information to us via the Internet.

You are also responsible for helping to protect the security of your Personal Information. For instance, never give out your email account information or password for the Services to third parties.

4 DISCLOSURE OF PERSONAL INFORMATION WITH THIRD PARTIES

4.1 Disclosure to our Service Providers

We may from time to time employ or engage other companies and people to perform tasks on our behalf and need to share Personal Information with them to provide the Services. Unless we tell you differently, we only provide such third parties with the Personal Information that they need to perform their specific function. This includes third party companies and individuals employed or engaged by us to facilitate our products and services, including the provision of maintenance services, database management, customer relationship management, web analytics and general improvement of

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the Services, and businesses who engage our Services (to the extent provided for above). In particular, TBV uses the following service providers: Google Cloud Platform, Amazon AWS, Stripe and Google Analytics.

4.2 Business Transfers

If we (or any of our assets) are acquired, or if we go out of business, enter bankruptcy, or go through some other change of control, Personal Information may be made available or otherwise transferred to the new controlling entity, where permitted under applicable law.

4.3 With Your Consent

If we need to use or disclose any Personal Information in a way not identified in this Privacy Policy, we will notify you and/or obtain your express consent as required under applicable privacy laws.

4.4 Affiliates

We may also share your Personal Information with our subsidiaries or other affiliated companies for purposes consistent with this Privacy Policy.

4.5 As required by law

We may disclose your Personal Information to third parties without your consent if we have reason to believe that disclosing this information is necessary to identify, contact or bring legal action against someone who may be causing injury to or interference with (either intentionally or unintentionally) our rights or property, other Users, or anyone else (including the rights or property of anyone else) that could be harmed by such activities. Further, we may disclose Personal Information when we believe in good faith that such disclosure is required by and in accordance with the law. We also reserve the right to access, read, preserve, and disclose any information as we reasonably believe is necessary to:

- satisfy any applicable law, regulation, legal process or governmental request;
- enforce our contracts or user agreement (Terms of Service), including investigation of potential violations hereof; and
- detect, prevent, or otherwise address fraud, security or technical issues.

5 RETENTION

We will keep your Personal Information for as long as it remains necessary for the identified purpose or as required by law, which may extend beyond the termination of our relationship with you. We may retain certain data as necessary to prevent fraud or future abuse, or for legitimate business purposes, such as analysis of aggregated, non-personally-identifiable data, account recovery, or if required by law. All retained Personal Information will remain subject to the terms of this Privacy Policy.

6 ACCESS, CORRECTION AND ACCURACY

ACTIVE/99347676.1

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You have the right to access the Personal Information we hold about you in order to verify the Personal Information we have collected in respect to you and to have a general account of our uses of that information. Upon receipt of your written request, we will provide you with a copy of your Personal Information, although in certain limited circumstances, and as permitted under law, we may not be able to make all relevant information available to you, such as where that information also pertains to another User. In such circumstances we will provide reasons for the denial to you upon request. We will endeavor to deal with all requests for access and modifications in a timely manner.

We will make every reasonable effort to keep your Personal Information accurate and up to date, and we will provide you with mechanisms to update, correct, delete or add to your Personal Information as appropriate. As appropriate, this amended Personal Information will be transmitted to those parties to which we are permitted to disclose your information. Having accurate Personal Information about you enables us to give you the best possible service.

7 CHANGES TO THIS PRIVACY POLICY

We may amend this Privacy Policy from time to time. Use of Personal Information we collect is subject to the Privacy Policy in effect at the time such information is collected, used or disclosed. If we make material changes or changes in the way we use Personal Information, we will notify you by posting an announcement on our Website or sending you an email prior to the change becoming effective. You are bound by any changes to the Privacy Policy when you use the Website or Services after such changes have been first posted.

8 CHILDREN

TBV does not knowingly collect Personal Information from children under the age of 13. If you are under the age of 13, please do not submit any Personal Information through or use the Services. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce our Privacy Policy by instructing their children never to provide Personal Information through Services without their permission. If you have reason to believe that a child under the age of 13 has provided Personal Information to TBV through the Services, please contact us, and we will endeavor to delete that information from our databases.

9 LINKS TO OTHER WEBSITES AND SERVICES

This Privacy Policy applies only to the Services. The Services may contain links to other web sites or services not operated or controlled by TBV (the "Third Party Services"). The policies and procedures we described here do not apply to the Third Party Services. The links from the Services do not imply that we endorse or have reviewed the Third Party Services. We suggest contacting those third parties directly for information on their privacy policies.

10 EXCLUSIONS

This Privacy Policy does not apply to any Personal Information collected by TBV other than Personal Information collected through the Services. This Privacy Policy shall not apply to any unsolicited information you provide to TBV through the Services or through any other means. This includes, but is not limited to, information posted to any public areas of the Services, such as forums, any ideas for new products or modifications to existing products, and other unsolicited submissions (collectively,

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"Unsolicited Information"). All Unsolicited Information shall be deemed to be non-confidential and TBV shall be free to reproduce, use, disclose, and distribute such Unsolicited Information to others without limitation or attribution.

11 ADDITIONAL INFORMATION

You can help by keeping us informed of any changes such as a change of address or telephone number. If you would like to access your Personal Information, if you have any questions, comments or suggestions about our Privacy Policy or practice, or if you find any errors in our Personal Information about you, please contact us at: support@tbvme.com

Last Updated: June 4, 2019

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ACTIVE/99347676.1

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From: Brill, Victoria
Sent: Tuesday, January 07, 2020 2:02 PM EST
To: Hebel, Meagan <Meagan.Hebel@myfloridahouse.gov>
Subject: FW: SB 1212
Attachment(s): "State Protocol Officer Talking Points.docx"

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Tuesday, January 7, 2020 9:49 AM
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: RE: SB 1212

Hi Victoria!

Happy New Year to you as well! Sorry for my delay I am just getting back to the office after a week out. I have attached the Talking Points for SB 1212 and we are still working on securing a House sponsor…it looks like we will probably run it as a PCB.

We are closing the details within the next day or so, I will follow up with you once our plan is in play.

Thank you so much!

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

From: Brill, Victoria <Brill.Victoria@flsenate.gov>
Sent: Monday, January 6, 2020 11:08 AM
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: FW: SB 1212

EMAIL RECEIVED FROM EXTERNAL SOURCE

Hi Brittany,

Happy New Year! I am following up on my e-mail below. Could you please let me know about talking points as well as a House Sponsor?

Thanks!
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Brill, Victoria
Sent: Monday, December 16, 2019 4:20 PM
To: 'Dover, Brittany N.' <Brittany.Dover@dos.myflorida.com>
Subject: SB 1212

Hi Brittany,

I hope this e-mail finds you well. I wanted to see if you had talking points and background for SB 1212? Also, I wrote down Rep. Jamie Grant was potentially going to sponsor the legislation in the House. Is that correct?

I look forward to the updates.

AMERICAN OVERSIGHT

Thank you,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
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State Protocol Officer (Office of International Affairs) Talking Points:

- State protocol officer functions resided with the Secretary of State as the state protocol officer prior to 2004, when they were transferred to the Office of Tourism, Trade and Economic Development within the Office of Governor.

- In 2011, some functions were delegated to the newly created Department of Economic Opportunity while the majority became duties of a state protocol officer to be named by the Governor and to be housed within the EOG.

- This bill returns certain state protocol officer and intergovernmental relations functions back to the Secretary of State.

- Bill requires (1) FTE at $117,896 for FY 20-21. Which has been included in the Governor's recommended budget.

- The bill removes the purpose statement of the sister city and sister state program and makes discretionary certain activities thereunder such as establishing new programs as needed.

- The bill removes issuing certificates to foreign governmental officials after verification pursuant to proper investigations through the United States DOS and the appropriate foreign government.

- The bill removes verifying entitlement to sales and use tax exemptions pursuant to the United States DOS guidelines and identification methods.

- The bill removes maintaining a current and accurate listing of all such affiliations.

- Lastly, the bill removes the language prescribing certain parameters on the sister city and state affiliations.

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From: Brill, Victoria
Sent: Monday, January 06, 2020 11:08 AM EST
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: FW: SB 1212

Hi Brittany,

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Vickie

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Subject: SB 1212

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(850) 487-5023

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From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Tuesday, November 19, 2019 2:49 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15
Attachment(s): "Senator Gruters EcoDevWeek19 2.pdf","Senator Gruters EcoDevWeek19.pdf"

From: Mark Huey <mhuey@edcsarasotacounty.com>
Sent: Tuesday, November 19, 2019 1:50 PM
To: Joe Gruters <jg@joegruters.com>
Cc: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Greetings Senator Gruters.

The Florida Economic Development Council would again like to invite you to return as the host of the Capitol press event announcing Florida Economic Development Week. The press event will take place Thursday, Feb 6, preferably outside the Senate Chambers. However, this year session will have begun, whereas last year, we were in committee weeks. Our intention is to partner with the Association of Florida Colleges Council of Presidents as we did last year. It was a tremendous event that received great press coverage and launched a week of social media highlighting the impact of economic development in Florida. Photos from last year are attached.

Ideally, FEDC would like to schedule a call or a meeting with Senator Gruters to plan the press event. Would very much like to get his support in inviting a House member to join him in providing resolutions in support of Florida Economic Development Week. Another new component this year, is the interest of the Governor's office to potentially participate in the press event. This could be in the form of a resolution and/or remarks from Jamal Sowell.

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Thanks for your consideration, and for all you are doing to prosper Florida citizens.

Mark Huey
President & CEO
Economic Development Corporation of Sarasota County
1680 Fruitville Road, Suite 402
Sarasota, FL 34236
(t) 941.309.1200 ext. 100 (f) 941.309.1209
(toll free) 1.888.ROLL.SRQ - 1.888.765.5777
http://www.edcsarasotacounty.com
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SARASOTA COUNTY

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From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Monday, December 02, 2019 2:21 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
CC: mhuey@edcsarasotacounty.com <mhuey@edcsarasotacounty.com>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15
Attachment(s): "Senator Gruters EcoDevWeek19 2.pdf","Senator Gruters EcoDevWeek19.pdf"

Josh:
Mark Huey, the Executive Director for the Sarasota EDC, called today and was wondering about the status of this request.
I have included him in this e-mail.
It is a Tallahassee scheduling matter. He knows you do not have the calendar for that week yet, but he wanted your contact info.
GeeDee

From: Mark Huey <mhuey@edcsarasotacounty.com>
Sent: Tuesday, November 19, 2019 1:50 PM
To: Joe Gruters <jg@joegruters.com>
Cc: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

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Mark Huey
President & CEO
Economic Development Corporation of Sarasota County
1680 Fruitville Road, Suite 402
Sarasota, FL 34236
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From: Mark Huey <mhuey@edcsarasotacounty.com>
Sent: Tuesday, November 19, 2019 1:49 PM EST
To: Joe Gruters <jg@joegruters.com>
CC: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15
Attachment(s): "Senator Gruters EcoDevWeek19 2.pdf","Senator Gruters EcoDevWeek19.pdf"

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AMERICAN OVERSIGHT

From: Kerr, GeeDee
Sent: Friday, January 10, 2020 3:49 PM EST
To: Langston, Jennifer <JenniferLangston@flhsmv.gov>
Subject: FW: Senator Gruters constituent - Julia Michelle Cable

Jennifer:
You are amazing. Mrs. Cable just called. Her license is all worked out. She is thrilled and so grateful.
Me too.
Thank you!!!!
GeeDee

From: Kerr, GeeDee
Sent: Thursday, January 9, 2020 2:37 PM
To: 'Langston, Jennifer' <JenniferLangston@flhsmv.gov>
Subject: Senator Gruters constituent - Julia Michelle Cable

Hello Jennifer:
Please see below a problem re: drivers' license renewal from our constituent.
Let me know if you need anything further from us.
Many thanks.
GeeDee

Name: Julie Michelle Cable
Address: 340 Glen Oak Rd.
Venice, FL 34293

Phone 941-525-6311

email : cablejmichelle@gmail.com

From: Julie Michelle Cable <cablejmichelle@gmail.com>
Sent: Thursday, January 9, 2020 2:29 PM
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Re: test

Dear Senator Gruters,
My name is Julie Michelle Cable. My birth name is Julie Michelle Brown.
I have been a resident here of Sarasota County living mostly in Venice for 56 years. I was born in Alabama and lived with my biological mother who then married and that man(became my step father) Wayne Freeman adopted me, changing my last name to Freeman. It appears though that my birth certificate was never amended to support the name change as expected.

I am reaching out to you on the advise of my brother who tells me that instead of approaching a constitutional attorney I should start with the Senator for my area. I hope you can help me, I am at my wits end with searching for resolution.

My driver's license expired November 2019. Upon renewal procedure the Department of Motor Vehicles has advised me that they cannot renew my driver's license due to the fact that my birth certificate is not the correct name to be in line with the paper trail of who I am. My first driver's license was issued with Freeman being my last name around 1977-78 ...they should have record of that.....I have all the papers in line to show my name changes from that point to this current day....(ie: marriage, divorce). My parents are elderly and totally uncooperative .....they are telling me that the adoption record papers were stolen.

Due to this invalid license a hardship is being created because I cannot open a bank account without a valid license. I have a company newly registered with the State of Florida for home inspecting and I cannot get the first job because I cannot open a bank account. I need your help please. This new business is so I can support my family. I have lived here in Sarasota County since I was 1 year old.....every registration of my vehicles, purchasing a home, a passport have all taken place in this county.
The following is pertinent information to who I am and how I can be reached.
Julie Michelle Cable
340 Glen Oak Rd.
Venice, FL 34293

Phone 941-525-6311

email : cablejmichelle@gmail.com

I grew up on Shamrock Dr in South Venice....spent 17 yrs there and then moved about for a few years, then I purchased a home 1821 Faun Rd. where I lived for almost 30 years.....I have been on Glen Oak rd in Venice Gardens for approx 5 years.

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I am happy to answer any questions for you.
Desperate for help,
Julie Michelle Cable

AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Friday, January 31, 2020 5:04 PM EST
To: Joe Gruters <joegruters@gmail.com>
CC: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: FW: SJR 1216
Attachment(s): "Eight is Enough Talking Points.pdf","FL Statewide 3-2018- School Board 8yr Term-Limit X-tabs.pdf","How Term Limits Fight Big Money in Politics.pdf","Pettey-Term-Limits.pdf","REVISEDFLSB Handout.pdf","TermLimitsStateBudgets Holcombe.pdf","TPs_QA.docx","2020s01216.pre.ee.PDF"

Senator,

Here is the bill pack for SJR 1216, Term limits that is up on Monday at 4 p.m. in Ethics and Elections. This bill does have an amendment.

Thanks,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Brill, Victoria
Sent: Friday, January 24, 2020 6:27 PM
To: 'Joe Gruters' <joegruters@gmail.com>
Cc: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: SJR 1216

Senator,

Here is the bill package for SJR 1216, Term Limits. I have also included a bunch of background information related to this topic.

Thanks,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL:	SJR 1216
INTRODUCER:	Senator Gruters
SUBJECT:	Limitation on Terms of Office for Members of a District School Board
DATE:	January 24, 2020 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Roberts	EE	**Pre-meeting**
2.			ED	
3.			RC	

I. Summary:

SJR 1216 proposes that district school board members be subject to a 12-year consecutive service term limitation. The restriction goes further than the current "eight-is-enough" term limit that applies to Cabinet members and State legislators. The provision would operate prospectively beginning with the 2020 general election. The likely earliest date that any currently serving school board member could be "termed-out" would be in November 2032.

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2020, unless the legislature authorizes an earlier special election for that specific purpose.

II. Present Situation:

Term Limits

The Florida Constitution provides that a person holding any of the following offices may not have his or her name on the ballot for reelection if the person has served, or but for resignation would have served, in an office for *eight* consecutive years:

- State Senator;
- State Representative;
- Lieutenant Governor;
- Florida Cabinet member;
- U.S. Representative from Florida; or
- U.S. Senator from Florida.[1]

[1] Art. VI, s. 4(b), FLA. CONST.

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The U.S. Supreme Court has held that state-imposed limits on the terms of *federal* office holders violate the U.S. Constitution, effectively rendering unenforceable Florida's term limits on its congressional members.[2]

The term limits provision was proposed by citizen initiative and passed at the 1992 general election by a greater than 3-to-1 margin (approved by over 76% of electors voting on the measure).[3] The amendment applied *prospectively*; service prior to the 1992 election did not count toward the eight-year restriction. Thus, the term limits amendment did not begin to have a direct impact until the 2000 election cycle.

Florida School Boards

There are currently 358 school board members across the 67 districts in Florida.[4] There is no provision in the Florida Constitution or Florida Statutes that limits the term of school board members.

Section 4(a) of Article IX of the Florida Constitution provides that:

> Each county shall constitute a school district … In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

The responsibility of each school district includes operating, controlling, and supervising all free public schools within the school district and determining the rate of school district taxes within the limits of the school district.[5]

III. Effect of Proposed Changes:

SJR 1216 provides that a person may not appear on the ballot for reelection to the office of school board member if by the end of his or her current term he or she served, or but for resignation will have served, in that office for 12 consecutive years. The language goes further than the current 8-year constitutional limits that apply to Cabinet members and State legislators. The proposed amendment would operate prospectively beginning with the 2020 general election, unless the Legislature authorizes it to be voted at an earlier special election; thus, the earliest any currently serving school board member could be "termed-out" likely would be at the 2032 general election.

---

[2] *See*, *U.S. Term Limits, Inc. v. Thornton*, 115 S. Ct. 1842 (1995).
[3] See Florida Division of Elections website at http://dos.elections.myflorida.com/initiatives/ (Year=1992; Ballot proposal #9) (last visited Dec. 26, 2019). For more information on the 1992 term-limit constitutional amendment, see http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=1066&seqnum=1 (last visited Dec. 26, 2019).
[4] The Florida School Boards Association, *State of the Association*, *Vol. 3* at p.1 (2017-18 Annual Report), available at: http://fsba.org/wp-content/uploads/2018/11/annual-report-201718.pdf (last visited Dec. 26, 2019). For a list of all Florida school boards and a link to the corresponding school boards website see: http://fsba.org/membership/school-boards/ (last visited Dec. 26, 2019).
[5] Fla. Const. Art. IX s. 4(b).

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The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2020, unless the legislature authorizes an earlier special election for that purpose. The joint resolution would apply upon approval of the voters — at least 60% of those voting on the measure.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments.

The Division has not completed an agency bill analysis for this bill or for the identical House Bill. Using the Division's 2018 general election estimate of $120.31 per word, this amendment would cost just over ***$38,250***.

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VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This joint resolution substantially amends Articles IX and XII of the Florida Constitution.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

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EIGHT IS ENOUGH - TALKING POINTS

- **Eight-year term limits are the most common and time-tested reform in the United States.** Of the 36 states with term limits on their governors, 35 provide for an eight-year limit. Only Virginia is different, allowing for a four-year maximum. Of the 15 states with legislative term limits, 10 provide for a limit of eight years or fewer. Nine of America's 10 most populous cities have term limits, with each of these laws allowing for eight years or less. The President has an 8-year limit, and it is absurd to suggest any local official needs more time to learn their job than the leader of the free world.

- **Eight-year term limits are the most common limit in Florida and they work.** Florida has eight-year term limits on our Governor, Cabinet, State House, State Senate and countless local positions. We rank as one of the freest and most fiscally healthy states in America and this is no outlier. On average, states with term limits rank better than states without term limits; and states with eight-year limits rank higher than those with longer limits. Why mess with success?

- **Eight-year term limits are the expressed preference of Florida citizens.** When a group of citizens collected nearly 400,000 signatures to put legislative limits on the ballot in Florida in 1992, they chose eight-year limits. The amendment passed with 77 percent support, garnering votes from 3.63 million Floridians. It is important that elected officials respect the will and preference of the voters they represent.

- **Florida voters resoundingly rejected 12 year term limits.** In 2005, Florida legislators placed onto the 2006 ballot an amendment that would have lengthened their own term limit from 8 years to 12. Public denunciation of the politicians behind the change was so intense — and opposition to the measure so deafening — that the legislature was forced to remove its own power grab from the ballot. This move was virtually unprecedented. Then-Governor Jeb Bush applauded the decision to maintain an eight-year limit, crediting this limit with much of Florida's progress during his administration.

- **Florida voters aren't changing their minds about Eight is Enough.** In 2009, lawmakers once more floated the prospect of lengthening Florida's term limits from 8 years to 12. A Quinnipiac poll at the time showed that voters opposed the change by a 79-18 margin. Since that time, no group of citizens has ever emerged to suggest making term limits longer. In fact, every petition drive for term limits in Florida — at the county and municipal level — has called for a limit of eight years or fewer. There are occasionally efforts to move from eight to 12 years in Tallahassee, but these whispers only come from politicians and capitol insiders, NEVER from ordinary people.

- **Eight-year term limits provide for fairer elections and more diversity.** America has an epidemic of unopposed and under-opposed elections at the state legislative level. Around 33% of all elections feature an incumbent running unopposed. Term limits break up this monopoly every eight years and allow a diverse array of citizens to vie for an open seat. Studies also show that state term limits — most of which are eight years — have increased the representation of women and minorities in state legislatures by a statistically significant degree.

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MCLAUGHLIN & ASSOCIATES
FL - STATEWIDE

1. BELOW IS A SERIES OF FLORIDA STATE CONSTITUTIONAL AMENDMENTS THAT MAY BE VOTED ON IN THE NOVEMBER 2018 GENERAL ELECTIONS. FOR EACH AMENDMENT, PLEASE TELL ME WHETHER YOU WOULD VOTER YES, IN FAVOR OF THE AMENDMENT; OR NO, AGAINST THE AMENDMENT.
"PROPOSAL 44: TERM LIMITS FOR SCHOOL BOARDS, WHICH WOULD LIMIT SCHOOL BOARD MEMBERS TO EIGHT YEARS IN OFFICE."
(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	SAMPLE		MEDIA MARKET												REGION		
		LAND-LINE	CELL PHONE	Miami/Ft. Laud.	West Palm Beach	Ft. Myers/Naples	Tampa/St. Pete	Orlando-Daytona	Jacksonville	TALLA/GAINESCOMBO	Tallahassee	Gainesville	PANAMA/MOBILCOMBO	Panama City/Dothan	Mobile/Pensacola	NORTHERN	CENTRAL	SOUTHERN
Total	1000	569	431	184	105	67	247	209	87	45	28	17	56	20	36	188	456	356
YES, IN FAVOR	82.4	82.6	82.1	79.9	80.0	83.6	83.4	86.1	80.5	77.8	82.1	70.6	82.1	75.0	86.1	80.3	84.6	80.6
Definitely	62.6	63.4	61.5	62.0	57.1	68.7	65.2	63.6	58.6	51.1	53.6	47.1	67.9	65.0	69.4	59.6	64.5	61.8
Probably	16.8	16.3	17.4	13.6	20.0	13.4	17.0	20.6	13.8	17.8	21.4	11.8	14.3	10.0	16.7	14.9	18.6	15.4
Only Lean	3.0	2.8	3.2	4.3	2.9	1.5	1.2	1.9	8.0	8.9	7.1	11.8	-	-	-	5.9	1.5	3.4
NO, AGAINST	12.4	11.8	13.2	12.5	13.3	13.4	14.2	9.1	12.6	13.3	10.7	17.6	12.5	20.0	8.3	12.8	11.8	12.9
Definitely	6.5	6.5	6.5	8.2	6.7	9.0	5.7	5.3	6.9	4.4	3.6	5.9	7.1	20.0	-	6.4	5.5	7.9
Probably	5.3	4.6	6.3	3.3	6.7	4.5	7.3	3.8	4.6	8.9	7.1	11.8	5.4	-	8.3	5.9	5.7	4.5
Only Lean	0.6	0.7	0.5	1.1	-	-	1.2	-	1.1	-	-	-	-	-	-	0.5	0.7	0.6
UNDECIDED	5.2	5.6	4.6	7.6	6.7	3.0	2.4	4.8	6.9	8.9	7.1	11.8	5.4	5.0	5.6	6.9	3.5	6.5
Net Diff.	70.0	70.8	68.9	67.4	66.7	70.1	69.2	77.0	67.8	64.4	71.4	52.9	69.6	55.0	77.8	67.6	72.8	67.7
Mean	6.06	6.08	6.02	5.99	5.94	6.16	6.07	6.21	5.92	5.76	5.93	5.47	6.14	5.95	6.25	5.95	6.13	6.01

AMERICAN OVERSIGHT

MCLAUGHLIN & ASSOCIATES
FL - STATEWIDE

1. BELOW IS A SERIES OF FLORIDA STATE CONSTITUTIONAL AMENDMENTS THAT MAY BE VOTED ON IN THE NOVEMBER 2018 GENERAL ELECTIONS. FOR EACH AMENDMENT, PLEASE TELL ME WHETHER YOU WOULD VOTER YES, IN FAVOR OF THE AMENDMENT; OR NO, AGAINST THE AMENDMENT.
"PROPOSAL 44: TERM LIMITS FOR SCHOOL BOARDS, WHICH WOULD LIMIT SCHOOL BOARD MEMBERS TO EIGHT YEARS IN OFFICE."
(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	PROP. 44 - TERM LIMITS FOR SCHOOL BOARDS			
		YES, IN FAVOR	NO, AGAINST	UNDECIDED	Lean + Und.
Total	1000	824	124	52	88
YES, IN FAVOR	82.4	100.0	-	-	34.1
Definitely	62.6	76.0	-	-	-
Probably	16.8	20.4	-	-	-
Only Lean	3.0	3.6	-	-	34.1
NO, AGAINST	12.4	-	100.0	-	6.8
Definitely	6.5	-	52.4	-	-
Probably	5.3	-	42.7	-	-
Only Lean	0.6	-	4.8	-	6.8
UNDECIDED	5.2	-	-	100.0	59.1
Net Diff.	70.0	100.0	-100.0	-	27.3
Mean	6.06	6.72	2.48	4.00	4.14

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(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	EDUCATION LEVEL							MEN		WOMEN	
		LESS/ COLL. GRAD	Some H.S./ Less	High School Grad.	Some Coll./ Trade	COLL- EGE GRAD.	Coll- ege Grad.	Post- Grad./ Prof.	LESS/ COLL. GRAD.	COLL- EGE GRAD.	LESS/ COLL. GRAD.	COLL- EGE GRAD.
Total	1000	422	19	156	247	573	335	238	177	269	245	304
YES, IN FAVOR	82.4	82.5	78.9	78.8	85.0	82.2	84.2	79.4	87.0	81.0	79.2	83.2
Definitely	62.6	63.0	47.4	59.0	66.8	62.0	62.7	60.9	67.2	64.3	60.0	59.9
Probably	16.8	16.4	31.6	17.3	14.6	17.3	19.4	14.3	15.8	15.2	16.7	19.1
Only Lean	3.0	3.1	-	2.6	3.6	3.0	2.1	4.2	4.0	1.5	2.4	4.3
NO, AGAINST	12.4	13.0	10.5	16.0	11.3	12.0	10.4	14.3	9.0	13.4	15.9	10.9
Definitely	6.5	6.4	5.3	8.3	5.3	6.6	4.5	9.7	3.4	7.1	8.6	6.2
Probably	5.3	6.2	5.3	6.4	6.1	4.7	4.8	4.6	5.1	5.9	6.9	3.6
Only Lean	0.6	0.5	-	1.3	-	0.7	1.2	-	0.6	0.4	0.4	1.0
UNDECIDED	5.2	4.5	10.5	5.1	3.6	5.8	5.4	6.3	4.0	5.6	4.9	5.9
Net Diff.	70.0	69.4	68.4	62.8	73.7	70.2	73.7	65.1	78.0	67.7	63.3	72.4
Mean	6.06	6.05	5.89	5.89	6.16	6.05	6.11	5.97	6.22	6.05	5.92	6.06

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(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	WHITE MEN	WHITE WOMEN			RACE					MEN			WOMEN		
		LESS/ COLL. GRAD.	COLL- EGE GRAD.	LESS/ COLL. GRAD.	COLL- EGE GRAD.	WHITE	NON- WHITE	Hisp- anic	Afr. Amer./ Black	Asian	Other	WHITE	AFR. AMER./ BLACK	HISP- ANIC	WHITE	AFR. AMER./ BLACK	HISP- ANIC
Total	1000	112	185	176	221	694	269	100	125	25	19	297	52	51	397	73	49
YES, IN FAVOR	82.4	87.5	78.9	81.2	83.7	82.4	82.5	83.0	80.0	88.0	89.5	82.2	82.7	86.3	82.6	78.1	79.6
Definitely	62.6	68.8	61.6	63.1	59.7	62.5	62.1	62.0	61.6	56.0	73.7	64.3	69.2	64.7	61.2	56.2	59.2
Probably	16.8	15.2	16.2	15.9	19.0	16.9	17.1	20.0	13.6	28.0	10.5	15.8	9.6	19.6	17.6	16.4	20.4
Only Lean	3.0	3.6	1.1	2.3	5.0	3.0	3.3	1.0	4.8	4.0	5.3	2.0	3.8	2.0	3.8	5.5	-
NO, AGAINST	12.4	7.1	15.7	12.5	11.8	12.2	13.0	10.0	16.8	12.0	5.3	12.5	13.5	7.8	12.1	19.2	12.2
Definitely	6.5	0.9	8.1	5.7	6.8	5.9	7.8	4.0	12.0	8.0	-	5.4	7.7	3.9	6.3	15.1	4.1
Probably	5.3	6.2	7.0	6.8	3.6	5.8	4.8	6.0	4.0	4.0	5.3	6.7	3.8	3.9	5.0	4.1	8.2
Only Lean	0.6	-	0.5	-	1.4	0.6	0.4	-	0.8	-	-	0.3	1.9	-	0.8	-	-
UNDECIDED	5.2	5.4	5.4	6.2	4.5	5.3	4.5	7.0	3.2	-	5.3	5.4	3.8	5.9	5.3	2.7	8.2
Net Diff.	70.0	80.4	63.2	68.8	71.9	70.2	69.5	73.0	63.2	76.0	84.2	69.7	69.2	78.4	70.5	58.9	67.3
Mean	6.06	6.27	5.95	6.04	6.04	6.05	6.05	6.11	5.94	6.12	6.37	6.07	6.10	6.24	6.04	5.84	5.98

AMERICAN OVERSIGHT

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(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	PARTY			WHITE			HISPANIC			MEN			WOMEN		
		REPUBLICAN	DEMOCRAT	INDEPENDENT/OTHER	REPUBLICAN	DEMOCRAT	INDEPENDENT/OTHER	REPUBLICAN	DEMOCRAT	INDEPENDENT/OTHER	REPUBLICAN	DEMOCRAT	INDEPENDENT/OTHER	REPUBLICAN	DEMOCRAT	INDEPENDENT/OTHER
Total	1000	376	400	212	306	244	135	41	33	26	191	145	108	185	255	104
YES, IN FAVOR	82.4	85.4	80.2	81.6	85.3	79.5	81.5	85.4	84.8	76.9	85.3	80.7	84.3	85.4	80.0	78.8
Definitely	62.6	69.4	57.2	60.4	69.6	55.7	57.8	65.9	60.6	57.7	70.2	61.4	63.9	68.6	54.9	56.7
Probably	16.8	14.1	19.8	16.5	13.7	20.9	17.8	19.5	21.2	19.2	13.1	17.2	16.7	15.1	21.2	16.3
Only Lean	3.0	1.9	3.2	4.7	2.0	2.9	5.9	-	3.0	-	2.1	2.1	3.7	1.6	3.9	5.8
NO, AGAINST	12.4	10.6	14.5	11.8	10.5	13.9	13.3	9.8	12.1	7.7	11.0	13.8	10.2	10.3	14.9	13.5
Definitely	6.5	5.6	9.0	3.3	5.2	8.2	3.0	4.9	6.1	-	5.8	7.6	2.8	5.4	9.8	3.8
Probably	5.3	4.5	5.0	7.5	4.6	5.3	9.6	4.9	6.1	7.7	4.7	5.5	7.4	4.3	4.7	7.7
Only Lean	0.6	0.5	0.5	0.9	0.7	0.4	0.7	-	-	-	0.5	0.7	-	0.5	0.4	1.9
UNDECIDED	5.2	4.0	5.2	6.6	4.2	6.6	5.2	4.9	3.0	15.4	3.7	5.5	5.6	4.3	5.1	7.7
Net Diff.	70.0	74.7	65.8	69.8	74.8	65.6	68.1	75.6	72.7	69.2	74.3	66.9	74.1	75.1	65.1	65.4
Mean	6.06	6.22	5.94	5.98	6.22	5.92	5.90	6.22	6.09	5.96	6.22	6.00	6.11	6.22	5.91	5.84

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(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	IDEOLOGY							MEN			WOMEN		
		LIB-ERAL	Very	Some-	MODE-RATE	CONS-ERVA-TIVE	Some-what	Very	LIB-ERAL	MOD-ERATE	CONSER VATIVE	LIB-ERAL	MOD-ERATE	CONSER VATIVE
Total	1000	247	108	139	349	360	187	173	90	147	196	157	202	164
YES, IN FAVOR	82.4	76.9	75.9	77.7	81.4	88.1	87.2	89.0	76.7	80.3	89.3	77.1	82.2	86.6
Definitely	62.6	51.4	51.9	51.1	60.5	73.1	69.0	77.5	52.2	60.5	75.0	51.0	60.4	70.7
Probably	16.8	20.2	20.4	20.1	18.1	13.1	15.5	10.4	18.9	18.4	12.2	21.0	17.8	14.0
Only Lean	3.0	5.3	3.7	6.5	2.9	1.9	2.7	1.2	5.6	1.4	2.0	5.1	4.0	1.8
NO, AGAINST	12.4	14.6	15.7	13.7	16.3	6.9	7.0	6.9	15.6	17.7	5.6	14.0	15.3	8.5
Definitely	6.5	7.3	11.1	4.3	8.3	4.4	3.7	5.2	7.8	8.2	3.1	7.0	8.4	6.1
Probably	5.3	6.9	4.6	8.6	7.2	2.5	3.2	1.7	7.8	8.8	2.6	6.4	5.9	2.4
Only Lean	0.6	0.4	-	0.7	0.9	-	-	-	-	0.7	-	0.6	1.0	-
UNDECIDED	5.2	8.5	8.3	8.6	2.3	5.0	5.9	4.0	7.8	2.0	5.1	8.9	2.5	4.9
Net Diff.	70.0	62.3	60.2	64.0	65.0	81.1	80.2	82.1	61.1	62.6	83.7	63.1	66.8	78.0
Mean	6.06	5.78	5.80	5.76	5.95	6.38	6.30	6.46	5.77	5.92	6.43	5.78	5.98	6.31

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(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	MARITAL STATUS				SINGLE		MARRIED		CHILD UNDER 18 HOUSEHOLD	
		SINGLE	MARRIED	SEP./DIV.	WIDOWED	MEN	WOMEN	MEN	WOMEN	YES	NO
Total	1000	210	540	124	115	105	105	277	263	180	812
YES, IN FAVOR	82.4	80.5	83.0	86.3	80.0	85.7	75.2	81.6	84.4	78.9	83.1
Definitely	62.6	55.2	63.5	73.4	61.7	63.8	46.7	65.3	61.6	62.2	62.8
Probably	16.8	21.9	15.6	12.1	17.4	19.0	24.8	13.4	17.9	15.0	17.0
Only Lean	3.0	3.3	3.9	0.8	0.9	2.9	3.8	2.9	4.9	1.7	3.3
NO, AGAINST	12.4	16.2	11.3	10.5	12.2	12.4	20.0	12.3	10.3	13.9	12.1
Definitely	6.5	7.1	6.1	4.8	8.7	2.9	11.4	6.5	5.7	6.1	6.7
Probably	5.3	8.1	4.6	4.8	3.5	8.6	7.6	5.4	3.8	7.2	4.8
Only Lean	0.6	1.0	0.6	0.8	-	1.0	1.0	0.4	0.8	0.6	0.6
UNDECIDED	5.2	3.3	5.7	3.2	7.8	1.9	4.8	6.1	5.3	7.2	4.8
Net Diff.	70.0	64.3	71.7	75.8	67.8	73.3	55.2	69.3	74.1	65.0	71.1
Mean	6.06	5.87	6.09	6.28	6.05	6.10	5.64	6.07	6.10	5.96	6.08

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	TOTAL	AGE						AGE						MEN					
		18-29	30-40	41-55	56-65	66-75	OVER 75	UNDER 40	OVER 40	UNDER 55	OVER 55	UNDER 65	OVER 65	UNDER 40	OVER 40	UNDER 55	OVER 55	UNDER 65	OVER 65
Total	1000	107	109	221	205	195	140	216	761	437	540	642	335	109	329	210	228	303	135
YES, IN FAVOR	82.4	82.2	83.5	81.4	81.5	86.7	78.6	82.9	82.3	82.2	82.6	81.9	83.3	83.5	83.6	81.9	85.1	83.8	83.0
Definitely	62.6	49.5	59.6	64.7	63.4	68.7	60.7	54.6	64.7	59.7	64.6	60.9	65.4	57.8	68.4	62.9	68.4	65.0	67.4
Probably	16.8	27.1	22.9	12.7	14.6	16.4	15.0	25.0	14.6	18.8	15.4	17.4	15.8	22.9	12.8	15.7	14.9	15.8	14.1
Only Lean	3.0	5.6	0.9	4.1	3.4	1.5	2.9	3.2	3.0	3.7	2.6	3.6	2.1	2.8	2.4	3.3	1.8	3.0	1.5
NO, AGAINST	12.4	15.0	11.0	13.1	13.2	11.3	11.4	13.0	12.4	13.0	12.0	13.1	11.3	12.8	11.6	14.8	9.2	12.5	10.4
Definitely	6.5	3.7	5.5	6.8	7.3	7.7	5.7	4.6	7.0	5.7	7.0	6.2	6.9	3.7	6.4	5.7	5.7	5.6	5.9
Probably	5.3	10.3	5.5	5.9	3.9	3.6	5.7	7.9	4.7	6.9	4.3	5.9	4.5	9.2	4.6	8.6	3.1	6.3	4.4
Only Lean	0.6	0.9	-	0.5	2.0	-	-	0.5	0.7	0.5	0.7	0.9	-	-	0.6	0.5	0.4	0.7	-
UNDECIDED	5.2	2.8	5.5	5.4	5.4	2.1	10.0	4.2	5.4	4.8	5.4	5.0	5.4	3.7	4.9	3.3	5.7	3.6	6.7
Net Diff.	70.0	67.3	72.5	68.3	68.3	75.4	67.1	69.9	69.9	69.1	70.6	68.8	71.9	70.6	72.0	67.1	75.9	71.3	72.6
Mean	6.06	5.81	6.09	6.04	6.02	6.26	5.98	5.95	6.08	6.00	6.09	6.00	6.14	6.00	6.16	5.99	6.24	6.10	6.17

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	TOTAL	WOMEN						GENDER		REPUBLICAN			DEMOCRAT			INDEPENDENT		
		UNDER 45	OVER 45	UNDER 55	OVER 55	UNDER 65	OVER 65	MALE	FEMALE	LIB-ERAL	MOD-ERATE	CONSER VATIVE	LIB-ERAL	MOD-ERATE	CONSER VATIVE	LIB-ERAL	MOD-ERATE	CONSER VATIVE
Total	1000	107	432	227	312	339	200	450	550	27	101	239	184	142	58	34	103	61
YES, IN FAVOR	82.4	82.2	81.2	82.4	80.8	80.2	83.5	83.6	81.5	81.5	79.2	89.1	76.6	81.7	86.2	73.5	82.5	86.9
Definitely	62.6	51.4	61.8	56.8	61.9	57.2	64.0	65.8	60.0	63.0	62.4	74.1	50.5	59.9	69.0	44.1	59.2	73.8
Probably	16.8	27.1	16.0	21.6	15.7	18.9	17.0	15.3	18.0	18.5	14.9	13.0	20.7	20.4	15.5	20.6	17.5	11.5
Only Lean	3.0	3.7	3.5	4.0	3.2	4.1	2.5	2.4	3.5	-	2.0	2.1	5.4	1.4	1.7	8.8	5.8	1.6
NO, AGAINST	12.4	13.1	13.0	11.5	14.1	13.6	12.0	11.6	13.1	11.1	18.8	6.3	15.2	16.2	10.3	14.7	14.6	4.9
Definitely	6.5	5.6	7.4	5.7	8.0	6.8	7.5	5.6	7.3	3.7	9.9	3.8	8.7	10.6	8.6	2.9	3.9	1.6
Probably	5.3	6.5	4.9	5.3	5.1	5.6	4.5	5.6	5.1	7.4	6.9	2.5	6.0	5.6	1.7	11.8	9.7	3.3
Only Lean	0.6	0.9	0.7	0.4	1.0	1.2	-	0.4	0.7	-	2.0	-	0.5	-	-	-	1.0	-
UNDECIDED	5.2	4.7	5.8	6.2	5.1	6.2	4.5	4.9	5.5	7.4	2.0	4.6	8.2	2.1	3.4	11.8	2.9	8.2
Net Diff.	70.0	69.2	68.3	70.9	66.7	66.7	71.5	72.0	68.4	70.4	60.4	82.8	61.4	65.5	75.9	58.8	68.0	82.0
Mean	6.06	5.91	6.02	6.00	5.99	5.92	6.12	6.12	6.00	6.07	5.89	6.41	5.76	6.00	6.28	5.56	5.92	6.38

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MCLAUGHLIN & ASSOCIATES
FL - STATEWIDE

1. BELOW IS A SERIES OF FLORIDA STATE CONSTITUTIONAL AMENDMENTS THAT MAY BE VOTED ON IN THE NOVEMBER 2018 GENERAL ELECTIONS. FOR EACH AMENDMENT, PLEASE TELL ME WHETHER YOU WOULD VOTER YES, IN FAVOR OF THE AMENDMENT; OR NO, AGAINST THE AMENDMENT.
"PROPOSAL 44: TERM LIMITS FOR SCHOOL BOARDS, WHICH WOULD LIMIT SCHOOL BOARD MEMBERS TO EIGHT YEARS IN OFFICE."
(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	VOTE HISTORY - SUMMARY					VOTE 2016	VOTE 2016	NOT 2016	NOT 2016
		1 OF 4	2 OF 4	HIGH PROPENSITY	3 OF 4	4 OF 4	VOTE 2014	NOT 2014	VOTE 2014	NOT 2014
Total	1000	185	152	663	202	461	650	290	24	36
YES, IN FAVOR	82.4	82.2	83.6	82.2	80.7	82.9	82.5	81.4	87.5	86.1
Definitely	62.6	58.4	61.2	64.1	62.9	64.6	63.7	58.3	75.0	69.4
Probably	16.8	21.1	19.1	15.1	14.9	15.2	15.8	20.0	12.5	11.1
Only Lean	3.0	2.7	3.3	3.0	3.0	3.0	2.9	3.1	-	5.6
NO, AGAINST	12.4	14.1	9.9	12.5	13.4	12.1	12.0	13.4	8.3	13.9
Definitely	6.5	6.5	6.6	6.5	6.9	6.3	6.3	7.2	4.2	5.6
Probably	5.3	7.0	2.6	5.4	5.9	5.2	5.1	5.5	4.2	8.3
Only Lean	0.6	0.5	0.7	0.6	0.5	0.7	0.6	0.7	-	-
UNDECIDED	5.2	3.8	6.6	5.3	5.9	5.0	5.5	5.2	4.2	-
Net Diff.	70.0	68.1	73.7	69.7	67.3	70.7	70.5	67.9	79.2	72.2
Mean	6.06	5.98	6.11	6.06	6.01	6.09	6.07	5.98	6.38	6.14

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How Term Limits Fight Big Money in Politics

A policy snapshot by U.S. Term Limits

Intro

According to a 2015 New York Times/CBS Poll, 84 percent of Americans believe money has too much influence on campaigns. Since fundraising is most unequal when an incumbent defends his seat, any reform that fights incumbency can make the money situation more equal. Term limits is that reform.

Incumbents Get Money

Like any smart investor, special interests spend on candidates who can provide them the best return. That's why sitting congressmen receive $6 for every dollar that goes to their challengers. The advantage makes them powerful and virtually impossible to beat. It also discourages good people from running for office.

Incumbents Win Elections

Incumbents' fundraising edge is a protective shield at election time. It guards them from their own bad votes, talented challengers and potential lost support from the party. This system works for millionaires and billionaires, but not the rest of us:

The Odds of Defeating a US House Incumbent Based on Spending by Challenger

Under $1,000,000	293:2
$1 million to $1,499,999	18:4
$1.5 million to $1,999,999	9:4
$2 million or more	1:1

Source: Center for Responsive Politics

Open Seats, Closed Wallets

The average House incumbent raises around $1.5 million for his re-election campaign. The average challenger raises around $250,000. But what happens in an open seat race? The average candidate there raises a happy medium around $600,000. So, open seat contests bring three positive effects:

1. More candidates
2. More accessibility to elected office
3. More equal fundraising

How to Get There

Term limits are a remedy for incumbency and the money that comes along with it. By guaranteeing open seat races on a regular basis, term limits deliver a more balanced and accessible system. They stop incumbents from growing too unbeatable, and keep Congress from becoming an aristocracy.

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Female Candidate Emergence and Term Limits: A State-Level Analysis

Samantha Pettey[1]

Abstract

This study examines term limits to determine the effect they have on female candidate emergence in state legislatures. Initial research finds a negative relationship between term limits and female representation. I offer a candidate-level theory and empirical approach to reevaluate how term limits affect female representation overtime. I argue term limits create an incentive structure that favors female candidates since the incumbency advantage is lessened. To test this theory, I set up a quasi-natural experiment with term limits as the treatment in a difference-in-differences test. Furthermore, I also run logistical regression analysis using candidate-level data from all fifty states from 1990 to 2000. I find women are more likely to run for office in open seats created by term limits. Last, this pattern holds for both Republican and Democratic female candidates.

Keywords

term limits, women and politics, female state legislative candidates

Introduction

Term limits are one of the most significant institutional changes to take place since the modernization of state legislatures (Kurtz, Cain, and Niemi 2007). And since the implementation of term limits, a puzzle in the literature emerges. Conventional wisdom suggests open seats help women gain descriptive representation since women fare as well as men in elections. Term limits provide more open seats, which suggests females have more opportunities to enter into office (Burrell 1994; Darcy, Welch, and Clark 1994; Fox 2000; Seltzer, Newman, and Leighton 1997). Yet studies conducted after the implementation of term limits find the greater number of open seats have negative consequences for female descriptive representation (Bernstein and Chadha 2003; Carroll and Jenkins 2001).

This article seeks to bridge the puzzling finding that more open seats, created by term limits, results in fewer women in office, but focuses on the candidate emergence stage. Theoretically speaking, term limits are only beneficial to women if women actually run for office. Normatively speaking, understanding how term limits help or hinder female candidate emergence is important to study for furthering descriptive representation. Theories on descriptive representation claim the makeup of legislative bodies should reflect the demographics of the public. Politicians better represent their constituents if they resemble the populace with regard to gender, race, social, and economic status. Scholars theorize the importance of descriptive representation and its implications for society because females bring different issues, experiences, and viewpoints to the political table. Increasing the percentage of women in political positions leads to more favorable policies for women (Osborn 2012; Schwindt-Bayer and Mishler 2005; Swers 2002).

In the United States, female descriptive representation has been, and continues to be, much lower than male descriptive representation at all levels of government. Currently, at the state level, female representation ranges from a low of 12 percent in Louisiana to a high of 41 percent in Colorado. The average percentage of females in all fifty state legislatures is only 24.2 percent (Center for American Women and Politics [CAWP] 2014; National Conference of State Legislatures [NCSL] 2014). Not only is the current percentage low, but the percentage of women in state legislative branches has become rather stagnant since the 1990s (Norrander and Wilcox 2012). Given that a large amount of policy-making is delegated to the states, the lack of female representation across all states is troublesome (Carroll and Sanbonmatsu 2013).

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Research providing a greater understanding of when and why women run for office, or emerge as candidates, is a critical stage in the process toward understanding the unequal representation between males and females at all levels of government.

This article proceeds as follows. First, I provide a discussion of the extant literature with regard to female candidate emergence and term limits. Next, I detail my expectations on how term limits will affect female candidate emergence. Then, I introduce the data and methods used to test my hypothesis and conclude with a short discussion of the findings and implications of this study.

Emergence

A thread of the women and politics literature focuses on how and why women run for office (Carroll and Sanbonmatsu 2013; Fox and Lawless 2004). In other words, why do some female candidates emerge and run for election while other potential candidates never run? Before there can be parity, there has to be pool of women who are willing to run for office, and ultimately win their campaigns. Below is a discussion of the four main factors scholars identify as inhibiting the emergence of female candidates: institutional barriers, socialization, ambition, and political factors.

Institutional Barriers

From an institutional perspective, the low rates of female descriptive representation in the United States are explained by two main theories: the incumbency advantage and eligibility pool. Incumbency advantage posits that incumbents' high reelection rates reduce opposition and leave little opportunity for new candidates to compete (Burrell 1994; Carroll and Jenkins 2001; Darcy, Welch, and Clark 1994). Furthermore, research finds female candidates at the congressional level to be just as likely to win elections as men, indicating that females are not at an electoral disadvantage per se, but the high incumbency rate keeps women out of office (Burrell 1994; Darcy, Welch, and Clark 1994; Fox 2000; Seltzer, Newman, and Leighton 1997). As such, women will enter office at a glacial pace because the incumbency advantage is so significant.

A second institutional constraint is that the female candidate eligibility pool is smaller than the male candidate pool. The eligibility pool, or where the majority of all candidates emerge from, consists mainly of positions in law and business.[1] Women in Congress tend to emerge from careers in teaching, social work, and health care without a background in politics rather than the typical "political" fields previously mentioned (Carroll and Sanbonmatsu 2013; Clark 1994; Dolan, Deckman, and Swers 2007). Therefore, since fewer women are potential candidates, parity is difficult because women simply do not run.

Sociological Factors

Second, extant literature suggests there are sociological, cultural norms at play which keep women from seeking office. Women are less likely to be socialized to run for political office (Fox and Lawless 2004). Yet political conditioning research suggests women who are engaged in politics are more likely to emerge and run for office at any level (Fox and Lawless 2004). Furthermore, women are more likely to be engaged in politics if issues are salient to them (Campbell and Wolbrecht 2006).

Family responsibilities also inhibit women from being in office, since women tend to have a disproportionate share of responsibilities (Fox and Lawless 2004). Not only that, women see private, family commitments as conflicting with public commitments, and this has changed little overtime (Burrell 1994; Carroll and Sanbonmatsu 2013; Sapiro 1982). Yet these cultural gender norms that seem to place time constraints on future candidates do not seem to inhibit women from participating in other areas of politics—women are just as, if not more, likely to be engaged in local, community-level politics. Therefore, sociological-based time constraint theories are not a sufficient explanation to a lack of female emergence (Burns, Schlozman, and Verba 2001).

Ambition

Third, research finds ambition levels differ by gender; specifically, women's ambition levels are inherently lower than male's. The gender differences in political ambition levels is in part due to the fact that women perceive themselves to be less qualified than men to run for office (see Fox and Lawless 2004; Fulton et al. 2006).

Political Factors

Last, there are political factors that influence whether or not a person will run for office. Research finds parties have a large and significant impact on whether a female will run for office. Most female candidates do not consider running for office until they are approached by a party leader. Without recruitment, the majority of current women office-holders had never seriously considered running for office. There are more women in office when women are actively recruited, whether by party or political organization (Carroll and Sanbonmatsu 2013; Sanbonmatsu 2006).

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Term Limits

Term limits are an important institutional attribute that may serve as a bridge between emergence and descriptive representation by creating more open seats. Term limits in state legislatures place restrictions on the number of times an official can serve in office.[2] States began enacting term limits in the early 1990s as a way to force government turnover. Many citizens were displeased with the lack of effective governance at the state level and wanted to stop incumbents from running for office (Reed and Schansberg 1995; Thompson and Moncrief 1993).

Prior to the enactment of term limits, most researchers hypothesized term limits would be beneficial for females. Term limits act as a way to combat the incumbency advantage and create more open seats. These open seats would provide women more opportunities to run for office (Carroll and Jenkins 2001; Crane 1995; Darcy, Welch, and Clark 1994; Ferry 1994; Thompson and Moncrief 1993). Yet, when term limits began to take effect, researchers found term limits did not have the intended effects on women in office (Bernstein and Chadha 2003; Carroll and Jenkins 2001). In 1998, seven states had their first round of termed-out politicians, which created 215 open seats across all seven states. The number of these 215 seats held by women actually dropped from fifty-eight to fifty-three after the 1998 election. Thus, the introduction of term limits resulted in a net loss of five seats for women (Bernstein and Chadha 2003).

In a cross-sectional analysis of the impact term limits had for the year 1998, scholars find an overall negative effect on women in office, but there was variation by state. Some states, such as Arizona and Arkansas, saw minor gains in the number or females in office but most suffered, which reflected in a declining number of females in office (Carroll and Jenkins 2001). Yet what explains these differences across states? And, more importantly, do these initial findings hold up across a longer temporal sample? Further research is needed to resolve the conflict between the expectation that term limits would allow for more female candidates and the early empirical evidence to the contrary.

Emergence and Term Limits Theory

The literature on candidate emergence and term limits offer conflicting explanations on the expectations of female emergence. The term limits literature mainly focuses on overall success of female candidates and largely ignores the impact term limits may have on candidate emergence. Perhaps women are running for office more frequently in the term limited states but are not winning elections. This theory incorporates expectations about open seats from term limits literature and eligibility pool assumptions from the emergence literature to develop a general argument regarding female candidate emergence in term-limited states.

Open Seats

Existing research regarding female descriptive representation is concerned with aggregate levels of female success. Yet as previously discussed, a critical stage of analysis is candidate emergence. The only way women will gain parity is if they run and subsequently win. All else being equal, in terms of electoral outcomes, term limits can only be effective if the number of female candidates running within the states increases. For example, if there are more open seats (created by term limits or not) and the same number, or fewer, women running for office, then open seats will not have a positive impact on the number of females in office. This idea is especially important in term-limited states since the nature of term limits creates more open seats.

Without an increase in female candidate emergence, we are unlikely to find support for the conventional wisdom that more open seats will lead to more women in office. Carroll and Jenkins (2001) show that in states with term limits, the number of female officeholders decreased when term limits were enacted. However, it is possible this finding is due to lower levels of female candidate emergence. The lack of female candidate emergence is apparent in Carroll and Jenkins' (2001) finding that females did not run in a large number of primary elections for either party.

The greater number of open seats created by term limits provide potential female candidates with more opportunities to emerge. Since an incumbent cannot continuously run, the overall likelihood of winning an election will increase for new candidates. Further, Fulton et al. (2006) find women are more likely to run in races if/where they perceive their chances of winning to be high. This rational behavior is present in all candidates as studies also find that candidates act rationally when deciding to enter a race—most only run when the likelihood of winning the seat is high (Black 1972; Jacobson and Kernell 1981; Lazarus 2008). Open seats, created by term limits or otherwise, offer a better chance at winning an election than running against an incumbent. Therefore, states with open seats created by term limits should see an overall increase in the number of female candidates emerging because the perceived opportunity to win the seat is higher.

Eligibility Pool

The greater number of open seats created by term limits will likely effect the eligibility pool. The presence of term limits may influence more women to emerge as

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candidates in state legislative elections. This is due to the fact that with term limits, the job is temporary and politics is not necessarily a career path. Therefore, anyone can theoretically have a desire to run and hold office for a short period of time. Amateur candidates, those with no previous office-holding experience, tend to run if they perceive their chance of success to be high, but this is not a necessary condition to emerge (Lazarus 2008). Term limits may create a pool of amateur candidates, specifically female candidates, who are motivated to run for factors other than being a career politician—especially if a potential candidate thinks they can win.

Support for an amateur female candidate pool already exists at the state level. A 2008 CAWP Recruitment Study by Carroll, Sanbonmatsu, and Walsh find nearly 43 percent of women in the lower chamber of the state legislatures had no previous officeholding experience. More importantly, nearly 73 percent of females in the lower house claimed their decision to run for office was not done as a stepping stone toward higher office. The study also finds that nearly 79 percent of women in the lower chamber reported having an occupation that allows for sufficient time and flexibility to hold office was important when considering their run for office. These findings suggest that many women in state legislatures do not plan on being career politicians. Therefore, term limits enhance this favorable environment and allow more opportunities for potential female candidates to run, hold office, and still avoid being career politicians.

Term limits have the potential to create a larger eligibility pool of female candidates. Term limits may add a little extra incentive to run for office since the length of time someone can spend in office is limited. Thus, term limits create a unique opportunity for noncareer politicians to serve short term in office to make policy changes[3] and then leave after they are termed out.

Furthermore, term limits can also have a positive impact on women who want to be career politicians. Given theories on rational choice candidate entry models (Black 1972; Jacobson and Kernell 1981; Lazarus 2008), politicians run when they are most likely to win. Term limited seats will not have an incumbent running, so these seats should theoretically be easier to win, given the lack of an incumbency advantage. This is good for ambitious female politicians because they are in a better situation to win office than when compared with female challengers in a state without term limits trying to win a seat against a long-term incumbent.

Term limits provide a structured timeline for how long one can legally stay in office before they move on to the next level of government. Career politicians may find this structure useful for moving up the political ladder. For example, a female may desire to move out of the lower chamber in the state legislature but no opportunities exist in the upper chamber. States with term limits in both chambers have more open seats and, therefore, greater opportunities for new candidates to run for office. Further, term limits provide an opportunity for women to gain experience and exposure quickly if they move between chambers after being term-out, especially for women who may want to progress into federal office, or governorships, after they have termed out of their state legislature.

In sum, taking into consideration the constraints and variation in the use of term limits across states, one should not expect a drastic increase of women in office in states with term limits immediately. Rather, the number of women in office will likely rise fairly steadily over time as more officials are forced to vacate the state legislature. There may be loss in the short term as research finds (Bernstein and Chadha 2003; Carroll and Jenkins 2001), but this should not be the norm. Open seats will gradually increase as incumbents are termed out, providing potential women candidates with more opportunities to run. In other words, term limits, in combination with open seats, increase the number of women in the eligibility pool. The crux of this theory relies on the fact that term limited states will only increase the number of women in office if the number of women running for office increases. Term limits create a favorable environment for noncareer and career female politicians to run for office, and this is the possibility that I will empirically evaluate in the remainder of this article.

Therefore,

Hypothesis 1 (H1): Term limits increase the likelihood of female candidate emergence.

Data

To examine the hypothesis, I utilize a candidate-level data set of each state's lower legislative chamber. The candidate data comes from the State Legislative Election Returns (SLER): 1967–2010 (Klarner et al. 2013). The dataset captures candidate-level state legislative elections and includes variables such as election results, term length, type of legislative election, incumbency status, and party identification. The large time span allows me to better test the impact of term limits on female candidate emergence. I conduct the analysis across all fifty states at the candidate level in the general election (discussed more below) using a quasi-natural experiment design. I examine the years from 1990 to 2010, both pre- and post-term limits, across all candidates meeting the standard 5 percent threshold (Canon 1978) using states without term limits as the control group.

The SLER data does not contain the candidate's gender, and therefore, I coded each candidate's gender. As a robustness check, I have also utilized the CAWP (Center

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for American Women and Politics) database as a cross-reference. CAWP provides a list of the total number of women who ran in an election for each state. After coding the SLER dataset to include gender, I looked to the CAWP dataset to examine any discrepancies. When there were discrepancies between SLER and CAWP, I cross-referenced the Secretary of State's original election results (when available) to fix or confirm the findings from my dataset. Further, in a handful of cases where the Secretary of State's election results were not readily available and discrepancies existed, I searched newspaper articles for gender candidate cues.[4]

While the SLER dataset contains a large number of election periods, I will only use the time period from 1990 to 2010. Since 1996–2000 is the time frame in which most states first experience the impact of term limits, the time frame allows a roughly equal number of election cycles pre- and post-term limits. The analysis for this time period will therefore capture a considerable amount of elections both before and after term limits took effect in states. Furthermore, the candidate-level dataset is quite large over a twenty-year time frame and produces roughly eighty thousand observations.[5]

Design

As briefly mentioned, the enactment of term limits provides the unique opportunity of an intervention point for an experimental design. Mooney (2009) addresses a major concern when treating term limits as a natural experiment: exogeneity. To model a causal relationship, there needs to be random assignment of the treatment and control group. To test for random assignment, Mooney (2009) ran a series of difference of means tests between states with term limits and states without term limits. The results find the most common and widely used state-level explanatory variables have no statistically significant differences between states with term limits and states without term limits. In other words, there is not a unique underlying factor about states that enacted term limits versus states that did not enact term limits. For example, a state's population, gross domestic product (GDP), ideology, electoral turnout rates, legislative professionalism, and so on, do not predict the adoption of term limits. Therefore, term limits can be treated as a natural experiment because the states with and without term limits have no statistically significant differences between them—that is, random assignment of term limits occurred. The treatment group for the design includes all the states that enacted term limits, and the control group includes all the states that have not enacted term limits.

The enactment of term limits happened at different points in time across the states. Term limits first took effect in a handful of states in the late 1990s and continued to be implemented through the 2000s. As such, there will be multiple intervention points that are unique to the state enacting the term limits. Using panel-level data, I am less likely to violate the assumption that an unobservable/unmeasurable variable has an impact on my main independent variable, term limits. This is important when determining a causal link between term limits and the dependent variable. Table 1 provides a list of the term limited states (which have not been repealed). The table provides the year in which the term limits were enacted and the year in which the first round of legislators were forced to leave due to term limits.

Table 1. Term-Limited States.

State	Year enacted	Year of impact
Maine	1993	1996
California	1990	1996
Colorado	1990	1998
Arkansas[a,b]	1992	1998
Michigan	1992	1998
Florida	1992	2000
Ohio	1992	2000
South Dakota[a]	1992	2000
Montana	1992	2000
Arizona[a]	1992	2000
Missouri	1992	2002
Oklahoma	1990	2004
Nebraska	2000	2006
Louisiana	1995	2007
Nevada	1996	2010

Source. NCSL (2014): "The Term-Limited States."
[a]Indicates multimember districts.
[b]Eliminated multimember districts after 2000 election.

Variables

Dependent

The dependent variable is *female candidate emergence*, which is a dichotomous variable where "1" is a female candidate and "0" is a male candidate. Table 2 reports the descriptive statistics on the number of female candidates in the sample. Between 1990 and 2010, female candidates made up about 26 percent of the total candidates running for office. Male candidates during the same time period made up roughly 73 percent of the total sample. The numbers are not surprising since the overall percentage of women in office across the states during that time averages around 20 to 25 percent.

Independent Variable

The main explanatory variable of interest is *term limits*. States with term limits are coded "1" and states without term limits are coded "0." Since, the intervention points

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Table 2. Descriptive Statistics for Female Emergence.

Variable	Number	Percentage of sample
Female Candidates	24,537	26.30%
Male Candidates	68,380	73.30%

Table 3. Descriptive Statistics for Term Limits.

Variable	Number	Percentage of sample
Non-Term Limit Seats	79,029	85.54%
Term-Limit Seats	13,888	14.46%

will be scattered due to states implementing term limits in different years, each state with term limits will be coded to reflect the year in which that state's term limits take effect. States with term limits are coded as "0" until they implement term limits (states who never implement term limits remain coded as 0 throughout). Table 3 shows the distribution for states with and without term limits. Approximately 15 percent of candidates run in term-limited seats. Whereas non-term-limited seats make up about 85 percent of the total sample (the non-term-limited seats include states with enacted term limits but elections before they were implemented). Since this is candidate-level data with a focus on candidate emergence, these numbers represent the distribution of candidates running in the term-limited and non-term-limited races (not the total number of available seats).

Table 4 below provides further descriptive statistics showing the distribution of the data for candidate emergence and term limits. At first glance, females are more prevalent in term-limited states, making up 28 percent of the total candidates versus non-term-limited seats where females are only 25.9 percent of the total candidates. Males are much more likely to emerge as candidates in term-limited and non-term-limited states when compared with their female counterparts making up roughly 71 to 74 percent of the observations within each set of states.

Control Variables Candidate-Level Controls

The model includes several candidate-level and state-/district-level controls. The first control is for *open seat* and is coded as "1" if a candidate runs in a district with an open seat and "0" if an incumbent is running within that district. As extant research and my theory suggests, open seats decrease institutional barriers for women to enter office so I expect open seats to have a positive impact on the likelihood a female will run for office.

Incumbents have an advantage in elections, even at the state level. Incumbents are more likely to win their

Table 4. Distribution of Candidates and Term Limits.

Variable	Non-term limits	Term limits
Female Candidates	20,646 (25.9%)	3,891 (28%)
Male Candidates	58,383 (73.9%)	9,997 (71.2%)

elections and is an important variable to include in the model. Here, *incumbent* is coded so a "0" is a non-incumbent and "1" is an incumbent candidate. As with the extant literature, I expect incumbency to have a negative impact on female candidate emergence. Incumbents inhibit females from winning office and may keep them from running completely due to the costs associated with running a campaign, especially one where the challenger is expected to lose against an incumbent. While congressional literature finds women have an increasing tendency to run as challengers against female incumbents (see Lawless and Pearson 2008), much of the literature finds incumbents dissuade candidates from emerging.

Another important control variable is *party*. Research finds female candidates tend to emerge and hold seats in office more often as Democrats than Republicans. Republicans are coded as "0," and I expect that Democrats, coded as "1," will have a positive impact on the number of female candidates.

A measure of competitiveness is also important, especially since females are less likely to run for office if they perceive their chances of winning to be low. As a crude measure of competitiveness, I include the *number of candidates* in each election. While this is not a direct measure of whether a race is competitive or not because it does not include the types of candidates running,[6] Lawless and Pearson (2008) find females tend to be in elections where they are facing more than one opponent. While a majority of races are unopposed or have only two candidates, capturing opposition, especially if there is zero opposition, is an important control.

State-Level Controls

Research also finds women are more successful when they compete in multimember districts (MMD; Carroll 1994; Darcy, Welch, and Clark 1994). This is due to the fact that there are more opportunities to win a seat, and it is not a zero-sum game. A handful of state legislatures use MMDs in their elections rather than single-member districts (SMD). To measure MMDs, I use the *district type* variable, which differentiates between the types of districts. The variable is coded as a dummy for purposes of this study where "0" is an SMD and "1" is an MMD.

I also include a control for *term length*. Given my theory that term limits may attract females who do not wish to be career politicians, I expect there to be a negative

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relationship between the length of a term in office and female emergence. Females should be more likely to emerge in states with fewer years in a term; the longer a term, the less likely a female will emerge. Most lower chambers in states have two-year terms, but there are a small handful of states with four-year terms.

I also include a measure of *legislative professionalism*. I use the Squire index, which is a value between 0 and 1 assigned to states based on the level of professionalization within the legislature. Values closer to 0 are the least professional, and values closest to 1 are the most professional (see Squire 1992). I expect professionalization to have a negative impact on the likelihood a female candidate will emerge. This measure is capturing my theoretical argument that women are more likely to emerge when they do not want to be career politicians; therefore, when professionalism increases, female emergence will decrease.

Last, I include a measure for if a candidate emerges in a southern state. The variable *south* is coded with a "1" if the state is a southern state and "0" if otherwise. This measure tries to capture some of the known differences between female representation in the southern versus northern states. I expect southern states will have fewer women emerging as candidates. Table 5 below lists all the variables and their predicted direction for the logistical regression.

Table 5. Variables and Predicted Directions for Logistical Regression.

Variable	Predicted direction
Term Limits	(+)
Open Seat	(+)
Incumbent	(–)
Party ID	(+)
Number of Candidates	(−)
District Type	(+)
Term Length	(−)
Legislature Professionalization	(−)
South	(−)

Method

I employ two methods to test my hypothesis that term limits increase female candidate emergence. The first is a difference-in-differences method. Difference in differences allows time-invariant covariates to be factored out, while incorporating overall exogenous shocks or trends in the system. Difference in differences allows the researcher to control for many factors while "manipulating" one key variable, in this case, term limits, to provide a causal link between the independent and dependent variable.

The difference-in-differences method is shown below using states as the unit of analysis. Equation 1 represents the model for states with term limits. Term limits serve as an intervention point, and the difference in female emergence rates before and after term limits were implemented is provided. The model keeps all variables constant while the unobservable/time-invariant, *ai*, factors are already factored out. Equation 2 represents the control group: states without term limits.[7] Equation 3 represents the difference between the treatment and control groups: states with term limits and states lacking term limits. The error terms are also differenced so this better captures overall shocks to the system and can capture any general trends. If there is a difference found in Equation 3, then term limits have a causal impact on women emergence.

$$\Delta yiTL = \delta 0 + \beta + \Delta uiTL \quad (1)$$

where $\Delta yiTL$ denotes the difference in y for states with term limits

$$\Delta yiNTL = \delta 0 + \beta + \Delta uiNTL \quad (2)$$

where $\Delta yiNTL$ denotes the difference in y for states without term limits

$$\Delta yiTL - \Delta yiNTL = \beta + \left(\Delta uiTL - \Delta uiNTL\right) \quad (3)$$

where y is the mean number of women emerging.

I also run a logistical regression to examine the impact term limits have on the likelihood a female candidate will run for office. The unit of analysis for the logit model is the candidate year. Therefore, candidates will appear in the model for every election cycle they run as a new observation. Where difference in differences examines the overall difference in emergence between male and female candidates in states, the logistical regression aims to capture and predict the likelihood a candidate is a female based on the electoral environment at the individual level. Last, the standard errors are clustered around each individual legislator to control for differences across each candidate.

Results

The difference-in-differences results find term limits increase the mean number of female candidates running for office in states. Table 6 and Figure 1 provide evidence of this relationship within and across states. States with term limits, labeled with (e) for experimental group, see a small increase in the number of females emerging while states without term limits, label (c) for control, see a smaller overall increase. Figure 1 shows the positive effect term limits have on female emergence as well. Post-term limits, there is an overall increase in female

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Table 6. Difference in Differences.

Female emergence	*M*	*SE*
Pre-term limits (e)	0.243	0.004
Post-term limits (e)	0.267	0.004
$\Delta yiT\ L =$	0.024	
Pre-term limits (c)	0.240	0.003
Post-term limits (c)	0.258	0.002
$\Delta yiN\ T\ L =$	0.018	
$\Delta yiT\ L - \Delta yiN\ T\ L =$	0.006	

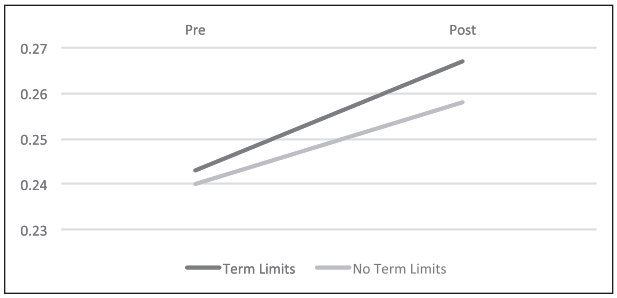


Figure 1. Women emergence in states pre- and post-term limits.

emergence for all the states, but the slope is steeper for states that enacted term limits.

The control group, states without term limits (c), saw a within-group difference in female emergence post-term limits (1996) of 1.8 percent, while the experimental group, states with term limits (e), have a within-group difference of 2.4 percent. Substantively, this shows term limits increase the overall percentage of women emerging by about 0.6 percent. While the percentage seems rather small, this 0.6 percent effect size of term limits equates to roughly ten more women emerging in term-limited states. For example, between 1994 and 2000, Ohio (a state with term limits) had a 0.06 difference in means. In 1996, forty-one females ran for office and in 2000, the first year term limits took effect, fifty-two females emerged (even if just by 0.6 percent, or ten females per election year), the better their chances are for increasing descriptive representation overall in those states. Women cannot win office and gain parity if they are not emerging. Term limits, as tested in the difference-in-differences model suggest there is a positive, causal relationship between term limits and female candidate emergence.

The difference in differences analysis provides a look at states, while the logit analysis looks at the individual level (while controlling for state-level factors). Table 7 shows the results of the logit model, which also supports the hypothesis that term limits increase the likelihood a female candidate will emerge. Logistical regressions are

Table 7. Likelihood Candidate Is a Female.

Variable	Coefficient	*SE*
Term Limit	0.085	0.033
Open Seat	0.077	0.023
Incumbent	−0.036	0.027
Party ID	0.467	0.030
Number Candidates	0.025	0.007
District Type	0.138	0.043
Term Length	−0.058	0.031
Professionalism (Squire)	−0.286	0.109
South	−0.306	0.040
Constant	−1.170	0.074
$n = 88285$		

Standard errors are clustered around candidate ID.

not directly interpretable without predicted probability models, but term limits is in the expected, positive direction and is statistically significant. Furthermore, all of the control variables are consistent with past literature, in the expected direction, and most are also statistically significant at a level. Only incumbency and term length are insignificant, but both are on the cusp of significance at the .10 level.

While the direction and impact are important, predicted probabilities for logistical regression provide substantive, interpretable results. Table 8 provides predicted probabilities for when a candidate is a Democrat, and Table 9 provides the predicted probabilities for Republican candidates. All the predicted probabilities values are set based on the most likely of cases, rather than an overall mean, which oftentimes captures unlikely cases (such as a 2.5-year term, which does not exist). Therefore, number of candidates is set at 2 (to represent one opponent), term length is set to two, south is set to zero (only looking at nonsouthern states), and professionalization is set to the mean.[8] The tables vary by open seat, district type, incumbency, and party identification.[9] The Open Seat column represents races where no incumbent runs for office. The Non-Incumbent column represents candidate emergence for non-incumbents in nonopen seat races, that is, challengers. Last, the rows represent whether the candidate is in a term-limited or non-term-limited state, and whether the candidate is in an SMD or MMD.

Table 8 shows the substantive differences between Democratic female candidate emergence in term-limited and non-term-limited states. Women are emerging about 2 percent more of the time when term limits are present. In an SMD when there is an open seat, a female candidate emerges about 32 percent of the time in states without term limits versus 34 percent of the time in states with term limits. Open seat races in MMDs also have women emerging 2 percent more in the term-limited states at

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Table 8. Predicted Probabilities for Democrats.

Female emergence	Open seat	Non-incumbent
Single-member districts		
No term limits	0.321 (0.006)	0.304 (0.006)
Term limits	0.340 (0.008)	0.323 (0.008)
Multimember districts		
No term limits	0.352 (0.010)	0.334 (0.009)
Term limits	0.371 (0.012)	0.354 (0.012)

All margins are significant at $p < .01$. Standard errors provided in parentheses.

Table 9. Predicted Probabilities for Republicans.

Female emergence	Open seat	Non-incumbent
Single-member districts		
No term limits	0.229 (0.005)	0.215 (0.005)
Term limits	0.244 (0.007)	0.230 (0.007)
Multimember districts		
No term limits	0.254 (0.008)	0.240 (0.008)
Term Limits	0.270 (0.011)	0.255 (0.010)

All margins are significant at $p < .01$. Standard error provided in parentheses.

about 37 percent of the time versus 35 percent of the time in the non-term-limited states. Women are most likely to emerge in these MMDs with term limits. And while this number is not 50 percent (meaning half the candidates are men, half are women), 37 percent is quite high given the average 24 percent descriptive representation across all the states.

Female emergence as challengers (non-incumbents) also provides evidence in support of the hypothesis that term limits increase female emergence. Women are emerging around 30 percent of the time in SMDs with no term limits versus 32 percent of the time in states with term limits. While winning a seat as a challenger is generally harder due to the incumbency advantage, term limits seem to encourage more women to run. The same pattern exists in MMDs where women emerge as challengers around 33 percent of the time in non-term-limited states and 35 percent of the time in the term-limited states.

Perhaps the most interesting finding is that women are just as likely to emerge as challengers in term-limited states as they are in open seats in states without term limits (around 32 percent in the SMDs and 35 percent in the MMDs). This comparison is important because previous literature finds open seats are one of the best chances women have to gain parity, and they emerge much more often in these seats. Given the equal likelihood of turnout between said open seats and the term-limited nonopen seats, the effect of term limits is similar to the "best case" scenario for women emergence. This suggests term limits lower the incumbency advantage (or at least the perception of how strong it is) and increase a candidate's confidence in their ability to win an election to a level similar to an open-seat election.

Table 9 reports the predicted probabilities for Republicans. The overall predicted probabilities are comparatively lower than the Democratic ones, which is expected given Democratic female candidate trends. The literature finds women are much more likely to emerge, and ultimately win office, as Democrats. For example, Democratic women emerge around 34 percent of the time in term-limited SMDs versus Republican women only emerge around 24 percent of the time. There is about a 10 percent difference between female Democratic and Republican candidate emergence.

Despite the comparatively lower emergence rates, term limits still have a positive effect on female Republicans. The difference in female Republican candidate emergence between term-limited states and non-term-limited states is about 1.5 percent. In other words, the probability a female Republican will emerge increases by about 1.5 percent in term-limited states (vs. about 2 percent for Democratic women). For example, in open seat races in SMDs, women emerge about 23 percent of the time in states without term limits and about 24 percent of the time in states with term limits. The pattern is similar in MMDs where women emerge around 25 percent of the time in states without term limits and 27 percent of the time in states with term limits.

Looking at Republican challengers in the Non-Incumbent column also supports the hypothesis that term limits increase emergence. Women are much more likely to emerge as challengers in term-limited states than non-term-limited states. In SMDs with term limits, women emerge 23 percent of the time versus 22 percent of the time in states without. And in MMDs, women emerge 26 percent of the time versus 24 percent of the time in states without. Further, the results are consistent with the Democratic female candidate emergence finding that women emerge as challengers in term-limited states as often as women emerge in open seats in states without term limits.

While term limits only increase Republican female emergence by 1.5 percent, any increase is arguably positive for women (especially Republican women) who are rather underrepresented in states. Given that term limits increase Democratic female emergence by about 2 percent, the overall increase term limits provide for both parties is evidence that term limits do not have the negative, unintended consequences on women in office. The evidence provided here supports the theory that term limits increase

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female candidate emergence and also sheds a bit more light on the conventional wisdom about how the incumbency advantage hurts women. Term limits seem to change the candidate pool, and lower the effects of the incumbency advantage. This change lowers the risk associated with running, which increases the number of women willing to emerge as candidates—in open seats, as challengers, and across both parties. Term limits increase the number of women running, and when women run, they win.

Conclusion and Implications

Currently, females make up only 24 percent of state legislators in the United States. This is concerning given a 2009 CAWP study that indicates the growth of female candidates at the state legislative level has remained fairly stagnant since 1997. Since about half of women in higher office begin their political career at lower levels of government, this stagnation in female state legislators is an important area of research to study. If the number of women in state legislatures does not increase and/or gain parity, to generally reflect the population descriptively, the implications for descriptive and substantive representation is concerning at the state and national level.

This article offers a theoretical explanation on how the institutional feature of term limits affects the number of female candidates deciding to run for office. Initial studies on term limits suggest term limits have negative effects on female descriptive representation but largely ignored emergence. Using a candidate-level dataset and experimental design, I find term limits have a positive effect on women candidate emergence. Further, the findings suggest term limits are more beneficial than open seats are for increasing emergence. Term limits boost Democratic females' emergence about 2 percent and female Republican emergence by about 1.5 percent. This suggests term limits may be creating an incentive structure that is widening the eligibility pool. Specifically, term limits make seats, both open and nonopen, more desirable to women candidates.

Overall, these findings are important because the initial findings suggesting term limits are bad for women may not be as problematic as expected. A greater number of female candidates emerging, as presented here, can lead to a greater number or females in office. Future research should focus on the success of female challengers in term-limited states. The results here suggest term limits decrease the incumbency advantage and incentivize women to emerge more as challengers in term-limited seats. The more research and data on these women candidates available, such as candidate quality, campaign financing, and so on, may add insight into how term limits increase emergence, but may not increase descriptive representation. For example, women may emerge, but research suggests competition and relative candidate quality matter, especially in open seat elections (Barnes, Branton, and Cassese 2017; Fulton 2012, 2014). As this article argues, emergence is only the first step, but increasing female challengers is a step in the right direction toward parity—especially if women are successful in their pursuit of office as challengers, rather than waiting for an open seat. Perhaps the successful women are those running in the open seats rather than as challengers. Future research should disentangle this relationship to make the connection between term limits and female descriptive representation.

Last, implications for national representation of women in office are worth considering. The impact of term limits and the type of candidate attracted to the legislatures are likely to have an impact beyond the state level. If term-limited states are attracting candidates who do not want to be career politicians, this may negatively affect female recruitment success for congressional races. Take for example the possibility of a candidate seeking office in a term-limited state with no intentions of being a career politician and leaving after their term has expired—the politician may go back to their previous career, or they may seek higher office. If this politician is female and decides not to run for higher office, overtime, descriptive representation at the national level may be negatively affected. Therefore, future research tracking where women go after they are termed out in the states would also be an important addition to the literature on descriptive representation.

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Notes

1. Men also receive more encouragement than females at a younger age to enter fields that are more likely to lead to political careers such as law and business (Fox and Lawless 2004).
2. Since the 1990s, twenty-one states have passed legislation for term limits, but six states have repealed them. Term limits were generally passed via citizen initiatives, and in four states (Massachusetts, Oregon, Washington and Wyoming), the state supreme courts repealed the term limits, and in two states (Idaho and Utah), the state legislature repealed the term limits (NCSL 2014)
3. Also in the 2008 CAWP recruitment study, 35 percent of women in the lower chamber report their decision to run was based on concern about one or more specific policy issues.

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4. In the cases where I could not determine the gender of a candidate, I did not include these cases in the models. Some were missing first names in the original SLER study, and I could not determine first names. The missing candidates make up <3 percent of the total observations.
5. Some states allow candidate fusion; candidates can run under multiple-party identifications in the same election. For these cases, I use the party ID, which received the most votes. For example, if Jane Smith ran as a Republican and received ten thousand votes, and as a Democrat with five thousand votes, I drop the Democratic identification, and Jane Smith is coded as a Republican for the election year.
6. That is, whether or not the candidate is a qualified candidate and is more likely to win than a nonquality candidate. Nonquality means a candidate has little to no relevant experience in politics. Usually specified as previous office-holding experience at some level of government.
7. By nature of experimental design, the control group never enacted term limits but a standard year is set as a point of comparison for the pre-/post-estimation. Therefore, the year 1996 is used as the beginning of the "post treatment" for the control group—states without term limits—since the first wave of term limits began in the same year.
8. The online appendix provides two additional tables for female candidate emergence in the South.
9. Tables 8 and 9 have the exact same parameters for determining the predicted probabilities and the only variation between the two is party identification.

Supplemental Material

Replication data for this article is available with the manuscript on the PRQ website.

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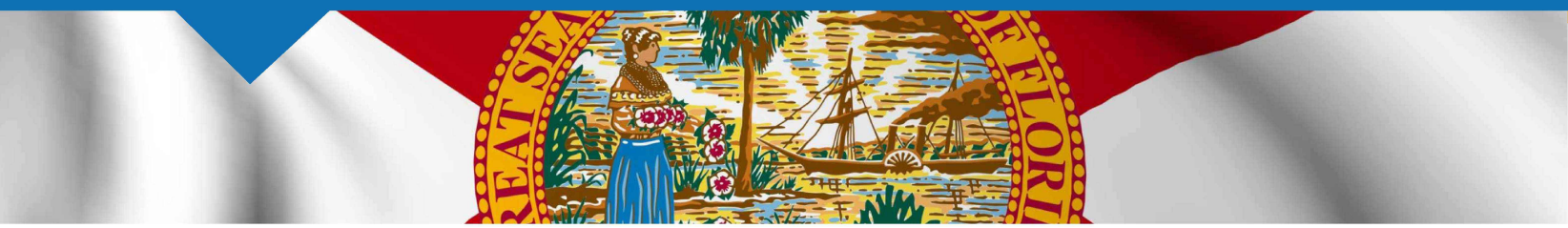
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U.S. TERM LIMITS

SJR 274/HJR 229
Please cosponsor this important legislation



This 2019 session, the Florida Legislature has introduced HJR 229 in the House and SJR 274 in the Senate for 8-year term limits on Florida school boards.

BENEFITS OF 8-YEAR TERM LIMITS ON SCHOOL BOARD MEMBERS

- ✓ Term limits foster regular, open seat elections.
- ✓ Term limits encourage independence by the school board, as term limits will regularly sever the relationships that grow between special interests and incumbent board members.
- ✓ Term limits improve citizen access to the process, encourage candidates to run for office and work on meaningful campaigns, and increase voter participation in elections.
- ✓ Term limits encourage new faces and fresh ideas. Incumbent members often have their heels dug in over past political battles or are wedded to the special interests they have relied on for reelection.
- ✓ Term limits mandate rotation in office which expands the circle of citizens with intimate knowledge of how the school board works.
- ✓ Term limits encourage transparency and discourage corruption.
- ✓ Term limits create a level playing field between the school board and Florida's other political offices, most of which have an eight-year term limit.

TELL THEM 8 IS ENOUGH!

termlimits.org

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Term Limits and State Budgets

Randall G. Holcombe
Robert J. Gmeiner
Florida State University

This study examines the effects of state legislative term limits on state government revenues and expenditures. It uses a panel dataset of the 50 states from 1988 to 2011 to estimate the effect of term limits on state government budgets, yielding 1200 observations. The study compares state budget growth in states that adopted term limits with budget growth in states that did not. The main findings of the study are:

o From 1992 to 2000, fifteen states enacted voter-approved term limits for their state legislators.

o In most of those states, the term limits became effective from the late 1990s into the early 2000s, so the dataset has roughly the same number of observations prior to term limits becoming effective as after in those states that adopted term limits.

o An empirical examination of the effects of legislative term limits on state budgets shows that state government budgets grew significantly more slowly after the term limits took effect.

o Prior to term limits taking effect, state government expenditures and revenues grew at about the same rate in states that enacted term limits as in those that did not.

o Different regression models looking at both expenditures and revenues estimate that after term limits took effect, state government expenditure and revenue growth was between 16% and 46% lower in term limit states than in states that did not enact legislative term limits.

o The empirical results are both statistically and economically significant. The slower growth of state budgets in term limit states means that in an eleven year period after term limits took effect, states with term limits would have budgets from 5% to 10% lower than in comparable non-term limited states.

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SJR 1216 – Limitation on Terms of Office for Members of a District School Board

1) Explain the bill
2) Explain the amendment barcode # 327674

Thank you Mr. Chairman.

- Senate Joint Resolution 1216 would allow Floridians to decide if term limits should be enacted for School Board members.
- School Board members have responsibilities similar to those of the State Legislature. They control, operate, and supervise monetary and policy decisions for students.
- The joint resolution would be placed on the ballot at the general election in November 2020. This new section would be created in Article IX of the Florida Constitution.
- This resolution would prohibit a person from appearing on the ballot for more than 12 **consecutive** years.

That is the bill Mr. Chairman and I do have an amendment.

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AMENDMENT BARCODE # 327674

- This amendment changes the number of consecutive years appearing on the ballot from 12 to 8. 8 years aligns with Florida's current term limits placed on the State Legislature, Cabinet members and this would provide consistency among elected office.

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Q: Why are you changing the amendment from 12 to 8 years?

A: 8 years aligns with Florida's current term limits placed on the State Legislature, Cabinet members and this would provide consistency among elected office.

History of Term Limits in Florida:
A: Term Limits were voted on by the people in 1992 with 77 percent of the vote.

Q: How many school boards members are there now?

A: There are currently 358 school board members across the 67 districts in Florida.

Q: How many charter counties are there in Florida?

A: 20 Charter Counties.

Q: Why are we doing this statewide instead of letting Charter Counties to make this decision themselves?
A: To provide consistency in years among all elected office holders.

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Q: What is the earliest anyone would be affected if passed?

A: 2028.

2019 Ethics and Elections Committee
Senator Baxley Introduction:

This is a joint resolution proposes creating new section to limit terms of office for members of a district school board.

8 year term limits are the most common in Florida and they work. Lists positions currently affected.

“Eight is enough” was private initiative people feel more control of their own government. Florida’s rationale is that you can run as many times and serve as many times as you want just not consecutively. In response to what citizens what to be citizen government.

Questions:

Q: You indicated that this is in response to what citizens want. Is there a certain group that is looking at this specifically in regards of school board members only in Florida?

A: This is an incremental change and you will see more things looked at over time. I don’t know an organization per say in Florida but there is one called U.S. term limits nationally. The biggest focus for them is Congress but anywhere they can stagger this to a sense of ownership of government. Incumbency is a powerful tool.

Q: You said there’s data to back this up. Who other than U.S. term limits have done these statistics? How do we know if these statistics (not push)/ polls were balanced when they were recorded?

A: Not sure I can reassure you completely but across the country it is growing. More and more local governments are looking to make elected officials more responsive to the electorate and it’s largely worked to be well founded.

AMERICAN OVERSIGHT

Q: Is this something that could be translated to the local governments/ school districts to put in place?

A: There are different ways to approach this idea that is one of them. Counties that have their own charter can already exercise this as an option that is happening. I think it is something we should address to as a state-wide policy, instead of locally.

2019 Education Committee
Sen. Baxley Introduction:

Pretty simple concept SJR creating a new section to limit the terms of school board to 8 years. 8 year term limits is the most common and they work. 8 year currently among list office. Time-tested reform nationwide and I think it is time to move forward. The year 2028 would be earliest anyone affected currently in office if this resolution passes. A vote to see what the people want to do this in 2020 and if term limits are wanted and then implemented statewide.

Q: SJR 274 provides that a person may not appear on the ballot for reelection to the office of school board member if by the end of his or her current term he or she served, or but for resignation will have served, in that office for 8 consecutive years.
A: We are giving the chance for the people of Florida to have a voice and a vote every 4 years but for a maximum of 8 consecutively. There is a power of incumbency that should be released and allow the people to vote for their citizen government.

2020 Pre-K-12 Innovation Committee
Rep. Sabatini Introduction:

This is a constitutional amendment, this is a bill to give Floridians if they wish to vote for term limits. There is no bi-partisan bill this year in the history of the legislature. Over 82% of Floridians have been polled and are in support of term limits. You can look around this room and see it now, the diversity. Fresh group of people, who come with new issues and everyone "Rotation of Leadership" as you succeed and achieve, you are moved to

AMERICAN OVERSIGHT

different places. If you are a public servant and they want to move you to another position. You rank up in leadership.

Questions:

Q: Why are we limiting people if we're allowed to choose?

A: We're not limiting them. We're limiting consecutive terms. Consecutive terms are so important because it creates competition with new ideas and perspectives. This will force people to pay attention to our election process. Competitive elections serve democracy well.

Q: Why JUST the constitutional officer of school boards? Why not all of the constitution officers?

A: Arguably after the President, Governor, Cabinet, all of these high-power positions being term limited, in my opinion the next problem that's not being term limited is the school board. School Boards control 20 billion dollars mandated for education in our state more than any other officer. A quarter of our budget is administered by School Board members. Personally believe that everyone should be term limited, but we should narrowly tailor a bill that focuses on one or two elected offices first.

AMERICAN OVERSIGHT

From: Russell, Tyler <Tyler.Russell@eog.myflorida.com>
Sent: Monday, January 13, 2020 5:05 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: FW: talking points & analysis
Attachment(s): "Talking Points HB 1265.docx","HB 1265 1-10-20.docx"

Hey Vickie,

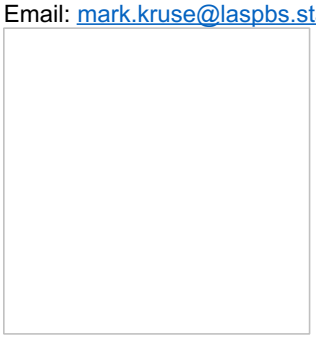
See attached.

Tyler C. Russell
Deputy Legislative Affairs Director
Office of the Governor
850.445.0709

From: Kruse, Mark <Mark.Kruse@LASPBS.STATE.FL.US>
Sent: Friday, January 10, 2020 3:22 PM
To: Russell, Tyler <Tyler.Russell@eog.myflorida.com>
Cc: Burdette,Brenda <Brenda.Burdette@eog.myflorida.com>
Subject: talking points & analysis

I'm bringing down hard copies as well

Mark Kruse, Policy Coordinator
Transportation and Economic Development Unit
Office of Policy and Budget
Governor Ron DeSantis
Suite 1802 The Capitol
Main: 850-717-9513
Direct: 850-717-9494
Email: mark.kruse@laspbs.state.fl.us



Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

AMERICAN OVERSIGHT

HB 1265: Verification of Employment Eligibility

SPONSOR(S): Rep. Byrd
DATE:
IDENTICAL/SIMILAR BILLS & SPONSOR:

SUMMARY
HB 1265 requires all Florida public employers, contractors, and subcontractors are to use the E-Verify system to confirm eligibility for employment. It also requires private employers to verify the employment eligibility of newly hired employees, giving them the option of using E-Verify or submission of verification documents compliant under the Real ID Act and other current law.

Effective date of July 1, 2020.

Current Situation:

E-Verify and its Current Use in Florida and Other States
The E-Verify Employment Eligibility Verification Program is an Internet-based system that allows employers to verify the employment authorization status of newly hired and, in the case of federal contractors, existing employees. Jointly administered by the U.S. Citizenship and Immigration Services (USCIS) and the Social Security Administration (SSA), E-Verify compares the data provided on an employee's Form I-9, Employment Eligibility Verification Form, to government records in order to help employers determine if a new hire is eligible to work in the United States. Although the use of E-Verify is not currently mandatory nationwide, numerous states and municipalities have passed legislation requiring its use for some or all employers. Currently, the following 22 states require E-Verify use at some level:

Alabama, Arizona, Colorado, Florida, Georgia, Idaho, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia

On January 4, 2011 Governor Rick Scott signed Executive Order 11-02 requiring agencies under his direction to use E-Verify; it was superseded on May 27, 2011 by Executive Order 11-116 that brought the policy in line with standard E-Verify practices requiring verification of new employees rather than both new and existing employees. Specifically, all agencies under the direction of the Governor are directed to verify the employment eligibility of all new employees through E-Verify; agencies not under the direction of the Governor are "encouraged" to follow the same guidelines. The executive order also mandates that as a condition of all contracts for the provision of goods and services in excess of nominal value, all agencies under the direction of the Governor must require contractors and their subcontractors to use E-Verify for all new employees hired during the contract term. Agencies not under the direction of the Governor are encouraged to follow these guidelines as well.

Proposed Changes:

Florida Public Employers, Contractors, and Subcontractors
HB 1265 requires that as of January 1, 2021 all Florida public employers, contractors, and subcontractors register with and use the E-Verify system to verify the work authorization status of all newly hired employees. A public employer, contractor, or subcontractor may not enter into a contract unless each party to the contract registers with and uses the E-Verify system.

Further, if a contractor enters into a contract with a subcontractor, the subcontractor must provide the contractor with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien. A public employer, contractor, or subcontractor who has a good faith belief that a person or entity with which it is contracting has knowingly violated the verification requirements shall terminate the contract with the person or entity. A public employer that has a good faith belief that a subcontractor knowingly violated verification, but the contractor otherwise complied with the requirement, shall promptly notify the contractor and order the contractor to immediately terminate the contract with the

AMERICAN OVERSIGHT

subcontractor. Any contract terminated under the specified conditions is not a breach of contract and may not be considered as such.

If a public employer terminates a contract with a contractor under the specified conditions, the contractor may not be awarded a public contract for at least 1 year after the date on which the contract was terminated. A public employer, contractor, or subcontractor may file an action with a circuit or county court to challenge a contract termination under the specified conditions no later than 20 calendar days after the date on which the contract was terminated.

Florida Private Employers
The bill also requires that as of January 1, 2021 all Florida private employers making an offer of employment which has been accepted by a person to verify such person's employment eligibility. A private employer is not required to verify the employment eligibility of a continuing employee hired before January 1, 2021; however, if a person is a contract employee retained by a private employer, the private employer must verify the employee's employment eligibility upon the renewal or extension of his or her contract.

A private employer is required to verify a person's employment eligibility by one of two methods:

1. Using the E-Verify system; or
2. Requiring the person to provide a picture identification card that complies with the Real ID Act of 2005, Pub. L. No. 109-13, and a certified copy of one of the following documents:
   a. A United States birth certificate;
   b. A certificate of naturalization;
   c. A certificate of citizenship;
   d. An alien registration receipt card; or
   e. A United States immigration form I-94 stamped to indicate "employment authorized."

Compliance with this requirement creates a rebuttable presumption that the private employer did not knowingly employ an unauthorized alien.

Further, no private employers may bid on or otherwise contract with a public employer for the performance of labor or services in Florida unless the private employer provides the public employer with an affidavit stating that:

1. The private employer is registered with and uses the E-Verify system to verify that all newly hired employees are legal citizens of the United States or legal aliens.
2. The private employer will continue to use the E-Verify system to verify the employment eligibility of all newly hired employees for the duration of the contract.
3. The private employer requires all subcontractors to provide an affidavit stating compliance with the verification requirements.

A private employer that violates these provisions may be subject to termination of its public contract, if applicable, and may not be awarded a public contract for at least 1 year after the date on which the contract was terminated. The termination of the contract is not a breach of contract and may not be considered as such. A private employer is liable for any additional costs incurred by the public employer as a result of the termination of the contract. A private employer that complies with the verification requirements may not be held civilly or criminally liable under state law for hiring, continuing to employ, or refusing to hire an unauthorized alien if the information obtained indicates that the person's work authorization status was not that of an unauthorized alien.

Finally, the bill states that the provisions are be enforced without regard to race, color, or national origin and shall be construed in a manner so as to be fully consistent with any applicable federal laws or regulations.

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FISCAL IMPACT

Overall indeterminate; no additional costs to Florida state agencies, contractors, and subcontractors under the purview of the Governor since they are already required to use E-Verify by the existing executive order. Depending on whether or not they currently use E-Verify, other state and local public employers, contractors, and subcontractors may incur additional costs associated with compliance. For private employers, given that the bill provides an option of using E-Verify or accepting other validated documentation costs for compliance could potentially be minimal.

PROPONENTS/OPPONENTS

COMMITTEE ACTION

01/10/20	HOUSE	Filed

AMERICAN OVERSIGHT

Talking Points: HB 1265 Verification of Employment Eligibility

Florida Public Employers

- Effective January 1, 2021, HB 1265 would require all Florida public employers, contractors, and subcontractors to use the E-Verify system to confirm the employment eligibility of newly hired employees.

- Subcontractors operating under public employer contracts must submit affidavits stating that they do not employ, contract with, or subcontract with unauthorized aliens.

- Knowing violations of the verification and employment provisions require immediate contract termination, and any such contractors may not be awarded a public contract for at least 1 year after the date on which the contract was terminated.

Florida Private Employers

- Effective January 1, 2021, all private employers would be required to confirm the employment eligibility of newly hired employees, giving them the option of using E-Verify or submission of verification documents compliant under the Real ID Act and other current law; this includes picture identification and either a certified birth certificate, certificate of naturalization, certificate of citizenship, an alien registration receipt card, or a United States immigration form I-94 stamped to indicate "employment authorized." Compliance with this requirement creates a rebuttable presumption that the private employer did not knowingly employ an unauthorized alien.

- No private employers may bid on or otherwise contract with a public employer for the performance of labor or services in Florida unless the private employer provides the public employer with an affidavit stating that the private employer is registered with and uses the E-Verify system; the private employer will continue to use the E-Verify system for the duration of the contract; and the private employer requires all subcontractors to provide an affidavit stating compliance with the verification requirements.

- A private employer that violates these provisions may be subject to termination of its public contract, if applicable, and may not be awarded a public contract for at least 1 year after the date on which the contract was terminated.

- A private employer that complies with the verification requirements may not be held civilly or criminally liable under state law for hiring, continuing to employ, or refusing to hire an unauthorized alien if the information obtained indicates that the person's work authorization status was not that of an unauthorized alien.

AMERICAN OVERSIGHT

From: Kerr, GeeDee on behalf of Joe Gruters (Web)
Sent: Friday, January 17, 2020 3:05 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: FW: Tuesday January 21, 2020 Appointment Requst

From: Todd J. Pokrywa <Todd.Pokrywa@Viera.com>
Sent: Friday, January 17, 2020 2:49 PM
To: Joe Gruters (Web) <Gruters.Joe.Web@flsenate.gov>
Subject: Tuesday January 21, 2020 Appointment Requst
Importance: High

Senator Gruters,

I am traveling to Tallahassee next Tuesday (1/21/2020) with the Brevard County Chambers. Do you have availability for a quick appointment with our group while I am there?

Todd J. Pokrywa
#exploreVIERA

Todd J. Pokrywa
President
todd.pokrywa@viera.com
t: 321.242.1200 x4573
f: 321.253.1800
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7380 Murrell Road, Suite 201
Viera, FL 32940

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AMERICAN OVERSIGHT

From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Friday, January 17, 2020 3:07 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: FW: Tuesday January 21, 2020 Appointment Requst

From: Todd J. Pokrywa <Todd.Pokrywa@Viera.com>
Sent: Friday, January 17, 2020 2:49 PM
To: Joe Gruters (Web) <Gruters.Joe.Web@flsenate.gov>
Subject: Tuesday January 21, 2020 Appointment Requst
Importance: High

Senator Gruters,

I am traveling to Tallahassee next Tuesday (1/21/2020) with the Brevard County Chambers. Do you have availability for a quick appointment with our group while I am there?

Todd J. Pokrywa
#exploreVIERA

Todd J. Pokrywa
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AMERICAN OVERSIGHT

From: Mark Wilson <mwilson@flchamber.com>
Sent: Thursday, November 21, 2019 3:38 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: FW: We're Not Willing to Tax Florida's Future Away

Dear Sen. Gruters:
Ronald Reagan used to say, if you want less of something, tax it.

With all due respect to recent news reports, the Florida Chamber of Commerce is not willing to tax Florida's future away.

That's why we're uniting Florida's business community for good, and working to grow Florida's economy from the 17th to the 10th largest in the world. A competitive and equitable tax system that encourages job growth and strengthens our economy will be essential in achieving this goal.

If you have questions about recent attempts by some in the media to obfuscate the legislature's efforts and progress on making Florida's tax code as competitive as possible, please feel free to reach out to me or Frank Walker at fwalker@flchamber.com.

My best,

Mark

PS: Thought you might be interested in the below message.

Florida Chamber of Commerce | www.FloridaChamber.com | Unsubscribe
136 S. Bronough Street, Tallahassee, Florida 32301 | (850) 521-1200

AMERICAN OVERSIGHT

From: Chip Case <chip@jeffersonmonroe.com>
Sent: Friday, February 07, 2020 10:11 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Fwd: 0987C1692451.pdf
Attachment(s): "0987C1692451.pdf","ATT00001.htm"

1 of 4 amendments the boss was going to get into bill drafting for me. 3 more coming.

Chip Case
Jefferson Monroe, LLC
Capitol Advocates, LLC
(850) 544-2222

Sent from my iPhone

Begin forwarded message:

> **From:** Chip Case <chip@capadvocates.com>
> **Date:** February 7, 2020 at 10:03:02 AM EST
> **To:** Chip Case <chip@jeffersonmonroe.com>
> **Subject: 0987C1692451.pdf**
>
> Sexual offender amendment

AMERICAN OVERSIGHT

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Commerce Committee
Representative Goff-Marcil offered the following:

Amendment (with title amendment)

Between lines 60 and 61, insert:

Section 2. Section 509.113, Florida Statutes, is created to read:

509.113 Certain registration for vacation rentals.—A sexual offender as defined in s. 944.606(1)(f) must register at the sheriff's office in the county in which the sexual offender is temporarily residing pursuant to s. 775.21 at least 48 hours before arrival at the vacation rental, regardless of the length of stay. A vacation rental owner or operator who rents a vacation rental to a sexual offender must notify all property owners within 1,000 feet of the vacation rental property at least 24 hours before the sexual offender's arrival. The

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001369

division may fine, suspend, or revoke the license of any owner or operator of a vacation rental if such owner or operator is not in compliance with the requirements of this section. Any advertisement for a vacation rental posted online must prominently display the physical address of the vacation rental and a link to a website created by the Department of Law Enforcement pursuant to s. 943.043 to notify the public of any information regarding sexual offenders. Such advertisement must prominently display a link to s. 943.0435 and include the following statement: "Every sexual offender intending to temporarily reside at a vacation rental in Florida is required by Florida law to register in accordance with section 509.113, Florida Statutes."

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

Remove line 6 and insert:
exception; creating s. 509.113, F.S.; requiring sexual offenders to register with the sheriff's office of the county in which they will be temporarily residing in a vacation rental within a certain timeframe; providing requirements for such registration; requiring an owner or operator of a vacation rental to notify specified property owners within a certain timeframe; providing penalties;

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001370

requiring advertisements for a vacation rental to include specified information; amending s. 509.241, F.S.; revising

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FL-SEN-20-0201-B, 20-0202-A-001371

Chip Case
Jefferson Monroe, LLC
Capitol Advocates, LLC
(850) 544-2222

Sent from my iPhone

AMERICAN OVERSIGHT

From: Amy Bisceglia <amy@rubinturnbull.com>
Sent: Wednesday, November 13, 2019 12:58 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Fwd: Aviation Fuel Tax Language
Attachment(s): "Aviation Fuel Tax Bill_SenateVersion2[1].doc","ATT00001.htm","Aviation Fuel Tax Bill_SenateVersion.doc","ATT00002.htm"

Here are both versions. Thank you!!

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

By Senator _____

A bill to be entitled

An act relating to the deletion of aviation fuel tax; deleting Part III of ch. 206, F.S.; providing an effective date.

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

Section 1. Part III of ch. 206, Florida Statutes, is deleted.

Section 2. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001376

By Senator _____

A bill to be entitled

An act relating to the deletion of aviation fuel tax; deleting Part III of ch. 206, F.S.; providing an effective date.

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

Section 1. Part III of ch. 206, Florida Statutes, is deleted:

~~206.9815 Definitions.—As used in this part:~~

~~(1) "Aviation fuel" means fuel for use in aircraft, and includes aviation gasoline and aviation turbine fuels and kerosene, as determined by the American Society for Testing Materials specifications D-910 or D-1655 or current specifications.~~

~~(2) "Kerosene" means all aviation turbine fuels and any distillate known as diesel #1, K-1, or any product suitable for use as a substitute for kerosene not taxed as a diesel fuel under part II. Any kerosene meeting the definition of diesel under s. 206.86(1) shall be taxed under part II.~~

~~(3) "Aviation gasoline" means any motor fuel blended or produced specifically for use in aircraft which has been~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001377

By Senator _____

~~dyed in accordance with federal regulations. Aviation gasoline does not include any such fuel used in any manner other than being placed in the storage tank of an aircraft.~~

~~206.9825 Aviation fuel tax.—~~

~~(1)(a) Except as otherwise provided in this part, an excise tax of 4.27 cents per gallon of aviation fuel is imposed upon every gallon of aviation fuel sold in this state, or brought into this state for use, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. Fuel taxed pursuant to this part is not subject to the taxes imposed by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).~~

~~(b)1. Sales of aviation fuel to, and exclusively used for flight training through a school of aeronautics or college of aviation by, a college based in this state which is a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code or a university based in this state are exempt from the tax imposed by this part if the college or university:~~

~~a. Is accredited by or has applied for accreditation by the Aviation Accreditation Board International; and~~

AMERICAN OVERSIGHT

By Senator _____

~~b. Offers a graduate program in aeronautical or aerospace engineering or offers flight training through a school of aeronautics or college of aviation.~~

~~2. A licensed wholesaler or terminal supplier that sells aviation fuel to a college or university qualified under this paragraph and that does not collect the aviation fuel tax from the college or university on such sale may receive an ultimate vendor credit for the 4.27-cent excise tax previously paid on the aviation fuel delivered to such college or university.~~

~~3. A college or university qualified under this paragraph which purchases aviation fuel from a retail supplier, including a fixed-base operator, and pays the 4.27-cent excise tax on the purchase may apply for and receive a refund of the aviation fuel tax paid.~~

~~(2)(a) An excise tax of 4.27 cents per gallon is imposed on each gallon of kerosene in the same manner as prescribed for diesel fuel under ss. 206.87(2) and 206.872.~~

~~(b) The exemptions provided by s. 206.874 shall apply to kerosene if the dyeing and marking requirements of s. 206.8741 are met.~~

AMERICAN OVERSIGHT

By Senator _____

~~(c) Kerosene prepackaged in containers of 5 gallons or less and labeled "Not for Use in a Motor Vehicle" is exempt from the taxes imposed by this part when sold for home heating and cooking. Packagers may qualify for a refund of taxes previously paid, as prescribed by the department.~~

~~(d) Sales of kerosene in quantities of 5 gallons or less by a person not licensed under this chapter who has no facilities for placing kerosene in the fuel supply system of a motor vehicle may qualify for a refund of taxes paid. Refunds of taxes paid shall be limited to sales for use in home heating or cooking and shall be documented as prescribed by the department.~~

~~(3) An excise tax of 4.27 cents per gallon is imposed on each gallon of aviation gasoline in the manner prescribed by paragraph (2)(a). However, the exemptions allowed by paragraph (2)(b) do not apply to aviation gasoline.~~

~~(4) Any licensed wholesaler or terminal supplier that delivers undyed kerosene to a residence for home heating or cooking may receive a credit or refund as the ultimate vendor of the kerosene for the 4.27-cent excise tax previously paid.~~

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001380

By Senator _____

~~(5) Any licensed wholesaler or terminal supplier that delivers undyed kerosene to a retail dealer not licensed as a wholesaler or terminal supplier for sale as a home heating or cooking fuel may receive a credit or refund as the ultimate vendor of the kerosene for the 4.27-cent excise tax previously paid, provided the retail dealer has no facility for fueling highway vehicles from the tank in which the kerosene is stored.~~

~~(6) Any person who fails to meet the requirements of this section is subject to a backup tax as provided by s. 206.873.~~

~~206.9826 Refund for certain air carriers.—An air carrier conducting scheduled operations or all-cargo operations that are authorized under 14 C.F.R. part 121, 14 C.F.R. part 129, or 14 C.F.R. part 135, is entitled to receive a refund of 1.42 cents per gallon of the taxes imposed by this part on aviation fuel purchased by such air carrier. The refund provided under this section plus the refund provided under s. 206.9855 may not exceed 4.27 cents per gallon of aviation fuel purchased by an air carrier.~~

~~206.9835 Administration of tax.—To the extent that they are not manifestly incompatible with the provisions of this part, the provisions of part I shall govern the~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001381

~~administration and enforcement of the tax imposed by this part.~~

~~206.9837 Disclosure of price.—Every retail dealer engaged in the sale of aviation fuel to the public shall post in a place clearly visible to the public in the fixed base operator terminal, or on the outside housing of each pump or other dispensing device, the price of the aviation fuel, including a statement disclosing whether the stated price includes tax on the fuel. All display material shall be subject to the approval of the local governing or controlling agency with jurisdiction over the airport.~~

~~206.9845 Distribution of proceeds.—Moneys collected pursuant to this part shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.9855, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund.~~

~~206.9855 Refund to carriers.—Any carrier that is in the business of transporting persons or property for~~

AMERICAN OVERSIGHT

~~compensation or hire by air shall be entitled to receive a refund of the taxes imposed by this part on aviation fuel purchased by such carrier. The refund shall not exceed 0.6 percent of the wages paid by the carrier to employees located or based within this state and who are covered by the provisions of chapter 443.~~

~~206.9865 Commercial air carriers; registration; reporting.—~~

~~(1) A commercial air carrier which operates in Florida must apply for and receive from the department an aviation fuel tax license.~~

~~(2) To procure an aviation fuel tax license, the carrier must file an application in such form and furnish such information as the department may require.~~

~~(3) The application must be renewed annually.~~

~~(4) Upon issuance of the aviation fuel tax license, each carrier shall file with the department a report showing inventories; all purchases of tax-paid aviation fuel; all fuels drawn from bonded supplies; imports; and disbursements, sales, and usage. The report shall be filed pursuant to part I of this chapter.~~

~~(5) The license shall be for the purpose of remitting taxes on any aviation fuel which is drawn from bond or~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001383

By Senator _____

~~imported into Florida and which is used for domestic purposes.~~

~~(6) The provisions of this chapter relating to timely filing of reports, payment of any tax that may be due, suits for collection, warrants for collection, department warrants, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and enforcement apply to this part.~~

~~206.9875 United States government exempt.—Aviation fuel purchased by the United States or any department or agency of the United States is exempt from the tax imposed by this part when used in governmental aircraft. Any dealer of aviation fuel is entitled to a refund of any tax he or she has paid upon any aviation fuel purchased under such exemption.~~

Section 2. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Amy Bisceglia <amy@rubinturnbull.com>
Sent: Friday, December 06, 2019 8:53 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Fwd: Aviation Fuel Tax Language
Attachment(s): "Aviation Fuel Tax Bill_SenateVersion2[1].doc","ATT00001.htm","Aviation Fuel Tax Bill_SenateVersion.doc","ATT00002.htm"

Hey Josh!

Just wanted to check in with you on this bill. The Senator agreed to be our sponsor, but we haven't seen it go live yet. Let me know if you need any more info!

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

By Senator _____

A bill to be entitled

An act relating to the deletion of aviation fuel tax; deleting Part III of ch. 206, F.S.; providing an effective date.

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

Section 1. Part III of ch. 206, Florida Statutes, is deleted.

Section 2. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001388

By Senator _____

A bill to be entitled

An act relating to the deletion of aviation fuel tax; deleting Part III of ch. 206, F.S.; providing an effective date.

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

Section 1. Part III of ch. 206, Florida Statutes, is deleted:

~~206.9815 Definitions.—As used in this part:~~

~~(1) "Aviation fuel" means fuel for use in aircraft, and includes aviation gasoline and aviation turbine fuels and kerosene, as determined by the American Society for Testing Materials specifications D-910 or D-1655 or current specifications.~~

~~(2) "Kerosene" means all aviation turbine fuels and any distillate known as diesel #1, K-1, or any product suitable for use as a substitute for kerosene not taxed as a diesel fuel under part II. Any kerosene meeting the definition of diesel under s. 206.86(1) shall be taxed under part II.~~

~~(3) "Aviation gasoline" means any motor fuel blended or produced specifically for use in aircraft which has been~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001389

By Senator _____

~~dyed in accordance with federal regulations. Aviation gasoline does not include any such fuel used in any manner other than being placed in the storage tank of an aircraft.~~

~~206.9825 Aviation fuel tax.—~~

~~(1)(a) Except as otherwise provided in this part, an excise tax of 4.27 cents per gallon of aviation fuel is imposed upon every gallon of aviation fuel sold in this state, or brought into this state for use, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. Fuel taxed pursuant to this part is not subject to the taxes imposed by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).~~

~~(b)1. Sales of aviation fuel to, and exclusively used for flight training through a school of aeronautics or college of aviation by, a college based in this state which is a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code or a university based in this state are exempt from the tax imposed by this part if the college or university:~~

~~a. Is accredited by or has applied for accreditation by the Aviation Accreditation Board International; and~~

AMERICAN OVERSIGHT

By Senator _____

~~b. Offers a graduate program in aeronautical or aerospace engineering or offers flight training through a school of aeronautics or college of aviation.~~

~~2. A licensed wholesaler or terminal supplier that sells aviation fuel to a college or university qualified under this paragraph and that does not collect the aviation fuel tax from the college or university on such sale may receive an ultimate vendor credit for the 4.27-cent excise tax previously paid on the aviation fuel delivered to such college or university.~~

~~3. A college or university qualified under this paragraph which purchases aviation fuel from a retail supplier, including a fixed-base operator, and pays the 4.27-cent excise tax on the purchase may apply for and receive a refund of the aviation fuel tax paid.~~

~~(2)(a) An excise tax of 4.27 cents per gallon is imposed on each gallon of kerosene in the same manner as prescribed for diesel fuel under ss. 206.87(2) and 206.872.~~

~~(b) The exemptions provided by s. 206.874 shall apply to kerosene if the dyeing and marking requirements of s. 206.8741 are met.~~

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-001391

~~(c) Kerosene prepackaged in containers of 5 gallons or less and labeled "Not for Use in a Motor Vehicle" is exempt from the taxes imposed by this part when sold for home heating and cooking. Packagers may qualify for a refund of taxes previously paid, as prescribed by the department.~~

~~(d) Sales of kerosene in quantities of 5 gallons or less by a person not licensed under this chapter who has no facilities for placing kerosene in the fuel supply system of a motor vehicle may qualify for a refund of taxes paid. Refunds of taxes paid shall be limited to sales for use in home heating or cooking and shall be documented as prescribed by the department.~~

~~(3) An excise tax of 4.27 cents per gallon is imposed on each gallon of aviation gasoline in the manner prescribed by paragraph (2)(a). However, the exemptions allowed by paragraph (2)(b) do not apply to aviation gasoline.~~

~~(4) Any licensed wholesaler or terminal supplier that delivers undyed kerosene to a residence for home heating or cooking may receive a credit or refund as the ultimate vendor of the kerosene for the 4.27-cent excise tax previously paid.~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001392

By Senator _____

~~(5) Any licensed wholesaler or terminal supplier that delivers undyed kerosene to a retail dealer not licensed as a wholesaler or terminal supplier for sale as a home heating or cooking fuel may receive a credit or refund as the ultimate vendor of the kerosene for the 4.27-cent excise tax previously paid, provided the retail dealer has no facility for fueling highway vehicles from the tank in which the kerosene is stored.~~

~~(6) Any person who fails to meet the requirements of this section is subject to a backup tax as provided by s. 206.873.~~

~~206.9826 Refund for certain air carriers.—An air carrier conducting scheduled operations or all-cargo operations that are authorized under 14 C.F.R. part 121, 14 C.F.R. part 129, or 14 C.F.R. part 135, is entitled to receive a refund of 1.42 cents per gallon of the taxes imposed by this part on aviation fuel purchased by such air carrier. The refund provided under this section plus the refund provided under s. 206.9855 may not exceed 4.27 cents per gallon of aviation fuel purchased by an air carrier.~~

~~206.9835 Administration of tax.—To the extent that they are not manifestly incompatible with the provisions of this part, the provisions of part I shall govern the~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001393

~~administration and enforcement of the tax imposed by this part.~~

~~206.9837 Disclosure of price.—Every retail dealer engaged in the sale of aviation fuel to the public shall post in a place clearly visible to the public in the fixed base operator terminal, or on the outside housing of each pump or other dispensing device, the price of the aviation fuel, including a statement disclosing whether the stated price includes tax on the fuel. All display material shall be subject to the approval of the local governing or controlling agency with jurisdiction over the airport.~~

~~206.9845 Distribution of proceeds.—Moneys collected pursuant to this part shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.9855, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund.~~

~~206.9855 Refund to carriers.—Any carrier that is in the business of transporting persons or property for~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001394

~~compensation or hire by air shall be entitled to receive a refund of the taxes imposed by this part on aviation fuel purchased by such carrier. The refund shall not exceed 0.6 percent of the wages paid by the carrier to employees located or based within this state and who are covered by the provisions of chapter 443.~~

~~206.9865 Commercial air carriers; registration; reporting.—~~

~~(1) A commercial air carrier which operates in Florida must apply for and receive from the department an aviation fuel tax license.~~

~~(2) To procure an aviation fuel tax license, the carrier must file an application in such form and furnish such information as the department may require.~~

~~(3) The application must be renewed annually.~~

~~(4) Upon issuance of the aviation fuel tax license, each carrier shall file with the department a report showing inventories; all purchases of tax-paid aviation fuel; all fuels drawn from bonded supplies; imports; and disbursements, sales, and usage. The report shall be filed pursuant to part I of this chapter.~~

~~(5) The license shall be for the purpose of remitting taxes on any aviation fuel which is drawn from bond or~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001395

By Senator _____

~~imported into Florida and which is used for domestic purposes.~~

~~(6) The provisions of this chapter relating to timely filing of reports, payment of any tax that may be due, suits for collection, warrants for collection, department warrants, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and enforcement apply to this part.~~

~~206.9875 United States government exempt.—Aviation fuel purchased by the United States or any department or agency of the United States is exempt from the tax imposed by this part when used in governmental aircraft. Any dealer of aviation fuel is entitled to a refund of any tax he or she has paid upon any aviation fuel purchased under such exemption.~~

Section 2. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Sent: Wednesday, November 13, 2019 2:27 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Fwd: Aviation Fuel Tax Language
Attachment(s): "Aviation Fuel Tax Bill_SenateVersion2[1].doc","ATT00001.htm","Aviation Fuel Tax Bill_SenateVersion.doc","ATT00002.htm"

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

Begin forwarded message:

> **From:** Amy Bisceglia <amy@rubinturnbull.com>
> **Date:** November 13, 2019 at 12:58:29 PM EST
> **To:** "Barnhill, Josh" <Barnhill.Josh@flsenate.gov>
> **Subject: Fwd: Aviation Fuel Tax Language**
>
> Here are both versions. Thank you!!

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

By Senator _____

A bill to be entitled

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~~(1) "Aviation fuel" means fuel for use in aircraft, and includes aviation gasoline and aviation turbine fuels and kerosene, as determined by the American Society for Testing Materials specifications D-910 or D-1655 or current specifications.~~

~~(2) "Kerosene" means all aviation turbine fuels and any distillate known as diesel #1, K-1, or any product suitable for use as a substitute for kerosene not taxed as a diesel fuel under part II. Any kerosene meeting the definition of diesel under s. 206.86(1) shall be taxed under part II.~~

~~(3) "Aviation gasoline" means any motor fuel blended or produced specifically for use in aircraft which has been~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001401

By Senator _____

~~dyed in accordance with federal regulations. Aviation gasoline does not include any such fuel used in any manner other than being placed in the storage tank of an aircraft.~~

~~206.9825 Aviation fuel tax.—~~

~~(1)(a) Except as otherwise provided in this part, an excise tax of 4.27 cents per gallon of aviation fuel is imposed upon every gallon of aviation fuel sold in this state, or brought into this state for use, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. Fuel taxed pursuant to this part is not subject to the taxes imposed by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).~~

~~(b)1. Sales of aviation fuel to, and exclusively used for flight training through a school of aeronautics or college of aviation by, a college based in this state which is a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code or a university based in this state are exempt from the tax imposed by this part if the college or university:~~

~~a. Is accredited by or has applied for accreditation by the Aviation Accreditation Board International; and~~

AMERICAN OVERSIGHT

By Senator _____

~~b. Offers a graduate program in aeronautical or aerospace engineering or offers flight training through a school of aeronautics or college of aviation.~~

~~2. A licensed wholesaler or terminal supplier that sells aviation fuel to a college or university qualified under this paragraph and that does not collect the aviation fuel tax from the college or university on such sale may receive an ultimate vendor credit for the 4.27-cent excise tax previously paid on the aviation fuel delivered to such college or university.~~

~~3. A college or university qualified under this paragraph which purchases aviation fuel from a retail supplier, including a fixed-base operator, and pays the 4.27-cent excise tax on the purchase may apply for and receive a refund of the aviation fuel tax paid.~~

~~(2)(a) An excise tax of 4.27 cents per gallon is imposed on each gallon of kerosene in the same manner as prescribed for diesel fuel under ss. 206.87(2) and 206.872.~~

~~(b) The exemptions provided by s. 206.874 shall apply to kerosene if the dyeing and marking requirements of s. 206.8741 are met.~~

AMERICAN OVERSIGHT

By Senator _____

~~(c) Kerosene prepackaged in containers of 5 gallons or less and labeled "Not for Use in a Motor Vehicle" is exempt from the taxes imposed by this part when sold for home heating and cooking. Packagers may qualify for a refund of taxes previously paid, as prescribed by the department.~~

~~(d) Sales of kerosene in quantities of 5 gallons or less by a person not licensed under this chapter who has no facilities for placing kerosene in the fuel supply system of a motor vehicle may qualify for a refund of taxes paid. Refunds of taxes paid shall be limited to sales for use in home heating or cooking and shall be documented as prescribed by the department.~~

~~(3) An excise tax of 4.27 cents per gallon is imposed on each gallon of aviation gasoline in the manner prescribed by paragraph (2)(a). However, the exemptions allowed by paragraph (2)(b) do not apply to aviation gasoline.~~

~~(4) Any licensed wholesaler or terminal supplier that delivers undyed kerosene to a residence for home heating or cooking may receive a credit or refund as the ultimate vendor of the kerosene for the 4.27-cent excise tax previously paid.~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001404

By Senator _____

~~(5) Any licensed wholesaler or terminal supplier that delivers undyed kerosene to a retail dealer not licensed as a wholesaler or terminal supplier for sale as a home heating or cooking fuel may receive a credit or refund as the ultimate vendor of the kerosene for the 4.27-cent excise tax previously paid, provided the retail dealer has no facility for fueling highway vehicles from the tank in which the kerosene is stored.~~

~~(6) Any person who fails to meet the requirements of this section is subject to a backup tax as provided by s. 206.873.~~

~~206.9826 Refund for certain air carriers.—An air carrier conducting scheduled operations or all-cargo operations that are authorized under 14 C.F.R. part 121, 14 C.F.R. part 129, or 14 C.F.R. part 135, is entitled to receive a refund of 1.42 cents per gallon of the taxes imposed by this part on aviation fuel purchased by such air carrier. The refund provided under this section plus the refund provided under s. 206.9855 may not exceed 4.27 cents per gallon of aviation fuel purchased by an air carrier.~~

~~206.9835 Administration of tax.—To the extent that they are not manifestly incompatible with the provisions of this part, the provisions of part I shall govern the~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001405

~~administration and enforcement of the tax imposed by this part.~~

~~206.9837 Disclosure of price.—Every retail dealer engaged in the sale of aviation fuel to the public shall post in a place clearly visible to the public in the fixed base operator terminal, or on the outside housing of each pump or other dispensing device, the price of the aviation fuel, including a statement disclosing whether the stated price includes tax on the fuel. All display material shall be subject to the approval of the local governing or controlling agency with jurisdiction over the airport.~~

~~206.9845 Distribution of proceeds.—Moneys collected pursuant to this part shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.9855, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund.~~

~~206.9855 Refund to carriers.—Any carrier that is in the business of transporting persons or property for~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001406

~~compensation or hire by air shall be entitled to receive a refund of the taxes imposed by this part on aviation fuel purchased by such carrier. The refund shall not exceed 0.6 percent of the wages paid by the carrier to employees located or based within this state and who are covered by the provisions of chapter 443.~~

~~206.9865 Commercial air carriers; registration; reporting.—~~

~~(1) A commercial air carrier which operates in Florida must apply for and receive from the department an aviation fuel tax license.~~

~~(2) To procure an aviation fuel tax license, the carrier must file an application in such form and furnish such information as the department may require.~~

~~(3) The application must be renewed annually.~~

~~(4) Upon issuance of the aviation fuel tax license, each carrier shall file with the department a report showing inventories; all purchases of tax-paid aviation fuel; all fuels drawn from bonded supplies; imports; and disbursements, sales, and usage. The report shall be filed pursuant to part I of this chapter.~~

~~(5) The license shall be for the purpose of remitting taxes on any aviation fuel which is drawn from bond or~~

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-001407

By Senator _____

~~imported into Florida and which is used for domestic purposes.~~

~~(6) The provisions of this chapter relating to timely filing of reports, payment of any tax that may be due, suits for collection, warrants for collection, department warrants, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and enforcement apply to this part.~~

~~206.9875 United States government exempt.—Aviation fuel purchased by the United States or any department or agency of the United States is exempt from the tax imposed by this part when used in governmental aircraft. Any dealer of aviation fuel is entitled to a refund of any tax he or she has paid upon any aviation fuel purchased under such exemption.~~

Section 2. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Sent: Thursday, November 21, 2019 3:56 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Fwd: DOS Proposals
Attachment(s): "Department of State Legislative Proposal-OIA.docx","ATT00001.htm"

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

Begin forwarded message:

> **From:** "Dover, Brittany N." <Brittany.Dover@dos.myflorida.com>
> **Date:** November 21, 2019 at 3:17:51 PM EST
> **To:** "Barnhill, Josh" <Barnhill.Josh@flsenate.gov>
> **Subject: DOS Proposals**
>
> Josh,
>
> The International affairs legislation has been submitted to bill drafting but Senator Gruters has agreed to sponsor it for us. I have it attached for your reference.
>
> Thank yoU!
>
> **Brittany N. Dover**
> **Legislative Affairs Director**
> **Department of State**
> **850.245.6509 (office)**
> **850.274.3105 (cell)**

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Department of State Legislative Proposal
Office of International Affairs

Create Statute in Chapter 15 Secretary of State-
State Protocol Officer-
The Secretary of State shall serve as the state protocol officer. In consultation with the Governor and other governmental officials, the Secretary of State shall develop, maintain, publish, and distribute the state protocol manual.

15.182 International travel by state-funded musical, cultural, or artistic organizations; notification to the Department of ~~Economic Opportunity~~ State.—
(1) If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing, including an organization associated with a college or university, such organization shall notify the Department of ~~Economic Opportunity~~ State of its intentions to travel, together with the date, time, and location of each appearance.
(2) The Department of ~~Economic Opportunity~~ State, in conjunction with the Department of Economic Opportunity and Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.
(3) An organization shall provide the notification to the Department of State required by this section at least 30 days before the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The Department of State shall take an active role in informing such groups of the responsibility to notify the department of travel intentions.

288.012 State of Florida international offices; state protocol officer; protocol manual.—
~~(7) The Governor may designate a state protocol officer. The state protocol officer shall be housed within the Executive Office of the Governor. In consultation with the Governor and other governmental officials, the state protocol officer shall develop, maintain, publish, and distribute the state protocol manual.~~

Create Statute in Chapter 288 International Affairs-
Citizen support organizations; use of state administrative services and property; audit.—
(1) CITIZEN SUPPORT ORGANIZATIONS.—The Office of International Affairs within the Department of State may support the establishment of citizen support organizations to provide assistance, funding, and promotional support for intergovernmental programs. For the purposes of this section, a “citizen support organization” means an organization which is:
(a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.
(b) Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Office.
(c) Determined by the Office to be consistent with the goals of the Office and in the best interests of the state.

AMERICAN OVERSIGHT

(d) Approved in writing by the Office to operate for the direct or indirect benefit of the Office. Such approval shall be given in a letter of agreement from the Office.
(2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—
(a) The Office may prescribe by rule any condition with which a citizen support organization shall comply in order to use Office administrative services, property, or facilities.
(b) The Office shall not permit the use of any administrative services, property, or facilities of the state by a citizen support organization which does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.
(3) ANNUAL AUDIT.—The citizen support organization shall provide for an annual financial audit in accordance with s. 215.981.

288.816 Intergovernmental relations.—
(1) The state protocol officer shall be responsible for consular operations and the sister city and sister state program and shall serve as liaison with foreign, federal, and other state international organizations and with county and municipal governments in Florida.
(2) The state protocol officer shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The state protocol officer shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The state protocol officer shall promulgate rules which shall:
(a) Establish a viable system of registration for foreign government officials residing or having jurisdiction in the state. Emphasis shall be placed on maintaining active communication between the state protocol officer and the United States Department of State in order to be currently informed regarding foreign governmental personnel stationed in, or with official responsibilities for, Florida. Active dialogue shall also be maintained with foreign countries which historically have had dealings with Florida in order to keep them informed of the proper procedure for registering with the state.
(b) Maintain and systematically update a current and accurate list of all such foreign governmental officials, consuls, or consulates.
~~(c) Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government.~~
~~(d) Verify entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods.~~
(e) Verify entitlement to issuance of special motor vehicle license plates by the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.
(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen.
(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 943.68.
(h) Coordinate, when necessary, special activities between foreign governments and Florida state and local governments. These may include Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities.
(i) Notify all newly arrived foreign governmental officials of the services offered by the state protocol officer.
(3) The state protocol officer may: ~~shall operate the sister city and sister state program and~~

AMERICAN OVERSIGHT

~~establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, the state protocol officer shall have the power and authority to:~~

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

(c) Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities.

~~(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.~~

~~(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.~~

(4) The state protocol officer shall serve as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations. All inquiries received regarding international economic trade development or reverse investment opportunities shall be referred to Enterprise Florida, Inc. In addition, the state protocol officer shall serve as liaison with other states with respect to international programs of interest to Florida. The state protocol officer shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(5) The state protocol officer shall have the power and duty to encourage the relocation to Florida of consular offices and multilateral and international agencies and organizations.

(6) The department and Enterprise Florida, Inc., shall help to contribute an international perspective to the state’s development efforts.

AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Thursday, November 14, 2019 9:01 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Fwd: FLORIDA FIRST ROBOTICS TEAM GRANT - Representative Chip LaMarca.pdf
Attachment(s): "FLORIDA FIRST ROBOTICS TEAM GRANT - Representative Chip LaMarca.pdf","ATT00001.htm"

Sent from my iPhone

Begin forwarded message:

> **From:** "Staniscia, Corey" <Corey.Staniscia@myfloridahouse.gov>
> **Date:** November 14, 2019 at 7:40:42 AM EST
> **To:** "Brill, Victoria" <Brill.Victoria@flsenate.gov>
> **Subject: FLORIDA FIRST ROBOTICS TEAM GRANT - Representative Chip LaMarca.pdf**
>
> Hey Vicky didn't have josh's email and I wanted to get this to him ASAP. It's the approp we discussed yesterday. Talk soon!

AMERICAN OVERSIGHT

Corey Staniscia
Chief Legislative Assistant
Representative Chip LaMarca
Florida House of Representatives Dist. 93

"*Thanks for Chippin' In*"

Sent from my iPad

AMERICAN OVERSIGHT

Appropriations Project Request - Fiscal Year 2020-21

For projects meeting the Definition of House Rule 5.14

1. Title of Project: FLORIDA FIRST ROBOTICS TEAM GRANT
2. Date of Submission: 11/13/2019
3. House Member Sponsor: Chip LaMarca
   Members Copied:

4. DETAILS OF AMOUNT REQUESTED:

a. Has funding been provided in a previous state budget for this activity? Yes
   If answer to 4a is "No" skip 4b and 4c and proceed to 4d, Col. E
b. What is the most recent fiscal year the project was funded? 2018-19
c. Were the funds provided in the most recent fiscal year subsequently vetoed? No
d. Complete the following Project Request Worksheet to develop your request:

FY:	Input Prior Year Appropriation for this project for FY 2019-20 (If appropriated in 2019-20 enter the appropriated amount, even if vetoed.)			Develop New Funds Request for FY 2020-21 (Requests for additional RECURRING funds are prohibited.)		
Column:	A	B	C	D	E	F
Funds Description:	Prior Year Recurring Funds	Prior Year Nonrecurring Funds	Total Funds Appropriated (Recurring plus Nonrecurring: column A + column B)	Recurring Base Budget (Will equal non-vetoed amounts provided in Column A)	**Additional Nonrecurring Request**	**TOTAL Nonrecurring plus Recurring Base Funds** (Will equal the amount from the Recurring base in Column D plus the Additional Nonrecurring Request in Column E.)
Input Amounts:					900,000	900,000

5. Are funds for this issue requested in a state agency's Legislative Budget Request submitted for FY 2020-21? No

5a. If yes, which state agency?

5b. If no, which is the most appropriate state agency to place an appropriation for the issue being requested? Department of Education

5c. Has the appropriate state agency for administering the funding, if the request were appropriated, been contacted? No

5d. Describe penalties for failing to meet deliverables or performance measures which the agency should provide in its contract to administer the funding if appropriated.

Deobligate a portion of the funds for future grants, but taking into consideration extenuating circumstances

AMERICAN OVERSIGHT
Tracking #: 17325

6. Requester:
   a. Name: Sandra Contreras
   b. Organization: FIRST Robotics (For Inspiration and Recognition of Science and Technology)
   c. Email: scontreras@firstinspires.org
   d. Phone #: (954)281-2202

7. Contact for questions about specific technical or financial details about the project:
   a. Name: Sandra Contreras
   b. Organization: FIRST Robotics (For Inspiration and Recognition of Science and Technology)
   c. Email: scontreras@firstinspires.org
   d. Phone #: (954)281-2202

8. Is there a registered lobbyist working to secure funding for this project?
   a. Name: None
   b. Firm: None
   c. Email:
   d. Phone #:

9. Organization or Name of entity receiving funds:
   a. Name: FIRST Robotics
   b. County (County where funds are to be expended): Orange, Palm Beach
   c. Service Area (Counties being served by the service(s) provided with funding): Statewide

10. What type of organization is the entity that will receive the funds? (Select one)
   ○ For Profit
   ◉ Non Profit 501(c) (3)
   ○ Non Profit 501(c) (4)
   ○ Local Government
   ○ University or College
   ○ Other (Please describe)

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11. What is the specific purpose or goal that will be achieved by the funds being requested?

FIRST is the world's leading youth-serving nonprofit advancing STEM. FIRST programs inspire innovation and leadership through engaging robotics challenges developed to ignite curiosity and passion in students in grade K-12.These funds will help support high school teams participating in the FIRST Robotics Competition and FIRST Tech Challenge, help fund the FRC Regional competitions: Orlando and South FL, and the FTC State Championship. It will also help other FIRST cross program initiatives.

12. Provide specific details on how funds will be spent. (Select all that apply)

Spending Category	Description	Nonrecurring (Should equal 4d, Col. E) Enter "0" if request is zero for the category
Administrative Costs:		
☐a. Executive Director/Project Head Salary and Benefits		
☐b. Other Salary and Benefits		
☐c. Expense/Equipment/Travel/Supplies/Other		
☐d. Consultants/Contracted Services/Study		
Operational Costs:		
☐e. Salaries and Benefits		
☑f. Expenses/Equipment/Travel/Supplies/Other	$3,000 to each Florida FRC team that participates in a Florida regional, funds to cover part of the regional registration fee. An additional $2,500 for Florida FRC teams that register for a 2nd Florida regional, funds to cover part of the registration fee. Each Florida FRC team that qualifies for the FIRST World Championship by winning their way there to receive $3,000 to help defray cost of travel	900,000

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	and participation at the World Competition. $200,000 for each regional competition in Florida (Sou	
☐g. Consultants/Contracted Services/Study		
Fixed Capital Construction/Major Renovation:		
☐h. Construction/Renovation/Land/Planning Engineering		
TOTAL		900,000

13. For the Fixed Capital Costs requested with this issue (In Question 12, category "h. Fixed Capital Outlay" was selected), what type of ownership will the facility be under when complete? (Select one correct option)

○For Profit
○Non Profit 501(c) (3)
○Non Profit 501(c) (4)
○Local Government (e.g., police, fire or local government buildings, local roads, etc.)
○State agency owned facility (For example: college or university facility, buildings for public schools, roads in the state transportation system, etc.)
○Other (Please describe)

14. Is the project request an information technology project?

No

15. Is there any documented show of support for the requested project in the community including public hearings, letters of support, major organizational backing, or other expressions of support?

Yes

15a. Please Describe:

We have a video created by the teams: https://firstinflorida.org/ that has been accessed more than 4,190 times. In previous years, more than 210 letters were sent to Representatives and Senators from teams all across the state of Florida, thanking them for the support received and asking for their continued support.

16. Has the need for the funds been documented by a study, completed by an independent 3rd party, for the area to be served?

Yes

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16a. Please Describe:

The U.S. is ranked 20th out of 30 in high school graduation rates among industrialized nations.[1] Standardized test scores from 30 nations rank 14-year-olds in the U.S. 25th in math and 21st in science.[2] [1 & 2] National Science Board (May, 2010). Preparing the Next Generation of STEM Innovators: Identifying and Developing Our Nation's Human Capital. National Science Foundation.

17. Will the requested funds be used directly for services to citizens?

Yes

17a. What are the activities and services that will be provided to meet the purpose of the funds?

The funds will directly impact 9-12th grade students in their ability to participate and compete in the FIRST Robotics Competition and the FIRST Tech Challenge by lowering the barrier to entry by paying some competition registration costs. It will also support the competitions in which students compete with the robot designed specifically for that year's challenge.

17b. Describe the direct services to be provided to the citizens by the funding requested.

Through the participation in the FIRST Robotics Competition and FIRST Tech Challenge program, students learn many of the required skills needed not only to develop a competitive robot, but also to manage a small business. We also provide a location where registered teams can participate in the robotics competition challenge designed for that year.

17c. Describe the target population to be served (i.e., "the majority of the funds requested will serve these target populations or groups."). Select all that apply to the target population:

- ☐Elderly persons
- ☐Persons with poor mental health
- ☐Persons with poor physical health
- ☐Jobless persons
- ☑Economically disadvantaged persons
- ☑At-risk youth
- ☐Homeless
- ☐Developmentally disabled
- ☐Physically disabled
- ☐Drug users (in health services)
- ☐Preschool students
- ☐Grade school students
- ☑High school students
- ☐University/college students

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☐Currently or formerly incarcerated persons
☐Drug offenders (in criminal Justice)
☐Victims of crime
☐General (The majority of the funds will benefit no specific group)
☐Other (Please describe)

17d. How many in the target population are expected to be served?
○< 25
○25-50
○51-100
○101-200
○201-400
○401-800
⊙>800

18. What benefits or outcomes will be realized by the expenditure of funds requested? (Select each Benefit/Outcome that applies)

Benefit or Outcome	Provide a specific measure of the benefit or outcome	Describe the method for measuring level of benefit
☐Improve physical health		
☐Improve mental health		
☐Enrich cultural experience		
☐Improve agricultural production/promotion/education		
☑Improve quality of education	Number of teams that register for the 2020 FIRST Robotics Competition and FIRST Tech Challenge Season in Florida.	Registration numbers for 2020. Compare number of teams before funding to number of teams after funding.
☐Enhance/preserve/improve environmental or fish and wildlife quality		
☐Protect the general public from harm (environmental, criminal, etc.)		

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☐Improve transportation conditions		
☐Increase or improve economic activity		
☐Increase tourism		
☐Create specific immediate job opportunities		
☑Enhance specific individual's economic self sufficiency	Senior High School Students that register for a College or Technical Career	Number of Seniors who register in the FIRST Alumni database for the year 2020.
☐Reduce recidivism		
☐Reduce substance abuse		
☐Divert from Criminal/Juvenile justice system		
☐Improve wastewater management		
☐Improve stormwater management		
☐Improve groundwater quality		
☐Improve drinking water quality		
☐Improve surface water quality		
☐Other (Please describe):		

19. Provide the total cost of the project for FY 2020-21 from all sources of funding (Enter "0" if amount is zero):

Type of Funding	Amount	Percent of Total	Are the other sources of funds guaranteed in writing?
1. Amount Requested from the State in this Appropriations Project Request:	900,000	18.0%	N/A

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2. Federal:	0	0.0%	No
3. State: (Excluding the requested Total Amount in #4d, Column F)	100,000	2.0%	Yes
4. Local:	0	0.0%	No
5. Other:	4,000,000	80.0%	Yes
TOTAL	5,000,000	100%	

20. Is this a multi-year project requiring funding from the state for more than one year?
Yes

20a. How much state funding would be requested after 2020-21 over the next 5 years?
- ○<1M
- ⊙1-3M
- ○>3-10M
- ○>10M

20b. How many additional years of state support do you expect to need for this project?
- ○1 year
- ○2 years
- ○3 years
- ○4 years
- ⊙>= 5 years

20c. What is the total project cost for all years including all federal, local, state, and any other funds? Select the single answer which best describes the total project cost. If funds requested are for ongoing services or for recurring activities, select “ongoing activity”.
- ⊙ongoing activity – no total cost
- ○<1M
- ○1-3M
- ○>3-10M
- ○>10M

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From: Nicholas Altier <nick@fdfnow.com>
Sent: Wednesday, November 06, 2019 8:36 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Fwd: Florida Patient's Bill of Rights
Attachment(s): "Florida Patient Bill of Rights v. 2.0.docx","ATT00001.htm"

Please see attached

Kind regards,

Nicholas R Altier

please excuse any typos. this message was sent via an iPhone.

Begin forwarded message:

> **From:** daltier@altierlaw.com
> **Date:** November 6, 2019 at 8:16:25 PM EST
> **To:** Nicholas Altier <nick@fdfnow.com>, Nicholas Altier <nick@firstdayfilms.biz>
> **Cc:** Abigail Altier <abigail@fdfnow.com>
> **Subject: Florida Patient's Bill of Rights**
>
> Dear Nick:
>
> I have attached my draft of the Florida Patient's Bill of Rights.
>
> Section I was drafted by me.
>
> Section II was largely taken from the New Jersey "Out-of-network Consumer Protection, Transparency, Cost Containment and Accountability Act. I removed the sections regarding mandatory arbitration.
>
> Section III was taken from the Texas Reporting of Claims Information Act Chapter 1215.
>
> I have trials in the morning, but I have some free time in the afternoon.
>
> Very truly yours,
>
> David Altier
>
> **David A. Altier, P.A.**
> 1432 First Street
> Sarasota, Florida 34236
> Phone: (941) 954-7750
> Email: daltier@altierlaw.com

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FLORIDA PATIENT'S BILL OF RIGHTS

This Act shall be known and may be cited as the "Florida Patient's Bill of Rights."

The Legislature finds and declares that in recent years, the cost of health insurance for services covered by insurance has risen exponentially while costs of healthcare for non-covered services has declined in large part due to consumer awareness of the actual cost of non-covered services. In an effort to increase cost transparency and facilitate informed consumer choice this Act requires all healthcare providers, including all Florida licensed physicians and Florida Hospitals, to: (1) disclose the fee that the healthcare provider will accept for cash payment for the non-emergency services provided; (2) curtail surprise "balance-billing" for emergency treatments; and (3) require healthcare insurers to report actual claim information under group health plans.

I. DISCLOSURE OF CHARGES FOR HEALTHCARE SERVICES.

a. All healthcare providers licensed in the State of Florida shall disclose on the provider's website in a searchable format a complete list of the cash amounts in U.S. Dollars that the provider will accept to perform each of the non-emergency treatments that are rendered by the provider in any given year.

b. The healthcare provider must update this list at least once a year.

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c. No healthcare provider may charge their patient for non-emergency services that exceed the amounts disclosed on the provider's website.

d. The disclosure of the cash price of treatments shall be in addition to or otherwise supplement any similar requirements in existing Florida law, Federal law, and applicable State and Federal regulations.

II. OUT-OF-NETWORK BILLING PRACTICES

a. The Legislature finds that despite existing State and federal laws and regulations to protect against certain surprise out-of-network charges, these charges continue to pose a problem for health care consumers in Florida. Many consumers find themselves with surprise bills for hospital emergency room procedures or for charges by providers that the consumer had no choice in selecting. The purpose of this bill is to increase transparency in pricing for health care and enhance consumer protections by preventing unexpected costs to the consumer.

b. As used in this act:

"Carrier" means an entity that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services under a health benefits plan, including: an insurance company authorized to issue health benefits plans; a health maintenance organization; a health, hospital, or medical service corporation; a multiple employer welfare

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arrangement; a state health benefits programs and school employees' health benefits programs; or any other entity providing a health benefits plan. Except as provided under the provisions of this act, "carrier" shall not include any other entity providing or administering a self-funded health benefits plan.

"Covered person" means a person on whose behalf a carrier is obligated to pay health care expense benefits or provide health care services.

"Department" means the Florida Department of Health.

"Emergency or urgent basis" means all emergency and urgent care services.

"Health benefits plan" means a benefits plan which pays or provides hospital and medical expense benefits for covered services, and is delivered or issued for delivery in this State by or through a carrier. For the purposes of this act, "health benefits plan" shall not include the following plans, policies or contracts: Medicaid, Medicare, Medicare Advantage, accident only, credit, disability, long-term care, coverage arising out of a workers' compensation or similar law, automobile medical payment insurance, personal injury protection insurance.

"Health care facility" means a general acute care hospital, satellite emergency department, hospital based off-site ambulatory care facility in which

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ambulatory surgical cases are performed, or any licensed ambulatory surgery facility.

"Health care professional" means an individual, acting within the scope of his licensure or certification, who provides a covered service defined by the health benefits plan.

"Health care provider" or "provider" means a health care professional or health care facility.

"Inadvertent out-of-network services" means health care services that are: covered under a managed care health benefits plan that provides a network; and provided by an out-of-network health care provider in the event that a covered person utilizes an in-network health care facility for covered health care services and, for any reason, in-network health care services are unavailable in that facility. "Inadvertent out-of-network services" shall include laboratory testing ordered by an in-network health care provider and performed by an out-of-network bio-analytical laboratory.

"Knowingly, voluntarily, and specifically selected an out-of-network provider" means that a covered person chose the services of a specific provider, with full knowledge that the provider is out-of-network with respect to the covered person's health benefits plan, under circumstances that indicate that covered person had the opportunity to be serviced by an in-network provider,

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but instead selected the out-of-network provider. Disclosure by a provider of network status shall not render a covered person's decision to proceed with treatment from that provider a choice made "knowingly" pursuant to this definition.

"Medicaid" means the Medicaid program administered by the State of Florida.

"Medical necessity" or "medically necessary" means or describes a health care service that a health care provider, exercising his or her prudent clinical judgment, would provide to a covered person for the purpose of evaluating, diagnosing, or treating an illness, injury, disease, or its symptoms and that is: in accordance with the generally accepted standards of medical practice; clinically appropriate, in terms of type, frequency, extent, site, and duration, and considered effective for the covered person's illness, injury, or disease; not primarily for the convenience of the covered person or the health care provider; and not more costly than an alternative service or sequence of services at least as likely to produce equivalent therapeutic or diagnostic results as to the diagnosis or treatment of that covered person's illness, injury, or disease.

"Medicare" means the federal Medicare program established pursuant to 42 U.S.C. s.1395 et seq.

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"Self-funded health benefits plan" or "self-funded plan" means a self-insured health benefits plan governed by the provisions of the federal "Employee Retirement Income Security Act of 1974," 29 U.S.C. s.1001 et seq.

c. Prior to scheduling an appointment with a covered person for a non-emergency or elective procedure and in terms the covered person typically understands, a health care facility shall:

i. disclose to the covered person whether the health care facility is in-network or out-of-network with respect to the covered person's health benefits plan;

ii. advise the covered person to check with the physician arranging the facility services to determine whether or not that physician is in-network or out-of-network with respect to the covered person's health benefits plan and provide information about how to determine the health plans participated in by any physician who is reasonably anticipated to provide services to the covered person;

iii. advise the covered person that at a health care facility that is in-network with respect to the person's health benefits plan:

1. the covered person will have a financial responsibility applicable to an in-network procedure and not in excess of the

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covered person's copayment, deductible, or coinsurance as provided in the covered person's health benefits plan;

2. unless the covered person, at the time of the disclosure required pursuant to this subsection, has knowingly, voluntarily, and specifically selected an out-of-network provider to provide services, the covered person will not incur any out-of-pocket costs in excess of the charges applicable to an in-network procedure;

3. any bills, charges or attempts to collect by the facility, or any health care professional involved in the procedure, in excess of the covered person's copayment, deductible, or coinsurance as provided in the covered person's health benefits plan in violation of subparagraph 2. of this paragraph should be reported to the covered person's carrier and the relevant regulatory entity; and

4. that if the covered person's coverage is provided through an entity providing or administering a self-funded health benefits plan that does not elect to be subject to the provisions of section bb.-ff. of this act, that:

a. certain health care services may be provided on an out-of-network basis, including those services associated with the health care facility;

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b. the covered person may have a financial responsibility applicable to health care services provided by an out-of-network provider, in excess of the covered person's copayment, deductible, or coinsurance, and the covered person may be responsible for any costs in excess of those allowed by the person's self-funded health benefits plan; and

c. the covered person should contact the covered person's self-funded health benefits plan sponsor for further consultation on those costs; and

iv. advise the covered person that at a health care facility that is out-of-network with respect to the covered person's health benefits plan:

1. certain health care services may be provided on an out-of-network basis, including those health care services associated with the health care facility;

2. the covered person may have a financial responsibility applicable to health care services provided at an out-of-network facility, in excess of the covered person's copayment, deductible, or coinsurance, and the covered person may be responsible for any costs in excess of those allowed by their health benefits plan; and

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3. that the covered person should contact the covered person's carrier for further consultation on those costs.

d. In a form that is consistent with federal guidelines, a health care facility shall make available to the public a list of the facility's standard charges for items and services provided by the facility.

e. A health care facility shall post on the facility's website:

i. the health benefits plans in which the facility is a participating provider;

ii. a statement that:

1. physician services provided in the facility are not included in the facility's charges;

2. physicians who provide services in the facility may or may not participate with the same health benefits plans as the facility;

3. the covered person should check with the physician arranging for the facility services to determine the health benefits plans in which the physician participates; and

4. the covered person should contact their carrier for further consultation on those costs;

iii. as applicable, the name, mailing address, and telephone number of the hospital-based physician groups that the facility has

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contracted with to provide services including, but not limited to, anesthesiology, pathology, and radiology; and

iv. as applicable, the name, mailing address, and telephone number of physicians employed by the facility and whose services may be provided at the facility, and the health benefits plans in which they participate.

f. If, between the time the notice required pursuant to subsection a. of this section is provided to the covered person and the time the procedure takes place, the network status of the facility changes as it relates to the covered person's health benefits plan, the facility shall notify the covered person promptly.

g. The Department of Health shall specify in further detail the content and design of the disclosure form and the manner in which the form shall be provided.

h. Except as provided in subsection m. of this section, a health care professional shall disclose to a covered person in writing or through an internet website the health benefits plans in which the health care professional is a participating provider and the facilities with which the health care professional is affiliated prior to the provision of non-emergency services, and verbally or in writing, at the time of an appointment. If a health care professional does not

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participate in the network of the covered person's health benefits plan, the health care professional shall, in terms the covered person typically understands:

i. Prior to scheduling a non-emergency procedure inform the covered person that the professional is out-of-network and that the amount or estimated amount the health care professional will bill the covered person for the services is available upon request;

ii. Upon receipt of a request from a covered person for the service and the Current Procedural Terminology (CPT) codes associated with that service, disclose to the covered person in writing the amount or estimated amount that the health care professional will bill the covered person for the service, and the CPT codes associated with that service, absent unforeseen medical circumstances that may arise when the health care service is provided;

iii. Inform the covered person that the covered person will have a financial responsibility applicable to health care services provided by an out-of-network professional, in excess of the covered person's copayment, deductible, or coinsurance, and the covered person may be responsible for any costs in excess of those allowed by their health benefits plan; and

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iv. Advise the covered person to contact the covered person's carrier for further consultation on those costs.

i. A health care professional who is a physician shall provide the covered person, to the extent the information is available, with the name, practice name, mailing address, and telephone number of any health care provider scheduled to perform anesthesiology, laboratory, pathology, radiology, or assistant surgeon services in connection with care to be provided in the physician's office for the covered person or coordinated or referred by the physician for the covered person at the time of referral to, or coordination of, services with that provider. The physician shall provide instructions as to how to determine the health benefits plans in which the health care provider participates and recommend that the covered person should contact the covered person's carrier for further consultation on costs associated with these services.

j. A physician shall, for a covered person's scheduled facility admission or scheduled outpatient facility services, provide the covered person and the facility with the name, practice name, mailing address, and telephone number of any other physician whose services will be arranged by the physician and are scheduled at the time of the pre-admission, testing, registration, or admission at the time the non-emergency services are scheduled, and information as to how to determine the health benefits plans in which the

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physician participates, and recommend that the covered person should contact the covered person's carrier for further consultation on costs associated with these services.

k. The receipt or acknowledgement by any covered person of any disclosure required pursuant to this section shall not waive or otherwise affect any protection under existing statutes or regulations regarding in-network health benefits plan coverage available to the covered person or created under this act.

l. If, between the time the notice required pursuant to subsection a. of this section is provided to the covered person and the time the procedure takes place, the network status of the professional changes as it relates to the covered person's health benefits plan, the professional shall notify the covered person promptly.

m. In the case of a primary care physician or internist performing an unscheduled procedure in that provider's office, the notice required pursuant this section may be made verbally at the time of the service.

n. The appropriate professional or occupational licensing board within the Division of Consumer Affairs in the Department of Law and Public Safety shall specify in further detail the content and design of the disclosure form and the manner in which the form shall be provided.

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o. A carrier shall update the carrier's website within 20 days of the addition or termination of a provider from the carrier's network or a change in a physician's affiliation with a facility, provided that in the case of a change in affiliation the carrier has had notice of such change.

p. With respect to out-of-network services, for each health benefits plan offered, a carrier shall, consistent with State and federal law, provide a covered person with:

i. a clear and understandable description of the plan's out-of-network health care benefits, including the methodology used by the entity to determine the allowed amount for out-of-network services;

ii. the allowed amount the plan will reimburse under that methodology and, in situations in which a covered person requests allowed amounts associated with a specific Current Procedural Terminology code, the portion of the allowed amount the plan will reimburse and the portion of the allowed amount that the covered person will pay, including an explanation that the covered person will be required to pay the difference between the allowed amount as defined by the carrier's plan and the charges billed by an out-of-network provider;

iii. examples of anticipated out-of-pocket costs for frequently billed out-of-network services;

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iv. information in writing and through an internet website that reasonably permits a covered person or prospective covered person to calculate the anticipated out-of-pocket cost for out-of-network services in a geographical region or zip code based upon the difference between the amount the carrier will reimburse for out-of-network services and the usual and customary cost of out-of-network services;

v. information in response to a covered person's request, concerning whether a health care provider is an in-network provider;

vi. such other information as the commissioner determines appropriate and necessary to ensure that a covered person receives sufficient information necessary to estimate their out-of-pocket cost for an out-of-network service and make a well-informed health care decision; and

vii. access to a telephone hotline that shall be operated no less than 16 hours per day for consumers to call with questions about network status and out-of-pocket costs.

q. If a carrier authorizes a covered health care service to be performed by an in-network health care provider with respect to any health benefits plan, and the provider or facility status changes to out-of-network before the authorized service is performed, the carrier shall notify the covered person that

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the provider or facility is no longer in-network as soon as practicable. If the carrier fails to provide the notice at least 30 days prior to the authorized service being performed, the covered person's financial responsibility shall be limited to the financial responsibility the covered person would have incurred had the provider been in-network with respect to the covered person's health benefits plan.

r. A carrier shall incorporate into the Explanation of Benefits and all reimbursement correspondence to the consumer and the provider clear and concise notification that inadvertent and involuntary out-of-network charges are not subject to balance billing above and beyond the financial responsibility incurred under the terms of the contract for in-network service. Any attempt by the provider to collect, bill, or invoice funds should be promptly reported to the carrier's customer service department at the phone number that the carrier shall provide on the Explanation of Benefits and all reimbursement correspondence to the consumer.

s. A carrier, and any other entity providing or administering a self-funded health benefits plan that elects to be subject to section bb.-ff. of this act, shall issue a health insurance identification card to the primary insured under a health benefits plan. In a form and manner to be prescribed by the department, the card shall indicate whether the plan is insured or, in the case of self-funded

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plans that elect to be subject of section bb.-ff. of this act, whether the plan is self-funded and whether the plan elected to be subject to this act.

t. If a covered person receives medically necessary services at any health care facility on an emergency or urgent basis as defined by the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. s.1395dd et seq., the facility shall not bill the covered person in excess of any deductible, copayment, or coinsurance amount applicable to in-network services pursuant to the covered person's health benefits plan.

u. If a covered person receives medically necessary services at an out-of-network health care facility on an emergency or urgent basis as defined by the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. s.1395dd et seq., and the carrier and facility cannot agree on the final offer as a reimbursement rate for these services pursuant to bb.-ff. of this act, the carrier, health care facility, or covered person, as applicable, may seek redress pursuant to section gg. of this act.

v. If a health care facility is in-network with respect to any health benefits plan, the facility shall ensure that all providers providing services in the facility on an emergency or inadvertent basis are provided notification of the provisions of this act and information as to each health benefits plan with which the facility has a contract to be in-network.

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w. A health care facility that contracts with a carrier to be in-network with respect to any health benefits plan shall annually report to the Department of Health the health benefits plans with which the facility has an agreement to be in-network.

x. Subsections t. and u. shall only apply to providers providing services to members of entities providing or administering a self-funded health benefits plan and its plan members if the entity elects to be subject to bb.-ff. of that section.

y. If a covered person receives inadvertent out-of-network services or medically necessary services at an in-network or out-of-network health care facility on an emergency or urgent basis as defined by the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. s.1395dd et seq., the health care professional performing those services shall:

i. in the case of inadvertent out-of-network services, not bill the covered person in excess of any deductible, copayment, or coinsurance amount; and

ii. in the case of emergency and urgent services, not bill the covered person in excess of any deductible, copayment, or coinsurance amount, applicable to in-network services pursuant to the covered person's health benefits plan.

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z. If the carrier and the professional cannot agree on a reimbursement rate for the services provided pursuant to subsection a. of this section, pursuant to bb.-ff. of this act the carrier, professional, or covered person, as applicable, may seek redress pursuan to section gg. of this act.

aa. This section shall only apply to providers providing services to members of entities providing or administering a self-funded health benefits plan and its plan members if the entity elects to be subject to bb.-ff. of this act.

bb. With respect to a carrier, if a covered person receives inadvertent out-of-network services, or services at an in-network or out-of-network health care facility on an emergency or urgent basis, the carrier shall ensure that the covered person incurs no greater out-of-pocket costs than the covered person would have incurred with an in-network health care provider for covered services. Pursuant to sections t.-aa. of this act, the out-of-network provider shall not bill the covered person, except for applicable deductible, copayment, or coinsurance amounts that would apply if the covered person utilized an in-network health care provider for the covered services. In the case of services provided to a member of a self-funded plan that does not elect to be subject to the provisions of this section, the provider shall be permitted to bill the covered person in excess of the applicable deductible, copayment, or coinsurance amounts.

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cc. With respect to inadvertent out-of-network services, or services at an in-network or out-of-network health care facility on an emergency or urgent basis, benefits provided by a carrier that the covered person receives for health care services shall be assigned to the out-of-network health care provider, which shall require no action on the part of the covered person. Once the benefit is assigned as provided in this subsection:

i. any reimbursement paid by the carrier shall be paid directly to the out-of-network provider; and

ii. the carrier shall provide the out-of-network provider with a written remittance of payment that specifies the proposed reimbursement and the applicable deductible, copayment, or coinsurance amounts owed by the covered person.

dd. An entity providing or administering a self-funded health benefits plan that elects to participate in this section pursuant to ff. of this act, shall comply with the provisions of cc. of this act.

ee. If inadvertent out-of-network services or services provided at an in-network or out-of-network health care facility on an emergency or urgent basis are performed in accordance with bb. of this section, the out-of-network provider may bill the carrier for the services rendered. The carrier may pay the billed amount or the carrier shall determine within 30 days from the date of the

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receipt of the claim for the services whether the carrier considers the claim to be excessive, and if so, the carrier shall notify the provider of this determination within 30 days of the receipt of the claim. If the carrier provides this notification, the carrier and the provider shall have 30 days from the date of this notification to negotiate a settlement. The carrier may attempt to negotiate a final reimbursement amount with the out-of-network health care provider which differs from the amount paid by the carrier pursuant to this subsection. If there is no settlement reached after the 30 days, the carrier shall pay the provider their final offer for the services. If the carrier and provider cannot agree on the final offer as a reimbursement rate for these services, the carrier, provider, or covered person, as applicable, may seek redress pursuant to section gg. of this act.

ff. With respect to an entity providing or administering a self-funded health benefits plan and its plan members, this section shall only apply if the plan elects to be subject to the provisions of this section. To elect to be subject to the provisions of this section, the self-funded plan shall provide notice, on an annual basis, to the department, on a form and in a manner prescribed by the department, attesting to the plan's participation and agreeing to be bound by the provisions of this section. The self-funded plan shall amend the employee benefit plan, coverage policies, contracts and any other plan documents to reflect that the benefits of this section shall apply to the plan's members.

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gg. If attempts to negotiate reimbursement for services provided by an out-of-network health care provider, pursuant to subsection ee. of this act, do not result in a resolution of the payment dispute, any party may initiate non-binding mediation, arbitration or seek redress in a court of competent jurisdiction. The prevailing party in any such action will be entitled to recover its reasonable attorneys' fees and court costs.

hh. If attempts to negotiate reimbursement for services between an out-of-network health care provider and a member of a self-funded plan does not result in a resolution of the payment dispute within 30 days after the plan member is sent a bill for the services, the plan member or out-of-network health care provider may seek redress pursuant to section gg. of this act.

ii. In addition to the provisions of section gg., a person or entity that violates any provision of this act, or the rules and regulations adopted pursuant hereto, shall be liable to a penalty as provided for in Department of Health regulations.

III. DISCLOSURE OF CLAIMS HISTORY

a. As used in this section:

i. "Employer" has the meaning assigned by 29 U.S.C. Section 1002(5).

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ii. "Governmental entity" means a state agency or political subdivision of this state.

iii. "Group health plan" has the meaning assigned by 45 C.F.R. Section 160.103, except that the term does not include disability income or long-term care insurance.

iv. "Health insurance issuer" has the meaning assigned by 45 C.F.R. Section 160.103.

v. "Plan" means an employee welfare benefit plan as defined by 29 U.S.C. Section 1002(1).

vi. "Plan administrator" means an administrator as defined by 29 U.S.C. Section 1002(16)(A).

vii. "Plan sponsor" has the meaning assigned by 29 U.S.C. Section 1002(16)(B).

viii. "Political subdivision" means a county, municipality, school district, special-purpose district, or other subdivision of state government that has jurisdiction limited to a geographic portion of the state.

ix. "Protected health information" has the meaning assigned by 45 C.F.R. Section 160.103.

b. A reference to a federal statute or regulation under section a. means that statute or regulation as it existed on the effective date of this act, except that

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the commissioner, by rule, may adopt a definition based on a later amended, enacted, or adopted federal statute or regulation if the commissioner determines that use of the later amended, enacted, or adopted statute or regulation is consistent with the purposes of this chapter and promotes regulatory consistency.

c. This act applies to all health insurance issuers licensed in the State of Florida.

d. Not later than the 30th day after the date a health insurance issuer receives a written request for a written report of claim information from a plan, plan sponsor, plan administrator, or licensed health insurance broker, the health insurance issuer shall provide the requesting party the report, subject to sections g., h. and i. The health insurance issuer is not obligated to provide a report under this subsection regarding a particular employer or group health plan more than twice in any 12-month period.

e. A health insurance issuer shall provide the report of claim information under section d:

i. in a written report;

ii. through an electronic file transmitted by secure electronic mail or a file transfer protocol site; or

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iii. by making the required information available through a secure website or web portal accessible by the requesting plan, plan sponsor, or plan administrator.

f. A report of claim information provided under section d. must contain all information available to the health insurance issuer that is responsive to the request made under section d., including, subject sections g., h. and i. protected health information, for the 36-month period preceding the date of the report or the period specified by section iv., v., and vi., if applicable, or for the entire period of coverage, whichever period is shorter. Subject to section g., h., and i., a report provided under section d. must include:

i. aggregate paid claims experience by month, including claims experience for medical, dental, and pharmacy benefits, as applicable;

ii. total premium paid by month;

iii. total number of covered employees on a monthly basis by coverage tier, including whether coverage was for:

1. an employee only;

2. an employee with dependents only;

3. an employee with a spouse only; or

4. an employee with a spouse and dependents;

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iv. the total dollar amount of claims pending as of the date of the report;

v. a separate description and individual claims report for any individual whose total paid claims exceed $15,000 during the 12-month period preceding the date of the report, including the following information related to the claims for that individual:

1. a unique identifying number, characteristic, or code for the individual;

2. the amounts paid;

3. dates of service; and

4. applicable procedure codes and diagnosis codes; and

vi. for claims that are not part of the report described by sections f.i through f.v. , a statement describing precertification requests for hospital stays of five days or longer that were made during the 30-day period preceding the date of the report.

g. A health insurance issuer may not disclose protected health information in a report of claim information provided under this section if the health insurance issuer is prohibited from disclosing that information under another state or federal law that imposes more stringent privacy restrictions than those

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imposed under federal law. To withhold information in accordance with this subsection, the health insurance issuer must:

i. notify the plan, plan sponsor, plan administrator, or licensed health insurance broker requesting the report that information is being withheld; and

ii. provide to the plan, plan sponsor, plan administrator, or licensed health insurance broker a list of categories of claim information that the health insurance issuer has determined are subject to the more stringent privacy restrictions under another state or federal law.

h. A plan sponsor is entitled to receive protected health information under sections f.v. and f.vi. and sections l-o. only after an appropriately authorized representative of the plan sponsor makes to the health insurance issuer a certification substantially similar to the following certification:

"I hereby certify that the plan documents comply with the requirements of 45 C.F.R. Section 164.504(f)(2) and that the plan sponsor will safeguard and limit the use and disclosure of protected health information that the plan sponsor may receive from the group health plan to perform the plan administration functions."

i. A plan sponsor that does not provide the certification required by section h. is not entitled to receive the protected health information described by

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f.v. and f.vi. and sections l-o, but is entitled to receive a report of claim information that includes the information described by sections f.i-f.iv.

j. In the case of a request made under section d. after the date of termination of coverage, the report must contain all information available to the health insurance issuer as of the date of the report that is responsive to the request, including protected health information, and including the information described by f.i-f.vi. for the period described by section f. preceding the date of termination of coverage or for the entire policy period, whichever period is shorter. Notwithstanding this subsection, the report may not include the protected health information described by sections f.v. and f.vi. unless a certification has been provided in accordance with section h.

k. A plan, plan sponsor, plan administrator, or licensed health insurance broker must request a report under section d. before or on the second anniversary of the date of termination of coverage under a group health plan issued by the health benefit plan issuer.

l. On receipt of the report required by section d., the plan, plan sponsor, plan administrator, or licensed health insurance broker may review the report and, not later than the 10th day after the date the report is received, may make a written request to the health insurance issuer for additional information in accordance with this section for specified individuals.

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m. With respect to a request for additional information concerning specified individuals for whom claims information has been provided under section f.v. the health insurance issuer shall provide additional information on the prognosis or recovery if available and, for individuals in active case management, the most recent case management information, including any future expected costs and treatment plan, that relate to the claims for that individual.

n. The health insurance issuer must respond to the request for additional information under this section not later than the 15th day after the date of the request under this section unless the requesting plan, plan sponsor, or plan administrator agrees to a request for additional time.

o. The health insurance issuer is not required to produce the report described by this section unless a certification has been provided in accordance with section h.

p. health insurance issuer that releases information, including protected health information, in accordance with this chapter has not violated a standard of care and is not liable for civil damages resulting from, and is not subject to criminal prosecution for, releasing that information.

q. a health insurance issuer that does not comply with this Chapter III is subject to administrative penalties pursuant to Department of Health regulations.

AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Monday, November 18, 2019 10:28 AM EST
To: Till, Jonathan <Jonathan.Till@myfloridahouse.gov>; Medley, Lara <Lara.Medley@myfloridahouse.gov>; Hebel, Meagan <Meagan.Hebel@myfloridahouse.gov>
Subject: Fwd: Governor Ron DeSantis Announces His Bolder, Brighter, Better Future Budget for FY 2020-2021

Sent from my iPhone

Begin forwarded message:

From: Governor's Press Office <Governor'sPressOffice@eog.myflorida.com>
Date: November 18, 2019 at 10:25:53 AM EST
Subject: Governor Ron DeSantis Announces His Bolder, Brighter, Better Future Budget for FY 2020-2021



For Immediate Release
November 18, 2019

Contact: Governor's Press Office
(850) 717-9282
Media@eog.myflorida.com

Governor Ron DeSantis Announces His Bolder, Brighter, Better Future Budget for FY 2020-2021

www.BolderBrighterBetterFuture.com

Tallahassee, Fla. — Today, Governor Ron DeSantis released his budget proposal for FY 2020-2021, a Bolder, Brighter, Better Future.

"My budget proposal for Fiscal Year 2020-2021 builds on our successes of the past year, placing emphasis where it is needed while remaining fiscally responsible to Florida taxpayers," **said Governor DeSantis.** "The budget includes key investments in our K-12 education system, our environment and the well-being of our residents, while recommending over $480 million in savings and over $300 million in tax relief. Although there is still more we can do to improve our state, which we hope to accomplish through this budget, Florida's future has never been bolder, brighter or better than it is today."

Savings and Tax Relief

The total recommendation for the FY 2020-2021 budget is $91.4 billion. The budget recommends $480.5 million in savings – such as administrative efficiencies and elimination of earmarks.

The budget places $5.6 billion in total reserves, including $1.4 billion of General Revenue, which is more than 6 percent of the total budget and more than $200 million more than the current year budget.

The budget also includes more than $300 million in tax relief, including a $56 million 8-day Back to School Sales Tax Holiday, a 10-day Disaster Preparedness Sales Tax Holiday and property tax relief of over $247 million.

Education

The Bolder, Brighter, Better Future budget makes historic investments in the state's education system, including $22.9 billion for the Florida Education Finance Program (FEDP), an increase of over $1 billion.

This includes over $900 million to recruit and retain the best classroom teachers and principals in Florida. Over $600 million is included to raise the minimum salary for full-time classroom teachers to $47,500, which would provide more than 101,000 teachers with a pay raise. Additionally, $300 million is recommended for the Florida Classroom Teacher and Principal Bonus programs.

The budget invests $25 million in key workforce development initiatives: $10 million for the Pathways to Careers Opportunities Grant Program, $10 million for the Work Florida Student Success Incentive Fund at State Colleges

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and $5 million for the Work Florida Student Success Incentive Fund at District Postsecondary Programs.

The budget recommends an increase of funding of more than $22 million for Florida college and nearly $24 million for Florida universities, all while maintaining no increase in tuition.

Environment

The budget continues Governor DeSantis' focus on Florida's environment and builds on the success of last year. The budget includes more than $625 million in recurring funding for Everglades restoration and the protection of vital water resources, positioning Florida to be able to reach the Governor's goal of investing $2.5 billion over four years.

Included in the more than $625 million investment is more than $322 million for Everglades restoration projects, $150 million for water quality improvements, $50 million for springs restoration and more than $22 million to combat the harmful effects of algal blooms and red tide.

The budget also invests $50 million in beach nourishment to address Florida's critically eroded shorelines, nearly $9 million in coral reef protection funding, as well as $154 million to protect Florida's prized properties and water: $100 million for the Florida Forever Program and $54 million in new funding for state parks.

Health and Human Services

The budget makes significant investments in the well-being of Floridians and protecting the most vulnerable. Over $54 million is recommended to continue fighting the opioid epidemic, and $17 million is provided in new mental health and substance abuse funding.

In an effort to increase accountability, the Bolder, Brighter, Better Future budget invests over $97 million to provide funding for services to children and families through Florida's child welfare system.

The budget provides $6.4 million in new funding to support the Office of Public and Professional Guardianship, as well as $10 million in funding to enrich the needs of seniors in Florida's communities and enhance the quality of life for individuals with Alzheimer's disease and related dementia and ending abuse, neglect and exploitation of seniors.

To ensure Florida's veterans are receiving the care they deserve, the budget invests $18.2 million for the completion of the Ardie R. Copas State Veterans' Nursing Home in St. Lucie County and the Lake Baldwin State Veterans' Nursing Home in Orange County, as well as $6.7 million for capital improvements, equipment updates and additional nursing staff for Florida's existing state veteran nursing homes.

Transportation and Economic Development

While Florida's economy remains strong, finding affordable housing can still be a challenge. The budget provides $387 million to fully fund Workforce and Affordable Housing Programs: $119.8 million for the State Apartment Incentive Loan (SAIL) Program and $267.2 million for the State Housing Initiative Partnership (SHIP) Program.

As Florida's population continues to increase, key investments must be made to handle this growth and ensure continued efficiency. The budget provides $8.8 billion for the State Transportation Work Program, including $2.8 billion for highway construction, $865.7 million in lane resurfacing and $436.2 million in scheduled repairs and replacement of bridges.

The Bolder, Brighter, Better Future budget includes $50 million for the Florida Job Growth Grant Fund to provide funding for job training and public infrastructure projects that support growth and employment in Florida.

Hurricane Recovery

For the two most recent hurricanes to strike Florida, Irma and Michael, the State of Florida is projected to spend over $1.9 billion on hurricane-related expenses - $627.8 million for Hurricane Irma and $1.3 billion so far for Hurricane Michael.

The Bolder, Brighter, Better Future budget includes $25 million through the Hurricane Michael Recovery Grant Program for the repair and replacement of critical infrastructure and to improve the capacity of emergency services.

Public Safety

Early in his term, Governor DeSantis directed Florida Department of Law Enforcement (FDLE) Commissioner Rick Swearingen to develop a threat assessment strategy to identify and prevent threats of mass violence. Building on this, the budget includes over $4.5 million to implement the first Statewide Behavior Threat

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Assessment strategy in the country.

The budget also invests more than $14.5 million to expand and enhance FDLE's crime databases that the department uses daily to investigate crimes and apprehend criminals.

Governor DeSantis is recommending over $89.7 million and additional staffing at the Florida Department of Corrections for needed improvements, including retention bonuses and a pilot program to transition correctional officers from a 12-hour shift to an 8.5-hour shift.

Elections Security

With the 2020 elections getting closer, the Bolder, Brighter, Better Future budget recommends $6.6 million for state-level election oversight activities, with a focus on cybersecurity enhancements to Florida's election system.

Includes in this funding is $1.3 million for ten positions dedicated to cyber security who will provide local Supervisors of Elections with support and recommendations to combat cyber threats. Also included is $1.4 million for voter registration list maintenance services and voter outreach through the Electronic Registration Information Center (ERIC).

For more details on Governor DeSantis' Bolder, Brighter, Better Future budget, please visit www.BolderBrighterBetterFuture.com.

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AMERICAN OVERSIGHT

From: Barney T. Bishop, III <barney@barneybishop.com>
Sent: Wednesday, December 11, 2019 10:59 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Fwd: Please send me the 3rd DRAFT of Rep. Toledo's Bill
Attachment(s): "image001.jpg","ATT00001.htm","new billdraft70897.docx","ATT00002.htm"

Vickie (is that the correct spelling?), this is the bill that Sen. Greeters asked us to forward to you so he can review it.

This is Rep. Toledo's Omnibus PBM Bill which we call the "Kitchen Sink" bill.

Please confirm receipt of this email.

Thanks!

Sent from my iPhone

Begin forwarded message:

> **From:** "Clemens, Clayton" <Clayton.Clemens@myfloridahouse.gov>
> **Date:** December 11, 2019 at 9:31:14 AM EST
> **To:** "Barney T. Bishop, III" <barney@barneybishop.com>
> **Cc:** "Jeff Kottkamp jeffkottkamp@gmail.com" <jeffkottkamp@gmail.com>, "Dawn A. Butterfield (cocoapharmacy@gmail.com)" <cocoapharmacy@gmail.com>
> **Subject: Re: Please send me the 3rd DRAFT of Rep. Toledo's Bill**
>
> Here is the updated draft. Thank you all!
>
> Clayton Clemens
>
> Aide to Rep. Jackie Toledo
>
> House District 60
>
> ---
>
> **From:** Barney T. Bishop, III <barney@barneybishop.com>
> **Sent:** Wednesday, December 11, 2019 7:47:38 AM
> **To:** Clemens, Clayton
> **Cc:** Jeff Kottkamp jeffkottkamp@gmail.com; Dawn A. Butterfield (cocoapharmacy@gmail.com)
> **Subject:** Please send me the 3rd DRAFT of Rep. Toledo's Bill
>
> **EXTERNAL EMAIL:** This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.
>
> Clay, we're meeting with three (3) Senators today to see if they will sponsor Rep. Toledo's Bill: Sen. Harrell (who has already demurred somewhat), Sen. Gruters, and Sen. Wright, both per the suggestion of Rep. Toledo in our meeting yesterday…
>
> Please send the me the latest DRAFT from House Bill Drafting as they will want to see the bill for review…
>
> And BTW, Sen. Perry said yesterday he'd review the bill, but he thought it was out of his wheelhouse (from a knowledge perspective) and he recognized that it's a major push…but, I'll send the bil to hi m also…
>
> Please advise…thanks!

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Barney T. Bishop III

Barney Bishop Consulting, LLC

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Tallahassee, FL 32308-0737

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A bill to be entitled

An act relating to pharmacy benefit managers; providing a short title; providing legislative findings; amending s. 465.003, F.S; providing the definitions of the terms "pharmacy benefit manager" and "pharmacy benefit management services"; creating s. 465.203, F.S.; providing definitions; providing that pharmacy benefit managers have a fiduciary duty and obligation to specified individuals and entities; providing requirements for service performance, contracts, and specified funds for pharmacy benefit managers; authorizing specified pharmacies and pharmacists to contract with pharmacy benefit managers; providing requirements for maximum allowable cost lists; requiring pharmacy benefit managers to respond to certain appeals within a specified timeframe; prohibiting pharmacy benefit managers from engaging in certain practices; requiring pharmacy benefit managers to allow payors access to specified records, data, and information; providing disclosure and reporting requirements; requiring certain income and financial benefits to be passed through to payors; requiring pharmacy benefit managers to allow the Department of Financial Services access to specified records, data, and information; requiring the

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department to investigate certain violations; providing penalties; providing that specified violations are subject to the Florida Deceptive and Unfair Trade Practices Act; providing applicability; amending ss. 624.490, 627.64741, 627.6572, and 641.314, F.S.; conforming provisions to changes made by the act; amending ss. 409.9201, 458.331, 459.015, 465.014, 465.015, 465.0156, 465.016, 465.0197, 465.022, 465.023, 465.1901, 499.003, and 893.02, F.S.; conforming cross-references; providing severability; providing an effective date.

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

Section 1. This act may be cited as the "Prescription Drug Cost Reduction Act."

Section 2. The Legislature finds that the use of spread pricing, the practice of directing patients to pharmacies owned in whole or in part by pharmacy benefit managers, and other practices by pharmacy benefit managers such as charging drug manufacturers rebates to be included on a drug formulary and keeping the rebates for their own financial gain rather than passing the savings on to health plans, health plan sponsors and providers, health insurers, and patients contribute to the high cost of prescription drugs. In order to reduce the cost of

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prescription drugs in this state, such practices should be prohibited.

Section 3. Section 465.003, Florida Statutes, is amended to read:

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

(1) "Administration" means the obtaining and giving of a single dose of medicinal drugs by a legally authorized person to a patient for her or his consumption.

(3) ~~(2)~~ "Board" means the Board of Pharmacy.

(9) ~~(3)~~ "Consultant pharmacist" means a pharmacist licensed by the department and certified as a consultant pharmacist pursuant to s. 465.0125.

(10) ~~(4)~~ "Data communication device" means an electronic device that receives electronic information from one source and transmits or routes it to another, including, but not limited to, any such bridge, router, switch, or gateway.

(11) ~~(5)~~ "Department" means the Department of Health.

(12) ~~(6)~~ "Dispense" means the transfer of possession of one or more doses of a medicinal drug by a pharmacist to the ultimate consumer or her or his agent. As an element of dispensing, the pharmacist shall, prior to the actual physical transfer, interpret and assess the prescription order for potential adverse reactions, interactions, and dosage regimen she or he deems appropriate in the exercise of her or his professional judgment, and the pharmacist shall certify that the

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medicinal drug called for by the prescription is ready for transfer. The pharmacist shall also provide counseling on proper drug usage, either orally or in writing, if in the exercise of her or his professional judgment counseling is necessary. The actual sales transaction and delivery of such drug shall not be considered dispensing. The administration shall not be considered dispensing.

(13) ~~(7)~~ "Institutional formulary system" means a method whereby the medical staff evaluates, appraises, and selects those medicinal drugs or proprietary preparations which in the medical staff's clinical judgment are most useful in patient care, and which are available for dispensing by a practicing pharmacist in a Class II or Class III institutional pharmacy.

(14) ~~(8)~~ "Medicinal drugs" or "drugs" means those substances or preparations commonly known as "prescription" or "legend" drugs which are required by federal or state law to be dispensed only on a prescription, but shall not include patents or proprietary preparations as hereafter defined.

(17) ~~(9)~~ "Patent or proprietary preparation" means a medicine in its unbroken, original package which is sold to the public by, or under the authority of, the manufacturer or primary distributor thereof and which is not misbranded under the provisions of the Florida Drug and Cosmetic Act.

(18) ~~(10)~~ "Pharmacist" means any person licensed pursuant to this chapter to practice the profession of pharmacy.

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(19) ~~(11)~~ (a) "Pharmacy" includes a community pharmacy, an institutional pharmacy, a nuclear pharmacy, a special pharmacy, and an Internet pharmacy.

1. The term "community pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.

2. The term "institutional pharmacy" includes every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility, hereinafter referred to as "health care institutions," where medicinal drugs are compounded, dispensed, stored, or sold.

3. The term "nuclear pharmacy" includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold. The term "nuclear pharmacy" does not include hospitals licensed under chapter 395 or the nuclear medicine facilities of such hospitals.

4. The term "special pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold if such locations are not otherwise defined in this subsection.

5. The term "Internet pharmacy" includes locations not otherwise licensed or issued a permit under this chapter, within or outside this state, which use the Internet to communicate with or obtain information from consumers in this state and use

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such communication or information to fill or refill prescriptions or to dispense, distribute, or otherwise engage in the practice of pharmacy in this state. Any act described in this definition constitutes the practice of pharmacy as defined in subsection (23) ~~(13)~~.

(b) The pharmacy department of any permittee shall be considered closed whenever a Florida licensed pharmacist is not present and on duty. The term "not present and on duty" shall not be construed to prevent a pharmacist from exiting the prescription department for the purposes of consulting or responding to inquiries or providing assistance to patients or customers, attending to personal hygiene needs, or performing any other function for which the pharmacist is responsible, provided that such activities are conducted in a manner consistent with the pharmacist's responsibility to provide pharmacy services.

(20) "Pharmacy benefit manager" means an entity that performs pharmacy benefit management services for a health plan, a health plan sponsor, a health plan provider, a health insurer, or any other payor. The term does not include a provider as defined in s. 641.19 or a physician as defined in s. 458.305.

(21) "Pharmacy benefit management services" means services that:

(a) Are provided, directly or through another entity, to a health plan, a health plan sponsor, a health plan provider, a

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health insurer, or any other payor, regardless of whether the services provider and the health plan, health plan sponsor, health plan provider, health insurer, or other payor are related or associated by ownership, common ownership, organization, or otherwise.

(b) Include the procurement of prescription drugs to be dispensed to patients and the administration or management of prescription drug benefits, including, but not limited to, any of the following:

1. Mail service pharmacy or specialty pharmacy.

2. Claims processing, retail network management, or payment of claims to pharmacies for dispensing drugs.

3. Clinical or other formulary or preferred-drug-list development or management.

4. Negotiation, administration, or receipt of rebates, discounts, payment differentials, or other incentives, to include particular drugs in a particular category or to promote the purchase of particular drugs.

5. Patients' compliance, therapeutic intervention, or generic substitution programs.

6. Disease management.

7. Drug use review, step-therapy protocol, or prior authorization.

8. Adjudication of appeals or grievances related to prescription drug coverage.

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9. Contracts with network pharmacies.

10. Control of the cost of covered prescription drugs.

(22) ~~(12)~~ "Pharmacy intern" means a person who is currently registered in, and attending, a duly accredited college or school of pharmacy, or who is a graduate of such a school or college of pharmacy, and who is duly and properly registered with the department as provided for under its rules.

(23) ~~(13)~~ "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and conducting other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of the patient's drug therapy and communication with the patient's prescribing health care provider as licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient, regarding the drug therapy. However, nothing in this subsection may be interpreted to permit an alteration of a prescriber's directions, the diagnosis or

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treatment of any disease, the initiation of any drug therapy, the practice of medicine, or the practice of osteopathic medicine, unless otherwise permitted by law. "Practice of the profession of pharmacy" also includes any other act, service, operation, research, or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, and shall expressly permit a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients. The practice of the profession of pharmacy also includes the administration of vaccines to adults pursuant to s. 465.189 and the preparation of prepackaged drug products in facilities holding Class III institutional pharmacy permits.

(24) ~~(14)~~ "Prescription" includes any order for drugs or medicinal supplies written or transmitted by any means of communication by a duly licensed practitioner authorized by the laws of the state to prescribe such drugs or medicinal supplies and intended to be dispensed by a pharmacist. The term also includes an orally transmitted order by the lawfully designated agent of such practitioner. The term also includes an order written or transmitted by a practitioner licensed to practice in a jurisdiction other than this state, but only if the pharmacist called upon to dispense such order determines, in the exercise of her or his professional judgment, that the order is valid and

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necessary for the treatment of a chronic or recurrent illness. The term "prescription" also includes a pharmacist's order for a product selected from the formulary created pursuant to s. 465.186. Prescriptions may be retained in written form or the pharmacist may cause them to be recorded in a data processing system, provided that such order can be produced in printed form upon lawful request.

(15) "Nuclear pharmacist" means a pharmacist licensed by the department and certified as a nuclear pharmacist pursuant to s. 465.0126.

(5) ~~(16)~~ "Centralized prescription filling" means the filling of a prescription by one pharmacy upon request by another pharmacy to fill or refill the prescription. The term includes the performance by one pharmacy for another pharmacy of other pharmacy duties such as drug utilization review, therapeutic drug utilization review, claims adjudication, and the obtaining of refill authorizations.

(2) ~~(17)~~ "Automated pharmacy system" means a mechanical system that delivers prescription drugs received from a Florida licensed pharmacy and maintains related transaction information.

(8) ~~(18)~~ "Compounding" means combining, mixing, or altering the ingredients of one or more drugs or products to create another drug or product.

(16) ~~(19)~~ "Outsourcing facility" means a single physical location registered as an outsourcing facility under the federal

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Drug Quality and Security Act, Pub. L. No. 113-54, at which sterile compounding of a drug or product is conducted.

(7) ~~(20)~~ "Compounded sterile product" means a drug that is intended for parenteral administration, an ophthalmic or oral inhalation drug in aqueous format, or a drug or product that is required to be sterile under federal or state law or rule, which is produced through compounding, but is not approved by the United States Food and Drug Administration.

(4) ~~(21)~~ "Central distribution facility" means a facility under common control with a hospital holding a Class III institutional pharmacy permit that may dispense, distribute, compound, or fill prescriptions for medicinal drugs; prepare prepackaged drug products; and conduct other pharmaceutical services.

(6) ~~(22)~~ "Common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, voting rights, contract, or otherwise.

Section 4. Section 465.203, Florida Statutes, is created to read:

465.203 Pharmacy benefit managers.—

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

(a) "Affiliate" means a pharmacy:

1. In which a pharmacy benefit manager, directly or indirectly, has an investment, financial interest, or ownership

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interest; or

2. The ownership of which is shared, directly or indirectly, with a pharmacy benefit manager.

(b) "Covered individual" means a member, participant, enrollee, contract holder, policyholder, or beneficiary of a payor.

(c) "Make a referral" means any of the following:

1. To order, direct, or influence, orally or in writing, a covered individual to use an affiliate, including by sending messages to the covered individual through electronic mail, a cellular telephone, or a facsimile machine, or by making telephone calls.

2. To offer or implement plan designs that require a covered individual to use an affiliate.

3. To target a covered individual or a prospective patient with advertisement, marketing, or promotion of an affiliate, including by placing a specific pharmacy name on an insurance card or health plan card supplied to the covered individual.

(d) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacy or pharmacist for a generic drug, brand name drug, specialty drug, biological product, or other prescription drug, excluding dispensing fees, before the application of copayments, coinsurance, and other cost-sharing charges, if any.

(e) "Maximum allowable cost list" means a listing of

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generic drugs, brand name drugs, specialty drugs, biological products, or other prescription drugs or other methodology used directly or indirectly by a pharmacy benefit manager to set the maximum allowable costs for the drugs.

(f) "Payor" means a health plan, a health plan sponsor, a health plan provider, a health insurer, or any other payor that uses pharmacy benefit management services in this state.

(g) "Spread pricing" means the practice by a pharmacy benefit manager of charging or claiming from a payor an amount that is more than the amount the pharmacy benefit manager paid to the pharmacy or pharmacist who filled the prescription or who provided the pharmacy services.

(2)(a) A pharmacy benefit manager has a fiduciary duty and obligation to the covered individuals and the payor. A pharmacy benefit manager shall perform pharmacy benefit management services with care, skill, prudence, diligence, and professionalism and for the best interests of the covered individuals and the payor.

(b) Any provision in a contract between a pharmacy benefit manager and a payor which limits or prohibits the fiduciary duty or obligation of a pharmacy benefit manager to the covered individuals and the payor is void and against the public policy of the state.

(c) All funds received by a pharmacy benefit manager in relation to providing pharmacy benefit management services shall

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be received by the pharmacy benefit manager in trust for the payor. A pharmacy benefit manager shall use or distribute such funds only for the benefit of the covered individuals or the payor.

(3) A pharmacy or pharmacist licensed or registered under this chapter which has a pharmacy permit and is in good standing with the Board of Pharmacy may contract directly or indirectly with a pharmacy benefit manager within 30 days after filing an application with the pharmacy benefit manager, without a probation period, an exclusion period, or minimum inventory requirements.

(4)(a) A maximum allowable cost list must include:

1. Average acquisition cost, including national average drug acquisition cost.

2. Average manufacturer price.

3. Average wholesale price.

4. Brand effective rate or generic effective rate.

5. Discount indexing.

6. Federal upper limits.

7. Wholesale acquisition cost.

8. Any other item that a pharmacy benefit manager or a payor may use to establish reimbursement rates to a pharmacist or pharmacy for filling prescriptions or providing other pharmacy services.

(b) A pharmacy benefit manager must respond within 7 days

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after receipt of an appeal to a maximum allowable cost by a pharmacy, a pharmacist, or a pharmacy services administrative organization on behalf of a pharmacy or pharmacist. The pharmacy benefit manager's failure to respond within 7 days shall be deemed approval of the appeal.

(5) A pharmacy benefit manager may not do any of the following:

(a) Conduct or participate in spread pricing in this state.

(b) Charge a pharmacy or pharmacist a fee related to the adjudication of a claim, including, without limitation, a fee for:

1. The submission of a claim;

2. The enrollment or participation in a retail pharmacy network; or

3. The development or management of claims processing services or claims payment services related to participation in a retail pharmacy network.

(c) Deny a pharmacy or pharmacist the opportunity to participate in a pharmacy network at the preferred participation status even though the pharmacy or pharmacist is willing to accept, as a condition of the preferred participation status, the terms and conditions that the pharmacy benefit manager has established for other pharmacies that are in a pharmacy network at the preferred participation status and that are not owned in

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whole or in part by the pharmacy benefit manager.

(d) Impose registration or permit requirements for a pharmacy or accreditation standards or recertification requirements for a pharmacist which are inconsistent with, more stringent than, or in addition to federal and state requirements for licensure as a pharmacy or pharmacist in this state.

(e) Pay or reimburse a pharmacy or pharmacist an amount for a drug, product, or pharmacy service in the state which is:

1. Less than the amount the pharmacy benefit manager reimburses a pharmacy benefit manager affiliate for providing the same drug, product, or pharmacy service in this state;

2. Less than the actual cost incurred by the pharmacy or pharmacist for providing the drug, product, or pharmacy service in this state; or

3. Different from the combined maximum allowable cost and dispensing fees for a drug. The dispensing fees must be a least equal to the fees for service set by the Agency for Health Care Administration.

(f) Retroactively deny, hold back, or reduce reimbursement for a covered service claim after paying a claim, unless the original claim was submitted fraudulently.

(g) Prohibit a pharmacy or pharmacist from providing information regarding drug pricing, contract terms, or drug reimbursement rates to a member of the Legislature.

(h) Drop a pharmacy or pharmacist from a pharmacy network

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or plan or otherwise engage in any action to retaliate against a pharmacy or pharmacist for providing information regarding drug pricing, contract terms, or drug reimbursement rates to a member of the Legislature.

(i) Engage in the practice of the profession of pharmacy.

(j) Engage in the practice of medicine as defined s. 458.305 or the practice of osteopathic medicine as defined in s. 459.003.

(k) Make a referral.

(6) A payor shall have access to all financial and utilization records, data, and information used by the pharmacy benefit manager in relation to the pharmacy benefit management services provided to the payor.

(7) A pharmacy benefit manager shall:

(a) Disclose in writing to the payor any activity, policy, practice, contract, or arrangement of the pharmacy benefit manager which directly or indirectly presents conflicts of interest with the pharmacy benefit manager's relationship with, or fiduciary duty or obligation to, the covered individuals and the payor.

(b) Report quarterly to the payor any income resulting from pricing discounts, rebates of any kind, inflationary payments, credits, clawbacks, fees, grants, chargebacks, reimbursements, or other financial benefits received by the pharmacy benefit manager from any person or entity. The pharmacy

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benefit manager shall ensure that such income and financial benefits are passed through in full, at least quarterly, to the payor to reduce the cost of prescription drugs and pharmacy services to covered individuals.

(8) The Department of Financial Services shall have access to all financial and utilization records, data, and information used by pharmacy benefit managers in relation to pharmacy benefit management services provided to payors in this state. The department shall investigate any alleged violation of this section.

(9)(a) A pharmacy benefit manager that violates this section is liable for a civil fine of $10,000 for each violation and may have its registration revoked by the Department of Financial Services.

(b) A violation of this section which is committed or performed with such frequency as to indicate a general business practice is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501.

(10) This section applies to contracts entered into or renewed on or after January 1, 2021.

Section 5. Subsection (1) of section 624.490, Florida Statutes, is amended to read:

624.490 Registration of pharmacy benefit managers.—

(1) As used in this section, the term "pharmacy benefit manager" means an ~~a person or~~ entity that performs pharmacy

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benefit management services for a health plan, a health plan sponsor, a health plan provider, a health insurer, or any other payor that uses pharmacy benefit management services ~~doing business in this state which contracts to administer prescription drug benefits on behalf of a health insurer or a health maintenance organization to residents of this state~~. The term does not include a provider as defined in s. 641.19 or a physician as defined in s. 458.305. As used in this subsection, the term "pharmacy benefit management services" means services that:

(a) Are provided, directly or through another entity, to a health plan, a health plan sponsor, a health plan provider, a health insurer, or any other payor, regardless of whether the services provider and the health plan, health plan sponsor, health plan provider, health insurer, or other payor are related or associated by ownership, common ownership, organization, or otherwise.

(b) Include the procurement of prescription drugs to be dispensed to patients and the administration or management of prescription drug benefits, including, but not limited to, any of the following:

1. Mail service pharmacy or specialty pharmacy.

2. Claims processing, retail network management, or payment of claims to pharmacies for dispensing drugs.

3. Clinical or other formulary or preferred-drug-list

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development or management.

4. Negotiation, administration, or receipt of rebates, discounts, payment differentials, or other incentives, to include particular drugs in a particular category or to promote the purchase of particular drugs.

5. Patients' compliance, therapeutic intervention, or generic substitution programs.

6. Disease management.

7. Drug use review, step-therapy protocol, or prior authorization.

8. Adjudication of appeals or grievances related to prescription drug coverage.

9. Contracts with network pharmacies.

10. Control of the cost of covered prescription drugs.

Section 6. Section 627.64741, Florida Statutes, is amended to read:

627.64741 Pharmacy benefit manager contracts.—

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

(a) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacy or pharmacist for a generic drug, brand name drug, specialty drug, biological product, or other prescription drug, excluding dispensing fees, before ~~prior to~~ the application of copayments, coinsurance, and other cost-sharing charges, if any.

(b) "Maximum allowable cost list" means a listing of

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generic drugs, brand name drugs, specialty drugs, biological products, or other prescription drugs or other methodology used directly or indirectly by a pharmacy benefit manager to set the maximum allowable costs for the drugs.

(c) "Payor" means a health plan, a health plan sponsor, a health plan provider, or any other payor that uses pharmacy benefit management services in this state.

(d) ~~(b)~~ "Pharmacy benefit manager" means an ~~a person or~~ entity that performs pharmacy benefit management services for ~~doing business in this state which contracts to administer or manage prescription drug benefits on behalf of~~ a health insurer or payor ~~to residents of this state~~. The term does not include a provider as defined in s. 641.19 or a physician as defined in s. 458.305.

(e) "Pharmacy benefit management services" means services that:

1. Are provided, directly or through another entity, to a health insurer or payor, regardless of whether the services provider and the health insurer or payor are related or associated by ownership, common ownership, organization, or otherwise.

2. Include the procurement of prescription drugs to be dispensed to patients and the administration or management of prescription drug benefits, including, but not limited to, any of the following:

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a. Mail service pharmacy or specialty pharmacy.

b. Claims processing, retail network management, or payment of claims to pharmacies for dispensing drugs.

c. Clinical or other formulary or preferred-drug-list development or management.

d. Negotiation, administration, or receipt of rebates, discounts, payment differentials, or other incentives, to include particular drugs in a particular category or to promote the purchase of particular drugs.

e. Patients' compliance, therapeutic intervention, or generic substitution programs.

f. Disease management.

g. Drug use review, step-therapy protocol, or prior authorization.

h. Adjudication of appeals or grievances related to prescription drug coverage.

i. Contracts with network pharmacies.

j. Control of the cost of covered prescription drugs.

(2) A contract between a health insurer or payor and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug

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prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) A contract between a health insurer or payor and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacy's or pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health insurer or payor and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring an insured to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5)(a) A pharmacy benefit manager has a fiduciary duty and obligation to the insureds and to the health insurer that uses pharmacy benefit management services or the payor. The pharmacy benefit manager must meet all the requirements of s. 465.203 and must perform pharmacy benefit management services with care, skill, prudence, diligence, and professionalism and for the best interests of the insureds and the health insurer or payor.

(b) A provision in a contract between a health insurer or

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payor and a pharmacy benefit manager is void and against the public policy of the state if the policy:

1. Limits or prohibits the fiduciary duty or obligation of the pharmacy benefit manager to the insureds and the health insurer or payor; or

2. Violates any provision of s. 465.203.

(c) All funds received by a pharmacy benefit manager in relation to providing pharmacy benefit management services shall be received by the pharmacy benefit manager in trust for the health insurer or payor and shall be used or distributed only for the benefit of the insureds or the health insurer or payor.

(6) A contract between a health insurer or payor and a pharmacy benefit manager must require the maximum allowable cost list to include:

(a) Average acquisition cost, including national average drug acquisition cost.

(b) Average manufacturer price.

(c) Average wholesale price.

(d) Brand effective rate or generic effective rate.

(e) Discount indexing.

(f) Federal upper limits.

(g) Wholesale acquisition cost.

(h) Any other item that a pharmacy benefit manager or a health insurer or payor may use to establish reimbursement rates to a pharmacist or pharmacy for filling prescriptions or

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providing other pharmacy services.

(7) A health insurer that uses pharmacy benefit management services or a payor shall have access to all financial and utilization records, data, and information used by the pharmacy benefit manager in relation to the pharmacy benefit management services provided to the health insurer or payor.

(8) A pharmacy benefit manager shall:

(a) Disclose in writing to the health insurer that uses pharmacy benefit management services or payor any activity, policy, practice, contract, or arrangement of the pharmacy benefit manager which directly or indirectly presents conflicts of interest with the pharmacy benefit manager's relationship with, or fiduciary duty or obligation to, the insureds and the health insurer or payor.

(b) Report quarterly to the health insurer or payor any income resulting from pricing discounts, rebates of any kind, inflationary payments, credits, clawbacks, fees, grants, chargebacks, reimbursements, or other financial benefits received by the pharmacy benefit manager from any person or entity. The pharmacy benefit manager shall ensure that such income and financial benefits are passed through in full, at least quarterly, to the health insurer or payor to reduce the cost of prescription drugs and pharmacy services to the insureds.

(9) The department shall investigate any alleged violation

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of this section.

(10)(a) A pharmacy benefit manager that violates any provision of this section is liable for a civil fine of $10,000 for each violation and may have its registration revoked by the department.

(b) A violation by a pharmacy benefit manager of any provision of this section which is committed or performed with such frequency as to indicate a general business practice is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501.

(11)~~(5)~~ This section applies to contracts entered into or renewed on or after January 1, 2021 ~~July 1, 2018~~.

Section 7. Section 627.6572, Florida Statutes, is amended to read:

627.6572 Pharmacy benefit manager contracts.—

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

(a) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacy or pharmacist for a generic drug, brand name drug, specialty drug, biological product, or other prescription drug, excluding dispensing fees, before ~~prior to~~ the application of copayments, coinsurance, and other cost-sharing charges, if any.

(b) "Maximum allowable cost list" means a listing of generic drugs, brand name drugs, specialty drugs, biological products, or other prescription drugs or other methodology used

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directly or indirectly by a pharmacy benefit manager to set the maximum allowable costs for the drugs.

(c) "Payor" means a health plan, a health plan sponsor, a health plan provider, or any other payor that uses pharmacy benefit management services in this state.

(d) ~~(b)~~ "Pharmacy benefit manager" means an ~~a person or~~ entity that performs pharmacy benefit management services for ~~doing business in this state which contracts to administer or manage prescription drug benefits on behalf of~~ a health insurer or payor ~~to residents of this state~~. The term does not include a provider as defined in s. 641.19 or a physician as defined in s. 458.305.

(e) "Pharmacy benefit management services" means services that:

1. Are provided, directly or through another entity, to a health insurer or payor, regardless of whether the services provider and the health insurer or payor are related or associated by ownership, common ownership, organization, or otherwise.

2. Include the procurement of prescription drugs to be dispensed to patients and the administration or management of prescription drug benefits, including, but not limited to, any of the following:

a. Mail service pharmacy or specialty pharmacy.

b. Claims processing, retail network management, or

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payment of claims to pharmacies for dispensing drugs.

c. Clinical or other formulary or preferred-drug-list development or management.

d. Negotiation, administration, or receipt of rebates, discounts, payment differentials, or other incentives, to include particular drugs in a particular category or to promote the purchase of particular drugs.

e. Patients' compliance, therapeutic intervention, or generic substitution programs.

f. Disease management.

g. Drug use review, step-therapy protocol, or prior authorization.

h. Adjudication of appeals or grievances related to prescription drug coverage.

i. Contracts with network pharmacies.

j. Control of the cost of covered prescription drugs.

(2) A contract between a health insurer or payor and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product

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availability.

(3) A contract between a health insurer or payor and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacy's or pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health insurer or payor and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring an insured to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5)(a) A pharmacy benefit manager has a fiduciary duty and obligation to the insureds and to the health insurer that uses pharmacy benefit management services or the payor. The pharmacy benefit manager must meet all the requirements of s. 465.203 and must perform pharmacy benefit management services with care, skill, prudence, diligence, and professionalism and for the best interests of the insureds and the health insurer or payor.

(b) A provision in a contract between a health insurer or payor and a pharmacy benefit manager is void and against the public policy of the state if the policy:

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1. Limits or prohibits the fiduciary duty or obligation of the pharmacy benefit manager to the insureds and the health insurer or payor; or

2. Violates any provision of s. 465.203.

(c) All funds received by a pharmacy benefit manager in relation to providing pharmacy benefit management services shall be received by the pharmacy benefit manager in trust for the health insurer or payor and shall be used or distributed only for the benefit of the insureds or the health insurer or payor.

(6) A contract between a health insurer or payor and a pharmacy benefit manager must require the maximum allowable cost list to include:

(a) Average acquisition cost, including national average drug acquisition cost.

(b) Average manufacturer price.

(c) Average wholesale price.

(d) Brand effective rate or generic effective rate.

(e) Discount indexing.

(f) Federal upper limits.

(g) Wholesale acquisition cost.

(h) Any other item that a pharmacy benefit manager or a health insurer or payor may use to establish reimbursement rates to a pharmacist or pharmacy for filling prescriptions or providing other pharmacy services.

(7) A health insurer that uses pharmacy benefit management

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services or a payor shall have access to all financial and utilization records, data, and information used by the pharmacy benefit manager in relation to the pharmacy benefit management services provided to the health insurer or payor.

(8) A pharmacy benefit manager shall:

(a) Disclose in writing to the health insurer that uses pharmacy benefit management services or the payor any activity, policy, practice, contract, or arrangement of the pharmacy benefit manager which directly or indirectly presents conflicts of interest with the pharmacy benefit manager's relationship with, or fiduciary duty or obligation to, the insureds and the health insurer or payor.

(b) Report quarterly to the health insurer or payor any income resulting from pricing discounts, rebates of any kind, inflationary payments, credits, clawbacks, fees, grants, chargebacks, reimbursements, or other financial benefits received by the pharmacy benefit manager from any person or entity. The pharmacy benefit manager shall ensure that such income and financial benefits are passed through in full, at least quarterly, to the health insurer or payor to reduce the cost of prescription drugs and pharmacy services to the insureds.

(9) The department shall investigate any alleged violation of this section.

(10)(a) A pharmacy benefit manager that violates any

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provision of this section is liable for a civil fine of $10,000 for each violation and may have its registration revoked by the department.

(b) A violation by a pharmacy benefit manager of any provision of this section which is committed or performed with such frequency as to indicate a general business practice is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501.

(11) ~~(5)~~ This section applies to contracts entered into or renewed on or after January 1, 2021 ~~July 1, 2018~~.

Section 8. Section 641.314, Florida Statutes, is amended to read:

641.314 Pharmacy benefit manager contracts.—

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

(a) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacy or pharmacist for a generic drug, brand name drug, specialty drug, biological product, or other prescription drug, excluding dispensing fees, before ~~prior to~~ the application of copayments, coinsurance, and other cost-sharing charges, if any.

(b) "Maximum allowable cost list" means a listing of generic drugs, brand name drugs, specialty drugs, biological products, or other prescription drugs or other methodology used directly or indirectly by a pharmacy benefit manager to set the maximum allowable costs for the drugs.

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(c) "Payor" means a health plan, a health plan sponsor, a health plan provider, or any other payor that uses pharmacy benefit management services in this state.

(d) ~~(b)~~ "Pharmacy benefit manager" means an ~~a person or~~ entity that performs pharmacy benefit management services for ~~doing business in this state which contracts to administer or manage prescription drug benefits on behalf of~~ a health maintenance organization or payor ~~to residents of this state~~. The term does not include a provider as defined in s. 641.19 or a physician as defined in s. 458.305.

(e) "Pharmacy benefit management services" means services that:

1. Are provided, directly or through another entity, to a health maintenance organization or payor, regardless of whether the services provider and the health maintenance organization or payor are related or associated by ownership, common ownership, organization, or otherwise.

2. Include the procurement of prescription drugs to be dispensed to patients and the administration or management of prescription drug benefits, including, but not limited to, any of the following:

a. Mail service pharmacy or specialty pharmacy.

b. Claims processing, retail network management, or payment of claims to pharmacies for dispensing drugs.

c. Clinical or other formulary or preferred-drug-list

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development or management.

d. Negotiation, administration, or receipt of rebates, discounts, payment differentials, or other incentives, to include particular drugs in a particular category or to promote the purchase of particular drugs.

e. Patients' compliance, therapeutic intervention, or generic substitution programs.

f. Disease management.

g. Drug use review, step-therapy protocol, or prior authorization.

h. Adjudication of appeals or grievances related to prescription drug coverage.

i. Contracts with network pharmacies.

j. Control of the cost of covered prescription drugs.

(2) A contract between a health maintenance organization or payor and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) A contract between a health maintenance organization

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or payor and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacy's or pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health maintenance organization or payor and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring a subscriber to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5)(a) A pharmacy benefit manager has a fiduciary duty and obligation to the subscribers and to the health maintenance organization that uses pharmacy benefit management services or a payor. The pharmacy benefit manager must meet all the requirements of s. 465.203 and must perform pharmacy benefit management services with care, skill, prudence, diligence, and professionalism and for the best interests of the subscribers and the health maintenance organization or payor.

(b) A provision in a contract between a health maintenance organization or payor and a pharmacy benefit manager is void and against the public policy of this state if the policy:

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1. Limits or prohibits the fiduciary duty or obligation of the pharmacy benefit manager to the insureds and the health maintenance organization or payor; or

2. Violates any provision of s. 465.203.

(c) All funds received by a pharmacy benefit manager in relation to providing pharmacy benefit management services shall be received by the pharmacy benefit manager in trust for the health maintenance organization or payor and shall be used or distributed only for the benefit of the insureds or the health maintenance organization or payor.

(6) A contract between a health maintenance organization or payor and a pharmacy benefit manager must require the maximum allowable cost list to include:

(a) Average acquisition cost, including national average drug acquisition cost.

(b) Average manufacturer price.

(c) Average wholesale price.

(d) Brand effective rate or generic effective rate.

(e) Discount indexing.

(f) Federal upper limits.

(g) Wholesale acquisition cost.

(h) Any other item that a pharmacy benefit manager or a health maintenance organization or payor may use to establish reimbursement rates to a pharmacist or pharmacy for filling prescriptions or providing other pharmacy services.

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(7) A health maintenance organization that uses pharmacy benefit management services or a payor shall have access to all financial and utilization records, data, and information used by the pharmacy benefit manager in relation to the pharmacy benefit management services provided to the health maintenance organization or payor.

(8) A pharmacy benefit manager shall:

(a) Disclose in writing to the maintenance organization that uses pharmacy benefit management services or the payor any activity, policy, practice, contract, or arrangement of the pharmacy benefit manager which directly or indirectly presents conflicts of interest with the pharmacy benefit manager's relationship with, or fiduciary duty or obligation to, the subscribers and the health maintenance organization or payor.

(b) Report quarterly to the health maintenance organization or payor any income resulting from pricing discounts, rebates of any kind, inflationary payments, credits, clawbacks, fees, grants, chargebacks, reimbursements, or other financial benefits received by the pharmacy benefit manager from any person or entity. The pharmacy benefit manager shall ensure that such income and financial benefits are passed through in full, at least quarterly, to the health maintenance organization or payor to reduce the cost of prescription drugs and pharmacy services to the subscribers.

(9) The department shall investigate any alleged violation

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of this section.

(10)(a) A pharmacy benefit manager that violates any provision of this section is liable for a civil fine of $10,000 for each violation and may have its registration revoked by the department.

(b) A violation of any provision of this section which is committed or performed with such frequency as to indicate a general business practice is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501.

(11)~~(5)~~ This section applies to contracts entered into or renewed on or after January 1, 2021 ~~July 1, 2018~~.

Section 9. Paragraph (a) of subsection (1) of section 409.9201, Florida Statutes, is amended to read:

409.9201 Medicaid fraud.—

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

(a) "Prescription drug" means any drug, including, but not limited to, finished dosage forms or active ingredients that are subject to, defined in, or described in s. 503(b) of the Federal Food, Drug, and Cosmetic Act or in s. 465.003(14) ~~465.003(8)~~, s. 499.003(17), s. 499.007(13), or s. 499.82(10).

The value of individual items of the legend drugs or goods or services involved in distinct transactions committed during a single scheme or course of conduct, whether involving a single person or several persons, may be aggregated when determining

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the punishment for the offense.

Section 10. Paragraph (pp) of subsection (1) of section 458.331, Florida Statutes, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(pp) Applicable to a licensee who serves as the designated physician of a pain-management clinic as defined in s. 458.3265 or s. 459.0137:

1. Registering a pain-management clinic through misrepresentation or fraud;

2. Procuring, or attempting to procure, the registration of a pain-management clinic for any other person by making or causing to be made, any false representation;

3. Failing to comply with any requirement of chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Drug Abuse Prevention and Control Act; or chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act;

4. Being convicted or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonesty, or deceit in any jurisdiction of the courts of this state, of any other state, or of the United States;

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5. Being convicted of, or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for, any offense that would constitute a violation of this chapter;

6. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to the practice of, or the ability to practice, a licensed health care profession;

7. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to health care fraud;

8. Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in s. 465.003 ~~465.003(14)~~ or s. 893.02 if the dispensing practitioner knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship; or

9. Failing to timely notify the board of the date of his or her termination from a pain-management clinic as required by s. 458.3265(3).

Section 11. Paragraph (rr) of subsection (1) of section 459.015, Florida Statutes, is amended to read:

459.015 Grounds for disciplinary action; action by the

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board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(rr) Applicable to a licensee who serves as the designated physician of a pain-management clinic as defined in s. 458.3265 or s. 459.0137:

1. Registering a pain-management clinic through misrepresentation or fraud;

2. Procuring, or attempting to procure, the registration of a pain-management clinic for any other person by making or causing to be made, any false representation;

3. Failing to comply with any requirement of chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Drug Abuse Prevention and Control Act; or chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act;

4. Being convicted or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonesty, or deceit in any jurisdiction of the courts of this state, of any other state, or of the United States;

5. Being convicted of, or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for, any offense that would constitute a violation of this chapter;

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6. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to the practice of, or the ability to practice, a licensed health care profession;

7. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to health care fraud;

8. Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in s. 465.003 ~~465.003(14)~~ or s. 893.02 if the dispensing practitioner knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship; or

9. Failing to timely notify the board of the date of his or her termination from a pain-management clinic as required by s. 459.0137(3).

Section 12. Subsection (1) of section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—

(1) A person other than a licensed pharmacist or pharmacy intern may not engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to pharmacy technicians who are registered pursuant to this section

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those duties, tasks, and functions that do not fall within the purview of s. 465.003(23) ~~465.003(13)~~. All such delegated acts must be performed under the direct supervision of a licensed pharmacist who is responsible for all such acts performed by persons under his or her supervision. A registered pharmacy technician, under the supervision of a pharmacist, may initiate or receive communications with a practitioner or his or her agent, on behalf of a patient, regarding refill authorization requests. A licensed pharmacist may not supervise more than one registered pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one pharmacy technician.

Section 13. Paragraph (c) of subsection (2) of section 465.015, Florida Statutes, is amended to read:

465.015 Violations and penalties.—

(2) It is unlawful for any person:

(c) To sell or dispense drugs as defined in s. 465.003(14) ~~465.003(8)~~ without first being furnished with a prescription.

Section 14. Subsection (9) of section 465.0156, Florida Statutes, is amended to read:

465.0156 Registration of nonresident pharmacies.—

(9) Notwithstanding s. 465.003(18) ~~465.003(10)~~, for purposes of this section, the registered pharmacy and the

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pharmacist designated by the registered pharmacy as the prescription department manager or the equivalent must be licensed in the state of location in order to dispense into this state.

Section 15. Paragraph (s) of subsection (1) of section 465.016, Florida Statutes, is amended to read:

465.016 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(s) Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in ~~by~~ s. 465.003 ~~465.003(14)~~ or s. 893.02 when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship.

Section 16. Subsection (4) of section 465.0197, Florida Statutes, is amended to read:

465.0197 Internet pharmacy permits.—

(4) Notwithstanding s. 465.003(18) ~~465.003(10)~~, for purposes of this section, the Internet pharmacy and the pharmacist designated by the Internet pharmacy as the prescription department manager or the equivalent must be licensed in the state of location in order to dispense into this state.

Section 17. Paragraph (j) of subsection (5) of section 465.022, Florida Statutes, is amended to read:

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465.022 Pharmacies; general requirements; fees.—

(5) The department or board shall deny an application for a pharmacy permit if the applicant or an affiliated person, partner, officer, director, or prescription department manager or consultant pharmacist of record of the applicant:

(j) Has dispensed any medicinal drug based upon a communication that purports to be a prescription as defined in ~~by~~ s. 465.003 ~~465.003(14)~~ or s. 893.02 when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship that includes a documented patient evaluation, including history and a physical examination adequate to establish the diagnosis for which any drug is prescribed and any other requirement established by board rule under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, or chapter 466.

For felonies in which the defendant entered a plea of guilty or nolo contendere in an agreement with the court to enter a pretrial intervention or drug diversion program, the department shall deny the application if upon final resolution of the case the licensee has failed to successfully complete the program.

Section 18. Paragraph (h) of subsection (1) of section 465.023, Florida Statutes, is amended to read:

465.023 Pharmacy permittee; disciplinary action.—

(1) The department or the board may revoke or suspend the

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permit of any pharmacy permittee, and may fine, place on probation, or otherwise discipline any pharmacy permittee if the permittee, or any affiliated person, partner, officer, director, or agent of the permittee, including a person fingerprinted under s. 465.022(3), has:

(h) Dispensed any medicinal drug based upon a communication that purports to be a prescription as defined in ~~by~~ s. 465.003 ~~465.003(14)~~ or s. 893.02 when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship that includes a documented patient evaluation, including history and a physical examination adequate to establish the diagnosis for which any drug is prescribed and any other requirement established by board rule under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, or chapter 466.

Section 19. Section 465.1901, Florida Statutes, is amended to read:

465.1901 Practice of orthotics and pedorthics.—The provisions of chapter 468 relating to orthotics or pedorthics do not apply to any licensed pharmacist or to any person acting under the supervision of a licensed pharmacist. The practice of orthotics or pedorthics by a pharmacist or any of the pharmacist's employees acting under the supervision of a pharmacist shall be construed to be within the meaning of the term "practice of the profession of pharmacy" as defined ~~set~~

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~~forth~~ in s. 465.003 ~~465.003(13)~~, and shall be subject to regulation in the same manner as any other pharmacy practice. The Board of Pharmacy shall develop rules regarding the practice of orthotics and pedorthics by a pharmacist. Any pharmacist or person under the supervision of a pharmacist engaged in the practice of orthotics or pedorthics is not precluded from continuing that practice pending adoption of these rules.

Section 20. Subsection (40) of section 499.003, Florida Statutes, is amended to read:

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

(40) "Prescription drug" means a prescription, medicinal, or legend drug, including, but not limited to, finished dosage forms or active pharmaceutical ingredients subject to, defined by, or described by s. 503(b) of the federal act or s. 465.003(14) ~~465.003(8)~~, s. 499.007(13), subsection (31), or subsection (47), except that an active pharmaceutical ingredient is a prescription drug only if substantially all finished dosage forms in which it may be lawfully dispensed or administered in this state are also prescription drugs.

Section 21. Paragraph (c) of subsection (24) of section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

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(24) "Prescription" includes any order for drugs or medicinal supplies which is written or transmitted by any means of communication by a licensed practitioner authorized by the laws of this state to prescribe such drugs or medicinal supplies, is issued in good faith and in the course of professional practice, is intended to be dispensed by a person authorized by the laws of this state to do so, and meets the requirements of s. 893.04.

(c) A prescription for a controlled substance may not be issued on the same prescription blank with another prescription for a controlled substance that is named or described in a different schedule or with another prescription for a medicinal drug, as defined in s. 465.003 ~~465.003(8)~~, that is not a controlled substance.

Section 22. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 23. This act shall take effect January 1, 2021.

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From: Barnhill, Josh
Sent: Tuesday, December 03, 2019 9:59 AM EST
To: Joe Gruters <Joegruters@gmail.com>
Subject: Fwd: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Would you like to do this again? It will be during session.

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

Begin forwarded message:

From: "Beth Cicchetti, CEcD" <Bkirkland@fedconline.org>
Date: December 3, 2019 at 9:54:47 AM EST
To: Mark Huey <mhuey@edcsarasotacounty.com>, "Barnhill, Josh" <Barnhill.Josh@flsenate.gov>
Cc: Jill Blackman <jblackman@fedconline.org>
Subject: RE: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Thank you, Mark. Josh, we are looking at Thursday Feb 6 for the Capitol Press Event to launch Florida Economic Development Week, which is planned for Feb 9-15. How does this date look for Senator Gruters? Once we have confirmation from your office, we can work with the Sergeant at Arms to schedule the appropriate Capitol location. I can supply a copy of the 2019 resolution presented by Senator Gruters if need be.

Thank you,

Beth

Beth Cicchetti, CEcD
Executive Director
Florida Economic Development Council
3551 Blairstone Rd., Ste. 105-138
Tallahassee, FL 32301
850.212.1056
www.FEDConline.org
FEDC
Educate. Advocate. Connect.

From: Mark Huey <mhuey@edcsarasotacounty.com>
Sent: Tuesday, December 3, 2019 9:34 AM
To: Beth Cicchetti, CEcD <Bkirkland@fedconline.org>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Hi Beth. Meet Josh below. He will assist in working with you/ FEDC in coordinating Sen. Gruters participation in Economic Development Week.

Thanks Josh!

Mark Huey
President & CEO
Economic Development Corporation of Sarasota County
1680 Fruitville Road, Suite 402
Sarasota, FL 34236
(t) 941.309.1200 ext. 100 (f) 941.309.1209
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ECONOMIC DEVELOPMENT CORPORATION
SARASOTA COUNTY

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From: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Sent: Monday, December 2, 2019 9:51 PM
To: Mark Huey <mhuey@edcsarasotacounty.com>
Subject: Re: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Yes, please do.

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

> On Dec 2, 2019, at 6:58 PM, Mark Huey <mhuey@edcsarasotacounty.com> wrote:
>
> I doubt it. But FEDC - the organizing entity- will. Can I connect you to them?
>
> Sent from my iPhone
>
> > On Dec 2, 2019, at 6:18 PM, Barnhill, Josh <barnhill.josh@flsenate.gov> wrote:
> >
> > Good evening, Mark.
> >
> > I'm sure the Senator would love to participate. Will you be up in Tallahassee anytime before that week in February?
> >
> > Josh Barnhill
> > Legislative Aide
> > Senator Joe Gruters, District 23
> > Cell: (850) 933-9792
> >
> > > On Dec 2, 2019, at 6:04 PM, Mark Huey <mhuey@edcsarasotacounty.com> wrote:
> > >
> > > Thanks for the introduction GeeDee.
> > >
> > > Josh, let me know if you have any questions.

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Mark Huey
President & CEO
Economic Development Corporation of Sarasota County
1680 Fruitville Road, Suite 402
Sarasota, FL 34236
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<image004.jpg>

From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Monday, December 2, 2019 2:22 PM
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Cc: Mark Huey <mhuey@edcsarasotacounty.com>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Josh:
Mark Huey, the Executive Director for the Sarasota EDC, called today and was wondering about the status of this request.
I have included him in this e-mail.
It is a Tallahassee scheduling matter. He knows you do not have the calendar for that week yet, but he wanted your contact info.
GeeDee

From: Mark Huey <mhuey@edcsarasotacounty.com>
Sent: Tuesday, November 19, 2019 1:50 PM
To: Joe Gruters <jg@joegruters.com>
Cc: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Greetings Senator Gruters.

The Florida Economic Development Council would again like to invite you to return as the host of the Capitol press event announcing Florida Economic Development Week. The press event will take place Thursday, Feb 6, preferably outside the Senate Chambers. However, this year session will have begun, whereas last year, we were in committee weeks. Our intention is to partner with the Association of Florida Colleges Council of Presidents as we did last year. It was a tremendous event that received great press coverage and launched a week of social media

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highlighting the impact of economic development in Florida. Photos from last year are attached.

Ideally, FEDC would like to schedule a call or a meeting with Senator Gruters to plan the press event. Would very much like to get his support in inviting a House member to join him in providing resolutions in support of Florida Economic Development Week. Another new component this year, is the interest of the Governor's office to potentially participate in the press event. This could be in the form of a resolution and/or remarks from Jamal Sowell.

Here is a link to the FEDC Feature in Expansion Solutions magazine. It is a great piece that showcases the reach and impact of FEDC in improving Florida communities and elevating Florida's global competitiveness.
https://expansionsolutionsonline.advanced-pub.com/?issueID=39&pageID=80

Thanks for your consideration, and for all you are doing to prosper Florida citizens.

Mark Huey
President & CEO
Economic Development Corporation of Sarasota County
1680 Fruitville Road, Suite 402
Sarasota, FL 34236
(t) 941.309.1200 ext. 100 (f) 941.309.1209
(toll free) 1.888.ROLL.SRQ - 1.888.765.5777
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EDC Founders: Buchanan Automotive Group; Casto Lifestyle Properties; Coldwell Banker Residential Real Estate, Inc.; Gulf Coast Community Foundation; Halfacre Construction Company; Kerkering, Barberio & Co.; Michael Saunders & Company; Osprey Real Estate Services; RE/MAX Alliance Group; Realtor Association of Sarasota and Manatee; Schroeder-Manatee Ranch, Inc.; SunTrust; Verizon; Wagner Realty; Williams Parker Harrison Dietz & Getzen; WilsonMiller - Stantec, Inc.

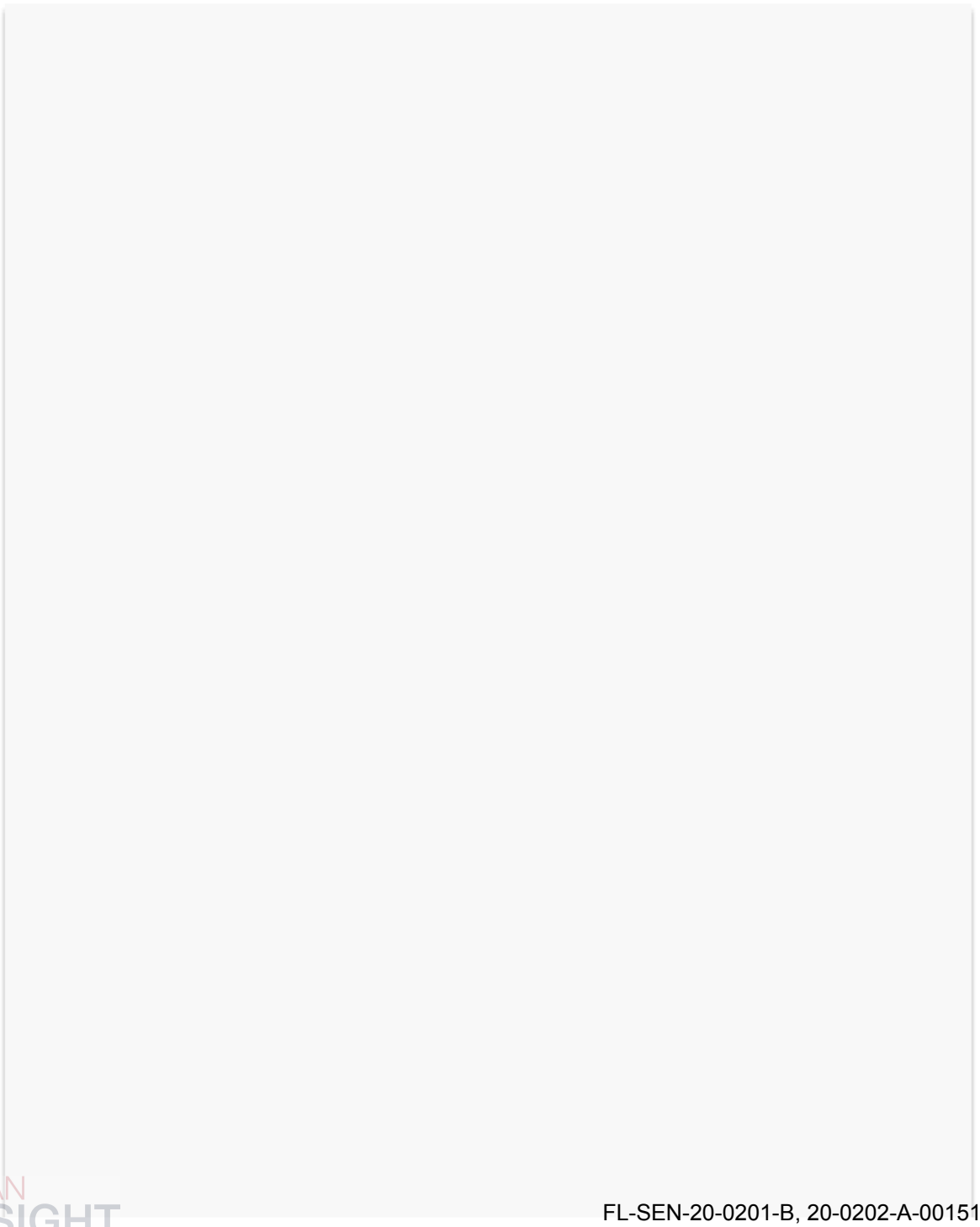
<image008.jpg>

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From: Kernan.Austin <Kernan.Austin@flsenate.gov>
Sent: Monday, February 10, 2020 9:10 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Fwd: Sunburn — The morning ⁞ read of what's hot ⁞ ⁞ in Florida politics — 2.10.20 — Burnin' today: Pizzo, Bloomberg, Fried, DeSantis, Diaz, Buttigieg

Begin forwarded message:

> **From:** Peter Schorsch <peterschorsch@floridapolitics.com>
> **Date:** February 10, 2020 at 5:05:58 AM EST
> **To:** "austinkkernan@gmail.com" <austinkkernan@gmail.com>
> **Subject: Sunburn — The morning ⁞ read of what's hot ⁞ ⁞ in Florida politics — 2.10.20 — Burnin' today: Pizzo, Bloomberg, Fried, DeSantis, Diaz, Buttigieg**
> **Reply-To:** peterschorsch@floridapolitics.com



AMERICAN OVERSIGHT

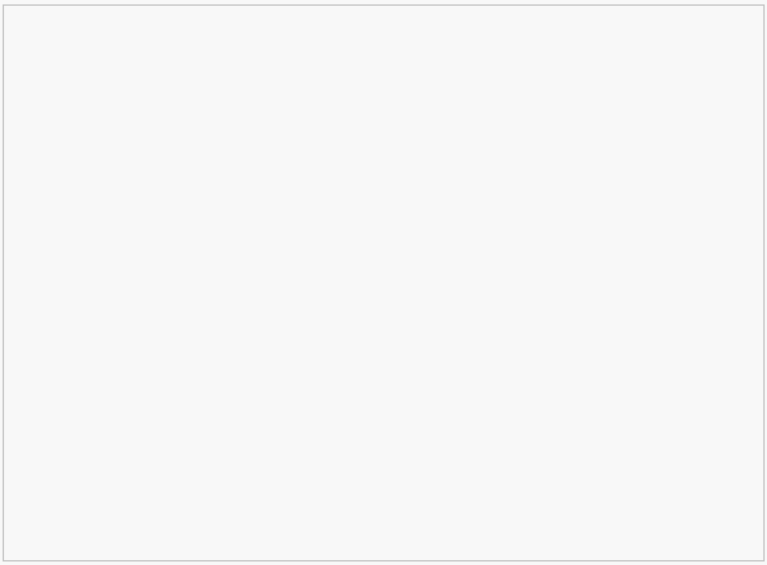
First in Sunburn: State Sen. Jason Pizzo switches endorsement to Mike Bloomberg — After previously endorsing former Vice President **Joe Biden**, the Miami Democrat is now throwing his support to presidential candidate **Bloomberg**. **Pizzo** said he based his switch on the former New York Mayor's investment to build a winning campaign in Florida. "I ran for office to curb gun violence, pass criminal justice reform, push for repairing infrastructure, and promote affordable housing, I've waited patiently to see that from Biden and others — Mike Bloomberg has a plan and a path to get there," Pizzo said. "This election is more than just defeating Trump, it is the tipping point for issues which are critical to my family, my constituents and all Floridians. Mike has a plan that I am proud to get behind."

—

A year ago, Florida Realtors commissioned a report on the economic impact of vacation rentals in the Sunshine State. Today, the University of Central Florida is releasing the results.

The top line shows the vacation rental industry provides 115,000 jobs and boosts the state economy by more than $27 billion — $16.6 billion in direct spending and $10.8 billion in indirect spending,

"Floridians have long-known that the state's vacation home rental industry has a significant impact on our economy, but the numbers in this report are simply staggering," said Florida Realtors President **Barry Grooms**, a Realtor and co-owner of Sarabay Suncoast Realty Inc. in Bradenton.



Florida Realtors President Barry Grooms says the economic impact of the state's vacation home rental industry is 'staggering.'

"More than $27 billion a year is a substantial contribution to our economy, and the 115,000 jobs it supports are critical to the well-being of many of our communities."

To put those numbers in perspective, the industry generates 312 jobs statewide every day, 13 jobs every hour, and one job every 5 minutes. As far as direct spending, that's nearly $46 million a day and approximately $1.9 million every hour reverberating through the state's economy.

Grooms adds, "Given the vital importance of vacation home rentals to our economy, I truly hope policymakers and stakeholders consider this information as they deliberate on measures that could impact the industry."

AMERICAN OVERSIGHT

Today's Sunrise

Wednesday marks the half-way point: Day 30 of the 60-day Session. It's the moment when the political roller coaster kicks into high gear — and also the day of the annual Capitol Press Corps Skits.

Also, on today's Sunrise:

— There's been a newfound acceptance of drones in the state Legislature. At first, lawmakers had imposed limits on uncrewed aircraft over fears about surveillance from above by the police state. But now they're considering exemptions for everything from law enforcement to python hunting.

— It's budget time in The Capitol. The House and Senate will approve two different versions of the new spending plan, then spending the final month of Session playing a behind-the-scenes version of Let's Make a Deal. Agriculture Commissioner **Nikki Fried** hopes she's not traded away in the process.

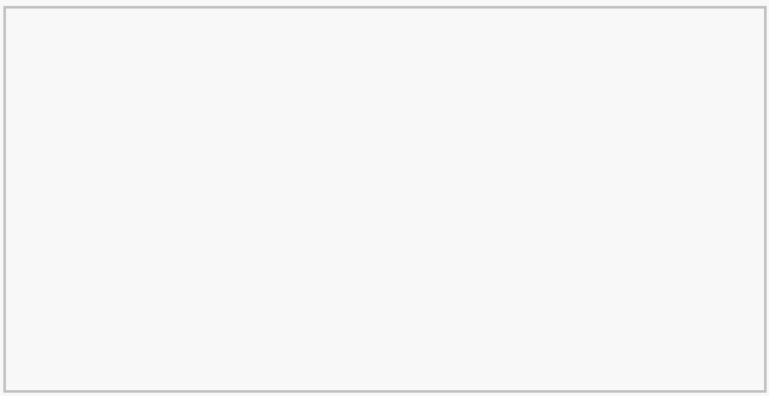
— Police in Jacksonville arrested a man accused of running a van through a volunteer tent at a GOP voter registration event. Fortunately, no one was hurt.

— Fed up with standard cable news stations? There's something new on the lineup. BNC — the Black News Channel — launches today from their studios in Tallahassee, covering community issues often ignored by the mainstream media.

— Republican political consultant **Anthony Pedicini** talks about life, the universe and Florida politics.

— The latest on Florida Men, featuring a voodoo death and first-grade meth.

To listen, **click on the image below**:



Situational awareness

@RealDonaldTrump: Fake News @CNN & MSDNC

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—**@RealDonaldTrump**: "Fake" News @CNN & MSDNC keep talking about "Lt. Col. [**Alexander**] **Vindman** as though I should think only how wonderful he was. Actually, I don't know him, never spoke to him, or met him (I don't believe!) but, he was very insubordinate, reported contents of my "perfect" calls incorrectly, & was given a horrendous report by his superior, the man he reported to, who publicly stated that Vindman had problems with judgement, adhering to the chain of command and leaking information. In other words, "OUT."

—**@MarcoRubio**: Col. Vindman wasn't "fired" he's still an Army officer. He was assigned to NSC to serve the President who has a right to have people he trusts on his staff [**Gordon**] **Sondland** was a political appointee. No point in having a political appointee who no longer has the Presidents confidence

—**@DonaldJTrumpJr**: Allow me a moment to thank — and this may be a bit of a surprise — **Adam Schiff**. Were it not for his crack investigation skills,@real**DonaldTrump** might have had a tougher time unearthing who all needed to be fired. Thanks, Adam!

Tweet, tweet:

—**@sahilkapur**: UMass Lowell poll: 62% of New Hampshire Democrats would rather see a giant meteor strike the earth and extinguish all human life than see President Trump get reelected.

—**@KevinCate**: Watching some old **@AndrewGillum** footage & there is no question, he's one of — if not the most — talented & inspiring political leaders in our country. He should be at the top of everyone's Veep list.

—**@GovRonDeSantis**: The tax credit scholarship program provides educational opportunities to more than 100,000 low-income families in Florida. I support these families and am glad to see **@FifthThird** continue to do so as well. Thanks for empowering parents and students!

—**@SamanthaGross**: There is a ton happening in Tallahassee, across Florida and beyond. Despite attending events statewide, it's been about a month since the governor took questions from the press. **@anaceballos** speaks for us all: [**Ron**] **DeSantis** has been sidestepping reporters, and we are taking notice.

—**@TowsonFraser**: Mandating Florida businesses use an error-ridden federal system was a bad idea then and still is.

—**@Scott_Tobias**: Netflix: Good morning. Here are 12 new shows. Disney Plus: Did you enjoy The Mandalorian? Hold onto that feeling for another nine months or so.

Tweet, tweet:

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Days until

New Hampshire primaries — 1; Pitchers and catchers begin reporting for MLB Spring Training — 1; South Beach Wine and Food Festival — 9; Ninth Democratic presidential debate in Las Vegas — 9; **Roger Stone**'s sentencing — 10; Nevada caucuses — 12; "Better Call Saul" Season 5 premiers — 13; 10th Democratic presidential debate in Charleston — 15; South Carolina Primaries — 19; Super Tuesday — 22; Last day of 2020 Session (maybe) — 32; Florida's presidential primary — 36; "No Time to Die" premiers — 56; Florida TaxWatch Spring Board Meeting begins — 65; TaxWatch Principal Leadership Awards — 66; Florida Chamber Summit on Prosperity and Economic Opportunity — 95; "Top Gun: Maverick" premiers — 137; Democratic National Convention in Milwaukee begins — 154; **Christopher Nolan**'s "Tenet" premiers — 158; 2020 Summer Olympics in Tokyo start — 165; Florida primaries for 2020 state legislative/congressional races — 190; First Presidential Debate in Indiana — 232; Republican National Convention begins in Charlotte — 196; First Vice Presidential debate at the University of Utah — 240; Second Presidential Debate scheduled at the University of Michigan — 248; Third presidential debate at Belmont — 255; 2020 General Election — 267.

Top story

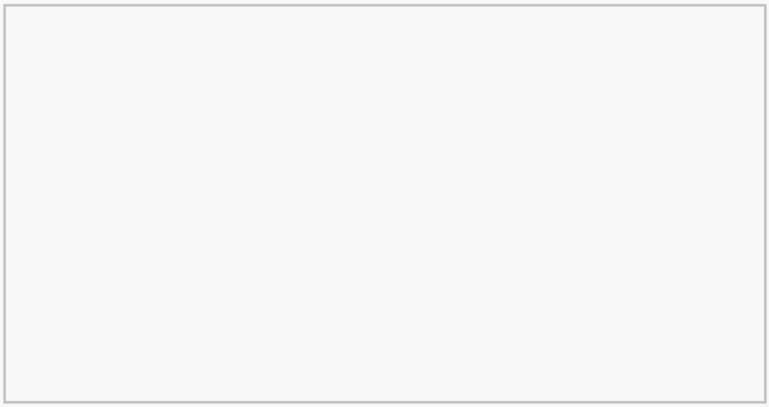
"Florida voted to give 1.4 million felons the right to vote. It hasn't gone smoothly" via Arian Campo-Flores and Jon Kamp of The Wall Street Journal — "It is a confusing, Byzantine morass," said **Myrna Pérez**, director of the Voting Rights and Elections Program at the Brennan Center for Justice, which sued the state. The 2018 amendment ended the state's permanent disenfranchisement of felons. The measure restored voting rights to those who completed their prison terms as well as parole or probation, except people with murder or felony sexual-assault convictions. After it took effect, the Republican-led legislature last year passed a bill that supporters said was needed to clarify its language. Among the bill's provisions was a requirement that felons pay any fees, fines or restitution they owe to fulfill all terms of their sentences. Opponents of the bill said the measure undercut the amendment.

Dateline: Tally

"Without consequences': Dozens of ethics cases are languishing on Capitol Hill

AMERICAN OVERSIGHT

DeSantis' desk" via Jeff Schweers of the Tallahassee Democrat — A backlog of nearly 30 recommended orders from the state's ethics board — imposing penalties on an array of public officials, several of which were high-profile cases — is languishing on the desk of DeSantis. All require final action from him, and all but seven of them arrived from the Florida Commission on Ethics since he took office. The Governor's failure to act also means people who should have been removed from their positions are still in office, including a St. Cloud Community Redevelopment Agency board member whose term is up for renewal next week. Even a $5,000 fine against DeSantis' Democratic rival for governor, former Tallahassee Mayor Gillum, has gone unaddressed.

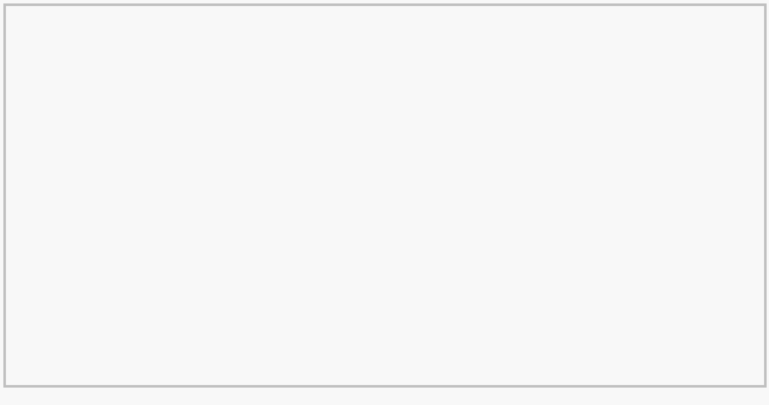


Ron DeSantis has nearly 30 ethics orders on his desk, waiting for attention.

"**Election year politics? GOP pushing pay raises for teachers and state workers**" via John Kennedy of the GateHouse Capital Bureau — Democrats and union officials say the GOP's motives may be to deflect campaign criticism this fall, or even sow dissent among labor groups jostling over the size of a rare pay hike. But many welcome being central to state budget talks as the Legislature nears its midpoint. It's an unfamiliar place for both. "Republican leaders think this will take away a page from our playbook — that we can't say they haven't done enough for teachers or state workers," said Rep. **Evan Jenne**. "But I'm happy they are finally seeing value in our hardworking public workers." House budget chair **Travis Cummings** dismissed any political shadings to the pay raises.

"**Why is Florida suddenly bullish on teacher pay? Big business is on board**" via Jeffrey Solochek and Emily Mahoney of the Tampa Bay Times — Teachers have been lobbying lawmakers for better pay — not bonuses — for years. Democrats have proposed boosting the minimum salary to $50,000 since 2015. Most often, their voices have stood alone. In 2020, though, some of the most powerful lobbying groups in the state are joining the chorus: those representing the business community. "If we want the best, most dedicated teachers for our children, we need to pay them enough to want to enter and stay in the classroom," North Florida developer **Chris Corr**, also chairman of the Council of 100, wrote in a recent column that circulated across the state. That issue of talent is another key argument. And it's not brand-new.

"**Appeal court sustains House's subpoena of visit Florida's 'Emeril' contract**" via Michael Moline Florida Phoenix — A state appellate court has handed a victory to the Florida House in a dispute over financial records kept by the company that produced the "**Emeril**'s Florida" cooking show under contract with VISIT FLORIDA, the state's tourism promotion arm. The outcome could strengthen the House's hand in the continuing drama over VISIT FLORIDA. That chamber keeps trying to kill the agency while DeSantis and the Senate see it as crucial to promoting Florida's tourism industry. At the least, the ruling vindicates the Legislature's broad authority to investigate suspected corruption, inefficiency, or waste.



AMERICAN OVERSIGHT

One of Emeril Lagasse's cooking shows is embroiled in the battle between the House and VISIT FLORIDA.

"**Will APD changes happen this Session?**" via Christine Sexton of the News Service of Florida — Despite both chambers identifying the Agency for Persons with Disabilities as a priority issue that needed to be addressed during Session, the House has been strangely quiet on how to improve the Medicaid waiver program for people with intellectual and developmental disabilities, dubbed the "iBudget." But the Agency for Persons with Disabilities has spent more money providing services to the 34,000 people in the iBudget program than what the state has agreed to spend, which has spurred lawmakers to take a closer look at how the program operates. The Senate has offered its proposal (SB 82), by Sen. **Aaron Bean**. The bill maintains the iBudget program but makes some changes to how it operates.

"**Al Jacquet hard to find as state imposes fines**" via Joel Englehardt of the Palm Beach Post — The state can't always find him. They're slapping fines on him and routinely seeking corrections in his campaign filings. One recent notice was returned unopened. A friend said **Jacquet** told him last year that he resorted to living in his car for a time while in Tallahassee for the 2019 session. For about six months, Jacquet had no district office. The Florida Elections Commission fined Jacquet $2,000 in September for waiting a year to correct other campaign finance violations. He still hasn't paid the fine, which could lead to the state filing suit against him. A $50 fine went to a collection agency in December 2018 and state records indicate it remains unpaid.

Legislation

"**Florida's tourism industry is behind a bill to block local laws that could create more benefits for workers**" via Chabeli Carrazana of the Orlando Sentinel — Florida's top tourism and business interests are putting their combined political might behind a bill moving through the Legislature that would prevent cities and counties from forcing companies to provide their workers with better benefits or more predictable schedules. Proponents say the bill fosters a pro-business environment and will set a single standard across the state, rather than allow local governments to create a patchwork of different rules. Opponents worry the bill could cancel out local laws such as an Orange County ban on discrimination based on sexual orientation and gender identity in the private sector or a wage recovery ordinance in Osceola County that helps workers when an employer doesn't pay what the worker is due.

"**Sponsors still hopeful puppy mill legislation passes**" via Sarah Mueller of Florida Politics — Sen. **Manny Diaz** is still holding out hope his bill to regulate pet stores will pass this Session. However, the Hialeah Gardens Republican's proposal (SB 1698) has not yet been heard by a committee. The legislation, along with the House companion bill (HB 1237), sponsored by Rep. **Bryan Avila**, aims to rid the state of so-called puppy mills. Both bills seek to set a uniform standard throughout the state, allowing stores that play by the rules to keep their doors open and freeing them of the stigma brought on by shady operations.

Manny Diaz hopes his puppy mill bill will make it through this Session.

AMERICAN OVERSIGHT

Today in Capitol

The Senate Education Committee meets to consider a proposed constitutional amendment SJR 1216 from Sen. **Joe Gruters**, which seeks to set up eight-year term limits for school board members across the state, 1:30 p.m., Room 412, Knott Building.

The Senate Governmental Oversight and Accountability Committee meets to consider several bills, including SB 966 from Sen. **George Gainer**, which seeks to create a public-records exemption for information submitted to government agencies for disaster-recovery housing assistance programs, 1:30 p.m., Room 301, Senate Office Building.

The Senate Innovation, Industry and Technology Committee meets to consider SB 1352 from Sen. **Jeff Brandes**, which seeks to permit vehicles in ride-sharing services such as Uber and Lyft to show digital advertising, 1:30 p.m., Room 110, Senate Office Building.

The House PreK-12 Appropriations Subcommittee meets to consider HB 737 from Rep. **Kimberly Daniels**, which seeks to require a moment of silence at public schools every day, 1:30 p.m., Reed Hall, House Office Building.

The House Transportation & Tourism Appropriations Subcommittee meets to consider HB 1371 from Reps. **Randy Fine** and Rep. **Mike Caruso**, which seeks to improve safety at pedestrian crosswalks, 1:30 p.m., Room 404, House Office Building.

The House Select Committee on the Integrity of Research Institutions meets to hear a presentation on the "risk of foreign interference in research." House Speaker **José Oliva**, called for the committee after the resignation of officials at Moffitt Cancer Center who had ties to China, 4 p.m., Room 404, House Office Building.

The Senate Community Affairs Committee meets to consider SB 1148 from Brandes, which seeks to set up regulations on electric bicycles, 4 p.m., Room 301, Senate Office Building.

The Senate Environment and Natural Resources Committee meets to consider SB 1706 from Chairman **Bill Montford**, which seeks to address pollution in distinct types of public and private water systems, 4 p.m., Room 37, Senate Office Building.

The Senate Ethics and Elections Committee meets to consider the confirmation of several appointees to state and local agencies and boards — such as the state university system's Board of Governors, the Florida Fish and Wildlife Conservation Commission and water management districts, 4 p.m., Room 412, Knott Building.

The Senate Infrastructure and Security Committee meets to consider SPB 7054, which seeks to make changes in several transportation laws, 4 p.m., Room 110, Senate Office Building.

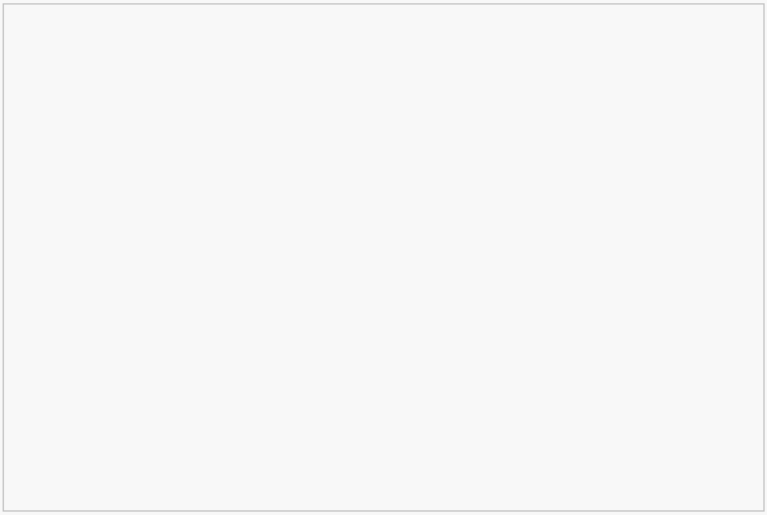
The Senate Special Order Calendar Group will meet to finalize the special-order calendar, which lists bills that will move to the Senate floor, 15 minutes after committee hearings end.

Statewide

"**Florida's unpopular Common Core standards are 'eradicated'**" via The Associated Press — The state Department of Education in a statement said the controversial set of academic standards "has been officially eradicated from Florida classrooms." Education Commissioner **Richard Corcoran** said he is recommending that the state Board of Education next week

AMERICAN OVERSIGHT

adapts Common Core's successor, Benchmarks for Excellent Student Thinking, also known as BEST. The Common Core standards were first proposed a decade ago by associations of governors and state education chiefs, and they were embraced in Florida by former Gov. **Jeb Bush**. A broad coalition of conservatives, liberals, parents and teachers found fault with Common Core for different reasons.



Education Commissioner Richard Corcoran put the final nail in the Common Core coffin.

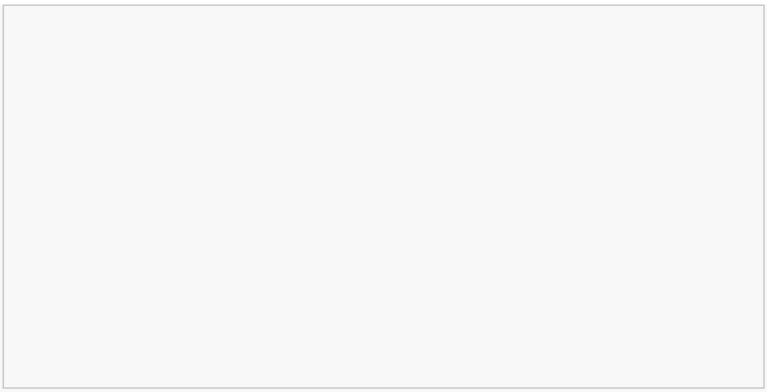
"**Florida may start grading pre-K schools A through F. Here's why some think that idea is wrong**" via Leslie Postal of the Orlando Sentinel — State lawmakers this year have proposed a new system, one that has generated widespread support — in part because so many dislike the current one — but also has prompted criticism for suggesting pre-K programs be graded A-to-F. The pre-K program, dubbed VPK, served more than 174,000 students last year and cost more than $400 million. Many early-childhood and education advocates are in favor of the new assessments but don't want an A-to-F grade given to pre-K programs. "The VPK accountability system is broken," said **David Daniel** of the Florida Association for Child Care Management, which represents private child care centers. "It doesn't serve private providers, it doesn't serve the policymakers, and it doesn't serve these families."

"**Moffitt returns $1 million to state. Money was linked to scientist with China ties**," via Justine Griffin of the Tampa Bay Times — The funds originally were used to provide a salary and staff for **Howard McLeod**, medical director of the DeBartolo Family Personalized Medicine Institute at Moffitt and a senior member in Moffitt's department of cancer epidemiology. McLeod was forced to resign in December, along with former Moffitt CEO **Alan List** and four other scientists, after an internal investigation found they did not disclose ties to Chinese recruitment programs. "Out of an abundance of caution, Moffitt is refunding $1,093,890 that it could not confirm was spent as it should have been," said **Yvette Tremonti**, Moffitt's chief financial and administrative officer.

"**From smaller asbestos payouts to limiting lawsuit damages: Florida high court's conservative makeover raises stakes in Capitol tort reform battles**" via Gray Rohrer of the Orlando Sentinel — Unlike tax cuts, regulation reductions and other business-friendly measures passed by the GOP-led Legislature, tort reform bills have often failed to get through amid massive opposition from another influential group — the trial attorney lobby. DeSantis' conservative makeover of the Florida Supreme Court means new such laws are more likely to be upheld. Under the old liberal majority, the state's high court knocked down or chipped away at laws capping fees in medical malpractice and workers' compensation cases, upsetting insurers and large corporations. DeSantis has also taken an interest in the tort reform push.

"**Ocala to host Ashley Moody at cybercrime workshop**" via Carlos Medina of the Ocala StarBanner — The workshop will be presented Tuesday by Cyber Florida and the Marion County Clerk of Courts and Comptroller in the wake of several cybercrimes targeting government offices in Florida. A spear-phishing scam hit the city of Ocala in October to the tune of about $740,000. The episode demonstrated how governments could be vulnerable to such attacks. "These attacks on our cities are expensive and diverts the government's focus away from serving its citizens. These workshops and training sessions will help local leaders across Florida implement procedures to prevent, respond to and recover from cyberattacks," **Moody** said in a prepared statement. The workshop is scheduled for 11 a.m. at Southeastern Livestock Pavilion and Extension Auditorium.

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AG Ashley Moody will be heading a cybercrime workshop in Ocala.

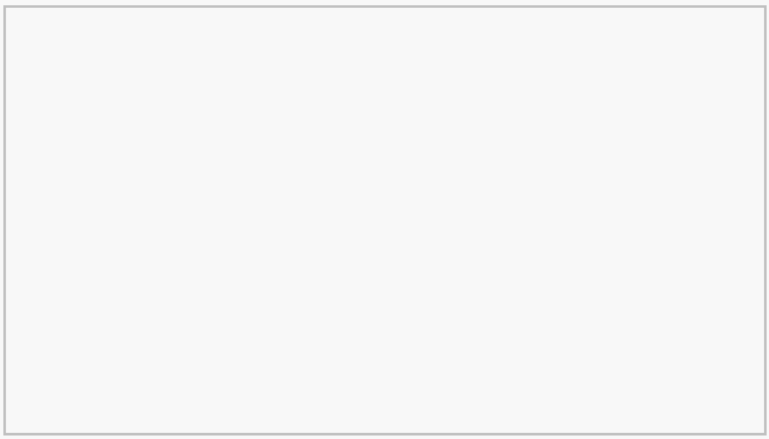
"**Federal red tape hamstrings Florida's commercial space growth**" via Jacqueline Feldscher of POLITICO Florida — The arm of the Florida state government tasked with revitalizing its space economy is facing years of delays in acquiring excess federal land and facilities to attract new commercial customers, says **Frank DiBello**, CEO of Space Florida. Significant delays in Washington are slowing things down, asserts DiBello, who has led Space Florida since 2009 and previously managed the aerospace business at consulting firm KPMG. "Right now, when there is federal property that is excess or could be turned over to the state for purposes of meeting the market need, we have to go through a federal process that is long and cumbersome," DiBello said. "I would love to see that streamlined. We're pretty far down on the pecking order."

"**Free orange juice could make a comeback at Florida welcome centers**" via the News Service of Florida — Helping the Department of Citrus bring back free orange juice could hinge on a more significant debate, as the operations of state welcome centers remain locked in a legislative battle about the fate of the tourism-marketing agency VISIT FLORIDA. The Department of Citrus last July eliminated free juice offerings at welcome centers along Interstate 10 west of Pensacola, Interstate 75 near Lake City, and Interstate 95 near Jacksonville, as a $4.1 million cut in state promotional funding went into effect. **Shelley Rossetter**, the department's assistant director of global marketing, said that stopping the flow of free juice "was hard to let go of. The department and growers are very clear that our visitors miss their juice."

Coronavirus

AMERICAN OVERSIGHT

"Coronavirus has Florida couple quarantined on Diamond Princess cruise ship: 'It's a little bit prisonlike'" Naseem Miller of the Orlando Sentinel — Florida couple**Philip** and **Gay Courter** are trying to make the best of being quarantined on the Diamond Princess in Japan, where dozens of passengers, including 12 Americans, have been diagnosed with the coronavirus. "I'm out on the balcony looking at at least 16 ambulances lined up here on the pier, and they've got the quarantine tunnel set up at the door, so I'm sorry to say it looks like they're going to be offloading more sick passengers today," said Philip Courter, 77, in a phone call from the cruise ship docked at Yokohama, Japan. Meanwhile, the numbers of infections continue to rise, especially in China.



A Florida couple are under coronavirus quarantine on the Princess Diamond cruise ship.

"Rick Scott urges coronavirus transparency. Was he all that transparent on Zika?" via Anthony Man of the South Florida Sun-Sentinel — This week, **Scott** depicted himself as a proponent of transparency. His office issued a news released headlined, "Scott Requests Transparency in Combating Coronavirus in United States." While Gov., Scott's administration was the subject of complaints at the time about a lack of transparency about Zika. "It's rich in irony that Sen. Scott talks about transparency given his record of running from it. In 2016, he literally avoided coordination with Miami Beach Mayor **Philip Levine** and county Mayor **[Carlos] Giménez** around the Zika virus outbreak. He withheld information from local leaders and even his fellow Republican, Gimenez ripped him for his lack of transparency and withholding sensitive information," **Christian Ulvert**, who was a political adviser to Levine, said.

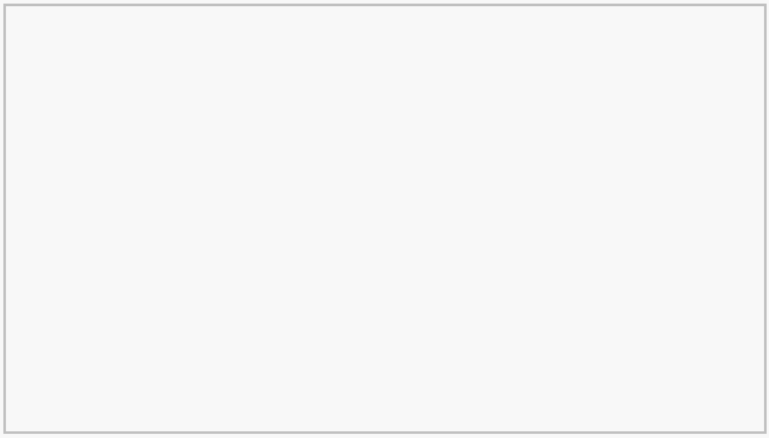
Charlie Crist calls for transparency and action on coronavirus" via Janelle Irwin Taylor of Florida Politics — In a letter to CDC Director **Robert Redfield**, **Crist** asked for transparency in the agencies planning as well as additional action on how individuals and families can take preventative action. Trump does not plan to request emergency funding to respond to the outbreak, which has left many lawmakers frustrated, according to The Hill. While only 12 cases have been reported in the U.S., officials are concerned action is needed to stave off a more widespread problem. Coronavirus first began in China at the end of 2019. So far more than 28,000 cases have been confirmed in Asia, Europe and North America, including in the U.S.

Happening today — Crist will tour a health clinic to highlight flu season and preparations for any possible coronavirus outbreak, 11 a.m., Community Health Center of Pinellas Lealman Clinic, 4950 34th St. North, St. Petersburg.

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Mother Nature

"**Florida should help remove shark fin soup from the world's menu**" via David Whitley of the Orlando Sentinel — The shark is yanked out of the ocean, its fins and tail are chopped off, then it's tossed back into the water. Unable to move, the shark drowns or is eaten. Shark finning has been banned in the U.S. since 2000. Fins can still be imported from countries without bans, however. Florida's become a major hub in this trade, so the legislature is considering bills that would prohibit the import, export and sale of shark fins. The issue is not as cut-and-dried as it seems. There's fear such laws would make it harder to track and combat illegal trade, and they could punish responsible fisheries. But many scientists and shark lovers say there's no time to waste.



The U.S. Fish and Wildlife Service confiscated nearly $1 million in shark fins at the Port of Miami.

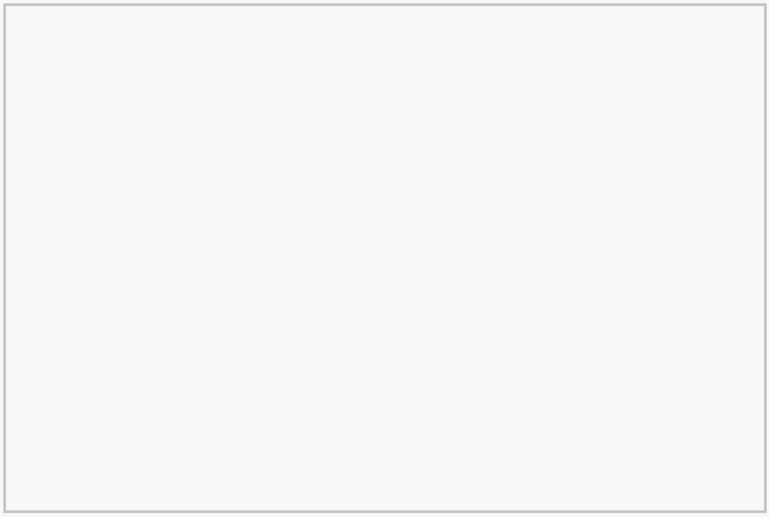
"**Sierra Club sues to block Pasco road project that cuts through nature preserve**" via CT Bowen of the Tampa Bay Times — The suit was not unexpected. The environmental group had pledged a legal challenge to the U.S. Army Corps of Engineers permit, and Pasco County already had retained outside legal counsel for the court fight. The suit, filed in U.S. District Court in Tampa, names U.S. Army Corps Commander Lt. Gen. **Todd Semonite** and Col. **Andrew Kelly**, of the Corps' Jacksonville district as defendants.**Dan Rametta** of Land O' Lakes, a longtime opponent of the road project, joined the Sierra Club as a plaintiff. The 59-page suit contends the corps issued the environmental permit Dec. 20 without requiring sufficient wildlife studies, a public hearing and inclusion of public comments before 2011.

"**Indialantic motel finally falls to the wrecking ball, 2+ years after Hurricane Irma struck**" via Rick Neale of FLORIDA TODAY — A pyramid-shaped heap of jagged rubble, discolored mattresses and dented water heaters are all that's left of the three-story Beach House Motel that got its roof scalped by Hurricane Irma in September 2017. JCG Demolition & Construction of Melbourne used an excavator to finally raze the dilapidated, dangerous shuttered structure bordering popular James H. Nance Park. "It's been an eyesore for (nearly) three years. I'm happy that it's being resolved moving forward. And, hopefully, they keep the place safe and clear," Indialantic Town Manager **Michael Casey** said. "There was broken glass and windows all over the place."

AMERICAN OVERSIGHT

FITN

"Democrats clash on electability and policy in blistering presidential debate" via Matt Viser, Michael Scherer, Chelsea Janes and Cleve Wootson of The Washington Post — With no clear front-runner and four days to go before the New Hampshire primary, seven of the party's leading candidates abandoned the wonky policy contrasts and opaque tonal critiques that had filled the race before Iowa. The debate stage became a free-fire zone instead, the candidates seizing the moment to call each other out. In a sign of the reordering of the Democratic primary race, it was **Bernie Sanders** and **Pete Buttigieg** who often took control of the stage, engaging in impassioned monologues — and seeing their records scrutinized — while rivals raised their hands in the hopes of being called on next. They harped on age and political records, flashed anger, indignation and warned their rivals' policy prescriptions would fail.



The leading Democratic contenders are clashing over electability, policy in a 'free-fire zone.'

"New Hampshire pollsters on high alert after Iowa flop" via Steven Shepard of POLITICO — The University of New Hampshire Survey Center assured CNN — which, along with WMUR-TV, sponsors its pre-primary polling — that everything would work as it should. Unlike the Des Moines Register/CNN/Mediacom poll, which is captained by Iowa pollster **J. Ann Selzer** and contracts with an outside call center to conduct interviews — UNH conducts its polling in-house and closely monitors its procedures. Between the crowded field of candidates, the compressed timeline after an ambiguous Iowa result and Granite Staters' historical penchant for last-minute commitments, the performance of this year's New Hampshire polls could exceed its notorious reputation for volatility. Even UNH pollster Andrew Smith said it's "a fool's errand" to try to nail the results with the final poll.

"NH officials on the primary: We got this" via Kevin Landrigan of the New Hampshire Union Leader — Gov. **Chris Sununu**, Secretary of State **Bill Gardner** and top state and federal prosecutors vow the first-in-the-nation primary will go off without a hitch, though they're prepared for contingencies. During a nearly hourlong news conference, Sununu said the state's "100-year tradition" of fair and transparent elections would continue, and the debacle with the count and reporting of results in Iowa will not happen here. "We have a great record of being right, reliable, and on time, and this time will be no different," Sununu said.

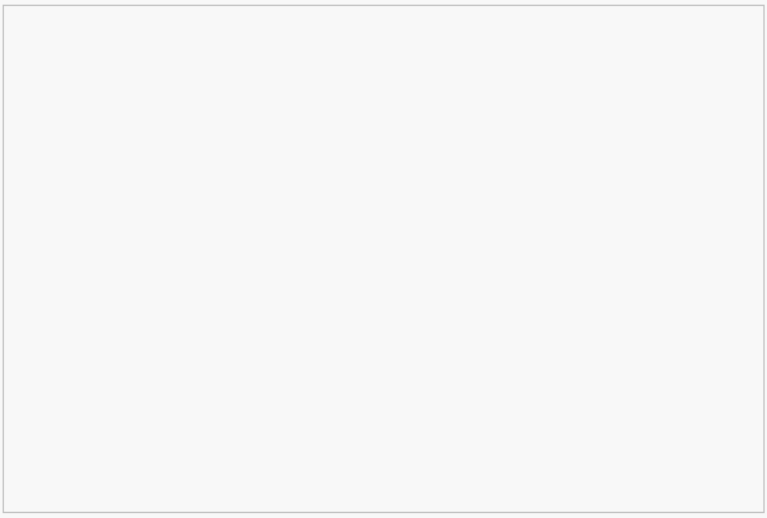
2020

"Joe Biden is collapsing" via Walter Shapiro of The New Republic — In his first words of the debate — the moment when candidates are usually the most scripted — **Biden** confessed, "I took a hit in Iowa, and I'll probably take a hit here." If his comments were a brief misstep in an otherwise smooth debate, it would have been one thing. Biden adopted a combative tone that undercuts one of his most substantial assets as a candidate — his avuncular persona. Biden may merely have been frustrated; the 77-year-old can see himself losing New Hampshire to the dewy Buttigieg (who was born during Biden's second term in the Senate) and to the perpetual left-wing Senate gadfly Bernie Sanders. But he ought to know better.

"Biden shakes up campaign leadership, elevating Anita Dunn" via Katie Glueck and

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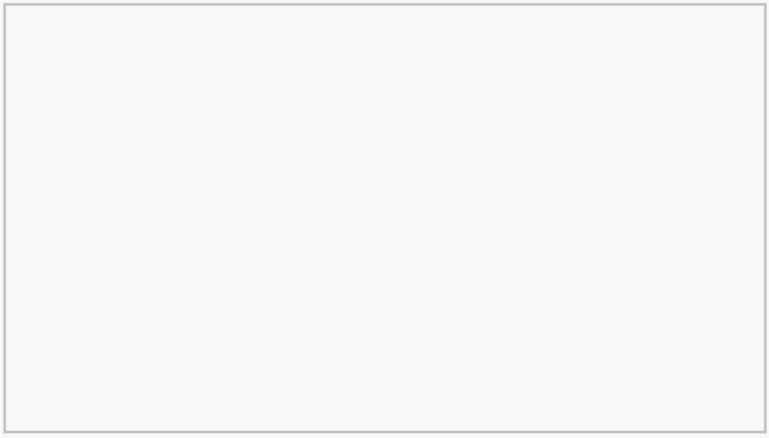
Jonathan Martin of The New York Times — Biden is giving effective control of the campaign to **Dunn**, a veteran Democratic operative and top adviser to him. "She will be working closely with us on campaign strategy and overall coordination on budget and personnel as we build a bigger campaign for the next phase," according to a campaign email obtained by The New York Times. But two senior Biden officials said Dunn is doing more than that — and that she will have final decision-making authority, a decision that came at the behest of the former vice president.



Joe Biden's campaign makes a major shake-up, elevates Anita Dunn to the top adviser.

"**Biden on Pete Buttigieg: 'This guy's not a Barack Obama'**" via Sarah Mucha and Eric Bradner of CNN — Biden mocks Buttigieg's experience as a small-city Mayor in a new digital ad the former vice president's campaign is using on YouTube and Facebook in New Hampshire. The ad opened a bitter new chapter in the Democratic race, with Biden belittling Buttigieg on the campaign trail Saturday and the former Mayor's supporters responding by calling Biden dismissive of those in small cities and towns. Biden, who is attempting to turn around his flagging campaign after a fourth-place finish in Iowa, dismissed comparisons between his attacks on Buttigieg and **Hillary Clinton**'s criticism of then-Sen. **Barack Obama**'s limited experience when the two were primary rivals in 2008. "Oh, come on, man," Biden told reporters in Manchester. "This guy's not a Barack Obama."

To view the ad, **click on the image below**:



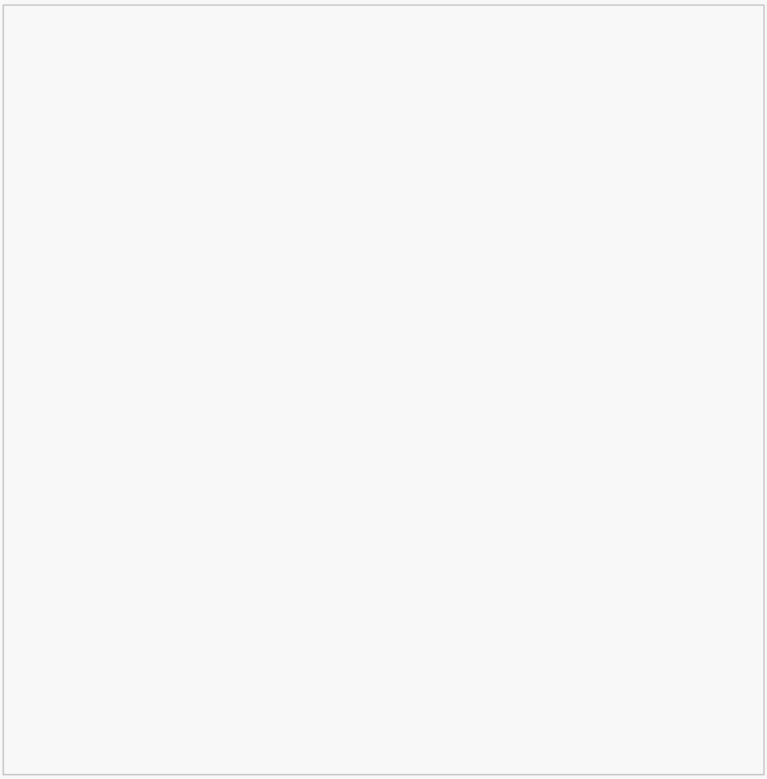
"**Buttigieg reluctantly embraces his barrier-breaking candidacy**" via Ryan Lizza of POLITICO — For the most part, the historical impact of a gay man winning Iowa has been something that has been thrust upon Buttigieg — by the media, by proud gay activists — rather than something that he has boasted about. In recent years there have been vastly different approaches to identity politics in the Democratic Party. The pattern has been that the first to have a realistic shot at breaking a barrier is more circumspect. Buttigieg is in the complicated space of being a barrier breaker: He's willing to celebrate and ruminate on the history when pressed, but being defined as a gay candidate is not part of his strategy to win.

"**Iowa debacle could make Florida primary more important**" via Zac Anderson of the Sarasota Herald-Tribune — Florida Democrats will see 16 names on their presidential primary ballot, including candidates who already have dropped out, such as **Cory Booker** and **Julian Castro**. More candidates likely will drop out before Florida's March 17 primary date, but the ballot had to be finalized back in December to allow time for printing. If the race remains

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muddled deep into the primary calendar, Florida could play a key role in the nomination. That scenario looks more likely now, with Iowa's vote-counting problems resulting in the state failing to give the type of big lift or devastating defeat that can help winnow the field.

Tweet, tweet:



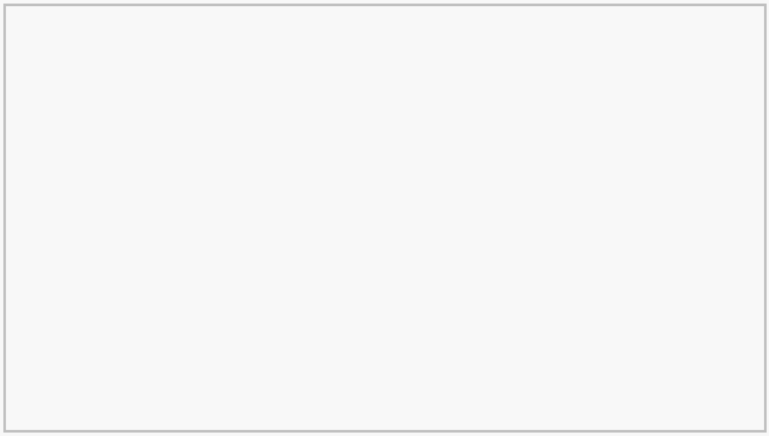
"**A Democratic race among mostly white men leaves many women, minorities feeling abandoned**" via Dan Balz of The Washington Post — Despite having two women and an Asian American sharing the stage at the debate in New Hampshire, right now the Democratic race appears to be a contest among two white men in their late 70s, Sanders and former Vice President Biden, and another in his late 30s,Buttigieg. Another septuagenarian, former New York mayor **Mike Bloomberg**, is waiting to pounce, depending on the results of the first four primaries and caucuses. This represents an unexpected turn for a party whose success in the 2018 midterms depended heavily on an outpouring of support and activism by women and whose failure in 2016 was the result, in part at least, of a falloff in turnout among voters of color.

NH horse race

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Tomorrow is the New Hampshire primaries, the first actual votes — notwithstanding the Iowa kerfuffle — cast in the 2020 primary season. Here's a rundown of the latest polling leading into the primaries.

Buttigieg is moving slightly ahead of Sanders in New Hampshire, according to a new **Boston Globe/WBZ-TV/Suffolk University poll**. The former South Bend, Indiana, Mayor is leading the Vermont independent Sen. by one percentage point among likely Democratic presidential primary voters. Buttigieg, increased his support in New Hampshire to 25%, versus 24% for Sanders, in the Paul that has a margin of error of plus or minus 4.4 percentage points. Sen. **Elizabeth Warren** saw a small increase to 14% for third place, while former Vice President Biden held steady at 11%.



Polls are showing Pete Buttigieg and Bernie Sanders in a statistical tie in New Hampshire, within the margin of error.

In a February 8 poll from the **Suffolk University Political Research Center**, Sanders takes the lead with 24%, with Buttigieg second with 22%. Warren receives slightly more than 13%, for third place, with Biden at a little over 10%. All other candidates are in the single digits, with about 12% undecided. This poll also has a margin of error of plus or minus 4.4 percentage points.

A **recent NBC News/Marist poll** taken four days before the primary finds Sanders with 25% of likely voters, while Buttigieg gets support from 21%. This puts the two leaders within the poll's 4.7% margin of error. Warren receives 14% (slightly up from the 13% last month), and Biden is fourth with 13% (he had been at 15%).

CNN polling conducted by the University of New Hampshire Survey Center gives Buttigieg a more significant boost in Sanders. However, the Vermont Senator still leads with 28% of likely Democratic primary voters, slightly more than the 25% backing him in mid-January. Buttigieg has risen six points to 21%, while Biden slides five points to 11% and Warren dips to single digits with 9%. Buttigieg's gains come almost entirely at Biden's expense, CNN notes.

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The neuroscience of presidential preferences

During the 2016 presidential primaries, SPARK Neuro, a company examines brain waves and other physiological signals to understand the subliminal mind, decided to evaluate people's reactions to the Democratic candidates.

As **Sue Halpern writes in The New Yorker**, the company designed a test to learn how people actually felt, as opposed to what they say.

Traditional political polls, a small section of the three-billion-dollar public-opinion-research industry, are often widely conflicting and somewhat unreliable. One reason for this, according to SPARK Neuro CEO **Spencer Gerrol**, is that people tend to say what they think others want to hear — referred to as a "social desirability bias, the innate desire to be liked"— are vulnerable to "groupthink," or they say nothing because they don't want to be judged.

"This is especially problematic in politics," **Gerrol told The New Yorker**, "hence all the errors in polling and all of the mistakes in campaign decisions."

Subconscious feelings are seen as more reliable, because they can't be easily gamed or swayed by outside forces.

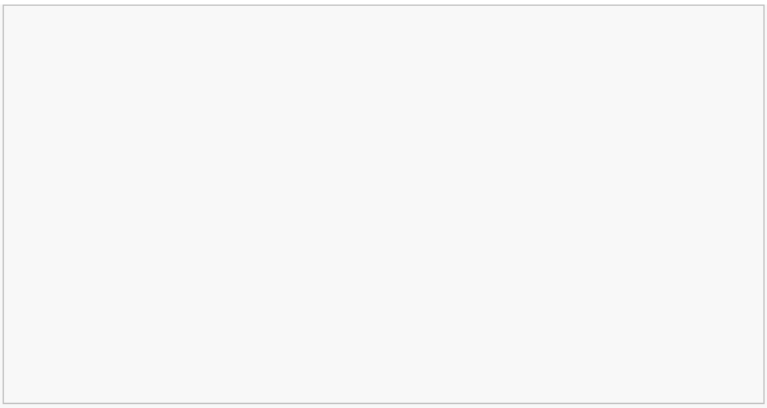
"We're not really conscious of our emotions in real-time," Gerrol said. "Our algorithm is not reading minds. It understands if you are paying more attention or less attention and if you have stronger or weaker emotions, and to some degree, what the nature of those emotions are."

"The firm might take on issues, like gun control or climate change, to help advocates craft more effective advertisements, he told me, and has chosen not to take on tobacco companies as clients," **Halpern writes**. "It is currently working with the Department of Defense to understand the specific appeal embedded in terrorists' recruitment materials in order to make equally powerful counter-propaganda."

D.C. matters

"**Donald Trump's post-virus, preelection boom**" via Dion Rabouin of Axios — The Wuhan coronavirus outbreak is already scuttling supply chains and wreaking havoc on companies around the world that do business in China, but if analysts' projections are correct, the rebound from the virus could help propel the U.S. economy to new heights right around the time of the 2020 presidential election. With Trump touting the stock market's performance and job growth as critical accomplishments, that bounceback could play a major role in the election's outcome. S&P Global expects the outbreak to "stabilize globally in April 2020, with virtually no new transmissions in May.

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Donald Trump is enjoying a post-virus bump.

"**Trump's Mar-a-Lago: Strikes, tweets and major decisions are made, away from public scrutiny**" via Christine Stapleton of the Palm Beach Post — Presidents dating back to the Founding Fathers have conducted White House business from afar while visiting their hometowns or foreign countries. But Trump has amped up that tradition, conducting domestic and foreign policy actions that have defined his presidency at Mar-a-Lago, Trump's private residence and oceanfront club. Unlike other presidents on holiday from Washington, Trump makes himself accessible to those rich enough to pay his club's $250,000 membership fee, donate large sums to his campaign, attend society fundraisers or stand for hours along a road in rain or heat, hoping to be among the few adoring fans occasionally invited back to Mar-a-Lago for snacks and photos with the president.

"**Trump impeachment aides leave White House post-acquittal**" via Alayna Treene of Axios — Trump's impeachment gurus, **Tony Sayegh** and **Pam Bondi** are leaving the White House after his acquittal in the Senate. Sayegh and Bondi were hired to run an anti-impeachment war room amid the House impeachment investigation, but now that the president has been acquitted, the two plan to return to their former jobs. Bondi, the former two-term Florida AG, will continue at Ballard Partners, where she chairs the firm's Corporate Regulatory Compliance Practice. **Sayegh**, who had served in a public affairs role for Trump's Treasury Department and has a close relationship with **Ivanka Trump**, **Jared Kushner** and **Donald Trump Jr.**, will return to Teneo as a managing director in New York City.

"**Trump appoints admiral with Miami ties as recovery czar for Puerto Rico**" via Jim Wyss of the Miami Herald — As Puerto Rico is struggling to recover from hurricanes and earthquakes, the White House confirmed that it's appointing U.S. Coast Guard Rear Adm. **Peter Brown** as its liaison for the island. In a statement, the White House said Brown "will coordinate United States Government efforts to build the infrastructure and resiliency of Puerto Rico." The U.S. territory of 3.2 million people has been hit by a series of natural and political disasters in recent years that are strangling its economy. To complicate matters, island authorities have only had access to a fraction of the $48.5 billion in recovery funds that Congress has approved since.

Happening today — Gillum will join representatives of civil-rights groups for a conference call to oppose Trump's nomination of Alabama federal Judge **Andrew Brasher** to the 11th U.S. Circuit Court of Appeals, 11 a.m. Call-in number: 1-877-615-4339. Code: 8967765.

"**Florida Bar passes on Miami-Dade Democratic Party complaint against Matt Gaetz, says separate inquiry already underway**" via Ryan Nicol of Florida Politics — The Florida Bar has confirmed it has a file open regarding **Gaetz**'s conduct during the House impeachment investigation into Trump. The news comes one day after the Miami-Dade Democratic Party announced they had filed a complaint of their own. The complaint alleged Gaetz violated Florida Bar rules by attempting to barge into closed hearings during the House investigation. A Florida Bar spokesperson said they had not yet received the complaint from the Miami-Dade Democrats. Party Chair **Steve Simeonidis** initiated that complaint. But because a separate file has already been opened, the spokesperson explained the body would not be acting on Simeonidis' complaint either way.

"**Val Demings blasts firing of Lt. Col. Alexander Vindman**" via Antonio Fins of the Palm Beach Post — "The president might fire Lt. Colonel **Vindman**, but he cannot damage the power of truth," **Demings** said in a statement. "He might smear the public servants who stood up to his corruption, but he cannot debase their honor. He might attack the families of those who oppose him, but he cannot weaken their bonds of love and loyalty. With every corrupt act, this president only accentuates the integrity of those who stand against him." Vindman, a key witness in the impeachment inquiry last fall, served as an aide on the National Security Council. He was fired in apparent retaliation by the White House administration for his

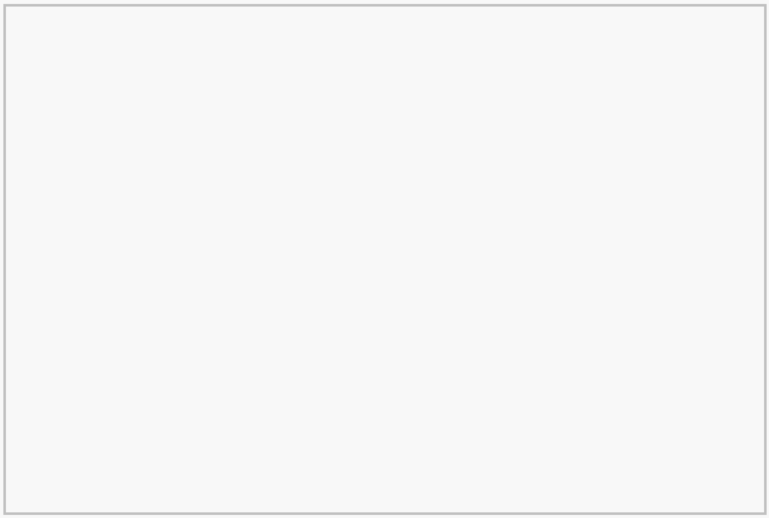
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closed-door and public testimony in the Ukraine hearings on Capitol Hill.

The trail

"**There are 62,000 pending citizenship applications in Florida. Here's what that means for 2020**" via Lautaro Grinspan of the Miami Herald — In 2020, bureaucratic delays in processing naturalization applications and an enduring backlog of tens of thousands of pending cases at U.S. Citizenship and Immigration Services (USCIS) could keep scores of would-be Florida voters from the ballot box. For local advocates, that's cause for alarm: "In Florida, we know that elections are won by razor-thin margins," said **Andrea Mercado**, executive director of the New Florida Majority. "So, every vote matters, and every vote from a naturalized citizen matters." As of last September, the national naturalization backlog stood at nearly 650,000 pending applications. In Florida, that number was 62,079 — a more than 75% increase compared to the number of backlogged cases in the state at the same time five years ago.

"**Room for one more: Chelle DiAngelus seeks path in CD 7 Republican field**" via Scott Powers of Florida Politics — The evolving field of Republicans seeking a shot at taking down Democratic Rep. **Stephanie Murphy** in Florida's 7th Congressional District now includes **DiAngelus** who sees a path for someone with experience in the complexities of health care. The Longwood Republican became the seventh active candidate in the CD 7 field after she joined the race last month, a race from which three others already have dropped. She spent most of her professional career as an executive at Florida Hospital, now AdventHealth, including several years as vice president for strategic planning, navigating the hospital company's numerous hospitals, stand-alone emergency rooms, affiliated medical practices, and health care providers through the complexities of the health care market.



Stephanie Murphy draws yet another challenger.

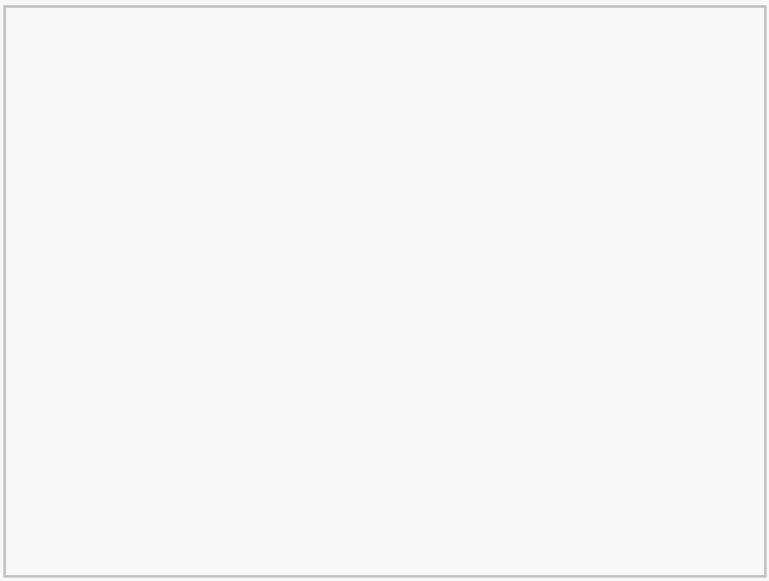
Personnel note: Trey Stapleton joins Amanda Makki's congressional campaign — Stapleton has led statewide and national media efforts for political leaders and government administrations across the nation. In Florida, he helped secure victories for Scott's 2010 gubernatorial campaign, Attorney General Bondi's 2014 reelection campaign, and served as communications director for the Republican Party of Florida. "Amanda has made the American dream her reality, served our country after 9/11, and fought for others throughout her career," Stapleton said. "Her passion to serve and ability to lead are what will make her a great representative for the people of CD 13, and I am honored to be a part of her team." **Makki** praised Stapleton's experience in GOP politics and his service in the United States Air Force.

"**Daughter of football coach Bobby Bowden runs for State Attorney in Okaloosa**" via Jim Little of the Tallahassee Democrat — **Ginger Bowden Madden**, a longtime prosecutor and daughter of famed football coach **Bowden**, has filed to run as State Attorney for the First Judicial Circuit. Madden is currently a prosecutor in Okaloosa County. Madden said: "Our police, sheriffs' offices, and other first responders do a magnificent job as our first line of defense. It is the State Attorney's responsibility to see that work through to its proper conclusion, to put dangerous criminals behind bars and keep our neighborhoods safe." Madden will be running as a Republican against her current boss, Chief Assistant State Attorney **Greg Marcille**, for the top prosecutor job in Escambia, Santa Rosa, Okaloosa and Walton counties.

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Local

"**JSO: Van deliberately crashed into Republican registration tent**" via Teresa Stepzinski of the Florida Times-Union — Jacksonville police say a driver intentionally crashed a van through a tent where Duval County GOP volunteers were registering voters Saturday afternoon. Nobody was injured in the incident at the Walmart Supercenter in the Sandalwood neighborhood, Lt. **Larry Gayle** of the Jacksonville Sheriff's Office told reporters. Several Duval County GOP volunteers were working at the registration tent when a white man in his early 20s driving an older brown van pulled up toward the tent. He then drove through the tent, endangering the lives of the workers and damaging the tent and tables, Gayle said. The driver then stopped, got out of the van, and took a video of the scene before he "flipped off" the victims and fled.



A Jacksonville man drove into a GOP voter registration booth.

"**Brandon man arrested after threatening to assassinate Donald Trump**" via News Channel 8 — The Metropolitan Police Department arrested 25-year-old **Roger Hedgpeth** outside the White House. Hedgpeth reportedly approached a U.S. Secret Service police officer on patrol and said, "I am here to assassinate President Donald Trump." He then told the officer he planned to do it with a knife, which the Secret Service officer confiscated after a pat-down search. Hedgpeth was moved to a hospital for a mental health evaluation, where he will be held until further notice. He was arrested for threats to do bodily harm and the possession of a prohibited weapon.

"'**Project Freebird' used meetings at Orange Park resort to craft JEA sales process**" via David Bauerlein of the Florida Times-Union — Newly released documents and interviews with key players in JEA's attempt to potentially sell the utility show how utility executives worked with bankers and attorneys last summer to lay the groundwork for putting the utility up for sale. JEA executives met with outside attorneys and investment bankers who flew into town for three days of sessions last July at The Club Continental, a resort hotel in Orange Park. They even had a code name for the privatization process — Project Freebird — and a timeline that anticipated a referendum in August 2020 for voters to decide if they approved a sale of JEA. All that activity unfolded while the JEA board was saying nothing in public about the possibility of selling JEA.

"**Regrets? On eve of JEA investigation, Council President has a few**" via Mark Woods of the Florida Times-Union — **Scott Wilson** stood on the steps of City Hall and pledged to get to the bottom of all things JEA. Then, even before the committee started meeting, another rock was turned over, a Fan Cam photo unearthed — with the image of Wilson sitting between Mayor **Lenny Curry** and then-JEA CEO **Aaron Zahn**, beverage in hand, at a baseball playoff game in Atlanta. Wilson didn't realize what he was getting into when the Mayor invited him. When he showed up at the airport, he didn't know who else was going — and that once he found out, he should've decided not to go. Yet he still got on the plane. "It was a dumb decision," he said.

"**Another city hit by ransomware attack. This time the police department is the target**" via C. Isaiah Smalls of the Miami Herald — The North Miami Beach Police Department is the latest agency to suffer a cyberattack. City officials confirmed the breach, saying they

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discovered the ransomware. The affected computer systems were immediately shut down, but public safety services haven't been interrupted, the city said. "Our Police Department continues to conduct all operations to keep our residents and streets safe," a statement from the city says, "and citizen calls for assistance will continue to be responded to promptly." An ongoing investigation has yet to conclude whether other departments or services were hacked.

"**Pulse survivor research could offer first-ever look at how victims and families move on after tragedy**" via Scott Powers of Florida Politics — The Orlando United Assistance Center, established in the aftermath of the Pulse tragedy, is hoping to reach out to those who survived, immediate family members of those who were slain, and the first responders who were there the morning of June 12, 2016. The results could not only help evolve services but could provide first-ever research on how such populations get on years after tragedy strikes. The center has been the focal point of social and psychological services offered to those three groups. The study, which will include a survey and focus groups, is expected to expand research and responses beyond what has been studied in communities devastated by mass shootings in cities like Aurora, Colorado, and Connecticut.

"**'Pro-life sanctuary' bill blocked from Santa Rosa Commission agenda. Here's why**" via Annie Blanks of the Pensacola News Journal — Santa Rosa County Commissioner Board Chairman **Don Salter** is refusing to put a resolution on the meeting agenda that would declare Santa Rosa County a "pro-life sanctuary," saying the item is too controversial and is above the county's purview. The resolution, which is only symbolic and would proclaim the county as being officially anti-abortion, was proposed by District 2 Commissioner **Bob Cole**. "I think it's too controversial," said Salter, who describes himself as a pro-life Republican. "I think it's above the Board of County Commissioners' purview. Talking with our legal counsel, I think we all feel the same way. We'd be happy to take it up at public forum."

"**Greyhound racing at Sanford Orlando Kennel Club nears end of an era**" via Tobie Nell Perkins of the Orlando Sentinel — The greyhounds still sprint around the track twice as fast as Usain Bolt. They make money for owners, gamblers and track employees for whom dog racing is a way of life. But decades after **Earhart** and **Elvis** came and watched, the sport is fading. The death knell came in November 2018, when Floridians overwhelmingly voted to end greyhound racing. Amendment 13 not only banned the sport but made it constitutionally illegal. That meant all 11 of the Sunshine State's greyhound tracks would have to close their doors by the end of this year. Both racing fanatics and animal welfare activists say the greyhounds will find safe homes. Adoption groups say the waiting lists for dogs are long.

Top Opinion

"**Less taxes, less government and more freedom? Not by passing E-Verify mandate**" via Al Cardenas for the South Florida Sun-Sentinel — The mantra of the Republican Party, led by icons like U.S. Sen. **Connie Mack** and Gov. **Jeb Bush**, used to be "less taxes, less government and more personal freedom." The effort to mandate that Florida employers use the federal E-Verify employment eligibility verification system fails in all three of those goals. The E-Verify mandate does not lower the tax burden on Floridians. In fact, while it may not technically be a "tax," it will increase the cost of doing business in Florida and, ultimately, the cost of almost everything we buy. It is a stealth tax for which Florida businesses and consumers will be forced to pay.

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Opinions

"**We can't afford a voting rights foe on the 11th circuit**" via Andrew Gillum for the Tampa Bay Times — Senate Majority Leader **Mitch McConnell** moved immediately to resume processing federal judicial nominations. One of those is **Andrew Brasher** for the 11th Circuit, which includes Florida, Alabama and Georgia. Brasher has devoted himself to opposing voting rights. And that makes him an especially bad fit for a circuit in which those rights are under serious attack. For Republicans determined to snuff out voting rights, Brasher is an ace in the hole: As Deputy Alabama Solicitor General, Brasher filed an amicus brief in the Shelby County case in favor of gutting the VRA. As reported by the Alliance for Justice, "Brasher also defended the state's felon anti-voter law that disenfranchised over 286,000 Alabamians, more than half of whom were black."

"**Keep higher-Ed president searches open**" via the South Florida Sun-Sentinel editorial board — The Florida Legislature wants to throw a blanket of secrecy over the searches for the presidents of all 12 state universities and 28 state colleges. The proposal has been around for years, but it's gaining steam this Session and that's not a good sign. The bill is based on a flawed assumption. As Speaker Oliva said secrecy is necessary because "we don't get the best pool of candidates" to run our universities. It is poor public policy to hide the names of people who seek to lead our public universities, control their multibillion-dollar budgets and make decisions that affect the lives of people and communities. As taxpayers, we deserve to know.

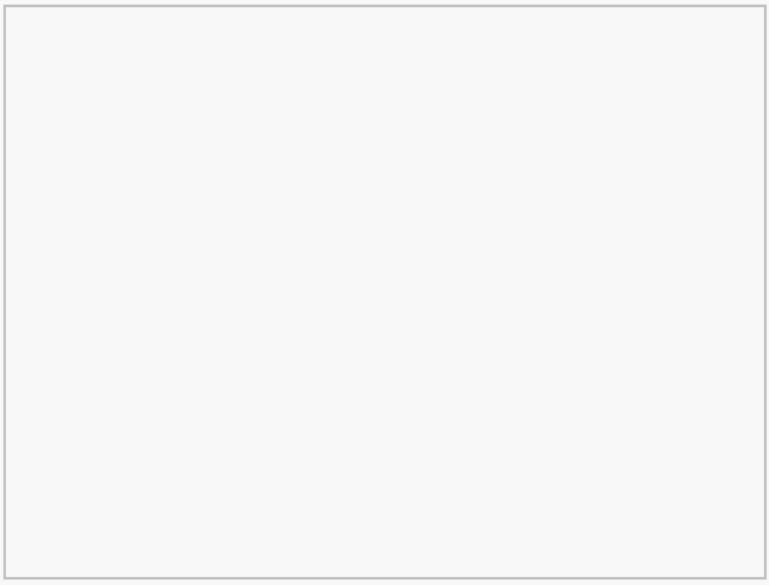
"**How tuition vouchers for poor kids became a middle-class entitlement**" via Mac Stipanovich for the Tampa Bay Times — You would expect the Family Empowerment Scholarship Program created last year by the Legislature would have three threshold requirements: the voucher applicant attends a failing public school; the voucher applicant moves to a better private school; and while the families of the voucher applicant need not be as poor as church mice, they at least are not middle class. And you would be wrong. Not one of these things is a requirement for receiving a private school voucher. The many defects in the private school voucher program are vexing from a public policy perspective, but none more so than the purposeful lack of transparency and accountability.

"**Manny Diaz, Jason Fischer: vacation rentals need predictability, uniformity**" via Florida Politics — Vacation rental owners and tourists have been in a state of flux due to rules and regulations that differ from one city or county to the other. That is why we have filed Senate Bill 1128 and House Bill 1011 to create predictable and uniform regulations related to vacation rentals in Florida. The bills will protect homeowners and consumers by clarifying the rules for everyone with a single, statewide system handling vacation rental licensing, inspections and the verification of state tax registrations. This legislation would help all jurisdictions — even those that currently do not have ordinances regulating vacation rentals. The proper place for the regulation of vacation rentals is the DBPR — just like the rest of the hospitality industry.

"**Your independent access to important information threatened by bill in Florida Senate, House**" via Don Coble of Calais Today Online — If Sen.Gruters has his way, you will lose independent access to legal notices. Senate Bill 1340 will be heard at the Judiciary Committee's meeting. Meanwhile, the House's companion bill, HB 7, already has passed through committees and will be heard on the House floor. State law requires each county to post its legal notices with a local publication with paid subscriptions. If SB 1340 and HB 7 are passed, counties no longer would be required to post legal notices, or they could hide them on their own website. That means no oversight to the issues that affect all of us.

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"If lawmakers-turned-lobbyists break rules, Legislature should punish" via Steve Bousquet of the South Florida Sun-Sentinel — **Frank Artiles**' career as a member of the Legislature ended very quickly. Still, he dusted himself off and soon returned the way many ex-lawmakers do. He became a lobbyist. But now there are new questions about whether Artiles has run afoul of a rule the House adopted shortly before he left town. Artiles is registered to represent five clients, including Freytech, a Miami company that wants $8 million in the next state budget to remove toxic blue-green algae from Florida waters. The House project request, which directs state money to a specific vendor, lists Artiles as its only lobbyist. If a six-year ban on lobbying by former legislators rings a bell, it should. You probably voted for it.



Frank Artiles is already lobbying the Legislature. Should he be punished?

Personnel note: Foley & Lardner adds on Katie Kelly— **Kelly** has joined Foley & Lardner's State and Local Government Solutions Practice as a public affairs adviser; she will be based in the firm's Tallahassee office. Most recently, Kelly served as Legislative and Governmental Affairs Chief for the Suwannee River Water Management District, where she was responsible for directing the Office of Legislative and Governmental Affairs. In this capacity, Katie served as the liaison to federal and state officials, community leaders to advocate the District's legislative priorities effectively and efficiently. "We welcome Katie Kelly. She will strengthen our ability to serve clients in the Capitol and across Florida," said **Jim McKee**, managing partner of Foley's Tallahassee office.

New and renewed lobbying registrations:

Joshua Aubuchon, Holland & Knight: Dave & Buster's

Albert Balido, Anfield Consulting: Florida Coalition Against Domestic Violence

Taylor Biehl, Capitol Alliance Group: Fraternal & Charitables United

Ronald Brise, Gunster Yoakley & Stewart: Frontier Communications Corporation

Matt Bryan, **David Daniel**, **Thomas Griffin**, **Jeff Hartley**, **Lisa Hurley**, **Jim Naff**, **Teye Reeves**, Smith Bryan & Myers: Florida Urban Medical and Educational Services, Millennia Management Group

Robert Burleson, Ballard Partners: Continental Heavy Civil Corp

Brecht Heuchan, The Labrador Company: Florida Academy of Anesthesiologist Assistants

James McFaddin, The Southern Group: Non-Secure Programs

David Ramba, Ramba Consulting Group: Kendall Investors 172

Daniel Sibol: PACE Center for Girls

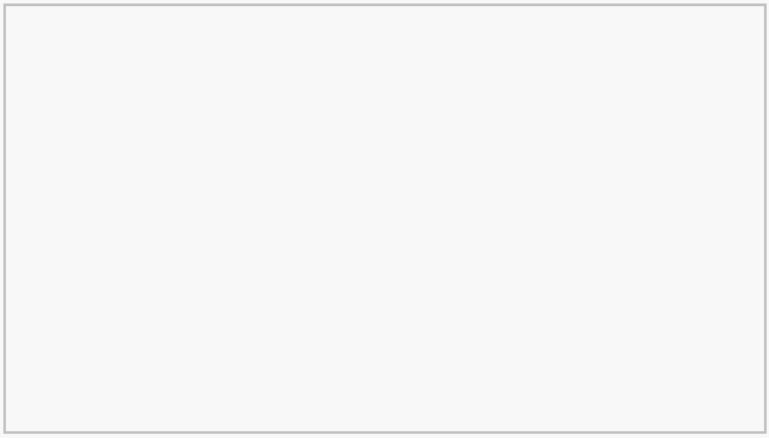
Matthew Ubben, Confianza Consulting: 3MB Construction

AMERICAN OVERSIGHT

Aloe

"**Florida rolling out red carpet for Indies**" via Kristin Fiore of the Villages Daily Sun — In a movie industry dictated by sequels and remakes, independent films are filling a gap that just keeps getting wider. "Audiences are demonstrating that they will support a well-crafted, character-driven independent film, voting with their ticket purchases at the box office," said **Margo Lange**, CEO of ArtAffects Entertainment, a motion picture distribution company. Audiences in The Villages are no exception. More than 50% of the movies shown at Rialto Theatre, Old Mill Playhouse and Barnstorm Theater are indie movies, according to **Deborah Mills**, operations director at The Villages Movie Theaters. "Most independent films that open here end up being No. 1 in the country," added Craig Wolf, manager at Rialto Theatre. "We've gained a reputation. They call us up."

"**PETA claims victory after SeaWorld says no to trainers riding atop dolphins**" via Lori Weisberg of the Los Angeles Times — The decision to move away from such showy theatrics in the dolphin shows was disclosed in a letter sent by a SeaWorld attorney to the Securities and Exchange Commission. The letter was addressing a shareholder proposal made last December by People for the Ethical Treatment of Animals, which asked that SeaWorld prohibit trainers from riding on dolphins' backs and standing on their faces. As of last December, PETA held 163 shares of SeaWorld stock and has owned at least $2,000 worth of common stock for some time.



There will be no more trainers riding dolphins in SeaWorld.

"**Spring training: Time for pitchers, catchers and cheaters**" via Ronald Blum of The Associated Press — This year the players bring along dark clouds of scandal — the 2017 World Series champion Houston Astros have been tainted by their sign-stealing scam and the 2018 champion Boston Red Sox have been accused of similar subversion. Teams hope once workouts start, the stain will fade. "I think those stories lines will weave in and out, but that spring training is that juncture for individual fan bases to be optimistic about what the season ahead holds and it shifts back to that," Toronto Blue Jays President **Mark Shapiro** said. "There's a natural kind of rhythm to spring training that diverts to the positive stories."

Happy birthday

Best wishes to our good friend, **Franco Ripple**, communications director in Fried's office. Also celebrating today are **Carrie Henriquez**, **Celeste Lewis-Hemanes**, and **Jamie Wilson.** Belated wishes to Pinellas GOP Chairman **Todd Jennings** and **Brian Swensen**.

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From: Carlos Cruz <cruz@convergegov.com>
Sent: Wednesday, October 09, 2019 2:43 PM EDT
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
CC: Cesar Fernandez <cesar@convergegov.com>; Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Fwd: Swimming pool contractors
Attachment(s): "attachment 1.pdf","ATT00001.htm","Swimming pool contracting bill.docx","ATT00002.htm"

Victoria,

Attached is a bill and talking points that we discussed with the Senator when he met with our swimming pool folks. Kyle in McClure's office has placed it into bill drafting on his end. Below are the talking points and attached bill language for you. Please call me should you have any questions prior to filing.

-C

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Begin forwarded message:

From: Cesar Fernandez <cesar@convergegov.com>
Date: October 7, 2019 at 3:29:24 PM EDT
To: kyle.langan@myfloridahouse.gov
Cc: Carlos Cruz <cruz@convergegov.com>
Subject: Swimming pool contractors

Kyle -

Attached is the document we discussed on the phone.

Thank you,
--
Cesar Fernandez
Converge Government Affairs
C: (786) 262-6092

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Swimming Pool Contracting

- Any person who is not required to be licensed as a contractor under state law may perform residential contracting services without a local license under the supervision of a general, building, or residential contractor. This law is known as the Jim Walters exemption.

- The Jim Walters exemption ensures Florida's construction industry is able to safely and economically complete projects without being stifled by unnecessary government regulations.

- Swimming pool contractors are similar to general, building, and residential contractors because they are generally responsible for the entire project, from the first turn of dirt to final completion of the project.

- Unlike general, building, and residential contractors, however, swimming pool contractors are not covered by the Jim Walters exemption. Instead, they are restricted in their use of subcontractors to specialty contractors. Licenses for these specialty contractors were created by agency rule and include areas such as decking, excavation, piping, and trim.

- While specialty licenses were created to allow swimming pool contractors to subcontract their work, specialty licenses have become an unnecessary chokehold restricting job and wage growth because of significant shortage of specialty contractors statewide. There are only 351 specialty contractor licensees for nearly 4,000 swimming pool contractors, and growth has been anemic with just 75 new licensees in the last four years.

- The proposed bill will generate growth in jobs and wages by allowing swimming pool contractors to use individuals who are not required to be licensed as a contractor under state law. Similar to the Jim Walters exemption, safety and quality will be ensured by requiring oversight of these individuals by a licensed swimming pool contractor.

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to swimming pool contractors; amending s. 489.117, F.S.; providing for the performance of contracting services by a person under supervision of specified contractors; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (4) of section 489.117, Florida Statutes, to read:

489.117 Registration; specialty contractors.—

(4)(e) Any person who is not required to obtain registration or certification pursuant to s. 489.105(3)(d)-(i) or s. 489.105(3)(m)-(o) may perform contracting services for the construction, remodeling, repair, or improvement of commercial or residential swimming pools, spas, or interactive water features, as defined in the Florida Building Code, without obtaining a local professional license or specialty swimming pool subcontractor license if such person is under supervision by, and performing contracting services within the scope of, a person certified or registered under s. 489.105(3)(j)-(l). As used in this paragraph, supervision shall not be deemed to require the existence of a direct contract between a person certified or registered under s. 489.105(3)(j)-(l) and the person performing specialty contracting services.

Section 2. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Carlos Cruz <cruz@convergegov.com>
Sent: Wednesday, October 09, 2019 10:24 AM EDT
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Fwd: Swimming pool contractors
Attachment(s): "Swimming pool contracting bill.docx","ATT00001.htm"

Josh

Pls call me on this when u have a chance

-C

Begin forwarded message:

> **From:** Cesar Fernandez <cesar@convergegov.com>
> **Date:** October 7, 2019 at 3:29:34 PM EDT
> **To:** kyle.langan@myfloridahouse.gov
> **Cc:** Carlos Cruz <cruz@convergegov.com>
>
> Attached is the document we discussed on the phone.
>
> Thank you,
> --
> **Cesar Fernandez**
> Converge Government Affairs
> C: (786) 262-6092

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

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Section 2. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Joe Gruters <joegruters@gmail.com>
Sent: Wednesday, November 06, 2019 11:53 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Fwd: Talking Points for your consideration

---------- Forwarded message ---------
From: **Ryan Tyson** <RyanTyson@lptad.com>
Date: Wed, Nov 6, 2019 at 11:52 AM
Subject: Talking Points for your consideration
To: joegruters@gmail.com <joegruters@gmail.com>

Chair-

It was great chatting with you this morning. Below are some thoughts my team put together for you to consider tonight. Happy to add more if you'd like.

Talking Points for Tampa Bay Times Interview

- Amendment 4 implementation
  - The supporters of Amendment 4 got tongue tied before the Supreme Court this morning and didn't appear to have a good day explaining why they were for including fees & fines, before they were against it.
  - The question the legislature had to answer when implementing this amendment was simple: Should court fees & fines be required prior to restoration. To us, the plain reading of the amendment suggested it should because "all terms of the sentence" means "all terms."
  - This issue is the media's version of the Puerto Rican influx story back in 2017 due to devasting impacts of Hurricane Maria on the island. Former felon voters aren't their key to success when they remain out of touch with a right of center state.
- Voter Reg
  - Republicans were down -538k registrants to the Democrats in 2012. That also happens to be the last time the Democrats won a top-ticket state wide election in Florida.
  - Since 2012, we've managed to cut that margin in half (today we're -241k), and we're doing a better job of turning our voters out.
  - Furthermore we've defeated the Democrats in 20 of the 35 months since the books closed on voter registration for the 2016 election. And the Democrats and their allies have been utilizing paid voter registration efforts during that time, while our growth has been organic.
  - I would also point out that nearly 2-1 more Democrats have become Republicans, than Republicans have become Democrats in that same time period. (107k D's - R's as compared to 65k R's become D).
- What do the Virginia & Kentucky results mean for Florida
  - In short, nothing.
  - Virginia has been trending blue since President Bush won it in 2004. The beltway is growing and the higher educated white voter in Virginia looks more like their counterpart in New York or California than in Florida.
  - In Kentucky, candidates still matter and unfortunately for Governor Bevin, his job approval seems to have caught up with him.

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- If you look down ballot, we defeated the Democrats in every cabinet level race by an average of 15%.
    - Governor Bevin lost by .4% or ~5k votes
    - AG: +15%
    - AG Commissioner +20%
    - Auditor +15%
    - Secretary of State +5%
    - Treasurer +21%

- In essence the results last night suggest we can move Kentucky from Safe Trump to Safe Trump, as Leader McConnell will win reelection in Kentucky and the President will win Kentucky.

- Trump in Florida
    - It is with a great honor that we can now call President Trump both a resident of the state of Florida and a constituent of Governor DeSantis.

    - Florida is doing extremely well, and our low tax state has become a desirable destination for the rest of the country. Even Joe Scarborough and Mika Brzenski have taken residency here in Florida (and even voted here in 2018,) fleeing highly taxed states such as New York. They understand all the wonderful benefits that our great state has to offer.

    - Our private polling data continues suggest the President's coalition of voters remains intact in Florida, and we're actually doing better with Hispanics than we did back in 2016.

    - The impeachment mess in Washington is the best turnout motivator we could have asked for.

- Governor DeSantis
    - Today marks one year after Governor DeSantis' historic election victory. But instead of taking a victory lap, we took no time off in getting straight to work.

    - His hard work is being recognized by the voters as evidenced by such impressive job approval numbers that transcend party lines.

Call me if you have any questions.

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From: Joe Gruters <joegruters@gmail.com>
Sent: Friday, January 17, 2020 3:57 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Fwd: Tuesday

---------- Forwarded message ---------
From: **Todd J. Pokrywa** <Todd.Pokrywa@viera.com>
Date: Fri, Jan 17, 2020 at 2:51 PM
Subject: Tuesday
To: joegruters@gmail.com <joegruters@gmail.com>

Joe,

Happy New Year! Hope you are doing well.

I sent a message through the Senate website and to your Senate email address requesting an appointment for next Tuesday (1/21/2020). I am traveling with the Brevard County Chambers to Tallahassee and wondering if you have availability for a short appointment with our group?

Thanks,

Todd J. Pokrywa
#exploreVIERA

Todd J. Pokrywa
President

todd.pokrywa@viera.com
t: 321.242.1200 x4573
f: 321.253.1800

www.Viera.com

7380 Murrell Road, Suite 201
Viera, FL 32940

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Monday, February 03, 2020 9:59 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: GCBX Annual Dinner Table Reservations are Filling Up! Get Registered Today!

Dear Senator Joe Gruters,

Hyatt Regency Sarasota

Networking 6:00 - 7:00 pm

Program 7:00 - 9:00 pm

Registration opens at 5:45 PM

Keynote Speaker:

Attorney General Ashley Moody

Join us in Welcoming Incoming Chairman:

Senator Michael Bennett, Manatee County Supervisor of Elections

Lifetime Achievement Awardee:

Rich Stehle, Climatic Conditioning Company

Posthumous Lifetime Achievement Awardee:

Nathan Benderson, Benderson Development

Chairman's Awardee:

C.J. Dupre, Manatee County Building Official

Plus a Surprise Volunteer of the Year!

This year's dinner theme will be *Preserving Our Past and Building Our Future*
We are asking members to submit local projects for consideration to be

AMERICAN OVERSIGHT

showcased at the dinner in different ways including table settings, PowerPoint features and more. Please send your project submission to AlbaniHogan@gcbx.org. We are looking for local projects that fit this theme so please submit your project name for consideration!

Click Here for Flyer

Click Here to Register

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THANK YOU KEYSTONE EVENT SPONSORS!

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Tuesday, November 12, 2019 11:02 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: GCBX CURRENT EVENTS - Register Today!

WEEKLY CURRENT EVENTS, November 12, 2019

The Gulf Coast Builders Exchange (GCBX), represents a broad cross section of the building industry, including contractors, subcontractors, suppliers and others from affiliated industries

---

EVENTS

GCBX Sporting Clays Tournament

Friday, November 15th

Knight's Trail

9:00 AM - 3:00 PM

Registration Closed! Lunch Only Tickets Available!

GCBX Holiday Social

Thursday, December 5th

The Ritz Carlton Sarasota

5:30 - 7:30 PM

Exclusive Sponsorships Available!

GCBX CARES Health & Wellness Events

GCBX Heart Score Testing Event

Wednesday, November 20th

5:30 - 7:30 PM

Manatee Diagnostic Center

Don't Miss This Great Opportunity to Take Care of Yourself! GCBX Cares About Your Business and You!

CLICK ON THE LINKS TO REGISTER AND FOR MORE INFORMATION

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8433 Enterprise Circle, Suite 120 • Lakewood Ranch, FL 34202 • Telephone (941) 907-7745

Facebook • GCBX.ORG

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Monday, October 14, 2019 3:54 PM EDT
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: GCBX CURRENT EVENTS - Register Today!

WEEKLY CURRENT EVENTS, October 14, 2019

The Gulf Coast Builders Exchange (GCBX), represents a broad cross section of the building industry, including contractors, subcontractors, suppliers and others from affiliated industries

---

EVENTS

GCBX LUNCH & LEARN - Navigating The Prime Contract: Advice for Contractors and Subcontractors

SOLD OUT!

Wednesday, October 16th

The Grove LWR

11:30 AM - 1:15 PM

GCBX Fall Golf Tournament

SOLD OUT!

Friday, October 25th

Founders Club

11:30 AM Shotgun start

GCBX 7th Annual Chili Cook Off

Wedesday, October 30th

Dolphin Aviation

5:00 - 7:30 PM

Register your Chili Team Today!

GCBX New Member Orientation

Wednesday, November 6th

GCBX Office

12:00 - 1:00 PM

GCBX Executive Golf Outing

November 13 & 14th

Innisbrook Resort

See event for further details. Limited space available.

Registration deadline- 10/18

GCBX Sporting Clays Tournament

AMERICAN OVERSIGHT

Friday, November 15th

Knight's Trail

9:00 AM - 3:00 PM

Become a Team Sponsor Today!

GCBX Holiday Social

Thursday, December 5th

The Ritz Carlton Sarasota

5:30 - 7:30 PM

Exclusive Sponsorships Available!

GCBX CARES Health & Wellness Events

GCBX Tranformation Challenge 2.0- Rescheduled until January 2020!

Yoga with Tigers

Wednesday, October 23rd

5:30 - 6:30 yoga class; Check in starts at 5:00 pm

Big Cat Habitat

Reserve your spot today! A few spaces left!

GCBX Heart Score Testing Event

Wednesday, November 20th

5:30 - 7:30 PM

Manatee Diagnostic Center

CLICK ON THE LINKS TO REGISTER AND FOR MORE INFORMATION

8433 Enterprise Circle, Suite 120 • Lakewood Ranch, FL 34202 • Telephone (941) 907-7745

Facebook • GCBX.ORG

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Tuesday, October 08, 2019 10:27 AM EDT
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: GCBX EXECUTIVE GOLF OUTING AT INNISBROOK, November 13 & 14, 2019- Last Chance to Register, this Friday

Dear Senator Joe Gruters,
You are invited to the followingevent:

GCBX EXECUTIVE GOLF OUTING AT INNISBROOK

When: 13 Nov 2019 10:00 AM, EST
Where: Innisbrook Resort- 36750 U.S. HIGHWAY 19 NORTH PALM HARBOR, FL 34684

Will you be attending?

Register | Not attending

Last Chance to Register- Friday, October 11th!

EVENT DETAILS:

GCBX Executive Golf Outing
at Innisbrook

Wednesday, November 13th &
Thursday, November 14th

Golf Package Includes:

Lunch, 2 rounds of Golf, complimentary cocktail reception Wednesday evening, room for two nights (room for Nov. 12 & 13 included in pricing) and full breakfast buffet both mornings.

Single Occupancy Executive Suite: $675

Double Occupancy Executive Suite: $550 pp

Single Occupancy 1-Bedroom Suite: $710

Registration Deadline: October 11th; Limited Spaces Available

November 13th, 2019 - Guarateed Tee Time options

Copperhead 1st Tee: 7:30, 7:40, 7:50, 8:00, 8:10 AM

Copperhead 10th Tee: 7:40, 7:50 AM

If these times *do not* work for you there is an option to golf the North course the afternoon of the 13th and Copperhead the morning of the 14th (limited space).

November 14th, 2019- Guaranteed Tee Time options

North Course: 7:55, 8:04, 8:12, 8:21, 8:38, 8:46, 8:55 AM (7 Tee Times)

Please email your Tee Time choice to AlbaniHogan@gcbx.org ASAP once registered. If interested in the Copperhead times on Thursday morning please let us know.

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Exclusive & Unique Sponsorship Opportunity- Cocktail Reception Sponsorships Available!

Click for Flyer

Best regards,
Gulf Coast Builders Exchange

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Wednesday, October 09, 2019 9:37 AM EDT
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: GCBX FALL GOLF TOURNAMENT! FRIDAY, OCTOBER 25TH! ONLY ONE BEVERAGE HOLE SPONSOR AND ONE FOURSOME AVAILABLE!

Dear Senator Joe Gruters,
You are invited to the followingevent:

GCBX FALL GOLF TOURNAMENT

When: 25 Oct 2019 10:00 AM, EDT
Where: Founder's Club - 3800 Golf Hall Drive, Sarasota, FL 34240

Will you be attending?

Register | Not attending

ONLY ONE FOURSOME AND ONE BEVERAGE SPONSORSHIP AVAILABLE! 3 INDIVIDUAL SPOTS LEFT! BE SURE TO SECURE YOUR SPOT TODAY!

EVENT DETAILS:

GCBX Fall Golf Tournament

Friday, October 25, 2019

at Founder's Club

3800 Golf Hall Drive, Sarasota, FL 34240

Image result for founders club sarasota golf course

Registration: 10:00 am

Shotgun Start: 11:30 am

Awards & Raffle: 4:30 pm

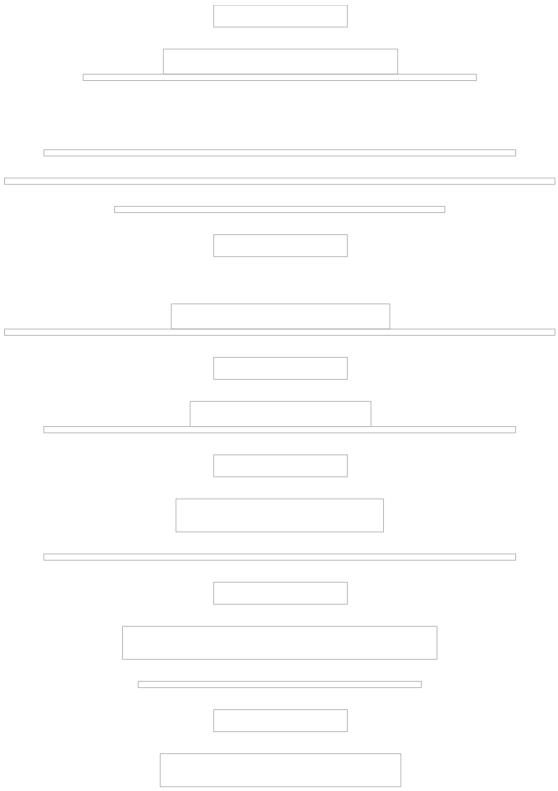
Boxed lunch on carts. Dinner Buffet after Tournament.

SPONSORSHIP OPPORTUNITIES AVAILABLE:

Beverage Sponsor- 1 Available!
Raffle Prize Sponsors
Tee Sign Sponsors

***Click here for Flyer**

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Kellogg & Kimsey, Inc.

Total Air Solutions

Gurley Herbert

Universal Engineering Sciences

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Aqua Plumbing & Air

Badger Bob's Services, Inc.

Benderson Development

Core Construction

Creative Contractors, Inc.

Gator Grading & Paving

Gulf Coast Signs of Sarasota, Inc.

Gulfshore Insurance

High Associates

Icard Merrill

Interior Logic Group

Karins Engineering Group, Inc.

LaGasse Plumbing, Inc.

McIntyre Elwell & Strammer General Contractors, Inc.

Mullet's Aluminum Products, Inc.

NDC Construction Company

Neal Communities

One Eight Oh PR

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PGT Industries, Inc.

Phillips & Jordan

Quest Design Group

Sarasota Ford

Service Contracting Solutions

Southern Structural Steel of FL

Sutter Roofing Company of FL

Tandem Construction

Waste Pro USA

Willis Smith Construction, Inc.

*** Cancellations made after 3 days prior to the event will be invoiced since guarantees have been made on your behalf**

Best regards,
Gulf Coast Builders Exchange

If you no longer wish to receive these emails you can unsubscribe at any time.

This email contains links that will automatically log you into the Gulf Coast Builders Exchange site.
These links will work for the next 7 days only. Please, don't forward this email to anyone!

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Friday, December 13, 2019 8:05 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: GCBX Newsletter- Friday, December 13, 2019

Helping You Build

The Gulf Coast Builders Exchange (GCBX), represents a broad cross section of the commercial building industry, including contractors, subcontractors, suppliers and others from affiliated industries

GCBX's advocacy efforts on behalf of the building industry are conducted in Manatee, Sarasota and Charlotte Counties. Wholly owned by the membership, the Builders Exchange is a not-for-profit corporation operating as a trade organization under the guidance of a volunteer board of directors as representatives of the industry.

News

Manatee County's food banks are being shorted

At GCBX we support local and what better time to come together as a community than the holidays! Let's show them what local is all about and be the leading force in filling our local food banks this holiday season. We know how generous our members are year round and we wanted to come together to support eachother, our local businesses and the local community.

Help us fill the GCBX Office by next Friday, December 20th at Noon.The Food Bank of Manatee County is asking for nonperishable, nutritious food options that they can provide to the community for the holiday season and beyond.

Critically needed items include: canned vegetables, baby cereal & formula, canned fruits, peanut butter, jelly, boxed rice, boxed pasta, canned soups, canned meat, 100% fruit juices, breakfast bars, oatmeal, powdered milk, apple sauce, dried beans, trail mix, and healthy cereals. Please avoid glass containers. 100% of the food collected stays in Manatee County.

Article Link

GCBX Events

GCBX New Year Networking Social

Thursday, January 23, 2020

at Marie Selby Botanical Gardens

5:30 - 7:30 pm

Register Here

AMERICAN OVERSIGHT

GCBX Sporting Clays Tournament

RESCHEDULED

Thursday, January, 30th

9:00 AM - 3:00 PM

Register Here

GCBX Annual Dinner

Thursday, February 20th

The Hyatt Regency Sarasota

Registration is now Open!

Register Here

GCBX 500- Race Event

Thursday, February 6th

5:00-8:00pm

at Andersen Race Park

Register Here

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Save the Dates:

GCBX "We Love Our Members" Appreciation Lunch

Friday, February 14

11:30 - 1:00 PM

at Gold Coast Eagle Distributing

Are You Doing Business with these GCBX Members?

Marketing

Banner Season

CORE Marketing Group

Grapevine Communications

One Eight Oh PR

The Blue Book Building & Construction Network

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Lakewood Ranch, FL 34202
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AMERICAN OVERSIGHT

From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Friday, December 20, 2019 7:45 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: GCBX Newsletter- Friday, December 20, 2019

Helping You Build

The Gulf Coast Builders Exchange (GCBX), represents a broad cross section of the commercial building industry, including contractors, subcontractors, suppliers and others from affiliated industries

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News

LAST CHANCE to bring your items to the GCBX Office-

Today at Noon!

At GCBX we support local and what better time to come together as a community than the holidays! Let's show them what local is all about and be the leading force in filling our local food banks this holiday season. We know how generous our members are year round and we wanted to come together to support eachother, our local businesses and the local community.

Help us fill the GCBX Office by Noon today.**The Food Bank of Manatee County** is asking for nonperishable, nutritious food options that they can provide to the community for the holiday season and beyond.

Critically needed items include: canned vegetables, baby cereal & formula, canned fruits, peanut butter, jelly, boxed rice, boxed pasta, canned soups, canned meat, 100% fruit juices, breakfast bars, oatmeal, powdered milk, apple sauce, dried beans, trail mix, and healthy cereals. Please avoid glass containers. 100% of the food collected stays in Manatee County.

Article Link

Florida owes its growth and development to the trades

Article Link

Handwashing 101

Hep A General Info

GCBX Events

AMERICAN OVERSIGHT

GCBX Lunch & Learn: Cybersecurity

Wednesday, January 22, 2020

at The Grove

11:30 AM - 1:15 PM

Register Here

GCBX New Year Networking Social

Thursday, January 23, 2020

at Marie Selby Botanical Gardens

5:30 - 7:30 PM

Register Here

GCBX Sporting Clays Tournament

RESCHEDULED

Thursday, January, 30th

9:00 AM - 3:00 PM

Register Here

GCBX Annual Dinner

Thursday, February 20th

The Hyatt Regency Sarasota

Registration is now Open!

Register Here

AMERICAN OVERSIGHT

GCBX 500- Race Event

Thursday, February 6th

5:00-8:00 PM

at Andersen Race Park

Register Here

GCBX "We Love Our Members" Appreciation Lunch

Friday, February 14

11:30 - 1:00 PM

at Gold Coast Eagle Distributing

Register Here

GCBX Construction Career Rodeo

Friday, March 6

9:00 AM - 1:00 PM

at Suncoast Technical College

Register Here

AMERICAN OVERSIGHT

Are You Doing Business with these GCBX Members?

Roofing

Sutter Roofing Company of FL

Len's Roofing, Inc.

Eagle Roofing Products

Florida Southern Roofing

Jim Fralin Construction, Inc.

Crown Roofing, LLC

L&W Supply

Avery Roof Services

Crowther Roofing & Sheet Metal of FL

Trident Building Systems, Inc.

Sunshine Metal Supply, Inc.

SP Rankin, Inc.

CRM South, Inc.

Thank you to our 2019 Keystone Sponsors:

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High Associates • Sarasota Ford • Tandem Construction

Core Construction • Creative Contractors, Inc.• Gator Grading & Paving • Gulf Coast Signs of Sarasota, Inc. • Gulfshore Insurance • Icard Merrill • Interior Logic Group • Karins Engineering Group, Inc. • NDC Construction Company • Neal Communities • PGT Industries, Inc • Service Contracting Solutions • Southern Structural Steel of FL, Inc. • Sutter Roofing Company of Florida • Waste Pro USA • Willis Smith Construction, Inc.

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Friday, December 27, 2019 7:30 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: GCBX Newsletter- Friday, December 27, 2019

Helping You Build

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GCBX Sporting Clays Tournament

RESCHEDULED

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Thursday, February 20th

The Hyatt Regency Sarasota

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GCBX Construction Career Rodeo

Friday, March 6

9:00 AM - 1:00 PM

at Suncoast Technical College

Register Here

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AMERICAN OVERSIGHT

From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Friday, December 06, 2019 8:04 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: GCBX Newsletter- Friday, December 6, 2019

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News

The Sarasota County Sheriff's Office arrested 16 people on multiple charges during an undercover operation to protect citizens from unlicensed contractors.

Link

GCBX Events

[GCBX New Year Networking Social]

Thursday, January 23, 2020

at Marie Selby Botanical Gardens

5:30 - 7:30 pm

AMERICAN OVERSIGHT

GCBX Sporting Clays Tournament

RESCHEDULED

Thursday, January, 30th

9:00 AM - 3:00 PM

GCBX Annual Dinner

Thursday, February 20th

The Hyatt Regency Sarasota

Registration is now Open!

Save the Dates:

GCBX 500- Race Event

Thursday, February 6th

at Andersen Race Park

GCBX "We Love Our Members" Appreciation Lunch

Friday, February 14

11:30 - 1:00 PM

at Gold Coast Eagle Distributing

Are You Doing Business with these GCBX Members?

Bonds

Atlas Insurance

Attorney's Title Fund Services LLC

BKS Partners

Brown & Brown of Florida, Inc.

Guignard Copmpany

InSource Partners, LLC

Inverso Law Group

Nielson, Wojtowicz, Neu & Associates

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Nicolson, Wojtowicz, Neu & Associates

Nationwide Surety

The ProSure Group, Inc

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Core Construction • Creative Contractors, Inc.• Gator Grading & Paving • Gulf Coast Signs of Sarasota, Inc. • Gulfshore Insurance • Icard Merrill • Interior Logic Group • Karins Engineering Group, Inc. • NDC Construction Company • Neal Communities • PGT Industries, Inc • Service Contracting Solutions • Southern Structural Steel of FL, Inc. • Sutter Roofing Company of Florida • Waste Pro USA • Willis Smith Construction, Inc.

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AMERICAN OVERSIGHT

From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Friday, February 07, 2020 7:45 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: GCBX Newsletter- Friday, February 7, 2020

Helping You Build

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Local News & Events

Construction payrolls ramp up in Sarasota-Manatee

Click here for full article

Save The Date - Fundraising Reception Honoring Ron Turner Supervisor of Elections

Wednesday, February 19, 2020

5PM - 6:30PM

Owen's Fish Camp
516 Burns Lane
Sarasota, FL 34236

Click here for Flyer

Save The Date - Fundraising Reception Honoring Mike Moran

Tuesday, March 3, 2020

5:30 PM - 7:00PM

Signature Events & Catering at The Landings
4870 S Tamiami Trail, Sarasota

Click here for Flyer

AMERICAN OVERSIGHT

Save the Date: Fundraising Reception Honoring Betsy Benac for Manatee County Commission

Wednesday, March 18, 2020

5:30PM - 7PM

Pier 22
1200 1st Ave W
Bradenton, FL 34205

Click here for Flyer

PLEASE JOIN US for the 2020 Luncheon Lecture Series that explores the impact of prisoner reentry upon the community.

CELEBRATING SECOND CHANCE EMPLOYERS: The Rewards, Challenges, and Incentives

March 6th, 2020

April 3rd, 2020

May 8th, 2020

At Michael's On East

GCBX has tickets to these luncheons so please email us if you would like to attend at the GCBX table.

Click here for more info.

GCBX Events

GCBX "We Love Our Members" Appreciation Lunch

Friday, February 14th

11:30 - 1:00 PM

at Gold Coast Eagle Distributing

Join us for lunch and lots of raffle prizes!

Register Here

AMERICAN OVERSIGHT

GCBX 68th Annual Installation & Awards Dinner

Thursday, February 20th

The Hyatt Regency Sarasota

Last Chance to Sponsor the Biggest Event of the Year!

Register Here

GCBX 500- Race Event

RESCHEDULED: Thursday, February 27th

5:00- 8:00 PM

at Andersen Race Park

Register Here

GCBX Data Dump Event

Free Electronics Recycling

Friday, February 28th

9:00 AM - 1:00 PM

at GCBX Parking Lot

SouthTech invites you to bring your old electronics to be securely salvaged.

Click for Flyer

AMERICAN OVERSIGHT

GCBX Construction Career Rodeo

Friday, March 6

9:00 AM - 1:00 PM

at Suncoast Technical College

Join us to support our efforts in introducing students to opportunities in the Trades!

Safety Glasses Sponsorship Available!

Register Here

GCBX Spring Networking Social

Thursday, March 12

5:00 PM - 7:00 PM

at Raffurty's Bar & Grill

1888 Main Street Sarasota

All Keystones receive 2 free registrations to this event!

Register Here

Keystone Benefit Baseball Game at CoolToday Park

Atlanta Braves vs. Minnesota Twins

Thursday, March 17

Lunch @ 11:30, Game at 1:00 PM

at CoolToday Park - Right Field Patio

Deeply discounted ticket prices for Keystone Members!

Register Here

Are you using these GCBX Members?

Law Firms

AMERICAN OVERSIGHT

Adams and Reese, LLP

Berlin Patten Ebling, PLLC

Blalock Walters, PA

Cotney Construction Law

Gurley & Associates

Icard Merrill

Inverso Law Group

Ramba Consulting Group

Shumaker Loop & Kendrick, LLC

Shutts & Bowen LLP

Vitale Law, P.A.

Williams Parker

GCBX Non Renewals

Centennial Bank

Dominion Payroll

Stantec

DMK Associates

Business Observer

Interior Logic Group

Hampton Inn & Suites

Mid Florida Credit Union

A to Z Concrete Construction

AROX Underground Utilites

CORE Marketing Solutions

Crosscreek Environmental

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Adams and Reese LLP • All American Truck Accessories • Andersen Race Park • APG Electric • Aqua Plumbing and Air • Bright Future Electric • Climatic Conditioning Company, Inc. • Colonial Precast Concrete, LLC • Core Construction Services

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Telephone (941) 907-7745

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AMERICAN OVERSIGHT

From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Friday, January 17, 2020 7:48 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: GCBX Newsletter- Friday, January 17, 2020

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Industry News

GATES Construction Completes Downtown Sarasota Luxury Condominium

GATES Construction has completed 7 One One Palm, a boutique condominium of 16 residences. Located in Sarasota's vibrant and most desirable downtown neighborhood at 711 S. Palm Avenue in Sarasota, the address offers convenient access to Burns Square, South Palm Avenue, State and Main Streets, Island Park and the Bayfront Marina. The 5-story building features 3 bedroom, 3 bath luxury residences with semi-private elevator foyers gourmet kitchens, and spacious terraces. Amenities include a covered parking garage and private storage lockers, over sized pool, spa, private cabanas, fitness center, and a Paw Park. Residents can relax in the resort-style hideaway enjoying the gas grills and fireside tables. Architectural and design services were provided by DSDG Architects.

Bring Your Company To The Next Level With Leadership, Recruiting & Branding Help Fight Unfair Competition Come Participate in this Wide Breadth of Business Training for You & Your Team

Thursday, January 30, 2020 8:00 a.m.—12:00 p.m. (registration opens at 7:30 a.m.)

Holiday Inn Sarasota-Airport

8009 15th Street East Sarasota, FL 34243

Price is $135 for 1st person from your company and $99 for every additional person.

Must Register Online www.macca.us / Limited Seating / Continental Breakfast Provided

Click here for Flyer

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RESCHEDULED

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Thursday, February 20th

The Hyatt Regency Sarasota

Keynote Speaker Announced! Reserve your table today!

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Friday, March 6

9:00 AM - 1:00 PM

at Suncoast Technical College

Register Here

AMERICAN OVERSIGHT

Welcome New GCBX Members!

3D Mapping Solutions

Bayside Sod Inc.

KCI Technologies, Inc.

Paychex

SERVPRO of South Sarasota

Tectus Communications

Wisdom Group Inc.

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Telephone (941) 907-7745

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AMERICAN OVERSIGHT

From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Friday, January 24, 2020 8:55 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: GCBX Newsletter- Friday, January 24, 2020

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Industry News

Bring Your Company To The Next Level With Leadership, Recruiting & Branding Help Fight Unfair Competition Come Participate in this Wide Breadth of Business Training for You & Your Team

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Click here for Flyer

Sutter Roofing secures contracts for high-profile West Coast Projects

Sutter Roofing Company has secured contracts on several large projects in our region. The firm will be performing the roofing and sheet metal work on the new Sarasota Memorial Hospital Venice facility as well as the new Oncology Center Tower on the hospital's main campus. The firm also recently completed the new USF Morsani College of Medicine Tower in downtown Tampa. "We are very honored to be selected as the roofing contractor for these great healthcare projects for our region" remarked company President Doug Sutter. "Our relationship with the General Contractors, USF, and Sarasota Memorial is long-standing and we will excel on these projects for these great clients."

For the full article click here

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GCBX Events

GCBX Sporting Clays Tournament

Thursday, January, 30th

9:00 AM - 3:00 PM

Register Here

GCBX 500- Race Event

Thursday, February 6th

5:00-8:00 PM

at Andersen Race Park

Register Here

GCBX "We Love Our Members" Appreciation Lunch

Friday, February 14

11:30 - 1:00 PM

at Gold Coast Eagle Distributing

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GCBX 68th Annual Installation & Awards Dinner

Thursday, February 20th

The Hyatt Regency Sarasota

Keynote Speaker Announced! Reserve your table today!

Register Here

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GCBX Construction Career Rodeo

Friday, March 6

9:00 AM - 1:00 PM

at Suncoast Technical College

Register Here

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From: NCSL TODAY <enews@ncsl.org>
Sent: Thursday, October 17, 2019 11:46 AM EDT
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Glitches in California embolden automatic voter registration foes

NCSL Today | Manage your subscription

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TOP NEWS Oct. 17, 2019

Glitches in California embolden automatic voter registration foes

Stateline

At a time when momentum around automatic voter registration is building, the latest struggles in California have emboldened critics who have long held that the system could allow noncitizens to vote, even as officials and experts point out that's happened only a handful of times. **NCSL research cited.**

NCSL resources on automatic voter registration.

Record-breaking fundraising in Virginia's legislative races

Associated Press

The battle for control of Virginia's legislature is leading to record-breaking political fundraising as special interest groups spend big in the final weeks of the contest.

Rising number of older Americans burdened by housing costs

Route Fifty

New research finds this trend is happening as gaps in wealth are becoming more stark between high and low income baby boomers and others approaching retirement age.

Michigan legislature OKs raising age for adult prosecution

Associated Press

State lawmakers gave final approval Wednesday to bills that would end Michigan's status as one of just a handful of states where 17-year-old offenders are prosecuted as adults. Starting in October 2021, 17-year-olds would be handled in the juvenile system. Prosecutors could still try 14- to 17-year-olds as adults for violent offenses such as murder.

NCSL resources on juvenile justice.

New Florida bill would require public schools to offer Bible courses

The Hill

Under the bill, each public school district in the state would be required to offer elective courses relating to religion, Hebrew Scriptures and the Bible to students in grades nine through 12.

No more tater tots? California schools put healthier lunches to the test

Kaiser Health News

From a multipronged attempt to reshape student lunches in Oakland to the addition of vegan options in the sprawling Los Angeles Unified School District, K-12 schools across California are rethinking and reformulating student meals.

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FEATURED

Risk-limiting audits

A postelection audit checks that the voting equipment and procedures used to count votes worked properly, and that an election yielded the correct outcome.

NEW@NCSL

NCSL's early learning resources

Register NOW for NCSL Capitol Forum Dec. 10-12 in Phoenix

School bus stop-arm camera laws

BLOG

States would gain significant authority in new drone bill

U.S. Senator Mike Lee (R-Utah) introduced the Drone integration and Zoning Act of 2019 on Wednesday, restarting a multi-year conversation on the exact role states should play in the deployment of unmanned aircraft, commonly called drones.

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From: Governor's Press Office <Governor'sPressOffice@eog.myflorida.com>
Sent: Wednesday, December 11, 2019 2:19 PM EST
Subject: Governor Ron DeSantis Announces Florida's Membership in the Electronic Registration Information Center to Enhance Election Security & Ensure Accurate Voter Rolls



For Immediate Release
December 11, 2019

Contact: Governor's Press Office
(850) 717-9282
Media@eog.myflorida.com

Governor Ron DeSantis Announces Florida's Membership in the Electronic Registration Information Center to Enhance Election Security & Ensure Accurate Voter Rolls

Information-Sharing Agreement Will Reduce Voter Fraud, Improve Customer Service, and Reduce Administrative Costs for Supervisors of Elections

Tallahassee, Fla. – Today, Governor Ron DeSantis and Secretary of State Laurel Lee announced that Florida has been accepted for membership, along with 29 other members, into the Electronic Registration Information Center (ERIC), a multi-state partnership that uses a sophisticated data-matching tool to enhance the accuracy of voter registration systems.

"My administration is committed to protecting the integrity of Florida's voter rolls and preventing election fraud,"**said Governor DeSantis.** "As a member of ERIC, Florida is now equipped with more tools to further ensure accurate voter rolls, make voting easier and reduce costs to taxpayers."

Through ERIC, member states can share information from voter registration systems, motor vehicle databases, social security death records, and U.S. Post Office records. This data-sharing agreement will help identify voters who have moved to another state, passed away, or changed their name in Florida.

In addition to enhancing the accuracy of voter rolls, ERIC also improves voter registration by providing information for member states to contact potentially eligible but unregistered voters with instructions on how to register to vote. Prior to the 2020 general election, Florida will spend $1.3 million to contact potentially eligible voter who are not registered to vote. This outreach is conducted every two years ahead of federal general elections.

"I have heard strong support for joining ERIC from supervisors of elections all over Florida, and I am excited to provide them with one more tool to serve voters in Florida,"
said Florida Secretary of State Laurel M. Lee."Joining ERIC keeps Florida at the forefront of election security and will help us ensure fair and accurate election in 2020 and beyond."

Governor DeSantis included in his 2020-2021 recommended budget to the Florida Legislature the necessary funding to move forward with joining ERIC, which includes annual dues estimated at $75,000 and an estimated $1.3 million to conduct outreach to potentially eligible but unregistered voters through a direct mailer. Florida's full participation in ERIC prior to the 2020 elections will be contingent upon receiving funding from the Legislature.

Since taking office, Governor DeSantis has made securing Florida's elections and protecting voter information a top priority. Through his leadership this year, Florida has made significant investments in election security and has enhanced collaboration between the Florida Department of State and Florida's 67 local Supervisors of Elections.

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From: Governor's Press Office <Governor'sPressOffice@eog.myflorida.com>
Sent: Monday, November 18, 2019 10:25 AM EST
Subject: Governor Ron DeSantis Announces His Bolder, Brighter, Better Future Budget for FY 2020-2021



For Immediate Release
November 18, 2019

Contact: Governor's Press Office
(850) 717-9282
Media@eog.myflorida.com

Governor Ron DeSantis Announces His Bolder, Brighter, Better Future Budget for FY 2020-2021

www.BolderBrighterBetterFuture.com

Tallahassee, Fla. — Today, Governor Ron DeSantis released his budget proposal for FY 2020-2021, a Bolder, Brighter, Better Future.

"My budget proposal for Fiscal Year 2020-2021 builds on our successes of the past year, placing emphasis where it is needed while remaining fiscally responsible to Florida taxpayers," **said Governor DeSantis.** "The budget includes key investments in our K-12 education system, our environment and the well-being of our residents, while recommending over $480 million in savings and over $300 million in tax relief. Although there is still more we can do to improve our state, which we hope to accomplish through this budget, Florida's future has never been bolder, brighter or better than it is today."

Savings and Tax Relief

The total recommendation for the FY 2020-2021 budget is $91.4 billion. The budget recommends $480.5 million in savings – such as administrative efficiencies and elimination of earmarks.

The budget places $5.6 billion in total reserves, including $1.4 billion of General Revenue, which is more than 6 percent of the total budget and more than $200 million more than the current year budget.

The budget also includes more than $300 million in tax relief, including a $56 million 8-day Back to School Sales Tax Holiday, a 10-day Disaster Preparedness Sales Tax Holiday and property tax relief of over $247 million.

Education

The Bolder, Brighter, Better Future budget makes historic investments in the state's education system, including $22.9 billion for the Florida Education Finance Program (FEDP), an increase of over $1 billion.

This includes over $900 million to recruit and retain the best classroom teachers and principals in Florida. Over $600 million is included to raise the minimum salary for full-time classroom teachers to $47,500, which would provide more than 101,000 teachers with a pay raise. Additionally, $300 million is recommended for the Florida Classroom Teacher and Principal Bonus programs.

The budget invests $25 million in key workforce development initiatives: $10 million for the Pathways to Careers Opportunities Grant Program, $10 million for the Work Florida Student Success Incentive Fund at State Colleges and $5 million for the Work Florida Student Success Incentive Fund at District Postsecondary Programs.

The budget recommends an increase of funding of more than $22 million for Florida college and nearly $24 million for Florida universities, all while maintaining no increase in tuition.

Environment

The budget continues Governor DeSantis' focus on Florida's environment and builds on the success of last year. The budget includes more than $625 million in recurring funding for Everglades restoration and the protection of vital water resources, positioning Florida to be able to reach the Governor's goal of investing $2.5 billion over four years.

Included in the more than $625 million investment is more than $322 million for Everglades restoration projects, $150 million for water quality improvements, $50 million for springs restoration and more than $22 million to combat the harmful effects of algal blooms and red tide.

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The budget also invests $50 million in beach nourishment to address Florida's critically eroded shorelines, nearly $9 million in coral reef protection funding, as well as $154 million to protect Florida's prized properties and water: $100 million for the Florida Forever Program and $54 million in new funding for state parks.

Health and Human Services

The budget makes significant investments in the well-being of Floridians and protecting the most vulnerable. Over $54 million is recommended to continue fighting the opioid epidemic, and $17 million is provided in new mental health and substance abuse funding.

In an effort to increase accountability, the Bolder, Brighter, Better Future budget invests over $97 million to provide funding for services to children and families through Florida's child welfare system.

The budget provides $6.4 million in new funding to support the Office of Public and Professional Guardianship, as well as $10 million in funding to enrich the needs of seniors in Florida's communities and enhance the quality of life for individuals with Alzheimer's disease and related dementia and ending abuse, neglect and exploitation of seniors.

To ensure Florida's veterans are receiving the care they deserve, the budget invests $18.2 million for the completion of the Ardie R. Copas State Veterans' Nursing Home in St. Lucie County and the Lake Baldwin State Veterans' Nursing Home in Orange County, as well as $6.7 million for capital improvements, equipment updates and additional nursing staff for Florida's existing state veteran nursing homes.

Transportation and Economic Development

While Florida's economy remains strong, finding affordable housing can still be a challenge. The budget provides $387 million to fully fund Workforce and Affordable Housing Programs: $119.8 million for the State Apartment Incentive Loan (SAIL) Program and $267.2 million for the State Housing Initiative Partnership (SHIP) Program.

As Florida's population continues to increase, key investments must be made to handle this growth and ensure continued efficiency. The budget provides $8.8 billion for the State Transportation Work Program, including $2.8 billion for highway construction, $865.7 million in lane resurfacing and $436.2 million in scheduled repairs and replacement of bridges.

The Bolder, Brighter, Better Future budget includes $50 million for the Florida Job Growth Grant Fund to provide funding for job training and public infrastructure projects that support growth and employment in Florida.

Hurricane Recovery

For the two most recent hurricanes to strike Florida, Irma and Michael, the State of Florida is projected to spend over $1.9 billion on hurricane-related expenses - $627.8 million for Hurricane Irma and $1.3 billion so far for Hurricane Michael.

The Bolder, Brighter, Better Future budget includes $25 million through the Hurricane Michael Recovery Grant Program for the repair and replacement of critical infrastructure and to improve the capacity of emergency services.

Public Safety

Early in his term, Governor DeSantis directed Florida Department of Law Enforcement (FDLE) Commissioner Rick Swearingen to develop a threat assessment strategy to identify and prevent threats of mass violence. Building on this, the budget includes over $4.5 million to implement the first Statewide Behavior Threat Assessment strategy in the country.

The budget also invests more than $14.5 million to expand and enhance FDLE's crime databases that the department uses daily to investigate crimes and apprehend criminals.

Governor DeSantis is recommending over $89.7 million and additional staffing at the Florida Department of Corrections for needed improvements, including retention bonuses and a pilot program to transition correctional officers from a 12-hour shift to an 8.5-hour shift.

Elections Security

With the 2020 elections getting closer, the Bolder, Brighter, Better Future budget recommends $6.6 million for state-level election oversight activities, with a focus on cybersecurity enhancements to Florida's election system.

Includes in this funding is $1.3 million for ten positions dedicated to cyber security who will provide local Supervisors of Elections with support and recommendations to combat cyber threats. Also included is $1.4 million for voter registration list maintenance services and voter outreach through the Electronic Registration Information Center (ERIC).

For more details on Governor DeSantis' Bolder, Brighter, Better Future budget, please visit www.BolderBrighterBetterFuture.com.

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From: Governor's Press Office <Governor'sPressOffice@eog.myflorida.com>
Sent: Thursday, December 05, 2019 11:56 AM EST
Subject: Governor Ron DeSantis Announces the Opening of Registration for the 2020 Python Challenge™ Python Bowl
Attachment(s): "Python Bowl.jpg"

FROM THE OFFICE OF
GOVERNOR
RON DESANTIS
@GOVRONDESANTIS | WWW.FLGOV.COM | 850-717-9282 | MEDIA@EOG.MYFLORIDA.COM

For Immediate Release
December 5, 2019

Contact: Governor's Press Office
(850) 717-9282
Media@eog.myflorida.com

Governor Ron DeSantis Announces the Opening of Registration for the 2020 Python Challenge™ Python Bowl

Miami, Fla. — Today, Governor Ron DeSantis announced the opening of registration for the 2020 Python Challenge™ Python Bowl. The State of Florida has teamed up with the Miami Super Bowl Host Committee and other partners to support the Committee's Ocean to Everglades (O2E) initiative. The Python Bowl will begin January 10th and members of the public will sign up for training, then compete to remove as many snakes as possible from the wild.

The Governor also announced that python contractors will now have access to over 150 miles of secondary trails within Big Cypress National Park. This will begin immediately and positively impact the scope of the Python Challenge™ competition.

"The protection of our environment and natural resources is critical,"**said Governor DeSantis.** "Invasive Burmese pythons have decimated local wildlife and pose a massive threat to natural food chains and flora and fauna. The 2020 Python Bowl is sure to be a great success, and I look forward to the positive effects it will have on preserving and protecting the Everglades ecosystem."



Photo Credit: Governor's Press Office

"This is not a case of many different agencies doing their own thing, this is one mission supported by a diverse portfolio of assets of different partners, including the sportsmen and women that dedicate so much of their time and effort for conservation," **said Florida Fish and Wildlife Conservation Commission (FWC) Executive Director Eric Sutton.**"As a conservation biologist, it is exciting to be completely aligned with our policy-makers including FWC Commissioners and the governor to combat this important conservation issue."

"We know Governor DeSantis and many partners have long been committed to environmental initiatives like this,"**said FWC Commissioner Rodney Barreto.** "With the support of the Miami Super Bowl Committee, we now have a broader audience ready to learn more about the unique ecosystem of South Florida and how they can help conserve it."

"Governor Ron DeSantis is making a difference in restoring the Everglades and tackling Florida's python problem,"**said South Florida Water Management District (SFWMD) Executive Director Drew Bartlett.**"Along with record-setting recommendations for Everglades restoration funding, the Governor is directing more resources and putting new energy into removing these harmful pythons from the Greater Everglades Ecosystem."

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“Governor DeSantis’ strong commitment to Everglades restoration is remarkable,”**said SFWMD Governing Board Member “Alligator Ron” Bergeron.** “Harmful pythons disrupt the natural food chain and prey on native wildlife that depend on the Everglades. With his leadership, Florida is doing more than it ever has to remove pythons from the Everglades and protect this ecosystem for generations to come.”

About the Python Challenge Python Bowl
To register for the Florida Python Challenge™, members of the public must first complete an online training. There are also opportunities for optional in-person trainings that include a hands-on component where the public can learn to identify pythons and practice safe handling and capturing techniques.

Anyone can sign up for in-person trainings even if they are not participating in Python Challenge™. Click here to register for the competition, sign up for training, learn more about Burmese pythons and the unique Everglades ecosystem, and find resources for planning your trip to south Florida to participate in the Python Challenge™.

About invasive Burmese pythons
Burmese pythons are not native to Florida and negatively impact native species. They are found primarily in and around the Everglades ecosystem in south Florida where they prey on birds, mammals and other reptiles. A female Burmese python may lay 50 to 100 eggs at a time. As of Nov.14, 2019, there have been a total of 9,305 Burmese pythons removed from the state of Florida.

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From: Governor's Press Office <Governor'sPressOffice@eog.myflorida.com>
Sent: Monday, December 23, 2019 9:05 AM EST
Subject: Governor Ron DeSantis Highlights Major Accomplishments of 2019



For Immediate Release
December 23, 2019

Contact: Governor's Press Office
(850) 717-9282
Media@eog.myflorida.com

Governor Ron DeSantis Highlights Major Accomplishments of 2019

Tallahassee, Fla. – Today, Governor Ron DeSantis reflected on his administration's major accomplishments during his first year in office. The Governor has delivered on the promise that he made to Floridians upon taking office in January, tackling issues that are important to Floridians and the well-being of our state, now and well into the future.

Governor Ron DeSantis said, "2019 was an incredible year for Florida. We have achieved historic accomplishments that are of the utmost importance to Floridians and will bring our state to the next level. In conjunction with the Florida Legislature and our federal, state and local partners, we were able to secure major successes for the environment, education, hurricane recovery, economic development, public safety, military, health care and much more.

"The First Lady and I appreciate the support we have received over the past year. Every day, I wake up grateful for the opportunity to go to work on behalf of Floridians. While we can reflect and be proud of these accomplishments, there is always more that can be done. Looking ahead as we enter the new year, I am excited for our next chapter, as Florida's future has never been brighter."

Major accomplishments of Governor DeSantis' Administration include the following:

EDUCATION

- Record investments in our state's education system, including:
  - The highest ever per-pupil spending at $7,672 per student. This includes an increase of over $242 per student – the largest increase since FY 2013-14.
  - The highest ever K-12 public school funding with $21.8 billion in state and local funding.

- Historic expansion in school choice options for Florida families:
  - Created the Family Empowerment Scholarship Program, which expands educational opportunities for children of families with limited financial resources.
  - Invested over $147 million in funding for the Gardiner Scholarship, which enabled students on the waitlist to be served and created a pathway to clear the waiting list for the Florida Tax Credit Scholarship.

- Issued Executive Order 19-31, which charts a course to make Florida number one in workforce education by 2030 by requiring an annual review of Career and Technical Education courses and the development of best practices to ensure that course offerings are aligned with market demands.

- Issued Executive Order 19-32, which outlines a path for Florida to improve its education system by eliminating Common Core and by strengthening civics education. Standards revisions are currently underway as the Department of Education has recently embarked on a statewide listening tour to hear stakeholder input.

- Invested $10 million in funding for the newly created Florida Pathways to Career Opportunities Grant Program to establish or expand pre-apprenticeship and apprenticeship programs for high school and college students.

- Invested $10 million in funding to support teacher professional development in computer science and reward those teachers for earning credentials to teach high-quality computer science courses.

- Created the Last Mile College Completion Program, which helps students who left college with 12 or fewer credit hours remaining, to complete their first associate or baccalaureate degree.

- Called on state colleges and universities to adopt a free speech resolution to ensure that a free and open exchange of ideas and robust civil discourse is encouraged and protected.

- First Lady Casey DeSantis successfully advocated for the State Board of Education to require every Florida public school

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to provide students in grades 6-12 at least five hours of mental health instruction.

- Maintained Florida's higher education system standing in national rankings:
  - This year, Florida was ranked by *U.S. News and World Report* as the top state in the nation for higher education for the third consecutive year. The University of Florida and Florida State University were ranked the #7 and #18 public university in the country, respectively.

ENVIRONMENT

- Secured over $625 million for Everglades Restoration and protection of our vital water resources, putting us well on the way to reaching our goal of $2.5 billion over four years. This year's funding includes:
  - Over $400 million for Everglades restoration – the highest amount of Everglades funding ever;
  - $40 million for the Florida Department of Transportation to expedite the completion of the Tamiami Trail and restore the flow of clean water south;
  - $100 million for springs restoration;
  - $50 million for targeted water quality improvements;
  - $40 million for alternative water supply; and
  - $25 million to combat blue-green algae and red tide.

- Received $60 million in federal support for the Tamiami Trail raising and began the process of removing the old roadbed.

- Created the Blue-Green Algae Task Force consisting of five expert researchers and leading scientists, which released its first report this fall.

- Appointed the state's first Chief Science Officer and first Chief Resilience Officer.

- Established the Office of Environmental Accountability and Transparency and the Office of Resilience and Coastal Protection.

- Submitted the state's plan for the $166 million in Volkswagen Settlement, focusing on reducing diesel emissions for school and transit buses and expanding our electric vehicle charging infrastructure.

- Restored the Red Tide Task Force, which had been dormant for over 15 years.

- Moved the Environmental crimes unit from the Florida Fish and Wildlife Conservation Commission to the Department of Environmental Protection to strengthen enforcement actions.

- Expedited the Everglades Agricultural Area Reservoir, broke ground on the C-43 Reservoir and activated the C-44 Stormwater Treatment Area.

- Successfully lobbied President Trump to increase his request from $67 million to $200 million for South Florida Ecosystem Restoration, which Congress agreed to fund.

- Approved acquisition of ten Florida Forever parcels totaling more than 15,000 acres in conservation lands.

- Received an unprecedented fourth National Gold Medal Award for Excellence in Park and Recreation Management.

- Increased efforts to remove invasive Burmese pythons from the Everglades.

- Added Canal Restoration as priority for the Florida Keys Area of Critical State Concern program and directed the Department of Economic Opportunity to begin developing a Canal Restoration Work Program that will set forth a definitive timeline for canal restoration with essential milestones for the completion of the project.

HEALTHCARE

- Protected the will of voters by calling for and signing into law legislation to allow for the smoking of medical marijuana.

- Worked with President Trump, the U.S. Department of Health and Human Services and the Florida Legislature to develop a plan for the safe and affordable importation of prescription drugs from Canada.

- Signed into law the Patient Savings Act, which allows consumers to receive rewards for choosing low-cost, high-quality medical services.

- Directed the implementation of Shared Savings Program for the State Group Health Insurance Program, rewarding employees and their dependents enrolled in a State Group Insurance plan for selecting more affordable health services.

- Directed the Agency for Health Care Administration to expedite the health care transparency portal to make healthcare pricing available to Floridians sooner.

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· Created the Opioid Task Force and secured over $120 million to fight the opioid epidemic.

· First Lady Casey DeSantis established the Hope for Healing Florida Initiative
  - The *Hope for Healing Florida* initiative is a multi-agency mental health and substance abuse campaign designed to bring stakeholders together to find real solutions to mental health problems in our state.

· Signed legislation to repeal the state's Certificate of Need law, encouraging competition to reduce healthcare costs and improve quality.

· Signed legislation that establishes a framework for Floridians to receive telehealth services in Florida, expanding access to healthcare through the use of innovative technologies.

· Prioritized the support of Floridians living with Alzheimer's Disease, including directing the Department of Health to add Alzheimer's and related dementias as a priority within the state health improvement plan.

ECONOMIC AND BUSINESS DEVELOPMENT

- Led an unprecedented business development trade mission to Israel and hosted a historic meeting of Cabinet members in Jerusalem. The trade mission included the signing of over 20 strategic partnerships and Memorandums of Understanding.

- Advocated for full funding of the Sadowski housing trust fund— and secured $115 million specifically for Hurricane Michael housing recovery needs.

- Announced an initiative to develop "Fintech" academies at our state colleges and technical centers and awarded the first grant for such an academy through the Florida Job Growth Grant Fund.

- Announced a job growth grant fund award of $2.86 million for two roads in Panama City to help promote development, support job creation and workforce retention

- Announced nearly $4 million to the Melbourne Airport Authority for infrastructure improvements at the Orlando Melbourne International Airport through the Florida Job Growth Grant Fund.

- Made numerous announcements for Florida's aviation and aerospace industries:
  - Firefly Aerospace Inc.
    - § This is part of a multi-year $52 million project that is expected to generate over 200 jobs.
  - Boeing Space and Launch Headquarters
    - § Boeing announced that it is moving its Space and Launch Headquarters from Arlington, Va. to Titusville on Florida's Space Coast.
  - Lockheed Martin Fleet Ballistic Missile Program Headquarters
    - § Establishing this new site is one milestone in the larger move of more than 300 jobs to the Space Coast area, expanding Lockheed Martin's already significant presence.
  - One Web Satellites new production facility
    - § The 105,500 square foot production facility, which has two production lines capable of producing two satellites a day, is helping to revitalize Florida's Space Coast with 250 new high-tech jobs and 3,000 indirect jobs through the supply chain.
  - United Airlines selected Tampa for a new aircraft maintenance facility
    - § This Tampa project is expected to have an economic impact of more than $30 million and create 40 new high-wage jobs as Florida continues to lead in the aviation industry.
  - Spirit Airlines Headquarters
    - § Announced its intention to build a new state-of-the-art global headquarters complex in Dania Beach, creating 225 jobs for Floridians.
  - CAE USA Headquarters
    - § The new 290,000 square-foot facility will be located on Tampa International Airport property. It is expected to open in 2022.
  - JetBlue Travel Products Subsidiary, "Inspiration Center"
    - § The new Inspiration Center is an open and collaborative environment with a live experimental space where JetBlue Travel Products will test new travel concepts.

· Announced groundbreaking for the state's first Buc-ee's.
  - The Buc-ee's will be a 53,000-square foot travel plaza coming to the interchange of Interstate 95 and LPGA Boulevard in Daytona Beach.

· Announced Opening of CareComm at Tampa General.
  - The center features 20 artificial intelligence apps, 38 large screens with some being touch screens, 32 workstations and a conference room.

· Directed Enterprise Florida, Inc. to include opportunity zone information in their materials and strategy for business

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recruitment.

- Created the Talent Development Council to develop a coordinated, data-driven, statewide approach to meeting Florida's needs for a 21st-century workforce that employers and educators use as part of Florida's talent supply system.

HURRICANE RECOVERY

- Directed the Florida Division of Emergency Management to expedite hurricane recovery reimbursements, of which the Division has now paid out over $1 billion since January 2019.
  - $672 million for Hurricane Irma;
  - $422 million for Hurricane Michael;
  - More than $44 million for Hurricanes Hermine and Matthew.

- Hurricane Michael
  - Requested and received 45 days of 100 percent federal cost share for Hurricane Michael debris removal and emergency protective measures.
  - Requested and received 90 percent federal cost share for Hurricane Michael.
  - Secured and delivered 100 FEMA Trailers to Bay County for residents impacted by Hurricane Michael.
  - Directed the Florida Housing Finance Corporation to utilize their resources to assist families affected by Hurricane Michael and they responded with $5 million in housing assistance for Northwest Florida.
  - Awarded nearly $13 million through the Florida Small Business Emergency Bridge Loan for agricultural producers in counties affected by Hurricane Michael.
  - Secured $380 million in grant funding from the U.S. Department of Agriculture for Florida's timber industry following the impacts of Hurricane Michael.
  - Secured $63 million in grant funding from the U.S. Department of Education to restore educational programs in counties affected by Hurricane Michael.

- Hurricane Irma
  - Activated the Rebuild Florida Business Loan Program to help small businesses recovering from Hurricane Irma.
  - Opened the Small Business Emergency Bridge Loan Program for Agricultural Producers.
  - Directed the Florida Division of Emergency Management to expedite reimbursements under the Citrus Block Grant Recovery Program.
  - Announced Florida Housing Finance Corporation is providing $140 million for the construction of new affordable workforce housing to help address housing shortages worsened by Hurricane Irma.

- Hurricane Dorian
  - Secured Major Disaster Declaration for 14 counties affected by Hurricane Dorian.
  - Delivered 590,000 bottles of water to the Bahamas after Hurricane Dorian.

- Announced $8 million available through Volunteer Florida's disaster fund long term recovery grants ($5 million for Irma and $3 million for Michael).

- Appointed Florida's first Disaster Recovery Mental Health Coordinator within the Florida Division of Emergency Management.

LEGAL REFORM AND ELECTIONS SECURITY

- Secured meaningful assignment of benefits reform to fight insurance fraud and its impact on rising insurance costs for Floridians.

- Directed the Department of State to review the security and cybersecurity of our statewide elections systems through a Joint Elections Security Initiative.

- Joined the Electronic Registration Information Center (ERIC) as part of ongoing efforts to enhance the security and integrity of Florida elections.

- Appointed three new Supreme Court Justices who understand that the proper role of the courts is to apply the law and Constitution as written.
  - Pending confirmation of President Trump's 11th Circuit recommendations, two additional appointments will be made.

- Appointed 56 judges across the state, of which 50% are female and 39% are minorities.

PUBLIC SAFETY

- Directed the Florida Department of Law Enforcement to develop a comprehensive, statewide threat assessment strategy to ensure that every government entity coordinates and cooperates in identifying and stopping persons on the pathway toward violence from committing such acts.

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- Signed an Executive Order on school safety to expedite the implementation of many of the recommendations of the Marjory Stoneman Douglas High School Public Safety Commission.

- Secured $2.5 million for security funding for Jewish Day Schools to ensure students and staff are safe throughout the state. This funding represents the highest ever total appropriated for Jewish Day School security funding.

- Impaneled a Statewide Grand Jury on School Safety to examine and review school safety measures, as well as the responses of public entities to laws designed to protect schools.

- Secured passage of legislation prohibiting sanctuary cities and upholding the rule of law.

- The crime rate in Florida fell by 9 percent, marking the 48th consecutive year that Florida has seen a drop in its crime rate.

- Juvenile arrests declined 8 percent in Fiscal Year 2018-19, and are down 27 percent in the last five years, marking the lowest juvenile arrest level in Florida in 44 years.

VETERANS AND MILITARY

- Created the *Forward March* Initiative which aims to unite the combined energy and resources of Florida's state agencies, veterans' service organizations, private partners and local communities.

- Created the Governor's Initiative on Lawyers Assisting Warriors (G.I. LAW) to offer pro bono legal services to military members on a variety of civil matters.
  - The initiative now includes participation by 7 statewide law firms, providing free legal representation to over 60 service members.

FISCAL RESPONSIBILITY AND GOOD GOVERNANCE

- Secured over $300 million in tax relief for Florida families, including a 5-day back-to-school sales tax holiday and a 7-day disaster preparedness holiday, as well as a reduction in the business rent tax.

- Issued a full pardon of the Groveland Four, four African-American men wrongfully accused and tried for crimes they did not commit.
  - The four men were Ernest Thomas, Samuel Shepherd, Walter Irvin and Charles Greenlee.

- Requested placement of a statue of Dr. Mary McLeod Bethune in National Statuary Hall.
  - Dr. Mary McLeod Bethune will represent the first African American to have a state-commissioned statue in National Statuary Hall. The statue of Dr. Mary McLeod Bethune is slated to be completed and moved to National Statuary Hall in 2020.

- Signed anti-Semitism legislation affirming Florida's condemnation of discrimination and affirming that anti-Semitism has no place in Florida.

- Held the state's first-ever "Deregathon" where we invited every licensing board under the Department of Business and Professional Regulation's jurisdiction to sit in a room to target for removal unnecessary occupational licensing requirements.
  - Since Deregathon, the boards have eliminated or are in the process of eliminating over 50 unnecessary rules and requirements.
  - Examples include the following:
    - The real estate board cut their license renewal fees in half (from $250 to $125).
    - The barbers' board is in the process of cutting the training hour requirement to become a restricted barber from 1200 hours to 600 hours.
    - The electrical contracting board eliminated the personal financial statement in the application for electrical contractor licensure, changed requirements to allow for certain certifications in lieu of job lists as proof of experience, and eliminated the 21-day waiting period and 7-hour continuing education requirements for examination retakes.

###

AMERICAN OVERSIGHT

From: NCOIL <scb@thebeaumontgroup.com>
Sent: Monday, November 18, 2019 9:00 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Group Hotel Rate for 2019 NCOIL Annual National Meeting Closes IN ONE WEEK!

View this email in your browser

Dear NCOIL Participant:

Next Monday, the group rate for the NCOIL Annual Meeting at the JW Marriott in Austin, TX from December 10th – 13th will close. Don't hesitate in booking your room:

The link for legislators is here - and the link for general participants is here.

If you are attending the NAIC meeting prior to the NCOIL meeting, we kindly ask that you make a hotel reservation beginning on December 10th with the NCOIL hotel code. You can do this by calling the hotel at 512-474-4744.

If you have not registered for the meeting please do so here.

The Annual Meeting will begin at the conclusion of the NAIC meeting at the same location. Please plan to arrive in time for the Welcome Reception on the evening of December 10th. There will also be an optional tour of the Texas state capitol on that afternoon.

A full day of policy committees and general sessions that will start with the busy Welcome Breakfast on December 11th and conclude on December 13th. .

NCOIL will celebrate its' 50th year at this meeting.

This meeting has been approved for approved for 15.25 credits of Texas CLE.

The tentative meeting agenda and 30 day materials can be viewed here.

Please do not hesitate to reach out to us with any questions at the NCOIL National Office.

Paul Penna
NCOIL

AMERICAN OVERSIGHT





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From: NCOIL <scb@thebeaumontgroup.com>
Sent: Friday, November 22, 2019 9:43 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Group Hotel Rate for 2019 NCOIL Annual National Meeting Closes THIS MONDAY!

View this email in your browser

Dear NCOIL Participant:

This Monday, the group rate for the NCOIL Annual Meeting at the JW Marriott in Austin, TX from December 10th – 13th will close. Don't hesitate in booking your room:

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If you are attending the NAIC meeting prior to the NCOIL meeting, we kindly ask that you make a hotel reservation beginning on December 10th with the NCOIL hotel code.

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Paul Penna
NCOIL

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From: NCOIL <scb@thebeaumontgroup.com>
Sent: Monday, November 25, 2019 9:14 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Group Hotel Rate for 2019 NCOIL Annual National Meeting Closes TODAY!

View this email in your browser

Dear NCOIL Participant:

Today, the group rate for the NCOIL Annual Meeting at the JW Marriott in Austin, TX from December 10th – 13th will close. Don't hesitate in booking your room:

The link for legislators is here - and the link for general participants is here.

If you are attending the NAIC meeting prior to the NCOIL meeting, we kindly ask that you make a hotel reservation beginning on December 10th with the NCOIL hotel code.

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Please do not hesitate to reach out to us with any questions at the NCOIL National Office.

Paul Penna
NCOIL

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AMERICAN OVERSIGHT

From: Frank Walker <fwalker@flchamber.com>
Sent: Sunday, October 27, 2019 4:20 PM EDT
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>; Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Gruters' speech tomm
Attachment(s): "FutureOfFloridaForum Timed Agenda.docx","ATT00001.htm"

Hey gang - happy Sunday! Couple quick things for the boss' folder, assuming he has one, for tomm's (MONDAY) remarks:

He goes on 12:55 but would be great if he was there at least half an hour early to get mic'd up, to the staging area, etc.

He should just call or text me once on-site and I can get him queued up from there.

10 MINS would be plenty but really can't go more than 12 - we've got a tight program tomm due to a lot of speakers not being able to do Tues.

DEBBIE HARVEY, President and COO of Ron Jon Surf Shops will be introducing the Senator.

Would be great for him to hit on importance of leveling playing field between mega online retailers and Main Street brick and mortars here in FL, how this is a competitiveness issue for FL job creators, how the revenue collected could be used to further enhance our competitiveness (re pay down biz rent tax) and, of course, how this is not a new tax.

Bonus points if he says nice things about the Chamber being a trusted partner in his efforts to secure FL's future :)

As always, thanks for getting this on the calendar and call if any questions.

Frank

PS Full schedule and a link to the event (street address, phone number, etc) are attached/below:

https://www.flchamber.com/event_post/future-of-florida-forum/

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Sent from my iPhone

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NOTE: All Sessions in RED are Invitation Only

MONDAY, OCTOBER 28, 2019

8am-8pm	Registration Open	
7:30-11:30am	Florida SBDC Network Statewide Advisory Board Meeting	*Orchid*
8-10:45am	FEDC Board of Directors Meeting	*Regency 1*
9-11am	Florida 2030 Innovation Leadership Caucus Meeting	*Regency 3*
11am-5pm	Opening Session & Luncheon	*Grand Cypress DEF*

11:00-11:10 **Welcome & Opening Remarks**
Todd Powell, Vice President for Real Estate Development, Weyerhaeuser;
Chair, Florida Chamber Foundation

11:10-11:28 **State of the State**
Mark Wilson, President & CEO, Florida Chamber of Commerce

11:28- 11:34 **Florida Economic Snapshot and Outlook**
Jerry D. Parrish, Chief Economist, Florida Chamber Foundation

12:25-12:37 **The Presidential Road to the 2020 White House Goes Through Florida**
Joe Clements, Co-Founder, Strategic Digital Services
David Hart, Executive Vice President, Florida Chamber of Commerce
Andrew Wiggins, Senior Director of Campaigns & Elections, Florida Chamber of Commerce

12:40-12:52 **Online Sales Tax: It's Not a New Tax**
Joe Gruters, Florida Senate, District 23

12:55-1:20 **$4,442 Reasons to Fix Florida's Broken Legal Climate**
Moderator: William Large, President, Florida Justice Reform Institute
Harold Kim, COO, U.S. Chamber Institute for Legal Reform
Tom Leek, Florida House of Representatives, District 25
Wilton Simpson, Senate President-Designate, Florida Senate, District 10

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1:25-1:45 **Planes, Trains, and Automobiles…Oh My!**
Kevin J. Thibault, P.E., Secretary, Florida Department of Transportation

1:50-2:00 **Better Candidates Equal a Better Future**
Rick Asnani, President, Cornerstone Solutions Florida

2:10-2:45 **Giving Back for Florida's Future**
Moderator: David Odahowski, President, Edyth Bush Charitable Foundation
Clay Ingram, CEO, Volunteer Florida
Sabeen Perwaiz, President & CEO, Florida Nonprofit Alliance
Kay Rawlins, Founder & Sr. VP of Community Relations, President, Orlando City Foundation

2:50-3:15 **Putting a Woman on the Moon by 2024: Launching Artemis**
Frank DiBello, President & CEO, Space Florida
Mark Wiese, Gateway Logistics Element Manager, NASA Kennedy Space Center

3:20-3:40 **Creating the Workforce of the Future at the Intersection of People and Technology**
Joe Quaglia, President, Americas, Tech Data

3:40-4:10 **Going From Learners to Earners**
Moderator: Madeline Pumariega, VP & Provost, Tallahassee Community College
Dr. Michelle Horton, Complete Florida
Rene "Coach P" Plasencia, Florida House of Representatives, District 50
Roland Selby, Jr., Executive Director, Year Up Baltimore

4:15-4:30 **Digital Cyber Fraud: Its Impact on the Economy**
Jimmy Patronis, Chief Financial Officer, Florida

4:30-4:42 **$30 Billion Reasons Hemp May Be in Florida's Future**
Nikki Fried, Commissioner of Agriculture and Consumer Services

5:00-5:12 **Is Florida's Constitution Under Siege?**
Ashley Moody, Florida Attorney General

5:30-7pm Welcome Reception *PreFunction Area*

7-9pm Women's Hall of Fame Induction Dinner *Grand Cypress DEF*

TUESDAY, OCTOBER 29, 2019

7am-7pm Registration Open

7:30am-2pm Breakfast, General Session, Florida Chamber of Commerce Board of Governors Annual Meeting & Lunch *Grand Cypress DEF*

7:40-7:45 **Welcome & Opening Remarks**
Todd Powell, Vice President for Real Estate Development, Weyerhaeuser; Chair, Florida Chamber Foundation

7:45-8:15 **Three Former Speakers of the House on Why Leadership Matters**
Moderator: Peter Schorsch, Extensive Enterprises
Dean Cannon, President & CEO, GrayRobinson, P.A., Former Speaker, Florida House of Representatives

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Steve Crisafulli, Crisafulli Consulting, Former Speaker, Florida House of Representatives
Will Weatherford, Managing Partner, Weatherford Capital, Former Speaker, Florida House of Representatives

8:15-8:27 **Championing $50,000 Careers vs. $9 Hourly Jobs**
Paul Renner, Florida House of Representatives, District 24

8:30-8:55 **The Importance of Second Chances in Florida's Justice System**
Jeff Brandes, Florida Senate, District 24
Shon Hopwood, Associate Professor of Law, Georgetown University Law Center

9:00-9:12 **Early Learning Creates Lifelong Opportunities**
Vance Aloupis, CEO, The Children's Movement of Florida, Florida House of Representatives, District 115

9:15-9:40 **Preparing, Attracting, and Retaining World Class Talent**
Moderator: Charles Hokanson, Senior Vice President - Florida Community Engagement, Helios Education Foundation
Eric Hall, Ed.D., Chancellor of Innovation, Florida Department of Education
Kathy Hebda, Chancellor, Division of Florida Colleges, Florida Department of Education
Jacob Oliva, Chancellor, Division of Public Schools, Florida Department of Education

9:55-10:20 **What Mayors are Doing to Advance Economic Development**
Moderator: Glenda Hood, Former Mayor, Orlando, Founding Partner, Hood Partners, LLC
John Dailey, Mayor, City of Tallahassee
Buddy Dyer, Mayor, City of Orlando
Matt Surrency, Mayor, City of Hawthorne

10:25-11:00 **Strategies for Rural Economic Development**
Moderator: Todd Powell, Vice President for Real Estate Development, Weyerhaeuser; Chair, Florida Chamber Foundation
Michelle Dennard, President & CEO, CareerSource Florida
Jeff Hendry, Executive Director, North Florida Economic Development Partnership
Gray Swoope, President & CEO, VisionFirst Advisors

11:05-11:17 **Florida's Strategy to Diversify the Economy and Grow High Wage Jobs**
Jamal Sowell, Florida Secretary of Commerce and President & CEO, Enterprise Florida Inc.

11:20-11:35 **Readiness, Response and Resiliency: Lessons Learned**
Jason Cutliffe, Storm Incident Commander, Duke Energy
Ken Lawson, Executive Director, Florida Department of Economic Opportunity

11:55-12:05 **Putting Florida on the Stage for Manufacturing**
Kevin Carr, CEO, FloridaMakes

12:05-12:15 **$88.6 Billion Reasons to Love VISIT FLORIDA**
Dana Young, President & CEO, VISIT FLORIDA

12:15-12:25 **Florida's Hidden Gems**
Steve Seibert, Executive Director, Florida Humanities Council

12:25-12:45 **Better Health Outcomes and Lower Costs**
Patrick "Pat" Geraghty, President & CEO, Florida Blue

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12:50-1:30	**Ten Trends Shaping Florida's Future** Ted Abernathy, Managing Partner, Economic Leadership LLC	
1:30-2:00	Florida Chamber Annual Meeting	
2-3pm	Florida Chamber Foundation Board of Trustees Orientation	*Hydrangea*
2-6pm	FloridaMakes Board Meeting	*Orchid*
3-5pm	Florida Chamber Political Institute Meeting	*Grand Cypress ABC*
3-5:30pm	Florida Chamber Foundation Board of Trustees Meeting	*Regency 1&2*
6:30-9pm	Joint Board of Directors & Board of Trustees Reception & Dinner	*Grand Cypress D*

WEDNESDAY, OCTOBER 30, 2019

7:45-8:45am	Joint Board of Directors & Board of Trustees Breakfast	*Grand Cypress D*
8am-4pm	FloridaMakes Board Meeting	*Orchid*
9am-12pm	Florida Chamber of Commerce Board of Directors Meeting	*Grand Cypress ABC*

AMERICAN OVERSIGHT

From: Jefferson Sweet <JSweet@Panhandle.rr.com>
Sent: Wednesday, January 15, 2020 5:03 PM EST
To: Albritton, Ben <Albritton.Ben@flsenate.gov>; Baxley <BaxleyDennis@flsenate.gov>; Bean, Aaron <Bean.Aaron@flsenate.gov>; Benacquisto, Lizbeth <Benacquisto.Lizbeth@flsenate.gov>; Berman, Lori <Berman.Lori@flsenate.gov>; Book, Lauren <Book.Lauren@flsenate.gov>; Bracy, Randolph <Bracy.Randolph@flsenate.gov>; Bradley, Rob <Bradley.Rob@flsenate.gov>; Brandes, Jeff <Brandes.Jeff@flsenate.gov>; Braynon, Oscar <Braynon.Oscar@flsenate.gov>; Broxson.Doug <Broxson.Doug@flsenate.gov>; Cruz, Janet <Cruz.Janet@flsenate.gov>; Diaz, Manny <Diaz.Manny@flsenate.gov>; Farmer, Gary <Farmer.Gary@flsenate.gov>; Flores, Anitere <Flores.Anitere@flsenate.gov>; Gainer, George <Gainer.George@flsenate.gov>; Galvano, Bill <Galvano.Bill@flsenate.gov>; Gibson, Audrey <Gibson.Audrey@flsenate.gov>; Gruters, Joe <Gruters.Joe@flsenate.gov>; Harrell, Gayle <Harrell.Gayle@flsenate.gov>; Hooper, Ed <Hooper.Ed@flsenate.gov>; Hutson, Travis <Hutson.Travis@flsenate.gov>; Lee, Tom <Lee.Tom@flsenate.gov>; Mayfield, Debbie <Mayfield.Debbie@flsenate.gov>; Montford, Bill <Montford.Bill@flsenate.gov>; Passidomo, Kathleen <Passidomo.Kathleen@flsenate.gov>; Perry, Keith <Perry.Keith@flsenate.gov>; Pizzo, Jason <Pizzo.Jason@flsenate.gov>; Powell, Bobby <Powell.Bobby@flsenate.gov>; Rader, Kevin <Rader.Kevin@flsenate.gov>; Rodriguez, Jose <Rodriguez.Jose@flsenate.gov>; Rouson, Darryl <Rouson.Darryl@flsenate.gov>; Simmons, David <SIMMONS.DAVID@flsenate.gov>; Simpson, Wilton <Simpson.Wilton@flsenate.gov>; Stargel, Kelli <Stargel.Kelli@flsenate.gov>; Stewart, Linda <Stewart.Linda@flsenate.gov>; Taddeo, Annette <Taddeo.Annette@flsenate.gov>; Thurston, Perry <Thurston.Perry@flsenate.gov>; Torres, Victor <Torres.Victor@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>
Subject: Gun Control legislation pending in 2020 session

Senators:

On Monday, January 6th more than 500 people packed the house for another well attended 2nd Amendment Gun Rights Preservation Forum, this one in Brevard County.

As with other of these forums across the state it was maxed out above capacity and had to close the doors turning even more folks away.

The purpose of this forum, and others like it being held around the state, was to educate citizens on the threats coming against their 2nd Amendment Rights from the Florida Senate and also from BAWN (Ban Assault Weapons Now) and their efforts to put an amendment to the Constitution on the ballot banning many semi automatic weapons from purchase and requiring registration of existing weapons.

If you think the law abiding gun owners of Florida are not paying attention to what you are contemplating this session as it relates to their right to keep and bear arms you are mistaken.

I can assure you the Silent Majority is wide awake and paying close attention.

I join all law abiding Florida gun owners and respectfully encourage you to vote NO on all gun control legislation introduced this session from whatever source and YES to any repeals of any gun control legislation or regulation which already exists.

--

Thank you,

Rev Jefferson A. Sweet,

Concerned citizen and voter of the State of Florida

AMERICAN OVERSIGHT

From: Florida Chamber Foundation <tlowe@flfoundation.org>
Sent: Tuesday, October 29, 2019 11:30 AM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Harnessing the Free Market To Lift Floridians Out Of Poverty

THE FLORIDA PROSPERITY INITIATIVE

Harnessing the Free Market To Lift Floridians Out Of Poverty

At the Florida Chamber Foundation's Future of Florida Forum, former House Speaker Steve Crisafulli announced the launching of the Florida Chamber Foundation's Prosperity Project, whose goal is to find pathways out of generational poverty and increase prosperity for all Floridians.

Today, more than 3 million Floridians live in poverty—900,000 of whom are children under 18. The Florida Prosperity Initiative's goal is to reduce the number of children living in poverty by 50 percent by 2030. We will unite the business community to find ways to harness the free market to attack the ten root causes of poverty in the state.

Speaking to one of the biggest policy barriers, Representative Paul Renner addressed the consequences of increasing the minimum wage for Floridians, and how even modest increases can cause Floridians to turn down promotions and pay raises due to the loss of benefits that accompany higher wages.

"Government has often been a barrier to opportunity, a barrier to work and a barrier to the American Dream," said Representative Renner. "If we could reduce just 10 percent of the poverty roles in Florida, we would see a benefit to the state coffers of between $500 million and $1 billion per year. We've spent trillions in the war on poverty, we don't need to spend trillions more, we need to spend it more appropriately."

Senator Jeff Brandes and Associate Professor of Law at Georgetown, Shon Hopwood, discussed the importance of offering second chances to Florida's non-violent offenders and ensuring they have the tools to attain meaningful employment.

"When people get out of prison, we don't do a great job of preparing people for success or giving them a second chance, particularly in the Google age," said Mr. Hopwood. "We think when someone's served their time, they get a second chance, but rarely is that the case. The stigma of their conviction follows them the rest of their lives, especially in the internet age. The business community can play a huge role in criminal justice reform by considering second chance hiring; it will strengthen communities and change lives."

Get Involved Today

The Florida Prosperity Initiative break the cycle of generational poverty by addressing issues ranging from housing to food security to workforce issues. To learn more about the prosperity project please visit the Florida Prosperity Project website.

Registration will open soon for the Florida Chamber Foundation Prosperity Summit, May 18-19, 2020 in Sarasota. Click here and complete the online form to be notified when Summit registration opens up.

Contact Michael Williams at mwilliams@flfoundation.org for more information on how you can become more involved.

Florida Chamber Foundation| www.FLFoundation.org | Unsubscribe
136 S. Bronough Street, Tallahassee, Florida 32301 | (850) 521-1200

AMERICAN OVERSIGHT

From: Colleen Thayer <colleen@namisarasotacounty.org>
Sent: Wednesday, October 30, 2019 1:46 PM EDT
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
CC: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: HOPE approps form
Attachment(s): "LocalFundingInitiativeRequestForm-2020-2021HOPE.pdf","2020 Legislative Issue Form HOPE.doc","HOPE Coalition tlking points.docx"

Hi there -

Here is the Senate form for the proposal we have been working on. I believe Rep. Good filed on House side (or was in process of doing so). I'm also attaching the form through the Alliance that we completed - and talking points. Let me know what else you might need at this point.

Thanks!!

Colleen

Colleen Thayer, MA, APR, CPRC
Executive Director
NAMI Sarasota County
Serving Sarasota and Manatee Counties
941-376-9361

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COMMUNITY ALLIANCE OF SARASOTA COUNTY
LEGISLATIVE ADVOCACY COMMITTEE

RECOMMENDED LEGISLATIVE ISSUE FOR 2020

***System*:** Behavioral Health

Subject: **HOPE Coalition – Health, Opportunity, Prevention, Early Intervention**

Submitted by: Heidi Brown, JFCS Suncoast & Colleen Thayer, NAMI – on behalf of the Community Alliance of Sarasota County - Behavioral Health Stakeholders Consortium

1. **Please indicate #1 for Primary System and #2 for Secondary System that ared most appropriate for this issue:**

- ☐ **Aging**
- X **Behavioral Health (Mental Health and Substance Abuse)**
- ☐ **Child Welfare**
  Children and Youth
- ☐ **Criminal Justice (including Juvenile Justice)**
- ☐ **Developmental Disabilities**
- ☐ **Early Learning (Infant/Toddler/Pre-/VPK) & Education (K-12)**
- ☐ **Health Care**
- ☐ **Homelessness**

2. **Please indicate which is the most appropriate category for this issue:**

- ☒ **Budgetary: A new issue with known fiscal impact or a change in existing Legislation that will have fiscal impact.**
- ☐ **Substantive: Modification of existing Legislation.**
  (check one below)
  - ☐ **With possible fiscal impact**
  - ☐ **With no fiscal impact**
- ☐ **New Legislation with no fiscal impact.**

Please type and submit electronically to kathryn.shea@thefloridacenter.org

If your form is submitted electronically and you do not receive a confirmation email within 24 hours, please contact Kathryn Shea @ 941-371-8820

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3. **Please describe your legislative proposal. If applicable, please cite which statute(s) the proposal affects.**

HOPE is a community-wide coordinated approach to mental health and substance abuse intervention, education and care for individuals (0-25) and their families and caregivers.

This proposal creates a pilot, aligned with the Department of Children and Families directive to provide a statewide system of care for the prevention, treatment, and recovery of children and young adults with mental illnesses *as soon as symptoms are detected*. HOPE will utilize the peer & family navigator model to promote early access, engagement, and coordination of services for children, adolescents, and young adults (ages 0-25). The target population are those with emotional or behavioral challenges, or who are believed to be at-risk for out-of-home placement, or in need of referral to higher-level mental health or substance use treatment, special education, child-welfare, or juvenile justice services.

Studies suggest that emotional and behavioral symptoms, if left untreated, are likely to develop into psychological disorders with long-lasting effects well into adulthood. Traditional mental health services and coordinated care for young people have historically been provided at later points in time, often after problem behaviors have caused significant impairment and trauma for the youth and family members.

The pilot proposes early intervention by HOPE Navigators (peer and family member peer) within the following targeted systems:

- Education/School-Based System (pre-k, elementary, middle, high school, post-secondary – public and private)
- Healthcare System (mental health and substance use treatment providers, primary care, recovery support services)
- Juvenile Justice/Criminal Justice System
- Child Welfare System
- Faith-based

The request for the pilot is $600,000 and includes administrative oversight/supervision through an identified local behavioral health provider and eight individual and family navigators (one peer and one family member). Successful implementation of this pilot has the potential for program replication on a state-wide basis.

4. **Describe the specific problem or challenge that will be addressed by this legislative proposal. Be specific about the impact on Sarasota County/statewide. Include local and state data that supports the problem or challenge. Quantify any fiscal impact, if possible. (Reasonable estimates are fine.)**

Mental health services for youth and young adults (0-25) is often fragmented in Florida. A comprehensive focus on access to prevention and early intervention in a seamless, coordinated way is critical to success. In Sarasota County, 52 percent of babies are born into families living in poverty and 215 women delivered babies in Sarasota last year without receiving any prenatal care (First 1000 Days Sarasota County). More than half the mothers in Florida report experiencing postpartum depression after childbirth yet less than 10% sought or received help.

The onset of mental illnesses frequently occurs during childhood, adolescence, or young adulthood. One in 5 youth experience a severe mental disorder during their life and half of all chronic mental illness begins by the age of 14; three-quarters by the age of 24.

The cost of prevention and early intervention is traditionally less than the long-term costs of treating severe and persistent mental illness. Economic analyses of interventions that target the prevention of specific mental, emotional or behavioral disorders or substance use among young

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people document the efficacy and effectiveness. The economic impact of untreated mental illness in children and young adults is significant. It costs our economy an estimated $155.7 billion a year in direct health care costs, unemployment and lost productivity for caregivers. Locally, economic impact to Sarasota County is more than $86 million annually.

The U.S. lags far behind the rest of the world related to financing of medical care and mental health care. For every dollar that the federal government spends on medical research through the National Institutes of Health, 16 cents goes to HIV/AIDS, 11 cents goes to cancer, and less than four cents go to all mental illnesses combined. (https://highline.huffingtonpost.com/articles/en/stop-the-madness/)

There is also a correlation between trauma and psychosis. Research suggests that people with psychosis are at high risk for traumatization, both through victimization and because psychotic symptoms and some forms of treatment may be traumatizing (Trauma, PTSD and First Episode Psychosis, Fact Sheet, 2018).

By placing HOPE Coalition Navigators in the identified systems of care, Sarasota County can increase the opportunity for early identification, prevention and appropriate treatment and support for youth, adolescents and young adults. HOPE Coalition intervention can avoid more restrictive, long-term and costly treatment.

5. **Identify the interested/impacted parties and whether they would likely support or oppose your proposal. For instance, are other Sarasota County agencies affected? Are counties, regional agencies, professional associations, interest groups, and/or state agencies affected?**

Likely support includes, but may not be limited to, Sarasota County, Sarasota County School Board, private and public behavioral and primary healthcare providers, Sarasota's faith-based community, the criminal and juvenile justice system, and others to be identified.

6. **Are there Legislators currently supporting or willing to support this issue?**

Sarasota County Legislative Delegation, Rep. Good, Sen. Gruters, Casey DeSantis, First Lady

7. **Has this issue been proposed before? If so, what was the outcome? If it did not succeed, why?** No

8. **Is this a collaborative Issue involving more than one agency? If so, indicate which agency is the Lead Agency.** This is a multi-agency proposal including JFCS of the Suncoast; NAMI Sarasota County; The Florida Center for Early Childhood; The Thinking Center; and others to be identified.

9. **Contact Information: (Representative of Agency or Group. This person, or a designated individual very familiar with the Issue, must attend and present the Issue at the Legislative Summit)**

Name: Heidi Brown & Colleen Thayer
Title/Agency: JFCS of the Suncoast & NAMI Sarasota-Manatee
Phone: 941-366-2224/941-376-9361
Email: hbrown@jfcs-cares.org/colleen@namisarasotacounty.org

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Address: 2688 Fruitville Rd., Sarasota, FL 34237

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Talking Points
HOPE Coalition – Health, Opportunity, Prevention, Early Intervention

- HOPE is a community-wide coordinated approach to mental health and substance abuse intervention, education and care for individuals (0-25) and their families and caregivers;

- The onset of mental illnesses frequently occurs during childhood, adolescence, or young adulthood. One in 5 youth experience a severe mental disorder during their life and half of all chronic mental illness begins by the age of 14; three-quarters by the age of 24;

- Studies suggest that emotional and behavioral symptoms, if left untreated, are likely to develop into psychological disorders with long-lasting effects well into adulthood;

- The cost of prevention and early intervention are traditionally less than the long-term costs of treating severe and persistent mental illness. It costs our economy an estimated $155.7 billion a year in direct health care costs, unemployment and lost productivity for caregivers. Locally, Sarasota County alone is more than $86 million annually.

- HOPE will utilize the peer and family navigator model to promote early access, engagement, and coordination of services for children, adolescents, and young adults (ages 0-25);

- Navigators will be charged with 1) knowing the available resources within their system; 2) providing education on mental health and substance use concerns and interventions; 3) overcoming systemic barriers to care through individualized advocacy; 4) offering assistance and support in accessing and coordinating needed services as individuals and families move through one or more of the systems; and 5) developing and delivering mental health information and information on community resources;

- HOPE Navigators will intervene early within 4 targeted systems: 1) Education/School-Based System (pre-k, elementary, middle, high, post-secondary); 2) Healthcare System (mental health and substance use treatment providers, primary care, recovery support services); 3) Juvenile Justice/Criminal Justice System; 4) Child Welfare/System;

- The pilot requests $600,000 that includes a professional partner and eight individual and family navigators (one peer and one family member per identified system).

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Partners in the Process
There have been several local initiatives reviewing these issues with a goal of addressing this challenge, including:

- The First 1000 Days initiative is designed to help families better access medical, emotional and wellness services pre-pregnancy through the developmental years including an integrated system designed to address the need for early identification of developmental and/or behavioral concerns and links for children and their families to community-based developmental and behavioral services and supports.

- The Charles & Marjery Barancik Foundation and Gulf Coast Community Foundation recently completed a Child and Youth Mental Health Environmental Scan. The findings support the need for transformation of care in our community including strengthening the system of care, providing support for families, and education and advocacy.

- There is also a strong link between trauma and mental illness. Trauma affects the developing brain and the impact of trauma is different during stages of development (early childhood, later childhood, adolescents, and early adulthood). The principles of trauma-informed approaches are consistent with recovery and in our community two initiatives are underway (Sarasota Strong & Peace4Manasota) that are focusing on these issues.

- Coordinated Specialty Care (CSC) for first episode psychosis (FEP) focuses on early treatment of psychosis, which affects about 3 out of 100 people at some point in their lives, typically when a youth or young adult is in their late teens/early 20's. With early treatment, some people never have another psychotic episode. For others, psychosis may be a recurring symptom of schizophrenia or another mental illness. However, even if they continue to experience symptoms, early treatment provides a foundation for recovery and a full life. Without CSC-FEP, treatment for psychosis often starts only after crises—frequently, long after the first episode and after disability has taken hold. At that stage, treatment is often limited to managing symptoms rather than promoting full recovery. Currently, only 7 CSC-FEP programs/pilots exist in Florida including two in development (Orlando & Tampa); none in our community.

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The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

1. **Project Title** HOPE - Health, Opportunity, Prevention, Early Intervention

2. **Senate Sponsor** Gruters

3. **Date of Request** 10/30/19

4. **Project/Program Description**

HOPE provides a comprehensive focus on access to prevention and early intervention for individuals in the behavioral healthcare system in a seamless, coordinated way, utilizing the peer & family navigator model to promote early access, engagement, and coordination of services for children, adolescents, and young adults (ages 0-25). The target population are those with emotional or behavioral challenges, or who are believed to be at-risk for out-of-home placement, or in need of referral to higher-level mental health or substance use treatment, special education, child-welfare, or juvenile justice services. HOPE includes intervention by HOPE Navigators (peer and family peer) in targeted systems: Education/School-based; Healthcare (mental health and substance abuse); Juvenile Justice/Criminal Justice; Child Welfare; Faith-based and administrative oversight/supervision through an identified local behavioral health provider.

5. **State Agency to receive requested funds** Department of Children and Families

State Agency contacted? ○ Yes ◉ No

6. **Amount of the Nonrecurring Request for Fiscal Year 2020-2021**

Type of Funding	Amount
Operations	600,000
Fixed Capital Outlay	
Total State Funds Requested	0

7. **Total Project Cost for Fiscal Year 2020-2021 (including matching funds available for this project)**

Type of Funding	Amount	Percentage
Total State Funds Requested (from question #6)	0	%
Matching Funds		
Federal	0	%
State (excluding the amount of this request)	0	%
Local	0	%
Other	0	%
Total Project Costs for Fiscal Year 2020-2021	0	%

8. **Has this project previously received state funding?** ○ Yes ◉ No

If yes, provide the most recent instance:

Fiscal Year (yyyy-yy)	Amount		Specific Appropriation #	Vetoed
	Recurring	Nonrecurring		

9. **Is future-year funding likely to be requested?** ◉ Yes ○ No

If yes, indicate nonrecurring amount per year. 600,000

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The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

10. **Details on how the requested state funds will be expended**

Spending Category	Description	Amount
Administrative Costs:		
Executive Director/Project Head Salary and Benefits	Supervision for peer and family peer navigators	24,000
Other Salary and Benefits		
Expense/Equipment/ Travel/Supplies/Other		
Consultants/Contracted Services/Study		
Operational Costs: Other		
Salary and Benefits	Family and peer navigators	506,000
Expense/Equipment/ Travel/Supplies/Other	Office equipment, office supplies, travel expenses	70,000
Consultants/Contracted Services/Study		
Fixed Capital Construction/Major Renovation:		
Construction/Renovation/ Land/Planning Engineering		
Total State Funds Requested (must equal total from question #6)		0

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The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

11. **Program Performance**

a. What specific purpose or goal will be achieved by the funds requested?

The goal of HOPE is to provide a comprehensive focus on access to prevention and early intervention for individuals in the behavioral healthcare system in a seamless, coordinated way. HOPE includes intervention by HOPE Navigators (peer and family peer) in targeted systems: Education/School-based; Healthcare (mental health and substance abuse); Juvenile Justice/ Criminal Justice; Child Welfare; Faith-based.

b. What activities and services will be provided to meet the intended purpose of these funds?

Connections and follow up (ongoing support) for individuals and families in the behavioral healthcare system to services including but not limited to mental health, job training, education, primary health care

c. What direct services will be provided to citizens by the appropriation project?

Navigation through the behavioral healthcare system and specific connections and support to services that are needed within the system of care (health, education, support, criminal justice, etc.)

d. Who is the target population served by this project? How many individuals are expected to be served?

Any individual living with a mental health condition (children, adolescents, young adults, adults) who are in the behavioral health system that need navigation within their system of care or for community services (job training, education, health care, support). 100-200 individuals and their families.

e. What is the expected benefit or outcome of this project? What is the methodology by which this outcome will be measured?

Avoidance of more costly, restrictive and long-term behavioral health treatment through early identification, prevention, treatment and support. Administrative oversight and performance measures developed for each system of care.

f. What are the suggested penalties that the contracting agency may consider in addition to its standard penalties for failing to meet deliverables or performance measures provided for in the contract?

Return of funds

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12. **The owners of the facility to receive, directly or indirectly, any fixed capital outlay funding. Include the relationship between the owners of the facility and the entity.**

N/A

13. **Requestor Contact Information**

a. First Name: Colleen Last Name: Thayer

b. Organization: NAMI Sarasota County

c. E-mail Address: colleen@namisarasotacounty.org

d. Phone Number: 9413769361 Ext.:

14. **Recipient Contact Information**

a. Organization: JFCS of the Suncoast

b. Municipality and County: Sarasota

c. Organization Type

- ○ For-profit Entity
- ◉ Non-Profit 501(c) (3)
- ○ Non-Profit 501(c) (4)
- ○ Local Entity
- ○ University or College
- ○ Other (please specify)

d. First Name: Heidi Last Name: Brown

e. E-mail Address: hbrown@jfcs-cares.org

f. Phone Number: 0413662224

15. **Lobbyist Contact Information**

a. Name:

b. Firm Name:

c. E-mail Address:

d. Phone Number: Ext.:

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The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Please complete the questions below for Water Projects only.

16. **Have you applied for alternative state funding?**

- ☐ Waste Water Revolving Loan
- ☐ Drinking Water Revolving Loan
- ☐ Small Community Wastewater Treatment Grant
- ☐ Other (please specify)
- ☐ N/A

17. **What is the population economic status?**

- ☐ Financially Disadvantaged Community (ch. 62-552, F.A.C.)
- ☐ Financially Disadvantaged Municipality (ch. 62-552, F.A.C.)
- ☐ Rural Area of Economic Concern
- ☐ Rural Area of Opportunity (s. 288.0656, Florida Statutes)
- ☐ N/A

18. **What is the status of construction?**

19. **What percentage of the construction has been completed?**

20. **What is the estimated completion date of construction?**

The information provided will be posted to the Florida Senate website for public viewing if sponsored by a Senator.

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From: Colleen Thayer <colleen@namisarasotacounty.org>
Sent: Monday, October 07, 2019 12:11 PM EDT
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>; Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: HOPE proposal
Attachment(s): "2020 Legislative Issue Form HOPE.doc","JFCS - NAMI HOPE Coalition.xlsx"

Hi there -

Hope all is well! Vicki I know I had spoken to you about this appropriations request but wanted to update you all and see if Senator Gruters would be willing to file it! Rep. Good is doing on House side. I'm in the process of filling out the form - but here is the proposal again, along w/ some budget info. This is the proposal that comes out of the Community Alliance re: behavioral health. So it's not directly a NAMI proposal.

Let me know and thanks much!!

Colleen

Colleen Thayer, MA, APR, CPRC
Executive Director
NAMI Sarasota County
Serving Sarasota and Manatee Counties
941-376-9361

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. NAMI Sarasota County, www.namisarasotacounty.org. The majority of NAMI's funds come from individual donations and small family foundations. They receive no government funding. Your donation recognizes NAMI Sarasota County's essential role in providing education, support, advocacy and referrals at no-cost to individuals with mental illness, their families, community providers and the broader community. NAMI Sarasota County is a non-profit, 501(c)(3) organization. Federal ID # 59-2464505. All donations are tax-deductible to the full extent of the law. A copy of the registration and financial information may be obtained from the Division of Consumer Services by calling toll-free 1-800-435-7352 within the state. Registration does not imply endorsement, approval, or recommendation by the state.

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COMMUNITY ALLIANCE OF SARASOTA COUNTY
LEGISLATIVE ADVOCACY COMMITTEE

RECOMMENDED LEGISLATIVE ISSUE FOR 2020

***System*:** Behavioral Health

Subject: **HOPE Coalition – Health, Opportunity, Prevention, Early Intervention**

Submitted by: Heidi Brown, JFCS Suncoast & Colleen Thayer, NAMI – on behalf of the Community Alliance of Sarasota County - Behavioral Health Stakeholders Consortium

1. **Please indicate #1 for Primary System and #2 for Secondary System that ared most appropriate for this issue:**

☐	**Aging**
1	**Behavioral Health (Mental Health and Substance Abuse)**
☐	**Child Welfare**
2	**Children and Youth**
☐	**Criminal Justice (including Juvenile Justice)**
☐	**Developmental Disabilities**
☐	**Early Learning (Infant/Toddler/Pre-/VPK) & Education (K-12)**
☐	**Health Care**
☐	**Homelessness**

2. **Please indicate which is the most appropriate category for this issue:**

☒ **Budgetary: A new issue with known fiscal impact or a change in existing Legislation that will have fiscal impact.**

☐ **Substantive: Modification of existing Legislation.**
(check one below)
- ☐ **With possible fiscal impact**
- ☐ **With no fiscal impact**

☐ **New Legislation with no fiscal impact.**

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Mental health services for youth and young adults (0-25) is often fragmented in Florida. A comprehensive focus on access to prevention and early intervention in a seamless, coordinated way is critical to success. In Sarasota County, 52 percent of babies are born into families living in poverty and 215 women delivered babies in Sarasota last year without receiving any prenatal care (First 1000 Days Sarasota County). More than half the mothers in Florida report experiencing postpartum depression after childbirth yet less than 10% sought or received help.

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By placing HOPE Coalition Navigators in the identified systems of care, Sarasota County can increase the opportunity for early identification, prevention and appropriate treatment and support for youth, adolescents and young adults. HOPE Coalition intervention can avoid more restrictive, long-term and costly treatment.

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6. **Are there Legislators currently supporting or willing to support this issue?**

TBD – Sarasota County Legislative Delegation, Casey DeSantis, First Lady of Florida

7. **Has this issue been proposed before? If so, what was the outcome? If it did not succeed, why?** No

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9. **Contact Information: (Representative of Agency or Group. This person, or a designated individual very familiar with the Issue, must attend and present the Issue at the Legislative Summit)**

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Title/Agency: JFCS of the Suncoast & NAMI Sarasota-Manatee
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Address: 2688 Fruitville Rd., Sarasota, FL 34237

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	A	B	C	D	E	F
1					JFCS-NAMI	
2					HOPE Coalition	
3					Line Item Budget Year	
4					2020-2021	
5						
6						
7	Object Class	Funds				Calculations
8	Category					
9	Personnel	$416,000		Position Titles	Staff #	Months
10				Family naivgators	4.00	12.00
11				Peer navigators	4.00	12.00
12					8.00	
13						
14	Fringes/Taxes	$90,525		Fringes/Taxes:		Rate
15				Health Insurance		8.73%
16				Dental Insurance		0.49%
17				Retirement Plan		2.27%
18				Life Insurance & Long Term Disability		0.44%
19				FICA		7.65%
20				Workers' Compensation		1.35%
21				Unemployment Insurance		0.83%
22						21.76%
23						
24						
25	Supplies	$2,550		Supplies Description:		Unit Type
26				Consumable Office Supplies		Monthly Cost
27				Postage		Monthly Cost
28				Printer Toner		Each
29						
30						
31						
32	Other	$66,980	Users	Other:		Unit Type
33			8	Cell Phone Usage		Months
34			8	Cell Phone Rental		Monthly
35			8	Tablets - WiFi enabled		
36				Printing		Monthly
37			8	Staff Travel - weekly mileage	50 weeks	Miles
38				Office space rental plus utilities		Square feet
39						
40						
41						
42	Indirect Charges	$23,964	Oversight		Staff #	Months
43				Salary - Licensed supervisor	1	12
44				Taxes and benefits - Licensed supervisor		24.34%
45				Insurance		
46						
47						
48	TOTAL	$600,019				

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	G	H	I	J	K	L
1						
2						
3						
4						
5						
6						
7						
8						
9	FTEs		Annual Salary		Budget	
10	4.00		$52,000		$208,000	
11	4.00		$52,000		$208,000	
12	8.00				$416,000	
13						
14		Base				
15		$416,000			$36,317	
16		$416,000			$2,038	
17		$416,000			$9,443	
18		$416,000			$1,830	
19		$416,000			$31,824	
20		$416,000			$5,616	
21		$416,000			$3,456	
22					$90,525	
23						
24						
25	Units		Unit Cost			
26	12		$150		$1,800	
27	12		$25		$300	
28	15		$30		$450	
29					$2,550	
30						
31						
32	Units/Months of Service	Total	Unit Cost			
33	12		$45		$4,320	
34	12		$25		$2,400	
35			$400		$3,200	
36	12		$25		$300	
37	180	72,000	$0.58		$41,760	
38	750		$20		$15,000	
39					$66,980	
40						
41						
42	FTEs		Annual Salary		Budget	
43	0.25		$53,930		$13,483	
44					$3,282	
45					$7,200	
46						
47						
48					$23,964	

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From: OVERCASH, COLTON <colton.overcash@hq.dhs.gov>
Sent: Tuesday, November 26, 2019 8:12 PM EST
To: OVERCASH, COLTON <colton.overcash@hq.dhs.gov>
Subject: ICYMI: DHS Secretary and ICE Director Visit Raleigh, NC to Discuss Sanctuary Policies

Good afternoon,

Acting Department of Homeland Security (DHS) Secretary Chad F. Wolf and Acting Immigration and Customs Enforcement (ICE) Director Matthew Albence met with federal, state and local officials and angel families yesterday afternoon in Raleigh, North Carolina to discuss several sheriffs who represent counties that refuse to adhere to U.S. immigration law and are failing to cooperate with ICE on detainers for dangerous and violent criminal aliens.

During his remarks, Acting DHS Secretary Wolf cited several examples where sanctuary policies have threatened public safety in North Carolina. Of those, he mentioned Jose Bryan Guzman, an illegal alien charged with murder, who was released from jail in December 2018 after being arrested for felony aggravated robbery. ICE notified the Durham County Sheriff's Office at that time about taking him into custody and issued a detainer for him. However, the sheriff's office refused to honor the detainer and released him back into the community where he allegedly killed his 19-year old girlfriend.

At the conclusion of the meeting, Acting DHS Secretary Wolf and Acting ICE Director Albence called upon the sheriffs of Buncombe, Durham, Forsyth, Guilford, Mecklenburg, and Wake counties to abandon their sanctuary policies and work with ICE to strengthen their partnerships and keep communities safe from dangerous criminal aliens.

Below are some key takeaways for you to consider as you publish content or prepare for future media engagements.

Key Takeaways

- 563 criminal aliens have been released from jail in North Carolina in FY2019 after ICE issued a detainer for them. This follows a report from August which stated that 489 criminal aliens had been released from jail between October 2018 and September 2019, representing a 15 percent increase in declined detainers (or 74 criminals) in just two months.
- Over 90% of ICE arrests are convicted criminals and roughly 70% of the arrests are made at local jails and state prisons.
- Each victim or lost family member of illegal alien crime represents a preventable tragedy.
- Sanctuary policies are an affront to the rule of law and to the U.S. Constitution.
- Sanctuary policies extend beyond geographical and political boundaries.
- Sanctuary policies do not protect communities, they endanger them. All too often, criminal aliens are released into communities only to reoffend, requiring the men and women of ICE to needlessly risk their lives to track down these fugitives in neighborhoods or at workplaces instead of the security of a local jail.
- Sanctuary jurisdictions that choose to not cooperate with ICE are likely to see an increase in at-large arrests in communities.
- It is safer for everyone if ICE takes custody of an alien in the controlled environment of another law enforcement agency as opposed to visiting an alien's residence, place of work, or other public area. Arresting a criminal in the safety, security, and privacy of a jail is always the best option.
- When law enforcement agencies fail to honor detainers and release serious criminal offenders onto the streets, it undermines ICE's ability to protect public safety and carry out its mission;
- ICE prioritizes its limited resources first and foremost by targeting those who pose the greatest threat to public safety and national security.
- Judicial warrants are not necessary for local law enforcement to hold criminal aliens up to 48 hours for ICE to take into custody.

Please share the information on social media and tag @ **DHSgov** and **@ICE** in your posts. Tweets are hyperlinked below. If I can help provide you with any more details, please let me know.



V/R

Colton R. Overcash

AMERICAN OVERSIGHT

From: Denis Hanks <denis@fvrma.org>
Sent: Friday, February 07, 2020 6:05 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: inability of local govt to handle vacation rentals

Dear Senator Gruters,

I am emailing to express my support for SB 1128 because of the local governments inability to fairly enforce simple noise, parking and trash ordinances in FL. Local governments have gone too far above and beyond, just noise, parking and trash control though.

As you know, this legislative session vacation rental bills again consume the Statehouse agenda, yet again. The argument is fierce on both sides of the debate. As vacation rental bills advance through the House and Senate local governments recite how important it is to have local control of vacation rentals. As you know, in 2014 the legislature gave back 70% of the control of vacation rentals to local governments to regulate them based upon local concerns. Predominantly those are noise, parking and trash, all items already enforced under local ordinances by local government.

But each city has taken that from 1 – 10 steps further with overreaching ordinances. Registration and inspection fees that sometimes exceed $1000 annually, $20,000 fines and months of red tape, applications and inspections.

So let's see how local governments have successfully handled all the power over the past 6 years:

- Hundreds of Bert Harris claims have been filed to a tune of over $60 Million and that grows every day. Expectations are that this will rise to $350 million.
- Dozens of ordinances have been established in city and county governments, some later repealed, some never to see the light of day and some with the sole intent to prohibit vacation rentals from operating, not regulate.
- Dozens of individual filings of litigation to overturn local ordinances.
- The average city compliance rate statewide after enacting an ordinance is a dismal 15% or so.
- Local governments are unable to properly manage the very ordinances they enacted and spend hundreds of thousands if not millions of taxpayer dollars on 3rd party compliance vendors that reside outside of Florida.
- Some local governments have up to a 4-month backlogs of inspections to get vacation rental homes into the system they created.
- State associations have created a sense of urgency around creating local vacation rental ordinances to regulate vacation rentals locally, even when just a handful of short term rental homes exist in a city. This has been divisive and inflammatory at the least.

So who are the real winners and losers here? No winners for sure.

ALL TAXPAYERS LOSE UNDER THE CURRENT RULES. Because whichever side of the issue that you are on, be it a tax paying resident who doesn't like vacation rentals or the vacation rental owner/manager that generates an enormous amount of tax revenues for the city, county and state, both constituent groups have footed the bill for local governments inability to handle what should have been a simple enforcement of existing noise, parking and trash ordinances. Instead, local governments have created a regulatory monster which they can't handle and have cost the taxpayers millions of dollars through all of the above mentioned failures. It's time for one comprehensive approach with SB 1128.

Thank you and please support SB 1128.

Denis Hanks – Executive Director
Florida VRMA
The Largest Vacation Rental Association In The USA
Over 850 Members and 40,000 vacation rentals strong!
407-201-0120

May 11th & 12th 2020 – The Annual Vacation Rental Conference Orlando
www.vrmxtravaganza.com



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transmission and its attachments without reading or saving in any manner.

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From: Brill, Victoria
Sent: Monday, February 10, 2020 12:15 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Info - SB 1054
Attachment(s): "HB 941 Commitee Information Request.pdf","HB 941 Summary.docx","dui-brochure.pdf","SarasotaDUICourtInfo.pdf","TBVME App Privacy Policy - JL - 6-4-2019 - CLEAN.docx"

Thank you!

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

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SARASOTA COUNTY
DUI COURT

1751 Mound Street
Sarasota, Florida 34236.
Ph: 941-861-8120 Fax: 941-316-1637

R.L. Anderson Administration Building,
4000 South Tamiami Trail,
Venice, FL. 34293.
Ph: 941-861-3717 Fax: 941-861-3723
www.jud12.flcourts.org

David Denkin
Presiding Judge

Nicole Durston
Program Director

Mollie Cool
Assistant Program Director

Tanaya Shepperd
Professional Probation Services

Robyn LaPorta / Zjohnae Milton
Counselors - First Step of Sarasota

Assistant Public Defender
Twelfth Judicial Circuit

State Attorney's Office
Twelfth Judicial Circuit

Sarasota County Sheriff's Office

Law Enforcement

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SARASOTA COUNTY DUI COURT PROGRAM

NEVER A WRONG TIME
TO DO THE RIGHT THING

For additional information and to view the program contract please visit our website at www.jud12.flcourts.org

DUI Court Mission Statement

To reduce the number of repeat DUI offenders by providing alternative community-based treatment, thereby increasing both offender productivity and public safety.



The Sarasota DUI Court is dedicated to changing behavior, targeting offenders who are alcohol dependent currently charged with driving under the influence having one or more prior drug and/or alcohol related arrest(s). Specialized DUI Courts are a proven method to effectively address community struggles with habitual DUI offenders. It's modeled after the highly successful Drug Court concept, having a graduated sanction / reward structure and following specific *Guiding Principles*. Furthermore, it adds elements within the Court such as mandatory counseling, case management, drug and alcohol testing, and community supervision.

FL-SEN-20-0201-B, 20-0202-A-001643

The requirements of the DUI Court are as follows:

How do people find their way into DUI Court?

- Referral from First Appearance
- Pretrial screening
- Post arrest- conditional release terms
- Opportunity presented at Arraignment
- Attorney referral

DUI Court Application

Referrals can be made directly to the Judge, Public Defender's office, Probation and Program Director.

◊ *Individual Interviews / assessments*

The clinical screening and assessment are conducted by the Counselor, Case Manager and Probation. Additional screenings may be required at anytime by the court.

Upon acceptance of the offender's plea to the DUI charge the offender is placed on supervised probation for a minimum of one year. During this time, the DUI offender is required to comply with the mandatory requirements of Florida Statutes 316.193 and 322.28 and complete all phases of DUI Court.

Financial Requirements

Participants are required to provide a portion of costs towards their individualized DUI program. An initial $100.00 application/ assessment fee and $200.00 monthly program fees are required. Participants are also required to pay their mandatory minimum fines and supervision costs as ordered. Mandatory contributions from participants has therapeutic benefits, allowing participants to be empowered having a sense of ownership through their steps of sobriety and recovery.

Phase I
Orientation
Duration - up to 45 days

Phase II
Early Recovery
Duration - approximately 90 days

Phase III
Maintenance & Relapse Prevention
Duration - approximately 115 days

Phase IV
Continuance of Care &
Commencement
Duration - approximately 115 days

Alumni Support Group Network

Participants must follow all rules and regulations of treatment. Program length is a minimum of 12 months. There are four distinct phases of the DUI Court program. Each phase must be fully completed in order for participants to reach commencement.

Supervision is a crucial link between participants and the DUI Court. Random home visits are conducted in the community by local law enforcement, Probation and case management services throughout every phase of DUI Court. Participants are also monitored through other ways such as ongoing random drug and alcohol tests, electronic monitoring, comprehensive case management and medication maintenance.

Eligibility Criteria

◊ Defendant currently charged with Driving Under the Influence.

◊ Defendant has 1 or more prior alcohol and/ or drug related arrest(s).

◊ Defendant is alcohol and/or drug dependent and desires to change behavior, participate in a treatment program and participate in recovery.

◊ No serious violent criminal history.

◊ No evidence of drug dealing

◊ 18 years of age or older.

◊ Must reside in Sarasota County.

◊ Willing to...Show Up, Be Honest & Try

Staffing and Participants Progress

Each participant's progress is reported to the entire DUI Court through weekly team staffings held prior to the status conference. A review of their treatment and overall program status is discussed, along with any program violations and recommendations. All rewards and sanctions are finalized by the judge.

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District Office
5900 Pan American Blvd.
Building A: Unit 102
North Port, FL 34287

Tallahassee Office
1401 The Capitol
402 South Monroe Street
Tallahassee, FL 32399

THE FLORIDA HOUSE OF REPRESENTATIVES

Representative James Buchanan
District74

HB 941 *Substance Abuse Services* Act Children, Family, Seniors Question

Follow-Up to January 16th Staff Meeting

How often do people ordered to substance abuse treatment receive self-help group mandates?

- 59% of AA members received treatment / counseling prior to entering the program
- 397.334: "Treatment-based drug court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.345, treatment-based drug court programs authorized in chapter 39, postadjudicatory programs as provided in ss. 948.01, 948.06, and 948.20, and review of the status of compliance or noncompliance of sentenced offenders through a treatment-based drug court program. While enrolled in a treatment-based drug court program, the participant is subject to a coordinated strategy developed by a drug court team under subsection (4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in s. 397.311"
- substance abuse services FL statutes link
  - http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0397/0397.html
- Alcohol.org
  - https://www.alcohol.org/laws/court-ordered/
-

If Marchman Acted (sent to licensed treatment center) is there also a self-help component?

- Submitted by person on behalf of another individual (in county where individual is located)
- Assessment (up to 5 days), stabilization and long-term treatment (up to 60 days)
- Trained medical professionals assess patient and make treatment recommendations (delivered to the court)
- No punishment for non-compliance, however petitioner can open civil case and repercussions can be put in place if patient does not comply with Marchman rules

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How successful are groups like AA?

- 2014 Member Survey
  - 27% Sober < 1 Year
  - 24% 1-5 Years
- **https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2746426/**
  - Rates of abstinence are about twice as high among those who attend AA (study)
  - Higher levels of attendance are related to higher rates of abstinence (study)
  - Prior AA attendance is predictive of subsequent abstinence (study)

Are there any mandated self-help assignments in prior statutes?

- **Proof of Attendance at Meetings**
- Some judges require written proof that offenders have attended a certain number of meetings. Often, when the court-ordered newcomer attends an A.A. meeting, the group secretary (or other group officer) is willing to sign their first name, or to initial a slip furnished by the court saying so-and-so was at the meeting on a particular date. Hopefully, all involved recognize that neither the group nor its members are "bound" in any way by the signature, nor does this courtesy signify affiliation of the A.A. group with any other program or guarantee that the attendee was present for the entire meeting; it simply illustrates cooperation. Court professionals should understand too, that attendance at A.A. meetings doesn't guarantee sobriety.
- Placing great emphasis on A.A.'s principle of Anonymity, we understand that some A.A. members are uncomfortable when asked to sign their full name or to supply other personal information indicating that they are A.A. members. This cherished Tradition of Anonymity provides protection to all A.A.s from being publicly identified as alcoholics, a safeguard especially important to the newcomer. Since each group is autonomous, and providing proof of attendance at meetings is *not* a specific part of A.A.'s program, each group and group member has the right to choose whether or not to sign court slips.
- While some groups have elected not to sign court cards, it is our experience that most groups will try to cooperate with our professional friends. In some areas, courts furnish cooperating A.A. groups with sealed, stamped envelopes addressed to the court. In general, the secretary of the group announces that anybody needing an envelope may get it after the meeting. The newcomer takes the envelope, privately writes his or her name and/or return address on it, and mails it. In other areas, each cooperating group has a sheet, furnished by the court, that the secretary announces is available for court ordered newcomers to sign after the meeting. The secretary returns the sheets in envelopes furnished by the referring agency. In this way, it is not the A.A. group, but the prospect's own signature which affirms he or she was at the meeting.
  - https://www.aa.org/pages/en_US/alcoholics-anonymous-as-a-resource-for-drug-and-alcohol-court-professionals

- So doing violates the Establishment Clause, guaranteeing that at a minimum, "government may not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which establishes a [state] religion or religious faith, or tends to

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do so." (Lee v. Weisman, 1992, U.S. Supreme Court on school prayer.) In short, while not deemed an actual religion, AA – with the steps' numerous references to "God" – is considered to contain enough religious components to make coerced attendance unconstitutional, despite the fact that attendees commonly argue that the 12 steps are "spiritual," not religious.

- https://www.rehabs.com/pro-talk-articles/you-cant-make-me-or-can-you-mandated-aa-attendance/
- https://www.drugrehab.com/treatment/court-ordered/

Who would be paying for the app? Users, groups or states?

- Users ($20 / Month for specific service in HB 941
- Provide to state
- Intent is to provide no mandate for exclusive electronic verification

Biometric concerns – data storage and usage?

1. Pear reSET https://peartherapeutics.com/
   a. Pear reSET is a medical tool for substance use disorder treatment approved by the Food and Drug Administration
   b. Privacy Policy- https://peartherapeutics.com/privacy-policy/
      1. Pear Therapeutics uses secure server software (SSL), firewalls, and end-to-end encryption to protect your PII from unauthorized access, disclosure, alteration, or destruction. However, no method of transmission over the Internet, or method of electronic storage, is 100% secure. Therefore, we cannot guarantee its absolute security.
      2. We will retain PII for as long as necessary to provide our services, but no later than 6 years following termination of Services. We will retain and use PII as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.
2. Sobertool www.sobertool.com
   a. Sobertool was designed specifically for people in recovery from alcohol addiction.
3. Affinity eHealth www.affinityehealth.com
   a. Affinity eHealth enhances lives by improving compliance outcomes.
4. WEconnect Health Management www.weconnectrecovery.com
   a. WEconnect helps people stay connected and accountable on their recovery journey.
5. DynamiCare Health www.dynamicarehealth.com
   a. Dynamicare is an evidenced based digital platform that reinforces a person's recovery from addiction and rewards healthy behavior.

Example of End User License Agreement and Privacy Policy for Florida based business

TBV ME, CO.
TBV ME End-User License Agreement (Android)

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TBV ME Application Privacy Policy

TBV ME, Co., ("**TBV**", "**We**", "**Us**") has created this privacy policy ("**Privacy Policy**") in order to set out how we collect, use, and disclose personal information through the TBV platform and our related personal contact management services and applications (collectively, together with the TBV platform, the "**Services**"). Any capitalized terms in this Privacy Policy shall have the same meaning as set out in our Terms of Service.

The privacy of our users is of great importance to us. By using the Services in any manner, you acknowledge that you accept the practices and policies outlined in this Privacy Policy and you hereby consent to the collection, use and disclosure of your personal information in accordance with this Privacy Policy.

1 WHAT DOES THIS PRIVACY POLICY COVER?

This Privacy Policy covers our collection, use and disclosure of information about identifiable individuals ("**Personal Information**"), who use the Services ("**Users**").

2 COLLECTION AND USE OF PERSONAL INFORMATION

2.1 User Information

In order to use certain Services, Users must have a valid TBV App account to log into the Services ("**Account**").

When you register for an Account using email registration, TBV collects your name, cell phone number, email address, and location,. This Personal Information is used for the following purposes:

- Verifying the User's identity;
- Allowing Users to create a profile; and
- Contacting Users about relevant information related to the Services.

2.2 Transaction History

When Users use the Services, TBV collects information about the User's activity and transaction history. In particular, TBV keeps track of the device used to log in, the time of day, the time spent on the app, location, actions completed and IP address, and you may also be asked to provide other personal data such as age, location, gender, personal history, etc. ("Personal Information"). This Personal Information is used for the following purposes:

- To allow Users to keep track of their history;
- To store and report activities tracked by the Services;
- To support research and efficacy of the Services;

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- For TBV's accounting records;
- To enhance and customize User experience, including showing Users relevant contents; and
- To monitor compliance with our Terms of Service.

2.3 Marketing Communications

TBV will use the contact information provided to notify Users of important information that is relevant to the Services and for marketing communications if the User chooses to opt in. Despite your indicated e-mail preferences, we may send you relevant notices where permitted by law.

2.4 Usage Data

TBV may also collect certain information from Users of the Website and Services, such as Internet addresses, time spent logged into the Services and other usage data ("**Usage Data**"). This Usage Data is logged to help diagnose technical problems, and to administer our Website and Services in order to constantly improve the quality of the Website and Services.

2.5 Cookies

TBV uses tracking technologies, such as cookies, beacons, scripts and tags, are used by us and our third-party partners. These technologies are used in analyzing trends, administering the Services, tracking Users' movements around the Services, gathering demographic information about our User base as a whole and collecting information about your browsing activities over time and across different websites following your use of the Services. We may receive reports based on the use of these technologies by these companies on an individual and aggregated basis. Various browsers may offer their own management tools for removing these types of tracking technologies.

Standing alone, cookies do not identify you personally. They merely recognize your browser. Cookies come in two flavors: session and persistent-based. Session cookies exist only during an online session. They disappear from your computer when you close your browser software or turn off your computer. Persistent cookies remain on your computer after you've closed your browser or turned off your computer.

TBV uses session cookies containing encrypted information to allow the system to uniquely identify you while you are logged in. This information allows TBV to process online transactions and requests. Session cookies help us make sure you are who you say you are after you've logged in and are required in order to use the Service.

TBV uses persistent cookies that only TBV can read and use, to identify the fact that you are a TBV User. We are especially careful about the security and confidentiality of the information stored in persistent cookies. Users who disable their web browser's ability to

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accept cookies will be able to browse our Website but may not be able to use all features of our Services.

3 SECURITY AND STORAGE

3.1 Storage Location

TBV stores its data, including Personal Information, on Amazon Web Services servers located in the United States. By submitting any Personal Information or using the Services, you agree to this transfer, storing or processing of your Personal Information in the United States. You acknowledge and agree that your Personal Information may be accessible to law enforcement and governmental agencies in those countries under lawful access regimes or court order.

3.2 Security

The security of your Personal Information is important to us. We use commercially reasonable efforts to store and maintain your Personal Information in a secure environment. We take technical, contractual, administrative, and physical security steps designed to protect Personal Information that you provide to us. We have implemented procedures designed to limit the dissemination of your Personal Information to only such designated staff as are reasonably necessary to carry out the stated purposes we have communicated to you. However, no Internet or email transmission is ever fully secure or error free. In particular, email sent to or from the Services may not be secure. Therefore, you should take special care in deciding what information you send to us via email. Please keep this in mind when disclosing any Personal Information to us via the Internet.

You are also responsible for helping to protect the security of your Personal Information. For instance, never give out your email account information or password for the Services to third parties.

4 DISCLOSURE OF PERSONAL INFORMATION WITH THIRD PARTIES

4.1 Disclosure to our Service Providers

We may from time to time employ or engage other companies and people to perform tasks on our behalf and need to share Personal Information with them to provide the Services. Unless we tell you differently, we only provide such third parties with the Personal Information that they need to perform their specific function. This includes third party companies and individuals employed or engaged by us to facilitate our products and services, including the provision of maintenance services, database management, customer relationship management, web analytics and general improvement of the Services, and businesses who engage our Services (to the extent provided for above). In particular, TBV uses the following service providers: Google Cloud Platform, Amazon AWS, Stripe and Google Analytics.

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4.2 Business Transfers

If we (or any of our assets) are acquired, or if we go out of business, enter bankruptcy, or go through some other change of control, Personal Information may be made available or otherwise transferred to the new controlling entity, where permitted under applicable law.

4.3 With Your Consent

If we need to use or disclose any Personal Information in a way not identified in this Privacy Policy, we will notify you and/or obtain your express consent as required under applicable privacy laws.

4.4 Affiliates

We may also share your Personal Information with our subsidiaries or other affiliated companies for purposes consistent with this Privacy Policy.

4.5 As required by law

We may disclose your Personal Information to third parties without your consent if we have reason to believe that disclosing this information is necessary to identify, contact or bring legal action against someone who may be causing injury to or interference with (either intentionally or unintentionally) our rights or property, other Users, or anyone else (including the rights or property of anyone else) that could be harmed by such activities. Further, we may disclose Personal Information when we believe in good faith that such disclosure is required by and in accordance with the law. We also reserve the right to access, read, preserve, and disclose any information as we reasonably believe is necessary to:

- satisfy any applicable law, regulation, legal process or governmental request;
- enforce our contracts or user agreement (Terms of Service), including investigation of potential violations hereof; and
- detect, prevent, or otherwise address fraud, security or technical issues.

5 RETENTION

We will keep your Personal Information for as long as it remains necessary for the identified purpose or as required by law, which may extend beyond the termination of our relationship with you. We may retain certain data as necessary to prevent fraud or future abuse, or for legitimate business purposes, such as analysis of aggregated, non-personally-identifiable data, account recovery, or if required by law. All retained Personal Information will remain subject to the terms of this Privacy Policy.

6 ACCESS, CORRECTION AND ACCURACY

You have the right to access the Personal Information we hold about you in order to verify the Personal Information we have collected in respect to you and to have a general account of

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our uses of that information. Upon receipt of your written request, we will provide you with a copy of your Personal Information, although in certain limited circumstances, and as permitted under law, we may not be able to make all relevant information available to you, such as where that information also pertains to another User. In such circumstances we will provide reasons for the denial to you upon request. We will endeavor to deal with all requests for access and modifications in a timely manner.

We will make every reasonable effort to keep your Personal Information accurate and up to date, and we will provide you with mechanisms to update, correct, delete or add to your Personal Information as appropriate. As appropriate, this amended Personal Information will be transmitted to those parties to which we are permitted to disclose your information. Having accurate Personal Information about you enables us to give you the best possible service.

7 CHANGES TO THIS PRIVACY POLICY

We may amend this Privacy Policy from time to time. Use of Personal Information we collect is subject to the Privacy Policy in effect at the time such information is collected, used or disclosed. If we make material changes or changes in the way we use Personal Information, we will notify you by posting an announcement on our Website or sending you an email prior to the change becoming effective. You are bound by any changes to the Privacy Policy when you use the Website or Services after such changes have been first posted.

8 CHILDREN

TBV does not knowingly collect Personal Information from children under the age of 13. If you are under the age of 13, please do not submit any Personal Information through or use the Services. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce our Privacy Policy by instructing their children never to provide Personal Information through Services without their permission. If you have reason to believe that a child under the age of 13 has provided Personal Information to TBV through the Services, please contact us, and we will endeavor to delete that information from our databases.

9 LINKS TO OTHER WEBSITES AND SERVICES

This Privacy Policy applies only to the Services. The Services may contain links to other web sites or services not operated or controlled by TBV (the "Third Party Services"). The policies and procedures we described here do not apply to the Third Party Services. The links from the Services do not imply that we endorse or have reviewed the Third Party Services. We suggest contacting those third parties directly for information on their privacy policies.

10 EXCLUSIONS

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This Privacy Policy does not apply to any Personal Information collected by TBV other than Personal Information collected through the Services. This Privacy Policy shall not apply to any unsolicited information you provide to TBV through the Services or through any other means. This includes, but is not limited to, information posted to any public areas of the Services, such as forums, any ideas for new products or modifications to existing products, and other unsolicited submissions (collectively, "Unsolicited Information"). All Unsolicited Information shall be deemed to be non-confidential and TBV shall be free to reproduce, use, disclose, and distribute such Unsolicited Information to others without limitation or attribution.

11 ADDITIONAL INFORMATION

You can help by keeping us informed of any changes such as a change of address or telephone number. If you would like to access your Personal Information, if you have any questions, comments or suggestions about our Privacy Policy or practice, or if you find any errors in our Personal Information about you, please contact us at: support@tbvme.com

Last Updated: June 4, 2019

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Thank You Chair Ponder,

This bill allows for the option for Drug Courts to use electronic verification methods to ensure attendance at court ordered attendance to pre-trial treatment based programs.

There is an Amendment on the Bill-
The amendment is a product of working closely with staff to clarify the language from the Senate version. It changes the Thank You Mr. Chair and Thank You Staff for working with us on this good bill.

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“Shall” to “may” and provides for he focus on drug court programs.

Thank You Mr. Chair and Thank You Staff for working with us on this good bill.

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DUI Court

Sarasota **DUI Court** Program

The mission of DUI Court is to reduce the number of repeat DUI offenders by providing alternative community-based treatment, thereby increasing both offender productivity and public safety.

Target Population, Model & Structure

The Sarasota County DUI Court began June of 2008 within the 12th Judicial Circuit. This specialized court is very unique, there being only four other such courts in the state of Florida. The Sarasota DUI Court has received full support from the Sarasota County Board of County Commissioners and the Criminal Justice Commission. The program was started with the support of grant funds petitioned and awarded through the Highway Traffic Safety Administration of the Florida Department of Transportation.

The Sarasota DUI Court is dedicated to changing behavior by targeting offenders who are alcohol/drug dependent and are currently charged with a DUI and have 1 or more prior arrest(s) for alcohol and/or drug related offenses.

It has been noted that Florida is the third highest - ranking state in the country in alcohol related traffic fatalities. This specialty court has been designed to address this problem. Specialized DUI Courts are modeled after the highly successful Drug Court concept, having a graduated sanction/reward structure and following specific guiding principles. Furthermore, it adds elements within the court such as immediate accountability, mandatory counseling, case management, drug and alcohol testing, and community supervision. Statistics from operational DUI Courts show that recidivism decreases substantially after completion.

Upon acceptance of the offender's plea to the pending DUI charge the offender is placed on supervised probation for a period of at least one year. During this time, the DUI offender is required to comply with the mandatory statutory requirements of Florida Statutes 316.193 and 322.28 andcomplete all phases of DUI Court.

Staffing and Participants Progress

Each participant's progress is reported to the DUI Court through weekly team staffings held prior to court with the participants. Detailed status reports are prepared and copied for the Judge and all team members to review as a part of the staffing process. A review of their treatment and overall program status is discussed, along with any program violations and recommendations. The judge makes the final decision on all rewards and sanctioning.

Financial Requirements

Participants are required to provide a portion of costs towards their individualized DUI program. An initial $100.00 administrative fee and $200.00 monthly program fees are required. Mandatory financial contribution from participants has therapeutic benefits, allowing participants to be empowered having a sense of ownership through their steps of sobriety and recovery. Participants are also required to pay their mandatory minimum fines and supervision costs as ordered. In appropriate cases, participants deemed qualified by the judge may work off all or part of their fines and court costs by doing community service work. *Section 938.30, Florida Statutes (2016).*

Eligibility Requirements for **DUI Court**

- ✔ Defendant currently charged with Driving Under the Influence.
- ✔ Defendant has 1 or more prior arrest(s) for alcohol and/or drug related offenses.

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- ✓ Defendant is alcohol dependent and desires to change behavior having a willingness to complete a treatment program and participate in recovery.
- ✓ No serious violent criminal history.
- ✓ No evidence of drug dealing.
- ✓ 18 years of age or older.
- ✓ Must reside in the 12th Judicial Circuit.
- ✓ Defendant acknowledges they will be able to attend all required court appearances, treatment sessions and support meetings.
- ✓ Defendant willing to... Show Up, Be Honest & Try

PHASE I: Orientation, Duration - (Approx. 45 days)

- ✓ Mandatory jail time.
- ✓ Weekly court appearances.
- ✓ Clinical assessment
- ✓ Mental Health assessment
- ✓ Attend weekly scheduled case management meetings.
- ✓ Probation orientation and assessment
- ✓ Minimum of one home visit by probation, case manager or law enforcement.
- ✓ Submit to a minimum of three random alcohol/drug screens per week.
- ✓ Attend a minimum of three support/sober network meetings per week.
- ✓ Attend a minimum of three "in house" group meetings per week.
- ✓ Weekly individual counseling sessions.
- ✓ Comply with any additional requirements recommended by the treatment provider

To advance to Phase II:
Completed jail time, completed all assessments, minimum 14 consecutive days clean and sober, pay no less than $100 assessment fee, signed Phase II contract.

PHASE II: Early Recovery, Duration - (Approx. 90 days)

- ✓ Follow all rules and regulations of treatment.
- ✓ Weekly court appearances
- ✓ Attend weekly scheduled case management meetings.
- ✓ Attend scheduled monthly meetings with Probation Officer.
- ✓ Attend a minimum of three support/sober network meetings per week.
- ✓ Attend scheduled meetings with counselor as recommended.
- ✓ Submit to a minimum of three random alcohol/drug screens per week.
- ✓ Attend a minimum of two "in house" group meetings per week
- ✓ Enroll in DUI School and Victim Impact Panel.
- ✓ Maintain employment, vocational training or educational opportunities / Complete community service work as imposed by judge
- ✓ Minimum of one home visit by probation, case manager or law enforcement.
- ✓ Pay DUI Court Program fees.
- ✓ Obtain verified sponsor.

To advance to Phase III:
Completed all phase requirements; current on program fees, enroll in DUI School and Victim Impact Panel, minimum of 30 consecutive days clean and sober, signed Phase III contract.

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PHASE III - Maintenance & Relapse Prevention, Duration - (Approx. 115 days)

- ✔ Follow all rules and regulations of treatment.
- ✔ Bi-weekly court appearances
- ✔ Attend scheduled monthly meetings with Probation Officer.
- ✔ Attend scheduled case management meetings as recommended.
- ✔ Minimum of one home visit by probation, case management or law enforcement.
- ✔ Attend scheduled meetings with counselor as recommended.
- ✔ Attend a minimum of three support/sober network meetings per week.
- ✔ Attend a minimum of two "in house" group meetings per week.
- ✔ Submit to a minimum of three random alcohol/drug screens per week.
- ✔ Maintain employment, vocational training or educational opportunities / Complete community service work as imposed by the judge.
- ✔ Pay DUI Court program fees
- ✔ Begin and attend financial counseling as determined by the court.

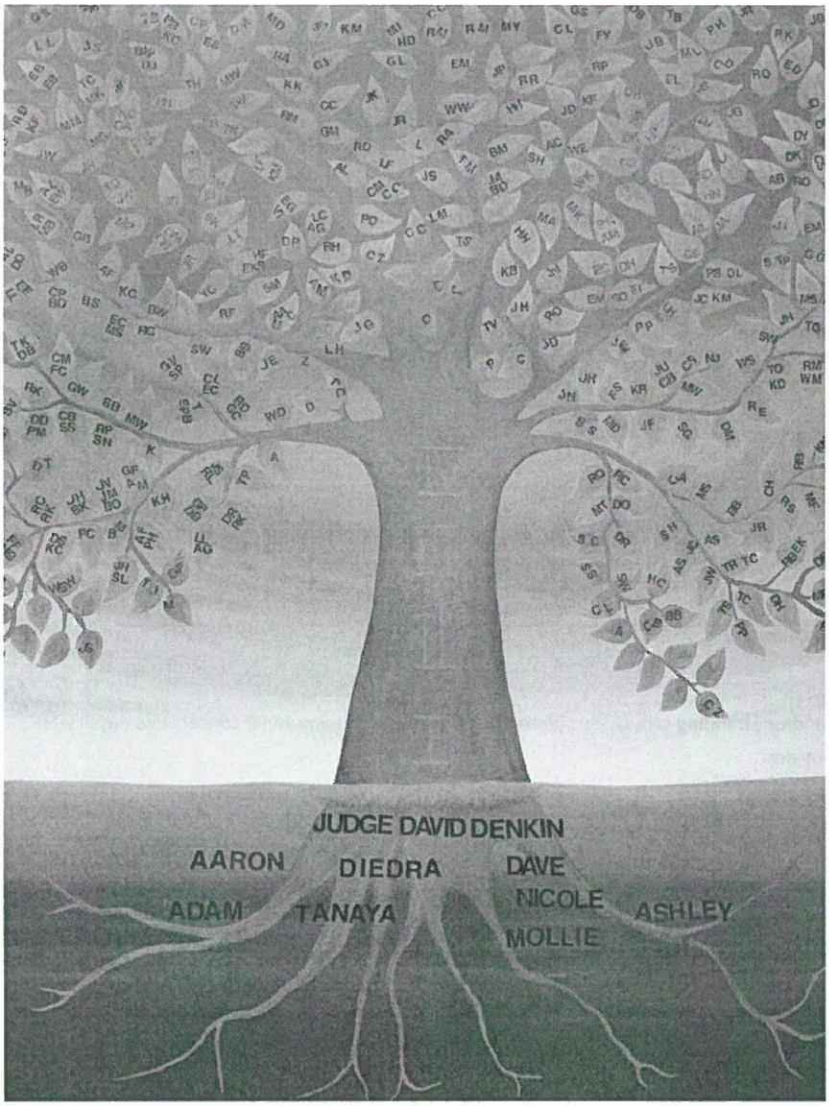
To advance to Phase IV:
Completed all phase requirements, must be employed and/or attending school, completed DUI School/VIP, minimum 90 consecutive days clean and sober, current on program fees, signed Phase IV contract.

PHASE IV - Continuance of Care & Commencement, Duration - (Approx. 115 days)

- ✔ Follow all rules and regulations of treatment.
- ✔ Monthly court appearances.
- ✔ Attend scheduled monthly meetings with Probation Officer.
- ✔ Attend case management meetings as recommended.
- ✔ Minimum of one home visit by probation, case management or law enforcement.
- ✔ Attend scheduled meetings with counselor as recommended.
- ✔ Submit to a minimum of three random alcohol/drug screens per week.
- ✔ Attend a minimum of three support/sober network meetings per week.
- ✔ Attend a minimum of two "in house" group meetings per week
- ✔ Maintain employment, vocational training or educational opportunities / Complete community service work as imposed by the judge.
- ✔ Pay DUI Court program fees, court costs and fines.
- ✔ Develop Relapse prevention plan
- ✔ Continue to address medical and mental health issues.
- ✔ Complete program exit interview
- ✔ DUI Court Commencement

DUI Court Graduation Tree

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Policy & Procedure

Brochure

Related Links

- Sarasota DUI Court Admission Application
- Sarasota DUI Court Adopt a Road

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- ✔ Sarasota DUI Court Agreement
- ✔ Drug Court Program
- ✔ Veterans Treatment Court

Information Links

- Accessibility Information
- Career Opportunities
- Contact Information
- Frequently Asked Questions
- Subscription Service
- courtweb@jud12.flcourts.org

Get Adobe Acrobat Reader

About the Courts

The courts are an independent branch of government constitutionally entrusted with the fair and just resolution of disputes to protect the rights and liberties guaranteed by the Constitution and laws of the United States and the State of Florida.

Read More About the Court ...

Courthouse Locations

DESOTO COUNTY
- DeSoto County Courthouse

MANATEE COUNTY
- Manatee County Judicial Center

SARASOTA COUNTY
- Judge Lynn N. Silvertooth Judicial Center (Main Courthouse)
- R. L. Anderson Administration Building (Venice/South County)
- Sarasota County Justice Center

Follow Us

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TBV ME Application Privacy Policy

TBV ME, Co., ("**TBV**", "**We**", "**Us**") has created this privacy policy ("**Privacy Policy**") in order to set out how we collect, use, and disclose personal information through the TBV platform and our related personal contact management services and applications (collectively, together with the TBV platform, the "**Services**"). Any capitalized terms in this Privacy Policy shall have the same meaning as set out in our Terms of Service.

The privacy of our users is of great importance to us. By using the Services in any manner, you acknowledge that you accept the practices and policies outlined in this Privacy Policy and you hereby consent to the collection, use and disclosure of your personal information in accordance with this Privacy Policy.

1 WHAT DOES THIS PRIVACY POLICY COVER?

This Privacy Policy covers our collection, use and disclosure of information about identifiable individuals ("**Personal Information**"), who use the Services ("**Users**").

2 COLLECTION AND USE OF PERSONAL INFORMATION

2.1 User Information

In order to use certain Services, Users must have a valid TBV App account to log into the Services ("**Account**").

When you register for an Account using email registration, TBV collects your name, cell phone number, email address, and location,. This Personal Information is used for the following purposes:

- Verifying the User's identity;
- Allowing Users to create a profile; and
- Contacting Users about relevant information related to the Services.

2.2 Transaction History

When Users use the Services, TBV collects information about the User's activity and transaction history. In particular, TBV keeps track of the device used to log in, the time of day, the time spent on the app, location, actions completed and IP address, and you may also be asked to provide other personal data such as age, location, gender, personal history, etc. ("Personal Information"). This Personal Information is used for the following purposes:

- To allow Users to keep track of their history;
- To store and report activities tracked by the Services;
- To support research and efficacy of the Services;
- For TBV's accounting records;
- To enhance and customize User experience, including showing Users relevant contents; and
- To monitor compliance with our Terms of Service.

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2.3 Marketing Communications

TBV will use the contact information provided to notify Users of important information that is relevant to the Services and for marketing communications if the User chooses to opt in. Despite your indicated e-mail preferences, we may send you relevant notices where permitted by law.

2.4 Usage Data

TBV may also collect certain information from Users of the Website and Services, such as Internet addresses, time spent logged into the Services and other usage data ("**Usage Data**"). This Usage Data is logged to help diagnose technical problems, and to administer our Website and Services in order to constantly improve the quality of the Website and Services.

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Standing alone, cookies do not identify you personally. They merely recognize your browser. Cookies come in two flavors: session and persistent-based. Session cookies exist only during an online session. They disappear from your computer when you close your browser software or turn off your computer. Persistent cookies remain on your computer after you've closed your browser or turned off your computer.

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someone who may be causing injury to or interference with (either intentionally or unintentionally) our rights or property, other Users, or anyone else (including the rights or property of anyone else) that could be harmed by such activities. Further, we may disclose Personal Information when we believe in good faith that such disclosure is required by and in accordance with the law. We also reserve the right to access, read, preserve, and disclose any information as we reasonably believe is necessary to:

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You have the right to access the Personal Information we hold about you in order to verify the Personal Information we have collected in respect to you and to have a general account of our uses of that information. Upon receipt of your written request, we will provide you with a copy of your Personal Information, although in certain limited circumstances, and as permitted under law, we may not be able to make all relevant information available to you, such as where that information also pertains to another User. In such circumstances we will provide reasons for the denial to you upon request. We will endeavor to deal with all requests for access and modifications in a timely manner.

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11 ADDITIONAL INFORMATION

You can help by keeping us informed of any changes such as a change of address or telephone number. If you would like to access your Personal Information, if you have any questions, comments or suggestions about our Privacy Policy or practice, or if you find any errors in our Personal Information about you, please contact us at: support@tbvme.com

Last Updated: June 4, 2019

AMERICAN OVERSIGHT

From: Katie Richardson <krichardson@enterpriseflorida.com>
Sent: Friday, January 17, 2020 2:00 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Invitation to the Enterprise Florida January 2020 Board of Directors & Stakeholders Meeting

Enterprise Florida January 2020 Board of Directors & Stakeholders Meetings

When

January 21, 2020 & January 22, 2020

Where

Augustus B Turnbull Conference Center

555 W Pensacola St, Tallahassee, FL 32306

Registration Deadline

January 6, 2020

Please respond by clicking Yes or No.

We look forward to your response.

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From: Mark Pinvidic <mpinvidic@noblefcm.com>
Sent: Wednesday, January 29, 2020 11:01 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Jeb Bush & Ari Fleischer to deliver keynotes - Presidents Day in South Florida - your invitation to attend

Hello,

We are extremely pleased to present the 43rd Governor of Florida (1999-2007) as our keynote speaker on Presidents Day (February 17, 2020), and Ari Fleischer, the 21st White House Press Secretary, for President George W. Bush on February 18, 2020, at our sixteenth annual small & microcap investor conference to be held at the all-new, flagship Hard Rock "Guitar" Hotel in Hollywood, Florida. Both featured speakers will open each day of conference in the Seminole Grand Ballroom at 8:30am. Both Governor Bush and Mr. Fleischer's keynote address will be followed by a moderated question and answer period.

These two gentlemen offer unique insights on the 2020 presidential race like no others. And from a decidedly Florida perspective. Jeb Bush has lived in Florida since 1980 and before becoming governor, was the state's Secretary of Commerce. In 1988 he joined his father's successful campaign for the Presidency. As we all know he was also a presidential candidate in 2016. Before being tapped by President Bush to become the first press secretary of his administration, he served as the spokesperson during the historic presidential recount in Florida.

By way of background, NobleCon brings together c-suite executives of emerging growth companies (125 public companies represented) and the broad investment community (institutional investors, investment advisors, family offices, self-directed investors, independent brokers and equity analysts). These are the companies that may represent the next breakthrough in science, technology and medicine. NobleCon helps build awareness for these companies so they can attract investment support in order to complete their missions. As sponsors of NobleCon, with our roots in Florida since 1984, Noble Capital Markets is intrinsically interested in promoting companies domiciled in our state or those (we think) should be. We have offered Governor DeSantis an opportunity to promote the advantages of having a Florida corporate address, unfortunately his schedule cannot accommodate our invitation.

We would like to invite you to attend our keynote addresses or, if you have a passion for sitting in on the presentations of these corporate leaders and the other events the conference features, you are welcome to attend the entire conference at a significantly reduced attendance fee: Jeb Bush / Ari Fleischer Keynotes: $49 for one or $79 for both; full access to NobleCon16 is $149.

Here is the conference website so you can get all of the detailswww.nobleconference.com. Here is a link to register for the event(s): registration

In closing, we wish to thank you for your public service and doing your part in making Florida the greatest state in the union!

Mark Pinvidic
Managing Partner
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Direct Line (561) 994-5742
Email mpinvidic@noblecapitalmarkets.com
www.noblecapitalmarkets.com



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AMERICAN OVERSIGHT

1986, codified at 18 U.S.C. section 1367, 2510-2521, 2701-2710, 3121-3126. See also www.ftc.gov/privacy/glbact/glbsub1.htm - Gramm-Leach-Bliley Act 15 USC, Subchapter I, Sec. 6801-6809.

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From: Mark Pinvidic <mpinvidic@noblefcm.com>
Sent: Wednesday, January 29, 2020 10:43 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Jeb Bush & Ari Fleischer to deliver keynotes - Presidents Day in South Florida - your invitation to attend

Hello,

We are extremely pleased to present the 43rd Governor of Florida (1999-2007) as our keynote speaker on Presidents Day (February 17, 2020), and Ari Fleischer, the 21st White House Press Secretary, for President George W. Bush on February 18, 2020, at our sixteenth annual small & microcap investor conference to be held at the all-new, flagship Hard Rock "Guitar" Hotel in Hollywood, Florida. Both featured speakers will open each day of conference in the Seminole Grand Ballroom at 8:30am. Both Governor Bush and Mr. Fleischer's keynote address will be followed by a moderated question and answer period.

These two gentlemen offer unique insights on the 2020 presidential race like no others. And from a decidedly Florida perspective. Jeb Bush has lived in Florida since 1980 and before becoming governor, was the state's Secretary of Commerce. In 1988 he joined his father's successful campaign for the Presidency. As we all know he was also a presidential candidate in 2016. Before being tapped by President Bush to become the first press secretary of his administration, he served as the spokesperson during the historic presidential recount in Florida.

By way of background, NobleCon brings together c-suite executives of emerging growth companies (125 public companies represented) and the broad investment community (institutional investors, investment advisors, family offices, self-directed investors, independent brokers and equity analysts). These are the companies that may represent the next breakthrough in science, technology and medicine. NobleCon helps build awareness for these companies so they can attract investment support in order to complete their missions. As sponsors of NobleCon, with our roots in Florida since 1984, Noble Capital Markets is intrinsically interested in promoting companies domiciled in our state or those (we think) should be. We have offered Governor DeSantis an opportunity to promote the advantages of having a Florida corporate address, unfortunately his schedule cannot accommodate our invitation.

We would like to invite you to attend our keynote addresses or, if you have a passion for sitting in on the presentations of these corporate leaders and the other events the conference features, you are welcome to attend the entire conference at a significantly reduced attendance fee: Jeb Bush / Ari Fleischer Keynotes: $49 for one or $79 for both; full access to NobleCon16 is $149.

Here is the conference website so you can get all of the detailswww.nobleconference.com. Here is a link to register for the event(s): registration

In closing, we wish to thank you for your public service and doing your part in making Florida the greatest state in the union!

Mark Pinvidic
Managing Partner
Noble Capital Markets, Inc.
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Boca Raton, FL 33432
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From: Mark Pinvidic <mpinvidic@noblefcm.com>
Sent: Wednesday, January 29, 2020 10:23 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Jeb Bush & Ari Fleischer to deliver keynotes - Presidents Day in South Florida - your invitation to attend

Hello,

We are extremely pleased to present the 43rd Governor of Florida (1999-2007) as our keynote speaker on Presidents Day (February 17, 2020), and Ari Fleischer, the 21st White House Press Secretary, for President George W. Bush on February 18, 2020, at our sixteenth annual small & microcap investor conference to be held at the all-new, flagship Hard Rock "Guitar" Hotel in Hollywood, Florida. Both featured speakers will open each day of conference in the Seminole Grand Ballroom at 8:30am. Both Governor Bush and Mr. Fleischer's keynote address will be followed by a moderated question and answer period.

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Here is the conference website so you can get all of the detailswww.nobleconference.com. Here is a link to register for the event(s): registration

In closing, we wish to thank you for your public service and doing your part in making Florida the greatest state in the union!

Mark Pinvidic
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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Tuesday, January 07, 2020 11:22 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Keynote Speaker Announcement! GCBX 68th ANNUAL INSTALLATION & AWARDS DINNER- February 20, 2020

Dear Senator Joe Gruters,
You are invited to the following event:

GCBX 68th ANNUAL INSTALLATION & AWARDS DINNER

When: 20 Feb 2020 6:00 PM, EST
Where: Hyatt Regency Sarasota- 1000 Blvd of the Arts

Will you be attending?

REGISTER

Hyatt Regency Sarasota

Networking 6:00 - 7:00 pm
Program 7:00 - 9:00 pm

Registration opens at 5:45 PM

Keynote Speaker: Attorney General Ashley Moody

Join us in Welcoming Incoming Chairman

Senator Michael Bennett, Manatee County Supervisor of Elections

Lifetime Achievement Awardee:
Rich Stehle, Climatic Conditioning Company

Posthumous Lifetime Achievment Awardee:

Nathan Benderson, Benderson Development

Plus a Surprise Chairman's Award and Volunteer of the Year!

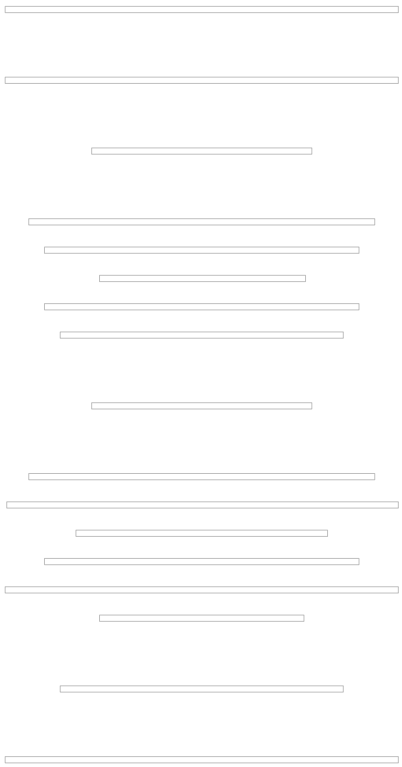
This year's dinner theme will be *Preserving Our Past and Building Our Future*e We are asking members to submit local projects for consideration to be showcased at the dinner in different ways including table settings, PowerPoint features and more. Please send your project submission to AlbaniHogan@gcbx.org. We are looking for local projects that fit this theme so please submit your project name for consideration!

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THANK YOU AWARDS SPONSOR!

THANK YOU KEYSTONE EVENT SPONSORS!



Best regards,
Gulf Coast Builders Exchange

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From: Kopelousos, Stephanie <Stephanie.Kopelousos@eog.myflorida.com>
Sent: Wednesday, November 13, 2019 12:17 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Language for DEP bill
Attachment(s): "DEP PENALTY PROVISIONS 9_2019.docx"

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AMERICAN OVERSIGHT

161.054

Administrative fines; liability for damage; liens.—
(1) In addition to the penalties provided for in ss. 161.052, 161.053, and 161.121, any person, firm, corporation, or governmental agency, or agent thereof, refusing to comply with or willfully violating any of the provisions of s. 161.041, s. 161.052, or s. 161.053, or any rule or order prescribed by the department thereunder, shall incur a fine for each offense in an amount up to ~~**$10,000**~~ **$15,000** to be fixed, imposed, and collected by the department. **Until a violation is resolved by order or judgment**, each day during any portion of which such violation occurs **or is not remediated** constitutes a separate offense.

AMERICAN OVERSIGHT

252.941

Prohibitions, violations, penalties, intent.—

(2) Any person who willfully commits a violation specified in subsection (1) is guilty of a misdemeanor of the first degree punishable as provided in s. 775.083(1)(g) by a fine of not more than ~~**$10,000**~~ **$15,000** for each offense. **Until a violation is resolved by order or judgment**, each day during any portion of which such violation occurs **or is not remediated** constitutes a separate offense.

AMERICAN OVERSIGHT

258.397

Biscayne Bay Aquatic Preserve.—

(7) ENFORCEMENT.—The provisions of this section may be enforced in accordance with the provisions of s. 403.412. In addition, the Department of Legal Affairs is authorized to bring an action for civil penalties of ~~**$5,000**~~ **$7,500** per day against any person, natural or corporate, who violates the provisions of this section or any rule or regulation issued hereunder **and until a violation is resolved by order or judgment**, each day during any portion of which such violation occurs **or is not remediated** constitutes a separate offense. Enforcement of applicable state regulations shall be supplemented by the Miami-Dade County Department of Environmental Resources Management through the creation of a full-time enforcement presence along the Miami River.

AMERICAN OVERSIGHT

258.46

Enforcement; violations; penalty.—The provisions of this act may be enforced by the Board of Trustees of the Internal Improvement Trust Fund or in accordance with the provisions of s. 403.412. However, any violation by any person, natural or corporate, of the provisions of this act or any rule or regulation issued hereunder shall be further punishable by a civil penalty of not less than **~~$500~~ $750** per day or more than **~~$5,000~~ $7,500** per day of such violation **and until a violation is resolved by order or judgment**, each day during any portion of which such violation occurs **or is not remediated** constitutes a separate offense.

AMERICAN OVERSIGHT

373.129

Maintenance of actions.—The department, the governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(5) To recover a civil penalty for each offense in an amount not to exceed ~~**$10,000**~~ **$15,000** per offense. **Until a violation is resolved by order or judgment**, each day during any portion of which such violation occurs **or is not remediated** constitutes a separate offense.

AMERICAN OVERSIGHT

373.209

Artesian wells; penalties for violation.—

(3) Any person who violates any provision of this section shall be subject to either:

(a) The remedial measures provided for in s. 373.436; or

(b) A civil penalty of ~~**$100**~~ **$150** a day for each and every day of such violation and for each and every act of violation. The civil penalty may be recovered by the water management board of the water management district in which the well is located or by the department in a suit in a court of competent jurisdiction in the county where the defendant resides, in the county of residence of any defendant if there is more than one defendant, or in the county where the violation took place. The place of suit shall be selected by the board or department, and the suit, by direction of the board or department, shall be instituted and conducted in the name of the board or department by appropriate counsel. The payment of any such damages does not impair or abridge any cause of action which any person may have against the person violating any provision of this section.

AMERICAN OVERSIGHT

373.430

Prohibitions, violation, penalty, intent.—

(3) Any person who willfully commits a violation specified in paragraph (1)(a) is guilty of a felony of the third degree, punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g), by a fine of not more than $50,000 or by imprisonment for 5 years, or by both, for each offense. **Until a violation is resolved by order or judgment**, each day during any portion of which such violation occurs **or is not remediated** constitutes a separate offense.

(4) Any person who commits a violation specified in paragraph (1)(a) **or paragraph (1)(b)** due to reckless indifference or gross careless disregard is guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g), by a fine of not more than ~~**$5,000**~~ **$10,000** or 60 days in jail, or by both, for each offense.

(5) Any person who willfully commits a violation specified in paragraph (1)(b) or **commits a violation specified in** paragraph (1)(c) is guilty of a misdemeanor of the first degree, punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g), by a fine of not more than $10,000 or by 6 months in jail, or by both, for each offense.

AMERICAN OVERSIGHT

(5)(a) A person who violates this section or the terms and requirements of such certification commits a noncriminal infraction. The civil penalty for any such infraction shall be ~~**$500**~~ **$750**, except as otherwise provided in this section.

(e) A person who elects to appear before the county court or who is required to so appear waives the limitations of the civil penalty specified in paragraph (a). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of the infraction is proved, the court shall impose a civil penalty of ~~**$500**~~ **$750**.

AMERICAN OVERSIGHT

376.071

Discharge contingency plan for vessels.—

(2)(a) A master of a vessel that violates subsection (1) commits a noncriminal infraction and shall be cited for such infraction. The civil penalty for such an infraction shall be ~~**$5,000**~~ **$7,500**, except as otherwise provided in this subsection.

(e) A person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalty specified in paragraph (a). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of the infraction is proved, the court shall impose a civil penalty of ~~**$5,000**~~ **$7,500**.

AMERICAN OVERSIGHT

376.16

Enforcement and penalties.—

(1) It is unlawful for any person to violate any provision of ss. 376.011-376.21 or any rule or order of the department made pursuant to this act. Violation shall be punishable by a civil penalty of up to ~~**$50,000**~~ **$75,000** per violation per day to be assessed by the department. **Until a violation is resolved by order or judgment**, each day during any portion of which such violation occurs **or is not remediated** constitutes a separate offense. The penalty provisions of this subsection shall not apply to any discharge promptly reported and removed by a person responsible, in accordance with the rules and orders of the department, or to any discharge of pollutants equal to or less than 5 gallons.

(2) In addition to the penalty provisions which may apply under subsection (1), a person responsible for two or more discharges of any pollutant reported pursuant to s. 376.12 within a 12-month period at the same facility commits a noncriminal infraction and shall be cited by the department for such infraction.

(a) For discharges of gasoline or diesel over 5 gallons, the civil penalty for the second discharge shall be ~~**$500**~~ **$750** and the civil penalty for each subsequent discharge within a 12-month period shall be ~~**$1,000**~~ **$1,500**, except as otherwise provided in this section.

(b) For discharges of any pollutant other than gasoline or diesel, the civil penalty for a second discharge shall be ~~**$2,500**~~ **$3,750** and the civil penalty for each subsequent discharge within a 12-month period shall be ~~**$5,000**~~ **$7,500**, except as otherwise provided in this section.

AMERICAN OVERSIGHT

(3) A person responsible for two or more discharges of any pollutant reported pursuant to s. 376.12 within a 12-month period at the same facility commits a noncriminal infraction and shall be cited by the department for such infraction.

(a) For discharges of gasoline or diesel equal to or less than 5 gallons, the civil penalty shall be ~~$50~~ **$75** for each discharge subsequent to the first.

(b) For discharges of pollutants other than gasoline or diesel equal to or less than 5 gallons, the civil penalty shall be ~~$100~~ **$150** for each discharge subsequent to the first.

(7) Any person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalties specified in subsection (2). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is proved, the court may impose a civil penalty up to, but not exceeding, ~~$500~~ **$750** for the second discharge of gasoline or diesel and a civil penalty up to, but not exceeding, ~~$1,000~~ **$1,500** for each subsequent discharge of gasoline or diesel within a 12-month period.

(8) Any person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalties specified in subsection (2) or subsection (3). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is proved, the court may impose a civil penalty up to, but not exceeding, ~~$5,000~~ **$7,500** for the second discharge of pollutants other than gasoline or diesel and a civil penalty up to, but not exceeding, ~~$10,000~~ **$15,000** for each subsequent discharge of pollutants other than gasoline or diesel within a 12-month period.

AMERICAN OVERSIGHT

376.25

Gambling vessels; registration; required and prohibited releases.—

(6) PENALTIES.—

(a) A person who violates this section is subject to a civil penalty of not more than ~~**$50,000**~~ **$75,000** for each violation. **Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.**

AMERICAN OVERSIGHT

376.302

Prohibited acts; penalties.—

(3) Any person who willfully commits a violation specified in paragraph (1)(a) or paragraph (1)(b) shall be guilty of a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g), by a fine of not less than $2,500 or more than $25,000, or punishable by 1 year in jail, or by both for each offense. **Until a violation is resolved by order or judgment**, each day during any portion of which such violation occurs **or is not remediated** constitutes a separate offense.

AMERICAN OVERSIGHT

377.37

Penalties.—

(1)(a) Any person who violates any provision of this law or any rule, regulation, or order of the division made under this chapter or who violates the terms of any permit to drill for or produce oil, gas, or other petroleum products referred to in s. 377.242(1) or to store gas in a natural gas storage facility, or any lessee, permitholder, or operator of equipment or facilities used in the exploration for, drilling for, or production of oil, gas, or other petroleum products, or storage of gas in a natural gas storage facility, who refuses inspection by the division as provided in this chapter, is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state. Furthermore, such person, lessee, permitholder, or operator is subject to the judicial imposition of a civil penalty in an amount of not more than ~~**$10,000**~~ **$15,000** for each offense. However, the court may receive evidence in mitigation. **Until a violation is resolved by order or judgment**, each day during any portion of which such violation occurs **or is not remediated** constitutes a separate offense. Nothing herein shall give the department the right to bring an action on behalf of any private person.

AMERICAN OVERSIGHT

378.211

Violations; damages; penalties.—

(2) The department may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for violation of this part or of any rule adopted or order issued pursuant to this part. The penalty shall not exceed the following amounts, and the court shall consider evidence in mitigation:

(a) For violations of a minor or technical nature, ~~**$100**~~ **$150** per violation.

(b) For major violations by an operator on which a penalty has not been imposed under this paragraph during the previous 5 years, ~~**$1,000**~~ **$1,500** per violation.

(c) For major violations not covered by paragraph (b), ~~**$5,000**~~ **$7,500** per violation.

Subject to the provisions of subsection (4), **until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.**

AMERICAN OVERSIGHT

403.086

Sewage disposal facilities; advanced and secondary waste treatment.—

(2) Any facilities for sanitary sewage disposal shall provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the Department of Environmental Protection. Failure to conform shall be punishable by a civil penalty of ~~**$500**~~ **$750** for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

AMERICAN OVERSIGHT

403.121

Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(1) Judicial remedies:

(b) The department may institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation in an amount of not more than ~~**$10,000**~~ **$15,000** per offense. However, the court may receive evidence in mitigation. **Until a violation is resolved by order or judgment**, each day during any portion of which such violation occurs **or is not remediated** constitutes a separate offense.

(2) Administrative remedies:

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, $asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed of ~~**$10,000**~~ **$50,000** per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 shall be not less than $1000 per day per violation. The department shall not impose administrative penalties in excess of ~~**$10,000**~~ **$50,000** in a notice of violation. The department shall not have more than one notice of violation seeking administrative penalties pending against the same party at the same time unless the violations occurred at a different site or the violations were discovered

AMERICAN OVERSIGHT

by the department subsequent to the filing of a previous notice of violation.

(g) Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law. Nothing in this subsection shall limit the department's authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief. When the department exercises its authority to judicially pursue injunctive relief, penalties in any amount up to the statutory maximum sought by the department must be pursued as part of the state court action and not by initiating a separate administrative proceeding. The department retains the authority to judicially pursue penalties in excess of ~~**$10,000**~~ **$50,000** for violations not specifically included in the administrative penalty schedule, or for multiple or multiday violations alleged to exceed a total of ~~**$10,000**~~ **$50,000**. The department also retains the authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief and damages, if a notice of violation seeking the imposition of administrative penalties has not been issued. The department has the authority to enter into a settlement, either before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of ~~**$10,000**~~ **$50,000** in penalties may be settled in the court action for less than ~~**$10,000**~~ **$50,000**.

(3) Except for violations involving hazardous wastes, asbestos, or underground injection, administrative penalties must be calculated according to the following schedule:

(a) For a drinking water contamination violation, the department shall assess a penalty of ~~**$2,000**~~ **$3,000** for a Maximum Containment Level (MCL) violation; plus ~~**$1,000**~~ **$1,500** if the violation is for a primary inorganic, organic, or radiological

AMERICAN OVERSIGHT

Maximum Contaminant Level or it is a fecal coliform bacteria violation; plus ~~$1,000~~ $1,500 if the violation occurs at a community water system; and plus ~~$1,000~~ $1,500 if any Maximum Contaminant Level is exceeded by more than 100 percent. For failure to obtain a clearance letter prior to placing a drinking water system into service when the system would not have been eligible for clearance, the department shall assess a penalty of ~~$3,000~~ $4,500.

(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge, the department shall assess a penalty of ~~$1,000~~ $1,500. For a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation, the department shall assess a penalty of ~~$2,000~~ $3,000 for an unpermitted or unauthorized discharge or effluent-limitation exceedance. For an unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation, the department shall assess a penalty of ~~$5,000~~ $7,500.

(c) For a dredge and fill or stormwater violation, the department shall assess a penalty of ~~$1,000~~ $1,500 for unpermitted or unauthorized dredging or filling or unauthorized construction of a stormwater management system against the person or persons responsible for the illegal dredging or filling, or unauthorized construction of a stormwater management system plus ~~$2,000~~ $3,000 if the dredging or filling occurs in an aquatic preserve, Outstanding Florida Water, conservation easement, or Class I or Class II surface water, plus ~~$1,000~~ $1,500 if the area dredged or filled is greater than one-quarter acre but less than or equal to one-half acre, and plus ~~$1,000~~ $1,500 if the area dredged or filled is greater than one-half acre but less than or equal to one acre. The administrative

AMERICAN OVERSIGHT

penalty schedule shall not apply to a dredge and fill violation if the area dredged or filled exceeds one acre. The department retains the authority to seek the judicial imposition of civil penalties for all dredge and fill violations involving more than one acre. The department shall assess a penalty of ~~$3,000~~ **$4,500** for the failure to complete required mitigation, failure to record a required conservation easement, or for a water quality violation resulting from dredging or filling activities, stormwater construction activities or failure of a stormwater treatment facility. For stormwater management systems serving less than 5 acres, the department shall assess a penalty of ~~$2,000~~ **$3,000** for the failure to properly or timely construct a stormwater management system. In addition to the penalties authorized in this subsection, the department shall assess a penalty of ~~$5,000~~ **$7,500** per violation against the contractor or agent of the owner or tenant that conducts unpermitted or unauthorized dredging or filling. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer shall not make that person an agent of the owner or tenant.

(d) For mangrove trimming or alteration violations, the department shall assess a penalty of ~~$5,000~~ **$7,500** per violation against the contractor or agent of the owner or tenant that conducts mangrove trimming or alteration without a permit as required by s. 403.9328. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer shall not make that person an agent of the owner or tenant.

(e) For solid waste violations, the department shall assess a penalty of ~~$2,000~~ **$3,000** for the unpermitted or unauthorized

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disposal or storage of solid waste; plus $1,000 if the solid waste is Class I or Class III (excluding yard trash) or if the solid waste is construction and demolition debris in excess of 20 cubic yards, plus ~~**$1,000**~~ **$1,500** if the waste is disposed of or stored in any natural or artificial body of water or within 500 feet of a potable water well, plus ~~**$1,000**~~ **$1,500** if the waste contains PCB at a concentration of 50 parts per million or greater; untreated biomedical waste; friable asbestos greater than 1 cubic meter which is not wetted, bagged, and covered; used oil greater than 25 gallons; or 10 or more lead acid batteries. The department shall assess a penalty of ~~**$3,000**~~ **$4,500** for failure to properly maintain leachate control; unauthorized burning; failure to have a trained spotter on duty at the working face when accepting waste; failure to provide access control for three consecutive inspections. The department shall assess a penalty of ~~**$2,000**~~ **$3,000** for failure to construct or maintain a required stormwater management system.

(f) For an air emission violation, the department shall assess a penalty of ~~**$1,000**~~ **$1,500** for an unpermitted or unauthorized air emission or an air-emission-permit exceedance, ~~plus $1,000 if the emission results in an air quality violation,~~ plus ~~**$3,000**~~ **$4,500** if the emission was from a major source and the source was major for the pollutant in violation; plus ~~**$1,000**~~ **$1,500** if the emission was more than 150 percent of the allowable level.

(g) For storage tank system and petroleum contamination violations, the department shall assess a penalty of ~~**$5,000**~~ **$7,500** for failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed; when a release has occurred from that storage tank system; for failure to timely recover free product; or for failure to conduct remediation or monitoring activities until a no-further-action or site-

AMERICAN OVERSIGHT

rehabilitation completion order has been issued. The department shall assess a penalty of ~~$3,000~~ **$4,500** for failure to timely upgrade a storage tank system. The department shall assess a penalty of ~~$2,000~~ **$3,000** for failure to conduct or maintain required release detection; failure to timely investigate a suspected release from a storage system; depositing motor fuel into an unregistered storage tank system; failure to timely assess or remediate petroleum contamination; or failure to properly install a storage tank system. The department shall assess a penalty of $~~$1,000~~ **$1,500** for failure to properly operate, maintain, or close a storage tank system.

(4) In an administrative proceeding, in addition to the penalties that may be assessed under subsection (3), the department shall assess administrative penalties according to the following schedule:

(a) For failure to satisfy financial responsibility requirements or for violation of s. 377.371(1), ~~$5,000~~ **$7,500**.

(b) For failure to install, maintain, or use a required pollution control system or device, ~~$4,000~~ **$6,000**.

(c) For failure to obtain a required permit before construction or modification, ~~$3,000~~ **$4,500**.

(d) For failure to conduct required monitoring or testing; failure to conduct required release detection; or failure to construct in compliance with a permit, ~~$2,000~~ **$3,000**.

(e) For failure to maintain required staff to respond to emergencies; failure to conduct required training; failure to prepare, maintain, or update required contingency plans; failure to adequately respond to emergencies to bring an emergency situation under control; or failure to submit required notification to the department, ~~$1,000~~ **$1,500**.

(f) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for

AMERICAN OVERSIGHT

failure to prepare, submit, maintain, or use required reports or other required documentation, ~~$500~~ **$750**.

(5) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to comply with any other departmental regulatory statute or rule requirement not otherwise identified in this section, the department may assess a penalty of ~~$500~~ **$1000**.

(6) For each additional day during which a violation occurs, the administrative penalties in subsection (3), subsection (4), and subsection (5) may be assessed per day per violation.

(7) The history of noncompliance of the violator for any previous violation resulting in an executed consent order, but not including a consent order entered into without a finding of violation, or resulting in a final order or judgment after the effective date of this law involving the imposition of ~~$2,000~~ **$3,000** or more in penalties shall be taken into consideration in the following manner:

(a) One previous such violation within 5 years prior to the filing of the notice of violation will result in a 25-percent per day increase in the scheduled administrative penalty.

(b) Two previous such violations within 5 years prior to the filing of the notice of violation will result in a 50-percent per day increase in the scheduled administrative penalty.

(c) Three or more previous such violations within 5 years prior to the filing of the notice of violation will result in a 100-percent per day increase in the scheduled administrative penalty.

(8) The direct economic benefit gained by the violator from the violation, where consideration of economic benefit is provided by Florida law or required by federal law as part of a federally delegated or approved program, shall be added to the scheduled administrative penalty. The total administrative penalty,

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including any economic benefit added to the scheduled administrative penalty, shall not exceed ~~**$10,000**~~ **$15,000**.

(9) The administrative penalties assessed for any particular violation shall not exceed ~~**$5,000**~~ **$7,500** against any one violator, unless the violator has a history of noncompliance, the economic benefit of the violation as described in subsection (8) exceeds ~~**$5,000**~~ **$7,500**, or there are multiday violations. The total administrative penalties shall not exceed ~~**$10,000**~~ **$50,000** per assessment for all violations attributable to a specific person in the notice of violation.

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403.141

Civil liability; joint and several liability.—

(1) Whoever commits a violation specified in s. 403.161(1) is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state to their former condition, and furthermore is subject to the judicial imposition of a civil penalty for each offense in an amount of not more than ~~**$10,000**~~ **$15,000** per offense. However, the court may receive evidence in mitigation. **Until a violation is resolved by order or judgment**, each day during any portion of which such violation occurs **or is not remediated** constitutes a separate offense. Nothing herein shall give the department the right to bring an action on behalf of any private person.

AMERICAN OVERSIGHT

403.161

Prohibitions, violation, penalty, intent.—

(3) Any person who willfully commits a violation specified in paragraph (1)(a) is guilty of a felony of the third degree punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g) by a fine of not more than $50,000 or by imprisonment for 5 years, or by both, for each offense. **Until a violation is resolved by order or judgment**, each day during any portion of which such violation occurs **or is not remediated** constitutes a separate offense.

(4) Any person who commits a violation specified in paragraph (1)(a) **or paragraph (1)(b)** due to reckless indifference or gross careless disregard is guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g) by a fine of not more than ~~**$5,000**~~ **$10,000** or by 60 days in jail, or by both, for each offense.

(5) Any person who willfully commits a violation specified in paragraph (1)(b) or **commits a violation specified in** paragraph (1)(c) is guilty of a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g) by a fine of not more than $10,000 or by 6 months in jail, or by both for each offense.

AMERICAN OVERSIGHT

403.413

Florida Litter Law.—

(6) PENALTIES; ENFORCEMENT.—

(a) Any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes is guilty of a noncriminal infraction, punishable by a civil penalty of ~~$100~~ **$150**, from which $50 shall be deposited into the Solid Waste Management Trust Fund to be used for the solid waste management grant program pursuant to s. 403.7095. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

AMERICAN OVERSIGHT

403.7234

Small quantity generator notification and verification program.—

(5) Any small quantity generator who does not comply with the requirements of subsection (4) and who has received a notification and survey in person or through one certified letter from the county is subject to a fine of between ~~$50~~ **$75** and ~~$100~~ **$150** per day for a maximum of 100 days. The county may collect such fines and deposit them in its general revenue fund. Fines collected by the county shall be used to carry out the notification and verification procedure established in this section. If there are excess funds after the notification and verification procedures have been completed, such funds shall be used for hazardous and solid waste management purposes only.

AMERICAN OVERSIGHT

403.726

Abatement of imminent hazard caused by hazardous substance.—

(3) An imminent hazard exists if any hazardous substance creates an immediate and substantial danger to human health, safety, or welfare or to the environment. The department may institute action in its own name, using the procedures and remedies of s. 403.121 or s. 403.131, to abate an imminent hazard. However, the department is authorized to recover a civil penalty of not more than ~~$25,000~~ **$37,500** **for each day until a violation is resolved by order or judgment**. Whenever serious harm to human health, safety, and welfare; the environment; or private or public property may occur prior to completion of an administrative hearing or other formal proceeding which might be initiated to abate the risk of serious harm, the department may obtain, ex parte, an injunction without paying filing and service fees prior to the filing and service of process.

AMERICAN OVERSIGHT

403.727

Violations; defenses, penalties, and remedies.—

(3) Violations of the provisions of this act are punishable as follows:

(a) Any person who violates the provisions of this act, the rules or orders of the department, or the conditions of a permit is liable to the state for any damages specified in s. 403.141 and for a civil penalty of not more than $~~50,000~~ **$75,000** for each day of continued violation **or until a violation is resolved by order or judgment**, except as otherwise provided herein. The department may revoke any permit issued to the violator. In any action by the department against a small hazardous waste generator for the improper disposal of hazardous wastes, a rebuttable presumption of improper disposal shall be created if the generator was notified pursuant to s. 403.7234; the generator shall then have the burden of proving that the disposal was proper. If the generator was not so notified, the burden of proving improper disposal shall be placed upon the department.

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403.93345

Coral reef protection.—

(8) In addition to the compensation described in subsection (5), the department may assess, per occurrence, civil penalties according to the following schedule:

(a) For any anchoring of a vessel on a coral reef or for any other damage to a coral reef totaling less than or equal to an area of 1 square meter, $~~150~~ **$225**, provided that a responsible party who has anchored a recreational vessel as defined in s. 327.02 which is lawfully registered or exempt from registration pursuant to chapter 328 is issued, at least once, a warning letter in lieu of penalty; with aggravating circumstances, an additional $~~150~~ **$225**; occurring within a state park or aquatic preserve, an additional $~~150~~ **$225**.

(b) For damage totaling more than an area of 1 square meter but less than or equal to an area of 10 square meters, $~~300~~ **$450** per square meter; with aggravating circumstances, an additional $~~300~~ **$450** per square meter; occurring within a state park or aquatic preserve, an additional $~~300~~ **$450** per square meter.

(c) For damage exceeding an area of 10 square meters, $~~1,000~~ **$1,500** per square meter; with aggravating circumstances, an additional $~~1,000~~ **$1,500** per square meter; occurring within a state park or aquatic preserve, an additional $~~1,000~~ **$1,500** per square meter.

(d) For a second violation, the total penalty may be doubled.

(e) For a third violation, the total penalty may be tripled.

(f) For any violation after a third violation, the total penalty may be quadrupled.

(g) The total of penalties levied may not exceed $~~250,000~~ **$375,000** per occurrence.

AMERICAN OVERSIGHT

From: Tracey Lowe <tlowe@flfoundation.org>
Sent: Tuesday, January 07, 2020 9:19 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Last Chance for Free 2020 Economic Outlook

Florida Chamber Foundation | **www.FLFoundation.org**
136 S. Bronough Street, Tallahassee, Florida 32301 | (850) 521-1200

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Thursday, February 06, 2020 10:21 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: LAST CHANCE TO SPONSOR! GCBX 68th ANNUAL INSTALLATION & AWARDS DINNER- February 20, 2020

Dear Senator Joe Gruters,
You are invited to the following event:

GCBX 68th ANNUAL INSTALLATION & AWARDS DINNER

When: 20 Feb 2020 6:00 PM, EST
Where: Hyatt Regency Sarasota- 1000 Blvd of the Arts

LAST CHANCE to become an Annual Dinner Sponsor with an Advertisement in our Program to showcase your business to over 500 GCBX Members! Become a sponsor for the BIGGEST event of the year!

Will you be attending?

REGISTER

Hyatt Regency Sarasota

Networking 6:00 - 7:00 pm
Program 7:00 - 9:00 pm

Registration opens at 5:45 PM

Keynote Speaker:
Attorney General Ashley Moody

Join us in Welcoming Incoming Chairman:

Senator Michael Bennett, Manatee County Supervisor of Elections

Lifetime Achievement Awardee:
Rich Stehle, Climatic Conditioning Company

Posthumous Lifetime Achievement Awardee:
Nathan Benderson, Benderson Development

Chairman's Awardee:
C.J. Dupre, Manatee County Building Official

Plus a Surprise Volunteer of the Year!

This year's dinner theme will be *Preserving Our Past and Building Our Future* We are asking members to

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submit local projects for consideration to be showcased at the dinner in different ways including table settings, PowerPoint features and more. Please send your project submission to AlbaniHogan@gcbx.org. We are looking for local projects that fit this theme so please submit your project name for consideration!

Click here for Flyer

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Best regards,
Gulf Coast Builders Exchange

If you no longer wish to receive these emails you canunsubscribe at any time.

From: Brill, Victoria
Sent: Monday, November 25, 2019 5:32 PM EST
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: Legislation
Attachment(s): "billdraft75417 (2).DOCX"

Good Evening Brittany,

Please see the attached bill draft. Please let me know if any changes need to be made.

Thank you,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

AMERICAN OVERSIGHT

23-01371-20

A bill to be entitled

An act relating to international affairs; amending s. 15.01, F.S.; requiring the Secretary of State to serve as the state protocol officer; requiring the Secretary of State to take certain actions relating to the state protocol manual; amending s. 15.182, F.S.; requiring that certain organizations provide notice of international travel to the Department of State, rather than the Department of Economic Opportunity; requiring the Department of State, The Department of Economic Opportunity, and Enterprise Florida, Inc., to work in conjunction for a certain purpose; amending s. 288.816, F.S.; revising the duties of the state protocol officer; authorizing, rather than requiring, the state protocol officer to take certain actions; creating s. 288.8165, F.S.; authorizing the Office of International Affairs within the Department of State to support the establishment of citizen support organizations for certain purposes; defining the term "citizen support organization"; authorizing the office to adopt rules; prohibiting the office from allowing a citizen support organization to use certain services, property, or facilities if the organization does not provide equal membership and employment opportunities; requiring citizen support organizations to provide for a certain financial audit; providing a scheduled repeal; amending s. 288.012, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 15.01, Florida Statutes, is amended to read:

15.01 Duties.—

(1) The Secretary of State shall serve as the state protocol officer. In consultation with the Governor and other governmental officials, the Secretary of State shall develop, maintain, publish, and distribute the state protocol manual.

(2) The Department of State shall have the custody of the constitution and Great Seal of this state, and of the original statutes thereof, and of the resolutions of the Legislature, and of all the official correspondence of the Governor. The department shall keep in its office a register and an index of all official letters, orders, communications, messages, documents, and other official acts issued or received by the Governor or the Secretary of State, and record these in a book numbered in chronological order. The Governor, before issuing any order or transmission of any official letter, communication, or document from the executive office or promulgation of any official act or proceeding, except military orders, shall deliver the same or a copy thereof to the Department of State to be recorded.

Section 2. Section 15.182, Florida Statutes, is amended to read:

15.182 International travel by state-funded musical, cultural, or artistic organizations; notification to the Department of State ~~Economic Opportunity~~.—

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(1) If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing, including an organization associated with a college or university, such organization shall notify the Department of State ~~Economic Opportunity~~ of its intentions to travel, together with the date, time, and location of each appearance.

(2) The Department of State ~~Economic Opportunity~~, in conjunction with the Department of Economic Opportunity and Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.

(3) An organization shall provide the notification to the Department of State required by this section at least 30 days before the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The Department of State shall take an active role in informing such groups of the responsibility to notify the department of travel intentions.

Section 3. Paragraphs (c) and (d) of subsection (2) and subsection (3) of section 288.816, Florida Statutes, are amended to read:

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288.816 Intergovernmental relations.—

(2) The state protocol officer shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The state protocol officer shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The state protocol officer shall:

~~(c) Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government.~~

~~(d) Verify entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods.~~

(3) The state protocol officer may ~~shall operate the sister city and sister state program and establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, the state protocol officer shall have the power and authority to~~:

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

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(c) Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities.

~~(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.~~

~~(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.~~

Section 4. Section 288.8165, Florida Statutes, is created to read:

288.8165 Citizen support organizations.—

(1) CITIZEN SUPPORT ORGANIZATIONS.—The Office of International Affairs within the Department of State may support the establishment of citizen support organizations to provide assistance, funding, and promotional support for intergovernmental programs. For the purposes of this section, a "citizen support organization" means an organization which is:

(a) A Florida corporation not for profit incorporated under chapter 617 and approved by the Department of State;

(b) Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and

AMERICAN OVERSIGHT

bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Office of International Affairs;

(c) Determined by the Office of International Affairs to be consistent with the goals of the office and in the best interests of the state; and

(d) Approved in writing by the Office of International Affairs to operate for the direct or indirect benefit of the office. Such approval must be given in a letter of agreement from the office.

(2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—

(a) The Office of International Affairs may adopt rules requiring citizen support organizations to meet certain requirements in order to use the office's administrative services, property, or facilities.

(b) The Office of International Affairs may not allow a citizen support organization to use any administrative services, property, or facilities of the state if the citizen support organization does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(3) ANNUAL AUDIT.—Each citizen support organization shall provide for an annual financial audit in accordance with s. 215.981.

(4) FUTURE REPEAL.—This section is repealed October 1, 2025, unless reviewed and saved from repeal by the Legislature.

Section 5. Section 288.012, Florida Statutes, is amended to

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read:

288.012 State of Florida international offices~~; state protocol officer; protocol manual~~.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida international offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between private businesses and state, local, and international governmental entities.

(1) The department is authorized to:

(a) Establish and operate offices in other countries for the purpose of promoting trade and economic development opportunities of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in other countries which contain provisions that may conflict with the general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in another country's currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of another country's currency by the department to meet

AMERICAN OVERSIGHT

such obligations shall be subject only to s. 216.311.

(2) Each international office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the department. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry sector priorities for the country in which an international office is located.

(c) Provisions for access to information for Florida businesses related to trade leads and inquiries.

(d) Identification of new and emerging market opportunities for Florida businesses. This information shall be provided either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to international trade assistance services provided by state and local entities, seaport and airport information, and other services identified by the department.

(f) Qualitative and quantitative performance measures for each office, including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of international buyers and importers contacted, and the amount and type of marketing conducted.

(3) Each international office shall annually submit to Enterprise Florida, Inc., a complete and detailed report on its activities and accomplishments during the previous fiscal year

AMERICAN OVERSIGHT

for inclusion in the annual report required under s. 288.906. In the format and by the annual date prescribed by Enterprise Florida, Inc., the report must set forth information on:

(a) The number of Florida companies assisted.

(b) The number of inquiries received about investment opportunities in this state.

(c) The number of trade leads generated.

(d) The number of investment projects announced.

(e) The estimated U.S. dollar value of sales confirmations.

(f) The number of representation agreements.

(g) The number of company consultations.

(h) Barriers or other issues affecting the effective operation of the office.

(i) Changes in office operations which are planned for the current fiscal year.

(j) Marketing activities conducted.

(k) Strategic alliances formed with organizations in the country in which the office is located.

(l) Activities conducted with Florida's other international offices.

(m) Any other information that the office believes would contribute to an understanding of its activities.

(4) The Department of Economic Opportunity, in connection with the establishment, operation, and management of any of its offices located in another country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.00515 and 282.702-282.7101

AMERICAN OVERSIGHT

relating to communications, and from all statutory provisions relating to state employment.

(a) The department may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified international office, such action shall constitute continuing authority for the department to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means the plan developed pursuant to subsection (2).

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the department shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(5) Where feasible and appropriate, international offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, such offices may also be collocated with other international offices of the state.

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(6) The department is authorized to make and to enter into contracts with Enterprise Florida, Inc., to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., to the same degree and subject to the same conditions as applied to the department. To the greatest extent possible, such contracts shall include provisions for cooperative agreements or strategic alliances between private businesses and state, international, and local governmental entities to operate international offices.

~~(7) The Governor may designate a state protocol officer. The state protocol officer shall be housed within the Executive Office of the Governor. In consultation with the Governor and other governmental officials, the state protocol officer shall develop, maintain, publish, and distribute the state protocol manual.~~

Section 6. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Governor's Press Office <Governor'sPressOffice@eog.myflorida.com>
Sent: Wednesday, December 18, 2019 5:22 PM EST
Subject: MEDIA ADVISORY: Governor Ron DeSantis to Make a Major Announcement in Bay County



MEDIA ADVISORY

For Immediate Release
December 18, 2019

Contact: Governor's Press Office
(850) 717-9282
Media@eog.myflorida.com

Governor Ron DeSantis to Make a Major Announcement in Bay County

Panama City, Fla. – Governor Ron DeSantis will make a major announcement at Bay High School on Thursday, December 19th.

All credentialed media are welcome to attend.

Event Details:

WHAT: Major Announcement
WHO: Governor Ron DeSantis and First Lady Casey DeSantis
WHEN: Thursday, December 19th, 2019 at 1:30 PM CT
Media Arrival Time: 1:00 PM CT
WHERE: Bay High School
1200 Harrison Avenue
Panama City, FL 32401
ON-SITE CONTACT: Olivia Boney, (850) 294-8815

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AMERICAN OVERSIGHT

From: Laura.Rego <laura.alvarez@crueltyfreeinternational.org>
Sent: Friday, November 08, 2019 1:42 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Meeting request: bill idea

Dear Senator Gruters,

My name is Laura Alvarez and I am the Science Advisor for Cruelty Free International, the leading non-profit organization working globally to end animal testing worldwide.

According to a recent poll conducted on behalf of Cruelty Free International, 79% of American adults support a federal law to end animal testing for cosmetics. This shows that people across all age groups and all political views are concerned about and united against cruel and outdated cosmetics tests on animals.

I would therefore like to talk to you about the possibility of introducing a bill to end the sale of animal tested cosmetics in Florida or at the very least, a resolution supporting an end to animal testing for cosmetics in the US.

Our work in other states has resulted in successful passage of laws in California, Illinois and Nevada which all go into effect on January 1 2020. We have worked closely with the cosmetics industry and now have an agreed model language for state bills that I can share with you as well as plenty of background information if you are interested.

I was hoping to arrange a convenient time to meet with you, or appropriate staff, to further discuss this issue. I am currently based in Palm Coast, Florida and would be happy to meet at your district office.

I look forward to hearing from you.

Kind regards,
Laura Alvarez
(working out of Florida, USA)
Science Advisor



Cruelty Free International (previously known as the BUAV).

www.CrueltyFreeInternational.org

16a Crane Grove
London N7 8NN
UK
UK Office Phone: +44 (0) 20 7700 4888
US Mobile: +1 (386) 225 8855

Cruelty Free INTERNATIONAL
Ending animal experiments worldwide

Our vision: To create a world where nobody wants or believes we need to experiment on animals.

Thank you for remembering our work to end animal experiments in your will.Please click here to leave a legacy gift
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Please consider the environment and only print this email if you really need to.

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From: Frank Walker <fwalker@flchamber.com>
Sent: Thursday, November 07, 2019 3:10 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>; Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: meeting request - FL Chamber Board Chair

Vicki/Josh –

The Florida Chamber of Commerce's newly elected Chairman of the Board of Directors, Charley Caulkins, will be in town Tuesday, **November 12** and Wednesday, **November 13**, for meetings with executive branch and legislative leaders. He requested that we try and schedule him a brief meeting with Senator Gruters on either day he is town to introduce himself and briefly discuss the 2020 legislative session.

I know this is relatively last minute, but after all the good things he's heard about Joe, he's anxious to meet him. Let me know if you can squeeze him in.

Thank you!
Frank

Frank C. Walker, III
Vice President of Governmental Affairs
Florida Chamber of Commerce
136 S. Bronough Street, Tallahassee, FL 32301
P: 850.521.1200 | C: 850.661.0824 | www.FloridaChamber.com

Register Today: Transportation, Growth and Infrastructure Summit
December 5, 2019
Hollywood, FL

AMERICAN OVERSIGHT

From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Thursday, November 07, 2019 10:38 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Meeting Request

Good Morning!

The Secretary of State and myself would like to schedule a meeting with the Senator at his convenience to discuss legislation that we are looking at proposing from the Department of State. Do you mind looking at his calendar and letting me know when would be a good time for him to meet with us (next week is good) for 15 min.?

Thank you much!

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

AMERICAN OVERSIGHT

From: Gordon Waldo <gwaldo@fsu.edu>
Sent: Wednesday, January 29, 2020 11:44 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Meeting Request

Hello Mr. Barnhill,

This is Dr. Gordon Waldo, Professor Emeritus in the College of Criminology and Criminal Justice at Florida State University.

I would like to schedule a meeting with Senator Gruter as soon as possible to discuss some criminal justice issues. Next week would be good for me but the following week, or even later if necessary, will be okay. Monday is the only day I cannot arrange a meeting because of my teaching schedule, but I can work around all of my other activities on Tuesday, Wednesday, and Thursday. Friday is a possibility but less convenient for me.

If you have any questions or there is anything you would like to discuss prior to setting a meeting date you can call me at 850-228-1200 or e-mail me at gwaldo@fsu.edu

Thank you for your consideration

Gordon Waldo

AMERICAN OVERSIGHT

From: Joshua Funderburke <jfunderburke@cotneycl.com>
Sent: Friday, January 17, 2020 9:44 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
CC: Clayton Osteen <costeen@cotneycl.com>; Roscoe Green <rgreen@cotneycl.com>; Sharon Ansley <sansley@cotneycl.com>; Joshua Funderburke <jfunderburke@cotneycl.com>
Subject: Meeting with Senator Gruters
Attachment(s): "0948.pdf","1422.pdf"

Good morning Mr. Barnhill,

This is Josh Funderburke from Cotney Construction Lobbying. It was a pleasure meeting you yesterday. As I previously mentioned, we'd like to set up a meeting with Senator Gruters sometime next week, or soon thereafter, to discuss some issues pertinent to the construction industry. Specifically, we would like to discuss SB 948 and SB 1422 (see attached) which relates to construction defect claims and construction liens, respectively.

At your convenience, please let me know what times are available. I look forward to hearing from you.

Regards,

Josh Funderburke
Lobbyist

COTNEY
CONSTRUCTION LOBBYING
Ph. 850.296.7999 ext. 466 | Fx. 813.902.7612
150 S. Monroe Street, Ste 405, Tallahassee, FL 32301

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By Senator Baxley

12-01011-20 2020948__

A bill to be entitled

An act relating to construction defects; amending s. 553.84, F.S.; defining the term "material violation"; revising when a person has a cause of action for a violation relating to the Florida Building Code; providing requirements for such cause of action; amending s. 558.004, F.S.; revising requirements relating to notices of claim; requiring a claimant to allow persons served with a notice of claim to inspect certain records; providing that the claimant, under certain circumstances, does not have a claim for damages that could have been avoided or mitigated; reenacting s. 558.002(5), F.S., relating to definitions for ch. 558, F.S.; providing an effective date.

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

Section 1. Section 553.84, Florida Statutes, is amended to read:

553.84 Statutory civil action.—

(1) For purposes of this section, the term "material violation" means a violation that exists within a completed building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems.

(2) Notwithstanding any other remedies available, any person or party, in an individual capacity or on behalf of a class of persons or parties, damaged as a result of a material

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violation of this part or the Florida Building Code, has a cause of action in any court of competent jurisdiction against the person or party who committed the violation; however, if the person or party obtains the required building permits and any local government or public agency with authority to enforce the Florida Building Code approves the plans, and if the construction project passes all required inspections under the Florida Building Code, ~~and if there is no personal injury or damage to property other than the property that is the subject of the permits, plans, and inspections,~~ this section does not apply.

(3) A cause of action pled under this section must cite to the specific provisions of this part or the Florida Building Code allegedly violated, must explain how each provision was allegedly violated, and is subject to dismissal for failing to do so ~~unless the person or party knew or should have known that the violation existed~~.

Section 2. Paragraph (b) of subsection (1) and subsections (2) and (7) of section 558.004, Florida Statutes, are amended to read:

558.004 Notice and opportunity to repair.—

(1)

(b) The notice of claim must be made under oath by the claimant and must describe in specific ~~reasonable~~ detail the nature of each alleged construction defect, the name and contact information of any consultants retained by the claimant or on the claimant's behalf to inspect the defect, and, if known, the damage or loss resulting from the defect, including the alleged cost of repairing the defect and any other damages alleged to

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have been suffered as a result of the defect. The notice of claim must specifically identify, as applicable, the allegedly defective materials, products, or components and the applicable code provisions, professional standards of care for design, or accepted trade standards for the construction or remodeling allegedly violated and must explain how each cited code provision or standard was violated. Based upon at least a visual inspection by the claimant or its agents, the notice of claim must identify the specific location of each alleged construction defect sufficiently to enable the responding parties to locate the alleged defect without undue burden. If requested, the claimant must allow the person served with the notice of claim under this subsection the opportunity to inspect all maintenance records for the subject property. The claimant has no obligation to perform destructive or other testing for purposes of this notice.

(2) Within 30 days after service of the notice of claim, or within 50 days after service of the notice of claim involving an association representing more than 20 parcels, the person served with the notice of claim under subsection (1) is entitled to perform a reasonable inspection of the property or of each unit subject to the claim to assess each alleged construction defect. An association's right to access property for either maintenance or repair includes the authority to grant access for the inspection. The claimant shall provide the person served with notice under subsection (1) and such person's contractors or agents reasonable access to the property during normal working hours to inspect the property to determine the nature and cause of each alleged construction defect and the nature and extent of

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any repairs or replacements necessary to remedy each defect. The person served with notice under subsection (1) shall reasonably coordinate the timing and manner of any and all inspections with the claimant to minimize the number of inspections. If the claimant fails to grant the person served with the notice under subsection (1) the opportunity to conduct a reasonable inspection of the property with the alleged defect during the timeframe established in this section, the claimant does not have a claim for damages that could have been avoided or mitigated had an inspection taken place. The inspection may include destructive testing by mutual agreement under the following reasonable terms and conditions:

(a) If the person served with notice under subsection (1) determines that destructive testing is necessary to determine the nature and cause of the alleged defects, such person shall notify the claimant in writing.

(b) The notice shall describe the destructive testing to be performed, the person selected to do the testing, the estimated anticipated damage and repairs to or restoration of the property resulting from the testing, the estimated amount of time necessary for the testing and to complete the repairs or restoration, and the financial responsibility offered for covering the costs of repairs or restoration.

(c) If the claimant promptly objects to the person selected to perform the destructive testing, the person served with notice under subsection (1) shall provide the claimant with a list of three qualified persons from which the claimant may select one such person to perform the testing. The person selected to perform the testing shall operate as an agent or

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subcontractor of the person served with notice under subsection (1) and shall communicate with, submit any reports to, and be solely responsible to the person served with notice.

(d) The testing shall be done at a mutually agreeable time.

(e) The claimant or a representative of the claimant may be present to observe the destructive testing.

(f) The destructive testing shall not render the property uninhabitable.

(g) There shall be no construction lien rights under part I of chapter 713 for the destructive testing caused by a person served with notice under subsection (1) or for restoring the area destructively tested to the condition existing prior to testing, except to the extent the owner contracts for the destructive testing or restoration.

If the claimant refuses to agree and thereafter permit reasonable destructive testing, the claimant shall have no claim for damages which could have been avoided or mitigated had destructive testing been allowed when requested and had a feasible remedy been promptly implemented.

(7) A claimant who receives a timely settlement offer must accept or reject the offer by serving written notice of such acceptance or rejection, signed by the claimant, on the person making the offer within 45 days after receiving the settlement offer. If a claimant initiates an action without first accepting or rejecting the offer, the court shall stay the action upon timely motion until the claimant complies with this subsection.

Section 3. For the purpose of incorporating the amendment made by this act to section 553.84, Florida Statutes, in a

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reference thereto, subsection (5) of section 558.002, Florida Statutes, is reenacted to read:

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

(5) "Construction defect" means a deficiency in, or a deficiency arising out of, the design, specifications, surveying, planning, supervision, observation of construction, or construction, repair, alteration, or remodeling of real property resulting from:

(a) Defective material, products, or components used in the construction or remodeling;

(b) A violation of the applicable codes in effect at the time of construction or remodeling which gives rise to a cause of action pursuant to s. 553.84;

(c) A failure of the design of real property to meet the applicable professional standards of care at the time of governmental approval; or

(d) A failure to construct or remodel real property in accordance with accepted trade standards for good and workmanlike construction at the time of construction.

Section 4. This act shall take effect July 1, 2020.

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By Senator Flores

39-01484-20 20201422__

A bill to be entitled

An act relating to construction liens; amending s. 713.01, F.S.; revising and deleting definitions; amending s. 713.015, F.S.; revising the notice to owner in certain direct contracts; revising construction; amending s. 713.02, F.S.; deleting a provision establishing the right of certain persons who are not in privity with an owner to have a lien on certain real property; deleting provisions authorizing an owner and a contractor to agree upon the contractor furnishing a payment bond; conforming provisions to changes made by the act; amending s. 713.06, F.S.; deleting provisions establishing the right of persons who are not in privity with the owner to have a lien on the owner's real property; revising provisions relating to payments due under a direct contract; revising the form of the required final payment affidavit; revising provisions relating to the order in which liens must be paid under a direct contract; conforming provisions to changes made by the act; repealing s. 713.23, F.S., relating to payment bonds; repealing s. 713.235, F.S., relating to waivers of the right to claim against payment bonds; repealing s. 713.245, F.S., relating to conditional payment bonds; amending ss. 713.03, 713.04, 713.05, 713.07, 713.08, 713.10, 713.12, 713.13, 713.132, 713.135, 713.16, 713.165, 713.18, 713.20, 713.24, 713.29, 713.31, 713.345, 713.346, 713.3471, and 713.35, F.S.; conforming provisions to changes made by the act and

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making technical changes; amending ss. 713.22 and 95.11, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Present subsections (22) through (29) of section 713.01, Florida Statutes, are redesignated as subsections (20) through (27), respectively, and subsections (8), (18), and (19) and present subsections (20) and (21) of that section are amended, to read:

713.01 Definitions.—As used in this part, the term:

(8) "Contractor" means a person other than a materialman or laborer who enters into a direct contract with the owner of real property for improving it, or who takes over from a contractor as so defined the entire remaining work under such direct contract. The term "contractor" includes an architect, landscape architect, or engineer who improves real property under ~~pursuant to~~ a design-build contract authorized by s. 489.103(16).

(18) "Lienor" means a person who is:

(a) A contractor;

(b) A subcontractor;

(c) A sub-subcontractor;

(d) A laborer;

(e) A materialman ~~who contracts with the owner, a contractor, a subcontractor, or a sub-subcontractor~~; or

(f) A professional lienor under s. 713.03,~~;~~

~~and~~ who has a direct contract with the owner and who has a lien

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or prospective lien upon real property under this part, and includes his or her successor in interest. No other person may have a lien under this part.

~~(19) "Lienor giving notice" means any lienor, except a contractor, who has duly and timely served a notice to the owner and, if required, to the contractor and subcontractor, as provided in s. 713.06(2).~~

(19)~~(20)~~ "Materialman" means any person who furnishes materials to the owner under a direct contract or to the ~~owner,~~ contractor, subcontractor, or sub-subcontractor under contract on the site of the improvement or for direct delivery to the site of the improvement or, for specially fabricated materials, off the site of the improvement for the particular improvement, and who performs no labor in the installation thereof.

~~(21) "Notice by lienor" means the notice to owner served as provided in s. 713.06(2).~~

Section 2. Section 713.015, Florida Statutes, is amended to read:

713.015 Mandatory provisions for direct contracts.—

(1) Any direct contract greater than $2,500 ~~between an owner and a contractor~~, related to improvements to real property consisting of single or multiple family dwellings up to and including four units, must contain the following notice provision printed in no less than 12-point, capitalized, boldfaced type on the front page of the contract or on a separate page, signed by the owner and dated:

ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTIONS 713.001-713.37, FLORIDA STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR

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PROVIDE MATERIALS AND SERVICES, HAVE A DIRECT CONTRACT WITH YOU, AND ARE NOT PAID IN FULL HAVE A RIGHT TO ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR PROPERTY. THIS CLAIM IS KNOWN AS A CONSTRUCTION LIEN. ~~IF YOUR CONTRACTOR OR A SUBCONTRACTOR FAILS TO PAY SUBCONTRACTORS, SUB-SUBCONTRACTORS, OR MATERIAL SUPPLIERS, THOSE PEOPLE WHO ARE OWED MONEY MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE ALREADY PAID YOUR CONTRACTOR IN FULL.~~ IF YOU FAIL TO PAY YOUR CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR PROPERTY. THIS MEANS IF A LIEN IS FILED YOUR PROPERTY COULD BE SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER SERVICES THAT YOU ~~YOUR CONTRACTOR OR A SUBCONTRACTOR~~ MAY HAVE FAILED TO PAY. ~~TO PROTECT YOURSELF, YOU SHOULD STIPULATE IN THIS CONTRACT THAT BEFORE ANY PAYMENT IS MADE, YOUR CONTRACTOR IS REQUIRED TO PROVIDE YOU WITH A WRITTEN RELEASE OF LIEN FROM ANY PERSON OR COMPANY THAT HAS PROVIDED TO YOU A "NOTICE TO OWNER."~~ FLORIDA'S CONSTRUCTION LIEN LAW IS COMPLEX, AND IT IS RECOMMENDED THAT YOU CONSULT AN ATTORNEY.

(2)(a) If the contract is written, the notice must be in the contract document. If the contract is oral or implied, the notice must be provided in a document referencing the contract.

(b) The failure to provide such written notice does not bar the enforcement of a lien against a person who has not been adversely affected.

(c) ~~This section may not be construed to adversely affect the lien and bond rights of lienors who are not in privity with the owner.~~ This section does not apply when the owner is a contractor licensed under chapter 489 or is a person who created parcels or offers parcels for sale or lease in the ordinary

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course of business.

Section 3. Subsections (4) through (7) of section 713.02, Florida Statutes, are amended to read:

713.02 Types of lienors and exemptions.—

~~(4) Persons who are not in privity with an owner and who perform labor or services or furnish materials constituting a part of an improvement under the direct contract of another person shall have rights to a lien on real property as provided in s. 713.06.~~

(4)~~(5)~~ Any improvement for which the direct contract price is $2,500 or less shall be exempt from all other provisions of this part except the provisions of s. 713.05.

~~(6) The owner and contractor may agree that the contractor shall furnish a payment bond as provided in s. 713.23, and upon receipt of the bond the owner is exempt from the other provisions of this part as to that direct contract, but this does not exempt the owner from the lien of the contractor who furnishes the bond. If the bond is provided, it shall secure all liens subsequently accruing under this part as provided in s. 713.23.~~

(5)~~(7)~~ Notwithstanding any other provision of this part, a ~~no~~ lien may not ~~shall~~ exist in favor of any contractor, subcontractor, or sub-subcontractor who is unlicensed as provided in s. 489.128 or s. 489.532. Notwithstanding any other provision of this part, if a contract is rendered unenforceable by an unlicensed contractor, subcontractor, or sub-subcontractor under ~~pursuant to~~ s. 489.128 or s. 489.532, such unenforceability does ~~shall~~ not affect the rights of any other persons in privity with the owner to enforce the contract or~~,~~

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lien~~, or bond~~ remedies ~~and shall not affect the obligations of a surety that has provided a bond on behalf of the unlicensed contractor, subcontractor, or sub-subcontractor~~. ~~It shall not be a defense to any claim on a bond or indemnity agreement that the principal or indemnitor is unlicensed as provided in s. 489.128 or s. 489.532.~~

Section 4. Section 713.06, Florida Statutes, is amended to read:

713.06 ~~Liens of persons not in privity;~~ Proper payments.—

~~(1) A materialman or laborer, either of whom is not in privity with the owner, or a subcontractor or sub-subcontractor who complies with the provisions of this part and is subject to the limitations thereof, has a lien on the real property improved for any money that is owed to him or her for labor, services, or materials furnished in accordance with his or her contract and with the direct contract and for any unpaid finance charges due under the lienor's contract. A materialman or laborer, either of whom is not in privity with the owner, or a subcontractor or sub-subcontractor who complies with the provisions of this part and is subject to the limitations thereof, also has a lien on the owner's real property for labor, services, or materials furnished to improve public property if the improvement of the public property is furnished in accordance with his or her contract and with the direct contract. The total amount of all liens allowed under this part for furnishing labor, services, or material covered by any certain direct contract must not exceed the amount of the contract price fixed by the direct contract except as provided in subsection (3). No person may have a lien under this section~~

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~~except those lienors specified in it, as their designations are defined in s. 713.01.~~

~~(2)(a) All lienors under this section, except laborers, as a prerequisite to perfecting a lien under this chapter and recording a claim of lien, must serve a notice on the owner setting forth the lienor's name and address, a description sufficient for identification of the real property, and the nature of the services or materials furnished or to be furnished. A sub-subcontractor or a materialman to a subcontractor must serve a copy of the notice on the contractor as a prerequisite to perfecting a lien under this chapter and recording a claim of lien. A materialman to a sub-subcontractor must serve a copy of the notice to owner on the contractor as a prerequisite to perfecting a lien under this chapter and recording a claim of lien. A materialman to a sub-subcontractor shall serve the notice to owner on the subcontractor if the materialman knows the name and address of the subcontractor. The notice must be served before commencing, or not later than 45 days after commencing, to furnish his or her labor, services, or materials, but, in any event, before the date of the owner's disbursement of the final payment after the contractor has furnished the affidavit under subparagraph (3)(d)1. The notice must be served regardless of the method of payments by the owner, whether proper or improper, and does not give to the lienor serving the notice any priority over other lienors in the same category; and the failure to serve the notice, or to timely serve it, is a complete defense to enforcement of a lien by any person. The serving of the notice does not dispense with recording the claim of lien. The notice is not a lien, cloud, or~~

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~~encumbrance on the real property nor actual or constructive notice of any of them.~~

~~(b) If the owner, in his or her notice of commencement, has designated a person in addition to himself or herself to receive a copy of such lienor's notice, as provided in s. 713.13(1)(b), the lienor shall serve a copy of his or her notice on the person so designated. The failure by the lienor to serve such copy, however, does not invalidate an otherwise valid lien.~~

~~(c) The notice may be in substantially the following form and must include the information and the warning contained in the following form:~~

~~WARNING! FLORIDA'S CONSTRUCTION LIEN LAW ALLOWS SOME UNPAID CONTRACTORS, SUBCONTRACTORS, AND MATERIAL SUPPLIERS TO FILE LIENS AGAINST YOUR PROPERTY EVEN IF YOU HAVE MADE PAYMENT IN FULL.~~

~~UNDER FLORIDA LAW, YOUR FAILURE TO MAKE SURE THAT WE ARE PAID MAY RESULT IN A LIEN AGAINST YOUR PROPERTY AND YOUR PAYING TWICE.~~

~~TO AVOID A LIEN AND PAYING TWICE, YOU MUST OBTAIN A WRITTEN RELEASE FROM US EVERY TIME YOU PAY YOUR CONTRACTOR.~~

~~NOTICE TO OWNER~~

~~To ...(Owner's name and address)...~~

~~The undersigned hereby informs you that he or she has furnished~~

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~~or is furnishing services or materials as follows:~~
~~...(General description of services or materials)... for the improvement of the real property identified as ...(property description)... under an order given by.....~~

~~Florida law prescribes the serving of this notice and restricts your right to make payments under your contract in accordance with Section 713.06, Florida Statutes.~~

~~IMPORTANT INFORMATION FOR YOUR PROTECTION~~

~~Under Florida's laws, those who work on your property or provide materials and are not paid have a right to enforce their claim for payment against your property. This claim is known as a construction lien.~~

~~If your contractor fails to pay subcontractors or material suppliers or neglects to make other legally required payments, the people who are owed money may look to your property for payment, EVEN IF YOU HAVE PAID YOUR CONTRACTOR IN FULL.~~

~~PROTECT YOURSELF:~~

~~-RECOGNIZE that this Notice to Owner may result in a lien against your property unless all those supplying a Notice to Owner have been paid.~~

~~-LEARN more about the Construction Lien Law, Chapter 713, Part I, Florida Statutes, and the meaning of this notice by contacting an attorney or the Florida Department of Business and Professional Regulation.~~

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~~...(Lienor's Signature)...~~

~~...(Lienor's Name)...~~

~~...(Lienor's Address)...~~

~~Copies to: ...(Those persons listed in Section 713.06(2)(a) and (b), Florida Statutes)...~~

~~The form may be combined with a notice to contractor given under s. 255.05 or s. 713.23 and, if so, may be entitled "NOTICE TO OWNER/NOTICE TO CONTRACTOR."~~

~~(d) A notice to an owner served on a lender must be in writing, must be served in accordance with s. 713.18, and shall be addressed to the persons designated, if any, and to the place and address designated in the notice of commencement. Any lender who, after receiving a notice provided under this subsection, pays a contractor on behalf of the owner for an improvement shall make proper payments as provided in paragraph (3)(c) as to each such notice received by the lender. The failure of a lender to comply with this paragraph renders the lender liable to the owner for all damages sustained by the owner as a result of that failure. This paragraph does not give any person other than an owner a claim or right of action against a lender for the failure of the lender to comply with this paragraph. Further, this paragraph does not prohibit a lender from disbursing construction funds at any time directly to the owner, in which event the lender has no obligation to make proper payments under this paragraph.~~

~~(e) A lienor, in the absence of a recorded notice of commencement, may rely on the information contained in the building permit application to serve the notice prescribed in~~

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~~paragraphs (a), (b), and (c).~~

~~(f) If a lienor has substantially complied with the provisions of paragraphs (a), (b), and (c), errors or omissions do not prevent the enforcement of a claim against a person who has not been adversely affected by such omission or error. However, a lienor must strictly comply with the time requirements of paragraph (a).~~

(1)~~(3)~~ The owner may make proper payments on the direct contract as to lienors under this chapter ~~section,~~ in the following manner:

(a) If the description of the property in the notice prescribed by s. 713.13 is incorrect and the error adversely affects any lienor, payments made on the direct contract shall be held improperly paid to that lienor; but this does not apply to clerical errors when the description listed covers the property where the improvements are.

(b) The owner may pay to any laborers the whole or any part of the amounts that are ~~shall then be~~ due and payable to them respectively for labor or services performed by them and covered by the direct contract, and shall deduct the same from the balance due the contractor under a direct contract.

(c) When any payment becomes due to the lienor ~~contractor~~ on the direct contract, except the final payment:

1. The owner shall pay or cause to be paid, within the specifications of the direct contract ~~limitations imposed by subparagraph 2.~~, the sum then due to each subcontractor, sub-subcontractor, materialman, or laborer ~~lienor giving notice prior to the time of the payment~~. The owner may require, and, in such event, the lienor ~~contractor~~ shall furnish as a

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prerequisite to requiring payment to himself or herself, an affidavit as prescribed in subparagraph (d)1.~~,~~ on any payment made, or to be made, on a direct contract~~, but the furnishing of the affidavit shall not relieve the owner of his or her responsibility to pay or cause to be paid all lienors giving notice~~. ~~The owner shall be under no obligation to any lienor, except laborers, from whom he or she has not received a notice to owner at the time of making a payment.~~

~~2. When the payment due is insufficient to pay all bills of lienors giving notice, the owner shall prorate the amount then due under the direct contract among the lienors giving notice pro rata in the manner prescribed in subsection (4). Lienors receiving money shall execute partial releases, as provided in s. 713.20(2), to the extent of the payment received.~~

2.~~3.~~ If any affidavit permitted hereunder recites any outstanding bills for labor, services, or materials, the owner may pay the bills in full direct to the person or firm to which they are due if the balance due on the direct contract at the time the affidavit is given is sufficient to pay the bills and shall deduct the amounts so paid from the balance of payment due the lienor ~~contractor~~. ~~This subparagraph shall not create any obligation of the owner to pay any person who is not a lienor giving notice.~~

~~4. No person furnishing labor or material, or both, who is required to serve a notice under paragraph (2)(a) and who did not serve the notice and whose time for service has expired shall be entitled to be paid by the owner because he or she is listed in an affidavit furnished by the contractor under subparagraph (c)1.~~

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3.~~5.~~ If the contract is terminated before completion, the lienor ~~contractor~~ shall comply with subparagraph (d)1.

(d) When the final payment under a direct contract becomes due ~~the contractor~~:

1. The lienor ~~contractor~~ shall give to the owner a final payment affidavit ~~stating, if that be the fact, that all lienors under his or her direct contract who have timely served a notice to owner on the owner and the contractor have been paid in full or, if the fact be otherwise, showing the name of each such lienor who has not been paid in full and the amount due or to become due each for labor, services, or materials furnished. The affidavit must be~~ in substantially the following form:

LIENOR'S ~~CONTRACTOR'S~~ FINAL PAYMENT AFFIDAVIT

State of Florida

County of ....

Before me, the undersigned authority, personally appeared ...(name of affiant)..., who, after being first duly sworn, deposes and says of his or her personal knowledge the following:

1. He or she is the ...(title of affiant)..., of ...(name of lienor's ~~contractor's~~ business)..., which does business in the State of Florida, hereinafter referred to as the "Lienor ~~"Contractor~~."

2. Lienor, under ~~Contractor, pursuant to~~ a contract with ...(name of owner)..., hereinafter referred to as the "Owner," has furnished or caused to be furnished labor, materials, and services for the construction of certain improvements to real property as more particularly set forth in said contract.

3. This affidavit is executed by the Lienor ~~Contractor~~ in

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accordance with section 713.06 of the Florida Statutes for the purposes of obtaining final payment from the Owner in the amount of $.....

4. All work to be performed under the direct contract has been fully completed, and all bills for labor, services, or materials ~~lienors~~ under the direct contract have been paid in full, except the following ~~listed lienors~~:

BILL OR INVOICE NUMBER ~~NAME OF LIENOR~~.....AMOUNT DUE

Signed, sealed, and delivered this .... day of ...., ...,

By ...(name of affiant)...

...(title of affiant)...

...(name of lienor's ~~contractor's~~ business)...

Sworn to and subscribed before me this .... day of .... by ...(name of affiant)..., who is personally known to me or produced .... as identification, and did take an oath.

...(name of notary public)...

Notary Public

My Commission Expires:

...(date of expiration of commission)...

The lienor may not ~~contractor shall~~ have a ~~no~~ lien or right of action against the owner for labor, services, or materials furnished under the direct contract while in default for not giving the owner the affidavit; however, the negligent inclusion or omission of any information in the affidavit which has not

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prejudiced the owner does not constitute a default that operates to defeat an otherwise valid lien. The lienor ~~contractor~~ shall execute the affidavit and deliver it to the owner at least 5 days before instituting an action as a prerequisite to the institution of any action to enforce his or her lien under this chapter, even if the final payment has not become due because the direct contract is terminated for a reason other than completion ~~and regardless of whether the contractor has any lienors working under him or her or not~~.

2. If the lienor's ~~contractor's~~ affidavit required in this subsection recites any outstanding bills for labor, services, or materials, the owner may, after giving the lienor ~~contractor~~ at least 10 days' written notice, pay such bills in full direct to the person or firm to which they are due, if the balance due on a direct contract at the time the affidavit is given is sufficient to pay them ~~and lienors giving notice~~, and shall deduct the amounts so paid from the balance due the lienor ~~contractor~~. ~~Lienors listed in said affidavit not giving notice, whose 45-day notice time has not expired, shall be paid in full or pro rata, as appropriate, from any balance then remaining due the contractor; but no lienor whose notice time has expired shall be paid by the owner or by any other person except the person with whom that lienor has a contract.~~

~~3. If the balance due is not sufficient to pay in full all lienors listed in the affidavit and entitled to payment from the owner under this part and other lienors giving notice, the owner shall pay no money to anyone until such time as the contractor has furnished him or her with the difference; however, if the contractor fails to furnish the difference within 10 days from~~

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~~delivery of the affidavit or notice from the owner to the contractor to furnish the affidavit, the owner shall determine the amount due each lienor and shall disburse to them the amounts due from him or her on a direct contract in accordance with the procedure established by subsection (4).~~

3.~~4.~~ The owner shall have the right to rely on the lienor's ~~contractor's~~ affidavit given under this paragraph in making the final payment~~, unless there are lienors giving notice who are not listed in the affidavit. If there are lienors giving notice who are not so listed, the owner may pay such lienors and any persons listed in the affidavit that are entitled to be paid by the owner under subparagraph 2. and shall thereupon be discharged of any further responsibility under the direct contract, except for any balance that may be due to the contractor~~.

4.~~5.~~ The owner shall retain and not disburse the final payment due under the direct contract ~~that shall not be disbursed~~ until the lienor's ~~contractor's~~ affidavit under subparagraph 1. has been furnished to the owner.

5.~~6.~~ If ~~When final payment has become due to the contractor and~~ the owner fails to withhold final payment when it becomes due, as required by subparagraph 4.~~5.~~, the property improved is ~~shall be~~ subject to the full amount of all valid liens ~~of which the owner has notice~~ at the time the lienor ~~contractor~~ furnishes his or her affidavit.

(e) If the improvement is abandoned before completion, the owner shall determine the amount due each lienor ~~giving notice~~ and shall pay the same in full or prorate in the same manner as provided in subsection (2)~~(4)~~.

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(f) A lienor does not ~~No contractor shall~~ have any right to require the owner to pay any money to him or her under a direct contract if such money cannot be properly paid by the owner to the lienor ~~contractor~~ in accordance with this section.

(g) Except with written consent of the lienor ~~contractor~~, before paying any money directly to any person or firm under contract with the lienor ~~except the contractor or any laborer~~, the owner shall give the lienor ~~contractor~~ at least 10 days' written notice of his or her intention to do so~~,~~ and the amount he or she proposes to pay each person or firm ~~lienor~~.

(h) When the owner has properly retained all sums required in this section to be retained but has otherwise made improper payments, the owner's real property is ~~shall be~~ liable to all lienors ~~laborers, subcontractors, sub-subcontractors, and materialmen~~ complying with this chapter only to the extent of the retentions and the improper payments, notwithstanding the other provisions of this subsection. Any money paid by the owner on a direct contract, the payment of which is proved to have caused no detriment to any certain lienor, is considered ~~shall be held~~ properly paid as to the lienor.~~, and~~ If any of the money is considered ~~shall be held~~ not properly paid as to any other lienors, the presumption that the money is not properly paid goes ~~entire benefit of its being held not properly paid as to them shall go~~ to the lienors.

(2)(a) ~~(4)(a) In determining the amounts for which~~ Liens ~~between lienors claiming~~ under a direct contract ~~shall be paid by the owner or allowed by the court within the total amount fixed by the direct contract and under the provisions of this section, the owner or court~~ shall be paid ~~pay or allow such~~

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~~liens~~ in the following order:

1. Liens of all laborers.

2. Liens of all persons other than the contractor.

3. Lien of the contractor.

(b) ~~Should the total amount for which liens under such direct contract may be allowed be less than the total amount of liens under such contract in all classes above mentioned, all liens in a class shall be allowed for their full amounts before any liens shall be allowed to any subsequent class. Should the amount applicable to the liens of any single class be insufficient to permit all liens within that class to be allowed for their full amounts, each lien shall be allowed for its pro rata share of the total amount applicable to liens of that class; but if the same labor, services, or materials shall be covered by liens of more than one class, such labor, services, or materials shall be allowed only in the earliest class by which they shall be covered; and also if the same labor, services, or materials shall be covered by liens of two or more lienors of the same class, such labor, services, or materials shall be allowed only in the lien of the lienor farthest removed from the contractor.~~ This section does ~~shall~~ not ~~be construed to~~ affect the priority of liens derived under separate direct contracts.

Section 5. Section 713.23, Florida Statutes, is repealed.

Section 6. Section 713.235, Florida Statutes, is repealed.

Section 7. Section 713.245, Florida Statutes, is repealed.

Section 8. Subsections (1) and (3) of section 713.03, Florida Statutes, are amended to read:

713.03 Liens for professional services.—

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(1) Any person who performs services as architect, landscape architect, interior designer, engineer, or surveyor and mapper, subject to compliance with and the limitations imposed by this part, has a lien on the real property improved for any money that is owing to him or her for his or her services used in connection with improving the real property or for his or her services in supervising any portion of the work of improving the real property, rendered in accordance with his or her ~~contract and with the~~ direct contract.

(3) A lien ~~No liens~~ under this section may not ~~shall~~ be acquired until a claim of lien is recorded. A ~~No~~ lienor under this section is not ~~shall be~~ required to serve ~~a notice to owner as provided in s. 713.06(2) or~~ an affidavit concerning unpaid lienors as provided in s. 713.06(1) ~~s. 713.06(3)~~.

Section 9. Section 713.04, Florida Statutes, is amended to read:

713.04 Subdivision improvements.—

(1) Any lienor who~~, regardless of privity,~~ performs services or furnishes material to real property for the purpose of making it suitable as the site for the construction of an improvement or improvements is ~~shall be~~ entitled to a lien on the real property for any money that is owed to her or him for her or his services or materials furnished in accordance with her or his ~~contract and the~~ direct contract. The total amount of liens allowed under this section may ~~shall~~ not exceed the amount of the direct contract under which the lienor furnishes labor, materials, or services. The work of making real property suitable as the site of an improvement includes, ~~shall include~~ but is not ~~shall not be~~ limited to, the grading, leveling,

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excavating, and filling of land, including the furnishing of fill soil; the grading and paving of streets, curbs, and sidewalks; the construction of ditches and other area drainage facilities; the laying of pipes and conduits for water, gas, electric, sewage, and drainage purposes; and the construction of canals and shall also include the altering, repairing, and redoing of all these things. When the services or materials are placed on land dedicated to public use and are furnished under contract with the owner of the abutting land, the cost of the services and materials, if unpaid, may be the basis for a lien upon the abutting land. When the services or materials are placed upon land under contract with the owner of the land who subsequently dedicates parts of the land to public use, the person furnishing the services or materials placed upon the dedicated land is ~~shall be~~ entitled to a lien upon the land abutting the dedicated land for the unpaid cost of the services and materials placed upon the dedicated land, or in the case of improvements that serve or benefit real property that is divided by the improvements, to a lien upon each abutting part for the equitable part of the full amount due and owing. If the part of the cost to be borne by each parcel of the land subject to the same lien is not specified in the contract, it shall be prorated equitably among the parcels served or benefited. A ~~No~~ lien under this section may not ~~shall~~ be acquired until a claim of lien is recorded. A ~~No~~ notice of commencement is not required ~~shall be filed~~ for liens under this section. ~~No lienor shall be required to serve a notice to owner for liens under this section.~~

~~(2) If a lienor under this section who is not in privity with the owner serves a notice on the owner in accordance with~~

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~~the provisions of s. 713.06(2), payment of lienors by the owner under this section shall be governed by s. 713.06(3)(c), (d), (e), (f), (g), (h), and (4).~~

(2)~~(3)~~ The owner may ~~shall~~ not pay any money on account of a direct contract before actual furnishing of labor and services or materials for subdivision improvements. Any payment not complying with such requirement does ~~shall~~ not qualify as a proper payment under this chapter.

(3)~~(4)~~ The owner shall make final payment on account of a direct contract only after the lienor ~~contractor~~ complies with s. 713.06(1)(d) ~~s. 713.06(3)(d)~~. Any payment not complying with such requirement does ~~shall~~ not qualify as a proper payment under this chapter.

Section 10. Section 713.05, Florida Statutes, is amended to read:

713.05 Liens of persons in privity.—A lienor with a direct contract and who is therefore ~~materialman or laborer, either of whom is~~ in privity with the owner~~, or a contractor~~ who complies with ~~the provisions of~~ this part shall, subject to the limitations thereof, have a lien on the real property improved for any money that is owed to him or her for labor, services, materials, or other items required by, or furnished in accordance with, the direct contract and for unpaid finance charges due under the direct ~~lienor's~~ contract, if any. A lienor ~~materialman or laborer,~~ in privity with the owner~~, or a contractor~~ shall also have a lien on the owner's real property for any money that is owed to him or her for labor, services, or materials furnished to improve public property if the improvements to the public property are a condition of the

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permit to improve the owner's real property. A ~~No~~ lien under this section may not ~~shall~~ be acquired until a claim of lien is recorded. A lienor who is~~, as a subcontractor, sub-subcontractor, laborer, or materialman~~ not in privity with the owner who~~,~~ commences to furnish labor, services, or materials ~~material~~ to an improvement and who thereafter becomes in privity with the owner has ~~shall have~~ a lien for any money that is owed to him or her for the labor, services, or materials furnished after he or she becomes in privity with the owner. ~~A lienor may record one claim of lien to cover both his or her work done in privity with the owner and not in privity with the owner. No lienor under this section shall be required to serve a notice to owner as provided in s. 713.06(2).~~ A lienor~~, except a laborer or materialman,~~ who is in privity with the owner and claims a lien under this section shall furnish the lienor's ~~contractor's~~ affidavit required in s. 713.06(1)(d) ~~s. 713.06(3)(d)~~. ~~A contractor may claim a lien for any labor, services, or materials furnished by another lienor for which he or she is obligated to pay the lienor, regardless of the right of the lienor to claim a lien; but, if the lienor claims a valid lien, the contractor shall not recover the amount of the lien recovered by the lienor, and the amount of the contractor's claim of lien may be reduced accordingly by court order. No person shall have a lien under this section except those lienors specified in it, as their designations are defined in s. 713.01.~~

Section 11. Section 713.07, Florida Statutes, is amended to read:

713.07 Priority of liens.—

(1) Liens under ss. 713.03 and 713.04 ~~shall~~ attach at the

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time of recordation of the claim of lien and ~~shall~~ take priority as of that time.

(2) Liens under s. 713.05 ~~ss. 713.05 and 713.06 shall~~ attach and take priority as of the time of recordation of the notice of commencement, but in the event a notice of commencement is not filed, ~~then~~ such liens ~~shall~~ attach and take priority as of the time the claim of lien is recorded.

(3) All such liens ~~shall~~ have priority over any conveyance, encumbrance, or demand not recorded against the real property before ~~prior to~~ the time such lien attached as provided herein, but any conveyance, encumbrance, or demand recorded before ~~prior to~~ the time such lien attaches and any proceeds thereof, regardless of when disbursed, ~~shall~~ have priority over such liens.

(4) If construction ceases or the direct contract is terminated before completion and the owner desires to recommence construction, he or she may pay all lienors in full or pro rata in accordance with s. 713.06(2) before ~~s. 713.06(4) prior to~~ recommencement, in which event all liens for the recommenced construction ~~shall~~ take priority from such recommencement; or the owner may record an affidavit in the clerk's office stating his or her intention to recommence construction and that all lienors ~~giving notice~~ have been paid in full except those listed therein as not having been so paid, in which event 30 days after such recording~~,~~ the rights of any person acquiring any interest, lien, or encumbrance on said property or of any lienor on the recommenced construction is ~~shall be~~ paramount to any lien on the prior construction unless such prior lienor records a claim of lien within said 30-day period. A copy of said affidavit

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shall be served on each lienor named therein. Before recommencing, the owner shall record and post a notice of commencement for the recommenced construction, as provided in s. 713.13.

Section 12. Subsections (1) and (3) of section 713.08, Florida Statutes, are amended to read:

713.08 Claim of lien.—

(1) For the purpose of perfecting her or his lien under this part, every lienor~~, including laborers and persons in privity,~~ shall record a claim of lien which shall state:

(a) The name of the lienor and the address where notices or process under this part may be served on the lienor.

~~(b) The name of the person with whom the lienor contracted or by whom she or he was employed.~~

(b)~~(c)~~ The labor, services, or materials furnished and the contract price or value thereof. Materials specially fabricated at a place other than the site of the improvement for incorporation in the improvement but not so incorporated and the contract price or value thereof shall be separately stated in the claim of lien.

(c)~~(d)~~ A description of the real property sufficient for identification.

(d)~~(e)~~ The name of the owner.

(e)~~(f)~~ The time when the first and the last item of labor, services, ~~or service~~ or materials was furnished.

(f)~~(g)~~ The amount unpaid the lienor for such labor, ~~or~~ services, or materials and for unpaid finance charges due under the lienor's direct contract.

~~(h) If the lien is claimed by a person not in privity with~~

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~~the owner, the date and method of service of the notice to owner. If the lien is claimed by a person not in privity with the contractor or subcontractor, the date and method of service of the copy of the notice on the contractor or subcontractor.~~

(3) The claim of lien shall be sufficient if it is in substantially the following form, and includes the following warning:

WARNING!

THIS LEGAL DOCUMENT REFLECTS THAT A CONSTRUCTION LIEN HAS BEEN PLACED ON THE REAL PROPERTY LISTED HEREIN. UNLESS THE OWNER OF SUCH PROPERTY TAKES ACTION TO SHORTEN THE TIME PERIOD, THIS LIEN MAY REMAIN VALID FOR ONE YEAR FROM THE DATE OF RECORDING, AND SHALL EXPIRE AND BECOME NULL AND VOID THEREAFTER UNLESS LEGAL PROCEEDINGS HAVE BEEN COMMENCED TO FORECLOSE OR TO DISCHARGE THIS LIEN.

CLAIM OF LIEN

State of ....

County of ....

Before me, the undersigned notary public, personally appeared ...., who was duly sworn and says that she or he is (the lienor herein) (the agent of the lienor herein ....), whose address is ....; and that in accordance with a contract with ...., lienor furnished labor, services, or materials consisting of .... on the following described real property in .... County, Florida:

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(Legal description of real property)

owned by .... of a total value of $...., of which there remains unpaid $...., and furnished the first of the items on ...., ...(year)..., and the last of the items on ...., ...(year)...~~;~~ ~~and (if the lien is claimed by one not in privity with the owner) that the lienor served her or his notice to owner on ...., ...(year)..., by ....; and (if required) that the lienor served copies of the notice on the contractor on ...., ...(year)..., by .... and on the subcontractor, ..., on ...., ...(year)..., by ....~~.

...(Signature)...

Sworn to (or affirmed) and subscribed before me this .... day of ...., ...(year)..., by ...(name of person making statement)....

...(Signature of Notary Public - State of Florida)...

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

Personally Known .... OR Produced Identification ....

Type of Identification Produced.....

However, the negligent inclusion or omission of any information in the claim of lien which has not prejudiced the owner does not constitute a default that operates to defeat an otherwise valid lien.

Section 13. Paragraph (a) of subsection (2) and subsection (3) of section 713.10, Florida Statutes, are amended to read:

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713.10 Extent of liens.—

(2)(a) When the lease expressly provides that the interest of the lessor shall not be subject to liens for improvements made by the lessee, the lessee shall notify the lienor ~~contractor~~ making any such improvements of such provision or provisions in the lease, and the knowing or willful failure of the lessee to provide such notice to the lienor ~~contractor~~ shall render the contract between the lessee and the lienor ~~contractor~~ voidable at the option of the lienor ~~contractor~~.

(3) Any ~~contractor or~~ lienor under contract to furnish labor, services, or materials for improvements being made by a lessee may serve written demand on the lessor for a copy of the provision in the lease prohibiting liability for improvements made by the lessee, which copy shall be verified under s. 92.525. The demand must identify the lessee and the premises being improved ~~and must be in a document that is separate from the notice to the owner as provided in s. 713.06(2)~~. The interest of any lessor who does not serve a verified copy of the lease provision within 30 days after demand, or who serves a false or fraudulent copy, is subject to a lien under this part by the ~~contractor or~~ lienor who made the demand if the ~~contractor or~~ lienor has otherwise complied with this part and did not have actual notice that the interest of the lessor was not subject to a lien for improvements made by the lessee. The written demand must include a warning in conspicuous type in substantially the following form:

WARNING

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YOUR FAILURE TO SERVE THE REQUESTED VERIFIED COPY WITHIN 30 DAYS OR THE SERVICE OF A FALSE COPY MAY RESULT IN YOUR PROPERTY BEING SUBJECT TO THE CLAIM OF LIEN OF THE PERSON REQUESTING THE VERIFIED COPY.

Section 14. Section 713.12, Florida Statutes, is amended to read:

713.12 Liens for improving real property under contract with husband or wife on property of the other or of both.—When the direct contract for improving real property is made with a husband or wife who is not separated and living apart from his or her spouse and the property is owned by the other or by both, the spouse who contracts is considered ~~shall be deemed to be~~ the agent of the other to the extent of subjecting the right, title, or interest of the other in said property to liens under this part unless such other gives ~~shall~~, within 10 days after learning of such contract, ~~give~~ the lienor, ~~contractor~~ and records ~~record~~ in the clerk's office, notice of his or her objection thereto.

Section 15. Subsection (1) and paragraph (b) of subsection (5) of section 713.13, Florida Statutes, are amended to read:

713.13 Notice of commencement.—

(1)(a) Except for an improvement that is exempt under s. 713.02(4) ~~pursuant to s. 713.02(5)~~, an owner or the owner's authorized agent before actually commencing to improve any real property, or recommencing completion of any improvement after default or abandonment, ~~whether or not a project has a payment bond complying with s. 713.23,~~ shall record a notice of commencement in the clerk's office and ~~forthwith~~ post either a certified copy thereof or a notarized statement that the notice

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of commencement has been filed for recording along with a copy thereof. The notice of commencement shall contain the following information:

1. A description sufficient for identification of the real property to be improved. The description should include the legal description of the property and also should include the street address and tax folio number of the property, if available, or, if a ~~there is no~~ street address is not available, such additional information as will describe the physical location of the real property to be improved.

2. A general description of the improvement.

3. The name and address of the owner, the owner's interest in the site of the improvement, and the name and address of the fee simple titleholder, if other than such owner. A lessee who contracts for the improvements is an owner as defined in s. 713.01 ~~under s. 713.01(23)~~ and must be listed as the owner together with a statement that the ownership interest is a leasehold interest.

4. The name and address of any potential lienors ~~the contractor~~.

~~5. The name and address of the surety on the payment bond under s. 713.23, if any, and the amount of such bond.~~

5.~~6.~~ The name and address of any person making a loan for the construction of the improvements.

6.~~7.~~ The name and address within the state of a person other than himself or herself who may be designated by the owner as the person upon whom notices or other documents may be served under this part.~~; and~~ Service upon the person so designated constitutes service upon the owner.

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~~(b) The owner, at his or her option, may designate a person in addition to himself or herself to receive a copy of the lienor's notice as provided in s. 713.06(2)(b), and if he or she does so, the name and address of such person must be included in the notice of commencement.~~

(b)~~(c)~~ If the contract between the owner and a lienor ~~contractor~~ named in the notice of commencement expresses a period of time for completion ~~for the construction~~ of the improvement that is greater than 1 year, the notice of commencement must state that it is effective for a period of 1 year plus any such additional period of time. Any payments made by the owner after the expiration of the notice of commencement are considered improper payments.

(c)~~(d)~~ A notice of commencement must be in substantially the following form:

Permit No..... Tax Folio No.....

NOTICE OF COMMENCEMENT

State of....

County of....

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. Description of property: ...(legal description ~~of the property~~, and street address of the property, if available)....

2. General description of improvement:.....

3. Owner information or Lessee information if the Lessee

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contracted for the improvement:

a. Name and address:.....

b. Interest in property:.....

c. Name and address of fee simple titleholder (if different from Owner listed above):.....

4.a. Lienors ~~Contractor~~: ...(name and address)....

b. Lienors' ~~Contractor's~~ phone number:.....

~~5. Surety (if applicable, a copy of the payment bond is attached):~~

~~a. Name and address:.....~~

~~b. Phone number:.....~~

~~c. Amount of bond: $.....~~

5.a.~~6.a.~~ Lender: ...(name and address)....

b. Lender's phone number:.....

6.~~7.~~ Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13(1)(a)6. ~~713.13(1)(a)7.~~, Florida Statutes:

a. Names and addresses of designated persons ~~Name and address~~:.....

b. Phone numbers of designated persons:.....

~~8.a. In addition to himself or herself, Owner designates ..... of ..... to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.~~

~~b. Phone number of person or entity designated by owner:.....~~

7.~~9.~~ Expiration date of notice of commencement (the expiration date will be 1 year after ~~from~~ the date of recording, unless a different date is specified).....

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WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

...(Signature of Owner or Lessee, or Owner's or Lessee's Authorized Officer/Director/Partner/Manager)...

...(Signatory's Title/Office)...

The foregoing instrument was acknowledged before me this .... day of ...., ...(year)..., by ...(name of person)... as ...(type of authority, ... e.g. officer, trustee, attorney in fact)... for ...(name of party on behalf of whom instrument was executed)....

...(Signature of Notary Public - State of Florida)...

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

Personally Known .... OR Produced Identification ....

Type of Identification Produced.....

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~~(e) A copy of any payment bond must be attached at the time of recordation of the notice of commencement. The failure to attach a copy of the bond to the notice of commencement when the notice is recorded negates the exemption provided in s. 713.02(6). However, if a payment bond under s. 713.23 exists but was not attached at the time of recordation of the notice of commencement, the bond may be used to transfer any recorded lien of a lienor except that of the contractor by the recordation and service of a notice of bond pursuant to s. 713.23(2). The notice requirements of s. 713.23 apply to any claim against the bond; however, the time limits for serving any required notices shall, at the option of the lienor, be calculated from the dates specified in s. 713.23 or the date the notice of bond is served on the lienor.~~

(d) ~~(f)~~ The giving of a notice of commencement is effective upon the filing of the notice in the clerk's office.

(e) ~~(g)~~ The owner must sign the notice of commencement and no one else may be permitted to sign in his or her stead.

(5)

(b) The amended notice must identify the official records book and page where the original notice of commencement is recorded, and a copy of the amended notice must be served by the owner upon ~~the contractor and~~ each lienor ~~who serves notice~~ before or within 30 days after the date on which the amended notice is recorded.

Section 16. Paragraph (f) of subsection (1) and subsections (2), (3), and (4) of section 713.132, Florida Statutes, are amended to read:

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713.132 Notice of termination.—

(1) An owner may terminate the period of effectiveness of a notice of commencement by executing, swearing to, and recording a notice of termination that contains:

(f) A statement that the owner has, before recording the notice of termination, served a copy of the notice of termination on ~~the contractor and on~~ each lienor who has a direct contract with the owner ~~or who has served a notice to owner~~. The owner is not required to serve a copy of the notice of termination on any lienor who has executed a waiver and release of lien upon final payment in accordance with s. 713.20.

(2) An owner has the right to rely on a lienor's ~~contractor's~~ affidavit given under s. 713.06(1)(d) ~~s. 713.06(3)(d), except with respect to lienors who have already given notice,~~ in connection with the execution, swearing to, and recording of a notice of termination. However, the notice of termination must be accompanied by the contractor's affidavit.

(3) An owner may not record a notice of termination except after completion of construction~~,~~ or after construction ceases before completion and all lienors have been paid in full or pro rata in accordance with s. 713.06(2) ~~s. 713.06(4)~~. If an owner or a contractor, by fraud or collusion, knowingly makes any fraudulent statement or affidavit in a notice of termination or any accompanying affidavit, the owner and the contractor, or either of them, as the case may be, is liable to any lienor who suffers damages as a result of the filing of the fraudulent notice of termination,~~;~~ and any such lienor has a right of action for damages occasioned thereby.

(4) A notice of termination is effective to terminate the

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notice of commencement at the later of 30 days after recording of the notice of termination or the date stated in the notice of termination as the date on which the notice of commencement is terminated, if the notice of termination has been served pursuant to paragraph (1)(f) on ~~the contractor and on~~ each lienor who has a direct contract with the owner ~~or who has served a notice to owner~~.

Section 17. Paragraphs (b) and (d) of subsection (1) and paragraph (a) of subsection (6) of section 713.135, Florida Statutes, are amended to read:

713.135 Notice of commencement and applicability of lien.—

(1) When any person applies for a building permit, the authority issuing such permit shall:

(b) Provide the applicant and the owner of the real property upon which improvements are to be constructed with a printed statement stating that the right, title, and interest of the person who has contracted for the improvement may be subject to attachment under the Construction Lien Law. The Department of Business and Professional Regulation shall furnish, for distribution, the statement described in this paragraph, and the statement must be a summary of the Construction Lien Law and must include an explanation of the provisions of the Construction Lien Law relating to the recording, and the posting of copies, of notices of commencement and a statement encouraging the owner to record a notice of commencement and post a copy of the notice of commencement in accordance with s. 713.13. The statement must also contain an explanation of the owner's rights ~~if a lienor fails to furnish the owner with a notice as provided in s. 713.06(2) and an explanation of the~~

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~~owner's rights~~ as provided in s. 713.22. The authority that issues the building permit must obtain from the Department of Business and Professional Regulation the statement required by this paragraph and must mail, deliver by electronic mail or other electronic format or facsimile, or personally deliver that statement to the owner or, in a case in which the owner is required to personally appear to obtain the permit, provide that statement to any owner making improvements to real property consisting of a single or multiple family dwelling up to and including four units. However, the failure by the authorities to provide the summary does not subject the issuing authority to liability.

(d) Furnish to the applicant two or more copies of a form of notice of commencement conforming with s. 713.13. If the direct contract is greater than $2,500, the applicant shall file with the issuing authority before ~~prior to~~ the first inspection either a certified copy of the recorded notice of commencement or a notarized statement that the notice of commencement has been filed for recording, along with a copy thereof. In the absence of the filing of a certified copy of the recorded notice of commencement, the issuing authority or a private provider performing inspection services may not perform or approve subsequent inspections until the applicant files by mail, facsimile, hand delivery, or any other means such certified copy with the issuing authority. The certified copy of the notice of commencement must contain the name and address of the owner, the name and address of any lienors ~~the contractor~~, and the location or address of the property being improved. The issuing authority shall verify that the name and address of the owner, the name of

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any lienors ~~the contractor~~, and the location or address of the property being improved which is contained in the certified copy of the notice of commencement is consistent with the information in the building permit application. The issuing authority shall provide the recording information on the certified copy of the recorded notice of commencement to any person upon request. This subsection does not require the recording of a notice of commencement before ~~prior to~~ the issuance of a building permit. If a local government requires a separate permit or inspection for installation of temporary electrical service or other temporary utility service, land clearing, or other preliminary site work, such permits may be issued and such inspections may be conducted without providing the issuing authority with a certified copy of a recorded notice of commencement or a notarized statement regarding a recorded notice of commencement. This subsection does not apply to a direct contract to repair or replace an existing heating or air-conditioning system in an amount less than $7,500.

(6)(a) In addition to any other information required by the authority issuing the permit, the building permit application must be in substantially the following form:

Tax Folio No.....

BUILDING PERMIT APPLICATION

Owner’s Name.....

Owner’s Address.....

Fee Simple Titleholder’s Name (If other than owner).....

Fee Simple Titleholder’s Address (If other than owner).....

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City.....

State..... Zip.....

Lienors' Names ~~Contractor's Name~~.....

Lienors' Addresses ~~Contractor's Address~~.....

City.....

State..... Zip.....

Job Name.....

Job Address.....

City..... County.....

Legal Description.....

~~Bonding Company.....~~

~~Bonding Company Address.....~~

~~City..... State.....~~

Architect/Engineer's Name.....

Architect/Engineer's Address.....

Mortgage Lender's Name.....

Mortgage Lender's Address.....

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that ~~no~~ work or installation has not commenced before ~~prior to~~ the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with

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all applicable laws regulating construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.

IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

...(Signature of Owner or Agent)...

...(including <u>any lienors</u> ~~contractor~~)...

STATE OF FLORIDA
COUNTY OF ....

Sworn to (or affirmed) and subscribed before me this .... day of ...., ...(year)..., by ...(name of person making statement)....

...(Signature of Notary Public - State of Florida)...
...(Print, Type, or Stamp Commissioned Name of Notary Public)...

Personally Known .... OR Produced Identification ....

Type of Identification Produced.....

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...(Signature of any lienors ~~Contractor~~)...

STATE OF FLORIDA
COUNTY OF ....

Sworn to (or affirmed) and subscribed before me this .... day of ...., ...(year)..., by ...(name of person making statement)....

...(Signature of Notary Public - State of Florida)...

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

Personally Known .... OR Produced Identification ....

Type of Identification Produced.....

(Certificate of Competency Holder)

Lienor's ~~Contractor's~~ State Certification or Registration No.....

Lienor's ~~Contractor's~~ Certificate of Competency No.....

APPLICATION APPROVED BY
.....Permit Officer

Section 18. Section 713.16, Florida Statutes, is amended to read:

713.16 Demand for copy of direct contract and statement ~~statements~~ of account; form.—

(1) A copy of the direct contract of a lienor or owner and

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a statement of the amount due or to become due if fixed or ascertainable thereon must be furnished by any party thereto, upon written demand of an owner or a lienor contracting with or employed by the other party to such direct contract. If the owner or lienor refuses or neglects to furnish such copy of the direct contract or such statement, or willfully and falsely states the amount due or to become due if fixed or ascertainable under such direct contract, any person who suffers any detriment thereby has a cause of action against the person refusing or neglecting to furnish the same or willfully and falsely stating the amount due or to become due for his or her damages sustained thereby. The information contained in such copy or statement furnished pursuant to such written demand is binding upon the owner or lienor furnishing it unless actual notice of any modification is given to the person demanding the copy or statement before such person acts in good faith in reliance on it. The person demanding such documents must pay for the reproduction thereof, ~~,~~ and, if such person fails or refuses to do so, he or she is entitled only to inspect such documents at reasonable times and places.

(2) The owner may serve in writing a demand of any lienor for a written statement under oath of his or her account showing the nature of the labor or services performed and to be performed, if any, the materials furnished, the materials to be furnished, if known, the amount paid on account to date, the amount due, and the amount to become due, if known, as of the date of the statement by the lienor. Any such demand to a lienor must be served on the lienor at the address and to the attention of any person who is designated to receive the demand ~~in the~~

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~~notice to owner served by such lienor~~ and must include a description of the property and the names of the owner~~, the contractor,~~ and the lienor's customer~~, as set forth in the lienor's notice to owner~~. The failure or refusal to furnish the statement does not deprive the lienor of his or her lien if the demand is not served at the address of the lienor or directed to the attention of the person designated to receive the demand ~~in the notice to owner~~. The failure or refusal to furnish the statement under oath within 30 days after the demand, or the furnishing of a false or fraudulent statement, deprives the person so failing or refusing to furnish such statement of his or her lien. If the owner serves more than one demand for statement of account on a lienor and none of the information regarding the account has changed since the lienor's last response to a demand, the failure or refusal to furnish such statement does not deprive the lienor of his or her lien. The negligent inclusion or omission of any information deprives the person of his or her lien to the extent the owner can demonstrate prejudice from such act or omission by the lienor. The failure to furnish a response to a demand for statement of account does not affect the validity of any claim of lien being enforced through a foreclosure case filed before the date on which the demand for statement is received by the lienor.

(3) A request for sworn statement of account must be in substantially the following form:

REQUEST FOR SWORN STATEMENT OF ACCOUNT

WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT, SIGNED

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UNDER OATH, WITHIN 30 DAYS OR THE FURNISHING OF A FALSE STATEMENT WILL RESULT IN THE LOSS OF YOUR LIEN.

To: ...(Lienor's name and address)...

The undersigned hereby demands a written statement under oath of his or her account showing the nature of the labor or services performed and to be performed, if any, the materials furnished, the materials to be furnished, if known, the amount paid on account to date, the amount due, and the amount to become due, if known, as of the date on which ~~of~~ the statement for the improvement of real property identified as ...(property description)....

~~...(name of contractor)...~~

...(name of the lienor's customer~~, as set forth in the lienor's Notice to Owner, if such notice has been served~~)...

...(signature and address of owner)...

...(date of request for sworn statement of account)...

~~(4) When a contractor has furnished a payment bond pursuant to s. 713.23, he or she may, when an owner makes any payment to the contractor or directly to a lienor, serve a written demand on any other lienor for a written statement under oath of his or her account showing the nature of the labor or services performed and to be performed, if any, the materials furnished, the materials to be furnished, if known, the amount paid on~~

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~~account to date, the amount due, and the amount to become due, if known, as of the date of the statement by the lienor. Any such demand to a lienor must be served on the lienor at the address and to the attention of any person who is designated to receive the demand in the notice to contractor served by such lienor. The demand must include a description of the property and the names of the owner, the contractor, and the lienor's customer, as set forth in the lienor's notice to contractor. The failure or refusal to furnish the statement does not deprive the lienor of his or her rights under the bond if the demand is not served at the address of the lienor or directed to the attention of the person designated to receive the demand in the notice to contractor. The failure to furnish the statement within 30 days after the demand, or the furnishing of a false or fraudulent statement, deprives the person who fails to furnish the statement, or who furnishes the false or fraudulent statement, of his or her rights under the bond. If the contractor serves more than one demand for statement of account on a lienor and none of the information regarding the account has changed since the lienor's last response to a demand, the failure or refusal to furnish such statement does not deprive the lienor of his or her rights under the bond. The negligent inclusion or omission of any information deprives the person of his or her rights under the bond to the extent the contractor can demonstrate prejudice from such act or omission by the lienor. The failure to furnish a response to a demand for statement of account does not affect the validity of any claim on the bond being enforced in a lawsuit filed prior to the date the demand for statement of account is received by the lienor.~~

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(4)(a) ~~(5)(a)~~ Any lienor who is perfecting a claim of lien may serve with the claim of lien or thereafter a written demand on the owner for a written statement under oath showing:

1. The amount of the direct contract under which the lien was recorded;

2. The dates and amounts paid or to be paid by or on behalf of the owner for all improvements described in the direct contract;

3. The reasonable estimated costs of completing the direct contract under which the lien was claimed pursuant to the scope of the direct contract; and

4. If known, the actual cost of completion.

(b) Any owner who does not provide the statement within 30 days after demand, or who provides a false or fraudulent statement, is not a prevailing party for purposes of an award of attorney fees under s. 713.29. The written demand must include the following warning in conspicuous type in substantially the following form:

WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT WITHIN 30 DAYS OR THE FURNISHING OF A FALSE STATEMENT WILL RESULT IN THE LOSS OF YOUR RIGHT TO RECOVER ATTORNEY FEES IN ANY ACTION TO ENFORCE THE CLAIM OF LIEN OF THE PERSON REQUESTING THIS STATEMENT.

(5) ~~(6)~~ Any written demand served on the owner must include a description of the property and the name ~~names~~ of the ~~contractor and the~~ lienor's customer~~, as set forth in the lienor's notice to owner~~.

(6) ~~(7)~~ For purposes of this section, the term "information"

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means the nature and quantity of the labor, services, and materials furnished or to be furnished by a lienor and the amount paid, the amount due, and the amount to become due on the lienor's account.

Section 19. Subsection (3) of section 713.165, Florida Statutes, is amended to read:

713.165 Request for list of subcontractors and suppliers.—

~~(3) A list furnished under this section shall not constitute a notice to owner.~~

Section 20. Subsection (2) of section 713.18, Florida Statutes, is amended to read:

713.18 Manner of serving notices and other instruments.—

(2) Notwithstanding subsection (1), service of a ~~notice to owner or a~~ preliminary notice to contractor under s. 255.05 or~~,~~ s. 337.18~~, or s. 713.23~~ is effective as of the date of mailing if:

(a) The notice is mailed by registered, Global Express Guaranteed, or certified mail, with postage prepaid, to the person to be served at any of the addresses set forth in subsection (3);

(b) The notice is mailed within 40 days after the date on which the lienor first furnishes labor, services, or materials; and

(c)1. The person who served the notice maintains a registered or certified mail log that shows the registered or certified mail number issued by the United States Postal Service, the name and address of the person served, and the date stamp of the United States Postal Service confirming the date of mailing; or

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2. The person who served the notice maintains electronic tracking records generated by the United States Postal Service containing the postal tracking number, the name and address of the person served, and verification of the date of receipt by the United States Postal Service.

Section 21. Subsections (1) and (7) of section 713.20, Florida Statutes, are amended to read:

713.20 Waiver or release of liens.—

(1) The acceptance by the lienor of an unsecured note for all or any part of the amount of his or her demand does ~~shall~~ not constitute a waiver of his or her lien therefor unless expressly so agreed in writing, nor shall it in any way affect the ~~period for filing the notice under s. 713.06(2), or the~~ claim of lien under s. 713.08.

(7) A lienor who executes a lien waiver and release in exchange for a check may condition the waiver and release upon ~~on~~ payment of the check. ~~However, in the absence of a payment bond protecting the owner, the owner may withhold from any payment to the contractor the amount of any such unpaid check until any such condition is satisfied.~~

Section 22. Subsections (1), (3), and (4) of section 713.24, Florida Statutes, are amended to read:

713.24 Transfer of liens to security.—

(1) Any lien claimed under this part may be transferred~~,~~ by any person having an interest in the real property upon which the lien is imposed or the direct contract under which the lien is claimed~~,~~ from such real property to other security by either:

(a) Depositing in the clerk's office a sum of money~~;~~ or

(b) Filing in the clerk's office a bond executed as surety

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by a surety insurer licensed to do business in this state,

either ~~to be~~ in an amount equal to the amount demanded in such claim of lien, plus interest thereon at the legal rate for 3 years, plus $1,000 or 25 percent of the amount demanded in the claim of lien, whichever is greater, to apply on any attorney ~~attorney's~~ fees and court costs that may be taxed in any proceeding to enforce said lien. Such deposit or bond shall be conditioned to pay any judgment or decree which may be rendered for the satisfaction of the lien for which such claim of lien was recorded. Upon making such deposit or filing such bond, the clerk shall make and record a certificate showing the transfer of the lien from the real property to the security and shall mail a copy thereof by registered or certified mail to the lienor named in the claim of lien so transferred~~,~~ at the address stated therein. Upon filing the certificate of transfer, the real property shall thereupon be released from the lien claimed, and such lien shall be transferred to said security. ~~In the absence of allegations of privity between the lienor and the owner, and~~ Subject to any order of the court increasing the amount required for the lien transfer deposit or bond, no other judgment or decree to pay money may be entered by the court against the owner. The clerk is ~~shall be~~ entitled to a service charge for making and serving the certificate, in the amount of up to $20, from which the clerk shall remit $5 to the Department of Revenue for deposit into the General Revenue Fund. If the transaction involves the transfer of multiple liens, an additional charge of up to $10 for each additional lien shall be charged, from which the clerk shall remit $2.50 to the

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Department of Revenue for deposit into the General Revenue Fund. For recording the certificate and approving the bond, the clerk shall receive her or his usual statutory service charges as prescribed in s. 28.24. Any number of liens may be transferred to one such security.

(3) Any party having an interest in such security or the property from which the lien was transferred may at any time, and any number of times, file a complaint in chancery in the circuit court of the county where such security is deposited, or file a motion in a pending action to enforce a lien, for an order to require additional security, reduction of security, change or substitution of sureties, payment of discharge thereof, or any other matter affecting said security. If the court finds that the amount of the deposit or bond in excess of the amount claimed in the claim of lien is insufficient to pay the lienor's attorney ~~attorney's~~ fees and court costs incurred in the action to enforce the lien, the court must increase the amount of the cash deposit or lien transfer bond. Nothing in this section shall be construed to vest exclusive jurisdiction in the circuit courts over transfer bond claims for nonpayment of an amount within the monetary jurisdiction of the county courts.

(4) If a proceeding to enforce a transferred lien is not commenced within the time specified in s. 713.22 or if it appears that the transferred lien has been satisfied of record, the clerk shall return said security upon request of the person depositing or filing the same~~,~~ or the insurer. If a proceeding to enforce a lien is commenced in a court of competent jurisdiction within the time specified in s. 713.22 and, during

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such proceeding, the lien is transferred pursuant to this section ~~or s. 713.13(1)(c)~~, an action commenced within 1 year after the transfer, unless otherwise shortened by operation of law, in the same county or circuit court to recover against the security shall be deemed to have been brought as of the date of filing the action to enforce the lien, and the court shall have jurisdiction over the action.

Section 23. Section 713.29, Florida Statutes, is amended to read:

713.29 Attorney ~~Attorney's~~ fees.—In any action brought to enforce a lien ~~or to enforce a claim against a bond~~ under this part, the prevailing party is entitled to recover a reasonable fee for the services of her or his attorney for trial and appeal or for arbitration, in an amount to be determined by the court, which fee must be taxed as part of the prevailing party's costs, as allowed in equitable actions.

Section 24. Paragraph (c) of subsection (2) and subsection (3) of section 713.31, Florida Statutes, are amended to read:

713.31 Remedies in case of fraud or collusion.—

(2)

(c) An owner against whose interest in real property a fraudulent lien is filed, or any other lienor ~~contractor, subcontractor, or sub-subcontractor~~ who suffers damages as a result of the filing of the fraudulent lien, has ~~shall have~~ a right of action for damages occasioned thereby. The action may be instituted independently of any other action, or in connection with a summons to show cause under s. 713.21, or as a counterclaim or cross-claim to any action to enforce or to determine the validity of the lien. The prevailing party in an

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action under this paragraph may recover reasonable attorney ~~attorney's~~ fees and costs. If the lienor who files a fraudulent lien is not the prevailing party, the lienor is ~~shall be~~ liable to the owner or the defrauded party who prevails in an action under this subsection in damages, which shall include court costs, clerk's fees, a reasonable attorney ~~attorney's~~ fee and costs for services in securing the discharge of the lien, the amount of any premium for a bond given to obtain the discharge of the lien, interest on any money deposited for the purpose of discharging the lien, and punitive damages in an amount not exceeding the difference between the amount claimed by the lienor to be due or to become due and the amount actually due or to become due.

(3) Any person who willfully files a fraudulent lien, as defined in this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A state attorney or the statewide prosecutor, upon the filing of an indictment or information against a lienor ~~contractor, subcontractor, or sub-subcontractor~~ which charges such person with a violation of this subsection, shall forward a copy of the indictment or information to the Department of Business and Professional Regulation. The Department of Business and Professional Regulation shall promptly open an investigation into the matter~~,~~ and, if probable cause is found, shall furnish a copy of any investigative report to the state attorney or statewide prosecutor who furnished a copy of the indictment or information and to the owner of the property which is the subject of the investigation.

Section 25. Paragraph (d) of subsection (1) of section

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713.345, Florida Statutes, is amended to read:

713.345 Moneys received for real property improvements; penalty for misapplication.—

(1)

(d) A state attorney or the statewide prosecutor, upon the filing of an indictment or information against a lienor ~~contractor, subcontractor, or sub-subcontractor~~ which charges such person with a violation of paragraph (b), shall forward a copy of the indictment or information to the Department of Business and Professional Regulation. The Department of Business and Professional Regulation shall promptly open an investigation into the matter and, if probable cause is found, shall furnish a copy of any investigative report to the state attorney or statewide prosecutor who furnished a copy of the indictment or information and to the owner of the property which is the subject of the investigation.

Section 26. Subsection (7) of section 713.346, Florida Statutes, is amended to read:

713.346 Payment on construction contracts.—

(7) The prevailing party in any proceeding under this section is entitled to recover costs, including a reasonable attorney ~~attorney's~~ fee, at trial and on appeal.

Section 27. Section 713.3471, Florida Statutes, is amended to read:

713.3471 Lender responsibilities with construction loans.—

(1) Before ~~Prior to~~ a lender making any loan disbursement on any construction loan secured by residential real property directly to the owner, which, for purposes of this subsection, means only a natural person, into the owner's account or

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accounts, or jointly to the owner and any other party, the lender shall mail, deliver by electronic mail or other electronic format or facsimile, or personally deliver the following written notice to the borrowers in bold type larger than any other type on the page:

WARNING!

YOUR LENDER IS MAKING A LOAN DISBURSEMENT DIRECTLY TO YOU AS THE BORROWER, OR JOINTLY TO YOU AND ANOTHER PARTY. TO PROTECT YOURSELF FROM HAVING TO PAY TWICE FOR THE SAME LABOR, SERVICES, OR MATERIALS USED IN MAKING THE IMPROVEMENTS TO YOUR PROPERTY, BE SURE THAT YOU REQUIRE ALL LIENORS ~~YOUR CONTRACTOR~~ TO GIVE YOU LIEN RELEASES ~~FROM EACH LIENOR WHO HAS SENT YOU A NOTICE TO OWNER~~ EACH TIME YOU MAKE A PAYMENT TO THE LIENOR ~~YOUR CONTRACTOR~~.

This subsection does not apply when the owner is a contractor licensed under chapter 489 or is a person who creates parcels or offers parcels for sale or lease in the ordinary course of business.

(2)(a) Within 5 business days after a lender makes a final determination, before ~~prior to~~ the distribution of all funds available under a construction loan, that the lender will cease further advances under ~~pursuant to~~ the loan, the lender shall serve written notice of that decision on ~~the contractor and on~~ any ~~other~~ lienor who has given the lender notice. The lender is ~~shall~~ not ~~be~~ liable to a lienor ~~the contractor~~ based upon the

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decision of the lender to cease further advances if the lender gives the lienor ~~contractor~~ notice of such decision in accordance with this subsection and the decision is otherwise permitted under the loan documents.

(b) The failure to give notice to the lienor ~~contractor~~ under paragraph (a) renders the lender liable to the lienor ~~contractor~~ to the extent of the actual value of the materials and direct labor costs furnished by the lienor ~~contractor~~ plus 15 percent for overhead, profit, and all other costs from the date on which notice of the lender's decision should have been served on the lienor ~~contractor~~ and the date on which notice of the lender's decision is served on the lienor ~~contractor~~. The lender and the lienor ~~contractor~~ may agree in writing to any other reasonable method for determining the value of the labor, services, and materials furnished by the lienor ~~contractor~~.

(c) The liability of the lender may not ~~shall in no event~~ be greater than the amount of undisbursed funds at the time the notice should have been given unless the failure to give notice was done for the purpose of defrauding the lienor ~~contractor~~. The lender is not liable to the lienor ~~contractor~~ for consequential or punitive damages for failure to give timely notice under this subsection. The lienor has ~~contractor shall have~~ a separate cause of action against the lender for damages sustained as the result of the lender's failure to give timely notice under this subsection. Such separate cause of action may not be used to hinder or delay any foreclosure action filed by the lender, may not be the basis of any claim for an equitable lien or for equitable subordination of the mortgage lien, and may not be asserted as an offset or a defense in the foreclosure

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case.

(d) For purposes of serving notice on a lienor ~~the contractor~~ under this subsection, the lender may rely on the name and address of the lienor ~~contractor~~ listed in the notice of commencement or, if a ~~no~~ notice of commencement is not recorded, on the name and address of the lienor ~~contractor~~ listed in the uniform building permit application. ~~For purposes of serving notice on any other lienor under this subsection, the lender may rely upon the name and address of the lienor listed in the notice to owner.~~

(e) A ~~The contractor or any other~~ lienor may not waive the right to receive notice under this paragraph.

(3)(a) If the lender and the borrower have designated a portion of the construction loan proceeds, the borrower may not authorize the lender to disburse the funds so designated for any other purpose until the owner serves ~~the contractor and~~ any ~~other~~ lienor ~~who has given the owner a notice to owner~~ with written notice of that decision, including the amount of such loan proceeds to be disbursed. For the purposes of this subsection, the term "designated construction loan proceeds" means that portion of the loan allocated to actual construction costs of the facility and does ~~shall~~ not include allocated loan proceeds for tenant improvements when ~~where~~ the lienor does not have a ~~contractor has no~~ contractual obligation or work order to proceed with such improvements. The lender is ~~shall~~ not ~~be~~ liable to the lienor ~~contractor~~ based upon the reallocation of the loan proceeds or the disbursement of the loan proceeds if the notice is timely given in accordance with this subsection and the decision is otherwise permitted under the loan

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documents.

(b) If the lender is permitted under the loan documents to make disbursements from the loan contrary to the original loan budget without the borrower's prior consent, the lender is responsible for serving the notice to any ~~the contractor or other~~ lienor required under this subsection.

(c) This subsection does not apply to a residential project of four units or fewer ~~less~~.

(d) This subsection does not apply to construction loans of less than $1 million unless the lender has committed to make more than one loan, the total of which loans are greater than $1 million, for the purpose of evading this subsection.

(e) The owner or the lender is not required to give notice to ~~the contractor or~~ any ~~other~~ lienor under this subsection unless the total amount of all disbursements described in paragraph (a) exceed 5 percent of the original amount of the designated construction loan proceeds or $100,000, whichever is less.

(f) Disbursement of loan proceeds contrary to this subsection renders the lender liable to the lienor ~~contractor~~ to the extent of any such disbursements or to the extent of the actual value of the materials and direct labor costs plus 15 percent for overhead, profit, and all other costs, whichever is less. The lender is not liable to the lienor ~~contractor~~ for consequential or punitive damages for disbursing loan proceeds in violation of this subsection. The lienor has ~~contractor shall have~~ a separate cause of action against the lender for damages sustained as the result of the disbursement of loan proceeds in violation of this subsection. Such separate cause of action may

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not be used to hinder or delay any foreclosure action filed by the lender, may not be the basis of any claim for equitable subordination of the mortgage lien, and may not be asserted as an offset or a defense in the foreclosure case.

(g) For purposes of serving notice on a lienor ~~the contractor~~ under this subsection, the lender may rely upon the name and address of the lienor ~~contractor~~ listed in the notice of commencement or, if no notice of commencement is recorded, the name and address of the lienor ~~contractor~~ listed in the uniform building permit application. ~~For purposes of serving notice on any other lienor under this subsection, the lender may rely upon the name and address of the lienor listed in the notice to owner.~~

(h) For purposes of this subsection, the lender may rely upon a written statement, signed under oath by the ~~contractor or any other~~ lienor, that confirms that the ~~contractor or the~~ lienor has received the written notice required by this subsection.

(i) A ~~contractor and any other~~ lienor may not waive his or her right to receive notice under this subsection.

Section 28. Section 713.35, Florida Statutes, is amended to read:

713.35 Making or furnishing false statement.—Any person, firm, or corporation who knowingly and intentionally makes or furnishes to another person, firm, or corporation an affidavit, a waiver or release of lien, or other document, whether or not under oath, containing false information about the payment status of any lienors ~~subcontractors, sub-subcontractors, or suppliers~~ in connection with the improvement of real property in

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this state, knowing that the one to whom it was furnished might rely on it, and the one to whom it was furnished will part with draw payments or final payment relying on the truth of such statement as an inducement to do so commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A state attorney or the statewide prosecutor, upon the filing of an indictment or information against a person, firm, or corporation ~~contractor, subcontractor, or sub-subcontractor~~ which charges such person or entity with a violation of this section, shall forward a copy of the indictment or information to the Department of Business and Professional Regulation. The Department of Business and Professional Regulation shall promptly open an investigation into the matter and, if probable cause is found, shall furnish a copy of any investigative report to the state attorney or statewide prosecutor who furnished a copy of the indictment or information and to the owner of the property which is the subject of the investigation.

Section 29. Subsection (2) of section 713.22, Florida Statutes, is amended to read:

713.22 Duration of lien.—

(2) An owner or the owner's attorney may elect to shorten the time prescribed in subsection (1) within which to commence an action to enforce any claim of lien or claim against ~~a bond or~~ other security under ~~s. 713.23 or~~ s. 713.24 by recording in the clerk's office a notice in substantially the following form:

NOTICE OF CONTEST OF LIEN

To: ...(Name and address of lienor)...

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You are notified that the undersigned contests the claim of lien filed by you on ...., ...(year)..., and recorded in .... Book ...., Page ...., of the public records of .... County, Florida, and that the time within which you may file suit to enforce your lien is limited to 60 days from the date of service of this notice. This .... day of ...., ...(year)....

Signed: ...(Owner or Attorney)...

The lien of any lienor upon whom such notice is served and who fails to institute a suit to enforce his or her lien within 60 days after service of such notice shall be extinguished automatically. The clerk shall serve, in accordance with s. 713.18, a copy of the notice of contest to the lien claimant at the address shown in the claim of lien or most recent amendment thereto and shall certify to such service and the date of service on the face of the notice and record the notice.

Section 30. Paragraph (b) of subsection (2) and paragraph (e) of subsection (5) of section 95.11, Florida Statutes, are amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(2) WITHIN FIVE YEARS.—

(b) A legal or equitable action on a contract, obligation, or liability founded on a written instrument, except for an action to enforce a claim against a payment bond, which shall be governed by the applicable provisions of paragraph (5)(e), s.

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255.05(10), or s. 337.18(1), ~~or s. 713.23(1)(e),~~ and except for an action for a deficiency judgment governed by paragraph (5)(h).

(5) WITHIN ONE YEAR.—

(e) Except for actions governed by s. 255.05(10) or~~,~~ s. 337.18(1), ~~or s. 713.23(1)(e),~~ an action to enforce any claim against a payment bond on which the principal is a contractor, subcontractor, or sub-subcontractor as defined in s. 713.01, for private work as well as public work, from the last furnishing of labor, services, or materials or from the last furnishing of labor, services, or materials by the contractor if the contractor is the principal on a bond on the same construction project, whichever is later.

Section 31. This act shall take effect July 1, 2020.

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From: Florida Trend <news@floridatrend.com>
Sent: Wednesday, October 16, 2019 1:14 PM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Movers & Influencers: Florida's Executive Appointments

Subscribe to: Florida Trend

Movers & Influencers

October 16, 2019

Stephen Farbish

Accounting

EisnerAmper LLP, Miami
EisnerAmper LLP, a leading global business advisory firm, announced that it has admitted ***Stephen Farbish*** as a Tax Partner serving the South Florida market. Farbish works with high net worth individuals and closely held businesses and corporations across a variety of industries on tax compliance issues, tax planning and consulting and outsourced finance services.

Gessie Lipscomb

Banking

Centennial Bank, *Tampa Bay*
Gessie Lipscomb is a CERTIFIED FINANCIAL PLANNER™ who has dedicated more than a decade to providing her clients with the guidance to better align their financial and lifestyle goals. Prior to joining Centennial Bank, she served as a wealth advisor at Wealth Advisors of Tampa Bay. Lipscomb holds a bachelor's degree in business administration from the University of Florida.

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Roger Martin

Banking

Centennial Bank, *Tampa Bay*

Roger Martin is a CERTIFIED FINANCIAL PLANNER™ with more than two decades of financial planning expertise. He previously served as a founding partner at Wealth Advisors of Tampa Bay, where he presented professionals and retirement-minded families with financial guidance. Martin holds a bachelor's degree in business and finance from Indiana University.

Carla Schoolfield

Banking

Centennial Bank, *Tampa Bay*

Carla Schoolfield will serve as a business development officer and work with advisors across Centennial Bank's footprint. She holds her FINRA Series 7 securities registration with Ameriprise Financial, and has more than a decade of financial services industry expertise. She earned a bachelor's degree in psychology from the University of South Florida.

Davis Bean

Professional Services

The Fiorentino Group, *Jacksonville*

The Fiorentino Group (TFG) is pleased to announce that ***Davis Bean*** has been promoted to Government Affairs Consultant in TFG's Jacksonville office. In his new role, Bean will utilize his skills in legislative affairs and policy development to create strategies to assist TFG clients with appropriations, local governmental matters, economic development and education issues.

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Melissa Langley

Professional Services

The Fiorentino Group, *Jacksonville*

The Fiorentino Group (TFG) is pleased to announce that ***Melissa Langley*** has returned to the firm as Community Relations and Political Director in TFG's Jacksonville office. In her new role, Langley is responsible for managing TFG's political fundraising efforts, planning special events for the firm and engaging with the local community.

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From: NCOIL <scb@thebeaumontgroup.com>
Sent: Tuesday, November 12, 2019 9:10 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: NCOIL 30 Day Materials!

View this email in your browser

Dear NCOIL Participant:

The 30 Day materials for the 2019 NCOIL Annual Meeting at the JW Marriott in Austin, TX from December 10th – 13th are now posted here.

If you have not done so, please register for the meeting here.

NCOIL will celebrate its' 50th year at this meeting.

This meeting has been approved for 15.25 credits of Texas CLE.

The Annual Meeting will begin at the conclusion of the NAIC meeting at the same location. Please plan to arrive in time for the Welcome Reception on the evening of December 10th. There will also be an optional tour of the Texas state capitol on that afternoon.

A full day of policy committees and general sessions will start with the busy Welcome Breakfast on December 11th.

If you are attending the NAIC meeting prior to the NCOIL meeting, we kindly ask that you make a hotel reservation beginning on December 10th with the NCOIL hotel code. You can do this by calling the hotel at 512-474-4744. If you have already made your hotel reservations with NAIC, we ask that you call the hotel with your confirmation code to amend them. You will not need to physically check out of the hotel room and will receive one hotel bill at the conclusion of your stay.

The hotel block closes on November 25th. The link for legislators is here - and the link for general participants is here.

Please do not hesitate to reach out to us with any questions at the NCOIL National Office.

Best,
Will Melofchik
NCOIL

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From: NCOIL <scb@thebeaumontgroup.com>
Sent: Friday, November 01, 2019 9:29 AM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: NCOIL Property & Casualty Insurance Interim Committee Call

View this email in your browser

Dear Friend:

Representative Edmond Jordan (LA) will be hosting an interim conference call meeting of the NCOIL Property & Casualty Insurance Committee on Tuesday, November 19th from 12:00 p.m. to 1:00 p.m. (EST). The purpose of the interim meeting is for the Committee and interested parties to discuss the first draft of the NCOIL Peer-to-Peer Car Sharing Program Model Act, sponsored by Representative Bart Rowland (KY).

All material and registration information for the call will be circulated next week.

If you have any questions please do not hesitate to contact the NCOIL National Office at 732-201-4133 or Will Melofchik, NCOIL General Counsel at wmelofchik@ncoil.org.

Thank you,
Will Melofchik

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Add us to your address book

Want to change how you receive these emails?
You can update your preferences or unsubscribe from this list.

From: Amber Widgery <amber.widgery@ncsl.org>
Sent: Tuesday, February 04, 2020 11:06 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: NCSL Invitation
Attachment(s): "Advancing Justice Invitation.docx"

Thank you for taking my call just now. I've attached the invitation. You can ignore the registration link, we would take care of that for you on our end if the Senator decides he can attend.

Regards,

Amber

Amber Widgery, Esq.
National Conference of State Legislatures
Senior Policy Specialist, Criminal Justice Program
303.856.1466 (o) | 303.601.4289 (m)



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ADVANCING JUSTICE 2020

NCSL
NATIONAL CONFERENCE OF STATE LEGISLATURES

AMERICANS FOR PROSPERITY | ALEC American Legislative Exchange Council | NATIONAL ASIAN PACIFIC AMERICAN CAUCUS OF STATE LEGISLATORS | NBCSL National Black Caucus of State Legislators | National Caucus of Native American State Legislators | National Foundation for Women Legislators | NHCSL National Hispanic Caucus of State Legislators

You are invited to participate in the Advancing Justice Summit in **Fort Myers Florida, Feb. 7-8, 2020** to learn about the most pressing issues in criminal justice policy. The meeting will kick off the morning of Friday, Feb. 7 and wrap up mid-day on Saturday, Feb. 8.

Advancing Justice is hosted by the National Conference of State Legislatures, in partnership with Americans for Prosperity, the American Legislative Exchange Council, the National Asian Pacific American Caucus of State Legislators, the National Black Caucus of State Legislators, the National Caucus of Native American State Legislators, the National Foundation for Women Legislators, and the National Hispanic Caucus of State Legislators, with support from Stand Together. This important meeting provides an unparalleled opportunity to learn about proven strategies for criminal justice reform, interact with criminal justice experts and network with your peers from other states.

States are leading on criminal justice reform. Legislative action has focused law enforcement resources on solving the most serious crimes and adopted policy to reduce overall justice-system involvement. Almost all individuals in prison will return to our communities and face the challenge of reintegrating. Communities are safest when the criminal justice system respects human dignity and that means achieving justice for victims and ensuring that those with a criminal record have opportunities to succeed upon reentry. Great strides have been made to interrupt the cycle of justice involvement by building up the communities people return to, but there is more to be done.

At Advancing Justice you will learn about key policy topics and community-based solutions for reducing recidivism and right-sizing your criminal justice system. You will also have opportunities to network and work in smaller groups with state lawmakers who are leaders on this issue, policy experts, and system stakeholders to discuss state-specific strategies and learn from the experiences of others who have successfully built consensus around reforms.

Travel, hotel and meeting-related meal and miscellaneous expenses will be paid by NCSL. To reply, please register online using this link as soon as possible. Upon your acceptance, we will promptly provide you with next steps to confirm and arrange your attendance.

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For questions about the registration process please contact Laurel Stiegler at laurel.stiegler@ncsl.org or (303) 856-1649. For substantive questions, reach out to Amber Widgery at amber.widgery@ncsl.org or (303) 856-1466 (or partner contact).

We look forward to including you in what we expect to be an exceptional event!

This event has been made possible through support from Stand Together.

AMERICAN OVERSIGHT

From: SEN-AP@laspbs.state.fl.us <SEN-AP@laspbs.state.fl.us>
Sent: Monday, December 02, 2019 1:05 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: New College of Florida Multi-Purpose Building - Senator Joe Gruters
Attachment(s): "New College of Florida Multi-Purpose Building - Senator Joe Gruters.pdf"

Confirmation of Senate Local Funding Initiative Request

This is a system generated email. Please do not reply to this email.

This email confirms receipt by the Senate Appropriations Committee of the following Local Funding Initiative Request, sponsored by **Senator Joe Gruters**, with the title:

New College of Florida Multi-Purpose Building

Attached is a copy of the appropriations project information you submitted.

Please note that your Local Funding Initiative Request will be reviewed and assigned to the appropriations subcommittee under whose jurisdiction it falls. If additional information is needed, you will be contacted by a member of the appropriations staff.

If this request has been submitted in error or you have any questions, please contact the Appropriations Committee at 850-487-5140.

AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 10758

1. **Project Title** New College of Florida Multi-Purpose Building

2. **Senate Sponsor** Joe Gruters

3. **Date of Request** 12/02/2019

4. **Project/Program Description**

These funds will provide for the planning and design of new, multi-purpose facilities space to support enrollment growth at New College to 1200 students (approximately a 50% increase in enrollment). This project – the highest priority for New College and the third highest priority for the State University System as well – will provide approximately 107,000 square feet of space to support academic programs (classrooms, labs, auditorium), student development (health & wellness, student life), and administrative support (campus safety, financial affairs).

5. **State Agency to receive requested funds** Board of Governors

State Agency contacted? (•) Yes ( ) No

6. **Amount of the Nonrecurring Request for Fiscal Year 2020-2021**

Type of Funding	Amount
Operations	000
Fixed Capital Outlay	6,000,000
Total State Funds Requested	6,000,000

7. **Total Project Cost for Fiscal Year 2020-2021 (including matching funds available for this project)**

Type of Funding	Amount	Percentage
Total State Funds Requested (from question #6)	6000000	100.0 %
Matching Funds		
Federal	00	0 %
State (excluding the amount of this request)	00	0 %
Local	00	0 %
Other	00	0 %
Total Project Costs for Fiscal Year 2020-2021	6,000,000	100 %

8. **Has this project previously received state funding?** ( ) Yes (•) No

If yes, provide the most recent instance:

Fiscal Year (yyyy-yy)	Amount		Specific Appropriation #	Vetoed
	Recurring	Nonrecurring		

9. **Is future-year funding likely to be requested?** (•) Yes ( ) No

If yes, indicate nonrecurring amount per year. 17,400,000

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10. **Details on how the requested state funds will be expended**

Spending Category	Description	Amount
Administrative Costs:		
Executive Director/Project Head Salary and Benefits		
Other Salary and Benefits		
Expense/Equipment/ Travel/Supplies/Other		
Consultants/Contracted Services/Study		
Operational Costs: Other		
Salary and Benefits		
Expense/Equipment/ Travel/Supplies/Other		
Consultants/Contracted Services/Study		
Fixed Capital Construction/Major Renovation:		
Construction/Renovation/ Land/Planning Engineering	Preparation of architectural design, engineering, and per-construction bid documents and permits.	6,000,000
Total State Funds Requested (must equal total from question #6)		6,000,000

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11. **Program Performance**

a. What specific purpose or goal will be achieved by the funds requested?

These funds will provide for the planning and design of new, multi-purpose facilities space to support enrollment growth at New College to 1200 students (approximately a 50% increase in enrollment). This project -- the highest priority for New College and the second highest priority for the State University System as well -- will provide approximately 107,000 square feet of space to support academic programs (classrooms, labs, auditorium), student development (health & wellness, student life), and administrative support (campus safety, financial affairs).

b. What activities and services will be provided to meet the intended purpose of these funds?

Preparation of architectural design, engineering, and pre-construction bid documents and permits.

c. What direct services will be provided to citizens by the appropriation project?

The new facilities space will allow New College to grow to 1,200 students and reach an 80% four-year graduation rate. This will result in an extra 100 New College graduates per year, providing critical human capital the state needs. The new facilities will provide space for academic programs (classrooms, labs, auditorium), student development (health & wellness, student life), and administrative support (campus safety, financial affairs).

d. Who is the target population served by this project? How many individuals are expected to be served?

University students (1,200), plus faculty and support staff.

e. What is the expected benefit or outcome of this project? What is the methodology by which this outcome will be measured?

Growing to 1,200 students and reaching an 80% four-year graduation rate will result in an extra 100 New College graduates per year. The 80% graduation rate will propel New College into the premier tier of all public and private liberal arts colleges in the country. Part of increasing the graduation rate focuses on increasing retention. The cost of educating first year undergraduates at NCF who do not begin a second year is estimated to be $1.2 million. Increasing the retention rate to hit hit a 4-year graduation rate of 80% will reduce those costs by more than half.

f. What are the suggested penalties that the contracting agency may consider in addition to its standard penalties for failing to meet deliverables or performance measures provided for in the contract?

Withholding state funds.

AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 10758

12. **The owners of the facility to receive, directly or indirectly, any fixed capital outlay funding. Include the relationship between the owners of the facility and the entity.**

N/A

13. **Requestor Contact Information**

a. First Name: Donal Last Name: O'Shea

b. Organization: New College of Florida

c. E-mail Address: doshea@ncf.edu

d. Phone Number: (941)487-4100 Ext.

14. **Recipient Contact Information**

a. Organization: New College of Florida

b. Municipality and County: Sarasota

c. Organization Type

- ○ For-profit Entity
- ○ Non-Profit 501(c) (3)
- ○ Non-Profit 501(c) (4)
- ○ Local Entity
- ● University or College
- ○ Other (please specify)

d. First Name: Donal Last Name: O'Shea

e. E-mail Address: doshea@ncf.edu

f. Phone Number: (941)487-4100

15. **Lobbyist Contact Information**

a. Name: Chris Schoonover

b. Firm Name: Capital City Consulting

c. E-mail Address: Chris@cccfla.com

d. Phone Number: (850)222-9075 Ext.

AMERICAN OVERSIGHT

From: Tracey Lowe <tlowe@flfoundation.org>
Sent: Thursday, November 21, 2019 12:10 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: NEWS ALERT: Latest Probability of a Florida Recession and New County Data

BY THE NUMBERS

Probability of a Florida Recession Continues to Drop and New County Data Available

According to Florida Chamber Foundation Chief Economist Dr. Jerry Parrish,Florida's probability of a recession declined for the second month in a row. This news along with new county data added to TheFloridaScorecard.org are topics discussed in the latest ***By the Numbers***.

Access to high-speed communications is vital in today's technical economy. The Florida 2030 Blueprint includes an infrastructure goal that by 2030, 100 percent of Florida residents will have access to high-speed communications. To learn the percentage of residents in your county with access to high-speed internet, visit www.TheFloridaScorecard.org.

Click here to watch the November ***By the Numbers***.

Registration Closing Soon

Registration is closing soon for the 2019 Transportation, Growth & Infrastructure Summit on December 5th in Hollywood. **Click here** for an updated list of speakers and register today to hear from the Florida Chamber Infrastructure Coalition, Trade Committees, Department of Transportation Secretary, Legislators and many others on how Florida will need to adapt and plan for Florida's future.

2019 Florida Transportation, Growth and Infrastructure Summit
December 5, 2019 | The Diplomat Resort
Hollywood, Florida

AMERICAN OVERSIGHT

From: Ossi <james.ossi@earthlink.net>
Sent: Monday, January 20, 2020 7:22 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: No to HB 1011 and SB 1128

No to HB 1011 and SB 1128

I am contacting you today to urge you to**OPPOSE HB 1011 and SB 1128 as currently drafted** At a minimum, meaningful registration and data reporting by short-term rental operators and platforms should be required, as it is for every other commercial enterprise in the state. Not only does fail to do that but these bills nullify the few sensible rules that are protecting communities from being overrun by illegal hotels.

James Ossi on The Nature Coast

AMERICAN OVERSIGHT

From: Committee of the Islands <coti@coti.org>
Sent: Friday, February 07, 2020 1:19 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>; Torres, Victor <Torres.Victor@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Stewart, Linda <Stewart.Linda@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>
CC: Barbara Joy Cooley <bjoycooley@comcast.net>; Christine Andrews <c.palmer.andrews@gmail.com>; ERHARD F JOERES <joeres@engr.wisc.edu>; Jan Holly <janholly4@gmail.com>; Joyce Craig <sanibeljoyce@gmail.com>; Malcolm Martini <mlmartini@icloud.com>; Marty Packard <mspackard@hotmail.com>; Maryann Bell <maryann217@me.com>; Michael Miller <millerlawfl@earthlink.net>; Peter Walcott <peterwwalcott@gmail.com>; Susan Tucker <sanibelsue@msn.com>; Larry Schopp <larryschopp@aol.com>
Subject: NO to SB1128 Vacation Rentals

COTI

To: Commerce and Tourism Committee
Senator Joe Gruters, Chairman
Senator Victor Torres, Jr. Vice Chairman
Senator Travis Hutson
Senator Linda Stewart
Senator Tom Wright

From: Committee of the Islands
Christine Andrews, President
Larry Schopp, Chair, Land Use Planning Committee

Date: February 7, 2020

Re: NO on SB1128 Vacation Rentals

These comments are submitted on behalf of Committee of the Islands (COTI) a Sanibel based Florida not for profit corporation established soon after Sanibel's incorporation in 1974. COTI's mission in part is to protect the small-town character of our island community. In furtherance of that mission we oppose and urge you to vote no on SB 1128 because it would undermine a time-tested scheme in place on Sanibel to accommodate thousands of visitors each year while preserving the character of our residential neighborhoods.

Sanibel is a visitor friendly place where short term rentals are encouraged. On Sanibel almost all dwellings along the Gulf beach are in a zone where there are no city-imposed limitations on the duration of rentals. In other zones rentals to visitors are likewise encouraged but with a 28-day minimum rental period. That allows property owners who wish to rent their homes and visitors wanting a longer visit, in a non-resort setting, to find suitable rental accommodations.

While SB 1128 as written would grandfather Sanibel's limitation on the duration of short-term rentals in residential neighborhoods, it would seriously hamper Sanibel's ability to enforce those limitations by preempting an ordinance that requires registration and licensing of rental properties. For that reason and because we believe the bill is based on flawed legislative findings as to why preemption is appropriate, we oppose SB 1128.

Among the findings recited in the bill is an expansive view of constitutionally protected property rights relating to "vacation rentals." Property rights are not absolute. They are subject to reasonable restrictions that further the public health, safety and welfare. Otherwise we would not have local zoning, the very basis of community planning recognized by state law. While few would suggest that homeowners may be barred from renting their homes at all, restrictions on the duration of short term rentals and their regulation in ways that accommodate tourism is not unreasonable. SB 1128 lacks balance in that it fails to take into account any reasonable local interest in regulation vacation rentals.

Troubling as well is the finding that "Vacation rentals are residential in nature. "Residences are places people call home. When we spend a long weekend or a week at a beach front resort, we don't consider that resort our residence. Our residence is the place we return to when the vacation is over. It's the place where we interact socially with neighbors and depend on them in times of stress or emergency. That's the essence of a community — and it's not found in resorts.

Our fear, born out already, is that when homes in residential neighborhoods are converted to short term rental usage the sense of neighborhood is lost and the conversion to vacation usage escalates. With substitution of vacationers for true residential occupants a neighborhood loses its essential character and becomes an array of small resorts with anonymous interval occupants coming and going.

In many communities like Sanibel, the social fabric is based largely on volunteerism — residents giving of their time and

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energy to further local social values like helping neighbors in need or protecting sea turtle eggs on the beach from predators. Volunteers are residents — people who live in a community — not vacationers. If you as legislators treat vacationers as residents you risk destroying, over time, the very basis of volunteerism in our local communities. We see that happening already and fear that If SB 1128 is enacted it will simply accelerate that process.

We respectfully request that you vote No to SB 1128 Vacation Rentals.

--
COTI - Committee of the Islands
Keeping Sanibel Special Since 1975
www.coti.org

Register for the COTI Sanibel eNews

JOIN COTI

AMERICAN OVERSIGHT

From: Alex Funkhouser <inboundnewsletter@sherlocktechnology.com>
Sent: Tuesday, January 07, 2020 8:28 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Node.js/Full-Stack Miami; LeanAgileUS; SW DevCon; STATE OF THE CIO; Call for Sponsors

Node.js/Full-Stack Miami; LeanAgileUS; SW DevCon; STATE OF THE CIO; Call for Sponsors

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Published Tuesday, January 7, 2020
to over 30,000 South Florida IT Professionals

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Tech Events

Tuesday, Jan 07 2020

Divi Demystified And More!

Data Science Pioneers" Movie Screening // Fort Lauderdale

Wednesday, Jan 08 2020

vBeersPlus @ General Provision Downtown Ft. Lauderdale

Thursday, Jan 09 2020

AWS User Group of Florida January Meetup.

SoFloPHP Fort Lauderdale (Monthly Meetup)

Tuesday, Jan 14 2020

HOW CHARTS LIE, a Book Launch Event Featuring UM's Alberto Cairo NEW DATE!

Homes Populated with over 200M Alexa Devices (Privacy a BIG Concern)

It took Amazon four years to populate the world with 100 million Alexa-powered devices. It took the company just one more year to more than double that number. The e-commerce titan announced Monday that there are now "hundreds of millions of Alexa-enabled devices" in cust... Read More

Top Job Pick: Node.js / Full Stack Developer Miami, Florida

SherlockTalent is actively searching for a Node.js/Full-Stack Developer who will work and collaborate with a team on a variety of projects in the cloud. They are responsible for writing code for internal and customer-facing applications, APIs, integratio... Read More

Early Bird Registration Open! 14th Annual State of the CIO 2020, Mar 4

We are excited to announce that the 14th Annual State of the CIO will take place on Wednesday, March 4, 2020, at the Signature Grand, Fort Lauderdale. The State of the CIO is the CIO Council's premier annual event and offers CIOs, CTOs, Senior IT Managers and Technology... Read More

SUPERCONF 2020 Miami, Mar 13 to 14

SUPERCONF is a conference for makers! The designers, developers, and entrepreneurs molding our future. Hosted in sunny Miami (Wynwood to be exact). It's an intimate conference with only 250 tickets, so you'll get a chance to meet everyone; attendees, speakers, founders, ... Read More

Call for Speakers & Sponsors for the South Florida Software Developer Conference (aka CodeCamp)

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Wednesday, Jan 15 2020

vBeers @ Boca

vBeers @ Boca

Thursday, Jan 16 2020

January 2020 Monthly Meeting

Story Mapping: Building intelligent solutions!

Tuesday, Jan 21 2020

Join the Centric Miami Team for our Morning with Microsoft Event Discussing IoT

Direct Device to Device Com, Shelly Home Automation Products – Doug Robinson

Monthly Linux Meetup (also covering Open Source, UNIX and UNIX-Like Systems)

Wednesday, Jan 22 2020

vBeersPlus @ Keiser University, Pembroke Pines

Tuesday, Jan 28 2020

SFAA SIG – SAFe Scaling Agile : What , How and When ?

The 2020 South Florida Software Developer Conference is the 16th annual conference previously known as the South Florida Code Camp. It is a FREE one-day GEEK FEST held on Saturday, February 29, 2020, at Nova Southeastern University. This year we are teaming up with Tech ... Read More

Save the date: LeanAgileUS 2020! Feb 24 to 26

We invite you to Save the Date for LeanAgileUS 2020! LeanAgileUS is the premier conference for Lean and Agile discussion in North America. Nowhere else can you find this unique blend of all flavors of Agile. Save the Date for LeanAgileUS 2020 – February 24th – 26th, ... Read More

DNN Summit 2020, Orlando, Feb 24

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Junior Analyst / DB Developer, Miami
Systems Engineer, Boca Raton
Senior Accountant, Boca Raton
Pre-Sales Engineer – Mobile, Boca Raton
Director – End User Experience, Miami
Director, Global Network Services, Miami
Chief Information Security Officer – CISO, Boca Raton
Java API/AWS Lambda Developer, Miami
Graphic Designer, San Francisco
Senior iOS Developer, Webster
Data Science & Analytics Manager, Miami
Director of PR Business Development, Miami
System Engineer, Miami
Shopify eCommerce Manager, Fort Lauderdale
Senior SEM Specialist, Miami
Software Developer – Full Stack, Fort Lauderdale
QA – Engineer, Boca Raton
Developer – Magento, Boca Raton
BI Analyst, Coral Gables
Java – Developer, Boca Raton
Social Media Creative Director, San Francisco
Social Media Account Director, San Francisco
IT Security – Director, Boca Raton
PR Account Supervisor, Miami
PR Account Coordinator, Miami
VoIP – Developer, Fort Lauderdale
Bilingual IBM Project Manager – Technical, Boca Raton
Sr. Security Development Engineer, Miami
Social Media – Account Executive, San Francisco
Account Executive – PR, Miami

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We believe that an educated community of technology professionals strengthens our companies, builds our economic region, and enhances all of our lives. That's why we are active in the South Florida technology community and why we proudly sponsor a wide range of events and user groups.

We would also appreciate the opportunity to serve your company's hiring needs by providing the best professionals our IT community has to offer for your specialized technical requirements.

Lead QA – Analyst, Fort Lauderdale
SharePoint – Developer – Admin, Boca Raton
Social Media – Account Supervisor, San Francisco

Business Analyst – Medicare C & D, Fort Lauderdale
Developer – Evangelist, New York
Senior Cloud Data Engineer, Miami
Marketing Manager – BD, Miami
Senior Account Executive – PR, Miami
Senior Cyber Security – Engineer, Weston
IT Director – Micros Systems, Fort Lauderdale
Business Continuity and Disaster Recovery Analyst & Project Manager (two roles) , Coral Springs
Product Manager- MAPD/PDP, Fort Lauderdale
Business Analyst – Medicare Enrollment, Fort Lauderdale
Chief of Staff to the Village Manager, North Bay Village
QA Analyst, Ft. Lauderdale
Software Developer (Junior and Mid), Coral Gables
Network Technician, North Bay Village
Software Developer (C++ to C# Development), Miami
Mid Java Developer, Miami
Senior Low Level Programmer with Video Drivers experience, Miami, FL
Senior DevOps Engineer – Remote, MIami
SQL BI Banking Integration Developer, Miami
Account Manager, Miami Beach
Tech Recruiter, North Bay Village
Help Desk Specialist, Miami
MS SQL DBA Engineer, Miramar
Agile Business Analyst, Miami
Business Development Professional Sales, North Bay Village
Sports Lover Lead Software Developer, Miami
Sr UX Architect, Miami
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From: Sherlock Technology Staffing <Alex@SherlockTalent.com>
Sent: Tuesday, January 28, 2020 1:01 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Node.js/FullStackDev Miami; State of the CIO; 20% off LeanAgile; Homnick AI; ITEXPO

Node.js/FullStackDev Miami; State of the CIO; 20% off LeanAgile; Homnick AI; ITEXPO

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Tech Events

Tuesday, Jan 28 2020

SFAA SIG – SAFe Scaling Agile : What , How and When ?

Wednesday, Jan 29 2020

OpenHackNight @ Ultimate Software

Thursday, Jan 30 2020

Democratizing AI with Google Cloud and Power BI by Joe "OG of the UG" Homnick

Saturday, Feb 01 2020

Tech for Good: Census 2020

2020 Vision Board Workshop: A goal setting mastery event for fearless women

Tuesday, Feb 04 2020

rstudio::conf 2020 viewing party □□□

Chris Fleck's Intern Success Story

It's always rewarding to learn about the success and impact that internships can have on the interns and the companies they work for. Below is an article featuring our friend Chris Fleck of Citrix Systems and the success his company has had with one special intern. Senior... Read More

Top Job Pick: Node.js / Full Stack Developer Miami, Florida

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Democratizing Artificial Intelligence (AI) with Google Cloud and Power BI, Jan 30

Details: This is a joint event between Gold Coast User Group (GCUG) and the Microsoft Data and AI South Florida User Group. Title: Democratizing Artificial Intelligence (AI) with Google Cloud and Power BI Presenter: Joe Homnick, Certified DBA and Data Scientist ... Read More

Join Mindset Coach Marilyn Rousseau for the '2020 Vision Board Workshop', Feb 1

When was the last time you

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FL-SEN-20-0201-B, 20-0202-A-001820

Online Love + Data Analytics – Learn the data behind your favorite dating sites

Wednesday, Feb 05 2020

Boca JS – Node JS 101 – Learn NodeJS w/ Damian Montero

Thursday, Feb 06 2020

Sunshine PHP DevCon – Miami

WCMIA, Using Block Editor For Page Layout, And More

Tuesday, Feb 11 2020

ITEXPO East – Digital Transformation Happens Here

Wednesday, Feb 12 2020

vBeersPlus @ General Provision Downtown Ft. Lauderdale

Thursday, Feb 13 2020

Monthly Online Agile Coaching Meetup (Remote Connections)

PDF to Power BI by Pawel Majkowski

Technically Single! Valentines mixer @ X Miami!

Tuesday, Feb 18 2020

checked your vision? Join Mindset Coach Marilyn Rousseau and her team on Saturday, February 1st, 2020 from 11 am to 4 pm, for an empowering afternoon that will propel you to create and manifest the life that you want. You will learn how to c... Read More

Join us for Sunshine PHP, Miami, Feb 6-8

The SunshinePHP Developer Conference is hosted by the South Florida PHP community (SoFloPHP) in Miami, Florida from February 6th – 8th, 2020, and you're invited! We'll host some of the best speakers, awesome talk topics, latest technologies, and up to date news in ... Read More

Join us for ITEXPO, Broward Convention Center, Feb 11-14

WORLD-CLASS EXPO – THE DIGITAL TRANSFORMATION MARKETPLACE ITEXPO returns to Florida for the 20th time. Large enterprise, mid-market and SMBs, MSPs, service providers, and resellers gather at ITEXPO for an in-depth look at the communications and technology solutions ... Read More

Join us for ISACA South Florida's 13th Annual WOW Conference, Feb 21

Registration is now open for the 13th Annual WOW! Conference, taking place on February 21, 2020, at the Kovens Conference Center in North Miami from 8:00 AM to 5:00 PM with a happy hour immediately after, from 5:00 PM to 7:00 PM. This year's theme: Digital Transform... Read More

Save 20% on LeanAgileUS 2020 Registration, Feb 24 to 26

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Join Us For SQLSATURDAY #946, South Florida, BI Edition, Feb 22

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Monthly Linux Meetup (also covering Open Source, UNIX and UNIX-Like Systems)

Boca Java Meeting

Wednesday, Feb 19 2020

vBeers @ Boca

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We would also appreciate the opportunity to serve your company's hiring needs by providing the best professionals our IT community has to offer for your specialized technical requirements.

PASS SQLSaturday is a free training event for professionals who use the Microsoft data platform. These community events offer content across data management, cloud and hybrid architecture, analytics, business intelligence, AI, and more. This event will be held on Feb 22,... Read More

SUPERCONF 2020 Miami, Mar 13 to 14

SUPERCONF is a conference for makers! The designers, developers, and entrepreneurs molding our future. Hosted in sunny Miami (Wynwood to be exact). It's an intimate conference with only 250 tickets, so you'll get a chance to meet everyone; attendees, speakers, founders, ... Read More

Join us for the 2020 NAF Mega Student Conference, Apr 21

Developing Our Leaders and Innovators The conference features keynote speakers and other special speakers, break out sessions, plus internship interviews with industry professionals. Approximately 1,400 high school students will be attending from Miami-Dade NAF Academies ... Read More

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Senior Java Developer, Miami
Sr. Manager, Digital Product, Miami
Director, Digital Product, Miami
Salesforce Cloud Dev/Admin contract, Weston
Node.js / Full Stack Developer, Miami
Junior Analyst / DB Developer, Miami
Systems Engineer, Boca Raton
Pre-Sales Engineer – Mobile, Boca Raton
Director – End User Experience, Miami
Director, Global Network Services, Miami
Chief Information Security Officer – CISO, Boca Raton
Graphic Designer, San Francisco
Senior iOS Developer, Webster
Data Science & Analytics Manager, Miami
Director of PR Business Development, Miami
System Engineer, Miami
Shopify eCommerce Manager, Fort Lauderdale
Jr. SEM Specialist, Miami
Software Developer – Full Stack, Fort Lauderdale
QA – Engineer, Boca Raton

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From: The Aerospace States Association Briefing <Aerospace@aerostates.bulletinmedia.com>
Sent: Friday, November 01, 2019 7:59 AM EDT
To: Joe Gruters (Web) <Gruters.Joe.Web@flsenate.gov>
Subject: Nov. 1: New York Police Department To Use UAVs To Guard NYC Marathon

If you are unable to see the message or images below, click here to view

The Aerospace States Association

Good morning Joe Gruters November 1, 2019

POLICY NEWS - STATE

New York Police Department To Use UAVs To Guard NYC Marathon

Newsday (NY) (10/31, DeStefano) reports that the New York Police Department (NYPD) "will deploy thousands of uniformed cops and more than 600 vehicles to safeguard the 50,000 runners and millions of onlookers at Sunday's 49th New York City Marathon, officials said." NYPD Commissioner James O'Neill "said the race...will get the full treatment from the department's counterterrorism unit." Officers "will also be able to use counter-drone technology to intercept and neutralize any errant drones that try to penetrate the race route, O'Neill said." The NYPD will use "police drones...pressed into service to monitor the 26.2-mile five-borough race."

DJI Acknowledges Reports Of UAV Grounding By Interior Department

Reuters (10/31) reports that "Chinese drone maker DJI said...Thursday that it is aware of reports that the U.S. Department of the Interior has grounded all non-emergency Chinese-made or partly-made drones in a review of its entire drone program." DJI told Reuters it was "disappointed to learn of this development."

China's Foreign Ministry Comments On UAV Fleet Grounding. Reuters (10/31) reports that "China's foreign ministry said on Thursday after reports that the United States Department of the Interior had grounded its fleet of Chinese-made drones that it hoped Washington would 'stop abusing the concept of national security' and provide a non-discriminatory atmosphere for Chinese companies."

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Solving For Safety In Autonomous Aircraft Systems

When market share is up for grabs, virtual VTOL testing is the only way to fly. ANSYS offers the industry's most complete simulation solution for autonomous aircraft. It integrates high-fidelity physics with sensor design and testing, automatic safety-critical code generation and closed-loop simulation for ultra-realistic test flights. Here are the how-tos for accelerating VTOL development — and arriving first to market. Learn More.

POLICY NEWS - FEDERAL

FAA Protocol Allows Diabetic Pilots To Fly Commercial Flights

CNN (10/31, Liebermann) reports that the FAA "is set to allow pilots with insulin-treated diabetes to apply to fly commercial airliners, according to a Department of Transportation official." The new protocol "will allow pilots with insulin-treated diabetes to apply for a first- or second-class medical certificate, which is required to fly commercially." Currently, "pilots with insulin-treated diabetes" are prohibited from piloting airliners or other commercial flights. The Aircraft Owners and Pilots Association (ALPA) "applauded the forthcoming decision." ALPA Senior Vice President of Government Affairs Jim Coon said, "With medical advancements, such as continuous glucose monitoring along with proper protocols, the FAA's impending proposal should help many highly qualified pilots fly commercially."

AVIATION

Qantas Grounds Three Boeing 737 NG Jets Due To Cracks

Reuters (10/31) reports that Qantas Airways "said on Friday it found structural cracks in three of its Boeing Co 737 NG planes after conducting earlier-than-required checks of its aircraft as part of a global issue with the model." The jets "have been removed from service for repair, the airline said in a statement."

The Daily Mail (UK) (10/31) reports that "Qantas said the three aircraft would remain out of service until at least the end of 2019, as it worked with the Civil Aviation Safety Authority to resolve the safety issue."

CNN (10/31, Guy, Walsh) reports that the FAA ordered inspections on 737 NG jets in September after The Boeing Company informed the FAA of the problem. Boeing said in a regulatory filing that a "small percentage" of the jets are affected by the issue, and all 737 NG jets with more than 30,000 flight cycles and a third of the jets with 22,600 cycles

AMERICAN OVERSIGHT

have been inspected.
The Wall Street Journal (10/31, Sider, Subscription Publication) reports that Boeing had estimated that about five percent of the 686 aircraft that had been inspected by October 9 showed signs of cracking.
The Hill (10/31, Frazin) reports that a Southwest Airlines spokesman said that Southwest had removed three jets from service due to the issue.

Vietnam's VietJet Orders 20 Airbus A321XLR Aircraft

Reuters (10/31) reports that Vietnam's VietJet "has ordered 20 Airbus long-range A321XLR aircraft that the budget carrier hopes will support its international expansion as Vietnam's aviation market heats up." In a statement Thursday, VietJet "said...that it will be the 'first carrier in the world' to operate the new long-range version of the single-aisle A320neo family jets." The airline "expects the first aircraft to be delivered in 2023."

Brazil's Gol Posts $61M Loss For Q3

Reuters (10/31, Rochabrun) reports that Brazilian airline Gol Linhas Aereas Inteligentes "on Thursday reported a 242 million reais ($60.69 million) third-quarter loss, hit by problems affecting its Boeing 737 planes." The airline "said it had record revenues of 3.7 billion in the quarter but also reduced its profit forecast for the year to 0.90 reais per share, compared to a previous range of being 1.40 and 1.70 reais per share." Gol, which "flies Boeing 737 planes exclusively," has faced fleet issues from the grounding of the 737 MAX and the "pickle fork" cracks on "11 older 737 NG planes."

DOD Center Developing Airborne Sensor Data For Wildfire Response

ExecutiveGov (10/31) reports that "the Department of Defense's Joint Artificial Intelligence Center (JAIC) is developing an algorithm that will use video data from airborne sensors to visualize wildfire information for first responders, C4ISRnet reported Wednesday." Department of Defense Joint Artificial Intelligence Center Chief of Strategy and Communications Greg Allen "said at a Data Coalition conference that the [JAIC] intends to leverage sensor data the department has been collecting for a long time and 'get it in the hands of people who can use that information.'"

UK RAF Takes Delivery Of First Boeing P-8 Poseidon Aircraft

Aviation Week (10/31) reports that "Britain's Royal Air Force (RAF) has taken delivery of its first Boeing P-8 Poseidon, an initial step toward restoring its long-range maritime patrol capability." During a ceremony Tuesday, The Boeing Company "handed over the first of nine aircraft to senior RAF officers...in Seattle."
The Daily Mail (UK) (10/31, Duell) reports that "following an unveiling ceremony in Seattle, the jet was flown to Naval Air Station Jacksonville in Florida where RAF personnel are being trained to operate the aircraft."

American Airlines Flight Attendants Question Safety Of 737 MAX

Reuters (10/31, Rucinski) reports that a union representing American Airlines' flight attendants sent a letter to Boeing CEO Dennis Muilenburg highlighting the union's concerns with the safety of the Boeing 737 MAX. Association of Professional Flight Attendants President Lori Bassani asserted in the letter, "The 28,000 flight attendants working for American Airlines refuse to walk onto a plane that may not be safe and are calling for the highest possible safety standards to avoid another tragedy." Bassani wants her union to have all of the information about the MAX before flight attendants fly on the plane when it returns to service. Boeing spokesman Gordon Johndroe responded in an email statement, "We are committed to providing flight attendants, pilots and our airline customers the information they need so we can re-earn their trust and that of the traveling public that counts on them."
The Wall Street Journal (10/31, Sider, Subscription Publication) reports that the letter is the most recent result of the congressional hearings in which Boeing executives were questioned about documents related to the 737 MAX crashes. Association of Flight Attendants-CWA President Sara Nelson also said that her union's flight attendants will not fly on the 737 MAX until it is proven to be safe by regulators, pilots, airline officials, and engineers.
Experts Question Corporate Governance Of 737 MAX. CBS News (10/31) reports that when the Lion Air crash occurred, 62 percent of The Boeing Company's board members served on three or more company boards. However, that number fell to 43 percent last week. Currently 12 of Boeing's 14 board members still serve on at least one other board, and nine of those 12 board members have a full time job with another company. Corporate governance expert Nell Minow asserted that board members should expect to spend about 240 hours per year on board-related work, and "that quickly becomes exponentially higher if there is a problem." Minow added, "Boeing is the dictionary definition of a problem."

Qatar Airways, Sky Express Sign Cooperation Agreement

Reuters (10/31) reports that "Greek airline Sky Express said on Thursday it had signed an agreement with Qatar Airways to cooperate on flights connecting Doha with the Greek islands, in a boost to the country's key tourism industry." Sky Express "competes with Aegean Airlines' subsidiary Olympic Airways on domestic routes, flies to 24 Greek destinations, including the popular islands of Corfu, Santorini and Crete on ATR42 and ATR72 twin engine turboprop aircraft."

Switzerland's Helvetic Receives First Embraer 190-E2 Aircraft

Aviation Week (10/31) reports that "Swiss regional carrier Helvetic Airways has taken delivery of its first Embraer E190-E2, starting a period of significant growth for the niche airline." Helvetic Airways "plans to operate four E2s by early 2020 and will return three of 10 E190-E1s in the upcoming months." The airline "has a firm order in place for 12

AMERICAN OVERSIGHT

of the aircraft and options for another 12."

SPACE

Russia Reveals Plans For Additional ISS Spaceships

The Houston Chronicle (10/31, Powell) reports that Roscosmos Director General Dmitry Rogozin "announced that he would fund the construction of two additional manned spaceships in order to deliver NASA astronauts to the International Space Station, according to a Russian news outlet." Rogozin told a Russian news source, "I gave a command to Roscosmos...to allocate extra funds to make two more [Soyuz] spaceships. The production capacities of our factory [the Energia Space Rocket Corporation] allow producing four spaceships a year but it is possible to produce five spacecraft." A spokesman for NASA "said the agency intended to 'discuss options for Soyuz seats with Roscosmos.'"

Shares Of Virgin Galactic Down Since NYSE Debut

Bloomberg (10/31) reports that shares of Virgin Galactic "have yet to post a daily gain since adopting the SPCE ticker on Oct. 28, following a merger with a shell investment company that was already trading." Cestrian Capital Research founder Alex King said, "Even compared to an Uber or Lyft or a Slack, this is a really early-stage business. Think of it as a startup that just happens to be listed." Virgin Galactic Holdings Inc. "tumbled 11% to $9.41 at the close in New York, bringing this week's decline to 20%." King added, "I think this is going to happen a lot with this stock. It's going to have some very red days and some very green days." SpaceFund venture capitalist Meagan Crawford said, "I think what you're seeing today is a market correction based on that hype wearing off a bit."

NASA Officials Define Scope Of Artemis 3 Mission

ExecutiveGov (10/31) reports that "NASA officials say the Artemis missions may be limited to gathering lunar samples, as the space agency plans locations on the Moon to explore, Space News reported Wednesday." In remarks Tuesday at the Lunar Exploration and Analysis Group forum, NASA Lunar Surface Systems Lead John Connolly "said the lunar south pole may contain amounts of water ice within shadowed craters." The Artemis 3 "manned lunar mission" is "scheduled for 2024" and "would last for almost a week on the moon based on current plans."

NASA JPL Hosts Pumpkin-Carving Contest

CNET News (10/31, Kooser) reports that NASA JPL engineers competed Wednesday in "the annual JPL Halloween pumpkin-carving contest." The winning design featured a pumpkin "version of the Apollo 11 moon landing complete with a lunar surface and smoke machine." Mars 2020 rover engineer Billy Allen said, "It's totally different from our normal engineering work, which makes it a nice change of pace. You don't get to do much arts and crafts in the rover world."
SPACE (10/31, Malik) reports that this year's entries included "Apollo moon lander pumpkins, alien gourds, an interactive Europa lander pumpkin," and other designs.

NASA Reviewing Future Mission To Orbit Pluto

The Houston Chronicle (10/31, Powell) reports that "NASA has commissioned a study to explore spending...more time examining and exploring" Pluto. For the research, NASA "is providing $150,000 to" the Southwest Research Institute (SwRI), a San Antonio-based group. SwRI Assistant Director Carly Howett said, "We're looking forward to getting into the nitty gritty of this mission and seeing how feasible it is and what a mission like this could really look like." She added, "We've got different instruments, so we'd be able to look at the heat flow, the activity and trying to really get a grip on whether Pluto does have a sub-surface ocean."

ISS Astronauts To Bake Chocolate Chip Cookies With New Test Oven

The AP (10/31, Dunn) reports that ISS astronauts "are about to get a new test oven for baking chocolate chip cookies from scratch." An experimental "Zero G Oven" is scheduled to launch "Saturday from Virginia on Northrop Grumman's Cygnus capsule." The oven will test "the possibility of making freshly baked goods for space travelers." Nanoracks Senior Internal Payloads Manager Mary Murphy "anticipates a baking time of 15 to 20 minutes per cookie at about 325 F (163 C)."

MANUFACTURING

NASA Selects Trio Of Universities For Aerospace Production Funding Effort

ExecutiveGov (10/31) reports that NASA has selected Tuskegee University, the University of Texas at El Paso, and Virginia State University "to receive hands-on experience and support in aerospace manufacturing capacities to address industry gaps." The minority-serving universities "will create learning opportunities in the design, construction and supply chain management of aerospace components within two years." NASA "said Wednesday its aeronautics research mission directorate has teamed up with the Office of Science, Technology, Engineering and Mathematics Engagement to provide...training, research, learning, apprenticeship and internship efforts in high-volume aerospace production under a $1.5M funding opportunity through the Minority University Research and Education Project."

STEM EDUCATION

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Bayer Sponsors STEM Program For Girls

AGDAILY (10/31) reports that “American Agri-Women is hoping to give girls better access to...women who have done great things in STEM fields by launching a Women Heroes of Science & Technology educational program.” Bayer’s Crop Science and McCain Foods will sponsor “the initial project, a downloadable bookmark series for middle school students.”

THURSDAY'S LEAD STORIES

- **Interior Department Will Cease Using Non-Essential Chinese UAVs**
- **Muilenburg Testifies Before House Committee**
- **GE Expects $1.4B Loss From Boeing 737 MAX Grounding**
- **MDA Selects Companies To Develop Space Sensor Prototypes**
- **BMW Awards Contract For Hybrid Transmissions To Magna**

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The Aerospace States Association is an association of state lt. governors and state government officials fostering state aerospace growth and STEM workforce development. For more information, please see www.aerostates.org or contact GarelickBell@aerostates.org.

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From: The Aerospace States Association Briefing <Aerospace@aerostates.bulletinmedia.com>
Sent: Tuesday, November 05, 2019 8:05 AM EST
To: Joe Gruters (Web) <Gruters.Joe.Web@flsenate.gov>
Subject: Nov. 5: Singapore To Require Mandatory UAV Registration

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The Aerospace States Association

Good morning Joe Gruters November 5, 2019

POLICY NEWS - STATE

Advertisement

Singapore To Require Mandatory UAV Registration

Aviation Week (11/4) reports that "the Civil Aviation Authority of Singapore (CAAS) will require that drones weighing more than 250 grams (0.5 lb.) be registered as of Jan. 2, 2020." Following a three-month grace period, the operators of unregistered UAVs face fines "of up to S$10,000 ($7,360) and/or imprisonment of up to six months, CAAS said."

Use Of UAVs By Criminals Raises Legal Ambiguity

The Boston Globe (11/3) reported that "drones pose novel and difficult problems for law enforcement" due to their widespread availability and lack of legal norms. UAVs "have...been put to a host of nefarious uses, from smuggling contraband into prisons to swarming FBI agents who were preparing for a raid." However, "local and state authorities are restricted by federal law from intercepting drones in flight, potentially even when a crime is in progress." Bard College Center for the Study of the Drone Co-Director Arthur Holland Michel said, "The use of drones by criminal groups is appealing in part because drones are harder to catch."

Mandatory UK Registration Scheme For UAVs Begins

The Guardian (UK) (11/5, Topham) reports that UAV operators "in the UK must now sit an online test and pay a £9 annual fee or face a £1,000 fine after the launch of a mandatory national registration scheme on Tuesday."
The Daily Mail (UK) (11/4) reports that "the scheme, launched by the Civil Aviation Authority today, will also create a register of all drones operated in the UK." The scheme covers "any drone or model aircraft weighing between 250g (9oz) and 20kg (44lbs)."
BBC News Online (UK) (11/5) reports that "exemptions have been granted for members of several associations involved with flying model aircraft or other small, remotely controlled craft such as drones."

POLICY NEWS - FEDERAL

Senate Approves $22.75B Fiscal 2020 Budget For NASA

ExecutiveGov (11/4) reports that "U.S. senators voted 84-9 Thursday to pass a minibus spending package that allocates a fiscal year 2020 budget of $22.75B for NASA, SpaceNews reported Friday." The bill allocates "$784M to finance aeronautics research efforts such as work at the Glenn Research Center and another $1.4B to support the Orion project, according to a press release posted by the office of Sen. Sherrod Brown" (D-OH). House Appropriations Committee Chair Nita Lowey (D-NY) said, "While I am pleased the Senate has finally passed a package of appropriations bills, we face a pressing deadline of Nov. 21 and are still far behind in completing an orderly appropriations process."

FAA To End FedBizOpps Contracting Announcements

ExecutiveGov (11/4) reports that the FAA "is advising interested vendors that contracting opportunities with the agency and other related announcements will be posted on the new FAA Contract Opportunities website." The agency will cease issuing announcements on the FedBizOpps (FBO) platform, it said Thursday. The FBO transition is scheduled to begin November 8.

Chinese UAVs Assessed For Potential Security Threats

Aviation International News (11/3) reported that U.S. lawmakers have highlighted the "potential security concerns...regarding the potential for Chinese companies and the Chinese government to misuse data from U.S.-based drones for nefarious purposes." Chinese UAV firm DJI "has repeatedly and vociferously denied charges that data from its drones is used for illicit purposes such as espionage, but did admit that its data was shared with the

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Chinese government as it applies to drone operations in China." The Drone Origin Security Act (H.R. 4753) would bar Chinese UAVs from usage by the Department of Homeland Security.

UK Labour Party Considering Ban On Fossil Fuels For Private Aircraft

Aviation International News (11/4) reports that "the UK Labour Party has indicated it would consider a ban on fossil-fuel powered private aircraft flights from 2025."
The Daily Mail (UK) (11/4) reports that "Labour has made green issues a central plank of its campaign ahead of the December 12 election." UK Shadow Secretary of State for Transport Andy McDonald said, "Climate targets cannot be met without curbing pollution from air travel, and a passenger on a private jet produces ten times the emissions of someone on a regular flight."

AVIATION

Sources Suggest Lion Air Targeting IPO Valued At Up To $1B In 2020

Reuters (11/4, Daga, Hepher) reports that "Lion Air is targeting a flotation of up to $1 billion in the first quarter of 2020, several sources close to the matter said." The Indonesian budget carrier "is hoping to fund future aircraft deliveries to service an improving market." A source said, "The Indonesian market is finally showing signs of stability. This is a good time to tap the market."

House Democrats To Continue Investigation Into 737 MAX

Reuters (11/4, Shepardson) reports that House Transportation and Infrastructure Committee Chair Peter DeFazio (D-OR) and aviation subcommittee chair Rick Larsen (D-WA) released a joint letter Monday calling statements made by Boeing CEO Dennis Muilenburg "consistent with a culture of concealment and opaqueness." The letter said that the families of the victims of crashes involving the 737 MAX "deserve a thorough investigation from our Committee about how the regulatory system and the law failed, and that's exactly what our committee intends to do." They wrote that their investigation found that The Boeing Company's leaders were "aware of many of the problems that engineers are now attempting to fix during the design and development phase of the 737 MAX." Boeing spokesman Gordon Johndroe said that Boeing "will continue to cooperate with the committee."
EASA: 737 MAX Likely To Return To European Service In Q1. Reuters (11/4, Frost) reports that the Boeing 737 MAX "is likely to return to service in Europe during the first quarter of 2020, the head of the European Union Aviation Safety Agency (EASA) said...Monday." EASA Executive Director Patrick Ky indicated that "preparations by national authorities and airlines may delay the resumption of commercial flights by up to another two months." Said Ky, "If there are training requirements (and) coordination to be done with the EU member states to make sure everyone does the same thing at the same time, this will take a bit of time."
Fortune (11/4) reports that Ryanair CEO Michael O'Leary "expressed frustration with the slow pace of the EASA certification process" for the 737 MAX. He claimed that the agency was "dragging their heels." He also insisted that he is "very confident" in the safety of the 737 MAX.
Return Of 737 MAX Brings Worries Of Oversupply. Reuters (11/4, Hepher, Daga) reports that industry analysts have expressed concerns that when the Boeing 737 MAX is cleared to fly again, there could be "as many as 1,000 surplus aircraft next year," according to Rob Morris, global head of consultancy at Ascend by Cirium. Morris' prediction is based not only on the increased speed of deliveries of 737 MAX aircraft, but also the second-hand aircraft that fleets had been leasing to cover for flights that were scheduled to be operated by the 737 MAX. Analysts anticipate that it would take up to 18 months for Boeing to deliver all of its aircraft when the grounding is lifted.
Dreamliner Helps Support Boeing As 737 MAX Remains Grounded. The Wall Street Journal (11/4, Sindreu, Subscription Publication) reports that although the Boeing 787 Dreamliner had a rough development and introductory period, the jet is proving to be a key revenue source for Boeing due to the grounding of the 737 MAX. Sales of the Dreamliner have exceeded Boeing's expectations. The aircraft has been more profitable than analysts anticipated.
Avenue Capital Leasing Older Aircraft During MAX Grounding. Reuters (11/4, Stempel) reports that the grounding of the MAX "has been a boon for Marc Lasry, the billionaire chief executive of Avenue Capital Group, who is buying inexpensive, older aircraft for his leasing business."

IAG Agrees To $1.1B Purchase Of Air Europa, Boosting Ibero-American Dominance

Aviation International News (11/4) reports that "International Airlines Group (IAG) has agreed to buy Air Europa" in a "€1 billion ($1.11 billion)" deal. The purchase "will further alter the alliance landscape and give the parent company of Madrid-based Iberia and Barcelona-based low-cost carrier Vueling a dominant position in the Spanish market and re-establish its leadership position in the Europe-to-Latin America market." Iberia CEO Luis Gallego "described the deal as "of strategic importance" for Madrid–Barajas Airport, which in recent years has lagged behind the continent's leading four hubs at Amsterdam, Frankfurt, London Heathrow, and Paris Charles De Gaulle." Gallego added, "Madrid will be able to compete with other European hubs on equal terms with a better position on Europe to Latin America routes and the possibility to become a gateway between Asia and Latin America."

Norwegian Air To Sell Six Boeing 737-800 Aircraft

Reuters (11/5) reports that Norwegian Air "has agreed to sell six of its Boeing 737-800 aircraft to Pembroke Aircraft Leasing 5 Limited, a subsidiary of Standard [Chartered], the Oslo-based budget carrier said in a statement." Norwegian said, "The transaction is expected to increase...liquidity by approximately $55 million after repayment of debt and have a positive equity effect." It added, "The sale is in line with the company's continued strategy of

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capitalizing on the scale built up over the last few years and the changed focus from growth to profitability."

Miami Skyscraper To Include VTOL Landing Pad

USA Today (11/4, Brown) reports that a new tower in Miami, Paramount Miami World Center, will have "an observation deck at the top that doubles as a landing pad for vertical takeoff and landing vehicles." Although the building will open in 2020, VTOL use cases in which "passengers can be dropped off at home...could be decades away." There are both technical and regulatory obstacles to VTOL vehicles, although a "hoverbike met U.S. Federal Aviation Administration guidelines in 2018."

Counter-UAS Working Group Formed In Europe

Aviation Week (11/4) reports that "the European Organization for Civil Aviation Equipment (Eurocae) has established a working group to develop standards for counter-drone systems that can be used by airports and air traffic control authorities."

Safran Aircraft Engines CEO To Head Safran Group

Aviation Week (11/4) reports that the board of Safran Group has selected Safran Aircraft Engines CEO Oliver Andries "to be group CEO from January 2021." Andries "will take the helm from Philippe Petitcolin after a year-long transition period to start in January 2020, the company announced" Monday.

SPACE

Boeing Declares Starliner Pad Abort Test A Success

The New York Times (11/4, Padilla, Fortin) reports that The Boeing Company "successfully tested a safety system of its commercial spacecraft on Monday morning, bringing the American aerospace industry one step closer to launching astronauts to the International Space Station for the first time since 2011." Boeing "ran an uncrewed test on the launch abort system of the CST-100 Starliner" at the White Sands Missile Range in New Mexico. In a statement, Boeing said, "Today's pad abort test was a milestone achievement for our CST-100 Starliner team, for NASA, and for American human spaceflight."

The Washington Post (11/4, Davenport) reports that Boeing "declared successful its test of the emergency abort system...even though only two of the three main parachutes deployed." At 9:15 a.m. ET, "the capsule fired its abort engines" and went "hurtling through the air to more than 4,000 feet." In a statement, Boeing Vice President and Program Manager, Commercial Crew Programs, Space Exploration John Mulholland said, "The test team and spacecraft performed flawlessly." He added, "Emergency scenario testing is very complex, and today our team validated that the spacecraft will keep our crew safe in the unlikely event of an abort." Company officials "said they have built in redundancy to the spacecraft, and having two of three parachutes deploy was" sufficient.

Florida Today (11/4) reports that "according to Boeing spokesperson Jessica Landa, the deployment of only two of the parachutes is acceptable within their test parameters for their landing sequence."

Reuters (11/4) reports that "the deployment failure happened during a so-called pad abort test of a system designed to propel the crew to safety in the event of an emergency, Boeing spokesman Todd Blecher said by email." He added, "It's too early to determine why all three main parachutes did not deploy." Blecher also said, "However, having two of three deploy successfully is acceptable for the test parameters and crew safety."

CNET News (11/4, Mack) reports that "shortly before landing, the service module dropped to the ground and a series of airbags on the bottom of Starliner inflated for a soft landing."

CBS News (11/4, Harwood) reports that "after jettisoning its forward heat shield, drogue parachutes deployed and stabilized the spacecraft before two red-and-white main parachutes unfurled about 26 seconds into the flight."

Space News (11/4, Subscription Publication) reports that "the spacecraft's launch abort engines fired for five seconds, and a separate set of orbital maneuvering thrusters for 10 seconds, accelerating the spacecraft to more than 1,000 kilometers per hour to simulate escaping a malfunctioning rocket on the launch pad."

SPACE (11/4) reports that "the capsule was equipped with an anthropomorphic test dummy equipped with sensors to gather data that will help Boeing engineers evaluate the results of the test."

CNN (11/4, Wattles) reports that "it was not immediately clear if further parachute testing will be required or if it could result in further delays in the overall Starliner program."

Florida Today (11/4) provides video footage of the test as part of its coverage.

Bottles Of Wine Arrive At ISS For Science Experiment

The AP (11/4, Dunn) reports that "a dozen bottles of fine French wine arrived at the space station Monday, not for the astronauts, but for science." Researchers will study "the red Bordeaux wine" to determine "how weightlessness and space radiation affect the aging process."

The Daily Mail (UK) (11/4) reports that "a Luxembourg-based wine company launched 12 bottles of red wine to the craft that will be aged for an entire year." Researchers will use the "out of this world" wine in "hopes of developing new flavors and properties for the food industry."

Virgin Galactic Seeks To Serve 1.5K Space Tourists Yearly By 2023

Aviation Week (11/5, Bruno, Norris, Klotz) reports that "Virgin Galactic is building its second and third operational SpaceShipTwos, SS2 and SS2-3, and expects them to join the space tourism company's fleet in 2020 and 2021, respectively." Virgin Galactic seeks to fly 1,500 paying space tourists per year by the end of 2023. The company

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“provided an update to its business plan in late October as the company’s shares started trading on the New York Stock Exchange.”

NASA Seeking Lockheed Martin X-59 Sonic Boom Measurement System

Aviation Week (11/4, Warwick) reports that NASA “is seeking proposals for an audio system capable of capturing high-resolution acoustic data from flights of its Lockheed Martin X-59 QueSST low-boom demonstrator over communities across the U.S.” The agency is “gear[ing] up to measure the public acceptability of reduced sonic booms.” The system would deploy “an array of ground recording systems (GRS)...over an area approximately 30 x 50 nm. to gather acoustic data across the entire sonic-boom carpet” under the jet’s flight path.

NASA Voyager 2 Probe Provides Insight On Structure Of Solar System

Reuters (11/4, Roulette) reports that NASA’s Voyager 2 spacecraft has provided insight into the structure of the solar system via “the unexpectedly distinct boundary marking where the sun’s energetic influence ends and interstellar space begins.”
BBC News Online (UK) (11/4) reports that “the boundary between the two regions is known as the heliopause.” University of Iowa Professor Don Gurnett said, “We saw the plasma density at the heliopause jump by a very large amount – a factor of 20, at this rather sharp boundary out there.”
CNN (11/4, Strickland) report that “a suite of five studies detailing the findings was published Monday in the journal Nature Astronomy.”
SPACE (11/4, Wall) reports that “Voyager 2 traversed the heliopause...when the probe was 119 astronomical units (AU) from the sun.”
The Guardian (UK) (11/4, Devlin) reports that “measurements published in five separate papers in Nature Astronomy reveal that Voyager 2 encountered a much sharper, thinner heliosphere boundary than Voyager 1.”
The Daily Mail (UK) (11/4) reports that “in one of the papers, the researchers suggest that the interstellar medium near the heliopause...is hotter than expected, with a temperature of around 30,000–50,000°K (29,000–49,000°C).”
CNET News (11/4, Ryan) reports that “the handful of papers are a trove of space data, analyzing the measurements taken by the spacecraft as it made its way over the edge of the solar system.”

MANUFACTURING

Pratt & Whitney Announces Layoffs Of 60 Employees At Plants In MI

The Lansing (MI) State Journal (11/4, Lyons) reports that Pratt & Whitney “will cut roughly 60 employees at its plants” in Lansing and Holt, Michigan. The company “cited fluctuations in orders as the reason for the layoffs.” Separation benefits will be available to the employees, and the company will offer “enhanced benefits” to more senior employees.

STEM EDUCATION

Maryland Students Participate In Statewide STEM Festival

The AP (11/2, Fitzpatrick) reported that students from Springfield Middle School in Williamsport, Maryland, participated in “the statewide Maryland STEM Festival running from Oct. 11 to Nov. 10.” Springfield Middle students from all grades “were required to design and build a bridge capable of holding between three and 23 portioned bags of rice, make a 5-inch tall hut with a workable door that wouldn’t be blown away by a leaf blower and craft a vessel capable of floating and staying waterproof enough to protect its ‘message in a bottle.’”

MONDAY'S LEAD STORIES

- **USAF Seeking Ideas On Spaceport Conversions For Launch Ranges**
- **Russia Downplays Hopes For New START Treaty**
- **Cebu Air Inks Deal For $4.8B Airbus Aircraft**
- **Cygnus Cargo Spacecraft Arrives At ISS**
- **U.S. Manufacturing Fell For Third Straight Month**

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The Aerospace States Association is an association of state lt. governors and state government officials fostering state aerospace growth and STEM workforce development. For more information, please see www.aerostates.org or contact GarelickBell@aerostates.org.

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Tuesday, October 15, 2019 3:35 PM EDT
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: One Fall Golf Beverage Sponsorship Available! Register ASAP to Claim!

Dear Senator Joe Gruters,
You are invited to the followingevent:

GCBX FALL GOLF TOURNAMENT

When: 25 Oct 2019 10:00 AM, EDT
Where: Founder's Club - 3800 Golf Hall Drive, Sarasota, FL 34240

Will you be attending?

Register | Not attending

EVENT DETAILS:

GCBX Fall Golf Tournament

Friday, October 25, 2019

at Founder's Club

3800 Golf Hall Drive, Sarasota, FL 34240

Image result for founders club sarasota golf course

Registration: 10:00 am

Shotgun Start: 11:30 am

Awards & Raffle: 4:30 pm

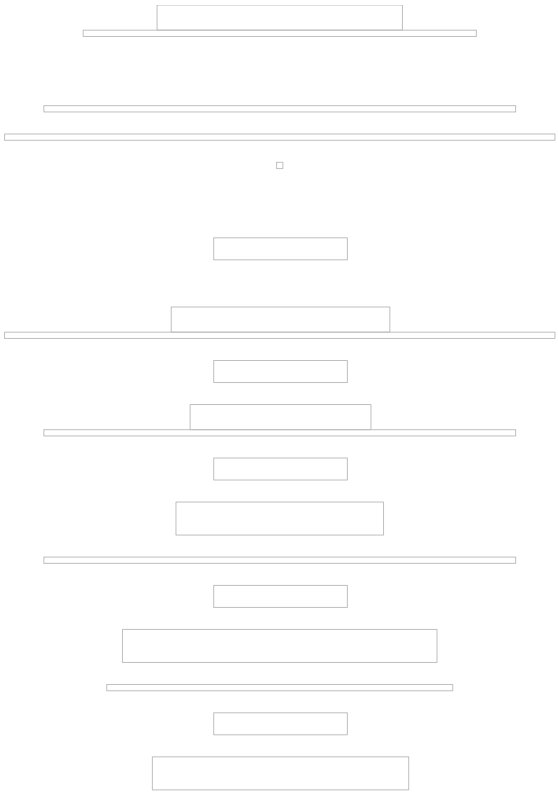
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AMERICAN OVERSIGHT

From: Florida Chamber Foundation <emartin@flchamber.com>
Sent: Monday, October 28, 2019 2:12 PM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Online Sales Tax… It's NOT a New Tax

FIXING FLORIDA'S ONLINE SALES TAX PROBLEM

Online Sales Tax… It's NOT a New Tax

Senator Joe Gruters presented his vision for leveling the playing field between Florida's main street businesses and online retailers at this year's Future of Florida Forum.

Sen. Gruters is the sponsor of SB 126, a bill strongly supported by the Florida Chamber, which establishes online sales tax parity by:

- Requiring online businesses that conduct 200 or more transactions or sales of over $100,000 in Florida to register with the Florida Department of Revenue and collect and remit sales tax.
- Allowing marketplace providers, like Ebay or Amazon, to collect and remit the sales tax.
- Closing Florida's online sales tax loophole, which would generate $700 million in currently owed, but uncollected taxes.

Closing this loophole could fund any number of legislative priorities such as an increase in teacher pay or lowering the business rent tax.

"There's a percentage advantage that out of state, online retailers have over our local brick and mortar retailers," said Senator Gruters. "We've all seen the people who take a picture of a price in a store then go outside and buy the product online and save $5. But who does that hurt? It hurts our retailers and business owners. This is not a new tax. This is a tax that's already owed, and SB 126 will work to level the playing and add convenience for the consumer."

This is not a new tax. This is an issue of fairness. And it's why 43 of 45 states have already leveled the playing field between main street businesses and online retailers.

Get Involved Today

If you are interested in helping the Florida Chamber level the playing field for all businesses, contact Carolyn Johnson at cjohnson@flchamber.com or 850-521-1235 for more information.

Florida Chamber Foundationl www.FLFoundation.org l Unsubscribe
136 S. Bronough Street, Tallahassee, Florida 32301 l (850) 521-1200

AMERICAN OVERSIGHT

From: Rachel Keesling <southwestflc@icloud.com>
Sent: Saturday, February 08, 2020 4:39 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: OPPOSE 1128 VACATION homes in residential neighborhoods

Honorable Chair Gruters and Committee Members,

I understand some of your views on property rights and I want to explain how this situation has proliferated to affect our local citizens property rights in Southwest Florida. Unmanaged, unregulated nightly vacation rentals are popping up in our residential neighborhoods, basically they are “mini-hotels” next door. They have become a nuisance to those that live around them because of the turnover and unusual activity that comes along with people not knowing the neighborhood. As a former mayor, I had many residents complain about these rentals because they absolutely destroyed of the neighboring property owners quality of life. The neighbors have no idea who is staying in the house, how many are staying there, and who to contact if something goes wrong. Their only recourse is to call the police, which is a waste of public safety resources and only addresses the immediate crisis not the long term situation.

Rentals that are managed by a professional company are rarely a nuisance, it is the online, short term, nightly vacation rentals that are a problem. Many do not remit the bed tax or register for a LBT, which is required, yet they have listings and advertisements online.

Please allow local government to regulate this situation in some form. Tying our hands and not even allowing a registration or inspection is wrong in this situation, I urge you to OPPOSE 1128.

Thank you for your service and your attention to this matter, RK

Rachel Keesling
Executive Director
SWFLC
941.628.1141

SOUTHWEST FLORIDA LEAGUE OF CITIES

AMERICAN OVERSIGHT

From: Linda Lanier <llanier@tampabay.rr.com>
Sent: Monday, January 20, 2020 10:22 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Oppose HB 1101 and SB 1128

I am contacting you today to urge you to **OPPOSE HB 1011 and SB 1128 as currently drafted** At a minimum, meaningful registration and data reporting by short-term rental operators and platforms should be required, as it is for every other commercial enterprise in the state. Not only do these fail to do that but these bills nullify the few sensible rules that are protecting communities from being overrun by illegal hotels.

Please oppose HB 1011 and SB 1128 and protect our state's residential neighborhoods.

Sincerely,
Linda Lanier

AMERICAN OVERSIGHT

From: Quality Inn <qualityinnsarasota@gmail.com>
Sent: Monday, February 10, 2020 1:27 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>; Torres, Victor <Torres.Victor@flsenate.gov>
Subject: OPPOSE SB 1128 as currently drafted

I am contacting you today to urge you to **OPPOSE SB 1128 as currently drafted** At a minimum, meaningful registration and data reporting by short-term rental operators and platforms should be required, as it is for every other commercial enterprise in the state. Not only does fail to do that but these bills nullify the few sensible rules that are protecting communities from being overrun by illegal hotels.

Please OPPOSE SB 1128 and protect our state's residential neighborhoods.

Sincerely, a concerned Floridian

Best regards,
Megan Patel
Quality Inn
5778 Clark Rd,
Sarasota, FL 34233

Choice Hotels International
O: 941.921.7750
E: qualityinnsarasota@gmail.com

AMERICAN OVERSIGHT

From: Dee Vaugeois <d_vaugeois@hotmail.com>
Sent: Monday, February 10, 2020 11:16 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>; Torres, Victor <Torres.Victor@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Stewart, Linda <Stewart.Linda@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>
Subject: OPPOSE SB 1128 PLEASE

I am contacting you today to urge you to **OPPOSE SB 1128 as currently drafted** At a minimum, meaningful registration and data reporting by short-term rental operators and platforms should be required, as it is for every other commercial enterprise in the state. Not only does fail to do that but these bills nullify the few sensible rules that are protecting communities from being overrun by illegal hotels.

Please OPPOSE SB 1128 and protect our state's residential neighborhoods.

Sincerely, a concerned Floridian directly effected by an Illegal Hotel!

Denise Vaugeois

AMERICAN OVERSIGHT

From: Gail Nicolaus <nicolausgail@gmail.com>
Sent: Monday, February 03, 2020 6:41 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: OPPOSE SB 1128

I am contacting you today to ask for your help. I recently purchased a home - a dream come true for me and my family. I purchased in a residential neighborhood not knowing that the community is being overrun with short-term rentals. With these short-term rentals, where people who rent are not vested in the community, we are losing all our sense of community and our home values our decreasing. Why are commercial businesses being allowed to operate in residential areas?

I am urging you to **OPPOSE SB 1128 as currently drafted** At a minimum, meaningful registration and data reporting by short-term rental operators and platforms should be required, as it is for every other commercial enterprise in the state. Not only does fail to do that but these bills nullify the few sensible rules that are protecting communities from being overrun by illegal hotels.

Please OPPOSE SB 1128 and protect our state's residential neighborhoods.

Sincerely,

Gai Nicolaus

AMERICAN OVERSIGHT

From: JITEN PATEL <bradentonhie@gmail.com>
Sent: Tuesday, February 11, 2020 9:13 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: OPPOSE SB 1128

The Honorable Joe Gruters,

I am contacting you today to urge you to **OPPOSE SB 1128 as currently drafted** At a minimum, meaningful registration and data reporting by short-term rental operators and platforms should be required, as it is for every other commercial enterprise in the state. Not only does fail to do that but these bills nullify the few sensible rules that are protecting communities from being overrun by illegal hotels.

Please OPPOSE SB 1128 and protect our state's residential neighborhoods.

Sincerely, a concerned Floridian

AMERICAN OVERSIGHT

From: marianne larsen <mariannelarsen904@gmail.com>
Sent: Saturday, February 08, 2020 9:56 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Pass Bill 1128

Dear Senator:

I live in charming downtown St. Augustine where my husband and I own a garage apartment short term rental. We have operated this rental for 5 years without any problems and frequently have guests of our neighbors use the property at no charge. We have off street parking, limit the number of guests and have never had a problem.

There are several other short term rentals in our neighborhood and they are similarly operated in an responsible manner. We are, however, being surrounded by large hotels and we are losing the quality of our neighborhood from that - not the short term rentals which have always been more than an asset to our community as opposed to the long term rental tenants. There are many multi-family homes in our area.

The St. Augustine City Commission is attempting to regulate STR residents out of business. This will hurt all taxpaying property owners and cause those trying to path our super high property taxes by supplementing their income with STR. I believe the Commissions actions are legally suspect and will cause the taxpayers to sue the City who will oppose the tax payers interest with their own tax dollars.

I support a uniform and streamlined registration system that would simplify compliance for everyone across the state. I would like to see standardized regulation of STR within the state, reducing duplicative state local laws.

Please pass this bill.

Thank you for your thoughtful consideration.

Sincerely,

Marianne Larsen
13 Rohde Ave
St. Augustine, Fl 32084

AMERICAN OVERSIGHT

From: Kate Atkin <katkin@edcsarasotacounty.com>
Sent: Monday, February 10, 2020 3:40 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>; Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Please join us as we host VIPs for Familiarization Tour

Greetings Senator Gruters,

The EDC is hosting VIPs from tech-centric private equity firms, Venture Capital firms, Enterprise Florida and Florida Power & Light for a familiarization tour on February 27th and 28th.

We would love to have you attend as our guest. Please confirm participation by replying via email and I will get you the final details as they are firmed up.

Friday, February 28th – Braves Game & Private Pre-Game Reception

11:30 am – Meet at CoolToday Park for Pre-Game Reception 18800 South, W Villages Pkwy, North Port, FL 34293
1:05 pm – Game Starts

Thank you, and we appreciate your help in showing off the Sarasota area as a leading place to do business!

Kate Atkin
Director of Investor Engagement
Economic Development Corporation of Sarasota County
1680 Fruitville Road, Suite 402
Sarasota, FL 34236
(c) 941.685.3685
(t) 941.309.1200 ext. 102
http://www.edcsarasotacounty.com



AMERICAN OVERSIGHT

From: Rafael Graciano Baldez Neves <rafael.neves@glasstonegroup.com>
Sent: Friday, February 07, 2020 3:19 PM EST
To: Rafa Neves <rafael.neves@glasstonegroup.com>
Subject: Please support Senate Bill 1128 at Tuesday's Commerce and Tourism Committee

Honorable Senator:

My family and I own and operate GLASSTONE, a Central Florida business that generates dozens of jobs, represents hundreds of homeowners, hosts thousands of guests and remitted over one million dollars in county and state taxes in the last five years alone. We do not allow any kind of parties in our properties, guests need to be over 21 to book, most of our guests are traveling families with small children and almost all of our owners have just one investment property.

Vacation rental owners and professional managers need clear consistent regulations across Florida and that is what this bill does. It removes the patchwork of ordinances from city-to-city and sometimes from one side of the street to another. HOAs are still protected under this bill and cities can still regulate as long as they do it for all residential properties alike. Also, vacation rentals are always the best-kept properties on the street and pay a large amount of taxes and fees (in Osceola County vacation rentals pay **more** in bed taxes than hotels do).

This bill will ***improve*** enforcement and quality-of-life protections at the local level across ***all*** cities - even those that cannot afford expensive regulatory schemes - because it will give the state the ability to have problematic or unregistered properties taken down from online websites. Locals are always arguing and making the case for "we just want to protect quality-of-life" and this bill solves for that - it just places the power to request takedowns on the state - but that doesn't preclude local governments from reporting nuisance or problem properties to them. Additionally, it will increase transparency by mandating the display of registration numbers on all advertisements.

Finally, research from Oxford Economics released last year has shown that vacation rentals have had minimal impact on housing and rent prices, meaning over-regulation of the practice would have minimal impact on housing affordability issues.

In conclusion, this bill will not impede local municipalities and HOAs from regulating noise, pollution and parking issues (it will only preempt local abuse and discrimation against short-term rentals). On behalf of the hundreds of property managers, thousands of homeowners, hundreds of thousands of workers and millions of guests in the vacation rental industry, please support the advancement of this bill as is.

Respectfully,

Rafael Graciano Baldez Neves
Property Care & Operations Management
M +1 407-496-9834
P +1 321-754-1707
A 7330 Exchange Drive - Unit 10
Orlando, FL 32809
W www.glasstonegroup.com



AMERICAN OVERSIGHT

From: Bonnie Sullivan <irbeach1@gmail.com>
Sent: Monday, February 03, 2020 12:18 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
CC: Torres, Victor <Torres.Victor@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Stewart, Linda <Stewart.Linda@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>; todd.mckay <todd.mckay@flsenate.gov>
Subject: PLEASE VOTE NO on SB 1128 and protect our state's residential neighborhoods.

Dear Chair Gruters and members of the Senate Committee on Commerce and Tourism,

I am contacting you today to urge you to **OPPOSE SB 1128 as currently drafted** At a minimum, meaningful registration and data reporting by short-term rental operators and platforms should be required, as it is for every other commercial enterprise in the state. Not only does fail to do that but these bills nullify the few sensible rules that are protecting communities from being overrun by illegal hotels.

Please OPPOSE SB 1128 and protect our state's residential neighborhoods.

Sincerely, a concerned Floridian
Bonnie Sullivan
727-642-7876

AMERICAN OVERSIGHT

From: Melinda Rakoncay <mrakoncay@comcast.net>
Sent: Thursday, February 06, 2020 6:32 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>; Torres, Victor <Torres.Victor@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Stewart, Linda <Stewart.Linda@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>
CC: Brill, Victoria <Brill.Victoria@flsenate.gov>; Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>; Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Please vote NO on SB1128

Senate Committee on Commerce and Tourism:

Dear Chairman Joe Gruters,
Vice Chair Victor Torres,
Senator Travis Hutson,
Senator Linda Stewart,
and Senator Tom Wright,

Please vote against any further consideration of Senate Bill 1128.

In St. Augustine, vacation rentals were having such an impact on our residential neighborhoods, that the City formed a Short Term Rental Committee made up of 7 members: 3 who owned Short Term Rentals, 2 who owned traditional B&Bs, and 2 regular homeowners. We listened to and took all sides into account and came up with recommendations that were a compromise to all sides. I was one of those people that sat on that committee.

We looked at registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts, and violations and penalties. While in all things, no side got all that they wanted, it was a compromise that suited St. Augustine. Many of the responsible STR owners saw this ordinance as a fair way to ensure the reputation of those held to a high standard and provided for public safety,

These recommendations were sent to the City Commission, Planning and Zoning Board, CIty Staff, and the City Attorney, and Ordinance 2019-50 was passed on January 28, 2020.

I ask that you as Senators from all over Florida, respect the principle of Home Rule.

Please do NOT overturn all the hard work of St. Augustine citizens that went into this matter that greatly affects our City on so many levels.

Respectfully,
Melinda Rakoncay
Short Term Rental Committee Member

AMERICAN OVERSIGHT

From: Neighborhood Council <ncstaug@gmail.com>
Sent: Thursday, February 06, 2020 2:32 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>; Torres, Victor <Torres.Victor@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Stewart, Linda <Stewart.Linda@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>; Brill, Victoria <Brill.Victoria@flsenate.gov>; Barnhill, Josh <Barnhill.Josh@flsenate.gov>; Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Please vote NO on SB1128
Attachment(s): "Letter to Senate Committee on SB 1128.pdf","ATT00001.htm"

Senate Committee on Commerce and Tourism:

Dear Chairman Joe Gruters,
Vice Chair Victor Torres,
Senator Travis Hutson,
Senator Linda Stewart,
and Senator Tom Wright,

Please read and print out the following letter for your records.

AMERICAN OVERSIGHT

Thank you for your time on this important matter.
Respectfully,
The Neighborhood Council of St. Augustine

_____

Dear Chairman Joe Gruters,
Vice Chair Victor Torres,
Senator Travis Hutson,
Senator Linda Stewart,
and Senator Tom Wright,

Please vote against any further consideration of Senate Bill 1128.

While we are not against vacation rentals, the Neighborhood Council of St. Augustine feels strongly that their regulation needs to be controlled locally, where everyone on both sides of the community has input.

Each community is different and has different problems, especially when it comes to their residential neighborhoods.

St. Augustine has many historic neighborhoods which are National Register Historic Districts and an important fabric of St Augustine. Many of our residents, which are the heart of our community, LIVE in these historic single family zoned neighborhoods.

The stability of these historic neighborhoods is being threatened as more and more of these single family residences are being bought and turned into short term rental businesses. This is happening in single family zones, where commercial uses have never been allowed before.

The rights of homeowners, whose biggest investment is often their home, are being undermined by SB 1128, as it takes away control of local residential zoning. IF the state legislature can undo local zoning regulations, how can homeowners be assured of those zoning protections that they bought into?

Once residential neighborhoods are filled with tourists, they will no longer be filled with neighbors, and St. Augustine will simply become a tourist town without the full-time residents who make this a livable city.

St Augustine formed a Short Term Rental (STR) Committee this summer to look into ways to help regulate short-term rentals. This committee was made up equally of regular residents, owners of vacation rentals and traditional B&B owners. They looked at registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts, and violations and penalties. These are typical regulations for any business. Many of the responsible STR owners saw this ordinance as a fair way to ensure the reputation of those held to a high standard and provided for public safety,

We support the Short Term Rental Committee's recommendations along with the input of the PZB, City Commission, and City staff and the passage of the recent Ordinance 2019-50, which provides regulation of short-term rentals.

If SB 1128 passes, it will undo all the hard work of the St. Augustine community on this matter. The Republican Party has always stressed smaller closer-to-home government, where the people have a more direct say in their governing.

We simply want Home Rule, so that the people who live here can govern themselves on a matter that greatly affects their quality of life.

Respectfully,

Melinda Rakoncay
President,
The Neighborhood Council of St. Augustine
ncstaug@gmail.com
http://www.ncstaug.org/
(904) 806-3849 mobile

Member Neighborhood Associations
Flagler Model Land Tract Neighborhood Assn.
Greater Fullerwood Neighborhood Assn.
Lighthouse Park Neighborhood Assn.
Lincolnville Neighborhood Assn.
Nelmar Terrace Neighborhood Assn.
Old City South Neighborhood Assn.

AMERICAN OVERSIGHT

SANDS (St. Augustine North Davis Shores)
SARNA (St. Augustine Ravenswood Neighborhood Assn.)
SAUNA (St. Augustine Uptown Neighborhood Assn.)
Spanish Quarter Neighborhood Assn.

AMERICAN OVERSIGHT

Neighborhood Council of St. Augustine

P.O. Box 658 - St. Augustine, Florida 32085

February 5, 2020

Dear Chairman Joe Gruters,
Vice Chair Victor Torres,
Senator Travis Hutson,
Senator Linda Stewart,
and Senator Tom Wright,

Please vote against any further consideration of Senate Bill 1128.

While we are not against vacation rentals, the Neighborhood Council of St. Augustine feels strongly that their regulation needs to be controlled locally, where everyone on both sides of the community has input.

Each community is different and has different problems, especially when it comes to their residential neighborhoods.

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AMERICAN OVERSIGHT

Neighborhood Council of St. Augustine

P.O. Box 658 - St. Augustine, Florida 32085

We support the Short Term Rental Committee's recommendations along with the input of the PZB, City Commission, and City staff and the passage of the recent Ordinance 2019-50, which provides regulation of short-term rentals.

If SB 1128 passes, it will undo all the hard work of the St. Augustine community on this matter. The Republican Party has always stressed smaller closer-to-home government, where the people have a more direct say in their governing.

We simply want Home Rule, so that the people who live here can govern themselves on a matter that greatly affects their quality of life.

Respectfully,
Melinda Rakoncay
President,
The Neighborhood Council of St. Augustine
ncstaug@gmail.com
http://www.ncstaug.org
(904) 806-3849 mobile

Member Neighborhood Associations

- Flagler Model Land Tract Neighborhood Assn.
- Greater Fullerwood Neighborhood Assn.
- Lighthouse Park Neighborhood Assn.
- Lincolnville Neighborhood Assn.
- Nelmar Terrace Neighborhood Assn.
- Old City South Neighborhood Assn.
- SANDS (St. Augustine North Davis Shores)
- SARNA (St. Augustine Ravenswood Neighborhood Assn.)
- SAUNA (St. Augustine Uptown Neighborhood Assn.)
- Spanish Quarter Neighborhood Assn.

AMERICAN OVERSIGHT

From: Vern Pickup-Crawford <VACrawford@msn.com>
Sent: Sunday, January 12, 2020 10:31 PM EST
To: Vern Pickup-Crawford <vacrawford@msn.com>
Subject: Prek-12 Legislative Update - 1/12/20
Attachment(s): "2020_Filed_Bills___Prek_12_Education-Jan11-20.xls"

Attached is an up to date tracking chart of 379 bills that directly or indirectly have implications for school districts. As bills get heard, I'll have a separate chart of those which we will then narrow down to the so-called "watch list" as session progresses. New bills since the last chart start numerically after HB969 and SB1290. Several, such as HB1264/HB157/SB1480 (term limits), HB1059 (parental rights), SB1364 (collective bargaining) and SB486/SB1088 (Best and Brightest and teacher compensation) will garner attention. Deadline for legislators to file bills is Tuesday. Thus, we'll have an onslaught of new bills (or House/Senate companions) this coming week. After that, new bills will be committee proposals.

Tomorrow, Senate Education has a full slate of bills:

SB 0062 K-12 Education (Stargel) - Requiring that a resolution to levy discretionary sales tax include a statement containing certain information; defining the term “early college program”; changing the calculation of full-time equivalent student membership for dual enrollment purposes; providing for calculation of full-time equivalent membership for students earning the Capstone Diploma; requiring school board mental health policies and procedures to include certain items, etc.

SB 0072 Postsecondary Education (Stargel) - Clarifying requirements for new construction, remodeling, or renovation projects; establishing state universities of distinction throughout the State University System; requiring that grant awards administered through the Florida Public Postsecondary Career Education Student Assistance Grant Program not exceed a certain amount; specifying eligibility for initial awards under the Benacquisto Scholarship Program; revising the dates by which a spending plan must be submitted to a Florida College System institution’s board of trustees for approval, etc

SB 0536 Charter Schools (Diaz) - Establishing the High-Performing Charter School Council; providing the process for approving or denying a charter school application submitted to the council; authorizing charter school sponsors and applicants to provide input to the state board regarding the council’s recommendation; providing grounds on which the council may recommend denial of, or the state board may deny, an application submitted by a high-performing charter school or a high-performing charter school system, etc.

SB 0836 Funds for the Operation of Schools (Simmons) - Revising the annual allocation to school districts to include an additional calculation of full-time equivalent membership for students who earn a College Board Advanced Placement Capstone Diploma, etc.

SB 1088 *Teacher Salary Enhancement (Diaz) - Establishing a teacher salary enhancement allocation in the General Appropriations Act; requiring each school district to use the allocated funds to increase teacher salaries; authorizing school districts that meet the teacher salary requirements specified in the appropriations act to use any additional funds provided in the allocation for any lawful operating expenditure, etc.*

SB 1164 Gardiner Scholarship (Perry) - Revising eligibility requirements for the Gardiner Scholarship Program; revising an authorized use of scholarship funds; providing that scholarship funds may be spent for tuition and fees associated with programs relating to art, music, or theater; revising terms under which a student’s scholarship account is closed and program funds revert to the state, etc.

SB 1218 Anti-bullying and Anti-harassment in Schools (Diaz) - Expanding the information that private schools participating in an educational scholarship program are required to publish and provide to parents; requiring such private schools to adopt bullying and harassment policies; requiring such schools to report bullying and harassment incidents to the Department of Education, etc.

We'll have results tomorrow.

Vern

Vern Pickup-Crawford
Schoolhouse Consulting Group, Inc.
(561) 644-2439
vacrawford@msn.com

AMERICAN OVERSIGHT

	A	B	C	D	E	F
1	**2020 Filed Bills - Prek-12 Education**					
2	Schoolhouse Consulting Group					
3	11-Jan-20					
4	**Bill**	**Title**	**Sponsor**	**Summary**	**Committee of Reference**	**Actions**
5	HB 0007	Legal Notices	Fine	Legal Notices: Provides for website publication of legal notices; provides criteria for such publication; authorizes fiscally constrained county to use publicly accessible website to publish legally required advertisements & public notices; requires governmental agency to provide specified notice to residents concerning alternative methods of receiving legal notices. Effective Date: July 1, 2021	House Local, Federal & Veterans Affairs Subcommittee (Current Reference)	01/03/2020 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee
6	HB 0023	Panic Alarms in Public Schools	Gottlieb	Panic Alarms in Public Schools: Requires each public school building on campus of public elementary, middle, or high school to be equipped with at least one panic alarm; provides panic alarm requirements. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	09/23/2019 HOUSE Now in PreK-12 Innovation Subcommittee
7	HB 0037	School Bus Safety	Zika	School Bus Safety: Revises civil penalties for certain violations relating to stopping for school bus. Effective Date: July 1, 2020	House Transportation & Tourism Appropriations Subcommittee (Current Reference)	12/11/2019 HOUSE Now in Transportation & Tourism Appropriations Subcommittee

AMERICAN OVERSIGHT

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3	
4	**Related Bills**
5	Identical SB 1340 (Gruters)
6	Identical SB 0070 (Book)
7	Identical SB 0290 (Hooper)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
8	HB 0043	Child Welfare	Latvala	Child Welfare: Requires certain entities to provide training for specified purposes; establishes communication between law enforcement agencies & DCF related to certain individuals involved in child welfare system; provides requirements for law enforcement officers & central abuse hotline; authorizes lead agencies to provide intensive family reunification services that combine child welfare & mental health services to certain families; authorizes department & certain lead agencies to create program to more effectively provide case management services to specified children; specifies requirements of program; requires Criminal Justice Standards & Training Commission to incorporate training for specified purposes; requires law enforcement officers to complete such training as part of basic recruit training or continuing training or education by specified date. Effective Date: July 1, 2020	House Appropriations Committee (Current Reference)	10/24/2019 HOUSE Now in Appropriations Committee
9	HB 0045	Private School Eligibility Requirements	Eskamani	Private School Eligibility Requirements: Revises private school eligibility requirements for state school choice scholarship program. Effective Date: upon becoming a law	House PreK-12 Innovation Subcommittee (Current Reference)	09/23/2019 HOUSE Now in PreK-12 Innovation Subcommittee
10	HB 0055	Sunshine Scholarship Program	Jones	Sunshine Scholarship Program: Establishes Sunshine Scholarship program; provides program & student requirements; provides for funding & rulemaking. Effective Date: July 1, 2020	House Higher Education & Career Readiness Subcommittee (Current Reference)	09/23/2019 HOUSE Now in Higher Education & Career Readiness Subcommittee
11	SB 0056	Private School Eligibility Requirements	Rouson	Private School Eligibility Requirements; Revising private school eligibility requirements for the state school choice scholarship program, etc.Effective Date: Upon becoming a law	Senate Education (Current Reference)	08/16/2019 SENATE Referred to Education; Appropriations; Rules
12	HB 0061	Adoption Benefits	Roth	Adoption Benefits: Provides eligibility to certain veterans & servicemembers for specified adoption benefits. Effective Date: July 1, 2020	House Health & Human Services Committee (Current Reference)	11/07/2019 HOUSE Now in Health & Human Services Committee

AMERICAN OVERSIGHT

	G
8	Compare HB 1105 (Tomkow) SB 1324 (Simpson) SB 1548 (Perry) Identical SB 0122 (Rouson)
9	Identical SB 0056 (Rouson)
10	Similar SB 0132 (Braynon II) SB 1004 (Rodriguez (J))
11	Identical HB 0045 (Eskamani)
12	Similar SB 0136 (Bean)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
13	SB 0062	K-12 Education	Stargel	K-12 Education; Requiring that a resolution to levy discretionary sales tax include a statement containing certain information; defining the term “early college program”; changing the calculation of full-time equivalent student membership for dual enrollment purposes; providing for calculation of full-time equivalent membership for students earning the Capstone Diploma; requiring school board mental health policies and procedures to include certain items, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	01/06/2020 SENATE On Committee agenda - Education, 01/13/20, 1:00 pm, 412 K
14	SB 0064	Exemptions from School-entry Health Requirements	Book	Exemptions from School-entry Health Requirements; Deleting exemptions from school-entry health examinations and immunization requirements for religious reasons; requiring the Board of Medicine and the Board of Osteopathic Medicine to jointly create a medical exemption review panel, etc. Effective Date: 7/1/2020	Senate Health Policy (Current Reference)	08/16/2019 SENATE Referred to Health Policy; Education; Rules
15	SB 0066	Student Loans and Scholarship Obligations of Health Care Practitioners	Cruz	Student Loans and Scholarship Obligations of Health Care Practitioners; Establishing that a health care practitioner’s failure to repay a student loan or to comply with service scholarship obligations does not constitute grounds for disciplinary action; removing a civil fine; removing the requirement that the Department of Health investigate and prosecute health care practitioners for failing to repay a student loan or to comply with scholarship service obligations; removing the requirement, and related provisions, that the department immediately suspend the licenses of certain health care practitioners for failing to provide within a specified timeframe proof of new payment terms for student loans in default, etc. Effective Date: 7/1/2020	Senate Appropriations Subcommittee on Education (Current Reference)	11/06/2019 SENATE Now in Appropriations Subcommittee on Education

AMERICAN OVERSIGHT

	G
13	Compare HB 0641 (Plasencia) SB 0836 (Simmons) SB 1246 (Stargel)
14	
15	Compare HB 0115 (Duran) SB 0356 (Hutson) SB 0474 (Albritton) HB 0713 (Rodriguez (AM)) SB 0926 (Harrell) Similar HB 0077 (Goff-Marcil)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
16	SB 0068	Homelessness	Book	Homelessness; Requiring that certain taxes of a specified amount be transferred annually to the Grants and Donations Trust Fund within the Department of Children and Families for the purpose of funding challenge grants; expanding the membership of the Council on Homelessness to include a representative of the Florida Housing Coalition and the Secretary of the Department of Elderly Affairs or his or her designee; increasing the maximum amount of grant awards per continuum of care lead agency; requiring each continuum of care, pursuant to federal law, to designate a collaborative applicant that is responsible for submitting the continuum of care funding application for the designated catchment area to the United States Department of Housing and Urban Development, etc. Effective Date: 7/1/2020	Senate Appropriations Subcommittee on Health and Human Services (Current Reference)	10/22/2019 SENATE Now in Appropriations Subcommittee on Health and Human Services
17	SB 0070	Panic Alarms in Public Schools	Book	Panic Alarms in Public Schools; Citing this act as "Alyssa's Law"; requiring each public school building on the campus of a public elementary school, middle school, or high school to be equipped with at least one panic alarm, etc. Effective Date: 7/1/2020	Senate Infrastructure and Security (Current Reference)	01/06/2020 SENATE On Committee agenda - Infrastructure and Security, 01/13/20, 3:30 pm, 110 S
18	HB 0071	Florida Job Growth Grant Fund	Santiago	Florida Job Growth Grant Fund: Authorizes Governor to approve workforce training grants to certain charter schools under Florida Job Growth Grant Fund; authorizes certain charter schools to apply for specified grant funds. Effective Date: July 1, 2020	House Transportation & Tourism Appropriations Subcommittee (Current Reference)	09/23/2019 HOUSE Now in Transportation & Tourism Appropriations Subcommittee

AMERICAN OVERSIGHT

	G
16	Similar HB 0163 (Altman)
17	Identical HB 0023 (Gottlieb)
18	Similar SB 0130 (Hutson)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
19	SB 0072	Postsecondary Education	Stargel	Postsecondary Education; Clarifying requirements for new construction, remodeling, or renovation projects; establishing state universities of distinction throughout the State University System; requiring that grant awards administered through the Florida Public Postsecondary Career Education Student Assistance Grant Program not exceed a certain amount; specifying eligibility for initial awards under the Benacquisto Scholarship Program; revising the dates by which a spending plan must be submitted to a Florida College System institution's board of trustees for approval, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	01/06/2020 SENATE On Committee agenda - Education, 01/13/20, 1:00 pm, 412 K
20	HB 0079	Student Elopement	Jenne	Student Elopement: Requires public schools to create School Staff Assistance for Emergencies (SAFE) Team & school elopement plan; provides requirements for team & plan; requires & provides requirements for elopement quick reference guides for certain students; requires public schools to annually submit their plans to district school board. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	09/23/2019 HOUSE Now in PreK-12 Innovation Subcommittee
21	HB 0081	Medicaid School-based Services	Andrade	Medicaid School-based Services: Revises provisions relating to reimbursement of school-based services by AHCA to certain school districts & private & charter schools; specifies that U.S. Department of Health & Human Services is authorized to waive certain school-based provider qualifications. Effective Date: July 1, 2020	House Health Care Appropriations Subcommittee (Current Reference)	11/13/2019 HOUSE Now in Health Care Appropriations Subcommittee

AMERICAN OVERSIGHT

	G
19	Compare HB 0613 (Rodrigues (R)) SB 1402 (Diaz)
20	Identical SB 0650 (Book)
21	Identical SB 0190 (Montford)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
22	SB 0082	Individuals With Disabilities	Bean	Individuals With Disabilities; Requiring persons and entities under contract with the Agency for Persons with Disabilities to use the agency data management systems to bill for services; revising criteria used by the agency to develop a client's iBudget; requiring the Agency for Health Care Administration to seek federal approval to provide consumer-directed options; requiring the Agency for Persons with Disabilities to competitively procure qualified organizations to provide support coordination services, etc. Effective Date: 7/1/2020	Senate Children, Families, and Elder Affairs (Current Reference)	01/10/2020 SENATE On Committee agenda - Children, Families, and Elder Affairs, 01/15/20, 10:30 am, 301 S
23	HB 0083	Government-sponsored Recreation Programs	Duran	Government-sponsored Recreation Programs: Provides exemption for government-sponsored recreation programs from specified child care facility requirements; authorizes such programs to waive exemption by notifying DCF; prohibits withdrawal of waiver. Effective Date: July 1, 2020.	House Children, Families & Seniors Subcommittee (Current Reference)	09/23/2019 HOUSE Now in Children, Families & Seniors Subcommittee
24	SB 0090	Discrimination in Labor and Employment	Stewart	Discrimination in Labor and Employment; Creating the "Senator Helen Gordon Davis Fair Pay Protection Act"; prohibiting an employer from providing less favorable employment opportunities to employees based on their sex; prohibiting an employer from taking certain employment actions against employees; prohibiting an employer from engaging in certain activities relating to wages and benefits, etc. Effective Date: 7/1/2020	Senate Commerce and Tourism (Current Reference)	08/16/2019 SENATE Referred to Commerce and Tourism; Judiciary; Rules
25	HB 0091	Holocaust Education in Public Schools	Polsky	Holocaust Education in Public Schools: Requires charter school and certain private school instructional personnel to teach specified topics relating to Holocaust education; revises requirements for specified instructional content; provides DOE & school district responsibilities relating to Holocaust instruction. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	09/23/2019 HOUSE Now in PreK-12 Innovation Subcommittee

AMERICAN OVERSIGHT

	G
22	
23	Similar SB 0668 (Book)
24	Identical HB 0739 (Thompson)
25	Compare SB 1660 (Thurston, Jr.) Identical SB 0184 (Rader)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
26	HB 0099	Youth Athletic Activities	Andrade	Youth Athletic Activities: Requires entities that administer or conduct high-risk youth athletic activities or training related to such activities on certain property to require athletics personnel to complete course within specified timeframe; provides for course requirements; provides exemption. Effective Date: July 1, 2020	House Health Quality Subcommittee (Current Reference)	09/23/2019 HOUSE Now in Health Quality Subcommittee
27	HB 0101	Public Construction	Andrade	Public Construction: Revises amounts of retainage that local governmental entities & contractors may withhold from progress payments for construction services contract; revises requirements for DMS rules governing certain contracts; revises amounts of retainage that public entities & contractors may withhold from progress payments for construction services contract. Effective Date: October 1, 2020	House Commerce Committee (Current Reference)	12/12/2019 HOUSE Now in Commerce Committee
28	HB 0105	Human Trafficking Education in Schools	Williams	Human Trafficking Education in Schools: Revises required health education in public schools to include information regarding dangers & signs of human trafficking; authorizes student to opt out of specified portion of health education; & requires DLA to develop human trafficking awareness campaigns. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	09/23/2019 HOUSE Now in PreK-12 Innovation Subcommittee
29	SB 0106	Instructional Personnel Salaries	Rader	Instructional Personnel Salaries; Citing this act as the "Florida Teacher Fair Pay Act"; providing legislative intent that the Florida Education Finance Program be funded at a level that ensures a certain minimum annual starting salary for instructional personnel; specifying a statewide minimum salary for all instructional personnel for the 2020-2021 fiscal year; requiring the Department of Education to annually calculate an adjusted statewide minimum annual starting salary, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	08/16/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations

AMERICAN OVERSIGHT

	G
26	Similar SB 1406 (Broxson)
27	Identical SB 0246 (Hooper)
28	Compare SB 0154 (Thurston, Jr.)
29	Compare HB 1223 (McGhee) SB 1400 (Diaz)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
30	HB 0115	Keep Our Graduates Working Act	Duran	Keeping Our Graduates Working Act: Prohibits state authority from denying or suspending or revoking person's professional license, certificate, registration, or permit solely on basis of delinquency or default in payment of student loan. Effective Date: July 1, 2020	House Commerce Committee (Current Reference)	12/16/2019 HOUSE Now in Commerce Committee
31	SB 0120	Naloxone in Schools	Pizzo	Naloxone in Schools; Authorizing a public school to purchase a supply or enter into an arrangement to receive a supply of the opioid antagonist naloxone for a certain purpose; requiring the school district to adopt a protocol for the administration of naloxone; providing that a school district and its employees and agents and the physician who provides the protocol are not liable for any injury arising from the administration of the naloxone pursuant to the protocol, etc. Effective Date: 7/1/2020	Senate Health Policy (Current Reference)	11/13/2019 SENATE Now in Health Policy
32	SB 0122	Child Welfare	Rouson	Child Welfare; Citing this act as “Jordan’s Law”; requiring the Florida Court Educational Council to establish certain standards for instruction of circuit and county court judges for dependency cases; requiring the Department of Law Enforcement to provide to law enforcement officers certain information relating to specified individuals; requiring certain entities to provide training to certain parties on the recognition of and responses to head trauma and brain injury in specified children; authorizing the department and certain lead agencies to create and implement a program to more effectively provide case management services for specified children, etc. Effective Date: 7/1/2020	Senate Children, Families, and Elder Affairs (Current Reference)	12/10/2019 SENATE Temporarily Postponed by Children, Families, and Elder Affairs

AMERICAN OVERSIGHT

	G
30	Compare SB 0066 (Cruz) HB 0077 (Goff-Marcil) SB 0474 (Albritton) HB 0713 (Rodriguez (AM)) SB 0926 (Harrell) Similar SB 0356 (Hutson)
31	Identical HB 0331 (Geller)
32	Compare HB 1105 (Tomkow) SB 1324 (Simpson) SB 1548 (Perry) Identical HB 0043 (Latvala)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
33	HB 0123	Feminine Hygiene Products in Public Schools	Grieco	Feminine Hygiene Products in Public Schools: Requires district school boards to provide feminine hygiene products free of charge in specified bathrooms; provides that school district is responsible for specified costs; authorizes district school boards to seek specified funding or partnerships. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	09/23/2019 HOUSE Now in PreK-12 Innovation Subcommittee
34	SB 0126	Sales and Use Tax	Gruters	Sales and Use Tax; Revising the definition of the term “retail sale”; renaming the term “mail order sale” to “remote sale” and revising the definition; revising conditions under which certain dealers are subject to sales tax levies and collection; providing that certain marketplace providers are subject to registration, collection, and remittance requirements for sales taxes, etc. Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2020	Senate Finance and Tax (Current Reference)	12/19/2019 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 12/20/19, 9:00 am, 117 K (No Votes Will Be Taken)
35	SB 0130	Florida Job Growth Grant Fund	Hutson	Florida Job Growth Grant Fund; Authorizing the Governor to approve workforce training grants to certain charter schools under the Florida Job Growth Grant Fund; authorizing certain public schools to apply for specified grant funds; requiring grant funds to be used toward specified expenses, etc. Effective Date: 7/1/2020	Senate Appropriations (Current Reference)	11/18/2019 SENATE Now in Appropriations
36	SB 0132	Sunshine Scholarship Program	Braynon II	Sunshine Scholarship Program; Establishing the Sunshine Scholarship Program; requiring the Department of Education to administer the program; requiring certain financial aid to be credited to a student’s tuition and fees before the award of a Sunshine Scholarship; requiring a student to repay the scholarship amount under certain circumstances, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	09/03/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations

AMERICAN OVERSIGHT

	G
33	Compare SB 0234 (Book)
34	Similar HB 0159 (Clemons)
35	Similar HB 0071 (Santiago)
36	Similar HB 0055 (Jones) SB 1004 (Rodriguez (J))

AMERICAN OVERSIGHT

	A	B	C	D	E	F
37	HB 0135	Community Development Districts	Cortes	Community Development Districts: Requires community development districts to obtain a just valuation of property before acquiring any property that includes land or is permanently affixed to land. Effective Date: July 1, 2020	House Local, Federal & Veterans Affairs Subcommittee (Current Reference)	09/23/2019 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee
38	SB 0136	Adoption Benefits	Bean	Adoption Benefits; Revising the definition of the term “qualifying adoptive employee”; providing that certain adoptive veterans and servicemembers are eligible to apply for certain monetary benefits; defining the terms “veteran” and “servicemember”, etc. Effective Date: 7/1/2020	Senate Appropriations (Current Reference)	11/15/2019 SENATE Now in Appropriations
39	HB 0139	Drinking Water in Public Schools	Jenne	Drinking Water in Public Schools: Subject to legislative appropriation, provides requirements for school districts relating to prevention of lead in drinking water at public schools; provides rulemaking; provides appropriation. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	09/23/2019 HOUSE Now in PreK-12 Innovation Subcommittee
40	SB 0142	Abolishing the Constitution Revision Commission	Brandes	Abolishing the Constitution Revision Commission; Proposing amendments to the State Constitution to abolish the Constitution Revision Commission, etc.	Senate Rules (Current Reference)	10/15/2019 SENATE Now in Rules
41	HB 0143	English Language Learners	Valdes	English Language Learners: Exempts certain English language learners (ELLs) from specified graduation requirement; requires such ELLs to meet other criteria to earn standard high school diploma; revises school grade components to include certain ELLs that meet specified criteria. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	09/23/2019 HOUSE Now in PreK-12 Innovation Subcommittee
42	SB 0146	Homestead Property Tax Assessments/Increased Portability Period	Brandes	Homestead Property Tax Assessments/Increased Portability Period; Proposing amendments to the State Constitution to increase the period of time during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead, and to provide an effective date, etc.	Senate Community Affairs (Current Reference)	11/21/2019 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 11/22/19, 9:00 am, 117 K (No Votes Will Be Taken)

AMERICAN OVERSIGHT

	G
37	Identical SB 1430 (Torres, Jr.)
38	Similar HB 0061 (Roth)
39	Similar SB 0168 (Cruz)
40	Compare HB 0303 (Drake) Similar HB 0301 (Drake)
41	Similar SB 0376 (Lee)
42	Compare HB 0371 (Roth) HB 0671 (Roth) Identical HB 0369 (Roth) Linked SB 0148 (Brandes)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
43	SB 0148	Limitations on Homestead Assessments	Brandes	Limitations on Homestead Assessments; Revising the timeframe during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead; revising the timeframe during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election, etc. Effective Date: On the effective date of the amendment to the State Constitution proposed by SJR 146 or a similar joint resolution having substantially the same specific intent and purpose, if such amendment to the State Constitution is approved at the general election held in November 2020 or at an earlier special election specifically authorized by law for that purpose	Senate Finance and Tax (Current Reference)	11/21/2019 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 11/22/19, 9:00 am, 117 K (No Votes Will Be Taken)
44	HB 0151	Use of Regulated Substances	Toledo	Use of Regulated Substances: Prohibits physician from issuing certificate for marijuana in form for smoking to patient under 21 years of age; provides information for informed consent form; prohibits sale of flavored liquid nicotine products intended for certain uses; revises age for smoking near school property; revises prohibited age related to sale, delivery, gift, possession, & purchase of tobacco products; revises provisions relating to restrictions on sale & delivery of nicotine products or nicotine dispensing devices. Effective Date: October 1, 2020	House Business & Professions Subcommittee (Current Reference)	09/23/2019 HOUSE Now in Business & Professions Subcommittee
45	SB 0154	Human Trafficking Education in Schools	Thurston, Jr.	Human Trafficking Education in Schools; Revising the required health education in public schools to include information regarding the dangers and signs of human trafficking; specifying the minimum requirements of the human trafficking education portion of the comprehensive health education curriculum, etc. Effective Date: 7/1/2020	Senate Appropriations (Current Reference)	12/10/2019 SENATE Now in Appropriations

AMERICAN OVERSIGHT

	G
43	Compare HB 0369 (Roth) Identical HB 0371 (Roth) Linked SB 0146 (Brandes)
44	Compare SB 0694 (Mayfield) SB 0810 (Simmons) SB 1638 (Flores)
45	Compare HB 0105 (Williams)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
46	SB 0156	Early Childhood Music Education Incentive Pilot Program	Perry	Early Childhood Music Education Incentive Pilot Program; Extending the scheduled expiration of the pilot program; revising an eligibility requirement, etc. Effective Date: 7/1/2020	Senate Appropriations Subcommittee on Education (Current Reference)	11/18/2019 SENATE Now in Appropriations Subcommittee on Education
47	HB 0157	Limitation on Terms of Office for Members of a District School Board	Sabatini	Limitation on Terms of Office for Members of a District School Board: Proposing amendments to the State Constitution to limit the terms of office for a member of a district school board.	House PreK-12 Innovation Subcommittee (Current Reference)	09/23/2019 HOUSE Now in PreK-12 Innovation Subcommittee
48	HB 0159	Sales and Use Tax	Clemons	Sales and Use Tax: Revises conditions under which certain dealers are subject to sales tax; deletes exemption for certain dealers from collecting local option surtaxes; provides that certain marketplace providers are subject to registration, collection, & remittance requirements for sales taxes; requires marketplace providers to provide certification to marketplace sellers; specifies requirements for marketplace sellers; requires marketplace providers to allow DOR to audit books & records; provides that marketplace seller is liable for sales tax collection & remittance; authorizes marketplace providers & marketplace sellers to enter into agreements to recover certain taxes, interest, & penalties; grants DOR settlement & compromise authority for marketplace sales; deletes authority of DOR to negotiate collection allowance with certain dealers. Effective Date: July 1, 2020	House Ways & Means Committee (Current Reference)	12/19/2019 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 12/20/19, 9:00 am, 117 K (No Votes Will Be Taken)
49	HB 0163	Homelessness	Altman	Provides requirements for continuum of care catchment areas & lead agencies; requires continuums of care to create continuum of care plans; revises requirements for certain grants; establishes grant-in-aid program to help continuums of care prevent & end homelessness; provides program requirements. Effective Date: July 1, 2020	House Health Care Appropriations Subcommittee (Current Reference)	10/24/2019 HOUSE Now in Health Care Appropriations Subcommittee

AMERICAN OVERSIGHT

	G
46	Similar HB 1321 (Aloupis)
47	Similar SB 1216 (Gruters) Identical SB 1480 (Book)
48	Similar SB 0126 (Gruters)
49	Similar SB 0068 (Book)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
50	HB 0165	Youth in Solitary Confinement	Driskell	Youth in Solitary Confinement: Prohibits DOC or local government from subjecting youth to solitary confinement; limits cell confinement youth prisoners; provides protection for youth prisoners in emergency cell confinement; provides for individualized suicide crisis intervention plan; requires youth prisoners in disciplinary cells be allotted services & other benefits; requires review of policies relating to youth prisoners. Effective Date: July 1, 2020	House Criminal Justice Subcommittee (Current Reference)	09/25/2019 HOUSE Now in Criminal Justice Subcommittee
51	SB 0166	Charter Schools	Cruz	Charter Schools; Requiring a charter school, in order to obtain approval, to demonstrate that it meets certain needs that the local school district does not or is unable to provide to students in that district, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	09/19/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
52	SB 0168	Drinking Water in Public Schools	Cruz	Drinking Water in Public Schools; Subject to legislative appropriation, requiring district boards to coordinate with district school boards to identify certain schools and to provide funding to such schools; requiring certain school districts to install filters that meet certain specifications on drinking water sources; authorizing district boards to request additional funding to compensate school district staff for the installation or replacement of filters, etc. APPROPRIATION: $3,000,000 Effective Date: 7/1/2020	Senate Appropriations Subcommittee on Agriculture, Environment and General Government (Current Reference)	11/18/2019 SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government
53	HB 0171	Postsecondary Education for Certain Military Personnel	Ponder	Postsecondary Education for Certain Military Personnel: Requires BOG & SBE to create uniform process for award of postsecondary credit & clock hours to certain servicemembers & veterans; provides process for award of postsecondary credit & clock hours for military experience & credentials; requires specified postsecondary institutions to waive transcript fee for active duty members, certain veterans, & their spouses & dependents. Effective Date: upon becoming a law	House Higher Education Appropriations Subcommittee (Current Reference)	11/25/2019 HOUSE Now in Higher Education Appropriations Subcommittee

AMERICAN OVERSIGHT

	G
50	Compare HB 0347 (Alexander) SB 0436 (Montford) SB 0762 (Farmer, Jr.) Similar SB 0228 (Thurston, Jr.)
51	
52	Similar HB 0139 (Jenne)
53	Similar SB 0372 (Lee)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
54	SB 0176	Single-subject Limitation for Constitution Revision Commission Proposals	Rodriguez (J)	Single-subject Limitation for Constitution Revision Commission Proposals; Proposing an amendment to the State Constitution to require that any proposals to revise the State Constitution, or any part thereof, filed by the Constitution Revision Commission be limited to a single subject, etc.	Senate Rules (Current Reference)	12/09/2019 SENATE Now in Rules
55	SB 0178	Public Financing of Construction Projects	Rodriguez (J)	Public Financing of Construction Projects; Prohibiting state-financed constructors from commencing construction of certain structures in coastal areas after a specified date without first taking certain steps regarding a sea level impact projection study; requiring the Department of Environmental Protection to develop by rule a standard for such studies; requiring the department to enforce certain requirements and to adopt rules, etc. Effective Date: On the same date that SB 7016 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law	Senate Appropriations Subcommittee on Agriculture, Environment and General Government (Current Reference)	12/13/2019 SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government
56	HB 0183	Prohibited Places for Weapons and Firearms	Ponder	Prohibited Places for Weapons and Firearms: Authorizes elected member of specified governing body who holds license to carry concealed weapons or firearms to carry concealed weapon or firearm to meeting of governing body of which he or she is member. Effective Date: July 1, 2020	House Criminal Justice Subcommittee (Current Reference)	09/25/2019 HOUSE Now in Criminal Justice Subcommittee

AMERICAN OVERSIGHT

	G
54	
55	Compare HB 1073 (Stevenson) Identical HB 0579 (Aloupis) Linked SB 7016 (Infrastructure and Security)
56	Similar SB 1524 (Gainer)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
57	SB 0184	Holocaust Education in Public Schools	Rader	Holocaust Education in Public Schools; Citing this act as the "Holocaust Education Act of 2020"; requiring charter school instructional personnel to teach specified topics; requiring certain private school instructional personnel to teach specified topics; revising the requirements for instructional content relating to the Holocaust that members of public school instructional staff are required to teach; requiring the Department of Education to coordinate with school districts to appoint Holocaust curriculum coordinators, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	09/19/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
58	HB 0187	Postsecondary Education for Secondary Students	Zika	Postsecondary Education for Secondary Students: Provides reporting requirements for postsecondary institutions; revises provisions relating to dual enrollment programs; renames collegiate high school programs as early college acceleration programs; revises requirements for such programs. Effective Date: July 1, 2020	House Higher Education Appropriations Subcommittee (Current Reference)	12/16/2019 HOUSE Now in Appropriations Committee
59	SB 0188	Student Eligibility Requirements for State Financial Aid Awards and Tuition Assistance Grants	Taddeo	Student Eligibility Requirements for State Financial Aid Awards and Tuition Assistance Grants; Providing that, for purposes of receiving state financial aid awards, a student may not be denied classification as a resident based on his or her immigration status if certain criteria are met, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	09/19/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations

AMERICAN OVERSIGHT

	G
57	Compare SB 1660 (Thurston, Jr.) Identical HB 0091 (Polsky)
58	Compare SB 1246 (Stargel)
59	Compare HB 0693 (Smith (C))

AMERICAN OVERSIGHT

	A	B	C	D	E	F
60	SB 0190	Medicaid School-based Services	Montford	Medicaid School-based Services; Revising applicable provisions for the reimbursement of school-based services by the Agency for Health Care Administration to certain school districts; deleting a requirement specifying the use of certified state and local education funds for school-based services; revising a requirement for the agency's reimbursement of school-based services to certain charter and private schools; specifying the federal agency that may waive certain school-based provider qualifications, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	09/19/2019 SENATE Referred to Education; Health Policy; Appropriations
61	HB 0193	Child Care Subsidies for Foster Parents	Roth	Child Care Subsidies for Foster Parents: Provides early education or child care subsidy for certain foster parents. Effective Date: July 1, 2020	House Children, Families & Seniors Subcommittee (Current Reference)	09/25/2019 HOUSE Now in Children, Families & Seniors Subcommittee
62	HB 0201	Urban Core Gun Violence Task Force	Jones	Urban Core Gun Violence Task Force: Creates Urban Core Gun Violence Task Force; provides for membership, staff support, & requirements for meetings; specifies duties & powers of task force; authorizes task force to seek assistance from state agencies; requires reports; provides for repeal of task force. Effective Date: July 1, 2020	House Criminal Justice Subcommittee (Current Reference)	09/25/2019 HOUSE Now in Criminal Justice Subcommittee
63	HB 0203	Growth Management	McClain	Growth Management: Requires comprehensive plan to include property rights element by a specified date; provides statement of rights that local government may use; provides local government's property rights element may not conflict with statutorily provided statement of rights. Effective Date: July 1, 2020	House Commerce Committee (Current Reference)	10/28/2019 HOUSE Now in Commerce Committee

AMERICAN OVERSIGHT

	G
60	Identical HB 0081 (Andrade)
61	Identical SB 0354 (Montford)
62	Compare SB 1802 (Pizzo) Similar SB 0652 (Pizzo)
63	Identical SB 0410 (Perry)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
64	SB 0208	Wellness Examinations	Thurston, Jr.	Wellness Examinations; Specifying that physical examinations are included in support services for purposes of the student support services team program; exempting a child from the adolescent well-care examination upon a parent's written request stating objections on religious grounds; requiring that district school boards and private school governing authorities require and enforce as a policy that certain children present proof of an adolescent well-care examination each year; requiring district school boards and private school governing authorities to refuse to admit children who fail to present proof of such examination, etc. Effective Date: 7/1/2020	Senate Appropriations Subcommittee on Education (Current Reference)	09/19/2019 SENATE Referred to Appropriations Subcommittee on Education; Appropriations; Rules
65	SB 0216	Assistance for Micro Businesses	Rodriguez (J)	Assistance for Micro Businesses; Authorizing certain local governments to set aside up to a specified percentage of funds for procuring personal property and services for the purpose of entering into contracts with micro businesses; providing eligibility for micro businesses under the Microfinance Loan Program; providing eligibility for micro businesses under the Department of Transportation's highway project business development program, etc. Effective Date: 7/1/2020	Senate Innovation, Industry, and Technology (Current Reference)	09/19/2019 SENATE Referred to Innovation, Industry, and Technology; Infrastructure and Security; Appropriations
66	HB 0217	High School Equivalency Diplomas	Valdes	High School Equivalency Diplomas: Provides for award of high school equivalency diploma to students who meet specified criteria relating to high school graduation requirements. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	10/10/2019 HOUSE Now in PreK-12 Innovation Subcommittee
67	SB 0226	Athletic Trainers	Harrell	Athletic Trainers; Revising the definition of the term "athletic trainer"; revising athletic trainer licensure requirements; revising continuing education requirements for the renewal of an athletic trainer license; requiring that the supervision of an athletic training student meet certain requirements, etc. Effective Date: 7/1/2020	Senate Appropriations (Current Reference)	10/24/2019 SENATE Now in Appropriations

AMERICAN OVERSIGHT

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64	Similar HB 1235 (DuBose)
65	
66	
67	Compare SB 0230 (Harrell) HB 0713 (Rodriguez (AM)) Identical HB 0485 (Antone)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
68	SB 0228	Youth in Solitary Confinement	Thurston, Jr.	Youth in Solitary Confinement; Creating the "Youth in Solitary Confinement Reduction Act"; prohibiting the Department of Corrections or a local governmental body from subjecting youth prisoners to solitary confinement except under certain circumstances; providing for an individualized suicide crisis intervention plan for certain youth prisoners, if applicable; requiring the department and the board of county commissioners of each county that administers a detention facility or jail to review their policies relating to youth prisoners to evaluate whether the policies are necessary, etc. Effective Date: 7/1/2020	Senate Criminal Justice (Current Reference)	09/19/2019 SENATE Referred to Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations
69	SB 0230	Department of Health	Harrell	Department of Health; Requiring the Department of Health to develop strategies to maximize federal-state partnerships that provide incentives for physicians to practice in medically underserved or rural areas; revising licensure requirements for a person seeking licensure or certification as an osteopathic physician; extending through 2025 the Florida Center for Nursing's responsibility to study and issue an annual report on the implementation of nursing education programs; requiring dentists and certified registered dental hygienists to report in writing certain adverse incidents to the department within a specified timeframe; revising athletic trainer licensure requirements, etc. Effective Date: 7/1/2020	Senate Appropriations (Current Reference)	10/23/2019 SENATE Now in Appropriations
70	SB 0234	Student Health Services	Book	Student Health Services; Citing this act as the "Learning with Dignity Act"; requiring school districts to make feminine hygiene products available, at no charge, in female restroom facilities of public school buildings, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	09/19/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
71	HB 0239	Equal Rights for Men and Women	Driskell	Equal Rights for Men and Women: Ratifies proposed amendment to U.S. Constitution relating to equal rights for men & women. Effective Date: Not Specified	House Civil Justice Subcommittee (Current Reference)	10/10/2019 HOUSE Now in Civil Justice Subcommittee

AMERICAN OVERSIGHT

	G
68	Compare HB 0347 (Alexander) SB 0436 (Montford) SB 0762 (Farmer, Jr.) Similar HB 0165 (Driskell)
69	Compare SB 0218 (Harrell) HB 0221 (Roach) SB 0226 (Harrell) SB 0390 (Hooper) HB 0485 (Antone) HB 0677 (Smith (D)) SB 1124 (Diaz) SB 1138 (Brandes) HB 1143 (Gregory) SB 1296 (Berman) Similar HB 0713 (Rodriguez (AM))
70	Compare HB 0123 (Grieco)
71	Identical SB 0392 (Gibson)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
72	HB 0245	Concealed Weapons and Firearms	Polo	Concealed Weapons and Firearms: Prohibits concealed weapon or firearm licensee from openly carrying handgun or carrying concealed weapon or firearm into any child care facility. Effective Date: July 1, 2020	House Criminal Justice Subcommittee (Current Reference)	10/10/2019 HOUSE Now in Criminal Justice Subcommittee
73	SB 0246	Public Construction	Hooper	Public Construction; Revising the amount of retainage that certain local governmental entities and contractors may withhold from progress payments for any construction services contract; revising the amounts of retainage that certain public entities and contractors may withhold from progress payments for any construction services contract, etc. Effective Date: 10/1/2020	Senate Appropriations (Current Reference)	11/05/2019 SENATE Now in Appropriations
74	HB 0251	Students Participating In Intercollegiate Athletics	McGhee	Students Participating In Intercollegiate Athletics: Authorizes students participating in intercollegiate athletics to receive specified compensation; provides requirements for specified students, postsecondary educational institutions, certain organizations, & specified representatives; & creates Florida College System Athlete Name, Image, & Likeness Task Force. Effective Date: July 1, 2020	House Higher Education & Career Readiness Subcommittee (Current Reference)	10/10/2019 HOUSE Now in Higher Education & Career Readiness Subcommittee
75	HB 0255	Florida Commission on Human Relations	Antone	Florida Commission on Human Relations: Provides quorum requirements for Commission on Human Relations & its panels; revises number of persons commission may recommend for Florida Civil Rights Hall of Fame; requires commission to provide notice to aggrieved person in certain circumstances; provides limitation on time civil action may be filed after alleged violation of Florida Civil Rights Act; revises length of time commission or AG has to resolve complaint of discrimination in club membership; revises timeline relating to complaints alleging prohibited personnel action. Effective Date: July 1, 2020	House Civil Justice Subcommittee (Current Reference)	10/10/2019 HOUSE Now in Civil Justice Subcommittee

AMERICAN OVERSIGHT

	G
72	Identical SB 0398 (Berman)
73	Identical HB 0101 (Andrade)
74	Compare HB 0287 (LaMarca) SB 0646 (Mayfield) Identical SB 0582 (Bracy)
75	Compare SB 0450 (Brandes) Similar SB 0726 (Rouson)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
76	HB 0273	Carrying of Firearms	Sabatini	Carrying of Firearms: Removes requirement that license to carry concealed firearm is required in order to carry such firearm; limits areas in which concealed carrying of firearm is prohibited; revises criminal penalties; revises provisions relating to carrying of concealed weapons by nonresidents; provides for issuance of concealed carry licenses for reciprocity purposes; specifies that person not otherwise prohibited by law from possessing firearm may own, possess, & lawfully use firearms & other weapons, ammunition, & supplies for lawful purposes. Effective Date: upon becoming a law	House Criminal Justice Subcommittee (Current Reference)	10/14/2019 HOUSE Now in Criminal Justice Subcommittee
77	HB 0275	First Aid for Severe Bleeding	Grieco	First Aid for Severe Bleeding: Requires placement of bleeding control kits in state buildings & schools; requires school districts to provide instruction for all students in first aid for severe bleeding; requires DOE to develop list of approved first aid for severe bleeding instructional programs for certain instructional personnel. Effective Date: July 1, 2020	House Health Quality Subcommittee (Current Reference)	10/14/2019 HOUSE Now in Health Quality Subcommittee
78	SB 0276	Health Education	Rader	Health Education; Expanding the required instruction in grades 9 through 12 to include a breast cancer and prostate cancer awareness component, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	10/15/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
79	SB 0282	Homestead Assessment Limitation for Certain Persons	Diaz	Homestead Assessment Limitation for Certain Persons; Proposing an amendment to the State Constitution to authorize the Legislature, by general law, to prohibit increases in the assessed value of homestead property, for school district levy purposes, if the legal or equitable title to the property is held by a person who is 65 years of age or older and if he or she has held such title and maintained permanent residence on the property for at least 25 years, and to provide an effective date, etc.	Senate Community Affairs (Current Reference)	12/19/2019 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 12/20/19, 9:00 am, 117 K (No Votes Will Be Taken)

AMERICAN OVERSIGHT

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76	
77	Similar SB 0934 (Pizzo)
78	
79	Linked SB 0284 (Diaz)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
80	SB 0284	Homestead Assessments	Diaz	Homestead Assessments; Providing a homestead assessment limitation for school district levy purposes to certain persons age 65 years or older; providing that certain other persons may receive the limitation; requiring property appraisers to serve a notice of intent to record a tax lien under certain circumstances, etc. Effective Date: On the effective date of the amendment to the State Constitution proposed by SJR 282 or a joint resolution having substantially the same specific intent and purpose, if such amendment to the State Constitution is approved at the general election held in November 2020 or at an earlier special election specifically authorized by law for that purpose	Senate Community Affairs (Current Reference)	12/19/2019 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 12/20/19, 9:00 am, 117 K (No Votes Will Be Taken)
81	HB 0285	Direct Filing of an Information	Bush III	Direct Filing of an Information: Removes references to state attorney's discretion to direct file juvenile; revises discretionary direct file criteria; provides for opportunity for hearing to reverse direct file; revises provisions concerning housing of children held in detention. Effective Date: July 1, 2020	House Criminal Justice Subcommittee (Current Reference)	10/16/2019 HOUSE Now in Criminal Justice Subcommittee
82	HB 0287	Postsecondary Student Athletes	LaMarca	Postsecondary Student Athletes: Authorizes certain students participating in intercollegiate athletics to receive specified compensation; provides requirements for specified students, postsecondary educational institutions, certain organizations, & specified representatives; & provides contract requirements. Effective Date: July 1, 2020	House Higher Education & Career Readiness Subcommittee (Current Reference)	10/16/2019 HOUSE Now in Higher Education & Career Readiness Subcommittee
83	SB 0290	School Bus Safety	Hooper	School Bus Safety; Revising civil penalties for certain violations relating to stopping for a school bus, etc. Effective Date: 7/1/2020	Senate Infrastructure and Security (Current Reference)	10/15/2019 SENATE Referred to Infrastructure and Security; Judiciary; Rules

AMERICAN OVERSIGHT

	G
80	Linked SB 0282 (Diaz)
81	Compare HB 0421 (Alexander) SB 0618 (Powell) Similar SB 0610 (Powell)
82	Compare HB 0251 (McGhee) SB 0582 (Bracy) Similar SB 0646 (Mayfield)
83	Identical HB 0037 (Zika)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
84	SB 0300	Food Pantries in Public Schools	Farmer, Jr.	Food Pantries in Public Schools; Authorizing school districts to adopt a policy to allow schools to create food pantry programs in collaboration with nonprofit organizations; authorizing school districts to provide food from the pantry at no cost to students under specified circumstances; authorizing school employees to prepare and distribute donated food, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	10/15/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
85	HB 0301	Repeal of Constitution Revision Commission	Drake	Repeal of Constitution Revision Commission: Repeals references to Constitution Revision Commission, powers of chair, & assistance by state & local agencies. Effective Date: Not Specified	House Judiciary Committee (Current Reference)	12/09/2019 HOUSE Now in Judiciary Committee
86	HB 0303	Constitution Revision Commission	Drake	Constitution Revision Commission: Repeals references to Constitution Revision Commission, powers of chair, & assistance by state & local agencies. Effective Date: the effective date of the amendment to the State Constitution proposed by HJR 301 or a similar joint resolution having substantially the same specific intent and purpose	House Judiciary Committee (Current Reference)	12/09/2019 HOUSE Now in Judiciary Committee
87	SB 0304	School Safety Funding	Cruz	School Safety Funding; Specifying distribution requirements for certain safe schools allocation funds for the 2020-2021 fiscal year; requiring each district school superintendent to remit specified unused funds from the 2019-2020 fiscal year to the Department of Education; authorizing the department, upon request, to redistribute such funds to certain school districts for a specified purpose, etc. Effective Date: 7/1/2020	Senate Infrastructure and Security (Current Reference)	10/15/2019 SENATE Referred to Infrastructure and Security; Appropriations Subcommittee on Education; Appropriations
88	HB 0311	Threats	Massullo, Jr.	Threats: Prohibits threats to use firearm or weapon with specified intent. Effective Date: October 1, 2020	House Criminal Justice Subcommittee (Current Reference)	10/16/2019 HOUSE Now in Criminal Justice Subcommittee
89	HB 0315	Enforcement of School Attendance	Valdes	Enforcement of School Attendance: Authorizes district school boards & charter school governing boards to allow specified number of mental health days as excused absences for students. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	10/16/2019 HOUSE Now in PreK-12 Innovation Subcommittee

AMERICAN OVERSIGHT

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84	
85	Similar SB 0142 (Brandes) Linked HB 0303 (Drake)
86	Compare SB 0142 (Brandes) Linked HB 0301 (Drake)
87	Identical HB 1167 (Polsky)
88	Identical SB 0728 (Stargel)
89	Identical SB 0588 (Rouson)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
90	HB 0325	Health Education	Bush III	Health Education: Requires health education instruction for certain students to include age-appropriate water safety instruction; provides requirements for such instruction. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	10/16/2019 HOUSE Now in PreK-12 Innovation Subcommittee
91	HB 0331	Naloxone in Schools	Geller	Naloxone in Schools: Authorizes public school to purchase supply or enter into arrangement to receive supply of opioid antagonist naloxone for certain purpose; specifies requirements for maintenance of naloxone; requires school district to adopt protocol for administration of naloxone; provides that school district & its employees & agents & physician who provides protocol are not liable for any injury arising from administration of naloxone pursuant to protocol; provides exceptions. Effective Date: July 1, 2020	House Health Quality Subcommittee (Current Reference)	10/16/2019 HOUSE Now in Health Quality Subcommittee
92	HB 0341	Study of the Bible and Religion	Daniels	Study of the Bible and Religion: Requires each school district to offer specified courses relating to religion, Hebrew Scriptures, & Bible to certain students as elective courses; requires such courses be included in Course Code Directory. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	10/23/2019 HOUSE Now in PreK-12 Innovation Subcommittee
93	SB 0354	Child Care Subsidies for Foster Parents	Montford	Child Care Subsidies for Foster Parents; Providing an early education or child care subsidy for certain foster parents, etc. Effective Date: 7/1/2020	Senate Appropriations Subcommittee on Health and Human Services (Current Reference)	11/06/2019 SENATE Now in Appropriations Subcommittee on Health and Human Services
94	SB 0356	Keep Our Graduates Working Act	Hutson	Keep Our Graduates Working Act; Creating the "Keep Our Graduates Working Act of 2020"; prohibiting a state authority from suspending or revoking a person's professional license, certificate, registration, or permit solely on the basis of a delinquency or default in the payment of his or her student loan, etc. Effective Date: 7/1/2020	Senate Rules (Current Reference)	01/10/2020 SENATE On Committee agenda - Rules, 01/15/20, 8:30 am, 110 S

AMERICAN OVERSIGHT

	G
90	Identical SB 0608 (Pizzo)
91	Identical SB 0120 (Pizzo)
92	Identical SB 0746 (Baxley)
93	Identical HB 0193 (Roth)
94	Compare SB 0066 (Cruz) HB 0077 (Goff-Marcil) SB 0474 (Albritton) HB 0713 (Rodriguez (AM)) SB 0926 (Harrell) Similar HB 0115 (Duran)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
95	HB 0357	Internship Tax Credit Program	Jones	Internship Tax Credit Program: Provides corporate income tax credit up to specified amount for qualified business that hires employees who have completed specified internships; provides eligibility criteria; limits amount of tax credit which qualified business may claim; authorizes Department of Revenue to adopt rules governing applications & establishing qualification requirements; authorizes business to carry forward tax credit for specified period. Effective Date:	No Current Committee	10/16/2019 HOUSE Withdrawn prior to introduction
96	SB 0360	Florida Education Finance Program	Diaz	Florida Education Finance Program; Requiring school districts that participate in the Florida Education Finance Program to expend 80 percent of funds from the program for classroom spending purposes, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	10/15/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
97	HB 0361	Developmental Disabilities	Hattersley	Developmental Disabilities: Revises definition of term "developmental disability." Effective Date: July 1, 2020	House Children, Families & Seniors Subcommittee (Current Reference)	10/23/2019 HOUSE Now in Children, Families & Seniors Subcommittee
98	HB 0369	Limitation on Homestead Assessments	Roth	Limitation on Homestead Assessments: Proposes amendments to State Constitution to increase period of time during which accrued benefit from specified limitations on homestead property tax assessments may be transferred from prior homestead to new homestead. Effective Date: Not Specified	House Ways & Means Committee (Current Reference)	11/21/2019 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 11/22/19, 9:00 am, 117 K (No Votes Will Be Taken)
99	SB 0370	Safe-school Officers	Cruz	Safe-school Officers; Requiring district school boards to provide their approval before certain charter schools employ school resource officers and school safety officers; authorizing district school boards to oversee and manage the employment of school resource officers and school safety officers by charter schools within the district; authorizing district school boards to establish best practices for the employment of school resource officers and school safety officers by charter schools within the district, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	10/15/2019 SENATE Referred to Education; Infrastructure and Security; Rules

AMERICAN OVERSIGHT

	G
95	Compare HB 1101 (Daley) SB 1412 (Powell) Similar HB 0439 (Daley) SB 0642 (Powell)
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97	Similar SB 0532 (Cruz)
98	Compare SB 0148 (Brandes) Identical SB 0146 (Brandes) Linked HB 0371 (Roth) HB 0671 (Roth)
99	Identical HB 0553 (Antone)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
100	HB 0371	Limitations on Homestead Assessments	Roth	Limitations on Homestead Assessments: Revises timeframe during which accrued benefit from specified limitations on homestead property tax assessments may be transferred from prior homestead to new homestead; revises timeframe during which an owner of homestead property significantly damaged or destroyed by named tropical storm or hurricane must establish new homestead to make certain election. Effective Date: on the effective date of the amendment to the State Constitution proposed by HJR 369 or a similar joint resolution having substantially the same specific intent and purpose	House Ways & Means Committee (Current Reference)	11/21/2019 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 11/22/19, 9:00 am, 117 K (No Votes Will Be Taken)
101	SB 0372	Postsecondary Education for Certain Military Personnel	Lee	Postsecondary Education for Certain Military Personnel; Requiring the Board of Governors and the State Board of Education, in consultation with the Department of Veterans' Affairs, to create a process for the uniform award of postsecondary credit or career education clock hours to certain servicemembers and veterans of the United States Armed Forces; requiring certain postsecondary institutions to award uniform postsecondary credit or career education clock hours for specified courses taken and occupations held by individuals during their service in the military, etc. Effective Date: Upon becoming a law	Senate Appropriations (Current Reference)	12/13/2019 SENATE Now in Appropriations
102	SB 0376	English Language Learners	Lee	English Language Learners; Exempting certain English language learners from a specified graduation requirement; requiring such English language learners to meet other criteria to earn a standard high school diploma; revising school grade components to include certain English language learners who meet specified criteria, etc. Effective Date: 7/1/2020	Senate Appropriations Subcommittee on Education (Current Reference)	12/13/2019 SENATE Now in Appropriations Subcommittee on Education

AMERICAN OVERSIGHT

	G
100	Compare SB 0146 (Brandes) Identical SB 0148 (Brandes) Linked HB 0369 (Roth)
101	Similar HB 0171 (Ponder)
102	Similar HB 0143 (Valdes)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
103	SB 0378	Motor Vehicle Insurance	Lee	Motor Vehicle Insurance; Repealing provisions which comprise the Florida Motor Vehicle No-Fault Law; revising the motor vehicle insurance coverages that an applicant must show to register certain vehicles with the Department of Highway Safety and Motor Vehicles; revising garage liability insurance requirements for motor vehicle dealer applicants; revising minimum liability coverage requirements for motor vehicle owners or operators, etc. CLAIM: $83,651 Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect January 1, 2021	Senate Infrastructure and Security (Current Reference)	10/15/2019 SENATE Referred to Infrastructure and Security; Banking and Insurance; Appropriations
104	HB 0383	Historically Black Colleges and Universities Matching Endowment Scholarship Program	Hogan Johnson	Historically Black Colleges and Universities Matching Endowment Scholarship Program: Establishes Historically Black Colleges & Universities Matching Endowment Scholarship Program; provides requirements for program, HBCUs, & DOE. Effective Date: July 1, 2020	House Higher Education & Career Readiness Subcommittee (Current Reference)	10/23/2019 HOUSE Now in Higher Education & Career Readiness Subcommittee
105	HB 0385	Specialty License Plates	Hogan Johnson	Specialty License Plates: Directs DHSMV to develop Highwaymen license plate; provides for distribution & use of fees collected from sale of plates. Effective Date: October 1, 2020, but only if HB 387 or similar legislation takes effect	House Transportation & Infrastructure Subcommittee (Current Reference)	10/23/2019 HOUSE Now in Transportation & Infrastructure Subcommittee
106	HB 0387	Specialty License Plate Fees	Hogan Johnson	Specialty License Plate Fees: Establishes fee for Highwaymen license plate. Effective Date: on the same date that HB 385 or similar legislation takes effect	House Transportation & Infrastructure Subcommittee (Current Reference)	10/23/2019 HOUSE Now in Transportation & Infrastructure Subcommittee
107	SB 0392	Equal Rights for Men and Women	Gibson	Equal Rights for Men and Women; Ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women, etc.	Senate Judiciary (Current Reference)	10/15/2019 SENATE Referred to Judiciary; Commerce and Tourism; Rules

AMERICAN OVERSIGHT

	G
103	Compare HB 0731 (Perez) Similar HB 0771 (Grall)
104	Identical SB 0876 (Gibson)
105	Compare SB 0412 (Bean) HB 1135 (Grant (J)) SB 1456 (Powell) Identical SB 1454 (Powell) Linked HB 0387 (Hogan Johnson)
106	Compare SB 1454 (Powell) Identical SB 1456 (Powell) Linked HB 0385 (Hogan Johnson) HB 1135 (Grant (J))
107	Identical HB 0239 (Driskell)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
108	HB 0393	Jury Service	Stone	Jury Service: Requires certain students in specified schools to be excused from jury service upon request. Effective Date: July 1, 2020	House Civil Justice Subcommittee (Current Reference)	10/23/2019 HOUSE Now in Civil Justice Subcommittee
109	SB 0398	Concealed Weapons and Firearms	Berman	Concealed Weapons and Firearms; Prohibiting a concealed weapon or firearm licensee from openly carrying a handgun or carrying a concealed weapon or firearm into any child care facility, etc. Effective Date: 7/1/2020	Senate Infrastructure and Security (Current Reference)	10/15/2019 SENATE Referred to Infrastructure and Security; Judiciary; Rules
110	HB 0403	High School Graduation Requirements	Shoaf	High School Graduation Requirements: Revises credit requirements to earn standard high school diploma to include career & technical education rather than practical arts. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	10/30/2019 HOUSE Now in PreK-12 Innovation Subcommittee
111	HB 0407	Removal of a Student for an Involuntary Examination	Silvers	Removal of a Student for an Involuntary Examination: Revises requirements for parental notification prior to removing student for involuntary examination under certain circumstances. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	10/30/2019 HOUSE Now in PreK-12 Innovation Subcommittee
112	SB 0412	License Plates	Bean	License Plates; Providing an exception to a design requirement for dealer license plates and for fleet license plates; allowing the Department of Highway Safety and Motor Vehicles to authorize dealer and fleet specialty license plates; providing additional procedures and requirements for discontinuing issuance of a specialty license plate; providing for a special license plate to be issued to a recipient of the Bronze Star, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect October 1, 2020, but only if SB 412 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law	Senate Infrastructure and Security (Current Reference)	10/15/2019 SENATE Referred to Infrastructure and Security; Appropriations; Rules
113	SB 0418	Workforce Education	Diaz	Workforce Education; Revising the workforce education programs that school district career centers are authorized to conduct, etc. Effective Date: 7/1/2020	Senate Appropriations Subcommittee on Education (Current Reference)	12/13/2019 SENATE Now in Appropriations Subcommittee on Education

AMERICAN OVERSIGHT

	G
108	Identical SB 0738 (Harrell)
109	Identical HB 0245 (Polo)
110	Identical SB 1750 (Montford)
111	Compare SB 1062 (Harrell) HB 1083 (Webb) Similar SB 1426 (Powell)
112	Compare HB 0027 (Bell) SB 0108 (Rader) HB 0385 (Hogan Johnson) SB 0568 (Albritton) SB 0860 (Perry) SB 1454 (Powell) SB 1500 (Broxson) Similar HB 1135 (Grant (J)) Linked SB 0414 (Bean)
113	Similar HB 0725 (Robinson)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
114	HB 0425	Cost-Of-Living Adjustment	Clemons	Cost-Of-Living Adjustment: Provides specified cost-of-living adjustment factor for members of Special Risk Class of Florida Retirement System. Effective Date: July 1, 2020	House Oversight, Transparency & Public Management Subcommittee (Current Reference)	10/30/2019 HOUSE Now in Oversight, Transparency & Public Management Subcommittee
115	SB 0428	Prohibited Places for Weapons and Firearms	Braynon II	Prohibited Places for Weapons and Firearms; Revising the locations where a concealed weapons or concealed firearms licensee is prohibited from openly carrying a handgun or carrying a concealed weapon or firearm, etc. Effective Date: 7/1/2020	Senate Infrastructure and Security (Current Reference)	10/15/2019 SENATE Referred to Infrastructure and Security; Judiciary; Rules
116	SB 0432	Cardiopulmonary Resuscitation Training in Public Schools	Rader	Cardiopulmonary Resuscitation Training in Public Schools; Requiring school districts to provide training in cardiopulmonary resuscitation to students at the high school level; providing requirements for such training; requiring students to study and practice the psychomotor skills associated with performing cardiopulmonary resuscitation at least once before they graduate from high school; providing an exception for certain students, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	10/15/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
117	SB 0434	Designation of School Grades	Montford	Designation of School Grades; Revising the components on which a school's grade is based, etc. Effective Date: 7/1/2020	Senate Appropriations Subcommittee on Education (Current Reference)	12/13/2019 SENATE Now in Appropriations Subcommittee on Education
118	SB 0436	Youth in Confinement	Montford	Youth in Confinement; Prohibiting a youth from being placed in disciplinary confinement; authorizing a youth to be placed in emergency confinement if certain conditions are met; limiting the allowable length of time for emergency confinement; authorizing a youth to be placed in medical confinement under certain circumstances; requiring sheriffs and chief correctional officers to adopt model standards relating to youth, etc. Effective Date: 10/1/2020	Senate Appropriations Subcommittee on Criminal and Civil Justice (Current Reference)	11/12/2019 SENATE Now in Appropriations Subcommittee on Criminal and Civil Justice

AMERICAN OVERSIGHT

	G
114	Similar SB 0858 (Gruters)
115	
116	Identical HB 0719 (Stark)
117	Identical HB 0957 (Shoaf)
118	Compare HB 0165 (Driskell) SB 0228 (Thurston, Jr.) SB 0762 (Farmer, Jr.) Identical HB 0347 (Alexander)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
119	HB 0439	Internship Tax Credit Program	Daley	Internship Tax Credit Program: Provides corporate income tax credit up to specified amount for qualified business that hires employees who have completed specified internships; provides eligibility criteria; limits amount of tax credit which qualified business may claim; authorizes Department of Revenue to adopt rules governing applications & establishing qualification requirements; authorizes business to carry forward tax credit for specified period. Effective Date:	No Current Committee	11/13/2019 HOUSE Withdrawn prior to introduction
120	SB 0440	Florida Best and Brightest Programs	Bradley	Florida Best and Brightest Programs; Repealing provisions relating to The Florida Best and Brightest Teacher Program and The Florida Best and Brightest Principal Program, etc. Effective Date: 7/1/2020	No Current Committee	10/08/2019 SENATE Withdrawn prior to introduction
121	SB 0442	Primary Elections	Rader	Primary Elections; Requiring that a universal primary election open to all qualified electors, regardless of political party affiliation or lack thereof, be held for purposes of selecting candidates for specified federal, state, local, and district offices; specifying that the candidates receiving the highest and next highest number of votes in the universal primary election advance to the general election; modifying ballot layout requirements to conform to the addition of the universal primary election, etc. Effective Date: 1/1/2021	Senate Ethics and Elections (Current Reference)	10/15/2019 SENATE Referred to Ethics and Elections; Appropriations; Rules
122	HB 0445	School Grading System	Sirois	School Grading System: Revises calculation of school grades to include certain students who completed specified number of years of coursework as participant in United States Armed Forces Junior Reserve Officers' Training Corps (JROTC) program & earned specified score on ASVAB. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	10/30/2019 HOUSE Now in PreK-12 Innovation Subcommittee

AMERICAN OVERSIGHT

	G
119	Compare HB 1101 (Daley) SB 1412 (Powell) Similar HB 0357 (Jones) SB 0642 (Powell)
120	Similar SB 0486 (Bradley)
121	
122	Identical SB 0662 (Wright)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
123	SB 0450	Whistleblower's Act	Brandes	Whistleblower's Act; Revising the actions that an agency or independent contractor is prohibited from taking against an employee who participates in protected activity or discloses certain information; specifying that whistleblower remedies and protections do not apply to certain persons; revising applicability of provisions relating to investigative procedures upon receipt of whistleblower information; revising investigative procedures in response to retaliatory actions, etc. Effective Date: 7/1/2020	Senate Governmental Oversight and Accountability (Current Reference)	10/15/2019 SENATE Referred to Governmental Oversight and Accountability; Judiciary; Rules
124	SB 0456	Minimum Wage	Rodriguez (J)	Minimum Wage; Revising the formula for the adjusted state minimum wage, etc. Effective Date: 7/1/2020	Senate Commerce and Tourism (Current Reference)	10/15/2019 SENATE Referred to Commerce and Tourism; Innovation, Industry, and Technology; Rules
125	SB 0458	English Language Learner Advisory Council	Rodriguez (J)	English Language Learner Advisory Council; Creating the English Language Learner Advisory Council adjunct to the Department of Education; providing the purpose of the advisory council; specifying the composition of the advisory council, the appointment of members, and the terms they serve, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	10/15/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
126	HB 0459	Building Design	Overdorf	Building Design: Provides regulations relating to building design elements may not be applied to certain structures; provides affected party may submit certain local government regulations to Florida Building Commission for review; provides for enforcement of such regulation. Effective Date: July 1, 2020	House Business & Professions Subcommittee (Current Reference)	11/07/2019 HOUSE Now in Business & Professions Subcommittee
127	SB 0472	Public School Transportation	Bracy	Public School Transportation; Requiring district school boards to provide transportation for each public elementary school student if the student's single parent or guardian is developmentally disabled, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/01/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations

AMERICAN OVERSIGHT

	G
123	Compare HB 0255 (Antone) SB 0726 (Rouson)
124	Similar HB 0691 (Jacquet)
125	
126	Identical SB 0954 (Perry)
127	Identical HB 0601 (Pritchett)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
128	HB 0473	Background Screening	Omphroy	Background Screening: Prohibits employers from excluding applicants from initial interview for employment under certain conditions; provides exceptions; provides civil penalty; requires DEO to enforce act. Effective Date: July 1, 2020	House Business & Professions Subcommittee (Current Reference)	11/07/2019 HOUSE Now in Business & Professions Subcommittee
129	HB 0477	Supermajority Vote Required to Impose, Authorize, or Raise Local Taxes or Fees	Rommel	Supermajority Vote Required to Impose, Authorize, or Raise Local Taxes or Fees: Proposes amendment to constitution to prohibit municipality, county, school board, or special district from imposing, authorizing, or raising local tax or fee except by vote approved by two-thirds of membership of relevant jurisdiction, & requires any such proposed local tax or fee imposition or increase to be contained in separate resolution or ordinance. Effective Date: Not Specified	House Local, Federal & Veterans Affairs Subcommittee (Current Reference)	11/21/2019 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 11/22/19, 9:00 am, 117 K (No Votes Will Be Taken)
130	HB 0485	Athletic Trainers	Antone	Athletic Trainers: Revises definition of term "athletic trainer"; revises athletic trainer licensure requirements; requires certain licensees to maintain certification in good standing without lapse as condition of renewal of their athletic trainer licenses; requires that athletic trainer work within specified scope of practice; requires direct supervision of athletic training student to be in accordance with rules adopted by Board of Athletic Training. Effective Date: July 1, 2020	House Health Quality Subcommittee (Current Reference)	11/07/2019 HOUSE Now in Health Quality Subcommittee
131	SB 0486	Florida Best and Brightest Programs	Bradley	Florida Best and Brightest Programs; Repealing provisions relating to the Florida Best and Brightest Teacher Program and the Florida Best and Brightest Principal Program, etc. Effective Date: 7/1/2020	Senate Appropriations Subcommittee on Education (Current Reference)	12/10/2019 SENATE Now in Appropriations Subcommittee on Education

AMERICAN OVERSIGHT

	G
128	Identical SB 0616 (Powell)
129	
130	Compare SB 0230 (Harrell) HB 0713 (Rodriguez (AM)) Identical SB 0226 (Harrell)
131	Similar SB 0440 (Bradley)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
132	SB 0496	Child Welfare	Book	Child Welfare; Specifying the rights of children and young adults in out-of-home care; requiring the Florida Children's Ombudsman to serve as an autonomous entity within the department for certain purposes; requiring that a case plan be developed in a face-to-face conference with a caregiver of a child under certain circumstances; requiring a caseworker to provide specified information relating to subsidies that early learning coalitions provide to caregivers of certain children, etc. Effective Date: 10/1/2020	Senate Appropriations Subcommittee on Health and Human Services (Current Reference)	11/12/2019 SENATE Now in Appropriations Subcommittee on Health and Human Services
133	SB 0506	Public Procurement of Services	Perry	Public Procurement of Services; Revising the maximum dollar amount for continuing contracts for construction projects; redefining the term "continuing contract" to increase certain maximum dollar amounts for professional architectural, engineering, landscape architectural, and surveying and mapping services; requiring the Department of Management Services to annually adjust by rule the statutory caps for continuing contracts, etc. Effective Date: 7/1/2020	Senate Governmental Oversight and Accountability (Current Reference)	01/06/2020 SENATE On Committee agenda - Governmental Oversight and Accountability, 01/13/20, 1:00 pm, 301 S
134	HB 0515	Native Language Assessment in Public Schools	Rodriguez (AM)	Native Language Assessment in Public Schools: Provides for the administration of certain assessments in specified language under certain circumstances; authorizes students of limited English choose to have certain assessments administered in their native language or English; provides DOE & SBE duties relating to assessments in native languages. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	11/15/2019 HOUSE Now in PreK-12 Innovation Subcommittee

AMERICAN OVERSIGHT

	G
132	Similar HB 1045 (Gottlieb)
133	Similar HB 0441 (DiCeglie)
134	Identical SB 0678 (Taddeo)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
135	SB 0516	Campaign Financing	Gruters	Campaign Financing; Revising the schedule governing campaign finance reporting for candidates, political committees, and electioneering communications organizations; revising reporting requirements regarding transfers made by political committees and electioneering communications organizations, to conform; prohibiting a political committee or an electioneering communications organization from transferring funds to certain entities, etc. Effective Date: 1/1/2021	Senate Ethics and Elections (Current Reference)	11/01/2019 SENATE Referred to Ethics and Elections; Judiciary; Rules
136	HB 0521	School Food and Nutrition Services	Webb	School Food and Nutrition Services: Provides tax credits for certain farmers; revises rate of reimbursement & allocation of funds relating to free & reduced-price meals; removes exemption from requirement to implement free breakfast meals; provides funds for certain breakfast meals; authorizes school districts to use share tables; directs DACS, in collaboration with DOH, to distribute share table information; requires school districts to implement specified practices; directs DACS to create specified campaign, allocate additional reimbursements for school meals, conduct food access study, & develop Florida Gleaning Support Grant Program; provides appropriations; authorizes DACS to contract with third-party vendor & to adopt rules. Effective Date: July 1, 2020	House Ways & Means Committee (Current Reference)	11/15/2019 HOUSE Now in Ways & Means Committee
137	HB 0523	Mastery-based Education	DiCeglie	Mastery-based Education: Provides for alternative award of credits & letter grades under certain circumstances; renames Competency-Based Education Pilot Program as Mastery-based Education Pilot Program; authorizes public school districts to submit applications for program; & revises statewide articulation agreement. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	11/15/2019 HOUSE Now in PreK-12 Innovation Subcommittee

AMERICAN OVERSIGHT

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135	
136	Similar SB 1526 (Albritton)
137	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
138	SB 0524	Sales Tax Holiday for Disaster Preparedness Supplies	Gruters	Sales Tax Holiday for Disaster Preparedness Supplies; Providing exemptions from the sales and use tax for specified disaster preparedness supplies during a specified timeframe; providing applicability for certain exemptions; specifying locations where the exemptions do not apply, etc. Effective Date: Upon becoming a law	Senate Finance and Tax (Current Reference)	11/21/2019 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 11/22/19, 9:00 am, 117 K (No Votes Will Be Taken)
139	SB 0526	Charter Schools	Diaz	Charter Schools; Prohibiting specified individuals and entities from submitting an application to open a charter school for specified periods of time; defining the term “relative” for the purpose of applying the prohibition, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/01/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
140	SB 0532	Developmental Disabilities	Cruz	Developmental Disabilities; Citing this act as "Lincoln’s Law"; revising the definition of the term “developmental disability”, etc.Effective Date: 7/1/2020	Senate Children, Families, and Elder Affairs (Current Reference)	11/01/2019 SENATE Referred to Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; Appropriations
141	SB 0534	Education	Diaz	Education; Requiring the Department of Education to maintain a disqualification list that includes the identities of certain persons; requiring district school boards to investigate certain complaints and report certain results of such investigations to the department; prohibiting an individual who is on the disqualification list from being employed by a charter school or serving as a member of a charter school governing board; requiring certain private schools to adopt policies establishing standards of ethical conduct for certain employees, etc. Effective Date: 7/1/2020	Senate Appropriations (Current Reference)	12/13/2019 SENATE Now in Appropriations

AMERICAN OVERSIGHT

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138	
139	
140	Similar HB 0361 (Hattersley)
141	Compare HB 0883 (Duggan)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
142	SB 0536	Charter Schools	Diaz	Charter Schools; Establishing the High-Performing Charter School Council; providing the process for approving or denying a charter school application submitted to the council; authorizing charter school sponsors and applicants to provide input to the state board regarding the council's recommendation; providing grounds on which the council may recommend denial of, or the state board may deny, an application submitted by a high-performing charter school or a high-performing charter school system, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	01/06/2020 SENATE On Committee agenda - Education, 01/13/20, 1:00 pm, 412 K
143	SB 0542	Back-to-school Sales Tax Holiday	Perry	Back-to-school Sales Tax Holiday; Providing exemptions from the sales and use tax on the retail sale of certain clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories during specified timeframes; specifying locations where the exemptions do not apply; authorizing certain dealers to opt out of participating in the tax holiday, subject to certain requirements, etc. APPROPRIATION: $237,000 Effective Date: Upon becoming a law	Senate Finance and Tax (Current Reference)	11/21/2019 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 11/22/19, 9:00 am, 117 K (No Votes Will Be Taken)
144	HB 0545	Legislation by Initiative	Geller	Legislation by Initiative: Proposes amendment to the State Constitution to allow proposal & approval of laws by initiative without legislative or gubernatorial approval; prescribes requirements for such initiatives; requires extraordinary vote of Legislature to amend or repeal laws approved by voters; provides for Supreme Court review of initiative petitions; & requires ballot statements for such initiatives to include statement of economic impact. Effective Date: Not Specified	House Oversight, Transparency & Public Management Subcommittee (Current Reference)	11/15/2019 HOUSE Now in Oversight, Transparency & Public Management Subcommittee

AMERICAN OVERSIGHT

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142	
143	
144	Identical SB 1452 (Torres, Jr.)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
145	HB 0553	Safe-school Officers	Antone	Safe-school Officers: Requires district school boards to approve employment if school resource officers & school safety officers by specified charter schools; & authorizes district school boards to oversee & manage employment of school resource officers & school safety officers by charter schools within district & provide specified best practices. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	11/15/2019 HOUSE Now in PreK-12 Innovation Subcommittee
146	SB 0566	Prohibited Discrimination	Bracy	Prohibited Discrimination; Citing this act as the “Creating a Respectful and Open World for Natural Hair Act” or “CROWN Act”; providing that it is unlawful for sponsors under the Florida Housing Finance Corporation Act to discriminate against any person or family because of a protected hairstyle; defining the term “protected hairstyle”; adding protected hairstyle as impermissible grounds for discrimination with respect to specified unlawful employment practices; prohibiting discrimination based on protected hairstyle in the Florida K-20 public education system, etc. Effective Date: 7/1/2020	Senate Community Affairs (Current Reference)	01/06/2020 SENATE On Committee agenda - Community Affairs, 01/13/20, 3:30 pm, 301 S
147	SB 0578	Juvenile Justice	Bracy	Juvenile Justice; Prohibiting children younger than a certain age from being adjudicated delinquent, arrested, or charged with a crime; authorizing children of at least a specified age, rather than of any age, to be taken into custody under certain circumstances; requiring that children who are taken into custody pursuant to certain circuit court orders be treated in a specified manner and be detained only pursuant to specified findings, etc. Effective Date: 7/1/2020	Senate Criminal Justice (Current Reference)	11/01/2019 SENATE Referred to Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

AMERICAN OVERSIGHT

	G
145	Identical SB 0370 (Cruz)
146	Identical HB 0761 (Brown)
147	Identical HB 0949 (Eskamani)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
148	HB 0581	Civic Education	Diamond	Civic Education: Requires Commissioner of Education to develop minimum criteria for nonpartisan civic literacy practicum & process to verify successful completion of such practicum; provides requirements for such practicum; requires SBE to annually designate public schools that meet specified criteria as Freedom Schools & establish criteria for designation as Freedom School; provides requirements for such criteria. Effective Date: July 1, 2020	House PreK-12 Appropriations Subcommittee (Current Reference)	12/11/2019 HOUSE Now in PreK-12 Appropriations Subcommittee
149	SB 0582	Students Participating in Intercollegiate Athletics	Bracy	Students Participating in Intercollegiate Athletics; Prohibiting a postsecondary educational institution from upholding any rule, requirement, standard, or limitation that prevents students participating in intercollegiate athletics from earning specified compensation; prohibiting certain organizations from preventing such students from earning specified compensation; prohibiting postsecondary educational institutions and certain organizations from providing compensation to prospective students under certain conditions; requiring the Chancellor of the Florida College System to convene a College System Athlete Name, Image, and Likeness Task Force, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/01/2019 SENATE Referred to Education; Innovation, Industry, and Technology; Rules
150	SB 0588	Enforcement of School Attendance	Rouson	Enforcement of School Attendance; Authorizing district school boards and charter school governing boards to allow a specified number of mental health days as excused absences for students, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/06/2019 SENATE Referred to Education; Children, Families, and Elder Affairs; Rules

AMERICAN OVERSIGHT

	G
148	Similar SB 0918 (Brandes)
149	Compare HB 0287 (LaMarca) SB 0646 (Mayfield) Identical HB 0251 (McGhee)
150	Identical HB 0315 (Valdes)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
151	HB 0595	Medical Marijuana Employee Protection	Polsky	Medical Marijuana Employee Protection: Prohibits employers from taking adverse personnel action against employees or applicants who are qualified patients using medical marijuana; requires employers to provide certain written notice to employees or applicants who test positive for marijuana; provides procedures for if employee or applicant tests positive for marijuana; provides cause of action & damages. Effective Date: upon becoming a law	House Oversight, Transparency & Public Management Subcommittee (Current Reference)	11/25/2019 HOUSE Now in Oversight, Transparency & Public Management Subcommittee
152	SB 0596	Florida Statutes	Benacquisto	Florida Statutes; Deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes, etc. Effective Date: On the 60th day after adjournment sine die of the session of the Legislature in which enacted	Senate Rules (Current Reference)	01/10/2020 SENATE On Committee agenda - Rules, 01/15/20, 8:30 am, 110 S
153	SB 0598	Florida Statutes	Benacquisto	Florida Statutes; Deleting provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), F.S., may be omitted from the 2020 Florida Statutes only through a reviser's bill duly enacted by the Legislature, etc. Effective Date: On the 60th day after adjournment sine die of the session of the Legislature in which enacted	Senate Rules (Current Reference)	01/10/2020 SENATE On Committee agenda - Rules, 01/15/20, 8:30 am, 110 S

AMERICAN OVERSIGHT

	G
151	Similar SB 0962 (Berman)
152	
153	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
154	SB 0600	Florida Statutes	Benacquisto	Florida Statutes; Amending and repealing provisions to conform to the directive of the Legislature in section 9 of chapter 2012-116, Laws of Florida, codified as section 11.242(5)(j), Florida Statutes, to prepare a reviser's bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority, etc. Effective Date: On the 60th day after adjournment sine die of the session of the Legislature in which enacted	Senate Rules (Current Reference)	01/10/2020 SENATE On Committee agenda - Rules, 01/15/20, 8:30 am, 110 S
155	HB 0601	Public School Transportation	Pritchett	Public School Transportation: Requires district school boards to provide transportation for each public elementary school student if student's single parent or guardian is developmentally disabled. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	11/25/2019 HOUSE Now in PreK-12 Innovation Subcommittee
156	SB 0602	Open Educational Resources Grant Program	Montford	Open Educational Resources Grant Program; Establishing the Open Educational Resources Grant Program; requiring the Department of Education, the Board of Governors, and the State Board of Education to administer the program; authorizing state universities and Florida College System institutions to submit applications for grant awards under the program; specifying that implementation of the program is subject to legislative appropriation, etc. Effective Date: 7/1/2020	Senate Appropriations Subcommittee on Education (Current Reference)	12/13/2019 SENATE Now in Appropriations Subcommittee on Education
157	HB 0603	Carbon Monoxide Alarms	Pritchett	Carbon Monoxide Alarms: Provides DOE to require K-12 public school facilities to install carbon monoxide alarms; provides requirements for such alarms. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	11/25/2019 HOUSE Now in PreK-12 Innovation Subcommittee
158	SB 0608	Health Education	Pizzo	Health Education; Requiring health education instruction for certain students to include age-appropriate water safety instruction; providing requirements for such instruction, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/06/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations

AMERICAN OVERSIGHT

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154	
155	Identical SB 0472 (Bracy)
156	
157	
158	Identical HB 0325 (Bush III)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
159	HB 0611	Local Government Accountability	Sabatini	Local Government Accountability: Removes provisions relating to lobbying before water management districts; requires Commission on Ethics to create local government lobbyist registration system; preempts regulatory authority over certain lobbyist registration to commission; requires lobbyists to register with commission; provides for annual registration fee; requires commission to publish lobbyist directory; provides for investigations, reports, & advisory opinions by commission; provides for penalties; requires certain governmental entities to conform to lobbyist registration system; requires governing body of county or municipality to post certain information on its website. Effective Date: October 1, 2020	House Public Integrity & Ethics Committee (Current Reference)	11/25/2019 HOUSE Now in Public Integrity & Ethics Committee
160	HB 0613	Higher Education	Rodrigues (R)	Higher Education: Revises provisions relating to SBE & BOG responsibilities, standards for preeminent state research universities program, performance-based metrics for state universities, length of time Phosphate Research & Activities Board member may serve, & specified growth rates at state universities; requires Commissioner of Education to submit recommendations relating to performance fund for Florida College System institutions. Effective Date: July 1, 2020	House Higher Education Appropriations Subcommittee (Current Reference)	12/16/2019 HOUSE Now in Higher Education Appropriations Subcommittee
161	HB 0615	Juvenile Diversion Program Expunction	Watson (C)	Juvenile Diversion Program Expunction: Removes requirement that limits diversion program expunction to programs for misdemeanor offenses. Effective Date: July 1, 2020	House Criminal Justice Subcommittee (Current Reference)	11/25/2019 HOUSE Now in Criminal Justice Subcommittee
162	SB 0616	Background Screening	Powell	Background Screening; Prohibiting employers from excluding applicants from an initial interview for employment under certain conditions; providing a civil penalty; providing applicability; providing exceptions; requiring the Department of Economic Opportunity to enforce the act, etc. Effective Date: 7/1/2020	Senate Commerce and Tourism (Current Reference)	11/06/2019 SENATE Referred to Commerce and Tourism; Governmental Oversight and Accountability; Appropriations

AMERICAN OVERSIGHT

	G
159	Compare SB 0768 (Perry) Similar SB 0766 (Perry)
160	Compare SB 0072 (Stargel) Similar SB 1402 (Diaz)
161	Compare SB 1292 (Perry) Identical SB 0700 (Perry) Linked HB 1173 (Watson (C))
162	Identical HB 0473 (Omphroy)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
163	SB 0622	Emergency Allergy Treatment	Baxley	Emergency Allergy Treatment; Revising the definition of the term "authorized entity" to include state universities and Florida College System institutions; providing that educational training programs relating to the administration of epinephrine auto-injectors may be offered online; requiring that state universities and Florida College System institutions pay the costs associated with such training for certain personnel; requiring, rather than authorizing, pharmacists to dispense epinephrine auto-injectors in certain circumstances; requiring, rather than authorizing, certain individuals to use epinephrine auto-injectors for specified purposes, etc. Effective Date: 7/1/2020	Senate Health Policy (Current Reference)	11/06/2019 SENATE Referred to Health Policy; Appropriations Subcommittee on Education; Appropriations
164	SB 0624	Collective Bargaining for Instructional Personnel	Stewart	Collective Bargaining for Instructional Personnel; Removing a requirement that each school district and the certified collective bargaining unit for instructional personnel within each district negotiate a specified memorandum of understanding; removing a requirement that certain certified collective bargaining units include specified information in their applications for renewal of registration; removing a requirement that certain employee organizations petition the Public Employees Relations Commission for recertification, etc. Effective Date: 7/1/2020	Senate Governmental Oversight and Accountability (Current Reference)	11/06/2019 SENATE Referred to Governmental Oversight and Accountability; Appropriations Subcommittee on Education; Appropriations
165	SB 0632	Education	Stewart	Education; Requiring specified teachers to have received, at a minimum, a bachelor's degree; revising the information the Department of Education requires in a specified database relating to private schools; requiring private schools to provide specified students with a certain amount of time for recess; requiring private school students to participate in the statewide assessment program, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/06/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations

AMERICAN OVERSIGHT

	G
163	Similar HB 0297 (Gottlieb)
164	
165	Identical HB 0859 (Goff-Marcil)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
166	HB 0633	Human Trafficking Prevention	Donalds	Human Trafficking Prevention: Requires employees of certain businesses to complete specified courses on the detection of human trafficking; requires specified number of hours in school bus training program be allocated to human trafficking prevention. Effective Date: October 1, 2020	House Business & Professions Subcommittee (Current Reference)	11/25/2019 HOUSE Now in Business & Professions Subcommittee
167	HB 0637	Impact Fees	DiCeglie	Impact Fees: Revises conditions that counties, municipalities, & special districts must satisfy before enacting an ordinance or passing resolution; provides that impact fee credits are assignable & transferrable under certain conditions; requires certain counties & municipalities to establish impact fee review committees; provides for membership; provides procedures for meetings & establishing quorums; provides committee duties. Effective Date: July 1, 2020	House Local, Federal & Veterans Affairs Subcommittee (Current Reference)	12/03/2019 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee
168	HB 0641	Funds for the Operation of Schools	Plasencia	Funds for the Operation of Schools: Revises annual allocation to school districts to include additional calculation of full-time equivalent membership for students who earn College Board Advanced Placement Capstone Diploma beginning in specified fiscal year. Effective Date: July 1, 2020	House PreK-12 Appropriations Subcommittee (Current Reference)	12/03/2019 HOUSE Now in PreK-12 Appropriations Subcommittee
169	SB 0642	Internship Tax Credit Program	Powell	Internship Tax Credit Program; Designating the “Florida Internship Tax Credit Program”; providing a corporate income tax credit for qualified businesses employing degree-seeking student interns if certain criteria are met; specifying the amount of the credit per student intern; specifying a limit on the credit claimed per taxable year, etc. Effective Date: 7/1/2020	No Current Committee	12/05/2019 SENATE Withdrawn prior to introduction
170	HB 0643	Instructional Personnel	Williams	Instructional Personnel: Revises definition of term "instructional personnel" to include specified prekindergarten instructors. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	12/03/2019 HOUSE Now in PreK-12 Innovation Subcommittee

AMERICAN OVERSIGHT

	G
166	Compare SB 1368 (Book)
167	Similar SB 1066 (Gruters)
168	Compare SB 0062 (Stargel) Identical SB 0836 (Simmons)
169	Compare HB 1101 (Daley) SB 1412 (Powell) Similar HB 0357 (Jones) HB 0439 (Daley)
170	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
171	SB 0646	Postsecondary Student Athletes	Mayfield	Postsecondary Student Athletes; Citing this act as the "Student Athlete Achievement Act"; providing requirements for contracts made by a minor or his or her parent or guardian relating to the licensing of the minor's name, image, or likeness while participating in intercollegiate athletics; prohibiting a postsecondary educational institution from preventing students participating in intercollegiate athletics from earning specified compensation; prohibiting certain organizations from preventing such students from earning specified compensation; prohibiting certain entities from preventing students participating in intercollegiate athletics from obtaining professional representation, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/06/2019 SENATE Referred to Education; Innovation, Industry, and Technology; Rules
172	SB 0650	Student Elopement	Book	Student Elopement; Requiring public schools to create a School Staff Assistance for Emergencies (SAFE) Team and a school elopement plan; providing for membership and responsibilities of the team; requiring the team to create student-specific elopement quick reference guides for certain students; requiring public schools to annually submit their plans to the district school board, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/06/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
173	SB 0652	Urban Core Gun Violence Task Force	Pizzo	Urban Core Gun Violence Task Force; Creating the Urban Core Gun Violence Task Force; specifying duties and powers of the task force; authorizing the task force to seek assistance from state agencies; providing for access to certain information, etc. Effective Date: 7/1/2020	Senate Criminal Justice (Current Reference)	11/06/2019 SENATE Referred to Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations
174	HB 0661	Children's Services Councils	Newton	Children's Services Councils: Revises annual reporting requirements to include certain performance data; revises financial reporting requirements. Effective Date: October 1, 2020	House Local, Federal & Veterans Affairs Subcommittee (Current Reference)	12/03/2019 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee

AMERICAN OVERSIGHT

	G
171	Compare HB 0251 (McGhee) SB 0582 (Bracy) Similar HB 0287 (LaMarca)
172	Identical HB 0079 (Jenne)
173	Similar HB 0201 (Jones) Linked SB 1802 (Pizzo)
174	Identical SB 1136 (Brandes)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
175	SB 0662	School Grading System	Wright	School Grading System; Revising the calculation of school grades to include certain students who completed a specified number of years of coursework as participants in the United States Armed Forces Junior Reserve Officers' Training Corps program and earned a specified score on the Armed Services Vocational Aptitude Battery, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/06/2019 SENATE Referred to Education; Military and Veterans Affairs and Space; Rules
176	HB 0663	Home Instruction for Parents of Preschool Youngsters Grant Program	Newton	Home Instruction for Parents of Preschool Youngsters Grant Program: Creates Home Instruction for Parents of Preschool Youngsters (HIPPY) Grant Program; provides purpose of program; requires Florida HIPPY Training & Technical Assistance Center at University of South Florida, subject to legislative appropriation, to provide grants to certain organizations; provides program & reporting requirements. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	12/03/2019 HOUSE Now in PreK-12 Innovation Subcommittee
177	SB 0668	Government-sponsored Recreation Programs	Book	Government-sponsored Recreation Programs; Revising the definition of the term "child care facility" to exclude government-sponsored recreation programs; defining the term "government-sponsored recreation program", etc. Effective Date: 7/1/2020	Senate Governmental Oversight and Accountability (Current Reference)	12/13/2019 SENATE Now in Governmental Oversight and Accountability
178	HB 0669	Universal Changing Places	Newton	Universal Changing Places: Requires certain entities to install & maintain at least one universal changing place at specified locations; specifies requirements for universal changing place. Effective Date: January 1, 2021	House Business & Professions Subcommittee (Current Reference)	12/03/2019 HOUSE Now in Business & Professions Subcommittee

AMERICAN OVERSIGHT

	G
175	Identical HB 0445 (Sirois)
176	Identical SB 1132 (Brandes)
177	Similar HB 0083 (Duran)
178	Similar SB 1106 (Baxley)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
179	SB 0678	Native Language Assessment in Public Schools	Taddeo	Native Language Assessment in Public Schools; Requiring the Department of Education to adopt native language versions of the school readiness screener, the school readiness assessment, the Florida Voluntary Prekindergarten Assessment, and the Florida Kindergarten Readiness Screener; requiring that a high school equivalency examination administered in any language other than English be given the same weight as a high school equivalency examination administered in English; revising requirements of the statewide, standardized assessment program to include native language versions of related assessments, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/06/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
180	HB 0691	Minimum Wage	Jacquet	Minimum Wage: Revises formula for adjusted state minimum wage. Effective Date: July 1, 2020	House Workforce Development & Tourism Subcommittee (Current Reference)	12/03/2019 HOUSE Now in Workforce Development & Tourism Subcommittee
181	SB 0694	Nicotine and Tobacco Products	Mayfield	Nicotine and Tobacco Products; Defining the term “electronic smoking device”; redefining the term “tobacco products”; revising exemptions to the prohibition of the sale or delivery of tobacco products; deleting a provision that allows the sale or delivery of tobacco products from a vending machine equipped with a certain device; prohibiting a dealer from selling flavored e-liquid; providing that certain statements and claims are presumptive evidence that e-liquid is flavored e-liquid, etc. Effective Date: 7/1/2020	Senate Innovation, Industry, and Technology (Current Reference)	11/18/2019 SENATE Referred to Innovation, Industry, and Technology; Commerce and Tourism; Rules

AMERICAN OVERSIGHT

	G
179	Identical HB 0515 (Rodriguez (AM))
180	Similar SB 0456 (Rodriguez (J))
181	Compare HB 0151 (Toledo) SB 0810 (Simmons) SB 1638 (Flores)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
182	HB 0699	School Crossing Guards	Hage	School Crossing Guards: Authorizes school crossing guard employed by private school, upon approval of sheriff of county in which such private school is located, to direct traffic at certain locations; exempts school crossing guard from specified uniform minimum standards; authorizes school crossing guard to perform his or her duties without immediate supervision of fully qualified law enforcement officer if approved by sheriff of county. Effective Date: July 1, 2020	House Transportation & Infrastructure Subcommittee (Current Reference)	12/03/2019 HOUSE Now in Transportation & Infrastructure Subcommittee
183	SB 0700	Juvenile Diversion Program Expunction	Perry	Juvenile Diversion Program Expunction; Deleting a requirement that limits diversion program expunction to programs for misdemeanor offenses, etc. Effective Date: 7/1/2020	Senate Criminal Justice (Current Reference)	01/09/2020 SENATE On Committee agenda - Criminal Justice, 01/14/20, 2:30 pm, 37 S
184	HB 0701	Communications Services Tax	Fischer	Communications Services Tax: Revises legislative intent regarding local communications services tax rates; reduces tax on retail sale of communications services; removes provision that specifies where proceeds of communication services tax must be deposited & disbursed; revises local communications services tax rates levied by counties & municipalities; requires dealers to collect & remit local communications services taxes; requires Legislature to appropriate moneys to offset direct reductions of local communications services tax by certain counties & municipalities; requires DOR to submit report to Legislature. Effective Date: January 1, 2021	House Ways & Means Committee (Current Reference)	01/09/2020 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 01/10/20, 9:00 am, 117 K (No Votes Will Be Taken)

AMERICAN OVERSIGHT

	G
182	Identical SB 0754 (Baxley)
183	Compare HB 1173 (Watson (C)) Identical HB 0615 (Watson (C)) Linked SB 1292 (Perry)
184	Identical SB 1174 (Hutson)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
185	HB 0713	Department of Health	Rodriguez (AM)	Department of Health: Authorizes DOH to adopt rules relating to certain programs; revises certain duties & responsibilities of department; revises licensure requirements for certain professions under authority of department; provides adverse incident reporting requirements for certain dental professionals. Effective Date: July 1, 2020	House Health Care Appropriations Subcommittee (Current Reference)	12/18/2019 HOUSE Now in Health Care Appropriations Subcommittee
186	HB 0719	Cardiopulmonary Resuscitation Training in Public Schools	Stark	Cardiopulmonary Resuscitation Training in Public Schools: Requires school districts to provide specified training in CPR to certain students; requires students to study & practice psychomotor skills associated with performing CPR at least once before they graduate from high school; provides exception for certain students. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	12/03/2019 HOUSE Now in PreK-12 Innovation Subcommittee
187	SB 0720	Medical Use of Marijuana in Schools	Montford	Medical Use of Marijuana in Schools; Authorizing a qualified patient to designate more than one caregiver to assist with the qualified patient's medical use of marijuana under certain circumstances; authorizing a county-designated caregiver to register as a caregiver for more than one qualified patient under certain circumstances; providing a procedure for a parent of a student who is a qualified patient to request that marijuana be administered to the student during the school day; requiring that a caregiver or a county-designated caregiver administering marijuana to the student do so in the area the school principal designates, etc. Effective Date: 7/1/2020	Senate Health Policy (Current Reference)	11/18/2019 SENATE Referred to Health Policy; Education; Rules

AMERICAN OVERSIGHT

	G
185	Compare SB 0066 (Cruz) HB 0077 (Goff-Marcil) HB 0115 (Duran) SB 0218 (Harrell) HB 0221 (Roach) SB 0226 (Harrell) SB 0356 (Hutson) SB 0390 (Hooper) SB 0474 (Albritton) HB 0485 (Antone) HB 0677 (Smith (D)) HB 0707 (Renner) SB 0926 (Harrell) SB 1124 (Diaz) SB 1138 (Brandes) HB 1143 (Gregory) SB 1296 (Berman) Similar SB 0230 (Harrell)
186	Identical SB 0432 (Rader)
187	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
188	HB 0721	Public Deposits	Roth	Public Deposits: Prohibits CFO from designating credit unions as qualified public depositories unless certain requirements are met; requires CFO to withdraw from specified collateral agreements; requires return of public deposits in credit unions under certain circumstances; authorizes CFO to limit amount of public deposits in credit unions; provides procedures for suspension or disqualification of credit unions; authorizes credit unions to be reinstated as qualified public depositories; requires credit unions that are designated as qualified public depositories to guarantee depositors against loss. Effective Date: July 1, 2020	House Insurance & Banking Subcommittee (Current Reference)	12/03/2019 HOUSE Now in Insurance & Banking Subcommittee
189	HB 0725	Workforce Education	Robinson	Workforce Education: Revises workforce education programs that school district career centers are authorized to conduct. Effective Date: July 1, 2020	House Higher Education & Career Readiness Subcommittee (Current Reference)	12/16/2019 HOUSE Now in Higher Education & Career Readiness Subcommittee
190	HB 0729	Regulatory Reform	Rodriguez (AM)	Regulatory Reform: Establishes Red Tape Reduction Advisory Council within EOG; requires Administrative Procedures Committee to establish regulatory baseline of agency rules; provides that new rule may not cause total number of rules to exceed regulatory baseline; requires agency proposing new rule to submit rule replacement request to committee; provides that rule replacement request or exemption request may not be approved until initial regulatory baseline has been reduced by specified amount. Effective Date: July 1, 2020	House Oversight, Transparency & Public Management Subcommittee (Current Reference)	12/16/2019 HOUSE Now in Oversight, Transparency & Public Management Subcommittee
191	HB 0737	Moments of Silence in Public Schools	Daniels	Moments of Silence in Public Schools: Requires moment at beginning of each school day & provides requirements for such moment of silence. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	12/16/2019 HOUSE Now in PreK-12 Innovation Subcommittee
192	SB 0738	Jury Service	Harrell	Jury Service; Requiring certain students actively enrolled in specified schools to be excused from jury service upon request, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	12/10/2019 SENATE Now in Education

AMERICAN OVERSIGHT

	G
188	Similar SB 0990 (Hutson)
189	Similar SB 0418 (Diaz)
190	Identical SB 1238 (Diaz)
191	Similar SB 0946 (Baxley)
192	Identical HB 0393 (Stone)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
193	SB 0746	Study of the Bible and Religion	Baxley	Study of the Bible and Religion; Requiring district school boards to install secular programs of education in public schools which include specified courses relating to religion, the Hebrew Scriptures, and the Bible; requiring the Department of Education to include such courses in the Course Code Directory; providing that such courses must be offered as elective courses to certain students, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/21/2019 SENATE Referred to Education; Judiciary; Rules
194	SB 0754	School Crossing Guards	Baxley	School Crossing Guards; Authorizing a school crossing guard employed by a private school, upon approval of the sheriff of the county in which such private school is located, to direct traffic at certain locations under certain circumstances; providing that the school crossing guard is not required to meet specified uniform minimum standards, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/21/2019 SENATE Referred to Education; Infrastructure and Security; Rules
195	HB 0761	Prohibited Discrimination	Brown	Prohibited Discrimination: Provides that it is unlawful to discriminate against any person because of protected hairstyle in areas of housing, employment, & K-20 public education system. Effective Date: July 1, 2020	House Civil Justice Subcommittee (Current Reference)	12/16/2019 HOUSE Now in Civil Justice Subcommittee
196	SB 0766	Local Government Accountability	Perry	Local Government Accountability; Requiring the Commission on Ethics to create the Local Government Lobbyist Registration System; prohibiting a person from lobbying a governmental entity absent registration with the commission; requiring the commission to publish a lobbyist directory; requiring boards of county commissioners and governing bodies of municipalities, respectively, to provide notice of certain meetings in a specified manner, etc. Effective Date: 10/1/2020	Senate Ethics and Elections (Current Reference)	11/21/2019 SENATE Referred to Ethics and Elections; Community Affairs; Rules

AMERICAN OVERSIGHT

	G
193	Identical HB 0341 (Daniels)
194	Identical HB 0699 (Hage)
195	Identical SB 0566 (Bracy)
196	Similar HB 0611 (Sabatini) Linked SB 0768 (Perry)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
197	SB 0768	Local Government Lobbyist Registration Fees	Perry	Local Government Lobbyist Registration Fees; Authorizing the Commission on Ethics to establish a lobbyist registration fee by rule; specifying limitations for such fee; specifying that a registration is incomplete until the commission receives a registration fee; prohibiting governmental entities from charging fees for lobbyist or principal registration, etc. Effective Date: On the same date that SB 766 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law	Senate Ethics and Elections (Current Reference)	11/21/2019 SENATE Referred to Ethics and Elections; Community Affairs; Rules
198	HB 0781	Corporal Punishment in Public Schools	Fernandez-Barquin	Corporal Punishment in Public Schools: Prohibits teachers from administering corporal punishment; providing requirements for school principals to administer corporal punishment; & prohibits corporal punishment in specified instances. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	12/16/2019 HOUSE Now in PreK-12 Innovation Subcommittee
199	SB 0788	Statewide Active Shooter Response Planning	Book	Statewide Active Shooter Response Planning; Requiring the Department of Law Enforcement, in consultation with law enforcement agencies throughout the state, to establish a uniform statewide rule on preparing for and responding to active shooters; requiring each law enforcement agency to adopt an active shooter policy or rule, as appropriate, by a specified date, etc. Effective Date: Upon becoming a law	Senate Infrastructure and Security (Current Reference)	01/06/2020 SENATE On Committee agenda - Infrastructure and Security, 01/13/20, 3:30 pm, 110 S
200	HB 0795	Pregnant Employees	Joseph	Pregnant Employees: Prohibits certain unlawful employment practices against specified employees & job applicants; requires employer to provide written notice of certain rights to employees & post such notice in conspicuous places on its premises; requires Commission on Human Relations to develop certain education & outreach programs. Effective Date: July 1, 2020	House Business & Professions Subcommittee (Current Reference)	12/16/2019 HOUSE Now in Business & Professions Subcommittee

AMERICAN OVERSIGHT

	G
197	Compare HB 0611 (Sabatini) Linked SB 0766 (Perry)
198	Identical SB 1058 (Taddeo)
199	
200	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
201	HB 0799	Pub. Rec./Trade Secrets	Gregory	Pub. Rec./Trade Secrets: Provides public record exemption for trade secrets held by an agency; provides notice requirements; provides exception; provides agency employee is not liable for release of records in compliance with act; provides applicability; provides for future legislative review & repeal. Effective Date: on the same date that HB 801 or similar legislation takes effect	House Oversight, Transparency & Public Management Subcommittee (Current Reference)	12/16/2019 HOUSE Now in Oversight, Transparency & Public Management Subcommittee
202	HB 0801	Public Records	Gregory	Public Records: Removes or revises numerous provisions relating to exemptions from public records requirements for trade secrets. Effective Date: upon becoming a law if HB 799 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law	House Oversight, Transparency & Public Management Subcommittee (Current Reference)	12/16/2019 HOUSE Now in Oversight, Transparency & Public Management Subcommittee
203	HB 0807	Certification of Developmental Disabilities Services Personnel	Davis	Certification of Developmental Disabilities Services Personnel: Requires certain direct service providers & support coordinators to obtain & maintain certification issued by third-party credentialing entity approved by APD by specified date; provides that certification of direct service providers is contingent on sufficient appropriations; provides requirements for third-party credentialing entities; requires employers of direct service providers & support coordinators to report ethical or professional conduct violations to such entities; requires agency to approve third-party credentialing entity by specified date; provides due process; authorizes rulemaking. Effective Date: July 1, 2020	House Children, Families & Seniors Subcommittee (Current Reference)	12/16/2019 HOUSE Now in Children, Families & Seniors Subcommittee

AMERICAN OVERSIGHT

	G
201	Compare SB 1534 (Baxley) Similar SB 1532 (Baxley) Linked HB 0801 (Gregory)
202	Compare SB 1532 (Baxley) Similar SB 1534 (Baxley) Linked HB 0799 (Gregory)
203	Similar SB 0808 (Harrell) SB 1210 (Harrell)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
204	SB 0808	Agency for Persons With Disabilities	Harrell	Agency for Persons With Disabilities; Defining the terms “certification” and “third-party credentialing entity”; beginning on a specified date, requiring that all support coordinators and certain direct service providers obtain and maintain certification by a third-party credentialing entity; requiring third-party credentialing entities to charge support coordinators a fee sufficient to cover certain costs; prohibiting direct service providers from being charged certain fees, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020	No Current Committee	11/08/2019 SENATE Withdrawn prior to introduction
205	HB 0819	Postsecondary Fee Waivers	Goff-Marcil	Postsecondary Fee Waivers: Provides specified fee waivers for graduate students meeting certain requirements. Effective Date: July 1, 2020	House Higher Education & Career Readiness Subcommittee (Current Reference)	12/16/2019 HOUSE Now in Higher Education & Career Readiness Subcommittee
206	SB 0828	Florida ABLE Program	Benacquisto	Florida ABLE Program; Abrogating the future repeal of provisions relating to the Florida ABLE program, etc. Effective Date: Upon becoming a law	Senate Rules (Current Reference)	12/10/2019 SENATE Now in Rules
207	SB 0830	OGSR/Certain Personal Financial and Health Information	Benacquisto	OGSR/Certain Personal Financial and Health Information; Amending a provision which provides an exemption from public records requirements for certain personal financial and health information held by the Florida Prepaid College Board, Florida ABLE, Inc., or the Florida ABLE program, or an agent or service provider thereof; removing the scheduled repeal of the exemption, etc. Effective Date: 10/1/2020	Senate Rules (Current Reference)	12/09/2019 SENATE Now in Rules
208	HB 0831	Children's Initiatives	Mercado	Children's Initiatives: Revises requirements for implementation of certain children's initiatives; requires DCF to contract with not-for-profit corporation for certain purposes & for specified amounts. Effective Date: July 1, 2020	House Children, Families & Seniors Subcommittee (Current Reference)	12/16/2019 HOUSE Now in Children, Families & Seniors Subcommittee

AMERICAN OVERSIGHT

	G
204	Similar HB 0807 (Davis) SB 1210 (Harrell)
205	Similar SB 1320 (Cruz)
206	Compare HB 0887 (Rodrigues (R))
207	Compare HB 0887 (Rodrigues (R))
208	Identical SB 1156 (Braynon II)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
209	SB 0834	Emergency Alerts	Simmons	Emergency Alerts; Authorizing a local law enforcement agency to activate the emergency alert system and issue a Lockdown Alert to public and private schools and child care facilities under certain circumstances; requiring local law enforcement agencies to create and maintain a list of all public schools, private schools, and child care facilities within their jurisdictions which must be included in the Lockdown Alert; requiring the Department of Law Enforcement, in cooperation with the Department of Highway Safety and Motor Vehicles and the Department of Transportation, to activate the emergency alert system and issue an Imminent Threat Alert to the public at the request of a local law enforcement agency under certain circumstances, etc. Effective Date: 10/1/2020	Senate Infrastructure and Security (Current Reference)	01/06/2020 SENATE On Committee agenda - Infrastructure and Security, 01/13/20, 3:30 pm, 110 S
210	SB 0836	Funds for the Operation of Schools	Simmons	Funds for the Operation of Schools; Revising the annual allocation to school districts to include an additional calculation of full-time equivalent membership for students who earn a College Board Advanced Placement Capstone Diploma, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	01/06/2020 SENATE On Committee agenda - Education, 01/13/20, 1:00 pm, 412 K
211	HB 0839	School District Police Chiefs	Daniels	School District Police Chiefs: Requires district school boards that establish school district police departments to provide contract that meets specified criteria for position of school district police chief or certain other positions. Effective Date: July 1, 2020	House PreK-12 Appropriations Subcommittee (Current Reference)	12/16/2019 HOUSE Now in PreK-12 Innovation Subcommittee

AMERICAN OVERSIGHT

	G
209	
210	Compare SB 0062 (Stargel) Identical HB 0641 (Plasencia)
211	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
212	HB 0845	Cost-of-living Adjustments to State Employee Salaries	Alexander	Cost-of-living Adjustments to State Employee Salaries: Authorizes annual cost-of-living adjustments to base rates of pay of eligible state employees beginning 2021; requires Office of Economic & Demographic Research to calculate percentage for adjustment in specified manner; specifies conditions under which cost-of-living adjustment is not implemented; requires office to certify adjustment amount to Governor & Legislature; specifies eligibility for cost-of-living adjustment; provides that implementation of cost-of-living adjustments is contingent upon funding by Legislature. Effective Date: July 1, 2020	House Oversight, Transparency & Public Management Subcommittee (Current Reference)	12/16/2019 HOUSE Now in Oversight, Transparency & Public Management Subcommittee
213	SB 0858	Cost-of-living Adjustment for Special Risk Class Retirees	Gruters	Cost-of-living Adjustment for Special Risk Class Retirees; Revising the manner of calculating the cost-of-living factor for Special Risk Class retirees, and their beneficiaries, who meet certain criteria; providing a declaration of important state interest, etc. Effective Date: 7/1/2020	Senate Governmental Oversight and Accountability (Current Reference)	11/21/2019 SENATE Referred to Governmental Oversight and Accountability; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations
214	HB 0859	Education	Goff-Marcil	Education: Provides charter schools website requirements; requires specified teachers to have received bachelor's degree; revises requirements for charter school facilities; revises information DOE requires in specified database relating to private schools; provides requirements for private schools related to recess, statewide assessment program, curricula standards, teacher requirements, Florida Building Code requirements, & student assessments; requires private schools to be graded according to specified rules; requires DOE to annually develop, in collaboration with private schools, school report card that private schools would provide to parents. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	12/16/2019 HOUSE Now in PreK-12 Innovation Subcommittee

AMERICAN OVERSIGHT

	G
212	Compare SB 1242 (Torres, Jr.) Identical SB 1114 (Montford)
213	Similar HB 0425 (Clemons)
214	Identical SB 0632 (Stewart)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
215	SB 0866	Florida Talent Development Council	Diaz	Florida Talent Development Council; Requiring the council to submit, by a specified date, a report with recommendations related to the Pathways in Technology Early College High School (P-TECH) program, or a similar program, to the Governor, the Legislature, the Board of Governors, and the State Board of Education; requiring the P-TECH program to incorporate secondary and postsecondary education with workforce education and work experience, etc. Effective Date: Upon becoming a law	Senate Education (Current Reference)	11/21/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
216	SB 0870	Mental Health	Book	Mental Health; Requiring that respondents with a serious mental illness be afforded essential elements of recovery and be placed in a continuum of care regimen; requiring a receiving facility to refer certain cases involving a minor to the clerk of the court within a certain timeframe for the appointment of a public defender; revising the requirements for when a person may be ordered for involuntary inpatient placement; authorizing the court or clerk of the court to waive or prohibit any service of process fees for an indigent petitioner; expanding the exemption from the requirement that a respondent be present at a hearing on a petition for involuntary treatment, etc. Effective Date: 7/1/2020	Senate Children, Families, and Elder Affairs (Current Reference)	11/21/2019 SENATE Referred to Children, Families, and Elder Affairs; Judiciary; Appropriations

AMERICAN OVERSIGHT

	G
215	Identical HB 1203 (Mariano)
216	Compare HB 1071 (Grant (M)) HB 1081 (Stevenson) SB 1554 (Baxley) SB 1678 (Montford)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
217	SB 0872	Public Records/Commissioners and Specified Personnel/School Administrators	Perry	Public Records/Commissioners and Specified Personnel/School Administrators; Providing an exemption from public records requirements for the personal identifying and location information of current and former commissioners and specified commission personnel of the Florida Commission on Offender Review and the names and personal identifying and location information of the spouses and children of such personnel; providing an exemption from public records requirements for the personal identifying and location information of school administrators and the names and personal identifying and location information of the spouses and children of school administrators; providing for future review and repeal of the exemption; providing statements of public necessity, etc. Effective Date: Upon becoming a law	Senate Criminal Justice (Current Reference)	01/09/2020 SENATE On Committee agenda - Criminal Justice, 01/14/20, 2:30 pm, 37 S
218	SB 0876	Historically Black Colleges and Universities Matching Endowment Scholarship Program	Gibson	Historically Black Colleges and Universities Matching Endowment Scholarship Program; Establishing the Historically Black Colleges and Universities Matching Endowment Scholarship Program within the Department of Education; requiring a historically black college or university to provide a certain amount of matching funds by a specified date to participate in the program; providing that the interest will be used to provide scholarships to certain students, etc. APPROPRIATION: $2,000,000 Effective Date: 7/1/2020	Senate Education (Current Reference)	11/21/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations

AMERICAN OVERSIGHT

	G
217	Compare HB 0893 (Watson (C))
218	Identical HB 0383 (Hogan Johnson)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
219	HB 0877	Ad Valorem Tax Discount for Spouses of Certain Deceased Veterans Who Had Permanent, Combat-Related Disabilities	Killebrew	Ad Valorem Tax Discount for Spouses of Certain Deceased Veterans Who Had Permanent, Combat-Related Disabilities: Proposes amendments to State Constitution to authorize surviving spouse of deceased veteran to carry over certain discounts on ad valorem taxes on homestead property until surviving spouse remarries or sells or otherwise disposes of property, if, upon veteran's death, veteran had permanent, combat-related disabilities; authorizes discount to be transferred to another permanent residence if surviving spouse has not remarried. Effective Date: Not Specified	House Local, Federal & Veterans Affairs Subcommittee (Current Reference)	01/09/2020 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 01/10/20, 9:00 am, 117 K (No Votes Will Be Taken)
220	HB 0879	Surviving Spouse Ad Valorem Tax Reduction	Killebrew	Surviving Spouse Ad Valorem Tax Reduction: Authorizes surviving spouses of certain permanently disabled veterans to carry over certain discount on ad valorem taxes on homestead property under specified conditions; authorizes discount to be transferred to another permanent residence under specified conditions; provides procedure by which applicant may file application after specified date & request discount; authorizes DOR to adopt emergency rules. Effective Date: on the effective date of the amendment to the State Constitution proposed by HJR 877, or a similar joint resolution having substantially the same specific intent and purpose	House Local, Federal & Veterans Affairs Subcommittee (Current Reference)	01/09/2020 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 01/10/20, 9:00 am, 117 K (No Votes Will Be Taken)

AMERICAN OVERSIGHT

	G
219	Compare SB 1074 (Wright) SB 1078 (Wright) Identical SB 1076 (Wright) Linked HB 0879 (Killebrew) HB 0881 (Killebrew)
220	Compare HB 0881 (Killebrew) SB 1076 (Wright) Identical SB 1074 (Wright) Linked HB 0877 (Killebrew)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
221	HB 0881	Special Election	Killebrew	Special Election: Provides for special election to be held on August 18, 2020, pursuant to State Constitution, for approval or rejection of amendments to State Constitution proposed by joint resolution, relating to ad valorem tax discount for spouses of certain deceased veterans who had permanent, combat-related disabilities. Effective Date: upon becoming a law, if enacted by a vote of at least three-fourths of the membership of each house of the Legislature and if House Joint Resolution 877, 2020 Regular Session, or a similar joint resolution having substantially the same specific intent and purpose	House Local, Federal & Veterans Affairs Subcommittee (Current Reference)	12/19/2019 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee
222	HB 0883	Education	Duggan	Education: Requiring DOE to maintain a disqualification list of certain individuals; revises provisions relating to employment & termination of certain public school & private school employees; revises duties of DOE, Commissioner of Education, & school districts relating to employee conduct & employment & termination of certain public school & private school employees. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	12/19/2019 HOUSE Now in PreK-12 Innovation Subcommittee
223	HB 0887	Florida ABLE Program	Rodrigues (R)	Florida ABLE Program: Extends scheduled repeal of provisions relating to Florida ABLE program & public records exemption for specified personal financial & health information relating to program. Effective Date: July 1, 2020	House Higher Education & Career Readiness Subcommittee (Current Reference)	12/19/2019 HOUSE Now in Higher Education & Career Readiness Subcommittee

AMERICAN OVERSIGHT

	G
221	Compare HB 0879 (Killebrew) SB 1076 (Wright) Identical SB 1078 (Wright) Linked HB 0877 (Killebrew)
222	Compare SB 0534 (Diaz)
223	Compare SB 0828 (Benacquisto) SB 0830 (Benacquisto)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
224	HB 0901	Vocational Rehabilitation Services	Ponder	Vocational Rehabilitation Services: Revises duties of Division of Vocational Rehabilitation; provides eligibility requirements for preemployment transition services; revises provisions relating to Florida Rehabilitation Council; requires division to enter into formal interagency agreements with certain entities for certain purposes; requires school districts & public agencies to use Student Transition Activities Record program for referral of students with disabilities to division; revises requirements for individual education plans. Effective Date: July 1, 2020	House Higher Education & Career Readiness Subcommittee (Current Reference)	12/19/2019 HOUSE Now in Higher Education & Career Readiness Subcommittee
225	SB 0918	Civic Education	Brandes	Civic Education; Requiring the Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum for high school students, beginning with a specified school year; authorizing students to apply the hours they devote to practicum activities to certain community service requirements; requiring the State Board of Education to designate certain high schools as Freedom Schools, based on criteria the board establishes relating to students' civic learning and civic engagement, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	12/13/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
226	HB 0929	Student Assessments	Jones	Student Assessments: Requires parent to provide written consent for student to participate in district-required local assessments & statewide assessment program; provides requirements for schools, school districts, & students not participating in such assessments. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	12/19/2019 HOUSE Now in PreK-12 Innovation Subcommittee

AMERICAN OVERSIGHT

	G
224	Identical SB 1784 (Gainer)
225	Similar HB 0581 (Diamond)
226	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
227	SB 0934	First Aid for Severe Bleeding	Pizzo	First Aid for Severe Bleeding; Requiring the State Surgeon General to adopt rules to establish guidelines for the placement of bleeding control kits in state buildings by a specified date; requiring district school boards to provide a bleeding control kit in every school within the school district; requiring the Department of Education to develop a list of approved first aid for severe bleeding instructional programs for certain instructional personnel by a specified date, etc. Effective Date: 7/1/2020	Senate Health Policy (Current Reference)	12/13/2019 SENATE Referred to Health Policy; Education; Appropriations
228	HB 0935	Solar Energy Systems in Educational Facilities	Webb	Solar Energy Systems in Educational Facilities: Prohibits costs associated with certain solar energy systems from being included in certain cost per student station limitations. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	01/03/2020 HOUSE Now in PreK-12 Innovation Subcommittee
229	SB 0942	Implicit Bias Training	Pizzo	Implicit Bias Training; Requiring the Criminal Justice Standards and Training Commission to include specified implicit bias training in instruction related to dealing with diverse populations; requiring the State Board of Education to develop requirements for training for all K-12 instructional personnel and administrators in recognizing and overcoming implicit bias; requesting that the Supreme Court develop training requirements for judges in recognizing and overcoming implicit bias, etc. Effective Date: 7/1/2020	Senate Criminal Justice (Current Reference)	12/13/2019 SENATE Referred to Criminal Justice; Judiciary; Rules

AMERICAN OVERSIGHT

	G
227	Similar HB 0275 (Grieco)
228	Compare SB 1290 (Berman)
229	Similar HB 0463 (Jones)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
230	HB 0945	Children's Mental Health	Silvers	Children's Mental Health: Requires DCF & AHCA to identify certain children & adolescents who use crisis stabilization services & to meet behavioral health needs of such children & adolescents; includes crisis response services provided through mobile response teams in array of available services; requires managing entities & other relevant entities to develop plans promoting coordinated system of care for certain services; requires DCF & AHCA to assess quality of care provided in crisis stabilization units & submit report to Governor & Legislature by specified date.Effective Date: July 1, 2020	House Children, Families & Seniors Subcommittee (Current Reference)	01/03/2020 HOUSE Now in Children, Families & Seniors Subcommittee
231	SB 0946	Moments of Silence in Public Schools	Baxley	Moments of Silence in Public Schools; Requiring that public school principals require teachers to set aside time for a moment of silence at the beginning of each school day; prohibiting teachers from making suggestions as to the nature of any reflection that a student may engage in during the moment of silence; requiring certain teachers to encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	12/13/2019 SENATE Referred to Education; Judiciary; Rules
232	HB 0949	Juvenile Justice	Eskamani	Juvenile Justice: Prohibits children younger than certain age from being adjudicated delinquent, arrested, or charged with crime; limits when children of specified ages may be taken into custody; requires that children who are taken into custody pursuant to certain circuit court orders be treated in specified manner & be detained only pursuant to specified findings. Effective Date: July 1, 2020	House Criminal Justice Subcommittee (Current Reference)	01/03/2020 HOUSE Now in Criminal Justice Subcommittee

AMERICAN OVERSIGHT

	G
230	Identical SB 1440 (Powell)
231	Similar HB 0737 (Daniels)
232	Identical SB 0578 (Bracy)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
233	HB 0953	Charter Schools	McClain	Charter Schools: Authorizes state universities & Florida College System institutions to sponsor charter schools; revises reporting & accountability requirements; provides for funding; authorizes career & professional academy to be offered by charter school. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	01/03/2020 HOUSE Now in PreK-12 Innovation Subcommittee
234	SB 0954	Building Design	Perry	Building Design; Providing that certain regulations relating to building design elements may not be applied to certain structures; defining the term “building design elements”; providing that an affected party may submit certain local government regulations to the Florida Building Commission for review; providing for enforcement of such regulations, etc. Effective Date: 7/1/2020	Senate Community Affairs (Current Reference)	12/13/2019 SENATE Referred to Community Affairs; Innovation, Industry, and Technology; Rules
235	HB 0957	Designation of School Grades	Shoaf	Designation of School Grades: Revises components on which school's grade is based. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	01/03/2020 HOUSE Now in PreK-12 Innovation Subcommittee
236	SB 0962	Medical Marijuana Employee Protection	Berman	Medical Marijuana Employee Protection; Prohibiting an employer from taking adverse personnel action against an employee or job applicant who is a qualified patient using medical marijuana; requiring an employer to provide written notice to an employee or job applicant who tests positive for marijuana of his or her right to explain the positive test result; providing procedures when an employee or job applicant tests positive for marijuana; providing a cause of action and damages, etc. Effective Date: Upon becoming a law	Senate Governmental Oversight and Accountability (Current Reference)	12/13/2019 SENATE Referred to Governmental Oversight and Accountability; Judiciary; Rules
237	SB 0964	Education Staff Professionals	Cruz	Education Staff Professionals; Recognizing and celebrating the invaluable contribution of education staff professionals in this state, who work tirelessly to enhance the learning experiences of Florida students and to advance student success, etc.	No Current Committee	11/18/2019 SENATE Filed

AMERICAN OVERSIGHT

	G
233	Compare SB 1578 (Hutson)
234	Identical HB 0459 (Overdorf)
235	Identical SB 0434 (Montford)
236	Similar HB 0595 (Polsky)
237	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
238	HB 0969	Broadband Internet Service	Drake	Broadband Internet Service: Designates DEO as lead state agency to facilitate expansion of broadband Internet service in this state; requires department to work collaboratively with certain entities; creates Florida Office of Broadband within DEO; provides purpose & duties of office. Effective Date: July 1, 2020	House Energy & Utilities Subcommittee (Current Reference)	01/03/2020 HOUSE Now in Energy & Utilities Subcommittee
239	HB 0973	Florida Farm to School Program	Roth	Florida Farm to School Program: Requires vendors who sell agricultural commodities to county school districts to provide specified invoice receipts to county school nutrition programs; requires county school nutrition programs to submit data from receipts to DACS; requires DACS to submit annual reports to Legislature. Effective Date: July 1, 2020	House Agriculture & Natural Resources Subcommittee (Current Reference)	01/03/2020 HOUSE Now in Agriculture & Natural Resources Subcommittee
240	SB 0990	Public Deposits	Hutson	Public Deposits; Adding credit unions meeting certain criteria to a list of qualified public depositories; specifying criteria for a credit union to be designated as a qualified public depository by the Chief Financial Officer; revising and specifying the mutual responsibility and contingent liability of financial institutions designated as qualified public depositories; requiring the Chief Financial Officer to segregate and separately account for certain amounts attributable to credit unions in the Public Deposits Trust Fund, etc. Effective Date: 7/1/2020	Senate Banking and Insurance (Current Reference)	12/13/2019 SENATE Referred to Banking and Insurance; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations
241	SB 0992	Florida Retirement System Investment Plan	Brandes	Florida Retirement System Investment Plan; Specifying applicability of employee and employer contribution rates for employees who default into the investment plan; authorizing investment plan members to make voluntary contributions to the plan, subject to certain limitations; revising required employee contribution rates for the investment plan; revising the percentage of gross compensation allocated to investment plan member accounts to conform to changes made by the act, etc. Effective Date: 7/1/2020	Senate Governmental Oversight and Accountability (Current Reference)	12/13/2019 SENATE Referred to Governmental Oversight and Accountability; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

AMERICAN OVERSIGHT

	G
238	Compare SB 1166 (Albritton) HB 1309 (Ausley) SB 1776 (Montford)
239	Similar SB 1384 (Albritton)
240	Similar HB 0721 (Roth)
241	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
242	HB 0993	High School Graduation Requirements	Stark	High School Graduation Requirements: Requires students to submit Free Application for Federal Student Aid to be awarded standard high school diploma; provides exception. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	01/03/2020 HOUSE Now in PreK-12 Innovation Subcommittee
243	HB 0997	School District Communication with First Responders	Casello	School District Communication with First Responders: Requires district school boards of specified school districts develop & execute interlocal agreements with law enforcement agencies, local fire departments, & local emergency medical services organizations for specified purposes. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	01/03/2020 HOUSE Now in PreK-12 Innovation Subcommittee
244	SB 1004	Sunshine Scholarship Program	Rodriguez (J)	Sunshine Scholarship Program; Establishing the Sunshine Scholarship Program; requiring the Department of Education to administer the program; requiring certain financial aid to be credited to a student's tuition and fees before the award of a Sunshine Scholarship; requiring a student to repay the scholarship amount under certain circumstances, etc.Effective Date: 7/1/2020	Senate Education (Current Reference)	12/13/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
245	SB 1012	Teacher Scholarship Program	Montford	Teacher Scholarship Program; Establishing the Teacher Scholarship Program within the Department of Education; providing a purpose of the program and the criteria for student eligibility; specifying duties of each postsecondary institution for the program; providing for disbursement of the scholarship awards, etc. Effective Date:	Senate Education (Current Reference)	12/13/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
246	HB 1013	Early Learning and Early Grade Success	Grall	Early Learning and Early Grade Success: Deletes the Office of Early Learning; creates the Division of Early Learning within DOE; revises provisions relating to early learning coalitions; VPK & school readiness programs; & DOE responsibilities & duties relating to early learning. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	01/08/2020 HOUSE Now in PreK-12 Innovation Subcommittee

AMERICAN OVERSIGHT

	G
242	Identical SB 1550 (Cruz)
243	
244	Similar HB 0055 (Jones) SB 0132 (Braynon II)
245	
246	Compare SB 1636 (Baxley) Similar SB 1616 (Harrell) SB 1688 (Harrell)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
247	SB 1016	Discretionary Sales Surtaxes	Rouson	Discretionary Sales Surtaxes; Redefining the term “infrastructure,” for purposes of the local government infrastructure surtax, to add authorized expenditures and revise criteria for surtax proceeds used for certain affordable residential housing; revising purposes for which a local government or special district may enter into certain ground leases, etc. Effective Date: 7/1/2020	Senate Community Affairs (Current Reference)	12/13/2019 SENATE Referred to Community Affairs; Finance and Tax; Appropriations
248	HB 1019	Summer Youth Service Learning Program	Bush III	Summer Youth Service Learning Program: Creates summer youth service learning program; provides SBE, DOE, employer, student, & program requirements; provides for funding & rulemaking. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	01/08/2020 HOUSE Now in PreK-12 Innovation Subcommittee
249	HB 1025	Local Educational Agencies	Bush III	Local Educational Agencies: Revises definition for term "local educational agency." Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	01/08/2020 HOUSE Now in PreK-12 Innovation Subcommittee
250	HB 1029	Charter Schools	Rodriguez (Ant)	Charter Schools: Revises provisions relating to charter school applications, charter school personnel background screenings, use of specified assets, opening of additional high-performing charter schools, & virtual charter schools. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	01/08/2020 HOUSE Now in PreK-12 Innovation Subcommittee
251	SB 1034	District Millage Elections	Montford	District Millage Elections; lincreasing the maximum number of years for which a specified millage may be levied, etc. Effective Date: 7/1/2020	Senate Finance and Tax (Current Reference)	12/13/2019 SENATE Referred to Finance and Tax; Appropriations Subcommittee on Education; Appropriations
252	HB 1043	Public School Transportation	Beltran	Public School Transportation: Requires district school boards to provide transportation for certain students; authorizes any party to request review of hazardous walking condition; provides inspection & reporting requirements upon completion of such request; requires superintendents to provide specified report & recommendation; requires district school board to initiate specified proceeding relating to hazardous walking conditions. Effective Date: July 1, 2020	House PreK-12 Innovation Subcommittee (Current Reference)	01/08/2020 HOUSE Now in PreK-12 Innovation Subcommittee

AMERICAN OVERSIGHT

	G
247	
248	
249	Identical SB 1558 (Braynon II)
250	Similar SB 1420 (Flores)
251	
252	Compare SB 1410 (Cruz)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
253	HB 1045	Child Welfare	Gottlieb	Child Welfare: Specifies rights of children in out-of-home care; provides roles & responsibilities for certain persons & entities; requires that case plan be developed in face-to-face conference with caregiver of child; provides additional requirements for content & distribution of case plan; requires caseworker to provide specified information relating to certain subsidies to caregivers of certain children; provides requirements for social study reports, caregivers, licensure & operation of family foster homes, residential child-caring facilities, & child-placing agencies; requires lead agency, rather than department, to provide caregivers with contact when caseworker is unavailable; requires lead agencies to recruit & retain foster homes. Effective Date: October 1, 2020	House Children, Families & Seniors Subcommittee (Current Reference)	01/08/2020 HOUSE Now in Children, Families & Seniors Subcommittee
254	SB 1058	Corporal Punishment In Public Schools	Taddeo	Corporal Punishment in Public Schools; Providing that only school principals, and not teachers, may administer corporal punishment to public school students; requiring school principals to notify students' parents in writing and receive written consent before administering corporal punishment; requiring school principals who have administered corporal punishment to provide parents with written explanations of the punishment; authorizing teachers and other instructional personnel to request that principals administer corporal punishment, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	12/13/2019 SENATE Referred to Education; Judiciary; Rules
255	HB 1059	Parental Rights	Grall	Parental Rights: Provides parental rights relating to a minor child's education, upbringing, & health care; provides school district, health care practitioner, hospital requirements & specified penalties. Effective Date: July 1, 2020	House Education Committee (Current Reference)	01/08/2020 HOUSE Now in Education Committee

AMERICAN OVERSIGHT

	G
253	Similar SB 0496 (Book)
254	Identical HB 0781 (Fernandez-Barquin)
255	Identical SB 1634 (Stargel)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
256	SB 1062	Involuntary Examinations of Minors	Harrell	Involuntary Examinations of Minors; Revising parent and guardian notification requirements that must be met before an involuntary examination of a minor; creating reporting requirements for schools relating to involuntary examinations of minors; requiring that certain plans include procedures to assist certain mental and behavioral health providers in attempts to verbally de-escalate certain crisis situations before initiating an involuntary examination, etc. Effective Date: 7/1/202	Senate Children, Families, and Elder Affairs (Current Reference)	12/13/2019 SENATE Referred to Children, Families, and Elder Affairs; Education; Rules
257	SB 1066	Impact Fees	Gruters	Impact Fees; Revising the conditions that counties, municipalities, and special districts must satisfy before enacting an impact fee by ordinance or passing an impact fee by resolution; providing timeframes for the collection of impact fees by local governments; requiring certain counties and municipalities to establish impact fee review committees, etc. Effective Date: 7/1/2020	Senate Community Affairs (Current Reference)	12/13/2019 SENATE Referred to Community Affairs; Finance and Tax; Appropriations
258	HB 1071	Substance Abuse and Mental Health	Grant (M)	Substance Abuse and Mental Health: Revises provisions related to substance abuse and mental health, including requirements for Criminal Justice, Mental Health, & Substance Abuse Reinvestment Grant Program; community action treatment teams; eligibility requirements for DCF-funded services; priority of services for specified individuals; requirements for funding; requirements for school substance abuse prevention partnership grants; training requirements of certain experts; & department requirements. Effective Date: July 1, 2020	No Current Committee	01/03/2020 HOUSE Filed

AMERICAN OVERSIGHT

	G
256	Compare HB 0407 (Silvers) SB 1426 (Powell) Similar HB 1083 (Webb)
257	Similar HB 0637 (DiCeglie)
258	Compare SB 0870 (Book) HB 1081 (Stevenson) SB 1554 (Baxley) Similar SB 1678 (Montford)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
259	SB 1074	Surviving Spouse Ad Valorem Tax Reduction	Wright	Surviving Spouse Ad Valorem Tax Reduction; Authorizing the surviving spouses of certain permanently disabled veterans to carry over a certain discount on ad valorem taxes on homestead property under specified conditions; authorizing the discount to be transferred to another permanent residence under specified conditions; authorizing the Department of Revenue to adopt emergency rules, etc. Effective Date: On the effective date of the amendment to the State Constitution proposed by SJR 1076, or a similar joint resolution having substantially the same specific intent and purpose, if such amendment is approved at the next general election or at an earlier special election specifically authorized by law for that purpose	Senate Military and Veterans Affairs and Space (Current Reference)	01/09/2020 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 01/10/20, 9:00 am, 117 K (No Votes Will Be Taken)
260	SB 1076	Surviving Spouse Ad Valorem Tax Reduction	Wright	Surviving Spouse Ad Valorem Tax Reduction; Proposing amendments to the State Constitution to provide for the carryover of the homestead property tax discount for certain veterans with permanent combat-related disabilities to a veteran's surviving spouse if certain criteria are met, to authorize the transfer of the discount to a surviving spouse's new homestead property if certain criteria are met, and to provide an effective date, etc.	Senate Military and Veterans Affairs and Space (Current Reference)	01/09/2020 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 01/10/20, 9:00 am, 117 K (No Votes Will Be Taken)

AMERICAN OVERSIGHT

	G
259	Compare HB 0877 (Killebrew) Identical HB 0879 (Killebrew) Linked SB 1076 (Wright)
260	Compare HB 0879 (Killebrew) HB 0881 (Killebrew) Identical HB 0877 (Killebrew) Linked SB 1074 (Wright) SB 1078 (Wright)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
261	SB 1078	Special Election/Surviving Spouse Ad Valorem Tax Reduction	Wright	Special Election/Surviving Spouse Ad Valorem Tax Reduction; Providing for a special election to be held on August 18, 2020, pursuant to Section 5, Article XI of the State Constitution, for the approval or rejection by the electors of this state of amendments to the State Constitution, proposed by joint resolution, relating to an ad valorem tax discount for spouses of certain deceased veterans who had permanent, combat-related disabilities, the transfer of the ad valorem tax discount to another permanent residence of the surviving spouse under specified conditions, and an effective date if such amendments are adopted, etc. Effective Date: Upon becoming a law, if enacted by a vote of at least three-fourths of the membership of each house of the Legislature and if Senate Joint Resolution 1076, 2020 Regular Session, or a similar joint resolution having substantially the same specific intent and purpose, is adopted by both houses of the Legislature	Senate Military and Veterans Affairs and Space (Current Reference)	12/13/2019 SENATE Referred to Military and Veterans Affairs and Space; Ethics and Elections; Rules
262	HB 1081	Substance Abuse and Mental Health	Stevenson	Substance Abuse and Mental Health: Revises eligibility requirements for certain substance abuse & mental health services; provides priority for specified individuals; revises distribution of funding for substance abuse & mental health services; revises entities that are exempt from certain licensing requirements; provides exemption from background screening requirements for certain peer specialists; authorizes jails to share medical information pertaining to specified defendants to DCF; requires maintenance of psychotropic medications to specified defendants; provides exception. Effective Date: July 1, 2020	No Current Committee	01/03/2020 HOUSE Filed

AMERICAN OVERSIGHT

	G
261	Compare HB 0877 (Killebrew) Identical HB 0881 (Killebrew) Linked SB 1076 (Wright)
262	Compare SB 0870 (Book) HB 1071 (Grant (M)) SB 1678 (Montford) Identical SB 1554 (Baxley)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
263	HB 1083	Involuntary Examinations of Minors	Webb	Involuntary Examinations of Minors: Revises certain notification requirements relating to involuntary examination of student who is removed from school, school transportation, or school-sponsored activity; provides exceptions; provides requirements relating to transport of minor patient; revises certain data reporting requirements; requires district school boards to adopt certain policies; provides additional training requirements for school safety officers; provides certain requirements relating to mental health assistance allocation. Effective Date: July 1, 2020	No Current Committee	01/03/2020 HOUSE Filed
264	SB 1088	Teacher Salary Enhancement	Diaz	Teacher Salary Enhancement; Establishing a teacher salary enhancement allocation in the General Appropriations Act; requiring each school district to use the allocated funds to increase teacher salaries; authorizing school districts that meet the teacher salary requirements specified in the appropriations act to use any additional funds provided in the allocation for any lawful operating expenditure, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	01/06/2020 SENATE On Committee agenda - Education, 01/13/20, 1:00 pm, 412 K
265	HB 1097	Regional Planning Council Meetings	Geller	Regional Planning Council Meetings: Provides requirements for establishing quorum for meetings of certain councils when voting member appears via telephone, real-time videoconferencing, or similar real-time electronic or video communication. Effective Date: July 1, 2020	No Current Committee	01/06/2020 HOUSE Filed

AMERICAN OVERSIGHT

	G
263	Compare HB 0407 (Silvers) SB 1426 (Powell) Similar SB 1062 (Harrell)
264	
265	Identical SB 1398 (Flores)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
266	SB 1100	Florida Seal of Fine Arts Program	Rouson	Florida Seal of Fine Arts Program; Establishing the Florida Seal of Fine Arts Program to recognize high school graduates who have attained a high level of skill in fine arts coursework; providing criteria to earn the Seal of Fine Arts; requiring the Commissioner of Education and school districts to perform specified duties to administer the program; prohibiting a school district or the Department of Education from charging a fee for the seal, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	12/13/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
267	HB 1101	Internship Tax Credit Program	Daley	Internship Tax Credit Program: Provides credit against corporate income tax to taxpayer employing degree-seeking student intern if certain criteria are met; specifies amount of credit; specifies limit on credit claimed per taxable year; authorizes carryforward of unused tax credits for specified timeframe. Effective Date: July 1, 2020	No Current Committee	01/06/2020 HOUSE Filed
268	HB 1105	Child Welfare	Tomkow	Child Welfare: Requires certain entity to establish & provide training to judges; requires DCF to notify court of certain central abuse hotline reports; authorizes DCF to file petitions; requires court to consider specified factors when determining change of legal custody or placement; revises & provides requirements for case plans; requires court to retain jurisdiction over child in certain circumstances; requires certain parties to disclose certain information; provides for agency & caregiver recommendations for change in visitation; authorizes lead agency to provide more than 35 percent of all child welfare services under certain conditions. Effective Date: July 1, 2020	No Current Committee	01/06/2020 HOUSE Filed
269	SB 1106	Universal Changing Places	Baxley	Universal Changing Places; Requiring certain entities to install and maintain at least one universal changing place at specified locations; specifying requirements for a universal changing place, etc. Effective Date: 7/1/2020	Senate Community Affairs (Current Reference)	12/13/2019 SENATE Referred to Community Affairs; Commerce and Tourism; Rules

AMERICAN OVERSIGHT

	G
266	Identical HB 1123 (Diamond)
267	Compare HB 0357 (Jones) HB 0439 (Daley) SB 0642 (Powell) Identical SB 1412 (Powell)
268	Compare HB 0043 (Latvala) SB 0122 (Rouson) SB 1324 (Simpson) SB 1548 (Perry)
269	Similar HB 0669 (Newton)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
270	HB 1111	Government Integrity	Tomkow	Government Integrity: Creates Florida Integrity Office under Auditor General; revises provisions related to legislative procedure definitions, Auditor General, Chief Inspector General, CFO investigations, government efficiency hotline, agency inspectors general, saving sharing program, and contracting. Effective Date: July 1, 2020	No Current Committee	01/06/2020 HOUSE Filed
271	SB 1114	Cost-of-living Adjustments to State Employee Salaries	Montford	Cost-of-living Adjustments to State Employee Salaries; Authorizing annual cost-of-living adjustments to base rates of pay of eligible state employees, beginning in 2021; requiring the Office of Economic and Demographic Research to calculate the percentage for the adjustment in a specified manner; specifying conditions under which a cost-of-living adjustment is not implemented, etc. Effective Date: 7/1/2020	Senate Governmental Oversight and Accountability (Current Reference)	01/06/2020 SENATE On Committee agenda - Governmental Oversight and Accountability, 01/13/20, 1:00 pm, 301 S
272	HB 1123	Florida Seal of Fine Arts Program	Diamond	Florida Seal of Fine Arts Program: Establishes Florida Seal of Fine Arts Program to recognize high school graduate who has attained high level of skill in fine arts coursework; provides requirements for such program. Effective Date: July 1, 2020	No Current Committee	01/06/2020 HOUSE Filed
273	SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	Brandes	Home Instruction for Parents of Preschool Youngsters Grant Program; Creating the Home Instruction for Parents of Preschool Youngsters (HIPPY) Grant Program; requiring the Florida HIPPY Training and Technical Assistance Center at the University of South Florida, subject to legislative appropriation, to provide grants to program operators establishing a HIPPY program and with an existing HIPPY program, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	12/13/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
274	SB 1136	Children's Services Councils	Brandes	Children's Services Councils; Expanding requirements for annual reports required to be submitted by councils on children's services to the respective governing body of the county; revising financial reporting requirements for such councils, etc. Effective Date: 10/1/2020	Senate Community Affairs (Current Reference)	12/13/2019 SENATE Referred to Community Affairs; Children, Families, and Elder Affairs; Rules

AMERICAN OVERSIGHT

	G
270	Similar SB 1538 (Gruters)
271	Compare SB 1242 (Torres, Jr.) Identical HB 0845 (Alexander)
272	Identical SB 1100 (Rouson)
273	Identical HB 0663 (Newton)
274	Identical HB 0661 (Newton)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
275	SB 1144	Department of Juvenile Justice	Brandes	Department of Juvenile Justice; Revising the list of programs within the department; repealing a provision relating to shared county and state responsibility for juvenile detention; deleting a provision requiring each county that is not a fiscally constrained county to pay its annual percentage share of the total shared detention costs; requiring the Department of Juvenile Justice to calculate and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share, etc. Effective Date: 7/1/2020	Senate Criminal Justice (Current Reference)	12/13/2019 SENATE Referred to Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations
276	HB 1149	Local Government Fiscal Transparency	DiCeglie	Local Government Fiscal Transparency: Revises Legislative Auditing Committee duties; specifies purpose of local government fiscal transparency requirements; requires local governments to post voting record information on websites; requires property appraisers & local governments to post property tax information & history on websites; requires public notices for public hearings & meetings before new tax increases; requires local governments to conduct debt affordability analyses; provides method for local governments to post certain required information. Effective Date: July 1, 2020	No Current Committee	01/07/2020 HOUSE Filed
277	SB 1156	Children's Initiatives	Braynon II	Children's Initiatives; Revising requirements for the implementation of certain children's initiatives; requiring the Department of Children and Families to contract with a not-for-profit corporation for certain purposes and for specified amounts, etc. Effective Date: 7/1/2020	Senate Children, Families, and Elder Affairs (Current Reference)	12/18/2019 SENATE Referred to Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; Appropriations

AMERICAN OVERSIGHT

	G
275	
276	Similar SB 1702 (Diaz)
277	Identical HB 0831 (Mercado)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
278	SB 1162	Legislature	Cruz	Legislature; Citing this act as the "Truth in Government Act"; requiring that persons addressing a legislative committee take an oath or affirmation of truthfulness; requiring that a member of the legislative committee administer the oath or affirmation; providing criminal penalties for certain false statements before a legislative committee; authorizing the use of a signed appearance form in lieu of an oral oath or affirmation, etc. Effective Date: 7/1/2020	Senate Judiciary (Current Reference)	12/18/2019 SENATE Referred to Judiciary; Criminal Justice; Rules
279	SB 1164	Gardiner Scholarship	Perry	Gardiner Scholarship; Revising eligibility requirements for the Gardiner Scholarship Program; revising an authorized use of scholarship funds; providing that scholarship funds may be spent for tuition and fees associated with programs relating to art, music, or theater; revising terms under which a student's scholarship account is closed and program funds revert to the state, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	01/06/2020 SENATE On Committee agenda - Education, 01/13/20, 1:00 pm, 412 K
280	SB 1166	Broadband Internet Service	Albritton	Broadband Internet Service; Authorizing certain funds within the State Transportation Trust Fund to be used for certain broadband infrastructure projects within or adjacent to multiuse corridors; designating the Department of Economic Opportunity, and not the Department of Management Services, as the lead state entity to facilitate the expansion of broadband Internet service in this state; creating the Florida Office of Broadband within the Division of Community Development within the Department of Economic Opportunity, etc. Effective Date: 7/1/2020	Senate Commerce and Tourism (Current Reference)	12/18/2019 SENATE Referred to Commerce and Tourism; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

AMERICAN OVERSIGHT

	G
278	
279	
280	Compare HB 0969 (Drake) HB 1309 (Ausley) SB 1776 (Montford)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
281	HB 1167	School Safety Funding	Polsky	School Safety Funding: Specifies distribution requirements for safe schools allocation funds for 2020-2021 fiscal year; requires district school superintendent to remit specified unused funds from 2019-2020 fiscal year to DOE; authorizes department, upon request, to redistribute such funds to certain school districts for specified purpose. Effective Date: July 1, 2020	No Current Committee	01/08/2020 HOUSE Filed
282	SB 1174	Communications Services Tax	Hutson	Communications Services Tax; Revising legislative intent regarding local communications services tax rates; revising downward the tax rate on the retail sale of communications services; deleting a provision that specifies where proceeds of a communications services tax must be deposited and disbursed; requiring dealers to collect and remit local communications services taxes under certain conditions; authorizing the Legislature to appropriate moneys to offset specified direct reductions of the local communications services tax by certain counties and municipalities, etc. Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect January 1, 2021	Senate Innovation, Industry, and Technology (Current Reference)	01/09/2020 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 01/10/20, 9:00 am, 117 K (No Votes Will Be Taken)
283	HB 1185	Ethics Reform	Brannan III	Ethics Reform: Repeals provisions relating to state, state university, & community college employee lobbyists; prohibits certain public service announcements by specified entities or persons; prohibits certain public officers & employees from soliciting employment & contractual relationships; provides exception & disclosure requirements; revises lobbyist registration, compensation report, principal designation cancellation, & investigation requirements. Effective Date: July 1, 2020	No Current Committee	01/08/2020 HOUSE Filed

AMERICAN OVERSIGHT

	G
281	Identical SB 0304 (Cruz)
282	Identical HB 0701 (Fischer)
283	Similar SB 1530 (Baxley)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
284	HB 1203	Florida Talent Development Council	Mariano	Florida Talent Development Council: Requires council to submit, by specified date, report with recommendations related to Pathways in Technology Early College High School program, or similar program, to specified entities; provides requirements for P-TECH program & report. Effective Date: upon becoming a law	No Current Committee	01/09/2020 HOUSE Filed
285	HB 1207	Measurement of Student Performance	Bell	Measurement of Student Performance: Requires Commissioner of Education to annually provide specified results to school districts by certain date. Effective Date: July 1, 2020	No Current Committee	01/09/2020 HOUSE Filed
286	HB 1213	Holocaust Education	Fine	Holocaust Education: Authorizes DOE to contract with Florida Holocaust Museum for specified purposes related to required instruction. Effective Date: July 1, 2020	No Current Committee	01/09/2020 HOUSE Filed
287	SB 1216	Limitation on Terms of Office for Members of a District School Board	Gruters	District School Board Member/Terms of Office; Proposing amendments to the State Constitution to limit the terms of office for a member of a district school board, etc.	Senate Ethics and Elections (Current Reference)	12/18/2019 SENATE Referred to Ethics and Elections; Education; Rules
288	SB 1218	Anti-bullying and Anti-harassment in Schools	Diaz	Anti-bullying and Anti-harassment In Schools; Expanding the information that private schools participating in an educational scholarship program are required to publish and provide to parents; requiring such private schools to adopt bullying and harassment policies; requiring such schools to report bullying and harassment incidents to the Department of Education, etc. Effective Date: Upon becoming a law	Senate Education (Current Reference)	01/06/2020 SENATE On Committee agenda - Education, 01/13/20, 1:00 pm, 412 K

AMERICAN OVERSIGHT

	G
284	Identical SB 0866 (Diaz)
285	Identical SB 1646 (Albritton)
286	Identical SB 1628 (Book)
287	Compare SB 1480 (Book) Similar HB 0157 (Sabatini)
288	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
289	SB 1220	Education	Diaz	Education; Requiring that the rules to establish uniform core curricula for each state-approved teacher preparation program include evidence-based reading instructional strategies and mental health strategies and support; providing that for a subject requiring only a baccalaureate degree, a baccalaureate degree with a major in the subject area, conferred within the last 10 years, is an acceptable means of demonstrating mastery of subject area knowledge; directing the Commissioner of Education, with the advice and consent of the chair of the Education Practices Commission, to appoint an executive director who is exempt from career service and may be removed by the commissioner, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	12/18/2019 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
290	HB 1223	Instructional Personnel and Educational Support Employee Salaries	McGhee	Instructional Personnel and Educational Support Employee Salaries: Requires Legislature to fund FEFP at level that ensures instructional personnel & educational support employees earn living wage; provides minimum base salaries for or specified percentage increases to base salaries of instructional personnel for certain years; provides specified percentage increases to base salaries of educational support employees for certain years. Effective Date: July 1, 2020	No Current Committee	01/09/2020 HOUSE Filed

AMERICAN OVERSIGHT

	G
289	
290	Compare SB 0106 (Rader)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
291	HB 1227	Legislative Apportionment and Congressional Redistricting	Stark	Legislative Apportionment and Congressional Redistricting: Creates independent commission on legislative apportionment & congressional redistricting; provides for purpose, duties, membership, & funding of commission; requires commission to conduct public hearings; subjects commission to government-in-the-sunshine & financial disclosure requirements; prohibits persons not serving on or employed by commission from influencing or attempting to influence commission members & employees other than through specified manner; provides criminal penalties. Effective Date: July 1, 2020	No Current Committee	01/09/2020 HOUSE Filed
292	HB 1229	Mental Health and Substance Abuse	Gottlieb	Mental Health and Substance Abuse: Revises terminology & requirements relating to petitions & court procedures for involuntary treatment & assessment under Baker Act & Marchman Act. Effective Date: July 1, 2020	No Current Committee	01/09/2020 HOUSE Filed
293	HB 1231	Students with Disabilities in Public Schools	DuBose	Students with Disabilities in Public Schools: Prohibits use of seclusion on students; revises provisions relating to use of restraint on certain students; provides DOE, school district, school, & personnel requirements; provides for placement of video camera in specified classrooms; provides requirements for such placement; requires continuing education & inservice training for teaching students with emotional or behavioral disabilities. Effective Date: July 1, 2020	No Current Committee	01/09/2020 HOUSE Filed
294	HB 1235	Well-Care Examinations	DuBose	Well-Care Examinations: Establishes requirement that certain children present certification of adolescent well-care examination each school year; requires district school boards & private school governing authorities to develop & enforce policy for such requirement; requires DOE, in consultation with DOH, to develop certification of adolescent well-care examination form. Effective Date: July 1, 2020	No Current Committee	01/09/2020 HOUSE Filed

AMERICAN OVERSIGHT

	G
291	Similar SB 1640 (Berman)
292	Compare SB 1678 (Montford)
293	Identical SB 1644 (Book)
294	Similar SB 0208 (Thurston, Jr.)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
295	SB 1236	Educational Property Tax Exemption	Gruters	Educational Property Tax Exemption; Exempting land and real property improvements used exclusively for educational purposes from ad valorem taxes if an educational institution, under a ground lease or other contractual arrangement, meets certain criteria; providing that the educational institution shall receive the full benefit from the exemption, etc. Effective Date: 7/1/2020	Senate Community Affairs (Current Reference)	01/08/2020 SENATE Referred to Community Affairs; Finance and Tax; Appropriations
296	SB 1238	Regulatory Reform	Diaz	Regulatory Reform; Establishing the Red Tape Reduction Advisory Council within the Executive Office of the Governor; requiring an agency adopting a rule to submit a rule replacement request to the Administrative Procedures Committee; requiring the committee to examine rule replacement requests and existing rules; requiring the Administrative Procedures Committee to establish a regulatory baseline of agency rules; providing that a proposed rule may not cause the total number of rules to exceed the regulatory baseline, etc. Effective Date: 7/1/2020	Senate Governmental Oversight and Accountability (Current Reference)	01/08/2020 SENATE Referred to Governmental Oversight and Accountability; Innovation, Industry, and Technology; Rules
297	SB 1242	Annual Salary Adjustments for State Employees	Torres, Jr.	Annual Salary Adjustments for State Employees; Authorizing annual salary adjustments to base rates of pay of eligible state employees, beginning as of a specified date; specifying the manner of calculating the adjustment, etc. Effective Date: 7/1/2020	Senate Governmental Oversight and Accountability (Current Reference)	01/08/2020 SENATE Referred to Governmental Oversight and Accountability; Appropriations; Rules

AMERICAN OVERSIGHT

	G
295	Similar SB 1736 (Broxson)
296	Identical HB 0729 (Rodriguez (AM))
297	Compare HB 0845 (Alexander) SB 1114 (Montford)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
298	SB 1244	State Workforce Development Boards	Albritton	State Workforce Development Boards; Defining the terms "for cause" and "state board"; replacing CareerSource Florida, Inc., with the state board or the Department of Economic Opportunity in provisions relating to the implementation of the federal Workforce Innovation and Opportunity Act; revising provisions relating to the operation of CareerSource Florida, Inc.; authorizing a chief elected official for a local workforce development board to remove certain persons from the board for cause; revising authority relating to the Workforce Training Institute, etc. Effective Date: 7/1/2020	Senate Commerce and Tourism (Current Reference)	01/08/2020 SENATE Referred to Commerce and Tourism; Innovation, Industry, and Technology; Rules
299	SB 1246	Dual Enrollment	Stargel	Dual Enrollment; Clarifying that secondary students eligible for dual enrollment programs include students who are enrolled in home education programs; prohibiting district school boards and Florida College System institutions from denying students who have met eligibility requirements from participating in dual enrollment except under specified circumstances; providing that certain independent colleges and universities are eligible for inclusion in the dual enrollment and early admission programs; establishing the Dual Enrollment Scholarship Program, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	01/08/2020 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
300	SB 1250	Teacher Professional Learning	Diaz	Teacher Professional Learning; Expanding requirements for uniform core curricula and candidate assessment for teacher preparation programs; specifying that teachers may earn inservice points only once during a certain time period for any mandatory training topic not linked to student learning or professional growth; requiring district school boards to calculate a proportionate share of professional development funds for each classroom teacher; creating the Professional Education Excellence Resources (PEER) Pilot Program in specified counties, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	01/08/2020 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations

AMERICAN OVERSIGHT

	G
298	
299	Compare SB 0062 (Stargel) HB 0187 (Zika)
300	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
301	HB 1265	Verification of Employment Eligibility	Byrd	Verification of Employment Eligibility: Requires public employers, contractors, & subcontractors to use E-Verify system for specified purposes; prohibits such entities from entering into contract unless each party to contract uses E-Verify system; authorizes termination of contract; requires private employers to verify employment eligibility of newly hired employees; provides acceptable methods for verification; provides specified immunity; creates rebuttable presumption for private employers.Effective Date: July 1, 2020	No Current Committee	01/10/2020 HOUSE Filed
302	HB 1271	State Workforce Development Boards	Mariano	State Workforce Development Boards: Revises provisions relating to workforce services to replace CareerSource Florida, Inc., with state board or DEO in relation to implementation of federal Workforce Innovation & Opportunity Act; authorizes, rather than requires, certain funds to be reserved for Incumbent Worker Training Program; revises provisions relating to operation, purpose, requirements, structure, & authority of CareerSource Florida, Inc., & state board; authorizes DEO to consult with state board to issue certain technical assistance letters; authorizes Auditor General to conduct audit of certain entities & programs; requires workforce development strategy to be approved by Governor; provides that certain persons may be removed from board for cause. Effective Date: July 1, 2020	No Current Committee	01/10/2020 HOUSE Filed

AMERICAN OVERSIGHT

	A	B	C	D	E	F
303	SB 1272	Statewide Emergency Shelter Task Force	Montford	Statewide Emergency Shelter Task Force; Establishing the task force adjunct to the Department of Management Services; specifying the task force's purpose; providing for the membership of the task force; providing requirements and restrictions for members of the task force; requiring the task force to report recommendations to the Governor and the Legislature by a specified date, etc. Effective Date: 7/1/2020	Senate Infrastructure and Security (Current Reference)	01/08/2020 SENATE Referred to Infrastructure and Security; Governmental Oversight and Accountability; Rules
304	HB 1283	Required Instruction	Thompson	Required Instruction: Provides requirements for specified entities relating to history of Holocaust & African Americans instruction; requires certain statewide, standardized assessments to include curricula content from history of Holocaust & African Americans. Effective Date: July 1, 2020	No Current Committee	01/10/2020 HOUSE Filed
305	HB 1285	Education	Fernández	Education: Revises requirements for annual report governing body of charter school must submit to its sponsor; revises private school obligations for Family Empowerment Scholarship Program; requires, rather than authorizes, Commissioner of Education to determine that private school is ineligible to participate in such program; requires eligible nonprofit scholarship-funding organizations to comply with specified statutes. Effective Date: July 1, 2020	No Current Committee	01/10/2020 HOUSE Filed
306	SB 1290	Solar Schools	Berman	Solar Schools; Authorizing a public educational customer to enter into a contract for the installation, maintenance, or operation of a renewable energy source device on property owned or controlled by the public educational customer; providing that shared solar facilities may participate in an electric utility's net metering program; prohibiting costs associated with certain solar energy systems from being included in certain cost per student station limitations, etc. Effective Date: 7/1/2020	Senate Innovation, Industry, and Technology (Current Reference)	01/08/2020 SENATE Referred to Innovation, Industry, and Technology; Education; Rules

AMERICAN OVERSIGHT

	G
303	
304	Similar SB 1660 (Thurston, Jr.)
305	Identical SB 1770 (Cruz)
306	Compare HB 0935 (Webb)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
307	HB 1299	Monroe County School Board, Monroe County	Raschein	Monroe County School Board, Monroe County: Exempts Monroe County School Board from certain capital funds cost per student station limitations; authorizes the school board to use specified funds for capital needs. Effective Date: upon becoming a law	No Current Committee	01/10/2020 HOUSE Filed
308	SB 1302	Sovereign Immunity	Flores	Sovereign Immunity; Designating the “Florida Fair Claims Act”; providing an exception to certain liability for the state and its agencies and subdivisions; increasing the statutory limits on liability for tort claims against the state and its agencies and subdivisions; revising when a state and its agencies and subdivisions may agree to settle a claim or judgment without further action from the Legislature; requiring certain final judgment amounts to be paid without further action by the Legislature, etc. Effective Date: 10/1/2020	Senate Judiciary (Current Reference)	01/08/2020 SENATE Referred to Judiciary; Community Affairs; Appropriations
309	HB 1305	Elections	Thompson	Elections: Revises provisions relating to the office of Secretary of State, General Election Day, candidate qualifying, petitions, Division of Elections, supervisors of elections, voter registration, ballots, voting, vote-by-mail, canvassing, absent voters, and dates for returns, and violations of election code. Effective Date: July 1, 2020	No Current Committee	01/10/2020 HOUSE Filed
310	SB 1308	Criminal Justice	Brandes	Criminal Justice; Authorizing the resentencing and release of certain persons who are eligible for sentence review under specified provisions; precluding eligibility for a sentence review for young adult offenders who previously committed, or conspired to commit, specified offenses; requiring the Department of Corrections to notify young adult offenders in writing of their eligibility for sentence review within certain timeframes; requiring the department to provide inmates with certain information upon their release, etc. Effective Date: 7/1/2020	Senate Criminal Justice (Current Reference)	01/08/2020 SENATE Referred to Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

AMERICAN OVERSIGHT

	G
307	
308	
309	Identical SB 1806 (Stewart)
310	Compare HB 1131 (Gottlieb)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
311	HB 1321	Early Childhood Music Education Incentive Pilot Program	Aloupis	Early Childhood Music Education Incentive Pilot Program: Extends scheduled expiration of pilot program; revises eligibility requirement. Effective Date: July 1, 2020	No Current Committee	01/10/2020 HOUSE Filed
312	SB 1322	Postsecondary Fee Exemptions	Wright	Postsecondary Fee Exemptions; Deleting an exemption from specified tuition and fees for students enrolled in approved apprenticeship programs at specified institutions, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	01/08/2020 SENATE Referred to Education; Appropriations Subcommittee on Education; Appropriations
313	SB 1324	Child Welfare	Simpson	Child Welfare; Requiring the Florida Court Educational Council to establish certain standards for instruction of circuit and county court judges for dependency cases; authorizing circuit courts to create early childhood court programs; requiring the Department of Children and Families to contract with certain university-based centers; requiring the court to retain jurisdiction over a child under certain circumstances; requiring the department to conduct background screenings of prospective adoptive parents, etc. Effective Date: 7/1/2020	Senate Children, Families, and Elder Affairs (Current Reference)	01/10/2020 SENATE On Committee agenda - Children, Families, and Elder Affairs, 01/15/20, 10:30 am, 301 S
314	SB 1326	Department of Children and Families	Simpson	Department of Children and Families; Citing this act as the “DCF Accountability Act”; providing for the creation of the Office of Quality Assurance and Improvement in the Department of Children and Families; extending the timeframe within which a protective investigation is required to be commenced in certain circumstances; requiring certain sheriffs to adopt Florida’s Child Welfare Practice Model and operate under certain provisions of law; providing for the calculation of the allocation of core plus funds, etc. Effective Date: 7/1/2020	Senate Children, Families, and Elder Affairs (Current Reference)	01/08/2020 SENATE Referred to Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; Appropriations
315	HB 1335	Florida Virtual Education	LaMarca	Florida Virtual Education: Revises provisions relating to the Board of Trustees for FLVS, marketing for FLVS, virtual charter schools, & virtual instruction providers; creates executive director & OIG for FLVS. Effective Date: July 1, 2020	No Current Committee	01/10/2020 HOUSE Filed

AMERICAN OVERSIGHT

	G
311	Similar SB 0156 (Perry)
312	Identical HB 6035 (Overdorf)
313	Compare HB 0043 (Latvala) SB 0122 (Rouson) SB 0236 (Book) HB 0449 (Mariano) HB 1105 (Tomkow) SB 1548 (Perry)
314	
315	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
316	SB 1340	Legal Notices	Gruters	Legal Notices; Providing for the publication of legal notices on certain publicly accessible websites; allowing a governmental agency to publish legal notices on a publicly accessible website under certain circumstances; removing provisions relating to the publication of legal notices in newspapers; providing that an advertisement of a sale or disposition of property may be published on certain websites for a specified time period, etc. Effective Date: 7/1/2021	Senate Judiciary (Current Reference)	01/08/2020 SENATE Referred to Judiciary; Community Affairs; Rules
317	SB 1364	School Board Employees	Rodriguez (J)	School Board Employees; Proposing amendments to the State Constitution, relating to the State Board of Education, school districts, and school boards, to provide that school boards shall, subject to Article I, Section 6 of the State Constitution, set the wages, hours, and terms and conditions of employment for all school board employees, etc.	No Current Committee	01/03/2020 SENATE Filed
318	SB 1384	Florida Farm to School Program	Albritton	Florida Farm to School Program; Requiring vendors selling or delivering agricultural commodities to school districts in the Florida Farm to School Program to provide the school districts with an invoice that meets certain requirements, beginning on a specified date; requiring each participating district school board to submit the information monthly to the Department of Agriculture and Consumer Services, etc. Effective Date: Upon becoming a law	No Current Committee	01/03/2020 SENATE Filed
319	SB 1398	Regional Planning Council Meetings	Flores	Regional Planning Council Meetings; Providing requirements for establishing a quorum for meetings of certain councils when a voting member appears via telephone, real-time videoconferencing, or similar real-time electronic or video communication; requiring the member to give notice of intent to appear via telephone, real-time videoconferencing, or similar real-time electronic or video communication by a specified time, etc. Effective Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
316	Identical HB 0007 (Fine)
317	
318	Similar HB 0973 (Roth)
319	Identical HB 1097 (Geller)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
320	SB 1400	Education	Diaz	Education; Revising initial scholarship eligibility criteria for the Family Empowerment Scholarship Program, beginning with a specified school year; providing that participation in certain virtual schools, correspondence schools, or distance learning programs does not make a student ineligible for a scholarship under the program in certain circumstances; revising eligibility criteria for the Florida Tax Credit Scholarship Program and applying the criteria only to initial eligibility; creating the minimum base annual salary allocation to assist school districts in providing minimum base annual salaries to classroom teachers, etc. Effective Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed
321	SB 1402	Higher Education	Diaz	Higher Education; Revising standards for the preeminent state research universities program; requiring the Board of Governors to establish standards and measures for specific state university competencies; revising the performance-based metrics for state universities to include specific data beginning in a certain fiscal year; requiring innovative pricing techniques and payment options to include an opt-out provision; prohibiting the growth rate of administrators at a state university from exceeding the growth rate of faculty at such university, etc. Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2020	No Current Committee	01/06/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
320	Compare SB 0106 (Rader)
321	Compare SB 0072 (Stargel) Similar HB 0613 (Rodrigues (R))

AMERICAN OVERSIGHT

	A	B	C	D	E	F
322	SB 1406	Youth Athletic Activities	Broxson	Youth Athletic Activities; Defining the term “athletics personnel”; requiring an entity that administers or conducts a high-risk youth athletic activity or related training on certain property to require unpaid or volunteer athletics personnel to complete a specified course; requiring such personnel to complete the course within a specified timeframe after their initial involvement, and annually thereafter, etc. Effective Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed
323	SB 1410	Public School Transportation	Cruz	Public School Transportation; Revising the requirement that district school boards provide transportation for certain students; revising the definition of the term “student”; requiring a district school superintendent to request a review of a hazardous walking condition upon receipt of a written request from a parent of a student; requiring, rather than authorizing, a district school board to initiate a specified proceeding relating to hazardous walking conditions, etc. Effective Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed
324	SB 1412	Internship Tax Credit Program	Powell	Internship Tax Credit Program; Creating the "Florida Internship Tax Credit Program"; providing a credit against the corporate income tax to a taxpayer employing a degree-seeking student intern if certain criteria are met; specifying the amount of the credit; specifying a limit on the credit claimed per taxable year, etc. Effective Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed
325	SB 1418	Student Transportation Funds	Hutson	Student Transportation Funds; Modifying the requirements for determination of student membership in a school district for funding purposes, etc. Effective Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
322	Similar HB 0099 (Andrade)
323	Compare HB 1043 (Beltran)
324	Compare HB 0357 (Jones) HB 0439 (Daley) SB 0642 (Powell) Identical HB 1101 (Daley)
325	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
326	SB 1420	Charter Schools	Flores	Charter Schools; Prohibiting sponsors from refusing to receive a charter school application submitted during the calendar year; requiring certain charter school employees or governing board members to inform a school district if he or she has completed a criminal history check in another district within a certain timeframe; specifying how many applications a high-performing charter school may submit in any school district in the state to establish and operate a new charter school; revising the virtual instruction a virtual charter school may provide, etc. Effective Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed
327	SB 1426	Removal of a Student for an Involuntary Examination	Powell	Removal of a Student for an Involuntary Examination; Revising the requirements for parental notification prior to removing a student for an involuntary examination, under certain circumstances, etc. Effective Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed
328	SB 1430	Community Development Districts	Torres, Jr.	Community Development Districts; Requiring community development districts to obtain a just valuation before acquiring property that includes real property or that is permanently affixed to real property, etc. Effective Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed
329	SB 1436	Overtime Pay	Torres, Jr.	Overtime Pay; Requiring employers to pay certain employees overtime pay at a specified rate; requiring the Department of Economic Opportunity to adjust, at specified intervals, the threshold for mandatory overtime pay; repealing a provision relating to a legal day's work and extra pay, etc. Effective Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
326	Similar HB 1029 (Rodriguez (Ant))
327	Compare SB 1062 (Harrell) HB 1083 (Webb) Similar HB 0407 (Silvers)
328	Identical HB 0135 (Cortes)
329	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
330	SB 1438	Dyslexia	Harrell	Dyslexia; Requiring public schools to screen all students in kindergarten through grade 3 for dyslexia within a certain timeframe; requiring public school students with a substantial deficiency in reading to be placed in an intensive remedial intervention program; requiring public schools to have at least one person on staff trained in the instruction of students with dyslexia; creating the Dyslexia Task Force within the Department of Education, etc. Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed
331	SB 1440	Children's Mental Health	Powell	Children's Mental Health; Requiring the Department of Children and Families and the Agency for Health Care Administration to identify certain children and adolescents who use crisis stabilization services during specified fiscal years; including crisis response services provided through mobile response teams in the array of services available to children and adolescents; requiring managing entities to develop and implement plans promoting the development of a coordinated system of care for certain services; revising requirements relating to preservice training for foster parents, etc. Effective Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed
332	SB 1454	Specialty License Plates	Powell	Specialty License Plates/Highwaymen; Directing the Department of Highway Safety and Motor Vehicles to develop a Highwaymen license plate; providing for distribution and use of fees collected from the sale of the plates, etc. Effective Date: October 1, 2020, but only if SB 1456 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law	No Current Committee	01/06/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
330	
331	Identical HB 0945 (Silvers)
332	Compare HB 0387 (Hogan Johnson) SB 0412 (Bean) HB 1135 (Grant (J)) Identical HB 0385 (Hogan Johnson) Linked SB 1456 (Powell)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
333	SB 1456	Specialty License Plate Fees	Powell	Specialty License Plate Fees/Highwaymen; Establishing a fee for a certain specialty license plate, etc. Effective Date: On the same date that SB 1454 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law	No Current Committee	01/06/2020 SENATE Filed
334	SB 1462	School Holidays	Taddeo	School Holidays; Requiring district school boards to designate the day after Halloween as a school holiday; providing an exception, etc. Effective Date: 7/1/2020	No Current Committee	01/06/2020 SENATE Filed
335	SB 1480	Limitation on Terms of Office for Members of a District School Board	Book	Limitation on Terms of Office for Members of a District School Board; Proposing amendments to the State Constitution to limit the terms of office for a member of a district school board, etc.	No Current Committee	01/07/2020 SENATE Filed
336	SB 1498	School Turnaround	Baxley	School Turnaround; Revising the criteria for schools that are deemed to be in need of intervention and support; providing that a school district may request to change a turnaround option after the first year of implementation; providing new requirements for schools that complete a district-managed turnaround plan and do not improve; authorizing the State Board of Education to revoke a turnaround plan when the school district has failed to follow the terms or meet the requirements of its approved plan, etc. Effective Date: 7/1/2020	No Current Committee	01/07/2020 SENATE Filed
337	SB 1520	Wage and Employment Benefits Requirements	Rodriguez (J)	Wage and Employment Benefits Requirements; Repealing a provision relating to restrictions on the establishment of minimum wage and employment benefits requirements by political subdivisions, etc. Effective Date: 7/1/2020	No Current Committee	01/08/2020 SENATE Filed
338	SB 1524	Prohibited Places for Weapons and Firearms	Gainer	Prohibited Places for Weapons and Firearms; Authorizing elected members of specified governing bodies who are concealed weapon or firearm licensees to carry a concealed weapon or firearm to a meeting of the governing body of which he or she is a member, etc. Effective Date: 7/1/2020	No Current Committee	01/08/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
333	Compare HB 0385 (Hogan Johnson) Identical HB 0387 (Hogan Johnson) Linked SB 1454 (Powell)
334	
335	Compare SB 1216 (Gruters) Identical HB 0157 (Sabatini)
336	
337	Identical HB 6065 (Smith (C))
338	Similar HB 0183 (Ponder)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
339	SB 1526	Food Donation Programs	Albritton	Food Donation Programs; Creating an agricultural commodity donation tax credit; revising the Department of Agriculture and Consumer Services powers and duties relating to school food and other nutrition programs; deleting a provision authorizing district school boards to opt out of implementing universal school breakfast programs; requiring the department to annually allocate to participating sponsors a reimbursement in addition to the sum appropriated for the Florida Farm to School Program if certain conditions are met; requiring the department to develop the Florida Gleaning Support Grant Program, etc. Effective Date: 7/1/2020	No Current Committee	01/08/2020 SENATE Filed
340	SB 1530	Ethics Reform	Baxley	Ethics Reform; Repealing a provision relating to state, state university, and community college employee lobbyists; prohibiting certain public service announcements by specified governmental entities, persons acting on behalf of such entities, and elected officials; revising applicability of certain provisions relating to conflicting employment and contractual relationships; prohibiting public officers or employees of an agency from soliciting specified employment or contractual relationships, etc. Effective Date: 7/1/2020	No Current Committee	01/08/2020 SENATE Filed
341	SB 1532	Public Records/Trade Secret Held by an Agency	Baxley	Public Records/Trade Secret Held by an Agency; Providing an exemption from public record requirements for a trade secret held by an agency; providing notice requirements; providing an exception to the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: On the same date that SB 1534 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law	No Current Committee	01/08/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
339	Similar HB 0521 (Webb)
340	Similar HB 1185 (Brannan III)
341	Compare HB 0801 (Gregory) Similar HB 0799 (Gregory) Linked SB 1534 (Baxley)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
342	SB 1534	Public Records	Baxley	Public Records; Deleting provisions relating to public records exemptions for trade secrets held by governmental condemning authorities; removing trade secrets from the list of what constitutes proprietary confidential business information; revising the definition of "proprietary confidential business information" to no longer include certain trade secrets and contract costs, etc. Effective Date: Upon becoming a law if SB 1532 or similar legislation is adopted in the same legislative session or an extension thereof and becomes a law	No Current Committee	01/08/2020 SENATE Filed
343	SB 1538	Government Integrity	Gruters	Government Integrity; Creating the Florida Integrity Office under the Auditor General; providing for the appointment of the Florida Integrity Officer; providing procedures for the submission and investigation of certain complaints; authorizing the Florida Integrity Officer to take certain action in response to complaints received; revising provisions relating to contractual services and commodities that are not subject to competitive-solicitation requirements; requiring the Office of Inspector General of the Department of Education to conduct investigations relating to waste, fraud, abuse, or mismanagement against a district school board or Florida College System institution, etc. Effective Date: 7/1/2020	No Current Committee	01/08/2020 SENATE Filed
344	SB 1550	High School Graduation Requirements	Cruz	High School Graduation Requirements; Requiring students to submit a Free Application for Federal Student Aid in order to be awarded a standard high school diploma; providing an exception, etc. Effective Date: 7/1/2020	No Current Committee	01/08/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
342	Compare HB 0799 (Gregory) Similar HB 0801 (Gregory) Linked SB 1532 (Baxley)
343	Similar HB 1111 (Tomkow)
344	Identical HB 0993 (Stark)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
345	SB 1554	Substance Abuse and Mental Health	Baxley	Substance Abuse and Mental Health; Revising the definition of the term “mental illness” to exclude conditions manifested by dementia or traumatic brain injury; revising eligibility requirements for certain substance abuse and mental health services; revising distribution of funding for substance abuse and mental health services; requiring the Department of Children and Families to request certain medical information from jails, etc. Effective Date: 7/1/2020	No Current Committee	01/08/2020 SENATE Filed
346	SB 1558	Local Educational Agencies	Braynon II	Local Educational Agencies; Revising the definition of the term “local educational agency” to include certain partners of entities that provide apprenticeship and preapprenticeship programs, etc. Effective Date: 7/1/2020	No Current Committee	01/08/2020 SENATE Filed
347	SB 1568	Education	Hutson	Education; Providing that individuals enrolled in certain preapprenticeship programs are deemed to be employees of the state for purposes of workers’ compensation coverage; providing for the general duties of the Department of Education with regard to apprenticeship and preapprenticeship programs; requiring the apprenticeship or preapprenticeship program sponsors to be responsible for the selection and training of instructors, as approved by the department; revising criteria for apprenticeship occupations; revising the calculation of certain additional full-time equivalent membership relating to funding for the operation of schools, etc. Effective Date: 7/1/2020	No Current Committee	01/08/2020 SENATE Filed
348	SB 1574	Contingency Fees	Baxley	Contingency Fees; Defining the term “local or regional governmental entity”; prohibiting local and regional governmental entities from entering into contingency fee contracts above specified limits with private attorneys and law firms, etc. Effective Date: 7/1/2020	No Current Committee	01/08/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
345	Compare SB 0870 (Book) HB 1071 (Grant (M)) SB 1678 (Montford) Identical HB 1081 (Stevenson)
346	Identical HB 1025 (Bush III)
347	
348	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
349	SB 1578	Education	Hutson	Education; Requiring the Department of Education to collect certain information about career preparation and placement in this state; authorizing state universities designated by the State Board of Education to sponsor a charter school; providing that charter schools operated by a municipality, a public entity, or a private, not-for-profit organization are eligible for a 15-year charter if approved by the sponsor; requiring that any arrangement entered into to borrow or otherwise secure funds for a charter school from certain sources indemnify the sponsor, rather than the school district; authorizing charter schools to offer career and professional academies, etc. Effective Date: 7/1/2020	No Current Committee	01/08/2020 SENATE Filed
350	SB 1602	School Personnel Salary Supplements	Stewart	School Personnel Salary Supplements; Requiring district school boards to provide salary supplements to instructional personnel who hold the degree of Juris Doctor and teach law courses, etc. Effective Date: 7/1/2020	No Current Committee	01/09/2020 SENATE Filed
351	SB 1628	Holocaust Education	Book	Holocaust Education; Authorizing the Department of Education to contract with the Florida Holocaust Museum for specified purposes relating to required instruction, etc. Effective Date: 7/1/2020	No Current Committee	01/09/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
349	Compare HB 0953 (McClain)
350	
351	Identical HB 1213 (Fine)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
352	SB 1634	Parental Rights	Stargel	Parental Rights; Designating the "Parents' Bill of Rights"; providing that the state, its political subdivisions, other governmental entities, or other institutions may not infringe on parental rights without demonstrating specified information; providing that a parent of a minor child has specified rights relating to his or her minor child; requiring each district school board in consultation with parents, teachers, and administrators, to develop and adopt a policy to promote parental involvement in the public school system; prohibiting certain health care practitioners from taking specified actions without a parent's written permission, etc. Effective Date: 7/1/2020	No Current Committee	01/09/2020 SENATE Filed
353	SB 1636	Repeal of Advisory Bodies and Councils	Baxley	Repeal of Advisory Bodies and Councils; Repealing chapters 2003-287 and 2006-43, Laws of Florida, relating to the membership, powers, and duties of the Citrus/Hernando Waterways Restoration Council; removing the requirement that the Division of Historical Resources of the Department of State annually convene an ad hoc committee for purposes of administering the Great Floridians program; modifying procedures governing reclamation program applications to conform to the repeal of the Nonmandatory Land Reclamation Committee, etc. Effective Date: 7/1/2020	No Current Committee	01/09/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
352	Identical HB 1059 (Grall)
353	Compare SB 0388 (Hooper) HB 1013 (Grall) SB 1616 (Harrell) SB 1688 (Harrell) HB 6027 (Massullo, Jr.)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
354	SB 1638	Nicotine Products	Flores	Nicotine Products; Revising the punishment for certain civil infractions; defining the terms “characterizing flavor” and “flavored liquid nicotine”; prohibiting the sale, delivery, bartering, furnishing, or giving of flavored liquid nicotine to any person; prohibiting a person from engaging in certain activities relating to the promotion of nicotine dispensing devices and nicotine products for unlawful use; requiring retailers of electronic nicotine delivery systems to take certain actions when selling the devices, etc. Effective Date: 7/1/2020	No Current Committee	01/09/2020 SENATE Filed
355	SB 1640	Legislative Apportionment and Congressional Redistricting	Berman	Legislative Apportionment and Congressional Redistricting; Creating an independent commission on legislative apportionment and congressional redistricting; requiring the Legislature to annually appropriate funds to the commission for employing professional staff and otherwise supporting the commission; requiring the commission’s office to be located in Orange County; requiring the commission to conduct public hearings, and to receive information from residents of the state through specified means; providing that commission members and employees are subject to public records, public meetings, and specified financial disclosure requirements, etc. Effective Date: 7/1/2020	No Current Committee	01/09/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
354	Compare HB 0151 (Toledo) SB 0694 (Mayfield)
355	Similar HB 1227 (Stark)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
356	SB 1644	Students With Disabilities in Public Schools	Book	Students With Disabilities in Public Schools; Requiring school districts to prohibit the use of seclusion on students with disabilities in public schools; prohibiting specified restraint techniques; requiring a video camera to be placed in specified classrooms upon the request of a parent; requiring schools to provide written notice to certain individuals of the placement of a video camera; requiring continuing education and inservice training for instructional personnel teaching students with emotional or behavioral disabilities, etc. Effective Date: 7/1/2020	No Current Committee	01/09/2020 SENATE Filed
357	SB 1646	Measurement of Student Performance	Albritton	Measurement of Student Performance; Requiring the Commissioner of Education to annually provide specified results to school districts by a certain date, etc. Effective Date: 7/1/2020	No Current Committee	01/09/2020 SENATE Filed
358	SB 1660	Required Instruction	Thurston, Jr.	Required Instruction; Requiring the Department of Education to annually verify that school districts, charter schools, and specified private schools implement certain instruction relating to the history of the Holocaust and the history of African Americans; providing requirements for school districts, charter schools, and specified private schools relating to such instruction; requiring that a district school superintendent's salary be withheld under certain circumstances; requiring certain statewide, standardized assessments to include, when appropriate, curricula content from the history of the Holocaust and the history of African Americans, etc. Effective Date: 7/1/2020	No Current Committee	01/10/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
356	Identical HB 1231 (DuBose)
357	Identical HB 1207 (Bell)
358	Compare HB 0091 (Polsky) SB 0184 (Rader) Similar HB 1283 (Thompson)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
359	SB 1678	Substance Abuse and Mental Health	Montford	Substance Abuse and Mental Health; Revising the definition of "mental illness"; renaming the Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee as the Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Advisory Committee; revising the committee's duties and requirements; revising the definition of the term "individuals in need", etc. Effective Date: 7/1/2020	No Current Committee	01/10/2020 SENATE Filed
360	SB 1688	Early Learning and Early Grade Success	Harrell	Early Learning and Early Grade Success; Adding the Division of Early Learning to the divisions of the Department of Education; revising the duties of the Early Learning Programs Estimating Conference; providing requirements for minimum child care licensing standards; requiring students enrolled in the Voluntary Prekindergarten Education Program to participate in a specified screening and progress-monitoring program; revising the performance standards for the Voluntary Prekindergarten Education Program; authorizing certain child development programs operating on military installations to participate in the school readiness program, etc. Effective Date: 7/1/2020	No Current Committee	01/10/2020 SENATE Filed
361	SB 1696	Student Athletes	Perry	Student Athletes; Revising requirements for the availability of automated external defibrillators on school grounds; delaying implementation of a requirement that certain school employees and volunteers complete specified training; requiring that a medical evaluation be performed before a student begins conditioning; applying requirements related to medical evaluations to activities occurring outside the school year, etc. Effective Date: 7/1/2020	No Current Committee	01/10/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
359	Compare SB 0870 (Book) HB 1081 (Stevenson) HB 1229 (Gottlieb) SB 1554 (Baxley) Similar HB 1071 (Grant (M))
360	Compare SB 1636 (Baxley) Similar HB 1013 (Grall) SB 1616 (Harrell)
361	Similar HB 7011 (PreK-12 Innovation Subcommittee)

AMERICAN OVERSIGHT

	A	B	C	D	E	F
362	SB 1702	Local Government Fiscal Transparency	Diaz	Local Government Fiscal Transparency; Expanding the scope of the Legislative Auditing Committee review to include compliance with local government fiscal transparency requirements; providing procedures for the Auditor General and local governments to comply with the local government fiscal transparency requirements; revising reporting requirements for certain local government economic development incentives, etc. Effective Date: 7/1/2020	No Current Committee	01/10/2020 SENATE Filed
363	SB 1712	Emergency Drills in Public Schools	Cruz	Emergency Drills in Public Schools; Revising district school board duties relating to emergency drills for active shooter and hostage situations; expanding requirements for district school board procedures relating to drills for active shooter and hostage situations; requiring district school boards to establish procedures to provide advance notification of drills for active shooter and hostage situations to parents and to provide parents with an option to excuse their students from physical drills, etc. Effective Date: 7/1/2020	No Current Committee	01/10/2020 SENATE Filed
364	SB 1746	Florida Virtual Education	Stargel	Florida Virtual Education; Providing that certain employees of the Florida Virtual School are entitled to sovereign immunity; revising the students given priority by the Florida Virtual School; authorizing the Florida Virtual School to accrue supplemental revenue from a specified organization; providing that all Florida Virtual School employees are subject to specified policies; deleting a requirement that certain school districts provide a specified number of virtual instruction options, etc. Effective Date: 7/1/2020	No Current Committee	01/10/2020 SENATE Filed

AMERICAN OVERSIGHT

	G
362	Similar HB 1149 (DiCeglie)
363	
364	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
365	SB 1770	Education	Cruz	Education; Revising requirements for the annual report the governing body of a charter school must submit to its sponsor; adding additional private school requirements for the Family Empowerment Scholarship Program; requiring, rather than authorizing, the Commissioner of Education to determine that a private school is ineligible to participate in such program under certain circumstances; requiring eligible nonprofit scholarship-funding organizations to comply with specified statutes, etc. Effective Date: 7/1/2020	No Current Committee	01/10/2020 SENATE Filed
366	SB 1784	Vocational Rehabilitation Services	Gainer	Vocational Rehabilitation Services; Revising information that the Division of Vocational Rehabilitation must include in its annual performance report to the Governor and the Legislature; requiring the division to provide preemployment transition services to certain eligible persons with disabilities; providing eligibility requirements for the provision of preemployment transition services; revising the composition of the Florida Rehabilitation Council, etc. Effective Date: 7/1/2020	No Current Committee	01/10/2020 SENATE Filed
367	SB 1790	Income Inequality	Rader	Income Inequality; Citing this act as the “Income Inequality Study Act”; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study to identify the legislative actions and funding necessary to achieve specified goals in reducing income inequality, etc. Effective Date: Upon becoming a law	No Current Committee	01/10/2020 SENATE Filed
368	SB 1792	Income Inequality Impact Statements	Rader	Income Inequality Impact Statements; Requiring the Office of Program Policy Analysis and Government Accountability to prepare an income inequality impact statement for proposed legislation upon the request of a member of the Legislature; specifying requirements for the impact statement, etc. Effective Date: Upon becoming a law	No Current Committee	01/10/2020 SENATE Filed

AMERICAN OVERSIGHT

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365	Identical HB 1285 (Fernández)
366	Identical HB 0901 (Ponder)
367	
368	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
369	SB 1794	Constitutional Amendments Proposed by Initiative	Hutson	Constitutional Amendments Proposed by Initiative; Requiring the Secretary of State to submit an initiative petition to the Speaker of the House of Representatives and the President of the Senate when a specified percentage of the required statewide signatures is obtained; authorizing a citizen to challenge a petition circulator's registration; requiring the court to take specified action if the petition circulator is not registered; providing that the Division of Elections or a supervisor of elections may provide petition forms in electronic format, etc. Effective Date: Upon becoming a law	No Current Committee	01/10/2020 SENATE Filed
370	SB 1806	Elections	Stewart	Elections; Requiring the Secretary of State to be elected rather than appointed; providing that an applicant must designate a party affiliation to be registered to vote; repealing a provision relating to the closure of registration books for an election; requiring the Department of Highway Safety and Motor Vehicles to provide the opportunity to preregister to vote to certain individuals; requiring the Division of Elections to maintain a strategic elections equipment reserve of voting systems for specified purposes, etc. Effective Date: 7/1/2020	No Current Committee	01/10/2020 SENATE Filed
371	HB 2853	School District Education Foundation Matching Grant Program	Donalds	School District Education Foundation Matching Grant Program: Provides an appropriation for the School District Education Foundation Matching Grant Program. Effective Date: July 1, 2020	House Appropriations Committee (Current Reference)	12/10/2019 HOUSE Now in Appropriations Committee
372	HB 4443	First Tee (CHAMP) Comprehensive Health and Mentoring Program for At Risk and Developmentally Disabled Students and Young Adults	Jenne	First Tee (CHAMP) Comprehensive Health and Mentoring Program for At Risk and Developmentally Disabled Students and Young Adults: Provides an appropriation for the First Tee (CHAMP) Comprehensive Health and Mentoring Program for At Risk and Developmentally Disabled Students and Young Adults. Effective Date: July 1, 2020	House Appropriations Committee (Current Reference)	12/12/2019 HOUSE Now in Appropriations Committee

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370	Identical HB 1305 (Thompson)
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AMERICAN OVERSIGHT

	A	B	C	D	E	F
373	HB 4495	School Bond Issuance Data Base	Avila	School Bond Issuance Data Base: Provides an appropriation for the School Bond Issuance Data Base. Effective Date: July 1, 2020	House PreK-12 Appropriations Subcommittee (Current Reference)	01/10/2020 HOUSE On Committee agenda - PreK-12 Appropriations Subcommittee, 01/14/20, 1:30 pm, 102 H
374	HB 6001	Licenses to Carry Concealed Weapons or Firearms	Sabatini	Licenses to Carry Concealed Weapons or Firearms: Removes provision prohibiting concealed carry licensees from openly carrying handgun or carrying concealed weapon or firearm into college or university facility. Effective Date: July 1, 2020	House Criminal Justice Subcommittee (Current Reference)	09/23/2019 HOUSE Now in Criminal Justice Subcommittee
375	HB 6003	Firearms	Hill	Firearms: Removes provisions authorizing seizure of firearms from persons in certain circumstances, prohibition on firearms ownership or possession until removal of firearm possession & firearm ownership disability, prohibition on persons younger than 21 years of age from purchasing firearms, certain exemptions from firearms purchase waiting period, ban on bump-fire stock, & statute authorizing risk protection orders. Effective Date: upon becoming a law	House Criminal Justice Subcommittee (Current Reference)	09/23/2019 HOUSE Now in Criminal Justice Subcommittee
376	HB 6035	Postsecondary Fee Exemptions	Overdorf	Postsecondary Fee Exemptions: Removes exemption from specified tuition & fees for students enrolled in approved apprenticeship programs at specified institutions. Effective Date: July 1, 2020	House Higher Education & Career Readiness Subcommittee (Current Reference)	10/30/2019 HOUSE Now in Higher Education & Career Readiness Subcommittee
377	HB 6065	Wage and Employment Benefits Requirements	Smith (C)	Wage and Employment Benefits Requirements: Removes provisions prohibiting establishment of minimum wage & employment benefits requirements by political subdivisions. Effective Date: July 1, 2020	No Current Committee	01/08/2020 HOUSE Filed

AMERICAN OVERSIGHT

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373	
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376	Identical SB 1322 (Wright)
377	Identical SB 1520 (Rodriguez (J))

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	A	B	C	D	E	F
378	SB 7000	Reporting Abuse, Abandonment, and Neglect	Children, Families, and Elder Affairs	Reporting Abuse, Abandonment, and Neglect; Relocating existing provisions relating to the central abuse hotline of the Department of Children and Families; revising when a person is required to report to the central abuse hotline; providing penalties for the failure to report known or suspected child abuse, abandonment, or neglect; providing responsibilities for child protective investigators relating to animal abuse and neglect; requiring the Education Practices Commission to suspend the educator certificate of certain personnel and administrators for failing to report known or suspected child abuse, etc. Effective Date: 7/1/2020	Senate Education (Current Reference)	11/18/2019 SENATE Referred to Education; Rules
379	HB 7009	Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position	Public Integrity & Ethics Committee	Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position: Reenacts provisions relating to penalties. Effective Date: December 31, 2020	House State Affairs Committee (Current Reference)	12/11/2019 HOUSE Now in State Affairs Committee
380	HB 7011	K-12 Student Athletes	PreK-12 Innovation Subcommittee	K-12 Student Athletes: Revises provisions relating to automated external defibrillators on school grounds, training related to CPR & defibrillators, FHSAA student athlete safety policies, & specified medical evaluations. Effective Date: July 1, 2020	House PreK-12 Appropriations Subcommittee (Current Reference)	12/16/2019 HOUSE Now in PreK-12 Appropriations Subcommittee
381	SB 7012	Mental Health	Children, Families, and Elder Affairs	Mental Health; Providing additional duties for the Statewide Office for Suicide Prevention; requiring the Department of Transportation to work with the office in developing a plan relating to evidence-based suicide deterrents in certain locations; requiring that certain information be provided to the guardian or representative of a minor patient released from involuntary examination; requiring specified persons to complete certain suicide prevention education courses by a specified date; providing that persons providing certain emergency care are not liable for civil damages or penalties under certain circumstances, etc. Effective Date: 7/1/2020	Senate Appropriations Subcommittee on Health and Human Services (Current Reference)	11/21/2019 SENATE Referred to Appropriations Subcommittee on Health and Human Services; Appropriations

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378	
379	Identical SB 7006 (Ethics and Elections)
380	Similar SB 1696 (Perry)
381	Compare HB 0577 (Stevenson) SB 0704 (Rouson) SB 0706 (Rouson) SB 0920 (Rouson) HB 0939 (Slosberg)

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	A	B	C	D	E	F
382	SB 7030	Public Records/Active Threat Assessments and Threat Management Records	Infrastructure and Security	Public Records/Active Threat Assessments and Threat Management Records; Exempting from public records requirements active threat assessments and threat management records; providing circumstances under which such records are considered active; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: On the same date that SB 7028 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law	Senate Infrastructure and Security (Current Reference)	01/06/2020 SENATE On Committee agenda - Infrastructure and Security, 01/13/20, 3:30 pm, 110 S

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From: Jay Brady <jay@filtersplus.com>
Sent: Monday, October 14, 2019 1:36 PM EDT
To: dione.ramos@myfloridayhouse.gov <dione.ramos@myfloridayhouse.gov>
CC: Joe Gruters (Web) <Gruters.Joe.Web@flsenate.gov>; joegruters@gmail.com <joegruters@gmail.com>; Brill, Victoria <Brill.Victoria@flsenate.gov>; Chris Boyd (cboyd@nsf.org) <cboyd@nsf.org>
Subject: Proposed Senate Bill re: Public Health, Water Efficiency and Cooling Towers
Attachment(s): "billdraft74231.DOCX"

Mr. Dione Ramos, District Secretary
Office of Florida Rep. James Buchanan

Dione,

Thank you for returning my call. Per our conversation today, attached is the proposed public health and water efficiency bill from bill drafting related to cooling towers being sponsored in the Senate by State Sen. Joe Gruters (R) Sarasota. Per Sen. Gruters' suggestion, we respectfully request Rep. Buchanan to sponsor this bill in the House. The bill also has the support of Sarasota County Public Health Official Chuck Henry who is promoting the bill with the Florida Department of Health.

Thank you again for your interest in this important public health and water efficiency bill. As we discussed, Chris Boyd at NSF International, and I, are available to respond to any questions or schedule a conference call with Rep. Buchanan at his request. In the meantime, if you or Rep. Buchanan have any questions about the bill, please contact me anytime. Thank you.

Best regards,

Jay

Jay A. Brady, LCAM, CMCA, AMS
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cc: State Sen. Joe Gruters
Victoria Brill, Legislative Aide, Office of Sen. Joe Gruters
Chris Boyd, General Manager, North America, Building Water Health Program
Legionella Risk Assessment / Water Safety Plans / Regulatory Compliance / Research
NSF International

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23-00188-20

A bill to be entitled

An act relating to cooling towers; providing a directive to the Division of Law Revision; creating s. 386.301, F.S.; providing legislative intent; creating s. 386.302, F.S.; defining terms; creating s. 386.303, F.S.; requiring that owners of cooling towers register them with the Department of Health; requiring the department to create a statewide electronic system for such registrations; providing minimum requirements for the registration system; requiring that owners of cooling towers report specified information regarding the towers to the department, beginning on a specified date; providing department responsibilities regarding the registration system; requiring that owners of cooling towers maintain certain cooling tower records for a specified timeframe; requiring that a copy of the cooling tower's maintenance program and plan be kept on the cooling tower premises; creating s. 386.304, F.S.; requiring that owners of cooling towers obtain or update a maintenance program and plan for existing and newly installed cooling towers, by a specified date; providing requirements for the maintenance program and plans; creating s. 386.305, F.S.; requiring that certain culture analyses be conducted by certified environmental laboratories; providing requirements for interpreting the results of such analyses; creating s. 386.306, F.S.; requiring that owners of cooling towers provide notification to the county health department and the public within a

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specified timeframe under specified circumstances; requiring county health departments to provide certain notification to the department; requiring the county health department or, at its discretion, the department to determine the method of certain notifications; creating s. 386.307, F.S.; providing cooling tower disinfection standards; requiring that the person conducting the disinfection meet certain qualifications; specifying the types of products that may be used during a disinfection; providing cooling tower efficiency standards; creating s. 386.308, F.S.; requiring that owners of cooling towers have their cooling towers inspected before initial startup and, thereafter, at specified intervals; providing inspection requirements; requiring that persons conducting inspections report deficiencies to the owner for corrective action; requiring initial and annual certification of cooling towers, by a specified date; providing requirements for certification; requiring that all inspection findings, deficiencies, corrective actions, and certifications be reported to the department and maintained by the owner; creating s. 386.309, F.S.; authorizing the department or a county health department to require an owner to conduct a *Legionella* culture sampling and analysis under certain circumstances; authorizing an officer, employee, or agent of the department or county health department to enter a property to inspect a cooling tower; specifying that certain actions by the owner of

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a cooling tower may constitute a nuisance; providing for civil and criminal penalties; requiring the State Surgeon General to submit a report to the Legislature by a specified date; providing requirements for the report; creating s. 386.3101, F.S.; authorizing county health departments or the department to issue waivers if the waiver does not present a danger to the public health; providing requirements for the waivers; authorizing county health departments to issue variances under certain circumstances for a specified period of time; providing for severability; providing an effective date.

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

Section 1. The Division of Law Revision is directed to create part III of chapter 386, Florida Statutes, consisting of ss. 386.301-386.3101, Florida Statutes, to be entitled "Cooling Towers."

Section 2. Section 386.301, Florida Statutes, is created to read:

386.301 Legislative intent.—The purpose of this part is to protect people from the health hazards of *Legionella*, a bacterium that is known to originate in improperly sanitized cooling towers.

Section 3. Section 386.302, Florida Statutes, is created to read:

386.302 Definitions.—As used in the part, the term:

(1) "Bacteriological culture sampling and analysis" means

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the collection of a water sample for the purpose of measuring the live culture growth of aerobic bacterial populations using heterotrophic plate count, dip slides, or a similar method employed by the industry in accordance with the manufacturer's directions for use.

(2) "Building," unless otherwise expressly indicated by the text, means all or part of a structure, premises, or lot which is used or is intended to support or shelter a use or occupancy.

(3) "Cleaning" means physical, mechanical, or other removal of biofilm, scale, debris, rust, other corrosion products, sludge, algae, and other potential sources of contamination.

(4) "Compliance inspection" means the inspection, testing, and other activities that are required on a regular basis in accordance with s. 386.308.

(5) "Cooling tower" means an evaporative condenser, a fluid cooler, or another wet cooling device that is capable of aerosolizing water; that contains or is part of a recirculated water system; and that is incorporated into a building's cooling process, industrial process, refrigeration system, or energy production system.

(6) "Cooling tower cells" means the smallest subdivisions of a tower which can function independently with regard to air and water flow. Each cell may have one or more fans and one or more distribution systems.

(7) "Cooling tower water system" means one or more cooling towers and all of the recirculating water system components, process instruments, and appurtenances through which water flows or comes into contact with chemical applicators, valves, pumps, condensers, heat exchangers, and other related components.

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(8) "Corrective action" means disinfection, cleaning, flushing, and other activities to remedy biofilm growth, *Legionella* proliferation, or other system mechanical problems identified through monitoring, inspections, or other means, as determined by the department.

(9) "Cycles of concentration" means the ratio of make-up water volume to blowdown water volume, which may be approximated from the ratio of the conductivity of the blowdown water to the conductivity of the make-up water.

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

(11) "Dip slide" means a method to test for microorganisms which consists of a sterile culture medium affixed to a sterile slide that is dipped directly into the sampled liquid.

(12) "Disinfection" means the use of one or more biocides at a defined concentration, under specified conditions, for an established period of time to kill or inactivate pathogenic microorganisms. The term does not include the cleaning of a cooling tower through the application of detergents, penetrants, brushes or other tools, highly pressurized water, or any other method that does not involve the use of a pesticide or economic poison, as defined in s. 482.021(23); the use of a pesticide, as defined in s. 487.021(49); or the use of a restricted-use pesticide, as defined in s. 487.021(58).

(13) "Drift eliminator" means a system of baffles that cause separation of entrained water designed to remove aerosols from cooling tower exhaust.

(14) "Heterotrophic plate count" means a measure of the concentration of microorganisms that require an external source of organic carbon for growth, including bacteria, yeasts, and

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mold, in water samples.

(15) "*Legionella*" means the genus of bacteria that is ubiquitous in aqueous environments, including the recirculated water of cooling tower water systems that are not properly or regularly maintained.

(16) "*Legionella* culture sampling and analysis" means the collection of a water sample for the measurement of the live culture of *Legionella* involving the use of specialized media and laboratory methods for growth to determine the species and serogroup.

(17) "Maintenance program and plan" means a written document, developed by a qualified person, which specifies required monitoring, cleaning, disinfection, and other practices for the prevention and control of *Legionella* growth in a cooling tower water system, and is in accordance with section 5, 6, and 7.2 of ANSI/ASHRAE Standard 188-2018, Legionellosis: Risk Management for Building Water Systems and the manufacturer's instructions.

(18) "Owner" means all of the following:

(a) A person, agent, firm, partnership, corporation or other legal entity that has a legal or equitable interest in, or control of, a cooling tower or the premises of the cooling tower.

(b) The legal owner of the building.

(c) A tenant, if the tenant:

1. Owns a cooling tower that services the tenant's leased premises; or

2. Does not own the cooling tower but has a lease or contractual arrangement to maintain the cooling tower.

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(19) "Qualified person" means a professional engineer licensed and registered in this state; a certified industrial hygienist; a certified water technologist; a professional with training and experience in developing management plans and performing inspections in accordance with industry protocols, including, but not limited to, NSF Protocol 453-2017: Cooling Towers – Treatment, Operation, and Maintenance to Prevent Legionellosis; or an environmental consultant who has at least 2 years of operational experience in water management planning and operation.

Section 4. Section 386.303, Florida Statutes, is created to read:

386.303 Registration; reporting; recordkeeping.—

(1) REGISTRATION.—Before initial operation, and upon any change in ownership, the owner of a cooling tower shall register each of his or her cooling tower water systems with the department, using a statewide electronic system designated by the department. The registration system must require, at a minimum, all of the following information:

(a) The street address of the building at which the cooling tower is located.

(b) The name, address, telephone number, and email address of each cooling tower owner.

(c) The total number of cooling towers in the system.

(d) The name of the manufacturer of the cooling tower.

(e) The model number of the cooling tower.

(f) The specific unit serial number of the cooling tower, if available.

(g) The cooling capacity of the cooling tower.

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(h) The cooling tower water system volume, inclusive of any piping, basin, or sump.

(i) The intended use of the cooling tower.

(j) Whether systematic disinfection in accordance with s. 386.307 is maintained, manually, through timed injection, or through continuous delivery.

(k) Whether maintenance is performed by an employee, a contractor, or another party.

(l) The year the cooling tower was placed into service.

(2) REPORTING.—

(a) Beginning July 1, 2020, a cooling tower owner shall report through the statewide electronic system all of the following information to the department at least every 90 days while the cooling tower is in use:

1. The date of the last bacteriological culture sample collection, the results of the analysis, and the designated due date of any remedial action that is required pursuant to s. 386.304(2)(a).

2. The date of the last *Legionella* culture sample collection, the results of the sample analysis, and the date that any remedial action was taken, as required by s. 386.304(2)(b)-(e).

3. The date of the last compliance inspection performed pursuant to s. 386.308 and the resulting standardized inspection report.

4. The date of the lowest daily cycles of concentration recorded, and the target number of cycles.

5. The average daily make-up water volume and blowdown water volume.

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6. The percentage of make-up water that is delivered to the cooling tower versus the blowdown water volume.

7. The date of most recent certification pursuant to s. 386.308.

8. The date of removal or permanent discontinuation of use of the cooling tower, if applicable.

9. Any other information deemed necessary by the department.

(b) If a landlord and a tenant are considered to be owners of a cooling tower, as defined in s. 386.302, only one of the parties is required to register the cooling tower. However, both parties are responsible for ensuring that registration and reporting are completed as required by this part.

(3) STATEWIDE SYSTEM.—

(a) The department shall make the data in the statewide electronic system:

1. Publicly available, as appropriate.

2. Fully accessible to and searchable by county health departments.

(b) This part does not prohibit a county health department from requiring registration with and reporting to a county system or collecting fees associated with the administration of such a system.

(c) The department shall provide owners with a mobile data collection platform that is compatible with Android and Apple devices and that electronically collects, and allows owners to electronically submit, the information required by this part.

(4) RECORDKEEPING.—A cooling tower owner shall:

(a) Maintain for at least 3 years all of the following

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records:

1. Required sampling and analyses.

2. Disinfection schedules and applications.

3. Inspection findings, deficiencies, and corrective actions.

4. Required certifications.

(b) Maintain on the premises of the cooling tower a copy of the current maintenance program and plan required by this part.

(c) Make the records and plan required under this subsection immediately available to the department or county health department upon request.

Section 5. Section 386.304, Florida Statutes, is created to read:

386.304 Maintenance program and plan.—

(1) The owner of a cooling tower shall:

(a) By September 1, 2020, develop or update a maintenance program and plan for each existing cooling tower, which must be consistent with section 7.2 of ANSI/ASHRAE Standard 188-2018, Legionellosis: Risk Management for Building Water Systems.

(b) After September 1, 2020, maintain such a maintenance program and plan for each newly installed cooling tower.

(2) The maintenance program and plan must include all of the following elements:

(a) A schedule for routine bacteriological culture sampling and analysis to assess microbiological activity. The sampling and analysis must be conducted at intervals of not more than 7 days while the cooling tower is in use and must require additional bacteriological culture sampling and analysis, as needed, to validate process adjustments.

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(b) A schedule for routine *Legionella* culture sampling and analysis within 14 days after startup and, thereafter, while the cooling tower is in use, at monthly intervals. Cooling towers in use year-round must conduct sampling and analysis at intervals of not more than 30 days, and within 2 weeks after startup following maintenance.

(c) A procedure for achieving water efficiency by maintaining a minimum of eight cycles of concentration using automatic conductivity control or for estimating the percentage of water savings through the installation of water meters on make-up and blowdown lines.

(d) A requirement that, in addition to development of the routine *Legionella* culture sampling and analysis schedule required by paragraph (b), immediate *Legionella* culture sampling and analysis be conducted in the event of any of the following:

1. A mechanical breakdown of the cooling tower water system for more than 72 hours.

2. A power failure affecting the cooling tower water system for more than 72 hours.

3. A loss of biocide treatment of the cooling tower water system for more than 72 hours.

4. Failure of conductivity control or any other control methods for more than 72 hours.

5. A determination by the department or a county health department that one or more cases of legionellosis are or may be associated with the cooling tower, based on epidemiologic data or laboratory testing.

6. Any other conditions specified by the department or a county health department.

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(e) A requirement that an owner take immediate and appropriate action, including remedial action, in response to a bacteriological or *Legionella* culture analysis. For bacteriological analysis results, the response must include, but need not be limited to, taking action as required by s. 386.305(2). For *Legionella* culture analysis results, the response must include, but need not be limited to, taking action as required by s. 386.305(3) and contacting the county health department as required by s. 386.306.

(f) A requirement that any *Legionella* culture analyses be performed pursuant to s. 386.305(1).

(g) A shutdown and disinfection plan for removing or permanently discontinuing use of a cooling tower.

(h) Requirements for treatment and manual or automated flushing of any piping, basin, sump, or wetted surface during idle conditions.

Section 6. Section 386.305, Florida Statutes, is created to read:

386.305 Culture analyses.—

(1) LABORATORY REQUIREMENTS.—A culture analysis must be performed by an environmental laboratory certified pursuant to s. 403.0625 which is approved to perform such an analysis.

(2) INTERPRETATION OF BACTERIOLOGICAL ANALYSIS RESULTS FROM COOLING TOWERS.—

(a) *Level 1.*—Samples with a culture result that is less than 10,000 colony forming units per milliliter (CFU/mL). The cooling tower owner shall maintain the treatment program and bacteriological monitoring in accordance with the cooling tower's maintenance program and plan.

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(b) *Level 2.*—Samples with a culture result that is greater than or equal to 10,000 CFU/mL but less than 100,000 CFU/mL. The cooling tower owner shall do all of the following until the water sample culture results meet the Level 1 criteria:

1. Review the treatment program.

2. Initiate immediate disinfection by increasing biocide concentration or using a different biocide within 24 hours after receiving the analysis results.

3. Retest the water within 3 to 7 days after receiving the analysis results.

(c) *Level 3.*—Samples with a culture result that is greater than or equal to 100,000 CFU/mL but less than 1,000,000 CFU/mL. The cooling tower owner shall do all of the following until the water sample culture results meet the Level 1 criteria:

1. Review the treatment program and provide notification as required by s. 386.306.

2. Increase biocides within 24 hours after receiving the analysis results.

3. Perform a visual inspection to evaluate the need to perform cleaning and additional disinfection.

4. Retest the water within 3 to 7 days after receiving the analysis results.

(d) *Level 4.*—Samples with a culture result that is greater than or equal to 1,000,000 CFU/mL. The cooling tower owner shall do all of the following until the water sample culture results meet the Level 1 criteria:

1. Review the treatment program and provide notification as required by s. 386.306.

2. Increase biocides within 2 hours after receiving the

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analysis results.

3. Within 48 hours after receiving the analysis results, perform remediation of the tower by hyper halogenating, cleaning, and flushing the tower.

4. Retest the water within 3 to 7 days after receiving the analysis results.

(3) INTERPRETATION OF *LEGIONELLA* CULTURE RESULTS FROM COOLING TOWERS.—

(a) *Level 1.—Legionella* culture sample results of less than 20 CFU/mL. The cooling tower owner shall maintain the treatment program and monitoring in accordance with the cooling tower's maintenance program and plan.

(b) *Level 2.—Legionella* culture sample results of more than 20 CFU/mL but less than 1,000 CFU/mL. The cooling tower owner shall do all of the following until the water sample culture results meet the Level 1 criteria:

1. Review the treatment program.

2. Perform immediate online disinfection.

3. Retest the water within 3 to 7 days after receiving the analysis results.

a. If the retest indicates a presence of *Legionella* of more than or equal to 20 CFU/mL but less than 100 CFU/mL, the cooling tower owner must repeat the online disinfection.

b. If the subsequent retest indicates a presence of *Legionella* of more than or equal to 100 CFU/mL but less than 1,000 CFU/mL, the cooler tower owner must further investigate the water treatment program and immediately perform online disinfection.

(c) *Level 3.—Legionella* culture sample results of more than

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or equal to 1,000 CFU/mL. The cooling tower owner shall do all of the following until the water sample culture results meet the Level 1 criteria:

1. Review the treatment program.

2. Provide notification as required by s. 386.306.

3. Institute immediate system decontamination.

4. Retest the water within 3 to 7 days after receiving the analysis results.

a. If the retest indicates a presence of *Legionella* of more than or equal to 20 CFU/mL but less than 1,000 CFU/mL, the cooling tower owner must take the actions required under paragraph (b).

b. If the subsequent retest indicates a presence of *Legionella* of more than or equal to 1,000 CFU/mL, the owner must perform system decontamination.

Section 7. Section 386.306, Florida Statutes, is created to read:

386.306 Notification.—A cooling tower owner shall:

(1) Notify the county health department within 24 hours after receiving a *Legionella* water sample culture result that exceeds 1,000 colony forming units per milliliter. The county health department shall notify the department within 24 hours after receiving such a report.

(2) Notify the public of such test results in a manner determined by the county health department or, at the discretion of the department, by the department.

Section 8. Section 386.307, Florida Statutes, is created to read:

386.307 Cooling tower standards.—

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(1) DISINFECTION.—

(a) A person who disinfects a cooling tower must be a commercial applicator or a certified applicator as defined in s. 487.021 who is licensed to apply biocide in a cooling tower and who is certified in accordance with the requirements of the Florida Pesticide Law, or be an apprentice who is under the direct supervision of a licensed applicator, as defined in s. 487.021.

(b) The cooling tower owner shall maintain the name and certification number of the applicator who disinfects the cooling tower under paragraph (a) or the business name and number of the company providing onsite disinfection.

(c) Only biocide products registered by the Department of Environmental Protection for use in cooling towers or pesticidal devices produced in an establishment registered by the Environmental Protection Agency may be used to disinfect a cooling tower.

(2) EFFICIENCY.—

(a) Each cooling tower owner shall install make-up and blowdown meters on each of his, her, or its cooling towers to monitor the total volume of water used by the cooling tower, and shall ensure that the cooling tower has an automatic conductivity controller, a high-efficiency drift eliminator, and an overflow alarm to prevent overflow of the sump in case of make-up water valve failure. The overflow alarm must provide an alert through an energy management control system to the cooling tower operators in the event of an overflow of the sump.

(b) All cooling towers must achieve at least eight cycles of concentration using automatic conductivity control.

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(c) The efficiency of the cooling tower water system must be measured by the percentage of water that is delivered to the cooling tower versus the blowdown water volume.

(d) If the local water utility supplies water to the property, water meters must meet the requirements of the utility.

Section 9. Section 386.308, Florida Statutes, is created to read:

386.308 Compliance inspection and certification.—

(1) COMPLIANCE INSPECTION.—

(a) Each cooling tower owner shall ensure that each of his, her, or its cooling towers is inspected before initial startup and at intervals of not more than every 90 days while in use.

(b) A compliance inspection must be performed by a qualified person who is unaffiliated with the water treatment company; a professional engineer licensed in this state; an industrial hygienist; a water technologist; or an environmental consultant, any of whom must have training and experience in performing inspections in accordance with current standard industry protocols, including, but not limited to, ANSI/ASHRAE Standard 188-2018, Legionellosis: Risk Management for Building Water Systems.

(c) Each compliance inspection must include an evaluation, on a standardized inspection form created by the department, of all of the following:

1. The cooling tower and associated equipment for the presence of organic material, biofilm, algae, debris, and other visible contaminants.

2. The general condition of the cooling tower basin, remote

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sump, packing material, and drift eliminators.

3. The water make-up connections and control, including backflow protection or air gaps, as needed.

4. Whether the conductivity control and the make-up and blowdown meters are functioning properly.

5. Whether the water treatment equipment, including, but not limited to, pumps, timers, valves, and strain gauges, are functioning properly.

(d) Information collected during compliance inspections must be collected and entered into the department's mobile data collection platform, must include the standardized inspection form, and must be submitted to the registration portal by a qualified person as specified in paragraph (b).

(e) The person performing the inspection shall report any deficiencies found to the owner so that corrective action may be taken and document all completed corrective actions using the department's mobile data collection platform.

(2) CERTIFICATION.—By November 1, 2020, and by each November 1 thereafter, a cooling tower owner shall obtain an annual certification from a qualified person which certifies that a maintenance program and plan is in place for the cooling tower and that all actions required under that plan and this part have been taken, including, but not limited to, all of the following:

(a) All required bacteriological culture sampling and analyses.

(b) All *Legionella* culture sampling and analyses, including any immediate *Legionella* culture sampling and analyses performed pursuant to s. 386.304(2)(d) and (e).

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(c) Any disinfection performed pursuant to the standards specified in section 386.307(1).

(d) All compliance inspections performed pursuant to subsection (1).

(3) REPORTING.—All inspection findings, deficiencies, corrective actions, and certifications must be reported to the department and maintained by the owner as required by s. 386.303.

Section 10. Section 386.309, Florida Statutes, is created to read:

386.309 Enforcement.—

(1) The department or a county health department may require an owner to conduct *Legionella* culture sampling and analysis following a determination, based on epidemiologic data or laboratory testing, that one or more cases of legionellosis are or may be associated with a cooling tower.

(2) An officer, employee, or agent of the department or the county health department may enter onto any property to inspect a cooling tower for compliance with this part and may take water samples as part of such inspections. Such inspections must be conducted as provided in s. 487.071.

(3) If an owner fails to register a cooling tower, develop and maintain a maintenance program and plan for a cooling tower, obtain certification for a cooling tower, disinfect a cooling tower, perform or obtain required culture sampling and analysis, or conduct inspections of a cooling tower as required in this part, the department or the county health department may determine that such failure constitutes a nuisance pursuant to this chapter.

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(4) An owner who violates this part is subject to civil and criminal penalties as provided in s. 386.051. Each day that an owner remains in violation of this part shall constitute a separate offense.

(5) The State Surgeon General shall submit a report to the President of the Senate and the Speaker of the House of Representatives by each January 1 which includes all of the following information:

(a) For the prior year:

1. The number of new cooling tower registrations issued and the number of notifications of discontinued use of a cooling tower received by the department pursuant to s. 386.303 as of November 1.

2. The number of annual certifications that a cooling tower was inspected, tested, cleaned, and disinfected received by the department pursuant to s. 386.308 as of November 1.

3. The number of reports of tests for the presence of *Legionella* which reported levels above 1,000 CFU/mL received by the department.

4. The number of inspections of cooling towers conducted by the department, or a county health department on behalf of the department, along with the number and types of any violations cited during such inspections.

5. The number of cleanings, disinfections, or other actions performed by or on behalf of the department.

6. The number of persons diagnosed with legionellosis in this state, to the extent known or reasonably discoverable by the department.

(b) Recommendations as to whether department rules should

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be amended to include requirements for any of the building water systems described in ANSI/ASHRAE Standard 188-2018, Legionellosis: Risk Management for Building Water Systems.

(c) Information regarding the implementation of any such requirements, their effectiveness in preventing outbreaks of legionellosis, and recommendations for improvements or modifications to department rules to further the control of *Legionella*.

Section 11. Section 386.3101, Florida Statutes, is created to read:

386.3101 Waivers.—The department may issue a written general or specific waiver with respect to this part if the department determines that such waiver will not present a danger to public health. The department may revoke the waiver upon a determination that the waiver may present a danger to public health.

Section 12. Until December 31, 2021, an owner may submit a written application to a county health department for a variance from any requirement of this part for additional time to come into compliance with this act. A variance may not exceed 90 days. The application must include an explanation as to why the variance will not present a danger to public health. With the approval of the Department of Health, the county health department may approve such application for a variance in writing, subject to any conditions that the department or county health department may deem appropriate to protect public health. The department or the county health department may revoke a variance upon a determination that the variance may present a danger to public health.

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Section 13. If any provision of this act or its application to any person or entity or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 14. This act shall take effect July 1, 2020.

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From: Kubler, John <John.Kubler@dot.state.fl.us> on behalf of McCants, Jerri <Jerri.McCants@dot.state.fl.us>
Sent: Thursday, October 10, 2019 2:09 PM EDT
Subject: Public Hearing for CR 769 (Kings Highway) PD&E Study scheduled for Thursday, November 7, 2019, FPID 431297-1-22-01
Attachment(s): "CR 769Newsletter_Oct092019Final.pdf"

The Florida Department of Transportation (FDOT), District One, is hosting a public hearing as a part of the Project Development and Environment (PD&E) study of County Road (CR) 769 (Kings Highway) in Charlotte and Desoto counties. The hearing will be on Thursday, November 7, 2019 at the Turner Agri-Civic Center, Exhibit Hall, 2250 NE Roan Street, Arcadia, Florida, 34266. A map showing the project and hearing location is below.

The public hearing will begin with an open house at 5 p.m. where people can view the proposed conceptual designs, ask questions, and provide comments to FDOT representatives. The formal public hearing will begin at 6 p.m. with introductory remarks from the hearing moderator, followed by a video describing the preferred alternative. A short intermission will follow when people can register to make oral comments. Verbal comments will be taken following the intermission. Written comments will also be accepted at the hearing and through November 18, 2019.

FDOT proposes to widen Kings Highway from a two-lane undivided roadway to a four-lane divided roadway. The study limits are from South Kingsway Circle in Charlotte County to Peace River Street in Desoto County, approximately 2.7 miles. The widening will require right-of-way acquisition for road improvements and stormwater management areas. Encroachments on wetlands and floodplains have been identified and may be given special consideration under Executive Orders 11990 and 11988, Protection of Wetlands and Floodplain Management, respectively. Existing access to properties along Kings Highway will change due to the addition of a median, a result of widening the road.
The no-build alternative, where no improvements other than routine maintenance are made to Kings Highway through 2040, will remain viable throughout the remainder of this study.

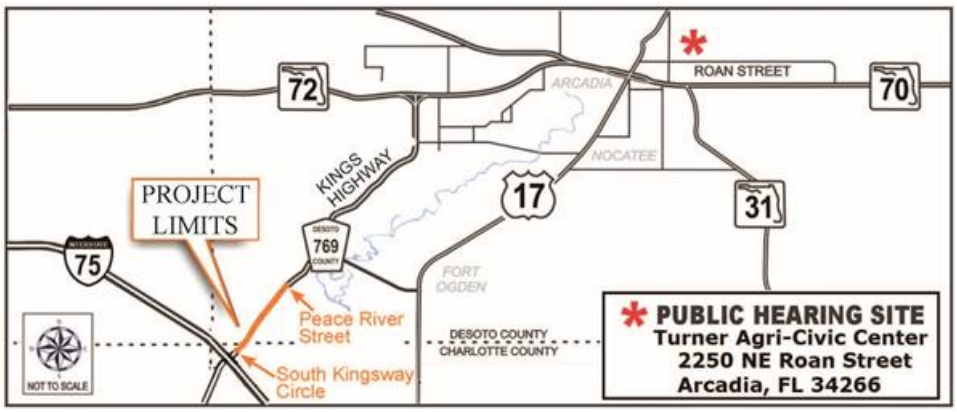
Draft project reports and conceptual plans are available for public review from October 16 through November 18, 2019 during regular operating hours at the following locations: Desoto County Library, 125 N. Hillsborough Avenue, Arcadia, FL 34266 and at FDOT, Southwest Area Office, 10041 Daniels Parkway, Fort Myers, FL 33913. These documents can also be found on the project website at www.cr769kingshighway.com.

FDOT is sending notices to property owners located within 300 feet of either side of Kings Highway within the study limits, as well as interested parties. The notice is attached. FDOT encourages all interested people to attend and express their views regarding the project and information presented.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

This hearing is developed in compliance with Title VI of the Civil Rights Act of 1964 and related statues. FDOT solicits public participation without regard to race, color, national origin, age, sex, religion, disability, or family status. People who require special accommodations under the Americans with Disabilities Act or who require translation services (free of charge) should contact Cynthia Sykes, District One Title VI Coordinator at (863) 519-2287 or by email at Cynthia.Sykes@dot.state.fl.us at least seven days prior to the hearing.

For more information about the CR 769 (Kings Highway) PD&E study, please contact the FDOT Project Manager, Steven A. Andrews at (863) 519-2270 or by e-mail at Steven.Andrews@dot.state.fl.us, or visit the project website at www.cr769kingshighway.com. We look forward to your participation at the public hearing on November 7.



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Consider the environment. Please don't print this e-mail unless you really need to.

Sincerely,

John M. Kubler, P.E.
Director of Transportation Development
801 North Broadway Avenue
Post Office Box 1249
Bartow, FL 33831-1249
(863) 519-2611 (Office)
(863) 640-9545 Cell



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County Road 769 (Kings Highway)
Project Development & Environment Study
From South Kingsway Circle in Charlotte County to Peace River Street in DeSoto County

October 2019

Financial Project ID: 431297-1-22-01

You Are Invited to a Public Hearing

The Florida Department of Transportation (FDOT), invites you to attend a Public Hearing for the County Road (CR) 769 (Kings Highway) Project Development & Environment (PD&E) Study on **Thursday, November 7, 2019** at the Turner Agri-Civic Center - Exhibit Hall, 2250 NE Roan Street, Arcadia, FL 34266. The hearing begins with an open house at 5 p.m. where the public is able to view project materials, ask questions and discuss the project with FDOT representatives. The formal public hearing and comment period will begin at 6 p.m. Verbal and written comments are welcome.

PUBLIC HEARING

Time: 5 p.m. (Open House)
6 p.m. Formal Presentation/ comment period

Date: Thursday, November 7, 2019

Place: Turner Agri-Civic Center
2250 NE Roan Street
Arcadia, FL 34266

Preferred Build Alternative

In March 2018, FDOT held an Alternatives Public Meeting to present alternatives for the widening of Kings Highway to four lanes within the project area. These improvements are identified in the Heartland Regional Transportation Planning Organization's (TPO) Long Range Transportation Plan. Based on comments from the public, engineering and environmental analysis, and through coordination with DeSoto County, FDOT determined that the preferred alternative for the study would be a combination of Alternatives A and B that were shown at the workshop. For Segment 1 (S. Kingsway Circle to SW Glenadine Avenue), the preferred alternative is Alternative A, and for Segment 2 (SW Glenadine Avenue to Agnes Street) & Segment 3 (Agnes Street to Peace River Street), the preferred alternative is Alternative B.

The No-Build alternative, where no improvements other than routine maintenance are made to this segment of Kings Highway, will remain a viable alternative throughout the study.

Draft Project Documents

Draft project documents are available for public review at the public hearing and Wednesday, October 16 through Monday, November 18, 2019 at the:

DeSoto County Library
125 N. Hillsborough Avenue
Arcadia, FL 34266
9 a.m. to 6 p.m. Tuesday – Friday
9 a.m. – 2:30 p.m. Saturday
closed Sunday and Monday

Florida Department of Transportation
Southwest Area Office
10041 Daniels Parkway
Fort Myers, FL 33913
8 a.m. to 5 p.m. Monday - Friday

And on the project website at:
www.cr769kingshighway.com

Preferred Build Alternative

Segment 1: 4-lane divided roadway with a multi-use path, sidewalk, and underground drainage

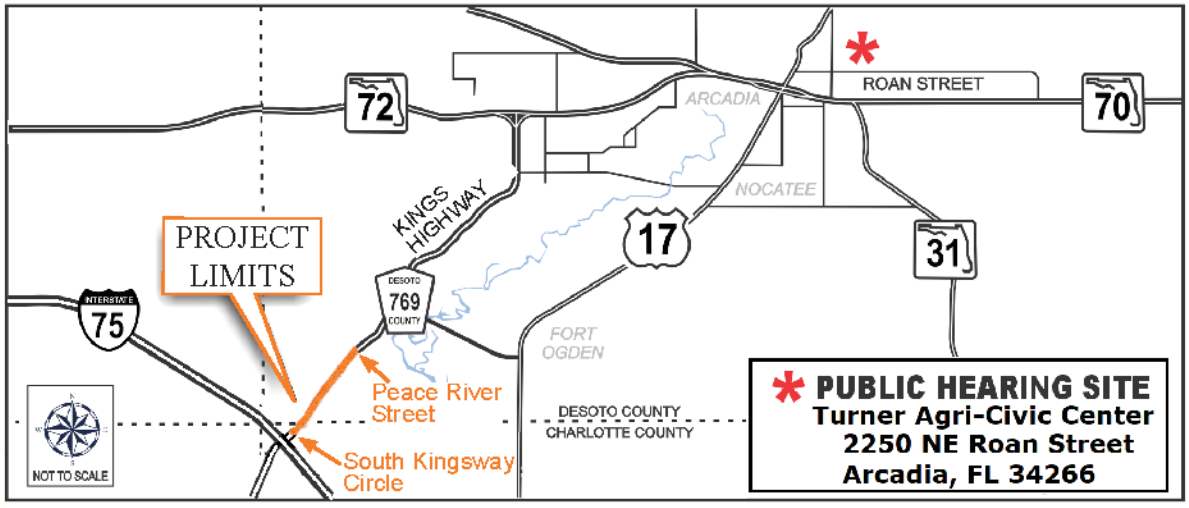
Segment 2: 4-lane divided roadway with a multi-use path, sidewalk, and roadside swales. Existing Kings Highway becomes a 2-lane frontage road from Southwest Glenadine Avenue to Agnes Street.

Segment 3: 4-lane divided roadway with a multi-use path, sidewalk, and roadside swales

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Florida Department of Transportation
P.O. Box 1249
Bartow, Florida 33831
Attention: Steven A. Andrews

CR 769 (Kings Highway) PD&E Study Project Location /Public Hearing Map



Contact Us

We encourage your questions and comments for the Study.

Steven A. Andrews
FDOT Project Manager
P. O. Box 1249
Bartow, Florida 33831
Phone: (863) 519-2270
Steven.Andrews@dot.state.fl.us

Comuniquese con nosotros

Nos importa mucho la opinión del público sobre el proyecto.

Karina Della Sera
FDOT
P. O. Box 1249
Bartow, Florida 33831
Teléfono: (863) 519-2750
Karina.DellaSera@dot.state.fl.us

The PD&E Study is being developed in compliance with requirements of the National Environmental Policy Act of 1969, which will qualify future phases of the project for federal funding. FDOT solicits public participation without regard to race, color, national origin, age, sex, religion, disability, or family status. People who require special accommodations under the Americans with Disabilities Act or who require translation services (free of charge) should contact Cynthia Sykes, District One Title VI Coordinator, at (863) 519-2287, or email at Cynthia.Sykes@dot.state.fl.us at least seven days prior to the public hearing.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried-out by FDOT pursuant to 23 U.S.C § 327 and a Memorandum of Understanding dated December 14, 2016, and executed by FHWA and FDOT.

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From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Monday, January 27, 2020 12:31 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: RE: 1212

Gah! I found the list… so sorry. Disregard the link I sent you. My next email to you will be what you are asking for

---

From: Brill, Victoria <Brill.Victoria@flsenate.gov>
Sent: Monday, January 27, 2020 12:28 PM
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: RE: 1212

EMAIL RECEIVED FROM EXTERNAL SOURCE

Thank you!

This is what I was referring to. If it is the same or different?
https://www.enterpriseflorida.com/wp-content/uploads/Directory_of_Consulates_Chambers_and_Sister_Cities_in_Florida.pdf

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Monday, January 27, 2020 11:46 AM
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: 1212

Victoria,

Please see the link below that will direct you to the Consular Corp of Florida listed by country.

Thank you!!!

http://orlando.consularcorps.info/countries/

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

AMERICAN OVERSIGHT

From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Monday, January 27, 2020 12:39 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: RE: 1212
Attachment(s): "Consular Corp Offices of Florida.pdf"

From: Brill, Victoria <Brill.Victoria@flsenate.gov>
Sent: Monday, January 27, 2020 12:28 PM
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: RE: 1212

EMAIL RECEIVED FROM EXTERNAL SOURCE

Thank you!

This is what I was referring to. If it is the same or different?
https://www.enterpriseflorida.com/wp-content/uploads/Directory_of_Consulates_Chambers_and_Sister_Cities_in_Florida.pdf

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Monday, January 27, 2020 11:46 AM
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: 1212

Victoria,

Please see the link below that will direct you to the Consular Corp of Florida listed by country.

Thank you!!!

http://orlando.consularcorps.info/countries/

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

AMERICAN OVERSIGHT

Consular Offices in Florida

The State of Florida has one of the largest consular corps in the United Sates. Consular offices serve as official representatives of a foreign country to provide assistance to that government's citizens living or traveling in other countries. Florida's consular corps is home to consular missions and official trade and commercial offices from 85 countries. Miami-Dade County has the largest concentration in Florida, with 71 consular, commercial and trade offices that represent 63 countries.

Thirty-seven (37) consuls general can be found in Florida. They are the highest ranked representative at a consular office and accredited by the United States Department of State. Another 72 honorary consuls are recognized by the U.S. Government. These honorary consuls are American citizens or permanent resident aliens appointed by a foreign country to provide limited consular services to their citizens living or traveling abroad.

Regional Consular Corps

Consular Corps of Miami

Mr. Nabil Achkar, Secretary
200 S. Biscayne Boulevard, Suite 1900
Miami, FL 33131
Phone: (305) 373-0200
Email: consularcorpsmia@gmail.com

Consular Corps Orlando

Ms. Elcy Hernandez, Chief Protocol Officer
P.O. Box 3202
Orlando, FL 32802
Phone: (954) 849-1322
Email: czdiplomat2@gmail.com
Website: www.orlandoconsularcorps.org

Tampa Bay Trade and Protocol Council

Ms. Deborah Wilkinson, Executive Director
201 N. Franklin Street, Suite 2900
Tampa, FL 33602
Phone: (813) 276-9457
Email: deborah@wilkinsonglobalconnections.com
Website: www.tampachamber.com/trade-council.aspx

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Enterprise Florida Trade Representatives

Enterprise Florida offers programs and services such as one-on-one export counseling, educational events, and overseas trade missions and trade shows to help companies expand into global markets. Contact one of the following Enterprise Florida regional trade representatives to learn more.

Coral Gables Office & Division Headquarters

Counties Served: Collier, Glades, Hendry, Lee, Miami-Dade, Monroe

Mr. Christopher Munoz
cmunoz@enterpriseflorida.com
Phone: (305) 808-3386

Ms. Alejandra Henao
ahenao@enterpriseflorida.com
Phone: (305) 808-3670

Mr. Carlos Guerra
cguerra@enterpriseflorida.com
Phone: (305) 808-3590

201 Alhambra Circle, Suite 610
Coral Gables, Florida 33134

Pensacola Office

Counties Served: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington

Mrs. Andrea Moore
amoore@enterpriseflorida.com
Phone: (850) 469-8989
418 West Garden Street, Suite 107
Pensacola, Florida 32502

Jacksonville Office

Counties Served: Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, Union

Mr. Larry Bernaski
lbernaski@enterpriseflorida.com
Phone: (904) 359-9350
3 Independent Drive
Jacksonville, Florida 32202

Tampa Office

Counties Served: Charlotte, Citrus, Desoto, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Sarasota

Mr. Joseph Bell
jbell@enterpriseflorida.com
Phone: (813) 276-9430
201 North Franklin Street, Suite 201
Tampa, Florida 33602

Orlando Office

Counties Served: Brevard, Highlands, Lake, Marion, Orange, Osceola, Polk, Seminole, Sumter, Volusia

Mr. Michael Cooney
mcooney@enterpriseflorida.com
Phone: (407) 956-5678
801 North Magnolia Avenue
Orlando, Florida 32801

West Palm Beach Office

Counties Served: Broward, Indian River, Martin, Okeechoobee, Palm Beach, St. Lucie

Mr. John Diep
jdiep@enterpriseflorida.com
Phone: (561) 832-8339
310 Evernia Street
West Palm Beach, Florida 33401

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Consular Offices in Florida

ENTERPRISE FLORIDA.

Antigua and Barbuda
Consulate General of Antigua & Barbuda
Mr. Gilbert A. Boustany, Consul General
25 SE 2nd Avenue, Suite 300
Miami, FL 33131
Phone: (305) 381-6762
Email: cganubar@bellsouth.net
Website: www.antiguabarbuda.gov.ag

Argentina
Consulate General of Argentina in Miami
Mr. Leandro Federico Fernández-Suarez, Acting Consul General
1101 Brickell Avenue, Suite 900
Miami, FL 33131
Phone: (305) 373-1889
Email: cmiami@kcl.net
Website: http//miami.consulado.gob.ar

Australia
Honorary Consul of Australia in Miami
Mr. Donald Slesnick, Honorary Consul
2701 Ponce De Leon Boulevard, Suite 200
Miami, FL 33134
Phone: (305) 448-5672
Email: donslesnick@scllp.com

Austria
Austrian Consulate Tampa
Mr. Christian Zeller, Honorary Consul
5402 W. Hoover Boulevard
Tampa, FL 33634
Phone: (813) 221-1159
Email: inbox@austrianconsulatetampa.org
Website: http://www.austria.org/honoraryconsulates/

Austria
The Consulate of Austria in Orlando
Mr. Toby Unwin, Honorary Consul
200 S. Orange Avenue, #2000
Orlando, FL 32801
Phone: (407) 924-3877
Email: tobyunwin@austriaconsulate.org
Website: http://www.austriaconsulate.org/Austria_Consulate/Welcome.html

Austria
Austrian Consulate Miami
Mr. Werner H. Stemer, Honorary Consul General
2445 Hollywood Boulevard
Hollywood, FL 33020
Phone: (954) 925-1100
Email: office@austrianconsulatemiami.com
Website: http://www.austrianconsulatemiami.com

Bahamas
The Bahamas Consulate General in Miami
Ms. Linda Treco-Mackey, Consul General
100 N. Biscayne Boulevard, Suite 900
Miami, FL 33133
Phone: (305) 373-6295
Email: bcgmia@bellsouth.net
Website: https://www.bahamasconmiami.com/

Barbados
Consul General of Barbados in Miami
Mr. Neval Greenidge, Consul General
2121 Ponce De Leon Boulevard, Suite 1300
Coral Gables, FL 33134
Phone: (786) 515-1201
Email: ngreenridge@foreign.gov.bb

Belarus
Honorary Consul of Belarus in North Port
Mr. Mikhail Zinovievich Morgulis, Honorary Consul
12363 Hernando Road
North Port, FL 34287
Phone: (941) 240-5762
Email: bridgeusa@aol.com

Belgium
Honorary Consul of Belgium
Mr. Manuel Molina, Honorary Consul
990 Biscayne Boulevard, Suite 701
Miami, FL 33132
Phone: (305) 935-0982
Email: consulmiami@gmail.com
Website: http://countries.diplomatie.belgium.be/en/united_states/

Belgium
Honorary Consul of Belgium
Mr. Michael J. Spector, Honorary Consul
2562 Cabot Commerce Drive
Jacksonville, FL 32226
Phone: (904) 309-5702
Email: michael.j.spector@gmail.com
Website: http://countries.diplomatie.belgium.be/en/united_states/

Belize
The Consulate of Belize in Florida
Ms. Janine Sylvestre Vega, Honorary Consul General
1600 Ponce De Leon Boulevard, Suite 904
Coral Gables, FL 33134
Phone: (305) 755-0276
Email: info@belizeconsulatefla.com
Website: belizeconsulatefla.com

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Consular Offices in Florida

ENTERPRISE FLORIDA.

Bolivia
Consulate General of the Plurinational State of Bolivia in Miami
Mr. Crover Condori, Consular Agent
3750 NW 87th Avenue, Suite 240
Miami, FL 33133
Phone: (305) 358-6303
Email: generalconsulate@bellsouth.net
Website: http://boliviamiami.com/

Brazil
Consulate General of Brazil in Miami, Ministry of Foreign Affairs
Mr. Joao Mendes Pereira, Consul General
3150 SW 38th Avenue, 2nd Floor
Miami, FL 33146
Phone: (305) 285-6217
Email: cg.miami@itamaraty.gov.br
Website: http://miami.itamaraty.gov.br/en-us/

Brazil
Honorary Consulate of Brazil in Orlando
Mr. Joel Stewart, Honorary Consul
555 Winderley Place, Suite 300
Maitland, FL 32751
Phone: (407) 520-9888
Email: consul.honorario@joelstewartpa.com
Website: http://brazil.honoraryconsulate.network/orlando/

Bulgaria
Honorary Consulate of Bulgaria in Miami
Mr. Andrew Joshua Markus, Honorary Consul-Florida
Carlton Fields, 100 SE 2nd Street, Suite 4200
Miami, FL 33131
Phone: 3055397433
Email: jmarkus@carltonfields.com

Canada
The Canadian Trade Commissioner Service
Mr. Jean-Pierre Hammel, Senior Trade Commissioner & Consul
200 S. Biscayne Boulevard, Suite 1600
Miami, FL 33131
Phone: 3055791600
Email: jean-pierre.hamel@international.gc.ca
Website: www.tradecommissioner.gc.ca/us

Canada
Consulate General of Canada in Miami
Ms. Susan Harper, Consul General
200 S. Biscayne Boulevard, Suite 1600
Miami, FL 33131
Phone: (305) 579-1600
Email: miami-gr@international.gc.ca
Website: www.miami.gc.ca

Chile
Consulate General of Chile in Miami
Mr. Hernán Núñez Montenegro, Consul General of Chile
800 Brickell Avenue, Suite 1200
Miami, FL 33131
Phone: (305) 373-8623
Email: miami@consulado.gob.cl
Website: www.chileabroad.gov.ct/miami

Chile
ProChile - Miami
Mr. Sacha Garafulic, Trade Commissioner
800 Brickell Avenue, Suite 900
Miami, FL 33133
Phone: (305) 374-0697
Email: us.miami@prochile.cl
Website: www.prochile.gob.cl/

Republic of China (Taiwan)
Taipei Economic and Cultural Office in Miami
Mr. David K.C. Chien, Director General
2333 Ponce de Leon Boulevard, Suite 610
Coral Gables, FL 33134
Phone: (305) 443-8917
Email: tecomiami@gmail.com
Website: http://www.taiwanembassy.org/us/mia

Republic of China (Taiwan)
Taiwan Trade Center Miami
Ms. Suwen Yang, Project Manager
5301 Blue Lagoon Drive, Suite 150
Miami, FL 33126
Phone: (305) 266-9191
Email: suwenyang@taitra.org.tw
Website: http://miami.taiwantrade.com.tw/

Colombia
ProColombia
Mr. Luis German Restrepo, Executive Director - USA
601 Brickell Key Drive, Suite 608
Miami, FL 33131
Phone: (305) 374-3144
Email: miami@procolombia.co
Website: http://www.procolombia.co/

Colombia
Consulate of Colombia in Miami
Mr. Pedro Agustín Valencia, Consul General
280 Aragon Avenue
Miami, FL 33134
Phone: (305) 446-6060
Email: cmiami@cancilleria.gov.co
Website: http://miami.consulado.gov.co/

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Consular Offices in Florida

ENTERPRISE FLORIDA.

Colombia
Consulate of Colombia in Orlando
Mrs. Eliana Eljach, Consul General
5850 T.G. Lee Boulevard, Suite 260
Orlando, FL 32822
Phone: (407) 650-4274
Email: eliana.pedrozo@cancilleria.gov.co
Website: http://orlando.consulado.gov.co/

Costa Rica
PROCOMER
Mr. Zacarías Ayub, Trade Commissioner - Director
7715 NW 48th Street, Suite 210
Miami, FL 33172
Phone: (786) 477-5750 ext. 4918
Email: zayub@procomer.com
Website: http://www.procomer.com/

Costa Rica
Consulate General of Costa Rica in Miami
Ms. Andrea Arroyo Mora, Consul General
2730 SW 3rd Avenue, Suite 401
Miami, FL 33129
Phone: (786) 655-0990
Email: consuladomiami@rree.go.cr

Czech Republic
Honorary Consulate of the Czech Republic in Orlando
Mr. Roman Inochovsky, Honorary Consul
8814 Bay Harbour Boulevard
Orlando, FL 32836
Phone: (407) 575-0908
Email: czdiplomat@gmail.com

Czech Republic
Honorary Consulate of the Czech Republic in Miami
Mr. Stanislav Jansta, Honorary Consul
13325 Arch Creek Road
North Miami, FL 33181
Phone: (586) 303-7646
Email: miami@honorary.mzv.cz
Website: www.mzv.cz/washington

Denmark
Danish Consulate in Tampa
Mr. Arthur R. Savage, Honorary Consul
202 S. Rome Avenue, Suite 200
Tampa, FL 33606
Phone: (813) 247-4432
Email: consulate@arsavage.com
Website: http://www.arsavage.com/index.php?/consulate

Denmark
Danish Consulate in Miami
Mr. Jonathan H. Rosenthal, Honorary Consul
213 E. Sheridan Street, Suite 3
Dania Beach, FL 33004
Phone: (954) 967-8800
Email: jrosenthal@therosenthallaw.com
Website: http://usa.um.dk/en/

Denmark
Danish Consulate in Jacksonville
Mr. Larry Joe Warren, Honorary Consul
609 Wyndham Court
Orange Park, FL 32073
Phone: (904) 910-9620
Email: ljwarren1902@bellsouth.net
Website: http://usa.um.dk/en/

Dominican Republic
Consulate General of the Dominican Republic in Miami
Mr. Oscar Amaury Ríos, Consul General
1038 Brickell Avenue
Miami, FL 33131
Phone: (305) 358-3220
Email: rios1219@yahoo.com
Website: http://www.consuladodominicanomiami.com

Dominican Republic
The Dominican Republic Export and Investment Center (CEI-RD)
Ms. Lissette Elías, Foreign Investment Advisor
1038 Brickell Avenue
Miami, FL 33131
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Ecuador
Pro Ecuador
Mr. Donald Castillo Mancero, Trade Commissioner
1428 Brickell Avenue, Suite 305
Miami, FL 33131
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Email: miami@proecuador.gob.ec
Website: www.proecuador.gob.ec

Ecuador
Consul General of Ecuador in Miami
Ms. Pamela Jalil Garcia, Consul General
117 NW 42nd Avenue, Suites CU-4 & CU-5
Miami, FL 33126
Phone: (305) 539-8214
Email: cecumiami@cancilleria.gob.ec

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Consular Offices in Florida

ENTERPRISE FLORIDA

El Salvador
Consulate General of El Salvador in Coral Gables
Mr. Jorge Humberto Claros Amaya, Consul General
8550 NW 33rd Street, Suite 100
Doral, FL 33122
Phone: (305) 592-6978
Email: consuladocoralgables@rree.gob.sv
Website: http://consuladodoral.rree.gob.sv/

Estonia
Honorary Consul of Estonia
Mr. Jorge Luis Viera, Honorary Consul
19 West Flagler Street Biscayne Bldg, Suite 1212
Miami, FL 33130
Phone: (305) 773-6227
Email: joviro47@hotmail.com
Website: www.nyc.estemb.org

Estonia
Honorary Consul of Estonia
Mrs. Kaie Tiina Põhi Latterner, Honorary Consul
241 173rd Avenue East
North Redington Beach, FL 33708
Phone: (727) 391-9232
Email: kaiet@earthlink.net

Finland
Honorary Consulate of Finland, Lake Worth
Mr. Peter Makila, Honorary Consul
523 Lake Avenue
Lake Worth, FL 33460
Phone: (561) 582-2335
Email: petermakila@bellsouth.net
Website: http://www.finland.org/

Finland
Honorary Consulate of Finland, Miami
Ms. Susan Kelley, Honorary Consul
1280 NE 101 Street
Miami Shores, FL 33138
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Email: skelley@ksrteam.com
Website: http://www.finland.org/

France
Consulate General of France in Miami
Mr. Clément Leclerc, Consul General
Brickell Arch, 1395 Brickell Avenue, Suite 1050
Miami, FL 33131
Phone: (305) 403-4150
Email: clement.leclerc@diplomatie.gouv.fr
Website: www.consulfrance-miami.org

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Phone: (904) 422-7662
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France
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France
Honorary Consul of France in Orlando
Ms. Brigitte Brown Dagot, Honorary Consul
7657 Mount Carmel Drive
Orlando, FL 32835
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Email: francebrigitte@gmail.com

Gambia
Honorary Consul General of Gambia in Miami
Mr. Rony Desvarennes, Honorary Consul General
12875 NE 14th Avenue
Miami, FL 33161
Phone: (305) 895-9600

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Honorary Consul of Georgia in Miami
Mr. Robert Powell, Honorary Consul
9871 SW 60 Avenue
Pinecrest, FL 33156
Phone: (305) 321-7717
Email: rlpowelljr@gmail.com

Germany
German Consulate General Miami
Mrs. Annette Klein, Consul General
100 N. Biscayne Boulevard, Suite 2200
Miami, FL 33132
Phone: (305) 358-0290
Email: info@miami.diplo.de
Website: http://www.miami.diplo.de

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Consular Offices in Florida

ENTERPRISE FLORIDA.

Germany
Honorary Consul of the Federal Republic of Germany Southwest Florida
Ms. Norma Brenne Henning, Honorary Consul
Henning Law Firm P.A., 7320 E. Fletcher Avenue
Tampa, FL 33637
Phone: (239) 821-6504
Email: nhenning@henning-law.com
Website: http://henning-law.com/consular-services/

Greece
Consulate General of Greece
Mr. Dimitrios Sparos, Consul General
400 N. Tampa Street, Suite 1160
Tampa, FL 33602
Phone: (813) 865-0200
Email: grgencon.tam@mfa.gr
Website: http://www.mfa.gr/usa/en/consulate-general-in-tampa

Grenada
Consulate General of Grenada Miami
Mr. Warren Eric Newfield, Consul General
400 Arthur Godfrey Road, Suite 506
Miami Beach, FL 33140
Phone: (305) 570-2716
Email: grenadaconsulatemiami@gmail.com
Website: http://www.grenadaconsulatemiami.com/

Guatemala
Consulate of Guatemala in Lake Worth
Mr. Mario Rene Azmitia, Honorary Consul
1926 10th Avenue North
Jupiter, FL 33458
Phone: (561) 745-9199

Guatemala
Honorary Consul of Guatemala in Naples
Mrs. Marcia Del Rey, Honorary Consul
4050 11th Avenue SW
Naples, FL 34116
Phone: (239) 331-9125

Guatemala
Consulate General of Guatemala in Miami
Mrs. Rosa Maria Merida de Mora, Consul General
1101 Brickell Avenue, Suite 603-S
Miami, FL 33131
Phone: (305) 679-9947
Email: rmdemora@minex.gob.gt
Website: http://www.consuladoguatemalamiami.org/

Guyana
Honorary Consul of Guyana in Miami
Mr. Ramzan Roshanali, Honorary Consul
6444 NW 7th Avenue
Miami, FL 33150
Phone: (786) 235-0431
Email: guyconfl@aol.com

Haiti
General Consulate of Haiti in Orlando
Mr. Pierre Max Charles, Consul, Chief of Mission
1616 E. Colonial Drive
Orlando, FL 32803
Phone: (407) 897-1262
Email: cons.orlando@diplomatie.ht
Website: http://www.haiti.org/

Haiti
General Consulate of Haiti in Miami
Mr. Stephane Gilles, Consul General
259 SW 13th Street #3
Miami, FL 33130
Phone: (305) 859-2003 Ext 111
Email: cg.miami@diplomatie.ht
Website: http://www.haiti.org/

Honduras
Honorary Consul of Honduras in Tampa
Mr. David A. Straz, Jr., Honorary Consul
4401 W. Kennedy Boulevard, Suite 150
Tampa, FL 33609
Phone: (813) 639-0155
Email: dfoundat@tampabay.rr.com

Honduras
Consul General of Honduras in Miami
Mr. Gerardo Simon, Consul General
8600 NW 36th Street, Suite 601
Miami, FL 33166
Phone: (305) 269-3131
Email: gsimon@consuladohn.com

Hungary
Honorary Consul of Hungary in Coral Gables
Mr. George Depozsgay, Honorary Consul
1500 Madruga Avenue, Suite 314
Coral Gables, FL 33146
Phone: (305) 448-2131
Email: gdepozsgay@aol.com

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FL-SEN-20-0201-B, 20-0202-A-002095

Iceland
Honorary Consul of Iceland in Orlando
Dr. Kristjan Ingvarsson, Honorary Consul
6573 Autumn Cove Drive
Orlando, FL 32822
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Email: kris@ocalainstruments.com

Iceland
Honorary Consul of Iceland in Pompano Beach
Dr. Matthias Eggertsson, Honorary Consul
2661 NE 22nd Street
Pompano Beach, FL 33062
Phone: (954) 478-7654
Email: m@dreggertsson.com
Website: http://www.dreggertsson.com/consulate-of-iceland

Ireland
Honorary Consul for Ireland in Miami
Mr. Ian O'Flaherty, Honorary Consul
2222 Ponce de Leon Boulevard, Third Floor
Coral Gables, FL 33134
Phone: (305) 204-0104
Email: ian@irishconsulatemiami.com
Website:
https://www.dfa.ie/irish-consulate/atlanta/about-us/honorary-consuls/

Ireland
Honorary Consul for Ireland in Orlando
Mr. Terence J. Delahunty, Jr., Honorary Consul
118 E. Jefferson Street, Suite 202
Orlando, FL 32801
Phone: (407) 810-3352
Email: terry@delahuntylegal.com

Israel
Consulate General of Israel in Miami
Mr. Lior Haiat, Consul General
100 Biscayne Boulevard, Suite 1800
Miami, FL 33132
Phone: (305) 925-9400
Email: concal.sec@miami.mfa.gov.il
Website: http://embassies.gov.il/miami/

Italy
Italian General Consulate in Miami
Mr. Cristiano Musillo, Consul General
4000 Ponce de Leon, Suite 590
Coral Gables, FL 33146
Phone: (305) 374-6322
Email: italianconsulate.miami@esteri.it
Website: http://www.consmiami.esteri.it/Consolato_Miami

Italy
Honorary Consul of Italy in Orlando
Ms. Carmela Loredana Cicchetti, Honorary Consul
3000 Wessex Street
Orlando, FL 32803
Phone: (407) 250-4748
Email: orlando.onorario@esteri.it

Ivory Coast
Honorary Consul of Cote D'Ivoire in Titusville
Mr. Hugh M. Brown, Honorary Consul
3740 Raney Road
Titusville, FL 32780
Phone: (321) 383-1041
Email: bamsihmb@gmail.com

Jamaica
Consulate General of Jamaica Miami Florida
Mr. Roderick Oliver Mair, Consul General
The Courthouse Towers, 44 West Flagler Street, Suite 400
Miami, FL 33130
Phone: (305) 374-8431
Email: contactus@jamaicacgmiami.org
Website: http://www.jamaicacgmiami.org/

Japan
Honorary Consul General of Japan in Orlando
Mr. Harris Rosen, Honorary Consul General
7600 International Drive
Orlando, FL 32819
Phone: (407) 966-4342

Japan
Consulate General of Japan in Miami
Mr. Kenji Hirata, Consul General of Japan
The Brickell Bayview Center, 80 SW 8th Street, Suite 3200
Miami, FL 33130
Phone: (305) 530-9090
Email: secretary@mi.mofa.go.jp
Website: http://www.miami.us.emb-japan.go.jp/

Latvia
Consulate of Latvia in Fort Lauderdale
Dr. Barry Donald Mowell, Honorary Consul
7175 Nova Drive
Davie, FL 33317
Phone: (954) 236-6374
Email: bmowell@broward.edu
Website: http://www.latvia-florida.org

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Consular Offices in Florida

ENTERPRISE FLORIDA.

Liberia
Honorary Consul of Liberia in Tampa
Ambassador at Large David A. Straz, Jr., Honorary Consul
4401 W. Kennedy Boulevard, Suite 150
Tampa, FL 33609
Phone: (813) 639-0155
Email: dfoundat@tampabay.rr.com

Lithuania
Honorary Consulate of the Republic of Lithuania for Western Florida
Mr. Algimantas Albinas Karnavicius, Honorary Consul
2235 16th Avenue North
St. Petersburg, FL 33713
Phone: (727) 895-4811
Email: akarnavicius@ltconsulflorida.com
Website: http://www.ltconsulflorida.com

Lithuania
Honorary Consul of Lithuania in Palm Beach
Mr. Stanley Balzekas, Honorary Consul
44 Cocoanut Row
Palm Beach, FL 33480
Phone: (773) 582-8396
Email: balzekas@sbcglobal.net

Luxembourg
Honorary Consul of Macedonia in Naples
Mr. Donald John Hansen, Honorary Consul General
720 Fifth Avenue South, Suite 205
Estero, FL 33928
Phone: (239) 948-9680
Email: luxconsul@comcast.net

Luxembourg
Honorary Consul General of Luxembourg in Estero
Mr. Kevin Michael Ries, Honorary Consul
10082 Montevina Drive
Ft. Lauderdale, FL 33308
Phone: (952) 927-1196

Macedonia
Honorary Consul of Macedonia in Hollywood
Ms. Dana Lynne Klein, Honorary Consul
1435 Yellowheart Way
Hollywood, FL 33019
Phone: (954) 923-4343
Email: macedoniahcg@gmail.com

Mali
Honorary Consul of Mali in Ft. Lauderdale
Mr. Mayer Shirazipour, Honorary Consul
1710 W. Cypress Creek Road
Ft. Lauderdale, FL 33309
Phone: (954) 771-1795

Malta
Honorary Consul of Malta in Parkland
Ms. Amanda Cummins, Honorary Consul
8760 Watercrest Circle West
Parkland, FL 33076
Phone: (954) 913-9001
Email: maltaconsul.parkland@gov.mt

Mexico
Consulate of Mexico in Orlando
Mr. Felipe Ulises Cuéllar Sánchez, Acting Consul
2550 Technology Drive
Orlando, FL 32804
Phone: (407) 422-0514
Email: consulado@conorlando.net
Website: consulmex.sre.gob.mx/orlando

Monaco
Honorary Consulate of Monaco in Miami
Mr. Tomas J. Abreu, Honorary Consul
1600 Ponce de Leon Boulevard, Suite 1053
Coral Gables, FL 33134
Phone: (786) 369-0484
Email: tomabreu@monaco-miami.org
Website: http://www.monaco-miami.org/

Montenegro
Honorary Consul of Montenegro in Florida
Mr. Danilo Ivancevic, Honorary Consul
5900 N. Australian Avenue, Suite 3
West Palm Beach, FL 33407
Phone: (561) 800-4013
Email: thdanilo@ivancevic.com
Website: http://www.montenegroconsul.com/

Morocco
Honorary Consul of Morocco in Miami
Mr. Eduardo Padrón, Honorary Consul
2004 SW 7th Avenue
Miami, FL 33129
Phone: (305) 237-3404
Email: epadron626@bellsouth.net

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FL-SEN-20-0201-B, 20-0202-A-002097

Consular Offices in Florida

ENTERPRISE FLORIDA.

Namibia
Honorary Consul for the Republic of Namibia
Mr. Stephen Wayne Snively, Honorary Consul
200 S. Orange Avenue, Suite 2600
Orlando, FL 32801
Phone: (407) 244-1112
Email: stephen.snively@hklaw.com
Website: http://www.honoraryconsul.us

Netherlands
Honorary Consul of Netherlands in Jacksonville
Mr. Michael Breen, Honorary Consul
3 Independent Drive
Jacksonville, FL 32202
Phone: (904) 366-6682
Email: jacksonville@nlconsulate.com

Netherlands
Honorary Consul of Netherlands in Altamonte Springs
Mr. Patrick Willemsen, Honorary Consul
411 San Sebastian Prado
Altamonte Springs, FL 32714
Phone: (407) 956-6071
Email: pwillemsen@orlandoconsularcorps.org

Netherlands
Consul General of the Kingdom of the Netherlands in Miami
Ms. Ruth Emmerink, Consul General
701 Brickell Avenue, Suite 500
Miami, FL 33131
Phone: 17868660480
Email: mia@minbuza.nl
Website: www.nlintheusa.com

New Zealand
Honorary Consulate of New Zealand in Florida
Ms. Nancy Gilbert, Honorary Consul
P.O. Box 98
West Palm Beach, FL 33402
Phone: (561) 899-9719
Email: nzconsulateflorida@gmail.com

Nicaragua
Consulate General of Nicaragua in Miami
Mr. Leila Cisneros, Consul General
1332 West Flagler Street
Miami, FL 33135
Phone: (305) 265-1415
Email: contactenos@consuladonicamiami.com
Website: www.consuladonicamiami.com

Norway
Royal Norwegian Consulate in Tampa
Mr. Arthur R. Savage, Honorary Consul
202 S. Rome Avenue, Suite 200
Tampa, FL 33606
Phone: (813) 247-4432
Email: consulate@arsavage.com
Website: http://www.arsavage.com/index.php?/consulate

Norway
Royal Norwegian Consulate General in Miami
Mr. Trond Sigurd Jensen, Honorary Consul General
800 S. Douglas Road, Suite 580
Coral Gables, FL 33134
Phone: (305) 358-4386
Email: cg@rncgmiami.com
Website: http://www.norway.org

Panama
Consul General of Panama in Miami
Mrs. Adela Del Rosario Chiari De Rey, Consul General
5775 Blue Lagoon Drive, Suite 200
Miami, FL 33126
Phone: (305) 447-3700
Email: arey@mire.gob.pa

Panama
Consul of Panama in Tampa
Ms. Kenia Garcia, Consul
6107 Memorial Highway, Suite C
Tampa, FL 33615
Phone: (813) 242-0310
Email: consutampapty@gmail.com

Paraguay
General Consulate of Paraguay in Miami
Mr. Jose Luis Gonzalez, Consul General
25 SE 2nd Avenue, Suite 720
Miami, FL 33131
Phone: (305) 374-9090
Email: lgonzalez@mre.gov.py
Website: http://www.consulparmiami.org

Peru
Honorary Consul of Peru in Tampa
Mr. Juan Carlos Ibarra Schambaher, Honorary Consul
2106 W. Busch Boulevard
Tampa, FL 33612
Phone: (813) 489-3185
Email: consuladohperu_tampa@hotmail.com

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-002098

Consular Offices in Florida

ENTERPRISE FLORIDA.

Peru
Consul General of Peru in Miami
Ms. Lucy Camacho Bueno, Consul General
1401 Ponce de Leon Boulevard
Coral Gables, FL 33134
Phone: (786) 713-2400
Email: secretaria@consulado-peru.com
Website: http://www.consulado-peru.com/

Philippines
Honorary Consulate of the Republic of the Philippines for the State of Florida
Dr. Henry Boland Howard, Consul a.h.
1200 Brickell Avenue, 12th Floor
Miami, FL 33131
Email: consul-philippines-florida@usefc.com
Website: Philippineembassy-usa.org

Poland
Honorary Consulate of the Republic of Poland in Miami
Mrs. Blanka A. Rosenstiel, Honorary Consul
1440 79th Street Causeway, Suite 117
Miami, FL 33141
Phone: (305) 866-0077
Email: polconsulfl@yahoo.com

Portugal
Honorary Consulate of Portugal in Palm Coast
Dr. Caesar DePaço, Honorary Consul
145 City Place, Suite 105
Palm Coast, FL 32164
Phone: (386) 742-0370
Email: consul@consuladodeportugalpalmcoast.org
Website: http://www.consuladodeportugalpalmcoast.org/

Romania
Consulate General of Romania in Miami
Mr. Catalin Ghenea, Consul General
1101 Brickell Avenue, Suite N 600
Miami, FL 33131
Phone: (305) 763-8880
Email: miami@mae.ro
Website: http://miami.mae.ro

Saint Lucia
Consul General of Saint Lucia
Mrs. Tassa Jean, Consul General
2 Alhambra Plaza, Suite 850
Coral Gables, FL 33134
Phone: (786) 502-3351
Email: st.lucia.consulate.miami@gmail.com

Saint Vincent - Grenadines
Honorary Consul of Saint Vincent and The Grenadines in Orlando
Mr. Alban I. Niles, Honorary Consul
4901 Washington Avenue
Orlando, FL 32819
Phone: (323) 775-8160
Email: judgeain@netzero.net

Samoa
Honorary Consul of Samoa in West Melbourne
Mr. Robert Marshall, Honorary Consul
2263 New Haven Avenue, #359
West Melbourne, FL 32904
Phone: (347) 868-7476
Email: marshallsoffice@gmail.com

Senegal
Consulate of the Republic of Senegal at Miami
Mr. Michael Stuart Hacker, Honorary Consul General
600 Brickell Avenue, Suite 3800
Miami, FL 33131
Phone: (305) 371-4286
Email: hackerlaw.international@aol.com
Website: http://senegalconsulatemiami.com

Sierra Leone
Honorary Consul of Sierra Leone in Miami
Mr. Mcivan Amechi Jarrett, Honorary Consul
12201 SW 128th Court
Miami, FL 33186
Phone: (305) 971-5370

Singapore
Singapore Honorary Consulate in Miami
Mr. Steven J. Green, Honorary Consul General
1515 Sunset Drive, Suite 44
Coral Gables, FL 33143
Phone: (305) 858-4225
Email: sgreen@sg-miami-consulate.org
Website: https://www.mfa.gov.sg/Miami

Slovakia
Honorary Consul of the Slovak Republic
Dr. Cecilia Rokusek, Honorary Consul
13325 Arch Creek Road
North Miami, FL 33181
Phone: (239) 822-8409
Email: cecilka2753@gmail.com

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-002099

Consular Offices in Florida

ENTERPRISE FLORIDA.

Slovenia
Honorary Consul of Slovenia in Miami Beach
Dr. Gregory S. Chan, Honorary Consul
1501 Calais Drive
Miami Beach, FL 33141
Phone: (305) 868-9635
Email: gchan@stu.edu

Spain
Consulate of Spain in Miami
Mr. Cándido Creis, Consul General
2655 Le Jeune Road, Suite 203
Coral Gables, FL 33134
Phone: (305) 446-5511
Email: candido.creis@maec.es
Website:
http://www.exteriores.gob.es/Consulados/MIAMI/en/Consulado/Pages/Consul.aspx

Spain
Honorary Vice Consul of Spain in Tampa
Mr. José Vivero, Honorary Vice Consul of the Kingdom of Spain
716 W. Fletcher Avenue
Tampa, FL 33612
Phone: (813) 961-3300
Email: jvivero@centurybk.com

Spain
Trade Commission of Spain
Mrs. Inmaculada Gutierrez, Trade Commissioner of Spain
2655 Le Jeune Road Suite 1114
Coral Gables, FL 33134
Phone: (305) 446-4387
Email: miami@comercio.mineco.es
Website: http://www.icex.es/

Spain
Honorary Vice Consul of Spain in Orlando
Mrs. Raquel Lopez Tacon, Honorary Vice Consul
1193 Calanda Avenue
Orlando, FL 32807
Phone: (407) 273-8912

Spain
Honorary Vice Consul of Spain in Pensacola
Ms. Maria Dolores Davis, Honorary Vice Consul
100 Ingalls Drive
Pensacola, FL 32506
Phone: (850) 455-5360

Suriname
Consulate General of the Republic of Suriname in Miami
Ms. Marsha Renfurm, Consul General
7205 Corporate Center Drive, Suite 302
Miami, FL 33126
Phone: (305) 463-0694
Email: cons.miami@foreignaffairs.gov.sr
Website: www.scgmia.com

Sweden
Consulate of Sweden in Fort Lauderdale
Mr. Per-Olof Loof, Honorary Consul
KEMET Tower, 1 E. Broward Boulevard, 3rd Floor
Ft. Lauderdale, FL 33301
Phone: (954) 467-3507
Email: fortlauderdale@consulateofsweden.org
Website: www.consulateofsweden-fortlauderdale.org

Switzerland
Consulate of Switzerland in Miami
Mr. Ferdinand Kurt, Honorary Consul
1111 Brickell Avenue, Suite 2200
Miami, FL 33131
Phone: (305) 895-5008
Email: miami@honrep.ch
Website: www.swissemb.org

Switzerland
Consulate of Switzerland in Orlando
Mr. Luc Serge Burkhardt, Honorary Consul
1011 N. Wymore Road
Winter Park, FL 32789
Phone: (407) 645-3500
Email: info@logisticssolutions.com
Website: www.swissemb.org

Thailand
Royal Thai Honorary Consulate General of Thailand in Florida
Ms. Maria D. Sariol, Honorary Consul General
2525 Ponce De Leon Boulevard, Suite 300
Coral Gables, FL 33134
Phone: (305) 445-7577
Email: mdsariol.law@gmail.com
Website: http://www.thaiconsulatemiami.com/

Togo
Consulate of the Republic of Togo at Miami
Mr. Michael Stuart Hacker, Honorary Consul General
600 Brickell Avenue, Suite 3800
Miami, FL 33146
Phone: (305) 371-4286
Email: hackerlaw.international@aol.com
Website: http://www.togoconsulatemiami.com

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-002100

From: Brill, Victoria
Sent: Monday, January 27, 2020 12:28 PM EST
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: RE: 1212

Thank you!

This is what I was referring to. If it is the same or different?
https://www.enterpriseflorida.com/wp-content/uploads/Directory_of_Consulates_Chambers_and_Sister_Cities_in_Florida.pdf

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Monday, January 27, 2020 11:46 AM
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: 1212

Victoria,

Please see the link below that will direct you to the Consular Corp of Florida listed by country.

Thank you!!!

http://orlando.consularcorps.info/countries/

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

AMERICAN OVERSIGHT

From: West, Joey J <Joey.West@charter.com>
Sent: Thursday, January 30, 2020 11:46 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: RE: Bay News 9 Interview request

Josh,

Yes that works, 1pm on Weds 2/5. The bills we would like to discuss are: 670, 734, 1040, and 1200

Thanks,

Joey

From: Barnhill, Josh [mailto:Barnhill.Josh@flsenate.gov]
Sent: Thursday, January 30, 2020 9:39 AM
To: West, Joey J
Subject: Re: Bay News 9 Interview request

Hey Joey,

I can do 1 pm on the 5th if that works

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

On Jan 29, 2020, at 5:56 PM, West, Joey J <Joey.West@charter.com> wrote:

> Hello Josh,
>
> I was hoping that we can schedule a time next week for an interview with the Senator on some of the bills that he is sponsoring this session please? We usually have time each day (except Thursday's) from 10am-10:30am and 12:30pm-2:30pm, any 20 minute window in those time frames. We have a crew based in Tallahassee and we usually record the interviews from the 5th floor rotunda of the Capitol.
>
> Let me know if Joe can join us, we would love to have him back on again with us.
>
> Thanks,
>
> Joey
>
> **Joey West Planning Editor**
> 700 Carillon Parkway St. Petersburg, FL 33716
> **P:** 727.329.2341 **F:** 727.329.2434 **C:** 727.483.0348
> <image001.jpg>
>
> The contents of this e-mail message and any attachments are intended solely for the addressee(s) and may contain confidential and/or legally privileged information. If you are not the intended recipient of this message or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and any attachments. If you are not the intended recipient, you are notified that any use, dissemination, distribution, copying, or storage of this message or any attachment is strictly prohibited.

The contents of this e-mail message and any attachments are intended solely for the addressee(s) and may contain confidential and/or legally privileged information. If you are not the intended recipient of this message or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message

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and any attachments. If you are not the intended recipient, you are notified that any use, dissemination, distribution, copying, or storage of this message or any attachment is strictly prohibited.

AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Wednesday, January 22, 2020 1:44 PM EST
To: Knight, Mavis <Knight.Mavis@leg.state.fl.us>
Subject: RE: Doctor of the Day Sponsorship of Dr. Sean Daley, for the 2020 Regular Legislative Session

Hi Mavis,

Thank you very much for the update. Yes, Sen. Gruters would be happy to sponsor Dr. Nadler.

Thanks!
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Knight, Mavis <Knight.Mavis@leg.state.fl.us>
Sent: Wednesday, January 22, 2020 1:04 PM
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: RE: Doctor of the Day Sponsorship of Dr. Sean Daley, for the 2020 Regular Legislative Session

Hi Vickie

Yes, I did speak with Dr. Brad Hupp, and he informed me that he was interested in serving as Doctor of the Day on February 25, 2020. I am awaiting his Doctor of the Day Registration Form to complete the process.

Also, we just received the attached Doctor of the Day Registration Form for Dr. Jaclyn Nadler. Please let me know if Senator Joe Gruters will sponsor Dr. Nadler as Doctor of the Day on Thursday, March 5, 2020 in the Florida Senate.

Thanks for all of your help.

Regards,

Mavis Knight
Office of Legislative Services
111 West Madison Street, Room 874
Tallahassee, Florida 32399-1400
knight.mavis@leg.state.fl.us
(850) 717-0301

From: Brill, Victoria <Brill.Victoria@flsenate.gov>
Sent: Tuesday, January 21, 2020 6:13 PM
To: Knight, Mavis <Knight.Mavis@leg.state.fl.us>
Subject: RE: Doctor of the Day Sponsorship of Dr. Sean Daley, for the 2020 Regular Legislative Session

Thank you Mavis.

I have sent this information to Dr. Brad Hupp which I believe you have been in contact with. Sen. Gruters would be happy to sponsor him at the date of his choosing.

Please let me know if you have any questions.

Thank you,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Knight, Mavis <Knight.Mavis@leg.state.fl.us>
Sent: Tuesday, January 21, 2020 1:06 PM
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: RE: Doctor of the Day Sponsorship of Dr. Sean Daley, for the 2020 Regular Legislative Session

Good Afternoon Vickie,

AMERICAN OVERSIGHT

Yes, there are more dates to fill, please see the attached updated Doctor of the Day Program Available Dates document.

Thank you,

Mavis Knight
Office of Legislative Services
111 West Madison Street, Room 874
Tallahassee, Florida 32399-1400
knight.mavis@leg.state.fl.us
(850) 717-0301

From: Brill, Victoria <Brill.Victoria@flsenate.gov>
Sent: Monday, January 20, 2020 5:46 PM
To: Knight, Mavis <Knight.Mavis@leg.state.fl.us>
Subject: RE: Doctor of the Day Sponsorship of Dr. Sean Daley, for the 2020 Regular Legislative Session

Hi Mavis,

I hope you had a wonderful weekend. Is there any dates left to sponsor another Doctor of the Day in the Senate?

Thanks,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Knight, Mavis <Knight.Mavis@leg.state.fl.us>
Sent: Monday, December 23, 2019 2:21 PM
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Doctor of the Day Sponsorship of Dr. Sean Daley, for the 2020 Regular Legislative Session

M E M O R A N D U M

TO: Senator Joe Gruters

FROM: Mavis Knight, Office of Legislative Services

DATE: Monday, December 23, 2019

SUBJECT: Doctor of the Day Sponsorship – 2020 Regular Session

---

This memo confirms Dr. Sean Daley, whom you are sponsoring in the Florida Senate, will serve as Doctor of the Day on Monday January 27, 2020. Attached is the confirmation memo sent to Dr. Daley for your reference.

Should you have any questions, please feel free to contact me at (850) 717-0301.

AMERICAN OVERSIGHT

From: Barnhill, Josh
Sent: Thursday, November 21, 2019 3:55 PM EST
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: Re: DOS Proposals

Thank you, Brittany!

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

On Nov 21, 2019, at 3:17 PM, Dover, Brittany N. <Brittany.Dover@dos.myflorida.com> wrote:

Josh,

The International affairs legislation has been submitted to bill drafting but Senator Gruters has agreed to sponsor it for us. I have it attached for your reference.

Thank yoU!

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

<Department of State Legislative Proposal-OIA.docx>

AMERICAN OVERSIGHT

From: Mark Segel <Mark@fibaflorida.com>
Sent: Tuesday, November 12, 2019 11:09 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: RE: FIBA Southwest Florida Showcase Invitation - Thursday, 11/21 - USF-Sarasota/Manatee

I didn't intend to pester you with this, GeeDee. When I met with Senator Gruters on August 29 th, he indicated that either being at the event or having a representative there was important to him. I understand if no one's available to attend. Thank you for following up with me.

Have a great day!

Mark

Mark Segel
Senior Consultant
FIBA Services, Inc.
522 N. Howard Avenue
Tampa, FL 33606
813.263.4976 (M)

From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Tuesday, November 12, 2019 9:14 AM
To: Mark Segel <Mark@fibaflorida.com>
Subject: RE: FIBA Southwest Florida Showcase Invitation - Thursday, 11/21 - USF-Sarasota/Manatee

Good morning, Mark
As previously mentioned, the Senator and Staff are committed at this point to events that were scheduled quite a while ago.
If anything gets cancelled, I'll let you know right away.
GeeDee

From: Mark Segel <Mark@fiba.io>
Sent: Monday, November 11, 2019 11:46 AM
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: RE: FIBA Southwest Florida Showcase Invitation - Thursday, 11/21 - USF-Sarasota/Manatee

Hello, GeeDee.

We do hope somebody from Senator Gruter's office will join us at the Sarasota/Manatee event on the 21 st. We'd like to recognize that person and the Senator at the event if you can send a representative. Details and the registration link are below. Thank you.

Mark

Mark Segel
Senior Consultant
FIBA Services, Inc.
522 N. Howard Avenue
Tampa, FL 33606
813.263.4976 (M)

From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Tuesday, November 5, 2019 10:50 AM
To: Mark Segel <Mark@fiba.io>
Subject: RE: FIBA Southwest Florida Showcase Invitation

Hello Mark:
Right now I do not have the Senator in the District that day. If his calendar changes, I'll let you know right away.
GeeDee

From: Mark Segel <Mark@fiba.io>
Sent: Monday, November 4, 2019 2:09 PM
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Cc: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>

AMERICAN OVERSIGHT

Subject: RE: FIBA Southwest Florida Showcase Invitation

Thank you, Josh!

Mark

Mark Segel
Senior Consultant
FIBA Services, Inc.
522 N. Howard Avenue
Tampa, FL 33606
813.263.4976 (M)

From: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Sent: Monday, November 4, 2019 2:08 PM
To: Mark Segel <Mark@fiba.io>
Cc: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Re: FIBA Southwest Florida Showcase Invitation

Hey Mark,

Thanks for reaching out. GeeDee Kerr handles scheduling in the district, I have CC'd her on this email and she'd be happy to help. Have a great day.

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

> On Nov 4, 2019, at 1:50 PM, Mark Segel <Mark@fiba.io> wrote:
>
> Hello, Josh.
>
> Per my conversation with Emmabella a few minutes ago, I met with Sen. Gruters on August 29 in Venice to update him on the work our accelerator is doing. I mentioned that we would be having a special showcase event and panel in his district and he asked that I keep him in the loop. That event is scheduled for Thursday, November 21 at the USF Sarasota-Manatee campus. – 9:30 to 11:30 AM. The invitation and event details are below. Please contact me with any questions. If Sen. Gruters can't make it, perhaps someone from your office will join us. Thank you for your help on this and have a great day!
>
> Mark
>
> ---
>
> Please find below the event details for the Florida-Israel Business Accelerator (FIBA) Southwest Florida Showcase events in Naples (Tuesday, 11/19), Fort Myers (Wednesday, 11/20), and Sarasota/Manatee (Thursday, 11/21). You can register for the event(s) of your choice via this link: **FIBA Registration**. There is no charge to attend and, if you know of anyone who'd like to learn about investing in tech, our FIBA companies, and how FIBA can impact economic development in your community, please feel free to forward this invitation. We look forward to seeing you there!
>
> You can also click on the invitation itself for a direct link to the RSVP site and if you have any questions about the event please respond to this message or email mark@fiba.io
>
> Mark
>
> Mark Segel
> Senior Consultant
> FIBA Services, Inc.
> 522 N. Howard Avenue
> Tampa, FL 33606
> 813.263.4976 (M)
> <pastedImagebase640.png>
>
> <image002.jpg>

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From: Kerr, GeeDee
Sent: Tuesday, November 12, 2019 9:13 AM EST
To: Mark Segel <Mark@fiba.io>
Subject: RE: FIBA Southwest Florida Showcase Invitation - Thursday, 11/21 - USF-Sarasota/Manatee

Good morning, Mark
As previously mentioned, the Senator and Staff are committed at this point to events that were scheduled quite a while ago.
If anything gets cancelled, I'll let you know right away.
GeeDee

From: Mark Segel <Mark@fiba.io>
Sent: Monday, November 11, 2019 11:46 AM
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: RE: FIBA Southwest Florida Showcase Invitation - Thursday, 11/21 - USF-Sarasota/Manatee

Hello, GeeDee.

We do hope somebody from Senator Gruter's office will join us at the Sarasota/Manatee event on the 21 st. We'd like to recognize that person and the Senator at the event if you can send a representative. Details and the registration link are below. Thank you.

Mark

Mark Segel
Senior Consultant
FIBA Services, Inc.
522 N. Howard Avenue
Tampa, FL 33606
813.263.4976 (M)

From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Tuesday, November 5, 2019 10:50 AM
To: Mark Segel <Mark@fiba.io>
Subject: RE: FIBA Southwest Florida Showcase Invitation

Hello Mark:
Right now I do not have the Senator in the District that day. If his calendar changes, I'll let you know right away.
GeeDee

From: Mark Segel <Mark@fiba.io>
Sent: Monday, November 4, 2019 2:09 PM
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Cc: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: RE: FIBA Southwest Florida Showcase Invitation

Thank you, Josh!

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From: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Sent: Monday, November 4, 2019 2:08 PM
To: Mark Segel <Mark@fiba.io>
Cc: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Re: FIBA Southwest Florida Showcase Invitation

AMERICAN OVERSIGHT

Hey Mark,

Thanks for reaching out. GeeDee Kerr handles scheduling in the district, I have CC'd her on this email and she'd be happy to help. Have a great day.

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

On Nov 4, 2019, at 1:50 PM, Mark Segel <Mark@fiba.io> wrote:

Hello, Josh.

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You can also click on the invitation itself for a direct link to the RSVP site and if you have any questions about the event please respond to this message or email mark@fiba.io

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AMERICAN OVERSIGHT

From: Kerr, GeeDee
Sent: Tuesday, November 12, 2019 11:42 AM EST
To: Mark Segel <Mark@fibaflorida.com>
Subject: RE: FIBA Southwest Florida Showcase Invitation - Thursday, 11/21 - USF-Sarasota/Manatee

Thank you….

From: Mark Segel <Mark@fibaflorida.com>
Sent: Tuesday, November 12, 2019 11:09 AM
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: RE: FIBA Southwest Florida Showcase Invitation - Thursday, 11/21 - USF-Sarasota/Manatee

I didn't intend to pester you with this, GeeDee. When I met with Senator Gruters on August 29 th, he indicated that either being at the event or having a representative there was important to him. I understand if no one's available to attend. Thank you for following up with me.

Have a great day!

Mark

Mark Segel
Senior Consultant
FIBA Services, Inc.
522 N. Howard Avenue
Tampa, FL 33606
813.263.4976 (M)

From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Tuesday, November 12, 2019 9:14 AM
To: Mark Segel <Mark@fibaflorida.com>
Subject: RE: FIBA Southwest Florida Showcase Invitation - Thursday, 11/21 - USF-Sarasota/Manatee

Good morning, Mark
As previously mentioned, the Senator and Staff are committed at this point to events that were scheduled quite a while ago.
If anything gets cancelled, I'll let you know right away.
GeeDee

From: Mark Segel <Mark@fiba.io>
Sent: Monday, November 11, 2019 11:46 AM
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: RE: FIBA Southwest Florida Showcase Invitation - Thursday, 11/21 - USF-Sarasota/Manatee

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Sent: Tuesday, November 5, 2019 10:50 AM
To: Mark Segel <Mark@fiba.io>
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FLORIDA-ISRAEL
business accelerator

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>
> Mark Segel
> Senior Consultant
> FIBA Services, Inc.

AMERICA OVERSIGHT

522 N. Howard Avenue
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813.263.4976 (M)
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AMERICAN OVERSIGHT

From: Barnhill, Josh
Sent: Monday, November 04, 2019 2:08 PM EST
To: Mark Segel <Mark@fiba.io>
CC: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Re: FIBA Southwest Florida Showcase Invitation

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AMERICAN OVERSIGHT

From: Mark Segel <Mark@fiba.io>
Sent: Tuesday, November 05, 2019 10:52 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Re: FIBA Southwest Florida Showcase Invitation

Good morning, GeeDee.

If there's anyone from the office that can attend in his place, we'd be honored. Thank you!

Mark

Mark Segel
Senior Consultant
FIBA Services, Inc.
522 N. Howard Avenue
Tampa, FL 33606
813.263.4976 (M)

FLORIDA-ISRAEL
business accelerator

From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Tuesday, November 5, 2019 10:49 AM
To: Mark Segel <Mark@fiba.io>
Subject: RE: FIBA Southwest Florida Showcase Invitation

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To: Mark Segel <Mark@fiba.io>
Subject: RE: FIBA Southwest Florida Showcase Invitation

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AMERICAN OVERSIGHT

From: Kerr, GeeDee
Sent: Tuesday, November 12, 2019 9:10 AM EST
To: Anne Garlington <agarling@ringling.edu>
Subject: RE: Follow up: Ringling College invites you to an exclusive documentary film screening on Thursday, 11/14

Will do..Anne, on a personal note, we are in the process of having our house tented….necessary, but so invasive.

From: Anne Garlington <agarling@ringling.edu>
Sent: Friday, November 8, 2019 4:00 PM
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: RE: Follow up: Ringling College invites you to an exclusive documentary film screening on Thursday, 11/14

Please tell Joe we will miss him at this event, but hope to see him soon.

Thanks, Anne

Anne R. Garlington
Senior Development Officer
Office: 941-309-4019 | Cell: 941-323-0974
agarling@ringling.edu | www.ringling.edu



Changing the Way the World Thinks About Art and Design

From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Friday, November 08, 2019 3:41 PM
To: Anne Garlington <agarling@ringling.edu>
Subject: RE: Follow up: Ringling College invites you to an exclusive documentary film screening on Thursday, 11/14

Anne:
Unfortunately Senator Gruters will be in Tallahassee on November 14th.
Thank you for the invitation.
GeeDee

From: Anne Garlington <agarling@ringling.edu>
Sent: Thursday, November 7, 2019 2:23 PM
To: Anne Garlington <agarling@ringling.edu>
Subject: Follow up: Ringling College invites you to an exclusive documentary film screening on Thursday, 11/14
Importance: High

If you haven't responded yet, we hope you can join us for this exclusive documentary film screening event! Please let us know if you will attend and the registration details are listed below.
We look forward to seeing you next Thursday, November 14, at 5:30.
Thanks, Anne

AMERICAN OVERSIGHT

Ringling College of Art and Design,
Elizabeth and Grace Moore,
along with the Sustainable Communities Workshop
cordially invite you to:

An exclusive "work in progress" screening
of "Kiss the Ground" with Director, Josh Tickell



Thursday, November 14th, 2019
Reception: 5:30 PM
Screening 6:30 PM
Post Screening Q & A: 8:00 PM

Kendall Atrium & Morganroth Auditorium
Larry R. Thompson Academic Center
Ringling College of Art and Design

KISS THE GROUND is a new feature length documentary film that brings to light the past, present and future of the largely unexplored power of our soil as the foundation for all life above ground.

About Josh Tickell



The author of four books, Josh Tickell has worked on environmental issues for over twenty years. His career spans a unique mixture of science, political activism, investigative journalism and filmmaking. His directorial debut film, 'FUEL,' is the 2008 Sundance Audience Award winning documentary that investigates the possible replacement of fossil fuels with renewable energy. He co-directed/produced THE BIG FIX, an 'Official Selection' of the 2011 Cannes Film Festival. With his wife, Rebecca, he directed the critically acclaimed documentary PUMP, and GOOD FORTUNE - the John Paul DeJoria story, as well as the forthcoming documentaries, KISS THE GROUND, DOWN TO EARTH and THE REVOLUTION GENERATION. For his rescue mission in the aftermath of the Katrina hurricane in Louisiana, Tickell's nonprofit organization was selected by President Bill Clinton as an inaugural part of his Global Initiative on Climate Change. He is a graduate of New College of Florida and holds an MFA in Film from Florida State University.

Please register by visiting https://giving.ringling.edu/kiss-the-ground
or call 941.309.0118

Directions to campus: From U.S.41/N. Tamiami Trail, turn east on Dr. Martin Luther King Jr. Way. Turn south on Old Bradenton Road and follow the special event parking signs. Address is 2363 Bradenton Road. Valet parking will be available.

SKYWAY FILM INSTITUTE

Ringling College of Art + Design

Sustainable Communities

Anne R. Garlington
Senior Development Officer
Office: 941-309-4019 | Cell: 941-323-0974
agarling@ringling.edu | www.ringling.edu

AMERICAN OVERSIGHT



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Unfortunately Senator Gruters will be in Tallahassee on November 14th.
Thank you for the invitation.
GeeDee

From: Anne Garlington <agarling@ringling.edu>
Sent: Thursday, November 7, 2019 2:23 PM
To: Anne Garlington <agarling@ringling.edu>
Subject: Follow up: Ringling College invites you to an exclusive documentary film screening on Thursday, 11/14
Importance: High

If you haven't responded yet, we hope you can join us for this exclusive documentary film screening event! Please let us know if you will attend and the registration details are listed below.
We look forward to seeing you next Thursday, November 14, at 5:30.
Thanks, Anne

AMERICAN OVERSIGHT

Ringling College of Art and Design,
Elizabeth and Grace Moore,
along with the Sustainable Communities Workshop
cordially invite you to:

An exclusive "work in progress" screening
of "Kiss the Ground" with Director, Josh Tickell



Thursday, November 14th, 2019
Reception: 5:30 PM
Screening 6:30 PM
Post Screening Q & A: 8:00 PM

Kendall Atrium & Morganroth Auditorium
Larry R. Thompson Academic Center
Ringling College of Art and Design

KISS THE GROUND is a new feature length documentary film that brings to light the past, present and future of the largely unexplored power of our soil as the foundation for all life above ground.

About Josh Tickell



The author of four books, Josh Tickell has worked on environmental issues for over twenty years. His career spans a unique mixture of science, political activism, investigative journalism and filmmaking. His directorial debut film, 'FUEL,' is the 2008 Sundance Audience Award winning documentary that investigates the possible replacement of fossil fuels with renewable energy. He co-directed/produced THE BIG FIX, an 'Official Selection' of the 2011 Cannes Film Festival. With his wife, Rebecca, he directed the critically acclaimed documentary PUMP, and GOOD FORTUNE - the John Paul DeJoria story, as well as the forthcoming documentaries, KISS THE GROUND, DOWN TO EARTH and THE REVOLUTION GENERATION. For his rescue mission in the aftermath of the Katrina hurricane in Louisiana, Tickell's nonprofit organization was selected by President Bill Clinton as an inaugural part of his Global Initiative on Climate Change. He is a graduate of New College of Florida and holds an MFA in Film from Florida State University.

Please register by visiting https://giving.ringling.edu/kiss-the-ground
or call 941.309.0118

Directions to campus: From U.S.41/N. Tamiami Trail, turn east on Dr. Martin Luther King Jr. Way. Turn south on Old Bradenton Road and follow the special event parking signs. Address is 2363 Bradenton Road. Valet parking will be available.

SKYWAY FILM INSTITUTE

Ringling College of Art + Design

Sustainable Communities

Anne R. Garlington
Senior Development Officer
Office: 941-309-4019 | Cell: 941-323-0974
agarling@ringling.edu | www.ringling.edu

AMERICAN OVERSIGHT



Changing the Way the World Thinks About Art and Design

AMERICAN OVERSIGHT

From: Carter, Jason <Jason.Carter@myfloridahouse.gov>
Sent: Thursday, January 23, 2020 10:35 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Re: HB 157
Attachment(s): "Eight is Enough Talking Points.pdf","FL Statewide 3-2018- School Board 8yr Term-Limit X-tabs.pdf","How Term Limits Fight Big Money in Politics.pdf","Pettey-Term-Limits.pdf","REVISEDFLSB Handout.pdf","TermLimitsStateBudgets Holcombe.pdf"

Hi Victoria,

It was good speaking with you a moment ago. Here's what's attached and hopefully all this will help. This is what we used last year

1. Some 8 is Enough talking points

2. Prof. Samantha Pettey paper on term limits increasing the emergence of women in state legislatures (London School of Econ).

3. A handout on last years term limits bills

4. One pager on term limits fighting money in politics. It's Congress-geared, but still informative.

5. Executive Summary from an FSU economics paper showing term limits lowered spending in the states. Good for fiscal conservatives.

If I find/get more information I will definitely send it your way. Have a great day!

Respectfully,

Jason Lee Carter, Esq.
Legislative Assistant to Anthony Sabatini
Florida House of Representatives, District 32
(850) 717-5032

From: Brill, Victoria <Brill.Victoria@flsenate.gov>
Sent: Wednesday, January 22, 2020 5:02:56 PM
To: Carter, Jason
Subject: HB 157

Hi Jason,

Could you please give me a call regarding school board term limits please? 850-487-5023?

Thanks,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

AMERICAN OVERSIGHT

EIGHT IS ENOUGH - TALKING POINTS

- **Eight-year term limits are the most common and time-tested reform in the United States.** Of the 36 states with term limits on their governors, 35 provide for an eight-year limit. Only Virginia is different, allowing for a four-year maximum. Of the 15 states with legislative term limits, 10 provide for a limit of eight years or fewer. Nine of America's 10 most populous cities have term limits, with each of these laws allowing for eight years or less. The President has an 8-year limit, and it is absurd to suggest any local official needs more time to learn their job than the leader of the free world.

- **Eight-year term limits are the most common limit in Florida and they work.** Florida has eight-year term limits on our Governor, Cabinet, State House, State Senate and countless local positions. We rank as one of the freest and most fiscally healthy states in America and this is no outlier. On average, states with term limits rank better than states without term limits; and states with eight-year limits rank higher than those with longer limits. Why mess with success?

- **Eight-year term limits are the expressed preference of Florida citizens.** When a group of citizens collected nearly 400,000 signatures to put legislative limits on the ballot in Florida in 1992, they chose eight-year limits. The amendment passed with 77 percent support, garnering votes from 3.63 million Floridians. It is important that elected officials respect the will and preference of the voters they represent.

- **Florida voters resoundingly rejected 12 year term limits.** In 2005, Florida legislators placed onto the 2006 ballot an amendment that would have lengthened their own term limit from 8 years to 12. Public denunciation of the politicians behind the change was so intense — and opposition to the measure so deafening — that the legislature was forced to remove its own power grab from the ballot. This move was virtually unprecedented. Then-Governor Jeb Bush applauded the decision to maintain an eight-year limit, crediting this limit with much of Florida's progress during his administration.

- **Florida voters aren't changing their minds about Eight is Enough.** In 2009, lawmakers once more floated the prospect of lengthening Florida's term limits from 8 years to 12. A Quinnipiac poll at the time showed that voters opposed the change by a 79-18 margin. Since that time, no group of citizens has ever emerged to suggest making term limits longer. In fact, every petition drive for term limits in Florida — at the county and municipal level — has called for a limit of eight years or fewer. There are occasionally efforts to move from eight to 12 years in Tallahassee, but these whispers only come from politicians and capitol insiders, NEVER from ordinary people.

- **Eight-year term limits provide for fairer elections and more diversity.** America has an epidemic of unopposed and under-opposed elections at the state legislative level. Around 33% of all elections feature an incumbent running unopposed. Term limits break up this monopoly every eight years and allow a diverse array of citizens to vie for an open seat. Studies also show that state term limits — most of which are eight years — have increased the representation of women and minorities in state legislatures by a statistically significant degree.

AMERICAN OVERSIGHT

MCLAUGHLIN & ASSOCIATES
FL - STATEWIDE

1. BELOW IS A SERIES OF FLORIDA STATE CONSTITUTIONAL AMENDMENTS THAT MAY BE VOTED ON IN THE NOVEMBER 2018 GENERAL ELECTIONS. FOR EACH AMENDMENT, PLEASE TELL ME WHETHER YOU WOULD VOTER YES, IN FAVOR OF THE AMENDMENT; OR NO, AGAINST THE AMENDMENT.
"PROPOSAL 44: TERM LIMITS FOR SCHOOL BOARDS, WHICH WOULD LIMIT SCHOOL BOARD MEMBERS TO EIGHT YEARS IN OFFICE."
(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	SAMPLE		MEDIA MARKET											REGION		
		LAND-LINE	CELL PHONE	Miami/Ft. Laud.	West Palm Beach	Ft. Myers/Naples	Tampa/St. Pete	Orlando-Daytona	Jacksonville	TALLA/GAINESCOMBO	Tallahassee	Gainesville	PANAMA/MOBILCOMBO	Panama City/Dothan	Mobile/Pensacola	NORTHERN	CENTRAL	SOUTHERN
Total	1000	569	431	184	105	67	247	209	87	45	28	17	56	20	36	188	456	356
YES, IN FAVOR	82.4	82.6	82.1	79.9	80.0	83.6	83.4	86.1	80.5	77.8	82.1	70.6	82.1	75.0	86.1	80.3	84.6	80.6
Definitely	62.6	63.4	61.5	62.0	57.1	68.7	65.2	63.6	58.6	51.1	53.6	47.1	67.9	65.0	69.4	59.6	64.5	61.8
Probably	16.8	16.3	17.4	13.6	20.0	13.4	17.0	20.6	13.8	17.8	21.4	11.8	14.3	10.0	16.7	14.9	18.6	15.4
Only Lean	3.0	2.8	3.2	4.3	2.9	1.5	1.2	1.9	8.0	8.9	7.1	11.8	-	-	-	5.9	1.5	3.4
NO, AGAINST	12.4	11.8	13.2	12.5	13.3	13.4	14.2	9.1	12.6	13.3	10.7	17.6	12.5	20.0	8.3	12.8	11.8	12.9
Definitely	6.5	6.5	6.5	8.2	6.7	9.0	5.7	5.3	6.9	4.4	3.6	5.9	7.1	20.0	-	6.4	5.5	7.9
Probably	5.3	4.6	6.3	3.3	6.7	4.5	7.3	3.8	4.6	8.9	7.1	11.8	5.4	-	8.3	5.9	5.7	4.5
Only Lean	0.6	0.7	0.5	1.1	-	-	1.2	-	1.1	-	-	-	-	-	-	0.5	0.7	0.6
UNDECIDED	5.2	5.6	4.6	7.6	6.7	3.0	2.4	4.8	6.9	8.9	7.1	11.8	5.4	5.0	5.6	6.9	3.5	6.5
Net Diff.	70.0	70.8	68.9	67.4	66.7	70.1	69.2	77.0	67.8	64.4	71.4	52.9	69.6	55.0	77.8	67.6	72.8	67.7
Mean	6.06	6.08	6.02	5.99	5.94	6.16	6.07	6.21	5.92	5.76	5.93	5.47	6.14	5.95	6.25	5.95	6.13	6.01

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"PROPOSAL 44: TERM LIMITS FOR SCHOOL BOARDS, WHICH WOULD LIMIT SCHOOL BOARD MEMBERS TO EIGHT YEARS IN OFFICE."
(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	PROP. 44 - TERM LIMITS FOR SCHOOL BOARDS			
		YES, IN FAVOR	NO, AGAINST	UNDECIDED	Lean + Und.
Total	1000	824	124	52	88
YES, IN FAVOR	82.4	100.0	-	-	34.1
Definitely	62.6	76.0	-	-	-
Probably	16.8	20.4	-	-	-
Only Lean	3.0	3.6	-	-	34.1
NO, AGAINST	12.4	-	100.0	-	6.8
Definitely	6.5	-	52.4	-	-
Probably	5.3	-	42.7	-	-
Only Lean	0.6	-	4.8	-	6.8
UNDECIDED	5.2	-	-	100.0	59.1
Net Diff.	70.0	100.0	-100.0	-	27.3
Mean	6.06	6.72	2.48	4.00	4.14

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(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	EDUCATION LEVEL							MEN		WOMEN	
		LESS/ COLL. GRAD	Some H.S./ Less	High School Grad.	Some Coll./ Trade	COLL- EGE GRAD.	Coll- ege Grad.	Post- Grad./ Prof.	LESS/ COLL. GRAD.	COLL- EGE GRAD.	LESS/ COLL. GRAD.	COLL- EGE GRAD.
Total	1000	422	19	156	247	573	335	238	177	269	245	304
YES, IN FAVOR	82.4	82.5	78.9	78.8	85.0	82.2	84.2	79.4	87.0	81.0	79.2	83.2
Definitely	62.6	63.0	47.4	59.0	66.8	62.0	62.7	60.9	67.2	64.3	60.0	59.9
Probably	16.8	16.4	31.6	17.3	14.6	17.3	19.4	14.3	15.8	15.2	16.7	19.1
Only Lean	3.0	3.1	-	2.6	3.6	3.0	2.1	4.2	4.0	1.5	2.4	4.3
NO, AGAINST	12.4	13.0	10.5	16.0	11.3	12.0	10.4	14.3	9.0	13.4	15.9	10.9
Definitely	6.5	6.4	5.3	8.3	5.3	6.6	4.5	9.7	3.4	7.1	8.6	6.2
Probably	5.3	6.2	5.3	6.4	6.1	4.7	4.8	4.6	5.1	5.9	6.9	3.6
Only Lean	0.6	0.5	-	1.3	-	0.7	1.2	-	0.6	0.4	0.4	1.0
UNDECIDED	5.2	4.5	10.5	5.1	3.6	5.8	5.4	6.3	4.0	5.6	4.9	5.9
Net Diff.	70.0	69.4	68.4	62.8	73.7	70.2	73.7	65.1	78.0	67.7	63.3	72.4
Mean	6.06	6.05	5.89	5.89	6.16	6.05	6.11	5.97	6.22	6.05	5.92	6.06

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(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	WHITE MEN		WHITE WOMEN		RACE					MEN			WOMEN		
		LESS/ COLL. GRAD.	COLL- EGE GRAD.	LESS/ COLL. GRAD.	COLL- EGE GRAD.	WHITE	NON- WHITE	Hisp- anic	Afr. Amer./ Black	Asian	Other	WHITE	AFR. AMER./ BLACK	HISP- ANIC	WHITE	AFR. AMER./ BLACK	HISP- ANIC
Total	1000	112	185	176	221	694	269	100	125	25	19	297	52	51	397	73	49
YES, IN FAVOR	82.4	87.5	78.9	81.2	83.7	82.4	82.5	83.0	80.0	88.0	89.5	82.2	82.7	86.3	82.6	78.1	79.6
Definitely	62.6	68.8	61.6	63.1	59.7	62.5	62.1	62.0	61.6	56.0	73.7	64.3	69.2	64.7	61.2	56.2	59.2
Probably	16.8	15.2	16.2	15.9	19.0	16.9	17.1	20.0	13.6	28.0	10.5	15.8	9.6	19.6	17.6	16.4	20.4
Only Lean	3.0	3.6	1.1	2.3	5.0	3.0	3.3	1.0	4.8	4.0	5.3	2.0	3.8	2.0	3.8	5.5	-
NO, AGAINST	12.4	7.1	15.7	12.5	11.8	12.2	13.0	10.0	16.8	12.0	5.3	12.5	13.5	7.8	12.1	19.2	12.2
Definitely	6.5	0.9	8.1	5.7	6.8	5.9	7.8	4.0	12.0	8.0	-	5.4	7.7	3.9	6.3	15.1	4.1
Probably	5.3	6.2	7.0	6.8	3.6	5.8	4.8	6.0	4.0	4.0	5.3	6.7	3.8	3.9	5.0	4.1	8.2
Only Lean	0.6	-	0.5	-	1.4	0.6	0.4	-	0.8	-	-	0.3	1.9	-	0.8	-	-
UNDECIDED	5.2	5.4	5.4	6.2	4.5	5.3	4.5	7.0	3.2	-	5.3	5.4	3.8	5.9	5.3	2.7	8.2
Net Diff.	70.0	80.4	63.2	68.8	71.9	70.2	69.5	73.0	63.2	76.0	84.2	69.7	69.2	78.4	70.5	58.9	67.3
Mean	6.06	6.27	5.95	6.04	6.04	6.05	6.05	6.11	5.94	6.12	6.37	6.07	6.10	6.24	6.04	5.84	5.98

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(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	PARTY			WHITE			HISPANIC			MEN			WOMEN		
		REPUBLICAN	DEMOCRAT	INDEPENDENT/OTHER	REPUBLICAN	DEMOCRAT	INDEPENDENT/OTHER	REPUBLICAN	DEMOCRAT	INDEPENDENT/OTHER	REPUBLICAN	DEMOCRAT	INDEPENDENT/OTHER	REPUBLICAN	DEMOCRAT	INDEPENDENT/OTHER
Total	1000	376	400	212	306	244	135	41	33	26	191	145	108	185	255	104
YES, IN FAVOR	82.4	85.4	80.2	81.6	85.3	79.5	81.5	85.4	84.8	76.9	85.3	80.7	84.3	85.4	80.0	78.8
Definitely	62.6	69.4	57.2	60.4	69.6	55.7	57.8	65.9	60.6	57.7	70.2	61.4	63.9	68.6	54.9	56.7
Probably	16.8	14.1	19.8	16.5	13.7	20.9	17.8	19.5	21.2	19.2	13.1	17.2	16.7	15.1	21.2	16.3
Only Lean	3.0	1.9	3.2	4.7	2.0	2.9	5.9	-	3.0	-	2.1	2.1	3.7	1.6	3.9	5.8
NO, AGAINST	12.4	10.6	14.5	11.8	10.5	13.9	13.3	9.8	12.1	7.7	11.0	13.8	10.2	10.3	14.9	13.5
Definitely	6.5	5.6	9.0	3.3	5.2	8.2	3.0	4.9	6.1	-	5.8	7.6	2.8	5.4	9.8	3.8
Probably	5.3	4.5	5.0	7.5	4.6	5.3	9.6	4.9	6.1	7.7	4.7	5.5	7.4	4.3	4.7	7.7
Only Lean	0.6	0.5	0.5	0.9	0.7	0.4	0.7	-	-	-	0.5	0.7	-	0.5	0.4	1.9
UNDECIDED	5.2	4.0	5.2	6.6	4.2	6.6	5.2	4.9	3.0	15.4	3.7	5.5	5.6	4.3	5.1	7.7
Net Diff.	70.0	74.7	65.8	69.8	74.8	65.6	68.1	75.6	72.7	69.2	74.3	66.9	74.1	75.1	65.1	65.4
Mean	6.06	6.22	5.94	5.98	6.22	5.92	5.90	6.22	6.09	5.96	6.22	6.00	6.11	6.22	5.91	5.84

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(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	IDEOLOGY							MEN			WOMEN		
		LIB-ERAL	Very	Some-	MODE-RATE	CONS-ERVA-TIVE	Some-what	Very	LIB-ERAL	MOD-ERATE	CONSER VATIVE	LIB-ERAL	MOD-ERATE	CONSER VATIVE
Total	1000	247	108	139	349	360	187	173	90	147	196	157	202	164
YES, IN FAVOR	82.4	76.9	75.9	77.7	81.4	88.1	87.2	89.0	76.7	80.3	89.3	77.1	82.2	86.6
Definitely	62.6	51.4	51.9	51.1	60.5	73.1	69.0	77.5	52.2	60.5	75.0	51.0	60.4	70.7
Probably	16.8	20.2	20.4	20.1	18.1	13.1	15.5	10.4	18.9	18.4	12.2	21.0	17.8	14.0
Only Lean	3.0	5.3	3.7	6.5	2.9	1.9	2.7	1.2	5.6	1.4	2.0	5.1	4.0	1.8
NO, AGAINST	12.4	14.6	15.7	13.7	16.3	6.9	7.0	6.9	15.6	17.7	5.6	14.0	15.3	8.5
Definitely	6.5	7.3	11.1	4.3	8.3	4.4	3.7	5.2	7.8	8.2	3.1	7.0	8.4	6.1
Probably	5.3	6.9	4.6	8.6	7.2	2.5	3.2	1.7	7.8	8.8	2.6	6.4	5.9	2.4
Only Lean	0.6	0.4	-	0.7	0.9	-	-	-	-	0.7	-	0.6	1.0	-
UNDECIDED	5.2	8.5	8.3	8.6	2.3	5.0	5.9	4.0	7.8	2.0	5.1	8.9	2.5	4.9
Net Diff.	70.0	62.3	60.2	64.0	65.0	81.1	80.2	82.1	61.1	62.6	83.7	63.1	66.8	78.0
Mean	6.06	5.78	5.80	5.76	5.95	6.38	6.30	6.46	5.77	5.92	6.43	5.78	5.98	6.31

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(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	MARITAL STATUS				SINGLE		MARRIED		CHILD UNDER 18 HOUSEHOLD	
		SINGLE	MARRIED	SEP./DIV.	WIDOWED	MEN	WOMEN	MEN	WOMEN	YES	NO
Total	1000	210	540	124	115	105	105	277	263	180	812
YES, IN FAVOR	82.4	80.5	83.0	86.3	80.0	85.7	75.2	81.6	84.4	78.9	83.1
Definitely	62.6	55.2	63.5	73.4	61.7	63.8	46.7	65.3	61.6	62.2	62.8
Probably	16.8	21.9	15.6	12.1	17.4	19.0	24.8	13.4	17.9	15.0	17.0
Only Lean	3.0	3.3	3.9	0.8	0.9	2.9	3.8	2.9	4.9	1.7	3.3
NO, AGAINST	12.4	16.2	11.3	10.5	12.2	12.4	20.0	12.3	10.3	13.9	12.1
Definitely	6.5	7.1	6.1	4.8	8.7	2.9	11.4	6.5	5.7	6.1	6.7
Probably	5.3	8.1	4.6	4.8	3.5	8.6	7.6	5.4	3.8	7.2	4.8
Only Lean	0.6	1.0	0.6	0.8	-	1.0	1.0	0.4	0.8	0.6	0.6
UNDECIDED	5.2	3.3	5.7	3.2	7.8	1.9	4.8	6.1	5.3	7.2	4.8
Net Diff.	70.0	64.3	71.7	75.8	67.8	73.3	55.2	69.3	74.1	65.0	71.1
Mean	6.06	5.87	6.09	6.28	6.05	6.10	5.64	6.07	6.10	5.96	6.08

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"PROPOSAL 44: TERM LIMITS FOR SCHOOL BOARDS, WHICH WOULD LIMIT SCHOOL BOARD MEMBERS TO EIGHT YEARS IN OFFICE."
(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	AGE						AGE						MEN					
		18-29	30-40	41-55	56-65	66-75	OVER 75	UNDER 40	OVER 40	UNDER 55	OVER 55	UNDER 65	OVER 65	UNDER 40	OVER 40	UNDER 55	OVER 55	UNDER 65	OVER 65
Total	1000	107	109	221	205	195	140	216	761	437	540	642	335	109	329	210	228	303	135
YES, IN FAVOR	82.4	82.2	83.5	81.4	81.5	86.7	78.6	82.9	82.3	82.2	82.6	81.9	83.3	83.5	83.6	81.9	85.1	83.8	83.0
Definitely	62.6	49.5	59.6	64.7	63.4	68.7	60.7	54.6	64.7	59.7	64.6	60.9	65.4	57.8	68.4	62.9	68.4	65.0	67.4
Probably	16.8	27.1	22.9	12.7	14.6	16.4	15.0	25.0	14.6	18.8	15.4	17.4	15.8	22.9	12.8	15.7	14.9	15.8	14.1
Only Lean	3.0	5.6	0.9	4.1	3.4	1.5	2.9	3.2	3.0	3.7	2.6	3.6	2.1	2.8	2.4	3.3	1.8	3.0	1.5
NO, AGAINST	12.4	15.0	11.0	13.1	13.2	11.3	11.4	13.0	12.4	13.0	12.0	13.1	11.3	12.8	11.6	14.8	9.2	12.5	10.4
Definitely	6.5	3.7	5.5	6.8	7.3	7.7	5.7	4.6	7.0	5.7	7.0	6.2	6.9	3.7	6.4	5.7	5.7	5.6	5.9
Probably	5.3	10.3	5.5	5.9	3.9	3.6	5.7	7.9	4.7	6.9	4.3	5.9	4.5	9.2	4.6	8.6	3.1	6.3	4.4
Only Lean	0.6	0.9	-	0.5	2.0	-	-	0.5	0.7	0.5	0.7	0.9	-	-	0.6	0.5	0.4	0.7	-
UNDECIDED	5.2	2.8	5.5	5.4	5.4	2.1	10.0	4.2	5.4	4.8	5.4	5.0	5.4	3.7	4.9	3.3	5.7	3.6	6.7
Net Diff.	70.0	67.3	72.5	68.3	68.3	75.4	67.1	69.9	69.9	69.1	70.6	68.8	71.9	70.6	72.0	67.1	75.9	71.3	72.6
Mean	6.06	5.81	6.09	6.04	6.02	6.26	5.98	5.95	6.08	6.00	6.09	6.00	6.14	6.00	6.16	5.99	6.24	6.10	6.17

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(Net Diff. = YES, IN FAVOR - NO, AGAINST)

	TOTAL	WOMEN						GENDER		REPUBLICAN			DEMOCRAT			INDEPENDENT		
		UNDER 45	OVER 45	UNDER 55	OVER 55	UNDER 65	OVER 65	MALE	FEMALE	LIB-ERAL	MOD-ERATE	CONSER VATIVE	LIB-ERAL	MOD-ERATE	CONSER VATIVE	LIB-ERAL	MOD-ERATE	CONSER VATIVE
Total	1000	107	432	227	312	339	200	450	550	27	101	239	184	142	58	34	103	61
YES, IN FAVOR	82.4	82.2	81.2	82.4	80.8	80.2	83.5	83.6	81.5	81.5	79.2	89.1	76.6	81.7	86.2	73.5	82.5	86.9
Definitely	62.6	51.4	61.8	56.8	61.9	57.2	64.0	65.8	60.0	63.0	62.4	74.1	50.5	59.9	69.0	44.1	59.2	73.8
Probably	16.8	27.1	16.0	21.6	15.7	18.9	17.0	15.3	18.0	18.5	14.9	13.0	20.7	20.4	15.5	20.6	17.5	11.5
Only Lean	3.0	3.7	3.5	4.0	3.2	4.1	2.5	2.4	3.5	-	2.0	2.1	5.4	1.4	1.7	8.8	5.8	1.6
NO, AGAINST	12.4	13.1	13.0	11.5	14.1	13.6	12.0	11.6	13.1	11.1	18.8	6.3	15.2	16.2	10.3	14.7	14.6	4.9
Definitely	6.5	5.6	7.4	5.7	8.0	6.8	7.5	5.6	7.3	3.7	9.9	3.8	8.7	10.6	8.6	2.9	3.9	1.6
Probably	5.3	6.5	4.9	5.3	5.1	5.6	4.5	5.6	5.1	7.4	6.9	2.5	6.0	5.6	1.7	11.8	9.7	3.3
Only Lean	0.6	0.9	0.7	0.4	1.0	1.2	-	0.4	0.7	-	2.0	-	0.5	-	-	-	1.0	-
UNDECIDED	5.2	4.7	5.8	6.2	5.1	6.2	4.5	4.9	5.5	7.4	2.0	4.6	8.2	2.1	3.4	11.8	2.9	8.2
Net Diff.	70.0	69.2	68.3	70.9	66.7	66.7	71.5	72.0	68.4	70.4	60.4	82.8	61.4	65.5	75.9	58.8	68.0	82.0
Mean	6.06	5.91	6.02	6.00	5.99	5.92	6.12	6.12	6.00	6.07	5.89	6.41	5.76	6.00	6.28	5.56	5.92	6.38

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	TOTAL	VOTE HISTORY - SUMMARY					VOTE 2016	VOTE 2016	NOT 2016	NOT 2016
		1 OF 4	2 OF 4	HIGH PROPENSITY	3 OF 4	4 OF 4	VOTE 2014	NOT 2014	VOTE 2014	NOT 2014
Total	1000	185	152	663	202	461	650	290	24	36
YES, IN FAVOR	82.4	82.2	83.6	82.2	80.7	82.9	82.5	81.4	87.5	86.1
Definitely	62.6	58.4	61.2	64.1	62.9	64.6	63.7	58.3	75.0	69.4
Probably	16.8	21.1	19.1	15.1	14.9	15.2	15.8	20.0	12.5	11.1
Only Lean	3.0	2.7	3.3	3.0	3.0	3.0	2.9	3.1	-	5.6
NO, AGAINST	12.4	14.1	9.9	12.5	13.4	12.1	12.0	13.4	8.3	13.9
Definitely	6.5	6.5	6.6	6.5	6.9	6.3	6.3	7.2	4.2	5.6
Probably	5.3	7.0	2.6	5.4	5.9	5.2	5.1	5.5	4.2	8.3
Only Lean	0.6	0.5	0.7	0.6	0.5	0.7	0.6	0.7	-	-
UNDECIDED	5.2	3.8	6.6	5.3	5.9	5.0	5.5	5.2	4.2	-
Net Diff.	70.0	68.1	73.7	69.7	67.3	70.7	70.5	67.9	79.2	72.2
Mean	6.06	5.98	6.11	6.06	6.01	6.09	6.07	5.98	6.38	6.14

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How Term Limits Fight Big Money in Politics

A policy snapshot by U.S. Term Limits

Intro

According to a 2015 New York Times/CBS Poll, 84 percent of Americans believe money has too much influence on campaigns. Since fundraising is most unequal when an incumbent defends his seat, any reform that fights incumbency can make the money situation more equal. Term limits is that reform.

Incumbents Get Money

Like any smart investor, special interests spend on candidates who can provide them the best return. That's why sitting congressmen receive $6 for every dollar that goes to their challengers. The advantage makes them powerful and virtually impossible to beat. It also discourages good people from running for office.

Incumbents Win Elections

Incumbents' fundraising edge is a protective shield at election time. It guards them from their own bad votes, talented challengers and potential lost support from the party. This system works for millionaires and billionaires, but not the rest of us:

The Odds of Defeating a US House Incumbent Based on Spending by Challenger

Under $1,000,000	293:2
$1 million to $1,499,999	18:4
$1.5 million to $1,999,999	9:4
$2 million or more	1:1

Source: Center for Responsive Politics

Open Seats, Closed Wallets

The average House incumbent raises around $1.5 million for his re-election campaign. The average challenger raises around $250,000. But what happens in an open seat race? The average candidate there raises a happy medium around $600,000. So, open seat contests bring three positive effects:

1. More candidates
2. More accessibility to elected office
3. More equal fundraising

How to Get There

Term limits are a remedy for incumbency and the money that comes along with it. By guaranteeing open seat races on a regular basis, term limits deliver a more balanced and accessible system. They stop incumbents from growing too unbeatable, and keep Congress from becoming an aristocracy.

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Female Candidate Emergence and Term Limits: A State-Level Analysis

Samantha Pettey[1]

Abstract

This study examines term limits to determine the effect they have on female candidate emergence in state legislatures. Initial research finds a negative relationship between term limits and female representation. I offer a candidate-level theory and empirical approach to reevaluate how term limits affect female representation overtime. I argue term limits create an incentive structure that favors female candidates since the incumbency advantage is lessened. To test this theory, I set up a quasi-natural experiment with term limits as the treatment in a difference-in-differences test. Furthermore, I also run logistical regression analysis using candidate-level data from all fifty states from 1990 to 2000. I find women are more likely to run for office in open seats created by term limits. Last, this pattern holds for both Republican and Democratic female candidates.

Keywords

term limits, women and politics, female state legislative candidates

Introduction

Term limits are one of the most significant institutional changes to take place since the modernization of state legislatures (Kurtz, Cain, and Niemi 2007). And since the implementation of term limits, a puzzle in the literature emerges. Conventional wisdom suggests open seats help women gain descriptive representation since women fare as well as men in elections. Term limits provide more open seats, which suggests females have more opportunities to enter into office (Burrell 1994; Darcy, Welch, and Clark 1994; Fox 2000; Seltzer, Newman, and Leighton 1997). Yet studies conducted after the implementation of term limits find the greater number of open seats have negative consequences for female descriptive representation (Bernstein and Chadha 2003; Carroll and Jenkins 2001).

This article seeks to bridge the puzzling finding that more open seats, created by term limits, results in fewer women in office, but focuses on the candidate emergence stage. Theoretically speaking, term limits are only beneficial to women if women actually run for office. Normatively speaking, understanding how term limits help or hinder female candidate emergence is important to study for furthering descriptive representation. Theories on descriptive representation claim the makeup of legislative bodies should reflect the demographics of the public. Politicians better represent their constituents if they resemble the populace with regard to gender, race, social, and economic status. Scholars theorize the importance of descriptive representation and its implications for society because females bring different issues, experiences, and viewpoints to the political table. Increasing the percentage of women in political positions leads to more favorable policies for women (Osborn 2012; Schwindt-Bayer and Mishler 2005; Swers 2002).

In the United States, female descriptive representation has been, and continues to be, much lower than male descriptive representation at all levels of government. Currently, at the state level, female representation ranges from a low of 12 percent in Louisiana to a high of 41 percent in Colorado. The average percentage of females in all fifty state legislatures is only 24.2 percent (Center for American Women and Politics [CAWP] 2014; National Conference of State Legislatures [NCSL] 2014). Not only is the current percentage low, but the percentage of women in state legislative branches has become rather stagnant since the 1990s (Norrander and Wilcox 2012). Given that a large amount of policy-making is delegated to the states, the lack of female representation across all states is troublesome (Carroll and Sanbonmatsu 2013).

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Research providing a greater understanding of when and why women run for office, or emerge as candidates, is a critical stage in the process toward understanding the unequal representation between males and females at all levels of government.

This article proceeds as follows. First, I provide a discussion of the extant literature with regard to female candidate emergence and term limits. Next, I detail my expectations on how term limits will affect female candidate emergence. Then, I introduce the data and methods used to test my hypothesis and conclude with a short discussion of the findings and implications of this study.

Emergence

A thread of the women and politics literature focuses on how and why women run for office (Carroll and Sanbonmatsu 2013; Fox and Lawless 2004). In other words, why do some female candidates emerge and run for election while other potential candidates never run? Before there can be parity, there has to be pool of women who are willing to run for office, and ultimately win their campaigns. Below is a discussion of the four main factors scholars identify as inhibiting the emergence of female candidates: institutional barriers, socialization, ambition, and political factors.

Institutional Barriers

From an institutional perspective, the low rates of female descriptive representation in the United States are explained by two main theories: the incumbency advantage and eligibility pool. Incumbency advantage posits that incumbents' high reelection rates reduce opposition and leave little opportunity for new candidates to compete (Burrell 1994; Carroll and Jenkins 2001; Darcy, Welch, and Clark 1994). Furthermore, research finds female candidates at the congressional level to be just as likely to win elections as men, indicating that females are not at an electoral disadvantage per se, but the high incumbency rate keeps women out of office (Burrell 1994; Darcy, Welch, and Clark 1994; Fox 2000; Seltzer, Newman, and Leighton 1997). As such, women will enter office at a glacial pace because the incumbency advantage is so significant.

A second institutional constraint is that the female candidate eligibility pool is smaller than the male candidate pool. The eligibility pool, or where the majority of all candidates emerge from, consists mainly of positions in law and business.[1] Women in Congress tend to emerge from careers in teaching, social work, and health care without a background in politics rather than the typical "political" fields previously mentioned (Carroll and Sanbonmatsu 2013; Clark 1994; Dolan, Deckman, and Swers 2007). Therefore, since fewer women are potential candidates, parity is difficult because women simply do not run.

Sociological Factors

Second, extant literature suggests there are sociological, cultural norms at play which keep women from seeking office. Women are less likely to be socialized to run for political office (Fox and Lawless 2004). Yet political conditioning research suggests women who are engaged in politics are more likely to emerge and run for office at any level (Fox and Lawless 2004). Furthermore, women are more likely to be engaged in politics if issues are salient to them (Campbell and Wolbrecht 2006).

Family responsibilities also inhibit women from being in office, since women tend to have a disproportionate share of responsibilities (Fox and Lawless 2004). Not only that, women see private, family commitments as conflicting with public commitments, and this has changed little overtime (Burrell 1994; Carroll and Sanbonmatsu 2013; Sapiro 1982). Yet these cultural gender norms that seem to place time constraints on future candidates do not seem to inhibit women from participating in other areas of politics—women are just as, if not more, likely to be engaged in local, community-level politics. Therefore, sociological-based time constraint theories are not a sufficient explanation to a lack of female emergence (Burns, Schlozman, and Verba 2001).

Ambition

Third, research finds ambition levels differ by gender; specifically, women's ambition levels are inherently lower than male's. The gender differences in political ambition levels is in part due to the fact that women perceive themselves to be less qualified than men to run for office (see Fox and Lawless 2004; Fulton et al. 2006).

Political Factors

Last, there are political factors that influence whether or not a person will run for office. Research finds parties have a large and significant impact on whether a female will run for office. Most female candidates do not consider running for office until they are approached by a party leader. Without recruitment, the majority of current women office-holders had never seriously considered running for office. There are more women in office when women are actively recruited, whether by party or political organization (Carroll and Sanbonmatsu 2013; Sanbonmatsu 2006).

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Term Limits

Term limits are an important institutional attribute that may serve as a bridge between emergence and descriptive representation by creating more open seats. Term limits in state legislatures place restrictions on the number of times an official can serve in office.[2] States began enacting term limits in the early 1990s as a way to force government turnover. Many citizens were displeased with the lack of effective governance at the state level and wanted to stop incumbents from running for office (Reed and Schansberg 1995; Thompson and Moncrief 1993).

Prior to the enactment of term limits, most researchers hypothesized term limits would be beneficial for females. Term limits act as a way to combat the incumbency advantage and create more open seats. These open seats would provide women more opportunities to run for office (Carroll and Jenkins 2001; Crane 1995; Darcy, Welch, and Clark 1994; Ferry 1994; Thompson and Moncrief 1993). Yet, when term limits began to take effect, researchers found term limits did not have the intended effects on women in office (Bernstein and Chadha 2003; Carroll and Jenkins 2001). In 1998, seven states had their first round of termed-out politicians, which created 215 open seats across all seven states. The number of these 215 seats held by women actually dropped from fifty-eight to fifty-three after the 1998 election. Thus, the introduction of term limits resulted in a net loss of five seats for women (Bernstein and Chadha 2003).

In a cross-sectional analysis of the impact term limits had for the year 1998, scholars find an overall negative effect on women in office, but there was variation by state. Some states, such as Arizona and Arkansas, saw minor gains in the number or females in office but most suffered, which reflected in a declining number of females in office (Carroll and Jenkins 2001). Yet what explains these differences across states? And, more importantly, do these initial findings hold up across a longer temporal sample? Further research is needed to resolve the conflict between the expectation that term limits would allow for more female candidates and the early empirical evidence to the contrary.

Emergence and Term Limits Theory

The literature on candidate emergence and term limits offer conflicting explanations on the expectations of female emergence. The term limits literature mainly focuses on overall success of female candidates and largely ignores the impact term limits may have on candidate emergence. Perhaps women are running for office more frequently in the term limited states but are not winning elections. This theory incorporates expectations about open seats from term limits literature and eligibility pool assumptions from the emergence literature to develop a general argument regarding female candidate emergence in term-limited states.

Open Seats

Existing research regarding female descriptive representation is concerned with aggregate levels of female success. Yet as previously discussed, a critical stage of analysis is candidate emergence. The only way women will gain parity is if they run and subsequently win. All else being equal, in terms of electoral outcomes, term limits can only be effective if the number of female candidates running within the states increases. For example, if there are more open seats (created by term limits or not) and the same number, or fewer, women running for office, then open seats will not have a positive impact on the number of females in office. This idea is especially important in term-limited states since the nature of term limits creates more open seats.

Without an increase in female candidate emergence, we are unlikely to find support for the conventional wisdom that more open seats will lead to more women in office. Carroll and Jenkins (2001) show that in states with term limits, the number of female officeholders decreased when term limits were enacted. However, it is possible this finding is due to lower levels of female candidate emergence. The lack of female candidate emergence is apparent in Carroll and Jenkins' (2001) finding that females did not run in a large number of primary elections for either party.

The greater number of open seats created by term limits provide potential female candidates with more opportunities to emerge. Since an incumbent cannot continuously run, the overall likelihood of winning an election will increase for new candidates. Further, Fulton et al. (2006) find women are more likely to run in races if/where they perceive their chances of winning to be high. This rational behavior is present in all candidates as studies also find that candidates act rationally when deciding to enter a race—most only run when the likelihood of winning the seat is high (Black 1972; Jacobson and Kernell 1981; Lazarus 2008). Open seats, created by term limits or otherwise, offer a better chance at winning an election than running against an incumbent. Therefore, states with open seats created by term limits should see an overall increase in the number of female candidates emerging because the perceived opportunity to win the seat is higher.

Eligibility Pool

The greater number of open seats created by term limits will likely effect the eligibility pool. The presence of term limits may influence more women to emerge as

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candidates in state legislative elections. This is due to the fact that with term limits, the job is temporary and politics is not necessarily a career path. Therefore, anyone can theoretically have a desire to run and hold office for a short period of time. Amateur candidates, those with no previous office-holding experience, tend to run if they perceive their chance of success to be high, but this is not a necessary condition to emerge (Lazarus 2008). Term limits may create a pool of amateur candidates, specifically female candidates, who are motivated to run for factors other than being a career politician—especially if a potential candidate thinks they can win.

Support for an amateur female candidate pool already exists at the state level. A 2008 CAWP Recruitment Study by Carroll, Sanbonmatsu, and Walsh find nearly 43 percent of women in the lower chamber of the state legislatures had no previous officeholding experience. More importantly, nearly 73 percent of females in the lower house claimed their decision to run for office was not done as a stepping stone toward higher office. The study also finds that nearly 79 percent of women in the lower chamber reported having an occupation that allows for sufficient time and flexibility to hold office was important when considering their run for office. These findings suggest that many women in state legislatures do not plan on being career politicians. Therefore, term limits enhance this favorable environment and allow more opportunities for potential female candidates to run, hold office, and still avoid being career politicians.

Term limits have the potential to create a larger eligibility pool of female candidates. Term limits may add a little extra incentive to run for office since the length of time someone can spend in office is limited. Thus, term limits create a unique opportunity for noncareer politicians to serve short term in office to make policy changes[3] and then leave after they are termed out.

Furthermore, term limits can also have a positive impact on women who want to be career politicians. Given theories on rational choice candidate entry models (Black 1972; Jacobson and Kernell 1981; Lazarus 2008), politicians run when they are most likely to win. Term limited seats will not have an incumbent running, so these seats should theoretically be easier to win, given the lack of an incumbency advantage. This is good for ambitious female politicians because they are in a better situation to win office than when compared with female challengers in a state without term limits trying to win a seat against a long-term incumbent.

Term limits provide a structured timeline for how long one can legally stay in office before they move on to the next level of government. Career politicians may find this structure useful for moving up the political ladder. For example, a female may desire to move out of the lower chamber in the state legislature but no opportunities exist in the upper chamber. States with term limits in both chambers have more open seats and, therefore, greater opportunities for new candidates to run for office. Further, term limits provide an opportunity for women to gain experience and exposure quickly if they move between chambers after being term-out, especially for women who may want to progress into federal office, or governorships, after they have termed out of their state legislature.

In sum, taking into consideration the constraints and variation in the use of term limits across states, one should not expect a drastic increase of women in office in states with term limits immediately. Rather, the number of women in office will likely rise fairly steadily over time as more officials are forced to vacate the state legislature. There may be loss in the short term as research finds (Bernstein and Chadha 2003; Carroll and Jenkins 2001), but this should not be the norm. Open seats will gradually increase as incumbents are termed out, providing potential women candidates with more opportunities to run. In other words, term limits, in combination with open seats, increase the number of women in the eligibility pool. The crux of this theory relies on the fact that term limited states will only increase the number of women in office if the number of women running for office increases. Term limits create a favorable environment for noncareer and career female politicians to run for office, and this is the possibility that I will empirically evaluate in the remainder of this article.

Therefore,

Hypothesis 1 (H1): Term limits increase the likelihood of female candidate emergence.

Data

To examine the hypothesis, I utilize a candidate-level data set of each state's lower legislative chamber. The candidate data comes from the State Legislative Election Returns (SLER): 1967–2010 (Klarner et al. 2013). The dataset captures candidate-level state legislative elections and includes variables such as election results, term length, type of legislative election, incumbency status, and party identification. The large time span allows me to better test the impact of term limits on female candidate emergence. I conduct the analysis across all fifty states at the candidate level in the general election (discussed more below) using a quasi-natural experiment design. I examine the years from 1990 to 2010, both pre- and post-term limits, across all candidates meeting the standard 5 percent threshold (Canon 1978) using states without term limits as the control group.

The SLER data does not contain the candidate's gender, and therefore, I coded each candidate's gender. As a robustness check, I have also utilized the CAWP (Center

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for American Women and Politics) database as a cross-reference. CAWP provides a list of the total number of women who ran in an election for each state. After coding the SLER dataset to include gender, I looked to the CAWP dataset to examine any discrepancies. When there were discrepancies between SLER and CAWP, I cross-referenced the Secretary of State's original election results (when available) to fix or confirm the findings from my dataset. Further, in a handful of cases where the Secretary of State's election results were not readily available and discrepancies existed, I searched newspaper articles for gender candidate cues.[4]

While the SLER dataset contains a large number of election periods, I will only use the time period from 1990 to 2010. Since 1996–2000 is the time frame in which most states first experience the impact of term limits, the time frame allows a roughly equal number of election cycles pre- and post-term limits. The analysis for this time period will therefore capture a considerable amount of elections both before and after term limits took effect in states. Furthermore, the candidate-level dataset is quite large over a twenty-year time frame and produces roughly eighty thousand observations.[5]

Design

As briefly mentioned, the enactment of term limits provides the unique opportunity of an intervention point for an experimental design. Mooney (2009) addresses a major concern when treating term limits as a natural experiment: exogeneity. To model a causal relationship, there needs to be random assignment of the treatment and control group. To test for random assignment, Mooney (2009) ran a series of difference of means tests between states with term limits and states without term limits. The results find the most common and widely used state-level explanatory variables have no statistically significant differences between states with term limits and states without term limits. In other words, there is not a unique underlying factor about states that enacted term limits versus states that did not enact term limits. For example, a state's population, gross domestic product (GDP), ideology, electoral turnout rates, legislative professionalism, and so on, do not predict the adoption of term limits. Therefore, term limits can be treated as a natural experiment because the states with and without term limits have no statistically significant differences between them—that is, random assignment of term limits occurred. The treatment group for the design includes all the states that enacted term limits, and the control group includes all the states that have not enacted term limits.

The enactment of term limits happened at different points in time across the states. Term limits first took effect in a handful of states in the late 1990s and continued to be implemented through the 2000s. As such, there will be multiple intervention points that are unique to the state enacting the term limits. Using panel-level data, I am less likely to violate the assumption that an unobservable/unmeasurable variable has an impact on my main independent variable, term limits. This is important when determining a causal link between term limits and the dependent variable. Table 1 provides a list of the term limited states (which have not been repealed). The table provides the year in which the term limits were enacted and the year in which the first round of legislators were forced to leave due to term limits.

Table 1. Term-Limited States.

State	Year enacted	Year of impact
Maine	1993	1996
California	1990	1996
Colorado	1990	1998
Arkansas[a,b]	1992	1998
Michigan	1992	1998
Florida	1992	2000
Ohio	1992	2000
South Dakota[a]	1992	2000
Montana	1992	2000
Arizona[a]	1992	2000
Missouri	1992	2002
Oklahoma	1990	2004
Nebraska	2000	2006
Louisiana	1995	2007
Nevada	1996	2010

Source. NCSL (2014): "The Term-Limited States."
[a]Indicates multimember districts.
[b]Eliminated multimember districts after 2000 election.

Variables

Dependent

The dependent variable is *female candidate emergence*, which is a dichotomous variable where "1" is a female candidate and "0" is a male candidate. Table 2 reports the descriptive statistics on the number of female candidates in the sample. Between 1990 and 2010, female candidates made up about 26 percent of the total candidates running for office. Male candidates during the same time period made up roughly 73 percent of the total sample. The numbers are not surprising since the overall percentage of women in office across the states during that time averages around 20 to 25 percent.

Independent Variable

The main explanatory variable of interest is *term limits*. States with term limits are coded "1" and states without term limits are coded "0." Since, the intervention points

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Table 2. Descriptive Statistics for Female Emergence.

Variable	Number	Percentage of sample
Female Candidates	24,537	26.30%
Male Candidates	68,380	73.30%

Table 3. Descriptive Statistics for Term Limits.

Variable	Number	Percentage of sample
Non-Term Limit Seats	79,029	85.54%
Term-Limit Seats	13,888	14.46%

will be scattered due to states implementing term limits in different years, each state with term limits will be coded to reflect the year in which that state's term limits take effect. States with term limits are coded as "0" until they implement term limits (states who never implement term limits remain coded as 0 throughout). Table 3 shows the distribution for states with and without term limits. Approximately 15 percent of candidates run in term-limited seats. Whereas non-term-limited seats make up about 85 percent of the total sample (the non-term-limited seats include states with enacted term limits but elections before they were implemented). Since this is candidate-level data with a focus on candidate emergence, these numbers represent the distribution of candidates running in the term-limited and non-term-limited races (not the total number of available seats).

Table 4 below provides further descriptive statistics showing the distribution of the data for candidate emergence and term limits. At first glance, females are more prevalent in term-limited states, making up 28 percent of the total candidates versus non-term-limited seats where females are only 25.9 percent of the total candidates. Males are much more likely to emerge as candidates in term-limited and non-term-limited states when compared with their female counterparts making up roughly 71 to 74 percent of the observations within each set of states.

Table 4. Distribution of Candidates and Term Limits.

Variable	Non-term limits	Term limits
Female Candidates	20,646 (25.9%)	3,891 (28%)
Male Candidates	58,383 (73.9%)	9,997 (71.2%)

Control Variables Candidate-Level Controls

The model includes several candidate-level and state-/district-level controls. The first control is for *open seat* and is coded as "1" if a candidate runs in a district with an open seat and "0" if an incumbent is running within that district. As extant research and my theory suggests, open seats decrease institutional barriers for women to enter office so I expect open seats to have a positive impact on the likelihood a female will run for office.

Incumbents have an advantage in elections, even at the state level. Incumbents are more likely to win their elections and is an important variable to include in the model. Here, *incumbent* is coded so a "0" is a non-incumbent and "1" is an incumbent candidate. As with the extant literature, I expect incumbency to have a negative impact on female candidate emergence. Incumbents inhibit females from winning office and may keep them from running completely due to the costs associated with running a campaign, especially one where the challenger is expected to lose against an incumbent. While congressional literature finds women have an increasing tendency to run as challengers against female incumbents (see Lawless and Pearson 2008), much of the literature finds incumbents dissuade candidates from emerging.

Another important control variable is *party*. Research finds female candidates tend to emerge and hold seats in office more often as Democrats than Republicans. Republicans are coded as "0," and I expect that Democrats, coded as "1," will have a positive impact on the number of female candidates.

A measure of competitiveness is also important, especially since females are less likely to run for office if they perceive their chances of winning to be low. As a crude measure of competitiveness, I include the *number of candidates* in each election. While this is not a direct measure of whether a race is competitive or not because it does not include the types of candidates running,[6] Lawless and Pearson (2008) find females tend to be in elections where they are facing more than one opponent. While a majority of races are unopposed or have only two candidates, capturing opposition, especially if there is zero opposition, is an important control.

State-Level Controls

Research also finds women are more successful when they compete in multimember districts (MMD; Carroll 1994; Darcy, Welch, and Clark 1994). This is due to the fact that there are more opportunities to win a seat, and it is not a zero-sum game. A handful of state legislatures use MMDs in their elections rather than single-member districts (SMD). To measure MMDs, I use the *district type* variable, which differentiates between the types of districts. The variable is coded as a dummy for purposes of this study where "0" is an SMD and "1" is an MMD.

I also include a control for *term length*. Given my theory that term limits may attract females who do not wish to be career politicians, I expect there to be a negative

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relationship between the length of a term in office and female emergence. Females should be more likely to emerge in states with fewer years in a term; the longer a term, the less likely a female will emerge. Most lower chambers in states have two-year terms, but there are a small handful of states with four-year terms.

I also include a measure of *legislative professionalism*. I use the Squire index, which is a value between 0 and 1 assigned to states based on the level of professionalization within the legislature. Values closer to 0 are the least professional, and values closest to 1 are the most professional (see Squire 1992). I expect professionalization to have a negative impact on the likelihood a female candidate will emerge. This measure is capturing my theoretical argument that women are more likely to emerge when they do not want to be career politicians; therefore, when professionalism increases, female emergence will decrease.

Last, I include a measure for if a candidate emerges in a southern state. The variable *south* is coded with a "1" if the state is a southern state and "0" if otherwise. This measure tries to capture some of the known differences between female representation in the southern versus northern states. I expect southern states will have fewer women emerging as candidates. Table 5 below lists all the variables and their predicted direction for the logistical regression.

Table 5. Variables and Predicted Directions for Logistical Regression.

Variable	Predicted direction
Term Limits	(+)
Open Seat	(+)
Incumbent	(–)
Party ID	(+)
Number of Candidates	(−)
District Type	(+)
Term Length	(−)
Legislature Professionalization	(−)
South	(−)

Method

I employ two methods to test my hypothesis that term limits increase female candidate emergence. The first is a difference-in-differences method. Difference in differences allows time-invariant covariates to be factored out, while incorporating overall exogenous shocks or trends in the system. Difference in differences allows the researcher to control for many factors while "manipulating" one key variable, in this case, term limits, to provide a causal link between the independent and dependent variable.

The difference-in-differences method is shown below using states as the unit of analysis. Equation 1 represents the model for states with term limits. Term limits serve as an intervention point, and the difference in female emergence rates before and after term limits were implemented is provided. The model keeps all variables constant while the unobservable/time-invariant, *ai*, factors are already factored out. Equation 2 represents the control group: states without term limits.[7] Equation 3 represents the difference between the treatment and control groups: states with term limits and states lacking term limits. The error terms are also differenced so this better captures overall shocks to the system and can capture any general trends. If there is a difference found in Equation 3, then term limits have a causal impact on women emergence.

$$\Delta yiTL = \delta 0 + \beta + \Delta uiTL \quad (1)$$

where $\Delta yiTL$ denotes the difference in y for states with term limits

$$\Delta yiNTL = \delta 0 + \beta + \Delta uiNTL \quad (2)$$

where $\Delta yiNTL$ denotes the difference in y for states without term limits

$$\Delta yiTL - \Delta yiNTL = \beta + \left(\Delta uiTL - \Delta uiNTL\right) \quad (3)$$

where y is the mean number of women emerging.

I also run a logistical regression to examine the impact term limits have on the likelihood a female candidate will run for office. The unit of analysis for the logit model is the candidate year. Therefore, candidates will appear in the model for every election cycle they run as a new observation. Where difference in differences examines the overall difference in emergence between male and female candidates in states, the logistical regression aims to capture and predict the likelihood a candidate is a female based on the electoral environment at the individual level. Last, the standard errors are clustered around each individual legislator to control for differences across each candidate.

Results

The difference-in-differences results find term limits increase the mean number of female candidates running for office in states. Table 6 and Figure 1 provide evidence of this relationship within and across states. States with term limits, labeled with (e) for experimental group, see a small increase in the number of females emerging while states without term limits, label (c) for control, see a smaller overall increase. Figure 1 shows the positive effect term limits have on female emergence as well. Post-term limits, there is an overall increase in female

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Table 6. Difference in Differences.

Female emergence	*M*	*SE*
Pre-term limits (e)	0.243	0.004
Post-term limits (e)	0.267	0.004
$\Delta yiT\ L =$	0.024	
Pre-term limits (c)	0.240	0.003
Post-term limits (c)	0.258	0.002
$\Delta yiN\ T\ L =$	0.018	
$\Delta yiT\ L - \Delta yiN\ T\ L =$	0.006	

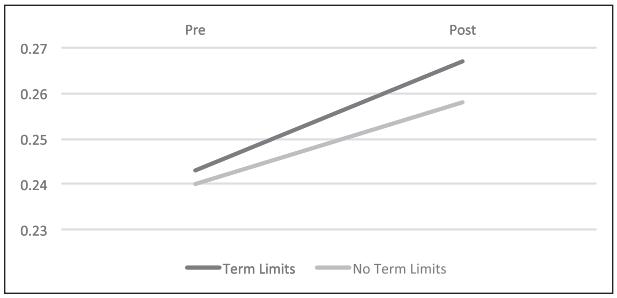


Figure 1. Women emergence in states pre- and post-term limits.

emergence for all the states, but the slope is steeper for states that enacted term limits.

The control group, states without term limits (c), saw a within-group difference in female emergence post-term limits (1996) of 1.8 percent, while the experimental group, states with term limits (e), have a within-group difference of 2.4 percent. Substantively, this shows term limits increase the overall percentage of women emerging by about 0.6 percent. While the percentage seems rather small, this 0.6 percent effect size of term limits equates to roughly ten more women emerging in term-limited states. For example, between 1994 and 2000, Ohio (a state with term limits) had a 0.06 difference in means. In 1996, forty-one females ran for office and in 2000, the first year term limits took effect, fifty-two females emerged (even if just by 0.6 percent, or ten females per election year), the better their chances are for increasing descriptive representation overall in those states. Women cannot win office and gain parity if they are not emerging. Term limits, as tested in the difference-in-differences model suggest there is a positive, causal relationship between term limits and female candidate emergence.

The difference in differences analysis provides a look at states, while the logit analysis looks at the individual level (while controlling for state-level factors). Table 7 shows the results of the logit model, which also supports the hypothesis that term limits increase the likelihood a female candidate will emerge. Logistical regressions are

Table 7. Likelihood Candidate Is a Female.

Variable	Coefficient	*SE*
Term Limit	0.085	0.033
Open Seat	0.077	0.023
Incumbent	−0.036	0.027
Party ID	0.467	0.030
Number Candidates	0.025	0.007
District Type	0.138	0.043
Term Length	−0.058	0.031
Professionalism (Squire)	−0.286	0.109
South	−0.306	0.040
Constant	−1.170	0.074
$n = 88285$		

Standard errors are clustered around candidate ID.

not directly interpretable without predicted probability models, but term limits is in the expected, positive direction and is statistically significant. Furthermore, all of the control variables are consistent with past literature, in the expected direction, and most are also statistically significant at a level. Only incumbency and term length are insignificant, but both are on the cusp of significance at the .10 level.

While the direction and impact are important, predicted probabilities for logistical regression provide substantive, interpretable results. Table 8 provides predicted probabilities for when a candidate is a Democrat, and Table 9 provides the predicted probabilities for Republican candidates. All the predicted probabilities values are set based on the most likely of cases, rather than an overall mean, which oftentimes captures unlikely cases (such as a 2.5-year term, which does not exist). Therefore, number of candidates is set at 2 (to represent one opponent), term length is set to two, south is set to zero (only looking at nonsouthern states), and professionalization is set to the mean.[8] The tables vary by open seat, district type, incumbency, and party identification.[9] The Open Seat column represents races where no incumbent runs for office. The Non-Incumbent column represents candidate emergence for non-incumbents in nonopen seat races, that is, challengers. Last, the rows represent whether the candidate is in a term-limited or non-term-limited state, and whether the candidate is in an SMD or MMD.

Table 8 shows the substantive differences between Democratic female candidate emergence in term-limited and non-term-limited states. Women are emerging about 2 percent more of the time when term limits are present. In an SMD when there is an open seat, a female candidate emerges about 32 percent of the time in states without term limits versus 34 percent of the time in states with term limits. Open seat races in MMDs also have women emerging 2 percent more in the term-limited states at

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Table 8. Predicted Probabilities for Democrats.

Female emergence	Open seat	Non-incumbent
Single-member districts		
No term limits	0.321 (0.006)	0.304 (0.006)
Term limits	0.340 (0.008)	0.323 (0.008)
Multimember districts		
No term limits	0.352 (0.010)	0.334 (0.009)
Term limits	0.371 (0.012)	0.354 (0.012)

All margins are significant at $p < .01$. Standard errors provided in parentheses.

Table 9. Predicted Probabilities for Republicans.

Female emergence	Open seat	Non-incumbent
Single-member districts		
No term limits	0.229 (0.005)	0.215 (0.005)
Term limits	0.244 (0.007)	0.230 (0.007)
Multimember districts		
No term limits	0.254 (0.008)	0.240 (0.008)
Term Limits	0.270 (0.011)	0.255 (0.010)

All margins are significant at $p < .01$. Standard error provided in parentheses.

about 37 percent of the time versus 35 percent of the time in the non-term-limited states. Women are most likely to emerge in these MMDs with term limits. And while this number is not 50 percent (meaning half the candidates are men, half are women), 37 percent is quite high given the average 24 percent descriptive representation across all the states.

Female emergence as challengers (non-incumbents) also provides evidence in support of the hypothesis that term limits increase female emergence. Women are emerging around 30 percent of the time in SMDs with no term limits versus 32 percent of the time in states with term limits. While winning a seat as a challenger is generally harder due to the incumbency advantage, term limits seem to encourage more women to run. The same pattern exists in MMDs where women emerge as challengers around 33 percent of the time in non-term-limited states and 35 percent of the time in the term-limited states.

Perhaps the most interesting finding is that women are just as likely to emerge as challengers in term-limited states as they are in open seats in states without term limits (around 32 percent in the SMDs and 35 percent in the MMDs). This comparison is important because previous literature finds open seats are one of the best chances women have to gain parity, and they emerge much more often in these seats. Given the equal likelihood of turnout between said open seats and the term-limited nonopen seats, the effect of term limits is similar to the "best case" scenario for women emergence. This suggests term limits lower the incumbency advantage (or at least the perception of how strong it is) and increase a candidate's confidence in their ability to win an election to a level similar to an open-seat election.

Table 9 reports the predicted probabilities for Republicans. The overall predicted probabilities are comparatively lower than the Democratic ones, which is expected given Democratic female candidate trends. The literature finds women are much more likely to emerge, and ultimately win office, as Democrats. For example, Democratic women emerge around 34 percent of the time in term-limited SMDs versus Republican women only emerge around 24 percent of the time. There is about a 10 percent difference between female Democratic and Republican candidate emergence.

Despite the comparatively lower emergence rates, term limits still have a positive effect on female Republicans. The difference in female Republican candidate emergence between term-limited states and non-term-limited states is about 1.5 percent. In other words, the probability a female Republican will emerge increases by about 1.5 percent in term-limited states (vs. about 2 percent for Democratic women). For example, in open seat races in SMDs, women emerge about 23 percent of the time in states without term limits and about 24 percent of the time in states with term limits. The pattern is similar in MMDs where women emerge around 25 percent of the time in states without term limits and 27 percent of the time in states with term limits.

Looking at Republican challengers in the Non-Incumbent column also supports the hypothesis that term limits increase emergence. Women are much more likely to emerge as challengers in term-limited states than non-term-limited states. In SMDs with term limits, women emerge 23 percent of the time versus 22 percent of the time in states without. And in MMDs, women emerge 26 percent of the time versus 24 percent of the time in states without. Further, the results are consistent with the Democratic female candidate emergence finding that women emerge as challengers in term-limited states as often as women emerge in open seats in states without term limits.

While term limits only increase Republican female emergence by 1.5 percent, any increase is arguably positive for women (especially Republican women) who are rather underrepresented in states. Given that term limits increase Democratic female emergence by about 2 percent, the overall increase term limits provide for both parties is evidence that term limits do not have the negative, unintended consequences on women in office. The evidence provided here supports the theory that term limits increase

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female candidate emergence and also sheds a bit more light on the conventional wisdom about how the incumbency advantage hurts women. Term limits seem to change the candidate pool, and lower the effects of the incumbency advantage. This change lowers the risk associated with running, which increases the number of women willing to emerge as candidates—in open seats, as challengers, and across both parties. Term limits increase the number of women running, and when women run, they win.

Conclusion and Implications

Currently, females make up only 24 percent of state legislators in the United States. This is concerning given a 2009 CAWP study that indicates the growth of female candidates at the state legislative level has remained fairly stagnant since 1997. Since about half of women in higher office begin their political career at lower levels of government, this stagnation in female state legislators is an important area of research to study. If the number of women in state legislatures does not increase and/or gain parity, to generally reflect the population descriptively, the implications for descriptive and substantive representation is concerning at the state and national level.

This article offers a theoretical explanation on how the institutional feature of term limits affects the number of female candidates deciding to run for office. Initial studies on term limits suggest term limits have negative effects on female descriptive representation but largely ignored emergence. Using a candidate-level dataset and experimental design, I find term limits have a positive effect on women candidate emergence. Further, the findings suggest term limits are more beneficial than open seats are for increasing emergence. Term limits boost Democratic females' emergence about 2 percent and female Republican emergence by about 1.5 percent. This suggests term limits may be creating an incentive structure that is widening the eligibility pool. Specifically, term limits make seats, both open and nonopen, more desirable to women candidates.

Overall, these findings are important because the initial findings suggesting term limits are bad for women may not be as problematic as expected. A greater number of female candidates emerging, as presented here, can lead to a greater number or females in office. Future research should focus on the success of female challengers in term-limited states. The results here suggest term limits decrease the incumbency advantage and incentivize women to emerge more as challengers in term-limited seats. The more research and data on these women candidates available, such as candidate quality, campaign financing, and so on, may add insight into how term limits increase emergence, but may not increase descriptive representation. For example, women may emerge, but research suggests competition and relative candidate quality matter, especially in open seat elections (Barnes, Branton, and Cassese 2017; Fulton 2012, 2014). As this article argues, emergence is only the first step, but increasing female challengers is a step in the right direction toward parity—especially if women are successful in their pursuit of office as challengers, rather than waiting for an open seat. Perhaps the successful women are those running in the open seats rather than as challengers. Future research should disentangle this relationship to make the connection between term limits and female descriptive representation.

Last, implications for national representation of women in office are worth considering. The impact of term limits and the type of candidate attracted to the legislatures are likely to have an impact beyond the state level. If term-limited states are attracting candidates who do not want to be career politicians, this may negatively affect female recruitment success for congressional races. Take for example the possibility of a candidate seeking office in a term-limited state with no intentions of being a career politician and leaving after their term has expired—the politician may go back to their previous career, or they may seek higher office. If this politician is female and decides not to run for higher office, overtime, descriptive representation at the national level may be negatively affected. Therefore, future research tracking where women go after they are termed out in the states would also be an important addition to the literature on descriptive representation.

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Notes

1. Men also receive more encouragement than females at a younger age to enter fields that are more likely to lead to political careers such as law and business (Fox and Lawless 2004).
2. Since the 1990s, twenty-one states have passed legislation for term limits, but six states have repealed them. Term limits were generally passed via citizen initiatives, and in four states (Massachusetts, Oregon, Washington and Wyoming), the state supreme courts repealed the term limits, and in two states (Idaho and Utah), the state legislature repealed the term limits (NCSL 2014)
3. Also in the 2008 CAWP recruitment study, 35 percent of women in the lower chamber report their decision to run was based on concern about one or more specific policy issues.

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4. In the cases where I could not determine the gender of a candidate, I did not include these cases in the models. Some were missing first names in the original SLER study, and I could not determine first names. The missing candidates make up <3 percent of the total observations.
5. Some states allow candidate fusion; candidates can run under multiple-party identifications in the same election. For these cases, I use the party ID, which received the most votes. For example, if Jane Smith ran as a Republican and received ten thousand votes, and as a Democrat with five thousand votes, I drop the Democratic identification, and Jane Smith is coded as a Republican for the election year.
6. That is, whether or not the candidate is a qualified candidate and is more likely to win than a nonquality candidate. Nonquality means a candidate has little to no relevant experience in politics. Usually specified as previous office-holding experience at some level of government.
7. By nature of experimental design, the control group never enacted term limits but a standard year is set as a point of comparison for the pre-/post-estimation. Therefore, the year 1996 is used as the beginning of the "post treatment" for the control group—states without term limits—since the first wave of term limits began in the same year.
8. The online appendix provides two additional tables for female candidate emergence in the South.
9. Tables 8 and 9 have the exact same parameters for determining the predicted probabilities and the only variation between the two is party identification.

Supplemental Material

Replication data for this article is available with the manuscript on the PRQ website.

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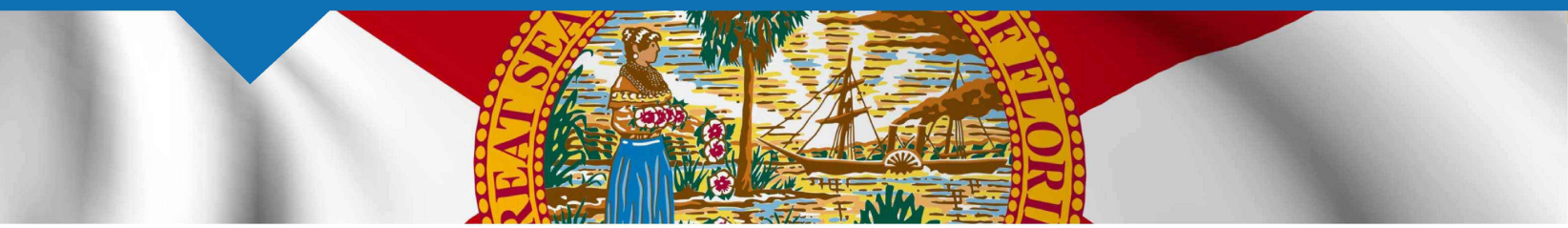
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AMERICAN OVERSIGHT

U.S. TERM LIMITS

SJR 274/HJR 229
Please cosponsor this important legislation



This 2019 session, the Florida Legislature has introduced HJR 229 in the House and SJR 274 in the Senate for 8-year term limits on Florida school boards.

BENEFITS OF 8-YEAR TERM LIMITS ON SCHOOL BOARD MEMBERS

- ✓ Term limits foster regular, open seat elections.
- ✓ Term limits encourage independence by the school board, as term limits will regularly sever the relationships that grow between special interests and incumbent board members.
- ✓ Term limits improve citizen access to the process, encourage candidates to run for office and work on meaningful campaigns, and increase voter participation in elections.
- ✓ Term limits encourage new faces and fresh ideas. Incumbent members often have their heels dug in over past political battles or are wedded to the special interests they have relied on for reelection.
- ✓ Term limits mandate rotation in office which expands the circle of citizens with intimate knowledge of how the school board works.
- ✓ Term limits encourage transparency and discourage corruption.
- ✓ Term limits create a level playing field between the school board and Florida's other political offices, most of which have an eight-year term limit.

TELL THEM 8 IS ENOUGH!

termlimits.org

AMERICANS FOR OVERSIGHT

Term Limits and State Budgets

Randall G. Holcombe
Robert J. Gmeiner
Florida State University

This study examines the effects of state legislative term limits on state government revenues and expenditures. It uses a panel dataset of the 50 states from 1988 to 2011 to estimate the effect of term limits on state government budgets, yielding 1200 observations. The study compares state budget growth in states that adopted term limits with budget growth in states that did not. The main findings of the study are:

o From 1992 to 2000, fifteen states enacted voter-approved term limits for their state legislators.

o In most of those states, the term limits became effective from the late 1990s into the early 2000s, so the dataset has roughly the same number of observations prior to term limits becoming effective as after in those states that adopted term limits.

o An empirical examination of the effects of legislative term limits on state budgets shows that state government budgets grew significantly more slowly after the term limits took effect.

o Prior to term limits taking effect, state government expenditures and revenues grew at about the same rate in states that enacted term limits as in those that did not.

o Different regression models looking at both expenditures and revenues estimate that after term limits took effect, state government expenditure and revenue growth was between 16% and 46% lower in term limit states than in states that did not enact legislative term limits.

o The empirical results are both statistically and economically significant. The slower growth of state budgets in term limit states means that in an eleven year period after term limits took effect, states with term limits would have budgets from 5% to 10% lower than in comparable non-term limited states.

AMERICAN OVERSIGHT

From: Kathryn Shea <kathryn.shea@thefloridacenter.org>
Sent: Wednesday, October 09, 2019 1:32 PM EDT
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: RE: Join us for a screening of Brain Matters

I will do that! Thanks, Victoria!

-----Original Message-----
From: Brill, Victoria [mailto:Brill.Victoria@flsenate.gov]
Sent: Wednesday, October 9, 2019 12:32 PM
To: Kathryn Shea <kathryn.shea@thefloridacenter.org>
Subject: Re: Join us for a screening of Brain Matters

Thanks Kathryn!

Unfortunately, all those dates we will be in Tallahassee for committee weeks.

I appreciate you thinking of us and if there is any additional information, please feel free to pass it along.

Best,
Vickie

Sent from my iPhone

> On Oct 8, 2019, at 1:41 PM, Kathryn Shea
> <kathryn.shea@thefloridacenter.org> wrote:
>
> Oops. Wrong email first time. ☺
>
> From: Kathryn Shea
> [mailto:kathryn.shea@thefloridacenter.org<mailto:kathryn.shea@theflori
> dacenter.org>]
> Sent: Tuesday, October 8, 2019 1:28 PM
> To: david ballard
> <david.ballard@myfloridahouse.gov<mailto:david.ballard@myfloridahouse.
> gov>>; dione ramos
> <dione.ramos@myfloridahouse.gov<mailto:dione.ramos@myfloridahouse.gov>
> >; james buchanan
> (james.buchanan@myfloridahouse.gov<mailto:james.buchanan@myfloridahous
> e.gov>)
> <james.buchanan@myfloridahouse.gov<mailto:james.buchanan@myfloridahous
> e.gov>>; joe gruters
> <gruters.joe@flsenate.gov<mailto:gruters.joe@flsenate.gov>>; kay
> mathers
> <kay.mathers@myfloridahouse.gov<mailto:kay.mathers@myfloridahouse.gov>
> >; meagan hebel
> <meagan.hebel@myfloridahouse.gov<mailto:meagan.hebel@myfloridahouse.go
> v>>; michele McCloskey
> <michele.McCloskey@myfloridahouse.gov<mailto:michele.McCloskey@myflori
> dahouse.gov>>; michelle grimsley
> <michelle.grimsley@myfloridahouse.gov<mailto:michelle.grimsley@myflori
> dahouse.gov>>; Rep Margaret Good
> <margaret.good@myfloridahouse.gov<mailto:margaret.good@myfloridahouse.
> gov>>; Tommy Gregory
> <tommy.gregory@myfloridahouse.gov<mailto:tommy.gregory@myfloridahouse.
> gov>>; Victoria Brill
> <Victoria.brill@myfloridahouse.gov<mailto:Victoria.brill@myfloridahous
> e.gov>>; Wengay Newton
> <newt.newton@myfloridahouse.gov<mailto:newt.newton@myfloridahouse.gov>
> >; william robinson
> (william.robinson@myfloridahouse.gov<mailto:william.robinson@myflorida
> house.gov>)
> <william.robinson@myfloridahouse.gov<mailto:william.robinson@myflorida
> house.gov>>
> Subject: FW: Join us for a screening of Brain Matters
>
> Dear delegation members and legislative assistants,
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> Please see message below from Beth Duda, Executive Director of the
> Suncoast Campaign for Grade Level Reading. I hope you can join us for
> one of these screenings of Brain Matters, an international documentary on
> the importance of early brain development, early nurturing experiences,
> and the lifelong impact of high quality early childhood development. We
> must make a greater investment in the early years of a child's life. The

AMERICAN OVERSIGHT

> science is clear and convincing and now policy decisions must match and
> support the science. I do hope Speaker Oliva does declare 2020 the Year
> of the Child and we, as a state, commit to investing in the lives of young
> children and their families. It is a great return on investment!
> Respectfully, kathryn
>
> From: Beth Duda
> [mailto:bduda@thepattersonfoundation.org<mailto:bduda@thepattersonfoun
> dation.org>]
> Sent: Tuesday, September 24, 2019 2:44 PM
> To: Elizabeth Duda <bethduda10@gmail.com<mailto:bethduda10@gmail.com>>
> Subject: Join us for a screening of Brain Matters
>
> Friends,
>
> Why is it that some children thrive while other's do not? Is it a matter
> of genetics, IQ, socioeconomic background or education? Carlota Nelson, in
> her ground-breaking documentary, answers these questions in an
> enlightening globe-trotting journey about what truly helps make children
> realize their full potential…..and now is your chance to see this
> important film.
>
> I hope you will participate in one of the upcoming screenings of this
> documentary, Brain Matters. We have a local connection to this
> documentary…and we'll be hosting screenings in Charlotte, DeSoto, Manatee
> and Sarasota counties. Please spread the word - we want to have a
> full-house for each showing. I've attached a flyer with direct
> registration links for all the events.
>
> Here's the background on the film. In April of 2017, The Suncoast
> Campaign for Grade-Level Reading worked with the international documentary
> film crew of Brain Matters and director, Carlota Nelson. As they were
> working on the film, funded by the Genesis Foundation, they came to the
> Suncoast to interview Ellen Galinsky, author of Mind in the Making, during
> one of her visits here. They also interviewed Kathryn Shea, CEO of The
> Florida Center and filmed part of a Mind in the Making workshop at
> Glenallen school led by Jennifer Kahler and Lora Kosten. Pamela Melton,
> an elementary school teacher participating in the Mind in the Making
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> film them with their two children. The final film includes footage of all
> of those events.
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> English
> https://www.facebook.com/watch/?v=1197693800410767<https://urldefense.

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> proofpoint.com/v2/url?u=https-3A__www.facebook.com_watch_-3Fv-3D119769
> 3800410767&d=DwQGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=dk
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> Spanish
> https://www.youtube.com/watch?v=xxUwqw8y6xs<https://urldefense.proofpo
> int.com/v2/url?u=https-3A__www.youtube.com_watch-3Fv-3DxxUwqw8y6xs&d=D
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> VLE&s=199oka6Jhw5VRJb2PYX1v7Ov_wBGbLyC-x_EmGQ9O0o&e=> "
>
> I hope you will join us for one or more of these events, Beth
>
>
> [cid:image001.png@01D38A0A.DCEF1B40]
>
> Beth Duda
> Director, Suncoast Campaign for Grade-Level Reading The Patterson
> Foundation
> 2 N. Tamiami Trail, Suite 206
> Sarasota, FL 34236
>
> Phone: 941-952-1413
>
> Fax: 941-952-1435
>
> ThePattersonFoundation.org<http://www.thepattersonfoundation.org/>
> Pronouns: She, Her, Hers
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> Join The Patterson Foundation and be a part of realizing the
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AMERICAN OVERSIGHT

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Sent: Wednesday, October 09, 2019 12:31 PM EDT
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Thanks Kathryn!

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I appreciate you thinking of us and if there is any additional information, please feel free to pass it along.

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AMERICAN OVERSIGHT

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> Spanish https://www.youtube.com/watch?v=xxUwqw8y6xs<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.youtube.com_watch-3Fv-3DxxUwqw8y6xs&d=DwQGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=dkmbN1ZTRL4w4ufuKmYBRynJ-3TSeATjZtf8VT0JgNc&m=HF0p2w-fmarFi7xrrcclp6JaoEgJEGTX_RhQzRaOVLE&s=199oka6Jhw5VRJb2PYX1v7Ov_wBGbLyC-x_EmGQ9O0o&e=> "
>
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> Beth
>
>
> [cid:image001.png@01D38A0A.DCEF1B40]
>
> Beth Duda
> Director, Suncoast Campaign for Grade-Level Reading
> The Patterson Foundation
> 2 N. Tamiami Trail, Suite 206
> Sarasota, FL 34236
>
> Phone: 941-952-1413
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>
> Join The Patterson Foundation and be a part of realizing the possibilities for Phase 1 of The Bay<https://www.thebaysarasota.org/make-a-gift/>
>

AMERICAN OVERSIGHT

From: Michael Holderness <mike@mikeholderness.com>
Sent: Tuesday, December 31, 2019 3:12 PM EST
To: jg@joegruters.com <jg@joegruters.com>; Brill, Victoria <Brill.Victoria@flsenate.gov>; stephanie.kopelousos@eog.myflorida.com <stephanie.kopelousos@eog.myflorida.com>
CC: Lukis, Adrian <Adrian.Lukis@eog.myflorida.com>; Alex Blair <alexblair812@gmail.com>
Subject: RE: Lido FINALLY has a crescent shaped beach, first time in it's creation. Groins only benefit is to privatize sections of lido
Attachment(s): "2014-12 Attachment 38-2 Groin modeling.pdf","_Attach 38-2 Lido Key Groin Field Report.pdf","_Attach No. 38-4 - USACE Value Engineering Report.pdf","2014 Value Engineering extract on Erosion rates.pdf"

we found no record in the DOAH or any application materials, where FDEP could review modeling of changes to the critical erosion control line for Siesta Key.
https://geodata.dep.state.fl.us/datasets/coastal-critical-erosion-areas?geometry=-82.667%2C27.260%2C-82.408%2C27.313

-----Original Message-----
From: Michael Holderness <mike@mikeholderness.com>
Sent: Monday, December 30, 2019 3:46 PM
To: jg@joegruters.com; Brill, Victoria <Brill.Victoria@flsenate.gov>; stephanie.kopelousos@eog.myflorida.com
Cc: Lukis, Adrian <Adrian.Lukis@eog.myflorida.com>; Alex Blair <alexblair812@gmail.com>; Michael Holderness <mike@mikeholderness.com>
Subject: Lido FINALLY has a crescent shaped beach, first time in it's creation. Groins only benefit is to privatize sections of lido

Senator, You must convince the County to require a WNCA permit for the Groins. City's plan to avoid environmental regulations (quietly supported by many at the county) as just too risky to dredge Cut B and C, add unneeded groins and use Ted Spirling park as construction site... Other than these 3 things I just can't care anymore.

Lido is crescent; if left alone it'll be sustainable on its own... If they go off-shore and do NOTHING ELSE... My God, they'd finally have a beach that does not erode like the last 15 times we paid to nourish it only to have private property signs go up... these groins are just that.

EIS and IMP will support what I am saying. We looked at outcomes with all the dredge cuts, BUT we should be very worried about the Groins all by themselves. We (w/SKA) didn't have standing to focus on Groins as structures. Only City Commission or County Commission have this authority.
SKA (us) did make comments about permeable adjustable groins; it was rejected without factual rationale by Alex Davis-Shaw.

THINK ABOUT THIS; If they only placed Groins and didn't dredge, we have big problems that include starving the pass of sand resulting in big deep water where ICW were shoals and shoreline protection up to/ beyond Shell Rd. Shoreline erosion up beyond Shell Rd, and ACOE shows devastation erosion of the park and sand would move out, miss the pass.

Just look at what we had before Bird Key and Lido; and what's healed so far. Look at the ACOE reports.

Reminder: In 2002-2006 (I think) So many people drowned DIED in the dangerous rip currents off S. Lido that the airs of Ted Sperling park closed it to swimming. IT WILL 100% CREAT THE SAME.

Public funds can't pay for groins that cut off public access and erode public beach park... With our growth; we can NOT afford to lose this park. Beaches are already stressed to the point of owners closing them.

Sincerely,
Paul Revere

Sent from my iPhone

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U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT



116680 LIDO KEY HURRICANE AND STORM DAMAGE REDUCTION PROJECT (Preconstruction, Engineering and Design Phase) SARASOTA COUNTY, FL

VALUE ENGINEERING REPORT

31 October 2013

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PROPOSAL NO. 1 (33.00): ***Base beachfill quantities and erosion rates on P&S scope development and include post 2004 information instead of using 2004 report alone***

ORIGINAL DESIGN:

The beach template design presented in the 2004 Feasibility Study would require placement of approximately 1,074,700 cubic yards (CY) of sand fill, consisting of 460,200 CY of design fill volume and approximately 614,500 CY of sacrificial advance fill. The design volumes were "…based on nourishment of the entire active profile rather than a design template." Paragraph A-75 of the study indicated "the width of the advance fill section is based on the 5 year renourishment interval and the observed rates of erosion and shoreline recession between 1991 and 1998." Therefore, this would indicate a 122,900 CY/YR of erosion would occur to support the 614,500 CY value.

However, the tabulation of the 122,900 CY/YR cannot be ascertained within the report. Please review and consider the following:

1. Table A-27 indicates the design erosion rate of 95,251 cy/yr.
2. The 1974-1992 sediment budget indicates a 117,000 Cubic Yards (CYs) losses on the island with 17,000 CY/YR of erosional losses to the north.
3. A response to an ITR comment indicated that "The engineering appendix suggests that aggravated erosion is not expected at the north end."
4. A review of the 3-year post-construction monitoring report after the most recent placement event in 2009, indicates 464,176 of cubic yards were placed, but after three years, 282,742 cubic yards still remain, or essentially 60,478 CY/YR of erosional loses.
5. Of the selected plan which considers placement of three terminal structures at the south end of the island, I am not sure if the erosion rate was adjusted by the presence of these structures. Now, the meeting minutes from ITR conference held on 02 May 2012 indicated that "modeling showed that over 50,000 cubic yards of material per year could be reduced from the diffusion losses at the south end of the project with these structures.

Therefore, it would seem clear to use a 65,000 CY/YR erosion rate from the existing area.

PROPOSED DESIGN:

The proposed design will based on the design provided in table A-25 and not meeting volume requirements as specified in the 2004 report. In addition, the cost savings will include the reduction in other project costs related to the shortened construction schedule such as environmental monitoring, construction vibration controls and monitoring, etc…

ADVANTAGES:

There will be two advantages. The first advantage would be the decrease in costs associated with the project from 1,074,700 cubic yards to about 880,000 cubic yards. The last value was attained comparing the 2013 survey of the area to the template provided in table A-25 which tallied to 750,000 cubic yards and assuming a 65,000 cubic yard erosion rate for two years

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would be appropriate. This amount could be considerable less if the sponsor proceeds with the schedule nourishment of 122,000 cubic yards of material within reaches 2 and 3.

The second advantage is a reduced quantity of fill material needed within the selected borrow area. This should help the borrow area in recovery of lost material when it erodes back to the dredged areas.

DISADVANTAGES:

None.

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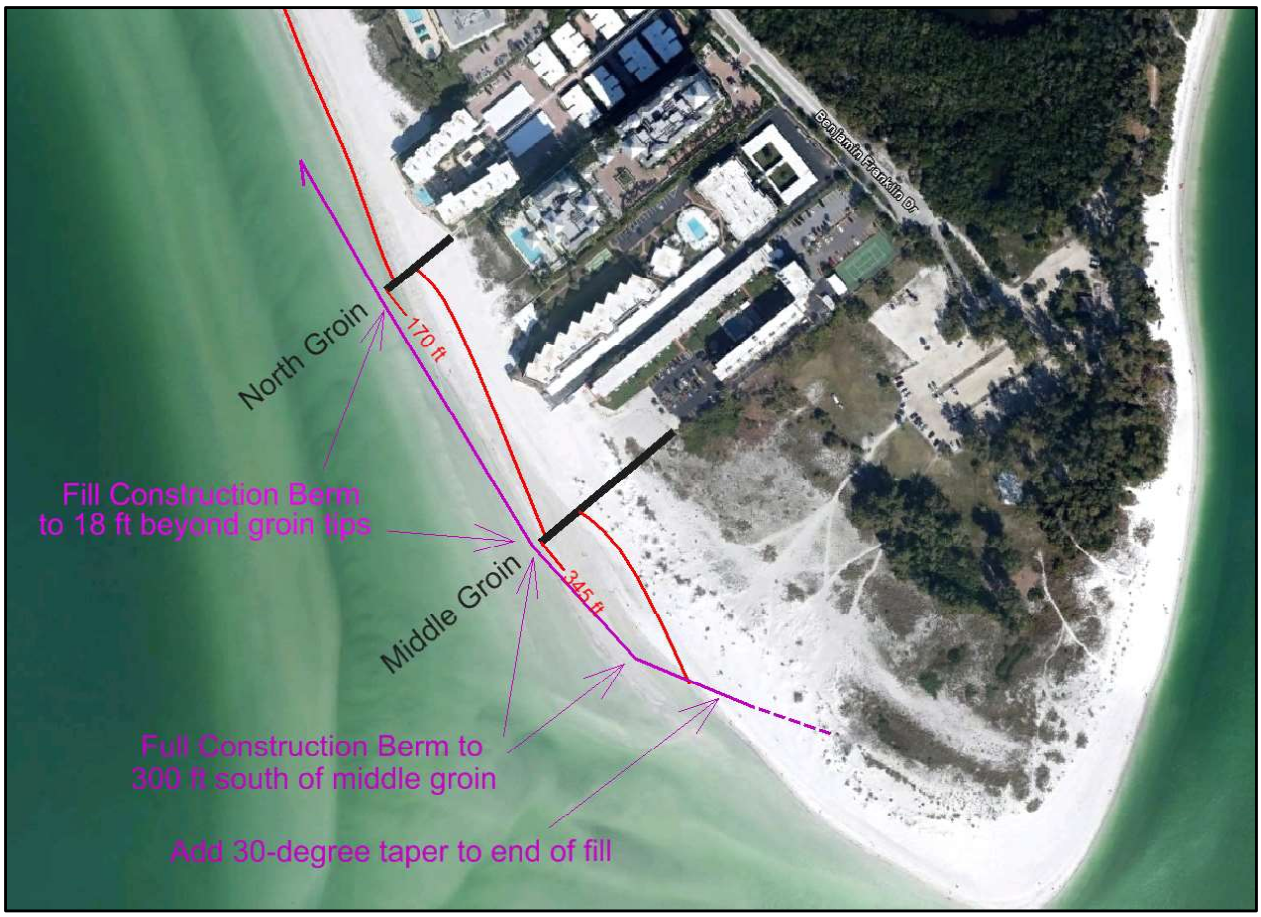


Figure 9. Proposed beach fill placement.

Conclusions.

In order to promote a more favorable shoreline response along the southern portion of Lido Key the following design changes are recommended. The northern groin would be reduced in length to 170 feet. The middle groin would be reduced in length to 345 feet. These values represent the lengths along the crest of the structures; adding the front slopes and 5-foot scour aprons at the end of each structure yields total lengths along the foundations of 187 feet and 362 feet, respectively. In order to promote more efficient bypassing of sediment and to reduce downdrift impacts, the permeability of the two groins will be increased by removing the chinking stone that was proposed in the VE analysis. Other than this minor change, the cross-sections of each groin would remain the same as was proposed in the VE Study. Finally, the beach fill configuration has been modified to shift some material from the southern tip of the island northward to central Lido Key, to act as a feeder beach. The seaward edge of the berm for the revised beach fill construction template is shown in Figure 9. The exact volumes of placement will be determined based on surveys taken prior to project construction.

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Sarasota County, Florida
HSDR Project

Analysis of Lido Key Groin Field
December 2014

US Army Corps
of Engineers
Jacksonville District

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Sarasota County, Florida
HSDR Project

Analysis of Lido Key Groin Field
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Engineering Analysis
Lido Key Groin Field

Purpose and Goals of This Analysis.

The purpose of this analysis is to re-examine the overall design of the proposed groin field and the associated beach fill along southern Lido Key, with the goal of minimizing any adverse impacts to the region, particularly downdrift of the groin structures. To accomplish this goal, alternative methods of analysis will be used to determine the minimum possible lengths of the northern and middle groins that are required to hold the project berm in place along southern Lido Key. The importance of the terminal groin will be re-evaluated in light of the recommended changes to the design of the northern and middle groins. Finally, the beach fill placement plan will be re-examined to assure that fill will be placed along this region of Lido Key in the most effective manner possible, to maintain the design conditions that were laid out in the 2004 Sarasota County, Lido Key Feasibility Report throughout the 5-year renourishment interval.

History of Lido Key Groin Design.

Two previous studies have been performed to date, to establish the design of the groin field at the southern end of Lido Key. Each of these studies are briefly summarized:

1. The design of the three-groin system at the south end of Lido Key was originally formulated in the *2004 Sarasota County / Lido Key Feasibility Report*[1]. The resulting lengths of the structures from that analysis were 320 ft (north), 440 ft (middle), and 650 ft (south). The structures were included in the selected plan in the 2004 feasibility report to address the very high erosion rates along southern Lido Key beaches. That study concluded that a combination of groins and beach fill would provide the most cost effective storm damage reduction over the 50-year period of analysis; whereas beach fill alone would be more costly due to the need to renourish more frequently and with a higher overall volume of sand. The 2004 report noted that additional design and engineering work was recommended prior to construction to optimize the design of the groins. This report details this recommended final groin design process.

2. A *Value Engineering (VE) Study*[2] was performed in 2013 to examine various cost-savings measures for the project. One of the main recommendations of the VE study was to examine the possibility of constructing shorter groin structures. To support this re-analysis of groin lengths, a GENESIS numerical modeling shoreline change simulation was performed. The recommended structure lengths were shortened as a result of this analysis, to 270 ft (north), and 405 ft (middle). The southern terminal groin remained 650 feet in length. It should be noted that the length of the southern groin was not examined in that 2013 study effort, since it did not ever extend into the water and therefore could not be simulated using GENESIS. Figure 1 shows an aerial photograph of the study area with overlays indicating the positions of the three groins, and the lengths of the structures as recommended in the Feasibility Report and the 2013 VE Study. Figure 2 shows the recommended cross-section of each groin, from the 2013 VE Study.

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Figure 1. South Lido Key groin field. Recommended structure lengths from the Feasibility Study (FS) and Value Engineering Study (VE).

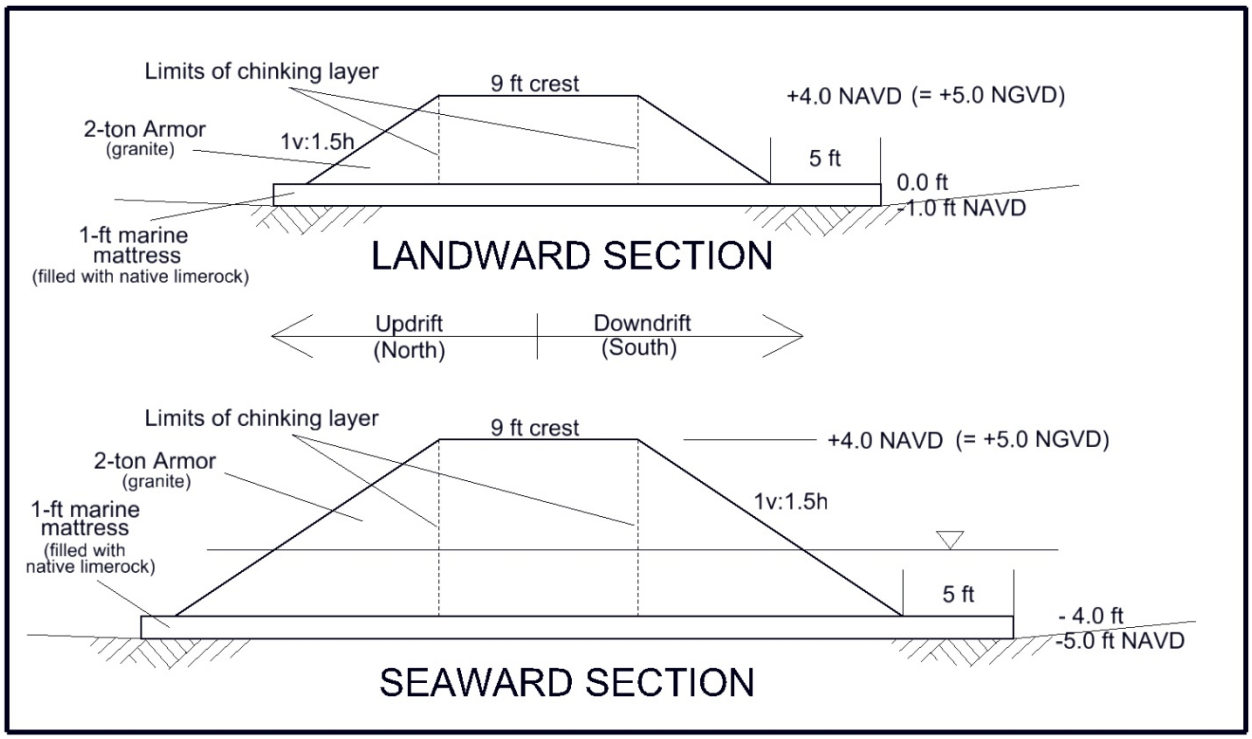


Figure 2. Recommended groin cross-section, from 2013 VE Study.

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Some shortcomings were noted in the use of the GENESIS shoreline change model in this study effort. First, GENESIS is not particularly well-suited for use adjacent to tidal inlets, as tidal currents can drive significant amounts of sediment transport and the model is unable to account for this movement of material. Tidal currents can also refract the waves that drive longshore transport, and these effects cannot be fully accounted for either. The assumption of straight and parallel depth contours is often not valid near inlets, and the model uses this assumption to shoal waves in to breaking depths. Also, GENESIS was originally set up to simulate sediment movement along the full length of Lido Key (about 2.5 miles). As a result a coarse grid spacing (50 meters/164 feet) was used, and this large grid size did not provide the desired level of detail in the relatively confined region of the groin field at the south end of the island. For these reasons additional analysis of the groin field design was warranted, using alternative design methods. This report presents the results of these analyses.

Design Considerations Used in This Analysis.

Several methods of analysis are available to determine the most effective design of groin fields. Various predictive techniques have been formulated over the years that can determine shoreline responses to various groin / beach fill configurations, and these equilibrium shoreline positions are a key component of successful groin field design. As described above, the GENESIS numerical shoreline simulation model is a widely-used tool that can be applied under a wide variety of conditions for formulating groin field / beach fill design, but its application in this case was difficult for the reasons cited. Other analytical techniques have been presented in the Corps of Engineers' Shore Protection Manual (1984) and more recent Coastal Engineering Manual (2002). Other researchers including Silvester, Hsu, and Bodge have presented methods that are applicable to the conditions observed at southern Lido Key.

Under normal conditions, groin design is a relatively straightforward process and can be accomplished using a range of methods, from relatively simple empirical methods to detailed numerical analyses using predictive (and relatively complicated) models such as GENESIS. In many cases (such as for Lido Key) the results from the two methods corroborate each other.

Due to the location of the groin field within the area of tidal influence of Big Sarasota Pass, some special design considerations may apply. Some key points to consider in designing these structures are:

- Tidal currents can influence sediment transport along the shoreline in ways that may be difficult or impossible for the predictive models to account for. In the case of southern Lido Key, ebb and flood tidal currents could influence sediment movement as far north as the middle groin location. However, the groins can also provide some localized protection against tidal currents running directly along the beach.

- Two obvious sediment pathways exist for longshore transport along most of Lido Key, and particularly along the southern portion of the island. The primary pathway appears to be the offshore bar, which is well-defined and obvious in most surveys and aerial photographs. The seaward face of the bar is located about 150-200 feet seaward of the waterline along most of the barrier island, and larger storm waves break along this region, transporting sediment in a

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predominantly southward direction. Smaller waves pass over the bar with little effect, and result in much lower rates of transport directly along the shoreline.

- Beginning about 3,000 feet north of the pass, the bar begins to diverge from the shoreline. At the position of the northern groin the seaward edge of the bar is about 500 feet offshore, and at the middle groin it is over 800 feet offshore. Interference with transport along this bar system should be avoided, as this mechanism feeds sand directly into the Big Sarasota Pass shoal system, and this process plays a key role in replenishing the proposed borrow area. Since the groins would extend only a fraction of this distance off of the shoreline they will not impact the sediment transport along this offshore bar system, even accounting for natural fluctuations of the position of the bar system.

- The groins are intended to accumulate sand from the immediate vicinity of the shoreline only. This pathway will have much less effect on the shoaling rate of the inlet shoal than the outer bar, as described above. In order to confine the effects of the structures to the nearshore system, all groin construction should be contained within the active nearshore profile.

- In order to reduce downdrift effects and promote maximum bypassing of material, the groin field should be pre-filled with sediment at the time of construction.

- A relatively deep trough exists between the shoreline and the nearshore bar; the groins should in no case extend across this trough and interfere substantially with tidal currents. Care should be taken so that the groins do not 'jet' sediment out into this flow pathway, where sediment can be lost from the nearshore system. The offshore transport of sediment caused by the rip currents that frequently form along the updrift sides of groins can be minimized by increasing the porosity of the structures.

- A primary goal in this groin redesign process is to maintain at least the minimum required width of shoreline along southern Lido Key. This has proven difficult without stabilizing structures, especially in the region between survey monuments DNR- 42 to DNR-44, shown in Figure 3. Along this region in particular the post-renourishment shoreline typically recedes in a relatively short period of time, in some cases to landward of the Erosion Control Line (ECL) / seawall positions. As described in the 2004 Feasibility Report, the authorized project berm width is 80 feet as measured from the project baseline, and the baseline is defined in that report as follows : "*The project is defined in terms of a mean high water (MHW) extension. Over the project length, the May 2000 MHW shoreline position is adopted as the project baseline. The design shoreline lies 80 feet seaward of the baseline and defines the Lido Key project*". Along this reach of southern Lido Key (R-42 to R-44) the baseline generally extends along the seawall fronting the oceanfront developments, as shown by the red lines in Figure 3. The corresponding design MHW shoreline lies approximately 80 feet seaward of the seawall line along most of the length of the groin field, and is indicated in Figure 3 by the orange lines. A primary goal of groin redesign in this report will be to maintain the equilibrated MHW position at / seaward of this position during the entire interval between renourishments as outlined in the 2004 feasibility study.

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Re-analysis of the groin system at southern Lido Key will proceed in the direction of littoral transport, i.e. from north to south. This will allow the equilibrated shoreline positions to be more accurately predicted based on analytical techniques. The lengths of the northern and middle groins will be calculated first, based on the minimum required positions of the resulting equilibrated shorelines. Then the design of the terminal (southern) groin will be examined separately, since the function of that structure is fundamentally different than that of the northern two groins.



Figure 3. Minimum required shoreline positions along southern Lido Key.

Redesign of the Northern and Middle Groins.

The purpose of the northern and middle groins is to maintain a stable beach berm along these erosive areas of Lido Key. The alongshore positions of these groins are shown in Figure 1. In the original design as presented in the 2004 Feasibility Report the lengths of the northern and middle groins were given as 320 and 440 feet, respectively. As a result of GENESIS shoreline modeling conducted as part of the VE Study effort in 2013, the lengths were reduced to 270 feet and 405 feet respectively, with no significant loss of performance anticipated. In Figure 1 the original lengths of the structures are indicated by the solid red lines; the seaward positions of the original and reduced structures are indicated numerically as shown.

As described above, using the required minimum 80-foot offset as the most landward allowable position of the MHW line, the minimum lengths of the northern and middle groin will be determined based on the estimated position of the equilibrated shoreline under incrementally adjusted values of groin lengths. The minimum lengths of groins that are required to hold the design 80-foot MHW extension will then be selected as the recommended plan. The two groins

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will be designed to hold the 80-foot offset MHW position along this erosive area and still have minimal impact on the downdrift shoreline. This can be accomplished by minimizing structure lengths while increasing permeability. Once the groin field has been properly backfilled and an adequate supply of sediment placed to the north, the beach planform will stabilize to its new equilibrium position. Existing littoral processes should then continue along southern Lido Key, largely unaffected by the presence of the structures.

Two different methods will be used to predict the equilibrated shoreline position under the influence of various groin lengths : a case study method, and empirical methods. In both analyses it will be assumed that the Lido Key shoreline will be provided with adequate supplies of sand in the future, either from bypassing southward around New Pass (whether material is provided naturally or mechanically is unimportant), or through periodic beach fill placements. By periodically placing adequate supplies of sand along the central and southern shoreline of Lido Key, sufficient volumes of sediment will remain available for natural littoral transport southward. This will in turn maintain the beaches along the southern tip of Lido Key, the southern shoreline inside Big Sarasota Pass, and the shoal within the Pass.

Method #1 – Case Study. As described in the U.S. Army Corps of Engineers' Shore Protection Manual[3], the *"best estimation of this* (equilibrated shoreline) *orientation is determined by observing fillets at nearby structures with similar coastal processes."* Such a structure exists a short distance northward on Lido Key. A relic rubble-mound groin of similar dimensions as the proposed structures is located approximately 0.8 miles north of the project site. In order to determine the minimum effective lengths of the proposed northern and middle groins, the shoreline responses in the vicinity of this structure will be examined.

Using Google Earth, shoreline positions were examined in the vicinity of this groin throughout a 20-year period (1994-2014). Shoreline configurations varied between symmetrical positioning of the waterline on either side of the groin, to relatively large offsets of shoreline positions, with the shoreline to the north always extending further seaward. It can be assumed that these fluctuations in shoreline position are due to the volume of sediment in the system, as well as recent wave intensity and direction. In most cases when there is little or no shoreline offset north/south of the groin, either the area is fully impounded with large volumes of sand, and/or the offset has been equalized by recent northward sediment transport. Conversely, when large offsets are observed the shoreline is usually in a more depleted condition, and/ or sediment transport has been predominantly in a southward direction in response to recent wave activity.

For this analysis adequate volumes of sand must always be available north of the northern groin for transport, as a minimal shoreline offset is desired. To achieve a minimal offset the northern groin will also be reduced in length to the shortest possible structure required to maintain the design (80-ft) shoreline offset seaward of the ECL as shown in Figure 3. The most critical (farthest seaward) location of the ECL is along the property immediately north of the northern groin, where the seawall line is displaced further westward than adjacent properties. This is the point where shoreline recession first encroaches on the design berm, and shoreline response in this area will be examined in detail.

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For this case study, an appropriate set of shoreline positions at the existing structure must first be selected. The entire 20-year period of record of aerial photographs was examined in Google Earth to select these shoreline positions. These positions should ideally reflect the beach in a nourished condition (as the project shoreline will always be provided an adequate source of updrift sand), and the positions should not reflect an excessively high (or low) degree of offset due to recent storm activity. With these parameters in mind, a reasonable "average" shoreline condition was selected from the 24 January 2013 shoreline in Google Earth. This shoreline is shown in Figure 4.

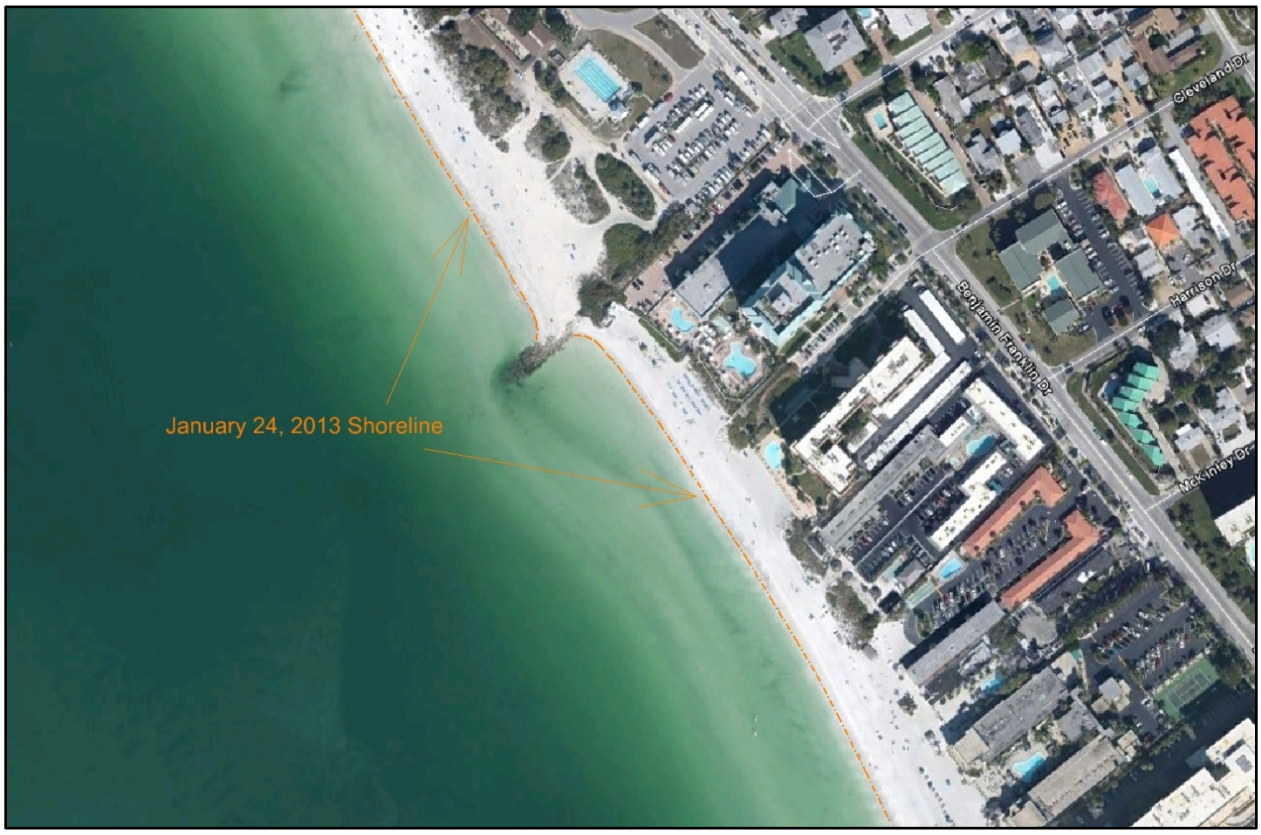


Figure 4. Shoreline positions at existing groin chosen for Case Study, Lido Key.

Once selected, this shoreline was transposed to the location of the proposed northern groin and adjusted landward/seaward in a CADD program, until the updrift shoreline approximated the position of the minimum allowable shoreline position shown in Figure 5. Care was also taken to ensure that the downdrift shoreline did not cross below the 80-ft threshold south of the groin. Once this position was set, the corresponding length of the groin could be measured. The length along the crest of the structure was measured as 163 feet.

Based on observations of the performance of the existing groin at central Lido Key, a 163-ft long northern groin will be adequate to maintain the desired berm width along the shoreline to the north, with minimal disruption to the natural southward flow of sediment along the coast. To further aid the southward bypassing of material, this northern groin will not be chinked (as was recommended in the VE Study). Similar to the groin at central Lido Key, the voids between the 2-ton armor stones will be left open; this will further aid in bypassing, while at the same time

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further reducing construction costs. Increasing the porosity of the groin will also reduce the potential for scouring around the structure, and reduce rip current formation as more longshore current is able to pass through the structure instead of around the seaward tip.



Figure 5. Predicted groin lengths and shoreline positions resulting from the Case Study.

With the position of the northern groin established, the predicted shape of the downdrift shoreline (between the northern and middle groins) can be readily determined by using the transposed downdrift shoreline from the existing groin at central Lido Key. Translating this waterline configuration to the shoreline cell south of the 163-foot northern groin yields an approximate position for the reach of shoreline between the northern and middle groins. Repeating the methodology used at the northern groin, the required length of the middle structure is determined as 323 feet. Again, this length will coincide with the approximate position of the seaward end of the crest of the structure as shown in Figure 5.

Note that approximately half of the length of the middle groin is well inland of the beach berm, and is required only to tie the structure into the existing highly-recessed seawall. One possible variation to the recommended rubble-mound design could be to construct the landward 150 feet +/- (the region of the groin landward of the dune field) using sheet pile only. The sheet pile would still prevent flanking of the structure during extreme storm events, while also greatly reducing the footprint of the structure and saving on construction costs.

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The same procedure is repeated once again to predict the shoreline configuration south of the middle groin. Due to the complex offshore bathymetry and strong tidal currents along this reach, this shoreline position is more difficult to predict, but applying the same methodology yields the approximate shoreline position shown in Figure 5. Although this figure indicates a substantial amount of erosion along this southernmost shoreline cell, this predicted position was based on a 'worst-case' scenario, so actual shoreline recession would most likely be considerably less.

Method #2 – Empirical Analysis. This alternative analysis will be performed using various methods to best suit the existing site conditions. Design will proceed from north to south, following the direction of littoral flow. As with the previous Case Study analysis, a primary assumption of this analysis will be that adequate volumes of sediment are present at all times along the beaches north of the groin field; the area to the north will in effect function as a feeder beach throughout each renourishment cycle.

The first step in this empirical analysis is to establish the position of the shoreline updrift/north of the northern groin. As described in Bodge[5], for shorelines with adequate supplies of updrift sediment (as the proposed project will be), the updrift depth contour will intersect the seaward end of the groin at 1.0 to 1.5 times the difference between mean sea level (MSL) and mean low water (MLW). In this case, the difference between MSL and MLW is 0.68 feet, based on tidal data for Sarasota from the 2004 Feasibility Study. Following this methodology and allowing for a 'maximum-erosion' scenario (1.5 x 0.68 ft = 1.02 ft), the -1.02 ft contour would be positioned along the seaward tip of the northern groin. Applying the 1v:12h beach slope to calculate the position of the MHW line yields a landward offset of 32 feet from the -1.02 ft contour. In the CADD file, graphically translating the position of the MHW line on/offshore to provide the proper 80-foot offset from the baseline (ECL) position results in a minimum corresponding groin length of 170 feet, as measured along the crest of the structure. This is in very close agreement with the value of 163 feet as determined in the Case Study. Due to the 1v on 1.5h front slope of the groin and the 5-ft wide scour apron, the corresponding position of the seaward tip of the foundation of the groin will be at 187 feet, relative to the ECL.

With the length and position of the northern groin established, the resulting equilibrated position of the shoreline between the northern and middle groins can be calculated. Many methods for performing this calculation have been proposed over the years, and most rely on a logarithmic spiral routine. The method described in the U.S. Army Corps of Engineers' Coastal Engineering Manual[4] (CEM) was selected as the most applicable, due to the compatibility of the actual project area with the parameters required by the methodology. This method was developed by Hsu, Silvester, and Xia and is described in the CEM, Part III, Chapter 2, Section 3(i).

A diagram showing the definitions of the variables used in these computations for Lido Key is shown in Figure 6. Using equation III-2-24 from the CEM (also shown in Figure 6), the variable R_o is set to the distance between the northern and middle groins, 585 feet. The wave angle Beta is incrementally varied from 10 to 40 degrees to cover the range of incident wave conditions and to perform a sensitivity analysis of wave angle vs shoreline response. For the sake of clarity, Figure 6 shows only one such series of calculations based on an incident wave angle of 17

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degrees. This appeared to be the most prominent incident wave angle observed throughout the record of aerial photographs. The values for C_o, C_1, and C_2 are derived from the graph in Figure III-2-27 of the CEM. Equation III-2-24 is then solved for the equilibrated shoreline position R at each of the incrementally-adjusted values for the radial angle Theta (shown by orange lines varying from 3 to 85 degrees in Figure 6). In this manner a calculated log-spiral shoreline can be derived for each incident wave angle.

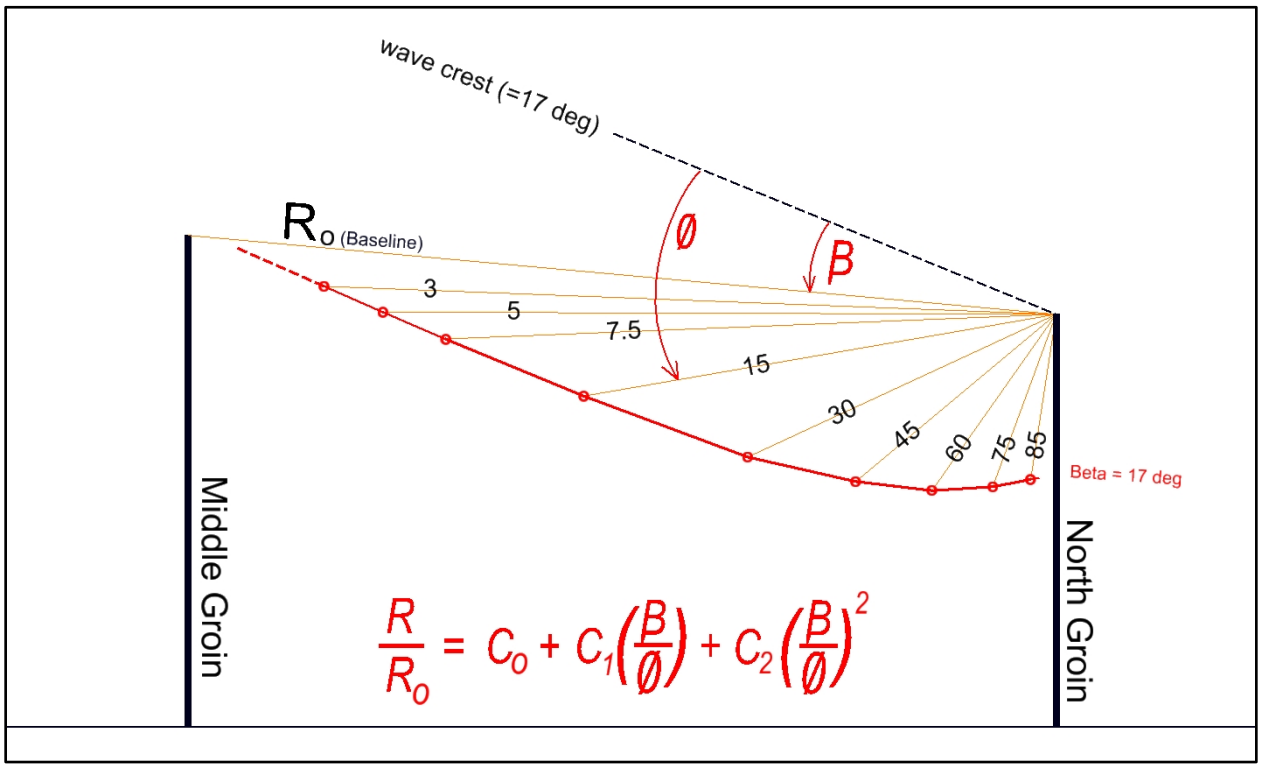


Figure 6. Definition of parameters for Eq. III-2-24.

Since the outer sandbar tends to align waves parallel to the shoreline before they can enter the nearshore area, smaller wave angles would be more applicable to calculations applied to the region of shoreline near the groin field. Based on historical aerial photography contained in Google Earth, a maximum nearshore incident wave angle of about 17 degrees is measured for visible swell. Greater angles can be observed for small wind-generated waves but the sediment-transport potential of those waves is very low. Shoreline positions for the 10, 17, and 20 – degree incident wave angles were calculated and plotted over an aerial photograph of the area. It was observed that the 10-degree calculated log-spiral shoreline best matched the observed site conditions, and agreed very closely with the shoreline from the case study. The 10-degree shoreline was therefore selected for further use in design of the groin field.

Once this design shoreline was selected the required minimum length of the middle groin could then be determined by using the proper offsets as described in the Bodge method (described above and in reference 5). It should be noted that the effects of wave angle on the equilibrium shoreline position decrease rapidly with distance from the updrift (in this case, northern) groin. Therefore the calculated position of the tip of the middle groin was not very sensitive to the wave

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angle selected, but increasing the incident wave angle did result in increasing erosion immediately downdrift of the northern groin.

In a manner similar to that used for design of the northern groin, the method suggested by Bodge was again used to properly position the seaward tip of the middle groin. By starting with the log-spiral shorelines calculated above, then extending the seaward end of the middle groin to coincide with the calculated position of the -1.02-ft contour (adjusting for slope down from the MSL line), the length of the crest of this structure is calculated to be 345 feet (or 362 feet along the length of the foundation). This value is 22 feet longer than the length calculated in the case study, and will be adopted as the recommended length of the middle groin because it represents a slightly more conservative value in terms of maintaining the design berm condition between the northern and middle groins. Downdrift erosion would be minimized by proper beach fill placement and by increasing the porosity of the structure by eliminating the placement of chinking stone, as was recommended for the northern groin.

This empirical method can then be repeated to calculate the approximate position of the shoreline on the downdrift (south) side of the middle groin. Due to a shift in shoreline orientation near Big Sarasota Pass, an incident wave angle of 20 degrees is recommended. Repeating the calculations using Equation III-2-24, the shoreline position south of the middle groin is determined. The final equilibrated MSL shoreline positions that were calculated using these empirical methods are shown in Figure 7.



Figure 7. Calculated final equilibrated shoreline positions.

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Summary of Design : Northern and Middle Groins. The northern and middle groins would each be constructed according to the two design cross-sections shown in Figure 8. The cross-sections as shown in Figure 8 differ from those in Figure 2 only in that the chinking stone has been removed. The length of the northern groin is calculated to be 170 feet, and the length of the middle groin is calculated to be 345 feet. Both values represent distances along the crest of the structures; the corresponding lengths along the foundations would be 187 and 372 feet, respectively. These values represent the minimum length of structures that can maintain the minimum-required 80-foot offset MHW shoreline along southern Lido Key throughout the 5-year renourishment interval. Due to their reduced lengths and increased porosity, these structures would have minimal impact on littoral processes along southern Lido Key and should not create significant adverse downdrift effects.

The proposed layout of the structures is described as follows. Construction of the north groin would begin at the southwest corner of the seawall shown in Figure 7, and would proceed seaward using the 'Landward Section' in Figure 8 for the first 50 feet, followed by a 50-foot transition, then the remaining 70 feet of the structure would be constructed using the 'Seaward Section'. For the middle groin, construction would tie into the southwest corner of the existing rock wall as shown in Figure 7 and would proceed seaward using the 'Landward Section' for the first 140 feet, followed by a 50-foot transition, then the remaining 155 feet of the structure would be constructed using the 'Seaward Section'. All lengths are measured along the crest of the structures. Both structures would be constructed along an azimuth of 235 degrees, measured clockwise from due north. The stone sizes and gradations as described in the 2013 VE Study would be used in the construction of both groins, as shown in Figure 8. The quantities of materials required to construct the two groins are shown in Table 1.

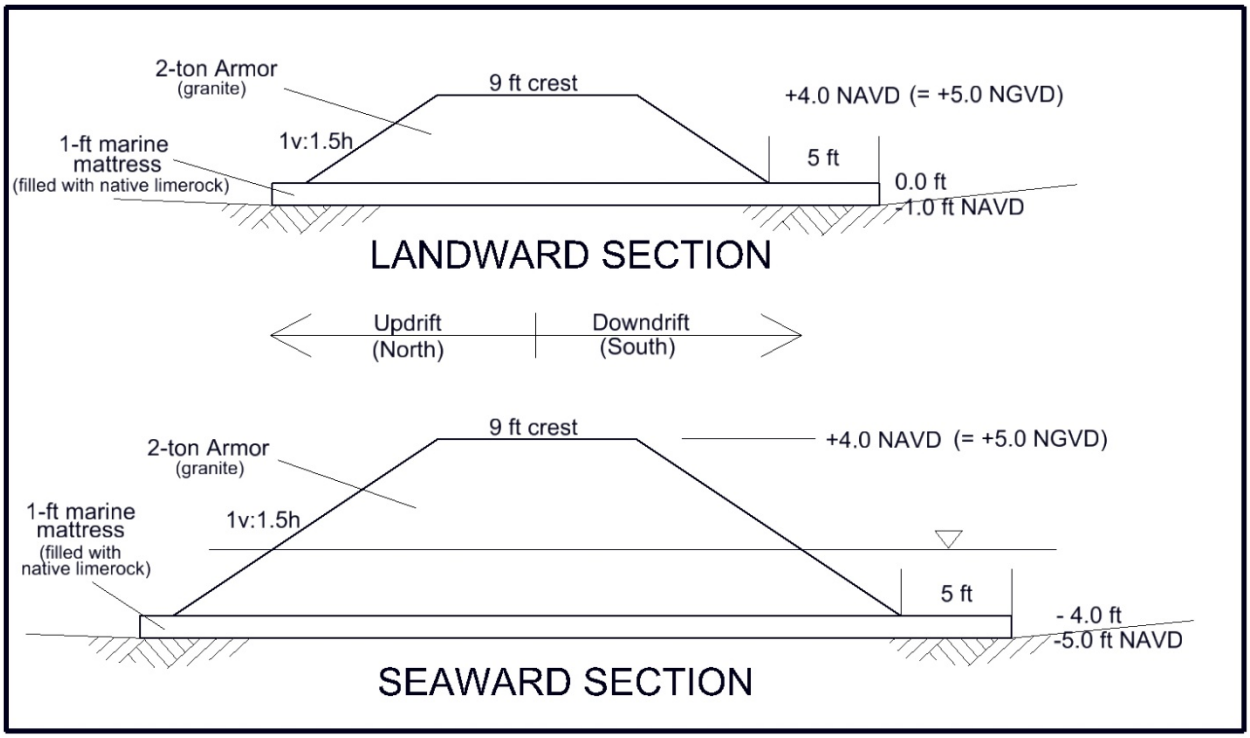


Figure 8. Recommended design cross-sections of northern and middle groins.

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TABLE 1 QUANTITIES OF MATERIALS REQUIRED NORTH AND MIDDLE GROINS				
SUBTOTAL - NORTH GROIN (170') :				
Armor stone	814	CY	1496	Tons
Bedding stone	246	CY	332	Tons
12-inch Foundation mats	737	SY		
Geotextile fabric	737	SY		
SUBTOTAL - MIDDLE GROIN (345') :				
Armor stone	1543	CY	2835	Tons
Bedding stone	465	CY	628	Tons
12-inch Foundation mats	1394	SY		
Geotextile fabric	1394	SY		
TOTAL - BOTH STRUCTURES				
Armor stone (granite)	**2356**	**CY**	**4331**	**Tons**
Bedding stone (limerock)	**710**	**CY**	**960**	**Tons**
12-inch Foundation mats	**2131**	**SY**		
Geotextile fabric	**2131**	**SY**		

Redesign of the Southern (Terminal) Groin.

The original purpose of the southern, or terminal, groin as formulated in the 2004 Feasibility Report was to stabilize the southern tip of Lido Key. This would be accomplished by impounding a large volume of material to the north of this 650-foot long structure, to guard against excessive downdrift erosion that could be caused by the much longer northern and middle groins that were recommended in that report. The originally-proposed lengths and positions of all three structures are shown in Figure 1.

The seaward end of the terminal structure was originally located at/near the waterline at the time of the 2004 Feasibility Study. Due to steady accretion of this area the structure was located well inland at the time of the 2013 VE Study. The 2013 VE Study recommended that the structure remain in place as an assurance against loss of the south end of Lido Key due to either ongoing erosion, or in the event of catastrophic storm damage. However, due to the re-engineering of the northern and middle groins at southern Lido Key as part of this current redesign effort, the risk of these types of damages occurring has now been greatly reduced.

The southern tip of the island has proven highly stable in recent years, and this stability is expected to continue following construction of the groins and beach fill placement. The ongoing renourishment of Lido Key as a result of the Federal HSDR project should maintain the stability of this area into the future, without the addition of the terminal structure. The pre-project littoral processes along the south end of the island will continue largely uninterrupted after project construction: in addition to allowing material to bypass the northern and middle groins and nourish the Gulf shoreline, material will be free to flow around the southern tip of the island and nourish the bay-side shoreline inside Big Sarasota Pass. A portion of this material will ultimately be transported into the Big Sarasota Pass shoal system, as presently occurs. Continuation of these natural processes should promote a stable, and possibly slightly accretionary, shoreline along the southern end of the island.

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Since the risk of potential damages along the southernmost end of Lido Key has been greatly reduced as a result of this groin redesign effort, it is recommended that the construction of the terminal groin be deferred. The southern Lido Key shoreline should be monitored following construction of the beach fill and groins, and construction of the terminal groin would proceed only if it is proven necessary in the future. In the event that a terminal groin is determined to be necessary, it is further recommended that a sheet-pile design be examined instead of the rubble-mound structure recommended in the 2004 Feasibility Study. This would greatly reduce construction costs as well as the overall footprint of the structure.

Redesign of Beach Fill.

In accordance with the design of the groin system as presented above, the plan for placement of beach fill has been modified to shift a portion of the placement volume from the southern tip of Lido Key to the central region of the island, where it will be used to much greater benefit as a feeder beach. This will ensure that a steady supply of sediment is available to feed into the groin system throughout the 5-year period between renourishments. To accomplish this without increasing the overall volume of fill to be placed, the volume placed throughout the groin field will be reduced and the volume placed north of the groin field will be correspondingly increased.

Specifically, the construction berm will be reduced to the width required to extend to the tips of the northern and middle groins, after post-construction slope adjustment. This will accomplish the pre-filling of the shoreline cells between the groins that is required in order to minimize downdrift erosion. According to information presented in the 2004 Feasibility Study, the construction template features a 1v : 10h slope and the equilibrated slope averages 1v : 12h above MLW. Therefore, as this steeper construction slope equilibrates, the seaward edge of the level berm will recede landward by approximately 18 feet. In order to position the seaward edge of the equilibrated berm at the tip of the groin crest, the berm will be constructed 18 feet wider than the position of the northern and middle groin tips. The resulting construction berm widths along the length of the groin field will vary, but the maximum width will be about 190 feet as measured from the ECL.

In the shoreline cell south of the middle groin, the equilibrated shoreline position (as determined by the log-spiral method) indicates the potential for some minor downdrift erosion along the first 300 feet +/- south of that structure. Therefore, in order to adequately pre-fill that region, fill will be placed to the full construction template along the first 300 feet south of the middle groin. At that point a taper would be constructed at a 30-degreee angle to tie into the existing +4.0 ft contour on the existing shoreline. The proposed fill placement plan is shown in Figure 9.

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Figure 9. Proposed beach fill placement.

Conclusions.

In order to promote a more favorable shoreline response along the southern portion of Lido Key the following design changes are recommended. The northern groin would be reduced in length to 170 feet. The middle groin would be reduced in length to 345 feet. These values represent the lengths along the crest of the structures; adding the front slopes and 5-foot scour aprons at the end of each structure yields total lengths along the foundations of 187 feet and 362 feet, respectively. In order to promote more efficient bypassing of sediment and to reduce downdrift impacts, the permeability of the two groins will be increased by removing the chinking stone that was proposed in the VE analysis. Other than this minor change, the cross-sections of each groin would remain the same as was proposed in the VE Study. Finally, the beach fill configuration has been modified to shift some material from the southern tip of the island northward to central Lido Key, to act as a feeder beach. The seaward edge of the berm for the revised beach fill construction template is shown in Figure 9. The exact volumes of placement will be determined based on surveys taken prior to project construction.

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References.

1. U.S. Army Corps of Engineers, Sarasota County, Florida, Hurricane and Storm Damage Reduction Project, Lido Key Segment, Feasibility Report with Environmental Impact Statement, April 2004.

2. U.S. Army Corps of Engineers, 116680 Lido Key Hurricane and Storm Damage Reduction Project, Preconstruction, Engineering and Design Phase, Sarasota County, FL, Value Engineering Report, October 2013.

3. U.S. Army Corps of Engineers, Shore Protection Manual, 1984.

4. U.S. Army Corps of Engineers, Coastal Engineering Manual, EM-1110-2-1100, April 2002.

5. Bodge, K.R., Design Aspects of Groins and Jetties, ASCE, ISBN 0-7844-0689-8.

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U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT



116680 LIDO KEY HURRICANE AND STORM DAMAGE REDUCTION PROJECT (Preconstruction, Engineering and Design Phase) SARASOTA COUNTY, FL

VALUE ENGINEERING REPORT

31 October 2013

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DOD SERVICE: USACE **VALUE ENGINEERING OFFICER:** Jimmy Matthews, PE, CVS
CONTROL NO: CESAJ-VE-2014-001C

REPORT INFORMATION

VALUE ENGINEERING FIRM: U. S. Army Corps of Engineers
Jacksonville District
701 San Marco Blvd
Jacksonville, FL 32232-0019
(904) 232-2087

VALUE ENGINEERING WORKSHOP CONDUCTED: 7-11 October 2013

VALUE ENGINEERING STUDY TEAM LEADER: Jimmy Matthews, P.E., CVS

VALUE ENGINEERING STUDY TEAM MEMBERS: Team member names and contact information are in Appendix B.

STUDY RESULTS:

Evidence of Unfettered Creativity: 69 ideas generated, several ideas were combined into alternatives and comments

Number of Proposals: 7
Number of Accepted Proposals: 7

Number of Comments: 12
Number of Comments Accepted: 12

Maximum Cost Avoidance (Gross): $3,627,000
Accepted Cost Avoidance (Gross): $2,866,000 to 3,627,000, tbd after award

Study Cost to Government: $28,000 (total)
Return on Investment: *102:1*

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FL-SEN-20-0201-B, 20-0202-A-002188

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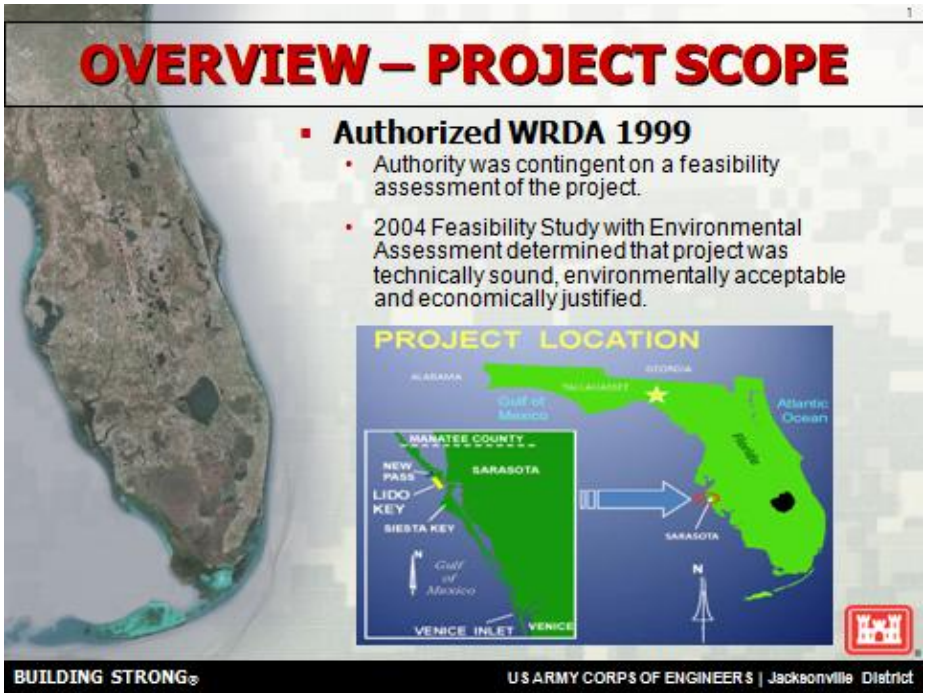
INTRODUCTION

This Value Engineering (VE) Report documents the completion of the Lido Key Hurricane and Storm Damage Reduction Project (Preconstruction, Engineering and Design Phase), Sarasota County, FL, October 2013.value analysis. The project is at the Preconstruction, Engineering and Design (PED) phase, preliminary phase of development for the Plans and Specifications (P&S). Value improvements proposed herein will be addressed during further P&S refinements.

PROJECT DESCRIPTION (on date of VE Study, 7-11Oct13)

The Hurricane and Storm Damage Reduction (HSDR) Project, Lido Key, Sarasota County, Florida (Lido Key Project) is described in a Final Integrated Project Implementation Report and Environmental Impact Statement dated October 2002 with April 2004 Addendum. The Chief of Engineers Report was signed 22 December 2004. Congress re-authorized the project in Section 364 of the Water Resources Development Act of 1999, Public Law 106-53. The non-Federal sponsor is the City of Sarasota. A Design Agreement for the Lido Key Project was signed 12 September 2007 between The Department of the Army and The City of Sarasota, Florida.

The Lido Project consists of a set of features that will improve shore protection while reducing coastal erosion and wave or surge impacts to upland development for 8,280 ft segment of the Lido Key Gulf of Mexico shoreline. The authorized plan as recommended in the Chief's Report includes construction of an 80-foot-wide beach berm at elevation +5 feet National Geodetic Vertical Datum (NGVD) over 8,200 ft. of shoreline, with 3 groins located near the southern limits of the project. Periodic nourishment, at a five (5) year interval, would optimize the net benefits over the 50 year period of analysis. Construction of the project would require placement of approximately 460,200 cy of design fill and 614,500 cy of advanced fill material. Three borrow areas, delineated for use, are located between 7.2 and 9.5 nautical miles offshore. The Lido Key shoreline is made up of private and extensively used public beaches. The project will improve storm damage prevention to coastal development and existing structures, while providing recreational benefits to Lido Key. A vicinity map and the recommended plan are displayed below.



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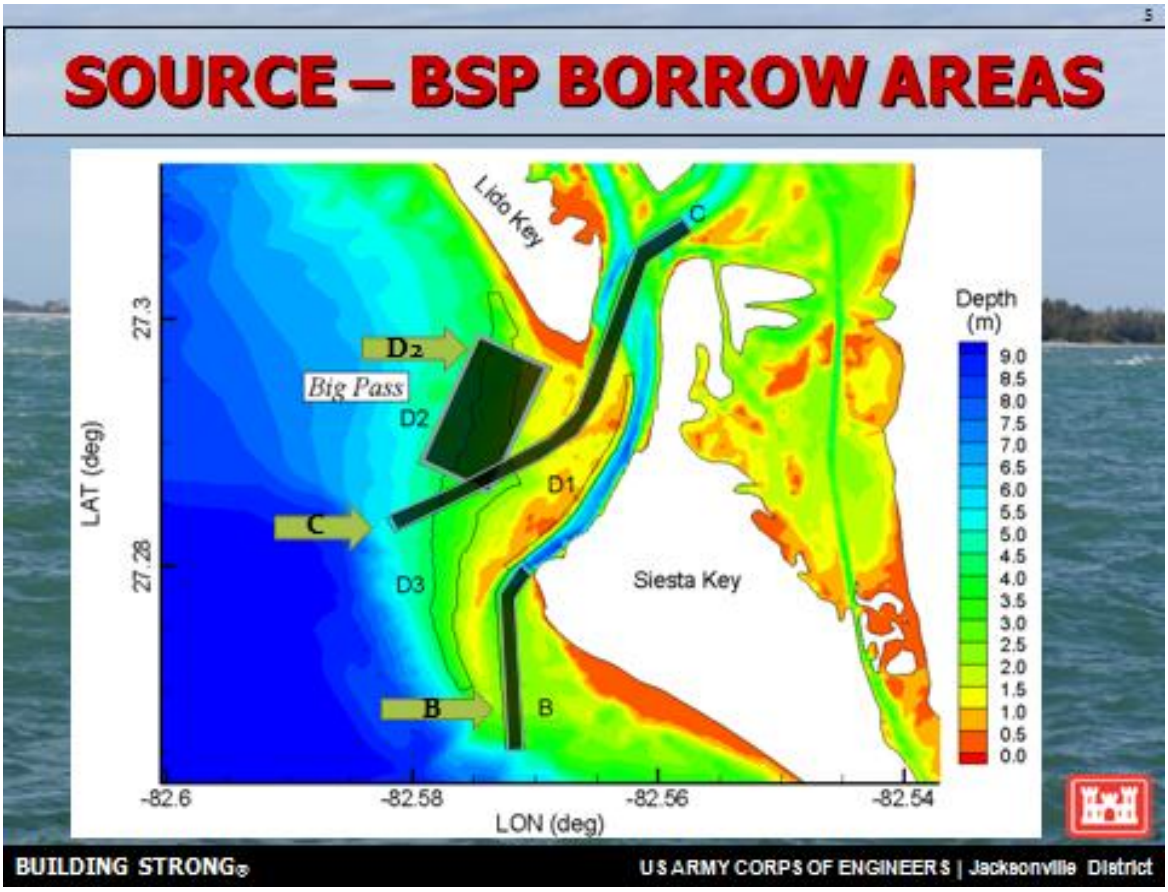
2004 Feasibility Study Features

- Project Length (ft) = 8,280 (R-35 to R43)
- Design berm elevation = +5 ft NGVD
- Approximately 460,000 cy of design and 615,000 cy of advance material (1,075,000 cy)
- Three Borrow areas were delineated (5, 6 & 7)
- 5-year nourishment interval over 50-year life
- 615,000 cy required for each re-nourishment
- Three groins are part of the project along the southern portion
- Initial Estimated Construction cost = $22,708,000 (62.4%/37.6%)



Subsequent to the Chiefs Report, borrow area clearances were updated to protect habitats of concern. The result was the borrow areas in the decision document needed to replaced or augmented. Further detailed analyses and coordination changed the borrow area to Big Shoal Pass. The current alternative borrow alternatives at Big Pass are depicted on the following graphic.

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PROJECT ISSUES, CONCERNS AND VALUE IMPROVEMENT OPPORTUNITIES

The Project Delivery Team identified the follow topics that could be improved via a Value Analysis. These topics were discussed and improvement ideas vetted during this VE study.

- Cost versus 902 Limits
- Use of Groins and Optimization
- Project schedule needs
- PED activities and costs
- NEPA and Permitting
- Non-Federal Sponsor Concerns
- Navigability of Big Pass
- Dredging of B/A
- Prevention of erosion on south end of Lido Key
- Bay side erosion, South Lido Park Area

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VALUE METHODOLOGY

This report documents the VE workshop conducted 11-17 October 2013. The workshop was conducted using the six-phase Value Engineering Job Plan as sanctioned by USACE and the Society of American Value Engineers International (SAVE). This process, as explained below, was executed as part of daily activities as described in the Workshop Agenda exhibited in Appendix A. The VE Team was comprised of USACE Team Members from the Jacksonville District. The roster is located in Appendix B.

The VE Workshop culminated in the development phase where ideas were captured and refined into proposals or design comments. Design comments are topics that warrant consideration but their savings were not computable (quantitative) with current information. Appendix E contains the related documentation.

Information Phase

At the beginning of the study, the project team presents current planning and design status of the project. This includes a general overview and various project requirements. Project details are presented as appropriate. Discussion with the VE Team enhances the Team's knowledge and understanding of the project.

Function Analysis Phase

Key to the VE process is the Function Analysis. Analyzing the functional requirements of a project is essential to assuring an owner that the project has been designed to meet the stated criteria and its need and purpose. The analysis of these functions is a primary element in a value study, and is used to create ideas and develop proposals. This procedure is beneficial to the team, as it forces the participants to think in terms of functions. For this study, team members developed a function list and then considered the list in regards to the report's recommended plan features. This facilitated a deeper understanding of the project. The function analysis is presented in Appendix C.

Creativity Phase

The Creativity Phase involves identifying and listing creative ideas. During this phase, the team participates in a brainstorming session to identify as many means as possible to provide the necessary project functions. Judgment of the ideas is not permitted in order to generate a broad range of ideas. The creative phase continues through the other phases as ideas can, and often times do, create other ideas.

Evaluation Phase

The purpose of the Evaluation Phase was to systematically assess the potential impacts of ideas generated during the Creativity Phase relative to their potential for value improvement. Each idea is evaluated in terms of its potential impact to cost and overall project performance. Once each idea is fully evaluated, it is given a rating to identify whether it would be carried forward and/or developed as an alternative, combined with other ideas, presented as a design suggestion, dismissed from further consideration or that it is already being done by Project Delivery Team. Appendix D lists those ideas

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with their evaluation disposition. The appendix tables also display the evolution of ideas from creation through their embodiment into proposals or comments.

Development Phase

During the Development Phase, ideas passing evaluation are expanded and developed into comments. The development process considers such things as the impact to performance, cost, constructability, and schedule of the alternative concepts relative to the baseline concept. This analysis is prepared as appropriate for each alternative, and the information may include an initial cost and/or life cycle cost comparisons. Each alternative or idea describes the baseline concept and proposed changes and includes a technical discussion.

Presentation Phase

The VE Workshop concluded with a preliminary presentation of the value team's assessment of the project and value alternatives and ideas. The presentation provides an opportunity for the owner, project team, and stakeholders to preview the alternatives and develop an understanding of the rationale behind them. The presentation is also used to refine proposal justification to include the corporate perspective. The presentation was conducted 4Nov13.

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STUDY RESULTS AND RECOMMENDATIONS

Study results are summarized below in proposals where quantitative cost avoidance opportunities can be realized and in comments where those ideas are captured that warrant further consideration by the PDT. Related cost avoidance will be developed for awarded contract and reported in the Value Engineering Reporting System (VERS). Should ideas/comments result in quantifiable cost avoidance, those ideas/comments will be documented as proposals and appended to this report.

The VE team developed seven proposal alternatives that warrant more detailed investigation. In general, VE team proposals centered on:

- Updating the beach fill erosion rates with post 2004 information; and
- Optimizing groin design.

PROPOSALS

The following proposals and potential cost avoidance will be evaluated by the PDT for incorporation into the project's design.

P1. Base beachfill quantities and erosion rates on P&S scope development and include post 2004 information instead of using 2004 report alone, $1,476,000.

P2A. Groin Optimization (Optimize dimensions, use local stone in marine mattresses, reduce sheet pile lengths), $1,139,000.

P2B. Groin Optimization (Optimize dimensions, use local stone in marine mattresses, replace sheet pile with grouted chinking stone), $1,390,000.

P2C. Groin Optimization (Optimize dimensions, use local stone in marine mattresses, reduce sheet pile lengths, selectively shorten groins), $1,422,000.

P2D. Groin Optimization (Optimize dimensions, use local stone in marine mattresses, replace sheet pile with grouted chinking stone, selectively shorten groins), $1,661,000.

P2E1. Eliminate the grouting from the chinking for P2B, $1,910,000.

P2E2. Eliminate the grouting from the chinking for P2D, $2,151,000.

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COMMENTS

The following comments are offered for consideration by the PDT during further P&S and Design Documentation Report development. Should comments result in quantitative cost avoidance, this report will be appended with the proposal.

C1. Consider allowing the use of truck hauled sand.

C2. Reevaluate the use of T-groins (other alternatives to rubble mound groins).

C3. Revisit the northwest borrow area for contour dredging/backpassing for beachfill.

C4. Reconsider the equipment assumptions in the current estimate and address sequencing in the order of work.

C5. Check environmental windows for piping plover versus construction period.

C6. Consider RFP for acquisition.

C7. Plant dune vegetation.

C8. Use park for staging area.

C9. Reuse any remnant stone from the beach in groins.

C10. Revisit Current Working Estimate construction period for groins.

C11. Recommend reviewing the Cost and Schedule Risk Analysis for related VE improvements.

C12. Using sheet pile to the top elevation in the groins will pose a safety hazard to the public. Reduce several feet below top of groin or do not use.

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APPENDIX A: VALUE ENGINEERING WORKSHOP AGENDA

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VALUE ENGINEERING WORKSHOP AGENDA
116680 LIDO KEY HURRICANE AND STORM DAMAGE REDUCTION PROJECT
SARASOTA COUNTY, FL
7-11 OCTOBER 2013

Meeting Location:
Engineering Conference Room, 381, 3E

MONDAY
7Oct13:

0900-0930	Introductions and Workshop Purpose – Jimmy Matthews
	VE Process, How it will be used, and Agenda - Jimmy Matthews
0930-1100	*Information Phase:* Presentation of Project Status and Recommended Plan Summary - PDT
	Project Overview Presentation – PDT Cost Estimate Overview – Tony Ledford NEPA Compliance – PDT Project Issues and Goals
	Q & A
Hourly	Break as needed
1100-1200	Lunch
1200-1400	*Function Analysis Phase:* - J Matthews
1400-1500	Day One Recap - J Matthews

TUESDAY
8Oct13:

0900-1100	*Creativity Phase:* (Brainstorming – Ideas by PDT/VE Team) – VE Team
Hourly	Break as needed
1100-1200	Lunch
1200-1400	*Evaluation Phase:* (Critical assessment of Brainstorming) – VE Team
Hourly	Break as needed
1400-1500	*Explain and Start Development Phase:* (Start development of priority ideas into proposals or comments) - J Matthews
1500-1600	*Proposal and Comment Development Assignments*: - J Matthews

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WEDNESDAY
9Oct13:

0900-1200	*Complete Development Phase:*
Hourly	Break as needed
1100-1200	Lunch
1200-1600	*Complete Development Phase:*
1600-1700	VE Recap

THURSDAY
10Oct13:

0900-1200	*Start Report &Report Development Phase Results:*
Hourly	Break as needed
1200-1300	Lunch
1300-1600	*Complete draft Report and Start Presentation:*

FRIDAY
11Oct13:

0900-1200	*Complete draft Report &Complete Presentation:*
Hourly	Break as needed
1200-1300	Lunch
1300-1500	*Complete draft Report and Complete Presentation:*
1500-1600	Summarize and present follow up actions

14Oct13:	Send Report to PDT for Review and Comment
TBD:	Decision Makers VE Results Briefings, if required
TBD:	Final VE Report – Jimmy Matthews

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APPENDIX B: WORKSHOP PARTICIPANT ROSTER

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Value Engineering Workshop - Lido Key HSDR Project
7-12 October 2013

				Attendance				
Name	**Office**	**Phone**	**E-mail (@usace.army.mil)**	**7-Oct-13**	**8-Oct-13**	**9-Oct-13**	**10-Oct-13**	**11-Oct-13**
Jimmy Matthews	CESAJ-EN-Q	(904) 232-2087	Jimmy.D.Matthews@usace.army.mil	x	x	x	x	x
Tom Martin	CESAJ-EN-HC	(904) 232-2428	Tom.R.Martin@usace.army.mil	x	x	x	x	x
Tony Ledford	CESAJ-EN-TC	(904) 232-3695	Tony.W.Ledford@usace.army.mil	x	x	x	x	x
Rafael Rios	CESAJ-EN-GG	(904) 232-3916	Rafael.A.Rios@usace.army.mil	x	x	x	x	x
Jim Lagrone	CESAJ-EN-DW	(904) 232-2437	James.W.Lagrone@usace.army.mil		x	x	x	
Millan Mora	CESAJ-PM-WN	(910) 251-1454	Millan.A.Mora@usace.army.mil	x	x	x	x	x

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APPENDIX C: FUNCTION ANALYSIS

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DOD VE and Efficiency Initiatives

In an effort to provide better value for the taxpayer and the warfighter.... *(examine)* five broad areas of initiatives as follows:

- *Target affordability and control cost growth;*
- *Incentivize productivity and innovation in industry;*
- *Promote real competition;*
- *Improve tradecraft in services acquisition; and*
- *Reduce non-productive processes and bureaucracy.*



LIDO KEY, FL- FUNCTION LIST		
Reduce Storm/Hurricane Damage	Identify/Distribute Sand Sources	Attract User
Maintain Sand in coastal system	Vegetate dunes	
Protect Property/Infrastructure	Distribute Sand (Pipe/Truck)	Target Affordability
Minimize Erosion Impacts	Protect Environmental Habitat	Control Cost Growth
Enhance Beach/Shoreline	Minimize Environmental Impacts	Incentivize innovation
Add Beachfill	Monitor Impacts	Incentivize productivity
		Promote Competition
Develop Sand Delivery/Placement Options		
	Satisfy User	Reduce Processes
Widen Advanced Sand Nourishment		
		Reduce Bureaucracy



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LIDO KEY, FL- FUNCTION LIST

Install Groins		
Block Sand Transport		
or		
Impede Sand Transport		
Retain fill template		
Block longshore currents		
Provide habitat		
Anchor tip of island		
Protect park		

RUBBLE MOUND GROIN FUNCTIONS

Other Breakwater, Groin or Training Wall Functions

- Allow overtopping
- Reduce wave heights
- Dissipate or reflect wave energy
- Force currents along structure
- Reduce or address wave run-up

Rubble Mound Training Wall Functions

- Break waves
- Reduce wave height/climate
- Block transverse current
- Retain fill
- Prevent scour

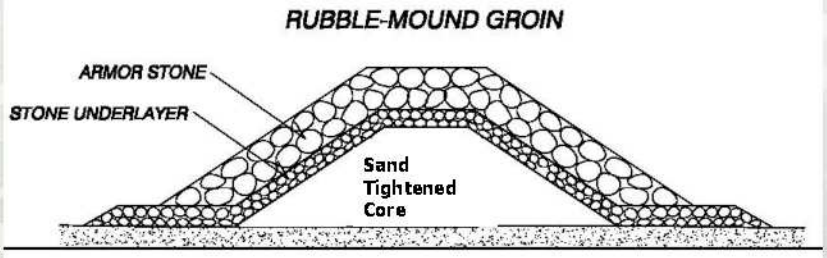


Figure VI-2-9. Examples of groin structures

Mat or Blanket/Foundation Layer Functions

- Retain fill
- Prevent Scour
- Distribute weight

Sand Tightened Core Functions

- Impede or limit energy transmission
- Block Sand
- Retain blanket or underlayer

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APPENDIX D: CREATIVITY AND EVALUATION

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LIDO KEY VE - Created Ideas			
Idea	Idea Group	Action	Created Ideas
1			truck inland sand
2			use local rock
3			project w/o groins
4			less groins
5			geotubes instead of groins
6			put a covering on geotubes
7			cover geotubes with rock
8			modify groin xsec design
9			min groin dimensions
10			use local rock only
11			use local rock for sublayers then granite for armor
12			revisit Top groin elevations
13			revisit interior groin elevations
14			variable base el for groins
15			use t-groins
16			use retaining walls instead of rubble mound groins
17			use cribs
18			use matresses for foundation layer
19			innovative materials for groins
20			base sand quantity on recent survey
21			was 2004 survey post storm
22			use breakwaters instead of groins
23			revisit n nw b/a for contour dredging/backpassing/ beachfill
24			reconsider equip assumptions
25			address sequencing of work
26			optimize use of new pass O&M material
27			use combo plan anything but shoal.. New pass, truck
28			Use D2 square only
29			revisit northern limit to see if it could be moved southward
30			nearshore placement of material
31			overbuild nothern section and let migrate
32			look at bird windows (piping plover)
33			base all quantities on P&S scope development
34			longer renourishment intervals
35			alternative means of sand tightening
36			model verification group/committee to build consensus with non-federal
37			update overfill ratio
38			reconsider equip assumptions
39			reconsider dredge plant possibilities
40			Use RFP
41			Use MATOC
42			evaluate USCG certified versus non-USCG certified
43			plant dune vegetation
44			Meet authorization timeline
45			eliminate overwidened beach from renourishment calculation
46			don't renourish overwidened beach
47			consider low profile groins
48			staggered heights of groins
49			staggered lengths of groins

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LIDO KEY VE - Created Ideas			
Idea	Idea Group	Action	Created Ideas
50			rip rap south inlet groin
51			combination of the above, hybrid
52			sandtightening of groins, needed or not
53			geotubes instead of groins
54			low profile groins being geotubes and regular groins being of rock
55			use park for staging area (needed to meet the schedule)
56			order of construction for groins and beachfill
57			model the installation sequence to avoid construction issues and to select best
58			phase the installation of groins between the construction and renourishement
59			phase the installation of groins during initial construction
60			remove remnant groin on beach
61			reuse remnant stone from beach
62			don't extend vinyl sheet pile to El 5, safety hazard
63			Reduce the vinyl sheet pile depth to extend into the foundation mattress only
64			use one t groin instead of two northern groins
65			revisit CWE construction period for groins
66			verify stone source assumptions in CWE
67			recommend CSRA and VE of risk register
68			develop list of Cost DX topics and vet with VE team and PDT

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Lido Key VE - Evaluated and Grouped Ideas

Idea	Idea Group	Action	Already Being Done or Eliminate, Idea Group = 0.00; Keep Idea, Idea Group = Number; Combine into another idea, Idea Group = N.ii
3	0.00	bd	project w/o groins
4	0.00		optimize number of groins
5	0.00		geotubes instead of groins (they have UV coating)
6	0.00		put a covering on geotubes
7	0.00		cover geotubes with rock
10	0.00		use local rock only
20	0.00		base sand quantity on recent survey
21	0.00		was 2004 survey post storm
22	0.00		use breakwaters instead of groins
26	0.00	bd	optimize use of new pass O&M material
29	0.00	bd	revisit northern limit to see if it could be moved southward
30	0.00		nearshore placement of material
31	0.00		overbuild northern section and let migrate
34	0.00	bd	longer renourishment intervals
36	0.00		model verification group/committee to build consensus with non-federal
37	0.00	bd	update overfill ratio
38	0.00		reconsider equip assumptions
39	0.00		reconsider dredge plant possibilities
44	0.00	bd	Meet authorization timeline
45	0.00	bd	eliminate overwidened beach from renourishment calculation
46	0.00		don't renourish overwidened beach
50	0.00		rip rap south inlet instead of groin
51	0.00		combination of the above, hybrid
52	0.00	bd	sandtightening of groins, needed or not
53	0.00		geotubes instead of groins
54	0.00		low profile groins being geotubes and regular groins being of rock
57	0.00		model the installation sequence to avoid construction issues and to select best
58	0.00		phase the installation of groins between the construction and renourishement
59	0.00		phase the installation of groins during initial construction (stage groin
66	0.00	bd	verify stone source assumptions in CWE
68	0.00		develop list of Cost DX topics and vet with VE team and PDT
1	1.00		truck inland sand alternative
27	1.27		use combo plan anything but shoal.. New pass, truck
2	2.00		use local rock in groin xsec
11	2.11		use local rock for sublayers then granite for armor
8	8.00		Groin Modification (modify groin xsec design)
9	8.09		min groin dimensions
12	8.12		revisit Top width and top groin elevation
13	8.13		revisit groin side slopes
14	8.14		variable base el for groins
18	8.18		use matresses for foundation layer
35	8.35		alternative means of sand tightening
47	8.47		consider low profile groins
48	8.48		staggered heights of groins
49	8.49		staggered lengths of groins
62	8.62		don't extend vinyl sheet pile to El 5, safety hazard
63	8.63		Reduce the vinyl sheet pile depth to extend into the foundation mattress only
15	15.00		use t-groins (other alternatives to rubble mound groins)

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Idea	Idea Group	Action	Already Being Done or Eliminate, Idea Group = 0.00; Keep Idea, Idea Group = Number; Combine into another idea, Idea Group = N.ii
16	15.16		use retaining walls instead of rubble mound groins
17	15.17		use cribs
19	15.19		innovative materials for groins (WADS, etc..)
64	15.64		use one t groin instead of two northern groins
23	23.00		revisit n nw b/a for contour dredging/backpassing/ beachfill
28	23.28		Use D2 square only
24	24.00		reconsider equip assumptions
25	25.00		address sequencing of the order of work
56	25.56		order of construction for groins and beachfill
32	32.00		look at bird windows (piping plover)
33	33.00		base all quantities on P&S scope development instead of 2004 report
40	40.00		Use RFP (Acquisition Plan)
41	40.41		Use MATOC
42	40.42		evaluate USCG certified versus non-USCG certified equip
43	43.00		plant dune vegetation
55	55.00		use park for staging area (needed to meet the schedule)
60	60.00		remove remnant groin on beach
61	60.61		reuse remnant stone from beach
65	65.00		revisit CWE construction period for groins
67	67.00		recommend CSRA and VE of risk register

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Lido Key VE - Proposals and Comments				9-Oct-13
Idea	Idea Group	Cmnt or Proposal	Created Ideas	POC
1	1.00	**C1**	truck inland sand alternative	**Tony/Rafael**
27	1.27	**C1**	truck inland sand alternative	
15	15.00	**C2**	use t-groins (other alternatives to rubble mound groins)	**Jim**
16	15.16	**C2**	use retaining walls instead of rubble mound groins	
17	15.17	**C2**	use cribs	
19	15.19	**C2**	innovative materials for groins (WADS, etc..)	
64	15.64	**C2**	use one t groin instead of two northern groins	
23	23.00	**C3**	revisit n nw b/a for contour dredging/backpassing/ beachfill	**Jim**
28	23.28	**C3**	Use D2 square only	
24	24.00	**C4**	reconsider equip assumptions	**Tony**
25	25.00	**C4**	address sequencing of the order of work	**Tony**
56	25.56	**C4**	order of construction for groins and beachfill	
32	32.00	**C5**	look at bird windows (piping plover)	
40	40.00	**C6**	Use RFP (Acquisition Plan)	**Tony/Rafael**
41	40.41	**C6**	Use MATOC	
42	40.42	**C6**	evaluate USCG certified versus non-USCG certified equip	
43	43.00	**C7**	plant dune vegetation	**Jim**
55	55.00	**C8**	use park for staging area (needed to meet the schedule)	**Jim**
60	60.00	**C9**	remove remnant groin on beach	**Jim**
61	60.61	**C9**	reuse remnant stone from beach	
65	65.00	**C10**	revisit CWE construction period for groins	**Tony**
67	67.00	**C11**	recommend CSRA and VE of risk register	**Tony**
69	69.00	**C12**	Using sheet pile to the top elevation in the groins will pose a safety hazard to the public. Reduce several feet below top of groin or do not use.	
33	33.00	**P1**	base all quantities on P&S scope development instead of 2004 report	**Jim**
2	2.00	**P2**	use local rock in groin xsec	**Tom**
11	2.11	**P2**	use local rock for sublayers then granite for armor	
8	8.00	**P2**	Groin Modification (modify groin xsec design)	**Tom**
9	8.09	**P2**	min groin dimensions	
12	8.12	**P2**	revisit Top width and top groin elevation	
13	8.13	**P2**	revisit groin side slopes	
14	8.14	**P2**	variable base el for groins	
18	8.18	**P2**	use matresses for foundation layer	
35	8.35	**P2**	alternative means of sand tightening	
47	8.47	**P2**	consider low profile groins	
48	8.48	**P2**	staggered heights of groins	
49	8.49	**P2**	staggered lengths of groins	
62	8.62	**P2**	don't extend vinyl sheet pile to El 5, safety hazard	
63	8.63	**P2**	Reduce the vinyl sheet pile depth to extend into the foundation mattress only	
69	8.69	**P2**	Do not grout the groin chinking stone	

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APPENDIX E: PROPOSAL AND RECOMMENDATION DOCUMENTATION

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PROPOSAL NO. 1 (33.00): ***Base beachfill quantities and erosion rates on P&S scope development and include post 2004 information instead of using 2004 report alone***

ORIGINAL DESIGN:

The beach template design presented in the 2004 Feasibility Study would require placement of approximately 1,074,700 cubic yards (CY) of sand fill, consisting of 460,200 CY of design fill volume and approximately 614,500 CY of sacrificial advance fill. The design volumes were "…based on nourishment of the entire active profile rather than a design template." Paragraph A-75 of the study indicated "the width of the advance fill section is based on the 5 year renourishment interval and the observed rates of erosion and shoreline recession between 1991 and 1998." Therefore, this would indicate a 122,900 CY/YR of erosion would occur to support the 614,500 CY value.

However, the tabulation of the 122,900 CY/YR cannot be ascertained within the report. Please review and consider the following:

1. Table A-27 indicates the design erosion rate of 95,251 cy/yr.
2. The 1974-1992 sediment budget indicates a 117,000 Cubic Yards (CYs) losses on the island with 17,000 CY/YR of erosional losses to the north.
3. A response to an ITR comment indicated that "The engineering appendix suggests that aggravated erosion is not expected at the north end."
4. A review of the 3-year post-construction monitoring report after the most recent placement event in 2009, indicates 464,176 of cubic yards were placed, but after three years, 282,742 cubic yards still remain, or essentially 60,478 CY/YR of erosional loses.
5. Of the selected plan which considers placement of three terminal structures at the south end of the island, I am not sure if the erosion rate was adjusted by the presence of these structures. Now, the meeting minutes from ITR conference held on 02 May 2012 indicated that "modeling showed that over 50,000 cubic yards of material per year could be reduced from the diffusion losses at the south end of the project with these structures.

Therefore, it would seem clear to use a 65,000 CY/YR erosion rate from the existing area.

PROPOSED DESIGN:

The proposed design will based on the design provided in table A-25 and not meeting volume requirements as specified in the 2004 report. In addition, the cost savings will include the reduction in other project costs related to the shortened construction schedule such as environmental monitoring, construction vibration controls and monitoring, etc…

ADVANTAGES:

There will be two advantages. The first advantage would be the decrease in costs associated with the project from 1,074,700 cubic yards to about 880,000 cubic yards. The last value was attained comparing the 2013 survey of the area to the template provided in table A-25 which tallied to 750,000 cubic yards and assuming a 65,000 cubic yard erosion rate for two years

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would be appropriate. This amount could be considerable less if the sponsor proceeds with the schedule nourishment of 122,000 cubic yards of material within reaches 2 and 3.

The second advantage is a reduced quantity of fill material needed within the selected borrow area. This should help the borrow area in recovery of lost material when it erodes back to the dredged areas.

DISADVANTAGES:

None.

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COST ESTIMATE WORK SHEET

COST ESTIMATE WORKSHEET				
Proposal NO.	**P1**			
Title:				
DELETIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
BEACH FILL	CY	1,074,700	$7.58	$8,146,226
==========	==========	==========	==========	==========
		Total Deletions		**$8,146,226**
ADDITIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
BEACH FILL	CY	880,000	$7.58	$6,670,400
==========	==========	==========	==========	==========
		Total Additions		**$6,670,400**
	Net Cost Decrease/Increase			**$1,475,826**
	Mark-ups	**0.00%**		**$0**
	Total Cost Decrease/Increase			**$1,475,826**
			Rounded:	

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PROPOSAL NO. P2, (See Idea List): *Groin Optimization* (optimize groin design and layout)

VE ANALYSIS OF THE LIDO KEY GROIN FIELD.

The purpose of this VE Study is to examine the authorized project features, with the goal of reducing costs without sacrificing project performance. The first step of this process involved a review of the development of the currently authorized project, as presented in the 2004 report "*Sarasota County, Florida, Hurricane and Storm Damage Reduction Project, Lido Key, Feasibility Report, April 2004 Addendum*". This report served as the basis of design for the proposed beach fill template and groin structures.

Some more recent follow-up investigations have been performed by Dr. Kelly Legault (SAJ-EN-WC). These investigations involved modeling of the project area with the numerical model GENESIS (to determine optimal groin design) and CMS (to determine changes to flow through Big Sarasota Pass under a number of borrow area dredging scenarios). As a result of this modeling effort there were no changes recommended to the groin system as presented in the 2004 Feasibility Report. Dr. Legault's modeling did suggest some additional refinements of the borrow areas originally proposed in the 2004 report however.

Since no changes to the layout of the groin field were recommended during this recent numerical modeling investigation, the plan as presented in the 2004 Feasibility Study will be the subject of this VE Study. The plan consists of 3 groins, located at the southern end of Lido Key. The southernmost groin is located at the very southern tip of the island and will function as a terminal structure, anchoring the southern end of Lido Key. This groin will be 650 feet long, with the landward half of the structure positioned along the northern bank of Big Sarasota Pass. The next groin will be located 800 feet north of the terminal groin, and will extend from the +5 ft NGVD (= +4.0 ft NAVD88) contour, seaward for a distance of 440 feet. The northernmost groin will be located 1,400 feet north of the terminal groin, and will extend from the existing seawall, seaward for a distance of 320 feet. Each structure will be oriented along an azimuth of 235 degrees, as measured from due north, clockwise.

These groin positions, lengths, and orientations were modeled in some detail in the 2004 study using the numerical model GENESIS. Additional design parameters for the groins were established in the 2004 report as well. Median stone size, crest elevation, side slopes, foundation elevation etc were all specified in the 2004 report. Some of these parameters may be evaluated and changed based on updated information on site conditions. These re-evaluations are presented in the following sections of this discussion.

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As part of the VE process, a matrix of suggested cost-saving alternatives to the recommended plan was developed. The table below represents the portion of this matrix that is specific to reducing costs associated with construction of the groins only. Other portions of the overall VE proposal matrix focus on cost-reducing measures for beach fill placement, borrow areas, construction methodology, etc, and will be included in the final VE report.

Lido Key VE - Evaluated and Grouped Ideas

Idea	Idea Group	Action	Already Being Done or Eliminate, Idea Group = 0.00; Keep Idea, Idea Group = Number; Combine into another idea, Idea Group = N.ii
2	2.00		use local rock in groin xsec
11	2.11		use local rock for sublayers then granite for armor
5	5.00		geotubes instead of groins (they have UV coating)
8	8.00		Groin Modification (modify groin xsec design)
9	8.09		min groin dimensions
12	8.12		revisit Top width and top groin elevation
13	8.13		revisit groin side slopes
14	8.14		variable base el for groins
18	8.18		use matresses for foundation layer
35	8.35		alternative means of sand tightening
47	8.47		consider low profile groins
48	8.48		staggered heights of groins
49	8.49		staggered lengths of groins
62	8.62		don't extend vinyl sheet pile to El 5, safety hazard
63	8.63		Reduce the vinyl sheet pile depth to extend into the foundation mattress only

The matrix of VE proposals from the table above were investigated, discussed, and recommendations made as to whether to pursue the proposed action further. Because many of these options were logically combined together to optimize project performance and/or reduce costs, a much shorter final matrix of proposals resulted from this analysis, and is summarized in the following table.

Groin Optimization Alternatives	
P2A	Optimize Dimensions, use local stone in mattresses, reduce sheet pile lenghts
P2B	Optimize Dimensions, use local stone in mattresses, replace sheet pile w/chinking
P2C	P2A with selective shortened groins
P2D	P2B with selective shortened groins
P2E1	P2C without grouted chinking stone
P2E2	P2D without grouted chinking stone

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PROPOSAL NO. P2A, (Ideas 2.11, 8.18, 8.14, 8.62, 8.63): ***Groin Optimization (Optimize dimensions, use local stone in marine mattresses, reduce sheet pile lengths).***

ORIGINAL DESIGN:

The groin cross-section design as described in the 2004 Feasibility Study consists of the following: all three structures would be constructed of 2-ton, 165 pcf granite, with a crest elevation of +5 ft NGVD (= +4.0 ft NAVD), a crest width of 12 feet, and side slopes of 1v : 2h. Two layers of granite (total 6 ft thick) would be placed over a layer of 400-lb core stone. Core and armor stone are placed over a layer of unconstrained bedding stone. A vinyl sheet pile wall would be driven down the centerline of each groin to -24 feet to sand-tighten the structures.

PROPOSED DESIGN:

Several VE proposals are included in this design since these improvements represent current construction practice and/or changing site conditions since the 2004 study. The use of foundation mattresses **(VE # 8.18)** is recommended in accordance with current design practices and as a cost-saving measure. Furthermore, the foundation mattresses can be filled with either native Florida limerock or imported granite, whichever is cheaper **(VE # 2.11)**, with no loss of performance. Side slopes will be steepened to 1v : 1.5h along both sides of each groin **(VE # 8.13)** in order to reduce the quantity of materials (and cost) required. The original 1v : 2h side slope will be maintained at the head of each structure, to avoid compromising structural stability. A variable base elevation **(VE # 8.14)** was incorporated into all VE alternatives as described in the general overview document, based on the latest survey data. The top elevation of the sheet pile was reduced **(VE # 8.62)** to +3.5 ft NAVD, which equates to 6 inches below the crest of the groins. This modification was recommended for safety reasons, as all structures are expected to accommodate heavy pedestrian traffic. The depth of embedment of the sheet piles was reduced **(VE # 8.63)** from -24 feet to 5 feet below existing grade, because the piles are included only to provide a sand-tight barrier, not as structural members. Armor stone placement will provide the required lateral stability of the sheet pile wall. Other VE proposals recommended further reducing groin cross-sectional dimensions **(VE # 8.09, 8.12)**, but this was not possible because the groin crest widths and elevations as described above are currently at the minimum dimensions required to still be in accordance with current design guidance.

ADVANTAGES:

Incorporation of the proposals described above would significantly reduce the quantities of materials required, without compromising the function or the longevity of the structures. Use of foundation mattresses would improve the overall stability of the structures, as the bedding material would be more effectively contained than in the original design, and a thinner bedding layer could be used. The side slopes of 1v:1.5h provide adequate stability along the sides of the structures, while the flatter slope of 1v : 2h would be used only at the heads, where waves impact the structures head-on. The variable base elevations of the groins are generally only about 2-4 feet below existing grade and minimize the volume of excavation, and the quantity of materials required to construct the structures. Lowering the top elevation and raising the bottom elevation of sheet piles significantly reduces the quantities of piles required.

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DISADVANTAGES:

Marginally increased sediment bypassing could occur during storm events due to the slight lowering of the sheet pile elevation. This rate is expected to be minimal, and would only occur during period of heavy overwash. However, some bypassing is desirable in order to renourish the downdrift beaches. Decrease in depth of penetration of sheet piles can result in loss of stability of the pile wall during construction; stone should be placed along the newly-constructed wall to increase lateral stability. A shallower base elevation could result in an increased potential for scouring along the downdrift (south) side of the structures. To avoid scouring damage a 5-ft wide scour apron would be constructed by extending the foundation mattresses beyond the southward-facing toe of the structures as shown.

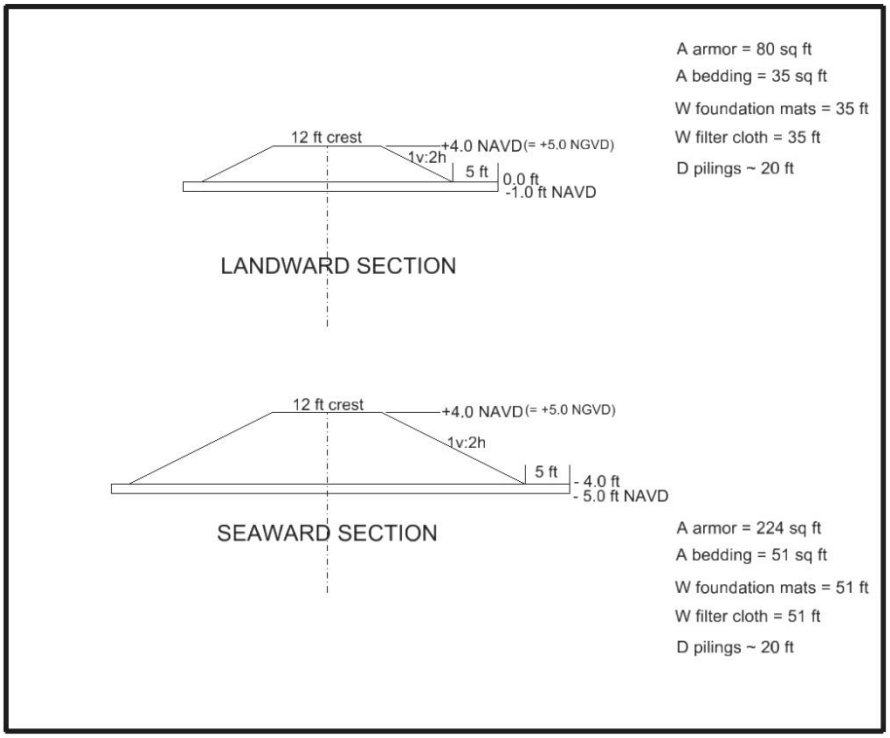
ACTIVITIES TO IMPLEMENT:

Obtain cost estimates, determine availability of local limerock for bedding material.

JUSTIFICATION: The justification for considering this alternative is below.

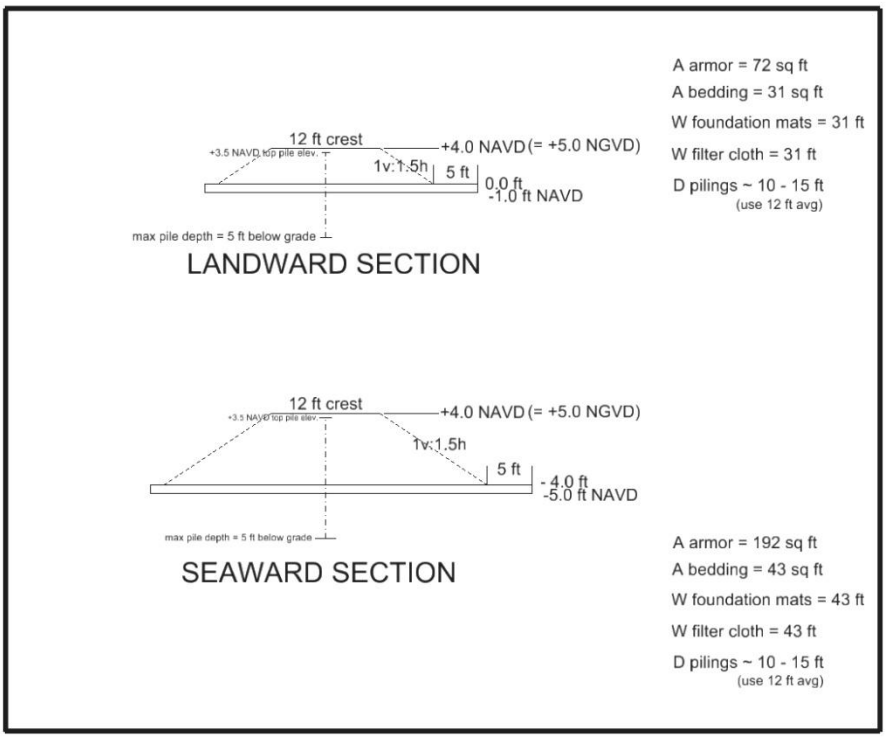
DRAWINGS – EXISTING and PROPOSED (AS APPLICABLE)

BASE CONDITION - AS PER 2004 REPORT.



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VE P2A - MODIFY GROIN XS'S.



NOTES AND CALCULATIONS (AS APPLICABLE)

Summary of Quantities of Materials Required – Proposal VE P2A.

SUB TOTAL - ALL 3 GROINS :					
Armor stone	8582	CY	1.838	15774	TONS
Bedding stone	2101	CY	1.593	3347	TONS
12-inch Foundation mats	6303	SY			
Geotextile fabric	6303	SY			
Vinyl sheet piles	16920	SF			

Summary of Quantities of Materials Required – 2004 Feasibility Study

QUANTITIES OF MATERIALS PRESENTED IN 2004 REPORT :				
Armor stone			15400	TONS
Core stone			3000	TONS
Bedding stone			8300	TONS
12-inch Foundation mats	N/A			
Geotextile fabric	9644	SY		
Vinyl sheet piles	34200	SF		

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COST ESTIMATE WORK SHEET

COST ESTIMATE WORKSHEET				
PROPOSAL NO.	**2A**			
Title:				
DELETIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
				$0
EXCAVATION	CY	53000	$6.62	$350,860
SHEETPILING	SF	34200	$28.70	$981,540
GEOTEXTILE	SY	9644	$14.85	$143,213
BEDDING STONE (G)	TON	8300	$136.14	$1,129,962
CORE STONE (G)	TON	3000	$165.63	$496,890
ARMOR STONE (G)	TON	15400	$188.51	$2,903,054
				$0
				$0
				$0
				$0
				$0
				$0
==========	==========	==========	==========	==========
		Total Deletions		**$6,005,519**
ADDITIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
				$0
EXCAVATION	CY	18500	$6.62	$122,470
SHEETPILING	SF	16920	$28.70	$485,604
GEOTEXTILE	SY	6303	$14.85	$93,600
BEDDING STONE	TON	0	$136.14	$0
MATS (L)	SY	6303	$189.00	$1,191,267
CORE STONE (G)	TON	0	$165.63	$0
ARMOR STONE (G)	TON	15774	$188.51	$2,973,557
				$0
				$0
				$0
				$0
				$0
==========	==========	==========	==========	==========
		Total Additions		**$4,866,497**
	Net Cost Decrease/Increase			**$1,139,022**
	Mark-ups	**0.00%**		**$0**
	Total Cost Decrease/Increase			**$1,139,022**
			Rounded:	

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PROPOSAL NO. P2B (Ideas 2.11, 8.18, 8.14): ***Groin Optimization (Optimize dimensions, use local stone in marine mattresses, replace sheet pile with grouted chinking stone).***

ORIGINAL DESIGN:

The three groins would be constructed as rubble-mound structures. Sand-tightening would be achieved using a vinyl sheet pile wall, driven down the centerline of the structure.

PROPOSED DESIGN:

This proposal further refines the design presented in Alternative P2A, substituting the use of chinking stone instead of sheet pile to provide the required sand-tightening. The sheet pile wall would be removed from all three structures and replaced with chinking stone, which would be placed within the voids of the armor stone during construction. Chinking stone would be grouted as it was placed, to further reduce voids and increase stability of the chinking layer. Chinking stone density would be 165 pcf, to further decrease the potential for any ungrouted stone to be washed out of structure by wave action. Corps guidance requires a minimum of 3 stone-widths across the crest of such rubble-mound structures. The original groin design was 4 stones wide (12 ft), to allow for the placement of 2 stones on each side of the sheet pile wall. Without this sheet pile wall the crest can be reduced to 3 stones wide (9 ft), which will reduce the volume of stone accordingly.

ADVANTAGES:

In addition to frequently providing cost savings over other methods, chinking and grouting have proven to be effective means of sand-tightening structures. Construction is simplified : typically, a layer of armor stone will be placed along the foundation, then a layer of smaller chinking stone placed within the voids, grouted if necessary, then the next armor layer is placed, etc. This method is often easier to construct in the field vs the difficulties (and specialized equipment) associated with driving sheet piles in a wave-prone environment. Chinking to the top elevation of the structure could provide a smooth surface to drive equipment over, and for public use of the structure for recreational purposes. Chinking stone is flexible and can settle, etc, along with the structure over time, typically with little or no damage.

DISADVANTAGES:

The use of the more expensive granite (vs locally-produced limerock) is recommended for the chinking stone, due to its greater density and resistance to breaking. The use of this more expensive stone could negate some cost savings. Grout would be added to the chinking stone as it is placed, both to further decrease the permeability of the structure and to bind the chinking stone together so that wave action does not displace the chinking stone outward through voids in the armor stone. This option also increases the cost somewhat, and includes the risk that grout may leak into adjacent waters during construction. Heavily-grouted sections may crack and break over time due to differential settlement, possibly compromising the long term sand-tightness of the structure.

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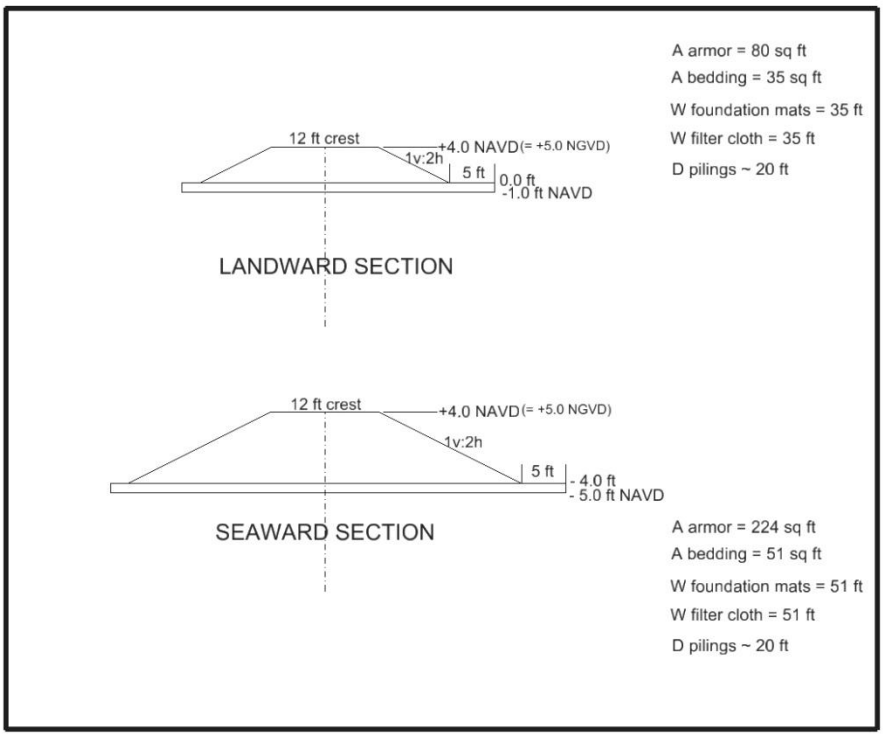
ACTIVITIES TO IMPLEMENT:

Develop cost estimates for chinking/grouting based on revised quantities attached to this proposal.

JUSTIFICATION: The justification for considering this alternative is below.

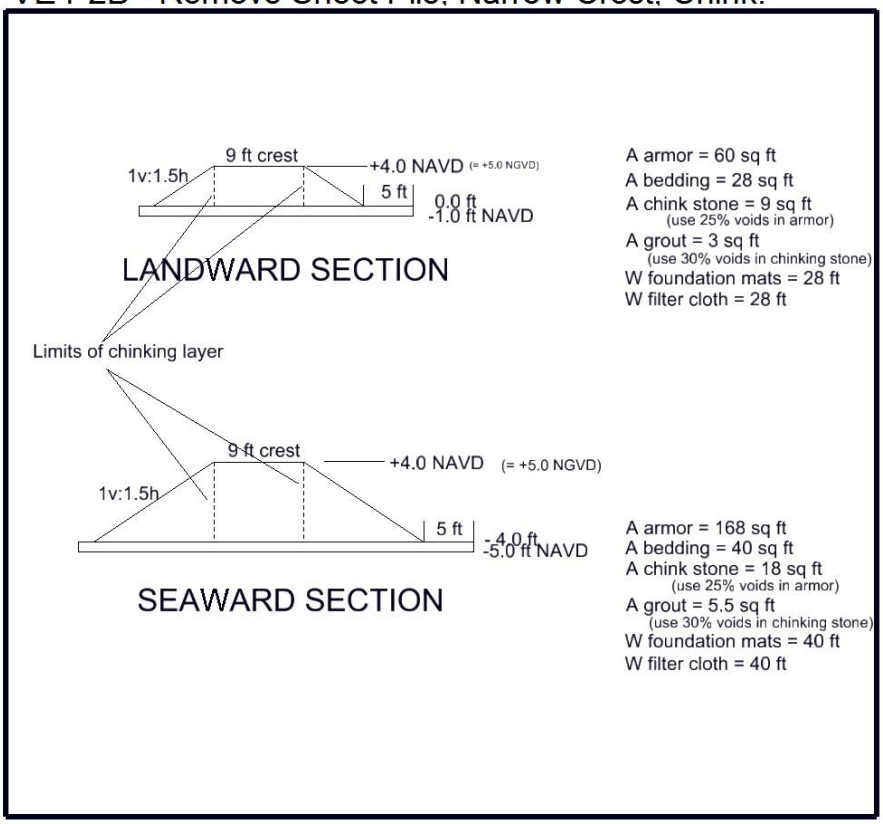
DRAWINGS – EXISTING and PROPOSED (AS APPLICABLE)

BASE CONDITION - AS PER 2004 REPORT.



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VE P2B - Remove Sheet Pile, Narrow Crest, Chink.



NOTES AND CALCULATIONS (AS APPLICABLE)

Summary of Quantities of Materials Required – Proposal VE P2B.

SUB TOTAL - ALL 3 GROINS :					
Armor stone (granite)	7473	CY	1.838	13736	TONS
Bedding stone (limerock)	1944	CY	1.593	3098	TONS
12-inch Foundation mats	5833	SY			
Geotextile fabric	5833	SY			
Chinking stone (granite)	832	CY	1.715	1426	TONS
Grout	257	CY			

Summary of Quantities of Materials Required – 2004 Feasibility Study

QUANTITIES OF MATERIALS PRESENTED IN 2004 REPORT :					
Armor stone				15400	TONS
Core stone				3000	TONS
Bedding stone				8300	TONS
12-inch Foundation mats	N/A				
Geotextile fabric	9644	SY			
Vinyl sheet piles	34200	SF			

AMERICAN OVERSIGHT

COST ESTIMATE WORK SHEET (AS APPLICABLE)

COST ESTIMATE WORKSHEET				
PROPOSAL NO.	**2B**			
Title:				
DELETIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
				$0
EXCAVATION	CY	53000	$6.62	$350,860
SHEETPILING (VINYL)	SF	34200	$28.70	$981,540
GEOTEXTILE	SY	9644	$14.85	$143,213
BEDDING STONE (G)	TON	8300	$136.14	$1,129,962
CORE STONE (G)	TON	3000	$165.63	$496,890
ARMOR STONE (G)	TON	15400	$188.51	$2,903,054
				$0
				$0
				$0
				$0
				$0
				$0
==========	==========	==========	==========	==========
		Total Deletions		**$6,005,519**
ADDITIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
				$0
EXCAVATION	CY	18500	$6.62	$122,470
SHEETPILING (PZC 13)	SF	0	$0.00	$0
GEOTEXTILE	SY	5833	$14.85	$86,620
CHINKING STONE	TON	1426	$136.14	$194,136
MATS (L)	SY	5833	$189.00	$1,102,437
CORE STONE (G)	TON	0	$165.63	$0
ARMOR STONE (G)	TON	13736	$188.51	$2,589,373
GROUT	CY	257	$2,025.00	$520,425
				$0
				$0
				$0
				$0
==========	==========	==========	==========	==========
		Total Additions		**$4,615,461**
	Net Cost Decrease/Increase			**$1,390,058**
	Mark-ups	**0.00%**		**$0**
	Total Cost Decrease/Increase			**$1,390,058**
			Rounded:	

AMERICAN OVERSIGHT

PROPOSAL NO. P2C (Ideas 2.11, 8.18, 8.14, 8.62, 8.63, 8.49): ***Groin Optimization (Optimize dimensions, use local stone in marine mattresses, reduce sheet pile lengths, selectively shorten groins).***

ORIGINAL DESIGN:

The groin field was designed as an interactive system of structures, working together to stabilize the south end of Lido Key. The number, positions, and lengths of the structures were fine-tuned in the 2004 Feasibility Study, using the numerical shoreline simulation model GENESIS. The end result of this analysis was a system of 3 groins, described as follows. A terminal groin is located at the south end of Lido Key, and its purpose is to anchor the southern end of the island. This structure is 650 feet long, with a portion of the groin extending along the bayside shoreline of the island. The second groin is located 800 feet north of the terminal structure, and extends 440 feet seaward of the +4 ft NAVD contour. The northernmost groin is located 1,400 feet north of the terminal structure, and extends 320 feet seaward of the seawall at that location. All structures are oriented roughly shore-normal, at an azimuth of 235 degrees as measured from north, clockwise. All three groins would be sand-tightened by driving vinyl sheet piling down the centerlines during construction.

PROPOSED DESIGN:

VE proposal 8.49 suggest a re-examination of the lengths of the groins, to determine if any of the structures could be shortened without compromising project performance. A re-analysis of the plan-view layout of the groin system is not the intention of this proposal; Proposal #8.49 is more of a response to changing site conditions since the numerical modeling was performed for the 2004 Feasibility Study. At the time of the shoreline modeling analysis for the 2004 Feasibility Study, aerial photography shows that the offshore positions of the seaward tips of the northern 2 groins were about equal, with each situated about 275 feet seaward of the shoreline position at that time. Since that time the shoreline has been renourished and its position has changed considerably, and the future performance of the groin field could be impacted as a result. Based on current shoreline aerial photography, the position of the seaward tip of the northern groin would be approximately 175 feet from the (2013) waterline, while the position of the seaward tip of the central groin is only about 100 feet from the waterline. By extending the northern (updrift) structure further offshore, this arrangement has the potential to impound large volumes of sediment updrift of the groin field. While beneficial to the shoreline to the north of the groin system, the shoreline within the field could be starved of material until the northern groin becomes fully impounded. Based on the present shoreline position it appears that the northernmost groin could be shortened by up to about 75 feet with no significant loss of performance of the groin field system. This would position the seaward end of the northern groin approximately 100 feet seaward of the waterline, which is the same relative position as the second groin. Shortening this structure could improve performance of the groin field by allowing additional material to bypass the northernmost structure, allowing more material to enter the two shoreline cells contained within the groin field. This layout would provide more effective nourishment of the shoreline along the south end of Lido Key. Essentially, this VE proposal recommends all of the design modifications as described in VE Proposal # P2A, with the only additional change being that the seaward end of the northern groin be shortened by 75 feet.

AMERICAN OVERSIGHT

ADVANTAGES:

Incorporation of the proposals described above should still maintain berm widths in excess of the design template to the north (updrift) of the structure, while allowing more material to bypass and nourish the two remaining shoreline cells to the south. Shortening the north groin by 75 feet would reposition the seaward tip of the structure to approximately 100 feet seaward of the waterline, which is the same position as the second groin. This would tend to equalize the bypass rates between the two northern groins, as was the goal of the 2004 design. Additionally, the quantities of materials required to construct the north groin would be reduced substantially. Groin construction would be mostly eliminated through some of the deepest waters observed in the project area.

DISADVANTAGES:

The width of the accreted beach berm north of the northern groin would be reduced accordingly, but would still be well in excess of the 80-foot design template. Increased sediment bypassing would occur, especially during storm events as material bypasses around the seaward tip of the structure due to wave action. However, adequate bypassing is essential to maintaining the downdrift beaches.

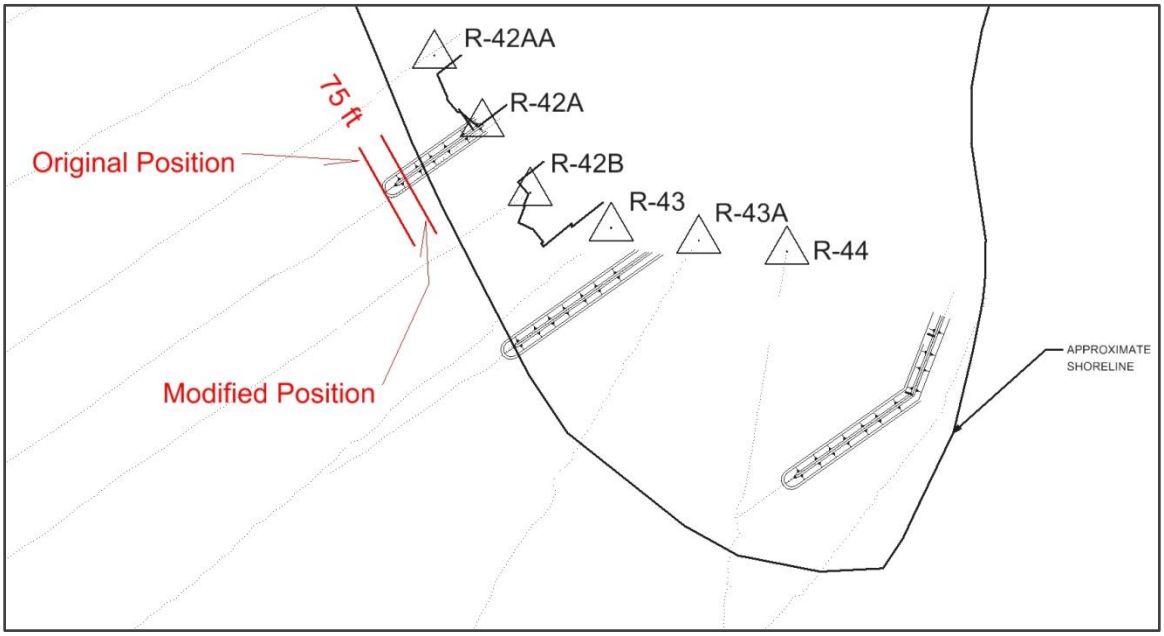
ACTIVITIES TO IMPLEMENT:

Obtain consensus from modelers that any reduction in length of the northern groin would not be detrimental to the project.

JUSTIFICATION: The justification for considering this alternative is below.

AMERICAN OVERSIGHT

DRAWINGS – EXISTING and PROPOSED (AS APPLICABLE)



NOTES AND CALCULATIONS (AS APPLICABLE)

Summary of Quantities of Materials Required – Proposal VE P2C.

SUB TOTAL - ALL 3 GROINS :					
Armor stone	8049	CY	1.838	14794	TONS
Bedding stone	1982	CY	1.593	3157	TONS
12-inch Foundation mats	5945	SY			
Geotextile fabric	5945	SY			
Vinyl sheet piles	16020	SF			

Summary of Quantities of Materials Required – 2004 Feasibility Study

QUANTITIES OF MATERIALS PRESENTED IN 2004 REPORT :				
Armor stone			15400	TONS
Core stone			3000	TONS
Bedding stone			8300	TONS
12-inch Foundation mats	N/A			
Geotextile fabric	9644	SY		
Vinyl sheet piles	34200	SF		

AMERICAN OVERSIGHT

COST ESTIMATE WORK SHEET (AS APPLICABLE)

COST ESTIMATE WORKSHEET				
PROPOSAL NO.	**2C**			
Title:				
DELETIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
				$0
EXCAVATION	CY	53000	$6.62	$350,860
SHEETPILING	SF	34200	$28.70	$981,540
GEOTEXTILE	SY	9644	$14.85	$143,213
BEDDING STONE (G)	TON	8300	$136.14	$1,129,962
CORE STONE (G)	TON	3000	$165.63	$496,890
ARMOR STONE (G)	TON	15400	$188.51	$2,903,054
				$0
				$0
				$0
				$0
				$0
				$0
==========	==========	==========	==========	==========
		Total Deletions		**$6,005,519**
ADDITIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
				$0
EXCAVATION	CY	18500	$6.62	$122,470
SHEETPILING	SF	16020	$28.70	$459,774
GEOTEXTILE	SY	5945	$14.85	$88,283
BEDDING STONE	TON	0	$136.14	$0
MATS (L)	SY	5945	$189.00	$1,123,605
CORE STONE (G)	TON	0	$165.63	$0
ARMOR STONE (G)	TON	14794	$188.51	$2,788,817
				$0
				$0
				$0
				$0
				$0
==========	==========	==========	==========	==========
		Total Additions		**$4,582,949**
	Net Cost Decrease/Increase			**$1,422,570**
	Mark-ups	**0.00%**		**$0**
	Total Cost Decrease/Increase			**$1,422,570**
			Rounded:	

AMERICAN OVERSIGHT

PROPOSAL NO. P2D (Ideas 2.11, 8.18, 8.14, 8.49): ***Groin Optimization (Optimize dimensions, use local stone in marine mattresses, replace sheet pile with grouted chinking stone, selectively shorten groins).***

ORIGINAL DESIGN:

The three groins would be constructed as rubble-mound structures. Sand-tightening would be achieved using a vinyl sheet pile wall, driven down the centerline of the structure.

PROPOSED DESIGN:

This alternative further refines the design presented for proposal P2B. Specifically, the length of the northernmost groin would be reduced by 75 feet, in accordance with the changing site conditions described in the discussion for Proposal P2C above. All other aspects of the cross-section and plan-view layout would be the same as for Proposal P2B : chinking stone would still be the means of sand-tightening the three structures; the only difference is that the length of the northern groin would be reduced by 75 feet at its seaward end.

ADVANTAGES:

As described for Proposal P2B, chinking and grouting have proven to be effective means of sand-tightening structures, and can result in cost savings. This method is often easier to construct in the field vs the difficulties (and specialized equipment) associated with driving sheet piles in a wave-prone environment. The shortened northern groin would allow greater sand-bypassing to the two shoreline cells at the southern end of the island, and would result in additional savings of materials and cost during construction.

DISADVANTAGES:

Shortening the length of the northern structure by 75 feet would result in a narrowing of the berm width north of the structure by a similar amount, but the resulting berm would still be adequate to provide the desired level of protection.

ACTIVITIES TO IMPLEMENT:

Develop cost estimates for the groin field based on revised quantities attached to this proposal. Obtain consensus from modelers that any reduction in length of northern groin would not be detrimental to the project.

JUSTIFICATION:

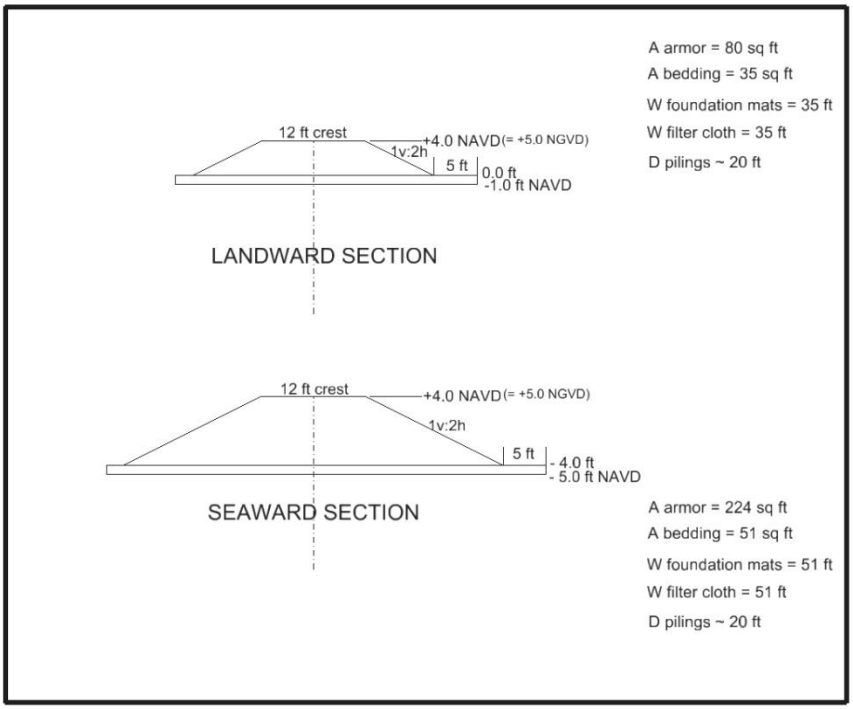
Proposal Financial Benefit – Quantified Value of Proposal

DETERMINATION: (PDT Responses)

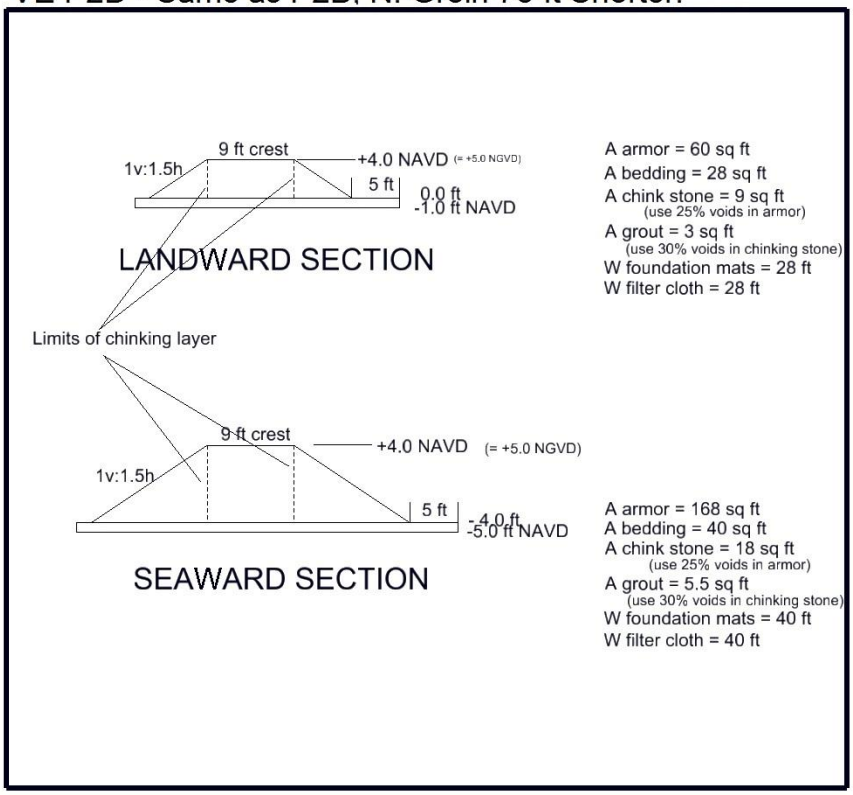
AMERICAN OVERSIGHT

DRAWINGS – EXISTING and PROPOSED (AS APPLICABLE)

BASE CONDITION - AS PER 2004 REPORT.



VE P2D - Same as P2B, N. Groin 75 ft Shorter.



AMERICAN OVERSIGHT

NOTES AND CALCULATIONS (AS APPLICABLE)

Summary of Quantities of Materials Required – Proposal VE P2D.

SUB TOTAL - ALL 3 GROINS :					
Armor stone (granite)	7007	CY	1.838	12878	TONS
Bedding stone (limerock)	1833	CY	1.593	2921	TONS
12-inch Foundation mats	5500	SY			
Geotextile fabric	5500	SY			
Chinking stone (granite)	782	CY	1.715	1341	TONS
Grout	242	CY			

Summary of Quantities of Materials Required – 2004 Feasibility Study

QUANTITIES OF MATERIALS PRESENTED IN 2004 REPORT :					
Armor stone				15400	TONS
Core stone				3000	TONS
Bedding stone				8300	TONS
12-inch Foundation mats	N/A				
Geotextile fabric	9644	SY			
Vinyl sheet piles	34200	SF			

AMERICAN OVERSIGHT

COST ESTIMATE WORK SHEET

COST ESTIMATE WORKSHEET				
PROPOSAL NO.	**2D**			
Title:				
DELETIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
				$0
EXCAVATION	CY	53000	$6.62	$350,860
SHEETPILING (VINYL)	SF	34200	$28.70	$981,540
GEOTEXTILE	SY	9644	$14.85	$143,213
BEDDING STONE (G)	TON	8300	$136.14	$1,129,962
CORE STONE (G)	TON	3000	$165.63	$496,890
ARMOR STONE (G)	TON	15400	$188.51	$2,903,054
				$0
				$0
				$0
				$0
				$0
				$0
==========	==========	==========	==========	==========
		Total Deletions		**$6,005,519**
ADDITIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
				$0
EXCAVATION	CY	18500	$6.62	$122,470
SHEETPILING (PZC 13)	SF	0	$0.00	$0
GEOTEXTILE	SY	5500	$14.85	$81,675
CHINKING STONE	TON	1341	$136.14	$182,564
MATS (L)	SY	5500	$189.00	$1,039,500
CORE STONE (G)	TON	0	$165.63	$0
ARMOR STONE (G)	TON	12878	$188.51	$2,427,632
GROUT	CY	242	$2,025.00	$490,050
				$0
				$0
				$0
				$0
==========	==========	==========	==========	==========
		Total Additions		**$4,343,891**
	Net Cost Decrease/Increase			**$1,661,629**
	Mark-ups	**0.00%**		**$0**
	Total Cost Decrease/Increase			**$1,661,629**
			Rounded:	

AMERICAN OVERSIGHT

PROPOSAL NO. P2E1. (Ideas 2.11, 8.18, 8.14): ***Groin Optimization (Optimize dimensions, use local stone in marine mattresses, replace sheet pile with chinking stone without grout).***

ORIGINAL DESIGN:

The original design for proposal P2B calls for chinking all three structures, then grouting the chinking stone.

PROPOSED DESIGN:

This proposal eliminates the grouting from the chinking for Proposal P2B. There are some opinions that if properly installed the grouting can be eliminated.

ADVANTAGES:

Eliminating the grouting will make the groin installation much easier, faster and less expensive.

DISADVANTAGES:

The structures could become slightly more permeable without the use of grout to seal voids in the chinking layer. This increase in permeability is expected to be minimal however. There is an increased chance that chinking stone could be washed out of the groins and onto adjacent beaches without grout to bind the chinking stone together.

JUSTIFICATION:

If upon further analysis and coordination the grouting can be eliminated, definite savings can be realized through cost savings by removal of the grouting from the bid schedule plus any additional savings associated with shortening the construction schedule.

AMERICAN OVERSIGHT

COST ESTIMATE WORK SHEETS

COST ESTIMATE WORKSHEET				
PROPOSAL NO.	**2E-1**	**2B w/o grout**		
Title:				
DELETIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
				$0
EXCAVATION	CY	53000	$6.62	$350,860
SHEETPILING (VINYL)	SF	34200	$28.70	$981,540
GEOTEXTILE	SY	9644	$14.85	$143,213
BEDDING STONE (G)	TON	8300	$136.14	$1,129,962
CORE STONE (G)	TON	3000	$165.63	$496,890
ARMOR STONE (G)	TON	15400	$188.51	$2,903,054
				$0
				$0
				$0
				$0
				$0
				$0
==========	==========	==========	==========	==========
		Total Deletions		**$6,005,519**
ADDITIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
				$0
EXCAVATION	CY	18500	$6.62	$122,470
SHEETPILING (PZC 13)	SF	0	$0.00	$0
GEOTEXTILE	SY	5833	$14.85	$86,620
CHINKING STONE	TON	1426	$136.14	$194,136
MATS (L)	SY	5833	$189.00	$1,102,437
CORE STONE (G)	TON	0	$165.63	$0
ARMOR STONE (G)	TON	13736	$188.51	$2,589,373
GROUT	CY	0	$2,025.00	$0
				$0
				$0
				$0
				$0
==========	==========	==========	==========	==========
		Total Additions		**$4,095,036**
	Net Cost Decrease/Increase			**$1,910,483**
	Mark-ups	**0.00%**		**$0**
	Total Cost Decrease/Increase			**$1,910,483**
			Rounded:	

AMERICAN OVERSIGHT

PROPOSAL NO. P2E2. (Ideas 2.11, 8.18, 8.14, 8.49): ***Groin Optimization (Optimize dimensions, use local stone in marine mattresses, replace sheet pile with chinking stone without grout, selectively shorten groins).***

ORIGINAL DESIGN:

The original design for proposal P2D calls for chinking all three structures, then grouting the chinking stone.

PROPOSED DESIGN:

This proposal eliminates the grouting from the chinking for Proposal P2D. There are some opinions that if properly installed the grouting can be eliminated.

ADVANTAGES:

Eliminating the grouting will make the groin installation much easier, faster and less expensive.

DISADVANTAGES:

The structures could become slightly more permeable without the use of grout to seal voids in the chinking layer. This increase in permeability is expected to be minimal however. There is an increased chance that chinking stone could be washed out of the groins and onto adjacent beaches without grout to bind the chinking stone together.

JUSTIFICATION:

If upon further analysis and coordination the grouting can be eliminated, definite savings can be realized through cost savings by removal of the grouting from the bid schedule plus any additional savings associated with shortening the construction schedule.

AMERICAN OVERSIGHT

COST ESTIMATE WORKSHEET				
PROPOSAL NO.	**2E-2**	**2D w/o grout**		
Title:				
DELETIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
				$0
EXCAVATION	CY	53000	$6.62	$350,860
SHEETPILING (VINYL)	SF	34200	$28.70	$981,540
GEOTEXTILE	SY	9644	$14.85	$143,213
BEDDING STONE (G)	TON	8300	$136.14	$1,129,962
CORE STONE (G)	TON	3000	$165.63	$496,890
ARMOR STONE (G)	TON	15400	$188.51	$2,903,054
				$0
				$0
				$0
				$0
				$0
				$0
==========	==========	==========	==========	==========
		Total Deletions		**$6,005,519**
ADDITIONS				
ITEM	**UNITS**	**QUANTITY**	**UNIT COST**	**TOTAL**
				$0
EXCAVATION	CY	18500	$6.62	$122,470
SHEETPILING (PZC 13)	SF	0	$0.00	$0
GEOTEXTILE	SY	5500	$14.85	$81,675
CHINKING STONE	TON	1341	$136.14	$182,564
MATS (L)	SY	5500	$189.00	$1,039,500
CORE STONE (G)	TON	0	$165.63	$0
ARMOR STONE (G)	TON	12878	$188.51	$2,427,632
GROUT	CY	0	$2,025.00	$0
				$0
				$0
				$0
				$0
==========	==========	==========	==========	==========
		Total Additions		**$3,853,841**
	Net Cost Decrease/Increase			**$2,151,679**
	Mark-ups	**0.00%**		**$0**
	Total Cost Decrease/Increase			**$2,151,679**
			Rounded:	

AMERICAN OVERSIGHT

From: Frank Walker <fwalker@flchamber.com>
Sent: Thursday, November 07, 2019 6:38 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Re: meeting request - FL Chamber Board Chair

Anything on the 13th?

Sent from my iPhone

On Nov 7, 2019, at 4:53 PM, Barnhill, Josh <Barnhill.Josh@flsenate.gov> wrote:

> Hey Frank,
>
> Does 4:15 pm on the 12th work for you?
>
> Josh Barnhill
> Legislative Aide
> Senator Joe Gruters, District 23
> Cell: (850) 933-9792
>
> On Nov 7, 2019, at 3:12 PM, Frank Walker <fwalker@flchamber.com> wrote:
>
> Vicki/Josh –
>
> The Florida Chamber of Commerce's newly elected Chairman of the Board of Directors, Charley Caulkins, will be in town Tuesday, **November 12** and Wednesday, **November 13**, for meetings with executive branch and legislative leaders. He requested that we try and schedule him a brief meeting with Senator Gruters on either day he is town to introduce himself and briefly discuss the 2020 legislative session.
>
> I know this is relatively last minute, but after all the good things he's heard about Joe, he's anxious to meet him. Let me know if you can squeeze him in.
>
> Thank you!
> Frank
>
> **Frank C. Walker, III**
> Vice President of Governmental Affairs
> Florida Chamber of Commerce
> 136 S. Bronough Street, Tallahassee, FL 32301
> P: 850.521.1200 | C: 850.661.0824 | www.FloridaChamber.com
>
> **Register Today: Transportation, Growth and Infrastructure Summit**
> December 5, 2019
> Hollywood, FL

AMERICAN OVERSIGHT

From: Frank Walker <fwalker@flchamber.com>
Sent: Thursday, November 07, 2019 6:46 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Re: meeting request - FL Chamber Board Chair

Bingo - thanks, amigo!

Sent from my iPhone

On Nov 7, 2019, at 6:42 PM, Barnhill, Josh <Barnhill.Josh@flsenate.gov> wrote:

> 9:30 am on the 13th?
>
> Josh Barnhill
> Legislative Aide
> Senator Joe Gruters, District 23
> Cell: (850) 933-9792
>
> On Nov 7, 2019, at 3:12 PM, Frank Walker <fwalker@flchamber.com> wrote:
>
> Vicki/Josh –
>
> The Florida Chamber of Commerce's newly elected Chairman of the Board of Directors, Charley Caulkins, will be in town Tuesday, **November 12** and Wednesday, **November 13**, for meetings with executive branch and legislative leaders. He requested that we try and schedule him a brief meeting with Senator Gruters on either day he is town to introduce himself and briefly discuss the 2020 legislative session.
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>
> Thank you!
> Frank
>
> **Frank C. Walker, III**
> Vice President of Governmental Affairs
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>
> **Register Today: Transportation, Growth and Infrastructure Summit**
> December 5, 2019
> Hollywood, FL

AMERICAN OVERSIGHT

From: Barnhill, Josh
Sent: Thursday, November 07, 2019 6:43 PM EST
To: Frank Walker <fwalker@flchamber.com>
Subject: Re: meeting request - FL Chamber Board Chair

9:30 am on the 13th?

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

On Nov 7, 2019, at 3:12 PM, Frank Walker <fwalker@flchamber.com> wrote:

Vicki/Josh –

The Florida Chamber of Commerce's newly elected Chairman of the Board of Directors, Charley Caulkins, will be in town Tuesday, **November 12** and Wednesday, **November 13**, for meetings with executive branch and legislative leaders. He requested that we try and schedule him a brief meeting with Senator Gruters on either day he is town to introduce himself and briefly discuss the 2020 legislative session.

I know this is relatively last minute, but after all the good things he's heard about Joe, he's anxious to meet him. Let me know if you can squeeze him in.

Thank you!
Frank

Frank C. Walker, III
Vice President of Governmental Affairs
Florida Chamber of Commerce
136 S. Bronough Street, Tallahassee, FL 32301
P: 850.521.1200 | C: 850.661.0824 | www.FloridaChamber.com

Register Today: Transportation, Growth and Infrastructure Summit
December 5, 2019
Hollywood, FL

AMERICAN OVERSIGHT

From: Barnhill, Josh
Sent: Thursday, November 07, 2019 4:54 PM EST
To: Frank Walker <fwalker@flchamber.com>
Subject: Re: meeting request - FL Chamber Board Chair

Hey Frank,

Does 4:15 pm on the 12th work for you?

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

On Nov 7, 2019, at 3:12 PM, Frank Walker <fwalker@flchamber.com> wrote:

Vicki/Josh –

The Florida Chamber of Commerce's newly elected Chairman of the Board of Directors, Charley Caulkins, will be in town Tuesday, **November 12** and Wednesday, **November 13**, for meetings with executive branch and legislative leaders. He requested that we try and schedule him a brief meeting with Senator Gruters on either day he is town to introduce himself and briefly discuss the 2020 legislative session.

I know this is relatively last minute, but after all the good things he's heard about Joe, he's anxious to meet him. Let me know if you can squeeze him in.

Thank you!
Frank

Frank C. Walker, III
Vice President of Governmental Affairs
Florida Chamber of Commerce
136 S. Bronough Street, Tallahassee, FL 32301
P: 850.521.1200 | C: 850.661.0824 | www.FloridaChamber.com

Register Today: Transportation, Growth and Infrastructure Summit
December 5, 2019
Hollywood, FL

AMERICAN OVERSIGHT

From: Gordonwaldo <gwaldo@fsu.edu>
Sent: Thursday, February 06, 2020 9:58 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Re: Meeting Request

Yes that will work.

Sent from my Verizon Motorola Smartphone
On Feb 6, 2020 9:49 AM, "Barnhill, Josh" <Barnhill.Josh@flsenate.gov> wrote:

1:15 pm on the 11th?

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

On Feb 6, 2020, at 9:30 AM, Gordonwaldo <gwaldo@fsu.edu> wrote:

Hi Josh, Please reschedule for next week. Thank you. Gordon

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On Jan 29, 2020, at 5:16 PM, Gordon Waldo <gwaldo@fsu.edu> wrote:

11:00 on the 6th will work great for me. Thank you for your assistance.

gordon

From: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Sent: Wednesday, January 29, 2020 2:55 PM
To: Gordon Waldo <gwaldo@fsu.edu>
Subject: Re: Meeting Request
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Hello Mr. Barnhill,
This is Dr. Gordon Waldo, Professor Emeritus in the College of Criminology and Criminal

AMERICAN OVERSIGHT

Justice at Florida State University.
I would like to schedule a meeting with Senator Gruter as soon as possible to discuss some criminal justice issues. Next week would be good for me but the following week, or even later if necessary, will be okay. Monday is the only day I cannot arrange a meeting because of my teaching schedule, but I can work around all of my other activities on Tuesday, Wednesday, and Thursday. Friday is a possibility but less convenient for me.
If you have any questions or there is anything you would like to discuss prior to setting a meeting date you can call me at 850-228-1200 or e-mail me at gwaldo@fsu.edu
Thank you for your consideration
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AMERICAN OVERSIGHT

From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Tuesday, November 12, 2019 10:04 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: RE: Meeting Request

Good Morning Josh!

The Secretary is traveling today and tomorrow. Any chance he has some availability on Thursday afternoon or Friday morning? We only need about 15 min.

Thank you!

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

From: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Sent: Thursday, November 7, 2019 4:52 PM
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: Re: Meeting Request

EMAIL RECEIVED FROM EXTERNAL SOURCE

Brittany,

Does 4:45 pm on the 12th work?

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

> On Nov 7, 2019, at 10:38 AM, Dover, Brittany N. <Brittany.Dover@dos.myflorida.com> wrote:
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> Good Morning!
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> **Brittany N. Dover**
> **Legislative Affairs Director**
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> **850.245.6509 (office)**
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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Thank you for your consideration

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AMERICAN OVERSIGHT

From: Barnhill, Josh
Sent: Thursday, November 07, 2019 4:51 PM EST
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: Re: Meeting Request

Brittany,

Does 4:45 pm on the 12th work?

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

On Nov 7, 2019, at 10:38 AM, Dover, Brittany N. <Brittany.Dover@dos.myflorida.com> wrote:

Good Morning!

The Secretary of State and myself would like to schedule a meeting with the Senator at his convenience to discuss legislation that we are looking at proposing from the Department of State. Do you mind looking at his calendar and letting me know when would be a good time for him to meet with us (next week is good) for 15 min.?

Thank you much!

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

AMERICAN OVERSIGHT

From: Barnhill, Josh
Sent: Tuesday, November 12, 2019 10:08 AM EST
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: Re: Meeting Request

Hi Brittany,

Unfortunately, he is leaving town Wednesday night. We can move it to next committee week in December if that works.

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

On Nov 12, 2019, at 10:05 AM, Dover, Brittany N. <Brittany.Dover@dos.myflorida.com> wrote:

Good Morning Josh!

The Secretary is traveling today and tomorrow. Any chance he has some availability on Thursday afternoon or Friday morning? We only need about 15 min.

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EMAIL RECEIVED FROM EXTERNAL SOURCE

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850.274.3105 (cell)

AMERICA OVERSIGHT

AMERICAN OVERSIGHT

From: Kerr, GeeDee
Sent: Tuesday, February 04, 2020 4:40 PM EST
To: Amber Widgery <amber.widgery@ncsl.org>
Subject: RE: NCSL Invitation

Thank you for this invitation to Senator Gruters to attend the NCSL event on Feb 7 and 8th. Unfortunately, Senator Gruters will not be able to join you due to a previous commitment.

From: Amber Widgery <amber.widgery@ncsl.org>
Sent: Tuesday, February 4, 2020 11:06 AM
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: NCSL Invitation

Thank you for taking my call just now. I've attached the invitation. You can ignore the registration link, we would take care of that for you on our end if the Senator decides he can attend.

Regards,

Amber

Amber Widgery, Esq.
National Conference of State Legislatures
Senior Policy Specialist, Criminal Justice Program
303.856.1466 (o) | 303.601.4289 (m)

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

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AMERICAN OVERSIGHT

From: Amber Widgery <amber.widgery@ncsl.org>
Sent: Tuesday, February 04, 2020 4:42 PM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: RE: NCSL Invitation

Thanks for letting me know!

Amber Widgery, Esq.
National Conference of State Legislatures
Senior Policy Specialist, Criminal Justice Program
303.856.1466 (o) | 303.601.4289 (m)



From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
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AMERICAN OVERSIGHT

From: Kerr, GeeDee
Sent: Thursday, October 10, 2019 12:23 PM EDT
To: erquiaga1@verizon.net <erquiaga1@verizon.net>
Subject: RE: Please support SB 404/HB 265 Parental Consent Prior to a Minor's Abortion

Thank you for contacting our office.
Senator Gruters is co-sponsoring this legislation.

-----Original Message-----
From: Victoria Erquiaga <user@votervoice.net>
Sent: Tuesday, October 8, 2019 3:14 PM
To: Joe Gruters (Web) <Gruters.Joe.Web@flsenate.gov>
Subject: Please support SB 404/HB 265 Parental Consent Prior to a Minor's Abortion

Dear Senator Gruters,

As a general rule, a parent must consent to a minor's medical treatment. The same should be true for abortion.

Abortion can involve lifelong emotional and physical trauma, especially for minors. Family involvement is critical when making an irreversible decision, especially one that ends a life.

Please sign on as a co-sponsor of SB 404/HB 265 and support the successful passage of this important legislation.

Sincerely,

Victoria Erquiaga
1200 Thicket Ln
Sarasota, FL 34240
erquiaga1@verizon.net

AMERICAN OVERSIGHT

From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Tuesday, January 07, 2020 9:49 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: RE: SB 1212
Attachment(s): "State Protocol Officer Talking Points.docx"

Hi Victoria!

Happy New Year to you as well! Sorry for my delay I am just getting back to the office after a week out. I have attached the Talking Points for SB 1212 and we are still working on securing a House sponsor…it looks like we will probably run it as a PCB.

We are closing the details within the next day or so, I will follow up with you once our plan is in play.

Thank you so much!

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

From: Brill, Victoria <Brill.Victoria@flsenate.gov>
Sent: Monday, January 6, 2020 11:08 AM
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: FW: SB 1212

EMAIL RECEIVED FROM EXTERNAL SOURCE

Hi Brittany,

Happy New Year! I am following up on my e-mail below. Could you please let me know about talking points as well as a House Sponsor?

Thanks!
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Brill, Victoria
Sent: Monday, December 16, 2019 4:20 PM
To: 'Dover, Brittany N.' <Brittany.Dover@dos.myflorida.com>
Subject: SB 1212

Hi Brittany,

I hope this e-mail finds you well. I wanted to see if you had talking points and background for SB 1212? Also, I wrote down Rep. Jamie Grant was potentially going to sponsor the legislation in the House. Is that correct?

I look forward to the updates.

Thank you,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

AMERICAN OVERSIGHT

State Protocol Officer (Office of International Affairs) Talking Points:

- State protocol officer functions resided with the Secretary of State as the state protocol officer prior to 2004, when they were transferred to the Office of Tourism, Trade and Economic Development within the Office of Governor.

- In 2011, some functions were delegated to the newly created Department of Economic Opportunity while the majority became duties of a state protocol officer to be named by the Governor and to be housed within the EOG.

- This bill returns certain state protocol officer and intergovernmental relations functions back to the Secretary of State.

- Bill requires (1) FTE at $117,896 for FY 20-21. Which has been included in the Governor's recommended budget.

- The bill removes the purpose statement of the sister city and sister state program and makes discretionary certain activities thereunder such as establishing new programs as needed.

- The bill removes issuing certificates to foreign governmental officials after verification pursuant to proper investigations through the United States DOS and the appropriate foreign government.

- The bill removes verifying entitlement to sales and use tax exemptions pursuant to the United States DOS guidelines and identification methods.

- The bill removes maintaining a current and accurate listing of all such affiliations.

- Lastly, the bill removes the language prescribing certain parameters on the sister city and state affiliations.

AMERICAN OVERSIGHT

From: Mark Huey <mhuey@edcsarasotacounty.com>
Sent: Monday, December 02, 2019 6:04 PM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>; Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: RE: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Thanks for the introduction GeeDee.

Josh, let me know if you have any questions.

Mark Huey
President & CEO
Economic Development Corporation of Sarasota County
1680 Fruitville Road, Suite 402
Sarasota, FL 34236
(t) 941.309.1200 ext. 100 (f) 941.309.1209
(toll free) 1.888.ROLL.SRQ - 1.888.765.5777
http://www.edcsarasotacounty.com

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EDC
ECONOMIC DEVELOPMENT CORPORATION
SARASOTA COUNTY

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EDC Chairman's Advisors: Baltimore Orioles; Bank of Tampa; Benderson Development Company, LLC; CareerSource Suncoast; CenterState Bank; Coldwell Banker Residential Real Estate, Inc.; Comcast Business; FCCI Insurance Group; Florida Power and Light Company; Gulf Coast Community Foundation; Herald-Tribune Media Group; Lakewood Ranch Commercial Realty; Michael Saunders & Company; On Ideas; PGT Innovations; PNC Financial Services Group; Premier Community Bank; Ringling College of Art and Design; S-One Holdings Corporation; Sarasota-Bradenton International Airport; Sarasota Magazine; Sarasota Memorial Health Care System; Shumaker, Loop & Kendrick, LLP; SunTrust, TECO Energy/Peoples Gas; University of South Florida Sarasota-Manatee; Wells Fargo

EDC Founders: Buchanan Automotive Group; Casto Lifestyle Properties; Coldwell Banker Residential Real Estate, Inc.; Gulf Coast Community Foundation; Halfacre Construction Company; Kerkering, Barberio & Co.; Michael Saunders & Company; Osprey Real Estate Services; RE/MAX Alliance Group; Realtor Association of Sarasota and Manatee; Schroeder-Manatee Ranch, Inc.; SunTrust; Verizon; Wagner Realty; Williams Parker Harrison Dietz & Getzen; WilsonMiller - Stantec, Inc.

srq SARASOTA BRADENTON INTERNATIONAL

You'll *fly* through here.

From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Monday, December 2, 2019 2:22 PM
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Cc: Mark Huey <mhuey@edcsarasotacounty.com>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Josh:
Mark Huey, the Executive Director for the Sarasota EDC, called today and was wondering about the status of this request.
I have included him in this e-mail.
It is a Tallahassee scheduling matter. He knows you do not have the calendar for that week yet, but he wanted your contact info.
GeeDee

AMERICAN OVERSIGHT

From: Mark Huey <mhuey@edcsarasotacounty.com>
Sent: Tuesday, November 19, 2019 1:50 PM
To: Joe Gruters <jg@joegruters.com>
Cc: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Greetings Senator Gruters.

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President & CEO
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1680 Fruitville Road, Suite 402
Sarasota, FL 34236
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SARASOTA COUNTY

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AMERICAN OVERSIGHT



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INTERNATIONAL

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AMERICAN OVERSIGHT

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Sent: Monday, December 02, 2019 6:58 PM EST
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From: Beth Cicchetti, CEcD <Bkirkland@fedconline.org>
Sent: Tuesday, December 03, 2019 9:54 AM EST
To: Mark Huey <mhuey@edcsarasotacounty.com>; Barnhill, Josh <Barnhill.Josh@flsenate.gov>
CC: Jill Blackman <jblackman@fedconline.org>
Subject: RE: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Thank you, Mark. Josh, we are looking at Thursday Feb 6 for the Capitol Press Event to launch Florida Economic Development Week, which is planned for Feb 9-15. How does this date look for Senator Gruters? Once we have confirmation from your office, we can work with the Sergeant at Arms to schedule the appropriate Capitol location. I can supply a copy of the 2019 resolution presented by Senator Gruters if need be.

Thank you,

Beth

Beth Cicchetti, CEcD
Executive Director
Florida Economic Development Council
3551 Blairstone Rd., Ste. 105-138
Tallahassee, FL 32301
850.212.1056
www.FEDConline.org
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FEDC

From: Mark Huey <mhuey@edcsarasotacounty.com>
Sent: Tuesday, December 3, 2019 9:34 AM
To: Beth Cicchetti, CEcD <Bkirkland@fedconline.org>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Hi Beth. Meet Josh below. He will assist in working with you/ FEDC in coordinating Sen. Gruters participation in Economic Development Week.

Thanks Josh!

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Senator Joe Gruters, District 23
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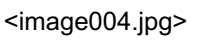
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Follow the EDC on Facebook, Youtube, LinkedIn and Twitter

EDC Chairman's Advisors: Baltimore Orioles; Bank of Tampa; Benderson Development Company, LLC; CareerSource Suncoast; CenterState Bank; Coldwell Banker Residential Real Estate, Inc.; Comcast Business; FCCI Insurance Group; Florida Power and Light Company; Gulf Coast Community Foundation; Herald-Tribune Media Group; Lakewood Ranch Commercial Realty; Michael Saunders & Company; On Ideas; PGT Innovations; PNC Financial Services Group; Premier Community Bank; Ringling College of Art and Design; S-One Holdings Corporation; Sarasota-Bradenton International Airport; Sarasota Magazine; Sarasota Memorial Health Care System; Shumaker, Loop & Kendrick, LLP; SunTrust, TECO Energy/Peoples Gas; University of South Florida Sarasota-Manatee; Wells Fargo

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AMERICAN OVERSIGHT



From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Monday, December 2, 2019 2:22 PM
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Cc: Mark Huey <mhuey@edcsarasotacounty.com>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Josh:
Mark Huey, the Executive Director for the Sarasota EDC, called today and was wondering about the status of this request.
I have included him in this e-mail.
It is a Tallahassee scheduling matter. He knows you do not have the calendar for that week yet, but he wanted your contact info.
GeeDee

From: Mark Huey <mhuey@edcsarasotacounty.com>
Sent: Tuesday, November 19, 2019 1:50 PM
To: Joe Gruters <jg@joegruters.com>
Cc: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: FW: SCHEDULE- FEDC 2020 Florida Economic Development Week February 9-15

Greetings Senator Gruters.

The Florida Economic Development Council would again like to invite you to return as the host of the Capitol press event announcing Florida Economic Development Week. The press event will take place Thursday, Feb 6, preferably outside the Senate Chambers. However, this year session will have begun, whereas last year, we were in committee weeks. Our intention is to partner with the Association of Florida Colleges Council of Presidents as we did last year. It was a tremendous event that received great press coverage and launched a week of social media highlighting the impact of economic development in Florida. Photos from last year are attached.

Ideally, FEDC would like to schedule a call or a meeting with Senator Gruters to plan the press event. Would very much like to get his support in inviting a House member to join him in providing resolutions in support of Florida Economic Development Week. Another new component this year, is the interest of the Governor's office to potentially participate in the press event. This could be in the form of a resolution and/or remarks from Jamal Sowell.

Here is a link to the FEDC Feature in Expansion Solutions magazine. It is a great piece that showcases the reach and impact of FEDC in improving Florida communities and elevating Florida's global competitiveness. https://expansionsolutionsonline.advanced-pub.com/?issueID=39&pageID=80

Thanks for your consideration, and for all you are doing to prosper Florida citizens.

Mark Huey
President & CEO
Economic Development Corporation of Sarasota County
1680 Fruitville Road, Suite 402
Sarasota, FL 34236
(t) 941.309.1200 ext. 100 (f) 941.309.1209
(toll free) 1.888.ROLL.SRQ - 1.888.765.5777
http://www.edcsarasotacounty.com
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AMERICAN OVERSIGHT

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<image008.jpg>

AMERICAN OVERSIGHT

From: Kerr, GeeDee
Sent: Monday, February 10, 2020 1:54 PM EST
To: edtaylor <edtaylor@comcast.net>
Subject: RE: Senator Gruter's March Schedule

Ed:
Just as an fyi….we won't know for sure until March 12th….next to last day of Session.
GeeDee

From: edtaylor <edtaylor@comcast.net>
Sent: Monday, February 10, 2020 1:00 PM
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>; Laura Benson <laurabenson62@gmail.com>
Cc: Kathy Lehner <KLehner@venicechamber.com>
Subject: Re: Senator Gruter's March Schedule

Dear GeeDee,
Thank you. We have another program tentatively scheduled for that day. We will move them to April once we know Sen. Gruters is a go. Please let us know as soon as possible.
best,
ed taylor
c# 941.650.6088

date/venue:
Friday, March 27, 2020
Hotel Venezia
425 U.S. 41 ByPass
Venice, Florida 34285

Registration: 11:30a.m.
Lunch: 11:45a.m.
Call to order/program: 12:15p.m.
Adjourn: 1:30p.m.

On 2/10/2020 11:33 AM, Kerr, GeeDee wrote:

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AMERICAN OVERSIGHT

From: Kathy Lehner <klehner@venicechamber.com>
Sent: Saturday, February 8, 2020 2:38 PM
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>; Laura Benson <laurabenson62@gmail.com>
Subject: FW: Senator Gruter's March Schedule

I think GeeDee may not have received any of these…
So I've tried this address….
Sincerely,

kathy

Kathy Lehner
President/CEO

Venice Area Chamber of Commerce
597 Tamiami Trail S.
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(941) 488-2236
(941) 800-1403
www.venicechamber.com

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To: Laura Benson <laurabenson62@gmail.com>; Kerr.geedee@glsenate.com
Subject: RE: Senator Gruter's March Schedule

Hey Geedee,
Hey Laura,
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Sorry for any misunderstanding….

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From: Laura Benson <laurabenson62@gmail.com>
Sent: Friday, February 7, 2020 11:00 AM
To: Kerr.geedee@glsenate.com
Cc: Ed Taylor <edtaylor@comcast.net>; Kathy Lehner <klehner@venicechamber.com>
Subject: Senator Gruter's March Schedule

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AMERICAN OVERSIGHT

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Laura Benson
Florida Realtors Key Contact to Senator Gruters
South County Tiger Bay Board member
(941) 780-4348

AMERICAN OVERSIGHT

From: edtaylor <edtaylor@comcast.net>
Sent: Monday, February 10, 2020 4:17 PM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Re: Senator Gruter's March Schedule

thanks GeeDee - that cuts it razor thin but it is what it is.
I understand.
many thanks.

On 2/10/2020 1:54 PM, Kerr, GeeDee wrote:

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> **ed taylor**
> **c# 941.650.6088**
>
> **date/venue:**
> **Friday, March 27, 2020**
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> **Venice, Florida 34285**
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Florida Realtors Key Contact to Senator Gruters
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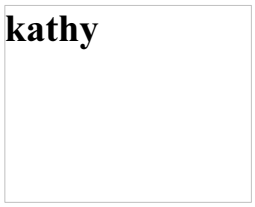
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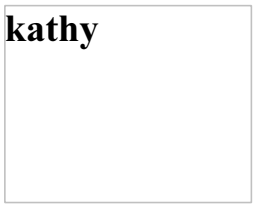
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Laura Benson
Florida Realtors Key Contact to Senator Gruters
South County Tiger Bay Board member

AMERICAN OVERSIGHT

(941) 780-4348

AMERICAN OVERSIGHT

From: Langston, Jennifer <JenniferLangston@flhsmv.gov>
Sent: Tuesday, January 21, 2020 4:40 PM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>; LADHelp <LADHelp@flhsmv.gov>
Subject: RE: Senator Gruters constituent Fred Nassar re: Amateur Radio Special License Plate

Hi GeeDee,

We will have staff take another look at this one and reach out to Mr. Nassar.

Thx,
Jennifer

From: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Sent: Tuesday, January 21, 2020 1:50 PM
To: Langston, Jennifer <JenniferLangston@flhsmv.gov>
Subject: [EXT] Senator Gruters constituent Fred Nassar re: Amateur Radio Special License Plate

Good morning Jennifer:
Our constituent has a question,,pls see below e-mail
Name: Fred Nassar
Address: **1336 Natrona Dr.North Port, FL 34286**
Tel # 903-204-2666

Please let me know if you need anything further from me.
Thank you.
GeeDee

Dear Senator Gruters:
I wrote the Department back in November concerning an issue I was having obtaining an amateur radio specialty plate for my vehicle. Currently, my assigned FCC call sign is currently in use and the Department is not inclined to recall or re-issue the plate. I went back and looked at the statute (provided below for your convenience) again and wanted to suggest another way to have an amateur radio specialty plate issued to my vehicle that includes my call sign. I would like to get your feedback to see if the Department would issue such a plate without going through a vanity plate. My suggestion is to issue the **amateur specialty plate** with my call sign preceded with a prefix. That way the tag is unique and still contains my call sign and would meet the statute. I would propose the plate "CQ KE4Q" . Is this something the Department would approve, and if so would I be able to make application through the local DMV office?

Thank you,
Fred Nassar

20.083 Amateur radio operators; special license plates; fees.—

(1) A person who is the owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use; who is a resident of the state; and who holds a valid official amateur radio station license recognized by the Federal Communications Commission **shall be issued a special license plate upon application**, accompanied by proof of ownership of such radio station license, and payment of the following tax and fees:

(a) The license tax required for the vehicle, as prescribed by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b), (c), (d), (e), or (f), or (9); and

(b) An initial additional fee of $5, and an additional fee of $1.50 thereafter.

(2) The license plate issued shall meet the requirements of s. 320.06, **except that, in lieu of the numbers as prescribed by s. 320.06, it shall be inscribed with the official amateur radio call letters of the applicant, as assigned by the Federal Communications Commission,** including as a prefix, when applicable, those call letters assigned by the Armed Services of the United States of America, not to exceed eight characters. In lieu of the name of the county or the designation “Sunshine State” on the bottom of the plate as prescribed in s. 320.06, the words “Amateur Radio” shall be inscribed.

(3) All applications for such plates shall be made to the department.

320.06(6) F.S.

(6) All license plates issued pursuant to this chapter are the property of the state.

On Wed, Dec 4, 2019 at 10:57 AM LADHelp <LADHelp@flhsmv.gov> wrote:

> Good morning Mr. Nassar,
> Thank you for reaching out to the Department of Highway Safety and Motor Vehicles regarding your specialty plate request. I have been asked to review and respond to your request.
> Our Department does comply with statute to issue amateur radio license plates, however, we do not issue plates with the same configuration. I did speak to Paula, our specialty and special license plate expert (whom you have previously spoken to). The Department does typically recall plates that are deemed offensive or plates where the applicant no longer meets statutory criteria to possess them, but it is not regular practice to recall plates for other reasons.
> Since this request was asking the Bureau of Issuance Oversight to go beyond common practices and procedures, I felt it warranted

AMERICAN OVERSIGHT

review by the Director of Motorist Services, Robert Kynoch. He understood your concern and considered the request. Ultimately, since your request would greatly inconvenience another constituent who has done nothing in this case to warrant the action, he decided against fulfilling your request to recall their plate. The desired configuration may come available in September of 2029, unless the other driver changes their plate of their own volition before that time.

Respectfully,

Patrice DeVore
Legislative Liaison
Office of Legislative Affairs
Department of Highway Safety and Motor Vehicles
For constituent assistance, please e-mail: LADhelp@flhsmv.gov

FLHSMV
FLORIDA HIGHWAY SAFETY AND MOTOR VEHICLES

From: Fred Nassar <fnassar62@gmail.com>
Sent: Tuesday, November 26, 2019 11:45 AM
To: Hatcher, Karen <KarenHatcher@flhsmv.gov>
Cc: gruters.joe@flsenate.gov; james.buchanan@myfloridahouse.gov
Subject: [EXT] Amateur Radio Special License Plate

Ms. Hatcher, I was referred to you as someone who could, or put me in touch with someone who may be able to help me resolve an issue I am having with obtaining an amateur radio license plate under F.S. 320.083 for my vehicle.

Here is my problem: I am the current holder of the FCC issued amateur radio call sign KE4Q. I understand this configuration is already in use on an Enduring Freedom specialty plate. I also understand that this was a random Department issued plate (e.g. not a vanity/personalized plate). The statute below (I have highlighted pertinent sections) indicates the Department shall issue a special license plate upon application, showing proof of license and paying applicable fees. I have spoken to your staff at the local tag office and in Tallahassee and they are telling me that the Department will not recall a tag already in use to accommodate my request.

I can not find anything in the F.A.C. or F.S. that addresses this conflict. However, Section 320.06(6) indicates all plates are property of the State and it seems that the Department has the authority to recall a tag. This is certainly true with offensive personalized plates. I would like to appeal this to someone and ask the Department to comply with the Statute. Since the configuration I am seeking is not a personalized plate, it seems logical that the plate in question could be recalled and reissued with another configuration for the current registration holder. Thus, allowing you to comply with the Statue and my request.

I look forwarded to hearing back from you. I have also copied my local representative in the hopes that my request can be evaluated further.

Thank you,
Frederick Nassar
1336 Natrona Dr.
North Port, FL 34286

320.083 Amateur radio operators; special license plates; fees.—

(1) A person who is the owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use; who is a resident of the state; and who holds a valid official amateur radio station license recognized by the Federal Communications Commission shall be issued a special license plate upon application, accompanied by proof of ownership of such radio station license, and payment of the following tax and fees:

(a) The license tax required for the vehicle, as prescribed by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b), (c), (d), (e), or (f), or (9); and

(b) An initial additional fee of $5, and an additional fee of $1.50 thereafter.

(2) The license plate issued shall meet the requirements of s. 320.06, except that, in lieu of the numbers as prescribed by s. 320.06, it shall be inscribed with the official amateur radio call letters of the applicant, as assigned by the Federal Communications Commission, including as a prefix, when applicable, those call letters assigned by the Armed Services of the United States of America, not to exceed eight characters. In lieu of the name of the county or the designation "Sunshine State" on the bottom of the plate as prescribed in s. 320.06, the words "Amateur Radio" shall be inscribed.

(3) All applications for such plates shall be made to the department.

320.06(6) F.S.

(6) All license plates issued pursuant to this chapter are the property of the state.

CAUTION: This email originated from outside of the organization.

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Please Note: Florida has very broad public records laws. Unless a statutory exemption applies, emails are subject to public disclosure.
This email has been scanned by the Symantec Email Security.cloud service.

From: Frank Walker <fwalker@flchamber.com>
Sent: Wednesday, October 09, 2019 11:25 AM EDT
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
CC: Emily Fisher <efisher@flchamber.com>
Subject: RE: speaking invite

Awesome – much appreciated. Get him booked pronto if he's staying overnight

Frank C. Walker, III
Vice President of Governmental Affairs
Florida Chamber of Commerce
136 S. Bronough Street, Tallahassee, FL 32301
P: 850.521.1200 | C: 850.661.0824 | www.FloridaChamber.com

Join the Conversation to Secure Florida's Future.

Register Today: Future of Florida Forum
October 28-29, 2019
Orlando, FL

From: Barnhill, Josh [mailto:Barnhill.Josh@flsenate.gov]
Sent: Wednesday, October 09, 2019 11:25 AM
To: Frank Walker <fwalker@flchamber.com>
Subject: Re: speaking invite

Hey Frank,

Thanks for letting me know, there's no conflicts on our end so I'm adding it to the calendar. See you next week.

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

> On Oct 9, 2019, at 10:58 AM, Frank Walker <fwalker@flchamber.com> wrote:
>
> Josh,
>
> Hope you're well, amigo. Spoke with the Senator about the below and got a big yes from him on the ask but of course want to make sure everything lines up from a calendar perspective. See below and let me know when we can confirm him and start marketing his attendance to potential attendees:
>
> WHAT: Florida Chamber of Commerce's Annual Meeting, the Future of Florida Forum
> WHERE: Hyatt Regency Grand Cypress, Orlando, FL
> WHEN: Monday, October 28 @ 12:40pm
>
> ASK: 10-12 min TED talk on Internet Sales Tax - tentatively would list it in the program as"Online Sales Tax: It's a Fairness Issue"
>
> More details, including hotel room block (which is quickly filling up) here:https://www.flchamber.com/event_post/future-of-florida-forum/
>
> Of course we'd love to have him stay for as much of the program (Oct 28-29) as his schedule allows.
>
> Thanks,
> Frank
>
> **Frank C. Walker, III**
> Vice President of Governmental Affairs
> Florida Chamber of Commerce
> 136 S. Bronough Street, Tallahassee, FL 32301
> P: 850.521.1200 | C: 850.661.0824 | www.FloridaChamber.com
>
> **Join the Conversation to Secure Florida's Future.**
>
> Register Today: Future of Florida Forum
> October 28-29, 2019
> Orlando, FL

AMERICAN OVERSIGHT

From: Barnhill, Josh
Sent: Wednesday, October 09, 2019 11:24 AM EDT
To: Frank Walker <fwalker@flchamber.com>
Subject: Re: speaking invite

Hey Frank,

Thanks for letting me know, there's no conflicts on our end so I'm adding it to the calendar. See you next week.

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

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Josh,

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Of course we'd love to have him stay for as much of the program (Oct 28-29) as his schedule allows.

Thanks,
Frank

Frank C. Walker, III
Vice President of Governmental Affairs
Florida Chamber of Commerce
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Join the Conversation to Secure Florida's Future.

Register Today: Future of Florida Forum
October 28-29, 2019
Orlando, FL

AMERICAN OVERSIGHT

From: Phil Masi <phil.masi@assuredpartners.com>
Sent: Thursday, October 17, 2019 11:33 AM EDT
To: Mercier, Matthew <mmercier@CBIZ.com>; Webb, Jennifer <Jennifer.Webb@myfloridahouse.gov>; Buchanan, James <James.Buchanan@myfloridahouse.gov>; Gruters, Joe <Gruters.Joe@flsenate.gov>
CC: Stitt, Bill <bstitt@CBIZ.com>; Travis W. Moore <travis@moore-relations.com>; Craig N. Holland <cnh@babbins.com>; Barnhill, Josh <Barnhill.Josh@flsenate.gov>; Lewis, Jessica <Jessica.Lewis@myfloridahouse.gov>; Negar Sharifi <negar.sharifi@assuredpartners.com>; Jennica Mandarano <jennica.mandarano@assuredpartners.com>; Christie Lawrence <Christie.Lawrence@assuredpartners.com>
Subject: RE: Subrogation impacting Florida Communities

Matt: Thank you very much for your detailed email. For the Representatives on this email I can back up what Matt is saying 100%. I have been specializing in the Community Association industry for 15 years and my partner Negar and I insure over 500 condo associations through out the State. I have been heavily involved with CAI (Community Association Institute) on the local and National level as well. This homeowner carrier subrogation issue is causing real harm to associations. Two quick points I would add below for you all to consider…

- **AOB Fight:** As you all know there was a lot of pressure from insurance carriers to pass AOB legislation due to what the carriers felt were unfair practices that were hurting the carrier's ability to do business in the State. I find this issue to be very similar and creates a hypocritical position for the carriers. The carriers that are pursuing this subrogation are absolutely taking advantage of a loop hole in the law that shouldn't be there that only serves their interest. Very similar to how they felt about the law firms pushing the AOBs.

- **Carriers Argument to Keep It:** I have yet to hear any insurance carrier provide a compelling reason why they need to keep the ability for this subrogation in the law the way it is currently constructed. I also have no idea how carriers that are practicing this can defend it and I bet they wouldn't want to publicly because it plays horribly. It is absolutely self-serving and in the end defeats the purpose of the insurance policy. They are an insurance carrier in place to pay property insurance claims. The ability to blindly subrogate any claim paid regardless of fact to recoup whatever payments you can is nothing more than an opportunistic money grab. I have seen them do this on claims in the Panhandle with Hurricane Michael. How is the condo association negligent or responsible for a Category 5 hurricane causing damage to the interior of a condo unit? To me situations like the Hurricane Michael claim subrogation shows exactly what this is about. The carriers aren't even looking at the merits of these cases, they are just subrogating everything because they can. See details of one of these below that should tell you everything you need to know…

Message Details:
Name: KENELMA ZAHARIS
Email: kz0423@universalproperty.com
Add a message: Please be advised that Universal Property and Casualty Insurance Company ("Universal") insures KAREN HUFF under the above-referenced policy. Universal is writing to you with respect to a considerable amount of property damage that occurred to our insured's property. The damage occurred on or about 10/10/2018; as a result of a roof leak. Universal is looking to you for assistance with obtaining all documents pertaining to this loss. Universal's policyholder has filed a claim for property damage, please note this letter will serve as Universal's notice that it will be exercising its subrogation rights against the at fault party for the damages to the residence 8817 S THOMAS DR UNIT 123, PANAMA CITY BEACH, FL 32408. Finally, please read the following carefully; according to Florida Statute §627.4137, your disclosure of certain information is required within thirty (30) days. Pursuant to Florida State Statute §627.4137, please provide Universal with a copy of the incident report created for this loss. Please allow this correspondence to serve as our formal written request for your participation. By the above Florida Statute, you have thirty (30) days to respond to this request. Should you have any questions, please do not hesitate to contact me at telephone number 954-958-1200 extension 6554 or by e-mail at kz0423@universalproperty.com. Thank you for your prompt attention to this correspondence. We would like to settle this matter in the most amicable method possible. Sincerely, Kenelma Zaharis Subrogation Examiner

I hope this helps and anything I can do or my team can do please do not hesitate to let us know. Thank you all for your time and your service to our State.

Phillip Masi, CIRMS
Agency President

AssuredPartners

Direct: 407-278-1627
Cell: 407-756-4538
300 Colonial Center Parkway | Suite 270 | Lake Mary, FL 32746
pmasi@assuredptr.com
www.assuredptr.com

From: Mercier, Matthew <mmercier@CBIZ.com>
Sent: Wednesday, October 16, 2019 9:36 AM
To: Jennifer.Webb@myfloridahouse.gov; James.Buchanan@myfloridahouse.gov; gruters.joe@flsenate.gov
Cc: Stitt, Bill <bstitt@CBIZ.com>; Travis W. Moore <travis@moore-relations.com>; Craig N. Holland <cnh@babbins.com>; Barnhill, Josh <Barnhill.Josh@flsenate.gov>; Lewis, Jessica <Jessica.Lewis@myfloridahouse.gov>; Phil Masi <phil.masi@assuredpartners.com>; Negar Sharifi <negar.sharifi@assuredpartners.com>
Subject: Subrogation impacting Florida Communities

AMERICAN OVERSIGHT

Importance: High

Good Morning Senator Gruters, Representative Buchanan, and Representative Webb,

First and foremost, thank you for everything you do for the Great State of Florida. As a native of Florida, I am grateful for the blood, sweat and tears you put into serving the people of Florida.

I am writing you this morning to voice my concerns about the insurance subrogation issue in the State of Florida. In the past week alone, I've had three separate associations in Sarasota and Manatee Counties served with a demand letter from the insurance company Universal.

A few years ago, when rewriting the condominium law, changes were made to the special assessments and other association's issues, and the *waiver of subrogation* was to be moved to an insurance bill, but it was overlooked. This oversight allows the condo unit owners insurance carrier, that writes an HO-6 policy, to sue the associations and is now producing thousands of subrogation claims against condominium associations throughout the State of Florida.

These demands claim negligence on behalf of the associations and that the association is responsible for these damages due to the association's negligence in maintaining these common area pipes, which is not reasonable for an association to constantly maintain and replace piping behind the walls. The majority of claims are from sudden and accidental water damage, the most common case of loss for condominium associations. Many of these claims are filed years after the water damage event, which makes them impossible for the associations' general liability insurance carriers to inspect and adjust.

To be clear, the HO-6 or unit owners policy's carrier is collecting premiums from the owners to provide coverages for water damage claims, per the terms of their policy. All is good, until the association receives a suit or demand notice from the HO-6 carrier for the damages they have paid under the terms of their own policy.

Every owner is an additional insured on the association's policy; therefore, the suit/demand is being made against that same owner that received payment that is now being subrogated against. Full circle, the HO-6 insurance company wins, and their profits soar. Ultimately, the unit owner who is a member of the association is penalized as their association's dues now increase and they might be unaware that their unit owner carrier has caused this to happen.

This practice of subrogation as stated above is ***not*** performed by the majority of the HO-6 insurance carriers and is used on a limited basis when negligence may be apparent by the responsible party.

In the beginning, many association's carriers were paying the demand from the HO-6 carrier at first in order to avoid going to court without further investigating the demand and determining if their insured was negligent. This has led to the HO-6 carrier sending demand letters on almost all HO-6 claims they receive, even if there was not negligence on the association's part.

In addition, these few HO-6 carriers that are subrogating, also refer their own contractors to make the repairs. The number one claim for condominium associations is water damage, it's a sweet sound to those carriers that take the unit owner's premium, make money on the repairs, and subrogate against to the association for their "losses." How is this not a conflict of interest?

The premium increases and/or lack of liability coverage for the association has become a huge issue. As a result of the increased frequency of subrogation claims, the costs for carriers to defend a rise in water damage claims, is becoming the association's problem from their unit owners. At this time, associations are seeing 15-30% increases on their general liability and the premiums will continue to climb. Eventually the demand for subrogation will cause the general liability carriers to impose a large deductible or in the case of Mt. Hawley just exclude water damage altogether. Consumers owning condominiums will in turn have to self-insure and will feel the effects through higher association dues or imposed special assessments. This may lead to consumers not purchasing condominiums due to the high association dues and potential for large association assessments.

Below, I have provided a detailed analysis of the subrogation issue in Florida.

Subrogation History

1. In 2010, legislature made a change to FS 718.111 (11) (g) section about unit owner coverage wording that prohibited a unit owner's policy from subrogating against the condominium association in which their unit is contained in. This section was moved to FS 627.714 and the subrogation language was left out on the move so the current language is silent on the topic.
2. Starting in 2016, HO-6 carriers caught on to this change and began to start subrogating against associations on almost all water damage claims. Claims starting coming in for subrogation against associations on incidents that occurred all the way back to 2012 at this time.
3. During this time, almost all HO-6 carriers had language in their policy contract still stating they would not subrogate against the associations matching the statute that was changed back in 2010.
4. In 2016, most of the HO-6 carriers started filing form changes to remove this subrogation language preventing them from subrogation against the association.
5. Since the form changes, HO-6 carriers have become more aggressive with subrogation against the condominium associations.
6. Condominium associations are not lender compliant if they have the ability to subrogate against a unit owner in the coverage forms, which is often checked and required by lenders.
7. The solution is to amend the Florida Statute 627 language to amend language so that neither the association nor the unit owner

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carriers can subrogate against each other.

Subrogation Process//Difficulty for Association Carriers to Adjust

1. HO-6 carrier sends letter to pay back damages for the HO-6 carrier paid.
2. Association carrier is sent first notice of loss and they are typically a year or so after.
3. Primarily water damage claims, which is the most common type of loss for this class of business.
4. Association's carrier requests information such as full details of the claim, documentation, photos, copies of service providers' information, and copies of the HO-6 policy.
5. HO-6 carrier refuses to provide information, offers a quick way out which is settlement and threatens suit if not paid.
6. HO-6 carrier rarely provides the information to prove the association is negligent.
7. HO-6 carrier e-files lawsuit at minimal cost to them.
8. Association has to get an attorney involved, which typically costs $4K on the average.
9. Negligence still hasn't been proven by HO-6 carrier but costs are rising to adjust the claim.
10. Carrier will back down if the association's declaration of covenants do not allow for the unit owner to subrogate against the association.

Examples of subrogation Claims That Show No Negligence Against the Association:

EX. 1: Subrogating for water damages caused by Hurricane Irma, especially potential water damage issues caused by the roof failing from the high winds.

EX. 2: Subrogating for water damages caused by a unit owner's hot water heater bursting in the unit above.
EX. 2.1: In one case, the unit owner's water heater was over fifteen years old when it burst. The association has a policy in place that any water heater over ten years old must be replaced by the individual owner. The HO-6 insurance company still subrogated against the association even though they weren't negligent.

EX. 3: Contractor renovating a unit for a unit owner shoved blue towels down the drain lines causing a sewer backup.

EX. 4: Water damage on a 4th floor unit claimed to be caused by failure to maintain the roof. Building is six stories and no other units surrounding this 4th floor unit sustained water damage.

EX. 5: Subrogation demand made against association for allowing upstairs unit owner to hire contractor that caused damage to downstairs unit. Contractor was licensed and insured.

EX. 6: Carrier filed a subrogation action against an association for an alleged water intrusion through a window resulting from the irrigation system spraying at the building for many years. Unit had been vacant for some time because the owner had moved to an assisted living facility. The window maintenance was the responsibility of the unit owner and the window was found to be 25 years old, never maintained. The carrier demanded reimbursement from the association for a full mold remediation of the unit, along with personal belongings.

Influx of Subrogation Claims by the Numbers

In the last year, sample carrier received 232 claims which on average costs $4,200 a claim. The frequency of claims have more than doubled over the past 12 months than years before. There are approximately 6 insurance carriers actively writing liability coverage for Florida condominium associations. We would expect that those carriers are receiving similar if not more claims than the sample carrier since the sample carrier has done a good job of making it more difficult on the HO-6 carrier to want to subrogate against insureds and have been successful with getting them closed out or the suit dismissed. The influx of liability claims for subrogation has a result of almost $6M of loss adjustment expense into the liability market for association risks.

Why should this be a concern for associations?

The majority of claims are from sudden and accidental water damage, the most common case of loss for condominium associations. Many of these claims are filed years after the water damage event, which makes these claims impossible for the associations' general liability insurance carriers to inspect and adjust with the proper information.

To be clear, the HO-6 or unit owners' insurance carrier is collecting premiums from the owners to provide coverages for water damage claims per the terms of their policy. All is good, until the association receives a suit or demand notice from the HO-6 carrier for the damages they have paid under the terms of their own policy.

Every owner is an additional insured on the association's policy; therefore, the suit/demand is being made against that same owner that received payment that is now being subrogated against. Full circle, the HO-6 insurance company wins, and their profits soar. Ultimately, the unit owner, who is a member of the association, is penalized as their association's monthly assessments now increase and they might be unaware that their unit owner carrier has caused this to happen.

In addition, these few HO-6 carriers that are subrogating often refer their own contractors to make the repairs. Since the number one claim for condominium associations is water damage, it's a sweet sound to those carriers that take the unit owner's premium, make money on the repairs, and subrogate against to the association for their "losses."

The premium increases and/or lack of availability to obtain liability coverage for the associations has become a huge issue, as a result of

AMERICAN OVERSIGHT

the increased frequency of subrogation claims costing carriers to defend. At this time, associations are seeing 15-30% increases on their general liability premiums and with continued subrogation claims flowing in the premiums will continue to climb. Eventually the demand for subrogation will cause the general liability carriers to impose a large deductible or just exclude water damage from their policy. If this happens, consumers owning condominiums will in turn have to self-insure and will feel the effects through higher association monthly assessments or imposed special assessments to cover the deductibles. This may lead to consumers not purchasing a condominium unit due the potential of high association monthly assessments and potential for large association assessments that are not expected.

What is the solution?
Suggested language so that it is fair to both the HO-6 carriers and the association carriers:

Subsection (4) of section 627.714 Florida Statutes, is amended to read:
Residential condominium unit owner coverage; loss assessment coverage required-
(4) Every individual unit owner's residential property policy must contain a provision stating that the coverage afforded by such policy is excess coverage over the amount recoverable under any other policy covering the same property. If a condominium association's insurance policy for the association does not provide rights for subrogation against the unit owners in the association, an insurance policy issued to an individual unit owner located in the association may not provide rights of subrogation against the condominium association.

If your schedules permits, I would like to arrange a meeting in the next week to discuss the subrogation issue in greater detail. 2020 is the year of action on the subrogation issue. If this issue is not addressed, it will have a long term effect on community associations in Florida. It is worth noting that Florida has the most community associations out of any other State in the country.

If you have any questions or concerns, please do not hesitate to contact me.

Take care,

Matt

Matthew Mercier, AAI, CIRMS, CMCA, LCAM
National Director - Community Association Division
CBIZ
2033 Main Street | Suite 407
Sarasota, FL 34237
(941) 960-8782 | phone
(941) 586-0702 | mobile
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mmercier@cbiz.com
cbiz.com | map | bio | my linkedin | vCard | video

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AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Friday, October 18, 2019 3:47 PM EDT
To: Carlos Cruz <cruz@convergegov.com>
CC: Cesar Fernandez <cesar@convergegov.com>
Subject: RE: Swimming pool contractors
Attachment(s): "billdraft74879.DOCX"

Hey!

Happy Friday! Please see the attached draft. Should line 25 say "specialty contractor license" instead of just "specialty license"? Please let me know.

Thanks,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Brill, Victoria
Sent: Friday, October 11, 2019 2:40 PM
To: 'Carlos Cruz' <cruz@convergegov.com>
Cc: Cesar Fernandez <cesar@convergegov.com>
Subject: RE: Swimming pool contractors

Hi Carlos,

I have submitted the bill into drafting. Is there a house companion/been submitted the bill drafting yet?

Thanks,

Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Carlos Cruz <cruz@convergegov.com>
Sent: Wednesday, October 9, 2019 2:44 PM
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Cc: Cesar Fernandez <cesar@convergegov.com>; Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Fwd: Swimming pool contractors

Victoria,

Attached is a bill and talking points that we discussed with the Senator when he met with our swimming pool folks. Kyle in McClure's office has placed it into bill drafting on his end. Below are the talking points and attached bill language for you. Please call me should you have any questions prior to filing.

-C

AMERICAN OVERSIGHT

23-00833-20

A bill to be entitled

An act relating to specialty contracting services; amending s. 489.117, F.S.; authorizing certain persons under the supervision of specified licensed contractors to perform certain specialty contracting services for commercial or residential swimming pools, hot tubs or spas, or interactive water features; providing that such supervision does not require a direct contract between specified persons; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (4) of section 489.117, Florida Statutes, to read:

489.117 Registration; specialty contractors.—

(4)

(e) Any person who is not required to be certified or registered under s. 489.105(3)(d)-(i) or s. 489.105(3)(m)-(o) may perform specialty contracting services for the construction, remodeling, repair, or improvement of commercial or residential swimming pools, hot tubs or spas, or interactive water features, as defined in the Florida Building Code, without obtaining a local contractor license or specialty license if such person is under the supervision of a person who is certified or registered under s. 489.105(3)(j)-(l), provided that the work is within the scope of the supervising contractor's license. Such supervision does not require a direct contract between a person certified or registered under s. 489.105(3)(j)-(l) and the person performing

AMERICAN OVERSIGHT

specialty contracting services.

Section 2. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Julie Michelle Cable <cablejmichelle@gmail.com>
Sent: Thursday, January 09, 2020 2:28 PM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Re: test

Dear Senator Gruters,
My name is Julie Michelle Cable. My birth name is Julie Michelle Brown.
I have been a resident here of Sarasota County living mostly in Venice for 56 years. I was born in Alabama and lived with my biological mother who then married and that man(became my step father) Wayne Freeman adopted me, changing my last name to Freeman. It appears though that my birth certificate was never amended to support the name change as expected.

I am reaching out to you on the advise of my brother who tells me that instead of approaching a constitutional attorney I should start with the Senator for my area. I hope you can help me, I am at my wits end with searching for resolution.

My driver's license expired November 2019. Upon renewal procedure the Department of Motor Vehicles has advised me that they cannot renew my driver's license due to the fact that my birth certificate is not the correct name to be in line with the paper trail of who I am. My first driver's license was issued with Freeman being my last name around 1977-78 ...they should have record of that.....I have all the papers in line to show my name changes from that point to this current day....(ie: marriage, divorce). My parents are elderly and totally uncooperative .....they are telling me that the adoption record papers were stolen.

Due to this invalid license a hardship is being created because I cannot open a bank account without a valid license. I have a company newly registered with the State of Florida for home inspecting and I cannot get the first job because I cannot open a bank account. I need your help please. This new business is so I can support my family. I have lived here in Sarasota County since I was 1 year old.....every registration of my vehicles, purchasing a home, a passport have all taken place in this county.
The following is pertinent information to who I am and how I can be reached.
Julie Michelle Cable
340 Glen Oak Rd.
Venice, FL 34293

Phone 941-525-6311

email : cablejmichelle@gmail.com

I grew up on Shamrock Dr in South Venice....spent 17 yrs there and then moved about for a few years, then I purchased a home 1821 Faun Rd. where I lived for almost 30 years.....I have been on Glen Oak rd in Venice Gardens for approx 5 years.

I am happy to answer any questions for you.
Desperate for help,
Julie Michelle Cable

On Thu, Jan 9, 2020 at 2:07 PM Kerr, GeeDee <Kerr.GeeDee@flsenate.gov> wrote:

AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Monday, February 10, 2020 1:37 PM EST
To: Jennifer Green <jennifer@libertypartnersfl.com>
Subject: RE: test
Attachment(s):
"amendmentdraft77442.DOCX","amendmentdraft77439.DOCX","amendmentdraft77437.DOCX","0987C1692451.pdf"

I have 3 of the 4 amendments drafted to the strike-all. The last one is currently being drafted which I have attached as a PDF.

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Jennifer Green <jennifer@libertypartnersfl.com>
Sent: Monday, February 10, 2020 1:29 PM
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Re: test

Yes ma'am!

Jennifer J. Green, CAE, DPL
President
Liberty Partners of Tallahassee, LLC
113 E. College Avenue, Suite 400
P.O. Box 390
Tallahassee, FL 32302
(850) 841-1726 - Office
(850) 528-8809 - Mobile
(850) 841-7097 - Fax
www.libertypartnersfl.com

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> On Feb 10, 2020, at 1:28 PM, Brill, Victoria <Brill.Victoria@flsenate.gov> wrote:
>
> Hi Jennifer,
>
> Wanted to make sure this was you…
>
> Vickie Brill, MBA
> Senior Legislative Aide
> Sen. Joe Gruters, District 23
> (941) 378-6309
> (850) 487-5023

AMERICAN OVERSIGHT

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Commerce Committee
Representative Goff-Marcil offered the following:

Amendment (with title amendment)

Between lines 60 and 61, insert:

Section 2. Section 509.113, Florida Statutes, is created to read:

509.113 Certain registration for vacation rentals.—A sexual offender as defined in s. 944.606(1)(f) must register at the sheriff's office in the county in which the sexual offender is temporarily residing pursuant to s. 775.21 at least 48 hours before arrival at the vacation rental, regardless of the length of stay. A vacation rental owner or operator who rents a vacation rental to a sexual offender must notify all property owners within 1,000 feet of the vacation rental property at least 24 hours before the sexual offender's arrival. The

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-002298

division may fine, suspend, or revoke the license of any owner or operator of a vacation rental if such owner or operator is not in compliance with the requirements of this section. Any advertisement for a vacation rental posted online must prominently display the physical address of the vacation rental and a link to a website created by the Department of Law Enforcement pursuant to s. 943.043 to notify the public of any information regarding sexual offenders. Such advertisement must prominently display a link to s. 943.0435 and include the following statement: "Every sexual offender intending to temporarily reside at a vacation rental in Florida is required by Florida law to register in accordance with section 509.113, Florida Statutes."

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

Remove line 6 and insert:
exception; creating s. 509.113, F.S.; requiring sexual offenders to register with the sheriff's office of the county in which they will be temporarily residing in a vacation rental within a certain timeframe; providing requirements for such registration; requiring an owner or operator of a vacation rental to notify specified property owners within a certain timeframe; providing penalties;

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-002299

requiring advertisements for a vacation rental to include specified information; amending s. 509.241, F.S.; revising

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-002300

LEGISLATIVE ACTION

Senate . House

. . . . .

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

Senate Amendment to Amendment (758236) (with title amendment)

Delete lines 20 - 22
and insert:
Section 2. Subsection (9) of section 509.221, Florida Statutes, is amended to read:
509.221 Sanitary regulations.—
(9) Subsections (2), (5), and (6) do not apply to any facility or unit classified as a ~~vacation rental,~~ nontransient apartment~~,~~ or timeshare project as described in s. 509.242(1)(d)

AMERICAN OVERSIGHT

and (g), respectively ~~s. 509.242(1)(c), (d), and (g)~~. Paragraph (2)(a) does not apply to a vacation rental.

Section 3. Paragraph (a) of subsection (2) and subsection (7) of section 509.032, Florida Statutes, are amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(a) The division has jurisdiction and is responsible for all inspections required by this chapter. The division is responsible for quality assurance. The division shall inspect each licensed public lodging establishment at least biannually, except for transient and nontransient apartments, which shall be inspected at least annually. Each establishment licensed by the division shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall adopt by rule a risk-based inspection frequency for each licensed public food service establishment. The rule must require at least one, but not more than four, routine inspections that must be performed annually, and may include guidelines that consider the inspection and compliance history of a public food service establishment, the type of food and food preparation, and the type of service. The division shall reassess the inspection frequency of all licensed public food service establishments at least annually. Public lodging units classified as ~~vacation rentals or~~ timeshare projects are not subject to this requirement but shall be made available to the division upon request. If, during the inspection of a public lodging establishment classified for renting to transient or nontransient tenants, an inspector identifies vulnerable adults who appear to be victims of

AMERICAN OVERSIGHT

neglect, as defined in s. 415.102, or, in the case of a building that is not equipped with automatic sprinkler systems, tenants or clients who may be unable to self-preserve in an emergency, the division shall convene meetings with the following agencies as appropriate to the individual situation: the Department of Health, the Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and affected tenants and clients, and other relevant organizations, to develop a plan that improves the prospects for safety of affected residents and, if necessary, identifies alternative living arrangements such as facilities licensed under part II of chapter 400 or under chapter 429.

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

And the title is amended as follows:

Delete line 170

and insert:

platform"; amending s. 509.221, F.S.; deleting an exemption for vacation rentals from certain sanitary requirements; specifying that vacation rentals are exempt from certain public bathroom facility requirements; amending s. 509.032, F.S.; removing an exemption for vacation rentals from certain inspection requirements; preempting the

AMERICAN OVERSIGHT

LEGISLATIVE ACTION

Senate . House

. . . . .

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

Senate Amendment to Amendment (758236) (with title amendment)

Delete lines 24 - 48
and insert:
(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a

AMERICAN OVERSIGHT

local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.

(b) A local law, ordinance, or regulation may not ~~prohibit vacation rentals or~~ regulate the duration or frequency of rental of vacation rentals. A local law, ordinance, or regulation may regulate vacation rentals, but not in a manner that is more restrictive than the local government's local laws, ordinances, or regulations regulating bed and breakfast inns. This paragraph does not apply to any local

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

And the title is amended as follows:

Delete lines 170 - 176

and insert:

platform"; amending s. 509.032, F.S.; authorizing a local law, ordinance, or regulation to regulate vacation rentals under certain circumstances; expanding an exemption

AMERICAN OVERSIGHT

LEGISLATIVE ACTION

Senate . House

. . . . .

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

Senate Amendment to Amendment (758236) (with title amendment)

Delete lines 24 - 52
and insert:
(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a

AMERICAN OVERSIGHT

local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.

(b) A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local government or local law, ordinance, or regulation adopted on or before March 14, 2020, or amended on or before that date to be less restrictive with regard to a prohibition or to duration or frequency of such rentals ~~June 1, 2011~~.

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

And the title is amended as follows:

Delete lines 170 - 178

and insert:

platform"; amending s. 509.032, F.S.; expanding an exemption to allow certain laws, ordinances, or regulations adopted or amended on or before a specified date to be amended to be less restrictive;

AMERICAN OVERSIGHT

From: Barnhill, Josh
Sent: Friday, January 17, 2020 4:07 PM EST
To: Joe Gruters <joegruters@gmail.com>
Subject: Re: Tuesday
Attachment(s): "image001.png","image003.png","image005.png","image002.png","image004.png"

Already talked to Todd and told him you weren't taking meetings Tuesday.

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

On Jan 17, 2020, at 3:57 PM, Joe Gruters <joegruters@gmail.com> wrote:

---------- Forwarded message ---------
From: **Todd J. Pokrywa** <Todd.Pokrywa@viera.com>
Date: Fri, Jan 17, 2020 at 2:51 PM
Subject: Tuesday
To: joegruters@gmail.com <joegruters@gmail.com>

Joe,

Happy New Year! Hope you are doing well.

I sent a message through the Senate website and to your Senate email address requesting an appointment for next Tuesday (1/21/2020). I am traveling with the Brevard County Chambers to Tallahassee and wondering if you have availability for a short appointment with our group?

Thanks,

Todd J. Pokrywa
<image001.png>

<image002.png> **Todd J. Pokrywa**
President

todd.pokrywa@viera.com
t: 321.242.1200 x4573
f: 321.253.1800

www.Viera.com

7380 Murrell Road, Suite 201
Viera, FL 32940
<image003.png> <image004.png> <image005.png>

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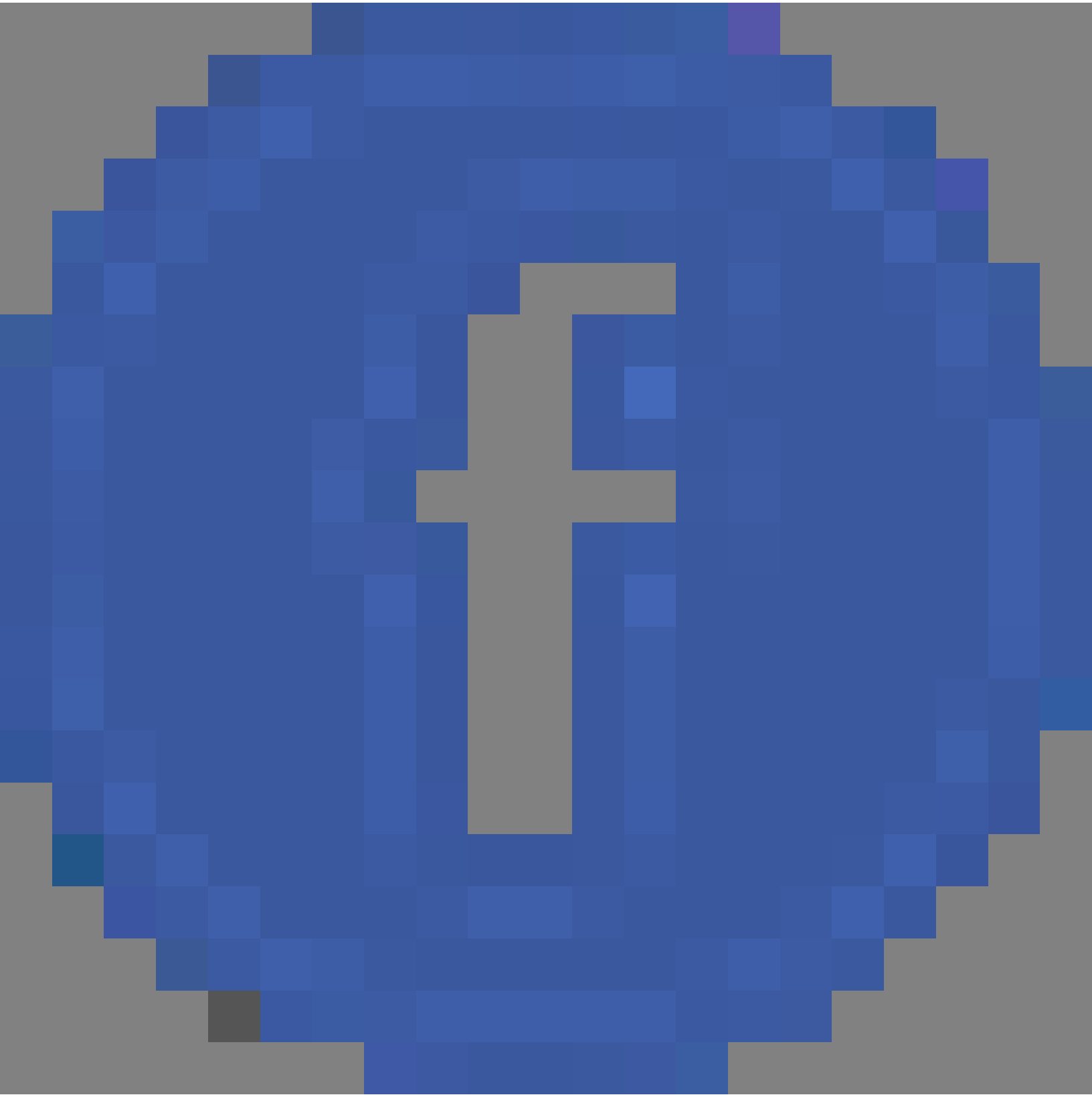
AMERICAN OVERSIGHT



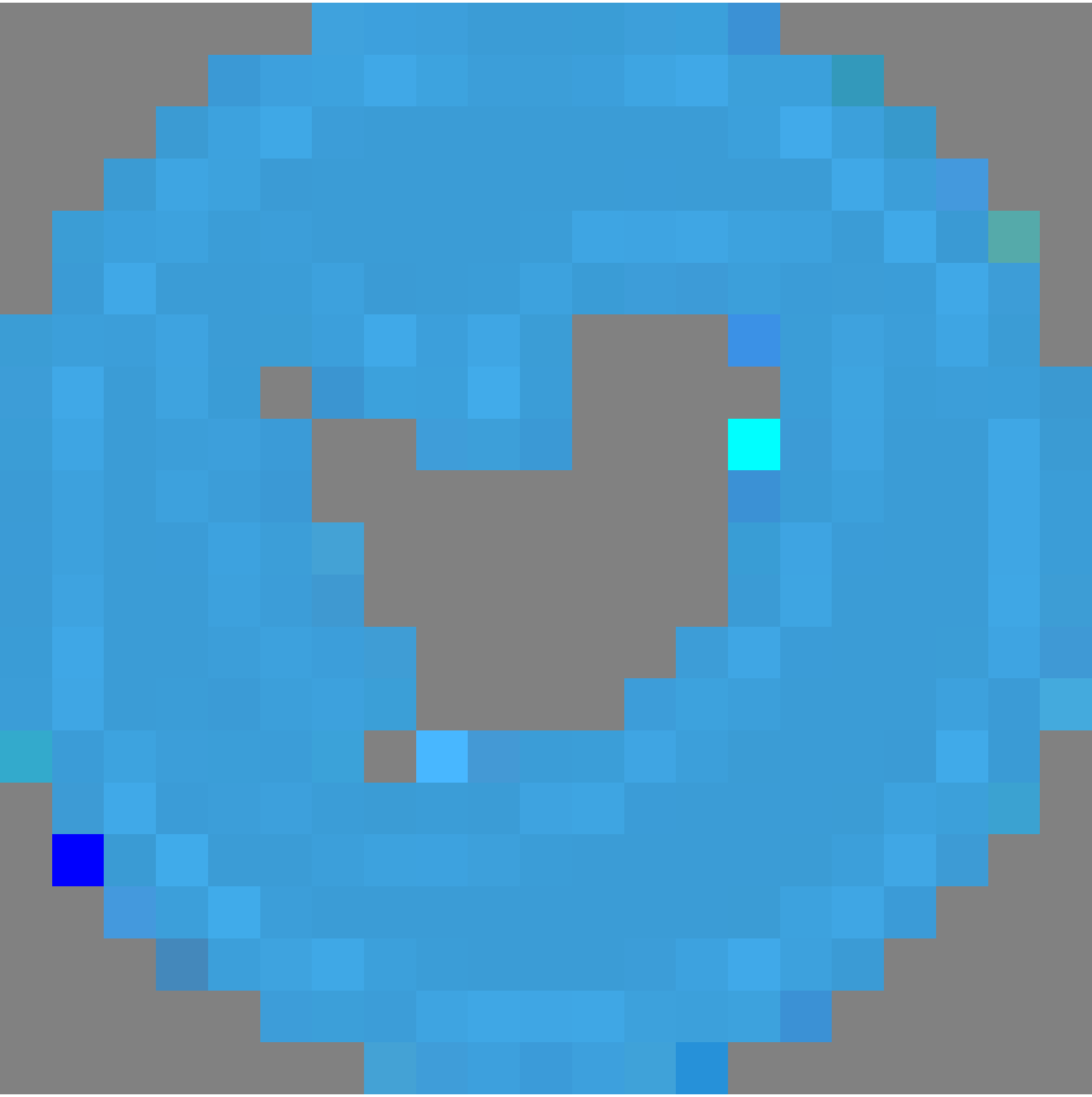
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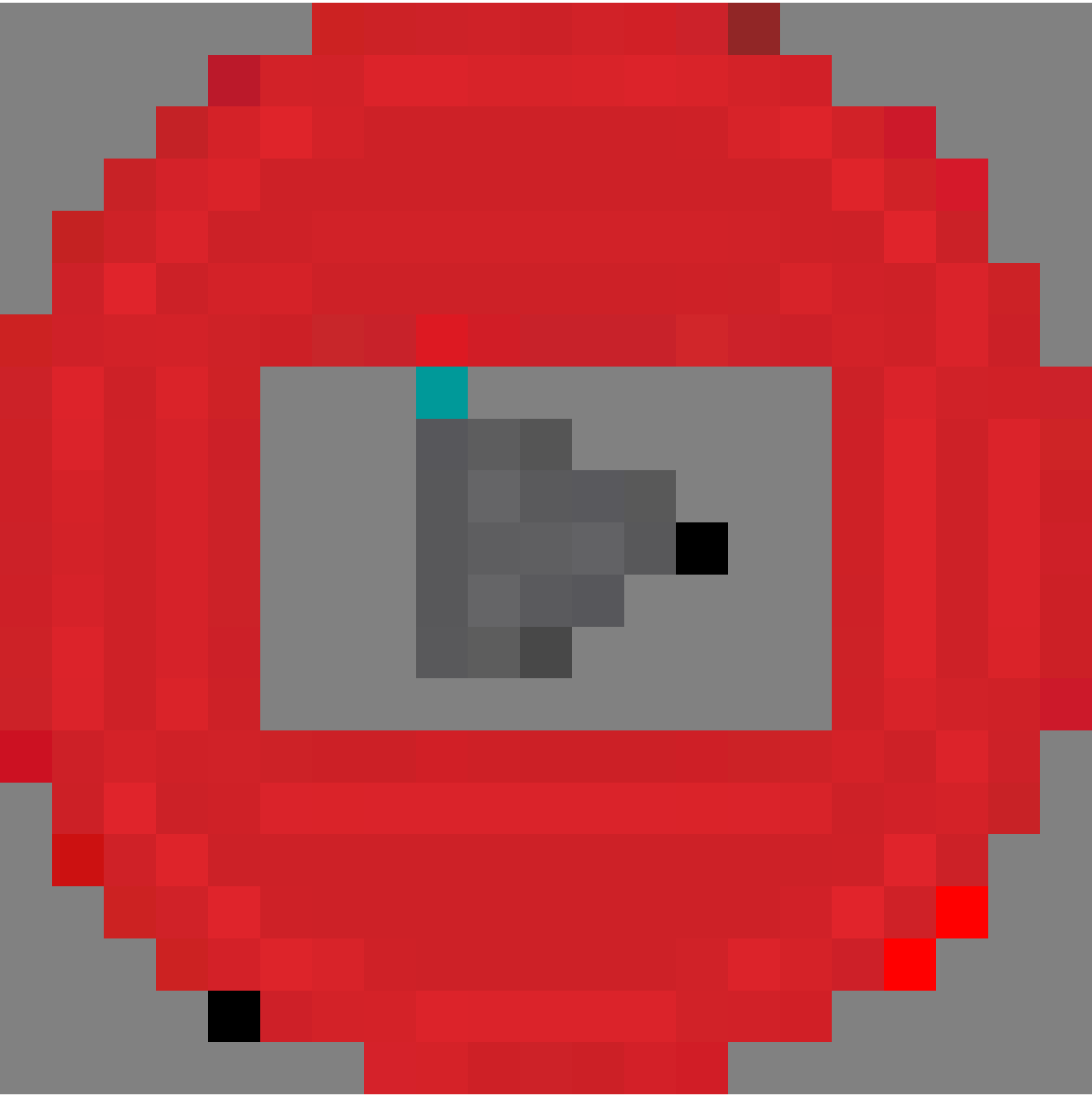
AMERICAN OVERSIGHT



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AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

From: Barnhill, Josh
Sent: Tuesday, February 04, 2020 9:59 AM EST
To: Colleen Thayer <colleen@namisarasotacounty.org>
Subject: Re: Update

Hey Colleen,

Thanks for reaching out. No update on our end, I know we didn't make it into the chairs proposal but it is still early so just keep pushing it. I'll let you know if I hear anything.

Josh Barnhill
Legislative Aide
Senator Joe Gruters, District 23
Cell: (850) 933-9792

On Feb 3, 2020, at 5:50 PM, Colleen Thayer <colleen@namisarasotacounty.org> wrote:

Hi there - just wanted to reach out and see if there was any thought on conference for the HOPE appropriation we are supporting?! I know it made it through a committee in House but not their main budget which was expected - at least by me :-)

Anyway - if we can provide any information to you - or do anything on this end (wish I was there more but won't be up until week of 24th) just let me know. I am happy to reach out to some folks I have contact with if Sen. Gruters is going to pursue it!

Much appreciated!

Colleen

Colleen Thayer, MA, APR, CPRC
Executive Director
NAMI Sarasota County
Serving Sarasota and Manatee Counties
941-376-9361

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AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Tuesday, February 04, 2020 2:30 PM EST
To: Colleen Thayer <colleen@namisarasotacounty.org>
Subject: RE: Update

Hey there,

Thanks for looping me in. Make sure whoever sponsored the House Bill is working with the Budget Chair in the house for a little amount J

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Colleen Thayer <colleen@namisarasotacounty.org>
Sent: Monday, February 3, 2020 5:50 PM
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>; Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Update

Hi there - just wanted to reach out and see if there was any thought on conference for the HOPE appropriation we are supporting?! I know it made it through a committee in House but not their main budget which was expected - at least by me :-)

Anyway - if we can provide any information to you - or do anything on this end (wish I was there more but won't be up until week of 24th) just let me know. I am happy to reach out to some folks I have contact with if Sen. Gruters is going to pursue it!

Much appreciated!

Colleen

Colleen Thayer, MA, APR, CPRC
Executive Director
NAMI Sarasota County
Serving Sarasota and Manatee Counties
941-376-9361

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AMERICAN OVERSIGHT

From: Colleen Thayer <colleen@namisarasotacounty.org>
Sent: Tuesday, February 04, 2020 12:10 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Re: Update

Hi Josh -

Thanks so much for the update. Please let me know if there is something we can do at this time to assist!

Colleen

Colleen Thayer, MA, APR, CPRC
Executive Director
NAMI Sarasota County
Serving Sarasota and Manatee Counties
941-376-9361

On Tue, Feb 4, 2020 at 10:00 AM Barnhill, Josh <Barnhill.Josh@flsenate.gov> wrote:

> Hey Colleen,
>
> Thanks for reaching out. No update on our end, I know we didn't make it into the chairs proposal but it is still early so just keep pushing it. I'll let you know if I hear anything.
>
> Josh Barnhill
> Legislative Aide
> Senator Joe Gruters, District 23
> Cell: (850) 933-9792
>
> On Feb 3, 2020, at 5:50 PM, Colleen Thayer <colleen@namisarasotacounty.org> wrote:
>
> Hi there - just wanted to reach out and see if there was any thought on conference for the HOPE appropriation we are supporting?! I know it made it through a committee in House but not their main budget which was expected - at least by me :-)
>
> Anyway - if we can provide any information to you - or do anything on this end (wish I was there more but won't be up until week of 24th) just let me know. I am happy to reach out to some folks I have contact with if Sen. Gruters is going to pursue it!
>
> Much appreciated!
>
> *Colleen*
>
> Colleen Thayer, MA, APR, CPRC
> Executive Director
> NAMI Sarasota County
> *Serving Sarasota and Manatee Counties*
> 941-376-9361
>
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AMERICAN OVERSIGHT

From: p.watrous <p.watrous@verizon.net>
Sent: Friday, January 24, 2020 12:20 PM EST
To: Mitch Lucas <mlucas@mgmt-assoc.com>; Gruters, Joe <Gruters.Joe@flsenate.gov>; Torres, Victor <Torres.Victor@flsenate.gov>; Hutson, Travis <Hutson.Travis@flsenate.gov>; Stewart, Linda <Stewart.Linda@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>; Plasencia, Rene <Rene.Plasencia@myfloridahouse.gov>; Williamson, Jayer <Jayer.Williamson@myfloridahouse.gov>; Brown, Kamia <Kamia.Brown@myfloridahouse.gov>; Ausley, Loranne <Loranne.Ausley@myfloridahouse.gov>; Daley, Dan <Dan.Daley@myfloridahouse.gov>; Davis, Tracie <Tracie.Davis@myfloridahouse.gov>; chip.lamarca@myfloridahouse.com <chip.lamarca@myfloridahouse.com>; Polo, Cindy <Cindy.Polo@myfloridahouse.gov>; Roach, Spencer <Spencer.Roach@myfloridahouse.gov>; anamaria.rodriquez@myfloridahouse.gov <anamaria.rodriquez@myfloridahouse.gov>; anthony.rodriquez@myfloridahouse.com <anthony.rodriquez@myfloridahouse.com>; Roth, Rick <Rick.Roth@myfloridahouse.gov>; anthony.sabatini@myfloridahouse.com <anthony.sabatini@myfloridahouse.com>; jason.shoaf@myfloridahouse.com <jason.shoaf@myfloridahouse.com>; tyler.sirois@myfloridahouse.com <tyler.sirois@myfloridahouse.com>
CC: Emma Bartlett <EBartlett@mgmt-assoc.com>; Dominick Scannavino <DScannavino@mgmt-assoc.com>; cynthiab54@gmail.com <cynthiab54@gmail.com>; Winnie Abbott <winnies22@yahoo.com>; k62kjmt@yahoo.com <k62kjmt@yahoo.com>; dfaimali@gmail.com <dfaimali@gmail.com>
Subject: Re: Urgent Response HB1011 & SB1128 Short-Term Rentals

Mitch, if you are looking for Board approval.
You have mine to proceed.
Peggy

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: Mitch Lucas
Date: 1/24/20 10:18 AM (GMT-05:00)
To: gruters.joe@flsenate.gov, torres.victor@flsenate.gov, hutson.travis@flsenate.gov, stewart.linda@flsenate.gov, wright.tom@flsenate.gov, rene.plasencia@myfloridahouse.gov, jayer.williamson@myfloridahouse.gov, kamia.brown@myfloridahouse.gov, loranne.ausley@myfloridahouse.gov, dan.daley@myfloridahouse.gov, tracie.davis@myfloridahouse.gov, chip.lamarca@myfloridahouse.com, cindy.polo@myfloridahouse.gov, spencer.roach@myfloridahouse.gov, anamaria.rodriquez@myfloridahouse.gov, anthony.rodriquez@myfloridahouse.com, rick.roth@myfloridahouse.gov, anthony.sabatini@myfloridahouse.com, jason.shoaf@myfloridahouse.com, tyler.sirois@myfloridahouse.com
Cc: Emma Bartlett , Dominick Scannavino , cynthiab54@gmail.com, Winnie Abbott , "p.watrous" , k62kjmt@yahoo.com, dfaimali@gmail.com
Subject: Urgent Response HB1011 & SB1128 Short-Term Rentals

To All Honorable State Senators and State Representatives,

I am contacting you today to urge you to **OPPOSE HB 1011 and SB 1128 as currently drafted** . At a minimum, meaningful registration and data reporting by short-term rental operators and platforms should be required, as it is for every other commercial enterprise in the state. Not only does fail to do that but these bills nullify the few sensible rules that are protecting communities from being overrun by illegal hotels.

Please HB 1011 and SB 1128 and protect our state's residential neighborhoods.

Sincerely, a concerned Clearview Oaks Condominium Association's Board of Directors

Respectfully,

Mitch Lucas LCAM

Property Manager

Management & Associates

4140 55th St. N. Unit #1113

Kenneth City, FL 33709

Phone: (727)329-8071

AMERICAN OVERSIGHT

Facsimile: (727)498-8801

Email: mlucas@mgmt-assoc.com

Website: www.mgmt-assoc.com

If you are inquiring about: a homeowner questionnaire; an estoppel; a sale balance; a transfer of ownership balance; association governing documents or any other closing documentation, please log-on to wwwhomewisedocs.com.

AMERICAN OVERSIGHT

From: Marquez, Nicole <nsmarquez@usf.edu>
Sent: Wednesday, December 11, 2019 6:15 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Re: Wednesday @ 2 p.m.
Attachment(s): "2016_CCHD_Newborn_Screening_State_Actions.pdf","chd-tracking-and-research-factsheet-h.pdf","CDC-CHD-research-tracking-h.pdf"

Good morning Vickie,

I received these documents this morning from a contact that I have and wanted to share them. I was hoping you could help me understand the newborn screening actions by state document. Looking forward to meeting a little later this morning 😁

Get Outlook for iOS

From: Brill, Victoria <Brill.Victoria@flsenate.gov>
Sent: Monday, December 9, 2019 4:51:45 PM
To: Marquez, Nicole <nsmarquez@usf.edu>
Subject: RE: Wednesday @ 2 p.m.

Hi Nicole,

You are more than welcome to stop by. The Senator has two bill presentations at 10 AM so I am not sure what it will look like in the AM. If not, I am happy to meet with you after the Health Policy meeting.

Thanks!
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

From: Marquez, Nicole <nsmarquez@usf.edu>
Sent: Monday, December 9, 2019 11:26 AM
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Re: Wednesday @ 2 p.m.

Sure. That should work.

Would you be available to meet with Savannah and I tomorrow morning prior to the health policy committee meeting?

Thanks!

Nicole

Get Outlook for iOS

From: Brill, Victoria <Brill.Victoria@flsenate.gov>
Sent: Monday, December 9, 2019 11:21:59 AM
To: Marquez, Nicole <nsmarquez@usf.edu>
Subject: Wednesday @ 2 p.m.

Hi Nicole,

Are you available to meet with Chestin Goodman, who works for Sen. Bean at 2 p.m. on Wednesday? Unfortunately, Sen. Bean is unable to meet this week but Chestin will be able to relay the story and convey the information about SB 518.

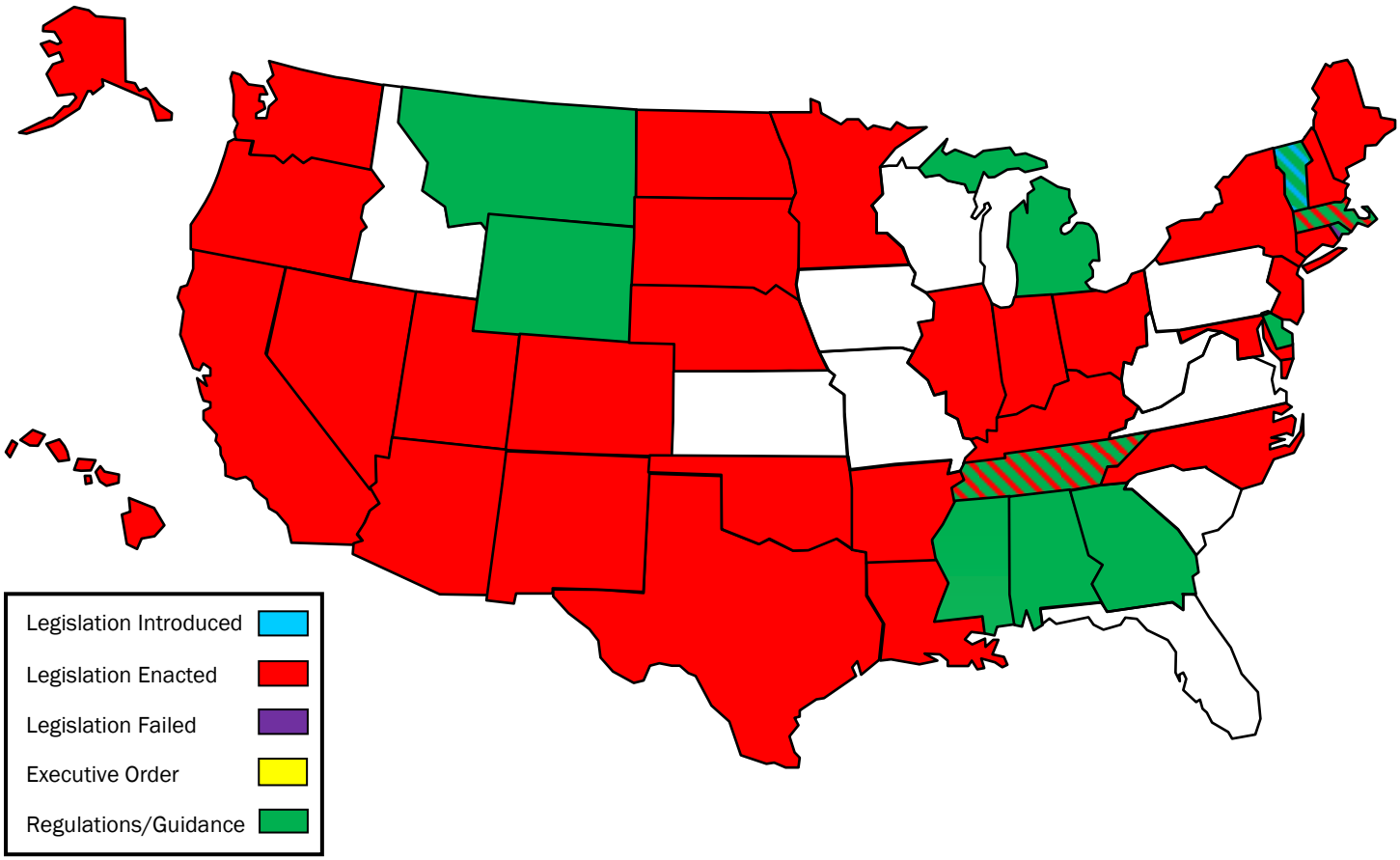
Thank you!
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

AMERICAN OVERSIGHT

American Academy of Pediatrics
NEWBORN SCREENING FOR CRITICAL CONGENITAL HEART DISEASE (CCHD)–2016 STATE ACTIONS

(As of August 9, 2016)



LEGISLATION INTRODUCED/PROPOSED REGULATIONS

VERMONT

VT H 639 Rep. George W. Till
An act relating to pulse oximetry to screen newborns for congenital heart defects
An act relating to pulse oximetry to screen newborns for congenital heart defects
House - Read First Time and Referred to the Committee on Health Care - 01/26/2016

STATE GOVERNMENT AFFAIRS
American Academy of Pediatrics
DEDICATED TO THE HEALTH OF ALL CHILDREN™

Division of State Government Affairs | 1.800.433.9016, x7799 | stgov@aap.org

AMERICAN OVERSIGHT

LEGISLATION ENACTED

ALASKA–2013 (Effective Date–January 2014)
Alaska Statutes Chapter 18.15 Section 205

ARIZONA–2014 (Effective Date–July 2015)
Arizona Revised Statutes Title 36 Section 694

ARKANSAS–2013 (Effective Date–August 2013)
Arkansas Code Title 20 Chapter 9 Subchapter 1 Section 103

CALIFORNIA–2012 (Effective Date–July 2013)
California Health and Safety Code Division 106 Part 2 Chapter 3 Article 6.6

COLORADO–2015 (Effective Date–August 2015)
Colorado Revised Statutes Title 25 Part 4 Section 1004.3

COLORADO-2016 (Effective Date–August 2016)
Session Laws of Colorado 2016 Chapter 350

**Requires direct entry midwives to perform newborn screening for CCHD on a newborn under their care or if unable to, to refer the newborn to a physician or nonphysician clinician who is able to perform the screen.*

CONNECTICUT–2012 (Effective Date–January 2013)
General Statutes of Connecticut Title 19a Chapter 368a Section 19a-55(b)(2)

DISTRICT OF COLUMBIA–2015 (Effective Date–September 2015)
District of Columbia Act 21-90

FLORIDA –2013
Florida 2013 Session Law: Chapter 2013-40 (*Appropriations*)

** Chapter 2013-40 does not mandate newborn screening for CCHD. The law appropriates $155,592 in reoccurring funds and $50,000 in nonreoccurring funds for the inclusion of newborn screening for CCHD into the state's newborn screening program.*

HAWAII–2015 (Effective Date–July 1, 2015)
Hawaii Act 212

ILLINOIS–2013 (Effective Date–January 1, 2014)
Illinois Compiled Statutes Chapter 410 Section 240.1.10

INDIANA–2011 (Effective Date–January 2012)
Indiana Code Title 16 Article 41 Chapter 17 Section 2(b)

AMERICAN OVERSIGHT

INDIANA–2013
Indiana Public Law 205 (*Appropriations*)
**Appropriations for the state's newborn screening program include funding for the implementation of newborn screening for CCHD.*

IOWA–2013 (Effective Date–July 2013)
Iowa Code Title IV Chapter 136A Section 5A

KENTUCKY–2013 (Effective Date–January 2014)
Kentucky Revised Statutes Title XVIII – Public Health Chapter 214 Diseases Section 155

LOUSIANA–2013 (Effective Date–August 2013)
Louisiana Revised Statutes Title 40 Chapter 1300 Section 373

MAINE– 2013 (Effective Date–July 2013)
Maine Revised Statutes Annotated Title 22 Chapter 261-A Section 1532

MARYLAND–2011 (Effective Date–July 2011)
Maryland HEALTH-GENERAL Code Annotated Section 13-111

MARYLAND–2015 (Effective Date–June 2015)
Maryland Chapter Law 393
**Requires direct entry midwives to perform newborn screening for CCHD. If they are unable to perform screening, they must refer the newborn to a pediatrician to be screened between 24 and 48 hours after birth.*

MASSACHUSETTS–2014 (Effective Date–January 2015)
Massachusetts General Laws Chapter 111 Section 110C

MINNESOTA–2013 (Effective Date–August 2013)
Minnesota Statutes Chapter 144 Section 1251

MISSOURI–2013 (Effective Date–January 2014)
Missouri Revised Statutes Title XII Chapter 191 Section 334

NEBRASKA–2013 (Effective Date–September 2013)
Newborn Critical Congenital Heart Disease Screening Act

NEVADA–2013 (Effective Date–July 2015)
Nevada Revised Statutes Chapter 442 Section 680

NEW HAMPSHIRE–2012 (Effective Date–August 2012)
New Hampshire Revised Statutes Title X Public Health Chapter 132 Section 10aa

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American Academy of Pediatrics
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Division of State Government Affairs | 1.800.433.9016, x7799 | stgov@aap.org

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NEW JERSEY–2011 (Effective Date–October 2011)
New Jersey Revised Statutes Title 26 Section 2-111.3-.4

NEW MEXICO–2014 (Effective Date–May 2014)
New Mexico Statutes Chapter 24 Article 1-6

NEW YORK–2013 (Effective Date–January 2014)
New York Public Health Law Section 2500-a

NORTH CAROLINA–2013 (Effective Date–May 2013)
North Carolina General Statutes Chapter 130A Section 125

NORTH DAKOTA–2013 (Effective Date–August 2013)
North Dakota Century Code Title 25 Chapter 17 Section 6

OHIO–2013 (Effective Date–September 2013)
Ohio Revised Code Title XXXVII Chapter 3701 Section 5010

OKLAHOMA–2013 (Effective Date–July 2013)
Oklahoma Statutes Title 63 Section 1-550.4

OREGON–2013 (Effective Date–June 2013)
Oregon Revised Statutes Chapter 433 Section 318

PENNSYLVANIA–2014 (Effective September 2014)
2014 Regular Session Act 94

SOUTH CAROLINA–2013 (Effective Date–June 2013)
South Carolina Code of Laws Title 44 Chapter 37 Section 70

SOUTH DAKOTA–2013 (Effective Date–July 2013)
South Dakota Codified Law Title 34 Chapter 24 Section 32

TENNESSEE–2012 (Effective Date–January 2013)
Tennessee Code Annotated Title 68 Chapter 5 Part 5 Section 507

TEXAS–2013 (Effective Date–September 2013)
Texas Health and Safety Code Title 2 Chapter 33 Section 33.011

UTAH–2013 (Effective Date–October 2014)
Utah Code Title 26 Chapter 10 Section 6

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VIRGINIA–2014 (Effective Date–July 2014)
Code of Virginia Title 32.1 Chapter 2 Section 65.1

WASHINGTON–2015 (Effective Date–July 2015)
Revised Code of Washington Title 70 Section 83

WEST VIRGINIA–2012 (Effective Date–June 2012)
Code of West Virginia 1931 Chapter 16 Part 44 Section 1-2

WISCONSIN–2014 (Effective Date–March 2014)
Wisconsin Statutes and Annotations Chapter 253 Section 13 (1)

**Chapter 253 Section 13 (1) does not require newborn screening for CCHD; it gives authority to the WI Department of Health to add new conditions to the state's newborn screening panel.*

LEGISLATION FAILED

KANSAS
KS HB 2239 Committee on Judiciary
Newborn screening for critical congenital heart disease.

RHODE ISLAND
RI H 5757 Rep. Joseph Solomon (DEM-RI)
AN ACT RELATING TO HEALTH AND SAFETY -- MATERNAL AND CHILD HEALTH SERVICES FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS (Requires all birthing facilities to perform a pulse oximetry screening within twenty-four (24) hours of the birth of every newborn in its care.)
This act would require all birthing facilities to perform a pulse oximetry screening within 1 twenty-four (24) hours of the birth of every newborn in its care. 2 This act would take effect upon passage. 3

CQ StateTrack

EXECUTIVE ORDER

VIRGINIA–2012
Executive Directive 4 (2012)

REGULATIONS/GUIDANCE/OTHER

ALABAMA–2012/2013 (Effective Date–May 2013)
Alabama Department of Public Health: Hospital Guidelines for Implementing Pulse Oximetry Screening for Critical Congenital Heart Disease

Alabama State Board of Health Regulations: 420-10-1-.03 Designation of Additional Heritable Diseases (*Adopted May 17, 2013*)

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DELAWARE–2013 (Effective Date–May 2013)
Delaware Division of Public Health: 4107 Screening of Newborn Infants for Metabolic, Hematologic, Endocrinologic, and Certain Structural Disorders

FLORIDA–2014 (Effective Date–October 2014)
Florida Department of Health – Addition of CCHD to Newborn Screening Panel

GEORGIA–2014 (Effective Date–May 2014)
Georgia Department of Public Health: Rules of Department of Public Health Chapter 511-5-5 Georgia Newborn Screening Program

IOWA–2012 (Effective Date–August 2012)
Iowa Department of Public Health: Guidelines for Newborn Screening for Critical Congenital Heart Disease

MASSACHUSETTS–2013 (Effective Date–May 2013)
Massachusetts Department of Public Health: #13-5-590 Screening for Critical Congenital Heart Disease in Newborns

MASSACHUSETTS–2015 (Effective Date–October 2014)
Massachusetts Department of Health: 105 CMR 130.000, Hospital Licensure and 105 CMR 142.000 Operation and Maintenance of Birth Centers

MICHIGAN–2013 (Effective Date–April 2014)
Michigan Department of Community Health: Guidelines for Implementing CCHD Screening Tool-kit

Michigan Department of Community Health: Addition to Mandated Newborn Screening Panel/Newborn Screening Panel

MISSISIPPI–2014 (Effective Date–November 2014)
Mississippi Department of Health: Mississippi Administrative Code Title 15 Mississippi Department of Health Part 4 Office of Health Services Chapter 1 Newborn Screening and Birth Defects Registry *(Adopted October 17, 2014)*

MONTANA–2014 (Effective Date–July 2014)
Montana Department of Public Health and Human Services: Montana Administrative Register Notice 37-677–Proposed Amendments to Administrative Rules of Montana Pertaining to Newborn Screenings and Follow-up of Failed Screenings (*Adopted June 26, 2014*)

PENNSYLVANIA–2013 (Effective Date–March 2013)
Pennsylvania Department of Health: Addition of Disease to the Newborn Screening and Follow-Up Program

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RHODE ISLAND–2014 (Effective Date–July 2015)
Rhode Island Department of Health: Rules and Regulations Pertaining to the Newborn Metabolic, Endocrine, and Hemoglobinopathy Screening Program and the Newborn Hearing Loss Screening Program *(Adopted August 12, 2014)*

Rhode Island Department of Health: Newborn Pulse Oximetry Screening Information for Healthcare Providers

TENNESSEE–2013 (Effective Date–May 2013)
Tennessee Department of Health: Rules of Tennessee Department of Health, Family Health and Wellness, Material & Child Health Chapter 1200-15-01 Newborn Hearing Testing, Screening for Metabolic/Genetic Disorders and Critical Congenital Heart Disease

WISCONSIN–2014 (Effective Date–July 2014)
Wisconsin Department of Health Services: Emergency Rule Issued to Add Critical Congenital Heart Disease to Newborn Screening

Wisconsin Department of Health Services: Emergency Rule 1410 Order of the Department of Health Services to Adopt Emergency Rules

WYOMING–2016 (Effective Date–January 2017)

VERMONT–2016 (Effective Date–May 2016)
Vermont Department of Health: Newborn Screening Program Regulations

AMERICAN OVERSIGHT

CDC's National Center on Birth Defects and Developmental Disabilities (NCBDDD)

Improving the Health of People Across the Lifespan:

NCBDDD'S CONGENITAL HEART DEFECTS TRACKING AND RESEARCH

NCBDDD is committed to helping individuals with congenital heart defects in each phase of life, through public health tracking, research and prevention.







WHAT'S THE PROBLEM?

Congenital heart defects are **common, costly, and critical** conditions that affect people throughout their lives.

Every **15 minutes**, a baby is born with a congenital heart defect in the United States.

In 2013, hospital costs exceeded **$6 billion** to care for children with congenital heart defects.

More than **2.4 million** U.S. children and adults are living with congenital heart defects.

About **20-30%** of people with congenital heart defects have other physical problems or problems with achieving skills, learning, or understanding.

WHAT'S THE SOLUTION?

NCBDDD is learning more about congenital heart defects through public health **tracking** and **research** to develop interventions to help prevent congenital heart defects and **improve** the lives of those living with these conditions.

NCBDDD has worked with programs to **evaluate and conduct newborn screening for critical congenital heart defects** and conducted a cost-effectiveness analysis.

About **1 in 4** babies with congenital heart defects have critical congenital heart defects that might be identified through screening by pulse oximetry.

NCBDDD funds 14 state programs to **track birth defects**, including congenital heart defects.

Pooling data across states helps us see the national picture. For example, we know that **more than 1,600** U.S. babies are born with tetralogy of Fallot (a critical congenital heart defect) each year.

NCBDDD funds several **research centers** across the nation to help understand the **causes** of birth defects, including congenital heart defects.

For example, we found a **2-fold** increased risk for hypoplastic left heart syndrome (another critical congenital heart defect) in babies of mothers who took opioid pain medications early in pregnancy.

NCBDDD expanded **tracking** to look at health issues and needs for people **of all ages** living with congenital heart defects.

NCBDDD launched **CH STRONG,** a survey of adults living with congenital heart defects.

While we have learned a lot, much work remains. For more information on congenital heart defects, visit **www.cdc.gov/heartdefects.**

Centers for Disease Control and Prevention
National Center on Birth Defects and Developmental Disabilities

Saving Babies | Helping Children | Protecting People | Improving Health

AMERICAN OVERSIGHT
Ft-SEN-20-0201-B, 20-0202-A-002327

CDC's Tracking and Research for the Prevention of Congenital Heart Defects

CDC is working with partners to identify the causes of congenital heart defects (CHDs) and learn more about how to prevent them. We want to learn more about individuals living with CHDs and identify strategies to improve their health.



Understanding Congenital Heart Defects

CHDs are conditions present at birth that can affect the structure of a baby's heart and the way it works. They are the most common type of birth defect.

- Nearly 40,000 infants in the United States are born with a CHD each year.
- CHDs are a leading cause of birth defect-related infant death during the first year of life.
- In 2013, hospital costs to care for children with CHDs exceeded $6 billion.
- About 1.4 million adults and 1.0 million children in the United States are living with CHDs.

Tracking Congenital Heart Defects

CDC supports state-based birth defects tracking systems to collect information about many birth defects, including CHDs. Information on children with CHDs obtained from these systems is used to:

- Understand their characteristics.
- Identify disparities in health and survival.
- Plan for services across the lifespan.
- Help to ensure they receive necessary medical care and services.
- This information provides a basis for research studies designed to identify potential causes of CHDs and find ways to prevent them.

Identifying Preventable Causes

The Centers for Birth Defects Research and Prevention (CBDRP) are CDC-funded research centers examining the causes of birth defects, including CHDs.

- The CBDRP collaborate on two large studies: the National Birth Defects Prevention Study (NBDPS) and the Birth Defects Study To Evaluate Pregnancy exposureS (BD-STEPS). These studies can help to identify the possible causes of birth defects with a focus on risk factors that can be changed.
- For example, CBDRP researchers have learned that women who are obese, use tobacco and/or take certain medications have an increased risk of having a baby with a CHD. Changing these risk factors may hold promise for preventing some CHDs.



Although researchers are learning more about CHDs and their risk factors, the causes of most CHDs are unknown and more research is needed.

Centers for Disease Control and Prevention
National Center on Birth Defects and Developmental Disabilities

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FL-SEN-20-0201-B, 20-0202-A-002328

CS265297

Newborn Screening for Critical Congenital Heart Defects

Of the 40,000 babies born each year with a CHD in the United States, about 7,200 have a critical CHD (CCHD),which are some of the most serious types of CHDs. Babies with a CCHD usually require surgery or catheter procedure in the first year of life. CCHD newborn screening has been implemented in nearly every state.

- States that require CCHD screening have 33% fewer infant deaths from CCHD compared to states without screening requirements.
- CCHD screening is projected to save at least 120 babies each year in the United States.
- CDC is working with partners to better understand how newborn screening is impacting the lives of those with CCHD.





Congenital Heart Defects across the Lifespan

As medical care and treatment have advanced, babies with CHDs are living longer and healthier lives, many into adulthood. Although this is remarkable progress, it presents new challenges to meet the special needs of these individuals. CDC is working to learn the number of people living with CHDs and to collect information about their long-term health outcomes, healthcare costs, and quality of life. This information can help identify opportunities to support the health and wellness of all persons living with CHDs.

- In 2012, CDC received funding to track adolescents and adults with CHDs. From 2012--2015, CDC worked on a pilot project with Emory University in Georgia, the New York State Department of Health, and the Massachusetts Department of Public Health to develop population-based tracking of adolescents and adults with CHD.
- In 2015, CDC started a four-year project to expand upon the pilot project. Five sites—University of Colorado, Duke University in North Carolina, Emory University in Georgia, the New York State Department of Health, and the University of Utah—are working to better understand the survival, healthcare use, and longer term health outcomes of individuals of all ages with CHDs.
- Since 2015, CDC has collaborated with the New York State Department of Health to evaluate geographic barriers to care and healthcare costs for adolescents with CHDs.
- In 2016, CDC, in partnership with March of Dimes, the University of Arizona College of Medicine, and the Arkansas Center for Birth Defects Research and Prevention launched the Congenital Heart Survey To Recognize Outcomes, Needs, and well-beinG (CH STRONG), a survey among adults with CHDs to assess their health, social and educational status, and quality of life.

These activities can provide important insights to guide our continued efforts to prevent CHDs and support families affected by them. To learn more about CHDs, please visit www.cdc.gov/heartdefects.

AMERICAN OVERSIGHT

From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Friday, October 11, 2019 1:56 PM EDT
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Registration Deadline Extended- GCBX EXECUTIVE GOLF OUTING AT INNISBROOK- November 13 & 14

Dear Senator Joe Gruters,
You are invited to the followingevent:

GCBX EXECUTIVE GOLF OUTING AT INNISBROOK

When: 13 Nov 2019 10:00 AM, EST
Where: Innisbrook Resort- 36750 U.S. HIGHWAY 19 NORTH PALM HARBOR, FL 34684

Will you be attending?

Register | Not attending

Registration Deadline Extended- Must Register by next Friday, October 18th!

EVENT DETAILS:

GCBX Executive Golf Outing
at Innisbrook

Wednesday, November 13th &
Thursday, November 14th

Golf Package Includes:

Lunch, 2 rounds of Golf, complimentary cocktail reception Wednesday evening, room for two nights (room for Nov. 12 & 13 included in pricing) and full breakfast buffet both mornings.

Single Occupancy Executive Suite: $675

Double Occupancy Executive Suite: $550 pp

Single Occupancy 1-Bedroom Suite: $710

Registration Deadline: October 18th; Limited Spaces Available

November 13th, 2019 - Guarateed Tee Time options

Copperhead 1st Tee: 7:30, 7:40, 7:50, 8:00, 8:10 AM

Copperhead 10th Tee: 7:40, 7:50 AM

November 14th, 2019- Guaranteed Tee Time options

North Course: 7:55, 8:04, 8:12, 8:21, 8:38, 8:46, 8:55 AM (7 Tee Times)

Please email your Tee Time choice to AlbaniHogan@gcbx.org ASAP once registered.

Exclusive & Unique Sponsorship Opportunity- Cocktail Reception Sponsorships Available!

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Click for Flyer

Best regards,
Gulf Coast Builders Exchange

If you no longer wish to receive these emails you canunsubscribe at any time.

This email contains links that will automatically log you into the Gulf Coast Builders Exchange site.
These links will work for the next 7 days only. Please, don't forward this email to anyone!

AMERICAN OVERSIGHT

From: Mark Segel <Mark@fiba.io>
Sent: Friday, November 08, 2019 11:48 AM EST
CC: Mark Segel <Mark@fiba.io>
Subject: REMINDER: FIBA Southwest Florida Showcase Invitation - November 19, 20, and 21

Hello.

This is a friendly reminder of the three upcoming FIBA events in your area. If you've not registered yet, please do so at your earliest opportunity. Also, please feel free forward this invitation to anyone you believe would like to join us. Thank you!

Event details: The Florida-Israel Business Accelerator (FIBA) Southwest Florida Showcase events will be in Naples (Tuesday, 11/19), Fort Myers (Wednesday, 11/20), and Sarasota/Manatee (Thursday, 11/21) all taking place 9:30 to 11:30 AM. You can register for the event(s) of your choice via this link: **FIBA Registration**. There is no charge to participate and attendees will hear about investing in tech, our FIBA companies, and how FIBA can impact economic development in your community. We look forward to seeing you there!

See below for the event flyer which also links to the registration site.

Mark

Mark Segel
Senior Consultant
FIBA Services, Inc.
522 N. Howard Avenue
Tampa, FL 33606
813.263.4976 (M)

FLORIDA-ISRAEL
business accelerator

AMERICAN OVERSIGHT

Israeli Technology: What You Need to Know About Investing

FLORIDA-ISRAEL
business accelerator

Please join the Florida-Israel Business Accelerator (FIBA) at one of the three upcoming special events in a community near you for a panel discussion plus presentations from three Israeli tech companies participating in the FIBA progam:

ECOncrete, QinFlow & UC-Care

PANELISTS:



Brian Rosenzweig
Partner
JANVEST Capital Partners



Saxon Baum
Director of Business Development
Florida Funders



Tom Wallace
Managing Partner/ Investment Committee
Florida Funders

- **Tuesday, Nov 19 - Naples:** Florida SouthWestern State College
- **Wednesday, Nov 20 - Fort Myers:**
  Florida Gulf Coast University School of Entrepreneurship
- **Thursday, Nov 21 - Sarasota/Manatee:**
  USF Sarasota-Manatee Campus

ALL EVENTS ARE SCHEDULED 9:30-11:30AM

RSVP: fibaevents.eventbrite.com | Inquiries: mark@fiba.io

In cooperation with: Tampa Jewish Community Centers & Federation; Jewish Federation of Greater Naples; Jewish Federation Lee and Charlotte Counties; The Jewish Federation of Sarasota-Manatee

FIBA is funded by: DEO Florida Department of Economic Opportunity; Hillsborough County Florida

Event sponsored by: Israel Bonds; Florida Gulf Coast University; Janvest Capital Partners; University of South Florida Sarasota-Manatee; Florida Funders

AMERICAN OVERSIGHT

From: FLIMEN Alert <Alert@FLIMEN.org>
Sent: Monday, January 27, 2020 4:26 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: REMINDER: Have you contacted the Senators?

Floridians for Immigration Enforcement

www.flimen.org

REMINDER: Have you contacted the Senators?
Do so before 4PM Tuesday, 1/28/2020.

Update from FLIMEN;

The dots are getting connected. FLIMEN takes no position on gun legislation, **but CS/SR214, per the references in the articles below, will likely used as a basis for red-flag laws.**

Because this resolution CS/SR214 is so wide and inconsistent with definitions, then Second Amendment defenders might want to be worried about the linkage of this 'White Nationalism' resolution to redflag laws. Below the articles have numerous references to a relationship.

https://www.politico.com/states/florida/story/2019/08/05/tipping-point-in-shift-florida-republicans-blame-shootings-on-white-nationalism-1129971

> When asked by POLITICO Monday, most prominent Florida Republicans agreed that white nationalism is playing a bigger role in mass shootings.
> "Yes. White nationalism is definitely a big factor and has been in other acts of violence in recent years," Senate President Bill Galvano told POLITICO.

https://www.voanews.com/usa/florida-leaders-move-condemn-white-nationalism

> Earlier this week, Sen. Kamala Harris of California, a Democratic presidential hopeful, called for a federal ``red flag'' law that would allow law enforcement to take away guns from white nationalists, if a judge agrees if a person poses an imminent danger.
>
> While Galvano says he's open to possibly expanding the Florida's ``red flag'' laws, he told the Associated Press on Thursday that the two issues should be addressed separately.
>
> ``Do both issues need to be considered and talked about? The answer is yes, but I don't know if you can just merge them,'' Galvano said.
>
> ….
> Galvano said ``everything would be on the table'' as his chamber begins work on strengthening laws to curb mass violence and to expand the laws enacted in response to the Parkland shootings. But when pressed, Galvano said he would leave it to legislative committees to come up with specific legislation.

https://www.miaminewtimes.com/news/florida-lawmakers-rewrite-bill-condemning-white-supremacy-11439413

> "I am hopeful that if the legislature is at least willing to vote for this revised resolution, that they would consider updates to Florida Hate Crime statute and meaningful policies to reduce gun violence."

Florida Senators Should Endorse Racial Equality,
Not SPLC Hate Labels!

Republican leadership, Senate President Galvano and resolutuion sponsor Senator Simpson, are rushing a dangerous resolution through the Senate. Masses of calls and emails are needed before 4PM, Tuesday, January 28th, 2020.

It won't take but 10 minutes to call President Galvano, Senator Simpson and five Judiciary Committee members.
Just leave messages with your name and a statement

AMERICAN OVERSIGHT

"I oppose the racist White Nationalist resolution CS/SR 214 because (one talking point)."
It is easy to send emails messages as the message is pre-loaded with subject and body, just add your name.

While resolutions do not carry the same importance as legislation, CS/SR 214, a resolution denouncing 'White Nationalists' is naïve, inaccurate, misguided, dangerous, without merit and divisive. FLIMEN requests every concerned citizen take action against this resolution which is substantially based on information from the highly discredited and extremely polarizing Southern Poverty Law Center (SPLC). See SPLC Exposed.

While Floridians for Immigration Enforcement (FLIMEN) *agrees* with substantial parts of the resolution FLIMEN suggests one of the following changes;

1. A total revision focusing on The American Principle of Racial Equality, as proposed in this letter.
2. Striking of the ambiguous, dangerous, liberal, weaponized terms 'white nationalists, white supremacists,' or better yet.
3. Table the divisive resolution and move onto legislation that has real benefits to Floridians.

FLIMEN has virtually no media coverage so it is mainly up to concerned citizens who receive this message to take action. Please make the calls below and FORWARD THIS MESSAGE TO YOUR LISTS, especially groups.

Talking Points;

- Racist – This resolution is flat-out racist. Only the white race was targeted. What about determining wrong doings based upon American Rule of Law and not immutable characteristics?
- Racial Equality The resolution should affirm support for the American Principle of Racial Equality.
- Inaccurate – Rather than some empirical data proving white violence, the biased and incompetent Bill Analysis is basically a rendition of SPLC's infamous hate labels.
- Liberal Narrative Weaponization - The Alinsky-style name-calling used by liberals will cause many innocent citizens to be swept up by *the wide, wide net of 'white nationalists*'

Call to Senate President

- Senate President Bill Galvano (R), Email, (850) 487-5021

Call to Resolution Sponsor

- Senator Wilton Simpson (R), Email, (850) 487-5010

Calls to Judiciary

- Senator David Simmons (R) Chair, Email, (850) 487-5009
- Senator Dennis Baxley (R), Email, (850) 487-5012
- Senator Travis Hutson (R), Email, (850) 487-5007
- Senator Kelli Stargel (R), Email, (850) 487-5022

Optional calls to Infrastruture and Security committee that passed the resolution favorably

- Senator Tom Lee (R) Chair, Email, (850) 487-5020
- Senator Keith Perry (R), Vice Chair, Email, (850) 487-5008
- Senator Aaron Bean (R), Email, (850) 487-5004
- Senator Ed Hooper (R), Email, (850) 487-5016
- Senator Travis Hutson (R), Email, 850) 487-5007

Attend Judiciary Meeting

MEETING DATE: Tuesday, January 28, 2020
TIME: 4:00—6:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building, Tallahassee, FL

AMERICAN OVERSIGHT

EXPANDED AGENDA
Watch Judiciary Meeting Live

Racist

Can you find any other race targeted in the SPLC-centric Bill Analysis?

Racial Equality

Adopting the American principle of Racial Equality provides an opportunity to redirect the narrative and would provide a more universally acceptable goal.

FLIMEN has provided a draft resolution based on the American Principle of Racial Equality in this letter.

Inaccurate

The Bill Analysis states;

> "Florida has been the site of several mass shootings that include Pulse Nightclub in Orlando, Marjory Stoneman Douglas High School in Parkland, Fort Lauderdale-Hollywood International Airport, Jacksonville Landing, as well as a SunTrust Bank in Sebring.1 Many of these acts of targeted mass violence appear to have been motivated by violent extremism based on a variety of supremacy philosophies."

The very next paragraph is about 'white nationalists.' It is inaccurate and simplistic to equate these atrocities exclusively to 'white nationalists.'

The left never fails to sensationalize tragedies like these, even if there is no connection to 'White Nationalism and White Supremacy' if it benefits their narrative.

Liberal Narrative Weaponization

The major problem with the term 'White Nationalist' is that it is the Democrats' way of redefining terminology to smear Republicans or anyone who opposes their views, often those who support immigration enforcement. FLIMEN has been the target of liberal Democrat smear campaigns for a long time, so we are a bit of an expert in this area.

SPLC is the main driver of much of the ongoing "Hate" and "Racist" rhetoric. SPLC is an antagonistic opponent to most every value for which Republicans stand, especially immigration enforcement. As an example, the SPLC instigated the boycott of Mark Krikorian of Center for Immigration Studies during a committee meeting last year. SPLC, was one of the parties involved in the federal lawsuit against the Anti-Sanctuary bill SB 168. Judge Bloom upheld all but a minor aspect of the bill. Yet Senate Republicans made SPLC central to this resolution!

SPLC calls any organization that supports immigration enforcement a "Hate Group, Racist, White Supremist, or Neo Nazi." Their definition of 'White Nationalist' is wrong and ridiculously broad per their web page.

The wide, wide net caused by the ambiguous definition of 'white nationalist' will certainly be used against Republican by Democrats in the next critical 2020 election and thereafter.

Remember, Democrats have already changed the national narrative by overusing the word 'racist' as well as using the term 'undocumented immigrant' in place of the actual legal term of "illegal alien!" Democrats are now falsely claiming that anyone using the term "illegal alien" should be accused of hate speech. With the current language in the proposed revision, Democrats will achieve equating people who support the rule of law and immigration enforcement in any form to be 'White Nationalists or White Supremacists'.

We simply must not continue to allow the Democrats to define and control the narrative and the rhetoric!

Unbelievable but the very biased Bill Analysis even references this page below THAT CLEARLY SHOWS LIBERALS EQUATE NEO-NAZIS to 'white nationalists.' This is OUTRAGEOUS!

SPLC Defines White Nationalist
https://www.splcenter.org/fighting-hate/extremist-files/ideology/white-nationalist

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Their definition obviously equates “White Nationalist” to “neo-Nazi”!

So, what is a "White Nationalist?" To many it means a Caucasian who supports the concept of America First. It should be noted that America's Founding Fathers were White, and they were decidedly Nationalists. Much of the deep difference between Democrats and Republicans is a different view of globalism vs. nationalism. President Trump has often expressed the concept of taking care of USA first, along with a skepticism on the ‘New World Order’ which is typically embraced by the Democrats.

“White Supremacy” means racial superiority which we despise.

Neo-Nazi has yet a different meaning, as an advocate of fascism, which we despise.

The common use liberal definition of “White Nationalism” is conveniently shown in an OP-ED by the Palm Beach (Com)Post.
https://www.palmbeachpost.com/opinion/20190331/editorial-florida-lawmakers-must-soundly-denounce-white-nationalism-shut-down-sanctuary-cities-bill

---

There you have it very clearly; Democrats consider Republicans who support immigration law enforcement “white nationalism.”

Using simple logic with these examples;

Republicans supporting immigration enforcement=
White Nationalists =
White Supremacists =
Neo-Nazis

Links clearly showing liberals constantly and viciously branding Republicans with SPLC labels;

- https://www.breitbart.com/2nd-amendment/2020/01/20/watch-2a-activist-media-smearing-virginia-protesters-as-nothing-but-white-rednecks/?utm_source=newsletter&utm_medium=email&utm_term=daily&utm_campaign=20200120&utm_content=B
- https://www.breitbart.com/politics/2020/01/19/new-york-times-smears-trump-supporter-as-white-nativist/?utm_source=newsletter&utm_medium=email&utm_term=daily&utm_campaign=20200120&utm_content=B
- https://www.breitbart.com/politics/2020/01/20/nbc-news-reporter-deletes-post-calling-pro-2a-event-white-nationalist-rally/?utm_source=newsletter&utm_medium=email&utm_term=daily&utm_campaign=20200120&utm_content=B
- https://www.breitbart.com/tech/2020/01/20/u-of-oklahoma-workshop-leader-being-on-time-is-white-supremacy/?utm_source=newsletter&utm_medium=email&utm_term=daily&utm_campaign=20200120&utm_content=B
- https://www.westernjournal.com/black-virginia-pro-gun-protester-crushes-medias-white-supremacist-narrative/?utm_source=Email&utm_medium=c50breaking&utm_campaign=wj-breaking&utm_content=conservative-50
- https://floridianpress.com/2020/01/juice-florida-politics-juicy-read-1-22-20-mutilating-children-genitalia-in-florida-iguana-freeze-gun-owners-all-support-white-supremacy/
- https://floridianpress.com/2020/01/david-hogg-states-gun-owners-only-support-white-supremacy/
- https://www.facebook.com/FloridaImmigrantCoalition/videos/507015910097466/

More Information

This letter was sent to all Republican members of the Infrastructure and Security Committee (IS), the first committee to hear the resolution.

The IS Committee voted 7-0 for the resolution.

Video of the Infrastructure and Security Committee hearing is from 22:50 to 45:50 .

January 26, 2020

Unsubscribe

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From: Suzan Kearns <skearns@celebrationtownhall.com>
Sent: Monday, February 10, 2020 9:36 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: REMOVE Lines 87-90 and Lines 96-98 in SB 1128

Senator Gruters,
Please REMOVE Lines 87-90 and Lines 96-98 in SB 1128.

Thank you.

Suzan Kearns, CMCA, AMS, PCAM
Community Manager
851 Celebration Ave. • Celebration, FL 34747
www.CCMCnet.com www.celebration.fl.us
p: (407) 566-1200 x205 • **f:** (407) 566-1210

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From: NCSL TODAY <enews@ncsl.org>
Sent: Tuesday, November 19, 2019 10:52 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Researchers: 2020 Census guides $1.5 trillion in spending

TOP NEWS Nov. 19, 2019

Researchers: 2020 Census guides $1.5 trillion in spending

Associated Press

More than $1.5 trillion in federal funding to state and local governments is parceled out according to census data, much more than previously thought, researchers said Monday.

Read the full report.

Ban on hotel shampoo bottles is latest effort to curb plastic waste

Stateline

The bottle bans follow recent efforts to curb other single-use plastic products, including shopping bags, eating utensils, straws and balloons. Supporters say the moves will reduce the amount of plastic waste filling landfills and polluting the seas.

Wyoming governor's budget would cut costs but use reserves

Associated Press

A two-year state budget proposed Monday by Wyoming Gov. Mark Gordon would avoid further agency spending cuts for now but dip into a reserve fund to make ends meet amid declining revenue.

Bank groups sue Washington state over tax increase

Chicago Tribune

They want the court to invalidate House Bill 2167, which increases the business and occupation tax on financial institutions with an annual net income of at least $1 billion, which currently affects 20 institutions, all based outside of the state.

Clerks facing challenges with absentee voting skyrocketing in Michigan

Detroit Free Press

With absentee voting skyrocketing since voters approved a ballot proposal last year allowing for its expansion, clerks across the state are worrying about counting ballots next year, when a record turnout is expected for the presidential race.

GAO: 60% of superfund sites at higher risk in climate change

Associated Press

The worsening wildfires, floods and hurricanes of climate change threaten at least 60% of U.S. Superfund sites, and efforts to strengthen the hazardous waste sites are stalling in some vulnerable regions as the Trump administration plays down the threat, a congressional watchdog agency says.

Medicaid payments blamed as rural nursing home closures pick up pace in Nebraska

Omaha World Herald

A total of 34 Nebraska nursing homes have closed during the past eight years. All but two were in rural counties.

placeholder

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Final day to save on registration and hotel for NCSL Capitol Forum Dec. 10-12 in Phoenix

Today is the day! If you plan to join us Dec. 10-12 in sunny Phoenix for the 2019 NCSL Capitol Forum, you'll want to register and book your hotel today to take advantage of special pricing. After today, prices for both go up! This is a great opportunity to join your colleagues from across the country and get ready for session together. Register TODAY!

NEW@NCSL

Capitol to Capitol: FY appropriations update; another CR likely

State Legislatures magazine: Urgent infrastructure needs are straining resources

Webinar Wednesday: Keys to an effective message

BLOG

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session tip: Perfect your public speaking
No matter how formal or informal the occasion, your presentation matters. You may be speaking to inform, persuade, analyze or facilitate, but whatever the goal, and no matter how well you know the subject matter, the event's success or failure can hinge on how you deliver your remarks.

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7700 East First Place, Denver, CO 80230

From: Brill, Victoria
Sent: Saturday, January 18, 2020 1:28 PM EST
To: Joe Gruters <joegruters@gmail.com>
CC: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: SB 1102 - Specialty Contracting Services
Attachment(s): "SB 1102 Talking Points.docx","Q&A.docx","1102_ITT_Staff Analysis.PDF"

Senator,

Here is the package for SB 1102, Specialty Contracting Services for Innovation, Industry, and Technology on Tuesday. Please let me know if you would like anything changed.

This bill has not been previously filed. The House companion is being carried by Rep. McClure. It has not been heard yet in a House committee. There are not any amendments.

Link to bill webpage: https://www.flsenate.gov/Session/Bill/2020/1102

-Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

BILL:	SB 1102
INTRODUCER:	Senator Gruters
SUBJECT:	Specialty Contracting Services
DATE:	January 17, 2020
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	IT	**Pre-meeting**
2.			CA	
3.			RC	

I. Summary:

SB 1102 creates an exemption from local and state licensing for persons under the supervision of a certified or registered pool contractor for the construction, remodeling, or repair of swimming pools, hot tubs, and other water features. The supervising contractor need not have a direct contract with the unlicensed person performing the specialty contracting services. The exemption is not available for persons required to be certified or registered as contractors for specified trade categories described in current law.[1]

The bill has no impact on state government.

The bill provides an effective date of July 1, 2020.

II. Present Situation:

Part I of ch. 489, F.S., dealing with Constructing Contracting, sets forth requirements for qualified persons to be licensed if they have sufficient technical expertise in the applicate trade.[2]

A contractor is a person who undertakes a job or submits a bid to construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure for others, and whose job scope is substantially similar to one of 17 specified scopes of work.[3] A contractor

[1] *See* ss. 489.105(3)(a) through (i) and (m) through (o), F.S. The specified scopes of work are identified as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, plumbing contractor, underground utility and excavation contractor, and solar contractor.
[2] *See* ss. 489.101-489.146, F.S.
[3] *See* ss. 489.105(3)(a) through (q), F.S. The specified scopes of work are identified as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, commercial pool/spa contractor, residential pool/spa contractor, swimming pool servicing contractor, plumbing contractor, underground utility and excavation contractor, solar contractor, pollutant storage systems contractor, and specialty contractor.

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must be licensed by the Department of Business and Professional Regulation's Construction Industry Licensing Board (board) or certified by the county in which he or she wishes to work.[4] In most circumstances, a contractor must subcontract all electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air-conditioning work unless the contractor holds a state certificate or registration in the appropriate trade category.[5]

A subcontractor who does not have a state certificate or registration may work under the supervision of a licensed or certified contractor, if:

- The work of the subcontractor falls within the scope of the contractor's license; and
- The subcontractor is not engaged in construction work that would require specified contractor licensing (i.e., licensure as an electrical contractor,[6]a septic tank contractor,[7] a sheet metal contractor, roofing contractor, Class A, B, or C air-conditioning contractor, mechanical contractor, commercial pool/spa contractor, residential pool/spa contractor, swimming pool servicing contractor, plumbing contractor, underground utility and excavation contractor, or solar contractor.[8]

The term "certification" means the act by a contractor obtaining or holding a geographically unlimited certificate of competency from the DBPR.[9] A contractor registered with the DBPR has fulfilled competency requirements only in those jurisdictions in which a registration is issued, and registered contractors may contract only in those jurisdictions.[10]

The term "specialty contractor" means a contractor whose scope of practice is limited to:

- A particular construction category adopted by board rule; and
- A subset of the [trade categories for contractors listed in s. 489.105(3)(a) through (p), F.S., such as roofing, air-conditioning, plumbing, etc.].[11]

The board has adopted rules for the voluntary certification of swimming pool specialty contractors and residential pool/spa servicing contractors.[12] Licenses for these contractors include those for:

- Swimming Pool Layout;
- Swimming Pool Structural;
- Swimming Pool Excavation;
- Swimming Pool Trim;
- Swimming Pool Decking;
- Swimming Pool Piping; and
- Swimming Pool Finishes.

---

[4] Sections 489.107(1), 489.113(1), and 489.117(1)(b), F.S.
[5] Section 489.113(3), F.S. Various exceptions for general, building, residential, and solar contractors are set forth in ss. 489.113(3)(a) through (g), F.S.
[6] *See* Part II, of ch. 489, F.S., relating to Electrical and Alarm System Contracting,
[7] *See* Part III of ch. 489, F.S., relating to Septic Tank Contracting.
[8] Section 489.113(2), F.S.
[9] *See* s. 489.105(7) and (8), F.S.
[10] *See* ss. 489.105((9) and (10), F.S.
[11] Section 489.105(3)(q), F.S.
[12] *See* Fla. Admin. Code R. 61G4-15.032 and 61G4-15.040 (2020) available at https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61G4-15 (last visited Jan. 14, 2020).

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Section 489.117(4(d), F.S., similarly allows unlicensed persons to perform contracting services[13] related to the construction, remodeling, repair, or improvement of single-family residences and townhomes, under supervision by a certified or registered general, building, or residential contractor. The supervising contractor need not have a direct contract with the unlicensed person performing the contracting services. A legal challenge to the applicability of this exemption to local license requirements in St. Johns County was not successful.[14]

III. Effect of Proposed Changes:

SB 1102 amends s. 487.117(4), F.S., to exempt from local and state licensing for persons under the supervision of a certified or registered commercial pool/spa contractor, a residential pool/spa contractor, or a swimming pool/spa servicing contractor (a licensed pool contractor) for the performance of certain specialty contracting services. The bill provides a contractual relationship between the supervising contractor and those performing the specialty contracting services is not required (i.e., the performance of such contracting services is outside the business of contracting and need not be undertaken through a contractor/subcontractor relationship).

The services that may be performed by unlicensed persons under the supervision of a licensed pool contractor include the construction, remodeling, repair, or improvement of swimming pools, hot tubs, spas, and interactive water features, as defined in the Florida Building Code (code).[15] Of those terms, the current code does not appear to define "interactive water features." However, the described scope of work for "swimming pool piping specialty contractor" includes "decorative or interactive water displays or areas."[16]

The exemption is not available for persons required to be certified or registered as contractors for specified trade categories described in s. 489.105(3), F.S.[17]

The exemption from local contractor licensing and specialty contractor licensing created in the bill is similar to an exemption enacted in 1993.[18] Section 489.117(4)(d), F.S., allows unlicensed persons to perform contracting services related to the construction, remodeling, repair, or improvement of single-family residences and townhomes, under supervision by a certified or registered general, building, or residential contractor. The supervising contractor need not have a direct contract with the unlicensed person performing the contracting services.

---

[13] The specified scopes of work are sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, plumbing contractor, underground utility and excavation contractor, and solar contractor.
[14] *See Florida Home Builders Ass'n v. St. Johns County*, 914 So.2d 1035 (Fla. 5th DCA 2005).
[15] The term "swimming pool" is defined as "[a]ny structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground pools; hot tubs; spas and fixed-in-place wading pools." *See* ch. 2 of the 2017 Florida Building Code (Sixth Edition), available at https://codes.iccsafe.org/content/FBC2017/chapter-2-definitions (last visited Jan. 14, 2020).
[16] *See* Fla. Admin. Code R. 61G4-15.032(2)(f), relating to certification of swimming pool piping specialty contractors, available at https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61G4-15 (last visited Jan. 14, 2020).
[17] *See* ss. 489.105(3)(a) through (i) and (m) through (o), F.S. The specified scopes of work are identified as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, plumbing contractor, underground utility and excavation contractor, and solar contractor.
[18] *See* ch. 93-154, s. 3, and ch. 93-166, s. 12, Laws of Fla. These provisions have been subsequently amended.

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IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who are not licensed as contractors in a trade and have not been eligible to engage in such work may now, under the supervision of certified or registered contractors whose licenses cover such work, construct, remodel, repair, or improve swimming pools, hot tubs, spas, or interactive water features.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 489.117 of the Florida Statutes.

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IX. Additional Information:

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

None.

B. Amendments:

None.

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

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SB 1102 Questions & Answers

Q: Why is this bill needed?
A: There is a labor shortage in the swimming pool subcontractor market—there are not enough licensed swimming pool subcontractors to serve the active pool contractors (roughly 11:1 ratio of contractors to subcontractors—3893 active licensed swimming pool contractors and only 351 licensed swimming specialty subcontractors). Consequently, many pool contractors find themselves in a position where their only option to finish a job is use an unlicensed subcontractor. This bill will put more people to work legally in the swimming pool industry.

Q: Why can't subcontractors just get licensed?
A: The statutory requirements disincentivizes subcontractors from obtaining the subcontractor license. They have to demonstrate 4 years of specific experience in the license area, pass a credit check or post a bond, and pass an exam—nearly the same requirements as full-fledged swimming pool contractor. Consequently, many elect not to obtain the license. As a result, there have only been 75 new specialty swimming pool sub-contractors licensed since 2016.

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Q: Wouldn't removing the licensing requirement lead to bad or dangerous work being done on swimming pools?
A: No. The prime swimming pool contractor is ultimately responsible for the construction of the swimming pool, whether it is an employee of the contractor or a subcontractor. The swimming pool contractor is supervising and checking the work and is responsible for the quality of the work.

Q: How would this bill effect the subcontractors' and contractors' workers comp insurance?
A: There should be no effect. A prime swimming pool contractor's workers comp policy should account for subcontractors on the job site and a subcontractor would still be able to carry a workers comp policy based on a local business license.

Q: What is Jim Walters Exemption?
A: The Jim Walter Exemption allows unlicensed contractors to perform work on single family residences and townhouses if the unlicensed contractor is supervised by a licensed general, building or residential contractor. Currently, a building general contractor can hire unlicensed on site because it falls under their GC license. The Jim Walters exemption ensures Florida's construction industry is able to safely and economically complete

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projects without being stifled by unnecessary government regulations.

Q: Difference between Construction and Swimming Pool Contractors?
A: Swimming pool contractors are similar to general, building, and residential contractors because they are largely responsible for the entire project, from the first turn of dirt to final completion of the project.

Q: Difference between current specialty license and general swimming pool contractor license?
A: The main difference is the ability to carry more liability insurance and two additional exams you are required to take. DBPR is responsible for the licensure of contractors.*(THIS IS GENERAL – not specific)*

Q: What are the 7 different types of voluntarily specialty licenses?
A: The board has adopted rules for the voluntary certification of swimming pool specialty contractors and residential pool/spa servicing contractors:

1. Swimming Pool **Layout** Specialty Contractor
    a. Scope: layout, shaping, steel installation, and rough piping of pools, spas, and hot tub shells

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2. Swimming Pool **Structural** Specialty Contractor
    a. Scope: shaping and shooting of gunite, shotcrete, concrete, or similar product mix used in the construction of swimming pools and spas. This scope of work includes the installation of fiberglass shells and vinyl liners
3. Swimming Pool **Excavation** Specialty Contractor
    a. Scope: the excavation and earthmoving required for the installation of pools, spas, and hot tub shells
4. Swimming Pool **Trim** Specialty Contractor
    a. Scope: installation of tile and coping for pools, spas, and hot tub shells. Decorative or interactive water displays or areas that use recirculated water, including waterfalls and spray nozzles, are also included
5. Swimming Pool **Decking** Specialty Contractor
    a. Scope: construction and installation of concrete flatwork, pavers and bricks, retaining walls, and footings associated with the construction of pools, spas, and hot tub shells
6. Swimming Pool **Piping** Specialty Contractor

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a. Scope: installation of piping or the installation of circulating, filtering, disinfecting, controlling, or monitoring equipment and devices used in the construction of pools, spas, hot tubs, and decorative or interactive water displays or areas

7. Swimming Pool **Finishes** Specialty Contractor
   a. Scope: coating or plastering of the interior surfaces of pools, spas, or hot tub shells

Q: What rule does this fall under?

A: Florida Administrative Rule under Rule 61G4-15.032.

LICENSURE NUMBERS: Swimming Pool Specialty Subcontractor Shortage

- 3893 Licensed Swimming Pool Contractors in the State of Florida
- 351 Licensed Swimming Pool Specialty Sub Contractors in the State of Florida
- Only 75 new Swimming Pool Specialty Contractors Since 2016
- Only 107 License Practical Exam Proctors throughout the state

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SB 1102 –Specialty Contracting Services

Thank you Mr. Chair.

- Senate Bill 1102 address a work force shortage by removing unnecessary regulatory burdens for swimming pool contractors and unlicensed workers.
- This bill creates an exemption, modeled after the Jim Walters exemption for local and state licensing requirements related to the swimming pool industry.
- Individuals under the supervision of a certified or registered pool contractor for the construction, remodeling, or repair of swimming pools, hot tubs, and other water features would be allowed to work without a specialty license.
- Currently, specialty licenses were created to allow swimming pool contractors to subcontract their work. There is a significant shortage of specialty contractors statewide with only 351 special contractor licensees compared to roughly 4,000 swimming pool contractors statewide. There have been less than 100 specialty licenses applied for in the last few years.
- The licensure requires 4 years of experience, a credit check or bond, and a practical exam.
- Supporting SB 1102 will generate growth in jobs and wages for Floridians by removing these burdens in the industry.

That is the bill Mr. Chair.

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From: Jenkins, Scott <SJenkins@carltonfields.com>
Sent: Friday, January 03, 2020 2:11 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
CC: Hebrank, Kari B. <KHebrank@carltonfields.com>
Subject: SB 1102

Hey Vickie,
I hope you had a great holiday.

We see that Sen. Gruters' SB 1102 has language to expand the "Jim Walters Exemption" to include pool and spa contractors.

The FHBA has an amendment that we would like to see included in the bill.

We would like the following amendmentto Florida Statues Section 489.117(4)(d):

(d) Any person who is not required to obtain registration or certification pursuant to s. 489.105(3)(d)-(o) may perform contracting services for the construction, remodeling, repair, or improvement of single-family residences, including a townhouse as defined in the Florida Building Code, and clubhouses or recreation buildings in a residential development, without obtaining a local license if such person is under the supervision of a certified or registered general, building, or residential contractor. As used in this paragraph, supervision shall not be deemed to require the existence of a direct contract between the certified or registered general, building, or residential contractor and the person performing specialty contracting services.

Would Sen. Gruters be amendable to the amendment? We can meet with him to discuss.

Please let us know and whether he would like to meet.

FYI, we are also working with the FSPA lobbyists to get the current or similar language of SB 1102 in other bills such as HB 3.

Thanks,
Scott

CARLTON FIELDS

C. Scott Jenkins
Senior Government Consultant

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Tallahassee, Florida 32301-1866
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From: kcisarik@aol.com <kcisarik@aol.com>
Sent: Saturday, February 01, 2020 12:13 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
CC: Torres, Victor <Torres.Victor@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Stewart, Linda <Stewart.Linda@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>; todd.mckay@flsenate.gov <todd.mckay@flsenate.gov>
Subject: SB 1128 is an unfundated mandate

Dear Chair Gruters and members of the Senate Committee on Commerce and Tourism,

I am writing to you about SB 1128, a very flawed Vacation Rental bill for both Florida residents and Vacation Rental guests alike. This bill proposes to preempt all licensing and inspections of Vacation Rentals to the State but provides ZERO funding for the already overburdened DBPR agency to handle that task. The Division of Hotels and Restaurants of the DBPR can't handle its current workload. **I reference an April 2018 Inspector General's performance audit report for # A-1617BPR-023.**

In that report I.G. Lynne T. Winston states that **the Division of Hotels and Restaurants: "has struggled to meet the approved performance standards for the food service and lodging inspection measures. Our office concluded that absent other factors and given the current trends, the division will continue to struggle to meet the performance standards for these measures."** That report was issued before SB 1128 proposed to add many thousands of Vacation Rentals to the DBPR's workload.

A staff analysis for HB 1011, the companion bill for SB 1128, shows an estimated $450,000 is needed in year one and over $412,000 on a recurring basis to hire 6 employees to accomplish licensing by the DBPR **but there is no mention of funding for *inspections.* The bill has no initial or recurring inspections mandated for sanitary conditions or fire safety.** There are many thousands of Vacation Rental properties that would need to be inspected and the only way to do that is to partner with local agencies. Does the bill sponsor intend that Vacation Rentals be left unregulated through lack of funding?

Florida has a fire code and this bill will likely interfere with the ability of local fire officials to inspect properties for egress windows, fire extinguishers and smoke detectors. SB 1128 tries to eliminate inspections by reclassifying all **Vacation Rentals as *"residential in nature, a residential use, and thus permitted in residential neighborhoods"*** A majority of Vacation Rentals are now owned by investors, not residents sharing a home. These rentals are business ventures and they are often poorly run because they are largely unregulated. This bill seeks to make that situation worse by eliminating any ability for local governments or local fire departments to do inspections.

Investors in Pinellas County often buy up older homes near the beaches and convert them to Vacation Rental businesses. In that scenario, the garage is more lucrative if used as a bedroom space. Normally a bedroom requires an egress window to pass a building inspection, but you can pass if the space is declared to be an office or den. So a garage can be easily converted and be used for lucrative,extra sleeping space, but without windows and that poses a fire safety hazard for guests (especially when a water heater or dryer is nearby). That's just one reason we need fire safety inspections. Another is a lack of fire extinguishers. A Vacation Rental in my neighborhood had a grill fire last year which required our local fire department to intervene. The guests could not locate a fire extinguisher in the unit.

Some of the other failings in SB 1128 are in a lack of unified registration requirements. If a guest can register with just a credit card and no positive ID, then the industry will continue to attract criminals that seek to take advantage of that anonymity. Any acceptable bill needs protections to keep sexual predators out of residential neighborhoods were kids live. Positive ID could help track down human traffickers and make Vacation Rentals less desirable for use in drug crimes too.

Thoughtful members in the Innovation, Industry and Technology committee asked for amendments to address some of these issues I've mentioned, but the bill has yet to be amended to address any of these concerns. **If the state wants to take over all regulation of vacation rentals then the state bears the burden to keep its residents and visitors safe.**

I urge you to vote NO on SB 1128

Thank you,

Kelly Cisarik
A concerned 28 year resident of Indian Rocks Beach, Florida

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From: Old City Bungalow <oldcitybungalow@gmail.com>
Sent: Sunday, February 09, 2020 8:57 PM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: SB 1128

As a permanent resident in the city of St. Augustine, we are extremely concerned about SB 1128 and what it would do to our lovely neighborhood and endanger those who rent some of the units that are available now. We know first hand of local rentals that are considered unsafe to occupy. The use of old extension cords powering appliances, no smoke detectors, no fire extinguishers. We need local city and county government to be regulating these properties to the effect that they are safe for rental by registration and inspection. The state of Florida really should not be handling the day to day aspects of this process. I trust our city and county legislators to manage this regulation. SB 1128 will undermine the local ability to help make for safe rentals. We are currently living in between two short term rental homes that have made the neighborhood more like a hotel space. Both owners of these properties live out of the state of Florida and are not actively involved in the neighborhood as someone who lives here full time. The city laws would help apply consistent and organized operation of these rentals plus provide communication access in the event there are problems caused by the short term occupants. I cannot see any reason why you would support SB 1128 and urge you to convey to our state Senate members that the citizens in our community DO NOT support it.

Best Regards.

Robert Bronson
St. Augustine, FL

AMERICAN OVERSIGHT

From: Old City Bungalow <oldcitybungalow@gmail.com>
Sent: Sunday, February 09, 2020 8:56 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: SB 1128

Victoria:

As a permanent resident in the city of St. Augustine, we are extremely concerned about SB 1128 and what it would do to our lovely neighborhood and endanger those who rent some of the units that are available now. We know first hand of local rentals that are considered unsafe to occupy. The use of old extension cords powering appliances, no smoke detectors, no fire extinguishers. We need local city and county government to be regulating these properties to the effect that they are safe for rental by registration and inspection. The state of Florida really should not be handling the day to day aspects of this process. I trust our city and county legislators to manage this regulation. SB 1128 will undermine the local ability to help make for safe rentals. We are currently living in between two short term rental homes that have made the neighborhood more like a hotel space. Both owners of these properties live out of the state of Florida and are not actively involved in the neighborhood as someone who lives here full time. The city laws would help apply consistent and organized operation of these rentals plus provide communication access in the event there are problems caused by the short term occupants. I cannot see any reason why you would support SB 1128 and urge you to convey to our state Senate members that the citizens in our community DO NOT support it.

Best Regards.

Robert Bronson
St. Augustine, FL

AMERICAN OVERSIGHT

From: William Anderson <wlagmp@gmail.com>
Sent: Monday, February 10, 2020 9:35 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: SB 1128

My name is Bill Anderson. I am a longtime resident of St Augustine, and am writing you to discourage the passage of SB1128, which would remove local municipalities ability to regulate short term rentals. Our city has a reputation of being a living city, with beautiful residential neighborhoods. I have observed the erosion of these neighborhoods due to the explosion of STRs. Our City Commission has recently voted to approve 3 ordinances which would allow the city to regulate STRs within the city limits including mandatory registration, a registration fee, establish fire safety, intensity of use, and parking requirements. I strongly believe our city government should be permitted to regulate STRs.

AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Friday, January 24, 2020 5:00 PM EST
To: Joe Gruters <joegruters@gmail.com>
CC: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: SB 1212 - International Affairs
Attachment(s): "SB 1212 International Affairs White Paper.pdf","Staff Analysis_GO.PDF","Talking Points_Q&A.docx"

Senator,

Please find attached the bill package for Senate Bill 1212, International Affairs which is up on Monday @ 1:30 p.m.

Thanks!

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

AMERICAN OVERSIGHT

FLORIDA DEPARTMENT of STATE

SB 1212 by Senator Gruters

International Affairs

- SB 1212 seeks to provide the Department of State with more of an active role in fostering strong international relationships and working more closely with the Consular Corp in Florida.

- The bill requires the Secretary of State to serve as the State Protocol Officer. These functions resided with the Secretary of State prior to 2004, when they were transferred to the Office of Tourism, Trade, and Economic Development within the Office of the Governor. In 2011, some functions were delegated to the newly created Department of Economic Opportunity, while the majority became duties of a state protocol officer to be named by the Governor and to be housed within the Executive Office of the Governor.

- The bill authorizes the Department of State to support the establishment of citizen support organization (CSO) for certain purposes.

- The bill removes the purpose statement of the sister city and sister state program and makes discretionary certain activities thereunder such as establishing new programs as needed.

- It also removes issuing certificates to foreign governmental officials after verification pursuant to proper investigations through the United States DOS and the appropriate foreign government.

- Additionally, The Department of State, Office of the Secretary and the Division of Administrative Services, requests $123,994 ($119,868 recurring and $4,126 nonrecurring) in budget authority from the General Revenue Fund for 1.00 Full Time Equivalent (FTE) position to establish the Office of International Affairs.

AMERICAN OVERSIGHT

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 1212
INTRODUCER:	Senator Gruters
SUBJECT:	International Affairs
DATE:	January 24, 2020
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ponder	McVaney	GO	**Pre-meeting**
2.			IS	
3.			RC	

I. Summary:

SB 1212 amends s. 15.01, F.S., to provide that the Secretary of State shall serve as the state protocol officer. The bill revises s. 15.182, F.S., such that the Department of State is the only entity that shall receive notice of intent to travel internationally by state-funded musical, cultural, or artistic organizations.

The bill creates s. 288.8165, F.S., providing for the establishment of citizen support organizations to assist the Office of International Affairs within the Department of State by providing assistance, funding and promotional support for intergovernmental programs.

The bill may have a minimal impact on government expenditures in the establishment of citizen support organizations. However, the Department of State will also experience a slightly positive impact as private resources from citizen support organizations augment the purpose and programs of the Office of International Affairs. The private sector will experience an indeterminate fiscal impact in establishing citizen support organizations as well as meeting the audit, transparency and reporting requirements.

The bill takes effect July 1, 2020.

II. Present Situation:

Secretary of State

The Secretary of State (the Secretary) holds a statutorily created office whose duties are "as provided by law."[1] The Secretary serves as the head of the Department of State.[2] The Department of State consists of the following six divisions:

[1] FLA. CONST. art. XII, s. 24. The Office of the Secretary of State was created in 1845, under the State Constitution.
[2] Section 20.10(1), F.S. *See* FLA. CONST. art. XII, s. 24.

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- Division of Elections;
- Division of Historical Resources;
- Division of Corporations;
- Division of Library and Information Services;
- Division of Cultural Affairs; and the
- Division of Administration.[3]

The Secretary is appointed by the Governor, subject to confirmation by the Senate and performs the functions conferred by the State Constitution upon the custodian of state records.[4] Pursuant to Chapter 15, F.S., the Secretary of State is the custodian of the constitution, the Great Seal of this state, the original statutes, and of the resolutions of the Legislature, and of all the official correspondence of the Governor.[5] The Department of State is required to maintain a register and an index of all official letters, orders, communications, messages, documents and other official acts issued or received by the Governor or the Secretary of State, and record these in a book numbered in chronological order.[6] Before issuing any order or transmission of an official letter, communication or document from the executive office or promulgation of any official act or proceeding, except military orders, the Governor is required to deliver the same or a copy thereof to the Department of State for recordation.[7]

Notice of International Travel

The Department of Economic Opportunity (DEO) "assist[s] the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities to all Floridians."[8]

In accordance with s. 15.182, F.S., if a musical, cultural or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing, including an organization associated with a college or university, such an organization is required to notify the DEO of its intention to travel as well as the date, time and location of each appearance. DEO, in conjunction with Enterprise Florida, Inc.[9] (EFI), is required to act as an intermediary between artistic organizations and Florida businesses to encourage and coordinate joint undertakings, such as the sponsoring of cultural events.[10].

Section 15.182(3), F.S., requires an organization to provide notice to the Department of State at least 30 days prior to the date international travel is to commence. If the intention to travel internationally is not formed 30 days in advance, notice to the Department of State shall be given

[3] Section 20.01(2), F.S.
[4] Section 20.10(1), F.S.
[5] Section 15.01, F.S.
[6] Section 15.01, F.S.
[7] *Id.*
[8] Section 20.60, F.S.
[9] Enterprise Florida, Inc., created by s. 288.901, F.S., serves as the state's economic development organization, operating under a contract with DEO. Enterprise Florida, Inc., is a nonprofit corporation, governed by a board of directors chaired by the Governor.
[10] Section 15.182(2), F.S.

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as soon as feasible.[11] Thus, under this section, notice of intent to travel internationally by state-funded organizations must be given to both DEO and the Department of State. Section 15.182(3),F.S., further requires that the Department of State take "an active role in informing such groups of the responsibility to notify the [D]epartment [of State] of travel intentions."

The State Protocol Officer

The Governor, pursuant to s. 288.012(7), F.S., may designate a state protocol officer (SPO) who shall be housed within the Executive Office of the Governor. The SPO is required to develop maintain, publish, and distribute the state protocol manual.[12] The SPO is responsible for consular operations and the sister city and sister state program as well as serving as a liaison with foreign, federal and other international organizations and with local governments.[13] The SPO must maintain consular relations between the state and all foreign governments doing business in Florida and has the duty to ensure all federal treaties regarding foreign privileges and immunities are properly observed by monitoring U.S. Laws and directives.

Additionally, the SPO is required to:

- Establish a viable system of registration for foreign government officials residing or having jurisdiction in the state[14];
- Maintain and systematically update a current and accurate list of all such foreign governmental officials, consuls, or consulates;
- Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through U.S. Department of State sources and the appropriate foreign government;
- Verify entitlement to sales and use tax exemptions pursuant to U.S. Department of State guidelines and identification methods;
- Verify entitlement to issuance of special motor vehicle license plates by the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the U.S. Government;
- Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen;
- Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 943.68;
- Coordinate, when necessary, special activities between foreign governments and Florida state and local governments (such as Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities);
- Notify all newly arrived foreign governmental officials of the services offered by the SPO.[15]

[11] Section 15.182(3), F.S.
[12] Section 288.012(7), F.S.
[13] Section 288.816(1), F.S.
[14] This provisions instructs that an emphasis shall be placed on maintaining active communication between the SPO and the U.S. Department of State in order to be currently informed regarding foreign governmental personnel stationed in, or with official responsibilities for, Florida. Active dialogue shall also be maintained with foreign countries which historically have had dealings with Florida in order to keep them informed of the proper procedure for registering with the state.
[15] Section 288.816(2), F.S.

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The duties of the SPO also include the operation of the sister city and sister state program and establishing such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. In order to accomplish this purpose, the SPO has the power and authority to:

- Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions[16];
- Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions;
- Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities;
- Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained; and
- Maintain a current and accurate listing of all such affiliations.[17]

The SPO serves as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations.[18] The SPO is directed to direct all inquiries regarding international economic trade development or reverse investment opportunities to Enterprise Florida, Inc.[19] The SPO serves as a liaison with other states regarding international programs of interest to Florida, and investigates and makes suggestions regarding possible areas of joint action or regional cooperation.[20] The SPO is granted the power and has the duty to encourage the relocation of consular offices and multilateral and international agencies and organizations to Florida.[21]

Under s. 288.816(6), F.S., the DEO and EFI must help to contribute an international perspective to the state's development efforts.

Citizen Support Organizations

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created private entities that are generally required to be non-profit corporations and are authorized to carry out specific tasks in support of public entities or public causes. The functions

[16] Such activities may include a State of Florida sister cities conference. Section 288.816(3)(a), F.S.
[17] Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961 (22 U.S.C.A. Section 2370(f)(1)), as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.
[18] Section 288.816(4), F.S.
[19] *Id.*
[20] *Id.*
[21] Section 288.816(5), F.S.

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and purposes of a CSO or DSO are prescribed by its enabling statute and, for most, by a written contract with the agency the CSO or DSO was created to support.[22]

Legislature created s. 20.058, F.S., to establish a comprehensive set of transparency and reporting requirements for CSOs created or authorized pursuant to law or executive order and created, approved, or administered by a state agency.[23] Specifically, the law requires each CSO to annually submit, by August 1, the following information related to its organization, mission, and finances to the agency it supports:[24]

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent federal Internal Revenue Service (IRS) Return of Organization Exempt from Income Tax form (Form 990).[25]

Each agency receiving the above information must make the information available to the public through the agency's website. If the CSO maintains a website, the agency's website must provide a link to that website.[26] Additionally, any contract between an agency and a CSO must be contingent upon the CSO submitting and posting the information.[27] If a CSO fails to submit the required information for two consecutive years, the agency must terminate the contract with the CSO.[28] The contract must also include a provision for ending operations and returning state-issued funds to the state if the authorizing statute is repealed, the contract is terminated, or the organization is dissolved.[29]

By August 15 of each year, the agency must report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information provided by the CSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each CSO.[30]

A law creating or authorizing the creation of a CSO must state that the creation or authorization for the CSO is repealed on October 1 of the fifth year after enactment, unless reviewed and saved from repeal by the Legislature. CSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.[31]

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[22] Because the bill speaks to the establishment of a CSO, the analysis focuses on CSOs. DSOs are subject to the same transparency and reporting requirements as CSOs.
[23] Chapter 2014-96, Laws of Fla.
[24] Section 20.058(1), F.S.
[25] The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501.
[26] Section 20.058(2), F.S.
[27] Section 20.058(4), F.S.
[28] *Id*.
[29] *Id*.
[30] Section 20.058(3), F.S.
[31] Section 20.058(5), F.S

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III. Effect of Proposed Changes:

Section 1 amends s. 15.01, F.S., to provide that the Secretary shall serve as the state protocol officer and that the Secretary, in consultation with the Governor and other governmental officials, shall develop, maintain, publish, and distribute the state protocol manual.

Section 2 amends s. 15.182, F.S., to designate the Department of State as the agency to whom state-funded musical, cultural, or artistic organizations must provide notice of intent to travel internationally.

Section 3 amends s. 288.816(2), F.S., to remove from the SPO's responsibilities the requirement of (i) issuing certificates to such foreign governmental officials after verification pursuant to proper investigations through U.S. Department of State sources and the appropriate foreign governments; and (ii) verifying entitlement to sales and use tax exemptions pursuant to U.S. Department of State guidelines and identification methods.

The bill also amends s. 288.816(3), F.S., and makes permissive the SPO's role regarding sister city and sister state programs. The bill eliminates the requirement of a system of registration for sister city and sister state affiliations as well as the duty to maintain an accurate listing of all such affiliations.

Section 4 creates 288.8165, F.S., allowing the Office of International Affairs (OIA) within the Department of State to support the establishment of CSOs to provide assistance, funding and promotional support for intergovernmental programs. A CSO must be:

- A Florida corporation not for profit incorporated under chapter 617 and approved by the Department of State:
- Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the OIA;
- Determined by the OIA to be consistent with the goals of the office an in the best interests of the State; and
- Approved in writing (by a letter of agreement) by the OIA to operate for the direct or indirect benefit of the office.

The bill specifies operational requirements and annual audit requirement for the CSOs.

The bill grants rulemaking authority to the OIA for the adoptions of rules requiring CSOs to meet certain requirements in order to use the office's administrative services, property, or facilities.

The bill provides for the future repeal of this section on October 1, 2025, unless it is reviewed and saved from repeal by the Legislature.

Section 5 amends s. 288.012, F.S., to make conforming changes.

Section 6 provides that the act will take effect on July 1, 2020.

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IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

This bill does not impact state or local taxes or fees.

B. Private Sector Impact:

The bill will have an indeterminate fiscal impact on the private sector in the establishment of CSOs and in meeting the audit, transparency and reporting requirements.

C. Government Sector Impact:

The bill may have a minimal impact on government expenditures in the establishment of CSOs. However, the Department of State will experience an indeterminate positive fiscal impact as private resources from CSOs will augment the purpose and programs of the OIA.

VI. Technical Deficiencies:

None.

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VII. Related Issues:

The Office of International Affairs (OIA) is not created by statute or other provision of law. Section 20.04(3), F.S., mandates (with some exceptions not relevant here) the internal structure of all departments and provides that the principal unit of the department is the "division," the principal unit of the division is the "bureau," and the principal unit of the bureau is the "section." If further subdivision is required, s. 20.04(3)(d), F.S., instructs that sections may be divided into "subsections." Thus, the term "office" is not within the proper nomenclature.

Because the bill provides rulemaking authority to the OIA, it is suggested consideration be given to (i) granting rulemaking authority to the Department of State rather than OIA, or (ii) amending s. 20.10, F.S., to define the OIA as an entity within the Department of State.

The stated purpose of the CSOs is to provide assistance, funding and promotional support for *intergovernmental programs*. (emphasis added). The term "intergovernmental programs" is not defined. However, because the CSOs are supported by the OIA, it would suggest that such programs are to be international rather than national in nature. The bill specifies that OIA must make a determination that the CSO is "*consistent with the goals of the office* and in the best interests of the state." (emphasis added). As stated above, OIA is not created in law and the office cannot be located on the Department of State's website. Thus, there is little to no guidance as to the "goals of the office." It is suggested that consideration be given to either defining the term "intergovernmental programs" or providing more specificity as to the stated purpose of the CSOs. Alternatively, if, as suggested above, s. 20.10, F.S., is amended to define the OIA, the goals or purpose of the office could be stated therein.

VIII. Statutes Affected:

This bill substantially amends sections 15.01, 15.182, 288.816, and 288.012 of the Florida Statutes.

This bill creates s. 288.8165, F.S., of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

AMERICAN OVERSIGHT

SB 1212 – International Affairs

1) *Explain Bill*
2) *Explain Amendment Barcode #316316*

Thank you Mr. Chairman.

- Senate Bill 1212 designates the Secretary of State to serve as the State Protocol Officer. This will continue growing Florida's relationships within the international community and provide a closer working relationships with the Consular Corps in Florida.

- The bill authorizes the creation of a citizen-support organization to assist the Department of State with assistance, funding, and promotional support of intergovernmental programs.

- Lastly, this bill removes language related the purpose statement of the sister city and sister state program, issuance of certificates after verification to foreign government officials, and verification of entitlement to sales and use tax exemptions already approved by the United States Department of State.

That is the bill Mr. Chairman. **If not prompted, "I have an amendment Mr. Chairman."*

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Amendment Talking Points – Barcode #316316

- This amendment was recommended by staff to fix technical issues related to rulemaking and statutory requirements.

- Removes any reference to the Office of International Affairs throughout and replaces it with the Department of State.

- Consolidates duplicative notice provisions regarding intent to travel internationally into one provision.

- Conforms the provisions authorizing the Department to establish Citizen Support Organizations to the requirements for such organizations under Florida Statute. (20.2551)

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QUESTIONS AND ANSWERS

Q: What is a Citizen Support Organization and a Direct-Support Organization?
A: Private entities (usually non-profit corporations) authorized to carry out specific tasks in support of a public entity. Example:

Q: Is there a fiscal?

A: Yes, this bill would create 1 full time employee at $123,994 ($119,868 recurring and $4,126 nonrecurring) from General Revenue to establish the Office of International Affairs. This amount was requested by the Governor.

Q: Who is currently the State Protocol Officer?

A: Governor DeSantis has not appointed one to my knowledge. These functions are currently in three different locations – EOG, DEO, and EFI. These functions resided with the Secretary of State prior to 2004, when they were transferred to the Office of Tourism, Trade, and Economic Development within the Office of the Governor. In 2011, some functions were delegated to the newly created Department of Economic Opportunity, while the majority became duties of a state protocol officer to be named by the Governor and to be housed within the Executive Office of the Governor.

Q: What is the Consular Corps?
A: They are consulates and honorary consuls in Florida. The Honorary consult of Belarus is located in my district (North Port). I am also working with the British Consulate by sponsoring a Senate Memorial.

Q: Is there a repeal date for the CSO?
A: Yes, it is October 1, 2025 unless reinstate by the Legislature.

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Q: What is the Secretary of State currently responsible for?
A: Elections, Historical Resources, Corporations, Library and information Services, Cultural Affairs and Administration. They are appointed by the Governor and are the custodians of state records.

Q: Will this remove power from Enterprise Florida or Department of Economic Opportunity?
A: No, this will allow them to collaborate when working with groups when they travel internationally.

Q: What is the State Protocol Officer?
A: The SPO is required to develop maintain, publish, and distribute the state protocol manual. The SPO is responsible for consular operations and the sister city and sister state program as well as serving as a liaison with foreign, federal and other international organizations and with local governments. The SPO must maintain consular relations between the state and all foreign governments doing business in Florida and has the duty to ensure all federal treaties regarding foreign privileges and immunities are properly observed by monitoring U.S. Laws and directives.

AMERICAN OVERSIGHT

From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Friday, January 24, 2020 11:19 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: SB 1212-International Affairs Office
Attachment(s): "SB1212_DOS 2020-01-22.docx","SB 1212 International Affairs White Paper (1).pdf","State Protocol Officer Talking Points.docx","amendmentdraft76421 01212020.docx"

Victoria,

Happy Friday! I have attached several documents that supports and gives information on SB 1212- Office of International Affairs. I have also attached the draft amendment language that has not been filed yet so we anticipate that popping out very soon. So keep that document between us until then J (again it is just a technical amendment to get it in line with statute and proper rulemaking- it doesn't do anything drastic).

Please let me know if you need anything additional. Happy to come by and meet with the Senator on Monday morning. Just let me know J

Thank you and have a great weekend!

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

AMERICAN OVERSIGHT

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Governmental Oversight and Accountability recommended the following:

Senate Amendment (with title amendment)

Delete lines 54 - 173
and insert:
Section 2. Section 15.182, Florida Statutes, is amended to read:
15.182 International travel by state-funded musical, cultural, or artistic organizations; notification to the Department of State ~~Economic Opportunity~~.—
(1) If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a

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presentation, performance, or other significant public viewing, including an organization associated with a college or university, such organization shall notify the Department of State ~~Economic Opportunity~~ in writing of its intentions to travel, together with the date, time, and location of each appearance. The notice shall be provided to the department at least 30 days prior to the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The department shall take an active role in informing such artistic organizations of the responsibility to provide notice of international travel intentions.

(2) The Department of State ~~Economic Opportunity~~, in conjunction with the Department of Economic Opportunity and Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.

~~(3) An organization shall provide the notification to the Department of State required by this section at least 30 days before the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The Department~~

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~~of State shall take an active role in informing such groups of the responsibility to notify the department of travel intentions.~~

Section 3. Paragraphs (c) and (d) of subsection (2) and subsection (3) of section 288.816, Florida Statutes, are amended to read:

288.816 Intergovernmental relations.—

(2) The state protocol officer shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The state protocol officer shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The state protocol officer shall:

~~(c) Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government.~~

~~(d) Verify entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods.~~

(3) The state protocol officer may ~~shall operate the sister city and sister state program and establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, the state protocol officer shall have the power and authority to~~:

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries

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and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

(c) Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities.

~~(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.~~

~~(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.~~

Section 4. Section 288.8165, Florida Statutes, is created to read:

288.8165 Citizen support organizations.—

(1) CITIZEN SUPPORT ORGANIZATIONS.—The Department of State may authorize the establishment of citizen support organizations to provide assistance, funding, and promotional support for the intergovernmental programs of the department. For the purposes

AMERICAN OVERSIGHT

of this section, a "citizen support organization" means an organization which:

(a) Is a Florida corporation not for profit incorporated under chapter 617 and approved by the Department of State.

(b) Is organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, or real or personal property; and make expenditures for the benefit of the intergovernmental programs of the department; except that such organization may not receive funds from the department by grant or gift unless specifically authorized by the Legislature. If the citizen support organization by contract provides fiscal and administrative services to the department for a grant or program that benefits the intergovernmental programs of the department, the organization may be reimbursed or compensated for such services by the department if the services are a direct benefit to the intergovernmental programs of the department.

(c) The department has determined to be consistent with the goals of the intergovernmental programs of the department and in the best interests of the state.

(d) Is approved in writing by the department to operate for the benefit of the intergovernmental programs of the department. Such approval must be stated in a letter of agreement from the Secretary of State.

(2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—

(a) The department may permit a citizen support organization to use department property, facilities, and personnel free of charge. A citizen support organization may use

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commission property, facilities, and personnel if such use is consistent with the approved purpose of that citizen support organization and if such use does not unreasonably interfere with the general public's use of commission property, facilities, and personnel for established purposes.

(b) The department may prescribe conditions upon the use by a citizen support organization of commission property, facilities, or personnel.

(c) The department may not permit the use of any property, facilities, or personnel of the state by a citizen support organization that does not provide equal membership and employment opportunities to all persons regardless of race, color, national origin, religion, sex, or age.

(3) ANNUAL AUDIT.—Each citizen support organization shall provide for an annual financial audit in accordance with s. 215.981.

(4) FUTURE REPEAL.—This section is repealed October 1, 2025, unless reviewed and saved from repeal by the Legislature.

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

And the title is amended as follows:

Delete lines 16 - 21

and insert:

creating s. 288.8165; authorizing the Department of State to support the establishment of citizen support organizations for certain purposes; defining the term "citizen support organization"; authorizing the department to adopt rules; prohibiting the department from allowing a

AMERICAN OVERSIGHT

FLORIDA DEPARTMENT of STATE

SB 1212 by Senator Gruters

International Affairs

- SB 1212 seeks to provide the Department of State with more of an active role in fostering strong international relationships and working more closely with the Consular Corp in Florida.

- The bill requires the Secretary of State to serve as the State Protocol Officer. These functions resided with the Secretary of State prior to 2004, when they were transferred to the Office of Tourism, Trade, and Economic Development within the Office of the Governor. In 2011, some functions were delegated to the newly created Department of Economic Opportunity, while the majority became duties of a state protocol officer to be named by the Governor and to be housed within the Executive Office of the Governor.

- The bill authorizes the Department of State to support the establishment of citizen support organization (CSO) for certain purposes.

- The bill removes the purpose statement of the sister city and sister state program and makes discretionary certain activities thereunder such as establishing new programs as needed.

- It also removes issuing certificates to foreign governmental officials after verification pursuant to proper investigations through the United States DOS and the appropriate foreign government.

- Additionally, The Department of State, Office of the Secretary and the Division of Administrative Services, requests $123,994 ($119,868 recurring and $4,126 nonrecurring) in budget authority from the General Revenue Fund for 1.00 Full Time Equivalent (FTE) position to establish the Office of International Affairs.

AMERICAN OVERSIGHT

2020 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of State

BILL INFORMATION	
BILL NUMBER:	SB 1212
BILL TITLE:	State Protocol Officer
BILL SPONSOR:	Senator Gruters
EFFECTIVE DATE:	July 1, 2020

COMMITTEES OF REFERENCE
1) Governmental Oversight and Accountability
2) Infrastructure and Security
3) Rules
4) N/A
5) N/A

CURRENT COMMITTEE
Governmental Oversight and Accountability

SIMILAR BILLS	
BILL NUMBER:	N/A
SPONSOR:	N/A

PREVIOUS LEGISLATION	
BILL NUMBER:	N/A
SPONSOR:	N/A
YEAR:	N/A
LAST ACTION:	N/A

IDENTICAL BILLS	
BILL NUMBER:	N/A
SPONSOR:	N/A

AMERICAN OVERSIGHT

Is this bill part of an agency package?
N/A

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	1/15/2020
LEAD AGENCY ANALYST:	Brittany Dover
ADDITIONAL ANALYST(S):	Sandy Shaugnessy/Curtis Young
LEGAL ANALYST:	Colleen O'Brien
FISCAL ANALYST:	Click or tap here to enter text.

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Returning state protocol officer designation to prior statutory placement and reviving prior language designating the Secretary of State as the state protocol officer; returning coordination functions and duties pertaining to international travel by state-funded musical, cultural, or artistic organizations to the Department of State, in conjunction with the Department of Economic Opportunity and Enterprise Florida, Inc.; removing or making discretionary certain intergovernmental relations functions of the state protocol officer; authorizing the establishment of citizen support organizations to provide assistance, funding, and promotional support for intergovernmental programs. Effective Date: July 1, 2020.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

State protocol officer functions resided with the Secretary of State as the state protocol officer prior to 2004, when they were transferred to the Office of Tourism, Trade, and Economic Development within the Office of the Governor. In 2011, some functions were delegated to the newly created Department of Economic Opportunity, while the majority became duties of a state protocol officer to be named by the Governor and to be housed within the Executive Office of the Governor.

2. EFFECT OF THE BILL:

The bill names the Secretary of State as the state protocol officer, along with the attendant intergovernmental relations functions under sections 288.816 (with some amendments to duties) and 15.182, Florida Statutes.

As to amendments to duties, the bill strikes the following intergovernmental relations functions from section 288.816, Florida Statutes:

- Issuing certificates to foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government;
- Verifying entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods;
- Establishing a viable system of registration and sister state affiliations between the state and foreign countries and their subdivisions, including establishing mechanisms to supervise the maintenance of these ties; and

AMERICAN OVERSIGHT

- Maintaining a current and accurate listing of all such affiliations.

The bill additionally strikes language prescribing certain parameters on sister city and state affiliations.

The bill removes the purpose statement of the sister city and sister state program and makes discretionary certain activities thereunder, such as establishing new programs as needed.

The bill creates new section 288.8161, Florida Statutes, authorizing the establishment of citizen support organizations to provide assistance, funding, and promotional support to the Department of State for intergovernmental programs.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y☐ N☒

If yes, explain:	Click or tap here to enter text.
Is the change consistent with the agency's core mission?	Y☐ N☐
Rule(s) impacted (provide references to F.A.C., etc.):	Click or tap here to enter text.

4. **WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?**

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y☐ N☒

If yes, provide a description:	Click or tap here to enter text.
Date Due:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y☒ N☐

Board:	Click or tap here to enter text.
Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Under current section 288.012(7), Florida Statutes, the Governor designates a state protocol officer who is to be housed within the Executive Office of the Governor. The Bill designates, as was the case prior to 2004, the Secretary of State as the state protocol officer.
Bill Section Number(s):	Click or tap here to enter text.

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FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y☐ N☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Does the legislation increase local taxes or fees? If yes, explain.	Click or tap here to enter text.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	Click or tap here to enter text.

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y☒ N☐

Revenues:	Click or tap here to enter text.
Expenditures:	The Department of State, Office of the Secretary and the Division of Administrative Services, requests $123,994 ($119,868 recurring and $4,126 nonrecurring) in budget authority from the General Revenue Fund for 1.00 Full Time Equivalent (FTE) position to establish the Office of International Affairs.
Does the legislation contain a State Government appropriation?	Yes
If yes, was this appropriated last year?	No

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y☐ N☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Other:	Click or tap here to enter text.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y☐ N☒

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

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TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y☐ N☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	Click or tap here to enter text.

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y☐ N☒

If yes, describe the anticipated impact including any fiscal impact.	Click or tap here to enter text.

ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	If the duties being stricken from section 288.816 are currently necessary and being performed, they may need to be specifically delegated to the performing entity or individual so as not to leave a void in duties. If they are unnecessary or duplicative of another entity or individual's existing responsibilities, striking them should suffice.

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State Protocol Officer (Office of International Affairs) Talking Points:

- State protocol officer functions resided with the Secretary of State as the state protocol officer prior to 2004, when they were transferred to the Office of Tourism, Trade and Economic Development within the Office of Governor.

- In 2011, some functions were delegated to the newly created Department of Economic Opportunity while the majority became duties of a state protocol officer to be named by the Governor and to be housed within the EOG.

- This bill returns certain state protocol officer and intergovernmental relations functions back to the Secretary of State.

- Bill requires (1) FTE at $117,896 for FY 20-21. Which has been included in the Governor's recommended budget.

- The bill removes the purpose statement of the sister city and sister state program and makes discretionary certain activities thereunder such as establishing new programs as needed.

- The bill removes issuing certificates to foreign governmental officials after verification pursuant to proper investigations through the United States DOS and the appropriate foreign government.

- The bill removes verifying entitlement to sales and use tax exemptions pursuant to the United States DOS guidelines and identification methods.

- The bill removes maintaining a current and accurate listing of all such affiliations.

- Lastly, the bill removes the language prescribing certain parameters on the sister city and state affiliations.

AMERICAN OVERSIGHT

From: Brill, Victoria
Sent: Monday, December 16, 2019 4:19 PM EST
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: SB 1212

Hi Brittany,

I hope this e-mail finds you well. I wanted to see if you had talking points and background for SB 1212? Also, I wrote down Rep. Jamie Grant was potentially going to sponsor the legislation in the House. Is that correct?

I look forward to the updates.

Thank you,
Vickie

Vickie Brill, MBA
Senior Legislative Aide
Sen. Joe Gruters, District 23
(941) 378-6309
(850) 487-5023

AMERICAN OVERSIGHT

From: French Brown <FBrown@deanmead.com>
Sent: Monday, November 25, 2019 4:42 PM EST
To: Gross, Steve <Steve.Gross@LASPBS.STATE.FL.US>; Diez-Arguelles, Jose <Jose.Diez-Arguelles@LASPBS.STATE.FL.US>
CC: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: SB 126
Attachment(s): "_s00126__ (2).docx"

Jose and Steve,

Attached is the language we discussed. Let me know if you have questions.

French Brown
850-459-0992 (Mobile)

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AMERICAN OVERSIGHT

By Senator Gruters

23-00203-20 2020126__

A bill to be entitled

An act relating to the sales and use tax; amending s. 212.02, F.S.; revising the definition of the term "retail sale"; amending s. 212.05, F.S.; conforming a provision to changes made by the act; amending s. 212.0596, F.S.; renaming the term "mail order sale" to "remote sale" and revising the definition; revising conditions under which certain dealers are subject to sales tax levies and collection; defining the term "making a substantial number of remote sales"; deleting an exemption for certain dealers from collecting local option surtaxes; conforming provisions to changes made by the act; creating s. 212.05965, F.S.; defining terms; providing that certain marketplace providers are subject to registration, collection, and remittance requirements for sales taxes; requiring marketplace providers to provide a certain certification to their marketplace sellers; specifying requirements for marketplace sellers; requiring marketplace providers to allow the Department of Revenue to examine and audit their books and records; specifying the examination and audit authority of the department; providing that a marketplace seller, and not the marketplace provider, is liable for sales tax collection and remittance under certain circumstances; authorizing marketplace providers and marketplace sellers to enter into agreements for the recovery of certain taxes, interest, and penalties; authorizing the department to

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settle and compromise taxes, interest, or penalties assessed on sales conducted through a marketplace; providing construction and applicability; amending s. 212.06, F.S.; revising the definition of the term "dealer"; conforming provisions to changes made by the act; amending s. 212.12, F.S.; deleting an exclusion from certain dealers who are allowed a dealer's credit for collecting tax; deleting the authority of the department's executive director to negotiate a collection allowance with certain dealers; conforming a provision to changes made by the act; amending s. 212.18, F.S.; conforming a provision to changes made by the act; reenacting s. 212.20(4), F.S., relating to refunds of taxes adjudicated unconstitutionally collected, to incorporate the amendment made to s. 212.0596, F.S., in a reference thereto; authorizing the department to adopt emergency rules; providing for expiration of the authority; providing for severability; providing effective dates.

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

Section 1. Paragraph (e) of subsection (14) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(14)

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(e) The term "retail sale" includes a remote ~~mail order~~ sale~~,~~ as defined in s. 212.0596(1).

(f) The term "retail sale" includes a sale facilitated through a marketplace as defined in s. 212.05965(1).

~~Section 2. Effective October 1, 2020, paragraph (f) is added to subsection (14) of section 212.02, Florida Statutes, to read:~~

~~212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~(14)~~

~~(f) The term "retail sale" includes a sale facilitated through a marketplace as defined in s. 212.05965(1).~~

Section ~~3~~2. Section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making remote ~~mail order~~ sales;~~, or~~ who rents or furnishes any of the things or services taxable under this chapter;~~,~~ or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

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AMERICAN OVERSIGHT

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(a)1.a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount

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of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or aircraft by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat or aircraft will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the purchaser may be deemed to be the selling dealer. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in sub-subparagraph f., from the state within 90 days after the date of purchase or extension, or the purchaser removes a nonqualifying boat or an aircraft from this state within 10 days after the date of purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of the repairs or alterations; or if the aircraft will be registered in a foreign jurisdiction and:

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(I) Application for the aircraft's registration is properly filed with a civil airworthiness authority of a foreign jurisdiction within 10 days after the date of purchase;

(II) The purchaser removes the aircraft from the state to a foreign jurisdiction within 10 days after the date the aircraft is registered by the applicable foreign airworthiness authority; and

(III) The aircraft is operated in the state solely to remove it from the state to a foreign jurisdiction.

For purposes of this sub-subparagraph, the term "foreign jurisdiction" means any jurisdiction outside of the United States or any of its territories;

b. The purchaser, within 30 days from the date of departure, provides the department with written proof that the purchaser licensed, registered, titled, or documented the boat or aircraft outside the state. If such written proof is unavailable, within 30 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt;

c. The purchaser, within 10 days of removing the boat or aircraft from Florida, furnishes the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of Florida. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 5 days of the date of sale,

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provides to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser applies to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. The nonresident purchaser of a qualifying boat may apply to the selling dealer within 60 days after the date of purchase for an extension decal that authorizes the boat to remain in this state for an additional 90 days, but not more than a total of 180 days, before the nonresident purchaser is required to pay the tax imposed by this chapter. The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, before delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued, except the extension decal shall cost $425.

(II) The proceeds from the sale of decals will be deposited

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into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal before permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date before its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary

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to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within the maximum 180 days after purchase or a nonqualifying boat or an aircraft from this state within 10 days after purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or aircraft to return to this state within 6 months from the date of departure, except as provided in s. 212.08(7)(fff), or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or aircraft and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2). The maximum 180-day period following the sale of a qualifying boat tax-exempt to a nonresident may not be tolled for any reason.

(b) At the rate of 6 percent of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed, distributed, or stored for use or consumption in this state; however, for tangible property originally purchased exempt from tax for use exclusively for lease and which is converted to the owner’s own use, tax may be

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paid on the fair market value of the property at the time of conversion. If the fair market value of the property cannot be determined, use tax at the time of conversion shall be based on the owner's acquisition cost. Under no circumstances may the aggregate amount of sales tax from leasing the property and use tax due at the time of conversion be less than the total sales tax that would have been due on the original acquisition cost paid by the owner.

(c) At the rate of 6 percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein; however, the following special provisions apply to the lease or rental of motor vehicles:

1. When a motor vehicle is leased or rented for a period of less than 12 months:

a. If the motor vehicle is rented in Florida, the entire amount of such rental is taxable, even if the vehicle is dropped off in another state.

b. If the motor vehicle is rented in another state and dropped off in Florida, the rental is exempt from Florida tax.

2. Except as provided in subparagraph 3., for the lease or rental of a motor vehicle for a period of not less than 12 months, sales tax is due on the lease or rental payments if the vehicle is registered in this state; provided, however, that no tax shall be due if the taxpayer documents use of the motor vehicle outside this state and tax is being paid on the lease or rental payments in another state.

3. The tax imposed by this chapter does not apply to the lease or rental of a commercial motor vehicle as defined in s. 316.003(13)(a) to one lessee or rentee for a period of not less

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than 12 months when tax was paid on the purchase price of such vehicle by the lessor. To the extent tax was paid with respect to the purchase of such vehicle in another state, territory of the United States, or the District of Columbia, the Florida tax payable shall be reduced in accordance with the provisions of s. 212.06(7). This subparagraph shall only be available when the lease or rental of such property is an established business or part of an established business or the same is incidental or germane to such business.

(d) At the rate of 6 percent of the lease or rental price paid by a lessee or rentee, or contracted or agreed to be paid by a lessee or rentee, to the owner of the tangible personal property.

(e)1. At the rate of 6 percent on charges for:

a. Prepaid calling arrangements. The tax on charges for prepaid calling arrangements shall be collected at the time of sale and remitted by the selling dealer.

(I) "Prepaid calling arrangement" has the same meaning as provided in s. 202.11.

(II) If the sale or recharge of the prepaid calling arrangement does not take place at the dealer's place of business, it shall be deemed to have taken place at the customer's shipping address or, if no item is shipped, at the customer's address or the location associated with the customer's mobile telephone number.

(III) The sale or recharge of a prepaid calling arrangement shall be treated as a sale of tangible personal property for purposes of this chapter, regardless of whether a tangible item evidencing such arrangement is furnished to the purchaser, and

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such sale within this state subjects the selling dealer to the jurisdiction of this state for purposes of this subsection.

(IV) No additional tax under this chapter or chapter 202 is due or payable if a purchaser of a prepaid calling arrangement who has paid tax under this chapter on the sale or recharge of such arrangement applies one or more units of the prepaid calling arrangement to obtain communications services as described in s. 202.11(9)(b)3., other services that are not communications services, or products.

b. The installation of telecommunication and telegraphic equipment.

c. Electrical power or energy, except that the tax rate for charges for electrical power or energy is 4.35 percent. Charges for electrical power and energy do not include taxes imposed under ss. 166.231 and 203.01(1)(a)3.

2. Section 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, is equally applicable to any tax paid under this section on charges for prepaid calling arrangements, telecommunication or telegraph services, or electric power subsequently found to be uncollectible. As used in this paragraph, the term "charges" does not include any excise or similar tax levied by the Federal Government, a political subdivision of this state, or a municipality upon the purchase, sale, or recharge of prepaid calling arrangements or upon the purchase or sale of telecommunication, television system program, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

(f) At the rate of 6 percent on the sale, rental, use,

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consumption, or storage for use in this state of machines and equipment, and parts and accessories therefor, used in manufacturing, processing, compounding, producing, mining, or quarrying personal property for sale or to be used in furnishing communications, transportation, or public utility services.

(g)1. At the rate of 6 percent on the retail price of newspapers and magazines sold or used in Florida.

2. Notwithstanding other provisions of this chapter, inserts of printed materials which are distributed with a newspaper or magazine are a component part of the newspaper or magazine, and neither the sale nor use of such inserts is subject to tax when:

a. Printed by a newspaper or magazine publisher or commercial printer and distributed as a component part of a newspaper or magazine, which means that the items after being printed are delivered directly to a newspaper or magazine publisher by the printer for inclusion in editions of the distributed newspaper or magazine;

b. Such publications are labeled as part of the designated newspaper or magazine publication into which they are to be inserted; and

c. The purchaser of the insert presents a resale certificate to the vendor stating that the inserts are to be distributed as a component part of a newspaper or magazine.

(h)1. A tax is imposed at the rate of 4 percent on the charges for the use of coin-operated amusement machines. The tax shall be calculated by dividing the gross receipts from such charges for the applicable reporting period by a divisor, determined as provided in this subparagraph, to compute gross

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taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. For counties that do not impose a discretionary sales surtax, the divisor is equal to 1.04; for counties that impose a 0.5 percent discretionary sales surtax, the divisor is equal to 1.045; for counties that impose a 1 percent discretionary sales surtax, the divisor is equal to 1.050; and for counties that impose a 2 percent sales surtax, the divisor is equal to 1.060. If a county imposes a discretionary sales surtax that is not listed in this subparagraph, the department shall make the applicable divisor available in an electronic format or otherwise. Additional divisors shall bear the same mathematical relationship to the next higher and next lower divisors as the new surtax rate bears to the next higher and next lower surtax rates for which divisors have been established. When a machine is activated by a slug, token, coupon, or any similar device which has been purchased, the tax is on the price paid by the user of the device for such device.

2. As used in this paragraph, the term "operator" means any person who possesses a coin-operated amusement machine for the purpose of generating sales through that machine and who is responsible for removing the receipts from the machine.

a. If the owner of the machine is also the operator of it, he or she shall be liable for payment of the tax without any deduction for rent or a license fee paid to a location owner for the use of any real property on which the machine is located.

b. If the owner or lessee of the machine is also its operator, he or she shall be liable for payment of the tax on the purchase or lease of the machine, as well as the tax on

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sales generated through the machine.

c. If the proprietor of the business where the machine is located does not own the machine, he or she shall be deemed to be the lessee and operator of the machine and is responsible for the payment of the tax on sales, unless such responsibility is otherwise provided for in a written agreement between him or her and the machine owner.

3.a. An operator of a coin-operated amusement machine may not operate or cause to be operated in this state any such machine until the operator has registered with the department and has conspicuously displayed an identifying certificate issued by the department. The identifying certificate shall be issued by the department upon application from the operator. The identifying certificate shall include a unique number, and the certificate shall be permanently marked with the operator's name, the operator's sales tax number, and the maximum number of machines to be operated under the certificate. An identifying certificate shall not be transferred from one operator to another. The identifying certificate must be conspicuously displayed on the premises where the coin-operated amusement machines are being operated.

b. The operator of the machine must obtain an identifying certificate before the machine is first operated in the state and by July 1 of each year thereafter. The annual fee for each certificate shall be based on the number of machines identified on the application times $30 and is due and payable upon application for the identifying device. The application shall contain the operator's name, sales tax number, business address where the machines are being operated, and the number of

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machines in operation at that place of business by the operator. No operator may operate more machines than are listed on the certificate. A new certificate is required if more machines are being operated at that location than are listed on the certificate. The fee for the new certificate shall be based on the number of additional machines identified on the application form times $30.

c. A penalty of $250 per machine is imposed on the operator for failing to properly obtain and display the required identifying certificate. A penalty of $250 is imposed on the lessee of any machine placed in a place of business without a proper current identifying certificate. Such penalties shall apply in addition to all other applicable taxes, interest, and penalties.

d. Operators of coin-operated amusement machines must obtain a separate sales and use tax certificate of registration for each county in which such machines are located. One sales and use tax certificate of registration is sufficient for all of the operator’s machines within a single county.

4. The provisions of this paragraph do not apply to coin-operated amusement machines owned and operated by churches or synagogues.

5. In addition to any other penalties imposed by this chapter, a person who knowingly and willfully violates any provision of this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

6. The department may adopt rules necessary to administer the provisions of this paragraph.

(i)1. At the rate of 6 percent on charges for all:

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a. Detective, burglar protection, and other protection services (NAICS National Numbers 561611, 561612, 561613, and 561621). Fingerprint services required under s. 790.06 or s. 790.062 are not subject to the tax. Any law enforcement officer, as defined in s. 943.10, who is performing approved duties as determined by his or her local law enforcement agency in his or her capacity as a law enforcement officer, and who is subject to the direct and immediate command of his or her law enforcement agency, and in the law enforcement officer's uniform as authorized by his or her law enforcement agency, is performing law enforcement and public safety services and is not performing detective, burglar protection, or other protective services, if the law enforcement officer is performing his or her approved duties in a geographical area in which the law enforcement officer has arrest jurisdiction. Such law enforcement and public safety services are not subject to tax irrespective of whether the duty is characterized as "extra duty," "off-duty," or "secondary employment," and irrespective of whether the officer is paid directly or through the officer's agency by an outside source. The term "law enforcement officer" includes full-time or part-time law enforcement officers, and any auxiliary law enforcement officer, when such auxiliary law enforcement officer is working under the direct supervision of a full-time or part-time law enforcement officer.

b. Nonresidential cleaning, excluding cleaning of the interiors of transportation equipment, and nonresidential building pest control services (NAICS National Numbers 561710 and 561720).

2. As used in this paragraph, "NAICS" means those

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classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.

3. Charges for detective, burglar protection, and other protection security services performed in this state but used outside this state are exempt from taxation. Charges for detective, burglar protection, and other protection security services performed outside this state and used in this state are subject to tax.

4. If a transaction involves both the sale or use of a service taxable under this paragraph and the sale or use of a service or any other item not taxable under this chapter, the consideration paid must be separately identified and stated with respect to the taxable and exempt portions of the transaction or the entire transaction shall be presumed taxable. The burden shall be on the seller of the service or the purchaser of the service, whichever applicable, to overcome this presumption by providing documentary evidence as to which portion of the transaction is exempt from tax. The department is authorized to adjust the amount of consideration identified as the taxable and exempt portions of the transaction; however, a determination that the taxable and exempt portions are inaccurately stated and that the adjustment is applicable must be supported by substantial competent evidence.

5. Each seller of services subject to sales tax pursuant to this paragraph shall maintain a monthly log showing each transaction for which sales tax was not collected because the services meet the requirements of subparagraph 3. for out-of-state use. The log must identify the purchaser’s name, location

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and mailing address, and federal employer identification number, if a business, or the social security number, if an individual, the service sold, the price of the service, the date of sale, the reason for the exemption, and the sales invoice number. The monthly log shall be maintained pursuant to the same requirements and subject to the same penalties imposed for the keeping of similar records pursuant to this chapter.

(j)1. Notwithstanding any other provision of this chapter, there is hereby levied a tax on the sale, use, consumption, or storage for use in this state of any coin or currency, whether in circulation or not, when such coin or currency:

a. Is not legal tender;

b. If legal tender, is sold, exchanged, or traded at a rate in excess of its face value; or

c. Is sold, exchanged, or traded at a rate based on its precious metal content.

2. Such tax shall be at a rate of 6 percent of the price at which the coin or currency is sold, exchanged, or traded, except that, with respect to a coin or currency which is legal tender of the United States and which is sold, exchanged, or traded, such tax shall not be levied.

3. There are exempt from this tax exchanges of coins or currency which are in general circulation in, and legal tender of, one nation for coins or currency which are in general circulation in, and legal tender of, another nation when exchanged solely for use as legal tender and at an exchange rate based on the relative value of each as a medium of exchange.

4. With respect to any transaction that involves the sale of coins or currency taxable under this paragraph in which the

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taxable amount represented by the sale of such coins or currency exceeds $500, the entire amount represented by the sale of such coins or currency is exempt from the tax imposed under this paragraph. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of coins or currency and is exempt under this subparagraph.

(k) At the rate of 6 percent of the sales price of each gallon of diesel fuel not taxed under chapter 206 purchased for use in a vessel, except dyed diesel fuel that is exempt pursuant to s. 212.08(4)(a)4.

(l) Florists located in this state are liable for sales tax on sales to retail customers regardless of where or by whom the items sold are to be delivered. Florists located in this state are not liable for sales tax on payments received from other florists for items delivered to customers in this state.

(m) Operators of game concessions or other concessionaires who customarily award tangible personal property as prizes may, in lieu of paying tax on the cost price of such property, pay tax on 25 percent of the gross receipts from such concession activity.

(2) The tax shall be collected by the dealer, as defined herein, and remitted by the dealer to the state at the time and in the manner as hereinafter provided.

(3) The tax so levied is in addition to all other taxes, whether levied in the form of excise, license, or privilege taxes, and in addition to all other fees and taxes levied.

(4) The tax imposed pursuant to this chapter shall be due and payable according to the brackets set forth in s. 212.12.

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(5) Notwithstanding any other provision of this chapter, the maximum amount of tax imposed under this chapter and collected on each sale or use of a boat in this state may not exceed $18,000 and on each repair of a boat in this state may not exceed $60,000.

Section 43. Section 212.0596, Florida Statutes, is amended to read:

212.0596 Taxation of remote ~~mail order~~ sales.—

(1) For purposes of this chapter, a "remote ~~mail order~~ sale" is a retail sale of tangible personal property~~,~~ ordered by mail, telephone, the Internet, or other means of communication, from a dealer who receives the order outside of this state ~~in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States,~~ and transports the property or causes the property to be transported~~, whether or not by mail,~~ from any jurisdiction ~~of the United States~~, including this state, to a person in this state, including the person who ordered the property.

(2) Every dealer as defined in s. 212.06(2)(c) who makes a remote ~~mail order~~ sale is subject to the power of this state to levy and collect the tax imposed by this chapter when any of the following applies:

(a) The dealer is a corporation doing business under the laws of this state or is a person domiciled in, a resident of, or a citizen of~~,~~ this state.~~,~~

(b) The dealer maintains retail establishments or offices in this state, regardless of whether the remote ~~mail order~~ sales thus subject to taxation by this state result from or are related in any other way to the activities of such

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establishments or offices.~~;~~

(c) The dealer has agents in this state who solicit business or transact business on behalf of the dealer, regardless of whether the remote ~~mail order~~ sales thus subject to taxation by this state result from or are related in any other way to such solicitation or transaction of business. For purposes of this paragraph, ~~except that~~ a printer who mails or delivers for an out-of-state print purchaser material the printer printed for it is ~~shall~~ not ~~be~~ deemed to be the print purchaser's agent. ~~for purposes of this paragraph;~~

(d) The property was delivered in this state in fulfillment of a sales contract that was entered into in this state, in accordance with applicable conflict of laws rules, when a person in this state accepted an offer by ordering the property.~~;~~

(e) The dealer, by purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct mail advertising, unsolicited distribution of catalogs, computer-assisted shopping, television, radio, or other electronic media, or magazine or newspaper advertisements or other media, creates nexus with this state.~~;~~

(f) Through compact or reciprocity with another jurisdiction of the United States, that jurisdiction uses its taxing power and its jurisdiction over the retailer in support of this state's taxing power.~~;~~

(g) The dealer consents, expressly or by implication, to the imposition of the tax imposed by this chapter.~~;~~

(h) The dealer is subject to service of process under s.

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48.181.~~;~~

(i) The dealer's remote ~~mail order~~ sales are subject to the power of this state to tax sales or to require the dealer to collect use taxes under a statute or statutes of the United States.~~;~~

(j) The dealer owns real property or tangible personal property that is physically in this state. For purposes of this paragraph, ~~except that~~ a dealer whose only property, ~~(~~including property owned by an affiliate,~~)~~ in this state is located at the premises of a printer with which the vendor has contracted for printing~~,~~ and is either a final printed product, ~~or~~ property that ~~which~~ becomes a part of the final printed product, or property from which the printed product is produced, is not deemed to own such property. ~~for purposes of this paragraph;~~

(k) The dealer, while not having nexus with this state on any of the bases described in paragraphs (a)-(j) or paragraph (l), is a corporation that is a member of an affiliated group of corporations, as defined in s. 1504(a) of the Internal Revenue Code, whose members are includable under s. 1504(b) of the Internal Revenue Code and whose members are eligible to file a consolidated tax return for federal corporate income tax purposes and any parent or subsidiary corporation in the affiliated group has nexus with this state on one or more of the bases described in paragraphs (a)-(j) or paragraph (l).~~; or~~

(l) The dealer or the dealer's activities, ~~have sufficient connection with or relationship to this state or its residents of some type~~ other than those described in paragraphs (a)-(k), result in making a substantial number of remote sales under subsection (3) ~~to create nexus empowering this state to tax its~~

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~~mail order sales or to require the dealer to collect sales tax or accrue use tax~~.

(3)(a) Every person ~~dealer~~ engaged in the business of making a substantial number of remote ~~mail order~~ sales is a dealer for purposes of this chapter ~~subject to the requirements of this chapter for cooperation of dealers in collection of taxes and in administration of this chapter, except that no fee shall be imposed upon such dealer for carrying out any required activity~~.

(b) As used in this section, the term "making a substantial number of remote sales" means:

1. Conducting 200 or more retail sales of tangible personal property in the previous calendar year to be delivered to a location within this state; or

2. Conducting any number of retail sales of tangible personal property in an amount exceeding $100,000 in the previous calendar year to be delivered to a location within this state.

For purposes of this paragraph, tangible personal property delivered to a location within this state is presumed to be used, consumed, distributed, or stored to be used or consumed in this state.

(4) The department shall, with the consent of another jurisdiction of the United States whose cooperation is needed, enforce this chapter in that jurisdiction, either directly or, at the option of that jurisdiction, through its officers or employees.

(5) The tax required under this section to be collected and

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any amount unreturned to a purchaser that is not tax but was collected from the purchaser under the representation that it was tax constitute funds of the State of Florida from the moment of collection.

(6) ~~Notwithstanding other provisions of law, a dealer who makes a mail order sale in this state is exempt from collecting and remitting any local option surtax on the sale, unless the dealer is located in a county that imposes a surtax within the meaning of s. 212.054(3)(a), the order is placed through the dealer's location in such county, and the property purchased is delivered into such county or into another county in this state that levies the surtax, in which case the provisions of s. 212.054(3)(a) are applicable.~~

~~(7)~~ The department may establish by rule procedures for collecting the use tax from unregistered persons who but for their remote ~~mail order~~ purchases would not be required to remit sales or use tax directly to the department. The procedures may provide for waiver of registration, provisions for irregular remittance of tax, elimination of the collection allowance, and nonapplication of local option surtaxes.

Section ~~54~~. ~~Effective October 1, 2020, section~~Section 212.05965, Florida Statutes, is created to read:

212.05965 Taxation of marketplace sales.—

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

(a) "Marketplace" means any physical place or electronic medium through which tangible personal property is offered for sale.

(b) "Marketplace provider" means a person who facilitates a retail sale by a marketplace seller by listing or advertising

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for sale by the marketplace seller tangible personal property in a marketplace, and who directly, or indirectly through agreements or arrangements with third parties, collects payment from the customer and transmits the payment to the marketplace seller, regardless of whether the marketplace provider receives compensation or other consideration in exchange for its services.

1. The term does not include a person who solely provides travel agency services. As used in this subparagraph, the term "travel agency services" means arranging, booking, or otherwise facilitating for a commission, fee, or other consideration vacation or travel packages, rental cars, or other travel reservations; tickets for domestic or foreign travel by air, rail, ship, bus, or other mode of transportation; or hotel or other lodging accommodations.

2. The term does not include a person who is a delivery network company unless the delivery network company is a registered dealer for purposes of this chapter and the delivery network company notifies all local merchants that sell through the delivery network company's website or mobile application that the delivery network company is subject to the requirements of a marketplace provider under this section. As used in this subparagraph, the term:

a. "Delivery network company" means a person who maintains a website or mobile application used to facilitate delivery services, the sale of local products, or both.

b. "Delivery network courier" means an individual who provides delivery services through a delivery network company website or mobile application using a personal means of

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transportation, such as a motor vehicle as defined in s. 320.01(1), bicycle, scooter, or other similar means of transportation; using public transportation; or by walking.

c. "Delivery services" means the pickup and delivery by a delivery network courier of one or more local products from a local merchant to a customer, which may include the selection, collection, and purchase of the local product in connection with the delivery. The term does not include any delivery requiring more than 75 miles of travel from the local merchant to the customer.

d. "Local merchant" means a kitchen, restaurant, or a third-party merchant, including a grocery store, retail store, convenience store, or business of another type, which is not under common ownership or control of the delivery network company.

e. "Local product" means any tangible personal property, including food, but excluding freight, mail, or a package to which postage has been affixed.

3. The term does not include a payment processor business appointed by a dealer to handle payment transactions from various channels, such as credit cards, debit cards, and third party payment processors whose sole activity with respect to marketplace sales is to handle transactions between two parties.

(c) "Marketplace seller" means a person who has an agreement with a marketplace provider and who makes retail sales of tangible personal property through a marketplace owned, operated, or controlled by the marketplace provider.

(2) Every marketplace provider that has a physical presence in this state or that is making or facilitating through a

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marketplace a substantial number of remote sales as defined in s. 212.0596(3)(b) is subject to the requirements imposed by this chapter on dealers for registration and for the collection and remittance of taxes. Such marketplace providers must collect the tax pursuant to s. 212.05 on the sales price of each item or article of tangible personal property sold, including any services that are a part of the sale of the tangible personal property.

(3) A marketplace provider shall certify to its marketplace sellers that it will collect and remit the tax imposed under this chapter on taxable retail sales made through the marketplace. Such certification may be included in the agreement between the marketplace provider and marketplace seller.

(4)(a) A marketplace seller may not collect and remit the tax under this chapter on a taxable retail sale when the sale is made through the marketplace and the marketplace provider certifies, as required under subsection (3), that it will collect and remit such tax. A marketplace seller shall exclude such sales made through the marketplace from the marketplace seller's tax return under s. 212.11.

(b)1. A marketplace seller that has a physical presence in this state shall register and shall collect and remit the tax imposed under this chapter on all taxable retail sales made outside of the marketplace.

2. A marketplace seller making a substantial number of remote sales as defined in s. 212.0596(3)(b) shall register and shall collect and remit the tax imposed under this chapter on all taxable retail sales made outside of the marketplace. Sales made through the marketplace are not considered for the purposes

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of determining whether the seller has made a substantial number of remote sales.

(5)(a) A marketplace provider shall allow the department to examine and audit its books and records pursuant to s. 212.13. For retail sales facilitated through a marketplace, the department may not examine or audit the books and records of marketplace sellers, nor may the department assess marketplace sellers except to the extent the marketplace provider seeks relief under paragraph (b). The department may examine, audit, and assess a marketplace seller for retail sales made outside of the marketplace under paragraph (4)(b).

(b) The marketplace provider is relieved of liability for the tax on the retail sale and the marketplace seller or customer is liable for the tax imposed under this chapter if the marketplace provider demonstrates to the department's satisfaction that the marketplace provider made a reasonable effort to obtain accurate information related to the retail sales facilitated through the marketplace from the marketplace seller, but that the failure to collect and pay the correct amount of tax imposed under this chapter was due to the marketplace seller providing incorrect or incomplete information to the marketplace provider. This paragraph does not apply to a retail sale for which the marketplace provider is the seller if the marketplace provider and marketplace seller are related parties or if transactions between a marketplace seller and marketplace buyer are not conducted at arm's length.

(6) For purposes of registration pursuant to s. 212.18, a marketplace is deemed a separate place of business.

(7) A marketplace provider and marketplace seller may agree

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by contract or otherwise that if a marketplace provider pays the tax imposed under this chapter on a retail sale facilitated through a marketplace for a marketplace seller as a result of an audit or otherwise, the marketplace provider has the right to recover such tax and any associated interest and penalties from the marketplace seller.

(8) Consistent with s. 213.21, the department may settle and compromise any tax, interest, or penalty assessed on retail sales conducted through a marketplace.

(9) For purposes of this section, the limitations in ss. 213.30(3) and 213.756(2) apply.

(10) This section may not be construed to authorize the state to collect sales tax from both the marketplace provider and the marketplace seller on the same retail sale.

Section ~~65~~. Paragraph (c) of subsection (2) and paragraph (a) of subsection (5) of section 212.06, Florida Statutes, are amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(2)

(c) The term "dealer" is further defined to mean every person, as used in this chapter, who sells at retail or who offers for sale at retail, or who has in his or her possession for sale at retail; or for use, consumption, or distribution; or for storage to be used or consumed in this state, tangible personal property as defined herein, including a retailer who transacts a remote ~~mail order~~ sale or who is a marketplace provider under s. 212.05965.

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(5)(a)1. Except as provided in subparagraph 2., it is not the intention of this chapter to levy a tax upon tangible personal property imported, produced, or manufactured in this state for export, provided that tangible personal property may not be considered as being imported, produced, or manufactured for export unless the importer, producer, or manufacturer delivers the same to a licensed exporter for exporting or to a common carrier for shipment outside the state or mails the same by United States mail to a destination outside the state; or, in the case of aircraft being exported under their own power to a destination outside the continental limits of the United States, by submission to the department of a duly signed and validated United States customs declaration, showing the departure of the aircraft from the continental United States; and further with respect to aircraft, the canceled United States registry of said aircraft; or in the case of parts and equipment installed on aircraft of foreign registry, by submission to the department of documentation, the extent of which shall be provided by rule, showing the departure of the aircraft from the continental United States; nor is it the intention of this chapter to levy a tax on any sale which the state is prohibited from taxing under the Constitution or laws of the United States. Every retail sale made to a person physically present at the time of sale shall be presumed to have been delivered in this state.

2.a. Notwithstanding subparagraph 1., a tax is levied on each sale of tangible personal property to be transported to a cooperating state as defined in sub-subparagraph c., at the rate specified in sub-subparagraph d. However, a Florida dealer will be relieved from the requirements of collecting taxes pursuant

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to this subparagraph if the Florida dealer obtains from the purchaser an affidavit setting forth the purchaser's name, address, state taxpayer identification number, and a statement that the purchaser is aware of his or her state's use tax laws, is a registered dealer in Florida or another state, or is purchasing the tangible personal property for resale or is otherwise not required to pay the tax on the transaction. The department may, by rule, provide a form to be used for the purposes set forth herein.

b. For purposes of this subparagraph, "a cooperating state" is one determined by the executive director of the department to cooperate satisfactorily with this state in collecting taxes on remote ~~mail order~~ sales. No state shall be so determined unless it meets all the following minimum requirements:

(I) It levies and collects taxes on remote ~~mail order~~ sales of property transported from that state to persons in this state, as described in s. 212.0596, upon request of the department.

(II) The tax so collected shall be at the rate specified in s. 212.05, not including any local option or tourist or convention development taxes collected pursuant to s. 125.0104 or this chapter.

(III) Such state agrees to remit to the department all taxes so collected no later than 30 days from the last day of the calendar quarter following their collection.

(IV) Such state authorizes the department to audit dealers within its jurisdiction who make remote ~~mail order~~ sales that are the subject of s. 212.0596, or makes arrangements deemed adequate by the department for auditing them with its own

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personnel.

(V) Such state agrees to provide to the department records obtained by it from retailers or dealers in such state showing delivery of tangible personal property into this state upon which no sales or use tax has been paid in a manner similar to that provided in sub-subparagraph g.

c. For purposes of this subparagraph, "sales of tangible personal property to be transported to a cooperating state" means remote ~~mail order~~ sales to a person who is in the cooperating state at the time the order is executed, from a dealer who receives that order in this state.

d. The tax levied by sub-subparagraph a. shall be at the rate at which such a sale would have been taxed pursuant to the cooperating state's tax laws if consummated in the cooperating state by a dealer and a purchaser, both of whom were physically present in that state at the time of the sale.

e. The tax levied by sub-subparagraph a., when collected, shall be held in the State Treasury in trust for the benefit of the cooperating state and shall be paid to it at a time agreed upon between the department, acting for this state, and the cooperating state or the department or agency designated by it to act for it; however, such payment shall in no event be made later than 30 days from the last day of the calendar quarter after the tax was collected. Funds held in trust for the benefit of a cooperating state shall not be subject to the service charges imposed by s. 215.20.

f. The department is authorized to perform such acts and to provide such cooperation to a cooperating state with reference to the tax levied by sub-subparagraph a. as is required of the

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cooperating state by sub-subparagraph b.

g. In furtherance of this act, dealers selling tangible personal property for delivery in another state shall make available to the department, upon request of the department, records of all tangible personal property so sold. Such records shall include a description of the property, the name and address of the purchaser, the name and address of the person to whom the property was sent, the purchase price of the property, information regarding whether sales tax was paid in this state on the purchase price, and such other information as the department may by rule prescribe.

Section ~~76~~. Paragraph (a) of subsection (1) and paragraph (a) of subsection (5) of section 212.12, Florida Statutes, are amended to read:

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

(1)(a)~~1.~~ Notwithstanding any other law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records, filing timely tax returns, and the proper accounting and remitting of taxes by

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them, such seller, person, lessor, dealer, owner, and remitter ~~(except dealers who make mail order sales)~~ who files the return required pursuant to s. 212.11 only by electronic means and who pays the amount due on such return only by electronic means shall be allowed 2.5 percent of the amount of the tax due, accounted for, and remitted to the department in the form of a deduction. However, if the amount of the tax due and remitted to the department by electronic means for the reporting period exceeds $1,200, an allowance is not allowed for all amounts in excess of $1,200. For purposes of this paragraph ~~subparagraph~~, the term "electronic means" has the same meaning as provided in s. 213.755(2)(c).

~~2. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.~~

(5)(a) The department is authorized to audit or inspect the records and accounts of dealers defined herein, including audits or inspections of dealers who make remote ~~mail order~~ sales ~~to the extent permitted by another state~~, and to correct by credit any overpayment of tax, and, in the event of a deficiency, an

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assessment shall be made and collected. No administrative finding of fact is necessary prior to the assessment of any tax deficiency.

Section ~~8~~7. Paragraph (f) of subsection (3) of section 212.18, Florida Statutes, is amended to read:

212.18 Administration of law; registration of dealers; rules.—

(3)

(f) As used in this paragraph, the term "exhibitor" means a person who enters into an agreement authorizing the display of tangible personal property or services at a convention or a trade show. The following provisions apply to the registration of exhibitors as dealers under this chapter:

1. An exhibitor whose agreement prohibits the sale of tangible personal property or services subject to the tax imposed in this chapter is not required to register as a dealer.

2. An exhibitor whose agreement provides for the sale at wholesale only of tangible personal property or services subject to the tax imposed by this chapter must obtain a resale certificate from the purchasing dealer but is not required to register as a dealer.

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

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

A person who conducts a convention or a trade show must make his

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or her exhibitor's agreements available to the department for inspection and copying.

Section 8. Subsection (5) of section 213.27, Florida Statutes, is amended to read:

213.27 Contracts with debt collection agencies and certain vendors.--

(5) The department may, for the purpose of ascertaining 1064 the amount of or collecting any taxes due from a person making remote sales that are subject to s. 212.0596(2) or s. 212.05965 doing mail order business in this state, contract with any auditing agency doing business within or without this state for the purpose of conducting an audit of such remote sales mail order business; however, such audit agency may not conduct an audit on behalf of the department of any person domiciled in this state, person registered for sales and use tax purposes in this state, or corporation filing a Florida corporate tax return, if any such person or corporation objects to such audit in writing to the department and the auditing agency. The department shall notify the taxpayer by mail at least 30 days before the department assigns the collection of such taxes.

Section 9. For the purpose of incorporating the amendment made by this act to section 212.0596, Florida Statutes, in a reference thereto, subsection (4) of section 212.20, Florida Statutes, is reenacted to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(4) When there has been a final adjudication that any tax pursuant to s. 212.0596 was levied, collected, or both, contrary

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to the Constitution of the United States or the State Constitution, the department shall, in accordance with rules, determine, based upon claims for refund and other evidence and information, who paid such tax or taxes, and refund to each such person the amount of tax paid. For purposes of this subsection, a "final adjudication" is a decision of a court of competent jurisdiction from which no appeal can be taken or from which the official or officials of this state with authority to make such decisions has or have decided not to appeal.

Section 10. (1) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of administering this act.

(2) Notwithstanding any other law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section shall take effect upon this act becoming a law and expires July 1, 2021.

Section 11. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 12. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1,

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2020.

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From: Davis, Eva <DAVIS.EVA@flsenate.gov>
Sent: Tuesday, October 01, 2019 9:23 AM EDT
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: SB 168 - Sanctuary Cities Order
Attachment(s): "Sanctuary Cities Order (002).pdf"

Hi Vickie,

In case the earlier attachment would not open, I am re-attaching the court order.

Please let me know if you have any questions.

Thanks,
Eva

Eva M. Davis
Senior Attorney
Committee on Judiciary
The Florida Senate
515 Knott Building
404 South Monroe Street
Tallahassee, Florida 32399

(850) 487-5198

AMERICAN OVERSIGHT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 19-cv-22927-BLOOM/Louis

CITY OF SOUTH MIAMI, et al.,

Plaintiffs,

v.

RON DESANTIS, et al.,

Defendants.
_____/

ORDER

THIS CAUSE is before the Court on Plaintiffs'[1] Amended Motion for Preliminary Injunction and Request for Hearing. ECF No. [47] ("Amended Motion"). Defendants[2] filed a Response in Opposition to the Motion, ECF No. [19] ("Response"), to which Plaintiffs replied, ECF No. [39] ("Reply"). Defendants were also permitted to file a Surreply in Opposition, ECF No. [45] ("Surreply"), in order to respond to Plaintiffs' Amended Complaint, ECF No. [38] ("Amended Complaint"), which added one additional Plaintiff. The United States of America filed a Statement of Interest, ECF No. [23], to which Plaintiffs responded, ECF No. [50] ("SOI Response"). *Amici curiae* were permitted to file an amicus brief in support of Plaintiffs, ECF No. [61] ("Amicus Brief"). The instant Amended Motion requests that the Court grant a preliminary

[1] Plaintiffs include the City of South Miami; Philip K. Stoddard, Mayor of City of South Miami ("Mayor Stoddard"); Florida Immigrant Coalition, Inc. ("FLIC"), The Farmworker Association of Florida, Inc. ("FWAF"), Family Action Network Movement, Inc. ("FANM"), QLatinx, and WeCount!, Inc. ("WeCount"), on behalf of their members and their organizations as a whole; Americans for Immigrant Justice, Inc. ("AI Justice"), The Guatemalan-Maya Center, Inc. ("GMC"), Hope Community Center, Inc. ("Hope"), and Westminster Presbyterian Church United of Gainesville, Florida, Inc. ("Westminster"), on behalf of their organizations (collectively, "Plaintiffs").

[2] Defendants include Ron DeSantis, Governor of the State of Florida ("Governor DeSantis"), and Ashley Moody, Attorney General of the State of Florida (collectively, "Defendants").

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injunction enjoining Defendants from enforcing Chapter 908 of the Florida Statutes because the law is preempted by federal immigration law and is unconstitutionally vague. The Court has carefully considered the Amended Motion, all opposing and supporting submissions, the parties' arguments presented at the Hearing, the record in this case, and the applicable law, and is otherwise fully advised. For the reasons set forth below, Plaintiffs' Amended Motion is granted in part and denied in part.

I. BACKGROUND

On May 2, 2019, the Florida legislature passed Senate Bill 168 ("SB 168"), which aimed to further the State of Florida's interest in "cooperat[ing] and assist[ing] the federal government in the enforcement of federal immigration laws within this state." Fla. Stat. § 908.101 (2019); ECF No. [5-1] at 2. The law was adapted from a model law originally drafted by organizations designated by the Southern Poverty Law Center to be hate groups, based on their anti-immigrant platforms. ECF No. [38] at 26. Moreover, SB 168 was described by its sponsors as an "anti-sanctuary cities law." *Id.* at 26, 27. On June 14, 2019, Governor DeSantis signed SB 168 into law, and it was enacted as Chapter 908 of the Florida Statutes. *See* Fla. Stat. ch. 908; ECF No. [5-1] at 7. Among other things, SB 168 prohibits so-called "sanctuary policies" that indicate certain jurisdictions' intent not to cooperate with Immigration and Customs Enforcement ("ICE"). ECF No. [19] at 4. The law delineates specific immigration enforcement efforts with which local jurisdictions must comply. These include complying with immigration detainers and transporting aliens to federal facilities. *Id.* at 4-5; *see* Fla. Stat. § 908.105; Fla. Stat. § 908.104(4). Furthermore, under SB 168, the Attorney General and the Governor are vested with enforcement authority to seek injunctive relief or to exercise the Governor's suspension power, should a government official

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fail to comply with the law's mandates. Fla. Stat. § 908.107. This enforcement provision is scheduled to take effect on October 1, 2019. ECF No. [19] at 5.

The instant action challenges the constitutionality of numerous provisions of SB 168 and seeks injunctive and declaratory relief to prevent the law from taking effect. ECF No. [38] at 3.

A. Relevant SB 168 Provisions

The provisions of SB 168 that are being challenged are reproduced in full below. Any supplemental provisions that are relevant to the Court's analysis are also set forth below.

SB 168 sets forth the definition of certain terms used in the statute in § 908.102. Plaintiffs Amended Complaint specifically challenges § 908.102(6)'s definition of "sanctuary policy" ("Sanctuary Definition"). Nevertheless, many of the other definitions in this section are relevant to the Court's analysis.

> Definitions.—As used in this chapter, the term:
>
> (1) "Federal immigration agency" means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law.
>
> (2) "Immigration detainer" means a facially sufficient written or electronic request issued by a federal immigration agency using that agency's official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law, including detainers issued pursuant to 8 U.S.C. ss. 1226 and 1357 along with a warrant described in paragraph (c). For purposes of this subsection, an immigration detainer is deemed facially sufficient if:
>
> (a) The federal immigration agency's official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or
>
> (b) The federal immigration agency's official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law; and

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> (c) The federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/Deportation or a successor warrant or other warrant authorized by federal law.
>
> (3) "Inmate" means a person in the custody of a law enforcement agency.
>
> (4) "Law enforcement agency" means an agency in this state charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in this state and includes municipal police departments, sheriffs' offices, state police departments, state university and college police departments, county correctional agencies, and the Department of Corrections.
>
> (5) "Local governmental entity" means any county, municipality, or other political subdivision of this state.
>
> (6) "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:
>
> (a) Complying with an immigration detainer;
>
> (b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;
>
> (c) Providing a federal immigration agency access to an inmate for interview;
>
> (d) Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357; or
>
> (e) Providing a federal immigration agency with an inmate's incarceration status or release date.
>
> (7) "State entity" means the state or any office, board, bureau, commission, department, branch, division, or institution thereof, including institutions within the State University System and the Florida College System.

Fla. Stat. § 908.102.

Based on § 908.102(6)'s Sanctuary Definition, § 908.103 states, "Sanctuary policies prohibited.—A state entity, law enforcement agency, or local governmental entity may not adopt or have in effect a sanctuary policy." Fla. Stat. § 908.103 ("Sanctuary Prohibition").[3]

The requirement that state and local law enforcement entities and agencies cooperate with federal immigration enforcement efforts, § 908.104, states:

[3] Collectively, the Sanctuary Definition and the Sanctuary Prohibition will be referred to as "Sanctuary Provisions."

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Cooperation with federal immigration authorities.—

(1) A law enforcement agency shall use best efforts to support the enforcement of federal immigration law. This subsection applies to an official, representative, agent, or employee of the entity or agency only when he or she is acting within the scope of his or her official duties or within the scope of his or her employment.[4]

(2) Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency, or an employee, an agent, or a representative of the entity or agency, may not prohibit or in any way restrict a law enforcement agency from taking any of the following actions with respect to information regarding a person's immigration status:

(a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for purposes of this chapter.

(b) Recording and maintaining the information for purposes of this chapter.

(c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.

(d) Using the information to comply with an immigration detainer.

(e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.

(3)(a) For purposes of this subsection, the term "applicable criminal case" means a criminal case in which:

1. The judgment requires the defendant to be confined in a secure correctional facility; and

2. The judge:

a. Indicates in the record under s. 908.105 that the defendant is subject to an immigration detainer; or

b. Otherwise indicates in the record that the defendant is subject to a transfer into federal custody.

(b) In an applicable criminal case, when the judge sentences a defendant who is the subject of an immigration detainer to confinement, the judge shall issue an order requiring the secure correctional facility in which the defendant is to be confined to reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody. For purposes of this paragraph, the term "secure correctional facility" means a state correctional institution as defined in s. 944.02 or a county detention facility or a municipal detention facility as defined in s. 951.23.

(c) If the information specified in sub-subparagraph (a)2.a. or sub-subparagraph (a)2.b. is not available at the time the sentence is pronounced in the case, but is received by a law enforcement agency afterwards, the law enforcement agency shall notify the judge who shall issue the order described by paragraph (b) as soon as the information becomes available.

[4] Section 908.104(1) will be referred to as the "Best Efforts" provision.

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> (4) When a county correctional facility or the Department of Corrections receives verification from a federal immigration agency that a person subject to an immigration detainer is in the law enforcement agency's custody, the agency may securely transport the person to a federal facility in this state or to another point of transfer to federal custody outside the jurisdiction of the law enforcement agency. The law enforcement agency may transfer a person who is subject to an immigration detainer and is confined in a secure correctional facility to the custody of a federal immigration agency not earlier than 12 days before his or her release date. A law enforcement agency shall obtain judicial authorization before securely transporting an alien to a point of transfer outside of this state.[5]
>
> (5) This section does not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if the victim or witness timely and in good faith responds to the entity's or agency's request for information and cooperation in the investigation or prosecution of the offense.
>
> (6) A state entity, local governmental entity, or law enforcement agency that, pursuant to subsection (5), withholds information regarding the immigration information of a victim of or witness to a criminal offense shall document the victim's or witness's cooperation in the entity's or agency's investigative records related to the offense and shall retain the records for at least 10 years for the purpose of audit, verification, or inspection by the Auditor General.
>
> (7) This section does not authorize a law enforcement agency to detain an alien unlawfully present in the United States pursuant to an immigration detainer solely because the alien witnessed or reported a crime or was a victim of a criminal offense.
>
> (8) This section does not apply to any alien unlawfully present in the United States if he or she is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering.

Fla. Stat. § 908.104.

Section 908.105 mandates that state and local law enforcement agencies comply with immigration detainers received by federal immigration authorities ("Detainer Mandate").

> Duties related to immigration detainers.—
>
> (1) A law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency shall:
>
> (a) Provide to the judge authorized to grant or deny the person's release on bail under chapter 903 notice that the person is subject to an immigration detainer.

[5] Section 908.104(4) will be referred to as the "Transport Requirement."

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> (b) Record in the person's case file that the person is subject to an immigration detainer.
>
> (c) Upon determining that the immigration detainer is in accordance with s. 908.102(2), comply with the requests made in the immigration detainer.
>
> (2) A law enforcement agency is not required to perform a duty imposed by paragraph (1)(a) or paragraph (1)(b) with respect to a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed that duty before the transfer.
>
> (3) A judge who receives notice that a person is subject to an immigration detainer shall cause the fact to be recorded in the court record, regardless of whether the notice is received before or after a judgment in the case.

Fla. Stat. § 908.105.

Moreover, § 908.106 requires county correctional facilities to enter into agreements with the federal government for the reimbursement of costs incurred pursuant to honoring immigration detainer requests ("Cost Reimbursement").

> Reimbursement of costs.—Each county correctional facility shall enter into an agreement or agreements with a federal immigration agency for temporarily housing persons who are the subject of immigration detainers and for the payment of the costs of housing and detaining those persons. A compliant agreement may include any contract between a correctional facility and a federal immigration agency for housing or detaining persons subject to immigration detainers, such as basic ordering agreements in effect on or after July 1, 2019, agreements authorized by s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357, or successor agreements and other similar agreements authorized by federal law.

Fla. Stat. § 908.106.

Finally, in the event that state and local officers fail to comply with the immigration enforcement efforts specified in SB 168, § 908.107 sets forth the Governor and the Attorney General's ability to enforce Chapter 908.

> Enforcement.—
>
> (1) Any executive or administrative state, county, or municipal officer who violates his or her duties under this chapter may be subject to action by the Governor in the exercise of his or her authority under the State Constitution and state law. Pursuant to s. 1(b), Art. IV of the State Constitution, the Governor may initiate judicial proceedings in the name of the state against such officers to enforce compliance with any duty under this chapter or restrain any unauthorized act contrary to this chapter.

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> (2) In addition, the Attorney General may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation of this chapter.
>
> (3) If a local governmental entity or local law enforcement agency violates this chapter, the court must enjoin the unlawful sanctuary policy. The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings as provided by law.
>
> (4) An order approving a consent decree or granting an injunction must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates this chapter.

Fla. Stat. § 908.107.

B. <u>This Action</u>

Following the enactment of SB 168, on July 16, 2019, Plaintiffs initiated this action against Defendants, ECF No. [1] ("Complaint"), and filed their original Motion for Preliminary Injunction, ECF No. [5], and accompanying memorandum of law, ECF No. [5-1]. Specifically, Plaintiffs sought declaratory and injunctive relief, arguing that SB 168's Detainer Mandate, Transport Requirement, and Cost Reimbursement provisions are preempted by federal law, and that the "Best Efforts" provision and the Sanctuary Provisions are unconstitutionally vague.

On August 21, 2019, Plaintiffs amended their Complaint to include Mayor Stoddard as a Plaintiff and added two counts relating to Mayor Stoddard's claims. ECF No. [38]; ECF No. [40]. The Amended Complaint asserts the following eleven counts on behalf of the different Plaintiffs: Count I – § 908.105's Detainer Mandate violates the Supremacy Clause, U.S. Const. art. VI, § 2; Count II – § 908.104(4)'s Transport Requirement violates the Supremacy Clause; Count III – § 908.160's Cost Reimbursement violates the Supremacy Clause; Counts IV, V, and VI – § 908.102(6)'s and § 908.103's Sanctuary Provisions violate the Due Process Clause; Counts VII, VIII, and IX – § 908.104(1)'s "Best Efforts" provision violates the Due Process Clause; Count X

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– § 908.104(1)'s "Best Efforts" provision violates the Equal Protection Clause; and Count XI – § 908.103's Sanctuary Prohibition violates the Equal Protection Clause.[6] *Id.*

On August 30, 2019, Plaintiffs amended their Motion for Preliminary Injunction to include additional arguments with regard to Mayor Stoddard's claims. ECF No. [47]. Plaintiffs' Amended Motion incorporated the arguments previously asserted in their Memorandum of Law attached to their original Motion, ECF No. [5-1], and their Reply, ECF No. [39]. Defendants filed their Response, ECF No. [19], and Surreply, ECF No. [45],[7] in opposition to the imposition of a preliminary injunction.

The Court held a hearing on September 26, 2019, ("Hearing"), which was attended by Plaintiffs' counsel, Defendants' counsel, and counsel for the United States of America, who sought the Court's leave to participate in the hearing, ECF No. [57]; *see also* ECF No. [60]. During the Hearing, Plaintiffs argued in support of a preliminary injunction that SB 168's challenged provisions are unconstitutional based on preemption and vagueness. Defendants argued that Plaintiffs lack standing and that a preliminary injunction is not warranted as SB 168 is neither preempted by federal law nor unconstitutionally vague. The United States of America participated and argued that federal immigration law does not preempt any of the challenged provisions of SB 168.

[6] It is relevant for the Court's standing analysis below to explain the relationship between each of the Plaintiffs and the counts asserted in the Amended Complaint. Count I is brought by the City of South Miami; FLIC, FWAF, FANM, QLatinx, and WeCount, on behalf of their members and their organizations as a whole; and AI Justice, GMC, Hope, and Westminster, on behalf of their organizations. Counts II, IV, VII, X, and XI are brought by FLIC, FWAF, FANM, QLatinx, and WeCount, on behalf of their members and their organizations as a whole; and AI Justice, GMC, Hope, and Westminster, on behalf of their organizations. Count III is brought by FLIC, FWAF, FANM, QLatinx, WeCount, AI Justice, GMC, Hope, and Westminster, on behalf of their organizations. Counts V and VIII are brought by the City of South Miami. Counts VI and IX are brought by Mayor Stoddard.

[7] Defendants' Surreply addresses arguments regarding the addition of Mayor Stoddard as a Plaintiff in the Amended Complaint.

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II. LEGAL STANDARD

A. Standing

Standing is a threshold question of "whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues." *Sims v. Fla. Dep't of Highway Safety & Motor Vehicles*, 862 F.2d 1449, 1458 (11th Cir. 1989) (en banc). "[S]tanding requirements 'are not mere pleading requirements but rather [are] an indispensable part of the plaintiff's case.'" *Church v. City of Huntsville*, 30 F.3d 1332, 1336 (11th Cir. 1994) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992)). "To establish standing, a plaintiff must have 'suffered an injury-in-fact that would be corrected by [a] favorable decision in the lawsuit.'" *Church*, 30 F.3d at 1335 (quoting *Cheffer v. McGregor*, 6 F.3d 705, 708 (11th Cir. 1993)).

> [A]t an irreducible minimum, Art. III requires the party who invokes the court's authority to "show that he personally has suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant," and that the injury "fairly can be traced to the challenged action" and "is likely to be redressed by a favorable decision."

Valley Forge Christian Coll. v. Americans United for Separation of Church and State, 454 U.S. 464, 472 (1982) (quoting *Gladstone, Realtors v. Vill. of Bellwood*, 441 U.S. 91, 99 (1979)).

B. Preliminary Injunction

"A preliminary injunction may be issued to protect the plaintiff from irreparable injury and to preserve the district court's power to render a meaningful decision after a trial on the merits." *Canal Auth. of the State of Fla. v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974);[8] *Ne. Fla. Chapter of Ass'n of Gen. Contractors of Am. v. City of Jacksonville, Fla.*, 896 F.2d 1283, 1285 (11th Cir. 1990) ("*NE Fla. CAGC of Am.*") ("The basis of injunctive relief in the federal courts has always

[8] The Court of Appeals for the Eleventh Circuit, in *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981), adopted all decisions of the Court of Appeals for the Fifth Circuit that were rendered prior to September 30, 1981.

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been irreparable harm and inadequacy of legal remedies." (quoting *Sampson v. Murray*, 415 U.S. 61, 90 (1974))). District courts ultimately have discretion on whether or not to grant a preliminary injunction. *Callaway*, 489 F.2d at 572. However, "a preliminary injunction is an extraordinary and drastic remedy which should not be granted unless the movant clearly carries the burden of persuasion." *Id.* at 573. Accordingly, a movant must prove four factors in order to establish that a preliminary injunction is appropriate: (1) "a substantial likelihood of success on the merits," (2) "that the preliminary injunction is necessary to prevent irreparable injury," (3) "that the threatened injury outweighs the harm the preliminary injunction would cause the other litigant," and (4) "that the preliminary injunction would not be averse to the public interest." *Chavez v. Fla. SP Warden*, 742 F.3d 1267, 1271 (11th Cir. 2014) (citing *Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1034-35 (11th Cir. 2001)).

Because preliminary injunctions are drastic, often time-sensitive, remedies, they are "customarily granted on the basis of procedures that are less formal and evidence that is less complete than in a trial on the merits. A party thus is not required to prove his case in full at a preliminary-injunction hearing." *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981) (citation omitted). As such, "all of the well-pleaded allegations [in a movant's] complaint and uncontroverted affidavits filed in support of the motion for a preliminary injunction are taken as true." *Elrod v. Burns*, 427 U.S. 347, 350 n.1 (1976).

III. DISCUSSION

In their Amended Motion, Plaintiffs request that the Court preliminarily enjoin § 908.105(1)'s Detainer Mandate, § 908.104(4)'s Transport Requirement, § 908.106's Cost Reimbursement, § 908.104(1)'s "Best Efforts" provision, § 908.102(6)'s Sanctuary Definition, and § 908.103's Sanctuary Prohibition, based on their likelihood of success on the merits, the

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irreparable harm they will suffer if SB 168 takes effect, and the equitable factors weighing in their favor. ECF No. [47]. Specifically, Plaintiffs contend that the Detainer Mandate, the Transport Requirement, and the Cost Reimbursement provisions violate the Supremacy Clause because they are preempted by the Immigration and Nationality Act ("INA"). *Id.* at 2. Additionally, Plaintiffs argue that the "Best Efforts" provision and the Sanctuary Provisions violate the Due Process Clause of the Fourteenth Amendment because they are unconstitutionally vague. *Id.* Moreover, because Plaintiffs do not consider the provisions of SB 168 to be severable, they request that the Court preliminarily enjoin SB 168 in its entirety. *Id.*

Conversely, in their Response, Defendants argue that the Organizational Plaintiffs[9] lack standing to bring any of their claims, aside from the Detainer Mandate challenge; the City of South Miami lacks standing to bring its vagueness challenges; and Mayor Stoddard's[10] delay in joining this action rebuts any allegation that he will suffer irreparable harm under the preliminary injunction analysis. ECF No. [19]; *see also* ECF No. [45]. Defendants also assert that a preliminary injunction is not warranted because Plaintiffs cannot establish a likelihood of success on the merits on either their preemption claims or their vagueness challenges. ECF No. [19] at 10-18. Further, Defendants allege that the remaining equitable factors under the preliminary injunction analysis weigh in their favor. *Id.* at 19. Finally, if the Court determines that a preliminary injunction is warranted on any of the challenged provisions, Defendants request that the enjoined provisions be severed from the remainder of SB 168. *Id.* at 20.

[9] Any reference to the "Organizational Plaintiffs" includes FLIC, FWAF, FANM, QLatinx, WeCount, and AI Justice, GMC, Hope, and Westminster.
[10] Defendants' arguments as to Mayor Stoddard are set forth in their Surreply. ECF No. [45] at 2-3.

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A. Standing

As an initial matter, the Court will address the issue of Plaintiffs' standing. Defendants argue that the Organizational Plaintiffs lack standing to challenge the Transport Requirement, Cost Reimbursement, "Best Efforts" provision, and Sanctuary Provisions. ECF No. [19] at 7-9. Additionally, Defendants contest Plaintiff City of South Miami's standing to assert its vagueness challenges. *Id.* at 9-10.

"A threshold question in every federal case is whether the plaintiff has made out a justiciable case or controversy within the meaning of article III." *NE Fla. CAGC of Am.*, 896 F.2d at 1287 n.1 (Tjoflat, C.J., specially concurring) (quoting *Church of Scientology Flag Serv. Org. v. City of Clearwater*, 777 F.2d 598, 606 (11th Cir. 1985)). As explained above, to establish standing, a "plaintiff must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016). Moreover, "[s]tanding cannot be waived or conceded by the parties." *A&M Gerber Chiropractic LLC v. GEICO Gen. Ins. Co.*, 925 F.3d 1205, 1210 (11th Cir. 2019).

The United States Supreme Court has defined "injury in fact" as "an invasion of a judicially cognizable interest which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical." *Bennett v. Spear*, 520 U.S. 154, 167 (1997).

> When, as here, plaintiffs file a pre-enforcement, constitutional challenge to a state statute, the injury requirement may be satisfied by establishing "'a realistic danger of sustaining direct injury as a result of the statute's operation or enforcement.'" *Socialist Workers Party v. Leahy*, 145 F.3d 1240, 1245 (11th Cir. 1998) (quoting *Am. Civil Liberties Union v. The Fla. Bar (ACLU)*, 999 F.2d 1486, 1492 (11th Cir. 1993)). A plaintiff may meet this standard in any of three ways: "(1) [the plaintiff] was threatened with application of the statute; (2) application is likely; or (3) there is a credible threat of application." *Id.* (citing *ACLU*, 999 F.2d at 1492).

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Ga. Latino All. for Human Rights v. Governor of Ga., 691 F.3d 1250, 1257-58 (11th Cir. 2012) ("*GLAHR*"). Additionally, there must be a causal connection between a plaintiff's injury and a defendant's alleged illegal conduct. *Id.* at 1257. "Finally, it must be 'likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.'" *Id.* (quoting *Bennett*, 520 U.S. at 167).

1. Organizational Plaintiffs' Standing

Defendants argue that the Organizational Plaintiffs do not have standing to assert any of their claims on behalf of themselves or their members. Defendants contend that the Organizational Plaintiffs will not suffer any irreparable injury as a result of SB 168's enactment because the law does not impose any obligation on the organizations or their members. ECF No. [19] at 7-9. Conversely, Organizational Plaintiffs contend that they have standing to represent themselves because they have had to, and will continue to need to, divert resources away from their core activities to respond to the increased concerns of their members and the community about SB 168's implications. ECF No. [39] at 2-5. Furthermore, these organizations assert that they can properly bring claims on behalf of their members, who have independent standing, because they have sufficiently pled that these members will be personally and adversely impacted by the heightened immigration enforcement efforts by state and local officials pursuant to SB 168. *Id.*

Organizations can establish standing to sue either on their own behalf or on behalf of their members. "[A]n organization has standing to sue on its own behalf if the defendant's illegal acts impair its ability to engage in its projects by forcing the organization to divert resources to counteract those illegal acts." *GLAHR*, 691 F.3d at 1259-60 (quoting *Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1350 (11th Cir. 2009); *Fla. State Conference of the NAACP v. Browning*, 522 F.3d 1153, 1165 (11th Cir. 2008)). An organization can establish injury for standing purposes

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by showing either that it has already suffered a cognizable injury when it had to divert its resources, or that it reasonably anticipates that it will have to divert its resources in the future, to address the illegal conduct. *Billups*, 554 F.3d at 1350; *Browning*, 522 F.3d at 1165-66.

Additionally, "[i]t has long been settled that an organization has standing to sue to redress injuries suffered by its members without a showing of injury to the association itself." *Doe v. Stincer*, 175 F.3d 879, 882 (11th Cir. 1999); *see also Warth v. Seldin*, 422 U.S. 490, 511 (1975) ("Even in the absence of injury to itself, an association may have standing solely as the representative of its members."). The Supreme Court has explained that an association may sue on behalf of its members when: "(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977).

> Accordingly, under *Hunt*, an association may bring suit on behalf of its members or constituents despite the fact that individual members have not actually brought suit themselves. Nor must the association name the members on whose behalf suit is brought. As we have stated, "neither unusual circumstances, inability of individual members to assert rights nor an explicit statement of representation are prerequisites."

Doe, 175 F.3d at 882 (quoting *Church of Scientology v. Cazares*, 638 F.2d 1272, 1279 (5th Cir. 1981)).

Each of the Organizational Plaintiffs has generally set forth facts in the Amended Complaint regarding the injuries the organizations and their members have sustained after the passage of SB 168. ECF No. [38]. The Organizational Plaintiffs' missions all center around immigrant communities and advocating for their rights. *Id.* at 6-23. Moreover, each of the Organizational Plaintiffs has detailed how SB 168 has forced it to divert its resources away from its core mission activities in order to address member concerns about the law and its implications.

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Id. at 9, 11, 13-14, 15, 17, 18, 19-20, 21-22, 23. These diversions of resources in order to specifically address SB 168 include, for example, operating a toll-free hotline to address increased calls requesting information on the law, *Id.* at 10; additional volunteer training, *Id.* at 11; hosting community meetings, *Id.* at 13; hiring additional staff, *Id.* at 15; addressing heightened requests for referrals to immigration attorneys, *Id.* at 18; conducting Know Your Rights presentations, *Id.* at 11, 20; answering member requests for clarification on the law, *Id.* at 21; and organizing forums and legal clinics to aid in the preparation of power of attorney's for members, *Id.* at 23. They also contend that they will continue to have to divert their resources in the future, in response to SB 168's ultimate application. *Id.* at 10, 12, 14, 15, 17, 18-19, 20, 22, 23. Moreover, the Organizational Plaintiffs will suffer diminished membership and beneficiaries if SB 168 takes effect. ECF No. [5-1] at 19.

Organizational Plaintiffs also explain how SB 168 has, and will continue to, injure their individual members. ECF No. [38] at 6-23. Specifically, Organizational Plaintiffs' assert that their members will suffer injuries "from racial and ethnic profiling, and unlawfully prolonged stops, arrests, and detentions on suspicion of civil immigration violations" by law enforcement. *Id.* at 14, 15, 22, 23; ECF No. [5-1] at 18. With SB 168 in force, Organizational Plaintiffs contend that these members will be reluctant to report crimes or act as witnesses due to their fear of interacting with law enforcement officers who may detain them. ECF No. [38] at 17, 20, 22; ECF No. [5-1] at 18. Further, they explain that members' fear and uncertainty about SB 168's implications "has and will continue to discourage members from accessing essential healthcare and government services, including shelter during a hurricane, enforcing their legal rights, including in cases of domestic violence, and applying to and enrolling in public schools and universities." ECF No. [38] at 15, 17, 19-20, 22; ECF No. [5-1] at 18.

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a. Detainer Mandate and Transport Requirement Challenges

In the preemption claims asserted in Counts I and II, Organizational Plaintiffs set forth the general injuries discussed above with regard to their present and future need to divert resources as a result of SB 168. ECF No. [38] at 6-23, 46-52. Additionally, they seek to protect the rights of their members to be free from unlawful immigration enforcement. ECF No. [39] at 4. Organizational Plaintiffs contend that at least one member of each membership-based organization will be unlawfully detained under SB 168's Detainer Mandate and will be unlawfully transported into federal immigration custody by un-deputized law enforcement officers. *Id.*

Defendants argue that the Organizational Plaintiffs lack standing because SB 168 does not impose any duties on the Organizational Plaintiffs upon which injury can be based. ECF No. [19] at 7-9.

> When a governmental prohibition or restriction imposed on one party causes specific harm to a third party, harm that a constitutional provision or statute was intended to prevent, the indirectness of the injury does not necessarily deprive the person harmed of standing to vindicate his rights. But it may make it substantially more difficult to meet the minimum requirement of Art. III: to establish that, in fact, the asserted injury was the consequence of the defendants' actions, or that prospective relief will remove the harm.

Warth, 422 U.S. at 505 (1975) (citation omitted).

In the instant action, Organizational Plaintiffs have sufficiently pled injury in fact with regard to their preemption challenges in Counts I and II. The organizations have diverted, and will continue to have to divert, resources away from core activities in order to respond to member inquiries about SB 168's enactment, implications, and enforcement. Moreover, Organizational Plaintiffs face, among other things, decreased membership and participation due to SB 168's impact. *Browning*, 522 F.3d at 1165 ("an organization has standing to sue on its own behalf if the defendant's illegal acts impair its ability to engage in its projects by forcing the organization to divert resources to counteract those illegal acts" (citing *Havens Realty Corp. v. Coleman*, 455 U.S.

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363, 379 (1982))). Similarly, Organizational Plaintiffs have established an actual and imminent threat of injury to their members from the unlawful detention, transportation, and enforcement under SB 168. *Babbitt v. United Farm Workers Nat. Union*, 442 U.S. 289, 298 (1979) ("[o]ne does not have to await the consummation of threatened injury to obtain preventive relief. If the injury is certainly impending, that is enough." (quoting *Pennsylvania v. West Virginia*, 262 U.S. 553, 593 (1923))). These asserted injuries to the organizations and their members arise directly from SB 168's enactment and can be redressed by enjoining these provisions. Accordingly, the Court concludes that the Organizational Plaintiffs have standing to assert their preemption challenges on behalf of themselves and their members.

b. Cost Reimbursement Challenge

In Count III, Organizational Plaintiffs assert that the Cost Reimbursement provision is preempted and have set forth their respective injuries. ECF No. [38] at 6-23, 52-55. Specifically, Organizational Plaintiffs have had to divert resources away from core mission activities in order to address SB 168's application with their members. *Id.* at 9, 11, 13-14, 15, 17, 18, 19-20, 21-22, 23. These organizations anticipate having to continue to divert additional resources in the future to respond to members' needs as SB 168 is enforced. *Id.* at 10, 12, 14, 15, 17, 18-19, 20, 22, 23. Moreover, these Organizational Plaintiffs will suffer diminished membership and beneficiaries if SB 168 takes effect. ECF No. [5-1] at 19.

When asked at the Hearing what specific injuries were sustained regarding the Cost Reimbursement provision, counsel for Plaintiffs indicated that, in addition to the diversion of resources, Organizational Plaintiffs were engaging in discussions with state and local law enforcement agencies and government agencies about how to respond to SB 168 and the Cost Reimbursement provision in particular. While these communications with local agencies were not

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addressed in the Amended Complaint or in Plaintiffs' Amended Motion, it does not change the Court's analysis. Plaintiffs have not established any causal connection between SB 168's Cost Reimbursement provision and the injuries Plaintiffs have sustained and anticipate sustaining moving forward.

The Court finds that there is an insufficient nexus between the provision requiring local law enforcement agencies to seek reimbursement for costs incurred in complying with federal immigration efforts and Organizational Plaintiffs' diversion of resources. As alleged by the Organizational Plaintiffs, the diversion of resources to address the concerns and implications of SB 168 relate to the unlawful detention and transport of immigrants. *See generally* ECF No. [38] at 9-23. The injuries alleged stem directly from concerns and confusion regarding the legality and scope of the Detainer Mandate and the Transport Requirement, not the Cost Reimbursement provision. *See generally id.* Because Organizational Plaintiffs have failed to sufficiently establish a causal link between the injuries sustained and the Cost Reimbursement provision of SB 168, the Court concludes that Plaintiffs lack standing to assert this claim. *Browning*, 522 F.3d at 1160 ("a plaintiff must establish 'a realistic danger of sustaining a direct injury as a result of the statute's operation or enforcement" (quoting *Babbitt*, 442 U.S. 289)). As such, this Court lacks jurisdiction to review the Cost Reimbursement challenge in Count III. *Warth*, 422 U.S. at 499 ("A federal court's jurisdiction therefore can be invoked only when the plaintiff himself has suffered 'some threatened or actual injury resulting from the putatively illegal action.'" (quoting *Linda R.S. v. Richard D.*, 410 U.S. 614, 617 (1973))).

c. Sanctuary Provisions and "Best Efforts" Provision Challenges

Under Counts IV and VII, the vagueness challenges to the Sanctuary Provisions and "Best Efforts" provision, Organizational Plaintiffs' delineate the general injuries sustained due to their

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present and future need to divert resources as a result of SB 168. ECF No. [38] at 6-23, 55-57, 61-64. Additionally, they seek to protect the rights of their members to be free from unlawful immigration enforcement. ECF No. [39] at 4. Organizational Plaintiffs contend that at least one member of each membership-based organization will be subject to an unlawful, and potentially arbitrary, arrest pursuant to the "Best Efforts" provision and the Sanctuary Provisions. *Id.* at 5.

Similar to the preemption challenges in Counts I and II, Organizational Plaintiffs have sufficiently pled injury in fact with regard to their vagueness claims. The organizations have diverted, and will continue to have to divert, resources away from core activities in order to respond to member inquiries about SB 168's enactment, implications, and enforcement. Moreover, Organizational Plaintiffs face, among other things, decreased membership and participation due to SB 168's impact. *Browning*, 522 F.3d at 1165 ("an organization has standing to sue on its own behalf if the defendant's illegal acts impair its ability to engage in its projects by forcing the organization to divert resources to counteract those illegal acts" (citing *Havens Realty Corp.*, 455 U.S. at 379)). Similarly, Organizational Plaintiffs have established an actual and imminent threat of injury to their members from the unlawful detention, transportation, and enforcement under SB 168, which will be aggravated by the enforcement of the Sanctuary Prohibition and the "Best Efforts" provision. *Babbitt*, 442 U.S. at 298 ("[o]ne does not have to await the consummation of threatened injury to obtain preventive relief. If the injury is certainly impending, that is enough." (quoting *Pennsylvania v. West Virginia*, 262 U.S. at 593)). These asserted injuries to the organizations and their members arise directly from SB 168's enactment and can be redressed by enjoining these provisions. Accordingly, the Court concludes that the Organizational Plaintiffs have standing to assert their vagueness challenges on behalf of themselves and their members.

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2. Plaintiff City of South Miami's Standing

Defendants concede the City of South Miami's standing to challenge the Detainer Mandate. However, Defendants argue that the City of South Miami lacks standing to assert its vagueness challenges in Counts V and VIII because Fourteenth Amendment protections only apply to "persons." ECF No. [19] at 9. Plaintiffs' Reply concedes that municipalities lack standing to raise Fourteenth Amendment claims. ECF No. [39] at 2. However, because "[s]tanding cannot be waived or conceded by the parties," *A&M Gerber Chiropractic LLC*, 925 F.3d at 1210, the Court must nevertheless examine whether the City of South Miami has standing to bring its claims.

"In assessing the standing to sue of a state entity, [courts] are bound by the Supreme Court's or [the Eleventh Circuit's] determination of whether any given constitutional provision or law protects the interests of the body in question." *United States v. State of Ala.*, 791 F.2d 1450, 1455 (11th Cir. 1986). Thus, a municipality's standing depends on the nature of the claim asserted. Political subdivisions have been permitted to challenge the constitutionality of state statutes under the Supremacy Clause. *See Rogers v. Brockette*, 588 F.2d 1057, 1071 (5th Cir. 1979). However, as the Supreme Court has explained, "Being but creatures of the State, municipal corporations have no standing to invoke . . . the provisions of the Fourteenth Amendment of the Constitution in opposition to the will of their creator." *Coleman v. Miller*, 307 U.S. 433, 441 (1939).

In examining whether a municipality has standing to assert a constitutional challenge to a state statute under the Supremacy Clause, the Fifth Circuit set forth three prerequisites that must be met: (1) "to sue in federal court, a plaintiff must allege 'a distinct and palpable injury' to itself"; (2) "ordinarily a plaintiff 'must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties'"; and (3) "a claim must present a genuine,

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live case or controversy under Article III." *Rogers*, 588 F.2d at 1060 (citations omitted) (footnotes omitted).

a. Preemption Challenge

The City of South Miami has alleged its injuries under SB 168. ECF No. [38] at 6-7. Specifically, the City of South Miami "believes SB 168 does not provide [the City], [the police department], or its residents any actual and understandable notice of the statutory requirements that apply to their conduct." *Id.* at 7. With regard to Count I, the City of South Miami is unsure which provisions of SB 168 apply to it, and it is concerned that the resolutions and policies currently in place may violate SB 168's requirements, especially the City's resolution providing that immigration detainers will not be honored as a matter of course. *Id.* The City of South Miami's potential noncompliance with SB 168 could result in the suspension without pay of its leadership and enforcement actions by the Governor and the Attorney General. *Id.* However, the City of South Miami's attempts to comply with SB 168 will expose the City to liability and damage lawsuits for local law enforcement officers' improper immigration enforcement pursuant to SB 168. *Id.*

As noted above, political subdivisions may establish standing to challenge the constitutionality of state statutes under the Supremacy Clause. *See Rogers*, 588 F.2d at 1071. Here, the City of South Miami asserts a "distinct and palpable injury to itself" because it faces liability and damage lawsuits if its agencies unlawfully comply or attempt to comply with SB 168's Detainer Mandate when its law enforcement officers do not have the authority to do so under federal law, but it faces enforcement actions by the Attorney General if it fails to comply with the Detainer Mandate. *See id.* at 1061. Moreover, the question of whether Congress intended to preempt the field of immigration enforcement dictates the City of South Miami's authority, or lack thereof, to refuse compliance with the Detainer Mandate. *See id.* at 1062-63. Finally, the City of

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South Miami's preemption challenge presents a live case or controversy because the imposition of an injunction on the Detainer Mandate would directly remedy the City of South Miami's threatened injury of damage lawsuits by individuals whose constitutional rights were violated and enforcement actions by the Attorney General for noncompliance. *See id.* at 1063. Accordingly, the Court concludes that the City of South Miami has standing to bring its Detainer Mandate preemption claim.

b. Vagueness Challenges

In Count V, the City of South Miami asserts that the language of the Sanctuary Definition is so vague that it cannot determine what policies are prohibited and which immigration enforcement actions require law enforcement compliance. ECF No. [38] at 58. Similarly, in Count VIII, the City of South Miami argues that the lack of explicit standards in the "Best Efforts" provision fails to set forth any meaningful standard of conduct. *Id.* at 65. As a result, SB 168 will result in arbitrary and discriminatory enforcement. *Id.* Further, the City of South Miami is unable to determine what is prohibited or which local entities and agencies must comply with the "Best Efforts" provision due to SB 168's vague language and inconsistent references to local entities, agencies, and their employees. *Id*. at 66. The City of South Miami asserts that, because of the vague language in the Sanctuary Provisions and the "Best Efforts" provision, and the resulting inability to determine what conduct is proscribed, complying with SB 168 exposes the City to liability. *Id.* at 58, 66. Moreover, government entities that violate the requirements of SB 168 are subject to enforcement actions by the Attorney General. *Id.* at 58, 66. Furthermore, even if the City attempts to comply with SB 168, it may nonetheless face enforcement actions by the Attorney General due to SB 168's vagueness. *Id.* at 58, 66.

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As noted above, "[b]eing but creatures of the State, municipal corporations have no standing to invoke . . . the provisions of the Fourteenth Amendment of the Constitution in opposition to the will of their creator." *Coleman*, 307 U.S. at 441. Vagueness claims, such as those asserted in Counts V and VIII, are rooted in the Due Process Clause of the Fourteenth Amendment. *See Lanzetta v. N.J.*, 306 U.S. 451, 454 (1939); *Alabama*, 791 F.2d at 1455. As such, the City of South Miami lacks standing to assert its vagueness challenges.

3. Plaintiff Mayor Stoddard's Standing

In their Surreply, Defendants concede that Mayor Stoddard has standing to bring his vagueness challenges in Counts VI and IX. ECF No. [45] at 1. Nonetheless, as with the City of South Miami, this Court has an independent obligation to assess whether Mayor Stoddard has standing to assert his vagueness challenges.

While political subdivisions may not have standing to challenge the constitutionality of state statutes on vagueness grounds, the Supreme Court has recognized public officials' legitimate interest in challenging "the enforcement of statutes in relation to which they have official duties." *Coleman*, 307 U.S. at 441-42; *see also Finch v. Miss. State Med. Assoc., Inc.*, 585 F.2d 765, 773 (5th Cir. 1978) ("plaintiffs who sued in their official capacities may assert constitutional claims against the state." (quoting *City of New York v. Richardson*, 473 F.2d 923, 933 (2d Cir. 1973)). Moreover, the Supreme Court has explained that public officials have a sufficient personal stake in the outcome of a case for standing purposes when, believing a state statute to be unconstitutional, "they are in the position of having to choose between violating their oath [by complying with the statute] and taking a step — refusing to comply with [the statute] — that would be likely to bring their expulsion from office." *Bd. of Edu. of Cent. Sch. Dist. No. 1 v. Allen*, 392 U.S. 236, 241 n.5 (1968).

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In Count VI, Mayor Stoddard asserts that the language of the Sanctuary Definition is so vague that he has no way to determine what conduct or policy is prohibited and which immigration enforcement actions require law enforcement compliance. ECF No. [38] at 61. As a result, Mayor Stoddard's ability to establish policies and resolutions guiding local law enforcement agencies' conduct is undermined because he "is unable to determine whether any of the actions, resolutions, policies, or statements he makes place him in violation of SB 168." *Id.* at 60.

Similarly, in Count IX, Mayor Stoddard challenges the constitutionality of SB 168's "Best Efforts" provision because "[s]uch vague language fails to give Mayor Stoddard fair notice of what he must, and must not do, in order to be in compliance with SB 168 and to avoid an enforcement suit or removal from office." *Id.* at 67. Mayor Stoddard is unable to determine what conduct is prohibited or which local entities and agencies must comply with the "Best Efforts" provision due to SB 168's vague language and inconsistent references to local entities, agencies, and their employees. *Id*. at 68. SB 168's vague mandates undermine Mayor Stoddard's ability to establish policies and resolutions to guide police conduct on what actions satisfy "best efforts." *Id.*

Mayor Stoddard asserts that, because of the vague language in the Sanctuary Provisions and the "Best Efforts" provision, and his resulting inability to determine proscribed conduct, complying with SB 168 exposes him to liability. *Id.* at 61, 68. Moreover, officials who violate the requirements of SB 168 are subject to enforcement actions or suspension from office by the Governor. *Id.* at 68, 69. As such, Mayor Stoddard is now faced with the threat of suspension or removal for failing to comply with SB 168. *Id.* Alternatively, he faces political liability and damage lawsuits for improper immigration enforcement actions taken pursuant to SB 168. *Id.* at 61, 68-69. Furthermore, Mayor Stoddard's attempted, yet insufficient, compliance with SB 168 may result in suspension or removal from office. *Id.* at 61, 69.

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Mayor Stoddard has sufficiently alleged a concrete, imminent, and "realistic danger of sustaining direct injury as a result of the statute's operation or enforcement." *GLAHR*, 691 F.3d at 1257 (quoting *Socialist Workers Party*, 145 F.3d at 1245). Specifically, Mayor Stoddard is "in the position of having to choose between violating [his] oath [by complying with SB 168] and taking a step — refusing to comply with [SB 168] — that would likely bring [his] expulsion from office." *Allen*, 392 U.S. at 241 n.5. Accordingly, the Court concludes that Mayor Stoddard has satisfied the injury-in-fact requirement of the standing analysis. Moreover, the causal connection between the asserted injury and the alleged illegal conduct here is clear because Mayor Stoddard's injury stems directly from SB 168's application and enforcement. Finally, Mayor Stoddard's purported injury will be redressed if this Court ultimately enjoins SB 168. Therefore, Mayor Stoddard has standing to challenge the vagueness of the Sanctuary Provisions and "Best Efforts" provision.

B. Preliminary Injunction

Having determined that Plaintiffs have standing to sue, the Court turns to the merits of Plaintiffs' request for a preliminary injunction. A movant must prove four factors in order to establish that a preliminary injunction is appropriate: (1) "a substantial likelihood of success on the merits," (2) "that the preliminary injunction is necessary to prevent irreparable injury," (3) "that the threatened injury outweighs the harm the preliminary injunction would cause the other litigant," and (4) "that the preliminary injunction would not be averse to the public interest." *Chavez*, 742 F.3d at 1271 (citing *Parker*, 275 F.3d at 1034-35). "Failure to show any of the four factors is fatal" to the preliminary injunction inquiry. *Am. Civil Liberties Union of Fla., Inc. v. Miami-Dade Sch. Bd.*, 557 F.3d 1177, 1198 (11th Cir. 2009).

> When a federal court before trial enjoins the enforcement of a municipal ordinance adopted by a duly elected city council, the court overrules the decision of the elected representatives of the people and, thus, in a sense interferes with the processes of democratic government. Such a step can occasionally be justified by the

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> Constitution (itself the highest product of democratic processes). Still, preliminary injunctions of legislative enactments—because they interfere with the democratic process and lack the safeguards against abuse or error that come with a full trial on the merits—must be granted reluctantly and only upon a clear showing that the injunction before trial is definitely demanded by the Constitution and by the other strict legal and equitable principles that restrain courts.

NE Fla. CAGC of Am., 896 F.2d at 1285.

Plaintiffs' Amended Motion requests that this Court grant a preliminary injunction to enjoin SB 168 from taking effect, pending the resolution of the instant case. ECF No. [47]. Plaintiffs assert that a preliminary injunction is appropriate because the challenged provisions of SB 168 are either preempted by federal law or are unconstitutionally vague. *Id.* Defendants contend that this Court should deny the Amended Motion because Plaintiffs' claims are meritless and unlikely to succeed, they have failed to sufficiently allege irreparable harm, and the equitable factors weigh in favor of denying the preliminary injunction. ECF No. [19].

1. Substantial Likelihood of Success on the Merits

With regard to the preliminary injunction factors, the Eleventh Circuit has stated that the substantial likelihood of success on the merits is "generally the most important [factor]." *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1232 (11th Cir. 2005). "A substantial likelihood of success on the merits requires a showing of only likely or probable, rather than certain, success." *Id.*

a. Preemption Challenges

Plaintiffs argue that the Detainer Mandate and the Transport Requirement[11] violate the Supremacy Clause because these provisions are preempted by federal immigration law. ECF No. [5-1] at 3-11.

[11] As discussed above, the Court does not address Plaintiffs' arguments regarding the Cost Reimbursement provision's preemption, as they lack standing to assert that claim.

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"Federalism, central to the constitutional design, adopts the principle that both the National and State Governments have elements of sovereignty the other is bound to respect." *Arizona v. United States*, 567 U.S. 387, 398 (2012). Nonetheless, the Supremacy Clause mandates that federal law "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." U.S. Const. art. VI, § 2. Thus, "[w]here the two conflict, federal law trumps state law; that was always clear. What constitutes a conflict is often less clear." *Browning*, 522 F.3d at 1167 (citations omitted).

Under the preemption doctrine, Congress has the power to preempt state law, and this preemption typically falls into one of "three categories: (1) express preemption; (2) field preemption; and (3) conflict preemption." *Id.*; *Arizona*, 567 U.S. at 399-400. "Express preemption occurs when Congress manifests its intent to displace a state law using the text of a federal statute." *Browning*, 522 F.3d at 1167. "Implied preemption" has generally been used to encompass field and conflict preemption. *Id.* "Field preemption occurs when a congressional legislative scheme is 'so pervasive as to make the reasonable inference that Congress left no room for the states to supplement it,'" *id.* (quoting *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947)), or "where there is a 'federal interest . . . so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject,'" *Arizona*, 567 U.S. at 399 (quoting *Rice*, 331 U.S. at 230). "Conflict preemption occurs either when it is physically impossible to comply with both the federal and state laws or when the state law stands as an obstacle to the objective of the federal law." *Browning*, 522 F.3d at 1167.

Two main considerations guide district courts' preemption analysis: "First, the purpose of Congress is the ultimate touchstone in every pre-emption case. Second, we assume that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear

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and manifest purpose of Congress." *United States v. Alabama*, 691 F.3d 1269, 1281-82 (11th Cir. 2012) (citations and internal quotation marks omitted).

As the Supreme Court has explained,

> The Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens. This authority rests, in part, on the National Government's constitutional power to "establish an uniform Rule of Naturalization," Art. I, § 8, cl. 4, and its inherent power as sovereign to control and conduct relations with foreign nations. The federal power to determine immigration policy is well settled.

Arizona, 567 U.S. at 394-95 (citations omitted). The field of immigration governance "is extensive and complex." *Id.* at 395. As such, "Congress has specified which aliens may be removed from the United States and the procedures for doing so." *Id.* at 396. Nonetheless, the Supreme Court has emphasized that "[t]he pervasiveness of federal regulation does not diminish the importance of immigration policy to the States." *Id.* at 397.

The Executive Branch is tasked with the enforcement of immigration law, and immigration officials are given "broad discretion" in the exercise of their powers. *Id.* at 396-97. Although there are numerous agencies within the Department of Homeland Security ("DHS"), *id.* at 397, ICE is the agency relevant to the instant action. "ICE officers are responsible 'for the identification, apprehension, and removal of illegal aliens from the United States.'" *Id.*

"As a general rule, it is not a crime for a removable alien to remain present in the United States." *Id.* at 407. Moreover, "[r]emoval is a civil, not criminal, matter." *Id.* at 396.

> The federal statutory structure instructs when it is appropriate to arrest an alien during the removal process. For example, the Attorney General can exercise discretion to issue a warrant for an alien's arrest and detention "pending a decision on whether the alien is to be removed from the United States." [8 U.S.C.] § 1226(a). And if an alien is ordered removed after a hearing, the Attorney General will issue a warrant. See 8 CFR § 241.2(a)(1). In both instances, the warrants are executed by federal officers who have received training in the enforcement of immigration law. See §§ 241.2(b), 287.5(e)(3). If no federal warrant has been issued, those officers have more limited authority. See 8 U.S.C. § 1357(a).

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Id. at 407-08 (some citations omitted).

Congress has delineated specific, "limited circumstances in which state officers may perform the functions of an immigration officer." *Id.* at 408. Relevant to the instant case, the Attorney General may grant this authority to specific state or local law enforcement officers pursuant to a formal agreement, commonly referred to as a "287(g) Agreement,"[12] which allows officers to perform the duties of a federal immigration officer under the direction and supervision of the Attorney General after completing adequate immigration training. 8 U.S.C. § 1357(g)(1); *Arizona*, 567 U.S. at 408-09. Without a 287(g) Agreement, local law enforcement agencies are not permitted to unilaterally perform the functions of federal immigration officers, such as detaining an alien for being removable, "absent any request, approval, or other instruction from the Federal Government." *Arizona*, 567 U.S. at 410.

Nevertheless, the Supreme Court has recognized that "[c]onsultation between federal and state officials is an important feature of the immigration system." *Id.* at 411. Congress has explicitly stated that state and local law enforcement agencies do not need a 287(g) Agreement (A) "to communicate with the [Federal Government] regarding the immigration status of any individual," or (B) "otherwise to cooperate[13] with the [Federal Government] in the identification,

[12] The federal government's authorization to enter into 287(g) Agreements is codified in 8 U.S.C. § 1357(g):

> (1) Notwithstanding section 1342 of Title 31, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

8 U.S.C. § 1357(g)(1).

[13] The Court will refer to the provision in 8 U.S.C. § 1357(g)(10)(B) as the "cooperation clause."

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apprehension, detention, or removal of aliens not lawfully present in the United States." 8 U.S.C. § 1357(g)(10); *Arizona*, 567 U.S. at 411-12.

The parties in this case disagree on what the phrase "otherwise to cooperate" means, in the context of enforcing immigration detainers and transporting detained aliens into federal custody. Before examining each party's arguments, a brief history of immigration detainers is warranted.

Amici curiae in support of Plaintiffs provided the Court with an informative history on the evolution of the immigration detainer. ECF No. [61] at 17-23. There is only one reference to "detainers" in the INA. *See* 8 U.S.C. § 1357(d); *Arizona*, 567 U.S. at 410 ("State officials can also assist the Federal Government by responding to requests for information about when an alien will be released from their custody." (citing 8 U.S.C. § 1357(d))). *Amici* assert that detainers were historically understood to be requests for information about a suspected alien's expected release date and nothing more. ECF No. [61] at 18.

However, in 1997, federal immigration agencies began requesting that local law enforcement agencies, pursuant to detainer requests, hold suspected aliens in custody for up to forty-eight hours beyond their scheduled release from custody. *Id.* at 17. Specifically, the Code of Federal Regulation's Detainer Provisions state:

> (a) Detainers in general. Detainers are issued pursuant to sections 236 and 287 of the Act and this chapter 1. Any authorized immigration officer may at any time issue a Form I-247, Immigration Detainer – Notice of Action, to any other Federal, State, or local law enforcement agency. A detainer serves to advise another law enforcement agency that the Department seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. The detainer is a request that such agency advise the Department, prior to release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible.
>
> . . . .
>
> (d) Temporary detention at Department request. Upon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to

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> exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the Department.

8 C.F.R. § 287.7. Based on this additional request to hold an individual beyond their custodial sentence, a detainer has developed into "a written request to state or local officials, asking them (1) to notify [DHS] as soon as practicable before an alien is released and (2) to maintain custody of the alien for up to 48 hours beyond the preexisting release date so that DHS may assume custody." *City of El Cenizo, Tex. v. Tex.*, 890 F.3d 164, 174 (5th Cir. 2018); 8 C.F.R. § 287.7; *United States v. Ovando-Garzo*, 752 F.3d 1161, 1164 (8th Cir. 2014) (holding that identifying an alien, communicating with federal immigration officers, and detaining an alien until federal officers could take custody was not unilateral conduct outside the scope of a local law enforcement officer's authority); *see Corley v. United States*, 556 U.S. 303, 314 (2009) ("one of the most basic interpretive canons, that "'[a] statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant.'" (quoting *Hibbs v. Winn*, 542 U.S. 88, 101 (2004))); *see also Lopez-Aguilar v. Marion Cty. Sheriff's Dep't*, 296 F. Supp. 3d 959, 969 (S.D. Ind. 2017) ("'An immigration detainer is a piece of paper issued by immigration officials that purports to command other law enforcement officials to hold a prisoner, who otherwise would be released, in custody and deliver that person to federal immigration officials.' It is 'the principle mechanism for [ICE] . . . to obtain custody over suspected immigration violators in the custody of state or local law enforcement officials.'" (quoting Christopher N. Lasch, *Federal Immigration Detainers After* Arizona v. United States, 46 Loy. L.A. L. Rev. 629, 634 (2013))). In April 2017, ICE implemented an internal policy that required all detainer requests to be accompanied by an administrative immigration warrant issued by a federal immigration officer indicating the immigration officer's probable cause to believe an individual is removable. ECF No. [19] at 3.

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Amici contend, and Plaintiffs agree, that this expansion of the detainer request is beyond the scope of power Congress intended to grant to federal immigration officers and the forty-eight-hour hold constitutes a subsequent arrest that requires probable cause that a criminal violation occurred. ECF No. [61]; *see Lopez-Aguilar*, 296 F. Supp. 3d at 972 ("Plainly, federal immigration law does not permit . . . every law enforcement officer employed by a state governmental body to engage in the enforcement of federal immigration law on the same terms and basis as federal officials, free from any restriction by the governmental body (even, presumably, as to enforcement priorities)."). Additionally, Plaintiffs and *amici* argue that detainer holds are arrests performed by local law enforcement officers who lack Congressional authorization under the INA, regardless of the detainer and accompanying administrative warrant. *Id.* As such, Plaintiffs assert that the Detainer Mandate requiring that local law enforcement officers comply with detainer holds is preempted by federal law.

In their Response, Defendants argue that "[c]onsultation between federal and state officials is an important feature of the immigration system," *Arizona*, 567 U.S. at 411, and that, by expressly including the cooperation clause under § 1357(g)(10)(B), Congress gave a clear indication that it sought to facilitate, not preempt, the type of cooperation that SB 168 mandates. ECF No. [19] at 12. Moreover, in its Statement of Interest, the United States of America asserts that local law enforcement agencies' compliance with detainer requests falls within the cooperation that Congress intended to allow under § 1357(g)(10)(B). ECF No. [23] at 12. Cooperating with immigration detainer requests falls squarely within *Arizona*'s reasoning because this cooperation is done only pursuant to a federal request, rather than unilaterally. *Id.* at 13 ("SB 168 provides for the very authorization Plaintiffs allude to in the form of federal immigration detainers.").

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Thus, the precise issue before the Court is whether SB 168's Detainer Mandate and Transport Requirement are preempted by federal law or whether these provisions regulate conduct that falls within the meaning of the cooperation clause's "otherwise to cooperate" language.

i. Field Preemption Challenge to the Detainer Mandate and Transport Requirement

Plaintiffs argue that the Detainer Mandate and Transport Requirement are field preempted because the INA occupies the field of when state and local law enforcement can participate in detaining aliens and "SB 168 rejects the Congressional framework and creates its own authorization for immigration arrest, detention, and transport by undeputized local officers." ECF No. [50] at 3.

"Field preemption occurs when a congressional legislative scheme is 'so pervasive as to make the reasonable inference that Congress left no room for the states to supplement it,'" *Browning*, 522 F.3d at 1167 (quoting *Rice*, 331 U.S. at 230), or "where there is a 'federal interest . . . so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject,'" *Arizona*, 567 U.S. at 399 (quoting *Rice*, 331 U.S. at 230). "To determine the boundaries that Congress sought to occupy within the field, we look to 'the federal statute itself, read in the light of its constitutional setting and its legislative history.'" *Alabama*, 691 F.3d at 1281 (quoting *De Canas v. Bica*, 424 U.S. 351, 360 n. 8 (1976)). Because neither provision is field preempted, the Court addresses these arguments first.

Considering the language of the INA itself, it is clear that Congress did not intend to preclude states from supplementing the field of how local law enforcement agencies can participate in federal immigration enforcement efforts. Specifically, the express language of the cooperation clause in § 1357(g)(10)(B) leaves numerous cooperative avenues open for law enforcement officers to participate in the immigration efforts of federal officers. 8 U.S.C. § 1357(g)(10)(B).

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"This provision indicates that Congress intended local cooperation without a formal agreement in a range of key enforcement functions." *City of El Cenizo*, 890 F.3d at 179.

The Fifth Circuit's field preemption reasoning in *City of El Cenizo* is informative here. *See generally id.* at 164. *City of El Cenizo* centered around the enactment of a law similar to SB 168. *Id.* at 173-75. In addressing the issue of field preemption, the Fifth Circuit in *City of El Cenizo* enunciated a critical distinction between the Texas law and the provisions of § 1357(g):

> To establish field preemption, moreover, the plaintiffs must prove that federal law evinces "the clear and manifest purpose of Congress" to preclude even complementary state legislation on the same subject. *De Canas*, 424 U.S. at 357. Federal law does not suggest the intent — let alone a "clear and manifest" one — to prevent states from regulating *whether* their localities cooperate in immigration enforcement. Section 1357 does not require cooperation at all. And the savings clause allowing cooperation without a 287(g) agreement indicates that some state and local regulation of cooperation is permissible.

Id. at 178; *see also id.* at 177 ("Federal law regulates *how* local entities may cooperate in immigration enforcement; [the Texas law] specifies *whether* they cooperate.").

Similarly, here, the Detainer Mandate regulates *whether* local entities cooperate in the federal government's immigration enforcement efforts by stating that law enforcement agencies "shall . . . comply with the requests made in the immigration detainer." Fla. Stat. § 908.105(1)(c). The Court must limit its analysis of Plaintiffs' field preemption challenges to whether Congress intended to preclude any further state regulation of local law enforcement agencies' cooperation with federal immigration enforcement. Similar reasoning also applies to the Transport Requirement. Plaintiffs have not established Congress's clear and manifest intent to preclude any complementary state regulation on cooperating with immigration officials for the transport of aliens. As the Fifth Circuit in *City of El Cenizo* held, § 1357(g)(10)(B)'s cooperation clause indicates that Congress intentionally left the issue of state and local law enforcement's cooperation

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with federal immigration efforts open to further regulation. *See* 890 F.3d at 178. Therefore, SB 168's Detainer Mandate and Transport Requirement are not field preempted.

ii. Conflict Preemption Challenge to the Detainer Mandate

Plaintiffs also argue that SB 168's Detainer Mandate is conflict preempted. ECF No. [5-1] at 8-10.

Conflict preemption can arise in two ways:

> First, conflict preemption can occur "when it is physically impossible to comply with both the federal and the state laws." Conflict preemption may also arise "when the state law stands as an obstacle to the objective of the federal law." We use our judgment to determine what constitutes an unconstitutional obstacle to federal law, and this judgment is "informed by examining the federal statute as a whole and identifying its purpose and intended effects."

Alabama, 691 F.3d at 1281 (citations omitted).

The Supreme Court, in *Arizona*, held that an Arizona law authorizing state and local police officers to make warrantless arrests of suspected aliens if they had probable cause to believe the alien was removable was conflict preempted by federal immigration law. 567 U.S. at 410. In so holding, the Supreme Court noted that the Arizona law would "provide state officers even greater authority to arrest aliens on the basis of possible removability than Congress has given to trained federal immigration officers." *Id.* at 408. The *Arizona* Court, in examining the statutory authorization for 287(g) Agreements and § 1357(g)(10)(B)'s cooperation clause, noted that Congress clearly accounted for some degree of federal-local cooperation in immigration efforts. *Id.* at 409-10. However, the Court found Arizona's law to be conflict preempted because the law granted local officials the unilateral authorization to make immigration arrests — something Congress exclusively entrusted to the Federal Government. *Id.* The Supreme Court distinguished this unilateral state action from permissible cooperation under § 1357(g)(10)(B) by explaining that cooperation necessarily requires some sort of "request, approval, or other instruction from the

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Federal Government" in order for local law enforcement officers to properly participate in immigration enforcement actions. *Id.* at 410. A state law that attempts to achieve its own immigration policy by authorizing law enforcement's unilateral immigration action impermissibly stands as an obstacle to the objectives of the INA and frustrates federal immigration objectives, such as foreign relations. *Id.* at 409-10.

Here, the Detainer Mandate states, in relevant part, "A law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency shall . . . comply with the requests made in the immigration detainer." Fla. Stat. 908.105(1)(c). Defendants assert that the Detainer Mandate falls within the conduct that was explicitly contemplated in the cooperation clause because it only grants local officers the power to temporarily detain suspected aliens after a federal immigration official has made a probable cause determination as to removability and has explicitly requested that the individual be held. ECF No. [19] at 12; *Arizona*, 567 U.S. at 411 ("Consultation between federal and state officials is an important feature of the immigration system."). Plaintiffs argue instead that the Detainer Mandate creates a system of enforcement where all local officers are authorized to make subsequent detainer arrests, absent a 287(g) Agreement granting them the power to do so.

The Court recognizes the body of case law across the nation that has determined that these immigration detainer holds are unconstitutional subsequent arrests in violation of the Fourth Amendment, two of which are in this District.[14] Plaintiffs rely on many of these cases for their preemption arguments. However, these cases concerned post-enforcement Fourth Amendment

[14] *See, e.g.*, *Morales v. Chadbourne*, 793 F.3d 208, 217 (1st Cir. 2015); *Santos v. Frederick Cty. Bd. Of Comm'rs*, 725 F.3d 451, 465-66 (4th Cir. 2013); *Melendres v. Arpaio*, 695 F.3d 990 (9th Cir. 2012); *C.F.C. v. Miami-Dade Cty.*, 349 F. Supp. 3d 1236 (S.D. Fla. 2018); *Creedle v. Miami-Dade Cty.*, 349 F. Supp. 3d 1276 (S.D. Fla. 2018); *Lopez-Aguilar*, 296 F. Supp. 3d 959; *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1153 (Mass. 2017); *People ex rel. Swenson v. Ponte*, 46 Misc. 3d 273, 278 (N.Y. Sup. Ct. 2014); *see also Moreno v. Napolitano*, 213 F. Supp. 3d 999, 1005, n.3 (N.D. Ill. 2016).

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challenges to detainer holds, not a pre-enforcement facial challenge to a state statute mandating local officers' compliance with detainer requests. The Court believes this distinction to be critical.

As noted in *Creedle*,

> The Fifth Circuit stresses throughout its opinion [in *City of El Cenizo*] that plaintiffs had a stringent burden, not only because of the preliminary injunction standard, but also because of the "exacting standard" of bringing a "pre-enforcement facial challenge." In *El Cenizo*, no discovery had yet been taken and no facts had been adduced other than those alleged in the complaint. The Fifth Circuit noted that "such a challenge is the most difficult to mount successfully" because "it is not enough for the plaintiffs to demonstrate that the ICE-detainer mandate will often cause Fourth Amendment violations." Instead, plaintiffs "must establish that the mandate is unconstitutional in all of its applications." In analyzing whether the "ICE-detainer mandate" in [the Texas law] facially violated the Fourth Amendment, the Fifth Circuit stated that "plaintiffs must establish that every seizure authorized by the ICE-detainer mandate violates the Fourth Amendment" and concluded that plaintiffs could not satisfy that "exacting standard."

Creedle, 349 F. Supp. 3d at 1298 (footnote omitted) (quoting *City of El Cenizo*, 890 F.3d at 187). Similarly, here, Plaintiffs assert a facial pre-enforcement challenge to SB 168's Detainer Mandate. Thus, Plaintiffs must satisfy a "stringent burden" in order to be successful on their claims. *City of El Cenizo*, 890 F.3d at 187.

Moreover, those cases present markedly different situations than the instant case — namely, the cases cited did not address the situation where a detainer request was issued alongside an administrative warrant alleging probable cause. The combination of the detainer and the administrative warrant rectify many of the issues presented in those prior cases.

The Court finds the reasoning of *Lopez-Lopez v. County of Allegan*, to be particularly persuasive on this point. 321 F. Supp. 3d 794 (W.D. Mich. 2018). There, the district court addressed a Fourth Amendment challenge to a hold based on a detainer request and an accompanying administrative warrant. *Id.* at 796. In finding that the detainer hold did not violate the defendant's Fourth Amendment rights, in *Lopez-Lopez*, the court reviewed and distinguished the previous line of cases holding that immigration detainers violated the Fourth Amendment. *Id.*

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at 799-802; *id.* at 799 ("Plaintiff asserts that '[n]umerous federal district courts have found that detention by local authorities pursuant to ICE detainers alone violates the Constitutional rights of the detainee.' The problem is that Lopez-Lopez was not detained solely on the basis of an ICE detainer. Additionally, the detainers at issue in the cases he cites are substantively different from the detainer ICE issued in this case. Further, some of the cases are wholly irrelevant to the discussion because they determine only that cooperation with ICE detainers is discretionary rather than mandatory — a well-settled principle that does not bear on the outcome." (citation omitted)).[15] Specifically, the *Lopez-Lopez* court noted that, while a detainer alone or an administrative warrant alone may not comply with the Fourth Amendment's requirements because law enforcement officers "[e]ither [] lack probable cause (situations without an administrative warrant) or they lack a request to act (situations without a detainer)," the combination of the detainer and the administrative warrant rectifies these issues and complies with the Supreme Court's holding in *Arizona*. *Id.* at 801; *id.* ("ICE issued a facially valid administrative warrant for [defendant's] arrest, based on a determination that there was probable cause to believe he was removable. Then, ICE requested that the localities detain [defendant] through the use of an I-247 detainer — which also recited the basis for probable cause. [The] County cooperated by complying with the federal

[15] *See Lopez-Lopez*, 321 F. Supp. 3d at 800 (distinguishing *Buquer v. City of Indianapolis*, 797 F. Supp. 2d 905 (S.D. Ind. 2011), because *Buquer* involved a state law authorizing local officers to use their discretion in conducting warrantless immigration arrests); *id.* (distinguishing *Morales v. Chadbourne*, 996 F. Supp. 2d 19 (D. R.I. 2014), *aff'd in part, rev'd in part*, 793 F.3d 208 (1st Cir. 2015), because in *Morales*, ICE did not provide an arrest warrant with the detainer); *id.* at 800-01 (distinguishing *Santos*, 725 F.3d 451, because the plaintiff there was seized before ICE confirmed that a warrant had issued); *id.* at 801 (distinguishing *Ochoa v. Campbell*, 266 F. Supp. 3d 1237 (E.D. Wash. 2017), because ICE only presented an administrative warrant without a detainer); *see also Melendres*, 695 F.3d 990 (detention of aliens during a traffic stop "based on reasonable suspicion or knowledge that the person was unlawfully in the [country]," without a federal request); *C.F.C.*, 349 F. Supp. 3d 1236 (detainer not accompanied by an administrative warrant); *Creedle*, 349 F. Supp. 3d 1276 (detainer not accompanied by an administrative warrant); *Lopez-Aguilar*, 296 F. Supp. 3d 959 (no detainer issued).

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government's request (as allowed pursuant to § 1357(g)(10)) 'by providing operational support' by holding [defendant] until ICE could take custody of him the following day.").

The reasoning in *Lopez-Lopez* presents a clear instance where complying with a detainer satisfies the Fourth Amendment's requirements.[16] Moreover, the current detainer practice and the mandates of SB 168 require that all detainer requests be accompanied by administrative warrants. ECF No. [19] at 3; ECF No. [19-1] at 15-20. Plaintiffs cannot satisfy their burden on a facial challenge of establishing "that every seizure authorized by the ICE-detainer mandate violates the Fourth Amendment." *City of El Cenizo*, 890 F.3d at 187.

The Fifth Circuit in *City of El Cenizo* also examined the cooperation clause under § 1357(g)(10)(B) and recognized that "Congress intended local cooperation without formal agreement in a range of key enforcement functions." *Id.* at 179. Moreover, the *City of El Cenizo* noted that officers acting pursuant to a 287(g) Agreement "become de facto immigration officers, competent to act on their own initiative." *Id.* at 180. Thus, these 287(g) officers are expressly granted the authority to make unilateral decisions on immigration enforcement issues, absent any predicate request from the federal government. *Arizona*, 567 U.S. at 410.

In contrast, here, officers acting pursuant to the Detainer Mandate are only authorized to detain suspected aliens after receiving such a detainer request from federal immigration officers. These detainers must be accompanied by a Form I-200 "Warrant of Arrest of Alien" or a Form I-205 "Warrant of Removal/Deportation." *See* Appendix. Form I-247A is titled "Immigration Detainer – Notice of Action," which requests that local officers "[m]aintain custody of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have

[16] Moreover, as the Eleventh Circuit has noted, "The Fourth Amendment does not require warrants to be based on probable cause of a crime, as opposed to a civil offense. Nothing in the original public meaning of 'probable cause' or 'Warrants' excludes civil offenses." *United States v. Phillips*, 834 F.3d 1176, 1181 (11th Cir. 2016).

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been released from your custody to allow DHS to assume custody." *See* Appendix (emphasis in original); ECF No. [61] at 49. When questioned at the Hearing about acts local officers may properly conduct pursuant to a detainer request, Plaintiffs' counsel indicated that officers were limited to providing information about an inmate's release date. While a request for information is contained within the detainer, so is the request to temporarily detain. Further, while requests for information and communications between federal and state officials without a 287(g) Agreement are expressly contemplated in § 1357(g)(10)(A), Congress's addition of the § 1357(g)(10)(B) cooperation clause authorizes additional cooperative conduct, aside from communication, between federal immigration officers and local law enforcement. Absent any clear statutory indication to the contrary, and consistent with *City of El Cenizo*, the Court concludes that honoring federal immigration detainer requests falls within the scope of cooperation contemplated by Congress under § 1357(g)(10)(B).

Plaintiffs further argue that Defendants' examples of 287(g) Agreements with local law enforcement agencies reaffirm their interpretation that detainer holds fall within the purview of § 1357(g)(1). ECF No. [50] at 12. Specifically, Plaintiffs note that the 287(g) Agreement with Clay County, ECF No. [19-2], granting local officers the authority to "process [aliens] for immigration violations," "serve warrants of arrest for immigration violations," and "detain and transport" aliens, is rendered meaningless if officers can honor detainer requests under the cooperation clause absent such agreements. ECF No. [50] at 12. However, as the Fifth Circuit in *City of El Cenizo* explained, officers acting pursuant to a 287(g) Agreement "become de facto immigration officers, competent to act on their own initiative." 890 F.3d at 180. Thus, these 287(g) officers are expressly granted the authority to make unilateral decisions on immigration enforcement issues, absent any predicate request from the federal government. *Arizona*, 567 U.S. at 410. Conversely, officers

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operating under SB 168's Detainer Mandate are only permitted to hold a suspected alien for forty-eight hours if federal immigration officers explicitly request that they do so pursuant to a facially valid detainer request. Fla. Stat. § 908.105(1). Officers acting pursuant to 287(g) Agreements are allowed to hold suspected aliens without any prior request from the federal government. *City of El Cenizo*, 890 F.3d at 180.

Plaintiffs also provide no indication that local officers are taking any unilateral immigration action in honoring these detainer requests, such as serving or executing the administrative immigration warrants. *See* 8 C.F.R. § 287.5 (listing which officials may serve and execute administrative warrants). Absent unilateral conduct that circumvents the explicit grants of power Congress gave only to federal immigration authorities, honoring a detainer request complies with the Supreme Court's holding in *Arizona* that officers may not engage in unilateral state immigration actions, "*absent any request, approval, or other instruction from the Federal Government*." 567 U.S. at 410; *see also id.* ("examples of what would constitute cooperation under federal law. . . . include situations where States participate in a joint task force with federal officers, provide operational support in executing a warrant, or allow federal immigration officials to gain access to detainees held in state facilities." (citing Dept. of Homeland Security, Guidance on State and Local Governments' Assistance in Immigration Enforcement and Related Matters 13-14 (2011))). The Detainer Mandate in this case is contingent upon the receipt of a detainer request issued by an authorized federal immigration officer that indicates the federal officer has probable cause to believe that the detainee is unlawfully in the United States. The Court concludes that this hold, pursuant to federal request, falls within the cooperation clause's scope under § 1357(g)(10)(B).

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Based upon the plain language of § 1357(g)(10)(B), SB 168's Detainer Mandate on its face is not preempted because it falls within the scope of "cooperat[ion] . . . in the . . . detention . . . of aliens not lawfully present in the United States." 8. U.S.C. § 1357(g)(10)(B); *Arizona*, 567 U.S. 387; *City of El Cenizo*, 890 F.3d at 179. As such, the Court finds that Plaintiffs have failed to establish that SB 168's Detainer Mandate is conflict preempted.

iii. Conflict Preemption Challenge to the Transport Requirement

Moreover, Plaintiffs assert that SB 168's Transport Requirement is conflict preempted. ECF No. [5-1] at 8-10.

The Transport Requirement provides that,

> When a county correctional facility or the Department of Corrections receives verification from a federal immigration agency that a person subject to an immigration detainer is in the law enforcement agency's custody, the agency may securely transport the person to a federal facility in this state or to another point of transfer to federal custody outside the jurisdiction of the law enforcement agency. The law enforcement agency may transfer a person who is subject to an immigration detainer and is confined in a secure correctional facility to the custody of a federal immigration agency not earlier than 12 days before his or her release date. A law enforcement agency shall obtain judicial authorization before securely transporting an alien to a point of transfer outside of this state.

Fla. Stat. § 908.104(4). The plain language of this provision authorizes local agencies to transport individuals subject to an immigration detainer across state lines into federal custody. Plaintiffs allege that this provision is conflict preempted because it frustrates Congress's objectives in creating 287(g) Agreements. ECF No. [5-1] at 10-11. Specifically, Plaintiffs correctly note that, unlike complying with detainers, § 1357(g)(1) expressly lists the transport across state lines as a power that can only be delegated to local officers pursuant to a 287(g) Agreement. *See* 8 U.S.C. § 1357(g)(1) ("Notwithstanding section 1342 of Title 31, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified

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to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States (*including the transportation of such aliens across State lines to detention centers*), may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law." (emphasis added)). SB 168's attempt to grant this exact transport power to local officers frustrates Congress's objectives for immigration transport because it renders the express language in § 1357(g)(1) on the transport of aliens pursuant to a 287(g) Agreement meaningless. *Robbins v. Garrison Prop. & Cas. Ins. Co.*, 809 F.3d 583, 586 (11th Cir. 2015) ("It is 'axiomatic that all parts of a statute must be read together in order to achieve a consistent whole.' 'Where possible, courts must give full effect to all statutory provisions and construe related statutory provisions in harmony with one another.'" (quoting *Forsythe v. Longboat Key Beach Erosion Control Dist.*, 604 So. 2d 452, 455 (Fla. 1992))).

Moreover, the Transport Requirement's language explicitly grants local law enforcement agencies discretionary power to transport an alien into federal custody "absent any request, approval, or other instruction from the Federal Government." *Arizona*, 567 U.S. at 410. This is precisely the type of unilateral conduct that *Arizona* expressly prohibited. *Id.* Further, the mandate requiring law enforcement officers to obtain the prior judicial authorization does not rectify the issue of unilateral conduct in the Transport Requirement. Instead, this judicial authorization requirement seeks to vest additional powers in the state judiciary that could otherwise only be performed by federal immigration officials — namely, allowing state judges to unilaterally authorize transport across state lines into federal custody. *See* Fla. Stat. § 908.104(4). This unilateral decision by local officers and state judges, in effect, "allows the State to achieve its own immigration policy," which is not permitted. *Arizona*, 567 U.S. 408. Therefore, the Court concludes that the Transport Requirement is conflict preempted because it frustrates the purpose

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of 1357(g)(1). *See Browning*, 522 F.3d at 1167 ("Conflict preemption occurs [] when . . . when the state law stands as an obstacle to the objective of the federal law.").

b. Vagueness Challenges

Plaintiffs also argue that SB 168's "Best Efforts" provision and Sanctuary Provisions are unconstitutionally vague because the terms "best efforts" in § 908.104(1) and "impedes" in § 908.102(6) and, by reference, § 908.103, do not provide people of ordinary intelligence with a reasonable opportunity to understand what conduct is prohibited and because SB 168 authorizes the arbitrary and discriminatory enforcement of these provisions. ECF No. [5-1] at 12.

The Supreme Court has explained that a statute is void for vagueness (1) if it "fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by statute," and (2) if "it encourages arbitrary and erratic arrests and convictions." *Papachristou v. City of Jacksonville*, 405 U.S. 156, 162 (1972).

On a facial vagueness challenge, a movant must establish that the law is "incapable of any valid application." *Vill. of Hoffman Estates v. Flip Side, Hoffman Estates, Inc.*, 455 U.S. 489, 494 n.5 (1982). To sustain such a challenge, the movant "must prove that the enactment is vague 'not in the sense that it requires a person to conform his conduct to an imprecise but comprehensible normative standard, but rather in the sense that no standard of conduct is specified at all. Such a provision simply has *no* core.'" *Id*. at 495 n.7 (citations omitted). "The degree of vagueness that the Constitution tolerates — as well as the relative importance of fair notice and fair enforcement — depends in part on the nature of the enactment." *Id.* at 498. Therefore, courts must consider whether the law implicates civil penalties or criminal penalties, because the nature of the penalty affects the level of tolerance a court will have for the vague language. *Id*. at 489-90. Additionally, courts must examine whether the law "threatens to inhibit the exercise of constitutionally protected

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rights," *id*. at 490, and whether it places "unfettered discretion . . . in the hands of the [] police." *Papachristou*, 405 U.S. at 168.

"Condemned to the use of words, we can never expect mathematical certainty from our language." *Grayned v. City of Rockford*, 408 U.S. 104, 110 (1972). Yet, when the words of a challenged statute "are marked by 'flexibility and reasonable breadth, rather than meticulous specificity,'" the Supreme Court has upheld the challenged law. *Id.* Moreover, the Supreme Court has explained that a statute is not impermissibly vague when it "give[s] fair warning as to what is prohibited," and "'defines boundaries sufficiently distinct' for citizens, policemen, juries, and appellate judges." *Id.* at 114 (citations omitted).

A pre-enforcement challenge for vagueness centers primarily around whether the statute gives fair warning of the prohibited conduct because the danger of arbitrary enforcement is still speculative. *Vill. of Hoffman Estates*, 455 U.S. at 503. "Although it is possible that specific future applications . . . may engender concrete problems of constitutional dimension, it will be time enough to consider such problems when they arise." *Id.* (citations omitted). As such, a statute is unconstitutionally vague on its face when "it is plagued with such 'hopeless indeterminacy' that it precludes 'fair notice of the conduct it punishes,'" and invites arbitrary enforcement. *City of El Cenizo*, 890 F.3d at 190. Moreover, "pre-enforcement facial challenges are 'disfavored' because they 'often rest on speculation' and 'threaten to short circuit the democratic process by preventing laws embodying the will of the people from being implemented in a manner consistent with the Constitution.'" *Id*. at 191 (quoting *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 450-51 (2008)). "In general, as-applied challenges brought in post-enforcement proceedings" are more appropriate for vagueness challenges because they are "the basic building blocks of constitutional adjudication." *Id*. (quoting *Gonzales v. Carhart*, 550 U.S. 124, 168 (2007)).

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Plaintiffs contend that the terms "best efforts" in § 908.104(1) and "impedes" in § 908.102(6) and, by reference, § 908.103, are unconstitutionally vague because they do not provide people of ordinary intelligence with a reasonable opportunity understand what conduct is prohibited and because SB 168 authorizes the arbitrary and discriminatory enforcement of these provisions. ECF No. [5-1] at 12. Conversely, Defendants argue that Plaintiffs have failed to establish that these provisions are unconstitutionally vague in every application, as required for a facial vagueness challenge. ECF No. [19] at 16. Additionally, Defendants explain that, when read within the context of SB 168 as a whole, the challenged provisions clearly indicate what conduct is prohibited or encouraged. *Id.*

i. Unconstitutional Vagueness of "Best Efforts" Under § 908.104(1)

Plaintiffs contend that the "Best Efforts" provision is unconstitutionally vague because it does not give fair notice as to what conduct falls short of "best efforts" and it encourages arbitrary and discriminatory enforcement.[17] ECF No. [5-1] at 12-16. Specifically, Plaintiffs assert that "best efforts" does not provide individuals the reasonable opportunity to understand what conduct is prohibited and enforceable, nor does the phrase provide law enforcement agencies any clarity about what efforts are sufficient under the statute. *Id.* at 12-13. Moreover, the lack of standards of conduct under "best efforts" encourages arbitrary and discriminatory enforcement against individuals and law enforcement agencies. *Id.* at 14-15. In response, Defendants argue that the

[17] Plaintiffs also argue that the "Best Efforts" provision's vagueness is aggravated by the language in the bill title. ECF No. [5-1] at 15. This argument is meritless. Although the bill title does state that "[a]n Act relating to federal immigration enforcement . . . requiring state entities, local governmental entities, and law enforcement agencies to use best efforts to support the enforcement of federal immigration law," *id.*, it clearly references § 908.104's application as a whole. Specifically, while the mandates of § 908.104(1) explicitly apply to "law enforcement agenc[ies]," § 908.104(2) then goes on to regulate the conduct of "a state entity, local governmental entity, or law enforcement entity, or an employee, an agent, or a representative of the entity or agent." Fla. Stat. § 908.104(1)-(2). Accordingly, when read in the context of the statute as a whole, the "Best Efforts" provision is sufficiently clear on who it applies to.

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"Best Efforts" provision is not unconstitutionally vague because the phrase "best efforts" is used in numerous Florida Statutes. ECF No. [19] at 17. Additionally, Defendants assert that ICE policies detail the extent of the agency's desired cooperation from local law enforcement agencies, which provides sufficient context to rebut any vagueness. *Id.*

The "Best Efforts" provision states, in relevant part, "A law enforcement agency shall use best efforts to support the enforcement of federal immigration law." Fla. Stat. § 908.104(1). Moreover, *Black's Law Dictionary* defines "best efforts" as

> Diligent attempts to carry out an obligation; esp., all actions rationally calculated to achieve a usu. stated objective, to the point of leaving no possible route to success untried. As a standard, a best-efforts obligation is stronger than a good-faith obligation. Best efforts are measured by the measures that a reasonable person in the same circumstances and of the same nature as the acting party would take.

BEST EFFORTS, *Black's Law Dictionary* (11th ed. 2019). This definition, while marked by "flexibility and reasonable breadth, rather than meticulous specificity," provides sufficient notice as to what efforts are required of law enforcement agencies. *Grayned*, 408 U.S. at 110.

Moreover, on a pre-enforcement facial challenge for vagueness, the Court's examination centers primarily around whether the statute gives fair warning of the prohibited conduct because the danger of arbitrary enforcement is still speculative. *Vill. of Hoffman Estates*, 455 U.S. at 503. With regard to Plaintiffs' assertion that "best efforts" encourages arbitrary and discriminatory enforcement, on a pre-enforcement challenge, "There is a basic uncertainty about what the law means and how it will be enforced. . . .[W]ithout the benefit of a definitive interpretation from the state courts, it would be inappropriate to assume [the "Best Efforts" provision] will be construed in a way that creates a conflict with federal law." *Arizona*, 567 U.S. at 415; *cf. Fox v. Washington*, 236 U.S. 273, 277 (1915) ("So far as statutes fairly may be construed in such a way as to avoid doubtful constitutional questions they should be so construed; and it is to be presumed that state laws will be construed in that way by the state courts." (citation omitted)). This type of speculative

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constitutional challenge is more appropriately brought under an as-applied challenge at the post-enforcement stage. *City of El Cenizo*, 890 F.3d at 191. Therefore, at this pre-enforcement stage, this Court will not "adopt limiting constructions that are not strictly necessary to preserve the constitutionality of a statute." *Id.* Accordingly, the Court believes "best efforts" to be sufficiently clear as to what conduct is or is not required for a facial pre-enforcement vagueness challenge.

ii. Unconstitutional Vagueness of "Impede" Under § 908.102(6) and Unconstitutionality, by Reference, of § 908.103

Plaintiffs also assert that the Sanctuary Provisions are unconstitutionally vague because individuals are not provided a reasonable opportunity to understand what conduct constitutes "imped[ing]." ECF No. [5-1] at 16-17. The Court concludes that, when read in context, the term "impedes" in the Sanctuary Definition is not unconstitutionally vague. Specifically, the Sanctuary Definition states in full,

> (6) "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:
>
> (a) Complying with an immigration detainer;
>
> (b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;
>
> (c) Providing a federal immigration agency access to an inmate for interview;
>
> (d) Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357; or
>
> (e) Providing a federal immigration agency with an inmate's incarceration status or release date.

Fla. Stat. § 908.102(6). Reading this provision as a whole, subsections (a) through (e) clearly set forth specific actions that state and local government entities are not allowed to "impede" or "prohibit." *Id.* § 908.102(6)(a)-(e).

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"Impedes" is not so vague, when read in the context of the Sanctuary Definition as a whole, that it fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by statute. *Papachristou*, 405 U.S. at 162. Moreover, because Plaintiffs assert a facial pre-enforcement vagueness challenge, they must establish that the Sanctuary Definition "is plagued with such 'hopeless indeterminacy' that it precludes 'fair notice of the conduct it punishes.'" *City of El Cenizo*, 890 F.3d at 190. The Court concludes that Plaintiffs have failed to sufficiently establish that the Sanctuary Definition is plagued with "hopeless indeterminacy" as to proscribed conduct. *Id.* "Impedes" does not render SB 168's Sanctuary Definition unconstitutionally vague, when read alongside the explicit list of immigration efforts set forth in subsections (a) through (e), because it "give[s] fair warning as to what is prohibited," and "'defines boundaries sufficiently distinct' for citizens, policemen, juries, and appellate judges." *Grayned*, 408 U.S. at 114.

2. Irreparable Injury

"The basis of injunctive relief in the federal courts has always been irreparable harm and inadequacy of legal remedies." *Sampson v. Murray,* 415 U.S. 61, 88 (1974). "A showing of irreparable harm is 'the *sine qua non* of injunctive relief.' The injury must be 'neither remote nor speculative, but actual and imminent.' An injury is 'irreparable only if it cannot be undone through monetary remedies." *NE Fla. CAGC of Am.*, 896 F.2d at 1285 (quoting *Frejlach v. Butler,* 573 F.2d 1026, 1027 (8th Cir. 1978); *Tucker Anthony Realty Corp. v. Schlesinger,* 888 F.2d 969, 973 (2d Cir. 1989)). Courts have stated that the purpose of a preliminary injunction is to preserve the status quo when, absent the preservation of the status quo, a movant will suffer irreparable harm. *See Callaway*, 489 F.2d at 576.

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Plaintiffs state that they will suffer irreparable harm if SB 168 is not enjoined because their injuries cannot be redressed through an award of monetary damages. ECF No. [5-1] at 17; *NE Fla. CAGC of Am.*, 896 F.2d at 1285. Plaintiffs' allegations regarding their irreparable injuries are the same injuries discussed above with regard to standing. ECF No. [5-1] at 17-19. Organizational Plaintiffs have had to divert resources away from core mission activities to respond to SB 168 and anticipate having to divert more resources in the future to address SB 168's enforcement. *Id.* Organizational Plaintiffs' individual members will face an actual and imminent threat of irreparable harm from racial profiling, ethnic profiling, and unlawful detentions and transport across state lines by local law enforcement officers once SB 168 takes effect. *Id.* at 18.

Defendants argue that Plaintiffs have not sufficiently alleged any actual or imminent threat of irreparable injury. ECF No. [19] at 19. Further, Defendants assert that any allegation that Mayor Stoddard will suffer irreparable injury from SB 168 is rebutted by his delay in joining this action as a Plaintiff. ECF No. [45] at 2. However, because Plaintiffs have only established a substantial likelihood of success on the Transport Requirement, the Court will not address Defendants' arguments with regard to Mayor Stoddard's irreparable injury.

Organizational Plaintiffs face, among other things, decreased membership and participation due to SB 168's impact. *Browning*, 522 F.3d at 1165 ("an organization has standing to sue on its own behalf if the defendant's illegal acts impair its ability to engage in its projects by forcing the organization to divert resources to counteract those illegal acts" (citing *Havens Realty Corp.*, 455 U.S. at 379)). Similarly, Organizational Plaintiffs have established an actual and imminent threat of injury to their members from the unlawful detention, transportation, and enforcement under SB 168. *Babbitt*, 442 U.S. at 298 ("[o]ne does not have to await the consummation of threatened injury to obtain preventive relief. If the injury is certainly impending,

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that is enough." (quoting *Pennsylvania v. West Virginia*, 262 U.S. at 593)). These injuries to the organizations and their members arise directly from SB 168's enactment and can be redressed by enjoining the conflict-preempted Transport Requirement. Accordingly, the Court concludes that the Plaintiffs have established that the enactment of the Transport Requirement will cause them immediate, irreparable harm sufficient to satisfy this component of the preliminary injunction test.

3. Threatened Injury Outweighs the Harm of Imposing a Preliminary Injunction

The third preliminary injunction factor requires that the movant prove that the threatened injury outweighs the harm the preliminary injunction would cause the other litigant. *Chavez*, 742 F.3d at 1271. "A preliminary injunction is an extraordinary remedy never awarded as of right. In each case, courts 'must balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief,'" paying particular attention to "the public consequences in employing the extraordinary remedy of injunction." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008).

"The equities weigh in favor of enjoining those provisions that are preempted by federal law. The United States suffers injury when its valid laws in a domain of federal authority are undermined by impermissible state regulations." *Alabama*, 691 F.3d at 1301. Conversely, "[A]ny time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury." *Maryland v. King*, 567 U.S. 1301 (2012).

Where, as here, Plaintiff has demonstrated a substantial likelihood of success on the merits of their preemption challenge to SB 168's Transport Requirement, the State's interest in enforcing its statutes is outweighed by the injury sustained by the United States "when its valid laws in a domain of federal authority are undermined by impermissible state regulations." *Alabama*, 691 F.3d at 1301. Additionally, absent a preliminary injunction to preserve the status quo, Plaintiffs

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have established that they will suffer serious and irreparable harm. *See Callaway*, 489 F.2d at 576. Therefore, the Court concludes that Plaintiffs' threatened injuries outweigh the harm a preliminary injunction would cause Defendants.

4. Preliminary Injunction is not Averse to the Public Interest

Finally, in establishing that a preliminary injunction is appropriate, a movant must prove that the injunction would not be averse to the public interest. *Chavez*, 742 F.3d at 1271. "Frustration of federal statutes and prerogatives are not in the public interest, and we discern no harm from the state's nonenforcement of invalid legislation." *Alabama*, 691 F.3d at 1301. Furthermore, because Plaintiffs' threatened injuries implicate the State's infringement upon significant constitutional and civil rights, a preliminary injunction that protects these rights pending a decision on the merits is in the public interest. *Alabama*, 691 F.3d at 1301; *Melendres*, 695 F.3d at 1002 ("it is always in the public interest to prevent the violation of a party's constitutional rights." (citations omitted)).

C. Severability

Plaintiffs argue that, if the Court enjoins any provision of SB 168, it must enjoin SB 168 in its entirety because the individual provisions are not severable. ECF No. [5-1] at 3. Conversely, Defendants contend that, as a matter of law, the Court should sever any enjoined clauses from SB 168 because Florida law "clearly favors" severability. ECF No. [19] at 20.

The Eleventh Circuit has previously explained the issue of severability.

> Severability of a local ordinance is a question of state law. And Florida law clearly favors (where possible) severance of the invalid portions of a law from the valid ones. According to the Florida Supreme Court, "[s]everability is a judicial doctrine recognizing the obligation of the judiciary to uphold the constitutionality of legislative enactments where it is possible to strike only the unconstitutional portions." The doctrine of severability is "derived from the respect of the judiciary for the separation of powers, and is 'designed to show great deference to the legislative prerogative to enact laws.'"

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> Severability is not possible, however, when "the taint of an illegal provision has infected the entire enactment, requiring the whole unit to fail." Whether a statute is severable is determined by "its relation to the overall legislative intent of the statute of which it is a part, and whether the statute, less the invalid provisions, can still accomplish this intent." The doctrine of severability, thus, "recognizes that federal courts have an affirmative duty to preserve the validity of legislative enactments when it is at all possible to do so."

Coral Springs St. Sys., Inc. v. City of Sunrise, 371 F.3d 1320, 1347 (11th Cir. 2004) (citations omitted).

As discussed above, the Court finds that the Transport Requirement is preempted by federal immigration law. Accordingly, the Court must assess whether this provision is severable from SB 168. The "taint" of SB 168's Transport Requirement does not "infect the entire enactment" because the unconstitutional authorization to transport aliens across state lines into federal custody does not implicate any of the other statutory provisions of SB 168. Thus, given the "affirmative duty to preserve the validity of legislative enactments when it is at all possible to do so," the Court concludes that the Transport Requirement is severable from the rest of SB 168. *Id.*

D. Posting a Bond

Plaintiffs request that this Court issue the preliminary injunction without requiring them to post a bond. ECF No. [5-1] at 20. Defendants make no mention of any opposition to Plaintiffs' request in their Response and Surreply.

Before a district court may issue a preliminary injunction, Federal Rule of Civil Procedure 65(c) requires that a movant "give[] security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined." Fed. R. Civ. P. 65(c). The Eleventh Circuit has explained that "it is well-established that 'the amount of security required by the rule is a matter within the discretion of the trial court . . . [, and] the court may elect to require no security at all.'" *BellSouth Telecomm., Inc. v. MCIMetro Access Transmission Servs., LLC*, 425 F.3d 964, 971 (11th Cir. 2005) (quoting *City of Atlanta v. Metro.*

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Atlanta Rapid Transit Auth., 636 F.2d 1084, 1094 (5th Cir. Unit B Feb. 1981)); *Corrigan Dispatch Co. v. Casa Guzman, S. A.*, 569 F.2d 300, 302-03 (5th Cir. 1978) ("Rule [65(c)] requires security only in 'such sum as the court deems proper.' The amount of security required is a matter for the discretion of the trial court; it may elect to require no security at all." (citations omitted)). Moreover, where plaintiffs "seek only to vindicate their federal statutory and constitutional rights, this case implicates the public interest and the balance of hardships tips sharply in favor of plaintiffs," district courts have exercised their discretion in not requiring plaintiffs to give security. *Campos v. Immigration and Naturalization Serv.*, 70 F. Supp. 2d 1296, 1310 (S.D. Fla. 1998).

In requesting that the Court issue a preliminary injunction, Plaintiffs seek only to vindicate their federal statutory and constitutional rights. *Id.* Moreover, as discussed above, the equitable factors weigh heavily in Plaintiffs' favor. *Id.* Accordingly, the Court will not require Plaintiffs to post a security bond.

IV. CONCLUSION

For the foregoing reasons, it is **ORDERED AND ADJUDGED** that Plaintiffs' Amended Motion, ECF No. [47], is **GRANTED in part and DENIED in part** consistent with this Order.

DONE AND ORDERED in Chambers at Miami, Florida, on September 30, 2019.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record

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APPENDIX
Form I-247A

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: Event #:	File No: Date:
TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)	FROM: (Department of Homeland Security Office Address)

Name of Alien: _____

Date of Birth: _____ Citizenship: _____ Sex: _____

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON *(complete box 1 or 2).*

- ☐ A final order of removal against the alien;
- ☐ The pendency of ongoing removal proceedings against the alien;
- ☐ Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION *(complete box 1 or 2).*

- ☐ Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling ☐ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at _____. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
- **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
- Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
- Notify this office in the event of the alien's death, hospitalization or transfer to another institution.

☐ If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

SAMPLE

_____ (Name and title of Immigration Officer)

_____ (Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____ .

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____

This form was served upon the alien on _____ , in the following manner:

☐ in person ☐ by inmate mail delivery ☐ other (please specify): _____

_____ (Name and title of Officer)

_____ (Signature of Officer) (Sign in ink)

DHS Form I-247A (3/17) Apx-21 Page 1 of 3

AMERICAN OVERSIGHT

NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice to a law enforcement agency that DHS intends to assume custody of you (after you otherwise would be released from custody) because there is probable cause that you are subject to removal from the United States under federal immigration law. DHS has requested that the law enforcement agency that is currently detaining you maintain custody of you for a period not to exceed 48 hours beyond the time when you would have been released based on your criminal charges or convictions. **If DHS does not take you into custody during this additional 48 hour period, you should contact your custodian** (the agency that is holding you now) to inquire about your release. **If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.**

NOTIFICACIÓN A LA PERSONA DETENIDA

El Departamento de Seguridad Nacional (DHS) le ha puesto una retención de inmigración. Una retención de inmigración es un aviso a una agencia de la ley que DHS tiene la intención de asumir la custodia de usted (después de lo contrario, usted sería puesto en libertad de la custodia) porque hay causa probable que usted está sujeto a que lo expulsen de los Estados Unidos bajo la ley de inmigración federal. DHS ha solicitado que la agencia de la ley que le tiene detenido actualmente mantenga custodia de usted por un periodo de tiempo que no exceda de 48 horas más del tiempo original que habría sido puesto en libertad en base a los cargos judiciales o a sus antecedentes penales. **Si DHS no le pone en custodia durante este periodo adicional de 48 horas, usted debe de contactarse con su custodio** (la agencia que le tiene detenido en este momento) para preguntar acerca de su liberación. **Si usted cree que es un ciudadano de los Estados Unidos o la víctima de un crimen, por favor avise al DHS llamando gratuitamente al Centro de Apoyo a la Aplicación de la Ley ICE al (855) 448-6903.**

AVIS AU DETENU OU À LA DÉTENUE

Le Département de la Sécurité Intérieure (DHS) a placé un dépositaire d'immigration sur vous. Un dépositaire d'immigration est un avis à une agence de force de l'ordre que le DHS a l'intention de vous prendre en garde à vue (après celà vous pourrez par ailleurs être remis en liberté) parce qu'il y a une cause probable que vous soyez sujet à expulsion des États-Unis en vertu de la loi fédérale sur l'immigration. Le DHS a demandé que l'agence de force de l'ordre qui vous détient actuellement puisse vous maintenir en garde pendant une période ne devant pas dépasser 48 heures au-delà du temps après lequel vous auriez été libéré en se basant sur vos accusations criminelles ou condamnations. **Si le DHS ne vous prenne pas en garde à vue au cours de cette période supplémentaire de 48 heures, vous devez contacter votre gardien (ne)** (l'agence qui vous détient maintenant) pour vous renseigner sur votre libération. **Si vous croyez que vous êtes un citoyen ou une citoyenne des États-Unis ou une victime d'un crime, s'il vous plaît aviser le DHS en appelant gratuitement le centre d'assistance de force de l'ordre de l'ICE au (855) 448-6903**

NOTIFICAÇÃO AO DETENTO

O Departamento de Segurança Nacional (DHS) expediu um mandado de detenção migratória contra você. Um mandado de detenção migratória é uma notificação feita à uma agência de segurança pública que o DHS tem a intenção de assumir a sua custódia (após a qual você, caso contrário, seria liberado da custódia) porque existe causa provável que você está sujeito a ser removido dos Estados Unidos de acordo com a lei federal de imigração. ODHS solicitou à agência de segurança pública onde você está atualmente detido para manter a sua guarda por um período de no máximo 48 horas além do tempo que você teria sido liberado com base nas suas acusações ou condenações criminais. **Se o DHS não leva-lo sob custódia durante este período adicional de 48 horas, você deve entrar em contato com quem tiver a sua custódia** (a agência onde você está atualmente detido) para perguntar a respeito da sua liberação. **Se você acredita ser um cidadão dos Estados Unidos ou a vítima de um crime, por favor informe ao DHS através de uma ligação gratuita ao Centro de Suporte de Segurança Pública do Serviço de Imigração e Alfândega (ICE) pelo telefone (855) 448-6903.**

SAMPLE

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FL-SEN-20-0201-B, 20-0202-A-002485

THÔNG BÁO CHO NGƯỜI BỊ GIAM

Bộ Nội An (DHS) đã ra lệnh giam giữ di trú đối với quý vị. Giam giữ di trú là một thông báo cho cơ quan công lực rằng Bộ Nội An sẽ đảm đương việc lưu giữ quý vị (sau khi quý vị được thả ra) bởi có lý do khả tín quý vị là đối tượng bị trục xuất khỏi Hoa Kỳ theo luật di trú liên bang. Sau khi quý vị đã thi hành đầy đủ thời gian của bản án dựa trên các tội phạm hay các kết án, thay vì được thả tự do, Bộ Nội An đã yêu cầu cơ quan công lực giữ quý vị lại thêm không quá 48 tiếng đồng hồ nữa. Nếu Bộ Nội An không đến bắt quý vị sau 48 tiếng đồng hồ phụ trội đó, quý vị cần liên lạc với cơ quan hiện đang giam giữ quý vị để tham khảo về việc trả tự do cho quý vị. Nếu quý vị là công dân Hoa Kỳ hay tin rằng mình là nạn nhân của một tội ác, xin vui lòng báo cho Bộ Nội An bằng cách gọi số điện thoại miễn phí 1(855) 448-6903 cho Trung Tâm Hỗ Trợ Cơ Quan Công Lực Di Trú.

被拘留者通知書

國土安全部(Department of Homeland Security，簡稱DHS)已經對你發出移民拘留令。移民拘留令為一給予執法機構的通知書，闡明DHS意欲獲取對你的羈押權(若非有此羈押權，你將會被釋放)；因為根據聯邦移民法例，並基於合理的原由，你將會被遞解離美國國境。DHS亦已要求現正拘留你的執法機構，在你因受到刑事檢控或定罪後，而在本應被釋放的程序下，繼續對你作出不超過四十八小時的監管。若你在這附加的四十八小時內，仍未及移交至**DHS**的監管下，你應當聯絡你的監管人(即現正監管你的機構)查詢有關你釋放的事宜。若你認為你是美國公民或為罪案受害者，請致電**ICE**執法部支援中心**(Law Enforcement Support Center)**知會**DHS**，免費電話號碼：**(855)448-6903**。

SAMPLE

AMERICAN OVERSIGHT

Form I-200

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

SAMPLE

_____
(Signature of Authorized Immigration Officer)

_____
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

_____ Name and Signature of Officer

_____ Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

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Form I-205

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

_____
(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

SAMPLE

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

_____
(Signature of immigration officer)

_____
(Title of immigration officer)

_____
(Date and office location)

ICE Form I-205 (8/07) Page 1 of 2

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To be completed by immigration officer executing the warrant: Name of alien being removed:

_____

Port, date, and manner of removal: _____

Photograph of alien removed	Right index fingerprint of alien removed

_____
(Signature of alien being fingerprinted)

_____
(Signature and title of immigration officer taking print)

Departure witnessed by: _____
(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

_____

_____

_____

_____

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by: _____
(Signature and title of immigration officer)

SAMPLE

ICE Form I-205 (8/07)

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From: Davis, Eva <DAVIS.EVA@flsenate.gov>
Sent: Tuesday, October 01, 2019 9:18 AM EDT
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: SB 168 - Sanctuary Cities Order.pdf
Attachment(s): "Sanctuary Cities Order.pdf"

Hi Vickie,

You might have already seen the judge's order from yesterday where the plaintiffs challenged SB 168 in federal court in Miami. But if you haven't, here is a copy for you.

I haven't read it in its entirety, but it sounds like the judge has upheld all provisions that were challenged except the provision for transporting detainees across state lines.

Please let me know if you have any questions and we will try to answer them … after we read the 61 page decision.

Thanks,
Eva

Eva M. Davis
Senior Attorney
Committee on Judiciary
The Florida Senate
515 Knott Building
404 South Monroe Street
Tallahassee, Florida 32399

(850) 487-5198

AMERICAN OVERSIGHT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 19-cv-22927-BLOOM/Louis

CITY OF SOUTH MIAMI, et al.,

Plaintiffs,

v.

RON DESANTIS, et al.,

Defendants.
_____/

ORDER

THIS CAUSE is before the Court on Plaintiffs'[1] Amended Motion for Preliminary Injunction and Request for Hearing. ECF No. [47] ("Amended Motion"). Defendants[2] filed a Response in Opposition to the Motion, ECF No. [19] ("Response"), to which Plaintiffs replied, ECF No. [39] ("Reply"). Defendants were also permitted to file a Surreply in Opposition, ECF No. [45] ("Surreply"), in order to respond to Plaintiffs' Amended Complaint, ECF No. [38] ("Amended Complaint"), which added one additional Plaintiff. The United States of America filed a Statement of Interest, ECF No. [23], to which Plaintiffs responded, ECF No. [50] ("SOI Response"). *Amici curiae* were permitted to file an amicus brief in support of Plaintiffs, ECF No. [61] ("Amicus Brief"). The instant Amended Motion requests that the Court grant a preliminary

[1] Plaintiffs include the City of South Miami; Philip K. Stoddard, Mayor of City of South Miami ("Mayor Stoddard"); Florida Immigrant Coalition, Inc. ("FLIC"), The Farmworker Association of Florida, Inc. ("FWAF"), Family Action Network Movement, Inc. ("FANM"), QLatinx, and WeCount!, Inc. ("WeCount"), on behalf of their members and their organizations as a whole; Americans for Immigrant Justice, Inc. ("AI Justice"), The Guatemalan-Maya Center, Inc. ("GMC"), Hope Community Center, Inc. ("Hope"), and Westminster Presbyterian Church United of Gainesville, Florida, Inc. ("Westminster"), on behalf of their organizations (collectively, "Plaintiffs").

[2] Defendants include Ron DeSantis, Governor of the State of Florida ("Governor DeSantis"), and Ashley Moody, Attorney General of the State of Florida (collectively, "Defendants").

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injunction enjoining Defendants from enforcing Chapter 908 of the Florida Statutes because the law is preempted by federal immigration law and is unconstitutionally vague. The Court has carefully considered the Amended Motion, all opposing and supporting submissions, the parties' arguments presented at the Hearing, the record in this case, and the applicable law, and is otherwise fully advised. For the reasons set forth below, Plaintiffs' Amended Motion is granted in part and denied in part.

I. BACKGROUND

On May 2, 2019, the Florida legislature passed Senate Bill 168 ("SB 168"), which aimed to further the State of Florida's interest in "cooperat[ing] and assist[ing] the federal government in the enforcement of federal immigration laws within this state." Fla. Stat. § 908.101 (2019); ECF No. [5-1] at 2. The law was adapted from a model law originally drafted by organizations designated by the Southern Poverty Law Center to be hate groups, based on their anti-immigrant platforms. ECF No. [38] at 26. Moreover, SB 168 was described by its sponsors as an "anti-sanctuary cities law." *Id.* at 26, 27. On June 14, 2019, Governor DeSantis signed SB 168 into law, and it was enacted as Chapter 908 of the Florida Statutes. *See* Fla. Stat. ch. 908; ECF No. [5-1] at 7. Among other things, SB 168 prohibits so-called "sanctuary policies" that indicate certain jurisdictions' intent not to cooperate with Immigration and Customs Enforcement ("ICE"). ECF No. [19] at 4. The law delineates specific immigration enforcement efforts with which local jurisdictions must comply. These include complying with immigration detainers and transporting aliens to federal facilities. *Id.* at 4-5; *see* Fla. Stat. § 908.105; Fla. Stat. § 908.104(4). Furthermore, under SB 168, the Attorney General and the Governor are vested with enforcement authority to seek injunctive relief or to exercise the Governor's suspension power, should a government official

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fail to comply with the law's mandates. Fla. Stat. § 908.107. This enforcement provision is scheduled to take effect on October 1, 2019. ECF No. [19] at 5.

The instant action challenges the constitutionality of numerous provisions of SB 168 and seeks injunctive and declaratory relief to prevent the law from taking effect. ECF No. [38] at 3.

A. Relevant SB 168 Provisions

The provisions of SB 168 that are being challenged are reproduced in full below. Any supplemental provisions that are relevant to the Court's analysis are also set forth below.

SB 168 sets forth the definition of certain terms used in the statute in § 908.102. Plaintiffs Amended Complaint specifically challenges § 908.102(6)'s definition of "sanctuary policy" ("Sanctuary Definition"). Nevertheless, many of the other definitions in this section are relevant to the Court's analysis.

> Definitions.—As used in this chapter, the term:
>
> (1) "Federal immigration agency" means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law.
>
> (2) "Immigration detainer" means a facially sufficient written or electronic request issued by a federal immigration agency using that agency's official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law, including detainers issued pursuant to 8 U.S.C. ss. 1226 and 1357 along with a warrant described in paragraph (c). For purposes of this subsection, an immigration detainer is deemed facially sufficient if:
>
> (a) The federal immigration agency's official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or
>
> (b) The federal immigration agency's official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law; and

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> (c) The federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/Deportation or a successor warrant or other warrant authorized by federal law.
>
> (3) "Inmate" means a person in the custody of a law enforcement agency.
>
> (4) "Law enforcement agency" means an agency in this state charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in this state and includes municipal police departments, sheriffs' offices, state police departments, state university and college police departments, county correctional agencies, and the Department of Corrections.
>
> (5) "Local governmental entity" means any county, municipality, or other political subdivision of this state.
>
> (6) "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:
>
> (a) Complying with an immigration detainer;
>
> (b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;
>
> (c) Providing a federal immigration agency access to an inmate for interview;
>
> (d) Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357; or
>
> (e) Providing a federal immigration agency with an inmate's incarceration status or release date.
>
> (7) "State entity" means the state or any office, board, bureau, commission, department, branch, division, or institution thereof, including institutions within the State University System and the Florida College System.

Fla. Stat. § 908.102.

Based on § 908.102(6)'s Sanctuary Definition, § 908.103 states, "Sanctuary policies prohibited.—A state entity, law enforcement agency, or local governmental entity may not adopt or have in effect a sanctuary policy." Fla. Stat. § 908.103 ("Sanctuary Prohibition").[3]

The requirement that state and local law enforcement entities and agencies cooperate with federal immigration enforcement efforts, § 908.104, states:

[3] Collectively, the Sanctuary Definition and the Sanctuary Prohibition will be referred to as "Sanctuary Provisions."

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Cooperation with federal immigration authorities.—

(1) A law enforcement agency shall use best efforts to support the enforcement of federal immigration law. This subsection applies to an official, representative, agent, or employee of the entity or agency only when he or she is acting within the scope of his or her official duties or within the scope of his or her employment.[4]

(2) Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency, or an employee, an agent, or a representative of the entity or agency, may not prohibit or in any way restrict a law enforcement agency from taking any of the following actions with respect to information regarding a person's immigration status:

(a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for purposes of this chapter.

(b) Recording and maintaining the information for purposes of this chapter.

(c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.

(d) Using the information to comply with an immigration detainer.

(e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.

(3)(a) For purposes of this subsection, the term "applicable criminal case" means a criminal case in which:

1. The judgment requires the defendant to be confined in a secure correctional facility; and

2. The judge:

a. Indicates in the record under s. 908.105 that the defendant is subject to an immigration detainer; or

b. Otherwise indicates in the record that the defendant is subject to a transfer into federal custody.

(b) In an applicable criminal case, when the judge sentences a defendant who is the subject of an immigration detainer to confinement, the judge shall issue an order requiring the secure correctional facility in which the defendant is to be confined to reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody. For purposes of this paragraph, the term "secure correctional facility" means a state correctional institution as defined in s. 944.02 or a county detention facility or a municipal detention facility as defined in s. 951.23.

(c) If the information specified in sub-subparagraph (a)2.a. or sub-subparagraph (a)2.b. is not available at the time the sentence is pronounced in the case, but is received by a law enforcement agency afterwards, the law enforcement agency shall notify the judge who shall issue the order described by paragraph (b) as soon as the information becomes available.

[4] Section 908.104(1) will be referred to as the "Best Efforts" provision.

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> (4) When a county correctional facility or the Department of Corrections receives verification from a federal immigration agency that a person subject to an immigration detainer is in the law enforcement agency's custody, the agency may securely transport the person to a federal facility in this state or to another point of transfer to federal custody outside the jurisdiction of the law enforcement agency. The law enforcement agency may transfer a person who is subject to an immigration detainer and is confined in a secure correctional facility to the custody of a federal immigration agency not earlier than 12 days before his or her release date. A law enforcement agency shall obtain judicial authorization before securely transporting an alien to a point of transfer outside of this state.[5]
>
> (5) This section does not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if the victim or witness timely and in good faith responds to the entity's or agency's request for information and cooperation in the investigation or prosecution of the offense.
>
> (6) A state entity, local governmental entity, or law enforcement agency that, pursuant to subsection (5), withholds information regarding the immigration information of a victim of or witness to a criminal offense shall document the victim's or witness's cooperation in the entity's or agency's investigative records related to the offense and shall retain the records for at least 10 years for the purpose of audit, verification, or inspection by the Auditor General.
>
> (7) This section does not authorize a law enforcement agency to detain an alien unlawfully present in the United States pursuant to an immigration detainer solely because the alien witnessed or reported a crime or was a victim of a criminal offense.
>
> (8) This section does not apply to any alien unlawfully present in the United States if he or she is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering.

Fla. Stat. § 908.104.

Section 908.105 mandates that state and local law enforcement agencies comply with immigration detainers received by federal immigration authorities ("Detainer Mandate").

> Duties related to immigration detainers.—
>
> (1) A law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency shall:
>
> (a) Provide to the judge authorized to grant or deny the person's release on bail under chapter 903 notice that the person is subject to an immigration detainer.

[5] Section 908.104(4) will be referred to as the "Transport Requirement."

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> (b) Record in the person's case file that the person is subject to an immigration detainer.
>
> (c) Upon determining that the immigration detainer is in accordance with s. 908.102(2), comply with the requests made in the immigration detainer.
>
> (2) A law enforcement agency is not required to perform a duty imposed by paragraph (1)(a) or paragraph (1)(b) with respect to a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed that duty before the transfer.
>
> (3) A judge who receives notice that a person is subject to an immigration detainer shall cause the fact to be recorded in the court record, regardless of whether the notice is received before or after a judgment in the case.

Fla. Stat. § 908.105.

Moreover, § 908.106 requires county correctional facilities to enter into agreements with the federal government for the reimbursement of costs incurred pursuant to honoring immigration detainer requests ("Cost Reimbursement").

> Reimbursement of costs.—Each county correctional facility shall enter into an agreement or agreements with a federal immigration agency for temporarily housing persons who are the subject of immigration detainers and for the payment of the costs of housing and detaining those persons. A compliant agreement may include any contract between a correctional facility and a federal immigration agency for housing or detaining persons subject to immigration detainers, such as basic ordering agreements in effect on or after July 1, 2019, agreements authorized by s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357, or successor agreements and other similar agreements authorized by federal law.

Fla. Stat. § 908.106.

Finally, in the event that state and local officers fail to comply with the immigration enforcement efforts specified in SB 168, § 908.107 sets forth the Governor and the Attorney General's ability to enforce Chapter 908.

> Enforcement.—
>
> (1) Any executive or administrative state, county, or municipal officer who violates his or her duties under this chapter may be subject to action by the Governor in the exercise of his or her authority under the State Constitution and state law. Pursuant to s. 1(b), Art. IV of the State Constitution, the Governor may initiate judicial proceedings in the name of the state against such officers to enforce compliance with any duty under this chapter or restrain any unauthorized act contrary to this chapter.

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> (2) In addition, the Attorney General may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation of this chapter.
>
> (3) If a local governmental entity or local law enforcement agency violates this chapter, the court must enjoin the unlawful sanctuary policy. The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings as provided by law.
>
> (4) An order approving a consent decree or granting an injunction must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates this chapter.

Fla. Stat. § 908.107.

B. <u>This Action</u>

Following the enactment of SB 168, on July 16, 2019, Plaintiffs initiated this action against Defendants, ECF No. [1] ("Complaint"), and filed their original Motion for Preliminary Injunction, ECF No. [5], and accompanying memorandum of law, ECF No. [5-1]. Specifically, Plaintiffs sought declaratory and injunctive relief, arguing that SB 168's Detainer Mandate, Transport Requirement, and Cost Reimbursement provisions are preempted by federal law, and that the "Best Efforts" provision and the Sanctuary Provisions are unconstitutionally vague.

On August 21, 2019, Plaintiffs amended their Complaint to include Mayor Stoddard as a Plaintiff and added two counts relating to Mayor Stoddard's claims. ECF No. [38]; ECF No. [40]. The Amended Complaint asserts the following eleven counts on behalf of the different Plaintiffs: Count I – § 908.105's Detainer Mandate violates the Supremacy Clause, U.S. Const. art. VI, § 2; Count II – § 908.104(4)'s Transport Requirement violates the Supremacy Clause; Count III – § 908.160's Cost Reimbursement violates the Supremacy Clause; Counts IV, V, and VI – § 908.102(6)'s and § 908.103's Sanctuary Provisions violate the Due Process Clause; Counts VII, VIII, and IX – § 908.104(1)'s "Best Efforts" provision violates the Due Process Clause; Count X

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– § 908.104(1)'s "Best Efforts" provision violates the Equal Protection Clause; and Count XI – § 908.103's Sanctuary Prohibition violates the Equal Protection Clause.[6] *Id.*

On August 30, 2019, Plaintiffs amended their Motion for Preliminary Injunction to include additional arguments with regard to Mayor Stoddard's claims. ECF No. [47]. Plaintiffs' Amended Motion incorporated the arguments previously asserted in their Memorandum of Law attached to their original Motion, ECF No. [5-1], and their Reply, ECF No. [39]. Defendants filed their Response, ECF No. [19], and Surreply, ECF No. [45],[7] in opposition to the imposition of a preliminary injunction.

The Court held a hearing on September 26, 2019, ("Hearing"), which was attended by Plaintiffs' counsel, Defendants' counsel, and counsel for the United States of America, who sought the Court's leave to participate in the hearing, ECF No. [57]; *see also* ECF No. [60]. During the Hearing, Plaintiffs argued in support of a preliminary injunction that SB 168's challenged provisions are unconstitutional based on preemption and vagueness. Defendants argued that Plaintiffs lack standing and that a preliminary injunction is not warranted as SB 168 is neither preempted by federal law nor unconstitutionally vague. The United States of America participated and argued that federal immigration law does not preempt any of the challenged provisions of SB 168.

[6] It is relevant for the Court's standing analysis below to explain the relationship between each of the Plaintiffs and the counts asserted in the Amended Complaint. Count I is brought by the City of South Miami; FLIC, FWAF, FANM, QLatinx, and WeCount, on behalf of their members and their organizations as a whole; and AI Justice, GMC, Hope, and Westminster, on behalf of their organizations. Counts II, IV, VII, X, and XI are brought by FLIC, FWAF, FANM, QLatinx, and WeCount, on behalf of their members and their organizations as a whole; and AI Justice, GMC, Hope, and Westminster, on behalf of their organizations. Count III is brought by FLIC, FWAF, FANM, QLatinx, WeCount, AI Justice, GMC, Hope, and Westminster, on behalf of their organizations. Counts V and VIII are brought by the City of South Miami. Counts VI and IX are brought by Mayor Stoddard.

[7] Defendants' Surreply addresses arguments regarding the addition of Mayor Stoddard as a Plaintiff in the Amended Complaint.

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II. LEGAL STANDARD

A. Standing

Standing is a threshold question of "whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues." *Sims v. Fla. Dep't of Highway Safety & Motor Vehicles*, 862 F.2d 1449, 1458 (11th Cir. 1989) (en banc). "[S]tanding requirements 'are not mere pleading requirements but rather [are] an indispensable part of the plaintiff's case.'" *Church v. City of Huntsville*, 30 F.3d 1332, 1336 (11th Cir. 1994) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992)). "To establish standing, a plaintiff must have 'suffered an injury-in-fact that would be corrected by [a] favorable decision in the lawsuit.'" *Church*, 30 F.3d at 1335 (quoting *Cheffer v. McGregor*, 6 F.3d 705, 708 (11th Cir. 1993)).

> [A]t an irreducible minimum, Art. III requires the party who invokes the court's authority to "show that he personally has suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant," and that the injury "fairly can be traced to the challenged action" and "is likely to be redressed by a favorable decision."

Valley Forge Christian Coll. v. Americans United for Separation of Church and State, 454 U.S. 464, 472 (1982) (quoting *Gladstone, Realtors v. Vill. of Bellwood*, 441 U.S. 91, 99 (1979)).

B. Preliminary Injunction

"A preliminary injunction may be issued to protect the plaintiff from irreparable injury and to preserve the district court's power to render a meaningful decision after a trial on the merits." *Canal Auth. of the State of Fla. v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974);[8] *Ne. Fla. Chapter of Ass'n of Gen. Contractors of Am. v. City of Jacksonville, Fla.*, 896 F.2d 1283, 1285 (11th Cir. 1990) ("*NE Fla. CAGC of Am.*") ("The basis of injunctive relief in the federal courts has always

[8] The Court of Appeals for the Eleventh Circuit, in *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981), adopted all decisions of the Court of Appeals for the Fifth Circuit that were rendered prior to September 30, 1981.

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been irreparable harm and inadequacy of legal remedies." (quoting *Sampson v. Murray*, 415 U.S. 61, 90 (1974))). District courts ultimately have discretion on whether or not to grant a preliminary injunction. *Callaway*, 489 F.2d at 572. However, "a preliminary injunction is an extraordinary and drastic remedy which should not be granted unless the movant clearly carries the burden of persuasion." *Id.* at 573. Accordingly, a movant must prove four factors in order to establish that a preliminary injunction is appropriate: (1) "a substantial likelihood of success on the merits," (2) "that the preliminary injunction is necessary to prevent irreparable injury," (3) "that the threatened injury outweighs the harm the preliminary injunction would cause the other litigant," and (4) "that the preliminary injunction would not be averse to the public interest." *Chavez v. Fla. SP Warden*, 742 F.3d 1267, 1271 (11th Cir. 2014) (citing *Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1034-35 (11th Cir. 2001)).

Because preliminary injunctions are drastic, often time-sensitive, remedies, they are "customarily granted on the basis of procedures that are less formal and evidence that is less complete than in a trial on the merits. A party thus is not required to prove his case in full at a preliminary-injunction hearing." *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981) (citation omitted). As such, "all of the well-pleaded allegations [in a movant's] complaint and uncontroverted affidavits filed in support of the motion for a preliminary injunction are taken as true." *Elrod v. Burns*, 427 U.S. 347, 350 n.1 (1976).

III. DISCUSSION

In their Amended Motion, Plaintiffs request that the Court preliminarily enjoin § 908.105(1)'s Detainer Mandate, § 908.104(4)'s Transport Requirement, § 908.106's Cost Reimbursement, § 908.104(1)'s "Best Efforts" provision, § 908.102(6)'s Sanctuary Definition, and § 908.103's Sanctuary Prohibition, based on their likelihood of success on the merits, the

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irreparable harm they will suffer if SB 168 takes effect, and the equitable factors weighing in their favor. ECF No. [47]. Specifically, Plaintiffs contend that the Detainer Mandate, the Transport Requirement, and the Cost Reimbursement provisions violate the Supremacy Clause because they are preempted by the Immigration and Nationality Act ("INA"). *Id.* at 2. Additionally, Plaintiffs argue that the "Best Efforts" provision and the Sanctuary Provisions violate the Due Process Clause of the Fourteenth Amendment because they are unconstitutionally vague. *Id.* Moreover, because Plaintiffs do not consider the provisions of SB 168 to be severable, they request that the Court preliminarily enjoin SB 168 in its entirety. *Id.*

Conversely, in their Response, Defendants argue that the Organizational Plaintiffs[9] lack standing to bring any of their claims, aside from the Detainer Mandate challenge; the City of South Miami lacks standing to bring its vagueness challenges; and Mayor Stoddard's[10] delay in joining this action rebuts any allegation that he will suffer irreparable harm under the preliminary injunction analysis. ECF No. [19]; *see also* ECF No. [45]. Defendants also assert that a preliminary injunction is not warranted because Plaintiffs cannot establish a likelihood of success on the merits on either their preemption claims or their vagueness challenges. ECF No. [19] at 10-18. Further, Defendants allege that the remaining equitable factors under the preliminary injunction analysis weigh in their favor. *Id.* at 19. Finally, if the Court determines that a preliminary injunction is warranted on any of the challenged provisions, Defendants request that the enjoined provisions be severed from the remainder of SB 168. *Id.* at 20.

[9] Any reference to the "Organizational Plaintiffs" includes FLIC, FWAF, FANM, QLatinx, WeCount, and AI Justice, GMC, Hope, and Westminster.
[10] Defendants' arguments as to Mayor Stoddard are set forth in their Surreply. ECF No. [45] at 2-3.

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A. Standing

As an initial matter, the Court will address the issue of Plaintiffs' standing. Defendants argue that the Organizational Plaintiffs lack standing to challenge the Transport Requirement, Cost Reimbursement, "Best Efforts" provision, and Sanctuary Provisions. ECF No. [19] at 7-9. Additionally, Defendants contest Plaintiff City of South Miami's standing to assert its vagueness challenges. *Id.* at 9-10.

"A threshold question in every federal case is whether the plaintiff has made out a justiciable case or controversy within the meaning of article III." *NE Fla. CAGC of Am.*, 896 F.2d at 1287 n.1 (Tjoflat, C.J., specially concurring) (quoting *Church of Scientology Flag Serv. Org. v. City of Clearwater*, 777 F.2d 598, 606 (11th Cir. 1985)). As explained above, to establish standing, a "plaintiff must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016). Moreover, "[s]tanding cannot be waived or conceded by the parties." *A&M Gerber Chiropractic LLC v. GEICO Gen. Ins. Co.*, 925 F.3d 1205, 1210 (11th Cir. 2019).

The United States Supreme Court has defined "injury in fact" as "an invasion of a judicially cognizable interest which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical." *Bennett v. Spear*, 520 U.S. 154, 167 (1997).

> When, as here, plaintiffs file a pre-enforcement, constitutional challenge to a state statute, the injury requirement may be satisfied by establishing "'a realistic danger of sustaining direct injury as a result of the statute's operation or enforcement.'" *Socialist Workers Party v. Leahy*, 145 F.3d 1240, 1245 (11th Cir. 1998) (quoting *Am. Civil Liberties Union v. The Fla. Bar (ACLU)*, 999 F.2d 1486, 1492 (11th Cir. 1993)). A plaintiff may meet this standard in any of three ways: "(1) [the plaintiff] was threatened with application of the statute; (2) application is likely; or (3) there is a credible threat of application." *Id.* (citing *ACLU*, 999 F.2d at 1492).

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Ga. Latino All. for Human Rights v. Governor of Ga., 691 F.3d 1250, 1257-58 (11th Cir. 2012) ("*GLAHR*"). Additionally, there must be a causal connection between a plaintiff's injury and a defendant's alleged illegal conduct. *Id.* at 1257. "Finally, it must be 'likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.'" *Id.* (quoting *Bennett*, 520 U.S. at 167).

1. Organizational Plaintiffs' Standing

Defendants argue that the Organizational Plaintiffs do not have standing to assert any of their claims on behalf of themselves or their members. Defendants contend that the Organizational Plaintiffs will not suffer any irreparable injury as a result of SB 168's enactment because the law does not impose any obligation on the organizations or their members. ECF No. [19] at 7-9. Conversely, Organizational Plaintiffs contend that they have standing to represent themselves because they have had to, and will continue to need to, divert resources away from their core activities to respond to the increased concerns of their members and the community about SB 168's implications. ECF No. [39] at 2-5. Furthermore, these organizations assert that they can properly bring claims on behalf of their members, who have independent standing, because they have sufficiently pled that these members will be personally and adversely impacted by the heightened immigration enforcement efforts by state and local officials pursuant to SB 168. *Id.*

Organizations can establish standing to sue either on their own behalf or on behalf of their members. "[A]n organization has standing to sue on its own behalf if the defendant's illegal acts impair its ability to engage in its projects by forcing the organization to divert resources to counteract those illegal acts." *GLAHR*, 691 F.3d at 1259-60 (quoting *Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1350 (11th Cir. 2009); *Fla. State Conference of the NAACP v. Browning*, 522 F.3d 1153, 1165 (11th Cir. 2008)). An organization can establish injury for standing purposes

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by showing either that it has already suffered a cognizable injury when it had to divert its resources, or that it reasonably anticipates that it will have to divert its resources in the future, to address the illegal conduct. *Billups*, 554 F.3d at 1350; *Browning*, 522 F.3d at 1165-66.

Additionally, "[i]t has long been settled that an organization has standing to sue to redress injuries suffered by its members without a showing of injury to the association itself." *Doe v. Stincer*, 175 F.3d 879, 882 (11th Cir. 1999); *see also Warth v. Seldin*, 422 U.S. 490, 511 (1975) ("Even in the absence of injury to itself, an association may have standing solely as the representative of its members."). The Supreme Court has explained that an association may sue on behalf of its members when: "(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977).

> Accordingly, under *Hunt*, an association may bring suit on behalf of its members or constituents despite the fact that individual members have not actually brought suit themselves. Nor must the association name the members on whose behalf suit is brought. As we have stated, "neither unusual circumstances, inability of individual members to assert rights nor an explicit statement of representation are prerequisites."

Doe, 175 F.3d at 882 (quoting *Church of Scientology v. Cazares*, 638 F.2d 1272, 1279 (5th Cir. 1981)).

Each of the Organizational Plaintiffs has generally set forth facts in the Amended Complaint regarding the injuries the organizations and their members have sustained after the passage of SB 168. ECF No. [38]. The Organizational Plaintiffs' missions all center around immigrant communities and advocating for their rights. *Id.* at 6-23. Moreover, each of the Organizational Plaintiffs has detailed how SB 168 has forced it to divert its resources away from its core mission activities in order to address member concerns about the law and its implications.

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Id. at 9, 11, 13-14, 15, 17, 18, 19-20, 21-22, 23. These diversions of resources in order to specifically address SB 168 include, for example, operating a toll-free hotline to address increased calls requesting information on the law, *Id.* at 10; additional volunteer training, *Id.* at 11; hosting community meetings, *Id.* at 13; hiring additional staff, *Id.* at 15; addressing heightened requests for referrals to immigration attorneys, *Id.* at 18; conducting Know Your Rights presentations, *Id.* at 11, 20; answering member requests for clarification on the law, *Id.* at 21; and organizing forums and legal clinics to aid in the preparation of power of attorney's for members, *Id.* at 23. They also contend that they will continue to have to divert their resources in the future, in response to SB 168's ultimate application. *Id.* at 10, 12, 14, 15, 17, 18-19, 20, 22, 23. Moreover, the Organizational Plaintiffs will suffer diminished membership and beneficiaries if SB 168 takes effect. ECF No. [5-1] at 19.

Organizational Plaintiffs also explain how SB 168 has, and will continue to, injure their individual members. ECF No. [38] at 6-23. Specifically, Organizational Plaintiffs' assert that their members will suffer injuries "from racial and ethnic profiling, and unlawfully prolonged stops, arrests, and detentions on suspicion of civil immigration violations" by law enforcement. *Id.* at 14, 15, 22, 23; ECF No. [5-1] at 18. With SB 168 in force, Organizational Plaintiffs contend that these members will be reluctant to report crimes or act as witnesses due to their fear of interacting with law enforcement officers who may detain them. ECF No. [38] at 17, 20, 22; ECF No. [5-1] at 18. Further, they explain that members' fear and uncertainty about SB 168's implications "has and will continue to discourage members from accessing essential healthcare and government services, including shelter during a hurricane, enforcing their legal rights, including in cases of domestic violence, and applying to and enrolling in public schools and universities." ECF No. [38] at 15, 17, 19-20, 22; ECF No. [5-1] at 18.

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a. Detainer Mandate and Transport Requirement Challenges

In the preemption claims asserted in Counts I and II, Organizational Plaintiffs set forth the general injuries discussed above with regard to their present and future need to divert resources as a result of SB 168. ECF No. [38] at 6-23, 46-52. Additionally, they seek to protect the rights of their members to be free from unlawful immigration enforcement. ECF No. [39] at 4. Organizational Plaintiffs contend that at least one member of each membership-based organization will be unlawfully detained under SB 168's Detainer Mandate and will be unlawfully transported into federal immigration custody by un-deputized law enforcement officers. *Id.*

Defendants argue that the Organizational Plaintiffs lack standing because SB 168 does not impose any duties on the Organizational Plaintiffs upon which injury can be based. ECF No. [19] at 7-9.

> When a governmental prohibition or restriction imposed on one party causes specific harm to a third party, harm that a constitutional provision or statute was intended to prevent, the indirectness of the injury does not necessarily deprive the person harmed of standing to vindicate his rights. But it may make it substantially more difficult to meet the minimum requirement of Art. III: to establish that, in fact, the asserted injury was the consequence of the defendants' actions, or that prospective relief will remove the harm.

Warth, 422 U.S. at 505 (1975) (citation omitted).

In the instant action, Organizational Plaintiffs have sufficiently pled injury in fact with regard to their preemption challenges in Counts I and II. The organizations have diverted, and will continue to have to divert, resources away from core activities in order to respond to member inquiries about SB 168's enactment, implications, and enforcement. Moreover, Organizational Plaintiffs face, among other things, decreased membership and participation due to SB 168's impact. *Browning*, 522 F.3d at 1165 ("an organization has standing to sue on its own behalf if the defendant's illegal acts impair its ability to engage in its projects by forcing the organization to divert resources to counteract those illegal acts" (citing *Havens Realty Corp. v. Coleman*, 455 U.S.

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363, 379 (1982))). Similarly, Organizational Plaintiffs have established an actual and imminent threat of injury to their members from the unlawful detention, transportation, and enforcement under SB 168. *Babbitt v. United Farm Workers Nat. Union*, 442 U.S. 289, 298 (1979) ("[o]ne does not have to await the consummation of threatened injury to obtain preventive relief. If the injury is certainly impending, that is enough." (quoting *Pennsylvania v. West Virginia*, 262 U.S. 553, 593 (1923))). These asserted injuries to the organizations and their members arise directly from SB 168's enactment and can be redressed by enjoining these provisions. Accordingly, the Court concludes that the Organizational Plaintiffs have standing to assert their preemption challenges on behalf of themselves and their members.

b. Cost Reimbursement Challenge

In Count III, Organizational Plaintiffs assert that the Cost Reimbursement provision is preempted and have set forth their respective injuries. ECF No. [38] at 6-23, 52-55. Specifically, Organizational Plaintiffs have had to divert resources away from core mission activities in order to address SB 168's application with their members. *Id.* at 9, 11, 13-14, 15, 17, 18, 19-20, 21-22, 23. These organizations anticipate having to continue to divert additional resources in the future to respond to members' needs as SB 168 is enforced. *Id.* at 10, 12, 14, 15, 17, 18-19, 20, 22, 23. Moreover, these Organizational Plaintiffs will suffer diminished membership and beneficiaries if SB 168 takes effect. ECF No. [5-1] at 19.

When asked at the Hearing what specific injuries were sustained regarding the Cost Reimbursement provision, counsel for Plaintiffs indicated that, in addition to the diversion of resources, Organizational Plaintiffs were engaging in discussions with state and local law enforcement agencies and government agencies about how to respond to SB 168 and the Cost Reimbursement provision in particular. While these communications with local agencies were not

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addressed in the Amended Complaint or in Plaintiffs' Amended Motion, it does not change the Court's analysis. Plaintiffs have not established any causal connection between SB 168's Cost Reimbursement provision and the injuries Plaintiffs have sustained and anticipate sustaining moving forward.

The Court finds that there is an insufficient nexus between the provision requiring local law enforcement agencies to seek reimbursement for costs incurred in complying with federal immigration efforts and Organizational Plaintiffs' diversion of resources. As alleged by the Organizational Plaintiffs, the diversion of resources to address the concerns and implications of SB 168 relate to the unlawful detention and transport of immigrants. *See generally* ECF No. [38] at 9-23. The injuries alleged stem directly from concerns and confusion regarding the legality and scope of the Detainer Mandate and the Transport Requirement, not the Cost Reimbursement provision. *See generally id.* Because Organizational Plaintiffs have failed to sufficiently establish a causal link between the injuries sustained and the Cost Reimbursement provision of SB 168, the Court concludes that Plaintiffs lack standing to assert this claim. *Browning*, 522 F.3d at 1160 ("a plaintiff must establish 'a realistic danger of sustaining a direct injury as a result of the statute's operation or enforcement" (quoting *Babbitt*, 442 U.S. 289)). As such, this Court lacks jurisdiction to review the Cost Reimbursement challenge in Count III. *Warth*, 422 U.S. at 499 ("A federal court's jurisdiction therefore can be invoked only when the plaintiff himself has suffered 'some threatened or actual injury resulting from the putatively illegal action.'" (quoting *Linda R.S. v. Richard D.*, 410 U.S. 614, 617 (1973))).

c. Sanctuary Provisions and "Best Efforts" Provision Challenges

Under Counts IV and VII, the vagueness challenges to the Sanctuary Provisions and "Best Efforts" provision, Organizational Plaintiffs' delineate the general injuries sustained due to their

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present and future need to divert resources as a result of SB 168. ECF No. [38] at 6-23, 55-57, 61-64. Additionally, they seek to protect the rights of their members to be free from unlawful immigration enforcement. ECF No. [39] at 4. Organizational Plaintiffs contend that at least one member of each membership-based organization will be subject to an unlawful, and potentially arbitrary, arrest pursuant to the "Best Efforts" provision and the Sanctuary Provisions. *Id.* at 5.

Similar to the preemption challenges in Counts I and II, Organizational Plaintiffs have sufficiently pled injury in fact with regard to their vagueness claims. The organizations have diverted, and will continue to have to divert, resources away from core activities in order to respond to member inquiries about SB 168's enactment, implications, and enforcement. Moreover, Organizational Plaintiffs face, among other things, decreased membership and participation due to SB 168's impact. *Browning*, 522 F.3d at 1165 ("an organization has standing to sue on its own behalf if the defendant's illegal acts impair its ability to engage in its projects by forcing the organization to divert resources to counteract those illegal acts" (citing *Havens Realty Corp.*, 455 U.S. at 379)). Similarly, Organizational Plaintiffs have established an actual and imminent threat of injury to their members from the unlawful detention, transportation, and enforcement under SB 168, which will be aggravated by the enforcement of the Sanctuary Prohibition and the "Best Efforts" provision. *Babbitt*, 442 U.S. at 298 ("[o]ne does not have to await the consummation of threatened injury to obtain preventive relief. If the injury is certainly impending, that is enough." (quoting *Pennsylvania v. West Virginia*, 262 U.S. at 593)). These asserted injuries to the organizations and their members arise directly from SB 168's enactment and can be redressed by enjoining these provisions. Accordingly, the Court concludes that the Organizational Plaintiffs have standing to assert their vagueness challenges on behalf of themselves and their members.

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2. Plaintiff City of South Miami's Standing

Defendants concede the City of South Miami's standing to challenge the Detainer Mandate. However, Defendants argue that the City of South Miami lacks standing to assert its vagueness challenges in Counts V and VIII because Fourteenth Amendment protections only apply to "persons." ECF No. [19] at 9. Plaintiffs' Reply concedes that municipalities lack standing to raise Fourteenth Amendment claims. ECF No. [39] at 2. However, because "[s]tanding cannot be waived or conceded by the parties," *A&M Gerber Chiropractic LLC*, 925 F.3d at 1210, the Court must nevertheless examine whether the City of South Miami has standing to bring its claims.

"In assessing the standing to sue of a state entity, [courts] are bound by the Supreme Court's or [the Eleventh Circuit's] determination of whether any given constitutional provision or law protects the interests of the body in question." *United States v. State of Ala.*, 791 F.2d 1450, 1455 (11th Cir. 1986). Thus, a municipality's standing depends on the nature of the claim asserted. Political subdivisions have been permitted to challenge the constitutionality of state statutes under the Supremacy Clause. *See Rogers v. Brockette*, 588 F.2d 1057, 1071 (5th Cir. 1979). However, as the Supreme Court has explained, "Being but creatures of the State, municipal corporations have no standing to invoke . . . the provisions of the Fourteenth Amendment of the Constitution in opposition to the will of their creator." *Coleman v. Miller*, 307 U.S. 433, 441 (1939).

In examining whether a municipality has standing to assert a constitutional challenge to a state statute under the Supremacy Clause, the Fifth Circuit set forth three prerequisites that must be met: (1) "to sue in federal court, a plaintiff must allege 'a distinct and palpable injury' to itself"; (2) "ordinarily a plaintiff 'must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties'"; and (3) "a claim must present a genuine,

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live case or controversy under Article III." *Rogers*, 588 F.2d at 1060 (citations omitted) (footnotes omitted).

a. Preemption Challenge

The City of South Miami has alleged its injuries under SB 168. ECF No. [38] at 6-7. Specifically, the City of South Miami "believes SB 168 does not provide [the City], [the police department], or its residents any actual and understandable notice of the statutory requirements that apply to their conduct." *Id.* at 7. With regard to Count I, the City of South Miami is unsure which provisions of SB 168 apply to it, and it is concerned that the resolutions and policies currently in place may violate SB 168's requirements, especially the City's resolution providing that immigration detainers will not be honored as a matter of course. *Id.* The City of South Miami's potential noncompliance with SB 168 could result in the suspension without pay of its leadership and enforcement actions by the Governor and the Attorney General. *Id.* However, the City of South Miami's attempts to comply with SB 168 will expose the City to liability and damage lawsuits for local law enforcement officers' improper immigration enforcement pursuant to SB 168. *Id.*

As noted above, political subdivisions may establish standing to challenge the constitutionality of state statutes under the Supremacy Clause. *See Rogers*, 588 F.2d at 1071. Here, the City of South Miami asserts a "distinct and palpable injury to itself" because it faces liability and damage lawsuits if its agencies unlawfully comply or attempt to comply with SB 168's Detainer Mandate when its law enforcement officers do not have the authority to do so under federal law, but it faces enforcement actions by the Attorney General if it fails to comply with the Detainer Mandate. *See id.* at 1061. Moreover, the question of whether Congress intended to preempt the field of immigration enforcement dictates the City of South Miami's authority, or lack thereof, to refuse compliance with the Detainer Mandate. *See id.* at 1062-63. Finally, the City of

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South Miami's preemption challenge presents a live case or controversy because the imposition of an injunction on the Detainer Mandate would directly remedy the City of South Miami's threatened injury of damage lawsuits by individuals whose constitutional rights were violated and enforcement actions by the Attorney General for noncompliance. *See id.* at 1063. Accordingly, the Court concludes that the City of South Miami has standing to bring its Detainer Mandate preemption claim.

b. Vagueness Challenges

In Count V, the City of South Miami asserts that the language of the Sanctuary Definition is so vague that it cannot determine what policies are prohibited and which immigration enforcement actions require law enforcement compliance. ECF No. [38] at 58. Similarly, in Count VIII, the City of South Miami argues that the lack of explicit standards in the "Best Efforts" provision fails to set forth any meaningful standard of conduct. *Id.* at 65. As a result, SB 168 will result in arbitrary and discriminatory enforcement. *Id.* Further, the City of South Miami is unable to determine what is prohibited or which local entities and agencies must comply with the "Best Efforts" provision due to SB 168's vague language and inconsistent references to local entities, agencies, and their employees. *Id*. at 66. The City of South Miami asserts that, because of the vague language in the Sanctuary Provisions and the "Best Efforts" provision, and the resulting inability to determine what conduct is proscribed, complying with SB 168 exposes the City to liability. *Id.* at 58, 66. Moreover, government entities that violate the requirements of SB 168 are subject to enforcement actions by the Attorney General. *Id.* at 58, 66. Furthermore, even if the City attempts to comply with SB 168, it may nonetheless face enforcement actions by the Attorney General due to SB 168's vagueness. *Id.* at 58, 66.

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As noted above, "[b]eing but creatures of the State, municipal corporations have no standing to invoke . . . the provisions of the Fourteenth Amendment of the Constitution in opposition to the will of their creator." *Coleman*, 307 U.S. at 441. Vagueness claims, such as those asserted in Counts V and VIII, are rooted in the Due Process Clause of the Fourteenth Amendment. *See Lanzetta v. N.J.*, 306 U.S. 451, 454 (1939); *Alabama*, 791 F.2d at 1455. As such, the City of South Miami lacks standing to assert its vagueness challenges.

3. Plaintiff Mayor Stoddard's Standing

In their Surreply, Defendants concede that Mayor Stoddard has standing to bring his vagueness challenges in Counts VI and IX. ECF No. [45] at 1. Nonetheless, as with the City of South Miami, this Court has an independent obligation to assess whether Mayor Stoddard has standing to assert his vagueness challenges.

While political subdivisions may not have standing to challenge the constitutionality of state statutes on vagueness grounds, the Supreme Court has recognized public officials' legitimate interest in challenging "the enforcement of statutes in relation to which they have official duties." *Coleman*, 307 U.S. at 441-42; *see also Finch v. Miss. State Med. Assoc., Inc.*, 585 F.2d 765, 773 (5th Cir. 1978) ("plaintiffs who sued in their official capacities may assert constitutional claims against the state." (quoting *City of New York v. Richardson*, 473 F.2d 923, 933 (2d Cir. 1973)). Moreover, the Supreme Court has explained that public officials have a sufficient personal stake in the outcome of a case for standing purposes when, believing a state statute to be unconstitutional, "they are in the position of having to choose between violating their oath [by complying with the statute] and taking a step — refusing to comply with [the statute] — that would be likely to bring their expulsion from office." *Bd. of Edu. of Cent. Sch. Dist. No. 1 v. Allen*, 392 U.S. 236, 241 n.5 (1968).

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In Count VI, Mayor Stoddard asserts that the language of the Sanctuary Definition is so vague that he has no way to determine what conduct or policy is prohibited and which immigration enforcement actions require law enforcement compliance. ECF No. [38] at 61. As a result, Mayor Stoddard's ability to establish policies and resolutions guiding local law enforcement agencies' conduct is undermined because he "is unable to determine whether any of the actions, resolutions, policies, or statements he makes place him in violation of SB 168." *Id.* at 60.

Similarly, in Count IX, Mayor Stoddard challenges the constitutionality of SB 168's "Best Efforts" provision because "[s]uch vague language fails to give Mayor Stoddard fair notice of what he must, and must not do, in order to be in compliance with SB 168 and to avoid an enforcement suit or removal from office." *Id.* at 67. Mayor Stoddard is unable to determine what conduct is prohibited or which local entities and agencies must comply with the "Best Efforts" provision due to SB 168's vague language and inconsistent references to local entities, agencies, and their employees. *Id*. at 68. SB 168's vague mandates undermine Mayor Stoddard's ability to establish policies and resolutions to guide police conduct on what actions satisfy "best efforts." *Id.*

Mayor Stoddard asserts that, because of the vague language in the Sanctuary Provisions and the "Best Efforts" provision, and his resulting inability to determine proscribed conduct, complying with SB 168 exposes him to liability. *Id.* at 61, 68. Moreover, officials who violate the requirements of SB 168 are subject to enforcement actions or suspension from office by the Governor. *Id.* at 68, 69. As such, Mayor Stoddard is now faced with the threat of suspension or removal for failing to comply with SB 168. *Id.* Alternatively, he faces political liability and damage lawsuits for improper immigration enforcement actions taken pursuant to SB 168. *Id.* at 61, 68-69. Furthermore, Mayor Stoddard's attempted, yet insufficient, compliance with SB 168 may result in suspension or removal from office. *Id.* at 61, 69.

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Mayor Stoddard has sufficiently alleged a concrete, imminent, and "realistic danger of sustaining direct injury as a result of the statute's operation or enforcement." *GLAHR*, 691 F.3d at 1257 (quoting *Socialist Workers Party*, 145 F.3d at 1245). Specifically, Mayor Stoddard is "in the position of having to choose between violating [his] oath [by complying with SB 168] and taking a step — refusing to comply with [SB 168] — that would likely bring [his] expulsion from office." *Allen*, 392 U.S. at 241 n.5. Accordingly, the Court concludes that Mayor Stoddard has satisfied the injury-in-fact requirement of the standing analysis. Moreover, the causal connection between the asserted injury and the alleged illegal conduct here is clear because Mayor Stoddard's injury stems directly from SB 168's application and enforcement. Finally, Mayor Stoddard's purported injury will be redressed if this Court ultimately enjoins SB 168. Therefore, Mayor Stoddard has standing to challenge the vagueness of the Sanctuary Provisions and "Best Efforts" provision.

B. Preliminary Injunction

Having determined that Plaintiffs have standing to sue, the Court turns to the merits of Plaintiffs' request for a preliminary injunction. A movant must prove four factors in order to establish that a preliminary injunction is appropriate: (1) "a substantial likelihood of success on the merits," (2) "that the preliminary injunction is necessary to prevent irreparable injury," (3) "that the threatened injury outweighs the harm the preliminary injunction would cause the other litigant," and (4) "that the preliminary injunction would not be averse to the public interest." *Chavez*, 742 F.3d at 1271 (citing *Parker*, 275 F.3d at 1034-35). "Failure to show any of the four factors is fatal" to the preliminary injunction inquiry. *Am. Civil Liberties Union of Fla., Inc. v. Miami-Dade Sch. Bd.*, 557 F.3d 1177, 1198 (11th Cir. 2009).

> When a federal court before trial enjoins the enforcement of a municipal ordinance adopted by a duly elected city council, the court overrules the decision of the elected representatives of the people and, thus, in a sense interferes with the processes of democratic government. Such a step can occasionally be justified by the

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> Constitution (itself the highest product of democratic processes). Still, preliminary injunctions of legislative enactments—because they interfere with the democratic process and lack the safeguards against abuse or error that come with a full trial on the merits—must be granted reluctantly and only upon a clear showing that the injunction before trial is definitely demanded by the Constitution and by the other strict legal and equitable principles that restrain courts.

NE Fla. CAGC of Am., 896 F.2d at 1285.

Plaintiffs' Amended Motion requests that this Court grant a preliminary injunction to enjoin SB 168 from taking effect, pending the resolution of the instant case. ECF No. [47]. Plaintiffs assert that a preliminary injunction is appropriate because the challenged provisions of SB 168 are either preempted by federal law or are unconstitutionally vague. *Id.* Defendants contend that this Court should deny the Amended Motion because Plaintiffs' claims are meritless and unlikely to succeed, they have failed to sufficiently allege irreparable harm, and the equitable factors weigh in favor of denying the preliminary injunction. ECF No. [19].

1. Substantial Likelihood of Success on the Merits

With regard to the preliminary injunction factors, the Eleventh Circuit has stated that the substantial likelihood of success on the merits is "generally the most important [factor]." *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1232 (11th Cir. 2005). "A substantial likelihood of success on the merits requires a showing of only likely or probable, rather than certain, success." *Id.*

a. Preemption Challenges

Plaintiffs argue that the Detainer Mandate and the Transport Requirement[11] violate the Supremacy Clause because these provisions are preempted by federal immigration law. ECF No. [5-1] at 3-11.

[11] As discussed above, the Court does not address Plaintiffs' arguments regarding the Cost Reimbursement provision's preemption, as they lack standing to assert that claim.

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"Federalism, central to the constitutional design, adopts the principle that both the National and State Governments have elements of sovereignty the other is bound to respect." *Arizona v. United States*, 567 U.S. 387, 398 (2012). Nonetheless, the Supremacy Clause mandates that federal law "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." U.S. Const. art. VI, § 2. Thus, "[w]here the two conflict, federal law trumps state law; that was always clear. What constitutes a conflict is often less clear." *Browning*, 522 F.3d at 1167 (citations omitted).

Under the preemption doctrine, Congress has the power to preempt state law, and this preemption typically falls into one of "three categories: (1) express preemption; (2) field preemption; and (3) conflict preemption." *Id.*; *Arizona*, 567 U.S. at 399-400. "Express preemption occurs when Congress manifests its intent to displace a state law using the text of a federal statute." *Browning*, 522 F.3d at 1167. "Implied preemption" has generally been used to encompass field and conflict preemption. *Id.* "Field preemption occurs when a congressional legislative scheme is 'so pervasive as to make the reasonable inference that Congress left no room for the states to supplement it,'" *id.* (quoting *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947)), or "where there is a 'federal interest . . . so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject,'" *Arizona*, 567 U.S. at 399 (quoting *Rice*, 331 U.S. at 230). "Conflict preemption occurs either when it is physically impossible to comply with both the federal and state laws or when the state law stands as an obstacle to the objective of the federal law." *Browning*, 522 F.3d at 1167.

Two main considerations guide district courts' preemption analysis: "First, the purpose of Congress is the ultimate touchstone in every pre-emption case. Second, we assume that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear

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and manifest purpose of Congress." *United States v. Alabama*, 691 F.3d 1269, 1281-82 (11th Cir. 2012) (citations and internal quotation marks omitted).

As the Supreme Court has explained,

> The Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens. This authority rests, in part, on the National Government's constitutional power to "establish an uniform Rule of Naturalization," Art. I, § 8, cl. 4, and its inherent power as sovereign to control and conduct relations with foreign nations. The federal power to determine immigration policy is well settled.

Arizona, 567 U.S. at 394-95 (citations omitted). The field of immigration governance "is extensive and complex." *Id.* at 395. As such, "Congress has specified which aliens may be removed from the United States and the procedures for doing so." *Id.* at 396. Nonetheless, the Supreme Court has emphasized that "[t]he pervasiveness of federal regulation does not diminish the importance of immigration policy to the States." *Id.* at 397.

The Executive Branch is tasked with the enforcement of immigration law, and immigration officials are given "broad discretion" in the exercise of their powers. *Id.* at 396-97. Although there are numerous agencies within the Department of Homeland Security ("DHS"), *id.* at 397, ICE is the agency relevant to the instant action. "ICE officers are responsible 'for the identification, apprehension, and removal of illegal aliens from the United States.'" *Id.*

"As a general rule, it is not a crime for a removable alien to remain present in the United States." *Id.* at 407. Moreover, "[r]emoval is a civil, not criminal, matter." *Id.* at 396.

> The federal statutory structure instructs when it is appropriate to arrest an alien during the removal process. For example, the Attorney General can exercise discretion to issue a warrant for an alien's arrest and detention "pending a decision on whether the alien is to be removed from the United States." [8 U.S.C.] § 1226(a). And if an alien is ordered removed after a hearing, the Attorney General will issue a warrant. See 8 CFR § 241.2(a)(1). In both instances, the warrants are executed by federal officers who have received training in the enforcement of immigration law. See §§ 241.2(b), 287.5(e)(3). If no federal warrant has been issued, those officers have more limited authority. See 8 U.S.C. § 1357(a).

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Id. at 407-08 (some citations omitted).

Congress has delineated specific, "limited circumstances in which state officers may perform the functions of an immigration officer." *Id.* at 408. Relevant to the instant case, the Attorney General may grant this authority to specific state or local law enforcement officers pursuant to a formal agreement, commonly referred to as a "287(g) Agreement,"[12] which allows officers to perform the duties of a federal immigration officer under the direction and supervision of the Attorney General after completing adequate immigration training. 8 U.S.C. § 1357(g)(1); *Arizona*, 567 U.S. at 408-09. Without a 287(g) Agreement, local law enforcement agencies are not permitted to unilaterally perform the functions of federal immigration officers, such as detaining an alien for being removable, "absent any request, approval, or other instruction from the Federal Government." *Arizona*, 567 U.S. at 410.

Nevertheless, the Supreme Court has recognized that "[c]onsultation between federal and state officials is an important feature of the immigration system." *Id.* at 411. Congress has explicitly stated that state and local law enforcement agencies do not need a 287(g) Agreement (A) "to communicate with the [Federal Government] regarding the immigration status of any individual," or (B) "otherwise to cooperate[13] with the [Federal Government] in the identification,

[12] The federal government's authorization to enter into 287(g) Agreements is codified in 8 U.S.C. § 1357(g):

> (1) Notwithstanding section 1342 of Title 31, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

8 U.S.C. § 1357(g)(1).

[13] The Court will refer to the provision in 8 U.S.C. § 1357(g)(10)(B) as the "cooperation clause."

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apprehension, detention, or removal of aliens not lawfully present in the United States." 8 U.S.C. § 1357(g)(10); *Arizona*, 567 U.S. at 411-12.

The parties in this case disagree on what the phrase "otherwise to cooperate" means, in the context of enforcing immigration detainers and transporting detained aliens into federal custody. Before examining each party's arguments, a brief history of immigration detainers is warranted.

Amici curiae in support of Plaintiffs provided the Court with an informative history on the evolution of the immigration detainer. ECF No. [61] at 17-23. There is only one reference to "detainers" in the INA. *See* 8 U.S.C. § 1357(d); *Arizona*, 567 U.S. at 410 ("State officials can also assist the Federal Government by responding to requests for information about when an alien will be released from their custody." (citing 8 U.S.C. § 1357(d))). *Amici* assert that detainers were historically understood to be requests for information about a suspected alien's expected release date and nothing more. ECF No. [61] at 18.

However, in 1997, federal immigration agencies began requesting that local law enforcement agencies, pursuant to detainer requests, hold suspected aliens in custody for up to forty-eight hours beyond their scheduled release from custody. *Id.* at 17. Specifically, the Code of Federal Regulation's Detainer Provisions state:

> (a) Detainers in general. Detainers are issued pursuant to sections 236 and 287 of the Act and this chapter 1. Any authorized immigration officer may at any time issue a Form I-247, Immigration Detainer – Notice of Action, to any other Federal, State, or local law enforcement agency. A detainer serves to advise another law enforcement agency that the Department seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. The detainer is a request that such agency advise the Department, prior to release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible.
>
> . . . .
>
> (d) Temporary detention at Department request. Upon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to

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> exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the Department.

8 C.F.R. § 287.7. Based on this additional request to hold an individual beyond their custodial sentence, a detainer has developed into "a written request to state or local officials, asking them (1) to notify [DHS] as soon as practicable before an alien is released and (2) to maintain custody of the alien for up to 48 hours beyond the preexisting release date so that DHS may assume custody." *City of El Cenizo, Tex. v. Tex.*, 890 F.3d 164, 174 (5th Cir. 2018); 8 C.F.R. § 287.7; *United States v. Ovando-Garzo*, 752 F.3d 1161, 1164 (8th Cir. 2014) (holding that identifying an alien, communicating with federal immigration officers, and detaining an alien until federal officers could take custody was not unilateral conduct outside the scope of a local law enforcement officer's authority); *see Corley v. United States*, 556 U.S. 303, 314 (2009) ("one of the most basic interpretive canons, that "'[a] statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant.'" (quoting *Hibbs v. Winn*, 542 U.S. 88, 101 (2004))); *see also Lopez-Aguilar v. Marion Cty. Sheriff's Dep't*, 296 F. Supp. 3d 959, 969 (S.D. Ind. 2017) ("'An immigration detainer is a piece of paper issued by immigration officials that purports to command other law enforcement officials to hold a prisoner, who otherwise would be released, in custody and deliver that person to federal immigration officials.' It is 'the principle mechanism for [ICE] . . . to obtain custody over suspected immigration violators in the custody of state or local law enforcement officials.'" (quoting Christopher N. Lasch, *Federal Immigration Detainers After* Arizona v. United States, 46 Loy. L.A. L. Rev. 629, 634 (2013))). In April 2017, ICE implemented an internal policy that required all detainer requests to be accompanied by an administrative immigration warrant issued by a federal immigration officer indicating the immigration officer's probable cause to believe an individual is removable. ECF No. [19] at 3.

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Amici contend, and Plaintiffs agree, that this expansion of the detainer request is beyond the scope of power Congress intended to grant to federal immigration officers and the forty-eight-hour hold constitutes a subsequent arrest that requires probable cause that a criminal violation occurred. ECF No. [61]; *see Lopez-Aguilar*, 296 F. Supp. 3d at 972 ("Plainly, federal immigration law does not permit . . . every law enforcement officer employed by a state governmental body to engage in the enforcement of federal immigration law on the same terms and basis as federal officials, free from any restriction by the governmental body (even, presumably, as to enforcement priorities)."). Additionally, Plaintiffs and *amici* argue that detainer holds are arrests performed by local law enforcement officers who lack Congressional authorization under the INA, regardless of the detainer and accompanying administrative warrant. *Id.* As such, Plaintiffs assert that the Detainer Mandate requiring that local law enforcement officers comply with detainer holds is preempted by federal law.

In their Response, Defendants argue that "[c]onsultation between federal and state officials is an important feature of the immigration system," *Arizona*, 567 U.S. at 411, and that, by expressly including the cooperation clause under § 1357(g)(10)(B), Congress gave a clear indication that it sought to facilitate, not preempt, the type of cooperation that SB 168 mandates. ECF No. [19] at 12. Moreover, in its Statement of Interest, the United States of America asserts that local law enforcement agencies' compliance with detainer requests falls within the cooperation that Congress intended to allow under § 1357(g)(10)(B). ECF No. [23] at 12. Cooperating with immigration detainer requests falls squarely within *Arizona*'s reasoning because this cooperation is done only pursuant to a federal request, rather than unilaterally. *Id.* at 13 ("SB 168 provides for the very authorization Plaintiffs allude to in the form of federal immigration detainers.").

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Thus, the precise issue before the Court is whether SB 168's Detainer Mandate and Transport Requirement are preempted by federal law or whether these provisions regulate conduct that falls within the meaning of the cooperation clause's "otherwise to cooperate" language.

i. Field Preemption Challenge to the Detainer Mandate and Transport Requirement

Plaintiffs argue that the Detainer Mandate and Transport Requirement are field preempted because the INA occupies the field of when state and local law enforcement can participate in detaining aliens and "SB 168 rejects the Congressional framework and creates its own authorization for immigration arrest, detention, and transport by undeputized local officers." ECF No. [50] at 3.

"Field preemption occurs when a congressional legislative scheme is 'so pervasive as to make the reasonable inference that Congress left no room for the states to supplement it,'" *Browning*, 522 F.3d at 1167 (quoting *Rice*, 331 U.S. at 230), or "where there is a 'federal interest . . . so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject,'" *Arizona*, 567 U.S. at 399 (quoting *Rice*, 331 U.S. at 230). "To determine the boundaries that Congress sought to occupy within the field, we look to 'the federal statute itself, read in the light of its constitutional setting and its legislative history.'" *Alabama*, 691 F.3d at 1281 (quoting *De Canas v. Bica*, 424 U.S. 351, 360 n. 8 (1976)). Because neither provision is field preempted, the Court addresses these arguments first.

Considering the language of the INA itself, it is clear that Congress did not intend to preclude states from supplementing the field of how local law enforcement agencies can participate in federal immigration enforcement efforts. Specifically, the express language of the cooperation clause in § 1357(g)(10)(B) leaves numerous cooperative avenues open for law enforcement officers to participate in the immigration efforts of federal officers. 8 U.S.C. § 1357(g)(10)(B).

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"This provision indicates that Congress intended local cooperation without a formal agreement in a range of key enforcement functions." *City of El Cenizo*, 890 F.3d at 179.

The Fifth Circuit's field preemption reasoning in *City of El Cenizo* is informative here. *See generally id.* at 164. *City of El Cenizo* centered around the enactment of a law similar to SB 168. *Id.* at 173-75. In addressing the issue of field preemption, the Fifth Circuit in *City of El Cenizo* enunciated a critical distinction between the Texas law and the provisions of § 1357(g):

> To establish field preemption, moreover, the plaintiffs must prove that federal law evinces "the clear and manifest purpose of Congress" to preclude even complementary state legislation on the same subject. *De Canas*, 424 U.S. at 357. Federal law does not suggest the intent — let alone a "clear and manifest" one — to prevent states from regulating *whether* their localities cooperate in immigration enforcement. Section 1357 does not require cooperation at all. And the savings clause allowing cooperation without a 287(g) agreement indicates that some state and local regulation of cooperation is permissible.

Id. at 178; *see also id.* at 177 ("Federal law regulates *how* local entities may cooperate in immigration enforcement; [the Texas law] specifies *whether* they cooperate.").

Similarly, here, the Detainer Mandate regulates *whether* local entities cooperate in the federal government's immigration enforcement efforts by stating that law enforcement agencies "shall . . . comply with the requests made in the immigration detainer." Fla. Stat. § 908.105(1)(c). The Court must limit its analysis of Plaintiffs' field preemption challenges to whether Congress intended to preclude any further state regulation of local law enforcement agencies' cooperation with federal immigration enforcement. Similar reasoning also applies to the Transport Requirement. Plaintiffs have not established Congress's clear and manifest intent to preclude any complementary state regulation on cooperating with immigration officials for the transport of aliens. As the Fifth Circuit in *City of El Cenizo* held, § 1357(g)(10)(B)'s cooperation clause indicates that Congress intentionally left the issue of state and local law enforcement's cooperation

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with federal immigration efforts open to further regulation. *See* 890 F.3d at 178. Therefore, SB 168's Detainer Mandate and Transport Requirement are not field preempted.

ii. Conflict Preemption Challenge to the Detainer Mandate

Plaintiffs also argue that SB 168's Detainer Mandate is conflict preempted. ECF No. [5-1] at 8-10.

Conflict preemption can arise in two ways:

> First, conflict preemption can occur "when it is physically impossible to comply with both the federal and the state laws." Conflict preemption may also arise "when the state law stands as an obstacle to the objective of the federal law." We use our judgment to determine what constitutes an unconstitutional obstacle to federal law, and this judgment is "informed by examining the federal statute as a whole and identifying its purpose and intended effects."

Alabama, 691 F.3d at 1281 (citations omitted).

The Supreme Court, in *Arizona*, held that an Arizona law authorizing state and local police officers to make warrantless arrests of suspected aliens if they had probable cause to believe the alien was removable was conflict preempted by federal immigration law. 567 U.S. at 410. In so holding, the Supreme Court noted that the Arizona law would "provide state officers even greater authority to arrest aliens on the basis of possible removability than Congress has given to trained federal immigration officers." *Id.* at 408. The *Arizona* Court, in examining the statutory authorization for 287(g) Agreements and § 1357(g)(10)(B)'s cooperation clause, noted that Congress clearly accounted for some degree of federal-local cooperation in immigration efforts. *Id.* at 409-10. However, the Court found Arizona's law to be conflict preempted because the law granted local officials the unilateral authorization to make immigration arrests — something Congress exclusively entrusted to the Federal Government. *Id.* The Supreme Court distinguished this unilateral state action from permissible cooperation under § 1357(g)(10)(B) by explaining that cooperation necessarily requires some sort of "request, approval, or other instruction from the

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Federal Government" in order for local law enforcement officers to properly participate in immigration enforcement actions. *Id.* at 410. A state law that attempts to achieve its own immigration policy by authorizing law enforcement's unilateral immigration action impermissibly stands as an obstacle to the objectives of the INA and frustrates federal immigration objectives, such as foreign relations. *Id.* at 409-10.

Here, the Detainer Mandate states, in relevant part, "A law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency shall . . . comply with the requests made in the immigration detainer." Fla. Stat. 908.105(1)(c). Defendants assert that the Detainer Mandate falls within the conduct that was explicitly contemplated in the cooperation clause because it only grants local officers the power to temporarily detain suspected aliens after a federal immigration official has made a probable cause determination as to removability and has explicitly requested that the individual be held. ECF No. [19] at 12; *Arizona*, 567 U.S. at 411 ("Consultation between federal and state officials is an important feature of the immigration system."). Plaintiffs argue instead that the Detainer Mandate creates a system of enforcement where all local officers are authorized to make subsequent detainer arrests, absent a 287(g) Agreement granting them the power to do so.

The Court recognizes the body of case law across the nation that has determined that these immigration detainer holds are unconstitutional subsequent arrests in violation of the Fourth Amendment, two of which are in this District.[14] Plaintiffs rely on many of these cases for their preemption arguments. However, these cases concerned post-enforcement Fourth Amendment

[14] *See, e.g.*, *Morales v. Chadbourne*, 793 F.3d 208, 217 (1st Cir. 2015); *Santos v. Frederick Cty. Bd. Of Comm'rs*, 725 F.3d 451, 465-66 (4th Cir. 2013); *Melendres v. Arpaio*, 695 F.3d 990 (9th Cir. 2012); *C.F.C. v. Miami-Dade Cty.*, 349 F. Supp. 3d 1236 (S.D. Fla. 2018); *Creedle v. Miami-Dade Cty.*, 349 F. Supp. 3d 1276 (S.D. Fla. 2018); *Lopez-Aguilar*, 296 F. Supp. 3d 959; *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1153 (Mass. 2017); *People ex rel. Swenson v. Ponte*, 46 Misc. 3d 273, 278 (N.Y. Sup. Ct. 2014); *see also Moreno v. Napolitano*, 213 F. Supp. 3d 999, 1005, n.3 (N.D. Ill. 2016).

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challenges to detainer holds, not a pre-enforcement facial challenge to a state statute mandating local officers' compliance with detainer requests. The Court believes this distinction to be critical.

As noted in *Creedle*,

> The Fifth Circuit stresses throughout its opinion [in *City of El Cenizo*] that plaintiffs had a stringent burden, not only because of the preliminary injunction standard, but also because of the "exacting standard" of bringing a "pre-enforcement facial challenge." In *El Cenizo*, no discovery had yet been taken and no facts had been adduced other than those alleged in the complaint. The Fifth Circuit noted that "such a challenge is the most difficult to mount successfully" because "it is not enough for the plaintiffs to demonstrate that the ICE-detainer mandate will often cause Fourth Amendment violations." Instead, plaintiffs "must establish that the mandate is unconstitutional in all of its applications." In analyzing whether the "ICE-detainer mandate" in [the Texas law] facially violated the Fourth Amendment, the Fifth Circuit stated that "plaintiffs must establish that every seizure authorized by the ICE-detainer mandate violates the Fourth Amendment" and concluded that plaintiffs could not satisfy that "exacting standard."

Creedle, 349 F. Supp. 3d at 1298 (footnote omitted) (quoting *City of El Cenizo*, 890 F.3d at 187). Similarly, here, Plaintiffs assert a facial pre-enforcement challenge to SB 168's Detainer Mandate. Thus, Plaintiffs must satisfy a "stringent burden" in order to be successful on their claims. *City of El Cenizo*, 890 F.3d at 187.

Moreover, those cases present markedly different situations than the instant case — namely, the cases cited did not address the situation where a detainer request was issued alongside an administrative warrant alleging probable cause. The combination of the detainer and the administrative warrant rectify many of the issues presented in those prior cases.

The Court finds the reasoning of *Lopez-Lopez v. County of Allegan*, to be particularly persuasive on this point. 321 F. Supp. 3d 794 (W.D. Mich. 2018). There, the district court addressed a Fourth Amendment challenge to a hold based on a detainer request and an accompanying administrative warrant. *Id.* at 796. In finding that the detainer hold did not violate the defendant's Fourth Amendment rights, in *Lopez-Lopez*, the court reviewed and distinguished the previous line of cases holding that immigration detainers violated the Fourth Amendment. *Id.*

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at 799-802; *id.* at 799 ("Plaintiff asserts that '[n]umerous federal district courts have found that detention by local authorities pursuant to ICE detainers alone violates the Constitutional rights of the detainee.' The problem is that Lopez-Lopez was not detained solely on the basis of an ICE detainer. Additionally, the detainers at issue in the cases he cites are substantively different from the detainer ICE issued in this case. Further, some of the cases are wholly irrelevant to the discussion because they determine only that cooperation with ICE detainers is discretionary rather than mandatory — a well-settled principle that does not bear on the outcome." (citation omitted)).[15] Specifically, the *Lopez-Lopez* court noted that, while a detainer alone or an administrative warrant alone may not comply with the Fourth Amendment's requirements because law enforcement officers "[e]ither [] lack probable cause (situations without an administrative warrant) or they lack a request to act (situations without a detainer)," the combination of the detainer and the administrative warrant rectifies these issues and complies with the Supreme Court's holding in *Arizona*. *Id.* at 801; *id.* ("ICE issued a facially valid administrative warrant for [defendant's] arrest, based on a determination that there was probable cause to believe he was removable. Then, ICE requested that the localities detain [defendant] through the use of an I-247 detainer — which also recited the basis for probable cause. [The] County cooperated by complying with the federal

[15] *See Lopez-Lopez*, 321 F. Supp. 3d at 800 (distinguishing *Buquer v. City of Indianapolis*, 797 F. Supp. 2d 905 (S.D. Ind. 2011), because *Buquer* involved a state law authorizing local officers to use their discretion in conducting warrantless immigration arrests); *id.* (distinguishing *Morales v. Chadbourne*, 996 F. Supp. 2d 19 (D. R.I. 2014), *aff'd in part, rev'd in part*, 793 F.3d 208 (1st Cir. 2015), because in *Morales*, ICE did not provide an arrest warrant with the detainer); *id.* at 800-01 (distinguishing *Santos*, 725 F.3d 451, because the plaintiff there was seized before ICE confirmed that a warrant had issued); *id.* at 801 (distinguishing *Ochoa v. Campbell*, 266 F. Supp. 3d 1237 (E.D. Wash. 2017), because ICE only presented an administrative warrant without a detainer); *see also Melendres*, 695 F.3d 990 (detention of aliens during a traffic stop "based on reasonable suspicion or knowledge that the person was unlawfully in the [country]," without a federal request); *C.F.C.*, 349 F. Supp. 3d 1236 (detainer not accompanied by an administrative warrant); *Creedle*, 349 F. Supp. 3d 1276 (detainer not accompanied by an administrative warrant); *Lopez-Aguilar*, 296 F. Supp. 3d 959 (no detainer issued).

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government's request (as allowed pursuant to § 1357(g)(10)) 'by providing operational support' by holding [defendant] until ICE could take custody of him the following day.").

The reasoning in *Lopez-Lopez* presents a clear instance where complying with a detainer satisfies the Fourth Amendment's requirements.[16] Moreover, the current detainer practice and the mandates of SB 168 require that all detainer requests be accompanied by administrative warrants. ECF No. [19] at 3; ECF No. [19-1] at 15-20. Plaintiffs cannot satisfy their burden on a facial challenge of establishing "that every seizure authorized by the ICE-detainer mandate violates the Fourth Amendment." *City of El Cenizo*, 890 F.3d at 187.

The Fifth Circuit in *City of El Cenizo* also examined the cooperation clause under § 1357(g)(10)(B) and recognized that "Congress intended local cooperation without formal agreement in a range of key enforcement functions." *Id.* at 179. Moreover, the *City of El Cenizo* noted that officers acting pursuant to a 287(g) Agreement "become de facto immigration officers, competent to act on their own initiative." *Id.* at 180. Thus, these 287(g) officers are expressly granted the authority to make unilateral decisions on immigration enforcement issues, absent any predicate request from the federal government. *Arizona*, 567 U.S. at 410.

In contrast, here, officers acting pursuant to the Detainer Mandate are only authorized to detain suspected aliens after receiving such a detainer request from federal immigration officers. These detainers must be accompanied by a Form I-200 "Warrant of Arrest of Alien" or a Form I-205 "Warrant of Removal/Deportation." *See* Appendix. Form I-247A is titled "Immigration Detainer – Notice of Action," which requests that local officers "[m]aintain custody of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have

[16] Moreover, as the Eleventh Circuit has noted, "The Fourth Amendment does not require warrants to be based on probable cause of a crime, as opposed to a civil offense. Nothing in the original public meaning of 'probable cause' or 'Warrants' excludes civil offenses." *United States v. Phillips*, 834 F.3d 1176, 1181 (11th Cir. 2016).

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been released from your custody to allow DHS to assume custody." *See* Appendix (emphasis in original); ECF No. [61] at 49. When questioned at the Hearing about acts local officers may properly conduct pursuant to a detainer request, Plaintiffs' counsel indicated that officers were limited to providing information about an inmate's release date. While a request for information is contained within the detainer, so is the request to temporarily detain. Further, while requests for information and communications between federal and state officials without a 287(g) Agreement are expressly contemplated in § 1357(g)(10)(A), Congress's addition of the § 1357(g)(10)(B) cooperation clause authorizes additional cooperative conduct, aside from communication, between federal immigration officers and local law enforcement. Absent any clear statutory indication to the contrary, and consistent with *City of El Cenizo*, the Court concludes that honoring federal immigration detainer requests falls within the scope of cooperation contemplated by Congress under § 1357(g)(10)(B).

Plaintiffs further argue that Defendants' examples of 287(g) Agreements with local law enforcement agencies reaffirm their interpretation that detainer holds fall within the purview of § 1357(g)(1). ECF No. [50] at 12. Specifically, Plaintiffs note that the 287(g) Agreement with Clay County, ECF No. [19-2], granting local officers the authority to "process [aliens] for immigration violations," "serve warrants of arrest for immigration violations," and "detain and transport" aliens, is rendered meaningless if officers can honor detainer requests under the cooperation clause absent such agreements. ECF No. [50] at 12. However, as the Fifth Circuit in *City of El Cenizo* explained, officers acting pursuant to a 287(g) Agreement "become de facto immigration officers, competent to act on their own initiative." 890 F.3d at 180. Thus, these 287(g) officers are expressly granted the authority to make unilateral decisions on immigration enforcement issues, absent any predicate request from the federal government. *Arizona*, 567 U.S. at 410. Conversely, officers

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operating under SB 168's Detainer Mandate are only permitted to hold a suspected alien for forty-eight hours if federal immigration officers explicitly request that they do so pursuant to a facially valid detainer request. Fla. Stat. § 908.105(1). Officers acting pursuant to 287(g) Agreements are allowed to hold suspected aliens without any prior request from the federal government. *City of El Cenizo*, 890 F.3d at 180.

Plaintiffs also provide no indication that local officers are taking any unilateral immigration action in honoring these detainer requests, such as serving or executing the administrative immigration warrants. *See* 8 C.F.R. § 287.5 (listing which officials may serve and execute administrative warrants). Absent unilateral conduct that circumvents the explicit grants of power Congress gave only to federal immigration authorities, honoring a detainer request complies with the Supreme Court's holding in *Arizona* that officers may not engage in unilateral state immigration actions, "*absent any request, approval, or other instruction from the Federal Government*." 567 U.S. at 410; *see also id.* ("examples of what would constitute cooperation under federal law. . . . include situations where States participate in a joint task force with federal officers, provide operational support in executing a warrant, or allow federal immigration officials to gain access to detainees held in state facilities." (citing Dept. of Homeland Security, Guidance on State and Local Governments' Assistance in Immigration Enforcement and Related Matters 13-14 (2011))). The Detainer Mandate in this case is contingent upon the receipt of a detainer request issued by an authorized federal immigration officer that indicates the federal officer has probable cause to believe that the detainee is unlawfully in the United States. The Court concludes that this hold, pursuant to federal request, falls within the cooperation clause's scope under § 1357(g)(10)(B).

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Based upon the plain language of § 1357(g)(10)(B), SB 168's Detainer Mandate on its face is not preempted because it falls within the scope of "cooperat[ion] . . . in the . . . detention . . . of aliens not lawfully present in the United States." 8. U.S.C. § 1357(g)(10)(B); *Arizona*, 567 U.S. 387; *City of El Cenizo*, 890 F.3d at 179. As such, the Court finds that Plaintiffs have failed to establish that SB 168's Detainer Mandate is conflict preempted.

iii. Conflict Preemption Challenge to the Transport Requirement

Moreover, Plaintiffs assert that SB 168's Transport Requirement is conflict preempted. ECF No. [5-1] at 8-10.

The Transport Requirement provides that,

> When a county correctional facility or the Department of Corrections receives verification from a federal immigration agency that a person subject to an immigration detainer is in the law enforcement agency's custody, the agency may securely transport the person to a federal facility in this state or to another point of transfer to federal custody outside the jurisdiction of the law enforcement agency. The law enforcement agency may transfer a person who is subject to an immigration detainer and is confined in a secure correctional facility to the custody of a federal immigration agency not earlier than 12 days before his or her release date. A law enforcement agency shall obtain judicial authorization before securely transporting an alien to a point of transfer outside of this state.

Fla. Stat. § 908.104(4). The plain language of this provision authorizes local agencies to transport individuals subject to an immigration detainer across state lines into federal custody. Plaintiffs allege that this provision is conflict preempted because it frustrates Congress's objectives in creating 287(g) Agreements. ECF No. [5-1] at 10-11. Specifically, Plaintiffs correctly note that, unlike complying with detainers, § 1357(g)(1) expressly lists the transport across state lines as a power that can only be delegated to local officers pursuant to a 287(g) Agreement. *See* 8 U.S.C. § 1357(g)(1) ("Notwithstanding section 1342 of Title 31, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified

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to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States (*including the transportation of such aliens across State lines to detention centers*), may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law." (emphasis added)). SB 168's attempt to grant this exact transport power to local officers frustrates Congress's objectives for immigration transport because it renders the express language in § 1357(g)(1) on the transport of aliens pursuant to a 287(g) Agreement meaningless. *Robbins v. Garrison Prop. & Cas. Ins. Co.*, 809 F.3d 583, 586 (11th Cir. 2015) ("It is 'axiomatic that all parts of a statute must be read together in order to achieve a consistent whole.' 'Where possible, courts must give full effect to all statutory provisions and construe related statutory provisions in harmony with one another.'" (quoting *Forsythe v. Longboat Key Beach Erosion Control Dist.*, 604 So. 2d 452, 455 (Fla. 1992))).

Moreover, the Transport Requirement's language explicitly grants local law enforcement agencies discretionary power to transport an alien into federal custody "absent any request, approval, or other instruction from the Federal Government." *Arizona*, 567 U.S. at 410. This is precisely the type of unilateral conduct that *Arizona* expressly prohibited. *Id.* Further, the mandate requiring law enforcement officers to obtain the prior judicial authorization does not rectify the issue of unilateral conduct in the Transport Requirement. Instead, this judicial authorization requirement seeks to vest additional powers in the state judiciary that could otherwise only be performed by federal immigration officials — namely, allowing state judges to unilaterally authorize transport across state lines into federal custody. *See* Fla. Stat. § 908.104(4). This unilateral decision by local officers and state judges, in effect, "allows the State to achieve its own immigration policy," which is not permitted. *Arizona*, 567 U.S. 408. Therefore, the Court concludes that the Transport Requirement is conflict preempted because it frustrates the purpose

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of 1357(g)(1). *See Browning*, 522 F.3d at 1167 ("Conflict preemption occurs [] when . . . when the state law stands as an obstacle to the objective of the federal law.").

b. Vagueness Challenges

Plaintiffs also argue that SB 168's "Best Efforts" provision and Sanctuary Provisions are unconstitutionally vague because the terms "best efforts" in § 908.104(1) and "impedes" in § 908.102(6) and, by reference, § 908.103, do not provide people of ordinary intelligence with a reasonable opportunity to understand what conduct is prohibited and because SB 168 authorizes the arbitrary and discriminatory enforcement of these provisions. ECF No. [5-1] at 12.

The Supreme Court has explained that a statute is void for vagueness (1) if it "fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by statute," and (2) if "it encourages arbitrary and erratic arrests and convictions." *Papachristou v. City of Jacksonville*, 405 U.S. 156, 162 (1972).

On a facial vagueness challenge, a movant must establish that the law is "incapable of any valid application." *Vill. of Hoffman Estates v. Flip Side, Hoffman Estates, Inc.*, 455 U.S. 489, 494 n.5 (1982). To sustain such a challenge, the movant "must prove that the enactment is vague 'not in the sense that it requires a person to conform his conduct to an imprecise but comprehensible normative standard, but rather in the sense that no standard of conduct is specified at all. Such a provision simply has *no* core.'" *Id*. at 495 n.7 (citations omitted). "The degree of vagueness that the Constitution tolerates — as well as the relative importance of fair notice and fair enforcement — depends in part on the nature of the enactment." *Id.* at 498. Therefore, courts must consider whether the law implicates civil penalties or criminal penalties, because the nature of the penalty affects the level of tolerance a court will have for the vague language. *Id*. at 489-90. Additionally, courts must examine whether the law "threatens to inhibit the exercise of constitutionally protected

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rights," *id*. at 490, and whether it places "unfettered discretion . . . in the hands of the [] police." *Papachristou*, 405 U.S. at 168.

"Condemned to the use of words, we can never expect mathematical certainty from our language." *Grayned v. City of Rockford*, 408 U.S. 104, 110 (1972). Yet, when the words of a challenged statute "are marked by 'flexibility and reasonable breadth, rather than meticulous specificity,'" the Supreme Court has upheld the challenged law. *Id.* Moreover, the Supreme Court has explained that a statute is not impermissibly vague when it "give[s] fair warning as to what is prohibited," and "'defines boundaries sufficiently distinct' for citizens, policemen, juries, and appellate judges." *Id.* at 114 (citations omitted).

A pre-enforcement challenge for vagueness centers primarily around whether the statute gives fair warning of the prohibited conduct because the danger of arbitrary enforcement is still speculative. *Vill. of Hoffman Estates*, 455 U.S. at 503. "Although it is possible that specific future applications . . . may engender concrete problems of constitutional dimension, it will be time enough to consider such problems when they arise." *Id.* (citations omitted). As such, a statute is unconstitutionally vague on its face when "it is plagued with such 'hopeless indeterminacy' that it precludes 'fair notice of the conduct it punishes,'" and invites arbitrary enforcement. *City of El Cenizo*, 890 F.3d at 190. Moreover, "pre-enforcement facial challenges are 'disfavored' because they 'often rest on speculation' and 'threaten to short circuit the democratic process by preventing laws embodying the will of the people from being implemented in a manner consistent with the Constitution.'" *Id*. at 191 (quoting *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 450-51 (2008)). "In general, as-applied challenges brought in post-enforcement proceedings" are more appropriate for vagueness challenges because they are "the basic building blocks of constitutional adjudication." *Id*. (quoting *Gonzales v. Carhart*, 550 U.S. 124, 168 (2007)).

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Plaintiffs contend that the terms "best efforts" in § 908.104(1) and "impedes" in § 908.102(6) and, by reference, § 908.103, are unconstitutionally vague because they do not provide people of ordinary intelligence with a reasonable opportunity understand what conduct is prohibited and because SB 168 authorizes the arbitrary and discriminatory enforcement of these provisions. ECF No. [5-1] at 12. Conversely, Defendants argue that Plaintiffs have failed to establish that these provisions are unconstitutionally vague in every application, as required for a facial vagueness challenge. ECF No. [19] at 16. Additionally, Defendants explain that, when read within the context of SB 168 as a whole, the challenged provisions clearly indicate what conduct is prohibited or encouraged. *Id.*

i. Unconstitutional Vagueness of "Best Efforts" Under § 908.104(1)

Plaintiffs contend that the "Best Efforts" provision is unconstitutionally vague because it does not give fair notice as to what conduct falls short of "best efforts" and it encourages arbitrary and discriminatory enforcement.[17] ECF No. [5-1] at 12-16. Specifically, Plaintiffs assert that "best efforts" does not provide individuals the reasonable opportunity to understand what conduct is prohibited and enforceable, nor does the phrase provide law enforcement agencies any clarity about what efforts are sufficient under the statute. *Id.* at 12-13. Moreover, the lack of standards of conduct under "best efforts" encourages arbitrary and discriminatory enforcement against individuals and law enforcement agencies. *Id.* at 14-15. In response, Defendants argue that the

[17] Plaintiffs also argue that the "Best Efforts" provision's vagueness is aggravated by the language in the bill title. ECF No. [5-1] at 15. This argument is meritless. Although the bill title does state that "[a]n Act relating to federal immigration enforcement . . . requiring state entities, local governmental entities, and law enforcement agencies to use best efforts to support the enforcement of federal immigration law," *id.*, it clearly references § 908.104's application as a whole. Specifically, while the mandates of § 908.104(1) explicitly apply to "law enforcement agenc[ies]," § 908.104(2) then goes on to regulate the conduct of "a state entity, local governmental entity, or law enforcement entity, or an employee, an agent, or a representative of the entity or agent." Fla. Stat. § 908.104(1)-(2). Accordingly, when read in the context of the statute as a whole, the "Best Efforts" provision is sufficiently clear on who it applies to.

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"Best Efforts" provision is not unconstitutionally vague because the phrase "best efforts" is used in numerous Florida Statutes. ECF No. [19] at 17. Additionally, Defendants assert that ICE policies detail the extent of the agency's desired cooperation from local law enforcement agencies, which provides sufficient context to rebut any vagueness. *Id.*

The "Best Efforts" provision states, in relevant part, "A law enforcement agency shall use best efforts to support the enforcement of federal immigration law." Fla. Stat. § 908.104(1). Moreover, *Black's Law Dictionary* defines "best efforts" as

> Diligent attempts to carry out an obligation; esp., all actions rationally calculated to achieve a usu. stated objective, to the point of leaving no possible route to success untried. As a standard, a best-efforts obligation is stronger than a good-faith obligation. Best efforts are measured by the measures that a reasonable person in the same circumstances and of the same nature as the acting party would take.

BEST EFFORTS, *Black's Law Dictionary* (11th ed. 2019). This definition, while marked by "flexibility and reasonable breadth, rather than meticulous specificity," provides sufficient notice as to what efforts are required of law enforcement agencies. *Grayned*, 408 U.S. at 110.

Moreover, on a pre-enforcement facial challenge for vagueness, the Court's examination centers primarily around whether the statute gives fair warning of the prohibited conduct because the danger of arbitrary enforcement is still speculative. *Vill. of Hoffman Estates*, 455 U.S. at 503. With regard to Plaintiffs' assertion that "best efforts" encourages arbitrary and discriminatory enforcement, on a pre-enforcement challenge, "There is a basic uncertainty about what the law means and how it will be enforced. . . .[W]ithout the benefit of a definitive interpretation from the state courts, it would be inappropriate to assume [the "Best Efforts" provision] will be construed in a way that creates a conflict with federal law." *Arizona*, 567 U.S. at 415; *cf. Fox v. Washington*, 236 U.S. 273, 277 (1915) ("So far as statutes fairly may be construed in such a way as to avoid doubtful constitutional questions they should be so construed; and it is to be presumed that state laws will be construed in that way by the state courts." (citation omitted)). This type of speculative

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constitutional challenge is more appropriately brought under an as-applied challenge at the post-enforcement stage. *City of El Cenizo*, 890 F.3d at 191. Therefore, at this pre-enforcement stage, this Court will not "adopt limiting constructions that are not strictly necessary to preserve the constitutionality of a statute." *Id.* Accordingly, the Court believes "best efforts" to be sufficiently clear as to what conduct is or is not required for a facial pre-enforcement vagueness challenge.

ii. Unconstitutional Vagueness of "Impede" Under § 908.102(6) and Unconstitutionality, by Reference, of § 908.103

Plaintiffs also assert that the Sanctuary Provisions are unconstitutionally vague because individuals are not provided a reasonable opportunity to understand what conduct constitutes "imped[ing]." ECF No. [5-1] at 16-17. The Court concludes that, when read in context, the term "impedes" in the Sanctuary Definition is not unconstitutionally vague. Specifically, the Sanctuary Definition states in full,

> (6) "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:
>
> (a) Complying with an immigration detainer;
>
> (b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;
>
> (c) Providing a federal immigration agency access to an inmate for interview;
>
> (d) Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357; or
>
> (e) Providing a federal immigration agency with an inmate's incarceration status or release date.

Fla. Stat. § 908.102(6). Reading this provision as a whole, subsections (a) through (e) clearly set forth specific actions that state and local government entities are not allowed to "impede" or "prohibit." *Id.* § 908.102(6)(a)-(e).

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"Impedes" is not so vague, when read in the context of the Sanctuary Definition as a whole, that it fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by statute. *Papachristou*, 405 U.S. at 162. Moreover, because Plaintiffs assert a facial pre-enforcement vagueness challenge, they must establish that the Sanctuary Definition "is plagued with such 'hopeless indeterminacy' that it precludes 'fair notice of the conduct it punishes.'" *City of El Cenizo*, 890 F.3d at 190. The Court concludes that Plaintiffs have failed to sufficiently establish that the Sanctuary Definition is plagued with "hopeless indeterminacy" as to proscribed conduct. *Id.* "Impedes" does not render SB 168's Sanctuary Definition unconstitutionally vague, when read alongside the explicit list of immigration efforts set forth in subsections (a) through (e), because it "give[s] fair warning as to what is prohibited," and "'defines boundaries sufficiently distinct' for citizens, policemen, juries, and appellate judges." *Grayned*, 408 U.S. at 114.

2. Irreparable Injury

"The basis of injunctive relief in the federal courts has always been irreparable harm and inadequacy of legal remedies." *Sampson v. Murray,* 415 U.S. 61, 88 (1974). "A showing of irreparable harm is 'the *sine qua non* of injunctive relief.' The injury must be 'neither remote nor speculative, but actual and imminent.' An injury is 'irreparable only if it cannot be undone through monetary remedies." *NE Fla. CAGC of Am.*, 896 F.2d at 1285 (quoting *Frejlach v. Butler,* 573 F.2d 1026, 1027 (8th Cir. 1978); *Tucker Anthony Realty Corp. v. Schlesinger,* 888 F.2d 969, 973 (2d Cir. 1989)). Courts have stated that the purpose of a preliminary injunction is to preserve the status quo when, absent the preservation of the status quo, a movant will suffer irreparable harm. *See Callaway*, 489 F.2d at 576.

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Plaintiffs state that they will suffer irreparable harm if SB 168 is not enjoined because their injuries cannot be redressed through an award of monetary damages. ECF No. [5-1] at 17; *NE Fla. CAGC of Am.*, 896 F.2d at 1285. Plaintiffs' allegations regarding their irreparable injuries are the same injuries discussed above with regard to standing. ECF No. [5-1] at 17-19. Organizational Plaintiffs have had to divert resources away from core mission activities to respond to SB 168 and anticipate having to divert more resources in the future to address SB 168's enforcement. *Id.* Organizational Plaintiffs' individual members will face an actual and imminent threat of irreparable harm from racial profiling, ethnic profiling, and unlawful detentions and transport across state lines by local law enforcement officers once SB 168 takes effect. *Id.* at 18.

Defendants argue that Plaintiffs have not sufficiently alleged any actual or imminent threat of irreparable injury. ECF No. [19] at 19. Further, Defendants assert that any allegation that Mayor Stoddard will suffer irreparable injury from SB 168 is rebutted by his delay in joining this action as a Plaintiff. ECF No. [45] at 2. However, because Plaintiffs have only established a substantial likelihood of success on the Transport Requirement, the Court will not address Defendants' arguments with regard to Mayor Stoddard's irreparable injury.

Organizational Plaintiffs face, among other things, decreased membership and participation due to SB 168's impact. *Browning*, 522 F.3d at 1165 ("an organization has standing to sue on its own behalf if the defendant's illegal acts impair its ability to engage in its projects by forcing the organization to divert resources to counteract those illegal acts" (citing *Havens Realty Corp.*, 455 U.S. at 379)). Similarly, Organizational Plaintiffs have established an actual and imminent threat of injury to their members from the unlawful detention, transportation, and enforcement under SB 168. *Babbitt*, 442 U.S. at 298 ("[o]ne does not have to await the consummation of threatened injury to obtain preventive relief. If the injury is certainly impending,

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that is enough." (quoting *Pennsylvania v. West Virginia*, 262 U.S. at 593)). These injuries to the organizations and their members arise directly from SB 168's enactment and can be redressed by enjoining the conflict-preempted Transport Requirement. Accordingly, the Court concludes that the Plaintiffs have established that the enactment of the Transport Requirement will cause them immediate, irreparable harm sufficient to satisfy this component of the preliminary injunction test.

3. Threatened Injury Outweighs the Harm of Imposing a Preliminary Injunction

The third preliminary injunction factor requires that the movant prove that the threatened injury outweighs the harm the preliminary injunction would cause the other litigant. *Chavez*, 742 F.3d at 1271. "A preliminary injunction is an extraordinary remedy never awarded as of right. In each case, courts 'must balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief,'" paying particular attention to "the public consequences in employing the extraordinary remedy of injunction." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008).

"The equities weigh in favor of enjoining those provisions that are preempted by federal law. The United States suffers injury when its valid laws in a domain of federal authority are undermined by impermissible state regulations." *Alabama*, 691 F.3d at 1301. Conversely, "[A]ny time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury." *Maryland v. King*, 567 U.S. 1301 (2012).

Where, as here, Plaintiff has demonstrated a substantial likelihood of success on the merits of their preemption challenge to SB 168's Transport Requirement, the State's interest in enforcing its statutes is outweighed by the injury sustained by the United States "when its valid laws in a domain of federal authority are undermined by impermissible state regulations." *Alabama*, 691 F.3d at 1301. Additionally, absent a preliminary injunction to preserve the status quo, Plaintiffs

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have established that they will suffer serious and irreparable harm. *See Callaway*, 489 F.2d at 576. Therefore, the Court concludes that Plaintiffs' threatened injuries outweigh the harm a preliminary injunction would cause Defendants.

4. Preliminary Injunction is not Averse to the Public Interest

Finally, in establishing that a preliminary injunction is appropriate, a movant must prove that the injunction would not be averse to the public interest. *Chavez*, 742 F.3d at 1271. "Frustration of federal statutes and prerogatives are not in the public interest, and we discern no harm from the state's nonenforcement of invalid legislation." *Alabama*, 691 F.3d at 1301. Furthermore, because Plaintiffs' threatened injuries implicate the State's infringement upon significant constitutional and civil rights, a preliminary injunction that protects these rights pending a decision on the merits is in the public interest. *Alabama*, 691 F.3d at 1301; *Melendres*, 695 F.3d at 1002 ("it is always in the public interest to prevent the violation of a party's constitutional rights." (citations omitted)).

C. Severability

Plaintiffs argue that, if the Court enjoins any provision of SB 168, it must enjoin SB 168 in its entirety because the individual provisions are not severable. ECF No. [5-1] at 3. Conversely, Defendants contend that, as a matter of law, the Court should sever any enjoined clauses from SB 168 because Florida law "clearly favors" severability. ECF No. [19] at 20.

The Eleventh Circuit has previously explained the issue of severability.

> Severability of a local ordinance is a question of state law. And Florida law clearly favors (where possible) severance of the invalid portions of a law from the valid ones. According to the Florida Supreme Court, "[s]everability is a judicial doctrine recognizing the obligation of the judiciary to uphold the constitutionality of legislative enactments where it is possible to strike only the unconstitutional portions." The doctrine of severability is "derived from the respect of the judiciary for the separation of powers, and is 'designed to show great deference to the legislative prerogative to enact laws.'"

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> Severability is not possible, however, when "the taint of an illegal provision has infected the entire enactment, requiring the whole unit to fail." Whether a statute is severable is determined by "its relation to the overall legislative intent of the statute of which it is a part, and whether the statute, less the invalid provisions, can still accomplish this intent." The doctrine of severability, thus, "recognizes that federal courts have an affirmative duty to preserve the validity of legislative enactments when it is at all possible to do so."

Coral Springs St. Sys., Inc. v. City of Sunrise, 371 F.3d 1320, 1347 (11th Cir. 2004) (citations omitted).

As discussed above, the Court finds that the Transport Requirement is preempted by federal immigration law. Accordingly, the Court must assess whether this provision is severable from SB 168. The "taint" of SB 168's Transport Requirement does not "infect the entire enactment" because the unconstitutional authorization to transport aliens across state lines into federal custody does not implicate any of the other statutory provisions of SB 168. Thus, given the "affirmative duty to preserve the validity of legislative enactments when it is at all possible to do so," the Court concludes that the Transport Requirement is severable from the rest of SB 168. *Id.*

D. Posting a Bond

Plaintiffs request that this Court issue the preliminary injunction without requiring them to post a bond. ECF No. [5-1] at 20. Defendants make no mention of any opposition to Plaintiffs' request in their Response and Surreply.

Before a district court may issue a preliminary injunction, Federal Rule of Civil Procedure 65(c) requires that a movant "give[] security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined." Fed. R. Civ. P. 65(c). The Eleventh Circuit has explained that "it is well-established that 'the amount of security required by the rule is a matter within the discretion of the trial court . . . [, and] the court may elect to require no security at all.'" *BellSouth Telecomm., Inc. v. MCIMetro Access Transmission Servs., LLC*, 425 F.3d 964, 971 (11th Cir. 2005) (quoting *City of Atlanta v. Metro.*

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Atlanta Rapid Transit Auth., 636 F.2d 1084, 1094 (5th Cir. Unit B Feb. 1981)); *Corrigan Dispatch Co. v. Casa Guzman, S. A.*, 569 F.2d 300, 302-03 (5th Cir. 1978) ("Rule [65(c)] requires security only in 'such sum as the court deems proper.' The amount of security required is a matter for the discretion of the trial court; it may elect to require no security at all." (citations omitted)). Moreover, where plaintiffs "seek only to vindicate their federal statutory and constitutional rights, this case implicates the public interest and the balance of hardships tips sharply in favor of plaintiffs," district courts have exercised their discretion in not requiring plaintiffs to give security. *Campos v. Immigration and Naturalization Serv.*, 70 F. Supp. 2d 1296, 1310 (S.D. Fla. 1998).

In requesting that the Court issue a preliminary injunction, Plaintiffs seek only to vindicate their federal statutory and constitutional rights. *Id.* Moreover, as discussed above, the equitable factors weigh heavily in Plaintiffs' favor. *Id.* Accordingly, the Court will not require Plaintiffs to post a security bond.

IV. CONCLUSION

For the foregoing reasons, it is **ORDERED AND ADJUDGED** that Plaintiffs' Amended Motion, ECF No. [47], is **GRANTED in part and DENIED in part** consistent with this Order.

DONE AND ORDERED in Chambers at Miami, Florida, on September 30, 2019.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-002545

APPENDIX
Form I-247A

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: Event #:	File No: Date:
TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)	FROM: (Department of Homeland Security Office Address)

Name of Alien: _____

Date of Birth: _____ Citizenship: _____ Sex: _____

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON *(complete box 1 or 2).*

- ☐ A final order of removal against the alien;
- ☐ The pendency of ongoing removal proceedings against the alien;
- ☐ Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION *(complete box 1 or 2).*

- ☐ Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling ☐ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at _____. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
- **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
- Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
- Notify this office in the event of the alien's death, hospitalization or transfer to another institution.

☐ If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

SAMPLE

_____ (Name and title of Immigration Officer)

_____ (Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____ .

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____

This form was served upon the alien on _____ , in the following manner:

☐ in person ☐ by inmate mail delivery ☐ other (please specify): _____

_____ (Name and title of Officer)

_____ (Signature of Officer) (Sign in ink)

AMERICAN OVERSIGHT

NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice to a law enforcement agency that DHS intends to assume custody of you (after you otherwise would be released from custody) because there is probable cause that you are subject to removal from the United States under federal immigration law. DHS has requested that the law enforcement agency that is currently detaining you maintain custody of you for a period not to exceed 48 hours beyond the time when you would have been released based on your criminal charges or convictions. **If DHS does not take you into custody during this additional 48 hour period, you should contact your custodian** (the agency that is holding you now) to inquire about your release. **If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.**

NOTIFICACIÓN A LA PERSONA DETENIDA

El Departamento de Seguridad Nacional (DHS) le ha puesto una retención de inmigración. Una retención de inmigración es un aviso a una agencia de la ley que DHS tiene la intención de asumir la custodia de usted (después de lo contrario, usted sería puesto en libertad de la custodia) porque hay causa probable que usted está sujeto a que lo expulsen de los Estados Unidos bajo la ley de inmigración federal. DHS ha solicitado que la agencia de la ley que le tiene detenido actualmente mantenga custodia de usted por un periodo de tiempo que no exceda de 48 horas más del tiempo original que habría sido puesto en libertad en base a los cargos judiciales o a sus antecedentes penales. **Si DHS no le pone en custodia durante este periodo adicional de 48 horas, usted debe de contactarse con su custodio** (la agencia que le tiene detenido en este momento) para preguntar acerca de su liberación. **Si usted cree que es un ciudadano de los Estados Unidos o la víctima de un crimen, por favor avise al DHS llamando gratuitamente al Centro de Apoyo a la Aplicación de la Ley ICE al (855) 448-6903.**

AVIS AU DETENU OU À LA DÉTENUE

Le Département de la Sécurité Intérieure (DHS) a placé un dépositaire d'immigration sur vous. Un dépositaire d'immigration est un avis à une agence de force de l'ordre que le DHS a l'intention de vous prendre en garde à vue (après celà vous pourrez par ailleurs être remis en liberté) parce qu'il y a une cause probable que vous soyez sujet à expulsion des États-Unis en vertu de la loi fédérale sur l'immigration. Le DHS a demandé que l'agence de force de l'ordre qui vous détient actuellement puisse vous maintenir en garde pendant une période ne devant pas dépasser 48 heures au-delà du temps après lequel vous auriez été libéré en se basant sur vos accusations criminelles ou condamnations. **Si le DHS ne vous prenne pas en garde à vue au cours de cette période supplémentaire de 48 heures, vous devez contacter votre gardien (ne)** (l'agence qui vous détient maintenant) pour vous renseigner sur votre libération. **Si vous croyez que vous êtes un citoyen ou une citoyenne des États-Unis ou une victime d'un crime, s'il vous plaît aviser le DHS en appelant gratuitement le centre d'assistance de force de l'ordre de l'ICE au (855) 448-6903**

NOTIFICAÇÃO AO DETENTO

O Departamento de Segurança Nacional (DHS) expediu um mandado de detenção migratória contra você. Um mandado de detenção migratória é uma notificação feita à uma agência de segurança pública que o DHS tem a intenção de assumir a sua custódia (após a qual você, caso contrário, seria liberado da custódia) porque existe causa provável que você está sujeito a ser removido dos Estados Unidos de acordo com a lei federal de imigração. ODHS solicitou à agência de segurança pública onde você está atualmente detido para manter a sua guarda por um período de no máximo 48 horas além do tempo que você teria sido liberado com base nas suas acusações ou condenações criminais. **Se o DHS não leva-lo sob custódia durante este período adicional de 48 horas, você deve entrar em contato com quem tiver a sua custódia** (a agência onde você está atualmente detido) para perguntar a respeito da sua liberação. **Se você acredita ser um cidadão dos Estados Unidos ou a vítima de um crime, por favor informe ao DHS através de uma ligação gratuita ao Centro de Suporte de Segurança Pública do Serviço de Imigração e Alfândega (ICE) pelo telefone (855) 448-6903.**

SAMPLE

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THÔNG BÁO CHO NGƯỜI BỊ GIAM

Bộ Nội An (DHS) đã ra lệnh giam giữ di trú đối với quý vị. Giam giữ di trú là một thông báo cho cơ quan công lực rằng Bộ Nội An sẽ đảm đương việc lưu giữ quý vị (sau khi quý vị được thả ra) bởi có lý do khả tín quý vị là đối tượng bị trục xuất khỏi Hoa Kỳ theo luật di trú liên bang. Sau khi quý vị đã thi hành đầy đủ thời gian của bản án dựa trên các tội phạm hay các kết án, thay vì được thả tự do, Bộ Nội An đã yêu cầu cơ quan công lực giữ quý vị lại thêm không quá 48 tiếng đồng hồ nữa. Nếu Bộ Nội An không đến bắt quý vị sau 48 tiếng đồng hồ phụ trội đó, quý vị cần liên lạc với cơ quan hiện đang giam giữ quý vị để tham khảo về việc trả tự do cho quý vị. Nếu quý vị là công dân Hoa Kỳ hay tin rằng mình là nạn nhân của một tội ác, xin vui lòng báo cho Bộ Nội An bằng cách gọi số điện thoại miễn phí 1(855) 448-6903 cho Trung Tâm Hỗ Trợ Cơ Quan Công Lực Di Trú.

被拘留者通知書

國土安全部(Department of Homeland Security，簡稱DHS)已經對你發出移民拘留令。移民拘留令為一給予執法機構的通知書，闡明DHS意欲獲取對你的羈押權(若非有此羈押權，你將會被釋放)；因為根據聯邦移民法例，並基於合理的原由，你將會被遞解離美國國境。DHS亦已要求現正拘留你的執法機構，在你因受到刑事檢控或定罪後，而在本應被釋放的程序下，繼續對你作出不超過四十八小時的監管。若你在這附加的四十八小時內，仍未及移交至**DHS**的監管下，你應當聯絡你的監管人(即現正監管你的機構)查詢有關你釋放的事宜。若你認為你是美國公民或為罪案受害者，請致電**ICE**執法部支援中心**(Law Enforcement Support Center)**知會**DHS**，免費電話號碼：**(855)448-6903**。

SAMPLE

AMERICAN OVERSIGHT

Form I-200

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

SAMPLE

_____
(Signature of Authorized Immigration Officer)

_____
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

_____ Name and Signature of Officer

_____ Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

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AMERICAN OVERSIGHT

Form I-205

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

_____
(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

SAMPLE

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

_____
(Signature of immigration officer)

_____
(Title of immigration officer)

_____
(Date and office location)

ICE Form I-205 (8/07) Page 1 of 2

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AMERICAN OVERSIGHT

To be completed by immigration officer executing the warrant: Name of alien being removed:

_____

Port, date, and manner of removal: _____

Photograph of alien removed

Right index fingerprint of alien removed

_____
(Signature of alien being fingerprinted)

_____
(Signature and title of immigration officer taking print)

Departure witnessed by: _____
(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

_____

_____

_____

_____

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by: _____
(Signature and title of immigration officer)

SAMPLE

ICE Form I-205 (8/07)

Page 2 of 2

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AMERICAN OVERSIGHT

From: William Anderson <wlagmp@gmail.com>
Sent: Monday, February 10, 2020 9:31 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: SB1128

My name is Bill Anderson. I am a longtime resident of St Augustine., and am writing to discourage the passage of SB1128, which would remove local municipalities ability to regulate short term rentals. Our city has a reputation of being a living city, with beautiful residential neighborhoods. I have observed the erosion of these neighborhoods due to the explosion of STRs. Our City Commission has recently voted to approve 3 ordinances would allow the city to regulate STRs within the city limits, including mandatory registration, a registration fee, establish fire safety, intensity of use, and parking requirements. I strongly believe our city government should be permitted to regulate STRs.

AMERICAN OVERSIGHT

From: William Anderson <wlagmp@gmail.com>
Sent: Monday, February 10, 2020 9:04 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: SB1128

My name is Bill Anderson. I am a longtime resident of St Augustine, and am writing you to discourage the passage of SB 1128, which would remove local municipalities ability to regulate short term rentals. Our city has a reputation of being a living city, with beautiful residential neighborhoods. I have observed the erosion of these neighborhoods due to the explosion of short term rentals. Our City Commission has recently voted to approve 3 ordinances which would allow the city to regulate STRs within the city limits, including mandatory registration in the city, a registration fee, establish fire safety, intensity of use, and parking requirements. I strongly believe our city government should be permitted to regulate STRs.

AMERICAN OVERSIGHT

From: nancy antorena <nancyantorena@yahoo.com>
Sent: Monday, February 10, 2020 10:09 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: SB1128

My name is Nancy Antorena
I live in 7400 Beachview Drive, North Bay Village, Fl since 1998.
Please vote NO for SB1128

I am contacting you today to urge you to **OPPOSE SB 1128 as currently drafted**. At a minimum, meaningful registration and data reporting by short-term rental operators and platforms should be required, as it is for every other commercial enterprise in the state. Not only does fail to do that but these bills nullify the few sensible rules that are protecting communities from being overrun by illegal hotels.

Please OPPOSE SB 1128 and protect our state's residential neighborhoods.

Sincerely, a concerned Floridian

Sent from Yahoo Mail for iPad

AMERICAN OVERSIGHT

From: SEN-AP@laspbs.state.fl.us <SEN-AP@laspbs.state.fl.us>
Sent: Thursday, October 24, 2019 9:18 AM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: See Something-Say Something - Senator Joe Gruters
Attachment(s): "See Something-Say Something - Senator Joe Gruters.pdf"

Confirmation of Senate Local Funding Initiative Request

This is a system generated email. Please do not reply to this email.

This email confirms receipt by the Senate Appropriations Committee of the following Local Funding Initiative Request, sponsored by **Senator Joe Gruters**, with the title:

See Something-Say Something

Attached is a copy of the appropriations project information you submitted.

Please note that your Local Funding Initiative Request will be reviewed and assigned to the appropriations subcommittee under whose jurisdiction it falls. If additional information is needed, you will be contacted by a member of the appropriations staff.

If this request has been submitted in error or you have any questions, please contact the Appropriations Committee at 850-487-5140.

AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 8866

1. **Project Title** See Something-Say Something

2. **Senate Sponsor** Joe Gruters

3. **Date of Request** 10/24/2019

4. **Project/Program Description**

First Step of Sarasota in conjunction with the Sarasota School District providing a comprehensive school based program. Service components include health promotion; attention to students at risk for substance abuse, teen pregnancy, violence/bullying, suicide, academic failure, suspension or dropping out; early problem identification, referral, and intervention fo studentrs exhibiting problem behaviors. Working with a Student Assistance Specialist to partner with students, families, parents, school resorce officers, school faculty and community agencies in seeking to remove barriers that impede student success Making sue that students and families have early access to referrals for additional services both social and emotional health. Providing high quality prevention and intervention programs to support safe environment for all students and faculty.

5. **State Agency to receive requested funds** Department of Education

State Agency contacted? ○ Yes ◉ No

6. **Amount of the Nonrecurring Request for Fiscal Year 2020-2021**

Type of Funding	Amount
Operations	823,807
Fixed Capital Outlay	000
Total State Funds Requested	823,807

7. **Total Project Cost for Fiscal Year 2020-2021 (including matching funds available for this project)**

Type of Funding	Amount	Percentage
Total State Funds Requested (from question #6)	823807	100.0 %
Matching Funds		
Federal	00	0 %
State (excluding the amount of this request)	00	0 %
Local	00	0 %
Other	00	0 %
Total Project Costs for Fiscal Year 2020-2021	823,807	100 %

8. **Has this project previously received state funding?** ○ Yes ◉ No

If yes, provide the most recent instance:

Fiscal Year (yyyy-yy)	Amount		Specific Appropriation #	Vetoed
	Recurring	Nonrecurring		

9. **Is future-year funding likely to be requested?** ○ Yes ◉ No

If yes, indicate nonrecurring amount per year. to be determinded

AMERICAN OVERSIGHT

10. **Details on how the requested state funds will be expended**

Spending Category	Description	Amount
Administrative Costs:		
Executive Director/Project Head Salary and Benefits	1 School Board of Sarasota County, FL Project Manager Salary and Benefits	104,376
Other Salary and Benefits	1 Project Manager	75,000
Expense/Equipment/ Travel/Supplies/Other		
Consultants/Contracted Services/Study	Project Evaluation	20,000
Operational Costs: Other		
Salary and Benefits	4 HS and 1 Second Chance School Student Assistance Program Specialists 5 tMHFA Coordinators Benefits	581,250
Expense/Equipment/ Travel/Supplies/Other	Microsoft Surface Laptops (11 X $799 each) Cell Phones (11 phones @ $30/month X 12 months) Local Travel 1200 Miles a month X 12 months X $.405/mile Consumable Supplies $300/month X 12 months	22,181
Consultants/Contracted Services/Study	Teen Mental Health First Aid Train the Trainer-Training $3000/person X 5 Coordinators 1 Project Director and Travel (flight, room and board) est. $1200/person X 5 Coordinators and 1 Project Director	21,000
Fixed Capital Construction/Major Renovation:		
Construction/Renovation/ Land/Planning Engineering		
Total State Funds Requested (must equal total from question #6)		823,807

AMERICAN OVERSIGHT

11. **Program Performance**

a. What specific purpose or goal will be achieved by the funds requested?

To provide high quality prevention and intervention programs to support a safe learning environment for all students and faculty. To provide early substance abuse and mental health prevention and intervention services to students. To develop collaborative relationships with community partners to better serve students.

b. What activities and services will be provided to meet the intended purpose of these funds?

Service components of the program include health promotion for the general student body; attention to students who are at specie risk for substance abuse, teen pregnancy, violence/bullying, suicide, academic failure suspension,, or dropping out; and early problem identification, referral, and intervention for students exhibiting problem behaviors.

c. What direct services will be provided to citizens by the appropriation project?

Making available a Student Assistance Specialisty to identify and refer students to services/specialists specific to the needs of the student to address their issues.

d. Who is the target population served by this project? How many individuals are expected to be served?

The Sarasota School District for students in 9th through 12th grade.

e. What is the expected benefit or outcome of this project? What is the methodology by which this outcome will be measured?

To assure that the students and faculty by using effective practices, principle, and strategies will remove barriers that impede students success. The overall evaluation will be the cooperative responsibility of the Office of Research and Evaluation, the Sarasota School Board and the Student Assistance Program Coordinator and/or First Step Program Director, and a contracter external evaluation.

f. What are the suggested penalties that the contracting agency may consider in addition to its standard penalties for failing to meet deliverables or performance measures provided for in the contract?

Either to re-write the program or shut the program down and return unused funds.

AMERICAN OVERSIGHT

The Florida Senate
Local Funding Initiative Request
Fiscal Year 2020-2021

Tracking # 8866

12. **The owners of the facility to receive, directly or indirectly, any fixed capital outlay funding. Include the relationship between the owners of the facility and the entity.**

N/A

13. **Requestor Contact Information**

a. First Name: David Last Name: Beesley

b. Organization: First Step of Saraota

c. E-mail Address: dbeesley@fsos.org

d. Phone Number: (941)366-5333 Ext.

14. **Recipient Contact Information**

a. Organization: First Step of Saraota

b. Municipality and County: Sarasota

c. Organization Type

- ○ For-profit Entity
- ● Non-Profit 501(c) (3)
- ○ Non-Profit 501(c) (4)
- ○ Local Entity
- ○ University or College
- ○ Other (please specify)

d. First Name: David Last Name: Beesley

e. E-mail Address: dbeesley@fsos.org

f. Phone Number: (941)366-5333

15. **Lobbyist Contact Information**

a. Name: Carole Green

b. Firm Name: Capitol Strategies Consulting Inc.

c. E-mail Address: Carole@capitolstrategiesinc.com

d. Phone Number: (850)590-2206 Ext.

AMERICAN OVERSIGHT

From: Kerr, GeeDee
Sent: Thursday, January 09, 2020 2:37 PM EST
To: Langston, Jennifer <JenniferLangston@flhsmv.gov>
Subject: Senator Gruters constituent - Julia Michelle Cable

Hello Jennifer:
Please see below a problem re: drivers' license renewal from our constituent.
Let me know if you need anything further from us.
Many thanks.
GeeDee

Name: Julie Michelle Cable
Address: 340 Glen Oak Rd.
Venice, FL 34293

Phone 941-525-6311

email : cablejmichelle@gmail.com

From: Julie Michelle Cable <cablejmichelle@gmail.com>
Sent: Thursday, January 9, 2020 2:29 PM
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Re: test

Dear Senator Gruters,
My name is Julie Michelle Cable. My birth name is Julie Michelle Brown.
I have been a resident here of Sarasota County living mostly in Venice for 56 years. I was born in Alabama and lived with my biological mother who then married and that man(became my step father) Wayne Freeman adopted me, changing my last name to Freeman. It appears though that my birth certificate was never amended to support the name change as expected.

I am reaching out to you on the advise of my brother who tells me that instead of approaching a constitutional attorney I should start with the Senator for my area. I hope you can help me, I am at my wits end with searching for resolution.

My driver's license expired November 2019. Upon renewal procedure the Department of Motor Vehicles has advised me that they cannot renew my driver's license due to the fact that my birth certificate is not the correct name to be in line with the paper trail of who I am. My first driver's license was issued with Freeman being my last name around 1977-78 ...they should have record of that.....I have all the papers in line to show my name changes from that point to this current day....(ie: marriage, divorce). My parents are elderly and totally uncooperative .....they are telling me that the adoption record papers were stolen.

Due to this invalid license a hardship is being created because I cannot open a bank account without a valid license. I have a company newly registered with the State of Florida for home inspecting and I cannot get the first job because I cannot open a bank account. I need your help please. This new business is so I can support my family. I have lived here in Sarasota County since I was 1 year old.....every registration of my vehicles, purchasing a home, a passport have all taken place in this county.
The following is pertinent information to who I am and how I can be reached.
Julie Michelle Cable
340 Glen Oak Rd.
Venice, FL 34293

Phone 941-525-6311

email : cablejmichelle@gmail.com

I grew up on Shamrock Dr in South Venice....spent 17 yrs there and then moved about for a few years, then I purchased a home 1821 Faun Rd. where I lived for almost 30 years.....I have been on Glen Oak rd in Venice Gardens for approx 5 years.

I am happy to answer any questions for you.
Desperate for help,
Julie Michelle Cable

AMERICAN OVERSIGHT

From: Frank Walker <fwalker@flchamber.com>
Sent: Wednesday, October 09, 2019 10:58 AM EDT
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
CC: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: speaking invite

Josh,

Hope you're well, amigo. Spoke with the Senator about the below and got a big yes from him on the ask but of course want to make sure everything lines up from a calendar perspective. See below and let me know when we can confirm him and start marketing his attendance to potential attendees:

WHAT: Florida Chamber of Commerce's Annual Meeting, the Future of Florida Forum
WHERE: Hyatt Regency Grand Cypress, Orlando, FL
WHEN: Monday, October 28 @ 12:40pm

ASK: 10-12 min TED talk on Internet Sales Tax - tentatively would list it in the program as"Online Sales Tax: It's a Fairness Issue"

More details, including hotel room block (which is quickly filling up) here:https://www.flchamber.com/event_post/future-of-florida-forum/

Of course we'd love to have him stay for as much of the program (Oct 28-29) as his schedule allows.

Thanks,
Frank

Frank C. Walker, III
Vice President of Governmental Affairs
Florida Chamber of Commerce
136 S. Bronough Street, Tallahassee, FL 32301
P: 850.521.1200 | C: 850.661.0824 | www.FloridaChamber.com

Join the Conversation to Secure Florida's Future.

Register Today: Future of Florida Forum
October 28-29, 2019
Orlando, FL

AMERICAN OVERSIGHT

From: Kathy Bird Carvajal <kathy@impacfund.org>
Sent: Friday, October 25, 2019 11:13 AM EDT
To: Ron.desantis@myflorida.com <Ron.desantis@myflorida.com>; Galvano, Bill <GALVANO.BILL@flsenate.gov>; Oliva, Jose <Jose.Oliva@myfloridahouse.gov>
Subject: Statement from IMPAC and ABIC regarding Sen. Tom Lee's E-verify legislation filed yesterday



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AMERICAN OVERSIGHT

FOR IMMEDIATE RELEASE

MEDIA CONTACT:
Kathy Bird Carvajal Kathy@impacfund.org **786-210-9030**
Mariana Castro mariana@impacfund.org **470-269-4962**

Below is a statement from IMPAC and ABIC regarding Sen. Tom Lee's E-verify legislation filed yesterday

ORLANDO, FLORIDA- Today, Florida Sen. Tom Lee (R) whose district covers Pasco, Hillsborough, and Polk County, has filed SB 664, mandatory E-verify legislation. Mandating the use of E-Verify absent a path to legal status is economically harmful and morally wrong. E-verify will hurt Florida's economic growth and industries already struggling to find workers. E-Verify has a 12% error rate and could jeopardize the jobs of 1.1 million U.S. citizens and lawfully present Floridians and cost Florida employers $4.7 billion to replace lawfully present workers that receive false disqualification, according to CATO Institute, a conservative think tank.

Bob Dickinson, Carnival Cruises retired CEO "With a record low unemployment and crushing worker shortages in the hospitality, construction, elderly care and agriculture, Florida's economic growth will continue to struggle unless we find solutions and E-verify is **shooting ourselves in the foot** Instead, our Florida legislature should pass legislation to train, license and insure every Florida driver, regardless of their immigration status."

Paul Dimare, President of Dimare Fresh Inc. Florida Farmer of the Year 2016 "E-verify will destroy our agriculture and service economy. We are already dealing with staggering worker shortages and raising wages to keep workers here. Our government needs to listen to business voices and protect Florida's economy and stop playing politics. Our immigration system is broken and our federal government needs to find solutions; but while that is stuck in DC politics remain at an impasse, Florida can take action by providing driver's licenses for all to increase our prosperity and safety. "

Major employers and job creators representing nearly every industry across Florida have already signed a letter opposing mandatory statewide E-verify. These business leaders are asking the legislature and the governor to instead support sensible laws such as driver's licenses and insurance for all.

For more information on how to sign on to the letter or media inquires, please contact:

Kathy Bird Carvajal
Executive Director
IMPAC Fund
kathy@impacfund.org

Mariana Castro
Central Florida Business
Organizer
IMPAC Fund
mariana@impacfund.org

AMERICAN OVERSIGHT

Donate Now!

Read full letter below and add your name through the following link.

Retweet us by going to our Twitter @impac_fund
Share the letter with your networks and retweet tagging @GovRonDeSantis @RepJoseOliva @BillGalvano

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AMERICAN OVERSIGHT

An Open Letter from Florida Business Leaders

Dear Governor Ron DeSantis, Senate President Bill Galvano and House Speaker Jose Oliva,

Florida businesses and our economy rely and benefit from the hard work, entrepreneurship, and optimism that our immigrant communities bring to our state. Immigrants are vital to Florida, representing over 25 percent of our workforce. Immigrant business owners employ over 500,000 fellow Floridians, and immigrants in Florida add over $83 billion annually to our economy. The innovative spirit of new Americans keeps our Florida moving forward. This is why we urge you to:

1) Oppose an unfunded and notoriously flawed mandatory E-Verify system that hurts both immigrant and U.S. born workers, and

2) Support driver's license legislation that is sensible pro-business and pro-public safety measure to train, test, license and insure every driver in Florida, regardless of their immigration status. We live in polarized and divisive times, and in the wake of El Paso shooting that targeted Hispanics, it is time for Florida leaders to come together for sensible immigration solutions rather than irresponsible rhetoric and policy that could harm the economy and encourage violence.

According to the Insurance Research Council, Florida tops the nation with the highest rate of uninsured drivers, currently at 26.5 percent of drivers driving without insurance. By denying nearly one million Florida residents the ability to be licensed and insured, we not only force them into the shadows and jeopardize the safety of all who use our roads, we also elevate insurance rates for every licensed Florida driver. Mandating auto insurance and licensing all drivers will increase public safety and decrease costs for everyone. It will also bring millions of much needed dollars to the automobile insurance pool and generate state revenue in the form of driver's license and tag/registration fees, and sales tax on new automobile sales. Finally, it will serve as a boost for auto dealers in the form of thousands of new drivers.

E-Verify, on the other hand, would be a disaster for Florida's economy. With record low unemployment and staggering worker shortages in the hospitality and agriculture sectors, imposing mandatory E-Verify would only further hold back the growth of our economy. According to data from the Cato Institute, E-Verify could jeopardize the jobs of 1.1 million U.S. citizens and lawfully present Floridians, and cost Florida employers $4.7 billion to replace lawfully present workers that receive false disqualification. Mandating a flawed and costly system will devastate our economy.

Now is the time to make sure there are powerful, reasonable voices speaking out and ensuring our roads and neighborhoods are safe and Florida businesses are not hurt by additional expensive, burdensome regulations. We encourage you to bring all stakeholders to the table to find common ground and address our state's challenges in a manner that embraces pro-business, pro-immigrant, and pro-public safety solutions.

Signatories here:

AMERICAN OVERSIGHT

1. Mike Fernandez, CEO and Chairman, MBF Healthcare Partners
2. Bob Dickinson, Retired CEO, Carnival Cruise Lines
3. Tony Argiz, Chairman and CEO, Morrison, Brown, Argiz & Farra
4. Tony Dimare, Vice-President, Dimare Fresh Inc.
5. Thomas P. Murphy, Jr., Coastal Construction Group
6. Al Cardenas, Senior Partner, Squire Patton Boggs (US) LLP (Former Chairman of the Republican Party of Florida)
7. Sam Scott, Former Chairman/President/CEO, Corn Products International (Ingredion Inc.)
8. Glenn Tilton, Retired Chairman of the Board, United Continental Holdings & CEO United Airlines
9. John Rowe, Chairman Emeritus, Exelon Corporation
10. Joe Natoli, Executive Vice-President, Baptist Health Miami
11. Michelle Boggs, President, Nicklaus Children's Hospital
12. William C. Kunkler, Executive Vice President, CC Industries, Inc.
13. David Lawrence Jr., Chairman, Children's Movement of Florida
14. Santiago Moises, Chief Operating Officer, Palm Medical Centers
15. Andrew Smulian, Chairman & CEO, Akerman LLP
16. Pedro A Freyre, Attorney, Akerman LLP
17. Mark Blank, CEO, Gulfstream Companies
18. Fred F. Harris, Jr., Principal Shareholder, Greenberg Traurig, P.A.
19. Barbara Mainster Rollason, Retired Non-Profit Executive, Board member RCMA
20. Alexander Penelas, Mayor, AP Consulting LLC (Former Mayor of Miami-Dade County)
21. Luis Gutierrez, General Manager, Mercedes-Benz of Cutler Bay
22. Carlos A. Saladrigas, Chairman, The Simplex Group
23. Jon S (Stan) Adkins, President, Adkins & Associates, Inc.
24. Sergio Pino, President/CEO, Century Homebuilders Group LLC
25. Constance M. Fernandez, Director, Little River Friesians, LLC
26. Carlos Ortega, Principal, The Treo Group, LLC
27. Aida T. Levitan, Ph.D., President, The Levitan Group, Inc.
28. Manny Diaz, Senior Partner, Lydecker Diaz (Former Mayor of City of Miami)
29. Linda Julien, Public Administrator, City of North Miami
30. Glenn Singer, Mayor, Town of Golden Beach
31. Ron Magill, Zoo Miami Communications Director, Zoo Miami
32. Pilar Guzman Zavala, CEO, Half Moon Empanadas
33. Sonia Diaz, Director, Balsera Communications
34. Sharon Socol, Owner, Sharon Socol Photograpy
35. Larry Peterson, Management, MBF Healthcare
36. Roland B. Garcia, Retired
37. Joseph de la Campa , President , Montara Holdings
38. Maria Fleites, Specialized Fitness Coordinator, City of Coral Gables
39. Enrique Sosa, Retired, Dow Chemical
40. Martin Merzer, Owner and president, Martin Merzer Creative Associates
41. Jose R. Gonzalez, Owner, Pepi Bertini
42. Daisy J. Baez, Health Care Consultant, Consulting Management Solutions, LLC
43. Rene Garcia, Former State Senator, New Century Partnership
44. Josh Weber, Director of Business Development, MBF Healthcare Partners
45. Pedro J Greer, Jr. MD FACP FACG, Department Chair and Associate Dean, FIU COM
46. David Linnemeier, President, Linnemeier Aviation Advisers LLC
47. Raul Rodriguez, President, Adventum Investments
48. Pam Segal Rhodes, Sr. VP-Wealth Advisor, UBS
49. Luisa Santos, Owner, Lulu's LLC
50. Steven L. Beiley, Attorney/Partner, Aaronson Schantz Beiley P.A.
51. Marleine Bastien, Executive Director, Family Action Network Movement
52. Marya Meyer Consulting, LLC, Principal, MMC
53. Kristie De Pena, VP of Policy, Niskanen Center
54. Cramer Verde, Owner, Casa Verde Real Estate Sarasota
55. Michael Fernandez, Two Centuries Investments
56. Stephanie L Rakofsky, President, CEO, Rakofsky Limited Partnership
57. Ana Valdez, CEO, Valdez Productions, Inc. The Latino Donor Collaborative
58. Jeff Berkowitz, Chairman Berkowitz Development Group Miami,
59. Christopher M. Jones, Executive Director Florida Legal Services, Inc. Orlando, Florida
60. Paul Cejas, Chairman and CEO PLC Investments, INC. Miami Beach
61. Sanford I Rakofsky, MD Director Sanford I Rakofsky, MDPA Coral Gables
62. Felix Alberto Paneca, Co-Owner Copacabana Cuban Cafe Inc Altamonte Springs, Seminole County
63. Antonio Lerma, Owner Fiesta Grande Mexican Grill Mount Dora, FL, The Villages FL, Orange City FL
64. Ed Williamson, Chair and CEO Williamson Auto Group
65. Jacob Rhodes, Professional, Kobi's Place, Wellington, FL
66. Jean Stockdale, DIrector, Still Waters Anti-Trafficking Program
67. Dakota Hirsch, Alliance Global Partners
68. Kevin Hirsch, MD, Pinellas County

AMERICAN OVERSIGHT

*The **American Business Immigration Coalition (ABIC)** promotes sensible immigration reform that supports the economy of the United States, provides American companies with both the high-skilled and low-skilled talent they need, and allows the integration of immigrants into our economy as consumers, workers, entrepreneurs and citizens. For more information, visit http://americanbic.biz.*

*The **Immigration Partnership and Coalition Fund (IMPAC)** works to change public policy around immigration through building a coalition of reasonable, rational moderates to facilitate bipartisan action that is economically necessary, politically smart, and morally correct. Learn more at https://impacfund.org.*

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AMERICAN OVERSIGHT

From: Tracey Lowe <tlowe@flfoundation.org>
Sent: Tuesday, October 29, 2019 2:27 PM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Strategies for Rural Economic Development

ECONOMIC DEVELOPMENT

Strategies for Rural Economic Development

Florida's economy has seen a significant reshaping over the past 20 years. By 2030, rapid advancements in technology and automation will replace nearly half of all jobs that currently exist. While many urban areas of Florida have already begun preparing for this change, a large number of our rural areas are still reeling from the economic realities of the changes in agriculture and the devastation of Hurricane Michael.

At the Florida Chamber Foundation's Future of Florida Forum, Todd Powell, Chairman of the Foundation's Board of Trustees led a panel addressing the challenges to rural economic development and pathways to achieve the Blueprint 2030 goal of doubling the rural county share of Florida's gross domestic product. The panel was made up of Michelle Dennard, President and CEO of CareerSource Florida, Jeff Hendry, Executive Director of the North Florida Economic Development Partnership, and Gray Swoope, President and CEO of VisionFirst Advisors.

A focus on rural and inland Florida economic development include:

- Supporting development of manufacturing and logistics operations along existing corridors such as I-10 and U.S. 27.
- Strengthening the effectiveness of Florida's Rural Areas of Opportunity and other targeted rural development programs.
- Increase broadband access to Florida's rural and inland counties.
- Provide higher levels of connectivity options between Florida's urban and rural communities.

"In addition to the Florida Scorecard, the Florida Chamber has created regional scorecards for our three rural regions so we can track our metrics," said Jeff Hendry. "The first one available is Opportunity Florida, covering the panhandle."

"Please don't forget about the people in Northwest Florida," Hendry continued. "You can't appreciate the devastation that Hurricane Michael caused if you haven't been there. Speak with your legislators about doing what's right to make these communities whole. It won't happen overnight but we have to start somewhere, and we have to start now."

Get Involved Today

Learn more about the Florida Chamber's Blueprint 2030 Targets and Strategies.

Florida Chamber Foundation l www.FLFoundation.org l Unsubscribe
136 S. Bronough Street, Tallahassee, Florida 32301 l (850) 521-1200

AMERICAN OVERSIGHT

From: Pam Nichols <sexxypam1999@gmail.com>
Sent: Thursday, October 24, 2019 8:23 AM EDT
To: Alexander, Ramon <Ramon.Alexander@myfloridahouse.gov>; Aloupis, Vance <Vance.Aloupis@myfloridahouse.gov>; Altman, Thad <Thad.Altman@myfloridahouse.gov>; Andrade, Alex <Alex.Andrade@myfloridahouse.gov>; Antone, Bruce <Bruce.Antone@myfloridahouse.gov>; Ausley, Loranne <Loranne.Ausley@myfloridahouse.gov>; Avila, Bryan <Bryan.Avila@myfloridahouse.gov>; Baxley, Dennis <Baxley.Dennis@flsenate.gov>; Bean, Aaron <Bean.Aaron@flsenate.gov>; Bell, Melony <Melony.Bell@myfloridahouse.gov>; Beltran, Mike <Mike.Beltran@myfloridahouse.gov>; Benacquisto, Lizbeth <Benacquisto.Lizbeth@flsenate.gov>; Berman, Lori <Berman.Lori@flsenate.gov>; Book, Lauren <Book.Lauren@flsenate.gov>; Bracy, Randolph <Bracy.Randolph@flsenate.gov>; Bradley, Rob <Bradley.Rob@flsenate.gov>; Brandes, Jeff <Brandes.Jeff@flsenate.gov>; Brannan, Chuck <Chuck.Brannan@myfloridahouse.gov>; Braynon, Oscar <Braynon.Oscar@flsenate.gov>; Brown, Kamia <Kamia.Brown@myfloridahouse.gov>; Broxson.Doug <Broxson.Doug@flsenate.gov>; Buchanan, James <James.Buchanan@myfloridahouse.gov>; 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AMERICAN OVERSIGHT

<Thurston.Perry@flsenate.gov>; Toledo, Jackie <Jackie.Toledo@myfloridahouse.gov>; Tomkow, Josie <Josie.Tomkow@myfloridahouse.gov>; Torres, Victor <Torres.Victor@flsenate.gov>; Trumbull, Jay <Jay.Trumbull@myfloridahouse.gov>; Valdes, Susan <Susan.Valdes@myfloridahouse.gov>; Watson, Barbara <Barbara.Watson@myfloridahouse.gov>; Watson, Clovis <Clovis.Watson@myfloridahouse.gov>
Subject: Support bill SB564 for 2020
Attachment(s): "html (19).pdf"

Hello

I am writing you to ask for your support bill SB564. I ask that you help us reform Florida prison system. Don't you want to be apart of history? Florida is currently rank third in the nation for the amount of incarcerated individuals. We need change, we need to help this broken system, we the people who voted for you are asking for you to support this reform.

Sincerely,

Wife of incarcerated love one and Florida Voter

AMERICAN OVERSIGHT

By Senator Bracy

11-00222-20 2020564__

A bill to be entitled

An act relating to murder; amending s. 782.04, F.S.; revising the elements of murder in the first degree and murder in the second degree; revising the elements of what constitutes felony murder, for murder in the second degree; deleting provisions relating to felony murder, for murder in the third degree; creating s. 782.041, F.S.; authorizing persons convicted under certain murder provisions to file a petition with the sentencing court to have his or her murder conviction vacated or to be resentenced, as applicable, on or after a specified date; amending ss. 27.401, 394.912, 775.0823, 782.065, 921.0022, 944.275, 947.146, and 948.012, F.S.; conforming provisions to changes made by the act; amending s. 921.0024, F.S.; conforming cross-references; providing an effective date.

WHEREAS, there is a need for statutory changes to more equitably sentence offenders in accordance with their level of involvement in homicides, and

WHEREAS, it is a bedrock principle of the law and of equity that a person should be punished for his or her actions according to his or her level of individual culpability, and

WHEREAS, it is necessary to amend Florida's felony murder rule to limit convictions and subsequent sentencing so that the laws of this state fairly address the culpability of the individual and assist in the reduction of prison overcrowding, which partially results from lengthy sentences that are not commensurate with the culpability of the individual, NOW,

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

THEREFORE,

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

Section 1. Section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

(1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being;

~~2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:~~

~~a. Trafficking offense prohibited by s. 893.135(1),~~

~~b. Arson,~~

~~c. Sexual battery,~~

~~d. Robbery,~~

~~e. Burglary,~~

~~f. Kidnapping,~~

~~g. Escape,~~

~~h. Aggravated child abuse,~~

~~i. Aggravated abuse of an elderly person or disabled adult,~~

~~j. Aircraft piracy,~~

~~k. Unlawful throwing, placing, or discharging of a destructive device or bomb,~~

~~l. Carjacking,~~

~~m. Home-invasion robbery,~~

~~n. Aggravated stalking,~~

~~o. Murder of another human being,~~

~~p. Resisting an officer with violence to his or her person,~~

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~~q. Aggravated fleeing or eluding with serious bodily injury or death,~~

~~r. Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or~~

~~s. Human trafficking;~~ or

2.~~3.~~ Which resulted from the unlawful distribution by a person 18 years of age or older of any of the following substances, or mixture containing any of the following substances, when such substance or mixture is proven to be the proximate cause of the death of the user:

a. A substance controlled under s. 893.03(1);

b. Cocaine, as described in s. 893.03(2)(a)4.;

c. Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;

d. Methadone;

e. Alfentanil, as described in s. 893.03(2)(b)1.;

f. Carfentanil, as described in s. 893.03(2)(b)6.;

g. Fentanyl, as described in s. 893.03(2)(b)9.;

h. Sufentanil, as described in s. 893.03(2)(b)30.; or

i. A controlled substance analog, as described in s. 893.0356, of any substance specified in sub-subparagraphs a.-h.,

is murder in the first degree and constitutes a capital felony, punishable as provided in s. 775.082.

(b) In all cases under this section, the procedure set forth in s. 921.141 shall be followed in order to determine sentence of death or life imprisonment. If the prosecutor intends to seek the death penalty, the prosecutor must give

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notice to the defendant and file the notice with the court within 45 days after arraignment. The notice must contain a list of the aggravating factors the state intends to prove and has reason to believe it can prove beyond a reasonable doubt. The court may allow the prosecutor to amend the notice upon a showing of good cause.

(2) The unlawful killing of a human being, when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, is murder in the second degree and constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) The unlawful killing of a human being when committed by a person or a participant engaged in the perpetration of, or in the attempt to perpetrate, any of the violations listed in paragraph (b) is murder in the second degree, a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084, only if one of the following is proven:

1. The person was the actual killer.

2. The person was not the actual killer, but, with the intent to kill, aided, abetted, counseled, commanded, induced, solicited, requested, or assisted the actual killer in the commission of murder.

3. The person was a major participant in the underlying felony and acted with reckless indifference to human life.

(b)1. Trafficking offense prohibited by s. 893.135(1).

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2. Arson.

3. Sexual battery.

4. Robbery.

5. Burglary.

6. Kidnapping.

7. Escape.

8. Aggravated child abuse.

9. Aggravated abuse of an elderly person or disabled adult.

10. Aircraft piracy.

11. Unlawful throwing, placing, or discharging of a destructive device or bomb.

12. Carjacking.

13. Home-invasion robbery.

14. Aggravated stalking.

15. Murder of another human being.

16. Resisting an officer with violence to his or her person.

17. Aggravated fleeing or eluding with serious bodily injury or death.

18. A felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35.

19. Human trafficking.

~~(3) When a human being is killed during the perpetration of, or during the attempt to perpetrate, any:~~

~~(a) Trafficking offense prohibited by s. 893.135(1),~~

~~(b) Arson,~~

~~(c) Sexual battery,~~

~~(d) Robbery,~~

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~~(c) Burglary,~~

~~(f) Kidnapping,~~

~~(g) Escape,~~

~~(h) Aggravated child abuse,~~

~~(i) Aggravated abuse of an elderly person or disabled adult,~~

~~(j) Aircraft piracy,~~

~~(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,~~

~~(l) Carjacking,~~

~~(m) Home-invasion robbery,~~

~~(n) Aggravated stalking,~~

~~(o) Murder of another human being,~~

~~(p) Aggravated fleeing or eluding with serious bodily injury or death,~~

~~(q) Resisting an officer with violence to his or her person, or~~

~~(r) Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,~~

~~by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony commits murder in the second degree, which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(4) The unlawful killing of a human being, when perpetrated~~

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~~without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any:~~

~~(a) Trafficking offense prohibited by s. 893.135(1),~~

~~(b) Arson,~~

~~(c) Sexual battery,~~

~~(d) Robbery,~~

~~(e) Burglary,~~

~~(f) Kidnapping,~~

~~(g) Escape,~~

~~(h) Aggravated child abuse,~~

~~(i) Aggravated abuse of an elderly person or disabled adult,~~

~~(j) Aircraft piracy,~~

~~(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,~~

~~(l) Unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,~~

~~(m) Carjacking,~~

~~(n) Home-invasion robbery,~~

~~(o) Aggravated stalking,~~

~~(p) Murder of another human being,~~

~~(q) Aggravated fleeing or eluding with serious bodily injury or death,~~

~~(r) Resisting an officer with violence to his or her~~

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~~person, or~~

~~(s) Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,~~

~~is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(4)~~(5)~~ As used in this section, the term "terrorism" means an activity that:

(a)1. Involves a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

2. Involves a violation of s. 815.06; and

(b) Is intended to:

1. Intimidate, injure, or coerce a civilian population;

2. Influence the policy of a government by intimidation or coercion; or

3. Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

Section 2. Section 782.041, Florida Statutes, is created to read:

782.041 Retroactive application relating to s. 782.04; resentencing.—A person convicted and sentenced under s. 782.04 as it existed on or before June 30, 2020, may file a petition with the court that sentenced the petitioner to have the petitioner's murder conviction vacated or to be resentenced, as applicable, under the revised provisions of s. 782.04 on or after July 1, 2020.

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Section 3. Subsection (2) of section 27.401, Florida Statutes, is amended to read:

27.401 Cross-Circuit Conflict Representation Pilot Program.—

(2) Notwithstanding ss. 27.40 and 27.5305:

(a) If the public defender in the Tenth Judicial Circuit is unable to provide representation to an indigent defendant charged with a crime under s. 782.04(2) or~~,~~ (3)~~, or (4)~~ due to a conflict of interest and the criminal conflict and civil regional counsel of the Second Region is also unable to provide representation for the case due to a conflict of interest, the public defender in the Thirteenth Judicial Circuit shall be appointed. If the public defender in the Thirteenth Judicial Circuit is unable to provide representation for the case due to a conflict of interest, the criminal conflict and civil regional counsel in the Fifth Region shall be appointed. If the criminal conflict and civil regional counsel in the Fifth Region is unable to provide representation due to a conflict of interest, private counsel shall be appointed.

(b) If the public defender in the Thirteenth Judicial Circuit is unable to provide representation to an indigent defendant charged with a crime under s. 782.04(2) or~~,~~ (3)~~, or (4)~~ due to a conflict of interest and the criminal conflict and civil regional counsel of the Second Region is also unable to provide representation for the case due to a conflict of interest, the public defender in the Tenth Judicial Circuit shall be appointed. If the public defender in the Tenth Judicial Circuit is unable to provide representation for the case due to a conflict of interest, the criminal conflict and civil regional

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counsel in the Fifth Region shall be appointed. If the criminal conflict and civil regional counsel in the Fifth Region is unable to provide representation due to a conflict of interest, private counsel shall be appointed.

Section 4. Subsection (9) of section 394.912, Florida Statutes, is amended to read:

394.912 Definitions.—As used in this part, the term:

(9) "Sexually violent offense" means:

(a) Murder of a human being while engaged in sexual battery in violation of s. 782.04(3)(b)3. ~~s. 782.04(1)(a)2.~~;

(b) Kidnapping of a child under the age of 13 and, in the course of that offense, committing:

1. Sexual battery; or

2. A lewd, lascivious, or indecent assault or act upon or in the presence of the child;

(c) Committing the offense of false imprisonment upon a child under the age of 13 and, in the course of that offense, committing:

1. Sexual battery; or

2. A lewd, lascivious, or indecent assault or act upon or in the presence of the child;

(d) Sexual battery in violation of s. 794.011;

(e) Lewd, lascivious, or indecent assault or act upon or in presence of the child in violation of s. 800.04 or s. 847.0135(5);

(f) An attempt, criminal solicitation, or conspiracy, in violation of s. 777.04, of a sexually violent offense;

(g) Any conviction for a felony offense in effect at any time before October 1, 1998, which is comparable to a sexually

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violent offense under paragraphs (a)-(f) or any federal conviction or conviction in another state for a felony offense that in this state would be a sexually violent offense;

(h) Any criminal act that, either at the time of sentencing for the offense or subsequently during civil commitment proceedings under this part, has been determined beyond a reasonable doubt to have been sexually motivated; or

(i) A criminal offense in which the state attorney refers a person to the department for civil commitment proceedings pursuant to s. 394.9125.

Section 5. Subsections (6) and (7) of section 775.0823, Florida Statutes, are amended to read:

775.0823 Violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges.—The Legislature does hereby provide for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against any state attorney elected pursuant to s. 27.01 or assistant state attorney appointed under s. 27.181; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the officer's duty as a law enforcement or correctional officer, the state attorney's or assistant state attorney's duty as a prosecutor or investigator, or the justice's or judge's duty as a judicial officer, as follows:

~~(6) For murder in the third degree as described in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s.~~

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~~775.084.~~

~~(7) For attempted murder in the third degree as described in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.~~

Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld.

Section 6. Section 782.065, Florida Statutes, is amended to read:

782.065 Murder; law enforcement officer, correctional officer, correctional probation officer.—Notwithstanding ss. 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant shall be sentenced to life imprisonment without eligibility for release upon findings by the trier of fact that, beyond a reasonable doubt:

(1) The defendant committed murder in the first degree in violation of s. 782.04(1) and a death sentence was not imposed; murder in the second ~~or third~~ degree in violation of s. 782.04(2) or~~,~~ (3)~~, or (4)~~; attempted murder in the first or second degree in violation of s. 782.04(1)(a)1. or (2); or attempted felony murder in violation of s. 782.051; and

(2) The victim of any offense described in subsection (1) was a law enforcement officer, part-time law enforcement officer, auxiliary law enforcement officer, correctional officer, part-time correctional officer, auxiliary correctional officer, correctional probation officer, part-time correctional probation officer, or auxiliary correctional probation officer,

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as those terms are defined in s. 943.10, engaged in the lawful performance of a legal duty.

Section 7. Paragraph (h) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
499.0051(6)	1st	Knowing trafficking in contraband prescription drugs.
499.0051(7)	1st	Knowing forgery of prescription labels or prescription drug labels.

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560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding $20,000, but less than $100,000 by money transmitter.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding $20,000, but less than $100,000.
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding $20,000, but less than $100,000 by financial institutions.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
~~782.04(4)~~	~~2nd~~	~~Killing of human without design when engaged in act or attempt of any~~

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		~~felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.~~
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.

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787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property

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		damage.
794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
794.011(5)(b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
794.011(5)(c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
794.011(5)(d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury;

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		prior conviction for specified sex offense.
794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
800.04(4)(b)	2nd	Lewd or lascivious battery.
800.04(4)(c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous

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		weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
812.014(2)(a)2.	1st	Property stolen; cargo valued at $50,000 or more, grand theft in 1st degree.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
817.505(4)(c)	1st	Patient brokering; 20 or more patients.
817.535(2)(b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
817.535(3)(a)	2nd	Filing false lien or other unauthorized

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		document; property owner is a public officer or employee.
817.535(4)(a)1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
817.535(5)(a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
817.611(2)(c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
825.102(2)	1st	Aggravated abuse of an

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		elderly person or disabled adult.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(3)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $50,000 or more.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

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860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

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893.135 (1)(c)2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
893.135 (1)(c)3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
893.135 (1)(c)4.b.(II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.

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893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
893.135 (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
893.135 (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
893.135 (1)(m)2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
893.135 (1)(n)2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than

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		200 grams.
893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding $20,000, but less than $100,000.

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896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $20,000 but less than $100,000.

Section 8. Paragraph (e) of subsection (4) of section 944.275, Florida Statutes, is amended to read:

944.275 Gain-time.—

(4)

(e) Notwithstanding subparagraph (b)3., for sentences imposed for offenses committed on or after October 1, 2014, the department may not grant incentive gain-time if the offense is a violation of s. 782.04(3)(b)3. ~~s. 782.04(1)(a)2.c.~~; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

Section 9. Subsection (3) of section 947.146, Florida Statutes, is amended to read:

947.146 Control Release Authority.—

(3) Within 120 days prior to the date the state correctional system is projected pursuant to s. 216.136 to exceed 99 percent of total capacity, the authority shall determine eligibility for and establish a control release date for an appropriate number of parole ineligible inmates committed to the department and incarcerated within the state who have

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been determined by the authority to be eligible for discretionary early release pursuant to this section. In establishing control release dates, it is the intent of the Legislature that the authority prioritize consideration of eligible inmates closest to their tentative release date. The authority shall rely upon commitment data on the offender information system maintained by the department to initially identify inmates who are to be reviewed for control release consideration. The authority may use a method of objective risk assessment in determining if an eligible inmate should be released. Such assessment shall be a part of the department's management information system. However, the authority shall have sole responsibility for determining control release eligibility, establishing a control release date, and effectuating the release of a sufficient number of inmates to maintain the inmate population between 99 percent and 100 percent of total capacity. Inmates who are ineligible for control release are inmates who are parole eligible or inmates who:

(a) Are serving a sentence that includes a mandatory minimum provision for a capital offense or drug trafficking offense and have not served the number of days equal to the mandatory minimum term less any jail-time credit awarded by the court;

(b) Are serving the mandatory minimum portion of a sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

(c) Are convicted, or have been previously convicted, of committing or attempting to commit sexual battery, incest, or any of the following lewd or indecent assaults or acts: masturbating in public; exposing the sexual organs in a

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perverted manner; or nonconsensual handling or fondling of the sexual organs of another person;

(d) Are convicted, or have been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, or aggravated battery, and a sex act was attempted or completed during commission of such offense;

(e) Are convicted, or have been previously convicted, of committing or attempting to commit kidnapping, burglary, or murder, and the offense was committed with the intent to commit sexual battery or a sex act was attempted or completed during commission of the offense;

(f) Are convicted, or have been previously convicted, of committing or attempting to commit false imprisonment upon a child under the age of 13 and, in the course of committing the offense, the inmate committed aggravated child abuse, sexual battery against the child, or a lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age;

(g) Are sentenced, have previously been sentenced, or have been sentenced at any time under s. 775.084, or have been sentenced at any time in another jurisdiction as a habitual offender;

(h) Are convicted, or have been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, aggravated battery, kidnapping, manslaughter, or murder against an officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against a state attorney or assistant state attorney; or against a justice or judge of a court described in Art. V of the State Constitution; or against an officer, judge,

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or state attorney employed in a comparable position by any other jurisdiction; ~~or~~

(i) Are convicted, or have been previously convicted, of committing or attempting to commit murder in the first or~~,~~ second~~, or third~~ degree under s. 782.04(1), (2), or (3)~~, or (4),~~ or have ever been convicted of any degree of murder or attempted murder in another jurisdiction;

(j) Are convicted, or have been previously convicted, of DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or have been sentenced at any time, as a habitual offender for such offense, or have been sentenced at any time in another jurisdiction as a habitual offender for such offense;

(k)1. Are serving a sentence for an offense committed on or after January 1, 1994, for a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), (4), or (5), ~~or (6),~~ and the subtotal of the offender's sentence points is multiplied pursuant to former s. 921.0014 or s. 921.0024;

2. Are serving a sentence for an offense committed on or after October 1, 1995, for a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), (4), (5), (6), or (7), ~~(8), or (9),~~ and the subtotal of the offender's sentence points is multiplied pursuant to former s. 921.0014 or s. 921.0024;

(l) Are serving a sentence for an offense committed on or after January 1, 1994, for possession of a firearm, semiautomatic firearm, or machine gun in which additional points are added to the subtotal of the offender's sentence points pursuant to former s. 921.0014 or s. 921.0024; or

(m) Are convicted, or have been previously convicted, of committing or attempting to commit manslaughter, kidnapping,

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robbery, carjacking, home-invasion robbery, or a burglary under s. 810.02(2).

In making control release eligibility determinations under this subsection, the authority may rely on any document leading to or generated during the course of the criminal proceedings, including, but not limited to, any presentence or postsentence investigation or any information contained in arrest reports relating to circumstances of the offense.

Section 10. Paragraph (a) of subsection (5) of section 948.012, Florida Statutes, is amended to read:

948.012 Split sentence of probation or community control and imprisonment.—

(5)(a) Effective for offenses committed on or after October 1, 2014, if the court imposes a term of years in accordance with s. 775.082 which is less than the maximum sentence for the offense, the court must impose a split sentence pursuant to subsection (1) for any person who is convicted of a violation of:

1. Section 782.04(3)(b)3. ~~782.04(1)(a)2.c.~~;

2. Section 787.01(3)(a)2. or 3.;

3. Section 787.02(3)(a)2. or 3.;

4. Section 794.011, excluding s. 794.011(10);

5. Section 800.04;

6. Section 825.1025; or

7. Section 847.0135(5).

Section 11. Paragraph (b) of subsection (1) of section 921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations;

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scoresheets.—

(1)

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender’s legal status.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six (6) sentence points are assessed for each community sanction violation and each successive community sanction violation, unless any of the following apply:

1. If the community sanction violation includes a new felony conviction before the sentencing court, twelve (12) community sanction violation points are assessed for the violation, and for each successive community sanction violation involving a new felony conviction.

2. If the community sanction violation is committed by a violent felony offender of special concern as defined in s. 948.06:

a. Twelve (12) community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where:

I. The violation does not include a new felony conviction; and

II. The community sanction violation is not based solely on the probationer or offender’s failure to pay costs or fines or

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make restitution payments.

b. Twenty-four (24) community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where the violation includes a new felony conviction.

Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of thirty (30) points shall be added. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0022 or s. 921.0023 and for which the offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later, is within 3 years before the date the primary offense or any additional offense was committed.

Prior capital felony points: If the offender has one or more prior capital felonies in the offender's criminal record, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony in the offender's criminal record is a previous capital

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felony offense for which the offender has entered a plea of nolo contendere or guilty or has been found guilty; or a felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

Possession of a firearm, semiautomatic firearm, or machine gun: If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2) while having in his or her possession: a firearm as defined in s. 790.001(6), an additional eighteen (18) sentence points are assessed; or if the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(3) while having in his or her possession a semiautomatic firearm as defined in s. 775.087(3) or a machine gun as defined in s. 790.001(9), an additional twenty-five (25) sentence points are assessed.

Sentencing multipliers:

Drug trafficking: If the primary offense is drug trafficking under s. 893.135, the subtotal sentence points are multiplied, at the discretion of the court, for a level 7 or level 8 offense, by 1.5. The state attorney may move the sentencing court to reduce or suspend the sentence of a person convicted of a level 7 or level 8 offense, if the offender provides substantial assistance as described in s. 893.135(4).

Law enforcement protection: If the primary offense is a

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violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), or (4), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(5), (6), or (7), ~~(8), or (9),~~ the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement Protection Act under s. 775.0823(8) or (9) ~~s. 775.0823(10) or (11)~~, the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Offense related to a criminal gang: If the offender is convicted of the primary offense and committed that offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03, the subtotal sentence points are multiplied by 1.5. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Domestic violence in the presence of a child: If the offender is convicted of the primary offense and the primary offense is a crime of domestic violence, as defined in s. 741.28, which was

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committed in the presence of a child under 16 years of age who is a family or household member as defined in s. 741.28(3) with the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

Adult-on-minor sex offense: If the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are multiplied by 2.0. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Section 12. This act shall take effect July 1, 2020.

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From: Dani Fattizzi <danifattizzi@gmail.com>
Sent: Friday, February 07, 2020 8:28 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Support for SB1128

Hello Senator Gruters,

I know that you will be hearing Senate Bill 1128 on Feb 11th and respectfully ask for your support for the bill. It provides clear and concise regulations for vacation rentals statewide.

I own and operate a boutique vacation rental property management company in St. Augustine, FL, and my company exclusively manages 30 homes in the area. It is absolutely my passion to care for these homes, the guests who travel from all over to come to them and the owners who trust me with them.

Our city has recently implemented unfair "one-size-fits-all" ordinances on the oldest city in the country, one that was around before cars were invented, before streets were paved and way before the internet! It is deeply affecting the homeowners whom I work for. All of them are local St. Augustinians like me, who love our town and want to see the local economy continue to grow and thrive. The success of our local economy is nearly entirely driven by our only industry - tourism.

By implementing these new ordinances the city is shutting out a huge demographic of tourists who enjoy renting homes for their travels rather than utilizing the hotels. This is damaging the livelihoods of the owners - many of them will be forced to sell their rental homes, or live-in hosts will be unable to subsidize their social security and be forced to move out of the city altogether. It is also damaging the city's reputation overall as a tourist destination. Imagine what people will think of St. Augustine when they hear that vacation rentals here have 7 night and 30 night minimums? Out bread and butter is a 2 night stay. Rarely do we receive a 7 night booking. The stigma over the city will be "don't go there unless you're staying for a week." We can't afford to lose our tourists, and there will never be enough hotel rooms in our small city to support even 50% of the tourists who come here (which statistics say is 8 million per year and climbing).

These ordinances came to fruition because there are a few bad actors in our town who are managing from out of state and do not know what goes on at their properties, nor is there any contact information for them on record so there is no one to contact when a party breaks out or a neighbor is disturbed. It is these same few homes that continue to bring a bad name to the vacation rental industry.

This is why we NEED SB1128 to pass. It would be a framework for the whole state to adhere to and no longer would the few bad actors be able to continue causing the demonization of this industry.

Another reason we so desperately need SB1128 to pass is because within St. John's county alone, there are 3 separate municipalities, each with their own legislation related to short term rentals (County, City of St. Aug & City of St. Aug Beach). This patchwork has caused confusion and is not well known to the public, therefore people continue to buy homes with the intent to short term rent them in areas where they are not allowed, or there are major restrictions that would make the investment not worthwhile. Clients I work with who are able to rent on their street who refer me to manage their neighbor's house 3 streets over are shocked when I can't help because their neighbor happens to live in a completely different municipality.

We need one overall framework to help unify the state so that we can all be regulated as one body from a registration standpoint.
Please support SB1128!

Thank you for your time and consideration,

--
Dani Fattizzi

Euphoria Vacation Homes
Owner and Founder
+1.904.501.3755
danifattizzi@gmail.com

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From: Gulf Coast Builders Exchange <admin@gcbx.org>
Sent: Wednesday, January 29, 2020 9:14 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Table Reservations Filling Up! GCBX 68th ANNUAL INSTALLATION & AWARDS DINNER- February 20, 2020

Dear Senator Joe Gruters,
You are invited to the following event:

GCBX 68th ANNUAL INSTALLATION & AWARDS DINNER

When: 20 Feb 2020 6:00 PM, EST
Where: Hyatt Regency Sarasota- 1000 Blvd of the Arts

Reserve your table or become an Annual Dinner Sponsor to showcase your business to over 500 GCBX Members!

Will you be attending?

REGISTER

Hyatt Regency Sarasota

Networking 6:00 - 7:00 pm
Program 7:00 - 9:00 pm

Registration opens at 5:45 PM

Keynote Speaker:
Attorney General Ashley Moody

Join us in Welcoming Incoming Chairman

Senator Michael Bennett, Manatee County Supervisor of Elections

Lifetime Achievement Awardee:
Rich Stehle, Climatic Conditioning Company

Posthumous Lifetime Achievement Awardee:
Nathan Benderson, Benderson Development

Chairman's Awardee:
C.J. Dupre, Manatee County Building Official

Plus a Surprise Volunteer of the Year!

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This year's dinner theme will be *Preserving Our Past and Building Our Future* We are asking members to submit local projects for consideration to be showcased at the dinner in different ways including table settings, PowerPoint features and more. Please send your project submission to AlbaniHogan@gcbx.org. We are looking for local projects that fit this theme so please submit your project name for consideration!

*Click here for Flyer

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Best regards,
Gulf Coast Builders Exchange

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From: Florida Chamber Foundation <emartin@flchamber.com>
Sent: Monday, October 28, 2019 5:16 PM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Taking Florida's Students From Learners To Earners

WORKFORCE DEVELOPMENT

Taking Florida's Students From Learners To Earners

At the Florida Chamber Foundation's Future of Florida Forum, a panel led by Tallahassee Community College Provost Madeline Pumariega discussed how Florida can better prepare today's students to be tomorrow's workforce.

By 2030, rapid advancements in technology and automation will replace nearly half of all jobs that currently exist. Our education system must adapt to ensure our future workforce has the skillsets required for the next generation of employment opportunities.

"Talent is universal, but opportunity is not. When we think about our poverty rates, disconnected youth and others that we need to ensure are part of the human capital pipeline; how then do we strengthen those pathways?" said **Madeline Pumariega**. "The Florida Chamber Jobs 2030 Report lays out the industries growing in Florida and what we can expect. The 2030 Report lays out the pillars and the strategies that connect us in all areas in terms of our economic growth and success."

Also serving on the panel were **Dr. Michelle Horton**, Director of Complete Florida, **Representative Rene Plascencia**, Florida House of Representatives, and **Roland Selby, Jr.**, Executive Director of Year Up Baltimore.

Get Involved Today

The Florida Chamber is focused on growing Florida from the 17th largest economy to the 10th by 2030 and we need your help. Take the **Talent Skills Gap survey** and tell us what your workflow and training needs are.

Florida Chamber Foundation l www.FLFoundation.org l Unsubscribe
136 S. Bronough Street, Tallahassee, Florida 32301 l (850) 521-1200

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From: NCSL TODAY <enews@ncsl.org>
Sent: Monday, November 18, 2019 11:44 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: The fire next time: the threat to the west

TOP NEWS Nov. 18, 2019

The fire next time: the threat to the west

State Net Capitol Journal

What California does — or fails to do — to prevent and combat wildfires has impact beyond state borders. Wildfires are a scourge of the West, and the firefighting practices of one state are often copied by another. Mutual aid pacts enable firefighting crews to travel across state borders.

Colonias to immigrants: We need you at census time

Associated Press

After a few months and less publicity about the new hands-free law, "sure enough, that awareness seems to have worn off."

NCSL resources on the 2020 census.

Illinois lawmakers approve measure to cap insulin at $100 for 30-day supply

Chicago Tribune

Illinois lawmakers voted to cap out-of-pocket insulin costs at $100 for a 30-day supply in the state, a measure advocates say is badly needed to address soaring prescription drug costs.

Idaho Medicaid plan amendments approved

Idaho Press

Idaho has received approval from federal officials for the amendments to its state plan for Medicaid that allow Medicaid expansion to proceed on schedule on Jan. 1; enrollment already is underway.

Indiana lawmaker wants young age requirement for Legislature

Associated Press

A 26-year-old lawmaker wants to see Indiana's Constitution changed so that people as young as 18 could run for the state Legislature. The constitution currently sets minimum ages of 21 to serve in the Indiana House and 25 for the Indiana Senate.

New tax on internet sales boosts Maine's budget further into the black

Portland Press Herald

The state has about $30 million more in its bank account than when lawmakers passed the most recent two-year budget in June. The biggest chunk of the increase, about $16.6 million, comes from a new law that requires sales tax collection by online retailers like eBay and Amazon.

placeholder

FEATURED

One more day to save on registration for NCSL Capitol Forum Dec. 10-12 in Phoenix

Special pricing for registration and hotel expires tomorrow. Don't miss Michael Bidwell, president of the Arizona Cardinals, sharing his game plan for leadership both on and off the field. In addition to huddling up with an NFL president, this year's NCSL Capitol Forum offers a full agenda that covers the issues that matter the most to your state.

NEW@NCSL

NCSL podcast: How kids learn

State Legislatures magazine: Urgent infrastructure

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needs are straining resources

Webinar Nov. 20: Keys to an effective message

BLOG

Get ready for session: Resources for legislative staff

NCSL knows how vital legislative staff are to their legislatures. To help you prepare for the upcoming legislative session, we've planned a week of tips and resources chosen specifically for staff, including a webinar on Wednesday: "Keys to an Effective Message: Story Principles, Focused Messaging and Communication Styles."

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From: Florida Trend Education <news@floridatrend.com>
Sent: Thursday, January 23, 2020 11:01 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: To get free tuition, graduates would agree to work in Florida under new bill

Florida Trend

Subscribe to: Florida Trend

Florida Trend Education

Thursday, January 23, 2020

To get free tuition, graduates would agree to work in Florida under new bill

Community college could soon become free for many Florida students — as long as they don't go elsewhere for a job. Students who accept the money would have to stay in Florida after graduation to work the same amount of time they received the aid.

Florida lawmakers consider 'do not hire list' for 'disqualified' school employees

Every so often, stories pop up about school employees committing acts of sexual misconduct against students. Too frequently, state lawmakers say, the cases involve someone who faced similar allegations in past jobs.

Yes, Florida ranks at bottom of states on school funding

Florida has long had a reputation of lagging behind many states in education funding. But just how close to the bottom of the barrel is the Sunshine State?

Florida lawmakers revisit post-Parkland school safety, student mental health

For the third time since the 2018 Parkland shooting, the Florida Legislature is taking up school safety, proposing tweaks in laws relating to armed security, mental health services and district oversight.

Florida Poly sees exceptional rise in applications

At only two-thirds of the way through the 2020 recruitment cycle, the University has received 31% more freshman applications compared to this time last year.

Are you a Florida business professional? We want to hear from you!

Our new question and answer series **In Focus** asks experts in Florida's business community to share real-life lessons, tips and experiences learned along the way.

Top responses will be published in our Afternoon Update newsletter. Submit your response and accompanying photo to: **floridatrend.com/infocus/submit**

Best Companies To Work For In Florida

Last chance to join the winner list! Florida Trend's Best Companies To Work For In Florida program is a great way to find out how your company ranks. Participation is FREE, and you'll receive a benchmark summary just for participating. Registration closes on Friday, January 24th so sign up today at http://BestCompaniesFL.com

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Also trending:

+ TCC, Flagler College-Tallahassee sign partnership to address critical teacher shortage

+ Faculty members held jobs in China while working for UF, report says

+ MCSD leaders push for change to technical college nursing programs

+ Northwest Florida State College named a top online school

• **More Education Stories »**

Florida's Most Influential Business Leaders

George Hanbury initially pursued a degree in engineering but changed his focus to public service after JFK's assassination. He was a city manager, first in Virginia, then in Fort Lauderdale, before becoming Nova Southeastern University's president.
Read More.

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From: Florida Trend <news@floridatrend.com>
Sent: Thursday, December 12, 2019 8:06 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Top Story: Florida officially joins national voter database network

Florida Trend Daily Pulse

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Thursday, December 12, 2019

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Florida officially joins national voter database network

The state's voter registration rolls are now linked to a national database that could help elections officials detect possible fraud — or spot multiple voter registration files across state lines.

New project to test humans for health risks from toxic blue-green algae

New funding will support researchers in their efforts to improve the understanding of the potential long-term human-health impacts of harmful algal blooms like blue-green algae and red tide.

Researchers finally figured out how to grow hops in Florida

Florida might be known as the Sunshine State, but it doesn't have enough rays to naturally produce hops -- one of the key ingredients for making craft beer.

Trade between U.S. and Latin American countries is boosting industrial real estate in South Florida

Although demand for warehouse space and rent growth come primarily from more consumers in South Florida, continual trade activity will contribute to an increase in industrial leases in 2020.

Retire in Florida? Sure. But eight states are better bets, survey says

The Sunshine State has been a retreat for snowbirds for generations and the subject of retiring to Florida has served as fodder in the popular arts.

Also around Florida:

· Boca Raton approves new Brightline express train station

· AmeriPro EMS acquires longtime Ambulance Service in Jacksonville

· 84 more hotels in the wings for Miami-Dade market

· Sea urchins to the rescue: Florida researchers launch breeding program to help revive ailing reefs

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Who said that?

> **"When you're here, I think you're here to just kind of decompress, sit outside, read a book — just soak it up."**

Video Pick

Surfing at Sebastian Inlet since she was a kid, Caroline Marks of Melbourne Beach has taken the surfing world by storm. A look at her career -- so far. **Video report.**

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From: Florida Trend <news@floridatrend.com>
Sent: Tuesday, January 14, 2020 8:02 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Top Story: Florida won't vote on legalizing pot this year

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Florida Trend Daily Pulse

Tuesday, January 14, 2020

Florida won't vote on legalizing pot this year

Despite strong support, Florida voters won't get to decide this year whether to make recreational marijuana legal. A group pushing a constitutional amendment is dropping its bid to get the proposal on this year's ballot and instead will focus on 2022.

Florida Trend Exclusive

Economic outlook: Southeast Florida - Workforce, environment, infrastructure

Florida Trend's Economic Outlook focuses on specific issues that challenge the cities and counties across the state, assessing whether progress has been made in each category.

After years of wrangling, Florida vacation rental preemption bills poised for 2020 adoption

Among the many aspects of Florida's on-going preemption battles between the Legislature and local governments is the tussle over who should regulate the state's $31 billion short-term vacation rental industry.

Gov. Ron DeSantis announces cut to Florida Prepaid prices

Families investing in the Florida Prepaid Program may get a check in the mail this week. The new price cuts will lower plan prices by $1.3 billion, helping over 200,000 customers.

USDA: Florida grapefruit crop on upswing

Larger average fruit size led the U.S. Department of Agriculture to increase Florida's projected grapefruit crop for the second straight month.

Best Companies To Work For In Florida

Is your company one of the best?
Best Companies To Work For In Florida is a survey and awards program dedicated to identifying and recognizing the area's best employers and providing organizations with valuable employee feedback. **Register Now! Registration Deadline: January 24, 2020**

'You can do it'

Growing up in Crawfordville, Florida, Carol Broxton, Pharm. D., had dreams but no direct path to them until she received a Bright Futures Scholarship funded by the Florida Lottery that paved her way to a college education.*[Sponsored]*

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Also around Florida:

· St. Pete-Clearwater International Airport sets record with 2.2 million passengers in 2019

· Proposed law would bring Florida up to speed on electric bicycling

· Hurricane Irma tore through Matheson Hammock Park in 2017. The park is still a mess

· PGT offers $50 million in notes to finance NewSouth deal

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Who said that?

"My dog's not getting in that water."

Video Pick

The 525 ft. Vehicle Assembly Building at KSC was named a National Historic Civil Engineering Landmark by the American Society of Civil Engineers. **Video report.**

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From: Florida Trend <news@floridatrend.com>
Sent: Wednesday, December 18, 2019 8:15 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Top Story: Lawsuits could spark 'existential crisis' in Florida cities trying to survive climate change

Florida Trend Daily Pulse

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Wednesday, December 17, 2019

Lawsuits could spark 'existential crisis' in Florida cities trying to survive climate change

As local governments try to navigate the new world of sea level rise swamping their roads, one thing is clear. Whether they raise them or abandon them, someone is probably going to sue.

Orange County leaders approve $125 million road deal with Universal Orlando

In a late-night decision following hours of testimony, Orange County commissioners voted to approve a controversial plan to give $125 million to Universal Orlando to build a new road.

Florida House defends marijuana law in high-stakes case

The Florida House contends a disputed 2017 law helps prevent "diversion" of pot to the illegal recreational market, minors, and other states.

Florida lawmakers to ponder cuts, exemptions to Business Rental Tax in 2020

Florida lawmakers have slashed the state's Business Rental Tax (BRT) three consecutive years and, apparently, will seek to do so again in 2020.

Explained: What is the water crisis Southwest Florida is battling?

Water is Florida's most precious resource. It not only surrounds our state, but it also connects communities within Florida.

Amaya's story: Why she trusted Nemours Children's for personalized care

Nemours Children's Health System has one of the nation's most respected pediatric orthopedic programs and is a national leader in the non-operative management of scoliosis. *[Sponsored]*

Also around Florida:

· Aaron Zahn out as JEA CEO; Melissa Dykes takes over as interim CEO

· Visit Florida should stay alive, Senate President Galvano says

· Florida's Xendoo raises $3.5 million seed to help small businesses with accounting

· Publix shopping list: Eggs, milk, auto registration

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Who said that?

> **"I hope it works. I really do. There is a lot of safe cargo in these vehicles that people don't think about."**

Video Pick

Located in downtown St. Petersburg, The Dalí Museum serves as one of the best art museums in Florida. The Dalí is the first and only museum in the Southeastern United States to be recognized internationally by the Michelin Guide with a three-star rating. **Video report.**

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From: Hodge, Chris <Chris.Hodge@myfloridahouse.gov>
Sent: Monday, February 10, 2020 10:57 AM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Uncondensed talking points.
Attachment(s): "HB 941 Commitee Information Request.pdf","HB 941 Summary.docx","dui-brochure.pdf","SarasotaDUICourtInfo.pdf","TBVME App Privacy Policy - JL - 6-4-2019 - CLEAN.docx"

Biggest take away:

- The Senate language could be read as a mandate
- "electronic verification is key"
- House PCS shifted to "May" instead of "Shall"
- The courts referenced need to be specific as to clarify whether the bill pertains to criminal or civil courts- it's been specified to Drug courts.

Christopher Hodge, MBA
Legislative Aide
C:(850)-375-2532

REPRESENTATIVE JAMES V. BUCHANAN
Florida House of Representatives, District 74

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SARASOTA COUNTY
DUI COURT

1751 Mound Street
Sarasota, Florida 34236.
Ph: 941-861-8120 Fax: 941-316-1637

R.L. Anderson Administration Building,
4000 South Tamiami Trail,
Venice, FL. 34293.
Ph: 941-861-3717 Fax: 941-861-3723
www.jud12.flcourts.org

David Denkin
Presiding Judge

Nicole Durston
Program Director

Mollie Cool
Assistant Program Director

Tanaya Shepperd
Professional Probation Services

Robyn LaPorta / Zjohnae Milton
Counselors - First Step of Sarasota

Assistant Public Defender
Twelfth Judicial Circuit

State Attorney's Office
Twelfth Judicial Circuit

Sarasota County Sheriff's Office
Law Enforcement

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SARASOTA COUNTY DUI COURT PROGRAM

NEVER A WRONG TIME
TO DO THE RIGHT THING

For additional information and to view the program contract please visit our website at www.jud12.flcourts.org

DUI Court Mission Statement

To reduce the number of repeat DUI offenders by providing alternative community-based treatment, thereby increasing both offender productivity and public safety.



The Sarasota DUI Court is dedicated to changing behavior, targeting offenders who are alcohol dependent currently charged with driving under the influence having one or more prior drug and/or alcohol related arrest(s). Specialized DUI Courts are a proven method to effectively address community struggles with habitual DUI offenders. It's modeled after the highly successful Drug Court concept, having a graduated sanction / reward structure and following specific *Guiding Principles*. Furthermore, it adds elements within the Court such as mandatory counseling, case management, drug and alcohol testing, and community supervision.

FL-SEN-20-0201-B, 20-0202-A-002623

The requirements of the DUI Court are as follows:

How do people find their way into DUI Court?

- Referral from First Appearance
- Pretrial screening
- Post arrest- conditional release terms
- Opportunity presented at Arraignment
- Attorney referral

DUI Court Application

Referrals can be made directly to the Judge, Public Defender's office, Probation and Program Director.

◊ *Individual Interviews / assessments*

The clinical screening and assessment are conducted by the Counselor, Case Manager and Probation. Additional screenings may be required at anytime by the court.

Upon acceptance of the offender's plea to the DUI charge the offender is placed on supervised probation for a minimum of one year. During this time, the DUI offender is required to comply with the mandatory requirements of Florida Statutes 316.193 and 322.28 and complete all phases of DUI Court.

Financial Requirements

Participants are required to provide a portion of costs towards their individualized DUI program. An initial $100.00 application/ assessment fee and $200.00 monthly program fees are required. Participants are also required to pay their mandatory minimum fines and supervision costs as ordered. Mandatory contributions from participants has therapeutic benefits, allowing participants to be empowered having a sense of ownership through their steps of sobriety and recovery.

Phase I
Orientation
Duration - up to 45 days

Phase II
Early Recovery
Duration - approximately 90 days

Phase III
Maintenance & Relapse Prevention
Duration - approximately 115 days

Phase IV
Continuance of Care &
Commencement
Duration - approximately 115 days

Alumni Support Group Network

Participants must follow all rules and regulations of treatment. Program length is a minimum of 12 months. There are four distinct phases of the DUI Court program. Each phase must be fully completed in order for participants to reach commencement.

Supervision is a crucial link between participants and the DUI Court. Random home visits are conducted in the community by local law enforcement, Probation and case management services throughout every phase of DUI Court. Participants are also monitored through other ways such as ongoing random drug and alcohol tests, electronic monitoring, comprehensive case management and medication maintenance.

Eligibility Criteria

◊ Defendant currently charged with Driving Under the Influence.

◊ Defendant has 1 or more prior alcohol and/ or drug related arrest(s).

◊ Defendant is alcohol and/or drug dependent and desires to change behavior, participate in a treatment program and participate in recovery.

◊ No serious violent criminal history.

◊ No evidence of drug dealing

◊ 18 years of age or older.

◊ Must reside in Sarasota County.

◊ Willing to...Show Up, Be Honest & Try

Staffing and Participants Progress

Each participant's progress is reported to the entire DUI Court through weekly team staffings held prior to the status conference. A review of their treatment and overall program status is discussed, along with any program violations and recommendations. All rewards and sanctions are finalized by the judge.

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District Office
5900 Pan American Blvd.
Building A: Unit 102
North Port, FL 34287

Tallahassee Office
1401 The Capitol
402 South Monroe Street
Tallahassee, FL 32399

THE FLORIDA HOUSE OF REPRESENTATIVES

Representative James Buchanan
District74

HB 941 *Substance Abuse Services* Act Children, Family, Seniors Question

Follow-Up to January 16th Staff Meeting

How often do people ordered to substance abuse treatment receive self-help group mandates?

- 59% of AA members received treatment / counseling prior to entering the program
- 397.334: "Treatment-based drug court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.345, treatment-based drug court programs authorized in chapter 39, postadjudicatory programs as provided in ss. 948.01, 948.06, and 948.20, and review of the status of compliance or noncompliance of sentenced offenders through a treatment-based drug court program. While enrolled in a treatment-based drug court program, the participant is subject to a coordinated strategy developed by a drug court team under subsection (4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in s. 397.311"
- substance abuse services FL statutes link
  - http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0397/0397.html
- Alcohol.org
  - https://www.alcohol.org/laws/court-ordered/
-

If Marchman Acted (sent to licensed treatment center) is there also a self-help component?

- Submitted by person on behalf of another individual (in county where individual is located)
- Assessment (up to 5 days), stabilization and long-term treatment (up to 60 days)
- Trained medical professionals assess patient and make treatment recommendations (delivered to the court)
- No punishment for non-compliance, however petitioner can open civil case and repercussions can be put in place if patient does not comply with Marchman rules

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How successful are groups like AA?

- 2014 Member Survey
  - 27% Sober < 1 Year
  - 24% 1-5 Years
- **https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2746426/**
  - Rates of abstinence are about twice as high among those who attend AA (study)
  - Higher levels of attendance are related to higher rates of abstinence (study)
  - Prior AA attendance is predictive of subsequent abstinence (study)

Are there any mandated self-help assignments in prior statutes?

- **Proof of Attendance at Meetings**
- Some judges require written proof that offenders have attended a certain number of meetings. Often, when the court-ordered newcomer attends an A.A. meeting, the group secretary (or other group officer) is willing to sign their first name, or to initial a slip furnished by the court saying so-and-so was at the meeting on a particular date. Hopefully, all involved recognize that neither the group nor its members are "bound" in any way by the signature, nor does this courtesy signify affiliation of the A.A. group with any other program or guarantee that the attendee was present for the entire meeting; it simply illustrates cooperation. Court professionals should understand too, that attendance at A.A. meetings doesn't guarantee sobriety.
- Placing great emphasis on A.A.'s principle of Anonymity, we understand that some A.A. members are uncomfortable when asked to sign their full name or to supply other personal information indicating that they are A.A. members. This cherished Tradition of Anonymity provides protection to all A.A.s from being publicly identified as alcoholics, a safeguard especially important to the newcomer. Since each group is autonomous, and providing proof of attendance at meetings is *not* a specific part of A.A.'s program, each group and group member has the right to choose whether or not to sign court slips.
- While some groups have elected not to sign court cards, it is our experience that most groups will try to cooperate with our professional friends. In some areas, courts furnish cooperating A.A. groups with sealed, stamped envelopes addressed to the court. In general, the secretary of the group announces that anybody needing an envelope may get it after the meeting. The newcomer takes the envelope, privately writes his or her name and/or return address on it, and mails it. In other areas, each cooperating group has a sheet, furnished by the court, that the secretary announces is available for court ordered newcomers to sign after the meeting. The secretary returns the sheets in envelopes furnished by the referring agency. In this way, it is not the A.A. group, but the prospect's own signature which affirms he or she was at the meeting.
  - https://www.aa.org/pages/en_US/alcoholics-anonymous-as-a-resource-for-drug-and-alcohol-court-professionals

- So doing violates the Establishment Clause, guaranteeing that at a minimum, "government may not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which establishes a [state] religion or religious faith, or tends to

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do so." (Lee v. Weisman, 1992, U.S. Supreme Court on school prayer.) In short, while not deemed an actual religion, AA – with the steps' numerous references to "God" – is considered to contain enough religious components to make coerced attendance unconstitutional, despite the fact that attendees commonly argue that the 12 steps are "spiritual," not religious.

- https://www.rehabs.com/pro-talk-articles/you-cant-make-me-or-can-you-mandated-aa-attendance/
- https://www.drugrehab.com/treatment/court-ordered/

Who would be paying for the app? Users, groups or states?

- Users ($20 / Month for specific service in HB 941
- Provide to state
- Intent is to provide no mandate for exclusive electronic verification

Biometric concerns – data storage and usage?

1. Pear reSET https://peartherapeutics.com/
   a. Pear reSET is a medical tool for substance use disorder treatment approved by the Food and Drug Administration
   b. Privacy Policy- https://peartherapeutics.com/privacy-policy/
      1. Pear Therapeutics uses secure server software (SSL), firewalls, and end-to-end encryption to protect your PII from unauthorized access, disclosure, alteration, or destruction. However, no method of transmission over the Internet, or method of electronic storage, is 100% secure. Therefore, we cannot guarantee its absolute security.
      2. We will retain PII for as long as necessary to provide our services, but no later than 6 years following termination of Services. We will retain and use PII as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.
2. Sobertool www.sobertool.com
   a. Sobertool was designed specifically for people in recovery from alcohol addiction.
3. Affinity eHealth www.affinityehealth.com
   a. Affinity eHealth enhances lives by improving compliance outcomes.
4. WEconnect Health Management www.weconnectrecovery.com
   a. WEconnect helps people stay connected and accountable on their recovery journey.
5. DynamiCare Health www.dynamicarehealth.com
   a. Dynamicare is an evidenced based digital platform that reinforces a person's recovery from addiction and rewards healthy behavior.

Example of End User License Agreement and Privacy Policy for Florida based business

TBV ME, CO.
TBV ME End-User License Agreement (Android)

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d. Modify, translate or adapt the Software or documentation, incorporate the Software or documentation in whole or in part in any other product or create derivative works based on all or part of the Software or documentation;
e. Copy the Software or documentation in any manner or for any purpose.
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Licensor offers software applications that are intended to be operated in connection with products made commercially available by third parties that operate using the Android operating system, which is owned by Google Inc. ("Google"). With respect to the Software that is made available for your use in connection with a Google-branded product, in addition to the other terms and conditions set forth in this Agreement, the following terms and conditions apply:

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TBV ME Application Privacy Policy

TBV ME, Co., ("**TBV**", "**We**", "**Us**") has created this privacy policy ("**Privacy Policy**") in order to set out how we collect, use, and disclose personal information through the TBV platform and our related personal contact management services and applications (collectively, together with the TBV platform, the "**Services**"). Any capitalized terms in this Privacy Policy shall have the same meaning as set out in our Terms of Service.

The privacy of our users is of great importance to us. By using the Services in any manner, you acknowledge that you accept the practices and policies outlined in this Privacy Policy and you hereby consent to the collection, use and disclosure of your personal information in accordance with this Privacy Policy.

1 WHAT DOES THIS PRIVACY POLICY COVER?

This Privacy Policy covers our collection, use and disclosure of information about identifiable individuals ("**Personal Information**"), who use the Services ("**Users**").

2 COLLECTION AND USE OF PERSONAL INFORMATION

2.1 User Information

In order to use certain Services, Users must have a valid TBV App account to log into the Services ("**Account**").

When you register for an Account using email registration, TBV collects your name, cell phone number, email address, and location,. This Personal Information is used for the following purposes:

- Verifying the User's identity;
- Allowing Users to create a profile; and
- Contacting Users about relevant information related to the Services.

2.2 Transaction History

When Users use the Services, TBV collects information about the User's activity and transaction history. In particular, TBV keeps track of the device used to log in, the time of day, the time spent on the app, location, actions completed and IP address, and you may also be asked to provide other personal data such as age, location, gender, personal history, etc. ("Personal Information"). This Personal Information is used for the following purposes:

- To allow Users to keep track of their history;
- To store and report activities tracked by the Services;
- To support research and efficacy of the Services;

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- For TBV's accounting records;
- To enhance and customize User experience, including showing Users relevant contents; and
- To monitor compliance with our Terms of Service.

2.3 Marketing Communications

TBV will use the contact information provided to notify Users of important information that is relevant to the Services and for marketing communications if the User chooses to opt in. Despite your indicated e-mail preferences, we may send you relevant notices where permitted by law.

2.4 Usage Data

TBV may also collect certain information from Users of the Website and Services, such as Internet addresses, time spent logged into the Services and other usage data ("**Usage Data**"). This Usage Data is logged to help diagnose technical problems, and to administer our Website and Services in order to constantly improve the quality of the Website and Services.

2.5 Cookies

TBV uses tracking technologies, such as cookies, beacons, scripts and tags, are used by us and our third-party partners. These technologies are used in analyzing trends, administering the Services, tracking Users' movements around the Services, gathering demographic information about our User base as a whole and collecting information about your browsing activities over time and across different websites following your use of the Services. We may receive reports based on the use of these technologies by these companies on an individual and aggregated basis. Various browsers may offer their own management tools for removing these types of tracking technologies.

Standing alone, cookies do not identify you personally. They merely recognize your browser. Cookies come in two flavors: session and persistent-based. Session cookies exist only during an online session. They disappear from your computer when you close your browser software or turn off your computer. Persistent cookies remain on your computer after you've closed your browser or turned off your computer.

TBV uses session cookies containing encrypted information to allow the system to uniquely identify you while you are logged in. This information allows TBV to process online transactions and requests. Session cookies help us make sure you are who you say you are after you've logged in and are required in order to use the Service.

TBV uses persistent cookies that only TBV can read and use, to identify the fact that you are a TBV User. We are especially careful about the security and confidentiality of the information stored in persistent cookies. Users who disable their web browser's ability to

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accept cookies will be able to browse our Website but may not be able to use all features of our Services.

3 SECURITY AND STORAGE

3.1 Storage Location

TBV stores its data, including Personal Information, on Amazon Web Services servers located in the United States. By submitting any Personal Information or using the Services, you agree to this transfer, storing or processing of your Personal Information in the United States. You acknowledge and agree that your Personal Information may be accessible to law enforcement and governmental agencies in those countries under lawful access regimes or court order.

3.2 Security

The security of your Personal Information is important to us. We use commercially reasonable efforts to store and maintain your Personal Information in a secure environment. We take technical, contractual, administrative, and physical security steps designed to protect Personal Information that you provide to us. We have implemented procedures designed to limit the dissemination of your Personal Information to only such designated staff as are reasonably necessary to carry out the stated purposes we have communicated to you. However, no Internet or email transmission is ever fully secure or error free. In particular, email sent to or from the Services may not be secure. Therefore, you should take special care in deciding what information you send to us via email. Please keep this in mind when disclosing any Personal Information to us via the Internet.

You are also responsible for helping to protect the security of your Personal Information. For instance, never give out your email account information or password for the Services to third parties.

4 DISCLOSURE OF PERSONAL INFORMATION WITH THIRD PARTIES

4.1 Disclosure to our Service Providers

We may from time to time employ or engage other companies and people to perform tasks on our behalf and need to share Personal Information with them to provide the Services. Unless we tell you differently, we only provide such third parties with the Personal Information that they need to perform their specific function. This includes third party companies and individuals employed or engaged by us to facilitate our products and services, including the provision of maintenance services, database management, customer relationship management, web analytics and general improvement of the Services, and businesses who engage our Services (to the extent provided for above). In particular, TBV uses the following service providers: Google Cloud Platform, Amazon AWS, Stripe and Google Analytics.

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4.2 Business Transfers

If we (or any of our assets) are acquired, or if we go out of business, enter bankruptcy, or go through some other change of control, Personal Information may be made available or otherwise transferred to the new controlling entity, where permitted under applicable law.

4.3 With Your Consent

If we need to use or disclose any Personal Information in a way not identified in this Privacy Policy, we will notify you and/or obtain your express consent as required under applicable privacy laws.

4.4 Affiliates

We may also share your Personal Information with our subsidiaries or other affiliated companies for purposes consistent with this Privacy Policy.

4.5 As required by law

We may disclose your Personal Information to third parties without your consent if we have reason to believe that disclosing this information is necessary to identify, contact or bring legal action against someone who may be causing injury to or interference with (either intentionally or unintentionally) our rights or property, other Users, or anyone else (including the rights or property of anyone else) that could be harmed by such activities. Further, we may disclose Personal Information when we believe in good faith that such disclosure is required by and in accordance with the law. We also reserve the right to access, read, preserve, and disclose any information as we reasonably believe is necessary to:

- satisfy any applicable law, regulation, legal process or governmental request;
- enforce our contracts or user agreement (Terms of Service), including investigation of potential violations hereof; and
- detect, prevent, or otherwise address fraud, security or technical issues.

5 RETENTION

We will keep your Personal Information for as long as it remains necessary for the identified purpose or as required by law, which may extend beyond the termination of our relationship with you. We may retain certain data as necessary to prevent fraud or future abuse, or for legitimate business purposes, such as analysis of aggregated, non-personally-identifiable data, account recovery, or if required by law. All retained Personal Information will remain subject to the terms of this Privacy Policy.

6 ACCESS, CORRECTION AND ACCURACY

You have the right to access the Personal Information we hold about you in order to verify the Personal Information we have collected in respect to you and to have a general account of

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our uses of that information. Upon receipt of your written request, we will provide you with a copy of your Personal Information, although in certain limited circumstances, and as permitted under law, we may not be able to make all relevant information available to you, such as where that information also pertains to another User. In such circumstances we will provide reasons for the denial to you upon request. We will endeavor to deal with all requests for access and modifications in a timely manner.

We will make every reasonable effort to keep your Personal Information accurate and up to date, and we will provide you with mechanisms to update, correct, delete or add to your Personal Information as appropriate. As appropriate, this amended Personal Information will be transmitted to those parties to which we are permitted to disclose your information. Having accurate Personal Information about you enables us to give you the best possible service.

7 CHANGES TO THIS PRIVACY POLICY

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8 CHILDREN

TBV does not knowingly collect Personal Information from children under the age of 13. If you are under the age of 13, please do not submit any Personal Information through or use the Services. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce our Privacy Policy by instructing their children never to provide Personal Information through Services without their permission. If you have reason to believe that a child under the age of 13 has provided Personal Information to TBV through the Services, please contact us, and we will endeavor to delete that information from our databases.

9 LINKS TO OTHER WEBSITES AND SERVICES

This Privacy Policy applies only to the Services. The Services may contain links to other web sites or services not operated or controlled by TBV (the "Third Party Services"). The policies and procedures we described here do not apply to the Third Party Services. The links from the Services do not imply that we endorse or have reviewed the Third Party Services. We suggest contacting those third parties directly for information on their privacy policies.

10 EXCLUSIONS

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This Privacy Policy does not apply to any Personal Information collected by TBV other than Personal Information collected through the Services. This Privacy Policy shall not apply to any unsolicited information you provide to TBV through the Services or through any other means. This includes, but is not limited to, information posted to any public areas of the Services, such as forums, any ideas for new products or modifications to existing products, and other unsolicited submissions (collectively, "Unsolicited Information"). All Unsolicited Information shall be deemed to be non-confidential and TBV shall be free to reproduce, use, disclose, and distribute such Unsolicited Information to others without limitation or attribution.

11 ADDITIONAL INFORMATION

You can help by keeping us informed of any changes such as a change of address or telephone number. If you would like to access your Personal Information, if you have any questions, comments or suggestions about our Privacy Policy or practice, or if you find any errors in our Personal Information about you, please contact us at: support@tbvme.com

Last Updated: June 4, 2019

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Thank You Chair Ponder,

This bill allows for the option for Drug Courts to use electronic verification methods to ensure attendance at court ordered attendance to pre-trial treatment based programs.

There is an Amendment on the Bill-
The amendment is a product of working closely with staff to clarify the language from the Senate version. It changes the Thank You Mr. Chair and Thank You Staff for working with us on this good bill.

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“Shall” to “may” and provides for he focus on drug court programs.

Thank You Mr. Chair and Thank You Staff for working with us on this good bill.

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DUI Court

Sarasota **DUI Court** Program

The mission of DUI Court is to reduce the number of repeat DUI offenders by providing alternative community-based treatment, thereby increasing both offender productivity and public safety.

Target Population, Model & Structure

The Sarasota County DUI Court began June of 2008 within the 12th Judicial Circuit. This specialized court is very unique, there being only four other such courts in the state of Florida. The Sarasota DUI Court has received full support from the Sarasota County Board of County Commissioners and the Criminal Justice Commission. The program was started with the support of grant funds petitioned and awarded through the Highway Traffic Safety Administration of the Florida Department of Transportation.

The Sarasota DUI Court is dedicated to changing behavior by targeting offenders who are alcohol/drug dependent and are currently charged with a DUI and have 1 or more prior arrest(s) for alcohol and/or drug related offenses.

It has been noted that Florida is the third highest - ranking state in the country in alcohol related traffic fatalities. This specialty court has been designed to address this problem. Specialized DUI Courts are modeled after the highly successful Drug Court concept, having a graduated sanction/reward structure and following specific guiding principles. Furthermore, it adds elements within the court such as immediate accountability, mandatory counseling, case management, drug and alcohol testing, and community supervision. Statistics from operational DUI Courts show that recidivism decreases substantially after completion.

Upon acceptance of the offender's plea to the pending DUI charge the offender is placed on supervised probation for a period of at least one year. During this time, the DUI offender is required to comply with the mandatory statutory requirements of Florida Statutes 316.193 and 322.28 andcomplete all phases of DUI Court.

Staffing and Participants Progress

Each participant's progress is reported to the DUI Court through weekly team staffings held prior to court with the participants. Detailed status reports are prepared and copied for the Judge and all team members to review as a part of the staffing process. A review of their treatment and overall program status is discussed, along with any program violations and recommendations. The judge makes the final decision on all rewards and sanctioning.

Financial Requirements

Participants are required to provide a portion of costs towards their individualized DUI program. An initial $100.00 administrative fee and $200.00 monthly program fees are required. Mandatory financial contribution from participants has therapeutic benefits, allowing participants to be empowered having a sense of ownership through their steps of sobriety and recovery. Participants are also required to pay their mandatory minimum fines and supervision costs as ordered. In appropriate cases, participants deemed qualified by the judge may work off all or part of their fines and court costs by doing community service work. *Section 938.30, Florida Statutes (2016).*

Eligibility Requirements for **DUI Court**

- ✔ Defendant currently charged with Driving Under the Influence.
- ✔ Defendant has 1 or more prior arrest(s) for alcohol and/or drug related offenses.

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- ✓ Defendant is alcohol dependent and desires to change behavior having a willingness to complete a treatment program and participate in recovery.
- ✓ No serious violent criminal history.
- ✓ No evidence of drug dealing.
- ✓ 18 years of age or older.
- ✓ Must reside in the 12th Judicial Circuit.
- ✓ Defendant acknowledges they will be able to attend all required court appearances, treatment sessions and support meetings.
- ✓ Defendant willing to... Show Up, Be Honest & Try

PHASE I: Orientation, Duration - (Approx. 45 days)

- ✓ Mandatory jail time.
- ✓ Weekly court appearances.
- ✓ Clinical assessment
- ✓ Mental Health assessment
- ✓ Attend weekly scheduled case management meetings.
- ✓ Probation orientation and assessment
- ✓ Minimum of one home visit by probation, case manager or law enforcement.
- ✓ Submit to a minimum of three random alcohol/drug screens per week.
- ✓ Attend a minimum of three support/sober network meetings per week.
- ✓ Attend a minimum of three "in house" group meetings per week.
- ✓ Weekly individual counseling sessions.
- ✓ Comply with any additional requirements recommended by the treatment provider

To advance to Phase II:
Completed jail time, completed all assessments, minimum 14 consecutive days clean and sober, pay no less than $100 assessment fee, signed Phase II contract.

PHASE II: Early Recovery, Duration - (Approx. 90 days)

- ✓ Follow all rules and regulations of treatment.
- ✓ Weekly court appearances
- ✓ Attend weekly scheduled case management meetings.
- ✓ Attend scheduled monthly meetings with Probation Officer.
- ✓ Attend a minimum of three support/sober network meetings per week.
- ✓ Attend scheduled meetings with counselor as recommended.
- ✓ Submit to a minimum of three random alcohol/drug screens per week.
- ✓ Attend a minimum of two "in house" group meetings per week
- ✓ Enroll in DUI School and Victim Impact Panel.
- ✓ Maintain employment, vocational training or educational opportunities / Complete community service work as imposed by judge
- ✓ Minimum of one home visit by probation, case manager or law enforcement.
- ✓ Pay DUI Court Program fees.
- ✓ Obtain verified sponsor.

To advance to Phase III:
Completed all phase requirements; current on program fees, enroll in DUI School and Victim Impact Panel, minimum of 30 consecutive days clean and sober, signed Phase III contract.

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PHASE III - Maintenance & Relapse Prevention, Duration - (Approx. 115 days)

- ✔ Follow all rules and regulations of treatment.
- ✔ Bi-weekly court appearances
- ✔ Attend scheduled monthly meetings with Probation Officer.
- ✔ Attend scheduled case management meetings as recommended.
- ✔ Minimum of one home visit by probation, case management or law enforcement.
- ✔ Attend scheduled meetings with counselor as recommended.
- ✔ Attend a minimum of three support/sober network meetings per week.
- ✔ Attend a minimum of two "in house" group meetings per week.
- ✔ Submit to a minimum of three random alcohol/drug screens per week.
- ✔ Maintain employment, vocational training or educational opportunities / Complete community service work as imposed by the judge.
- ✔ Pay DUI Court program fees
- ✔ Begin and attend financial counseling as determined by the court.

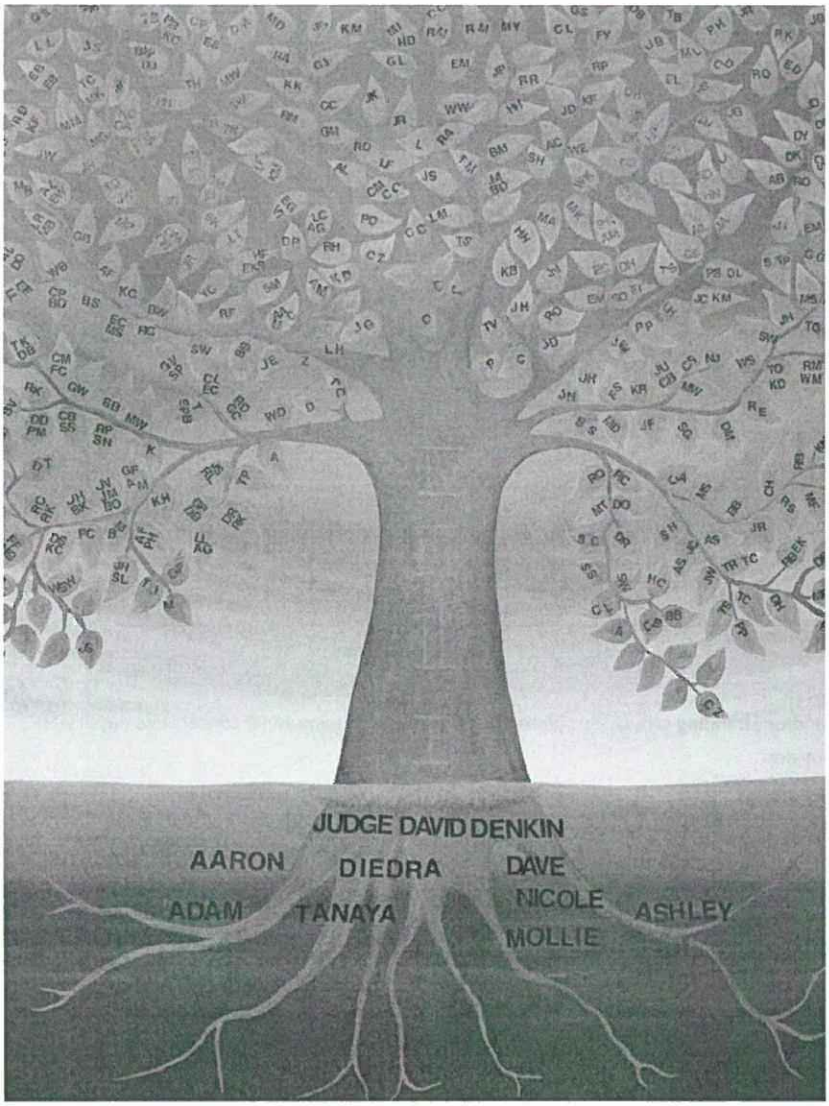
To advance to Phase IV:
Completed all phase requirements, must be employed and/or attending school, completed DUI School/VIP, minimum 90 consecutive days clean and sober, current on program fees, signed Phase IV contract.

PHASE IV - Continuance of Care & Commencement, Duration - (Approx. 115 days)

- ✔ Follow all rules and regulations of treatment.
- ✔ Monthly court appearances.
- ✔ Attend scheduled monthly meetings with Probation Officer.
- ✔ Attend case management meetings as recommended.
- ✔ Minimum of one home visit by probation, case management or law enforcement.
- ✔ Attend scheduled meetings with counselor as recommended.
- ✔ Submit to a minimum of three random alcohol/drug screens per week.
- ✔ Attend a minimum of three support/sober network meetings per week.
- ✔ Attend a minimum of two "in house" group meetings per week
- ✔ Maintain employment, vocational training or educational opportunities / Complete community service work as imposed by the judge.
- ✔ Pay DUI Court program fees, court costs and fines.
- ✔ Develop Relapse prevention plan
- ✔ Continue to address medical and mental health issues.
- ✔ Complete program exit interview
- ✔ DUI Court Commencement

DUI Court Graduation Tree

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Policy & Procedure

Brochure

Related Links

- Sarasota DUI Court Admission Application
- Sarasota DUI Court Adopt a Road

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- ✔ Sarasota DUI Court Agreement
- ✔ Drug Court Program
- ✔ Veterans Treatment Court

Information Links

- Accessibility Information
- Career Opportunities
- Contact Information
- Frequently Asked Questions
- Subscription Service
- courtweb@jud12.flcourts.org

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About the Courts

The courts are an independent branch of government constitutionally entrusted with the fair and just resolution of disputes to protect the rights and liberties guaranteed by the Constitution and laws of the United States and the State of Florida.

Read More About the Court ...

Courthouse Locations

DESOTO COUNTY
- DeSoto County Courthouse

MANATEE COUNTY
- Manatee County Judicial Center

SARASOTA COUNTY
- Judge Lynn N. Silvertooth Judicial Center (Main Courthouse)
- R. L. Anderson Administration Building (Venice/South County)
- Sarasota County Justice Center

Follow Us

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TBV ME Application Privacy Policy

TBV ME, Co., ("**TBV**", "**We**", "**Us**") has created this privacy policy ("**Privacy Policy**") in order to set out how we collect, use, and disclose personal information through the TBV platform and our related personal contact management services and applications (collectively, together with the TBV platform, the "**Services**"). Any capitalized terms in this Privacy Policy shall have the same meaning as set out in our Terms of Service.

The privacy of our users is of great importance to us. By using the Services in any manner, you acknowledge that you accept the practices and policies outlined in this Privacy Policy and you hereby consent to the collection, use and disclosure of your personal information in accordance with this Privacy Policy.

1 WHAT DOES THIS PRIVACY POLICY COVER?

This Privacy Policy covers our collection, use and disclosure of information about identifiable individuals ("**Personal Information**"), who use the Services ("**Users**").

2 COLLECTION AND USE OF PERSONAL INFORMATION

2.1 User Information

In order to use certain Services, Users must have a valid TBV App account to log into the Services ("**Account**").

When you register for an Account using email registration, TBV collects your name, cell phone number, email address, and location,. This Personal Information is used for the following purposes:

- Verifying the User's identity;
- Allowing Users to create a profile; and
- Contacting Users about relevant information related to the Services.

2.2 Transaction History

When Users use the Services, TBV collects information about the User's activity and transaction history. In particular, TBV keeps track of the device used to log in, the time of day, the time spent on the app, location, actions completed and IP address, and you may also be asked to provide other personal data such as age, location, gender, personal history, etc. ("Personal Information"). This Personal Information is used for the following purposes:

- To allow Users to keep track of their history;
- To store and report activities tracked by the Services;
- To support research and efficacy of the Services;
- For TBV's accounting records;
- To enhance and customize User experience, including showing Users relevant contents; and
- To monitor compliance with our Terms of Service.

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2.3 Marketing Communications

TBV will use the contact information provided to notify Users of important information that is relevant to the Services and for marketing communications if the User chooses to opt in. Despite your indicated e-mail preferences, we may send you relevant notices where permitted by law.

2.4 Usage Data

TBV may also collect certain information from Users of the Website and Services, such as Internet addresses, time spent logged into the Services and other usage data ("**Usage Data**"). This Usage Data is logged to help diagnose technical problems, and to administer our Website and Services in order to constantly improve the quality of the Website and Services.

2.5 Cookies

TBV uses tracking technologies, such as cookies, beacons, scripts and tags, are used by us and our third-party partners. These technologies are used in analyzing trends, administering the Services, tracking Users' movements around the Services, gathering demographic information about our User base as a whole and collecting information about your browsing activities over time and across different websites following your use of the Services. We may receive reports based on the use of these technologies by these companies on an individual and aggregated basis. Various browsers may offer their own management tools for removing these types of tracking technologies.

Standing alone, cookies do not identify you personally. They merely recognize your browser. Cookies come in two flavors: session and persistent-based. Session cookies exist only during an online session. They disappear from your computer when you close your browser software or turn off your computer. Persistent cookies remain on your computer after you've closed your browser or turned off your computer.

TBV uses session cookies containing encrypted information to allow the system to uniquely identify you while you are logged in. This information allows TBV to process online transactions and requests. Session cookies help us make sure you are who you say you are after you've logged in and are required in order to use the Service.

TBV uses persistent cookies that only TBV can read and use, to identify the fact that you are a TBV User. We are especially careful about the security and confidentiality of the information stored in persistent cookies. Users who disable their web browser's ability to accept cookies will be able to browse our Website but may not be able to use all features of our Services.

3 SECURITY AND STORAGE

3.1 Storage Location

TBV stores its data, including Personal Information, on Amazon Web Services servers located in the United States. By submitting any Personal Information or using the Services, you agree to this transfer, storing or processing of your Personal Information in the United States. You acknowledge and agree that your Personal Information may be accessible to law enforcement and governmental agencies in those countries under lawful access regimes or court order.

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3.2 Security

The security of your Personal Information is important to us. We use commercially reasonable efforts to store and maintain your Personal Information in a secure environment. We take technical, contractual, administrative, and physical security steps designed to protect Personal Information that you provide to us. We have implemented procedures designed to limit the dissemination of your Personal Information to only such designated staff as are reasonably necessary to carry out the stated purposes we have communicated to you. However, no Internet or email transmission is ever fully secure or error free. In particular, email sent to or from the Services may not be secure. Therefore, you should take special care in deciding what information you send to us via email. Please keep this in mind when disclosing any Personal Information to us via the Internet.

You are also responsible for helping to protect the security of your Personal Information. For instance, never give out your email account information or password for the Services to third parties.

4 DISCLOSURE OF PERSONAL INFORMATION WITH THIRD PARTIES

4.1 Disclosure to our Service Providers

We may from time to time employ or engage other companies and people to perform tasks on our behalf and need to share Personal Information with them to provide the Services. Unless we tell you differently, we only provide such third parties with the Personal Information that they need to perform their specific function. This includes third party companies and individuals employed or engaged by us to facilitate our products and services, including the provision of maintenance services, database management, customer relationship management, web analytics and general improvement of the Services, and businesses who engage our Services (to the extent provided for above). In particular, TBV uses the following service providers: Google Cloud Platform, Amazon AWS, Stripe and Google Analytics.

4.2 Business Transfers

If we (or any of our assets) are acquired, or if we go out of business, enter bankruptcy, or go through some other change of control, Personal Information may be made available or otherwise transferred to the new controlling entity, where permitted under applicable law.

4.3 With Your Consent

If we need to use or disclose any Personal Information in a way not identified in this Privacy Policy, we will notify you and/or obtain your express consent as required under applicable privacy laws.

4.4 Affiliates

We may also share your Personal Information with our subsidiaries or other affiliated companies for purposes consistent with this Privacy Policy.

4.5 As required by law

We may disclose your Personal Information to third parties without your consent if we have reason to believe that disclosing this information is necessary to identify, contact or bring legal action against

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someone who may be causing injury to or interference with (either intentionally or unintentionally) our rights or property, other Users, or anyone else (including the rights or property of anyone else) that could be harmed by such activities. Further, we may disclose Personal Information when we believe in good faith that such disclosure is required by and in accordance with the law. We also reserve the right to access, read, preserve, and disclose any information as we reasonably believe is necessary to:

- satisfy any applicable law, regulation, legal process or governmental request;
- enforce our contracts or user agreement (Terms of Service), including investigation of potential violations hereof; and
- detect, prevent, or otherwise address fraud, security or technical issues.

5 RETENTION

We will keep your Personal Information for as long as it remains necessary for the identified purpose or as required by law, which may extend beyond the termination of our relationship with you. We may retain certain data as necessary to prevent fraud or future abuse, or for legitimate business purposes, such as analysis of aggregated, non-personally-identifiable data, account recovery, or if required by law. All retained Personal Information will remain subject to the terms of this Privacy Policy.

6 ACCESS, CORRECTION AND ACCURACY

You have the right to access the Personal Information we hold about you in order to verify the Personal Information we have collected in respect to you and to have a general account of our uses of that information. Upon receipt of your written request, we will provide you with a copy of your Personal Information, although in certain limited circumstances, and as permitted under law, we may not be able to make all relevant information available to you, such as where that information also pertains to another User. In such circumstances we will provide reasons for the denial to you upon request. We will endeavor to deal with all requests for access and modifications in a timely manner.

We will make every reasonable effort to keep your Personal Information accurate and up to date, and we will provide you with mechanisms to update, correct, delete or add to your Personal Information as appropriate. As appropriate, this amended Personal Information will be transmitted to those parties to which we are permitted to disclose your information. Having accurate Personal Information about you enables us to give you the best possible service.

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Last Updated: June 4, 2019

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From: Tracey Lowe <tlowe@flfoundation.org>
Sent: Thursday, January 09, 2020 4:47 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: Uniting Business for Good in 2020 Will Keep Momentum Going

2020 FLORIDA ECONOMIC OUTLOOK

UNITING BUSINESS FOR GOOD IN 2020 WILL KEEP THE MOMENTUM GOING

Florida Expected to Continue Outpacing the Nation in Job Creation

Uniting business for good in 2020 will keep the momentum going, and help ensure Florida continues to outpace the nation in job creation, according to the Florida Chamber Foundation's 2020 Florida Economic Outlook.

Florida's economic outlook is positive, according to Chamber Foundation Chief Economist **Dr. Jerry Parrish**, and with rising consumer sentiment, he expects Florida to create 200,000 jobs this year. Dr. Parrish also projects Florida will see 900 net new people moving to Florida each day throughout 2020 – a number that had dropped to 640 net new residents per day in 2019.

In further good news, Florida's probability for a recession continues to decline – down to 21.2 percent on **TheFloridaScorecard.org**.

"Florida has 284,800 open jobs, and 323,000 people looking for jobs. Those 284,800 open jobs are more than a year's supply. As we work to continue to get Floridians the skills they need, keep in mind that getting those jobs filled would have a monster economic impact on our state," Parrish explained.

But, as Florida Chamber President and CEO **Mark Wilson** explained, there are a few clouds on the horizon that pose threats to Florida's economy, including $15 an hour mandated wages, lawsuit abuse, the Florida-only business rent tax, and legislative signaling to defund tourism marketing efforts.

The Florida Chamber is the only state chamber in the country with a full-time economist, and the research and data produced is well-respected among state leaders.

What Others are Saying

"Understanding the underpinnings of Florida's economy is vital to projecting a state's future success. That's why we look forward to the economic data produced by the Florida Chamber; it's a vital resource in our decision-making process,' said **Rick Harper**, Ph.D., Economic Advisory, **Triumph Gulf Coast**.

"The Florida Chamber is the only state chamber in the country that has a full-time Chief Economist on staff. That's because they put high value on providing members with the best economic resources to help grow Florida's economy. At Bank of America, we're pleased to call the Florida Chamber partners in securing Florida's future," said **Doug Davidson**, Market Executive, Global Commercial Banking, **Bank of America.**

"The Florida Chamber and Chief Economist Dr. Jerry Parrish are hands down among the very best at forecasting how Florida's economy will perform. When the Florida Chamber speaks, people listen," said **Chris Westley**, Ph.D., Interim Dean – Lutgert School of Business, **Florida Gulf Coast University**.

Miss the Presentation?

Don't worry, we've got you covered. Visit **2020 Florida Economic Outlook** to:

- Watch Dr. Parrish's presentation,
- Download his report, and
- Sign up to receive the Florida Chamber's 2020 Business Agenda.

News Headlines

Florida Chamber forecasts strong Sunshine State economy in 2020 – Florida Politics

Florida Chamber's economist predicts more jobs, population – Associated Press

Florida's job growth outpaces national average again, economic outlook shows – Florida Today, Tallahassee Democrat

Florida Chamber economist sees migration rising, recession risks dropping – Sarasota Herald Tribune

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From: NCSL Webinars <events@ncsl.org>
Sent: Tuesday, January 07, 2020 6:06 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Upcoming January Webinars

NCSL

Upcoming January Webinars

Start your new year brushing up on your skills and delving into our resources with two new webinars: Tips for Effective Testimony and 2019 Trends in Occupational Licensing. Reserve your spot today!

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Tips for Effective Testimony

Thursday, Jan. 16, 2020 | 1 p.m. ET/ Noon CT/ 11 a.m. MT/ 10 a.m. PT

Presenting information to legislators is one of the most important tasks legislative staff perform. The information staff present can help shape policy discussions, and influence the decisions of lawmakers. Testifying before a committee, or presenting to a group of legislators can be stressful and challenging for legislative staff. As states prepare for their 2020 legislative sessions, Jonathan Ball shares some guidance and advice for conveying information to legislators.

Speaker | Jonathan Ball is Utah's Legislative Fiscal Analyst, leading a team of non-partisan public finance experts who forecast state revenue, recommend budgets, and estimate the cost of proposed legislation.

Ball has been in public service for over twenty years, serving both the executive and legislative branches of government. Ball has served on NCSL's Executive Committee and been president of the National Association of Legislative Fiscal Offices (NALFO) and the Western States Legislative Fiscal Officers Association (WSLFOA). In 2016, NCSL awarded Ball the Steven D. Gold Award for his committment to improving the legislative institution and state budgeting practices around the country.

Register Here

AMERICAN OVERSIGHT

2019 Trends in Occupational Licensing

Friday, Jan. 17, 2020 | 1 p.m. ET/ Noon CT/ 11 a.m. MT/ 10 a.m. PT

This webinar will include an overview of 2019 trends in occupational licensing legislation, and a brief overview of NCSL's own research on the topic, as well as a demonstration on how to use our National Occupational Licensing Database.

We will be looking at trends in our four key populations: ex-offenders, immigrants with work authorization, military families, and dislocated workers. We will also be recapping general trends in the supervision of boards and regulations.

Register Here

© National Conference of State Legislatures
Denver: 303-364-7700
Washington: 202-624-5400

Note about registering for webinars:

We have recently updated our website and starting Nov. 1, 2019 you will need to reactivate your account to proceed with registration. Simply click the "Create Account" button at the top right and follow instructions. Need help? Options for assistance are available on the page.

Unsubscribe from these messages.

7700 East First Place, Denver, CO 80230

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From: NCSL Webinars <events@ncsl.org>
Sent: Monday, January 13, 2020 1:36 PM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Upcoming January Webinars

NCSL

Upcoming January Webinars

Start your new year brushing up on your skills and delving into our resources with three new webinars: Tips for Effective Testimony, 2019 Trends in Occupational Licensing and Student-Centered Learning: A Review of the Research. Reserve your spot today!

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Register Here

Student-Centered Learning: A Review of the Research

Friday, Jan. 24, 2020 | 2 p.m. ET/ 1 p.m. CT/ Noon MT/ 11 a.m. PT

The future of learning and innovative policy options that enable student-centered learning to thrive were at the center of a national dialogue among state legislators participating in the NCSL Student-Centered Learning Commission, a bipartisan group of state legislators and legislative staff that studied personalized and student-centered learning environments and policy options from 2017 to 2019. The commission learned about policy

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options including competency-based learning and mastery-based progressions, personalized learning, and expanded learning opportunities, along with new approaches to classroom and school building design and staffing.

During this one-hour webinar, legislators and legislative staff will hear from Eve Goldberg, Director of Research for the Nellie Mae Education Foundation, about the body of research that supports student-centered learning. What are lessons learned, to date, about school environments that enable student-centered learning? How might the research inform state policy going forward?

This webinar is the sixth in a series sponsored by the NCSL Student-Centered Learning Commission, with generous support from the Nellie Mae Education Foundation. Other webinars include An Overview of K-12 Competency-Based Education, ESSA and Personalized Learning, Performance-based Assessments for Teaching and Learning, Support for Teachers and Leaders in Student-Centered Learning Environments, and Student-Centered Learning for All Learners, all available for viewing at any time.

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Denver: 303-364-7700
Washington: 202-624-5400

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AMERICAN OVERSIGHT

7700 East First Place, Denver, CO 80230

AMERICAN OVERSIGHT

From: NCSL Webinars <events@ncsl.org>
Sent: Tuesday, December 03, 2019 3:36 PM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Upcoming Webinar | Dealing With Difficulty: Converting Stakeholders and Colleagues into Allies and

NCSL

Webinar This Week

Dealing With Difficulty:
Converting Stakeholders and Colleagues into Allies and Partners

Thursday, Dec. 5, 2019 2 p.m. ET/ 1 p.m. CT/ Noon MT/ 11 a.m. PT

Our work inside legislatures invariably brings conflict—whether it be within our own offices, with other legislators or agencies, or with and among external stakeholders.

Even if the conflict itself is inevitable, our approach to mitigating, managing, and resolving it need not consume so much time and energy. **In this fast-paced and interactive webinar,** Larry Schooler will use his background and expertise in mediation and conflict management to guide you through a new approach to conflict resolution, both for your internal team and with competing public interests. You will learn how best to analyze conflict and how to tailor your approach, as well as how to create conditions for less conflict or conflict with less severity.

Larry Schooler is a mediator, facilitator and public engagement consultant for outside clients through Public Participation Partners and as a senior fellow for the National Civic League and the Annette Strauss Institute for Civic Life at the University of Texas. Schooler holds a bachelor's degree in history, a master's degree in conflict analysis and resolution and is pursuing a doctorate in the same field. He is the author of the manual "The 'Public' in Public Policy: Keys to a Successful Community Meeting" and a forthcoming book on the first Truth and Reconciliation Commission in the United States.

Note about registering for this webinar:
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From: NCSL Webinars <events@ncsl.org>
Sent: Monday, January 27, 2020 11:36 AM EST
To: Kerr, GeeDee <Kerr.GeeDee@flsenate.gov>
Subject: Upcoming Webinars

NCSL

Upcoming Webinars

Dive into our resources with three new webinars: Paid Family and Medical Leave Policies in the States, Countdown to Real ID: Next Steps for States? and Environmental Concerns in Child Care Settings. Reserve your spot today!

Paid Family and Medical Leave Policies in the States

Thursday, Feb. 6, 2020 | 2 p.m. ET/ 1 p.m. CT/ Noon MT/ 11 a.m. PT

Research has found that caring and nurturing relationships between infants and adults support healthy development long into the future. While polls show overwhelming bipartisan support for paid family and medical leave, the United States is the only developed country without a national paid leave policy. Some states are responding to the need for parents to bond with their babies by implementing their own policies. Register for this 60-minute webinar to learn what actions states are taking to realize the health, educational and financial benefits of paid family and medical leave.

Speakers | Jackson Brainerd, policy specialist, NCSL and Jamie Colvard, director of state policy, Zero to Three
Moderators | Alison May and Jennifer Palmer, policy associates, NCSL

Register Here

Countdown to Real ID: Next Steps for States?

Thursday, Feb. 13, 2020 | 2 p.m. ET/ 1 p.m. CT/ Noon MT/ 11 a.m. PT

The Department of Homeland Security will begin full enforcement of Real ID at commercial airports in less than 10 months. This will require all members of the public to have their own Real ID to pass through security. Join NCSL and the DHS for an in-depth discussion on what's next for the department and what states should know as they head into the new year and new legislative session.

Speaker | Steve Yonkers, Department of Homeland Security
Moderator | Ben Husch, NCSL

Register Here

AMERICAN OVERSIGHT

Environmental Concerns in Child Care Settings

Friday, March 20, 2020 | 2 p.m. ET/ 1 p.m. CT/ Noon MT/ 11 a.m. PT

For young children in the United States, almost half (40%) spend their days in licensed child care facilities. States have enacted laws and policies to limit environmental hazards and promote better health and safety in child care settings. In 13 states, facilities are required to perform environmental tests for issues such as lead-based paint, lead in water, asbestos and radon. More than 40 states require fire, health or building code inspections.

Speakers:

- **Jennifer A. Freed**, technical project officer, Agency for Toxic Substances and Disease Registry (ATSDR). ATSDR, based in Atlanta, is a federal public health agency of the U.S. Department of Health and Human Services. ATSDR protects communities from harmful health effects related to exposure to natural and man-made hazardous substances.
- **Tarah Somers**, registered nurse, MSN/MPH, director region 1, Agency for Toxic Substances and Disease Registry (ATSDR)

Moderator: Doug Farquhar, director of environmental health, NCSL

Register Here

Note about registering for webinars:

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7700 East First Place, Denver, CO 80230

From: Colleen Thayer <colleen@namisarasotacounty.org>
Sent: Monday, February 03, 2020 5:50 PM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>; Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Update

Hi there - just wanted to reach out and see if there was any thought on conference for the HOPE appropriation we are supporting?! I know it made it through a committee in House but not their main budget which was expected - at least by me :-)

Anyway - if we can provide any information to you - or do anything on this end (wish I was there more but won't be up until week of 24th) just let me know. I am happy to reach out to some folks I have contact with if Sen. Gruters is going to pursue it!

Much appreciated!

Colleen

Colleen Thayer, MA, APR, CPRC
Executive Director
NAMI Sarasota County
Serving Sarasota and Manatee Counties
941-376-9361

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AMERICAN OVERSIGHT

From: FLIMEN Alert <Alert@FLIMEN.org>
Sent: Monday, January 27, 2020 11:40 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: Urgent - Florida Senators Should Endorse Racial Equality, Not SPLC Hate Labels!

Floridians for Immigration Enforcement

www.flimen.org

Florida Senators Should Endorse Racial Equality, Not SPLC Hate Labels!

Republican leadership, Senate President Galvano and resolutuion sponsor Senator Simpson, are rushing a dangerous resolution through the Senate. Masses of calls and emails are needed before 4PM, Tuesday, January 28th, 2020.

It won't take but 10 minutes to call President Galvano, Senator Simpson and five Judiciary Committee members.
Just leave messages with your name and a statement
"I oppose the racist White Nationalist resolution CS/SR 214 because (one talking point)."
It is easy to send emails messages as the message is pre-loaded with subject and body, just add your name.

While resolutions do not carry the same importance as legislation, CS/SR 214, a resolution denouncing 'White Nationalists' is naïve, inaccurate, misguided, dangerous, without merit and divisive. FLIMEN requests every concerned citizen take action against this resolution which is substantially based on information from the highly discredited and extremely polarizing Southern Poverty Law Center (SPLC). See SPLC Exposed.

While Floridians for Immigration Enforcement (FLIMEN) *agrees* with substantial parts of the resolution FLIMEN suggests one of the following changes;

1. A total revision focusing on The American Principle of Racial Equality, as proposed in this letter.
2. Striking of the ambiguous, dangerous, liberal, weaponized terms 'white nationalists, white supremacists,' or better yet.
3. Table the divisive resolution and move onto legislation that has real benefits to Floridians.

FLIMEN has virtually no media coverage so it is mainly up to concerned citizens who receive this message to take action. Please make the calls below and FORWARD THIS MESSAGE TO YOUR LISTS, especially groups.

Talking Points;

- Racist – This resolution is flat-out racist. Only the white race was targeted. What about determining wrong doings based upon American Rule of Law and not immutable characteristics?
- Racial Equality The resolution should affirm support for the American Principle of Racial Equality.
- Inaccurate – Rather than some empirical data proving white violence, the biased and incompetent Bill Analysis is basically a rendition of SPLC's infamous hate labels.
- Liberal Narrative Weaponization - The Alinsky-style name-calling used by liberals will cause many innocent citizens to be swept up by *the wide, wide net of 'white nationalists'*

Call to Senate President

- Senate President Bill Galvano (R), Email, (850) 487-5021

Call to Resolution Sponsor

- Senator Wilton Simpson (R), Email, (850) 487-5010

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Calls to Judiciary

- Senator David Simmons (R) Chair, Email, (850) 487-5009
- Senator Dennis Baxley (R), Email, (850) 487-5012
- Senator Travis Hutson (R), Email, (850) 487-5007
- Senator Kelli Stargel (R), Email, (850) 487-5022

Optional calls to Infrastruture and Security committee that passed the resolution favorably

- Senator Tom Lee (R) Chair, Email, (850) 487-5020
- Senator Keith Perry (R), Vice Chair, Email, (850) 487-5008
- Senator Aaron Bean (R), Email, (850) 487-5004
- Senator Ed Hooper (R), Email, (850) 487-5016
- Senator Travis Hutson (R), Email, 850) 487-5007

Attend Judiciary Meeting

MEETING DATE: Tuesday, January 28, 2020
TIME: 4:00—6:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building, Tallahassee, FL
EXPANDED AGENDA
Watch Judiciary Meeting Live

Racist

Can you find any other race targeted in the SPLC-centric Bill Analysis?

Racial Equality

Adopting the American principle of Racial Equality provides an opportunity to redirect the narrative and would provide a more universally acceptable goal.

FLIMEN has provided a draft resolution based on the American Principle of Racial Equality in this letter.

Inaccurate

The Bill Analysis states;

> "Florida has been the site of several mass shootings that include Pulse Nightclub in Orlando, Marjory Stoneman Douglas High School in Parkland, Fort Lauderdale-Hollywood International Airport, Jacksonville Landing, as well as a SunTrust Bank in Sebring.1 Many of these acts of targeted mass violence appear to have been motivated by violent extremism based on a variety of supremacy philosophies."

The very next paragraph is about 'white nationalists.' It is inaccurate and simplistic to equate these atrocities exclusively to 'white nationalists.'

The left never fails to sensationalize tragedies like these, even if there is no connection to 'White Nationalism and White Supremacy' if it benefits their narrative.

Liberal Narrative Weaponization

The major problem with the term 'White Nationalist' is that it is the Democrats' way of redefining terminology to smear Republicans or anyone who opposes their views, often those who support immigration enforcement. FLIMEN has been the target of liberal Democrat smear campaigns for a long time, so we are a bit of an expert in this area.

SPLC is the main driver of much of the ongoing "Hate" and "Racist" rhetoric. SPLC is an antagonistic opponent to most every value for which Republicans stand, especially immigration enforcement. As an example, the SPLC instigated the boycott of Mark Krikorian of Center for Immigration Studies during a committee meeting last year. SPLC, was one of the parties involved in the federal lawsuit against the Anti-Sanctuary bill SB 168. Judge Bloom upheld all but a minor aspect of the bill. Yet Senate Republicans made SPLC central to this resolution!

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SPLC calls any organization that supports immigration enforcement a “Hate Group, Racist, White Supremist, or Neo Nazi.” Their definition of ‘White Nationalist’ is wrong and ridiculously broad per their web page.

The wide, wide net caused by the ambiguous definition of ‘white nationalist’ will certainly be used against Republican by Democrats in the next critical 2020 election and thereafter.

Remember, Democrats have already changed the national narrative by overusing the word ‘racist’ as well as using the term 'undocumented immigrant' in place of the actual legal term of “illegal alien!” Democrats are now falsely claiming that anyone using the term “illegal alien” should be accused of hate speech. With the current language in the proposed revision, Democrats will achieve equating people who support the rule of law and immigration enforcement in any form to be 'White Nationalists or White Supremacists'.

We simply must not continue to allow the Democrats to define and control the narrative and the rhetoric!

Unbelievable but the very biased Bill Analysis even references this page below THAT CLEARLY SHOWS LIBERALS EQUATE NEO-NAZIS to ‘white nationalists.’ This is OUTRAGEOUS!

SPLC Defines White Nationalist
https://www.splcenter.org/fighting-hate/extremist-files/ideology/white-nationalist

---

Their definition obviously equates “White Nationalist” to “neo-Nazi”!

So, what is a "White Nationalist?" To many it means a Caucasian who supports the concept of America First. It should be noted that America's Founding Fathers were White, and they were decidedly Nationalists. Much of the deep difference between Democrats and Republicans is a different view of globalism vs. nationalism. President Trump has often expressed the concept of taking care of USA first, along with a skepticism on the ‘New World Order’ which is typically embraced by the Democrats.

“White Supremacy” means racial superiority which we despise.

Neo-Nazi has yet a different meaning, as an advocate of fascism, which we despise.

The common use liberal definition of “White Nationalism” is conveniently shown in an OP-ED by the Palm Beach (Com)Post.
https://www.palmbeachpost.com/opinion/20190331/editorial-florida-lawmakers-must-soundly-denounce-white-nationalism-shut-down-sanctuary-cities-bill

---

There you have it very clearly; Democrats consider Republicans who support immigration law enforcement “white nationalism.”

Using simple logic with these examples;

Republicans supporting immigration enforcement=
White Nationalists =
White Supremacists =
Neo-Nazis

Links clearly showing liberals constantly and viciously branding Republicans with SPLC labels;

- https://www.breitbart.com/2nd-amendment/2020/01/20/watch-2a-activist-media-smearing-virginia-protesters-as-nothing-but-white-rednecks/?utm_source=newsletter&utm_medium=email&utm_term=daily&utm_campaign=20200120&utm_content=B
- https://www.breitbart.com/politics/2020/01/19/new-york-times-smears-trump-supporter-as-white-nativist/?utm_source=newsletter&utm_medium=email&utm_term=daily&utm_campaign=20200120&utm_content=B
- https://www.breitbart.com/politics/2020/01/20/nbc-news-reporter-deletes-post-calling-pro-2a-event-white-nationalist-rally/?utm_source=newsletter&utm_medium=email&utm_term=daily&utm_campaign=20200120&utm_content=B
- https://www.breitbart.com/tech/2020/01/20/u-of-oklahoma-workshop-leader-being-on-time-is-white-supremacy/?utm_source=newsletter&utm_medium=email&utm_term=daily&utm_campaign=20200120&utm_content=B
- https://www.westernjournal.com/black-virginia-pro-gun-protester-crushes-medias-white-supremacist-narrative/?

AMERICAN OVERSIGHT

utm_source=Email&utm_medium=c50breaking&utm_campaign=wj-breaking&utm_content=conservative-50

- https://floridianpress.com/2020/01/juice-florida-politics-juicy-read-1-22-20-mutilating-children-genitalia-in-florida-iguana-freeze-gun-owners-all-support-white-supremacy/
- https://floridianpress.com/2020/01/david-hogg-states-gun-owners-only-support-white-supremacy/
- https://www.facebook.com/FloridaImmigrantCoalition/videos/507015910097466/

More Information

This letter was sent to all Republican members of the Infrastructure and Security Committee (IS), the first committee to hear the resolution.

The IS Committee voted 7-0 for the resolution.

Video of the Infrastructure and Security Committee hearing is from 22:50 to 45:50.

January 26, 2020

Unsubscribe

From: Mitch Lucas <mlucas@mgmt-assoc.com>
Sent: Friday, January 24, 2020 10:18 AM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>; Torres, Victor <Torres.Victor@flsenate.gov>; Hutson, Travis <Hutson.Travis@flsenate.gov>; Stewart, Linda <Stewart.Linda@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>; Plasencia, Rene <Rene.Plasencia@myfloridahouse.gov>; Williamson, Jayer <Jayer.Williamson@myfloridahouse.gov>; Brown, Kamia <Kamia.Brown@myfloridahouse.gov>; Ausley, Loranne <Loranne.Ausley@myfloridahouse.gov>; Daley, Dan <Dan.Daley@myfloridahouse.gov>; Davis, Tracie <Tracie.Davis@myfloridahouse.gov>; chip.lamarca@myfloridahouse.com <chip.lamarca@myfloridahouse.com>; Polo, Cindy <Cindy.Polo@myfloridahouse.gov>; Roach, Spencer <Spencer.Roach@myfloridahouse.gov>; anamaria.rodriquez@myfloridahouse.gov <anamaria.rodriquez@myfloridahouse.gov>; anthony.rodriquez@myfloridahouse.com <anthony.rodriquez@myfloridahouse.com>; Roth, Rick <Rick.Roth@myfloridahouse.gov>; anthony.sabatini@myfloridahouse.com <anthony.sabatini@myfloridahouse.com>; jason.shoaf@myfloridahouse.com <jason.shoaf@myfloridahouse.com>; tyler.sirois@myfloridahouse.com <tyler.sirois@myfloridahouse.com>
CC: Emma Bartlett <EBartlett@mgmt-assoc.com>; Dominick Scannavino <DScannavino@mgmt-assoc.com>; cynthiab54@gmail.com <cynthiab54@gmail.com>; Winnie Abbott <winnies22@yahoo.com>; p.watrous <p.watrous@verizon.net>; k62kjmt@yahoo.com <k62kjmt@yahoo.com>; dfaimali@gmail.com <dfaimali@gmail.com>
Subject: Urgent Response HB1011 & SB1128 Short-Term Rentals
Attachment(s): "Letter to Legislature Signed 1.24.2020.pdf"

To All Honorable State Senators and State Representatives,

I am contacting you today to urge you to **OPPOSE HB 1011 and SB 1128 as currently drafted** . At a minimum, meaningful registration and data reporting by short-term rental operators and platforms should be required, as it is for every other commercial enterprise in the state. Not only does fail to do that but these bills nullify the few sensible rules that are protecting communities from being overrun by illegal hotels.
Please HB 1011 and SB 1128 and protect our state's residential neighborhoods.

Sincerely, a concerned Clearview Oaks Condominium Association's Board of Directors

Respectfully,

Mitch Lucas LCAM
Property Manager
Management & Associates
4140 55th St. N. Unit #1113
Kenneth City, FL 33709
Phone: (727)329-8071
Facsimile: (727)498-8801
Email: mlucas@mgmt-assoc.com
Website: www.mgmt-assoc.com

MANAGEMENT AND ASSOCIATES
Community Association Management

If you are inquiring about: a homeowner questionnaire; an estoppel; a sale balance; a transfer of ownership balance; association governing documents or any other closing documentation, please log-on to www.homewisedocs.com.

AMERICAN OVERSIGHT

Clearview Oaks Condominiums Association, Inc.
4140 55th St. N. Kenneth City, FL 33709

January 23, 2020

All Florida Senators and Representatives
The Capital
Tallahassee, FL 32399-1300

Dear Senators and Representatives:

The Board of Directors of the Clearview Oaks Condominium Association, Inc. is writing you today with very strong concerns on the upcoming Bills HB 1011 and SB 1128 as they are currently drafted that would cancel existing short-term rental rules in the state and does not provide for any meaningful regulation of vacation rentals in the future. And its negative impact on communities and associations across the state.

As one of the first condominium associations in the United States and the first organized condominium association in the state of Florida we have the unique distinction of also having the oldest Condominium buildings in the state of Florida and with that the oldest infrastructure that requires continuous maintenance. It is with that in mind the Association prohibits all rentals of any kind, long or short term in our community. With the advent of the internet and Air BnB it is a never ending struggle to keep Unit Owner's from renting their units out when they are not in residence.

State regulations only benefit digital platforms and imposing statewide rental standards is unfair to local community associations who struggle on a daily basis to keep short-term rentals out of their communities and feel that at the very least we should have a say in how they are regulated. Polls show that nearly three-quarters of state voters believe that local city and county commissioners should be the ultimate authority on short-term rental regulations. The Florida League of Cities say these bills will preempt the actions of the state's cities and are yet another example of Tallahassee violating the concept of home -rule

It is for these reasons and more that we urge you to vote no on the above referenced Bills and keep the regulation of short-term rentals in the hands of local cities and communities as it should be.

Thanks all of you for your service to our state and please let me know your thoughts

You can contact me at 727-329-8071 or email mlucas@mgmt-assoc.com.

Sincerely,

Mitch Lucas, LCAM
Property Manager, Clearview Oaks Condominiums

AMERICAN OVERSIGHT

From: Paul Nichols <paulanthonynichols@gmail.com>
Sent: Sunday, February 09, 2020 4:52 PM EST
To: Gruters, Joe <Gruters.Joe@flsenate.gov>; Torres, Victor <Torres.Victor@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Stewart, Linda <Stewart.Linda@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>
CC: Smith Holly <Holly.Smith@mysanibel.com>; Kate Nichols <nicholskate57@gmail.com>
Subject: Vote no on SB 1128 Vacation Rentals

Dear State Senators,

Please use your vote wisely on this matter and vote "NO" to this amendment on Tuesday. I am sure you have had a ton of emails and letters asking you the same and stating multiple reasons relating to the nature of short term rentals and the negative affects they have on a community, I will not repeat these here.

Our perspective is relating to the uniqueness of the island and city that we have chosen as our home. Sanibel Island is unique in its character and nature and as you know, when it was incorporated as a City, our goal was to help protect that very special character. In fact so much so that when we moved our family home to the Island, I volunteered and was selected to sit on our Planning Commission. As I explained to the mayor during my interview, I feel so motivated to protect this jewel in the Gulf that I would be happy to commit my working efforts to this cause. It is now this same desire to protect our beautiful and unique island that motivates me to implore you to vote "NO" on Tuesday.

We are full time residents on Sanibel and welcome the thousands of visitors that flock over the causeway during the year, many stay in the inns and hotels and many others rent residences for periods of anything from 1 to 5 months and are a valued and welcome addition to our community. Indeed, many of our best friends are snowbirds and l, just like their feathered namesakes, we look forward to their return each year. What we don't need is more weekly and shorter term rentals, this is a headache for traffic and noise and threatens the security of neighborhoods with the frequent turnover in traffic. Any renter less than a month in a residential property increases the risk and uncertainty for my family and other residents without a proper registration process and restriction on the length of stay. We are all working hard with the council to introduce a short term rental registration process to help us control this growing issue, please vote "NO" to allow us to continue to protect our community.

Thank you for your service!

Yours respectfully
Paul and Catherine Nichols
Sanibel Planning Commission and year round residents

Regards
Paul

AMERICAN OVERSIGHT

From: Katie Kiselewski <kkiselewski@flfoundation.org>
Sent: Friday, October 25, 2019 4:23 PM EDT
To: Gruters, Joe <Gruters.Joe@flsenate.gov>
Subject: What To Know Before You Go: The 2019 Future of Florida Forum

What To Know Before You Go

Thank you for registering to attend the Florida Chamber Foundation's 2019 Future of Florida Forum, **October 28-29** in Orlando. We look forward to interactive discussions on how Florida's businesses can help pave the way toward a brighter future for all Floridians.

On Oct. 28, join us to kick off our conversation on Florida's long-term future. Discussions will examine where Florida stands today and how we will reach our goals set in the *Florida 2030 Blueprint*. The day will end with our Welcome Reception, followed by the Women's Hall of Fame Induction Dinner. On Oct. 29, we continue the discussion with breakfast and presentations starting at 7:30 a.m.

The complete schedule is as follows:

Monday, October 28	**Location**
8:00 a.m. Future of Florida Forum Registration Opens	Pre-Function Area
11:00 a.m. Future of Florida Forum Opening Session & Luncheon	Grand Cypress DEF
5:30 p.m. Welcome Reception	Pre-Function Area
7:00 p.m. Women's Hall of Fame Induction Dinner _	Grand Cypress DEF
Tuesday, October 29	
7:00 a.m. Future of Florida Forum Registration Opens	Pre-Function Area
7:30 a.m. Breakfast, General Session, Florida Chamber of Commerce Board of Governor's Annual Meeting and Luncheon	Grand Cypress DEF

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Below are a few things to know before you go:

VENUE

Hyatt Regency Grand Cypress
One Grand Cypress Blvd
Orlando, FL 32836
407-239-1234

- We are pleased to offer Future of Florida Forum Attendees a discount code provided by our sponsor, Lyft. Use the code **FUTUREOFFL19** to receive 25% off two Lyft rides. Click here for more details.
- The hotel's self-parking lot is currently blocked with construction. Complimentary self-parking is located in Lot 7 with shuttles running 24 hours a day. The hotel recommends dropping off luggage at the front entrance/lobby before parking.
- Or, valet parking is $22 per day.
- For a map and more information, click here.

SCHEDULE

Click here to find the most updated agenda.

DRESS

Business

ENGAGEMENT

We encourage you to share your event experience with on Twitter, using #FutureofFL and tagging @FLChamberFDN.

AMERICAN OVERSIGHT

From: Amanda Palmer <amanda.flfamilypolicycouncil@gmail.com>
Sent: Thursday, January 23, 2020 1:06 PM EST
To: Broxson.Doug <Broxson.Doug@flsenate.gov>; Gainer, George <Gainer.George@flsenate.gov>; Montford, Bill <MONTFORD.BILL@flsenate.gov>; Bean, Aaron <BEAN.AARON@flsenate.gov>; Bradley, Rob <BRADLEY.ROB@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Perry, Keith <Perry.Keith@flsenate.gov>; Simmons, David <SIMMONS.DAVID@flsenate.gov>; Simpson, Wilton <SIMPSON.WILTON@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>; Torres, Victor <Torres.Victor@flsenate.gov>; Hooper, Ed <Hooper.Ed@flsenate.gov>; Mayfield, Debbie <Mayfield.Debbie@flsenate.gov>; Lee, Tom <LEE.TOM@flsenate.gov>; Galvano, Bill <GALVANO.BILL@flsenate.gov>; Gruters, Joe <Gruters.Joe@flsenate.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Harrell, Gayle <Harrell.Gayle@flsenate.gov>; Albritton, Ben <Albritton.Ben@flsenate.gov>; Benacquisto, Lizbeth <BENACQUISTO.LIZBETH@flsenate.gov>; Passidomo, Kathleen <Passidomo.Kathleen@flsenate.gov>; Rader, Kevin <Rader.Kevin@flsenate.gov>; Powell, Bobby <Powell.Bobby@flsenate.gov>; Berman, Lori <Berman.Lori@flsenate.gov>; Book, Lauren <Book.Lauren@flsenate.gov>; Thurston, Perry <Thurston.Perry@flsenate.gov>; Farmer, Gary <Farmer.Gary@flsenate.gov>; Braynon, Oscar <BRAYNON.OSCAR@flsenate.gov>; Diaz, Manny <Diaz.Manny@flsenate.gov>; Rodriguez, Jose <Rodriguez.Jose@flsenate.gov>; Pizzo, Jason <Pizzo.Jason@flsenate.gov>; Flores, Anitere <FLORES.ANITERE@flsenate.gov>; Taddeo, Annette <Taddeo.Annette@flsenate.gov>
Subject: You're Invited to the Florida Family Policy Council Prayer Breakfast
Attachment(s): "Pro-Family Days 2020 flier final (1).pdf"

Senators,

We would like to reach out to invite you to the Florida Family Policy Council's Annual Dinner and Legislative Prayer Breakfast this coming Monday night, January 27th, and Tuesday Morning, January 28th.

We would be honored to have you join us for this time of fellowship and prayer as we pray for the legislation you will be working on, and the tough decisions you will be making in the coming weeks. I have attached our flyer which tells you about our event.

If you would like to participate in our events the cost is as follows:

- Dinner will begin at 6:00pm Monday January 28th at the Donald L Tucker Civic Center. The cost is $50.
- The Legislative Prayer Breakfast will begin at 7:30am on Tuesday, January 28th and is $35.

If you would like to attend you may register on line at https://ffpc.regfox.com/prolifeprofamilydays or just reply to this email and I can get you registered.

If you would simply like to attend the prayer breakfast so that you can join us in prayer, but not have a plate provided or participate in the whole event, please let me know and I will make note of that as well.

Thank you so much for all that you do for our great state. Please let me know if you have any questions.

Have a blessed day,

Amanda Palmer
Event Coordinator
Florida Family Policy Council
(615)720-0185

--
Amanda Palmer
Florida Family Policy Council
(615)720-0185

AMERICAN OVERSIGHT

Pro-Family Days at the Capitol

Monday, January 27 to Tuesday, January 28, 2020

Donald L. Tucker Civic Center
505 West Pensacola Street, Tallahassee

Special Guest Speakers



Luis Ruiz and Angel Colon, Pulse Massacre Survivors



Walt Heyer, Detransitioned Formerly Trangendered

Monday
Registration opens 2:30 pm
Legislative Training 3:30 pm
Dinner 6:30 pm

Tuesday
Prayer Breakfast 7:30 am followed by meetings with Legislators.
Concludes at 2:00 pm

Tickets on sale now at FLfamily.org/profamilydays. For further information call 407-251-5130 or email FrontDesk@FLfamily.org.

FLORIDA FAMILY POLICY COUNCIL

Jan. 27 & 28, 2020 – Register now at FLfamily.org/profamilydays

Confirmed Special Guests include:



Speaker Designate Rep. Chris Sprowls



FL Senator Dennis Baxley



FL Senator Kelli Stargel



FL Representative Erin Grall



FL Representative Clay Yarborough

Two Exciting Days of: **Briefing | Training | Lobbying | Fellowship | Prayer | Speakers**

AMERICAN OVERSIGHT

From: Sherlock Technology Staffing <Alex@SherlockTalent.com>
Sent: Tuesday, February 11, 2020 2:55 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: ☎ $130K Dev Mgr. Miami; STATE OF THE CIO; Job Report; ITEXPO; DEVCON

$130K Dev Mgr. Miami; STATE OF THE CIO; Job Report; ITEXPO; DEVCON

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Tech Events

Tuesday, Feb 11 2020

ITEXPO East – Digital Transformation Happens Here

Wednesday, Feb 12 2020

vBeersPlus @ General Provision Downtown Ft. Lauderdale

Thursday, Feb 13 2020

Data Intersections: A free conference about the ethics of data, design, and tech

Fort Lauderdale :: PDF to Power BI by Pawel Majkowski

Technically Single! Valentines mixer @ X Miami!

Tuesday, Feb 18 2020

Monthly Linux Meetup (also covering Open Source, UNIX and UNIX-Like Systems)

Boca Java Meeting

Wednesday, Feb 19 2020

Miami's tech industry is experiencing strong job growth

Miami's tech industry is experiencing strong job growth. Local employers posted more than 300 new jobs over the past week and almost 700 in the last month, ranking third among local industries, according to ZipRecruiter, a leading online employment marketplace. The tech s... Read More

$135K Top Job Pick: Development Manager North Bay Village, Florida

Full Time/On-Site, Miami, FL, $110K – $135K Do you want to help save planet earth's marine life? Are you passionate about managing software development and delivering world-class code? Your opportunity to impact change is now. Join a rapidly g... Read More

Get Your Copy! The Dice Tech Job Report (FREE Download)

We are excited to introduce the Dice Tech Job Report, taking a deep dive into tech's fastest-growing skills, occupations, and hubs. Using data from Burning Glass Technologies, we've analyzed over 6 million tech job postings throughout the United States from 2018 and 2019 to ... Read More

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vBeers @ Biergarten Boca

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Decomposing DevOps: What is and what is not DevOps?

February 2020 Monthly Meeting

Friday, Feb 21 2020

ISACA South Florida, 13th Annual WOW Conference

Saturday, Feb 22 2020

SQLSATURDAY #946, South Florida, BI Edition

SFAA and RMJ Solutions presents a workshop on Project Management Fundamentals

Monday, Feb 24 2020

DNN Summit 2020

LeanAgileUS 2020!

Tuesday, Feb 25 2020

Intro to R Markdown

SFAA SIG – SAFe Scaling Agile : What , How and When ?

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PowerBI Business Analyst Dashboard Developer, West Palm Beach
Business Analyst Logistics/Automated Warehousing, Riviera Beach
Sr. Office Manager, North Bay Village
Software Developer, North Bay Village

Business Analyst – Customer, North Bay Village
Helpdesk Technician, North Bay Village

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Business Process Analyst, App Dev, Miramar
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Senior Java Developer, Miami
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Director, Digital Product, Miami
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Systems Engineer, Boca Raton
Pre-Sales Engineer – Mobile, Boca Raton
Director – End User Experience, Miami
Director, Global Network Services, Miami
Graphic Designer, San Francisco
Senior iOS Developer, Webster
Data Science & Analytics Manager, Miami
Director of PR Business Development, Miami
Shopify eCommerce Manager, Fort Lauderdale
Jr. SEM Specialist, Miami
Software Developer – Full Stack, Fort Lauderdale
QA – Engineer, Boca Raton
Developer – Magento, Boca Raton
BI Analyst, Coral Gables
Java – Developer, Boca Raton
Social Media Creative Director, San Francisco
Social Media Account Director, San Francisco
IT Security – Director, Boca Raton
PR Account Supervisor, Miami
PR Account Coordinator, Miami
VoIP – Developer, Fort Lauderdale
Bilingual IBM Project Manager – Technical, Boca Raton
Sr. Security Development Engineer, Miami
Social Media – Account Executive, San Francisco
Account Executive – PR, Miami
Lead QA – Analyst, Fort Lauderdale
SharePoint – Developer – Admin, Boca Raton
Social Media – Account Supervisor, San Francisco
Business Analyst – Medicare C & D, Fort Lauderdale
Developer – Evangelist, New York
Senior Cloud Data Engineer, Miami
Marketing Manager – BD, Miami
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Network Technician, North Bay Village

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From: Sherlock Technology Staffing <Alex@SherlockTalent.com>
Sent: Tuesday, February 04, 2020 2:50 AM EST
To: Barnhill, Josh <Barnhill.Josh@flsenate.gov>
Subject: □$150K DevOps Miami; Jeff Smith to Keynote State of the CIO; Sunshine PHP; ITEXPO

$150K DevOps Miami; Jeff Smith to Keynote State of the CIO; Sunshine PHP; ITEXPO

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Tech Events

Tuesday, Feb 04 2020

Online Love + Data Analytics – Learn the data behind your favorite dating sites

rstudio::conf 2020 viewing party □□□

Wednesday, Feb 05 2020

Boca JS – Node JS 101 – Learn NodeJS w/ Damian Montero

Thursday, Feb 06 2020

Sunshine PHP DevCon – Miami

WCMIA, Using Block Editor For Page Layout, And More

Tuesday, Feb 11 2020

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What does the future of food look like?

Miami's top food-delivery startup is opening a new kitchen. You won't be able to eat there. Miami-based REEF Technology, a combination food, real estate and technology business valued at more than $1 billion, has purchased a space in Midtown where it plans to build a c... Read More

$150K Top Job Pick: DevOps Manager North Bay Village, Florida

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Join us for Sunshine PHP, Miami, Feb 6-8

The SunshinePHP Developer Conference is hosted by the South Florida PHP community (SoFloPHP) in Miami, Florida from February 6th – 8th, 2020, and you're invited! We'll host some of the best speakers, awesome talk topics, latest technologies, and up to date news in ... Read More

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Director, Digital Product, Miami
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Node.js / Full Stack Developer, Miami
Systems Engineer, Boca Raton
Pre-Sales Engineer – Mobile, Boca Raton
Director – End User Experience, Miami
Director, Global Network Services, Miami
Graphic Designer, San Francisco
Senior iOS Developer, Webster
Data Science & Analytics Manager, Miami
Director of PR Business Development, Miami
System Engineer, Miami
Shopify eCommerce Manager, Fort Lauderdale
Jr. SEM Specialist, Miami
Software Developer – Full Stack, Fort Lauderdale
QA – Engineer, Boca Raton
Developer – Magento, Boca Raton
BI Analyst, Coral Gables
Java – Developer, Boca Raton
Social Media Creative Director, San Francisco
Social Media Account Director, San Francisco
IT Security – Director, Boca Raton
PR Account Supervisor, Miami
PR Account Coordinator, Miami
VoIP – Developer, Fort Lauderdale
Bilingual IBM Project Manager – Technical, Boca Raton
Sr. Security Development Engineer, Miami
Social Media – Account Executive, San Francisco
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Network Technician, North Bay Village
Software Developer (C++ to C# Development), Miami
Mid Java Developer, Miami
Senior Low-Level Programmer with Video Drivers experience, Miami, FL
Senior DevOps Engineer – Remote, Miami
SQL BI Banking Integration Developer, Miami
Account Manager, Miami Beach

Tech Recruiter, North Bay Village
Help Desk Specialist, Miami
MS SQL DBA Engineer, Miramar

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Agile Business Analyst, Miami

Business Development Professional Sales, North Bay Village

Sports Lover Lead Software Developer, Miami

Sr UX Architect, Miami

Talent Sourcer, North Bay Village

Server Field Application Engineer, Farmington Hills

Systems Architect SAP ABAP Developer, Miami beach

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From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Friday, January 10, 2020 4:39 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 01.13.20 Daily Brief
Attachment(s): "01.13.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for Monday, January 13th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

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KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Monday, January 13, 2020

SCHEDULE

1:00 — 3:00 PM

Innovation, Industry, and Technology - 110 Senate Building

- CS/SB 802 - Marketable Record Title Act (Perry)
- SB 1060 - Public Records and Meetings/911 or E911 Communication System (Thurston)
- SB 1170 - Public Records and Meetings/Division of State Technology (Baxley)
- SB 818 - Manufactured Housing (Hooper)
- SB 1128 - Vacation Rentals (Diaz)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	In committee/council (RC)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (ACJ)
CS/SB 556	Inmate Conditional Medical Release	In committee/council (ACJ)
SB 560	Sentencing	In committee/council (ACJ)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	In committee/council (ACJ)
SB 760	Independent Special Fire Control Districts	In committee/council (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
SB 914	Property Insurance	In committee/council (BI)
SB 918	Civic Education	In committee/council (ED)
SB 924	Civil Actions Against Insurers	In committee/council (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (AG)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (CJ)
SB 1118	Inmate Welfare Trust Funds	In committee/council (CJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children’s Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (CJ)
SB 1146	Special Risk Class of the Florida Retirement System	In committee/council (CJ)
SB 1148	Electric Bicycles	In committee/council (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (CJ)
SB 1308	Criminal Justice	In committee/council (CJ)
SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	Filed
SB 1352	Transportation Companies	Filed
SB 1354	Statewide Voter Registration Application	Filed
SB 1372	Elections	Filed

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President Pro Tempore

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SB 1504	Sentencing	Filed
SB 1506	Public Records/Expunction of Specified Convictions	Filed
SB 1510	Jurisdiction of Courts	Filed
SB 1708	Inmate Reports	Filed
SB 1716	Sentencing	Filed
SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	Filed
SB 1728	Public Meetings And Records	Filed
SB 1738	Motor Vehicle Dealers	Filed

SPB 7032	OGSR/Body Camera Recordings Obtained by Law Enforcement Officers	On agenda (CJ)
SPB 7034	OGSR/Location Information	On agenda (CJ)
SPB 7036	OGSR/Criminal Intelligence Information/Criminal Investigative Information	On agenda (CJ)
SPB 7038	OGSR/Information Held by an Investigative Agency	On agenda (CJ)

FYI – COMMITTEE ACTIVITY

Chair Diaz and the Education Committee will meet to consider the following bills: SB 62 by Senator Stargel—K-12 Education, SB 72 by Senator Stargel—Postsecondary Education, SB 536 by Senator Diaz—Charter Schools, SB 836 by Senator Simmons—Funds for the Operation of Schools, SB 1088 by Senator Diaz—Teacher Salary Enhancement, SB 1164 by Senator Perry—Gardiner Scholarship, and SB 1218 by Senator Diaz—Anti-bullying and Anti-harassment in Schools.

Chair Hooper and the Governmental Oversight and Accountability Committee will meet to consider the following bills: CS/SB 406 by the Committee on Health Policy and Senator Stargel—Public Records/Minor's Petition to Waive Consent/Abortion, CS/SB 476 by the Committee on Innovation, Industry, and Technology and Senator Hooper—Law Enforcement Vehicles, SB 504 by Senator Perry—Local Government Public Construction Works, SB 506 by Senator Perry—Public Procurement of Services, SB 620 by Senator Hooper—Firefighters' Bill of Rights, SB 936 by Senator Gainer—Disability Retirement Benefits, SM 976 by Senator Pizzo—Haitian and Caribbean American Recognitions, SM 978 by Senator Pizzo—Juneteenth Independence Day, SB 1050 by Senator Diaz—Disaster Volunteer Leave for State Employees, SB 1114 by Senator Montford—Cost-of-living Adjustments to State Employee Salaries, and SB 7010 by the Committee on Military and Veterans Affairs and Space (Wright)—OGSR/Servicemembers and the Spouses and Dependents of Servicemembers.

Chair Simpson and the Innovation, Industry, and Technology Committee will meet to consider the following bills: CS/SB 802 by the Committee on Judiciary; Senator Perry and others—Marketable Record Title Act, SB 1060 by Senator Thurston—Public Records and Meetings/911 or E911 Communication System, SB 1170 by Senator Baxley—Public Records and Meetings/Division of State Technology, SB 818 by Senator Hooper—Manufactured Housing, and SB 1128 by Senator Diaz—Vacation Rentals.

Chair Flores and the Community Affairs Committee will meet to consider the following bills: SB 566 by Senator Bracy—Prohibited Discrimination, CS/SB 580 by the Committee on Judiciary and Senator Bracy— Uniform Partition of Heirs Property Act, SB 630 by Senator Mayfield—Regulation of Smoking, SB 998 by Senator Hutson—Housing, and SB 1072 by Senator Wright—Redevelopment Trust Funds.

Chair Montford and the Environment and Natural Resources Committee will for presentations by the Florida Department of Environmental Protection on the Overview of Resiliency Programs and the Florida Department of Economic Opportunity on the Funding for Disaster Mitigation. The Committee will also meet to consider the following bills: Projects SB 606 by Senator Bean—Anchoring Limitation Areas, SB 812 by Senator Hutson—

AMERICAN OVERSIGHT

Public Records/Threatened or Endangered Species, SB 7016 by the Committee on Infrastructure and Security (Lee)— Statewide Office of Resiliency, SB 822 by Senator Albritton—Drones, and SPB 7024—Florida Forever.

Chair Lee and the Infrastructure and Security Committee will meet to consider the following bills: SB 70 by Senator Book and others—Panic Alarms in Public Schools, SB 728 by Senator Stargel—Threats, SB 788 by Senator Book—Statewide Active Shooter Response Planning, SB 834 by Senator Simmons—Emergency Alerts, a proposed committee substitute combining the following bills: SR 214 by Senator Rodriguez and others—White Nationalism and White Supremacy and SR 222 by Senator Simpson and others—White Nationalism and White Supremacy, SPB 7028—Public Safety and SPB 7030—Public Records/Active Threat Assessments and Threat Management Records.

TOP CAUCUS TWEETS AND POSTS

Bill Galvano @BillGalvano
Art is an important part of our society. A goal of my term as Senate President was to commission a timeless, unifying, and welcoming piece of art for our 5th Floor Gallery. We will unveil this beautiful work of art on Tuesday.

George Gainer @SenatorGainer
Honored to help bring this wonderful program to #Okaloosa. #MentalHealthMatters

Sen. Anitere Flores @anitere_flores
On Tuesday, I received the Honors College Medallion from @fiuhonors for my continued support of @FIU over the years & for having established the 1st Gen Scholarship program. Thank you FIU for this award & for all the phenomenal work you're doing. #FIUAlum#GoPanthers

IN CASE YOU MISSED IT

CBS Miami: Ten Big Issues To Watch During The 2020 Florida Legislative Session
News 4 Jax: Florida lawmakers address ‘silent killer’ taking the lives of firefighters
Tallahassee Democrat: Lawmaker combines 'accountability' and 'compassion' in drunk driving bill

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Biscuit Bar (Chicken, Eggs), Apple Butter, Seasonal Fruit Salad

Lunch: Pulled Pork, Pulled Chicken, Buns, Tossed Salad, Mac & Cheese, Green Beans, Banana Pudding

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Monday, January 13, 2020 5:37 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 01.14.20 Daily Brief
Attachment(s): "01.14.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, January 14th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Tuesday, January 14, 2020

SCHEDULE

9:30 — 11:00 AM
SESSION
11:00 AM — until completion
JOINT SESSION
2:30 — 4:30 PM
Criminal Justice - 37 Senate Building

- SB 294 - Crimes Against Veterans (Wright)
- SB 544 - Husband-wife Communications Privilege (Harrell)
- SB 700 - Juvenile Diversion Program Expunction (Perry)
- SB 846 - Costs of Prosecution and Investigation (Simmons)
- SB 852 - Restrictive Housing for Incarcerated Pregnant Women (Pizzo)
- SB 872 - Public Records/Commissioners and Specified Personnel/School Administrators (Perry)
- SB 884 - Law Enforcement and Correctional Officers (Hooper)
- SB 888 - Public Nuisances (Perry)
- SB 1056 - PACE Center for Girls (Simpson)
- SB 1292 - Public Records/Nonjudicial Arrest Record of a Minor (Perry)
- Consideration of proposed bill:
- SPB 7036 - OGSR/Criminal Intelligence Information/Criminal Investigative Information ()
- Consideration of proposed bill:
- SPB 7032 - OGSR/Body Camera Recordings Obtained by Law Enforcement Officers ()
- Consideration of proposed bill:
- SPB 7034 - OGSR/Location Information ()
- Consideration of proposed bill:
- SPB 7038 - OGSR/Information Held by an Investigative Agency ()

SENATOR'S BILLS UPDATE

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	In committee/council (RC)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (ACJ)
CS/SB 556	Inmate Conditional Medical Release	In committee/council (ACJ)
SB 560	Sentencing	In committee/council (ACJ)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	In committee/council (ACJ)
SB 760	Independent Special Fire Control Districts	In committee/council (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
SB 914	Property Insurance	In committee/council (BI)
SB 918	Civic Education	In committee/council (ED)
SB 924	Civil Actions Against Insurers	In committee/council (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (AG)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (CJ)
SB 1118	Inmate Welfare Trust Funds	In committee/council (CJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (CJ)
SB 1146	Special Risk Class of the Florida Retirement System	In committee/council (CJ)
SB 1148	Electric Bicycles	In committee/council (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (CJ)
SB 1308	Criminal Justice	In committee/council (CJ)
SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	In committee/council (IS)
SB 1354	Statewide Voter Registration Application	In committee/council (EE)
SB 1372	Elections	In committee/council (EE)
SB 1504	Sentencing	In committee/council (CJ)
SB 1506	Public Records/Expunction of Specified Convictions	In committee/council (CJ)
SB 1510	Jurisdiction of Courts	In committee/council (JU)
SB 1708	Inmate Reports	Filed
SB 1716	Sentencing	Filed
SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	Filed
SB 1728	Public Meetings and Records/Conditional Medical Release Program	Filed
SB 1738	Motor Vehicle Dealers	Filed
SB 1826	Land Surveyors and Mappers	Filed
SB 1860	Availability of Marijuana for Adult Use	Filed
SB 1862	Public Records/Criminal History Records and Related Information	Filed

FYI – COMMITTEE ACTIVITY

Chair Albritton and the Agriculture Committee will to consider the following bills: SB 48 by Senator Book—Declawing of Cats, SB 786 by Senator Gainer—Public Records/Aquaculture Records/Department of Agriculture and Consumer Services, SB 1048 by Senator Pizzo—Courtroom Animal Advocates, SB 1082 by Senator Albritton—Domestic Violence Injunctions, SB 1084 by Senator Diaz and others—Emotional Support Animals, SB 1130 by Senator Albritton—Young Farmers and Ranchers, and SB 1276 by Senator Albritton—Department of Citrus.

Chair Gruters and the Commerce and Tourism Committee will meet to consider the following bills: SB 838 by Senator Simmons—Business Organizations, SB 848 by Senator Montford and others—Rural Communities, SB 886 by Senator Powell—Errors in Deeds, and SB 1192 by Senator Gruters—Tax on Aviation Fuel.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

Chair Perry and the Criminal Justice Committee will meet to consider the following bills: SB 294 by Senator Wright and others—Crimes Against Veterans, SB 544 by Senator Harrell—Husband-wife Communications Privilege, SB 700 by Senator Perry and others—Juvenile Diversion Program Expunction, SB 846 by Senator Simmons—Costs of Prosecution and Investigation, SB 852 by Senator Pizzo—Restrictive Housing for Incarcerated Pregnant Women, SB 872 by Senator Perry—Public Records/Commissioners and Specified Personnel/School Administrators, SB 884 by Senator Hooper and others—Law Enforcement and Correctional Officers, SB 888 by Senator Perry—Public Nuisances, SB 1056 by Senator Simpson—PACE Center for Girls, SB 1292 by Senator Perry—Public Records/Nonjudicial Arrest Record of a Minor, SPB 7036—OGSR/Criminal Intelligence Information/Criminal Investigative Information, SPB 7032—OGSR/Body Camera Recordings Obtained by Law Enforcement Officers, SPB 7034—OGSR/Location Information, and SPB 7038—OGSR/Information Held by an Investigative Agency.

Chair Harrell and the Health Policy Committee will meet to consider the following bills: SB 708 by Senator Hutson—Automated Pharmacy Systems, SB 518 by Senator Gruters and others—Cardiac Screening for Newborns, SB 1080 by Senator Perry—Nonopioid Alternatives, SB 864 by Senator Baxley—Surrendered Newborn Infants, SB 1020 by Senator Bean—Institutional Formularies Established by Nursing Home Facilities, SB 500 by Senator Harrell—Prohibited Acts by Health Care Practitioners, SB 878 by Senator Harrell—Public Records/Emergency Room Health Care Practitioners, and SB 1296 by Senator Berman—Health Access Dental Licenses.

TOP CAUCUS TWEETS AND POSTS

Rob Bradley @Rob_Bradley
So proud that @FLCaseyDeSantis visited our region today to learn about #ProjectSaveLives! Her incredible advocacy for these issues is already making a huge difference and saving lives-future is even brighter! We've invested in this program for 2 years at state level. More to do!

George Gainer @SenatorGainer
Off to a great start with the unanimous passage of our bill SB 936 which will better serve our state's veterans who are members or beneficiaries of the Florida Retirement System. This bill will further our goal of being the most veteran friendly state in the US. #District2

Debbie Mayfield @debbie_mayfield
Tomorrow, January 14th marks the start of the 2020 Legislative Session. The next 60 days will be extremely busy as we prepare the state budget and act on issues impacting all Floridians. Learn more about the upcoming Session in this week's #MayfieldMinute. conta.cc/2Nkp2cw

FL Senate Majority @FLSenateGOP
SB 1088 by @SenMannyDiazJr passed the Senate Education Committee. The Senate Republican Caucus values our teachers and is proud to support this legislation which aims to increase teacher salaries.

IN CASE YOU MISSED IT

WTSP Tampa: Florida Senate will honor first responders, survivors and those killed at NAS Pensacola
Florida Times-Union: DeSantis announces reduced Florida Prepaid prices
WUSF Tampa: A Slew Of Criminal Justice Bills Are Teed Up For The 2020 Session: Here's A Look At A Few Of Them

AMERICAN OVERSIGHT

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bagels, Pastries, Breakfast Sandwiches, Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Pasta, Meat Sauce, Alfredo Sauce, Marinara Sauce, Meatballs, House Salad, Breadsticks

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Tuesday, January 14, 2020 5:47 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 01.15.20 Daily Brief
Attachment(s): "01.15.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, January 15th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Wednesday, January 15, 2020

SCHEDULE

8:30 — 10:00 AM

Rules - 110 Senate Building

- SM 420 - VA MISSION Act of 2018 (Diaz)
- CS/CS/SB 140 - Fireworks (Hutson)
- CS/SB 356 - Keep Our Graduates Working Act (Hutson)
- SB 172 - Florida Drug and Cosmetic Act (Bradley)
- SR 546 - Oppression of the Nicaraguan People/President Daniel Ortega (Rodriguez)
- SB 594 - Florida Statutes (Benacquisto)
- SB 596 - Florida Statutes (Benacquisto)
- SB 598 - Florida Statutes (Benacquisto)
- SB 600 - Florida Statutes (Benacquisto)

10:30 AM — 12:30 PM

Banking and Insurance - 412 Knott Building

- SB 116 - Prescription Insulin Drugs (Cruz)
- SB 880 - Nurse Registry (Baxley)
- SB 894 - Business Services (Rouson)
- SB 898 - Insurance Guaranty Associations (Gruters)
- SB 1092 - Fire Prevention and Control (Bean)
- SB 1188 - Public Records/Records of Insurers/Department of Financial Services (Albritton)

1:30 — 3:30 PM

Appropriations Subcommittee on Criminal and Civil Justice - Not Meeting

4:00 — 6:00 PM

Appropriations Subcommittee on Transportation, Tourism, and Economic Development - Not Meeting

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	In committee/council (RC)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (ACJ)
CS/SB 556	Inmate Conditional Medical Release	In committee/council (ACJ)
SB 560	Sentencing	In committee/council (ACJ)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	In committee/council (ACJ)
SB 760	Independent Special Fire Control Districts	In committee/council (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
SB 914	Property Insurance	In committee/council (BI)
SB 918	Civic Education	In committee/council (ED)
SB 924	Civil Actions Against Insurers	In committee/council (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (AG)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (CJ)
SB 1118	Inmate Welfare Trust Funds	In committee/council (CJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (CJ)
SB 1146	Special Risk Class of the Florida Retirement System	In committee/council (CJ)
SB 1148	Electric Bicycles	In committee/council (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (CJ)
SB 1308	Criminal Justice	In committee/council (CJ)
SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	In committee/council (IS)
SB 1354	Statewide Voter Registration Application	In committee/council (EE)
SB 1372	Elections	In committee/council (EE)
SB 1504	Sentencing	In committee/council (CJ)
SB 1506	Public Records/Expunction of Specified Convictions	In committee/council (CJ)
SB 1510	Jurisdiction of Courts	In committee/council (JU)
SB 1708	Inmate Reports	Filed
SB 1716	Sentencing	Filed
SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	Filed
SB 1728	Public Meetings and Records/Conditional Medical Release Program	Filed
SB 1738	Motor Vehicle Dealers	Filed
SB 1826	Land Surveyors and Mappers	Filed
SB 1860	Availability of Marijuana for Adult Use	Filed
SB 1862	Public Records/Criminal History Records and Related Information	Filed
SB 1886	Grandparent Visitation Rights	Filed

FYI – COMMITTEE ACTIVITY

Chair Wright and the Military and Veterans Affairs and Space Committee will meet for a Senate Confirmation Hearing for Adjutant General of Florida National Guard Appointee: Eifert, James O. The committee will also meet to consider SB 96 by Senator Cruz and others—Educational Opportunities for Veterans and SB 352 by Senator Hutson—Unlawful Use of Uniforms, Medals, or Insignia.

AMERICAN OVERSIGHT

Chair Benacquisto and the Rules Committee will meet to consider the following bills: SM 420 by Senator Diaz and others—VA MISSION Act of 2018, CS/CS/SB 140 by the Committees on Banking and Insurance, Community Affairs; Senator Hutson and others—Fireworks, CS/SB 356 by the Committee on Innovation, Industry, and Technology; Senator Hutson and others—Keep Our Graduates Working Act, SB 172 by Senator Bradley—Florida Drug and Cosmetic Act, SR 546 by Senator Rodriguez—Oppression of the Nicaraguan People/President Daniel Ortega, SB 594 by Senator Benacquisto—Florida Statutes, SB 596 by Senator Benacquisto—Florida Statutes, SB 598 by Senator Benacquisto—Florida Statutes, and SB 600 by Senator Benacquisto—Florida Statutes.

Chair Simmons and the Judiciary Committee will meet to consider the following bills: CS/SB 404 by the Committee on Health Policy; Senator Stargel and others—Parental Consent for Abortion, SB 726 by Senator Rouson—Florida Commission on Human Relations, SB 748 by Senator Flores—Takings Claims Within Areas of Critical State Concern, and SB 1002 by Senator Rodriguez—Subpoenas.

Chair Broxson and the Banking and Insurance Committee will meet to consider the following bills: SB 116 by Senator Cruz and others—Prescription Insulin Drugs, SB 880 by Senator Baxley—Nurse Registry, SB 894 by Senator Rouson—Business Services, SB 898 by Senator Gruters and others—Insurance Guaranty Associations, SB 1092 by Senator Bean—Fire Prevention and Control, and SB 1188 by Senator Albritton—Public Records/Records of
Insurers/Department of Financial Services.

Chair Book and the Children, Families, and Elder Affairs Committee will meet to consider the following bills: SB 82 by Senator Bean—Individuals With Disabilities, SB 994 by Senator Passidomo and others—Guardianship, and SB 1324 by Senator Simpson—Child Welfare.

Chair Mayfield and the Appropriations Subcommittee on Agriculture, Environment, and General Government will meet for the following Senate Confirmation Hearings: Executive Director of Northwest Florida Water Management District Appointee: Cyphers, Brett J., Executive Director of St. Johns River Water Management District Appointee: Shortelle, Ann B., Executive Director of South Florida Water Management District Appointee: Bartlett, Andrew "Drew", Executive Director of Southwest Florida Water Management District Appointee: Armstrong, Brian J., and Executive Director of Suwannee River Water Management District Appointee: Thomas, Hugh L.

Chair Bean and the Appropriations Subcommittee on Health and Human Services will meet to consider CS/SB 58 by the Committee on Health Policy; Senator Book and others—Prescription Drug Donation Repository Program and for a Senate Confirmation Hearing for State Surgeon General Appointee: Rivkees, Scott A.

TOP CAUCUS TWEETS AND POSTS

Sen. Dennis Baxley @dennisbaxley
Today marks the first day of our 60 day Legislative Session and my colleagues and I are ready to continue our work of representing you in the Florida Senate! #OpeningDay

Kathleen Passidomo @Kathleen4SWFL
This morning we embark on a mission to create good policy for all Floridians. I am proud to serve Florida's Senate District 28 in Tallahassee.

Bill Galvano @BillGalvano
It was an honor to visit with the survivors and first responders of the NAS Pensacola terrorist attack, as well as the families of those we lost.

AMERICAN OVERSIGHT

Lizbeth Benacquisto @lizbethkb
This morning @BillGalvano and the @FLSenate unveiled the new artwork that will greet Floridians from across the state as they enter the Senate Gallery, a beautiful piece carved from a native cypress tree.

IN CASE YOU MISSED IT

WPTV West Palm Beach: Key Florida senator files plan for Everglades restoration, money for other water projects
Miami Herald: Senate president doesn't set his agenda to start session but does quote Mother Theresa
Bay News 9: Watchdog: New Florida Legislation Aims to Toughen Guardianship Laws
Tallahassee Democrat: NAS Pensacola shooting first responders, victims, families honored by lawmakers

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Fajita Bar, Salad Bar, Chips, Guacamole, Queso, Salsa, Cookies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Wednesday, January 15, 2020 5:08 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 01.16.20 Daily Brief
Attachment(s): "01.16.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, January 16th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

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(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Thursday, January 16, 2020

SCHEDULE

10:00 AM — 12:00 noon

Appropriations - 412 Knott Building

- Presentation on Governor's Fiscal Year 2020-2021 Budget Recommendations
- A proposed committee substitute for the following bill (CS/SB 346) is available:
- CS/SB 346 - Criminal Justice (Bradley)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	In committee/council (RC)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)

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President of the Senate

DAVID SIMMONS
President Pro Tempore

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CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (ACJ)
CS/SB 556	Inmate Conditional Medical Release	In committee/council (ACJ)
SB 560	Sentencing	In committee/council (ACJ)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	In committee/council (ACJ)
SB 760	Independent Special Fire Control Districts	In committee/council (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
SB 914	Property Insurance	In committee/council (BI)
SB 918	Civic Education	In committee/council (ED)
SB 924	Civil Actions Against Insurers	In committee/council (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (AG)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (CJ)
SB 1118	Inmate Welfare Trust Funds	In committee/council (CJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children’s Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (CJ)
SB 1146	Special Risk Class of the Florida Retirement System	In committee/council (CJ)
SB 1148	Electric Bicycles	In committee/council (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (CJ)
SB 1308	Criminal Justice	In committee/council (CJ)
SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	In committee/council (IS)
SB 1354	Statewide Voter Registration Application	In committee/council (EE)
SB 1372	Elections	In committee/council (EE)

AMERICAN OVERSIGHT

SB 1504	Sentencing	In committee/council (CJ)
SB 1506	Public Records/Expunction of Specified Convictions	In committee/council (CJ)
SB 1510	Jurisdiction of Courts	In committee/council (JU)
SB 1708	Inmate Reports	Filed
SB 1716	Sentencing	Filed
SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	Filed
SB 1728	Public Meetings and Records/Conditional Medical Release Program	Filed
SB 1738	Motor Vehicle Dealers	Filed
SB 1826	Land Surveyors and Mappers	Filed
SB 1860	Availability of Marijuana for Adult Use	Filed
SB 1862	Public Records/Criminal History Records and Related Information	Filed
SB 1886	Grandparent Visitation Rights	Filed

AMERICAN OVERSIGHT

FYI – COMMITTEE ACTIVITY

Chair Bradley and the Appropriations Committee will meet for a Presentation on Governor's Fiscal Year 2020-2021 Budget Recommendations and to consider a proposed committee substitute for CS/SB 346 by the Committee on Criminal Justice; Senator Bradley and others—Criminal Justice.

Chair Benacquisto and the Special Order Calendar Group will meet to set the Special Order Calendar.

TOP CAUCUS TWEETS AND POSTS

Sen. Anitere Flores @anitere_flores
SB 748 successfully passed its first committee stop today! Thank you to all those from Monroe County who came to Tallahassee to express their support! #session2020#floresfactor

Rob Bradley @Rob_Bradley
It's an incredible privilege to represent you in the Florida Senate. This week, we kicked off my last Legislative Session! Thank you for the honor!

Keith Perry @KeithPerryFL
Thank you @JeffreyBrandes@anitere_flores@senpizzo@rbracy30 for unanimously supporting #SB700. Florida children who want to put in the work should have the chance at a better future and to enter the workforce without the stigma of a criminal record. tinyurl.com/wz9umq5

IN CASE YOU MISSED IT

NBC South Florida: Florida Could Change Fireworks Law That's Now for the Birds
WFSU Tallahassee: Bill Proposed To Expunge Felony Records For Kids
News 4 Jax: Deal could prevent drilling in Florida Everglades land

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Signature Sandwiches, Caesar Salad, Greek Salad, Variety Cookies

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Monday, January 20, 2020 2:44 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 01.21.20 Daily Brief
Attachment(s): "01.21.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, January 21st.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
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FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Tuesday, January 21, 2020

SCHEDULE

10:00 — 11:30 AM **Schedule Conflict**

Agriculture - 301 Senate Building

- SB 240 - State Symbols (Rader)
- SB 764 - Certified Pile Burning (Baxley)
- SB 806 - Public Records/Animal Health Records/Department of Agriculture and Consumer Services (Gainer)
- **SB 980 - Lost, Stray, Unwanted, or Homeless Dogs and Cats (Brandes)**
- SB 1282 - Animal Cremation (Harrell)

Criminal Justice - 37 Senate Building

- SB 92 - Controlled Substances (Simmons)
- SB 656 - Arrests (Pizzo)
- SB 850 - Exposure of Sexual Organs (Pizzo)
- SB 1044 - Animal Cruelty (Pizzo)
- **SB 1116 - Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections (Brandes)**
- **SB 1118 - Inmate Welfare Trust Funds (Brandes)**
  - **A 703330 - Delete line 114 and insert: (Brandes)**
- SB 1142 - Offenses Against Firefighters (Hooper)
- **SB 1144 - Department of Juvenile Justice (Brandes)**
- **SB 1146 - Special Risk Class of the Florida Retirement System (Brandes)**
  - **A 275386 - Delete lines 238 - 246 and insert: (Brandes)**
  - **A 916192 - Delete lines 17 - 18 and insert: (Brandes)**
- **SB 1304 - Sentencing (Brandes)**

12:00 noon — 1:30 PM **Schedule Conflict**

Banking and Insurance - 412 Knott Building

- SB 736 - Coverage for Air Ambulance Services (Diaz)
- **SB 914 - Property Insurance (Brandes)**
- SB 1006 - Coverage for Hearing Aids for Children (Baxley)
- SB 1224 - Real Estate Conveyances (Simmons)
- SB 1338 - Prescription Drug Coverage (Wright)

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- SB 1376 - Credit For Reinsurance (Broxson)
- SB 1404 - Department of Financial Services (Perry)

Judiciary - 110 Senate Building

- SM 978 - Juneteenth Independence Day (Pizzo)
- SB 1262 - 1920 Ocoee Election Day Riots (Bracy)
- SB 1264 - Ocoee Election Day Riots Descendant Compensation Trust Fund/Department of Legal Affairs (Bracy)
- SB 1302 - Sovereign Immunity (Flores)
- Workshop - Discussion and testimony only on the following (no vote to be taken):
- SB 1328 - Fines and Fees (Wright)
- **SB 1510 - Jurisdiction of Courts (Brandes)**
- SB 1362 - Rental Agreements (Rodriguez)
- SB 1298 - Office of the Judges of Compensation Claims (Simmons)
- SB 1392 - Official Headquarters of Judicial Officers (Simmons)

2:30 — 4:00 PM **Schedule Conflict**

Education - 412 Knott Building

- SB 132 - Sunshine Scholarship Program (Braynon)
- SB 754 - School Crossing Guards (Baxley)
- SB 866 - Florida Talent Development Council (Diaz)
- **SB 918 - Civic Education (Brandes)**
- SB 1220 - Education (Diaz)
- SB 1246 - Dual Enrollment (Stargel)
- SB 1420 - Charter Schools (Flores)
- Consideration of proposed bill:
- SPB 7040 - Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission ()

Innovation, Industry, and Technology - 110 Senate Building

- SB 474 - Deregulation of Professions and Occupations (Albritton)
- CS/SB 498 - Consumer Protection (Baxley)
- SB 900 - Malt Beverages (Stargel)
- SB 1102 - Specialty Contracting Services (Gruters)
- SB 1140 - Public Accountancy (Gruters)

4:30 — 6:00 PM

Community Affairs - 301 Senate Building

- SB 388 - Citrus/Hernando Waterways Restoration Council (Hooper)
- SB 514 - Homestead Exemptions (Gruters)
- **SB 1136 - Children's Services Councils (Brandes)**
- SB 1254 - Community Development District Bond Financing (Wright)
- SB 1332 - Towing and Immobilizing Vehicles and Vessels (Hooper)
- SB 1398 - Regional Planning Council Meetings (Flores)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location

AMERICAN OVERSIGHT

SJR 142	Abolishing the Constitution Revision Commission	In committee/council (RC)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (ACJ)
CS/SB 556	Inmate Conditional Medical Release	On agenda (ACJ)
SB 560	Sentencing	On agenda (ACJ)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	On agenda (ACJ)
SB 760	Independent Special Fire Control Districts	In committee/council (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
SB 914	Property Insurance	On agenda (BI)
SB 918	Civic Education	On agenda (ED)
SB 924	Civil Actions Against Insurers	In committee/council (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)

AMERICAN OVERSIGHT

SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	On agenda (AG)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	On agenda (CJ)
SB 1118	Inmate Welfare Trust Funds	On agenda (CJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	On agenda (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	On agenda (CJ)
SB 1146	Special Risk Class of the Florida Retirement System	On agenda (CJ)
SB 1148	Electric Bicycles	In committee/council (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	On agenda (CJ)
SB 1308	Criminal Justice	In committee/council (CJ)
SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	In committee/council (IS)
SB 1354	Statewide Voter Registration Application	In committee/council (EE)
SB 1372	Elections	In committee/council (EE)
SB 1504	Sentencing	In committee/council (CJ)
SB 1506	Public Records/Expunction of Specified Convictions	In committee/council (CJ)
SB 1510	Jurisdiction of Courts	On agenda (JU)
SB 1708	Inmate Reports	In committee/council (CJ)
SB 1716	Sentencing	In committee/council (CJ)
SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	In committee/council (CJ)
SB 1728	Public Meetings and Records/Conditional Medical Release Program	In committee/council (CJ)
SB 1738	Motor Vehicle Dealers	In committee/council (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)
SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)
SB 1886	Grandparent Visitation Rights	In committee/council (CF)

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Chair Albritton and the Agriculture Committee will meet to consider the following bills: SB 240 by Senator Rader—State Symbols, SB 764 by Senator Baxley—Certified Pile Burning, SB 806 by Senator Gainer—Public Records/Animal Health Records/Department of Agriculture and Consumer Services, SB 980 by Senator Brandes—Lost, Stray, Unwanted, or Homeless Dogs and Cats, and SB 1282 by Senator Harrell—Animal Cremation.

Chair Gruters and the Commerce and Tourism Committee will meet to consider the following bills: SB 666 by Senator Mayfield—Florida Development Finance Corporation, SB 1112 by Senator Taddeo and others—Bottled Water Excise Tax, SB 1244 by Senator Albritton—State Workforce Development Boards, SB 1310 by Senator Mayfield—Hunting and Fishing Sales Tax Holiday, and SB 922 by Senator Gruters—Economic Development.

Chair Perry and the Criminal Justice Committee will meet to consider the following bills: SB 92 by Senator Simmons—Controlled Substances, SB 656 by Senator Pizzo—Arrests, SB 850 by Senator Pizzo—Exposure of Sexual Organs, SB 1044 by Senator Pizzo and others—Animal Cruelty, SB 1116 by Senator Brandes—Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections, SB 1118 by Senator Brandes—Inmate Welfare Trust Funds, SB 1142 by Senator Hooper—Offenses Against Firefighters, SB 1144 by Senator Brandes—Department of Juvenile Justice, SB 1146 by Senator Brandes—Special Risk Class of the Florida Retirement System, and SB 1304 by Senator Brandes—Sentencing.

Chair Harrell and the Health Policy Committee will meet to consider the following bills: SB 494 by Senator Simpson and others—H. Lee Moffitt Cancer Center and Research Institute, SB 810 by Senator Simmons—Tobacco and Nicotine Products, SB 792 by Senator Albritton and others—Physical Therapy, SB 120 by Senator Pizzo and others—Naloxone in Schools, SB 842 by Senator Wright—Injured Police Canines, SB 52 by Senator Bean—Medicaid Services, SB 916 by Senator Baxley—Program of All-Inclusive Care for the Elderly, and SB 1374 by Senator Harrell—Regional Perinatal Intensive Care Centers.

Chair Broxson and the Banking and Insurance Committee will meet to consider the following bills: SB 736 by Senator Diaz—Coverage for Air Ambulance Services, SB 914 by Senator Brandes—Property Insurance, SB 1006 by Senator Baxley and others—Coverage for Hearing Aids for Children, SB 1224 by Senator Simmons—Real Estate Conveyances, SB 1338 by Senator Wright—Prescription Drug Coverage, SB 1376 by Senator Broxson—Credit For Reinsurance, and SB 1404 by Senator Perry—Department of Financial Services.

Chair Book and the Children, Families, and Elder Affairs Committee will meet to consider the following bills: SB 122 by Senator Rouson and others—Child Welfare, SB 604 by Senator Bean—Servicemembers Civil Relief Act, SB 1104 by Senator Baxley—State Park Fee Waivers and Discounts, SB 1326 by Senator Simpson—Department of Children and Families, and SB 1542 by Senator Stargel—Alzheimer's Disease.

Chair Simmons and the Judiciary Committee will meet to consider the following bills: SM 978 by Senator Pizzo—Juneteenth Independence Day, SB 1262 by Senator Bracy—1920 Ocoee Election Day Riots, SB 1264 by Senator Bracy—Ocoee Election Day Riots Descendant Compensation Trust Fund/Department of Legal Affairs, SB 1302 by Senator Flores and others—Sovereign Immunity, SB 1510 by Senator Brandes—Jurisdiction of Courts, SB 1362 by Senator Rodriguez—Rental Agreements, SB 1298 by Senator Simmons—Office of the Judges of Compensation Claims, and SB 1392 by Senator Simmons—Official Headquarters of Judicial Officers. The committee will also hold a workshop, discussion and testimony on SB 1328 by Senator Wright—Fines and Fees.

Chair Diaz and the Education Committee will meet to consider the following bills: SB 132 by Senator Braynon—Sunshine Scholarship Program, SB 754 by Senator Baxley—School Crossing Guards, SB 866 by

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Senator Diaz—Florida Talent Development Council, SB 918 by Senator Brandes—Civic Education, SB 1220 by Senator Diaz—Education, SB 1246 by Senator Stargel—Dual Enrollment, SB 1420 by Senator Flores—Charter Schools, and SPB 7040—Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission.

Chair Hooper and the Governmental Oversight and Accountability Committee will meet to consider the following bills: SB 338 by Senator Rodriguez—Energy Efficiency Savings in State Agencies, SB 952 by Senator Perry—Senior Management Service Class, SM 974 by Senator Pizzo—Jean-Jacques Dessalines Day, SB 1276 by Senator Albritton—Department of Citrus, SB 7014 by the Committee on Banking and Insurance (Broxson)—OGSR/Payment Instrument Transaction Information/Office of Financial Regulation, SB 7022 by the Committee on Infrastructure and Security (Lee)— OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles, SPB 7042—State University Facility Designations, and SPB 7044—State-administered Retirement Systems.

Chair Simpson and the Innovation, Industry, and Technology Committee will meet to consider the following bills: SB 474 by Senator Albritton—Deregulation of Professions and Occupations, CS/SB 498 by the Committee on Commerce and Tourism and Senator Baxley—Consumer Protection, SB 900 by Senator Stargel—Malt Beverages, SB 1102 by Senator Gruters—Specialty Contracting Services, and SB 1140 by Senator Gruters—Public Accountancy.

Chair Flores and the Community Affairs Committee will meet to consider the following bills: SB 388 by Senator Hooper—Citrus/Hernando Waterways Restoration Council, SB 514 by Senator Gruters—Homestead Exemptions, SB 1136 by Senator Brandes—Children's Services Councils, SB 1254 by Senator Wright—Community Development District Bond Financing, SB 1332 by Senator Hooper—Towing and Immobilizing Vehicles and Vessels, and SB 1398 by Senator Flores—Regional Planning Council Meetings.

Chair Montford and the Environment and Natural Resources Committee will meet to consider the following bills: SB 906 by Senator Farmer—Prohibited Reptiles, SB 1042 by Senator Albritton—Aquatic Preserves, SB 1096 by Senator Cruz and others—Bottled Water, and SB 1098 by Senator Cruz and others—Fees/Bottled Water Companies/Department of Environmental Protection. The committee will also meet for a Presentation by the Office of Economic and Demographic Research on the Annual Assessment of Florida's Water Resources and Conservation Lands.

Chair Baxley and the Ethics and Elections Committee will meet for the following Senate Confirmation Hearings: Florida Citrus Commission Appointees: Hancock, Jonathan Ned Martinez, Carlos H., and Schirard, John Patrick, Board of Trustees of Daytona State College Appointees: Holness, Betty Jean, Howard, Randall B., Lloyd, Robert W., and Lubi, Garry R., Board of Trustees of Miami-Dade College Appointees: Abraham, Anay Marie and Bileca, Michael, Board of Trustees of St. Petersburg College Appointee: Gibbons, Deveron M., Board of Trustees of Valencia College Appointees: Lopez-Cid, Daisy and Sasso, Michael Adam, Board of Trustees for the Florida School for the Deaf and the Blind Appointee: Kramer, Matthew, Central Florida Expressway Authority Appointee: Madara, Jay, Board of Medicine Appointee: Cairns, Kevin, Tampa Port Authority Appointees: Allman, Patrick H. III and Mai, Hung T., Jacksonville Port Authority Appointee: Fleming, Edward J., Jr., Board of Professional Surveyors and Mappers Appointee: Hall, Iarelis Diaz, Governing Board of the Northwest Florida Water Management District Appointee: Roberts, George A., and Governing Board of the Suwannee River Water Management District Appointees: Keith, Charles G. and Schwab, Richard. The committee will also meet to consider the following bills: SB 1490 by Senator Bradley and others—Public Officers and Employees, SB 832 by Senator Stargel—Public Records/Members of the Legislature and the Cabinet, SB 1108 by Senator Baxley—Campaign Finance, SJR 1110 by Senator Baxley—Repeal of Public Campaign Financing Requirement, and SR 1458 by Senator Baxley—Supporting the Preservation of the Electoral College.

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President of the Senate

DAVID SIMMONS
President Pro Tempore

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Chair Lee and the Infrastructure and Security Committee will meet to consider the following bills: SB 88 by Senator Stewart and others—Child Care Facilities, SB 158 by Senator Perry and others—Child Restraint Requirements, SB 290 by Senator Hooper—School Bus Safety, SB 378 by Senator Lee and others—Motor Vehicle Insurance, SB 538 by Senator Diaz and others—Emergency Reporting, SB 636 by Senator Stargel—Department of Highway Safety and Motor Vehicles, SB 676 by Senator Mayfield—High-speed Passenger Rail Safety, SB 966 by Senator Gainer—Public Records/Disaster Recovery Assistance, SB 1030 by Senator Stargel—Public Records/Vessel Title or Registration/Department of Highway Safety and Motor Vehicles, SB 1086 by Senator Diaz—Vehicle and Vessel Registration Data and Functionality, and SB 1500 by Senator Broxson—Specialty License Plate Fees.

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President of the Senate

DAVID SIMMONS
President Pro Tempore

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TOP CAUCUS TWEETS AND POSTS

Rob Bradley @Rob_Bradley
Of course “terms of sentence” in A4 includes paying restitution to victims of crime. Thanks to @flcourts for respecting the right of voters to have our constitutional amendments properly implemented. Great work @JamesGrantFL@JeffreyBrandes@Paul_Renner!

Debbie Mayfield @debbie_mayfield
Artwork from students across #Florida is being displayed in the Capitol during the 2020 Legislative Session. This beautiful piece is by Samantha from @GiffordMiddle@IRCSchools! #RisingStar

Sen. Anitere Flores @anitere_flores
16 years ago, I set out to be YOUR voice in Tallahassee. My constituents were seeking leadership on the economy, education, healthcare, property insurance & more. Thank you for your support & guidance all these years. I pray I served our Districts & Florida well. #FloresFinale

IN CASE YOU MISSED IT

Pensacola News Journal: Florida bill would create 'loophole' to let state employees raise money for medical bills
News 6 Orlando: Guardian bill passes first Senate hurdle
News 4 Jax: Florida Senate bill tackles school safety concerns
Business Observer Florida: Taxes, regulations on the docket in Tallahassee

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Beef Burger Bar, Chicken Burger Bar, Vertigo Chips, Garden Salad, Bread Pudding

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Tuesday, January 21, 2020 8:13 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 01.22.20 Daily Brief
Attachment(s): "01.22.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, January 22nd.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Wednesday, January 22, 2020

SCHEDULE

8:30 — 10:00 AM

Rules - 110 Senate Building

- CS/SB 404 - Parental Consent for Abortion (Stargel)
- CS/SB 406 - Public Records/Minor's Petition to Waive Consent/Abortion (Stargel)

10:30 AM — 12:00 noon

SESSION Special Order

- SB 172 - Florida Drug and Cosmetic Act (Bradley)
- SM 420 - VA MISSION Act of 2018 (Diaz)
- SR 546 - Oppression of the Nicaraguan People/President Daniel Ortega (Rodriguez)
- SB 594 - Florida Statutes (Benacquisto)
- SB 596 - Florida Statutes (Benacquisto)
- SB 598 - Florida Statutes (Benacquisto)
- SB 600 - Florida Statutes (Benacquisto)

1:30 — 3:30 PM

Appropriations Subcommittee on Criminal and Civil Justice - 37 Senate Building

- SB 118 - Security in Trial Court Facilities (Gruters)
- **CS/SB 556 - Inmate Conditional Medical Release (Brandes)**
- **SB 560 - Sentencing (Brandes)**
- **CS/SB 574 - Conditional Aging Inmate Release (Brandes)**

4:00 — 6:00 PM

Appropriations Subcommittee on Transportation, Tourism, and Economic Development - Not Meeting

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	In committee/council (RC)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)

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CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (ACJ)
CS/SB 556	Inmate Conditional Medical Release	On agenda (ACJ)
SB 560	Sentencing	On agenda (ACJ)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	On agenda (ACJ)
SB 760	Independent Special Fire Control Districts	In committee/council (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
SB 914	Property Insurance	Acted on by committee/council, pending report (BI)
SB 918	Civic Education	In committee/council (AED)
SB 924	Civil Actions Against Insurers	In committee/council (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (IT)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (ACJ)
CS/SB 1118	Inmate Welfare Trust Funds	Pending Reference Review
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (ACJ)
CS/SB 1146	Special Risk Class of the Florida Retirement System	Pending Reference Review
SB 1148	Electric Bicycles	In committee/council (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (ACJ)
SB 1308	Criminal Justice	In committee/council (CJ)
SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	In committee/council (IS)
SB 1354	Statewide Voter Registration Application	In committee/council (EE)
SB 1372	Elections	In committee/council (EE)

AMERICAN OVERSIGHT

SB 1504	Sentencing	In committee/council (CJ)
SB 1506	Public Records/Expunction of Specified Convictions	In committee/council (CJ)
SB 1510	Jurisdiction of Courts	Acted on by committee/council, pending report (JU)
SB 1708	Inmate Reports	In committee/council (CJ)
SB 1716	Sentencing	In committee/council (CJ)
SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	In committee/council (CJ)
SB 1728	Public Meetings and Records/Conditional Medical Release Program	In committee/council (CJ)
SB 1738	Motor Vehicle Dealers	In committee/council (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)
SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)
SB 1886	Grandparent Visitation Rights	In committee/council (CF)

FYI – COMMITTEE ACTIVITY

Chair Wright and the Military and Veterans Affairs and Space Committee will meet to consider the following bills: SB 1070 by Senator Wright—Space Florida, SB 1074 by Senator Wright—Surviving Spouse Ad Valorem Tax Reduction, SJR 1076 by Senator Wright—Surviving Spouse Ad Valorem Tax Reduction, SB 1078 by Senator Wright—Special Election/Surviving Spouse Ad Valorem Tax Reduction, and SB 1260 by Senator Albritton—Florida Space Exploration Monument.

Chair Benacquisto and the Rules Committee will meet to consider the following bills: CS/SB 404 by the Committee on Health Policy; Senator Stargel and others—Parental Consent for Abortion and CS/SB 406 by the Committee on Health Policy and Senator Stargel—Public Records/Minor's Petition to Waive Consent/Abortion.

Chair Mayfield and the Appropriations Subcommittee on Agriculture, Environment, and General Government will meet to consider the following bills: CS/SB 506 by the Committee on Governmental Oversight and Accountability and Senator Perry—Public Procurement of Services, SB 540 by Senator Rader—Insurance Guaranty Associations, and CS/SB 712 by the Committee on Community Affairs and Senator Mayfield—Water Quality Improvements.

Chair Brandes and the Appropriations Subcommittee on Criminal and Civil Justice will meet to consider the following bills: SB 118 by Senator Gruters—Security in Trial Court Facilities, CS/SB 556 by the Committee on Criminal Justice; Senator Brandes and others—Inmate Conditional Medical Release, SB 560 by Senator Brandes and others—Sentencing, and CS/SB 574 by the Committee on Criminal Justice; Senator Brandes and others—Conditional Aging Inmate Release.

TOP CAUCUS TWEETS AND POSTS

Florida Senate @FLSenate
We are pleased to welcome the newest member of the Florida Senate family. Turner Easton Hutson, born last night at 9:26 p.m to Senator and Mrs. @TravisJHutson. Welcome Turner! We can't wait to meet you.

Bill Galvano @BillGalvano

AMERICAN OVERSIGHT

Great to be with @GovRonDeSantis@FLCaseyDeSantis@richardcorcoran@KeithPerryFL@SenMannyDiazJr former @FLSenatePresident Andy Gardiner and many others today to support the Gardiner Scholarship for our students with unique abilities! @StepUp4Students#SchoolChoice

George Gainer @SenatorGainer
Had a great visit today with my good friend Congressman @DrNealDunnFL2. I am consistently impressed with the work he is doing for the people in the panhandle. Thank you for the update and your dedicated service!

IN CASE YOU MISSED IT

Florida-Times Union: In Legislature, septic tank problems getting notice after heavy algae impacts prompt state review
WJHG Panama City: New facility to house special vehicles to be built for BCSO
Daily Commercial: State lawmakers vow to crack down on pollution that contributes to algae issues

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Shrimp and Pimento Cheese Grits, Orange Bourbon Chicken, Veggie Succotash, Rolls, Cobb Salad, Shortcake Bar

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Wednesday, January 22, 2020 6:32 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 01.23.20 Daily Brief
Attachment(s): "01.23.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, January 23rd.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Thursday, January 23, 2020

SCHEDULE

10:00 AM — 12:00 noon

Appropriations - 412 Knott Building

- Presentation on Governor's Fiscal Year 2020-2021 Budget Recommendations
- SB 100 - Dispensing Medicinal Drugs (Harrell)
- CS/SB 226 - Athletic Trainers (Harrell)
- CS/SB 372 - Postsecondary Education for Certain Military Personnel (Lee)
- SB 400 - Elder Abuse Fatality Review Teams (Gibson)
- SB 426 - Regional Rural Development Grants Program (Montford)
- CS/SB 1056 - PACE Center for Girls (Simpson)
- SB 7016 - Statewide Office of Resiliency (Infrastructure and Security)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	In committee/council (RC)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)

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President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

CS/SB 554	Sentencing	In committee/council (ACJ)
CS/SB 556	Inmate Conditional Medical Release	In committee/council (ACJ)
SB 560	Sentencing	In committee/council (AP)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	In committee/council (ACJ)
SB 760	Independent Special Fire Control Districts	In committee/council (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
CS/SB 914	Contingency Risk Multipliers	Pending Reference Review
SB 918	Civic Education	In committee/council (AED)
SB 924	Civil Actions Against Insurers	In committee/council (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (IT)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (ACJ)
CS/SB 1118	Inmate Welfare Trust Funds	Pending Reference Review
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SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (ACJ)
CS/SB 1146	Special Risk Class of the Florida Retirement System	Pending Reference Review
SB 1148	Electric Bicycles	In committee/council (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (ACJ)
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SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	On agenda (IS)
SB 1354	Statewide Voter Registration Application	On agenda (EE)
SB 1372	Elections	In committee/council (EE)
SB 1504	Sentencing	In committee/council (CJ)
SB 1506	Public Records/Expunction of Specified Convictions	In committee/council (CJ)
SB 1510	Jurisdiction of Courts	Acted on by committee/council, pending report (JU)
SB 1708	Inmate Reports	In committee/council (CJ)
SB 1716	Sentencing	In committee/council (CJ)
SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	In committee/council (CJ)
SB 1728	Public Meetings and Records/Conditional Medical Release Program	In committee/council (CJ)
SB 1738	Motor Vehicle Dealers	In committee/council (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)
SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)

AMERICAN OVERSIGHT

SB 1886	Grandparent Visitation Rights	In committee/council (CF)

FYI – COMMITTEE ACTIVITY

Chair Bradley and the Appropriations Committee will meet for a Presentation on Governor's Fiscal Year 2020-2021 Budget Recommendations. The committee will also meet to consider the following bills: SB 100 by Senator Harrell and others—Dispensing Medicinal Drugs (With subcommittee recommendation – Health and Human Services), CS/SB 226 by the Committee on Health Policy and Senator Harrell—Athletic Trainers, CS/SB 372 by the Committee on Education; Senator Lee and others—Postsecondary Education for Certain Military Personnel, SB 400 by Senator Gibson—Elder Abuse Fatality Review Teams, SB 426 by Senator Montford and others—Regional Rural Development Grants Program, CS/SB 1056 by the Committee on Criminal Justice and Senator Simpson—PACE Center for Girls, and SB 7016 by the Committee on Infrastructure and Security (Lee)— Statewide Office of Resiliency.

Chair Benacquisto and the Special Order Calendar Group will meet to set the Special Order Calendar.

Alternating Chair Hooper and the Joint Select Committee on Collective Bargaining will meet to conduct a public hearing at which affected parties shall be required to explain their positions with respect to issues at impasse, as provided in section 447.403, Florida Statutes, and matters pertaining thereto.

TOP CAUCUS TWEETS AND POSTS

Debbie Mayfield @debbie_mayfield
The Clean Waterways Act has passed the @FLSenate Agriculture, #Environmentand General Government Appropriations Committee! This comprehensive legislation addresses significant sources of nutrient pollution that are contributing to algal blooms in Florida's waterways. #CleanWater

Sen. Dennis Baxley @dennisbaxley
Thank you Beacon College students and staff for making the trip to Tallahassee to visit with me today!

Bill Galvano @BillGalvano
SB 404 is heading to the @FLSenate floor. Today, as we mark the 47th anniversary of the legalization of abortion, I am pleased to see the Senate send such a strong statement of support for protecting innocent human life. @kellistargel

IN CASE YOU MISSED IT

CBS Miami: Parental Consent Abortion Bill Heads To Full Florida Senate
News 4 Jax: School choice backers seek more scholarship money
Tallahassee Democrat: Florida Senate focuses on failings in school security

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Chicken Sandwiches, Chicken Nuggets, Grilled Chicken Wraps, Kale Salad, Garden Salad, Cookies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Friday, January 24, 2020 5:45 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 01.27.19 Daily Brief
Attachment(s): "01.27.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for Monday, January 27th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

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Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Monday, January 27, 2020
SCHEDULE

1:30 — 3:30 PM

Innovation, Industry, and Technology - 110 Senate Building

- SB 1154 - Community Associations (Baxley)
- SB 1214 - Engineers (Baxley)
- SB 1256 - Telegraph Companies (Albritton)
- SB 890 - Local Licensing (Perry)
- SB 478 - Motor Vehicle Rentals (Perry)

4:00 — 6:00 PM Schedule Conflict

Ethics and Elections - 412 Knott Building

- Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.
- 295 Dye, Randall W.
- 305 Young, Orrin Wayne
- 1435 Payne, Danielle Holm
- 1845 Conner, William Theodore
- 1575 Eifert, James O.
- CS/SB 352 - Unlawful Use of Uniforms, Medals, or Insignia (Hutson)
- SJR 1216 - Limitation on Terms of Office for Members of a District School Board (Gruters)
- SB 1312 - Voting Systems (Montford)
- **SB 1354 - Statewide Voter Registration Application (Brandes)**
- SB 1794 - Constitutional Amendments Proposed by Initiative (Hutson)

Infrastructure and Security - 110 Senate Building

- SB 76 - Transportation Disadvantaged (Book)
- SB 368 - Tampa Bay Area Regional Transit Authority (Rouson)
- SB 422 - Recreational Vehicles (Perry)
- SB 752 - Emergency Sheltering of Persons with Pets (Bean)
- SB 844 - Sales Tax Exemption for Hurricane Shutters and Impact-resistant Windows (Taddeo)
- SB 1000 - Traffic and Pedestrian Safety (Perry)
- SB 1090 - Express Lanes (Diaz)
- SB 1198 - Purple Alert (Berman)
- SB 1258 - Commercial Service Airports (Diaz)

AMERICAN OVERSIGHT

- **SB 1352 - Transportation Companies (Brandes)**
- SB 1464 - Underground Facility Damage Prevention and Safety (Flores)
- SR 1572 - Climate Change (Stewart)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	On agenda (RC)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	On agenda (ACJ)
CS/SB 556	Inmate Conditional Medical Release	On agenda (ACJ)
SB 560	Sentencing	In committee/council (AP)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	On agenda (ACJ)
SB 760	Independent Special Fire Control Districts	In committee/council (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)

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President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SB 896	Product Liability Actions	In committee/council (JU)
CS/SB 914	Contingency Risk Multipliers	In committee/council (JU)
SB 918	Civic Education	In committee/council (AED)
SB 924	Civil Actions Against Insurers	On agenda (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (IT)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (ACJ)
CS/SB 1118	Inmate Welfare Trust Funds	In committee/council (ACJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (ACJ)
CS/SB 1146	Special Risk Class of the Florida Retirement System	In committee/council (GO)
SB 1148	Electric Bicycles	In committee/council (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (ACJ)
SB 1308	Criminal Justice	In committee/council (CJ)
SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	On agenda (IS)
SB 1354	Statewide Voter Registration Application	On agenda (EE)
SB 1372	Elections	In committee/council (EE)
SB 1504	Sentencing	In committee/council (CJ)
SB 1506	Public Records/Expunction of Specified Convictions	In committee/council (CJ)
CS/SB 1510	Jurisdiction of Courts	In committee/council (ACJ)
SB 1708	Inmate Reports	In committee/council (CJ)

AMERICAN OVERSIGHT

SB 1716	Sentencing	In committee/council (CJ)
SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	On agenda (CJ)
SB 1728	Public Meetings and Records/Conditional Medical Release Program	On agenda (CJ)
SB 1738	Motor Vehicle Dealers	In committee/council (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)
SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)
SB 1886	Grandparent Visitation Rights	In committee/council (CF)

FYI – COMMITTEE ACTIVITY

Chair Diaz and the Education Committee will meet to consider the following bills: SB 190 by Senator Montford and others—Medicaid School-based Services, SB 738 by Senator Harrell—Jury Service, SB 774 by Senator Diaz—Public Records and Meetings/Applicant for President/State University or Florida College System Institution, SB 876 by Senator Gibson—Historically Black Colleges and Universities Matching Endowment Scholarship Program, SB 946 by Senator Baxley—Moments of Silence in Public Schools, SB 1568 by Senator Hutson—Education, SB 1688 by Senator Harrell—Early Learning and Early Grade Success, and SB 1696 by Senator Perry—Student Athletes.

Chair Hooper and the Governmental Oversight and Accountability Committee will meet to consider the following bills: SB 1212 by Senator Gruters—International Affairs, SB 7002 the Committee on Children, Families, and Elder Affairs (Book)—OGSR/State Child Abuse Death Review Committee, SB 7032 by the Committee on Criminal Justice (Perry)— OGSR/Body Camera Recordings Obtained by Law Enforcement Officers, SB 7034 by the Committee on Criminal Justice (Perry)— OGSR/Residential Facilities Serving Victims of Sexual Exploitation, SB 7036 by the Committee on Criminal Justice (Perry)—OGSR/Criminal Intelligence Information/Criminal Investigative Information, SB 7038 by the Committee on Criminal Justice (Perry)—OGSR/Information Held by an Investigative Agency, SB 822 by Senator Albritton—Drones, SB 1690 by Senator Torres—Preservation of Memorials, SB 240 by Senator Rader—State Symbols, and SPB 7046—State Group Insurance Program. The committee will also meet for a Confirmation Hearing for Investment Advisory Council Appointee: Jones, J. Robert, Jr.

Chair Simpson and the Innovation, Industry, and Technology Committee will meet to consider the following bills: SB 1154 by Senator Baxley—Community Associations, SB 1214 by Senator Baxley—Engineers, SB 1256 by Senator Albritton—Telegraph Companies, SB 890 by Senator Perry—Local Licensing, and SB 478 by Senator Perry—Motor Vehicle Rentals.

Chair Flores and the Community Affairs Committee will meet to consider the following bills: SB 334 by Senator Stewart—Tourist Development Tax, SB 410 by Senator Perry—Growth Management, SB 1336 by Senator Perry—Preemption of Local Occupational Licensing, SB 716 by Senator Mayfield—County Boundaries, SB 772 by Senator Hutson and others—Recreational Vehicle Parks, SB 996 by Senator Albritton—Displacement of Private Waste Companies, SB 1236 by Senator Gruters—Educational Property Tax Exemption, SB 1466 by Senator Baxley—Special Districts, and SB 748 by Senator Flores—Takings Claims Within Areas of Critical State Concern.

AMERICAN OVERSIGHT

Chair Montford and the Environment and Natural Resources Committee will meet to consider the following bills: Report by the Department of Environmental Protection on Citizen Support Organizations, SB 1390 by Senator Simmons—Everglades Protection Area, SB 1450 by Senator Gruters—Environmental Enforcement, SB 1618 by Senator Diaz—Construction Materials Mining Activities, SB 702 by Senator Albritton—Petroleum Cleanup, and SB 1382 by Senator Albritton—Environmental Resource Management.

Chair Baxley and the Ethics and Elections Committee will meet for the following Senate Confirmation Hearings: Board of Trustees of Daytona State College Appointee: Dye, Randall W., Board of Trustees of Florida State College at Jacksonville Appointee: Young, Orrin Wayne , Governor's Mansion Commission Appointee: Payne, Danielle Holm, Tampa Port Authority Appointee: Conner, William Theodore, and Adjutant General of Florida National Guard
Appointee: Eifert, James O. Pleasure of Governor. The committee will also meet to consider the following bills: CS/SB 352 by the Committee on Military and Veterans Affairs and Space and Senator Hutson—Unlawful Use of Uniforms, Medals, or Insignia, SJR 1216 by Senator Gruters—Limitation on Terms of Office for Members of a District School Board, SB 1312 by Senator Montford—Voting Systems, SB 1354 by Senator Brandes—Statewide Voter Registration Application, and SB 1794 by Senator Hutson—Constitutional Amendments Proposed by Initiative.

Chair Lee and the Infrastructure and Security Committee will meet to consider the following bills: SB 76 by Senator Book—Transportation Disadvantaged, SB 368 by Senator Rouson—Tampa Bay Area Regional Transit Authority, SB 422 by Senator Perry—Recreational Vehicles, SB 752 by Senator Bean and others—Emergency Sheltering of Persons with Pets, SB 844 by Senator Taddeo—Sales Tax Exemption for Hurricane Shutters and Impact-resistant Windows, SB 1000 by Senator Perry and others—Traffic and Pedestrian Safety, SB 1090 by Senator Diaz and others—Express Lanes, SB 1198 by Senator Berman—Purple Alert, SB 1258 by Senator Diaz—Commercial Service Airports, SB 1352 by Senator Brandes—Transportation Companies, SB 1464 by Senator Flores—Underground Facility Damage Prevention and Safety, and SR 1572 by Senator Stewart—Climate Change.

Chair Benacquisto and the Special Order Calendar Group will meet to set the Special Order Calendar.

TOP CAUCUS TWEETS AND POSTS

Rob Bradley @Rob_Bradley
Incredibly honored to receive award from my dear friend Leader @SenAudrey2eet at the @FCBSL reception last night along with President @BillGalvano! Fabulous night as we celebrated milestones together-including the new CASS building at @FAMU_1887!

Kathleen Passidomo @Kathleen4SWFL
Pleased to welcome @GovRonDeSantis to Naples for his education standards announcement.

Bill Galvano @BillGalvano
Great news! @GovRonDeSantis announced Florida’s unemployment rate dropped to record low of 3.0 percent in December 2019.

IN CASE YOU MISSED IT

FOX 51 Gainesville: Military training could translate to Florida college credits
News 4 Jax: House, Senate to take up genetic information issue
WPEC West Palm Beach: Gov. DeSantis announces Florida's unemployment rate drops to record low

AMERICAN OVERSIGHT

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Assorted Breakfast Sandwiches, Fresh Fruit

Lunch: Signature Sandwiches, Chips, Garden Salad, Cookies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Monday, January 27, 2020 7:51 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 01.28.20 Daily Brief
Attachment(s): "01.28.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, January 28th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

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404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Tuesday, January 28, 2020

SCHEDULE

8:30 — 10:30 AM

Appropriations Subcommittee on Criminal and Civil Justice - 37 Senate Building

- **CS/SB 554 - Sentencing (Brandes)**
- CS/SB 700 - Juvenile Diversion Program Expunction (Perry)
- CS/SB 846 - Costs of Prosecution and Investigation (Simmons)
- SB 1002 - Subpoenas (Rodriguez)
- Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Corrections Department of Juvenile Justice Department of Law Enforcement Department of Legal Affairs/Attorney General Florida Commission on Offender Review State Courts Public Defenders State Attorneys Regional Conflict Counsels Statewide Guardian ad Litem Capital Collateral Regional Counsels Justice Administrative Commissions

11:00 AM — 1:00 PM

Appropriations Subcommittee on Transportation, Tourism, and Economic Development - Not Meeting

1:30 — 3:30 PM

Criminal Justice - 37 Senate Building

- SB 652 - Urban Core Gun Violence Task Force (Pizzo)
- CS/SB 728 - Threats (Stargel)
- SB 1018 - Exposure of Sexual Organs (Stewart)
- SB 1024 - Public Records/Criminal Intelligence and Criminal Investigative Information (Bean)
- SB 1286 - Contraband in Specified Facilities (Simmons)
- SB 1416 - Assaults on Specified Persons (Perry)
- **SB 1718 - Public Meetings and Records/Conditional Aging Inmate Release Program (Brandes)**
  - **A 707688 - Delete lines 51 - 79 and insert: (Brandes)**
- **SB 1728 - Public Meetings and Records/Conditional Medical Release Program (Brandes)**
  - **A 149084 - Delete lines 51 - 79 and insert: (Brandes)**
- SB 1802 - Public Meetings/Urban Core Gun Violence Task Force (Pizzo)
- SB 1880 - Restitution for Juvenile Offenses (Perry)

4:00 — 6:00 PM

Banking and Insurance - 412 Knott Building

- **SB 924 - Civil Actions Against Insurers (Brandes)**

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- SB 1306 - Individual Retirement Accounts (Thurston)
- SB 1338 - Prescription Drug Coverage (Wright)
- SB 1564 - Genetic Information for Insurance Purposes (Stargel)
- SB 1672 - Protection of Vulnerable Investors (Broxson)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	On agenda (RC)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	On agenda (ACJ)
CS/SB 556	Inmate Conditional Medical Release	On agenda (ACJ)
SB 560	Sentencing	In committee/council (AP)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	On agenda (ACJ)
SB 760	Independent Special Fire Control Districts	In committee/council (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)

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President of the Senate

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President Pro Tempore

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SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
CS/SB 914	Contingency Risk Multipliers	In committee/council (JU)
SB 918	Civic Education	In committee/council (AED)
SB 924	Civil Actions Against Insurers	On agenda (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (IT)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (ACJ)
CS/SB 1118	Inmate Welfare Trust Funds	In committee/council (ACJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (ACJ)
CS/SB 1146	Special Risk Class of the Florida Retirement System	In committee/council (GO)
SB 1148	Electric Bicycles	In committee/council (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (ACJ)
SB 1308	Criminal Justice	In committee/council (CJ)
SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	On agenda (IS)
SB 1354	Statewide Voter Registration Application	On agenda (EE)
SB 1372	Elections	In committee/council (EE)
SB 1504	Sentencing	In committee/council (CJ)
SB 1506	Public Records/Expunction of Specified Convictions	In committee/council (CJ)
CS/SB 1510	Jurisdiction of Courts	In committee/council (ACJ)

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SB 1708	Inmate Reports	In committee/council (CJ)
SB 1716	Sentencing	In committee/council (CJ)
SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	On agenda (CJ)
SB 1728	Public Meetings and Records/Conditional Medical Release Program	On agenda (CJ)
SB 1738	Motor Vehicle Dealers	In committee/council (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)
SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)
SB 1886	Grandparent Visitation Rights	In committee/council (CF)

AMERICAN OVERSIGHT

Chair Mayfield and the Appropriations Subcommittee on Agriculture, Environment, and General Government will meet for a Presentation on Derelict Vessels by the Florida Fish and Wildlife Conservation Commission.

Chair Brandes and the Appropriations Subcommittee on Criminal and Civil Justice will meet to consider the following bills: CS/SB 554 by the Committee on Criminal Justice; Senator Brandes and others—Sentencing, CS/SB 700 by the Committee on Criminal Justice; Senator Perry and others—Juvenile Diversion Program Expunction, CS/SB 846 by the Committee on Criminal Justice and Senator Simmons—Costs of Prosecution and Investigation, and SB 1002 by Senator Rodriguez—Subpoenas. The subcommittee will also meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Corrections, Department of Juvenile Justice, Department of Law Enforcement, Department of Legal Affairs/Attorney General, Florida Commission on Offender Review, State Courts, Public Defenders, State Attorneys, Regional Conflict Counsels, Statewide Guardian ad Litem, Capital Collateral Regional Counsels, and Justice Administrative Commissions

Chair Diaz and the Appropriations Subcommittee on Education will meet to consider the following bills: SB 62 by Senator Stargel—K-12 Education, SB 72 by Senator Stargel—Postsecondary Education, CS/SB 434 by the Committee on Education and Senator Montford—Designation of School Grades, SB 486 by Senator Bradley—Florida Best and Brightest Programs, and SB 836 by Senator Simmons—Funds for the Operation of Schools. The subcommittee will also meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Education, Office of Early Learning, and Board of Governors.

Chair Bean and the Appropriations Subcommittee on Health and Human Services will meet to consider the following bills: SB 52 by Senator Bean—Medicaid Services, SB 82 by Senator Bean—Individuals With Disabilities, SB 1020 by Senator Bean—Institutional Formularies Established by Nursing Home Facilities, CS/SB 1324 by the Committee on Children, Families, and Elder Affairs and Senator Simpson—Child Welfare, and SB 1326 by Senator Simpson—Department of Children and Families.

Chair Albritton and the Agriculture Committee will meet to consider the following bills: SB 48 by Senator Book—Declawing of Cats, SB 1772 by Senator Montford—Environmental Value of Agricultural Lands and Timberlands, and SB 1876 by Senator Montford—State Hemp Program. The committee will also meet for a Presentation by Florida 4-H and an Update on the Florida Citrus Recovery Block Grant Program by the Florida Division of Emergency Management.

Chair Gruters and the Commerce and Tourism Committee will meet to consider the following bills: SB 1166 by Senator Albritton—Broadband Internet Service, SB 1186 by Senator Baxley—Drug-free Workplaces, SB 1356 by Senator Bean—Employer Contributions for Reemployment Assistance, SB 1492 by Senator Wright—Consumer Protection, SB 1140 by Senator Gruters—Public Accountancy, and SB 1240 by Senator Gruters—Corporate Income Tax Credit. The committee will also meet for a Presentation on Policy Considerations Related to Emerging Facial Recognition Technologies.

Chair Perry and the Criminal Justice Committee will meet to consider the following bills: SB 652 by Senator Pizzo—Urban Core Gun Violence Task Force, CS/SB 728 by the Committee on Infrastructure and Security; Senator Stargel and others—Threats, SB 1018 by Senator Stewart—Exposure of Sexual Organs, SB 1024 by Senator Bean—Public Records/Criminal Intelligence and Criminal Investigative Information, SB 1286 by Senator Simmons—Contraband in Specified Facilities, SB 1416 by Senator Perry—Assaults on Specified Persons, SB 1718 by Senator Brandes—Public Meetings and Records/Conditional Aging Inmate Release Program, SB 1728 by Senator Brandes—Public Meetings and Records/Conditional Medical Release Program, SB 1802 by Senator Pizzo—Public Meetings/Urban Core Gun Violence Task Force, and SB 1880 by Senator Perry—Restitution for Juvenile Offenses.

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Chair Harrell and the Health Policy Committee will meet to consider the following bills: SB 120 by Senator Pizzo and others—Naloxone in Schools, SB 916 by Senator Baxley—Program of All-Inclusive Care for the Elderly, SB 1374 by Senator Harrell—Regional Perinatal Intensive Care Centers, SB 1516 by Senator Harrell—Organ Transplant Technical Advisory Council, SB 798 by Senator Rouson—Procurement of Human Organs and Tissue, SB 1556 by Senator Bean—Nondiscrimination in Organ Transplants, SB 1726 by Senator Bean—Agency for Health Care Administration, SB 1742 by Senator Mayfield—Home Medical Equipment Providers, SB 926 by Senator Harrell—Health Care Practitioner Licensure, SB 928 by Senator Harrell—Public Records and Meetings/Interstate Medical Licensure Compact, SB 1676 by Senator Albritton—Direct Care Workers, and SB 1344 by Senator Harrell—Intermediate Care Facilities. The committee will also meet for a Review of Florida's Organ Donation and Transplantation System by OPPAGA.

Chair Broxson and the Banking and Insurance Committee will meet to consider the following bills: SB 924 by Senator Brandes—Civil Actions Against Insurers, SB 1306 by Senator Thurston—Individual Retirement Accounts, SB 1338 by Senator Wright and others—Prescription Drug Coverage, SB 1564 by Senator Stargel—Genetic Information for Insurance Purposes, and SB 1672 by Senator Broxson—Protection of Vulnerable Investors.

Chair Book and the Children, Families, and Elder Affairs Committee will meet to consider the following bills: SB 682 by Senator Baxley—Florida Guide to a Healthy Marriage, SB 870 by Senator Book—Mental Health, SB 1120 by Senator Harrell—Substance Abuse Services, SB 1218 by Senator Diaz—Anti-bullying and Anti-harassment in Schools, SB 1482 by Senator Bean—Domestic Violence Services, SB 1548 by Senator Perry—Child Welfare, SB 1586 by Senator Hooper and others—First Responders Suicide Deterrence Task Force, and SB 1748 by Senator Hutson and others—Child Welfare. The committee will also meet for a Presentation on Child Welfare Research by Robert Latham, Children and Youth Law Clinic, University of Miami.

Chair Simmons and the Judiciary Committee will meet to consider the following bills: SB 186 by Senator Taddeo—Contracts for the Sale or Lease of Pets, CS/SR's 214 & 222 by the Committee on Infrastructure and Security; Senators Rodriguez, Simpson and others—Philosophies that Espouse Superiority, SB 604 by Senator Bean—Servicemembers Civil Relief Act, SB 994 by Senator Passidomo and others—Guardianship, SB 1080 by Senator Perry and others—Nonopioid Alternatives, SB 1328 by Senator Wright—Fines and Fees, SB 1376 by Senator Broxson—Credit For Reinsurance, SB 28 by Senator Gibson—Relief of Clifford Williams by the State of Florida, SB 1668 by Senator Simmons—Damages, CS/SB 838 by the Committee on Commerce and Tourism and Senator Simmons—Business Organizations, SB 1224 by Senator Simmons and others—Real Estate Conveyances, and SB 1044 by Senator Pizzo and others—Animal Cruelty.

TOP CAUCUS TWEETS AND POSTS

Debbie Mayfield @debbie_mayfield
See updates from Week 2 of the @FLSenate Legislative Session in this edition of the #MayfieldMinute!
conta.cc/2NY0MgL#FlaPol#SpaceCoast#TreasureCoast

Sen. Anitere Flores @anitere_flores
Kicking off the week thanking the best legislative staff ever! Diana Caridad, Alex Prado, Jennifer Gaviria, Patti Flor, Maria Chamorro, Alex Garcia, Will McRea, Demi Busatta, Nick Alvarez and Tiffany Lorente.

Kathleen Passidomo @Kathleen4SWFL
Today marks the 75th anniversary of the liberation of Auschwitz. As we reflect on the past, please take a moment today to celebrate resistance and heroism in the face of evil. We must do everything in our power to prevent the recurrence of mass atrocities like the Holocaust.

AMERICAN OVERSIGHT

IN CASE YOU MISSED IT

ABC News Tampa: New push by Florida lawmakers to improve foster care system
News Talk Florida: Florida lawmakers advance fight against blue-green algae
WTSP Tampa: New legislation could change Safe Haven law and save lives

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Cuban Sandwiches, Pulled Pork, Grilled Chicken, Fried Plantains, Salad

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President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Tuesday, January 28, 2020 7:13 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 01.29.20 Daily Brief
Attachment(s): "01.29.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, January 29th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Wednesday, January 29, 2020

SCHEDULE

9:00 — 10:30 AM

Appropriations Subcommittee on Criminal and Civil Justice - 37 Senate Building

- **CS/SB 556 - Inmate Conditional Medical Release (Brandes)**
  - **A 544822 - Delete lines 76 - 311 and insert: (Brandes)**
- **CS/SB 574 - Conditional Aging Inmate Release (Brandes)**
  - **A 937440 - Delete lines 49 - 341 and insert: (Brandes)**
- Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Corrections Department of Juvenile Justice Department of Law Enforcement Department of Legal Affairs/Attorney General Florida Commission on Offender Review State Courts Public Defenders State Attorneys Regional Conflict Counsels Statewide Guardian ad Litem Capital Collateral Regional Counsels Justice Administrative Commissions

11:00 AM — 12:30 PM

Appropriations Subcommittee on Transportation, Tourism, and Economic Development - 110 Senate Building

- SB 362 - Florida Tourism Marketing (Hooper)
- SB 7020 - Emergency Staging Areas (Infrastructure and Security)
- Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Economic Opportunity Department of Transportation Department of State Department of Military Affairs Division of Emergency Management Department of Highway Safety and Motor Vehicles

1:30 — 3:30 PM

Rules - 110 Senate Building

- SB 88 - Child Care Facilities (Stewart)
- CS/CS/SB 124 - Custody of Minor Children by Extended Family (Bean)
- CS/SB 128 - Public Records/Judicial Assistants (Wright)
- SB 294 - Crimes Against Veterans (Wright)
- CS/SB 7010 - OGSR/Servicemembers and the Spouses and Dependents of Servicemembers (Military and Veterans Affairs and Space)
- SB 248 - Public Records/County Attorneys and Assistant County Attorneys (Hooper)
- CS/SB 476 - Law Enforcement Vehicles (Hooper)
- SB 886 - Errors in Deeds (Powell)
- SM 978 - Juneteenth Independence Day (Pizzo)

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- SB 7006 - Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position (Ethics and Elections)
- **SJR 142 - Abolishing the Constitution Revision Commission (Brandes)**

4:00 — 6:00 PM

SESSION Third Reading

- SB 172 - Florida Drug and Cosmetic Act (Bradley)

Special Order

- CS/SB 356 - Keep Our Graduates Working Act (Hutson)
- SB 400 - Elder Abuse Fatality Review Teams (Gibson)
- CS/CS/SB 404 - Abortion (Stargel)
- CS/CS/SB 406 - Public Records/Minor's Petition to Waive Consent/Abortion (Stargel)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	On agenda (RC)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (AP)
CS/SB 556	Inmate Conditional Medical Release	On agenda (ACJ)
SB 560	Sentencing	In committee/council (AP)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	On agenda (ACJ)
SB 760	Independent Special Fire Control Districts	In committee/council (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
CS/SB 914	Contingency Risk Multipliers	In committee/council (JU)
SB 918	Civic Education	In committee/council (AED)
SB 924	Civil Actions Against Insurers	On agenda (BI)

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SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (IT)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (ACJ)
CS/SB 1118	Inmate Welfare Trust Funds	In committee/council (ACJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (ACJ)
CS/SB 1146	Special Risk Class of the Florida Retirement System	In committee/council (GO)
SB 1148	Electric Bicycles	In committee/council (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (ACJ)
SB 1308	Criminal Justice	In committee/council (CJ)
SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	In committee/council (IT)
SB 1354	Statewide Voter Registration Application	In committee/council (JU)
SB 1372	Elections	In committee/council (EE)
SB 1504	Sentencing	In committee/council (CJ)
SB 1506	Public Records/Expunction of Specified Convictions	In committee/council (CJ)
CS/SB 1510	Jurisdiction of Courts	In committee/council (ACJ)
SB 1708	Inmate Reports	In committee/council (CJ)
SB 1716	Sentencing	In committee/council (CJ)
SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	Acted on by committee/council, pending report (CJ)
SB 1728	Public Meetings and Records/Conditional Medical Release Program	Acted on by committee/council, pending report (CJ)
SB 1738	Motor Vehicle Dealers	In committee/council (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)
SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)
SB 1886	Grandparent Visitation Rights	In committee/council (CF)

FYI – COMMITTEE ACTIVITY

Chair Mayfield and the Appropriations Subcommittee on Agriculture, Environment, and General Government will meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Agriculture and Consumer Services, Department of Citrus, Department of Environmental Protection, Fish and

AMERICAN OVERSIGHT

Wildlife Conservation Commission, Department of Business and Professional Regulation, Department of Financial Services, Department of Lottery, Department of Management Services, Public Service Commission and Department of Revenue.

Chair Brandes and the Appropriations Subcommittee on Criminal and Civil Justice will meet to consider the following bills: CS/SB 556 by the Committee on Criminal Justice; Senator Brandes and others—Inmate Conditional Medical Release and CS/SB 574 by the Committee on Criminal Justice; Senator Brandes and others—Conditional Aging Inmate Release. The subcommittee will also meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Corrections, Department of Juvenile Justice, Department of Law Enforcement, Department of Legal Affairs/Attorney General, Florida Commission on Offender Review, State Courts, Public Defenders, State Attorneys, Regional Conflict Counsels, Statewide Guardian ad Litem, Capital Collateral Regional Counsels, and Justice Administrative Commissions

Chair Diaz and the Appropriations Subcommittee on Education will meet to consider the following bills: SB 62 by Senator Stargel—K-12 Education, SB 72 by Senator Stargel—Postsecondary Education, CS/SB 434 by the Committee on Education and Senator Montford—Designation of School Grades, SB 486 by Senator Bradley—Florida Best and Brightest Programs, and SB 836 by Senator Simmons—Funds for the Operation of Schools. The subcommittee will also meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Education, Office of Early Learning, and Board of Governors.

Chair Bean and the Appropriations Subcommittee on Health and Human Services will meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Children and Families, Department of Elderly Affairs, Department of Health, and Department of Veterans' Affairs. The subcommittee will also consider the following bills as a continuation of Tuesday, January 28, 2020 Meeting: SB 52 by Senator Bean—Medicaid Services, SB 82 by Senator Bean—Individuals With Disabilities, SB 1020 by Senator Bean—Institutional Formularies Established by Nursing Home Facilities, CS/SB 1324 by the Committee on Children, Families, and Elder Affairs and Senator Simpson—Child Welfare, and SB 1326 by Senator Simpson—Department of Children and Families.

Chair Hutson and the Appropriations Subcommittee on Transportation, Tourism, and Economic Development will meet to consider the following bills: SB 362 by Senator Hooper and others—Florida Tourism Marketing and SB 7020 by the Committee on Infrastructure and Security (Lee)—Emergency Staging Areas. The subcommittee will also meet for a Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: Department of Economic Opportunity, Department of Transportation, Department of State, Department of Military Affairs, Division of Emergency Management, and Department of Highway Safety and Motor Vehicles.

Chair Benacquisto and the Rules Committee will meet to consider the following bills: SB 88 by Senator Stewart and others—Child Care Facilities, CS/CS/SB 124 by the Committees on Judiciary, Children, Families, and Elder Affairs and Senator Bean—Custody of Minor Children by Extended Family, CS/SB 128 by the Committee on Governmental Oversight and Accountability and Senator Wright—Public Records/Judicial Assistants, SB 294 by Senator Wright and others—Crimes Against Veterans, CS/SB 7010 by the Committees on Governmental Oversight and Accountability, and Military and Veterans Affairs and Space (Wright)—OGSR/Servicemembers and the Spouses and Dependents of Servicemembers, SB 248 by Senator Hooper—Public Records/County Attorneys and Assistant County Attorneys, CS/SB 476 by the Committee on Innovation, Industry, and Technology and Senator Hooper—Law Enforcement Vehicles, SB 886 by Senator Powell—Errors in Deeds, SM 978 by Senator Pizzo and others—Juneteenth Independence Day, SB 7006 by the Committee on Ethics and Elections (Baxley)— Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position, and SJR 142 by Senator Brandes and others—Abolishing the Constitution Revision Commission.

Chair Benacquisto and the Special Order Calendar Group will meet to set the Special Order Calendar.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

Debbie Mayfield @debbie_mayfield
Welcome to the @FLSenate Junny and @SheriffIvey. Thank you for your work to keep our communities safe. #whereisjunny#WeLoveOurCanines

Manny Diaz Jr. @SenMannyDiazJr
Thanks to @FLSenateGOP office for the assist today in delivering timely information to our local media outlets! Great job

Sen. Anitere Flores @anitere_flores
All Work, No Play isn't beneficial for children's development, so in 2017, we advocated for Public School Recess by passing SB 78. Studies show daily physical activity is crucial for students to develop social skills & better focus when in class. #FloresFactor

IN CASE YOU MISSED IT

Tampa Bay Times: Florida Senate tags $500 million for teacher pay raises
WCTV Tallahassee: Florida could use drones to fight pythons, invasive species
News-Press: Senate moves to boost environmental fines in Florida
WGCU Southwest Florida: In The Sunshine State, Lawmakers Hope To Protect Young Athletes From Dangers Of Sweltering Heat

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Chicken Marsala, Chicken Parmesan, Lasagna, House Salad, Brownies

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Friday, January 31, 2020 5:15 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 02.03.20 Daily Brief
Attachment(s): "02.03.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for Monday, February 3rd.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

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330 Senate Office Building

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Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Monday, February 3, 2020

SCHEDULE

1:30 — 3:30 PM **Schedule Conflict**

Governmental Oversight and Accountability - 301 Senate Building

- CS/SB 668 - Government-sponsored Recreation Programs (Book)
- SB 716 - County Boundaries (Mayfield)
- SB 786 - Public Records/Aquaculture Records/Department of Agriculture and Consumer Services (Gainer)
- CS/SB 812 - Public Records/Endangered and Threatened Species (Hutson)
- CS/SB 1060 - Public Records and Meetings/911 or E911 Communication System (Thurston)
- **CS/SB 1146 - Special Risk Class of the Florida Retirement System (Brandes)**
- SB 1170 - Public Records and Meetings/Division of State Technology (Baxley)
- SB 1270 - Fiduciary Duty of Care for Appointed Public Officials and Executive Officers (Lee)
- SB 1292 - Public Records/Nonjudicial Arrest Record of a Minor (Perry)
- SB 1398 - Regional Planning Council Meetings (Flores)
- SB 1490 - Public Officers and Employees (Bradley)
- SB 1570 - Division of Library and Information Services (Perry)
- SB 1714 - Sale of Surplus State-owned Office Buildings and Associated Nonconservation Lands (Bradley)
- SB 1042 - Aquatic Preserves (Albritton)
- SB 1188 - Public Records/Records of Insurers/Department of Financial Services (Albritton)

Innovation, Industry, and Technology - 110 Senate Building

- SB 1656 - Reclaimed Water (Albritton)
- CS/SB 810 - Tobacco and Nicotine Products (Simmons)
- SB 1394 - Taxes and Fees (Simmons)
- SB 912 - Department of Business and Professional Regulation (Diaz)
- SB 1084 - Emotional Support Animals (Diaz)
- SB 1698 - Regulation of Pet Stores (Diaz)
- CS/SB 708 - Automated Pharmacy Systems (Hutson)
- SB 1174 - Communications Services Tax (Hutson)
- SB 630 - Regulation of Smoking (Mayfield)

4:00 — 6:00 PM **Schedule Conflict**

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

Community Affairs - 301 Senate Building

- CS/SB 724 - Local Government Recycling Programs (Albritton)
- SB 1662 - Property Tax Exemption for Disabled Veterans (Albritton)
- **SB 760 - Independent Special Fire Control Districts (Brandes)**
  - **D 624798 - Delete everything after the enacting clause and insert: (Brandes)**
- SB 888 - Public Nuisances (Perry)
- SB 1336 - Preemption of Local Occupational Licensing (Perry)
- SB 1424 - Special Neighborhood Improvement Districts (Gruters)
- SB 856 - Affordable Housing Tax Reduction (Pizzo)
- CS/SB 1302 - Sovereign Immunity (Flores)

Ethics and Elections - 412 Knott Building

- Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.
- 180 Johnson, Steve Allen
- 180 Poulton, William Scott
- 345 Felipe, Marcell
- 385 Kidwell, Thomas
- 1140 Benson, Ryan
- 1280 Jones Jr., J. Robert
- 1535 Vila Jr., Hector
- 2270 Fountain, Keith R.
- 2270 Zoltek, Michael John
- SJR 1216 - Limitation on Terms of Office for Members of a District School Board (Gruters)
- SB 814 - Disposition of Surplus Funds by Candidates (Perry)
- CS/SB 1078 - Special Election/Surviving Spouse Ad Valorem Tax Reduction (Wright)
- **SB 1372 - Elections (Brandes)**
  - **D 169522 - Delete everything after the enacting clause and insert: (Brandes)**

Infrastructure and Security - 110 Senate Building

- SB 306 - State Funds (Mayfield)
- CS/SB 754 - School Crossing Guards (Baxley)
- **SB 1148 - Electric Bicycles (Brandes)**
  - **A 237532 - Delete lines 54 - 73 and insert: (Brandes)**
  - **A 905948 - Delete lines 176 - 184 and insert: (Brandes)**
- SB 1272 - Statewide Emergency Shelter Task Force (Montford)
- SB 7040 - Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission (Education)
- SPB 7048 - Public Records/Public Shelter Space ()
- SB 412 - License Plates (Bean)
- SB 414 - Fees/Specialty License Plates (Bean)
- SB 108 - Specialty License Plates/Florida State Beekeepers Association (Rader)
- SB 110 - Fees/Florida State Beekeepers Association License Plate (Rader)
- SB 314 - Specialty License Plates/Toastmasters (Stewart)
- SB 316 - Fees/Toastmasters License Plate (Stewart)
- SB 322 - Specialty License Plates/Gopher Tortoise (Stewart)
- SB 324 - Fees/Gopher Tortoise License Plate (Stewart)
- SB 328 - Specialty License Plates/Orlando United (Stewart)
- SB 330 - Fees/Orlando United License Plate (Stewart)

AMERICAN OVERSIGHT

- SB 956 - Specialty License Plates/Solar Power (Perry)
- SB 958 - Fees/Solar Power License Plate (Perry)
- SB 1454 - Specialty License Plates/Highwaymen (Powell)
- SB 1456 - Specialty License Plate Fees/Highwaymen (Powell)
- Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.
- 2335 Burke, Richard

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	On 2nd Reading Calendar
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	On agenda (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (AP)
CS/SB 556	Inmate Conditional Medical Release	Acted on by committee/council, pending report (ACJ)
SB 560	Sentencing	In committee/council (AP)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	Acted on by committee/council, pending report (ACJ)
SB 760	Independent Special Fire Control Districts	On agenda (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
CS/SB 914	Contingency Risk Multipliers	On agenda (JU)
SB 918	Civic Education	In committee/council (AED)
SB 924	Civil Actions Against Insurers	On agenda (BI)
SB 968	Sports Wagering	In committee/council (IT)

AMERICAN OVERSIGHT

SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (IT)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (ACJ)
CS/SB 1118	Inmate Welfare Trust Funds	In committee/council (ACJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (ACJ)
CS/SB 1146	Special Risk Class of the Florida Retirement System	On agenda (GO)
SB 1148	Electric Bicycles	On agenda (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (ACJ)
SB 1308	Criminal Justice	On agenda (CJ)
SB 1334	Financial Services	On agenda (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	In committee/council (IT)
SB 1354	Statewide Voter Registration Application	On agenda (JU)
SB 1372	Elections	On agenda (EE)
SB 1504	Sentencing	On agenda (CJ)
SB 1506	Public Records/Expunction of Specified Convictions	On agenda (CJ)
CS/SB 1510	Jurisdiction of Courts	In committee/council (ACJ)
SB 1708	Inmate Reports	In committee/council (CJ)
SB 1716	Sentencing	On agenda (CJ)
CS/SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	In committee/council (GO)
CS/SB 1728	Public Meetings and Records/Conditional Medical Release Program	In committee/council (GO)
SB 1738	Motor Vehicle Dealers	In committee/council (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)
SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)
SB 1886	Grandparent Visitation Rights	On agenda (CF)

AMERICAN OVERSIGHT

Chair Diaz and the Education Committee will meet for the following Senate Confirmation Hearings: Board of Governors of the State University System Appointees: Lamb, Brian D., Scott, Steven M., Silagy, Eric E., and Stermon, Kent; Board of Trustees, Florida A & M University Appointee: Harper, Kristin R.; Board of Trustees, Florida Atlantic University Appointees: Dennis, Michael T.B. and Morris, Elycia; Board of Trustees, University of Central Florida Appointees: McAlpin, Caryl C., Mills, Harold F., and Okaty, Michael A.; Board of Trustees, Florida State University Appointees: Sasser, Bobby L. and Thiel, John William; Board of Trustees, Florida Gulf Coast University Appointees: Coone, Ashley, Morton, Edward Allen, and Semrod, Jaye; Board of Trustees, Florida International University Appointee: Lowell, Natasha; Board of Trustees, New College of Florida Appointees: Christaldi, Ronald A. and Ruiz, Mary; Board of Trustees, Florida Polytechnic University Appointee: Sasser, W. Earl, Jr.; Board of Trustees, University of Florida Appointees: Brandon, David Lee and Zucker, Anita G.; Board of Trustees, University of North Florida Appointees: Davis, Jill Smith and Patel, Nikul; Board of Trustees, University of South Florida Appointees: Callahan, Sandra W. and Griffin, Michael E.; and Board of Trustees, University of West Florida Appointees: Scott, Alonzie III, Singer, Jill Anne, and White, Stephanie S. The committee will also meet to consider the following bills: SB 1320 by Senator Cruz—Postsecondary Fee Waivers, SB 1402 by Senator Diaz—Higher Education, SB 1438 by Senator Harrell and others—Dyslexia, SB 1578 by Senator Hutson—Education, SB 1746 by Senator Stargel—Florida Virtual Education, SB 1784 by Senator Gainer—Vocational Rehabilitation Services, and SB 7000 by the Committee on Children, Families, and Elder Affairs (Book)—Reporting Abuse, Abandonment, and Neglect.

Chair Hooper and the Governmental Oversight and Accountability Committee will meet to consider the following bills: CS/SB 668 by the Committee on Children, Families, and Elder Affairs; Senator Book and others—Government-sponsored Recreation Programs, SB 716 by Senator Mayfield—County Boundaries, SB 786 by Senator Gainer—Public Records/Aquaculture Records/Department of Agriculture and Consumer Services, CS/SB 812 by the Committee on Environment and Natural Resources and Senator Hutson—Public Records/Endangered and Threatened Species, CS/SB 1060 by the Committee on Innovation, Industry, and Technology and Senator Thurston—Public Records and Meetings/911 or E911 Communication System, CS/SB 1146 by the Committee on Criminal Justice and Senator Brandes—Special Risk Class of the Florida Retirement System, SB 1170 by Senator Baxley and others—Public Records and Meetings/Division of State Technology, SB 1270 by Senator Lee—Fiduciary Duty of Care for Appointed Public Officials and Executive Officers, SB 1292 by Senator Perry—Public Records/Nonjudicial Arrest Record of a Minor, SB 1398 by Senator Flores—Regional Planning Council Meetings, SB 1490 by Senator Bradley and others—Public Officers and Employees, SB 1570 by Senator Perry—Division of Library and Information Services, SB 1714 by Senator Bradley—Sale of Surplus State-owned Office Buildings and Associated Nonconservation Lands, SB 1042 by Senator Albritton—Aquatic Preserves, and SB 1188 by Senator Albritton—Public Records/Records of Insurers/Department of Financial Services.

Chair Simpson and the Innovation, Industry, and Technology Committee will meet to consider the following bills: SB 1656 by Senator Albritton—Reclaimed Water, CS/SB 810 by the Committee on Health Policy and Senator Simmons—Tobacco and Nicotine Products, SB 1394 by Senator Simmons—Taxes and Fees, SB 912 by Senator Diaz—Department of Business and Professional Regulation, SB 1084 by Senator Diaz and others—Emotional Support Animals, SB 1698 by Senator Diaz—Regulation of Pet Stores, CS/SB 708 by the Committee on Health Policy and Senator Hutson—Automated Pharmacy Systems, SB 1174 by Senator Hutson—Communications Services Tax, and SB 630 by Senator Mayfield—Regulation of Smoking.

Chair Flores and the Community Affairs Committee will meet to consider the following bills: CS/SB 724 by the Committee on Environment and Natural Resources and Senator Albritton—Local Government Recycling Programs, SB 1662 by Senator Albritton—Property Tax Exemption for Disabled Veterans, SB 760 by Senator Brandes—Independent Special Fire Control Districts, SB 888 by Senator Perry—Public Nuisances, SB 1336 by Senator Perry—Preemption of Local Occupational Licensing, SB 1424 by Senator Gruters—Special

AMERICAN OVERSIGHT

Neighborhood Improvement Districts, SB 856 by Senator Pizzo—Affordable Housing Tax Reduction, and CS/SB 1302 by the Committee on Judiciary; Senator Flores and others—Sovereign Immunity.

Chair Montford and the Environment and Natural Resources Committee will for the following Senate Confirmation Hearings: Fish and Wildlife Conservation Commission Appointees: Barreto, Rodney L. and Hudson, Steven W.; Executive Director of Northwest Florida Water Management District Appointee: Cyphers, Brett J.; Governing Board of the St. Johns River Water Management District Appointees: Davis, Daniel J. and Howse, Ronald S.; Executive Director of St. Johns River Water Management District Appointee: Shortelle, Ann B.; Governing Board of the South Florida Water Management District Appointees: Butler, Benjamin L. and Bergeron, Ronald M.; Executive Director of South Florida Water Management District Appointee: Bartlett, Andrew "Drew"; Governing Board of the Southwest Florida Water Management District Appointees: Bispham, Paul J., Weightman, Seth, Schleicher, Joel A., Rice, Kelly S., and Germann, Roger W., Jr.; and Executive Director of Southwest Florida Water Management District Appointee: Armstrong, Brian J. The committee will also meet to consider the following bills: SB 32 by Senator Gibson—Relief of former employees of Fairfax Street Wood Treaters by the State of Florida, SB 680 by Senator Hutson and others—Shark Fins, SB 1152 by Senator Broxson—Brownfield Site Rehabilitation, SB 1720 by Senator Cruz—Florida Safe Drinking Water Act, SB 1878 by Senator Bradley and others—Environmental Protection, SB 688 by Senator Wright—Illegal Taking and Possession of Bears, SB 826 by Senator Mayfield—Marina Evacuations, and SB 1414 by Senator Mayfield—Fish and Wildlife Activities.

Chair Baxley and the Ethics and Elections Committee will meet for the following Senate Confirmation Hearings: Florida Citrus Commission Appointees: Johnson, Steve Allen and Poulton, William Scott; Board of Trustees of Miami-Dade College Appointee: Felipe, Marcell; Board of Trustees of St. Petersburg College Appointee: Kidwell, Thomas; Florida Housing Finance Corporation Appointee: Benson, Ryan; Investment Advisory Council Appointee: Jones, J. Robert, Jr.; Board of Medicine Appointee: Vila, Hector, Jr.; and Board of Professional Surveyors and Mappers Appointees: Fountain, Keith R. and Zoltek, Michael John. The committee will also meet to consider the following bills: SJR 1216 by Senator Gruters—Limitation on Terms of Office for Members of a District School Board, SB 814 by Senator Perry—Disposition of Surplus Funds by Candidates, CS/SB 1078 by the Committee on Military and Veterans Affairs and Space and Senator Wright—Special Election/Surviving Spouse Ad Valorem Tax Reduction, and SB 1372 by Senator Brandes—Elections.

Chair Lee and the Infrastructure and Security Committee will meet to consider the following bills: SB 306 by Senator Mayfield and others—State Funds, CS/SB 754 by the Committee on Education and Senator Baxley—School Crossing Guards, SB 1148 by Senator Brandes—Electric Bicycles, SB 1272 by Senator Montford—Statewide Emergency Shelter Task Force, SB 7040 by the Committee on Education (Diaz)—Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission, SPB 7048—Public Records/Public Shelter Space, SB 412 by Senator Bean and others—License Plates, SB 414 by Senator Bean and others—Fees/Specialty License Plates, SB 108 by Senator Rader—Specialty License Plates/Florida State Beekeepers Association, SB 110 by Senator Rader—Fees/Florida State Beekeepers Association License Plate, SB 314 by Senator Stewart—Specialty License Plates/Toastmasters, SB 316 by Senator Stewart—Fees/Toastmasters License Plate, SB 322 by Senator Stewart—Specialty License Plates/Gopher Tortoise, SB 324 by Senator Stewart—Fees/Gopher Tortoise License Plate, SB 328 by Senator Stewart—Specialty License Plates/Orlando United, SB 330 by Senator Stewart—Fees/Orlando United License Plate, SB 956 by Senator Perry—Specialty License Plates/Solar Power, SB 958 by Senator Perry—Fees/Solar Power License Plate, SB 1454 by Senator Powell and others—Specialty License Plates/Highwaymen, and SB 1456 by Senator Powell—Specialty License Plate Fees/Highwaymen. The committee will also meet for the following Senate Confirmation Hearing: Florida Transportation Commission Appointee: Burke, Richard.

Chair Benacquisto and the Special Order Calendar Group will meet to set the Special Order Calendar.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

Sen. Anitere Flores @anitere_flores
This week was extremely special because my son Max served as a Senate Page— engaging in what our legislative process is all about. #FloresFinale

Debbie Mayfield @debbie_mayfield
Thank you @GovRonDeSantis and @FLDEO for supporting our local communities. These grants will help #Fellsmere and #WestMelbourne be better prepared for future storms.

George Gainer @SenatorGainer
Two very impressive young ladies with the Florida Alliance of @YMCAs joined me in our Tallahassee office to discuss upcoming legislation this week. I appreciate their willingness to communicate the issues that matter to them!

IN CASE YOU MISSED IT

Tallahassee Democrat: Florida Senate delivers 3% pay raise for state workers in 2020-21 budget proposal
WTSP Tampa: Bill pushes for cooling tanks to keep Florida's student athletes safer
WCTV Tallahassee: Florida Senate, House $1.4 billion apart on budget proposals

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit, Pastries

Lunch: Deluxe Sandwich Tray, Pasta Salad, Fresh Fruit, Salad, Soup, Dessert Tray

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Monday, February 03, 2020 10:07 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 02.04.20 Daily Brief
Attachment(s): "02.04.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, February 4th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Tuesday, February 4, 2020

SCHEDULE

9:00 — 11:00 AM

Criminal Justice - 37 Senate Building

- Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.
- 147 Pinkard, Eric
- CS/SB 728 - Threats (Stargel)
- SB 842 - Injured Police Canines (Wright)
- CS/SB 952 - Senior Management Service Class (Perry)
- SB 1018 - Exposure of Sexual Organs (Stewart)
- **SB 1308 - Criminal Justice (Brandes)**
  - **A 556568 - Delete lines 75 - 138 and insert: (Brandes)**
- SB 1396 - Driving Under the Influence (Simmons)
- SB 1416 - Assaults on Specified Persons (Perry)
- **SB 1504 - Sentencing (Brandes)**
  - **A 625222 - Delete lines 65 - 105 and insert: (Brandes)**
- **SB 1506 - Public Records/Expunction of Specified Convictions (Brandes)**
  - **D 103962 - Delete everything after the enacting clause and insert: (Brandes)**
- **SB 1716 - Sentencing (Brandes)**
  - **A 952626 - Delete lines 86 - 111 and insert: (Brandes)**
- SB 1880 - Restitution for Juvenile Offenses (Perry)

12:30 — 2:30 PM Schedule Conflict

Banking and Insurance - 412 Knott Building

- CS/SB 478 - Motor Vehicle Rentals (Perry)
- **SB 924 - Civil Actions Against Insurers (Brandes)**
- **SB 1334 - Financial Services (Brandes)**
  - **A 893146 - Delete lines 536 - 542. (Brandes)**
- SB 1492 - Consumer Protection (Wright)
- SB 1606 - Insurance (Perry)

Children, Families, and Elder Affairs - 301 Senate Building

- **SB 152 - Dental Therapy (Brandes)**

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

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- **T 883162 - In title, delete line 2 and insert: (Brandes)**

- SB 302 - Adoption Records (Rader)
- SB 1062 - Involuntary Examinations of Minors (Harrell)
- SB 1440 - Children's Mental Health (Powell)
- SB 1548 - Child Welfare (Perry)
- SB 1624 - Economic Self-sufficiency (Perry)
- SB 1648 - Support for Incapacitated Adult Children (Albritton)
- SB 1748 - Child Welfare (Hutson)
- **SB 1886 - Grandparent Visitation Rights (Brandes)**
  - **A 229474 - Delete lines 72 - 73 and insert: (Brandes)**

Judiciary - 110 Senate Building

- SB 290 - School Bus Safety (Hooper)
- SB 868 - Construction Contracting (Albritton)
- SB 1256 - Telegraph Companies (Albritton)
- **CS/SB 914 - Contingency Risk Multipliers (Brandes)**
- **SB 1354 - Statewide Voter Registration Application (Brandes)**
- SB 1044 - Animal Cruelty (Pizzo)
- SB 656 - Arrests (Pizzo)
- SB 1306 - Individual Retirement Accounts (Thurston)
- SB 1590 - Juror Sanctions (Powell)
- SB 1766 - Growth Management (Lee)
- SB 946 - Moments of Silence in Public Schools (Baxley)
- SB 1634 - Parental Rights (Stargel)
- SB 1582 - Asbestos Trust Claims (Simmons)

3:00 — 4:30 PM Schedule Conflict

SESSION Third Reading

- SB 400 - Elder Abuse Fatality Review Teams (Gibson)
- CS/CS/SB 404, 1st Eng. - Abortion (Stargel)
- CS/CS/SB 406 - Public Records/Minor's Petition to Waive Consent/Abortion (Stargel)

Special Order

- CS/SB 476 - Law Enforcement Vehicles (Hooper)
- SB 886 - Errors in Deeds (Powell)
- CS/SB 1056 - PACE Center for Girls (Simpson)
- CS/SB 356 - Keep Our Graduates Working Act (Hutson)

3:45 PM — until completion Schedule Conflict

Reunion Session

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	On 2nd Reading Calendar
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	On agenda (CF)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

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SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (AP)
CS/SB 556	Inmate Conditional Medical Release	In committee/council (AP)
SB 560	Sentencing	In committee/council (AP)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	In committee/council (AP)
SB 760	Independent Special Fire Control Districts	On agenda (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
CS/SB 914	Contingency Risk Multipliers	On agenda (JU)
SB 918	Civic Education	In committee/council (AED)
SB 924	Civil Actions Against Insurers	On agenda (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (IT)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (ACJ)
CS/SB 1118	Inmate Welfare Trust Funds	In committee/council (ACJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (ACJ)
CS/SB 1146	Special Risk Class of the Florida Retirement System	Acted on by committee/council, pending report (GO)
SB 1148	Electric Bicycles	On agenda (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (ACJ)
SB 1308	Criminal Justice	On agenda (CJ)
SB 1334	Financial Services	On agenda (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	In committee/council (IT)
SB 1354	Statewide Voter Registration Application	On agenda (JU)
SB 1372	Elections	On agenda (EE)
SB 1504	Sentencing	On agenda (CJ)
SB 1506	Public Records/Expunction of Specified Convictions	On agenda (CJ)
CS/SB 1510	Jurisdiction of Courts	In committee/council (ACJ)

AMERICAN OVERSIGHT

SB 1708	Inmate Reports	In committee/council (CJ)
SB 1716	Sentencing	On agenda (CJ)
CS/SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	In committee/council (GO)
CS/SB 1728	Public Meetings and Records/Conditional Medical Release Program	In committee/council (GO)
SB 1738	Motor Vehicle Dealers	In committee/council (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)
SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)
SB 1886	Grandparent Visitation Rights	On agenda (CF)

FYI – COMMITTEE ACTIVITY

Chair Albritton and the Agriculture Committee will meet to consider the following bills: SB 806 by Senator Gainer—Public Records/Animal Health Records/Department of Agriculture and Consumer Services and SB 1876 by Senator Montford—State Hemp Program. The committee will also meet for an Overview of Carbon Farming.

Chair Gruters and the Commerce and Tourism Committee will meet to consider the following bills: CS/SB 474 by the Committee on Innovation, Industry, and Technology and Senator Albritton—Deregulation of Professions and Occupations, SB 660 by Senator Berman—Uniform Commercial Real Estate Receivership Act, SB 850 by Senator Pizzo—Exposure of Sexual Organs, SR 1704 by Senator Flores—Taiwan, SB 1140 by Senator Gruters—Public Accountancy, SB 1240 by Senator Gruters—Corporate Income Tax Credit, and SB 1642 by Senator Gruters—Tax Exemptions.

Chair Perry and the Criminal Justice Committee will meet for the following Senate Confirmation Hearing: Capital Collateral Regional Counsel - Middle Region Appointee: Pinkard, Eric. The committee will also meet to consider the following bills: CS/SB 728 by the Committee on Infrastructure and Security; Senator Stargel and others—Threats, SB 842 by Senator Wright—Injured Police Canines, CS/SB 952 by the Committee on Governmental Oversight and Accountability and Senator Perry—Senior Management Service Class, SB 1018 by Senator Stewart—Exposure of Sexual Organs, SB 1308 by Senator Brandes—Criminal Justice, SB 1396 by Senator Simmons—Driving Under the Influence, SB 1416 by Senator Perry—Assaults on Specified Persons, SB 1504 by Senator Brandes and others—Sentencing, SB 1506 by Senator Brandes—Public Records/Expunction of Specified Convictions, SB 1716 by Senator Brandes—Sentencing, and SB 1880 by Senator Perry—Restitution for Juvenile Offenses.

Chair Harrell and the Health Policy Committee will meet for the following Senate Confirmation Hearing: State Surgeon General Appointee: Rivkees, Scott A. The committee will also meet to consider the following bills: SB 1764 by Senator Flores—Childbirth, SB 1676 by Senator Albritton—Direct Care Workers, SB 1544 by Senator Albritton—Elderly Care, SB 1650 by Senator Simmons—Medicaid Provider Agreements for Charter and Private Schools, SB 512 by Senator Hutson—Nonembryonic Stem Cells, SB 1014 by Senator Rouson—Public Safety Telecommunicator Training, SB 744 by Senator Hooper and others—Podiatric Medicine, and SB 1206 by Senator Harrell—Applied Behavior Analysis Services.

Chair Broxson and the Banking and Insurance Committee will meet to consider the following bills: CS/SB 478 by the Committee on Innovation, Industry, and Technology and Senator Perry—Motor Vehicle Rentals, SB 924 by Senator Brandes—Civil Actions Against Insurers, SB 1334 by Senator Brandes—Financial Services, SB 1492 by Senator Wright—Consumer Protection, and SB 1606 by Senator Perry—Insurance.

AMERICAN OVERSIGHT

Chair Book and the Children, Families, and Elder Affairs Committee will meet to consider the following bills: SB 152 by Senator Brandes and others—Dental Therapy, SB 302 by Senator Rader—Adoption Records, SB 1062 by Senator Harrell and others—Involuntary Examinations of Minors, SB 1440 by Senator Powell—Children's Mental Health, SB 1548 by Senator Perry and others—Child Welfare, SB 1624 by Senator Perry—Economic Self-sufficiency, SB 1648 by Senator Albritton—Support for Incapacitated Adult Children, SB 1748 by Senator Hutson and others—Child Welfare, and SB 1886 by Senator Brandes—Grandparent Visitation Rights.

Chair Simmons and the Judiciary Committee will meet to consider the following bills: SB 290 by Senator Hooper—School Bus Safety, SB 868 by Senator Albritton—Construction Contracting, SB 1256 by Senator Albritton—Telegraph Companies, CS/SB 914 by the Committee on Banking and Insurance and Senator Brandes—Contingency Risk Multipliers, SB 1354 by Senator Brandes—Statewide Voter Registration Application, SB 1044 by Senator Pizzo and others—Animal Cruelty, SB 656 by Senator Pizzo—Arrests, SB 1306 by Senator Thurston—Individual Retirement Accounts,SB 1590 by Senator Powell—Juror Sanctions, SB 1766 by Senator Lee and others—Growth Management, SB 946 by Senator Baxley—Moments of Silence in Public Schools, SB 1634 by Senator Stargel—Parental Rights, and SB 1582 by Senator Simmons—Asbestos Trust Claims.

TOP CAUCUS TWEETS AND POSTS

Aaron Bean @AaronPBean
Had a blast on Saturday with my son and the Rotary Club of Fernandina Beach to make Rise Against Hunger happen. 55,000 total meals packaged Saturday morning!

Kathleen Passidomo @Kathleen4SWFL
I filed Senate Bill 994 to protect Florida's most vulnerable adults. Join me in my fight to ensure Florida's guardianship program is free from "bad actors." Learn more here: naplesnews.com/story/opinion/…

Sen. Dennis Baxley @dennisbaxley
In case you missed it: Appeared on The Bob Rose Show this last Friday. Check it out!
thesky973.radio.com/sen-dennis-bax…

IN CASE YOU MISSED IT

WUSF Tampa: Raises For State Employees Part of Florida Senate's $92.83 Billion Budget
News 4 Jax: Legislation could bring relief to Florida homeowners impacted by hurricane
WJCT Public Media: Lawtey, Other Hurricane Irma-Impacted FL Communities Get $84M For Infrastructure

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Assorted Breakfast Wraps, Bagel Melts, Fruit Bowl

Lunch: Fajita Bar, Salad Bar, Chips, Queso, Guacamole, Salsa, Cookies, Brownies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Tuesday, February 04, 2020 5:23 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 02.05.20 Daily Brief
Attachment(s): "02.05.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, February 5th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Wednesday, February 5, 2020

SCHEDULE

9:30 — 11:30 AM

Rules - 110 Senate Building

- CS/SB 226 - Athletic Trainers (Harrell)
- CS/SB 292 - Insurance Claims Data (Broxson)
- CS/SB 326 - Environmental Regulation (Perry)
- SB 374 - Housing Discrimination (Rouson)
- CS/CS/SB 580 - Uniform Partition of Heirs Property Act (Bracy)
- CS/SB 604 - Servicemembers Civil Relief Act (Bean)
- SB 7004 - OGSR/Taxpayer E-mail Addresses Held by a Tax Collector (Finance and Tax)
- CS/SB 352 - Unlawful Use of Uniforms, Medals, or Insignia (Hutson)
- CS/SB 838 - Business Organizations (Simmons)
- SB 1224 - Real Estate Conveyances (Simmons)
- SB 7022 - OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles (Infrastructure and Security)

1:00 — 6:00 PM

Appropriations - 412 Knott Building

- Consideration of proposed bill:
- SPB 2500 - Appropriations ()
  - **A 995055 - (Brandes)**
  - **A 995056 - (Brandes)**
- Consideration of proposed bill:
- SPB 2502 - Implementing the 2020-2021 General Appropriations Act ()
- Consideration of proposed bill:
- SPB 2504 - State Employees ()
- SB 7044 - State-administered Retirement Systems (Governmental Oversight and Accountability)
- Consideration of proposed bill:
- SPB 2506 - Correctional Medical Authority ()
- CS/SB 58 - Prescription Drug Donation Repository Program (Book)
- A proposed committee substitute for the following bill (SB 62) is available:
- SB 62 - K-12 Education (Stargel)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

- A proposed committee substitute for the following bill (SB 72) is available:
- SB 72 - Postsecondary Education (Stargel)
- A proposed committee substitute for the following bill (SB 82) is available:
- SB 82 - Individuals With Disabilities (Bean)
- SB 100 - Dispensing Medicinal Drugs (Harrell)
- A proposed committee substitute for the following bill (SB 136) is available:
- SB 136 - Adoption Benefits (Bean)
- CS/SB 154 - Human Trafficking Education in Schools (Thurston)
- CS/SB 230 - Department of Health (Harrell)
- CS/SB 246 - Public Construction (Hooper)
- SB 348 - Florida Kidcare Program (Bean)
- SB 362 - Florida Tourism Marketing (Hooper)
- SB 486 - Florida Best and Brightest Programs (Bradley)
- CS/SB 500 - Prohibited Acts by Health Care Practitioners (Harrell)
- SB 540 - Insurance Guaranty Associations (Rader)
- A proposed committee substitute for the following bill (CS/SB 712) is available:
- CS/SB 712 - Water Quality Improvements (Mayfield)
- SB 7016 - Statewide Office of Resiliency (Infrastructure and Security)
- Consideration of proposed bill:
- SPB 7050 - Circuit Court Judges ()

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	On 2nd Reading Calendar
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (AP)
CS/SB 556	Inmate Conditional Medical Release	In committee/council (AP)
SB 560	Sentencing	In committee/council (AP)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	In committee/council (AP)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SB 760	Independent Special Fire Control Districts	Acted on by committee/council, pending report (CA)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
CS/SB 914	Contingency Risk Multipliers	Acted on by committee/council, pending report (JU)
SB 918	Civic Education	In committee/council (AED)
SB 924	Civil Actions Against Insurers	In committee/council (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (IT)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (ACJ)
CS/SB 1118	Inmate Welfare Trust Funds	In committee/council (ACJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (ACJ)
CS/SB 1146	Special Risk Class of the Florida Retirement System	In committee/council (AP)
SB 1148	Electric Bicycles	Acted on by committee/council, pending report (IS)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (ACJ)
SB 1308	Criminal Justice	Acted on by committee/council, pending report (CJ)
SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	In committee/council (IT)
SB 1354	Statewide Voter Registration Application	Acted on by committee/council, pending report (JU)
SB 1372	Elections	Acted on by committee/council, pending report (EE)
SB 1504	Sentencing	Acted on by committee/council, pending report (CJ)
SB 1506	Public Records/Expunction of Specified Convictions	Acted on by committee/council, pending report (CJ)
CS/SB 1510	Jurisdiction of Courts	In committee/council (ACJ)
SB 1708	Inmate Reports	In committee/council (CJ)
SB 1716	Sentencing	Acted on by committee/council, pending report (CJ)
CS/SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	In committee/council (GO)
CS/SB 1728	Public Meetings and Records/Conditional Medical Release Program	In committee/council (GO)
SB 1738	Motor Vehicle Dealers	In committee/council (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)

AMERICAN OVERSIGHT

SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)
SB 1886	Grandparent Visitation Rights	Acted on by committee/council, pending report (CF)

FYI – COMMITTEE ACTIVITY

Chair Wright and the Military and Veterans Affairs and Space Committee will meet to consider SB 936 by Senator Gainer—Disability Retirement Benefits and for a Presentation by Emmanuel Tormes, Senior Manager, Government Operations of The Boeing Company.

Chair Benacquisto and the Rules Committee will meet to consider the following bills: CS/SB 226 by the Committee on Health Policy and Senator Harrell—Athletic Trainers, CS/SB 292 by the Committee on Banking and Insurance and Senator Broxson—Insurance Claims Data, CS/SB 326 by the Committee on Environment and Natural Resources and Senator Perry—Environmental Regulation, SB 374 by Senator Rouson—Housing Discrimination, CS/CS/SB 580 by the Committees on Community Affairs, Judiciary; Senator Bracy and others—Uniform Partition of Heirs Property Act, CS/SB 604 by the Committee on Judiciary and Senator Bean—Servicemembers Civil Relief Act, SB 7004 by the Committee on Finance and Tax (Gainer)—OGSR/Taxpayer E-mail Addresses Held by a Tax Collector, CS/SB 352 by the Committee on Military and Veterans Affairs and Space and Senator Hutson—Unlawful Use of Uniforms, Medals, or Insignia, CS/SB 838 by the Committee on Commerce and Tourism and Senator Simmons—Business Organizations, SB 1224 by Senator Simmons and others—Real Estate Conveyances, and SB 7022 by the Committee on Infrastructure and Security (Lee)—OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles.

Chair Bradley and the Appropriations Committee will meet to consider the following bills: SPB 2500—Appropriations, SPB 2502—Implementing the 2020-2021 General Appropriations Act, SPB 2504—State Employees, SB 7044 by the Committee on Governmental Oversight and Accountability (Hooper)—State-administered Retirement Systems, SPB 2506—Correctional Medical Authority, CS/SB 58 by the Committee on Health Policy; Senator Book and others—Prescription Drug Donation Repository Program (With subcommittee recommendation – Health and Human Services), A proposed committee substitute for SB 62 by Senator Stargel—K-12 Education (With subcommittee recommendation – Education), A proposed committee substitute for SB 72 by Senator Stargel—Postsecondary Education (With subcommittee recommendation – Education), A proposed committee substitute for SB 82 by Senator Bean—Individuals With Disabilities (With subcommittee recommendation – Health and Human Services), SB 100 by Senator Harrell and others—Dispensing Medicinal Drugs (With subcommittee recommendation – Health and Human Services), A proposed committee substitute for SB 136 by Senator Bean and others—Adoption Benefits (With subcommittee recommendation – Health and Human Services), CS/SB 154 by the Committee on Education and Senator Thurston—Human Trafficking Education in Schools, CS/SB 230 by the Committee on Health Policy and Senator Harrell—Department of Health, CS/SB 246 by the Committee on Governmental Oversight and Accountability and Senator Hooper—Public Construction, SB 348 by Senator Bean and others—Florida Kidcare Program (With subcommittee recommendation – Health and Human Services), SB 362 by Senator Hooper and others—Florida Tourism Marketing (With subcommittee recommendation – Transportation, Tourism, and Economic Development), SB 486 by Senator Bradley—Florida Best and Brightest Programs (With subcommittee recommendation – Education), CS/SB 500 by the Committee on Health Policy and Senator Harrell—Prohibited Acts by Health Care Practitioners, SB 540 by Senator Rader and others—Insurance Guaranty Associations (With subcommittee recommendation - Agriculture, Environment, and General Government), A proposed committee substitute for CS/SB 712 by the Committee on Community Affairs; Senator Mayfield and others—Water Quality Improvements (With subcommittee recommendation - Agriculture, Environment, and General Government), SB 7016 by the Committee on Infrastructure and Security (Lee)— Statewide Office of Resiliency, and SPB 7050—Circuit Court Judges.

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

George Gainer @SenatorGainer
As a supporter of #WorldCancerDay, we believe that through our positive actions, together, we can reach the target of reducing the number of premature deaths from cancer by one third by 2030. See how you can help at worldcancerday.org #IAmAndIWill

Sen. Anitere Flores @anitere_flores
Radiologists, Dentists, Realtors, Home Builders, and Letter Carriers all stopped by my office today to share their issues, stories, and some laughs! Thank you all for visiting the Florida Senate! #session2020#dentalday

Debbie Mayfield @debbie_mayfield
Thank you @GovRonDeSantis for your dedication to protecting these environmentally sensitive lands. #FloridaForever

IN CASE YOU MISSED IT

Tampa Bay Times: Lawmakers seek to end Florida's key role in shark fin trade
WPTV West Palm Beach: Florida Senators back stamping-out smoking in parks
WTSP Tampa: Florida leaders approve $19M deal to preserve land in Sarasota County

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Spaghetti and Meatballs, Smoked Mozzarella Ravioli, Garlic Rolls, Caesar Salad, Greek Salad, Cookies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Wednesday, February 05, 2020 6:07 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 02.06.20 Daily Brief
Attachment(s): "02.06.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, February 6th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Thursday, February 6, 2020

SCHEDULE

9:00 AM — 12:00 noon **Schedule Conflict**

Appropriations - Meeting Canceled

- Consideration of proposed bill:
- SPB 2500 - Appropriations ()
  - **A 995055 - (Brandes)**
  - **A 995056 - (Brandes)**
- Consideration of proposed bill:
- SPB 2502 - Implementing the 2020-2021 General Appropriations Act ()
- Consideration of proposed bill:
- SPB 2504 - State Employees ()
- SB 7044 - State-administered Retirement Systems (Governmental Oversight and Accountability)
- Consideration of proposed bill:
- SPB 2506 - Correctional Medical Authority ()
- CS/SB 58 - Prescription Drug Donation Repository Program (Book)
- A proposed committee substitute for the following bill (SB 62) is available:
- SB 62 - K-12 Education (Stargel)
- A proposed committee substitute for the following bill (SB 72) is available:
- SB 72 - Postsecondary Education (Stargel)
- A proposed committee substitute for the following bill (SB 82) is available:
- SB 82 - Individuals With Disabilities (Bean)
- SB 100 - Dispensing Medicinal Drugs (Harrell)
- A proposed committee substitute for the following bill (SB 136) is available:
- SB 136 - Adoption Benefits (Bean)
- CS/SB 154 - Human Trafficking Education in Schools (Thurston)
- CS/SB 230 - Department of Health (Harrell)
- CS/SB 246 - Public Construction (Hooper)
- SB 348 - Florida Kidcare Program (Bean)
- SB 362 - Florida Tourism Marketing (Hooper)
- SB 486 - Florida Best and Brightest Programs (Bradley)

AMERICAN OVERSIGHT

- CS/SB 500 - Prohibited Acts by Health Care Practitioners (Harrell)
- SB 540 - Insurance Guaranty Associations (Rader)
- A proposed committee substitute for the following bill (CS/SB 712) is available:
- CS/SB 712 - Water Quality Improvements (Mayfield)
- SB 7016 - Statewide Office of Resiliency (Infrastructure and Security)
- Consideration of proposed bill:
- SPB 7050 - Circuit Court Judges ()

10:00 AM — 6:00 PM **Schedule Conflict**

SESSION Third Reading

- CS/CS/SB 404, 1st Eng. - Abortion (Stargel)
- CS/CS/SB 406 - Public Records/Minor's Petition to Waive Consent/Abortion (Stargel)

Special Order

- CS/CS/SB 124 - Custody of Minor Children by Extended Family (Bean)
- SB 7006 - Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position (Ethics and Elections) Identical to HB 7009 - Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position
- CS/SB 356 - Keep Our Graduates Working Act (Hutson) Similar to CS/CS/CS/HB 115 - Keep Our Graduates Working Act

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	On 2nd Reading Calendar
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)

AMERICAN OVERSIGHT

SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (AP)
CS/SB 556	Inmate Conditional Medical Release	In committee/council (AP)
SB 560	Sentencing	In committee/council (AP)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	In committee/council (AP)
CS/SB 760	Fire Control Districts and Firefighter Pensions	Pending Reference Review
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
CS/SB 914	Contingency Risk Multipliers	In committee/council (RC)
SB 918	Civic Education	In committee/council (AED)
SB 924	Civil Actions Against Insurers	In committee/council (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (IT)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (ACJ)
CS/SB 1118	Inmate Welfare Trust Funds	In committee/council (ACJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children’s Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (ACJ)
CS/SB 1146	Special Risk Class of the Florida Retirement System	In committee/council (AP)
CS/SB 1148	Electric Bicycles	In committee/council (CA)
SB 1230	Electric Vehicles	In committee/council (IS)

AMERICAN OVERSIGHT

SB 1304	Sentencing	In committee/council (ACJ)
CS/SB 1308	Criminal Justice	Pending Reference Review
SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	In committee/council (IT)
SB 1354	Statewide Voter Registration Application	In committee/council (RC)
CS/SB 1372	Elections	Pending Reference Review
CS/SB 1504	Sentencing	Pending Reference Review
CS/SB 1506	Public Records/Expunction of Specified Convictions	Pending Reference Review
CS/SB 1510	Jurisdiction of Courts	In committee/council (ACJ)
SB 1708	Inmate Reports	In committee/council (CJ)
CS/SB 1716	Sentencing	Pending Reference Review
CS/SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	In committee/council (GO)
CS/SB 1728	Public Meetings and Records/Conditional Medical Release Program	In committee/council (GO)
SB 1738	Motor Vehicle Dealers	In committee/council (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)
SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)
CS/SB 1886	Grandparent Visitation Rights	Pending Reference Review

FYI – COMMITTEE ACTIVITY

Chair Benacquisto and the Special Order Calendar Group will meet to set the Special Order Calendar.

TOP CAUCUS TWEETS AND POSTS

Sen. Anitere Flores @anitere_flores
It's @FIU Day! As a #ProudPanther, I have championed programs, bldgs,& more. From millions in funding for the Student Academic Success Center to the Engineering School, from UpLift to the Med School, we've worked hard to make FIU one of the best in our country! #FloresFinale

George Gainer @SenatorGainer

AMERICAN OVERSIGHT

Thank you to Chair @SenTomWright and the entire @FLSenate Military, Veteran Affairs and Space Committee for unanimously passing SB 936 Disability Retirement Benefits for our veterans. I am very proud of this bill and our continued efforts to support veterans in Florida.

Rob Bradley @Rob_Bradley
Continuing the fight for the St. Johns, Apalachicola and Suwannee Rivers! jacksonville.com/news/20200204/…

IN CASE YOU MISSED IT

Florida Times-Union: North Florida rivers get boost in Senate bill
Tallahassee Democrat: 42 Hours for the 42 Million: Two days of walking brings awareness to child sex abuse

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Beef Brisket, Pulled Chicken, Mac-N-Cheese, Salad, Blueberry Cobbler

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Monday, February 10, 2020 6:48 AM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 02.10.20 Daily Brief
Attachment(s): "02.10.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for today, February 10th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
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AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

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330 Senate Office Building

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Daily Briefing
Senator Brandes
Monday, February 10, 2020

SCHEDULE

1:30 — 3:30 PM **Schedule Conflict**

Governmental Oversight and Accountability - 301 Senate Building

- CS/SB 666 - Florida Development Finance Corporation (Mayfield)
- SB 858 - Cost-of-living Adjustment for Special Risk Class Retirees (Gruters)
- CS/SB 928 - Public Records and Meetings/Interstate Medical Licensure Compact (Harrell)
- SB 966 - Public Records/Disaster Recovery Assistance (Gainer)
- CS/SB 1024 - Public Records/Postconviction Reinvestigative Information (Bean)
- CS/SB 1030 - Public Records/Vessel Title or Registration/Department of Highway Safety and Motor Vehicles (Stargel)
- SB 1260 - Florida Space Exploration Monument (Albritton)
- SB 1270 - Fiduciary Duty of Care for Appointed Public Officials and Executive Officers (Lee)
- SB 1312 - Voting Systems (Montford)
- SB 1466 - Special Districts (Baxley)
- SB 1632 - Cultural Affairs (Rouson)
- SB 1636 - Repeal of Advisory Bodies and Councils (Baxley)
- **CS/SB 1718 - Public Meetings and Records/Conditional Aging Inmate Release Program (Brandes)**
  - **D 607638 - Delete everything after the enacting clause and insert: (Brandes)**
- **CS/SB 1728 - Public Meetings and Records/Conditional Medical Release Program (Brandes)**
  - **D 222838 - Delete everything after the enacting clause and insert: (Brandes)**
- SM 1756 - Temporary Protected Status to Venezuelans in the United States (Flores)
- CS/SB 1802 - Public Meetings/Urban Core Gun Violence Task Force (Pizzo)
- SB 1872 - Public Records/Commissioner of Financial Regulation/Financial Technology Sandbox Applications (Hutson)
- SB 1874 - Fees/Office of Financial Regulation/Financial Technology Sandbox Applications (Hutson)
- Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.
- 1280 Canida, Maria Teresa
- 1280 Olmstead, Vinny

Innovation, Industry, and Technology - 110 Senate Building

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- SB 658 - Acquisition of Water and Wastewater Systems (Albritton)
- SB 1244 - State Workforce Development Boards (Albritton)
- SB 776 - Florida Real Estate Appraisal Board (Perry)
- SB 1268 - Capital Investment Tax Credit (Gruters)
- SB 1084 - Emotional Support Animals (Diaz)
- SB 912 - Department of Business and Professional Regulation (Diaz)
    - **A 283054 - Between lines 1035 and 1036 insert: (Brandes)**
    - **A 974940 - Between lines 1035 and 1036 insert: (Brandes)**
    - **A 261994 - Between lines 1035 and 1036 insert: (Brandes)**
- Consideration of proposed bill:
- SPB 7052 - Office of Public Counsel ()
- **SB 1352 - Transportation Companies (Brandes)**
    - **D 817654 - Delete everything after the enacting clause and insert: (Brandes)**
- SB 1870 - Technological Development (Hutson)

4:00 — 6:00 PM Schedule Conflict

Community Affairs - 301 Senate Building

- CS/SB 368 - Tampa Bay Area Regional Transit Authority (Rouson)
- CS/SB 538 - Emergency Reporting (Diaz)
- CS/SB 724 - Local Government Recycling Programs (Albritton)
- CS/SB 752 - Emergency Sheltering of Persons with Pets (Bean)
- SB 906 - Prohibited Reptiles (Farmer)
- SB 1066 - Impact Fees (Gruters)
- SB 1102 - Specialty Contracting Services (Gruters)
- SB 1122 - Emergency Telecommunication Devices in Public Swimming Pools (Pizzo)
- **CS/SB 1148 - Electric Bicycles (Brandes)**
- CS/SB 1154 - Community Associations (Baxley)
- SJR 1502 - Information About Counties and Municipalities (Diaz)
- SB 1512 - Local Government Reporting (Diaz)
- SB 1662 - Property Tax Exemption for Disabled Veterans (Albritton)
- CS/SB 1766 - Growth Management (Lee)

Infrastructure and Security - 110 Senate Building

- SB 78 - Transportation Facility Designations/General Daniel 'Chappie' James, Jr. (Broxson)
- SB 502 - Emergency Mitigation and Response (Montford)
- SB 520 - Drones (Gruters)
- CS/SB 1212 - International Affairs (Gruters)
- CS/SB 1332 - Towing and Immobilizing Vehicles and Vessels (Hooper)
- SB 1484 - Motor Vehicle Manufacturers and Dealers (Diaz)
- SB 1692 - Driver Licenses (Flores)
- SB 1694 - Driver License Fees (Flores)
- **SB 1738 - Motor Vehicle Dealers (Brandes)**
- SPB 7054 - Transportation ()

SENATOR'S BILLS UPDATE

AMERICAN OVERSIGHT

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	On Special Order Calendar
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	On agenda (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (AP)
CS/SB 556	Inmate Conditional Medical Release	In committee/council (AP)
SB 560	Sentencing	In committee/council (AP)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	In committee/council (AP)
CS/SB 760	Fire Control Districts and Firefighter Pensions	In committee/council (GO)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
CS/SB 914	Contingency Risk Multipliers	In committee/council (RC)
SB 918	Civic Education	In committee/council (AED)
SB 924	Civil Actions Against Insurers	On agenda (BI)

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SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (IT)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	In committee/council (ACJ)
CS/SB 1118	Inmate Welfare Trust Funds	In committee/council (ACJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	In committee/council (ACJ)
CS/SB 1146	Special Risk Class of the Florida Retirement System	In committee/council (AP)
CS/SB 1148	Electric Bicycles	On agenda (CA)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (ACJ)
CS/SB 1308	Criminal Justice	Pending Reference Review
SB 1334	Financial Services	On agenda (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	On agenda (IT)
SB 1354	Statewide Voter Registration Application	In committee/council (RC)
CS/SB 1372	Elections	In committee/council (JU)
CS/SB 1504	Sentencing	Pending Reference Review
CS/SB 1506	Public Records/Expunction of Specified Convictions	Pending Reference Review
CS/SB 1510	Jurisdiction of Courts	In committee/council (ACJ)
SB 1708	Inmate Reports	In committee/council (CJ)
CS/SB 1716	Sentencing	Pending Reference Review
CS/SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	On agenda (GO)
CS/SB 1728	Public Meetings and Records/Conditional Medical Release Program	On agenda (GO)
SB 1738	Motor Vehicle Dealers	On agenda (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)

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SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)
CS/SB 1886	Grandparent Visitation Rights	Pending Reference Review

FYI – COMMITTEE ACTIVITY

Chair Diaz and the Education Committee will meet to consider the following bills: SB 646 by Senator Mayfield—Postsecondary Student Athletes, SB 662 by Senator Wright—School Grading System, SB 1100 by Senator Rouson—Florida Seal of Fine Arts Program, CS/SJR 1216 by the Committee on Ethics and Elections and Senator Gruters—Limitation on Terms of Office for Members of a District School Board, SB 1550 by Senator Cruz—High School Graduation Requirements, SB 1628 by Senator Book and others—Holocaust Education, SB 1644 by Senator Book and others—Students With Disabilities in Public Schools, SB 1750 by Senator Montford—High School Graduation Requirements, and SB 7042 by the Committee on Governmental Oversight and Accountability (Hooper)—State University Facility Designations.

Chair Hooper and the Governmental Oversight and Accountability Committee will meet to consider the following bills: CS/SB 666 by the Committee on Commerce and Tourism and Senator Mayfield—Florida Development Finance Corporation, SB 858 by Senator Gruters—Cost-of-living Adjustment for Special Risk Class Retirees, CS/SB 928 by the Committee on Health Policy and Senator Harrell—Public Records and Meetings/Interstate Medical Licensure Compact, SB 966 by Senator Gainer—Public Records/Disaster Recovery Assistance, CS/SB 1024 by the Committee on Criminal Justice and Senator Bean—Public Records/Postconviction Reinvestigative Information, CS/SB 1030 by the Committee on Infrastructure and Security and Senator Stargel—Public Records/Vessel Title or Registration/Department of Highway Safety and Motor Vehicles, SB 1260 by Senator Albritton—Florida Space Exploration Monument, SB 1270 by Senator Lee—Fiduciary Duty of Care for Appointed Public Officials and Executive Officers, SB 1312 by Senator Montford—Voting Systems, SB 1466 by Senator Baxley and others—Special Districts, SB 1632 by Senator Rouson—Cultural Affairs, SB 1636 by Senator Baxley—Repeal of Advisory Bodies and Councils, CS/SB 1718 by the Committee on Criminal Justice and Senator Brandes—Public Meetings and Records/Conditional Aging Inmate Release Program, CS/SB 1728 by the Committee on Criminal Justice and Senator Brandes—Public Meetings and Records/Conditional Medical Release Program, SM 1756 by Senator Flores—Temporary Protected Status to Venezuelans in the United States, CS/SB 1802 by the Committee on Criminal Justice and Senator Pizzo—Public Meetings/Urban Core Gun Violence Task Force, SB 1872 by Senator Hutson—Public Records/Commissioner of Financial Regulation/Financial Technology Sandbox Applications, and SB 1874 by Senator Hutson—Fees/Office of Financial Regulation/Financial Technology Sandbox Applications. The committee will also meet for the following Senate Confirmation Hearings: Investment Advisory Council Appointee: Canida, Maria Teresa and Olmstead, Vinny.

Chair Simpson and the Innovation, Industry, and Technology Committee will meet to consider the following bills: SB 658 by Senator Albritton—Acquisition of Water and Wastewater Systems, SB 1244 by Senator Albritton—State Workforce Development Boards, SB 776 by Senator Perry—Florida Real Estate Appraisal Board, SB 1268 by Senator Gruters—Capital Investment Tax Credit, SB 1084 by Senator Diaz and others—Emotional Support Animals, SB 912 by Senator Diaz—Department of Business and Professional Regulation, SPB 7052—Office of Public Counsel, SB 1352 by Senator Brandes—Transportation Companies, and SB 1870 by Senator Hutson and others—Technological Development.

Chair Flores and the Community Affairs Committee will meet to consider the following bills: CS/SB 368 by the Committee on Infrastructure and Security and Senator Rouson—Tampa Bay Area Regional Transit Authority, CS/SB 538 by the Committee on Infrastructure and Security; Senator Diaz and others—Emergency Reporting,

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CS/SB 724 by the Committee on Environment and Natural Resources and Senator Albritton—Local Government Recycling Programs, CS/SB 752 by the Committee on Infrastructure and Security; Senator Bean and others—Emergency Sheltering of Persons with Pets, SB 906 by Senator Farmer—Prohibited Reptiles, SB 1066 by Senator Gruters—Impact Fees, SB 1102 by Senator Gruters—Specialty Contracting Services, SB 1122 by Senator Pizzo—Emergency Telecommunication Devices in Public Swimming Pools, CS/SB 1148 by the Committee on Infrastructure and Security and Senator Brandes—Electric Bicycles, CS/SB 1154 by the Committee on Innovation, Industry, and Technology and Senator Baxley—Community Associations, SJR 1502 by Senator Diaz—Information About Counties and Municipalities, SB 1512 by Senator Diaz—Local Government Reporting, SB 1662 by Senator Albritton—Property Tax Exemption for Disabled Veterans, and CS/SB 1766 by the Committee on Judiciary; Senator Lee and others—Growth Management.

Chair Montford and the Environment and Natural Resources Committee will for the following Senate Confirmation Hearings: Executive Director of South Florida Water Management District Appointee: Bartlett, Andrew "Drew"; Governing Board of the South Florida Water Management District Appointee: Bergeron, Ronald M.; and Executive Director of Suwannee River Water Management District Appointee: Thomas, Hugh L. The committee will also meet to consider the following bills: SB 1360 by Senator Rodriguez—Florida Endangered and Threatened Species Act, SB 1378 by Senator Rouson—Vessels, CS/SR 1572 by the Committee on Infrastructure and Security and Senator Stewart—Climate Change, CS/SB 996 by the Committee on Community Affairs and Senator Albritton—Displacement of Private Waste Companies, and SB 1706 by Senator Montford—Water Testing for Pollution.

Chair Baxley and the Ethics and Elections Committee will meet for the following Senate Confirmation Hearings: Jacksonville Aviation Authority Appointee: Barnett, Michelle; Board of Trustees of Florida State College at Jacksonville Appointee; Odom, Roderick D.; Fish and Wildlife Conservation Commission Appointees: Barreto, Rodney L. and Hudson, Steven W.; Board of Governors of the State University System Appointees: Lamb, Brian D., Scott, Steven M., Silagy, Eric E. and Stermon, Kent; Higher Educational Facilities Financing Authority Appointees: Berardinelli, Joseph C., Czerniec, Timothy H. and Wagner, Tracy A.; Florida Housing Finance Corporation Appointee: Gulliford, William Irving; Board of Optometry Appointees: Burns-LeGros, Denise and Griffin, John Edmund; Board of Pilot Commissioners Appointee: Russo, Edward; Jacksonville Port Authority Appointee: Clarkson, John Palmer Florida Transportation Commission Appointee: Burke, Richard; Executive Director of Northwest Florida Water Management District Appointee: Cyphers, Brett J.; Governing Board of the St. Johns River Water Management District Appointees: Davis, Daniel J. and Howse, Ronald S.; Executive Director of St. Johns River Water Management District Appointee: Shortelle, Ann B.; Governing Board of the South Florida Water Management District Appointee: Butler, Benjamin L.; Governing Board of the Southwest Florida Water Management District Appointees: Bispham, Paul J., Germann, Roger W., Jr., Rice, Kelly S., Schleicher, Joel A. and Weightman, Seth; Executive Director of Southwest Florida Water Management District Appointee: Armstrong, Brian J.; Board of Trustees, Florida A & M University Appointee: Harper, Kristin R. Board of Trustees, Florida Atlantic University Appointees: Dennis, Michael T.B. and Morris, Elycia; Board of Trustees, University of Central Florida Appointees: McAlpin, Caryl C., Mills, Harold F. and Okaty, Michael A.; Board of Trustees, Florida State University Appointees: Sasser, Bobby L. and Thiel, John William; Board of Trustees, Florida Gulf Coast University Appointees: Coone, Ashley, Morton, Edward Allen and Semrod, Jaye; Board of Trustees, Florida International University Appointee: Lowell, Natasha; Board of Trustees, New College of Florida Appointees: Christaldi, Ronald A. and Ruiz, Mary; Board of Trustees, Florida Polytechnic University Appointee: Sasser, W. Earl, Jr.; Board of Trustees, University of Florida Appointees: Brandon, David Lee and Zucker, Anita G.; Board of Trustees, University of North Florida Appointees: Davis, Jill Smith and Patel, Nikul; Board of Trustees, University of South Florida Appointees: Callahan, Sandra W. and Griffin, Michael E.; Board of Trustees, University of West Florida Appointees: Scott, Alonzie III, Singer, Jill Anne and White, Stephanie S.

Chair Lee and the Infrastructure and Security Committee will meet to consider the following bills: SB 78 by Senator Broxson—Transportation Facility, Designations/General Daniel ‘Chappie’ James, Jr., SB 502 by Senator Montford and others—Emergency Mitigation and Response, SB 520 by Senator Gruters and others—

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Drones, CS/SB 1212 by the Committee on Governmental Oversight and, Accountability and Senator Gruters—International Affairs, CS/SB 1332 by the Committee on Community Affairs and Senator Hooper—Towing and Immobilizing Vehicles and Vessels, SB 1484 by Senator Diaz—Motor Vehicle Manufacturers and Dealers, SB 1692 by Senator Flores—Driver Licenses, SB 1694 by Senator Flores—Driver License Fees, and SB 1738 by Senator Brandes—Motor Vehicle Dealers.

Chair Benacquisto and the Special Order Calendar Group will meet to set the Special Order Calendar.

TOP CAUCUS TWEETS AND POSTS

George Gainer @SenatorGainer
ATTENTION, @FLDEO will be holding public workshops in the following Hurricane Michael-impacted communities: facebook.com/81587347852546…

Debbie Mayfield @debbie_mayfield
SCHOLARSHIP OPPORTUNITY for @BrevardSchools seniors! The @BrevardSF has more than 50 different scholarships covering a wide array of career interests, skills & community involvement.
#SpaceCoastbit.ly/2uhqLsP

IN CASE YOU MISSED IT

WEAR TV Pensacola: Florida Senate passes bill requiring parental consent for abortions
WINK News Fort Myers: New Florida bill would set rules on converting water we use into something drinkable
Tampa Bay Times: Paramedics now carry guns on some SWAT teams in Tampa Bay area

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Biscuit Bar (Apple Butter, Chicken, Eggs), Fresh Fruit

Lunch: Chicken Sandwich, Grilled Chicken Wrap, Chicken Nuggets, Kale Salad, Cookies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Monday, February 10, 2020 6:51 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 02.11.20 Daily Brief
Attachment(s): "02.11.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, February 11th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

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Daily Briefing
Senator Brandes
Tuesday, February 11, 2020

SCHEDULE

10:00 AM — 12:00 noon

Criminal Justice - 37 Senate Building

- SB 618 - Detention of Children (Powell)
- CS/SB 688 - Illegal Taking, Possession, and Sale of Bears (Wright)
- SB 798 - Procurement of Human Organs and Tissue (Rouson)
- SB 1508 - Police Vehicles (Taddeo)
- SB 1552 - Law Enforcement Activities (Flores)
- SB 1594 - Firesafety Inspectors (Powell)
- SB 1690 - Preservation of Memorials (Torres)
- SB 1866 - Assault or Battery (Pizzo)
- SB 1880 - Restitution for Juvenile Offenses (Perry)

2:00 — 4:00 PM Schedule Conflict

Banking and Insurance - 412 Knott Building

- SB 378 - Motor Vehicle Insurance (Lee)
- SB 380 - Bank Property of Deceased Account Holders (Baxley)
- CS/SB 478 - Motor Vehicle Rentals (Perry)
- CS/SB 792 - Physical Therapy Practice (Albritton)
- **SB 924 - Civil Actions Against Insurers (Brandes)**
- **SB 1334 - Financial Services (Brandes)**
  - **A 893146 - Delete lines 536 - 542. (Brandes)**
  - **SA 586530 - Between lines 693 and 694 insert: (Brandes)**
  - **A 600108 - Delete lines 536 - 543 and insert: (Brandes)**
  - **SA 392164 - Delete lines 516 - 544 and insert: (Brandes)**
  - **D 632742 - Delete everything after the enacting clause and insert: (Brandes)**
- CS/SB 1464 - Underground Facility Damage Prevention and Safety (Flores)
- SB 1556 - Nondiscrimination in Organ Transplants (Bean)
- SB 1618 - Construction Materials Mining Activities (Diaz)
- SB 1626 - Price Transparency in Health Care Services (Flores)
- SB 1828 - Litigation Financing Consumer Protection (Broxson)

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Children, Families, and Elder Affairs - 301 Senate Building

- **SB 152 - Dental Therapy (Brandes)**
  - **D 667314 - Delete everything after the enacting clause and insert: (Brandes)**
- SB 920 - First-episode Psychosis Programs (Rouson)
- SB 1054 - Substance Abuse Services (Gruters)
- SB 1156 - Children's Initiatives (Braynon)
- SB 1198 - Purple Alert (Berman)
- SB 1678 - Substance Abuse and Mental Health (Montford)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	On Special Order Calendar
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	On agenda (FT)
CS/SB 148	Limitations on Homestead Assessments	On agenda (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	On agenda (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (AP)
CS/SB 556	Inmate Conditional Medical Release	In committee/council (AP)
SB 560	Sentencing	In committee/council (AP)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	In committee/council (AP)
CS/SB 760	Fire Control Districts and Firefighter Pensions	In committee/council (GO)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
CS/SB 914	Contingency Risk Multipliers	In committee/council (RC)
SB 918	Civic Education	On agenda (AED)
SB 924	Civil Actions Against Insurers	On agenda (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (IT)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	On agenda (ACJ)

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President Pro Tempore

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CS/SB 1118	Inmate Welfare Trust Funds	On agenda (ACJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	On agenda (ACJ)
CS/SB 1146	Special Risk Class of the Florida Retirement System	In committee/council (AP)
CS/SB 1148	Electric Bicycles	On agenda (CA)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (ACJ)
CS/SB 1308	Criminal Justice	In committee/council (ACJ)
SB 1334	Financial Services	On agenda (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	Acted on by committee/council, pending report (IT)
SB 1354	Statewide Voter Registration Application	In committee/council (RC)
CS/SB 1372	Elections	In committee/council (JU)
CS/SB 1504	Sentencing	In committee/council (ACJ)
CS/SB 1506	Public Records/Expunction of Specified Convictions	In committee/council (GO)
CS/SB 1510	Jurisdiction of Courts	On agenda (ACJ)
SB 1708	Inmate Reports	In committee/council (CJ)
CS/SB 1716	Sentencing	In committee/council (ACJ)
CS/SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	Acted on by committee/council, pending report (GO)
CS/SB 1728	Public Meetings and Records/Conditional Medical Release Program	Acted on by committee/council, pending report (GO)
SB 1738	Motor Vehicle Dealers	On agenda (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)
SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)
CS/SB 1886	Grandparent Visitation Rights	In committee/council (JU)

FYI – COMMITTEE ACTIVITY

Chair Albritton and the Agriculture Committee will meet to consider the following bills: SB 1514 by Senator Albritton—Department of Agriculture and Consumer Services and CS/SB 1414 by the Committee on Environment and Natural Resources and Senator Mayfield—Fish and Wildlife Activities.

Chair Gruters and the Commerce and Tourism Committee will meet to consider the following bills: SB 54 by Senator Book and others—Tax Exemption for Diapers and Incontinence Products, SB 900 by Senator Stargel—Malt Beverages, SB 1128 by Senator Diaz—Vacation Rentals, CS/SB 1214 by the Committee on Innovation, Industry, and Technology and Senator Baxley—Engineers, SB 1362 by Senator Rodriguez—

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Rental Agreements, SB 1580 by Senator Braynon—Minority Businesses, and SB 1600 by Senator Powell—Black Business Loan Program.

Chair Perry and the Criminal Justice Committee will meet to consider the following bills: SB 618 by Senator Powell—Detention of Children, CS/SB 688 by the Committee on Environment and Natural Resources and Senator Wright—Illegal Taking, Possession, and Sale of Bears, SB 798 by Senator Rouson—Procurement of Human Organs and Tissue, SB 1508 by Senator Taddeo—Police Vehicles, SB 1552 by Senator Flores—Law Enforcement Activities, SB 1594 by Senator Powell—Firesafety Inspectors, SB 1690 by Senator Torres—Preservation of Memorials, SB 1866 by Senator Pizzo—Assault or Battery, and SB 1880 by Senator Perry—Restitution for Juvenile Offenses.

Chair Harrell and the Health Policy Committee will meet to consider the following bills: SB 1406 by Senator Broxson—Youth Athletic Activities, SB 190 by Senator Montford and others—Medicaid School-based Services, CS/SB 772 by the Committee on Community Affairs; Senator Hutson and others—Recreational Vehicle Parks, CS/SB 1668 by the Committee on Judiciary and Senator Simmons—Damages, SB 46 by Senator Farmer and others—Eye Care for Newborns and Infants, CS/SB 736 by the Committee on Banking and Insurance and Senator Diaz—Coverage for Air Ambulance Services, SB 1094 by Senator Diaz—Consultant Pharmacists, SB 1006 by Senator Baxley and others—Coverage for Hearing Aids for Children, CS/SB 880 by the Committee on Banking and Insurance and Senator Baxley—Nurse Registry, SB 1370 by Senator Harrell—Patient Safety Culture Surveys, and SB 584 by Senator Harrell—Council on Physician Assistants.

Chair Broxson and the Banking and Insurance Committee will meet to consider the following bills: SB 378 by Senator Lee and others—Motor Vehicle Insurance, SB 380 by Senator Baxley—Bank Property of Deceased Account Holders, CS/SB 478 by the Committee on Innovation, Industry, and Technology and Senator Perry—Motor Vehicle Rentals, CS/SB 792 by the Committee on Health Policy; Senator Albritton and others—Physical Therapy Practice, SB 924 by Senator Brandes—Civil Actions Against Insurers, SB 1334 by Senator Brandes—Financial Services, CS/SB 1464 by the Committee on Infrastructure and Security and Senator Flores—Underground Facility Damage Prevention and Safety, SB 1556 by Senator Bean—Nondiscrimination in Organ Transplants, SB 1618 by Senator Diaz—Construction Materials Mining Activities, SB 1626 by Senator Flores—Price Transparency in Health Care Services, and SB 1828 by Senator Broxson—Litigation Financing Consumer Protection.

Chair Book and the Children, Families, and Elder Affairs Committee will meet to consider the following bills: SB 152 by Senator Brandes and others—Dental Therapy, SB 920 by Senator Rouson—First-episode Psychosis Programs, SB 1054 by Senator Gruters—Substance Abuse Services, SB 1156 by Senator Braynon—Children's Initiatives, SB 1198 by Senator Berman—Purple Alert, and SB 1678 by Senator Montford—Substance Abuse and Mental Health.

Chair Simmons and the Judiciary Committee will meet to consider the following bills: SB 4 by Senator Flores—Relief of Dontrell Stephens by the Palm Beach County Sheriff's Office, CS/SB 410 by the Committee on Community Affairs and Senator Perry—Growth Management, SB 664 by Senator Lee and others—Verification of Employment Eligibility, SB 698 by Senator Book and others—Assisted Reproduction Facilities, SB 1340 by Senator Gruters—Legal Notices, SB 1366 by Senator Gruters—Trusts, CS/SB 1516 by the Committee on Health Policy and Senator Harrell—Organ Donation, SB 1672 by Senator Broxson—Protection of Vulnerable Investors, CS/SB 1564 by the Committee on Banking and Insurance and Senator Stargel—Use of Genetic Information, SB 1746 by Senator Stargel—Florida Virtual Education, CS/SB 1794 by the Committee on Ethics and Elections and Senator Hutson—Constitutional Amendments Proposed by Initiative, SB 16 by Senator Simmons—Relief of Christeia Jones, Logan Grant, Denard Maybin, Jr., and Lanard Maybin/Department of Highway Safety and Motor Vehicles, and CS/SB 1286 by the Committee on Criminal Justice and Senator Simmons—Contraband in Specified Facilities.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

TOP CAUCUS TWEETS AND POSTS

Keith Perry @KeithPerryFL
Staying on the forefront of #cybersecurity is crucial for safeguarding our communities from hacking and fraud. Thank you Attorney General @AshleyMoodyFL for participating in this important workshop! Tomorrow's event is free and open to public #FlaPoltinyurl.com/uxp3w9b

Manny Diaz Jr. @SenMannyDiazJr
Looking for Another reason why Americans are flocking to #Florida? not to mention low taxes, beautiful weather and abundant School Choice!

Rob Bradley @Rob_Bradley
When folks talk about our work on #CJReform, they rarely mention our state's investment in Operation New Hope. This is real reform, real change, real hope...and it was done through targeted investments in the state budget over several years. @Travis_Cummings is a great partner.

IN CASE YOU MISSED IT

WINK News Southwest Florida: Florida bills protect pets of domestic violence, victim's pet pivotal helping her escape
Sun Sentinel: Florida travelers may get free orange juice again, thanks to Senate's proposed budget
WTXL Tallahassee: Gov. Ron DeSantis announces new funding for Hurricane Michael recovery aid

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit, Pastries

Lunch: Chicken, Steak, and Shrimp Kabobs, Turmeric Rice, Pasta Salad, Greek Salad, Cookies

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Tuesday, February 11, 2020 7:50 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 02.12.20 Daily Brief
Attachment(s): "02.12.20 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for tomorrow, February 12th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Wednesday, February 12, 2020

SCHEDULE

10:00 AM — 3:30 PM

SESSION Third Reading

- CS/CS/SB 124, 1st Eng. - Custody of Minor Children by Extended Family (Bean)
- HB 7009 - Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position (Public Integrity and Ethics Committee)
- CS/CS/CS/HB 115 - Keep Our Graduates Working Act (Health Quality Subcommittee)

Special Order

- SB 2500 - Appropriations (Appropriations)
  - **A 995084 - (Brandes)**
- SB 2502 - Implementing the 2020-2021 General Appropriations Act (Appropriations)
- SB 2504 - State Employees (Appropriations)
- SB 2506 - Correctional Medical Authority (Appropriations)
- SB 7044 - State-administered Retirement Systems (Governmental Oversight and Accountability)
- SB 348 - Florida Kidcare Program (Bean)
- SB 362 - Florida Tourism Marketing (Hooper)
- CS/SB 58 - Prescription Drug Donation Repository Program (Book) Compare to CS/HB 177 - Prescription Drug Donation Repository Program
- **SJR 142 - Abolishing the Constitution Revision Commission (Brandes)** Similar to HJR 301 - Repeal of Constitution Revision Commission
- CS/SB 372 - Postsecondary Education for Certain Military Personnel (Lee)
- SM 978 - Juneteenth Independence Day (Pizzo)
- SB 7004 - OGSR/Taxpayer E-mail Addresses Held by a Tax Collector (Finance and Tax)

4:00 — 6:00 PM

Rules - 110 Senate Building

- CS/SB 290 - School Bus Safety (Hooper)
- CS/SB 364 - Independent Living Task Force (Rader)
- SB 384 - Harris Chain of Lakes (Baxley)
- SB 630 - Regulation of Smoking (Mayfield)
- SB 716 - County Boundaries (Mayfield)
- SB 936 - Disability Retirement Benefits (Gainer)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

- SB 1292 - Public Records/Nonjudicial Arrest Record of a Minor (Perry)
- SB 7036 - OGSR/Criminal Intelligence Information/Criminal Investigative Information (Criminal Justice)
- SB 7038 - OGSR/Information Held by an Investigative Agency (Criminal Justice)
- CS/SB 7010 - OGSR/Servicemembers and the Spouses and Dependents of Servicemembers (Military and Veterans Affairs and Space)
- SJR 396 - Single-subject Limitation for Taxation and Budget Reform Commission (Rodriguez)
- SB 828 - Florida ABLE Program (Benacquisto)
- SB 830 - OGSR/Certain Personal Financial and Health Information (Benacquisto)
- CS/SB 994 - Guardianship (Passidomo)
- SB 1398 - Regional Planning Council Meetings (Flores)
- SR 1704 - Taiwan (Flores)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	On Special Order Calendar
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	On agenda (FT)
CS/SB 148	Limitations on Homestead Assessments	On agenda (FT)
SB 150	Sanitary Sewer Laterals	In committee/council (RC)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (ACJ)
CS/SB 552	Sentencing	In committee/council (ACJ)
CS/SB 554	Sentencing	In committee/council (AP)
CS/SB 556	Inmate Conditional Medical Release	In committee/council (AP)
SB 560	Sentencing	In committee/council (AP)
CS/SB 572	Release from Imprisonment	In committee/council (ACJ)
CS/SB 574	Conditional Aging Inmate Release	In committee/council (AP)
CS/SB 760	Fire Control Districts and Firefighter Pensions	In committee/council (GO)
SB 790	Clerks of the Circuit Court	In committee/council (ACJ)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	In committee/council (JU)
CS/SB 914	Contingency Risk Multipliers	In committee/council (RC)
SB 918	Civic Education	On agenda (AED)
SB 924	Civil Actions Against Insurers	In committee/council (BI)
SB 968	Sports Wagering	In committee/council (IT)
SB 970	Fees/Licenses Relating to Sports Wagering	In committee/council (IT)
SB 972	Taxes/Sports Wagering	In committee/council (IT)

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President of the Senate

DAVID SIMMONS
President Pro Tempore

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SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	In committee/council (IT)
SB 992	Florida Retirement System Investment Plan	In committee/council (GO)
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	On agenda (ACJ)
CS/SB 1118	Inmate Welfare Trust Funds	On agenda (ACJ)
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	In committee/council (ED)
SB 1136	Children's Services Councils	In committee/council (CA)
SB 1138	Chiropractic Medicine	In committee/council (HP)
SB 1144	Department of Juvenile Justice	On agenda (ACJ)
CS/SB 1146	Special Risk Class of the Florida Retirement System	In committee/council (AP)
CS/SB 1148	Electric Bicycles	In committee/council (RC)
SB 1230	Electric Vehicles	In committee/council (IS)
SB 1304	Sentencing	In committee/council (ACJ)
CS/SB 1308	Criminal Justice	In committee/council (ACJ)
SB 1334	Financial Services	In committee/council (BI)
SB 1346	Fees/Electric Vehicles	In committee/council (IS)
SB 1352	Transportation Companies	Acted on by committee/council, pending report (IT)
SB 1354	Statewide Voter Registration Application	In committee/council (RC)
CS/SB 1372	Elections	In committee/council (JU)
CS/SB 1504	Sentencing	In committee/council (ACJ)
CS/SB 1506	Public Records/Expunction of Specified Convictions	In committee/council (GO)
CS/SB 1510	Jurisdiction of Courts	On agenda (ACJ)
SB 1708	Inmate Reports	In committee/council (CJ)
CS/SB 1716	Sentencing	In committee/council (ACJ)
CS/CS/SB 1718	Public Meetings and Records/Conditional Aging Inmate Release Program	Pending Reference Review
CS/CS/SB 1728	Public Meetings and Records/Conditional Medical Release Program	Pending Reference Review
SB 1738	Motor Vehicle Dealers	Acted on by committee/council, pending report (IS)
SB 1826	Land Surveyors and Mappers	In committee/council (IT)
SB 1860	Availability of Marijuana for Adult Use	In committee/council (FT)
SB 1862	Public Records/Criminal History Records and Related Information	In committee/council (CJ)
CS/SB 1886	Grandparent Visitation Rights	In committee/council (JU)

FYI – COMMITTEE ACTIVITY

Chair Wright and the Military and Veterans Affairs and Space Committee will meet to consider the following bills: SB 1496 by Senator Lee—Veterans Treatment Courts and CS/SB 1586 by the Committee on Children, Families, and Elder Affairs; Senator Hooper and others—First Responders Suicide Deterrence Task Force.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

Chair Benacquisto and the Rules Committee will meet to consider the following bills: CS/SB 290 by the Committee on Judiciary and Senator Hooper—School Bus Safety, CS/SB 364 by the Committee on Community Affairs; Senator Rader and others—Independent Living Task Force, SB 384 by Senator Baxley—Harris Chain of Lakes, SB 630 by Senator Mayfield—Regulation of Smoking, SB 716 by Senator Mayfield—County Boundaries, SB 936 by Senator Gainer—Disability Retirement Benefits, SB 1292 by Senator Perry—Public Records/Nonjudicial Arrest Record of a Minor, SB 7036 by the Committee on Criminal Justice (Perry)—OGSR/Criminal Intelligence Information/Criminal Investigative Information, SB 7038 by the Committee on Criminal Justice (Perry)— OGSR/Information Held by an Investigative Agency, CS/SB 7010 by the Committees on Governmental Oversight and Accountability, and Military and Veterans Affairs and Space (Wright)—OGSR/Servicemembers and the Spouses and Dependents of Servicemembers, SJR 396 by Senator Rodriguez—Single-subject Limitation for Taxation and Budget Reform Commission, SB 828 by Senator Benacquisto—Florida ABLE Program, SB 830 by Senator Benacquisto—OGSR/Certain Personal Financial and Health Information, CS/SB 994 by the Committee on Judiciary; Senator Passidomo and others—Guardianship, SB 1398 by Senator Flores—Regional Planning Council Meetings, and SR 1704 by Senator Flores—Taiwan.

TOP CAUCUS TWEETS AND POSTS

Bill Galvano @BillGalvano
Such a great surprise and a tremendous honor to be presented with an honorary membership in the Florida Professional Firefighters @FPF343. Thank you!

George Gainer @SenatorGainer
Our #BayCounty officials never rest when it comes to #HurricaneMichael recovery. Couldn't ask for any better people to work alongside for the panhandle. Thank you for everything you do for our community.#District2

Debbie Mayfield @debbie_mayfield
SB1414 has passed the @FLSenate Agriculture Committee. Thank you Chairman @RepAlbritton for hearing this good bill today!

IN CASE YOU MISSED IT

WTXL Tallahassee: Bill to pay student athletes makes headway in Florida
The Independent Florida Alligator: UF/IFAS ranked the No. 1 public institution for agricultural sciences

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Rice Bowls (Chicken, Steak, Shrimp), Salad, Brownies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Friday, October 11, 2019 3:25 PM EDT
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 10.14.19 Daily Brief
Attachment(s): "10.14.19 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for Monday, October 14.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
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(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Monday, October 14, 2019

SCHEDULE

2:30 — 4:00 PM

Governmental Oversight and Accountability - 301 Senate Building

- SB 128 - Public Records/Judicial Assistants (Wright)
- **SJR 142 - Abolishing the Constitution Revision Commission (Brandes)**
- SB 162 - Public Records (Perry)
- SB 246 - Public Construction (Hooper)

Innovation, Industry, and Technology - Not Meeting

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commissio	On agenda (GO)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/ Increas	In committee/council (CA)
SB 148	Limitations on Homestead Assessments	In committee/council (CA)
SB 150	Sanitary Sewer Laterals	In committee/council (EN)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	Filed
SB 448	Prescriptive Authority Certification for Psycholo	Filed
SB 450	Whistleblower's Act	Filed
SB 466	Inspectors General	Filed
SB 468	Mandatory Sentences	Filed
SB 470	Searches of Cellular Phones and Other Electro	Filed
SB 482	Beverage Law	Filed

FYI – COMMITTEE ACTIVITY

Chair Diaz and the Education Committee will meet for an Overview of Educator Professional Development.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

Chair Hooper and the Governmental Oversight and Accountability Committee will meet to consider the following bills: SB 128 by Senator Wright—Public Records/Judicial Assistants, SJR 142 by Senator Brandes and others—Abolishing the Constitution Revision Commission, SB 162 by Senator Perry—Public Records, and SB 246 by Senator Hooper—Public Construction.

Chair Flores and the Community Affairs Committee will meet to consider SB 172 by Senator Bradley—Florida Drug and Cosmetic Act. The Committee will also receive a presentation of the Survey of Buildings Damaged by Hurricane Michael Final Report by the Florida Building Commission and an update on the development of the 7th Edition (2020) Florida Building Code by the Florida Building Commission.

Chair Montford and the Environment and Natural Resources Committee will meet for a Presentation on Hurricanes Dorian and Michael Recovery by the Division of Emergency Management.

Chair Baxley and the Ethics and Elections Committee will meet for the following Senate Confirmation Hearings: Barbers' Board Appointee Stewart, Edwin A., Jr., Board of Trustees of Florida SouthWestern State College Appointees Martin, Jonathan and Nix, Danny Gene, Jr., Board of Trustees of Florida State College at Jacksonville Appointees Hawkins, David Hunt and McGehee, Thomas R., Jr., Board of Trustees of Tallahassee Community College Appointees Grant, William Eric, Lamb, Eugene, Jr. and Moore, Karen B., Board of Trustees for the Florida School for the Deaf and the Blind Appointee Siguler, Pamela M., Florida Elections Commission Appointee Hayes, John Martin, Commission on Ethics Appointees Grant, John A., Jr. and Meggs, William N., Board of Medicine Appointees Ackerman, Scot N., Diamond, David A. and Zachariah, Zachariah P. and Tampa Port Authority Appointee Swindal, Stephen W.

Chair Lee and the Infrastructure and Security Committee will meet for Presentations and Panel Discussion Related to Infrastructure Resiliency and Climate Change.

TOP CAUCUS TWEETS AND POSTS

Bill Galvano @BillGalvano
Pleased to appoint Senator @RepAlbritton as the @FLSenate's member of the @SSEnergyBoard. Senator @debbie_mayfield is appointed as our alternate member. https://bit.ly/2M9AZBP

George Gainer @SenatorGainer
What a beautiful day to celebrate another milestone on our road to recovery. Welcome back my @WMBBTV friends. #OneYearLater#HurricaneMichael#PanhandleStrong https://bit.ly/313dnCZ

Sen. Anitere Flores @anitere_flores
Proud to have successfully passed #SB732 this past session. Rogue plastic surgery clinics are unsafe and we must protect everyone undergoing these procedures. cbsloc.al/2M2Trfi https://bit.ly/2M5Vi2U

IN CASE YOU MISSED IT

Panama City News Herald: Gov. DeSantis promises more help for Bay County
WTSP Tampa: Gov. Ron DeSantis to recommend higher starting salaries for Florida teachers
Florida Today: Foundation in memory of Sen. Hukill to aid students pursue higher education

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Variety Breakfast Sandwiches, Fruit Bowl
Lunch: Signature Sandwiches, Tuscan Focaccia, Side Salad, Brownies

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Tuesday, November 12, 2019 4:50 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 11.13.19 Daily Brief
Attachment(s): "11.13.19 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for Tomorrow, November 13th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

KATHLEEN PASSIDOMO
Majority Leader

THE FLORIDA SENATE

SENATE MAJORITY OFFICE

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FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

Daily Briefing
Senator Brandes
Wednesday, November 13, 2019

SCHEDULE

10:00 — 11:30 AM
Rules - Not Meeting

1:00 — 2:15 PM
Appropriations Subcommittee on Criminal and Civil Justice - Not Meeting

2:30 — 3:45 PM
Appropriations Subcommittee on Transportation, Tourism, and Economic Development - Not Meeting

4:00 — 5:30 PM
Environment and Natural Resources - 37 Senate Building

- **SB 150 - Sanitary Sewer Laterals (Brandes)**
- SB 384 - Harris Chain of Lakes (Baxley)
- SB 388 - Citrus/Hernando Waterways Restoration Council (Hooper)
- Presentation by the Department of Environmental Protection on the Blue Green Algae Task Force's recommendations
- Presentation by the Department of Environmental Protection on its proposed biosolids rule

Generate Another Report

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	In committee/council (RC)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	On agenda (EN)
SB 152	Dental Therapy	In committee/council (CF)

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
SB 470	Searches of Cellular Phones and Other Electronic Devices	Acted on by committee/council, pending report (CJ)
SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	In committee/council (CJ)
SB 552	Sentencing	In committee/council (CJ)
SB 554	Sentencing	In committee/council (CJ)
SB 556	Inmate Conditional Medical Release	Acted on by committee/council, pending report (CJ)
SB 560	Sentencing	In committee/council (ACJ)
SB 572	Extension of Confinement	In committee/council (CJ)
SB 574	Aging Inmate Conditional Release	In committee/council (CJ)
SB 760	Independent Special Fire Control Districts	Filed
SB 790	Clerks of the Circuit Court	Filed
SB 804	Employee Organization Dues and Uniform Assessments	Filed

FYI – COMMITTEE ACTIVITY

Chair Wright and the Military and Veterans Affairs and Space Committee will meet to consider the following bills: SPB 7010—OGSR/Servicemembers and the Spouses and Dependents of Servicemembers, SB 294 by Senator Wright and others—Crimes Against Veterans, SB 372 by Senator Lee—Postsecondary Education for Certain Military Personnel, and SM 420 by Senator Diaz—VA MISSION Act of 2018. The committee will also meet for a presentation by Mark Bontrager, Vice President of Spaceport Operations, Space Florida.

Chair Mayfield and the Appropriations Subcommittee on Agriculture, Environment, and General Government will meet for presentations on Biosolids by Sedron Technologies and by Anuvia Plant Nutrients, LLC.

Chair Bean and the Appropriations Subcommittee on Health and Human Services will meet to consider the following bills: SB 100 by Senator Harrell and others—Dispensing Medicinal Drugs and SB 136 by Senator Bean and others—Adoption Benefits. The subcommittee will also meet for a presentation on the Florida Department of Veterans' Affairs.

Chair Gainer and the Finance and Tax Committee will meet to consider SPB 7004—OGSR/Taxpayer E-mail Addresses Held by a Tax Collector and for an update on Corporate Income Tax by Committee Staff.

Chair Montford and the Environment and Natural Resources Committee will meet to consider the following bills: SB 150 by Senator Brandes—Sanitary Sewer Laterals, SB 384 by Senator Baxley—Harris Chain of Lakes, and SB 388 by Senator Hooper—Citrus/Hernando Waterways Restoration Council. The committee will also meet for a presentation by the Department of Environmental Protection on the Blue Green Algae Task Force's recommendations and a presentation by the Department of Environmental Protection on its proposed biosolids rule.

Chair Baxley and the Ethics and Elections Committee will meet for the following Senate Confirmation Hearings: Florida Building Commission Appointee Fischer, Charles W., Jr., Board of Trustees of Daytona State College Appointee Freckleton, Lloyd J., Board of Trustees of St. Johns River State College Appointee Garrison, Samuel P., Board of Trustees of Seminole State College Appointee Cortes, Robert, Board of Trustees of Valencia College Appointee Davis, John F., Commission on Ethics Appointee Gilzean, Glenton, Jr., and

AMERICAN OVERSIGHT

Jacksonville Transportation Authority Appointees Driver, G. Ray, Jr. and Jolly, Arezou C. The committee will also meet for a presentation by Chris Anderson, Executive Director, The Florida Commission on Ethics, on the Implementation of Amendment 12 and to consider SPB 7006—Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position.

TOP CAUCUS TWEETS AND POSTS

Sen. Anitere Flores @anitere_flores
Today is Young Reader's Day! Stop by your local library and encourage your child to check out a book that sparks their interest. #youngreadersday

Rob Bradley @Rob_Bradley
It's time for common sense #CJreform. @fsuJustice

Senator Tom Lee @TomLeeFL
Good to see you! @FDADental

IN CASE YOU MISSED IT

Pensacola News Journal: Florida sales tax 'holiday' measures start rolling in Senate
WWSB ABC 7 Sarasota: Florida considers changes in drug sentencing laws
WPEC CBS 12 West Palm Beach: Federal money to help hurricane damaged timber industry

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Bacon, Sausage, Scrambled Eggs, Breakfast Potatoes, Yogurt, Fresh Fruit

Lunch: Rice Bowl (Chicken, Shrimp, Beef), Salad, Brownies

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

From: Rojas, Lina <Rojas.Lina@flsenate.gov>
Sent: Friday, December 06, 2019 4:33 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>
Subject: 12.09.19 Daily Brief
Attachment(s): "12.09.19 Senator Brandes Daily Briefing.docx"

Senator Brandes,

Attached is your daily brief for Monday, December 9th.

Please let me know if you have any questions.

Best,

Lina M. Rojas
Legislative Analyst
Florida Senate Majority Office
Office: (850) 487-5190
Cell: (305) 301-8407

AMERICAN OVERSIGHT

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THE FLORIDA SENATE

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Daily Briefing
Senator Brandes
Monday, December 9, 2019

SCHEDULE

1:30 — 3:30 PM

Innovation, Industry, and Technology - 110 Senate Building

- SB 476 - Law Enforcement Vehicles (Hooper)
- SB 426 - Regional Rural Development Grants Program (Montford)
- SB 356 - Keep Our Graduates Working Act (Hutson)

SENATOR'S BILLS UPDATE

Bill Display Name	Subject	Current Location
SJR 142	Abolishing the Constitution Revision Commission	In committee/council (RC)
SB 144	Energy 2040 Task Force	In committee/council (IT)
SJR 146	Homestead Property Tax Assessments/Increased Portability Period	In committee/council (FT)
CS/SB 148	Limitations on Homestead Assessments	In committee/council (FT)
SB 150	Sanitary Sewer Laterals	On agenda (JU)
SB 152	Dental Therapy	In committee/council (CF)
SB 446	Renewable Energy	In committee/council (IT)
SB 448	Prescriptive Authority Certification for Psychologists	In committee/council (HP)
SB 450	Whistleblower's Act	In committee/council (GO)
SB 466	Inspectors General	In committee/council (GO)
SB 468	Mandatory Sentences	In committee/council (ACJ)
CS/SB 470	Searches of Cellular Phones and Other Electronic Devices	In committee/council (JU)

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SB 482	Beverage Law	In committee/council (IT)
SB 528	Nonemergency Medical Transportation Services	In committee/council (HP)
SB 550	Sentencing	On agenda (CJ)
SB 552	Sentencing	On agenda (CJ)
SB 554	Sentencing	On agenda (CJ)
CS/SB 556	Inmate Conditional Medical Release	In committee/council (ACJ)
SB 560	Sentencing	In committee/council (ACJ)
SB 572	Extension of Confinement	On agenda (CJ)
SB 574	Aging Inmate Conditional Release	On agenda (CJ)
SB 760	Independent Special Fire Control Districts	In committee/council (CA)
SB 790	Clerks of the Circuit Court	On agenda (JU)
SB 804	Employee Organization Dues and Uniform Assessments	In committee/council (GO)
SB 896	Product Liability Actions	Filed
SB 914	Property Insurance	Filed
SB 918	Civic Education	Filed
SB 924	Civil Actions Against Insurers	Filed
SB 968	Sports Wagering	Filed
SB 970	Fees/Licenses Relating to Sports Wagering	Filed
SB 972	Taxes/Sports Wagering	Filed
SB 980	Lost, Stray, Unwanted, or Homeless Dogs and Cats	Filed
SB 992	Florida Retirement System Investment Plan	Filed
SB 1116	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections	Filed
SB 1118	Inmate Welfare Trust Funds	Filed
SB 1132	Home Instruction for Parents of Preschool Youngsters Grant Program	Filed
SB 1136	Children's Services Councils	Filed
SB 1138	Chiropractic Medicine	Filed
SB 1144	Department of Juvenile Justice	Filed
SB 1146	Special Risk Class of the Florida Retirement System	Filed
SB 1148	Electric Bicycles	Filed

FYI – COMMITTEE ACTIVITY

Chair Diaz and the Education Committee will meet to consider the following bills: SB 372 by Senator Lee and others—Postsecondary Education for Certain Military Personnel, SB 376 by Senator Lee—English Language Learners, SB 418 by Senator Diaz—Workforce Education, SB 434 by Senator Montford—Designation of School Grades, SB 486 by Senator Bradley—Florida Best and Brightest Programs, SB 534 by Senator Diaz and others—Education, and SB 602 by Senator Montford—Open Educational Resources Grant Program.

Chair Hooper and the Governmental Oversight and Accountability Committee will meet to consider the following bills: SB 220 by Senator Cruz and others—Abandoned Cemeteries, SB 374 by Senator Rouson—Housing Discrimination, SB 726 by Senator Rouson—Florida Commission on Human Relations, SB 830 by Senator Benacquisto—OGSR/Certain Personal Financial and Health Information, SB 7004 by the Committee on Finance and Tax (Gainer)—OGSR/Taxpayer E-mail Addresses Held by a Tax Collector, SB 7008 by the Committee on Education (Diaz)—OGSR/Animal Medical Records/State College of Veterinary Medicine, SB

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444 by Senator Rader—Customer Service Standards for State Agencies, and SB 248 by Senator Hooper—Public Records/County Attorneys and Assistant County Attorneys.

Chair Simpson and the Innovation, Industry, and Technology Committee will meet to consider the following bills: SB 476 by Senator Hooper—Law Enforcement Vehicles, SB 426 by Senator Montford and others—Regional Rural Development Grants Program, and SB 356 by Senator Hutson—Keep Our Graduates Working Act.

Chair Flores and the Community Affairs Committee will meet to consider the following bills: CS/SB 326 by the Committee on Environment and Natural Resources and Senator Perry—Environmental Regulation, SB 504 by Senator Perry—Local Government Public Construction Works, SB 384 by Senator Baxley—Harris Chain of Lakes, SB 670 by Senator Gruters and others—Smoking on Public Beaches and in Public Parks, SB 712 by Senator Mayfield—Water Quality Improvements, SB 620 by Senator Hooper—Firefighters' Bill of Rights, SB 364 by Senator Rader and others—Independent Living Task Force, and SB 484 by Senator Simmons and others—First Responder Property Tax Exemption.

Chair Montford and the Environment and Natural Resources Committee will for an update on the implementation of the Florida Springs and Aquifer Protection Act, a presentation by the Department of Environmental Protection on Perfluorinated Alkyl Substances (PFAS), and Senate Confirmation Hearings for the following appointees: Governing Board of the Northwest Florida Water Management District Appointee Roberts, George A. and Governing Board of the Suwannee River Water Management District Appointees Keith, Charles G. and Schwab, Richard. The Committee will also meet to consider the following bills: SB 640 by Senator Harrell—Indian River Lagoon State Matching Grant Program, SB 648 by Senator Berman—Sargassum Seaweed Matching Grant Program, SB 724 by Senator Albritton—Local Government Recycling Programs, and SB 638 by Senator Montford—Apalachicola Environmental Stewardship Act.

Chair Baxley and the Ethics and Elections Committee will meet for Senate Confirmation Hearings for the following appointees: Board of Trustees of Florida SouthWestern State College Appointee Ciccarello, David, Board of Trustees of Florida State College at Jacksonville Appointee Brown, Jennifer, Board of Trustees of Miami-Dade College Appointee Leon, Benjamin III and Washington, T. Nicole, Board of Trustees of St. Johns River State College Appointee Conrad, Jan, Governor's Mansion Commission Appointee Stoch, Linda, Board of Medicine Appointee Gupta, Shailesh, and Jacksonville Transportation Authority Appointee Buckland, Deborah H. The Committee will also meet to consider SJR 176 by Senator Rodriguez—Single-subject Limitation for Constitution Revision Commission Proposals and SJR 396 by Senator Rodriguez—Single-subject Limitation for Taxation and Budget Reform Commission.

Chair Lee and the Infrastructure and Security Committee will meet to consider the following bills: SPB 7016—Statewide Office of Resiliency, SB 178 by Senator Rodriguez—Public Financing of Construction Projects, SPB 7018—Electric Vehicle Charging Station Infrastructure, SPB 7020—Emergency Staging Areas, and SPB 7022—OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles.

TOP CAUCUS TWEETS AND POSTS

Bill Galvano @BillGalvano
Horrible news out of Pensacola. NAS Pensacola holds a special place in our hearts as Floridians, and plays an integral part in the mission of our @USNavy. With heavy hearts, we are praying for everyone impacted as we await further details.

Kathleen Passidomo @Kathleen4SWFL

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#OTD 72 years ago… the Everglades National Park was dedicated. Happy anniversary to one of the world's greatest natural treasures, the River of Grass.

Manny Diaz Jr. @SenMannyDiazJr
Always enjoy teaching a civics lesson, thanks to the amazing students at @MLMSWarriors & your wonderful teacher Ms. De Arza for having me today!

IN CASE YOU MISSED IT

News 4 Jax: Florida Senate panel poised to revisit parental consent
Sarasota Herald-Tribune: With red tide lurking, lawmakers talk water quality at Manatee Chamber event
Florida Today: Rail safety town hall to address Virgin Trains expansion across Brevard County

MENU FOR MAJORITY OFFICE LOUNGE

Breakfast: Egg Sandwiches, Bacon & Egg Wraps, Pastries, Fruit, Bacon, Hash Browns

Lunch: Signature Sandwich Tray, Chips, Garden Salad, Cookie Tray

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From: michael meskimen <theironman1958@icloud.com>
Sent: Tuesday, December 31, 2019 10:23 AM EST
To: Albritton, Ben <Albritton.Ben@flsenate.gov>; Baxley, Dennis <Baxley.Dennis@flsenate.gov>; Bean, Aaron <BEAN.AARON@flsenate.gov>; Benacquisto, Lizbeth <BENACQUISTO.LIZBETH@flsenate.gov>; Bradley, Rob <BRADLEY.ROB@flsenate.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Broxson.Doug <Broxson.Doug@flsenate.gov>
Subject: 2020 Session

Your Honor,
This is a fact-based appeal to your common sense as your new session begins. I give you my opinions, analysis, and some *new* options for you to consider. I have 35+ years in both Florida Law Enforcement and US Dept. of Homeland Security to back this up.

The last time I checked a couple weeks ago, there are 41 gun related measures 'On the table' As the Senate President has stated. 38 of them are a mix of bans, restrictions, controls and a hodgepodge of Draconian, Punitive, and UnConstitutional, Socialist, even Communistic ravings. I ask you;

Is Florida going to be run by the Gestapo?

ONE, and only one, of the proposed bills, is the ONLY bill *GUARANTEED to SAVE LIVES*; **HB 273**. Nothing else proposed does anything except increase RISK and TAKE AWAY from LAW ABIDING CITIZENS.

You Wonder Why We-The-People Are Upset?

Let's take a look at these 'Common Sense' Gun Control Ideas:

-***Gun Bans, Parts Bans Magazine Bans, Ammunition Bans and every kind of Restriction in-between; Any of these gun-bans on the docket this session will effectively ban 99% of all long guns and shotguns, and most pistols. If you doubt me, please read them. If 'they' tell you it's only about AR15s and AK47s, it's a lie. The rest of the 37 gun-control bills are the most Socialistic, even Communistic attempts to make it nearly impossible for a law-abiding citizens to purchase or posses a firearm, and Does NOTHING about saving lives from violence, or preventing bad people from getting guns.***

Once and for all; There is no legal definition of 'Assault Weapon'; the so-called "Weapons of War" they continually jabber about are not the same firearms that they are trying to ban. *Civilians are not allowed to have 'Weapons of War".* The last of those were banned in 1986. **It is just that simple.** Please explain to me how an ordinary rifle, 'dressed up' to look like a 'military style' gun; How is that rifle now more deadly than before the dress was put on it? It isn't.
Are you going to tell the Law-Abiding 13.5 million voters and over 2 million CCW holders, and I don't know how many millions lawful gun-owners, who have acted lawfully and responsibly for their entire lives, what firearms and parts they Cannot Own?

EVEN THOUGH THEY HAVE DONE NOTHING WRONG?

The firearms 'they' want to ban are commonly owned and used in all sorts of hunting, hobbies and sports ***and have comprised not even 1% of any violence in question.***
Their 'studies', 'research', 'results' and 'conclusions' are all documented as politically-funded and designed solely to **take away rights'**.

Their 'facts' are the same stuff you find in a cow pasture.

The goal of these people and groups is loud and clear, even publicly declaring,
they are going to *'take guns away from Law Abiding Citizens'.*

Banning any firearms or firearms, parts, accessories or ammunition *will not* stop anyone from committing violence, murder, or mass murder. Not one single life will be saved by making more restrictions on owning guns, or by taking any firearms away from Law Abiding Citizens. *Any ban on these things however, will leave millions defenseless, and make Felons of millions more.* Read on Please;
-Gun-Free-Zones; These have to go away, This is an invite to a "shoot-the-fish-in-the-barrel" contest for these evil shooters. This not only *DOES NOT* saves lives, it *INCREASES the RISK* of that location becoming a target for the nut-jobs. I still cannot believe that these zones even exist, and that rational intelligent lawmakers still believe in them.

^SAVE LIVES. Get Rid of GUN FREE ZONES.^

-Emergency Risk Protection Orders; the so-called Red Flag Laws. ***Everyone acknowledges that the intentions were honorable*** But, ERPO's contain no due process for the recipient of the order, **at all.** Yes, I know what the Court said. Numerous Constitutional Rights **are** violated. There is no real timely remedy or ***penalty for abuse for filing of false reports.*** Even with best intentions, this Law is being abused and even weaponized as we speak. And now some want to expand the 'who' can get the order, instead of only Law Enforcement; *I ask you, personally; what would you do if, in the middle of the night, your front door is kicked in, a huge number of armed people run in shouting, yelling, pointing guns at **you** and **your family**, in the **same manner a home invasion** takes place. **If you are still alive,** they take you into custody, long enough to deprive you of all your firearms. They tell to you that your neighbor, or estranged distant relative, old girlfriend or ex-wife, or someone you don't even know, felt 'threatened' because of your Trump sign on your front yard, or maybe you posted something on your social media they didn't like, and you don't even know about it.*

Please Don't Laugh, it's already happened. And in Florida no less.

No, this ERPO law needs extensive revision, and to allow anyone **other than** Law Enforcement to investigate and request one will open the door to abuse the likes-of-which you have never seen. Do any of you remember the 1996 re-write of the Florida Domestic Violence Law?. There are still innocent people out there with no recourse.

-***Gun registration;*** is another idea routinely discussed. Gun registration is exactly the same path that the **Nazis** took in WWII.

Is that the direction Florida is going?

This has already happened in in the Peoples Republic of California. That is what is currently happening in Virginia, right now. Additionally, Gun registration was ruled as unconstitutional in one such case by SCOTUS. Lastly on this;

*How exactly does a forcible registry of guns **save** lives?* ***It doesn't.***

No 'Spin-Doctor'-on-Earth can prove a single saved life from registering guns.
But it ***is*** the prelude to confiscation.

-***Background Checks;*** Another 'thing'. There are many who want you to believe that there are no background checks of any kind to buy a firearm in this state or country. *Not true.* If you walk into any gun shop and buy a gun, background check, if you order a gun online, it is shipped to a licensed gun dealer who performs, wait for it, a background check! Every single time! The Anti-Gun narrative is nothing but a lie. The "Gun Show Loophole" is a fabrication. *Every Dealer at a gun show does a background check, on every firearm purchase, every time! This 'Universal Background Check' is nothing but Registration as a prelude to Confiscation,* ***read the bills,*** *it's all there in print. Also; background checks, bans, or limits on ammunition, or forcing law-abiding citizens to go to a dealer and pay money to sell or give a firearm to a family member is* ***purely UnConstitutional, Punitive and Draconian, and does not save lives.***
Here's an Idea; give the Law Enforcement Officer on the street access to instant background check. Routinely, they are confronted with a subject who is in possession of a firearm in a legal 'manner', but the *legality* of said person to possess said firearm is in question. *As far as I know, it is still **not** possible to verify if a suspect either is, or isn't, a felon, or is able to purchase or posses a firearm, in real time.*

You say you want to save lives, ^There-Ya-Go^.

-**Mental Health;** *There it is, I said it This is the NUMBER ONE PROBLEM!* In *every* case, these shooters repeatedly came in contact with someone who performed some form of on-the-spot mental health evaluation. This could be due to some disturbance, domestic, employment, school issue, or family concern, and the like, including the Police (all Police are trained to evaluate the mental stability of subjects being complained on, it's called the Baker Act). In every case, mental stability is the question, even if the subject is not taken in, in-a-nutshell;

'Is the subject an immediate threat to himself or others'?

Maybe, maybe not, but the reason for the contact was to evaluate it. These specific instances ('number-of-contacts') should be logged in a national database. It should be available to Law Enforcement nationwide, *just like a drivers license status*, and also placed in the same state/national *database that instant background checks uses*, *In Real Time*, not the end of the month. The technology is already in place, there are no excuses here.

To be Clear, it's the number-of-contacts, not the content.

This is your 'Radar' for Nut-Jobs.

The need for Public Safety far outweighs the need for privacy. I cite numerous laws, including ERPOs, that provide for some invasion of privacy to protect the public as a whole. Too many times ***Complacency*** sets in, and warning signs go unheeded.

A burning fuse is a dangerous thing.

*Enough instances of this type of contact should warrant a **temporary denial of the purchase of a firearm**, which would be immediately placed into the instant background check system.* This **temporary firearms purchase denial,** until medical clearance is obtained, is not a violation of Constitutional right. The courts have already ruled that the **temporary** seizure or denial of firearms on an ERPO is not a violation of the 2nd Amendment. Should a 'Temporary Denial' result from a background check, **and** the subject ***FAILs*** a mental health evaluation, or simply doesn't go and get one at all;

You have just 'put out' that burning fuse, and *SAVED* lives.

If the subject complies and passes the evaluation, the person can then complete his transaction and pick up his firearm.

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Again, You say you want to save lives, ^There-Ya-Go^.

*You will immediately respond "If they cannot get a firearm legally, then they will get one Illegally".*And you would be correct But you will NEVER stop Anyone from obtaining a firearm **Illegally**. No matter what you ban, no matter what you legislate.

The indisputable fact is that an ***Armed Citizenry Saves Lives and Deters Violence,***
And all the rest of this Gun-Control does not!
No matter what spin you put on it.

<u>This</u> **is where HB 273 shines;** HB 273 is a viable, real world solution that ***will*** **save lives** and ***stop*** **gun violence** in its tracks. There is **no** greater deterrent. If the aesthetics of 'open carry' make you cringe, then make it "Constitutional Concealed Carry", the ultimate alternative solution.

Once Again, You say you want to save lives, ^There-ya-go^.

Stop this trend of 'Taking Away' from Law Abiding Floridians. It's time to 'Give Back' our rights. Stop giving in to the MOB, what they are doing is no different than the Jack-Boots and Brownshirts of Nazi Germany, or the Bolsheviks or the old Soviet Union. As a lawmaker for the State, your decisions affect millions, not just your district.

More gun control will not stop any violence, or save even one life.

Never has, Never will. I cite Chicago, California, New York, New Jersey,,, I can go on and on. Watch what happens now in Virginia. Some of you might be on your last term, or retiring, or have alternative political goals in mind, or you simply don't care, or think this doesn't matter because it won't affect you. I promise you, this does matter, and, it will affect you.

In the above letter, I've showed you several proven options that ***will*** **save lives**, out of the thirty+some-odd gun-control bills filed that ***will not save a single life***.

I don't want to live in Cuba, old USSR, new Russia, Venezuela, China, or North Korea.

DO YOU?

Please review each and every one of these gun control bills before you this session, and ask yourself; ***"Will this one save lives?"***

The next 18 months will be the deciding factor as to which direction this state, and this nation will move towards;
Will we remain 'The Land of the Free and Home of the Brave"?,
or,
Sound the death-knell of a state and nation capsizing into Third-world Totalitarian Socialism?

My friends and I should not have to keep writing and calling you over-and over-again trying to get you to protect a God-Given right; that being the right to defend myself and my loved ones, ***and***; our sacred Constitutional Right to Keep (POSSES) and Bear (CARRY) Arms (FIREARMS).*Yet, here we are. Literally begging you to let us keep our Rights.* What is wrong with that picture? There's only one thing left I can say;

Please do not leave millions of Floridians defenseless,
and make Felons of millions more.

Thank you for your time,
Mike Meskimen

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From: Susan Mehiel <susanm@ersmd.com>
Sent: Monday, November 04, 2019 10:12 AM EST
To: Ron.Desantis@eog.state.FL.US <Ron.Desantis@eog.state.FL.US>
Subject: 98 Floridians DEAD!
Attachment(s): "CPCS Florida Passenger Rail System Study 11-1-18.pdf","fencing along Amtrak.mov"

Dear Florida Senators:

Today we are kicking off this internet marketing campaign in the Tallahassee area that will inform Florida legislators about the growing crisis in our state – railroad deaths.

All of Florida demanded action to clean up our waters, but no one is talking about 98 deaths!

What will YOU do?

Since January, 2018, a total of **98 people** have died on all of Florida's railroads across the state...

Brightline/Virgin: 32	Florida East Coast: 25
Tri Rail: 14	CSX: 12
Sun Rail: 7	Amtrak: 8

Over half of those deaths were on the Florida East Coast Rail corridor shared by FEC freight trains and Brightline passenger trains…and that's BEFORE Brightline goes over 100 mph through the Space and Treasure Coasts.

With the addition of increased speeds, the number of deaths and injuries will grow exponentially. Already an accident involving a Brightline train is happening on an average of every 20 days.

75% of the people killed on the coastal corridor are pedestrians. Many can't afford cars and have crossed these tracks on foot for generations to get to school, work and stores. The FEC freight corridor was one of the deadliest in the country *before* Brightline and now Florida has the dubious distinction of having the deadliest passenger trains in the country!

The legislature's own independent study (attached) recommends increased fencing, pedestrian channeling and pedestrian bridges and more auto safety systems to save lives. But Brightline refuses to implement these features. *See the complete fencing along the Amtrak corridor from Baltimore to Washington DC, attached.*

This is a statewide issue—don't think your district is immune! Brightline's going to Tampa and Jacksonville while all of Florida's trains are far too dangerous.
Now, everyone needs to demand that FDOT implement more regulations for higher speed trains and follow the consultants' recommendations.

These are not job killing regulations – they are LIFE SAVING ones!

Support Senator Debbie Mayfield and Representative Tyler Sirois' legislation and help MAKE THEM SAFE!

Don't let the corporations continue to...

Put Profits Over Lives!

Alliance for Safe Trains

Please email us directly for more information on what you can do to stop the deaths and how Fortress Investment Group is profiting from this nightmare.

Susan Mehiel
Alliance for Safe Trains
FLSafeTrains.com
828-606-5369

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www.cpcstrans.com

FINAL REPORT



Florida Passenger Rail System Study

(Client Ref: RFP No. 917)

Final Report

Prepared for:

Office of Program Policy Analysis and Government Accountability (OPPAGA)

Prepared by:

Solutions for growing economies

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CPCS Ref: 18330
October 31, 2018

FL-SEN-20-0201-B, 20-0202-A-002808

Quality Assurance

Florida Passenger Rail System Study – Final Report

CPCS Ref: 18330

Final Report

Version	Date	Responsible	Approval
1.0	Oct 26, 2018	Camille Wu, Aleksandr Prodan, George Kaulbeck	Donald Ludlow
2.0	Oct 26, 2018	Camille Wu, Aleksandr Prodan, George Kaulbeck	Donald Ludlow
3.0	Oct 31, 2018	Camille Wu, Aleksandr Prodan, George Kaulbeck	Donald Ludlow

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Acknowledgments / Confidentiality

CPCS would like to acknowledge input provided by OPPAGA for the development of the Final Report. CPCS also wishes to thank all other stakeholders consulted during the research process. Any errors of fact or interpretation are ours.

This report may include information which is deemed by some to be commercially sensitive and should be treated as confidential, unless otherwise approved for release.

Cover image source: CPCS/A. Prodan

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Acronyms / Abbreviations

Acronym	Definition
ACE	Altamont Corridor Express
AADT	Annual Average Daily Traffic
AAF	All Aboard Florida
AAR	American Association of Railroads
AASHTO	American Association of State Highway and Transportation officials
ABS	Automatic Block Signal
ADA	American Disabilities Act
AUM	Assets Under Management
BTS	Bureau of Transportation Statistics
CARE	Citizens Against Rail Expansion
CFR	Code of Federal Regulations
CTA	Canada Transportation Act
CTC	Centralized Traffic Control
CUTR	Center for Urban Transportation Research
DSA	Detailed Field Safety Assessment
EBITDA	Earnings Before Interest, Taxes, Depreciation, and Amortization
EDP	Employer Discount Program
EIR	Environmental Impact Review
ENS	Emergency Notification System
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FAST	Fixing America's Surface Transportation Act
FDOT	Florida Department of Transportation
FECI	Florida East Coast Industries, LLC
FECR	Florida East Coast Railway
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FLL	Hollywood International Airport
FRA	Federal Railroad Administration
FRSA	Federal Railroad Safety Act of 1970
FTA	Federal Transit Administration
GCR	Grade Crossing Regulations
GDP	Gross Domestic Product
GMXT	Grupo México Transportes
HSIP	Highway Safety Improvement Program
HTF	Highway Trust Fund
ICCTA	The Interstate Commerce Commission Termination Act of 1995
JRPA	Joint Rail Participation Agreements
LRTP	Long Range Transportation Plans
MCO	Orlando International Airport
MIA	Miami International Airport
MPO	Metropolitan Planning Organization

Acronym	Definition
MUTCD	Manual on Uniform Traffic Control Devices
NCA	Noise Control Act of 1972
NEPA	National Environmental Policy Act
NHS	National Highway System
NOI	Notice of Inquiry
NPRM	Notice of Proposed Rulemaking
NTSB	National Transportation Safety Board
OIG	Office of Inspector General
OPPAGA	Office of Program Policy and Government Accountability
OUC	Orlando Utilities Commission
PAB	Private Activity Bonds
PBI	Palm Beach International Airport
PRRIA	Passenger Rail reform and Investment Act
PTC	Positive Train Control
RCL	Remote Control Locomotive
RFP	Request for Proposal
RHCP	Railway-Highway Crossings Program
RHM	Remote Health Monitoring
RRIF	Railroad Rehabilitation and Infrastructure Financing Program
RSIA	Railroad Safety Improvement Act of 2008
RTD	Denver Regional Transportation District
SFRTA	South Florida Regional Transportation Authority
SSPP	System Safety Program Plan
STB	Surface Transportation Board
TIGER	Transportation Investment Generating Economic Recovery
TRDML	Tri-Rail Downtown Miami Link
TRE	Trinity Railway Express
U.S.C.	US Code
USDOT	US Department of Transportation
UIC	International Union of Railways
VMT	Vehicle Miles Traveled
VOMS	Vehicles Operated in Measurable Service
VRE	Virginia Railway Express

Executive Summary

The Florida Passenger Rail System Study examined all existing and planned passenger rail systems in Florida that are under the jurisdiction of the Federal Railroad Administration. This includes 4 systems: Amtrak, Brightline, SunRail, and Tri-Rail. The study includes three components:

- → A detailed **inventory and description of the Florida Passenger Rail System** focusing on operating passenger railroad companies and planned passenger rail projects.
- → An **analysis of incident data** involving passenger rail operations and grade crossings.
- → An **overview of jurisdictions** that regulate passenger rail operations on a federal, state, regional and local level, including the establishment and expansion of services; reporting of railroad incidents and rectification of safety issues; and maintenance of tracks, crossing and safety equipment.

Based on the findings of the three parts of the study, this report introduces a set of **recommendations to improve passenger rail operations, safety, and railroad policy in Florida**.

Identified Issues:

The key issues with Florida's passenger rail system are as follows.

- → High rate of severe injuries and fatalities and high levels of trespassing incidents on railroad right of way due to rail services operating in dense urban areas
- → Gaps in regulations that are specific to higher-speed rail operations and a series of rail expansion projects
- → The need to clarify FDOT's mandate on oversight of passenger rail with respect to maintenance, safety, revitalization, and expansion
- → The lack of resources for local governments for planning rail projects

Florida's passenger rail system incurs a **higher rate of severe injuries and fatalities** than the national average. Over the last 10 years, Florida's passenger railroads experienced a total of 1,395 incidents. Forty-nine percent of these incidents involved severe injuries and fatalities – 1,317 severe injuries and 137 fatalities over this time period.[1] Florida's average severe injury rate is 1.5 times higher and its average fatality rate is 3.5 times higher than the overall national rate over the analysis period (2009-2018). This higher rate of severe injuries and fatalities is primarily attributable to a **higher count of trespassing incidents** for both pedestrians and vehicles. Trespassing cases represent 27 percent of Florida incidents resulting in severe injuries and fatalities, compared to 19 percent nationwide.

Two new passenger rail services, SunRail and Brightline, began operating in Florida within the last three years. Each service has experienced a series of incidents during its start-up period. The high rate of incidents for each service may be explained by passengers and drivers getting used to the presence of more trains and trains operating at higher speeds. However, these incidents have not had a significant effect on the state's average fatality and injury rates. Brightline began operations in January 2018 and will be the first privately-owned, higher-speed rail service in the United States, defined by a speed between 81 mph and 125 mph. A number of expansion projects are underway.

[1] Data for passenger railroad severe injuries and fatalities between January 2009 and June 2018. See definition of severe injuries in Appendix D.

While Florida passenger rail incident rates are higher than the rest of the country, rail operations take place in **much more population-dense areas** than the US average. Florida ranks 8th in the country for its grade crossing density index[2] which accounts for both the number of grade crossings and population density in the state. Furthermore, rail operations are concentrated in Central and South Florida where the majority of Florida's population resides.

There is also a **gap in federal and state regulations governing higher-speed rail**. While the Federal Railroad Administration and the Florida Department of Transportation have in place regulations for conventional (up to 80 mph) and high-speed (126 mph to 220 mph) rail, neither agency has developed additional regulations that are specific to higher-speed rail (81 mph to 125 mph).[3] The state of Florida may adopt laws and regulations and issue orders that are compatible with and more stringent than those of the federal government to address local hazards, as long as the laws do not unreasonably burden interstate commerce.

The Florida Department of Transportation (FDOT)'s mandate on passenger rail oversight also needs to be clarified. FDOT is directed by Florida statutes to coordinate with railroads in developing and implementing the statewide rail program to ensure the proper maintenance, safety, revitalization, and expansion of the rail system. FDOT has the right to establish regulations on any issue where there are no federal regulations, as long as they are not incompatible with another law, regulation, or order of the US government, and as long as they do not unreasonably burden interstate commerce. FDOT can also implement non-mandatory federal guidelines and in some cases, state law codifies these guidelines. However, the agency tends to defer to federal minimum standards in practice, in the view of consultations with local governments.

Finally, while some local governments may address road, pedestrian and highway issues frequently**, few counties and municipalities have expertise in railroad engineering and planning**. Local jurisdictions may lack the necessary resources, knowledge, or expertise in addressing railroad engineering issues or in working with railroads. Consultations with local governments revealed that their concerns are not necessarily addressed by railroads.

Recommendations:

Based on study findings, the six key recommendations proposed by this study with accompanying **Legislative** and **Florida Department of Transportation (FDOT)** considerations include the following.

Group	Specific Recommendations
1. Updating FDOT's Mandate	**The Legislature may consider three approaches to creating a better regulatory system.** 1.1 Providing funding for and directing FDOT to administer a committee to liaise with local governments, communities, and railroads on safety issues. 1.2 Updating FDOT's mandate to more clearly define its regulatory role in implementing safety regulation on a state level and supplementing the updated mandate with adequate resources (human and financial) to allow FDOT to implement this mandate. 1.3 Creating an independent regulatory body with an independent funding source. The regulatory body would assume FDOT's existing safety oversight functions, and be responsible for strategic, tactical and operational state-level safety regulation for rail and other modes.
2. Setting New Regulations for Higher-Speed Rail	**FDOT may consider:** 2.1 Creating a review process to certify new passenger rail lines. 2.2 Setting minimum grade crossing design standards. 2.3 Setting requirements for fencing along railroad corridors. 2.4 Creating guidelines for sealed corridor treatment along railroad corridors.

[2] Grade Crossing Density Index is defined as the number of grade crossings × population density / 1 million
[3] For the difference in maximum operating speeds between a higher-speed and high-speed line see Figure 2-1.

Group	Specific Recommendations
3. Implementing State-of-the-Art Practices	**The Legislature may consider:** 3.1 Creating a mandatory requirement that local counties and municipalities with fiber optic networks along local, non-state controlled roads make them available for signal "pre-pre-emption" in order to reduce road congestion and increase grade crossing safety. 3.2 Creating a requirement for navigation applications to include audio and visual alerts of upcoming railroad crossings. 3.3 Setting regulations on quiet zone implementation in urban areas to address railroad system noise. **FDOT may consider:** 3.4 Developing and updating (as needed) a set of guidelines that discuss state-of-the-art railroad crossing and corridor treatments and their applicability to Florida railroads, which would allow local governments to be informed about the latest technologies available. 3.5 Implementing Remote Health Monitoring (RHM) requirements for at-grade crossings with higher road and rail traffic volumes and/or train speeds.
4. Enforcing Railroad Crossing Trespass Violations	**The Legislature may consider:** 4.1 Requiring the establishment of inter-jurisdictional law enforcement working groups in railroad corridors with a high number of crossings and incidents to ensure that law enforcement agencies are coordinating with each other on trespassing enforcement. 4.2 Granting greater authority to each railroad's security officials to address trespassing along railroads. 4.3 Establishing harsher penalties for grade crossing trespassing. 4.4 Establishing a photo/video enforcement program for at-grade crossings.
5. Reviewing Rail Safety Resources	**The Legislature may consider:** 5.1 Assessing current resources of the Department of Children and Families and of the Department of Health to determine whether statewide suicide prevention activities could be leveraged to greater effect. 5.2 Requiring railroads to allow owners of grade crossings the right to use open procurement for contracting maintenance of grade crossing, fencing, etc. **FDOT may consider:** 5.3 Reviewing local planning resources for rail activity and continuing to liaise with local counties and municipalities to identify funding opportunities for rail safety treatments. 5.4 Requesting an evaluation of funding levels for rail safety in its annual legislative budget request to highlight needs at the state and local level.
6. Continuing Research to Promote Public Safety Along Railroads	**FDOT may consider:** 6.1 Developing a methodology for analytically evaluating grade crossing closures. Florida's development patterns resulted in numerous closely-spaced grade crossings. FDOT lacks an analytical methodology for determining which crossings should be consolidated and where strategic investment should be made. The methodology should have a component that would consider impacts on traffic congestion.

1 Introduction

1.1 Authority of the Assignment

This Final Report was prepared pursuant to the contract signed between the Office of Program Policy and Government Accountability (OPPAGA) and CPCS Transcom Inc. (CPCS) on June 28, 2018, for the Project, "Florida Passenger Rail System Study" (RFP No. 917).

1.2 The Assignment

Based on Ch. 2018-9, Laws of Florida, the General Appropriations Act of 2018 (2018 Appropriations Act), the Florida Office of Program Policy Analysis and Government Accountability (OPPAGA) must conduct a study to examine existing and planned passenger rail operations, including high-speed passenger rail in Florida.

"From the funds in Specific Appropriation 2673, the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall contract for ***a study to examine existing and planned passenger rail operations, including high-speed passenger rail, in this state,*** *and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2018."*

The recommendations from this study will be used to inform the Florida Legislature on future legislation about passenger rail operations, rail safety, and regulation.

1.3 Scope

The scope of this study includes:

- → A detailed **inventory and description of the Florida Passenger Rail System** focusing on operating passenger railroad companies and planned passenger rail projects. Only systems under the jurisdiction of the Federal Railroad Administration are included in the scope. This includes Amtrak, SunRail, Tri-Rail, and Brightline systems.
- → An **analysis of incident data** involving passenger rail operations and grade crossings.
- → An **overview of jurisdictions** that regulate passenger rail operations on a federal, state, regional and local level, including the establishment and expansion of services, reporting of railroad incidents and rectification of safety issues, and maintenance of tracks, crossing and safety equipment.
- → Based on the findings of the three parts of the study, this report introduces a set of **recommendations to improve passenger rail operations, safety, and railroad policy in Florida**. The scope of the study also includes providing testimony, if needed, to the Legislature in order to better inform lawmakers on this subject.

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1.4 Methodology

Findings in this report are based on a desk study of available literature, analysis of FRA safety database, field analysis of rail lines and crossings in the state, and consultations with the following stakeholders:

- Florida Department of Transportation, Office of Freight, Logistics, and Passenger Operations - Freight and Multimodal Operations (Rail and Motor Carrier)
- Florida Department of Transportation, Office of the General Counsel
- Brightline (All Aboard Florida)
- South Florida Regional Transportation Authority (Tri-Rail)
- Central Florida Commuter Rail Commission (SunRail)
- Amtrak
- Operation Lifesaver
- Federal Railroad Administration, Rail Safety Analysis Office
- Federal Motor Carrier Safety Administration
- Florida League of Cities
- Florida Emergency Preparedness Association
- Interested Legislators
- Martin County Director of Public Works and County Attorney's Office
- Indian River County Director of Public Works and County Attorney's Office
- Brevard County Assistant County Manager
- Illinois High-Speed Rail Safety Team
- Citizens Against Rail Expansion (CARE)

We also requested consultations to the following organizations who declined or did not respond as of the date of this report:

- Florida East Coast Railway (deferred questions to Brightline)
- CSX Corporation
- American Association of Railroads
- Surface Transportation Board
- Florida Association of Counties
- Miami-Dade County Public Works
- Broward County Public Works
- Palm Beach County Engineers
- St. Lucie County Public Works and County Engineer
- Orange County Public Works
- County Sheriff/Police Departments
- County Fire Departments
- Metrolink
- Caltrain

1.5 Limitations

Some of the findings in this report are based on the analysis of third-party data. While CPCS makes efforts to validate data and rectify any discrepancies, CPCS cannot warrant the accuracy of third-party data.

2 Florida Passenger Rail System Inventory

2.1 Introduction

This section provides a brief overview of the current passenger rail system in Florida. Additional details on the *Economic Conditions and Outlook in Florida* can be found in Appendix A, a summary of Urban Rail Systems is provided in Appendix B, and a description of Passenger Rail Services is located in Appendix C.

2.2 Florida Rail System History

While Florida's first railroad opened in 1836, most significant rail network development happened in the late 19th and early 20th century. After playing an important role during World War II for moving troops, and throughout the post-war period for moving passengers, by the 1960s, with the advent of the Interstate highway system and auto-centric suburban development patterns, passenger rail was on the decline both in Florida and nationwide.

Based on the analysis presented in Appendix A, Florida has experienced positive population growth trends, concentrated population density, a vibrant economy, and the state is expecting ongoing future growth. These trends may also explain why since the early 1990s, Florida's passenger rail system has seen a revival, with the opening of two new commuter rail lines and the first privately-funded intercity passenger railroad in recent decades.

2.3 Distinction between Conventional, Higher-Speed and High-Speed Rail

The Federal Railroad Administration (FRA) classifies passenger rail operations into three categories.

- → Any line operating at a top speed of less than 80 mph is considered to be **conventional rail**.
- → Any line that operates at a top speed between 81 mph and 125 mph is classified as **Higher** (than conventional)-**speed rail**.
- → **High-speed rail** lines operate at a top speed of 126 mph to 220 mph.[4]

Rail lines are also classified by track class, as described in sections 213.9 and 213.307 under Title 49 of the Code of Federal Regulations. These track classes and line types are listed in Figure 2-1.

[4] FRA and APTA, 2011

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Figure 2-1: FRA Speed Classes

FRA Class	Max. Speed for Passenger Service (mph)	Line Type
1	15	Conventional Rail
2	30	
3	60	
4	80	
5	90	Higher (than conventional) Speed
6	110	
7	125	
8	160	High-Speed
9	220	

Source: Code of Federal Regulations, FRA

The FRA defines different maintenance and operating standards for each track class. One important distinction includes the presence of grade crossings: high-speed rail generally does not allow for grade crossings, while higher-speed rail may allow for grade crossings.

2.4 Florida Passenger Rail System

2.4.1 Overview

Four passenger rail systems operating in Florida are within the scope of this study: Amtrak, Brightline, SunRail, and Tri-Rail. Collectively, they operate on over 600 route miles of lines in Florida and include two intercity operators (Amtrak and Brightline), both operating on track owned by other railroads, and two commuter rail operators (SunRail and Tri-Rail), both operating on their own tracks.

Along with intercity and commuter rail, Florida also has four major urban rail systems that are not connected to the national rail system and as such, are not under the jurisdiction of the FRA. These urban rail systems are thus excluded from this study. A brief description of these systems is presented in Appendix B.

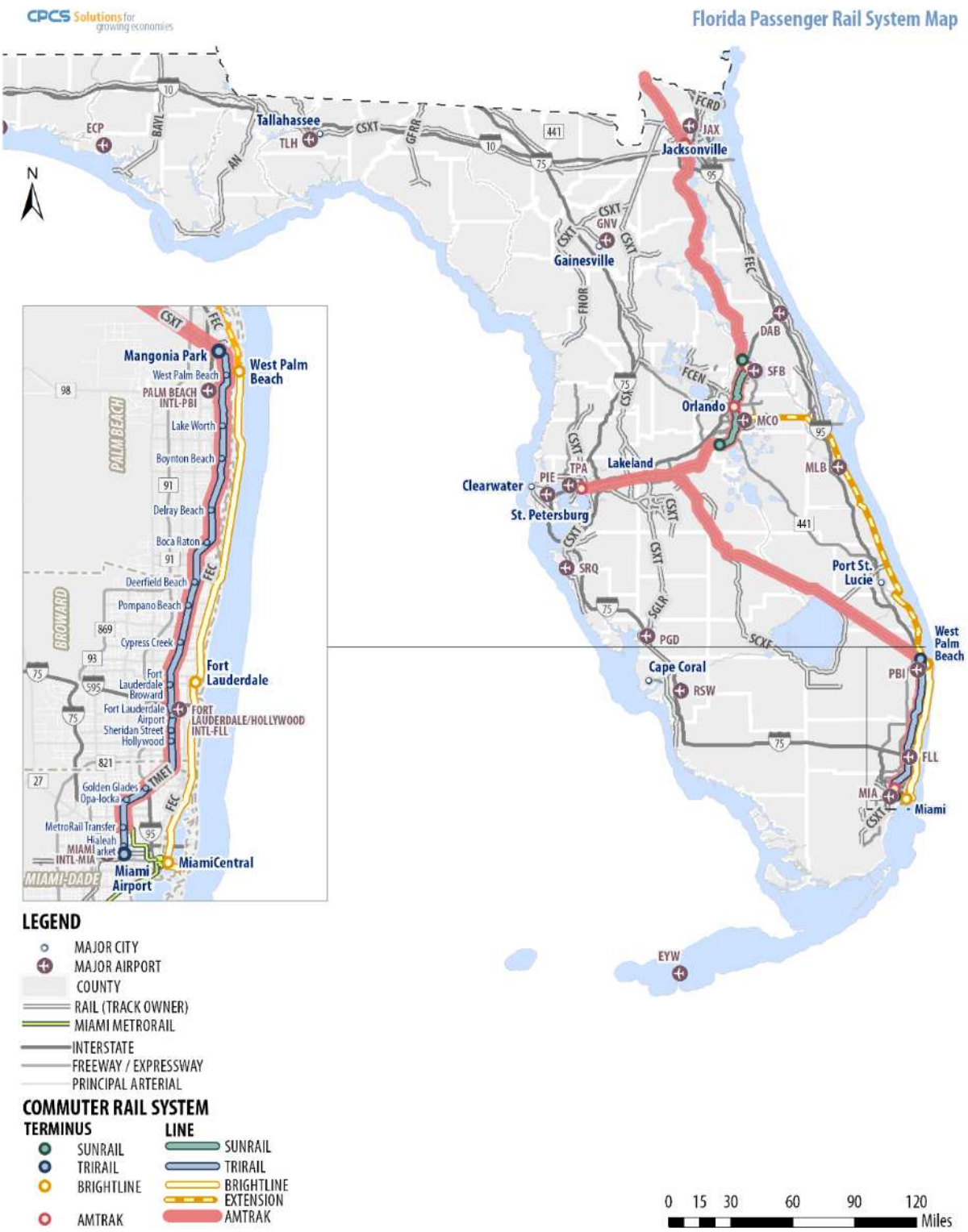
Intercity Rail: *rail service that operates longer distances between major cities*

Commuter Rail: *rail service that operates shorter distances between a city center and suburban areas*

This report focuses on intercity and commuter passenger rail operations, maintenance, infrastructure, new developments and expansion, safety record, regulation, grade crossings, and recommendations for improvement. Figure 2-2 presents the Florida passenger rail system and Figure 2-3 provides a summary of operating characteristics for each service.

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Figure 2-2: Florida Passenger Rail System Map



Source: CPCS Analysis

Figure 2-3: Existing Florida Passenger Rail System Overview

Service / Owner	Route Length (miles)	Type of Service	Route/Location	Round Trips Wkday (Wkend)	Annual Ridership (Year)	Start Year
Silver Meteor / Amtrak	527.1	Intercity	New York – Miami	1 (1)	339,407 (2016)	1939 1971*
Silver Star / Amtrak	664.8	Intercity	New York – Tampa – Miami	1 (1)	364,271 (2016)	1947 1971*
Auto Train / Amtrak	855	Intercity	Lorton, VA – Sanford, FL	1 (1)	238,448 (2016)	1983
Tri-Rail / SFRTA	72	Commuter	Miami – W. Palm Beach	25 (15)	4,240,699 (2016)	1989
SunRail / FDOT	48.9	Commuter	Greater Orlando	20 (0)	957,800 (2015)	2014
Brightline / AAF	66.5	Intercity	Miami – W. Palm Beach	16 (7-8)	360,000 (2018**)	2018
SFRTA – South Florida Regional Transportation Authority FDOT – Florida Department of Transportation AAF – All Aboard Florida			* - as Amtrak ** - expected			

Source: CPCS Analysis of Amtrak, Tri-Rail, SunRail, and Brightline

The characteristics of each system are described below, and more details about their financial performance are provided in Appendix C.

2.4.2 Amtrak

The National Railroad Passenger Corporation (Amtrak) is the national rail operator and a federally chartered corporation, with the federal government as majority shareholder. It has provided intercity passenger service to Florida since the company was founded in 1971. Amtrak operates 3 services in the state, linking Florida cities to destinations in the Northeast. In Florida, Amtrak handled a total of 923,483 boardings and alightings in Fiscal Year 2017, serving 18 stations and generating $64 million in revenue. The railroad supports 2,780 jobs in the state, contributing $31.8 million of Gross Domestic Product (value-added) to the region.

In addition to ticket revenues, Amtrak receives funding for operating train services and maintaining its infrastructure from various federal funds, directly from some states (Florida does not contribute directly to Amtrak) and from other sources. Nationally, in Fiscal Year 2017, Amtrak covered 95 percent of its qualified operating expenses through ticket sales, payments from state partners and agencies, and from other revenue. [5]

2.4.3 SunRail

SunRail is a 48.9-mile, 16-station commuter railroad in the Greater Orlando area and is Florida's second commuter rail operation. The system opened in 2014 and was expanded in July 2018. SunRail operates 20 round trips per weekday (no weekend service) on a line that is mostly double-track. In 2015, the system carried just under 1 million riders. The system is operated using funding from the City of Orlando and Osceola as well as Seminole, Volusia, and Orange Counties. SunRail is currently operated by FDOT but will hand operations and maintenance over

[5] Does not include depreciation and amortization expenses, capital project related expenditures, post-retirement employee benefit cost, and Office of Inspector General expenses

to the Central Florida Commuter Rail Commission (currently acting as the advisory board) by 2022.

2.4.4 Tri-Rail

Tri-Rail is a 72-mile, 18-station commuter rail line that serves Palm Beach, Broward, and Miami-Dade Counties and was the first rail system of its kind in the state. The system links Miami, Fort Lauderdale, and West Palm Beach as well as the region's three major airports. Tri-Rail began operations on January 9, 1989, and currently provides 25 weekday and 15 weekend round-trips between Miami Airport and Mangonia Park. In Fiscal Year 2017, Tri-Rail ridership totaled 4.26 million riders.

2.4.5 Brightline

Brightline is a private higher-speed, intercity rail service developed by All Aboard Florida, using the 66.5-mile Florida East Coast Railway (FECR) corridor.[6] All Aboard Florida is a subsidiary of Florida East Coast Industries LLC (FECI), which is, in turn, owned by the Fortress Investment Group. Grupo México Transportes (GMXT) acquired the Florida East Coast Railway (FECR), which owns the infrastructure and operates freight trains along the corridor, from Fortress in July 2017. FECR (the infrastructure owner and freight operator) and FECI (owner of Brightline) no longer have a common owner, although they have an agreement in place to jointly operate the rail corridor.

Phase 1, which cost $600 million, connects Miami to West Palm Beach at a top speed of 79 mph. Brightline operates 16 round-trips per weekday, 8 round-trips on Saturdays and 7 round-trips on Sundays. The railroad expects a total ridership of 360,000 for 2018. A $3.7 billion Phase 2 expansion will extend the service to the Orlando International Airport. Together with other funding, private-activity bonds (PAB) were used for Phase 1 and have been approved for Phase 2, using infrastructure and real estate as collateral. In mid-2018, Brightline submitted an unsolicited proposal to FDOT to extend service from Tampa to Orlando. FDOT responded by issuing an open RFP for the service.

2.5 Other Proposed Commuter Rail Systems

2.5.1 Orange Blossom Express

Orange Blossom Express is a proposed 36-mile commuter rail system in Central Florida that would connect Eustis, Tavares, Mount Dora, Apopka, and downtown Orlando. In 2012, FDOT proposed conducting a feasibility study, but this was never completed. No further information on funding, operations or projected ridership is available.

[6] When complete, Brightline will be the second fastest rail system in North America after Amtrak's Acela Express service between Washington, DC and Boston, though still below the internationally-accepted top operating speed of 185-220 mph for high-speed trains.

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2.5.2 First Coast Commuter Rail

First Coast Commuter Rail is a proposed rail system that would serve the Jacksonville region. A feasibility study was completed in 2009. The study identified three potential corridors in the region, totaling over 91 miles.[7] The predicted ridership for 2015 was approximately 9,800 daily riders and a predicted farebox recovery ratio of 34.1 percent. As of 2018, the system is still in the planning stages and no funding for its implementation has been identified.

2.6 Comparing Financial Operating Performance of Commuter Rail Systems

According to Federal Transit Administration (FTA) data, SunRail and Tri-Rail have low passenger fares compared to their peer group's median (shown in Figure 2-4 below) and a corresponding low farebox recovery ratio (Tri-Rail at 15 percent, SunRail at 6 percent, peer group median at 32 percent), though SunRail is a relatively new service, which may explain the low figures.[8] Commuter rail operating costs have a relatively high fixed part (engineer, conductor, fuel, etc.) that largely does not depend on the number of passengers in the short and medium term. This observation may explain why both railroads have high unit costs (e.g. per passenger or passenger-mile).

Figure 2-4 compares SunRail and Tri-Rail to a selection of US commuter rail lines. Due to Amtrak's nationwide reach and Brightline's recent launch, they are not included in this commuter rail service comparison. While dated, SFRTA's Transit Development Plan for Fiscal Year 2005-2010 uses the following commuter rail services in its peer group: Altamont Corridor Express (ACE), Caltrain, Coaster, Sounder, Trinity Railway Express (TRE), and Virginia Railway Express (VRE).[9] Consultations with SunRail revealed that the rail service benchmarks its performance against RTD (Denver) and TRE (Dallas). The analysis also considers Metro Transit (Minneapolis) and Rio Metro (Albuquerque) due to their service and ridership similarities with SunRail.

As a rule, commuter, urban and suburban rail worldwide requires some level of subsidy to operate.[10] The level of subsidy tends to decrease as ridership increases within the same service offering. However, at a certain point when new capacity is required, the subsidy level may also need to increase.

The metrics shown in Figure 2-5 will be used to compare Florida commuter rail agencies to others from Figure 2-4.

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[7] Final Report. First Coast Commuter Rail Feasibility Study. Gannett Fleming for the Jacksonville Transportation Authority, July 2009

[8] Farebox recovery ratio is the ratio of operating expenses that is covered by fares.

[9] SFRTA Transit Development Plan, Fiscal Year 2005-2010

[10] Lalive et al., "*Does Supporting Passenger Railways Reduce Road Traffic Externalities*?" University of Zurich Working Paper No. 110, 2013.

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Figure 2-4: Commuter Rail Comparison Group (2016)

Service Name	Agency Name	City	Population (millions)*	VOMS**	Unlinked Trips
Tri-Rail	**South Florida Regional Transportation Authority**	**Pompano Beach, FL**	**5.5**	**42**	4,241,486
SunRail	**Central Florida Commuter Rail Commission**	**Sanford, FL**	**1.5**	**18**	910,380
Metrolink	So. California Regional Rail Authority	Los Angeles, CA	12.2	195	13,758,419
Caltrain	Peninsula Corridor Joint Powers Board	San Carlos, CA	3.3	105	18,355,641
Coaster	North County Transit District	Oceanside, CA	3.0	24	1,556,056
ACE	Altamont Corridor Express	Stockton, CA	N/A	26	1,290,085
Sounder	Sound Transit (Central Puget Sound Regional Transit Authority)	Seattle, WA	3.1	67	4,312,113
TRE	Trinity Railway Express (Dallas Area Rapid Transit)	Dallas, TX	5.1	23	2,054,001
VRE	Virginia Railway Express	Alexandria, VA	4.6	97	4,352,814
Metro Transit	Metro Transit	Minneapolis, MN	2.7	20	711,167
RTD	Denver Regional Transport. District	Denver, CO	2.4	18	4,317,405
Rio Metro	Rio Metro Regional Transit District	Albuquerque, NM	0.7	25	886,386

* Urbanized Area Population as defined by the FTA
** VOMS: Vehicles Operated in Measurable Service as defined by the FTA. The maximum number of cars needed for peak of peak service (excludes locomotives)

Source: FTA 2016 Transit Metrics and Service

Figure 2-5: Operating Metrics Used and Definitions

Metric	Definition
Cost Per Hour	Average cost to operate one passenger car for one hour of passenger service
Cost Per Passenger	Average cost to transport one passenger from the beginning of their trip to the end
Cost Per Passenger-Mile	Average cost to transport one passenger one mile
Farebox Recovery Ratio	Percentage of operating costs funded by passenger fares
Passengers Per Car Per Hour	Average number of passengers that board a passenger car during one hour of service

Source: FTA 2016 Transit Metrics

Using this analysis, the following conclusions can be made about Tri-Rail and SunRail's operations:

→ **Comparatively-Low Passenger Fares:** Tri-Rail and SunRail passenger fares ($3.09 and $2.17 respectively) are lower than their peer group median of $3.75. Among peers, Tri-Rail fares are similar to Metro Transit in Minneapolis and the Sounder in Seattle. SunRail's fares are lower than all peers except for Rio Metro in Albuquerque.

→ **Low Farebox Recovery Ratio:** Tri-Rail and SunRail's farebox recovery (15 percent and 6 percent, respectively) is lower than their peer group's median of 32 percent. Tri-Rail's farebox recovery ratio is similar to that of Metro Transit in Minneapolis and RTD in Denver. SunRail's farebox recovery ratio is in line with Rio Metro in Albuquerque and can be explained by the relative newness of the service.

→ **High Costs per Passenger:** Tri-Rail and SunRail both have high costs per passenger ($21.22 and $34.28, respectively) compared to the peer group median of $13.62. Metro Transit in Minneapolis and Rio Metro in Albuquerque are similar in costs per passenger ($23.45 and $33.78).

→ **Tri-Rail-Specific: Low number of passengers per car per hour.** A low average of 34 passengers per car per hour is second-lowest in its peer group. Rio Metro in Albuquerque has the lowest number of passengers per car per hour of 24.1. Because Tri-Rail runs relatively short trains already, reducing the number of cars will not have a positive impact on this metric. Instead, Tri-Rail should focus on building its ridership.

→ **SunRail-Specific: High Cost per Passenger-Mile.** While Tri-Rail has a cost per passenger-mile ($0.77) that is more in line with the peer group median of $0.51, SunRail has the highest cost per passenger-mile out of the group at $2.38. Because SunRail's fixed costs are amortized over a small number of passengers, this results in a relatively high cost per passenger-mile. As ridership increases, it is expected that this metric will improve.

→ **SunRail-Specific: High Cost per Car per Hour.** SunRail's cost per car-hour of $1,525 is the highest in its peer group. Metro Transit in Minneapolis has the second highest cost per hour at $1,222. This number can be explained by the relatively short trains that SunRail runs, which does not allow it to amortize its short-term fixed operating costs (engineer, conductor(s) and fuel costs) over a larger number of cars.

Figure 2-6 provides an analysis of these metrics for each line. Green cells represent values that are within the top 33.3 percentile of the group for each column, white cells represent values that are in the middle 33.3 percentile of the group for each column, and red cells represent values that are in the bottom 33.4 percentile of the group for each column.

Figure 2-6: Commuter Rail Operating Statistics Comparison (2016)

Name	Fare Revenues Per Unlinked Passenger Trip	Farebox Recovery Ratio	Cost Per Car Per Service Hour	Average Passengers Per Car Per Hour	Cost Per Passenger	Cost Per Passenger Mile
	↑ = better	↑= better	↓= better	↑= better	↓ = better	↓ = better
Tri-Rail	**$3.09**	**15%**	**$722**	**34**	**$21.22**	**$0.77**
SunRail	**$2.17**	**6%**	**$1,525**	**45**	**$34.28**	**$2.38**
ACE	$6.63	49%	$621	46	$13.47	$0.31
Caltrain	$4.85	79%	$549	90	$6.11	$0.23
Coaster	$4.42	41%	$483	45	$10.76	$0.38
Metro Transit	$3.18	14%	$1,222	52	$23.45	$0.95
Metrolink	$6.14	39%	$609	39	$15.85	$0.51
Rio Metro	$2.60	8%	$814	24	$33.78	$0.75
RTD	$1.31	12%	$620	57	$10.82	$1.12
Sounder	$3.15	31%	$749	73	$10.30	$0.42
TRE	$4.31	32%	$564	41	$13.62	$0.69
VRE	$8.66	54%	$975	61	$16.05	$0.48
Average	**$4.59**	**35%**	**$860**	**55**	**$19.06**	**$0.82**
Median	**$3.75**	**31.5%**	**$672**	**46**	**$13.62**	**$0.51**

Legend: For each column, Green - best 33⅓ percentile, white - middle 33⅓ percentile, red - worst 333⅓ percentile of compared systems.
Source: FTA 2016 Transit Metrics

2.7 Conclusions on the Existing Rail System

In the last 30 years, commuter and intercity passenger rail has made a comeback in Florida, with four current operators. This includes two commuter lines (Tri-Rail and SunRail), a long-standing intercity passenger operator (Amtrak) and a new intercity passenger train operator (Brightline), the first private passenger railroad to open in many decades. Both SunRail and Brightline are relatively new rail services, opening in 2015 and 2018 respectively.

The state's rail system continues to evolve: SunRail, Brightline, and Tri-Rail all have active rail expansion projects. Additionally, Orange Blossom Express and First Coast Commuter Rail are two proposed commuter lines, which currently lack funding for implementation.

Both commuter rail operators require subsidies for their operations that are high compared to their peers elsewhere around the country. Subsidy levels are typically determined by passenger fares, ridership levels, and operational costs.

Having assessed financial and operating performance in this chapter, the next chapter evaluates the safety performance record for Florida's commuter and intercity passenger rail system.

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3 Florida Rail Safety Record

3.1 Introduction

This chapter assesses Florida's safety record by measuring the number of severe injuries and fatalities passenger railroads experienced, normalized by the number of train miles, between January 2009 and June 2018. This chapter also includes an analysis of the nationwide passenger safety record, an analysis of the passenger safety record for individual railroads in Florida, and an analysis of grade crossing incidents in Florida. A classification table of all types of severe injuries is found in Appendix D, the top 50 Florida crossings by incident count is provided in Appendix E, and overall US rail safety trends are presented in Appendix F.

3.2 Methodology for Evaluating Florida's Rail Safety Record

The analysis of the Florida safety record, as presented in this chapter, focuses on Florida passenger rail services: Amtrak in Florida, Brightline, SunRail, and Tri-Rail. Intercity and commuter systems were analyzed separately due to the different nature of their operations. The comparison for Amtrak in Florida and Brightline included other inter-city systems, including Amtrak service outside Florida and the Alaska Railroad Corporation.

SunRail and Tri-Rail were compared with the commuter systems identified previously in Figure 2-4. While these commuter rail services can be considered peers of Tri-Rail and SunRail, each has unique attributes. While it is difficult to identify comparable commuter rail systems, this safety assessment examines Metrolink and Caltrain, operating in the Los Angeles and San Francisco Bay Areas, respectively. These two systems may be the most comparable due to line profiles, urban density, a high number of grade crossings (on portions of the networks), and similar operating characteristics.

The primary data sources used in this analysis are the Federal Railroad Administration (FRA) *railroad casualty* database (compiled using the FRA form 6180.55a) and the highway-rail incident database (compiled using the FRA form 6180.57). FRA data spanned the period between January 2009 and June 2018 (the most recent month available).

To provide a common basis for comparison between systems and geographic areas, casualty counts were normalized by passenger train miles, calculated from the operational data as reported by individual railroads. Since operational data is reported by the operator and not by state, passenger train miles for Amtrak's Florida portion of the Silver-Star, Silver Meteor, and Auto-train services were calculated manually.[11] It was assumed that Amtrak services have

[11] The length of the lines was calculated in GIS, multiplied by the number of daily round trips (1 per day per service), and per number of non-holiday days per year.

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remained constant over the past 10 years, and so current totals were used for each year of the study period.

Next, casualties were classified as either *severe* or *non-severe* based on the event circumstance attribute included in the *railroad casualties* dataset.[12] Casualties were also classified as either within or outside railroad control based on the probable cause.[13] These codes and classifications assigned to them are included in Appendix D. Non-severe casualties are excluded from this analysis.

3.3 Assessing Data Availability and Quality

The Federal Railroad Administration (FRA)'s safety database represents a complete collection of data for every reportable incident. The data is reported on a monthly basis by U.S. railroads to the FRA. There is a two-month processing time before incidents are reported in the database, and this data is updated frequently to reflect new knowledge.

All incidents that result in a death, injury, or financial damage of $25,000 or higher trigger a mandatory report to the FRA. Railroads can provide preemptive reports even if these criteria are not met, which may then be amended or canceled, once the circumstances of the incident become known.

The FRA defines accidents/incidents as:

> *"Collisions, derailments, and other events involving the operation of on-track equipment and causing reportable damage above an established threshold; impacts between railroad on-track equipment and highway users at crossings; and all other incidents or exposures that cause a fatality or injury to any person, or an occupational illness to a railroad employee."*

These incidents are reported as:

- **Train Accidents**: A safety-related event involving on-track rail equipment (both standing and moving), causing monetary damage to the rail equipment and track above $25,000.
- **Highway-rail grade crossing incidents**: Any impact between a rail and highway user (both motor vehicles and other users of the crossing) at a designated crossing site, including walkways, sidewalks, etc., associated with the crossing.
- **Other incidents** that do not fit in the two above-mentioned categories, resulting in any death, injury to any person that requires medical treatment, or occupational illness or injury of a railroad employee.[14] This category includes incidents involving persons trespassing on the railroad right-of-way, but not within a crossing.

[12] FRA "EVENT" variable.
[13] FRA "INJCAUS" variable.
[14] FRA Office of Safety Analysis Definitions

All railroad incidents, injuries, and fatalities are required to be reported by law. FRA incident databases provide substantial detail on reported incidents, allowing for a comprehensive safety analysis of the state's rail system. The Florida Department of Transportation (FDOT) relies only on the FRA database for safety data to provide a common basis for incident reporting and to ensure that all reportable incidents are captured.

FRA's safety database is less detailed for the most recent two years, as each case goes through an investigation before the probable cause is determined. Probable cause is initially self-reported by the railroad, but even after an investigation, it can be difficult to determine the precise cause of an accident. As a result, detailed 2017 and 2018 data are not as comprehensive until after the investigation for each incident is complete and these data are updated. For example, while basic information on the 2018 incidents occurring on the Brightline system is present in the database, incident causes may not have been determined as of this writing.

Rail suicide incidents tend to be reported as trespass incidents rather than as suicides, due to reporting sensitivities.[15] FDOT is working with the FRA and Operation Lifesaver to document incidents and support outreach to railroads, local communities, and the public to encourage more responsible reporting practices between trespassing and suicide incidents.

FRA's database also provides details of grade crossing infrastructure inventory, such as the gate configuration, warning system, and so on. However, many of these fields are not mandatory for reporting purposes. Our analysis includes statistics for the crossing attributes that are reported frequently and excludes those where most Florida incident cases leave the characteristic field blank.

The database used for this analysis is comprehensive and provides a record of all significant incidents. However, the cause of the incident is not always clear, especially for more recent incidents, due to ongoing investigations.

3.4 Overview of Florida's Safety Record Analysis

Between January 2009 and June 2018, Florida passenger railroads experienced a total of 1,395 safety incidents. Among these, 677 safety incidents (49 percent of the total) involved severe injuries and fatalities. There were 1,317 severe injuries (approximately 2 severe injuries per incident) and 137 fatalities over this time period. These numbers include serious injuries and fatalities among passengers, non-passengers, and railroad employees.

Figure 3-1 shows what defines the injury rate, the fatality rate, and the overall casualty rate. This report excludes non-severe injuries.[16]

[15] USDOT Volpe Center Rail Suicide Prevention

[16] Classification of severe injuries is located in Appendix D.

Figure 3-1: Terminology Definitions

Term	Definition
Injury Rate	Severe injuries (passengers, non-passengers and employees) per 10,000 passenger train miles
Fatality Rate	Fatalities (passengers, non-passengers and employees) per 10,000 passenger train miles
Casualty Rate	Severe Injuries and fatalities (passengers, non-passengers and employees) per 10,000 passenger train miles

Source: Federal Railroad Administration (FRA)

This safety analysis compares severe injuries and fatalities in Florida and the United States by using the number of passenger train miles for standardization. Based on this approach, Florida's injury rate is 1.5 times higher and its fatality rate is 3.5 times higher than the overall nationwide rate. Fatalities include suicides, though the classification of deaths as suicides tends to be underreported.[17]

Figure 3-2 shows casualty rates for each Florida passenger rail line. Amtrak in Florida and Brightline are compared with the US intercity average casualty rate (Amtrak and Alaska Railroad Corporation) while Tri-Rail and Sun-Rail are compared with the commuter rail peer group average, as seen in Figure 3-3.

Figure 3-2: Casualty Rates in Florida (January 2009 – June 2018)

Rail Service	Average Annual Casualty Rate	US Intercity Average Annual Casualty Rate	Commuter Peer Group Average Annual Casualty Rate
Amtrak (in Florida)	0.66	0.30	
Brightline	0.57	0.30	
Tri-Rail	0.15		0.12
SunRail	0.24		0.12

Source: CPCS analysis of FRA data

Figure 3-3: Commuter Rail Peer Group (January 2009 – June 2018)

Rail Service	Code	Agency	Average Annual Casualty Rate	Location
Tri-Rail	SFRV	South Florida Regional Transportation Authority	0.15	Pompano Beach, FL
SunRail	CFRC	Central Florida Commuter Rail	0.24	Sanford, FL
ACE	ACEX	Altamont Corridor Express	0.12	Stockton, CA
Caltrain	PCMZ	Peninsula Corridor Joint Powers Board	0.11	San Carlos, CA
Coaster	NCTC	North County Transit District	0.12	Oceanside, CA
Metrolink	SCAX	So. California Regional Rail Authority	0.15	Los Angeles, CA
Metro Transit	MRTV	Metro Transit	N/A*	Minneapolis, MN
Rio Metro	NMRX	Rail Runner Express (Rio Metro Regional Transit District)	0.05	Albuquerque, NM
Sounder	SCR	Sound Transit (Central Puget Sound Regional Transit Authority)	0.04	Seattle, WA
TRE	TRE	Trinity Railway Express (Dallas Area Rapid Transit)	0.07	Dallas, TX
VRE	VREX	Virginia Railway Express	0.08	Alexandria, VA

Source: CPCS analysis of FRA data, *MRTV FRA records are unavailable and are not included in the commuter rail average casualty rate.

[17] Tøllefsen, Ingvild Maria, Erlend Hem, and Øivind Ekeberg. "The reliability of suicide statistics: a systematic review." BMC psychiatry 12.1 (2012): 9.

Based on the comparisons, we find that

- → **Amtrak**'s average annual casualty rate in Florida is 121 percent higher than the rest of the US intercity passenger rail over the last 10 years.
- → **Brightline**'s casualty rate during its first six months of operations is 89 percent higher than the rest of the US intercity passenger rail.
- → **Tri-Rail**'s annual casualty rate has generally been lower than its US commuter rail peer group until 2014. In 2014, 2016, and 2017, Tri-Rail's average annual casualty rate was 21 percent higher than its commuter rail peer group.
- → **SunRail**'s average annual casualty rate is 96 percent higher than its commuter rail peer group. For both Tri-Rail and SunRail, more casualties were found to be within railroad control when compared to the peer group.

Probable causes of railroad casualties indicate that:

- → Florida's casualties arise predominantly from trespassing (27 percent), a rate much higher than the US (19 percent).
- → Florida suffers fewer casualties from environmental causes (6 percent) than the US (11 percent).
- → Equipment issues on Florida's passenger railroads are the probable cause for casualties 9 percent of the time, in line with the rest of the US at 9 percent.

The next sections describe the detailed methodology and an analysis of data availability and quality before providing additional information on Florida's safety record.

3.5 Florida Passenger Rail Accident Inventory

3.5.1 Comparison between Florida and the United States

Casualty rates (combining the number of serious injuries/fatalities) were calculated for both the United States and for Florida per 10,000 passenger train miles to control for track mileage in the state. On average, injury, fatality, and casualty rates for Florida were higher than the nation as a whole. Figure 3-4 provides a comparison of severe injuries/fatalities and passenger train miles.

Figure 3-4: Total Injuries and Fatalities Nationwide and in Florida (January 2009 – June 2018)

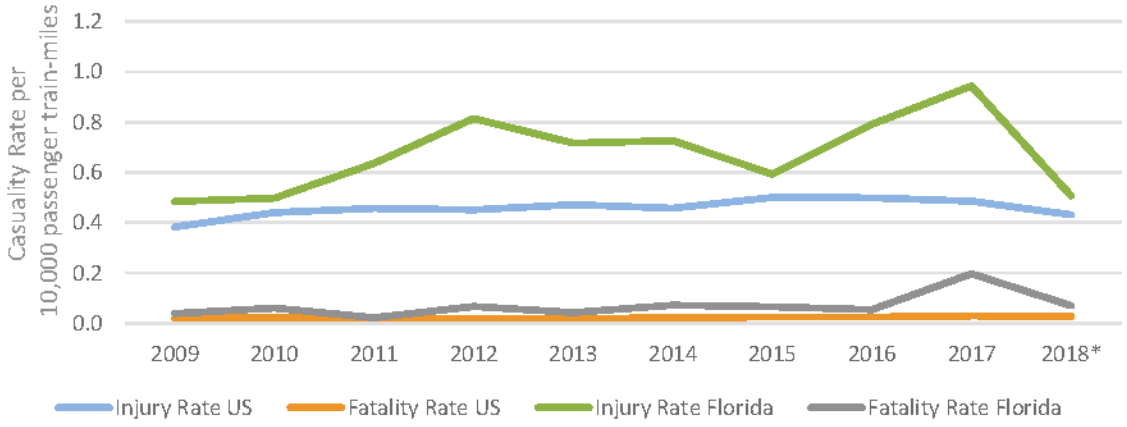
Location	Injuries	Fatalities	Total Passenger Train Miles	Injury Rate	Fatality Rate	Casualty Rate
				Per 10,000 passenger train miles		
Florida	1,317	137	19,332,341	0.68	0.07	0.93
Nationwide	41,933	2,072	912,645,372	0.46	0.02	0.48

Source: CPCS Analysis of FRA Safety Data

By tracking the trends in Florida and nationwide, Figure 3-5 shows how the casualty rate per 10,000 passenger train miles has changed between 2009 and June 2018. Overall, Florida's casualty rate is nearly double the national casualty rate.

Over the last 10 years, the collective severe injury rate on Florida's passenger rail system is 1.5 times higher and the fatality rate is 3.5 times higher than national averages.

Figure 3-5: Passenger System Casualty Rate in Florida and the United States (January 2009 – June 2018)



Note: 2018 rates are comparable to other years and only consider incidents in the first 6 months of the year
Source: CPCS Analysis of FRA Safety Data

3.6 Casualties Incurred by Train Passengers

This section considers a subset of all casualties that were incurred only by train passengers. Figure 3-6 compares Florida-specific and nationwide casualty rates for passengers, indicating that Florida's train passenger casualty rate exceeds the US casualty rate. The two fatalities incurred by train passengers in Florida occurred in incidents involving Tri-Rail trains.

Figure 3-6: Florida and US Railroad Train Passenger-Only Casualty Rates (January 2009 – June 2018)

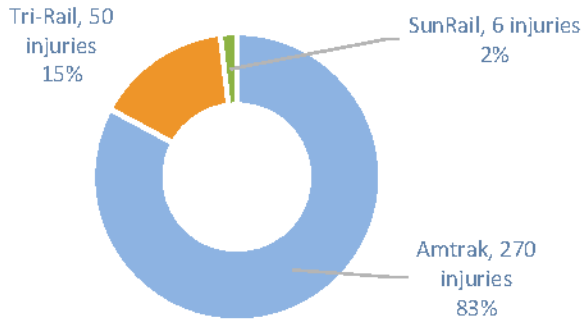
Location	Injuries	Fatalities	Casualty Rate per 10,000 Passenger Train Miles
Florida	326	2	0.17
Nationwide	6,743	53	0.07

Source: FRA Safety Database

Among severe passenger injuries occurring in Florida, between January 2009 and June 2018, Amtrak had the highest number at 270 injuries. None of Brightline's passengers suffered injuries or deaths during the first six months of operation of the new train service. Figure 3-7 provides

a breakdown of rail services that incurred passenger injuries, up to June 2018, the most recent date with available data.

Figure 3-7: Florida Railroad Passenger Injuries by Passenger Rail Service (January 2009 – June 2018)



Source: FRA Safety Database

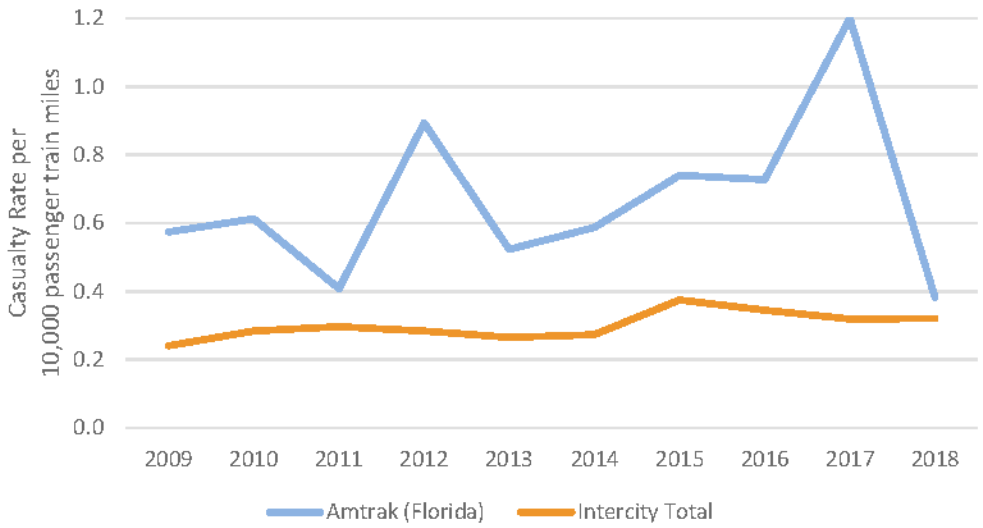
3.7 Florida Railroad Casualty Rates by Rail Service

This section compares casualty rates by each of the four passenger rail services in Florida. Brightline and Amtrak are compared to the US intercity average, while SunRail and Tri-Rail are compared with the commuter peer group average.

3.7.1 Intercity Services (Amtrak and Brightline)

Figure 3-8 compares casualty rates for Amtrak in Florida with intercity systems in the U.S. (Amtrak and Alaska Railroad Corporation). During the last decade, the casualty rate per 10,000 passenger train-miles was higher in Florida than nationwide, though year-to-date in 2018, the two rates are comparable.

Figure 3-8: Amtrak Florida Compared with US Intercity Systems Casualty Rate (January 2009 – June 2018)



Note: 2018 rates are comparable to other years and only consider incidents in the first 6 months of the year
Source: CPCS Analysis of FRA Safety Data

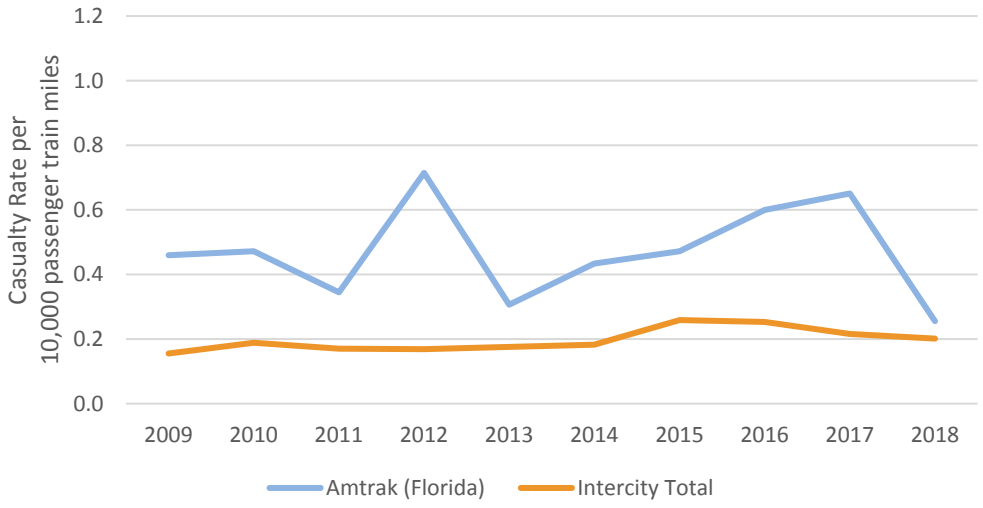
Amtrak's average annual casualty rate in Florida is 121 percent higher than the rest of the US intercity passenger rail over the last 10 years. This may be attributable to higher traffic and population density in Florida when compared to other regions of the US, where intercity passenger rail services are available.

Figure 3-9 focuses on the subset of casualties found to be within railroad control, as defined by the FRA. *Within railroad control* means any cause within the railroad's control, including

- → issues with infrastructure condition;
- → issues with signals and communication;
- → mechanical and electrical failures; and
- → train operation issues, including problems caused by human factors.

Amtrak has a higher casualty rate in Florida due to a higher proportion of incidents that are within the railroad's control. Over the last 10 years, Amtrak in Florida had a casualty rate that was 139 percent higher than the US intercity passenger rail average.

Figure 3-9: Amtrak Florida Compared with US Intercity Systems: Casualty Rate within Railroad Control (January 2009 – June 2018)



Note: 2018 rates are comparable to other years and only consider incidents in the first 6 months of the year
Source: CPCS Analysis of FRA Safety Data

For the first half of 2018, Brightline's casualty rate per 10,000 passenger train miles was approximately 0.57 with a total of 10 severe casualties. This is higher than the nationwide casualty rate of 0.32 but lower than the rate for Amtrak in Florida of 0.66 casualties per 10,000 passenger train miles.

Brightline's casualty rate within the railroad's control is 0.06 casualties per 10,000 passenger train miles, which is much lower than the rate for Amtrak in Florida, which stood at 0.47 casualties per 10,000 passenger train miles. Details of some cases are not yet available.

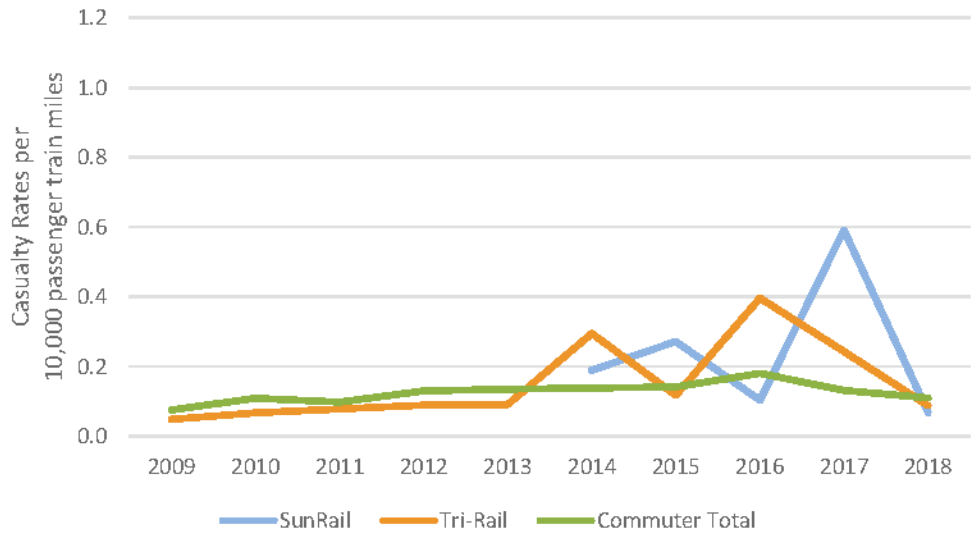
3.7.2 Commuter Rail (SunRail and Tri-Rail)

Next, the analysis considered commuter rail casualty rate trends for SunRail and Tri-Rail and measured them against their peer group in the US. Figure 3-10 compares SunRail and Tri-Rail in Florida to their peer group in the US. Figure 3-11 focuses on the subset of casualties found to be within railroad control, as defined by the FRA.

Tri-Rail's casualty rates were lower than its peer group up until 2014. Between 2014 and 2017, Tri-Rail's casualty rates increased significantly from less than 0.1 to 0.4 casualties per 10,000 passenger train miles in 2016. Tri-Rail casualties increased primarily due to casualties outside of the railroad's control – the vast majority of the increase in casualties between 2014 and 2017 are due to an uptick in trespassing.

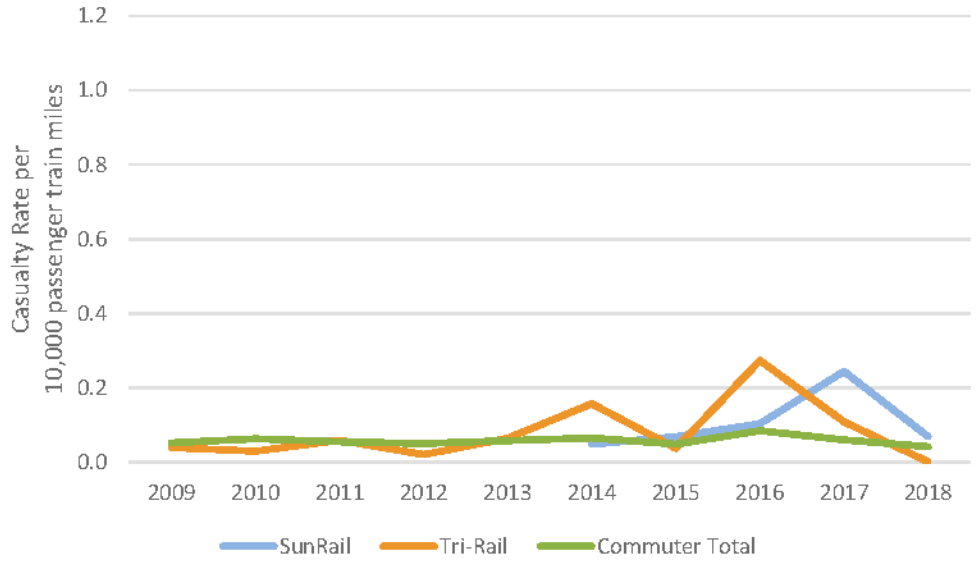
SunRail has generally experienced higher casualty rates compared to the commuter peer group. SunRail had a high of 0.6 casualties per 10,000 passenger train miles in 2017. There is not an obvious explanation for the higher casualty rate. The high rate may be explained by the number of grade crossings and the volume of traffic over these crossings. It may also be explained by the fact that those that are living or working near the line may not be used to the presence of trains. SunRail should continue to monitor the incident trends as they are currently doing, and identify any patterns that may emerge over time.

Figure 3-10: SunRail and Tri-Rail Compared to Commuter Peer Group – Casualty Rate (January 2009 – June 2018)



Note: 2018 rates are comparable to other years and only consider incidents in the first 6 months of the year
Source: CPCS Analysis of FRA Safety Data

Figure 3-11: SunRail and Tri-Rail Compared to Commuter Peer Group – Casualty Rate within Railroad Control (January 2009 – June 2018)



Note: 2018 rates are comparable to other years and only consider incidents in the first 6 months of the year
Source: CPCS Analysis of FRA Safety Data

3.8 Probable Causes of Florida Passenger Rail Incidents

Between January 2009 and June 2018, the cause of 54 percent of incidents in Florida was identified as "undefined." It is thus difficult to fully track the causes of railroad incidents due to incomplete reporting. Of the remaining 46 percent of Florida incidents where a probable cause was determined, 35 percent of incidents were found to be outside the railroad's control and 12 percent were within the railroad's control. During the same period, the cause of 51 percent of incidents nationwide was declared as "undefined." Of those where a probable cause could be determined, 33 percent of incidents were outside the railroad's control, and 16 percent were within the railroad's control.

The most frequent probable causes for incidents in Florida and the entire nation are as follows.

- → Trespassing: Florida 27 percent, nationwide 19 percent (outside of railroad control)
- → Equipment: Florida 9 percent, nationwide 9 percent (within railroad control)
- → Environmental: Florida 6 percent, nationwide 11 percent (outside of railroad control)

Figure 3-12 provides a list of probable causes for incidents in Florida. A full list of probable incident causes can be found in Appendix F. Incidents by passenger rail service (Amtrak, Brightline, SunRail, and Tri-Rail) are also provided for Florida.

Figure 3-12: Probable Cause of Florida Passenger Railroad Incidents (January 2009 – June 2018)

Probable Cause	FL Total	% of Total	Amtrak (Florida)	Brightline	SunRail	Tri-Rail
Outside Railroad Control	**196**	**34.8%**	**107**	**10**	**15**	**64**
Trespassing	154	27.3%	76	10	9	59
Environmental	34	6.0%	31		2	1
Trespassing, unrelated to using RCL*	3	0.5%			1	2
Object fouling track	3	0.5%			2	1
Outside cause (e.g., assault/attack)	1	0.2%				1
Outside cause (e.g. assault/attack), related to using RCL*	1	0.2%			1	
Within Railroad Control	**65**	**11.5%**	**50**	**1**	**12**	**2**
Equipment	49	8.7%	49			
Procedures for operating/using equipment not followed	7	1.2%		1	4	2
Human factor, unrelated to using RCL*	5	0.9%			5	
Signal	2	0.4%			2	
Failure to provide adequate space between equipment during switching operation	1	0.2%	1			
Lack of communication	1	0.2%			1	
Undefined	**303**	**53.7%**	**235**	**2**	**15**	**51**
Human factor	233	41.3%	228	1	2	2
Undetermined	70	12.4%	7	1	13	49

*RCL: Remote-controlled Locomotive. Yellow cells are highlighted to show importance.
Source: CPCS Analysis of FRA Safety Data

The following observations can be made:

→ **Severe injuries arise predominantly from trespassing:** over 27 percent of Florida passenger rail incidents are related to trespassing. This rate is much higher than the US (19 percent), which is partly explained by the higher density urban areas that passenger lines traverse and the higher grade crossing density. Trespassing is the cause of 76.9 percent of incidents on Brightline, while the figure for Tri-Rail is also high at 50.4 percent.

→ 28.6 percent (12 incidents) of the total number of incidents are within the railroad's control on SunRail whereas, on Tri-Rail, the figure is 1.7 percent (2 incidents).

→ No railroad, other than Amtrak, has had an equipment-caused incident. **Most incidents are outside of railroad control.** This may be indicative of the newness of equipment (in some cases) and proper adherence to operating rules.

→ 58.2 percent of Amtrak incidents are classified as an undefined – with human factor involvement, whereas the other railroads range from 15.4 to 43.6 percent.

The most pressing issue in Florida is the high frequency of trespassing that occurs along passenger railroad tracks, especially when compared to lower frequency in the entire country.

3.9 Rail Network Density

Another way to benchmark Florida's safety record is by examining grade crossing density. Due to a number of factors, Florida has a higher-than-average number of grade crossings. Factors include dense urban areas, existing grade crossings as part of the existing street network, less grade separation due in part to the high water table and limestone topography, among others.

Rail density is the measurement of rail track miles per square mile and encompasses both freight and passenger rail lines. Figure 3-13 shows the top five states by rail density and also includes density for Florida and the US.

Figure 3-13: Top 5 States by Rail Density

Rank	State	Rail Density*
1	Illinois	0.12
2	Ohio	0.12
3	Indiana	0.12
4	New Jersey	0.11
5	Pennsylvania	0.11
33	**Florida**	**0.04**
	National Average	0.04
* - rail density is defined as track miles per square mile of land area		

Source: CPCS Analysis of 2010 AAR data

While Florida's rail network density of 0.04 mirrors the national average, its rail corridors tend to operate in densely built-up areas.

States that are most comparable to Florida's rail network density include North Dakota, Oklahoma, New Hampshire, Washington, Nebraska, and Texas. These states have a rail network density between 0.039 and 0.047 track miles per square mile of land area.

Florida's rail network density is similar to the rest of the country and does not have a disproportionate number of at-grade crossings for a state its size. However, the number of grade crossings in Florida is significant when accounting for its high population density, compared to the rest of the country.

3.10 Florida Grade Crossing Inventory

This section assesses grade crossings in Florida by the number of incidents incurred. Grade crossing analysis includes both passenger and freight rail operations.

Between January 2009 and June 2018, 35 percent of the crossings along the existing Brightline segment (which is shared with FECR freight trains) had at least one incident. During the same period, 30 percent of crossings along Tri-Rail's line (which shares track with CSX) and 27 percent of crossings along SunRail's line (which also shares track with CSX) had at least one incident.[18]

Figure 3-14 lists grade crossings with at least one incident by passenger rail segment.

Figure 3-14: Grade Crossings by Passenger Rail Line with At Least One Incident (January 2009 to June 2018)

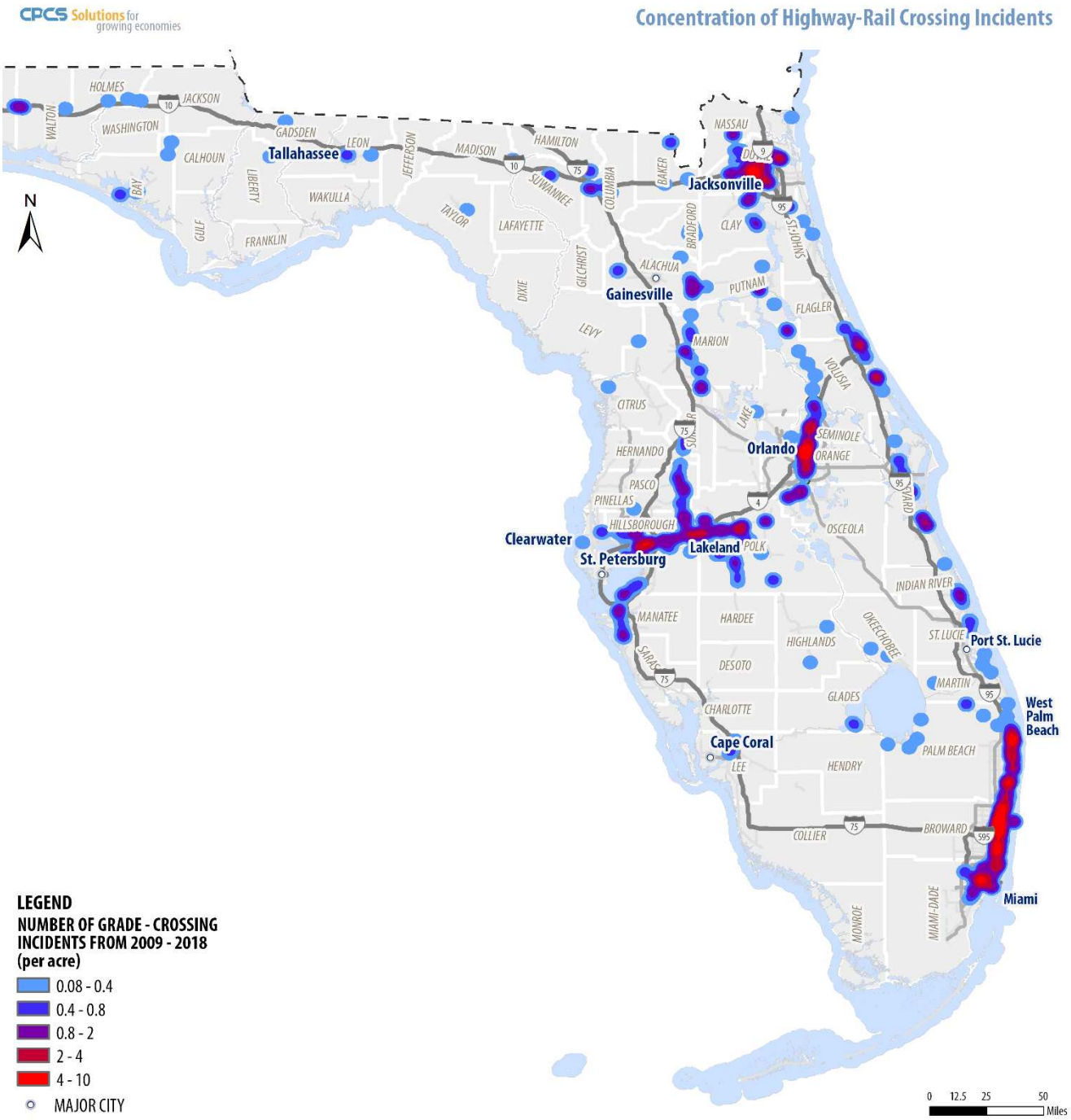
Passenger Rail Segment	Freight Railroad	Total Grade Crossings	# Crossings with 1+ Incidents	% Crossings with 1+ Incidents
Brightline (existing)	FECR	171	59	35%
Tri-Rail	CSX	150	45	30%
SunRail (existing)	CSX	157	42	27%
Amtrak	CSX	791	155	20%
Brightline Extension (proposed, currently FECR only)	FECR	192	22	11%
SunRail Extension (proposed, currently CSX only)	CSX	20	2	10%

Freight Operator: Freight railroad operating in the segment
Source: CPCS Analysis of FRA Safety Data

The locations of these grade crossing incidents are illustrated in the maps below. Figure 3-15 is a heat map of grade crossing incidents across the state over the last 10 years, where blue represents a lower concentration of incidents and red represents a higher concentration of incidents. Figure 3-16 provides a close-up map for Central Florida, and Figure 3-17 provides a close-up map for South Florida and a grade crossing incident map of the Florida East Coast Railway along the planned Brightline extension. Each dot represents a railroad crossing where at least one incident was reported between January 2009 and June 2018. The number of incidents at that crossing varies by dot color (from light blue – lower to red – higher). The dots that represent a higher number of incidents (red) are larger in size.

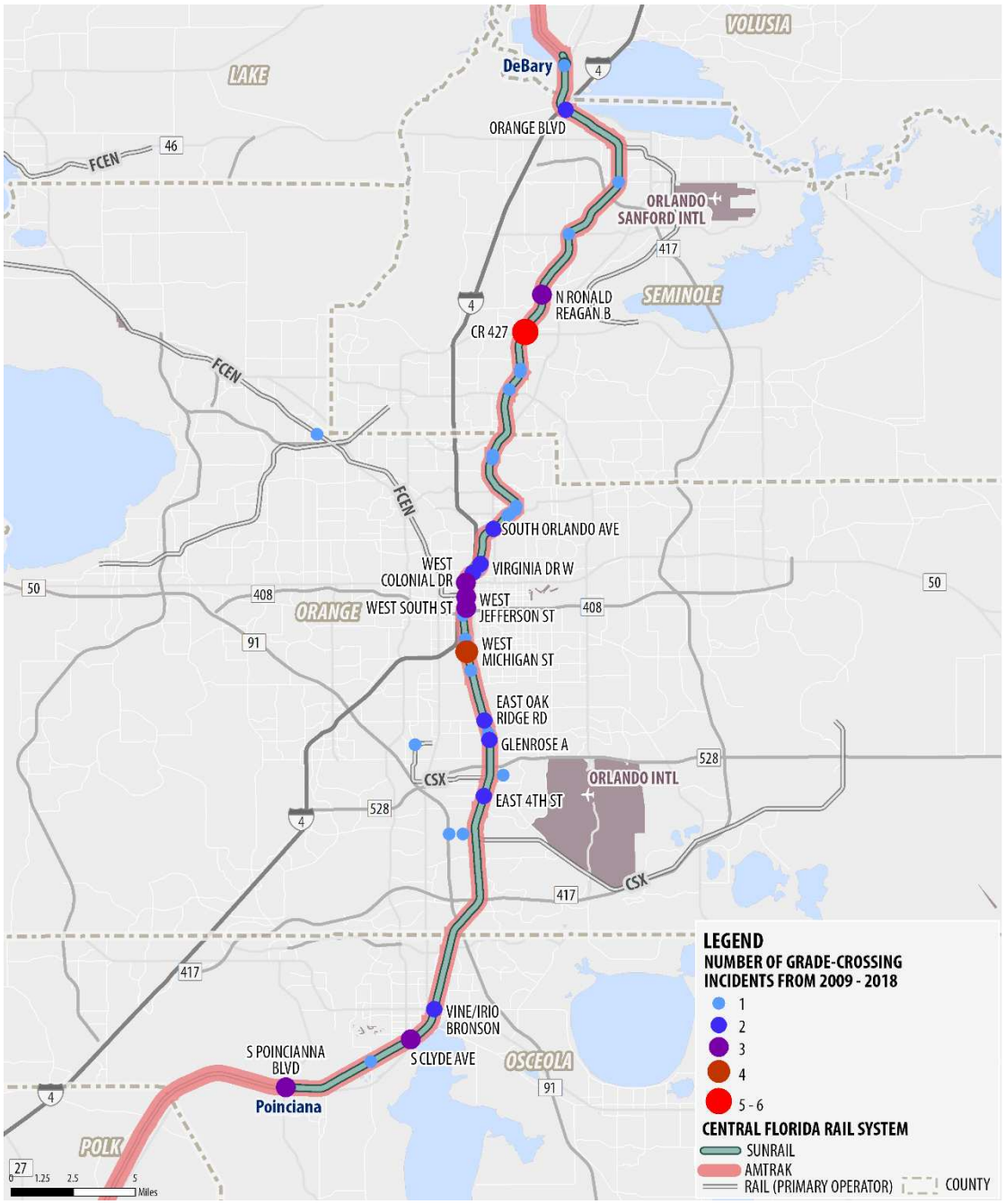
[18] Incidents are defined as resulting in at least one severe injury or fatality.

Figure 3-15: Concentration of Grade Crossing Incidents in the State (January 2009 – June 2018)



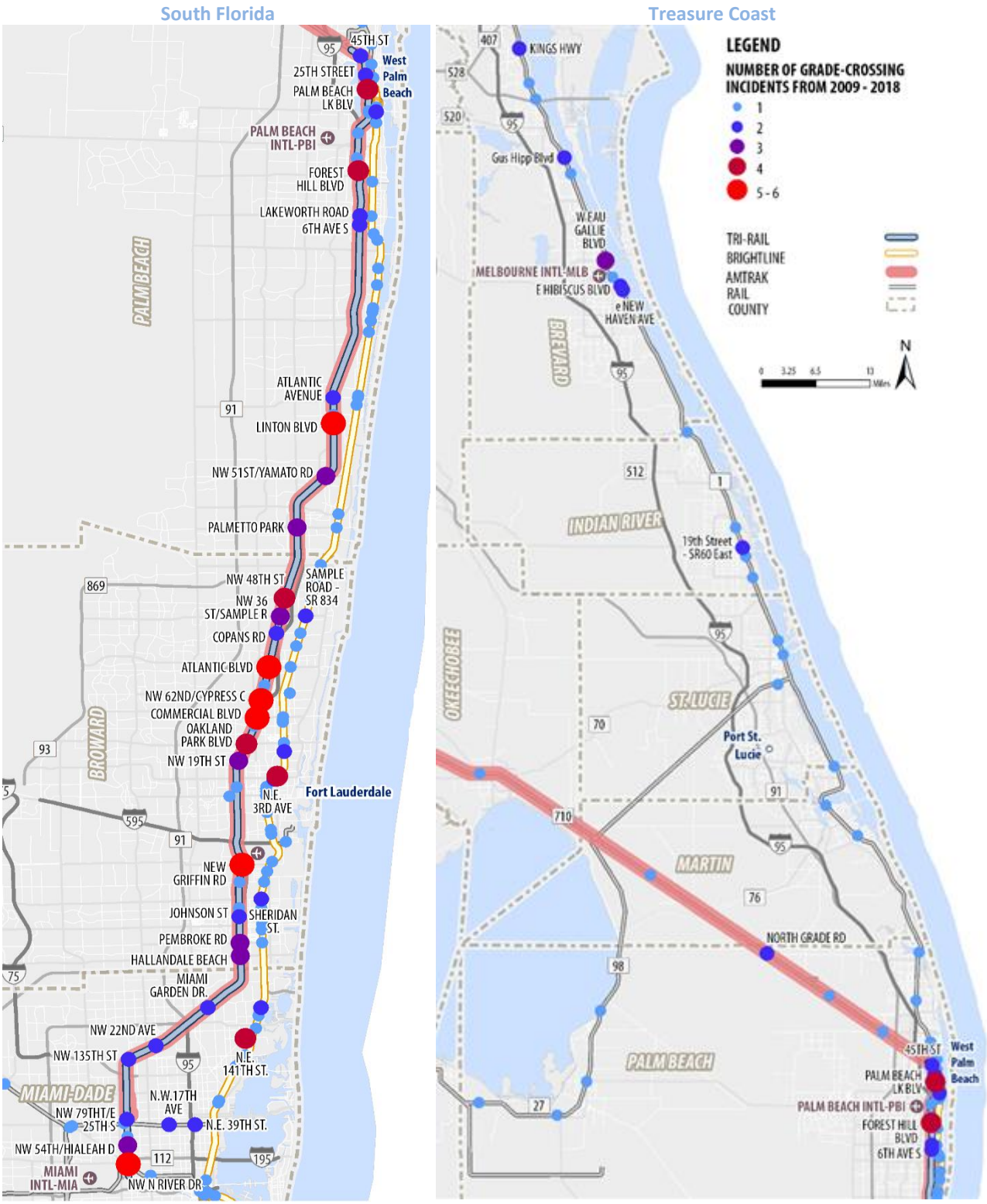
Source: CPCS Analysis of FRA Safety Data

Figure 3-16: Concentration of Grade Crossing Incidents in Central Florida (January 2009 – June 2018)



Source: CPCS Analysis of FRA Safety Data

Figure 3-17: Grade Crossing Incidents in South Florida and along the Treasure Coast (January 2009 – June 2018)



Source: CPCS Analysis of FRA Safety Data

3.11 Importance of Grade Crossings in Densely-Populated Areas

The number of grade crossings by itself provides no meaningful information that could be used to understand the risk exposure. When comparing the number of grade crossings to the population, Florida is not present in the top 10 states. However, this comparison fails to capture the state's area. Instead of looking only at population, we will compare the number of railroad grade crossings and population density (population per area).

All else being equal, if two states have the same number of grade crossings, the state with a higher population (assuming the population density is the same) is more likely have a higher number of incidents due to higher traffic volumes.

In order to capture these two factors, the study utilizes a grade crossing density index. This index multiplied the number of grade crossings in each state by the population density, to determine how population dense each state's grade crossings are. The rationale for multiplying the two numbers is to show the states with both a high number of rail crossings and high population density. The higher the index, the more traffic each grade crossing is likely to experience.

$$Grade\ Crossing\ Density\ Index = \frac{number\ of\ grade\ crossings \times population\ density}{1\,000\,000},$$

where population density is measured as average population per square mile.

When calculating this index for Florida (the 10th densest state by population in the country), it ranks 8th for this index as shown in Figure 3-18. This means that Florida has both high population density and a high number of grade crossings compared to other states, which may increase the probability of having a larger number of grade crossing incidents.

Figure 3-18: Top States in Grade Crossings x Population Density

Rank	State	Grade Crossing count	Population Density (Population per sq. mi.)	Grade Crossing Density Index*
1	Illinois	26,006	225	5.85
2	Ohio	20,281	280	5.67
3	New Jersey	5,007	1036	5.19
4	Pennsylvania	16,858	277	4.68
5	New York	12,728	359	4.57
6	California	18,149	242	4.39
7	Indiana	16,715	185	3.10
8	**Florida**	**9,577**	**311**	**2.98**
9	Texas	27,032	103	2.78
10	North Carolina	12,638	191	2.41
*Grade crossing density index = number of grade crossings × population density / 1 million				

Source: CPCS Analysis of FRA Safety Database (as of Sep 2018)

3.12 Grade Crossing Incident Distribution

All 9,511 grade crossings in Florida were ordered by number of incidents as well as by number of casualties. The distribution of grade-crossings in Florida by number of incidents incurred is shown in Figure 3-19.

Figure 3-19: Distribution of Grade Crossings (January 2009 – June 2018)

Incident Count	Number of Crossings
0	9,005
1	393
2	69
3	24
4	11
5	7
6	2
Total	9,511

Source: CPCS Analysis of FRA Safety Data

Over the last 10 years, about 5 percent of Florida grade crossings incurred incident(s) with a severe injury or fatality.

Along the Tri-Rail line in South Florida, there are seven crossings that ranked in the top 11 for the number of incidents. Five of these are in Broward County, one is in Palm Beach County and another in Miami-Dade County. Along the SunRail line, one crossing in Seminole County ranked within the top 11. Along the Amtrak routes, two crossings ranked within the top 11, one in Hillsborough County and another in Duval County. One additional crossing along Brightline in Broward County had a large number of incidents and was also examined.

A summary table of the crossings analyzed is included below in Figure 3-20.

Figure 3-20: Top-11 Grade Crossings in Florida by Number of Incidents (January 2009 – June 2018)

Crossing ID	Rank	Street	Highway	County	Incidents	Fatalities	Injuries	Main Causes
628177F	1	Atlantic Blvd.	SR 814	Broward	6	2	1	Trespassers
620891F	2	Timuquana Rd.	SR 134	Duval	6	1	0	Trespassers
628183J	3	NW 62nd/Cypress	CR	Broward	5	3	8	Trespassers
628160C	4	Linton Blvd.	SR 782	Palm Beach	5	3	7	Trespassers
624365G	5	Tampa East Blvd.	LS	Hillsborough	5	0	4	Trespassers
628186E	6	Commercial Blvd.	SR 870	Broward	5	2	2	Trespassers
628272B	7	New Griffin Rd.	SR 818	Broward	5	2	1	Trespassers
628378W	8	NW N River Dr.	LS	Miami-Dade	5	0	3	Trespassers
622072W	9	CR 427	CR 427	Seminole	5	0	1	Trespassers
628191B	10	Oakland Park Blvd.	SR 816	Broward	4	1	3	Trespassers / Employee Inattentiveness
272550B	11	NE 3rd Ave.	0	Broward	4	1	2	Trespassers / Vehicles stuck on tracks

Source: CPCS Analysis of FRA Safety Data

3.13 Top 11 Crossings with Highest Number of Incidents

This section details Florida's top 11 crossings with the highest number of incidents.

Broward County:

1. Atlantic Boulevard (Rank 1)

The incidents at the Atlantic Boulevard crossing occurred between 2009 and 2017. One incident resulted in two fatalities and another in a severe injury. Based on the narratives included in the FRA database, all incidents involved a highway vehicle collision with a train and were due to improper maneuvers by road users (i.e. failure to stop at a crossing, stopped vehicle fouling mainline). One incident that occurred in 2017 was due to the driver attempting to beat the train to the crossing, resulting in death to both the driver and passenger. Another incident that resulted in a severe injury was caused by a stopped vehicle fouling the mainline.

Figure 3-21: Example of a W10-1 Railroad Crossing Advanced Warning Sign



A W10-1 Sign is a railroad crossing advance warning sign shown as a round yellow sign with a black border and legend. A black "X" covers the sign and two "R's" are shown in the left and right quadrants of the sign.

The type of safety devices at the Atlantic Boulevard crossing include a W10-1 advanced warning sign as shown in Figure 3-21, 4 gates, 2 bells, and an Emergency Notification System (ENS) sign[19]. Pavement markings at this crossing include Stop Lines and Railroad Crossing (RR Xing) Symbols. The highway has nearby traffic signals but these are not integrated with the crossing protection.

2. Commercial Blvd (Rank 6)

Five incidents occurred at the Commercial Blvd crossing, all of them prior to 2013. One incident resulted in two fatalities and a severe injury and another incident resulted in a non-severe injury. The severe incident involved an improper manoeuver by a driver who crossed the tracks as the crossing arm was lowering. The vehicle was struck by a train, killing both the driver and passenger. The driver of a third affected vehicle also sustained severe injuries. The non-severe injury was sustained by a trespasser who claims they were struck by a train. Other incidents involved a vehicle mistakenly turning onto the railroad tracks and another stopping inside the gates when they were down.

The type of safety devices at the Commercial Blvd crossing include a W10-1 advanced warning system, 4 gates, 2 bells, and an ENS Sign. Pavement markings at this crossing include Stop Lines and Railroad Crossing ("RR Xing") Symbols. The highway has nearby traffic signals but these are not integrated with the crossing protection.

[19] A sign noting a phone number of where problems with crossing can be reported.

3. NW 62nd Street/Cypress C (Rank 3)

Five incidents occurred at the NW 62nd Street crossing, resulting in three fatalities and 8 injuries. All three fatalities resulted from roadway users circumventing the downed gates, two of whom were cyclists while the third was driving a vehicle. Another incident was caused by a vehicle collision with a train, resulting in 5 injuries. The last incident was caused by a driver striking the side of a locomotive. The driver sustained no injuries, although 3 train passengers later reported injuries due to the crash.

The type of safety devices at the Cypress Creek crossing include a W10-1 advanced warning system, 4 gates, 4 bells, and ENS Sign. Pavement markings at this crossing include Stop Lines and Railroad Crossing (RR Xing) Symbols. The highway has nearby traffic signals but these are not integrated with the crossing protection.

4. New Griffin Road (Rank 7)

Five incidents occurred at New Griffin Rd crossing in the past 10 years. These occurred between 2011 and 2018. The incidents resulted in two fatalities and one injury. Both fatalities resulted from trespassers being struck by trains, one of whom went around a lowered crossing gate. Another injury was sustained by a trespasser crossing the tracks while the train was pulling out of the station. The engineer sounded the horn but the trespasser did not move away in time. The other two incidents involved an abandoned vehicle fouling the tracks and another involved a bicycle tire being struck by a train, neither has any reported injuries.

The type of safety devices at the Cypress Creek crossing include a W10-1 advanced warning system, 7 gates, 3 bells, and an ENS Sign. Pavement markings at this crossing include Stop Lines and Railroad Crossing (RR Xing) Symbols. The highway has nearby traffic signals but these are not integrated with the crossing protection.

5. Oakland Park Boulevard (Rank 10)

There were four incidents at this crossing within the past 10 years. These resulted in three injuries and one fatality. Two incidents involved railroad employees, one of whom drove through the gates due to inattentiveness and struck an unoccupied vehicle, the other employee was stuck behind the gates and was struck by a train, sustaining injuries. The other two incidents involved train-vehicle collisions, one of which resulted in a fatality.

The type of safety devices at the Oakland Park Boulevard crossing include a W10-1 advanced warning system, 4 gates, 2 bells, and 5 crossbucks. Pavement markings at this crossing include Stop Lines and Railroad Crossing (RR Xing) Symbols. The highway has nearby traffic signals but these are not integrated with the crossing protection. There are six traffic lanes crossing the railroad.

6. NE 3rd Avenue (Rank 11)

Four incidents occurred at the NE 3rd Avenue crossing, resulting in two injuries and 1 fatality. These occurred between 2013 and 2018. Two incidents resulted from vehicles getting stuck on

the tracks. The other two incidents resulted from a bicycle trespasser and another from a pedestrian trespasser who was lying on the tracks and failed to move as the train approached.

The type of safety devices at the NE 3rd Avenue crossing include a W10-1 advanced warning system, 2 gates, 1 bell, and 2 crossbucks. Pavement markings at this crossing include Stop Lines and Railroad Crossing (RR Xing) Symbols. The highway has nearby traffic signals but these are not integrated with the crossing protection. There are four traffic lanes crossing the railroad.

Palm Beach County:

7. Linton Boulevard (Rank 4)

Five incidents occurred at Linton Boulevard crossing in the past 10 years, all of them before 2015. These incidents resulted in 3 fatalities and 7 injuries. The three fatalities were caused by highway vehicle operators driving through the crossing gate. The impact of one of these incidents resulted in 7 additional injuries to passengers. The other two incidents were caused by vehicles either stopped on the tracks or fouling the mainline.

The type of safety devices at the Linton Boulevard crossing include a W10-1 advanced warning system, 6 gates, 2 bells, and an ENS Sign. Pavement markings at this crossing include Stop Lines and Railroad Crossing (RR Xing) Symbols. The highway has nearby traffic signals but these are not integrated with the crossing protection.

Miami-Dade County:

8. NW North River Drive (Rank 8)

Five incidents occurred at this crossing within the past 10 years. These occurred from 2010 to 2016. These incidents resulted in three injuries. Four incidents involved trespassing vehicles, three of which resulted in injuries. The fourth incident involved a truck pulling out of a nearby industrial facility.

The type of safety devices at the NW N River Drive crossing include a W10-1 advanced warning system, 2 gates, 1 bell, 2 crossbucks, and an ENS Sign. Pavement markings at this crossing include Stop Lines and Railroad Crossing (RR Xing) Symbols. The highway has nearby traffic signals but these are not integrated with the crossing protection.

Seminole County:

9. County Road 427 (Rank 9)

Five incidents occurred at this crossing within the past 10 years, resulting in one injury. The incidents were caused mainly by vehicles fouling the track. The injury was sustained by a trespasser cyclist who was struck by a vehicle.

The type of safety devices at the County Road 427 crossing include a W10-1 advanced warning system, 4 gates, 2 bells, 4 crossbucks, and an ENS Sign. Pavement markings at this crossing include Stop Lines and Railroad Crossing (RR Xing) Symbols. The highway has nearby traffic

signals but these are not integrated with the crossing protection. There are 4 road lanes intersecting the crossing.

Hillsborough County:

10. Tampa East Boulevard (Rank 5)

There were five incidents at this crossing within the past 10 years, resulting in 4 injuries. These were all due to vehicle trespassers. One incident involved a tanker-truck being towed by a tow truck.

The type of safety devices at the Tampa East Boulevard crossing include a W10-1 advanced warning system, 2 gates, 1 bell, no crossbucks, and an ENS Sign. The road across the railroad track has no median. Pavement markings at this crossing include Stop Lines and Railroad Crossing (RR Xing) Symbols. The highway has nearby traffic signals but these are not integrated with the crossing protection. There are 2 road lanes intersecting the crossing.

Duval County:

11. Timuquana Road (Rank 2)

There were six incidents at this crossing within the past 10 years, resulting in 1 injury. Four of these were caused by vehicle trespassers, and two others were caused by unoccupied vehicles fouling tracks.

The type of safety devices at the Timuquana Road crossing include a W10-1 and W10-2 advanced warning system, 4 gates, 2 bells, no crossbucks, and an ENS Sign. The road across the railroad track has no median. Pavement markings at this crossing include Stop Lines and Railroad Crossing (RR Xing) Symbols. The highway has traffic signals, which control the crossing. There are 6 road lanes intersecting the crossing. This is at a non-NHS Federal-Aid highway.

More information on the top 50 Florida crossings by incident count is provided in Appendix E.

3.14 Grade Crossing Characteristics

This section analyzes the characteristics of all Florida grade crossings by the number of incidents they have incurred over the last 10 years. Figure 3-22 provides transportation characteristics for this set of grade crossings.

Figure 3-22: Transportation Characteristics by Grade Crossing Incidents (January 2009 – June 2018)

Number of Incidents at crossing	Annual Average Daily Traffic (AADT)	Average Trains		Avg. School Buses Per Day
		Per day	Per night	
0	14,660	2.1	1.7	4.7
1	15,023	6.7	5.3	15.1
2	18,779	11.0	8.1	19.2
3	22,623	13.5	8.3	30.6
4	27,390	17.2	10.8	19.5
5	32,842	23.0	12.1	37.0
6	37,900	20.0	10.0	70.5

Source: CPCS Analysis of FRA Safety Data & FDOT 2017 AADT values

Florida grade crossings with a greater number of incidents tend to also have higher average daily traffic (including school buses) and more train movements.

Figure 3-23 provides definitions for highway types, and Figure 3-24 analyzes grade crossing highway types by the number of incidents incurred over the last 10 years. Grade crossings with a higher number of incidents tend to be on state highway systems funded by the Federal-Aid Highway Program.

Figure 3-23: Highway Type – Definitions

Term	Definition
NHS	National Highway System
Non-NHS	State highway systems funded by the Federal-Aid Highway Program
Non-Federal Aid	Other roadways not funded by the Federal-Aid Highway Program
Other	Does not fit into the above categories
Unknown	Data not available

Source: CPCS Analysis of FRA Safety Data

Figure 3-24: Highway Type by Number of Incidents (January 2009 – June 2018)

# Incidents	# Crossings	Highway Types					
		NHS	Non-NHS	Non-Federal Aid	Other	Unknown	Total
0	9,071	3%	15%	49%	11%	22%	100%
1	393	4.6%	32.8%	45.8%	0%	16.5%	100%
2	69	-	53.6%	33.3%	0%	13.0%	100%
3	24	–	62.5%	29.2%	–	8.3%	100%
4	11	–	54.5%	36.4%	–	9.1%	100%
5	7	–	85.7%	14.3%	–	–	100%
6	2	–	100%	–	–	–	100%

Source: CPCS Analysis of FRA Safety Data

Most grade crossings in Florida do not have conventional stop signs, as indicated in Figure 3-25. Stop signs are only included where advanced warning signs are not present.

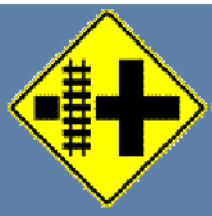
Figure 3-25: Stop Signs for Grade Crossings by Number of Incidents (January 2009 – June 2018)

Number of Incidents	Percentage of Crossings with at Least One Stop Sign	Percentage of Crossings with at Least Two Stop Signs
0	8%	5%
1	13%	9%
2	12%	9%
3	12%	8%
4	0%	0%
5	0%	0%
6	0%	0%

Source: CPCS Analysis of FRA Safety Data

Many grade crossings in Florida are marked by other types of advanced warning signs, shown in Figure 3-26. The percentages represent the number of crossings where each sign is present, and 100 percent represents all the crossings that have seen the number of incidents, listed on the left side of the table. These crossings are categorized based on the number of incidents they have incurred between January 2009 and June 2018. Some grade crossings also have more than one advanced warning sign, while others do not report what signs they have.

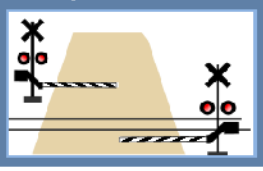
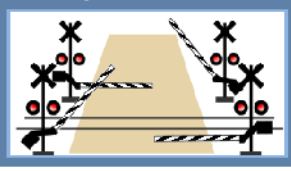
Figure 3-26: Advanced Warning Signs in Florida (in addition to the minimum required) for Grade Crossings by Number of Incidents (January 2009 – June 2018)

Number of Incidents	No Additional Warning Signs	 W10-1	 W10-2	 W10-3
0	8%	37%	0.2%	--
1	9%	62%	1%	--
2	9%	67%	6%	6%
3	4%	71%	4%	--
4	9%	73%	9%	--
5	--	100%	--	--
6	--	100%	50%	--

Source: CPCS Analysis of FRA Safety Data

The vast majority of incident cases in the FRA accident database do not report whether the gate provides full barrier resistance or is a set of median gates. However, some incident cases do provide the type of gate quadrant. Figure 3-27 provides the gate quadrant configuration for Florida grade crossings by the number of incidents over the last 10 years. The data on gate configuration is also not complete. Grade crossings with a 4-quadrant gate configuration do not allow going around railroad gates as easily as at crossings with 2-quadrant gates. Most incidents have occurred at crossings with 2-quadrant gate configuration.

Figure 3-27: Gate Configuration for Controlled Grade Crossings in Florida by Number of Incidents (Jan 2009-Jun 2018)

Item	Unknown Configuration	Uncontrolled	Crossbucks	Stop Sign	Bell Only	Lights Only	 2 Quadrant Gate	 4 Quadrant Gate
Total Incidents	90	10	38	7	1	23	476	48
% of total	13%	1%	5%	1%	0.1%	3%	69%	7%

Source: CPCS Analysis of FRA Safety Data

3.15 Chapter Conclusions

The following two key conclusions can be made from the analysis in this chapter:

- → Florida has a large number of grade crossings in populated areas, which contributes to its higher casualty rate than the national median.
- → Trespassing is a serious issue in Florida and needs to be addressed in a comprehensive manner, including a further detailed study of underlying causes.

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4 Safety Initiatives – Florida and Other Jurisdictions

4.1 Introduction

This chapter provides an overview of safety initiatives on the federal and state level pertaining to Florida, grade crossing best practices from our jurisdictions, and a discussion of Florida's railroad safety problem responsibility and mitigation efforts.

4.2 Federal Highway Administration (FHWA) Safety Initiatives

4.2.1 Positive Train Control (PTC) Implementation

Positive Train Control (PTC) is a new performance requirement that includes a set of next-generation signaling and communication systems intended to reduce the risk of train to train collisions, derailments due to excessive speed, incursion into work zones, and movement through a misaligned route. Trains will be tracked using a number of sensors and will only be allowed to move after receiving positive authorization for this movement. FRA has mandated that railroads implement the system by the end of 2018.

As part of the implementation process, railroads must install the necessary equipment on the locomotives and on or near the track, and update their train control center to ensure that it is capable of operating the equipment. Equipment will be installed on locomotives and next to the track. The type of equipment is dependent on the system: some systems use track circuits, while others use GPS and cellular devices to monitor train movement. The latter type of system requires radio antenna towers to be installed and a band of radio wave spectrum to be allocated to the system. All types of PTC systems can be overlaid on top of existing signaling systems. Not all systems are interoperable, and additional certification is required if multiple types of PTC systems are operating on the same stretch of track.

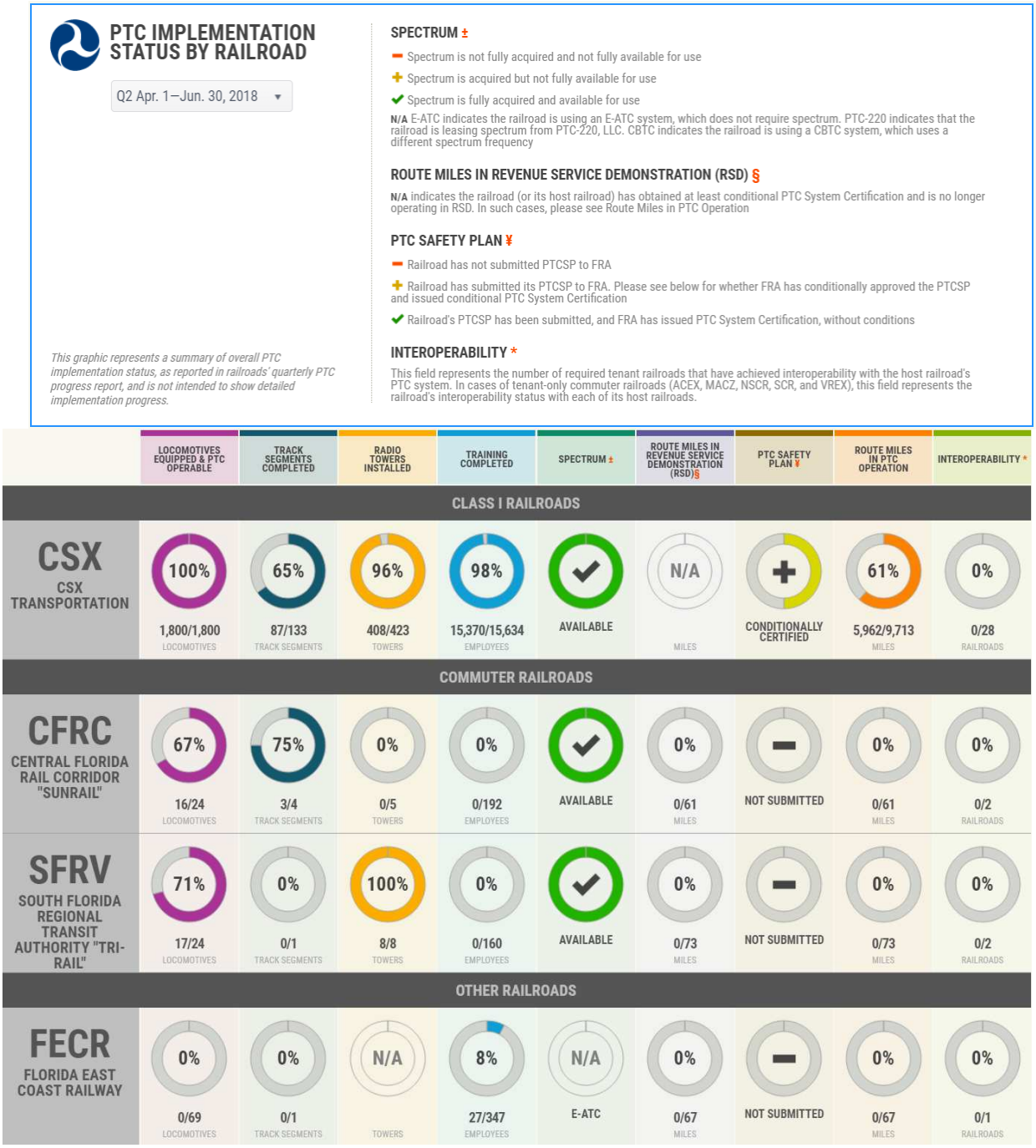
After the installation, the system must undergo a period of testing, which depends on the technology and the equipment manufacturer. In addition to the installation and testing of equipment, a railroad must submit a PTC Safety Plan (PTC-SP) and receive a PTC System Certification, as specified in 49 CFR 236.1015. Railroads also need to train their staff for PTC operation.

Signaling systems with similar requirements have been part of the industry standard for decades in Europe with proven accident-free operation.

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The FRA maintains a "dashboard" of PTC implementation on its website, with data current through June 30, 2018. According to this dashboard, as of June 30, 2018, only CSX was close to implementing PTC on its network. Tri-Rail, SunRail and Florida East Coast Railway have only begun the process of PTC implementation in 2018 and are in the process of installing equipment. See Figure 4-1, below.

Figure 4-1: PTC Implementation Status as of June 30, 2018



Source: FRA PTC Dashboard

SunRail and Tri-Rail have signed contracts with Wabtec in February 2018 and May 2018, respectively, to implement PTC and equipment installation is proceeding. It is expected that both these lines will receive an extension to 2020 for full system implementation.

Florida East Coast Railway (where Brightline operates) has begun to implement PTC. Because of its existing advanced signaling system, it received a waiver from the FRA that allows it to postpone the completion of implementation by the end of 2020.

Amtrak's information was not immediately available. However, as Amtrak uses other railroads' track, it is up to the host railroad to ensure that PTC is implemented.

All rail systems in Florida are expected to be fully compliant with PTC requirements by the end of 2020. If a rail system does not implement PTC by the deadline, it may face penalties of up to $25,000 per day of operation.

4.2.2 Highway Safety Improvement Program (HSIP)

The FHWA's Highway Safety Improvement Program is a federal-aid program aimed at reducing traffic fatalities and serious injuries on all public roads, including non-state-owned roads and roads on tribal land. This includes highway-rail grade crossings. Some funding components are continuous and ongoing whereas others are grant-based. The HSIP is legislated under Section 148 of Title 23, was established in 1966 as the first Highway Safety Act and later reauthorized through the SAFETEA-LU (2005), MAP-21 (2012), and Fixing America's Surface Transportation (FAST) Act (2015). HSIP's budget is authorized by Congress from the Highway Trust Fund (HTF) and is subject to Federal-Aid obligation limitation.

The FAST Act authorizes a pre-apportionment set-aside (of $3.5 million per year) for safety-related activities. Then each state receives a lump sum of the fund to divide among different safety improvement programs. The states' apportionments are based on calculated percentages as defined in the Federal-Aid highway program funds under Section 104(c) (1) of Title 23.[20]

4.2.3 Railway-Highway Crossings Program (RHCP)

The Railway-Highway Crossings Program (RHCP) is a component of the HSIP and is also known as Section 130 Grade Crossing Funding. RHCP apportions funds to states (including Florida) by a federal formula, pursuant to the FAST Act for reducing/eliminating safety hazards at railroad-highway crossings. The Section 130 funds are available for all public crossing improvement projects whether the road involved in the crossing is a highway, secondary roadway, bike path, or even a pedestrian trail.

Under Section 130 program requirements, each state is required to conduct a survey of all railroad crossings to identify the need of relocation, grade separation, and improvement of safety devices. Any safety-related deficiencies are required to be corrected. States should also

[20] USDOT "About Highway Safety Improvement Program (HSIP)" (August 2018).

report their RHCP implementation process to USDOT. Section 130 allocates 2 percent of the funding for data analysis and development of the supporting documents.[21] The following table shows the annual set-aside allocated for the RHCP nationwide. Florida funding levels are not available, as they vary depending on the percentage of gas tax raised.

Figure 4-2 shows the amount of funding that has been set aside for 2018-2020.

Figure 4-2: Annual US Funding Set-Aside for the RHCP

Fiscal Year	Set-Aside in Millions of Dollars
2018	$235
2019	$240
2020	$245

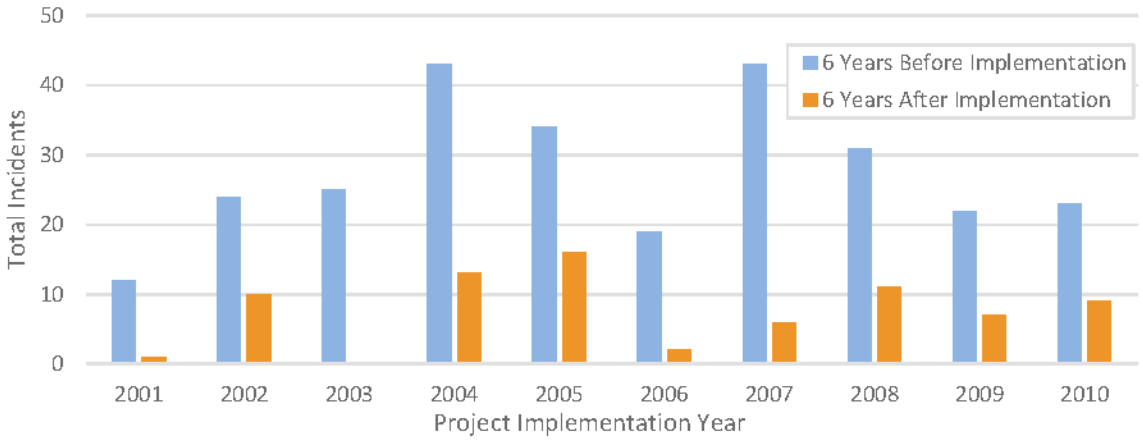
Source: USDOT "Railway-Highway Crossings (Section 130) Program Overview" (August 2018).

FDOT reports on Statewide Highway-Rail Grade Crossing Safety Improvement program annually to the FHWA. This program uses an algorithm to identify crossings with the highest risk in order to generate a list of possible candidates for crossing improvements. Improvement needs for these high-risk crossings are then verified by field diagnostic reviews conducted through collaboration between federal, state, local, and railroad participants. While safety-critical aspects that are identified as part of these reviews are required to be rectified, field diagnostic reviews operate on a consensus basis between the FRA, FDOT, local governments, and the railroads. The review results may be influenced by the railroad and any identified item that is not deemed to be absolutely safety-critical would be presented as a recommendation. Railroads can, therefore, choose to not implement field diagnostic review recommendations and the onus for funding recommended but not safety-critical improvements often are the responsibility of the county or municipality.

FDOT generates an annual Highway Safety Improvement Program report to the FHWA to demonstrate the effectiveness of improvements made for the timeframe spanning 12 years (6 years prior to the upgrade and 6 years after the upgrade) to evaluate the effectiveness of the program.[22] Part of this report focuses on the Statewide Highway-Rail Grade Crossing Safety Improvement Program. FDOT found that grade crossing incident totals decreased 61 percent after the implementation of numerous safety projects, falling from 23 to 9 from 2004 and 2016. Of those incidents, fatalities declined from 2 to 0. Incidents with serious injuries also decreased from 8 to 0 during the same time period. This data is summarized in Figure 4-3, which shows the implementation years 2001-2010 for the Highway Safety Improvement Program. Incident counts are shown for the 6 years before and after each implementation year.

[21] USDOT "Railway-Highway Crossings (Section 130) Program Overview" (August 2018).
[22] FDOT Highway-Rail Grade Crossing Safety Action Plan, 2011

Figure 4-3: Incident Totals 6 Years Before and After Implementation of the Statewide Highway-Rail Grade Crossing Safety Improvement Program



Source: FDOT, in response to a data request

4.3 State Safety Initiatives

4.3.1 Education – Operation Lifesaver and Beyond

Operation Lifesaver is a national nonprofit education and awareness program that is focused on ending collisions, fatalities, and injuries at highway-rail grade crossings and on railroad rights-of-way. FDOT partners with this program to raise awareness of the dangers of trespassing on railroad rights-of-way. FDOT states that Operation Lifesaver is the most important educational tool nationally and in Florida to inform people of the tragic results that can occur by entering railroad right-of-way illegally.

Each of the passenger rail operators in Florida collaborates with Operation Lifesaver to raise awareness on trespassing dangers. FDOT coordinates with local communities, railroad officials, and volunteers to put together outreach events.

Tri-Rail and Brightline provide additional localized and tailored safety outreach campaigns through collaboration with FDOT to create local safety videos that speak to particular communities, Train Safety Week, social media initiatives, etc.

4.3.2 Engineering

Joint Rail Participation Agreements (JRPA)

JRPA's are funding agreements between FDOT and railroads to improve safety and railroad capacity. FDOT works with railroads within Florida to identify candidate projects that provide safety and capacity benefits to the state. After the project is identified and approved, the railroad and FDOT sign a JRPA. This grants FDOT authority to function adequately in all areas of appropriate jurisdiction, and associated funding is provided by FDOT to the railroad. The project costs, eligible for FDOT participation, are subject to legislative approval of appropriation requests, availability of funds, approval of all plans, specifications, contracts, or other obligating documents and all other terms of the JRPA, and FDOT approval of the project scope and budget.

These agreements generally provide a percentage of a project's funding by the state with the rest of the funding to be provided by other parties (railroads, local municipalities/counties). Railroads under a JRPA are subject to audits and/or monitoring by the department in accordance with Section 215.97 of Florida Statutes.

Optimization Model to Upgrade Rail Crossings

FDOT is currently conducting a study to create an optimization model for improving safety at grade crossings in the state. This new decision-support tool is intended to identify rail crossing candidates for upgrades, determine countermeasures for accident and severity reduction at selected rail crossings, account for operational constraints, and assist FDOT with efficient decision-making while taking into account available budget constraints. This study aims to identify the appropriate countermeasures that should be implemented at rail crossings such as:

- → installation of flashing lights at passive rail crossings with stop signs only
- → installation of gates at passive rail crossings with stop signs only
- → installation of gates at active rail crossings with flashing lights
- → grade separation (construction of bridges, overpasses, underpasses) and
- → implementation of methods aiming to improve traffic pre-emption before the arrival of trains at rail crossings such as advanced train detection systems, better coordination between signals at rail crossings and adjacent intersections, implementation of advanced traffic signal control systems, installation of appropriate warning devices, and so on
- → FDOT currently uses the FRA's crash prediction algorithm to prioritize railroad crossings improvements suggested by field diagnostic teams. FDOT is developing a more comprehensive model that will go beyond the FRA's algorithm by helping to determine countermeasures for safety incidents

4.3.3 Enforcement

State Rail Safety Participation Program – Inspection Performance Data

Florida's State Rail Safety Participation Program provides rail safety inspection performance data. Florida's Program includes at least one rail safety inspector for each of the five FRA inspection disciplines.

- → **Track:** inspections to ensure railroads meet minimum track standards, along with bridge and roadway worker inspections;
- → **Motive Power and Equipment:** inspections on passenger locomotives and cars, freight locomotives, and industries that conduct inspections and repairs of railroad rolling stock;

- → **Signal and Train Control:** inspections on signal and train control, periodic tests on signal equipment, and diagnostic review for signal safety enhancements;
- → **Operating Practices:** unannounced monitoring/surveillance activities to ensure compliance with operational regulations, along with scheduled audits;
- → **Hazardous Materials:** inspections in cooperation with FRA, Homeland Security, Transportation Security Agency, and local authorities; review of industry waiver requests; and conduct statewide hazardous material compliance inspections.

Pilot Study in Broward County: Law Enforcement Strategies to Reduce Trespassing

FDOT is currently conducting a pilot grant program with Broward County on law enforcement strategies to reduce trespassing. FDOT reports that Broward County's railroads have a high prevalence of homeless and intellectually disabled individuals around its tracks which leads to higher foot traffic. This program increases patrols in areas in and around the railway lines, utilizing specially trained law enforcement staff to reduce the number of trespass-related incidents and casualties.

4.4 Grade Crossing Safety: Best Practice and State of the Art

4.4.1 Best Practices in Other Passenger Rail Systems

Florida's rail system is unique due to the state's geology and high water table (which makes grade separation difficult) and the historical development of the urban fabric around railroads. While perfectly comparable systems are difficult to determine, Metrolink and Caltrain in California face similar circumstances as Florida. Due to the large concentration of at-grade crossings and high urban density surrounding these rail lines in California, both of these rail services have developed practices to improve safety over the last decades. Of note, California High-Speed Rail will share track with both Caltrain and Metrolink in the San Francisco Bay Area and in the Los Angeles area, respectively, with the plan in both cases to operate at higher than conventional speeds. The Illinois High-Speed Rail project is also comparable to Florida's higher speed rail plans due to its corridor upgrade project to 110 miles per hour with at-grade crossings.

Metrolink

Metrolink in Southern California is the nation's third-largest commuter rail system, serving the Los Angeles and Inland Empire region with a total of 409 unduplicated route miles. Metrolink operates a total of 2.8 million train miles per year and 400 million passenger miles per year.

After a number of high-profile crashes, in its 2015 fiscal year, Metrolink was the first railroad in the country to implement Positive Train Control (PTC) across its entire 341 route-mile network. PTC is a predictive collision avoidance technology that helps Metrolink avoid collisions and prevent over-speeding by stopping a train before an accident occurs. The main challenges with PTC implementation at Metrolink included the acquisition of 220MHz spectrum after bankruptcy by the holding firm; technology availability including special radios, a new

computer-aided dispatch (CAD) system, and a back office server (BOS) to support system interoperability; and a qualified technical workforce to implement PTC. The system cost an estimated $201.6 million.

Caltrain

Caltrain is a commuter rail system in Northern California, serving the peninsula between San Francisco and San Jose. Part of the original transcontinental railroad that was developed in the 19th century, Caltrain's corridor runs 51 miles with 31 stations and 134 passenger cars, operating in a dense urban area, similar to Florida. Over 18.5 million passengers ride the system's trains each year. Caltrain has historically experienced high levels of trespassing and grade crossing incidents. To reduce this problem, the railroad has been focusing on three aspects: engineering, education, and enforcement.

Caltrain has completed a number of grade separation projects along its line, including a $160 million grade separation above three streets in downtown San Bruno and a $25 million station reconfiguration and pedestrian underpass construction in Santa Clara.[23] It has added fencing in key locations to prevent trespassing. As the segment will share the right of way with the California High-Speed Rail line, it is planned to add vehicle detection and quad gates at grade crossings to further improve safety. The eventual (unfunded) goal is to develop a fully grade-separated railroad corridor.

In its education campaigns, Caltrain actively educates the public by giving rail safety presentations to schools and community organizations, by conducting a safety awareness campaign, and participating in rail safety organizations and mental health and suicide prevention organizations. This is similar to Tri-Rail and SunRail's efforts.

The system's Transit Police have been effective at enforcement. In 2016, the Transit Police removed more than 265 people from Caltrain property. They also prevented 32 possible suicide attempts by taking the person into protective custody and transporting them to an emergency treatment facility. The Transit Police also provide one-on-one education to people found illegally accessing Caltrain property.

Illinois High-Speed Rail

Illinois High-Speed Rail is a 284-mile long higher-speed rail line upgrade project from Chicago to St. Louis with a $1.95 billion overall budget, coordinated by Illinois DOT (IDOT) and regulated by the Illinois Commerce Commission; $194 million of this budget is designated for grade crossing, fencing, and overhead bridge work.[24] Union Pacific is the owner and dispatcher, while Amtrak is the service provider.

[23] Caltrain Fact Sheet Fiscal Year 2017

[24] Unlike FDOT, which is both a planning agency and a safety regulator, IDOT's rail mandate is limited to planning, while the role of the safety regulator is performed by the Illinois Commerce Commission.

As part of program development, IDOT conducted grade crossing and line safety analysis using field diagnostic teams. In addition to IDOT, these teams also included members from municipalities and counties, the Illinois Commerce Commission, the FRA, Union Pacific, and Amtrak. During the analysis, the Illinois Commerce Commission required a number of grade crossing upgrades and installation of fencing along key sections of the corridor.

The Illinois program's budget provided for identifying crossings for closure and approaching local counties and municipalities with incentive funding to voluntarily close grade crossings. A total of 38 grade crossings were closed as a result, and a further 213 grade crossings were upgraded. Pedestrian treatments were added to 80 crossings. Grade crossing upgrades include:

- → 4-quadrant gates: this includes two entrance gates and two exit gates. The exit gates are activated a few seconds after the entrance gates to prevent trapping vehicle on the crossing. This configuration prevents drivers from going around gates, as is more common with 2-quadrant gates;
- → pedestrian gates and escape swing gates where needed;
- → vehicle detection systems through inductive loops and tie-in into the signaling system. Vehicle presence detectors open exit gates if vehicles are detected in the crossing;
- → increased warning time to account for higher-speed trains;
- → improved roadway approaches to improve sightline profiles;
- → traffic signal interconnections with the signaling system; and
- → new signs and pavement markers.

Because it is guided by the FRA, IDOT's process is similar to FDOT's for new and upgraded grade crossings. However, as FDOT's mandate includes rail regulation, Florida does not have a separate rail regulator, unlike Illinois. The benefit of an independent railroad regulator in Illinois' high-speed rail project was direct and proactive involvement to require a series of safety improvements along key sections of the corridor.

As part of the Brightline expansion project, the FRA conducted a field grade crossing and line safety analysis, both for the initial operating segment and for the proposed expansion. The field assessment was performed together with FDOT, Brightline, Florida East Coast Railway, county and municipality representatives (usually county engineers).

In the US, these assessments are not conducted on a regular basis. While the FRA requires states with the highest highway-rail grade crossing collisions to develop a grade crossing action plan under 49 CFR 234.11, there are no requirements to perform such assessments on a regular basis. In Canada, Detailed Field Safety Assessments (DSA) are performed regularly. More information on the DSA process is described in Appendix G.

4.4.2 Innovative Technologies for Grade Crossing Protection

A number of innovative grade crossing protection technologies are being deployed across the United States and around the world. The practices that may be useful and not currently present in Florida include the following: innovative passive grade crossing treatments, vehicle wedge road barriers, vehicle presence detection, enforcement cameras, and possible pedestrian crossing treatments.

Innovative Passive Grade Crossing Treatment

Passive crossings (where no electronic warning devices are present) are statistically more dangerous than active crossings (where gates and/or lights are present). According to an FRA report from May 2017:

→ Crossings protected only by stop signs and/or crossbucks have more than five times the accident rate crossings with active protections; and

→ Crossings with no protection signs have 27 times the accident rate of crossings with gates.

Those rates were determined by a "per car and per train" analysis of the more than 211,000 crossings in the FRA database. Approximately 30 percent of crossings in Florida are passive, though this includes industrial lines and sidings, where few incidents occur. Most mainline passive crossings in Florida are located in rural areas, with little car traffic going across the tracks.[25]

Figure 4-4: Example of a Buckeye Crossbuck



Source: Bureau of Transportation Statistics

Recent developments in passive warning devices (none of which are used in Florida) include the following:

→ "Buckeye Crossbuck" (also known as a Conrail Shield or IdaSheild) – is an aluminum panel coated with highly-reflective chevron stripes (typically red and silver), attached to the main post supporting a stop sign or crossbuck. The left and right sides of the panel are bent backward at a 45-degree angle so as to reflect the headlights of an approaching train toward the line of sight of approaching motorists. An example is shown in Figure 4-4. These have been proven to be effective in reducing incidents at uncontrolled grade crossings in Idaho.[26]

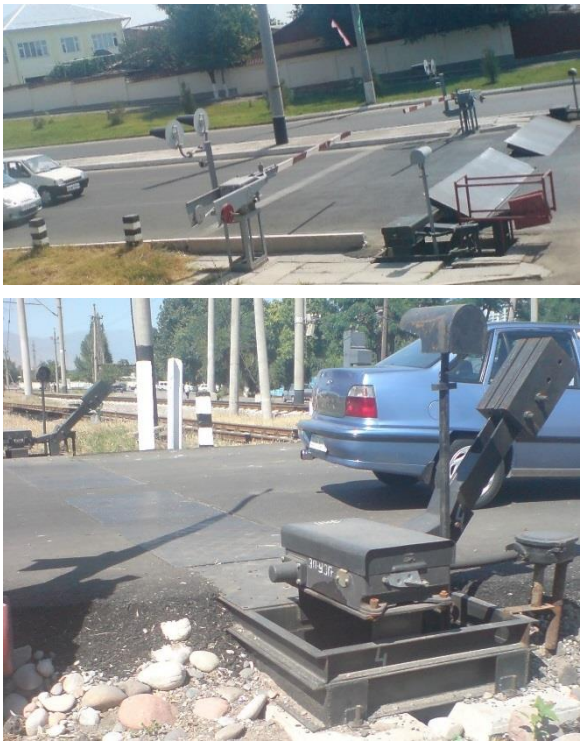
→ Electronically-enhanced stop, yield, and crossbuck signs fitted with flashing, high-intensity LEDs along their edges. Optional solar power makes them relatively easy and inexpensive to install and maintain, especially at remote locations.

[25] FRA Office of Research, Development, and Technology, 2017
[26] RP 223, Idaho Transportation Department, 2014

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→ Vibration Detection Technology is being developed by a European Union-funded project. The project developed a prototype of vibration detection sensors that could be installed at grade crossings with passive control to detect approaching trains and provide a cheaper way to signalize uncontrolled and non-signalized crossings.[27] This project is still in the development stage. This technology may be useful for installation at uncontrolled low-traffic railroad crossings in Florida in the future.

Figure 4-5: Vehicle Barriers at a Railroad Crossing



Source: Wikimedia Commons / Damir8888 (License: CC-BY-SA-3.0)

Vehicle Wedge Road Barriers

In some countries, wedge road vehicle barriers are used at railroad crossings to prevent vehicles from going around gates. Two examples of such devices are shown in Figure 4-5. While their installation became common after 2001 to control vehicle entrances to high profile public buildings, they are not routinely used in the US or Florida at railroad grade crossings.

When the crossing is activated by a train, the boom gates are first lowered, and then the hydraulically-operated barriers are raised automatically. If a vehicle becomes trapped, it can slowly drive over the barrier to exit the crossing.

These devices are usually placed at high-risk crossings with high levels of traffic. They are effective at preventing most 4-wheeled vehicles (including trucks and buses) from driving around lowered boom gates.

Wedge barriers are more expensive to install and require more maintenance than a typical boom gate. They can generally replace quad gates and can be integrated with vehicle presence detection sensors (see next section).

Wedge barriers could be considered for grade crossings in Florida with a high number of incidents and/or high traffic volumes.

Vehicle Presence Detection

Vehicle presence detection uses an inductive loop to detect vehicle presence within the crossing area. This sensor is usually installed together with quadrant boom gates (2 entrance gates to

[27] https://cordis.europa.eu/result/rcn/226583_en.html

prevent vehicles from entering, and 2 exit gates to prevent vehicles from going around boom gates). The vehicle presence sensor identifies when it is acceptable to close the two exit gates.

The sensor can also be into the train control system to alert the train engineer of a detected vehicle at an upcoming crossing, and, if the signaling system allows it (as would some PTC systems), slow the train down automatically. FRA suggests using these sensors at grade crossings with higher-speed train operation.

The higher-speed rail project in Illinois between Chicago and St. Louis has installed vehicle presence detection sensors at all grade crossings with planned higher-speed operation. These sensors are tied to the signaling system as described above.

An example of a vehicle presence detection system installation at a grade crossing in Illinois is shown in Figure 4-6. In Florida, Brightline is planning to install vehicle presence detectors along its extension between West Palm Beach and Cocoa.

Figure 4-6: Vehicle Presence Detection Installation Sensors



Source: 2014 Global Level Crossing Safety & Trespass Prevention Symposium, Urbana, IL

Enforcement Cameras

Cameras can be installed to capture vehicle violations at grade crossings. The camera works like a red light camera: when a vehicle crosses a pre-defined threshold (boom gates), the camera records a series of images and/or video. The vehicle owner is then identified and a citation is issued against the vehicle, with photo and/or video proof of the violation.

Enforcement cameras are not substitutes for 4-quadrant gates, or other safety features, but can work in conjunction with other treatments. In the US, the North Carolina Department of Transportation (NCDOT) has tested video citations for violations at-grade crossings, as part of its sealed corridor program.[28] The goal of the program was to minimize the number of potential interactions of road vehicles and pedestrians with trains by minimizing the number of crossings, upgrading other crossings and installing deterrents (e.g. fencing) to prevent trespassing. NCDOT found other measures to be more effective at deterring violations at grade crossings.

[28] https://connect.ncdot.gov/resources/Rail-Division-Resources/Documents/Sealed%20Corridor%20Handout.pdf

A recent court decision in Florida confirmed the legality of red light cameras.[29] However, enforcement cameras are not used at railroad crossings in Florida.

Possible Pedestrian Crossing Treatments

The 2007 edition of the FHWA Railroad-Highway Grade Crossing Handbook discusses a number of treatments that should be considered for pedestrian crossings. Some suggestions include

- → ensuring that pedestrian crossings are provided at appropriate intervals to discourage pedestrians from taking shortcuts;
- → installing fencing at key locations to prevent pedestrians from crossing in-between crossings;
- → designing grade crossings to channel pedestrians through appropriate gates; and
- → ensuring that the crossings are adequately engineered and that educational campaigns and enforcement efforts are in place.

The handbook discusses some treatments for high-pedestrian areas, such as those around light-rail stations. These treatments may also be applicable to crossing designs for heavy rail systems. Some design treatments include

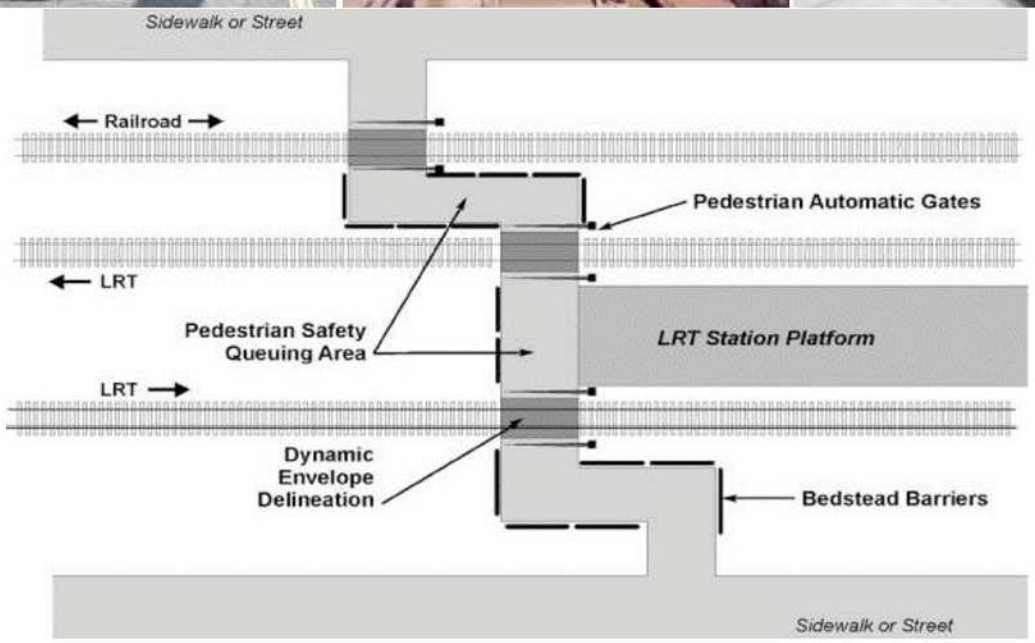
- → creating an obstacle in approaching the crossing to force pedestrians to look in both directions before crossing;
- → fencing off areas around crossings to prevent pedestrians from walking around gates; and
- → adding exit swing gates to ensure that pedestrians are not trapped when the gates are down.

Florida's railroads currently use pedestrian boom gates when pedestrian sidewalks are present. However, at most crossings, little to no fencing around these pedestrian gates is present, with nothing preventing pedestrians from walking around gates that are down. In Florida, exit swing gates are usually not installed because no fencing is present.Figure 4-7 provides examples of pedestrian treatments at grade crossings, including fencing around a crossing and escape push gates (left), obstacles that deflect a pedestrian's intended path and require them to look in both directions before crossing the tracks (center and bottom) and a Z-shaped crossing, nudging pedestrians to look in the direction of approaching trains.

[29] Jimenez v State of Florida (May 3, 2018)

Figure 4-7: Possible Treatments to Improve Pedestrian Safety at Grade Crossings





Source: Korve, et al, TCRP 17, Transportation Research Board, 1996[30]

4.4.3 International Research Projects on Grade Crossing Safety

SAFER-LC

Safety at grade crossings is an issue for railroads worldwide. The European Union is funding a research project, SAFER-LC, which aims to improve safety and minimize risk by developing a set of solutions and tools for level-crossing infrastructure.[31] Its main objectives include the following.

→ Developing a toolbox to help both rail and road managers to improve safety at level crossings.

[30] Korve, Hans W., Jose I. Farran, Douglas M. Mansel, et al. Integration of Light Rail Transit into City Streets. Washington, DC: Transit Cooperative Research Report 17, Transportation Research Board, 1996.
[31] http://safer-lc.eu/

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- → Developing and demonstrating how new technological and non-technological solutions can be integrated into level crossings.
- → Delivering a bundle of recommended technical specifications, human processes, and organizational and legal frameworks to improve safety.
- → Developing innovative solutions to enhance the safety of level crossings for road and rail users.

The project is being coordinated by the International Union of Railways (UIC) and is comprised of 17 industry and academic partners from 10 different countries, including Belgium, Finland, France, Germany, Greece, Hungary, Italy, Norway, Spain, and Turkey.

The project work packages include:

- → analyzing best practices worldwide and developing a set of requirements and recommendations to be taken into account for developing and evaluating grade crossing treatments and developing a risk analysis tool that will be applied to further work in the project
- → developing a framework for evaluating human factors and using the framework for producing a set of low-cost high-impact technological and non-technological measures to improve safety
- → developing and piloting a set of high-tech solutions to improve grade crossing safety
- → performing a cost-benefit analysis for suggested solutions
- → disseminating results

The project began in 2017 and is currently half-way through its process. While the project is focused on the European Union, it should provide a number of recommendations that can be implemented in other parts of the world. FDOT and the FRA should follow this project and determine if its recommendations are applicable in Florida.

4.5 Problem Responsibility and Mitigation

Florida is experiencing unprecedented population growth, particularly in southern and central parts of the state. This contributes to traffic congestion along roadways that are largely integrated with rail crossings. This section focuses on related safety issues.

4.5.1 Trespassing Mitigation

It is more difficult to enforce trespassing laws along railroads in Florida due to weaker trespassing statutes than in other states.[32] Additionally, because there is not a dedicated

[32] https://www.fra.dot.gov/StateLaws

railroad police force with enforcement powers, Florida municipal and county law enforcement agencies are responsible for ensuring that trespassers are identified, detained and then prosecuted. This creates a gap in coordination, especially if counties and municipalities do not see this issue as a priority. While a number of Florida passenger rail systems have security guards on their trains, this personnel does not have arrest powers. Furthermore, coordination within a rail system is needed to ensure that information about trespassers is passed on to both train engineers and law enforcement personnel.

Camera installation at Florida crossings was considered in 1995, but the Federal Railroad Administration delayed this process due to liability issues associated with privacy and state law. Red light cameras at Florida intersections were considered unconstitutional until May 2018.[33] Many municipalities are choosing to continue their bans on cameras, and the Florida Department of Transportation has chosen to hold off on camera installation at crossings to ensure that they would be compliant with state law.

4.5.2 Unplanned Train Stops

Local cities in Florida have raised the issue of unplanned train stops at highway-rail crossings. Such stops make it difficult to plan and coordinate emergency response. They also contribute to traffic congestion in areas urban areas. In response, many local jurisdictions conduct annual tabletop emergency response exercises to find alternate routes when roads are blocked by a train. Florida Statutes, section 351.034 regulates how railroads must address the issue of prolonged stops, including separating the train and allowing the emergency vehicle to proceed through the crossing. There are no time limits on how long a train may occupy a crossing.

4.5.3 Hazardous Materials

Cities along existing passenger lines are also concerned about the release of hazardous materials for both rail-rail and vehicle-rail collisions. The FRA regulates railcar design requirements to mitigate hazardous material releases. The FRA also regulates the transportation of hazardous material that is used for fuel as part of the Locomotive Inspection Act. Additionally, the FRA sets notification requirements from railroads to first responders when hazardous material is released. The requirements are detailed in Chapter I of subtitle B of Title 49 of the Code of Federal Regulations (CFR), and they require carrying a manifest that identifies what types of hazardous materials are carried in the train and the location of the cars within the train consist.

To reduce coordination issues with first responders during an incident, the Florida East Coast Railway offers a secure website, which gives local emergency service staff access to real-time data to identify specific hazardous materials carried by each train. To our knowledge, other railroads do not have similar information systems. There are no requirements to have such a system in place.

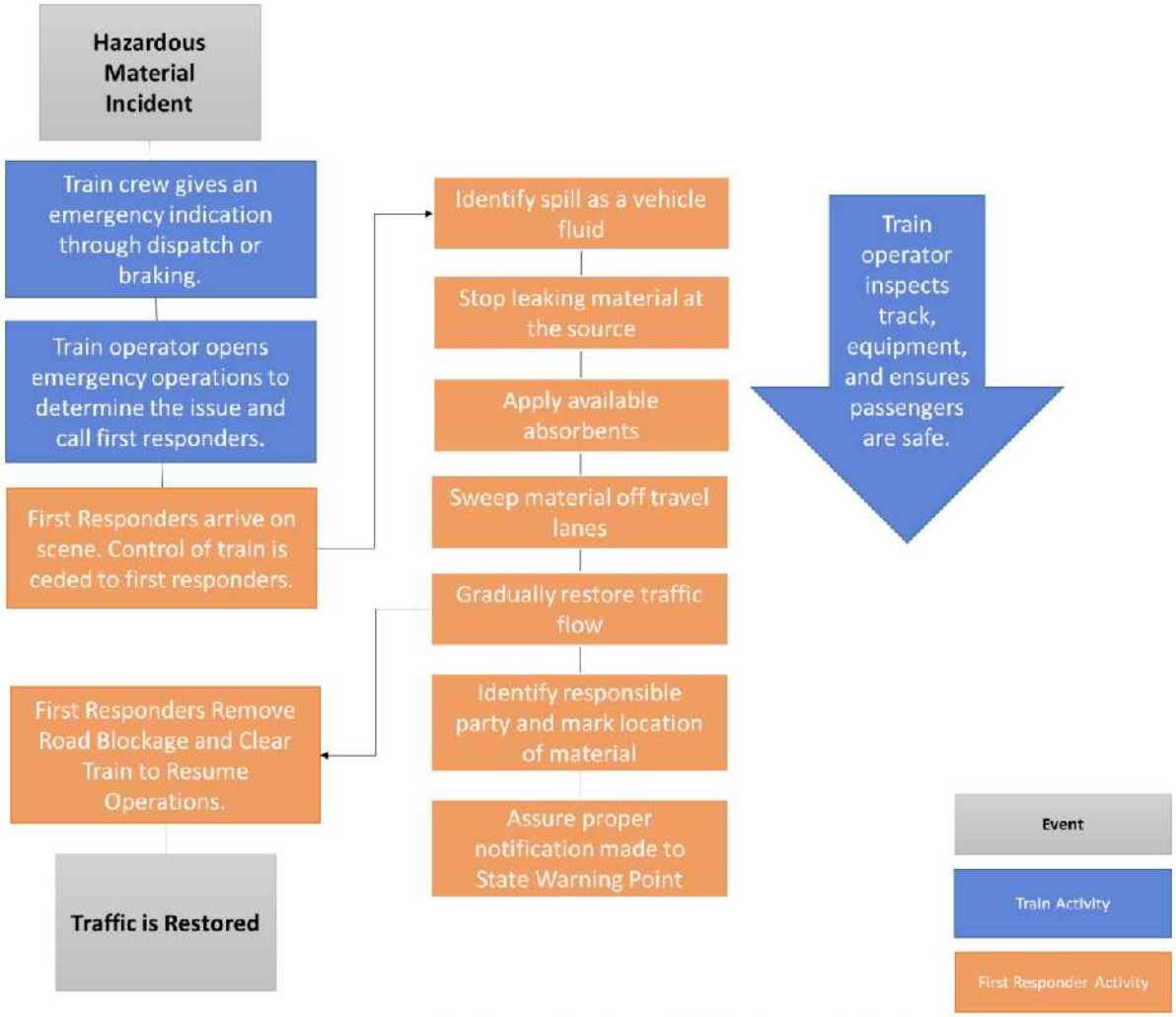
[33] Jimenez v. Florida, Florida Supreme Court

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Vehicles and railroad cars carrying hazardous materials are required to be labeled with hazardous material placards, ensuring that hazardous materials can be identified and treated in an appropriate and timely manner by local first responders. Train engineers and conductors must also carry manifests that identify which cars in the train carry hazardous materials and what the hazardous material is.

Figure 4-8 provides a high-level flowchart of what must happen when a hazardous materials incident occurs in Florida. For both rail-rail and rail-vehicle incidents involving hazardous materials, rail traffic is stopped on the line until first responders remove any damaged hazardous materials and clear trains to resume operations.

Figure 4-8: Florida Hazardous Material Incident Management Flowchart



Source: Consultations with Railroads, FHWA Traffic Incident Management – 6.0 Documented Practices (Florida)

4.6 Chapter Conclusions

4.6.1 Grade Crossing Safety: Best Practice and State of the Art

A number of innovative technologies could be implemented in Florida in certain locations. These include innovative treatments for passive crossings such as the Buckeye Crossbuck or vibration detection sensors, vehicle wedge road barriers that can be supplemented by vehicle presence detectors and/or crossing enforcement cameras.

The FHWA has developed a guidebook that includes innovative pedestrian treatments. FDOT should consider approaches from this guidebook and provide related guidance to local communities regarding how and when to use such treatments.

As the topic of grade crossing safety is important worldwide, the State of Florida should look at international work on this subject. One such project, SAFER-LC, is funded by the European Union. It aims to develop both technological and non-technological innovations in this area by bringing together industry and academia from 10 different countries.

4.6.2 Putting to Use Best Practices in Grade Crossing Design and Management

While there are federal guidelines for railroad grade crossing design, the highway asset owner (Florida DOT, county, or municipality) must ultimately work with railroads to develop appropriate grade crossing treatments. Defining grade crossing treatment standards falls under the jurisdiction of FDOT. As many localities lack the resources and expertise in rail engineering, FDOT should provide guidance and assistance on this issue by:

- → developing state-wide grade crossing design standards and/or guidelines as well as a set of best practices;
- → developing an analytical tool to assist local and county governments in evaluating whether existing grade crossing treatments are adequate and what other treatments are possible (including crossing closure);
- → providing local communities with resources and information on sources of funding for upgrading grade crossing safety (e.g. federal grants); and
- → creating and facilitating an environment for open dialogue between local communities and railroads.

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5 Florida Rail Regulations

5.1 Introduction

This chapter summarizes the delineation of federal and state jurisdictional and regulatory powers pertaining to passenger rail safety, regulations for faster rail operations, and regulations for enforcement and incident management. It also summarizes consultations with regulatory agencies that were conducted to understand agency viewpoints and assess overall regulatory capacity.

5.2 Review of Jurisdictional and Regulatory Powers

When federal standards for railroad operation and safety requirements exist, they preempt state standards. States may adopt laws and regulations and issue orders that are compatible with and are more stringent than those of the Federal Government in order to eliminate local hazards, as long as the laws do not unreasonably burden interstate commerce. States may adopt laws and regulations and issue orders for any areas of railroad safety and security where the Federal Government has not provided such laws, regulations, and orders.

The Federal Railroad Administration (FRA) is responsible for regulating railroads at the federal level, while the Florida Department of Transportation (FDOT) is responsible for regulations at the state level. A combination of federal, state and local laws fulfills rail safety requirements and sets out appropriate responsibilities. Most regulations relate to engineering and operational safety.

Generally, if a railroad is engaged in transportation-related activities, federal law will likely pre-empt state and local attempts to regulate railroad operations and safety.

Paragraph 20106 of Title 49 of the US Code deals with preemption of regulation at the federal level. The paragraph requires nationally-uniform railroad laws, regulations, and orders, related to railroad safety and security. This paragraph, however, also allows states to implement more stringent state laws, regulations and orders than those at the federal level in order to "eliminate or reduce an essentially local safety or security hazard" provided that they are "not incompatible with a law, regulation, or order of the United States Government" and the state law or regulation "does not unreasonably burden interstate commerce."

This implies the following for railroad safety laws, regulations, or orders.

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- → States may adopt laws and regulations and issue orders for any areas of railroad safety and security where the Federal Government has not provided such laws, regulations, and orders.
- → States may adopt laws and regulations and issue orders that are compatible with and more stringent than those of the Federal Government to eliminate local hazards, provided that these laws do not "unreasonably burden interstate commerce." The level of burden to interstate commerce has in the past been defined by case law.

As an example, a number of states have laws that require fencing along the railroad right of way in rural areas (against cattle) and/or urban areas (against trespassers). Through court cases, these laws have been found not to be burdensome to interstate commerce.[34]

After different states adopt different rules/regulations about a specific issue, railroads may ask the FRA through a rulemaking process to create a uniform rule and/or regulation.

5.2.1 Federal Government Rail Regulation

Generally, relevant up-to-date federal-level legislation is written into the US Code Title 49 for transportation-related issues. Most railroad-related federal legislation is found in Title 49, Subtitle V of that title (§§ 20101 to 28505). Title 49 resulted from an effort to streamline transportation-related laws and regulations (including Title 45 of the USC) by Public Law 103-272 of 1994.

Mandate of the Federal Railroad Administration (FRA)

FRA develops and enforces regulations codified in parts 200-299 of Title 49 of the Code of Federal Regulations that are related to safe operation of railroads. These sections deal with railroad certification, operations, and safety.

The mandate of the FRA is established by 49 USC 103. Its mandate includes ensuring the safe operation of railroads as prescribed by Chapters 203 through 211 of 49 USC. It has the authority to penalize entities when safe operations are not performed. Additionally, the FRA's mandate includes developing, promoting and supporting the development of the rail sector in the US, as prescribed by subsection (j) of 49 USC 103.

FRA assists other agencies with enforcement of some laws for entities that come under its jurisdiction. Examples include noise emissions as regulated by the EPA through the Noise Control Act and accessibility as required by the Department of Justice through the Americans with Disabilities Act (ADA). In both cases, other agencies develop standards and regulations while the FRA develops in-kind regulations to enforce these standards and regulations for railroads under the jurisdiction of the FRA.

[34] New York State Railroad Law 52; Nebraska Revised Statute Ch. 74 Sect. 74-601 and 74-602; Oklahoma 2017 Statute, Title 66. Railroads §66-141.

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FRA Jurisdiction

FRA's jurisdiction includes the interstate railroad network and generally does not include railroad systems that are not connected to the national rail network. Urban railroads (e.g. subways) come under the jurisdiction of the Federal Transit Administration (FTA). Jurisdiction over passenger commuter rail lines tends to overlap between the FRA and the FTA, where they are subject to FRA safety and operating requirements and FTA funding requirements. Appendix A to 49 CFR 209 delineates the line between the FTA and the FRA. If a conflict occurs, FRA's safety rules prevail over FTA's safety rules.

FRA Rulemaking Process

FRA can amend the Code of Federal Regulations through its rulemaking process. Once a potential rule is identified, the agency may issue a notice of inquiry (NOI) to gather comments from stakeholders, followed by a Notice of Proposed Rulemaking (NPRM). After a mandatory comment period, an amended NPRM may be issued to gather further comments, before a rule is adopted.[35]

Relevant Federal Legislation

Appendix H provides an overview of some relevant acts that govern railroads at the Federal level that have been codified in Title 49 of the US Code.

5.2.2 Florida State Rail Regulation

Relevant Florida statutes include Title XXVI, which defines how all types of public transportation are regulated, and Title XXVII, Chapter 351, which deals specifically with railroads. A combination of these statutes provides the regulatory rail safety authority for state organizations, including regulatory authority and guidance for grade crossing safety, crossing access for emergency vehicles, track and equipment rules and penalties, safety inspections, and responsibilities of the state versus the federal government.

Florida Statutes direct FDOT to coordinate with railroads in developing and implementing a statewide rail program to ensure the proper maintenance, safety, revitalization and expansion of the rail system.

Section 20.23 of Florida Statutes gives the Florida Department of Transportation (FDOT) powers to regulate and enforce federal and state-level legislation.

[35] https://www.federalregister.gov/uploads/2011/01/fr_101.pdf

Section 341.302 of Florida Statutes prescribes the duties and responsibilities of the Florida Department of Transportation (FDOT) in relation to Florida's transit, commuter and intercity passenger rail program.

FDOT is able to regulate on a state level through its rulemaking process, by adopting regulatory rules in the Florida Administrative Code (F.A.C.).

FDOT has produced a number iterations of the Florida Rail System Plan, the most recent one in 2010, as well as a Rail Handbook that identifies and designates responsibility for rail processes within Florida.[36]

Another important state rule specific to rail safety is Chapter 14-57 of the *Florida Administrative Code*: Railroad Safety and Clearance Standards, and Public Railroad-Highway Grade Crossings.[37] This rule adopts the federal minimum rail safety standards and prescribes reasonable requirements governing clearances above, beside, and between railroad tracks in Florida.

5.2.3 Relevant Regulation on Railroad Operations

New Rail Line Application/Certification Process

Regulations

New rail lines are required to seek Surface Transportation Board (STB) certification in order to comply with the federal regulatory process. This process generally includes an environmental review, as prescribed by the National Environmental Policy Act (NEPA). Decisions regarding new rail service are governed under Title 49 USC 10901 and 10902 as well as 49 CFR 1150. An application is required:

> *"…for a certificate of public convenience and necessity authorizing the construction, acquisition or operation of railroad lines. Noncarriers require Board approval under section 10901 to construct, acquire or operate a rail line in interstate commerce. Existing carriers require approval under section 10901 only to construct a new rail line or operate a line owned by a noncarrier, since acquisition by a carrier of an active rail line owned by a carrier is covered by 49 U.S.C. 11323. We have exempted from these requirements the acquisition by a state entity of a rail line that has been approved for abandonment, as well as operations over these lines."*[38]

Applications filed must include the information set forth in 49 CFR 1150.[39] The applicant must also comply with the Energy and Environmental Regulations described in 49 CFR 1105 and 1106, including consulting with the Board's Office of Environmental Analysis at least 6 months prior to filing an application to begin the scoping process to identify environmental issues and outline

[36] Rail Handbook, FDOT, January 2012
[37] Florida Department of State, Florida Administrative Code & Florida Administrative Register
[38] Subpart A – Applications Under 49 U.S.C. 10901
[39] Includes: Overview, Information about applicant(s), information about the proposal, operational data, financial information, environmental and energy data, summary of proposal for notice, and other procedures.

procedures for analysis of this aspect of the proposal. As part of the procedure, an emergency preparedness plan must be developed and certified.

The procedure involves a final certification prior to commencing commercial service. The final inspections may be done together with FDOT to ensure that the new railroad is compliant with both federal and state laws and regulations.

FDOT was required to get approval from the STB to purchase the SunRail and Tri-Rail right of way. The STB ruled that FDOT could proceed without the Board's involvement, as the requirement to provide freight rail services to customers was to remain with the freight operator CSX. Brightline/All Aboard Florida successfully argued that the STB did not need to provide approval for its services, as the system was not an interstate one. In all three cases, a required NEPA process was completed.

FRA New Start Passenger Rail Program

The FRA runs this program to provide development and support to new passenger railroads. The program

- → assists with the development of regulatory compliance programs;
- → provides support for system safety and hazard analysis;
- → provides support for passenger rail equipment; and
- → provides coordination between FTA, state oversight, railroad management, and other stakeholders.

FRA's goal is to assist the new railroad in ensuring that the new railroad can assume full responsibility for safe operation.

The program typically covers a period of 3 to 5 years, during which an FRA team works with the railroad on a safety checklist, and discusses all relevant legislation and requirements that apply to the new service. There is no formal certification process for operations or rolling stock. However, the FRA works with the new railroad to ensure that the new railroad complies with all regulations and requirements (e.g. track and vehicle maintenance plans). While the FRA may provide input on best practices, it is ultimately up to the railroad to decide how to deal with some issues (e.g. trespassing). Both SunRail and Brightline went through this process during their start-up periods.

The applicable regulations that are present in the checklist are shown in Figure 5-1.

Figure 5-1: FRA New Start Regulations Checklist

CFR	Description
49 CFR 210	Railroad noise emission compliance regulations
49 CFR 213	Track inspection minimum standards and qualification requirements for personnel
49 CFR 214	Minimum requirements for staff and contractors working on the right-of-way and qualification requirements for personnel
49 CFR 217	Railroad operating rules
49 CFR 218	Railroad operating practices
49 CFR 219	Control of alcohol and drug use
49 CFR 220	Railroad communications
49 CFR 221	Minimum requirements governing highly visible marking devices for the trailing end of the rear car of all passenger trains
49 CFR 222	Use of locomotive horns at public highway-rail grade crossings
49 CFR 223	Safety glazing standards — locomotives and passenger cars
49 CFR 225	Railroad accidents/incidents: Reports classification, and investigations
49 CFR 227	Occupational noise exposure
49 CFR 228	Hours of service of railroad employees; recordkeeping and reporting; sleeping quarters
49 CFR 229	Railroad locomotive safety standards
49 CFR 231	Railroad safety appliance standards
49 CFR 233	Signal systems reporting requirements
49 CFR 234	Grade crossing safety
49 CFR 236	Installation, inspection, maintenance, and repair of signal and train control systems, devices, and appliances (including positive train control)
49 CFR 237	Bridge safety standards
49 CFR 238	Passenger equipment safety standards
49 CFR 239	Passenger train emergency preparedness
49 CFR 240	Qualification and certification of locomotive engineers
49 CFR 242	Qualification and certification of conductors
49 CFR 243	Training, qualification, and oversight for safety-related railroad employees
49 CFR 270	System Safety Program Plan-SSPP. FRA request all new passenger railroads to participate in the APTA/FRA SSPP audit program
49 CFR 37	Transportation services for individuals with disabilities (ADA)
49 CFR 38	Americans with disabilities act (ADA) accessibility specifications for transportation vehicles

Source: FRA

Common Carrier Status for Railroads

Paragraph 11101 of Title 49 U.S. Code defines the obligations of a common carrier to provide transportation to any party when requested. For freight railroads, this includes transportation of hazardous materials. In return, the railroads are allowed to use the powers of eminent domain and are granted some protection against state regulation.

Transportation of Hazardous Materials

Railroads, designated by the U.S. government as common carriers, are required to move hazardous materials. The U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration regulates the transport of hazardous materials through Title 49 of the Code of Federal Regulations (49 CFR), Subchapter C, “Hazardous Materials Regulations.” Sections 5125 and 20106 of Title 49 of USC limit the authority of states, political subdivisions of states, and Indian tribes to impose requirements on the transportation of hazardous materials

in commerce. A state, local, or Indian tribe requirement on the transportation of hazardous materials by rail may be pre-empted by federal jurisdiction under either section.

Federal law requires rail customers to properly disclose and label hazmat shipments, to ensure that appropriate railcars are used, and to assist emergency responders in case of an accident. The train crew must have a document that reflects the hazmat contents of specific railcars and the current position of each rail car containing hazardous materials on the train.

Notification of hazardous materials transported by rail must be in accordance with the routing requirements set forth in § 172.820 of the hazardous materials regulations. A rail carrier must identify a point of contact for routing issues that may arise with the movement of covered materials, and provide contact information to the following entities.

- → State and/or regional centers that have been established to coordinate with state, local, and tribal officials on security issues within the area encompassed by the carrier's rail system
- → State, local, and tribal officials in jurisdictions that may be affected by a rail carrier's routing decisions and who have contacted the carrier regarding routing decisions

While railroads do not generally make public the contents of each train for security reasons, Florida East Coast Railway provides this information on a need-to-know basis (e.g. through a secured website) to local law enforcement and emergency responders so that swift and adequate response can be provided in case of an incident.

Passenger trains may operate on the same tracks as freight trains transporting hazardous materials. Many trains carrying hazardous materials are limited to 50 mph. Higher- and high-speed operations generally avoid mixing trains with different operating speeds to maximize line capacity use, which, in turn, reduces the possibility of an incident involving a passenger train and a freight train carrying hazardous materials.

In Florida, all passenger rail systems that are a subject of this study share track with freight trains carrying hazardous materials.

Responsibility for Maintaining Infrastructure on Shared Right-of-Ways

49 CFR 213 regulates the minimum safety requirements for railroad track, responsibility for ensuring compliance, classification of track as well as maximum speed limits, penalties, waivers, and other relevant regulations.

A railroad that owns the track and infrastructure is responsible for maintaining this infrastructure to FRA standards.

FRA segments their tracks into different classes from 1 to 9, with increasing speed limits for each class (49 CFR 213.9 and 213.307). The speed limits within each class may vary between passenger and freight train operation. Generally, the track owner is responsible for ensuring

that railroad track is within the relevant standards for a specific FRA track class, as prescribed in 49 CFR 213. If a track is leased to another party and that party retains the responsibility for track maintenance, the owner must notify the FRA at least 30 days prior to handover of responsibility.

Grade Crossings

Jurisdiction on Regulation

Part 234 of Title 49 of the CFR sets out a number of regulations on inspection, testing, maintenance, and reporting for grade crossings between railroads and roadways. The FRA publishes a Railroad-Highway Grade Crossing Handbook (last updated in 2007) that provides guidelines for assessing the needed signage and signaling systems at each railroad crossing but does not require that these guidelines be implemented.[40]

FHWA's Manual on Uniform Traffic Control Devices (MUTCD) serves as a guide for providing a set of standard signage and lighting at railroad crossings. Section 316.0745 of Florida Statutes codifies the MUTCD. Installation of warning devices at grade crossings incorporates the MUTCD requirements in Rule 14-57.013, Florida Administrative Code, and opening of a new public highway-rail crossing incorporates the design of the proposed crossing and other criteria listed in Rule 14-57.012, Florida Administrative Code. In addition to the MUTCD, the American Railway Engineering and Maintenance of Way Association (AREMA) manual provides other design concepts for analyzing the appropriate design of grade crossings.

Warning Signs and Markings

Section 351.03 of Florida Statutes provides language laying out the responsibilities for railroad-highway grade-crossing warning signs and signals; audible warnings; exercise of reasonable care, and; blocking of highways, roads, and streets during darkness.

Section 316.171 places the responsibility on rail owners for erecting and maintaining cross buck grade-crossing warning signs at all highway-rail grade crossings in accordance with the standards consistent with the Manual on Uniform Traffic Control Devices (MUTCD). It also states that advanced railroad warning signs and pavement markings shall be installed and maintained at public railroad-highway grade crossings in accordance with the uniform system of traffic control devices by the governmental entity having jurisdiction over or maintenance responsibility for the highway or street.

Chapter 6 of the FDOT Plans Preparation Manual (Volume 1) provides a set of requirements that are complemented by FDOT design standards mentioned in the FDOT Design Manual, and design standards 509-070, 509-100, 830-T01, 560 and 11782 in defining what must be installed

[40] https://www.fra.dot.gov/Elib/Document/1464

at a railroad grade crossing.[41,42] Additionally, Florida Administrative Code Rule 14-57.013 provides an overview of what equipment must be installed at a railroad crossing.

FDOT standards for grade crossings do not differentiate railroad grade crossing equipment and design requirements by railroad operating speed.

However, FDOT is working with diagnostic teams to require a sealed corridor in Florida in an area of higher-speed train operations. This includes additional requirements within the rail corridor and design improvements along the road right of way.

Responsibility for Grade Crossing Maintenance

Figure 5-2 provides a summary of the responsibilities of different agencies for grade crossing oversight, enforcement and inspections, funding, and project execution.

Rail infrastructure providers and their contractors are responsible for executing grade crossing building, maintenance, and upgrading. However, oversight, enforcement, inspection, and funding responsibilities come from various parties. The FRA, FHWA, FDOT, and other public agencies generally set oversight standards for all of these activities.

The FRA and FDOT are jointly responsible for inspecting built grade crossings and ensuring that they meet appropriate standards. FDOT also issues permits for grade crossing opening and closure. Various parties are responsible for funding the construction of a grade crossing depending on the agreed-upon funding structure. This can include railroads, federal and state-level grants, local government entity funding, funding from the State Transportation Trust Fund, public and private sources of debt, and private grants.

Grade crossings must be properly maintained. The FRA and FDOT are responsible for ensuring that maintenance is properly performed and may inspect grade crossings from time to time. The crossing owner is responsible for paying for crossing maintenance if the railroad pre-dates the crossing. Funds for maintenance may be obtained from various sources. Ultimately, the responsibility for grade crossing maintenance rests with the owner. In practice, the owner and the railroad usually have a subject crossing agreement in place, where the grade crossing maintenance is performed by the railroad with funding from FDOT and/or the crossing owner (e.g. municipality and county).

Upgrades to grade crossings can be required or voluntary based on specific FRA, FHWA, FDOT, and other public agency standards. To determine which grade crossings need to be upgraded, FDOT uses a crash prediction algorithm to prioritize railroad crossings. FDOT also coordinates field diagnostic teams to compile data, request information, analyze data, and visit each

[41] http://fdot.gov/roadway/PPMManual/2017/Volume1/2017Volume1.pdf
[42] http://fdot.gov/roadway/fdm/current/2018FDM220RR.pdf

crossing. These field diagnostic teams include the FRA, FDOT, Railroad, and local government entities, though safety improvements recommended are not necessarily requirements.

Figure 5-2: Responsibility Matrix Regarding Activities at Public Rail/Highway Grade Crossings

Activity	Oversight (Standards)	Enforcement and Inspections	Funding	Execution
Building	• FRA (minimum signage requirements) • FHWA (signage guidelines) • FDOT (design standards) • Department of Justice (ADA compliance) • Other public agencies for specific issues relating to highways, environment, etc.	• FDOT issues permits for grade crossing opening and closure. • FRA and FDOT inspect built grade crossings to ensure they meet appropriate standards. • Local jurisdictions are responsible for ensuring that roads leading up to the crossings are designed properly.	A combination of: • Grants from various federal and state programs including the State Transportation Trust Fund • Local Government Entity funding • Public and Private Sources of Debt • Private Grants • Railroads	Rail Infrastructure Providers and their Contractors
Maintenance		• FRA and FDOT inspect grade crossings to ensure they are properly maintained. • Local jurisdictions are responsible for maintaining roads leading up to crossings	Crossing owner (who may receive funding from numerous sources), including state and federal grants	
Upgrades		• FDOT identifies top priority crossings using data and stakeholder input • Field Diagnostic Teams (FRA, FDOT, Railroad, and Local city/county) recommend safety improvements for priority crossings by consensus	Depending on the crossing ownership and type of upgrade, a combination of grants from: • FTA • FHWA • Railroad (for line upgrades) • Local Government Entities • State Transportation Trust Fund • Public and Private Sources of Debt • Private Grants	
Operations		• Railroads are responsible for ensuring the crossing protection is operating properly • Law enforcement is responsible for ensuring vehicles and pedestrians do not trespass.	Grade Crossing Operations: Railroads	Railroads

Source: CPCS Analysis

Crossing agreements are entered into with the state, counties, and cities with the rail companies for grade crossings depending on whether the road is a state, county, city, or private road. These agreements specify responsibilities for costs of the road safety improvements on

the railroad property for specific grade crossings. Mandatory upgrades to grade crossings are funded by rail infrastructure providers with accompanying public support, whereas voluntary upgrades to grade crossings are primarily funded by local municipalities and counties. Railroads are responsible for operating grade crossing equipment, while law enforcement personnel is responsible for enforcing vehicle and pedestrian trespass laws at crossings.

Grade Crossing Blockage

The state has regulatory authority to ensure safety at public grade crossings between roads and railroads when a train blocks the crossing by requiring warning signs and devices. If a crossing is blocked to emergency vehicles, any train or equipment that has come to a complete stop and is blocking a railroad-highway grade crossing must be cut, separated, or moved to clear the crossing upon the approach of an emergency vehicle (Florida Statutes, section 351.034). An exception is made for trains or equipment stopped due to mechanical failure where separation or movement is not possible.

Traffic Signal Preemption at Grade Crossings

A traffic signal preemption system detects trains at a longer distance than a classic detection system, predicts the train's arrival time at a crossing and adjusts nearby traffic lights accordingly, to activate signal pre-emption at the proper time. This system's overall aim is to minimize delays and dissipate queues that form as a result of crossing blockage.

The State of Florida defines how traffic signals function in Chapter 316 of Florida Statutes. This chapter, however, does not require local jurisdictions to provide traffic signal preemption at grade crossings. A report by the Center for Urban Transportation Research (CUTR) defined how a coordinated traffic signal preemption program could work.[43] FDOT works with local transportation partners through its Regional Transportation Management Centers to ensure compliance with Signalization Pre-Emption Design Standards on state roads. Currently, FDOT has no authority to require local roads that are not controlled by the state ("off-system roads") to participate in such a program.

Railroad Noise

Noise regulations

Train noise is regulated through the federal Noise Control Act (NCA). It establishes the maximum noise levels for rail cars engaged in interstate commerce. In general, if the noise generated by a train has a transportation purpose and is within the NCA's noise limits, state and local regulation is pre-empted by federal statute. Noise emissions are regulated by the Environmental Protection Agency (EPA). This law limits railroad vehicle noise and precludes states, including Florida, from regulating on this issue in favor of nationwide standards. Unlike railroad noise laws in many European countries, this law only deals with noise emissions from

[43] http://www.fdot.gov/research/Completed_Proj/Summary_TE/FDOT-BDK85-977-44-rpt.pdf

railroad vehicles and does not deal with noise emissions of the railroad system as a whole (wheel-rail contact, pantograph, etc.).

Some states, such as California, have implemented noise control laws, where a state agency is required to implement noise regulations. In California specifically, these noise regulations are also tied to the State's environmental review process.

The State of Florida can enact regulations that deal with other aspects of noise control if noise is found to be a safety hazard, subject to federal pre-emption laws. However, to date, no such regulations have been implemented.

Use of Locomotive Horns

Locomotive horn use is regulated by 49 CFR Part 222. Except as specifically exempted, a train must blow its horn within 1,500 feet of a public railroad-highway grade crossing and that horn should be audible for that distance. Exemptions to establish 'quiet zones' may be granted by the FRA to a local municipality after an administrative process has determined that safety at the crossing will not be compromised.

Fencing

The FRA does not have any regulations on fencing along a railroad right of way. While some states have regulations on fencing along a railroad right of way in rural areas (against cattle) or in urban areas (against trespassers), Florida does not have any such laws.

5.2.4 Shortcomings of Existing Regulations

Grade Crossing Minimum Design Standards

The FHWA defines a minimum set of signage and signals at railroad crossings for operations below 125 mph, and the FRA defines a set of needed incursion detection systems for operations at or above 125 mph.[44] Outside of these requirements, minimum design standards for grade crossing equipment should be defined by the State of Florida.

While standards exist both at a federal and state level, the State of Florida has not codified requirements for grade crossings above and beyond FHWA regulations and guidance, along with the MUTCD (Rule 14-57.012 of the Florida Administrative Code). There is a gap in defining the minimum required equipment at grade crossings for higher-speed operations with a top speed of 81 mph to 125 mph. FRA guidelines for high-speed (above 125 mph) operation could be used as a starting point to develop codified grade-crossing equipment and design standards for this range of higher-speeds.

[44] Grade Crossings, FHWA https://www.fhwa.dot.gov/federalaid/0646bsu1.cfm

Certification of New Passenger Rail Lines

The FRA New Start Rail Program is a non-mandatory program that the FRA offers to ensure that new passenger railroads meet all the safety operating requirements. While a new railroad must meet all operating requirements at the start of service, this FRA program does not provide certification to ensure that these standards have been met. The FTA requires some certification for any passenger services that fall under its jurisdiction. A number of states (e.g. Illinois, California) have implemented a process for intrastate passenger railroads. In Florida, a certification process for new lines could be required at the state level and would be implemented by FDOT.

Railroad Noise and Quiet Zones

Existing railroad noise regulations are set by the EPA and focus on vehicle design. They do not, however, consider noise emissions of the entire rail system, which would include standards considering noise levels felt by a person at a certain distance from the railroad, similar to how airports are required by the Federal Aviation Administration (FAA) to study noise exposure around an airport. Unlike for highways, railroads have no statutory requirements for installation of noise walls and other noise absorption devices.[45] Some states, including California, go beyond the FRA's requirements by mandating that railroad system noise emissions be reviewed as part of any environmental review.

Application for a quiet zone is made by the local jurisdiction. The FRA currently has exclusive jurisdiction of railroad quiet zones and provides a calculator that calculates what is needed to implement a quiet zone. However, because there are no standards for rail system noise emissions, there are also no mandatory requirements for quiet zones.

Fencing

There are no fencing requirements at the State or Federal level. Some states (e.g. Oklahoma, Nebraska, and New York) have enacted fencing laws that have been upheld in court.[46]

5.2.5 Regulations on Railroad-Highway Grade Crossings

Federal Railroad Administration (FRA) CFR 234.1 imposes minimum maintenance, inspection, and testing standards for highway-rail grade crossing warning systems; prescribes standards for the reporting of failures of such systems, and prescribes minimum actions railroads must take when such warning systems malfunction. The same section also provides a minimum set of requirements for signage at crossings and a set of non-prescriptive recommendations for crossing design. FRA regulations do not identify requirements at new or existing crossings but "preempts any State law, rule, regulation, order, or standard covering the same subject matter,

[45] 23 CFR 772

[46] New York State Railroad Law 52; Nebraska Revised Statute Ch. 74 Sect. 74-601 and 74-602; Oklahoma 2017 Statute, Title 66. Railroads §66-141.

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except a provision directed at an essentially local safety hazard." FDOT's authority over railroad-highway grade crossings rests in Statute 335.141, which states that the FDOT has regulatory authority over all public railroad-highway grade crossings in the state, including the authority to issue permits which shall be required prior to the opening and closing of such crossings.

The Federal Highway Administration (FHWA) provides a set of railroad crossing design guidelines, while the Manual on Uniform Traffic Control Devices (MUTCD), which is codified in Florida in a state-level manual, defines the signage and signaling that must be adhered to. While FDOT has required some higher-speed guidelines be implemented, currently, there are no codified requirements for railroad level crossing design specifically for higher-speed operation beyond those for conventional rail.

5.3 Regulations for Faster Operation

A high speed rail system is defined in Section 341.8203, Florida Statutes, to mean "any high-speed fixed guideway system for transporting people or goods which is, by definition of the United States Department of Transportation, reasonably expected to reach speeds of at least 110 miles per hour, including but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system…" The 110 mph threshold differs from the FRA's and international definitions of what is considered to be high-speed rail.

On a federal level, the FRA administers a number of regulations for high-speed operations, as defined in Title 49 of the Code of Federal Regulations (CFR). The FRA does not have separate regulations for higher (than conventional) speed rail (top speed between 80 mph and 110 mph). Internationally, high-speed rail is defined by the International Union of Railways (UIC) to be any railroad line with a top speed of 250 km/h (approximately 155 mph) or above.

Under Florida Statutes, Title XXVI, Ch. 341.822 and 341.8225, FDOT is the sole government entity to acquire, construct, or operate high-speed rail projects. This does not preclude private companies from building their own rail projects. Outside of Florida Statutes Ch. 341, the State of Florida has no additional higher- or high-speed regulations or statutes.

After studying similar regulations worldwide, the FRA has recently added regulations that pertain to operations of high-speed services. These have been codified in the Code of Federal Regulations and are prescriptive in nature.

Overall, the US railroad system has a comprehensive set of federal and state regulations for both conventional and high-speed operations that have been developed and modified over time. These regulations help ensure that the rail system is operated and maintained in a safe manner and that railroads have an interest in following existing regulations.

The FRA has adopted a number of regulations for high-speed operations (above 125 mph). However, there is a gap in regulations for some aspects of safety and operations between 81 mph and 125 mph. While there are guidelines, this gap includes lack of prescriptive regulations on a federal and state level about the design of railroad crossings for higher-speed operation, and the nature of required sealed corridor treatments, such as fencing.

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5.3.1 Federal Regulations for Higher and High-Speed Operations

Federal high-speed rail regulations related to safety are provided in select sections of the Federal Railroad Administration (FRA) Code of Federal Regulation Title 49 CFR *Transportation*. The FRA regulations specifically deal with high-speed operations where relevant. The pertinent sections include the following.

- *Part 200 Informal Rules of Practice for Passenger Service* – Prescribes procedures, under which applications will be received and heard and by which rules and orders will be issued
- *Part 210 Railroad Noise Emission Compliance Regulations* – Prescribes minimum compliance regulations for the enforcement of the Railroad Noise Emission Standards established by the Environmental Protection Agency
- *Part 213 Track Safety Standards* – Addresses many of the essential requirements that affect track safety through design, materials, roadbed, rolling stock, assembly, maintenance, monitoring, etc.
- *Part 221 Rear End Marking Device* – Passenger, Commuter and Freight Trains – Prescribes minimum requirements governing highly visible marking devices for the trailing end of the rear car of all passenger, commuter and freight trains
- *Part 223 Safety Glazing Standards* – Locomotives, Passenger Cars and Cabooses – Provides minimum requirements for glazing materials in order to protect railroad employees and railroad passengers from injury as a result of objects striking the windows of locomotives, caboose and passenger cars
- *Part 229 Railroad Locomotive Safety Standards* – Intended to ensure the safety of the train operator
- *Part 231 Railroad Safety Appliance Standards* – Prescribes minimum federal safety standards for all locomotives, brake systems, suspension systems, electrical systems, cabs and cab equipment, crashworthiness, etc.
- *Part 238 Passenger Equipment Safety Standards* – Provided to prevent collisions, derailments, and other occurrences involving railroad passenger equipment that cause injury or death to railroad employees, railroad passengers, or the general public; and to mitigate the consequences of such occurrences to the extent they cannot be prevented
- *Part 239 Passenger Train Emergency Preparedness* – Provided to reduce the magnitude and severity of casualties in railroad operations by ensuring that railroads involved in passenger train operations can effectively and efficiently manage passenger train emergencies

The FRA does not have a comprehensive set of regulations for higher-speed operation (top-speed between 81 mph and 125 mph).

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5.3.2 Comparing European and US Regulations for High-Speed Rail

Comparison of Regulations

Because the US does not have high-speed rail (defined as rail operating at a top speed above 155 mph by the UIC), the Passenger Rail Investment and Improvement Act of 2008 mandated that a review of other jurisdictions worldwide to understand federal standards and regulatory requirements.

The FRA conducted a comparison of US regulations to international high-speed rail standards in May 2013.[47] It was determined that gaps and inconsistencies exist due to US regulations being prescriptive while European standards are performance-based, and may be codified differently in different countries. There are also differences for operating on a dedicated right-of-way vs. shared right-of-way (passenger and freight), and procedural differences related to inspections or maintenance and their documentation. The US standards, which have been implemented on a national level, tend to be more stringent than European Union standards. European standards are performance-based, with prescriptive standards defined within each European country. Figure 5-3 provides a list of areas with the most substantial differences.

Figure 5-3: Differences between US and European High-Speed Rail Standards

Subject	Differences
Vehicle/Track Interaction	→ Operating speed limits: multiple FRA classes vs. 3 classes – conventional, upgraded, purpose-built high-speed → Compliance responsibility: nationally in the US vs. country-specific in the EU → Gradients: FRA regulations do not address gradients → High-speed requirements: differences in certain requirements, though these do not substantially affect performance
Noise	European limits are based on rolling stock class and speed vs. the US, where standards are based on moving vehicles below and above a 45 mph threshold.
Window Safety Glazing	The European standard allows an impact test for window glazing at an angle rather than requiring a right angle impact test, as required in the United States. The U.S. qualification test will impose a much higher glazing strength requirement on trains operated in the United States.
Locomotive Safety	Prescriptive versus performance specifications
Locomotive Crashworthiness	Differences in collision scenarios and US codes are primarily specific to locomotives and not passenger cars
Track Safety Aerodynamic	No U.S. regulations for tunnels, crosswinds, etc.
Emergency Exit Requirements	Differences in required number and locations of exits. For example, European emergency exits need not be window exits

Source: FRA[47]

[47] *Comparison of FRA Regulations to International High-Speed Rail Standards – Final Report*, DOT/FRA/ORD-13/30, US DOT, May 2013

Higher-Speed Operation and Roadway-Railroad Grade Crossings

49 CFR 213.361 requires that Class 8 and 9 (high-speed) track owners submit a barrier plan, termed a 'right-of-way plan,' to the FRA to include provisions in areas of demonstrated need for the prevention of vandalism; the launching of objects from overhead bridges or structures into the path of trains; and intrusion of vehicles from adjacent rights of way at roadway-rail grade crossings. No such regulations exist for higher-speed operation (class 6 or 7 track).

While European regulations prohibit at-grade crossings for high-speed rail (lines with top speeds above 250 km/h or 155 mph), US standards for high-speed rail do not explicitly prohibit at-grade crossings for speeds below 110 mph and require FRA approval for lines with top speeds between 110 mph and 125 mph.

The Federal Highway Administration (FHWA) provides considerations and actions for evaluating grade crossings for passenger rail operations above 100 mph, which generally discourage grade crossings.[48] The FHWA desires that all crossings located on high-speed rail corridors either be closed, grade separated, or equipped with automatic gates with the appropriate detection technology to provide adequate warning time. In addition, the FRA recommends improvements in sight distance, improved crossing geometry to provide the best braking and acceleration distances for vehicles, and a coordinated public education campaign to provide safety information and on-going local coordination.

According to 49 USC 213.347, grade crossings on class 7 track (top speed between 110 mph and 125 mph) require approval from the FRA, while crossings are prohibited for track with a higher top speed (class 8 and 9).

5.3.3 Assessment of Adequacy of Existing State and Federal Regulations for Higher- and High-Speed Operations

Key areas that need to be examined include grade crossing regulations, requirements for a sealed corridor, and signaling system requirements.

Grade Crossing Regulations

While the FRA provides a set of guidelines for designing crossings, including those that will be used on lines with higher-speed operations, these guidelines are not prescriptive in nature. FDOT, which has the jurisdiction to regulate the matter, does not provide any additional minimum design requirements for grade crossings for higher-speed operations beyond the FRA's minimum design requirements. In consultation with local stakeholders, local governments rarely have enough resources and experience to dedicate staff to this issue and are looking to FDOT for guidance.

[48] https://safety.fhwa.dot.gov/hsip/xings/com_roaduser/07010/sec09.cfm#d

Sealed Corridor Requirements

Presently, there are no requirements for sealing a corridor when operating higher-speed trains. This design philosophy is used to minimize the number of trespassers in between grade crossings and eliminate obstacles that may end up on the railroad track. FDOT does not have any requirements for sealing a railroad corridor for higher-speed operations, though they are working to require a sealed corridor with partnership from field diagnostic teams.

Signaling System Requirements

Neither the FRA nor FDOT have additional signaling system requirements for higher-speed operation. However, sufficient requirements have been built into those of Positive Train Control (PTC) to provide safe train operation on any stretch of track where the system is implemented.

5.4 Regulations on Enforcement and Incident Reporting

Rail safety enforcement is performed by state and federal enforcement agencies, FDOT and FRA, respectively. Each has inspectors who enforce their agency's regulations and have authority to issue penalty actions that may include fines and would require corrective actions to be taken. The agencies also have authority to suspend service until needed rectifications have been performed. Incidents that involve injury, death or serious damage to property must be reported and a procedure exists for performing these reports.

As FDOT and FRA inspectors cooperate, FDOT inspectors may also enforce federal laws and regulations. FRA areas of inspections include: Track, Motive Power and Equipment, Signal and Train Control, Operating Practices and Hazardous Materials, further discussed in section 5.4.2. In the case of an incident, a clear line of reporting must be established between the agencies that are involved in the subsequent investigation.

Serious incidents must be reported immediately (or almost immediately) to an FRA National Reporting Center, and the level of investigation and the agency responsible will be determined based on incident severity. Investigative teams include members of one or more agencies: local law enforcement, state Department of Transportation, the Federal Railroad Administration, and the National Transportation Safety Board. The FRA publishes incident details in an online database.

When a serious incident occurs between a train and a person or a vehicle, a specific sequence of events usually includes an investigation. The sequence and the party that is responsible for each step is outlined in Figure 5-4.

Figure 5-4: Steps in Investigating a Railroad Incident

Event	Actions	Responsibility
Incident Occurs	→ Conductor or engineer notifies train dispatchers about the incident → Railroad contacts first responders → Railroad nominates an incident manager who is responsible until the arrival of first responders → Dispatchers stop other rail traffic around the affected area	Railroad
First Responders Arrive at the Scene	→ First responders render assistance (as needed) → Local law enforcement takes control of the scene and maintains control until the investigation is completed → Law enforcement conducts an investigation, no train movements are permitted, except as directed by law enforcement officials; railroad may be allowed to operate on a parallel track around the incident if the track is present and if the conditions allow for safe operation	Local Law Enforcement
Incident Report Filed with the National Reporting Center	Railroad files an incident report with the National Reporting Center, which is then transmitted to the FRA	Railroad
Involvement of NTSB	For serious incidents, an NTSB or FRA field team may visit the scene. In that case, control of the scene is handed over to NTSB.	FRA, NTSB
Completion of Investigation	Law enforcement completes the investigation, the track is handed back over to the Railroad	Law Enforcement and/or NTSB
Inspection of Track and Systems	Railroad conducts an inspection of the track, signals, and other relevant systems to ensure that safe movement may be conducted. Any needed corrections are made prior to the opening of the line to train traffic.	Railroad
Line opened to traffic	The line opened to traffic	Railroad
Report Filed with the FRA	Railroad provides a detailed report to the FRA	Railroad
Further Investigation is Conducted	Investigation Team (consisting of one or more of: the FRA, NTSB, local law enforcement) conducts a further investigation	Investigation Team
Incident Report Released	An incident report is released either by the local law enforcement (for less serious incidents) and by the FRA and/or NTSB (for more serious incidents).	Investigation Team

Source: CPCS Analysis of Stakeholder Consultations with Passenger Railroads, FDOT, and FRA

5.4.1 Incident Reporting Requirements

Part 225 of Title 49 of the Code of Federal Regulations (CFR) titled *Railroad Accidents/Incidents, Reports Classification, and Investigations* requires railroads to report on impacts between

railroad on-track equipment and a highway user at a highway-rail grade crossing. The Federal Railroad Administration (FRA) uses this information to carry out its regulatory responsibilities (such as safety inspection) and comply with safety statutes.

The purpose of the regulations is to provide the FRA with information about the hazards and risks that exist on the nation's railroads. The purpose of collecting this information is to enable the FRA to carry out its regulatory and enforcement responsibilities under the federal railroad safety statutes. FRA also uses this information to determine rail safety trends and to develop programs that focus on preventing railroad injuries and accidents.

Federal Requirements for Reporting Incidents

Railroads are required to provide the FRA with immediate notification for various incident types.[49] There are 4 different and sometimes overlapping reporting requirements, depending on the type of incident. The following lists the reporting requirements as defined in the Code of Federal Regulations (CFR).

- → 49 CFR 225.9 requires immediate (as soon as safely possible) reporting of events involving death or certain injuries, accidents, and incidents
- → 49 CFR 840.3 requires reporting of a passenger, employee or grade crossing fatality within 2 hours, an evacuation of a passenger train, or damage to a tank car that results in the release of hazardous materials or an evacuation. The time limit is raised to 4 hours if the conditions in the previous sentence do not apply, but if there is monetary damage above $150,000 to property or $25,000 to a passenger train
- → 49 CFR 229.17 requires the reporting of incidents that involve locomotives or persons coming into contact with locomotives
- → 49 CFR 171.15 requires reporting of incidents involving hazardous materials

Railroads must report incidents to a National Response Center by phone within the time period provided in each section of the CFR. The National Response Center relays the reported information to the FRA. The phone report must be later followed- up with a written one, directly to the FRA.

Responsibility for Investigating Incidents

Under 49 CFR 225.31, the FRA is responsible for conducting incident investigations, including issuing corrective actions, penalties and/or fines.

Additionally, under 49 USC 1131, the National Transportation Safety Board (NTSB) is responsible for investigating railroad incidents that involve fatalities or substantial property damage. Thus, it is only responsible for a small subset of all reported incidents.

[49] 49 CFR Part 225 and FRA's Guide for Preparing Accident Incident Reports (May 2003)

In practice, the FRA investigates more incidents than the NTSB. If both the FRA and the NTSB are involved in an investigation, the two agencies cooperate and issue a joint report.

A state-level agency (e.g. state police) can also be involved though Florida does not require such involvement. Local police and other first responders are involved in obtaining initial statements and performing an initial assessment of the severity of the incident, before turning the responsibility over to the FRA and/or the NTSB. Local law enforcement remains engaged in the investigation throughout its course by providing support to the lead agencies.

The FRA investigates accidents and incidents as determined by the Accident Analysis Branch or regional management. Generally, the FRA investigates accidents and incidents meeting the following criteria.

- → Collisions, derailment, or passenger train incident resulting in at least one fatality or serious injury
- → Railroad-related accident resulting in death to an on-duty railroad employee or contractor
- → Highway-rail grade crossing accident resulting in death to one or more people in a commercial vehicle or school bus, serious injury to three or more people in a commercial vehicle or school bus, death to three or more people in a private highway vehicle, and/or accidents involving grade crossing signal failure or allegations of grade crossing signal failure
- → A non-casualty train accident resulting in a derailment of a locomotive or 15 or more cars, and extensive property damage
- → A train accident/incident resulting in a fire, explosion, evacuation, or release of regulated hazardous materials
- → An accident/incident involving a train transporting nuclear materials
- → A train incident involving runaway or rollaway equipment
- → A collision involving maintenance equipment
- → An accident caused by the failure of a locomotive or a person coming in contact with an electrically energized infrastructure that resulted in serious injury or death
- → Accidents resulting from signal failure including Positive Train Control-related failures and malfunctions
- → Any other train accident/incident likely to generate considerable public interest, and most Amtrak accidents/incidents

Incident Data Compilation and Reporting

The FRA compiles incident reports into a database to allow data analysis and trend identification.[50] The purpose of the database is to make railroad safety information, including accident and incident inventory, and highway-rail crossing data readily available to the public. The database allows performing queries by railroad, as well as location and type of incident. The primary groups of accidents and incidents to be reported monthly by railroads are:

- highway-rail grade crossing accidents/incidents
- rail equipment accidents/incidents, and
- casualties to persons (i.e., death and non-fatal injuries to all types of persons, and occupational illnesses involving railroad employees)

The FRA also maintains a visualization tool for collisions between 2008 and 2018.[51]

5.4.2 Enforcement of Regulations

Railroad Safety Inspections and Inspectors

The FRA Office of Railroad Safety employs approximately 600 inspectors who are distributed among its 8 regional divisions. FDOT employs eight (8) state rail safety inspectors that supplement FRA's inspectors. The number of FRA inspectors may vary depending, depending on FRA District 3 (Atlanta-based) monitoring priorities.[52] Currently, there is at least one state rail safety inspector for each of the 5 FRA inspection disciplines (track, motive power and equipment, signal and train control, operating practices, and hazardous materials).

All FDOT inspectors participate in FRA's State Rail Safety Participation Program as set out in Title 49 Code of Federal Regulations (CFR) Part 212. As part of this program, state inspectors carry the same authority for issuing notices, defects, and assessing civil and criminal penalties as the FRA inspectors. FRA also provides state inspectors with a system for reporting and tracking reported issues.

The state supplements, but does not replace, the responsibility of the Federal Government in inspecting physical conditions of railroad facilities to determine compliance with federal standards and regulations. The FRA and state inspectors coordinate to cover as much ground as possible during inspections.

Each FRA geographical division decides how to best utilize its limited inspection resources by conducting a risk assessment on different railroads and by using historical inspection data. When performed, inspections may be conducted with or without prior notification of the railroad.

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[50] FRA Office of Safety Analysis
[51] FRA Highway Crossing Collisions 2008-2018
[52] Florida Statutes, s. 351.36

FDOT is responsible for enforcing any state-level regulations, based on FDOT procedures.

FRA and FDOT Enforcement Powers

If FRA or FDOT inspectors participating in the State Rail Safety Participation Program find non-compliance with FRA regulations, they may:

- issue a *notice of defect* and provide the railroad a set time period to fix the defect (appeal is possible through a procedure in 49 CFR 216.17)
- assess penalties: criminal or civil, depending on the nature of the violation; or
- issue an emergency order, suspending or modifying services (may be reviewed through a procedure given in 49 CFR 216.25)

5.4.3 Railroad Accident Reporting by the International Union of Railways (UIC)

The International Union of Railways (UIC) compiles a safety database on a continuous basis, which collects information on all significant accidents.[53] The initiative is open to all UIC members, and most European railroads and infrastructure managers are members of this initiative. Triggers for reporting an accident with the presence of at least one rail vehicle in motion include:

- at least one serious injury or death;
- damages of over $175,000 to infrastructure, rolling stock or the environment; or
- extensive disruptions to traffic (more than 6 hours).

The Safety Database records the location, type, and cause of the accident, as well as information about the train(s) and infrastructure involved.[54] Accidents are grouped under one of six categories of causes: infrastructure, rolling stock, human factors, railroad users, weather and environment, third parties.[55]

In its latest report for 2017, UIC provides a summary of significant railroad accidents. Most reported accidents that were classified as significant occurred due to trespassing (52 percent of all significant reported accidents) and accidents at level crossings (nearly 24 percent of all significant reported accidents). The overall number of reported accidents has been trending downward (down to approximately 1,600 accidents in 2016 from 2,009 accidents in 2011), with the number of fatalities per million train-km down from 0.27 in 2011 to 0.22 in 2016.[56] Data in this report points to the problematic nature of grade crossing accidents and trespassers on a worldwide scale.

[53] UIC Safety Database
[54] http://safetydb.uic.org/IMG/pdf/Definitions_Europe_EN_2016.pdf
[55] http://safetydb.uic.org/IMG/pdf/Causes_EUROPE_EN_2014.pdf
[56] http://safetydb.uic.org/IMG/pdf/sdb_2017_public.pdf

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5.5 Possible Shortcomings in Existing Regulations

This chapter presents an overview of the institutional context regulating railroads in Florida. Possible shortcomings in existing regulations pertaining to faster rail operations are as follows.

- **Grade Crossing Minimum Design Standards** – While there are guidelines, there are no state-level railroad crossing design standards or requirements for higher-speed operations (top speed of 81 mph to 125 mph) beyond the minimum requirements that exist for conventional trains. FDOT is the entity that is responsible for issuing such regulations, taking into account the recommendations proposed by the FRA, FHWA, and AASHTO.

- **Certification of New Passenger Rail Lines** – While the FRA has a review process for any new passenger rail line and the FTA has a certification process for transit systems, the FRA process is not a certification process, and the FTA certification process does not cover all types of new passenger rail services. The Surface Transportation Board (STB) has sole jurisdiction over interstate lines. This leaves a gap for intra-state passenger rail lines that are not subject to the FTA's certification process. Currently, the principal role of FDOT in the national railroad safety effort is to provide enhanced investigative and surveillance capability for planned routine compliance inspections.

- **Fencing** – Fencing is regulated on a state level. Florida has no guidelines or requirements for installing fencing along a railroad corridor. The development of such requirements falls under the jurisdiction of FDOT as well as local governments.

- **Sealed Corridor Regulations** – There are FRA guidelines but no regulations on a federal or state level for implementing sealed corridor treatment for higher-speed operation. The jurisdiction for implementing regulations for when sealed corridor treatments should be implemented along a railroad corridor would fall to FDOT. FDOT can look to North Carolina (NCDOT) as a baseline for developing such regulations.

- **Railroad Noise and Quiet Zones** – The EPA regulates *rail vehicle* noise emissions but does not regulate *rail system* noise emissions, like the FAA does with airports. In Florida, there are no state requirements for implementing quiet zones in urban areas. The regulation of railroad system noise could fall under the jurisdiction of FDOT or the Florida Department of Health, while the mandate of implementing quiet zones falls under the regulatory mandate of FDOT.

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6 Key Issues and Recommendations

6.1 Overview

Four passenger rail systems operate on over 600 route miles of railroad lines in Florida. These include two intercity operators (Amtrak and Brightline), both operating on track owned by freight railroads, and two commuter rail operators (SunRail and Tri-Rail), both operating on state-owned track.

The key issues with Florida's passenger rail system are as follows.

1. High rate of severe injuries and fatalities and high levels of trespassing incidents on railroad right-of-way due to rail services operating in dense urban areas
2. Gaps in regulations that are specific to higher-speed rail operations
3. The need to clarify FDOT's mandate on oversight of passenger rail with respect to maintenance, safety, revitalization, and expansion
4. The lack of resources for local governments for planning rail projects

This chapter describes these issues in more detail.

6.2 Trespassing, Injuries, and Fatalities

As described in Chapter 3, Florida's passenger rail system incurs a **higher rate of severe injuries and fatalities** than the national average. Over the last 10 years, Florida passenger railroads experienced a total of 1,395 incidents. Forty-nine percent of these incidents involved severe injuries and fatalities – 1,317 severe injuries and 137 fatalities over this time period.

Florida's severe injury rate is 1.5 times higher and its fatality rate is 3.5 times higher than the national average rate for the evaluation period (2009-2018).[57] The state's average rates for injuries and fatalities have not been significantly impacted by new rail services (SunRail and Brightline), though each service has experienced a series of incidents during the service start-up period. Figure 6-1 compares passenger rail severe injury and fatality (collectively "casualties") rates in Florida with nationwide rates, while Figure 6-2 compares each of the four

[57] Data for passenger railroad severe injuries and fatalities between January 2009 and June 2018. See definition of severe injuries in Appendix D.

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passenger rail services in Florida against average national intercity rail casualty rate and the average commuter rail peer group casualty rate.

Figure 6-1: Total Injuries and Fatalities Nationwide and in Florida (January 2009 – June 2018)

Location	Injuries	Fatalities	Total Passenger Train Miles	Injury Rate	Fatality Rate	Casualty Rate per 10,000 passenger train miles
Nationwide	41,933	2,072	912,645,372	0.46	0.02	0.48
Florida	1,317	137	19,332,341	0.68	0.07	0.93

Source: CPCS Analysis of FRA Safety Data

Figure 6-2: Comparison of Casualty Rates (January 2009 – June 2018)

Florida Passenger Rail	Average Annual Casualty Rate	US Intercity Average Annual Casualty Rate	Commuter Peer Group Average Annual Casualty Rate
Amtrak (in Florida)	0.66	0.30	
Brightline	0.57	0.30	
Tri-Rail	0.15		0.12
SunRail	0.24		0.12

Source: CPCS Analysis of FRA Safety Data

This higher rate of severe injuries and fatalities is primarily attributable to a **higher count of trespassing** for both pedestrians and vehicles. Trespassing cases represent 27 percent of Florida incidents resulting in severe injuries and fatalities, compared to 19 percent nationwide.

Two new passenger rail services, SunRail and Brightline, began operating in Florida within the last three years. Each service has experienced a series of incidents during its start-up period. The high rate of incidents for each service may be explained by passengers and vehicles who are unaccustomed to the presence of more trains, and trains operating at higher speeds. However, these incidents have not had a significant effect on the state's average fatality and injury rates.

Brightline began operations in January 2018 and will be the first privately-owned, higher-speed rail service in the United States, defined by a speed between 81 mph and 125 mph. It has a number of expansion projects underway.

While Florida passenger rail incident rates are higher than the rest of the country, rail operations take place in **much more population-dense areas** than the US average. As seen in Figure 6-3, Florida ranks 8th in the country for its grade crossing density index (Grade crossing density index = number of grade crossings × population density / 1 million), which accounts for both the number of grade crossings and population density in the state.

Figure 6-3: Top States in Grade Crossing Density

Rank	State	Grade Crossing count	Population Density (Population per sq. mi.)	Grade Crossing Density Index*
1	Illinois	26,006	225	5.85
2	Ohio	20,281	280	5.67
3	New Jersey	5,007	1036	5.19
4	Pennsylvania	16,858	277	4.68
5	New York	12,728	359	4.57
6	California	18,149	242	4.39
7	Indiana	16,715	185	3.10
8	**Florida**	**9,577**	**311**	**2.98**
9	Texas	27,032	103	2.78
10	North Carolina	12,638	191	2.41
*Grade crossing density index = number of grade crossings × population density / 1 million				

Source: CPCS Analysis of FRA Safety Database (as of Sep 2018)

6.3 Gaps in Regulations

6.3.1 Higher-Speed Rail Regulations

Existing state and federal-level regulations for railroads were detailed in Chapter 5. While Brightline will be introducing Florida's first higher-speed rail service with top speeds of 110 mph between West Palm Beach and Cocoa, and 125 mph between Cocoa and Orlando, there is a **gap in federal and state regulations governing higher-speed rail**. While the Federal Railroad Administration and the Florida Department of Transportation have in place regulations for conventional (up to 80 mph) and high-speed (126 mph to 220 mph) rail, neither agency has developed additional regulations that are specific to higher-speed rail (81 mph to 125 mph).[58]

6.3.2 Shortcomings in State-Level Rail Regulation

When federal standards for railroad operation and safety requirements exist, they preempt state standards. The state of Florida may adopt laws and regulations and issue orders that are compatible with and more stringent than those at the federal government to address local hazards, as long as the laws do not unreasonably burden interstate commerce. This study identifies a number of shortcomings in existing regulations between federal and state levels for higher-speed rail operations.

→ **There are no codified, minimum standards** specific to higher-speed operations. While FDOT has implemented some higher-speed guidelines in Florida, there is no law mandating adherence to these guidelines.

→ **There is no formal certification of new passenger rail lines** that are not under the jurisdiction of the Federal Transit Authority (FTA) and the Surface Transportation Board (though the FRA does have a process to ensure that a large number of safety-critical elements are in place).

[58] For the difference in maximum operating speeds between a higher-speed and high-speed line see Figure 2-1.

- → **Florida has no regulations or guidelines for when fencing should be installed** and who should be responsible for its installation and maintenance costs outside of individual crossing agreements between railroads, state, and local government entities.
- → **There are FRA Sealed Corridor Guidelines but no mandatory regulations** on corridor treatment for higher-speed operations. While FDOT has required a sealed corridor for higher-speed service in the past, these requirements are not codified.
- → **There are no state-level regulations on railroad system noise and quiet zones**, which can be regulated at a state level.

Given the existing institutional setup, FDOT is responsible for implementing regulations in each of these areas.

6.4 Institutional Gaps

6.4.1 The Need to Clarify FDOT's Mandate

Consultations with local counties and municipalities revealed that recommendations that are above the minimum requirements are not always implemented by railroads as they are seen as non-mandatory. Instead, the FRA's minimum standards are followed by railroads.

FDOT has the right to establish regulations on any issue where there are no federal regulations, as long as they are not incompatible with another law, regulation, or order of the US government, and as long as they do not unreasonably burden interstate commerce. FDOT can also implement federal guidelines as state-level regulations. In some cases, state law codifies federal guidelines such as the state's grade crossing minimum design standards. However, the agency tends to defer to the FRA minimum standards as has been revealed through consultations with local counties and municipalities. Also, in the current model, railroads present projects to the local counties and municipalities, but local feedback is not necessarily addressed by the railroad.

While FDOT works extensively with the FRA on performing safety inspections at operational and tactical levels, FDOT has not developed additional Florida-specific safety regulations, deferring instead to federal standards and guidelines. FDOT's mandate on this issue needs to be clarified and additional resources would likely need to be allocated to allow FDOT to establish and oversee state-level regulations.

6.4.2 Improving the Planning Process for Local Governments

While some local governments may address road, pedestrian and highway issues frequently, few counties and municipalities have expertise in railroad engineering and planning. It was observed in a number of consultations with local governments that local jurisdictions may lack the necessary resources, knowledge, or expertise in addressing railroad engineering issues or in working with railroads. A number of counties mentioned that they were looking to FDOT to provide the necessary knowledge resources, leadership, and guidance for railroad project development.

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While FDOT has a Freight and Multimodal Operations Office which deals with Rail Operations and Safety, the office currently does not appear to have adequate resources (e.g. staffing levels and financial resources) to be the able to provide the level of leadership and knowledge that local governments are looking for.

6.4.3 Potential Conflict in FDOT's Existing Mandate

In addition to providing program administration and planning functions, the mandate of the Florida Department of Transportation as written in Title XXVI, Section 341.302 of the 2018 Florida Statutes includes two clauses that may be potentially conflicting:

> *"(2) Promote and facilitate the implementation of advanced rail systems, including high-speed rail and magnetic levitation systems."*
>
> *"(9) Assess penalties, in accordance with the applicable federal regulations, for the failure to adhere to the state standards."*

While the conflict is not currently observable in practice (and is unlikely to be observed in the near future), the existing set-up could, in theory, prevent FDOT from properly exercising its strategic safety regulatory functions in a situation where the department is acting as a promoter for a rail project.

To avoid such conflicts, some states separate the regulatory function from the planning and program administration function of its department of transportation. Figure 6-4 shows the agencies that are responsible for planning and program administration and regulatory authorities in states with significant railroad presence.

Figure 6-4: Railroad Administration and Regulatory Authority for Selected States

State	Program Administration	Regulatory Authority
California	California DOT (Caltrans)	Public Utilities Commission
Colorado	Colorado DOT	Public Utilities Commission
Illinois	Illinois DOT (IDOT)	Illinois Commerce Commission
Florida	**Florida DOT (FDOT)**	**Florida DOT (FDOT)**
Georgia	Georgia DOT	Public Service Commission
Indiana	Indiana DOT	Indiana DOT
Massachusetts	Massachusetts DOT	Massachusetts DOT
Michigan	Michigan DOT	Public Utilities Commission
Minnesota	Minnesota DOT	Minnesota DOT
New Mexico	New Mexico DOT	Public Regulation Commission
New Jersey	New Jersey DOT	New Jersey DOT
New York	New York State DOT	New York State DOT
North Carolina	North Carolina DOT	Public Utilities Commission
Ohio	Ohio DOT	Public Utilities Commission of Ohio
Pennsylvania	Pennsylvania DOT	Public Utilities Commission
Texas	Texas DOT	Railroad Commission of Texas
Virginia	Virginia DOT	State Corporation Commission
Washington	Washington DOT	Washington Utilities and Transport. Commission

Source: CPCS Analysis

While there may be an additional cost to manage a separate regulator, which should have an independent funding source for exercising its duties, such a separation would provide a clear delineation of responsibility for implementing and enforcing state-level safety regulations.

Internationally, the approach is also different in establishing and measuring regulations.[59] Some key themes include the need to have adequate levels of regulation, the need to consult stakeholders when establishing regulation, and the need for adequate resources to enforce existing regulation.[60]

6.5 Recommendations

6.5.1 Overview

Based on the gaps presented in the previous section, we propose recommendations grouped into six categories for the Legislature and FDOT's consideration to improve passenger rail safety in Florida.

1. Recommendations on institutional design
2. Recommendations on the regulation of specific issues
3. Recommendations on implementing state-of-the-art practices
4. Recommendations on enforcing railroad crossing trespassing violations
5. Recommendations for rail safety resources
6. Recommendations for further research

6.5.2 Recommendations

Recommendation 1: The Legislature may consider updating FDOT's mandate

The Legislature may consider three approaches to creating a better regulatory system.

1.1 **Providing funding for and directing FDOT to administer a committee** to liaise with local governments, communities, and railroads on safety issues.

1.2 **Updating FDOT's mandate to more clearly define its regulatory role** in implementing safety regulations at the state level and supplementing the updated mandate with adequate resources (human and financial) to allow FDOT to implement this mandate.

1.3 **Creating an independent regulatory body with an independent funding source.** The regulatory body would assume FDOT's existing safety oversight functions, and be responsible for strategic, tactical and operational state-level safety regulation for rail and other modes.

[59] International approaches to transport regulation, Webb Henderson, Legal and Regulatory Advisors, 2015
[60] Measuring Regulatory Performance. Evaluating the Impact of Regulation and Regulatory Policy, OECD, 2012

Recommendation 2: FDOT may consider setting new state-level regulations for higher-speed rail

As higher-speed rail services begin operations in Florida, specific higher-speed rail regulations are needed to ensure safety. The FRA currently does not have set standards for higher-speed rail. FDOT should consider the following recommendations.

2.1 Creating a review process to certify new passenger rail lines

FDOT may consider creating a process for evaluating new passenger rail lines to ensure that they are safe to operate. This process would build on other safety review processes performed by other organizations (e.g. FTA, FRA, and STB) and could provide additional requirements on top of these processes, as needed, tailored to the needs of Florida's unique passenger rail system attributes.

2.2 Setting minimum grade crossing design standards

FDOT should build upon its existing minimum grade crossing design standards and existing grade crossing design guidelines to create a more comprehensive set of grade crossing design standards for different types of grade crossings and operating speeds, including higher-speed operations.

2.3 Setting requirements for fencing along railroad corridors

FDOT may consider creating a set of standards for fencing along rail corridors, defining the location of where fencing would be required, and who would be responsible for installing and maintaining the fencing. These standards may depend on the top operating speed of a line.

2.4 Creating guidelines for sealed corridor treatment along railroad corridors

FDOT may consider creating a set of operating standards for higher-speed rail operation, including what treatments must be used along the corridor to ensure a safe train operation. FDOT can look to FRA for design guidelines, as well as North Carolina and Illinois for implementation examples.

Recommendation 3: Implementing State-of-the-Art Practices

The Florida legislature can take a number of concrete steps to put some of the proven state-of-the-art ideas into practice. At the same time, FDOT and Florida passenger railroads should consider continuously improving rail safety by monitoring and implementing the most applicable state-of-the-art safety practices.

3.1 The Legislature may consider creating a mandatory requirement that local counties and municipalities with fiber optic networks along local, non-state-controlled roads make them available for railroad signal "pre-pre-emption" in order to reduce road congestion and increase grade crossing safety

Currently, train detection sensors use existing rails to send frequencies to the nearest grade crossing to activate grade crossing arms. While this system works, it can be improved by sending these signals longer distances using municipal fiber-optic networks, which often run parallel to the railroad. In addition to enhancing safety at grade crossings, this could also lead to a reduction of road congestion in the surrounding areas.

Traffic signals along state roads are required to comply with Signalization Pre-Emption Design Standards. Currently, some municipalities along local roads are participating in this on a voluntary basis, but they are not required to participate or provide access to their fiber-optic network. FDOT raised this gap as a concern during consultations.

3.2 The Legislature may consider creating a requirement for navigation applications to include audio and visual alerts of upcoming railroad crossings

Given the high number of crossings in the state, the legislature may consider requiring navigation/mapping applications to include auditory and visual warnings of upcoming railroad crossings. This requirement would be included in the state's vehicle code.

3.3 The Legislature may consider setting regulations on quiet zone implementation in urban areas to address railroad system noise

A mandate for implementing quiet zones in urban areas would reduce noise and disturbance for surrounding communities. Quiet zones should be required at the beginning of a new service in order to improve the quality of life of surrounding communities and to avoid having to re-educate surrounding communities about changes in expected train behavior (e.g. no horns) after the implementation of quiet zones. While the FRA is responsible for regulating the standards for how quiet zones are to be implemented, the Legislature could mandate a set of grade crossing improvements that would make a crossing to be quiet-zone eligible. The Legislature could also mandate when and how local communities must apply for quiet zone recognition.

3.4 FDOT may consider developing and updating on a regular basis a set of guidelines that discuss state-of-the-art railroad crossing and corridor treatments and their applicability to Florida railroads. This would allow local governments to be informed about the latest technologies available

We recommend that FDOT continuously monitor state-of-the-art grade crossing treatments and develop guidance on which practices they recommend for Florida railroads and local governments. Some areas for consideration include various pedestrian crossing treatments (e.g. AASHTO guidelines), innovative passive crossing treatments, vehicle wedge road barriers at grade crossings, vehicle presence detection at grade crossings, etc. This would allow local governments to be informed about the latest technologies available. FDOT should also consider liaising with other state DOTs and international organizations (e.g. UIC) for working on grade crossing safety.

3.5 FDOT may consider implementing Remote Health Monitoring (RHM) requirements for at-grade crossings with higher road and rail traffic volumes and/or train speeds

Remote Health Monitoring (RHM) detects crossing signal malfunctions to directly notify the dispatcher and maintenance staff of grade crossing equipment malfunctions. This ensures that equipment issues are identified in real-time and fixed in a timely manner. Florida does not currently mandate Remote Health Monitoring at its grade crossings.

Recommendation 4: Enforcing Railroad Crossing Trespassing Violations

Florida has a higher rate of trespassing incidents that incur severe injuries and fatalities compared to the nation. The state also has weaker enforcement statutes for highway-rail grade crossing trespassing when compared to states such as Ohio, which has automatic arrest powers. We recommend the Legislature consider the following recommendations to strengthen trespassing violation enforcement.

4.1 The Legislature may consider requiring the establishment of inter-jurisdictional law enforcement working groups in railroad corridors with a high number of crossings and incidents to ensure that law enforcement agencies are coordinating with each other on trespassing enforcement

Trespassing enforcement is currently the responsibility of local law enforcement. However, railroads have unique security issues and require law enforcement training. In the past decade, the ranking officers at some local law enforcement agencies have been changing frequently, making the enforcement system complex and difficult for railroads. We recommend that the Legislature consider encouraging inter-jurisdictional law enforcement working groups along railroad corridors with a higher number of crossings and incidents to facilitate trespassing enforcement coordination.

4.2 The Legislature may consider granting greater authority to each railroad's security officials to address trespassing along railroads

We also recommend that the Legislature consider granting greater authority to railroad security officials to address trespassing along the railroads. While railroad security officials are not local law enforcement members and lack the same arrest powers, these officials are certified and carry firearms in the state. Providing railroad security officials with greater authority to detain trespassers, for example, may deter trespassing along railroads.

4.3 The Legislature may consider establishing harsher penalties for grade crossing trespassing

Trespassing can only be enforced if there are penalties associated with trespass violations. Florida suffers from habitual trespassing along grade crossings in traffic congested areas. To address this issue, the Legislature could consider a provision to fund enforcement cameras at-grade crossings to capture trespass violations. These enforcement cameras can identify vehicle owners and issue citations against the vehicle. Funds generated from trespass violations can go towards Operation Lifesaver and other local outreach programs to educate the public on rail safety.

4.4 The Legislature may consider establishing a photo/video enforcement program for at-grade crossings

Efforts began in 1995 to install cameras at highway-rail grade crossings. However, due to liability issues, this effort was stalled. The state also experienced a stringent ban on red light intersection cameras which was withdrawn earlier this year. Cameras can be installed to capture vehicle violations at grade crossings. When a vehicle crosses a pre-defined threshold (boom gates), the camera records a series of images and/or video. This camera identifies the vehicle owner, subsequently issuing a citation against the vehicle. Enforcement cameras are not substitutes for quadrant gates or other safety features but can work in conjunction with other grade crossing safety features to prevent trespassing.

Recommendation 5: Reviewing Rail Safety Resources

Railroad safety can only be assured with sufficient funding to build, maintain, and upgrade railroad safety features. The Legislature may consider evaluating funding adequacy for suicide prevention activities and requiring railroads to grant owners of grade crossings the right to use open procurement for grade crossing maintenance. We also recommend that FDOT continue to actively assist local communities in identifying funding opportunities.

5.1 The Legislature may consider assessing the current resources of the Department of Children and Families and of the Department of Health to determine whether statewide suicide prevention activities could be leveraged to greater effect

While Operation Lifesaver provides a good baseline, Florida should go a step further and consider establishing a comprehensive suicide prevention program. The program should include

i. more accurate and comprehensive collection of data on suicides on railroad track;

ii. a requirement for suicide prevention/intervention training for railroad employees working in suicide “cluster” areas (e.g. signal maintainers and track maintenance workers);

iii. suicide prevention signage along key rail corridors at key locations, and linking these to suicide prevention hotlines; and

iv. use of innovative technologies, such as drones or other detection systems to monitor stretches of track for individuals potentially contemplating suicide in railroad suicide “cluster” areas and urban areas.

5.2 The Legislature may consider requiring railroads to allow owners of grade crossings the right to use open procurement for contracting maintenance of grade crossings, fencing, etc.

While private railroads may not use public grants, they require grade crossing and adjacent property owners to fund the construction and maintenance of grade crossing treatments, fencing, and pedestrian crossings.

A number of funding discrepancies were observed between local counties and railroads on these issues due to what has been perceived to be unreasonable costs for maintenance of grade crossings.

We recommend the Legislature consider requiring railroads to allow for open procurement of grade crossing and fencing maintenance providers to promote transparency and competition between maintenance providers and lower the use of public funds.

5.3 FDOT may consider reviewing local planning resources for rail activity and continuing to liaise with local governments to identify funding opportunities for rail safety treatments

FDOT may consider reviewing the types of local planning resources for rail activity and continuing to work with local governments in identifying potential funding sources for improving rail safety treatments, including grade crossing safety. Review of planning capacity and funding availability may prove helpful for local governments that do not have rail expertise on staff or readily available otherwise with knowledge of specific funding mechanisms to promote rail safety in their jurisdictions.

5.4 FDOT may consider requesting an evaluation of funding levels for rail safety in its annual legislative budget request to highlight needs at the state and local level

Continued funds should be available to support not only technical treatments but also critical evaluation efforts such as FDOT's Operation Lifesaver and other local outreach programs.

Recommendation 6: Continuing Research to Promote Public Safety Along Railroads

This study recommends further research on the following topic.

6.1 FDOT may consider developing a methodology for analytically evaluating grade crossing closures.

Florida's development patterns resulted in numerous closely-spaced grade crossings. FDOT lacks an analytical methodology to determine which crossings should be consolidated and where strategic investment should be made. The methodology should have a component that would consider impacts on traffic congestion. This study can follow the ongoing FDOT Optimization Model Study, which prioritizes grade crossings for upgrade treatments based on risk factors.

Appendix A. Economic Conditions and Outlook in Florida

This section examines the current economic conditions and trends in Florida. Florida is the third most populous state in the country. As of 2017, the state had a population of roughly 21 million people with an annual growth rate of 1.5 percent.[61] Approximately 20 percent of Florida's residents are 65 years and over, and this percentage is expected to continue to rise.

Figure A-1 lists the top Florida counties by population growth for 2010 to 2017.

Figure A-1: Top Florida Counties by Population Growth (2010-2017)

County	2010 Population	2017 Population	Annualized Growth Rate
Sumter County	93,420	125,165	4.27%
Osceola County	268,685	352,180	3.94%
St. Johns County	190,039	243,812	3.62%
Walton County	55,043	68,376	3.15%
Lee County	618,754	730.224	2.57%
Manatee County	322,833	385,571	2.57%
Orange County	1,145,956	1,348,975	2.36%

Source: US Census American FactFinder Data[62]

Between 2010 and 2017, the state's total population grew by 11.6 percent, primarily attributable to net migration flows into the state. Anecdotally, U-Haul data suggest that Florida had the second highest migration growth in 2017, after Texas.[63]

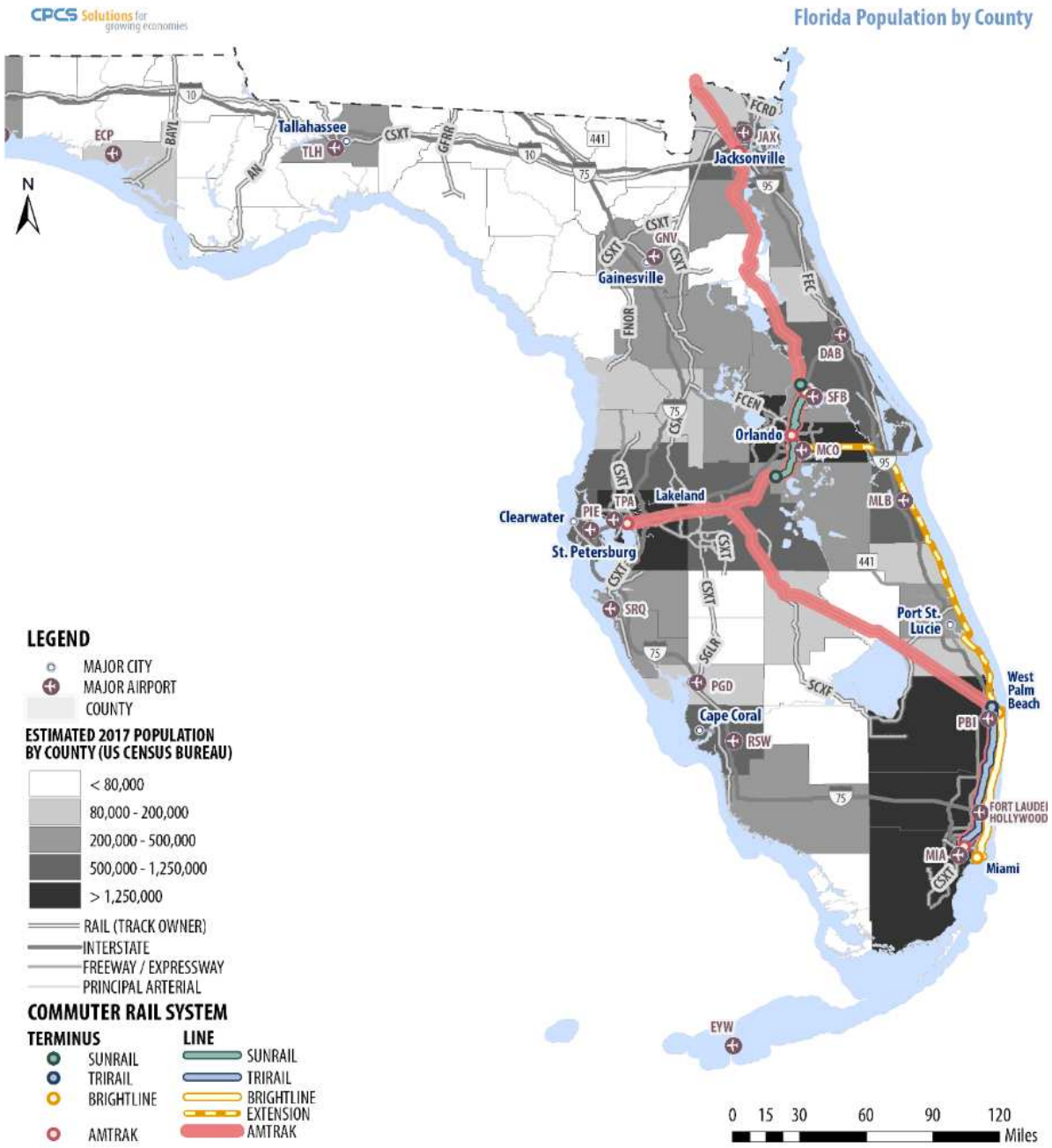
The state's overall economic condition and outlook remain robust. Employment of 9,845,859 as of June 2018 is the highest in state history, with growth particularly notable in professional and business services, tourism, and healthcare sectors. The unemployment rate is at an 18-year low of 3.8 percent as of June 2018. Florida's Real Gross State Product is projected to expand at an average annual rate of 3.3 percent from 2018 to 2021.

Figure A-2 illustrates the state's population density by county, in relation to the passenger rail network. Florida's population is most concentrated in the tri-county South Florida region along

[61] US Census Bureau QuickFacts – Florida
[62] US Census American FactFinder Data
[63] U-Haul Migration Trends: Florida No. 2 Growth State for 2017

with the Central Florida region. Of note, the tri-county region (Miami-Dade, Broward, and Palm Beach), Hillsborough County where Tampa is located, and Orange County where Orlando is, are of the most populated counties in the state. The three county area of Miami-Dade, Broward, and Palm Beach counties represents approximately a third of all Florida population and household income.[64]

Figure A-2: Florida Population by County

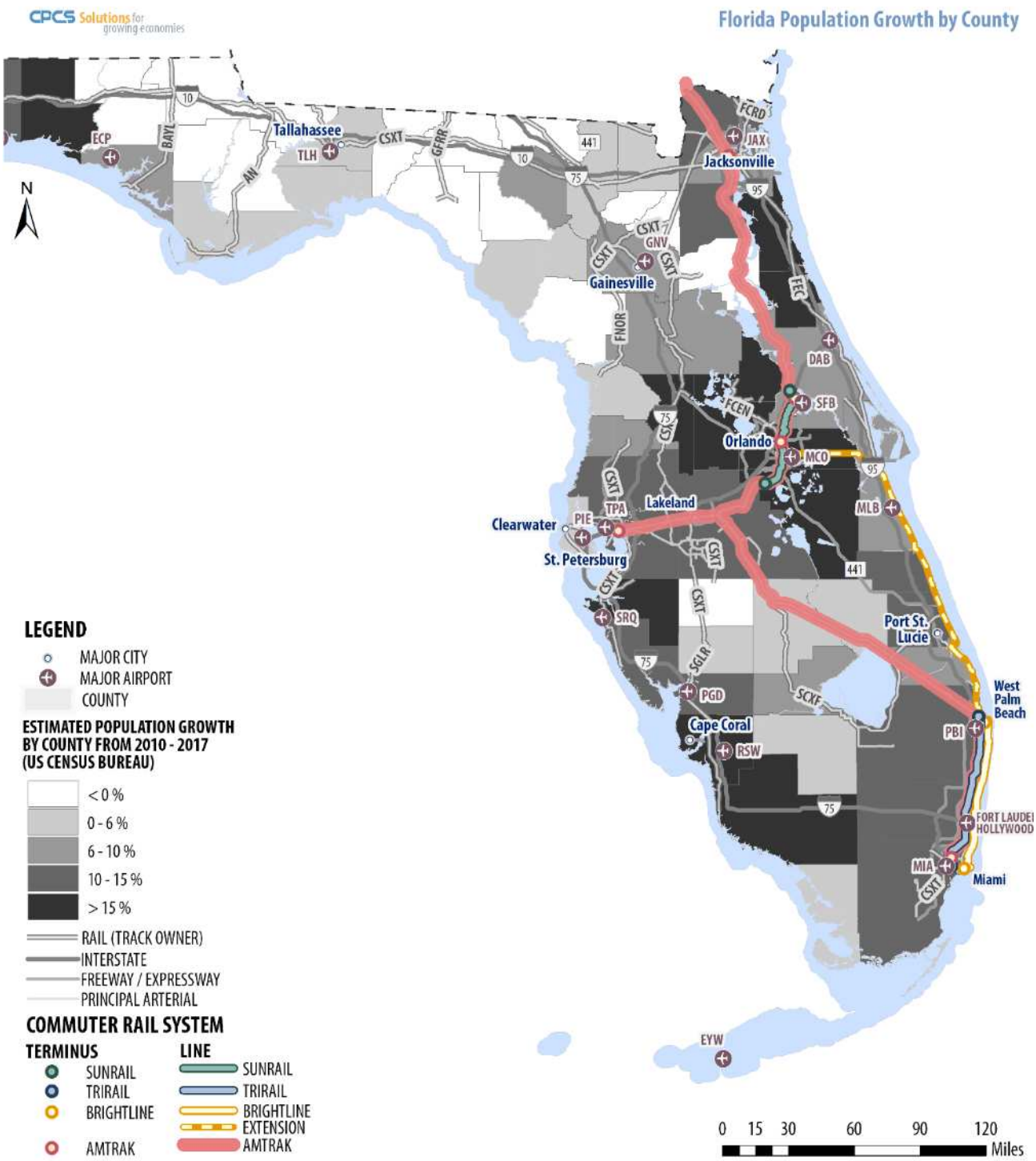


Source: CPCS Analysis of US Census Bureau 2017 Data

[64] Board of Directors Meeting, Florida Development Finance Corporation, October 27, 2017

Figure A-3 provides an overview of annual population growth in Florida between 2010 and 2017. The highest growth occurred around Orlando, south of Jacksonville and around Fort Myers.

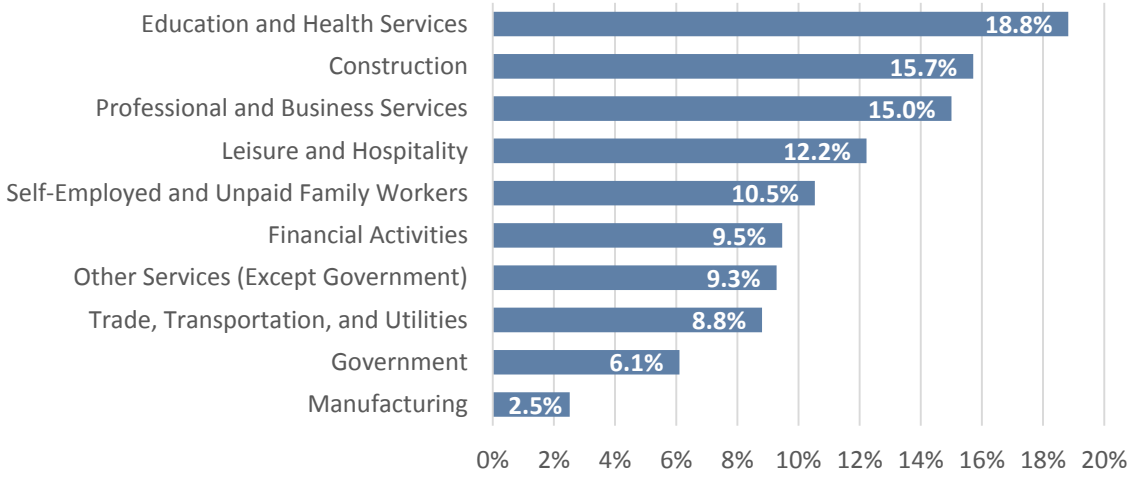
Figure A-3: Annual Population Growth in Florida (2010-2017)



Source: CPCS Analysis

Payroll job growth will continue to outpace national job growth. The total number of jobs in the state is expected to grow 11.3 percent from 2017-2025 due to consistently strong payroll job creation. Figure A-4 indicates the sectors projected for the strongest average job growth from 2017 to 2025.

Figure A-4: Sectors Projected for the Strongest Job Growth for the period 2017-2025



Source: US Bureau of Labor Statistics via Florida Department of Economic Opportunity

Visitors to Florida increased by 3.6 percent in 2017 compared to the year before. This is reflected by a 4.5 percent increase in domestic visitors to the state, partially offset by a decline in the number of overseas visitors as seen in Figure A-5.

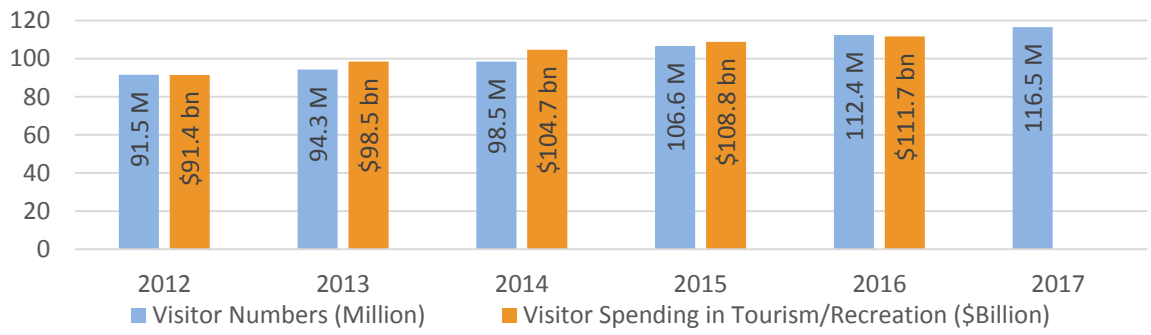
Figure A-5: 2017 Estimates of Visitors to Florida (millions)

Visitor Origin	Million Trips	Year Over Year Change
Domestic	102.35	+4.5%
Canadian	3.48	+4.0%
Overseas	10.68	-4.3%
Total	**116.49**	**+3.6%**

Source: VISIT Florida

Below, Figure A-6 provides an illustration of Florida visitor contributions to the state economy in tourism/recreation between 2012 and 2017.

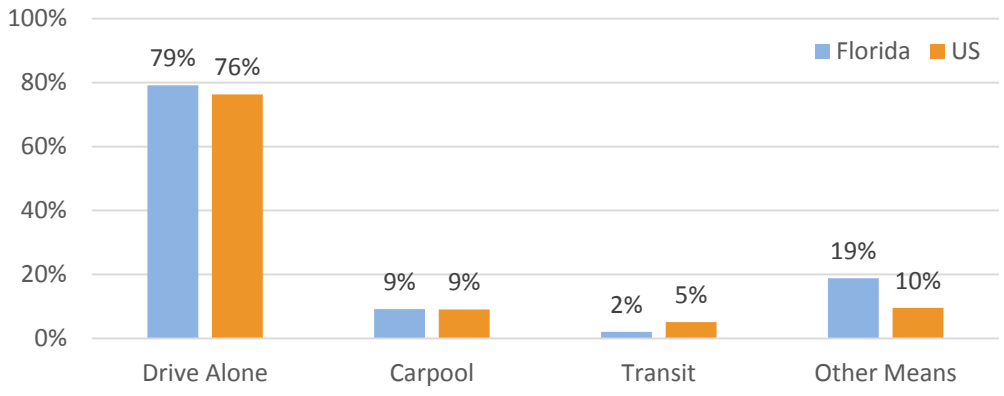
Figure A-6: Florida Visitor Contribution to the Economy, 2012-2017



Source: CPCS Analysis of "The Economic Impact of Out-of-State Visitors in Florida", VISIT Florida, 2016

Despite the high density of settlement, Florida has a lower percentage of people using transit for work commutes, compared to the rest of the country. While the rates for solo driving and carpooling is similar to the rest of the US, twice as many Floridians travel to work by other means. This includes walking, bicycling, working from home, ride-hailing, and other means. Figure A-7 compares mode of travel for work commute between Florida and the entire US.

Figure A-7: Mode of Travel for Work Commute, 2016



Source: CPCS Analysis of US Census Data

Appendix B. Florida Passenger Rail Systems outside the Scope of the Study

This section summarizes urban rail systems that are present in Florida. As these systems fall outside the scope of this study, they will be presented here for informational purposes only. Figure B-1 lists urban rail systems in Florida.

Figure B-1: Urban Rail Systems

Name	Ownership	Operating Agency	Length (mi)	Type of Service	Location	Annual Ridership
Miami Metrorail	Miami-Date County	Miami-Dade Transit	25	Heavy Rail Rapid Transit	Miami-Dade County	20 million
Miami Metromover	Miami-Date County	Miami-Dade Transit	4.4	Automated Peoplemover	Miami-Dade County	360 thousand
JTA Skyway	Jacksonville Transportation Authority	Jacksonville Transportation Authority	2.5	Automated Peoplemover (Monorail)	Jacksonville	481 thousand[65]
TECO Line Streetcar	City of Tampa	Hillsborough Area Reg. Transit	2.7	Heritage Streetcar	Tampa	278 thousand

Source: CPCS Analysis of Metrorail, Metromover, TECO Streetcar, and Skyway Websites

Other passenger rail systems in Florida (not presented here) include:

1. **Amusement Park Rail** – Walt Disney World Monorail, Walt Disney World Railroad, Okavango Railroad (Jacksonville Zoo), and Serengeti Railway (Busch Gardens).

2. **Tourist or Excursion Rail** – Florida Gulf Coast Railroad Museum, Inland Lakes Railway, Florida Railroad Museum, Gold Coast Railroad Museum, Railroad Museum of South Florida, Seminole Gulf Railway, Orlando and North Western Railway, and Star Clipper Dinner Train.

[65] Advanced Transit Presentation, Oct 2015

Miami Metrorail



Miami Metrorail is a 25-mile two-line heavy rail rapid transit system connecting the urban center of Miami with its northern and southern suburbs.

The system is part of Miami-Dade Transit (MDT) and is integrated with Metromover, a peoplemover in Downtown Miami and with bus services run by MDT.

The Green and Orange Metrorail lines have 23 stations and carry approximately 20 million passengers annually.

The Strategic Miami Area Rapid Transit Plan (SMART), developed by Miami-Dade County and the Planning Organization (TPO) in 2016, includes six new rail transit corridors and a series of Bus Rapid Transit (BRT) lines.



Type:	Heavy Rail Rapid Transit
Track Length:	25 miles
Lines:	2
Stations:	23
Power System:	Third Rail
Service Hours:	5AM to Midnight
Train Frequency:	Peak: 5-10 min Off-Peak: 7-15 min
Annual Ridership:	20 million

Source: Miami Miami-Dade Transit

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Miami Metromover





Metromover is a 3-line 21-station automated peoplemover (APM) system that provides free service in Downtown Miami. Annual ridership is 360 thousand passengers each year. Metromover connects with Metrorail at Government Center and Brickell stations. Metromover began operating 1986 and was expanded in 1994. In 2002 Miami-Date Transit made Metromover free to ride. There are plans to expand service to South Beach and the Midtown area, as part of the SMART plan.

Type:	Automated Peoplemover (APM)
Track Length:	4.4 miles
Lines:	3
Stations:	21
Power System:	Third Rail
Service Hours:	5AM to Midnight
Train Frequency:	1.5 to 6 min
Annual Ridership:	360 thousand

Source: Miami Miami-Dade Transit

Jacksonville Skyway





The Skyway is an elevated and automated people mover monorail serving Downtown Jacksonville that began operating in 1989 and was subsequently extended in 1996, 1998, and 2000. Currently, the 2-line monorail has eight stations on both sides of the St. John River, providing free service to nearly 5,000 passengers on a daily basis. Jacksonville Transit Authority (JTA) operates and maintains the Skyway. After considering closure, in 2017, the JTA announced that the Skyway would keep operating for at least another five years.

Type:	Automated Monorail
Track Length:	2.5 miles
Lines:	2
Stations:	8
Power System:	Side Rail
Service Hours:	M-F 6AM-9PM S/Su Special Events Only
Train Frequency:	Peak: 4 min Off-peak: 8 min
Annual Ridership:	481 thousand

Source: Jacksonville Transportation Authority

AMERICAN OVERSIGHT

TECO Line Streetcar System



The Hillsborough Area Regional Transportation Authority operates the historic TECO Line Streetcar System in Tampa and owned by the City of Tampa.

The current system opened 2002 and was extended in 2010 to a total of 2.7 miles.

In 2016, the streetcar carried 278 thousand passengers with an average daily ridership of 780 passengers. Additional extensions north are planned.



Type:	Heritage Streetcar
Track Length:	2.7 miles
Lines:	1
Power System:	Overhead Wire
Service Hours:	Mon-Thu 12P-10:30P
	Fri-Sat 11A-2A
	Sun 12P-9P
Frequency:	20-30 min
Annual Ridership:	278 thousand

Source: Hillsborough Area Regional Transportation Authority

Appendix C. Detailed Analysis of Florida Passenger Rail System Financial Figures

AMERICAN OVERSIGHT

C1. Amtrak

1. Background, Ownership and History

Originally created in 1970 as a for-profit government corporation with trackage rights over all freight railroads, Amtrak was converted to a private entity in 1997 in an effort to make the railroad more self-sufficient. Since 1997, Amtrak has continued to receive public funds through annual appropriations to continue operating, although the funding has been far below requested levels.

At its inception, Amtrak began a series of rail services linking Florida with other U.S. destinations. These included the *Silver Star* (New York-Miami – St. Petersburg), *Silver Meteor* (New York-Miami), *Champion* (New York – St. Petersburg), and *Floridian* (Chicago – St. Petersburg/Miami). Among these, the Silver Star and the Silver Meteor are still in service, along with the addition of the *Auto Train* (Lorton, Virginia – Sanford, Florida). While the first *Silver Meteor* and the *Silver Star* are conventional passenger intercity rail services, the *Auto Train* is an overnight service that provides car drivers with a way to transport themselves and their cars without having to drive, acting as a car shuttle between the Northeast and Florida.

Overall, Amtrak covered 95 percent of its qualified operating expenses in Fiscal Year 2017 through ticket sales, payments from state partners and agencies, and other revenue.

Figure C-1: Amtrak in the 1970s: Florida-Bound *Silver Meteor* Train (Left) and Jacksonville Station (Right)





Source: (Florida-Bound Train with Palmettos, Jacksonville, Fla., Amtrak Station) Amtrak Archives

2. Infrastructure

Amtrak trains operate over track that is owned by other railroads for 72 percent of its line miles nationally. Most of the Amtrak-owned line mileage is located between Washington, DC and Boston (Northeast Corridor) and between Philadelphia, PA and Harrisburg, PA (Keystone Corridor).

Amtrak does not own any track in Florida, but operates a maintenance facility in Hialeah. Amtrak's Southern Division, which is responsible for Amtrak's operations in the Southeastern

United States, is headquartered in Jacksonville. The railroad also has train and engine crews based in Miami, Sanford, and Jacksonville, an onboard service crew based in Hialeah, as well as contractor-operated commissaries in Hialeah and Sanford.

3. Operations

Nationally, Amtrak operates over 300 daily trains each day, serving over 500 destinations on over 21,400 miles of routes. In Fiscal Year 2017 (October 2016 to September 2017), Amtrak transported over 31.7 million passengers over its entire route network.

In Florida, Amtrak handled a total of 923,483 boardings and alightings in Fiscal Year 2017. Amtrak serves 18 stations in Florida. In Fiscal Year 2016, Amtrak transported 468,214 intra-state riders, traveling a total of 273,181,646 rail passenger-miles and generating $64 million in revenue for Amtrak. The railroad supports 2,780 jobs in the state, contributing $31.8 million GDP (value-add) to the region (Amtrak Contribution to Florida, 2016).

In Florida, Amtrak operations provided $16.3 million in public safety cost savings from the lower risk of traveling by train compared to traveling by car. Half of Amtrak riders were tourists in 2016, generating $860,000 in tourist spending. Nearly 67 percent of Florida's population lives within 30 miles of an Amtrak station.

4. Florida Services

Amtrak operates three services within Florida. A service map of existing and discontinued service is shown in Figure C-2.

Existing Services

Amtrak operates three services in Florida: the Silver Meteor, Silver Star, and Auto Train.

1. *Silver Meteor* runs daily from New York to Miami, a total of 527.1 miles. The train makes Florida stops in Jacksonville, DeLand, Orlando, Winter Haven, Sebring, Okeechobee, West Palm Beach, Delray Beach, Deerfield Beach, Fort Lauderdale, and Hollywood, before terminating in Miami.

2. *Silver Star* runs daily from New York to Miami, a total of 664.8 miles. The Silver Star makes Florida stops in Palatka, Winter Park, Kissimmee, Lakeland, and Tampa, before circling back onto the same route as Silver Meteor between Winter Haven and Miami.

3. *Auto Train* is an 855-mile rail service that runs daily between Lorton, Virginia (near Washington, DC) and Sanford, Florida on a 16.5-hour overnight trip. The train consists of Superliner coaches and sleepers for passengers and auto carrier cars for their vehicles. In Fiscal Year 2017, this train carried 228,943 passengers and 123,772 vehicles.[66] In Florida, this train uses track owned by SunRail and CSX.

[66] Amtrak State Fact Sheet: Florida 2017

Figure C-2: Amtrak Service Map in Florida



Source: CPCS Analysis

Expansion Plans: Discontinued Sunset Limited Service

Amtrak's Sunset Limited line is the Country's second longest passenger train. In 2005, due to track damage from Hurricane Katrina, Amtrak's Sunset Limited Service east of New Orleans was suspended. The service is yet to be reinstated, despite repairs to the line in 2006 by CSX. Currently, BNSF and UP each own parts of the line from Los Angeles, CA to New Orleans, LA. CSX owns the line from New Orleans, LA to Jacksonville, FL.

In 2015, Amtrak, the Federal Railroad Administration (FRA) and the Southern Rail Commission analyzed the feasibility of restoring passenger service to parts of the line between New Orleans and Jacksonville. Later in 2016, Amtrak ran a test train on the restored tracks as a result of those studies. Due to projected low ridership levels and new safety and reliability requirements, the service has not been restored.

The final report to Congress submitted by the FRA in July 2017 estimated that $117 million in capital costs were required to restore service and additional budget was required for planning and development of the project. According to the Southern Rail Commission, the time frame for restoring passenger service between New Orleans and Jacksonville is 2020 or later.

5. Ticket Revenue

On a national level, Amtrak achieved record system-wide ridership and ticket revenues in Fiscal Year 2017. This was due to improved market demand, better revenue management, and higher state/agency capital amortization.[67]

Amtrak fares vary by expected demand, distance, and ticket type. Amtrak offers the following ticket types from lowest to highest cost: Saver, Value, Flexible, Business, and Premium. Within the Premium class, different rooms are offered at different price points: Viewliner Roomette and Viewliner Bedroom (Silver Line); and Superliner Roomette, Family Bedroom, and Superliner Bedroom (Auto Train).

The full length of the journey costs anywhere between $124-$340 for Saver, Value, and Flexible tickets on both Silver Star and Silver Meteor trains. Business and Premium tickets for the full length of the journey will vary between $342 and $1043. Silver Star Premium tickets are priced slightly less expensive than the Silver Meteor Premium tickets, because Silver Meteor has a full-service dining car with all meals included in fares paid by sleeping car passengers.

Auto Train passenger tickets for a full-length journey range from $112 to $272 for the Saver, Value, and Flexible tickets. Premium tickets can go as high as $1084 for the Superliner Bedroom.

6. Revenue from the Government for Operating Train Services

Amtrak is dependent on funding from the Federal Government to operate the national passenger rail system and to maintain the infrastructure that it owns (Amtrak owns no rail line infrastructure in the State of Florida and has trackage rights on other railroads' tracks for operating its trains). This federal funding usually flows through annual appropriations and is then provided to Amtrak by the FRA, pursuant to annual grant agreements.

The Passenger Rail Reform and Investment Act (PRRIA) in 2015 authorized $8.1 billion in annual grants to Amtrak for Fiscal Year 2016 – 2020. $2.6 billion supports Amtrak's Northeast Corridor and $5.5 billion supports Amtrak's National Network. An additional $2.2 billion is authorized for other rail grant programs that Amtrak may participate in. These appropriations began in Fiscal Year 2017 due to deferred implementation based on when the FAST Act was enacted.

Several states provide direct funding to support operations, totaling $224.0 million in Fiscal Year 2017. States providing funding include: California, Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Missouri, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Texas, Vermont, Virginia, Washington, and Wisconsin. The State of Florida does

[67] Amtrak Fiscal Year 2017 Financial Statements

not provide direct revenues to Amtrak and Amtrak does not provide intra-state trains, except for those mentioned previously.

7. Revenue for Infrastructure Maintenance and Improvements

The National Surface Transportation and Innovative Finance Bureau of the Federal Government (Build America Bureau) also provides financing to Amtrak through the Railroad Rehabilitation and Infrastructure Financing (RRIF) Program.

Authorized competitive and partnership grant programs where Amtrak may apply for Fiscal Year 2016 – Fiscal Year 2020 include a total of $1.1 billion authorized for rail infrastructure and safety improvements, $1.0 billion for federal-state partnership grants for state-of-good-repair projects, and $100 million for rail restoration and enhancement grants. No funds were received through these programs in Fiscal Year 2016 or Fiscal Year 2017. Most of these funds are appropriated for infrastructure projects, and Amtrak owns little infrastructure in Florida.

The Continuing Appropriations Act, 2018, and Supplemental Appropriations for Disaster Relief Requirements Act, 2017, provide funding for Amtrak for Fiscal Year 2018. No federal funds have been appropriated subsequent to February 8, 2018.

8. Other Revenues

Amtrak also receives funds for engineering and capital improvement projects, revenue for providing access to Amtrak-owned tracks for other railroads, commercial development revenue from retail, parking, advertising, real property leases/easements/sales and access fees, contractual agreements to operate commuter rail services, amortization of state funds to acquire depreciable assets, and freight access fee revenue from freight railroad companies (Amtrak Fiscal Year 2017 Financial Statements).[68]

9. Capital and Operating Costs

Funds from state and local entities and federal appropriations are used for capital spending programs. Figure C-3 provides Amtrak's capital expenditures broken down by department for its entire network for Fiscal Year 2017. Amtrak financial statements do not break out expenditure by state.

Figure C-3: Amtrak Capital Expenditures (in millions) – Fiscal Year 2017 and Fiscal Year 2016 Comparison

Expenditure	Fiscal Year 2017 ($M)	Fiscal Year 2016 ($M)
Engineering	$1,010.0	$863.5
Mechanical	$265.7	$322.1
Information Technology (IT)	$124.3	$43.2
Other	$515.9	$367.2
Total	**$1,915.9**	**$1,596.0**

Source: Amtrak Fiscal Year 2017 Financial Statements

[68] Amtrak Fiscal Year 2017 Financial Statements

Capital expenditures increased by $320 million in Fiscal Year 2017 due to various major expenditures needed to continue to provide safe, efficient, and reliable service. This includes various right-of-way (track, signals, substations) replacement and upgrade projects, station and facility as well as other upgrades.

Mechanical expenditures include overhauls and conversions of AmFleet (single-level intercity passenger cars built in the 1970s and 1980s), Superliners (bi-level passenger cars built in the 1970s and 1990s), locomotives, and other passenger cars.

Information Technology (IT) programs to improve operations and customer experience, and other major capital expenditures through Next-Generation High-Speed trainsets, also contributed to this higher level of capital expenditures in Fiscal Year 2017.

Figure C-4 provides a summary of total operating expense in millions for both Fiscal Year 2017 and Fiscal Year 2016. Operating costs decreased by 1.2 percent in Fiscal Year 2017, primarily due to lower depreciation and amortization as well as lower casualty and other claims, partially offset by higher costs for fuel, power, utilities, and materials.

Figure C-4: Total Operating Expenses (in Millions) – Fiscal Year 2017 and Fiscal Year 2016 Comparison

Expense	2017 ($M)	2016 ($M)	$M Change	% Change
Salaries, Wages, and Benefits	$2,084.6	$2,087.6	(3.0)	(0.1)%
Train Operations	287.6	300.2	(12.6)	(4.2)
Fuel, Power, and Utilities	239.7	230.4	9.3	4.0
Materials	165.3	157.9	7.4	4.7
Facility, Communication, and Office-Related	179.9	174.9	5.0	2.9
Advertising and Sales	106.9	104.4	2.5	2.4
Casualty and Other Claims	70.7	72.9	(2.2)	(3.0)
Depreciation and Amortization	767.0	813.4	(46.4)	(5.7)
Other	454.5	468.7	(14.2)	(3.0)
Indirect Cost Capitalized to Property and Equipment	(145.8)	(149.1)	3.3	(2.2)
Total Operating Expenses	**4,210.4**	**4,261.3**	**(50.9)**	**(1.2)**

Source: Amtrak Fiscal Year 2017 Financial Statements

Overall, Amtrak covered 95 percent of its qualified *operating* expenses in Fiscal Year 2017 through ticket sales, payments from state partners and agencies, and other revenue.

This does not include depreciation and amortization expenses, capital project related expenditures, post-retirement employee benefit cost, and Office of Inspector General (OIG) expenses.

Figure C-5 provides Amtrak's Fiscal Year 17 Consolidated Results of Operations, indicating that Amtrak continues to operate at a net loss. The service ended Fiscal Year 2017 with a net loss of $968.7 million, which was a 10.3 percent decrease from the prior fiscal year net loss of $1.08

billion. These losses are compensated from various sources mentioned previously in this chapter.

Figure C-5: Amtrak Consolidated Results of Operations (In Millions)

Item	Fiscal Year 2017 ($M)	Fiscal Year 2016 ($M)	$M change	% change
Total Revenues	**$3,305.7**	**$3,240.6**	**$61.5**	**2.0%**
Total Operating Expenses	$4,210.4	$4,261.3	(50.9)	(1.2)
Net Other Expense	$61.9	$58.0	3.9	6.7
Loss Before Income Taxes	$966.6	$1,078.7	(112.1)	(10.4)
Income Tax Expense	$2.1	$1.8	0.3	16.7
Net Loss	**$968.7**	**$1,080.5**	**(111.8)**	**(10.3)**
Ridership	31.7 million	31.3 million	0.4	1.3%

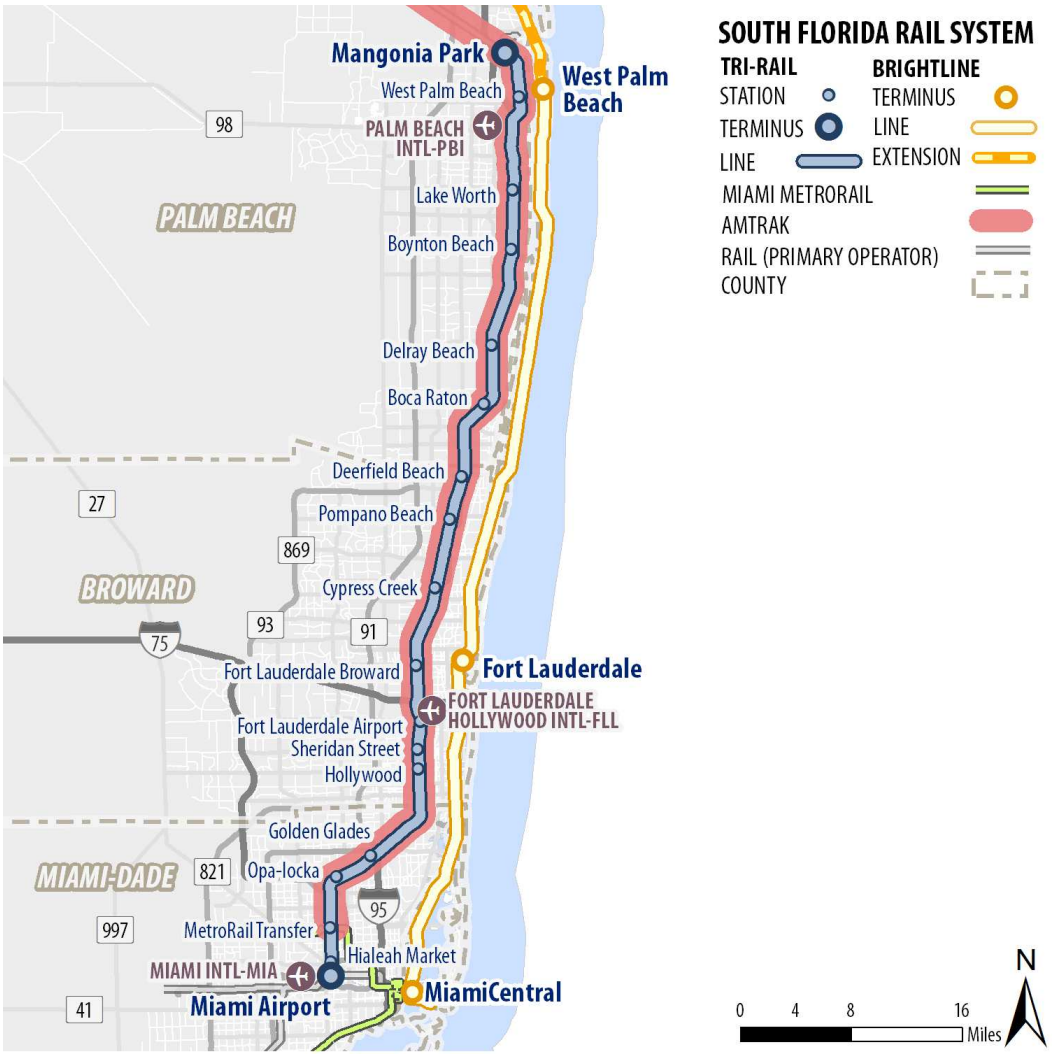
Source: Amtrak Fiscal Year 17 Financial Statements

C2. Tri-Rail

1. Background, Ownership and History

Tri-Rail originally began operations on January 9, 1989, as a temporary commuter rail service to alleviate highway congestion during Interstate 95 and turnpike construction work. Higher than expected ridership made Tri-Rail a permanent service. Tri-Rail is managed by the South Florida Regional Transportation Authority (SFRTA), and the line is wholly owned by the Florida Department of Transportation (FDOT). The existing map is shown in Figure C-6.

Figure C-6: Tri-Rail Service Map



Source: CPCS Analysis

Tri-Rail operates on a right-of-way that was used in the early 1920s by the Seaboard-All Florida Railway for intercity passenger rail service from New York City. Later, this right-of-way became

the Miami subdivision of CSX, which was purchased by the Florida Department of Transportation in 1988.[69]

CSX handled dispatch services, track maintenance, and had exclusive freight trackage rights (which was used for approximately 10 daily freight trains) until March 29, 2015. Dispatch and maintenance are now managed by the South Florida Regional Transportation Authority (SFRTA). In Fiscal Year 2017, Tri-Rail transported 4.26 million passengers and required a subsidy per passenger of $18.12, which is $0.65 per passenger-mile.

2. Infrastructure and Rolling Stock

The system is 72 miles long with 18 stations, running parallel the Southeast Florida Coast. The system connects directly to Amtrak at six stations and to Miami Metrorail at two stations. Tri-Rail also provides connections to the region's three major airports: Miami International Airport (MIA) via a peoplemover system, Fort Lauderdale – Hollywood International Airport (FLL) via a bus shuttle, and Palm Beach International Airport (PBI) via a bus shuttle. In addition to Tri-Rail trains, the rail line is shared with Amtrak's *Silver Meteor* and *Silver Star*. CSX Transportation continues to run freight trains on this line.

As shown in Figure C-7, Tri-Rail's total active fleet consists of 10 trainsets. Each trainset is made up of a single locomotive, two trailer cars, and a cab car. Tri-Rail has 24 active locomotives, 21 active cab cars, and 29 active trailer cars. Tri-Rail also operates 28 commuter buses that connect to its stations.[70]

Figure C-7: Tri-Rail Fleet

Manufacturer	Type	Qty.
Locomotives		
Morrison-Knudsen	MK F40PHL-2	3
MPI	MK F40PH-2C	3
EMD*	EMD F40PH (Originally Amtrak F40PHs, rebuilt by MPI)	2
EMD	EMD GP49PH-3	6
Brookville	BL36PH	10
Total Locomotives		**24**
Passenger Cars		
Bombardier	Bi-Level Cab	11
Bombardier	Bi-Level Trailer	15
Hyundai/Rotem	Control Trailer Coach BTC-5 (Cab)	10
Hyundai/Rotem	Blind Trailer Coach BTC-5 (Trailer)	14
Total Cars		**50**

Source: Tri-Rail Coastal Link Study[71] and SFRTA Forward Plan Fiscal Year 2018 - 2027[72]

[69] South Florida East Coast Corridor Transit Analysis Study: Environmental Impact Assessment, FTA, USDOT and FDOT, 2006
[70] Tri-Rail Fact Sheet, September 2017
[71] Preliminary Project Development Report, Tri-Rail Coastal Link Study, 2014
[72] Transit Development Plan. SFRTA Forward Plan. Fiscal Year 2018-2027.

3. Operations

Tri-Rail currently operates 25 round-trips between Miami Airport and Mangonia Park on weekdays and 15 round-trips on weekends over a 72-mile line. In Fiscal Year 2017, Tri-Rail ridership totaled 4.26 million riders. Assuming the average train consists of three, 162-seat cars, Tri-Rail has a 27.1 percent average load factor, assuming that on average passengers travel for half the line distance.

4. Maintenance

In 2017, a 10-year contract for Operating Services, which includes Maintenance of Equipment, Train Operations, Station Maintenance, and Dispatching was awarded to Herzog Transit Services.

Maintenance of Way for track and signals is contracted to VMTI, wholly owned by Transdev, under a 7-year contract, which began in 2015. VMTI has subcontracted the signaling part of the contract to Xorail.

5. Expansion Plans

In a 2015 document, SFRTA identified a number of capacity-improvement projects, including connecting Tri-Rail to Miami Central Station by Q3 2019 and a capacity improvement project for a single-track bridge, north of Miami International Airport (SFRTA Miami-Dade County Rail Opportunities, 2015). SFRTA has also identified a number of corridors which should be studied in the medium- to long-term. A summary of these projects is provided in Figure C-8 and a map of these projects and corridors is provided below in Figure C-9. More information on two of these projects is provided below.

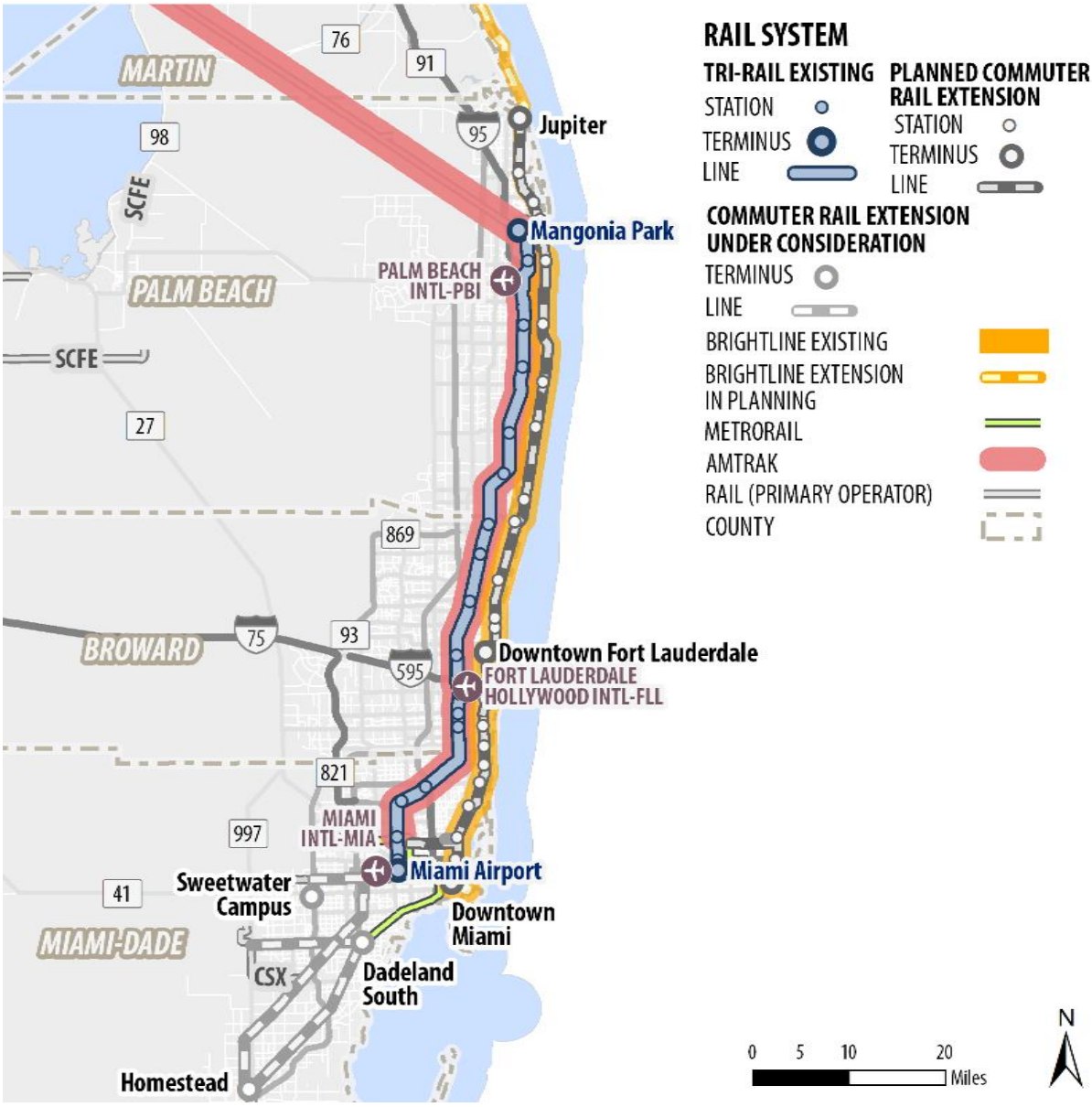
Figure C-8: Proposed Expansion Projects by SFRTA

Expansion Project / Corridor	Length (mi)	Ownership	New Stations	Grade Crossings	Timeline	Estimated Cost	Status
Downtown Miami Station	8	All Aboard Florida	1	19	Q3 2019	$68.9M	Under Construction
Rail Bridge expansion north of Miami Intermodal Center	<1	State of Florida	–	–	2019-2020	$27M to $50M	In Planning. EIR completed as of 02/2018.
Coastal Link Extension	85	TBD	25	TBD	<6 years	TBD	Negotiations between SFRTA and Brightline
Dolphin/East-West Extension	11	State of FL and CSX	6	12	3-6 years	$150M to $190M	Proposed
Okeechobee Link	9.5	FCC Railway	3	TBD	>6 years	$325M	Proposed
Kendall/Homestead Extension	29	State of FL and CSX	8	34	3-6 years	$300M	Proposed
Miami Int'l Airport/ Port Miami Extension	12	State of FL and FEC	1-2	37	3-6 years	$25M	Proposed

Source: Miami-Dade County Rail Opportunities. Improving Mobility in Miami-Dade County.[73]

[73] Miami-Dade County Rail Opportunities. Improving Mobility in Miami-Dade County. SFRTA, 2015

Figure C-9: South Florida Passenger Rail Expansion Projects



Source: CPCS Analysis

Downtown Miami Link

This 9-mile section of the Coastal Link Expansion project is known as the Tri-Rail Downtown Miami Link (TRDML). The TRDML line will provide a connection from the existing Tri-Rail line to the new Miami Central Station in Downtown Miami. Once the link is complete, the transit hub will serve both Tri-Rail and Brightline trains as well as other local public transit. Tri-Rail's connection to the station is expected to be complete sometime in 2019.

Coastal Link Expansion

South Florida Regional Transportation Authority (SFRTA) announced plans for a second commuter rail line along the along the Florida East Coast Railway corridor in 2010. This project was also envisioned in the 2025 and 2030 Long Range Transportation Plans (LRTP).

In a collaboration with FDOT and local Metropolitan Planning Organizations, SFRTA published a preliminary study of alternatives for a commuter rail service from Miami to Jupiter that would operate on existing tracks of Florida East Coast (FEC) Railway, the same corridor that Brightline uses to run its trains. The purpose of this expansion is to provide additional capacity to Tri-Rail's existing commuter rail services, which currently operate in a parallel corridor, west of the I-95 corridor.

The Coastal Link project is planned to be implemented in multiple phases and the service would operate daily between 4 AM and midnight, with 30-minute peak and 60-minute off-peak headways.[74]

FDOT estimated a $600-$800 million capital cost for the entire Coastal Link system (2014 projections) with an additional $40 million annual budget for operation and maintenance. Tri-Rail expected to be able to cover 50 percent of the capital costs through federal funding programs and the other 50 percent through State and local funding. The Coastal Link Expansion project received a federal Transportation Investment Generating Economic Recovery (TIGER) grant for the construction of Norwood and IRIS connection tracks.[75] The initial environmental work on this project has been completed.

In 2017, negotiations stalled between SFRTA and Brightline as Brightline was looking to explore the possibility of running commuter service independent of SFRTA along its tracks. Currently, this project is on hold until FDOT finds a viable funding source for operating and maintaining the expanded commuter rail system and negotiates a way forward with Brightline.

6. Farebox Revenue

As shown in Figure C-10, in Fiscal Year 2017, 4.26 million passengers rode Tri-Rail, a 0.5 percent increase from the previous year. Riders increased most significantly on Saturdays (2.48 percent) and Sundays (2.69 percent). Holiday ridership fell by 17.15 percent year-over-year, but this amounted to just a decline of 4,693 passengers.

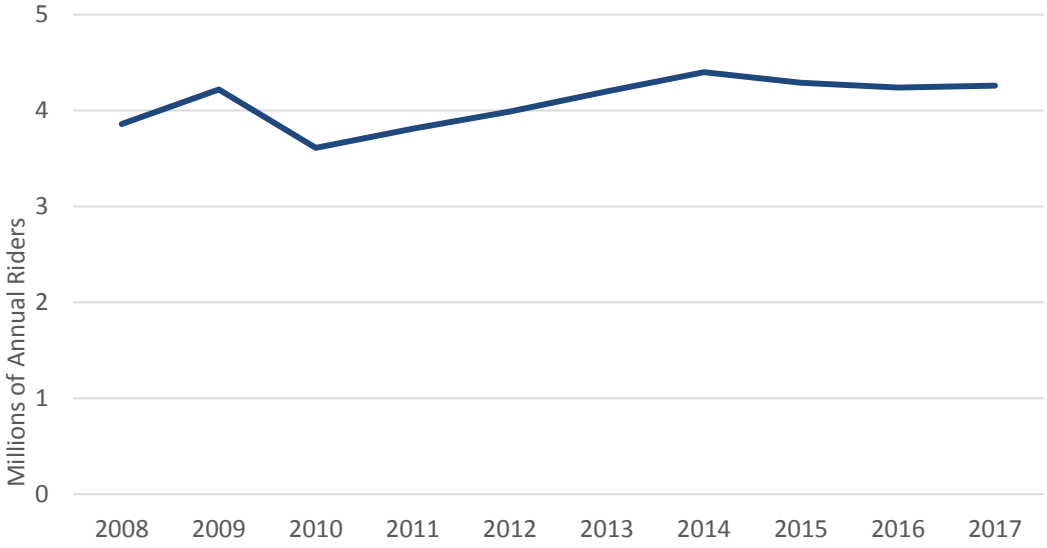
Tri-Rail fares are dependent on the number of zones traveled and whether purchasing a one-way or round-trip ticket. Twelve-ride and monthly tickets are also available. Figure C-11 provides Tri-Rail's fare chart.

Discounts on full fare products are provided for purchasing a round-trip fare (12-17 percent discount compared to 2 one-way tickets), or 12-trip tickets (approximately a 30 percent

[74] Tri-Rail Coastal Study, FDOT, July 2018
[75] Moving Our Region Forward, SFRTA, Fiscal Year 2018-2027

discount over 12 one-way fares). Discounts of 25 percent are available to participating employers who are members of the Employer Discount Program (EDP).

Figure C-10: Tri-Rail Ridership (in Millions) Fiscal Year 2008 – Fiscal Year 2017



Source: SFRTA Fiscal Year 2017 Comprehensive Annual Financial Report

Discounts are also available for riders who are 65 years old or above, persons with disabilities and children up to 18 years of age. Riding is free for those below 5 years of age.

Groups of 25 or more are also eligible to receive a 15 percent discount if Tri-Rail is notified two weeks prior to the trip.

Figure C-11: Tri-Rail Fare Chart

Number of Zones Traveled	One Way	Discount One Way	Round Trip	Discount Round Trip	12-Trip
Single Fares					
1	$2.50	$1.25	$4.40	$2.50	$21.25
2	$3.75	$1.90	$6.25	$3.75	$31.25
3	$5.00	$2.50	$8.45	$5.00	$41.90
4	$5.65	$2.80	$9.70	$5.65	$47.50
5	$6.25	$3.15	$10.65	$6.25	$52.50
6	$6.90	$3.45	$11.55	$6.90	$57.50
Type				**Full Fare**	**Discount**
Passes					
Weekend and Holiday Day Pass (regardless of the number of zones)				$5.00	$2.50
Tri-Rail Monthly Pass (regardless of the number of zones)				$100	$50
Regional Monthly Pass – Unlimited rides on Tri-Rail, Miami-Dade Transit				$145	$72.50

Source: Tri-Rail Website

Tri-Rail and Miami Dade Transit use an interoperable smart card that can be used as an e-wallet (charged with money that can be deducted based on use) or can be loaded with tickets and passes.

7. Other Revenue

In addition to farebox revenue, Tri-Rail also receives subsidies from the three counties, non-capital grants from the state and federal governments and other funding sources.

Each of the three counties contributes $1.6 million annually in operating funds and $2.67 million annually for future capital projects to SFRTA, following state legislation in June 2004. The three counties have made a cumulative total of $112.1 million in contributions.

Additionally, SFRTA also receives funding from the state, which helps fill the gap between the county statutory funding requirement and Tri-Rail's annual operating costs as shown in Figure C-12.

Figure C-12: SFRTA Funding from the State

Dates	Authorization	Description	Amount
Fiscal Years 2011 – 2015	FL Statutes-Title XXVI Public Transportation Section 343.51 (2009)	Dedicated funding source for Tri-Rail from the State Transportation Trust Fund	**$30.6 million total** ($13.3 million annual transfer for operations, maintenance, and dispatch + $17.3 million in additional funding for operating assistance)
Fiscal Year 2016 – present	FL Statutes-Title XXVI Public Transportation Section 343.58(4)(a)2. (2015)	Amended State Transportation Trust Fund annual funding requirements to Tri-Rail. Excess costs to be shared with FDOT based on operating agreement percentages between FDOT and SFRTA.	**$42.1 million total** ($15 million for operations, maintenance, and dispatch + $27.1 million additional funding for operating assistance)

Source: SFRTA Fiscal Year 2017 Comprehensive Annual Financial Report

Tri-Rail also receives various federal grants from the FTA (Preventive Maintenance and Planning) grants program and the FHWA grants. Other funding from private companies and other local funding sources constitute $100,000 and $85,000 respectively. A summary of Tri-Rail's total revenue is shown in Figure C-13.

Figure C-13: Tri-Rail Total Revenue Summary Fiscal Years 2017, 2016, and 2015 (in $ Millions)

Revenue Source	2017 ($M)	2016 ($M)	2015 ($M)
Operating Revenue	$14.1	$13.6	$13.2
Interest Income	$0.4	$0.3	$0.1
FTA	$24.6	$24.2	$26.0
FHWA	$4.0	$4.0	$4.0
State Grants (FDOT)	$55.2	$55.3	$43.1
County Contribution	$4.7	$4.7	$4.7
Other	$0.2	$0.2	$0.2
Total Revenues	$103.3	$102.2	$91.2

Source: SFRTA Fiscal Year 2017 Comprehensive Annual Financial Report

8. Capital Costs

SFRTA's commitments for construction projects as of June 30, 2017, include the following listed in Figure C-14.

Figure C-14: SFRTA Construction Commitments as of June 30, 2017 (in millions)

Contractor Name	Project	Contract Amount ($M)	Completed to Date ($M)	Balance ($M)
HDR Engineering	The Wave	$19.97	$15.61	$4.4
Xorail	Positive Train Control	$39.72	$1.19	$38.5
All Aboard Florida	Track Improvements at Miami Central Station	$16.19	$1.45	$14.74
Transdev (VTMI)	Northwood Crossover	$4.81	$0.73	$4.08
All Aboard Florida	Downtown Miami Central Station	$48.90	$32.45	$16.46
Total		**$129.59**	**$51.43**	**$78.16**

Source: SFRTA Fiscal Year 2017 Comprehensive Annual Financial Report

All construction in progress as of the end of Fiscal Year 2017 total approximately $131.2 million. This includes station improvement projects of $30.3 million, $39.4 million for the All Aboard Downtown Miami Station, other projects making up $44.6 million, and rolling stock of $16.8 million.

SFRTA has a State Infrastructure Bank Loan Agreement in the amount of $19.3 million for the New SFRTA Operations Center. The loan term is 5 years with an interest rate of 1.55 percent per annum compounded annually, and a $14.0 million draw was made in July 2017.

SFRTA also has a Loan and Security Agreement worth $48.63 million with FECI EC Holding Company, LLC in order to fund the total cost of Tri-Rail station improvements. This line of credit is payable one year after the completion of the project at an annual rate of 9.65 percent. A $9.1 million balance exists as of June 30, 2017, representing the total amount funded by SFRTA.

Lastly, SFRTA also has a Note and Security Amount worth $22 million with Bank United, N.A. to fund the Tri-Rail Downtown Miami Service, specifically the 8.5-mile trackage improvements, access/easement fees, and PTC equipment on the rolling track. The term on the note is 5 years with an interest rate of 2.25 percent per annual, compounded annually. There is no outstanding balance as of June 30, 2017.

9. Operating Costs

Operating Ratio is a profitability measurement calculated by taking operating expenses and dividing it by operating revenues. Figure C-15 provides the operating ratios for Tri-Rail from Fiscal Year 2010 to Fiscal Year 2017. In 2015, Tri-Rail saw a jump in operating costs, compared to the previous year as Tri-Rail took over dispatch and maintenance from CSX. In these figures, operating revenues include revenues from ticket sales and other revenues (e.g. advertising, concessions, and vending machines).

Figure C-15: Tri-Rail Operating Revenues and Expenses 2010-2017

Year	Operating Revenues ($M)	Year over Year Change	Operating Expenses ($M)	Year over Year Change	Operating Ratio (Operating Expenses / Operating Revenues) ($M)
2017	$14.1	+3.9%	$143.8	+6.91%	10.2
2016	$13.1	+2.6%	$134.5	+11.43%	10.3
2015	$12.8	-0.1%	$120.7	+13.33%	9.4
2014	$12.8	+6.3%	$106.5	+6.29%	8.3
2013	$12.0	+0.9%	$100.2	+4.38%	8.4
2012	$11.9	+9.5%	$96.0	+2.78%	8.1
2011	$10.9	+5.9%	$93.4	+7.48%	8.6
2010	$10.3	+5.6%	$86.9	+20.69%	8.4

Source: SFRTA Fiscal Year 2017 Comprehensive Annual Financial Report

An operating subsidy is financial support extended from the government to fund rail operations. Using this general definition of subsidies, Tri-Rail received approximately $88.73 million in operating subsidies in Fiscal Year 2017:

- → $4.7 million from the counties annually
- → $184,795 in other local funding
- → $55.22 million from the state in Fiscal Year 2017
- → $24.63 million from the FTA (Preventive Maintenance Grant and Planning Grant)
- → $4 million from the Federal Highway Administration (FHWA)

In Fiscal Year 2017, Tri-Rail required a subsidy per passenger of $18.12 and subsidy per passenger mile of $0.65.

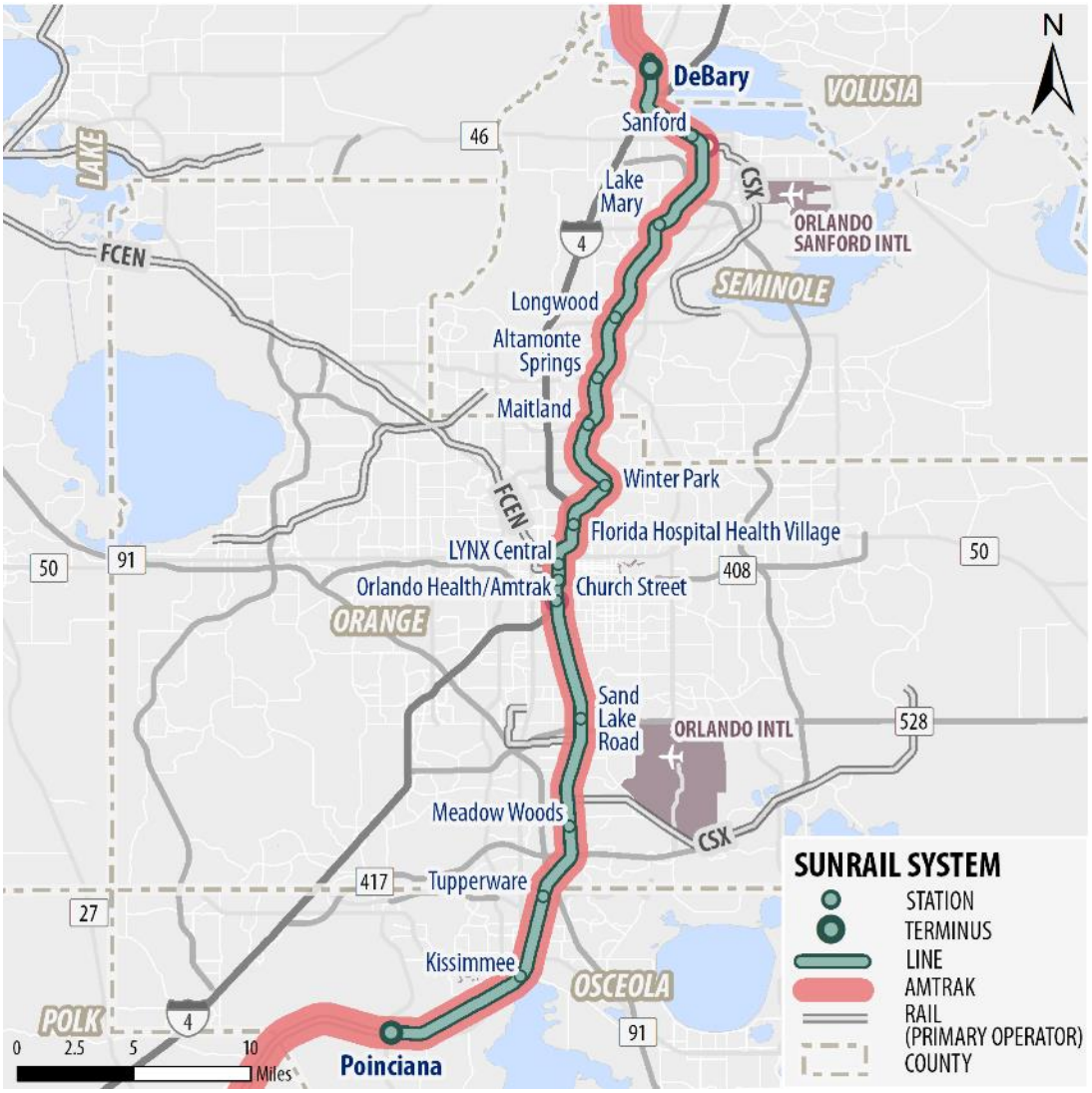
This level of farebox recovery is lower and the level of subsidy is higher than comparable systems around the country.

C3. SunRail

1. Background, Ownership, and History

SunRail is owned by the Florida Department of Transportation and overseen by the Central Florida Commuter Rail Commission, an advisory board of elected leaders from five local funding partners – the City of Orlando and Osceola, as well as Seminole, Volusia and Orange counties. The current system map is shown in Figure C-16.

Figure C-16: SunRail System Map



Source: CPCS Analysis

In 2009, the state of Florida purchased a 61-mile segment between DeLand and Poinciana from CSX in order to construct the SunRail commuter rail line. Phase 1 officially opened in May 2014 and Phase 2 South (the "Southern Expansion") opened in July 2018.

The opening of Phase 2 South (delivered as a design-build contract) increased the rail system to a total of 48.9 miles. Funding for an additional 12-mile Phase 2 North extension from DeBary to DeLand is being sought on with no set timetable for opening the line.

While the Florida Department of Transportation (FDOT) currently owns this rail service, it will be transferring ownership of SunRail to the counties by 2021. The Central Florida Commuter Rail Commission retained H.W. Lochner beginning in July 2018, to help plan the ownership transition of SunRail from FDOT to the counties.

2. Infrastructure

SunRail operates on a mostly double-track line between DeBary and Poinciana via Orlando, with small segments of single track. Centralized Traffic Control (CTC) signaling system, together with an Automatic Block Signal (ABS) system provides safe train separation. Train dispatching and control is performed by Bombardier Operations & Maintenance (a contractor who is also responsible for maintenance-of-way and equipment servicing – see *Maintenance* below) from the Operations Control Center in Sanford.

Trains consist of double-decker Bombardier BiLevel cars, operating in a push-pull system with MP32PH-Q re-built diesel-electric locomotives. There are a total of 11 locomotives and a total of 20 double-decker cars (13 cab cars and 7 trailers). Trains normally operate in a locomotive + 2-car configuration (locomotive + trailer car + cab car).

3. Operations

SunRail currently operates 20 daily round-trips on weekdays only. On-time performance between January and April 2018 stood at 96 percent, surpassing SunRail's goal of 95 percent or better. In 2015, SunRail carried a total of 957,800 passengers. More recent numbers show that over the 10-month period between July 2017 and April 2018 there were a total of 684,397 riders. Extrapolating to July 2018, the annual ridership in the latest year is likely to be between 820,000 and 830,000 riders, depending on the monthly variation. Phase 1 ridership of 3,400-3,500 boardings per day was below the initial ridership forecast of 4,300 daily boardings.[76]

First 3 weeks of operating the Phase 2 South expansion added 2,000 boardings per day to this figure. Ridership on the new extension is expected to grow, as usually happens with new lines in the initial months of operation, during what is known as the ramp-up period.

Assuming ridership figures from 2017-2018, that each train can hold 278 passengers, and that riders on average travel half the distance of the entire line, SunRail's load factor can be estimated at 14.3 percent.

SunRail maximum speeds vary between 30 and 80 miles per hour with an average (commercial) speed of 33 miles per hour.

[76] Consultation with SunRail, August 13, 2018

In addition to SunRail trains, three daily round-trip Amtrak trains (*Silver Meteor*, *Silver Star*, and the *Auto Train*) use SunRail's line. Between 10 and 20 CSX freight trains operate nightly, between midnight and 5 AM.

4. Maintenance

The following provides a list of maintenance contractors that are used by SunRail:

- → Amtrak is under contract with the Florida DOT to conduct periodic, and heavy maintenance and repair of SunRail equipment at their Sanford maintenance facility (7-year contract).
- → Bombardier is a SunRail contractor, providing operations and maintenance services (7-year contract with a 3-year extension).
- → Conduent (a spin-off of Xerox) provides back-office hosting and fare equipment maintenance and operations. During the start-up period in 2014, SunRail users experienced problems with Conduent's ticketing systems.
- → Herzog provides signal maintenance of way services (7-year contract).

5. Expansion Plans

Additional extension plans include Phase 2 North, a 12.2-mile, one station extension north to DeLand, and Phase 3, a 5.5-mile extension to Orlando International Airport, along an existing spur line.

Three more extensions are under consideration: north to Daytona Beach (approximately 22 mi), east to Sanford Airport via an existing spur (approximately 7.5 mi), and a third to Haines City, Auburndale, and Lakeland (an approximate total of 35 miles).

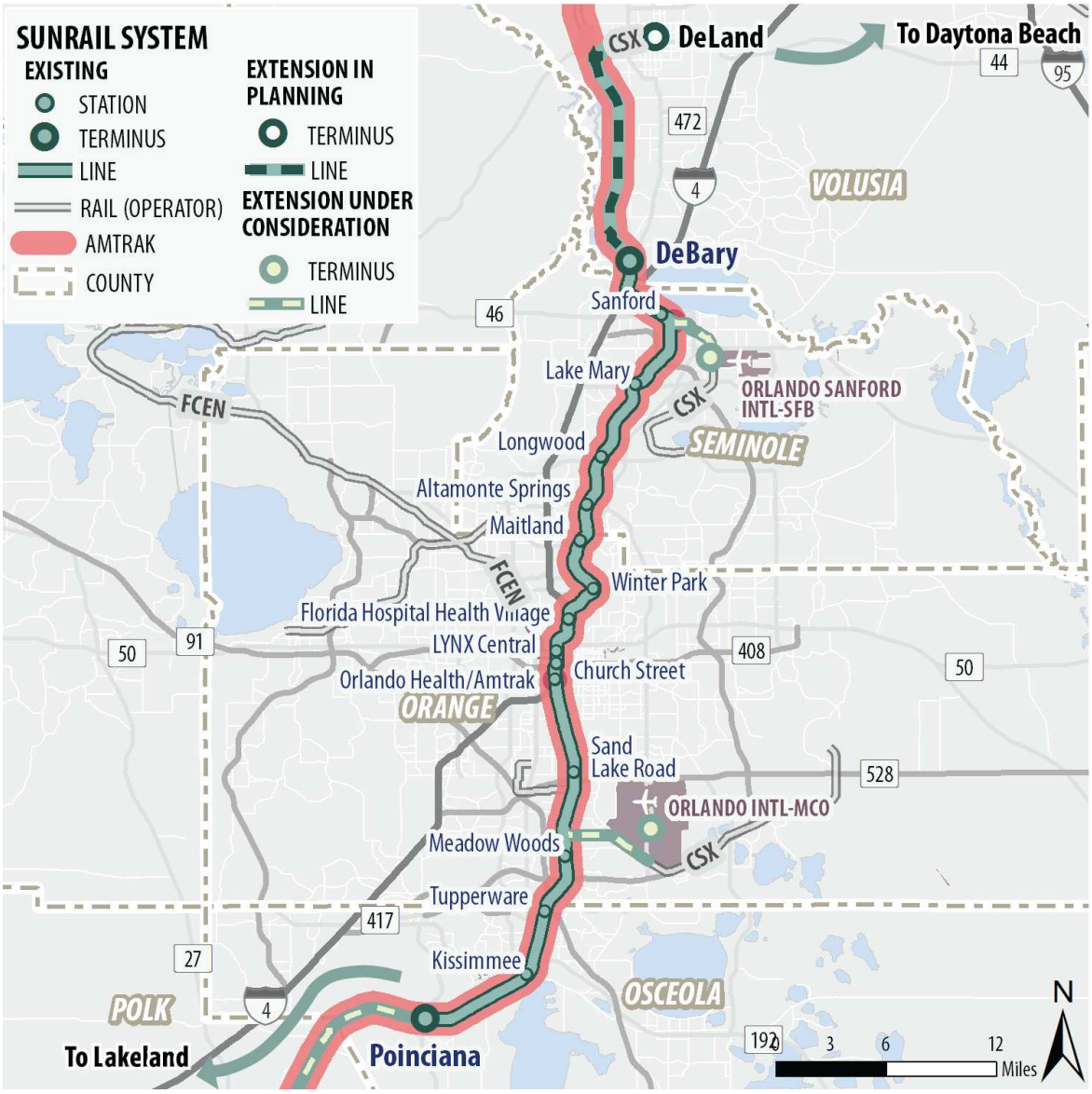
SunRail has undertaken some level of a preliminary study for each extension, but funding has not been identified and a timetable has not been set for any of these extensions.

Phase 2 North

In 2014, FDOT proposed the Phase 2 North project to extend SunRail service 12.2 miles north of DeBary station, on tracks owned by FDOT. These tracks are also used by CSX for freight and Amtrak for passenger service. Figure C-17 shows a map of proposed expansion projects. When built, one station (DeLand) will be added. The proposed project had an estimated capital cost of about $69 million with an estimated annual operating cost increase of $6.4 million. The estimated costs included finance costs, capital costs for building a new station adjacent to Amtrak's stop in Volusia County and costs for purchasing three rail cars.[77]

[77] SunRail Phase 2 North, FTA, July 2018

Figure C-17: Map of Proposed SunRail Expansion Projects



Source: CPCS Analysis

Like the rest of the line, the new station would operate on weekdays only, with 30-minute peak headways and 150-minute off-peak headways, similar to the current timetable elsewhere in the system. The 2011 estimations of ridership forecasted 200 daily boardings at the new station, with potential to increase this number to 600 daily boardings by 2030.

In October 2015, low ridership projections made the project ineligible for a $35 million federal grant, causing the station construction to stop. Currently, FDOT is looking for other options for increasing ridership in order to qualify for federal funding programs. One option includes adding another station in Orange City.

Phase 3 Orlando International Airport

SunRail officials proposed this 5.5-mile extension to Orlando International Airport (MCO) in 2010. Initial plans suggested using an existing 3.5-mile spur, owned by Orlando Utilities Commission (OUC), and building an additional 2 miles of new track or a transfer station with a 2-mile light rail system to the airport. From the airport station, passengers would have the option to ride an airport peoplemover to the north terminal or transfer to the Brightline service between Miami and Orlando (expected to begin service by 2021). Currently, SunRail passengers can reach Orlando International Airport via a bus shuttle from Sand Lake Road Station.

In a 2017 study, FDOT estimated a $256 million budget for this project.[78] The estimated budget included the cost of building 3 miles of new double track, upgrading the OUC corridor, and building the boarding/transfer platforms. The study also provided an analysis of the no-build option, in line with NEPA requirements.

FDOT's preliminary projections estimated 2,250 daily passengers during the first year of operation and 1,000 more daily passengers by the end of 2030. Due to higher-than-expected capital cost projections by the Project Development and Environmental Study, Phase 3 has been postponed indefinitely. Metroplan Orlando, the region's Metropolitan Planning Organization (MPO), will be establishing an executive committee to review rail transit priorities in the Orlando area, including SunRail's Phase 3 expansion to Orlando International Airport (MCO).

6. Farebox Revenue

SunRail calculates fares based on the number of zones traveled. Each zone roughly represents a county. One-way tickets range from $2 (1 zone) to $5 (4 zones). Round-trip tickets as well as weekly, monthly and annual passes are available at a discount. Figure C-18 below provides SunRail's current fare chart.

Figure C-18: SunRail Fares

Number of Counties Traveled	One-Way	Round-Trip	Weekly Pass*	Monthly Pass*	Annual Pass*
1	$2	$3.75	$17	$56	$560
2	$3	$5.50	$25	$84	$840
3	$4	$7.50	$34	$112	$1,120
4	$5	$9.50	$42.50	$140	$1,400

Source: SunRail Website

Additionally, children age 6 and under ride for free with a paying adult (limit of 3). 50 percent discounts are also available for riders 65 and over, youth between the ages of 7-18, and those

[78] SunRail Extension to Orlando International Airport (Phase 3) PD&E Study Preliminary Engineering Report, FDOT District 5, 2018

with disabilities. Additionally, those using a pre-paid multi-use smart card receive a 10 percent bonus on any amount charged over $10.

7. Other Revenue

SunRail derives most of its revenue through Urbanized Area Grant Funds from the Federal Transit Administration. Additionally, SunRail obtains operating revenue from the farebox, from CSX, Amtrak, and FCEN usage fees, from right-of-way lease revenue, ancillary revenues, and smart card revenues. Funding percentages are shown in Figure C-19.

Figure C-19: SunRail Phase 1 Funding – Capital Costs

Funding Percentage	Source
50%	Federal Transit "New Starts" Grant
25%	Florida State
25%	Central Florida Counties

Source: SunRail

Figure C-20 provides SunRail's planned annual operating revenue and expenses from January 1 to June 30, 2018. SunRail's Fiscal Year 2018 operating revenue is budgeted at $16.3 million, of which $15.9 million has been received as of June 30, 2018. The rail service's operating costs for Fiscal Year 2018 are budgeted at $47.0 million and include operations, capital maintenance and consultant support. As of April 30, 2018, $33.5 million has been spent.

Figure C-20: SunRail January – June 30, 2018 Operating Revenue

Revenue Source	Budget	Actual
Farebox Revenue	$2.0 million	$1.8 million
CSX Usage Fees	$3.2 million	$3.0 million
Amtrak Usage Fees	$1.1 million	$0.9 million
FCEN Usage Fees	$21,671	$22,703
Right-of-Way Lease Revenue	$225,000	$107,221
Ancillary Revenue	$167,830	$348,773
Subtotal – System Revenue	**$6.7 million**	**$6.2 million**
FTA 5307 – Urbanized Area Grant Funds	$9.6 million	$9.6 million
Total Operating Revenue	**$16.3 million**	**$15.9 million**

Source: SunRail, TAC Meeting Materials, August 8, 2018; Note – unaudited values above

8. Capital Costs

Phase 1 costs include right-of-way acquisition ($432 million) and construction costs ($615 million).

Half of Phase 2 South (now known as "Southern Expansion") costs were sourced from federal grants, while half from the state, for a total of $187 million for the 17.2-mile extension. The

federal funds were secured through a Full Funding Grant Agreement with FTA.[79] The project's federal, state, and local funding programs are presented in Figure C-21 below.

Figure C-21: Phase 2 South Extension Funding Sources

Program	Legislative Authority	Amount ($M)
Section 5309 New Starts	Federal	$93.43
Florida Transportation Trust Fund	State	$50.03
Orange County General Funds	Local	$16.30
Osceola County State Infrastructure Bank Loan	Local	$27.10

Source: FTA's proposed plan for Phase 2 South extension, July 2018

The nearly $187 million project budget included the construction costs for 4 new stations, a storage/maintenance facility, park and ride lots, signaling and other grade crossing equipment, a communication system and acquisition costs for 2 new locomotives, 4 passenger cars.[80]

The extension opened for revenue service in July 2018 with the same service levels as the rest of the line (operating hours from 5 AM to 10:30 PM on weekdays, with 30-minute peak headways and 2-2.5 hour off-peak headways). FDOT forecasts a minimum of 2,000 passenger boardings at the new stations during the opening year.

9. Operating Costs

SunRail's operating expenses are predominantly in operations and maintenance contracted out to Bombardier, with an annual budget of $20.35 million this year. Capital maintenance and consultant costs constitute another $14.6 million.

[79] Full-Funding Grant Agreements Guidance, FTA, July 2018
[80] Proposed Plan for Phase 2 South Extension, FTA, July 2018

Figure C-22 provides the breakdown of these actual and budgeted expenses for Fiscal Year 2018, with the year ended on June 30, 2018.

SunRail came in under budget by approximately $13.3 million in Fiscal Year 2018. For Fiscal Year 2019, SunRail has budgeted $57.9 million in total operating costs, capital maintenance, and consultant support, an increase of approximately 23 percent due to the new Southern Expansion line.

Figure C-22: SunRail Fiscal Year 2019 and Fiscal Year 2018 Operating and Capital Maintenance Costs, Consultant Support

Item	Fiscal Year 2019 Budget	Year ending June 30, 2018 Budget	Year ending June 30, 2018 Actual
Bombardier – Operations	$10.3 million	$6.85 million	$6.8 million
Bombardier – Maintenance	$15.9 million	$13.5 million	$13.5 million
Bombardier – Incentive/Disincentive	$1.3 million	$1.0 million	$1.0 million
Conduent – Back-of-the-House Hosting	$0.9 million	$0.9 million	$0.9 million
Conduent – Fare Equipment Maintenance	$2.2 million	$1.7 million	$1.8 million
Herzog – Signal Maintenance of Way	$3.1 million	$2.6 million	$2.9 million
Green's Energy – Fuel	$2.2 million	$1.0 million	$1.1 million
Gallagher Insurance	$2.1 million	$2.0 million	$1.6 million
Amtrak – Heavy Vehicle Maintenance	$1.7 million	$1.2 million	$0.9 million
Wells Fargo – Banking Services	$6,880	$5,160	$4,636
Bank of America – Merchant Services (Banking)	$90,000	$60,000	$49,324
MidFlorida – Armored Car Service	$52,480	$42,480	$35,565
AT&T/Verizon – Wi-Fi Service	$34,400	$33,600	$22,761
Fare Media Smart Card	$ -	$134,800	$ -
Limited Use Smart Card	$269,600	$30,000	$215,680
Incomm – Card Distribution and Packaging	$ -	$ -	$ -
Subtotal – System Operating Costs	**$40.0 million**	**$31.0 million**	**$30.9 million**
Feeder Bus Expenses	$1.8 million	$1.5 million	$1.3 million
Capital Maintenance	$7.2 million	$7.1 million	$2.2 million
Consultant Support	$8.8 million	$7.5 million	$5.4 million
Total Oper. and Capital Maint. Costs, Consultant Support	**$57.9 million**	**$47.1 million**	**$33.8 million**

Source: SunRail, TAC Meeting Materials, August 8, 2018; Note – unaudited values above

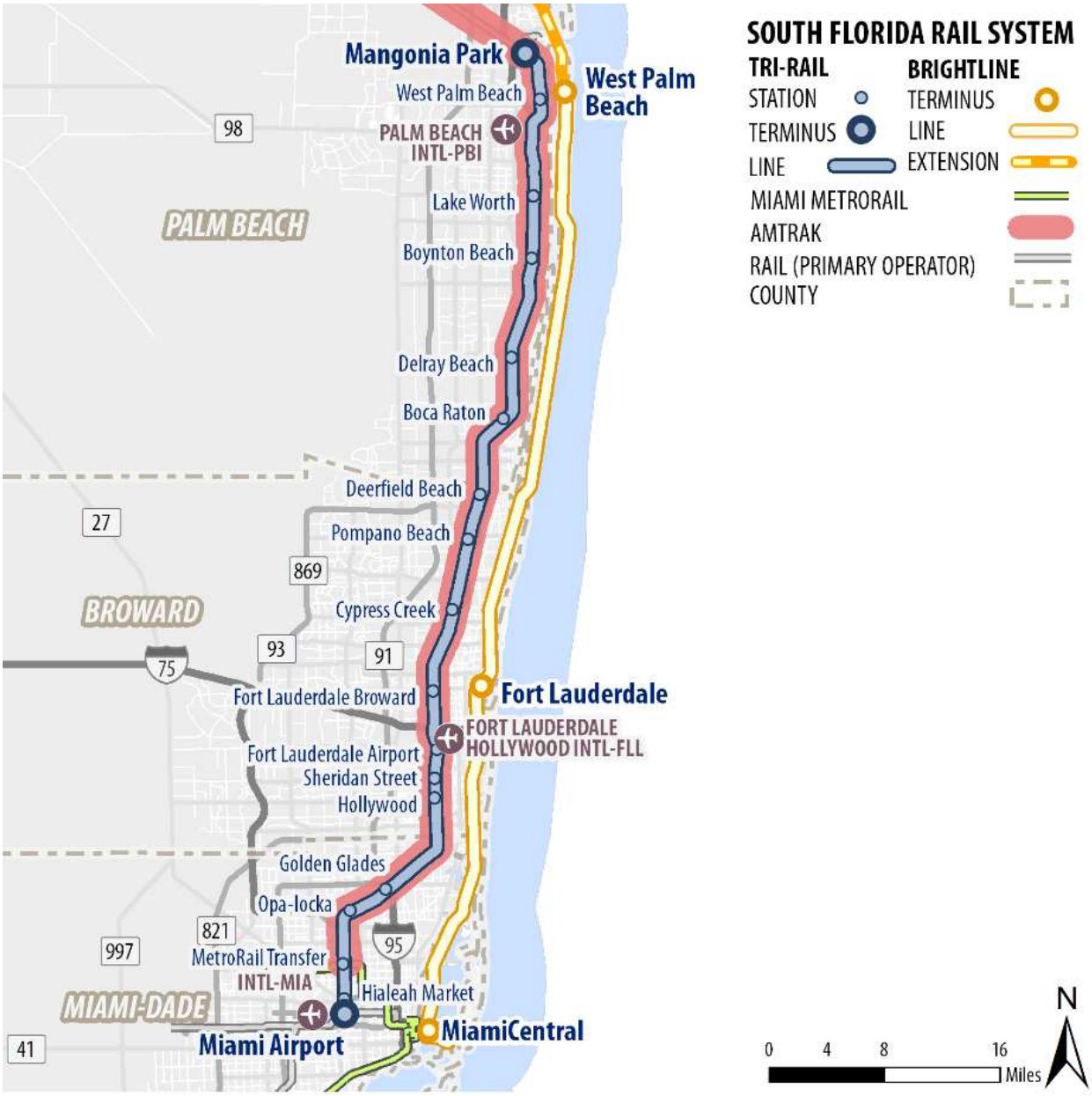
C4. Brightline

1. Background, Ownership, and History

Background

Brightline is a private passenger rail company that is owned by All Aboard Florida, a subsidiary of Florida East Coast Industries (FECI). Figure C-23 shows the existing system map.

Figure C-23: South Florida Rail System Map



Source: CPCS Analysis

Phase 1 between Fort Lauderdale and West Palm Beach opened on January 13, 2018, and was extended south to Miami on May 19, 2018.

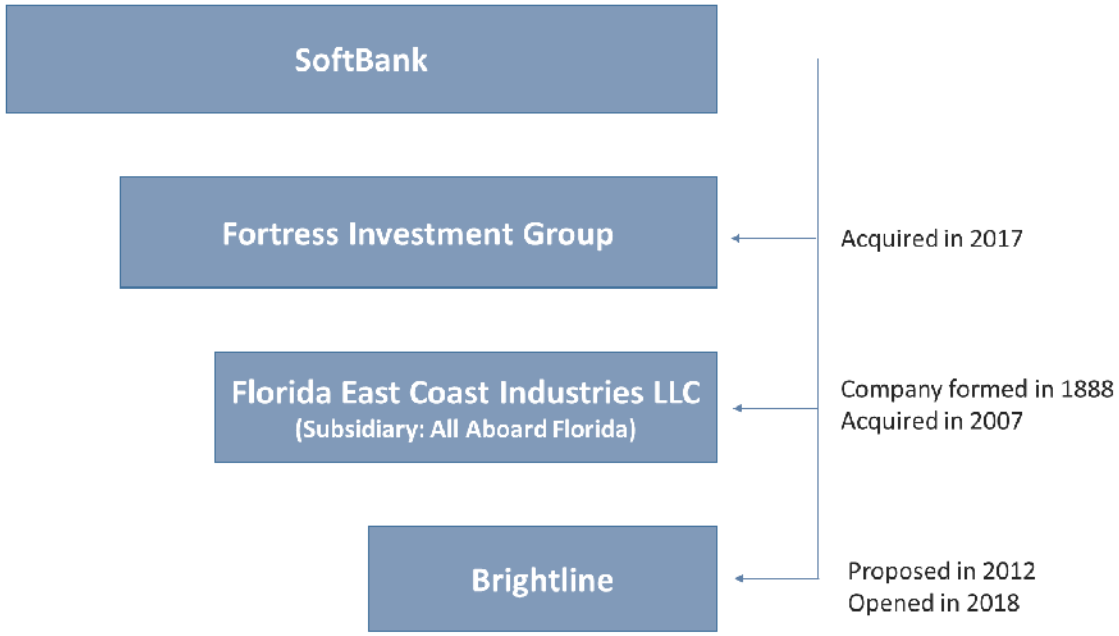
Phase 2 between West Palm Beach and Orlando is planned to open by 2021.

Ownership History

Florida East Coast Industries (FECI) was renamed from "Foxx Holdings" in 2006 and was acquired in 2007 by Fortress Investment Group, a private equity firm with over $46 billion assets under management (AUM) based in New York City. Fortress Investment Group was subsequently acquired in 2017 by SoftBank, a Japanese telecommunications firm.

Figure C-24 shows Brightline's corporate ownership relationships.

Figure C-24: Brightline Corporate Ownership Diagram



Source: CPCS Analysis

Grupo México Transportes (GMXT) acquired Florida East Coast Railway, which owns the infrastructure and operates freight trains along the corridor, from Fortress in July 2017. This is the second acquisition of a US railroad by GMXT, which also owns Texas Pacifico Transportation Ltd. in West Texas. Florida East Coast Railway (the freight operator) and Florida East Coast Industries (owner of Brightline) no longer have a common owner, although they have an agreement in place to jointly operate the rail corridor.

2. Infrastructure and Rolling Stock

Infrastructure

Brightline uses the existing 66.5-mile rail corridor owned by Florida East Coast Railway (FECR), between Miami and West Palm Beach. FECR and Brightline have a joint ownership agreement in place that distributes rights and responsibilities to each party.

Currently, trains operate at a top speed of 80 mph between Miami and West Palm Beach, making this line a conventional rail line. Trains are expected to reach 110 mph between West Palm Beach and Cocoa and 125 mph between Cocoa and Orlando when these two extensions open.

Once built out, the system will not be considered a high-speed rail system, but rather a "higher-speed" rail system.

Yet, when complete, Brightline will be the second fastest rail system in North America after Amtrak's Acela Express service between Washington, DC and Boston, though still below the internationally-accepted top operating speed of 185-220 mph, common among high-speed rail lines.

The initial operating segment between Miami and West Palm Beach, currently classified as FRA Class 4 track, required major renovations. This included renovating 7 bridges, all 170 level railroad-roadway crossings, adding a second track, replacing wooden ties with more durable concrete ties, and replacing the signaling system with a state-of-the-art Alstom cab signaling system.

Rolling Stock

Brightline owns 5 diesel-electric Siemens Mobility train sets, built in 2017. These trainsets are made up of two SCB-40 locomotives (one on each end) and four passenger cars, for a total train capacity of 240 passengers per trainset with 2 classes of service: Smart (2nd class) and Select (1st class). The trains are fully ADA compliant and the locomotives meet all current noise and emissions standards.

Brightline plans to purchase 5 more trains by the time the extension to Orlando opens. The existing trains will be expanded to 7 cars each.

3. Operations

After expanding service in August 2018, Brightline now operates 16 round-trips per weekday, 8 round-trips on Saturday and 7 on Sunday over 66.5 miles of mainline track. The rail service estimates that it will carry a total of 360,000 passengers in 2018.

FECR has the exclusive right to operate freight trains in the corridor, while Brightline (through its parent company Florida East Coast Industries – FECI) has the exclusive right to operate passenger trains in the corridor. The two companies have created a joint venture for train dispatching. Freight trains operate mostly at night (11 PM to 5:30 AM) while passenger trains operate during the day. Some freight trains may operate during the day and passenger trains use passing tracks to overtake freight trains.

4. Expansion Plans – West Palm Beach to Orlando

Brightline is currently working to expand its route from West Palm Beach to Orlando International Airport. The route between West Palm Beach and Cocoa will use the Florida East Coast Railway (FECR) corridor and Brightline is building a new 40 mile stretch along the State

Route 528 corridor between Cocoa and Orlando International Airport, with a target opening date of 2021.

West Palm Beach-Orlando Expansion

After the Brightline service extension to Downtown Miami in early 2018, All Abroad Florida proceeded with the new 3-station expansion from West Palm Beach to Orlando after receiving FRA's approval on December 2017. This extension is shown in Figure C-25. The Brightline station at the Orlando International Airport is currently under construction and will eventually connect to a future expansion of the SunRail.

All Abroad Florida has estimated a $3.5 billion budget for the expansion project, including the capital costs of purchasing the land and the trains, the costs of planning and engineering services, upgrading the line between West Palm Beach and Cocoa to 110 mph (FRA class 6) operation, and laying new track from Cocoa to Orlando International Airport. The segment on FECR includes adding a second track, renovating the existing track, renovating all railroad crossings, among other items. The 40-mile (15 miles of single track line and 25 miles of double track line) segment west of Cocoa will be completely new construction without grade crossings, to FRA Class 7 track standards (operations up to 125 mph).

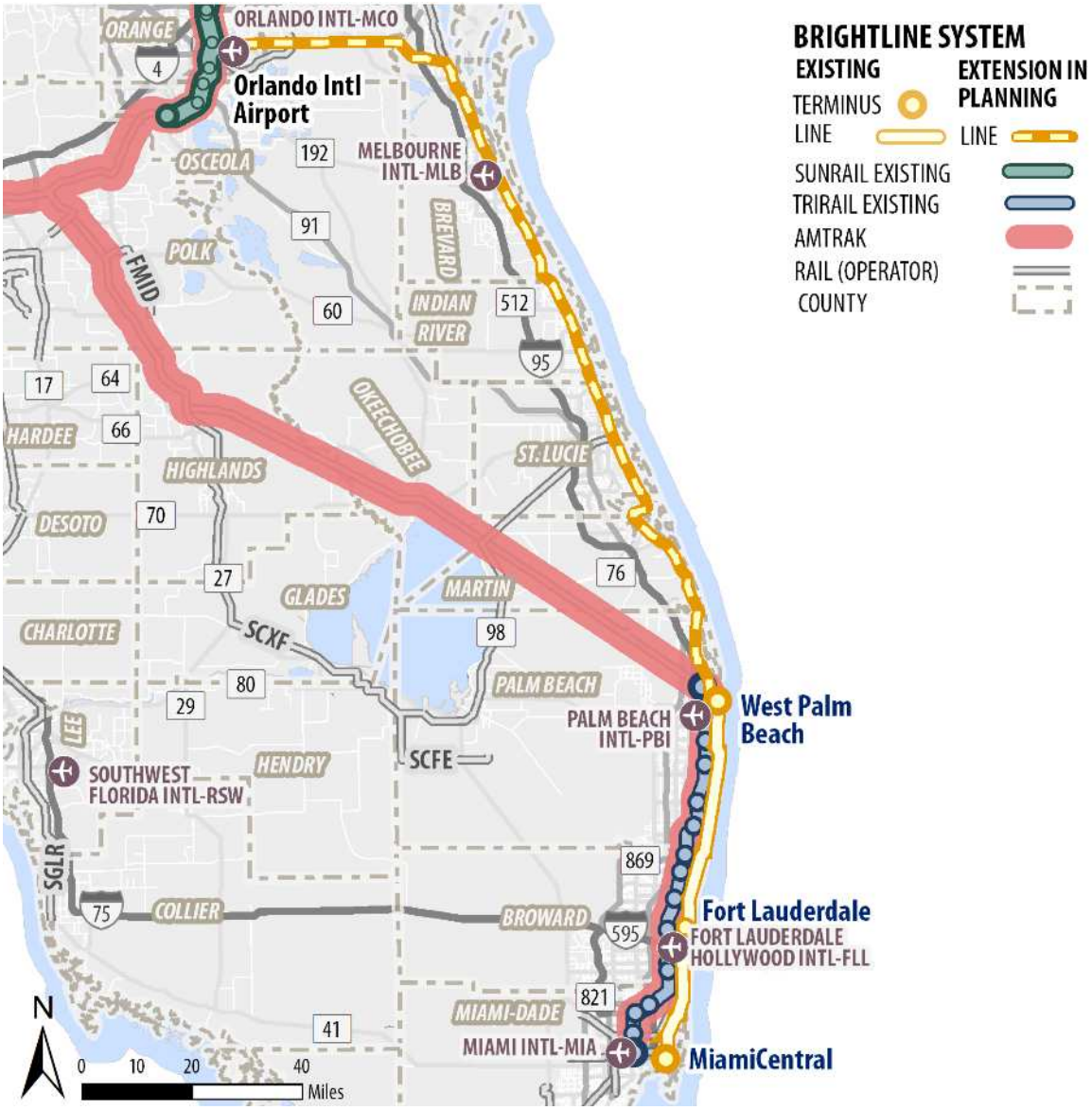
In a 2015 study of the potential ridership and revenue of the Brightline service expansion from Downtown Miami to Orlando, All Abroad Florida estimated nearly 2.8 million short-distance and 2.5 million long-distance annual riders by the time the entire system is operating. The estimated total annual revenue from collecting fares for both short and long distance trips is $293.6 million.[81]

Other Expansion Plans

Brightline is also considering to expand its service from Orlando International Airport station to Tampa, along I-4. Brightline submitted an unsolicited bid to the State of Florida, which is now conducting a Request for Proposals to identify any other bidders who may be interested in participating in the process.

[81] 2015 Ridership and Revenue Study, All Aboard Florida

Figure C-25: Brightline Expansion Plans



Source: CPCS Analysis

5. Farebox Revenue

Brightline's ridership is still in the process of "ramping up" due to the recent launch of the service. In the first 2.5 months of operations, Brightline carried 74,780 riders and collected $663,700 in ticket revenue.[82]

Figure C-26 provides Brightline's income statement for the quarter ended March 31, 2018. This includes the first 2.5 months of operations after Phase 1's launch on January 13, 2018. As of the close of the quarter, Brightline ended with a net operating loss of $28.184 million.

[82] Quarterly Unaudited Financial Statements For the Quarter Ended 3/31/2018, Brightline

Brightline trains have two classes of service: Smart (2nd class) and Select (1st class). The latter provides wider seats, complimentary beverages and snacks, and free parking at stations. Figure C-27 provides a summary of the Phase 1 fares. A 10 percent pricing discount is offered to seniors, active military and veterans, and 50 percent discount is offered to kids 12 years and under.

Currently, pricing varies little by time of day and day of the week. This will change as Brightline introduces demand-based pricing, similar to what is used by airlines.

Figure C-26: Brightline Trains LLC Income Statement (In Thousands) January – March 31, 2018

Operating Revenue (in thousands of dollars)	
Ticket Revenue	664
Other Revenue	104
Total Revenue	**764**
Less Cost of Sales	178
Gross Profit	**590**
Operating Expenses (in thousands of dollars)	
Salaries and Benefits	8,951
Professional Fees	2,368
General, Administrative, and Other	13,488
Depreciation and Amortization	4,013
Total Operating Expenses	**28,820**
Operating Loss	**(28,230)**
Other (Income) Expenses (in thousands of dollars)	
Miscellaneous Income	(46)
Total Other (Income Expense)	(46)
Net Loss	**(28,184)**

Source: Brightline Quarterly Unaudited Financial Statements

Figure C-27: Brightline Phase 1 Fares

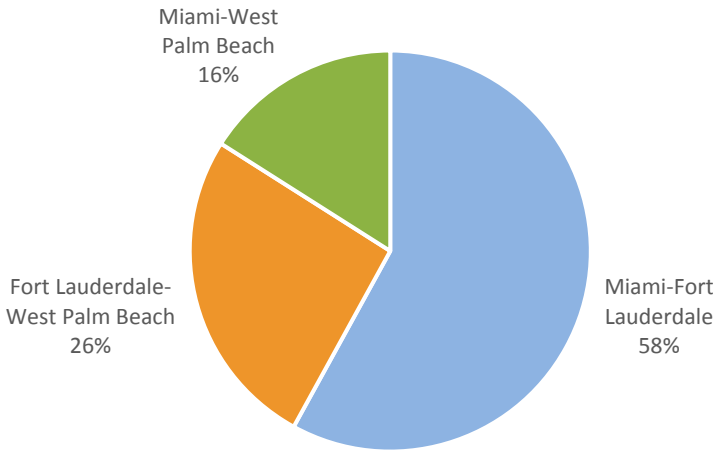
Route	Smart (2nd Class)	Select (1st Class)
West Palm Beach – Fort Lauderdale	$10-$15	$20
West Palm – Miami	$20	$30

Source: Brightline website

In the first 2.5 months of operations, 18 percent of Brightline passengers opted for the lower-fare Smart Ticket compared to the Select Ticket.

Prior to Brightline's launch, Louis Berger US conducted a Ridership Study for the South Segment project in October 2017. The firm forecasted that after ramp-up time, ridership market share would be 0.74 percent of total annual trips taken by all modes of transportation, approximately 365 million trips per year. This ridership forecast breakdown by route is shown in Figure C-28 and ridership information by month and type of ticket is shown in Figure C-29 and Figure C-30, respectively.

Figure C-28: Brightline Ridership Forecast by Route



Source: Florida Development Finance Corporation Board Meeting Notes, sourcing Louis Berger Ridership Study

Figure C-29: Brightline January 19-March 31, 2018 Ridership and Revenue Information

Month	Ridership	Revenue
January 2018 (Jan 19-31)	17,800	$146,500
February 2018	24,100	$220,000
March 2018	32,900	$297,300

Source: Brightline

Figure C-30: Brightline January 19-March 31, 2018 Ridership and Revenue by Ticket Type

Type of Ticket	Ridership	Revenue
Smart	40,600	$275,000
Select	34,200	$388,600

Source: Brightline

In February and March 2018, Brightline operated 10 round-trips on weekdays and 9 on weekends, making the capacity for both months a total of 271,200 available seats, making the resulting load factor 21 percent (based on passengers traveling the entire length of the line) for a train that is operating in its ramp-up period. For comparison purposes, for true high-speed train lines in Europe, average system load factors for mature services are generally in the 55 to 75 percent range.[83]

6. Other Revenue

Brightline leveraged a $600 million, 30-year private-activity bond (PAB) offering to complete Phase 1 of the project and is currently seeking another $1.15 billion PAB offering to complete Phase 2. These private activity bonds are federal tax-exempt bonds issued by state or local governments to private investors. Collateral used for the $600 million PAB include new track infrastructure, station buildings (Miami, Fort Lauderdale, and West Palm Beach), land for

[83] Campos J., de Rus G. "Some stylized facts about high-speed rail: A review of HSR experiences around the world." Transport Policy. Volume 16, Issue 1, January 2009, Pages 19-28.

stations and corridor from Miami-to-Cocoa, and rolling stock. The target investors are "select institutional investors and other sophisticated counterparties" and interest payments are made semi-annually.[84]

The Florida Department of Transportation provided the Orlando International Airport (MCO) with a total of $159 million in grants and $52 million in loans to build a new station to serve Brightline trains. All Aboard Florida also provided $10 million for the station and will pay $2.8 million per year in rent as well as per-passenger fees to the Orlando International Airport (MCO) in return.[85]

Brightline's projected ridership and revenue are provided in Figure C-31 and Figure C-32 (Based on a ridership study by Louis Berger).

Figure C-31: Brightline Forecasted Ridership by Route

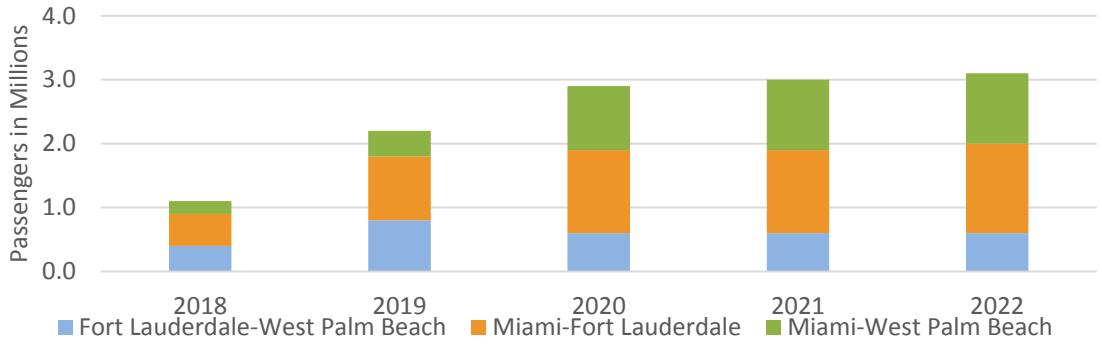
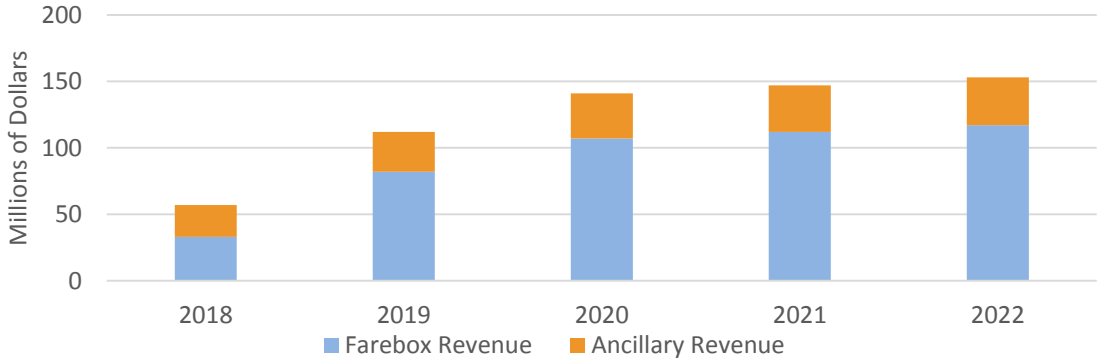


Figure C-32: Brightline Forecasted Revenue by Route



Note, ramp-up period assumes 40% of expected revenue in 2018, 80% in 2019, and 100% subsequently.
A Ramp-Up Reserve Fund funded from Brightline funds covers shortfalls in ramp-up periods.
Sources: Florida Development Finance Corporation Board Meeting Notes, Originally Louis Berger Ridership Study.

Based on this study, Brightline's Phase 1 projections are at $79 million in annual Earnings Before Interest, Taxes, Depreciation and Amortization (EBITDA) with a 33 percent loan-to-value ratio. By 2020, the railroad anticipates 2.9 million passengers and 1 percent of market share, with an average fare of $37.

[84] Board of Directors Meeting, Florida Development Finance Corporation, October 27, 2018
[85] Vock, D. "All Aboard? The Uncertain Future of America's First Privately Built Railroad in Decades", February 2018.

7. Capital Costs

In 2015, Brightline estimated Miami-to-Orlando capital costs at $3.1 billion. In 2017, Brightline provided a second estimate of $1.8 billion, but only covering the Miami-West Palm Beach phase.[86]

On June 1, 2018, All Abroad Florida estimated a $3.7 billion project cost for the West Palm Beach to Orlando expansion project including the capital costs of purchasing the land and the trains, the costs of planning and engineering services, upgrading tracks between West Palm Beach and Cocoa, and laying out new tracks to Orlando International Airport.[87] Initially, Brightline intended to apply for a $1.6 billion loan from Build America under the Railroad Rehabilitation and Improvement Financing (RRIF) program, but eventually, All Abroad Florida decided to pursue other funding options due to the complexity of rules and review processes.[88] The company's current plan is to cover the costs through equity and debt financing.

Recently (June 2018) USDOT provided a seven-month extension period to allow Brightline to sell $1.75 billion of its tax-exempt private activity bonds offered by the Florida Development Finance Corporation. About $600 million of the revenue from selling these bunds will fund the loan repayments for the Miami to West Palm Beach portion of the Brightline expansion while the rest will support the West Palm Beach to Orlando expansion. However, due to uncertainties around successfully selling these bonds, All Abroad Florida is considering a new RRIF loan application in the amount of $3.7 billion.[89]

8. Operating Costs

As previously discussed, Brightline is currently going through a ramp-up period with a high level of investment required during this time period relative to ridership and fare revenue. In the first 2.5 months of service, Brightline's operating expenses amounted to $28.8 million as shown in Figure C-33, resulting in a net loss of $28.184 million dollars. It is expected that ridership will grow over time.

Figure C-33: Brightline Operating Costs for January – March 31, 2018

Item	USD (thousands)
Total Operating Expenses	**28,820**
Operating Loss	**(28,230)**
Miscellaneous Income	(46)
Total Other (Income Expense)	(46)
Net Loss	**(28,184)**

Source: Brightline Quarterly Unaudited Financial Statements

[86] Board of Directors Meeting, Florida Development Finance Corporation, October 27, 2018
[87] Railroad Rehabilitation and Improvement Financing (RRIF) Program Draft Applications, June 1, 2018
[88] The RRIF program, Administered by FRA, provides direct loans and loan guarantees up to $35.0 billion to finance development of railroad infrastructure.
[89] The Railroad Rehabilitation and Improvement Financing (RRIF) Program, Congressional Research Service, January 2018.

Appendix D. FRA Incident Classification Categories

This section provides a listing of the classification of incident types that are used by the FRA. Figure D-1 lists incident types that are considered as severe and are included in casualty rate calculations, while Figure D-2 provides a listing of incidents considered to be within railroad control.

Figure D-1: Severe Events Included in Casualty Rate Calculations

Event Code	Description	Event Code	Description
73	Burned	28	Exposure to poisonous plants
81	Caught Between Equipment	31	Exposure to welding light
79	Caught Between Machinery	32	Highway-rail collision/impact
82	Caught Between Material	36	Needle puncture/prick/stick
8	Caught in or compressed by hand tools	69	On track equipment, other incidents
9	Caught in or compressed by other machinery	37	Other impacts - on-track equipment
12	Caught in or compressed by powered hand tools	49	Shot
10	Caught in or crushed by materials	50	Slack action, draft, compressive buff/coupling
11	Caught in or crushed in excavation, landslide, cave-in, etc.	80	Slack adjustment during switching operation
68	Caught, crushed, pinched, other.	52	Slipped, fell, stumbled, etc. due to climatic condition (rain, snow, ice, etc.)
13	Cave in, slide, etc.	51	Slipped, fell, stumbled, etc. due to irregular face, e.g., depression, slope, etc.
16	Climatic condition, exposure to environmental cold	54	Slipped, fell, stumbled, etc. due to object, e.g., ballast, spike, material, etc.
15	Climatic condition, exposure to environmental heat	53	Slipped, fell, stumbled, etc. on oil, grease, other slippery substance
14	Climatic conditions, other (e.g., high winds)	55	Stabbing, knifing, etc.
17	Collision - between on-track equipment	61	Struck against object
18	Collision/impact - auto, truck, bus, van, etc.	77	Struck by other remote control locomotive controlled equipment
19	Committing vandalism/theft	76	Struck by own remote control locomotive controlled equipment
20	Defective/malfunctioning equipment	60	Struck by falling object
21	Derailment	58	Struck by object
23	Electrical shock due to contact with 3rd rail, catenary, pantograph	59	Struck by on-track equipment
25	Electrical shock from hand tool	57	Struck by thrown or propelled object
22	Electrical shock while operating welding equipment	62	Sudden release of air
24	Electrical shock, other	75	Sudden/Unexpected Movement of tools
27	Exposure to chemicals - external	63	Sudden/unexpected movement of material
26	Exposure to fumes - inhalation	64	Sudden/unexpected movement of on-track equipment
30	Exposure to noise - single incident	65	Sudden/unexpected movement of vehicle
29	Exposure to noise over time	71	Sudden, unexpected movement, other

Figure D-2: Events within Railroad Control

Event Code	Description
2	Safety equipment not worn or in place
3	Procedures for operating/using equipment not followed
4	Equipment
5	Signal
6	Track
8	Impairment, physical condition, e.g., fatigue
9	Human factor
13	Lack of communication
14	Slack adjustment during switching operation
15	Insufficient training
16	Failure to provide adequate space between equipment during switching operation
17	Close or no clearance
18	Slipped, fell, stumbled due to Passenger Station Platform Gap
99	Undetermined
21	Environmental, related to using RCL
22	Safety equipment not worn or in place, related to using RCL
23	Procedures for operating/using equipment not followed, related to using RCL
24	Equipment, related to using RCL
25	Signal, related to using RCL
26	Track, related to using RCL
29	Human factor, related to using RCL
R1	Object fouling track, related to using RCL
R3	Lack of communication, related to using RCL
R4	Slack adjustment during switching operation, related to using RCL
R5	Insufficient training, related to using RCL
R6	Failure to provide adequate space between equipment during switching operation, related to using RCL
R7	Close or no clearance, related to using RCL
39	Undetermined, related to using RCL
42	Safety equipment not worn or in place, unrelated to using RCL
43	Procedures for operating/using equipment not followed, unrelated to using RCL
44	Equipment, unrelated to using RCL
45	Signal, unrelated to using RCL
46	Track, unrelated to using RCL
48	Impairment, physical condition, e.g., fatigue, unrelated to using RCL
49	Human factor, unrelated to using RCL
U1	Object fouling track, unrelated to using RCL
U3	Lack of communication, unrelated to using RCL
U4	Slack adjustment during switching operation, unrelated to using RCL
U5	Insufficient training, unrelated to using RCL
U6	Failure to provide adequate space between equipment during switching operation, unrelated to using RCL
U7	Close or no clearance, unrelated to using RCL
59	Undetermined, unrelated to using RCL

Appendix E. Top 50 Florida Grade Crossings with Highest Number of Incidents

Figure E-1 lists the top-50 grade crossings in Florida by the highest number of incidents, during the period between 2009 and 2017.

Figure E-1: 50 Florida Grade Crossings with Highest Number of Incidents & Casualties (2009-2017)

Crossing ID	Rank	Street	Highway	County	Incident Count	Fatality Count	Injury Count
628177F	1	ATLANTIC BLVD	SR 814	BROWARD	6	2	1
620891F	2	TIMUQUANA ROAD	SR 134	DUVAL	6	1	0
628183J	3	NW 62ND/CYPRESS C	CR	BROWARD	5	3	8
628160C	4	LINTON BLVD	SR 782	PALM BEACH	5	3	7
624365G	5	TAMPA EAST BLVD	LS	HILLSBOROUGH	5	0	4
628186E	6	COMMERCIAL BLVD	SR 870	BROWARD	5	2	2
628272B	7	NEW GRIFFIN RD	SR 818	BROWARD	5	2	1
628378W	8	NW N RIVER DR	LS	MIAMI-DADE	5	0	3
622072W	9	CR 427	CR 427	SEMINOLE	5	0	1
628191B	10	OAKLAND PARK BLVD	SR 816	BROWARD	4	1	3
272550B	11	N.E. 3RD AVE	0	BROWARD	4	1	2
339664E	12	EAST QUINTETTE ROAD	CR 184	ESCAMBIA	4	0	3
621216V	13	MCDUFF AVE	SR 129	DUVAL	4	1	2
621525H	14	NW 48TH ST	CR	BROWARD	4	0	3
628118D	15	PALM BEACH LK BLV	CR	PALM BEACH	4	3	0
624304R	16	COUNTY LINE ROAD	LS	POLK	4	0	2
272609N	17	N.E. 141TH ST.	0	MIAMI-DADE	4	0	0
273145P	18	YARD XINGS	YARD	DUVAL	4	0	0
622307E	19	WEST MICHIGAN ST	CR 5104	ORANGE	4	0	0
628139W	20	FOREST HILL BLVD	SR 882	PALM BEACH	4	0	0
626405J	21	S POINCIANNA BLVD	0	OSCEOLA	3	0	14
623083M	22	NEPTUNE RD	PRIVATE	POLK	3	0	9
620986N	23	BUFFALO BLUFF Road	CR 309B	PUTNAM	3	0	4
628168G	24	NW 36 ST/SAMPLE RD	SR 834	BROWARD	3	1	3
623066W	25	DAIRY RD/LK ALFRED	LS	POLK	3	1	2
628165L	26	PALMETTO PARK	CR 798	PALM BEACH	3	1	2
271970C	27	WASHINGTON ST	LS	VOLUSIA	3	1	1

Crossing ID	Rank	Street	Highway	County	Incident Count	Fatality Count	Injury Count
272124T	28	W EAU GALLIE BLVD	SR 518	BREVARD	3	1	1
339691B	29	E KINGSFIELD ROAD	CR 186	ESCAMBIA	3	0	2
622067A	30	N RONALD REAGAN BLVD	CR 427	SEMINOLE	3	1	1
622181A	31	WEST COLONIAL DR	SR 50	ORANGE	3	1	1
628192H	32	NW 19TH ST	CR	BROWARD	3	0	2
628355P	33	NW 54TH/HIALEAH DR	SR 944	MIAMI-DADE	3	0	2
918536V	34	PRIVATE INDUSTRY	PRIVATE	DUVAL	3	0	2
622192M	35	WEST SOUTH ST	CR 5098	ORANGE	3	0	1
624350S	36	KINGSWAY RD	LS	HILLSBOROUGH	3	0	1
628163X	37	NW 51ST/YAMATO RD	SR 794	PALM BEACH	3	1	0
628282G	38	PEMBROKE RD	SR 824	BROWARD	3	0	1
620619F	39	LANE AVENUE	SR 103	DUVAL	3	0	0
622187R	40	WEST JEFFERSON ST	0	ORANGE	3	0	0
622944J	41	S CLYDE AVE	0	OSCEOLA	3	0	0
622992Y	42	HAINES COURT	LS	POLK	3	0	0
625013E	43	SE 221ST STREET	SR 200A	ALACHUA	3	0	0
628290Y	44	HALLANDALE BEACH	SR 858	BROWARD	3	0	0
622318S	45	GLENROSE AVE	0	ORANGE	2	1	36
628146G	46	6TH AVE ST	CR	PALM BEACH	2	0	23
628088N	47	NORTH GRADE RD	LS	PALM BEACH	2	0	9
339808G	48	ROSEBUD DRIVE	PRIVATE	OKALOOSA	2	1	3
627561Y	49	SR 700	US-98	POLK	2	3	1
628116P	50	25TH STREET	LS	PALM BEACH	2	1	3

Source: CPCS Analysis of FRA Data

Appendix F. US Rail Safety Trends

1. Analysis of National Railroad Safety Trends

In analyzing the Federal Railroad Administration's national safety database and Bureau of Transportation Statistics data, we found that:

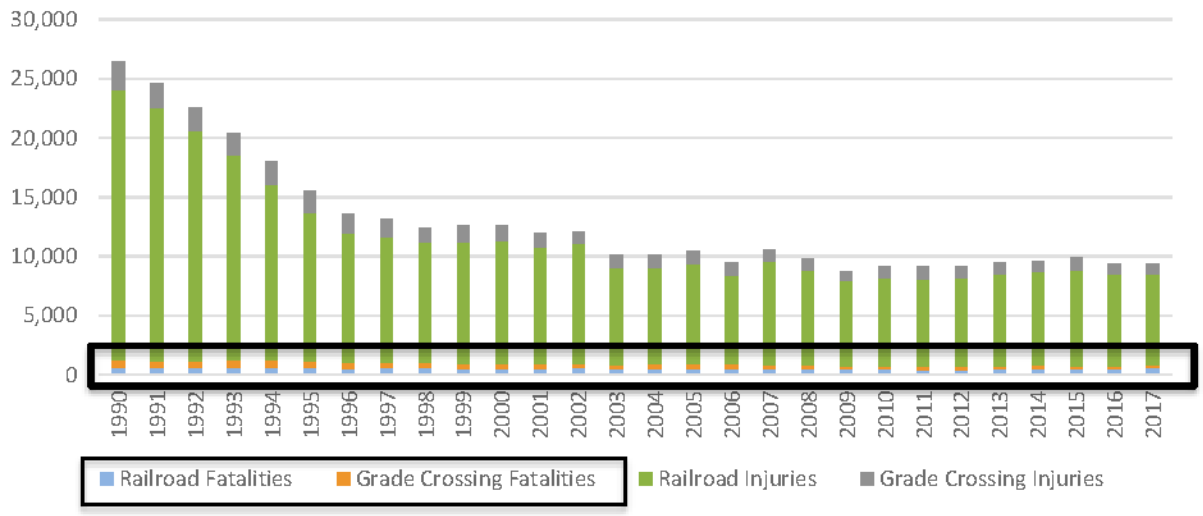
- → Over the last three decades (1990-2017), US railroads have seen a 33 percent decrease in fatalities and 66 percent decrease in injuries nationally.
- → There has been a 61 percent decline in grade-crossing fatalities between 1990 and 2017, while railroad-only fatalities have seen virtually no change (599 fatalities in 1990 and 598 fatalities in 2017). However, when population and track mileage is taken into account, the result is a downward trend in the figures.
- → Over the last 9 years (2009-2017), however, fatalities and injuries have been on the rise for both grade-crossing incidents as well as for other incidents.
- → In 2017, most fatalities on railroad property were due to trespassers (83 percent of all fatalities) and 49 percent of all injuries could be attributed to employees on duty, the largest victim group compared to trespassers, non-trespassers, passengers on trains, and other employees.

In 1990, the US railroad system experienced 1,297 fatalities and 25,143 injuries nationally. Between 1990 and 2009, this number trended downward to a record low number in 2009 with 696 fatalities and 8,017 injuries, a decline of 46 percent in fatalities and 68 percent in injuries from 1990. From 2009 to 2017, fatalities and injuries were on the rise again with a 25 percent increase in fatalities and 6 percent increase in injuries within that time period.

Figure F-1 provides US trends for railroad and grade-crossing fatalities (1990-2017) in the black frame of the previous figure.

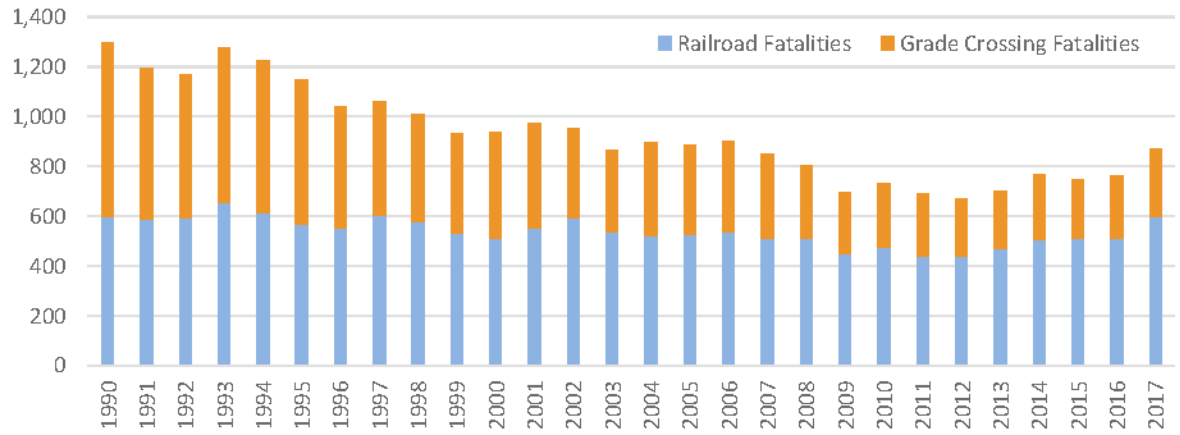
While grade-crossing fatalities have declined 60 percent from 698 in 1990 to 273 in 2017 nationally, railroad-only fatality counts have not seen improvement. Railroad-only fatalities declined 27 percent from 599 in 1990 to 438 in 2012, but increased 37 percent between 2012 and 2017 back to 598 fatalities as shown in Figure F-2.

Figure F-1: US Railroad and Grade-Crossing Fatalities and Injuries (1990-2017)



Source: CPCS Analysis of BTS Railroad Safety Data.[90] "Railroad-only" includes fatalities from train and non-train accidents and incidents, and excludes highway-rail grade crossings. This table includes information for both freight and passenger railroad operations.

Figure F-2: US Railroad and Grade-Crossing Fatalities (1990-2017)

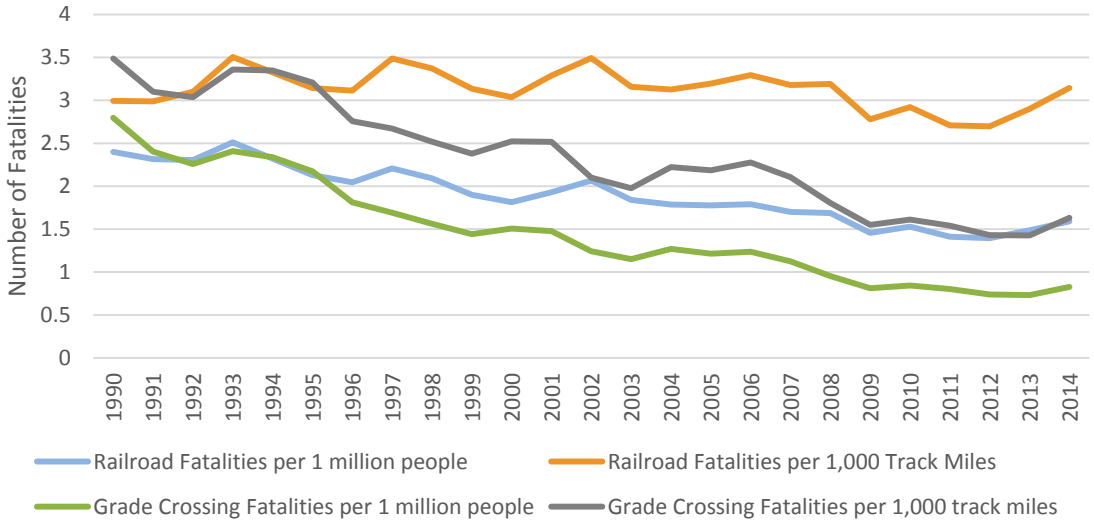


Source: CPCS Analysis of BTS Railroad Safety Data.[90] "Railroad-only" includes fatalities from train and non-train accidents and incidents and excludes highway-rail grade crossings. This table includes information for both freight and passenger railroad operations.

US population and railroad track miles are not stagnant over time – population has increased while railroad track miles have fallen between 1990 and 2017. The number of fatalities per 1 million inhabitants has declined from 5.20 fatalities in 1990 down to 2.42 fatalities in 2014 (the latest available year for track miles). Fatalities per 1,000 track miles have also decreased from 6.48 fatalities in 1990 down to 4.78 fatalities in 2014. Fatalities based on grade crossing incidents have declined faster than railroad fatalities, as indicated in Figure F-3.

[90] Railroad and Grade-Crossing Fatalities by Victim Class, Bureau of Transportation Statistics (up to 2017)

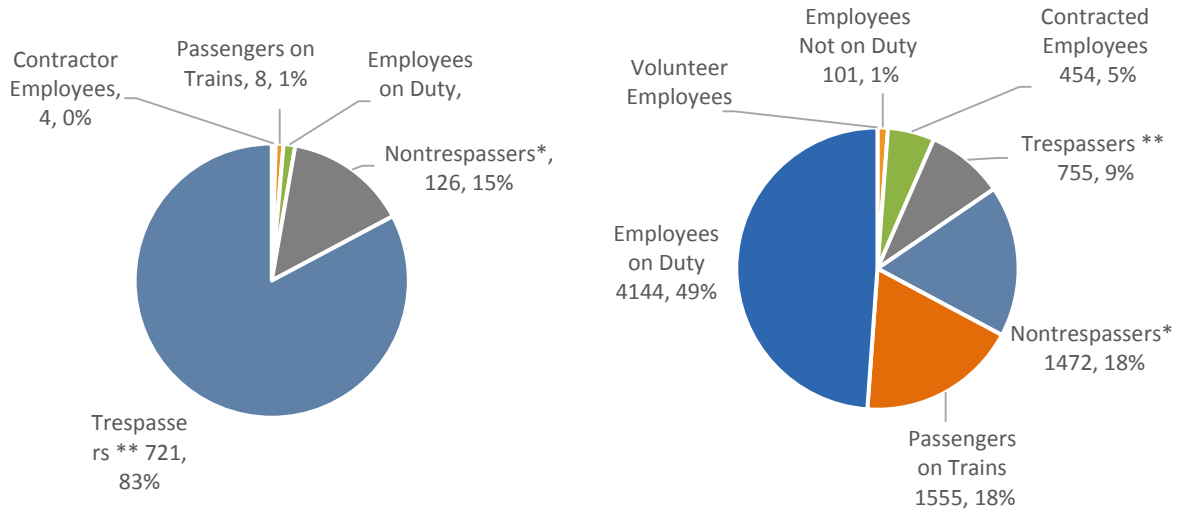
Figure F-3: US Railroad and Grade-Crossing Fatalities per 1 Million People and Per 1,000 Track Miles



Source: CPCS Analysis of BTS Railroad Safety Data, US Census Bureau, and Association of American Railroads Data. "Railroad-only" includes fatalities from train and non-train accidents and incidents, and excludes highway-rail grade crossings. This table includes information for both freight and passenger railroad operations.

In 2017, the nation experienced 871 fatalities and 8,482 injuries at highway-railroad at-grade crossings. Trespassers were the largest category, nearly 83 percent of all fatalities. When looking at non-fatal injuries, the largest category is attributable to employees on duty, with 49 percent of all injuries. Figure F-4 provides 2017 fatalities (left) and injuries (right) by affected party.

Figure F-4: US Railroad and Grade-Crossing Fatalities (Left) and Injuries (Right) (2017)



* *Nontrespassers* – persons lawfully present on railroad property that is used in railroad operation that do not fit into other categories (e.g. a maintenance contractor);

** *Trespasser* – any person on a part of railroad property used in railroad operations whose presence is prohibited, forbidden, or unlawful. Employees who are trespassing on railroad property are reported as Trespassers.

Source: CPCS Analysis of BTS Railroad Safety Data

The probable cause of incidents nationwide from January 2009 to June 2018 is provided in Figure F-5 below. Trespassing (19 percent) and environmental (11 percent) causes of incidents represent the largest percentage of incidents nationwide outside of railroad control. Across the country, incidents that are within railroad control are most commonly due to equipment issues (9 percent).

Figure F-5: Probable Cause of Passenger Railroad Incidents Nationwide (January 2009 – June 2018)

Probable Cause	US Total	% of total
Outside of Railroad Control	**17,746**	**33.3%**
Trespassing	10,009	18.8%
Environmental	5,581	10.5%
Object fouling track	1,192	2.2%
Outside caused (e.g., assaulted/attacked)	495	0.9%
Impairment, substance use	158	0.3%
Act of God	113	0.2%
Environmental, unrelated to using RCL	83	0.2%
Trespassing, unrelated to using RCL	83	0.2%
Act of God, unrelated to using RCL	13	0.0%
Outside caused (e.g., assaulted/attacked), unrelated to using RCL	11	0.0%
Impairment, substance use, unrelated to using RCL	3	0.0%
Impairment, substance use, related to using RCL	1	0.0%
Impairment, physical condition, e.g., fatigue, related to using RCL	1	0.0%
Outside caused (e.g., assaulted/attacked), related to using RCL	1	0.0%
Trespassing, related to using RCL	1	0.0%
Act of God, related to using RCL	1	0.0%
Within Railroad Control	**8,525**	**16.0%**
Equipment	4,498	8.4%
Procedures for operating/using equipment not followed	1,565	2.9%
Track	757	1.4%
Safety equipment not worn or in place	415	0.8%
Lack of communication	193	0.4%
Human factor, unrelated to using RCL	188	0.4%
Slack adjustment during switching operation	136	0.3%
Close or no clearance	116	0.2%
Slipped, fell, stumbled due to Passenger Station Platform Gap	111	0.2%
Signal	95	0.2%
Equipment, unrelated to using RCL	94	0.2%
Human factor, related to using RCL	65	0.1%
Insufficient training	45	0.1%
Procedures for operating/using equipment not followed, unrelated to using RCL	40	0.1%
Procedures for operating/using equipment not followed, related to using RCL	32	0.1%
Failure to provide adequate space between equipment during switching operation	32	0.1%
Equipment, related to using RCL	22	0.0%
Object fouling track, unrelated to using RCL	22	0.0%
Track, unrelated to using RCL	19	0.0%
Slack adjustment during switching operation, related to using RCL	12	0.0%
Safety equipment not worn or in place, unrelated to using RCL	11	0.0%
Close or no clearance, unrelated to using RCL	9	0.0%

Probable Cause	US Total	% of total
Impairment, physical condition, e.g., fatigue, unrelated to using RCL	8	0.0%
Environmental, related to using RCL	6	0.0%
Safety equipment not worn or in place, related to using RCL	6	0.0%
Slack adjustment during switching operation, unrelated to using RCL	6	0.0%
Failure to provide adequate space between equipment during switching operation, unrelated to using RCL	5	0.0%
Object fouling track, related to using RCL	4	0.0%
Lack of communication, related to using RCL	4	0.0%
Lack of communication, unrelated to using RCL	3	0.0%
Track, related to using RCL	3	0.0%
Signal, unrelated to using RCL	1	0.0%
Close or no clearance, related to using RCL	1	0.0%
Failure to provide adequate space between equipment during switching operation, related to using RCL	1	0.0%
Undetermined	**27,016**	**50.7%**
Human factor	21,373	40.1%
Undetermined	5,306	10.0%
Impairment, physical condition, e.g., fatigue	237	0.4%
Undetermined, unrelated to using RCL	80	0.2%
Undetermined, related to using RCL	20	0.0%

*RCL: Remote Control Locomotive
Source: CPCS Analysis of FRA Safety Data

Appendix G. Detailed Field Safety Assessment (DSA) of Grade Crossing Safety in Canada

Regulation of railroad crossings in Canada has both safety and economic dimensions. The safety-related regulations are the Grade Crossings Regulations (GCR) made pursuant to the Railway Safety Act (RSA). The responsible regulatory authority here is Transport Canada. The economic dimension is covered under the Canada Transportation Act (CTA). The responsible regulatory authority here is the Canadian Transportation Agency.

Grade crossing safety in Canada is a complex, multi-jurisdictional matter. In August 2010, the Transportation Safety Board indicated on its watch list that the "risk of passenger trains colliding with vehicles remains too high in busy rail corridors." It recommended that the federal government develop a comprehensive solution for mitigating risk at grade crossings that include new grade crossing safety regulations.[91]

One of these solutions is a Detailed Field Safety Assessment (DSA) – a systematic process performed at regular intervals, used to evaluate the safety of a road/rail line grade crossing. While not a regulatory requirement, a crossing safety program that incorporates a DSA program is recommended as a best engineering practice. Class I railroads have this assessment included as part of their Safety Management System (SMS).

The DSA consists of a review of the site characteristics, traffic control system and the roadway and railroad operational characteristics. An assessment of existing or potential hazards is based on this review. If safety deficiencies are identified, countermeasures can be recommended.

Recommended frequency for DSAs are:

(a) Within seven years of the GCR coming into force (e.g., by November 28, 2021), and at least every five years thereafter, railroads and road authorities should jointly conduct a DSA of their public grade crossings.

[91] Transport Canada, Grade Crossings – Handbook

(b) Within seven years of the GCR coming into force, and at least every five years thereafter, it is considered good practice for a railroad to conduct a DSA of private crossings on its network.

Authorities for a given crossing are responsible for jointly establishing the schedule for DSAs. Notwithstanding (a) above, the authorities may agree at the time of a DSA to extend the deadline for the next DSA to more than five years, but not more than 10 years, if they have reason to believe that the safety conditions at or in the vicinity of the crossing will remain stable.

If a responsible authority identifies a developing situation that could affect safety at or in the vicinity of the crossing, it must notify the other authorities and request the next DSA be conducted sooner. Likewise, a DSA may need to be conducted sooner if conditions change that could impact crossing safety such as changes in volumes and types of vehicle and pedestrian traffic, road traffic patterns, physical surroundings, volumes and types of railroad traffic, railroad operations, crossing accident history, etc.

If the DSA reveals conditions that could eventually affect safety at the crossing, the next DSA should be scheduled sooner than what is stipulated in (a) and (b) above.

In the US, the FRA and state DOTs conduct similar assessments using field diagnostic teams only when line upgrades are performed or new lines are built. No routine assessments are performed.

Appendix H. Review of Relevant Federal Legislation

Laws (named and/or numbered acts), as passed by the US Congress are usually amendments to the US Code. Key regulations include the following:

- The Federal Railroad Safety Act of 1970;
- The Noise Control Act of 1972;
- The Interstate Commerce Commission Termination Act of 1995;
- The Rail Safety Improvement Act of 2008; and
- Passenger Rail Investment and Improvement Act of 2008.

1. The Federal Railroad Safety Act (FRSA) of 1970

The purpose of the FRSA is to "promote safety in every area of railroad operations and reduce railroad-related accidents and incidents.[92]" The law addresses issues regarding state and local regulation of train speed and the duration that railroad crossings can be blocked.

This law ensured that state and local governments would generally be precluded from regulating on any matter unless it is not yet regulated by the US Secretary of Transportation. The law itself regulates train speeds and pre-empts state and local laws and regulations that pertain to the blocking of roadway crossings. These issues are to be regulated by the US Department of Transportation. Just like for other states, this law limits Florida's ability to regulate its railroads in favor of nationwide standards.

2. The Interstate Commerce Commission Termination Act (ICCTA) of 1995

The ICCTA abolished the Interstate Commerce Commission and gave the Surface Transportation Board (STB) oversight of:

- Rail carriers and their rates, classifications, rules (including car service, interchange, and other operating rules), practices, routes, services, and facilities of such carriers; and

[92] 49 U.S.C. §20101

→ Construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching or side tracks, or facilities.[93]

The ICCTA provides that the STB has direct oversight of state statutes regulating railroad operations and contracts between rail carriers, condemnation of railroad tracks or nearby land, and state negligence and nuisance claims. There are state and local activities that are not pre-empted by the ICCTA such as:

→ Voluntary agreements entered into by the railroad and the local jurisdictions (optional);

→ Traditional police powers over the development of railroad property to the extent that the regulations protect the public health and safety (e.g. local police have jurisdiction over railroad property);

→ Zoning regulations applied to railroad-owned land used for non-railroad purposes by a third party (e.g. a parcel of land may be developed subject to local zoning regulations);

→ Other laws with no pertinence to transportation.

This law lets STB regulate certain aspects of interstate commerce, mentioned above, which the State of Florida has no jurisdiction over.

3. The Rail Safety Improvement Act (RSIA) of 2008

After multiple fatal rail incidents around the US (none of which were in Florida), including two incidents that involved commuter trains in California, the US Congress passed the RSIA to address the underlying causes of these incidents.[94] The issues addressed include:

→ Hours of service requirements for railroad workers;

→ Implementation of a next-generation train control system called Positive Train Control;

→ Changes in the way locomotive conductors are certified; and

→ Issues in roadway-railroad grade crossing safety.

The law includes seven major sections:

Title I – Railroad Safety Improvements: Includes directions to the FRA to develop a series of strategies specific to increasing railroad safety. This part of the legislation also includes a risk-reduction program and the requirement of railroads with passenger rail service to implement *Positive Train Control (PTC)* to be administered and overseen by the FRA.[95] (PTC is a rule-based train control system that ensures safe train operation by preventing train-with-train collisions,

[93] Kamptner, Greg; The Albemarle County Land Use Law Handbook, Albemarle County Attorney's Office, Feb. 2018.
[94] Public Law 110-432, October 16, 2008
[95] Public Law 110-432, October 16, 2008, § 20157. Implementation of positive train control systems.

derailments due to train overspeed, incursions into work zones and movements through a misaligned track switch).

Title II – Highway-Rail Grade Crossing and Pedestrian Safety and Trespasser Prevention: Includes Pedestrian crossing safety, state grade crossing action plans, sight distances at-grade crossings, grade crossing inventory, identification/notification of grade crossing issues, funding for Operation Lifesaver, and funding for states to improve safety.

Title III – Federal Railroad Administration: Includes FRA staffing increases specifically for safety administration and inspection and updates to the FRA website to include additional rail safety information.

Title IV – Railroad Safety Enhancements: Includes minimum safety training standards for rail employees; certification of conductors; conduct of studies to improve the safety of rail track, locomotive cab environments, and station platforms; bridge safety program, and; rail infrastructure improvement grants.

Title V – Rail Passenger Disaster Family Assistance: Includes actions and information for rail accident victims and their families.

Title VI – Clarification of Federal Jurisdiction over Solid Waste Facilities – Includes language that compels compliance of operators of solid waste rail transfer facilities to comply with all applicable federal and state requirements.

Title VII – Technical Corrections – Includes various corrections and amendments to a few sections.

This law requires states (including Florida) to file state-specific action plans to improve grade crossing safety and implement laws on sight obstructions at passively signed highway-rail grade crossings. To meet this requirement, FDOT has developed a Highway-Rail Grade Crossing Safety Action Plan in 2011.

The law also provides grants for technology and safety improvements to railroads as well as state and local governments.

4. Passenger Rail Investment and Improvement Act (PRIIA) of 2008

While this act deals mostly with Amtrak performance, appropriations for rail-related projects, and a number of research grants and studies, it requires states to develop state rail plans. Prior to PRIIA, states had no statutory role in planning and implementation for intercity passenger rail outside of occasional FRA grants. Through the passage of this act, states are given an explicit role to oversee rail planning and implementation.[96]

[96] The Passenger Rail Investment and Improvement Act of 2008

Unable to Process

AMERICAN OVERSIGHT

From: McRay, Jack L. <JMcray@aarp.org> on behalf of Smith, Zayne B. <zsmith@aarp.org>
Sent: Monday, October 14, 2019 10:52 AM EDT
To: Barker, Dorene P <dobarker@aarp.org>; Fernandez, Ivonne <IFernandez@aarp.org>; Smith, Zayne B. <zsmith@aarp.org>
CC: Johnson, Jeff P. - JPJohnson <JPJohnson@aarp.org>
Subject: AARP Florida 2020 Voting Record
Attachment(s): "AARP Florida 2020 Voting Record Senate.pdf"

Dear Senator,

AARP strongly believes voters should be informed on issues affecting older Floridians. With this in mind, and in response to requests from our members and from Florida legislators sitting on both sides of the aisle, AARP will identify bills of particular interest to AARP's members and tell them how legislators vote on those bills during each legislative step. AARP will provide legislators notice of the bills selected for this reporting. AARP plans to publish a final voting record report at the conclusion of the 2020 Legislative Session.

Included is a link to the voting record report which was published at the conclusion of the 2019 Session:
www.aarp.org/flvotingrecord2019

In order to increase understanding of the legislation and lawmakers' views on bills, AARP will encourage its readers to contact state legislators directly to learn more.

Please direct questions or requests for additional information concerning AARP's voting records initiative to Zayne Smith (850) 228-4243, Dorene Barker (850) 228-6387 or Ivonne Fernandez (954) 850-7262. AARP's members and state advocacy staff look forward to engaging legislators and legislative staff through completion of the 2020 Regular Session.

Respectfully,

Jack L. McRay
Advocacy Manager
AARP Real Possibilities
Florida

AMERICAN OVERSIGHT

AARP Real Possibilities in Florida

Dear Senator,

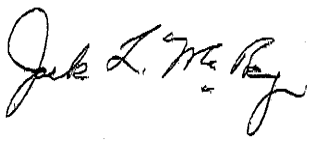
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Respectfully,



Jack L. McRay
Advocacy Manager
AARP Florida

AARP is a nonprofit, nonpartisan social welfare organization with a membership that helps people 50+ and their families have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. AARP does not endorse candidates for public office and it does not make contributions to either political campaigns or candidates. We produce AARP The Magazine, the definitive voice for 50+ Americans and the world's largest-circulation magazine; AARP Bulletin, the go-to news source for AARP's millions of members (nearly 3 million in Florida) and Americans 50+; AARP VIVA, the only bilingual U.S. publication dedicated exclusively to the 50+ Hispanic community; and our website, AARP.org.

AMERICAN OVERSIGHT

From: Kirk Bailey <KBailey@aclufl.org>
Sent: Monday, January 27, 2020 9:45 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
CC: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Kara Gross <KGross@aclufl.org>
Subject: ACLU letter - SB 1354 Statewide Voter Registration Application
Attachment(s): "Testimony_ACLU_SB 1354.pdf"

Sen. Brandes,

I hope this note finds you well. Please find attached our letter to the Senate Ethics and Elections Committee in advance of today's hearing on SB 1354 related to the Statewide Voter Registration Application. Overall, as I've mentioned, we support this bill as written and have just one observations about the language and possible rule-making it might require. Beyond that, I wonder if you anticipate any amendments to the bill to be offered?

Thank you again for your attention to these matters. Please do not hesitate to call on us if we can provide any assistance.

Kind regards,
Kirk

Kirk Bailey | Political Director |American Civil Liberties Union of Florida |786.363.2713 | kbailey@aclufl.org
Pronouns: he, him, his

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AMERICAN OVERSIGHT

January 24, 2020

DELIVERED VIA EMAIL

Ethics & Elections Committee
Florida Senate
The Capitol
Tallahassee, FL 32399

RE: Written Testimony – SB 1354

Dear Chairman Baxley and members of the committee:

On behalf of more than 130,000 members and supporters state-wide, the American Civil Liberties Union (ACLU) of Florida provides this written testimony on SB 1354, re: Statewide Voter Registration Application. We respectfully request that this testimony be included in the record of the meeting and made available to the public in the committee packet/record meeting notes.

Further, we support SB 1354 in substance, with the following observations.

In order to achieve a fair and uniform electoral process, the uniform statewide voter registration application needs to be concise, readily understandable and easy to complete. An excess of questions lends to confusion and difficulties designing a voter registration form that is readily understandable and easy to use by individual Floridians who wish to participate in our electoral process. Prior to SB 7066, question #2 of the pre-2019 form asked individuals to "*affirm that I am not a convicted felon, or if I am, my right to vote has been restored.*" The present legislation (SB 1354) eliminates additional questions required by SB 7066 and nearly conforms the wording of the form to its pre-2019 version. We note that the proposed wording in SB 1354 is not an exact match to the pre-2019 form, stating "*I affirm I have never been convicted of a felony or, if I have been, my rights relating to voting have been restored.*" (line 23-25).

While there seems to be no substantive difference between the pre-2019 prior form and the proposed new language, the statutory wording varies slightly. While this may just be a drafting oversight, we are concerned that, because of the difference, someone might assert that a new form needs to be promulgated instead of reverting back to the pre-2019 form. This would delay implementation and add further confusion for voters. In order to ensure that upon the effective date of the legislation the pre-2019 form can continue to be used without interruption we respectfully request that the statutory language conform to the pre-2019 form that is presently in use.

Thank you for your consideration of the above and please do not hesitate to contact me at kbailey@aclufl.org (786) 363-2713, if you have any questions or would like any additional information.

Sincerely,

Kirk Bailey
Political Director

Cc: Sen. Jeff Brandes

ACLU Florida

4343 W. Flagler St.
Miami, FL
(786) 363-2713
aclufl.org

Kirk Bailey
Political Director

AMERICAN OVERSIGHT

From: Michael Rogers <Mike@southernadvocacygroup.com>
Sent: Wednesday, October 23, 2019 12:43 AM EDT
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Affordable Housing Insurance
Attachment(s): "FL Statute 624.46226 draft 2.docx"

Hey Zach,

Here is the language we're proposing on the **affordable housing** insurance issue.

A few notes,

- This does not alter any guidelines regulating self-insurance funds
- It does not place any requirements on any entity exploring insurance options (doesn't pick winners and losers)
- Provides potential savings only for certain developers of**Affordable Housing**
- Has no fiscal impact

Look forward to seeing you tomorrow afternoon (Wednesday)

Thank you – Mike

Mike Rogers
Southern Advocacy Group
850-566-2560

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The 2018 Florida Statutes

624.46226 Public housing authorities self-insurance funds; exemption for taxation and assessments.—

(1) Notwithstanding any other provision of law, any two or more public housing authorities in the state as defined in chapter 421 may form a self-insurance fund for the purpose of pooling and spreading liabilities of its members as to any one or combination of casualty risk or real or personal property risk of every kind and every interest in such property against loss or damage from any hazard or cause and against any loss consequential to such loss or damage, provided the self-insurance fund that is created:

(a) Has annual normal premiums in excess of $5 million.

(b) Uses a qualified actuary to determine rates using accepted actuarial principles and annually submits to the office a certification by the actuary that the rates are actuarially sound and are not inadequate, as defined in s. 627.062.

(c) Uses a qualified actuary to establish reserves for loss and loss adjustment expenses and annually submits to the office a certification by the actuary that the loss and loss adjustment expense reserves are adequate. If the actuary determines that reserves are not adequate, the fund shall file with the office a remedial plan for increasing the reserves or otherwise addressing the financial condition of the fund, subject to a determination by the office that the fund will operate on an actuarially sound basis and the fund does not pose a significant risk of insolvency.

(d) Maintains a continuing program of excess insurance coverage and reserve evaluation to protect the financial stability of the fund in an amount and manner determined by a qualified and independent actuary. At a minimum, this program must:

1. Purchase excess insurance from authorized insurance carriers or eligible surplus lines insurers.

2. Retain a per-loss occurrence that does not exceed $350,000.

(e) Submits to the office annually an audited fiscal year-end financial statement by an independent certified public accountant within 6 months after the end of the fiscal year.

(f) Has a governing body which is comprised entirely of commissioners of public housing authorities that are members of the public housing authority self-insurance fund or persons appointed by the commissioners of public housing authorities that are members of the public housing authority self-insurance fund.

(g) Uses knowledgeable persons or business entities to administer or service the fund in the areas of claims administration, claims adjusting, underwriting, risk management, loss control, policy administration, financial audit, and legal areas. Such persons must meet all applicable requirements of law for state licensure and must have at least 5 years' experience with commercial self-insurance funds formed under s. 624.462, self-insurance funds formed under s. 624.4622, or domestic insurers.

(h) Submits to the office copies of contracts used for its members that clearly establish the liability of each member for the obligations of the fund.

(i) Annually submits to the office a certification by the governing body of the fund that, to the best of its knowledge, the requirements of this section are met.

A for-profit or not-for-profit corporation, limited liability company, or other similar business entity in which a public housing authority holds an ownership interest or participates in its governance under s. 421.08(8) or receives Local, State or Federal funds for the purpose of providing affordable housing may join a self-insurance fund formed under this section in

AMERICAN OVERSIGHT

which such public housing authority participates. Such for-profit or not-for-profit corporation, limited liability company, or other similar business entity may join the self-insurance fund solely to insure risks related to public housing.

(2) As used in this section, the term "qualified actuary" means an actuary that is a member of the Casualty Actuarial Society or the American Academy of Actuaries.
(3) A public housing authority's self-insurance fund that meets the requirements of this section is not:
(a) An insurer for purposes of participation in or coverage by any insurance guaranty association established by chapter 631; or
(b) Subject to s. 624.4621 and is not required to file any report with the department under s. 440.38(2)(b) that is uniquely required of group self-insurer funds qualified under s. 624.4621.
(4) Premiums, contributions, and assessments received by a public housing authority's self-insurance fund are subject to ss. 624.509(1) and (2) and 624.5092, except that the tax rate shall be 1.6 percent of the gross amount of such premiums, contributions, and assessments.
(5) If any of the requirements of subsection (1) are not met, a public housing authority's self-insurance fund is subject to the requirements of s. 624.4621 if the fund provides only workers' compensation coverage or is subject to the requirements of ss. 624.460-624.488 if the fund provides coverage for other property, casualty, or surety risks.
(6) Any public housing authority in the state as defined in chapter 421 that is a member of a self-insurance fund pursuant to this section shall be exempt from the assessments imposed under ss. 215.555, 627.351 and 631.57.
(7) Reinsurance companies complying with s. 624.610 may issue coverage directly to a public housing authority or an entity organized by a public housing authority under s. 421.08(8) if such public housing authority or entity self-insures its liabilities under this section. A public housing authority purchasing reinsurance or an entity that is organized by a public housing authority under s. 421.08(8) and that is purchasing reinsurance shall be considered an insurer for the sole purpose of entering into such reinsurance contracts. Contracts of reinsurance issued to public housing authorities self-insuring under this section or issued to entities that are organized by public housing authorities under s. 421.08(8) and that are self-insuring under this section shall receive the same tax treatment as reinsurance contracts issued to insurance companies. However, the purchase of reinsurance coverage by a public housing authority self-insuring under this section or by an entity that is organized by a public housing authority under s. 421.08(8) and that is self-insuring under this section shall not be construed as authorization to otherwise act as an insurer.

AMERICAN OVERSIGHT

From: Adam Ogonoski <ato19a@my.fsu.edu>
Sent: Friday, January 31, 2020 1:28 AM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
CC: Ogonoski, Adam <Ogonoski.Adam@flsenate.gov>
Subject: Alive Bills Document for Call
Attachment(s): "Bills Still Alive .docx"

Good Evening,

I have attached the complete list of our bills that are still alive with a summary of the bill. Let me know if there is anything else that you need me to do.

Thank you,
Adam Ogonoski

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Bills Still Alive

SJR 142 Abolishing the Constitution Revision Commission

This bill abolishes the Constitution Revision Commission. This bill proposes amendments to the State Constitution to abolish the Constitution Revision Commission.

SJR 146: Homestead Property Tax Assessments/Increased Portability Period

This bill proposes an amendment to Section 4 of Article VII and the creation of a new section in 4 Article XII of the State Constitution to increase the period of time during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead.

CS/SB 148: Limitations on Homestead Assessments

This bill revises the timeframe during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead. This bill also revises the timeframe during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election.

SB 150: Sanitary Sewer Laterals

This bill encourages counties and municipalities to establish a sanitary sewer lateral inspection program. This bill also requires a seller of real property to disclose any known defects in the property's sanitary sewer lateral.

SB 152: Dental Therapy

This bill authorizes Medicaid to reimburse for dental services provided in a mobile dental unit that is owned by, operated by, or contracted with a health access setting or another similar setting or program. This bill also requires the chair of the Board of Dentistry to appoint a Council on Dental Therapy effective after a specified timeframe; requiring the board to adopt certain rules relating to dental therapists. Furthermore, the bill provides application requirements and examination and licensure qualifications for dental therapists.

SB 468: Mandatory Sentences

This bill authorizes a court to impose a sentence other than a mandatory minimum term of imprisonment and mandatory fine for a person convicted of trafficking if the court makes certain findings on the record. The court must find on the record that the offender did not engage in a continuing criminal enterprise, did not use or threaten violence or use a weapon during the commission of the offense, and did not cause death or serious bodily injury.

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CS/SB 470: Searches of Cellular Phones and Other Electronic Devices

This bill expands the grounds for issuance of a search warrant to include content held within a cellular phone, portable electronic communication device, or microphone-enabled household device when such content constitutes evidence relevant to proving that a felony has been committed. This bill adopts the constitutional protection against unreasonable interception of private communications by any means for purposes of obtaining a search warrant. This bill also prohibits the use of certain communication content in any trial, hearing or other proceeding which was obtained without a specified warrant.

SB 482: Beverage Law

This bill repeals provisions relating to limitations on the size of individual wine containers and individual cider containers. This bill revises provisions that authorize a restaurant to allow patrons to remove partially consumed bottles of wine from the restaurant for off-premises consumption. This bill also revises the requirements for the sale of branded products by a licensed craft distillery to consumers. In addition, the bill authorizes a craft distillery to transfer specified quantities of specified distilled spirits from certain locations to its souvenir gift shop.

SB 550 Sentencing

This bill revises the criteria under which certain offenders sentenced after a specified date may be sentenced to a nonstate prison sanction under a prison diversion program. The bill amends some of the criteria for prison diversion eligibility, which will be applicable to offenders sentenced on or after October 1, 2020.

CS/SB 552 Sentencing

This bill revises the threshold of total sentence points below which a court must sentence nonviolent felony offenders who commit certain offenses and are sentenced on or after a specified date to a nonstate prison sanction. This bill increase total sentence points applicable to prison diversion under this subsection from 22 points or fewer to 44 points or fewer.

CS/SB 554 Sentencing

The bill revises the mitigating circumstances under which a departure from the lowest permissible sentence is reasonably justified. The bill also removes language that restricts mitigation based upon substance abuse or addiction, including intoxication at the time of the offense. The bill also removes language that restricts mitigation based upon substance abuse or addiction, including intoxication at the time of the offense.

CS/SB 556: Inmate Conditional Medical Release

This bill establishes the conditional medical release program within the Department of Corrections. This bill requires any inmate who meets certain criteria to be considered for

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conditional medical release; providing for victim notification in certain circumstances. This bill provides that an inmate who is approved for conditional medical release must be released from the department in a reasonable amount of time. This bill provides that a medical release remains in the care, custody, supervision, and control of the department and is eligible to earn or lose gain-time.

SB 560: Sentencing

This bill renames the Criminal Punishment Code as the Public Safety Code. The bill also revises the primary purpose of sentencing under the Public Safety Code from punishing an offender to public safety.

CS/SB 574: Conditional Aging Inmate Release

The bill establishes the conditional aging inmate release program within the Department of Corrections. The bill requires that an inmate who meets certain criteria be considered for conditional aging inmate release. The bill provides victim notification requirements under certain circumstances. The bill also provides that an inmate who is approved for conditional aging inmate release must be released from the department's custody within a reasonable amount of time. The bill prohibits an aging release or his or her community-based housing from being counted in the prison system population and the prison capacity figures, respectively.

SB 760: Independent Special Fire Control Districts

This bill requires an independent special fire control district to have, and authorizing the board of such district to exercise, specified powers and duties.

SB 790: Clerks of the Circuit Court

This bill specifies that certain revenues from service charges collected by the clerk for remittance to the Department of Revenue include only revenues for court-related functions. This bill provides for revenues for county operations to be retained by the clerk. This bill revises the distribution of revenue from filing fees from the institution of certain appellate proceedings. This bill revises retroactive application regarding the collection of revenue for court-related functions for remittance to the department.

CS/SB 914: Contingency Risk Multipliers

Providing that, for certain attorney fees awarded for claims arising under property insurance policies, a strong presumption is created that a lodestar fee is sufficient and reasonable; providing that such presumption may be rebutted only under certain circumstances.

SB 918: Civic Education

This bill requires the Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum for high school students, beginning with a specified school year. This bill authorizes students to apply the hours they devote to practicum

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activities to certain community service requirements. This bill requires the State Board of Education to designate certain high schools as Freedom Schools, based on criteria the board establishes relating to students' civic learning and civic engagement.

SB 924: Civil Actions Against Insurers

This bill provides that, in third-party bad faith actions against insurers, insureds and claimants have the burden to prove that an insurer acted in reckless disregard for insured rights which resulted in damage to the insured or the claimant. This bill provides that insured or claimant actions or inactions are relevant in bad faith actions; providing that an insurer is not liable if certain conditions are met; providing that an insurer is not liable beyond available policy limits as to certain competing third-party claims if it files an interpleader action within a certain timeframe.

SB 1116: Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections

This bill creates the State-Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections. This bill provides the purpose of the trust fund and provides for future review and termination or re-creation of the trust fund.

CS/SB 1118: Inmate Welfare Trust Funds

This requires that specified proceeds and funds be deposited into the State-Operated Institutions Inmate Welfare Trust Fund. This bill provides that the trust fund is a trust held by the Department of Corrections for the benefit and welfare of certain inmates. This bill requires that funds of the trust fund be used exclusively for specified purposes at correctional facilities operated by the department

SB 1144: Department of Juvenile Justice

This bill revises the list of programs within the department. This bill repeals a provision relating to shared county and state responsibility for juvenile detention. This bill deletes a provision requiring each county that is not a fiscally constrained county to pay its annual percentage share of the total shared detention costs. This bill requires the Department of Juvenile Justice to calculate and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share.

CS/SB 1146: Special Risk Class of the Florida Retirement System

This bill adds juvenile justice detention officers I and II and juvenile justice detention officer supervisors employed by the Department of Juvenile Justice who meet certain criteria to the class.

SB 1148: Electric Bicycles

This bill revises definitions relating to the Florida Uniform Traffic Control Law. The bill also requires the driver of a vehicle overtaking an electric bicycle to pass the electric

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bicycle at a certain distance. The bill also expands exceptions to a prohibition on persons driving certain vehicles on sidewalks and bicycle paths. Furthermore, the bill provides electric bicycle regulations. This bill requires electric bicycles to comply with specified provisions of law. This bill authorizes operators to ride electric bicycles where bicycles are allowed.

SB 1230: Electric Vehicles

This bill authorizes the Department of Transportation to adopt rules. This bill requires that certain funds be used for specified purposes relating to the Electric Vehicle Infrastructure Grant Program, beginning in specified years. This bill requires the department to establish the Electric Vehicle Infrastructure Grant Program. The bill also provides for the distribution of grants to certain entities to install electric vehicle charging infrastructure and provides grant requirements.

SB 1304: Sentencing

This bill creates conditional sentences for substance use and mental health offenders. This bill provides minimum sentencing requirements and specifies duties of the Department of Corrections. The bill also requires the department to provide written notice to specified parties upon the offender's admission into an in-prison treatment program. This bill also requires that an offender be transitioned to probation upon the completion of an in-prison program.

SB 1308: Criminal Justice

This bill authorizes the resentencing and release of certain persons who are eligible for sentence review under specified provisions. This bill precludes eligibility for a sentence review for young adult offenders who previously committed, or conspired to commit, specified offenses. This bill requires the Department of Corrections to notify young adult offenders in writing of their eligibility for sentence review within certain timeframes. This bill requires the department to provide inmates with certain information upon their release.

SB 1346: Fees/Electric Vehicles

This bill creates an additional fee for electric vehicles. The bill creates a license tax and an additional fee for plug-in hybrid electric vehicles. The bill also requires, on specified dates, the Department of Highway Safety and Motor Vehicles to increase the additional fees, subject to certain requirements. The bill provides that certain vehicles are exempt from specified fees.

SB 1352: Transportation Companies

This bill defines the term "transportation network company digital advertising device". This bill deletes for-hire vehicles from the list of vehicles that are not considered transportation network company (TNC) carriers or are not exempt from certain registration. This bill authorizes TNC drivers or their designees to contract with a

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company for the installment of TNC digital advertising devices. The bill also requires companies operating such devices to allocate a specified percentage of advertisement inventory to certain organizations.

SB 1354: Statewide Voter Registration Application

This bill revises requirements for the uniform statewide voter registration application and the acceptance of such applications. This bill deletes an exemption from public records requirements for information related to a voter registration applicant's or voter's prior felony conviction and his or her restoration of voting rights to conform to changes made by the act.

SB 1372: Elections

This bill deletes a provision that prohibits the use of an address appearing on identification presented by an elector at the polls as a basis to confirm or otherwise challenge an elector's legal residence. This bill revises the timeframes for conducting public pre-election testing of automatic tabulating equipment. The bill removes the requirement that duplicate ballots be made of vote-by-mail ballots containing overvoted races. The bill also revises the timeframe in which the supervisor of elections must mail ballots in elections conducted under the Mail Ballot Election Act.

SB 1504: Sentencing

This bill requires certain persons convicted of driving while license suspended, revoked, canceled, or disqualified committed before a specified date to be sentenced in a specified manner in accordance with the amendments in chapter 2019-167, Laws of Florida. This bill requires resentencing for persons who committed such violations before a specified date and are serving terms of imprisonment. This bill provides that persons who meet specified criteria are eligible to petition a court to expunge a criminal history record for convictions of driving while license suspended, revoked, canceled, or disqualified.

SB 1506: Public Records/Expunction of Specified Convictions

This bill provides a public records exemption to include the expunction of specified convictions of certain persons convicted of driving while license suspended, revoked, canceled, or disqualified. The bill provides for legislative review and repeal of the exemption. This bill provides a statement of public necessity.

CS/SB 1510: Jurisdiction of Courts

This bill limits the appellate jurisdiction of the circuit courts to appeals from final administrative orders of local code enforcement boards and other reviews and appeals expressly provided by law. This bill authorizes a county court to certify a question to a district court of appeal in a final judgment that is appealable to a circuit court. The bill authorizes a district court of appeal to review certain questions certified by a county court.

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SB 1708: Inmate Reports

This bill revises the information the Department of Corrections is required to publish on its website and update quarterly to include information from each facility regarding health services and conditions, the use of force, reports of abuse, disciplinary reports, the death of inmates, and statistics related to specified officer classes.

SB 1716: Sentencing

This bill revises the required sentencing structure for prison release reoffenders upon proof from a state attorney which establishes that a defendant is a prison release reoffender. This bill applies the revised sentencing structure to certain persons under certain circumstances. The bill provides resentencing requirements. The bill also deletes a provision that requires a state attorney to explain a sentencing deviation in writing under certain circumstances.

CS/SB 1718: Public Meetings and Records/Conditional Aging Inmate Release Program

This bill exempts from public meetings requirements the protected health information of specified inmates being considered for the conditional aging inmate release programs. This bill exempts from public records requirements certain records used by the reviewing panel to make a determination of the appropriateness of conditional aging inmate release and the recordings of closed panel review hearings. The bill provides for legislative review and repeal of the exemption; providing a statement of public necessity.

CS/SB 1728: Public Meetings and Records/Conditional Medical Release Program

This bill exempts from public meetings requirements the protected health information of specified inmates being considered for the conditional medical release program. The bill also exempts from public records requirements certain records used by the reviewing panel to make a determination of the appropriateness of conditional medical release and the recordings of closed panel review hearings. The bill provides for legislative review and repeal of the exemptions. The bill provides a statement of public necessity.

SB 1738: Motor Vehicle Dealers

This bill revises the definition of the term “rental company” to include motor vehicle dealers without limitation and their leasing and rental affiliates for the purpose of minimum insurance coverage requirements. This bill provides that motor vehicle dealers and their affiliates are immune to causes of action and not vicariously liable for harm to persons or property under certain circumstances.

SB 1826: Land Surveyors and Mappers

This bill deletes certain education requirements for an applicant to take the licensure examination to practice as a surveyor or mapper or to be qualified as a surveyor or mapper intern. This bill revises licensure by endorsement requirements. This bill revises the required continuing education hours for licensed surveyors or mappers.

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SB 1860: Availability of Marijuana for Adult Use

This bill revises the sales tax exemption for the sale of marijuana and marijuana delivery devices to only include sales to qualified patients or caregivers. This bill revises provisions related to the licensure and functions of medical marijuana treatment centers (MMTCs). The bill also specifies application requirements for MMTCs to obtain cultivation licenses and processing licenses. The bill authorizes MMTCs licensed to cultivate or process marijuana to use contractors to assist with the cultivation and processing of marijuana under certain conditions.

SB 1862: Public Records/Criminal History Records and Related Information

This bill specifies requirements for certain agencies in the disposition of expunged criminal history records; providing an exemption from public records requirements for certain expunged criminal history records and related information of persons who possessed 4 ounces or less of cannabis, with exceptions. The bill provides for future review and repeal of the exemption. The bill provides a statement of public necessity.

SB 1886: Grandparent Visitation Rights

This bill authorizes a grandparent of a minor child whose parent was the victim of a murder to petition the court for court-ordered visitation with the child under certain circumstances. This bill removes the requirement that a grandparent petitioning the court for court-ordered visitation with a minor child make a prima facie showing of parental unfitness or significant harm to the child in a preliminary hearing on such petition and instead requiring the grandparent to make a prima facie showing of other specified conditions.

AMERICAN OVERSIGHT

From: Louis Orloff <Louis@orloffadvisors.com>
Sent: Thursday, February 06, 2020 12:24 PM EST
To: Brandes, Jeff (Web) <BRANDES.JEFF.WEB@flsenate.gov>
CC: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>; Pizzo, Jason (Web) <Pizzo.Jason.Web@flsenate.gov>
Subject: Amendment language Florida Protected Reserve Funds for SB 1154 Baxley
Attachment(s): "20200206 - Florida Protected Reserve Funds.docx","ACTUAL 102 UNITS.pdf"

Senator:

Following up on our conversation in your office on December 12th. (with Senator Pizzo and his dog). We discussed the evolution of this proposed legislation over the past almost 3 years. It has been refined, reviewed by multiple homeowner attorneys, CPAs, and securities lawyers along with several senators and representatives. We ran this past Florida Office of Financial Regulation, and as it does not affect them they were fine with the language.

Changes have been incorporated to address all concerns. An analysis, attached, running real numbers from 2007 thru 2019 using an actual association's data shows how much money has been lost to inflation and how much money could have been earned under this proposal. To many people this is an intuitive calculation.

And then there is the small group of naysayers in Tallahassee and they are the tail wagging the dog and blocking. So finally, when we last met I asked you straight-up to help get this into legislation.
You offered to present this as an amendment.

Attached is the language for the amendment relating to investments to be proffered at the Committee level.

SB 1154 by Baxley will be heard in the Rules Committee, I believe.

A few points for discussion:

This is all about protecting owners and associations. Presently association reserves also need inflation protection. Long term reserve funds are largely investing in short term, liquid investments with very low rates of return. Many of them also keep balances that exceed the insured limits. The amendment clarifies that. Again it is about protection.

> single associations and multi condominium associations may invest any funds, in one or any combination of a bank, savings and loan, or credit union deposit account(s) where association balances do not exceed the insured limits of each such institution

Under current statute and DBPR expressed rules, associations can invest any way they want to without any guardrails, without any oversight. I have been told by CPAs that funds often go astray. This amendment gives appropriate guardrails without over regulating to protect against this existing risk.

> The funds are managed by a Registered Investment Adviser so registered under s. 517.12, and acting as a "prudent investor" defined in s. 518.11 (4) and acting as a fiduciary to the association pursuant to the Investment Advisers Act of 1940 and shall comply with the fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.1104(a)(1)(A)(B)(C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this subsection shall prevail.
>
> Each association's CPA shall provide to the association a statement that validates the reserve funds transactions at least annually, a report of cash receipts and disbursements of the invested funds pursuant to s. 718.111(13)2 and reconciled to planned reserve fund required liquidity and portfolio investments.

This has language to protect board members from liability by requiring specific majority owner votes and the development of an investment policy statement approved by the owners.

> 718.112 Bylaws
> 2.f.
> 3. Reserve funds and any ~~interest~~earnings accruing thereon shall remain in the reserve account or accounts and may be used only for authorized reserve expenditures unless their use for other purposes including investing funds pursuant to s. 718.111 (14) is approved in advance by a majority vote at a duly called meeting of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended,including investing funds pursuant to s. 718.111 (14) without the approval of a majority of all non-developer voting interests, voting in person or by limited proxy at a duly called meeting of the association.
>
> The Board shall adopt at least annually an Investment Policy Statement to be retained in the permanent records of the Association(s);

This language incorporates the defined term "Prudent Investor. In short this is the best practice definition that is already central to all retirement plan regulation. This also means that a prudent investor matches the timings of cash flow to liabilities. Associations have current, short-term and long-term liabilities. This language focuses the investment strategy to make certain cash is available well in advance of it being needed. Long-term obligations are invested in a long-term strategy in a glide path structure to feed the short-term soft landing pad of liquidity.

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(b) Each association shall provide to the investment adviser at least annually the association's approved investment policy statement, current financial statements, reserve fund study report and assumptions as described more fully in s. 718.111 (13). The investment adviser shall review all information provided by the association and provide to the association a portfolio allocation model suitably structured to match projected reserve fund and liabilities liquidity requirements.

Finally, this language required associations to follow the PFIA guidelines the State itself imposes on its pension system. As we have discussed, if the State is going to put forth legislation it should be as strict as the State and not support terrorism or BDS attacks on Israel.

(d) Investments shall comply with s. 215.472, s. 215.473(4) and s. 215.4725(4)and may be held in custodial accounts pursuant to s. 215.47 (1) (h), so long as total balances in any such institution do not exceed the maximum insured SIPC coverage at each financial institution.
(e) Each independent registered investment adviser shall submit to the association annually a certification of compliance with this section.

If there are any changes you feel should be done here, I am open to your guidance. Just let me know.

Thank you. Working this for almost 3 years has been a rewarding experience. Your help in getting this into law is awesome. As you can imagine, no one wants change, especially change they did not come up with on their own.

Regards

Louis Orloff

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718.111 The association.—

14) COMMINGLING AND INVESTING.—

(a) All funds collected by an association shall be maintained separately in the association's name. For investment purposes only, reserve funds may be commingled with operating funds of the association. Commingled operating and reserve funds shall be accounted for separately, and a commingled account shall not, at any time, be less than the amount identified as reserve funds. Should a deficit in reserve funds occur the association has thirty (30) days to convene a meeting of unit owners to determine a cure for said deficit. This subsection does not prohibit a multi condominium association from commingling the operating funds of separate condominiums or the reserve funds of separate condominiums. Furthermore ~~, for investment purposes only,~~ single associations and multi condominium associations may invest any funds, in one or any combination of a bank, savings and loan, or credit union deposit account(s) where association balances do not exceed the insured limits of each such institution and an investment account managed pursuant to Investment Requirements(b)all subject to a consenting vote of the unit owners obtained in accordance with s. 718.112(2)(f) and if the Declaration Documents do not prohibit the investments described in this section.

(b)Investment Requirements:

(1) The Board shall adopt at least annually an Investment Policy Statement to be retained in the permanent records of the Association(s);

(2) "Investment Purposes" in this section shall mean:

(a) The funds are managed by a Registered Investment Adviser so registered under s. 517.12, and acting as a

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"prudent investor" defined in s. 518.11 (4) and acting as a fiduciary to the association pursuant to the Investment Advisers Act of 1940 and shall comply with the fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.1104(a)(1)(A)(B)(C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this subsection shall prevail.

(b) Each association shall provide to the investment adviser at least annually the association's approved investment policy statement, current financial statements, reserve fund study report and assumptions as described more fully in s. 718.111 (13). The investment adviser shall review all information provided by the association and provide to the association a portfolio allocation model suitably structured to match projected reserve fund and liabilities liquidity requirements.

(d) Investments shall comply with s. 215.472, s. 215.473(4) and s. 215.4725(4)and may be held in custodial accounts pursuant to s. 215.47 (1) (h), so long as total balances in any such institution do not exceed the maximum insured SIPC coverage at each financial institution.

(e) Each independent registered investment adviser shall submit to the association annually a certification of compliance with this section.

(f) Each association's CPA shall provide to the association a statement that validates the reserve funds transactions at least annually, a report of cash receipts and disbursements of the invested funds pursuant to s. 718.111(13)2 and reconciled to planned reserve fund required liquidity and portfolio investments.

(g) Each association's funds and investment results that

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are invested under this subsection are accessible to each association within 10 business days after a notice is sent by registered mail or by electronic notice has been given to the independent investment adviser.

(c) A manager or business entity required to be licensed or registered under s. 468.432, or an agent, employee, officer, or director of an association, shall not commingle any association funds with his or her funds or with the funds of any other condominium association or the funds of a community association as defined in s. 468.431.

718.112 Bylaws

2.f.

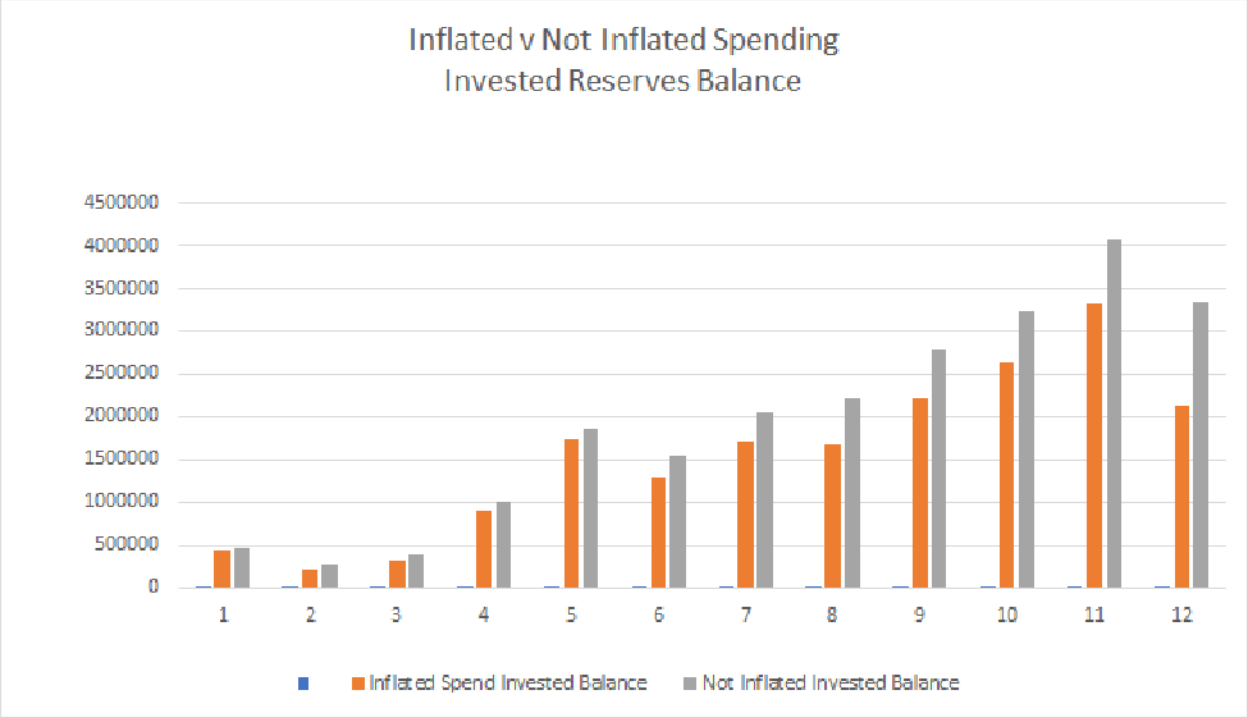
3. Reserve funds and any ~~interest~~ earnings accruing thereon shall remain in the reserve account or accounts and may be used only for authorized reserve expenditures unless their use for other purposes including investing funds pursuant to s. 718.111 (14) is approved in advance by a majority vote at a duly called meeting of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended, including investing funds pursuant to s. 718.111 (14) without the approval of a majority of all non-developer voting interests, voting in person or by limited proxy at a duly called meeting of the association.

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FLORIDA PROTECTED CONDOMINIUM RESERVES
REAL LIVE ASSOCIATION RESERVE PLAN APPLIED

This is the analysis we did for a real association. This association has 102 residences and has completed a professional reserve study, so we have a precise year by year schedule of future obligations. The obligations are estimated and scheduled for repair or replacement in the future based on condition and useful life.

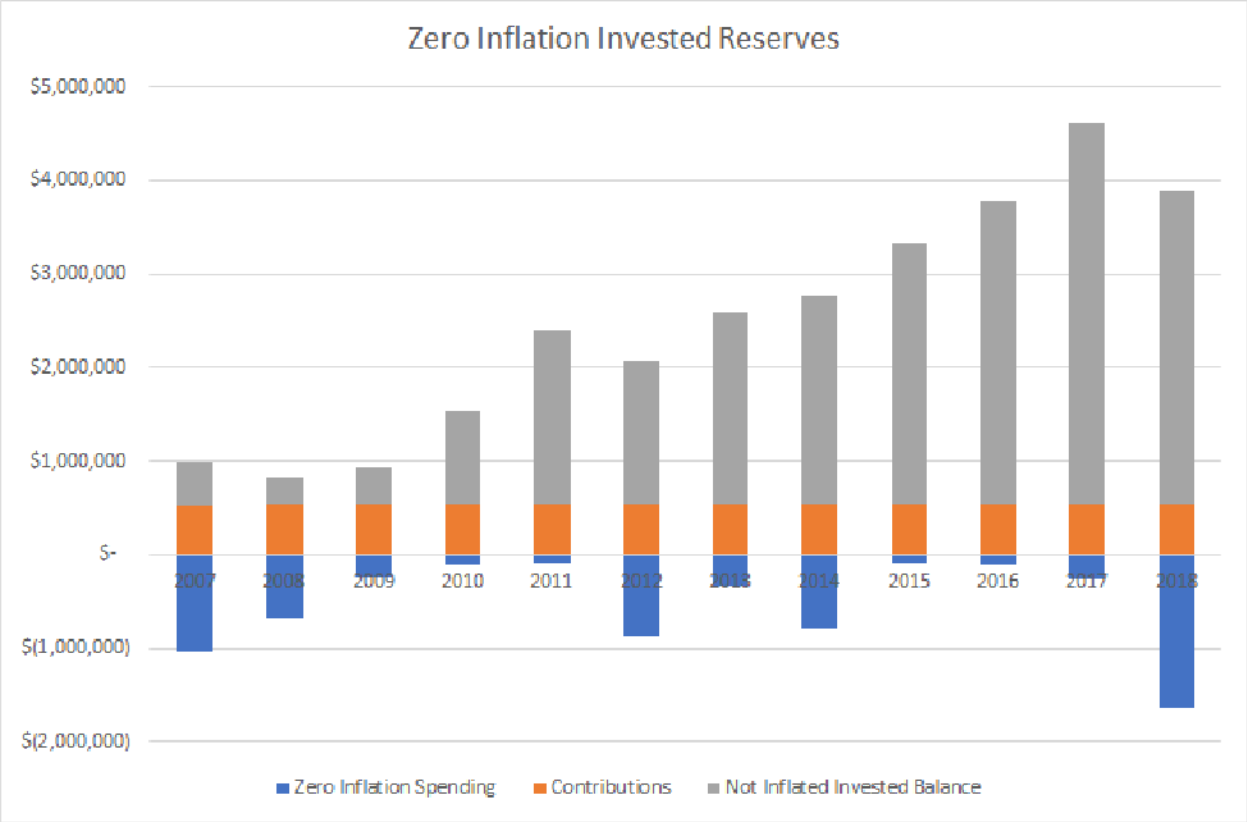
We have also taken the schedule of future actual expenses directly from the study and used the annual CPI to show how inflation erodes the purchasing power of reserves. This is clearly illustrated in the following high-level chart showing the difference between the same invested reserve account less expenses growing at CPI vs expenses at zero inflation.



The following two stacked bar charts show expenses below zero against contributions plus returns and net balances above zero.

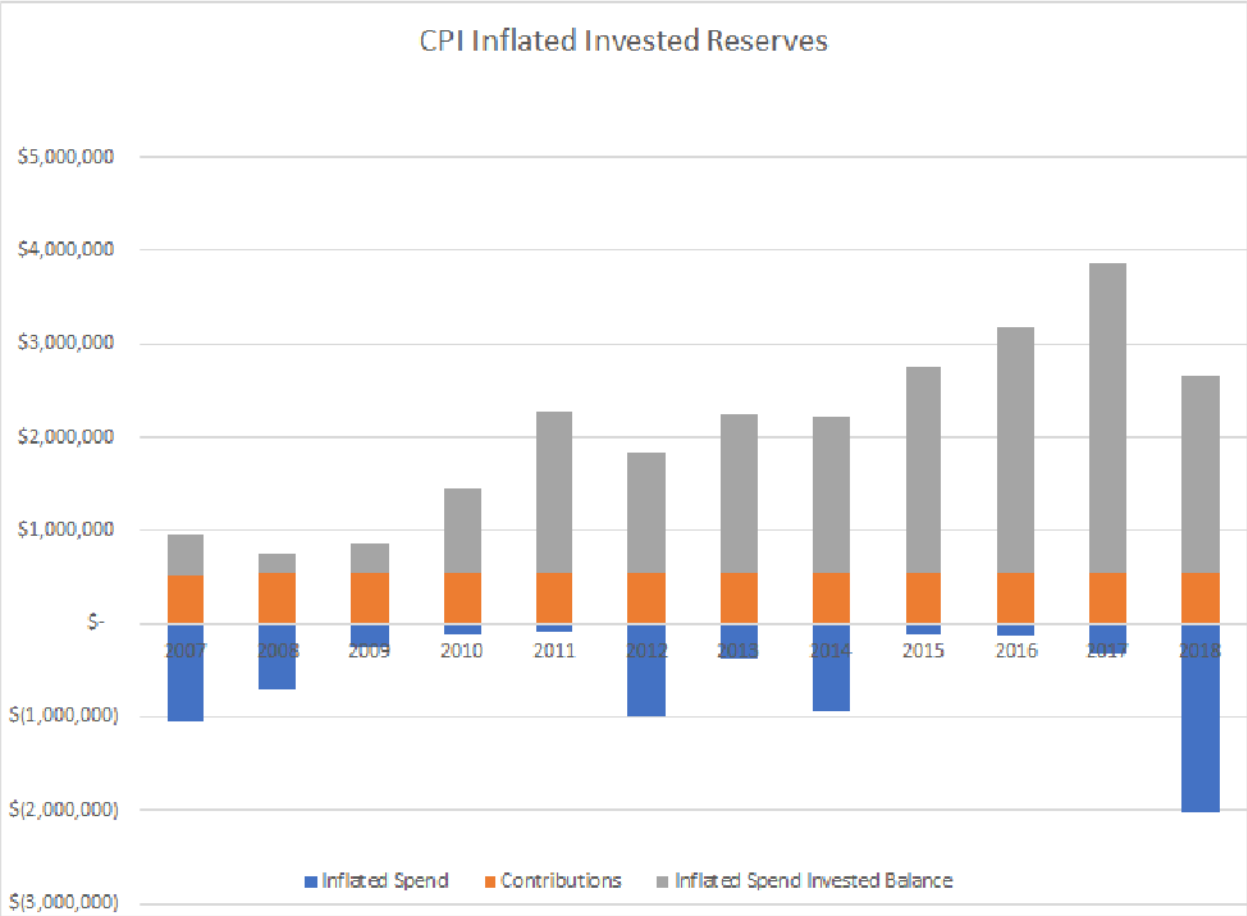
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This first chart shows all future obligations in today's dollars without the effect of inflation.



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This second chart begins with the same contributions and expense assumptions only we have inflated the expenses by CPI over each year.



We have not done any backtesting of investment strategy instead using the standard hypothetical model whereby we take actual historic numbers and apply them to the period going forward. In this case we have stress tested our thesis by starting with 2007 so that we capture all of 2008 and 2009 in the early stages of an investment program. In this case we have used the FL State retirement plans. This also makes sense for prudent investor long term account objective.

AMERICAN OVERSIGHT

From: Jeff Branch <jeffrey.branch@gmail.com>
Sent: Monday, February 03, 2020 10:52 AM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
CC: James Magill <jim.magill@bipc.com>
Subject: Amendment language SB 1148
Attachment(s): "Infrastructure and Security.docx","ATT00001.txt"

Hey Zac,

Per your request, here is the amendment language in a word document.

Thank you.

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Sent from my iPhone

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Infrastructure and Security

SB 1148 – Electric Bicycles

Amendment to SB 1148

Delete lines 211 – 217:

(b) Following notice and a public hearing, a municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path may restrict or prohibit the operation of an electric bicycle on the path if the municipality, county, or agency finds that such a restriction is necessary in the interest of public safety or to comply with other laws or legal obligations.

AMERICAN OVERSIGHT

From: Thompson, Vanessa
Sent: Thursday, January 30, 2020 8:27 AM EST
To: Evan Power <Evan@rambaconsulting.com>
Subject: Amendment
Attachment(s): "amendmentdraft76859.docx"

Hey Evan,

It's pretty simple and straight forward, but before I file it I wanted to ensure you had the time to look the amendment over.

Thanks!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

AMERICAN OVERSIGHT

LEGISLATIVE ACTION

Senate . House

. . . . . .

The Committee on Ethics and Elections (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 28 - 31

and insert:

provides the elector's signature shall be required. The address appearing on the identification presented by the elector may not be used as the basis to ~~confirm an elector's legal residence or otherwise~~ challenge an elector's legal residence. The elector

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

And the title is amended as follows:

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Delete lines 5 - 6

and insert:

elector at the polls as a basis to confirm the elector's legal residence;

AMERICAN OVERSIGHT

From: FLAUDGEN_AUDRPT <FLAUDGEN_AUDRPT@aud.state.fl.us>
Sent: Tuesday, November 26, 2019 4:01 PM EST
To: !HSE All House Members <HSEAllHouseMembers@myfloridahouse.gov>; !HSE Committee Staff Directors <HSECommitteeStaffDirectors@myfloridahouse.gov>; Meyer, Reynold <MEYER.REYNOLD@flsenate.gov>; Brown, Debbie <BROWN.DEBBIE@flsenate.gov>; JLAC <jlac@leg.state.fl.us>; Senate Staff Directors <SenateStaffDirectors@flsenate.gov>; Davila, Michelle <Michelle.Davila@myfloridahouse.gov>; Senators – All <Senators-All@leg.state.fl.us>; Vickers, Lisa <VICKERS.LISA@flsenate.gov>; Gormley, Carol <Carol.Gormley@myfloridahouse.gov>; Betta, Katherine <BETTA.KATHERINE@flsenate.gov>; Hamby, Tom <Tom.Hamby@myfloridahouse.gov>; Lewis, Celeste <Celeste.Lewis-Hemanes@myfloridahouse.gov>; Jones, Traci <Jones.Traci@flsenate.gov>; Dubose, Kathy <DUBOSE.KATHY@leg.state.fl.us>
CC: SHERRILL NORMAN <SHERRILLNORMAN@AUD.STATE.FL.US>; GREG CENTERS <GREGCENTERS@AUD.STATE.FL.US>; MATTHEW TRACY <MATTHEWTRACY@aud.state.fl.us>; JENNIFER BLANCA <JENNIFERBLANCA@AUD.STATE.FL.US>; CHRIS GOHLKE <CHRISGOHLKE@AUD.STATE.FL.US>; DAVID HUGHES <DAVIDHUGHES@AUD.STATE.FL.US>; MARILYN TENEWITZ <MARILYNTENEWITZ@AUD.STATE.FL.US>; KAREN VAN AMBURG <KARENVANAMBURG@aud.state.fl.us>; KATHRYN WALKER <KATHRYNWALKER@AUD.STATE.FL.US>; CHRISTI ALEXANDER <CHRISTIALEXANDER@AUD.STATE.FL.US>; LISA NORMAN <LISANORMAN@AUD.STATE.FL.US>; HEIDI BURNS <HEIDIBURNS@AUD.STATE.FL.US>; BRENDA SHINER <BRENDASHINER@AUD.STATE.FL.US>; MIKE YELVINGTON <MIKEYELVINGTON@AUD.STATE.FL.US>; BECKY MCGHEE <BECKYMCGHEE@AUD.STATE.FL.US>; AILEEN PETERSON <AILEENPETERSON@aud.state.fl.us>; KEN DANLEY <KENDANLEY@AUD.STATE.FL.US>; SHELLY CURTI <SHELLYCURTI@aud.state.fl.us>; GLENDA HART <GLENDAHART@AUD.STATE.FL.US>; RANDY AREND <RANDYAREND@AUD.STATE.FL.US>; MARK ARROYO <MARKARROYO@AUD.STATE.FL.US>; RACHEL SELLERS <RACHELSELLERS@AUD.STATE.FL.US>; MICAH RODGERS <MICAHRODGERS@AUD.STATE.FL.US>; JAIME HOELSCHER <JAIMEHOELSCHER@aud.state.fl.us>; TED WALLER <TEDWALLER@AUD.STATE.FL.US>; BRENDA RACIS <BRENDARACIS@AUD.STATE.FL.US>; TIM TUCKER <TIMTUCKER@AUD.STATE.FL.US>; DIANA GARZA <DIANAGARZA@aud.state.fl.us>; HECTOR QUEVEDO <HECTORQUEVEDO@aud.state.fl.us>; DENITA TYRE <DENITATYRE@AUD.STATE.FL.US>; KEITH WOLFE <KEITHWOLFE@AUD.STATE.FL.US>; DEREK NOONAN <DEREKNOONAN@AUD.STATE.FL.US>; MIKE GOMEZ <MIKEGOMEZ@AUD.STATE.FL.US>; ALLEN WEINER <ALLENWEINER@AUD.STATE.FL.US>; SAMANTHA PERRY <SAMANTHAPERRY@aud.state.fl.us>; BARRY BELL <BARRYBELL@AUD.STATE.FL.US>; JOSHUA BARRETT <JOSHUABARRETT@AUD.STATE.FL.US>; ANNA MCCORMICK <ANNAMCCORMICK@AUD.STATE.FL.US>; ULYSSES TURNER <ULYSSESTURNER@aud.state.fl.us>; BRUCE JEROSLOW <BRUCEJEROSLOW@aud.state.fl.us>; KATHERINE BUTLER <KATHERINEBUTLER@AUD.STATE.FL.US>; RAMON BOVER <RAMONBOVER@AUD.STATE.FL.US>; HILDA MORGAN <HILDAMORGAN@AUD.STATE.FL.US>; KELLEY LEWIS <KELLEYLEWIS@AUD.STATE.FL.US>; JAMES BEAUMONT <JAMESBEAUMONT@AUD.STATE.FL.US>; JACQUELINE BELL <JACQUELINEBELL@AUD.STATE.FL.US>
Subject: Auditor General Annual Report - 2019
Attachment(s): "2019 Annual Report.pdf"

The purpose of this e-mail is to provide an electronic copy of the 2019 Annual Report of the Auditor General. The Annual Report provides a summary of our audit and other accountability activities during the 12-month period November 1, 2018, through October 31, 2019. Pursuant to Section 11.45(7)(h), Florida Statutes, the Annual Report also includes recommended statutory and fiscal changes for consideration by the Legislature and our Projected 2-Year Work Plan identifying the audit and accountability activities expected to be undertaken during the 2020-2021 and 2021-2022 fiscal years.

The Annual Report may also be viewed on the Auditor General's Web site at FLAuditor.gov.

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ANNUAL REPORT

2019

November 1, 2018, Through October 31, 2019

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FL-SEN-20-0201-B, 20-0202-A-002999

LEGISLATIVE AUDITING COMMITTEE
2018 – 2020

Alternating Chair
Senator Jeff Brandes

Senator Dennis Baxley

Senator Tom Lee

Senator Bill Montford

Senator Kevin Rader

Alternating Chair
Representative Jason Fischer

Representative Michael Caruso

Representative Chip LaMarca

Representative Sharon Pritchett

Representative Bob Rommel

Representative Jackie Toledo

Representative Patricia Williams

The Legislative Auditing Committee is established by Joint Rules of the Florida Legislature and its membership consists of members appointed from each house. The Committee may direct the Auditor General to conduct an audit, review, or examination of any entity or record as specified in Section 11.45(3), Florida Statutes. This includes State agencies, counties, municipalities, special districts, school districts, charter schools, and numerous other government organizations, as well as nongovernmental agencies, corporations, and persons who have received any appropriation made by the Legislature.

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AUDITOR GENERAL
STATE OF FLORIDA

Sherrill F. Norman, CPA
Auditor General

Claude Denson Pepper Building, Suite G74
111 West Madison Street
Tallahassee, Florida 32399-1450

Phone: (850) 412-2722
Fax: (850) 488-6975

November 26, 2019

The Honorable Bill Galvano
President of the Senate
409 The Capitol
Tallahassee, Florida 32399-1100

The Honorable Jose Oliva
Speaker of the House of Representatives
420 The Capitol
Tallahassee, Florida 32399-1300

Dear President Galvano and Speaker Oliva:

It is my privilege to provide the Auditor General's Annual Report for the period November 1, 2018, through October 31, 2019. In accordance with Section 11.45(7)(h), Florida Statutes, this Annual Report includes a list of statutory and fiscal changes recommended by the Auditor General for legislative consideration as well as our Projected 2-Year Work Plan identifying the audit and other accountability activities expected to be undertaken during the 2020-21 and 2021-22 fiscal years. Our Projected 2-Year Work Plan is a risk-based plan developed considering both the audit frequency requirements in State law and information obtained from the Legislature and other sources concerning areas of audit interest and operational risk.

This Annual Report also provides a brief description of our Office and highlights the audit and other accountability activities we performed during the 12-month period November 1, 2018, through October 31, 2019. These audits and activities include assignments made to our Office both in law and by legislative directive. During this period, our dedicated team of audit professionals and support staff issued over 220 reports, including reports related to operational, financial, and Federal awards audits, and attestation examination engagements of State and local governmental entities.

Pursuant to *Government Auditing Standards*, every 3 years our Office undergoes an independent external peer review of our Office's system of quality control. Last month, a team from the National State Auditors Association (NSAA) conducted such a review covering our reports issued during the period September 1, 2018, through August 31, 2019. I am pleased to inform you that our Office received a rating of "pass," which is the highest rating an audit organization can receive from an NSAA peer review team. A copy of the peer review team's report is included in this Annual Report and is also available for viewing on our Web site, FLAuditor.gov.

This year we commemorated our 50th year of auditing excellence for the benefit of Floridians and we will continue to work diligently to provide unbiased, timely, and relevant information the Legislature, Florida's citizens, public entity management, and other stakeholders can use to promote government accountability and stewardship and improve government operations. I am proud of what our staff have accomplished this past year and we greatly appreciate the Legislature's continued interest in our audit work and reports. Please let me know if you have any questions regarding this Annual Report or if we can be of any additional service to you in your service to the citizens of Florida.

Respectfully,

Sherrill F. Norman

Sherrill F. Norman

c: Members of the Senate and House
Chiefs of Staff
Committee Staff Directors

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FL-SEN-20-0201-B, 20-0202-A-003001

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OUR OFFICE

The Auditor General is:

- ***A Constitutional Officer***
- ***A Legislative Officer***
- ***A Certified Public Accountant***
- ***The State's Independent External Auditor***

Our Vision

Excellence in auditing for the benefit of Floridians.

Our Core Values

- ***Integrity*** – Commitment to ethical conduct and truthfulness in all relationships.
- ***Independence and Objectivity*** – Being mindful of the reliance that is placed on our work and, therefore, taking a fact-based, nonpartisan, unbiased, fair, and balanced approach to all activities.
- ***Accountability*** – Holding ourselves accountable and being responsible for our actions, taking pride in our professionalism, striving for efficiency in our performance, and committing to the highest performance standards.

Our Mission

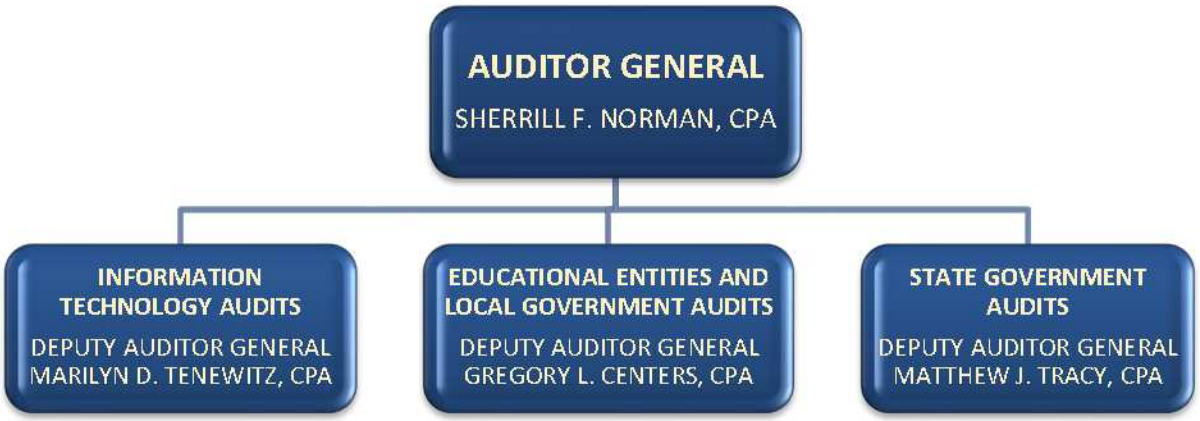
As the State's independent external auditor, the Auditor General provides unbiased, timely, and relevant information that the Legislature, Florida's citizens, public entity management, and other stakeholders can use to promote government accountability and stewardship and improve government operations. Specifically, the Auditor General:

- Audits financial statements to provide the Legislature and other users of financial statements independent assurance regarding the reliability of the financial statement information provided by government managers.
- Identifies and audits those operating units, programs, activities, functions, and transactions considered most vulnerable should a significant breakdown in internal control occur.
- Communicates, by an on-site presence and through examination, the Legislature's expectation that public entity management and employees are accountable for the proper administration of public funds and the achievement of entity objectives.
- Reports on whether expenditures of Federal, State, and local funds serve a public purpose and are made in compliance with applicable laws, rules, regulations, contracts, grant agreements, best practices, and other guidelines and whether government programs, activities, and functions are administered in an economic, efficient, and effective manner.
- Reports on whether governmental entities have established proper internal controls that reasonably ensure that financial reports and records are reliable; assets are safeguarded; and fraud, waste, abuse, and noncompliance are prevented or promptly detected and resolved.

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Our Organization

The organizational structure of the Auditor General's Office consists of three divisions: the State Government Audits Division, the Educational Entities and Local Government Audits Division, and the Information Technology Audits Division. Each Division is led by a Deputy Auditor General.



Management and staff of our organizational units work in coordination to meet the Auditor General's goals and objectives. Contact information for the Auditor General, each Deputy Auditor General, and other Auditor General management with reporting responsibilities is included in ***EXHIBIT E*** of this report.

While our Office headquarters is in Tallahassee, approximately half our professional audit staff are assigned to various other locations throughout the State. These locations facilitate our audits of the school districts, State colleges, State universities, and State agencies headquartered outside Tallahassee, as well as our audits of local governmental entities.



Photo by Sabrina Ballew



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Our People

Delivering high-quality audit work products efficiently and effectively requires a competent, dedicated, and enthusiastic workforce. Many of our 360 full-time equivalent positions are held by audit professionals with various professional accounting and audit-related certifications. For example, as of October 31, 2019, our audit professionals included:

- 159 Certified Public Accountants.
- 18 Certified Information Systems Auditors.
- 16 Certified Fraud Examiners.

What We Do

Sections 11.42 and 11.45, Florida Statutes, set forth the general authority and duties of the Auditor General. Independently, and in accordance with applicable professional standards, the Auditor General:

- Conducts financial audits of the accounts and records of State government, State universities, State colleges, and school districts.
- Conducts operational and performance audits of public programs, activities, functions, and information technology systems and performs related duties as prescribed by law, concurrent resolution of the Legislature, or as directed by the Legislative Auditing Committee.
- Adopts rules, in consultation with the Florida Board of Accountancy, for audits performed by independent certified public accountants of local governmental entities, charter schools, charter technical career centers, school districts, and certain nonprofit and for-profit organizations.
- Conducts reviews of audit reports of local governmental entities, charter schools, charter technical career centers, school districts, and certain nonprofit and for-profit organizations.
- Conducts examinations of school districts' and other entities' records, as appropriate, to evaluate compliance with State requirements governing the determination and reporting of full-time equivalent (FTE) student enrollment reported to the Department of Education and used to determine Florida Education Finance Program funding allocations.
- Conducts quality assessment reviews of the internal audits performed by State agency offices of inspectors general.

The Auditor General performs audits and other engagements in accordance with generally accepted government auditing standards as set forth by the Comptroller General of the United States in *Government Auditing Standards*. *Government Auditing Standards* are applicable to financial and performance audits and attestation engagements and incorporate applicable auditing standards promulgated by the American Institute of Certified Public Accountants (AICPA). *Government Auditing Standards* require that, in all matters relating to audit work, the Auditor General and each individual auditor must maintain independence and avoid situations that could lead reasonable and informed persons to conclude that the auditor's independence is impaired. Our independence and other core values, along with the collective knowledge and skills of our staff, provide the basis for our credibility.

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Our Quality Control

Government Auditing Standards require us to undergo an independent review of our system of quality control at least once every 3 years. In October 2019, a team from the National State Auditors Association (NSAA) conducted such a review that covered engagements with reports issued during the period September 1, 2018, through August 31, 2019. Our Office received a rating of "pass," which is the highest rating an audit organization can receive from an NSAA peer review team. This rating means that the Auditor General's system of quality control provided reasonable assurance that our Office's work conformed to *Government Auditing Standards* and is evidence of the quality and professionalism of our staff. The peer review team's report is included as ***EXHIBIT D*** of this Annual Report and is also available on our Web site. Our next external peer review will be conducted in the fall of 2022.

Our Strategic Goals and Objectives

In recognition of our statutory duties and mission, within the framework of our core values, our work is planned and managed to address strategic objectives established to assist us in accomplishing our two primary strategic goals:

- Our ***Professional Services Goal*** is to provide timely, quality information to the Legislature and Florida's citizens relative to the financial accountability and stewardship of public officials. This goal encompasses multiple services directed toward financial reporting, legal compliance, and government operations.
- Our ***Professional Development Goal*** is to maximize the value of the Auditor General's work by continuing to promote quality, professionalism, and productivity. The Auditor General encourages all staff to pursue professional certifications and requires all management staff with responsibilities for audit or attestation engagements to hold applicable certifications, such as certified public accountant (CPA) or, when appropriate, certified information systems auditor (CISA). To enhance their technical proficiency, our professional audit staff receive a minimum of 80 hours of continuing professional education (CPE) in every 2-year period. Some of the CPE sessions are led by specialist guest speakers or external subject-matter experts, but we also recognize the importance of fostering the speaking and presentation skills of our own staff. Accordingly, we give our staff the opportunity to present on topics within their areas of expertise.

Our strategic objectives are:

Objective 1	Improve the operations and accountability of public entities.
Objective 2	Identify and audit essential government topics of specific interest to the Legislature.
Objective 3	Conduct audits and other engagements in accordance with applicable professional auditing standards.
Objective 4	Timely conduct all engagements in a cost-efficient manner.
Objective 5	Recruit and retain highly qualified, highly skilled staff.
Objective 6	Provide staff with an organizational environment and professional opportunities that promote job satisfaction.
Objective 7	Provide staff with the training, opportunities, technology, and encouragement needed to enhance professional competencies and effectively and efficiently complete audits and other assignments.
Objective 8	Continue to build on the Auditor General's reputation as a leader in the auditing and government financial reporting communities.

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Our Reports

Our audits and other accountability activities focus on executive branch (State) agencies, judicial branch entities, educational entities, local governmental entities, and certain other entities. A listing of all reports issued during the period November 1, 2018, through October 31, 2019, is included in this report as ***EXHIBIT B***. An overview of our audits and other accountability activities completed during that period begins on page 13 of this Annual Report. Copies of audit and other reports are available on our Web site, www.FLAuditor.gov, and are distributed as appropriate and upon request to:

- Legislative members and staff.
- Governing boards, officials, and management of governmental entities.
- Federal Government officials.
- Bond rating agencies.
- Florida's citizens.
- The media.
- Other interested parties.

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RECOMMENDED STATUTORY AND FISCAL CHANGES

Various provisions of State law require the Auditor General to conduct audits, examinations, or reviews of government programs, activities, and functions and report the results thereof to the President of the Senate, the Speaker of the House of Representatives, the Legislative Auditing Committee, senior management of the audited entity, and, as applicable, Federal grantor agencies. These reports have been provided as required by law, and many include findings and recommendations focusing on the need for management actions to improve the audited entities' level of legal compliance and internal controls relevant to legal compliance, economy and efficiency, financial reporting and records, and the safeguarding of assets. In addition, Section 11.45(7)(h), Florida Statutes, provides in part that the Auditor General shall annually compile and transmit to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee by December 1 of each year a list of statutory and fiscal changes recommended by the Auditor General.

The following recommended statutory and fiscal changes are provided to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee for consideration. These recommendations were either included in our audit reports during the past few audit cycles or arose during the course of performing the duties assigned to the Auditor General. The recommendations are presented by policy area to facilitate their use by the various legislative committees. Auditor General staff are available to discuss these recommendations with legislative members and staff. Contact information for the management staff referenced below is provided in ***EXHIBIT E*** of this report.

Policy Areas: Senate Education
House Education

- **Charter Schools** – The Legislature should consider amending Section 1002.33, Florida Statutes, to require school districts to monitor the eligibility of charter school classroom teachers for the Florida Best and Brightest Teacher Scholarship Program. The Legislature should also consider amending Section 1013.62, Florida Statutes, to require school districts to monitor charter school use of capital outlay funding.

  Audit Manager: Micah E. Rodgers, CPA

- **Charter Schools** – Section 1002.33(9)(o)2., Florida Statutes, requires that an independent audit be completed for charter schools within 30 days after notice of nonrenewal, closure, or termination to account for all funds and assets. Because of the varying complexity of audits, that time frame may not be a reasonable period to complete such audits. Accordingly, the Legislature should consider revising Section 1002.33(9)(o)2., Florida Statutes, to provide that an independent audit shall be "engaged" within 30 days after notice of nonrenewal, closure, or termination to account for all funds and assets.

  Audit Manager: Micah E. Rodgers, CPA

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003008

- **The Florida Best and Brightest Teacher Scholarship Program** – The Legislature should consider charging administration of the Florida Best and Brightest Teacher Scholarship program to the Department of Education. Doing so would establish the Department as the entity responsible for providing guidance sufficient to enable the school districts and charter schools to consistently apply Section 1012.731, Florida Statutes.

  Audit Manager: Micah E. Rodgers, CPA

- **Transparency Requirements** – The Legislature should consider amending applicable statutory requirements to define the "transparency requirements" for charter schools, charter technical career centers, Florida College System institutions, and State universities or delete from Section 11.45(7)(i), Florida Statutes, the requirement for the Auditor General to list the charter schools, charter technical career centers, Florida College System institutions, and State universities that have failed to comply with the transparency requirements.

  Audit Manager: Micah E. Rodgers, CPA
  Jaime N. Hoelscher, CPA

- **Scholarship Funding Organizations** – The Legislature should consider amending Sections 11.45(2)(l), 1002.385(14)(a), and 1002.40(12), Florida Statutes, to require the Auditor General to conduct operational audits at least once every 3 years of the accounts and records of eligible nonprofit scholarship-funding organizations.

  Audit Manager: Michael J. Gomez, CPA

Policy Areas: Senate Community Affairs
House State Affairs

- **Special Districts** – Notwithstanding that Community Redevelopment Agencies (CRAs) are special districts that are covered by Section 218.39, Florida Statutes, because of their unique nature and specific audit requirements of Section 163.387(8)(a), Florida Statutes, the Legislature should consider amending:
  - Section 218.39(1), Florida Statutes, to expressly include a CRA meeting the criteria in Section 163.387(8)(a), Florida Statutes, as an entity required to have an annual financial audit.
  - Section 218.39(1)(c), Florida Statutes, to provide for any special district other than CRAs meeting the criteria in Section 163.387(8)(a), Florida Statutes.
  - Section 218.39(3)(a) and (b), Florida Statutes, to provide for any special district excluding CRAs meeting the criteria in Section 163.387(8)(a), Florida Statutes.

  Audit Manager: Michael J. Gomez, CPA

- **Local Governments** – The Legislature should consider:
  - Enacting a law that requires local governments to adopt a minimum general fund unrestricted fund balance policy or to maintain a certain level of general fund unrestricted fund balance.
  - Amending Section 218.391, Florida Statutes, to require local governments to perform auditor selection procedures at specified intervals. Also, amend Section 218.391, Florida Statutes, to require the local government audit committee to be advised by at least one person who has an understanding of generally accepted accounting principles and government auditing.

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Amendments to Section 281.391 should also be considered to require local governmental entities to establish ordinances, resolutions, or policies and procedures to define audit committee responsibilities.

- Revising the definition of "governmental unit" in Chapter 274, Florida Statutes, regarding tangible personal property owned by local governments, to include all "local governmental entities" as that term is defined in Section 218.31, Florida Statutes.
- Amending Section 403.7125, Florida Statutes, to require that audits of local government escrow accounts, maintained to accumulate financial resources for the proper closing and long-term care of landfills, are properly and consistently conducted in accordance with legislative intent.
- Amending Section 29.0085, Florida Statutes, to require that statutorily required annual statements of county compliance for court-related functions are properly and consistently prepared in accordance with legislative intent.
- Amending Section 218.31, Florida Statutes, to include a definition of the term "financial statements" as used in Section 218.32(1)(h)4., Florida Statutes.

Audit Report Numbers: 2015-037 and 2019-028
Audit Manager: Michael J. Gomez, CPA

- **Transparency Requirements** – The Legislature should consider amending Section 218.39, Florida Statutes, to define "transparency requirements" for local governmental entities or delete from Section 11.45(7)(i), Florida Statutes, the requirement for the Auditor General to list the local governmental entities that have failed to comply with transparency requirements.

Audit Manager: Michael J. Gomez, CPA

Policy Areas: Senate Judiciary
House Judiciary

- **Judicial Agencies** – The Legislature should consider requiring the Justice Administrative Commission and the agencies it administratively supports to employ, or otherwise provide for, an internal auditor with the qualifications and duties prescribed in Section 20.055, Florida Statutes, for State agency directors of auditing.

Audit Report Numbers: 2015-061 and 2020-008
Audit Manager: Michael J. Gomez, CPA

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FL-SEN-20-0201-B, 20-0202-A-003010

Policy Areas: Senate Governmental Oversight and Accountability
House State Affairs

- **Audit Efficiency and Effectiveness** – Sections 11.47(3) and (4), Florida Statutes, are critical to ensuring the capability of the Auditor General to successfully complete audits. Section 11.47(3), Florida Statutes, was recently revised to provide that any person that willfully fails or refuses to provide the Auditor General access to an employee, officer, or agent of an entity subject to an audit commits a misdemeanor. Section 11.47(4), Florida Statutes, provides that any officer who willfully fails or refuses to furnish or produce any book, record, paper, document, data, or sufficient information necessary to a proper audit or examination which the Auditor General or the Office of Program Policy Analysis and Government Accountability is by law authorized to perform, shall be subject to removal from office. The Legislature should consider amending Section 11.47(4), Florida Statutes, to:

  - Provide that any person who willfully fails or refuses to provide the Auditor General access to an employee, officer, or agent of an entity subject to an audit shall be subject to removal from office.
  - Designate the specific party, or parties, responsible for removing an officer or person from office for the reasons stated therein.

Deputy Auditor Generals: **Gregory L. Centers, CPA**
Matthew J. Tracy, CPA
Marilyn D. Tenewitz, CPA

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WORK PLAN

Types of Engagements

Various statutory provisions provide the framework for the development of our work plan. Pursuant to law, we perform four major types of engagements – financial audits, operational audits, performance audits, and attestation examinations. Descriptions of these major types of engagements are presented below.

Financial Audits Government managers are responsible for the stewardship of financial resources and for preparing financial statements that conform to accounting principles promulgated by the Governmental Accounting Standards Board (GASB). Our audits of various entities' financial statements provide the Legislature, Florida's citizens, investors, bond rating agencies, and other users of the financial statements, independent assurance of the reliability of the financial information provided by government managers. Such independent assurance is given in the form of an opinion on the financial statements and is preceded by the performance of a rigorous examination of the entity's financial records and related representations made by government officials. Professional standards issued by the AICPA and the Comptroller General of the United States in *Government Auditing Standards* govern the nature, timing, and extent of the audit work performed. Under those standards, consideration of information technology internal controls is often an essential and significant part of the financial audit process because public entity operations and business processes are usually dependent on information technology.

Financial audits also may include audit procedures to evaluate an entity's compliance with requirements that could have a direct and material effect on each major Federal awards program administered by the entity and the effectiveness of internal controls established by management to consistently ensure compliance therewith. That is because, as a condition of receiving Federal funds, the United States Office of Management and Budget (OMB) requires a Single Audit of the recipient's financial statements and major Federal awards programs. The audit is referred to as a Single Audit because it is an organizationwide audit that includes, within its scope, work designed to meet the oversight needs of many Federal and pass-through grantors and State accountability officials. The Single Audit is performed in accordance with audit requirements located in Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), as well as audit requirements prescribed by applicable professional standards issued by the AICPA and the Comptroller General of the United States in *Government Auditing Standards*.

Operational Audits Operational audits evaluate management's performance in establishing and maintaining internal controls, including internal controls designed to prevent and detect fraud, waste, abuse, and noncompliance, and in administering assigned responsibilities in accordance with applicable laws, rules, contracts, grant agreements, and other guidelines. Operational audits examine internal controls, including information technology internal controls, that are designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance, economic and efficient operations, reliability of financial records and reports, and safeguarding of assets, and identify weaknesses in those internal controls. Operational audits may also

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include comparisons of the performance of a program, activity, or function of a governmental entity to specific criteria. Our operational audits include a broad array of areas and are conducted in accordance with applicable *Government Auditing Standards*. The areas included within the scope of operational audits are determined through risk assessment processes that include, among other procedures, inquiries of legislative staff concerning items of concern and interest to the Legislature.

Performance Audits Performance audits examine a program, activity, or function of a governmental entity with respect to issues such as economy, efficiency, and effectiveness of a program; the adequacy of a program to meet the needs identified by the Legislature or governing body; alternative methods of providing program services or products; the accuracy or adequacy of public documents, reports, or requests prepared under a program by the public entity; and compliance of a program with appropriate policies, rules, or laws. Performance audits are conducted in accordance with applicable *Government Auditing Standards*.

Attestation Examinations Attestation examinations consist of obtaining sufficient, appropriate evidence to express an opinion on whether the subject matter of the examination is based on (or in conformity with) specified criteria in all material respects or an assertion is presented (or fairly stated), in all material respects, based on the specified criteria. Examination engagements are conducted in accordance with the *Statements on Standards for Attestation Engagements* issued by the AICPA and applicable *Government Auditing Standards*. For example, our examinations of school district and other entity compliance with State requirements relating to the classification, assignment, and verification of the full-time equivalent student enrollment and student transportation reported under the Florida Education Finance Program are attestation examination engagements.

Work Plan Development Process

In the development of our work plan, we first consider legal requirements establishing the frequency of the audits and other accountability activities we perform. Pursuant to law, we are to conduct annual financial audits of the State of Florida, the State Board of Administration Local Government Surplus Funds Trust Fund (Florida PRIME), the Florida School for the Deaf and the Blind, State universities, State colleges, and school districts in counties with populations of less than 150,000. We are to conduct financial audits of school districts in counties with populations of 150,000 or more every 3 years. In addition, at the direction of the Legislative Auditing Committee, we conduct a financial audit of the Department of the Lottery. We also conduct the annual financial audit of the Florida Retirement System.

For various other audits and accountability activities, a minimum frequency is also established in law. For example, operational audits of each State agency, State university, State college, school district, water management district, the Florida Clerks of Court Operations Corporation, and the Florida School for the Deaf and the Blind are required to be conducted at least every 3 years. In planning for these audits, we obtain information from legislative staff and other sources concerning areas of interest and operational risks. Operational risks are characteristics of government operations that may make a government program more susceptible to instances of fraud, waste, abuse, material reporting errors, or noncompliance with governing requirements. This information is used to develop a risk-based work plan that provides audit coverage of each entity during a 3-year cycle.

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2019-20 Work Plan

Our 2019-20 Work Plan encompassed a wide variety of programs, activities, and functions administered by many entities. Some of the unique projects on our 2019-20 Work Plan include operational audits of selected operations of the City of Gainesville, the Commission on Offender Review's caseload management, and county value adjustment boards and Department of Revenue oversight thereof.

An overview of our audits and other accountability activities completed during the period November 1, 2018, through October 31, 2019, begins on page 13 of this Annual Report. A listing of all reports issued during the period November 1, 2018, through October 31, 2019, is included in this report as ***EXHIBIT B***. Additionally, a listing of reports issued or scheduled to be issued subsequent to October 31, 2019, and by March 31, 2020, is included in this report as ***EXHIBIT C***.

Projected 2-Year Work Plan

Section 11.45(7)(h), Florida Statutes, provides, in part, that the Auditor General shall transmit to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee by December 1 of each year a projected 2-year work plan identifying the audits and other accountability activities to be undertaken by the Auditor General. Our ***PROJECTED WORK PLAN*** encompassing the work planned for the 2020-21 and 2021-22 fiscal years is included in this report as ***EXHIBIT A***. As appropriate, modifications to the work plan may be made in response to law changes, legislative requests, and other considerations.

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STATE GOVERNMENT

State Government
Audit Impact Measures

Total asset values upon which financial statement opinions were rendered	$608.9 billion
Total revenues upon which financial statement opinions were rendered	$214.6 billion
Total Federal awards expenditures for major programs audited	$25.1 billion
Total number of major Federal programs audited	21
Number of audit reports issued	
Attestation	1
Financial	5
Financial and Federal Awards	1
Performance	1
Operational [a]	23
Total number of audit reports issued	31
Number of audit findings	200
Number of findings identifying potential opportunities for cost recovery, savings, or loss avoidance	35
Total amount identified for cost recovery, savings, or loss avoidance	$6.5 million

[a] *Excludes Information Technology Operational Audits discussed later in this Annual Report under the subheading* **INFORMATION TECHNOLOGY**.

Financial Statements Pursuant to Section 11.45(2)(b), Florida Statutes, and the Federal Single Audit Act, the Auditor General is responsible for the audit of the State of Florida's financial statements, including consideration of compliance with laws of potential material impact on the financial statements. We found that the State of Florida's financial statements for the fiscal year ended June 30, 2018, were presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our independent auditor's report on the financial statements is addressed to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee and was published by the Chief Financial Officer in the State of Florida's *Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2018*.

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Our report on the audit of the State's financial statements included two findings involving internal control over financial reporting that constituted significant deficiencies[1] at two State agencies. One significant deficiency related to improperly recording withdrawals from the State Treasury Investment Pool. The other significant deficiency related to not recording a prior-period adjustment for the correction of an error in previously issued financial statements and not recording a liability. We also noted an additional matter that we reported to management at one State agency pertaining to understating net receivables and unavailable revenue due to an error in the preparation of year-end accrual entries. Our report on internal controls over financial reporting is included in our report, *State of Florida – Compliance and Internal Controls Over Financial Reporting and Federal Awards* (report No. 2019-186).

Separate from our audit of the State of Florida's financial statements, we conducted audits of the financial statements of the Florida Retirement System Pension Plan and Other State-Administered Systems, the State Board of Administration Local Government Surplus Funds Trust Fund (Florida PRIME), the Department of the Lottery (Lottery), and the Florida School for the Deaf and the Blind. In all four audits, we found that the respective financial statements were presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America.

For the Lottery, as required by Section 24.123, Florida Statutes, we also examined internal control over financial reporting as of June 30, 2018, based on criteria established in *Internal Control – Integrated Framework* issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO). We found that the Lottery maintained, in all material respects, effective internal control over financial reporting as of June 30, 2018, based on the established criteria. However, we also noted in our report (report No. 2019-090) two findings involving the need for enhancements to certain Lottery information technology (IT) internal control practices and the need for the Lottery to continue efforts to comply with statutory requirements governing minority retailer participation.

In addition to the audit of the Florida Retirement System Pension Plan and Other State-Administered Systems financial statements, we conducted an audit of the schedules of employer allocations of the Florida Retirement System Pension Plan defined benefit plan and the Retiree Health Insurance Subsidy Program defined benefit plan (System Pension Plans) as of and for the fiscal year ended June 30, 2018, and the related notes. Our audit found that the schedules presented fairly, in all material respects, the employer allocations and the net pension liability, total deferred outflows of resources, total deferred inflows of resources, and total pension expense/(income) for the total of all participating entities for the System Pension Plans as of and for the fiscal year ended June 30, 2018, in accordance with accounting principles generally accepted in the United States of America (report No. 2019-102).

We also conducted an attestation examination of the System Pension Plans schedules of deferred outflows for contributions subsequent to the June 30, 2018, measurement date by employer, as of and for the fiscal year ended June 30, 2019. This examination found that the schedules presented, in all material respects, the deferred outflows for contributions subsequent to the June 30, 2018, measurement date by employer in accordance with applicable GASB statements and applicable provisions of State law (report No. 2020-019).

[1] A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

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Federal Awards The Single Audit of the State of Florida includes State agencies, State universities, State colleges, judicial branch entities, and various other government entities for which the State is financially accountable. State agencies, State universities, and State colleges administered approximately 532 Federal awards programs or program clusters during the 2017-18 fiscal year. The Federal Single Audit Act directs the auditor to evaluate compliance with requirements applicable to each major program as well as the effectiveness of internal controls established by management to consistently ensure compliance. The results of our Single Audit of the State of Florida for the fiscal year ended June 30, 2018, are described in our report No. 2019-186.

We audited the State's compliance with requirements governing the 21 Federal awards programs or program clusters that we identified as major Federal awards programs for the fiscal year ended June 30, 2018. Expenditures for these major programs comprised approximately 67 percent of the $37.2 billion in total Federal awards expenditures reported by the State for the fiscal year ended June 30, 2018. Our Federal awards audit findings are tabulated by audit area in Table 1 and briefly summarized in the following paragraphs.

Table 1
Tabulation of State of Florida
Federal Awards Audit Findings by Audit Area

Audit Area	Number of Findings	Number of State Entities
Cash Management	1	1
Child Support Enforcement Administration	1	1
Eligibility and Claims Payments	1	1
Expenditures and Supporting Documentation	1	1
Information Technology Internal Controls	9	8
Medicaid Program Administration	4	2
Noncompliance with Statutory Requirements	4	3
Subawards and Monitoring	5	3
Unemployment Benefits and Tax Administration	5	2

We found that the State agencies materially complied with requirements governing major Federal awards programs, except with respect to compliance with certain requirements for 11 programs administered by 5 State agencies, as subsequently described:

- For National Guard Military Operations and Maintenance Projects, the Department of Military Affairs could not demonstrate compliance with certain Federal procurement and suspension and debarment requirements. These instances of noncompliance resulted in an opinion qualification.
- For Unemployment Insurance, the Department of Economic Opportunity did not always maintain adequate benefit eligibility and case investigation records. These instances of noncompliance resulted in opinion qualifications. Additionally, for Unemployment Insurance, we were unable to express, and did not express, an opinion on the Department of Economic Opportunity's compliance with reporting and benefits overpayments requirements because the Department could not provide accurate data or demonstrate that reported overpayment amounts on Federal Financial Reports were accurate.

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- For the Federal Family Education Loans Program, we were unable to express, and did not express, an opinion on the Department of Education's compliance with certain requirements because the Department did not provide documentation demonstrating compliance with requirements for the assignment of defaulted loans and the correct handling of loans that were sold.
- Department of Children and Families expenditures charged to the following Federal programs were not always incurred during the authorized period of performance, which resulted in an opinion qualification.
    - State Administrative Matching Grants for the Supplemental Nutrition Assistance Program
    - Temporary Assistance for Needy Families
    - Refugee and Entrant Assistance/Replacement Designee Administered Programs
    - Social Services Block Grant
    - Medical Assistance Program
    - Block Grants for Community Mental Health Services
    - Block Grants for Prevention and Treatment of Substance Abuse
- For the Temporary Assistance for Needy Families Cluster, the Department of Children and Families did not always review and process Income Eligibility and Verification System data exchange responses, which resulted in an opinion qualification.
- For Disaster Grants – Public Assistance (Presidentially Declared Disasters), the Division of Emergency Management did not always maintain documentation to support costs charged to the Disaster Grants program, did not verify that all applicable subrecipients were audited, did not evaluate subrecipient risk of noncompliance or develop an appropriate monitoring plan, and did not obtain required reports from some subrecipients. These instances of noncompliance resulted in opinion qualifications.

We also reported material weaknesses in internal control over compliance[2] for each of these 11 programs as well as an additional material weakness for National Guard Military Operations and Maintenance Projects, as Department of Military Affairs records did not evidence that access to the Integrated Emergency Operations Management System was granted only to authorized users or that the access privileges granted were appropriate.

Other instances of noncompliance, deficiencies in internal control over compliance,[3] or questioned costs were found at 11 State agencies and 1 State university. Questioned costs include costs of goods or services charged to one or more Federal awards programs that are not allowed under the applicable grant terms, not clearly supportive of the program's purposes, not documented in the manner prescribed by applicable Federal cost principles or State policies, or not incurred during the grant period. Such costs are subject to adjustment or disallowance by Federal grantor officials.

[2] A material weakness in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a Federal program will not be prevented, or detected and corrected, on a timely basis.

[3] A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a Federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

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Operational Audits During the period November 1, 2018, through October 31, 2019, we issued 23 operational audit reports and 1 performance audit report on State governmental entities. Our reports addressed a broad array of programs, activities, and functions including:

- Internal management, financial, and operational controls and processes.
- Administration of private investigator, security officer, recovery agent, and concealed weapon licenses by the Department of Agriculture and Consumer Services.
- The Department of Legal Affairs Medicaid Fraud Control Unit and selected administrative activities.
- Oversight and administration of foster care programs and related services by the Department of Children and Families and selected Community-Based Care Lead Agencies and the oversight and administration of substance abuse and mental health services by the Department and selected Behavioral Health Managing Entities.
- Administration of Triumph Gulf Coast, Inc. project and program awards and selected administrative activities.
- Community supervision by and selected administrative activities of the Department of Corrections.
- Advertising and sponsorship by the Department of the Lottery and selected administrative activities.
- Administration of iBudget Florida by the Agency for Persons with Disabilities.
- Public Assistance Program management by the Division of Emergency Management.
- The Right-of-Way Relocation Assistance Program administered by the Department of Transportation.

Many of our operational audit findings pertained to weaknesses in internal controls. Internal controls are those processes put in place by entity management to prevent and detect fraud, waste, abuse, and noncompliance and to provide reasonable assurance that financial reports are reliable, operations are economical and efficient, applicable laws are followed, and assets are safeguarded against loss. In short, effective internal controls prevent adverse events from happening and detect them when they do. Our operational audit findings are tabulated by audit area in Table 2.

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Table 2
Tabulation of State Government
Operational Audit Findings by Audit Area

Audit Area	Number of Findings	Number of Entities
Capital Assets, Equipment, and Inventory	20	29
Construction and Related Activities	1	1
Contractual Services	6	4
Eligibility and Financial Assistance Payments	2	2
Expenditures and Disbursements	4	12
Financial Management and Record Keeping	9	7
Florida Single Audit Act	2	2
General Oversight or Governance	6	13
Information Technology Resources	28	34
Licensing and Related Activities	7	1
Personnel and Payroll	13	16
Policies for Communicating and Reporting Known or Suspected Fraud	2	11
Program Administration, Oversight, and Monitoring	29	22
Purchasing Practices	6	8
Regulatory Oversight and Monitoring	12	7
Revenue and Cash Collections	10	4
Risk Management	2	2
Safeguarding of Evidence	1	1
Safeguarding of Social Security Numbers	3	3
Service Organization Report	1	3

The results of several of our operational audits issued during the period November 1, 2018, through October 31, 2019, are summarized below.

- **Department of Agriculture and Consumer Services – Administration of Private Investigator, Security Officer, Recovery Agent, and Concealed Weapon Licenses and Prior Audit Follow-Up (Report No. 2019-064).** Our operational audit of the Department of Agriculture and Consumer Services (DACS) focused on the administration of private investigator, security officer, recovery agent, and concealed weapon licenses. Our audit disclosed that DACS controls for processing concealed weapon license applications and overseeing the licensing process were not always adequate or effectively implemented. Additionally, data publicly reported by the DACS was not always complete or accurate and applicants for various licenses were not always timely notified of application errors and omissions. Also, the DACS had not established time frames for completing investigations of complaints related to individuals advertising as providing private security and investigative services or recovery activities. Similarly, the DACS had not established time frames for reviewing disqualifying information for persons currently holding licenses. Our audit also found that DACS controls for quality assurance reviews, timely deposit of license fees and reimbursement of overpayments, and employee background screenings needed improvement. We also noted that various DACS information technology controls, timber sale proceed transfer controls, and selected inspection program controls needed enhancement.

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- **Department of Legal Affairs – Medicaid Fraud Control Unit, Selected Administrative Activities, and Prior Audit Follow-Up (Report No. 2019-097).** The Department of Legal Affairs (DLA) is responsible for operating the State's Medicaid Fraud Control Unit (MFCU), as well as administering programs to assist victims of crime. Our audit found that the DLA did not always properly conduct or document annual MFCU evidence room inventories in accordance with established policies and procedures. We also found that DLA change management controls needed enhancement to ensure that the responsibilities for Case Management Database modifications are appropriately separated and that DLA records evidence the entire change management process. In addition, we found that the information necessary to process crime victims' applications for compensation was not always complete or did not agree with the applicable supporting documentation and the DLA did not always ensure that annual victim assistance grant program monitoring reports and supporting documentation were timely reviewed and approved. Similar findings were noted in prior audit reports. Our audit also disclosed that the DLA did not always timely deactivate user access privileges to the Florida Accounting Information Resource Subsystem upon an employee's separation from DLA employment or timely or accurately record tangible personal property acquisitions in DLA property records.

- **Department of Children and Families – Oversight and Administration of Community-Based Care Lead Agencies and Behavioral Health Managing Entities and Selected Department Administrative Activities (Report No. 2019-111).** Our audit focused on the oversight and administration of foster care programs and related services administered by the Department of Children and Families (DCF) and selected Community-Based Care Lead Agencies (CBCs) and the oversight and administration of substance abuse and mental health services by the DCF and selected Behavioral Health Managing Entities (MEs). Our audit found that DCF monitoring of the CBCs and MEs continued to need improvement. We also found that DCF protocols for administering the CBC risk pool needed enhancement to ensure that unexpended funds are returned to the DCF at fiscal year-end. We noted that various Florida Safe Families Network (FSFN) and Substance Abuse and Mental Health Information System (SAMHIS) controls and processes need enhancement to ensure that data is timely and accurately entered and to ensure access privileges are appropriate and timely deactivated.

  Our audit further found that CBC and ME subaward and monitoring controls needed improvement, some CBC contract payments were not supported by adequate documentation or made in accordance with contract terms, certain other payments, including the payment of bonuses by one CBC, and uses of leave by some CBCs and MEs, were not always properly supported or justified. Additionally, some CBC and ME property management controls and records were not always adequate to ensure proper accountability over property purchased with DCF-provided funds. For one CBC, we noted that the CBC's records did not evidence the reasonableness of the $1.175 million purchase price for certain acquired property, the value of property subsequently returned to the seller, or that the CBC refunded to the State the appropriate share of the State's investment in the property. We also noted issues regarding certain DCF administrative activities, including purchasing cards, designation of work headquarters, data sanitization, collection and use of social security numbers, telework by employees, protection of child welfare data, and access to program data.

- **Department of the Lottery – Advertising and Sponsorship and Selected Administrative Activities (Report No. 2020-11).** Our audit of the Department of the Lottery (DOL) focused on DOL advertising and sponsorship and selected administrative activities. Our audit disclosed that DOL records did not always evidence adequate monitoring of advertising agency contracts. Our audit also found that DOL procedures for reconciling advertising agency subcontractor payments to vendor payment history records and DOL invoice payment controls need enhancement to, among to other things, ensure that sponsorship agreement payments are made in accordance with contract terms and conditions. We also found that the DOL did not always timely cancel purchasing cards upon a cardholder's separation from DOL employment.

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- **Department of Corrections – Community Supervision, Selected Administrative Activities, and Prior Audit Follow-Up (Report No. 2020-006).** The Department of Corrections (DOC) is responsible for supervising offenders released on probation or community control (community supervision). Our audit disclosed that DOC controls for administering drug and alcohol tests at probation offices needed enhancement. Our audit also disclosed that DOC records did not always evidence that State and Federal background checks were completed for correctional probation officers or their firearms, DOC controls needed enhancement to ensure that all probation officer field safety equipment is accounted for, and that the DOC did not always ensure that records were maintained for offenders released on community supervision or that the records maintained included the information specified by State law. We further noted that DOC controls over the intake, orientation, and case review of offenders released on community supervision, controls for offender supervision, and for the electronic monitoring of offenders, needed improvement. In addition, we found that the DOC utilized an internal budgetary redistribution process that sometimes bypassed the statutory approval process for budget transfers, the DOC did not always obtain and adequately document prior authorization and justification for overtime worked by correctional officers, and DOC records did not always accurately reflect motor vehicle usage and fuel cost information.

A listing of all State Government audit and attestation reports issued during the period November 1, 2018, through October 31, 2019, is included in EXHIBIT B of this Annual Report.

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EDUCATIONAL ENTITIES

Pursuant to law, the Auditor General has extensive audit responsibilities involving educational entities, including school districts, State universities, and State colleges. These responsibilities include audits of:

- Financial statements.
- Compliance with requirements of Federal awards.
- Selected operations.

We also perform examinations of school district and other entity compliance with State requirements relating to the classification, assignment, and verification of the full-time equivalent (FTE) student enrollment and student transportation reported under the Florida Education Finance Program. An overview of our audit activities is included on the following pages.

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SCHOOL DISTRICTS

School Districts Audit Impact Measures	
Total asset values upon which financial statement opinions were rendered	$15.8 billion
Total revenues upon which financial statement opinions were rendered	$10.5 billion
Total Federal awards expenditures for major programs audited	$399.8 million
Number of audit reports issued	
Financial and Federal Awards	46
Financial	1
Operational	30
Total number of audit reports issued	77
Number of audit findings	231
Number of findings identifying potential opportunities for cost recovery, savings, or loss avoidance	86
Total amount identified for cost recovery, savings, or loss avoidance	$19.8 million

Financial Statements We audited the financial statements of 47 school districts for the fiscal year ended June 30, 2018. We found that the school districts' financial statements were presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. We reported conditions involving internal control, including significant deficiencies[4] at 20 school districts. The significant deficiencies related to financial reporting procedures, inappropriate or unnecessary information technology access privileges, and inadequate separation of duties.

Federal Awards In conjunction with our financial audits of the school districts, for 46 of the school districts,[5] we examined compliance with Federal laws, regulations, and the terms and conditions for school district major Federal awards programs. Pursuant to the Federal Single Audit Act, the auditor is to express an opinion on compliance for each school district major Federal awards program and test and report on internal controls over compliance in accordance with Uniform Guidance. The number of

[4] A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

[5] The Jefferson County K-12, A Somerset School, is a combination of the three charter schools that operate all Jefferson County School District schools and administer the District Federal programs. Consequently, Jefferson County School District was not required to obtain, and did not obtain, a Federal awards audit.

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major Federal awards programs ranged from one to four at the 46 school districts we audited. In summary, our Federal Single Audits at the school districts disclosed that:

- 1 school district did not comply with indirect cost rate requirements considered material to the Child Nutrition Cluster, a major Federal awards program, resulting in a finding of noncompliance and material weakness[6] in internal control over the program, a qualified opinion on the program, and questioned costs[7] totaling $274,284.
- 2 school districts did not comply with Federal awards requirements for the Title I Program, a nonmajor Federal awards program, which resulted in $276,604 in questioned costs.

Operational Audits During the period November 1, 2018, through October 31, 2019, we issued operational audit reports for 30 school districts and considered the school districts' performance with respect to a variety of areas including internal control systems and compliance with specific laws and General Appropriations Act provisos. For example, our operational audits evaluated processes relating to procurement and construction practices, monitoring charter schools, personnel compensation and payroll administration, information technology, adult general education enrollment reporting to the Department of Education, school safety, and the use of ad valorem tax levy proceeds and other capital outlay funds.

[6] A material weakness in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a Federal program will not be prevented, or detected and corrected, on a timely basis.

[7] Questioned costs include costs of goods or services charged to one or more Federal awards programs that are not allowed under the applicable grant terms, not clearly supportive of the program's purposes, not documented in the manner prescribed by applicable Federal cost principles or State or school district policies, or not incurred during the grant period. If the applicable grantor disallows questioned costs, a school district may have to repay the costs from non Federal sources.

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Our operational audit findings are tabulated in Table 3 by audit area along with the financial and Federal awards audit findings. For several audit areas, similar findings were noted at multiple school districts.

Table 3
Tabulation of School District Audit Findings by Audit Area

Audit Area	Number of Findings	Number of Districts
Ad Valorem Tax Program and Capital Outlay	5	5
Adult General Education Enrollment Reporting	8	8
Capital Assets, Equipment, and Inventory	2	2
Cash and Cash Collections	3	3
Charter Schools	7	5
Construction and Related Activities	20	6
Control Environment – Separation of Incompatible Duties	1	1
Direct-Support Organization	3	3
Expenditures and Disbursements	1	1
Facilities	1	1
Federal Awards	3	3
Financial Management and Budgetary Internal Controls	13	11
Financial Reporting	5	5
Food Service Operations	1	1
Information Technology Internal Controls	61	34
Insurance	13	12
Personnel and Payroll	59	27
Purchasing Practices and Contractual Services	21	16
School Safety	2	2
Sexual Predator and Sexual Offender Registry Notification	1	1
Transportation Administration	1	1

The findings we noted for some of the audit areas are briefly described below.

- **Information Technology Internal Controls** – For 34 school districts, we reported that enhancements were needed regarding information technology (IT) internal controls for financial and related systems. For example, enhancements were needed for restricting IT access privileges to only what is needed by the user to perform assigned job duties, reviewing certain IT access privileges to promote the timely detection of inappropriate or unnecessary privileges, and timely deactivating the IT access privileges of former employees. Some of the inappropriate or unnecessary privileges noted increased the risk that unauthorized disclosure of sensitive personal student or employee information, including student and employee social security numbers, may occur. We also noted that school districts could enhance internal controls over IT by improving user authentication internal controls, as well as logging and monitoring significant system and network activity. Other needed enhancements involved developing effective internal controls to address management's security-related responsibilities, including security awareness training, risk assessment, data loss prevention, and disaster recovery.

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- **Personnel and Payroll** – Our audits disclosed that 27 school districts needed to enhance internal controls over the administration of personnel and payroll. For example, we noted Florida Best and Brightest Teacher Scholarship Program (Program) awards to ineligible recipients, inadequate records to support recipient eligibility, and the payment of employer payroll taxes for the Program from non-Program resources without Board approval. We also noted that employee, contractor worker, and volunteer background screenings and salary schedules did not always comply with State law; payments to employees did not always reconcile to Board-approved salary schedules; certain employment agreements included severance pay provisions that did not appear to be consistent with State law; and procedural enhancements were needed to prevent salary overpayments. In addition, performance assessments were not always performed in accordance with State law. Amounts identified for cost recovery, savings, or loss avoidance related to the personnel and payroll audit findings ranged from $800 to $881,000.

- **Purchasing Practices and Contractual Services** – Our audits disclosed that 16 school districts needed to enhance internal controls over purchasing practices and contractual services. For example, we noted enhancements were needed in internal controls over purchasing card programs and the procurement and administration of contractual service agreements and related payments. At 1 school district, we noted that the Board did not make a documented determination that the best option for upgrading the school district phone system was to use District personnel working overtime, rather than competitively selecting or directly negotiating with a service provider. At another school district, we noted that procedures for procuring an enterprise planning system were not effective to ensure the timely and successful implementation of the system.

- **Insurance** – At 12 school districts, we reported that internal controls over insurance activities could be improved. Examples of internal control deficiencies included the lack of a competitive selection process when procuring insurance and the lack of procedures to ensure that the dependents of employees and retirees were eligible to participate in the school district health insurance plan.

- **Financial Management and Budgetary Internal Controls** – For 11 school districts, we noted that enhancements were needed in internal controls over financial management and budgetary internal controls. For example, we reported financial management issues, including the lack of timely, monthly financial reports being provided to the Board; budgetary control and transparency issues, such as expenditures exceeding budgetary amounts at some school districts; and a lack of school district accountability over school internal funds.

A listing of all school district audit reports issued during the period November 1, 2018, through October 31, 2019, is included in EXHIBIT B of this Annual Report.

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FLORIDA EDUCATION FINANCE PROGRAM

Florida Education Finance Program
Full-Time Equivalent Student Enrollment
and Student Transportation
Examination Impact Measures

Total FTE Student Enrollment reported upon which compliance opinions were rendered	1,002,891
Total FTE Student Enrollment funding for entities examined	$3.1 billion
Total Student Transportation funding for entities examined	$164 million
Number of compliance examination reports issued for School Districts	22
Number of reports disclosing material noncompliance	22

Florida Education Finance Program (FEFP) funding, including Student Transportation funding (net of local school district funding) for the 2016-17 and 2017-18 fiscal years totaled approximately $8.1 billion and $8.4 billion, respectively. During the period November 1, 2018, through October 31, 2019, we completed examinations of the records of 11 school districts for the fiscal year ended June 30, 2017, and 11 school districts for the fiscal year ended June 30, 2018. These examinations were conducted to evaluate compliance with State requirements relating to the classification, assignment, and verification of the full-time equivalent (FTE) student enrollment, including teacher certification, and student transportation as reported under the FEFP.

Our examinations disclosed that, except for the material noncompliance noted in certain FEFP programs, the 22 school districts complied with State requirements. Generally, we considered noncompliance to be material when error rates equaled or exceeded 10 percent of the test population for one or more funded programs. Table 4 summarizes the areas of material noncompliance noted in our reports.

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Table 4
Tabulation of Entities with FEFP FTE Student Enrollment and Student Transportation Findings by Material Noncompliance Area

Material Noncompliance Area	Number of Districts
Preparation and Maintenance of Student Records	21
Teacher Qualifications	10
Ridership Classification and Funding Eligibility of Transported Students	15

As shown in Table 4, the most common area of material noncompliance pertained to the preparation and maintenance of student records. For example, our examinations disclosed reporting errors or student records that were not properly or accurately prepared or were not available at the time of our examination and could not be subsequently located. We also noted instances in which teachers did not meet State certification requirements, teachers' out-of-field assignments were not approved by the school board, parents were not notified regarding teachers' out-of-field status, teachers did not earn college credits toward certification in out-of-field areas, and teachers did not earn the required in-service training points in English for Speakers of Other Languages strategies. The material noncompliance we noted related to student transportation involved students' reported ridership classification or eligibility for State transportation funding.

The Department of Education is responsible for resolving the adjustments proposed in our examination reports and computing the financial impact of such proposed adjustments for application against the school districts' current or future funding. School districts are permitted to request informal conferences with the Department of Education to appeal the examinations' proposed adjustments. The resulting informal conference panels' recommendations are presented to the Commissioner of Education for acceptance.

A listing of all FEFP FTE Student Enrollment and Student Transportation attestation examination reports issued during the period November 1, 2018, through October 31, 2019, is included in EXHIBIT B of this Annual Report.

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STATE UNIVERSITIES AND STATE COLLEGES

State Universities and State Colleges
Audit Impact Measures

Total asset values upon which financial statement opinions were rendered	$34.4 billion
Total revenues upon which financial statement opinions were rendered	$18.7 billion
Number of audit reports issued	
Financial	40
Operational	22
Total number of audit reports issued	62
Number of audit findings	98
Number of findings identifying potential opportunities for cost recovery, savings, or loss avoidance	51
Total amount identified for cost recovery, savings, or loss avoidance	$29.1 million

Financial Statements During the period November 1, 2018, through October 31, 2019, we completed audits of the financial statements of 12 State universities and 28 State colleges for the fiscal year ended June 30, 2018. We found that the State universities and State colleges presented fairly, in all material respects, the financial statements for the applicable fiscal years in accordance with accounting principles generally accepted in the United States of America. However, we reported a material weakness[8] and material noncompliance[9] at one State university, the University of Central Florida (UCF). We also noted significant deficiencies at 2 State colleges (Northwest Florida State College and Lake-Sumter State College). The material weakness and material noncompliance at UCF related to controls that were ineffective to prevent, or timely detect and correct, the unallowable use of $29.1 million in Education and General appropriation carryforward funds for construction activities, contrary to Legislative directives. UCF also misreported the funding source for this construction in the capital outlay budget for the 2015-16 through 2018-19 fiscal years. The significant deficiencies at the State colleges pertained to inadequate financial reporting procedures and a lack of timely and complete bank reconciliations.

[8] A material weakness is a deficiency, or a combination of deficiencies, in internal controls such that there is a reasonable possibility that a material misstatement of the financial statements will not be prevented, or detected and corrected, on a timely basis.

[9] Material noncompliance is noncompliance with provisions of laws, regulations, contracts, or grant agreements that has a material effect on the financial statements.

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Federal Awards We audited the Federal awards program expenditures of the State universities and State colleges as part of our Single Audit of the State of Florida. A description of our Single Audit of the State of Florida begins on page 15.

Operational Audits During the period November 1, 2018, through October 31, 2019, we issued operational audit reports for 6 State universities and 16 State colleges. Our operational audits focused on several areas involving board oversight, such as policies regarding the use of State university or State college property, facilities, and services by direct-support organizations, as well as employment agreements and compensation. Our audits also evaluated internal controls over numerous operational areas and compliance with applicable Florida statutes and other requirements. For example, we tested selected information technology internal controls, the assessment and use of tuition fees, internal controls over the administration of construction contracts, procurement practices, textbook affordability, and internal controls over the administration of payroll and personnel.

Our operational audit findings and the financial audit findings are tabulated in Table 5 by audit area.

Table 5
Tabulation of State University and State College Audit Findings by Audit Area

Audit Area	Number of Findings	Number of Institutions
Adult General Education Enrollment Reporting	4	4
Auxiliary Enterprises	1	1
Board Policies and Actions	1	1
Cash and Cash Collections	5	5
Construction and Related Activities	13	5
Direct-Support Organizations	18	17
Distance Learning	2	2
Expenditures and Disbursements	1	1
Financial Management	8	7
Information Technology Internal Controls	18	12
Investments	2	1
Personnel and Payroll	10	10
Purchasing Practices and Contractual Services	5	4
Reporting to State Oversight Officials	1	1
Sexual Predator and Sexual Offender Registry Notification	1	1
Textbook Affordability	8	8

Some findings we noted at several State universities or State colleges are summarized below.

- **Direct-Support Organizations** – For 17 institutions, we reported that policies and records supporting institution property, facilities, and personal services used by direct-support

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organizations could be improved. We also noted that 1 of these institutions leased land and facilities from its direct-support organization, without documenting an apparent public purpose as the facilities remained unoccupied for the period that lease payments were made.

- **Information Technology Internal Controls** – For 12 institutions, we reported that information technology (IT) internal controls enhancements were needed for financial and related systems. Needed enhancements involved restricting IT access privileges to only those needed to perform assigned job duties and developing procedures to timely evaluate access privileges. We noted an increased risk of unauthorized disclosure of prospective, former, and current students' social security numbers due to these inadequate access controls. We also noted instances in which institutions did not timely deactivate access privileges for former employees. Examples of other internal control deficiencies noted include the lack of a security awareness program, the lack of an IT risk assessment, and a need for security controls related to user authentication.

- **Personnel and Payroll** – Ten institutions needed to improve the administration of personnel and payroll functions. For example, we noted instances in which institutions made severance and terminal leave payments that exceeded the limits established in State law. We also noted that several institutions needed to implement procedures to ensure that certain employees reported time worked and supervisory approval of the time worked was documented. Two institutions did not document the reasonableness of President Emeritus compensation. Amounts identified for cost recovery, savings, or loss avoidance related to the personnel and payroll audit findings totaled $15,698.

- **Textbook Affordability** – Eight institutions needed to improve textbook affordability policies and procedures. For example, we noted that certain institutions did not timely post textbook information to the institutions' Web sites and to the institutions' course registration system and did not maintain records to document the dates the required textbook information was posted. We also noted instances in which institutions needed to implement or enhance procedures to help ensure that textbooks are available to students at the best prices available.

- **Financial Management** – Other than the material weakness and material noncompliance finding discussed in the **Financial Statements** section on page 28, six institutions needed to enhance internal controls over financial management. Several institutions needed to enhance procedures related to student receivables. We also noted that the intercollegiate athletic programs at two institutions were not self-supporting and continued to experience cash deficits.

A listing of all State university and State college audit reports issued during the period November 1, 2018, through October 31, 2019, is included in EXHIBIT B of this Annual Report.

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INFORMATION TECHNOLOGY

INFORMATION TECHNOLOGY AUDITS

Public entities rely on information technology (IT) to record, process, maintain, and report essential financial and program information necessary to achieve their missions and business objectives. The widespread use of IT, without proper safeguards, can lead to vulnerabilities that allow the introduction of errors by employees in their daily work processes and actions by persons with malicious intentions. As such, IT internal controls are a critical component of public entity internal control systems and public entity management has an important stewardship responsibility for establishing effective IT internal controls. Such controls should reasonably assure the achievement of management's control objectives, including, in particular, assuring the confidentiality, integrity, and availability of data and IT resources. The absence of effective IT internal controls can result in significant risks to public entity operations and assets, such as the risk of unauthorized or erroneous disclosure, modification, or destruction of financial or sensitive information and IT resources.

The Auditor General evaluates the effectiveness of internal controls over IT in financial audits and operational audits. Consideration of IT internal controls is an essential and significant part of the audit process in these audits because public entity business processes that are relevant to the audit objectives are usually dependent on IT. The Auditor General also conducts IT operational audits of significant IT systems, processes, and controls.

State Agencies and Related Entities We issued six IT operational audit reports for State agencies and related entities during the period November 1, 2018, through October 31, 2019. These audits evaluated critical or complex systems, processes, or controls at six State agencies. These systems, processes, and controls included:

- The Florida Public Assistance System (FloridaPA.org) – a Web-based portal used by the Division of Emergency Management to manage the Disaster – Grants Florida Public Assistance programs relating to disaster relief and recovery.
- The Florida Accounting Information Resource Subsystem (FLAIR) – the State of Florida's accounting system that maintains State agency accounting and State budget control records and processes the State's payroll.
- The System for Unified Taxation (SUNTAX) – the tax administration and accounting system used by the Department of Revenue.
- The Reemployment Assistance Claims and Benefits Information System – a Web-based claims management system used by the Department of Economic Opportunity for all Reemployment Assistance Program functions.
- Selected IT general and application controls applicable to the Integrated Retirement Information System (IRIS) used by the Division of Retirement within the Department of Management Services to support the functions required to provide retirement services.
- Selected IT general controls at the Agency for Persons with Disabilities.

Educational and Related Entities During the period November 1, 2018, through October 31, 2019, we issued five IT operational audit reports for educational entities, including two State universities, one State college, and two school districts. These audits evaluated:

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- Selected IT internal controls at the Florida Polytechnic University applicable to Workday® Enterprise Cloud Applications, including the contractual relationship with Workday, Inc. as the provider for the University's Workday® Software as a Service subscription.
- Selected IT internal controls at the University of Florida applicable to the Oracle PeopleSoft Applications.
- Selected IT internal controls at the Charlotte County District School Board applicable to the Focus Student Information System (Focus) and the infrastructure supporting Focus.
- Selected IT internal controls at the Broward College applicable to Workday® Enterprise Cloud Applications, including the contractual relationship with Workday, Inc. as the provider for the College's Workday® Software as a Service subscription.
- Selected IT internal controls at the Seminole County District School Board applicable to the Oracle PeopleSoft Applications (PeopleSoft) and the Skyward Student Information System (Skyward) and the infrastructure supporting PeopleSoft and Skyward.

Our IT operational audit report findings primarily pertained to internal controls underlying the overarching principles for data integrity, data confidentiality, and data or IT resource availability and are tabulated by control area in Table 6. We noted findings related to general controls as well as business process application controls.

Table 6
Tabulation of Information Technology
Operational Audit Findings by Control Area

Control Area	Number of Findings	Number of Entities
Business Process Application Controls:		
Application-Level General	24	8
Configuration Management	6	2
Security Management	3	2
Business Process	3	1
Data Management System	1	1
General Controls:		
Security Management	14	8
Access	6	5
Configuration Management	1	1

Some of the common findings related to:

- Excessive or unnecessary user access privileges.
- Untimely removal of user access privileges.
- Lack of appropriate access authorization documentation for system users.
- Insufficient review of the appropriateness of user access privileges.
- Lack of retention of access control records related to the deactivation of access privileges.

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- Lack of timely security awareness training for employees.
- Lack of a comprehensive policy for the performance of background screenings for employees and contracted consultants.
- Inadequate mobile device management security controls.
- Inadequate data quality controls.
- Inadequate controls over change management.

To avoid the possibility of compromising entity data and IT resources, we did not disclose in the public reports the specific details of certain sensitive matters we noted for 10 of the 11 entities discussed in this section. Specific details of these matters, included in a total of 38 findings, were separately communicated to applicable entity management. These matters involved security control deficiencies relating to various topics such as logical access, user authentication, logging and monitoring, physical security of data, configuration management, account management, and vulnerability management.

ANALYTICAL AND AUTOMATED PROCEDURES AND AUDIT APPLICATIONS

In addition to IT operational audits, extensive IT support is provided to the Auditor General's financial and operational audit and attestation examination engagements through computer assisted audit techniques (CAATs) services. Such services are focused, allow for extensive data analysis in an efficient manner, and are accomplished by obtaining detailed information that can be used to prepare reconciliations, summaries, samples of detailed transactions, and range reports for our professional audit staff. CAATs services also include a variety of data queries and other data analyses that can identify unexpected or unexplained patterns that may be indicative of fraud. With the volume of data continuously growing, the use of CAATs allows increased audit coverage, more thorough and consistent analysis of data, and reduced audit risk.

In addition, custom computer application systems are maintained by IT support staff to support numerous audit activities. Examples include applications for our electronic audit working papers that document the audit work performed, for analyzing and compiling financial statement adjustments, and for support of our reviews of local government, school district, and charter school audit reports prepared by other independent certified public accountants.

A listing of all IT operational audit reports issued during the period November 1, 2018, through October 31, 2019, is included in EXHIBIT B of this Annual Report.

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OTHER AUDITS AND ACCOUNTABILITY ACTIVITIES

LOCAL GOVERNMENT AUDITS

Pursuant to Section 11.45(2)(j), Florida Statutes, we audit local governmental entities when determined to be necessary by the Auditor General, when directed by the Legislative Auditing Committee or the Legislature, or when otherwise required by law. During the period November 1, 2018, through October 31, 2019, we issued reports on two operational audits directed by the Legislative Auditing Committee and Legislature; reports on two operational audits of water management districts, pursuant to Section 11.45(2)(f), Florida Statutes; and reports on follow-up procedures we performed pursuant to Section 11.45(2)(j), Florida Statutes, for two operational audits of local governmental entities.

City of Opa-Locka and Opa-Locka Community Redevelopment Agency (CRA) Our operational audit report No. 2019-221 disclosed a pervasive lack of adequate controls necessary to promote and encourage compliance with applicable State laws, City ordinances and regulations, contracts, grant agreements, and other applicable guidelines; economic and efficient operations; reliability of records and reports; and the safeguarding of assets. Our audit also disclosed numerous instances of potential fraud, waste, and abuse. For some of our findings, the amount of resources lost due to noncompliance or inadequate accountability was not quantifiable; however, we identified questioned costs or potential avoidable losses totaling nearly $5 million, collectively, for the City and the CRA. Findings addressed:

- Deteriorating financial conditions.
- Inadequate administration and management of City operations, including the need for enhancements to controls for reporting known or suspected fraud and over the budgetary process.
- Lack of accountability for resources.
- Lack of adequate controls over cash, capital assets, motor vehicles, long-term debt, revenues and travel.
- Numerous control deficiencies related to payroll and personnel administration.
- Significant issues regarding procurement and contracting for goods and services, including instances where competitive selection processes were not used.
- Inadequate controls over the maintenance of public records.
- Significant issues and deficiencies relative to the creation, administration, funding, and oversight of the Opa-Locka CRA.

East Flagler Mosquito Control District The findings in our operational report No. 2019-112 of the District included:

- Lack of adequate policies and procedures regarding construction projects, including competitive selection of architectural services, evaluating suitability of proposed construction sites, retaining critical documents, assessing damages for construction delays, and monitoring project change orders.
- Lack of records evidencing that an architectural firm maintained the contractually required professional liability insurance coverage.

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- Lack of formal financial policies addressing the budget development and management process, which contributed to a significant overstatement of initial available balances, failure to post budget amendments to the District's Web site as required by law, and a lack of clarity in budget reports.
- Lack of policies and procedures establishing minimum unrestricted fund balances for the District's General Fund and lack of anti-fraud policies or procedures.

St. Johns River Water Management District The findings in our operational audit report No. 2019-079 disclosed that:

- Records did not always demonstrate the District inspector general complied with applicable statutory requirements.
- The most appropriate and statutorily-required competitive procurement practices were not always used in the District's acquisition of design-build services and for construction projects.
- There was no documentation showing Board approval to waive a closing contingency provision that became applicable during an acquisition of land for conservation purposes.

Northwest Florida Water Management District The findings in our operational audit report No. 2019-050 disclosed that:

- District policies and procedures for the disposal of tangible personal property could be improved.
- District motor vehicle logs did not always document supervisory review and approval to confirm the propriety of vehicle use.
- District vehicle maintenance and repair expenditures were not always recorded in the vehicle management system, which is used to monitor expenditures for each vehicle.

Follow-Up Procedures Section 11.45(2)(j), Florida Statutes, requires the Auditor General to, no later than 18 months after the release of a report on the audit of a local governmental entity, perform such appropriate follow-up procedures as deemed necessary to determine the audited entity's progress in addressing the findings contained within our previous report. We performed audits to determine the extent to which the following entities had corrected, or were in the process of correcting, findings disclosed in our previous reports.

- **City of Archer** - Our follow-up audit report No. 2019-088 disclosed that, of the 14 findings and recommendations contained in our report No. 2016-197, the City's actions corrected 5 findings, partially corrected 7 findings, and did not correct 2 findings.
- **City of Palatka and Palatka Downtown Redevelopment Agency** - Our follow-up audit report No. 2019-214 disclosed that, of the 5 findings and recommendations contained in our report No. 2017-107, the City and Downtown Redevelopment Agency's actions corrected 3 findings and partially corrected 2 findings.

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SCHOLARSHIP FUNDING ORGANIZATIONS

Pursuant to Sections 11.45(2)(l), 1002.385(14)(a), and 1002.40(12), Florida Statutes, we conduct annual operational audits of the accounts and records of eligible nonprofit scholarship-funding organizations participating in a State-sponsored scholarship program authorized by Chapter 1002, Florida Statutes.

AAA Scholarship Foundation – FL, LLC In our operational audit report Nos. 2019-179 and 2020-025, we noted that the Foundation generally complied with the applicable provisions governing the Florida Tax Credit Scholarship and Gardiner Scholarship Programs.

Step Up For Students, Inc. The findings in our operational audit report No. 2020-020 disclosed that:

- Household income of Florida Tax Credit Program scholarship applicants was not always properly evaluated to ensure that scholarships were awarded only to eligible students. Additionally, the Florida Department of Education was not consulted to ensure prior scholarship award eligibility errors were satisfactorily resolved.
- Procedures did not require and ensure that exempt employees maintained records of time worked or require supervisory approval of such records.
- Contrary to State law, employees and students were not notified of the purpose for which their social security numbers were collected. In addition, some unnecessary information technology user access privileges existed that increased the risk of unauthorized disclosure of sensitive personal student information.
- Application processing errors caused a delay in funding for certain students eligible through the Gardiner Scholarship Program.
- Procedures did not always identify those private schools required to contract with an independent certified public accountant for an agreed upon procedures engagement pursuant to State law; as a result, reports were not received from several private schools required to contract for such an engagement.
- Florida Tax Credit Scholarship Program investment earnings of $280,000 were spent for non-Program purposes.

RULES OF THE AUDITOR GENERAL AND OTHER GUIDANCE

To promote audit quality, the Auditor General promulgates rules in consultation with the Florida Board of Accountancy and provides technical assistance to local educational entities, nonprofit and for-profit organizations, and independent certified public accountants (CPAs). These rules (Chapters 10.550, 10.650, 10.700, 10.800, and 10.850) are updated annually and are readily accessible on the Auditor General Web site, www.FLAuditor.gov. Additionally, the Auditor General provides guidelines for reviewing audit reports of charter schools, charter technical career centers, school districts, the Florida Virtual School, virtual instruction program providers, and local governmental entities.

The Auditor General publishes a compliance supplement to assist CPAs in conducting local governmental entity audits pursuant to Section 218.39, Florida Statutes. The Auditor General also publishes another compliance supplement to assist auditors in identifying significant compliance issues that affect the operations of school districts and to provide a resource for the efficient and cost-effective research of significant laws and rules applicable to school district operations.

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REVIEWS OF AUDIT REPORTS

Section 11.45(7)(b), Florida Statutes, requires the Auditor General to review all audit reports submitted pursuant to Section 218.39, Florida Statutes. Section 218.39, Florida Statutes, requires that, for each year that the Auditor General does not conduct a financial audit of a charter school, charter technical career center, school district, county, and certain municipalities and special districts, the entity shall provide for an annual financial audit conducted by a CPA and submit a copy of the audit report to the Auditor General. We review the audit reports to determine whether:

- The auditor's reports comply with applicable *Government Auditing Standards* and Rules of the Auditor General.
- The accompanying financial statements conform to accounting principles generally accepted in the United States of America.
- The audit reports were prepared by independent CPAs properly licensed by the Florida Board of Accountancy.

Additionally, Section 215.97(12)(f), Florida Statutes, requires the Auditor General to perform ongoing reviews of financial reporting packages submitted pursuant to the Florida Single Audit Act to determine compliance with the reporting requirements of the Act and applicable Department of Financial Services rules and Rules of the Auditor General. We report the results of our reviews to the Legislature.

Significant Findings and Financial Trends In conjunction with our review of audit reports, we compile and transmit to the Legislature summaries of significant findings and financial trends identified in audit reports of charter schools, charter technical career centers, school districts, and local governmental entities.

OTHER ACTIVITIES

Required Notifications We are required by law to notify the Legislative Auditing Committee of any charter school, charter technical career center, school district, or local governmental entity, as applicable, that:

- Failed to comply with the Section 218.39, Florida Statutes, audit requirements.[10]
- Failed to take full corrective action in response to a recommendation included in a financial audit report that was also included in the two preceding financial audit reports.[11]
- Failed to provide significant items omitted from audit reports submitted to us.
- Failed to provide evidence of corrective action taken for noncompliance with Section 218.415, Florida Statutes, as noted by other CPAs.
- Met one or more of the conditions specified in Section 218.503(1), Florida Statutes.[12]

[10] For special districts, we are also required to notify the Department of Economic Opportunity.

[11] This requirement also applies to operational audits of school districts, State universities, and State colleges conducted pursuant to Section 11.45, Florida Statutes.

[12] For charter schools, charter technical career centers, and school districts, we are also required to notify the Commissioner of Education. For local governmental entities, we are also required to notify the Governor.

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We are also required to notify the President of the Senate, the Speaker of the House of Representatives, and the Department of Financial Services of all charter schools, charter technical career centers, school districts, State universities, State colleges, and local governmental entities that failed to comply with statutory transparency requirements as identified in audit reports reviewed pursuant to Section 11.45(7)(b), Florida Statutes, or by audits conducted by the Auditor General pursuant to Section 11.45(2), Florida Statutes.

Effective July 1, 2019, pursuant to Section 11.45(2)(k), Florida Statutes, we are required to contact each school district with findings and recommendations contained within the previous operational audit report and request evidence of the initiation of corrective action within 45 days and evidence of completion of corrective action within 180 days. If the school district fails to timely comply with our request or is unable to take corrective action within the required time frame, we are to notify the Legislative Auditing Committee.

Quality Assessment Reviews Pursuant to Section 11.45(2)(i), Florida Statutes, the Auditor General conducts quality assessment reviews of State agencies' Offices of Inspectors General (OIGs) internal audit activities. We issued six quality assessment review reports during the period November 1, 2018, through October 31, 2019. Four of the reports addressed review periods of July 2018 through June 2019, and two of the reports addressed review periods of July 2017 through June 2018.

For each of the six reviews, we reported that the quality assurance and improvement program related to the OIGs' internal audit activity was adequately designed and complied with during the review period to provide reasonable assurance of conformance with applicable professional auditing standards and the Code of Ethics issued by the Institute of Internal Auditors. We also found that the OIGs generally complied with those provisions of Section 20.055, Florida Statutes, governing the operation of State agencies' OIG internal audit activities.

Professional Activities To help accomplish our Professional Services Goal, we communicate and work with professional associations to improve governmental accounting, auditing, and financial reporting and to promote the efficient use of government resources. Additionally, our professional audit staff participated in National and State standards-setting processes and served as members of various National, State, and local professional organization boards, committees, and work groups.

A listing of audit reports and reports on other accountability activities issued during the period November 1, 2018, through October 31, 2019, is included in EXHIBIT B of this Annual Report.

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ANNUAL REPORT EXHIBITS

EXHIBIT A is our projected work plan for the 2020-21 and 2021-22 fiscal years and, as additional information, we have included three other exhibits in this Annual Report.

EXHIBIT A ***Projected Work Plan 2020-2021 and 2021-2022***	***EXHIBIT A*** represents our Projected 2-Year Work Plan for the 2020-21 and 2021-22 fiscal years based on our analyses as of November 25, 2019. Modifications to the Work Plan may be made in response to law changes, legislative requests, or other considerations. For information on our methodology for establishing our Work Plan, see pages 10 through 12.	**Pages 40 - 43**
EXHIBIT B ***Reports Issued During the Period November 1, 2018, Through October 31, 2019***	***EXHIBIT B*** lists each report we issued during the period November 1, 2018, through October 31, 2019. The report information is generally provided by entity type; however, some report information is listed under other audits and accountability activities.	**Pages 44 - 51**
EXHIBIT C ***Reports Issued or Scheduled to Be Issued Subsequent to October 31, 2019, and by March 31, 2020***	***EXHIBIT C*** provides information on our audit activities completed or in progress subsequent to the October 31, 2019, cutoff date for this Annual Report. We post reports to our Web site www.FLAuditor.gov as the reports are issued.	**Pages 52 - 54**
EXHIBIT D ***NSAA Peer Review Report***	***EXHIBIT D*** presents the NSAA Peer Review Report, dated October 18, 2019, on our system of quality control.	**Page 55**
EXHIBIT E ***Auditor General Contact Information***	***EXHIBIT E*** includes the names and telephone numbers of Auditor General management and each individual's areas of reporting responsibility. Contact information is also located in each audit report.	**Page 56**

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EXHIBIT A
PROJECTED WORK PLAN 2020 – 2021

Financial Audits:

- *Department of the Lottery*
- *Florida Retirement System Pension Plan and Other State-Administered Systems Schedules of Employer Allocations and Pension Amounts by Employer*
- *Florida School for the Deaf and the Blind*
- *Local Government Surplus Funds Trust Fund*
- *School Districts, including Audit of Federal Awards, as applicable (47)*
- *State of Florida Reporting Entity, including Audit of Federal Awards*
- *State Colleges (28)*
- *State Universities (12)*

Operational and Performance Audits:

- *Agency for Health Care Administration*
- *Citizens Property Insurance Corporation*
- *Commission on Offender Review*
- *Department of Agriculture and Consumer Services*
- *Department of Agriculture and Consumer Services – Information Technology Audit*
- *Department of Business and Professional Regulation*
- *Department of Children and Families*
- *Department of Children and Families – Florida Online Recipient Integrated Data Access (FLORIDA) System – Information Technology Audit*
- *Department of Corrections*
- *Department of Economic Opportunity – Reemployment Assistance Claims and Benefits Information System – Information Technology Audit*
- *Department of Financial Services – Florida Accounting Information Resource Subsystem (FLAIR) – Information Technology Audit*
- *Department of Health*
- *Department of Management Services*
- *Department of Military Affairs*
- *Department of Revenue*
- *Department of Revenue – Ad Valorem Tax Program*
- *Department of Transportation*
- *Department of Transportation – Federal Programs Management Subsystem – Information Technology Audit*

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EXHIBIT A
PROJECTED WORK PLAN 2020 – 2021

Operational and Performance Audits (Continued):

- *Department of Veterans' Affairs*
- *Fish and Wildlife Conservation Commission*
- *Florida State University Northwest Regional Data Center – Data Center Operations – Information Technology Audit*
- *Information Technology Audits of Selected State Agency and Educational Entity Major Systems*
- *Judicial-Related Entities*
- *Local Government Financial Reporting System*
- *Multi-Agency Audit of Surplus Hard Drives – Information Technology Audit*
- *Office of Early Learning*
- *Selected Local Governmental Entities*
- *Scholarship Funding Organizations*
- *School Districts (22)*
- *State Board of Administration*
- *State Board of Administration and Florida PRIME – Information Technology Audit*
- *State Colleges (9)*
- *State Universities (3)*
- *Triumph Gulf Coast, Inc.*

Florida Education Finance Program Examinations:

- *School Districts (30)*

Other Accountability Activities:

- *Annual Reviews of Audit Reports of Charter Schools, Charter Technical Career Centers, School Districts, Local Governmental Entities, and Certain Nonprofit and For-Profit Entities*
- *Compilations of Significant Findings and Financial Trends*
- *Per Diem Cost Certifications upon the Request of the Department of Management Services or Department of Corrections*
- *Quality Assessment Reviews of Offices of Inspectors General Internal Audit Activities (13)*
- *Technical Advice and Rule and Guideline Maintenance*

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EXHIBIT A
PROJECTED WORK PLAN 2021 – 2022

Financial Audits:

- *Department of the Lottery*
- *Florida Retirement System Pension Plan and Other State-Administered Systems Schedules of Employer Allocations and Pension Amounts by Employer*
- *Florida School for the Deaf and the Blind*
- *Local Government Surplus Funds Trust Fund*
- *School Districts, including Audit of Federal Awards, as applicable (47)*
- *State of Florida Reporting Entity, including Audit of Federal Awards*
- *State Colleges (28)*
- *State Universities (12)*

Operational and Performance Audits:

- *Agency for Health Care Administration*
- *Agency for Persons with Disabilities*
- *Agency for State Technology – State Data Center Operations – Information Technology Audit*
- *Department of Children and Families*
- *Department of Corrections*
- *Department of Economic Opportunity*
- *Department of Education*
- *Department of Environmental Protection*
- *Department of Financial Services*
- *Department of Financial Services – Florida Accounting Information Resource Subsystem (FLAIR) – Information Technology Audit*
- *Department of Law Enforcement – Information Technology Audit*
- *Department of Juvenile Justice*
- *Department of Legal Affairs*
- *Department of the Lottery*
- *Department of Management Services – Division of Retirement Integrated Retirement Information System (IRIS) – Information Technology Audit*
- *Division of Emergency Management*
- *Information Technology Audits of Selected State Agency and Educational Entity Major Systems*

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EXHIBIT A
PROJECTED WORK PLAN 2021 – 2022

- **Operational and Performance Audits (Continued):**
  - *Multi-Agency Audit of Disaster Recovery – Information Technology Audit*
  - *Office of Financial Regulation*
  - *Public Service Commission*
  - *Selected Local Governmental Entities*
  - *Scholarship Funding Organizations*
  - *School Districts (29)*
  - *State Colleges (13)*
  - *State Universities (6)*
  - *Triumph Gulf Coast, Inc.*

- **Florida Education Finance Program Examinations:**
  - *School Districts (30)*

- **Other Accountability Activities:**
  - *Annual Reviews of Audit Reports of Charter Schools, Charter Technical Career Centers, School Districts, Local Governmental Entities, and Certain Nonprofit and For-Profit Entities*
  - *Compilations of Significant Findings and Financial Trends*
  - *Per Diem Cost Certifications upon the Request of the Department of Management Services or Department of Corrections*
  - *Quality Assessment Reviews of Offices of Inspectors General Internal Audit Activities (34)*
  - *Technical Advice and Rule and Guideline Maintenance*

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EXHIBIT B

Reports Issued During the Period
November 1, 2018, Through October 31, 2019

Report Number	Audited Entity and Report Title	Report Issue Date
	State Government	
2020-012	Agency for Persons With Disabilities - iBudget Florida - Operational Audit	08/13/2019
2020-018	Agency for Persons with Disabilities - Information Technology General Controls - Information Technology Operational Audit	08/27/2019
2019-152	Agency for State Technology - State IT Project Management and Oversight - Operational Audit	03/15/2019
2019-064	Department of Agriculture and Consumer Services - Administration of Private Investigator, Security Officer, Recovery Agent, and Concealed Weapon Licenses and Prior Audit Follow-Up - Operational Audit	12/03/2018
2019-111	Department of Children and Families - Oversight and Administration of Community-Based Care Lead Agencies and Behavioral Health Managing Entities and Selected Department Administrative Activities - Operational Audit	01/31/2019
2019-101	Department of Children and Families - Regulation of Child Care Providers and Licensing of Foster Homes - Operational Audit	01/14/2019
2020-006	Department of Corrections - Community Supervision, Selected Administrative Activities, and Prior Audit Follow-Up - Operational Audit	07/25/2019
2019-183	Department of Economic Opportunity - Reemployment Assistance Claims and Benefits Information System (CONNECT) - Information Technology Operational Audit	03/27/2019
2020-017	Department of Economic Opportunity - Selected Administrative Activities - Operational Audit	08/23/2019
2020-026	Department of Environmental Protection - Selected Information Technology Systems - Operational Audit	09/12/2019
2019-068	Department of Financial Services - Florida Accounting Information Resource Subsystem (FLAIR) - Information Technology Operational Audit	12/10/2018
2019-097	Department of Legal Affairs - Medicaid Fraud Control Unit, Selected Administrative Activities, and Prior Audit Follow-Up - Operational Audit	01/04/2019
2019-220	Department of Management Services - Information Technology General Controls and Integrated Retirement Information System (IRIS) - Information Technology Operational Audit	06/28/2019
2019-098	Department of Management Services - Statewide Law Enforcement Radio System Prior Audit Follow-Up and Selected Administrative Activities - Operational Audit	01/07/2019
2019-195	Department of Military Affairs - Selected Administrative Activities and Prior Audit Follow-Up - Operational Audit	03/28/2019
2020-003	Department of Revenue - Administration of the Ad Valorem Tax Program - Performance Audit	07/17/2019
2019-216	Department of Revenue - Selected Administrative Activities and Prior Audit Follow-Up - Operational Audit	05/31/2019
2019-124	Department of Revenue - System for Unified Taxation (SUNTAX) - Information Technology Operational Audit	02/14/2019
2020-011	Department of the Lottery - Advertising and Sponsorship and Selected Administrative Activities - Operational Audit	08/09/2019
2019-090	Department of the Lottery - Comprehensive Annual Financial Report	12/21/2018
2020-040	Department of Transportation - Right-of-Way Relocation Assistance Program - Operational Audit	10/24/2019
2019-209	Division of Administrative Hearings - Adjudication of Disputes Program, Workers' Compensation Appeals Program, and Selected Information Technology Controls and Administrative Activities - Operational Audit	04/22/2019

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EXHIBIT B

Reports Issued During the Period November 1, 2018, Through October 31, 2019

Report Number	Audited Entity and Report Title	Report Issue Date
	State Government – Continued	
2019-049	Division of Emergency Management - Florida Public Assistance System (FloridaPA.org) - Information Technology Operational Audit	11/08/2018
2020-016	Division of Emergency Management - Public Assistance Program and Prior Audit Follow-Up - Operational Audit	08/22/2019
2020-019	Florida Retirement System and Retiree Health Insurance Subsidy Program Cost-Sharing Multiple Employer Defined Benefit Pension Plans Deferred Outflows for Contributions Subsequent to the June 30, 2018, Measurement Date by Employer	08/28/2019
2019-086	Florida Retirement System Pension Plan and Other State - Administered Systems - Financial Audit	12/19/2018
2019-197	Florida School for the Deaf and the Blind - Financial Audit	03/29/2019
2020-027	Florida State University - Northwest Regional Data Center - Cost Allocation Processes - Operational Audit	09/12/2019
2020-008	Justice Administrative Commission, State Attorneys, Public Defenders, Capital Collateral Regional Counsel, Criminal Conflict and Civil Regional Counsel, and Guardian Ad Litem - Operational Audit	07/31/2019
2019-203	Office of Early Learning - TEACH Scholarship Program and Prior Audit Follow-Up - Operational Audit	04/03/2019
2019-104	Office of Financial Regulation - Division of Securities and Prior Audit Follow-Up - Operational Audit	01/18/2019
2019-217	Public Service Commission - Selected Administrative Activities and Prior Audit Follow-Up - Operational Audit	06/19/2019
2019-102	Schedules of Employer Allocations and Pension Amounts by Employer for the Florida Retirement System Pension Plan and the Retiree Health Insurance Subsidy Program - Cost-Sharing Multiple Employer Defined Benefit Pension Plans	01/16/2019
2019-067	State Board of Administration - Local Government Surplus Funds Trust Fund (Florida PRIME) - (An External Investment Pool) - Financial Audit	12/07/2018
2019-186	State of Florida - Compliance and Internal Controls Over Financial Reporting and Federal Awards [a]	03/28/2019
2020-032	State University System Board of Governors - Operational Audit	09/30/2019
2019-215	Triumph Gulf Coast, Inc. - Operational Audit	05/21/2019
	School Districts	
2019-164	Alachua County District School Board - Financial and Federal Single Audit	03/20/2019
2019-085	Alachua County District School Board - Operational Audit	12/18/2018
2019-130	Baker County District School Board - Financial and Federal Single Audit	02/19/2019
2019-158	Bradford County District School Board - Financial and Federal Single Audit	03/19/2019
2019-198	Broward County District School Board - Financial and Federal Single Audit	03/29/2019
2019-210	Broward County District School Board - Operational Audit	04/26/2019
2019-127	Calhoun County District School Board - Financial and Federal Single Audit	02/15/2019
2019-212	Charlotte County District School Board - Focus Student Information System - Information Technology Operational Audit	05/02/2019
2019-163	Citrus County District School Board - Financial and Federal Single Audit	03/20/2019
2019-069	Citrus County District School Board - Operational Audit	12/10/2018
2019-185	Clay County District School Board - Financial and Federal Single Audit	03/27/2019

[a] Our independent auditor's report on the State of Florida's financial statements was published in the State of Florida's *Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2018*.

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EXHIBIT B

Reports Issued During the Period November 1, 2018, Through October 31, 2019

Report Number	Audited Entity and Report Title	Report Issue Date
	School Districts – Continued	
2019-115	Clay County District School Board - Operational Audit	02/05/2019
2019-072	Collier County District School Board - Financial and Federal Single Audit	12/11/2018
2019-109	Collier County District School Board - Operational Audit	01/29/2019
2019-119	Columbia County District School Board - Financial and Federal Single Audit	02/11/2019
2019-087	Columbia County District School Board - Operational Audit	12/19/2018
2019-120	Desoto County District School Board - Financial and Federal Single Audit	02/11/2019
2020-033	DeSoto County District School Board - Operational Audit	10/01/2019
2019-106	Dixie County District School Board - Financial and Federal Single Audit	01/24/2019
2019-060	Dixie County District School Board - Operational Audit	11/30/2018
2019-126	Flagler County District School Board - Financial and Federal Single Audit	02/15/2019
2019-065	Franklin County District School Board - Financial and Federal Single Audit	12/03/2018
2019-162	Gadsden County District School Board - Financial and Federal Single Audit	03/19/2019
2020-042	Gadsden County District School Board - Operational Audit	10/29/2019
2019-181	Gilchrist County District School Board - Financial and Federal Single Audit	03/26/2019
2019-150	Glades County District School Board - Financial and Federal Single Audit	03/15/2019
2020-009	Glades County District School Board - Operational Audit	08/06/2019
2019-149	Gulf County District School Board - Financial and Federal Single Audit	03/13/2019
2020-010	Gulf County District School Board - Operational Audit	08/08/2019
2019-157	Hamilton County District School Board - Financial and Federal Single Audit	03/19/2019
2020-013	Hamilton County District School Board - Operational Audit	08/14/2019
2019-142	Hardee County District School Board - Financial and Federal Single Audit	03/07/2019
2019-161	Hardee County District School Board - Operational Audit	03/19/2019
2019-113	Hendry County District School Board - Financial and Federal Single Audit	02/05/2019
2020-030	Hendry County District School Board - Operational Audit	09/26/2019
2019-137	Hernando County District School Board - Comprehensive Annual Financial Report and Federal Single Audit	02/28/2019
2019-202	Hernando County District School Board - Operational Audit	04/02/2019
2019-117	Highlands County District School Board - Financial and Federal Single Audit	02/08/2019
2019-167	Holmes County District School Board - Financial and Federal Single Audit	03/21/2019
2020-037	Holmes County District School Board - Operational Audit	10/18/2019
2019-196	Indian River County District School Board - Financial and Federal Single Audit	03/28/2019
2019-144	Jackson County District School Board - Financial and Federal Single Audit	03/07/2019
2019-207	Jackson County District School Board - Operational Audit	04/18/2019
2019-153	Jefferson County District School Board - Financial Audit	03/15/2019
2019-208	Jefferson County District School Board and Jefferson County K-12, A Somerset School - Operational Audit	04/18/2019
2019-141	Lafayette County District School Board - Financial and Federal Single Audit	03/07/2019
2019-178	Levy County District School Board - Financial and Federal Single Audit	03/22/2019
2019-099	Levy County District School Board - Operational Audit	01/08/2019
2019-151	Liberty County District School Board - Financial and Federal Single Audit	03/15/2019

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EXHIBIT B

Reports Issued During the Period November 1, 2018, Through October 31, 2019

Report Number	Audited Entity and Report Title	Report Issue Date
	School Districts – Continued	
2019-172	Madison County District School Board - Financial and Federal Single Audit	03/21/2019
2019-205	Manatee County District School Board - Operational Audit	04/11/2019
2019-092	Martin County District School Board - Comprehensive Annual Financial Report and Federal Single Audit	12/26/2018
2019-078	Monroe County District School Board - Comprehensive Annual Financial Report and Federal Single Audit	12/14/2018
2019-145	Nassau County District School Board - Financial and Federal Single Audit	03/12/2019
2019-140	Nassau County District School Board - Operational Audit	03/05/2019
2019-135	Okaloosa County District School Board - Financial and Federal Single Audit	02/22/2019
2019-057	Okaloosa County District School Board - Operational Audit	11/27/2018
2019-146	Okeechobee County District School Board - Financial and Federal Single Audit	03/12/2019
2019-218	Palm Beach County District School Board - Operational Audit	06/24/2019
2019-082	Polk County District School Board - Comprehensive Annual Financial Report and Federal Single Audit	12/19/2018
2019-204	Polk County District School Board - Operational Audit	04/08/2019
2019-191	Putnam County District School Board - Financial and Federal Single Audit	03/28/2019
2019-074	Sarasota County District School Board - Comprehensive Annual Financial Report and Federal Single Audit	12/12/2018
2019-100	Sarasota County District School Board - Operational Audit	01/10/2019
2020-039	Seminole County District School Board - Oracle PeopleSoft Applications and Skyward Student Information System - Information Technology Operational Audit	10/22/2019
2019-199	St. Lucie County District School Board - Financial and Federal Single Audit	03/29/2019
2019-213	St. Lucie County District School Board - Operational Audit	05/13/2019
2019-173	Sumter County District School Board - Financial and Federal Single Audit	03/22/2019
2019-073	Sumter County District School Board - Operational Audit	12/12/2018
2019-131	Suwannee County District School Board - Financial and Federal Single Audit	02/19/2019
2019-094	Suwannee County District School Board - Operational Audit	01/02/2019
2019-121	Taylor County District School Board - Financial and Federal Single Audit	02/11/2019
2019-132	Union County District School Board - Financial and Federal Single Audit	02/19/2019
2019-070	Volusia County District School Board - Comprehensive Annual Financial Report and Federal Single Audit	12/11/2018
2019-211	Volusia County District School Board - Operational Audit	05/02/2019
2019-122	Wakulla County District School Board - Financial and Federal Single Audit	02/13/2019
2019-051	Wakulla County District School Board - Operational Audit	11/16/2018
2019-123	Walton County District School Board - Financial and Federal Single Audit	02/13/2019
2019-176	Washington County District School Board - Financial and Federal Single Audit	03/22/2019
	Florida Education Finance Program	
2020-028	Baker County District School Board - Florida Education Finance Program - Attestation Examination	09/17/2019
2020-031	Duval County District School Board - Florida Education Finance Program - Attestation Examination	09/27/2019
2019-062	Flagler County District School Board - Florida Education Finance Program - Attestation Examination	11/30/2018

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EXHIBIT B

Reports Issued During the Period November 1, 2018, Through October 31, 2019

Report Number	Audited Entity and Report Title	Report Issue Date
	Florida Education Finance Program – Continued	
2019-089	Gadsden County District School Board - Florida Education Finance Program - Attestation Examination	12/20/2018
2019-075	Highlands County District School Board - Florida Education Finance Program - Attestation Examination	12/13/2018
2019-061	Hillsborough County District School Board - Florida Education Finance Program - Attestation Examination	11/30/2018
2020-043	Lafayette County District School Board - Florida Education Finance Program - Attestation Examination	10/31/2019
2020-021	Lake County District School Board - Florida Education Finance Program - Attestation Examination	09/09/2019
2020-024	Levy County District School Board - Florida Education Finance Program - Attestation Examination	09/10/2019
2019-091	Madison County District School Board - Florida Education Finance Program - Attestation Examination	12/21/2018
2019-080	Manatee County District School Board - Florida Education Finance Program - Attestation Examination	12/17/2018
2019-056	Marion County District School Board - Florida Education Finance Program - Attestation Examination	11/27/2018
2019-076	Martin County District School Board - Florida Education Finance Program - Attestation Examination	12/14/2018
2020-022	Palm Beach County District School Board - Florida Education Finance Program - Attestation Examination	09/09/2019
2020-041	Pinellas County District School Board - Florida Education Finance Program - Attestation Examination	10/29/2019
2020-002	Santa Rosa County District School Board - Florida Education Finance Program - Attestation Examination	07/11/2019
2019-071	Seminole County District School Board - Florida Education Finance Program - Attestation Examination	12/10/2018
2019-077	Suwannee County District School Board - Florida Education Finance Program - Attestation Examination	12/14/2018
2020-007	Union County District School Board - Florida Education Finance Program - Attestation Examination	07/30/2019
2020-034	Volusia County District School Board - Florida Education Finance Program - Attestation Examination	10/08/2019
2019-048	Walton County District School Board - Florida Education Finance Program - Attestation Examination	11/06/2018
2020-023	Washington County District School Board - Florida Education Finance Program - Attestation Examination	09/10/2019
	State Universities	
2019-105	Florida Agricultural and Mechanical University - Financial Audit	01/23/2019
2019-063	Florida Agricultural and Mechanical University - Operational Audit	12/03/2018
2019-156	Florida Atlantic University - Financial Audit	03/18/2019
2019-206	Florida Atlantic University - Operational Audit	04/12/2019
2019-189	Florida Gulf Coast University - Financial Audit	03/27/2019
2019-188	Florida International University - Financial Audit	03/27/2019
2020-005	Florida International University - Operational Audit	07/22/2019
2019-171	Florida Polytechnic University - Financial Audit	03/21/2019
2019-103	Florida Polytechnic University - Workday® Enterprise Cloud Applications - Information Technology Operational Audit	01/17/2019
2019-114	Florida State University - Financial Audit	02/05/2019
2019-083	Florida State University - Operational Audit	12/18/2018
2019-136	New College of Florida - Financial Audit	02/25/2019
2019-168	University of Central Florida - Financial Audit	03/21/2019

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EXHIBIT B

Reports Issued During the Period November 1, 2018, Through October 31, 2019

Report Number	Audited Entity and Report Title	Report Issue Date
	State Universities – Continued	
2019-095	University of Central Florida - Operational Audit	01/04/2019
2019-118	University of Florida - Financial Audit	02/11/2019
2019-138	University of Florida - Oracle PeopleSoft Applications - Information Technology Operational Audit	03/01/2019
2019-184	University of North Florida - Financial Audit	03/27/2019
2019-108	University of South Florida - Financial Audit	01/24/2019
2020-014	University of South Florida - Operational Audit	08/21/2019
2019-170	University of West Florida - Financial Audit	03/21/2019
	State Colleges	
2019-192	Broward College - Financial Audit	03/28/2019
2020-015	Broward College - Workday® Enterprise Cloud Applications - Information Technology Operational Audit	08/21/2019
2019-166	Chipola College - Financial Audit	03/20/2019
2019-058	Chipola College - Operational Audit	11/27/2018
2019-194	College of Central Florida - Financial Audit	03/28/2019
2019-133	College of Central Florida - Operational Audit	02/20/2019
2019-177	Daytona State College - Financial Audit	03/22/2019
2019-093	Daytona State College - Operational Audit	01/02/2019
2019-182	Eastern Florida State College - Financial Audit	03/26/2019
2019-059	Eastern Florida State College - Operational Audit	11/27/2018
2019-110	Florida Gateway College - Financial Audit	01/30/2019
2019-147	Florida Keys Community College - Financial Audit	03/13/2019
2019-174	Florida SouthWestern State College - Financial Audit	03/22/2019
2019-066	Florida SouthWestern State College - Operational Audit	12/07/2018
2019-129	Florida State College at Jacksonville - Financial Audit	02/18/2019
2019-219	Gulf Coast State College - Financial Audit	06/25/2019
2019-046	Gulf Coast State College - Operational Audit	11/02/2018
2019-128	Hillsborough Community College - Financial Audit	02/18/2019
2019-190	Indian River State College - Financial Audit	03/27/2019
2019-139	Indian River State College - Operational Audit	03/05/2019
2019-200	Lake-Sumter State College - Financial Audit	03/29/2019
2019-125	Lake-Sumter State College - Operational Audit	02/14/2019
2019-193	Miami Dade College - Financial Audit	03/28/2019
2019-175	North Florida Community College - Financial Audit	03/22/2019
2019-148	Northwest Florida State College - Financial Audit	03/13/2019
2019-180	Palm Beach State College - Financial Audit	03/26/2019
2020-038	Palm Beach State College - Operational Audit	10/18/2019
2019-107	Pasco-Hernando State College - Financial Audit	01/24/2019
2019-159	Pensacola State College - Financial Audit	03/19/2019
2019-081	Pensacola State College - Operational Audit	12/18/2018

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EXHIBIT B

Reports Issued During the Period November 1, 2018, Through October 31, 2019

Report Number	Audited Entity and Report Title	Report Issue Date
	State Colleges - Continued	
2019-169	Polk State College - Financial Audit	03/21/2019
2019-054	Polk State College - Operational Audit	11/20/2018
2019-187	Santa Fe College - Financial Audit	03/27/2019
2019-134	Seminole State College of Florida - Financial Audit	02/22/2019
2019-084	Seminole State College of Florida - Operational Audit	12/18/2018
2019-165	South Florida State College - Financial Audit	03/20/2019
2019-160	St. Johns River State College - Financial Audit	03/19/2019
2019-053	St. Johns River State College - Operational Audit	11/19/2018
2019-143	St. Petersburg College - Financial Audit	03/07/2019
2019-154	State College of Florida, Manatee-Sarasota - Financial Audit	03/18/2019
2019-045	State College of Florida, Manatee-Sarasota - Operational Audit	11/02/2018
2019-116	Tallahassee Community College - Financial Audit	02/08/2019
2020-035	Tallahassee Community College - Operational Audit	10/09/2019
2019-155	Valencia College - Financial Audit	03/18/2019
2020-036	Valencia College - Operational Audit	10/16/2019
	Other Audits and Accountability Activities	
2019-179	AAA Scholarship Foundation - FL, LLC - Operational Audit	03/25/2019
2020-025	AAA Scholarship Foundation - FL, LLC - Operational Audit	09/11/2019
2019-088	City of Archer - Prior Audit Follow-Up - Operational Audit	12/20/2018
2019-221	City of Opa-locka and Opa-locka Community Redevelopment Agency - Operational Audit	06/28/2019
2019-214	City of Palatka and Palatka Downtown Redevelopment Agency - Prior Audit Follow-Up - Operational Audit	05/21/2019
2019-112	East Flagler Mosquito Control District - Operational Audit	02/01/2019
2019-050	Northwest Florida Water Management District - Operational Audit	11/15/2018
2020-001	Review of District School Board, Charter School, and Charter Technical Career Center Audit Reports for the Fiscal Year Ended June 30, 2018, Pursuant to Section 11.45(7)(b), Florida Statutes	07/11/2019
2019-096	Review of Local Governmental Entity 2016-17 Fiscal Year Audit Reports Pursuant to Section 11.45(7)(b), Florida Statutes	01/04/2019
2020-029	Review of Nonprofit, For-Profit, and Other Entities Financial Reporting Packages For Fiscal Years Ended October 1, 2017, Through September 30, 2018, Pursuant to Section 215.97(12)(f), Florida Statutes	09/25/2019
2019-079	St. Johns River Water Management District - Operational Audit	12/17/2018
2020-020	Step Up For Students, Inc. - Operational Audit	08/29/2019
2020-004	Summary of Significant Findings and Financial Trends Identified in Charter School and Charter Technical Career Center Audit Reports for the Fiscal Year Ended June 30, 2017, Pursuant to Section 11.45(7)(f), Florida Statutes	07/19/2019
2019-047	Summary of Significant Findings and Financial Trends Identified in District School Board Audit Reports for the Fiscal Year Ended June 30, 2017, Pursuant to Section 11.45(7)(f), Florida Statutes	11/06/2018

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EXHIBIT B

Reports Issued During the Period November 1, 2018, Through October 31, 2019

Report Number	Audited Entity and Report Title	Report Issue Date
	Other Audits and Accountability Activities - Continued	
2019-201	Summary of Significant Findings and Financial Trends Identified in Local Government Audit Reports for the 2016-17 Fiscal Year Pursuant to Section 11.45(7)(f), Florida Statutes	04/02/2019
2019-052	Board of Governors - Office of Inspector General's Internal Audit Activity - Quality Assessment Review	11/16/2018
2020-044	Department of Corrections - Office of Inspector General's Internal Audit Activity - Quality Assessment Review	10/31/2019
2020-046	Department of State - Office of Inspector General's Internal Audit Activity - Quality Assessment Review	10/31/2019
2020-045	Executive Office of the Governor - Office of Inspector General's Internal Audit Activity - Quality Assessment Review	10/31/2019
2019-055	Office of Financial Regulation - Office of Inspector General's Internal Audit Activity - Quality Assessment Review	11/21/2018
2020-047	State Courts System - Office of Inspector General's Internal Audit Activity - Quality Assessment Review	10/31/2019

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EXHIBIT C

Reports Issued or Scheduled to Be Issued Subsequent to October 31, 2019, and by March 31, 2020

State Government

Audit Entity	Scope/Areas of Operations
Agency for Health Care Administration	Analysis of Medicaid Claims Data
Agency for State Technology	State Data Center Operations – Information Technology
Department of Children and Families	Office of Public Benefits Integrity and Selected Administrative Activities State Mental Health Treatment Facilities Office of Inspector General's Internal Audit Activity
Department of Citrus	Contract Procurement and Management and Other Administrative Activities
Department of Corrections	Correctional Officer Recruitment, Certification, and Training, and Selected Administrative Activities
Department of Education	Office of Safe Schools and Prior Audit Follow-Up
Department of Elder Affairs	Office of Public and Professional Guardians and Selected Administrative Activities
Department of Financial Services	Funeral, Cemetery, and Consumer Services Regulation Division of Treasury – Selected Treasury Systems – Information Technology Florida Accounting Information Resource Subsystem – Information Technology
Department of Health	Food Service Establishment Licensing and Inspection and Prior Audit Follow-Up
Department of Highway Safety and Motor Vehicles	Selected Administrative Activities and Prior Audit Follow-Up
Department of Juvenile Justice	Procurement and Administration of Non-Residential Services Contracts, Selected Administrative Activities, and Prior Audit Follow-Up
Department of Law Enforcement	Administration of Aircraft, Selected Information Technology Controls, and Prior Audit Follow-Up
Department of the Lottery	Financial Statements
Department of Management Services	Florida Retirement System – Financial Statements Florida Retirement System – Schedules of Employer Allocations and Schedules of Pension Amounts and Certain Activities Through September 30, 2019
Department of State	Voting System Standards and Certification, Voter Registration Records Maintenance, Selected Administrative Activities, and Prior Audit Follow-Up
Executive Office of the Governor	Selected Administrative Activities
Fish and Wildlife Conservation Commission	Office of Inspector General's Internal Audit Activity
Florida Housing Finance Corporation	Office of Inspector General's Internal Audit Activity
Florida School for the Deaf and the Blind	Financial Statements Selected Areas of Operations
Florida State University – Northwest Regional Data Center	Data Center Operations – Information Technology

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EXHIBIT C

Reports Issued or Scheduled to Be Issued Subsequent to October 31, 2019, and by March 31, 2020

State Government - Continued

Audit Entity	Scope/Areas of Operations
Office of Insurance Regulation	Financial Oversight and Market Regulation of Insurers and Selected Administrative Activities
Space Florida	Monitoring of Cooperative Agreements, Board Duties and Governance, and Selected Administrative Activities
State Board of Administration	Local Government Surplus Funds Trust Fund – Financial Statements
State of Florida	Financial Statements and Federal Awards
Triumph Gulf Coast, Inc.	Selected Areas of Operation

Educational Entities

Audit Entity/Subject	Scope/Areas of Operations
Florida Bright Futures Scholarship Program	Selected Areas of Operations
Florida Education Finance Program - Selected District School Boards and Other Entities (12)	Compliance with Reporting Requirements
Miami-Dade College Foundation	Selected Areas of Operations
Significant Findings and Financial Trends Identified in District School Board Audit Reports for the Fiscal Year Ended June 30, 2017	Significant Findings and Financial Trends Identified in District School Board Audit Reports Pursuant to Section 11.45(7)(b), Florida Statutes
School Districts	Financial and Federal Awards (46) Financial (1) Selected Areas of Operations (16) Information Technology (2)
State Colleges	Financial (28) Selected Areas of Operations (3) Information Technology (1)
State Universities	Financial (12) Selected Areas of Operations (3) Significant Financial Trends Identified in State University Financial Audit Reports for the 2017-18 Fiscal Year

Other

Audit Entity/Subject	Scope/Areas of Operations
Citrus County Board of County Commissioners - Detention Center Management Services Contract and Selected Administrative Activities	Follow-Up on Report No. 2018-007
City of Gulf Breeze	Selected Areas of Operation
City of North Miami	Follow-Up on Report No. 2018-038
City of Palm Bay	Selected Areas of Operation
Hillsborough County Aviation Authority - Tampa International Airport - 2012 Master Plan Capital Projects	Follow-Up on Report No. 2018-080

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EXHIBIT C

Reports Issued or Scheduled to Be Issued Subsequent to October 31, 2019, and by March 31, 2020

Other – Continued

Audit Entity/Subject	Scope/Areas of Operations
Local Governmental Entity Audit Reports	Results of Review of 2017-18 Fiscal Year Audit Reports - Pursuant to Section 11.45(7)(b), Florida Statutes
Local Governmental Entity Audit Reports and Annual Financial Reports	Significant Findings and Financial Trends Identified in 2017-18 Fiscal Year Audit Reports and Annual Financial Reports Reviewed Pursuant to Section 11.45(7)(f), Florida Statutes
Step Up for Students, Inc.	Selected Areas of Operation
Suwannee River Water Management District	Selected Areas of Operation
Town of Caryville	Selected Areas of Operation
Walton County Board of County Commissioners, Clerk of the Circuit Court, and Use of Funds Related to the Deepwater Horizon Oil Spill	Follow-Up on Report No. 2017-123

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FL-SEN-20-0201-B, 20-0202-A-003056

EXHIBIT D
NSAA PEER REVIEW REPORT

National State
Auditors Association
An Affiliate of NASACT

NSAA

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PEER REVIEW REPORT

October 18, 2019

The Honorable Sherrill Norman, CPA
State of Florida, Office of the Auditor General
Suite G72-E, 111 West Madison Street
Tallahassee, Florida 32399-1450

We have reviewed the system of quality control of the Florida Office of the Auditor General in effect for the period September 1, 2018 through August 31, 2019. A system of quality control encompasses the office's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The design of the system and compliance with it are the responsibility of the office. Our responsibility is to express an opinion on the design of the system and the office's compliance with the system based on our review.

We conducted our review in accordance with the policies and procedures for external peer reviews established by the National State Auditors Association (NSAA). In performing our review, we obtained an understanding of the office's system of quality control for engagements conducted in accordance with professional standards. In addition, we tested compliance with the office's quality control policies and procedures to the extent we considered appropriate. These tests covered the application of the office's policies and procedures on selected engagements. The engagements selected represented a reasonable cross-section of the office's engagements conducted in accordance with professional standards. We believe that the procedures we performed provide a reasonable basis for our opinion.

Our review was based on selective tests; therefore it would not necessarily disclose all design matters in the system of quality control or all compliance matters with the system. Also, there are inherent limitations in the effectiveness of any system of quality control; therefore, noncompliance with the system of quality control may occur and not be detected. Projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or because the degree of compliance with the policies or procedures may deteriorate.

In our opinion, the system of quality control of the Florida Office of the Auditor General in effect for the period September 1, 2018 through August 31, 2019 has been suitably designed and was complied with during the period to provide the audit organization with reasonable assurance of performing and reporting in conformity with *Government Auditing Standards* in all material respects. Audit organizations can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. **The Florida Auditor General has received a peer review rating of *pass*.**

Frank Buffington, CPA, CISA, CFE, CGAP
Concurring Reviewer
External Peer Review Team
National State Auditors Association

Ted Fugitt, CPA, CGAP
Team Leader
External Peer Review Team
National State Auditors Association

AMERICAN OVERSIGHT

EXHIBIT E
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Lisa A. Norman, CPA	Children and Families, Elder Affairs, Health, Health Care Administration, Persons with Disabilities, Enhanced Data Analytics	(850) 412-2831
Samantha M. Perry, CPA	Ad Valorem, Public Service Commission, Revenue, Statewide Federal Awards Audit	(850) 412-2762
Karen W. Van Amburg, CPA	Citrus, Emergency Management, Financial Regulation, Financial Services, Governor, Insurance Regulation, Legal Affairs, Military Affairs, Veterans' Affairs	(850) 412-2766
Kathryn D. Walker, CPA	Citizens Property Insurance Corporation, Florida Retirement System and Other State-Administered Systems, Florida School for the Deaf and the Blind, Lottery, State Board of Administration, Statewide Financial Statement Audit	(850) 412-2781

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Printed reports may be obtained by writing, calling, or e-mailing the Auditor General.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003058

From: Thompson, Vanessa
Sent: Wednesday, December 04, 2019 3:03 PM EST
To: Brill, Victoria <Brill.Victoria@flsenate.gov>
Subject: Ballots

From: John Loudon [mailto:john@flcitizenvoters.vote]
Sent: Monday, November 18, 2019 8:08 PM
To: Jon Miller <jmiller@keiseruniversity.edu>
Subject: Ballot Harvesting

John,

So great of you to call today. I really appreciate your reviewing this cause and lending as much support as you can. To be clear, my only interest in this issue is civic duty. I have no financial or other personal interest.

Ballot harvesting is a terrible idea with a clearly sordid past which is self-evident in why 26 states and Miami-Dade outlawed it. The Florida loophole allows ballot harvesting by "volunteers." It doesn't require a creative genius to find 10 ways a well funded unscrupulous actor could circumvent that.

Imagine a Soros funded group activating college students from surrounding states. Cover travel, room and board and a stipend for a week in Florida. They "volunteer" during the day and do social media or some meaningless activity at night.

What prosecutor will push extradition for anyone caught for a misdemeanor violation?

Our House sponsor is Rep. Mike Hill.

We need a Senator.

Joe Gruters has a draft in the cue but does not seem to appreciate the problem and we don't expect him to file it officially. He took our draft which was borrowed from AZ and lowered the penalty from felony to misdemeanor.

It needs to be a felony to posses a ballot other than one's own with exceptions allowing for things like close relatives or by certain elections officers under proper circumstances.

The Hill language is attached. We will want to make the penalty a felony. Once an election is stolen, potentially deciding the leader of the free world and hundreds of perpetrators have returned to their home states, misdemeanor charges will be difficult to enforce.

Please feel free to call me with any questions, suggestions or sponsor ideas, especially.

Very best regards,

John Loudon
561-283-9689

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

AMERICAN OVERSIGHT

From: Evan Power <Evan@rambaconsulting.com>
Sent: Thursday, November 14, 2019 11:07 AM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Bill Drafts
Attachment(s): "Boaf draft.docx","Election changes draft.docx"

Vanessa-

Ramba asked me to to get these two bills to you to get into drafting.

Let me know if you have any questions.

Thanks!

Evan

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Change of Contractor Procedures

489.1195 Responsibilities.—
(1) A qualifying agent is a primary qualifying agent unless he or she is a secondary qualifying agent under this section.
(a) All primary qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization; for all field work at all sites; and for financial matters, both for the organization in general and for each specific job.
(b) Upon approval by the board, a business entity may designate a financially responsible officer for purposes of certification or registration. A financially responsible officer shall be responsible for all financial aspects of the business organization and may not be designated as the primary qualifying agent. The designated financially responsible officer shall furnish evidence of the financial responsibility, credit, and business reputation of either himself or herself, or the business organization he or she desires to qualify, as determined appropriate by the board.
(c) Where a business organization has a certified or registered financially responsible officer, the primary qualifying agent shall be responsible for all construction activities of the business organization, both in general and for each specific job.
(d) The board shall adopt rules prescribing the qualifications for financially responsible officers, including net worth, cash, and bonding requirements. These qualifications must be at least as extensive as the requirements for the financial responsibility of qualifying agents.
(2)(a) One of the qualifying agents for a business organization that has more than one qualifying agent may be designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form provided by the board, by all qualifying agents for the business organization.
(b) The joint agreement must be submitted to the board for approval. If the board determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents.
(c) The qualifying agent designated for a business organization by a joint agreement is the sole primary qualifying agent for the business organization, and all other qualifying agents for the business organization are secondary qualifying agents.
(d) A designated sole primary qualifying agent has all the responsibilities and duties of a primary qualifying agent, notwithstanding that there are secondary qualifying agents for specified jobs. The designated sole primary qualifying agent is jointly and equally responsible with secondary qualifying agents for field work supervision.
(e) A secondary qualifying agent is responsible only for:
1. The supervision of field work at sites where his or her license was used to obtain the building permit; and
2. Any other work for which he or she accepts responsibility.

A secondary qualifying agent is not responsible for supervision of financial matters.

(3)(a) A qualifying agent who has been designated by a joint agreement as the sole primary qualifying agent for a business organization may terminate this status as such by giving actual notice to the business organization, to the board, and to all secondary qualifying agents of his or her intention to terminate this status. The notice to the board must include proof satisfactory to the board that he or she has given the notice required in this paragraph.
(b) The status of the qualifying agent shall cease upon the designation of a new primary qualifying agent or 60 days after satisfactory notice of termination has been provided to the board, whichever first occurs.

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(c) If no new primary qualifying agent has been designated within 60 days, all secondary qualifying agents for the business organization shall become primary qualifying agents unless the joint agreement specifies that one or more of them shall become sole qualifying agents under such circumstances, in which case only they shall become sole qualifying agents.
(d) Any change in the status of a qualifying agent is prospective only. A qualifying agent is not responsible for his or her predecessor's actions but is responsible, even after a change in status, for matters for which he or she was responsible while in a particular status.

(e) A newly designated qualifier shall make application for change of contractor within 60 days in each jurisdiction an active permit is held by the previous qualifier.

(f) Qualifiers shall not allow active permits to expire without properly closing them. The Building Official may limite the number of new permits obtained by a qualifier with open/expired permits.

(g) When requested, a qualifier may sign a change of contractor form provided by the jurisdiction. If qualifier declines, is unavailable or is deceased the owner of the project shall serve notice to the qualifier's corporate address. The project owner shall then submit a change of contractor form along with a written statement and issue a hold harmless affidavit to the jurisdiction. The jurisdiction, upon receipt of such statement and hold harmless affidavit, shall process a change of contractor to a new qualifier without any further notification.

(h) When a permit expires and remains open, the project owner may submit a change of contractor and hold harmless affidavit without any further notification to the previous qualifier.

(i) A new qualifier, as a result of a change of contractor under subsections (e), (g) and (h) herein, shall not be held liable for any work of his or her predecessor but is responsible for any corrective and new work performed.

468.609 is amended to read:

(2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person:
(a) Is at least 18 years of age.
(b) Is of good moral character.
(c) Meets eligibility requirements according to one of the following criteria:
1. Demonstrates 5 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;
2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;
3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

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4. Currently holds a standard certificate issued by the board or a firesafety inspector license issued pursuant to chapter 633, has a minimum of 3 years' verifiable full-time experience in inspection or plan review, and has satisfactorily completed a building code inspector or plans examiner training program that provides at least 100 hours but not more than 200 hours of cross-training in the certification category sought. The board shall establish by rule criteria for the development and implementation of the training programs. The board shall accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;
5. Demonstrates a combination of the completion of an approved training program in the field of building code inspection or plan review and a minimum of 2 years' experience in the field of building code inspection, plan review, fire code inspections and fire plans review of new buildings as a firesafety inspector certified under s. 633.216, or construction. The approved training portion of this requirement shall include proof of satisfactory completion of a training program that provides at least 200 hours but not more than 300 hours of cross-training that is approved by the board in the chosen category of building code inspection or plan review in the certification category sought with at least 20 hours but not more than 30 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificateholder. The board shall coordinate with the Building Officials Association of Florida, Inc., to establish by rule the development and implementation of the training program. However, the board shall accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;
6. Currently holds a standard certificate issued by the board or a firesafety inspector license issued pursuant to chapter 633 and:
a. Has at least 5 years' verifiable full-time experience as an inspector or plans examiner in a standard certification category currently held or has a minimum of 5 years' verifiable full-time experience as a firesafety inspector licensed pursuant to chapter 633.
b. Has satisfactorily completed a building code inspector or plans examiner classroom training course or program that provides at least 200 but not more than 300 hours in the certification category sought, except for one-family and two-family dwelling training programs, which must provide at least 500 but not more than 800 hours of training as prescribed by the board. The board shall establish by rule criteria for the development and implementation of classroom training courses and programs in each certification category; or

7.a. Has completed a 4-year internship certification program as a building code inspector or plans examiner while employed full-time by a municipality, county, or other governmental jurisdiction, under the direct supervision of a certified building official. Proof of graduation with a related vocational degree or college degree or of verifiable work experience may be exchanged for the internship experience requirement year-for-year, but may reduce the requirement to no less than 1 year.
b. Has passed an examination administered by the International Code Council in the certification category sought. Such examination must be passed before beginning the internship certification program.
c. Has passed the principles and practice examination before completing the internship certification program.
d. Has passed a board-approved 40-hour code training course in the certification category sought before completing the internship certification program.
e. Has obtained a favorable recommendation from the supervising building official after completion of the internship certification program.

…

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(7)(a) The board shall provide for the issuance of provisional certificates valid for ~~1~~ 2 years, as specified by board rule, to any building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3). The provisional license may be renewed by the board for just cause; however, a provisional license is not valid for longer than 3 years.

…

(10)(a) The board may by rule create categories of certification in addition to those defined in s. 468.603(5) and (8). Such certification categories shall not be mandatory and shall not act to diminish the scope of any certificate created by statute.
(b) The board shall by rule establish:
1. Reciprocity of certification with any other state that requires an examination administered by the International Code Council.
2. That an applicant for certification as a building code inspector or plans examiner may apply for a provisional certificate valid for the duration of the internship period.
3. That partial completion of an internship program may be transferred between jurisdictions on a form prescribed by the board.
4. That an applicant may apply for a standard certificate on a form prescribed by the board upon successful completion of an internship certification program.
5. That an applicant may apply for a standard certificate at least 30 days and no more than 60 days before completing the internship certification program.
6. That a building code inspector or plans examiner who has standard certification may nonconcurrent 1-year internship program in the certification category sought and passing an examination administered by the International Code Council and a board-approved 40-hour code training course.
7. A **one and two-family dwelling inspector** internship program with the following criteria.
   i. Hold an ICC Certification as a residential or commercial inspector in each of the following categories: building, electrical, plumbing and mechanical prior to entering the program; and
   ii. Complete a four-year internship program with one-year on-the-job training in each of building, electrical, plumbing and mechanical categories under the supervision of standard certified inspector. The four-year internship program may be reduced to no less than two years using verifiable experience and/or education with no less than six months on-the-job training under the supervision of a standard certified inspector in each building, electrical, plumbing and mechanical residential inspector categories; or
   iii. Hold a standard certification as an inspector in any of the categories listed in Section 468.603(5), F.S., plus an internship program of not less than six months on-the-job training in each of the following categories in which the applicant does not hold standard certification: building, plumbing, electrical, and mechanical under the supervision of a standard certified inspector.
   iv. Complete a 40-hour one and two-family dwelling inspector code training course.
8. A **one and two-family plans examiner** internship program with the following criteria:
   i. Hold an ICC Certification as a one and two-family dwelling plans examiner[1] prior to entering the internship program[2].

[1] Instead of requiring a one and two-family dwelling inspector certification as a pre-requisite, take the ICC One and Two-Family Dwelling Plans Examiner exam to qualify.
[2] Propose removing the Coastal and Floodplain Construction Inspector test requirement from the one and two-family dwelling plans examiner.

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ii. Complete a four-year internship program under the supervision of a standard certified plans examiner.
iii. The four-year internship program may be reduced to no less than two year using verifiable experience and/or education according to rule 61G19-6.017.
iv. Complete a 40-hour one and two-family plans examiner code training course.

9. A **Roofing Inspector** internship program with the following criteria:
i. Hold an ICC Certification as a Florida Roofing Inspector prior to entering the internship program; and
ii. Complete a one-year internship program with on-the-job training as a roofing inspector under the supervision of a standard certified commercial building inspector or roofing inspector; or
iii. Hold a standard certificate as a residential building inspector and complete an internship program with no less than 200-hours under the supervision of a standard certified commercial building inspector or roofing inspector.
iv. Complete a 40-hour roofing inspector training course.

10. Amend Rule 61G19-6.017 One and Two Family Dwelling Inspector Certification paragraph (2) to include the following eligibility criteria:
(i) Completing a one and two-family inspector internship program.
(j) Completing a one and two-family plans examiner internship program.

11. The categories of residential plan examiner listed in 468.603(8) and amend the necessary forms and offer the appropriate examinations in each category.

468.8312 is amended to read

(1) The department may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, recordkeeping, and applications for providers of continuing education. The department may also establish a delinquency fee. Fees shall be based on department estimates of the revenue required to implement the provisions of this part. All fees shall be remitted with the appropriate application, examination, or license.
(2) The initial application and examination fee shall not exceed $125 plus the actual per applicant cost to the department to purchase an examination, if the department chooses to purchase the examination. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination, but may not exceed $200, and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee shall be nonrefundable.
(3) The initial license fee shall not exceed $200.
(4) The biennial renewal fee shall not exceed $200.
(5) The fee for licensure by endorsement shall not exceed $200.
(6) The fee for application for inactive status or for reactivation of an inactive license shall not exceed $200.
(7) The fee for applications from providers of continuing education may not exceed $500.

468.8313 is amended to read

(4) The department may review and approve examinations that the department has certified as meeting generally accepted testing standards and the requirements of a national examination as provided in s. 455.217 (1) (d) ~~by a nationally recognized entity that offers programs or sets standards that ensure competence as a home inspector.~~

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103.091

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the primary election in each year a presidential election is held. The terms shall commence on the first day of the month following each presidential general election; but the names of candidates for political party offices shall not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections not ~~earlier than noon of the 71st day, or~~ later than noon of the 67th day, preceding the primary election. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

101.5614

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. Likewise~~, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race or~~ a marked vote-by-mail ballot in which every race is undervoted which shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

101.5612 - Testing of tabulating equipment.

(1) All electronic or electromechanical voting systems shall be thoroughly tested at the conclusion of maintenance and programming. Tests shall be sufficient to determine that the voting system is properly programmed, the election is correctly defined on the voting system, and all of the voting system input, output, and communication devices are working properly.
(2) On any day not more than ~~10~~ 25 days prior to the commencement of early voting as provided in s. 101.657, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. If the ballots to be used at the polling place on election day are not available at the time of the testing, the supervisor may conduct an additional test not more than 10 days before election day. Public notice of the time and place of the test shall be given at least 48 hours prior

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thereto by publication on the supervisor of elections' website and once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting the notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of the public preelection test to each candidate qualifying with that office and obtain a signed receipt that the notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each candidate to contact the county supervisor of elections as to the time and location of the public preelection test. The supervisor or the municipal elections official shall, at least 15 days prior to the commencement of early voting as provided in s. 101.657, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee shall not interfere with the normal operation of the canvassing board.

101.043 - Identification required at polls.

(1)(a) The precinct register, as prescribed in s. 98.461, shall be used at the polls for the purpose of identifying the elector at the polls before allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present one of the following current and valid picture identifications:
1. Florida driver license.
2. Florida identification card issued by the Department of Highway Safety and Motor Vehicles.
3. United States passport.
4. Debit or credit card.
5. Military identification.
6. Student identification.
7. Retirement center identification.
8. Neighborhood association identification.
9. Public assistance identification.
10. Veteran health identification card issued by the United States Department of Veterans Affairs.
11. A license to carry a concealed weapon or firearm issued pursuant to s. 790.06.
12. Employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality.
(b) If the picture identification does not contain the signature of the elector, an additional identification that provides the elector's signature shall be required. ~~The address appearing on the identification presented by the elector may not be used as the basis to confirm an elector's legal~~

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~~residence or otherwise challenge an elector's legal residence.~~ The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the elector's signature. The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.
(c) When an elector presents his or her picture identification to the clerk or inspector and the elector's address on the picture identification matches the elector's address in the supervisor's records, the elector may not be asked to provide additional information or to recite his or her home address.
(2) If the elector fails to furnish the required identification, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot pursuant to s. 101.048(2).

101.6103 - Mail ballot election procedure.

(1) Except as otherwise provided in subsection (7), the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector entitled to vote in the election ~~not sooner than the 20th~~ between the 40th and 33Rd day before the election and not later than the 10th day before the date of the election. All such ballots shall be mailed by first-class mail. Ballots shall be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked "Do Not Forward."
(2) Upon receipt of the ballot the elector shall mark the ballot, place it in the secrecy envelope, sign the return mailing envelope supplied with the ballot, and comply with the instructions provided with the ballot. The elector shall mail, deliver, or have delivered the marked ballot so that it reaches the supervisor of elections no later than 7 p.m. on the day of the election. The ballot must be returned in the return mailing envelope.
(3) The return mailing envelope shall contain a statement in substantially the following form:

VOTER'S CERTIFICATE

I, (Print Name) , do solemnly swear (or affirm) that I am a qualified voter in this election and that I have not and will not vote more than one ballot in this election.

I understand that failure to sign this certificate and give my residence address will invalidate my ballot.

(Signature)

(Residence Address)

(4) If the ballot is destroyed, spoiled, lost, or not received by the elector, the elector may obtain a replacement ballot from the supervisor of elections as provided in this subsection. An elector seeking a replacement ballot shall sign a sworn statement that the ballot was destroyed, spoiled,

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lost, or not received and present such statement to the supervisor of elections prior to 7 p.m. on the day of the election. The supervisor of elections shall keep a record of each replacement ballot provided under this subsection.
(5) A ballot shall be counted only if:
(a) It is returned in the return mailing envelope;
(b) The elector's signature has been verified as provided in this subsection; and
(c) It is received by the supervisor of elections not later than 7 p.m. on the day of the election.

The supervisor of elections shall verify the signature of each elector on the return mailing envelope with the signature on the elector's registration records. Such verification may commence at any time prior to the canvass of votes. The supervisor of elections shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote. If the supervisor of elections determines that an elector to whom a replacement ballot has been issued under subsection (4) has voted more than once, the canvassing board shall determine which ballot, if any, is to be counted.

(6) The canvassing board may begin the canvassing of mail ballots at 7 a.m. on the ~~sixth~~ 22nd day before the election, including processing the ballots through the tabulating equipment. However, results may not be released until after 7 p.m. on election day. Any canvassing board member or election employee who releases any result before 7 p.m. on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(7) With respect to absent electors overseas entitled to vote in the election, the supervisor of elections shall mail an official ballot with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each such elector on a date sufficient to allow such elector time to vote in the election and to have his or her marked ballot reach the supervisor by 7 p.m. on the day of the election.
(8) A ballot that otherwise satisfies the requirements of subsection (5) shall be counted even if the elector dies after mailing the ballot but before election day, as long as, prior to the death of the voter, the ballot was:
(a) Postmarked by the United States Postal Service;
(b) Date-stamped with a verifiable tracking number by common carrier; or
(c) Already in the possession of the supervisor of elections.

AMERICAN OVERSIGHT

From: Donna Winchester <dwinchester@stepupforstudents.org>
Sent: Tuesday, November 05, 2019 7:01 AM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Bonuses suit response delayed, report clears administrator, big districts and more

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Good Morning,

redefinED's daily roundup is Florida's most comprehensive source for quick links to the latest education news.

Bonuses suit response delayed, report clears administrator, big districts and more

Teacher bonuses lawsuit: Lawyers for the state are asking a Leon County judge for an extension of a month to reply to an updated lawsuit filed by Florida teachers against the Best and Brightest bonus program for educators. Almost 40 school districts have been added as defendants to the lawsuit, which initially targeted just the Florida Department of Education. The suit alleges the state illegally taxed the bonuses, thereby shortchanging teachers, and that districts have siphoned money teachers should have gotten. "Because of the new parties and issues, as well as other work commitments, the undersigned council is unable to file the response prior to the expiration of deadline for filing," Florida Attorney General Ashley Moody's office wrote. Lawyers for the teachers did not object to an extension. *Politico Florida*.

Administrator cleared: An assistant principal who was disciplined after the 2018 shootings at Marjory Stoneman Douglas High School has been cleared by a district investigation. Winfred Porter Jr. and two other assistant principals were reassigned to the district office a year ago by Superintendent Robert Runcie for mishandling school safety issues. But the district's Professional Standards Committee found "an insufficient factual or legal basis exists to establish just cause for a recommendation of disciplinary action," and Porter can now return to Stoneman Douglas or remain at Boyd Anderson High School in Fort Lauderdale. Investigations of the other two assistants continue. *Sun Sentinel*.

Largest U.S. districts: Five of the 10 largest school districts in the United States are in Florida, according to the latest rankings from the 2017-2018 school year by the magazine*American School & University*. The Miami-Dade County School District is 4th, Broward 6th, Hillsborough 7th, Orange 9th and Palm Beach 10th. New York City's school district is the nation's largest. *Gradebook*.

Contract negotiations: The Polk County School District and its teachers reach a tentative agreement to freeze teacher salaries and health insurance premiums for a year. Union president Stephanie Yocum said a small pay raise would have been offset by "crippling insurance premiums and deductible increases." The deal must be approved by teachers before it goes to the school board in January. *Lakeland Ledger*.

Bible bill companion: A House bill that would require Florida public high schools to offer Bible classes now has a companion bill in the Senate. S.B. 746, filed by state Sen. Dennis Baxley, R-Ocala, doesn't require students to take the classes; just that they be available. The "objective study of religion" required could include classes on the Hebrew Scriptures, Old Testament and New Testament, or any one of the three. The House version was introduced Oct. 11 by state Rep. Kimberly Daniels, D-Jacksonville. *News Service of Florida*. *Florida Politics*.

School funding sources: Nearly half the funding for Florida's public schools came from local taxes during the 2017-2018 school year, according to a study by the National Education Association. That's the 19th-highest level among the 50 states. Local funding made up 49.4 percent of the money for schools, while the state contributed 39.2 percent and the federal government 11.4 percent. *Florida Business Daily*.

Sexual harassment case timeline: The timeline of when Sarasota County School District officials learned about sexual harassment charges against its chief operating officer will be a key point in today's school board discussion about an investigative report into the charges. COO Jeff Maultsby has resigned, but Superintendent Todd Bowden was faulted in the report for his handling of the complaint. *Sarasota Herald-Tribune*.

New school approved: A private soccer prep school has been approved by the Westlake City Council in Palm Beach County. The International Sports Training Facility will be a pre-K through 12th grade day and boarding school for elite soccer players and others, and is expected to open in the fall of 2021. "I think it will do for the city what polo did for Wellington," said City Manager Ken Cassel. "It will put us on the map for international soccer groups." *Palm Beach Post*.

Kids with disabilities rejected: Some northeast Florida parents of children with disabilities say those children are being rejected for enrollment at charter schools. Florida Department of Education spokeswoman Cheryl Etters says charters may

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suggest a different school could better serve students with disabilities. “Just like traditional public schools, each charter school has different resources and may not have the ability to meet the demands of a student with specific disabilities,” she said. *WJAX*.

Educators honored: Thirty-three nominees for the Santa Rosa County School District teacher of the year award have been chosen by the Santa Rosa Education Foundation. The winner will be announced Jan. 29. *Pensacola News Journal*.

School elections: Former Clay County school superintendent Charlie Van Sant has announced he will challenge current Superintendent Addison Davis in the 2020 election. Davis beat Van Sant in the Republican primary in 2016, then went on to overwhelmingly win in the general election. *WJXT*. Five candidates are running for two Marion County School Board seats in 2020. David Hutto, a 4th-grade science and social studies teacher at Harbour View Elementary School, has joined Shelia Arnett and Allison Campbell in the race for the District 1 seat being vacated by Nancy Stacy. In District 2, incumbent Beth McCall has drawn a challenge from Todd Yocum, who teaches in Alachua County. *Ocala Star-Banner*.

School enrollment: About 300 fewer students are enrolled in the Alachua County School District’s 41 traditional schools and centers this year than last, according to the October count reported to the state. The count, which took place Oct. 7-11, showed 31,442 students in the district. *Gainesville Sun*.

Rezoning complaint: Wesley Chapel parents whose children may be zoned out of Wiregrass High School say it’s not fair that they, as residents in the school’s current zone, have to move to Cypress Creek Middle-High School while choice students get to stay. Pasco school district officials say there aren’t enough choice students at Wiregrass to make much of a difference in its overcrowding. *Gradebook*.

Pay hike for substitutes: The Leon County School District is bumping the pay for substitute teachers from $12 an hour to $14. “We were really facing a substitute shortage,” said Superintendent Rocky Hanna. The increase will cost the school district about $250,000 a year. *Tallahassee Democrat*. *WFSU*.

Referendum spending: The Charlotte County School District has spent more than $1.7 million of the $18.8 million the district expects to collect from a voter-approved property tax increase, according to an update from Superintendent Steve Dionisio. Most of the money, $1.4 million, has gone toward improving salaries and benefits. Almost $44,000 has been spent on art and music materials and equipment, $41,500 on security, $46,400 on paraprofessionals, $65,000 on special education liaisons and behavior specialists, and $55,500 on social workers and psychologists. *Charlotte Sun*.

School now part of tour: Southside Elementary School in Sarasota will become a stop in the Newtown Alive trolley tour. The school was chosen because a plaque honoring Dorothye Smith, the first black principal at Southside and a civil rights pioneer, will be located there as part of the tour marking African-American history in the community. *Sarasota Herald-Tribune*.

Students and the law: A 13-year-old Lake County student is arrested after threatening to bring a gun to Eustis Middle School and begin shooting. He faces a juvenile charge of making a false report concerning a firearm in a deadly manner. *Orlando Sentinel*.

Opinions on schools: When you see local and statewide SAT scores, it becomes clear why the state and districts aren’t eager to share them: the results are indeed, a boo-worthy horror show. Anyone with the smallest interest in education would gasp to see how poorly Florida students perform. *Lauren Ritchie, Orlando Sentinel*. The Escambia County School Board has a responsibility to do a nationwide search for the very best candidate to be the district’s first appointed superintendent. It should be someone who has a winning track record as a successful superintendent. We don’t have time for on-the-job training of someone who wants to learn to be a superintendent. *Terry Horne, Pensacola News Journal*. Florida’s long-term trend of high rankings when adjusting for demographics is holding despite the recent score stagnation reported by the National Assessment of Educational Progress. *Patrick R. Gibbons, redefinED*.

Student enrichment: Bay County schools get several pallets full of writing paper, folders, glue, pencils and other materials needed in classrooms from Publix and United Way of Northwest Florida. *Panama City News Herald*. Tampa 3rd-grader Parker Williams tried to give $15 of his birthday money to his teacher at Gorrie Elementary in Tampa as a raise. The teacher, Mary Hall Chambers, said she couldn’t accept it, but appreciated the gesture and wrote: “Students like you are the reason I teach.” *WFLA*.

The post Bonuses suit response delayed, report clears administrator, big districts and moreappeared first on redefinED.

Read in browser »

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FL-SEN-20-0201-B, 20-0202-A-003071

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From: Thompson, Vanessa
Sent: Wednesday, January 22, 2020 10:57 AM EST
To: Roberts, Dawn <Roberts.Dawn@flsenate.gov>
Subject: City of St. Petersburg - Election Law/Contribution Limits
Attachment(s): "St. Petersburg 10-61 Article 4.docx"

Hi Dawn!

Thanks for entertaining our request. Here is the link to the city code:
https://library.municode.com/fl/st._petersburg/codes/code_of_ordinances?nodeId=PTIISTPECO_CH10EL_ARTIVCOLI

Additionally, I have attached it in a word document.

Please let me know if you need anything else, and Senator Brandes is happy to chat if you would like!

Thank you so much,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

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- **ARTICLE IV. - CONTRIBUTION LIMITS**

  SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTION

- **Sec. 10-61. - Contribution limits for outside-spending groups.**

  SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTION

  (a) A political committee or electioneering communications organization is considered an outside-spending group for purposes of this article when that political committee or electioneering communications organization either:

  (1) Makes a covered candidate-related expenditure; or

  (2) Mentions this City, either explicitly or by means susceptible of no reasonable interpretation other than this City, in a solicitation for a contribution or in a description of a planned covered candidate-related expenditure, that is distributed or otherwise made available to contributors or to the general public; or

  (3) Solicits contributions for, among other purposes, the purpose of covered candidate-related expenditures; or

  (4) Otherwise conveys, in solicitations for contributions or in materials otherwise made available to prospective or actual contributors, either explicitly or by means susceptible to no other reasonable interpretation, that contributions may be used for covered candidate-related expenditures; or

  (5) Accepts a contribution that has been specifically designated for partial or exclusive use in a covered candidate-related expenditure.

  (b) The treasurer of an outside-spending group shall separately designate, record, and account for, by any means consistent with state law, funds that are eligible for use for covered candidate-related expenditures.

  (c) The following shall not be designated as eligible for use for covered candidate-related expenditures:

  (1) Any portion of a contribution to an outside-spending group that exceeds the aggregate of $5,000.00 per person per calendar year; or

  (2) Any contribution from a business entity to an outside-spending group for which the business entity fails to provide, within 30 days of making the contribution, a copy of the statement of certification required under section 10-62.

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(d) The treasurer of an outside-spending group shall ensure that disbursements for covered candidate-related expenditures are made from funds designated as eligible for such use.

(e) It shall be unlawful for the treasurer of an outside-spending group to make or authorize disbursements in violation of this section.

(f) The treasurer of an outside-spending group shall advise contributors and prospective contributors of the limits in this section.

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From: Herndon, Matthew <Matthew.Herndon@myfloridahouse.gov>
Sent: Wednesday, November 06, 2019 2:44 PM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Civics Education Bill Press Release
Attachment(s): "Press Release_-_11.7.19_-_Diamond Files Legislation to Improve Civics Education in Florida.doc"

Zachary:

Here is the press release that we are planning to send out tomorrow after the bill has been filed. Please let me know if Senator Brandes has any questions or issues related to any of this.

Thank you.

Matthew Herndon
Legislative Aide to Representative Ben Diamond
Florida House of Representatives, District 68
425 22nd Avenue North, Suite C
St. Petersburg, FL 33704
(727) 552-2747 – District Office
(850) 717-5068 – Tallahassee Office
Matthew.Herndon@myfloridahouse.gov

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Florida House of Representatives

Representative Ben Diamond

District 68

District Office:
425 22nd Avenue North, Suite C
St. Petersburg, FL 33704
(727) 552-2747

Tallahassee Office:
405 House Office Building
402 South Monroe Street
Tallahassee, FL 32399
(850) 717-5068

FOR IMMEDIATE RELEASE **<AUTODATE>** **CONTACT: Matt Herndon (941) 704-2793**

Representative Diamond Files Legislation to Improve Civics Education in Florida High Schools

Initiative focused on promoting high-quality civics instruction and increasing civic engagement

TALLAHASSEE—Representative Ben Diamond (D-St. Petersburg) filed legislation today to improve civics education in Florida high schools with the goal of increasing citizen engagement with government. Representative Vance Aloupis (R-Miami) will be the prime cosponsor of the bill in the Florida House, and Senator Jeff Brandes (R-St. Petersburg) is introducing companion legislation in the Senate.

House Bill XXX will provide Florida high school students with an opportunity to supplement their U.S. Government coursework with community service and real-world problem solving. School districts will have the option to include a nonpartisan civic literacy project as part of their U.S. Government curriculum, where students will identify an issue or problem in their community, research the issue from multiple perspectives, and then develop strategies to address it.

"Students have traditionally learned civics through textbooks and class discussions," said Representative Diamond. "Our bill is designed to supplement that work with real-world problem solving. By applying what has been taught in the classroom to issues that exist in the real world, students gain a greater understanding of how to solve problems in their community."

According to U.S. Census Bureau data, Florida is among the least civically active states in the country. Florida ranks near the bottom of the nation when it comes to voter turnout in local elections, attendance at public meetings, and membership in service and civic groups. The bill seeks address these concerns through building a more educated and engaged citizenry.

Under HB XXX, students who complete the project will be eligible to receive community service hours that can apply toward Bright Futures Scholarship Program requirements. Schools that demonstrate a commitment to high-quality civics instruction will be recognized as "Freedom Schools."

"Civic participation is fundamental to our American way of life, and our education system plays a central role in preparing young people to become informed and engaged citizens," said Representative Diamond. "I want to thank Representative Aloupis and Senator Brandes for their leadership in this effort. This bill will help our students develop the skills they need to be active participants in the future of our communities."

Diamond represents House District 68 in the Florida Legislature, covering portions of Pinellas County.

AMERICAN OVERSIGHT

From: Tom Rask <tom@rask.com>
Sent: Wednesday, December 11, 2019 11:06 AM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Clarification - status of audit of PSTA
Attachment(s): "2019-0610 FTA letter.pdf"

Vanessa,

Just some clarification on my inquiry about an audit of PSTA:

1/ In a meeting a few months ago with about 8-10 citizens in his conference room on 4th street, Senator Brandes had mentioned audits called by the Joint Legislative Auditing Committee. This is of course a committee that the senator is the alternating chair for.

Senator Brandes had said he would ask for an audit if a citizen asked for it. That request for an audit has been made, hence my inquiry. Of course the senator has the right to change his mind and not call for an audit, but this is the background to my inquiry.

2/ In the event you don't have a copy, attached is a letter w/o attachments that several organizations and individuals sent to the FTA in June pointing out misrepresentations by PSTA. Allow me to point of out just one thing from that letter: last April, the PSTA board voted to start spending CAPITAL reserves to fund OPERATIONS.

3/ At PSTA's last board meeting in late October, it came to light that there was a half million dollar cost overrun that went undetected for three years. Staff failed to detect the cost overrun, multiple CAFR's failed to detect it and the taxpayers are left holding the bag.

4/ In the same month (August), PSTA gave financial information to the FTA that is totally different that it put in its Transit Development Plan.

5/ There is much yet to be revealed.

Tom Rask

At 10:25 AM 12/10/2019, you wrote:

> Tom,
>
> My email did not indicate our office doing an audit with PSTA.
>
> If an audit is done, it will be done properly through the state, approved by the Joint Legislative Auditing Committee, and the Inspector General will conducted the audit.
>
> Kind Regards,
>
> **Vanessa Thompson**
> Legislative Assistant to State Senator Jeff Brandes
> Thompson.Vanessa@flsenate.gov
> District: (727) 563-2100
> Capitol: (850) 487-5024
> Jeff Brandes – District 24
>
> **From:** Tom Rask <tom@rask.com>
> **Sent:** Tuesday, December 10, 2019 10:23 AM
> **To:** Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
> **Subject:** RE: Status of audit of PSTA
>
> Vanessa,
>
> Thanks for responding. The wording of your e-mail indicates that your office is discussing the possibility of a PSTA audit with PSTA itself. If so, I think that it ill-advised. It's too chummy.
>
> Also, there will be more bad news for PSTA. You may want to keep some daylight between yourselves and PSTA.
>
> On another but related note: are you aware of the FBI investigation in Hillsborough? It isn't looking good for Ken

AMERICAN OVERSIGHT

Hagan.

Allow me to take this opportunity to wish you and the Senator a Merry Christmas and a Happy New Year.

Tom Rask

At 09:31 AM 12/10/2019, you wrote:

Tom,

We have had numerous conversations about whether an audit of PSTA is the right course of action given their current status. It is something we are still discussing amongst other things with PSTA, but at this current time there is no audit taking place. That being said, we reserve the right to call for an audit moving forward if we choose to do so. The Senator is weighing all options, and we will take the most appropriate course of action.

Kind Regards,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Tom Rask <tom@rask.com>
Sent: Monday, December 9, 2019 9:14 AM
To: Thompson, Vanessa < Thompson.Vanessa@flsenate.gov>
Subject: Status of audit of PSTA

Ms. Thompson,

Earlier this year, I was in a meeting with Senator Brandes in which he said that if citizens asked for a state audit of PSTA, he would try to get the state to do it. Said request was put in by a citizen a few months ago. I am writing to ask what the status of that audit request is. Has Senator Brandes requested an audit of PSTA? If so, please provide the record (letter, e-mail or similar) in which he makes that request.

My mobile number is 727.710.2800 should you need it.

T i a.

Regards,

Tom Rask

AMERICAN OVERSIGHT

To: K. Jane Williams, Acting Administrator
Federal Transit Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Cc: Elaine Chao, U.S. Secretary of Transportation
Keith Melton, FTA Regional Administrator, Region 4 Office
Marco Rubio, US Senator for Florida
Rick Scott, US Senator for Florida
US Representative Charlie Crist, Florida's 13th Congressional District

Date: Monday, June 10th, 2019

Re: Request that the FTA withdraw PSTA's Small Starts program entry for cause

Dear Ms. Williams,

The Pinellas Suncoast Transit Authority ("PSTA") has a project that is currently in the Project Development ("PD") phase of the Small Starts program with the FTA. That project is called the Central Avenue BRT ("CABRT") project. As the FTA knows, the Small Starts program is authorized by 49 US Code §5309, a.k.a the "5309 Capital Investment Grant ("CIG") program."

We want to make sure that the FTA is aware of the following five facts:

1. PSTA's misuse in 2014 of 80% of FEMA federal grant funds it received.
2. The local funding commitments are being misrepresented by PSTA to the FTA.
3. There is considerable local organized opposition to this project.
4. PSTA has failed to meet a key financial requirement that the FTA imposes.
5. PSTA is in poor financial condition, contrary to what it has told the FTA.

We have copied those we believe are relevant parties on this letter. Rep. Charlie Crist was copied because the CABRT project falls entirely within his district. Information in support of the above five assertions are laid out in detail below.

1. PSTA's misuse in 2014 of 80% of FEMA federal grant funds it received

In FY2011, PSTA received a $439,254 award under FEMA's Transit Security Grant Program. Dr. David McKalip, a local neurosurgeon, alleged to FEMA that PSTA had unlawfully used the grant funds to promote one side of a referendum tax issue.

FEMA investigated Dr. McKalip's allegation and found material misrepresentations by PSTA to FEMA, violation of federal law and also violation of grant agreement guidance. In a letter dated 08/14/2014 [attachment #1], FEMA notified PSTA of its findings.

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Quoting from said letter:

Through a review of the advertisements purchased and publicly disseminated, FEMA has determined that the advertisements purchased were not used in the manner in which PSTA expressly described in its application. [underlining added]

When a public agency uses federal grant funds in a fashion different from what it "expressly described in its [grant] application," other granting federal agencies should take note.

FEMA further determined that *"PSTA has violated the requirements of the 9/11 Act and the FY11 Guidance that governs its grant agreement."* As a result of its finding, FEMA disallowed $354,091 (in excess of 80% of the total grant) in expenditures and asked that those grant funds be reimbursed to FEMA, or that allowed expenses be submitted. PSTA chose to return the funds, or in the language of FEMA, to "reimburse" FEMA.

This relatively recent history is relevant because there is strong evidence that PSTA is, once again, misleading federal officials, specifically the FTA, this time in PSTA's capacity as a project sponsor admitted in to the PD phase of the FTA's Small Starts program. Please note that PSTA has the same CEO it had when the FEMA funds were misused, and largely the same upper management.

Based on this past history and same management, we are concerned that FTA will enter into a construction agreement with PSTA, later find that PSTA misused those funds, and thereby leave local taxpayers on the hook when PSTA has to repay these funds to the FTA. We are also concerned about such a scenario because it's simply not good government.

2. The local funding commitments are being misrepresented by PSTA to the FTA

On 9/7/2017, PSTA included a City of St. Petersburg, FL city council resolution in its "Streamlined Financial Plan" submittal to the FTA [attachment #2]. PSTA wrote to the FTA that *"the City has pledged a local funding contribution of approximately $4 million."*

However, in fact no money was actually "pledged", committed, appropriated or in any way assured by said resolution. After the text that says "NOW THEREFORE BE IT RESOLVED," there is no pledge or commitment of a specific dollar amount.

In relevant part, the resolution specifically also states the following:

> *BE IT FURTHER RESOLVED that City Council requests Administration to identify sources and levels of funding to match state and federal grants and negotiate a funding agreement with PSTA for the City Council's consideration.*

No such funding agreement exists today. The city is apparently also laboring under the misapprehension that it will "match" state and federal funds. In fact, the way it works is exactly opposite: the state matches the city's funds, and then the FTA matches state and local funds at a level which varies from project to project.

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In the paragraph preceding the text quoted immediately above, the resolution states the following:

BE IT FURTHER RESOLVED that City Council supports the City contributing to the Central Avenue BRT project through the long-term maintenance of City-owned roadways upon which the BRT will travel and through a yet to be determined capital contribution to the local share of the project.....[underlining added]

The claim that the city is "contributing" to the CABRT project by simply maintaining its own roadways is specious and deserves close scrutiny by the FTA.

PSTA has also previously represented to the FTA that $1.5 million would be forthcoming as local capital funding from the City of St. Pete Beach, or hotels in that city. That is simply not true, as a newspaper article from Florida's largest newspaper explains [attachment #3].

There have been many other articles and media reports since September 2016 documenting the fact that the city never intended to provide capital or to fund operation of the CABRT project.

In fact, the City of St. Pete Beach commission became so annoyed that it asked city staff to draw up a resolution opposing the project's operation in all but the northernmost part of the city [attachment #4].

One of the "whereas" clauses in that resolution stated that *"WHERAS the City has repeatedly requested PSTA to cease and desist misrepresenting on grant and other application and documents that the City is contributing financial resources that the City has not agreed to do."*

The resolution then specifically directed the city manager to *"request PSTA to stop representing financial contributions that the City has not agreed to."*

Although the resolution was tabled due to overwhelming pressure from county government, its language is an example of how numerous local elected officials have determined that PSTA is not trustworthy. The undersigned parties agree with that determination.

In response to the furor, PSTA says it has now stated to FTA that no funds will be forthcoming from the City of St. Pete Beach, but this came 2.5 years after the city had already made it clear that such funding was out of the question.

3. There is considerable local organized opposition to this project

Above, we already covered opposition in the City of St. Pete Beach, both among residents and local officials. The project also passes through the neighboring City of South Pasadena, which unanimously passed a resolution on 04/23/19 opposing the CABRT project [attachment #5]

In the 5th and 6th "whereas" clauses of that resolution, city officials determined that neither they nor their residents are being listened to by PSTA and are not being *"afforded a meaningful opportunity to comment on and influence the BRT project."*

AMERICAN OVERSIGHT

There is also growing and organized opposition to the project in the third city through which the project passes, that city being St. Petersburg. If any FTA employee is available to do so, they can drive the bulk of the project route in St. Petersburg (1st Avenues North and South) and they will find a sea of yard signs opposing this project. People are opposed to the lane loss, opposed to the loss of parking, and opposed simply because of a lack of any compelling reason for this BRT project.

PSTA's chairperson Janet Long herself recently stated in a public meeting (on video) that there is a *"very organized group against this project,"* i.e. the CABRT project. In fact, multiple grassroots organizations have sprung up all along the route of this project. In our view, that opposition stems from PSTA's failure over many years to gain public trust for anything it does.

On 5/28/2019, the City of St. Pete Beach held a workshop to discuss (but not vote on) a PSTA-proposed interlocal agreement with PSTA. An overflow crowd of over 150 people attended, and *all* city residents who spoke voiced opposition to the project.

It doesn't look like the City of St. Pete Beach will enter in to an interlocal agreement in the foreseeable future, nor is it necessary to do so in order for PSTA to obtain a construction agreement from the FTA. However, the FTA should not award such a construction agreement because the CABRT is also simply not a very good investment of scarce transit dollars project, as shown towards the end of this letter.

At that same workshop on 5/28/2019, City Commissioner Melinda Pletcher stated that "98%" of the people she has heard from are opposed to the project. She also indicated that in actuality, it was 100% opposed from those she had heard from, and that she was just saying 98% in order to allow for the possibility that a small percentage of her constituents may support it.

Commissioner Doug Izzo, who has worked for the local chamber of commerce for 7 years, stated at a different city meeting that he has not heard from one resident or business owner in the city who is in favor of the project.

Many grassroots groups and citizens, some of which have signed this letter, are now actively engaged with door hangers, yard signs, pickets and continuing presentations and protestations at public meetings of city commissions and councils. There is organized opposition in all three cities that this 11 mile project runs through.

We ask the FTA to also note the following: if the project were to instead terminate at 75th Avenue in St. Pete Beach, an option which is now actively being discussed by PSTA and the City of St. Pete Beach, the project would be shortened by approximately 2.5 miles. The project length would then be only approximately 8.5 miles.

Our fears of misrepresentation by PSTA to the FTA are valid, given recent misrepresentations to local stakeholders, past misrepresentations to FEMA, which determined that PSTA had in fact misrepresented how it would use federal grant funds provided by FEMA/DHS.

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4. PSTA has failed to meet a key financial requirement that the FTA imposes

The CABRT project is subject to the document "Final Interim Policy Guidance" for the CIG program which the FTA published in June of 2016. Page 50 of that document, under "Small Starts Final Interim Policy Guidance," states the following:

> *FTA requires that project sponsors obtain commitments of at least 50 percent of all non-CIG funds within three years of a Small Starts project's advancement into PD.*

PSTA has not met this requirement ("the 3-year requirement"). We say so for the following reasons:

(ii) According to their current capital budget, PSTA itself has committed funds to the CABRT project [attachment #6]. PSTA has thus, at most, committed $5,199,640 in eligible funds. The State of Florida Department of Transportation ("FDOT") has promised to match dollar for dollar whatever funding commitments PSTA can secure, excluding FTA grants.

PSTA thus has a total commitment of, at most, $10,399,280 in what the FTA calls "local funds." This is simply the above figure of $5,199,640 multiplied by two. This upper limit of non-CIG funds committed to date is based on the assumption that the FTA will determine that the City of St. Petersburg did not commit any eligible funds in meeting the 3-year requirement in its 9/7/2017 resolution, as laid out previously in this letter.

Referencing again the attached excerpt of PSTA's own current capital budget, the non-CIG portion of the project cost will be $42,166,663 minus FTA's contribution of $20,360,000, which is an amount equal to $21,806,663.

The $10,399,280 in "funding commitments" is thus only 47.69% of the needed non-CIG funds of $21,806,663. This is far below the 3-year requirement of 50%.

FTA's own policy guidance says that if a sponsor does not meet the 3-year requirement, the *"FTA would withdraw the project from the Small Starts program."* We therefore respectfully request that the FTA withdraw the CABRT project from the Small Starts program, pursuant to your own policy guidance.

Next year, PSTA's budget will likely show an additional $1.5 million appropriated for the CABRT project because the City of St. Pete Beach will not commit funds to the project (as discussed above). PSTA CFO Deborah Leous showed that additional $1.5 million cost in a very recent presentation.

However, there has been no official PSTA board action to actually commit those funds. Had the board done so by April 15th, the 3-year requirement would have been met. But the board did not do so, and thus FTA's own 3-year requirement has not been met.

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For its city council meeting on 6/13/2019, the City of St. Petersburg has on its agenda the approval of an interlocal agreement with PSTA. The resolution purportedly provides $4 million in funding for the CABRT project. Should the resolution pass (we expect it will), please examine the resolution very closely for how much is actually committed, for what purpose, and with what geographic restrictions.

For example, the Intown Community Redevelopment Agency ("CRA") mentioned in the resolution is authorized to spend money only within its geographic boundaries. Note that the proposed route that runs within the City of St. Petersburg runs mostly *outside* of the CRA.

PSTA may argue that CRA funds will only be spent within the CRA and other funds will be spent outside of CRA. However, funds should properly be committed to the project itself, not to specific geographic portions of the project where those portions are specified by the funds committor. The FTA does not commit funds to specific geographic portions of the project or specific cost centers, and neither should other participants.

We do not believe that the City of St. Petersburg's proposed "geographic allocations of funds" is allowed under Small Starts program because it would make a complex mess of any Small Starts project. If it were allowed, one can easily imagine a scenario where a project is almost complete, funds are available to complete the project, but the project *won't* be completed because the funds available may not legally be used in the geographic area where the project is not yet completed.

We therefore ask that the FTA closely scrutinize this major portion of purported local funding.

5. PSTA is in poor financial condition, contrary to what it has told the FTA

In April of this year, the PSTA board voted to start spending capital reserves to fund operations. In a 5/29/19 presentation [attachment #7] to the PSTA board, PSTA's CFO Deborah Leous referenced that decision in her first bullet point on the slide numbered 1, and made it clear in the title of the slide numbered 3 that *capital* reserves are being spent to fund operations. We have included the relevant slides from Leous' presentation, namely slides 1, 2, 3, 6 and 11.

In its "Streamlined Financial Plan" as part of its Small Starts Application dated 9/7/2017, PSTA represented to the FTA that PSTA *"is in good financial condition."* They did so in a bullet point in the introduction on the page that is numbered 1. However, we are not aware that PSTA has updated the FTA about its rapidly deteriorating financial situation since the time it submitted that document. For example, the ending balance of the capital reserve at the end of FY2022 has worsened from -$8.6 million to -$12.1 million (see the slide numbered 3 in the presentation).

On the slide numbered 6, PSTA acknowledges that spending reserves on current operations will leave PSTA at below $1 million in reserves by the end of FY2021. We think they will run out of reserves before the end of FY2021 because new and unplanned expenses keep emerging. As just one example, just this month PSTA reached an agreement with the bus drivers union for driver enclosures on all their buses after a driver was stabbed to death in a neighboring county. This expense alone will cost $840,000 - $1,050,000, according to PSTA.

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Slide 11 of Leous' presentation lists capital expenses that are not funded, a list that begins with "Maintaining State of Good Repair." PSTA thus wants to incur additional operating expenses of several million dollars per year by embarking on this CABRT project while it is spending reserves to fund operations and has not even funded critical items.

Simply put, PSTA is on track for insolvency. The CABRT project would cost PSTA $4 million more per year, as they hope for new funding sources. However, as others have noted, "hope" is not a strategy. PSTA is already at its statutorily allowed maximum millage cap. The signatories of this letter are all of widely different political views, yet all recognize that under a newly elected Republican governor and a Republican legislature, it is especially unlikely that the state will bail a transit agency out of its own self-created financial crisis.

Perhaps the county will provide additional capital funds and/or operating funds for PSTA, but it has not done so to date. If PSTA does not secure new operating funding, it will have to cut service, leading to fewer riders in the network and possibly fewer riders on the proposed CABRT. These are all important considerations for the FTA to be aware of.

We would be remiss if we did not point out to the FTA that the Central Avenue BRT project is also simply not a very good investment of scarce transit dollars. The core of the proposal is faster travel speeds through four main tools: eleven directional route miles of dedicated bus lanes, off-vehicle fare collection, longer distances between stations/stops, and limited traffic signal preference.

However, as the experience with “BRT-Lite,” such as the Los Angeles County Metropolitan Transportation Authority’s “Metro Rapid” has shown, 75% or more of the speed advantage of "BRT-Heavy" dedicated lanes can be captured through the limited stops and traffic signal preference alone.

A recent PSTA project document (St. Pete Beach Interlocal Agreement Workshop, Tuesday, May 28, 2019) claims “over 1,500 new riders” per day, which is not a very high return for a $41.35 million expenditure, particularly since the never-considered BRT-Lite option, which would cost only a small portion of the BRT-Heavy option, would likely produce most of that gain. That gain can be achieved without having to explain to the 700+ auto drivers/lane/hour who lose an arterial street lane why there is a dedicated lane for four BRT buses/hour, which will lead to traffic congestion, unauthorized vehicles in the dedicated lanes, confused tourists, and improper and dangerous turning movements.

We ask the FTA take cognizance of the fact that this project sponsor is not very honest, has not met the program requirements, and should not be allowed to proceed. Allowing the CABRT project to proceed would send the wrong signal to other transit agencies, and wastes everybody's time and resources (including PSTA's) by unnecessarily prolonging the local battle that has arisen over this deeply unpopular project.

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We summarize by repeating the list that began this letter and ask the FTA to take note of:

1. PSTA's misuse in 2014 of 80% of FEMA federal grant funds it received
2. The local funding commitments are being misrepresented by PSTA to the FTA.
3. There is considerable local organized opposition to this project.
4. PSTA has failed to meet a key financial requirement that the FTA imposes.
5. PSTA is in poor financial condition, contrary to what it has told the FTA.

Thank you in advance for your anticipated action. Should you have any questions or need any more information, you may reach us by sending e-mail to ftamail@rask.com.

Sincerely,

Dr. Edwin C. Carlson
Citizens and Neighborhoods United, Inc.
CitizensAgainstLaneLoss.com
St. Petersburg, FL

Barb Haselden
Save Our Streets Citizens Group
SaveOurStreets.Net
St. Petersburg, FL

Lauren Sanders
Jungle Terrace Civic Association, Inc., a 501(c)(3)
"65 Years Advocating for Jungle Terrace"
Jungle-Terrace.org (located in St. Petersburg)

Tom Killian
West Neighborhoods United, Inc.
Founded in 2006

Sharon Calvert
Citizens Organized for Sound Transportation (COST)
A regional citizens group

Thomas Rask
Long-time local transportation activist and business owner
Seminole, FL

Attachments to this letter

1. Letter from FEMA to PSTA dated 08/14/2014 asking for return of grant funds.
2. City of St. Petersburg, FL resolution 2017-487 dated 9/7/2017
3. Tampa Bay Times article dated 03/29/2019 PSTA's misrepresentations to the FTA
4. Proposed resolution 2019-05 by the City of St. Pete Beach
5. City of South Pasadena, FL resolution 2019-03 dated 4/23/2019
6. Excerpt from the current PSTA capital budget
7. Excerpt of presentation by PSTA's CFO to PSTA board on 05/29/2019

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From: Adrian Moore <adriantmoore@gmail.com>
Sent: Wednesday, October 30, 2019 4:05 PM EDT
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Comments on MJ bill
Attachment(s): "Reason comments fladultuse.docx","ATT00001.txt"

Let me know if you have any questions.

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Adrian
~~~~~~~~~~~~~~~~
Dr. Adrian Moore
Vice President, Reason Foundation
661/477-3107
On Twitter @reasonpolicy
Sent from my iPad, so please excuse any autocomplete non-sequiturs

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Our Framework recommendations are highlighted in blue

Framework Principle 1 - **Agency Choice, Administrative Structure and Regulations: Maximum Flexibility.** While there is no universal panacea, the best practice is to select the option with the most regulatory flexibility. To adapt quickly to unknown future circumstances, regulatory mandates and requirements should be flexible wherever possible.

Even while approval and regulation of the adult-use MMTCs [*sic*] is kept in the Department of Health, the authorization for adult-use is authorized by the Department of Business and Professional Regulation. This curious agency intervention raises questions of the extent and scope of the approval for each, and whether DBPR should not (or would not) require additional authority in order to make a meaningful determination.

While we typically recommend authority be vested in one agency where possible, we also emphasize the importance of evaluating the constraints of each available option. Here, Department of Health is tasked with regulatory functions that make it well-suited to issue rules on testing and product safety requirements, they likely are not the best choice to enable a fledgling industry to establish new and innovative products in this emerging marketplace.

DBPR, by contrast, has the advantage of applicable institutional experience for adult-use cannabis by virtue of its regulation of alcohol and tobacco.

We recommend the adult-use section be properly developed and comprehensively established in the proper code sections relating to Business and Professions expertise, with meaningful substantive direction to develop a cannabis business authorization - independent of Department of Health's medical-specific regulatory scope.

Given the need to reform the medical system in light of the Amendment 2 litigation, it may be possible to design both systems in the same bill - but far more work is required.

Framework Principle 2 Demand: Maximum Access to Safe, Quality Products

Despite repealing the vertical integration mandates and quantitive caps, ostensibly opening the market, there are numerous remaining mandates that, in aggregate, pose a serious risk to a functional legal market.

Paragraph f(III) on page 27 requires the date sold or dispensed to be included on the packaging label. By moving to a multi-tier system, this is almost impossible. Cultivators and processors are responsible for packaging and labeling; dispensaries are prohibited from repackaging. There is no way for the wholesaler to know when the retailer will dispense a unit
of inventory and include that date on the packaging.

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Paragraph 12 on page 28 requires each edible to be individually sealed. This is unusual, since edibles normally come in sealed 10-packs. Also, why are edibles still excluded from qualifying as medical marijuana under Section 2? If anything, edibles are among the healthiest forms of consumption for a medical product.

Onsite consumption is expressly prohibited in paragraph 6 on page 30. Michigan just created the first state-level license for tasting rooms and several cities (e.g. Denver, San Francisco) have created municipal-level licenses. With penalties also assessed against consumption in public areas, the unavailability of public consumption spaces can become a significant barrier in states, like Florida, that have a large volume of tourism. Tourists, convention-goers, and others will have nowhere to legally consume. Also, the penalties for public consumption (page 48) should be reduced from a misdemeanor to a civil fine.

Framework Principle 3 -: Minimum Qualification Criteria for State Licensing.

A way of avoiding complications is to not limit the number of licenses available, but to award them to all applicants who meet certain minimum criteria, such as the lack of a criminal history.

Instead, the bill requires applicants prove the 'capacity to engage' in the very activities that will be regulated - a duplicative and arbitrary barrier that risks unnecessary rejection. Several required items simply cannot be proven definitively before the fact. For instance, what constitutes "proof" that the MMTC has the capability to comply with seed-to-sale tracking requirements? Does acquisition of a software license constitute "proof?" How can a cultivation applicant prove they can establish the necessary infrastructure, and how would the department even be able to evaluate what infrastructure is needed? What constitutes "proof of the applicant's financial ability to maintain operations for the duration of the registration?" Does a financial projection that includes prospective revenues count as "proof?" If not, then this requirement would essentially amount to an insanely high capitalization requirement that shouldn't exist to begin with.

The registration requirements for MMTCs starting on page 17 includes "The physical address of each location where it will apply for a facility permit to cultivate, process, dispense, or store marijuana." A prospective licensee will likely not know these addresses prior to applying and will have difficulty raising the capital necessary to acquire property or property leases without having first acquired a license. Therefore, we recommend that a provisional license be made available, and upon receipt of a provisional license, the licensee can have a period of time (6 or 12 months) to name a specific address and make the license permanent. Nevada and Michigan have followed similar procedures.

The requirement for all principals, employees and contractors to receive state-issued marijuana agent cards before they can begin work has been problematic in other states. Regulatory agencies in Colorado and Nevada did not have the capacity to process the large volume of initial applications once the markets went live. This tied up the labor market for nearly a year in Nevada, where licensees were unable to hire workers because of the backlog of applications with the state. The best approach is the one pursued in California, where it is the licensee's

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responsibility to conduct background checks and issue identification cards for every employee/contractor/principal and to retain all the relevant documentation showing these individuals met minimum state requirements. The state can audit and penalize licensees that don't follow these requirements correctly. But, this approach removes a significant burden from the regulatory agency and allows the market to remain dynamic.

Framework Principle 4 - **Local Government Control.** Conflicting desires create the need for a delicate balance between allowing local communities the autonomy to self-govern, while also ensuring those with minority views do not become marginalized. Local governments' level of autonomy for marijuana licensing must be balanced against the needs of patients and recreational consumers.

The draft ostensibly preempts local authority but then allows bans and additional nonsensical restrictions.

The original statute only allowed local governments to prohibit dispensaries within their borders. This new draft also allows them to limit the number of dispensaries (para. 7 on page 38). Capping the number of licenses is a recipe for public corruption, as seen recently in Nevada. The market is the best determinant of how many dispensaries should exist. The same paragraph also allows a local government to levy their own taxes on a dispensary, but does not restrict the rate. There should be a maximum rate spelled out in statute.

Framework Principle 5 - **Product Testing.** Generally, we recommend that states require testing procedures for marijuana products, but also allow licensees the latitude to adapt those procedures to fit within their unique production methods so long as they satisfy certain objective safety standards.

In some ways, the current draft achieves this end, but in other more important aspects, it risks implementation errors. While MMTCs can be exempted from using licensed testing labs before they are available, they must perform the acts themselves.

Moreover, Pages 26-27 state: "An MMTC may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification." What if the only licensed lab in in Pensacola and the inventory is in Miami?

With the Department of Health's statutory authority to ensure "safe products", the result may be no market at all.

Framework Principle 6 Medical-specific policies: Physician-Patient Empowerment.

The adult-use system is clearly an afterthought in the current bill. From foundational issues of agency choice and license supply to practical market and business concerns, the current tacking on of adult-use authorization to the still-suboptimal medical policy. Why are they still called MMTCs if they are authorized

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for adult use at all, and why subject them to any of the medical-specific rules, justified or otherwise?

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Details

Highlights:

1. Removes requirement for MMTCs to carry low-THC cannabis products. So long as high-THC products remain available, the low-THC requirement is likely to be a costly mandate for producing and carrying goods at a financial loss. Low-THC cannabis products are better regulated within the state's structure for industrial hemp and its derivatives.
2. Prudent controls on local governments: They may not ban deliveries even if they have banned retail dispensaries. This ensures people will still have access to safe, legal products. They also can't govern the locations of cultivators or processors (para. 5 on page 38).
3. Removes the requirement for vertical integration. It appears MMTCs will be able to apply for licenses to fill whichever stages of the supply chain they are best at.

Areas of Concern:

1. The distinction between medical and adult-use licensing is artful, but clunky. The bill draft calls little attention to the fact it authorizes adult-use, but it's also unclear how adult-use licenses will be issued by the Department of Business and Professional Regulation. It's productive to consolidate the rules between the two regimes to whatever extent possible to avoid confusion, and to exempt medical marijuana from excise taxation. However, there should likely be more detail on adult-use, especially including the tax rate.
2. Why are edibles still excluded from qualifying as medical marijuana under Section 2? If anything, edibles are among the healthiest forms of consumption for a medical product.
3. The requirement for all principals, employees and contractors to receive state-issued marijuana agent cards before they can begin work has been problematic in other states. Regulatory agencies in Colorado and Nevada did not have the capacity to process the large volume of initial applications once the markets went live. This tied up the labor market for nearly a year in Nevada, where licensees were unable to hire workers because of the backlog of applications with the state. The best approach is the one pursued in California, where it is the licensee's responsibility to conduct background checks and issue identification cards for every employee/contractor/principal and to retain all the relevant documentation showing these individuals met minimum state requirements. The state can audit and penalize licensees that don't follow these requirements correctly. But, this approach removes a significant burden from the regulatory agency and allows the market to remain dynamic.
4. Paragraph 2 on page 16 says "Each MMTC may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system." Does "may" mean this is an optional requirement until the state's system is live? Also, the entire point of seed-to-sale software is that the transfers of inventory are reconciled across the universe of licensees by a central database. Not much is accomplished by requiring each licensee to retain their own tracking database.

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5. The registration requirements for MMTCs starting on page 17 includes “The physical address of each location where it will apply for a facility permit to cultivate, process, dispense, or store marijuana.” A prospective licensee will likely not know these addresses prior to applying and will have difficulty raising the capital necessary to acquire property or property leases without having first acquired a license. Therefore, we recommend that a provisional license be made available, and upon receipt of a provisional license, the licensee can have a period of time (6 or 12 months) to name a specific address and make the license permanent. Nevada and Michigan have followed similar procedures.
6. Several required items for registration of an MMTC on pages 18 and 19 require “proof” of items that cannot be proven definitively before the fact. For instance, what constitutes “proof” that the MMTC has the capability to comply with seed-to-sale tracking requirements? Does acquisition of a software license constitute “proof?” How can a cultivation applicant prove they can establish the necessary infrastructure, and how would the department even be able to evaluate what infrastructure is needed? What constitutes “proof of the applicant’s financial ability to maintain operations for the duration of the registration?” Does a financial projection that includes prospective revenues count as “proof?” If not, then this requirement would essentially amount to an insanely high capitalization requirement that shouldn’t exist to begin with.
7. Paragraph 8(b) on page 23 stipulates that marijuana be cultivated in an enclosed facility. Does a greenhouse with a vented roof count as enclosed?
8. Pages 26-27 state: “An MMTC may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification.” What if the only licensed lab in in Pensacola and the inventory is in Miami?
9. Paragraph f(III) on page 27 requires the date sold or dispensed to be included on the packaging label. By moving to a multi-tier system, this is almost impossible. Cultivators and processors are responsible for packaging and labeling; dispensaries are prohibited from repackaging. There is no way for the wholesaler to know when the retailer will dispense a unit of inventory and include that date on the packaging.
10. Paragraph 12 on page 28 requires each edible to be individually sealed. This is unusual, since edibles normally come in sealed 10-packs.
11. Onsite consumption is expressly prohibited in paragraph 6 on page 30. Michigan just created the first state-level license for tasting rooms and several cities (e.g. Denver, San Francisco) have created municipal-level licenses. With penalties also assessed against consumption in public areas, the unavailability of public consumption spaces can become a significant barrier in states, like Florida, that have a large volume of tourism. Tourists, convention-goers, and others will have nowhere to legally consume. Also, the penalties for public consumption (page 48) should be reduced from a misdemeanor to a civil fine.
12. The delivery rules in pages 34-36 include no restrictions on signage of a transport vehicle. Since this is an industry that transports large volumes of cash, there can be a legitimate public safety concern if transport vehicles are wrapped or marked with cannabis labeling.

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13. Paragraph 4(b) on page 37 restricts a cultivation or processing facility from being within 1,000 feet of a school, child care facility, etc. This restriction may make sense for a dispensary because it is open to the public. But cultivation and processing centers are enclosed, restricted-access locations, so the spatial restriction doesn't make as much sense.
14. The original statute only allowed local governments to prohibit dispensaries within their borders. This new draft also allows them to limit the number of dispensaries (para. 7 on page 38). Capping the number of licenses is a recipe for public corruption, as seen recently in Nevada. The market is the best determinant of how many dispensaries should exist. The same paragraph also allows a local government to levy their own taxes on a dispensary, but does not restrict the rate. There should be a maximum rate spelled out in statute.

AMERICAN OVERSIGHT

From: Redig, Tamra <Redig.Tamra@flsenate.gov>
Sent: Wednesday, January 29, 2020 4:27 PM EST
To: Denson, Tori <Tori.Denson@myfloridahouse.gov>; Frier, Nancy <FRIER.NANCY@flsenate.gov>; Grissom, William <GRISSOM.WILLIAM@flsenate.gov>; Harrington, Tiffany <Tiffany.Harrington@myfloridahouse.gov>; Hay, Timothy <HAY.TIMOTHY@flsenate.gov>; Mackintosh, Andrew <MACKINTOSH.ANDREW@flsenate.gov>; Moore, Alexandra <Alexandra.Moore@myfloridahouse.gov>; Senate Committee - Approp. Sub. Agr, Env., & Gen. Gov. <SenateCommittee-Approp.Sub.AgrEnv&GenGovt@flsenate.gov>; Senate Committee - Governmental Oversight and Accountability <SenateCommittee-GovernmentalOversightandAccountability@flsenate.gov>; Senate District 04 (Bean) <SenateDistrict04Bea@flsenate.gov>; Senate District 15 (Torres) <SenateDistrict15Torre@flsenate.gov>; Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 29 (Rader) <SenateDistrict29Rader@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>; Smith, Melissa <Melissa.Smith@myfloridahouse.gov>; Williamson, Heather <Heather.Williamson@myfloridahouse.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 32 (Book) <SenateDistrict32Book@flsenate.gov>; Senate District 05 (Bradley) <SenateDistrict05Bradley@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 39 (Flores) <SenateDistrict39Flores@flsenate.gov>; Senate District 02 (Gainer) <SenateDistrict02Gainer@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate District 17 (Mayfield) <SenateDistrict17Mayfield@flsenate.gov>; Senate District 08 (Perry) <SenateDistrict08Perry@flsenate.gov>; Senate District 33 (Thurston) <SenateDistrict33Thurston@flsenate.gov>; Senate Committee - Agriculture <SenateCommittee-Agriculture@flsenate.gov>; Senate Committee - Banking and Insurance <SenateCommittee-BankingandInsurance@flsenate.gov>; Senate Committee - Children, Families, and Elder Affairs <SenateCommittee-Children_Families_andElderAffairs@flsenate.gov>; Senate Committee - Community Affairs <SenateCommittee-CommunityAffairs@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Environment and Natural Resources <SenateCommittee-EnvironmentandNaturalResources@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Innovation, Industry, and Technology <SenateCommittee-Innovation_Industry_andTechnology@flsenate.gov>
Subject: Committee Meeting Notice: GO 02/03/20 1:30 p.m.
Attachment(s): "tmp3773.PDF"

AMERICAN OVERSIGHT

The Florida Senate

COMMITTEE MEETING NOTICE

GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
Senator Hooper, Chair
Senator Rader, Vice Chair

MEETING DATE: Monday, February 3, 2020
TIME: 1:30—3:30 p.m.
PLACE: 301 Senate Building

AMENDMENT DEADLINE: The amendment deadline for this meeting, including proposed committee substitutes and delete everything amendments, is Friday, January 31, 2020 at 1:30 p.m. All amendments must be in final form and barcoded when filed.

MEMBERS: Senator Hooper, Chair; Senator Rader, Vice Chair; Senators Albritton, Bean, and Torres

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CS/SB 668 by Children, Families, and Elder Affairs / Book—Government-sponsored Recreation Programs

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SB 716 by Mayfield—County Boundaries

SB 786 by Gainer—Public Records/Aquaculture Records/Department of Agriculture and Consumer Services

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CS/SB 812 by Environment and Natural Resources / Hutson—Public Records/Endangered and Threatened Species

---

CS/SB 1060 by Innovation, Industry, and Technology / Thurston—Public Records and Meetings/911 or E911 Communication System

---

CS/SB 1146 by Criminal Justice / Brandes—Special Risk Class of the Florida Retirement System

---

SB 1170 by Baxley—Public Records and Meetings/Division of State Technology

---

SB 1270 by Lee—Fiduciary Duty of Care for Appointed Public Officials and Executive Officers

---

SB 1292 by Perry—Public Records/Nonjudicial Arrest Record of a Minor

---

SB 1398 by Flores—Regional Planning Council Meetings

SB 1490 by Bradley—Public Officers and Employees

SB 1570 by Perry—Division of Library and Information Services

---

SB 1714 by Bradley—Sale of Surplus State-owned Office Buildings and Associated Nonconservation Lands

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With the Chair's approval, DURING regular session file 1 copy with the Secretary of the Senate (Room 303, Capitol) at least 3 days before meeting and PRIOR to regular session at least 7 days before meeting (Rules 2.6 and 2.8). File 1 copy with the Sergeant at Arms.

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SB 1042 by Albritton—Aquatic Preserves

SB 1188 by Albritton—Public Records/Records of Insurers/Department of Financial Services

Other Related Meeting Documents

With the Chair's approval, DURING regular session file 1 copy with the Secretary of the Senate (Room 303, Capitol) at least 3 days before meeting and PRIOR to regular session at least 7 days before meeting (Rules 2.6 and 2.8). File 1 copy with the Sergeant at Arms.

AMERICAN OVERSIGHT

From: Vause, Diane <VAUSE.DIANE@flsenate.gov>
Sent: Wednesday, January 22, 2020 3:53 PM EST
To: Senate Committee - Military and Veterans Affairs and Space <SenateCommittee-MilitaryandVeteransAffairsandSpace@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>; Senate District 03 (Montford) <SenateDistrict03Montford@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; !HSE Public Integrity and Ethics Committee <!HSEPublicIntegrityandEthicsCommittee@myfloridahouse.gov>; !HSE State Affairs Committee <!HSEStateAffairsCommittee@myfloridahouse.gov>; Mackintosh, Andrew <MACKINTOSH.ANDREW@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 28 (Passidomo) <SenateDistrict28Passidomo@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 35 (Braynon) <SenateDistrict35Braynon@flsenate.gov>; Senate District 36 (Diaz) <SenateDistrict36Diaz@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Sergeant's Office <SenateSergeant'sOffice1@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>
Subject: Committee Meeting Notice EE 01/27/20 4:00 p.m.
Attachment(s): "tmp8BE7.PDF"

Please find attached the Committee Meeting Notice for EE on 01/27/20 at 4:00 p.m.

AMERICAN OVERSIGHT

The Florida Senate

COMMITTEE MEETING NOTICE

ETHICS AND ELECTIONS
Senator Baxley, Chair
Senator Braynon, Vice Chair

MEETING DATE: Monday, January 27, 2020
TIME: 4:00—6:00 p.m.
PLACE: *Pat Thomas Committee Room,* 412 Knott Building

AMENDMENT DEADLINE: The amendment deadline for this meeting, including proposed committee substitutes and delete everything amendments, is Friday, January 24, 2020 at 4:00 p.m. All amendments must be in final form and barcoded when filed.

MEMBERS: Senator Baxley, Chair; Senator Braynon, Vice Chair; Senators Diaz, Passidomo, Powell, Rodriguez, and Stargel

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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.

OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING
Board of Trustees of Daytona State College	
Dye, Randall W. (Deland)	05/31/2023
Board of Trustees of Florida State College at Jacksonville	
Young, Orrin Wayne (Jacksonville)	05/31/2021
Governor's Mansion Commission	
Payne, Danielle Holm (Winter Park)	09/30/2022
Tampa Port Authority	
Conner, William Theodore (Tampa)	11/25/2021
Adjutant General of Florida National Guard	
Eifert, James O. ()	Pleasure of Governor

CS/SB 352 by Military and Veterans Affairs and Space / Hutson—Unlawful Use of Uniforms, Medals, or Insignia

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SJR 1216 by Gruters—Limitation on Terms of Office for Members of a District School Board

---

SB 1312 by Montford—Voting Systems

SB 1354 by Brandes—Statewide Voter Registration Application

SB 1794 by Hutson—Constitutional Amendments Proposed by Initiative

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Other Related Meeting Documents

With the Chair's approval, DURING regular session file 1 copy with the Secretary of the Senate (Room 303, Capitol) at least 3 days before meeting and PRIOR to regular session at least 7 days before meeting (Rules 2.6 and 2.8). File 1 copy with the Sergeant at Arms.

AMERICAN OVERSIGHT

From: Vause, Diane <VAUSE.DIANE@flsenate.gov>
Sent: Wednesday, January 29, 2020 4:11 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>; Senate District 08 (Perry) <SenateDistrict08Perry@flsenate.gov>; Senate District 14 (Wright) <SenateDistrict14Wright@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate Committee - Military and Veterans Affairs and Space <SenateCommittee-MilitaryandVeteransAffairsandSpace@flsenate.gov>; !HSE Public Integrity and Ethics Committee <!HSEPublicIntegrityandEthicsCommittee@myfloridahouse.gov>; !HSE State Affairs Committee <!HSEStateAffairsCommittee@myfloridahouse.gov>; Mackintosh, Andrew <MACKINTOSH.ANDREW@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 28 (Passidomo) <SenateDistrict28Passidomo@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 35 (Braynon) <SenateDistrict35Braynon@flsenate.gov>; Senate District 36 (Diaz) <SenateDistrict36Diaz@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Sergeant's Office <SenateSergeant'sOffice1@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>
Subject: Committee Meeting Notice EE 02/03/20 4:00 p.m.
Attachment(s): "tmp69E.PDF"

Please find attached the Committee Meeting Notice for EE on 02/03/20 at 4:00 p.m.

AMERICAN OVERSIGHT

The Florida Senate

COMMITTEE MEETING NOTICE

ETHICS AND ELECTIONS
Senator Baxley, Chair
Senator Braynon, Vice Chair

MEETING DATE: Monday, February 3, 2020
TIME: 4:00—6:00 p.m.
PLACE: *Pat Thomas Committee Room,* 412 Knott Building

AMENDMENT DEADLINE: The amendment deadline for this meeting, including proposed committee substitutes and delete everything amendments, is Friday, January 31, 2020 at 4:00 p.m. All amendments must be in final form and barcoded when filed.

MEMBERS: Senator Baxley, Chair; Senator Braynon, Vice Chair; Senators Diaz, Passidomo, Powell, Rodriguez, and Stargel

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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.

OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING
Florida Citrus Commission	
Johnson, Steve Allen (Bowling Green)	05/31/2021
Poulton, William Scott (Lakewood Ranch)	05/31/2021
Board of Trustees of Miami-Dade College	
Felipe, Marcell (Miami)	05/31/2022
Board of Trustees of St. Petersburg College	
Kidwell, Thomas (St. Petersburg)	05/31/2023
Florida Housing Finance Corporation	
Benson, Ryan (Fort Myers)	11/13/2022
Investment Advisory Council	
Jones, J. Robert, Jr. (Winter Park)	02/01/2023
Board of Medicine	
Vila, Hector, Jr. (Tampa)	10/31/2022
Board of Professional Surveyors and Mappers	
Fountain, Keith R. (DeLand)	10/31/2021
Zoltek, Michael John (Cape Coral)	10/31/2022

SJR 1216 by Gruters—Limitation on Terms of Office for Members of a District School Board

---

SB 814 by Perry—Disposition of Surplus Funds by Candidates

CS/SB 1078 by Military and Veterans Affairs and Space / Wright—Special Election/Surviving Spouse Ad Valorem Tax Reduction

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With the Chair's approval, DURING regular session file 1 copy with the Secretary of the Senate (Room 303, Capitol) at least 3 days before meeting and PRIOR to regular session at least 7 days before meeting (Rules 2.6 and 2.8). File 1 copy with the Sergeant at Arms.

AMERICAN OVERSIGHT

SB 1372 by Brandes—Elections

Other Related Meeting Documents

With the Chair's approval, DURING regular session file 1 copy with the Secretary of the Senate (Room 303, Capitol) at least 3 days before meeting and PRIOR to regular session at least 7 days before meeting (Rules 2.6 and 2.8). File 1 copy with the Sergeant at Arms.

AMERICAN OVERSIGHT

From: Futch, Cynthia <FUTCH.CYNTHIA@flsenate.gov>
Sent: Friday, January 24, 2020 3:35 PM EST
To: Meyer, Reynold <MEYER.REYNOLD@flsenate.gov>; Senate Committee - Rules <SenateCommittee-Rules@flsenate.gov>; Senate District 03 (Montford) <SenateDistrict03Montford@flsenate.gov>; Senate District 05 (Bradley) <SenateDistrict05Bradley@flsenate.gov>; Senate District 06 (Gibson) <SenateDistrict06Gibson@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 09 (Simmons) <SenateDistrict09Simmons@flsenate.gov>; Senate District 10 (Simpson) <SenateDistrict10Simpson@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 27 (Benacquisto) <SenateDistrict27Benacquisto@flsenate.gov>; Senate District 28 (Passidomo) <SenateDistrict28Passidomo@flsenate.gov>; Senate District 32 (Book) <SenateDistrict32Book@flsenate.gov>; Senate District 33 (Thurston) <SenateDistrict33Thurston@flsenate.gov>; Senate District 34 (Farmer) <SenateDistrict34Farmer@flsenate.gov>; Senate District 35 (Braynon) <SenateDistrict35Braynon@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate District 39 (Flores) <SenateDistrict39Flores@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Sergeant's Office <SenateSergeant'sOffice1@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>; Zaugg, Laureen <ZAUGG.LAUREEN@flsenate.gov>
CC: Senate District 13 (Stewart) <SenateDistrict13Stewart@flsenate.gov>; Senate District 04 (Bean) <SenateDistrict04Bea@flsenate.gov>; Senate District 14 (Wright) <SenateDistrict14Wright@flsenate.gov>; Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate Committee - Children, Families, and Elder Affairs <SenateCommittee-Children_Families_andElderAffairs@flsenate.gov>; Senate Committee - Judiciary <SenateCommittee-Judiciary@flsenate.gov>; Senate Committee - Military and Veterans Affairs and Space <SenateCommittee-MilitaryandVeteransAffairsandSpace@flsenate.gov>; Senate Committee - Innovation, Industry, and Technology <SenateCommittee-Innovation_Industry_andTechnology@flsenate.gov>; Senate Committee - Governmental Oversight and Accountability <SenateCommittee-GovernmentalOversightandAccountability@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>
Subject: Committee Meeting Notice RC 01/29/20 1:30 p.m.
Attachment(s): "Meeting Notice RC 01-29-20.pdf"

Cyndi Futch
Senate Rules Committee
(850) 487-5350

AMERICAN OVERSIGHT

The Florida Senate

COMMITTEE MEETING NOTICE

RULES
Senator Benacquisto, Chair
Senator Gibson, Vice Chair

MEETING DATE: Wednesday, January 29, 2020
TIME: 1:30—3:30 p.m.
PLACE: *Toni Jennings Committee Room,* 110 Senate Building

AMENDMENT DEADLINE: The amendment deadline for this meeting, including proposed committee substitutes and delete everything amendments, is Tuesday, January 28, 2020 at 1:30 p.m. All amendments must be in final form and barcoded when filed.

MEMBERS: Senator Benacquisto, Chair; Senator Gibson, Vice Chair; Senators Book, Bradley, Brandes, Braynon, Farmer, Flores, Hutson, Lee, Montford, Passidomo, Rodriguez, Simmons, Simpson, Stargel, and Thurston

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SB 88 by Stewart—Child Care Facilities

CS/CS/SB 124 by Judiciary / Children, Families, and Elder Affairs / Bean—Custody of Minor Children by Extended Family

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CS/SB 128 by Governmental Oversight and Accountability / Wright—Public Records/Judicial Assistants

---

SB 294 by Wright—Crimes Against Veterans

CS/SB 7010 by Governmental Oversight and Accountability / Military and Veterans Affairs and Space—OGSR/Servicemembers and the Spouses and Dependents of Servicemembers

---

SB 248 by Hooper—Public Records/County Attorneys and Assistant County Attorneys

---

CS/SB 476 by Innovation, Industry, and Technology / Hooper—Law Enforcement Vehicles

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SB 886 by Powell—Errors in Deeds

SM 978 by Pizzo—Juneteenth Independence Day

SB 7006 by Ethics and Elections—Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position

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SJR 142 by Brandes—Abolishing the Constitution Revision Commission

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Other Related Meeting Documents

With the Chair's approval, DURING regular session file 1 copy with the Secretary of the Senate (Room 303, Capitol) at least 3 days before meeting and PRIOR to regular session at least 7 days before meeting (Rules 2.6 and 2.8). File 1 copy with the Sergeant at Arms.

AMERICAN OVERSIGHT

From: Secretary of the Senate <SecretaryoftheSenate@flsenate.gov>
Sent: Thursday, November 14, 2019 4:06 PM EST
To: Senate - All <Senate-All@flsenate.gov>
CC: Takacs, Jeff <Jeff.Takacs@myfloridahouse.gov>; Vickers, Lisa <VICKERS.LISA@flsenate.gov>; Betta, Katherine <BETTA.KATHERINE@flsenate.gov>; Meyer, Reynold <MEYER.REYNOLD@flsenate.gov>
Subject: Constitutional Amendment - FIEC Notice
Attachment(s): "FIEC Notice of Workshops and Conference on Voter Approval of Constitutional Amendments.docx"

Below is the schedule of upcoming meetings of the Financial Impact Estimating Conference. The schedule is also available on the Senate website under Additional Meetings.

Financial Impact Estimating Conference Public Notice:

Voter Approval of Constitutional Amendments

Requires all proposed amendments or revisions to the state constitution to be approved by the voters in two elections, instead of one, in order to take effect. The proposal applies the current thresholds for passage to each of the two elections.

- Public Workshop – Thursday, November 21st at 8:30 a.m. until completion; 117 Knott
- Principals' Workshop – Friday, December 6th at 1:30 p.m. until completion; 117 Knott
- Formal Conference – Friday, December 13th at 1:30 p.m. until completion; 117 Knott

In 2004, a constitutional amendment passed that requires initiative petitions be filed with the Secretary of State by February 1st of each general election year in order to be eligible for ballot consideration. This has been interpreted to mean that all signatures have been certified by the local supervisors of election and that the other requirements for geographic distribution have been met. For 2020, the required number of valid signatures is 766,200.

Section 15.21, Florida Statutes, further requires the Secretary of State to "immediately submit an initiative petition to the Attorney General and to the Financial Impact Estimating Conference" once the certified forms "equal...10 percent of the number of electors statewide and in at least one-fourth of the congressional districts required by s. 3, Art. XI of the State Constitution." For 2020, this means that there are at least 76,632 valid and qualifying signatures.

Because the Legislature passed CS/CS/HB 5 during the 2019 Session and it is has now been signed into law (see CHAPTER 2019-64), this Financial Impact Estimating Conference (FIEC) has 75 days to complete the required analyses and a financial impact statement to be placed on the ballot.

As part of FIEC's review process, three public meetings have been scheduled—a public workshop, a principals' workshop, and a formal conference. More meetings will be scheduled as necessary.

The attached document provides the dates and locations of the public meetings, as well as some explanation regarding the process.

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NOTICE OF WORKSHOPS AND CONFERENCE
FINANCIAL IMPACT ESTIMATING CONFERENCE

The Financial Impact Estimating Conference (FIEC) will be holding workshops and a conference on the petition initiative entitled "***Voter Approval of Constitutional Amendments (19-08)***". Unless otherwise indicated on the schedule below, all meetings will held in Room 117, Knott Building, 415 W. St. Augustine Street, Tallahassee, Florida. Once begun, they will continue until completion of the agenda.

The FIEC is required by s. 100.371, Florida Statutes, to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. In this regard, the FIEC is now in the process of preparing a financial impact statement to be placed on the ballot that shows the estimated increase or decrease in any revenues or costs to state and local governments resulting from the proposed initiative. Because the Legislature passed CS/CS/HB 5 during the 2019 Session and it is has now been signed into law (see CHAPTER 2019-64), the FIEC will also be considering the estimated economic impact on the economy and the overall impact to the state budget.

The purpose of the Public Workshop is to provide an opportunity for sponsors, interested parties, proponents and opponents of the initiative to make formal presentations to the FIEC regarding the probable financial and economic impact of the initiative. In addition to the workshop, information may be submitted at any time to the FIEC by contacting the Legislative Office of Economic and Demographic Research (contact information below).

Voter Approval of Constitutional Amendments (19-08)

- Public Workshop – Thursday, November 21st at 8:30 a.m.
- Principals' Workshop – Friday, December 6th at 1:30 p.m.
- Formal Conference – Friday, December 13th at 1:30 p.m.

For additional information regarding the meetings, please contact the Florida Legislature's Office of Economic and Demographic Research at

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(850) 487-1402.

Address for submitting information to the FIEC:

The Florida Legislature
Office of Economic and Demographic Research
111 West Madison, Suite 574
Tallahassee, FL 32399-6588
Email: edrcoordinator@leg.state.fl.us
FAX: (850) 922-6436

For additional information regarding the Financial Impact Estimating Conference process and the Initiative Petition process, please visit the Florida Legislature's Office of Economic and Demographic Research's website at: http://edr.state.fl.us/Content/constitutional-amendments/index.cfm and the Florida Department of State, Division of Elections' website at: https://dos.elections.myflorida.com/initiatives/

AMERICAN OVERSIGHT

From: L. Antoni <lani1362@gmail.com>
Sent: Wednesday, October 09, 2019 8:02 PM EDT
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: criminal justice reform
Attachment(s): "Dear Legislator.docx"

Dear Senator Brandes,

My name is Lisa Antonini. I hope you remember me. I came to St Pete to meet with you at your office. My son has spent the last 13 years in a Florida prison for a crime he did not commit. I educated myself on the Felony Murder Rule, the law that forced him to take a plea deal for a murder he did not commit. I earned a Master's degree in Criminal Justice and have become an advocate for reform. My son was locked up at 18 and is now 31. He was in the wrong place at the wrong time when a friend was killed but he is NOT a murderer. I've spent 13 years educating myself and now others on topics such as wrongful conviction, harsh sentencing, overzealous prosecutors and prison overcrowding, just to name a few. We need a change. I am standing up for all that is wrong in our system and will not stop until drastic changes have taken effect. I've spent 13 years visiting prisons here in Florida and I can tell you first hand, we need major change. You can also find me on Concrete Pillow on Facebook where I consistently advocate for change.

Thank you

L.A.

Women are like teabags. You don't know how strong they are until you put them in hot water.

~Eleanor Roosevelt~

AMERICAN OVERSIGHT

Dear Senator Brandes,

As a registered voter in the State of Florida, I have concerns which I wish to see addressed and changes made. As an elected member of the Florida Legislature, I implore you to actively represent your constituents and their concerns regarding our criminal justice system, as listed below:

- Why is our criminal justice system releasing prisoners without providing the tools needed to live a productive life? In fact, our current system tends to make them more violent and less able to cope after release. (source: Ocala Star Banner 8.2.19)
- Why are prisoners being deprived of even the chance of rehabilitation? Instead, state prisons are warehouses of anger, violence and desperation. (source: Ocala Star Banner 8.2.19)
- Why do we keep pumping money into a broken system? Other "tough on crime" states have found ways to keep the crime rate low, while at the same time reducing the prison population and closing prisons (i.e. Georgia and Texas).
- Wardens allege that salaries are too low; shifts are too long, working conditions are poor and prison violence is increasing. Perhaps a hard look at our criminal justice system and some common sense might bring about fewer prisons, so the money spent could be reallocated on salaries, programs and education. (source: Gate House Media)
- Why are there more and more incidents of prison guards, sworn to uphold the criminal justice system, violently beating inmates, causing severe, permanent and even life threatening injuries? When an investigation ensues, the same guards are "re-assigned" instead of criminally charged?
- Would you consider spending your days and nights in a concrete building with no air conditioning and limited ventilation? If we treated an animal like that we would be subject to arrest for animal cruelty. Why is it acceptable to treat inmates like that?
- When you see prisoners, do you see them as fellow human beings with a chance at redemption or as lost causes?
- Why is there little or no money allocated toward GED, vocational education, substance abuse or mental health programs? Creating a light at the end of the proverbial tunnel for the inmates. Don't you think this might reduce some of the violence?

I would ask that you appoint a committee to oversee our criminal justice system and find ways to make our system more productive for all, a top down approach. From the courts, harsh sentencing laws, antiquated and unfair laws (i.e. Felony Murder Rule), overzealous prosecutors, prison conditions, prison staff and disciplinary actions, substandard food, inmate education and air conditioning to name a few categories. Focus on rehabilitation in lieu of warehousing inmates. Florida needs to get with the program. Our system is too fractured to do any good. It's time for a change.

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Elections are just around the corner and we, the voting public want answers and change. The second look approach is taking too long, I'm sorry to say. Too many inmates are dying or being beaten.

Have you ever visited Florida's prisons and seen the terrible conditions? We are all starting to see bootleg videos filmed by inmates, aired by media outlets and word is spreading.

From: Jameson, PK <PK.Jameson@LASPBS.STATE.FL.US>
Sent: Wednesday, January 22, 2020 3:44 PM EST
To: rjsobieray@usf.edu <rjsobieray@usf.edu>; dmullins@health.usf.edu <dmullins@health.usf.edu>
CC: Terry Meek <terrymeek22@gmail.com>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Jones, Lauren <JONES.LAUREN@flsenate.gov>
Subject: Data
Attachment(s): "Health Care Study - FDOC.pdf","FDC Health Services Study_Final Report_v300.pdf"

Good afternoon,

I am not sure I copied everyone who asked for data, so please feel free to share this email as needed.

The Department of Corrections' (DOC) contract with Centurion can be viewed here: https://facts.fldfs.com/Search/ContractDetail.aspx?AgencyId=700000&ContractId=C2869&Tab=1 . Navigation of the site is pretty straightforward, but if you have questions please let me know.

Prison population is tracked and projections are determined by the Criminal Justice Estimating Conference (CJEC). We conferenced most recently on December 17, 2019. You can see the CJEC work papers here: http://edr.state.fl.us/Content/conferences/criminaljustice/workpapers.pdf . The work papers include historical information on prison population as well as projections through FY 2024-25.

The location of prison facilities are here: http://www.dc.state.fl.us/ci/index.html .

I know you have seen the Health Care Study conducted by CGL, dated November 13, 2019, but I am attaching it to this message for ease of reference.

Finally, there was a Study by Northhighlands related to Health Services, dated October 19, 2017. I am attaching that as well.

Please let me know what else you need and I will get it to you as soon as possible.

PK Jameson, J.D.
Staff Director
Senate Subcommittee on Criminal & Civil Justice Appropriations
(850) 487-5140

AMERICAN OVERSIGHT

HEALTH SERVICES STUDY

For Fiscal Year 2017-18



October 19, 2017

FLORIDA DEPARTMENT OF CORRECTIONS

northhighland
WORLDWIDE CONSULTING

AMERICAN OVERSIGHT

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I. Executive Summary

The Florida Department of Corrections (FDC), also referred to in this report as the "Department", engaged North Highland to analyze and provide a recommendation for the most effective delivery model for insourced inmate health services. Specifically, the Department identified two options for a health services delivery model. Both options include an insourced model for "inside-the-gate" medical services and staff.

Option 1 provides "outside-the-gate" services to be provided through individual FDC-managed contracts with specialists and hospitals (similar to the model utilized prior to outsourcing in 2013). Option 2 provides " outside-the-gate" services through a provider network (e.g. PPO/HMO/TPA model). The scope of this study was limited to comparing these two options and to recommend the optimal model.

The findings of this study incorporated research and analysis of Department data; a market scan research of corrections health services in Ohio, New York, North Carolina and Pennsylvania; Department executive leadership interviews; site visits to three Department-selected correctional institutions that have specific health services focus; in-depth research to compare services and cost for insourcing and outsourcing models; and a competitive market wage analysis of selected health care workforce positions in Florida.

The study includes the following:

- Analysis of inmate population
- Timeline of correctional health services privatization in Florida
- Summaries of executive leadership interviews and site visits
- State market scan findings
- Cost analysis of both options
- Cost analysis of staffing
- Summary of other opportunities for cost efficiencies
- High-level overview of key transition activities

In Section VI of this study, both delivery model options are described in detail including the advantages and disadvantages of each. Section VII provides a thorough cost analysis of each option, identifying key differentials in cost build-up between the two models.

The key finding of this study is that Option 2 (PPO/HMO/TPA model) is the most effective model for insourced inmate health services. The finding is primarily due to the following:

- Option 2 would provide better contractual rates for specialty and hospital services
- Option 2 is a more cost-effective way to access state-of-the art technology and expertise
- Option 2 has greater potential for long-term cost containment
- The cost analysis showed projected cost savings associated with Option 2

An additional finding of this study is that the health services staffing levels are inadequate with significant deficiencies found in performance and accountability reporting, most notably in the mental health discipline.

AMERICAN OVERSIGHT

II. Purpose

The purpose of this Health Services Study is to analyze potential health services delivery models that the Department could pursue to provide the most cost-effective adequate health services to Florida's inmate population.

Currently, the Department is engaged in a competitive solicitation process to re-procure its contracts for privatized comprehensive health services. The goal of this re-procurement effort is to create cost efficiencies and enhance elements of the health care services provided to inmates, which include:

- The ability to ensure that appropriate staffing is provided by contractors that enables:
  - A proper mix of administrative and institutional-level direct care
  - The presence of medical staff who possess the proper skills and qualifications to provide adequate health care to the inmate population
  - Clinical oversight and supervision
- The ability to define expectations and best practices for utilization management and specialized care delivery
- Access to specialized resources and expertise to provide services to inmates in inpatient mental health units and special housing
- Implementation of electronic health records to support decision making, create cost efficiencies and improve the provision of comprehensive medical, hospital, dental and mental health services while ensuring a continuity of care
- Improved coordination of medical and mental health re-entry planning
- The ability to define performance expectations and consequences for non-performance

The Department's current health services delivery model is entirely outsourced (contracted with a single private vendor). This Health Services Study analyzes options for future delivery models through a public-private partnership that involve a combination of Department health services staff providing primary and infirmary-level care inside the gate, and a contract or contracts with private sector organization(s) for the provision of specialty care, hospital care, and related utilization management and claims processing functions. In this study, the following two health services delivery models are examined:

1. An insourced model for all primary and infirmary-level care provided inside the gate, with all specialty and hospital care provided through individual contracts with specialists and hospitals (the model primarily employed by the Department before the statewide outsourcing initiative was implemented in 2013). The analysis includes a recommendation on whether utilization management and claims processing/bill pay functions are best handled by Department staff, or through a third party contract
2. An insourced model for all primary and infirmary-level care provided inside the gate, with all specialty and hospital care, and related utilization management and claims processing functions provided through a PPO/HMO/TPA model

The outcome of this study will be 1) analysis and estimation of the costs to provide comprehensive inmate health services under each delivery model and 2) a recommendation of the optimal model.

Project Scope

Through the release of the Request for Quote (RFQ), the Department sought a qualified consulting firm to complete a Health Services Study by developing a report to include the analysis of health services delivery models. The Health Services Study adheres to the requirements set forth in the Statement of Work.

Items within scope include:

- Review of Department resources and market scan research
- Interviews with Department stakeholders, agency leadership, and Division Directors
- Site visits to selected institutions
- Research and analysis
- Examining insource models
- Staff and market wage analysis

AMERICAN OVERSIGHT

III. Background

A. Inmate Health Services

The Florida Department of Corrections is the third largest prison system in the United States, responsible for the housing and health of over 90,000 inmates. The Department is constitutionally required to provide adequate health services to inmates housed in its prisons and in other facilities throughout the state. This requirement is the result of two landmark lawsuits: *Estelle v. Gamble* and *Costello v. the State of Florida*. In the U.S. Supreme Court case *Estelle v. Gamble* (1976), the court determined that deliberate indifference by prison personnel to an inmate's serious illness or injury constitutes cruel and unusual punishment contravening the Eighth Amendment. As a result of this case, Federal laws were developed to mandate adequate medical care for those who are punished by incarceration.[1] Additionally, a federal court ruled in *Costello v. the State of Florida* (1977) that inmate health services are a constitutional right.[2] Consequently, when offenders are admitted to the Department's prisons, the State becomes responsible for providing their health care.

As of June 30, 2017, there were a total of 97,794 inmates across more than 150 facilities statewide, including 61 major institutions and annexes, 7 private facilities, and dozens of work camps, road prisons, forestry camps, and a basic training unit. Of this, 87,656 inmates were housed in Department-run facilities.[3]

The Department divides the state into four regions, designated as: Region 1 (Northwest Florida), Region 2 (Northeast-Central Florida), Region 3 (Central Florida), and Region 4 (South Florida), as illustrated in the Exhibit below.

1 Estelle v. Gamble, 420 U.S. 97, S. Ct. 285, 50 L.Ed.2d 251 (1976)
2 Costello v. Wainwright 430 U.S. 325, 51 L.Ed. 2nd 372, 97SCt. 1191 (1977)
3 Florida Department of Corrections Bureau of Research and Data Analysis data, Inmate Population and Facility profile as of June 30, 2017. The inmate population in FDC-run facilities excludes the inmate population at the state's seven (7) privately-run prisons which are managed by the Florida Department of Management Services (DMS): Bay, Blackwater, Gadsden, Graceville, Lake City, Moorehaven, and South Bay correctional facilities. http://www.dms.myflorida.com/business_operations/private_prison_monitoring

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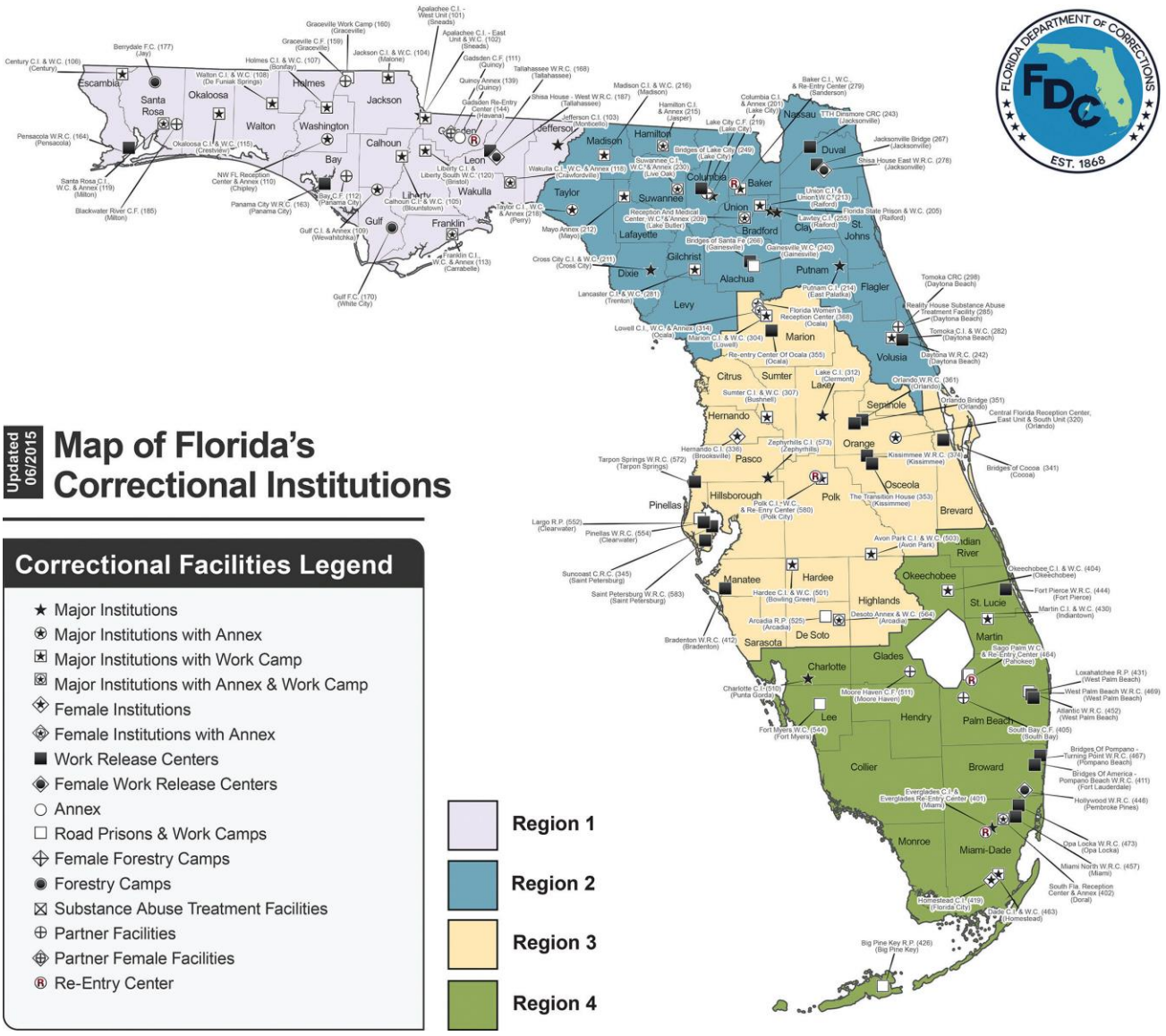


Exhibit 1.1 Map of Florida's Correctional Institutions

Each of the Department's major institutions provide primary care and infirmary services. For more acute medical conditions and procedures that cannot be provided inside-the-gate, the Department operates a 153-bed hospital at the Reception and Medical Center (RMC) in Lake Butler. The RMC facility houses a dialysis center, a mobile surgery unit, a cancer center, and other specialty services. The Department also makes use of secure hospital units with two community hospitals throughout the state: Larkin Community Hospital in Miami-Dade County and Memorial Jacksonville Hospital in Duval County. These hospitals provide dedicated bed space in a secured environment (e.g. guard stations, etc.) where inmates can be treated in an inpatient setting with lower security costs. When the use of any of these facilities is not feasible, inmates are treated in local community hospitals, accompanied by at least two correctional officers around the clock.

In addition, all inmates have access to necessary dental and mental health services. The Department provides dental services and inpatient and outpatient mental health services to inmates in its institutions. There are 63 Dental Clinics in Department-run institutions (with 7 Dental Clinics in private facilities) and 10 mental health inpatient units statewide.

Currently, inmate health services in Florida are privatized and outsourced to private vendors.

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Department Organization

The Department employs nearly 22,000 employees. Of this, the Office of Health Services (OHS) staff, managerial and support, represent less than one percent of Department employees. These positions include pharmacy staff and contract monitors. Health care professionals (doctors and nurses) are currently outsourced. The Department's OHS is responsible for the inmate health services program, and it reports directly to the Secretary of the Department of Corrections. The OHS organizational structure is illustrated in the Exhibit below.

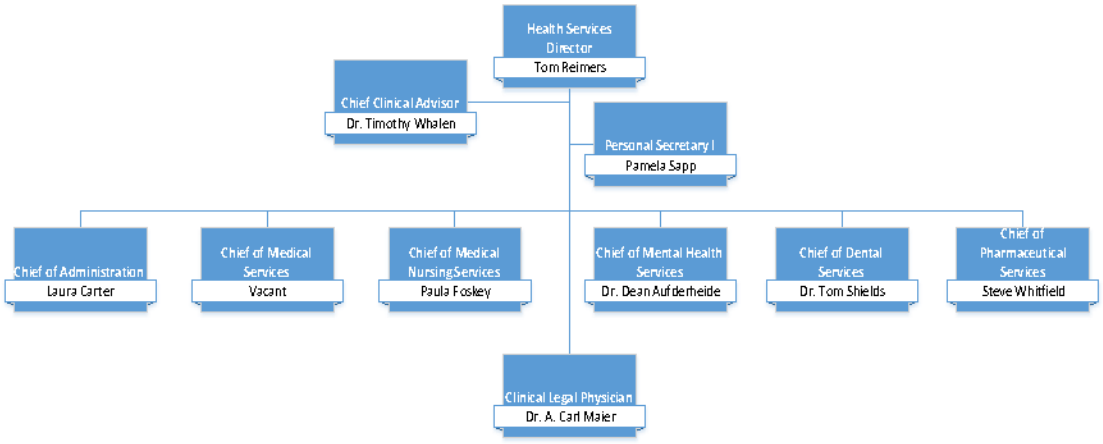


Exhibit 1.2 Office of Health Services (OHS) Organizational Structure

B. Inmate Population

The following Exhibit shows the total inmate population in Florida over the past five years. During this period, the total inmate population has changed little. The majority of inmates are male (93%) with females accounting for seven (7) percent of the population. This ratio has remained stable over time.

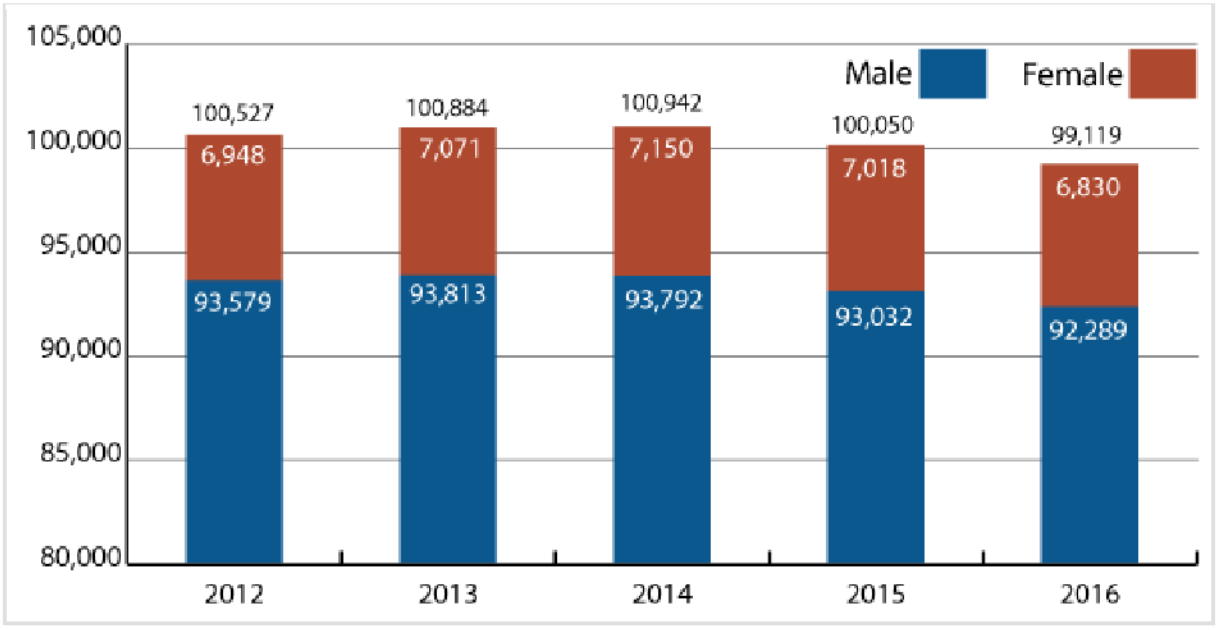


Exhibit 1.3 Inmate Population Over Five Fiscal Years
Source: http://www.dc.state.fl.us/oth/Quickfacts.html

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	Total Population	Males	Females	HIV Positive Inmates	Inmates 50 Years of Age or Older
Jan 2012	100,418	93.0%	7.0%	2.8%	17.8%
Jan 2013	99,831	93.1%	6.9%	2.9%	19.2%
Jan 2014	100,523	93.0%	7.0%	2.8%	20.2%
Jan 2015	100,265	92.9%	7.1%	2.8%	21.2%
Jan 2016	98,937	93.2%	6.8%	2.9%	22.4%
Jan 2017	97,475	93.2%	6.8%	2.9%	23.3%
June 2017	97,794	93.1%	6.9%	2.9%	23.5%

Exhibit 1.4 Inmate Population Composition

The inmate population in Florida has diverse and complex medical and health needs. Inmates often arrive at Florida's correctional facilities with an array of medical problems, including chronic or infectious diseases, mental health conditions, and substance abuse or alcohol disorders. Across the United States, providing health care services to the prison populations poses increasing challenges because of the growing portion of the population that is aging. Generally, an inmate above the age of 50 is classified as elderly in the correctional setting based on the types and amount of medical services needed. The elderly inmate population in Florida is nearly 23,000 and is expected to grow. According to the Pew Charitable Trusts report, *Elderly Inmates Burden State Prisons* (2016), providing health care for aging inmates costs far more than for younger inmates. Elderly inmates need more clinical visits, hospital admissions, and medications than the general inmate population. These factors disproportionally increase health services expenditures since elder health services costs range between four to eight times greater than the cost for younger inmates. Inmates in Florida prisons range from 14 to 95 years old. Most of the inmates housed by the Department are males between the ages of 18-40; however, the number of inmates over the age 50 is growing rapidly. As shown in the Exhibit below, the share of elderly inmates (50+ years old) as a percent of the total inmate population has risen dramatically over the past ten years, from 14 percent of total inmates in 2008 to nearly 24 percent in 2017. Elderly inmates will continue to increase as a portion of the total prison population.

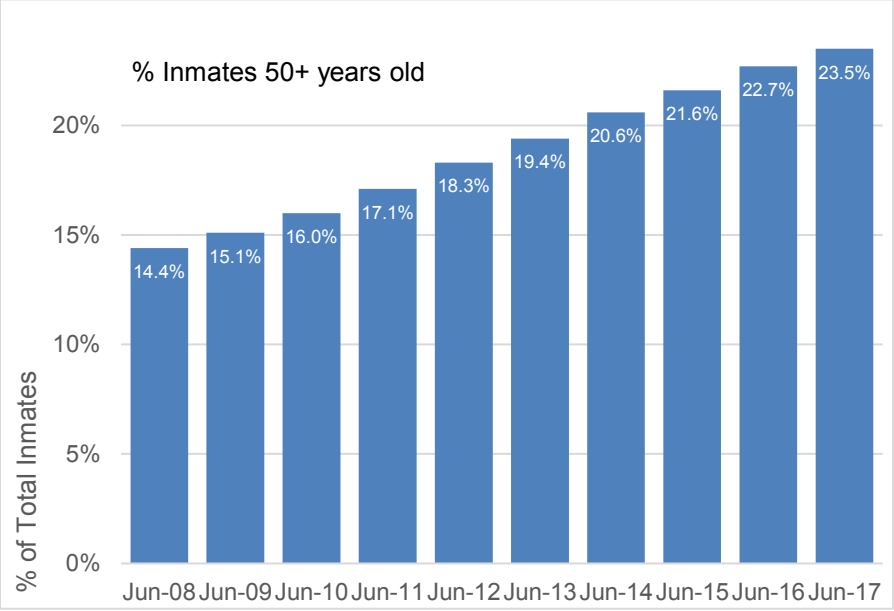
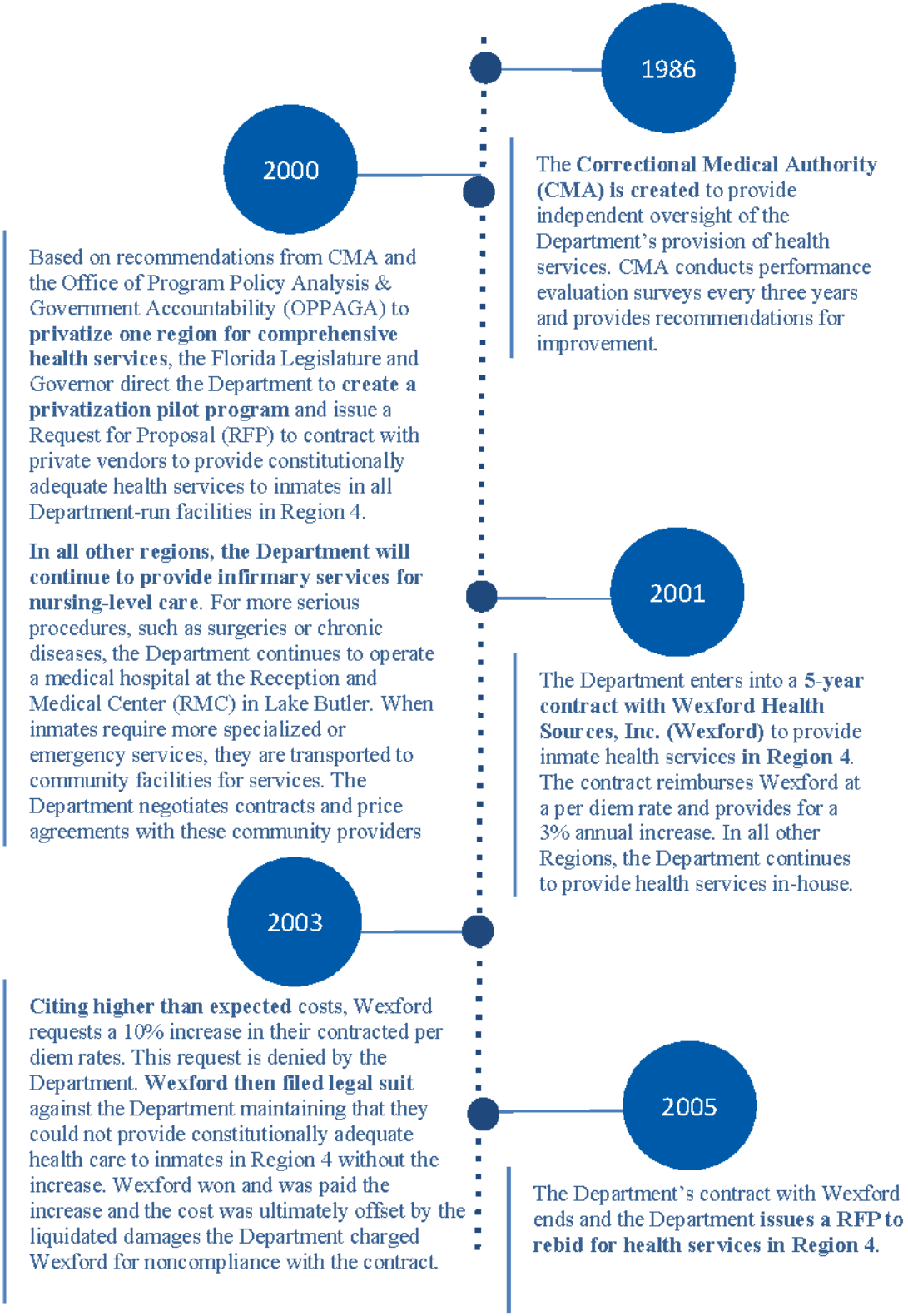


Exhibit 1.5 Florida's Elderly Inmate Population
Source: http://www.dc.state.fl.us/pub/pop/index.html

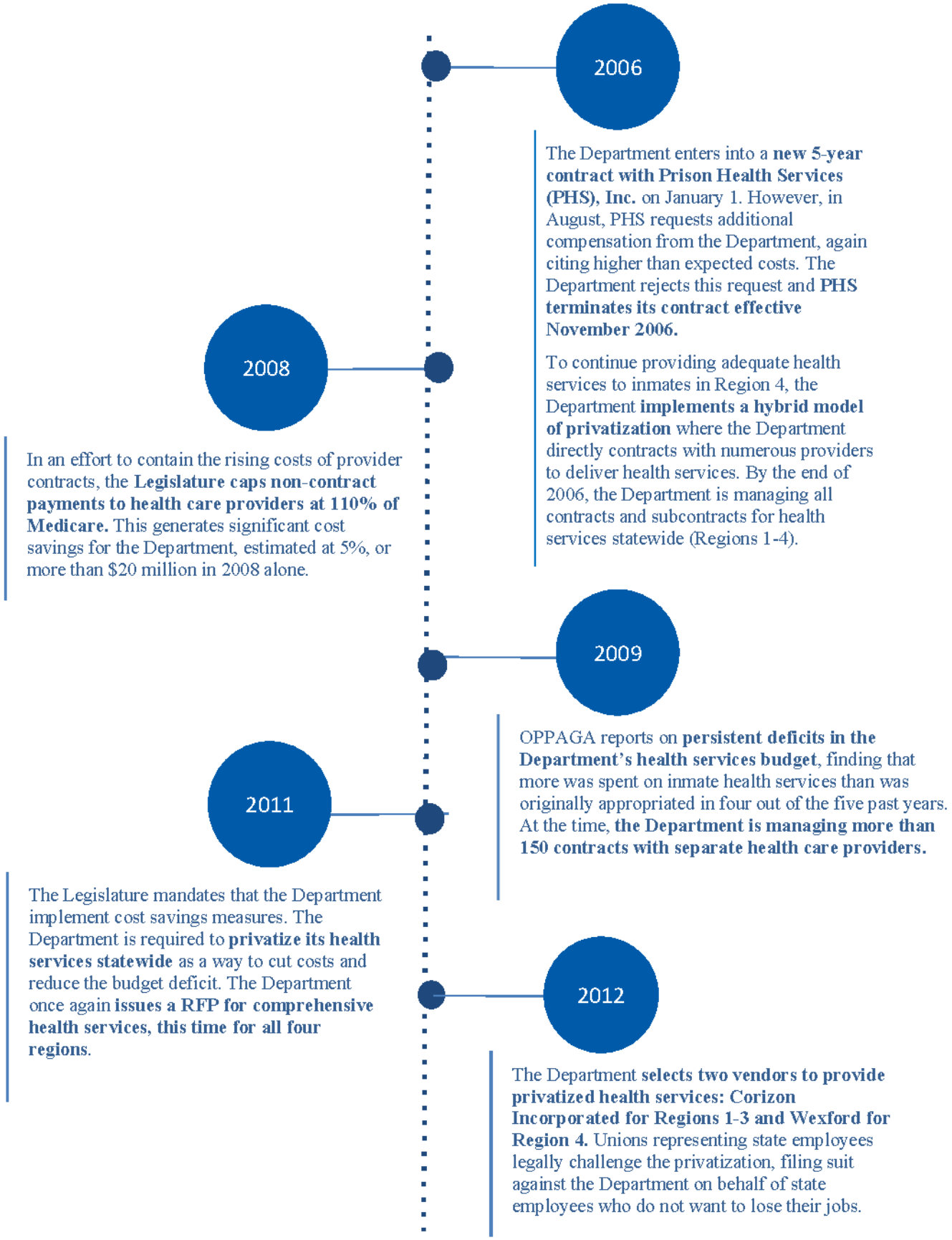
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C. Timeline of Correctional Health Services Privatization in Florida

Correctional health care in Florida has undergone major changes. The following Exhibit outlines the Department's evolution and experience with privatization.



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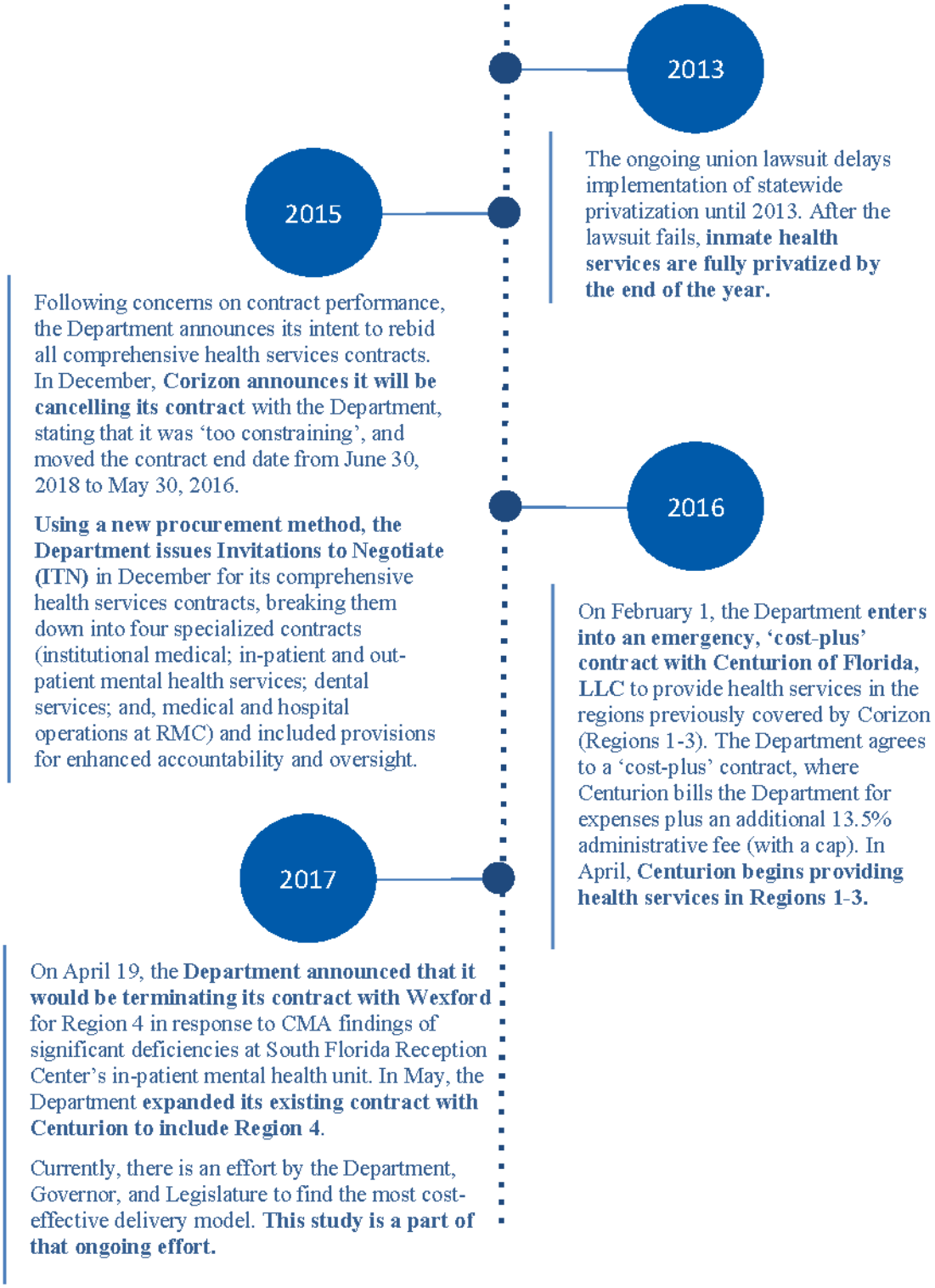


Exhibit 1.6 Timeline of Health Services Privatization in Florida

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IV. Research Approach

North Highland met with the Department's executive leadership to identify pertinent health services data and documentation to conduct the Health Services Study. In consultation with the Department, North Highland conducted interviews and working sessions with Department stakeholders and subject matter experts in various functional components within the Department and Correctional Institutions around the state. North Highland also conducted site visits to three major correctional institutions to observe their health services operations. (See Appendix 1 for a complete list of interviews and site visits.)

In addition, North Highland conducted a survey and analysis of four other states to identify what other delivery model options and solutions are currently being used in correctional health care. North Highland also reviewed leading industry practices and research to complete this assessment.

A. Executive Leadership Interviews

North Highland conducted interviews with the Department's Health Services executive leadership team on June 19, 2017. Information, insight, and observations were gathered on the following disciplines: Medical, Dental, Mental Health, and Pharmacy services. A summary of the interviews is outlined in the Exhibit below. (See Appendix 1 for a complete list of interviewees.)

Medical	Dental	Mental Health	Pharmacy
• Many complexities make delivering health services challenging in Florida prisons, including the growth of the elderly population, remote location of correctional facilities, and the increasing clinical challenges of inmates. • New standards of care have increased the cost of health services significantly. • The cost of Hepatitis-C prevention, identification, and treatment is rapidly increasing. • Managing the demand for inside-the-gate services is an ongoing challenge. • Potential loss of secured units due to bed under-utilization and other factors. • Gaps in access to specialty services and providers cause delays in treatment, resulting in increased costs and liabilities to the Department.	• Prevalence of aggressive oral cancer is rising. • Periodontal disease is increasing causing more complex and costly dental services. • The relationship between security and dental staff, drives and influences outcomes. • There is a shortage of dental hygienists and difficulty in attracting and retaining employees. • Costs are increasing to maintain, repair, and replace aging dental equipment.	• The number and severity of mentally ill inmates is rapidly increasing. • There is a significant shortage of psychiatrists and difficulty in attracting and retaining qualified mental health employees. • Increased use of behavioral strategies, rather than psychotropic drugs could be an opportunity for cost containment.	• There are significant increases in drug costs and usages, especially for non-formulary drugs, biologicals, new HIV drugs, and Hepatitis C treatments. • The cost of many pharmaceutical has risen dramatically and is expected to continue to rise.

Exhibit 2.1 Summary of Executive Interviews

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B. Site Visits

As part of the information gathering methodology for this study, North Highland conducted site visits at three institutions: two major Correctional Institutions and the Reception and Medical Center (RMC). Site visits were conducted to gain insight related to health services delivery to inmates. Exhibit 2.2 shows a table of the correctional institutions visited. These institutions were selected due to the diversity and complexity of their inmate populations.

Institution and Date	Persons Interviewed
Suwannee Correctional Institution and Annex **(Region 2)** • **Close management male facility with inpatient mental health unit** June 20, 2017	• Warden • Assistant Warden of Operations • Assistant Warden of Programs • Annex and Workcamp Staff Supervisor • Health Services Administrator
Lowell Correctional Institution **(Region 3)** • **All female facility** June 21, 2017	• Warden • Assistant Warden of Programs • Health Services Administrator
Regional Medical Center **(Region 2)** • **Functions as advanced medical center and hospital for inmates statewide** June 22, 2017	• Warden • Assistant Warden of Security • Utilization Management personnel • Physician

Exhibit 2.2 Site Visits

North Highland identified the following strengths, challenges and common themes during the site visits.

a) System Strengths

- The Wardens and leadership at each facility fully understood the Department's mission, complex inmate population, health services, and need for cost containment.
- Staff in each of the institutions were dedicated and appeared well-trained to provide services to inmates.
- The medical service treatment areas were notably clean, well lit, and adequately equipped, while the facilities' operations appeared to be well organized and orderly.
- The presence of a Mental Health Ombudsmen at the Suwannee Correctional Institution added additional oversight and enhanced inmate access to mental health services.
- The RMC Hospital appeared orderly and well utilized. Notably, the dialysis center, cancer unit and outpatient surgery suites provide advanced treatment and access to these essential services. Advanced treatment at RMC is also more secure than treatment in offsite facilities.

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b) System Challenges

- There are a growing number of elderly inmates within the state's prison system. Elder health care costs can range between four and eight times greater than the cost for younger inmates, presenting a huge challenge for the State of Florida when containing inmate health care costs.
- Another challenge for providing health services is bed availability. Inmates with chronic conditions are occupying the limited bed space in the infirmaries. Inmates are increasingly requiring more Americans with Disabilities Act (ADA) compliant beds, reducing the number of ADA bed availability.

c) Common Themes

While visiting the various correctional institutions, North Highland identified the following common themes across facilities and interviewees:

- Health care staffing is a major concern for many of the correctional institutions. Aside from Lowell C.I., each of the institutions' Wardens reported high vacancy rates among medical and correctional officer staff. Mental health staff were quoted by the Wardens as having the highest vacancies and the most difficult to retain resulting from high burnout rate. These vacancies were also attributed to a difficulty to recruit in some areas. The Warden at Lowell C.I. mentioned location as a major recruiting advantage for their institution. More remote facilities have greater staffing challenges.
- Staff vacancies can affect access to health services, especially if officers are not available to escort inmates to medical appointments either inside or outside the gates. The Wardens at all three institutions opined that the current vacancies and coordination between correctional officer and medical staff make it difficult to arrange successful medical transportation.
- Limited access to specialty medical services is creating delayed medical treatments and poorer health outcomes. The wait list for some specialty consults and in-prison dental services exceeds six months. Missed appointments due to lack of officers available for medical transport further impacts providers and hospitals who may then become reluctant to accept inmates as patients. This further reduces access to services and contributes to more costly advanced medical services.
- High volumes of physical paperwork and limited data resources as well as data being under-utilized was observed in each institution. Each institution utilizes the Offender Based Information System (OBIS) to capture encounter data. The OBIS system is not designed to provide the Department with any integrated data or data analytics features. The limited staff to compile and analyze data further complicates the Department's ability to capture data and properly monitor and enhance cost saving measures and overall efficiencies.
- Pharmacies run by the Department were out of the scope of this report; however, observations and inquiries confirm limited space and difficulty sending and receiving prescriptions and medications at RMC. The numerous processes and steps involved in prescribing, filling and distributing medication can cause inefficiencies for the pharmacy and delays in distribution of inmate medications.

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C. State Market Scan

North Highland conducted a market scan and survey of four states' health services delivery models: New York, North Carolina, Pennsylvania, and Ohio. These four states were selected based on specific criteria, such as similar inmate populations, variety of delivery models, and organizational structure. Unlike Florida, none of these states have a fully outsourced delivery model.

Approach

North Highland's approach included telephone interviews as well as the development and distribution of a 14-item questionnaire (see Appendix 2). An overview of this approach is shown in the Exhibit below.

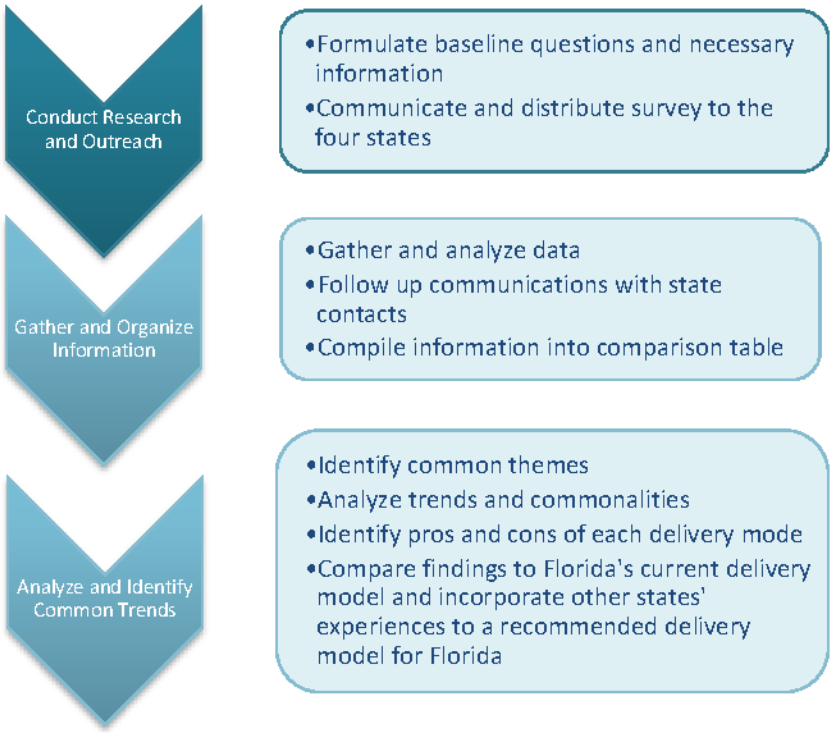


Exhibit 2.3 State Market Scan Approach and Methodology

Findings

The state comparisons will be considered in North Highland's analysis and recommendation of options for future delivery models through a public-private partnership that involves a combination of Department health care staff providing primary and infirmary-level care inside the gate, and a contract or contracts with private sector organization(s) for the provision of specialty care, hospital care, and related utilization management and claims processing functions.

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Exhibit 2.4 State Market Scan Findings Overview

	Florida	New York	Pennsylvania	North Carolina	Ohio
Delivery Model Type	Privatized	In-house[4]	Hybrid[5]	In-house	Hybrid[6]
Claims Processing	In-house	In-house[7]	Third Party Vendor	Third Party Vendor	Third Party Vendor[8]
Utilization Management (UM) Processing and Software	Internal UM processes and staff. No UM software	Third Party Vendor[9]	Third Party Vendor [10]	In-house	Internal UM processes and staff utilizing their EHR system
Specialty Care	Subcontracts through privatized vendor	Individual contracts with specialists[11]	Third Party Vendor	State University health care system partnership[12]	State University health care system partnership[13]
Emergency and Hospital Services	Third Party Vendor	Regional Medical Units and subcontracts with hospitals[14]	Hospital contracts not required because of state legislation	Statewide 336 bed health care facility[15] and individual hospital contracts for emergency services	Hospital contracts not required because of state legislation
Electronic Health Record (EHR)	No	No	Yes[16]	Yes	Yes, fully implemented by end of 2017

4 NYS provides medical services at all institutions, except Coxsakie Regional Medical Unit (provided by Corizon)
5 Medical- Correct Care Solutions; Psychiatry- Mental Health Management; Psychology- Dept; Dental- Dept
6 Medical- Department; Dental- Mid-America Health; Mental Health- Department; Specialty Services- Ohio State University Medical Center
7 Division of Budget and Finance
8 WellComp for hospital bill repricing services
9 Kepro utilizing InterQual
10 CCS utilizing InterQual
11 Contracts managed by NYS DOCCS Coordinated Specialty Care Unit
12 NC DPS contracts with UNC health care system to come on site for clinics. The specialist come from UNC to assist with clinical services for surgery and 16 other specialties.
13 Specialty consults are provided through a contract with the Ohio State University Medical Center and managed by ODRC central medical and the contract division of the business office.
14 Contracts managed by NYS DOCCS Coordinated Specialty Care Unit
15 Facility features a complete surgical suite, radiology suite and clinic space.
16 Sapphire software provided by Diamond Pharmacy

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Other Findings

Laboratory Services

Of the states surveyed, only North Carolina provides some of its laboratory services (e.g., blood testing, x-rays, etc.) on-site for inmates in their inpatient facility while a vendor handles all other inmates. The other three states subcontract laboratory services to subcontractors or their health services vendors.

Dedicated Medical Security Staff

Pennsylvania has dedicated medical security transport staff at almost every institution. The purpose of dedicated security staff is to reduce the cost of staff overtime and reduce the frequency of missing scheduled appointments due to transport difficulties.

Telehealth

New York utilizes telehealth in their emergency department at triage and for specialty care clinics. If an inmate needs a referral for specialty care or is in the facility emergency department, telehealth solutions are utilized to further understand the inmate's condition minimizing the need to transport out of the institution.

Conclusion

None of the states surveyed have a fully outsourced delivery model like Florida. Of the four states, two utilized a hybrid delivery model for health services and two have an in-sourced health services model. The states that have utilized a hybrid model, Pennsylvania and Ohio, have customized their models to achieve the highest level of efficiencies. Ohio utilizes a private vendor to provide dental services, and Pennsylvania provides their dental services in-house. New York and North Carolina are fully in-sourced: New York manages individual contracts with hospitals and specialty care providers while North Carolina uses a public partnership with the state university systems to provide specialty care.

V. Desired Goals for Health Services

Under the current delivery system, FDC contracts with a health services vendor to provide comprehensive health services using a managed care model for each major health discipline (medical, nursing, pharmacy, mental health, and dental). Regardless of the administrator of health services delivery, three goals remain relevant for providing correctional health services: timely access to medical services, clinically adequate services, and cost containment strategies. These three goals align with the Triple Aim strategy for community health care.

Access to Medical Services

Access to medical services in correctional facilities is dependent on several factors. These factors include: a qualified workforce, appropriate staffing levels to meet the inmate demand for health services, a comprehensive panel of specialty providers, effective appointment scheduling, and safe, supervised transportation of inmates to and from medical services. As a cost-containment strategy, inmates should receive timely access to medical services to meet their routine and serious medical, dental, and mental health needs.

Adequate Medical Services

Under the current delivery system, the contracted vendor maintains Utilization Management (UM) functions to determine specialty referral and clinical appropriateness. Re-establishing an internal UM function would provide FDC with improved control of inmate management and health services utilization to better manage adequate medical services for inmates.

Cost Containment Strategies

FDC is tasked with the ongoing effort to balance health fund appropriations and health services delivery. The inability to balance cost and adequate medical services has financial consequences. Poor health outcomes often require more costly medical services. It is critical to manage inmate health needs before their health acuity progresses to higher level of service at a higher cost.

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VI. Options

The purpose of this Health Services Study is to analyze two potential insource health services delivery models that the Department could pursue to provide adequate health services to Florida's inmate population:

- **OPTION 1:** An insourced model for all primary and infirmary-level care provided inside the gate, with all specialty and hospital care provided through individual contracts with specialists and hospitals (the model primarily employed by the Department before the statewide outsourcing initiative was implemented in 2013). The analysis of this Option includes a recommendation on whether claims processing/bill pay functions are best handled by Department staff, or through a third party contract.

- **OPTION 2:** An insourced model for all primary and infirmary-level care provided inside the gate, with all specialty and hospital care and related utilization management and claims processing functions provided through a PPO/HMO/TPA.

Both delivery model options are public-private partnerships that would provide health care services through a combination of provider contracts and state employees. Key differentiators between the two options are:

1. *How* offsite care and the provider network is managed
2. *Who* performs claims processing and utilization management functions

It is important to note that Health Services Staff involved in the delivery of primary and infirmary-level care inside the gate (onsite care) would become Department employees under both options; therefore, estimates for Health Services Staffing remain the same under either option.[17]

Cost Components considered in each option include:

- Primary and Infirmary Care (Health Services Staff for Onsite Care)
- Hospital and Specialty Care (Provider Network for Offsite Care)
- Ancillary Services
- Prescription Drugs
- Utilization Management and Claims Processing
- Oversight and Recruitment

Option 1

The health services delivery model referred to as "Option 1" is like the delivery model employed by the Department before it transitioned to statewide outsourcing of inmate health services in 2013.[18] Prior to this transition, the Department provided inmate health care services directly, through a combination of Department employees and private contractors, as follows:

- **Primary and Infirmary Care (Health Services Staff for Onsite Care**) - All primary and infirmary-level care provided inside-the-gate to inmates was provided by Department-employed health services staff. Within each major correctional institution, the Department provided primary and infirmary-level care using a core staff of employed clinicians, nurses, mental health and dental professionals, and administrators

- **Hospital and Specialty Care (Provider Network for Offsite Care)** - All hospital and specialty care was provided through individual contracts with providers and hospitals. The Department negotiated and entered into agreements directly with hospitals and providers, either by contract, purchase orders and/or interagency agreements, to provide specialty healthcare services. Such services include inpatient/outpatient

17 Staffing estimates and projections apply to Health Services staff only, and do not include any costs related to Accounting, Payroll, Procurement, IT Support, or Human Resources staff.
18 The Department transitioned the delivery of comprehensive medical, mental health and dental services to private contractors in March 2013 (South Florida) and September-October 2013 (North and Central Florida). Pharmacy dispensing and purchasing functions were retained by the Department.

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hospital services, physician services in hospitals, offsite visits to physicians' offices, and same-day surgery centers

- **Ancillary Services** – The Department contracted directly for ancillary services, such as radiology and independent laboratory referral services, as well as for medical supplies and medical equipment, among others

- **Prescription Drugs** – The Department directly managed the purchase of prescription drugs and was responsible for the cost of all prescription drugs (formulary and non-formulary).[19] Pharmacy dispensing and medication purchases were handled through three regional pharmacies and a hospital pharmacy at Reception and Medical Center. In addition, the Department was responsible for the cost associated with monthly consulting pharmacy inspection reports for each State of Florida licensed facility.

- **Utilization Management and Claims Processing** – The Department performed these functions in-house prior to 2013 and would continue to do so under this delivery model option. The Department still plays an integral role in Utilization Management (UM), but would need to supplement its existing Utilization Management unit with additional resources and UM software under this delivery model option. The Department would also need to establish a new Claims Processing unit.[20] However, it is recommended that if the Department contracts directly with providers, it should engage the services of a claims payment vendor, such as a Third Party Administrators (TPA), that can process, review and verify payments, assess for billing errors, and provide robust claims data and reporting services.

- **Oversight and Recruitment** – The Department was responsible for the oversight, recruitment, compliance and miscellaneous support services needed to support inmate health services. This also included staff for contract management and monitoring and recruitment.

Advantages

- In-house Health Services Staff:
  - Enhanced level of managing for anticipated change and unpredictable events
  - In touch with "on the ground" status
  - Ability to innovate, try pilots and demonstrations
  - Better relationships with custody; better problem-solving mechanisms
- Provider Network Management:
  - May support stronger clinical and administrative relationships with providers

Disadvantages

- Increased personnel risk and management
- Risks of contracting with providers individually:
  - Limitations in negotiating favorable contracts conditions
  - Gaps in access to care
  - Claims adjudication, payment, and appeals risk
  - Need to stay current on industry norms and best practices (administrative expertise, clinical expertise and oversight, policies and procedures, etc.)
- Inefficiencies of contracting with providers individually:
  - Increased contract management and oversight requirements

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19 The Department is responsible for the large majority of drug costs today, but some drugs costs are the responsibility of the current vendor, such as non-formulary drugs prescribed to inmates and emergency prescriptions ordered from local pharmacies. Most drugs and therapeutics are purchased through the Minnesota Multi-State Contracting Alliance for Pharmacy (MMCAP). In addition, the Department participates in the Federal 340b Prescription Drug Discount Program (HIV and STI medications) through a partnership with the Department of Health (DOH) and local county health departments. The repackaging program is through DOH.

20 Most of the claims processing and accounting positions that were dedicated to health services billing were eliminated after the Department transitioned to statewide outsourced Health Services.

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- Managing numerous contracts in numerous locations
- Increased Utilization Management requirements
- Loss of economies of scale

Option 2

The health services delivery model referred to as "Option 2" is a delivery model that uses large insurance carriers, such as Preferred Provider Organizations (PPO) or Third Party Administrators (TPA), to manage the Department's hospital and specialty provider network, claims processing and utilization management services, as opposed to performing those function in-house. Health Service Staff providing primary and infirmary-level care inside-the-gate would become Department employees.

All U.S. Departments of Corrections' must provide health care services to inmates, including services that cannot be addressed behind the walls of their prisons, workcamps, and other facilities. Contracting with an insurance carrier is one model-type that other states have implemented to access specialty medical and hospital services that cannot be provided onsite.[21]

Large insurance carriers, such as Preferred Provider Organizations (PPO) and Health Management Organizations (HMO), offer Administrative Services contracts to self-funded employers and other self-funded organizations. Under an Administrative Services contract, the carrier provides access to its own network and typically adjudicates and pays claims.[22]

The Department could also contract with a Third Party Administrator (TPA), which is a licensed entity that typically offers health care provider networks and administrative services to self-funded employers and managed care entities. TPAs offer a combination of single or multiple local, statewide, and national provider networks. TPA services typically include eligibility verification, utilization management, claims adjudication and processing, reporting, and data analytics. TPAs may also offer specialty services management (such as special programs to reduce the use of imaging), disease management, predictive modeling analytics, and myriad other services. TPA customers purchase the services they desire and have access to the TPA's provider network and rates.

Under both types of arrangements, the purchaser bears all the risk for the cost of services. Both PPOs and TPAs would take responsibility for establishing a network of credentialed and qualified medical providers, which includes annual verification of licensure, certification, and accreditation.

Under Option 2, inmate health care services would be provided through a combination of Department employees and private contractors, as follows:

- **Primary and Infirmary Care (Health Services Staff for Onsite Care**) - All primary and infirmary-level care provided inside-the-gate (medical, mental health and dental) would be provided by Department-employed health services staff. [Same as under Option 1]

- **Hospital and Specialty Care (Provider Network for Offsite Care)** - All contracts for offsite hospital and specialty care would be handled by and managed through a PPO/TPA. The PPO/TPA would guarantee access to an adequate provider network and give the Department access to the its negotiated discounts and reimbursement rates. The Department would be encouraged to contract for these services using a flat, fixed "per inmate per month (PIPM)" fee structure to reduce misaligned financial incentives for over- or under-utilization of services.

- **Ancillary Services** – The Department would contract directly for ancillary services, such as radiology and laboratory and pathology services, as well as for medical supplies and medical equipment. Department staff would manage these contracts individually. [Same as under Option 1]

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21 Other state Departments of Corrections that have implemented this type of delivery model for offsite services include: California, Michigan, Nevada, and Virginia.
22 Virginia Department of Corrections (VADOC) has used a similarly structured delivery model and contracted with Anthem Blue Cross Blue Shield for such services. VADOC, "Medical Care Provided in State Prisons – Study of the Costs", Joint Commission on Health Care October 5, 2016 Meeting presentation. Available at: http://jchc.virginia.gov/4.%20Medical%20Care%20Provided%20in%20State%20Prisons%20CLR.pdf.

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- **Prescription Drugs** – The Department would be directly responsible for the purchase and cost of all prescription drugs for inmates. [Same as under Option 1]

- **Utilization Management and Claims Processing** – A PPO/TPA would be responsible for administering, reviewing, verifying and processing all health care claims for services. By employing a PPO/TPA for claims processing services, the Department can also avoid the cost of hiring staff and purchasing software to process claims and pay bills. The PPO/TPA could also provide utilization management and care coordination services with Department oversight.[23] For these services, the Department would be encouraged to use a flat, fixed "PIPM" fee structure to mitigate financial incentives for over- or under-utilization of services

- **Oversight and Recruitment** – The Department would be responsible for providing oversight, compliance and recruitment services needed to support inmate health services. [Same as under Option 1]

Advantages

- In-house Health Services Staff:
  - Enhanced level of control
  - In touch with "on the ground" status
  - Ability to innovate, try pilots and demonstrations
  - Better relationships with custody; better problem-solving mechanisms
- Provider Network Management:
  - Access to larger and more consistent provider discounts and preferred rates for specialty and hospital services
  - Guaranteed access to an adequate network of hospitals and specialty care providers
  - Centralized network management
  - Streamlined contract management, monitoring and oversight functions
- Leverages private sector health care organizations' resources to improve contracting with qualified medical providers, use of technology and reporting, and coordination and provision of outside care/specialty care
- Greater access to corporate administrative expertise, industry knowledge, policies, procedures and accreditation experience, and enhanced reporting and analytics
- Enhanced dispute resolution and claims adjudication and payment processes

Disadvantages

- Increased personnel risk and management
- Providers are not a part of the "team"
- Potential for misaligned financial incentives

23 Under Option 2, the Department would maintain a small Utilization Management team to liaise with the contractor and ensure appropriate care is provided to inmate patients.

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VII. Cost Analysis

A. Methodology

To develop the cost analysis, the team followed the standard IV-B Cost Analysis tools and methods. The following assumptions and approaches were used in the build-up of costs:

- **Baseline Costs:** Baseline cost estimates for Health Services staff and expenses were constructed based on historical Department data for inmate health services from FY11-12 as well as more recent vendor data from the current health services provider for Regions 1-3 in FY16-17[24]
- **Inmate Population (87,100):** The inmate population in Department-run institutions was 87,100 on June 30, 2017. The inmate population has not significantly increased or decreased over the past five years and projections for the next three years do not reflect a statistically significant differential between the current population; therefore, no cost adjustments were made based on this factor[25]
- **Number of Major Institutions (61):** As of June 30, 20—2017, there were 59 correctional institutions and annexes with more than 500 inmates as well as two major RMC units (RMC – Main Unit and RMC – West Unit)[26]
- **Adjustment for Inflation:** All estimates are presented in current dollars. All inflation adjustments are based on the Consumer Price Index as published by the Florida Office of Economic and Demographic Research (EDR) National Economic Estimating Conference (NEEC)[27]
- **Adjustment for Region 4 data limitations:** Data and information on health services staffing and expenses in Region 4 was not available at the time of the publication of this report. Therefore, in order to provide a more complete picture of the costs associated with both delivery model options, a percentage share of the known health services costs for Regions 1-3 was assumed for, and applied to represent Region 4 in the cost estimates. This estimated Region 4 factor (16.86% of total costs) was estimated based on a comparison of historical per diem costs in FY14-15 and FY15-16, using the Region's share of total health services contract costs as its estimated representation of total health services costs, expenses and staffing, statewide.

Inputs Excluded from Analysis

The following items and inputs are excluded from this Cost Analysis:

- Transition Costs: Cost Analysis does not account for any of the costs or potential risks associated with transitioning to a new delivery model.
- Formulary Drug Costs
- Pharmacy Operations
- Electronic Health Records (EHR)
- Accounting, Payroll, Procurement, and IT Support positions
- Human Resources (HR) positions and costs related to HR services and state employee support (e.g., hiring, labor relations, etc.)
- Payroll and Benefits Processing Costs
- Utilities and Building Maintenance Costs

24 Primary data sources include: Florida Department of Corrections Management Report for FY11-12; Centurion Operating Cost Report and Operating Indicators Report for FY16-17; Florida Paid Lag Detail (Utilization Management) data for FY16-17.
25 Florida Office of Economic and Demographic Research's (EDR) Criminal Justice Estimating Conference (CJEC). Inmates housed in Department-run facilities represent roughly 90% of all inmates in prison statewide.
26 Florida Department of Corrections, Bureau of Research and Data Analysis. Excludes 7 privately-run prisons.
27 Consumer Price Index from the Office of Economic and Demographic Research's (EDR) National Economic Estimating Conference. Adjustments were made based on the CPI Index reading from July of each year.

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- Costs related to office supplies, office equipment and leases, IT and telecom, postage and shipping, subscriptions, travel, or meals
- Custody, Transportation & Security Costs
- Medical Copayments & Trip Fees
- OBIS reimbursement fees

B. Categories

The categories below represent new costs that would become the responsibility of the Department under either delivery model option.[28] These costs do not represent a full accounting of the Department's Health Services budget and should not be interpreted as such.

This analysis separates costs by Health Services Disciplines and Category as outlined in the Department's recent Invitations to Negotiate (ITN) for Comprehensive Health Services.[29] For more information, see Appendices 3 and 4.

Category	**Description**
Staffing	Defined as the recurring annual cost for the Health Services staff employed by the Department. The total compensation cost includes adjusted base salaries and the employer's share of employee benefits. Benefits include retirement, health insurance, life insurance, and Medicare contributions. Costs of workers compensation insurance and any other risk insurance are not included. (See Staffing section for additional details)
Expenses	Defined as the recurring annual expenses *not associated with Staffing* (i.e.,. all other expenses not associated with the direct costs of Department-employed health services staff). Direct health care expenses are separated into two categories, "inside-the-gate" and "outside-the-gate", defined by the physical location of where care is provided to inmates: Health services provided to inmates within prison facilities are considered "inside-the-gate" (onsite care). Health services provided to inmates outside of prison facilities in the community are considered "outside-the-gate" (offsite care). (See Expenses section for additional details)
Institutional Medical (Discipline)	The "Institutional Medical" discipline is defined as medical health services provided to inmates at all FDC institutions and facilities, with the exception of Reception and Medical Center (RMC) in Lake Butler, FL.
RMC Medical (Discipline)	The "RMC Medical" discipline is defined as the medical health services provided to inmates at Reception and Medical Center (RMC) in Lake Butler, FL only. All other medical health services fall under the "Institutional Medical" category.
Mental Health (Discipline)	The "Mental Health" discipline is defined as all mental health services provided to inmates statewide.
Dental (Discipline)	The "Dental" discipline is defined as all dental health services provided to inmates statewide.
Medical Equipment & Supplies	Includes the purchase, lease and maintenance of Medical Equipment as well as the purchase of Medical Supplies.
Utilization Management (UM)	Expenses and staff associated with the review, authorization, triage and oversight of specialty and hospital care referrals, requests and consults. Includes utilization management information systems and utilization management nursing staff.

28 These expenses are currently the responsibility of the comprehensive health services vendor.
29 "Comprehensive Healthcare Services Procurement", Florida Department of Corrections webpage, available at: http://www.dc.state.fl.us/business/HealthSvcs/index.html.

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Claims Processing	Includes the costs associated with the review, processing and payment of medical claims. Under both Option 1 and Option 2, this category refers to the cost of contracting with a PPO/TPA to provide claims processing functions and services for the Department.
Non-Formulary Drugs	The Department maintains an extensive drug formulary system and the cost of all "formulary drugs" prescribed to inmates are currently the responsibility of the Department. These costs represent the majority of drug costs and are paid for out of the Department's existing Health Services budget. Drugs prescribed to inmates that are not included on the Department's formulary list ("non-formulary drugs") and emergency drugs ordered from local pharmacies are the responsibility of the comprehensive health services vendor.
Oversight & Recruitment	Oversight and Recruitment costs are categorized as expenses and FTEs associated with, but not directly involved in the delivery of health services to inmates.
Oversight	Includes existing Contract Monitor FTE positions, which are needed for the oversight of each of the health services disciplines. (These positions are currently paid for by the vendor.)
Recruitment	Includes employment advertising and marketing expenses. Expenses do not include any type of bonus or incentive recruitment programs. Includes recruitment/recruiter FTE positions.
Training & Licensing	Includes expenses related to training and seminars, physician credentialing, and licensing and filing fees.
Temporary Staffing	Includes expenses related to temporary help and staffing contract services.

Exhibit 3.1 Category Definitions and Descriptions

C. Health Services Staff

Estimates for an insourced Health Services staff were constructed using vendor data with adjustments made for market wage rates, the state's benefits package, and deficiencies in mental health staffing levels. These estimates serve as a baseline for both the level and types of positions that would need to be brought in-house to the Department under either insourced Option.

Methodology

Current vendor data for Health Services staffing in Regions 1-3 were used as the foundation to determine the level and composition of the existing Health Services staff. Due to unavailability of Region 4 data, Health Services staff in this region was estimated by applying the previously mentioned "Region 4 Adjustment Factor" (16.86%). Salaries were based on the salaries currently paid to existing Health Services staff. Salary adjustments were then made to select position types where the current salary was determined to be below the market wage rate in Florida. (These adjustments were determined by a market wage analysis conducted for key Health Services position types in various regions across the State. See Attachment 6 for full results of market wage analysis.) The results of this market wage analysis are incorporated and reflected in the staff estimates presented in this section.[30] Additionally, the base salaries for all Health Services positions were reduced by five (5) percent to account for the relatively richer benefits package provided to state government employees in comparison to the private sector. The adjusted base salary estimates were then used to calculate the employer's share of the costs for the State of Florida employee benefits package, accounting for Career Service (CS) and Select Exempt Service (SES) designations. Total compensation was calculated by applying the appropriate State of Florida benefit load to the adjusted wage rate and adding it to the

30 Centurion payroll data for Regions 1-3 as of June 10, 2017, adjusted for Region 4. "June 2017 Operating Indicators" report. Available at: Current Salaries by position by site.

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annual base salary rate.

Finally, due to the significant deficiencies found in the mental health discipline, the staffing estimates presented in this section also include adjustments to the level of mental health staffing. Mental Health staffing level increases were based on minimum recommended staffing ratios for psychiatric and psychological services in correctional settings. It is important to note that the estimated increase in the mental health staffing does not consider, or account for, shift relief factors or shift lapses.

Market Wage Analysis

North Highland conducted a market wage analysis of select Health Services positions that are integral in the delivery of direct health services and have been traditionally difficult to recruit and retain.[31] To do this, data from the Economic Research Institute (ERI) were analyzed for 22 positions matching these parameters, comparing the current vendor salary rates to the ERI statewide average salary rate in Florida for these positions.[32] (See Appendix 6 for additional detail.)

Among the 22 positions, ERI data suggested that the competitiveness of half, or eleven (11) of these positions could be enhanced by increasing the current vendor's salary rate to match the ERI statewide salary rate.[33] As illustrated in the Exhibit below, these 11 positions span across all four disciplines and have wage gaps (the difference between current vendor salary rates and the ERI salary rates) that range from $1.20 per hour to $8.37 per hour. If the Department matched the ERI salary rates for these positions, it would increase total salary wage costs (before benefits or any other adjustments) by $4 million annually (see "ERI Rate Cost Impact" column in Exhibit below). To make the compensation for these positions more competitive and thus easier to recruit and retain, the current vendor salary rates were replaced with the enhanced ERI salary rates for these positions in the cost estimates presented in this section.

FDC Position Title	Discipline	ERI Position Title	ERI Hourly Wage	Vendor Hourly Wage	Difference	# of Positions Affected	ERI Rate Cost Impact (before benefits)
PhysAsst,AdvRNPrac,CNSpe (ARNP)	Institutional Medical	Advanced Professional Nurse Practitioner	$ 51.79	$ 47.39	$ 4.40	22.52	$ 206,192
PhysAsst,AdvRNPrac,CNSpe	RMC	Advanced Professional Nurse Practitioner	$ 51.79	$ 50.38	$ 1.41	2.94	$ 8,639
Dental Hygienist	Dental	Dental Hygienist	$ 31.43	$ 26.72	$ 4.71	21.75	$ 213,239
Dentist	Dental	Medical Dentist	$ 74.61	$ 67.54	$ 7.07	61.67	$ 906,929
Mental Health Director (Psych Services Director)	Mental Health	Mental Health/Psychological Services Manager	$ 49.23	$ 48.03	$ 1.20	13.33	$ 33,192
Registered Nurse Mental Health	Mental Health	Nursing Supervisor	$ 42.14	$ 33.77	$ 8.37	1.42	$ 24,701
Nurse Manager	Institutional Medical	Nursing Supervisor	$ 42.14	$ 35.47	$ 6.66	7.47	$ 103,579
Nurse Manager	RMC	Nursing Supervisor	$ 42.14	$ 33.90	$ 8.24	1.00	$ 17,133
MD Physical Health	RMC	Physician Family Practice	$ 89.70	$ 87.61	$ 2.09	14.02	$ 61,074
Registered Nurse MH	Mental Health	Registered Nurse	$ 34.18	$ 32.20	$ 1.98	44.08	$ 181,560
Registered Nurse Med	Institutional Medical	Registered Nurse	$ 34.18	$ 30.95	$ 3.23	340.87	$ 2,293,598
					TOTALS	531.06	$ 4,049,836

Exhibit 3.2 Adjustments for Competitive Market Wage
Source: Economic Research Institute (ERI) Database, 2017.

31 Florida Office of Program Policy Analysis & Government Accountability, "Corrections Experiences Turnover and Vacancies, But Performance Not Diminished", OPPAGA Report No. 07-15, February 2007.
32 ERI data identifies position-specific wage rates (before benefits) in the current market environment at the state and local market level (e.g., by zip code). Economic Research Institute (ERI) Database as of June 30, 2017. Positions analyzed: Advanced Professional Nurse Practitioner - Medical, Advanced Professional Nurse Practitioner – Psychiatric, Dental Hygienist, Dental Assistant, Dentist, Mental Health Director, Psychological Services Director, Registered Nurse – Mental Health, Registered Nurse – Medical, Nursing Supervisor - Medical, Nursing Supervisor – Mental Health, Nursing Manager, Physician Physical Health (General Practice), Licensed Practical Nurse – Mental Health, Licensed Practical Nurse – Medical, Physician Assistant, Nursing Assistant - Mental Health, Mental Health Professional, Behavioral Health Technician, Activity Technician/ Therapist, Psychiatrist, and Psychologist.
33 The current vendor salary rate was found to be higher than the ERI wage rate for the other 11 positions analyzed. Notably, Psychiatrists and Psychologists positions were among these positions. As a result, the salary rate used for these 11 positions in the cost estimates remained unchanged from the current vendor salary rate (no market rate wage adjustments). No reductions to existing salaries were included in this cost analysis.

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Mental Health Staffing Levels

Adjustments were made for mental health staffing determined by significant deficiencies found in performance and accountability reporting as well as the ongoing litigation against FDC by Disability Rights of Florida, Inc., (DRF) concerning the treatment of inmates with mental health disorders. (See next section for further details.) Significant shortfalls in current mental health staffing levels were found when looking only at the minimum staffing standards recommended for psychological and psychiatric services in prisons.

Mental Health Classifications

Each inmate receives a Mental Health Grade, known as an "S-grade" classification, upon entering the prison system. Each inmate receives a mental health screening and assessment by psychiatric staff during the reception process and is assigned a mental health 'S-grade' classification.

Mental health grades range from S-1 to S-6. The S-1 grade indicates an inmate who does not have an impairment in adaptive functioning associated with a mental disorder that requires ongoing mental health treatment. The S-2 grade denotes an inmate with mild impairment in adaptive functioning associated with a diagnosed mental disorder that requires ongoing outpatient mental health treatment. The S-3 grade indicates moderate impairment in adaptive functioning associated with a mental disorder that requires ongoing outpatient mental health treatment. The S-4, S-5, and S-6 grades indicate severe impairment in adaptive functioning that is associated with a diagnosed mental disorder and requires inpatient mental health treatment in a transitional care unit (TCU), a crisis stabilization unit (CSU), or the Correctional Mental Health Treatment Facility (CMHTF). Admission to a CMHTF requires judicial commitment.[34]

The Exhibits below define the mental health grade classification system and show the Inmate Population by S-Grade as well as the level of mental health staffing as of June 2017.

34 Florida Department of Corrections Office of Health Services, Health Services Bulletin No: 15.03.13: http://www.dc.state.fl.us/business/HealthSvcs/Bulletins/15-03-13%20RD%205-28-14.pdf.

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S-Grade	Description
S-1	Defined as the recurring annual cost for the Health Services staff employed by the Demonstrates no significant impairment in the ability to adjust within an institutional environment and does not exhibit symptoms of a mental disorder (which includes intellectual disability). Although inmates classified as S-1 do not require ongoing mental health treatment, they have access to routine mental health services (sick call, emergencies, etc.).
S-2	Exhibits impairment associated with a diagnosed mental disorder. The impairment is not so severe as to prevent satisfactory adjustment in general inmate housing with the assistance of mental health case management, psychological services, and counseling. This mental health grade also applies to an inmate who, as determined by psychiatry staff, is sufficiently stable on select psychotropic medications for medication management by a non-psychiatric physician or ARNP in consultation with a psychologist.
S-3	Shows impairment in adaptive functioning due to a diagnosed mental disorder. The impairment is not so severe as to prevent satisfactory adjustment in general inmate housing with the assistance of mental health case management, psychological services, counseling, and psychiatric consultation for psychotropic medication. S-3 is also assigned routinely to an inmate who is determined to need psychotropic medication, even if the inmate may be exercising the right to refuse such medication.
S-4	Is assigned to a transitional care unit (TCU), which is an inpatient level of mental health care. The mental health classification S-4 can only be assigned or changed at a TCU.
S-5	Is assigned to a crisis stabilization unit (CSU), which is an inpatient level of mental health care. This classification can only be assigned or changed at a CSU.
S-6	Is admitted to a Mental Health Treatment Facility (MHTF), which is the highest and most intensive level of inpatient mental health care. Admission to an MHTF requires judicial commitment.
S-9	Is in the reception process and is scheduled to be evaluated by psychiatry staff.

Exhibit 3.3 Mental Health Grade Classification System
Source: Florida Department of Corrections Health Services Bulletin 15.03.13.

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	Inmates (Regions 1-4)
Total Population	87,656
General Population (S1-S3)	86,358
Inpatient Population (S4-S6)[35]	777
Psychotropic Drugs - General Population (S3)[36]	10,345

Exhibit 3.4 Inmate Population by Mental Health Grade
Source: Florida Department of Corrections, figures as of June 30, 2017.

	Mental Health FTEs (Regions 1-4)
Total Mental Health Staff	**524.6**
Psychiatrists[37]	33.45
Psychiatric Services Staff (non-psychiatrists)[38]	11.32
Psychological Services Staff[39]	305.96
Registered Nurses (RNs)	45.99
Licensed Practical Nurses (LPNs)	44.71
Certified Nursing Assistants (CNAs)	14.24
Administrative Assistants/ Misc.	64.12
Psychology Interns	4.81

Exhibit 3.5 Current Mental Health Staffing Levels
Source: Florida Department of Corrections, figures as of June 10, 2017.

35 The levels of care that comprise the inpatient mental health care delivery system (i.e., residential or specialized treatment units) are: Transitional Care Units (TCU; S-Grade 4); Crisis Stabilization Units (CSU; S-Grade 5); and, Corrections Mental Health Treatment Facilities; (CMHTF; S-Grade 6). Florida Department of Corrections Office of Health Services, Health Services Bulletin No. 15.05.05: http://www.dc.state.fl.us/business/HealthSvcs/Bulletins/15-05-05current.pdf. Florida Department of Corrections Office of Health Services, Health Services Bulletin No: 15.05.18: http://www.dc.state.fl.us/business/HealthSvcs/Bulletins/15-05-18current.pdf.

36 According to FDC's Health Services Bulletins, each inmate who is prescribed psychotropic medication for a mental disorder(s) shall be assigned an "S" grade of three (3) or higher. S-3 grades indicate inmates who are prescribed psychotropic medication in an outpatient (general population) setting. S-4 to S-6 grades indicate inmates assigned to inpatient (residential) mental health treatment units. Florida Department of Corrections Office of Health Services, Health Services Bulletin No. 15.05.05: http://www.dc.state.fl.us/business/HealthSvcs/Bulletins/15-05-05current.pdf. Florida Department of Corrections Office of Health Services, Health Services Bulletin No: 15.05.18: http://www.dc.state.fl.us/business/HealthSvcs/Bulletins/15-05-18current.pdf

37 FTE count includes the statewide psychiatrist position.

38 This category refers to the following job position category: PhysAsst,AdvRNPrac,CNSpMH – Nurse Practitioner Psychiatric.

39 This category refers to qualified mental health care professionals (QMHP), which is a professional who is licensed or certified at the highest level of their discipline to independently provide psychological mental health care services. For this analysis, QMHP professionals include: Psychologists, Psychology Residents, Registered Nurses, APRNs, Behavioral Health Technicians, Mental Health Consultants, and Mental Health Professionals.

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Psychological Services Staff-to-Inmate Standards[40]

The International Association for Correctional and Forensic Psychology (IACFP) recommends that for every 150 to 160 *general population* inmates in prison, there should be one full-time qualified mental health care professional (QMHP).[41] The IACFP also recommends a minimum staffing ratio of 1.0 FTE qualified mental health care professional for every 50 to 75 adult inmates in specialized units (e.g., special management units for mentally ill inmates, etc.).[42]

Based only on these metrics, and assuming there are 86,358 general population inmates and 777 patients in specialized units, FDC should have between 550 and 591 total FTE qualified mental health care professionals on staff to meet the IACFP's minimum recommended staffing levels. This represents a staffing shortfall between 187 and 228 FTEs when compared to current staffing levels. The average total FTEs recommended for psychological services (571 FTEs, or 207 additional FTEs) is included, and accounted for, in the Health Services staff estimates presented in this section.

Psychological Services Standards	Inmate Population	Staff-to-Inmate Ratio	Recommended Staffing Level	Staff-to-Inmate Ratio	Recommended Staffing Level
General Population (S1-S3)	86,358	150	575.72	160	539.74
Specialized Units (S4-S6)	777	50	15.54	75	10.36
		Recommended Staffing Level	**591.26**	570.7	**550.1**
		Current Staffing Level[43]	363.27	363.27	363.27
		Staffing Gap	**-227.99**	**-207.41**	**-186.83**
				Average	

Exhibit 3.6 Staffing Ratios for Psychological Services in Prison
Source: Florida Department of Corrections, figures as of June 10, 2017.

40 International Association for Correctional and Forensic Psychology (IACFP), "Standards for Psychology Services in Jails, Prisons, Correctional Facilities, and Agencies", Third Edition (2010). Criminal Justice and Behavior, Vol. 37 No. 7, July 2010 749-808.
41 Qualified mental health care professional (QMHP): A professional who is licensed or certified at the highest level of their discipline to independently provide psychological mental health care services. Examples include a licensed psychologist, medical psychologist, or licensed clinical social worker. For this analysis, QMHP professionals include: Psychologists, Psychology Residents, Registered Nurses, APRNs, PhysAsst,AdvRNPrac,CNSpMH – Nurse Practitioner Psychiatric, Behavioral Health Technicians, Mental Health Consultants, and Mental Health Professionals. Excludes LPNs, CNAs, Administrative Assistants and Psychology Interns.
42 International Association for Correctional and Forensic Psychology (IACFP), "Standards for Psychology Services in Jails, Prisons, Correctional Facilities, and Agencies", Third Edition (2010). Criminal Justice and Behavior, Vol. 37 No. 7, July 2010 749-808.
43 For this analysis, QMHP professionals include: Psychologists, Psychology Residents, Registered Nurses, APRNs, PhysAsst,AdvRNPrac,CNSpMH – Nurse Practitioner Psychiatric, Behavioral Health Technicians, Mental Health Consultants, and Mental Health Professionals. Excludes LPNs, CNAs, Administrative Assistants and Psychology Interns.

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Psychiatric Services Staff-to-Inmate Standards[44]

The American Psychiatric Association (APA) recommends that for every 150 to 200 general population inmate-patients in prison with serious mental illness (SMI) who are receiving psychotropic medication, there should be 1.0 FTE psychiatrist. The APA also recommends a minimum staffing ratio of 1.0 FTE psychiatrist for every 50 inmate-patients in residential treatment units.[45]

Based only on these metrics, and assuming there are 10,345 medicated SMI patients in general population and 777 patients in residential treatment units, FDC should have between 67 and 85 total FTE psychiatrists on staff to meet the APA's minimum recommended staffing levels. This represents a staffing shortfall between 34 and 51 psychiatrist FTEs when compared to current staffing levels. The average total FTEs recommended for psychological services (76 FTEs, or an additional 42 FTE psychiatrists) is included, and accounted for, in the Health Services staff estimates presented in this section.

Psychiatric Staffing Standards	Inmate Population	Staff-to-Inmate Ratio	Recommended Staffing Level	Staff-to-Inmate Ratio	Recommended Staffing Level
Psychotropic General Population (S3)	10,345	150	68.97	200	51.73
Residential Treatment Units (S4-S6)	777	50	15.54	50	15.54
Recommended Staffing Level			**84.51**	75.9	**67.27**
Current Staffing Level FTEs			33.45	33.45	33.45
Staffing Gap			**-51.06**	**-42.43**	**-33.81**
				Average	

Exhibit 3.7 Staffing Ratios for Psychiatric Services in Prison
Source: Florida Department of Corrections, figures as of June 10, 2017.

Based on the staffing ratios presented above, an estimated additional 42.43 psychiatrist FTEs and an additional 207 QMHP FTEs are factored into the staffing level cost estimates presented in this section. It is important to note that these staffing level increases were based only on minimum recommended staffing ratios for psychiatric and psychological services in correctional settings, and that the estimated increase in the mental health staffing does not consider, nor account for, shift relief factors or shift lapses.

Additional Considerations in Staffing Levels

Additional considerations of staffing levels are important to meet the mental health, dental and medical standards of care and performance criteria and measures defined by the Department. This section provides an overview of the potential areas that may require increases in staffing levels based on research and interviews of key Corrections staff and stakeholders. An analysis of performance measures and Correctional Medical Authority (CMA) reports found gaps in performance, some of which classify as areas where the Department should consider staffing adjustments. North Highland noted several areas for consideration and offers the following observations on key factors that influence staffing levels.

44 American Psychiatric Association. Psychiatric Services in Correctional Facilities, Third Edition (2015). Washington, DC: American Psychiatric Association.
45 Ibid.

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Unmet Performance Measures

A high-level review of the current vendor's recent performance measure outcomes for medical, dental and mental health services revealed several performance deficiencies that can be attributed in part to insufficient staffing levels.

The ability to meet performance measures is one of many components to consider when evaluating staffing levels. Additional factors to consider include: policies and procedures, facility-level characteristics, staff retention rates, staff experience and skill sets, unit and shift-level factors, inmate acuity, programs and activities, facility-level population and census, space and facility design, proximity to resources, scheduling delays, missed appointments, and more. Additionally, the collaboration required between health services staff and correction officer staff requires an overlay staffing analysis of both disciplines. The *Prison Staffing Analysis* report (2008) prepared for the U.S. Department of Justice (DOJ) may be a useful reference guide for the Department as it provides a comprehensive list of contents, training materials, and staffing analysis practices for correction agencies to consider when establishing a staffing analysis process.[46]

To determine unmet performance measures, North Highland analyzed contract monitoring reports that include target standards of performance and the accompanying results. These performance measures were updated with new categories requested by the Department as a part of the current procurement process associated with the outsourcing of health services. Performance measures resulting in a deficiency of 10% or greater from the target standard were isolated for this analysis with a conclusion that deficiencies may be attributed to inadequate staffing.

Thirty-seven unmet performance measure indicators identified in the contract monitoring report are specific to medical/medical nursing, mental health, and dental disciplines; the highest proportion of deficiencies are within the mental health discipline. Assumptions were made as to which staff role may be accountable for meeting each deficient indicator to suspect if insufficient staffing contributes to missing a performance measure target.[47] Of importance, not all performance measure indicators are applicable to all institutions. See Appendix 5 for a complete list of these performance measure indicators.

Unmet performance measure indicators associated with potentially inadequate staffing levels were found within each of the following staffing disciplines:

- **Mental Health Discipline:** The Mental Health discipline was found to have the greatest number of deficiencies of all the disciplines with 23 unmet performance measures. Roles attributed to performance measure indicators include psychologist and counselors, mental health nursing, Psychiatrist and APRN-Psych, and other mental health workers. Several deficient performance measures were attributed to team collaborative efforts rather than individual staff roles. Of the roles attributed, the highest number of missed targets were found attributed to the Psychiatrist/APRN-Psych roles. For example, the following (not inclusive) unmet performance measures (PM) were identified in the contract monitoring report:
  - **[PM#77 - Deficient]:** A psychiatric evaluation is completed prior to initially prescribing psychotropics (PM is applicable to 26 institutions)
  - **[PM#79 - Deficient]:** Required laboratory tests are ordered for the initiation of psychotropic medication administration (PM is applicable to 26 institutions)
  - **[PM#38 - Deficient]:** Inmates receive a periodic screening (PM is applicable to 54 institutions)
  - **[PM#70 - Deficient]:** Daily counseling by mental health staff (except weekend and holidays) is conducted and appropriately documented (PM is applicable to 43 institutions)

- **Medical Discipline:** Six performance measure indicators exceeded the 10% target with roles attributed specifically to MDs/APRNs and PAs only. In some instances, RNs may have the authority to initiate physician protocols; however, the physicians remain the likely role accountable for meeting the measure. For example, the following (not inclusive) unmet performance measures (PM) were identified in the contract monitoring report:
  - **[PM#18 - Deficient]:** All pregnant inmates will be offered HIV testing (PM is applicable to 1 institution)

46 Camp, C.G. et al (2008, December). Prison staffing analysis: A training manual, with staffing considerations for special populations. Available at: https://s3.amazonaws.com/static.nicic.gov/Library/022667.pdf.
47 Management and Administrative-level positions were not factored into this staffing analysis.

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- **[PM#12 - Deficient]:** The Chief Health Officer at the institution is responsible for the treatment of inmates on hunger strike (PM is applicable to 17 institutions)

□ **Medical Nursing Discipline:** According to the Department's full-time employee report, the majority of the corrections health services workforce is nursing staff (i.e., RNs, LPNs, and CNAs). Six performance measure indicators exceeded the 10% target with roles attributed to nursing. There were two instances that a physician was the more likely role to meet the measure. For example, the following (not inclusive) unmet performance measures (PM) were identified in the contract monitoring report:

- **[PM#32 - Deficient]:** Medical Staff delivers care as outlined per policy to inmates who state they are the victim of an alleged sexual battery (PM is applicable to 17 institutions)
- **[PM#38 - Deficient]:** Inmates receive a periodic screening (PM is applicable to 54 institutions)

□ **Dental Discipline:** Of the twenty performance measure indicators specific to the dental discipline, only two performance measure indicators had a deficiency greater than the 10% target. Performance measures in this discipline may not capture specific indicators where staffing role deficiencies may be attributed, or may be realized across measures below the 10% target. Roles attributed to the two unmet measures were different for both indicators and therefore unlikely specifically related to a staffing deficit. A further analysis of this discipline is recommended.

Based on the review and analysis above, a staffing level increase in the areas presented below may assist the Department in meeting performance measure targets. The following positions were determined to be directly associated with the unmet performance measure indicators detailed above:

- **Mental Health Discipline positions**: Mental Health Registered Nurses, Mental Health Licensed Practical Nurses, Mental Health Certified Nursing Assistants, Nurse Practitioners – Psychiatric, Mental Health Professionals, Psychiatrists, Psychologists, and Behavioral Health Technicians.
- **Medical Discipline positions**: Medical MDs, Physician Assistants, and Advanced Practice Registered Nurses.
- **Medical Nursing Discipline positions**: Medical Registered Nurses, Licensed Practical Nurses, Certified Nursing Assistants, and Nursing/Medical Assistants.

It should be noted that the analysis provided here does not consider other factors that may impact service delivery capabilities. The analysis used recent performance measures and outcomes to identify gaps in performance and analyzed the gaps for areas where staffing increases would potentially result in raising the performance levels.

Correctional Medical Authority (CMA) Findings

North Highland reviewed the latest Correctional Medical Authority (CMA) surveys for FDC-run correctional institutions with reception centers, inpatient mental health units, or a large total inmate population.[48] The CMA surveys each major correctional institution once every three years, using specific criteria to evaluate if inmate care and treatment satisfies statutory and Department requirements, and publishes a thorough report on its findings.[49]

CMA's findings and conclusions are based on several methods of evidence collection, including physical evidence,

48 The latest CMA survey reports for the following institutions were reviewed and analyzed: CFRC (2014), NWFRC (2014), SFRC (2017), FWRC (2015), Union (2017), Suwannee (2017), Santa Rosa (2016), Lake (2014), Dade (2015), Zephyrhills (2013), Charlotte (2015), RMC (2015), Everglades (2016), Okeechobee (2014), Gulf (2016), Columbia (2015), Desoto Annex (2016), and Martin (2016). These institutions are reflective of the largest correctional facilities by total inmate population as well as those correctional facilities with inpatient mental health services and/or reception centers.

49 CMA contracts with a variety of licensed community and public health care practitioners, such as physicians, psychiatrists, dentists, nurses, psychologists and licensed mental health professionals. The survey process includes a review of the physical, dental and mental health systems; specifically, the existence and application of written policies and procedures, staff credentials, staff training, confinement practices, and a myriad of additional administrative issues. Individual case reviews are also conducted. The cases selected for review are representative of inmates who are receiving mental and/or physical health services (or who are eligible to receive such services).

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testimonial evidence, documentary evidence, and analytical evidence. Findings may arise from a single event or a trend of similar events and may also involve past or present events that either had or may have the potential of compromising inmate health care. All findings identified require corrective action by institutional staff.

A review of CMA reports found areas where the Department should consider staffing adjustments. A summary of CMA findings related directly or in part to staffing levels in the mental health, dental and medical service areas is provided below.

Mental Health

A review of CMA survey findings in mental health revealed wide-spread, persistent vacancies across mental health positions and across institutions. Vacancies were particularly pronounced in psychiatrist, mental health nursing and clinician positions and CMA noted several concerns about the adequacy of mental health nursing and psychiatry position staffing levels in both inpatient and outpatient settings.[50] Nearly all of the CMA's mental health findings were directly or partially associated with inadequate staffing levels and more than one-third of the CMA reports reviewed included an explicit recommendation for the institution to evaluate its mental health staffing levels to ensure inmates have adequate access to mental health services. Several institutions indicated challenges related to adequate clinical and nursing coverage and staff had concerns regarding current workloads and the need to limit the time spent with inmates on their caseload in order to complete other required tasks, such as paperwork. CMA's findings related to staffing levels include:

- **Missing or late initial and follow-up clinical and nursing assessments**
  - Missing evaluations and assessments not completed as required. For example, inmates were not consistently seen by the attending clinician and for post-discharge follow-up. There were also additional nursing findings related to incomplete or missing nursing assessments.
  - Mental status exams were not completed as required for inmates in confinement.
  - Staff indicated that additional mental health professional positions would alleviate the workload so that assessments and follow-up could be provided timely.

- **Provision of Mental Health Services**
  - A review of outpatient services revealed that Individualized Service Plans (ISPs) and informed medication consents were not consistently signed by the inmate. These signatures are significant because they indicate the inmate is involved in the planning and carrying out of his treatment goals.
  - Inmates did not always receive the services and interventions (i.e. counseling, psychiatric services and case management) as indicated and agreed upon in the ISP.
  - Inmates were not provided the appropriate level of structured therapeutic services, noting high inpatient workloads and staffing were key challenges in meeting requirements.
  - The ongoing *Jones v. Disability Rights of Florida, Inc.* lawsuit pertains to these issues and its outcome will have an impact on mental health staffing needs and levels.

- **Lack of documentation in mental health records**
  - Numerous findings related to a lack of documentation of mental health contacts and assessments.
  - Disorganization and back-log delays in completing and filing mental health records.
  - These findings are a concern because without complete documentation, it is impossible to determine if the assessments were completed timely and appropriately.

- **Wide-spread concerns related to psychiatric services and psychotropic medication administration**
  - Many of CMA's findings were related to psychiatric services and psychotropic medication administration (i.e., the prescribing, assessing, and distribution of psychotropic medication) in both inpatient and outpatient mental health settings. CMA cited inadequate staffing levels, level of clinician coverage, and persistent psychiatrist position vacancies as key contributors to these issues.[51]

50 CMA noted that such shortages are covered by agency nurses and locum tenens, but that there continue to be inherent challenges in continuity of care and treatment when relying on temporary staff unfamiliar with facility operations.

51 Psychiatric services are performed by psychiatrists and psychiatric nurses (e.g., RNs and APRNs). A psychiatrist

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- Inmates were not seen for follow-up within the required timeframe with some facilities reporting that follow-up was not provided for five to nine months or greater.
- Medication was discontinued when the order expired, however there was no order from a clinician to discontinue the medication.
- Initial and follow-up assessments and lab studies were not performed as required.
- Many records lacked appropriate documentation of the daily administration of medication and, on many occasions, there were gaps in the medication administration record (MAR), which indicates that medication was not administered on that day. Surveyors were concerned that inmates on mental health medications, especially those requiring titration, who do not receive their medications as prescribed may experience adverse physical or psychological effects, further compounding existing caseload challenges.

Dental

A review of CMA reports revealed persistent concerns pertaining to the level of dental staff and clinician coverage. There were also wide-spread concerns regarding the condition of necessary dental equipment.[52] CMA's findings related to dental staffing levels include:

- **Access to Consultations and Specialty Care Services**
  - Most institutions reported long wait times and significant delays in dental care, especially for specialty care services and follow-up consultations.

- **Dental Staffing Coverage**
  - At several institutions, CMA expressed concern that dental staff may be working outside their scope of practice (e.g., taking x-rays without doctor's orders, etc.).
  - In one institution, CMA found that there was a one to five month wait before the x-rays were reviewed by a dentist.
  - Lack of documentation of dental findings and treatments in dental records and charts.

Medical

A review of CMA reports revealed issues related to medical nursing staff levels and clinician coverage in institutional clinics. CMA's findings related to staffing levels in the medical area include:

- **Clinician Coverage in Institutional Clinics**
  - In several institutions, there was no evidence that clinic consultations were performed in a timely manner.
  - Delayed or missed periodic screenings and required follow-up appointments were frequently cited.

- **Medical Nursing Staff**
  - Numerous findings of incomplete, missing or inaccurate documentation in medical records for medication administration, follow-up consultations, laboratory orders, nursing assessments, and periodic screenings also signaled issues with medical nursing staff levels and coverage.
  - A few institutions reported that retaining nursing staff had been difficult and some faced significant vacancies in medical nursing positions.

position is required to serve inmates receiving psychotropic medications.

52 CMA identified several concerns regarding the availability of essential dental equipment and supplies, which can contribute to longer wait times. Necessary equipment was found to be not in proper working order at many institutions. The equipment most often cited were dental chairs, dental operatories, and x-ray equipment. Of note, at the fifth largest correctional institution by inmate population (Gulf CI), CMA found that the infrastructure of the dental clinic was in significant disrepair.

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Health Services Staff Estimates

The following Exhibits present the Health Services staff estimates in detail by category.

It is important to note that the Health Services staff estimates remain the same (unchanged) under both delivery models analyzed in this study because both options include insourcing the Health Services workforce. These estimates, shown in the Exhibits below, provide a snapshot of the Health Services staff that would need to be brought in-house to the Department under an insourced model and is not inclusive of all the staffing level changes and increases that would be potentially needed under any type of delivery model, insourced or otherwise, to meet pre-defined performance criteria identified by the Department. The results of this market wage analysis are incorporated and reflected in the staff estimates presented in this section (denoted in green in the Exhibits below).

								State of FL Benefit Loads	
								135.93%	SES
		Region 4 Adjustment =	16.86%					139.95%	Career Service
		Staff Counts							
Institutional Medical	**SES?**	**Regions 1 - 3**	**Region 4**	**Total Staffing**	**Hourly Wage Rate**	**Hourly Rate Adj.***	**Annualized**	**Including Benefit Load**	**Total Compensation for All Positions**
AA, Clerk at Facility	N	85.66	17.37	103.03	$ 15.82	$ 15.03	$ 31,269	$ 43,761	$ 4,508,559
Case Manager	N	5.02	1.02	6.04	$ 18.04	$ 17.14	$ 35,655	$ 49,899	$ 301,217
Director of Nursing – Med	Y	43.49	8.82	52.31	$ 34.17	$ 32.46	$ 67,526	$ 91,788	$ 4,801,224
Health Services Admin	Y	35.16	7.13	42.29	$ 33.72	$ 32.04	$ 66,634	$ 90,575	$ 3,830,025
Laboratory Technician	N	2.04	0.41	2.45	$ 17.62	$ 16.74	$ 34,811	$ 48,719	$ 119,577
Licensed Pract Nurse Med	N	530.06	107.49	637.55	$ 22.55	$ 21.42	$ 44,562	$ 62,365	$ 39,760,222
MD Physical Health	Y	13.08	2.65	15.73	$ 106.62	$101.29	$ 210,679	$ 286,376	$ 4,503,763
Medical Director	Y	38.83	7.87	46.71	$ 99.63	$ 94.65	$ 196,874	$ 267,611	$ 12,499,401
Medical Records	N	106.57	21.61	128.19	$ 15.16	$ 14.41	$ 29,963	$ 41,933	$ 5,375,245
Medical Technician	N	9.87	2.00	11.87	$ 15.40	$ 14.63	$ 30,439	$ 42,600	$ 505,663
Nurse Manager	Y	6.21	1.26	7.47	$ 42.14	$ 40.03	$ 83,263	$ 113,179	$ 845,687
Nursing Assistant	N	91.85	18.63	110.48	$ 15.46	$ 14.69	$ 30,555	$ 42,761	$ 4,724,372
Pharmacy Director	Y	1.10	0.22	1.32	$ 56.82	$ 53.98	$ 112,273	$ 152,612	$ 201,917
Pharmacy Technician	N	4.02	0.81	4.83	$ 15.62	$ 14.84	$ 30,867	$ 43,198	$ 208,807
Phlebotomist	N	1.00	0.20	1.21	$ 14.52	$ 13.80	$ 28,696	$ 40,161	$ 48,456
PhysAsst,AdvRNPrac,CNSpe (Advanced RN Practitioner)	N	18.72	3.80	22.52	$ 51.79	$ 49.20	$ 102,342	$ 143,228	$ 3,224,955
Physician Assistant	N	4.96	1.01	5.96	$ 48.60	$ 46.17	$ 96,029	$ 134,393	$ 801,627
Program Mgr at Reg Office	Y	8.15	1.65	9.80	$ 45.28	$ 43.02	$ 89,478	$ 121,628	$ 1,192,286
Quality Assurance	N	2.09	0.42	2.51	$ 37.08	$ 35.23	$ 73,269	$ 102,541	$ 257,462
Regional Health Services Administrator	Y	3.00	1.00	4.00	$ 38.46	$ 36.54	$ 76,000	$ 103,307	$ 413,227
Regional Medical Director	Y	3.00	1.00	4.00	$ 120.19	$114.18	$ 237,498	$ 322,832	$ 1,291,326
Regional Nursing Consultant	Y	3.00	1.00	4.00	$ 41.35	$ 39.28	$ 81,700	$ 111,055	$ 444,219
Regional Government Analyst	N	3.00	1.00	4.00	$ 17.76	$ 16.87	$ 35,096	$ 49,117	$ 196,468
Registered Nurse Medical	N	283.40	57.47	340.87	$ 34.18	$ 32.47	$ 67,540	$ 94,522	$ 32,219,369
Regional Infection Control RN	Y	3.00	1.00	4.00	$ 34.62	$ 32.88	$ 68,400	$ 92,976	$ 371,904
Medical Records II	N	12.38	2.51	14.90	$ 17.81	$ 16.92	$ 35,187	$ 49,245	$ 733,540
TOTALS		**1,306.27**	**266.86**	**1,573.13**					**$ 122,646,979**

** Hourly Wage Rates reduced by 5.0% across all positions (adjusted)*
***Green highlights denote market wage analysis adjustments*

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RMC Medical	SES?	Staff Counts: Regions 1 - 3	Staff Counts: Region 4 (n/a)	Staff Counts: Total for RMC	Hourly Wage Rate	Hourly Rate Adj.*	Annualized	Including Benefit Load	Total Compensation for All Positions
AA, Clerk at Facility – Administrative Assistant	N	5.60	-	5.60	$ 16.09	$ 15.29	$ 31,794	$ 44,495	$ 249,175
AA, Clerk at Facility – Clerk	N	8.98	-	8.98	$ 12.94	$ 12.29	$ 25,569	$ 35,784	$ 321,344
AA, Clerk at Facility – Transcriptionist	N	1.50	-	1.50	$ 15.71	$ 14.92	$ 31,043	$ 43,445	$ 65,167
AA, Clerk at Facility – Inventory Coordinator	N	0.99	-	0.99	$ 14.00	$ 13.30	$ 27,664	$ 38,716	$ 38,329
AA, Clerk at Facility – Medical Billing Clerk	N	2.00	-	2.00	$ 13.23	$ 12.57	$ 26,142	$ 36,586	$ 73,173
AA, Clerk at Facility – Scheduler	N	3.00	-	3.00	$ 13.68	$ 13.00	$ 27,032	$ 37,831	$ 113,493
AA, Clerk at Facility II – Lead Inventory Coordinator	N	3.14	-	3.14	$ 14.92	$ 14.17	$ 29,482	$ 41,260	$ 129,556
Case Manager – Re-Entry Coordinator	N	1.08	-	1.08	$ 16.28	$ 15.47	$ 32,169	$ 45,021	$ 48,623
Assistant Director of Nursing – Medical	Y	1.01	-	1.01	$ 38.37	$ 36.45	$ 75,819	$ 103,061	$ 104,092
Director of Nursing – Medical	Y	3.02	-	3.02	$ 47.55	$ 45.17	$ 93,959	$ 127,718	$ 385,709
Health Services Administrator	Y	1.01	-	1.01	$ 34.66	$ 32.93	$ 68,488	$ 93,096	$ 94,027
Hospital Administrator	Y	1.01	-	1.01	$ 47.63	$ 45.25	$ 94,117	$ 127,933	$ 129,212
Laboratory Technician	N	4.02	-	4.02	$ 16.51	$ 15.68	$ 32,624	$ 45,657	$ 183,541
Licensed Practical Nurse Medical	N	73.21	-	73.21	$ 25.78	$ 24.49	$ 50,941	$ 71,292	$ 5,219,311
MD Physical Health – Physician	Y	14.02	-	14.02	$ 89.70	$ 85.22	$ 177,256	$ 240,944	$ 3,378,031
Medical Director CHO	Y	1.00	-	1.00	$ 105.77	$100.48	$ 209,002	$ 284,096	$ 284,096
Medical Records Clerk	N	6.60	-	6.60	$ 14.15	$ 13.44	$ 27,960	$ 39,131	$ 258,262
Medical Records II – Supervisor	Y	2.01	-	2.01	$ 17.27	$ 16.41	$ 34,126	$ 46,387	$ 93,238
Medical Technician – EMT	N	1.08	-	1.08	$ 17.16	$ 16.30	$ 33,908	$ 47,454	$ 51,251
Nurse Manager	Y	1.00	-	1.00	$ 42.14	$ 40.03	$ 83,263	$ 113,179	$ 113,179
Nurse Specialty – QA Coordinator	N	1.10	-	1.10	$ 30.51	$ 28.98	$ 60,283	$ 84,367	$ 92,803
Nurse Specialty – RN Education	N	1.05	-	1.05	$ 35.87	$ 34.08	$ 70,879	$ 99,195	$ 104,155
Certified Medical Assistant	N	3.21	-	3.21	$ 16.56	$ 15.73	$ 32,723	$ 45,795	$ 147,003
Certified Nursing Assistant	N	29.75	-	29.75	$ 14.68	$ 13.95	$ 29,008	$ 40,596	$ 1,207,738
CNA Patient Sitter	N	9.13	-	9.13	$ 12.51	$ 11.88	$ 24,720	$ 34,595	$ 315,855
PhysAsst,AdvRNPrac,CNSpe ARNP	N	2.94	-	2.94	$ 51.79	$ 49.20	$ 102,342	$ 143,228	$ 421,090
Regional Medical Director	Y	1.00	-	1.00	$ 137.52	$130.64	$ 271,740	$ 369,376	$ 369,376
Registered Nurse Medical – Inpatient Supervisor	Y	0.68	-	0.68	$ 32.81	$ 31.17	$ 64,833	$ 88,127	$ 59,926
Registered Nurse Medical – QA Coordinator	N	0.15	-	0.15	$ 33.65	$ 31.97	$ 66,492	$ 93,056	$ 13,958
Registered Nurse Medical	N	43.29	-	43.29	$ 36.02	$ 34.22	$ 71,176	$ 99,610	$ 4,312,123
Registered Nurse Medical – RN Supervisor	Y	2.67	-	2.67	$ 36.85	$ 35.01	$ 72,816	$ 98,978	$ 264,272
Respiratory Therapist	N	6.39	-	6.39	$ 30.68	$ 29.15	$ 60,624	$ 84,843	$ 542,146
TOTALS		**236.64**	**-**	**236.64**					**$ 19,183,252**

** Hourly Wage Rates reduced by 5.0% across all positions (adjusted)*
***Green highlights denote market wage analysis adjustments*

Mental Health	SES?	Staff Counts: Regions 1 - 3	Staff Counts: Region 4	Staff Counts: Total for All 4 Regions	Hourly Wage Rate	Hourly Rate Adj.*	Annualized	Including Benefit Load	Total Compensation for All Positions
AA, Clerk at Facility Mental Health	N	53.31	10.81	64.12	$ 14.75	$ 14.01	$ 29,146	$ 40,790	$ 2,615,475
Licensed Pract Nurse – Mental Health	N	34.67	7.03	41.70	$ 22.74	$ 21.60	$ 44,934	$ 62,885	$ 2,622,371
Licensed Pract Nurse Mental Health – Medical	N	2.50	0.51	3.01	$ 26.57	$ 25.24	$ 52,502	$ 73,477	$ 220,944
Mental Health (Psych Services) Director	Y	17.41	3.53	20.94	$ 49.23	$ 46.77	$ 97,273	$ 132,224	$ 2,768,841
Mental Health Professional	N	290.18	58.84	349.02	$ 24.12	$ 22.91	$ 47,661	$ 66,702	$ 23,280,222
Certified Nursing Assistant – Mental Health	N	11.84	2.40	14.24	$ 15.69	$ 14.91	$ 31,003	$ 43,389	$ 617,909
PhysAsst,AdvRNPrac,CNSpMH – Nurse Practitioner Psychiatric	N	14.78	3.00	17.78	$ 54.92	$ 52.17	$ 108,522	$ 151,876	$ 2,699,762
Psychiatrist	Y	62.28	12.63	74.90	$ 152.60	$144.97	$ 301,538	$ 409,880	$ 30,702,057
Psychologist	N	51.76	10.50	62.26	$ 56.89	$ 54.05	$ 112,415	$ 157,324	$ 9,794,639
Psychology Resident	N	4.72	0.96	5.67	$ 37.90	$ 36.01	$ 74,890	$ 104,809	$ 594,389
Psychology Intern	N	4.00	0.81	4.81	$ 26.32	$ 25.00	$ 52,008	$ 72,786	$ 350,184
Regional Psychologist	Y	5.22	1.06	6.28	$ 54.09	$ 51.39	$ 106,882	$ 145,284	$ 911,829
Statewide Psychiatrist	Y	1.00	-	1.00	$ 168.27	$159.86	$ 332,500	$ 451,967	$ 451,967
Regional Mental Health Consultants	Y	5.22	1.06	6.28	$ 57.69	$ 54.81	$ 114,000	$ 154,960	$ 972,555
Registered Nurse Mental Health	N	57.58	11.68	69.25	$ 34.18	$ 32.47	$ 67,540	$ 94,522	$ 6,545,720
Registered Nurse Mental Health – Charge	N	1.85	0.38	2.23	$ 42.14	$ 40.03	$ 83,263	$ 116,527	$ 259,851
Registered Nurse Mental Health – Medical	N	0.64	0.13	0.77	$ 31.65	$ 30.07	$ 62,540	$ 87,525	$ 67,692
ActivityTechni/Therapist – Behavioral Health Technician	N	25.10	5.09	30.19	$ 16.50	$ 15.68	$ 32,604	$ 45,629	$ 1,377,550
TOTALS		**644.04**	**130.40**	**774.45**					**$ 86,853,956**

** Hourly Wage Rates reduced by 5.0% across all positions (adjusted)*
***Green highlights denote market wage analysis adjustments*

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Dental	SES?	Staff Counts: Regions 1 - 3	Staff Counts: Region 4	Staff Counts: Total for All 4 Regions	Hourly Wage Rate	Hourly Rate Adj.*	Annualized	Including Benefit Load	Total Compensation for All Positions
Dental Assistant	N	94.54	19.17	113.71	$ 16.96	$ 16.11	$ 33,514	$ 46,903	$ 5,333,095
Statewide Dental Director	Y	0.92	0.19	1.11	$ 80.50	$ 76.48	$ 159,068	$ 216,221	$ 239,263
Dental Hygienist	N	18.08	3.67	21.75	$ 31.43	$ 29.86	$ 62,115	$ 86,931	$ 1,890,562
Dental Director	Y	0.16	0.03	0.19	$ 80.48	$ 76.46	$ 159,028	$ 216,167	$ 41,601
Dentist	Y	51.27	10.40	61.67	$ 74.61	$ 70.88	$ 147,430	$ 200,401	$ 12,358,141
Regional Dental Director	Y	3.00	1.00	4.00	$ 77.96	$ 74.06	$ 154,049	$ 209,399	$ 837,595
Regional Director – Dental Administrator	Y	1.15	0.23	1.38	$ 35.54	$ 33.76	$ 70,217	$ 95,446	$ 132,022
Associate Regional Director, Dental Administrator	Y	1.04	0.21	1.25	$ 27.80	$ 26.41	$ 54,933	$ 74,670	$ 93,405
TOTALS		**170.16**	**34.90**	**205.05**					**$ 20,925,685**

** Hourly Wage Rates reduced by 5.0% across all positions (adjusted)*
***Green highlights denote market wage analysis adjustments*

Utilization Management	SES?	Staff Counts: Regions 1 - 3	Staff Counts: Region 4	Staff Counts: Total for All 4 Regions	Hourly Wage Rate	Hourly Rate Adj.*	Annualized	Including Benefit Load	Total Compensation for All Positions
UM – Inpatient Nurse	N	1.50	0.50	2.00	$ 43.41	$ 41.24	$ 85,778	$ 120,047	$ 240,094
UM – Outpatient UM Nurse	N	1.50	0.50	2.00	$ 36.06	$ 34.26	$ 71,255	$ 99,721	$ 199,442
UM – Referral Specialist	N	0.75	0.25	1.00	$ 18.32	$ 17.40	$ 36,200	$ 50,662	$ 50,662
UM – Statewide UM Registered Nurse	Y	1.00	-	1.00	$ 52.88	$ 50.24	$ 104,500	$ 142,047	$ 142,047
TOTALS		**4.75**	**1.25**	**6.00**					**$ 632,245**

** Hourly Wage Rates reduced by 5.0% across all positions (adjusted)*
***Green highlights denote market wage analysis adjustments*

Oversight/Recruitment	SES?	Staff Counts: Regions 1 - 3	Staff Counts: Region 4	Staff Counts: Total for All 4 Regions	Hourly Wage Rate	Hourly Rate Adj.*	Annualized	Including Benefit Load	Total Compensation for All Positions
Contract Monitors	N	17.00	-	17.00	$ 34.27	$ 32.55	$ 67,709	$ 94,759	$ 1,610,907
Contract Monitors – Psych ARNPs	N	4.00	-	4.00	$ 41.51	$ 39.43	$ 82,014	$ 114,779	$ 459,117
Contract Monitors – Statewide Dental	Y	2.00	-	2.00	$ 60.81	$ 57.77	$ 120,161	$ 163,335	$ 326,669
Contract Monitors – Statewide Pharmacy	Y	2.00	-	2.00	$ 45.37	$ 43.10	$ 89,644	$ 121,853	$ 243,706
Recruiter	N	4.00	-	4.00	$ 36.78	$ 34.94	$ 72,677	$ 101,712	$ 406,847
Statewide Recruitment Manager	Y	1.00	-	1.00	$ 47.60	$ 45.22	$ 94,058	$ 127,852	$ 127,852
TOTALS		**30.00**	**-**	**30.00**					**$ 3,175,099**

** Hourly Wage Rates reduced by 5.0% across all positions (adjusted)*
***Green highlights denote market wage analysis adjustments*

Exhibit 3.8 Health Services Staffing Estimates

D. Health Services Expenses

Aside from the compensation for Health Services staff, there are a variety of expenses associated with the delivery of health services to inmates, such as medical supplies, claims processing and care provided to inmates outside-the-gate.

Methodology

Baseline estimates for expenses related to Health Services were constructed using historical Department data and current vendor data for direct and indirect health care expenses. The Exhibits below outlines the methodology and assumptions used to estimate Health Services expenses for each delivery model option. See Appendix 7 for a full list of assumptions.

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Option	Category	Component	Methodology/Assumptions
All	Direct Health Services Expenses	Outside-the-Gate	Health care services provided to inmates 'outside-the-gate', offsite in the community, either in physician offices or hospital settings. Current vendor expenses for Offsite UM Expenses; Incurred but Not Reported (IBNR) Hospital Inpatient-Ext; IBNR Hospital Outpatient; IBNR Hospital E/R; IBNR Primary Care Physician; IBNR Specialty Care Physician; and, IBNR Other Medical in FY16-17, adjusted for Region 4. Note: Nearly all outside-the-gate expenses are incurred in the Institutional Medical and RMC Disciplines. (RMC's share of IBNR expenses apportioned based on its share (45%) of total Offsite UM Expenses in FY16-17). Mental Health has very minimal outside-the-gate costs as nearly all mental health services are provided on-site.
Option 1		Outside-the-Gate	Outside-the-Gate costs increase by 20% (see Network Management – Option 1). This increase is represented in Exhibit 3.5 under the "Option 1 Network Management Factor" Column.
Option 2		Outside-the-Gate	Assumes the Department currently receives the best negotiated rates available (same as a large payer or TPA would be able to receive in the current market) and therefore, there would be no change in outside-the-gate costs as a result of using a PPO/TPA.
All	Direct Health Services Expenses	Inside-the-Gate	Expenses for health care services provided to inmates 'inside-the-gate', onsite within FDC facilities. Excludes any Health Services staffing costs (see staffing estimates). Current vendor expenses for Onsite UM Expenses (specialty clinics and independent laboratory referrals) and Direct Medical Expenses (costs associated with providing direct health services onsite) in FY16-17, adjusted for Region 4. Note: Inside-the-gate costs related to Dental and Mental Health are covered in the other expense categories.
All	Direct Health Services Expenses	Non-Formulary Drugs	Assumes current vendor expenses for Non-Formulary drugs in FY16-17, adjusted for Region 4.
All	Related Health Services Expenses	Medical Equipment	Assumes the Department's FY17-18 budget appropriation for Health Services Operating Capital Outlay (OCO) ($500,000).
		Medical Supplies	Assumes current vendor expenses for Medical Supplies in FY16-17, adjusted for Region 4.
Option 1	Related Health Services Expenses	Utilization Management (UM)	Assumes UM would be provided by the Department 'in-house', necessitating the purchase of UM software, estimated to cost $110,000 annually, and the net new hiring of 1 Director-level UM RN position with a base salary of $110,000. Cost of software based on past Department quote for InterQual software. Salary determined relative to existing UM staff salary levels.
Option 2		Utilization Management (UM)	Assumes UM would be provided by a third party (PPO/TPA) and the Department would continue to maintain a small UM team to liaise with the contractor and ensure appropriate care is provided to inmate patients. Assumes the net new hiring of 1 Director-level UM RN position with a base salary of $110,000.
All	Oversight and Recruitment	Recruitment	Current vendor expenses for employment advertising and marketing expenses in FY16-17, adjusted for Region 4. Expenses do not include any type of bonus or incentive recruitment programs.
		Training/Licensing	Current vendor expenses for training and seminars, physician credentialing, and licensing and filing fees in FY16-17, adjusted for Region 4.

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		Temp Staffing	Current vendor expenses for temporary help in FY16-17, adjusted for Region 4.
Option 1	Related Health Services Expenses	Claims Processing	Assumes claims processing would be provided by a third party (PPO/TPA) at a flat, fixed range of $2-$8 PIPM (median $5 PIPM used in estimates).
Option 2		Claims Processing	Assumes claims processing would be provided by a third party (PPO/TPA) at a flat, fixed range of $2-$8 PIPM (median $5 PIPM used in estimates).
Option 1	Network Management	Individual Contracts	Assumes outside-the-gate costs would increase by 20% because of the Department's reduced purchasing power under Option 1 (i.e., directly contracting with individual providers). Percent increase based on the difference between FY11-12 offsite costs ($120 million, adjusted for inflation) and current vendor FY16-17 offsite costs, adjusted for Region 4 ($95 million). Reflected in "Option 1 Network Management Factor" column in Exhibit 3.5.
Option 2		PPO/TPA Network	Assumes offsite provider network would be managed by a third party (PPO/TPA) for a flat, fixed network access fee ranging from $2-$5 PIPM (median $3.50 PIPM used in estimates). Does not include any initial or one-time setup fees (estimated range: $75,000-$100,000)

Exhibit 3.9 Health Services Expenses Methodology and Assumptions

PPO/TPA Service Fees

Under PPO/TPA arrangements, the Department will pay for the actual cost of the offsite specialty or hospital service and pay administrative fees to a PPO or TPA. These fees may be calculated per-inmate-per-month (PIPM), as a percentage of cost, as a percentage of the network discount, or other ways. Separate fees for network access, claims payment, UM, or other a la cart services may also be charged.

Based on industry research and North Highland Subject Matter Expertise, the following PIPM fee ranges are assumed. The median PIPM is used in the cost estimates. The PIPM fees were applied to a population of 87,656 inmates.[53]

	Estimated PIPM Range		
PPO/TPA Service	**Low**	**Median**	**High**
Network Access & Management	$2.00	$3.50	$5.00
Claims Processing Services	$2.00	$5.00	$8.00
Utilization Management (UM) Services	$2.00	$5.00	$8.00
TOTAL	$6.00	$13.50	$21.00

Exhibit 3.10 Estimated PIPM Fees for PPO/TPA Services

53 As of June 30, there were a total of 87,656 inmates housed in Department-run correctional facilities. Excludes inmates residing in privately-run prisons. Florida Department of Corrections, Bureau of Research and Data Analysis: Inmate Population and Facility profile data as of June 30, 2017.

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Expense Estimates

The Exhibit 3.11 and Exhibit 3.12 present the Health Services expense estimates broken down by category, discipline area and delivery model option.

OPTION 1: EXPENSES

Category	Expense Catergories	Cost		
		Base	TOTAL (including Region 4)	Option 1 Inefficiency Factor
Institutional Medical	**EXPENSE TOTALS - INSTITUTIONAL**	**$ 49,173,519**	**$ 59,145,440**	**$ 67,746,396**
	Inside the Gate Expenses	**$ 13,419,345**	**$ 16,140,661**	**$ 16,140,661**
	Onsite UM Expenses	$ 5,183,595	$ 6,234,778	$ 6,234,778
	Direct Medical Expenses (onsite)	$ 8,235,751	$ 9,905,882	$ 9,905,882
		$ -	$ -	$ -
	Outside the Gate Expenses	**$ 35,754,174**	**$ 43,004,779**	**$ 51,605,735**
	Offsite UM Expenses	$ 29,981,388	$ 36,061,328	$ 43,273,594
	IBNR Hospital Inpatient-Ext	$ 3,378,512	$ 4,063,643	$ 4,876,371
	IBNR Hospital Outpatient	$ 565,756	$ 680,486	$ 816,583
	IBNR Hospital E/R	$ 317,611	$ 382,020	$ 458,424
	IBNR Primary Care Physician	$ 41,047	$ 49,371	$ 59,246
	IBNR Specialty Care Physician	$ 901,342	$ 1,084,125	$ 1,300,951
	IBNR Other Medical	$ 568,516	$ 683,806	$ 820,567
		$ -	$ -	$ -
RMC Medical	**EXPENSE TOTALS - RMC**	**$ 40,244,677**	**$ 40,244,677**	**$ 46,679,609**
	Inside the Gate Expenses	**$ 8,070,018**	**$ 8,070,018**	**$ 8,070,018**
	Onsite UM Expenses	$ 1,329,438	$ 1,329,438	$ 1,329,438
	Direct Medical Expenses (onsite)	$ 6,740,580	$ 6,740,580	$ 6,740,580
		$ -	$ -	$ -
	Outside the Gate Expenses	**$ 32,174,659**	**$ 32,174,659**	**$ 38,609,591**
	Offsite UM Expenses	$ 27,451,471	$ 27,451,471	$ 32,941,766
	IBNR Hospital Inpatient-Ext	$ 2,764,237	$ 2,764,237	$ 3,317,085
	IBNR Hospital Outpatient	$ 462,891	$ 462,891	$ 555,470
	IBNR Hospital E/R	$ 259,864	$ 259,864	$ 311,837
	IBNR Primary Care Physician	$ 33,584	$ 33,584	$ 40,301
	IBNR Specialty Care Physician	$ 737,462	$ 737,462	$ 884,954
	IBNR Other Medical	$ 465,150	$ 465,150	$ 558,179
		$ -	$ -	$ -
Mental Health	**EXPENSE TOTALS - MENTAL HEALTH**	**$ -**	**$ -**	**$ -**
	Inside the Gate Expenses	**$ -**	**$ -**	**$ -**
		$ -	$ -	$ -
	Outside the Gate Expenses	**$ -**	**$ -**	**$ -**
		$ -	$ -	$ -
Dental	**EXPENSE TOTALS - DENTAL**	**$ 654,277**	**$ 786,958**	**$ 944,350**
	Inside the Gate Expenses	**$ -**	**$ -**	**$ -**
		$ -	$ -	$ -
	Outside the Gate Expenses	**$ 654,277**	**$ 786,958**	**$ 944,350**
	Offsite UM Expenses	$ 654,277	$ 786,958	$ 944,350
		$ -	$ -	$ -

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Category	Expense Catergories	Cost		
		Base	TOTAL (including Region 4)	Option 1 Inefficiency Factor
Statewide Cost Allocations (Expenses)	**TOTALS - STATEWIDE COST ALLOCATIONS**	**$ 16,296,738**	**$ 17,367,070**	**$ 22,626,430**
	UTILIZATION MANAGEMENT	**$ 5,259,360**	**$ 5,259,360**	**$ 5,259,360**
	TPA for UM Services - PIPM	$ 5,259,360	$ 5,259,360	$ 5,259,360
	CLAIMS PROCESSING	**$ 5,259,360**	**$ 5,259,360**	**$ 5,259,360**
	TPA for Claims Processing/Admin Services - PIPM	$ 5,259,360	$ 5,259,360	$ 5,259,360
		$ -	$ -	$ -
	NON-FORMULARY DRUGS	**$ 337,913**	**$ 406,439**	**$ 406,439**
	Non-Formulary Drugs	$ 337,913	$ 406,439	$ 406,439
		$ -	$ -	$ -
	MEDICAL EQUIPMENT & SUPPLIES	**$ 4,540,000**	**$ 5,359,274**	**$ 5,359,274**
	Medical Supplies	$ 4,040,000	$ 4,859,274	$ 4,859,274
	Medical Equipment	$ 500,000	$ 500,000	$ 500,000
	NETWORK MANAGEMENT	**$ -**	**$ -**	**$ -**
		$ -	$ -	$ -
	OVERSIGHT/RECRUITMENT	**$ 900,105**	**$ 1,082,638**	**$ 1,082,638**
	Recruitment	$ 171,733	$ 206,559	$ 206,559
	Training & Licensing	$ 173,959	$ 209,237	$ 209,237
	Temporary Staffing	$ 554,413	$ 666,843	$ 666,843
		$ -	$ -	$ -
	OVERALL TOTALS	**$ 106,369,212**	**$ 117,544,146**	**$ 137,996,785**

Exhibit 3.11 Option 1 Expense Estimates

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OPTION 2: EXPENSES

Category	Expense Catergories	Cost	
		Base	TOTAL (including Region 4)
Institutional Medical	**EXPENSE TOTALS - INSTITUTIONAL**	**$ 49,173,519**	**$ 59,145,440**
	Inside the Gate Expenses	**$ 13,419,345**	**$ 16,140,661**
	Onsite UM Expenses	$ 5,183,595	$ 6,234,778
	Direct Medical Expenses (onsite)	$ 8,235,751	$ 9,905,882
		$ -	$ -
	Outside the Gate Expenses	**$ 35,754,174**	**$ 43,004,779**
	Offsite UM Expenses	$ 29,981,388	$ 36,061,328
	IBNR Hospital Inpatient-Ext	$ 3,378,512	$ 4,063,643
	IBNR Hospital Outpatient	$ 565,756	$ 680,486
	IBNR Hospital E/R	$ 317,611	$ 382,020
	IBNR Primary Care Physician	$ 41,047	$ 49,371
	IBNR Specialty Care Physician	$ 901,342	$ 1,084,125
	IBNR Other Medical	$ 568,516	$ 683,806
		$ -	$ -
RMC Medical	**EXPENSE TOTALS - RMC**	**$ 40,244,677**	**$ 40,244,677**
	Inside the Gate Expenses	**$ 8,070,018**	**$ 8,070,018**
	Onsite UM Expenses	$ 1,329,438	$ 1,329,438
	Direct Medical Expenses (onsite)	$ 6,740,580	$ 6,740,580
		$ -	$ -
	Outside the Gate Expenses	**$ 32,174,659**	**$ 32,174,659**
	Offsite UM Expenses	$ 27,451,471	$ 27,451,471
	IBNR Hospital Inpatient-Ext	$ 2,764,237	$ 2,764,237
	IBNR Hospital Outpatient	$ 462,891	$ 462,891
	IBNR Hospital E/R	$ 259,864	$ 259,864
	IBNR Primary Care Physician	$ 33,584	$ 33,584
	IBNR Specialty Care Physician	$ 737,462	$ 737,462
	IBNR Other Medical	$ 465,150	$ 465,150
		$ -	$ -
Mental Health	**EXPENSE TOTALS - MENTAL HEALTH**	**$ -**	**$ -**
	Inside the Gate Expenses	**$ -**	**$ -**
		$ -	$ -
	Outside the Gate Expenses	**$ -**	**$ -**
		$ -	$ -
Dental	**EXPENSE TOTALS - DENTAL**	**$ 654,277**	**$ 786,958**
	Inside the Gate Expenses	**$ -**	**$ -**
		$ -	$ -
	Outside the Gate Expenses	**$ 654,277**	**$ 786,958**
	Offsite UM Expenses	$ 654,277	$ 786,958
		$ -	$ -

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Category	Expense Catergories	Cost	
		Base	TOTAL (including Region 4)
Statewide Cost Allocations (Expenses)	**TOTALS - STATEWIDE COST ALLOCATIONS**	**$ 20,065,790**	**$ 21,136,122**
	UTILIZATION MANAGEMENT	**$ 5,259,360**	**$ 5,259,360**
	TPA for UM Services - PIPM	$ 5,259,360	$ 5,259,360
	CLAIMS PROCESSING	**$ 5,259,360**	**$ 5,259,360**
	TPA for Claims Processing/Admin Services - PIPM	$ 5,259,360	$ 5,259,360
		$ -	$ -
	NON-FORMULARY DRUGS	**$ 337,913**	**$ 406,439**
	Non-Formulary Drugs	$ 337,913	$ 406,439
		$ -	$ -
	MEDICAL EQUIPMENT & SUPPLIES	**$ 4,540,000**	**$ 5,359,274**
	Medical Supplies	$ 4,040,000	$ 4,859,274
	Medical Equipment	$ 500,000	$ 500,000
		$ -	$ -
	NETWORK MANAGEMENT	**$ 3,769,052**	**$ 3,769,052**
	One-Time, Flat "Initial Setup Fee"	$ 87,500	$ 87,500
	Network Management PPO/TPA Fee - PIPM	$ 3,681,552	$ 3,681,552
		$ -	$ -
	OVERSIGHT/RECRUITMENT	**$ 900,105**	**$ 1,082,638**
	Recruitment	$ 171,733	$ 206,559
	Training & Licensing	$ 173,959	$ 209,237
	Temporary Staffing	$ 554,413	$ 666,843
		$ -	$ -
	OVERALL TOTALS	**$ 110,138,264**	**$ 121,313,198**

Exhibit 3.12 Option 2 Expense Estimates

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E. Comparison of Cost Estimates

The Exhibit below shows the cost comparison for Option 1 and Option 2. The differential between Option 1 and Option 2 is approximately $11.4 million, driven primarily by differences in offsite care expenses.

HEALTH SERVICES COST ANALYSIS

		OPTION 1[a]		OPTION 2[b]		DIFFERENCES	
Category		**Positions**	**Amount**	**Positions**	**Amount**	**Positions**	**Amount**
Institutional Medical	*Staffing*	1,573	$ 122,646,979	1,573	$ 122,646,979	-	$ -
	Expenses		$ 67,746,396		$ 59,145,440		$ 8,600,956
	Total	**1,573**	**$ 190,393,375**	**1,573**	**$ 181,792,419**	-	$ 8,600,956
RMC Medical	*Staffing*	237	$ 19,183,252	237	$ 19,183,252	-	$ -
	Expenses		$ 46,679,609		$ 40,244,677		$ 6,434,932
	Total	**237**	**$ 65,862,862**	**237**	**$ 59,427,930**	-	$ 6,434,932
Mental Health	*Staffing*	774	$ 86,853,956	774	$ 86,853,956	-	$ -
	Expenses		$ -		$ -		$ -
	Total	**774**	**$ 86,853,956**	**774**	**$ 86,853,956**	-	$ -
Dental	*Staffing*	205	$ 20,925,685	205	$ 20,925,685	-	$ -
	Expenses		$ 944,350		$ 786,958		$ 157,392
	Total	**205**	**$ 21,870,034**	**205**	**$ 21,712,643**	-	$ 157,392
Utilization Management	**Total**	**14**	**$ 6,601,245**	**6**	**$ 5,891,605**	-	$ 709,640
Network Management	**Total**		**$ -**		**$ 3,769,052**		$ (3,769,052)
Claims Processing	*Staffing*	-	$ -	-	$ -	-	$ -
	Expenses		$ 5,259,360		$ 5,259,360		$ -
	Total	**-**	**$ 5,259,360**	**-**	**$ 5,259,360**	-	$ -
Non-formulary Drugs	**Total**		**$ 406,439**		**$ 406,439**		$ -
Medical Equipment/Supplies	**Total**		**$ 5,359,274**		**$ 5,359,274**		$ -
Oversight/Recruitment	*Staffing*	30	$ 3,175,099	30	$ 3,175,099	-	$ -
	Expenses		$ 1,082,638		$ 1,082,638		$ -
	Total	**30**	**$ 4,257,737**	**30**	**$ 4,257,737**	-	$ -
OPTION TOTALS - STAF			**$ 259,386,216**		**$ 258,676,576**		**$ 709,640**
OPTION TOTALS - EXPENSES			**$ 127,478,065**		**$ 116,053,838**		$ 11,424,227
OVERALL OPTION TOTALS		**2,834**	**$ 386,864,281**	**2,826**	**$ 374,730,416**	-	$ 12,133,865

[a] *OPTION 1: An insourced model for all primary and infirmary-level care provided behind-the-gate with all specialty and hospital care provided through individual contracts with specialists and hospitals (the model primarily employed by FDC before the statewide outsourcing initiative was implemented in 2013).*

[b] *OPTION 2: An insourced model for all primary and infirmary-level care provided behind-the-gate, with all specialty and hospital care as well as utilization management and claims processing functions provided through a PPO/TPA model.*

Exhibit 3.13 Option 1 and Option 2 Cost Comparison

VIII. Conclusions

Based on the analysis and comparison of the two insourced delivery model options, the following observations were concluded:

- With access to a large payer's discounted network rates, Option 2 would provide better contractual rates for specialty and hospital services than Option 1. The companies that offer these PPO/TPA services already cover hundreds of thousands of lives or more, depending on their size and coverage area, and because of this, are able to obtain the best rates for hospital and specialty services through economies of scale that the Department on its own could not achieve.
- Access to a sustainable, adequate network of providers would be guaranteed under Option 2. Prior to outsourcing, the Department had difficulty maintaining a statewide network of hospital and specialty providers at reasonable rates.
- A PPO/TPA arrangement would allow the Department to leverage the technology, expertise, and economies of scale of a large payer. PPOs/TPAs already have state-of-the-art practices, technologies, and

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people in place, and using this type of arrangement provides the Department with a cost-effective way to utilize these resources, which would require significant investment or upfront costs to provide in-house.

- By using a PPO/TPA delivery model, the Department would continue to look to the private sector for flexibility, purchasing power, business acumen, and innovation to help contain the largest cost driver for inmate health services.
- With access to large payers' provider networks and their discounted rates, along with state-of-the-art claims processing to identify and prevent potentially costly billing errors, claims fraud and abuse, Option 2 has greater potential for long-term cost containment than Option 1. Additionally, a PPO/TPA reporting capabilities and services could significantly enhance transparency into health care spending and allow the Department to identify opportunities for future cost containment and savings.
- The cost analysis showed projected cost savings associated with Option 2.

Based on this, Option 2 is selected as the more optimal insourced delivery model option.

Should the Department decide to contract with a PPO/TPA(s) to provide third party administration and network management services for offsite care (Option 2), it should do so using a flat, fixed fee structure. Such an agreement should provide claims processing and administration services, access to and maintenance of a broad provider network, and mechanisms to control costs through utilization management and robust reporting services.

Should the Department decide to contract with providers directly (Option 1), it should engage the services of a claims payment vendor, such as a TPA, that can process, review and verify payments, assess for billing errors, and provide robust claims data and reporting services. Contracting with a such a vendor for claims processing services would provide a more effective, efficient, and streamlined operation than if the Department were to do it in-house and could help contain and reduce costs by:

- Identifying and preventing billing errors
- Identifying potential fraud and abuse during claims processing
- Improving procedures for utilization review
- Using industry-leading payment models for offsite care
- Improving the follow-up and monitoring of offsite care
- Improving the coordination and provision of outside care hospital/specialty care
- Promoting better utilization of resources

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IX. Other Opportunities for Cost Efficiencies

North Highland identified key areas of opportunity for additional cost efficiencies and savings that the Department could explore to help further contain and offset the cost of inmate health services.

A. Reinstate Reception and Medical Center Laboratory Services

Currently, the Department contracts with a private vendor to provide laboratory services to every correctional facility in the state. Laboratory services are necessary for the Department to maintain an adequate level of health care services. Prior to 2005, the Department established and maintained an accredited and full-service laboratory at the RMC in Lake Butler. The laboratory was a necessity to obtain a hospital accreditation. During its operation, the laboratory serviced the RMC Hospital as well as other institutions from Region 2, which provided opportunities for cost containment. The advantages and disadvantages for reinstating laboratory services at the RMC Hospital are as follows:

Advantages

An onsite laboratory is better aligned to offer more efficient and reliable services compared to sending specimens offsite. Faster specimen result turnaround times reduces potential delays in treatment and reduces the number of unnecessary inmate transfers off property when results are insignificant. An onsite stat lab is more able to meet the high demand for laboratory services creating efficiencies and cost savings. Selected stat lab testing should also be considered at other correctional facilities that house inmates with high medical acuity.

Challenges

The main challenge associated with reinstating the laboratory functions is the potential for hidden upfront costs. Although more exploration would be necessary to fully understand the costs and benefits associated with an on-site laboratory, a large upfront cost would be required of the Department, including recruitment of laboratory personnel, training, and compliance with federal and state regulatory requirements. Another necessity would be conducting an inventory review of Department-owned laboratory equipment and determining any costs associated with purchasing, leasing, or updating equipment.

B. Data and Analytics

There are several ways that the Department can enhance its data and analytics to provide better clinical and administrative decision making and rapid assessment of policies, procedures, and opportunities for cost saving measures. These potential enhancements include:

Advanced Analytics

Advanced analytics would allow the Department to extract meaningful patterns from data to describe, predict, and improve performance. Advanced analytics would also provide the ability to track a wide variety of clinical and operational performance measures against benchmarks at the provider, facility, regional and state level. Analytics should also be used to identify clinical and administrative outliers, frame quality improvement program objectives, develop budgets, and identify emerging trends.

Enterprise Information Management and Business Intelligence (EIMBI)

This potential enhancement would provide opportunities to develop data, information, analytics strategy, and roadmaps that align with business objectives. EIMBI would also improve data quality through data governance across people, process, and technology. The ability to build the underlying infrastructure to support better decision making is an additional advantage.

Data Visualization

High-quality analytics, grounded in clean, secure data would enable the Department to obtain compelling, actionable data stories, scorecards, and dashboards.

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C. E-Consult Platform

A major trend in community health and specialty care is the use of E-Consult Platforms. This innovative technology has enormous potential in correctional health services with its ability to provide access to specialists' input to address several well-documented gaps in primary care-specialty care communication and coordination, and provide a foundation for non-face-to-face, asynchronous electronic consultation. In the E-Consult Platform, correctional Primary Care Providers (PCP) considering a specialty referral[54] access the E-Consult technology platform and selects the appropriate clinical guideline template which have been vetted by the specialists and are essential to appropriate referral. The PCP follows the guideline, which issues an electronic specialty referral, and attaches clinical documentation as prescribed in the clinical template. A specialist affiliated with the E-Consult platform reviews the case and responds with treatment recommendations for the Primary Care Physician to use in co-managing the inmate in primary care with on-going specialty consultation. Only if the inmate cannot be safely managed in the primary care setting does an actual referral for in-person/offsite specialty care occur. E-Consult is gaining a strong foothold in corrections and there is ample data to support its use to increase access, provide more timely diagnosis and treatment, and reduce inmate movement.

Specialty Consult Efficiencies

- Response time for the specialty consultation is usually within 72 hours
- Correctional PCPs are supportive of E-Consults, because they learn to better manage inmates through physician-to-physician collaboration. There are rarely denials or delays in care
- Improved access to specialty care (especially for specialists that are hard to find in rural locations)
- Improved provider management of complex conditions
- E-Consult can minimize the security risk of transporting inmates with high 'flight-risks' outside of the facility for care, reduce transport personnel injury, and reduce the exposure of inmates to civilians in community hospital settings
- Significantly reduced need for traditional Utilization Management services

D. Telehealth

Telehealth is not new technology; however, it is increasingly utilized in community and correctional health care settings. It offers the potential for cost savings and performance improvements in correctional settings. Medical staff positions are difficult to fill for many correctional facilities. On-site clinical staff recruitment will continue to be a challenge and high rates of vacant positions are expected to continue. Correctional facilities can leverage virtual health tools to improve inmate access to care, reduce cost, and reduce risk to the Department by providing better inmate health outcomes. Virtual tools can be a more efficient and cost-effective delivery of care.

Benefits

There are many benefits to utilizing telehealth solutions in correctional settings including:

- Increased speed to diagnosis/care
- Increased access to specialty providers, notably for behavioral health
- Access to better care from more advanced, experienced staff who may be more willing to provide care remotely
- Prison population has been aging, resulting in increased need for health services
- Inmate movement is decreased, saving money and enhancing safety

Telehealth presents many opportunities for reduced transportation and medical provider costs. The return on

54 U.S. Centers for Medicare and Medicaid Services, "eConsults/eReferrals: Controlling Costs and Improving Quality at the Interface of Primary Care and Specialty Care", Health Care Innovation Awards Round Two (2017). https://innovation.cms.gov/initiatives/Participant/Health-Care-Innovation-Awards-Round-Two/Association-Of-American-Medical-Colleges.html

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investment (ROI) is $40-$70 per telehealth visit compared to $200[55]-$500[56] per transport[57]. This can result in large cost savings for the Department since telehealth visits would require fewer vehicles, fewer transport personnel and reduced overtime accrual. The cost savings associated with decreased medical provider costs relates to the geographical location of the correctional facilities which are often difficult to reach for medical practitioners. These cost savings measures can also lead to reduced risk for the Department and can enhance public safety. Telehealth can minimize the security risk of transporting inmates with high 'flight-risks' outside of the facility for care, reduce transport personnel injury, and reduce the exposure of inmates to civilians in community hospital settings.

Opportunities

There are a variety of medical specialties within inmate health services where telehealth can be greatly utilized. For example, the New York corrections department utilizes tele-triage in their institutional emergency department to supplement outside emergency care. In Florida, Telepsychiatry is minimally utilized in the Department's institutions as a complement to their current mental health practices. Telepsychiatry can expand the services to an increasing mental health population, especially in facilities experiencing difficulties acquiring and retaining mental health staff. Another area for Department exploration is teleradiology, which has more cost savings potential. Virtual health consultation is quickly trending in other community specialties including substance abuse, dermatology, pre-operative, and follow-up, general medical, and Teleneurology.

E. Enhance Medicaid Partnership

Medicaid Eligibility and Funding

For background information, Florida statute *409.9025 Eligibility While An Inmate* states, "In the event that a person who is an inmate in the state's correctional system … was in receipt of medical assistance under this chapter immediately prior to being admitted as an inmate, such person shall remain eligible for medical assistance while an inmate, except that no medical assistance shall be furnished under this chapter for any care, services, or supplies provided during such time as the person is an inmate; however, nothing in this section shall be deemed as preventing the provision of medical assistance for inpatient hospital services furnished to an inmate at a hospital outside of the premises of the inmate's facility to the extent that federal financial participation is available for the costs of such services."

According to this Florida statute and federal regulations, Medicaid funds cannot be used to provide medical services to inmates who are housed in state correctional facilities. However, Medicaid funds can be used to provide inmate medical services at a licensed and secured medical facility that is located outside of the correction system (such as a hospital, nursing home, or psychiatric center). Only a few states have created the infrastructure necessary to draw down federal Medical funds for inmates housed in other medical facilities outside of the state's correctional system.[58] Furthermore, some states have determined that inmates who were not under social and economic assistance at the time of inmate admission may have reached or will likely reach Medicaid eligibility status.

Even though Florida is a Medicaid non-expansion state, opportunities to obtain federal assistance for inmate services in the community appear to exist. Working with the state's Medicaid agency (Agency for Health Care Administration), Governor, and Legislature, FDC could explore implementing a process to access Medicaid funds for eligible inmates who require overnight hospitalization or long-term medical care in community hospitals or facilities.

Some states terminate a Medicaid enrollee's coverage upon incarceration, making it necessary for the ex-offender to

55James T. McClelland, "An Evaluation of Correctional Telemedicine", Florida Department of Law Enforcement (2008). https://www.fdle.state.fl.us/cms/FCJEI/Programs1/SLP/Documents/Full-Text/McClelland.aspx
56 Florida Senate, Interim Report (2012). https://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-213cj.pdf
57 James T. McClelland, "An Evaluation of Correctional Telemedicine", Florida Department of Law Enforcement (2008).
58 Justice Center, "Medicaid and Financing Health Care for Individuals in the Criminal Justice System", policy briefing (2013). https://csgjusticecenter.org/wp-content/uploads/2013/12/ACA-Medicaid-Expansion-Policy-Brief.pdf

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re-enroll upon release from a correctional facility.[59] However, Florida currently suspends Medicaid coverage for inmates. Federal officials confirm suspending inmates' coverage improves access to Medicaid-funded medical services upon release or when accessing community health services.[60]

Without Medicaid coverage, ex-offenders in Florida often qualify for the state's Low Income Pool (LIP) and receive medical services that are paid with LIP funds. If eligible ex-offenders were enrolled for Medicaid, LIP funds would not be needed to provide medical services to ex-offenders who are Medicaid eligible. Pre-enrolling qualified ex-offenders in Medicaid will reduce the state's burden on LIP funds.

Other states have been able to access Medicaid funds for inmates who have suspended Medicaid coverage. For example, Pennsylvania is implementing necessary laws and policies to provide Medicaid reimbursements for inmates requiring medical services outside of the state's correctional facilities. Pennsylvania laws require those non-correctional facilities that provide inmate medical services to bill Medicaid directly for these services at Medicaid rates. This method has also provided opportunities to access federal matching Medicaid funds. Outpatient services are billed at Medicare rates, paid by the contracted vendor and then passed through to Pennsylvania's corrections agency. In Ohio, the state created an Interagency Agreement that permits the state's Medicaid agency to reimburse Ohio's corrections agency for inmate medical services that were provided outside of the correctional facilities.

Considerations for Florida:

- Explore pre-enrolling eligible inmate population into Medicaid
- Ensure Medicaid coverage continues when eligible inmates are released from correctional facilities
- Identify opportunities to access additional federal Medicaid funds to provide inmate medical services at non-correctional facilities

Nursing Homes/Long Term Care

The federal government's Centers for Medicare and Medicaid Services (CMS) allows for community-based nursing homes to provide medical services to inmates with full reimbursement from Medicaid.[61] According to CMS, "Many States are examining the role that the health care system plays in providing vital services to individuals during and following a period of incarceration. For example, some individuals were previously uninsured and may have long-untreated health conditions. Others have aged in prison and may be discharged under compassionate release policies or may need specialized care for chronic or debilitating conditions. In particular, States are considering the role that Medicaid can play in facilitating better access to health care for individuals prior to, during, and after, a stay in a correctional facility."[62]

Given the increasing portion of the system's inmates who are elderly, frail, and deteriorating, FDC's capacity for inmates with high clinical acuity or high medical needs is limited. This limited capacity is a growing concern as Florida's elderly inmate population with high medical needs continues to increase. Florida could pursue opportunities to access Medicaid funds for inmates requiring long-term medical care that is provided in community-based nursing homes.

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59 Kaiser Commission on Medicaid and the Uninsured, "State Medicaid eligibility policies for individuals moving into and out of incarceration", Kaiser Family Foundation (August 2015). https://www.statereforum.org/sites/default/files/issue-brief-statemedicaid-eligibility-policies-for-individuals-moving-into-and-out-ofincarceration.pdf

60 State Health Care Spending Project, "Managing Prison Health Care Spending", Pew Centers on the States (October 2013). http://www.pewtrusts.org/media/legacy/uploadedfiles/pcs_assets/2014/pctcorrectionshealthcarebrief050814pdf.pdf.

61 U.S. Centers for Medicare and Medicaid Services, Updated Guidance to Surveyors on Federal Requirements for Providing Services to Justice Involved Individuals (May 2016). https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Survey-and-Cert-Letter-16-21.pdf

62. State Health Care Spending Project, "Managing Prison Health Care Spending", Pew Centers on the States (October 2013).

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Prescription Medication Pricing Strategies

In recent years, the cost for prescription medication has increased by as much as 14.1 percent in many states.[63] Prescription medication coverage now represents six percent of total Medicaid spending, and this does not include the cost of physician-administered drugs.[64] In the nation's state correctional facilities, the cost for prescription drugs used to treat inmates is increasing, accounting for nearly $8 billion in spending 2011. This figure did not include new, costly medications used to treat Hepatitis C.[65] To address these emerging trends, new approaches to drug pricing, spending, and utilization could be pursued.

Many states and organizations are working to identify opportunities to contain prescription drug costs and leverage lower-cost Medicaid pricing. For example, the National Academy for State Health Policy (NASHP) developed a comprehensive Work Group of state leaders, including leaders of state corrections departments, to identify new approaches in limiting pharmaceutical costs. The Work Group is exploring policy options for states to consider in the cost containment of drug prices.[66]

Working closely with AHCA, Governor, and Legislature, FDC should continue efforts to contain rising prescription drug costs used to treat inmates in the state's correctional facilities.

X. Transition

The analysis and estimates of the costs associated with both delivery model options do not account for, or include the costs, risks, and timeline associated with transitioning to a new health service delivery model. It should be noted that there are significant risks inherently associated with a transition of this size and scale.

This section describes key service transition activities, risks and approach recommendations to transition to either of the two delivery models analyzed in this study. More robust transition planning beyond the scope of this report would be needed prior to implementing a new health services delivery model.

Service Transition Activities

The activities described below provide high level direction and considerations of work that would need to be performed to transition all or partial health services from contracted service providers.

Plan for Transition

Establish Transition Project Management Office

Develop Transition Governance Structure and Process

Develop Transition Plan

Identify Existing Services, Resources and Processes Used to Deliver Inmate Health Services:

Identify New Prerequisite Items for Service Transition

Service Management Processes

63 National Academy for State Health Policy (October 2016). http://nashp.org/wp-content/uploads/2016/10/Rx-Paper.pdf.
64 Young, Katherine, Robin Rudowitz, Rachel Garfield, and Mary Beth Musumeci, "Medicaid's Most Costly Outpatient Drugs", The Henry J. Kaiser Family Foundation (July 15, 2016); MACPAC, Report to Congress on Medicaid and CHIP, p.15 (June 2016).
65 State Health Care Spending Project, "State Prison Health Care Spending", Pew Center on the States (July 2014). http://www.pewtrusts.org/~/media/assets/2014/07/stateprisonhealthcarespending report.pdf
66 National Academy for State Health Policy (October 2016). http://nashp.org/wp-content/uploads/2016/10/Rx-Paper.pdf

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Manage Existing Services during Service Transition

Perform Contract Management during Service Transition

Manage Contracted Staff retention during Service Transition

Design Service Transition

Design Human Resources for Service Transition

Design Services, Resources, Processes for Service Transition

Develop Service Transition

Develop Services, Resources and Processes Prerequisite Items for Service Transition

Develop Service Transition of Human Resources:

Prepare State HR policies – position descriptions, salary ranges, benefits

Position authorization

Hiring

Retention of Contracted Staff during Transition

Develop environment for post transition operation:

Security Assessment

Baseline current service level & capacity

Baseline current customer experience

Test Service Transition

Test Service Transition Processes, Resources and Services

Implement / Cut-over of Transition Services

Pilot Service Transition

Post Implementation Support

Manage Service Transition Program

Manage Transition Risks and Issues

Provide Communications and Change Management

Risk Factors

The following are potential risks associated with Service Transition:

- Disruption of services
- Reduced adequacy of services
- Turnover of experienced contractor resources
- Reduced skills and experience of new resources
- Market availability of skilled resources
- Inability to manage insourced resources and processes
- Reduced reporting and accountability

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Recommendations to reduce the risks of Service Transition include:

- Ensure Department management provides leadership throughout the transition
- Work closely with service providers throughout the process
- Minimize changes during transition phase
- Use a phased transition approach
- Test transition process and perform a pilot transition
- Provide communications and change management throughout service transition

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XI. Appendices

A. Appendix 1: Interviews and Site Visits

Executive and Stakeholder Interviews

Date	Persons Interviewed
Florida Department of Corrections (Tallahassee Central Office) June 19, 2017	• Chief Financial Officer • Budget Director • Director Health Services • Health Services Administrator • Dental Director • Mental Health Director • Chief Clinical Advisor • Pharmacy Director • Nursing Director

Institutional Site Visits

Institution and Date	Persons Interviewed
Suwannee Correctional Institution and Annex (Region 2) June 20, 2017	• Warden • Assistant Warden of Operations • Assistant Warden of Programs • Annex and Workcamp Staff Supervisor • Health Services Administrator
Lowell Correctional Institution (Region 3) June 21, 2017	• Warden • Assistant Warden of Programs • Health Services Administrator
Regional Medical Center (Region 2) June 22, 2017	• Warden • Assistant Warden of Security • Utilization Management personnel • Physician

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B. Appendix 2: State Market Scan

State Market Scan Questionnaire

Correctional Health Services Delivery Questionnaire
Health Services Delivery Model
Q: What is your Delivery Model for Health Services: Institutional Medical, Mental Health, Dental, Emergency/ Hospital Services, etc.? To what degree are these Health Services privatized/in-sourced (i.e., provided in-house by your Department)? With whom do you contract for privatized services (if any)? Are you satisfied with the delivery model?
A:
Q: What model do you use for medical staff? If you use a vendor, do they provide all of your medical staff (i.e RNs, LPNs, MH PhDs, Med PhDs, etc.)? If not, who do they staff and who do you staff? Why have you chosen that model and how has it generated cost savings or higher quality care?
A:
Q: How do you manage emergency and hospital services? Do you manage separate contracts with individual hospitals? Who manages those contracts? Do you have secure wings in certain hospitals? Or do you use a PPO/HMO model?
A:
Q: Do you use a PPO/HMO delivery model for any of your Health Services? If yes, please describe how that system works in your state. Are you satisfied with how that model is working for you? How long have you been using this model?
A:
Q: How do you subcontract for specialty services? Do you manage the subcontracts directly, use a PPO/HMO model, or something else?
A:
Q: How does your UM process work? Is it managed by your Department, through the vendor, or both? Do you and/or the vendor use a specific type of software or technology to manage the UM system? If so, which one?
A:
Q: Do you currently have Electronic Health Records (EHR)? If so, to what extent? If not, do you have plans to implement an EHR system?
A:

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Q: What does your claims process look like? How are grievances handled? Do you and/or the vendor utilize a third-party to handle and/or process claims, or is this done 'in-house'?
A:
Q: Who operates the pharmacy and labs? Are they managed through a vendor, subcontractor or the department?
A:
Q: Do you receive Medicaid Reimbursements? If so, how has it impacted cost savings?
A:
Q: Does the relationship with security effect medical transports or the ability for inmates to receive medical treatment? Can you provide any data related to this?
A:
Q: What metrics do you regularly track for performance? Would you be willing to share your PM tool with us?
A:
Q: Is there anything your department does that generates cost savings or improved quality of care that were not touched upon above?
A:
Q: Do you have any other information you feel is important that we need to know when performing this analysis?
A:

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C. Appendix 3: Definitions and Glossary

Terms	**Definition**
Staffing	Defined as the recurring annual costs for the health services staff employed by the Department. These costs include adjusted base salaries and the employer's share of employee benefits. Benefits include retirement, health insurance, life insurance, and Medicare contributions. Costs of workers compensation insurance and any other risk insurance are not included.
Expenses	Defined as the recurring annual expenses *not associated with Staffing* (i.e., all other expenses not associated with the direct costs of Department-employed health services staff). Direct health care expenses are separated into two categories, "inside-the-gate" and "outside-the-gate", defined by the physical location of where care is provided to inmates: Health services provided to inmates within prison facilities are considered "inside-the-gate" (onsite care). Health services provided to inmates outside of prison facilities in the community are considered "outside-the-gate" (offsite care).
Outside-the-Gate Expenses	Health care services provided to inmates 'outside-the-gate', offsite in the community, either in physician offices or hospital settings. These expenses include: • Offsite UM Expenses • Incurred But Not Reported (IBNR) Hospital Inpatient-Ext • IBNR Hospital Outpatient • IBNR Hospital E/R • IBNR Primary Care Physician • IBNR Specialty Care Physician • IBNR Other Medical
Inside-the-Gate Expenses	Health care services provided to inmates 'inside-the-gate', onsite within FDC facilities. Includes primary, infirmary and specialty-level care. These expenses include: • Onsite UM Expenses (specialty clinics and independent laboratory referrals) • Direct Medical Expenses (costs associated with providing direct health services onsite)
Medical Equipment & Supplies	Includes all Medical Supplies purchases and Medical Equipment purchases, leases and maintenance.

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Non-Formulary Drugs	The Department maintains an extensive drug formulary system and the cost of all "formulary drugs" prescribed to inmates are currently the responsibility of the Department. These costs represent the majority of drug costs and are paid for out of the Department's existing health services budget. Drugs prescribed to inmates that are not included on the Department's formulary list ("non-formulary drugs") are currently the responsibility of the comprehensive health services vendor. The Department would become newly responsible for the cost of non-formulary drugs under either delivery model option.
Oversight & Recruitment	Oversight and Recruitment costs are categorized as expenses and FTEs associated with health services, but not involved in the direct delivery of health services to inmates.
Oversight	Includes current Contract Monitor FTE positions needed for oversight of health services across disciplines.
Recruitment	Includes employment advertising and marketing expenses. Expenses do not include any type of bonus or incentive recruitment programs. Includes recruitment/recruiter FTE positions.
Training & Licensing	Includes expenses related to training and seminars, physician credentialing, and licensing and filing fees.
Temporary Staffing	Includes expenses related to temporary help and staffing contract services.
Utilization Management (UM)	Expenses and staff associated with the review, authorization, triage and oversight of specialty and hospital care referrals, requests and consults. Includes utilization management information systems and utilization management nursing staff.
Claims Processing	Includes the costs associated with the review, processing and payment of medical claims.
Network Management	Expenses associate with establishing, managing and maintaining an adequate Provider Network for health services not available "inside-the-gate"/ health services provided to inmates in a community setting, primarily for specialty care and hospital services.
Institutional Medical	The "Institutional Medical" discipline is defined as medical health services provided to inmates at all FDC institutions and facilities, with the exception of Reception and Medical Center (RMC) in Lake Butler, FL.
RMC (Discipline)	The "RMC" Discipline is defined as the medical health services provided to inmates at RMC in Lake Butler, FL only. All other medical health services fall under the "Institutional Medical" category.

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Mental Health	The "Mental Health" discipline is defined as all mental health services provided to inmates statewide.
Dental	The "Dental" discipline is defined as all dental health services provided to inmates statewide.
Inmate Population	Defined as inmates residing in Department-run correctional facilities. Excludes the private prison inmate population (7 privately-run prisons).
Insourced	Defined as health services provided directly by the Department.
Outsourced	Defined as health services provided by a third party (health services not provided directly by the Department).
PPO/TPA	Preferred Provider Organization (PPO) Third Party Administrator (TPA)
PIPM	Per inmate per month (PIPM). Flat, fixed fee (structure) for PPO/TPA services.
Department-run Facilities	Defined as correctional institutions and facilities operated by the Florida Department of Corrections. Excludes the seven (7) privately-run prisons which are managed by the Florida Department of Management Services (DMS): Bay, Blackwater, Gadsden, Graceville, Lake City, Moorehaven, and South Bay correctional facilities correctional facilities.
Inflation adjustment	All inflation adjustments are based on the Consumer Price Index as published by the Florida Office of Economic and Demographic Research (EDR) National Economic Estimating Conference (NEEC).

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D. Appendix 4: Overview of Recent Procurement Efforts

Following the emergency contract with Centurion, the Department decided to re-procure Comprehensive Healthcare Services statewide. Unlike previous procurements, this new procurement used an Invitation to Negotiate (ITN) structure, in order to enhance elements of the health care services provided to inmates.[67]

The re-procurement process began in February 2015 when the Department announced its intention to release an ITN for comprehensive healthcare services. In December 2015, the Department issued four (4) separate ITNs.[68] Each of these four ITNs are broken down into specific segments of comprehensive healthcare services, rather than by geography as had been done in the past. These segments, also known as discipline lines, are: Institutional Medical Care; Medical and Hospital Operations at the Reception and Medical Center (RMC); Inpatient and Outpatient Mental Health Services; and, Dental Services.[69]

Scope of Services & Responsibilities

The Department has issued four (4) separate solicitations for Comprehensive Health Care Services, broken down by discipline. Below is a high-level overview of each of the four disciplines.

Institutional Medical Services for Inmates ("Institutional Medical") ITN

Responsible for the provision of comprehensive medical health care services, excluding dental and mental health services, required at all of the Department's institutions except for RMC in Lake Butler, Florida. The Department runs more than 150 facilities and 49 major correctional institutions statewide.

It is the intention of the Department to contract with a single, statewide vendor for the provision of medical services at all of the Department's institutions.

Medical and Hospital Services at Reception and Medical Center ("RMC") ITN

Responsible for the provision of all medical health care services, excluding dental and mental health services, required at RMC, which includes RMC Hospital, RMC Main Unit, RMC Work Camp, and RMC West Unit. RMC serves as the Department-run correctional hospital and specialty medical center for inmates statewide.

It is the intention of the Department to contract with a single vendor for the provision of medical and hospital services at RMC.

Mental Health Services for Inmates ("Mental Health") ITN

Responsible for the provision of all mental health care services required at all of the Department's institutions statewide. Inmates are not sent to any public Mental Health facility. The Department provides all levels of mental health care inside the gate. Currently, there are 10 inpatient mental health units statewide. It is the intention of the Department to contract with a single, statewide vendor for the provision of mental health services at all of the Department's institutions.

Dental Services for Inmates ("Dental") ITN

Responsible for the provision of all dental care services required at all of the Department's institutions. There are currently 61 dental clinics in the Department's institutions statewide. It is the intention of the Department to contract with a single, statewide vendor for the provision of dental services at all of the Department's institutions.

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67 "Comprehensive Healthcare Services Procurement", Florida Department of Corrections webpage, available at: http://www.dc.state.fl.us/business/HealthSvcs/index.html.
68 Potential 10 years of the proposed contract: five contract years, five renewal years.
69 Previously, the Department procured its comprehensive health services (i.e., Institutional Medical, Hospital and Emergency Services at RMC, Mental Health, and Dental services) by region, awarding one contractor to provide all health services in each region.

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Clinical & Financial Areas of Responsibilities by Discipline

Each ITN identifies where the clinical and financial responsibilities of each discipline line begin and end. These areas are described as "interfaces". The interfaces between these four discipline lines are outlined in the Exhibit below.

Financial Responsibilities	Medical*		Mental Health	Dental
	Institutional	RMC		
Health Records	Y	Y	N	N
Laboratory Costs	Y	Y	N	N
After Hours Care	Y	Y	N	N
Specialists & Specialty Referrals	Y	Y	Y	N
Non-formulary medications prescribed by its providers and Any local pharmacy prescriptions, purchases, deliveries and/or pickup and payment prescribed by its providers	Y	Y	Y	Y

** Responsibility depends on where services were provided (e.g., either at RMC facilities or elsewhere (Institutional).*

Exhibit A: Financial Areas of Responsibilities by Discipline
Source: Florida Department of Corrections, ITNs for Comprehensive Health Services[70]

Dental & Medical Services Interfaces

In addition to the items outlined Exhibit A, the Dental discipline line would also be responsible for the costs associated with the following list of services. All other services and costs not specified below would be the responsibility of the Medical Services (Institutional and RMC) discipline lines:

- Placing/removing dental implants
- Providing Palatal Obturators
- Hyperbaric Oxygen treatment/dives
- Evaluation and nonsurgical/surgical treatment of Temporomandibular Disorder issues/disease except for fractures; treating intra-oral alveolar fractures
- Intra-oral, alveolar and lip biopsies for oral pathology or cancer
- All intra-oral soft tissue grafting and reconstruction of the dentition as needed following surgical procedures and all other health care issues relating to oral pathology/trauma[71]

Mental Health & Medical Services Interfaces

In addition to the items outlined Exhibit A, the Mental Health discipline line would also be responsible for providing and paying for the following list of services. All other services and costs not specified below would be the responsibility of the Medical Services (Institutional and RMC) discipline lines:

- All required nursing care, including medication administration, to inmates housed on an inpatient mental health unit
- All required nursing services that support the outpatient psychiatric provider at S-3 institutions

70 "Comprehensive Healthcare Services Procurement" webpage, Florida Department of Corrections. Last accessed on 28 August 2017. Available at: http://www.dc.state.fl.us/business/HealthSvcs/index.html.
71 Ibid.

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- Mental health evaluation and treatment of all psychological emergencies in outpatient and infirmary settings during regular work hours
- Psychological testing, including but not limited to required testing at Reception Centers
- Purchasing, administration, scoring and interpretation of additional psychological testing instruments as determined by the Director of Mental Health Services.[72]

72 Ibid.

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E. Appendix 5: Performance Measures Outcomes

Office of Health Services (OHS) Performance Measures and Standards

Measures in red indicate where the Standard target was missed by 10 percentage points or more
**Average of Standards reported by applicable institutions in FY16-17*

PM Number	Discipline	FY16-17 Performance Measure	Standard	Average Standard Reported (Regions 1-3)*
73	**MH**	Outcome: In accordance with HSB 15.05.05 Inpatient Mental Health Services, out-of-cell structured therapeutic services are offered to each patient in a CSU, TCU and a CMHTF.	**100%**	13%
76	**MH**	Outcome: Observations and assessments are completed by nursing in accordance with established policy	**100%**	23%
80	**MH**	Outcome: Medical staff, upon completing the medical examination following a use of force, makes a mental health referral for each inmate who is classified S-2 or S-3 on the health profile and sends it to mental health staff, which evaluates S2/S3 inmates no later than the next working day following a use of force.	**100%**	36%
74	**MH**	Outcome: Nursing observations are documented in accordance with established policy.	**90%**	40%
77	**MH**	Outcome: A psychiatric evaluation is completed prior to initially prescribing psychotropics.	**100%**	42%
12	**M**	Outcome: The Chief Health Officer at the institution is responsible for the treatment of inmates on hunger strike.	**100%**	45%
69	**MH**	Outcome: Observations are completed and recorded by nursing according to the interval specified by the Clinician.	**100%**	47%
66	**MH**	Outcome: An Individualized Service Plan (ISP) is initiated and approved by the MDST within the respective timeframes specified in HSB 15.05.11 for admission to TCU, CSU, and CMHTF.	**90%**	52%

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PM Number	Discipline	FY16-17 Performance Measure	Standard	Average Standard Reported (Regions 1-3)*
84	**MH**	Outcome: The BRA is completed at the required intervals regardless of S-grade or housing assignment, including when the CM inmate is housed outside the CM unit in order to access necessary medical or mental health care.	**90%**	57%
65	**MH**	Outcome: The initial individualized service plan is completed within the timeframe specified in HSB 15.05.11 for the inmates assigned a mental health classification of S-2 or S-3.	**90%**	61%
63	**MH**	Outcome: If the inmate received inpatient mental health care within the past six (6) months or received psychotropic medication for a mental health disorder in the past thirty (30) days, a psychiatric evaluation is completed within 10 days of referral.	**100%**	65%
19	**M**	Outcome: All pregnant inmates will have a hepatitis B (HBsAg) test at the initial prenatal visit and at twenty-eight (28) weeks to thirty-two (32) weeks gestation.	**100%**	65%
20	**M**	Outcome: All pregnant inmates will have a syphilis test at the initial prenatal visit and at twenty-eight (28) weeks to thirty-two (32) weeks gestation.	**100%**	65%
70	**MH**	Outcome: Daily counseling by mental health staff (except weekend and holidays) is conducted and documented as a SOAP note.	**95%**	66%
79	**MH**	Outcome: Required laboratory tests are ordered for the initiation of psychotropic medication administration.	**100%**	69%
48	**MN**	Outcome: All Department employees whose duties are expected to bring them into contact with inmates and for contract employees, who perform their duties in institutions, must be screened/tested for tuberculosis upon application or hire, as appropriate and screened/tested annually thereafter.	**100%**	69%

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PM Number	Discipline	FY16-17 Performance Measure	Standard	Average Standard Reported (Regions 1-3)*
81	**MH**	Outcome: Each inmate who is classified as S-3 and who is assigned to administrative or disciplinary confinement, protective management, or close management status receives a mental status examination within five days of assignment and every 30 days thereafter.	**95%**	69%
18	**M**	Outcome: All pregnant inmates will be offered HIV testing.	**100%**	70%
71	**MH**	Outcome: Mental health staff evaluates relevant mental status and institutional adjustment as required by Procedure 404.001 Suicide and Self-Injury Prevention.	**95%**	71%
60	**MH**	Outcome: Inmate-initiated requests are responded to in accordance with the timeframe specified in HSB 15.05.18 Outpatient Mental Health Services.	**95%**	74%
83	**MH**	Outcome: Mental health staff performs weekly rounds in each confinement unit.	**100%**	74%
75	**MH**	Outcome: Physician's orders document the maximum duration of the order for restraint.	**100%**	76%
130	**ADM**	Outcome: Mortality Review meeting occurs and appropriate paperwork is completed in accordance with policy.	**100%**	76%
38	**MN**	Outcome: Inmates receive a periodic screening.	**95%**	77%
37	**MN**	Outcome: Nurse will perform Infirmary Patient Assessment per policy.	**100%**	77%
86	**MH**	Outcome: All inmates with a mental health grade of S-2 through S-6 who are within 180 days of End of Sentence (EOS) have an updated Individualized Service Plan to address Discharge/Aftercare Planning.	**100%**	77%
39	**M**	Outcome: Inmates receive screening by a clinician prior to release to Customs Enforcement, parole, placement in a work release facility or community correctional center.	**100%**	79%
72	**MH**	Outcome: All patients receive a psychiatric evaluation within the timeframes as specified in HSB 15.05.05 Inpatient Mental Health Services	**100%**	79%

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PM Number	Discipline	FY16-17 Performance Measure	Standard	Average Standard Reported (Regions 1-3)*
82	**MH**	Outcome: Each inmate who is classified as S-1 or S-2 and who is assigned to administrative or disciplinary confinement, protective management, or close management status receives a mental status examination within 30 days and every 90 days thereafter.	**95%**	79%
44	**MN**	Outcome: A post use of force physical examination will be performed by nursing staff with notification and/or referral to a clinician as clinically indicated.	**100%**	80%
51	**MN**	Outcome: All bloodborne pathogen exposure incidents must be assessed by medical to determine the significance and risk.	**100%**	81%
90	**D**	Outcome: Inmate waiting times between dental appointments do not exceed three (3) months.	**95%**	82%
41	**ADM**	Outcome: Inmates who are assigned to assist impaired inmates will receive required training.	**100%**	82%
40	**ADM**	Outcome: Inmates with impairments are placed in settings that can adequately provide for their healthcare treatment needs.	**100%**	82%
24	**M**	Outcome: Mammography shall be performed on all inmates with suspicious breast masses or lumps.	**100%**	84%
61	**MH**	Outcome: Inmate-declared emergencies and emergent staff referrals are responded to as soon as possible, but response must be within the timeframe specified in Procedure 404.001 Suicide and Self-Injury Prevention.	**100%**	84%
78	**MH**	Outcome: Informed consent forms for psychotropic medications are completed.	**100%**	84%
68	**MH**	Outcome: For inmates placed on Self-harm Observation Status, there is an order documented in the infirmary record by the attending clinician.	**100%**	85%

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PM Number	Discipline	FY16-17 Performance Measure	Standard	Average Standard Reported (Regions 1-3)*
88	**D**	Outcome: Dental sick call is conducted on a daily basis when the dentist is present to provide dental access to those inmates who cannot wait for a routine dental appointment and yet do not meet the criteria for emergency dental care. In the event the dentist is absent for more than seventy-two (72) hours medical staff are to evaluate and triage the inmate according to established protocols.	**100%**	86%
32	**MN**	Outcome: Medical Staff delivers care as outlined per policy to inmates who state they are the victim of an alleged sexual battery.	**100%**	86%
28	**MN**	Outcome: Prevention of and care for inmate's wounds in accordance with the Wound Program in the Infection Control Manual Chapter XXII.	**95%**	86%
85	**MH**	Outcome: All identified sex offenders at a permanent institution whose current sentence is a sex offense has a completed sex offender screening as a part of their medical record.	**90%**	87%
89	**D**	Outcome: The initial wait after request for routine comprehensive dental care does not exceed six (6) months for any inmate.	**95%**	87%
131	**ADM**	Outcome: The institution requests an autopsy, if performed, from the Medical Examiner's Office and sends it to the Central Office Mortality Review Coordinator. If an autopsy is not performed there should be a statement indicating the cause of death from the Medical Examiner.	**100%**	88%
127	**ADM**	Outcome: The contractor safeguards Protected Health Information in accordance with the terms and conditions outlined in the Business Associate Agreement.	**100%**	88%
128	**ADM**	Outcome: Supervision of staff is provided in accordance with statutory requirements for medical, nursing, dental, mental health and pharmacy.	**95%**	89%

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PM Number	Discipline	FY16-17 Performance Measure	Standard	Average Standard Reported (Regions 1-3)*
54	**MN**	Outcome: Monthly monitoring by the nurse or clinician if clinically indicated is to be initiated within two (2) weeks after the inmate has been started on INH or TB medications.	**100%**	90%
30	**ADM**	Outcome: Training for emergency care of inmates will be provided to all health care staff	**100%**	90%
109	**P**	Outcome: Deficiencies in previous Consultant Pharmacist Monthly Inspection Report are corrected	**90%**	90%
42	**MN**	Outcome: Inmates in special housing receive a Pre-Confinement Physical.	**100%**	91%
4	**M**	Outcome: Every newly committed inmate will receive a complete medical health appraisal within fourteen (14) days of arrival at the reception center.	**95%**	91%
43	**ADM**	Outcome: Nursing staff make daily rounds in special housing.	**100%**	91%
33	**M**	Outcome: Physician infirmary rounds made on a daily basis (Monday – Friday), except holidays.	**100%**	91%
8	**P**	Outcome: Medications are documented on the DC4-701A Medication and Treatment Record. Each dose of medication not administered is circled and an explanation written on the back of the DC4-701A.	**95%**	91%
126	**ADM**	Outcome: All clinical information significant to inmate health is filed in the health record within 72 hours of receipt.	**95%**	92%
23	**M**	Outcome: Routine screening mammograms are performed in accordance with policy.	**95%**	92%
5	**MN**	Outcome: Transfer section is completed by the sending institution and the Arrival Summary is completed by the receiving institution upon arrival.	**95%**	92%
62	**MH**	Outcome: If the inmate was on psychotropic medication immediately prior to transfer from the county jail, the screening medical staff arranges for continuity of care, until the inmate is seen by psychiatric staff.	**100%**	92%

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PM Number	Discipline	FY16-17 Performance Measure	Standard	Average Standard Reported (Regions 1-3)*
121	**ADM**	Outcome: All Corrective Action Plans shall be timely submitted within timeframe in Section II., FF., .3.	**100%**	93%
124	**ADM**	Outcome: All inmate requests, informal and formal grievances are responded to in accordance with established rules, policies and procedures.	**95%**	93%
27	**MN**	Outcome: The inmate's sick call request is scheduled and followed up according to priority. All emergencies are seen immediately.	**95%**	94%
14	**M**	Outcome: Inmate in chronic illness is seen by the clinician in accordance with HSB and clinical need.	**95%**	94%
11	**M**	Outcome: Inmates seen by a specialist will have the Consultant Report reviewed by the clinician. The clinician will either approve recommended procedure/treatment or recommend alternative clinically appropriate treatment options and discuss them with the inmate.	**100%**	94%
129	**ADM**	Outcome: Credentialing records shall comply with all requirements established by the Department.	**100%**	94%
36	**M**	Outcome: A discharge summary for an admitted inmate completed within 72 hours of discharge.	**95%**	94%
9	**MN**	Outcome: All inmates are offered an HIV Test prior to the EOS Date unless the inmate has a previous positive HIV Test Result on file.	**100%**	94%
47	**MN**	Outcome: Inmates will receive immunizations in accordance with established policy.	**95%**	95%
56	**ADM**	Outcome: Filled sharps containers is sealed and discarded as biomedical waste when three- fourths (¾) full or filled to the "FULL" line (if present) on the side of the container.	**100%**	95%
10	**M**	Outcome: Provide specialty consultation appointments.	**95%**	95%

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PM Number	Discipline	FY16-17 Performance Measure	Standard	Average Standard Reported (Regions 1-3)*
108	**P**	Outcome: Drug therapy indicated on Medication Administration Review (MAR) is appropriate as indicated or pursuant to an approved DER.	**95%**	95%
35	**ADM**	Outcome: Nursing rounds are made every two hours in the infirmary.	**95%**	96%
7	**P**	Outcome: Inmates are administered medication as ordered by the Clinician	**100%**	96%
64	**MH**	Outcome: Intake screening psychological testing is completed within the timeframes specified in HSB 15.05.17 Intake Mental Health Screening at Reception Centers for all new admissions to a reception center.	**90%**	96%
2	**MN**	Outcome: Inmates are provided a process for refusal of health care and the documentation thereof.	**90%**	96%
123	**ADM**	Outcome: All required reports submitted in accordance with contractual requirements	**95%**	97%
93	**D**	Outcome: Decay reaching the DEJ radiographically is diagnosed for restoration.	**100%**	97%
31	**ADM**	Outcome: All Medical Staff receives training on the Prison Rape Elimination Act Procedure and associated Health Services Bulletin.	**100%**	97%
50	**MN**	Outcome: Inmates with no history of a previous positive Tuberculosis Skin Test (TST) results will have TST per schedule outlined in Health Services Bulletin 15.03.18.	**95%**	97%
49	**MN**	Outcome: All inmates are screened for Tuberculosis with the Tuberculosis Symptom Questionnaire "DC4-520C"	**95%**	98%
34	**MN**	Outcome: The initial nursing admission is completed with 2 hours of admission.	**100%**	98%
67	**MH**	Outcome: Inmates with a current diagnosis of Schizophrenia or other psychotic disorders including disorders with psychotic features are maintained as a mental health grade of S-3 or higher.	**95%**	98%
112	**P**	Outcome: Each legend drug stock item has a perpetual inventory system	**90%**	98%

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PM Number	Discipline	FY16-17 Performance Measure	Standard	Average Standard Reported (Regions 1-3)*
25	**M**	Outcome: Complete routine Pap smear per policy.	**95%**	99%
106	**D**	Outcome: Dental radiographs are of diagnostic quality.	**95%**	99%
26	**MN**	Outcome: Sick call request is triaged by a nurse daily and prioritized as (1) Emergent, (2) Urgent or (3) Routine.	**95%**	99%
17	**MN**	Outcome: Lab results and diagnostics are available to the clinician prior to appointment.	**100%**	99%
1	**MN**	Outcome: Inmates have access to care in a timely manner with referral to an appropriate clinician as needed.	**100%**	99%
52	**M**	Outcome: Chest x-rays (CXR) are completed on inmates who have tuberculosis symptoms or a documented positive TST conversion within the last two years and have either not received or completed Tx.	**100%**	99%
16	**M**	Outcome: Clinician orders and implements plan of care for abnormal diagnostics.	**100%**	99%
15	**M**	Outcome: Clinician reviews results of diagnostic test	**95%**	100%
53	**MN**	Outcome: Treatment of latent tuberculosis infection shall be considered for all inmates who have a positive skin test when active disease has been ruled out and there are no contraindications to treatment.	**100%**	100%
94	**D**	Outcome: Restorations and bases are appropriate for the caries noted.	**100%**	100%
6	**MN**	Outcome: Inmates that have a current prescribed medication/s when arriving to the new institution have continuity of medication.	**100%**	100%
13	**M**	Outcome: Inmates will be assigned to the appropriate chronic illness clinic based on clinical need.	**95%**	100%
3	**MN**	Outcome: All inmates have an Initial Intake Screening completed by a nurse upon entry.	**100%**	100%

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PM Number	Discipline	FY16-17 Performance Measure	Standard	Average Standard Reported (Regions 1-3)*
21	**M**	Outcome: All pregnant inmates will receive counseling including a discussion concerning the risk to the infant and the availability of treatment for HIV, hepatitis B and syphilis prior to testing.	**100%**	100%
22	**M**	Outcome: Breast examination self-examination, and professional examination are in accordance with those of the United States Preventive Services Task Force (USPSTF).	**100%**	100%
29	**MN**	Outcome: Provide palliative care for inmates when clinically indicated.	**100%**	100%
45	**MN**	Outcome: Any inmate diagnosed or suspected of having a communicable or infectious disease shall be isolated until rendered noninfectious.	**100%**	100%
55	**M**	Outcome: A Tuberculosis contact investigation is initiated on all infectious cases of Tuberculosis. Final results of the contact investigation must be reported to Department of Health Bureau of TB and Refugee Health within one year of start date	**100%**	100%
57	**P**	Outcome: All institutions will have Post Exposure Prophylaxis medications available on site. for possible	**100%**	100%
58	**MN**	Outcome: Conduct pre-dialysis assessment of patient's vital signs, body weight, edema, and mental status.	**100%**	100%
59	**MN**	Outcome: Conduct post-dialysis assessment of patient's vital signs, body weight, edema, and mental status.	**100%**	100%
87	**D**	Outcome: Any dental emergency is evaluated and/or treated within twenty-four (24) hours by the dentist, or in the event the dentist is not available, by referral to the medical department or local dentist/hospital.	**100%**	100%
91	**D**	Outcome: A documented complete dental examination is done to develop an individualized Dental Treatment Plan.	**100%**	100%

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PM Number	Discipline	FY16-17 Performance Measure	Standard	Average Standard Reported (Regions 1-3)*
92	**D**	Outcome: A prophylaxis and oral hygiene instructions are included as part of the comprehensive dental treatment plan.	**100%**	100%
98	**D**	Outcome: Complete dentures are diagnosed and provided for all edentulous inmates requesting them.	**100%**	100%
99	**D**	Outcome: A removable partial denture is diagnosed when seven (7) or less posterior teeth are in occlusion.	**100%**	100%
101	**D**	Outcome: Appropriate consults for oral pathology referrals are generated and forwarded within five (5) calendar days of the encounter generating the need for referral.	**100%**	100%
102	**D**	Outcome: Appropriate consults for oral surgery referrals are generated and forwarded within ten (10) calendar days of the encounter generating the need for referral.	**100%**	100%
103	**D**	Outcome: Inmates presenting with head and neck trauma or cancer are immediately treated and/or referred to an appropriate provider for follow-up care.	**100%**	100%
104	**D**	Outcome: Each x-ray machine is registered thru the State of Florida and the registration certificates are posted near the machines.	**100%**	100%
105	**D**	Outcome: All x-ray machine operators are certified in dental radiology theory and technique in accordance with Florida Board of Dentistry Rules.	**100%**	100%
125	**ADM**	Outcome: All operating licenses and permits are current, on hand and posted appropriately at each institution in accordance with statutory requirements and policy.	**100%**	100%
110	**P**	Outcome: Narcotic perpetual inventory is maintained	**100%**	100%
111	**P**	Outcome: Narcotic keys are controlled per HSB 15.14.04	**100%**	100%
46	**MN**	Outcome: During the reception process inmate's immunization history will be assessed and documented.	**95%**	100%

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PM Number	Discipline	FY16-17 Performance Measure	Standard	Average Standard Reported (Regions 1-3)*
95	**D**	Outcome: Anterior endodontic treatment is diagnosed if the tooth in question has adequate periodontal support and has a good prognosis of restorability and long-term retention.	**95%**	100%
96	**D**	Outcome: Posterior endodontic treatment is diagnosed if the tooth is critical to arch integrity (there are no missing teeth in the quadrant or necessary as a partial denture abutment), has adequate periodontal support and has a good prognosis of restorability and long-term retention.	**95%**	100%
97	**D**	Outcome: Periodontal charting is done when indicated by the radiographs, periodontal examination and/or PSR (Periodontal Screening and Recording).	**95%**	100%
100	**D**	Outcome: Inmates are referred to other dentists/dental providers for treatment planned dental care not available at the institution.	**95%**	100%

LEGEND

MH	Mental Health
M	Medical
ADM	Administrative
D	Dental
MN	Medical Nursing
P	Pharmacy

Source: Florida Department of Corrections, Office of Health Services (OHS). Contract #C2869 performance measure reporting for Regions 1-3.

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F. Appendix 6: Market Wage Analysis

BENCHMARK OVERVIEW

ECONOMIC RESEARCH INSTITUTE

ERI compiles and collates data from a variety of sources, using role descriptions and job titles to categorize data. There are a number of advantages of this data source

There are a number of benefits of ERI data

Robustness of the benchmark: Data is collected from a number of sources. Sample size bands are provided behind each role and region. Note, for some roles reviewed here some sample sizes are small, given the number of people employed in those positions by region are low

Depth of data: Clear in-depth descriptions provided for each role ensuring benchmarks match roles where titles may be missing. Benchmarks by years of experience as well as local geographic area

Ease of data manipulation: Efficient data portal, format of the data allows for detailed pulling of benchmarks

Data Age: Data utilized for the assessment was updated as of July 1, 2017.

ERI Collects data from a variety of sources to ensure it is robust

Surveys	• 125 industry surveys and 18 job function salary surveys annually • Additional survey data is gathered through ERI partner organizations, with survey methodology carefully controlled and reviewed by ERI • Surveys are completed by employers rather than employees, increasing their robustness
Public records	• Digitalizing U.S. public records (e.g. SEC 8-Ks, 10-Ks, annual reports, and Form 990s) with remuneration data though optical character recognition and manual input
Government data	• Incorporating global government released data • In the U.S. this includes the Department of Labor, the Bureau of Labor Statistics, Occupation Employment Statistics and Census earnings
Job Boards	• Collating job postings from major job boards, under exclusive lease agreements • Note, pay data from job boards are used cautiously as can be high relative to end salaries

ROLES AND REGIONS REVIEWED

ECONOMIC RESEARCH INSTITUTE

18 Roles were reviewed covering Florida Department of Corrections' facilities.

FACILITY AND ERI REGION MAPPING

Regions were mapped by zip code to the closest matching region.

Facility	ERI Region
Suwannee	Lake City, Florida
Everglades	University Park, Florida
Okeechobee	Fort Pierce Florida
Union	Starke, Florida
Gulf	Port St Joe, Florida
RMC	Starke, Florida
Northwest Reception Center	Marianna, Florida
South Florida Reception Center	Doral, Florida
Central Florida Reception Center	Orlando-Delany Park, Florida
Women's Reception Center	Ocala, Florida
Zephryhills	Zephyrhillis, Florida
Lake	Minneola, Florida
Santa Rosa	Milton, Florida
Appalachee	Marianna, Florida
FSP	Starke, Florida
Columbia	Lake City, Florida
Tomoka	Port Orange, Florida

ROLES INCLUDED

18 Roles were included. These were selected based on which were the most important for the facilities, as well as which were available in the database.

Advanced Practice Registered Nurse
Dental Assistant
Dental Hygienist
Licensed Practical Nurse
Medical Dentist
Medical Psychiatric Nurse
Mental Health Manager
Mental Health Technician
Nursing Supervisor
Physician Family Practice
Physician General Practice
Psychiatric Aide
Psychiatric Nurse
Psychiatric Technician
Psychiatrist
Psychological Services Manager
Psychologist
Registered Nurse

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PAY VARIANCE BY REGION

There is some variance in pay benchmarks by region, but these are mostly small. Marianna and Port St. Joe have the lowest salary rates, averaging 7.2% across all 18 roles below the median across Florida.

Variance by Region to 'Florida State Average' Median Pay by region and example roles
Percentage, 1 year experience

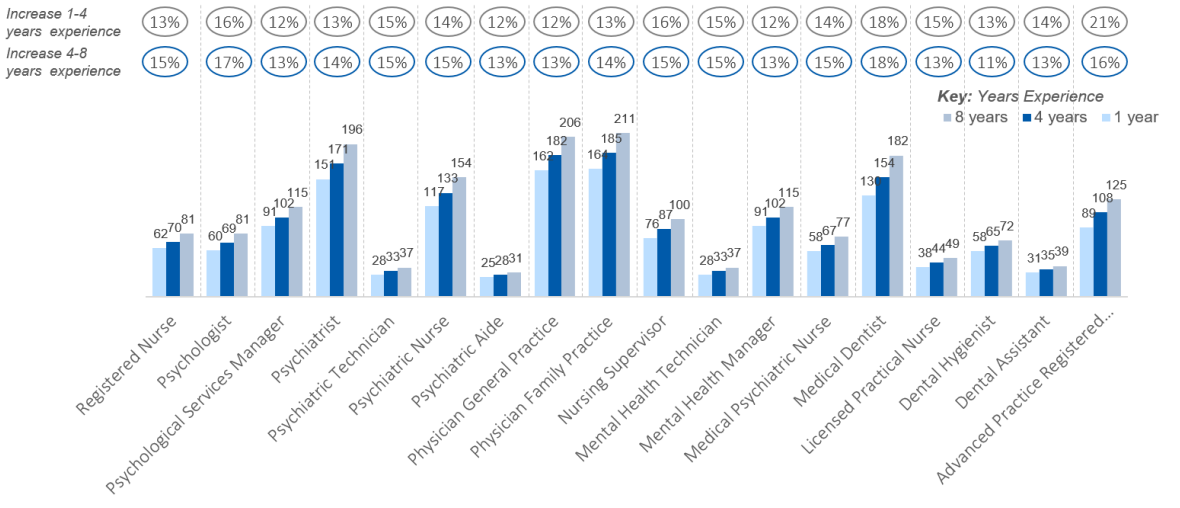
	Average of all 18 roles	Physician General Practice	Registered Nurse	Mental Health Technician
Doral	1.6%	1.2%	1.6%	0.6%
Florida City	0.9%	1.0%	1.0%	-0.8%
Fort Pierce	-0.6%	-0.3%	-1.1%	0.0%
Lake City	-4.1%	-2.1%	-4.3%	-5.3%
Marianna	-7.2%	-5.0%	-7.9%	-8.2%
Milton	-5.1%	-4.4%	-5.3%	-6.2%
Minneola	-2.1%	-0.9%	-3.5%	-1.6%
Ocala	-3.4%	-2.0%	-3.3%	-4.3%
Orlando-Delaney Park	-1.0%	-0.2%	-2.2%	-0.9%
Port Orange	-3.2%	-1.1%	-4.7%	-3.9%
Port St. Joe	-7.2%	-5.0%	-8.1%	-8.1%
Starke	-3.9%	-1.6%	-3.8%	-5.7%
University Park	0.0%	0.3%	-0.3%	-0.9%
Zephyrhills	0.3%	1.6%	-0.1%	0.1%

1. Pay variance is displayed for positions with 1 year experience. This was selected to include the largest sample size, although variance was reviewed for 4 and 8 years experience, which showed a similar pattern. Equally data was reviewed for the 25th and 75th percentile by role and region to ensure variances did not increase or decrease significantly, and again the pattern by market was very similar

VARIANCE BY EXPERIENCE

Pay rates increase based on experience fairly consistently across regional and roles. Those with 4 years experience are paid an average of 14% more than those with 1 year experience, and those with 8 years another 14% higher than those with 4 years experience.

Florida State Average Median by Role and Years of Experience
$000's Annually



Source: ERI Salary Database, June 2017.

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G. Appendix 7: Methodology and Assumptions

Option	Category	Component	Methodology/Assumptions
All	Health Services Staffing	Level & Composition	Current Health Services staff levels, position titles, and composition (mix of positions), adjusted for Region 4. Adjustments made for deficiencies in mental health staffing levels.
		Salary	Current gross salary wage rates, adjusted for Region 4, were used to construct the base salaries for Health Services staff. Adjustments were then made for select positions where ERI wage rate was higher (more competitive) than the current wage rate; next, the base salary rate was reduced by 5.0% across -the-board to account for the richer benefit package provided to state employees relative to the private sector.
		Total Compensation	State of Florida benefit load applied to Base Salary by CS (40%) and SES (36%) designation. Benefits include employer's share of FRS retirement, family health insurance coverage, life insurance and Medicare contributions. Excludes workers compensation insurance costs.
All	Direct Health Services Expenses	Outside-the-Gate	Health care services provided to inmates 'outside-the-gate', offsite in the community, either in physician offices or hospital settings. Current vendor expenses for Offsite UM Expenses; Incurred but Not Reported (IBNR) Hospital Inpatient-Ext; IBNR Hospital Outpatient; IBNR Hospital E/R; IBNR Primary Care Physician; IBNR Specialty Care Physician; and, IBNR Other Medical in FY16-17, adjusted for Region 4. Note: Nearly all outside-the-gate expenses are incurred in the Institutional Medical and RMC Disciplines. (RMC's share of IBNR expenses apportioned based on its share (45%) of total Offsite UM Expenses in FY16-17). Mental Health has very minimal outside-the-gate costs as nearly all mental health services are provided on-site.
Option 1		Outside-the-Gate	Outside-the-Gate costs increase by 20% (see Network Management – Option 1 and "Option 1 Network Management Factor" column in Exhibit 3.5).
Option 2		Outside-the-Gate	Assumes the Department currently receives the best negotiated rates available (same as a large payer or TPA would be able to receive in the current market) and therefore, there would be no change in outside-the-gate costs as a result of using a PPO/TPA.
All	Direct Health Services Expenses	Inside-the-Gate	Expenses for health care services provided to inmates 'inside-the-gate', onsite within FDC facilities. Excludes any Health Services staffing costs (see staffing estimates). Current vendor expenses for Onsite UM Expenses (specialty clinics and independent laboratory referrals) and Direct Medical Expenses (costs associated with providing direct health services onsite) in FY16-17, adjusted for Region 4. Note: Inside-the-gate costs related to Dental and Mental Health are covered in the other expense categories.
All	Direct Health Services Expenses	Non-Formulary Drugs	Assumes current vendor expenses for Non-Formulary drugs in FY16-17, adjusted for Region 4.
All	Related Health Services Expenses	Medical Equipment	Assumes the Department's FY17-18 budget appropriation for Health Services Operating Capital Outlay (OCO) ($500,000).
		Medical Supplies	Assumes current vendor expenses for Medical Supplies in FY16-17, adjusted for Region 4.

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Option 1	Related Health Services Expenses	Utilization Management (UM)	Assumes UM would be provided by the Department 'in-house', necessitating the purchase of UM software, estimated to cost $110,000 annually, and the net new hiring of 1 Director-level utilization management position with a base salary of $110,000. Cost of software based on past Department quote for InterQual software. Salary determined relative to existing UM staff salary levels.
Option 2		Utilization Management (UM)	Assumes UM would be provided by a third party (PPO/TPA) and the Department would continue to maintain a small UM team to liaise with the contractor and ensure appropriate care is provided to inmate patients. Assumes the net new hiring of 1 Director-level utilization management position with a base salary of $110,000.
All	Oversight & Recruitment	Oversight	Current Contract Monitoring FTE positions.
		Recruitment	Current vendor expenses for employment advertising and marketing expenses in FY16-17, adjusted for Region 4. Also includes FTEs for recruitment/recruiter positions. Expenses do not include any type of bonus or incentive recruitment programs.
		Training/Licensing	Current vendor expenses for training and seminars, physician credentialing, and licensing and filing fees in FY16-17, adjusted for Region 4.
		Temp Staffing	Current vendor expenses for temporary help in FY16-17, adjusted for Region 4.
Option 1	Related Health Services Expenses	Claims Processing	Assumes claims processing would be provided by a third party (PPO/TPA) at a flat, fixed range of $2-$8 PIPM (median $5 PIPM used in estimates).
Option 2		Claims Processing	Assumes claims processing would be provided by a third party (PPO/TPA) at a flat, fixed range of $2-$8 PIPM (median $5 PIPM used in estimates).
Option 1	Network Management	Individual Contracts	Assumes outside-the-gate costs would increase by 20% because of the Department's reduced purchasing power under Option 1 (i.e., directly contracting with individual providers). Percent increase based on the difference between FY11-12 offsite costs ($120 million, adjusted for inflation) and current vendor FY16-17 offsite costs, adjusted for Region 4 ($95 million). Reflected under "Option 1 Network Management Factor" column in Exhibit 3.5.
Option 2		PPO/TPA Network	Assumes offsite provider network would be managed by a third party (PPO/TPA) for a flat, fixed network access fee ranging from $2-$5 PIPM (median $3.50 PIPM used in estimates). Does not include any initial or one-time setup fees (estimated range: $75,000-$100,000).
All	Inmate Population	Inmates in Department-run Facilities	As of June 30, 2017, there were a total of 87,656 inmates housed in Department-run facilities. This excludes the inmate population at the state's seven (7) privately-run prisons which are managed by the Florida Department of Management Services (DMS): Bay, Blackwater, Gadsden, Graceville, Lake City, Moorehaven, and South Bay correctional facilities correctional facilities.

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Florida Department of Corrections Invitation to Negotiate: Comprehensive Health Care Services - Inpatient And Outpatient Mental Health Services, Advertisement Number: ITN 15-FDC-112, Version Number: 014. Http://Www.Myflorida.Com/Apps/Vbs/Vbs_Www.Ad_R2.View_Ad?Advertisement_Key_Num=134624

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Health Care Study:
Florida Department of Corrections

November 13, 2019

Prepared by:



AMERICAN OVERSIGHT

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Executive Summary

This report examines the use of the following alternative approaches to the delivery of inmate health care in the Florida Department of Corrections (FDC):

- Insourcing, in which Department staff are directly responsible for managing health care and delivering services in facilities, while still contracting out for services delivered by providers in the community;
- Outsourcing, in which the Department contracts a private company to provide health care service management, staffing, and coordination of off-site care;
- A hybrid insourcing/outsourcing approach which uses elements of both models; and
- University medical school management of correctional health care.

The report describes the current provision of inmate health care services in the Florida Department of Corrections and compares the cost-effectiveness of these alternative models in delivering inmate health care services. Key report findings include:

Florida has a high incidence of chronic medical and mental health illness in the inmate population. With the rapid growth in the geriatric offender population, growing awareness of the needs of mentally ill offenders, and changing standards in the treatment of infectious diseases such as Hepatitis C, the system has experienced growing pressure to increase the levels of service and program performance. This in turn is driving the cost of health care in the prison system higher.

The Florida Department of Corrections' (FDC) health care program design is consistent with contemporary professional standards. Health care policies and procedures are based upon generally accepted professional standards promulgated by the American Correctional Association, the National Commission on Correctional Health Care, the Florida Agency for Health Care Administration Licensure, and best practices developed in other state correctional systems. The FDC oversees delivery of a comprehensive set of medical, mental health, and dental services for state prison system inmates. The FY 2019-20 budget for health care services totals $566.9 million.

The FDC has previously used a hybrid approach in managing inmate health care. During the time in which state employees were used to deliver facility health care services, the Department still maintained an extensive network of contracts with practitioners, hospitals, and vendors to provide off-site health care services in the community.

The Department of Corrections has attempted outsourcing with mixed results over the years. While privatization provided costs savings in the short-term, vendors were unable to provide consistent service that met contract performance standards at the funding levels they had bid. This led to a turbulent period of vendor terminations, transitions, and multiple attempts to attract additional vendors. Service quality issues at the time produced high levels of staff vacancies, decreased access to off-site care, increased inmate grievances, and costly litigation. In its most recent procurement, the

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FDC received one responsive proposal for medical services after issuing multiple Invitations to Negotiate.

The current contract for inmate health services follows a cost-plus model. Under the Department's contract with Centurion, the vendor is reimbursed for the actual costs of care provided and paid an additional fee in the amount of 11.5 percent of program costs that cover administration and profit. The annual contract is capped at $421 million for the three years from FY 2019-20 through FY 2021-22. Pharmacy services are not part of the contract but are instead managed directly by the Department.

Florida's spending on inmate health care is low relative to national averages but is comparable to per diem spending levels in six of the ten largest correctional systems. Per inmate spending levels in Florida are close to those of Texas, Illinois, Georgia, and Pennsylvania.

After declining in the period Fiscal Year 2010-11 through Fiscal Year 2014-15, inmate health care costs increased by 36 percent over the past four years, an annual average increase of 9 percent. The increases appear attributable to misalignment between contract funding and service requirements in the initial outsourcing initiatives. Recent litigation on mental health services, Hepatitis C treatment, and hernia repair accounts for nearly $39 million in increased funding in the Fiscal Year 2019-20 budget. The ongoing increase in the geriatric population also continues to increase demand for medical services. The projected annual cost of providing health care for an inmate in a state-managed facility is $6,511 for FY 2019-20.

Correctional systems with insourced delivery systems provide on-site care in prison with state employees in 18 states, including three of the five largest state correctional systems. However, these systems still contract for hospitalization, outpatient, and specialty services provided outside prison.

Outsourcing provides managed health care through contracted providers in 20 state correctional systems. The two primary forms of outsourcing are 1) capitated models in which the vendor assumes primary financial risk for required service delivery and is paid a per diem fee per inmate to cover all program costs; and 2) cost-plus models in which the state reimburses the vendor for program costs and assumes financial risk for required service delivery.

Hybrid models which combine different aspects of both insourcing and outsourcing to meet system needs are used in eight states. Basic hybrid models privatize the management of health care in select facilities while maintaining state management of health care in other system facilities.

University-managed systems rely on a state medical school or health sciences university to manage all or some significant component of correctional health care services. Four correctional systems use the university model, including the Texas prison system, the largest correctional system in the United States.

Insourcing inmate health care services in Florida is feasible and would produce savings from the current system. The FDC has the internal expertise and management infrastructure to adopt an

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insourced model for inmate health care. However, recruitment and retention of health care staff would be a significant challenge requiring substantial advance planning. The Department would also require an improved approach in the management of off-site care. This could be accommodated by contracting with an insurance company or health care organization to manage all off-site care, utilization review, and claims management. Implementation of an insourced system could reduce FDC health care spending by an estimated $46 million, primarily through elimination of vendor profit and administration costs.

The current cost-plus approach used by the FDC appears to be the most realistic means available to outsource on a system-wide scale. The cost-plus model is currently used by the FDC because the only vendor in the last procurement cycle willing to work with the Department made it a condition of the contract. By most reports, the current vendor is performing reasonably well under the current cost-plus contract. However, this approach to privatization does not encourage efficiency and appears to be the most expensive service delivery model, as the FDC must pay a significant fee to the vendor to cover overhead and profit, in addition to paying all direct costs. However, the contract is capped at $421 million for the next three years and will provide the FDC with an electronic medical record system, which is a significant benefit.

A capitated approach to outsourcing could produce savings by incentivizing vendors to achieve efficiencies, particularly in the management of off-site care. However, this approach to outsourcing works best in a competitive procurement with multiple viable bidders competing on price and service quality. There are very few vendors who can provide services on the scale required in Florida with a record of acceptable service delivery. Moreover, the high degree of financial risk makes attracting enough bidders to facilitate a competitive environment difficult. Assuming vendors willing to work in Florida on a capitated basis, estimated annual savings of $5.5 million, largely in the management of off-site care, may be possible.

A hybrid insourcing/outsourcing approach would require outsourcing services on a capitated basis for a region or group of select facilities, while insourcing the rest of the system. This approach increases administrative complexity and creates potential issues of equity in apportioning risk and inmates in need of health care among multiple vendors and state facilities. It also assumes that credible vendors are willing to bid on capitated contract services for smaller groups of contracts. If viable, the limited experience with this approach in one of the few states that use this model suggests savings could be achieved roughly equivalent to the level achieved with insourcing.

The university model of health care management has attractive features but requires active cooperation from a medical school. Elimination of profit, reduced administrative costs, and discounted pharmaceutical prices could produce potential annual savings of over $40 million. However, no Florida medical school has indicated any interest in partnering with the FDC to manage inmate health care. One potential approach to building interest in such a model could be partnering with a university to take on one aspect of the correctional health care program, such as management of off-site care for a region or group of facilities.

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1. INTRODUCTION

In July 2019, the Office of Program Policy Analysis and Government Accountability (OPPAGA), a joint entity of the Florida Legislature, was required to solicit a contract with an independent consultant for a Study of Correctional Health Care in the Florida Department of Corrections (FDC). The goal of the study was to fulfill requirements of proviso language in the 2019 General Appropriations Act (Ch. 2019-117, Laws of Florida). The language states:

From the funds in Specific Appropriation 2754, the Office of Program Policy Analysis and Government Accountability is directed to contract with an independent third party consulting firm to conduct a review of inmate health care services in order to compare the cost-effectiveness of alternative methods of delivering the services.

OPPAGA directed that the Study address the following key research tasks:

- Describe the current provision of inmate health care services in the Florida Department of Corrections.
- Assess alternative models of delivering inmate health care services in the Florida Department of Corrections.
- Compare the cost-effectiveness of alternative models of delivering inmate health care services.

The proviso language required the review to consider at least the following options: (a) full insourcing of inmate health services, (b) insourcing of outpatient health services provided within state operated correctional facilities and outsourcing inpatient services, and (c) continuation of full outsourcing with modified contract terms imposing appropriate cost controls.

Methodology

In support of our analysis, we requested FDC health care expenditure data, as well as information on service delivery, utilization, and system performance. We also requested performance and activity measure data, planning documents, management reports, and other documentation of operations and programs.

We supplemented the written documentation and data provided by the FDC with information gained from interviews with program administrators and on-site observation of daily operations at the key FDC facilities identified below.

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Exhibit 1: On-Site Facility Reviews

Facility	Location	Capacity	Mission
Florida Women's Reception Center	Ocala	1,345	Female offender reception, general population, and in-patient mental health
Lake Correctional Institution	Clermont	1,093	Male offender general population and inpatient mental health
Lowell Correctional Institution	Ocala	1,456	Female offender general population
Reception & Medical Center (RMC)	Lake Butler	1,503	Male offender reception, 120-bed hospital, 34-bed infirmary, surgical unit, dialysis unit, and inpatient mental health
Suwanee Correctional Institution	Live Oak	1,502	Male Youthful Offender Unit, Close Management Unit, inpatient mental health

The CGL team conducted an in-depth tour of all medical/mental health functions at each visited facility. This included observation of sick call, dispensing of medication, observation of chemotherapy and dialysis treatment (at RMC), and group therapy. We toured all health care facilities at these institutions, including the 120-bed hospital at the Reception and Medical Center. Members of the project team observed the intake process, sick call, and mental health service planning.

We selected these facilities, with input from the FDC Office of Health Care Services, to observe the high level of health services and the operational challenges presented. Staff interviews included FDC central office administrators as well as direct service contract staff. These interviews centered on the challenges facing the FDC in delivering effective health care to the inmate population. Staff interviewed were open and candid regarding the challenges and issues associated with the provision of health care in the current system.

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2. CURRENT SYSTEM OVERVIEW

A review of different models to provide inmate health care begins with developing an understanding of the current service delivery system. This first requires an analysis of the Florida Department of Correction's (FDC's) health care program goals and how these goals produce the professional standards and policies that guide the system. We next describe the FDC's current system of correctional health care services, utilization of services by the inmate population, and how inmate population characteristics drive service requirements. The final section of the chapter describes the history of the FDC's evolving approaches to management of inmate health care services.

Standards

The FDC bases its health care policies and procedures upon generally accepted professional standards promulgated by the American Correctional Association, the National Commission on Correctional Health Care, the Agency for Health Care Administration Licensure, and best practices developed in other state correctional systems. The Department regularly updates policies and standards to reflect care guidelines recommended by the Centers for Disease Control and other recognized public health research organizations.

The FDC organizes its health care policies in 162 Health Services Bulletins (HSBs). These bulletins include multiple memos, information sheets, forms, orientation information, appendices for clinical care, guidelines, fact sheets, and policies. These bulletins provide direction on topics such as chronic illness monitoring (HSB 15.03.05), conditional medical release (HSB 15.02.14), and medical emergency response planning (HSB 15.03.06). In addition to HSBs, the Department has 30 custody-related policies which pertain to services such as therapeutic diets, medical transfers, health services for inmates in special housing, nursing sick call, and medication administration.

The FDC is responsible for providing a level of health care service to inmates consistent with constitutional standards, as determined by the federal courts, in accordance with Sections 945.025(2), and 945.6034, Florida Statutes. These standards, as established by the United States Supreme Court in *Estelle v. Gamble*[1], provide inmates the right to be free from deliberate indifference to their health care needs and that inmates have a right to the same standard of health care as available in the community. In subsequent rulings and case law, the courts have established three key elements of constitutional health care in correctional facilities: 1) the right to access to care, 2) the right to care that is ordered, and 3) the right to a professional judgement.[2]

A 1972 class action lawsuit against the FDC, *Costello v. Wainwright*, resulted in a finding that inadequate health care in the correctional system amounted to cruel and unusual punishment. The case further refined standards for health care delivery in the FDC and resulted in the creation of the

[1] *Estelle v. Gamble*, 420 U.S. 97, 97 S. Ct. 285, 50 L.Ed.2d 251(1978)
[2] B. Jaye Anno, Correctional Health Care: Guidelines for the Management of an Adequate Delivery System, National Commission on Correctional Healthcare, (2001:43).

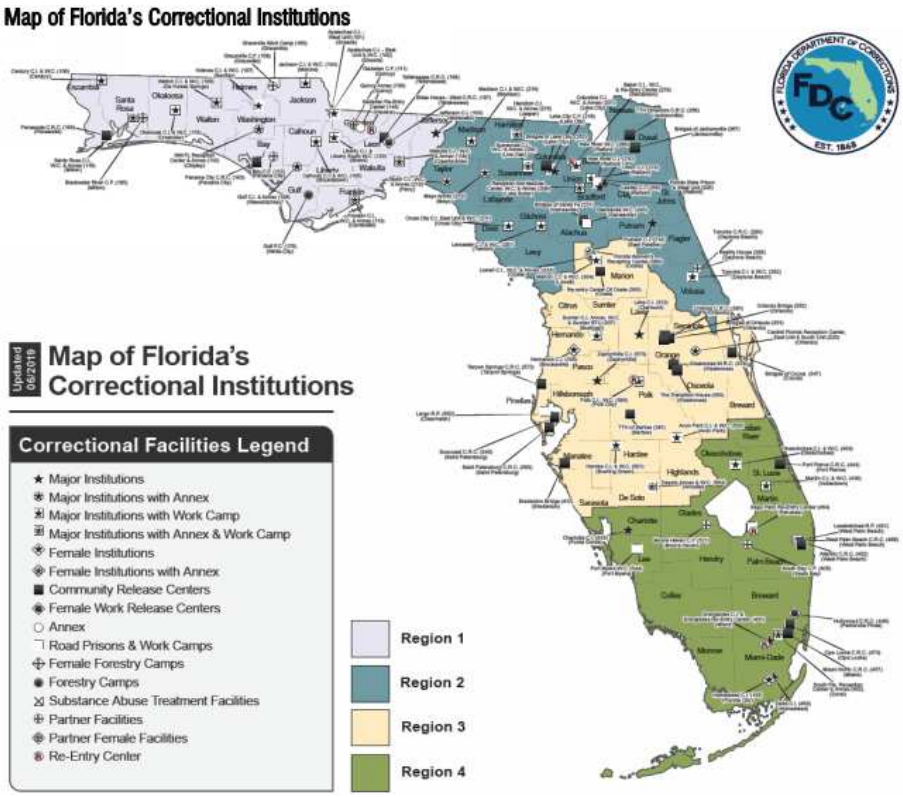
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Correctional Medical Authority (CMA) to provide independent monitoring of health care services.[3] The responsibilities of the CMA include inspection of the delivery of medical and mental health services in FDC facilities, annual reporting on inmate health care delivery to the Governor and the Legislature, and monitoring compliance with consent decrees. More recent litigation that has informed the development of FDC health care standards include *Osterbock v. McDonough*, *Disability Rights Florida, Inc. v. Jones*, *Hoffer v. Jones*, and *Copeland v. Jones*.[4] These cases addressed requirements for mental health programs, Hepatitis C treatment, hernia care, and other services.

Services

Consistent with these standards, the FDC oversees delivery of a comprehensive set of medical, mental health, and dental services for over 95,000 state prison system inmates in 145 facilities located in four regions throughout the state.

Exhibit 2: Florida Correctional Institutions



Source: Office of Program and Policy Analysis and Government Accountability, Florida Correctional Facilities, Report N0. 19-08, October 2019.

[3] *Costello v. Wainwright*, 3 430 U.S. 3425, 51 L.Ed.2d 372, 97 S. Ct. 1191 (1977)
[4] *Osterbock v. McDonough* 549 F.Supp.2d 1337 (M.D. Fla. 2008); *Disability Rights Florida, Inc. v. Jones*, Case No. 3:18-cv-179-J-25JRK; *Hoffer v. Jones* Case No. 4:17- cv-214-MW-CAS*; Copeland v. Jones* Case No. 4:IS—cv-452RH/CAS

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The Department's *Comprehensive Health Services Plan*[5] describes the specific services provided. The FDC uses a managed care approach to provide these programs, contracting with a private vendor, Centurion of Florida, LLC.

Medical. The medical program at FDC institutions focuses on primary care. These services include sick call, infection control, immunizations, chronic disease clinics, health education, physical examinations, screenings, and urgent care services. Centurion provides full and part-time physicians, nurse practitioners, nurses and support staff in support of these functions at each state-run facility.

Like other states with large prison populations such as California and Texas, Florida operates a large, licensed hospital to provide inpatient care within a secure facility. Under Centurion management, the Reception and Medical Center (RMC) at Lake Butler supports 120 inpatient beds, as well as a licensed laboratory, same-day surgery center, dialysis treatment, chemotherapy and radiation treatment.

Inmates in need of more serious or advanced treatment may receive care from specialists subcontracted by Centurion, both in the facility or in the community. Inmates also receive inpatient and outpatient care in community hospitals as needed for emergency care or if the RMC has no beds available. Community hospitals are also utilized for specific types of specialty care such as orthopedics or cardiac care. If facility vendor staff cannot provide the services an inmate needs, the inmate is transported to a local hospital or provider's office for offsite care. The FDC has agreements with hospitals that receive a significant volume of inmates, establishing dedicated secure units to support FDC patients. These include Memorial Hospital of Jacksonville and Larkin Community Hospital in Miami. Use of other local community hospitals in non-secure wards requires 24 hour supervision of the inmate patient by two department correctional officers.

A Centurion Utilization Management team reviews all requests for specialty consults and hospital services, including those provided at the RMC. The team reviews and approves all hospital admissions and discharges using evidenced-based clinical criteria to ensure efficient use of resources.

Mental Health. Mental health treatment consists of a range of services dependent upon the care level required by the inmate. FDC policy establishes five levels of treatment, beginning with outpatient care and progressing through more intensive, structured inpatient programs to stabilize and treat inmates with more severe conditions. Inmates receiving inpatient mental health treatment all receive structured out-of-cell therapeutic services. Mental health program staffing provided by Centurion, includes psychiatrists, psychologists, licensed mental health professionals, nurses, and support staff. The FDC manages a continuum of mental health services with each facility's staffing scaled to meet its specific program needs. The FDC also operates a Cognitive Treatment Unit at the Wakulla Annex for inmates with dementia or traumatic brain injury.

Dental. Dental services include examinations, extractions, and emergency treatment at the time of their admission into the correctional system. On an as-needed basis, inmates with less than six months

[5] Florida Department of Corrections, Comprehensive Health Services Plan for the Continued Improvement of the Delivery of Health Care for Inmates, 2019-2024 (2019)

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of time to serve may receive decay control, limited cleaning, and denture repairs. Inmates with more than six months to serve may receive dental exams with x-rays and periodontal screening. If clinically indicated, inmates with at least four months of incarceration time remaining may be provided dentures or non-emergent endodontic therapy. Advanced dental services are available on a limited basis depending upon need. Centurion provides dentists, dental assistants and dental hygienists in support of these services at all facilities except for reentry centers.

Pharmacy. The FDC manages the delivery of pharmacy services with 84 state employees, outside of the Centurion contract. The State pharmacy staff dispense over 1.5 million prescriptions annually from three regional pharmacies and the RMC in response to orders from medical staff at state prisons.[6] Centurion staff then administer medications to patients. Nurses provide unit dose prescriptions of prescribed medications at a pill line for general population inmates, at cell front for inmates in confinement or close management, and bedside in the hospital. Inmates are also allowed to keep common medications such as antihistamines or analgesics on their person (KOP) for use as specified by the prescription. Finally, inmates in dorms, special housing, and work squads may be provided over the counter medications (OTC) such as ibuprofen or antacid on an as-needed basis.

The FDC receives discounted medications for HIV/AIDs and STDs under the Florida Department of Health (DOH) through the 340b program. The 340b program is a US federal government pricing system that requires drug manufacturers to provide outpatient drugs to eligible health care organizations and covered entities at significantly reduced prices. The 340b program provides discounts of up to 40 percent from market rate prices. The Department also participates in the Minnesota Multi-State Contracting Alliance for Pharmacy (MMCAP), a purchasing organization for government institutions that negotiates reduced pharmaceutical prices for member organizations.

Due to the level of drug price purchasing discounts achieved by the FDC, past efforts at potential privatization of the pharmacy program have not shown savings, resulting in retention of the current system of state management of the program.

Exhibit 3 summarizes the key services available to inmates and where they are provided.

[6] Florida Department of Corrections, Comprehensive Health Services Plan for the Continued Improvement of the Delivery of Health Care for Inmates, 2019-2024 (2019).

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Exhibit 3: FDC Health Care Service Summary

	Medical	Mental Health	Dental	Pharmacy
Prison On-Site Services	Primary care Chronic care Screenings Urgent care Inpatient care* Medication management Specialty clinics Surgery* Dialysis* Cancer treatment* Long-term care housing Physical therapy Respiratory therapy	Group counseling Individual counseling Medication management Crisis stabilization Infirmary Transitional Care Inpatient hospitalization	Examinations Extractions Cleaning Dentures & repair	Keep on Person (KOP) Unit dose Over the Counter (OTC)
Community Services	Specialist visits Emergency room visits Surgery Inpatient hospitalization	Psychiatric emergency care	Advanced dental surgery	

*Available only at Reception & Medical Center
Source: Florida Department of Corrections, Comprehensive Health Services Plan, 2019-2024, May 13, 2019.

The Department manages this system through the Office of Health Services (OHS). The OHS sets policy for the system, monitors contract performance, provides training, reviews grievance appeals, assesses clinical-legal issues, manages the overall budget for health care services, and reviews contractor spending. OHS has 62.5 employees assigned to these functions.

Inmate Patient Profile

The FDC provided health care to an average daily population of approximately 87,000 inmates in state-operated facilities in FY 2018-19.[7] This does not include health care services provided by vendors that operate the seven private correctional facilities under contract with the Department of Management Services (DMS)[8]. Over 28,000 inmates have been admitted to the state prison system in

[7] Florida Department of Corrections, Bureau of Research and Data Analysis.
[8] These facilities include Bay Correctional Facility, Blackwater River Correctional Facility, Gadsden Correctional Facility, Graceville Correctional Facility, Lake City Correctional Facility, Moore Haven Correctional Facility, and South Bay Correctional Facility.

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the last 12 months.[9] Each new admission receives a thorough health screening and assessment, which may result in a prescribed treatment plan as indicated.

Inmates in U.S. prisons enter correctional systems with higher incidence of medical and mental health issues than found in the general population. Chronic disease is prevalent with higher rates of tuberculosis, HIV, Hepatitis B and C, arthritis, diabetes, and sexually transmitted disease compared to the general population.[10] Over half of prison inmates have a mental health disorder, and many of these offenders also have a history of substance abuse.[11]

The Florida correctional system population exhibits these same characteristics. In FY 2018-19, the FDC offender population included[12]:

- 57,826 inmates requiring treatment in chronic disease clinics
- 2,561 inmates diagnosed and treated for HIV
- 6,314 inmates diagnosed and treated for Hepatitis C
- 118 inmates with renal failure requiring dialysis treatment
- 4,000 inmates with hearing, mobility, or vision impairments or disabilities

In FY 2018-19, inmates had over 126,000 contacts with clinics for treatment of chronic conditions, with the largest number requiring cardiac or respiratory treatment.

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[9] Florida Department of Corrections, Quarterly Inmate Admissions Reports, October 1, 2018 to September 30, 2019.

[10] National Institute of Corrections, "Solicitation for a Cooperative Agreement—Evaluating Early Access to Medicaid as a Reentry Strategy," Federal Register 76, no. 129 (2011): 39438-39443; Ingrid Binswanger, Nicole Redmiond, and LeRoi Hicks, "Health disparities and the criminal justice system: an agenda for further research and action," Journal of Urban Health 89*, no. 1* (2012): 98–107; and Laura Maruschak, Medical Problems of Prisoners (Washington, DC: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, April 2008), , https://ww.bjs.gov/content/pub/pdf/

[11] Doris James and Lauren Glaze, Mental health problems of prison and jail inmates, (Washington, DC: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, September 2006) , https://www.bjs.gov/content/pub/pdf/mhppji.pdf/

[12] Florida Department of Corrections, Bureau of Research and Data Analysis.

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Exhibit 4: FY 2018-19 FDC Inmate Clinic Contacts

Type of Treatment	Number of Clinic Contacts
Cardiac	49,775
Endocrine	17,719
Gastro-intestinal	19,729
Immune System	8,516
Renal	12
Neurology	5,342
Cancer	1,785
Respiratory	12,166
Tuberculosis	6,316
Miscellaneous	4,723
TOTAL	**126,083**

Source: Florida Department of Corrections, Office of Health Services

Demographic characteristics of the population also contribute to health care service needs. The FDC incarcerates nearly 5,000 female offenders. Incarcerated women report histories of alcohol and drug abuse, sexually transmitted infection, sexual and physical abuse, and mental illness, at a much higher rate than incarcerated men, and as a result require a more intensive level of health care services. Moreover, female offenders also have gender-specific health needs such as gynecological care that create additional demands for health services. [13] In FY 2018-19 female offenders in Florida accounted for 12.8 percent of clinic encounters for chronic diseases despite representing 6.9 percent of the inmate population.[14]

The number of geriatric offenders in the correctional system also drives demand for health care services. Due to higher risk lifestyle choices and infrequent or irregular access to health care over their lives, many inmates physically age much more quickly than their chronological age would suggest. The National Commission on Correctional Healthcare and at least 20 state correctional systems define as geriatric any inmate over age 50.[15] Older prisoners cost approximately three times as much as younger prisoners to incarcerate, largely due to health care costs.[16]

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[13] National Commission on Correctional Healthcare*, Women's Health Care in Correctional Settings,* 2019 https://www.ncchc.org/womens-health-care.

[14] Florida Department of Corrections, Office of Health Services.

[15] It's About Time: Aging Prisoners, Increasing Costs, and Geriatric Release. New York, NY: Tina Chiu, The Vera Institute of Justice; 2010. March, https://www.vera.org/publications/its-about-time-aging-prisoners-incresing-costs-and-geriatric-release

[16] Williams, B. A., Goodwin, J. S., Baillargeon, J., Ahalt, C., & Walter, L. C. (2012). Addressing the aging crisis in U.S. criminal justice health care. Journal of the American Geriatrics Society, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3374923.

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As of June 30, 2019, over 27 percent of the FDC inmate population was age 50 or older. In fact, the system housed 1,775 inmates aged 70 or over. The proportion of the Florida inmate population that is geriatric exceeds that of the other three largest state correctional systems.

Exhibit 5: Geriatric Populations in Large State Correctional Systems

	Inmate Population	Number of Inmates Age 50+	Percent of Inmates Age 50+
Texas	145,019	31,876	22%
California	129,417	30,298	23%
Florida	95,502	25,732	27%
New York	52,344	10,140	19%

Sources: Texas Department of Criminal Justice, Fiscal Year 2018 Statistical Report; California Department of Corrections and Rehabilitation, Offender Data Points Report, June 2018; Florida Department of Corrections, Bureau of Research and Data Analysis; Office of the New York State Comptroller, New York's Aging Prison Population, April 2017.

The total number of geriatric inmates housed by the FDC has grown by 77 percent over the last ten years, despite a decline in the overall prison population during this period. Older inmates, like older individuals in society, have much greater health care needs than younger inmates. This change in the population has had a profound impact on the demand for health care services in the state correctional system.

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Health Care Service Delivery History

The FDC has a long and complicated history in contracting for the delivery of health care to inmates. Exhibit 6 summarizes past FDC health care contracts. Exhibit 7 presents a timeline for the Department's experience with outsourcing.

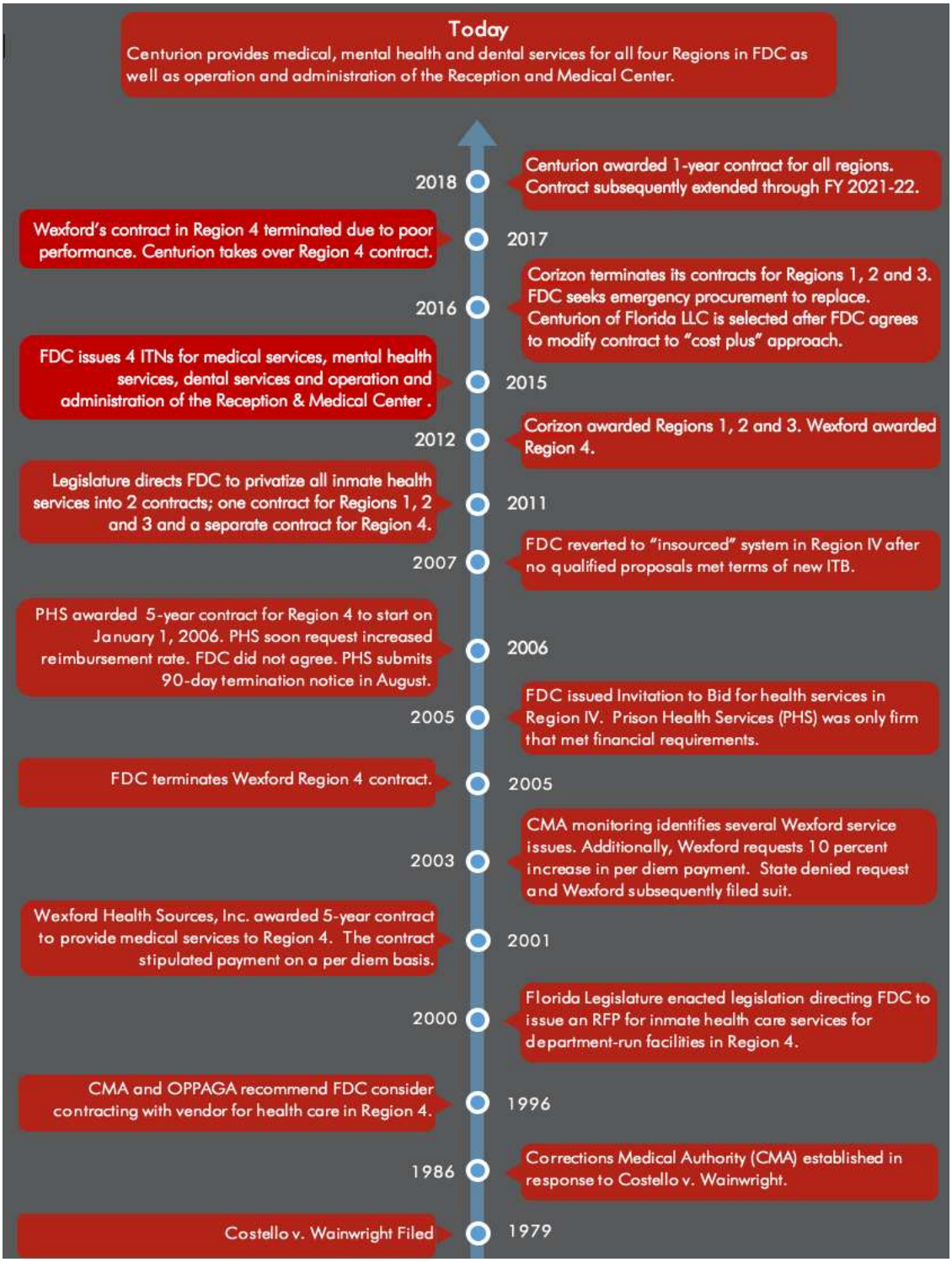
Exhibit 6: FDC Health Care Contract Summary

Contract Term	Vendor	Services
2001-2006	Wexford	Region 4 comprehensive health care
2006	Prison Health Services (PHS)	Region 4 comprehensive health care
2006-2007	Correctional Medical Services (CMS)	Region 4 staffing (after termination of PHS contract)
2006-2009	MHM	Region 4 mental health
2009-2014	Corizon (formerly CMS)	Region 4 mental health
2012-2016	Corizon	Regions 1, 2, & 3 comprehensive health care
2012-2017	Wexford	Region 4 comprehensive health care
2016-2017	Centurion (formerly PHS and MHM)	Regions 1, 2, & 3 comprehensive health care
2017-2018	Centurion	Add Region 4 comprehensive health care
2018-2019	Centurion	Statewide comprehensive health care
2019-2022	Centurion	Statewide comprehensive health care

Source: Florida Department of Corrections, Bureau of Procurement

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Exhibit 7: Florida Department of Corrections Health Care Contracting History



Source: Florida Department of Corrections

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Prior to and through the period of the *Costello v. Wainwright* litigation during the 1980's, the FDC managed health care services within the prison system with state employees, supplemented by individual contractors as needed. State-managed service included the management and staffing of the RMC's secure medical hospital. Private providers in the community and local hospitals or clinics provided specialty treatment, outpatient care, and inpatient hospitalization. The Department negotiated individual contracts and price agreements with these private providers.

One of the issues the system faced was difficulty in keeping health care staff positions filled, particularly in the Region 4, South Florida area. This is one of the primary challenges associated with insourcing correctional health care and has been a significant factor in the development of alternative approaches to staffing facility health care programs. That said, vendor performance in filling positions has been similar to that experienced by the state.

During this time, the first private company managed care providers specializing in correctional health care emerged onto the market, providing an alternative solution for systems seeking to improve prison health care services and/or reduce costs. In 1996 both the Correctional Medical Authority and the Office of Program Policy Analysis and Government Accountability (OPPAGA) recommended that the FDC consider privatizing correctional health care service for one region to better assess the viability and potential benefits of this approach.[17] The Department did not implement these recommendations, and in 2000, the Florida Legislature enacted legislation on the issue. The bill required the FDC to issue an RFP for inmate health care provided at all Region 4 correctional facilities, with an explicit goal of achieving cost savings.[18]

The subsequent RFP attracted bids from 4 vendors and resulted in the award of a five-year contract with Wexford Health Sources, Inc. for Region 4. The contract used a capitated model in which the vendor assumes financial risk in exchange for enhanced discretion in managing services to achieve efficiency. In this approach the vendor charges a per diem rate multiplied by the average monthly inmate population as compensation. The contract also called for 3 percent annual per diem rate increases.

Correctional Medical Authority (CMA) monitoring of health service delivery under the contract consistently indicated significant vendor service issues, including lack of internal management controls, poor or nonexistent tracking mechanisms, inadequate control and/or tracking of specialty consultations, and an unacceptable pharmacy system.[19] These issues eventually resulted in the FDC assessing financial penalties against Wexford. For their part, the vendor contended that the inmate population in the region contained a higher number of

[17] Corrections Medical Authority 1995-1996 Annual Report; OPPAGA Report No. 96-22, "Review of Inmate Health Services Within the Department of Corrections" (November 1996)
[18] Chapter 2000-166, Laws of Florida
[19] Florida Senate, Committee on Criminal Justice, Privatization of Prison Health Care Services, Issue Brief 2011-213, October 2010.

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inmates with medical and mental health issues than their bid assumed, and as a result requested a 10 percent increase in the contract per diem rate. Litigation between Wexford and the FDC followed. While Wexford prevailed in the lawsuit, which forced an increase in payment, continued service quality issues resulted in the Department terminating the contract in 2005.

The Department then issued a new Invitation to Bid (ITB) for Region 4 health care services which produced three bids, including one from Wexford. The FDC awarded a five-year contract to Prison Health Services (PHS) in January 2006. The PHS bid was more than $80 million less than the next lowest bidder.[20] The vendor however soon indicated that they had underbid the contract due to the lack of adequate information on service volume during the bid process and requested an increase in contract compensation. In response to the Department's denial of this request, PHS provided notice and terminated the contract eleven months after its commencement.

The Department issued a subsequent ITB for Region 4 in 2007 which received no proposals that met the terms of the procurement. In response, the FDC reverted to an "insourced" system in Region 4, providing institution-based health care services with state employees, while contracting with a network of individual private providers for services provided in the community. This mirrored the approach used by the FDC in managing health care services in Regions 1, 2, and 3. Ultimately the number of contracts between the Department and private providers would exceed 200 across the state.

In 2011 the Legislature directed the FDC to privatize all inmate health services statewide into two contracts, one for Regions 1, 2, and 3; and a separate contract for Region 4.[21] The legislation specifically required that the contractor achieve cost savings of at least seven percent below the Department's FY 2009-10 health care expenditures.[22] The Department issued an RFP for comprehensive health services for all four regions, and in 2012 awarded contracts to Corizon, LLC for Regions 1, 2, and 3; and a contract to Wexford Health Sources, Inc. for Region 4. The total value of these contracts was $1.1 billion for Corizon for 2012-2016, and $237.9 million for Wexford for 2012-2017. The Department adopted a similar approach for these contracts as it had used for previous comprehensive health care contracts, in which the vendor assumes all financial risk and retains maximum flexibility in managing services; with compensation based on a per diem rate applied to the average daily inmate population.

The transition to statewide privatization was difficult. State employee unions sued the Department to block implementation of the contracts. The Department ultimately prevailed in court, but the case delayed contract implementation until 2013. During that time, many state health care staff resigned in

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[20] Ibid.
[21] Laws of Florida, Chapter 2011-69.
[22] Florida Department of Corrections RFP, Comprehensive Healthcare Services in Regions I, II, and III, Solicitation 11-DC-8324, http://www.myflorida.com/apps/vbs/vbs_www.ad_r2.view_ad?advertisement_key_num=98603

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anticipation of losing their positions, forcing the Department to rely on overtime and temporary staff to assure continued services. While both contracts achieved required savings levels (and in fact surpassed the seven percent savings requirement), the vendors in many cases initially reduced spending by maintaining lower health care staffing levels. According to FDC staff, this in turn led to serious performance issues in both contracts.

In response to these issues, the Department issued a new procurement solicitation for inmate health care services in December 2015. The Department adopted a new procurement model, an Invitation to Negotiate (ITN) for this solicitation. Under the RFP format, prospective bidders had limited information on contract scope and very little opportunity for questions and discussion on the services to be provided. Office of Health Services staff indicated that the prior vendors selected by the Department through the RFP process attributed their difficulties in providing services at the prices they bid to the lack of information available in the procurement process, which led them to underprice their proposals. The ITN process differs from an RFP procurement in that it specifically allows for sharing of information with the vendor and answering questions throughout the negotiation process. This generally results in a better understanding of the client's requirements on the part of the vendor.

The Department also made a substantial change in scope of work under the ITN approach. The scope of previous RFPs was for the comprehensive delivery of inmate health services in specific FDC regions. Through several rounds of RFPs this approach attracted a relatively small group of the same companies. None of the companies selected had performed at a level considered satisfactory by the Department. In a new approach under the ITN model, the Department defined scope by discipline, issuing four ITNs for statewide medical services, statewide mental health services, statewide dental services, and operation and administration of the Department's inpatient hospital at RMC. By dividing the scope of health care delivery in this manner the Department hoped to increase competition and attract new vendors. The ITNs also specified provisions to increase accountability and oversight of vendor performance.

As the Department entered into the ITN solicitation, Corizon provided notice that it was terminating their contract for health care services in Regions 1, 2, and 3 effective May 2016. In response to FDC concerns regarding staffing levels and vendor performance, Corizon indicated that the terms of its contract were too constraining to address the Department's concerns. This action forced the Department to seek an emergency procurement to replace Corizon. The procurement resulted in the selection of Centurion of Florida, LLC to provide services in the regions formerly under contract with Corizon. However, because of the risk in assuming this contract, Centurion required the Department to change the contract model to a "cost plus" approach. In this model, the vendor is reimbursed for all expenses related to the provision of required services and paid a management fee in addition to these costs. The cost plus approach effectively eliminates vendor financial risk. This initial contract with Centurion established the management fee at 13.5 percent of service costs.

As the FDC initiated the ITN process, CMA inspections in 2017 documented serious performance issues at the South Florida Reception Center, leading the Department to terminate Wexford's contract for Region 4. Due to the emergency nature of the circumstances, the Department added Region 4 to

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the Centurion contract, resulting in the vendor assuming complete statewide responsibility for medical and mental health service delivery up through the original terms of the Corizon and Wexford contracts. This was an emergency action to assure continued service while the Department continued its attempt to procure new vendors through the ITN process.

The ITN solicitations attracted limited vendor responses.

- Medical Services ITN - produced two bidders, one of which (Wexford) dropped out of the process, leaving the Department with one vendor, Centurion, to negotiate a contract. The Department reissued the ITN to attract more responders, but again received only one proposal from Centurion.
- RMC Hospital ITN - resulted in one bidder, Centurion.
- Mental Health ITN - resulted in two bidders, Centurion and Correct Care Solutions.
- Dental Services ITN - attracted two responses from Centurion and Smallwood Prison Dental Services.

Based on the results of the ITNs, in 2018 the Department negotiated a one-year contract with Centurion in the amount of $375 million to provide statewide inmate health care services. The contract has since been amended to extend the term to three years through FY 2021-22.

Current Service Model

As described above, the FDC currently contracts with Centurion to provide inmate health care services at all FDC-operated facilities. Centurion supply the staff who provide treatment at the facilities, coordinates the care of inmates who must receive specialist or hospital services outside the facility, and manages the overall system of care through a system of regional administration, quality assurance, and utilization management.

The current system, however, is not completely outsourced. The Department retains management of the pharmacy system which provides medications to state inmates. Previous efforts to privatize this function failed to demonstrate cost savings, and in fact would have increased the cost of medications to the FDC. The Department's low costs for pharmacy service is primarily due to price discounts it receives for medications purchased through the Minnesota Multi-State Contracting Alliance for Pharmacy (MMCAP), a purchasing organization for government institutions that negotiates reduced pharmaceutical prices for member organizations. Other state correctional systems that participate in MMCAP include North and South Carolina. The Department also receives substantial discounts on medication for HIV/AIDS and sexually transmitted disease through interagency agreements with the Florida Department of Health and five local health departments for treatment of offenders with these conditions. Accordingly, the current service model is more accurately described as a hybrid, combining out-sourced vendor management and delivery of health care services with an in-sourced pharmacy program.

The contract is structured in a "cost plus" model. The vendor receives compensation in two components: 1) reimbursements for all approved health care expenditures; and 2) a percentage of

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actual expenses to cover administrative expenses and profit. In effect, the contract passes through the cost of incurred health care expenses to the vendor, which receives a fee for administering the program. The administrative fee in the current contract is 11.5 percent of incurred expenses. The contract contains an overall annual cap on compensation paid out under the contract. The current contract compensation cap is $421 million for the current fiscal year and each of the next two fiscal years. Finally, as part of the services to be provided under the three-year contract term, the vendor will provide the FDC with an Electronic Medical Records system (EMR). This system will modernize FDC management of inmate health care information, enabling substantial efficiencies in patient care management and providing advanced metrics on health care work processes and management. The Centurion contract expires June 30, 2022.

The contract is "outcome-based" in that the vendor is held accountable through its level of achievement on a series of performance measures detailed in the contract. The contractor reports on their compliance with these performance measures quarterly. The level of compliance with performance measure requirements determines whether any financial penalties may be assessed against the vendor. While the vendor is reimbursed for actual expenses incurred, it may be subject to financial penalties if mandated outcomes are not achieved. The contract contains 70 performance measures and 135 pages of program standards covering every element of service and calls for an overall compliance rate of 80 percent for each standard as applicable, consistent with CMA standards. Each performance measure contains a specific financial consequence for non-compliance. Contract monitoring reports provide the basis for imposing these penalties.

Exhibit 8: Centurion Contract Performance Metrics

Measure No.	Description	Expectation	Measurement Duration	Financial Consequence
PM-007	From the time an inmate submits a sick call request form until the request form is triaged by an RN and determined to be either emergent, urgent or routine, shall be no longer than 24 hours.	80% compliance, per institution	Quarterly	For performance below 80%, consequences will be assessed as follows: 70%-79.99%: $2,000 per institution; 60%-69.99%: $4,000 per institution; Less than 60%: $6,000 per institution
PM-008	From the time the request is triaged, sick call requests categorized as emergent should be seen by a Licensed Nurse as soon as possible, not to exceed 60 minutes.	80% compliance per institution	Quarterly	For performance below 80%, consequences will be assessed as follows: 70%-79.99%: $3,000 per institution; 60%-69.99%: $6,000 per institution; Less than 60%: $9,000 per institution

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Measure No.	Description	Expectation	Measurement Duration	Financial Consequence
PM-009	From the time the request is triaged, sick call requests categorized as urgent should be seen by a Licensed Nurse within 24 hours.	80% compliance per institution	Quarterly	For performance below 80%, consequences will be assessed as follows: 70%-79.99%: $2,000 per institution; 60%-69.99%: $4,000 per institution; Less than 60%: $6,000 per institution

Source: FDC Contract C2930, Amendment 2.

The FDC and the vendor jointly determine the staffing required to satisfy these performance measures, although this staffing pattern is not a part of the contract and vendor compliance is not monitored. Centurion's current staffing plan has 3,127.9 FTEs, assigned to the following disciplines:

Exhibit 9: Health Care Contract Staff by Discipline

	July 2019 Contract Staffing Plan	Percent of Total Staffing
Medical	1,531.3	49.0%
Mental Health	887.5	28.3%
Dental	228.2	7.3%
Administration	480.9	15.4%
Total	3,127.9	100%

Source: Florida Department of Corrections, Office of Health Services

Staffing levels, however, are not a part of the contract. While maintenance of adequate staffing levels is implicit in the required achievement of the contract performance measures, the contract does not specify staffing requirements or hold the vendor accountable for maintenance of program staffing levels. Provided they do not exceed the overall contract spending cap, the vendor is free to add staff if necessary, to reach standards, or conversely not fill positions without consequence, if they are able to meet the performance standards with lower staffing levels.

Office of Health Services

The FDC Office of Health Services administers the system's health care program. Responsibilities include development of policies, review of grievance appeals, budget management, contract management, and operation of the state pharmacy program. The OHS has 175 authorized positions assigned to Administration, Medical, Mental Health, Dental, Nursing, and Pharmacy offices.

Contract monitoring is a key OHS responsibility. The OHS has 18 monitors who perform contract monitoring. There are three teams each consisting of an administrator leader, two nurses, one mental health monitor, and one data analyst. On a state-wide basis there is one pharmacist and two dental

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monitors. In addition, two teams of mental health professionals conduct risk management assessments to identify potential issues and provide solutions in mental health program delivery.

Monitoring visits can be scheduled or unscheduled, announced or unannounced. The monitors use several methodologies in monitoring contract performance including:

- Desk review of any records or documents related to service delivery; this can be a random or statistical sampling
- On-site review on any records
- Interviews
- Reviews of grievances
- Review of monitoring, audits, investigations, evaluations or other reviews of external agencies (CMA, DOH, ACA)

OHS audit teams conduct facility reviews in the first and third quarters of each fiscal year, with each facility self-reporting audit results in the second and fourth quarters. The Department changed its audit instrument in 2019. Where previously there were 262 performance measures, the new audit system contains 70 performance measures, consistent with contract requirements. These measures are similar in nature to prior measures albeit reduced in number. The FDC reduced the number of measures to facilitate more efficient monitoring of the contract.

These measures are Yes/No type compliance questions. The measures contain an outcome and an expected compliance rate for each measure. Ten to 20 records are reviewed based on a random sampling. Examples of monitoring metrics include:

- Within 10 calendar days of arrival at a reception center, an inmate received on medication from county jail will be evaluated by psychiatry.

- A baseline Mammography study will be performed for female inmates at 50 years of age, and every two (2) years thereafter until the age of 74.

- Acute illness patients were assessed by a nurse every eight (8) hours, including vital signs, and documented the evaluation on form DC4-684, Infirmary/Hospital Daily Nursing Evaluation.

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3. HEALTH CARE COSTS

This chapter describes the cost of correctional health care in Florida, including the different elements of health care spending, trends, and key drivers of current and future costs. We also look at how Florida costs for health care compare nationally.

Spending on Inmate Health Care

The FDC appropriation for inmate health care services in FY 2019-20 totals $566.9 million. Appropriations for health care make up 21 percent of the FDC budget, ranking second behind correctional staffing in magnitude of spending. Assuming a stable inmate population through the current fiscal year, this will roughly equate to a cost of $17.84 per day per inmate, or $6,511 annually. Exhibit 10 summarizes the FY 2019-20 budget for inmate health care.

Exhibit 10: FDC FY 2019-20 Inmate Health Care Appropriations

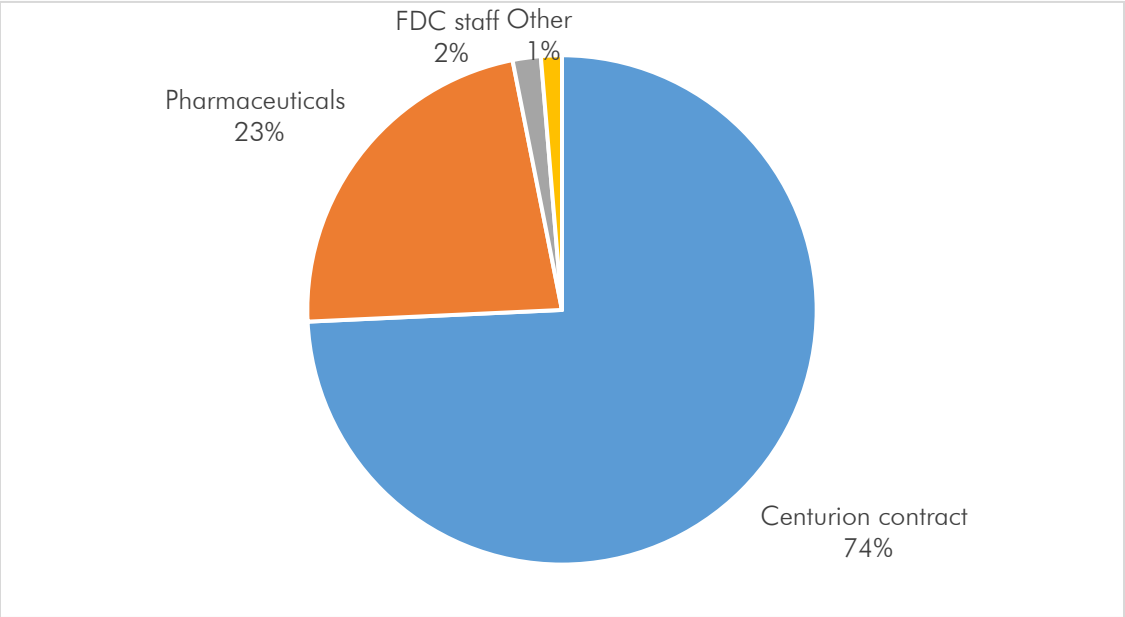
Office of Health Services	FY 2019-20 All Funds Appropriations ($ 000)
Centurion Contract	421,000.0
Pharmaceuticals	128,222.9
OHS Employee Salaries & Benefits	9,721.6
Contracts	4,367.2
Other	3,554.9
TOTAL	566,866.7

Source: Florida Department of Corrections

The state's contract with Centurion for statewide facility health care services makes up 74 percent of health care spending. FDC expenditures for infectious disease, psychotropic, and general medications make up another 23 percent of the budget. The cost of state employees to administer the system and manage the pharmacy program is roughly 2 percent of the budget.

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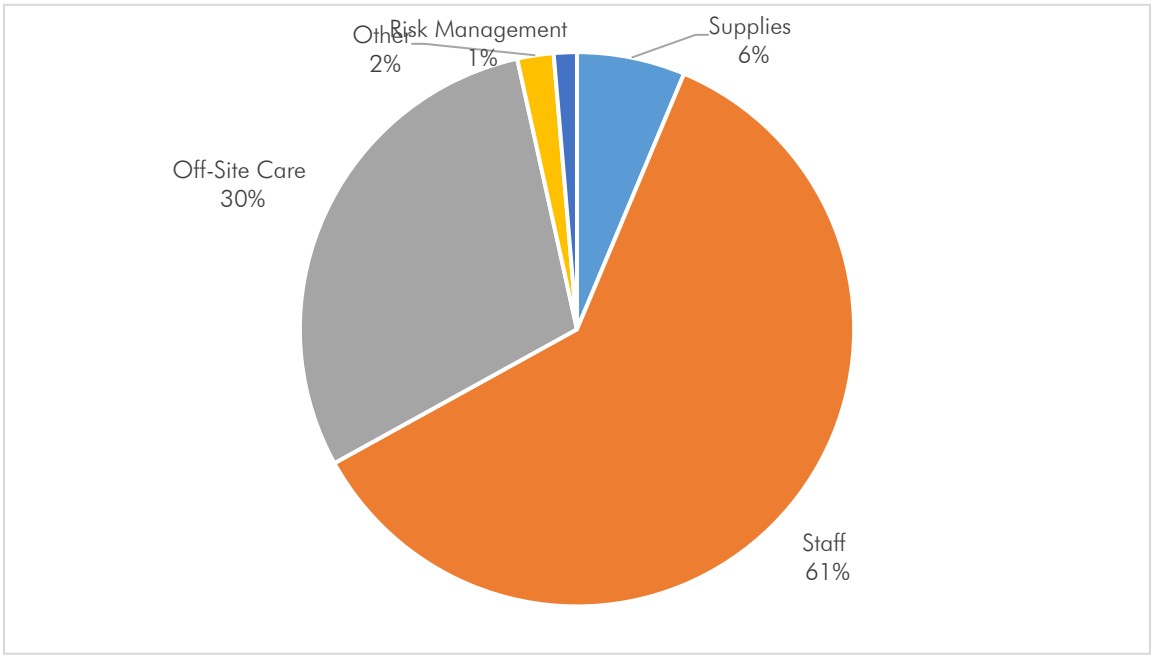
Exhibit 11: Inmate Health Services Expenditures Components



Source: Florida Department of Corrections

In FY 2018-19 Centurion expenditures under the contract for inmate health care totaled $355 million. Approximately 61 percent of expenditures were for health care staff in FDC facilities. Off-site care by hospitals and specialist clinicians made up 30 percent of vendor spending, with supplies and other expenses accounting for less than 10 percent of expenses.

Exhibit 12: FY 2018-19 Centurion Health Care Expenditures



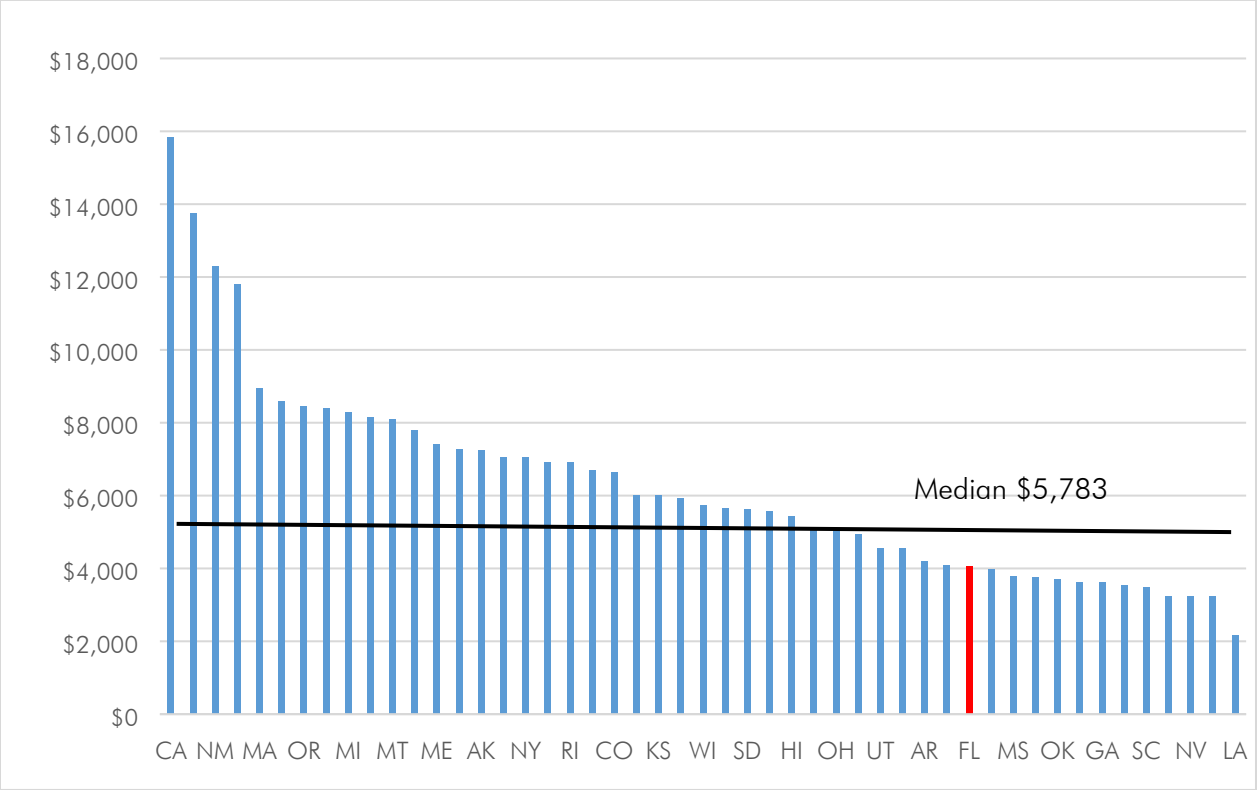
Source: Florida Department of Corrections

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Comparison with Other States

A comparison of Florida's spending with the most recent data available for other state correctional systems shows FDC expenditures per inmate for health care in the bottom quartile of states with the lowest spending levels. A comprehensive review of 2015 correctional system spending in 49 states[23] by the Pew Charitable Trusts documented that annual spending on correctional health care ranged from a high of $15,827 in California to a low of $2,173 in Louisiana.[24]

Exhibit 13: State Spending Per Inmate on Correctional Health Care in 2015



Source: Pew Charitable Trusts, Prison Health Care: Costs and Quality, 2017

Although California is an outlier, most of the states with relatively high spending levels are very small, and their higher costs may reflect a lack of resources or economies of scale. Spending levels for the ten largest correctional systems showed Florida ranked seventh. However, the degree of difference in spending level among the six systems with the lowest average spending level was small. The data shows Florida to have a somewhat lower spending level that is however still comparable to most large state correctional systems, as shown in Exhibit 14.

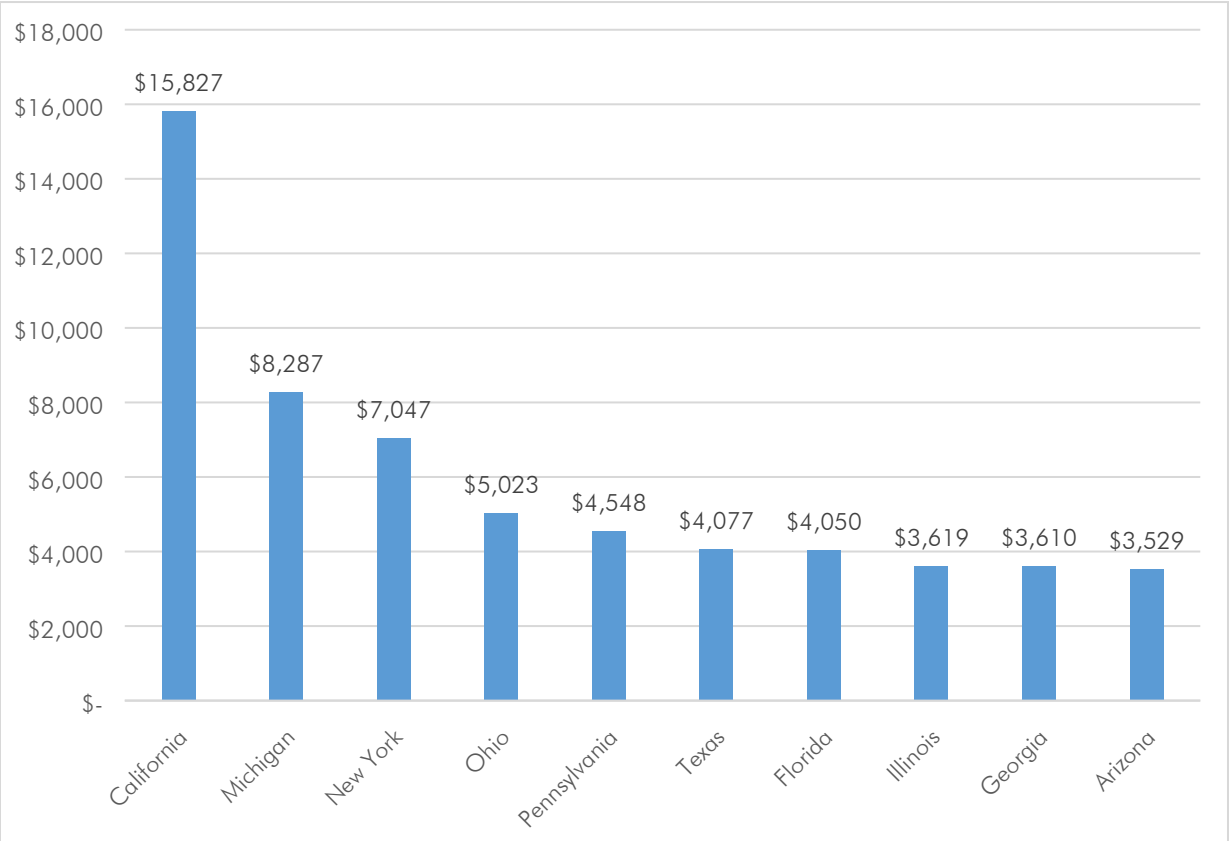
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[23] Pew Charitable Trusts conducted a national survey of state correctional systems. All states except New Hampshire responded to the survey.

[24] Pew Charitable Trusts, Prison Health Care: Costs and Quality, October 2017, https://www.pewtrusts.org/en/research-and-analysis/reports/2017/10/prison-health-care-costs-and-quality.

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Exhibit 14: 2015 Correctional Health Care Spending – Ten Largest State Prison Systems



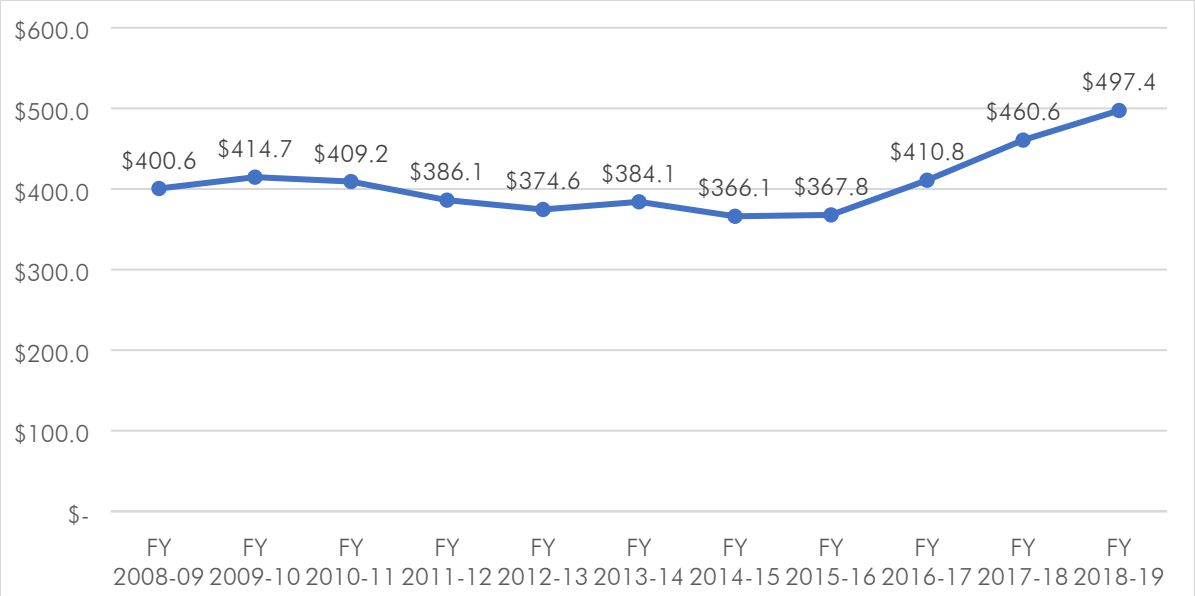
Source: Pew Charitable Trusts, Prison Health Care: Costs and Quality, 2017

Cost Trends

More recent trends show the level of FDC spending on inmate health care accelerating since 2016. As shown in Exhibit 15, the amount of funding allocated to inmate health care dropped by 9 percent in the period from FY 2008-09 through FY 2014-15 but has since steadily escalated. The FY 2019-20 budget represents a 54 percent increase over FY 2015-16 spending.

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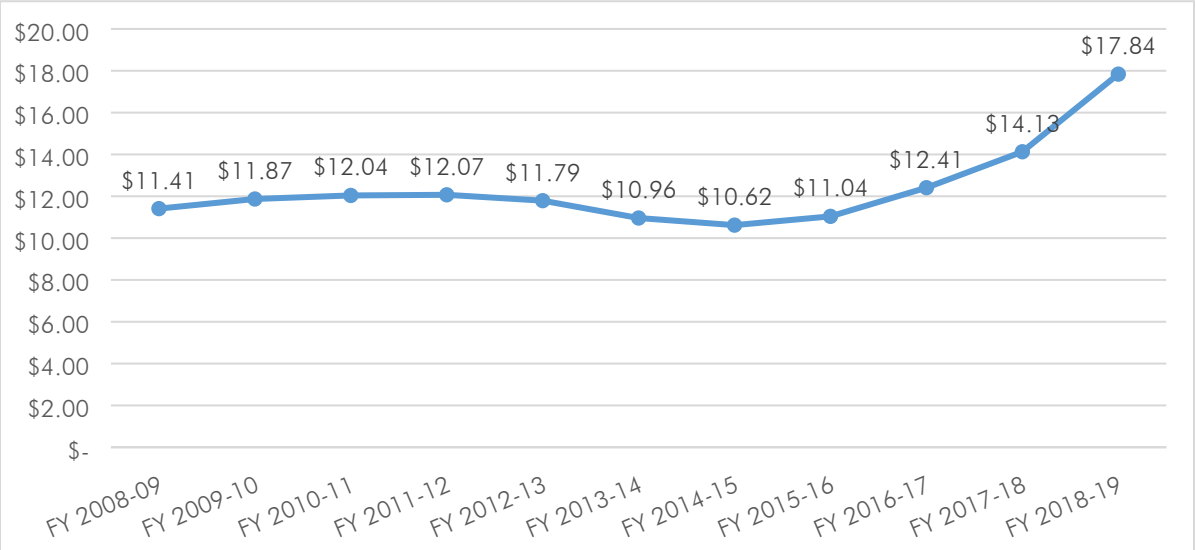
Exhibit 15: Inmate Health Services Spending FY 2008-09 to FY 2018-19



Source: Florida Department of Corrections

Examining per diem spending levels factors in the impact of changes in the average daily inmate population on total health care expenditures. This is a significant factor in evaluating cost trends as the actual average daily inmate population in the Florida correctional system has declined by 6.7 percent since FY 2008-09 from an average daily population of 93,270 in state-operated facilities in FY 2008-09 to 87,032 in FY 2018-19. The per diem cost trend, shows a steady decline through FY 2014-15, followed by significant increases.

Exhibit 16: Inmate Health Services Per Diem Costs FY 2008-09 to FY 2018-19

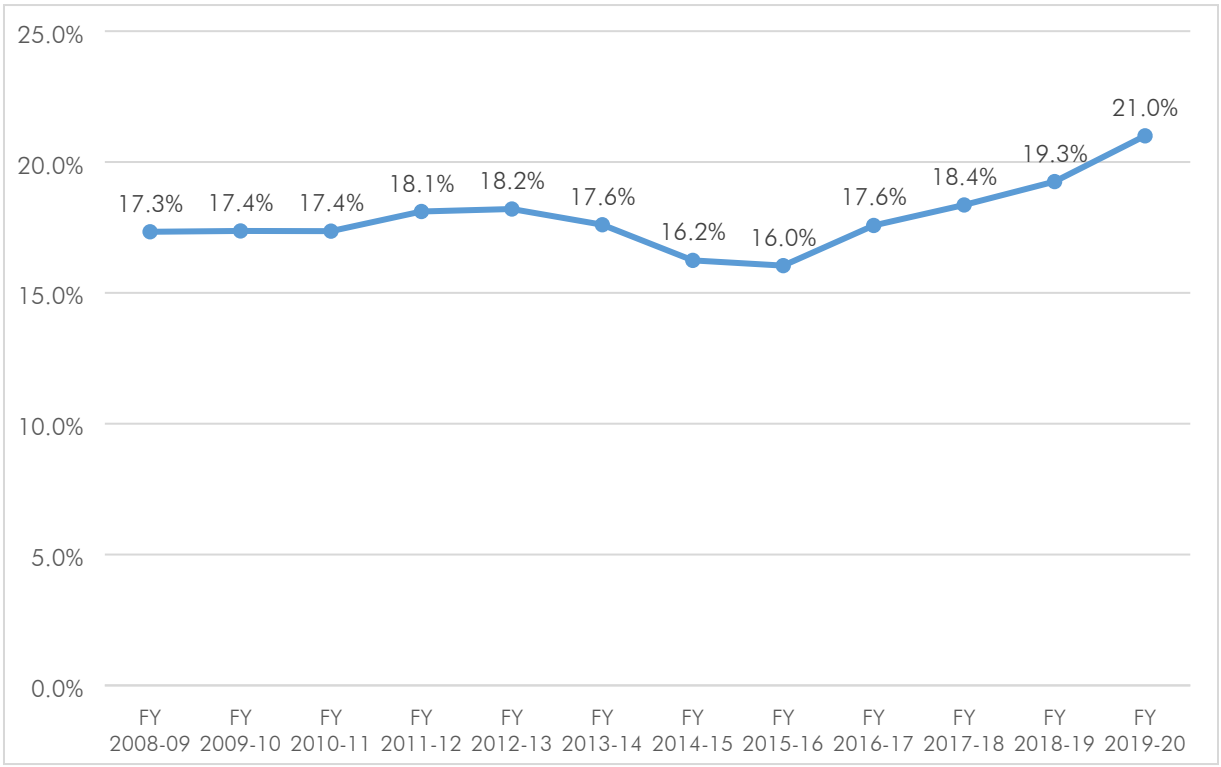


Source: Florida Department of Corrections

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The proportion of the FDC budget allocated to inmate health care reflects the increase in reported spending in the last four years. Following several years of decline, by FY 2015-16 the Department was spending 16 percent of its budget on inmate health care. The proportion of the budget allocated to health care has grown more recently in parallel with recent increases in spending.

Exhibit 17: Inmate Health Services as a % of FDC Spending



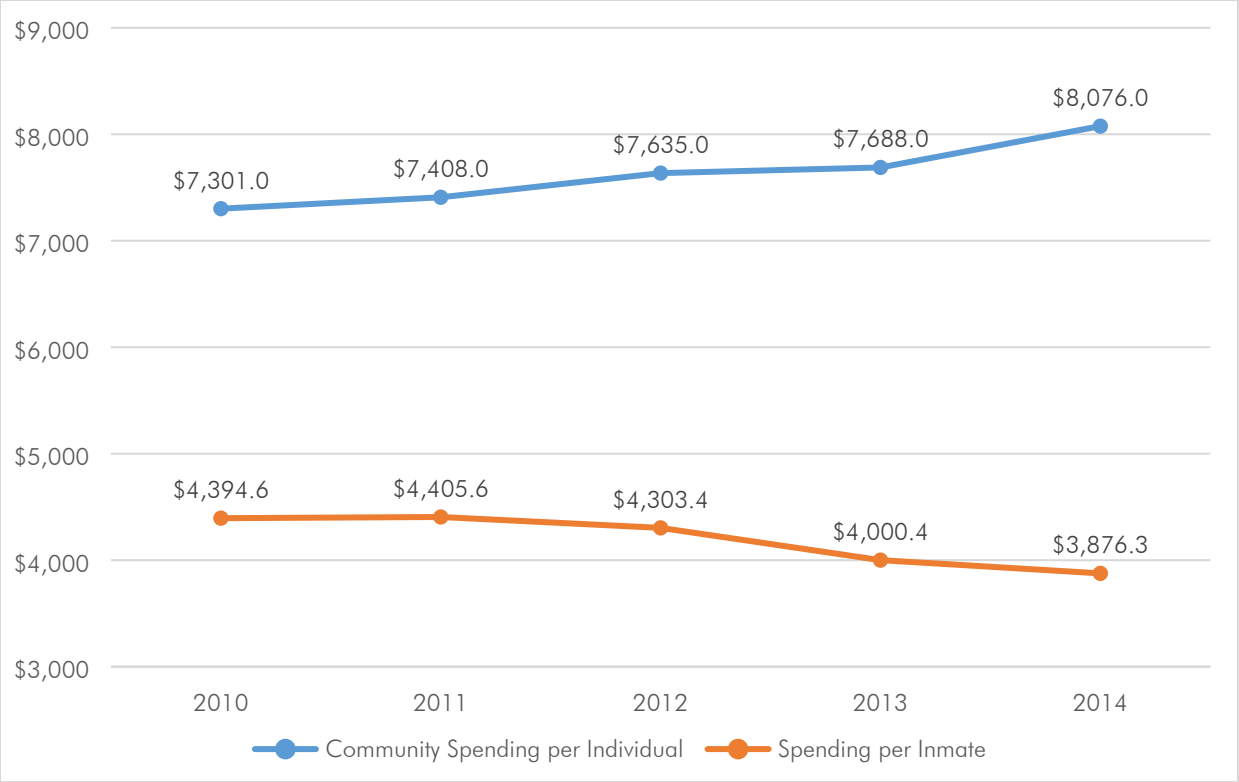
Source: Florida Department of Corrections

The two most notable factors from this review of spending trends are the significant decline in health care spending from FY 2008-09 to FY 2015-16, followed by the rapid growth in spending that has occurred since that time. This pattern does not follow the overall trend for health care costs in Florida. Annual spending for health care per inmate in the FDC dropped by 12 percent from FY 2008-09 to FY 2014-15. By contrast, according to the Centers for Medicare and Medicaid (CMS), the average cost for personal health care in the state increased by 13 percent over the same period.[25] In 2010, annual per inmate spending on health care was approximately 60 percent of the average level of spending on personal health care. By 2014, inmate health care spending had dropped to 48 percent of the level of personal spending on health care.

[25] Centers for Medicare and Medicaid Services, Health Expenditures by State of Residence, 2017, https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/NationalHealthAccountsStateHealthAccountsResidence.html.

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Exhibit 18: Annual Community and Inmate Per Diem Spending for Health Care, Florida 2010-2014



Source: Centers for Medicare and Medicaid; Florida Department of Corrections

The primary factor driving this reduction in per inmate spending appears to be the privatization of inmate health care and subsequent decline in the quantity and quality of care provided during this period. The health care contracts with Wexford and Corizon in total reduced the cost of services by 11.2 and 12.9 percent respectively from the Department's FY 2011-12 and FY 2010-11 expenditures. Implementation of these contracts resulted in reductions in staffing, dramatic decreases in episodes of outside care, and increases in the number of grievances submitted by inmates about the poor quality of health care service. CMA inspections noted extensive system-wide areas of concern with the level of medical and mental health care provided.[26] Both vendors later claimed they were not provided enough information to accurately project costs, which resulted in the service issues that developed. Both vendors were unable to provide the level of service required by the Department and did not complete the terms of their contracts.

[26] Correctional Medical Authority, Annual Report and Update on the Status of Elderly Offenders in Florida's Prisons, 2014-15, 2015-16, https://fleog.sharepoint.com/sites/CMA/Documents/Forms/AllItems.aspx?originalPath=aHR0cHM6Ly9mbGVvZy5zaGFyZXBvaW50LmNvbS86Zjovcy9DTUEvRWdpbjdpWDNUTHhHanR5ekU2bzVCNEFCREIBbGVpVTI2VjBZcTdPMDlsNW5qdz9ydGltZT1LSy1SNTZ0YjEwZw&id=%2Fsites%2FCMA%2FDocuments%2FCMA%2FAnnual%20Reports%2FCorrectional%20Medical%20Authority%20%2D%202015%2D2016%20Annual%20Report%2Epdf&parent=%2Fsites%2FCMA%2FDocuments%2FCMA%2FAnnual%20Reports.

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Cost Drivers

After declining in the period FY 2010-11 through FY 2014-15, inmate health care costs increased by 36 percent over the next four years, an annual average increase of 9 percent. Several factors appear to be driving this trend, including a misalignment between contract funding and service requirements, litigation, the increasing number of geriatric inmates, and increased pharmaceutical spending.

Misalignment between Contract Funding Amounts and Service Requirements. As described above, the Corizon and Wexford contracts reduced state funding for inmate health care. However, this lower funding level did not support a minimally adequate level of service. Accordingly, the reduced levels of spending achieved under these contracts are not an appropriate basis for comparison for contemporary budgets. Increases in funding from the levels required by these contracts need to be viewed in the context of restoring resources to get back to acceptable program performance levels.

Spending on inmate health care by the FDC in FY 2017-18 totaled $460.6 million. Although this represents a substantial $93 million increase from FY 2015-16, using a longer timeframe produces a different conclusion. As shown in Exhibit 15, the FY 2017-18 spending level is only $46 million more than the Department experienced in FY 2009-10. This represents annual growth of 1.3 percent over the eight year period compared with an annual increase in the cost of medical care nationally of 3.6 percent from July 2009 through June 2018.[27]

Much of the apparent increase in spending for inmate health care is attributable to an artificially low baseline spending level experienced by the Department after privatization. Costs went down to levels that could not sustain an adequate level of service. Subsequent increases in spending largely represent a return to levels necessary to support required service levels. Using a longer historical period to evaluate spending levels shows that recent growth in spending levels since FY 2015-16 represents a moderate overall rate of growth in the context of Department spending on health care prior to the privatization initiative of 2013. Further, misalignment between service needs and services provided by the vendors led to a backlog of medical/mental health issues, contributing to subsequent litigation and increased health care spending.

Litigation. Consent decrees and judgements from ongoing litigation on the adequacy of health care services have escalated Department resource needs. The following exhibit summarizes litigation-related increases in the Department's FY 2019-20 budget from the most significant cases that the Department has settled.

[27] U.S. Bureau of Labor Statistics, Chained Consumer Price Index for Medical Care, All Urban Consumers, 1999-2019.

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Exhibit 19: Impact of Litigation on FY 2019-20 Inmate Health Care Budget

Case	Description	Funding Increase ($ millions)
Disability Rights Florida, Inc. v. Jones; Year 2 implementation of Inpatient Mental Health consent decree	308 staff phased in through the year, including Psychiatric staff, Nursing, Psychologists, Mental Health Professionals, Behavioral Health Technicians and clerical support for expansion of the Suwanee inpatient mental health units.	$16.6
Disability Rights Florida, Inc. v. Jones; Copeland et al v. Jones; Keohane v. Jones; additional staffing	139 staff needed to comply with litigation related to hernia treatment (2 FTEs), gender dysphoria treatment (3 FTEs), the treatment of inmates with disabilities (40 FTEs), as well as additional mental health positions (94 FTEs) included outpatient and inpatient services. In addition, this funds market rates adjustments needed to fill certain positions, such as psychiatrists and psychologists.	$13.4
Hoffer et al v. Jones; Hepatitis C treatment	16 FTEs to provide labs and other medical tests such as Genotyping, Liver Ultrasounds, and Endoscopies. Up to 45,000 screenings and subsequent follow up tests for those testing positive. This does not include the cost of medication.	$8.7

Source: Florida Department of Corrections

Increasing Number of Geriatric Inmates. The number of inmates over the age of 50 has increased from 14,486 on June 30, 2009 to 25,732 on June 30, 2019, an increase of 78 percent over the ten years. As in the community, geriatric patients are disproportionate users of health care. As shown below, despite composing 27 percent of the total inmate population, elderly inmates make up most hospital admissions, inpatient days, outpatient events, and prescriptions dispensed. Department data indicate that when admitted to a hospital, geriatric inmates have a 22 percent longer length of stay than inmates under the age of 50.

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Exhibit 20: Department of Corrections FY 2018-19 Health Care Utilization

	50 Years & Older		Under 50 Years	
	Number	% of Total	Number	% of Total
Total Population	25,732	26.9%	69,770	74.1%
Hospital Admissions	1,496	53.7%	1,290	46.3%
Inpatient Days	10,084	63.7%	5,736	36.3%
Outpatient Events	18,319	57.8%	13,370	42.2%
FDC Prescription Dispensed	746,931	57.3%	573,917	42.7%
DOH Prescriptions Dispensed*	18,937	52.3%	17,241	47.7%
Cardiovascular Clinic Contacts	15,163	55.0%	12,360	45.0%
Endocrine Clinic Contacts	5,290	58.5%	3,751	41.5%

*DOH dispense prescriptions for HIV/AIDS and STDs under the 340b program
Source: Florida Department of Corrections

Nearly every prison system in the United States faces this same issue of increasing health care costs driven by the growth in the geriatric inmate population. As described earlier, the size of this population in Florida appears larger and growing at a faster rate than that of other large state correctional systems. This trend will continue to place strong upward pressure on inmate health care spending.

Drug Costs. Another significant cost driver is the increasing cost of prescription medications. The FY 2019-20 budget contains a $34.6 million increase for Hepatitis C medications, bringing total Department spending for these drugs to $48.4 million in the upcoming fiscal year. Price increases for other medications account for a $13.9 million increase in the budget. Higher drug costs are a significant growth factor in other state correctional systems as well. For example, increased spending on medications accounted for 33 percent of the growth in spending by the Virginia Department of Corrections from FY12-FY17.[28]

[28] Joint Legislative Audit and Review Commission, Commonwealth of Virginia, Spending on Inmate Health Care, 2018.

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4. Alternative Service Delivery Models

This chapter examines alternative models for delivering correctional health care and their relative utility for the FDC. Models reviewed include insourcing inmate health services, insourcing of outpatient health services provided and outsourcing inpatient services, continuation of the current model of full outsourcing with modified contract terms imposing appropriate cost controls, and management by a third-party public health institution or agency.

Insourcing

An insourced approach to inmate health care management retains management and staffing of the health care services program internally in a state correctional agency and provides as much treatment as possible within the secure facilities of the correctional system. However, not all health care can be provided within a prison. An inmate in need of treatment by a specialist not on staff at the prison will require off-site care with a physician contracted to provide that care, or a contracted specialist to come on site. Similarly, diagnostic procedures that require equipment not maintained in a prison health care unit such as an MRI, will require outpatient care outside the correctional system. Finally, advanced procedures such as heart surgery must be provided in community hospitals that can safely support such treatment. As a result, a completely insourced inmate health care system is not feasible, and in fact virtually all correctional systems since the 1970's have relied on some level of contracting to provide required inmate health care.[29] Accordingly, for the purposes of this analysis, an "insourced" model refers to an approach that maximizes the use of government management and staff in the delivery of services, but still retains the use of contracts for specific services and treatment.

The degree to which a correctional system may rely on insourcing depends upon available resources. Systems that maintain prison hospitals or ambulatory surgical facilities, such as the Federal Bureau of Prisons, Texas Department of Criminal Justice, and California Department of Corrections and Rehabilitation have the capability to provide more services in-house. Florida falls in this category as well. The availability of internal resources reduces the need to take inmates out into the community for health care, diminishing a significant burden on custody staff.

Today, 18 state correctional systems use a primarily insourced model for health care delivery.

Exhibit 21: States with Insourced Delivery Systems

Alaska	North Carolina	Oregon
California	North Dakota	South Carolina
Connecticut	Nevada	South Dakota
Hawaii	New York	Utah
Iowa	Ohio	Washington
Nebraska	Oklahoma	Wisconsin

Source: Pew Charitable Trusts

[29] Pew Charitable Trusts

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Insourcing is used by large correctional systems (California, New York, Ohio) as well as systems with very small inmate populations (Alaska, Hawaii, North Dakota), in every part of the United States. While these systems do contract for inpatient and outpatient care in the community, services in correctional facilities are primarily provided by state employees. The typical exception is for advanced mental health treatment. In almost all cases, psychiatric services are provided by independent contractors, as state personnel systems do not accommodate hiring specialized professionals in high demand.

An insourced system requires substantial internal expertise in correctional health care management and service delivery. Maintaining effective performance in an insourced system requires that a correctional system establish professional care protocols, retain a staff complement with adequate capacity and expertise, and design rigorous systems for monitoring cost and quality of services provided. If these requirements are met, insourcing can meet required standards for correctional health care and provide the following benefits:

- Stability. Use of government employees as service providers and managers provides greater assurance of continuity and consistency in staffing and service approach. The benefit package, particularly for retirement, for a state employee is typically superior to the benefits offered by private companies and acts as an incentive for long-term careers as a correctional system employee. Administrators in insourced systems such as California, Alaska, and Washington report relatively low turnover rates for facility health care staff. A recent report from Arizona indicates health care workers may prefer employment with a state agency, as opposed to a vendor.[30]

  Insourcing also avoids the disruptive transitions in management and employment status that can occur in the change from a government-run health care program to one managed by a private contractor, or in the transition from one vendor to another. In Florida, prior to each privatization initiative, the Department suffered a significant loss of experienced health care staff due to uncertainty regarding their employment status and future compensation level under a vendor. During each subsequent change in vendors, facility health care staff had to transition to a new employer and in most cases lost benefits they had accrued with their prior employer. Moreover, such transitions are highly complex events that place added strain on assuring continuity of adequate care. An insourced system avoids these issues.

- Accountability. The lines of accountability for assuring adequate health care delivery are quite clear in an insourced system, running directly from state employee facility staff and managers up through central office administrators. Contracting, however, transfers operational control to vendors, even while the state retains ultimate liability and responsibility for providing services. This adds a layer of complexity to system management. Similarly, lines of communication and

[30] Marc Stern, Federal Rule 706 Expert, Case 2:12-cv-00601, Report to the Court in the Matter of *Parsons v. Ryan, et al.*, October 2, 2019.

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direction are straightforward in a government-run system. Coordination with custody staff is simpler when both health care staff and correctional officers are in the same command structure. Moreover, vendor staff are not directly accountable to state administrators, which can hamper responsiveness.

Problems inherent with insourcing relate to the relative lack of flexibility of government organizations compared to the private sector regarding personnel management. If, for example, a facility experiences chronic high staff vacancy levels, a private vendor generally has the discretion to quickly adjust salary levels or offer signing bonuses to adjust to market conditions. Private vendors generally have more sophisticated staff recruitment systems and a wider range of incentives in attracting employees. Staff with specific skillsets for critical functions such as utilization review and quality assurance may not be readily available within government. Vendors also may quickly redeploy staff as needed to meet operational needs. Finally, private vendors have much greater discretion in terminating staff that do not meet performance standards. State agency deficiencies in hiring and deploying staff to meet correctional system needs is one of the most often cited arguments for privatization.[31]

Another issue with insourcing is that while state agencies may have some expertise in managing facility health care staff and programs, the degree of difficulty associated with effective management of all the various facets of health care delivery is substantial. Few correctional systems have the level of in-house administrative resources and experience required to coordinate outside care and manage multiple contracts with outside providers. Specialized functions such as utilization management and invoice review are far outside the core competency of most state correctional agencies and add a layer of complexity that many systems may have difficulty in managing.

Outsourcing

An outsourced service model relies on a contracted vendor to manage and provide inmate health care services for the state correctional system. In its purest form, the state turns over all aspects of health care service delivery to the vendor.

Until the late 1970s, every state provided prison health care directly in an insourced delivery model. However, widespread litigation following *Estelle v. Gamble* produced judgements that required many states to immediately address significant deficiencies in correctional health care, often requiring that additional clinicians and nurses be hired as soon as possible. Private companies were formed to meet this need. In Illinois for example, in order to meet the need to hire additional staff required under the *Lightfoot v. Walker* consent decree, Illinois Department of Corrections administrators actively solicited a physician's group to help them meet their needs. The company formed by these physicians ultimately became Correctional Medical Services, one of the first companies to specialize in correctional health care, and one of the founders of Corizon Health.

[31] Pew Charitable Trusts.

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These early companies soon moved beyond simply providing staffing to provide comprehensive services on a managed care model to both prison systems and jails throughout the United States. Today, 20 states provide most of their inmate health care services using an outsourcing model.

Exhibit 22: States with Outsourced Delivery Systems[32]

Alabama	Kansas	Tennessee
Arizona	Kentucky	Vermont
Arkansas	Massachusetts	West Virginia
Delaware	Maryland	Wyoming
Florida	Maine	
Idaho	Missouri	
Illinois	Mississippi	
Indiana	New Mexico	

Source: Pew Charitable Trusts.

The approach to service delivery in these states differs in terms of the range of services provided, the extent to which they provide system management in addition to clinical services, and whether one or multiple vendors provide services throughout the system. For example, Maryland contracts with separate private companies to provide different services: medical, dental, behavioral health, and pharmaceutical. Illinois has contracted with different vendors to provide comprehensive services to different regions of the state. Massachusetts requires vendors to use a state-managed hospital and pharmacy procurement system. Florida purchases medications and provides pharmacy services with state employees.

There are many specific approaches to outsourcing. The basic distinction lies in how to manage risk, both in terms of service quality and cost. Most outsourced contracts follow either a capitated or cost-plus approach.

Capitated Contracts. The most common approach to outsourcing is the use of a capitated contract. In this model, the state and the vendor agree to a fixed per-person payment rate for all individuals under their care. This vests all risk with the vendor. The intent of the model is to leverage vendor expertise to provide required services at a lower, stable cost.

The fixed per-person rate covers direct care at the facility as well as any specialty or off-site services that may be required. The vendor is responsible for providing contracted services for the number of inmates covered at the agreed rate, regardless of the actual cost. The capitated rate must cover all regular projected costs, a risk premium to cover potential additional liabilities, and a fee to cover administrative costs and profit. If the vendor can reduce costs, it can directly increase profits. If, however, the rate does not account for projected expenses and risks, or if the number of persons covered under the contract falls, the vendor stands to lose money. The state, for its part receives a predictable, stable price for inmate health care.

[32] Pew Charitable Trusts.

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A capitated approach requires that the vendor be able to accurately assess the health status of the inmate population, their need for service, and risk factors that may drive up costs. Absent this information, the vendor in a competitive procurement may underbid the contract. The long-term consequences of underbidding are typically either unanticipated requests for additional contract funding, reduced services, or termination of the contract. Outsourcing initiatives in Florida using a capitated model have encountered all these issues.

Cost-Plus Contracts. In this approach the vendor manages health care services but passes through all costs of these services to the state, plus an additional charge for administration and profit. The state assumes all financial risk, while at the same time ceding management control over the program to the vendor. Florida, Pennsylvania, Montana, and Vermont report using the cost-plus model.[33]

This model is often used in systems that either lack data to provide projections of future costs or which have high perceived risks for unforeseen costs. Where the capitated model encourages an aggressive approach to managed care, the cost-plus is more akin to a "fee-for-service" model. The vendor simply manages the health care program and passes along the cost to the state. The primary advantage to the state is the transparency provided in that it reviews and approves all expenses. The contract can also more explicitly focus on service quality and performance as primary objectives. The disadvantage is that it provides little incentive for the vendor to control costs.

In either outsourcing approach, the primary challenge for the state is monitoring the contract to ensure compliance with performance requirements and other contract provisions. In effect outsourcing changes the focus from managing health care operations and services, to managing the contract and vendor performance.

Outsourcing Benefits and Challenges. Both approaches to outsourcing can provide benefits to clients, as well as certain issues. Commonly described benefits of outsourcing include:

- Professional Expertise. For systems that lack internal resources or professional staff, outsourcing provides a means to leverage the professional expertise of a vendor that specializes in correctional health care. Health care is not a core competency of many correctional systems, particularly in areas such as utilization review, quality assurance, network management, and electronic medical records systems. Contracting for health care services provides a relatively straightforward strategy to import these skills, improving performance and allowing correctional administrators to focus on other issues.

- Economies of Scale. Outsourcing can allow small correctional systems to access the economies of scale and more flexible procurement systems used by large, national companies in purchasing pharmaceuticals and supplies. This however is not a significant benefit for larger systems.

[33] Pew Charitable Trusts.

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- Staffing. As described in the section on insourcing, private companies often have much more flexibility in setting salary and benefit levels to reflect market conditions in specific areas, and so can more effectively recruit and hire health care staff. This is particularly true in specialized areas such as mental health treatment. To the extent that civil service systems slow hiring or do not offer competitive salary levels, outsourcing provides a potential means to better keep service provider positions filled.

- Cost Savings. At least in the case of capitated contracts, outsourcing provides strong incentives for vendors to reduce costs in order to assure profits. The competitive bidding environment for an outsourcing procurement also tends to promote efficiency and attention to cost savings strategies.

Challenges associated with outsourcing generally revolve around managing performance goals in context with the imperative to control costs. With the capitated model, the vendor will always have the incentive to reduce costs to increase profits. To the extent that cost reduction is achieved through reduced services rather than increased efficiency, the model does not support overall correctional system goals. The disconnect between the vendor responsible for providing care and the state which is legally accountable if care is not adequate can lead to system dysfunction and contract failure. State systems that have experienced serious service issues with outsourced services under capitated contracts include Arizona, Virginia, Illinois, Idaho, and Florida. These issues include excessive number of staff vacancies, failure to refer inmates for off-site treatment, and long wait times for on-site treatment. Strong contract monitoring systems with clear performance metrics are essential to manage these issues.

The cost-plus approach by contrast presents issues of efficiency. The state pays the vendor to manage the system without any offsetting incentives to achieve efficiencies in service delivery. The state must maintain staff to monitor vendor performance against the contract and in addition will typically have an administrative office to provide overall program direction. The vendor however also has a cadre of administrative staff to oversee and coordinate service delivery, in some cases duplicating positions maintained by the state. In a cost-plus contract the state pays for its own administrative staff, covers the cost of the vendor administrative staff assigned to the contract, and then pays the vendor a fee to cover overhead and profit.

A recent review of the Arizona Department of Corrections highlighted this issue. "The vendor has monitors to make sure they comply with the Performance Measures and other requirements of the contract; the Arizona Department of Corrections has monitors to do the same. The vendor has a contract manager and statewide medical director; the Arizona Department of Corrections has a contract overseer and a medical director. The vendor has staff to follow and manage the costs of the contract; the Arizona Department of Corrections has staff to follow and manage the costs of the

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contract. The vendor has lawyers to draw up, modify, and deal with issues related to the contract; the Arizona Department of Corrections has lawyers to do the same."[34]

Hybrid Insourcing/Outsourcing

A hybrid service delivery model combines different aspects of both insourcing and outsourcing to meet system needs. As noted earlier, all insourced correctional systems rely on some use of contracts to provide community outpatient services, specialist care, and hospitalization. Hybrid systems go beyond this limited approach to develop more blended systems. Basic hybrid models include outsourcing all care that takes place outside of a secure correctional facility, privatizing the management of health care in select facilities while maintaining state management of other facilities, mixing facility vendor and state staff under the management of state health care administrators, and designating specific disciplines such as mental health, pharmacy, or dental as either state or vendor managed within the context of a outsourced or insourced system.

Historically, hybrid models have evolved as systems experimented with outsourcing on a limited basis to address specific systemic or facility issues. Currently the eight states that use hybrid models which mix state employee and vendor management of health care include Colorado, Louisiana, Michigan, Minnesota, Montana, Pennsylvania, Rhode Island, and Virginia.

The variety of different approaches to hybrid insourced/outsourced models and the relatively small number of states that use this model makes it difficult to draw conclusions as to specific advantages or disadvantages to the approach. Rather, it appears that each state has attempted to develop a customized approach to best meet its unique needs. Michigan for example had a specific challenge in contracting with clinicians and managing off-site care. Their model uses state employee nurses and dentists, while contracting for doctors, psychiatrists, and off-site care with a capitated approach. Colorado uses state employees to provide on-site services but outsources all off-site care. Virginia outsources all health care at select facilities that are difficult to staff or that provide specialized services such as dialysis, while insourcing health care services in its other facilities.

University Management

A final alternative model for the delivery of inmate health care is contracting system management to a state medical school or health sciences university. The model is like more conventional outsourcing but removes the cost of profit and relies on existing university administrative infrastructure to reduce expenses. Currently Texas, Georgia, and New Jersey contract with state universities to manage inmate health care. In these cases, the state approached the medical schools for assistance in response to lawsuits mandating improvement in the delivery of inmate health care services. Connecticut, Louisiana, and Massachusetts have also recently experimented with forms of this approach, ranging from full university management of inmate health care services, to providing certain specified services.

[34] Stern.

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Illinois and Virginia maintain more limited contracts for use of state medical school hospitals with secure inpatient units.

This model offers several advantages to state correctional systems. Affiliation with a recognized medical school signals a commitment to service quality and provides state correctional health programs with increased credibility. Medical school partnership also provides much improved access to qualified clinicians. Recruiting physicians to work for a state medical school is often easier than recruiting a physician to work for a prison health care company. In New Jersey, the vacancy rate for correctional facility physicians dropped well below 10 percent following establishment of a contract with Rutgers University.[35] University medical schools also generally have well-developed quality assurance programs, excellent access to contemporary data on best practices in treatment, and well-developed electronic medical records programs. The contracts are generally structured in a cost-plus model, but absent the private vendor profit margin, thereby reducing cost. Finally, affiliation with a university can facilitate access to 340b discount pricing on pharmaceuticals. As described earlier the 340b program provides outpatient drugs to covered entities at significantly reduced prices.

For universities, the primary benefit of such a relationship is the delivery of treatment to a historically underserved population, inmates. The fact that nearly all inmates eventually reenter the community also makes treatment of chronic and infectious diseases in prison a significant component of a comprehensive approach to public health promotion. Also, the inmate population, with its high incidence of pathology provides a medical school with unique professional training opportunities.

[35] R. Reeves, A. Brewer, L. DeBillo, C. Kossof, and J. Dickert, "Benefits of a Department of Corrections Partnership with a Health Sciences University: New Jersey's Experience," Journal of Correctional Health Care, 2014. Vol. 20(2), https://www.researchgate.net/publication/261035318_Benefits_of_a_Department_of_Corrections_Partnership_With_a_Health_Sciences_University_New_Jersey's_Experience/link/5592c71a08ae1e9cb42978ef/download.

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5. Alternative Service Delivery Models in the FDC

This chapter assesses the application of each of the service models described in Chapter 4 to the delivery of inmate health care services in the Florida Department of Corrections (FDC). There is no consensus in current research on which model is most effective in supporting effective system performance while containing costs.[36] Instead, it appears that each model can work well depending upon the specific characteristics of the correctional system. This analysis examines the degree to which each of these alternatives provides an effective approach to managing the issues and needs of the FDC.

Insourcing

The feasibility of insourcing inmate health care services in the FDC is well established through the history of the Department. Except for an outsourced contract for Region 4 facilities from 2001-2007, the FDC managed a largely insourced system until the privatization of the system in 2013. The effectiveness of insourcing as a future service delivery model for the Department depends upon the Department's internal resources to effectively manage and support this approach.

FDC Internal Capacity to Support Insourcing

Requirements for successful management of an insourced correctional health care system include internal subject matter expertise, readily available data on key system metrics, an effective management infrastructure, and understanding of program spending and cost drivers.

Subject Matter Expertise. The lack of in-house clinical and management experts in correctional health care is a primary factor motivating correctional systems to privatize their health care delivery systems. The FDC does not have this problem. Senior leadership in the Department's Office of Health Services (OHS) has extensive correctional health care management experience dating back to the period of FDC insourcing of health care, and has taken an aggressive, hands-on approach to monitoring contractor performance. Staff are well-versed in contemporary professional standards and best practices as prescribed by the National Commission on Correctional Health Care and the American Correctional Association.

On the clinical side, OHS employs a Chief of Medical Services, a Senior Physician, a Chief and Assistant Chief of Dental Services, a Chief of Mental Health Services with two Assistant Mental Health Chiefs, a Chief of Nursing Services, and a Chief of Pharmacy Services. The Department also has a Chief Clinical Advisor that serves as the final professional authority for clinical decisions.

The Department appears to have ample in-house management and clinical expertise to support an insourced delivery system.

[36] Pew Charitable Trusts.

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Data. Modern health care systems rely heavily upon ready access to data to facilitate effective patient treatment and for use of performance analytics to more effectively manage system outcomes. This requires systemwide use of an Electronic Medical Record (EMR) system. Unfortunately, the FDC relies on a legacy system of non-integrated databases that do not communicate with each other, are cumbersome to use and maintain, and that falls far short of contemporary standards. This can impair treatment (e.g. lack of standardization of the record, issues with continuity of care) and quality reviews.

With an EMR, information required for quality reviews, statistics, and audit data could be easily gathered. Currently, due to the number of audits (e.g. American Correctional Association (ACA), legal settlement agreement monitoring) staff spend a great deal of time gathering information to provide to the auditors. This paperwork burden could potentially be reduced with an EMR. In addition, an EMR would allow for benefits such as easier scheduling, alerts regarding the need for follow up appointments, and medication specific protocols so that required laboratory examinations are not missed. The lack of an EMR would impair the effectiveness of any future insourced system, but also handicaps the Department in managing vendors in any type of outsourced model.

Under the current Centurion contract, the vendor has committed to developing a comprehensive EMR for the Department within its contracted annual budget of $421 million for each of the next three years. This project will commence in June 2020 and should be completed by June 2022. Continued support and development of this project will be a key to future improvements in system performance and should be a top Department priority.

Management Infrastructure. The OHS has well-developed systems for oversight, policy development, and contract monitoring. The 18 staff assigned to contract monitoring could readily be reassigned to operational oversight and compliance in an insourced system. The Department's existing Quality Management (QM) program would also transition well to insourcing. The QM program supports ongoing reviews performed by institutional and regional staff to ensure efficient operations by the contractor. Activities include chart reviews of clinical functions such as chronic illness clinics, care reviews, medication/treatment administration, dental care, and mental health care; as well as site visits to monitor and assure proper health care system performance.

The Department also maintains a Behavioral Risk Management Team to provide operational stabilization and clinical integrity of the mental health delivery system. Multidisciplinary committees established at the institution, region, and statewide levels make recommendations for program service improvements, and evaluate corrective actions. It appears that the Department has ample administrative infrastructure to support management of an insourced system.

The primary administrative impact of insourcing would be in personnel management. The Department's Office of Human Resources would require 12 additional positions to support the hiring and personnel actions required to add and maintain over 2,000 new staff. This estimate is based on the increased workload across all areas of Human Resources and Staff Development and the number

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of positions dedicated to these functions that were abolished after privatization. These staff would be assigned to recruitment, labor relations, classification, payroll, and staff development. The estimated annualized cost of these additional staff is $774,371.

Exhibit 23: Additional FDC Human Resource Staff Required for Insourcing

Title	Duties	FTE	Salary/Benefit Annual Cost
Human Resource Specialist	Manage position movement, shift changes, supervisor changes and classification	1	$ 67,086
Personnel Services Specialist	Labor/Employee Relations	1	$ 59,546
Personnel Services Specialist	Recruitment	4	$ 238,186
Personnel Technician III	Payroll	2	$ 114,191
Research & Training Specialists	Staff Development	3	$ 205,073
Human Resource Manager	Staff Development	1	$ 90,288
TOTAL		**12**	**$ 774,371**

Source: Florida Department of Corrections, Humans Resources Bureau

Insourcing could also potentially affect procurement workload, depending upon the approach taken by the Department in managing those contracts for off-site care that would still be required in an insourced model. The Department's past practice of establishing and managing over 200 individual contracts for off-site services created substantial internal procurement and management workload. An alternative approach, centralizing coordination and management of off-site care under a single contract is discussed later in this analysis.

Budget Management. Lack of information on spending components and inadequate understanding of cost drivers is a significant risk faced by systems transitioning from an outsourced model to insourcing. While capitated models provide low risk and predictable funding requirements for clients, they do not typically offer any detail on their actual costs for the components of service they provide, such as outpatient treatment, hospitalization, and medication. This deprives correctional systems of detailed knowledge of the characteristics of their spending requirements.

However, the cost-plus model used in the current Centurion contract provides near total transparency on costs, as the Department reviews and approves every expenditure made by Centurion under the contract. This provides excellent data on spending trends and equips the Department with an understanding of projected costs in an insourced system.

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Impact of Insourcing Inmate Health Care Performance and Cost

As the Department appears to have the internal capability to manage an insourced health care program, an argument can be made for insourcing as a superior model of service delivery if it provides improved performance and/or lower costs in the core functional areas of inmate health care: on-site facility health care services and treatment, off-site care, and pharmacy services.

Facility Health Care Services. The central element of the inmate health care services provided on-site is the health care staff who manage the program and provide treatment. As of July 2019, Centurion's staffing plan included 2,953.4 FTEs. The key dimensions of an analysis of the FDC's ability to transition to insourced inmate health care include staff retention and recruitment, staff resources requirements, and staffing costs.

Staff Retention/Recruitment. When a correctional health care vendor transition occurs, the employees of a prior vendor typically remain. If the state chose to insource, it is likely most current staff would prefer to remain. Anecdotal reports indicate that many current facility health care staff are former state employees who transitioned to working for vendors with the implementation of privatization. FDC management indicates that many of the staff would welcome an opportunity to return to state employment. Facility managers reported that staff have told them they would take a pay cut to return to state employment. State employment, particularly due to the health insurance and retirement benefits, appears to be an attractive option for at least some vendor staff. The Reception and Medical Center (RMC) in fact lost many medical staff when the first outsourcing occurred as state employees left to find employment in other state agencies.

However, the fact is that the vendor currently pays higher salaries than the state for many staff positions, and still has trouble competing with local hospitals and community health care providers in hiring staff. Centurion has particular difficulty in recruiting and retaining nursing and mental health staff. During our visit to Lowell Correctional Institution, we noted the facility staffing plan called for four psychiatrists and two psychiatric nurse practitioners. Instead the facility had two full time psychiatrists working on the inpatient program and one psychiatric nurse practitioner splitting time between the inpatient and outpatient programs.

The challenge of recruiting and retaining staff will be a significant concern in an insourced service delivery model. If insourcing appears a viable option, the FDC needs to devote significant attention to a strategy to address the issue of recruiting and retaining professional staff. Financial pay differentials and bonuses may be required to sustain required staffing levels. In addition, the FDC would require development of a sophisticated recruitment strategy that includes nursing schools, social media, and community job fairs. A major difficulty will be in hiring and maintaining qualified professional physician and psychiatric staff. Realistically, many of these positions will require salary levels well beyond what is available to a state employee. As a result, even under an insourced service delivery model, many of these positions will have to be contracted out to individual practitioners.

Staffing Levels. Current facility staffing levels have been determined by the current vendor, in consultation with the Department, as the number needed to enable achievement of the service level

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and program outcomes required by the contract. A high level review of current facility staffing does not indicate any apparent opportunities to reduce employee levels, given the number of inmates served and the level of services required. To test this conclusion, we compared overall health care program staffing levels in Florida with national staffing trends.

A 2017 nation-wide review of health care staffing in state prisons documented a median staffing level of 40.1 FTEs per 1,000 inmates[37]. The July 1, 2019 staffing plan for Centurion shows total contract staffing of 2,831.4 employees. Adding in OHS management and pharmacy staff of 168 positions, total correctional health care staffing in Florida is 2,999.4 staff. Based on the FDC's reported average daily inmate count of 87,032 for FY 2018-19 in state-operated facilities, this equates to 34.5 FTEs per 1,000 inmates in 2019, 14% below the national median number of FTEs per 1,000 inmates in prisons nationwide.

Correctional Medical Authority (CMA) audits for FY 2017-18 included 16 institutions with a total inmate population of 24,333.[38] These facilities had 16 physician positions. This equates to one doctor for every 1,520 inmates. CGL team member physicians, recognized as national experts in correctional health care, indicate a more typical ratio in most prison systems would be one doctor for every 800 inmates. CMA noted understaffing as a concern in their annual report as indicated by failure to follow up on diagnostic testing on a system wide basis, and recommended reviewing staffing levels for physical health staff including physicians, mid-level practitioners, and nursing staff as a possible cause of these failures.

Health care staffing is a complicated issue and the observations noted above are not conclusive regarding specific FDC staffing needs. However, a high level review shows no evidence of opportunities to reduce facility health care staffing under an insourced model. This is further supported by the increased staffing required of the Department under recent litigation to raise service levels to meet constitutional requirements. Prior to any change in service delivery models, the FDC should commission a detailed analysis of facility health care staffing to determine the level and composition of staffing required to meet performance expectations.

However, a transition to an insourced model would enable the elimination of many vendor administrative positions which are paid for under the contract. In most cases these positions either duplicate existing department OHS staff positions, have duties which can be absorbed by OHS, or would no longer be necessary. We reviewed Centurion regional and statewide administrative staffing and identified 37.5 statewide administrative positions that could potentially be eliminated under an insourced model:

	FTE
Statewide Dental Director	1.0
Regional Dental Director-Region I	0.5
Regional Dental Director-Region II	0.5

[37] Pew Charitable Trusts
[38] CMA

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Regional Dental Director-Region III	0.5
Regional Dental Director-Region IV	0.5
Quality Management Program Director	1.0
Data Analyst	0.5
Administrative Coordinator	1.0
Administrative Assistant	2.0
Offender Based Information Specialist	1.0
Continuous Quality Improvement Program Director	1.0
Continuous Quality Improvement Program Coordinators	4.0
Pharmacy Director	1.0
Reentry Director	1.0
Regional Reentry Coordinators	4.0
Data Analyst	1.0
Administrative Coordinator	1.0
Administrative Assistants	7.0
Referral Specialist	3.0
Human Resource Administrator	2.0
Senior Human Resource Business Partner	1.0
Human Resource Business Partner	3.0

Elimination of these positions under an insourced service model would save an estimated $3.2 million. We do note that some vendor administrative FTEs should be retained, including those assigned to the electronic medical record (EMR) project, Information Technology, Utilization Management, Health Education, Infection Control, and Regional Mental Health.

Staffing Cost. Assuming the same level of facility staffing as provided under the current contract, the cost to the state of these staff will change somewhat, given the FDC's lower salary scale and higher benefit package. To determine the impact of such a change, using the payroll titles that were used by the FDC when it last insourced health care services, we attempted to convert existing vendor staff titles to comparable Florida state position titles. Using the midpoint of the pay grades as a salary assumption and applying the state's benefit package for Career and Selected Exempt Service (SES) employee categories, we developed an estimate of the annual cost of the current facility vendor staff if converted to state employees. We then added a 2 percent differential to address potential issues of recruitment and retention in a competitive market for health care workers. We made a separate calculation for the cost of senior clinical positions such as psychiatrists on the assumption that these positions would have to be contracted out to meet market compensation levels.

The results of this analysis show a projected cost of insourced facility health care staffing of $199.2 million. This compares to a Fiscal Year 2018-19 payroll and benefit cost for vendor staff under the Centurion contract of $209 million. Adjusting the Centurion payroll amount to take out the administrative positions recommended for elimination reduces Centurion's cost to $205.7 million, approximately $6.5 million or 3.3 percent above projected insourced costs for the same staffing plan. While this cost estimate will require further refinement, the level of cost difference is consistent with reports of the variance between vendor and state salary and benefit levels. The following tables summarize our projected cost of insourcing current vendor health care staff.

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Exhibit 24: Projected Cost of Insourcing Facility Staff

Contract Title	State Title	FTEs	State Salary	Salary + Benefits	State Cost
Medical					
Administrative Assistant	Secretary Specialist	67.0	$ 28,303	$ 40,541	$ 2,716,253
Advanced Registered Nurse Practitioner	Advanced Practice Registered Nurse	80.8	$ 67,502	$ 96,691	$ 7,812,595
Assistant Health Services Administrator	Executive Nursing Director	1.0	$ 67,502	$ 96,691	$ 96,691
Clerk	Clerk Specialist	36.0	$ 25,029	$ 35,852	$ 1,290,668
Director of Nursing	Executive Nursing Director	69.0	$ 67,502	$ 96,691	$ 6,671,647
Registered Nurse Supervisor	Registered Nurse Supervisor	20.0	$ 67,502	$ 96,691	$ 1,933,811
Health Support Aide	Health Support Aide	45.0	$ 24,282	$ 34,781	$ 1,565,158
Licensed Practical Nurse	Licensed Practical Nurse	348.6	$ 35,330	$ 50,607	$ 17,641,445
Medical Technician	Health Support Technician	282.5	$ 28,303	$ 40,541	$ 11,452,859
Health Information Specialist	Health Information Specialist	1.0	$ 37,000	$ 52,998	$ 52,998
Medical Director	Medical Executive Director	92.2	$ 155,854	$ 223,246	$ 20,583,249
Medical Records Clerk	Clerk Typist Specialist	88.4	$ 26,049	$ 37,313	$ 3,298,452
Medical Records Supervisor	Health Information Systems Supervisor	59.0	$ 38,217	$ 54,742	$ 3,229,798
Assistant Director of Nursing	Registered Nurse Supervisor	15.0	$ 67,502	$ 96,691	$ 1,450,358
Registered Nurse Educator	Registered Nurse	1.0	$ 45,039	$ 64,513	$ 64,513
Registered Nurse-Infusion/Chemotherapy	Registered Nurse Specialist	3.0	$ 56,185	$ 80,479	$ 241,437
Emergency Medical Technician	Health Support Specialist	1.0	$ 33,628	$ 48,169	$ 48,169
Respiratory Therapist	Respiratory Care Specialist	4.2	$ 43,401	$ 62,167	$ 261,101
Laboratory Technician	Laboratory Technician	4.0	$ 30,878	$ 44,230	$ 176,920
Clinical Risk Manager	Clinical Associate	1.0	$ 63,635	$ 91,150	$ 91,150
Lead Inventory Coordinator	Clerk Specialist	4.0	$ 25,029	$ 35,852	$ 143,408

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Contract Title	State Title	FTEs	State Salary	Salary + Benefits	State Cost
Nurse Manager	Registered Nurse Supervisor	7.0	$ 67,502	$ 96,691	$ 676,834
Registered Nurse/CQI	Registered Nurse	372.5	$ 45,039	$ 64,513	$ 24,031,155
Secondary Screener	Clerk Specialist	10.0	$ 25,029	$ 35,852	$ 358,519
Executive Nursing Director	Executive Nursing Director	1.0	$ 67,502	$ 98,284	$ 98,284
Hospital Administrator	Program Administrator	1.0	$ 79,624	$ 114,053	$ 114,053
Infection Control Nurse	Advanced Practice Registered Nurse	1.0	$ 67,502	$ 96,691	$ 96,691
Phlebotomist	Med Tech 1	4.0	$ 37,000	$ 52,998	$ 211,993
Resp. Therapist Supervisor	Resp. Care Specialist	1.0	$ 43,401	$ 62,167	$ 62,167
Registered Nurse-CQI-Medication Practice	Registered Nurse	1.0	$ 45,039	$ 64,513	$ 64,513
Scheduler	Clerk Specialist	6.0	$ 25,029	$ 35,852	$ 215,111
Transcriptionist	Clerk Typist Spec.	2.0	$ 26,049	$ 37,313	$ 74,626
	subtotal	1,630.2			$ 106,826,627
Mental Health					
Advanced Registered Nurse Practitioner/Physician Assistant- Mental Health	Advanced Practice Registered Nurse	32.70	$ 67,502	$ 96,691	$ 3,161,781
Behavioral Health Activity Technician	Behavioral Specialist	44.00	$ 48,894	$ 70,035	$ 3,081,556
Certified Nursing Assistant - Mental Health	Medical Technician 2	34.80	$ 38,839	$ 55,632	$ 1,936,009
Mental Health Clerk	Clerk Specialist	96.40	$ 25,029	$ 35,852	$ 3,456,122
Mental Health Director	Psych I Services Director	16.00	$ 80,584	$ 115,429	$ 1,846,859
Mental Health Licensed Practical Nurse	Licensed Practical Nurse	68.20	$ 35,330	$ 50,607	$ 3,451,367
Mental Health Professional	Human Services Counselor	290.60	$ 41,036	$ 58,780	$ 17,081,606
Mental Health Registered Nurse	Registered Nurse Specialist	100.80	$ 56,185	$ 80,479	$ 8,112,286

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Contract Title	State Title	FTEs	State Salary	Salary + Benefits	State Cost
Mental Health Administrator	Program Administrator	1.00	$ 79,624	$ 114,053	$ 114,053
Mental Health Assistant Director of Nursing	Senior Registered Nurse	4.00	$ 67,502	$ 96,691	$ 386,762
Mental Health Director of Nursing	Registered Nurse Supervisor	4.0	$ 67,502	$ 96,691	$ 386,762
Reentry Specialist	Human Services Counselor	29.70	$ 41,036	$ 58,780	$ 1,745,780
Mental Health subtotal		**722.20**			**$ 44,760,944**
Dentist	Dentist	72.35	$ 105,214	$ 150,709	$ 10,903,786
Dental Assistant	Dental Assistant	126.75	$ 29,505	$ 42,264	$ 5,356,901
Dental Hygienist	Dental Hygienist	26.50	$ 37,000	$ 52,998	$ 1,404,454
Dental subtotal		**225.60**			**$ 17,665,141**
Infection Control	Registered Nurse Specialist	4.0	$ 56,185	$ 80,479	$ 321,916
Dental Director North	Senior Dentist	1.0	$ 111,646	$ 159,921	$ 159,921
Dental Director South	Senior Dentist	1.0	$ 111,646	$ 159,921	$ 159,921
Regional Director of Nursing	Executive Nursing Director	4.0	$ 67,502	$ 96,691	$ 386,762
Electronic Health Record Project Manager	Program Administrator	1.0	$ 79,624	$ 114,053	$ 114,053
Electronic Health Record Liaison	Health Information Specialist	2.0	$ 37,000	$ 52,998	$ 105,997
Electronic Health Record Information Technology/Offender Based Information System Specialist	Health Information Specialist	4.0	$ 37,000	$ 52,998	$ 211,993
Information Technology Support Specialists	Government Operations Consultant	4.0	$ 59,119	$ 84,683	$ 338,730
Information Technology Support Lead	Government Operations Consultant	1.0	$ 64,687	$ 92,658	$ 92,658

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Contract Title	State Title	FTEs	State Salary	Salary + Benefits	State Cost
Regional Director of Nursing – Mental Health	Executive Nursing Director	1.0	$ 67,502	$ 96,691	$ 96,691
Mental Health Nurse Educator	Registered Nurse Specialist	1.0	$ 56,185	$ 80,479	$ 80,479
Mental Health Educator	Reg. Mental Health Consultant	1.0	$ 80,584	$ 115,429	$ 115,429
Nurse Educator	Registered Nurse Specialist	1.0	$ 67,502	$ 96,691	$ 96,691
Administration subtotal		31.0			$ 2,744,531
TOTAL		2,609.0			$ 171,997,243

Professional Contract Positions Required Under Insourcing

State Title	FTE	Contract Salary	Cost
Optometrist	9.0	$ 165,605	$ 1,490,445
Physician	16.2	$ 253,625	$ 4,108,725
Orthopedic Surgeon	1.0	$ 299,048	$ 299,048
Psychiatric Director	1.0	$ 317,408	$ 317,408
Psychiatrist	23.1	$ 317,408	$ 7,332,125
Psychologist	46.6	$ 165,605	$ 7,717,193
Psychology Intern	4.0	$ 76,616	$ 306,464
Residents	4.0	$ 110,325	$ 441,300
Regional Psychiatrist	1.0	$ 431,453	$ 431,453
Regional Psychologists	4.0	$ 165,605	$ 662,420
Regional Psychologists - Sp. Projects	1.0	$ 165,605	$ 165,605
Total Contracts	110.9	$ 440,840	$ 23,272,186

State Employee & Contract Position Costs	$195,269,429
Total State Insourcing Cost for Personnel	$3,905,388
Total State Insourcing Cost for Personnel	$199,174,817

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Pharmacy. Insourcing would entail no change in pharmacy services as the Department already manages this function. Based on past attempts to privatize, insourcing is the most cost-effective means to provide the service.

Off-site care management. Coordination and management of off-site care was a substantial challenge for the Department when the system was insourced. A 2005 performance review of the Department found the following and recommended that the Department contract out management of all off-site care to a professional managed care firm[39]:

- Office of Health Services (OHS) staff managed over 170 major contracts
- Most contracts were with providers with long-term relationships with the Department, were exempt from bidding, and were renewed annually
- Staff were primarily oriented toward maintaining service levels, not necessarily toward holding contractors accountable
- Contract terms did not provide adequate monitoring terms or performance measures
- Monitoring of contractor performance by regional staff was perfunctory
- Contractor invoices were generally processed by clerical staff without meaningful review

OHS managers acknowledged the system of contracting and coordinating off-site care used by the Department was cumbersome to administer and did not achieve effective performance. Insourcing management of off-site care using this same system would defeat the purpose of increasing operational efficiency.

A 2017 study of this issue by the consulting group North Highland projected that in the event of insourcing, a restoration of the Department's former status quo method of managing contracts for off-site care would likely increase costs by 20 percent. In order to maintain costs at the more efficient level achieved under the outsourced health services contract, North Highland recommended that the Department contract with a managed care organization such as a Preferred Provider Organization (PPO) or Third Party Administrator (TPA).

Health care network administration and these related functions are not a core competency of correctional systems. These are complex functions that require a high degree of technical expertise in a very specific field to perform well. This is a classic example of specialized work that can be performed more efficiently by private organizations with appropriate skillsets and experience. Serious consideration of any insourcing scenario should incorporate outsourcing of off-site health care services to achieve maximum efficiency.

[39] MGT of America, Performance Review of the Florida Department of Corrections, 2005.

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In this approach, the correctional system contracts with outside health care or insurance company to manage its offsite care network for a flat, fixed fee per inmate on top of actual utilization. The PPO or TPA would then administer the Department's hospital and specialty provider network, provide claims adjudication and processing, conduct utilization management reviews, and develop data analytics on network performance.[40] Network efficiencies and negotiated discounts could more than offset the cost of the contract. This approach has been used successfully in the Virginia Department of Corrections.[41] Based on the North Highland analysis, this approach should enable the Department to maintain offsite care costs at approximately the same level as now experienced under Centurion management.

Administration. Given the history of OHS with insourced system management and the experience of the current senior management, the reconfiguration of its responsibilities from a policy direction/contract monitoring role, to insourced system manager can be accommodated with existing resources, augmented by select retained vendor administrative positions and contracting out for offsite care management. This approach will require ongoing investment in development of internal management resources.

Custody Support. Whether the medical program is insourced or outsourced, effective provision of correctional health care services requires support from across FDC operations. While correctional officer staffing levels present many serious issues across the entirety of FDC operations, shortfalls in staffing can have a serious impact on access to care. As of November 4, 2019, the FDC had 2,305 correctional officer vacancies, placing severe stress on operations in nearly all its facilities. The project team's limited review of FDC facility operations indicated that the availability of correctional officer staff to escort inmates to treatment is a significant issue. The demand on staffing for outside transportation can also be substantial. For example, movement and supervision of severely mentally ill offenders in need of hospitalization requires the assignment of three officers, 24 hours per day, seven days per week. Facility administrators and staff appear to appropriately prioritize custody support for health care but are handicapped by chronic shortages in correctional officer staffing.

Technology. Telemedicine has huge potential application in the FDC, particularly in the delivery of psychiatric services. However, while telepsychiatry is available, there are limitations in availability. Many facilities have network bandwidth problems that severely limit telemedicine capacity. For example, at Lowell Correctional Institution, the technology to allow for the provision of telepsychiatry was available for outpatient treatment only. Staff at the facility were unable to utilize telepsychiatry on the inpatient units due to technology infrastructure issues.

The FDC should augment its cable and wiring infrastructure to accommodate a robust telemedicine program. This type of upgrade will be needed to support the electronic medical record (EMR) system as well. Some of the advantages of an EMR going forward will be expedited electronic submission of

[40] North Highland, Health Services Study of the Florida Department of Corrections, FY 2017-18, 2017.
[41] Stephen Weiss, "Medical Care Provided in State Prisons – Study of the Costs," Joint Commission on Health Care, October 5, 2016, at http://jchc.virginia.gov/4. Medical Care Provided in State Prisons CLR.pdf

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medical orders, improved accuracy and access to patient records, and monitoring of the delivery of health care services statewide. There will also be potential operational efficiencies as clinicians and nurses directly enter data into the system instead of handing off encounter forms to a data entry operator/medical records clerk. Again, this is an issue that should be addressed irrespective of the future service delivery model adopted by the Department.

Implementation. The timeline for actual implementation of a transition to insourcing needs to address the short-term transition of current vendor staff to state employment as well as development of a long-term strategy to address the long-term challenge of recruiting and retaining health care staff in a competitive labor marker.

Assuming that most vendor staff would transition to state employment if offered, FDC Human Resource staff indicate that the hiring and onboarding of these employees would take approximately 60 days. This process would entail establishing standardized selection criteria and guidelines for each position title, verifying staff credentials and conducting background checks. The Department would bring on six temporary Personnel Technicians to facilitate the transition at a one-time projected cost of $238,794.

The next phase in the implementation process would be filling remaining vacant positions, which will require an aggressive recruitment campaign using Jobs.myflorida.com, colleges and universities job placement programs, social media advertising/ Indeed.com, and regional/local job fairs. The final step would be development of a long-term strategy to address future recruitment and retention issues.

Planning an effective approach to address recruitment and retention is the biggest challenge facing the FDC in the implementation of insourcing. In the past, the Department has experienced issues in keeping health care positions filled and attracting a stable pool of applicants. Vendors have experienced the same issues. A transition to insourced health services will require an intensive review of possible strategies to address this issue over an extended time period. While the FDC has successfully managed transitions from insourced to outsourced services and multiple transitions to different vendors without serious operational disruptions, a change to an insourced service delivery model will require more intensive preparation to assure successful implementation.

Cost-Effectiveness. This analysis has examined the impact of insourcing on the primary components of the inmate health care delivery system. To summarize, insourcing appears to reduce staffing costs by $3.3 million through eliminating vendor administrative positions and $10.4 million by converting contract positions to state employees. With the use of a contracted provider to manage off-site care, costs for these services should be equivalent to the level experienced under Centurion. Pharmacy costs would remain unchanged. The Department already pays the actual costs of ancillary items such as laboratory expenses, supplies, and equipment, under the current cost-plus contract and these expenses would remain unchanged. The administrative burden of hiring and retaining over 2,000 new staff would create additional ongoing human resource expenses for the Department, totaling $774.3 thousand along with a one-time cost of $238.8 thousand to manage the initial hiring/transition process.

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The final and most significant savings element associated with in-sourcing is elimination of the administration/profit fee paid annually to the vendor. The rate for this fee under the contract is set at 11.5 percent of reimbursable expenses, which are essentially the direct expenditures for service on behalf of the FDC. The FDC is reimbursed for direct expenditures for service and pays a fee in the amount of 11.5 percent of these expenses to the vendor to cover overhead and profit. The administrative/profit fee paid against Centurion's contract for Fiscal Year 2018-19 totals $37.3 million. Insourcing eliminates this expense.

In summary a transition to an insourced model of inmate health care delivery could reduce FDC annual spending by $46.2 million.

Exhibit 25: Projected Savings Impact of Insourcing

	$ millions
Elimination of Vendor Administrative positions	$ 3.2
Convert Vendor positions to state employees	$ 6.5
Eliminate vendor administration/profit fee	$ 37.3
Additional HR costs	$ (0.8)
Total Savings	**$ 46.2**

Source: CGL analysis

The FDC has the internal capability and expertise to manage inmate health care delivery. Insourcing the delivery of on-site facility health care serviced throughout the correctional system is feasible, although the FDC would face substantial challenges in recruiting and retaining staff. The Department, however, would require substantial improvement in management of off-site care. This could be accommodated by contracting with an insurance company or health care organization to manage all off-site care, utilization review, and claims management for the FDC. The resulting approach would move the FDC closer to a hybrid insourcing/outsourcing model.

Outsourcing

As described earlier, the FDC has experimented with a variety of different approaches to outsourcing over the last eighteen years. Early efforts to use outsourcing to drive health care costs lower appear to have had some success, but also produced substantial problems in service delivery, including reduced staffing levels, dramatic decreases in episodes of outside care; increases in health care grievances; and a proliferation of litigation.

These performance issues have been addressed in more recent contracts. However, growth in program spending has accelerated. The overall utility of outsourcing as a future service delivery model for the Department depends upon achieving a balance between efficiencies in cost management and adequate program quality.

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FDC Internal Capacity to Support Outsourcing

Effective management of an outsourced health care system requires that a correctional system take a pro-active stance toward accountability and oversight of the vendor. The FDC over the course of its experience with privatization has developed a sound management infrastructure for outsourcing. Components of this infrastructure include:

- Policies – the Office of Health Services has a comprehensive set of policies, bulletins, and procedures to provide clear direction to a vendor on the expectations and parameters for health care delivery.
- Contract – the outcome-based format of the contract establishes clear standards and metrics that directly relate to policies and service quality objectives.
- Monitoring – FDC monitoring teams and protocols provide a ready means to assess vendor performance and enforce contract terms. Its QM program provides clinical reviews of service delivery systems and outcomes. Department monitoring is also supplemented by external reviews of service delivery by the Correctional Medical Authority.

The FDC, both through the Office of Health Services and its administrative bureaus, supports effective use of outsourcing. The one notable area of need is timely access to data documenting program activity and performance. The lack of an electronic medical record (EMR) system hampers management access to quality reviews, statistics, and audit data and requires a labor-intensive process to gather data for review. The plans for EMR development under the current contract with Centurion will ultimately address this need.

Outsourcing Impact on Cost and Performance

The impact of outsourcing on health care service cost and quality depends upon the outsourcing model employed, The FDC has used both risk-based and cost-plus models in its history with privatization. This analysis first examines the impact of the current outsourcing model.

Cost. The FDC's current contract with Centurion follows a cost-plus model. The Department reimburses Centurion for direct health care costs up to a designated cap, including staffing, and pays the vendor a fee to cover its overhead and profit. The contract has recently been amended to provide a three-year extension at an annual funding cap of $421 million for each of the contract years. As described earlier, the increase in funding for FY 2019-20 covers over 460 additional staff required to comply with the terms of recent litigation, maintenance of current staffing and service levels, an 11.5 percent administrative fee, and development of an EMR system.

After several years of significant increases in health care spending, the FDC is now assured of annual contract spending that will remain stable at no more than $421 million for each of the next three years. The contract will not entail any additional administrative workload or cost on the Department. Other than additional potential costs associated with litigation and increased costs for

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pharmaceuticals, the Department should experience relatively constant overall health care costs under this contract through FY 2021-22.

Exhibit 26: Actual and Projected Cost-Plus Health Care Annual Contract Caps, FY 2017-2022
($ millions)

	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Average Annual Increase
Centurion Contract Cap	$321	$375	$421	$421	$421	6.2%

Source: Florida Department of Corrections

Performance. Service quality levels attained under this contract approach should be comparable to the Department's experience with Centurion over the last two years. This experience has been relatively positive, particularly when contrasted with the FDC's experience with prior contractors. Central office and facility administrators indicated improvements in service have been achieved under the cost-plus model. This is a feature of the cost-plus approach, in that the vendor has no incentive to reduce services to lower costs and manage risk. Any additional costs that may be incurred to achieve required service levels are simply passed on to the client. However, there are two areas where modifications in the model could facilitate improved service quality, staffing and performance measurement.

Maintaining adequate facility staffing levels is a critical component of health care service quality. Most cost-plus contracts make detailed facility staffing plans part of the contract and monitor vacancy levels. The FDC contract with Centurion is somewhat unique in that it does not specify or require monitoring of facility staffing levels. As an outcome-based contract, in the current model vendor performance is assessed solely based on program results. This assumes that these performance measures completely convey the quality of vendor services provided.

The impact of staffing levels on services however is so significant that it arguably should be tracked, and the vendor held accountable for providing agreed levels. This can be seen in recent consent decrees entered by the Department where the plaintiffs have required that the Department add specific numbers and types of staff to facilities, rather than only require attainment of specific outcome measures.

A reliable facility health care program that consistently produces good results requires a stable cadre of full-time professional staff. Vacancies need to be filled in a timely manner. However, under the Department's current cost-plus approach, the vendor may choose to use registry, temporary contract, or locum tenens staff to fill vacancies for extended periods of time rather than recruit and hire permanent replacements. This has an impact on service quality, as temporary staff do not generally provide the same level of performance. Additionally, under this approach costs are typically higher than hiring replacement staff. Tracking and holding the vendor accountable for compliance with an agreed staffing plan would provide the department with an additional, valuable tool for managing vendor performance.

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Another approach to improving vendor performance under the cost-plus model would be to shift the focus of the current contract measures away from process or compliance measures, to more qualitative metrics. Internal monitoring should be linked to the quality management program. FDC monitoring teams are now attempting to evaluate identified problems and to train staff so that there can be improvement. Many health care organizations are utilizing lean manufacturing and six sigma techniques in their quality improvement programs. The California prison system has a robust six sigma and quality improvement program utilizing these techniques.

The following compliance monitoring items should be considered in addition to current compliance questions.

- Percent of all types of scheduled appointments (nurse sick call, physician on-site appointments, off-site consultations and diagnostic testing, dental appointments, mental health appointments, mental health programming) kept with reasons for no show
- Time to triage health service requests
- Time to nursing assessment appointments for health service requests
- Percent of patients who require nurse sick call for a health request and who are evaluated with 72 hours
- Percent of ordered doses of medication that patients receive in a timely manner
- Percent of patients who failed to receive their first dose of ordered medication within 24 hours of the order
- Percent of patients who failed to have intake screening done within 24 hours
- Percent of patients who failed to have intake physical examination within a week
- Number and percent of patients who missed intake screening
- Percent of patients in need of screening who obtained tuberculosis screening
- Percent of patient admitted to infirmaries who have an nurse intake note within two hours of admission
- Percent of patients admitted to infirmaries who have a provider admission note within 24 hours and have a discharge summary completed the day of discharge
- Percent of off-site diagnostic test results and consultation reports that are scanned to the record within 3 business days
- The number and percent of patients who failed to meet time tables for specialty care appointments as determined by clinical necessity

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- The number and percent of urgent appointments occurring within 14 days and routine appointments occurring within 45 days
- Percent of patients who receive immunizations as indicated by the Advisory Committee on Immunization Practices (ACIP)
- Percent of patients with diabetes who have hemoglobin A1c at 7 or below (considered good control)
- Percent of patients with diabetes who have hemoglobin A1c above 9 (considered poor control)
- Percent of patients with hypertension who have blood pressure controlled below 140/90
- Percent of diabetics who have an annual eye examination
- Percent of diabetics who are annually screened for nephropathy (with micro-albumin)

Compliance measures can be displayed on a shared intranet as a dashboard as is done in California.[42] Dashboards are a concise display of compliance type process measures that are a component of the quality program. Integrated into the electronic record system, this approach will free up quality improvement and monitoring time for other purposes.

One additional quality monitoring function should include safety/sanitation/administrative checklist tours that verify that every institution has adequate clinical space, supplies, equipment, and sanitation. These rounds can result in scoring and corrective action plans.

A second additional function of the quality management program is to institute clinical quality review. Almost all physician care at the institutions is primary care. Board certified primary care physicians[43] (or at a minimum, physicians who completed residency training in primary care) should perform clinical quality record reviews. These should include mortality reviews, sentinel event reviews, and potentially preventable hospitalizations. Health organizations nationwide, including the Mayo Clinic, have robust mortality review processes that assist in improvement of clinical care and process improvement.

Nursing reviews should also be performed for potentially serious complaints on health requests; for emergency evaluations; and for care on the infirmary unit.

These clinical quality reviews should have an aim of identifying opportunities for improvement and detection of systemic errors. These reviews can also provide professional performance evaluations (peer review). The clinical quality reviews and compliance monitoring should be incorporated into

[42] The California prison dashboard can be found at https://cchcs.ca.gov/reports/#dashboard
[43] A primary care physician is a physician who completed residency in internal medicine or family practice. In some cases physicians who completed residency in emergency medicine is adequate.

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the quality improvement program. The program should track the number of clinical quality reviews that result in identification of opportunities for improvement.

A process improvement strategy like the lean manufacturing or six sigma model would provide the data needed by the quality management team to reduce cost and improve quality.

Alternative Approaches to Outsourcing. The primary alternative to the cost-plus outsourcing model is the capitated approach in which the vendor is paid at a per diem rate per inmate to manage all health care services. This approach shifts all financial risk to the vendor and has the greatest potential for achieving cost savings as it incentivizes the vendor to maximize efficiency in order to achieve profits. In fact, the primary basis for the Department's initial adoption of an outsourcing model was potential cost savings. The capitated contract approach used by the Department in its initial approach to outsourcing was entirely consistent with this goal.

Impact of Capitation on Cost. A change to a capitated model could reduce costs if potential vendors in the market perceive an opportunity to leverage their expertise to achieve efficiencies in service delivery. The two primary areas to achieve potential efficiencies with a significant impact on cost are staffing and off-site services. Due to the transparency of the Department's current cost-plus contract, current levels of expenditures in these areas is readily available.

Fiscal Year 2018-19 expenditures for staff salary and benefits under the Centurion contract totaled $209 million. This amount will increase with the additional staff provided in the FY 2019-20 budget to address litigation requirements. Comparisons with national data on health care staffing suggests that current facility health care staffing levels are below levels maintained in other states.[44] Our high-level review on facility staffing plans and onsite operational reviews provided no indications of excess or inefficient use of staff in the system.

Under a capitated approach, the vendor can reduce staffing costs by eliminating positions, leaving vacancies open, or reducing compensation and benefits levels. Eliminating positions and keeping vacancies open directly reduces services, while lowering compensation levels would exacerbate issues in maintaining adequate staffing. None of these measures is advisable and all would likely have a very negative impact on service quality. In fact, any shift to a capitated outsourcing model would likely need to be accompanied by strong contract monitoring provisions that provide a means to hold the vendor accountable for maintaining required staffing levels. Accordingly, significant cost savings from current contract levels in the area of facility staffing levels are unlikely in a change to a capitated approach.

Off-site health care services under the Centurion contract totaled $109 million in FY 2018-19. Approximately 52 percent of this amount was for inpatient hospitalization, 23 percent for outpatient services, 14.6 percent for specialist care, and 4.9 percent for emergency room treatment. While

[44] Pew Charitable Trusts

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Centurion does provide utilization and invoice review, the fact that these costs are simply passed through to the FDC indicates at least a potential for an incentivized vendor to identify savings.

There are no studies of the relative impact on health care costs in correctional systems of a cost-plus versus capitated approach to off-site care management. However, there has been substantial research on the impact of managed care programs compared to fee-for-service plans under Medicaid, which is in many respects analogous to the capitated health care program management versus the cost-plus model. One meta-review of the research on this topic found that managed care plans in 24 studies showed savings ranging from 1 percent to 20 percent from fee-for service plans.[45]

The median of the savings identified in these studies is 10.5 percent. Applying this rate of savings to all the off-site care paid for under the Centurion contract in FY 2018-19 results in potential savings under a capitated model of $11 million. How much of the savings achieved under the contract are passed back to the client versus retained as profit is an open question. Assuming the vendor passed 50 percent of the savings achieved back to the client, this model could achieve a potential cost reduction of $5.5 million.

Impact of Capitation on Service. The risk assumed by the vendor in the capitated model places added stress on service quality. Adverse utilization experience or cost exposure incentivizes reduction in services to mitigate the negative financial consequences for the vendor. This describes much of the FDC's experience with capitated health care outsourcing from 2001-2017.While privatization provided costs savings in the short-term under the capitated model, vendors were unable to provide consistent service that met contract performance standards at the funding levels they had bid. This led to a turbulent period of vendor appeals for additional funding, contract terminations, and multiple vendor transitions. For its part, the FDC experienced reduced facility staffing levels, reduced access to off-site care, increased inmate grievances regarding health care services, and ultimately significant costly litigation.

To avoid this scenario, any change in outsourcing approaches needs to be accompanied by a very robust system of contract monitoring, thorough vendor understanding of program service requirements, and a realistic sense of program funding needs. The capitated Wexford and Corizon contracts which the FDC entered in 2013 produced substantial cost savings, but also had a pronounced negative impact on service quality. Future outsourcing initiatives need to balance these objectives.

Impact of Modified Contract Terms. An alternative to cost-plus or capitated models is to incorporate cost containment mechanisms into the current framework. The Department's current cost-plus contract does include an overall cost containment measure in the annual cap that it places on total compensation to the vendor. This provides the Department with certainty regarding overall contract expenditures. Additional cost containment measures commonly found in correctional health care contracts are variations on approaches to lower vendor risk. If the vendor is responsible for managing

[45] The Lewin Group, Medicaid Managed Care Cost Savings: A Synthesis of 24 Studies. Prepared for America's Health Insurance Plans, (March 2009).

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all health care costs, as under the capitated model, they typically must include a substantial risk premium as insurance against adverse experience. By sharing or reducing this risk, states can reasonably expect lower per diem cost proposals. Vendors can effectively price the more routine care and will not build in the additional cost to cover the major cases that might occur. Common approaches to mitigating vendor risk include:

- Stop Loss – Require the vendor to cover off-site care costs subject to a stop-loss cap, either on a per case basis or in aggregate. This eliminates the risk premium that vendors must build in to cover catastrophic losses and shifts risk to the state. In effect the state self-insures the vendor.

- Shared Risk – The vendor and the Department establish a framework for sharing off-site care costs above a certain threshold, typically on a per case basis. For example, the vendor may be 100 percent responsible for care up to $50,000 per case, share 50 percent of the cost up to $100,000, and the state assumes responsibility for costs above $100,000. This approach diminishes vendor risk on an escalating scale, while preserving some incentive for their management of costs up to a catastrophic level.

- Condition Exemptions – Many states will exclude the cost of care for certain treatments or conditions to reduce vendor risk. Common exemptions include the cost of treatment of HIV/AIDS, Hepatitis C, hemophilia, or organ transplants.

These approaches all entail a trade-off in the price reduction to the state realized through reducing vendor risk and the increased cost to the state in assuming some level of responsibility for catastrophic or high treatment cost cases. The projected impact of any of these measures on cost relies upon how vendors use these provisions in pricing their services in a competitive bid process. Any cost savings again would accrue only to the off-site care expenses covered under the contract. A further 5 percent reduction in the contract price covering off-site care would lower up-front contract costs to the Department by an additional $5.5 million. These savings would be offset at least to a partial degree, depending upon the level of shared financial risk assumed by the Department.

Implementation. The Department has signed a contract extension with Centurion that covers the next three years, through FY 2021-22. Adopting a new outsourcing model would require development of an ITN or RFP, evaluation of responses, and negotiation of a contract. Based upon the Department's experience with the ITN process, the entire process to select a vendor under a new outsourcing model could take approximately 12 months, allowing time for ITN development, solicitation, evaluation, negotiation, and rebidding if necessary. At the same time, the Department would provide Centurion with notice of intent to terminate the contract, a minimum of 60 days.

Outsourcing Competitive Environment. Outsourcing works best in a procurement environment where there is ample competitive pressure on potential bidders to produce better quality proposals at lower prices. Competition is unfortunately limited in Florida. The high degree of financial risk makes attracting enough bidders to facilitate a competitive environment extremely difficult. This degree of risk also makes the use of capitated contracts a strong disincentive for potential vendors.

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In its ITN process, the Department made multiple attempts to attract additional vendors in order to create competition on price and service level for a capitated outsourcing model. The process culminated in only one vendor proposing to contract with the Department to provide its required services. Further, that vendor required the Department to adopt a cost-plus model to minimize its risk exposure.

There are few vendors who can provide services on the scale required by FDC, which also diminishes competition. Nationally, there are only three vendors that have managed entire state correctional health care systems: Centurion, Wexford, and Corizon. The FDC has substantial negative experience with both Corizon and Wexford. Centurion was the only responsive bidder to the FDC's most outsourcing procurement. This level of vendor interest makes obtaining competitive proposals unlikely.

Based on this experience, any discussion of alternative approaches to outsourcing appear to be hypothetical. The size of the system, the level of risk inherent in assuming responsibility for cost and service management, and the very limited number of vendors capable of delivering this service diminishes competition to a level where the benefits produced by outsourcing are substantially reduced.

The current cost-plus approach appears to be the only means available to the FDC to privatize on a system-wide scale. Efforts to achieve savings by instituting shared risk provisions or stop losses in a future contract will likely result in higher vendor cost proposals as they factor increased risk into their budgets. Because there is no competition for this contract, the FDC has little choice but to accept the current contract approach if it wants to continue to use outsourcing. By most reports, the current vendor is performing reasonably well, and quality of care has improved under the current cost-plus contract. However, this approach to privatization does not incentivize efficiency and requires the FDC pay a significant administration/profit to the vendor in addition to paying all direct costs.

Hybrid Systems

Because there are several different forms of hybrid systems, it is important to define the form to be reviewed here. As described earlier, the FDC in effect has always operated a hybrid system. During that time where the Department provided on-site services with a largely state employee workforce, it still maintained an extensive network of contracts for off-site care. In this report, we have defined this approach as a form of insourcing. Similarly, the current service model is a hybrid in that the Department manages its substantial pharmacy program with state employees while contracting for all other services. In this report, we have defined this approach as outsourcing.

As used here, a hybrid system refers to an approach where the Department manages some facilities with state employees and their own network of off-site contracts, while also outsourcing other facilities in the correctional system to vendors that provide comprehensive health care services. The Department in effect used this approach during that time in which Region 4 health care services were outsourced while all other facilities provided services with FDC employees.

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Cost. The primary factor in favor of a hybrid approach is the fact that smaller contracts, centered on a region or facility, should be more manageable for smaller firms than a large statewide contract, and therefore may attract more competition, which should have a favorable impact on price and service quality. The counter-argument is that the smaller contractors that bid on these contracts may lack the economies of scale to achieve efficient procurement of services such as pharmaceuticals. Moreover, the smaller population bases of these contracts provide less margin against risk of catastrophic cases. The cost of high cost cases may be better managed against a larger population base in order to spread the risk across a broader revenue base.

There is very little research on the cost performance of this hybrid model versus more conventional insourcing and outsourcing approaches. The one study that has been conducted examined the cost performance of privately contracted health care for correctional facilities relative to state-provided healthcare in the Virginia correctional system. Approximately 50 percent of the state's prison population is housed in facilities that receive outsourced health care services from two vendors, Armor Correctional Health Services and Mediko Correctional Healthcare. Outsourcing was used for these facilities primarily because of their specialized mission, providing intensive, specialized health care services such as dialysis, advanced infirmary care, and specialized behavioral health services.[46] Because of these services, these facilities require larger numbers of more specialized health care professionals. The Virginia Department of Corrections used a capitated outsourcing model in contracting for all health care services in these facilities.

The Virginia Joint Legislative Audit and Review Commission conducted a sophisticated statistical analysis of correctional health care spending over three fiscal years in outsourced and insourced Virginia Department of Corrections facilities, controlling for inmate demographics including age and race, as well as health characteristics such as mental health status and chronic disease diagnoses. The analysis found no evidence that outsourced facilities had lower costs for inmate health care than facilities that provided services with Virginia Department of Corrections staff. Insourced facilities in a hybrid system experienced the same levels of health care cost as the outsourced facilities.[47]

Applying the results of this study to Florida, a hybrid system which relies both on insourced and outsourced capitated health care can be expected to have a cost profile in which contracted facilities have the same level of cost as insourced facilities. With no difference in cost between outsourced and insourced facilities, the system would in effect have the same overall cost as an entirely insourced model. Our previous analysis showed that insourcing would provide approximately $46.2 million in savings from the current cost-plus model used by the FDC. The Virginia study of health care costs in that state's correctional system suggests that a hybrid system would have a similar cost profile and consequently, would provide the same level of savings. This assumes that private companies would be willing to bid on smaller capitated contracts for regions or groups of facilities.

[46] Virginia Joint Legislative Audit and Review Commission.
[47] Ibid

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Performance. The primary issue with hybrid systems is establishing a fair allocation of healthy and sick inmates for the different insourced and outsourced facilities. In Florida's experience with a hybrid model, the vendor responsible for outsourced health care in Region 4 charged that the FDC was sending them the sickest inmates, allocating healthier inmates to insourced health care programs in state-managed health care programs. This seems unlikely, particularly given that the Reception and Medical Center, operated by the FDC, housed the sickest inmates in the system. However, the issue of cost shifting between facilities and regions becomes significant considering the extreme difficulty in achieving an even distribution of inmate health care needs among facilities managed by different vendors. Perceived inequities in health care requirements can create contract disputes, or efforts by vendors to reduce service levels to compensate for these perceived inequities.

The administrative complexity of managing multiple vendors can also make partial outsourcing on a facility basis a less effective approach. The transfer of inmates between facilities managed by different companies and state employees necessarily requires a higher level of coordination to assure continuity of care.

The Virginia Department of Corrections addressed this issue by explicitly assigning outsourced health care contracts to facilities with specific health care missions. These vendors had an expectation that they would serve populations with more intensive health care needs and structured their proposals accordingly. This suggests that transparency and access to population and utilization data are effective means to address this issue. As with other models, a robust system of quality assurance monitoring, focused on qualitative performance metrics provides the best approach to assuring adequate service quality under a hybrid model.

Implementation. Transitioning to a hybrid system is a more complex process than implementation of other models. The multiple approaches to health care delivery require that the Department develop a plan to both insource programs at facilities or regions to be determined, and at the same time conduct a procurement process for capitated contracts at other facilities or regions. The resulting transition to different management models in different parts of the state would also be challenging.

A phased approach would require a longer implementation period but would facilitate management of these issues. In the first phase, the Department would develop a plan that identifies which facilities or regions would be insourced or outsourced. The next step could be procurement and implementation of capitated outsourcing in the facilities or regions designated. If successful, the Department could then proceed with implementation of insourcing in remaining facilities or regions. Alternatively, if the outsourcing initiative fails to attract bidders at anticipated prices, the Department could proceed with insourcing of the entire system. The entire process could take up to 12- 16 months.

University Model

In this model, the FDC would develop partnerships with one or more of the state's medical schools such as the University of Florida, Florida State University, or the University of Miami. The structure of

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such a partnership could be similar to the Department's current cost-plus contract but could be initiated as a pilot program covering a smaller number of facilities. The university health system would be responsible for management and staffing for onsite care in the facility and assume responsibility for offsite care and prescription drugs. This can be done as a contract with each agency as is done in Texas or by development of an independent entity that then contracts with the prison system as is done in Georgia.

Among other state correctional systems using this approach, Texas has the most comprehensive system, with two universities, the University of Texas Medical Branch and Texas Tech University, managing the delivery of all inmate health care. The Texas correctional health care system is widely recognized as one of the most effective in the United States and provides services with a lower cost per inmate than Florida. New Jersey also contracts with the state university medical program for comprehensive health care delivery. Several other states including Ohio and Illinois have partial contracting agreements. The University of Ohio contracts with the Ohio prison system for specialty care and telemedicine care for HIV. The University of Illinois at Chicago medical school contracts with the Illinois Department of Corrections for HIV and hepatitis C care via telemedicine.

Cost. The cost structure of a university-operated model using the same approach as Texas, combines elements of the outsourced cost-plus and insourced models. Facility health care staff would be employees of the university medical system, with a compensation cost comparable to that of an insourced model. For off-site care, the University would provide managed care services to coordinate contracted services in addition to providing services at university-operated inpatient and outpatient facilities. Costs should be comparable to levels achieved through outsourced models. As a public sector organization, a university model would still charge an administrative fee to cover indirect and overhead costs, but this would not include the profit built into the administrative fee paid under the FDC's current cost-plus contract. The University of Texas Medical Branch charges the Texas Department of Criminal Justice a 2.75 percent fee to cover administrative costs. This compares with an 11.5 percent administrative fee charged by Centurion under the FDC's current outsourcing model. Substituting this rate for the administration/profit fee of paid by the FDC would reduce this fee from $37.3 million to $8.1 million.

Because a University operates the entire medical program, it is also possible to obtain 340b pricing for all pharmaceuticals. Significant savings can accrue when the entire pharmacy budget is subject to 340b pricing. Department pharmacy expenditures in 2018-19 were $85 million of which approximately 60% were for "infectious disease drugs". Part of the infectious disease component would be for Hepatitis C drugs which are not part of the 340b pricing discount currently received by the FDC through the Department of Health. This discount allows from 23 – 40 percent discounts on outpatient medications. Due to the consent agreement on Hepatitis C, many more additional inmates can be expected to require treatment, increasing demand for the medications. The projected cost of Hepatitis C drugs in the FY 2019-20 budget is $49.2 million. Applying a 23 percent discount factor to these drugs alone would reduce costs by $11.3 million.

Potential savings provided by University Management model total $40.5 million, as shown below.

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Exhibit 28: Projected Savings Impact of a University Management Model

	$ millions
340b discount for Hepatitis C drugs	$ 11.3
Reduce vendor administration/profit fee	$ 29.2
Total Savings	**$ 40.5**

Source: CGL analysis

Performance. As discussed earlier, the quality of care under the University model appears to be high. University medical school programs also have more professional prestige than state prison systems and can be expected to have more success in recruiting and retaining professional staff. The other significant benefit to a University program is that medical schools credential physicians appropriately, requiring physicians to work only in areas for which they have residency training. A University program can also effectively coordinate the use of telemedicine including primary care.

Implementation. FDC managers indicated they have approached several of the state's medical schools but have been unable to generate any interest in the concept of university-managed correctional health care. Absent cooperation from one of the state's university medical programs, the potential application of this model in Florida is moot.

In order to further this concept in Virginia, the state legislature has considered legislation creating a pilot project in which Virginia Commonwealth University (VCU) would build on its current relationship of providing inpatient hospital services to the state correctional system, to assume authority for comprehensive management of health care delivery at one prison. The Department of Corrections and VCU are currently in discussions for further development of the concept. A similar approach in Florida could pilot an interim model in which a university agrees to take on one aspect of the correctional health care program, such as management of off-site care for a region or group of facilities.

The implementation of such an approach is realistically a long-term alternative at best. However, as more states experience problems with conventional outsourcing with private vendors, interest in this concept will likely grow.

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From: Ita Neymotin <ineymotin@flrc2.org>
Sent: Thursday, November 21, 2019 6:07 PM EST
To: Brandes, Jeff <Brandes.Jeff@flsenate.gov>
Subject: Death Penalty Cross Jurisdictional Program Publication
Attachment(s): "The Empirical Economics Letters.pdf"

Good Afternoon Honorable Chair Jeff Brandes,

I hope you are having a good day.

In our previous meeting, I shared with you information about the Death Penalty Cross Jurisdictional Program which I created. The program was designed to save taxpayer dollars, create educational opportunities, and ensure quality representation in death penalty cases. I showed you the paper I wrote that was the genesis for the program. I am very honored to report that the revised draft of the paper was submitted, accepted, peer reviewed, and published in the Empirical Economics Letters (EEL) Journal.

Please see the attachment of my publication, entitled "Minimizing the 'Price' of the Death Penalty in Florida" where I am the primary author.

This study was published in Volume 18, Issue 10 (October, 2019), of The Empirical Economics Letters (EEL) journal. As noted by the journal, EEL "*has been able to publish contributions from over 250 institutions of 100 countries spread over six continents of the world*." Its distribution, editorship, and rigorous peer review process are also international in scope and function. Publications in this journal are further required to have an empirical (numerical) focus, and the journal makes it very clear that it is difficult to be published to this journal, listing the review process as "very competitive." The journal is indexed in both EconLit—a database published by the American Economic Association (considered to be one of the most prestigious associations of economists in the world)—as well as by the highly publicized Cabell's Directory of journals. I would also like to emphasize that I chose to publish this work in an economics journal since, among other issues; economics concerns itself with statistically and rigorously determining how policies can affect resource distribution and the resultant societal impacts. In this instance, my interest was in how the cost of preparation and litigation of the death penalty relates to the use of resources in the State of Florida.

Thank you and have a great day.

Sincerely,

Ita Neymotin

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Office of Criminal Conflict and Civil Regional Counsel

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From: Peter Schorsch <peterschorsch@floridapolitics.com>
Sent: Tuesday, November 12, 2019 1:30 PM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Delegation ☐ for 11.12.19: Impeachment gets real ⚖ — Hong Kong — Panhandle grants ☐ — Jax VA ☐ — flood insurance ☐

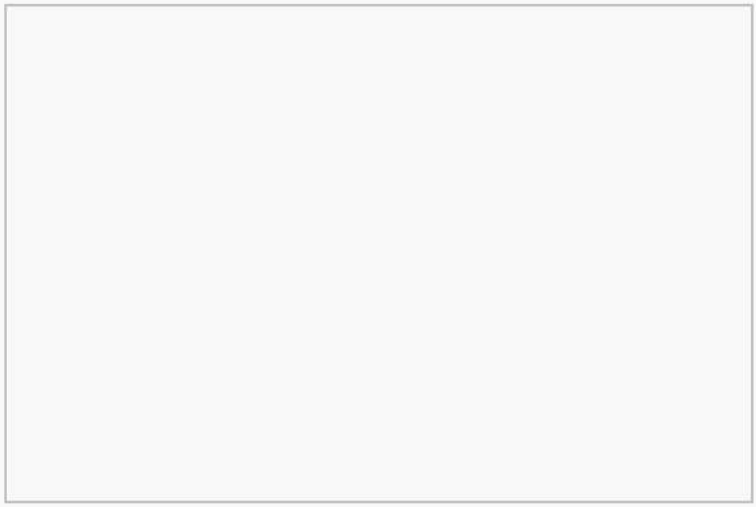
IMPEACHMENT INQUIRY GETS REAL

No set of Capitol Hill hearings in recent memory has generated the buzz this week's live testimony of witnesses in the impeachment inquiry of President **Donald Trump**. While the Republican-led investigation into President **Bill Clinton** in 1998 was covered extensively, the televised spectacle involving President **Richard Nixon** in 1973 is unmatched.

Millions will be watching as cable news networks will provide gavel-to-gavel coverage. After three committees took part in depositions, the Intelligence Committee, led by controversial Chairman **Adam Schiff**, is leading the probe.

Most Americans seem to have their minds made up with polling showing a 50-50 breakdown. The delegation **is just as divided**

"It's obviously 100% partisan, despite the fact that (Speaker) **Nancy Pelosi**, Adam Schiff and (Judiciary Committee Chairman) **Jerrold Nadler** all were quoted as saying if this was not a bipartisan impeachment that it would not be good for the American people," said Rep. **Greg Steube** of Sarasota.



The revolution (or at least the impeachment hearings) will be televised.

The two sides could come closer together, as they did in 1973, if a bombshell drops that makes clear Trump's guilt or innocence. Republicans are confident there is no **Alexander Butterfield**-type of witness that will force the President from office.

In 1973, Butterfield was the deputy assistant to the President who shockingly revealed under oath the existence of an Oval Office recording system. That set in motion the events that led to Nixon's resignation, preceded by Tennessee Republican **Howard Baker**'s famous question, "What did the President know and when did he know it?"

Most Democrats feel they have enough already without a blockbuster witness. This week's lineup of Ambassador **William Taylor**, State Department Official **George Kent**, and former U.S. Ambassador to Ukraine **Marie Yovanovich** all provided negative information on Trump, according to transcripts.

"With regard to the Ukraine matter, we saw a transcript that showed pretty strong evidence of allegations that the president had abused power by asking a foreign country to investigate his top rival," said Kissimmee Democrat **Darren Soto**. "We saw allegations of bribery, holding back $391 million in foreign aid to Ukraine to push for that investigation."

Republicans say they are **prepared for the opportunity** to question the witnesses in public. Minority Leader **Kevin McCarthy** guaranteed **some extra fireworks** by appointing controversial Ohio Republican Rep. **Jim Jordan** to the committee for the duration of the hearings.

The GOP put together **a list of witnesses** they wished to call, including the "whistleblower," all who helped that whistleblower draft the complaint, and **Hunter Biden**, among others. Schiff indicated the entire list would not be fulfilled.

Floridians are playing a limited role in this phase. Orlando Democrat **Val Demings** is the only Floridian on

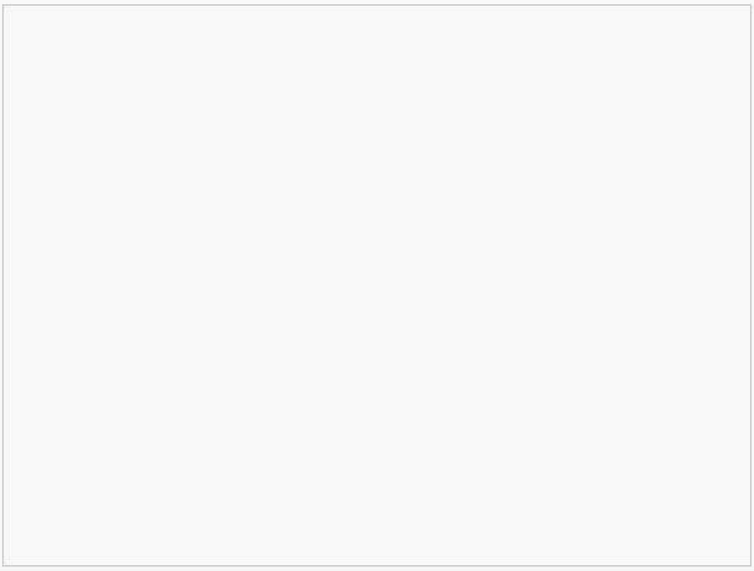
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the Intelligence Committee. Others will come into play when Schiff presents a final report to the Judiciary Committee for any action on drafting articles of impeachment.

Demings also serves on that committee, along with Democratic colleagues **Ted Deutch** of Boca Raton and **Debbie Mucarsel-Powell** of Miami. Republicans include **Matt Gaetz** of Fort Walton Beach and **Greg Steube** of Sarasota.

If the House follows through with impeachment, Deutch would be a likely candidate to serve as one of the "prosecutors," formally known as managers. During the 1999 impeachment trial of Clinton in the Senate, Republicans **Bill McCollum** and **Charles Canady** served in that role.

Another phase of U.S. history is about to begin. So, too are the partisan games.



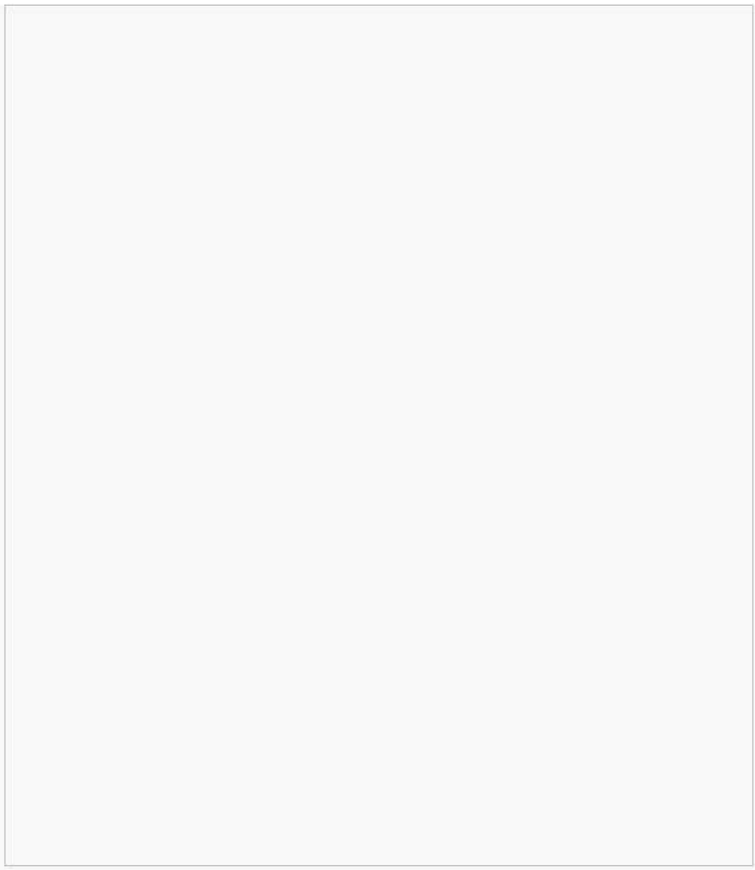
SENATORS FEAR MORE VIOLENCE

Conditions are deteriorating in Hong Kong. The latest violence saw police officers shooting two demonstrators, while a counterdemonstrator was set on fire, prompting Hong Kong leader **Carrie Lam** to describe protesters as "**the people's enemy**."

Lawmakers, including both Florida Senators, are becoming more concerned that China will seek to put an end to the violence once and for all while mourning one who died.

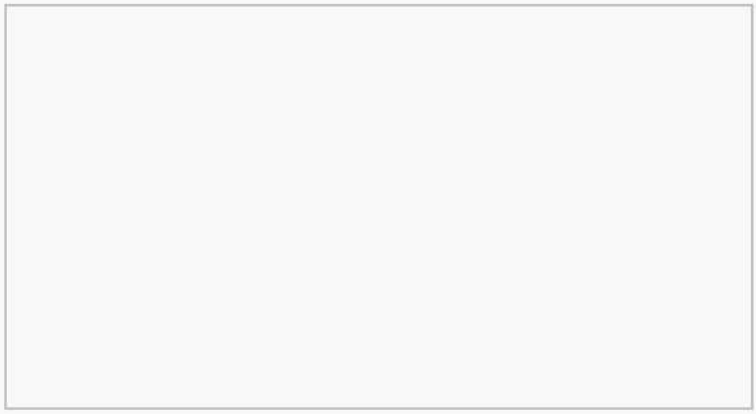
Sen. **Rick Scott**, who traveled there last month, **tweeted**:

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Lam also told protesters they "will not succeed in securing their demands." Rubio expressed concern the violence may increase.

Rubio **tweeted**:



The protests have continued for more than five months.

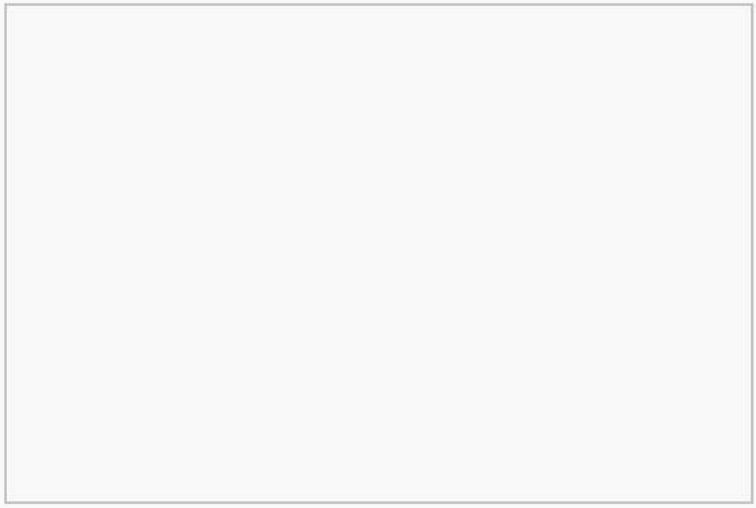
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PANHANDLE GETS AGRICULTURE GRANTS

The Florida Panhandle received a significant lifeline with the announcement of a **$380 million block grant** designed to provide relief to farmers and help clean up rotting timber felled by Hurricane Michael. It was the first such grant Florida has ever received from the U.S. Department of Agriculture (USDA).

With the agriculture industry suffering $3 billion in losses, the funds will not make timber farmers whole, but will provide them with some relief to recoup some of their losses and replant trees. Also, funding will go toward repairing irrigation infrastructure.

"Our Florida foresters are our best environmental stewards, and their livelihood depends on smart and sustainable conservation practices," said Panama City Republican **Neal Dunn**, whose district was hit the hardest by Michael.



Neal Dunn is applauding the $380 million federal lifeline to the Panhandle for helping clean up downed timber from Hurricane Michael.

"These block grants will provide much-needed relief. I was happy to work with colleagues in Congress and (Agriculture) Secretary (**Sonny**) **Perdue** to ensure that the necessary resources flow to North Florida to revitalize our timber industry."

According to Dunn, Timber was not eligible for loss payments in the 2017 Wildfires and Hurricanes Indemnity Program (WHIP). State of Florida officials and members of the delegation worked with Perdue and the Department of Agriculture to ensure that timber producers could receive aid.

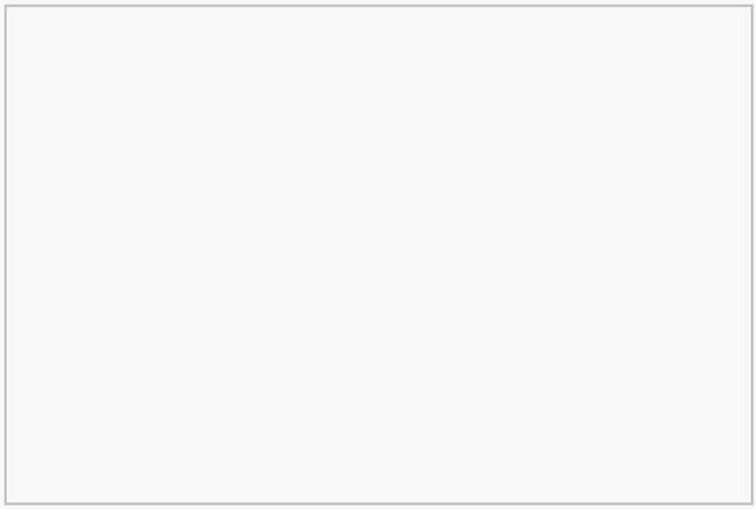
"The Panhandle has waited patiently for this money after the devastating effects of Hurricane Michael," said Gaetz, whose district was also affected. "Thanks to the help of President Donald Trump, Gov. DeSantis, Sen. Rubio and Sen. Scott, Northwest Florida can continue the rebuilding process of our beautiful emerald coast."

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JACKSONVILLE VA HOSPITAL SOUGHT

For years, efforts to establish a Veterans Affairs hospital in Jacksonville have come up short. Democratic Rep. **Al Lawson** has taken another step forward by reintroducing the Veterans Emergency Treatment Services Act.

Currently, veterans in the Jacksonville area requiring hospitalization must travel more than 60 miles to Gainesville and Lake City to receive emergency care. Lawson believes an area with so many veterans needs to provide for them.



Al Lawson makes headway toward setting up a VA facility in Jacksonville.

"Jacksonville has one of the highest veteran populations in the nation and the highest concentration of veterans in the state of Florida," Lawson said. "Establishing a VA hospital in Jacksonville is necessary to provide our service members with the critical care they need. Our brave men and women who have fought for our freedom deserve to be taken care of in their own community when they return home."

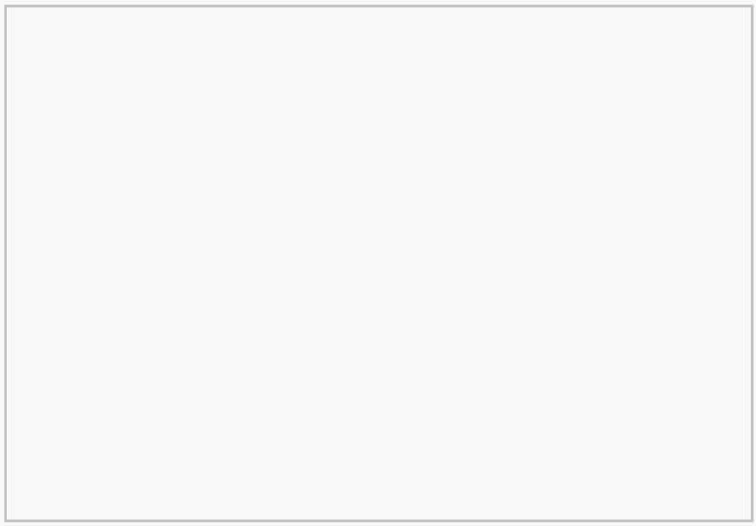
Lawson, whose father was a disabled World War II veteran, has spent much of his career advocating for veterans. This includes providing employment, job training programs, access to health care, education benefits and affordable housing options.

HACKING NOTIFICATION GUIDELINES ISSUED

AMERICAN OVERSIGHT

It took two years for Florida officials to be briefed on **breaches into two county election systems**. Winter Park Democrat **Stephanie Murphy** is among those outraged Florida officials to demand more transparency from the FBI and the federal government.

Late last week, the **Trump administration released guidelines** for when it would notify the public of election interference. Murphy tweaked the administration for the slow response, but was grateful they took action.



Stephanie Murphy is grateful for the Trump administration's guidelines over election interference, despite it taking more than two years.

"I'm pleased the Trump administration has finally recognized how important public notification is to the integrity and credibility of our elections and established a framework for when and how notification should occur," Murphy said in a statement.

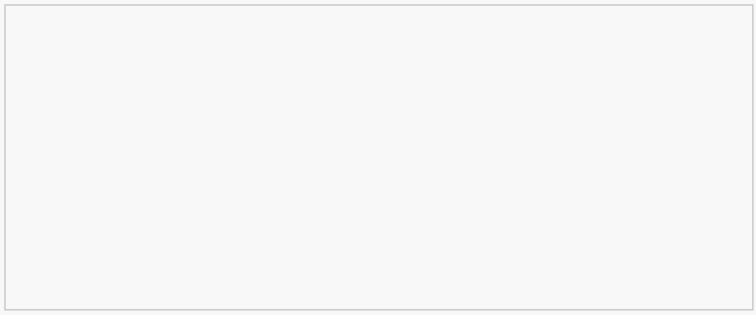
In a Sept. 3 op-ed for The Washington Post, Murphy **has called for increased transparency** in the event of interference by a foreign adversary. She joined with St. Augustine Republican **Mike Waltz** to introduce the **ALERTS Act** that would require notification to appropriate members of Congress and relevant state and local officials when an election system is breached, and voter information may have been compromised.

"While this belated step moves us in the right direction, I will continue to push for passage of the ALERTS Act because I believe Congress should establish a clear and consistent standard for notification and not leave this decision to the sole discretion of the executive branch," Murphy added.

AMERICAN OVERSIGHT

FLOOD INSURANCE HIKE HALTED

Floridians are concerned with a possible significant increase in their flood insurance premiums following the stream of natural disasters in recent history. However, thanks to political pressure from members of Congress, including Reps. **Charlie Crist,** Mucarsel-Powell and **Francis Rooney**, they will have a year of reprieve before they face those challenges.



Charlie Crist, Debbie Mucarsel-Powell and Francis Rooney were among the delegation members who helped get a reprieve for flood insurance premium hikes.

Action taken by the Federal Emergency Management Agency (FEMA) delayed the proposed rate calculation changes from the National Flood Insurance Program (NFIP) from Oct. 1, 2020, to Oct. 1, 2021. The decision came after the members led more than 60 of their colleagues **in a letter supporting a delay in Risk Rating 2.0** as part of changes necessary to a long-term reauthorization of the National Flood Insurance Program.

"We're encouraged that FEMA is listening to Congress' concerns about the impacts of Risk Rating 2.0. FEMA's promise to protect policyholders and minimize any unintentional negative effects in the transition is vital to ensuring the NFIP remains successful," the group said. "We hope FEMA will more actively engage with Congress to ensure transparency around the fundamental changes they have proposed."

The planned change to the method in which NFIP charges policyholders is meant to get the program out of its multibillion-dollar debts and help the country adapt to the growing risk of climate change.

No state would face a more considerable financial impact than Florida, where 35% of the program's policies are written. The agency initially planned to release its new rate structure in April 2020.

AMERICAN OVERSIGHT

CD 19 FIELD GROWS

The campaign to succeed retiring Rep. Rooney is picking up steam. Some are deciding against a run for the Florida's 19th Congressional District seat, while some are making their run official.

Jumping in was Cape Coral Republican **Dane Eagle**. The current Florida House Majority Leader announced late last week and raised $100,000 during the first 24 hours. Naples Urologist Dr. **William Figlesthaler** opened a campaign account, the first step in getting into the race.



Florida House Majority Leader Dane Eagle throws his hat in the ring for CD 19.

While Eagle was likely pleased, State Sen. **Lizbeth Benacquisto** and Lee County Commissioner **Cecil Pendergrass** **decided against running**, as did **Commissioner Brian Hamman**, locally-known state Reps. **Heather Fitzenhagen** of Ft. Myers and **Bob Rommel** of Naples are leaving the door open.

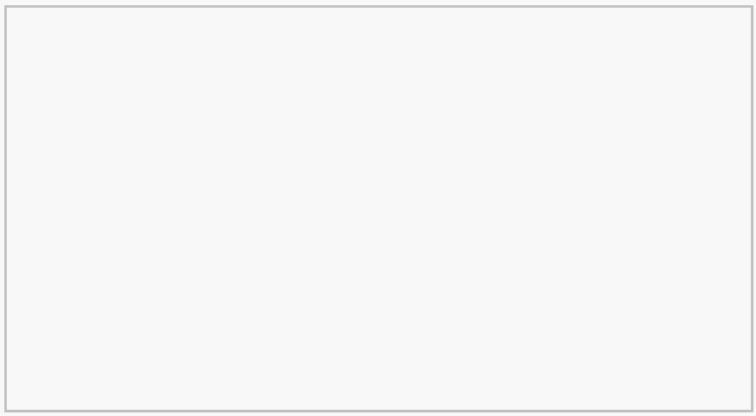
A survey taken shortly after Rooney's announcement should give Eagle some encouragement. The study conducted by **St. Pete Polls** put Benacquisto in the lead, followed by former state Rep. **Matt Caldwell**, with Eagle in third. Caldwell has not expressed any interest in running.

More Republicans will weigh whether to join the race, if not a Democrat or two, but the winner of the GOP primary in the solidly red district will most likely be headed to Washington in January 2021.

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WASSERMAN SCHULTZ SEEKS CHAIRMANSHIP

A rumored interest by Rep. **Debbie Wasserman Schultz** to seek a top leadership position is becoming more transparent. The Weston Democrat is reportedly **seeking to become chair** of the House Appropriations Committee for the 117th Congress.



It's clear Debbie Wasserman Schultz is jockeying for a top leadership post.

The position is open due to the **pending retirement** of the current chair, 32-year veteran Rep. **Nita Lowey** of New York. Assuming Democrats retain control of the House, Wasserman Schultz would need to leap over a number of more senior Democrats.

Among those: Rep. **Marcy Kaptur** of Ohio, the longest-serving woman in the House, and Rep. **Rosa DeLauro** of Connecticut. Kaptur, 73, and DeLauro, 76, have both indicated they would seek the post.

Wasserman Schultz does have some backing within the delegation. One committee Democrat with more seniority, Rep. **Peter Visclosky** of Indiana, is also retiring.

"I'm excited that she's making a bid for Appropriations chair," said Soto of Kissimmee. "She has over 10 years of experience and is a very savvy and hardworking member of Congress, one of the hardest working members of Congress."

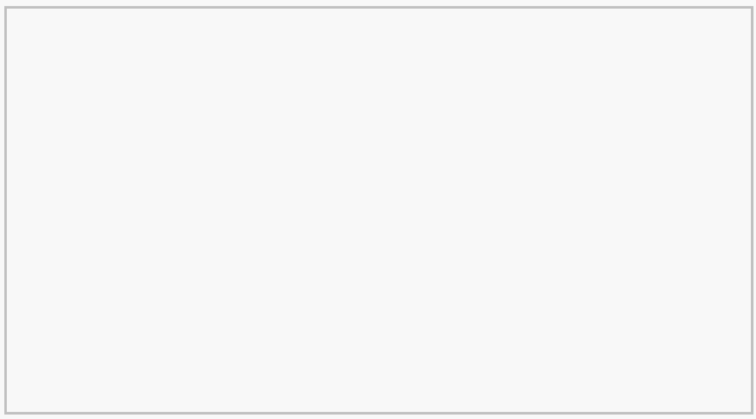
Wasserman Schultz currently chairs the appropriations subcommittee that oversees military construction. Only one Floridian, the late Republican Rep. **Bill Young**, has previously led the committee.

AMERICAN OVERSIGHT

FARM WORKFORCE LEGISLATION PROPOSED

Farmers and ranchers across the United States are in desperate need of a high-quality, reliable workforce, and the current H-2A, guest worker program, requires meaningful, bipartisan reform. To help address the situation, Miami Republican **Mario Diaz-Balart** has joined with a bipartisan group of colleagues to introduce the **Farm Workforce Modernization Act** of 2019.

The bill establishes a program for agricultural workers in the United States to earn legal status through continued agricultural employment and contribution to the U.S. agricultural economy. It follows months of negotiations also creates a first-of-its-kind, merit-based visa program specifically designed for the nation's agricultural sector.



Mario Diaz-Balart has joined the bipartisan effort to fill the need for a high-quality, reliable workforce by way of a guest worker program.

"The success of our farmers, growers, and producers is essential not only for our economy but for our national security. For far too long, we've suffered from a broken H2A visa system — making it difficult for farmers to hire the workforce necessary to provide to the American people," said Diaz-Balart.

If enacted, agricultural employers would be required to use the E-Verify system to guarantee the eligibility of workers. It would also ensure the due process of those rejected.

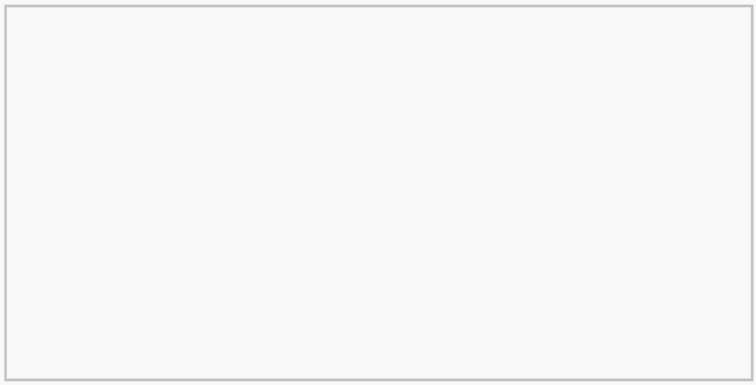
The bill is sponsored by California Democrat **Zoe Lofgren**, with 46 co-sponsors. Those include, in addition to Diaz-Balart, Rep. Lawson of Tallahassee.

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KENNEDY SPACE CENTER HONORED

Purple Hearts are awarded to those in the military who were wounded and/or killed in action. Another type of Purple Heart is awarded to those recognized as supportive of veterans.

Last week, the Military Order of the Purple Heart **honored the Kennedy Space Center** (KSC) or their demonstrated record of supporting veterans. The recognition was presented during a ceremony at the KSC auditorium in Cape Canaveral.



The Kennedy Space Center wins a Purple Heart for its support of veterans.

"Usually when veterans get out, they want to be away from any kind of government service," said **Christopher Vedvick**, Commander, Department of Florida Military Order of the Purple Heart. "Here at Kennedy, they've embraced that ... they have their own group of veterans who really make up the fabric of what we felt to be Kennedy Space Center."

Kennedy is being recognized as a Purple Heart Entity for the support of veterans through employment opportunities and services provided to veterans by the center's veterans employee resource group. More than 300 veterans are employed at KSC.

"Veterans will continue to play a vital role in securing the legacy of America's space program," said KSC Associate Director **Kelvin Manning**. "We would not be successful without our veteran contributions. Service goes beyond the uniform. This Veterans Day, we honor the men and women who have worn the uniform and continue to serve our country."

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ON THIS DAY

Nov. 12, 2018 — As the recount in Broward County continued, Gov. Scott and Attorney General **Pam Bondi** demanded an investigation amid claims of voter fraud. Circuit Judge **Jack Tuter** rejected Scott's call to impound Broward voting machines.

Scott has seen his election night lead over Democratic Sen. **Bill Nelson** dwindle from 57,000 votes to 12,500, while in the Governor's race, a 77,000-vote lead for former Rep. **Ron DeSantis** over Tallahassee Mayor **Andrew Gillum** has dropped to nearly 34,000 votes. Scott has called for an investigation by the Florida Department of Law Enforcement but has not forwarded a formal, written request.

Nov. 12, 2007 — House Democrats ignored a White House veto threat and passed legislation that would require the government to negotiate lower prices for Medicare's prescription drug program. President **George W. Bush** has vowed to veto the bill if it clears the Senate.

Speaker Pelosi called the vote "a resounding victory for America's seniors over the special interests." The measure passed by a vote of 255-170 with 24 Republicans joining with Democrats, including **Vern Buchanan** from Sarasota and **Jeff Miller** from Pensacola.

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St. Petersburg, FL 33704

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From: Baps.Administrator@laspbs.state.fl.us <Baps.Administrator@laspbs.state.fl.us>
Sent: Tuesday, February 11, 2020 1:43 PM EST
CC: BAPS Administrator <BAPS.Administrator@LASPBS.STATE.FL.US>
Subject: Department of Legal Affairs and Attorney General Proposed Budget Amendment EOG Log# B0348

To All Legislative Members: This request is pending approval by the Executive Office of the Governor and is now in Legislative Consultation. It will be implemented at the end of the consultation period on 2/26/2020 if no formal objection is filed, pursuant to Chapter 216.177 F.S.

Budget Amendment Request #:	B0348
Requested by:	Department of Legal Affairs and Attorney General

Problem Statement:

The Office of the Attorney General requires $240,500 in nonoperating authority to cover transfers to the administrative trust fund for general administrative costs such as information technology refreshes, human resources services, finance and accounting services etc. These costs were under estimated at the beginning of the fiscal year for the

AMERICAN OVERSIGHT

Medicaid Fraud Control Unit, Lemon Law, Florida Elections Commission and the Florida Crime Prevention Institute.

Agency Request:

The Office of the Attorney General requires $240,500 in nonoperating authority to cover transfers to the administrative trust fund for general administrative costs such as information technology refreshes, human resources services, finance and accounting services etc.

Additional authority is needed as follows:

Victim Services

Transfer to Administrative Trust Fund
- Florida Crime Prevention Training

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Institute Trust Fund - 70,000

Florida Elections Commission

Transfer to Administrative Trust Fund - Elections Commission Trust Fund - 1,500

Criminal and Civil Litigation

Transfer to Administrative Trust Fund - Motor Vehicle Warranty Trust Fund - 136,000

Transfer to Administrative Trust Fund - Federal Grants Trust Fund - 33,000

Agency Contact: Sarah Nortelus
(850)414-3414

If there are any questions, please contact the following committee staff:

House: Sean Smith
(850) 717-4979

Senate: Abram Dale
(850) 487-5751

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Email Recipients: AllLegislators@Leg.state.fl.us, Abram Dale, Alicia Trexler, Bethany Jones, Christina Smith, Cindy Kynoch, Cornell Thomas, Donovan Craig, J. Eric Pridgeon, Jamie DeLoach, John McAuliffe, John Shettle, Katie Cunningham, Kristen Atchley, Kristin Gusky, Martha McWilliams, Mehgean Willoughby, PK Jameson, Sarah Nortelus

AMERICAN OVERSIGHT

From: Kristina Gabriel <kristinagabriel@gmail.com>
Sent: Sunday, January 12, 2020 12:04 PM EST
To: Aloupis, Vance <Vance.Aloupis@myfloridahouse.gov>; Altman, Thad <Thad.Altman@myfloridahouse.gov>; Andrade, Alex <Alex.Andrade@myfloridahouse.gov>; Avila, Bryan <Bryan.Avila@myfloridahouse.gov>; Bell, Melony <Melony.Bell@myfloridahouse.gov>; Beltran, Mike <Mike.Beltran@myfloridahouse.gov>; Brannan, Chuck <Chuck.Brannan@myfloridahouse.gov>; Buchanan, James <James.Buchanan@myfloridahouse.gov>; Burton, Colleen <Colleen.Burton@myfloridahouse.gov>; Byrd, Cord <Cord.Byrd@myfloridahouse.gov>; Caruso, Mike <Mike.Caruso@myfloridahouse.gov>; Clemons, Chuck <Chuck.Clemons@myfloridahouse.gov>; Cummings, Travis <Travis.Cummings@myfloridahouse.gov>; DiCeglie, Nick <Nick.DiCeglie@myfloridahouse.gov>; Donalds, Byron <Byron.Donalds@myfloridahouse.gov>; Drake, Brad <Brad.Drake@myfloridahouse.gov>; Duggan, Wyman <Wyman.Duggan@myfloridahouse.gov>; Eagle, Dane <Dane.Eagle@myfloridahouse.gov>; Barquin, JuanF <JuanF.Barquin@myfloridahouse.gov>; Fetterhoff, Elizabeth <Elizabeth.Fetterhoff@myfloridahouse.gov>; Fine, Randy <Randy.Fine@myfloridahouse.gov>; Fischer, Jason <Jason.Fischer@myfloridahouse.gov>; Fitzenhagen, Heather <Heather.Fitzenhagen@myfloridahouse.gov>; Grall, Erin <Erin.Grall@myfloridahouse.gov>; Grant, James <James.Grant@myfloridahouse.gov>; Grant, Michael <Michael.Grant@myfloridahouse.gov>; Gregory, Tommy <Tommy.Gregory@myfloridahouse.gov>; Hage, Brett <Brett.Hage@myfloridahouse.gov>; Hill, Mike <Mike.Hill@myfloridahouse.gov>; Ingoglia, Blaise <Blaise.Ingoglia@myfloridahouse.gov>; Killebrew, Sam <Sam.Killebrew@myfloridahouse.gov>; La Rosa, Mike <Mike.LaRosa@myfloridahouse.gov>; LaMarca, Chip <Chip.LaMarca@myfloridahouse.gov>; Latvala, Chris <Chris.Latvala@myfloridahouse.gov>; Leek, Tom <Tom.Leek@myfloridahouse.gov>; Magar, MaryLynn <MaryLynn.Magar@myfloridahouse.gov>; Maggard, Randy <Randy.Maggard@myfloridahouse.gov>; Mariano, Amber <Amber.Mariano@myfloridahouse.gov>; Massullo, Ralph <Ralph.Massullo@myfloridahouse.gov>; McClain, Stan <Stan.McClain@myfloridahouse.gov>; McClure, Lawrence <Lawrence.McClure@myfloridahouse.gov>; Oliva, Jose <Jose.Oliva@myfloridahouse.gov>; Overdorf, Toby <Toby.Overdorf@myfloridahouse.gov>; Payne, Bobby <Bobby.Payne@myfloridahouse.gov>; Perez, Daniel <Daniel.Perez@myfloridahouse.gov>; Pigman, Cary <Cary.Pigman@myfloridahouse.gov>; Plakon, Scott <Scott.Plakon@myfloridahouse.gov>; Plasencia, Rene <Rene.Plasencia@myfloridahouse.gov>; Ponder, Mel <Mel.Ponder@myfloridahouse.gov>; Raschein, Holly <Holly.Raschein@myfloridahouse.gov>; Renner, Paul <Paul.Renner@myfloridahouse.gov>; Roach, Spencer <Spencer.Roach@myfloridahouse.gov>; Robinson, Will <Will.Robinson@myfloridahouse.gov>; Rodrigues, Ray <Ray.Rodrigues@myfloridahouse.gov>; Rodriguez, AnaMaria <AnaMaria.Rodriguez@myfloridahouse.gov>; Rodriguez, Anthony <Anthony.Rodriguez@myfloridahouse.gov>; Rommel, Bob <Bob.Rommel@myfloridahouse.gov>; Roth, Rick <Rick.Roth@myfloridahouse.gov>; Sabatini, Anthony <Anthony.Sabatini@myfloridahouse.gov>; Santiago, David <David.Santiago@myfloridahouse.gov>; Shoaf, Jason <Jason.Shoaf@myfloridahouse.gov>; Sirois, Tyler <Tyler.Sirois@myfloridahouse.gov>; Smith, David <David.Smith@myfloridahouse.gov>; Sprowls, Chris <Chris.Sprowls@myfloridahouse.gov>; Stevenson, Cyndi <Cyndi.Stevenson@myfloridahouse.gov>; Stone, Charlie <Charlie.Stone@myfloridahouse.gov>; Sullivan, Jennifer <Jennifer.Sullivan@myfloridahouse.gov>; Toledo, Jackie <Jackie.Toledo@myfloridahouse.gov>; Tomkow, Josie <Josie.Tomkow@myfloridahouse.gov>; Trumbull, Jay <Jay.Trumbull@myfloridahouse.gov>; Williamson, Jayer <Jayer.Williamson@myfloridahouse.gov>; Yarborough, Clay <Clay.Yarborough@myfloridahouse.gov>; Zika, Ardian <Ardian.Zika@myfloridahouse.gov>; Albritton, Ben <Albritton.Ben@flsenate.gov>; Baxley, Dennis <Baxley.Dennis@flsenate.gov>; Bean, Aaron <BEAN.AARON@flsenate.gov>; Benacquisto, Lizbeth <BENACQUISTO.LIZBETH@flsenate.gov>; Bradley, Rob <BRADLEY.ROB@flsenate.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Broxson.Doug <Broxson.Doug@flsenate.gov>; Diaz, Manny <Diaz.Manny@flsenate.gov>; Flores, Anitere <FLORES.ANITERE@flsenate.gov>; Gainer, George <Gainer.George@flsenate.gov>; Galvano, Bill <GALVANO.BILL@flsenate.gov>; Gruters, Joe <Gruters.Joe@flsenate.gov>; Harrell, Gayle <Harrell.Gayle@flsenate.gov>; Hooper, Ed <Hooper.Ed@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Lee, Tom <LEE.TOM@flsenate.gov>; Mayfield, Debbie <Mayfield.Debbie@flsenate.gov>; Passidomo, Kathleen <Passidomo.Kathleen@flsenate.gov>; Perry, Keith <Perry.Keith@flsenate.gov>; Simmons, David <SIMMONS.DAVID@flsenate.gov>; Simpson, Wilton <SIMPSON.WILTON@flsenate.gov>; Stargel, Kelli (Web) <STARGEL.KELLI.WEB@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>
Subject: Devil in Divorce – Politics of Florida Permanent Alimony

Devil in Divorce – Politics of Florida Permanent Alimony

To: Governor DeSantis, and ALL Republican Members of the Florida Senate and House of Representatives:

I am hoping, on behalf of the Florida Republican Party, that you have made the wise decision to distance yourself from the former Mrs. Florida, Karyn Turk, who is headed to prison for stealing her elderly mother's Social Security checks. See the article below:

https://www.palmbeachpost.com/news/20200109/former-mrs-florida-headed-to-prison-for-stealing-elderly-momrsquos-ssi-checks?template=ampart

Karyn Turk recently aired a video on YouTube entitled *Devil in Divorce –Alimony Reform*, where she interviewed Florida attorney Alan Elkins. During the interview, she comments on her excitement over the support of Governor DeSantis regarding alimony reform. She seems as embedded with the Republican Party as she is fixated on stealing from underdogs, such as her mother and the recipients of alimony.

Is this who our Florida Republican lawmakers want to be associated with, someone of such deplorable character, self-absorption and narcissism? If so, you are willing to associate with a devil who reaches far beyond the politics of permanent alimony or any other covetous topic. You are also willing to lose your future female votes.

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With the inevitable blue-state exodus increasing in momentum, states such as Florida and Texas cannot take the chance of losing their female Republican Vote. Association with people like Karyn Turk and her selfish personal agenda will cause the Republican Party to lose female support. The Republican Party does not need to lose female voters since we are a major swing state that determines national level elections. So, if you truly value your party, you will dismiss Ms. Karyn Turk and any ideology spewing from her muzzle, and put the real, everyday women of Florida first. It would be in Florida's best interest if Governor DeSantis did not embrace any of Karyn Turk's twisted ideology in any way.

Respectfully,

Kristina Gabriel

AMERICAN OVERSIGHT

From: Smith, Bobbie <BobbieSmith@fdle.state.fl.us>
Sent: Thursday, October 10, 2019 4:17 PM EDT
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: DLE Analysis of SB 346
Attachment(s): "SB0346_DLE 2019-10-10.docx"

Please find attached the Florida Department of Law Enforcement analysis of SB 346. Feel free to contact us if you have any questions.

Thank You,
Bobbie Smith
Legislative Analyst
Office of External Affairs
Florida Department of Law Enforcement
850.410.7014 ofc
850.251.6392 cell

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2020 FDLE LEGISLATIVE BILL ANALYSIS

BILL INFORMATION	
BILL NUMBER:	SB 346
BILL TITLE:	Controlled Substances
BILL SPONSOR:	Senator Bradley
EFFECTIVE DATE:	July 1, 2020

COMMITTEES OF REFERENCE	T CO
1)	
2)	
3)	
4)	
5)	

SIMILAR	
BILL NUMBER:	
SPONSOR:	

IDENTICAL	
SPONSOR:	

PREVIOUS LEGISLATION	
BILL NUMBER:	SB 642
SPONSOR:	Brandes
YEAR:	2019
LAST ACTION:	Laid on table, Refer to HB7125

Is this bill part of an agenc
No

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	September 23, 2019
LEAD AGENCY ANALYST:	Lori Mizell
ADDITIONAL ANALYST(S):	Chelsea Perez, David Coffman, Michelle Depaola, Karen Weaver, Becky Bezemek, Adrienne Trykowski
LEGAL ANALYST:	Jeff Dambly
FISCAL ANALYST:	Deshawn Byrd, Cynthia Barr

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POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Prohibiting the purchase or possession of less than a certain amount of specified substances; authorizing a court to impose a sentence other than a mandatory minimum term of imprisonment and mandatory fine for a person convicted of trafficking if the court makes certain findings on the record; requiring that a custodial interrogation conducted at a place of detention in connection with certain offenses be electronically recorded in its entirety; providing exceptions to the electronic recording requirement; revising the circumstances under which a wrongfully incarcerated person is eligible for compensation, etc.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:** Currently, s. 893.13 F.S., provides mandatory sentences of trafficking hydrocodone, oxycodone, fentanyl and fentanyl derivatives and other controlled substances. Presently, law enforcement officers are permitted to detain and interrogate individuals suspected of the covered offenses listed in SB346 without restriction. At this time, s. 961.04 F.S., provides eligibility and ineligibility conditions for compensation for wrongful incarceration.

2. **EFFECT OF THE BILL:** Section 1, lines 45-50: Creates s. 893.13(10), F.S., specifying a person who purchases or possesses less than two grams of a controlled substance, excluding fentanyl, may not be imprisoned for longer than 12 months. Section 2, lines 57-79: Amends ss. 893.135(6-7), F.S., specifying a court may impose a sentence other than the mandatory minimum imprisonment for a violation that fits listed circumstances (lines 62-79); creating new exclusion listed for offenses that carry a mandatory minimum of 25 years imprisonment (lines 81-83). Section 3, lines 86-163: Creates s. 900.06 F.S., regarding recording of custodial interrogations for certain offenses. Section 4, lines 184-202: Amends ss. 961.04(1-5), F.S., removing ineligibility conditions for wrongfully incarcerated compensation. Section 5, lines 267-274: Amends s. 893.03(3), F.S., concerning standards and scheduling of Schedule III controlled substances

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES OR PROCEDURES? Y ☐ N ☐

If yes, explain:	
What is the expected impact to the agency's core mission?	**Y ☐ N ☐**
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	
Provide a summary of the proponents' and opponents' positions:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y ☐ N ☒

If yes, provide a description:	
Date Due:	
Bill Section Number:	

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6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQURIED BY THIS BILL? Y ☐ N ☒

Board:	
Board Purpose:	
Who Appointments:	
Appointee Term:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☒

Revenues:	
Expenditures:	For small departments with limited manpower and those with limited technological resources, this requirement could be burdensome to the point where the effectiveness of interviews is impacted by delay as additional witnesses and/or recording equipment is brought to bear.
Does the legislation increase local taxes or fees?	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation contain a State Government appropriation?	
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☒

Revenues:	
Expenditures:	
Other:	

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4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y ☐ N ☒

Does the bill increase taxes, fees or fines?	
Does the bill decrease taxes, fees or fines?	
What is the impact of the increase or decrease?	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACTTHE AGENCY'S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	

FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGECY INVOLVEMENT, ETC.)? Y ☒ N ☐

If yes, describe the anticipated impact including any fiscal impact.	Many agencies, the FBI being the preeminent, have policies that discourage/forbid recording in many circumstances contemplated by this bill. Collaboration with those agencies would be complicated if this bill were to become law.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	• Section 3 (2)(c) requires a law enforcement officer who conducts a custodial interrogation outside of a place of detention to prepare a written report documenting why the officer did not comply with the requirements of section 3 (2)(a), yet section 3 (2)(a) only applies to custodial interrogations *at a place of detention*. This effectively eliminates the locus requirement. • Section 3 (3) requires courts to consider the failure to record custodial statements a factor to consider regarding admissibility. The test for admissibility under s. 90.403, F.S., is that "relevant evidence is inadmissible if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence." The standard provided in section (3) conflicts with s. 90.403, F.S., and could lead to a wide, unpredictable array of judicial determinations in admissibility.

ADDITIONAL COMMENTS

- SB346 proposes a penalty of imprisonment for no more than 12 months for possessing or purchasing less than two grams of a controlled substance; lines 44-50 exclude fentanyl from this change. If the intent is to exclude not just fentanyl, but all derivatives of fentanyl as the labs commonly see in submissions, it is suggested to use the following wording instead:

  Lines 44-50: "893.13 Prohibited acts; penalties.—
  (10) Notwithstanding any provision of this section or any other law relating to the punishment for purchasing or possessing a controlled substance, a person who purchases or possesses less than 2 grams of a controlled substance, other than Alfentanil, as described in s. 893.03(2)(b)1., Carfentanil, as described in s. 893.03(2)(b)6., Fentanyl, as described in s. 893.03(2)(b)9., Sufentanil, as described in s. 893.03(2)(b)30., or a fentanyl derivative, as described in s. 893.03(1)(a)62., may not be imprisoned for a term longer than 12 months."

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- Although not a direct conflict, the two gram threshold for a first degree misdemeanor appears to create inconsistency with the intent of s. 893.135(1)(c)1., F.S., relative to “Trafficking in Illegal Drugs”, with the threshold amount set at 4 grams, and the designation as a first degree felony. With respect to the proposed legislation, a difference of two grams results in an increase of three degrees of severity. Cocaine, which continues to be a problem in Florida with a recent rise in overdose deaths (2017), could be viewed similarly. Two grams of cocaine hydrochloride (powder) is multiple dosages and two grams of crack cocaine, an especially addictive form of cocaine, could be divided into many “rocks” typically weighing about 0.1 gram to 0.2 gram.

- Poly-substance abuse, the practice of ingesting multiple drugs is of great concern with regard to drug overdoses and deaths. The results of forensic chemistry testing upon drug seizures often involves two, three or even four substances, each with their own properties and effects, but unknown effects on the physiological and psychological well-being of the user. The effect of the proposed legislation reduces the penalty risk to possessors (buyers and sellers) of poly-substances. A person was in possession of multiple illegal drugs, each substance below two grams would likely result in multiple first degree misdemeanors and likely combined at sentencing to result in one less than 12 month penalty.

- Criminal history background checks are required across many employment sectors and licensing authorities. Employers and licensing regulators are primarily concerned about felony convictions, and often felony drug convictions. As proposed, the language of the bill would potentially obscure the seriousness of the illegal activities of a perspective employer or licensing authority creating a false security for employers or licensing authorities concerned with the effects of illegal drugs on an applicant.

- In s. 900.06(2)(d)2, F.S., (Line 144-146) the proposed legislation provides that the requirement does not apply “if a suspect refuses to participate in a custodial interrogation if his or her statements are to be electronically recorded.” Although not specifically articulated within the proposed legislation, this language implies that a suspect would be made aware that his or her custodial interrogation would be recorded. It is commonly known among law enforcement professionals that suspects are less inclined to provide a true statement when faced with the knowledge that their statement is being recorded.

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From: Lena Juarez <lena@jejassoc.com>
Sent: Thursday, November 07, 2019 5:36 PM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: draft bill comments
Attachment(s): "EV Draft Bill 11.5.2019 (003) ds.docx"

Zach --

Here is our first pass comments to the draft bill. When is a good time to call you tomorrow? We were thinking splitting some of this up.

Lena

AMERICAN OVERSIGHT

24-00656A-20

A bill to be entitled

An act relating to electric vehicles; amending s. 316.003, F.S.; revising the definition of the terms "autocycle" and "personal delivery device"; creating s. 339.286, F.S.; requiring the Department of Transportation to create the Electric-Vehicle Infrastructure Grant Program; providing the purposes of the program; providing for the distribution of grants to certain entities to install electric-vehicle charging infrastructure; providing grant requirements; providing requirements for equipment installed using grant funds; providing criteria for the distribution of grants; amending s. 366.94, F.S.; prohibiting state agencies that implement certain rules from requiring specific methods of sale for electric vehicle charging equipment used in this state; requiring the Florida Public Service Commission to direct all public utilities to file for approval and implement approved rate designs to accommodate and optimize electric vehicle charging activities, subject to certain requirements; providing an effective date.

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

Section 1. Subsections (2) and (55) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context

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otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, brakes meeting the Federal Motor Vehicle Safety Standard 122, a steering mechanism, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(55) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;

(b) Weighs less than 120 ~~80~~ pounds or, if the Department of Transportation establishes by rule a maximum weight, has a weight that does not exceed that maximum, excluding cargo;

(c) Has a maximum speed of 10 miles per hour or, if the Department of Transportation establishes by rule a maximum speed, has a speed that does not exceed that maximum; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device.

Section 2. Paragraph (c) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

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FL-SEN-20-0201-B, 20-0202-A-003290

334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(c) *Mobility.*—Ensuring a cost-effective, statewide, interconnected transportation system. Improvement of travel choices to ensure mobility includes planning and establishment of infrastructure for innovative technologies, including electric vehicle charging infrastructure.

Section 3. Section 339.286, Florida Statutes, is created to read:

339.286 Electric Vehicle Infrastructure Grant Program.—

(1) The department shall establish the Electric-Vehicle Infrastructure Grant Program. The purpose of the program is to provide financial assistance to encourage the installation of electric vehicle charging infrastructure.

(2) State agencies, public universities, public transit agencies, ports, airports, and local governments, including local housing authorities and libraries, may apply to the department for grants for the purpose of installing electric vehicle charging infrastructure.

(3) A grant may be awarded for:

1. Technical assistance for the creation and adoption of a local or regional plan that establishes an electric vehicle charging infrastructure and the necessary action plans to address any infrastructure gaps and steps to complete the infrastructure plan. A plan must address actions to deploy the necessary infrastructure in high-density housing areas and low- to moderate-income areas.

2. Assistance with the purchase of related equipment and

Commented [DS1]: Recommend that the entity need not locate charging stations on public property, but may be located on private property for public use in the same county or local jurisdiction as the applying entity.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003291

the costs of installation of that equipment to provide electric vehicle charging. Such equipment must be capable of collecting and reporting data and must use standard connectors.

(4)(a) An applicant may apply for a grant for both technical assistance and equipment purchase and installation. A grant for technical assistance requires a minimum match of funds from the applicant of 30 percent of the grant award, but such match is not required for an applicant that is located in a fiscally constrained county. A grant for equipment purchase and installation requires a minimum match of funds from the applicant of 50 percent of the grant award, or 20 percent for an applicant that is located in a fiscally constrained county. The matching funds must be from nonstate resources, but may include private funds provided through a partnership with a private entity or in-kind contributions such as the donation of equipment, services, or land or use of land for establishment of the electric vehicle charging infrastructure. Grant funds may not subsidize the cost for the use of electricity.

(b) The department shall maintain a prioritized list of approved grant applications. The prioritized list must include recommended funding levels for each application and, if staged implementation is appropriate, provide funding requirements for each stage. Grants must be prioritized based on the extent to which the activities of the grant will encourage growth in the use of electric vehicles and increase the availability of charging locations along evacuation routes. A grant for equipment purchase and installation that will immediately and most effectively serve those who currently own or operate electric vehicles may receive priority.

Commented [DS2]: Publicly available as well.

Commented [DS3]: Recommend that the match of Level 2 and DC Fast Charging be separated out. 50% for Level 2 and 20% for DC Fast. The cost structures for these are very different. At 50% cost share, this program would have limited interest from DCFC deployments.

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FL-SEN-20-0201-B, 20-0202-A-003292

(5) The department must continually review emerging research, policies, and standards related to electric vehicle infrastructure. Using such information, the department must publish best practices for the establishment of electric vehicle charging infrastructure, model infrastructure plan development and components, and other significant information for the implementation and use of electric vehicle charging infrastructure. The department may develop a model plan that local governments may use as a guide to establish an electric vehicle charging infrastructure plan.

(6) The department shall adopt rules to administer this section.

Section 4. Contingent upon the enactment of Senate Bill XXXX (EV FEES) or other similar legislation enacted in the 2020 Regular Session or an extension thereof, section 339.0802, Florida Statutes, is created to read:

339.0802 .—Allocation of increased revenues derived from amendments to s. 320.0801 by this act.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 320.0801 made by this act must be used as set forth in this section, notwithstanding any other provision of law.

Commented [DS4]: Is this a separate bill for EV fees?

(1) Beginning in the 2020-2021 Fiscal Year and annually for 5 years thereafter, all increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(2) Beginning in the 2025-2025 Fiscal Year and annually for 5 years thereafter, half of the increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(3) This section expires on July 1, 2030.

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FL-SEN-20-0201-B, 20-0202-A-003293

CONSIDERATION - I think you need to get a revenue estimate, and do a set amount (or file this as is, get the REC estimate, and then amend accordingly). I think it'll be hard (maybe?) for the department to know how much revenue they are going to get in a year and fund projects. If you do set amounts, then we'd do a subsection (3) and throw the remainder of increased revenues into the work program or whatever.

Commented [DS5]: I agree that the department will likely need a 1-year lead on collected revenues to know how much they are spending each year. Otherwise, has to be a set amount that is recouped in fees after the fact. Or projected from the year prior DOT registration data.

Section 5. Paragraph (c) of subsection (7) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local

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FL-SEN-20-0201-B, 20-0202-A-003294

government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems, electric vehicles and electric vehicle charging stations, and other developments.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

Section 6. Paragraph (c) of subsection (3) of section 339.64, Florida Statutes, is amended to read:

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FL-SEN-20-0201-B, 20-0202-A-003295

339.64 Strategic Intermodal System Plan.—

(3)

(c) The department shall coordinate with federal, regional, and local partners, as well as industry representatives, to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems, electric vehicles and electric vehicle charging stations, and other developments, in Strategic Intermodal System facilities.

Section 7. Section 366.94, Florida Statutes, is amended to read:

366.94 Electric vehicle charging stations.—

(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.

(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry. Rules implemented under this subsection may not require specific methods of sale for electric vehicle charging equipment used in this state.

(3)(a) It is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging

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FL-SEN-20-0201-B, 20-0202-A-003296

station within any parking space specifically designated for charging an electric vehicle.

(b) If a law enforcement officer or specialist finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.

(4) The commission shall direct all public utilities to file for approval of rate designs, and to implement approved rate designs, to accommodate and optimize electric vehicle charging activities. Rates filed under this subsection must be submitted to the commission by October 1, 2020, and approved rates must remain in effect for at least 5 years. Rates that must be approved and implemented under this subsection include, but are not limited to, both of the following:

(a) Revisions to capacity or demand charges for publicly available, privately operated high-powered charging.

(b) Time-of-use rates for residential charging activities to encourage off-peak charging activities.

Section 8. The Division of Law Revision is directed to replace the phase "this act" wherever it occurs in this act with the chapter law number.

Section 9. Except as otherwise expressly provided, this act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003297

From: Carol Bracy <carol@ballardpartners.com>
Sent: Tuesday, October 15, 2019 12:46 PM EDT
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Draft House bill
Attachment(s): "voting systems billdraft70186.docx"

Attached is the draft bill. Cindy in my office is going to request a meeting next week on this topic. Thanks. Carol

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to voting systems; amending s. 97.021, F.S.; defining the term "automatic tabulating equipment" for purposes of the Florida Election Code; amending s. 101.5614, F.S.; revising procedures governing the canvassing of returns to specify usage of a voting system's automatic tabulating equipment; amending s. 102.141, F.S.; specifying the circumstances under which ballots must be processed through automatic tabulating equipment in a recount; amending s. 102.166, F.S.; specifying the manner by which a manual recount may be conducted; revising requirements for hardware or software used in a manual recount; authorizing overvotes and undervotes to be identified and sorted physically or digitally in a manual recount; revising minimum requirements for Department of State rules to require procedures regarding the certification and use of automatic tabulating equipment for manual recounts; providing an effective date.

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

Section 1. Present subsections (5) through (46) of section 97.021, Florida Statutes, are renumbered as subsections (6)

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FL-SEN-20-0201-B, 20-0202-A-003299

through (47), respectively, and a new subsection (5) is added to that section, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(5) "Automatic tabulating equipment" means an apparatus that automatically examines, counts, and records votes.

Section 2. Paragraph (a) of subsection (4) and subsections (6) and (7) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the voting system's automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race or a marked vote-by-mail ballot in which every race is undervoted which shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of

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FL-SEN-20-0201-B, 20-0202-A-003300

the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

(6) Vote-by-mail ballots may be counted by the voting system's automatic tabulating equipment if they have been marked in a manner which will enable them to be properly counted by such equipment.

(7) The return printed by the voting system's automatic tabulating equipment, to which has been added the return of write-in, vote-by-mail, and manually counted votes and votes from provisional ballots, shall constitute the official return of the election upon certification by the canvassing board. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

Section 3. Paragraph (a) of subsection (7) of section 102.141, Florida Statutes, is amended to read:

102.141 County canvassing board; duties.—

(7) If the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question

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FL-SEN-20-0201-B, 20-0202-A-003301

of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, a recount shall be ordered of the votes cast with respect to such office or measure. The Secretary of State is responsible for ordering recounts in federal, state, and multicounty races. The county canvassing board or the local board responsible for certifying the election is responsible for ordering recounts in all other races. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) Each canvassing board responsible for conducting a recount shall put each marksense ballot through automatic tabulating equipment and determine whether the returns correctly reflect the votes cast. If any marksense ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the damaged ballot pursuant to the procedures in s. 101.5614(4). Immediately before the start of the recount, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the

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FL-SEN-20-0201-B, 20-0202-A-003302

cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error. If the automatic tabulating equipment used in a recount is not part of the voting system and the ballots have already been processed through such equipment, the canvassing board is not required to put each ballot through any automatic tabulating equipment again.

Section 4. Subsections (1), (2), and (5) of section 102.166, Florida Statutes, are amended to read:

102.166 Manual recounts of overvotes and undervotes.—

(1) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, a manual recount of the overvotes and

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FL-SEN-20-0201-B, 20-0202-A-003303

undervotes cast in the entire geographic jurisdiction of such office or ballot measure shall be ordered unless:

(a) The candidate or candidates defeated or eliminated from contention by one-quarter of 1 percent or fewer of the votes cast for such office request in writing that a recount not be made; or

(b) The number of overvotes and undervotes is fewer than the number of votes needed to change the outcome of the election.

The Secretary of State is responsible for ordering a manual recount for federal, state, and multicounty races. The county canvassing board or local board responsible for certifying the election is responsible for ordering a manual recount for all other races. A manual recount consists of a recount of marksense ballots or of digital images of those ballots by a person.

(2) Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State ~~as part of the voting system pursuant to s. 101.015~~. Any such hardware or software must be capable of simultaneously identifying and sorting overvotes and undervotes in multiple races while simultaneously counting votes. Overvotes and undervotes must be identified and sorted while recounting ballots pursuant to s. 102.141. Overvotes and undervotes may be identified and sorted physically

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FL-SEN-20-0201-B, 20-0202-A-003304

or digitally.

(5) Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) Each duplicate ballot prepared pursuant to s. 101.5614(4) or s. 102.141(7) shall be compared with the original ballot to ensure the correctness of the duplicate.

(c) If a counting team is unable to determine whether the ballot contains a clear indication that the voter has made a definite choice, the ballot shall be presented to the county canvassing board for a determination.

(d) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

1. Security of ballots during the recount process;

2. Time and place of recounts;

3. Public observance of recounts;

4. Objections to ballot determinations;

5. Record of recount proceedings; ~~and~~

6. Procedures relating to candidate and petitioner representatives; and

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FL-SEN-20-0201-B, 20-0202-A-003305

7. Procedures relating to the certification and the use of automatic tabulating equipment that is not part of a voting system.

Section 5. This act shall take effect July 1, 2020.

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

V

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003306

From: Hubbard, Zachary
Sent: Thursday, November 14, 2019 5:33 PM EST
To: Adrian Moore <adriantmoore@gmail.com>
Subject: EBIKES
Attachment(s): "EBIKES.docx"

Zach Hubbard
Legislative Aide to State Senator Jeff Brandes
Senate District 24
District Phone Number: 727.563.2100
Capitol Phone Number: 850.487.5024

AMERICAN OVERSIGHT

24-01114-20

A bill to be entitled

An act relating to electric bicycles; amending s. 261.03, F.S.; revising the definition of the term "OHM" or "off-highway motorcycle"; amending s. 316.003, F.S.; revising definitions relating to the Florida Uniform Traffic Control Law; defining the term "electric bicycle"; amending s. 316.027, F.S.; revising the definition of the term "vulnerable road user"; amending s. 316.083, F.S.; revising a rule related to drivers of vehicles overtaking electric bicycles; amending s. 316.1995, F.S.; expanding exceptions to a prohibition on persons driving certain vehicles on sidewalks and bicycle paths; creating s. 316.20655, F.S.; providing electric bicycle regulations; providing for rights and privileges of electric bicycles and operators of electric bicycles; providing that electric bicycles are vehicles to the same extent as bicycles; providing that electric bicycles and operators of electric bicycles are not subject to specified provisions; requiring manufacturers and distributers, beginning on a specified date, to apply a label containing certain information to each electric bicycle; prohibiting persons from tampering with or modifying electric bicycles for certain purposes; providing an exception; requiring electric bicycles to comply with specified provisions of law; requiring electric bicycles to operate in a manner that meets certain requirements; authorizing operators to ride electric bicycles where

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bicycles are allowed; authorizing municipalities, counties, and agencies of the state to prohibit the operation of certain classes of electric bicycles under certain conditions; providing applicability; authorizing such municipalities, counties, and agencies to regulate the use of electric bicycles on certain trails; prohibiting persons under a specified age from operating class 3 electric bicycles; authorizing such persons to ride as passengers on such electric bicycles; requiring class 3 electric bicycles to be equipped with a speedometer that meets certain requirements; amending ss. 320.01, 322.01, and 324.021, F.S.; revising the definitions of the term "motor vehicle"; amending s. 320.08, F.S.; conforming a provision to changes made by the act; amending ss. 316.306 and 655.960, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsection (4) of section 261.03, Florida Statutes, is amended to read:

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

(4) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor, an electric bicycle, or a moped.

Section 2. Present subsections (22) through (104) of

AMERICAN OVERSIGHT

section 316.003, Florida Statutes, are redesignated as subsections (23) through (105), respectively, a new subsection (22) is added to that section, and subsection (4) and present subsections (41), (43), (44), (45), and (61) of that section are amended, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(4) BICYCLE.—Every vehicle propelled solely by human power~~, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride~~, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. ~~A person under the age of 16 may not operate or ride upon a motorized bicycle.~~

(22) ELECTRIC BICYCLE.—A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

(a) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(b) "Class 2 electric bicycle" means an electric bicycle

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equipped with a motor that may be used exclusively to propel the electric bicycle, and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(c) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

(42) ~~(41)~~ MOPED.—Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

(44) ~~(43)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped. For purposes of s. 316.1001, "motor vehicle" has the same meaning as provided in s. 320.01(1)(a).

(45) ~~(44)~~ MOTORCYCLE.—Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include a tractor, a moped,

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electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(46) ~~(45)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.

(62) ~~(61)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (84)(b) ~~(83)(b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 3. Paragraph (b) of subsection (1) of section 316.027, Florida Statutes, is amended to read:

316.027 Crash involving death or personal injuries.—

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

(b) "Vulnerable road user" means:

1. A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;

2. A person operating a bicycle, an electric bicycle, a motorcycle, a scooter, or a moped lawfully on the roadway;

3. A person riding an animal; or

4. A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:

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a. A farm tractor or similar vehicle designed primarily for farm use;

b. A skateboard, roller skates, or in-line skates;

c. A horse-drawn carriage;

d. An electric personal assistive mobility device; or

e. A wheelchair.

Section 4. Subsection (1) of section 316.083, Florida Statutes, is amended to read:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an appropriate signal as provided for in s. 316.156, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. The driver of a vehicle overtaking a bicycle, an electric bicycle, or other nonmotorized vehicle must pass the bicycle, electric bicycle, or other nonmotorized vehicle at a safe distance of not less than 3 feet between the vehicle and the bicycle, electric bicycle, or other nonmotorized vehicle.

Section 5. Section 316.1995, Florida Statutes, is amended to read:

316.1995 Driving upon sidewalk or bicycle path.—

(1) Except as provided in s. 316.008, s. 316.212(8), s. 316.20655, or s. 316.2128, a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized

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temporary driveway.

(2) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

(3) This section does not apply to motorized wheelchairs.

Section 6. Section 316.20655, Florida Statutes, is created to read:

316.20655 Electric bicycle regulations.—

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including s. 316.2065. An electric bicycle is a vehicle to the same extent as a bicycle.

(2) An electric bicycle or an operator of an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

(3) Beginning on January 1, 2021, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed in a prominent location to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and must be printed in Arial font in at least 9-point type.

(4) A person may not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification required in subsection (3) is replaced after

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such modification.

(5) An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission under 16 C.F.R. part 1512.

(6) An electric bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

(7)(a) An operator may ride an electric bicycle where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths.

(b) Following notice and a public hearing, a municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path, if the municipality, county, or agency finds that such a restriction is necessary in the interest of safety or to comply with other laws or legal obligations.

(c) A municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path may prohibit the operation of a class 3 electric bicycle on that path.

(d) This subsection does not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A municipality, county, or agency of the state having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on such trail.

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(8)(a) A person under the age of 16 may not operate a class 3 electric bicycle. A person under the age of 16 may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(b) All class 3 electric bicycles must be equipped with a speedometer that displays the speed at which the bicycle is traveling in miles per hour.

Section 7. Paragraph (a) of subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, motorized scooters, micromobility devices, personal delivery devices and mobile carriers as defined in s. 316.003, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, electric bicycles, swamp buggies, or mopeds.

Section 8. Subsection (27) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(27) "Motor vehicle" means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and electric ~~motorized~~ bicycles as

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defined in s. 316.003.

Section 9. Subsection (1) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) MOTOR VEHICLE.—Every self-propelled vehicle that is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any personal delivery device or mobile carrier as defined in s. 316.003, bicycle, electric bicycle, or moped. However, the term "motor vehicle" does not include a motor vehicle as defined in s. 627.732(3) when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply; and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.

Section 10. Section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, ~~motorized bicycles as defined in s. 316.003(4),~~ tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to

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and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(a) Any motorcycle: $10 flat.

(b) Any moped: $5 flat.

(c) Upon registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes specified in this subsection, a nonrefundable motorcycle safety education fee in the amount of $2.50 shall be paid. The proceeds of such additional fee shall be deposited in the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.

(d) An ancient or antique motorcycle: $7.50 flat.

(2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

(a) An ancient or antique automobile, as defined in s. 320.086, or a street rod, as defined in s. 320.0863: $7.50 flat.

(b) Net weight of less than 2,500 pounds: $14.50 flat.

(c) Net weight of 2,500 pounds or more, but less than 3,500 pounds: $22.50 flat.

(d) Net weight of 3,500 pounds or more: $32.50 flat.

(3) TRUCKS.—

(a) Net weight of less than 2,000 pounds: $14.50 flat.

(b) Net weight of 2,000 pounds or more, but not more than 3,000 pounds: $22.50 flat.

(c) Net weight more than 3,000 pounds, but not more than 5,000 pounds: $32.50 flat.

(d) A truck defined as a "goat," or other vehicle if used

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in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: $7.50 flat. The term "goat" means a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for hauling associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.

(e) An ancient or antique truck, as defined in s. 320.086: $7.50 flat.

(4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT.—

(a) Gross vehicle weight of 5,001 pounds or more, but less than 6,000 pounds: $60.75 flat.

(b) Gross vehicle weight of 6,000 pounds or more, but less than 8,000 pounds: $87.75 flat.

(c) Gross vehicle weight of 8,000 pounds or more, but less than 10,000 pounds: $103 flat.

(d) Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $118 flat.

(e) Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $177 flat.

(f) Gross vehicle weight of 20,000 pounds or more, but less than 26,001 pounds: $251 flat.

(g) Gross vehicle weight of 26,001 pounds or more, but less than 35,000: $324 flat.

(h) Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $405 flat.

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(i) Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $773 flat.

(j) Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $916 flat.

(k) Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $1,080 flat.

(l) Gross vehicle weight of 72,000 pounds or more: $1,322 flat.

(m) Notwithstanding the declared gross vehicle weight, a truck tractor used within the state or within a 150-mile radius of its home address is eligible for a license plate for a fee of $324 flat if:

1. The truck tractor is used exclusively for hauling forestry products; or

2. The truck tractor is used primarily for the hauling of forestry products, and is also used for the hauling of associated forestry harvesting equipment used by the owner of the truck tractor.

(n) A truck tractor or heavy truck, not operated as a for-hire vehicle and which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within the state or within a 150-mile radius of its home address is eligible for a restricted license plate for a fee of:

1. If such vehicle’s declared gross vehicle weight is less than 44,000 pounds, $87.75 flat.

2. If such vehicle’s declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports from the point of production to the point of primary manufacture; to the

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point of assembling the same; or to a shipping point of a rail, water, or motor transportation company, $324 flat.

Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers delivered direct to the growers. The department may require any documentation deemed necessary to determine eligibility before issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(a)1. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $13.50 flat per registration year or any part thereof.

2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $68 flat per permanent registration.

(b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery described above over public roads: $44 flat.

(c) A school bus used exclusively to transport pupils to and from school or school or church activities or functions within their own county: $41 flat.

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(d) A wrecker, as defined in s. 320.01, which is used to tow a vessel as defined in s. 327.02, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01, or a replacement motor vehicle as defined in s. 320.01: $41 flat.

(e) A wrecker that is used to tow any nondisabled motor vehicle, a vessel, or any other cargo unless used as defined in paragraph (d), as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $118 flat.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $177 flat.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: $251 flat.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: $324 flat.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $405 flat.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $772 flat.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $915 flat.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $1,080 flat.

9. Gross vehicle weight of 72,000 pounds or more: $1,322 flat.

(f) A hearse or ambulance: $40.50 flat.

(6) MOTOR VEHICLES FOR HIRE.—

(a) Under nine passengers: $17 flat plus $1.50 per cwt.

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(b) Nine passengers and over: $17 flat plus $2 per cwt.

(7) TRAILERS FOR PRIVATE USE.—

(a) Any trailer weighing 500 pounds or less: $6.75 flat per year or any part thereof.

(b) Net weight over 500 pounds: $3.50 flat plus $1 per cwt.

(8) TRAILERS FOR HIRE.—

(a) Net weight under 2,000 pounds: $3.50 flat plus $1.50 per cwt.

(b) Net weight 2,000 pounds or more: $13.50 flat plus $1.50 per cwt.

(9) RECREATIONAL VEHICLE-TYPE UNITS.—

(a) A travel trailer or fifth-wheel trailer, as defined by s. 320.01(1)(b), that does not exceed 35 feet in length: $27 flat.

(b) A camping trailer, as defined by s. 320.01(1)(b)2.: $13.50 flat.

(c) A motor home, as defined by s. 320.01(1)(b)4.:

1. Net weight of less than 4,500 pounds: $27 flat.

2. Net weight of 4,500 pounds or more: $47.25 flat.

(d) A truck camper as defined by s. 320.01(1)(b)3.:

1. Net weight of less than 4,500 pounds: $27 flat.

2. Net weight of 4,500 pounds or more: $47.25 flat.

(e) A private motor coach as defined by s. 320.01(1)(b)5.:

1. Net weight of less than 4,500 pounds: $27 flat.

2. Net weight of 4,500 pounds or more: $47.25 flat.

(10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS; 35 FEET TO 40 FEET.—

(a) *Park trailers.*—Any park trailer, as defined in s. 320.01(1)(b)7.: $25 flat.

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(b) *Travel trailers or fifth-wheel trailers.*—A travel trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b), that exceeds 35 feet: $25 flat.

(11) MOBILE HOMES.—

(a) A mobile home not exceeding 35 feet in length: $20 flat.

(b) A mobile home over 35 feet in length, but not exceeding 40 feet: $25 flat.

(c) A mobile home over 40 feet in length, but not exceeding 45 feet: $30 flat.

(d) A mobile home over 45 feet in length, but not exceeding 50 feet: $35 flat.

(e) A mobile home over 50 feet in length, but not exceeding 55 feet: $40 flat.

(f) A mobile home over 55 feet in length, but not exceeding 60 feet: $45 flat.

(g) A mobile home over 60 feet in length, but not exceeding 65 feet: $50 flat.

(h) A mobile home over 65 feet in length: $80 flat.

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: $17 flat.

(13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or official license plate: $4 flat, except that the registration or renewal of a registration of a marine boat trailer exempt under s. 320.102 is not subject to any license tax.

(14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor vehicle for hire operated wholly within a city or within 25

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miles thereof: $17 flat plus $2 per cwt.

(15) TRANSPORTER.—Any transporter license plate issued to a transporter pursuant to s. 320.133: $101.25 flat.

Section 11. Paragraph (a) of subsection (3) of section 316.306, Florida Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—

(3)(a)1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(105) ~~s. 316.003(104)~~. This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

2.a. During the period from October 1, 2019, through December 31, 2019, a law enforcement officer may stop motor vehicles to issue verbal or written warnings to persons who are in violation of subparagraph 1. for the purposes of informing and educating such persons of this section. This sub-subparagraph shall stand repealed on October 1, 2020.

b. Effective January 1, 2020, a law enforcement officer may stop motor vehicles and issue citations to persons who are driving while using a wireless communications device in a handheld manner in violation of subparagraph 1.

Section 12. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

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655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(84)(a) or (b) ~~s. 316.003(83)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 13. This act shall take effect July 1, 2020.

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From: Hubbard, Zachary
Sent: Wednesday, November 13, 2019 5:28 PM EST
To: kelly@heffleyassociates.com <kelly@heffleyassociates.com>
Subject: E-Bikes
Attachment(s): "EBIKES.docx"

Kelly,

Attached is the EBIKES bill.

Let me know if I can do anything else.

Best,

Zach Hubbard
Legislative Aide to State Senator Jeff Brandes
Senate District 24
District Phone Number: 727.563.2100
Capitol Phone Number: 850.487.5024

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A bill to be entitled

An act relating to electric bicycles; amending s. 261.03, F.S.; revising the definition of the term "OHM" or "off-highway motorcycle"; amending s. 316.003, F.S.; revising definitions relating to the Florida Uniform Traffic Control Law; defining the term "electric bicycle"; amending s. 316.027, F.S.; revising the definition of the term "vulnerable road user"; amending s. 316.083, F.S.; revising a rule related to drivers of vehicles overtaking electric bicycles; amending s. 316.1995, F.S.; expanding exceptions to a prohibition on persons driving certain vehicles on sidewalks and bicycle paths; creating s. 316.20655, F.S.; providing electric bicycle regulations; providing for rights and privileges of electric bicycles and operators of electric bicycles; providing that electric bicycles are vehicles to the same extent as bicycles; providing that electric bicycles and operators of electric bicycles are not subject to specified provisions; requiring manufacturers and distributers, beginning on a specified date, to apply a label containing certain information to each electric bicycle; prohibiting persons from tampering with or modifying electric bicycles for certain purposes; providing an exception; requiring electric bicycles to comply with specified provisions of law; requiring electric bicycles to operate in a manner that meets certain requirements; authorizing operators to ride electric bicycles where

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bicycles are allowed; authorizing municipalities, counties, and agencies of the state to prohibit the operation of certain classes of electric bicycles under certain conditions; providing applicability; authorizing such municipalities, counties, and agencies to regulate the use of electric bicycles on certain trails; prohibiting persons under a specified age from operating class 3 electric bicycles; authorizing such persons to ride as passengers on such electric bicycles; requiring class 3 electric bicycles to be equipped with a speedometer that meets certain requirements; amending ss. 320.01, 322.01, and 324.021, F.S.; revising the definitions of the term "motor vehicle"; amending s. 320.08, F.S.; conforming a provision to changes made by the act; amending ss. 316.306 and 655.960, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsection (4) of section 261.03, Florida Statutes, is amended to read:

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

(4) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor, an electric bicycle, or a moped.

Section 2. Present subsections (22) through (104) of

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section 316.003, Florida Statutes, are redesignated as subsections (23) through (105), respectively, a new subsection (22) is added to that section, and subsection (4) and present subsections (41), (43), (44), (45), and (61) of that section are amended, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(4) BICYCLE.—Every vehicle propelled solely by human power~~,~~ ~~and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride~~, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. ~~A person under the age of 16 may not operate or ride upon a motorized bicycle.~~

(22) ELECTRIC BICYCLE.—A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

(a) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(b) "Class 2 electric bicycle" means an electric bicycle

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equipped with a motor that may be used exclusively to propel the electric bicycle, and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(c) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

(42) ~~(41)~~ MOPED.—Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

(44) ~~(43)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped. For purposes of s. 316.1001, "motor vehicle" has the same meaning as provided in s. 320.01(1)(a).

(45) ~~(44)~~ MOTORCYCLE.—Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include a tractor, a moped,

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electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(46) ~~(45)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.

(62) ~~(61)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (84)(b) ~~(83)(b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 3. Paragraph (b) of subsection (1) of section 316.027, Florida Statutes, is amended to read:

316.027 Crash involving death or personal injuries.—

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

(b) "Vulnerable road user" means:

1. A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;

2. A person operating a bicycle, an electric bicycle, a motorcycle, a scooter, or a moped lawfully on the roadway;

3. A person riding an animal; or

4. A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:

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a. A farm tractor or similar vehicle designed primarily for farm use;

b. A skateboard, roller skates, or in-line skates;

c. A horse-drawn carriage;

d. An electric personal assistive mobility device; or

e. A wheelchair.

Section 4. Subsection (1) of section 316.083, Florida Statutes, is amended to read:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an appropriate signal as provided for in s. 316.156, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. The driver of a vehicle overtaking a bicycle, an electric bicycle, or other nonmotorized vehicle must pass the bicycle, electric bicycle, or other nonmotorized vehicle at a safe distance of not less than 3 feet between the vehicle and the bicycle, electric bicycle, or other nonmotorized vehicle.

Section 5. Section 316.1995, Florida Statutes, is amended to read:

316.1995 Driving upon sidewalk or bicycle path.—

(1) Except as provided in s. 316.008, s. 316.212(8), s. 316.20655, or s. 316.2128, a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized

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temporary driveway.

(2) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

(3) This section does not apply to motorized wheelchairs.

Section 6. Section 316.20655, Florida Statutes, is created to read:

316.20655 Electric bicycle regulations.—

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including s. 316.2065. An electric bicycle is a vehicle to the same extent as a bicycle.

(2) An electric bicycle or an operator of an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

(3) Beginning on January 1, 2021, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed in a prominent location to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and must be printed in Arial font in at least 9-point type.

(4) A person may not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification required in subsection (3) is replaced after

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such modification.

(5) An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission under 16 C.F.R. part 1512.

(6) An electric bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

(7)(a) An operator may ride an electric bicycle where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths.

(b) Following notice and a public hearing, a municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path, if the municipality, county, or agency finds that such a restriction is necessary in the interest of safety or to comply with other laws or legal obligations.

(c) A municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path may prohibit the operation of a class 3 electric bicycle on that path.

(d) This subsection does not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A municipality, county, or agency of the state having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on such trail.

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(8)(a) A person under the age of 16 may not operate a class 3 electric bicycle. A person under the age of 16 may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(b) All class 3 electric bicycles must be equipped with a speedometer that displays the speed at which the bicycle is traveling in miles per hour.

Section 7. Paragraph (a) of subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, motorized scooters, micromobility devices, personal delivery devices and mobile carriers as defined in s. 316.003, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, electric bicycles, swamp buggies, or mopeds.

Section 8. Subsection (27) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(27) "Motor vehicle" means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and electric ~~motorized~~ bicycles as

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defined in s. 316.003.

Section 9. Subsection (1) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) MOTOR VEHICLE.—Every self-propelled vehicle that is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any personal delivery device or mobile carrier as defined in s. 316.003, bicycle, electric bicycle, or moped. However, the term "motor vehicle" does not include a motor vehicle as defined in s. 627.732(3) when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply; and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.

Section 10. Section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, ~~motorized bicycles as defined in s. 316.003(4),~~ tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to

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and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(a) Any motorcycle: $10 flat.

(b) Any moped: $5 flat.

(c) Upon registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes specified in this subsection, a nonrefundable motorcycle safety education fee in the amount of $2.50 shall be paid. The proceeds of such additional fee shall be deposited in the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.

(d) An ancient or antique motorcycle: $7.50 flat.

(2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

(a) An ancient or antique automobile, as defined in s. 320.086, or a street rod, as defined in s. 320.0863: $7.50 flat.

(b) Net weight of less than 2,500 pounds: $14.50 flat.

(c) Net weight of 2,500 pounds or more, but less than 3,500 pounds: $22.50 flat.

(d) Net weight of 3,500 pounds or more: $32.50 flat.

(3) TRUCKS.—

(a) Net weight of less than 2,000 pounds: $14.50 flat.

(b) Net weight of 2,000 pounds or more, but not more than 3,000 pounds: $22.50 flat.

(c) Net weight more than 3,000 pounds, but not more than 5,000 pounds: $32.50 flat.

(d) A truck defined as a "goat," or other vehicle if used

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in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: $7.50 flat. The term "goat" means a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for hauling associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.

(e) An ancient or antique truck, as defined in s. 320.086: $7.50 flat.

(4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT.—

(a) Gross vehicle weight of 5,001 pounds or more, but less than 6,000 pounds: $60.75 flat.

(b) Gross vehicle weight of 6,000 pounds or more, but less than 8,000 pounds: $87.75 flat.

(c) Gross vehicle weight of 8,000 pounds or more, but less than 10,000 pounds: $103 flat.

(d) Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $118 flat.

(e) Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $177 flat.

(f) Gross vehicle weight of 20,000 pounds or more, but less than 26,001 pounds: $251 flat.

(g) Gross vehicle weight of 26,001 pounds or more, but less than 35,000: $324 flat.

(h) Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $405 flat.

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(i) Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $773 flat.

(j) Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $916 flat.

(k) Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $1,080 flat.

(l) Gross vehicle weight of 72,000 pounds or more: $1,322 flat.

(m) Notwithstanding the declared gross vehicle weight, a truck tractor used within the state or within a 150-mile radius of its home address is eligible for a license plate for a fee of $324 flat if:

1. The truck tractor is used exclusively for hauling forestry products; or

2. The truck tractor is used primarily for the hauling of forestry products, and is also used for the hauling of associated forestry harvesting equipment used by the owner of the truck tractor.

(n) A truck tractor or heavy truck, not operated as a for-hire vehicle and which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within the state or within a 150-mile radius of its home address is eligible for a restricted license plate for a fee of:

1. If such vehicle’s declared gross vehicle weight is less than 44,000 pounds, $87.75 flat.

2. If such vehicle’s declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports from the point of production to the point of primary manufacture; to the

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point of assembling the same; or to a shipping point of a rail, water, or motor transportation company, $324 flat.

Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers delivered direct to the growers. The department may require any documentation deemed necessary to determine eligibility before issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(a)1. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $13.50 flat per registration year or any part thereof.

2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $68 flat per permanent registration.

(b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery described above over public roads: $44 flat.

(c) A school bus used exclusively to transport pupils to and from school or school or church activities or functions within their own county: $41 flat.

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(d) A wrecker, as defined in s. 320.01, which is used to tow a vessel as defined in s. 327.02, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01, or a replacement motor vehicle as defined in s. 320.01: $41 flat.

(e) A wrecker that is used to tow any nondisabled motor vehicle, a vessel, or any other cargo unless used as defined in paragraph (d), as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $118 flat.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $177 flat.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: $251 flat.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: $324 flat.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $405 flat.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $772 flat.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $915 flat.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $1,080 flat.

9. Gross vehicle weight of 72,000 pounds or more: $1,322 flat.

(f) A hearse or ambulance: $40.50 flat.

(6) MOTOR VEHICLES FOR HIRE.—

(a) Under nine passengers: $17 flat plus $1.50 per cwt.

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(b) Nine passengers and over: $17 flat plus $2 per cwt.

(7) TRAILERS FOR PRIVATE USE.—

(a) Any trailer weighing 500 pounds or less: $6.75 flat per year or any part thereof.

(b) Net weight over 500 pounds: $3.50 flat plus $1 per cwt.

(8) TRAILERS FOR HIRE.—

(a) Net weight under 2,000 pounds: $3.50 flat plus $1.50 per cwt.

(b) Net weight 2,000 pounds or more: $13.50 flat plus $1.50 per cwt.

(9) RECREATIONAL VEHICLE-TYPE UNITS.—

(a) A travel trailer or fifth-wheel trailer, as defined by s. 320.01(1)(b), that does not exceed 35 feet in length: $27 flat.

(b) A camping trailer, as defined by s. 320.01(1)(b)2.: $13.50 flat.

(c) A motor home, as defined by s. 320.01(1)(b)4.:

1. Net weight of less than 4,500 pounds: $27 flat.

2. Net weight of 4,500 pounds or more: $47.25 flat.

(d) A truck camper as defined by s. 320.01(1)(b)3.:

1. Net weight of less than 4,500 pounds: $27 flat.

2. Net weight of 4,500 pounds or more: $47.25 flat.

(e) A private motor coach as defined by s. 320.01(1)(b)5.:

1. Net weight of less than 4,500 pounds: $27 flat.

2. Net weight of 4,500 pounds or more: $47.25 flat.

(10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS; 35 FEET TO 40 FEET.—

(a) *Park trailers.*—Any park trailer, as defined in s. 320.01(1)(b)7.: $25 flat.

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(b) *Travel trailers or fifth-wheel trailers.*—A travel trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b), that exceeds 35 feet: $25 flat.

(11) MOBILE HOMES.—

(a) A mobile home not exceeding 35 feet in length: $20 flat.

(b) A mobile home over 35 feet in length, but not exceeding 40 feet: $25 flat.

(c) A mobile home over 40 feet in length, but not exceeding 45 feet: $30 flat.

(d) A mobile home over 45 feet in length, but not exceeding 50 feet: $35 flat.

(e) A mobile home over 50 feet in length, but not exceeding 55 feet: $40 flat.

(f) A mobile home over 55 feet in length, but not exceeding 60 feet: $45 flat.

(g) A mobile home over 60 feet in length, but not exceeding 65 feet: $50 flat.

(h) A mobile home over 65 feet in length: $80 flat.

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: $17 flat.

(13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or official license plate: $4 flat, except that the registration or renewal of a registration of a marine boat trailer exempt under s. 320.102 is not subject to any license tax.

(14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor vehicle for hire operated wholly within a city or within 25

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miles thereof: $17 flat plus $2 per cwt.

(15) TRANSPORTER.—Any transporter license plate issued to a transporter pursuant to s. 320.133: $101.25 flat.

Section 11. Paragraph (a) of subsection (3) of section 316.306, Florida Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—

(3)(a)1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(105) ~~s. 316.003(104)~~. This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

2.a. During the period from October 1, 2019, through December 31, 2019, a law enforcement officer may stop motor vehicles to issue verbal or written warnings to persons who are in violation of subparagraph 1. for the purposes of informing and educating such persons of this section. This sub-subparagraph shall stand repealed on October 1, 2020.

b. Effective January 1, 2020, a law enforcement officer may stop motor vehicles and issue citations to persons who are driving while using a wireless communications device in a handheld manner in violation of subparagraph 1.

Section 12. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

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655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(84)(a) or (b) ~~s. 316.003(83)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 13. This act shall take effect July 1, 2020.

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From: Eco-voice Moderator <ecovoicemoderator@msn.com> on behalf of Eco-voice Moderator <maria@eco-voice.ccsend.com>
Sent: Thursday, February 06, 2020 12:04 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Eco-Voice Daily Digest Feb. 6, 2020

Trouble viewing? Click here

click for website

Eco-Voice Daily Digest
Feb. 6, 2020
An Eco-Voice Sponsor
Florida Earth Foundation

Suggested reads, views and go-to's

SFWMD Moves Forward on Four Key Comprehensive Everglades Restoration Plan (CERP) Projects.

Aquifer Storage and Recovery (ASR) facilities

Review of the Everglades Aquifer Storage and Recovery

American Water Works Association ASR manual

AGWT - Deep Well Injection Conference...March 2 & 3, 2020

ARTHUR R. MARSHALL LOXAHATCHEE NATIONAL WILDLIFE REFUGE...SCHEDULED PROGRAMS...

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Gov. DeSantis - Water Quality is a Top Priority

Florida Earth Foundation

Audubon Campaign Advocacy Manual.

The official Amendment one ballot summary

IPCC SR Ocean and Cryosphere

Becoming an Outdoors-Woman

Lake O still around 13' - rain helps

Real-time water levels

Florida Sportsman Expo - Feb. 9-10

Details - HR 763 Energy Innovation and Carbon Dividend Act (EICDA).

About One Florida

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SFWMD Moves Forward on Four Key Comprehensive Everglades Restoration Plan (CERP) Projects

Actions taken advance completion of EAA Reservoir Project, authorization of the Lake Okeechobee Watershed Restoration Project, development of Western Everglades Restoration Project and authorization of the Loxahatchee River Restoration Project

The South Florida Water Management District (SFWMD) recently took several actions to advance four projects that are part of the Comprehensive Everglades Restoration Plan (CERP) to restore Florida's Everglades.

The actions taken by SFWMD include:

- Everglades Agricultural Area (EAA) Reservoir Project. SFWMD issued a "Request For Bids" for the construction of an inflow/outflow canal that will bring water from Lake Okeechobee into the Stormwater Treatment Area (STA) and reservoir. The 240,000 acre-foot reservoir will help dramatically reduce damaging discharges from Lake Okeechobee to the coastal estuaries during the wet season and help send additional clean water south to the Everglades. The associated stormwater treatment area component of the project will clean the water stored in the reservoir to meet state water quality standards. **To read more about the EAA Reservoir project click HERE.**
- Lake Okeechobee Watershed Restoration Project (LOWRP). SFWMD sent a letter to the U.S. Army Corps of Engineers, its federal partner in Everglades restoration, supporting the project's authorization. LOWRP is a planning effort being conducted by the U.S. Army Corps of Engineers and the South Florida Water Management District to identify opportunities to improve the quantity, timing and distribution of flows into the 730-square-mile lake. The project area, where placement of potential features are being considered, covers a large portion of the Lake Okeechobee Watershed north of the lake. **Click HERE to read the letter of support.**
- Western Everglades Restoration Project (WERP). SFWMD sent a letter to the U.S. Army Corps of Engineers encouraging continued development and offering assistance to move the project forward. The District recommends additional research to support planning efforts in addition to finding solutions for lands needed for the project. This restoration project will restore and reconnect the western Everglades ecosystem. **Click HERE to read the letter.**
- Loxahatchee River Watershed Restoration Project. SFWMD sent a letter to the U.S. Army Corps of Engineers, its federal partner in Everglades restoration, supporting the project's authorization. The Loxahatchee River Watershed Restoration Project aims to restore and sustain the overall quantity, quality, timing and distribution of fresh water to the federally designated "National Wild and Scenic" Northwest Fork of the Loxahatchee River for current and future generations. This project also seeks to restore, sustain and reconnect the wetlands and watersheds that form the historic headwaters for the river. **Click HERE to read the letter of support.**

These four efforts are important to making progress on the Comprehensive Everglades Restoration Plan and garner significant public attention. The District is committed to continuing to work with local stakeholders as parts of these projects continue to develop and advance.

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Aquifer Storage and Recovery

Aquifer Storage and Recovery (ASR) facilities have been used in Florida and throughout the United States for about 40 years. ASR facilities inject and recover treated and untreated groundwater, partially treated surface water and reclaimed wastewater. ASR technology can store more water than a typical aboveground reservoir. An ASR system also can provide large volumes of water over longer periods of time, increasing water supplies during seasonal and multi-year droughts.

Most ASR facilities in Florida store water in the upper Floridan Aquifer, primarily in areas where the aquifer is brackish or somewhat salty. The injected fresh water displaces brackish water in the aquifer to form a "freshwater bubble," that may be highly irregular in shape.

CERP ASR Regional Study (Updated June 2015)

As part of the Comprehensive Everglades Restoration Plan (CERP), the District and the U.S. Army Corps of Engineers have been investigating the use of ASR for water storage to benefit the Everglades and other natural systems in South Florida. The jointly developed ASR Regional Study documents the results of more than a decade's worth of scientific and engineering investigations and will serve as a technical guide when considering ASR as part of future Everglades restoration efforts.

The study incorporates results from two pilot ASR projects successfully constructed and tested along the Kissimmee River and the Hillsboro Canal. The study also includes results from numerous regional investigations conducted by a multi-agency, multi-disciplinary team of scientists and engineers to address technical uncertainties.

The National Research Council (NRC) released a peer review of the draft study in April 2015, concluding that it "significantly advances understanding of large-scale implementation of ASR in South Florida." An incremental adaptive restoration approach for ASR may involve one or more clusters of five ASR wells to address critical uncertainties such as recovery efficiencies, performance, long-term water quality and ecological effects.

click for link to report

Review of the Everglades Aquifer Storage and Recovery

Regional Study Committee to Review the Florida Aquifer Storage and Recovery

Regional Study Technical Data Report

Water Science and Technology Board Division on Earth and Life Studies

Summary

The Florida Everglades, a unique aquatic ecosystem that supports a diversity of habitats and 67 threatened and endangered species, has been greatly altered over the past century by water management to support agricultural and urban development. The Comprehensive Everglades

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Restoration Plan (CERP), launched in 2000, is a joint effort led by the state and federal government to reverse the decline of the ecosystem. Increasing water storage is a critical component of the restoration, and the CERP included projects that would drill over 330 aquifer storage and recovery (ASR) wells to store up to 1.7 billion gallons per day in porous and permeable units in the Floridan aquifer system during wet periods for recovery during seasonal or longer-term dry periods.

To address uncertainties regarding regional effects of large-scale ASR implementation in the Everglades, the U.S. Army Corps of Engineers (USACE) and the South Florida Water Management District conducted an 11-year ASR Regional Study, focusing on the hydrogeology of the Floridan aquifer system, water quality changes during aquifer storage, possible ecological risks posed by recovered water, and the regional capacity for ASR implementation. At the request of the USACE, the National Research Council's Water Science and Technology Board convened a committee of experts to review the ASR Regional Study Technical Data Report (TDR) and assess progress reducing uncertainties related to full-scale CERP ASR implementation (see Box S-1). The committee was not asked to provide recommendations on the appropriate role of ASR in the CERP.

The ASR Regional Study, which included literature syntheses, laboratory testing, and field-scale experimentation primarily at two pilot ASR sites, represents a significant advancement in the understanding of large-scale ASR implementation in South Florida. The Regional Study improved the understanding of the hydrogeology of the Floridan aquifer system in southern Florida and used this information to develop a regional groundwater model.

Through modeling simulations, the study concluded that the number of ASR wells that can be operated without significant regional effects on well pressure and groundwater heads is much lower (approximately 131 wells) than originally envisioned in the CERP.

The study also examined subsurface geochemical changes and associated mechanisms that are likely to occur through water-rock interactions. **The Regional Study TDR reported reductions in mercury and phosphorus in recovered water and initially elevated arsenic levels that become substantially reduced with additional cycles and storage.**

The Regional Study also examined pressures that could cause hydraulic fracturing and ranked components of ecological risk.

The committee agrees with the Regional Study findings that no "fatal flaws" have been discovered, but many uncertainties remain that merit additional study before large-scale ASR should be implemented. The following represent the highest-priority uncertainties, considering their implications to CERP decision making.

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M63 AQUIFER STORAGE AND RECOVERY

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AWWA catalog no: 30063
Media Type: SOFTBOUND
Number of pages: 129

Look Inside

This manual provides a general understanding of the principles of aquifer storage and recovery (ASR).

click for link to website

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click for link to website

Deep Well Injection Conference
March 2 & 3, 2020

Miami Dade Water and Sewer Department
3071 SW 38th Ave.
Miami, FL 33146

Optional Field Trip Opportunity Offered on Sunday, March 1, 2020

(CLICK HERE FOR FIELD TRIP DETAILS)

This objective of this AGWT program is to provide an update on the status of deep well injection disposals in Florida and to showcase the "state-of-the-art" and operation-economics for current users and potential adopters of the technology. Presentations will include information on disposal policies that are the drivers for DWI installations. Experts will present information about the latest technologies in design, construction, operation, maintenance and monitoring of deep well injection, including case studies from DWI operations the US and overseas. The two-day program will provide a focused information exchange and discussion opportunity among presenters and participants.

REGISTRATION & EVENT DETAILS

(CLICK HERE)

Continuing Education

Application to be submitted to FL Water Environment Association
for Wastewater Operators
Approved for FL Professional Engineers

Managing Florida's Aquifers Annual Conference
2 Day Conference - October 7 & 8, 2020
Florida Hotel & Conference Center, 1500 Sand Lake Rd, Orlando, FL 32809

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ARTHUR R. MARSHALL LOXAHATCHEE NATIONAL WILDLIFE REFUGE

SCHEDULED PROGRAMS February 2020

21st Annual Everglades Day Family Festival
Saturday, February 8, 9:00 a.m. - 4:00 p.m.
Parking at West Delray Regional Park, 10875 W Atlantic Ave, Delray Beach
Join us for Everglades Day, our all-day family festival, with activities for all ages. This year's theme is "Habitats of the Everglades." Enjoy guided tours, nature walks, bird walks, wildlife demonstrations, presentations, exhibits, games, kids' fishing, kids' archery, face painting, canoeing, live music, dance, food trucks and much more! The Palm Beach Zoo, Busch Wildlife Sanctuary and Okeeheelee Nature Center will exhibit some of their rehabilitated wildlife and the Plein Air painters will be all around the Refuge painting what they see.

All day free admission. Free parking for visitors 3 miles south of the Refuge at West Delray Regional Park, 10875 W Atlantic Ave, with buses running to the Refuge Visitor Center and back continuously, from 8:30 a.m. to 4:30 p.m. Visitors in wheelchairs and those with other special needs can use one of two vans that will be looping among festival venues, starting at the Visitor Center. Volunteers also park at West Delray Regional Park, with the first bus leaving at 7:00 a.m. for those helping with setup.

Everglades Day program schedule:
www.loxahatcheefriends.com/upload/EvergladesDay2020ProgramSchedule.pdf

Video:
i-mark.net/Everglades_Day_Final_C.mp4

WEBSITE

WATER QUALITY IS A TOP PRIORITY FOR FLORIDA

That's why, less than 48 hours after being sworn in, Governor Ron DeSantis issued an Executive Order outlining his bold vision to achieve more now for Florida's environment. The Executive Order directs strategic action with a focus on accountability, transparency and collaboration and includes a proposed $2.5 billion investment over the next four years.

Protecting Florida Together

AMERICAN OVERSIGHT

click for website

WHAT WE DO

The central theme of all Florida Earth is to provide programs that enable participants and partners in developing and implementing solutions to challenges in the water space. We are about connecting people together and collaborating as a community of science, engineering, policy, and other multi-discipline experts who have a desire to solve problems.

1. Development of Knowledge Exchange Platforms

All Florida Earth programs have a knowledge exchange platform component, whether at the local, state, national or global level. Examples of connectivity include:

- **Nation to nation - USNC Professional Program**
- **University to university - USNC Academic Program**
- **Professional organization to professional organization - USNC Professional Program & Module Series**
- **Governmental organization to private sector - all programs**
- **Private sector to private sector - all programs**

2. Facilitation of solutions development

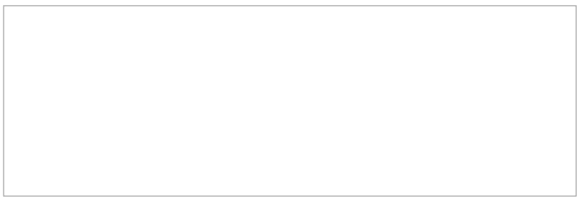
Florida Earth teams have been instrumental in providing innovative approaches to helping organizations derive solutions to stakeholder issues. By having a global reach, programs are designed to help expand thinking and reduce conflict surrounding water related issues. Examples of that function include:

- **Direct facilitation around contentious issues - Blue-Green Project**
- **Education forums addressing water related controversy - Florida Land Use Forums and Water Choices**
- **Conflict Resolution Training - Florida Earth support of University of Florida's Natural Resources Leadership Institute**

3. Expansion of already existing programs

Using Florida Earth's extensive partner network, organizations have collaborated with us to expand and enhance their programs that have similar goals and components. Examples of that function are:

- **Law School Study Abroad Programs - The USNC Comparative Water Law Course**
- **The International Water Association's Young Professional Program - USNC Professional Program**
- **Events that engage partner institutions - A Night with the Governors**



A Night with the Governors at St. Thomas University School of Law included Bob Graham, Buddy McKay and Charlie Crist

4. Providing basic and advanced training to developing countries

Helping others find solutions that already exists for their problems is a Florida Earth mandate. Programs that exemplify this principle include:

- **Florida Earth's "Flagship" Program - The UNESCO-IHE Florida Program and the Water Ambassadors**
- **The new USNC Urban Coastal Short Course - Being developed in partnership with UNESCO-IHE under their short-course professional program.**

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Download the Audubon Campaign Advocacy Manual

Whether you are an experienced bird advocate or just interested in becoming one, the Audubon Campaign Advocacy Manual is designed to help you make local, state, and federal changes to help birds and the places they need. **Download this valuable FREE tool to help birds.**

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Ballot summary

The official ballot summary was as follows:

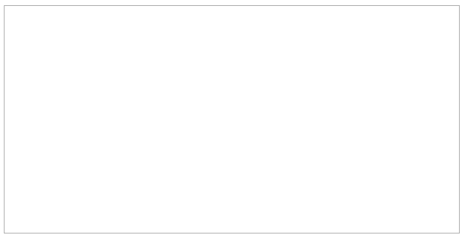
" Funds the Land Acquisition Trust Fund to acquire, restore, improve, and manage conservation lands including wetlands and forests; fish and wildlife habitat; lands protecting water resources and drinking water sources, including the Everglades, and the water quality of rivers, lakes, and streams; beaches and shores; outdoor recreational lands; working farms and ranches; and historic or geologic sites, by dedicating 33 percent of net revenues from the existing excise tax on documents for 20 years. "

https://ballotpedia.org/Florida_Water_and_Land_Conservation_Initiative,_Amendment_1_(2014)

The Land Acquisition Trust Fund was developed to acquire and improve conservation easements, wildlife management areas, wetlands, forests, fish and wildlife habitats, beaches and shores, recreational trails and parks, urban open space, rural landscapes, working farms and ranches, historical and geological sites, lands protecting water and drinking water resources and lands in the Everglades Agricultural Areas and the Everglades Protection Area. The fund was designed to manage and restore natural systems and to enhance public access and recreational use of conservation lands.

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....



click for link

FINAL DRAFT Chapter 4 IPCC SR Ocean and Cryosphere

Executive Summary

This chapter assesses past and future contributions to global, regional and extreme sea level changes, associated risk to low-lying islands, coasts, cities, and settlements, and response options and pathways to resilience and sustainable development along the coast. **Global mean sea level (GMSL) is rising (virtually certain1) and accelerating (high confidence2). The sum of glacier and ice sheet contributions is now the dominant source of GMSL rise (very high confidence).** GMSL from tide gauges and altimetry observations increased from 1.4 mm yr-1 over the period 1901-1990 to 2.1 mm yr-1 over the period 1970-2015 to 3.2 mm yr-1 over the period 1993-2015 to 3.6 mm yr-1 over the period 2005-2015 (high confidence). The dominant cause of global mean sea level rise since 1970 is anthropogenic forcing (high confidence) (4.2.2.1.6, 4.2.2.5). **....more.... 169 pages**

click for pdf

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Make plans to attend the Becoming an Outdoors-Woman workshop in West Palm Beach

Register now to participate in the Florida Fish and Wildlife Conservation Commission's (FWC) Feb. 7-9, 2020 Becoming an Outdoors-Woman workshop near West Palm Beach.

The weekend workshop, hosted at the Everglades Youth Conservation Camp, is open to anyone 18 years of age or older interested in developing a variety of outdoor skills. The workshop features expert instructors and safe, hands-on opportunities to learn about fishing, archery, paddling, hunting, nature photography, outdoor survival, boating, birdwatching and more.

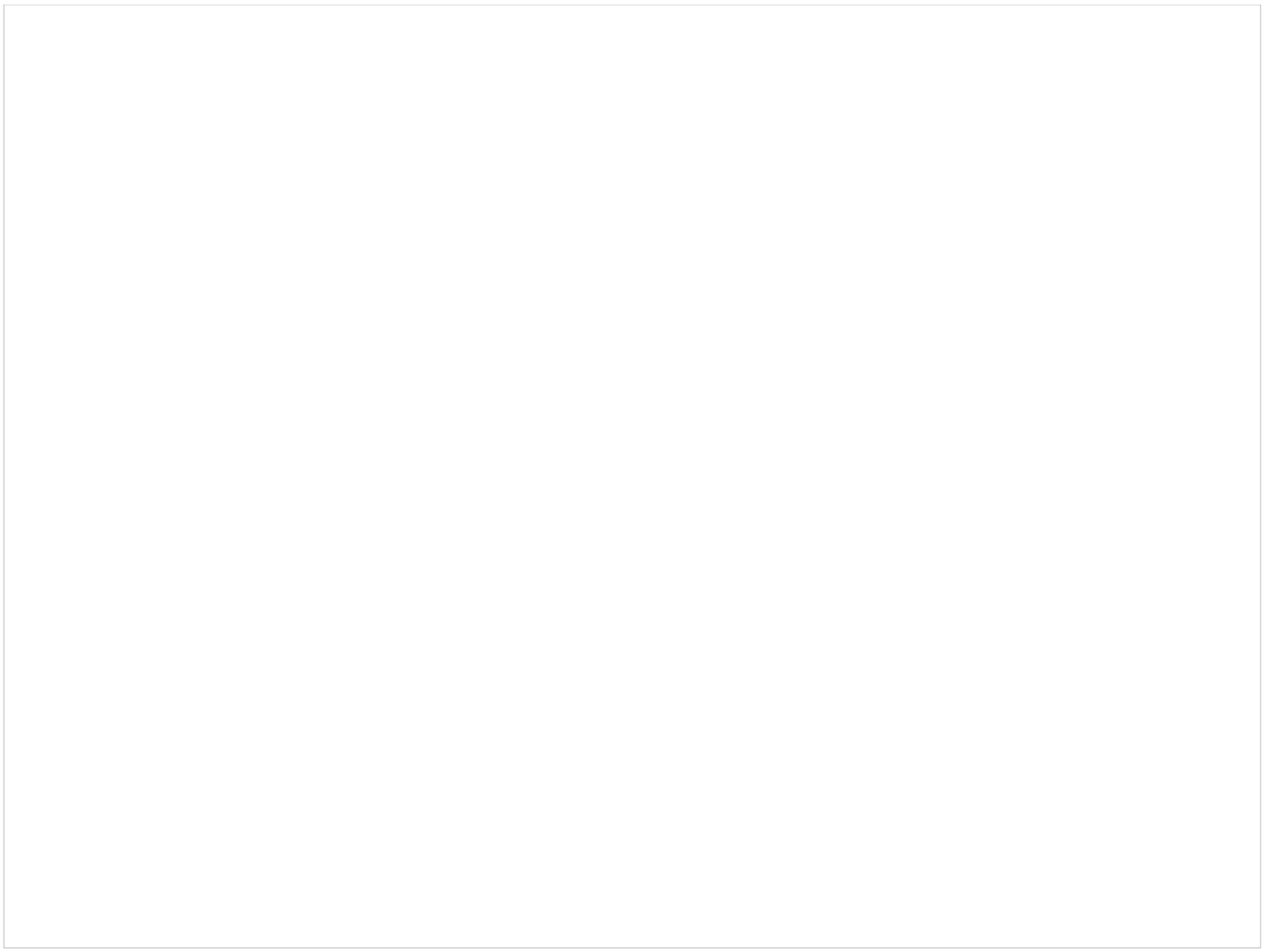
The Everglades Youth Conservation Camp is in the J.W. Corbett Wildlife Management Area in northwest Palm Beach County. Cabins offer comfortable dormitory-style lodging with modern restroom facilities. Home-cooked meals are served in the cafeteria. Sessions begin Friday afternoon and end Sunday with lunch.

The cost to participate in the weekend workshop is $200. Partial scholarships are available for participants who qualify. Workshops are limited to 100 participants and registration is on a first-come, first-served basis.

Learn more about the FWC's Becoming an Outdoors-Woman program and register for the Feb. 7-9 event by visiting MyFWC.com/BOW or calling 561-625-5122.

Lake O almost 13'. Flows from Lake to Caloosahatchee

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click for link to article

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Water Levels

SITE STATUS REPORT: Real-time water levels upstream and downstream of hundreds of water control structures, flow volume and more.

The Site Status Report provides comprehensive up-to-the minute information for hundreds of water control structures throughout the SFWMD water management system, organized by regions for ease of navigation. It shows the current volume of water being moved and the water level upstream and downstream at each location. It also shows the daily water level for lakes and other large water bodies. Companion maps, on the far right tab, show key locations with real-time information of volumes of water being moved and daily water levels.

Daily Water Levels

The U.S. Army Corps of Engineers regulates and reports the official daily water levels of Lake Okeechobee and these major water bodies and areas within the South Florida Water Management District:

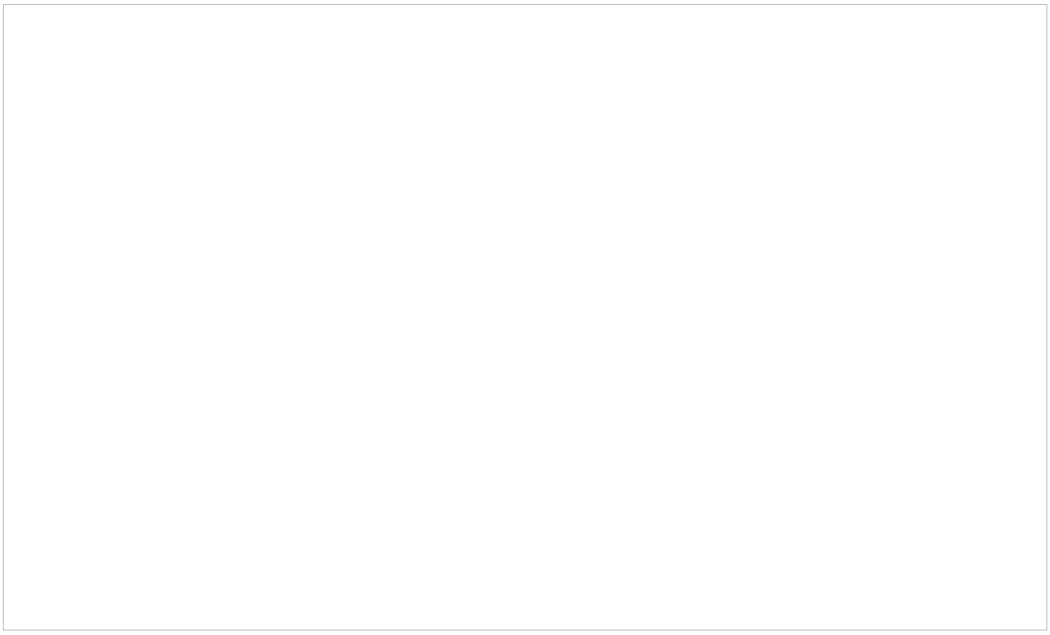
- **Lake Okeechobee**
- **Kissimmee River Basin**
- **Everglades Water Conservation Area 1 (Loxahatchee National Wildlife Refuge)**
- **Everglades Water Conservation Area 2**
- **Everglades Water Conservation Area 3**

> **All navigation locks to and from Lake Okeechobee, the Kissimmee River and Upper Kissimmee Chain of Lakes will reopen at 9 a.m. Wednesday.**
>
> **Boaters will be able to move freely now that Hurricane Dorian has all but cleared South Florida.**
>
> **Visit sfwmd.gov/navigation for more information on navigating through South Florida Water Management District structures and waterways.**

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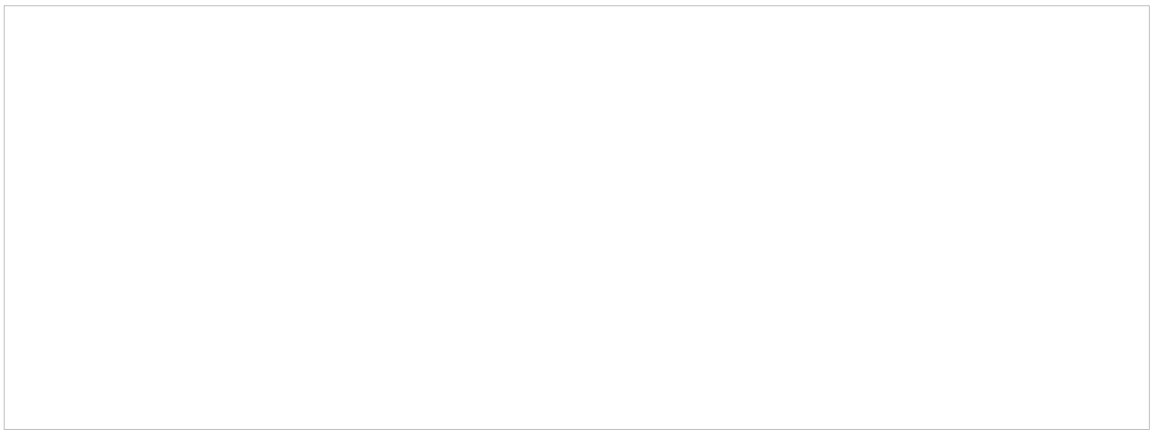
Below is a link to HR 763 Energy Innovation and Carobon Dividend Act (EICDA). What you first see is a summary of the bill and if you click the various tabs you can see steps, sponsors, and the full text. As you will note this bill is currently in committee. Contact members of the committee and show your support.

https://www.congress.gov/bill/116th-congress/house-bill/763

The second link is to the H. Resolution 109 Green New Deal (GND). The link works in the same manner as described above.

https://www.congress.gov/bill/116th-congress/house-resolution/109

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about

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Sincerely,

Eco-Voice Moderator
Eco-Voice, Inc.

Eco-Voice, Inc.
P.O. Box 50161
Fort Myers FL 33994

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From: Eco-voice Moderator <ecovoicemoderator@msn.com> on behalf of Eco-voice Moderator <maria@eco-voice.ccsend.com>
Sent: Saturday, February 08, 2020 12:01 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Eco-Voice Daily Digest Feb. 8, 2020

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Feb. 8, 2020
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CREW Solar



CREW SOLAR FACEBOOK

CREW, Clean Renewable Energy Worldwide, has set out to decentralize power production by allowing each building to own the switch from the old model of energy production to the new model that empowers people. We educate everyone on the option of solar and build a winning relationship by "spreading sunshine" through residential and commercial solar installations.

Suggested reads, views and go-to's

Appropriations Committee Approves 2020-2021 Balanced Budget,

Feds consider a plan to protect Miami-Dade from storm surge:...10-foot walls

How to contract your legislator

2020 Citizens' Climate Education Southeast Regional Conference..

CREW, Clean Renewable Energy Worldwide

Natural Gas is a fossil fuel

How solar works at Babcock Ranch

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SunPower by Neville Williams

FPL CEO: "Short-term thinking" worries me..

FPL to build the world's largest solar-powered battery

Offshore Wind

Big Cypress SWAMP walks.

Land and Water Conservation Fund

.Red-state governors are focusing on water issues-

Stolen Waters - Everglades Restoration Plan

Benefits from re-use water

Ikes - Save our Streams - participate

Ecosystem Restoration by the Corps

National Academies on methane

Become a Voice Sponsor

Commentary and appeals

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Opinions on environmental topics have a light blue back ground, those on political issues, light yellow. Background for appeals is pink. Background for for-profits is gray. Posting does not indicate endorsement.

Underscoring denotes a link to the source or additional information.

Bold print indicates moderator emphasis.

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Comments on postings can be made on our Facebook page under the Digest of the day.

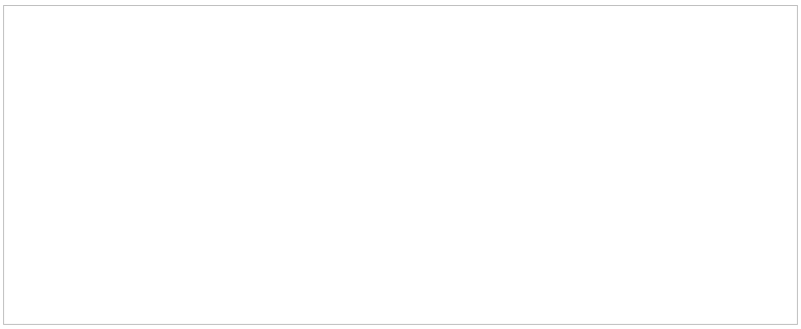
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Legislative Update

Appropriations Committee Approves 2020-2021 Balanced Budget, Maintains $3.5 Billion in Reserves

The Senate Committee on Appropriations, chaired by Senator Rob Bradley, passed Senate Proposed Bill 2500: Appropriations, a proposed state budget for the 2020-2021 fiscal year. The proposed Senate budget invests in Florida's teachers, state employees, and environment while maintaining $3.5 billion in total reserves. The state budget includes $500 million for a new Teacher Salary Increase Allocation, along with $325 million in increased flexible funding through the Base Student Allocation, which districts can invest in teachers and school district personnel. $643.6 million is appropriated to address water quality and protection in order to restore and preserve Florida's unique environment.

The Senate budget also invests in hardworking state employees with $403 million to fund across-the-board salary increases for state employees, as well as health insurance and retirement benefits. Additionally, the Florida Senate's budget continues to prioritize critical areas such as hurricane recovery, tax relief for Floridians, protection for Florida's vulnerable populations, health and human services, transportation and elections security.



Legislation Working to Divert Girls from Juvenile Justice System Passes Senate

Senate Bill 1056: PACE Center for Girls by Senator Wilton Simpson unanimously passed the Florida Senate. This legislation creates Florida statute authorizing the Department of Juvenile Justice to contract with PACE Center for Girls to provide services including education, counseling, training, and advocacy to girls and young women as an alternative to commitment and institutionalization. This legislation would also allow for future recurring funding for these services, provided funds are appropriated.

The PACE Center for Girls (PACE) is a non-profit organization whose mission is to provide girls and young women an opportunity for a better future and is recognized as a national model for reducing recidivism and improving school success, employment, and self-sufficiency. PACE has 21 centers in Florida, which serve over 3,000 girls and young women per year.

Pro-Law Enforcement Legislation Passes Senate

The Florida Senate unanimously voted to approve Senate Bill 476: Law Enforcement Vehicles, by Senator Ed Hooper. This legislation ensures law enforcement officers have the ability to park their patrol cars at their homes without fear of penalties or fines from homeowners or condominium associations. SB 476 targets an issue that arose after a Clearwater police officer was threatened with daily fines by her homeowners association for parking her squad car outside of her home.

The Florida Senate stands with our law enforcement and is committed to ensuring they feel welcome in our communities and neighborhoods throughout the Sunshine State.

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Sincerely,

Senator Lizbeth Benacquisto

Feds consider a plan to protect Miami-Dade from storm surge:

10-foot walls by the coast

BY ALEX HARRIS

Climate change threatens to dramatically alter the coastal landscape of Miami-Dade in coming decades - one way or another.

It's not just rising seas and the threat of stronger hurricanes that could do it. The emerging federal plan to protect communities from those climate risks could also remake entire neighborhoods - starting with running high walls, something akin to I-95 sound barriers, down miles of streets now lined with thousands of homes and businesses.

To get the land it needs for the 10- to 13-foot-high walls, the Corps could seize more than 350 properties through eminent domain. The plan also envisions massive moveable storm surge barriers at the mouths of Miami's rivers and major drainage canals along Biscayne Bay. It would also elevate 10,000 homes and floodproof 7,000 buildings.

All those proposals also come with an equally stunning price tag: An estimated $8 billion, similar to the original cost estimate to restore the entire Everglades (a number that has since easily doubled).

These new details come from a presentation the Army Corps gave Miami-Dade County in January and the Miami Herald obtained with a public records request - ahead of the formal release of its draft suggestions this spring. A final decision won't come for more than a year.

The Corps, the federal government's engineering arm, has been tasked with coming up with solutions to protect 2.8 million people and $311 billion in property value from the more destructive hurricanes and rising seas climate change is expected to bring to the region. The Army Corps plan looks to 2080, when they predict South Florida could see more than three feet of sea rise.

The big question, obviously, is where would these walls go? The initial maps, planners stress, are far from concrete.

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"How do we establish the location of the wall and understand the consequences of that option," said James Murley, the county's chief resilience officer. "Those are our questions."

The draft presentation shows five separate lengths of what are labeled as storm surge barriers or SSBs: crossing the Miami River, on the coast of Brickell, along the water by Edgewater and two roughly tracing Biscayne Boulevard in Miami Shores and North Miami. The walls are nearly contiguous, except for a large gap near the Upper East Side.

Each of them appears to be several miles long, but the Corps did not offer specifics on how many miles of walls were proposed.

When crossing roads or water, the walls would have gates that swing closed for a storm but stay open the rest of the time.

Marco Ruiz *ARMY CORPS OF ENGINEERS*

At 10 to 13 feet high, the walls would be designed to stop storm surge during a hurricane. They would be ineffective against sea level rise, because the porous rock underneath Miami allows water to seep through.

That could be a blessing for residents on the inside of the wall, but not so much for property outside of it.

Susan Layton, the Army Corps Chief of Planning and Policy for the Norfolk District, said the lines on the map are just estimates and will require much more research to figure out precisely where and how high the walls would need to be.

"Certainly not this part in the study process and not until later in the design would we have the information we need to decide where a flood wall would go," she said. "We are still gathering that information."

Before it builds walls, the Army Corps has to consider how they would affect everything from the environment to the real estate market to the lives of the residents nearby.

"When you build such a big structure you're going to have some impacts on almost everything, but we'll do our best to minimize those impacts," Layton said.

In the presentation, the Corps mentions that acquiring the land needed to build the floodwalls and storm surge barriers could involve forcing owners to sell their property, a process known as condemnation or eminent domain. They estimate they would buy out, relocate or purchase a part of 359 properties in Miami-Dade, many of which are condominiums.

At one point, it notes that Miami-Dade County "has yet to determine willingness to pursue acquisition via condemnation, if necessary."

"We try to avoid the use of eminent domain. If you're talking about a large structure like a flood wall, sometimes there's no way to avoid acquisition," Layton said. 'It's never our first choice."

Read Next

REAL-ESTATE-NEWS

As seas rise, your coastal home in Florida could lose value. One report says 15% by 2030

JANUARY 16, 2020 6:47 AM

Like any local government, Miami-Dade has the power to compel property sales as long as it follows the law. Murley said any possible use of eminent domain would have to be "vetted completely," but did not rule out the possibility.

"As this discussion has proceeded, we've said this is an area in our community that would have to be very well understood," he said.

A central point of this plan to protect Miami-Dade relies on barriers across the mouths of the Miami River, Little River and Biscayne Canal. The barriers would be designed to remain open most of the time but closed just before a hurricane came through. They protect inland areas from the surge of ocean water that comes with tropical storms.

To make them work, they'd have to connect to floodwalls on either side.

"There are surge barriers throughout the world and it's something we're looking at more and more often in the U.S.," Layton said.

The plan would also involve elevating 10,000 properties and floodproofing another 7,000. Floodproofing includes anything from installing flood barriers at doors to using flooring that can stand to be flooded repeatedly.

Those numbers could decrease, Layton said, as plans solidify. She said details on how exactly they would go about picking which buildings needed to be lifted or renovated and how it would get paid for is something the county would likely be in charge of deciding.

"It's been done differently throughout the nation, based on local needs and what works best for the community," she said.

The plan also calls for mangrove replanting on the coast of Cutler Bay. So-called natural solutions

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like mangroves have been shown to break up the strong waves from hurricanes as well as clean the water and store carbon dioxide.

Read Next

ENVIRONMENT

Miami's plan to survive impacts of climate change: figure out a way to pay for it
JANUARY 23, 2020 12:34 PM

The report is an update from a draft set of options suggested in June, when the Corps held workshops and asked people to choose which solutions they preferred. This presentation shows the Corps is leaning toward option seven, the most comprehensive and expensive of the bunch.
It also shows ideas the Corps considered but decided not to pursue, including raising the causeways and building barrier islands.
Because this is not yet an official plan from the Army Corps, Miami-Dade has no formal position on the concept, Murley said.
"We think it's important to get to the point where we have a fully established document. That is forthcoming," he said.
The Corps plans to release a formalized version of this plan around May, as well as hold a public meeting and accept comments from the public for more than a month.
The final version of the report won't be done until October 2021, then it's up to Congress to find the money for the projects it recommends. On an aggressive timeline, that means project design and engineering wouldn't get started until 2023 and construction wouldn't begin until 2026.
The Corps is also working on a similar study of the Florida Keys, but instead of giving Monroe County officials a presentation via PowerPoint last month, officials presented it as an online webinar. Monroe County said it did not have a copy of the webinar to provide the Miami Herald in response to a public records request.
The vast majority of the cost - 65 percent - would be borne by the Army Corps. Miami-Dade and its cities could pick up the rest of the tab. Layton said the $8 billion cost estimate is likely to change as the plan gets more detailed.
The presentation also said the measures would save the region $2 billion a year in avoided damages and other benefits.
"These are all recommendations that are continuing to evolve," Layton said. "When we release that draft report we hope we will receive lots of feedback."
To send comments about the draft plan to the Army Corps, email Alicia Logalbo at alicia.logalbo@usace.army.mil or call 757-201-7210.

CONTACT YOUR LEGISLATOR

There are State Legislators and Federal Legislators.
Not sure who your State House Representative and State Senator are? **HERE'S THE LINK** to find them. Phone calls are best. They mostly ignore emails (sad, but true).
Need to find out who your U.S. Congressperson or U.S. Senator are? THIS LINK tells you who they are. You should call them as well, phone calls are more effective.

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Citizens' Climate Lobby

You are invited to the 2020 Citizens' Climate Education Southeast Regional Conference

Saturday 3/28, 8:30 a.m. to Sunday 3/29, 12:30pm

University of Tennessee Conference Center

Knoxville, Tennessee

Register Now

Citizens' Climate Lobby (CCL) and Citizens' Climate Education (CCE) provides education about the climate crisis that helps to build political will for our elected representatives to take effective action on climate change. Optimism and volunteer support has allowed us to achieve the impossible, including the introduction of bipartisan climate legislation in both the U.S. House and U.S. Senate in late 2018.

Our Regional Conference is an opportunity for newcomers and experienced members to come together, to learn, practice skills, inspire each other, network, and strategize in moving our country toward climate solutions.

Register Now

Sponsored by Kroger's Zero Hunger/Zero Waste initiative.

For hotel locations and information: https://www.visitknoxville.com/hotels/find-by-region/

NOTE: There are limited student and low-income scholarships available for those who qualify. Please inquire at the contact email below.

For more information contact: Chet Hunt (chunt51@comcast.net)

We look forward to seeing you in March!

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click for link to website

CREW, Clean Renewable Energy Worldwide, has set out to decentralize power production by allowing each building to own the switch from the old model of energy production to the new model that empowers people. We educate everyone on the option of solar and build a winning relationship by "spreading sunshine" through residential and commercial solar installations.

Residential solar maximizes the benefits of the sun to provide energy and increase property values. A homeowner directly improves the environment by reducing their carbon footprint. A home installation of 5kW equates to:

15,227 gallons of gasoline saved
18 homes electricity use annually
3,470 trees being planted
48 tons of landfill waste

The property value increase is based on the size of the system. According toNational Renewable Energy Laboratory a home's value increases by $20 for every $1 in energy bill savings.

It can also be calculated as $5,911 for each 1 kilowatt (kW) of solar installed according toCleanTechnica, that is $29,555 for a 5kW system.

click for link to website

IS NATURAL GAS A FOSSIL FUEL? - Yes!, Clean? No.

Fossil fuels are the energy of the past. With new technologies like wind, solar, and advanced batteries in our hands, we can power today and tomorrow with clean, reliable energy that doesn't harm our health or destroy our planet.

The shift to a clean energy economy is on - and accelerating by the day.

Year after year, the cost of wind, solar, and other renewable energy technologies continues to fall. In more and more regions of the US and around the world,

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energy from renewables is as cheap or cheaper than dirty fossil fuel energy.

Which brings us straight to an increasingly popular fuel that many are putting a lot of faith in: natural gas. A fuel often praised for its affordability. A fuel some go so far as to call clean - or at the very least, cleaner.

A fuel that inspires a lot of wishful thinking.

According to the **US Energy Information Administration (EIA)**, "Coal, crude oil, and natural gas are all considered fossil fuels because they were formed from the buried remains of plants and animals that lived millions of years ago."

So, to answer the headline question - **yes, natural gas is a fossil fuel**.

But now, let's dig just a bit deeper so we're all on the same page about exactly what that means as well as the reality of what we're dealing with when it comes to natural gas, its extraction, processing, and use.

WHERE NATURAL GAS COMES FROM

Natural gas, like all fossil fuels, is a non-renewable source of energy formed in the earth over approximately the past 550 million years, typically from the remains of marine microorganisms and plants.

Over time, these organic remains decompose and become buried under more and more dirt, rock, and other decaying materials. This process seals off oxygen and puts this organic matter under ever-increasing amounts of heat and pressure, leading to a thermal breakdown process that ultimately converts it to hydrocarbons.

The lightest of these hydrocarbons occur in a gaseous state known collectively as "natural gas," which in its pure form is a colorless, odorless gas composed primarily of methane.

Natural gas is found in underground rocks called reservoirs. These rocks have tiny spaces, called pores, which allow them to hold the natural gas, as well as water and sometimes oil. An impermeable rock - appropriately called a "cap rock" - traps the natural gas underground, where it stays until it's extracted.

Conventional natural gas can be extracted by drilling wells. However, there are also "unconventional" forms of natural gas - like shale gas, tight gas, and coal bed methane - and these have extraction techniques all their own.

One, in particular, we feel confident you've heard of - hydraulic fracturing, or "fracking."

Fracking is "the process of drilling down into the earth before a high-pressure water mixture is directed at the rock to release the gas inside. ... The process can be carried out vertically or, more commonly, by drilling horizontally to the rock layer, which can create new pathways to release gas or used to extend existing channels."

Fracking is used primarily to extract natural gas from shale, and its development has played a big role in the increased production of natural gas in recent years.

In the US, Texas and Pennsylvania tower over all other states in terms of **natural gas production**. The Lone Star state produced around 23 percent of US natural gas in 2017, while the Keystone State produced about 20 percent. Oklahoma and Louisiana follow with 8 percent each.

HOW DOES IT GET FROM THE GROUND TO MY LIGHT SWITCH?

Natural gas is largely used for domestic or industrial heating and to generate electricity. It's also used in industrial chemical processes that we will get into pretty directly. And the journey it takes from rocks underground to your home, office, or school is rife with potential problems.

Once extracted, natural gas is typically sent through small pipelines to plants for processing. There, the various hydrocarbons and fluids are separated from the pure natural gas to produce what is known as "pipeline quality dry natural gas."

This higher-quality, processed gas is then transported through feeder pipelines to distribution centers for use - or it's sometimes stored in underground reservoirs to be used later.

At many stages of this process, the methane - which is a powerful heat-trapping greenhouse gas (see below) - can leak through faulty pipes and other infrastructure into the atmosphere. These leaks **can be substantial**, and significantly accelerate global warming.

Proponents like to shout about natural gas as a "bridge fuel" to a low-carbon economy, but these leaks and all the extra heat they help trap likely eliminate any of the alleged benefits.

But that's not quite the full picture, either. Because there are actually two types of natural gas - dry and wet - and the story of the latter has as much to do with refrigerants ,and plastic production as it does the electrical outlets in your home.

Dry natural gas is mostly methane, while wet gas also contains compounds like ethane and butane. These natural gas liquids (NGLs) are separated from the pipeline quality gas described above. Then, they're utilized at sites like ethane cracker plants to manufacture products like plastics.

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The bad news is that cracker plants and other parts of gas infrastructure produce all kinds of volatile organic compounds (VOCs) like benzene, **which can cause cancer in humans**. And these chemicals have a way of getting into the air and water that workers and local communities breathe and drink every day. The result is often a ticking time bomb for public health.

>> ***Learn more about the dangers of petrochemical facilities here.*** <<

IS NATURAL GAS A CLEAN FORM OF ENERGY?

No.

See, that was easy.

When people make this argument, they're (mostly) referring to one thing in particular that is indeed true of natural gas: a new, efficient natural gas power plant **emits around 50 percent less carbon dioxide (CO2) during combustion** when compared with a typical coal-based power plant, according to the **National Energy Technology Laboratory (NETL)**.

To be sure, we should take seriously any source of energy that reduces our dependence on coal and oil, the primary sources of the carbon emissions that drive climate change. But let's also engage in some real talk: 50 percent less CO2 isn't zero CO2, and reaching net-zero greenhouse gas (GHG) emissions by the second half of this century is essential to the long-term health of our planet and ourselves.

Plus, CO2 isn't the only harmful GHG emission generated by natural gas development. Which brings us back to methane.

Methane is a very, *very* powerful greenhouse gas. In the atmosphere, compared to carbon, it's fairly short-lived: only about 20 percent of the methane emitted today will still be in the atmosphere after 20 years. However, when it first enters the atmosphere, **it's around 120 times more powerful** than CO2 at trapping heat and 86 times stronger over a 20-year period.

"While methane doesn't linger as long in the atmosphere as carbon dioxide, it is initially far more devastating to the climate because of how effectively it absorbs heat," according to the **Environmental Defense Fund (EDF)**.

Bottom line: We're still talking about a fossil fuel here, one that still contributes to climate change when burned.

Period.

PERSONAL KNOWLEDGE IS PERSONAL POWER

So what do we do? We fight back.

Fossil fuels (all of them!) are the energy of the past. With new technologies like wind, solar, and advanced batteries in our hands, we can power today and tomorrow with clean, reliable energy that doesn't harm our health or destroy our planet.

We know our fight can seem daunting, which is why working together to take action is so important. To get where we need to go, we need everyone.

That's why programs like our own **Climate Reality Leadership Corps** and **local chapters**, as well as initiatives like the **County Climate Coalition**, are so important.

The **County Climate Coalition** is a nationwide community of counties that have signed on to uphold the Paris Agreement. Once your county signs up, you become part of a national network - offering real opportunities for progress on climate at a time when it matters most.

Whether you're in California or Maryland or any state in between, within the County Climate Coalition, you'll have allies who share your goals and want to work together to protect our future.

This is your opportunity to take a stand.

LEARN MORE SO YOU CAN FIGHT BACK

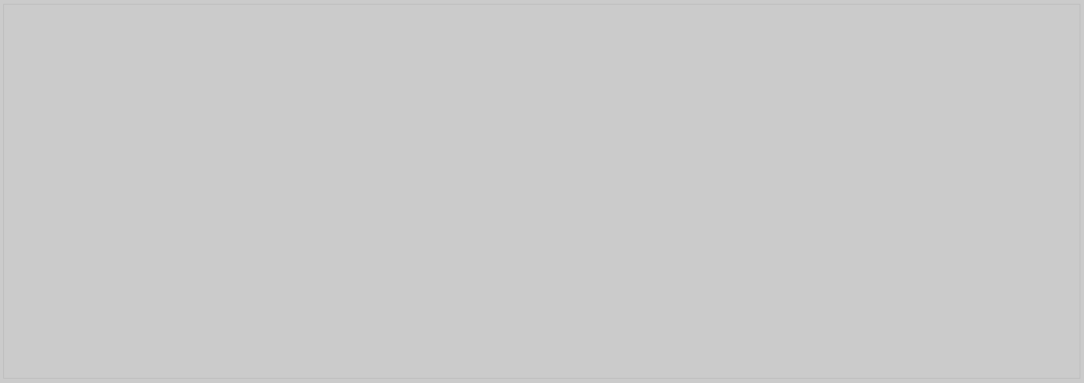
But to take a stand, you must be ready with the facts.

Download our free new fact sheet, ***Climate 101: Natural Gas***, to get more detail on natural gas, fracking, the dangers of methane emissions, and why it's so important that we act together to fight its expansion.

In it, we offer up the facts - **and just the facts**.

If natural gas expansion comes at the expense of renewables, the greenhouse gas emissions threat to our climate continues. **That's why it's so vital to learn more about why natural gas is a bridge to nowhere now.**

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Babcock Ranch



click for website

To understand how solar works at Babcock Ranch, first consider the solar field's massive scale: 440 acres.

How big is that? Imagine 333 football fields of solar panels soaking up the sun's energy.

In a partnership with Florida Power & Light, Babcock Ranch developer Kitson & Partners provides a massive 74.5 megawatts of energy. The 330,000 solar panels will power the 19,500 homes and 6 million square feet of commercial space when Babcock Ranch is built out.

The solar field is located north of the town of Babcock Ranch on land donated by Kitson and is owned and operated by Florida Power. The FPL Babcock Ranch Energy Center will produce so much energy that there will be extra left over to power other areas of Southwest Florida.

How Babcock Ranch Harnesses the Sun

Florida Power harnesses the energy from the sun on a large scale. Here's how solar works at Babcock Ranch:

As sunlight hits the solar panels, the energy is converted into direct current (DC) electricity before flowing into power inverters where it's converted to alternating current (AC). The electricity then travels through transformers and the voltage is boosted for delivery into the grid and distributed to FPL customers to power their homes and businesses.

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The FPL Babcock Ranch Energy Center is the most cost-effective way to build solar power in Florida. That's because large-scale solar plants such as this one can produce 2.5 times more energy for the money than residential rooftop solar.

The energy generated at the solar-energy plant flows to the substation located next to the water and wastewater facility and into the town of Babcock Ranch. Any energy that is left over after fulfilling the needs of the town flows into the FPL power grid to serve customers outside the town.

Electric power always flows from the nearest generation, so during the day the town will use energy from the FPL Babcock Ranch Solar Energy Center. When the sun goes down and the solar plant is not generating energy, Babcock Ranch will pull electricity off the grid from the closest FPL natural-gas power plant.

Other Solar Initiatives

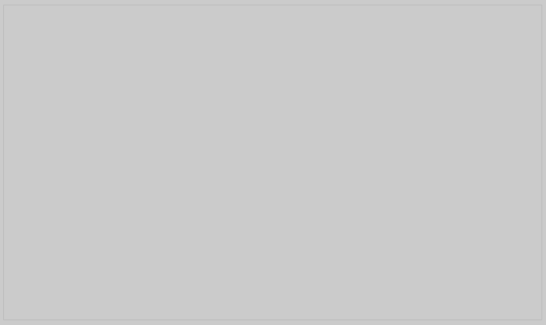
In addition to the FPL Babcock Energy Center, the town has additional solar initiatives to capture energy from the sun.

For example, solar panels will be installed on the roofs of commercial buildings in downtown Babcock Ranch's Founders Square. These are the first of several solar "micro-communities" that will expand solar-generating capacity as the town grows.

In addition, solar panels on poles called "solar trees" will be installed at Founder's Square and other neighborhood parks. These solar trees are a focal point for solar-energy education and will allow people to charge their phones and other handheld devices.

Homeowners too will be able to install solar panels on their roofs. It's a standard option offered by all the homebuilders at Babcock Ranch.

Learn more about the solar town by calling us at 877-484-4344.



click for website

A large-scale universal solar installation, such as one of FPL's solar power plants, is the fastest and most cost-effective way to bring solar energy to more Floridians. Since the 1980s, FPL has been working to advance solar in Florida, and today, we are able to build solar plants cost-effectively - meaning they save our customers money over time. We're adding more solar all the time while keeping our customers' bills among the lowest in the nation.

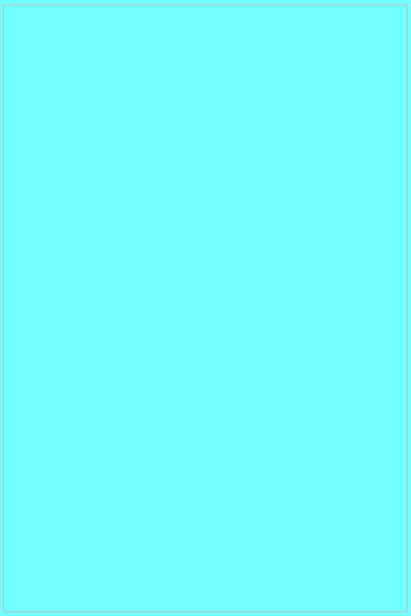
More than 30 million Solar Panels by 2030

Already one of the cleanest energy companies in the nation, FPL recently announced a groundbreaking '30-by-30' plan to install 30 million solar panels by 2030, making Florida a world leader in solar energy. This year, solar will outpace coal and oil combined as a percentage of FPL's energy mix. In other words, we'll soon be generating more energy from the sun than from power plants

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fueled by coal and oil.

Good Reads



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Commentary

FPL CEO: "Short-term thinking" worries me

As president and chief executive officer of the largest electric utility in the United States, I'm often asked the following: What keeps you up at night?

The short answer - everything.

Candidly, it's my job to worry, whether it's about hurricanes, cybersecurity threats or the safety and well-being of Florida Power & Light Co.'s nearly 9,000 employees and their families.

But, there is one issue that truly worries me: short-term thinking.

As we enter 2020, it's more apparent than ever that short-term thinking is prevalent and pervasive. We've all become accustomed to whipping out smart devices in search of quick, easy, instantaneous answers. Real solutions to real problems are almost never easy and can rarely be described in simple, 30-second sound bites.

I will tell you that if I ran FPL as a short-term thinker, I certainly wouldn't be doing my job very effectively and our customers would undoubtedly pay a heavy price.

That's why, at FPL, we spend a tremendous amount of time and energy trying to look over the horizon. Serving nearly 11 million Floridians with clean, affordable, 24/7 power requires us to plan and, most importantly, act with a long-term vision.

Smart, long-term investments, however, are rarely quick and easy to execute.

Take, for instance, FPL's decision nearly 20 years ago to modernize our fleet of power plants, systematically tearing down aging, oil-fired plants and replacing them with ultra-efficient clean energy centers that run on U.S.produced natural gas.

At the time, short-term thinkers relentlessly attacked FPL, arguing the old, inefficient plants were fully paid for and customers shouldn't be forced to pick up the tab for new power plants. The plants had worked for decades and didn't violate any environmental rules, so why change?

Fortunately, these short-sighted arguments didn't prevail.

Fast forward to today, and customers continue to benefit from our state-of-the- art power plants that produce more electricity using much less fuel than those they replaced. Not only has FPL eliminated 130 million tons of carbon dioxide emissions, customers have also saved $10 billion and counting in fuel costs. That's $10 billion in fuel, mostly imported oil, that we simply didn't buy. Instead, that money stayed in customers' pockets and Florida's economy.

We're continuing to transform our power-generation fleet, making Florida a world leader in solar energy by installing more than 30 million solar panels by 2030. In fact, we'll bring 10 more solar power plants currently under construction into operation in 2020 alone.

Again, this didn't happen by accident. FPL began researching and building small solar projects in 1984, long before it was cool to be green! Back then, solar wasn't economically viable. But by staying open-minded and being willing to listen and work with others throughout the industry and community, we are now bringing customers unprecedented amounts of solar power while keeping bills among the lowest in the country.

We continue to invest billions of dollars annually in Florida and our steadfast commitment to clean, efficient energy and our long-term thinking is why we're able to lower typical residential monthly bills by nearly $4 starting this month.

FPL is also continuing to build America's strongest, smartest energy grid with a new emphasis on putting more neighborhood power lines underground. While this will take decades to complete, it's unequivocally the right thing to do for the resiliency of our state, both during day-to-day operations and during major storms which will, undoubtedly, hit us again.

Here's the bottom line. Sometimes doing the right thing isn't always easy. Sometimes, it means making a decision that may not benefit you directly in the short term, but instead positions your children, your grandchildren and future generations for success. My parents, who grew up with very little during the Great Depression and lived through World War II, taught me that. They worked hard to provide us with opportunities they never had and I believe it's our responsibility to do the same.

As short-term thinkers come and go, my commitment to you is that FPL will stay focused on delivering best-in-class value and reliability while never wavering from our long-term approach.

Eric Silagy is the president and chief executive officer of Florida Power & Light Co.

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FPL to build the world's largest solar-powered battery

and drive accelerated retirement of fossil fuel generation - Innovative modernization plan will replace a pair of aging natural gas power generating units with clean and renewable energy, saving FPL customers more than $100 million while eliminating more than 1 million tons of carbon dioxide emissions -

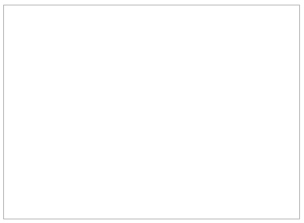
The FPL Manatee Energy Storage Center's battery system is projected to have four times the capacity of the world's largest battery system currently in operation - Charged by an existing, co-located FPL solar power plant, the planned battery storage center will increase the predictability of solar - extending its benefits even when the sun is not shining

The urgency of climate change demands that we transition - quickly, responsibly, and equitably - to a clean energy future. We need to advance solutions that can rise to the scale of our challenge. **Offshore wind power is one of those solutions.**
The urgency of climate change demands that we transition - quickly, responsibly, and equitably - from a fossil fuel dependent world to a clean energy future. We need to advance solutions that can rise to the scale of our challenge. Offshore wind power is one of those solutions, and states along the Atlantic Coast are preparing to power millions of homes and businesses with its clean, local power.
Importantly, we are also at the table ensuring wildlife are protected every step of the way. From choosing the right locations to negotiating construction schedules that accommodate the migration of critically endangered North Atlantic right whales - and much in between - we are speaking up for birds, marine wildlife, and communities. Offshore wind power can and must be part of an energy future that allows wildlife and people to thrive. One we can all be proud of. To learn more and to help us seize the opportunity off our shores, please visit offshorewind.nwf.org.
Thank you for all that you do for wildlife.

Amber Hewett

Sincerely,
Amber Hewett,
Campaign Manager, Offshore Wind Energy Campaign
The National Wildlife Federation

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click for SWAMP website

More than 2,190 Collier County students, teachers and parents, braced in bright orange vests and a willingness to get wet and muddy, stepped out of the classroom and into Big Cypress this year for a day of learning, adventure and fun.

As the school year comes to a close, we want to say THANK YOU to the **Community Foundation of Collier County, to South Florida photographer Clyde Butcher and his family, to this year's Wine & Wildlife attendees** and the many others who gave generously this year to support the Swamp Water and Me Program (SWAMP) in Big Cypress National Preserve.

This year's program was a success in so many ways... for the 6th-grade students who spent a day in nature ("I feel so brave," one student said) and the teachers who joined them... that we can't wait to do it again. Read our final program report to find out why...

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Friend of The Trust for Public Land,

Sometimes it seems as though every time we take a step forward, we get pushed back a step soon after.

You were undoubtedly as pleased and proud as we were when the public lands package S.47 was signed into law **because it permanently reauthorized the Land and Water Conservation Fund.**

However, this great news came the day after President Trump submitted his proposed 2020 budget to Congress, **which virtually eliminates funding for the LWCF!** Neutralizing America's best conservation program right after reauthorizing it is contradictory, unacceptable, and places the future of our public lands at risk.

And so, we are once again fighting on Capitol Hill for the protection of public lands. We won't rest until Congress fully funds the LWCF - that's $900 million, each and every year. But that is not our only goal at The Trust for Public Land. Here are several more:

- **Protecting public lands in other ways,** such as codifying the Antiquities Act, which presidents have used for more than a century to protect outstanding natural, historical, and cultural resources.
- **Creating close to home community green spaces** - giving people access to parks, gardens, and trails, keeping families active and healthy.
- **Combatting climate change** through our **Climate-Smart Cities™** program, helping cities mitigate the effects of rising sea levels, increased flooding, and heat waves - as well as enhance carbon-free transportation options.

The Environmental Issue Republicans Can't Ignore

Red-state governors are focusing on water issues-which could be a bridge to climate change.



Cynthia Barnett
Environmental journalist and author of three books on water

When Florida Governor Ron DeSantis declared on his inauguration day that

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water is "part and parcel of Florida's DNA," and vowed to fight the pollution and toxic algae that choked the state's beaches and fresh waters last summer, his critics rolled their eyes to the Tallahassee heavens above. DeSantis had a poor environmental voting record in Congress. He'd helped found the House Freedom Caucus, which urged President Donald Trump to eliminate the Clean Water Rule and dozens of other environmental safeguards.

But two days later, the critics looked to those same heavens in wonder. Florida's new governor began his tenure with one of the furthest-reaching environmental orders in state history, calling for a record $2.5 billion for Everglades restoration, a harmful-algae task force, a chief science officer, and an office of resilience and coastal protection to fund and coordinate Florida's response to rising seas. Under the headline "Florida's Green Governor," the state's largest newspaper, the *Tampa Bay Times*, declared that DeSantis "has done more to protect the environment and tackle climate change in one week than his predecessor did in eight years."

DeSantis's actions reflect a broader effort by some red-state governors to confront the unifying issue of water, even though they remain quiet, if not completely silent, on the larger crisis of a warming world.

MORE BY CYNTHIA BARNETT

Mysterious Glowing Clams Could Help Save the Planet
CYNTHIA BARNETT

Making Perfume From the Rain
CYNTHIA BARNETT

Concern about climate change has surged to record levels over the past year. Yet anti-science operatives funded by the fossil-fuel industry still relentlessly spread misinformation; the recent video "Why Climate Change Is Fake News" has drawn 10 million views on Facebook. And as his administration systematically rolls back environmental regulations, Trump seems to like stoking distrust of the scientific establishment. It is no surprise, then, that political affiliation continues to shape belief: 86 percent of Democrats believe the climate is changing, compared with 52 percent of Republicans, according to a University of Chicago/AP poll released last week.

Read: They're here to fix climate change! They're college Republicans.

What's happening to water around the nation, however, permits no alternative claims: the piles of stinking algae and rotting fish heaped up on both coasts of Florida last year. The hundreds of thousands of gallons of raw sewage and hog waste that swirled in the North Carolina floodwaters after Hurricane Florence. The chalky walls-now too large to be called bathtub rings-exposed as Arizona's Lake Mead drops to record-low levels.

Like DeSantis, Arizona's Republican Governor Doug Ducey focused on water in his first major address of the new year-without using the words *climate change*. During his reelection campaign, water was "one of the issues I was asked about most by real people," he said. Noting that Arizona faces a January 31 deadline to figure out how to reallocate its dwindling portion of the Colorado River, Ducey urged the legislature to see beyond politics and partisanship to "do the things that matter and secure Arizona's future."

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"At the top of that list," he said, is "securing our water future."

It was the same in Idaho, where newly elected Republican Governor Brad Little devoted part of his State of the State speech to "Idaho's lifeblood"-water-spotlighting the once arcane issue of Eastern Snake Plain Aquifer replenishment.

These red-state GOP governors are not taking aim at greenhouse-gas emissions like their blue-state Republican counterparts Governors Larry Hogan of Maryland, Charlie Baker of Massachusetts, and Phil Scott of Vermont. Still, environmentalists should not dismiss their momentum on water. In several states won by Trump, water, literally a chemical bond, is also proving a bond that brings disparate people, groups, and political parties together around shared concerns for the Everglades, the Great Lakes, the Colorado River, and other liquid life systems. "We have this phenomenon where one of the ways to work on climate change without triggering the cultural wars is to work on water," says John Fleck, the director of the University of New Mexico Water Resources Program, who researches the Colorado River and solutions to water scarcity.

Read: The GOP just lost its most important climate moderates

Water progress is climate progress. It takes an intense amount of energy to extract water, treat it, and dispose of it, and to clean water when it's polluted. Nationally, water consumption peaked in 1980 and has dropped steadily, even as the economy and population have grown. That shift, in waterworks and minds, affirms Americans' willingness to live differently once we understand how painless the better path is. The same will be true for decoupling carbon growth from economic growth, though it may have to wait out Trump: U.S. carbon-dioxide emissions surged last year, even as a near-record number of coal plants shuttered.

If DeSantis, Ducey, and Little can make strides on water, they will also make strides for the Republican Party, said Christine Todd Whitman, a former EPA administrator and Republican governor of New Jersey. "It comes down to issues of human life and safety," she said, "and that's what we're supposed to be all about." America's Everglades and Chesapeake Bay restorations, Great Lakes compact, Colorado River drought planning, and other hard-won partnerships have taken decades of bipartisan leadership to bear fruit. By preserving and even strengthening those state-federal alliances in the Trump era, the governors help their party salvage a legacy to which the GOP is entitled.

A half century ago, President Richard Nixon pushed the Environmental Protection Agency, the Clean Water Act, and other safeguards in response to a broad public outcry over the industrial and sewage pollution then fouling rivers, bays, and coastlines. This June 22 will mark the 50th anniversary of the 1969 Cuyahoga River fire credited with sparking that outcry. But amid all the events and retrospective articles planned to commemorate that date, the more important one to remember might be 1868. That was the first of at least a dozen times the Cuyahoga burst into flames, sparking a century of pollution disasters, some fatal.

Read: The Republicans who want Trump to fight climate change

All that time, Americans accepted industrial pollution as an inevitable consequence of progress. Now we don't have the hundred years we spent watching the Cuyahoga burn to watch the planet do the same. We must hope that the red-state governors' attention to water will lead them to act on climate change, because the sorry truth is that even the boldest work on water won't mean much if we can't also stop warming.

In the early 2000s, Australia faced a drought so severe that abandoning major cities such as Perth seemed like a real possibility; the continent was feeling the water effects of climate change earlier than the rest of the world,

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For two decades, the Aussies have pioneered desalination, water markets, sewage recycling-and generally some of the most conscientious water habits in the developed world. And yet all that is not enough. It is summer in Australia. This month, record temperatures have contributed to wildfires, horses found dead in dry watering holes, and unprecedented fish kills in the iconic Darling River.

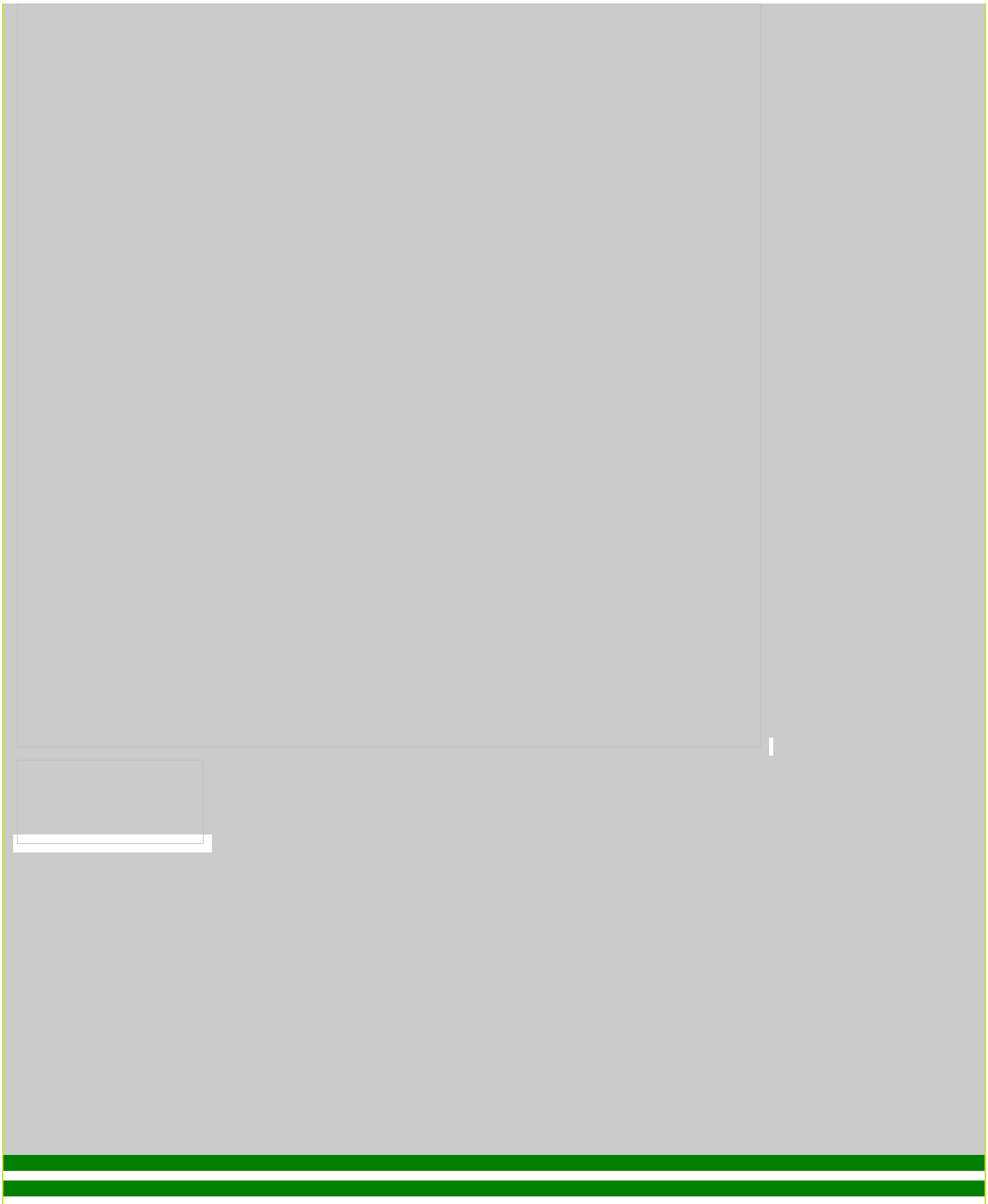
Hundreds of thousands of fish float belly up there, in striking and sickening similarity to Florida's summer. DeSantis said it best: Water issues "do not fall on partisan lines." Nor, ultimately, will climate change.

We want to hear what you think about this article. Submit a letter to the editor or write to letters@theatlantic.com.

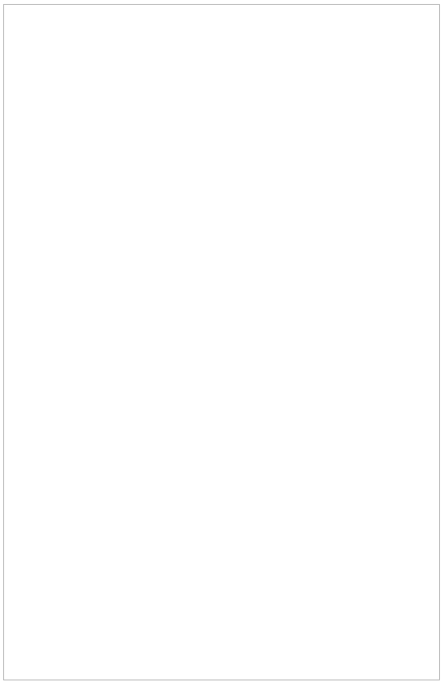
CYNTHIA BARNETT is an environmental journalist and author of three books on water, including *Rain: A Natural and Cultural History*.



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link

When the Comprehensive Everglades Restoration Plan went into effect during the Clinton administration, Florida's great grassy wilderness garnered a host of national attention -- and has since become a breeding ground for environmental dispute. What does it take to "save" a forest? How can it be preserved?
Enter W. Hodding Carter. For an *Outside* magazine feature he's agreed to paddle the ninety-nine-mile waterway in Everglades National Park to examine the landscape from all angles -- physical, political, cultural, and very personal -- and get to the rock-bottom heart of the story. *Stolen Water* is the outgrowth of Carter's journey. Through investigative research, eyewitness accounts, and interviews with key players in the conservation controversy, Carter offers a rare portrait of a national treasure. Utterly important, and at times downright hilarious, *Stolen Water* is a classic American adventure tale, and an environmental parable for our time.

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Benefits of Reclaimed Water for Irrigating the Landscape and Protecting the Environment1 (SS587)

George Hochmuth, Laurie Trenholm, Don Rainey, Esen Momol, Claire Lewis, and Brian Niemann
2

Publication #SL385

This publication is part of a series developed to assist Florida homeowners with managing their landscapes to reduce environmental impacts. This is a joint publication of multiple departments and programs in UF/IFAS, including the Florida-Friendly Landscaping™ program, the Department of Soil and Water Science, the Environmental Horticulture Department, and the Center for Landscape Conservation and Ecology. This fact sheet was produced with support from the Florida Turfgrass Association through a Florida Department of Agriculture and Consumer Services Specialty Crops Block Grant.
For the rest of this series, visit **http://edis.ifas.ufl..._landscape_management**.

Introduction

Reclaimed water is water that has been treated in municipal wastewater facilities and is safe to use for designated purposes, including residential landscape irrigation. "Water reuse" is the term used to describe the beneficial application of reclaimed water. Approximately 663 million gallons of reclaimed water are used daily in Florida (Florida Department of Environmental Protection [FDEP] 2012). Florida is a national leader in using reclaimed water, and in 2006 Florida's reuse program received the first U.S. Environmental Protection Agency (EPA) Water Efficiency Leader Award. Using reclaimed water in Florida meets a state objective for conserving freshwater supplies, and preserves the water quality of rivers, streams, lakes, and aquifers. This publication discusses the benefits of using reclaimed water to irrigate the landscape and explains how using reclaimed water helps to protect the environment.

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From local roots, Save Our Streams blossomed into a national initiative that raises public awareness about threats to clean water ... and helps every American improve water quality.

It's also the springboard for our truly transformational **Clean Water Challenge** - an ambitious campaign to mobilize volunteers to test water quality in 100,000 more streams by 2022 ... and share those results with their communities.

Following 50 years of success, we're not slowing down - we're setting our sights even higher.

We trained more than 400 new volunteer stream monitors across 13 states just last year ... and our new Clean Water Hub will make it easier to find information about water quality in local streams.

We need your help today to do even more to protect clean water.

- **Mobilize hundreds of volunteers** to monitor more stream sites nationwide
- **Galvanize public awareness** through Stream Selfie and other outreach campaigns
- **Share monitoring results** with policymakers, the media, and communities nationwide

#SAVECLEANWATER

Each week, we feature a photo of a small stream that could lose protection if EPA changes the Clean Water Rule. By sharing a photo of a small stream near you, you help us create a visual library of what's at risk. It's easy - just post your photo to Facebook or Instagram with the hashtag #SaveCleanWater and the city and state where you found the stream. (Location info helps congresspeople see that *their* constituents care about clean water.) Thank you for taking action to #SaveCleanWater!

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Ecosystem Restoration

As a result of the engineering performed as early as the 1880s to make south Florida more habitable, the natural flow of water to-and through-the Everglades was severely altered. The construction of roads, canals, and levees created barriers that interrupt the natural flow of water that's necessary for the Everglades to survive.

Upon Congressional authorization of the Comprehensive Everglades Restoration Plan (CERP) in 2000, the federal government and the state of Florida entered into a programmatic 50/50 partnership to restore, protect, and preserve water resources in central and southern Florida, including the Everglades. The Corps is the lead federal agency and the South Florida Water Management District (SFWMD) is the lead state agency in this effort.

In partnership with SFWMD, the Corps is currently planning, designing, and constructing multiple components of the South Florida Ecosystem Restoration (SFER) program, which includes the CERP-the largest ecosystem restoration program in the world.

Progress made in each respective area supports efforts in the others to deliver essential benefits. Every incremental success complements the overall efforts to restore this national treasure. These efforts will ultimately improve 2.4 million acres of south Florida's ecosystem (including Everglades National Park), reduce high-volume discharges from Lake Okeechobee to the estuaries, improve water deliveries to the Florida and Biscayne Bays, and enhance water supply.

For additional background information on Everglades restoration efforts, visit:www.evergladesrestoration.gov/

Bedman Creek - Mark Renz

National Academies of Sciences, Engineering, and Medicine; Division on Earth and Life Studies; Board on Atmospheric Sciences and Climate; Board on Agriculture and Natural Resources; Board on Earth Sciences and Resources; Board on Energy and Environmental Systems; Board on Environmental Studies and Toxicology; Committee on Anthropogenic Methane Emissions in the United States: Improving Measurement, Monitoring, Presentation of Results, and Development of Inventories

Description

Understanding, quantifying, and tracking atmospheric methane and emissions is essential for addressing concerns and informing decisions that affect the climate, economy, and human health and safety. Atmospheric methane is a potent greenhouse gas (GHG) that contributes to global warming. While carbon dioxide is by far the dominant cause of the rise in global average temperatures, methane also plays a significant role because it absorbs more energy per unit mass than carbon dioxide does, giving it a disproportionately large effect on global radiative forcing. In addition to contributing to climate change, methane also affects human health as a precursor to ozone pollution in the lower atmosphere.

[read full description]

Topics

Earth Sciences - Climate, Weather and Meteorology
Environment and Environmental Studies - Air Quality
Environment and Environmental Studies - Pollutants and Toxics

Suggested Citation

National Academies of Sciences, Engineering, and Medicine. 2018.*Improving Characterization of Anthropogenic Methane Emissions in the United States*. Washington, DC: The National Academies Press. https://doi.org/10.17226/24987.

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Understanding Waterfowl: The Magic of Migration

When and where waterfowl migrate is determined largely by day length, weather, and food availability

By Tom Moorman, Ph.D.

Migration embodies much of what fascinates us about waterfowl. It compels us to wake up at 4 a.m., slog through the marsh, and set decoys before dawn-all in hopes of intercepting a few birds before the majority continue to points unknown. The essence of Ducks Unlimited's mission is to conserve habitat to ensure that future generations can also marvel at the sights and sounds of migrating waterfowl.

Waterfowl are very adaptable. They have evolved with an ability to fly long distances in search of the most favorable habitats and environmental conditions, which can vary year to year based on weather. Migration may seem like an arduous journey, but this behavior enables waterfowl to find food-rich habitats on wintering and migration areas when landscapes to the north are frozen and covered with snow. This allows most of the birds to survive and breed in subsequent years.

Day length, or photoperiod, is the main factor that drives migration. However, changes in day length only prepare birds physiologically for migration. Weather events are largely what stimulate them to actually migrate.

Most hunters recognize that weather affects migration, and many of our most memorable hunts occur on "flight days," when large numbers of birds are moving south on the heels of a powerful cold front. However, waterfowl are flexible in how they respond to weather

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conditions, which can affect the timing and distance of their movements. This flexibility can affect the number of birds that we see while hunting. You can blame the weatherman when mild weather causes waterfowl to remain to the north, but remember to thank him when winter arrives early and forces birds to move south far and fast. Whether it works in our favor or not, we cannot control the weather, and the birds are simply responding in a way in which they are hardwired-to migrate only as far as necessary to find food and open water.

Differences in migration timing and distance among waterfowl species are related to the birds' feeding ecology. For example, blue-winged teal, which feed on seeds and invertebrates in shallow wetlands, reliably depart the breeding grounds in August and September because their preferred feeding areas are the first to freeze in fall. Gadwalls, which feed almost exclusively on aquatic plants in slightly larger and deeper wetlands, usually depart breeding areas in October and typically do not wait for winter to arrive before heading south. Like bluewings, they must fuel up, store fat, and depart the breeding grounds before their preferred foods are trapped under ice.

Meanwhile, most diving ducks and mallards may remain up north well into November, until Old Man Winter finally gives them a hard nudge. Canvasbacks, redheads, scaup, and ring-necked ducks typically feed on aquatic plants and invertebrates in larger, deeper marshes that are the last to freeze, allowing them to linger and store fat until bitter-cold temperatures force them to migrate to warmer latitudes.

Mallards sometimes don't arrive on wintering areas until late December, and then in reduced numbers in some years. Mallards, northern pintails, American green-winged teal, and American wigeon consume waste grain in both dry and flooded fields, in addition to feeding on seeds and aquatic plants in wetlands. For these birds, especially mallards, cold weather often isn't enough to send them packing to their winter haunts; significant snowfall must also cover their food supplies in harvested grain fields and wetlands. Mallards in good condition, with fat making up nearly 25 percent of their body mass, can withstand periods of up to seven days without food, allowing them to wait out short periods of harsh weather. If a winter thaw occurs, they may even move north again. This "strategy" enables the birds to minimize the risks associated with migration and allows them to return to the breeding grounds as soon as possible in spring.

Weather also influences migration and winter habitats. Droughts or floods during the growing season can reduce summer plant growth and thereby impact fall and winter food abundance. Fall and winter droughts and floods can also impact food availability. A lack of water, or water that is too deep, can limit access to food resources, while widespread shallow flooding can create extensive new feeding habitats, causing waterfowl to disperse widely across the landscape.

Waterfowlers hope for winter storms that dump snow and freeze wetlands to the north, pushing waves of waterfowl down the flyways. They also wish for enough rainfall to flood traditional hunting areas. But always remember the adage: "Be careful what you wish for."

uwf2SO19

Photo © GARYKRAMER.NET

Last year, waterfowl appeared to be scarce across much of the eastern half of the continent. Early winter storms in October and early November had many hunters cheering the weather forecasts, but in late November temperatures warmed substantially as far north as prairie Canada, where snow and ice were nearly nonexistent well into January. According to the National Centers for Environmental Information, the period from August 2018 to January 2019 was among the warmest on record for the United States and the wettest in more than a century in eastern states. The combination of warm temperatures and heavy precipitation undoubtedly exerted a strong influence on the migration by creating abundant feeding habitat, which significantly reduced the southward movements of waterfowl. That was a perfect recipe for a challenging duck season for hunters.

Given the impact of the weather on waterfowl migration, what might the future hold for waterfowlers? In short, they should expect significant variation in the timing of waterfowl migrations, which will likely coincide with increasingly variable and warmer weather conditions. Waterfowl managers will need to understand these long-term trends and consider changes in season dates and wetland management to provide habitat for ducks and hunters during peak waterfowl abundance in their respective areas.

DU scientists are working to understand potential changes in the winter distribution of waterfowl. And, importantly, we are contemplating ways to communicate any changes that are

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FL-SEN-20-0201-B, 20-0202-A-003395

detected to hunters. We cannot control the weather, but we can adjust our conservation programs to ensure that waterfowl have habitat options despite highly variable weather conditions. We can also help hunters understand how waterfowl are likely to respond to warmer winters in coming years.

The next time you hear wings ripping the air as a flock of dabblers or divers drops altitude to investigate your decoys, remember you are witnessing a finely honed behavioral adaptation that has allowed the birds to thrive for millennia. Hopefully, you will make a good shot, and as your dog retrieves your prized bird, know that your support for Ducks Unlimited will help perpetuate the experience for generations to come.

Dr. Tom Moorman is Ducks Unlimited's chief scientist.

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Prescribed fires help keep the Everglades alive

BY PEDRO PORTAL FEBRUARY 06, 2020 01:06 AM

"We are trying to reintroduce fire in these ecosystems so it can play the natural role it used to in keeping hazardous fuels under control and renewing native plants." said Michael Gue, the Everglades National Park's prescribed fire specialist. ...**..more..**

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Action Alert! An important bill could soon be coming to a vote! The Wildlife Corridor Conservation Act of 2019, HR 2795, would designate National Wildlife Corridors on federal lands and establish a grant program for state localities and private landowners to support wildlife, including species that depend on the Florida Wildlife Corridor, like panthers and black bears. Reach out to your representatives and urge them to support HR 2795! https://www.house.gov/representati.../find-your-representative

By doing so, they'll join previous generations of Floridians who had the foresight to secure parks and preserves across our great state to protect our beautiful natural landscape and the diverse animals that call it home. This bill will help ensure that these treasures remain protected and connected for future generations.

Thank you to Representatives Vern Buchanan and Francis Rooney for cosponsoring this bill! #KeepFLwild #ConnectProtectRestore

Photos by Carlton Ward

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Counting is Caring: Join the Great Backyard Bird Count

The 23rd Annual Great Backyard Bird Count (GBBC) begins next week on Valentine's Day, Friday, February 14, and continues through Monday, February 17. And when the latest science shows that two-thirds of North American birds are threatened by climate change, there is no better time to get involved.

The GBBC is a free, fun, and family-friendly way to support bird conservation. Here's how it works: spend as little as 15 minutes on one or more days of the count tallying birds in your community, and then submit your lists online. The data collected by volunteers from around the world powers conservation initiatives and helps us better understand how climate change will impact the birds we all love.

All it takes is 15 minutes to make a difference. Keep reading to learn how to participate in this year's Great Backyard Bird Count.

Learn More

For some folks, the best part of President's Day is having an extra 24 hours to veg out. But for others, it's that joyous time of year when they get to tally up birds for the annual Great Backyard Bird Count (GBBC). The dates for the 2020 GBBC are February 14 to 17.

During the GBBC, people from around the world count wild birds on the same weekend and then submit their data online for scientists to use in their research. The kid-friendly event is run by the Cornell Lab of Ornithology and National Audubon Society, plus other sponsors and international partners.

Whether you're a sage expert or a first-time birder, you can help create a snapshot of avian populations and provide critical information for future conservation efforts just by reporting what you see and hear. Every observation you submit gives scientists more insight into research areas such as how birds are adapting to suburban sprawl, West Nile Virus, and climate change. It's free, it's fun, and it makes a difference.

So how do you take part? Read on to learn the ins and outs of running your own count.

Make a Plan

Before you hit the great outdoors (or your backyard), you will need to sort out logistics so that when the weekend comes, you're properly prepared.
First, make sure you have a way to submit your data after the count is over. If you already have an account at the GBBC website, an eBird account, or have registered for another Cornell Lab citizen science project (such as FeederWatch or NestWatch), you can use your existing information to log into the database. If you haven't participated in the last two years, creating a new account is easy. Once you're set, download the mobile app from the eBird website. Participants who don't have smartphones can use their computers to plug in data.

Next, decide where you're going to count and for how long you want to do it. You can devote as little as 15 minutes on a single day, or make a full weekend of it. And though you're welcome to stick to your window or yard, you can count anywhere: your neighborhood, a local park, a rooftop, a national wildlife refuge or sanctuary, or a birding hotspot farther afield. You can also move between locations during the survey, so feel free to visit several different spots.

Rather than tackling it alone, recruit a group to go out with you. Solo counts are still fun and challenging, but partners can provide levity and extra eyes to help identify elusive species or large flocks. The GBBC is also a great opportunity to

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introduce the joys of birding to someone new by taking the Pledge to Fledge-a program that encourages experienced birders to bring beginners into the fold.

You might also want to study up ahead of time to get a sense of the birds you're likely to see. Most of the species you will encounter will be local and familiar. (Snow Geese and European Starlings always rank among "most numerous" during the count.) The GBBC website offers online guides and ID tips you can use to hone your skills. Our free Audubon Bird Guide app will also prove handy. Other good apps to download are the free Merlin ID, which identifies birds from uploaded photos, or the new iPhone app Song Sleuth, which puts a name to a birdsong.

Snow Geese. Photo: Michael Gale/Audubon Photography Awards

Get Out There

Collecting and reporting data for the GBBC is straightforward: At each location, identify any species you see or hear, and tally up the number of individuals. (You can also note any interesting behaviors.) Create a checklist for each location and time; if you revisit a spot, start a new checklist. Remember to keep track of start and end times for each checklist, as well as distance traveled. The mobile app automatically tracks the time after you open a new checklist. Your smartphone should also have a health app that logs steps and miles.

Be as accurate as possible, but don't panic if your numbers are inexact. Counting a large flock of fussy juncos is a challenge. Estimate when you have to: If you tally only 20 birds, but it seems like there are twice that many, 40 is a safe estimate. (eBird has a helpful article on estimating flock sizes.) Snapping a photo of the scene can help you total up flocks later, so keep a camera on hand if possible. (Did we mention that there's a photo contest?)

During the GBBC, rarity doesn't matter; the hundreds of House Sparrows count just as much as the more unusual species. But that doesn't mean that seeing a rare bird isn't part of the allure. Perhaps you will find a bird that's never been seen in your area, or record a historically high number of a particular species. Last year, counters in Philadelphia found the GBBC's first-ever Barnacle Geese, which usually winter in Europe. And southwestern birders posted three tropical marvels: the White-throated Thrush, Clay-colored Thrush, and Rufous-backed Robin. Rare birds are exciting, but it's important to be cautious and rule out less exciting possibilities first. Carefully document any unusual sightings; it's good practice, and can help with verification later on.

Above all, remember to take your time. Approaching birds too quickly is a surefire way to scare some off. A little patience will keep them visible to you and minimize the stress for them, providing a better experience for all.

Eastern Bluebirds. Photo: K. Bartels/Great Backyard Bird Count

Share the Wealth

Once you've seen some beautiful birds and collected valuable data, leave the rest to the scientists by submitting your observations. For those using the mobile app, it's a simple matter of reviewing your checklists for accuracy, adding photos, and then hitting "submit." If you plan to record your data by hand, the process is almost as easy: All you have to do is log in to the GBBC website, head to the "submit your observations" page, and then plug in your results and photos. (The site guides you through each step, and allows you to share entries with your counting partners.) Another option is to submit your tallies directly into eBird.

Now comes the hard part: waiting for results. With data streaming in from all over the world (last year, participants from more than 130 countries submitted 162,052 checklists), it takes about two weeks to crunch the numbers. Once the wait is over, check out the GBBC or Audubon websites for the final results. There should be a few surprising stories and photo galleries to enjoy as well-and maybe even one from your own count.

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Legislative Update - Week 4

2020 Legislative Update - Week 4

Growth Management - HB 519 Private Property Rights Protection by Grant and **SB 1766** by Lee passed out of their committees this week. These two damaging bills limit local government's ability to manage growth and exposes them and their taxpayers to unlimited liability. The House version requires a local government, when settling property rights claims under the Bert Harris Act, to apply the same settlement to all "similarly situated residential properties." If the government settles or the property owner secures a judgment declaring an inordinate burden, there is a presumption that similarly situated parcels are also inordinately burdened and entitled to the same settlement terms or judicial determination. A Senate amendment on this bill was introduced this week and was successful in removing the provision that Bert Harris settlements apply to all "similarly situated residential properties." **HB 519** has passed all of its committees and will be heard next by the full House. The Senate version, **SB 1766**, is on the agenda of its second referred committee, Community Affairs, for next Monday

Endangered and Threatened Species
SB 680 - Shark Fins by Hutson passed out of the Senate Environment and Natural Resources committee on Tuesday after a bill weakening amendment was withdrawn. This bill prohibits the import and export of shark fins to and from Florida. The bill will be heard next in Sen. Commerce and Tourism.

Water Quality
SB 712 - Water Quality Improvements by Mayfield was on the Senate Appropriations agenda for Wednesday but was temporarily postponed. Also at the Appropriations meeting, Sen Mayfield presented the Senate's budget for water quality protection and improvements as vetted through the Senate Appropriations Subcommittee on Agriculture, Environment and General Government. Some of the highlights of the Senate Budget recommendations are:

- $643 million for Water Quality Protection (Everglades, Springs, Alt water supply)
- $198 million for Water Quality Improvements (septic to sewer, regional watershed protections)
- $33 million to combat Harmful Algal Blooms
- $125 for Florida Forever programs

Everglades Day in Tallahassee
SCCFs CEO and Policy staff will join other advocates in Tallahassee Monday and Tuesday for Everglades Action Day. We will be there to support full funding of Governor DeSantis's proposed $322 million dollar budget for Everglades restoration, Legislative action to strengthen protection of all Florida's waters, Reinstatement of strong statewide land use planning for sustainable growth and protecting Everglades restoration investments from climate change.

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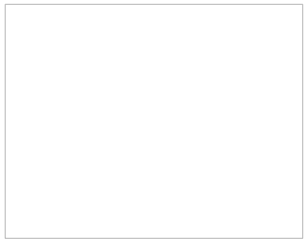
About M-CORES

The Multi-use Corridors of Regional Economic Significance (M-CORES) program is intended to revitalize rural communities, encourage job creation and provide regional connectivity while leveraging technology, enhancing the quality of life and public safety, and protecting the environment and natural resources. The program was signed into law by Governor Ron DeSantis on May 17, 2019. The intended benefits include, but are not limited to, addressing issues such as:

- Hurricane evacuation
- Congestion mitigation
- Trade and logistics
- Broadband, water and sewer connectivity
- Energy distribution
- Autonomous, connected, shared and electric vehicle technology
- Other transportation modes, such as shared-use nonmotorized trails, freight and passenger rail, and public transit
- Mobility as a service
- Availability of a trained workforce skilled in traditional and emerging technologies
- Protection or enhancement of wildlife corridors or environmentally sensitive areas
- Protection or enhancement of primary springs protection zones and farmland preservation areas

The Florida Department of Transportation (FDOT) is assigned with assembling task forces to studythree specific corridors:

- The Suncoast Connector, extending from Citrus County to Jefferson County
- The Northern Turnpike Connector, extending from the northern terminus of Florida's Turnpike northwest to the Suncoast Parkway
- The Southwest-Central Florida Connector, extending from Collier County to Polk County



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Overview

The University of Florida Water Institute and Duke Energy partner to host the 7th biennial UF Water Institute Symposium. The Symposium will bring together individuals from a broad range of disciplines and organizations to explore complex water challenges from multiple perspectives. The 2020 Symposium will focus on innovative science, technology, cultural, policy, and management solutions to the following pressing issues:

1. **Harmful algae blooms in springs, lakes and coastal waters**
2. **Sources, impacts, and management of contaminants**
3. **Water scarcity, allocation, and use**
4. **Impacts of and resilience to climate change, extreme events and sea level rise**

The Planning Committee encourages presentations that consider influences across a full range of spatial and temporal scales; present innovative analytical methods, technologies, monitoring, and modeling approaches, and focus on public perceptions, science communication, education, and stakeholder engagement.

February 25-26, 2020

J. Wayne Reitz Union
University of Florida
Gainesville, Florida

Registration

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Partnership with University of Florida Water Institute 2020 Symposium

The Florida Section of the American Water Resources Association (AWRA Florida) is pleased to announce a partnership with the University of Florida (UF) Water Institute 2020 Symposium scheduled for **February 25-26, 2020** at the J. Wayne Reitz Union on the UF campus in **Gainesville**.

In furthering the mission of AWRA Florida to support student education related to Florida's water resources, **AWRA Florida will sponsor and moderate the poster session competition which will award four (4) $1,000 scholarships to winning students**.

The 2020 UF Water Institute Symposium will explore complex water challenges and solutions to the following pressing issues: harmful algae blooms in springs, lakes and coastal waters; sources, impacts, and management of contaminants; water scarcity, allocation, and use; and impacts of and resilience to climate change, extreme events and sea level rise.

AWRA Florida looks forward to the symposium and the poster session competition which is open to all students with research topics to share. More details on the symposium and the poster session competition can be found at: https://conference.ifas.ufl.edu/waterinstitute/

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Technical Review of Options to Move Water from Lake Okeechobee to the Everglades

In 2013, after a particularly wet season in the region and large regulatory discharges to the estuaries, concerns arose about the timing of completing CERP, especially about the timing of construction and completion of projects that would reduce damaging estuary releases and increase the flow of clean water south to the Everglades. Stakeholders have questioned whether there are more immediate solutions especially to the problem of high discharges of poor quality freshwater to the estuaries. In response to the recommendations of the Florida Senate Select Committee on Indian River Lagoon and Lake Okeechobee Basin, The Florida Senate request the UF Water Institute to conduct an independent review of agency-adopted and other proposed plans to move even more water to the Everglades to: (1) ensure that existing evaluations of plans by the agencies are technically sound; and (2) possibly identify innovative, new approaches that have not previously been considered.

click for link to report

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click for link to article

Modernize the Pittman-Robertson Act

The law that is broadly and affectionately known as PR ironically doesn't allow state wildlife agencies to market hunting to a new generation of license buyers-the sportsmen and women we desperately need to keep funding conservation

By now, you probably know that every time you buy a hunting or fishing license and certain gear, you're paying into a hugely successful system of conservation in America-where those of us who enjoy and take something from our natural resources also give back to fish and wildlife. You're probably even aware of the two laws that made this happen: the Pittman-Robertson Act for hunting-related spending and the Dingell-Johnson Act for fishing-related spending.

[.]

But there's a major difference between these policies that has become glaring as fishing participation has crept back up and hunting participation has taken a steep nosedive.



Photo by US Fish and Wildlife Service Midwest Region.

Between 2011 and 2016, the number of hunters declined by 16 percent. Hunters spend fewer days afield and less money on equipment on average than they used to. In that same time period, 2.7 million more Americans started fishing, and spending on fishing equipment increased by more than 36 percent.

This could be because about $12 million in funds created by the Dingell-Johnson Act annually go toward national efforts to recruit, retain, and reactivate (R3) anglers. Meanwhile, no such provision is made in Pittman-Robertson.

Besides the next generation of sportsmen and women, ,
because many of these conservation-focused departments depend entirely on P-R and D-J dollars. But, as the laws are written, even a state department of natural resources with an excellent apprentice hunter program can't so much as print up a poster to advertise it using P-R funding.

The ability to communicate with and educate the public about hunting is so much more important today than it was in the 1930s when this bill was written. At that time, more than half the country hunted or had access to someone who could likely show them how. This just isn't the case anymore.

The Bottom Line

It's time to modernize Pittman-Robertson and allocate just a small portion of its funds to R3 activities-the return on investment is likely to be millions of more active and engaged outdoorspeople paying into a conservation model that supports some of America's greatest traditions. Failing to do so could create a conservation funding crisis like we've never seen before.

Legislation called Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act (H.R. 877) has been reintroduced this Congress and debated in a House Natural Resources Committee hearing earlier this year. After the August recess, we need to move this bill forward without delay and before we lose lawmakers' attention to the chaos that comes with an election year.

Have you seen state agency efforts to attract and educate new hunters that deserve more of a PR spotlight? Tell us in the comments.

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NOAA Fisheries Evaluates Angler Reporting Apps in Recreational Fisheries

A fisherman uses an opt-in catch reporting app called iAngler.

In a new report, NOAA Fisheries describes how electronic technologies, including web and app-based data collection programs, may improve the agency's estimates of marine recreational catch. The report finds "opt-in," or non-mandatory, angler reporting apps to be appropriate for collecting qualitative data that support citizen science-based studies. But for these apps to produce population-level estimates of recreational catch, a large proportion of anglers would have to consistently use them to report accurate information about their fishing trips, and a statistically valid probability-based sampling survey would have to validate self-reported data, monitor the extent of reporting, and account for unreported trips.

The report (PDF, 12 pages) is part of the MRIP Action Plan on Implementing Electronic Reporting. Its recommendations are based on an external review of electronic reporting options for recreational fishing surveys, as well as our own assessment of two projects that evaluate the use of iAngler and iSnapper to collect recreational fisheries data.

Electronic reporting is a method of data collection that can include smartphones, tablets, and other technologies used to record, send, and store data. When electronic reporting is part of a probability-based sampling survey design, it has the potential to reduce data collection costs and improve the quality of reported information. But when recreational catch estimates are produced with only those data collected through an opt-in website or mobile app, the estimates are likely to be biased.

Challenges to Opt-in Angler Reporting Apps Reporting Rates

Even with extensive outreach and education campaigns, voluntary apps such as iAngler and iSnapper suffer from low recruitment and retention rates. In addition to introducing the potential for bias, low reporting rates can negatively impact estimate precision.

Selection Bias

Estimates derived from data voluntarily reported through an angler app are susceptible to extreme selection bias, to the extent that anglers using the app fish differently from anglers not using the app.

Sampling Methods

Opt-in angler reporting apps are a non-probability sampling technique: the probability that an angler will use these apps is unknown. Sampling theory for non-probability surveys is poorly developed, and non-probability sampling and estimation methods follow no single standardized approach. As this report states, non-probability surveys cannot reliably produce scientifically sound population statistics without a consistent standard to support a valid sampling design.

Appropriate Uses for Electronic Reporting

Statistically valid survey designs that employ electronic reporting have been used to produce population-level estimates of recreational catch. In 2018, for example, NOAA Fisheries certified Alabama's Snapper Check and Mississippi's Tails n' Scales "capture-recapture" survey designs. Both surveys use a mobile app as the primary mode of collecting recreational red snapper fishing data during the "capture" phase. A mandatory, probability-based dockside intercept survey qualifies angler reporting during the "recapture" phase.

NOAA Fisheries remains committed to identifying ways electronic reporting can improve our recreational fishing surveys. Later this year, NOAA Fisheries will begin working with the South Atlantic Fishery Management Council to explore:

What motivates anglers to use mobile apps;

What anglers are willing to report through mobile apps; and

What impacts the recruitment and retention of app users.

About MRIP

The Marine Recreational Information Program (MRIP) is the state-regional-federal partnership responsible for developing, improving, and implementing surveys that measure how many trips saltwater anglers take and how many fish they catch.

Do you have a question about recreational fishing data collection or estimation? Email Dave Bard at david.bard@noaa.gov or visit countmyfish.noaa.gov.

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Recreational fishing has a significant economic impact on communities throughout the U.S. But what does that really mean?

The American Sportfishing Association (ASA) teamed up with Southwick Associates to create the *2019Economic Contributions of Recreational Fishing: U.S. Congressional Districts*, which updates the 2016 version. This also includes a new series of one-page infographics, which clearly illustrate recreational fishing's economic impact on all 435 Congressional districts and the 50 states.

The reports use macro data from the 2016 U.S. Fish and Wildlife Services' *National Survey of Fishing, Hunting and Wildlife-Associated Recreation*, which is condensed into ASA's *Sportfishing in America* report. The study used mapping and population software to hone in on smaller geographic areas in a way that is particularly relevant to members of the U.S. House of Representatives.

America's 49 million anglers generate nearly $50 billion in retail sales with a $125 billion impact on the nation's economy creating employment for more 800,000 people.

Economic Impacts of Recreational Fishing Report (PDF)

Economic Impacts of Recreational Fishing Report- Senate Version (PDF)

Economic Impacts of Recreational Fishing Report- House Version (PDF)

2019 Economic Contributions of Recreational Fishing Report.

For those who don't want to plow through it, here are some highlights.
Florida leads the nation with 4.1 million anglers and $4.18 BILLION in fishing-related retail sales.
The 54,000+ fishing-related jobs in this state lead the nation and fishing-related federal tax revenue and state tax revenue are $533 million and $350 million respectively.

Link to the report here: https://asafishing.org/economic-contributions-of-recreatio.../

Florida Fish and Wildlife Commission

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FWC Commission Meetings

The Florida Constitution authorizes the Fish and Wildlife Conservation Commission to enact rules and regulations regarding the state's fish and wildlife resources.

To do this, the 7 Commissioners meet 5 times each year to hear staff reports, consider rule proposals and conduct other Commission business. Because stakeholder involvement is an important part of the process, we conduct Commission meetings at different locations across the state and offer people the opportunity to address the Commission about issues under consideration.

This section of MyFWC.com connects you to all you need to know about Commission meetings, including schedules, agendas, minutes and other information.

Speaker Registration Guidelines:

If you wish to speak during one of the public commenting opportunities, please complete the electronic registration process on-site at the meeting. FWC staff members are available at the registration table to assist you as needed.

To accommodate as much input as possible from those attending the Commission Meeting, the Chairman reserves the right to designate the amount of time given to a topic or speaker, including time donation to other speakers.

Please be aware of the following FWC public speaking guidelines. By registering to speak, you agree to follow these guidelines.

Unless otherwise directed by the FWC Chairman:

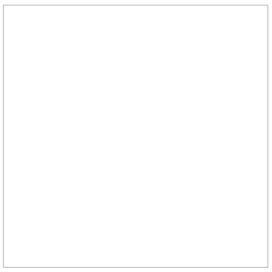
- Each speaker will be allotted three (3) minutes to speak on any one topic.
- Speakers may receive one (1) additional three (3) minute donation from another registered speaker.
- Speakers must register for the item they wish to speak on prior to the beginning of the presentation on that topic.
- Speakers who are registered to speak will have their names called by the Vice Chairman during the designated public comment time for each agenda topic.
- Speakers are responsible for being in the Commission Meeting room when their name is called. Failure to respond when

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your name is called may result in loss of opportunity to comment on that topic.

- Displays such as signs, props, presentations, and recordings generally are not permitted in the meeting room. Please see registration desk staff for assistance.
- Speakers may provide paper handouts for FWC Commissioners:
  - Please prepare eleven (11) copies of any information you wish to provide, including your name and the topic on each front page so Commissioners know whose information they are reviewing.
  - When you complete your registration to speak, let staff at the registration table know that you wish to provide written items for the Commissioners. They will ensure the materials are ready to distribute to the Commissioners when it is your turn to speak.
  - Registration staff are unable to print, copy or provide other office supplies or services for these information packets.

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Land and Water Conservation Fund

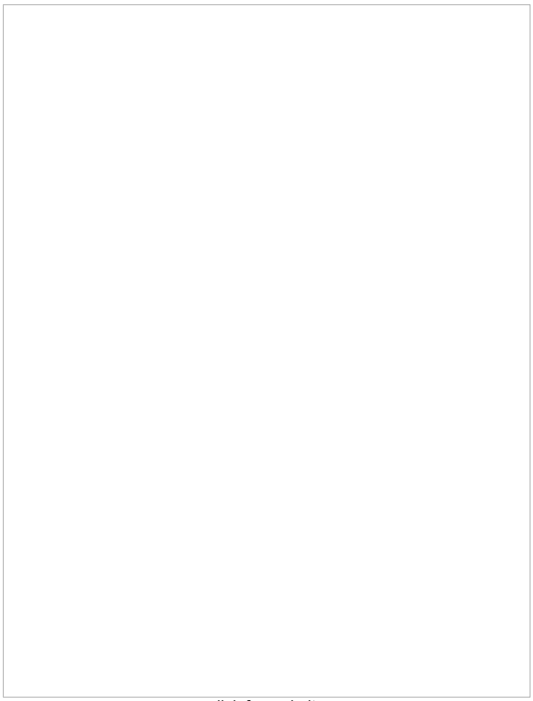
From Wikipedia, the free encyclopedia

The United States' **Land and Water Conservation Fund** (**LWCF**) is a federal program that was established by Act of Congress in 1965 to provide funds and matching grants to federal, state and local governments for the acquisition of land and water, and easements on land and water, for the benefit of all Americans.[1] The main emphases of the fund are recreation and the protection of national natural treasures in the forms of parks and protected forest and wildlife areas. The LWCF has a broad-based coalition of support and oversight, including the National Parks Conservation Association, Environment America, The Wilderness Society, the Land Trust Alliance,the Nature Conservancy, and The Conservation Fund.

The Land and Water Conservation Fund was permanently reauthorized as part of the bipartisan John D. Dingell, Jr. Conservation, Management, and Recreation Act, signed into law on March 12, 2019.[3][9][10] It requires at least 40% of funds to be used by federal agencies and at least 40% to be allocated to the states.

Though LWCF is authorized with a budget cap of $900 million annually, this cap has been met only twice during the program's decades of existence. [6] As of 2015 the program generated about $2.5 million a day from leases on offshore oil and gas drilling.

Possible funding for acquisitions, projects?? **Everglades Headwaters**



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Resiliency

THE TERM "RESILIENCE" IS EVERYWHERE - BUT WHAT DOES IT REALLY MEAN?
As resilience moves from technical term to buzzword, there's value to be had in clarifying exactly what it is we're talking about

Is this a watershed moment for the environment?

In the past couple of weeks, we've heard that electric vehicles are on the verge of becoming cheaper than combustion engine cars, meatless Whoppers are rolling out nationwide, climate change is emerging as a top issue for many prospective voters in the U.S., and, in April, renewable energy replaced coal for the first time ever as the second largest source of electricity in the U.S.

Amid this flood of positive news for the environment, massive challenges remain. Globally, greenhouse gas emissions continue to increase, storms - such as the pair of cyclones that hit Mozambique recently - are becoming more intense, and the U.N. just released a report saying wildlife extinction and the loss of biodiversity may be worse than previously known.

Taken together, this news underscores the importance of resilience. But have you ever stopped to ask: What does the word resilience even mean?

In this week's feature story for Ensia, sustainability scholar Kate Knuth tackles that question. As she writes in the intro, "The term resilience is everywhere. And everywhere, it seems, it means something a little different."

Why does this matter? "Given the state of the planet, resilience will likely continue to be called upon to provide a framework for working across sectors and disciplines to grapple with all kinds of change," Knuth writes.

The term "resilience" is everywhere. And everywhere, it seems, it means something a little different.

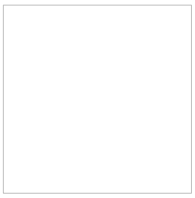
Resilience has been used to describe people and systems that bounce back from negative experiences and disturbances. It has also been used to refer to systems that survive being jostled around - whether or not they go back to where they were before, or to any stable state, for that matter.

While some have argued resilience is an empty concept, the widespread use of the idea of resilience across disciplines, sectors and professions suggests it is a necessary concept. Resilience is related to change. And given the rapid change happening in the environment, technology and society, such extensive use of the term reflects this need.

It does, however, lead to some questions. Where did the idea of resilience come from, and how has it developed? More importantly, how can the concept be used in ways that help us navigate a rapidly changing planet?

...more...

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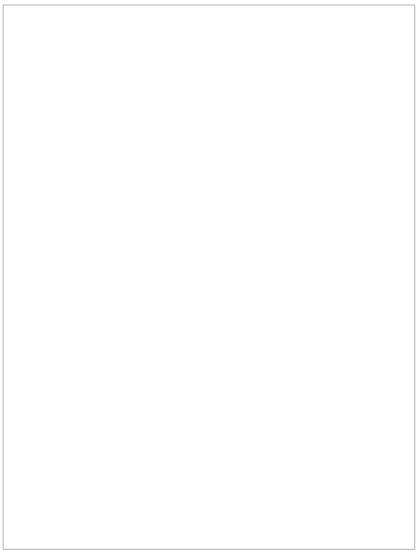


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Cypress Chapter of Izaak Walton League of America

EVERGLADES RESTORATION

Therefore, be it resolved, the Izaak Walton League of America, assembled in convention in Des Moines, Iowa, July 19, 2019, calls upon Congress to fulfill its obligations under the agreement with Florida established in the Water Resources Development Act of 2000, and promptly provide the approximately $1 billion in funding that it has fallen behind for its half of the costs for the Comprehensive Everglades Restoration Plan. Further, the League calls on Congress to provide sufficient annual funding for the Comprehensive Everglades Restoration Plan for the remainder of the project. Additionally, Congress should provide annual funding to acquire land or conservation easements on land that is of acute conservation importance to the Everglades Headwaters National Wildlife Refuge.



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Scientists working on better understanding algae blooms

....."Hopefully in the future we will be able to predict when a bloom will happen and if we can get to that point, predictive, then we can prevent these blooms and that might take a larger scale effort of prohibiting certain nutrients from the watershed," said Jose Lopez, a professor at Nova Southeastern University. "But that's beyond science in some ways."

Information the group collects will eventually become published science that may help guide things like land-use decisions and nutrient removal programs, Lopez said.

Mike Parsons, a Florida Gulf Coast University professor, is a member of the state's Blue-Green Algae Task Force and said this study is the type of information the task force wants.

"These kind of data are useful because they can help us find the solution," Parsons said.

Barry Rosen, a biologist with the USGS.; said the group hopes to find a way to eventually prevent these types of blooms, which can cripple local economies and the real estate and tourism industries.

Buy Photo

Elizabeth Schroeder, a FGCU student pulls a water sample from a plastic tube placed by the USGS at the Franklin Locks on the Caloosahatchee River on Monday 7/8/2019. They will used in a scientific experiment studying cyanobacteria or blue-green algae. The scientists will study the affects of of nutrients such as nitrate, ammonia and/or phosphorus and and assess what will happen to the algae. *(Photo: Andrew West/The News-Press)*

"Can we find a kink in the armor?" Rosen said. "Is there something going on in that sequence that we can target because once you get a massive bloom it's almost impossible to control? And we don't want to wait for that. We're a long way from finding it out but that's what we're targeting."

Rosen said the group hopes to find out what's causing the recent blue-green algae blooms but actually changing the amount of nutrients flowing into the historic Everglades is up to others agencies.

"If you find nitrate is something that is worth controlling moving forward then you would look upstream into the watershed," Rosen said. "There's a fair amount of land between here and Lake Okeechobee and there's a fair amount of watershed contribution of nutrients. (But taking regulatory actions) is something other agencies would have to target."

click for link to article

How to erase 100 years of carbon emissions? Plant trees-lots of them.

Increasing the Earth's forests by an area the size of the United States would cut atmospheric carbon dioxide 25 percent.

5 MINUTE READ

BY STEPHEN LEAHY FOR NATIONAL GEOGRAPHIC

An area the size of the United States could be restored as forests with the potential of erasing nearly 100 years of carbon emissions, according to the first ever study to determine how many trees the Earth could support.

Published today in *Science*, "The global tree restoration potential" report found that there is enough suitable land to increase the world's forest cover by one-third without affecting existing cities or agriculture. However, the amount of

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suitable land area diminishes as global temperatures rise. Even if global warming is limited to 1.5 degrees Celsius, the area available for forest restoration could be reduced by a fifth by 2050 because it would be too warm for some tropical forests.

"Our study shows clearly that forest restoration is the best climate change solution available today," said Tom Crowther, a researcher at ETH Zürich, and senior author of the study.

That does not alter the vital importance of protecting existing forests and phasing out fossil fuels since new forests would take decades to mature, Crowther said in a statement.

"If we act now, this could cut carbon dioxide in the atmosphere by up to 25 percent, to levels last seen almost a century ago," he says.

It could take more than a hundred years to add enough mature forest to get sufficient levels of carbon reduction. Meanwhile 40 billion tons of carbon dioxide (CO_2) from burning fossil fuels are being added to the atmosphere every year, said Glen Peters, research director at Norway's Center for International Climate Research.

ICELAND IS GROWING NEW FORESTS FOR THE FIRST TIME IN 1,000 YEARS

See how Icelandic trees are making a comeback in this short film by Eufores.

"The only way we can keep below 1.5C or 2C, is to stop emitting fossil fuels," Peters says in an email.

That means no new fossil fuel-using infrastructure can be built, and some existing power plants need to shut down early, based on a major studypublished in Nature on July 1.

That said, large-scale CO_2 removal through reforestation will help offset emissions from sectors like aviation where alternatives are not yet available, and perhaps help lower temperatures, he said.

Carbon-eating trees

Trees-all plants, in fact-use the energy of sunlight, and through the process of photosynthesis they take carbon dioxide (CO_2) from the air and water from the ground. In the process of converting it into wood they release oxygen into the air. In addition to the CO_2 that trees capture, they also help soil capture significant amounts of carbon.

TODAY'S POPULAR STORIES

TRAVEL
19 iconic trees around the world

CULTURE & HISTORY
Dive beneath the pyramids of Egypt's black pharaohs

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Researchers studied nearly 80,000 high-resolution satellite photographs of protected forest areas across a range of ecosystems to determine the natural level of tree cover in each. That was combined with the mapping software of Google Earth Engine to generate a predictive model to map potential tree cover worldwide.

It turns out that more than half the potential to restore trees can be found in just six countries: Russia (151 million hectares); USA (103 million); Canada (78 million); Australia (58 million); Brazil (50 million); and China (40 million). Those countries have so much potential because they've already removed much of their existing forests, said lead author Jean-Francois Bastin of ETH Zürich.

"Anyone can plant a tree and we can start doing it tomorrow. Reforestation can buy us time to cut our carbon emissions," says Bastin.

While tree plantations can also store carbon, they don't support much wildlife such as pollinators, whose decline is very worrying, he said.

"In my opinion the implications of our study are that we need to respect forests as humanity's best ally to protect the climate and our life support system," he says.

Africa's potential for trees

Having suitable land area to grow forests is just one factor. Forests are far more important than their ability to soak up carbon. Tropical forests, for example, are where 90 percent of all terrestrial species are found, said Robin Chazdon, an ecologist at the University of Connecticut.

Climate change isn't humanity's only global environmental challenge. Earlier this year a landmark UN global assessment warned that one million species are at risk of extinction, threatening the very foundations of our economies, livelihoods, food security, health, and quality of life.

It takes a long time to make a new forest so there has to be a wide range of benefits for local people and society at large beyond just capturing carbon, said Chazdon. Along with 11 other experts, she used high-resolution satellite imagery and the latest peer-reviewed research to rank regions that provided the best carbon, water, wildlife, and other benefits and were the least costly and risky to reforest.

> If we don't make fundamental changes, conditions for humanity will only get worse.
>
> ROBIN CHAZDON, ECOLOGIST AT THE UNIVERSITY OF CONNECTICUT

In total they identified more than 100 million hectares of lost lowland tropical rain forests spread out across Central and South America, Africa, and Southeast Asia. Their findings appeared July 3 in the journal Science Advances.

The top forest restoration hotspots are all in Africa: Rwanda, Uganda, Burundi, Togo, South Sudan, and Madagascar. Reforesting some of the marginal cropland and pasture lands that were identified brings great opportunities to protect a diversity of species at low cost and low risk, while bringing a range of benefits to local people with enough financial support, Chazdon explained.

ANIMALS
Why shark attacks are more common in the Atlantic than the Pacific

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Different paths, same goal

Forest restoration can take many forms-from enriching pastures with trees, to growing coffee or cocoa beneath a forest canopy, to adding forest buffers for national parks and protected areas to enhance tourism.

"Many locals want these kinds of things to happen but they have to be involved and supportive or it won't work," Chazdon says.

Indigenous Peoples and local communities hold at least half of the world's land, including most tropical forests. Deforestation rates are far lower in forests where indigenous land tenure is recognized.

"We have served as guardians of these lands for generations... . We also understand how to restore them to health," says Joan Carling, a member of the Kankanaey tribe in the Philippines and Co-convener of the Indigenous Peoples Major Group for Sustainable Development.

"With the security of our lands and resources, we can prevent destructive logging, mining, agri-business, and other projects from occurring in our territories," says Carling via email.

That security is under threat in many regions, most recently in Brazil. According to recent reports deforestation in the Amazon rainforest is accelerating under the new Brazilian government. Satellite images reveal that the area of forest being cleared is equivalent to losing a football field-sized amount every minute. In June, forest loss was 88 percent higher than a year ago.

A number of international efforts have been launched to secure existing forests and plant many more, including the Bonn Challenge, where 59 countries have agreed to restore 150 million hectares of forest by 2020 and 350 million hectares by 2030.

Under the New York Declaration on Forests, countries have pledged to halve the rate of deforestation by 2020, to end it by 2030, and to restore hundreds of millions of acres of degraded land. And the Trillion Tree Campaign is mobilizing school children and communities around the world who have already planted 13.6 billion trees since 2007, when a 9-year-old Felix Finkbeiner of Germany launched the idea.

"If we don't make fundamental changes, conditions for humanity will only get worse," said Chazdon. "Reforestation can solve a lot of problems."

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Highly endangered Florida grasshopper sparrows reared in captivity are released

By KEVIN SPEAR

| ORLANDO SENTINEL |

Three of the rarest birds in Florida took an extraordinary adventure Monday, slipping out of a large pen into the freedom of an expansive, treeless prairie south of Orlando.

The year-old Florida grasshopper sparrows were hatched and raised in captivity, and designated as pioneers in a perilous bid to save their kind from oblivion.

Staffers of the Florida Fish and Wildlife Conservation Commission, the U.S. Fish and Wildlife Service and other organizations lined a dirt road, observing the pen in the far distance as a pair of biologists removed panels from the enclosure.

Then, with a light breeze, clouds of love bugs and an air of worry and optimism, the group waited quietly for an hour for the secretive birds to make their move.

"One flew out," came a text message, followed a short while later by a text suggesting the other two had fled, as they are programmed to do, by running unseen through shrubs and grass.

There are fewer than 80 of the sparrows in the wild - residing exclusively in remote, open spaces of southern Central Florida - and fewer than 70 in captivity.

With such a small population, they are thought of as a blink from oblivion.

In 2015, three males and four females were taken as chicks as the start of what was then uncharted territory; very little was known about how to raise the birds in a cage, including how to turn their eggs, when to expose them to light and what to feed them.

The effort of breeding birds in captivity for release into Florida's environment to stave off extinction was done with Central Florida's dusky seaside sparrows in the early 1980s and with whooping cranes more recently.

The seaside sparrows perished; the cranes survived. The odds for the grasshopper sparrows are still uncertain. But this time, dozens of biologists and veterinarians from conservation groups, universities and government agencies collaborated.

"This was a really monumental effort to crack the code on how to do this," said Larry Williams, state supervisor for the Fish and Wildlife

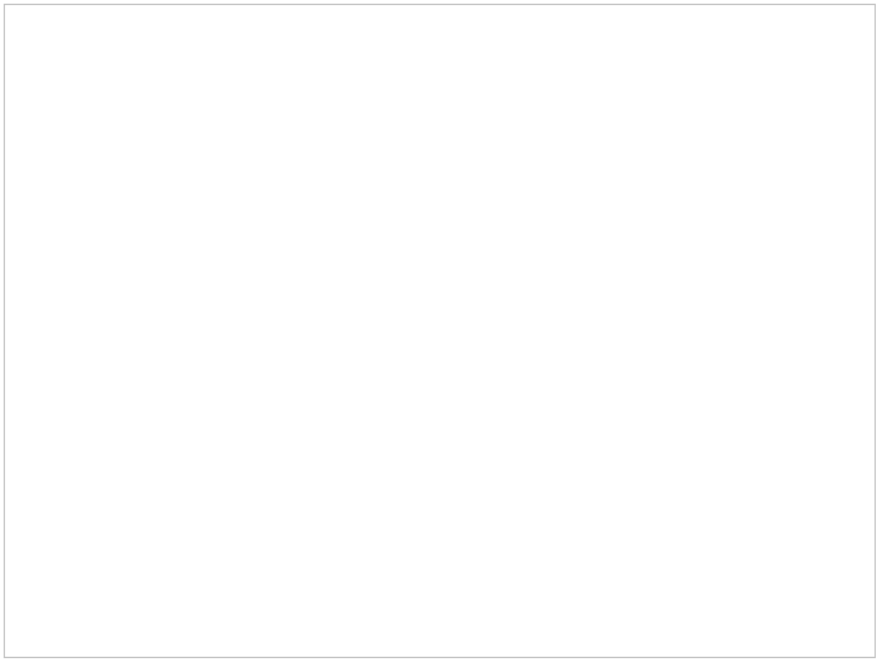
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Service ecological services.

Few birds in Florida have received the attention that has been mustered for the Florida grasshopper sparrow, a bird not much bigger than a golf ball and feathered as plainly as a grocery bag.

Others that do get such intensive care in Florida are superstars: the red-cockaded woodpecker, snail kite and scrub jay.

But the sparrows' release was not without controversy.



A team of biologists and environmental officials gather in south Osceola County to release Florida grasshopper sparrows that were raised in captivity. A biologist here tracks the birds as they leave their pen. (Kevin Spear / Orlando Sentinel)

Paul Reillo, director of the Rare Species Conservatory Foundation, which raised many of the birds in captivity, has warned that birds in captivity may have ailments that could lethally infect wild birds. He also challenged the timing and technique of the release.

"All trial methods should be data-justified and fully vetted well before releases are to be attempted," Reillo said in an email on the eve of the release.

Many in the group at the release said the risks have been analyzed at length, leading to a prevailing worry that inaction is a greater risk for the sparrows.

Craig Faulhaber, avian conservation coordinator for the state Fish and Wildlife Conservation Commission, said several more will be released this year.

The goal, he said, is to sustain the wild population while further research probes what's behind the sparrow's rapid decline.

Like many species of wildlife, Florida grasshopper sparrows have been hard hit by the loss of habitat and the suppression of wildfires that in more natural times kept forests and prairies pruned and healthy.

Yet in a little more than the past decade, something else has attacked the birds.

At the Avon Park Air Force Range adjacent to south Osceola County, there were 300 Florida grasshopper sparrows through the 1990s. Now there is a handful.

"We were the first to do the nose dive," said Troy Hershberger, a range biologist.

Several years of research found that the young and adults are faring reasonably well, but that nesting outcomes are dismal.

Further research learned that corn, black racer and yellow rat snakes, and spotted skunks prey voraciously on sparrow nests.

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But those predator species and sparrows have always coincided.

"What's changed that we can tweak? That what we have to learn," Faulhaber said.

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A team of biologists and environmental officials gather in south Osceola County to release Florida grasshopper sparrows that were raised in captivity. The birds' pen is in the background. (Kevin Spear / Orlando Sentinel)

That's meant, primarily, a controlled burn every two years, which trims back saw palmettos and promotes a low growth of miniature live oak and chalky bluestem and dozens of other shrubs and grasses where sparrows hide.

"Unless they are perched up high somewhere, you never see them," said Shayna Jacques, a state biologist.

The mesh pen used for the release - measuring 60 feet long, 20 feet wide and 8 feet tall - was installed earlier this year after a controlled burn was conducted.

That allowed time for native vegetation to grow so that the "inside of the pen looks like the outside," Faulhaber said.

Except for a few biologists with spotting scopes and with antennas for tracking tiny, radio transmitters on the birds, all others attending the release remained 200 yards back.

When it was over, Roxanna Hinzman, Florida ecological services field supervisor for the Fish and Wildlife Service, summed up the experience.

"I saw about as much as I expected to see," Hinzman said, with a laugh.

While that was not even a single flicker of a feather, the group witnessed, said Williams, a "huge milestone that was six years in the making."

Kevin Spear
Orlando Sentinel

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Suggested reads, views and go-to's

Editorial: We need task force, money to begin addressing SLR

SOUTHWEST FLORIDA WATER RESOURCES CONFERENCE...When...24 Jan 2020...FGCU

Blue-Green Algae Task Force Jan. 23rd...Meeting...- Postponed.

Cape Coral Friends of Wildlife Burrowing Owl Festival

Izaak Walton 2019 Conservation Policy Resolutions

12-15 feet range best for Lake O ecology

EvCo Tally Action Day Registration Open

Open-primary plan receives spot on November ballot..

"Category 6" hurricanes..

About M-CORES...The Multi-use Corridors of Regional Economic Signifignicance

Biscayne National Park Fishery Management Plan

Red tide covered nearly 1,000 miles of Florida coast.

Controlling Lion Fish

Everglades Boater Education Program.

Alico Water project for Caloosahatchee gets permit

Florida Water Daily Headlines

Everglades Handbook Understanding the Ecosystem

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Commentary and appeals for action

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Opinions on environmental topics have a light blue back ground, those on political issues, light yellow, appeals for action, pink.

Underscoring denote link to source or additional information.
Bold print is moderator emphasis.

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Editorial: We need task force, money to begin addressing effects of rising seas

It's 2020. Florida's legislators need to provide the money to establish a potent task force that finally will begin to address the effects of the rising seas.

Talk is cheap, and time is running out for Florida to get on with the difficult and expensive task of protecting its citizens from rising seas along its 1,197-mile coastline.

So, it's welcome news that lawmakers are getting behind Gov. Ron DeSantis' pledge to prepare Florida for the environmental, physical and economic impacts of sea-level rise.

DeSantis took the first step in August with the appointment of Julia Nesheiwat as Florida's chief resilience officer. The Lake County native reports directly to the governor and appears well qualified to quarterback his environmental protection efforts. Her appointment was a huge and welcome paradigm shift after eight years of DeSantis' predecessor, Rick Scott, whose efforts to deal with climate change consisted of pretending it doesn't exist.

Now, the Legislature appears poised to give Nesheiwat a team that can deliver desperately needed resiliency results. SPB 7016 and HB 1073 put flesh on the bones and money in the bank for a Statewide Sea-Level Rise Task Force within a Governor's Statewide Office of Resiliency.

As it considers these bills, the Legislature will be playing catch-up with public opinion. More than two-thirds of Floridians say that government must do more to address the impacts of climate change, and nearly half are willing to pony up $10 a month to make the state's infrastructure more resilient.

>>>Related content: Editorial: 'Climate change' enters Florida GOP lexicon. But we need action.

Ongoing reporting for The Invading Sea has assembled an ocean of evidence that Floridians clearly understand that they cannot maintain their way of life -- indeed, their very lives -- without a sustained and focused effort by state government to get us on the road to resilience. Properly funded and staffed, the proposed Office of Resiliency offers hope for a coherent statewide strategy to make our homes, businesses, streets, highways and sewers able to resist the rising seas.

The Senate and House bills under consideration create a lot of seats at the task force table, the majority under DeSantis' direct control.

Both proposals mandate that the task force be chaired by his chief resilience officer, with the vice chair position occupied by the state's chief science officer of the Department of Environmental Protection (DEP), one of the many agencies that labored in silence and impotence under Scott's climate-change gag order.

Other task force members will come from the Department of Transportation; Emergency Management; Fish and Wildlife; and Economic Opportunity, all under DeSantis' direct control. The Senate president, House speaker, and commissioner of agriculture each will appoint one person to the task force. It is essential that each of the appointees has the highest level of subject matter expertise and the time necessary to give this work the focus and attention appropriate to addressing an existential threat.

Under the proposed legislation, the task force is required to "develop official scientific information necessary to make recommendations on consensus baseline projections of the expected rise in sea level."

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Thankfully, the Task Force will not be required to *invent* the wheel.

Climate scientists and scholars with expertise in architecture, agriculture, transportation, land use planning, supply chain management, evolutionary biology and other disciplines relevant to helping a stressed-out population find its way through times of unimaginable change, have been developing this kind of information for decades, often in public agencies and universities.

Skeptics can be forgiven for wondering how serious DeSantis is about taking meaningful action to meet the threat posed by rising seas. His DEP claims to have "no grounds to deny" oil drilling permits in the Apalachicola River basin, and he has made no effort to use the tools at a governor's disposal to derail a drilling operation in the Everglades near Miramar. Aside from the serious threat that drilling poses to our clean water supply, Florida can and must be a leader in the fight against the industries that have created the resilience crisis we face.

Speaking this week at a conference in Tampa, Nesheiwat said Florida needs to grow jobs in the field of clean energy and "ask ourselves really difficult questions about whether our current model of growth is indeed sustainable."

Plainly, it is not.

The good news is that we have solid science, and there are achievable paths to the resiliency Florida requires. What we have not had is a governor steadfastly invested in making the Legislature take the issue seriously.

SPB 7016 and companion bill HB 1073 suggest that we may at last be ready to get on with the work we must do in the 21st century if Florida families and businesses are to survive and thrive in the 22nd century. To this end, DeSantis must be loud, clear and consistent in his support. When it comes to Florida's invading sea, this is no time for mixed messages.

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29TH ANNUAL SOUTHWEST FLORIDA WATER RESOURCES CONFERENCE

When 24 Jan 2020
Location Fort Myers, Florida

Registered 99 registrants

Registration

(A1) Professional + AWRA Florida Membership - $100.00
Includes conference, lunch and 2020 membership to AWRA Florida

(A2) Professional - $75.00
Includes conference and lunch

(B1) FGCU Student + AWRA Florida Membership - $5.00
For FGCU Students ONLY; Includes conference, lunch and 2020 membership to AWRA Florida

(B2) Student Non-Member - $10.00
Full-time College or High School student; Includes conference, lunch and 2020 membership to AWRA Florida

(B3) Student member - $5.00
Full-time College or High School student and AWRA Florida Member; Includes conference and lunch

(C) FGCU Faculty or Staff - $35.00
Includes conference and lunch

After online pre-registration is closed, you can register and pay in person (via cash, check or credit card) at the meeting.

Register

FGCU Water School and Emerging Priorities for Our Region

Location

Florida Gulf Coast University | Cohen Center Ballroom | 11090 FGCU Blvd. North, Fort Myers, FL 33965 | Parking: FREE for the day in Parking Garage 1 (PG1 on Campus Map). The Cohen Center (17 on Campus Map) is a short (and covered) walk from PG1.

Sponsors/Exhibitors

Organizations wishing to participate as conference sponsors should go here and contact Kellie Clark at 239-271-2641. Click here to pay/donate.

Technical Program

PDF | Web

All registration options include conference and lunch.

A free companion Cela Tega 2020 Conference is being held Saturday, January 25. A Caloosahatchee River Boat Trip is planned for Sunday, January 26.

Water Resources Student Research Poster Contest

Abstract Submittal Deadline: December 14, 2019

Call for Abstracts | Submit Abstract

Registration

Online payments are processed by PayPal. However, a PayPal account is not required. Click on the "Register" button to get started. After being directed to the PayPal website, just click "Pay with Credit or Debit Card". ONLINE REGISTRATION ENDS 2 DAYS PRIOR TO THE MEETING. After this date, you can register and pay in person (via cash, check or credit card) at the conference.

Note: Professional exhibits differ from research posters. Visit the conference website or contact the conference steering committee for details.

If you would like to pay by check, please register online and send a copy of your meeting registration confirmation email or invoice along with a check payable to "AWRA Florida" to NorthStar Contracting Group, Inc., Attn: AWRA Florida Treasurer, 2760 South Falkenburg Road, Riverview, FL 33578 .

Hotel Information

AWRA Florida Board of Directors Meeting

Date: Thursday, January 23, 2020 @ 5:00 - 6:30pm

Location: Pinchers (The Marina and Edison Ford) | 2360 West First Street, Fort Myers, FL 33901

All are welcome to attend as the Board of Directors handles the business of the section. Guests: Email us if you are planning to attend.

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Blue-Green Algae Task Force Jan. 23rd Meeting - Postponed

The Florida Department of Environmental Protection is rescheduling the next meeting of the Blue-Green Algae Task Force to provide more time for the task force to consider additional scientific information, synthesize existing research and gather public comment. This meeting was previously scheduled for Thursday, January 23, 2020 at 9:00 a.m. It will be held at the same location on Monday, March 16, 2020 at 9:00 a.m.

Parties who wish to submit comments for consideration in advance of the March meeting can email comments to BlueGreenAlgaeTaskForce@floridadep.gov. This is an opportunity for public comment in the interim, and there will be time allotted for public comment during the rescheduled meeting as well.

The agenda for this meeting will be made available on the Task Force website.

WHAT: Blue-Green Algae Task Force Meeting

WHEN: March 16, 2020

9 a.m. Eastern Standard Time

WHERE: Florida Atlantic University

Harbor Branch Oceanographic Institute

5600 US 1 North

Fort Pierce, FL 34946

If using Google maps, type in Harbor Branch Oceanographic Institute.

The meeting will be streamed live online. The details of how to access the broadcasts will be posted to the website as soon as they are available.

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The Cape Coral Friends of Wildlife is pleased to offer a Photographer's Birding Bus Tour in connection with the 18th Annual Burrowing Owl Festival. Ride in the comfort of an air conditioned bus with renowned birders and wildlife photography experts Tammy and David McQuade. **This couple's Big Year numbers for 2019 (Tammy logged more birds than any woman in ABA history) and David's totals are in the top three for the whole US.** Photograph our world famous burrowing owl, endangered florida scrub jay, bald eagles, osprey, herons and egrets. Please place your order as soon as possible. Space is limited.

Sat., Feb. 29th, 7:30 a.m. - 11:00 a.m.
Rotary Park Environmental Center
5505 Rose Garden Rd.
Cape Coral, FL 33914

Cost is $50.00 per person

Register on Eventbrite.com

18th Annual

Burrowing Owl Festival

Wildlife and Environmental Exposition

Date: February 29, 2020
Time: 10:00 am to 4:00 pm
Where: Rotary Park in Cape Coral

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Conservation Policy Resolutions

IWLA members set our conservation policies through our resolutions process, which ends with a vote at the national convention. At the July 2019 national convention, delegates passed the following resolutions. (More details will be coming soon.)

ARMY CORPS ACCOUNTABILITY

The Izaak Walton League of America calls on the United States Army Corps of Engineers (USACE) to fully evaluate impacts of permits and construction projects involving "Natural Resource Related Systems" as to their actual tangible real economic impacts to all entities engaged in the utilization of the resource for aesthetic, drinking water, food, recreation, business, or any other activity of economic importance. The reviews and decision making process must be fully subject to public review and comment.

ASIAN CARP BARRIERS

The Izaak Walton League of America supports the continued operation, expansion of technologies as deemed necessary, and maintenance of a barrier system, as prescribed by The Great Lakes and Mississippi River Interbasin Study - Brandon Road Integrated Feasibility Study and Environmental Impact Statement, until such time as the Mississippi River basin and Great Lakes basin are hydrologically separated.

CLIMATE CHANGE

The Izaak Walton League of America encourages League programs on fighting climate change and declares that the League is acting immediately to take steps to reduce greenhouse gas production at all levels in League operations, and to make anti-CO2 and methane reduction a major emphasis in our advocacy. The League challenges all IWLA Divisions and Chapters to make greenhouse gas reduction a goal of their operations, including, wherever possible, conversion to solar photovoltaic or wind power and implementation of whatever other strategies they can find to achieve that end.

EVERGLADES RESTORATION

Therefore, be it resolved, the Izaak Walton League of America, assembled in convention in Des Moines, Iowa, July 19, 2019, calls upon Congress to fulfill its obligations under the agreement with Florida established in the Water Resources Development Act of 2000, and promptly provide the approximately $1 billion in funding that it has fallen behind for its half of the costs for the Comprehensive Everglades Restoration Plan. Further, the League calls on Congress to provide sufficient annual funding for the Comprehensive Everglades Restoration Plan for the remainder of the project. Additionally, Congress should provide annual funding to acquire land or conservation easements on land that is of acute conservation importance to the Everglades Headwaters National Wildlife Refuge.

NEONICOTINOIDS ON PUBLIC LANDS

The Izaak Walton League of America supports passage of legislation that would prohibit the use of neonicotinoid pesticides on all public lands.

OPPOSE SEISMIC EXPLORATION AND OIL DRILLING IN THE ARCTIC NATIONAL WILDLIFE REFUGE

The Izaak Walton League of America opposes any seismic exploration, leasing for, or development of, oil or natural gas resources in the Arctic National Wildlife Refuge.

PLASTIC POLLUTION

The Izaak Walton League of America recognizes that plastic waste is one of the world's most pressing environmental issues. The League also recognizes the need to sharply reduce the amount of plastic being washed into the world's streams, rivers, and oceans. The League encourages every unit of government to enact legislation and regulations to curtail and where possible, ban the use of single-use plastics, such as disposable water bottles, drinking straws, and grocery bags.

Further resolved, the League urges the United States to ratify the *1989 Basel Convention* on the control of hazardous waste, including plastic.

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Study shows 12-15 feet range best for lake's ecology

Dec 8th, 2019 · by Katrina Elsken · Comments: 0

What will the new Lake Okeechobee Systems Operations Manual (LOSOM) look like? In meetings around Lake Okeechobee, area residents encouraged the U.S. Army Corps of Engineers to follow the science.

Special to the Lake Okeechobee News/Zach Welch/SFWMD
Submerged aquatic vegetation in Lake Okeechobee has increased over the past year. Occasional but rare, extreme low water levels can benefit the SAV. The RECOVER Lake Stage measures put the lake level at 12 to 15 feet with deviations no more often than once a decade.

If the corps follows the recommendations of their own scientists, the new lake schedule will vary only slightly from the current plan, which strives to keep the lake between a low of 12.5 feet above sea level and a high of 15.5 feet.

The draft RECOVER Lake Okeechobee Stage Envelope Performance Measure, published online on Dec. 5, sets the preferred lake level at 12-to-15 feet.

The target is for the lake to remain within in the desired envelope and avoid extreme stages.

"A wide body of published research documents the benefits of seasonally variable water levels within the range of 12.0 feet as a June-July low and 15.0 feet as a November-January high, on the plant and animal communities of Lake Okeechobee," the documentation states.

Keeping the lake in the healthy 12-to-15 feet range has many benefits, the report continues:

*** Falling water levels from late winter to spring concentrates prey resources in the littoral zone for improved wading bird foraging and nesting.**

*** Water levels near 12 feet benefit submerged plants and bulrush at the outer edges of the marsh by reducing light attenuation in the summer months and promoting growth of underground biomass for survival during turbid, high-water events.**

*** A natural rocky reef in the southern portion of the lake isolates turbid water from large areas of the near-shore zone at a lake stage around 14 feet. This helps improve water clarity, promotes submerged aquatic vegetation (SAV) and reduces phosphorus levels.**

*** Seasonal variation within the 12-to-15 feet envelope results in annual flooding and drying of the majority of the marsh, which favors development of a diverse emergent plant community and reduces muck accumulation.**

*** Extreme high stages allows wind-driven waves to uproot SAV.**

*** High stages allow deposition of mud into the near-shore regions, covering sand and peat sediments and reducing their suitability for SAV.**

Levels above the target range are harmful to the lake, the report continues.

*** High stages transport nutrient-rich water from the mid-lake region into the littoral zone where the higher nutrient levels encourage the growth of invasive aquatic vegetation which crowds out the native SAV.**

While rare, occasional low lake stages can benefit the lake's marshes, extreme low lake levels - more often than once a decade - can also be harmful, the report continues.

*** Low lake stages result in direct losses of habitat and can severely limit or even eliminate entire breeding seasons for many species of fish and wildlife.**

*** Exposing peak in the southern portions of the lake can degrade habitat for the endangered Okeechobee gourd and increase risk of peak fires, leading to a permanent loss of marsh elevation.**

*** Ecological recovery from extreme low lake stages can take multiple years.**

Ideally, the lake should slowly rise during the wet season and slowly fall during the dry season.

The report notes:
*** High lake stages (above 14.5 feet) at the end of the wet season maximize the wetlands and aquatic habitat for the breeding season for many species of fish and wildlife.**
*** A moderate recession (less than 0.2 feet per week), throughout the majority of the spring avoids stranding breeding fish.**
*** Moderate ascension rates (less than 0.25 feet per week) throughout the majority of the wet season reduce the flooding of alligator nests, snail kite nests and apple snail eggs, while allowing SAV growth to keep up with the light reducing penetration.**

The evaluation was based on 52 years of data (1965 through 2016). The 15-page report includes two pages just to reference the studies referred to, and to

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acknowledge the scientists and researchers who contributed to the studies.

Comments on the 15-page Draft Lake Okeechobee Stage Envelope Performance Measure will be accepted through Dec. 20. Please submit comments via email to Gretchen.S.Ehlinger@usace.army.mil if possible (recommended subject: RECOVER Lake O Stage Envelope PM Comments) and reference the line and/or page numbers to expedite the review process.

Comments may also be mailed to: Dr. Gretchen Ehlinger, U.S. Army Corps of Engineers Jacksonville District, P.O. Box 4970, Jacksonville, FL 32232-0019.

Additional information on RECOVER is available online at saj.usace.army.mil/RECOVER/.

Publisher/Editor Katrina Elsken can be reached at kelsken@newszap.com

Great Success!

Mark your calendars for the 8th Annual Everglades Action Day on February 10 & 11 in Tallahassee.

Register

Once again, the Everglades Coalition is coordinating the 8th Everglades Action Day in Tallahassee to connect with state elected leaders about priority issues for the Everglades. Legislative session begins in January, 2020 and Everglades Action Day will take place on Tuesday, February 11th. Team leaders will arrange meetings with target legislative offices and all materials will be provided. Just bring yourself, your passion, your voice. Speak up for our Everglades, estuaries, and water!

This will be a full two day event with FREE group transportation available!

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Open-primary plan receives spot on November ballot

A petition-driven constitutional amendment that would radically reshape Florida's primaries by opening them to all voters regardless of their party affiliation has earned a place on the November 2020 ballot.

The All Voters Vote campaign has achieved the number of verified signatures to get on the ballot's number three spot, according to the secretary of state's website.

It still must pass muster with the Florida Supreme Court over whether the ballot language meets the single issue requirement.

"While there are still several steps left in this process, namely the ruling from the Florida Supreme Court and of course getting 60% of voters, we are thrilled to be making progress towards allowing every registered and qualified voter the ability to be able to vote in elections that matter," said Glenn Burhans, chairman of All Voters Vote.

The ballot initiative, which has been bankrolled almost exclusively by Miami businessman Mike Fernandez, had 769,537 registered signatures of the 766,200 needed to get a spot on the November 2020 ballot. Organizers said they collected more than a million petitions months ago.

If approved by 60% or more of the voters, it would take effect Jan. 1, 2024.

The amendment would create a "top-two" primary system, where all registered voters regardless of party affiliation would vote for all candidates for state legislature, governor and cabinet, with the two highest vote-getters advancing to the general election, regardless of their party affiliation.

California and Washington have similar primaries.

It would give voters not registered with any party a chance to vote in primaries in Florida, and eliminate a loophole that closes any primary in which there is a write-in candidate.

It has drawn opposition from both the Democrat and Republican party officials, who say the open primary would rob registered voters with either party of the right to choose their own candidate for office.

"The amendment is redefining what has been in place for over a century in this state - what a party nominee is," Florida Republican Party attorney Benjamin Gibson told the Florida Supreme Court last week.

Contact Schweers at jschweers@gannett.com. Follow him on Twitter @jeffschweers.

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It's time to consider "Category 6" hurricanes

If you live in a hurricane-prone area, you probably know about the five-category Saffir-Simpson Hurricane Wind Scale. It defines Atlantic Basin hurricanes on the basis of sustained wind speeds at a hurricane's core and likely damage levels.

Category 1 ranges from 74 to 95 mph; Category 2 is 96-110 mph; Category 3 (which starts the "major hurricane" range) is 111-129 mph; and Category 4 runs from 130-156 mph.

The problem is Category 5, which is set at 157 mph or higher. Category 5 has no upper limit and scientists and the media calling a storm a "strong" Category 5 really doesn't communicate much.

Where does "strong" begin and, more important, where does it end? And then what?

The idea of a Category 6 has already seen some discussion in scientific circles, including by The Weather Channel, but it's time for the scientific community, in cooperation with the media, to lead a much broader public discussion.

To help trigger this discussion, what if Category 5 storms were capped at 179 mph and Category 6 storms set as 180 mph or higher?

The historical record actually bears out creating a Category 6. The "Great Labor Day Hurricane" in 1935 reached 185 mph when it hit the Florida Keys, and in 1980, Hurricane Allen hit 190 mph sustained. Later, Mitch (1998), Rita (2005) and Irma (2017) reached 180 mph. Gilbert (1988) and Wilma (2005) reached 185 mph, as did this year's Dorian.

The point is that we already have had Cat 6 storms. Then, should the need arise for a Category 7, Category 6 storms could be capped at 199 mph, with Category 7 starting at 200 mph.

Let's hope that isn't necessary, although in 2015 Hurricane Patricia off the west coast of Mexico hit an astounding 215 mph before rapidly weakening against the interior mountains.

Opening a discussion of at least a Category 6 for Atlantic Basin storms has some urgency. Climate-change scientists are arguing for increasing numbers of more intense storms in coming decades. That is, storms with sustained wind speeds of 180 mph should no longer be viewed as extremely rare.

One solution to the category-numbering problem would be to take a page from the earth science community's complicated saga of attempts in the 19th and 20th centuries to define levels of "felt and observed" earthquake effects on the built environment.

The eventual result was the "Modified Mercalli Intensity" (MMI) scale (not to be confused with earthquake magnitudes, which measure an event's energy release at its point of origin deep in the Earth).

Currently, the U.S. Geological Survey employs a 10-category MMI scale. That scale uses Roman numerals, with I indicating "not felt," and X indicating widespread masonry building collapses and even buildings designed to be earthquake-resistant showing "moderate to severe damage."

With the MMI scale as a template, the hurricane solution would be a Modified Saffir-Simpson Hurricane Wind Scale with, for now, six categories. The implications are, of course, enormous for building codes and ensuring post-impact critical facilities to emergency management.

Let us start a robust Category 6 and "Modified Saffir-Simpson" conversation now. The 2019 hurricane season officially ended on Nov. 30 - and the next season will be only six months away.

Richard S. Olson, Ph.D., is director of the Extreme Events Institute, director of the International Hurricane Research Center and professor at Florida International University in Miami.

"The Invading Sea" is the opinion arm of the Florida Climate Reporting Network, a collaborative of news organizations across the state focusing on the threats posed by the climate.

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click for link to legislation

About M-CORES

The Multi-use Corridors of Regional Economic Significance (M-CORES) program is intended to revitalize rural communities, encourage job creation and provide regional connectivity while leveraging technology, enhancing the quality of life and public safety, and protecting the environment and natural resources. The program was signed into law by Governor Ron DeSantis on May 17, 2019. The intended benefits include, but are not limited to, addressing issues such as:

- Hurricane evacuation
- Congestion mitigation
- Trade and logistics
- Broadband, water and sewer connectivity
- Energy distribution
- Autonomous, connected, shared and electric vehicle technology
- Other transportation modes, such as shared-use nonmotorized trails, freight and passenger rail, and public transit
- Mobility as a service
- Availability of a trained workforce skilled in traditional and emerging technologies
- Protection or enhancement of wildlife corridors or environmentally sensitive areas
- Protection or enhancement of primary springs protection zones and farmland preservation areas

The Florida Department of Transportation (FDOT) is assigned with assembling task forces to study three specific corridors:

- The Suncoast Connector, extending from Citrus County to Jefferson County
- The Northern Turnpike Connector, extending from the northern terminus of Florida's Turnpike northwest to the Suncoast Parkway
- The Southwest-Central Florida Connector, extending from Collier County to Polk County

CS/SB 7068 - Transportation

by Appropriations Committee and Infrastructure and Security Committee

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

Prepared by: Infrastructure and Security Committee (IS)

Multi-use Corridors of Regional Economic Significance

The bill creates the Multi-use Corridors of Regional Economic Significance (M-CORES) Program within the Florida Department of Transportation (FDOT), with the purpose of revitalizing rural communities, encouraging job creation, and providing regional connectivity, while leveraging technology, enhancing quality of life and public safety, and protecting the environment and natural resources. The program is designed to advance construction of regional corridors that will accommodate multiple modes of transportation and multiple types of infrastructure.

The bill sets out the intended benefits of the program and identifies three corridors comprising the program:

1. Southwest-Central Florida Connector, extending from Collier County to Polk County;
2. Suncoast Connector, extending from Citrus County to Jefferson County;
3. Northern Turnpike Connector, extending from the north end of the Florida Turnpike northwest to the Suncoast Parkway.

M-CORES projects will be Turnpike projects and are subject to statutory economic and environmental feasibility criteria, as well as additional environmental and other evaluation requirements set out in the bill. Decisions on M-CORES corridor configuration and alignment must be determined in accordance with the FDOT's rules, policies, and procedures. To the greatest extent practical, the projects must be designed to minimize project construction within conservation lands.

FDOT must convene a task force for each corridor comprised of representatives from various stakeholders to evaluate and coordinate corridor analysis, environmental and land use impacts, and other pertinent impacts of the corridors. Each task force must issue a written report by October 1, 2020. To the maximum extent feasible, the bill requires project construction to begin no later than December 31, 2022, with projects open to traffic no later than December 31, 2030.

The bill authorizes corridor project funding, including redirecting to the State Transportation Trust Fund (STTF), on a phased-in schedule, portions of motor vehicle license taxes currently deposited into the General Revenue (GR) Fund. The bill specifies how and when the increased revenues available from the State Transportation Trust Fund are to be distributed. This shift of revenues will be over a multiyear schedule:

- 2019-2020: $45M to STTF & $83.9M to GR
- 2020-2021: $90M to STTF & $40.12M to GR
- 2021-2022 and thereafter: $132.5M to STTF

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After being fully phased-in by Fiscal Year 2022- 2023, about $135 million will be annually available to fund M-CORES and other transportation programs. The bill also authorizes annual funding for programs benefiting rural areas:

- $10 million annually for the Small County Road Assistance Program (SCRAP);
- $10 million annually for the Small County Outreach Program (SCOP); and
- $10 million annually for the Transportation Disadvantaged (TD) Program.

In addition, the bill creates and provides three years of funding - $2.5 million per year - for a construction workforce development program within the FDOT.

Bid Protest Settlements

The bill also provides requirements relating to payments by the FDOT of $1 million or more to a non-selected responsive bidder through a settlement agreement. The bill requires the FDOT, when it determines that it is in the best interest of the public to resolve a bid protest of the award of certain contracts through a settlement agreement requiring such payment, to:

- Document in the FDOT secretary's written memorandum the specific reasons that such settlement and payment is in the best interest of the state, including:
    - A description of the rights, trademarks, engineering or other design work the FDOT will acquire or retain as a result of the settlement; and
    - The specific appropriation in the existing General Appropriations Act which the FDOT intends to use to provide the payment.
- Provide a written notice that settlement discussions have begun in earnest and a written notice at least five business days, or as soon thereafter as practicable, before the FDOT makes the agreement final.

Finally, the bill prohibits the FDOT from pledging any current or future action by another branch of state government as a condition of any procurement action. The bill provides that any settlement committing the state to spending amounts in excess of current appropriations, to appropriation of funds in a subsequent fiscal year, or to policy changes inconsistent with current state law must be contingent upon legislative appropriation or statutory amendment.

Approved by the Governor, these provisions take effect July 1, 2019.

FEB
13
Task Force Meeting #4 - Southwest-Central Florida Connector
Public · Hosted by M-CORES Southwest-Central Florida Connector

clockThursday, February 13, 2020 at 9:30 AM - 4:30 PM

pinDoyle Conner Building, 900 US 27 Moore Haven, FL 34471 United States

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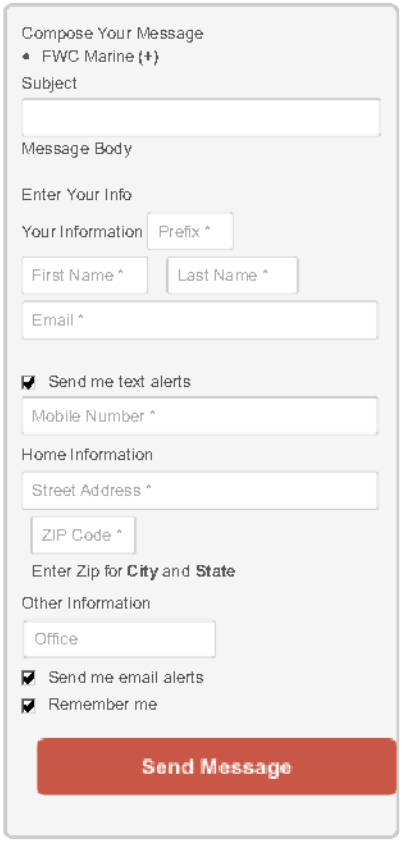
click for link

Support the Biscayne National Park Fishery Management Plan

The Florida Fish and Wildlife Conservation Commission (FWC) and National Park Service and have released a proposed management plan that will balance outdoor recreation, fisheries management, and conservation for Biscayne National Park - the nation's largest recreational marine park in the National Park System.

The plan's goal is to avoid unnecessary restrictions, all while increasing the abundance and size of fish species by 10 percent. The plan is a win for anglers and boaters alike, requires the use of sound, science-based fisheries management tools like regular reviews for size and bag limits, and provides reasonable and responsible recreational access.

As an outdoor recreation enthusiast, the Florida Fish and Wildlife Conservation Commission needs to hear from you before the plan is finalized. Tell them you support the proposed Biscayne National Park Fishery Management Plan!



This **presentation** provides a summary of potential draft rules that staff anticipates bringing forward at the December Commission meeting. These anticipated draft rules would create a new rule chapter, 68B-7, Florida Administrative Code (FAC), to house regulations specific to Biscayne National Park (BNP), as well as modifying various species-specific regulations elsewhere in 68B, FAC, as they apply within BNP. Division: Marine Fisheries Management Authors: Jessica McCawley, John Hunt, Mason Smith, and Melissa Recks Contact Phone Number: 850-487-0554 Report date: September 27, 2019 Unless otherwise noted, images throughout the presentation are by FWC.

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Red tide covered nearly 1,000 miles of Florida coast. How do we help? | Column

A state task force meets this week in St. Petersburg to listen and discuss the options.

By J.P. Brooker

Piles of dead fish smothering sandy beaches. Distressed and dying sea turtles, manatees and whale sharks. Respiratory distress in children and the elderly. Tourists fleeing beaches and hotel rooms. Charter captains, restaurant servers and tourism operators laid off.

Who can forget the severity and magnitude of the massive red tide outbreak that started in 2017 and lasted well into 2018? At its peak, the bloom covered nearly 1,000 miles of Florida coastline, with an area the size of New Jersey affected in the Gulf. And, as of last month, red tide had returned, although it was less widespread and intense.

J.P. Brooker [Times staff]

With the 2017-2018 event still so fresh in the minds of Floridians, Ocean Conservancy partnered with Florida Sea Grant to conduct a survey of state stakeholders to get a snapshot of how red tides and other harmful algal blooms are perceived. The results of our survey will be presented to the Harmful Algal Bloom Task Force, reinstated by Gov. Ron DeSantis, when the task force meets in St. Petersburg this week.

And there should be little surprise that Floridians, who are deeply in tune with the beaches and waterways that are our backyards, feel that the water quality situation in the state is rapidly deteriorating, and that events such

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as red tide are becoming more severe and frequent.

But despite the bleak picture, our survey shows that Floridians believe that all levels of society can play a role in protecting water quality, and that state and local governments possess the right tools to alleviate the environmental and economic impacts of harmful algal blooms such as red tide.

We should permanently fund ocean observation and data collection to improve forecasting of red tide events. We should have real-time beach air quality monitoring to detect respiratory threats to people and pets and pinpoint red tide events as they are occurring. We should prioritize science, and seek to fill gaps in understanding the impact of climate change on red tide bloom frequency, intensity, and duration. We should ensure that the Florida Fish and Wildlife Commission and local marine wildlife networks have the adequate capacity and support for response for stranded animals. And we should improve education and outreach to make sure that red tide event information is being widely and effectively broadcast.

Red tide is a naturally occurring organism, and we should never expect to be rid of it entirely. But we can lessen the impacts of severe events by responding adequately and appropriately, and by curbing potential man-made factors such as nutrient loads that contribute to the magnitude and frequency of events, especially in nearshore waters.

The task force has an opportunity this week to listen to the concerns of Floridians, and I am hopeful they will recommend actions that will improve what we know about red tides and how to mitigate their far-reaching effects.

J.P. Brooker is senior manager and policy counsel for Florida conservation for the Ocean Conservancy.

AMERICAN OVERSIGHT

click for link to article

Airglades International Airport to break ground in spring

Sep 11th, 2019 · by Chris Felker · Comments: 0

HENDRY COUNTY - Airglades International Airport LLC's Chief Executive Officer Fred Ford has been busy building momentum behind the private takeover of the former Riddle Field. Now he and his investor groups are putting the last touches on all the myriad details of their 10-year project to convert the public airport into a privately developed and owned (future) air cargo hub. Those details must be - and are on track to be - finalized by Sept. 30 to the FAA and FDOT. That is the "deadline to meet terms for the 2018 privatization reauthorization."

The Airglades airport conversion is a promise that a large group of people has been joining in on through the decade since 2010 when Mr. Ford first brought the idea forward. Now there is near-unanimous backing from all around Lake Okeechobee and across South Florida. The Federal Aviation Administration and Florida Department of Transportation are expected to sign off by the end of February 2020 to enable construction to begin as planned in March, he said Tuesday.

The AIA project begun under the U.S. Airport Investment Partnership Program is in the final public comment period, ending in about two weeks.

The Clewiston City Commission unanimously approved of a resolution urging the final OK. The Glades County Board of Commissioners followed the next morning, during their regular meeting Sept. 10, after Mr. Ford appeared before commissioners to give a presentation about his timeline and the expected ripple effects across the economies of all the cities and counties in the region.

Glades County Board Chairman Tim Stanley said after the meeting that he was encouraged, impressed and eager to see the accompanying development.

"The presentation was very important, and it was very promising. They should have something by March, and for the whole area it's going to be a great influx of jobs and business, so that's the reason we're backing it.

"They intend to support the small businesses that are already in the communities, too," he added. He was referring to the final federal and state approval that's expected then.

This is the resolution as passed by the Clewiston City Commission on Monday night, which has been joined by many local municipalities and county governments:

Lake Okeechobee News/Chris Felker
... And bears this plaque, whose inscription reads as follows: "Dedicated in honor and in memory of the cadets and staff of the No. 5 British Flying Training School (No. 5 B.F.T.S.) who trained at Riddle Air Field during the period of 1941-1945.
"Their efforts to preserve the freedom of the world were not in vain and will never be forgotten."

"WHEREAS, the South Florida region is a global logistics hub through which more than 83 percent of all commodities imported to the United States from the Americas by air is received and more than 79 percent of all commodities exported from the United States to the Americas leaves; and
"WHEREAS, the growth of trade presents an opportunity for Hendry County and nearby communities to serve as a global logistics hub for Florida and the U.S. with the establishment of an international airport; and
"WHEREAS, the Airglades Airport is a county-owned, public-use airport with interest from private investment and opportunity for expansion in Hendry County; and
"WHEREAS, the planned expansion of the Airglades Airport includes 600,000 square feet of refrigerated space to receive, process and distribute perishable cargo imported to the U.S. or exported to the Americas; and
"WHEREAS, the expansion of the Airglades Airport is expected to create more than 10,000 jobs during the construction phase; and
"WHEREAS, the establishment of the Airglades International Airport will create 1,700 long-term, good-paying jobs for the people of Hendry County, the City of Clewiston and neighboring communities; and
"WHEREAS, the economic opportunity that comes with the Airglades International Airport will not only create jobs for Florida families, but will also diversify the local economy and protect the region from the devastating impacts of a future economic downturn; and
"WHEREAS, the Airglades International Airport is estimated to generate millions in ad valorem revenues per year, which will be invested in the essential services provided to this community.

"Now, therefore, be it resolved by the City Commission of the City of Clewiston, Florida, as follows:
"SECTION 1. The City Commission of the City of Clewiston, Florida, hereby fully supports the Federal Aviation Administration's approval of the Airglades International Airport Investment Partnership Program.
"Passed and adopted in open session this 9th day of September 2019."

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Clean Water Act

Federal Water Pollution Control Act Amendments of 1972	
Long title	An Act to amend the Federal Water Pollution Control Act.

The Clean Water Act is a U.S. federal law that regulates the discharge of pollutants into the nation's surface waters, including lakes, rivers, streams, wetlands, and coastal areas. Passed in 1972 and amended in 1977 and 1987, the Clean Water Act was originally known as the Federal Water Pollution Control Act. Oct 9, 2019

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. ... The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained.

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Land and Water Conservation Fund Coalition Sign-on Letter

Thank you for your interest in signing the Land and Water Conservation Fund (LWCF) Coalition letter! Your voice is critical to ensuring that LWCF will continue to permanently open access to America's public lands and protect the places where Americans go to enjoy the great outdoors. To add your voice to the chorus of LWCF supporters, please fill in the form fields below. You can rest assured that nobody will speak on behalf of your organization outside of specific messages contained in this letter. You can view the text of the letter at the bottom of the form.

For more information on our campaign, check out www.lwcfcoalition.org or contact LWCF Coalition staffer Caleb Abbott at cabbott@outdoorsamerica.org.

CURRENT LEGISLATION IN THE 116TH CONGRESS ADDRESSING LWCF

H.R. 3195

S. 1081

Introduced **by Rep. Jeff Van Drew (D-NJ), Committee Chair Raúl Grijalva (D-AZ), and Rep. Brian Fitzpatrick (R-PA)** on June 11, 2019, the Land and Water Conservation Fund Permanent Funding Act would **provide full, dedicated funding** to the Land and Water Conservation Fund (LWCF). This legislation is the companion to S. 1081 and would **guarantee the full, authorized $900 million for LWCF is not raided by the annual appropriations process.** H.R 3195 was introduced with a bipartisan group of 11 additional cosponsors. Text and cosponsors can be found here.

Introduced **by Sen. Manchin (D-WV)** and **Sen. Gardner (R-CO)** on April 9, 2019, the Land and Water Conservation Fund Permanent Funding Act would **provide full, dedicated funding** to the Land and Water Conservation Fund (LWCF). This legislation would **guarantee the full, authorized $900 million for LWCF is not raided by the annual appropriations process**, ensuring the commitment to America's communities, economy, and beautiful landscapes. S. 1081 was introduced with a bipartisan group of 12 additional cosponsors. Text and cosponsors can be found here.

PUBLIC LAW NO. 116-9 - S. 47

Introduced by **Sen. Murkowski (R-AK)** and **Sen. Cantwell (D-WA), the John D. Dingell, Jr. Conservation, Management, and Recreation Act approved permanent authorization of the Land and Water Conservation Fund (LWCF).** With broad bipartisan support, **S. 47 passed the Senate 92-8 on February 12, 2019 and the House of Representatives 363-62 on February 26, 2019.** On March 12, 2019, the President signed permanent authorization of LWCF into public law, culminating a major victory for public land and outdoor recreation opportunities. Text and cosponsors can be found here.

click for website

News for a changing planet, mostly bad

AMERICAN OVERSIGHT

SFWMD Governing Board Meeting (February 1) St. Lucie County

Beginning at:

February 1, 2020, 09:00 AM

Ending at:

February 1, 2020, 04:00 PM

LOCATION: City of Port St. Lucie City Hall, 121 S.W. Port St. Lucie Blvd.

CONTACT INFORMATION: District Clerk Rosie Byrd, 561-682-6805 or rbyrd@sfwmd.gov

GENERAL SUBJECT MATTER TO BE DISCUSSED:

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meetings on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

Governing Board to discuss and consider District business, including regulatory and non-regulatory matters.

A copy of the agenda may be obtained by contacting: Rosie Byrd, rbyrd@sfwmd.gov, 561-682-6805, or at https://www.sfwmd.gov/news-events/meetings, seven days prior to the meeting.

Governing Board Workshop (January 31) - St. Lucie County

Beginning at:

January 31, 2020, 09:00 AM

Ending at:

January 31, 2020, 04:00 PM

click for website

Another Opinion: Is Florida ready for 2030?

By The Florida Times-Union (Jacksonville)

The year 2030 is just around the corner for Florida, so addressing challenges on a statewide level requires immediate action.

That's what the Florida Chamber Foundation has done with its report titled Florida: 2030"

It's clear that Florida will be a dramatically transformed state by 2030. Some examples:

* The population will continue to grow; Florida will have about 5 million new residents.

* About 1 in 4 Floridians will be 65 or older.

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* Non-ethnic whites will become a minority by 2030, and nearly 1 in 5 Floridians will be foreign-born.

* People will pack the cities. Rural areas will account for 86 percent of Florida's land area but just 10 percent of its population.

* Millennials will take over as the dominant age group, but they will be dealing with massive amounts of student loan debt.

So are we actually ready for 2030?

At 83 town hall meetings to discuss Florida's path ahead - sessions that involved more than 10,000 Floridians in all 67 counties - 87 percent of the respondents said they were optimistic about Florida's future.

But most of the respondents said their own communities weren't "positioned for global competitiveness, prosperity and vibrant and sustainable communities."

The most critical challenge identified by Floridians in the town halls was "affordable housing." The problem is that Florida has long had an identified revenue stream to deal with affordable housing, but the Legislature continues to sweep much of the money into the general fund.

The Sadowski Fund uses a portion of documentary stamp revenue paid on home sales for affordable housing; it is shared on a per capita basis in Florida counties. The structure of the fund is brilliant: as home sale values increase, so does the doc stamp revenue for affordable housing. Yet the Legislature is not allowing the money to be fully used for its stated purpose.

Is there any wonder why many of the Floridians taking part in the town halls listed "responsiveness of government" as one of the state's weaknesses?

What's the key to Florida's future? A well-trained and growing workforce.

If Florida's workforce isn't prepared for the challenges of 2030?

"We would struggle to gain a foothold in emerging industries and our economy would miss out on next-generation opportunities ... ," according to the Chamber Foundation report.

The Chamber report, as detailed as it is, must be paired with a report by a coalition of Florida environmental groups titled " Trouble in Paradise". The report calls for acquiring and protecting land to protect drinking water, fisheries and recreation.

The challenges posed by sea level rise and storm surge contain billion-dollar price tags;. The best way to deal with storm surge and sea level rise is by protecting our wetlands.

Resilience is the key. Prevention is cheaper than repair damage.

In addition the Floridan Aquifer, Florida's precious underground water supply, is going to be stressed as millions of new residents pack into coastal communities - so the springs that need the Aquifer must be protected

Support Eco-Voice

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We need your financial support to keep going. Please make a donation today. Checks can be sent to:
Post Office Box 50161
Fort Myers, FL 33994

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Jan. 19, 2020
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The nonprofit Fish & Wildlife Foundation of Florida works with FWC and other public and private partners to protect our outstanding animals and plants and the lands and waters they need to survive. Since 1994 they have raised and donated more than $27 million for conservation and youth

Suggested reads, views and go-to's

Meeting - C-43 West Storage Reservoir Water Quality Feasibility Study

Sustainable Florida Forum

Are sinking soils in the Everglades related to climate change?

Three-Quarters of New US Generating Capacity in 2020 Will Be Renewable,

SFWMD to increase its monitoring of our water quality

ORCA - water quality monitoring

Indoor Salmon fish farm in Florida aims to take over US market..

Global Temperature in 2019..

2020 AWRA Scholarships

Climate Change, Invasive Species Threaten Everglades.

Greater Everglades definitions of acronyms

Past time to give Forever Florida its due.

Evaluating the state's water-quality standards

Flood Insurance Was About To Get A Whole Lot More Expensive, But Delayed.

More Elevation for Coastal Construction?

Seagrass beds are starting to revive along the Indian River Lagoon;

"Goldilocks" -- Cape Sable Seaside Sparrow

The Everglades, forever more.

Fracking may be a bigger climate problem than we thought

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"Wetland Mitigation" law protects natural resources and promotes development

Corps Tiny Weapon Winning the Bio Control Battle

Support funding for Land and Water Conservation Fund

Lake O -13'-

Nitrogen runoff is also killing coral reefs..

US Census Bureau: 94.7M Americans Live in Coastline Regions

Boaters and Anglers rally support for Everglades Restoration

Good read - High Tide - Coming Coastal Crisis

Over 900 new Floridians every day

Read the Digest and more on the Eco-Voice Facebook page

Commentary and appeals

The opinions posted on this site are not necessarily those of the site managers or all of our sponsors. Eco-voice can not verify the accuracy of facts asserted in commentaries but does not knowingly post articles which have serious errors.

Opinions on environmental topics have a light blue back ground, those on political issues, light yellow. Appeals have a pink background. Information from "for-profits" has gray back ground. Posting does not constitute endorsement.

Underscoring denotes link to source or more information.

Moderator emphasis is BOLD print.

Eco-Voice is 501c3 and does not endorse nor oppose candidates for elective office.

Comments on postings are invited and can be made on our Facebook page.

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The C-43 West Storage Reservoir Water Quality Feasibility Study (Study)

DATE AND TIME: Tuesday, January 21, 2020, 2:00 PM to 4:00 PM

LOCATION: Hendry County Extension Office, 1085 Pratt Blvd., LaBelle, FL 33976

CONTACT INFORMATION: District Clerk, 561-682-6805

GENERAL SUBJECT MATTER TO BE DISCUSSED:
The C-43 Water Quality Feasibility Study Working Group announces a public meeting to discuss the goals and objectives of the Study and to review pertinent studies/literature and conventional/innovative biological, physical, and chemical treatment technologies for water quality improvement for eventual pre-treatment, in-reservoir treatment, and/or post-treatment application to the C-43 Water Storage Reservoir.

The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend these meetings. No Governing Board action will be taken.

Event Type

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Sustainable Florida Forum - UCF-Orlando

When
Friday, February 7, 2020 from 8:00 AM to 5:00 PM EST
Add to Calendar

Where
Global Collaboration Building, UCF
4356 Scorpus St
UCF Global Building
Orlando, FL 32816

Driving Directions

This is the last week to take advantage of the sweet discount off the regular registration cost of $160 for the Forum planned for February 7, 2020, at the University of Central Florida.

Florida's Chief Resiliency Officer Julia Nesheiwat was appointed by Governor Ron DeSantis. Legislation is moving through the House and Senate. This is your chance to meet Dr. Nesheiwat and learn more about how you can be part of the Florida's response to pending challenges attributable to a changing climate.

We have a number of other incredible speakers and presentations. Plus, we will celebrate the 20th anniversary of the Florida Green Building Coalition. Free parking on campus, breakfast, lunch, snacks, and a cocktail hour - all included. Plus Mastermind sessions. For a detailed look at the agenda - check out:this page.

So register today and be sure to use the promo code:

FINALUCF

This event will sell out. We have more than half of the venue sold already. Registration is open. Please share with your colleagues.

Register Now!

I can't make it

You do not want to miss this opportunity to meet Dr. Julia Nesheiwat, Florida's Chief Resiliency Officer appointed by Florida Governonor Ron DeSantis. And, we are excited to have UCF Sustainability Infinitives as our co-host for this dynamic day of education and networking..

Thank you to our special Forum Series sponsor: Coca Cola Beverages Florida .and We have a fantastic program and an excellent chance for your to build your sustainability and resiliency program in your organization with the program content and networking!

We look forward to seeing you there!

Sincerely,

Tim Center
Sustainable Florida
sustainableflorida@gmail.com
850-212-2684

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click for link to article

Are sinking soils in the Everglades related to climate change?

Date: January 15, 2020
Source: American Society of Agronomy

Characterized by alligators, airboats and catfish, the Everglades is a region of swampy wetlands in southern Florida. In addition to the area's role in Florida's tourism industry, the Everglades play a significant part in protecting our environment -- through carbon sequestration.

Over a quarter of the Everglades are encompassed in the Everglades Agricultural Area. The Everglades Agricultural Area includes 700,000 acres of farmland where sugar cane, winter vegetables and other crops are grown.

The farmland was created by draining the Everglades, starting over 100 years ago. There are four main canals that drain the area. Farmers also have systems of ditches to manage the water levels in their fields and to provide irrigation to crops.

Since the 1950s, scientists have been studying an environmental change in the Everglades, called soil subsidence. Soil subsidence is the sinking or settling of the earth's surface. Researchers estimate a subsidence rate of about 1 inch per year.

Soil subsidence is a growing problem. In recent years, soils around the Everglades are so shallow that farmers are struggling to manage water and grow crops.

Previously, it was not clear if carbon quality played a role in soil subsidence. So, Andres Rodriguez, a researcher at University of Florida, was ready to find out. Ultimately, Rodriguez and his team want to improve soil conservation and explore different water management strategies. This research is important to protect the Everglades Agricultural Area, which plays a large role in Florida's agriculture economy.

Carbon sequestration is a process where carbon from the atmosphere is stored in the soil, which helps lessen global warming. Plants, ocean, and the soil all capture and store carbon.

The soil of the Everglades, called peat, is largely made up of waterlogged, decomposing plant and animal materials. The peat soil stores a large amount of carbon compared to other soils across the globe.

When the Everglades Agricultural Area was drained, the soil was exposed to higher levels of oxygen. Decomposition of the plant and animal materials happens much faster with more oxygen. When the carbon in the soil decomposes, it becomes carbon dioxide gas. The mass of the soil decreases, and gas goes into the atmosphere. It's a big chemistry equation.

"It's not easy to picture a soil that disappears," says Rodriguez. "The most challenging process I have to explain -- and the most striking -- is how carbon in the soil goes from the soil to the atmosphere."

The process of soil subsidence can release significant amounts of greenhouse gasses. This can have connections with climate change.

"To improve soil conservation, I recommend farmers avoid using short flood cycles," says Rodriguez. "I also suggest they use a crop rotation with rice during the summer." These practices decrease the amount of oxygen reaching the soil, which minimizes decomposition.

He also encourages increasing soil carbon by adding plant material back into the soil. Farmers can do this by incorporating residue from sugarcane harvest into the soil. "I am aware that the practices I recommend present challenges from the agronomic point of view, but I am confident they can be sorted." Says Rodriguez.

Rodriguez presented his research at the November International Annual Meeting of the American Society of Agronomy, Crop Science Society of America, and Soil Science Society of America in San Antonio. This research was funded by the Soil and Water Sciences Department and the Everglades Research and Education Center at the University of Florida.

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Three-Quarters of New US Generating Capacity in 2020 Will Be Renewable, EIA Says

2020 will be a record year for U.S. renewables construction as 6 gigawatts of coal capacity goes offline, according to new government figures.

click on headline for great graphics.

by Jeff St. John
January 14, 2020
The U.S. Energy Information Administration has confirmed what it and industry watchers predicted a year ago - that wind and solar power will expand on their already-large share of new U.S. generation capacity in 2020.
According to EIA data released Tuesday, wind and solar will make up 32 of the 42 gigawatts of new capacity additions expected to start commercial operation in 2020, respectively, dwarfing the 9.3 gigawatts of natural-gas-fired plants to come online this year.
EIA's numbers also break records for both wind and solar in terms of annual capacity additions. The 18.5 gigawatts of wind power capacity set to come online in 2020 surpasses 2012's record of 13.2 gigawatts and pushes total U.S. production well past the 100-gigawatt milestone set in the third quarter of 2019.
Wood Mackenzie is expecting 15.2 gigawatts of new wind this year, with some projects delayed into 2021 amid a historic wind construction boom.
Meanwhile, EIA's forecast of 13.5 gigawatts of utility-scale PV would break 2016's record 8 gigawatts, with growth heavily concentrated in just four states: Texas with 22 percent of the national market, California at 15 percent, Florida at 11 percent and South Carolina at 10 percent. And EIA's projection of 5.1 gigawatts of distributed solar to be installed this year, part of its *Short-Term Energy Outlook* forecast, would break annual records for rooftop PV.
These solar forecasts line up with those from the latest *U.S. Solar Market Insight* report from Wood Mackenzie and the Solar Energy Industries Association. They also correspond to trends EIA predicted back in January 2019 when it declared wind and solar the likely fastest-growing resource for "at least the next two years."

Driving this expansion is the coming expiration of the federal Investment Tax Credit for solar power and Production Tax Credit for wind power, which sets hard deadlines for completing projects seeking the credits. While Congress in December extended the PTC through 2020 for future wind farms, solar industry lobbying failed to win an extension of the ITC past current plans to phase it down to a permanent 10 percent for developers by 2022.
EIA's latest data also puts the focus on coal's continued decline, with coal-fired power plants making up 5.8 gigawatts of the 11 gigawatts of capacity retirements scheduled for 2020, half of it in Kentucky and Ohio.
Older natural-gas-fired power plants in California will account for most of the 3.7 gigawatts of natural-gas retirements projected for the year; two closing nuclear power plants - New York's Indian Point and Iowa's Duane Arnold Energy Center - will remove 1.6 gigawatts of capacity.

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SFWMD to increase its monitoring of our water quality in 2020

None of us like the idea of having green gunk in our backyards. Right now, plans are underway for the South Florida Water Management District to increase its monitoring of our water quality.

Back in August, WINK News told you about the SFWMD's plans to expand water quality monitoring.

Chauncey Goss, the chairman of the SFWMD governing board, said it is going from 161 monitoring sites to 243 across Lake Okeechobee and northern Everglades watersheds.

"I do know we're putting in 15 in the Caloosahatchee watershed," Goss said. "And those 15 are going in on Thursday."

The sites will test for qualities like temperatures, dissolved oxygen and nutrients, which can fuel blue-green algae blooms.

"Then we can start to tackle some of those point sources and non-point sources to figure out how best to get rid of the nutrients," Goss said, "which will then starve the algae."

Dr. Mike Parsons, a professor at The Water School at Florida Gulf Coast University, said we need more data to understand water conditions.

"Because when something blooms," Parsons said, "it means that not only does it really like the conditions but it can out-compete everything else and then it dominates."

"The easy part is to find out, okay, this is where it's coming from," Goss said.

The next question is why it is happening.

The SFWMD said with the expansion, it will monitor about 5.5 million acres of watersheds, including monitoring stations north of Lake Okeechobee.

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Monitoring conditions is equivalent to what doctors do for patients.

They use the information that they get from their monitors in order to determine what is wrong with a patient and to be sure that whatever they are doing is making the patient better and not worse.

ORCA's goal is to provide the information that is needed to determine what aspects of the Lagoon have become unhealthy and what we can best do to put things back in balance.

Ecotoxicity Program

ORCA's Ecotoxicity Program is a "canary in a coal mine" approach to assessing the health of a marine ecosystem. We complete dense sampling protocols and test sediment samples for a wide array of easily measured toxicity and nutrient parameters. The results are then mapped to show pollution hot-spots which are then monitored by the Kilroy Network to identify pollution sources.

Kilroy Network

ORCA's innovative Kilroy network lets scientists, as well as community members, monitor an extensive array of water quality data in real time in order to identify and remedy pollution sources.

Sentinel Program

By sampling bivalves (oysters, clams, mussels, etc.) located in the Indian River Lagoon, ORCA researchers are able to monitor water contaminants such as a variety of toxic organic compounds and heavy metals.

Indoor Salmon fish farm in Florida aims to take over US market

AMERICAN OVERSIGHT

Atlantic Sapphire, the Norwegian indoor salmon fish farm, might have gotten its start in 2010, but the company is heading into the new decade with ambitious goals in the American fish market.

The fish farm is on track to finish construction on one of three facilities in Miami-Dade by July, according to Miami Today.

Once completed, Atlantic Sapphire aims to produce 100,000 tons of salmon by 2026 and then increase production to 242,000 tons by 2031 to feed health-conscious Americans, according to a report by the United Press International on Monday. If successful, Atlantic Sapphire would output half of the nation's current salmon consumption, which falls in line with the National Fisheries Institute's prediction that Americans will increase their salmon intake.

In December 2018, the institute found that Americans were eating around 2.41 pounds of salmon per year.

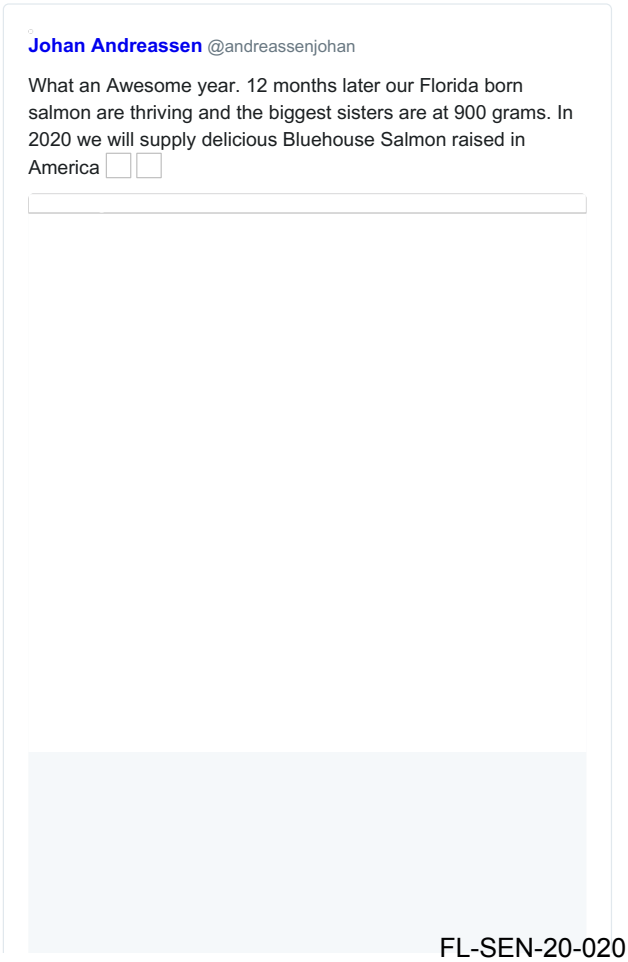
"We sort of stumbled upon the fact that Florida's aquifers were ideal for us because I found a YouTube video about it," Atlantic Sapphire's founder Johan Andreassen told UPI, regarding how the company chose its U.S. location. "America should be able to produce its own food. Americans are waking up to the benefits of heart-healthy fish like salmon."

(Atlantic Sapphire)

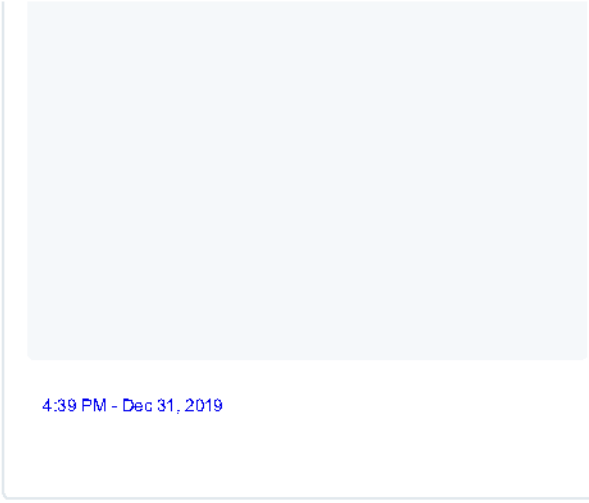
TYSON FOODS TAKES STAKE IN PLANT-BASED FISH COMPANY

Outside Miami, Atlantic Sapphire built a fish farm in Homestead, Florida, two years ago, which operates on underground aquifers and both freshwater and saltwater, according to UPI. The water is maintained at a temperature of 59 degrees Fahrenheit to ensure the salmon grow in optimum conditions.

So far, the farm is working to get its salmon to the market size of 9 pounds. The process takes around 20 months, according to Andreassen.



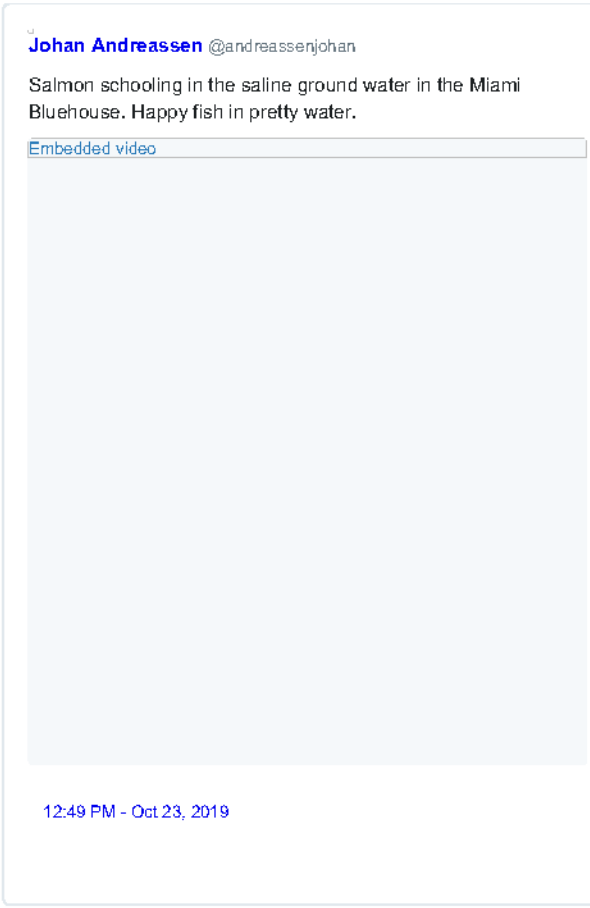
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The company's largest tanks can hold around 25,000 fish, and about three million are being raised for fresh and frozen consumption.

BIOENGINEERED SALMON WON'T COME FROM US'S BIGGEST FARM STATE

Recirculating indoor fish farming facilities like Atlantic Sapphire are said to be better for the environment when compared to outdoor ones that pollute oceans and spread diseases to other sea life, but the amount of water it takes to run an operation of this size is substantial.

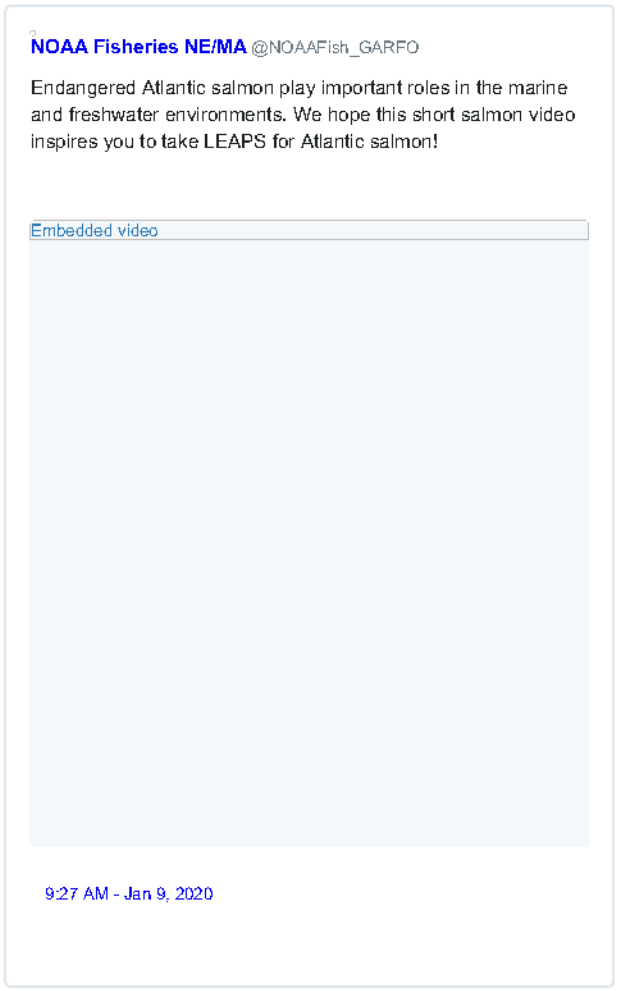


Andreassen told UPI he received permits from the South Florida Water Management District in 2016 that allow Atlantic Sapphire to siphon about 20 million gallons of water per day for the company's 160 acres.

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However, it is important to note that all consumable Atlantic salmon - which is the type Atlantic Sapphire raises - are farmed due to the species' endangered status. **Commercial and recreational fishing for Atlantic salmon is prohibited in the U.S.**

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About 72 percent of the world's salmon consumption is farmed, according to the 2019 Salmon Farming Industry Handbook by Norwegian seafood company Mowi ASA (formerly known as Marine Harvest ASA). The handbook notes that most fish farm producers are ocean-based and operate in Norway, Chile, Scotland and Canada.

Atlantic Sapphire is publicly traded in Oslo and has about 1,000 shareholders, according to Andreassen. He told UPI the company has raised around $3 billion from its investors and employs over 100 Florida residents so far.

About $250 million has been spent on the fish farm facilities.

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Global Temperature in 2019

15 January 2020

James Hansen, Makiko Sato, Reto Ruedy, Gavin Schmidt, Ken Lo, Michael Hendrickson

Author affiliations and scientific references are included in the PDF version of this paper on our website.

Abstract. **Global surface temperature in 2019 was the 2nd highest in the period of instrumental measurements in the Goddard Institute for Space Studies (GISS) analysis. The rate of global warming has accelerated in the past decade. The 2019 global temperature was +1.2°C (~2.2°F) warmer than in the 1880-1920 base period; global temperature in that base period is a reasonable estimate of 'pre-industrial' temperature. The five warmest years in the GISS record all occur in the past five years, and the 10 warmest years are all in the 21st century. Growth rates of the greenhouse gases driving global warming are increasing, not declining.**

Update of the GISS (Goddard Institute for Space Studies) global temperature analysis (GISTEMP) (Fig. 1), finds 2019 to be the 2nd warmest year in the instrumental record. More detail is available at http://data.giss.nasa.gov/gistemp/ and http://www.columbia.edu/~mhs119/Temperature. Figures shown here are available from Makiko Sato on the latter web site.

We use 1880-1920 as baseline, i.e., as the zero-point for temperature anomalies, in part because it is the earliest period with substantial global coverage of instrumental measurements. Global temperature in 1880-1920 should approximate 'preindustrial' temperature, because the small warming from human-made greenhouse gases in that period tends to be offset by unusually high volcanic activity then.

The five warmest years in the GISS record are the past five years, 2015-2019. 2014 is the 6thwarmest year, but its temperature is practically indistinguishable from that of 2010. Figure 2 compares the temperature anomalies for each of these years relative to the 1951-1980 base period. We use 1951-1980 as base period for global maps because it allows good global coverage, including data for Antarctica.

Fig. 1. Global surface temperatures relative to 1880-1920 based on GISTEMP data, which employs GHCN.v4 for meteorological stations, NOAA ERSST.v5 for sea surface temperature, and Antarctic research station data.

Fig. 2. Temperature anomalies in the past six years relative to the 1951-1980 base period.

Decadal average surface temperature anomalies (Fig. 3) show that since the 1970s each decade has been notably warmer than the prior decade. Average warming over land is twice as large as over ocean, and warming is greatest in the Arctic (Figs. 2 and 3). Average warming over land is now about 3°F (more than 1.5°C). The warming is reaching magnitudes at which it is easier for the public to notice that warming is occurring, even though it is small compared with the magnitude of weather fluctuations.

Cooling or absence of warming southeast of Greenland and in the Southern Ocean surrounding Antarctica is associated with and likely a consequence of injection of freshwater in the upper ocean layers as a result of increasing melt of ice shelves and the ice sheets. If the melting rate continues to increase, the associated regional cooling will increase and may put a damper on (slow the rate of) global warming. That relative cooling effect, if it occurs, would be no cause for celebration, as it would imply an increased heat flux into the ocean, an increased warming rate within the ocean that further increases the melt of ice shelves, and an accelerating rate of sea level rise.

Fig. 3. Temperature anomalies relative to 1880-1920 for global land and global ocean areas.

Fig. 4. Global surface temperature since 1960 relative to the 1880-1920 base period. The red-blue diagram is the Niño3.4 index, which is the temperature in a region along the equator in the Pacific Ocean used to characterize the El Niño status. Green triangles mark volcanic eruptions that produced a large amount of stratospheric aerosols.

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Interannual variability of global temperature is highly correlated with the tropical Southern Oscillation, the El Niño/La Niña cycle (Fig. 4). The rate of warming had been almost constant for several decades, at about 0.18°C/decade, if short-term variability is removed by 132-month (11-year) running mean (Fig. 4). However, data for the past several years suggest that the warming rate may be accelerating.

Global warming is linked to increasing long-lived atmospheric greenhouse gases, especially CO_2 and CH_4, and in turn these are linked to a substantial degree with fossil fuel use. Thus we also update here fossil fuel CO_2 emissions, CO_2 and CH_4 growth rates, and the resulting growth rate of greenhouse gas climate forcing. The latest data on global energy use and fossil fuel emissions (Fig. 5) are through December 2018. Greenhouse gases are up-to-date within a few months, and are estimated to the end of 2019, as is the resulting climate forcing. Energy use and CO_2 emissions are continuing to rise (Fig. 5).

Fig. 5. Global energy consumption and fossil fuel emissions through December 2018. Energy is based on Boden et al. to 1965 and BP subsequently. CO_2 is based on Boden through 2014 and subsequently BP.

Fig. 6. (a) Global CO_2 annual growth based on NOAA data (http://www.esrl.noaa.gov/gmd/ccgg/trends/). Red curve is monthly global mean relative to the same month of prior year; black curve is 12-month running mean of red curve. (b) CO_2 growth rate is highly correlated with global temperature, with the CO_2change lagging global temperature change by 10 months;

Annual growth of atmospheric CO_2 has increased from less than 1 ppm (parts per million) per year when Keeling began his measurement in the late 1950s to about 2.5 ppm per year averaged over the past several years (Fig. 6). The CO_2 growth rate has a strong correlation with the global temperature anomaly with CO_2 lagging the temperature by 10 months. This suggests that the CO_2 growth rate may increase in 2020, but this is uncertain because the recent tropical and global warming was weak (Fig. 4).

The annual growth of atmospheric CH_4, after falling to near zero in the early 21 st century, has increased to about 10 ppb (Fig. 7). Mechanisms that may have contributed to this resurgence of methane growth include leakage during increased use of hydrofracturing in fossil fuel mining, increased emissions from warming wetlands, increased emissions from melting tundra and methane hydrates, but contributions from these processes have not been adequately quantified.

Fig. 7. Global CH_4 from Dlugokencky (2016), NOAA/ESRL (http://www.esrl.noaa.gov/gmd/ccgg/trends_ch4/). End months for three indicated slopes are January 1984, May 1992, August 2006, and September 2019. Data extend through September 2019.

Fig. 8. Greenhouse gas climate forcing annual growth rate. Colored areas are 5-year running means. Gray dots connected by grey lines are annual changes of the total forcing by all gases. Greenhouse gas amounts are from NOAA/ESRL Global Monitoring Division. O_3 changes are not fully included, as they are not well measured, but O_3 tropospheric changes are partially included via the effective CH_4 forcing. MPTGs are Montreal Protocol Trace Gases and OTGs are Other Trace Gases. The added future warming (right scale) is the equilibrium warming for the added forcing, assuming a climate sensitivity of 0.75°C per W/m^2.

As a result of the increasing growth rates of the greenhouse gases, the annual growth of the greenhouse gas climate forcing is tending to increase. Large interannual fluctuation in the CO_2growth causes interannual fluctuation in annual growth of the total greenhouse gas climate forcing, but the smoothed growth rate has increased steadily over the past decade.

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2020 Scholarship and Grant Applications Are Now Being Accepted

APPLICATION SUBMITTAL DEADLINE: MARCH 31, 2020

AWRA Florida has a mission to support education through the Rosanne Clementi Education Program and awards scholarships and grants to Florida undergraduate and graduate college or university students, high school seniors, pre-Kindergarten through 12th grade teachers, and environmental education centers.

The Sanford N. Young Scholarship is designed to provide funding for one (1) **$3,000** scholarship for an exceptional water resources graduate student.

The William V. Storch Student Award is available to graduate and undergraduate water resources students to support educational activities. In 2020, up to four (4) **$1,500** awards are available to graduate students and up to two (3) **$1,500** awards are available to undergraduate students.

The Buddy & Laura Blain High School Scholarship is available to exceptional Florida high school seniors who have an intent to pursue academic studies at a Florida college or university. At least one (1) **$1,000** scholarship is available each year.

The J.B. Butler Science Grant is available to pre-Kindergarten through 12th grade teachers and/or environmental education centers to aid in water resources education. Six (6) **$500** grants are typically awarded each year.

Click here for more information and to download application forms and instructions. All applications must be submitted electronically as a single PDF file by **March 31, 2020** to awra@awraflorida.org. If you are not an AWRA Florida Student member, please consider joining. Annual student membership is only $5.

If you have any questions, please reply to this email or contact Gordon Brown.

Upcoming Events

29th Annual Southwest Florida Water Resources Conference
Fort Myers | January 24

2020 UF Water Institute Symposium
Gainesville | February 25-26

March 2020 Technical Meeting
Tampa | March 27

May 2020 Technical Meeting
Panama City | May/June 2020

2020 Annual Meeting
Key West | August 6-7, 2020

AWRA National 2020 Annual Conference
Kissimmee | November 9-12

Did You Know?

AWRA Florida is a scientific and educational non-profit organization. Our mission is to promote understanding of water resources and related issues by providing a multidisciplinary forum for information exchange, professional development and education. Our vision is to be recognized as the preeminent organization for information exchange about water resources issues. Join or sponsor AWRA Florida today!

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Climate Change, Invasive Species Threaten Everglades

Everglades National Park, in the American state of Florida, is home to a large number of different kinds of wildlife. There are, for example, more than 360 species of birds.

The Everglades is the only place in the world where freshwater alligators and saltwater crocodiles live together, some say.

But the park is facing problems, including climate change and invasive species.

Environmental problems

Over the last century, about half of the Everglades has disappeared.

What survives is not really a natural **ecosystem**. It depends on a large network of human-made waterways, dams, pump stations and other water-control structures.

It is what the U.S. Army Corps of Engineers calls a "highly **managed** system." Critics call it a "Disney Everglades."

New information about the speed of climate change has led some to question how much of the Everglades can ever be saved.

"I **tend** to think that everything can be saved," says Fred Sklar of the South Florida Water Management District, which is responsible for much of the Everglades' **infrastructure**. "Restored is another question."

Tiffany Troxler is a director of Florida International University's Sea Level Solutions Center. She recently showed reporters from the Associated Press some of the environmental problems. These include evidence of the collapse of a thick soil that supports the ecosystem.

"You can think about these soils as your bank account," she said. "In the condition that this **marsh** is [in] right now, the outlook is not good."

A lack of fresh water and an increase in sea water have caused salt levels to rise in the marshes, Troxler and others say. This appears to be slowing or stopping plant growth.

Earlier this year, a group that includes the Corps of Engineers and the National Park Service issued its latest Everglades System Status Report.

It reads, "The Florida Everglades is struggling to survive in the face of **sustained** pressure from human activities" and the increasing effects of climate change.

Invasive species

But climate change is only one of the problems facing the Everglades. Invasive species are another.

Of all the invasive species in the Everglades, the Burmese python is the most difficult to deal with. No one is quite sure how a huge snake native to Southeast Asia arrived in South Florida. Many believe the first pythons escaped - or were released - in the late 1970s. Estimates of their population run into the hundreds of thousands.

Scientists suspect the python is responsible for the disappearance of up to 99 percent of the marsh rabbits, raccoons and other small animals in the national park.

Scientist Ian Bartoszek heads the Conservancy of Southwest Florida's snake research and removal program. Since 2013, he has been using pythons to catch pythons.

Every two weeks, he flies over the Everglades, picking up the signal of radio devices placed in 25 snakes. The hope is that these so-called "**Judas** snakes" will lead his team to others, especially females of reproductive age.

In the past six years, the conservancy team has removed more than 500 pythons with a combined weight of about 5,000 kilograms. However,

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Bartoszek thinks a total removal of the Burmese python is impossible.

Bartoszek noted that the Burmese pythons seem "to be**adapting** and **evolving** [in] real time here in the Everglades ecosystem." He added that it may be more correct to call them Everglades pythons. "Because they're ours now. They're here," he said.

Some hopeful signs

Still, there are some hopeful signs.

Some adaptation is taking place. Scientists have found evidence that local wood storks, a kind of bird, are eating non-native African jewelfish.

And the endangered Everglades snail kite has been eating a rare kind of mollusk, another invasive species in the area.

Perhaps the most hopeful development of all is the ongoing $578 million project to restore 103 square kilometers of the Kissimmee River Basin.

Since the destruction of some dams, part of the river has returned to its natural path. The wetlands are spreading and the numbers of wildlife are increasing in that area.

Thomas Van Lent, vice president of science and education at the Everglades Foundation, recently took a boat trip on a three-kilometer part of the restored river.

"And there were snail kites everywhere," he says. "It's just**amazing** to see the effects."

I'm John Russell.

And I'm Jill Robbins.

Allen G. Breed reported on this story for the Associated Press. John Russell adapted it for Learning English. Caty Weaver was the editor. photo by Mac Stone

Some definitions and terminology from both the US Army Corps and the South Florida Water Management District (SFWMD)
Courtesy Cong. Francis Rooney's website

CERP?
-Comprehensive Everglades Restoration Plan (CERP). CERP aims to increase storage of wet season waters to augment the supplies during the dry season for both the natural system and urban and agricultural users. The plan consists of 68 projects costing over $16 billion to complete.

CEPP?
-Central Everglades Planning Project (CEPP) is to deliver a finalized plan, known as a Project Implementation Report (PIR), for a suite of restoration projects in the central Everglades to prepare for congressional authorization, as part of the Comprehensive Everglades Restoration Plan (CERP). The Central Everglades Planning Project will identify and plan for projects on land already in public ownership to allow more water to be directed south to the central Everglades, Everglades National Park, and Florida Bay.

WRDA?
-Water Resources Development Act (WRDA), is a reference to public laws enacted by Congress to deal with various aspects of water resources including but not limited too environmental, structural, navigational, and flood protection.

HHD?
-Herbert Hoover Dike (HHD) is a 143-mile earthen dam that surrounds Lake Okeechobee, the heart of the Kissimmee-Okeechobee-Everglades system. The project reduces impacts from flooding as a result of high lake levels for a large area of south Florida.

EAA /
- Everglades Agricultural Area (EAA). 700,000-acre area south of Lake Okeechobee.

From the SFWMD Website
"The Water Resources Law of 2017 (Laws of Florida, Chapter 2017-10, Senate Bill 10) directs the expedited design and construction of a water storage reservoir in the Everglades Agricultural Area (EAA) to provide for a significant increase in southern storage to reduce high-volume discharges from Lake Okeechobee.

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A project component of CERP, the reservoir will be designed to hold at least 240,000 acre-feet of water and include water quality features necessary to meet state and federal water quality standards. The law requires the South Florida Water Management District (SFWMD) to meet certain timelines for implementing the project."

C-43 West Storage Basin
-Caloosahatchee River (C-43) West Basin Storage Reservoir Project is a Congress authorized project in the Water Resources Reform Development Act (WRRDA) of 2014. This project is a component of the Comprehensive Everglades Restoration Plan (CERP). The project is designed to capture excess C-43 Basin runoff and regulatory releases from Lake Okeechobee during the wet season and release water from the reservoir during the dry season. The project includes development of one aboveground reservoir with a total storage capacity of approximately 170,000 acre-feet (ac-ft). The project will reduce the extreme salinity changes in the Caloosahatchee River Estuary by providing a more consistent flow of water discharging into the estuary. The project will also provide water supply benefits and some flood attenuation.

Picayune Strand
-The Picayune Strand Restoration Project, when completed, the project will restore historic water flows that benefit coastal estuaries, recharge the aquifer, and protect the water supply, while maintaining current levels of flood protection. The restoration involves plugging 48 miles of canals, removing 260 miles of crumbling roads, and constructing three major pump stations, all of which will restore more than 55,000 acres of natural habitat in an area once partially developed for an intended sprawling residential area.

Corps?
-The U.S. Army Corps of Engineers is a U.S. Federal Agency underneath the Department of Defense. The U.S. Army Corps is tasked with carrying out the 68 projects in the CERP for Everglades restoration.

SFWMD?
-The South Florida Water Management District. The South Florida Water Management District is the oldest and largest of the state's five water management districts, managing water resources in a 16-county region that stretches from Orlando to the Florida Keys.
**From the SFWMD Website*

ASR
-Aquifer storage and recovery.

C&SF
-Central and Southern Florida (C&SF) is a Congress authorized project in the Flood Control Act of 1948 and subsequent authorizations through the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016. The C&SF project is a multi-purpose project that provides flood control; water supply for municipal, industrial, and agricultural uses; prevention of saltwater intrusion; water supply for the Everglades National Park and protection of fish and wildlife resources.

Legacy Florida
-Is a State Sponsored piece of legislation, passed by the Governor of Florida on April 7, 2016. Committed up to $200 million every year for Everglades Restoration efforts.

Amendment 1
The Florida Water and Land Conservation Initiative, Amendment 1 was a constitutional amendment offered to the state in 2014.

Red Tide
-According to NOAA: A "red tide" is a common term used for a harmful algal bloom.
Harmful algal blooms, or HABs, occur when colonies of algae-simple plants that live in the sea and freshwater-grow out of control while producing toxic or harmful effects on people, fish, shellfish, marine mammals, and birds. The human illnesses caused by HABs, though rare, can be debilitating or even fatal.

While many people call these blooms 'red tides,' scientists prefer the term harmful algal bloom. One of the best known HABs in the nation occurs nearly every summer along Florida's Gulf Coast. This bloom, like many HABs, is caused by microscopic algae that produce toxins that kill fish and make shellfish dangerous to eat. The toxins may also make the surrounding air difficult to breathe. As the name suggests, the bloom of algae often turns the water red.

A small percentage of algae, however, produce powerful toxins that can kill fish, shellfish, mammals, and birds, and may directly or indirectly cause illness in people. HABs also include blooms of non-toxic species that have harmful effects on marine ecosystems. For example, when masses of algae die and decompose, the decaying process can deplete oxygen in the water, causing the water to become so low in oxygen that animals either leave the area or die.

Blue/Green Algae
According to FWC - Cyanobacteria are some of the Earth's oldest organisms, with fossils dating back 3.5 billion years. Yet, they can still be found today in all of Florida's freshwater and brackish habitats - lakes, rivers and estuaries. Like red tides, cyanobacteria can grow and accumulate, or bloom, when environmental conditions such as light availability and temperature are favorable. Nutrient pollution from agricultural and urban runoff causes the majority of freshwater cyanobacteria blooms. Other conditions that contribute to blooms are stagnant water resulting from a lack of natural flushing and land clearing. Cyanobacteria blooms can destroy submerged vegetation like seagrass by blocking sunlight. Blooms can also reduce oxygen availability to other aquatic organisms and introduce toxins that pass through the food chain. Toxins produced by cyanobacteria can be harmful to humans, affecting the liver (hepatotoxins), the nervous system (neurotoxins) and skin (dermatotoxins).

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Opinion

Editorial: After five years, it's past time to give Forever Florida its due

By The Palm Beach Post Editorial Board

Five years after its passage in a landslide, the Amendment promise's to protect Florida's environment remains only partially fulfilled. It's scandalous, and it has to end.

Florida voters were clear in their intentions by approving Amendment 1 in 2014: spend tax money to buy and conserve our land and waters. It's past time state lawmakers listened.

Florida's voters spoke as an unmistakable chorus on Election Day 2014: 75% said "yes" to the ballot measure for land conservation and water protection -- including an overwhelming 84 percent in Palm Beach County. It got 4.2 million votes, more than any politician (including then-Gov. Rick Scott).

The idea was to give 33% of tax collections from real-estate documentary stamps to the state's Land Acquisition Trust Fund to protect the state's biggest asset: the environment. That would come out to about $23 billion over 20 years, according to recent projections.

But with development relentlessly gobbling up Florida's open lands and pollutants fouling Florida waterways, the voters saw the need. The bounty from real-estate sales would be used to "acquire, restore, improve, and manage conservation lands."

Florida legislators and Scott had other ideas. For years they had harshly cut budgets when it came to the environment. Scott's administration, with the Republican-controlled Legislature's blessing, prioritized green-lighting industry and development ahead of protecting beloved assets like the St. Lucie River and Caloosahatchee River estuaries.

And even after the people roared their disapproval with that vote five years ago, Scott was content to keep on starving Florida Forever, the state's main conservation land-buying program.

Land-buying had previously been a favorite occupation of Florida governors. Until the Great Recession hit in 2009 in the middle of Charlie Crist's four years in office, Florida Forever and its predecessor, Preservation 2000, were routinely funded at $300 million a year.

Not Scott, governor from 2011 until last January. Former state representative Paula Dockery tells it succinctly: Scott "signed eight annual budgets funding Florida Forever at zero, $8.4 million, $20 million, $12.5 million, $15 million, zero, zero, and $100 million during his two terms in office."

Note that those last four budgets were while Amendment 1 was in effect. And the final of those four encompassed an election year when Scott ran for the U.S. Senate.

Of course, lawmakers did spend money from the Amendment 1 trust fund. Only, they often spent it on things that didn't seem to fit the aims or spirit of the amendment.

In 2015 alone, they directed $152 million to pay for salaries at agencies that deal with the environment in some way, such as hunting, freshwater fisheries, and archaeological and historic sites. Instead of expanding environmental protections, in other words, they used the new funds for business as usual.

When environmental groups took this abhorrent legislative behavior to court, a judge found unconstitutional 185 spending provisions totaling more than $420 million. But the case is in limbo. An appellate court in September tossed it back to the trial court for further review without specifying whether Amendment 1 money had been misused.

Meantime, the unmet potential of Amendment 1 continues under Gov. Ron DeSantis. True, the new governor is taking some big swings for the environment. In September, for instance, he requested annual environmental spending of $625 million for the next three years. That includes $300 million for Everglades restoration and the long-delayed southern reservoir, and millions more for attacking harmful algal blooms.

But his official press release doesn't mention Florida Forever at all. And in the current fiscal year, which started July 1, Florida Forever gets only $34.5 million.

Keep in mind, the Amendment 1 fund is expected to generate more than $906 million this fiscal year. By anyone's arithmetic, there's plenty more money available for environmental needs.

Last week, the Senate Environment and Natural Resources Committee took a step forward by voting unanimously to designate $100 million of Amendment 1 money to Florida Forever each year to provide the program with "a stable annual funding floor," according to the bill's sponsor, Sen. Linda Stewart, D-Orlando. The bill is filed for consideration in the legislative session that begins Jan. 14.

A $100 million guarantee is a nice start. Still, we agree with environmental groups that insist upon a minimum of $300 million annually. After all, that's what the program used to get, years before voters provided a pot exceeding $900 million a year.

It's good to see attitudes on protecting the environment improving in this state from the dark ages of the Scott administration. But bolder action is possible. The state's voters demanded it in 2014. They're still waiting. And they shouldn't be.

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Florida officials are getting ready once again to evaluate the state's water-quality standards as part of a triennial review. This is our chance to address the toxic-algae nightmare that's been plaguing our precious lakes, rivers and springs.
Tell the Florida Department of Environmental Protection to adopt strict, numeric limits for algae blooms and the dangerous cyanotoxins they produce.
People exposed to cyanotoxins - usually through polluted water, contaminated seafood, skin exposure or inhalation - are at serious risk of falling sick. They're also much more likely to suffer a wide range of health problems, including liver and neurodegenerative disease.
Right now Florida has no set limits for cyanotoxins in recreational waters. So establishing them will help notify the public when blooms become dangerous. It'll also help long-term planning and prevention.
Act now to send a letter to state officials urging them to set strict limits on toxic algae in Florida.

Take Action

Flood Insurance Was About To Get A Whole Lot More Expensive, But That's Been Delayed

By ALEX HARRIS AND ALEX DAUGHERTY

Floridians have another year of reprieve before they face a likely hike in their flood insurance premiums, thanks to political pressure from Congress over a potentially drastic revamp to the National Flood Insurance Program.

The planned change to the way the NFIP charges policyholders is meant to claw the program out of its multibillion-dollar debts and help the

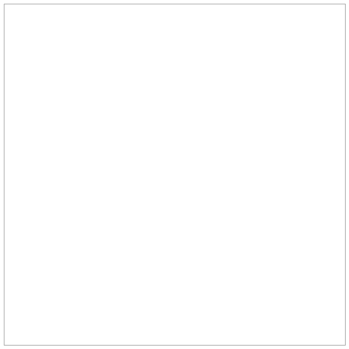
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nation adapt to the growing risk of climate change - in exchange for an end to the subsidies coastal residents have relied on for decades.

No state would face a bigger financial impact than Florida, where 35 percent of the program's policies are written.

A week after dozens of members of Congress worried about skyrocketing rates for their constituents pushed the Federal Emergency Management Agency to defer its planned rate restructuring - known as Risk Rating 2.0 - the agency announced it would enact the new rates in October 2021 instead of October 2020.

"Some additional time is required to conduct a comprehensive analysis of the proposed rating structure so as to protect policyholders and minimize any unintentional negative effects of the transition," the agency said in a statement. The delay also allows FEMA to switch everyone's rates at once instead of in phases, as originally planned.



Check your risk
Wow Detailed Maps! - https://msc.fema.gov/portal/search

The agency originally planned to release its new rate structure in April 2020, so it's unclear exactly how much higher rates will get. Last week, FEMA announced that renewal premiums will increase an average of 11.3 percent nationwide, and that's without the impact of the revamped rates.

Risk Rating 2.0 is the NFIP's big plan to get itself back in financial shape. The organization is deeply in debt after decades of expensive back-to-back natural disasters and inaccurate pricing for many coastal homes left the NFIP paying out more than consumers paid in.

Coastal residents, in particular, enjoy flood insurance policies that are cheaper than they should be thanks to the organization's outdated risk modeling, which doesn't take sea level rise or tidal flooding into account. But that modeling, along with FEMA's outdated and inaccurate mapping, have led people across the country to believe their homes are safe from flooding when they really aren't.

"People for 40 years were led to believe that FEMA flood maps were the gospel on their flood risk," said Albert Slap, president of Florida-based Coastal Risk Consulting. "People have been wiped out as a result of following FEMA flood maps."

He cites the example of Hurricane Harvey, which flooded more than 200,000 homes in Houston, Texas. Three-quarters of those homes were in a FEMA flood zone where flood insurance isn't mandatory, he said, so most of them didn't have flood insurance.

Slap agrees with former NFIP Head Roy Wright, who said last year that everyone with a Florida driver's license should have flood insurance.

The last time the NFIP changed its rate structure to reflect the real risk of flooding, the results were disastrous for homeowners. Premiums increased tenfold in places like the Keys, and the changes were walked back two years later.

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Rep. Debbie Mucarsel-Powell, D-Miami, said she hopes the yearlong delay will give FEMA more time to determine optimal flood insurance rates that will not dramatically increase costs for residents and businesses in Florida.

"I support FEMA's decision to defer implementation of Risk Rating 2.0 for an additional year," Mucarsel-Powell, who represents the low-lying Florida Keys, said in a statement. "I urge FEMA to use this extra time to protect policyholders and conduct a comprehensive analysis of the program. I hope this delay will result in greater clarity and transparency from FEMA in the future. Homeowners and businesses deserve more information regarding any significant changes in their flood insurance premiums."

Six of the seven House members from Miami-Dade and Broward counties signed on to a letter urging a long-term flood insurance fix from FEMA in lieu of raising flood insurance rates around Election Day 2020. Rep. Frederica Wilson, D-Miami Gardens, was the only lawmaker from South Florida who didn't sign the letter. Fifteen of Florida's 27 House members, including Democrats like Broward Rep. Debbie Wasserman Schultz and Republicans like Panhandle Rep. Matt Gaetz, signed the letter.

Florida Reps. Francis Rooney, R-Naples; Charlie Crist, D-St. Petersburg; and Mucarsel-Powell also issued a joint statement praising FEMA's decision but said the agency should not issue a double-digit rate increase to flood insurance premiums.

"We're encouraged that FEMA is listening to Congress's concerns about the impacts of Risk Rating 2.0," the lawmakers said. "FEMA's promise to protect policyholders and minimize any unintentional negative effects in the transition is vital to ensuring the NFIP remains successful. We hope FEMA will more actively engage with Congress to ensure transparency around the fundamental changes they have proposed.

"We led the call for a lower premium cap and delay of Risk Rating 2.0 because our constituents cannot suffer a double-digit rate increase. While this temporary reprieve should prevent rate shocks next year, it does not change that premium hikes are on the horizon. We remain committed to our goal of preventing premium spikes and making the NFIP more affordable. A long-term reauthorization is an opportunity to increase the affordability, sustainability and usability of the program and we must get it right."

This story was produced in partnership with the Florida Climate Reporting Network, a multi-newsroom initiative founded by the Miami Herald, the South Florida Sun Sentinel, The Palm Beach Post, the Orlando Sentinel, WLRN Public Media and the Tampa Bay Times.

AMERICAN OVERSIGHT

More Elevation for Coastal Construction?

Dennis Maley *

Sunday, Nov 17, 2019

BRADENTON - Florida's nationally-renowned statewide building code does not currently take sea-level rise into consideration. That could change this year, however, thanks to a new study commissioned by the Florida Building Commission.

The study, which was performed by Florida International University, recommends that all new construction along the coast be brought up an additional foot to mitigate potential floodwaters. This follows changes that were made in 2016 that required new construction along the coast to elevate buildings by one foot.

Florida did not have state building codes when Hurricane Andrew devastated its southern tip in 1992. The law creating the Florida Building Code was enacted by the state legislature in 1998 and became effective on March 1, 2002. It has never directly dealt with the idea of sea-level rise, which is predicted to hit two feet by 2060 due to global warming.

Another recommendation in the report calls for the review of groundwater maps prior to allowing septic tanks to be installed, because of rising groundwater from sea level rise, which has already caused septic failures across Miami-Dade County.

Many other states have implemented similar codes following disastrous floods, including both New Jersey and New York, which each instituted two-foot coastal elevation requirements following Superstorm Sandy in 2013. Some cities have even tougher criteria. Annapolis requires two feet, New Orleans goes up three feet, and Nashville requires four feet.

Developers have resisted increased "freeboard" requirements, because of additional costs that they say can further challenge affordable housing. That cost varies from the less expensive option of raising the home to the most expensive option of using fill only to increase the elevation of the foundation. However, proponents note that each foot provides for a significant flood insurance reduction, which could offset that cost over time.

One study by the Association of State Floodplain managers estimated that it took **around 3.3 years** for premium savings to pay for construction costs, creating significant savings over a 30-year mortgage. Proponents also note the much higher cost of rebuilding homes and other properties that are destroyed by flooding.

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Seagrass beds are starting to revive along the Indian River Lagoon; but for how long?

Tyler Treadway, Treasure Coast Newspapers

Don't cue the ticker-tape parade quite yet, but seagrass is starting to make a comeback in the Indian River Lagoon along the Treasure Coast and Space Coast.

Not a huge comeback, mind you, but after years of losing thousands of acres of seagrass beds throughout the 156-mile lagoon - up to 95 percent of their coverage in some areas over the last 20 years, according to a University of Florida report - any turnaround is welcome.



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Kathryn "Katie" Tiling (left), a research associate at Florida Oceanographic Society, leads a volunteer-based seagrass survey Wednesday, Aug. 21, 2019, in the Indian River Lagoon. Tiling said seagrass in Martin County is making a slow recovery after a summer without Lake Okeechobee discharges. *(PHOTO: LEAH VOSS/ICPALM)*

Why? Because seagrass beds are an essential part of the lagoon.

Seagrasses are known as a "foundation species" in the lagoon, said Kathryn "Katie" Tiling, at the Florida Oceanographic Society in Stuart.

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"Seagrass beds harbor lots of native fish species, and they're nurseries for lots of popular game fish," said Capt. Paul Fafeita of Vero Beach, a fishing guide and president of the Clean Water Coalition of Indian River County.

"Seagrass is crucial for their existence as well as other species from crabs to wading birds. If you lose seagrass, you lose the ecosystem."



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Capt. Paul Fafeita, of Vero Beach, a fishing guide and president of the Clean Water Coalition of Indian River County, heads south on the Indian River Lagoon in a search for seagrass on Monday, Aug. 19, 2019, in Vero Beach. The lagoon is home to seven species of seagrass: Johnson's seagrass, manatee grass, paddle grass, shoal grass, star grass, turtle grass and widgeon grass. *(PHOTO: LEAH VOSS/ICPALM)*

Seagrasses also help keep lagoon water clean by holding down sediment.

"When you lose seagrass, the water becomes more turbid," Tiling said.

And when water gets turbid, seagrass can't get sunlight to photosynthesize food, so you lose more seagrass.

"It's a snowball effect," Tiling said.

Environmental, economic impact

According to the St. Johns River Water Management District, 2.5 acres of seagrass can support:

- up to 100,000 fish
- up to 100 million invertebrates such as worms, clams and snails
- $5,000 to $10,000 in economic activity

So, what's been killing seagrass in the lagoon?

The short answer: nutrients, particularly nitrogen and phosphorus.

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Seagrasses feed on nutrients just like the grass in your yard, but too much nitrogen and phosphorus spurs the growth of algae.

"Algae utilizes nutrients faster than seagrass," Tiling said. "So algae grows faster than seagrass and can eventually choke it out."

Where the nutrients come from varies depending on the section of the lagoon.

So do the reasons nutrient loads are lower this year and seagrass is coming back.

Martin County

"This year we've definitely seen some, a little, recovery," said Tiling. "Not having Lake Okeechobee discharges has definitely been a benefit because we've had a lack of turbidity and plenty of salinity."

Seagrass beds seeing signs of growth in the lagoon can be found at Bessey Cove north of Sailfish Point, near Boy Scout Island and behind the society's Coastal Center, where staffers take school kids seining, which involves pulling long nets through the shallow water to see what kinds of critters show up.

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Zack Jud, director of education and exhibits at Florida Oceanographic Society in Stuart, says seagrass is "one of the foundations of a healthy lagoon." In Martin County, seagrass in the Indian River Lagoon has been suffering since Lake Okeechobee discharges in 2013 sent massive loads of fresh water and nutrients into the estuary. *(Photo: LEAH VOSS/TCPALM)*

"In the years when we had no seagrass, we'd get virtually nothing at all," said Zack Jud, the nonprofit's director of education and exhibits. "But this past summer, all the seining we did resulted in real high biodiversity. That shows you just how vital seagrass is. It's one of the foundations of a healthy lagoon."

Tiling cautioned, however, the seagrass in the lagoon is "way far off from what it should be like."

To see what seagrass in the lagoon should be like, you'd have to go back to 2012 or early 2013, before the "lost summer" brought on by massive Lake O discharges to the St. Lucie River.

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Shoal grass in the Indian River Lagoon at Bessey Cove in Martin County on Wednesday, Aug. 21, 2019. *(Photo: LEAH VOSS/TCPALM)*

"Since the 2013 discharges, we've seen seagrass decline more and more over the years," Tiling said. "Growth would perk up a bit in the years with no discharges, but overall it's been a downward trend."

It's "extremely hard" to say how many discharge-free years would be needed for the seagrass beds to fully recover, Tiling said.

"I can say it took decades of active restoration for seagrass in Chesapeake Bay to come back," Tiling said. "It doesn't take much time to crush the system, but it takes a lot more for the system to recover."

St. Lucie and Indian River counties

The seagrass beds from south of Fort Pierce to Vero Beach "are probably the healthiest in the entire lagoon," Tiling said.

The reason: The Fort Pierce Inlet does a good job of flushing out dirty water and bringing in clean ocean water.

But the inlet can't keep the lagoon around it pristine.

In June, an influx of nutrient-rich water coming down Taylor Creek and the C-25 Canal caused a blue-green algae bloom in Harbortown Marina, where the creek empties into the lagoon in northern Fort Pierce.

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A healthy patch of turtle grass is among 440 acres of seagrass inhabiting a protected area of the Indian River Lagoon in Indian River County. Nutrients, particularly nitrogen and phosphorus, have been a major reason that up to 95 percent of seagrass coverage in some areas have been lost over the last 20 years. The seagrass beds from south of Fort Pierce to Vero Beach are healthy because the Fort Pierce Inlet flushes out dirty water and brings in clean ocean water. *(Photo: LEAH VOSS/TCPALM)*

Fortunately, the cleanest stretch of the lagoon contains some of its most important seagrass beds:

- Off Bear Point south of Fort Pierce
- Just north of Florida Atlantic University's Harbor Branch Oceanographic Institute
- Off the Oslo Road boat ramp and the Moorings Flats, where 24 tethered buoys encircle 440 acres of the lagoon's most delicate habitat.

The protected area is the result of a four-year, nearly $20,000 effort by Vero Beach Rotary clubs, known as the Rotary Initiative for Submerged Seagrass Awareness (RISSA), to warn boaters to keep off shallow seagrass beds.

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A group of 24 tethered buoys, encircling 440 acres of the Indian River Lagoon off the Oslo Road boat ramp and the Moorings Flats in Indian River County, warns boaters to keep off shallow seagrass beds. The protected area, funded by a project called the Rotary Initiative for Submerged Seagrass Awareness, has helped this section of the lagoon grow some of the healthiest seagrass around. *(Photo: LEAH VOSS/TCPALM)*

The Rotarians' work has helped protect that seagrass bed, Fafeita said, but others need protection as well.

Indian River County is "the least-patrolled county on the Florida east coast," he said. "The FWC (Florida Fish and Wildlife Conservation Commission) says there aren't enough boat owners here to justify more patrols."

Local law enforcement agencies only take their boats out onto the lagoon "for fatalities and parades," Fafeita, a former Indian River County sheriff's deputy, added. "I know patrolling the lagoon is expensive, but it's vitally important."

Brevard County

Much of the lagoon in Brevard County suffered through a 22-month algae bloom in 2017 and 2018, said Lori Morris, an environmental scientist at the St. Johns River Water Management District.

"Fortunately, it hasn't been present in 2019," Morris said. "That's helped a lot because it allowed the seagrass to have a full growing season through the spring and

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summer. I wouldn't call it a recovery, but the seagrass beds have spread out a little more."

The exception: the Banana River, where brown tide lingered this year until the end of July to early August.

"That's not giving the grass a chance to grow," Morris said.

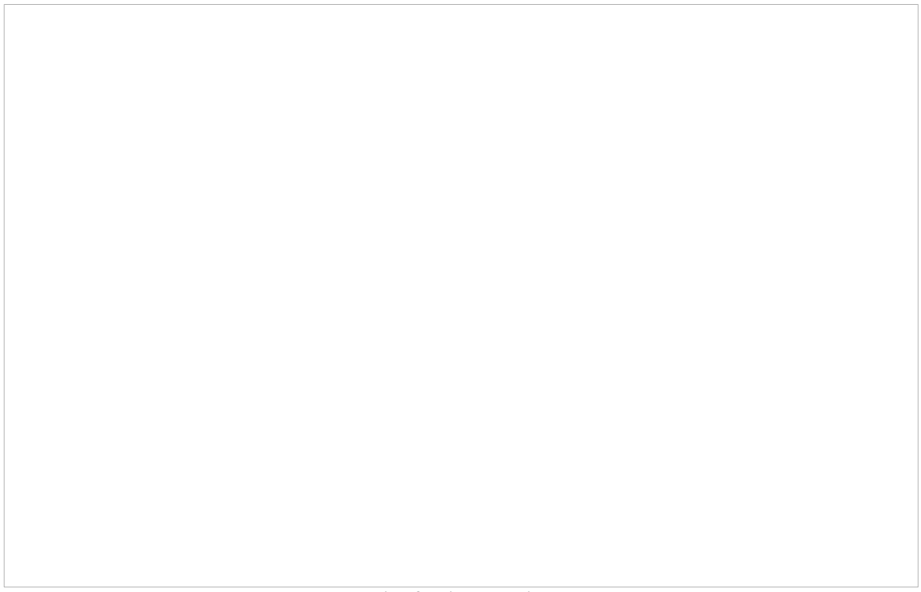
Seagrass is recovering in most of the northern lagoon this year, said Chuck Jacoby, supervising environmental scientist at the St. Johns River Water Management District.

"There hasn't been a tremendous amount of rainfall" and there have been successful efforts to reduce the amount of nutrients, primarily nitrogen and phosphorus, in the water that feed algae blooms, he said.

Those efforts include dredging projects to remove muck holding bloom-feeding nutrient, improved stormwater detention and septic-to-sewer conversions.

In recent years, communities along the lagoon also have enacted summer fertilizer bans to keep runoff out of the water, but it's still too early to determine what effects they've had.

"This is a start," Morris said. "Recovery won't happen overnight. It will take a long time because there's so far to go."



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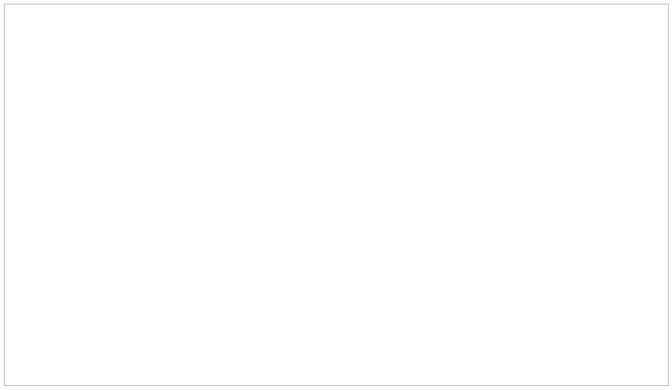
'Glades Restoration projects to help "Goldilocks" bird -

Cape Sable Seaside Sparrow

By Kevin Wadlow Free Press Staff

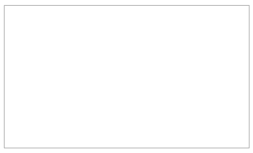
FLORIDA KEYS - Sending more fresh water through the northeast Shark River Slough would do more than put critical flows into Florida Bay and Everglades National Park.

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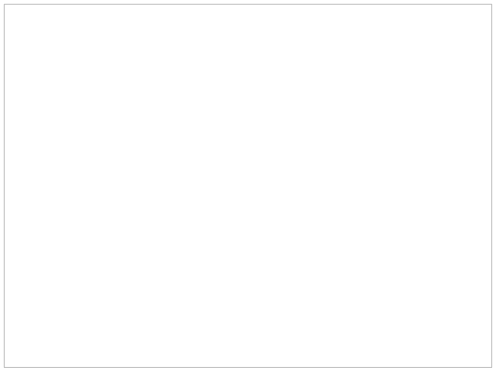
Redirecting water from the western Everglades back to a historic channel also may save the endangered Cape Sable seaside sparrow from extinction.

On Sept. 12, the U.S. Senate's Appropriations Committee voted for an Energy and Water Appropriations bill, which brings it closer to full Senate approval for $200 million in construction funding for South Florida ecosystem restoration.



"It reflects the urgency that is desperately needed to kick-start vital Everglades restoration projects, including the Everglades Agricultural Area Reservoir," Eric Eikenberg, chief executive of The Everglades Foundation, said in a statement. "... When the dollars flow south from [Washington,] D.C., so too will clean water flow south from Lake Okeechobee to Florida Bay."

"We are seeing advances on a few fronts along the Tamiami Trail," said Stephen Davis, Everglades Foundation's senior ecologist and communications director.



New bridges along U.S. 41, also known as the Tamiami Trail, now allow more water to move south in the Everglades system's historic flow. Funding to raise the highway to accommodate several large culverts will add to the progress on restoration by putting more water where it should be, he said.

Water returned to the northeastern Shark River Slough - "the original deep channel," Davis described - allows state and federal water managers to limit potentially damaging water discharges that threaten western nesting grounds for the protected Cape Sable seaside sparrow.

"The Cape Sable seaside sparrow is sometimes known as the 'Goldilocks bird' as conditions have to be just right to survive," says a Florida Fish and Wildlife Conservation Commission fact sheet. "Cape Sable seaside sparrows can be found only in Everglades National Park and Big Cypress National Preserve in Miami-Dade and Monroe counties, as they are the only bird restricted to the Everglades' ecosystem."

"The original freshwater flow has been cut off since the Tamiami Trail was built in the 1920s," Davis said. "Without the capacity to send water into eastern Shark River Slough, it was sent west where it sometimes led to flooding in Water Conservation Area 3A. ... There have been restrictions on when water can be sent through the control structures because it caused harm to the sparrows' nesting."

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Reducing levels of fresh water in the western Everglades can help preserve the seaside sparrows and "relieve detrimental conditions that also affect deer and tree islands," he said. The new flow "mimics the natural pattern of flow in the historic Everglades."

Man made changes to the Everglades system also altered the environment of Everglades National Park.

Now with the new bridges along Tamiami Trail, agencies can send "nearly a 1 billion gallons of water per day under that segment," Davis said. "We've consistently seen 1,500 cubic feet per second this wet season," which he called "a record high."

"This is clean water and we know that Florida Bay and the national park really need it. In April and May, it's not uncommon to see zero cubic feet per second, which basically means the park is drying out," he said.

Eikenberg commended "the persistent diligence of our entire Florida congressional delegation in supporting full federal funding. We especially want to thank U.S. Sen. Marco Rubio. As a member of the Appropriations Committee, he has been a stalwart supporter of the Everglades throughout this process."

Florida Gov. Ron DeSantis this month also urged Florida state legislators "to establish a recurring revenue stream for Everglades restoration, clean water, springs protection and other environmental needs of $625 million annually for each of the next three years," according to the foundation.

kwadlow@keysnews.com

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The Everglades, forever more

The story of one of histor's most ambitious restoration projects

*Wetlands will be discussed at the Global Landscapes Forum New York 2019. Learn more about how to **join here.***

For Jerry Lorenz, if there's one lesson to be learned from the ongoing restoration of the Everglades, it's that wetlands are easily destroyed and immensely painstaking to repair.

*"It's much easier to break them than to fix them," says Lorenz, director of research at **Audubon Florida's Everglades Science Center**. "Once you've done damage to your wetlands, you're going to start appreciating that they are the ecosystem's kidneys. They protect you from storm surges, and without them, you're not going to have drinking water. So you've got to protect your watershed entirely."*

In the past century, 50 years of dredging and diking has transformed most of the once vast network of sub-tropical freshwater ecosystems in the U.S. state

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of Florida into arable land and urban areas, which 8.7 million people now call home.

***Read More :* Fast facts: Wetlands**

Historically, a shallow sheet of water covering almost 28,000 square kilometers flowed unimpeded through central Florida's Kissimmee River Valley to the estuaries of Florida Bay and Biscayne Bay off the state's southernmost coasts, creating on its way a mosaic of ponds, sloughs and sawgrass marshes and, on natural rises, tropical hardwood hammocks and forested uplands. This highly diverse and unique landscape supported an array of extraordinary wildlife, including over 350 bird species alone.

In her 1947 non-fiction book The Everglades: River of Grass, published the inaugural year of Everglades National Park, journalist Marjory Stoneman Douglas described the lands in dream-like tones: "The miracle of the light pours over the green and brown expanse of saw grass and of water, shining and slow-moving below, the grass and water that is the meaning and the central fact of the Everglades of Florida. It is a river of grass."

But even after Douglas penned her ode to raise awareness of this invaluable stretch of ecosystems, their rivers, lakes and marshes continued to be meddled with, having measurable negative impacts on vertebrate fauna - from manatees and crocodiles to roseate spoonbills and bald eagles - and their habitat. Invasive species like melaleuca have displaced native vegetation in wetland and upland environments, and seawater infiltration is eating away at the sawgrass prairies, leaving behind dead vegetation and standing water - like holes in a moth-eaten sweater.

"Just because there's land beneath that water doesn't mean that you should take the water off it," says Lorenz.

For the last 20 years, however, engineers have been steadily working at turning back the clock. Funded and authorized by the Water Resources Development Act of 2000, the USD 10 billion program aims to restore more than 1.2 million hectares of the historic ecosystem back to health and then some, with flood protection and public infrastructure such as waste water treatment and fresh drinking water.

***Read More :* Urban Wetlands: Now coming to a city near you**

Endemic to the southeastern U.S., the American Alligator can be found throughout the Everglades. A. Sanchez, NPS Photo

Adam Gelber, director of the Office of Everglades Restoration Initiatives, describes the program as "super complex." It has taken "a lot of planning to get it as right as possible," he adds.

Getting it as right as possible means building or altering infrastructure to restore the quantity, quality, timing and distribution of water flows from the Kissimmee River and Lake Okeechobee south to Florida Bay and Biscayne Bay.

According to Gelber, four out of the five so-called foundation projects have been completed. One, the Kissimmee River Restoration project, "is in its final stages," he says. In the 1960s, the Kissimmee was channeled away from its natural floodplain.

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Compartmentalized with levees and water-control structures, the river was transformed into a series of five relatively stagnant pools, and wetland-dependent wildlife declined drastically. The project is "restoring the meandering nature of the river to provide environmental benefits that were removed as a result of straightening."

Another key project still in construction is called C-44 - the 'C' designating a canal - an above-ground reservoir spanning 1,376 hectares located halfway between Lake Okeechobee and the ocean, which captures and treats stormwater, removing pollution and chemical nutrients from agricultural run-off before releasing it into C-44, and onward into the Indian River Lagoon and the St. Lucie Estuary.

In the Everglades at sunrise. NPS Photo



A great egret stands in calm waters. NPS Photo

The C-111 Spreader Canal Western Project, meanwhile, is creating a 10-kilometer-long hydraulic ridge adjacent to Everglades National Park. Its 238-hectare above-ground detention area and two pumping stations will keep more natural rainfall and water movement within Taylor Slough, which flows in and over the Everglades, down to the bays.

One of the most important projects, however, is the lifting of the 443-kilometer-long Tamiami Trail, a highway that crosses the Everglades from Miami to Tampa and acts as a giant plug. Funded by a partnership between state and federal governments, the roadway has been successfully lifted and reconnected with 9 kilometers of bridges.

"The raising of the Tamiami Trail is the lynchpin," says Lorenz. "There's no two ways about that. But we now have to put in some infrastructure that will allow us to raise the canal to the north of it. That will increase the flow under the bridges. And at that point, yes, we get a hydrological reconnection between Shark River Slough, the main flow through the Everglades and Taylor Slough, the main flow way to Florida Bay."



An Everglades park ranger. NPS Photo

Indeed, the raising of the canal, Gelber says, "will allow us, in the next five or six years if we stay on track, to get back approximately 70 percent of the historic flows to Everglades National Park."

In terms of wildlife coming back, "we're not there yet," says Lorenz. "All in all, we are seeing a net increase in freshwater flow and a response in the submerged plants. But we are not seeing it up the food chain at this point. It's too subtle for it to translate into the higher organisms."

While scientists have seen a slight increase in the freshwater fish numbers, he said, the coastal marshes are still salty or brackish. Sea level rise is also complicating matters.

"Even though we can push the saltwater back out," says Lorenz, "it's actually getting a little too deep for the wading birds. We need drier conditions during the dry season to concentrate the prey fish." That, he adds, would help bird species such as pelicans, ospreys and bald eagles, because they don't require shallow water. "But for the wading birds that forage in that habitat, it's simply becoming too deep. They have to go further inland," he says.



Restoring the Everglades is viewed by local and national government as a vital tool for protecting Florida from extreme

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weather and sea level rise resulting from climate change. Daniel Miguel, NPS Photo

While Lorenz is confident that the Everglades' wildlife will come back to their former haunts if all of the restoration projects are managed successfully, there are a lot of players in the Everglades game, and their interests aren't always in sync.

According to Gelber, the South Florida Ecosystem Restoration Taskforce is made up of 14 members, including representatives of two Native American tribes and city governments, as well as diverse state and federal authorities. "Trying to find that balance between economic development and providing for a better life for people and the environment - how to thread that needle is quite challenging," he says.

Yet the importance of finishing the job is incontestable. The resources of the Everglades are not only environmentally valuable but also economically vital, says Lorenz. The Florida Reef is the world's third-largest reef and the only living coral barrier in the continental United States; together with the Florida Bay and Florida Keys, the region attracts thousands of tourists every year.

"We've already seen that when Florida Bay goes through a prolonged period of inconsistent health, fish kills and algae blooms, it greatly affects our economy, not only from the tourism side but also from the property value side," says Lorenz.

Indeed, says Gelber, "the sooner we get to full restoration, the sooner the society will reap all of the benefits."



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Fracking may be a bigger climate problem than we thought

The mysterious recent spike in methane emissions? It just might be US fracking.

By David Roberts

As greenhouse gases go, methane gets less attention than carbon dioxide, but it is a key contributor to climate change.

Methane doesn't stay in the atmosphere as long as CO2 and is reabsorbed into terrestrial cycles via chemical reactions within 12 years or so. But while it's up there, it's much more potent, trapping heat at roughly 84 times the rate of CO2. Scientists estimate that around 25 percent of current global warming traces to methane.

When it comes to reducing CO2 emissions, the chain between cause and effect is frustratingly long and diffuse. Reduced emissions today won't show up as reduced climate impacts for decades.

But with methane, the chain of causation is much shorter and simpler. Reduced emissions have an almost immediate climate impact. It's a short-term climate lever, and if the countries of the world are going to hold rising temperatures to the United Nations' target of "well below" 2 degrees Celsius above the preindustrial baseline, they're going to need all the short-term climate levers they can get.

In the real world, though, the news about methane is bad and getting worse. It turns out that a mysterious recent spike in global methane levels that's putting climate targets at risk may be coming from US oil and gas fracking. If that's true, it's bad news, because there's lots more shale gas development in the pipeline and the Trump administration is busy rolling back regulations on the industry.

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Mapping US shale gas plays bit.ly/1At0hyX #Shale #Oil

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The mysterious spike in atmospheric methane may lead to America's doorstep

Global methane emissions rose steeply in the last decades of the 20th century and then leveled off. But around 2006, they started **heading up again**. Why? What was the source? Scientists were baffled. (Jonathan Mingle wrote a **great story** for Undark on scientists' search for answers.)

There are two broad sources of methane emissions: biogenic (plant and animal-based) and fossil fuel production. The former is mainly about agriculture (cow burps, pig poop, rotting organic waste) and tropical wetlands. As for the latter, methane is leaked or deliberately "flared" (burned off) at virtually every stage of fossil fuel production and transport, a problem that is notoriously bad for **fracked shale gas and tight oil**.

A few studies, including a **major** one in the journal *Science* in 2016, largely traced the recent spike in methane to biogenic sources, mainly because recent atmospheric methane has been "lighter," depleted of its heavier carbon stable isotope (13C). Generally speaking, fossil fuel production produces heavier methane and biogenic sources produce lighter methane, so researchers have taken the trend as an indication that the recent spike is mostly biogenic in origin.

But it was a perplexing finding, one that the *Science* authors **characterized** as "unexpected, given the recent boom in unconventional gas production and reported resurgence in coal mining and the Asian economy." If you see a big boom in fossil fuel production happening alongside a big spike in methane, you might expect to find the two connected.

In a **new paper** released in *Biogeosciences*, **Robert Howarth** of Cornell University has proposed a solution to the riddle.

Howarth is a familiar name to those who have followed methane debates over the years. He and colleagues at Cornell have been arguing for years that natural gas methane emissions are much higher than the government estimates or the industry admits, high enough to wipe out its supposed climate advantage over coal. That is a **controversial position**, to say the least. (Estimates of methane leakage vary widely, but Howarth's is at the very top end.)

In his latest paper, Howarth is making a different point, springing from two facts he says previous studies have overlooked.

EIA

First, 63 percent of the total increase in global natural gas production in the 21st century has come from shale gas. And second, shale gas production using modern hydrofracturing techniques tends to produce lighter methane than conventional natural gas drilling.

Howarth finds that if the lighter methane of shale gas production is explicitly accounted for, "shale-gas production in North America over the past decade may have contributed more than half of all of the increased [methane] emissions from fossil fuels globally and approximately one-third of the total increased emissions from all sources globally over the past decade."

Since 89 percent of the shale gas production comes from **the US** (Canada produced the rest), that's a whole lot of accelerated global warming tracing right back to America's front door.

It is worth emphasizing that this is only one paper in a very active field of research, from a controversial source, and it is sure to be debated and contested in coming years. But if it is right, or even only half right, it is bad news.

All signs point toward increased methane in coming years

If increased methane from shale gas is helping drive the spike in global methane emissions, the climate is in serious trouble, because there is every indication that shale gas emissions are higher than generally estimated and set to keep rising.

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First, **six years of intensive research** from the Environmental Defense Fund has shown that methane emissions from US oil and natural gas production are as much as 60 percent higher than government estimates. **This recent paper in *Science*** summarizes: "Methane emissions of this magnitude, per unit of natural gas consumed, produce radiative forcing over a 20-year time horizon comparable to the CO2 from natural gas combustion." Getting natural gas out of the ground and to its final destination releases as much methane as burning it - which, whether or not it makes gas "worse than coal," makes it pretty bad.

Meanwhile, as Jennifer Dlouhy **reports for Bloomberg**, "the Trump administration is readying a plan to end direct federal regulation of methane leaks from oil and gas facilities, even as some energy companies insist they don't want the relief." The high-profile energy companies, the ones with large operations and lots of exposure to public opinion, rightly see this as a terrible idea. It makes them look like climate villains; it increases their exposure to climate risk and future policy shifts; it makes investors uncertain and hesitant. Oh, and it exacerbates climate change.

But the little companies, with lots of small, leaky wells scattered about, don't want to be forced to clean them up; in many cases, being forced to run clean would destroy the economics and shut down the wells.

And Trump is personally dedicated to reversing everything Obama did, so ... methane-wise, it's back to the Wild West.

Trump with his EPA director Andrew Wheeler. Getty Images

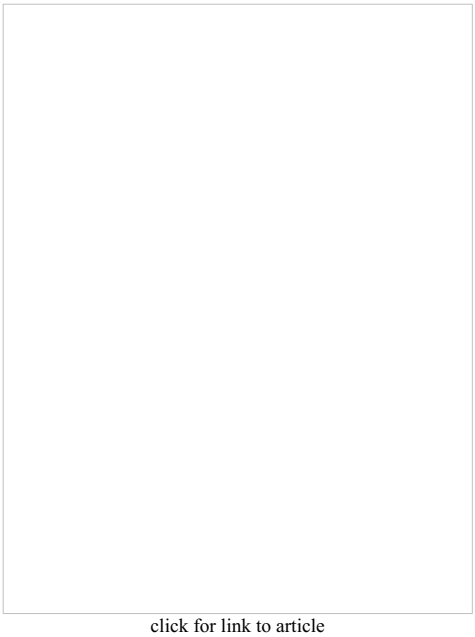
Third and most disturbingly, the US appears to be in the early stages of a massive fracking infrastructure buildout. A **recent report from Food & Water Watch** (FWW) charted this buildout, identifying "more than 700 fracked gas infrastructure projects that have been recently built or proposed for development."....

Despite **escalating concerns over the climate impact of natural gas** and signs that it is **flagging somewhat in the electricity sector**, the industry seems poised for enormous expansion. That is wildly irresponsible in the face of the widely agreed upon (by **everyone but Republicans**) need to reach net-zero greenhouse gas emissions, in the US and globally, by midcentury.

With jurisdiction over the rapidly metastasizing shale gas industry, the US has direct control over one of the biggest and fastest-growing sources of potent, fast-acting methane. That means it also has, within its reach, the ability to make early and substantial progress on climate change.

Several Democratic candidates have proposed ending fracking on public lands; only a few (Jay Inslee, Bernie Sanders, and Tom Steyer) have explicitly proposed pursuing a national ban. That hasn't been a top-tier policy dispute yet, but as scientists make the grim effects of fracking clearer and clearer, it's going to become one.

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click for link to article

"Wetland Mitigation" law protects natural resources and promotes development

A new law will protect Florida's natural resources while still allowing the state to prosper and welcome new residents.

Gov. Ron DeSantis approved **HB 521: Wetland Mitigation (text)** in June, and it took effect July 1.

It directly allows local governments to allow wetland restoration on government-owned lands under certain circumstances.

"The first thing they have to do is to look for federal or state mitigation banks within the near area to be able to make up for the damage that they're doing," said Win Everham, FGCU professor of marine and ecological science.



click for link to article

This helps with the continued population growth in the state.

"The motivation here is to make sure that we're prepared for the growth that's coming to the state," said Shelton Weeks, FGCU chair of Department of Economics and Finance.

It's also looking to protect wetlands while supporting growth.

"It's looking at what is the ecological impact of this wetland," Everham said. "And if you're going to fill it in, how would you make up for that someplace else?"

Weeks explains how versatile the new law will be for local governments.

"This bill is going to allow municipalities to utilize land that's already in place," Weeks said. "That's being protected to give another pathway for mitigating the impacts of development."

It's sort of like a land swap to be used for both purposes - development and preservation or restoration.

"And can get some resources in to be able to manage and restore those preserved lands," Everham said.

In the long run, the law could make more land available for conservation management and restoration while trying to offset the influx of people wanting to live in a slice of paradise.

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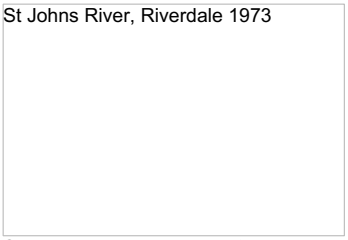
click for link to website

Corps Tiny Weapon Winning the Bio Control Battle - click for video

Invasive Species Management

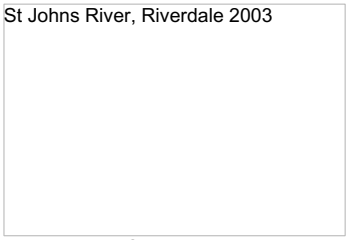
The Jacksonville District Invasive Species Management Branch utilizes Integrated Pest Management (IPM) to manage invasive species. IPM is the coordinated use of the most appropriate strategy to prevent or reduce unacceptable levels of invasive species and their damage by the most economical means, and with the least possible hazard to people, property and the environment.

St Johns River, Riverdale 1973



St. Johns River, Riverdale 1973

St Johns River, Riverdale 2003



St. Johns River, Riverdale 2003

An IPM strategy:

- Identifies the nonnative, invasive or nuisance species.
- Assesses the means of introduction or dispersal to prevent new areas from being contaminated.
- Identifies desirable species.
- Determines the pest control goal(s) based on site-specific information.
- Establishes acceptable levels of individual species, both native and desirable species and nonnative, invasive or nuisance species.
- Determines available control methods to achieve the goal(s) of the strategy.
- Evaluates the benefits and risks of each method, or a combination of methods.
- Selects a strategy based on effectiveness and least possible hazard to people, property, and the environment.
- Utilizes each tactic correctly observing all applicable Federal, State, and local regulations.
- Educates the public and stakeholders about invasive species, their effect on the environment, and the importance of maintaining healthy ecosystems.
- Monitors results of the strategy, and reevaluates management options.

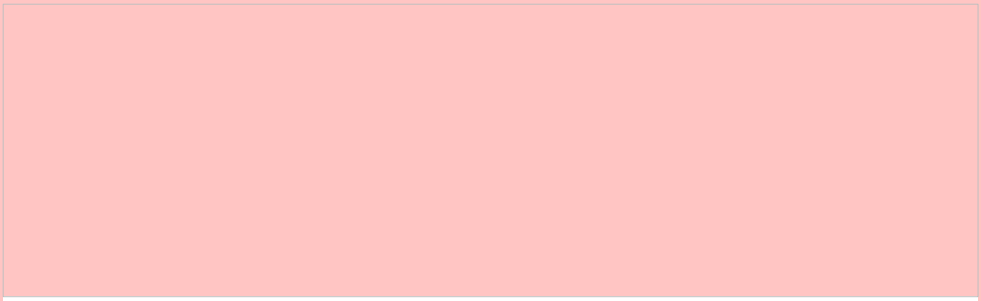
Control Methods

Collapse AllExpand All

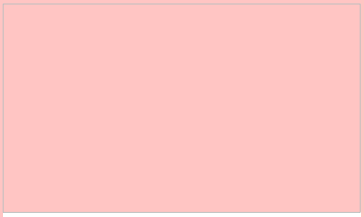
- Integrated Pest Management
- Alligatorweed
- Hydrilla
- Melaleuca
- Waterhyacinth
- Waterlettuce
- Mechanical Control of Invasive Non-Native Aquatic Plants
- Mechanical and Physical Control Information
- Herbicidal Control of Invasive Aquatic & Wetland Plants

The U. S. Army Corps of Engineers biologists not only cooperate with U.S. government agencies but also assist fellow professionals around the nation and the globe. The Corps delivers innovative, resilient, and sustainable solutions to the nation. We are the nation's environmental stewards. #BugWeek2019
To learn more about the Corps Invasive Species Management Program visit us at: https://www.saj.usace.army.mil/.../Invasive-Speci.../Management/

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click for website



click to contact Congress

Land and Water Conservation Fund

Everyone loves our national, state, and local parks. That's why we must fully and permanently fund the Land and Water Conservation Fund, which has helped build some of our favorite outdoor places across the country like Everglades National Park. Like most large conservation projects, consistent funding is key to success and will help us save what's left of America's natural, cultural, and historic treasures. We were heartened to see that the Florida delegation members were enthusiastic about the LWCF and the impacts it has in Florida and the country - especially as it relates to protecting our drinking water and economy.

Bills Would Invest in the Land and Water Conservation Fund

A group of bipartisan House lawmakers have introduced a bipartisan bill (H.R. 3195) to fully and permanently fund the Land and Water Conservation Fund and invest in sportsmen's access.

Public lands advocates have been calling for this permanent investment in the successful outdoor recreation access program for several years now, with ramped up support for this needed fix since Congress permanently reauthorized LWCF in March 2019.

"Securing permanent authorization for LWCF was a significant milestone, but it means very little without predictable, robust funding to unlock inaccessible public lands and create new outdoor recreation opportunities all across the country," says Whit Fosburgh, president and CEO of the Theodore Roosevelt Conservation Partnership. "We're grateful to see lawmakers respond to this fact and remain committed to the success of this important program."

U.S. Representatives Jeff Van Drew (D-N.J.) and Brian Fitzpatrick (R-Pa.) introduced the bipartisan legislation, which directs $900 million annually to the LWCF trust fund account. The bill also has support from House Natural Resources Committee Chairman Raúl Grijalva (D-Ariz.) and the five Natural Resource Subcommittee Chairs.

When the LWCF was created, Congress intended for the full $900 million, underwritten by a small portion of annual offshore oil and gas lease revenues, to be used for conservation projects each year. However, only about half of those funds are, in fact, allocated to conservation efforts annually. To date, more than $20 billion in potential LWCF funds have been diverted elsewhere. This legislation would ensure $900 million in funding is directed annually to the LWCF account and expended only for projects benefitting conservation, outdoor recreation and access as Congress originally intended for the program.

Over its 50-year history, LWCF has expanded access in every state and supported over 41,000 state and local park projects. ...

Take Action

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Lake O level rises with rain back over 13'

Water Levels

The **Site Status Report** provides comprehensive up-to-the minute information for hundreds of water control structures throughout the SFWMD water management system, organized by regions for ease of navigation. It shows the current volume of water being moved and the water level upstream and downstream at each location. It also shows the daily water level for lakes and other large water bodies. Companion maps, on the far right tab, show key locations with real-time information of volumes of water being moved and daily water levels.

Daily Water Levels

The U.S. Army Corps of Engineers regulates and reports the official daily water levels of Lake Okeechobee and these major water bodies and areas within the South Florida Water Management District:

- Lake Okeechobee
- Kissimmee River Basin
- Everglades Water Conservation Area 1 (Loxahatchee National Wildlife Refuge)
- Everglades Water Conservation Area 2
- Everglades Water Conservation Area 3

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click for link to article

Nitrogen runoff is also killing coral reefs

By **Kay Vandette**
Earth.com staff writer

While many studies have rightly attributed the cause of these bleachings to climate change, increasing ocean temperatures, and ocean acidification, a new study has discovered another root cause of the world's coral catastrophe.

After reviewing 30 years of unique data from the Lower Florida Keys, researchers from the Harbor Branch Oceanographic Institute at Florida Atlantic University found that increases in nitrogen levels are starving out corals and making them susceptible to bleaching.

"Citing climate change as the exclusive cause of coral reef demise worldwide misses the critical point that water quality plays a role, too," said James W. Porter, a co-author of the study. "While there is little that communities living near coral reefs can do to stop global warming, there is a lot they can do to reduce nitrogen runoff. Our study shows that the fight to preserve coral reefs requires local, not just global, action."

Nutrient runoff from fertilizers, topsoil, and improperly treated sewage are adding nitrogen to the environment. This added nitrogen has led to phosphorus starvation in corals which lowers the coral's threshold for bleaching.

The study, published in the journal *Marine Biology*, provides one of the longest records to date of nutrient levels and algae concentrations in coral reefs.

"Our results provide compelling evidence that nitrogen loading from the Florida Keys and greater Everglades ecosystem caused by humans, rather than warming temperatures, is the primary driver of coral reef degradation at Looe Key Sanctuary Preservation Area during our long-term study," said Brian Lapointe, the senior author of the study.

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Nutrient runoff from topsoil and fertilizer have increased the nitrogen to phosphorus ratio in reef algae.

The researchers collected seawater and seaweed samples from the Looe Key Sanctuary Preservation Area during wet and dry seasons and analyzed data from 1984 through 2014.

Coral cover in the sanctuary decreased from 33 percent in 1984 to less than six percent in 2008.

Nutrient levels, salinity, and temperature were also monitored to see how nitrogen made its way downstream from the Everglades to the Florida Keys reefs.

In the early 1990s, a spike in nutrient runoff from the Everglades increased phytoplankton and nitrogen levels in the coral reefs and even though nitrogen levels have decreased, the corals have still not recovered.

Nitrogen levels are expected to increase worldwide by 19 percent further endangering corals and increasing susceptibility to bleaching events.

This study reveals a root cause of coral bleaching, which can help better manage and conserve coral reefs in the future.

"The future success of the Comprehensive Everglades Restoration Plan will rely on recognizing the hydrological and nitrogen linkages between the Everglades, Florida Bay, and the Florida Keys," said Lapointe. "The good news is that we can do something about the nitrogen problem such as better sewage treatment, reducing fertilizer inputs, and increasing storage and treatment of stormwater on the Florida mainland."

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click for link to article

US Census Bureau: 94.7M Americans Live in Coastline Regions

About 60.2M Live in Areas Most Vulnerable to Hurricanes

By
DARRYL COHEN

The 2019 hurricane season has begun and, once again, the number of people living in some of the most vulnerable coastline regions is growing.

About 94.7 million people, or about 29.1% of the total U.S. population, lived in coastline counties in 2017, a 15.3% growth since 2000.

The first hurricane of the season, Barry, made landfall Saturday in Louisiana as a Category 1 and was later downgraded to a tropical storm, causing widespread flooding and power outages along the Gulf Coast.

Coastline counties - those adjacent to coastal water or territorial sea - are grouped into the Atlantic, Gulf of Mexico and Pacific regions.

About 60.2 million people lived in the Atlantic and Gulf of Mexico regions - those most vulnerable to hurricanes. These areas added 8.3 million people between 2000 and 2017, a 16% increase.

A closer look at areas in the path of hurricanes:

- The Gulf of Mexico was the fastest growing of the coastline regions. It added more than 3 million people between 2000 and 2017, a 26.1% increase. The nation as a whole grew by 15.7% over the same period.
- The Gulf of Mexico's high rate of population growth was reflected in the percentage of its workforce employed in construction industries: 8.5%, compared to 6.4% nationally. Employment in natural resources, construction and maintenance occupations was also higher than the national rate: 10.8% compared to 8.9%.
- Coastline counties continued to be more ethnically diverse than other counties. While non-Hispanic whites made up 60.7% of the U.S. population in 2017, they accounted for less than half of the population (47.9%) in coastline counties.
- There were 13 hurricanes that caused more than $10 billion in damage each in the Atlantic and Gulf of Mexico regions

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between 2000 and 2017. Seven occurred in just two years (2004 and 2005). While the population in these areas remained at about 54.5 million between 2005 and 2006, their aggregate population has continued to

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Boating and angling community rally congressional support for Everglades restoration

April 10, 2019

With federal appropriations season fully underway, nearly a dozen boating and fishing organizations recently wrote to Senate appropriators and encouraged lawmakers to continue the long-time support for the protection and restoration of America's Everglades by providing robust funding for the Comprehensive Everglades Restoration Plan (CERP). Everglades restoration is a top NMMA advocacy priority and the association played a leading role in drafting the letter.

The U.S. Army Corps of Engineers has made great strides towards restoring Florida's ecosystems, but additional support and funding is necessary to continue their work improving water quality and, in turn, the health of the Everglades. Boating and angling stakeholders requested the Subcommittee on Energy and Water to fund the South Florida Ecosystems Restoration at $200 million for construction and $10 million for operations and maintenance in FY20. This funding level is essential reducing toxic discharges from Lake Okeechobee into Florida's waterways and to protect the livelihood of anglers, guides, boat captains, and retailers that rely upon Florida's vibrant fisheries and coastal waterways.

Some of the Everglades most iconic and essential projects fall under CERP. Projects such as the Picayune Strand Restoration, Indian River Lagoon-South, the Broward County Water Preserve Area, and the Biscayne Bay Coastal Wetlands will all be supported through the subcommittee's investment in South Florida Ecosystem Restoration.

The group also requested the Subcommittee on Interior to include three critical authorizations, including:

- $700 million within the Department of the Interior in support of ongoing projects to improve water quality and waterway health;
- $3.2 million in the Environmental Protection Agency's (EPA) South Florida Geographic Program - which is essential to ensuring clean water flows through Everglades National Park; and
- $700,000 to each of the EPA's National Estuary Program's (NEP) and an additional $1.5 million for the NEP competitive program.

Florida has already pledged $260 million in 2019 to prioritize Everglades restoration projects. Paired with renewed federal investments, these critical initiatives can be realized and the unique ecosystem of the Everglades - the beating heart of the largest fishing economy in the country - can be restored and protected for generations to come.

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P.O. Box 50161
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From: Eco-voice Moderator <ecovoicemoderator@msn.com> on behalf of Eco-voice Moderator <maria@eco-voice.ccsend.com>
Sent: Friday, January 31, 2020 12:03 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Eco-Voice Daily Digest Jan. 31, 2020

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Jan. 31, 2020
Daily Digest Sponsor
Friends of the Loxahatchee National Wildlife Refuge

Click here for their website

Arthur R. Marshall Loxahatchee National Wildlife Refuge

The Arthur R. Marshall Loxahatchee National Wildlife Refuge preserves a portion of the once vast northern Everglades. It provides habitat and protection for endangered wildlife such as the snail kite and the wood stork and the formerly endangered American alligator.

The main entrance and Visitor Center are located at:

10216 Lee Road
Boynton Beach, FL 33473

The main entrance is 2 miles south of Boynton Beach Boulevard, west off US 441/SR7.

Suggested reads, views and go-to's

Vote on Conservation Collier

New Springs will soon be opened for public access.

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Southwest Central Corridor Task Force Meeting, Thursday, Feb. 13,

SFWMD GOVERNING BOARD CUP WORKSHOP

Loxahatchee River Watershed Restoration Project

About the Loxahatchee Refuge

Florida will face major challenges by 2030

AG BMPs

Call for Projects to Reduce Nutrients in Caloosahatchee

Two-thirds of North American birds are at increasing risk of extinction

Key West targets sea level rise.

Warming is unlike the last 2,000 years

Getting the Most Out of Nitrogen Fertilizer Investments

Cutting funding for renewables

Sign up for Digest

Commentary and Appeals

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Opinions on environmental topics have a light blue back ground, those on political issues, light yellow. Appeals have a pink background.

Underscoring denotes link to source or additional information. Bold print is moderator emphasis.

Eco-Voice is a 501c3 and does not endorse nor oppose candidates for elective office.

Comments on postings can be made on our Facebook page under the Digest of the day.

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Register today to join Everglades advocates in Tallahassee for the**8th Everglades Action Day, February 10 & 11.** This is a great opportunity to meet with legislators in Tallahassee to educate elected leaders on water quality and ask for their support of Everglades and Estuary restoration. Materials and advocacy training will be provided.Free bus transportation and scholarships are available.

The Everglades Coalition will sponsor group transportation to make it easy for all to get to Tallahassee with buses departing from the west coast and east coasts.

This will be a full two-day event with FREE group transportation available! Regional pick up locations will be available on both coasts.

Tentative schedule:
Mon. 2/10 early morning -- group transportation leaves South Florida
Mon. 2/10 afternoon -- groups arrive at Wyndham Garden Tallahassee Hotel
Mon. 2/10 at 6pm -- casual & fun group dinner at Applebee's in hotel lobby
Mon. 2/10 at 8pm - one-hour advocacy training in hotel business center
Tues. 2/11 at 7am -- breakfast provided by the coalition
Tues. 2/11 at 8am -- charter bus transportation to Florida Capitol
Tues. 2/11 morning & early afternoon -- meetings with elected leaders
Tues. 2/11 afternoon -- group transportation back to South Florida

Registration is live, sign-up here: https://www.surveymonkey.com/r/2BK8VKK

A block of hotel rooms are available at a discounted rate of $169 at the Wyndham Garden Tallahassee Capitol. Use this link to make your hotel reservation:
https://www.wyndhamhotels.com/groups/gn/everglades-coalition3

A limited number of scholarships will be available to cover lodging for students and other individuals, contact info@evergladescoalition.org

Please email info@evergladescoalition.org with any questions or concerns.

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Voters to decide in November whether to bring back tax for Conservation Collier

Patrick Riley, Naples Daily News

Conservation Collier, a longstanding land preservation program, will be back on the ballot this fall.

Commissioners this week voted 4-1 to approve ballot language to ask voters this November whether they support bringing back a special tax to continue to buy and manage environmentally sensitive lands.

Voters will be able to decide whether they agree with reestablishing a quarter-mill property tax for 10 years, although Commission Chairman Burt Saunders noted that the proposed rate could be adjusted up until ballots are actually printed.

"This is nothing that's cast in stone," he said at Tuesday's hearing on the issue. "So we can have further discussion, but it'll get the dialogue started."

More: Environmental advocates gear up for Conservation Collier vote

And: Collier County land preservation program moving too slowly for some conservationists



Buy Photo

Nearly 10,000 acres of the Half Circle L Ranch east of Immokalee, seen on Friday, Aug.18, 2017, has been offered for sale to Conservation Collier. *(Photo: Justin Gilliland/Special to the Naples Daily News)*

A quarter-mill tax rate is estimated to raise $287 million in 10 years. For homeowners it means they would pay 25 cents per $1,000 of assessed value, or $75 a year for a $300,000 home.

The first year of a reestablished Conservation Collier tax levy is expected to be fiscal 2022, generating tax revenue between $23.9 and $24.9 million, according to the county.

Commissioner Bill McDaniel voted against putting the question to voters. He had proposed in December to instead put a line item for a voluntary contribution on residents' tax bills to see "what kind of support Conservation Collier gets from a voluntary standpoint."

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Adrian Rosales walks through a field of blooming Southeastern sunflowers (Helianthus agrestis) at Pepper Ranch Preserve in 2018. Conservation Collier bought the 2,500-acre ranch in 2009. The preserve, named for the family that acquired the ranch in 1926, features trails for hiking, horseback riding and mountain biking; public access roads; camping and an old lodge. Environmental groups are gearing up for a 2020 referendum on whether to extend the land preservation program. *(Photo: H. Leo Kim, Naples Daily News)*

McDaniel said Tuesday he was concerned about the county's taxpayers, saying he didn't "think we need to burden our community right now in this manner" and noting that "eventually we're going to see a downturn in the overall economy."

Asking for voluntary contributions, McDaniel said, would give the county an opportunity to "survey 100 percent" of Collier's taxpayers and then "make necessary adjustments to a good program."

"There's nothing wrong with Conservation Collier," he said. "I just have a concern about a small portion of the population who actually show up to vote telling 100% of the people what they have to do."

Commissioner Donna Fiala, however, noted that the program has been helping the county protect its future water sources.

"That is so important," she said. "It also protects some of the animals in that area. These places are put in preservation forever, because they're most important to our future in Collier County."

Buy Photo

Alexandra Sulecki, then-coordinator of the Conservation Collier Program, points out existing and planned trails to visitors during the soft opening of the Naithlorlendun Sanctuary, also known as the Gore sanctuary, on Sunday, Nov. 18, 2018, in Golden Gate Estates. *(Photo: Alex Driehaus/Naples Daily News)*

Tuesday's move to place the program back on the ballot was supported by environmental organizations, including the Conservancy of Southwest Florida, Audubon of the Western Everglades, Audubon Florida and the Florida Wildlife Federation.

"We are lucky to live in a county where bonding isn't necessary to raise the funds needed to continue meaningfully investing in our water quality, drinking water sources, wildlife habitat and quality of life via acquisition of new conservation lands," Gladys Delgadillo, environmental policy specialist for the Conservancy, told commissioners.

All four groups supported a version of ballot language without an option for the county to borrow money using bonds.

More: Collier to turn Gore sanctuary into permanent preserve

Buy Photo

The Fred W. Coyle Freedom Park boasts a 3,500 foot boardwalk extending over the eastern side of the park and the portion belonging to Conservation Collier. Trails punctuated by six lookout pavilions wind around the lakes in the western side of the park. *(Photo: Donn Brown, Special to the Naples Daily News)*

Advocates for Conservation Collier have already begun mounting a political campaign in favor of the program with the creation of a political action committee to boost public support.

Almost 60% of voters backed the program during the first referendum in November 2002, agreeing to a property tax increase of up to .25 mills for up to 10 years and bonding for up to $75 million. The program began operations the following March.

In 2006, more than 80% of voters favored continuing Conservation Collier until 2013 when the tax sunsetted.

The original 10-year tax collection cycle generated nearly $152.5 million in revenue for the program.

Get the Storm Watch newsletter in your inbox.

Latest news updates during the emergency.

Delivery: Varies

Your Email

Since its inception in 2003, the program has acquired 20 properties totaling 4,300 acres for about $106 million.

The program's initial acquisition phase was closed in 2011, and available funds were put in a maintenance trust fund as the program moved into a preserve management phase, including opening the preserves for public access and managing and hosting visitors, according to the county.

Currently, the trust fund has about $30 million.

In 2017, commissioners approved the use of management funds to buy more land. In 2018 and 2019, three projects totaling 200 acres were

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FL-SEN-20-0201-B, 20-0202-A-003489

purchased for close to $1.6 million. Last month, commissioners approved another purchase for a 37-acre parcel for $1.58 million.

Two Florida Springs will soon be opened for public access

A deal to purchase privately owned land will soon mean two more springs available for people to enjoy in North Central Florida.

We'll show you who is buying the land and why they say it's all to improve the health of a Florida treasure.

The two springs are located on 245 acres of land along the Santa Fe River and come with a 1.4 million dollar price tag.
Melissa Hill is the project coordinator for the Santa Fe River basin who explained, "by purchasing this property, people will be able to view the spring, enjoy it, have a picnic by parking their car directly on-site and walking down and seeing this absolutely gorgeous Florida treasure."

Alachua Conservation Trust will be making the purchase but still need roughly 200-thousand dollars by mid-February to make them the owners of North Central Florida's newest attraction.
Hill explained, "we're still fundraising to make sure we have all the funds necessary to finish purchasing it as well as putting in infrastructure so people can enjoy it safely. Typically once we purchase a property it will be open in a year."

However, the main reason for the purchase is preservation said Hill.
"Being able to manage a spring as a preserve ensures that people are able to access it safely in a way that doesn't hurt the spring and more importantly the property around it doesn't pollute the water source itself."

TV20's Landon Harrar paddled upstream to see one of the springs and reported "you may have noticed this spring is very dark right now and that's partly because of how deep it is more than 80 feet. Also, the nutrient and water levels affect the clarity of it. However, I have been reassured there are definitely times during the year it will take on that crystal blue hue you are used to seeing in all of Florida's springs."

Stuart Alan, a self-proclaimed water conservation enthusiast also made the trip and said: "I will definitely come back and I will bring other people with me, this is a diamond in North Central Florida and we really need to preserve it. It's beautiful and it's a wonderful place to spend a few hours outside."

Hill says they also plan to mark hiking and birding trails on the land for the public to utilize and enjoy.

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Southwest Central Corridor Task Force Meeting

Thursday, Feb. 13, 9:30 a.m.

(public comment starts at 4 p.m.)
Doyle Conner Building 900 US 27
Moore Haven, FL 34471

SFWMD GOVERNING BOARD WORKSHOP

January 31, 2020 1:00 PM

Port St. Lucie City Hall
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, FL 34984

The purpose of today's workshop is to provide an overview of the District's Consumptive Use (CUP) Permitting Program,

Sunny January raises risk of brush fires on horizon

The dry season is finally starting to live up to its name.

WHY DRY MONTH MATTERS

After an early end to the 2019 rainy season and a soggy December, January has turned out to be all dry, and

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meteorologists are calling for above-average temperatures between now and the start of the rainy season in May.

What does that all mean?

Wildfire season is here; Lake Okeechobee levels are receding; the Caloosahatchee River isn't getting the water it needs, environmental groups say; and the historic Everglades is getting crispy dry.

A scant 0.16 inches fell across Lee and Collier counties, on average, so far this year, according to South Florida Water Management District records.

That's down 1.8 inches compared to an average January.

"We're significantly below normal, and we've had a couple of fronts come through

that produced dry air," said Dustin Norman, a meteorologist with the National Weather Service in Ruskin, which covers the Lee County area.

Norman said the cold fronts that have made their way through the state in recent weeks brought Arctic air, which is typically drier than air that would accompany a front that developed over the mainland United States or Gulf of Mexico.

"We had shots of cool air with recent fronts, and with those we're not going to receive as much rainfall," he said.

The National Oceanic and Atmospheric Administration, or NOAA, says lands south of Lake Okeechobee are abnormally dry, although they're not quite dry enough to cause NOAA to declare a drought.

An abnormally hot spring could further dry out the Sunshine State.

NOAA is calling for above-average chances of above-average temperatures for the region between now and the beginning of the rainy season in May.

Rainfall chances will be average for that period, according to NOAA. Wildfire risks are rising, too.

The Florida Forestry Service ranks South Florida high on its wildfire risk scale while lands north of Okeechobee are relatively saturated and safe.

Federal agencies are in the middle of prescribed burns in large preserves lands like the Big Cypress National Preserve in Collier.

The region would be much drier had December not brought a one-two cold front punch that dumped more than a foot of rain on some localized areas south of Lake Okeechobee.

Six inches fell in Fort Myers in a matter of days, more rain than has fallen at the Page Field airport for the month of December in nearly a century, according to NWS records.

Rain that fell north of the lake in December helped keep the surface levels of Lake Okeechobee within the limits of the management plan used by the U.S. Army Corps of Engineers.

The Army Corps controls lake levels and has typically kept the surface of the lake between 12.5 and 15.5 feet above sea level to ensure water supply to agriculture and urbanized areas while also providing water to natural systems like the Caloosahatchee River.

Both the Caloosahatchee and the St. Lucie rivers were connected to Okeechobee decades ago to drain South Florida for farming and development.

And while the St. Lucie never benefits from Okeechobee water, the Caloosahatchee relies on the big lake to feed it during the dry season.

Army Corps spokeswoman Erica Skolte said lake levels are about 7 or 8 inches below average, but the agency is not worried there will be severe water shortages between now and the beginning of the 2020 rainy season.

"We think we'll be in a good place come June 1 and the beginning of the rainy season," Skolte said. "The lake is in pretty good shape."

Environmental groups are watching lake releases, hoping for more water from Okeechobee.

"The salinity (in the Caloosahatchee River's estuary) gets too high," said Calusa Waterkeeper John Cassani. "It's the primary reason we haven't been able to restore sea grass in the upper estuary."

Restoring sea grass in the upper estuary would be an indication of a functional river system that's getting the amount of freshwater it needs to stay healthy.

"It continually adds harm to the system during the dry season," Cassani said of fewer Lake Okeechobee releases.

The Army Corps is releasing water to the Caloosahatchee River, more water than the state mandates.

But it's still not enough, Cassani and others say.

Norman said the region could see some relief this weekend.

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"Saturday we're looking at a quarter to a half-inch of rain, but forecasting the amount of rain five days out is difficult," Norman said. "But certainly Friday into Saturday is our next large rain producer."

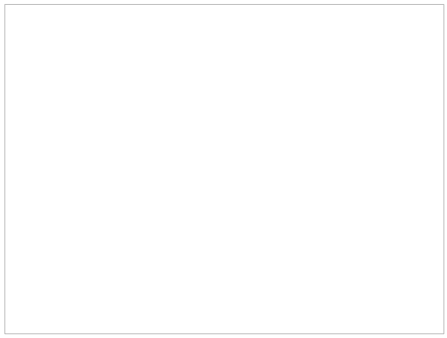
This front will be the opposite of recent fronts. It won't be as cool but will bring precipitation.

"We're not really looking at a significant cool down, we're just looking at rain chances increasing," he said. "It's not going to be a strong, potent front but a Gulf pressure system that will produce rain."

Connect with this reporter: @ChadGillisNP on Twitter.

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Loxahatchee River Watershed Restoration Project

The purpose of the Loxahatchee River Watershed Restoration Plan is to restore and sustain the overall quantity, quality, timing and distribution of fresh water to the federally designated "National Wild and Scenic" Northwest Fork of the Loxahatchee River for current and future generations. This project also seeks to restore, sustain and reconnect the wetlands and watersheds that form the historic headwaters for the river.

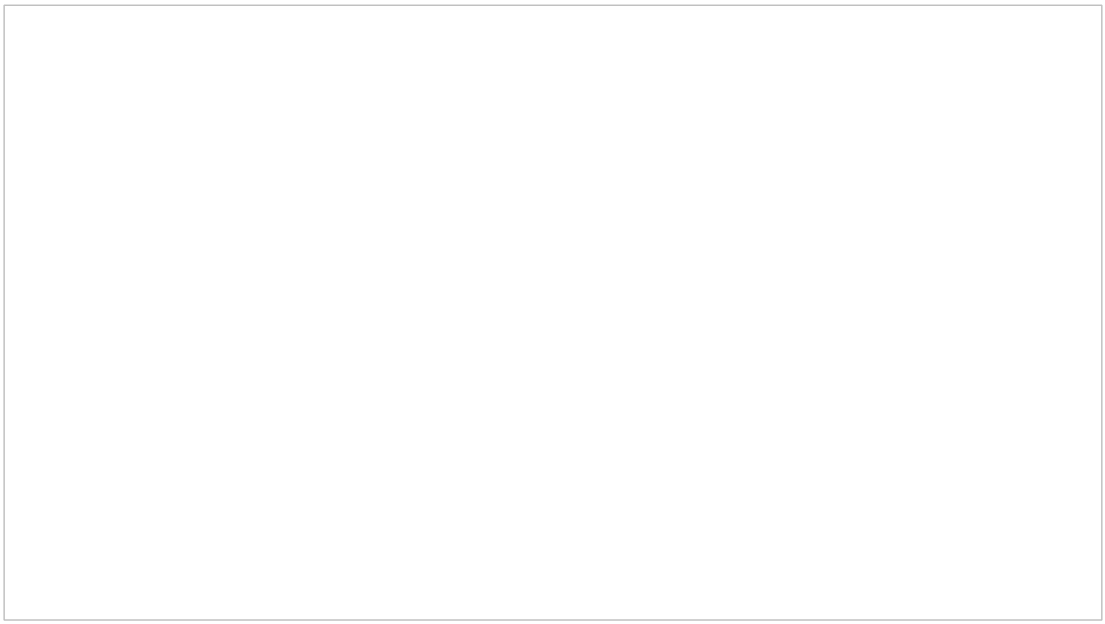
These areas include Jonathan Dickinson State Park, Pal Mar East/Cypress Creek, DuPuis Wildlife and Environmental Management Areas, J.W. Corbett Wildlife Management Area, Grassy Waters Preserve, Loxahatchee Slough, the federally designated "Wild and Scenic" Northwest Fork of the Loxahatchee River and the Loxahatchee River Estuary.

- USACE: Loxahatchee River Watershed Restoration Project
- Presentations from May 9, 2018, Project Delivery Team Meeting

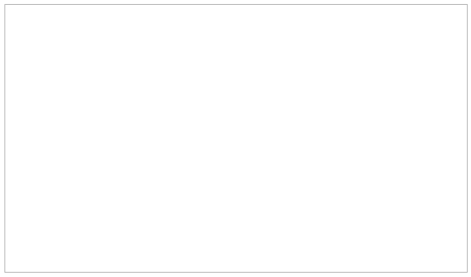
MODELING RESULTS

The Project Delivery Team utilized modeling to simulate hydrologic conditions over a 41-year period in southern Martin County and northern Palm Beach County. The modeling results are presented in two sets of Performance Measure Graphics that show comparisons of water flows, water levels and related indicators.

- Loxahatchee River Watershed Restoration Project Performance Measures



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About the Refuge

Beginning with the Swampland Act of 1845, and later the 1907 Everglades Drainage Act, excessive drainage activities occurred in the Everglades to pave the way for agriculture and development. To meet the ever-increasing water needs of agriculture and population expansion, three water storage areas called Water Conservation Areas 1, 2, and 3 were constructed by the U.S. Army Corps of Engineers in the 1940s. Bounded by levees and connected by a series of canals, these areas were placed under the jurisdiction of what is now the South Florida Water Management District (the District), an agency of the State of Florida.

In 1951, a license agreement between the South Florida Water Management District and the U.S. Fish and Wildlife Service, under the Migratory Bird Conservation Act, enabled the establishment of the 143,954-acre Loxahatchee National Wildlife Refuge (the 216th refuge in the system) at Water Conservation Area 1. Loxahatchee NWRs name was changed in 1986 under public law 99-615 to include a noted local conservationist Arthur Raymond Marshall. This "refuge interior" land, as it is called, is owned by the State of Florida, but managed by the Service. The license agreement was later amended to include the 1,604-acre Strazzulla Marsh, which lies adjacent to Water Conservation Area 1. In addition to the lands licensed from the District, the Fish and Wildlife Service owns 2,550 acres to the east and west of the refuge interior. This acreage is sub-divided into four management compartments A,B,C,D, and the Cypress Swamp.

Arthur R. Marshall Loxahatchee National Wildlife Refuge is the only remnant of the northern Everglades in Palm Beach County, Florida. To the northwest of the refuge is the Everglades Agriculture Area which includes sugar cane farms, winter vegetables, sod farms, and cattle ranches. The land east of the refuge is predominately urban with the exception of the agricultural lands of the East Coast Buffer area. To the south and southwest of the refuge lie Water Conservation Areas 2 and 3, and Everglades National Park the only remaining portions of the Everglades fresh water marsh.

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Florida will face major challenges by 2030 - and we need to prepare | Opinion

The Florida Times-Union

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The year 2030, slightly more than a decade from now, is just around the corner for the state of Florida.

Addressing challenges on a statewide level requires immediate action, an action plan.

That's what the Florida Chamber Foundation has done with its report titled " Florida: 2030."

Port St. Lucie is one of only six cities that had 50,000 or more residents in 2000 and that more than doubled in population over the last two decades. The city's population grew from 88,769 to 178,778, faster than all but five other cities in the state. *(Photo: Anthony M. Inswasty / Getty Images)*

The challenges at first glance appear overwhelming. Florida will be disrupted and transformed by 2030.

- The population will continue to grow with about 5 million new residents.
- Retiring boomers will come to Florida as their elders did. About 1 in 4 Floridians will be 65 or older.
- Non-ethnic Whites will become a minority by 2030. And nearly 1 in 5 Floridians will be foreign-born.
- People will pack the cities. Rural areas will account for 86 percent of Florida's land area but just 10 percent of its population.
- Florida has five of the top 25 fastest-growing metro areas: Fort Walton Beach, the Villages, Orlando, Cape Coral and Naples.
- Millennials will take over as the dominant age group but they will be dealing with massive amounts of student loan debt, outpacing credit card and auto loan debt.

Are we ready for 2030? Floridians apparently don't know.

At 83 town hall meetings involving over 10,000 Floridians in all 67 counties, 87 percent of respondents said they were optimistic about Florida's future but most said their own communities weren't "positioned for global competitiveness, prosperity and vibrant and sustainable communities."

That's an odd answer since usually people are more optimistic closer to home. For instance, people-re-elect their member of Congress while disliking Congress as a whole.

So far as challenges, the most critical challenge identified by Floridians involves affordable housing. So let's throw up our arms in disgust, since Florida has long had an identified revenue stream to deal with it but the Legislature continues to seep much of it into the general fund.

The Sadowski Fund uses a portion of documentary stamp revenue paid at home sales for affordable housing. It's shared on a per capita basis in Florida counties. The structure of the fund is brilliant; as home sale values increase, so does the doc stamp revenue for affordable housing.

So it's no surprise that another weakness is "responsiveness of government."

So what's the key to Florida's future? It's simple. A well-trained and growing work force.

The economic battleground of the 21st century involves competition for talented workers. That starts with an outstanding K-12 public school system and continues through college.

Florida's university system has perhaps the best value in the nation with affordable tuition paired with quality institutions.

What happens if Florida's work force isn't prepared for the challenges of 2030?

"We would struggle to gain a foothold in emerging industries and our economy would miss out on next-generation opportunities and only remain focused on services and trade jobs," according to the Chamber Foundation report.

That would create a vicious cycle in which demands increase but the ability to meet them would decline.

The Chamber report, as detailed as it is, needs to be paired with a report titled "Trouble in Paradise" by a coalition of Florida environmental groups.

The report calls for acquiring and protecting land to protect drinking water, fisheries and recreation.

The challenges posed by sea level rise and storm surge contain billion-dollar price tags. Just look at Hurricane Michael has done to the Panhandle.

The best way to deal with storm surge and sea level rise is by using wetlands, Mother Nature.

"A protected flood plan contains no property to be damaged and acts as a permanent safety valve for flooding, reducing destruction of developed areas downstream," according to the report.

Resilience is the key. Prevention is cheaper than repair damage.

Florida's precious underground water supply, the Floridan Aquifer, is going to be stressed as millions of new residents pack into coastal communities. The springs that need the Aquifer must be protected.

"Now more than ever, Florida needs strong, bold and decisive leaders," the environmental report concludes. "Leaders with vision and dedication. Leaders with the best interests of Florida at heart. Our quality of life and Florida's very economy depends on it."

Once Florida's beauty is gone, we won't know it anymore.

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GUEST EDITORIAL: Water quality requires expanding best practices on agricultural lands - Opinion - Sarasota Herald-Tribune

by Jim Strickland

I've been a rancher since I was 17 years old. As the owner of Strickland Ranch and a managing partner of Big Red Cattle Company and Blackbeard Ranch, my goal has been to manage the land as a model for sustainable agriculture and conservation. I use the latest technology and scientific research to implement sustainable conservation practices on agricultural land in Sarasota and Manatee counties, each and every day.

Since I was in the Boy Scouts, I've believed in the value of our land and our water, and that taking care of the land is about integrity and responsibility. Over the last few decades, I have seen thousands of acres around me move into development for housing. As I saw the agricultural land recede, conserving Florida's land became even more important.

That's why I have been involved in the state's Best Management Practices for agriculture from the very beginning. BMPs are technologies and tactics farmers use to conserve water and prevent nutrients, like fertilizer, from running off farm lands into streams, lakes and rivers. BMPs were developed by the Florida Department of Agriculture and Consumer Services in collaboration with Water Management Districts, local governments, universities and other stakeholders, and have been approved by the Florida Department of Environmental Protection. They are proven to be effective in restoring the health of Florida's water resources.

In recent years, however, our state's water bodies have been plagued by toxic blue-green algae. This bacteria in our lakes, rivers and shorelines affects our health, our environment and our economy. We must do more to protect our water.

That's why Governor Ron DeSantis created the Blue Green Algae Task Force, which brought together scientists and researchers to examine the crisis and outline a plan of action. The task force issued recommendations, including preventing wastewater discharges, converting septic tanks to sewer and strengthening agricultural BMPs.

These recommendations - part of a comprehensive approach to a complex problem - are based on sound science. And these recommendations are now being considered by the Florida Legislature.

I support continuously improving Best Management Practices to incorporate the latest research, innovations and technologies. BMPs prove to the millions of residents of Florida that we are accountable for what happens on our land. We don't live on the Gulf, and we don't live on the Atlantic, but everything we do on our piece of dirt affects those bodies of water, and we take that very seriously.

Our smart farming techniques ensure we are conserving water and using nutrients efficiently. We use infrared technology to help us level the land to prevent runoff and monitor our crops. We use computers and global satellites and invest in more technology every year. Because of these investments, our lands provide filtration systems to clean water and provide thousands of acres of habitat for wildlife.

A proactive, collaborative approach to adopt science-based solutions can make a big difference for our state. Agriculture is an important part of this comprehensive solution.

Keeping land in agriculture and green space protects the landscape from development. It allows farmers to continue to be the best stewards of the land that we can be - something I am committed to doing for the rest of my life.

Jim Strickland has won numerous awards for conservation of agricultural lands.

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Call for Projects to Reduce Nutrients in Caloosahatchee River and Estuary

RFI 2020020 - Projects to Reduce Nutrients & Restore Flow in Caloosahatchee River and Estuary BMAP has been posted to the Vendor Bid System (VBS) and is accessible at the link below. *It is the responsibility of the Respondent to check VBS on a regular basis for updates.*
If you have any question concerning this RFI, please submit in writing via Email to the Procurement Officer listed on the Timeline of Events. Answers to Questions will be posted on the Vendor Bid System as specified in the Timeline of Events;
http://www.myflorida.com/apps/vbs/vbs_www.ad_r2.view_ad?advertisement_key_num=149455

Two-thirds of North American birds are at increasing risk of extinction from global temperature rise

click for link to report

Audubon

Will you help count birds for climate change?

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Audubon's latest science, **Survival by Degrees**, indicates that birds are under threat from climate change, and birds tell us we need to act now.

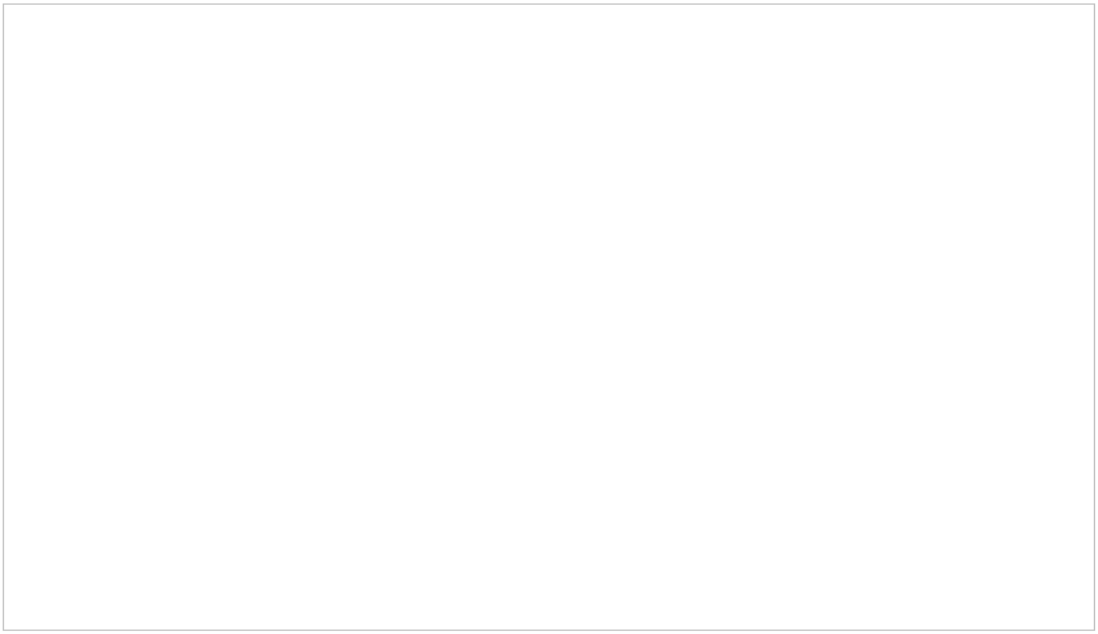
Understanding how birds are responding to climate change is essential to protecting them. We need your help to do just that by counting and documenting how their ranges are shifting. Audubon's Climate Watch program contributes to our scientific analysis by providing vital data on how birds are faring with climate change. The more information we have on birds across the country, the better prepared we will be to help them in a changing climate.

Read our 2016-2018 report to learn how the work of Climate Watch volunteers is helping to reveal how birds are responding to climate change.

If you have previously participated in Climate Watch, THANK YOU! We value your time and help in this important effort. The program has been growing steadily and we have received a high volume of checklists in 2019. Thank you for your patience as we go through these growing pains. If you are new to Climate Watch, please join us. You can find out more about the program here.

Save the dates of the winter survey period taking place **January 15 - February 15, 2020** and help us count bluebirds, nuthatches, goldfinches, towhees, or Painted Bunting.

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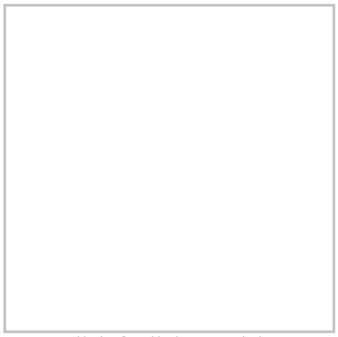
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Key West targets sea level rise

By Timothy O'Hara Key West Citizen

Sea level rise is weighing heavy on the minds of many Key Westers these days, as the Florida Keys were treated to a heavy dose of sea water from king tides earlier.Hurricanes and tropical storms had slowed the progress of the Gulf Stream to a point where water began to pile up and...

For the complete article, please pick up a copy of The Citizen for this day .



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Land and Water Conservation Fund: Overview, Funding History, and Issues

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The Land and Water Conservation Fund (LWCF) Act of 1965 was enacted to help preserve, develop, and ensure access to outdoor recreation facilities to strengthen the health of U.S. citizens. The law created the Land and Water Conservation Fund in the U.S. Treasury as a funding source to implement its outdoor recreation goals.

The LWCF has been used for three general purposes. First, it has been the principal source of monies for land acquisition for outdoor recreation by four federal agencies-the Forest Service, National Park Service, Fish and Wildlife Service, and Bureau of Land Management. Second, the LWCF provides "financial assistance to states" by authorizing a matching grant program to assist states in recreational planning, acquiring recreational lands and waters, and developing outdoor recreational facilities. There are two components to this "stateside" program: the traditional formula state grants and the more recent competitive state grants. Third, beginning in FY1998, LWCF has been used to fund other federal programs with natural resource-related purposes, such as the Forest Legacy program of the Forest Service and grants under the Cooperative Endangered Species Conservation Fund of the Fish and Wildlife Service.

Under the LWCF Act, the fund is authorized to accrue $900 million annually from multiple sources. However, nearly all of the revenue is derived from oil and gas leasing in the Outer Continental Shelf (OCS). The LWCF receives additional money under more recent legislation (P.L. 109-432, "GOMESA"). Throughout the history of the LWCF, $40.9 billion in revenues have accrued under both the LWCF Act and GOMESA.

Congress determines the level of discretionary funding for the three LWCF purposes through the annual appropriations process. These discretionary appropriations have fluctuated widely since the origin of the program. In addition, any funds deposited under GOMESA are mandatory appropriations for the state grant program. Mandatory appropriations were relatively small from FY2009 to FY2017. They increased substantially beginning in FY2018 and are expected to remain relatively high over at least the next decade.

Less than half of the $40.9 billion in total revenues that have accrued in the LWCF have been appropriated ($18.9 billion), leaving an unappropriated balance of approximately $22.0 billion in the fund. FY2001 marked the highest funding ever, with appropriations from the LWCF exceeding the authorized level by reaching nearly $1 billion. For FY2019, the most recent fiscal year, the total appropriation was $506.6 million (with $435.0 million in discretionary funds and $71.6 million in mandatory funds).

The $18.9 billion appropriated through the history of the program has been allocated unevenly among federal land acquisition (60%), the state grant program (26%), and other purposes (14%). Similarly, federal land acquisition funds have been allocated unevenly among the four agencies.

Recent Congresses have considered a variety of issues pertaining to the LWCF, through authorizing and appropriations legislation and other debates. The 116th Congress enacted several changes to the LWCF Act (in P.L. 116-9, Section 3001), including to make permanent annual deposits to the fund of $900 million and to specify portions of funding for "financial assistance to states" and land acquisitions that foster access to federal lands for recreation. Other issues remain under debate. A recurring question is the optimal level of funding for LWCF overall and its individual components. Other questions involve whether to provide additional mandatory appropriations to the LWCF; authorize LWCF funds for other programs or purposes, such as maintenance of agency lands and assets; and alter the formula for traditional stateside grants.

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SFWMD moving forward with storage wells

Jul 31st, 2019 · by · Comments: 0

WEST PALM BEACH - The South Florida Water Management District (SFWMD) appears to be moving forward with plans to use $50 million recently provided by the Florida Legislature to build Aquifer Storage and Recovery (ASR) wells to store water north of Lake Okeechobee.

A July 22 letter from SFWMD executive director Drew Bartlett to Col. Andrew Kelly of the U.S. Army Corps of Engineers, "based on our initial analysis and review of the research, we will be pursuing the ASR features of LOWRP to quickly provide benefits to the northern estuaries by offering short- and long-term recoverable storage."

Florida Senate Bill 2500 states: "The funds in Specific Appropriation 1642A shall be distributed to the South Florida Water Management District for the design, engineering, and construction of the specific project components designed to achieve the greatest reductions in harmful discharges to the Caloosahatchee and St. Lucie Estuaries as identified in the Comprehensive Everglades Restoration Plan Lake Okeechobee Watershed Restoration Project (LOWRP) Draft Integrated Project Implementation Report and Environmental Impact Statement dated July 2018. The South Florida Water Management District is directed to negotiate a pre-partnership credit agreement with the United States Army Corps of Engineers as authorized under Section 6004 of the Water Resources Development Act of 2007."

This state funding, by law, can only be used for projects already identified for LOWRP. In LOWRP, the U.S. Army Corps of Engineers proposes a shallow (with water up to about 4 feet deep) Wetland Attenuation Feature (WAF) with a storage volume of approximately 46,000 acre-feet; 80 aquifer storage and recovery (ASR) wells with a storage volume of approximately 448,000 acre-feet per year; and two wetland restoration sites along the Kissimmee River, Paradise Run and Kissimmee River Center.

While the wetlands restoration plans received widespread support at the July 17 SFWMD meeting, wetlands do not provide significant storage to reduce discharges to the coastal estuaries, a requirement for the use of the funding. The WAF, which will provide storage, will take an estimated 20 years to build and will cost around $1.2 billion. Both the wetlands restoration and the WAF will require the purchase of land that is currently in private ownership. Comments made at LOWRP public hearings in 2018 indicate most (if not all) of those property owners will not be willing sellers.

The legislation requires SFWMD use the $50 million for LOWRP features "designed to achieve the greatest reductions in harmful discharges to the Caloosahatchee and St. Lucie Estuaries."

According to information shared at the July 17 SFWMD meeting, a cluster of 10 ASRs with an on-site a water treatment facility could be built for $50 million on property the state already owns. Ten ASRs would provide storage of about 56,000 acre feet of water.

At the SFWMD July meeting, Tim Gysan, U.S. Army Corps of Engineers Senior project manager, said before water is injected into an ASR well, it is treated to drinking water standards, using UV and filtering, before the water is put into the ground. The water injected into the ASR stays in a "bubble" area around the well. He said they estimate recovery of 70 percent of the stored water, but added this is a conservative estimate because a pilot project found a higher rate of recovery in wells north of the lake. He said with an above-ground reservoir, water is lost to evaporation. With ASR, there is no water lost to evaporation.

Unlike other components of LOWRP, the ASRs can be phased in. Because the state already owns the land, work could begin immediately.

Members of the public who spoke at the July 17 meeting in favor of the ASRs included: Beth Lewis of the Nature Conservancy; Nyla Pipes of One Florida; Pete Quasius of Audubon of the Western Everglades; Newton Cook of United Waterfowlers; Gary Ritter of Florida Farm Bureau; Kerry Kates with the Florida Fruit and Vegetable Association; Ernie Barnett of Florida Land Council; Mike

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Collins, a former member of the Water Resources Analysis Coalition; Steve Walker, representing the Seminole Tribe; and, Rich Budell, who served as director of Office of Agricultural Water Policy with the Florida Department of Agriculture and Consumer Services for 17 years.

In the July 22, letter to Col. Kelly, Mr. Bartlett, wrote: "During the 2019 legislative session, Florida legislators approved $50 million as part of Specific Appropriation 1642A. This legislation directs the South Florida Water Management District to use the funding for the design, engineering and construction of specific project components within the Lake Okeechobee Watershed District (LOWRP) that are designed to achieve the greatest reductions in harmful discharges to the Caloosahatchee and St. Lucie Estuaries. It also directs the district to negotiate a Pre-Partnership Credit Agreement (PPCA) with the U.S. Army Corps of Engineers.

"The district is seeking to enter into PPCA No. 1 with the USACE for the LOWRP. This initial PPCA would encompass any of the Aquifer Storage and Recovery (ASR) or wetland restoration features identified in the LOWRP Draft Project Implementation Report and Environmental Impact Statement. Based on our initial analysis and review of the research, we will be pursuing the ASR features of LOWRP to quickly provide benefits to the northern estuaries by offering short- and long-term recoverable storage, consistent with the legislative intent of the appropriation. The Kissimmee Pilot ASR has already demonstrated promising results for this important tool for LOWRP.

"However, as partners, we must be confident that we fully understand the extensive ASR research already conducted prior to the new ASR well construction and utilize this information to responsibly move forward. We plan to thoroughly review previous pilot studies, reports and other research, and request that the U.S. Army Corps of Engineers participate in and assist with this review.

"The generous state funding became available on July 1, 2019."

click for link to a

How today's global warming is unlike the last 2,000 years of climate shifts

Previous cooldowns and warm-ups were regional, driven by natural forces, paleoclimate data show

By Carolyn Gramling

Across 98 percent of Earth, the end of the 20th century saw the hottest temperatures of the last two millennia. Since then, average global temperatures are still increasing, causing record-breaking heat waves such as struck New York City (shown) in mid-July. Jeenah Moon/Bloomberg via Getty Images Temperatures across 98 percent of Earth's surface were hotter at the end of the 20th century than at any time in the previous 2,000 years. Such nearly universal warming, occurring in lockstep across the planet, is unique to this current era, scientists say. By contrast, other well-known cold and warm snaps of the past, such as the Little Ice Age or the Medieval Warm Period, were, in fact, regional rather than worldwide. What's more, the rate at which temperatures are increasing now far exceeds any previous temperature fluctuations measured in the last two millennia. Those are the conclusions of a trio of new papers examining temperature trends over the last 2,000 years, published online July 24 in Nature and Nature Geoscience.

Those previous climate fluctuations were primarily driven by natural causes, including powerful volcanic eruptions, rather than human-caused greenhouse gas emissions. The findings, which are based on newly available global paleoclimate data, reinforce an inescapable conclusion, says Michael Mann, a climate scientist at Penn State University who was not involved in the new studies: "The current period of warmth is unprecedented in its global scope in the last 2,000 years."

In the Nature study, a team led by Raphael Neukom, a climate scientist at the University of Bern in Switzerland, used many different types of temperature records from around the world to create thousands of climate reconstructions of the last two millennia, from A.D. 1 to 2000. Those data were collected by an international group of scientists called the Consortium. They include proxies for

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temperatures derived from tree rings, glacier ice cores, lake and ocean sediments, cave deposits such as stalactites and stalagmites and historical documents . Using those data, as well as direct temperature measurements collected in some locations since the 1800s and some climate simulations, the team produced more than 15,000 different climate reconstructions of past global temperatures. Then, the researchers took a close look at the precise timing of warming or cooling within four previously identified "climate epochs" - the Roman Warm Period from about A.D. 1 to 300, the Dark Ages Cold Period from 400 to 800, the Medieval Warm Period from about 800 to 1200 and the Little Ice Age from 1300 to 1850.

Hot and cold

Well-known climate fluctuations of the last 2,000 years were once thought to be global. But research using new available temperature proxy data from around the planet reveals that these fluctuations were regional. In each map, different colors represent the warmest (or coldest) century for a given location within the represented time period. For example, the Dark Ages Cold Period is thought to span from about A.D. 400 to 800. But colder temperatures occurred several hundred years earlier in the Pacific Ocean (white to pale purple) and several hundred years later in East Asia and other locations (darker purple). Similarly, the Medieval Warm Period (or Medieval Climate Anomaly) lasted roughly from 800 to 1200, with peak warmth occurring during the 11th centu northwestern Europe (orange). But central South America saw peak warmth several hundred years later (brow Across all 2,000 years included in the new research, however, temperatures were hottest at the end of the 20th century for 98 percent of the planet (shown in the third map). Cold and warm snaps of the past were regional, unlike current global warming R. Neukom et al/Nature 2019 Although the same datasets were input into the climate reproductions, the team used different methodologies, varying widely in computational complexity, to process the data and calculate past temperatures. Regardless of which method was used, the story was the same, the researchers found: Those past climate epochs were not simultaneous, global events. The Little Ice Age, for example, was a cold snap thought to have lasted from roughly 1350 to 1850. But the deep freezes didn't occur everywhere at the same time, the new analysis shows. Northwestern Europe and southeastern North America got their coldest temperatures during the 17th century, while the area encompassing the central and eastern Pacific Ocean were coldest two hundred years earlier, during the 15th century, the team found. The Medieval Warm Period, also called the Medieval Climate Anomaly, showed the warmest temperatures in northwestern Europe and eastern North America during the 11th century. But peak warmth occurred several hundred years later in central South America, and several hundred years earlier in the eastern and central Pacific Ocean. "The traditional understanding is that these [climate epochs, like the Little Ice Age] were global-scale phenomena," says Nathan Steiger, a climate scientist at Columbia University. "That's not the case." That finding stands in stark contrast to the team's conclusions about the current era of warming: It is occurring concurrently around the globe, with the hottest temperatures in the study found to be right at the end of the 20th century. "It is coherent in a way we didn't experience over the last 2,000 years," Steiger says. Because the study's temperature data go only to 2000, the last two decades of temperatures weren't included. But NASA and the National Oceanic and Atmospheric Administration reported in February that nine of the 10 warmest years on record have occurred since 2005, and the last five years were the five hottest on record .

Human activities have been repeatedly cited by scientists as the cause of these ongoing record-breaking temperatures . At a news conference on July 22, Steiger noted that the Nature study didn't specifically mention that the current warming is due to anthropogenic activities, in part because so many previous studies have repeatedly and clearly demonstrated that link. "We don't need to look at paleoclimate to know that." A second study, published in Nature Geoscience, does address the question of anthropogenic warming more explicitly. The study, authored by Neukom and other members of the PAGES 2k Consortium, used the same temperature proxies as the Nature study. But instead of comparing spatial patterns of warming and cooling around the globe, the team looked at the average global temperature through time. That, Neukom said at the news conference, revealed that the current rate of warming is much faster than anything observed in the last 2,000 years that can be attributed to natural variability. "It's another angle to look at the extraordinary nature of current warming," he said. A third study, also in Nature Geoscience, added another layer of context to the trends, by looking at what natural forces may have been behind large regional temperature

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fluctuations such as the Little Ice Age.

A series of powerful volcanic eruptions, including the 1815 eruption of Mount Tambora, powered the end of the cold period known as the Little Ice Age, which spanned from about 1350 to 1850. Such climate fluctuations, once thought to span the entire globe, are now known to be regional. JialiangGao/Wikimedia commons (CC BY-SA 3.0) Led by University of Bern climate scientist Stefan Brönnimann, the researchers found that before the onset of the Industrial Revolution in the mid-1800s, powerful volcanic eruptions were the main engine behind such large-scale temperature fluctuations. For instance, five powerful eruptions, including the 1815 eruption of Mount Tambora, occurred toward the end of the Little Ice Age, which began around 1350 and ended around 1850 . The eruptions initially led to cooling and climate upheaval, and then a period of recovery as the planet warmed up again. That recovery coincides with the onset of the Industrial Revolution, at which point greenhouse gases became the primary driver for warming, the researchers note. Mann notes that the studies' findings - that these past climate epochs weren't global and that current warming is proceeding at an unprecedented rate - aren't exactly new ideas. In 1998, he and colleagues published a famous study in Nature, sometimes referred to as the "hockey stick" paper, that revealed a dramatic upward tick in temperatures at the end of the 20th century - a pattern that, when plotted through time, takes the shape of a hockey stick. "It's gratifying that independent, international teams using entirely different approaches have come to virtually identical conclusions," Mann says. Raymond Bradley, a climate scientist at the University of Massachusetts Amherst who coauthored the hockey stick study, agrees. "In that paper, we were widely criticized for saying the last decade was the warmest in the last 1,000 years," he says. Bradley adds that the new studies are a valuable addition, with a "high quality, carefully screened set of data" as well as powerful simulations that can synthesize and reproduce those past temperatures. "They've done everything right," he adds. But the database of temperature proxies still contains some glaring holes, particularly in tropical regions and in the oceans. Such data won't change the underlying storyline, but could help scientists see global temperature fluctuations even more clearly,

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Getting the Most Out of Nitrogen Fertilizer Investments

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Sincerely,
Eco-Voice Moderators
Eco-Voice, Inc.

Farmers utilizing urea for nitrogen (N) fertilization should be aware of climatic conditions that can reduce crop yields. Frequent and intense rainfall events cause N leaching through the root zone, and high soil temperatures, low soil moisture, high soil pH, and low soil nutrient holding capacity cause N volatilization into the atmosphere. Credit: Doug Mayo, UF/IFAS.

Soil and climatic conditions in North Florida can pose serious challenges to growers aiming to maximize returns on investments made in nitrogen (N) fertilizer. Most plant available N in local soils is in the nitrate (NO_3^-) form. Frequent and intense rainfall events, coupled with the lighter-textured soils that dominate much of North Florida, can lead to substantial NO_3-leaching. Additionally, local climatic conditions often favor gaseous losses of N from surface-applied urea through ammonia (NH_3) volatilization. Conditions favoring volatilization include high soil temperatures, low soil moisture, high soil pH, and low soil nutrient holding capacity. Although summer rainfall can be plentiful, rapid drainage on lighter-textured soils, in addition to dry spells at N topdressing, can create low moisture conditions at the soil surface. The possibility also exists for soil microsites high in pH that allow for volatile losses of NH_3.

Given how susceptible N fertilizer is to environmental losses in North Florida, UF/IFAS Extension recommends that growers follow the "4Rs" of nutrient management as a best management practice to optimize N fertilizer recovery by crops. These four fertilizer management principles are:

1. Right source of fertilizer - Think of expense, ease of application, and soil health.
2. Right rate of fertilizer- Consult your soil test report and think about yield goals.
3. Right placement of fertilizer - Banding vs. broadcasting, depends on crop in question.
4. Right timing of fertilizer - When does rapid nutrient uptake occur for your crop?

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October Heat Wave

Florida Crystals voluntarily agrees to terminate EAA lease

Sugar Lease end could help Everglades reservoir plan.

Red tide counts growing in Lee, Collier waters..

Artificial Reefs could turn tide on oysters

U.S. Army Corps to release water from Lake O into Caloosahatchee estuary.

Lake O still under 14'

Real-time water levels

More fresh water to Everglades,

Sea-level rise is real and needs attention now.

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Florida Sportsman Expo - Feb. 9-10, not 11th

Details - HR 763 Energy Innovation and Carbon Dividend Act (EICDA).

SOUTHWEST FLORIDA WATER RESOURCES CONFERENCE...24 Jan 2020 at FGCU

What is My Water Daily? Newsletter for water industry professionals

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FINAL DRAFT Chapter 4 IPCC SR Ocean and Cryosphere

Executive Summary

This chapter assesses past and future contributions to global, regional and extreme sea level changes, associated risk to low-lying islands, coasts, cities, and settlements, and response options and pathways to resilience and sustainable development along the coast. **Global mean sea level (GMSL) is rising (virtually certain1) and accelerating (high confidence2). The sum of glacier and ice sheet contributions is now the dominant source of GMSL rise (very high confidence).** GMSL from tide gauges and altimetry observations increased from 1.4 mm yr-1 over the period 1901-1990 to 2.1 mm yr-1 over the period 1970-2015 to 3.2 mm yr-1 over the period 1993-2015 to 3.6 mm yr-1 over the period 2005-2015 (high confidence). The dominant cause of global mean sea level rise since 1970 is anthropogenic forcing (high confidence) (4.2.2.1.6, 4.2.2.5). **....more.... 169 pages**

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WHAT WE DO

The central theme of all Florida Earth is to provide programs that enable participants and partners in developing and implementing solutions to challenges in the water space. We are about connecting people together and collaborating as a community of science, engineering, policy, and other multi-discipline experts who have a desire to solve problems.

1. Development of Knowledge Exchange Platforms

All Florida Earth programs have a knowledge exchange platform component, whether at the local, state, national or global level. Examples of connectivity include:

- **Nation to nation -USNC Professional Program**
- **University to university -USNC Academic Program**
- **Professional organization to professional organization -USNC Professional Program & Module Series**
- **Governmental organization to private sector - all programs**
- **Private sector to private sector - all programs**

2. Facilitation of solutions development

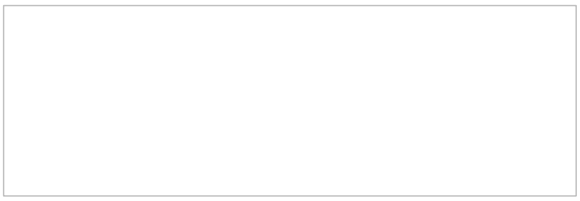
Florida Earth teams have been instrumental in providing innovative approaches to helping organizations derive solutions to stakeholder issues. By having a global reach, programs are designed to help expand thinking and reduce conflict surrounding water related issues. Examples of that function include:

- **Direct facilitation around contentious issues - Blue-Green Project**
- **Education forums addressing water related controversy -Florida Land Use Forums and Water Choices**
- **Conflict Resolution Training - Florida Earth support ofUniversity of Florida's Natural Resources Leadership Institute**

3. Expansion of already existing programs

Using Florida Earth's extensive partner network, organizations have collaborated with us to expand and enhance their programs that have similar goals and components. Examples of that function are:

- **Law School Study Abroad Programs -The USNC Comparative Water Law Course**
- **The International Water Association's Young Professional Program - USNC Professional Program**
- **Events that engage partner institutions - A Night with the Governors**



A Night with the Governors at St. Thomas University School of Law included Bob Graham, Buddy McKay and Charlie Crist

4. Providing basic and advanced training to developing countries

Helping others find solutions that already exists for their problems is a Florida Earth mandate. Programs that exemplify this principle include:

- **Florida Earth's "Flagship" Program - TheUNESCO-IHE Florida Program and the Water Ambassadors**
- **The new USNC Urban Coastal Short Course - Being developed in partnership with UNESCO-IHE under their short-course professional program.**



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An October Heat Wave Bakes the Southeast and Mid-Atlantic. Is This Our Future?

RACHEL LICKER, SENIOR CLIMATE SCIENTIST

As I write this, an air conditioning repairman is on his way to my house as the fan broke a couple of days ago. Normally at this time of year we could wait to get it fixed, but it's going to be dangerously hot today. It's October 2, and temperatures are expected to reach at least 96°F today in Washington, D.C., with an even higher heat index-a record high for this date, and possibly for October, in the nation's capital. And we're not alone.

Unseasonable heat

This unseasonable heat is hanging over much of the country, with 162 communities or more facing potentially record highs this week. Wilmington, Ohio's National Weather

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Forecast issued a statement today that heat indices in the region are projected to soar into the mid-to-upper 90s, twenty-five to thirty degrees above average. South Central, Indiana, and Central Kentucky's local weather forecast office put out a hazardous weather outlook warning residents of unseasonable heat and drought, creating a risk of wildfires.

In Baltimore, public schools without air conditioning units are closed. And for the second day in a row, Columbus, Ohio closed the more than 100 schools in its system due to the soaring heat index and lack of air conditioning. Not only are those high temperatures dangerous to children's health, studies correlate elevated temperatures with reduced student performance (e.g. lower test scores).

And it's not just on land-sea surface temperatures are also above average across much of the North Atlantic at the moment, fueling tropical storms like Lorenzo which broke the record for a category 5 hurricane this far north and east in the Atlantic .

Extreme heat is forecast to blanket the Southeast and mid-Atlantic this week. Source: Climatereanalyzer.org

Extreme heat in the future

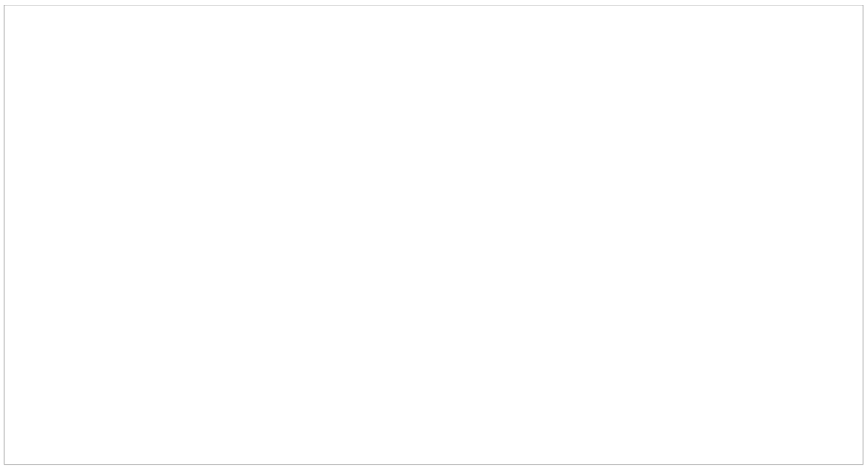
A vital takeaway from this autumn heat wave is that, for hundreds of cities and towns, this kind of heat is projected to become standard throughout the warm season and into the fall as a result of climate change, assuming we remain on our current path. In our Killer Heat study that we released in July, we looked at projections of the heat index (the combination of temperature and humidity also known as the "feels like" temperature) for the lower 48 and found that all cities see increases in 90 degree days, and that a great many are projected to become unrecognizably hot if we do not take action to reduce our global warming emissions now.

Take Atlanta. This city, no stranger to heat, could break its record for days over 90 degrees Fahrenheit (90 days in a single year) if the next few days hit that mark as they are predicted to. But what's important to bear in mind is that our analysis forecasts Atlanta to experience 90 degree temperatures on average 104 times every year by mid-century, making this year's extreme-heat outlier the norm in just a few decades.

And in Columbus, Ohio, where schools are closed today, 90-degree days should be expected on average 65 times each year by mid-century, and extreme heat days that could spill into the school year with greater frequency. By late century, the city would see more than three months' worth of such conditions in an average year if we do not take action on climate change.

With air conditioners costing US households about $29 billion annually, the prospect of a much hotter future looks not only dangerous, but costly. That threat requires us to act to reduce heat-trapping emissions both to curtail the growth in extreme heat and to limit the accompanying harm and costs.

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Florida Crystals voluntarily agrees to terminate lease early to expedite construction of storm water treatment area

Oct 3rd, 2019 · by Katrina Elsken ·

TALLAHASSEE - Governor Ron DeSantis, the South Florida Water Management District (SFWMD) and the Florida Department of Environmental Protection (DEP) have announced the early termination of the Florida Crystals Lease for the land needed for the storm water treatment area (STA) component of the Everglades Agricultural Area (EAA) Reservoir Project.

On Monday, Sept. 30, the New Hope Sugar Company (part of the Florida Crystals Corporation) sent a letter voluntarily terminating its lease on lands needed to expedite completion of the 6,000-acre STA.

"New Hope understands that the district is accelerating construction of the EAA reservoir project. New Hope will transition land covered by this lease as needed by the district for construction of the Stormwater Treatment Area associated with the EAA reservoir in advance of the lease's earliest termination date of March 31, 2021," states the letter signed by Armando Tabernilla.

"Pursuant to section 13.3 of the lease, New Hope hereby provides notice that it is terminating designated fields in the lease early in accordance with the schedule in the attached Exhibit A. Per S. 373.4598, Florida Statutes, New Hope many continue to farm these fields on a field-by-field basis until its operations are incompatible with implementation of the EAA Reservoir Project, as reasonably determined by the district. It is our understanding that the district will provide at least 5 days notice to New Hope in advance of proposed work to allow for the harvest of crops."

The schedule phases out the lease on the 6,000 acres planned for the STA site. There are two leases involved, one signed by the SFWMD district governing board in 2018, and one signed by the Florida Department of Environmental Protection in 2014.

For the property owned by SFWMD, the lease will be phased out:
*** Sept. 30, 2019: 2,022 acres;**
*** Dec. 31, 2020: 1,077 acres;**
*** March 31, 2021: 3,071 acres.**

The lease with New Hope Sugar Company on the portion of the land owned by the state, signed March 28, 2014 by Katy Fenton, Deputy Secretary for Land and Recreation, State of Florida, Department of Environmental Protection, expires in 2046, and includes a three-year termination notice. New Hope Sugar has volunteered to terminate that lease early as well.

For the lease on the property owned by the State of Florida voluntary early termination includes:
*** Sept. 30, 2019: 80 acres;**
*** Dec. 31, 2020: 278 acres;**
*** March 31, 2021: 876 acres.**

"Getting the EAA Reservoir Project built and operational is a top priority, and this termination means we can continue to expedite this critical project," said SFWMD Executive Director Drew Bartlett.

Mr. Bartlett will review the termination letter with the district's governing board at next week's public Governing Board meeting. In June and August, the District applied for permits from the U.S. Army Corps of Engineers for the STA component of the EAA Reservoir Project. Once issued, site preparations for the STA component will begin.

The EAA Reservoir Project is a joint Everglades restoration project between the U.S. Army Corps of Engineers and SFWMD. The U.S. Army Corps of Engineers will construct the storage reservoir and the district will construct the water-cleansing STA.

The reservoir footprint is about 10,000 acres. The STA will cover about 6,000 acres.

Under the provisions of the 2018 lease extension, SFWMD is already conducting geotechnical work on the project site. SFWMD

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will begin site preparations for the STA as soon as the permits for the project are approved by the U.S. Army Corps of Engineers.

Background

In November 2018, the SFWMD board voted to extend a lease on about 16,000 acres of farmland in the EAA for 8 years, with a provision that the lease could be terminated after 20 months with four months notice. Former governing board chair Federico Fernandez said the lease change would accelerate EAA reservoir construction because it allowed SFWMD to immediately take back 560 acres to use as a staging area to stockpile rocks and materials, and to mine for additional material. Provisions within the lease extension also allowed SFWMD and the U.S. Army Corps of Engineers to conduct geological testing throughout the property, even on active sugar cane fields.

This map, which was included in the South Florida Water Management District lease discussed at the November 2018 governing board meeting as Exhibit B, shows the area designated for the Everglades Agricultural Area (EAA) reservoir. The land owned by SFWMD is in light blue. The 560 acres that SFWMD took back as part of the lease extension are in purple (parcel 1) and bright green (parcel 2). The Trustees of the Internal Improvement Trust Fund (TIITF) lands - 1,251 acres under the control of Florida Department of Environmental Regulation - are shown in light orange. Special to the Lake Okeechobee News/SFWMD.

Why lease out the state land?

The site of the future EAA reservoir has been in state ownership for more than 20 years. It was purchased in anticipation of the future need for the land for the Comprehensive Everglades Restoration Plan (CERP). There are many reasons for leasing out the land until the corps is ready to start construction of the reservoir:

* The lease generates about $1.6 million a year ($100 an acre) in lease payments. The per acre lease value was determined as market value by an appraiser chosen by SFWMD.

* Leasing the land for agriculture means it stays on the county tax rolls. When the state takes over the land, the county (in this case Palm Beach County) will lose that annual tax revenue. When the county loses that tax base, other property owners in the county will have to pay more to maintain the level of county services.

* Keeping the land in agriculture is required by state law. Florida Senate Bill 10, which authorizes moving the EAA reservoir up on the CERP Integrated Delivery Schedule (IDS) requires the land be kept in agricultural use until the corps or SFWMD is ready to start construction.

* If the land were not leased, SFWMD would be responsible for managing the land, which includes removing any invasive plants. Under the terms of the lease, this responsibility falls on the farmers. In South Florida, land left fallow quickly becomes overrun with invasives such as tropical soda apples, Brazilian peppers, Melaleuca trees and other non-native plants. Agencies involved establishing the Florida Wildlife Corridor discovered that any land allowed to "return to nature" was soon so overrun with invasives that not only were native plants forced out, but the invasives grew so dense that Florida native wildlife was also forced out. If the lease were terminated before construction starts, SFWMD would have the added expense of land management. SFWMD staff are well aware of the effort needed to control invasive plants. They use the millions generated from the leased EAA land to control invasive plants on other state-owned property.

* If the land were not leased, and an endangered species moved in before construction started, the federal government could halt the project. According to former SFWMD Director of Everglades Policy Eva Velez, this has actually happened on other projects, and the federal requirements to move the animals or change the project plans to accommodate the endangered species resulted in delays.

* The lease helps preserve jobs - union jobs - in the sugar mill for as long as possible until the reservoir construction starts. Less cane to harvest will mean less work at the mill. Jobs that pay more than minimum wage are already scarce in rural areas south of the big lake, and the jobs at the mill provide attractive pay and benefits. (A vo-tech program to train future sugar mill workers in welding, electric and machine work references journeyman pay of $25 an hour.)

* Keeping the fields in sugar cane helps clean the water. According to a University of Florida Institute of Agricultural Sciences (UF/IFAS) sugar cane is a "nutrient sink." Sugar cane is a grass. The water from the lake enters the cane fields higher in phosphorus than water leaves the fields. Every time an acre of sugar cane is harvested, about 20 pounds of phosphorus is removed from the watershed. Runoff from cane fields is also lower in phosphorus than run off from fallow fields, according to the IFAS study.

* Sugar cane planting is rotated with rice. Flooded rice fields act like stormwater treatment areas (STAs), filtering the water from the lake.

* The EAA farmers provide food for America. The rich muck soil, called the "black gold" of the EAA, is highly productive. In addition to the sugar cane grown in the EAA, farmers rotate cane with rice. In the past five years, 31 million pounds of rice was harvested in the 16,000 acre property leased to Florida Cyrstals.

* There's an additional risk if the state takes the land back before construction starts. If the property were left fallow for five years, it could be declared a wetland by the federal government, and result in additional bureaucratic paperwork for federal permits to start construction of the reservoir ... or even of the accompanying Stormwater Treatment Area (STA). (You need a

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federal permit to turn an area designated as wetland into a project that is also essentially a wetland.)

Multi-year leases typical for farming

Typically leases on land used for farming are for much longer than eight years, according to Gaston Cantens, vice president of Florida Crystals. Leases with sugar cane growers usually have a three-year termination clause.

Sugar cane is not a "one year" crop. In the EAA, cane may be harvested two, three or even four times after the initial planting, depending on the condition of the soil and the type of sugar cane grown.

Some cane fields are planted once and then harvested three times before they are planted with rice and flooded for a year, for a four-year rotation. Fields used for Florida Crystal's organic sugarcane products are on a three-year cycle with two harvests of cane before the fields are planted with rice and then flooded.

Rice has a growing cycle of 120 days. After the rice germinates, the farmers flood the fields, and they stay flooded for about 80 days. Flooding naturally kills weeds and pests and conserves soil by keeping it out of contact with air. Rice fields function as STAs, removing nutrients from the water. Rice is also a low-input crop; the majority of Florida Crystal's rice is grown without the use of fertilizer. The fields are kept for a year in rice and then planted again in sugar cane.

Publisher/Editor Katrina Elsken

Sugar Lease end could help Everglades reservoir plan

Posted: 9:03 AM, Oct 04, 2019 **Updated: 9:03 AM, Oct 04, 2019**

By: Jim Turner, The News Service of Florida...

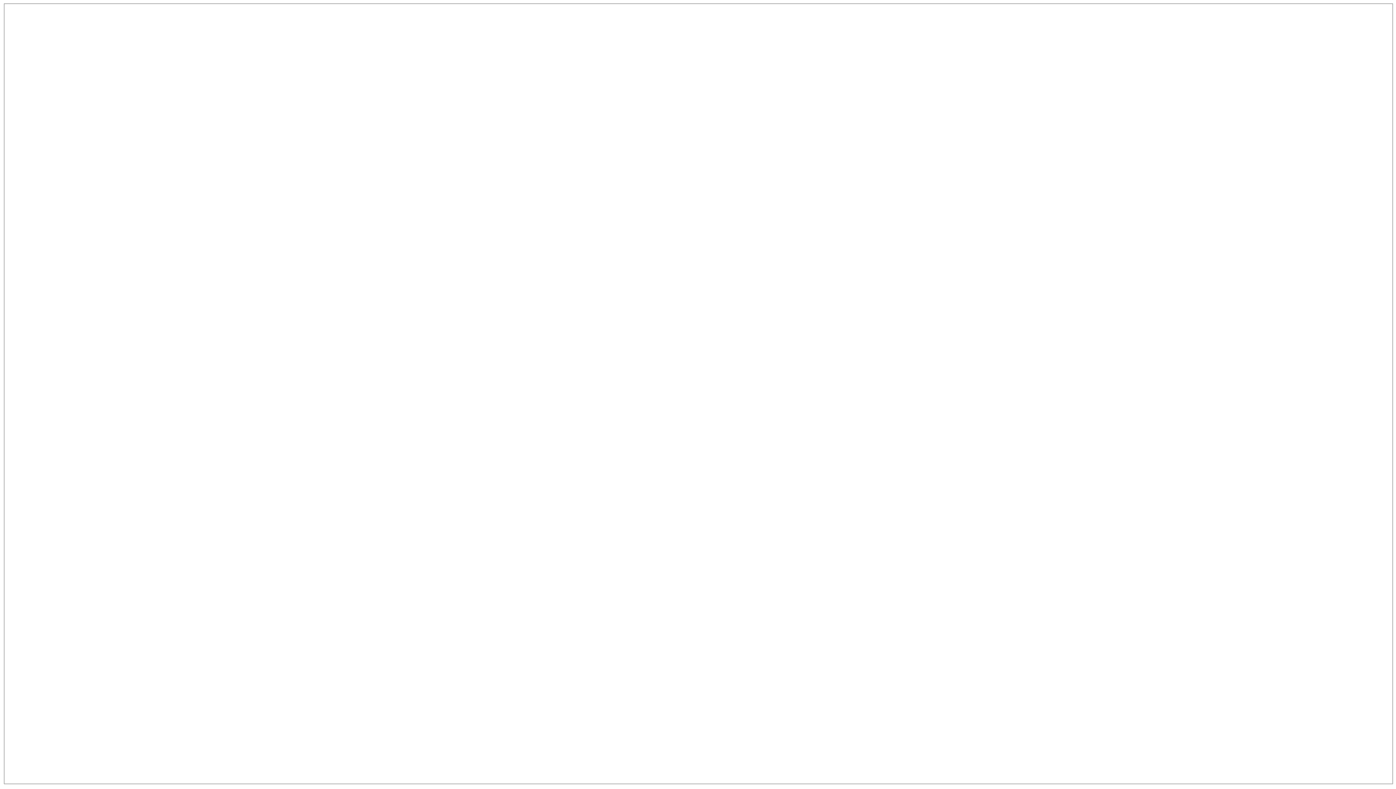
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"We look forward to working closely with the (U.S. Army) Corps to expedite federal permits so we can immediately begin site preparation work," district Executive Director Drew Bartlett said in the announcement from the governor's office.
The district governing board will review the termination letter next week.
The district applied for permits from the Army Corps in June and August for the stormwater-treatment area component of the reservoir project....

Red tide counts growing in Lee, Collier waters

Counts ranged this week from background levels to more than 100,000 cells per liter, enough to cause fish kills and breathing issues in humans, marine mammals and sea turtles.

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Artificial Reefs could turn tide on oysters

One artificial reef is finished, another is partially done, third is planned to boost bivalve population

When it comes to marine conservation efforts, much of the attention is focused on manatees and sea turtles, but there's another creature that may be less visible but needs just as much help: oysters.

Naples Bay has lost nearly 80% of its oyster reefs since the 1950s, but now the city is trying to turn the tide through its artificial reef project.

"The bay used to be almost unnavigable" due to the abundance of oyster reefs, said Stephanie Molloy, the city's natural resources director. "But due to dredging projects, we've lost those and what they do for the bay."

The city is creating artificial reefs at three locations in the bay to try to revive the oyster population. Site one is just west of Windstar and has already been completed. Site three, which is located near where Rock Creek flows into the Gordon River, is about 50% complete, Molloy said, and should be finished within the next fiscal year.

The city is still seeking funding for the second reef site, which will be near the mouth of Haldeman Creek.

Each reef site will contain reef balls, man-made structures designed to mimic natural reefs; mesh bags of oyster shells; and a limestone and shell mixture, Molloy said. The hard surfaces provide a place for juvenile oysters, or oyster spat, to adhere to and start growing to form new reefs, she said.

Scientists from Florida Gulf Coast University will begin regularly monitoring the reefs later this month to evaluate the success of the project and provide information for future restoration efforts, Molloy said, but initial, non-scientific test results look good.

"While we were out there a couple of times we just turned over a couple of rocks on the reefs and we're already seeing oyster spat," she said. "And we haven't seeded these; these are naturally- seeded oyster spat. So that's very encouraging for us." Oysters will be counted at the restoration sites and reference sites to determine density, and oyster sizes will be measured to determine the age structure of the oyster population. Oyster reef monitoring includes analyzing water quality around the reefs.

The city isn't the only organization working to revive the oyster population; last month members of the Naples Area Board of Realtors 2019 Leadership Class built 16 artificial oyster reefs using donated hockey sticks as part of FGCU's Marine Science Division's Rink2Reef Oyster Habitats Waterways Restoration Program.

"Being Realtors in the area we obviously care about how the economy does, and over the last year the press about water quality had a direct impact on hotels, restaurants and the real estate industry," said Renee Hahn, a member of NABOR's 2019 Leadership Class.

"So we thought if we could band together and tackle a project that helps with the vibrancy and success of the community, then it's a no-brainer."

Each Rink2Reef reef has the potential to house up to 400 oysters, and each oyster can filter up to 50 gallons of water per day. Since NABOR is installing 16 reefs, that means the oysters could collectively filter more than 300,000 gallons of water every day, Hahn said.

The program also has the added benefit of reducing waste. Because the hockey sticks have a carbon-composite material, they don't decompose when put into landfills, but when assembled in a Lincoln Log-esque manner, they make the perfect home for oysters.

"The building process was really simple because they've got it down to a sciencenow," Hahn said. "And (Rink2Reef) actually has an instruction manual on its website, so this is something anyone can do to help make a positive impact on the environment."

NABOR will install the reef habitats beneath the boat docks at Celebration Park off Bayshore Drive in

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U.S. Army Corps to release water from Lake O into Caloosahatchee estuary

The U.S. Army Corps of Engineers will release water from Lake Okeechobee into Caloosahatchee estuary again.

Scientists think releases may have fueled our blue-green algae crisis last year.

But right now, the Army Corps has other concerns.

The release began Saturday morning.

"This week was probably the toughest decision we've had in a long time," said Colonel Andrew Kelly, USACE Jacksonville District.

A tough decision for more reasons than one.

"What we are proposing to do this week is to target releases from Lake Okeechobee to the Caloosahatchee," said Kelly.

The Army Corps says the Caloosahatchee estuary is in need of fresh water.

"The runoff in the basins that usually feed the estuaries has kind of run out," Kelly said.

Couple that with an unusually dry wet season...

"What we've seen is another, about, tenth of a foot drop in the lake given, you know, I think a record-breaking September, which is the driest on record, I think, since 1932."

...and you have two bodies of water that could use more water.

But it's also a matter of considering water quantity versus water quality.

"We're releasing water as we have done for years and as we have done last season during the dry season. The Caloosahatchee requests water to maintain freshwater levels and salinity levels," said Kelly.

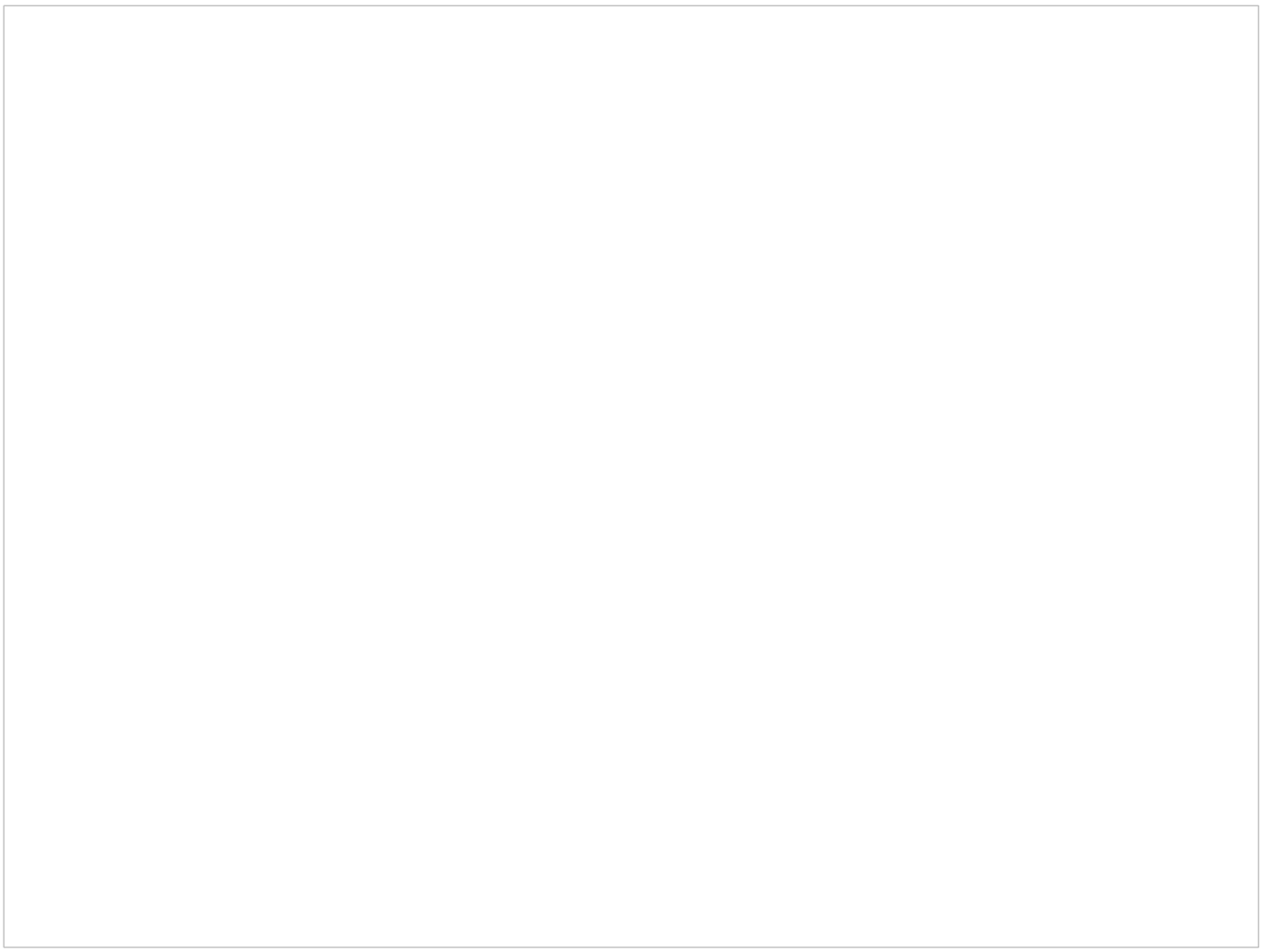
Meaning the Corps isn't cleaning the water in the lake before releasing it into the Caloosahatchee.

Now, we wait for the results.

Although there is a pilot experiment that was done over the summer to remove algae from Lake O's water, the Corps say they won't be using that because there is not much algae on the lake right now.

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Lake O still under 14'. Flows from Lake to Northern Estuaries



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Water Levels

SITE STATUS REPORT: Real-time water levels upstream and downstream of hundreds of water control structures, flow volume and more.

The Site Status Report provides comprehensive up-to-the minute information for hundreds of water control structures throughout the SFWMD water management system, organized by regions for ease of navigation. It shows the current volume of water being moved and the water level upstream and downstream at each location. It also shows the daily water level for lakes and other large water bodies. Companion maps, on the far right tab, show key locations with real-time information of volumes of water being moved and daily water levels.

Daily Water Levels

The U.S. Army Corps of Engineers regulates and reports the official daily water levels of Lake Okeechobee and these major water bodies and areas within the South Florida Water Management District:

- **Lake Okeechobee**
- **Kissimmee River Basin**
- **Everglades Water Conservation Area 1 (Loxahatchee National Wildlife Refuge)**
- **Everglades Water Conservation Area 2**
- **Everglades Water Conservation Area 3**

All navigation locks to and from Lake Okeechobee, the Kissimmee River and Upper Kissimmee Chain of Lakes will reopen at 9 a.m. Wednesday.

Boaters will be able to move freely now that Hurricane Dorian has all but cleared South Florida.

Visit sfwmd.gov/navigation for more information on navigating through South Florida Water Management District structures and waterways.

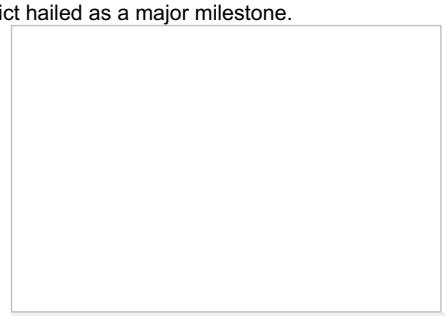
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More fresh water coming to Everglades, Florida Bay

By KEVIN WADLOW Free Press Staff

Progress on removing an old section of the Tamiami Trail and a recent decision by the U.S. Army Corps of Engineers signals a significant step toward putting more fresh water into Shark River Slough, a waterway to western Florida Bay, officials say.
The Corps last week approved sending more water flow to the northern part of the Everglades, which the South Florida Water Management District hailed as a major milestone.



File
Tamiami Trail has acted as a dam that prevents fresh water from entering Everglades National Park. The addition of bridges along the roadway now allows for more water to flow south into the park.

"We'll be pushing as much water under the Tamiami Trail as we can, considering all the other things that we have to be aware of," SFWMD board member Cheryl Meads of Islamorada said this week. "This district is moving water in that direction as quickly as we can."
Work on the old road is part of $100 million project that also includes raising the current U.S. 41 roadway to install large culverts and some "small bridges" to send water into the Everglades and Florida Bay.
The old-road project should be complete by next September with the additional elevation of U.S. 1 done by 2023.
The ongoing old-road project "removes a barrier blocking the natural sheet flow of water south into Everglades National Park," a SFWMD summary

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says. One part of the effort involves removing Florida Power and Light lines and poles along the old road, south of U.S. 41.
"This critical Everglades restoration project will restore the historical flow of freshwater south into Everglades National Park and Florida Bay that has been blocked for nearly a century."
Taylor Slough carries water to eastern Florida Bay while the Shark River Slough feeds the western bay.
Everglades Foundation chief executive Eric Eikenberg said, "The Old Tamiami Trail is a relic of the past, and removing it will allow natural habitat within this 'wetland of international importance' to re-establish."
"In the southern Everglades, the lack of fresh water impacts wildlife and destroys critical habitat," Eikenberg said earlier this summer. "In Florida Bay, it is ruining the delicate saltwater balance, killing seagrass habitat needed to support world-class recreational fishing in the Florida Keys."
Meads said the water management district, working with the Army Corps of Engineers on the massive Comprehensive Everglades Restoration Plan, must balance the needs of the environment along with impacts on members of the Seminole and Miccosukee tribes, and farmers in western Miami-Dade County.
"We can't just flood them out and do not want to," she said. "Tree islands are very important to the tribes' culture."
State and federal agencies also must consider areas like the 8.5-Square Mile Area in southern Miami-Dade that have been given legal protection.
"Difficult decisions have to be made along the way," Meads said. "No one takes these decisions lightly. There will be times when we can send water, and times when we can't."
Concern over potential South Florida flooding from Hurricane Dorian serves as an example, she said.
Previous Tamiami Trail improvement projects included the one-mile eastern bridge completed in 2014, and the 2.3 miles of western bridges completed in April 2019.

Editorial: Sea-level rise is real and needs attention now

OPINION By The South Florida Sun-Sentinel Editorial Board

No graver threat faces the future of South Florida than the accelerating pace of sea-level rise. In the past century, the sea has risen 9 inches in Key West. In the past 23 years, it's risen 3 inches. By 2060, it's predicted to rise another 2 feet, with no sign of slowing down. Think about that. Water levels could easily be 2 feet higher in 40 years. And scientists say that's a conservative estimate. Because of melting ice sheets and how oceans circulate, there's a chance South Florida's sea level could be 3 feet higher by 2060 and as much as 8 feet by 2100, according to the National Oceanic and Atmospheric Administration.

It's not just a matter of how much land we're going to lose, though the barrier islands and low-lying communities will be largely uninhabitable once the ocean rises by 3 feet. It's a matter of what can be saved. And elsewhere, how we're going to manage the retreat.

RELATED: Editorial: Florida needs real plan to fight real rising seas threat

You see the evidence several times a year in Miami Beach, the finger isles of Fort Lauderdale and along the Intracoastal Waterway in Delray Beach. During king tides on sunny days, seawater bubbles up through storm drains and over seawalls into lawns, streets and storefronts. That didn't happen 20 years ago, but it's going to happen more and more.

Of the 25 American cities most vulnerable to sea-level rise, 22 are in Florida, according to the nonprofit research group Climate Central. They're not all along the coast, either. Along with New York City and Miami, the inland cities of Pembroke Pines, Coral Springs and Miramar round out the top five.

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Flooding also is increasing in South Florida's western communities - like Miami-Dade's Sweetwater and The Acreage in Palm Beach County - because seawater is pushing inward through our porous limestone foundation and upward into our aged flood control systems, diminishing capacity. Sawgrass Mills, a huge shopping complex in western Broward, closed for three days last year because the region's stormwater system couldn't handle a heavy afternoon thunderstorm. You've never seen that before.

A growing reality

More than the rest of the country, South Floridians get it. TheYale Climate Opinion Maps show 75 percent of us believe global warming is happening, even if we don't all agree on the cause. We understand that when water gets hotter, it expands. And warmer waters are melting the ice sheets in Greenland and Antarctica. If all of Greenland's ice were to melt - and make no mistake, it's melting at an increasing clip - scientists say ocean waters could rise 20 feet.

The problem is, too few of us are convinced sea-level rise will personally harm us in our lifetimes. We've got to change that mind-set because it already is. Lila Young, who has lived on the Intracoastal in West Palm Beach for 30 years, said she's seen the king tides progressively getting higher and flooding her neighborhood more often.

One reason sea-level rise feels like a distant threat is because construction cranes still dot our skylines, the population keeps growing and politicians keep approving new waterfront developments.

Yet government officials see the danger ahead. South Florida's four counties have created a forward-thinking climate compact that, among many things, requires new construction to anticipate that minimal 2-foot rise in water levels by 2060.

RELATED: Goodman: Counties, and now some businesses, focusing on climate threat

However, sea-level rise is not yet on the short-term horizons of the mortgage and insurance industries. Perhaps that's because lenders generally recoup their money within 10 years and insurers can cancel your policy year to year.

But government officials well know their successors will be stuck with abandoned properties when the water rises. And part of their responsibility will be to clean up the debris to ensure pristine ocean water for future generations.

Perhaps you think you're safe because the flood map shows your home is on high ground. But you will still need infrastructure - things like roads, power plants, water treatment facilities, airports and drinking-water wellfields. So while your house may be high and dry, good luck getting to the grocery store, the doctor's office or out of town.

Good fortune gave Palm Beach County a slightly higher elevation, which means the risks aren't quite so acute here as for our neighbors to the south. Still, the high-priced real estate on the barrier islands is equally vulnerable, along with the low-lying mainland along much of West Palm Beach's Flagler Drive. As the sea level rises, the agricultural area south of Lake Okeechobee will drain more and more slowly after a major rainfall. And when significant hurricanes and floods hit farther south, we may see a sudden flood of people from Monroe, Miami-Dade and Broward counties.

It's tricky to trumpet the threat headed our way. Scientists like Harold Wanless, a noted University of Miami coastal geologist, have the freedom to be blunt. "If you're not building a boat, you don't understand what's happening here," Wanless told science writer Jeff Goodell, author of "The Water Will Come."

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But local leaders fear scaring people and damaging our economy. Though our region is certain to be reshaped, they express confidence that we can adapt if we start planning now to raise roads, elevate buildings, update the region's 70-year-old flood control system, buy out flood-prone properties and make smart choices about what to save and where to invest.

Political, business leadership needed

At the federal level, little leadership is being shown on this critical issue. President Donald Trump recently rolled back the Obama-era order that requires infrastructure projects, like roads and bridges, be designed to survive rising sea levels. And though membership is growing in Congress' bipartisan Climate Solutions Caucus - of which U.S. Rep. Ted Deutch, D-Boca Raton, is a founding co-chair - too many Republican members still deny the reality of climate change and sea-level rise, perhaps fearing political retribution by right-wing deniers. U.S. Sen. Marco Rubio resides in that camp.

In Tallahassee, after years of silence on sea-level rise, Gov. Rick Scott this year finally requested $3.6 million - a pittance, really - to help local governments plan. But despite the efforts of some South Florida lawmakers, the issue wasn't on the Legislature's agenda, partly because of the politics of climate change and partly because term limits create a revolving door of lawmakers who focus on today's hot buttons, not tomorrow's existential threats.

"It's not something we've taken a position on," Cragin Mosteller, spokeswoman for the Florida Association of Counties, said when asked about sea-level rise. "We represent 67 counties who have differing opinions ... So for us, we're trying to focus on the things counties need to manage like stormwater, water treatment."

RELATED: **Editorial: Climate change report: It's the Florida economy, stupid**

Mark Wilson, president of the Florida Chamber of Commerce, says that to get Tallahassee's attention, public awareness must first be raised. Then, people need to make their voices heard.

"I travel the state more than anybody but the governor. I promise you that people are not demanding that their local House member and their local senator drop what they're doing and do something about sea-level rise," Wilson said. "The solution is to raise awareness."

To that end, the editorial boards of the South Florida Sun Sentinel, Miami Herald and Palm Beach Post - with reporting help from WLRN Public Media - are joining hands in an unprecedented collaboration this election year to raise awareness about the threat facing South Florida from sea-level rise. In drumbeat fashion, we plan to inform, engage, provoke and build momentum to address the slow-motion tidal wave coming our way.

Sea-level rise is the defining issue of the 21st Century for South Florida. Some of us might not live long enough to see its full effects, but our children and grandchildren will. To prepare for a future that will look far different, we've got to start planning and adapting today.

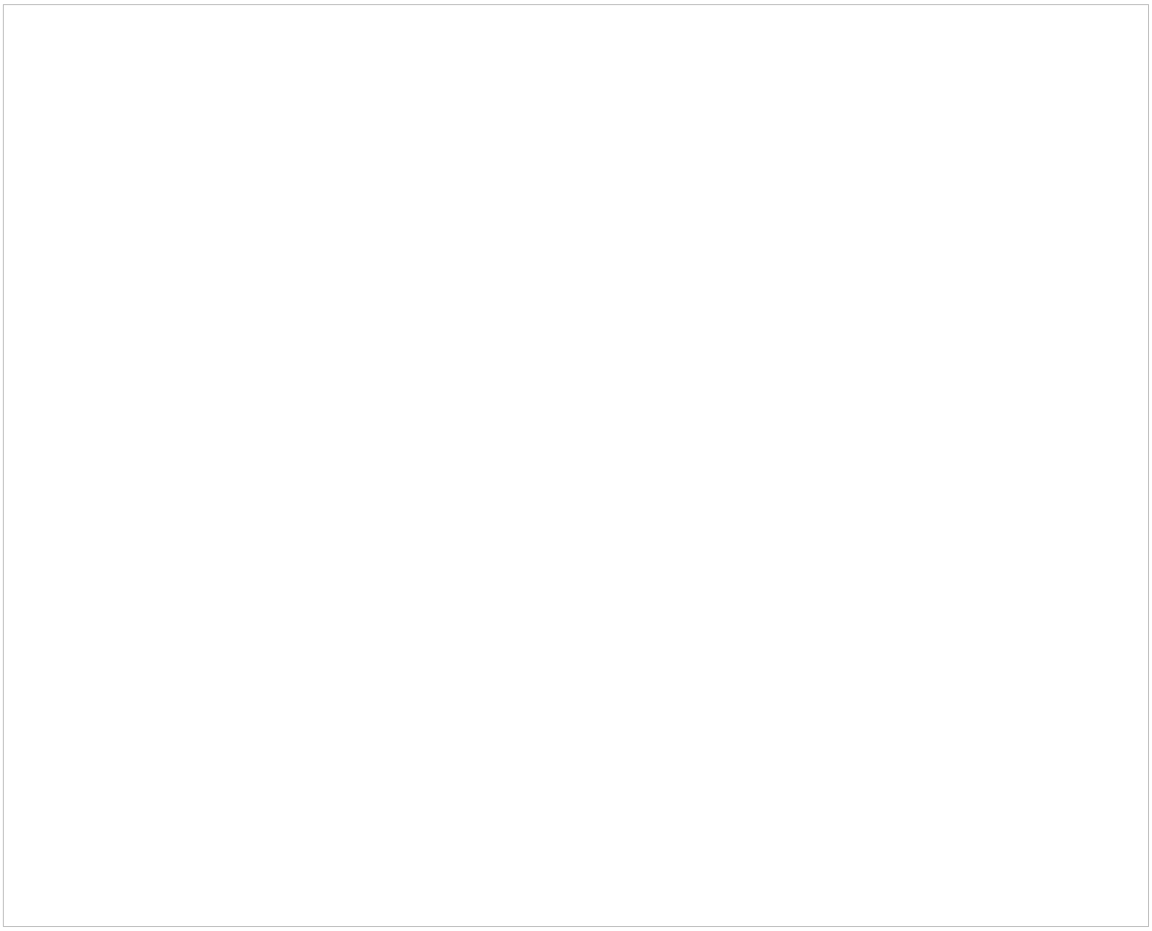
"The Invading Sea" is a collaboration of the editorial boards of the South Florida Sun Sentinel, Miami Herald and Palm Beach Post, with reporting and community engagement assistance from WLRN Public Media. For more information, go to TheInvadingSea.com.

No greater threat faces South Florida than sea-level rise. Local governments

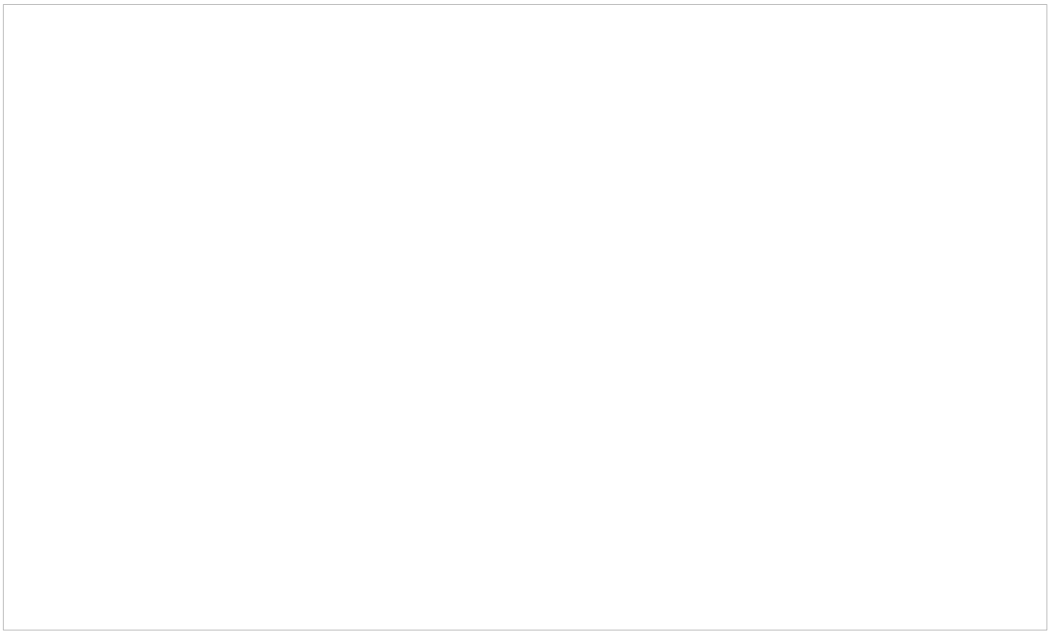
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are stepping up, but it's not on the agenda in Tallahassee or Washington. Our unprecedented media collaborative seeks to elevate South Florida's voice on the need for action.

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Below is a link to HR 763 Energy Innovation and Carobon Dividend Act (EICDA). What you first see is a summary of the bill and if you click the various tabs you can see steps, sponsors, and the full text. As you will note this bill is currently in committee. Contact members of the committee and show your support.

https://www.congress.gov/bill/116th-congress/house-bill/763

The second link is to the H. Resolution 109 Green New Deal (GND). The link works in the same manner as described above.

https://www.congress.gov/bill/116th-congress/house-resolution/109

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The Florida Section of the American Water Resources Association was established in 1971 and has been incorporated as a non-profit scientific organization since 1994. Our mission is to promote understanding of water resources and related issues by providing a multidisciplinary forum for information exchange, professional development and education. Our vision is to be recognized as the preeminent organization for information exchange about water resources issues.

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What is My Water Daily?

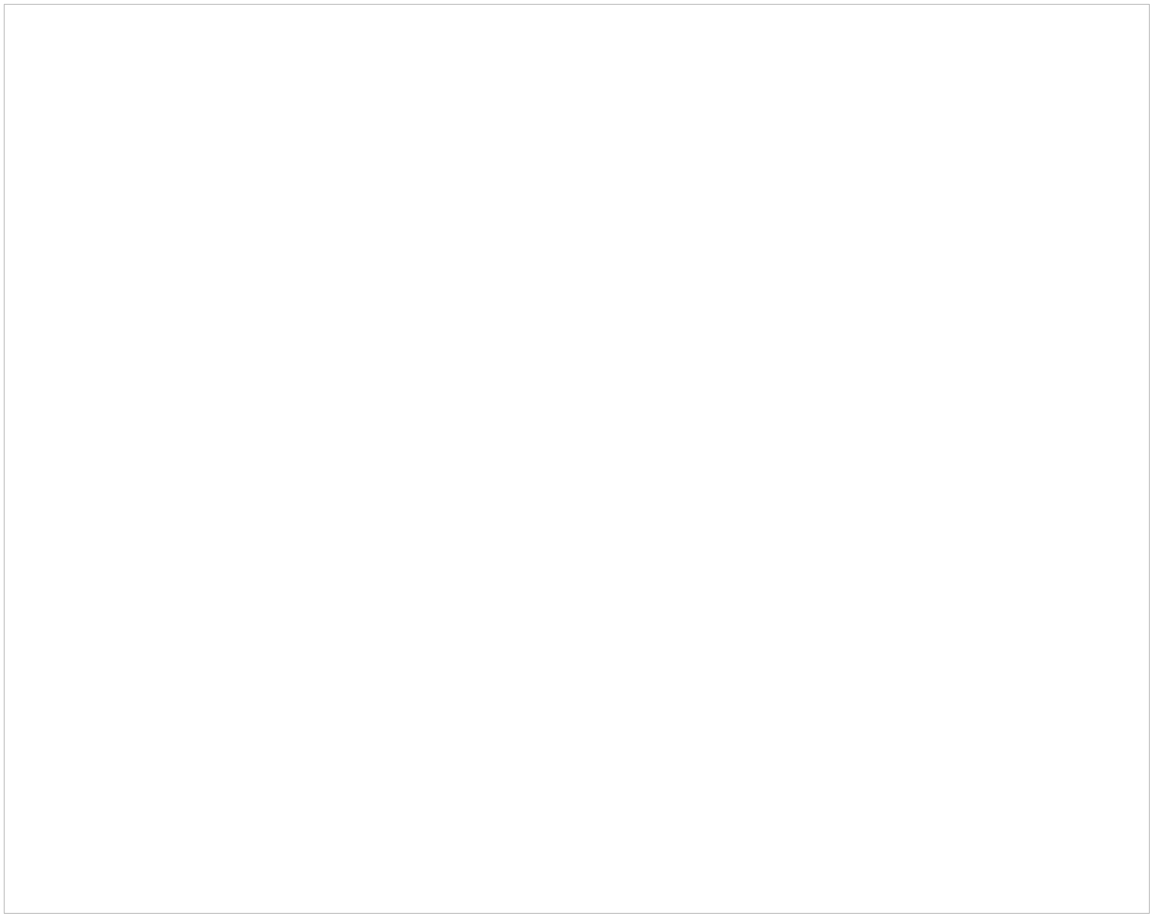
My Water Daily is a newsletter service for water industry professionals in the United States - or anyone that's interested in water issues. Every morning, we pull together news articles and job postings, categorize them based on topic and location, and send a customized email to each of our subscribers. Emails are sent each morning between 7am and 8am Eastern Time. If daily emails are too much, you can choose a weekly summary. Weekly summaries are sent on Monday mornings.

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The South Florida Water Management District (SFWMD) this week unveiled a new webpage to provide the public with easy access to its geospatial/GIS datasets. The public can browse, search, filter, preview and download the GIS datasets in a variety of formats.
The South Florida Water Management District Open Data Portal website offers GIS datasets in many different categories from environmental to hydrography to land resources to permits to regulatory datasets. These datasets are maintained by SFWMD and are used by water managers to make operational decisions for the agency's critical missions.

Data available for public viewing include maps of watershed and basin boundaries, sites of District facilities, water utility service boundaries and maps of vegetation in the Kissimmee River floodplain dating back to 1952.

"This Governing Board wants the public to have as much access to the data that goes into water management decisions as possible, so they can understand and play a valuable role in the process," said SFWMD Governing Board Chairman Federico Fernandez. "This new geospatial website puts crucial data just a click away for the 8.1 million residents we serve."

The Open Data Portal Geospatial website is just the latest online platform created by SFWMD to further public access to information. The District has also launched the Strategic Projects Interactive Maps website which allows the public to get information on dozens of ongoing projects, the SFWMD TV YouTube channel for informational videos and the Managing High Water website to give the public access to information on steps being taken to address the current high water emergency situation.

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Winter algae blooms reported in Florida waters...- not much toxins.

Commentary - How to Stop Freaking Out and Tackle Climate Change.

What's in our gasoline?

All About M-CORES...The Multi-use Corridors

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Commentary - COSTS OF GROWTH.

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Commentary has a light blue background, articles on politics yellow, appeals pink.

Underscoring denotes a link to more information or original source.

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Welcome to SFWMD.gov

Water is critical to life in South Florida - both for the 8.7 million people who call this region home and for our unique ecosystems including the Everglades. As someone who had the opportunity to grow up in South Florida and views it through a prism of 50 years of change, I consider it a privilege to serve as the Chairman of the South Florida Water Management District.

SFWMD is charged with managing and protecting the water resources of 16 counties stretching from Orlando to the Florida Keys. One of five water management districts in the state, SFWMD is the oldest and the largest. As Chairman, I am just one of nine Governing Board Members chosen by the Governor from distinct geographical areas of the District and confirmed by the Senate. We work closely with the Governor to ensure his vision for SFWMD is fully realized.

We have a dedicated staff of nearly 1,500 people who work all across the District and we have strong partnerships with the US Army Corps of Engineers, the Florida Department of Environmental Protection, and the Florida Fish and Wildlife Commission. In addition, we work closely with the elected representatives from the region.

Over the last 70 years as South Florida's population has grown, the District's primary role of providing flood control has expanded from operating one of the largest water management systems in the world to now include restoring the Everglades and Kissimmee River, improving water quality, protecting coastal estuaries, and managing the regional water supply.

On behalf of my colleagues on the Governing Board, I invite you to explore these web pages, to learn of the many interesting and important projects the District undertakes, and to become involved in protecting one of our most valuable resources.

Chauncey Goss,
Chairman, South Florida Water Management District

click for link to article

Winter algae blooms reported in Florida waters - not much toxins

Jan 12th, 2020 · by Katrina Elsken ·

Over the past month, the Florida Department of Environmental Protection has investigated 17 reports of algae blooms in Florida.

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While algae and cyanobacteria blooms are commonly seen in Florida lakes, ponds and waterways in the summer, the algae and cyanobacteria are always present and the right conditions can result in a "bloom" even in the winter.

Algae and cyanobacteria (sometimes called "blue green algae") are microscopic organisms. Rapid reproduction of algae into a mass that is visible to the human eye is called a "bloom." Warm weather, low salinity levels, lack of water movement and the availability of a food supply of phosphorus and nitrogen are the ideal conditions for algae to reproduce.

You can't tell if toxins are present by looking at an algae bloom. Of the more than 20 species of cyanobacteria documented in the Lake Okeechobee waterway, about 25 percent of the species are capable of producing toxins, according to the U.S. Geological Survey. However, **cyanobacteria that is capable of producing toxins does not always do so.** Most blooms contain a mixture of algae and/or cyanobacteria. Laboratory tests are needed to determine what algae and/or cyanobacteria are present and whether or not toxins are present.

Florida Department of Environmental Regulation has documented 17 algae bloom reports in Florida over the past 30 days, including five reports of algae in Lake Okeechobee and three algae blooms in the Caloosahatchee River and estuary. **None of the Lake Okeechobee samples contained toxins, according to FDEP. Two of the Caloosahatchee River samples contained low levels of toxins.**

An algae bloom on Cypress Lake in Orange County has the highest level of toxins, at 28 micrograms per liter.

In 2019, the Environmental Protection Agency set the safe recreational contact level for microcystin toxins at 8 micrograms per liter. The previous standard for recreational contact by humans, set by the World Health Organization was 10 micrograms per liter.

The most recent National Oceanographic and Atmospheric Administration (NOAA) image indicates "low to moderate algae potential" in 10 percent of Lake Okeechobee. The NOAA satellite images are produced with a computer program, based on light frequencies. The satellite looks at the amount of light in many wavelengths. To detect cyanobacteria, they use several wavelengths of red and near-infrared light (this infrared detects brightness, not temperature). The NOAA computer program does not indicate what type of blue-green algae or present or if any toxins are present.

Algae blooms reported in the past 30 days in the Okeechobee Waterway (which is made up of the Caloosahatchee River, Lake Okeechobee, the St. Lucie Canal and the St. Lucie River) included:

* Dec. 11, algae observed at Clewiston Boat Ramp. Dominant taxons were Microcystis aeruginosa and Cylindrospermopsis raciborskii. No toxins were detected.
* Dec. 11, algae observed near E. Cochran's Pass on Lake Okeechobee in Glades County. Tests found dominant taxon was Microcystis aeruginosa. No toxins were detected.
* Dec. 11, algae observed on Lake Okeechobee, north of Clewiston. Testing found Microcystis aeruginosa and Cylindrospermopsis raciborskii were dominant in the sample. No toxins were detected.
* Dec. 16, algae observed on surface of water upstream of the Moore Haven lock on Lake Okeechobee in Glades County. Dominant taxon was Cylindrospermopsis raciborskii. No toxins were detected.
* Dec. 16, algae observed on the Caloosahatchee River upstream of the Franklin Lock. Tests found mixed algae. No toxins detected.
* Jan. 7, algae observed at the Franklin Locks on the Caloosahatchee River. Co-dominant taxa were: Microcystis aeruginosa and Cylindrospermopsis raciborskii. Low levels of toxins were detected at 0.63 micrograms per liter.
* Jan. 7, an algae bloom was reported at the **Davis Boat Ramp** in Lee County. Co-dominant taxa were: Microcystis aeruginosa and Cylindrospermopsis raciborskii. Tests found microcystin toxins at barely detectable levels of 0.48 micrograms per liter.

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Publisher/Editor Katrina Elsken can be reached at kelsken@newszap.com

click for link to newspaper

How to Stop Freaking Out and Tackle Climate Change

Here's a five-step plan to deal with the stress and become part of the solution.

By Emma Marris

Jan. 10, 2020

Photo Credit...Evan Cohen

You are scrolling through the news and see yet another story about climate change.

Australia is on fire. Indonesia is drowning. At the same time, Donald Trump is trying to make it easier to build new fossil-fuel projects.

As you read, your chest tightens and a sense of dread washes over you, radiating out from your heart. You feel anxious, afraid and intensely guilty. Just this morning, you drove a gasoline-powered car to work. You ate beef for lunch. You booked a flight, turned on the heat, forgot your reusable grocery bags at home. This is *your* fault.

As an environmental writer, I'm often asked for guidance on coping with climate change. I have thoughts. Even better, I have a five-point plan to manage the psychological toll of living with climate change *and* to become part of the solution.

Step 1: Ditch the shame.

The first step is the key to all the rest. Yes, our daily lives are undoubtedly contributing to climate change. But that's because the rich and powerful have constructed systems that make it nearly impossible to live lightly on the earth. Our economic systems require most adults to work, and many of us must commute to work in or to cities intentionally designed to favor the automobile. Unsustainable food, clothes and other goods remain cheaper than sustainable alternatives.

And yet we blame ourselves for not being green enough. As the climate essayist Mary Annaïse Heglar writes, "The belief that this enormous, existential problem could have been fixed if all of us had just tweaked our consumptive habits is not only preposterous; it's dangerous." It turns eco-saints against eco-sinners, who are really just fellow victims. It misleads us into thinking that we have agency only by dint of our consumption habits - that buying correctly is the only way we can fight climate change.

As long as we are competing for the title of "greener than thou," or are paralyzed by shame, we aren't fighting the powerful companies and governments that are the real problem. And that's exactly the way they like it.

Step 2: Focus on systems, not yourself.

Even if we manage to zero-out our own contributions to climate change, it would be practically a full-time job, leaving us little time or energy for pushing for the systemic changes we need. And the avoided emissions would be tiny compared with the scale of the problem. Each person in the United States emitted an average of 16 metric tons of energy-related carbon dioxide in 2018, according to the Energy Information Agency. The entire country emitted 5.28 billion metric tons of energy-related carbon dioxide that year.

I have chosen to fight against a proposed gas pipeline, liquefaction facility and liquefied natural gas export terminal that the Canadian company Pembina wants to build in Oregon, where I live. If built, the project would result in emissions of over 36.8 million metric tons of carbon dioxide equivalent per year. Some 42,000 people submitted comments to a state agency asking it to deny permits for the project. If we manage to stop construction, each of those people could claim credit for preventing one forty-two-thousandth of those emissions - some 876 metric tons per person! It would take 54 years of individual zero-carbon living to make the same dent.

My point is that the climate crisis is not going to be solved by personal sacrifice. It will be solved by electing the right people, passing the right laws, drafting the right regulations, signing the right treaties - and respecting those treaties already signed, particularly with indigenous nations. It will be solved by holding the companies and people who have made billions off our shared atmosphere to account.

Step 3: Join an effective group.

These sweeping, systemic changes are complicated and will be hard won. No single person alone can make them happen. Luckily, there are already dozens, if not hundreds, of groups dedicated to climate activism. Some are local and focused on stopping particular fossil-fuel projects, like Rogue Climate in Southern Oregon, with which I am working. Others are national and focused on changing federal policy, like Zero Hour and the Sunrise Movement. Still others, like Greta Thunberg's Fridays for Future, are international and focused on putting moral pressure on climate negotiators and governments around the world. Groups like Project Drawdown research the nuts and bolts of decarbonizing the world. Climate change is linked to income inequality and injustice, so if your passion is fighting for racial justice, the rights of the poor, or indigenous rights and sovereignty, that works, too. Or you might volunteer for a climate-focused local or national political candidate.

Step 4: Define your role.

The power of these groups is not simply strength in numbers. They work well because they divide up the work that needs to be done and give each task to those best suited to it. This also makes the fight less daunting. Instead of trying to become an expert in international regulatory law, global supply chains, atmospheric science and the art of protest, you can offer the skills and resources you already have, and trust that other people with complementary skills are doing what they can do, too. If you are a writer, you can write letters to the editor, newsletters and fliers. If you are strong, you can lift boxes. If you are rich, you can donate money. Only you know what and how much you can reasonably do. Take care not to overdo it at first and risk burning out. Set a sustainable level of involvement for yourself and keep it up. As a bonus, working with a group will increase the richness and diversity of your personal relationships, and may well temper your climate anxiety and depression.

Step 5: Know what you are fighting for, not just what you are fighting against.

Even though keeping global warming under 2.7 degrees Fahrenheit (1.5 degrees Celsius) would absolutely be better than 3.6 degrees Fahrenheit (2 degrees Celsius) of warming, there is no threshold that means that it is "too late" or that we are "doomed." The lower, the better. It is always worth fighting.

As we fight, it is important for our mental health and motivation to have an image in mind of our goal: a realistically good future.

Imagine dense but livable cities veined with public transit and leafy parks, infrastructure humming away to remove carbon dioxide from the atmosphere, fake meat that tastes better than the real thing, species recovering and rewilding the world, the rivers silver with fish, the skies musical with flocking birds.

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This is a future where the economic inequality, racism and colonialism that made decades of inaction on climate change possible has been acknowledged and is being addressed. It is a time of healing. Many ecosystems have changed, but natural resilience and thoughtful human assistance is preventing most species from going extinct. This is a future in which children don't need to take to the streets in protest and alarm, because their parents and grandparents took action. Instead, they are climbing trees.
This future is still possible. But it will only come to pass if we shed our shame, stop focusing on ourselves, join together and demand it.
Emma Marris is the author of "Rambunctious Garden: Saving Nature in a Post-Wild World."
URL: https://www.nytimes.com/2020/01/10/opinion/sunday/how-to-help-climate-change.html

Courtesy

William "Coty" Keller, Ph.D.
Email:
[../../../../../William%20Coty%20Keller/Documents/Vita/signitures/wckeller@earthlink.net]wckeller@earthlink.net
Homepage: http://www.ecopapak.org/

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ManaSota-88, Inc. a 501.c3 Public Health and Environmental Organization

GAS ADDITIVE CONTAMINATION

Methyl tertiary-butyl ether (MTBE) is a volatile, organic chemical. Since the late 1970's MTBE has been used as an octane enhancer in gasoline as a replacement for lead. Throughout Florida , MTBE is used as an oxygenate in automotive fuel in concentrations between 3 and 15 percent in order to reduce ozone and carbon monoxide emissions.

MTBE has been found to cause significant contamination of drinking water due to leaks from underground and above ground petroleum storage tank systems. The small molecular size of MTBE and its high solubility in water allow MTBE to move faster into groundwater than other parts of gasoline. MTBE does not readily biodegrade in the environment and has a tendency to persist longer than other petroleum ingredients.

MTBE has been detected in ground water and drinking water in a number of States and in Florida. The occurrence of low levels of MTBE has also been detected in storm water runoff and some surface water reservoirs used for both drinking water and recreational boating. Non-point source pollution from recreational watercraft is of significant concern because the number of boats and recreational watercraft, such as jet skis, has dramatically increased in Florida's waterways within the past decade. Recreational watercraft can cause small amounts of contamination in a large number of shallow wells and surface waters. Marine species sensitivity to MTBE is unknown, this is particularly troubling due to MTBE's potential impact to the aquatic and marine organisms

According to the Florida Department of Environmental Protection (FDEP), Florida has over 18,000 known sites that have reported discharges of petroleum fuels. Many discharges are not reported or are reported well after the fact.

MTBE should be phased out over time as its usefulness in improving air quality diminishes as newer technologies and fuels replace MTBE. Ethanol is an additive that can be substituted for MTBE because ethanol has twice the oxygen content of MTBE .

Florida should move to immediately ban the use of MTBE as a gas additive. California and New York have banned MTBE. There is significant risk of MTBE in drinking water supplies and an increase in the introduction of MTBE marine and freshwater environments due to recreational boating and jet ski activity.

Chemicals in Private Drinking Water Wells Fact Sheet
Florida Department of Health, Bureau of Environmental Health

http://floridamcores.com/

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About M-CORES

The Multi-use Corridors of Regional Economic Significance (M-CORES) program is intended to revitalize rural communities, encourage job creation and provide regional connectivity while leveraging technology, enhancing the quality of life and public safety, and protecting the environment and natural resources. The intended benefits include, but are not limited to, addressing issues such as:

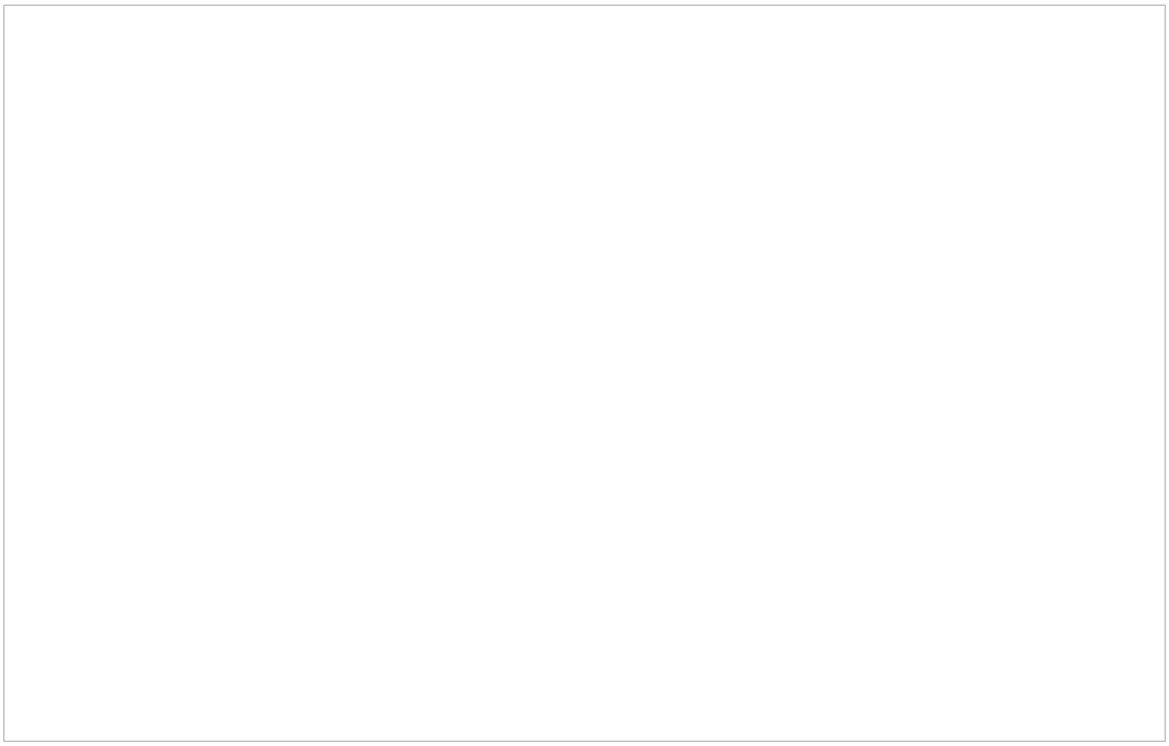
- Hurricane evacuation
- Congestion mitigation
- Trade and logistics
- Broadband, water and sewer connectivity
- Energy distribution
- Autonomous, connected, shared and electric vehicle technology
- Other transportation modes, such as shared-use nonmotorized trails, freight and passenger rail, and public transit
- Mobility as a service
- Availability of a trained workforce skilled in traditional and emerging technologies
- Protection or enhancement of wildlife corridors or environmentally sensitive areas
- Protection or enhancement of primary springs protection zones and farmland preservation areas

The Florida Department of Transportation (FDOT) is assigned with assembling task forces to studythree specific corridors:

- The Suncoast Connector, extending from Citrus County to Jefferson County
- The Northern Turnpike Connector, extending from the northern terminus of Florida's Turnpike northwest to the Suncoast Parkway

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- The Southwest-Central Florida Connector, extending from Collier County to Polk County



M CORES logo

How to Participate

Public participation is vital to the M-CORES process, and there are many ways to share your comments or ideas.

- Attend a meeting. All three task forces will hold public meetings in their respective corridors. We will also hold community open houses to share progress and gather your input. Staff will be available at each open house to answer questions and receive your comments. Check our Calendar of Events for upcoming meetings in your area.
- Contact us. We want to hear from you. Visit theContact Us section of this website to ask a question, submit a public comment or request a public record.
- Sign up for updates. Sign up today to receive news, notices of upcoming meetings and more.

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https://www.flchamber.com/florida-2030/



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Florida is now the third most populous state and by 2030, 26 million Floridians will call Florida home and 1.5 million more jobs will be needed. To prepare for this continued growth and ensure Florida remains successful, the Florida Chamber Foundation has released the blueprint for Florida 2030. This two-year research program engaged business and community leaders in each of Florida's 67 counties and identified key trends and the factors that drive their regional economies. Florida 2030 is our opportunity to work together to strengthen your community, business and future. The future belongs to all Floridians and we need your help to plan for the future.

Below are the key targets identified in the Florida 2030 Blueprint grouped within the Foundation's Six Pillars framework.
Click to download a copy of the Florida 2030 Key Targets and Strategies report and the Florida 2030 Initial Recommendations.

Florida poised to allow Panhandle, Everglades oil exploration

John Haughey / The Center Square

Florida's Congressional delegation remains in near-unanimous opposition to lifting the federal moratorium on off-shore oil drilling, but Agriculture Commissioner Nikki Fried is warning supporters the state is "about to allow oil-drilling in the Everglades and Apalachicola basin."

Fried in an email issued through Florida Consumers First, her political action committee, called for donations to finance an anticipated legal challenge should the state's Department of Environmental Protection (DEP) approve several "outrageous" on-shore drilling permits.

Exploratory oil drilling "would destroy our tourism industry and erase all of the tax money and efforts put into protecting these areas," Fried stated in the email appeal, adding such activity would put "precious water, popular beaches, and wildlife at great danger of being tainted by an oil spill."

Texas-based Cholla Petroleum is asking the DEP to allow it to drill six exploratory wells in the Panhandle's Calhoun County and a long-pending proposal to drill on Everglades land in Broward County.

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The Broward County drilling permit application was submitted by Kanter Real Estate LLC, owned by Miami real estate developer and banker Joseph Kanter, on a 20,000-acre parcel in southwest Broward County for a proposed new town development that never got off the drawing board.

In 2016, Kanter applied for a permit to drill an exploratory well 11,800 feet deep on the land to ascertain if oil could be extracted there. The DEP rejected the application.

If February, a three-judge panel of the First District Court of Appeal issued a 14-page ruling that the DEP "improperly recast factual findings to reach a desired outcome" in upholding its rejection of Kanter's drilling permit.

Fried states in the email that since the ruling, the DEP, DeSantis administration and state lawmakers have "done nothing" to stop or challenge drilling permit applications, adding there are "more on the way."

Kanter's project is among at least five pending oil drilling permit applications either in the protected Everglades or in nearby areas, including Trend Exploration's request to drill in the Caracara Prairie Preserve, a Collier County natural area where the mineral rights remain in private hands.

Among exploratory oil proposals the DEP has approved is Tocala LLC's request to detonate explosives in 6,000 holes drilled across 110 square miles north of Big Cypress National Preserve.

Burnett Oil Co. has also received a permit to search for oil across another 110 square miles of Big Cypress using trucks to generate vibrations that detect oil.

As Fried raises alarm over potential Everglades and Panhandle drilling, senior Florida U.S. Sen. Mario Rubio last week blocked Katharine MacGregor's confirmation as U.S. Department of Interior (DOI) deputy secretary until assured she will not lift the oil drilling ban in waters off Florida.

MacGregor, DOI's deputy chief of staff, is President Donald Trump's nominee to assume the position, which oversees oil drilling. She helped craft DOI's five-year Outer Continental Shelf Oil & Gas Program, which calls for partial lifting of the moratorium in granting oil and gas leases off Florida's Gulf Coast of Florida.

The moratorium expires in 2022. Both U.S. senators and 26 of Florida's 27 congressional representatives want the moratorium extended another five years to 2027.

In September, the House passed a resolution introduced by Rep. Francis Rooney, R-Naples, with 12 Florida reps as co-sponsors, to establish a permanent moratorium in the Eastern Gulf of Mexico.

The only Florida representative to vote against it was Rep. Ted Yoho, R-Gainesville.

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This November, 11,000 scientists from around the world made headlines by publishing an urgent declaration: *"The climate crisis has arrived and is accelerating faster than most scientists expected. It is more severe than anticipated, threatening natural ecosystems and the fate of humanity."*[1]

Their message could not be clearer - we simply can't allow more greenhouse gas emissions.

And yet, despite decades of similar warnings, Trump's EPA just doesn't seem to get it.

TAKE ACTION NOW

Its recent proposal to roll back methane regulations - common sense safeguards that prevent the release of this potent heat-trapping pollutant - is a blatant giveaway to the fossil fuel industry.

Well, we've got a message for EPA Administrator Andrew Wheeler: now is the time to tighten regulations on methane leaks - not relax them.

It's our planet. Our future. And we won't be silent.

The comment period for this proposal is closing soon, so **add your name to our letter to EPA Administrator Wheeler today**.

-Your friends at Climate Reality

1 https://www.theguardian.com/environment/2019/nov/05/climate-crisis-11000-scientists-warn-of-untold-suffering

Small modular nuclear reactors may be future of energy

BY JERRY BRADY

This month, the company that supplies most of southeastern Idaho's electricity, PacifiCorp, announced it will steadily switch out of coal and meet most of its needs with solar and wind, while installing batteries for use when the sun doesn't shine and the wind doesn't blow. One Western utility after another has made a similar announcement this year, including Idaho Power. Our question today is: With such stunning abandonment of coal for renewables, is there still a need for nuclear?

Utilities in 47 Western communities are saying yes, there is.

Public utilities in cities such as Idaho Falls and rural cooperatives such as in Mackay and Salmon

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FL-SEN-20-0201-B, 20-0202-A-003542

would purchase from a cluster of small, simplified, modular reactors that shut themselves down when unsafe and dispose of spent fuel in ways never imagined when the nuclear age began or since. Fittingly, they will be built where electricity was first delivered from a nuclear reactor, from the desert west of Idaho Falls to the town of Arco in 1953.

The flight to renewables is coming on fast. PacifiCorp, with 1.9 million customers, will install 3000 megawatts of wind and 3500 megawatts of wind. Excel, with three million customers from Minnesota to Texas, will become 80 percent renewable by 2030. West coast utilities are on an even steeper curve.

Utilities are choosing wind, solar and battery storage in spite of the abundance of natural gas in the region because they are the cheaper, cleaner and popular with customers. A similar story is emerging in the Southeastern United States and elsewhere, all good news for the planet.

If this is the future, why would 47 utilities buy some of their power from small nuclear reactors in Idaho?

The reactors in question will be built by NuScale (www.nuscalepower.org) , an Oregon company using a design conceived by an Oregon State physicist to address the three greatest vulnerabilities of nuclear: safety, disposal of spent fuel and long-term cost.

Each NuScale reactor generates 80 megawatts. They will typically be built in clusters and buried beneath a few acres of earth, use passive principles to shut down as needed and use less water for cooling. By building modularly in factories and shipping to sites, costs can be reduced.

The 47 utilities - in Idaho, Utah, California, Nevada and New Mexico - have until 2023 to decide to purchase from a cluster of 12 reactors generating 720 megawatts of electricity (470,000 homes). Final approval by the federal Nuclear Regulatory Commission is expected next year, with start-up in the mid-2020's.

These utilities will use nuclear to replace the coal Western utilities are so rapidly abandoning. They expect to pay something under $50 per kilowatt hour, which is more than double solar and wind's current cost, and that cost could decline. However, NuScale is expected to operate for 60 years, which should make it less expensive than the projected cost of natural gas. With nuclear as a base, utilities can then add solar and wind without the cost of battery backup.

Let's be clear: NuScale's first reactors are made possible by federal dollars - $380 million since 2013 - to go with substantial private capital. Utilities will receive $63 million for licensing and siting, which surely influenced their decision. This will not be repeated.

NuScale is one of many small, "fourth generation," modular reactors (SMRs) emerging in Canada, Russia, China and elsewhere. Why is this?

A simple answer is climate. Coal is the major reason the planet is hotter and more dangerous, and fourth-generation nuclear is one remedy.

Coal may be phasing out in the United States, but its use is still growing elsewhere. China and India burned more coal than ever the last two years, and coal shipments over water increased 2 percent last year worldwide.

Countries developing nuclear aren't crazy. China is the world leader in solar, wind, batteries and conventional nuclear. Yet China cannot get out of coal without substituting small nuclear. India's need is even more dire.

Overall, the world economy will triple to $292 trillion by 2050. Renewables cannot meet that demand alone. Every environmentally acceptable resource, including SMRs, must be marshaled to meet the greatest challenge of our time. The American West may not need many new nuclear plants because sun and wind are abundant here but the world is another matter.

NuScale's prime market will likely be abroad. It recently signed a partnership with a Czech utility, adding to relationships in Romania, South Korea, and France and with many international suppliers.

One of Idaho's truly great contributions to the world was to invent the source of 20 percent of nation's electricity, the nuclear reactor, 66 years ago. The U.S. Navy depends on technology developed in the Idaho desert and has never had a serious accident. Yet unsafe practices led to dangerous conditions on the desert that have split eastern Idaho from the rest of the state for decades.

As publisher or president of the Post Register newspaper in Idaho Falls for 25 year I took seriously the frightening description of waste at the Idaho National Laboratory being "poised over the drinking water for 300,000 people." The need for action was clear. Our paper supported Govs. Cecil Andrus and Phil Batt as they gained state control over the Department of Energy and urged a

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serious measure of state control and cleanup, often against local opposition.
However, the Batt Agreement was signed in 1996. In all, $9 billion have been spent since then cleaning up past mistakes. Thousands of eastern Idahoans have lost or will soon lose their jobs because their cleanup mission has been accomplished, with just one major task left to be completed.
With state regulation in place and with significantly improved technology, might NuScale enjoy a measure of the trust in Idaho lost in the last generation?
Understanding all this is deeply important. The climate challenge demands a higher level of honesty and accountability from all of us. Please consider resetting your own thinking - or taking a new look - when the words "nuclear" and "Idaho" appear together. As our planet grows warmer while needing of ever more energy, consider the welfare of the entire world.

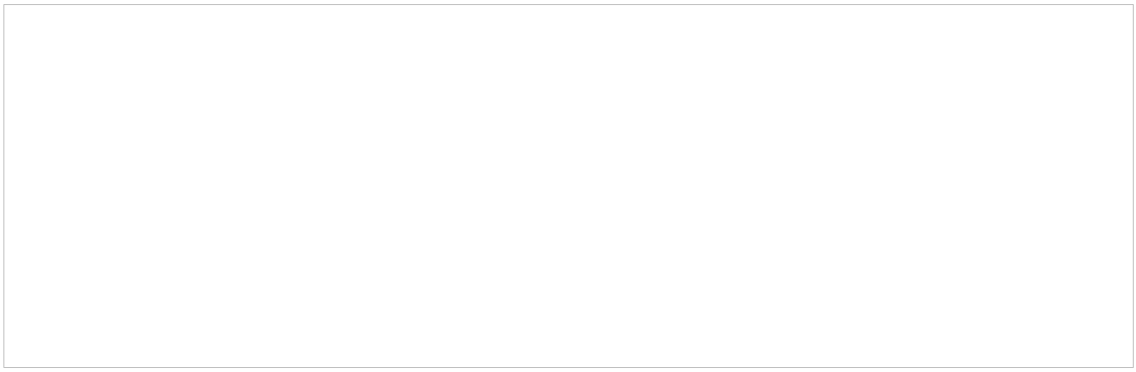
Jerry Brady was president of the Post Company in Idaho Falls, a media company that was one-third employee-owned at the time of its sale in 2015.

$5.3 million dollar grant awarded to Ding Darling for wetland restoration in Sanibel

SANIBEL, Fla. - A federal grant will give Southwest Florida Refuge resources to enhance the wetland habitat for roosting and nesting birds.
The National Fish and Wildlife Foundation announced its award of 5.3 million dollars to the Ding Darling National Wildlife Refuge on Sanibel Island.
The money will be used to restore the newly acquired, 68-acre "Wulfert Bayous," adjacent to the refuge.
The hope is to replace bird populations affected by the BP Deepwater Horizon oil spill in 2010.
The refuge will improve 16 acres of functional mangrove habitat to attract species impacted by the oil spill, including roseate spoonbills, white ibises, brown pelicans, wood storks, and several egret and heron species.

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68 years ago, a group of ecologists banded together to officially form The Nature Conservancy. When they stepped in to save a 60-acre forest from the auction block, they had no idea their small community would transform into the world's leading conservation organization - backed by millions of supporters just like you who care about protecting the lands and waters that sustain us all.

As a loyal Conservancy supporter, you are part of that legacy, so I hope you'll celebrate our birthday with us!

Here are just a few reasons why you've made this last year the best one yet (and why we're eating an extra slice of birthday cake). You helped:

Protect 253,000 acres of Appalachian splendor - this grand-scale initiative will conserve and restore forests and streams in Kentucky, Tennessee, and Virginia that have been affected by a century of coal mining.

Give sea turtle hatchlings a safe home - the acquisition of more than 6,200 acres on South Padre Island is critical to the survival of the Kemp's ridley sea turtle.

Pioneer an audacious idea for oceans - our Blue Bonds for Conservation model was honored by TED, the respected nonprofit dedicated to ideas worth spreading, for its potential to transform ocean conservation for as many as 85 island nations.

Push for real climate action on a world stage - your voice was front-and-center at the UN Climate Summit and New York Climate Week events, urging world leaders to take action.

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Launch a massive urban tree-planting initiative - in a first-of-its-kind collaborative health study, we're planting trees and studying how nature affects asthma and heart disease rates.

This is what conservation progress looks like - and we owe every birthday wish to you.

You are making the world a better place, and your dedication to our mission means so much to us. As we look ahead to another year, please help us keep pushing forward on the biggest priorities. With your support, we can save more acres of land from the auction block, restore more forests, and pioneer new solutions to climate change.

Thank you for giving us so much to celebrate this year.

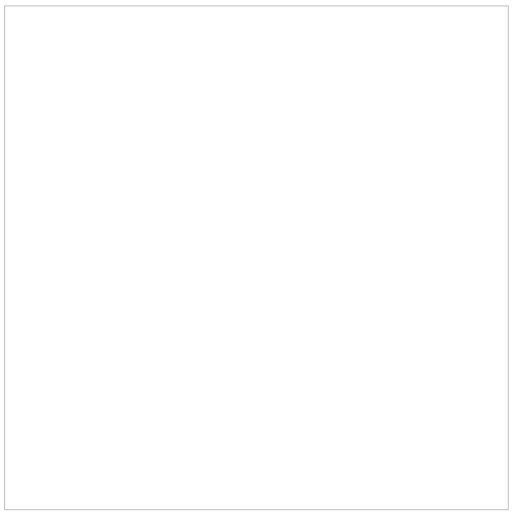
With gratitude,

Signature

Dave Strauss
Director of Membership
The Nature Conservancy

PHOTOS: Sunrise at Blue Grass Fish & Wildlife Area, near Chandler, Indiana © A

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Upcoming Events

29th Annual Southwest Florida Water Resources Conference
Fort Myers | January 24, 2020

2020 UF Water Institute Symposium
Gainesville | February 25-26, 2020

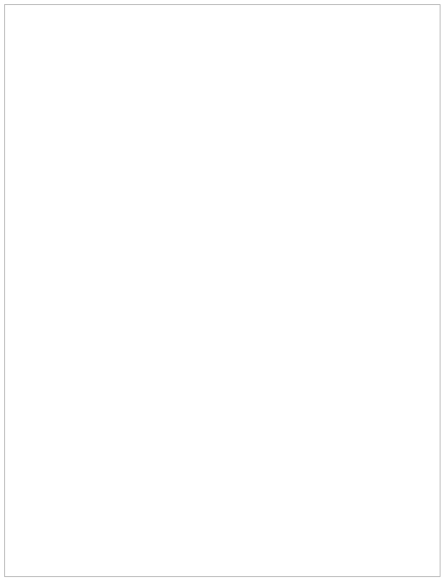
March 2020 Technical Meeting
Tampa-area | March 2020

May 2020 Technical Meeting
Panama City | May 2020

AWRA Florida continues to be one of the most cost-effective organizations in the water and natural resources arena.

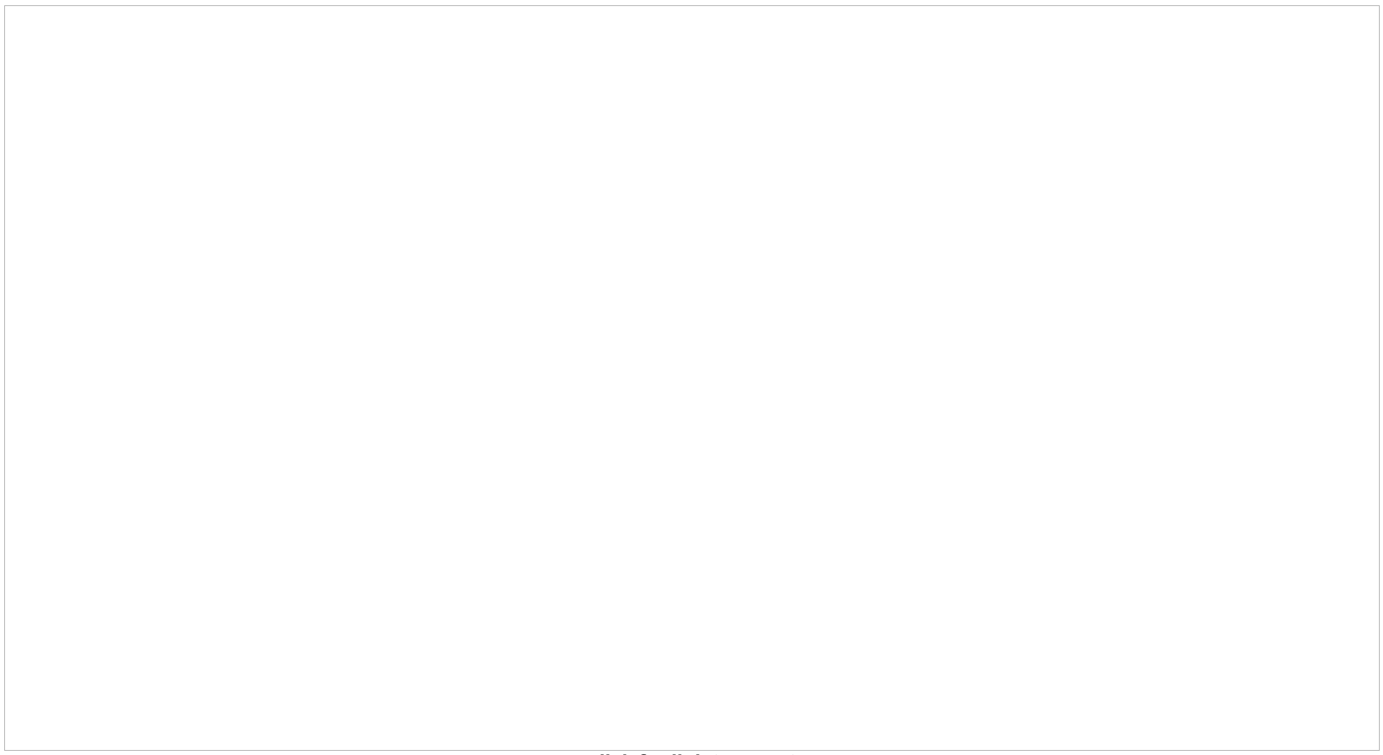
Annual membership dues are only $25 for professionals and $5 for students.

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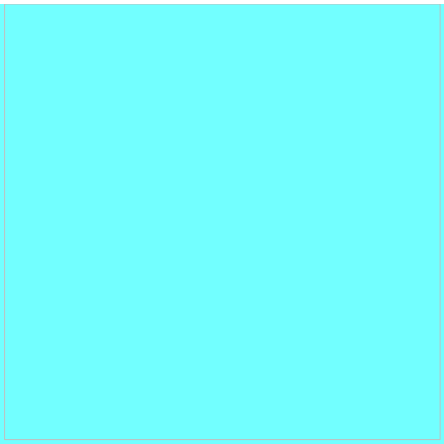
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Explore global warming with graphics, illustrations, and charts that separate climate change fact from fiction, presenting the truth about global warming in a way that's both accurate and easy to understand. Respected climate scientists Michael E. Mann and Lee R. Kump address important questions about global warming and climate change, diving into the information documented by the IPCC (Intergovernmental Panel on Climate Change) and breaking it down into clear graphics that explain complex climate questions in simple illustrations that present the truth of the global warming problem clearly.
These experts take scientific findings about climate change and global warming and use analogies, striking images, and understandable graphics to make the global warming question clear to both skeptics and scientists. *Dire Predictions* shows the evidence and the causes that respected scientists have documented in IPCC findings and climate change studies - this powerful, illustrated book is updated with the latest IPCC information and is a must-read for anyone interested in understanding global warming and climate change and in joining the debate over the best way to combat global warming.



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COSTS OF GROWTH

State demographers estimate Florida's population will surpass 22 million residents by 2022, with more than 900 new residents a day, and with an average of 330,000 people a year over the next five years.

Most of the growth is coming from people moving to Florida as opposed to a natural increase from births.

For the vast majority of Floridians, the costs of growth continue to be the reality evident in the higher taxes, overcrowding, and environmental degradation that inevitably results. While maximizing economic growth is still promoted as the solution to all problems, more and more people are examining the hidden costs and accompanying taxpayers subsidies.

We recognize that most of the benefits accrue to a few special interests. We realize that in the long run growth never pays for itself. Residents are questioning the assumption that any and all growth is good and questioning whether a new road or highway, commercial development, or tax subsidized factory is really in the community' s long-term best interests.

There is also a growing awareness that simply managing or mitigating the effects of growth is not solution. Even a rate of growth of one percent per year will result in a doubling in size of resources consumed within decades. In a finite world of limited resources, growth, whether in the number of people or gross domestic product, cannot go on forever. The path to sustainability lies in transforming unending growth into the kind of stable economic activity that is reflected in more efficient use of resources and improved quality of life .

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The results of poorly planned growth are vividly demonstrated in the Sarasota and Manatee County Comprehensive Plans.

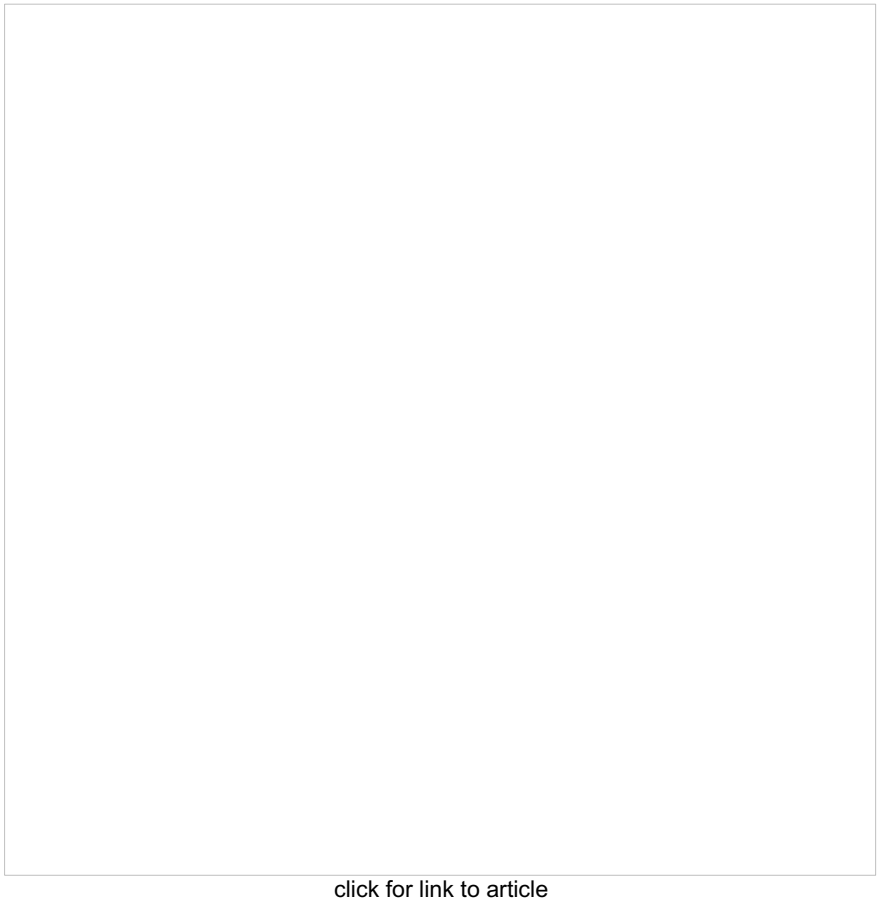
The public is placed at risk because of poor past and current policies.

Local governments have the responsibility of protecting the well-being and safety of all people by limiting new development in hurricane prone areas, building adequate evacuation routes, and providing sufficient hurricane shelters. Local governments have the responsibility for the safe evacuation of, not only its residents and property owners, but others as well.

Quality of life issues, particularly at the rate of growth Florida is experiencing, are important and should continue to be looked at. Since the health, welfare and quality of life of Florida residents are closely tied to efficient permitting activity,

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environmental regulatory funding needs to be prioritize.



click for link to article

Association of Fish and Wildlife Agencies Supporting the Introduction of the Recovering America's Wildlife Act

Washington D.C. - The Association of Fish and Wildlife Agencies strongly supports the introduction of the Recovering America's Wildlife Act. This bipartisan legislation would dedicate $1.3 billion in existing revenue annually from the U.S. Treasury to State Fish and Wildlife Agencies to implement their State Wildlife Action Plans and an additional $97.5 million for tribal fish and wildlife managers to conserve fish and wildlife on tribal lands and waters. State Wildlife Action Plans are congressionally mandated plans outline proactive solutions to conserve those species in greatest need and prevent wildlife from becoming threatened or endangered. Congresswoman Debbie Dingell (D-MI) and Congressman Jeff Fortenberry (R-NE) announced the introduction of this bipartisan bill today in Washington D.C.

"Our nation's fish and wildlife are among its most valuable resources, along with clean air, water, healthy forests and agricultural lands that support all of us," stated Ed Carter, President of the Association of Fish and Wildlife Agencies and Executive Director of the Tennessee Wildlife Resources Agency. "Today we find ourselves facing wildlife species declines that could alter our children's and grandchildren's opportunities to enjoy these resources. By investing in our State Wildlife Action Plans, which contain prioritized actions for restoring and managing the most imperiled species within our states' borders, we will be ensuring future generations can enjoy our rich wildlife heritage. In essence, we are performing preventative maintenance, addressing concerns before they become a crisis. It is by far the most economical way to proceed and the chance of success is exponentially greater."

"Bold solutions are needed to safeguard our nation's wildlife from further decline," said Congresswoman Dingell. "The Recovering America's Wildlife Act represents a strong commitment to addressing the current biodiversity crisis using innovative, state-based management that will safeguard our nation's environmental heritage for current and future generations."

Congressman Fortenberry added "Recovering America's Wildlife Act (RAWA) is a smart upstream

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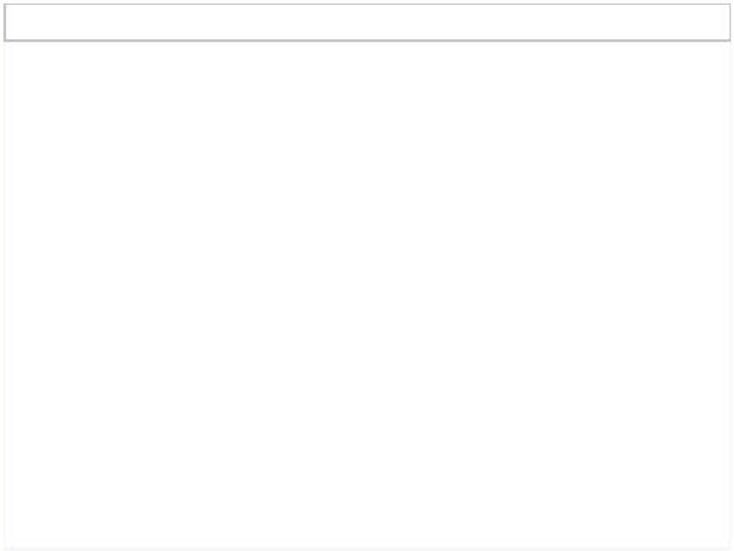
policy that promotes continuity of habitats and helps prevent the costly downstream emergency room procedures of the Endangered Species Act. Through proactive, collaborative, and voluntary partnerships with states, RAWA enhances community recreational opportunity for birders, hikers, hunters, anglers and all who enjoy the beauty of nature."

"Our existing funding model can no longer keep up with the needs of the full array of fish and wildlife in this country," said Executive Director Ron Regan. "This bill will allow all Americans to become investors in conserving our nation's fish and wildlife heritage."

These critical efforts are supported by the Alliance for America's Fish & Wildlife, whose purpose is to create a 21st-century funding model for critically needed conservation of our nation's most precious natural resources, our fish and wildlife. This effort was built upon the strong partnership created by the Blue Ribbon Panel on Sustaining America's Diverse Fish & Wildlife Resources, consisting of members representing the outdoor recreation, retail and manufacturing sector, the energy and automotive industries, private landowners, educational institutions, conservation organizations, sportsmen's groups and state and federal fish and wildlife agencies.

#RecoverWildlife

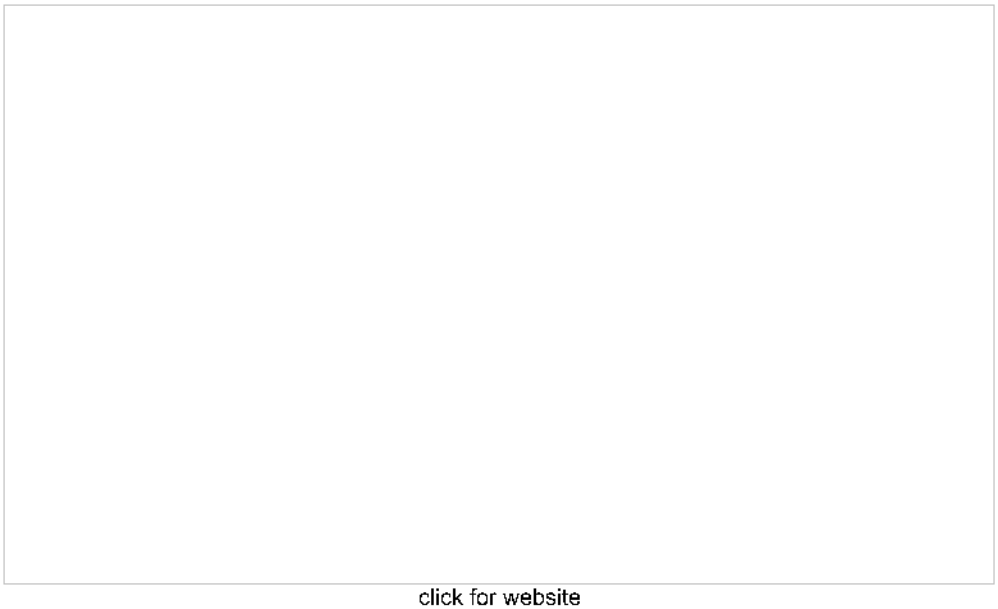
Check out our press release here: https://www.fishwildlife.org/.../statement-AFWA-supporting-in...



HR 3742.

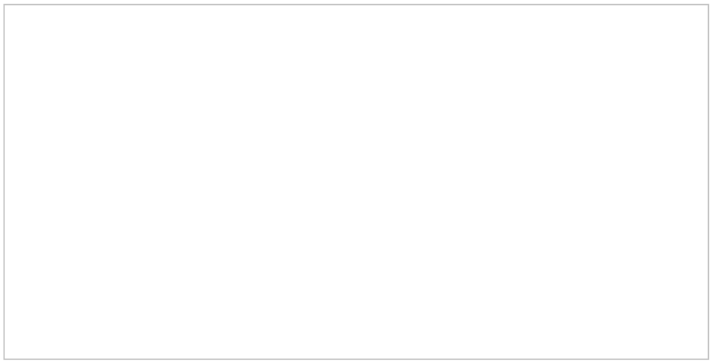
H.R.3742: To amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes.

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click for website

The Land and Water Conservation Fund (LWCF) is America's most important program to conserve irreplaceable lands and improve outdoor recreation opportunities throughout the nation. The program works in partnership with federal, state and local efforts to protect land in our national parks, national wildlife refuges, national forests, national trails, and other public lands; to preserve working forests and ranchlands; to support state and local parks and playgrounds; to preserve battlefields and other historic and cultural sites; and to provide the tools that communities need to meet their diverse conservation and recreation needs.



click for link to presentations

Planning for Resilience: The Southeast Florida Regional Climate Change Compact

Regional Resilience:
Largely a Question of Water

- Sea level rise
- Extreme rainfall and drought
- Coastal and inland flooding
- Increased storm intensity
- Saltwater intrusion
- Water quality

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click for link to presentations

Corps Comprehensive Study: measures that can be taken by Federal and non-Federal partners to reduce risk and vulnerability in the Southeast.

Central and Southern Florida Project (C&SF)

One of the largest and most complex flood risk management projects in the world, authorized in 1948
* 10 locks * 1,000 miles of canals
* 720 miles of levees * over 150 water control structures
* 16 pump stations

New Challenges:
* Rapid Population Growth and Development
* Sea Level Rise New Solutions:

* Comprehensive restudy could be conducted under Section 216 authority ($20M/5 years).

* Scope: Will authorize improvements, updates, and inform how the system should look, operate, and adapt considering changes since initial construction to **include sea level rise and population increase**. The recommendations in this report will authorize and focus on the project features which can reduce the most immediate risk to sea level rise and changing conditions and recommend areas for further study. * Jacksonville District is completing a 216 initial appraisal report with O&M funding in order to qualify for study funds. * Consideration may need to be given to prioritizing smaller studies

Photographer Mac Stone's Journey to Document Florida's Wetlands

Ennobling the Everglades

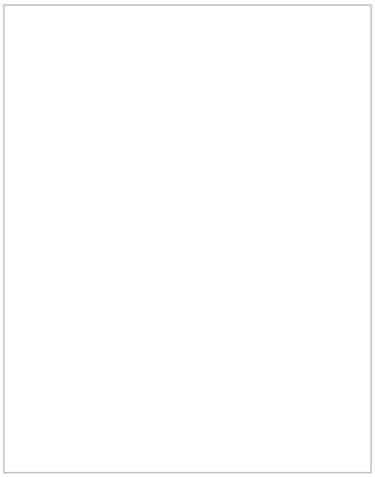
When it comes to his beloved Everglades, photographer Mac Stone doesn't like the word "fragile." The Florida wetlands may be imperiled by pollution and development, but they are also, he argues, resilient.

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Stone, 34, spent five years venturing into some of the swampland's most inhospitable depths to capture images of everything from majestic cypress forests and flights of rare birds to sharks navigating the roots of mangroves. His book "Everglades: America's Wetland," containing 240-luminous photographs and also essays by leading conservationists, documents what he calls "a different kind of wild." His Ted Talk on the subject has drawn more than a million viewers. View TED talk.

A vast network of forests, prairies, and wetlands that extends from the Kissimmee chain of lakes to Florida Bay and covers a third of the state, the Everglades defies easy definitions. It has been viewed with antagonism, by everyone from white settlers hundreds of years ago to today's developers, as a swamp to be hacked and paved over. Considered haunted and dangerous, its black waters have exerted an outsized influence on the American imagination. A World Heritage Site, it is home to thousands of species of wildlife, many of them endangered.

Here, the award-winning photographer talks about his work.



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TED talk

What are minimum flows and levels?

Minimum flows and levels, or MFL, are the lowest water flows and water levels that can occur in a Florida water body. Water flows and water reductions below the minimum levels could be significantly harmful to the water resources or ecology of the area.

Who is in charge of establishing these minimum flows and levels?
The five Florida water management districts are responsible for MFL development for each water body within their boundaries (Florida Statute 373.042).

How do water management districts determine the minimum flows and levels for each water body?
Each water management district has different methods and protocols it uses to set MFL. All water management districts use the best available information and consider the natural processes and uses of the water body. Considerations include fish and wildlife habitats, maintenance of freshwater storage and supply, water quality, and recreation (Florida Administrative Code 62-40.473). Computer simulations are done to identify a range of flows or levels above which water may be permitted for consumptive use, such as for drinking water or irrigation.

What happens when MFL are reached or surpassed?
Once MFL are reached, the water management district may restrict water consumption in the area.

What is the Florida Fish and Wildlife Conservation Commission's role in MFL?
To provide water management districts with necessary biological data, the agency's biologists research relationships between river flows and levels and fish and invertebrate communities.

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SFWMD Interactive Strategic Projects Map

"The District is making tremendous headway on critical projects throughout our 16 counties and this interactive map puts that progress right at the public's fingertips," said SFWMD Executive Director Ernie Marks. "Whether it be the expansion of innovative information sharing technologies or the altering of this agency's processes to increase transparency, this District is committed to finding new ways to engage the public and keep them apprised of the great work being done to benefit their everyday life."

Online map allows public to keep track of progress on flood control, restoration and water supply projects crucial to implementation of District's strategic plan and core missions

Click on the image to view SFWMD's new interactive Strategic Projects Interactive Map with the latest progress being made on dozens of different projects that are part of the District's 2018-2023 Strategic Plan.

West Palm Beach, FL - The South Florida Water Management District (SFWMD) today activated a new website that allows the public to access an interactive map of projects critical to the future of water management in South Florida through the Strategic Projects Interactive Map.

"The District is making tremendous headway on critical projects throughout our 16 counties and this interactive map puts that progress right at the public's fingertips," said SFWMD Executive Director Ernie Marks. "Whether it be the expansion of innovative information sharing technologies or the altering of this agency's processes to increase transparency, this District is committed to finding new ways to engage the public and keep them apprised of the great work being done to benefit their everyday life."

The Strategic Projects Interactive Map was designed through a collaboration of several teams at the District.

Click on the image to access SFWMD's Strategic Projects Interactive Map.

The map allows users to click one of any of dozens of ongoing projects underway as part of the 2018-2023 Strategic Plan, achieving the agency's four core missions of providing flood protection, restoring water quality, ensuring water supply and restoring natural systems. Information includes project photo, name of the project manager and project status.

SFWMD will continue to expand this online tool by regularly updating information about these and other projects that are part of the overall strategic plan in the coming weeks and months.

Visit SFWMD's Facebook page.

Follow SFWMD on Twitter.

Subscribe to SFWMD's Youtube Channel.

Visit SFWMD's homepage.

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Get the Daily Digest

You can read the Daily Digest of our Facebook page.

Support Eco-Voice

Donate

We need your financial support to keep going. Please make a donation today. Checks can be sent to:
Post Office Box 50161
Fort Myers, FL 33994

Eco-Voice, Inc. has 501c3 status.

Eco-voice is a non-partisan, independent, volunteer-run organization, which endeavors to communicate multiple positions on important environmental issues effecting south Florida. The opinions posted on this site are not necessarily those of the site managers or all of our sponsors. Posts are not reviewed for accuracy, spelling or grammar. Comments on postings can be made on our Facebook page or sent to the moderator, ecovoicemoderator@msn.com.

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Sincerely,

Eco-Voice Moderator
Eco-Voice, Inc.

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Eco-Voice, Inc.
P.O. Box 50161
Fort Myers FL 33994

SafeUnsubscribe™ brandes.jeff@flsenate.gov

Forward email
Update Profile
About our service provider

Sent by ecovoicemoderator@msn.com in collaboration with

Constant Contact
Try email marketing for free today!

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From: Vause, Diane <VAUSE.DIANE@flsenate.gov>
Sent: Friday, January 24, 2020 4:27 PM EST
To: Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>; Senate District 03 (Montford) <SenateDistrict03Montford@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; !HSE Public Integrity and Ethics Committee <!HSEPublicIntegrityandEthicsCommittee@myfloridahouse.gov>; !HSE State Affairs Committee <!HSEStateAffairsCommittee@myfloridahouse.gov>; Mackintosh, Andrew <MACKINTOSH.ANDREW@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 28 (Passidomo) <SenateDistrict28Passidomo@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 35 (Braynon) <SenateDistrict35Braynon@flsenate.gov>; Senate District 36 (Diaz) <SenateDistrict36Diaz@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Sergeant's Office <SenateSergeant'sOffice1@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>
Subject: EE Meeting Packet for 01/27/20; 4:00 p.m.

The committee meeting materials are now available in Session Organizer for the **01/27/20; 4:00 p.m. Ethics and Elections Committee** meeting.

In Session Organizer, click on the Committee Agendas tab and select the desired meeting.

- Select and view Executive Appointment documents:
  - ***Select the row above Tab 1*** *for the Senate (EE) Committee Confirmation Hearing Packet*
  - *Click on "Other Documents" tab within the Details Pane*

- Select and view other documents individually:
  - *Select an agenda item;*
  - *Select an associated document in the Details Pane: Amendment, Bill Analysis, Presentation (Other), etc.*
  - *The selected document is displayed in the Document Viewer.*

- Produce a full packet, with bookmarks:
  - *Click File > Print Packet > All Bills;*
  - *In the Packet Builder dialog, verify that Pre-set is set to Committee Packet;*
  - *Click the Create PDF button;*
  - *View, Save, or Print.*

For your convenience, bill introducers who are not members of this committee are listed below, and their respective tabs are noted:

Non-member Introducers	Tab Numbers
Senator Hudson	Tab #6 and #10
Senator Gruters	Tab #7
Senator Montford	Tab #8
Senator Brandes	Tab #9

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From: Vause, Diane <VAUSE.DIANE@flsenate.gov>
Sent: Friday, January 31, 2020 4:04 PM EST
To: Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>; Senate District 08 (Perry) <SenateDistrict08Perry@flsenate.gov>; Senate District 14 (Wright) <SenateDistrict14Wright@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate Committee - Military and Veterans Affairs and Space <SenateCommittee-MilitaryandVeteransAffairsandSpace@flsenate.gov>; !HSE Public Integrity and Ethics Committee <!HSEPublicIntegrityandEthicsCommittee@myfloridahouse.gov>; !HSE State Affairs Committee <!HSEStateAffairsCommittee@myfloridahouse.gov>; Mackintosh, Andrew <MACKINTOSH.ANDREW@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 28 (Passidomo) <SenateDistrict28Passidomo@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 35 (Braynon) <SenateDistrict35Braynon@flsenate.gov>; Senate District 36 (Diaz) <SenateDistrict36Diaz@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Sergeant's Office <SenateSergeant'sOffice1@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>
Subject: EE Meeting Packet for 02/03/20; 4:00 p.m.

The committee meeting materials are now available in Session Organizer for the **02/03/20; 4:00 p.m. Ethics and Elections Committee** meeting.

In Session Organizer, click on the Committee Agendas tab and select the desired meeting.

- Select and view Executive Appointment documents:
  - *Select the row above Tab 1 for the Senate (EE) Committee Confirmation Hearing Packet*
  - *Click on "Other Documents" tab within the Details Pane*

- Select and view other documents individually:
  - *Select an agenda item;*
  - *Select an associated document in the Details Pane: Amendment, Bill Analysis, Presentation (Other), etc.*
  - *The selected document is displayed in the Document Viewer.*

- Produce a full packet, with bookmarks:
  - *Click File > Print Packet > All Bills;*
  - *In the Packet Builder dialog, verify that Pre-set is set to Committee Packet;*
  - *Click the Create PDF button;*
  - *View, Save, or Print.*

For your convenience, bill introducers who are not members of this committee are listed below, and their respective tabs are noted:

Non-member Introducers	Tab Numbers
Senator Gruters	#8
Senator Perry	#9
Senator Wright	#10
Military & Veteran's Aff.Comm.	#10
Senator Brandes	#11

AMERICAN OVERSIGHT

From: William Gay <billgay@me.com>
Sent: Monday, February 03, 2020 3:21 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Election corruption in Madeira Beach
Attachment(s): "Records Request - 2019 Municipal Election.pdf","ATT00001.htm","Moderates for Madeira, Inc. - Election Complaint - Delivered 8-5-2019.pdf","ATT00002.htm","Andrews, Douglas - Election Complaint - Delivered 8-5-2019.pdf","ATT00003.htm","Kochick, Steve - Election Complaint - Delivered 8-5-2019.pdf","ATT00004.htm"

Senator Jeff Brandes:

I thought you might be interested in information about the Florida Election Commission investigation of a political committee and several commission candidates who ran in the March 2019 Madeira Beach election.

Attached are copies of three complaints submitted to the Florida Elections Commission about the 2019 municipal elections in Madeira Beach. The complaints allege violations by the Moderates for Madeira political action committee and the campaigns of Douglas Andrews and Steve Kochick for seats on the City Commission. I believe the public would be interested in the Florida Elections Commission investigation of the 2019 municipal election campaign in Madeira Beach for several reasons.

1. One of the candidates being investigated, Andrews, currently sits on the City Commission. The multiple allegations lodged against the Moderates for Madeira political action committee and candidates Andrews and Kochick are serious violations of the Florida election code.
2. The City Clerk and the City Attorney failed to review election reports filed with the city by Moderates for Madeira and its candidates in 2019. Their negligence is surprising given that the Elections Commission found election code violations occurred in Madeira Beach's 2017 municipal election and the 2018 recall election effort. The City Attorney was heavily involved in litigation surrounding the recall election.
3. The Elections Commission has been slow to investigate the election complaint I filed with election attorney Ron Meyers in early August 2019. This slow pace of the Commission's investigation is a perfect example of the adage, "Justice delayed is justice denied."
4. The public needs to know more about the relationship between the Old Salt Fishing Foundation and the City of Madeira Beach. The 2019 political campaigns of Andrews and Kochik were managed and staffed by Principals of Old Salt (Thomas and Amy Verdensky) through their for-profit LLC, Squid Ink Productions. Old Salt and Squid Ink share board members, employees, office space, office equipment and accounting systems. The close business relationship between the non-profit Old Salt and the for-profit Squid Ink raises serious questions about the non-profit status of Old Salt.
5. Old Salt, under the guise of charity, has a contract with the City of Madeira Beach to produce festivals and fishing tournaments on City property. From 2009 - 2017 Old Salt generated gross revenues in excess of $7M. However, less than $170K of its total revenue was spent on charitable donations. This amounts to a mere 2.4% of Old Salt's total revenue during this period. High performance charities donate 90+ percent of their income to their charitable causes.

Please call me if you have any questions about the attached materials or want to review additional information about the election complaints and Old Salt finances.

I believe the public deserves to know more about election law violations in Madeira Beach, the relationship of Squid Ink/Old Salt to the Andrews and Kochick campaigns, and Old Salt's contractual relationship with the City.

Sincerely,
William Gay
Madeira Beach, FL
703-774-5464

****

Records Request Letter to Mayor Maggi Black, City Manager Robert Daniels - January 30, 2020

AMERICAN OVERSIGHT

MD

FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224, Tallahassee, FL 32399-1050

COMPLAINT

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom it is brought.

1. **PERSON BRINGING COMPLAINT:**

Name: William Gay Work Phone: (703) 774-5464

Address: 423 150th Ave, Unit 1503 Home Phone: (703) 774-5464

City: Madeira Beach County: Pinellas State: FL Zip Code: 33708

2. **PERSON AGAINST WHOM COMPLAINT IS BROUGHT:**

If you intend to name more than one individual or entity, please file multiple complaints. A person can be an individual, political committee, political party, electioneering communication organization, club, corporation, partnership, company, association, or other type of organization.

Name of individual or entity: Douglas Francis Andrews

Address: 90 141st Avenue, Unit B Phone: (703) 628-4313

City: Madeira Beach County: Pinellas State: FL Zip Code: 33708

If individual is a candidate, list the office or position sought: Madeira Beach City Commission

Have you filed this complaint with the State Attorney's Office? (check one) ☐ Yes ☑ No

Are you alleging a violation of Section 104.271(2), F.S.? (check one) ☐ Yes ☑ No

Are you alleging a violation of Section 104.2715, F.S.? (check one) ☐ Yes ☑ No

3. **ALLEGED VIOLATION(S):**

Please attach a **concise** narrative statement in which you list the provisions of the Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

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STATEMENT OF ELECTION COMPLAINT

Respondent: Douglas Andrews

The Respondent, Douglas Andrews (hereafter "Andrews") on December 20, 2018, became a candidate seeking election to the City Commission District 3 seat on the Madeira Beach, Florida City Commission. The DS-DE 9 form filed disclosed that Andrews would serve as his own campaign treasurer (A copy of the DS-DE 9 is attached hereto and incorporated herein by reference as Exhibit 1).

On January 9, 2019, Andrews filed a 2018 M12 report disclosing that he made a personal contribution to his campaign on December 20, 2018, in the amount of $100 (A copy of the 2018 M12 Report is attached hereto and incorporated herein by reference as Exhibit 2).

On February 7, 2019, Andrews filed a 2019 M1 report disclosing that he made a loan to his campaign on January 1, 2019, in the amount of $150. The report also discloses that an expenditure was made on January 11, 2019 to the City of Madeira Beach in the amount of $128.70 for "Election Fees" (A copy of the 2019 M1 Report is attached hereto and incorporated herein by reference as Exhibit 3).

On February 12 and February 28, 2019, respectively, Andrews filed waivers of reports for the G1 and G2 reporting periods (Copies of the 2019 G1 and G2 Waiver of Report forms are attached hereto and incorporated herein by reference as Exhibit 4).

On May 8, 2019, Andrews filed a termination report disclosing payment of bank fees and reimbursement to himself of the remaining balance in the campaign account in the total amount of $112.30. However, the expenditure amounts for each expenditure are not listed on the itemized expenditure page and the expenditure report fails to list Andrews as the person to whom "Repayment of Loan" was made (DS-DE 14 attached as part of Exhibit 5). (A copy of the 2019 TR Report is attached hereto and incorporated herein by reference as Exhibit 5).

Thus, according to the reports which Andrews filed the only contributions he received were a total of $250 which was contributed to his campaign by him and only $128.70 was expended on his election (which payment was for "Election Fees" paid to the City of Madeira Beach).

In fact, an amount substantially in excess of $1,000 was contributed in-kind to Andrews' campaign by the Moderates for Madeira, Inc. political committee which provided advertising, yard signs, informational cards, volunteer entertainment expenses and similar support expressly advocating for the election of Andrews. Copies of some of the advertisements are attached hereto and incorporated herein as Exhibit 6. Copies of the Moderates for Madeira, Inc. political committee's reports disclosing the expenditures it made for the advertising and other expenses it incurred in support of Andrews' campaign are attached hereto and incorporated herein as Exhibit 7.

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Andrews has violated the following provisions of the Florida Election Code:

1. Section 106.07(4)(a), Florida Statutes – Andrews has failed to file required reports disclosing the in-kind contributions made to his campaign by the Moderates for Madeira, Inc. political committee.

2. Section 106.07(4)(a)9., Florida Statutes – Andrews has failed to report the full name and address of each person to whom an expenditure has been made on his 2019 M1 and 2019 TR reports (Exhibits 3 and 5).

3. Section 106.08(1)(a)2, (7)(a) & (b) and (8), Florida Statutes – Andrews has knowingly accepted in-kind contributions in excess of the maximum aggregate amount of $1,000 and should accordingly be fined in accordance with these sections of law.

WHEREFORE, the Commission should find Andrews to be in violation of the aforementioned sections of the Florida Election Code and impose punishment as provided, including, without limitation, the imposition of "a sum equal to twice the amount contributed in violation of this chapter" and other penalties as provided in Sections 106.19(1)(b) and (2) and 106.265, Florida Statutes.

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Received BY CITY CLERKS OFFICE 20 DEC 2018 12 NOON

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

☒ Initial Filing of Form Re-filing to Change: ☐ Treasurer/Deputy ☐ Depository ☐ Office ☐ Party

2. Name of Candidate (in this order: First, Middle, Last)	3. Address (include post office box or street, city, state, zip code)
DOUGLAS FRANCIS ANDREWS	90 141st Ave. Unit B Madeira Beach, FL 33708
4. Telephone: (703) 628-4313	5. E-mail address: dougandrews1@aol.com

6. Office sought (include district, circuit, group number)	7. If a candidate for a nonpartisan office, check if applicable:
Commissioner Dist. 3	☐ My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

☐ Write-In ☐ No Party Affiliation ☐ _____ Party candidate.

9. I have appointed the following person to act as my ☒ Campaign Treasurer ☐ Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer: DOUG ANDREWS

11. Mailing Address	12. Telephone
90 141st Ave. Un. tB.	(703) 628-4313

13. City	14. County	15. State	16. Zip Code	17. E-mail address
Madeira Beach	Pinellas	FL	33708	dougandrews1@aol.com

18. I have designated the following bank as my ☒ Primary Depository ☐ Secondary Depository

19. Name of Bank	20. Address
BANK OF AMERICA	14805 Gulf Blvd.

21. City	22. County	23. State	24. Zip Code
Madeira Beach	Pinellas	Florida	33708

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date	26. Signature of Candidate
12/20/18	X [signature]

27. **Treasurer's Acceptance of Appointment** (fill in the blanks and check the appropriate block)

I, DOUG ANDREWS, do hereby accept the appointment
(Please Print or Type Name)

designated above as: ☒ Campaign Treasurer ☐ Deputy Treasurer

12/20/18 (Date) X [signature] (Signature of Campaign Treasurer or Deputy Treasurer)

DS-DE 9 (Rev. 10/10) Rule 1S-2.0001, F.A.C.

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CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Name: rews

(2) Address (number and street): 90 1st [illegible] Un

City, State, Zip Code: Madeira Beach, FL, 33708

OFFICE USE ONLY

☐ Check here if address has changed

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☐ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 12 / 01 / 18 To 12 / 31 / 18 Report Type: M-1

☐ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 100.00
Loans	$
Total Monetary	$
In-Kind	$

(7) Expenditures This Report

Monetary Expenditures	$
Transfers to Office Account	$
Total Monetary	$ 0.00

(8) Other Distributions

$

(9) TOTAL Monetary Contributions To Date

$ 100.00

(10) TOTAL Monetary Expenditures To Date

$ 0.00

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.).

I certify that I have examined this report and it is true, correct, and complete:

(Type name) Dou rews

☐ Individual (only for if or electioneering com.) ☐ Treasurer ☐ Deputy Treasurer

X
Signature

(Type name)

☐ Candidate ☐ Chairperson (only for PC and PTY)

X
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

EXHIBIT 2

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name ou n re (2) I.D. Number

(3) Cover Period 12 / 01 / 18 through 12 / 31 / 18 (4) Page 1 of 1

(5) Date (3) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State Zip Code	(8) Contributor Type	Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
/ /	Jones Doug 90 141st Unit B	S	Franchis Owner	CHE			100.00
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name . . . V. . . . . (2) I.D. Number

(3) Cover Period 12/01/18 through 12/31/18 (4) Page of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
/ /					
/ /					
/ /					

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Name: Douglas F. Andrews

(2) Address (number and street): 10 151st Ave. E. #1

City, State, Zip Code: Madeira Beach, FL. 33708

OFFICE USE ONLY: City Clerk 2/7/2019; 2:51

☐ Check here if address has changed

(3) ID Number:

(4) Check appropriate box(es):

☒ Candidate Office Sought: Commissioner District 3

☐ Political Committee (PC)

☐ Electioneering Communications Org. (ECO)

☐ Party Executive Committee (PTY)

☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded

☐ Check here if PTY has disbanded

☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 01/01/19 To 01/31/19 Report Type: M-1

☐ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ ~~150.00~~
Loans	$ 150.00
Total Monetary	$
In-Kind	$

(7) Expenditures This Report

Monetary Expenditures	$ 128.70
Transfers to Office Account	$
Total Monetary	$

(8) Other Distributions

$

(9) TOTAL Monetary Contributions To Date

$ 250.00

(10) TOTAL Monetary Expenditures To Date

$ 128.70

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

Douglas F. Andrews (Type name)

☐ Individual (only for IE or electioneering) ☐ Treasurer ☐ Deputy Treasurer ☒ Candidate ☐ Chairperson (only for PC and PTY)

X Signature

X Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

EXHIBIT 3

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name [illegible] (2) I.D. Number

(3) Cover Period 01 / 01 / 19 through 01 / 31 / 19 (4) Page 1 of 1

(5) Date (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type / Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
1 / 11 / 19	Douglas Anderson 90 14th Ave. B [illegible] 33	Individual	Loan			$150.00
/ /						
/ /						
/ /						
/ /						
/ /						
/ /						

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name [illegible] (2) I.D. Number

(3) Cover Period 1 / 01 / 19 through 01 / 31 / 19 (4) Page of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
1/31/19	City of Madeira Beach	Election Fees.	CAN		$12870
/ /					
/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

Received at City Clerks Office 2/12/2019 @4:14PM

OFFICE USE ONLY

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

Name

Office Sought

Address

City State Zip Code

☒ Candidate ☐ Political Committee ☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

☐ Check here if address has changed since last report. ☐ Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

☐ MONTHLY REPORT ☐ PRIMARY ELECTION ☐ GENERAL ELECTION ☒ OTHER REPORT TYPE

Indicate report #	Indicate report #	Indicate report #	Indicate report type and # as applicable:
M_____	P_____	G 2	

☐ TERMINATION REPORT ☐ SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

02/ / THROUGH 12/ /

X

Signature Date

X

Signature Date

REQUIRED SIGNATURES FOR:

Candidates:
Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:
Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:
Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

DS-DE 87 (Rev. 06/15)

AMERICAN OVERSIGHT

EXHIBIT 4

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

Received BY CITY Clerk
2/28/2019 @ 11:11 am

OFFICE USE ONLY

Name

Commissioner Madeira Beach
Office Sought

Address

Madeira Beach FL 33708
City State Zip Code

☒ Candidate ☐ Political Committee ☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

☐ Check here if address has changed since last report. ☐ Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

☐ MONTHLY REPORT ☐ PRIMARY ELECTION ☒ GENERAL ELECTION ☐ OTHER REPORT TYPE

Indicate report #	Indicate report #	Indicate report #	Indicate report type and # as applicable:
M____	P____	G 2	

☐ TERMINATION REPORT ☐ SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

10/11 THROUGH 02/22/19

X [signature] 2/27/19
Signature Date

X
Signature Date

REQUIRED SIGNATURES FOR:

Candidates:
Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:
Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:
Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

DS-DE 87 (Rev. 09/15)

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Douglas Andrews
Name

(2) 90 141st Ave, Unit B
Address (number and street)
Madeira Beach, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
City Clerk received
5/8/2019; 10:00 a.m.

(3) ID Number: _____

(4) Check appropriate box(es):

☒ Candidate Office Sought: Commissioner
☐ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 03 / 02 / 2019 To 06 / 09 / 2019 Report Type: TR

☐ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ ___ , ___ , ___ . ___
Loans	$ ___ , ___ , ___ . ___
Total Monetary	$ ___ , ___ , ___ . ___
In-Kind	$ ___ , ___ , 0 . 00

(7) Expenditures This Report

Monetary Expenditures	$ ___ , ___ , ~~34.00~~ 112.30
Transfers to Office Account	$ ___ , ___ , ___ . ___
Total Monetary	$ ___ , ___ , ___ . ___

(8) Other Distributions
$ ___ , ___ , ~~87.50~~

(9) TOTAL Monetary Contributions To Date
$ ___ , ___ , 250 . 00

(10) TOTAL Monetary Expenditures To Date
$ ___ , ___ , ~~162.70~~ 250.00

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name)
☒ Individual (only for IE or electioneering comm.) ☐ Treasurer ☐ Deputy Treasurer
X [signature]
Signature

(Type name)
☐ Candidate ☐ Chairperson (only for PC and PTY)
X
Signature

DS-DE 12 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

EXHIBIT 5

Instructions for Campaign Treasurer's Report Summary	
(1)	**Name:** full name of the candidate, political committee, party executive committee, electioneering communications organization, or individual making an independent expenditure or electioneering communication.
(2)	**Address:** the full address or post office box, city, state, and zip code. ☐ Check the box if the address has changed since the last report filed.
(3)	**ID Number:** identification number assigned by the filing officer.
(4)	**Check the appropriate box(es).**
(5)	**Report Identifiers** **Cover Period:** the dates this report covers (i.e., From 1/1/15 To 1/31/55). **Important**: use the appropriate cover period dates as published by the filing officer. **Report Type:** refer to the filing officer's calendar of reporting dates for the correct codes to be used for each reporting period. If report is for a **special election** add "S" in front of the report code (i.e., SG3). **Check one of the appropriate boxes:** ☐ Original: first report filed for this reporting period. ☐ Amendment: must summarize only contributions/fund transfers and expenditures/distributions being reported as additions or deletions. Read instructions for sequence numbers and amendment types on the back of Forms DS-DE 13A and 14A. ☐ Special Election Report: **Important**: once a special election report is filed, the entity is required to file all remaining reports due for the special election.
(6)	**Contributions This Report:** Cash and Checks: total amount for this reporting period. Loans: total amount for this reporting period. Total Monetary: sum of Cash and Checks and Loans. In-Kind: the fair market value of the in-kind contribution at the time it is given for this reporting period.
(7)	**Expenditures This Report:** Monetary Expenditures: total amount of monetary expenditures for this reporting period. Transfers to Office Account: total amount transferred to an office account by elected candidates only. Total Monetary: sum of Monetary Expenditures and Transfers to Office Account.
(8)	**Other Distributions:** the total amount of goods and services contributed to a candidate or other committee by a PC, ECO, or PTY.
(9)	**TOTAL Monetary Contributions To Date:** the amount of total monetary contributions to date. Candidates keep cumulative totals from the time the campaign depository is opened through the termination report.
(10)	**TOTAL Monetary Expenditures To Date:** the amount of total monetary expenditures to date. Candidates keep cumulative totals from the time the campaign depository is opened through the termination report.
(11)	**Type or print the required officer's name and have them sign the report:** ☐ Candidate report: treasurer and candidate must sign. ☐ PC report: treasurer and chairperson must sign. ☐ PTY report: treasurer and chairperson must sign. ☐ ECO report: organization's treasurer must sign. ☐ IE or EC report: individual must sign (this applies when an individual acts alone to make these expenditures)
	AMENDMENT REPORTS: An amendment report summary should summarize only contributions, expenditures, distributions, & fund transfers being reported as additions or deletions. Read the instructions for the sequence number & amendment type fields on the back of forms DS-DE 13, 14, 14A and 94.

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name _____ (2) I.D. Number _____

(3) Cover Period ____ / ____ / ____ through ____ / ____ / ____ (4) Page ____ of ____

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
/ /	Bank of America N/A						
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

INSTRUCTIONS FOR CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Candidate's full name or name of the political committee (PC), electioneering communications organizations (ECO) or party executive committee (PTY).

(2) The identification number assigned by the filing officer.

(3) Cover period dates (e.g., 1/1/15 through 1/31/15). (See filing officer's reporting dates calendar for appropriate year and cover periods.)

(4) Page numbers (e.g., 1 of 3).

(5) Date contribution was RECEIVED (Month/Day/Year).

(6) **Sequence Number** – Each detail line shall have a sequence number assigned to it. Sequence numbers are to be assigned within each reporting period and for each type of detail line. Thus the report type, detail line type, and sequence number will combine to uniquely identify a specific contribution, expenditure, distribution or fund transfer. This method of unique identification is required for responding to requests from the filing officer and for reporting amendments.
For example, a M1 report having 75 contributions would use sequence numbers 1 through 75. The next report (M2), comprised of 40 contributions would use sequence numbers 1 through 40. Contributions on amended M1 reports would begin with sequence number 76 and on amended M2 reports would begin with sequence number 41. See the *Amendment Type* instructions below.

(7) Type full name and address of contributor (including city, state and zip code).

(8) Enter the type of contributor using one of the following codes:
Occupation of contributor for **contributions over $100 only.** (If a business, please indicate nature of business.)

I	Individual	
B	Business	(also includes corporations, organizations, groups, etc.)
E	Electioneering Communications Organizations	
F	Political Committee	(federal or state)
P	Political Parties	(includes federal, state and county executive committees)
O	Other	(e.g., candidate surplus funds to party, etc.)
S	Candidate to Self	

(9) Enter Contribution Type using one of the following codes:
NOTE: Cash includes cash and cashier's checks.

Code	Description
CAS	Cash or Cashier's Check
CHE	Check
COF	Carryover Funds from Previous Campaign
INK	In-Kind
INT	Interest
LOA	Loan
MO	Money Order
MUC	Multiple Uniform Contributions
RCT	Other Receipts
REF	Refund (Negative Amount Only)

AMERICAN OVERSIGHT

(10) Type the description of any in-kind contribution received.
Candidate's Only – If in-kind contribution is from a party executive committee and is allocable toward the contribution limits, type an "A" in this box. If contribution is not allocable, type an "N".

(11) **Amendment Type** (required on amended reports) – To add a new (previously unreported) contribution for the reporting period being amended, enter "ADD" in amendment type on a line with ALL of the required data.
The sequence number for contributions with amendment type "ADD" will start at one plus the number of contributions in the original report. For example, amending an original M1 report that had 75 contributions means the sequence number of the first contribution having amendment type "ADD" will be 76; the second "ADD" contribution would be 77, etc. When amending an original M2 report that had 40 contributions, the sixth "ADD" contribution would have sequence number 46.
To correct a previously submitted contribution use the following drop/add procedure. Enter "DEL" in amendment type on a line with the sequence number of the contribution to be corrected. In combination with the report number being amended, this sequence number will identify the contribution to be dropped from your active records. On the next line enter "ADD" in amendment type and ALL of the required data with the necessary corrections thus replacing the dropped data. Assign the sequence number as described above.

(12) Type amount of contribution received. **Political Committees ONLY:** Multiple uniform contributions from the same person, aggregating NMT $250 per calendar year, collected by an organization that is the affiliated sponsor of a PC, may be reported by the PC in an aggregate amount listing the number of contributors together with the amount contributed by each and the total amount contributed during the reporting period. The identity of each person making such uniform contribution must be reported to the filing officer by July 1 of each calendar year, or, in a general election year, NLT the 60th day immediately preceding the primary election.

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Douglas Andrews (2) I.D. Number

(3) Cover Period 3/2/19 through 6/9/19 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
2/9/19	Bank of America	Bank Fees	DIS		
3/9/19	Bank of Ameria Madeira Beach	Bank Fees	DIS		
/ /	Close Account Bank of Ameria	Repayment of Loan	RMB		
/ /					
/ /					
/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

INSTRUCTIONS FOR CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Candidate's full name or name of the political committee (PC), electioneering communications organization (ECO), or party executive committee (PTY).

(2) Identification number assigned by the filing officer.

(3) Cover period dates (01/01/15 through 01/31/15). (See filing officer's reporting dates calendar for appropriate cover periods.)

(4) Page numbers (e.g., 1 of 3).

(5) Date of expenditure (Month/Day/Year).

(6) **Sequence Number** - Each detail line shall have a sequence number assigned to it. Sequence numbers are to be assigned within each reporting period and for each type of detail line. Thus the report type, detail line type, and sequence number will combine to uniquely identify a specific contribution, expenditure, distribution or fund transfer. This method of unique identification is required for responding to requests from the filing officer and for reporting requirements.

For example, a M1 report having 40 expenditures would use sequence numbers 1 through 40. The next report (M2), comprised of 30 expenditures would use sequence numbers 1 through 30. Expenditures on amended M1 reports would begin with sequence number 41 and on amended M2 reports would begin with sequence number 31. See *Amendment Type* instructions below.

(7) Full name and address of entity receiving payment (including city, state and zip code).

(8) Purpose of expenditure (if expenditure is a contribution to a candidate, also type the office sought by the candidate). **PLEASE NOTE**: This column does not apply to candidate expenditures, as candidates cannot contribute to other candidates from campaign funds. However, PCs (supporting candidates) and party executive committees contributing to candidates must report office sought (Section 106.07, F.S.).

(9) Enter Expenditure Type using one of the following codes:

Code	Description
CAN	Candidate Expense
DIS	Disposition of Funds
DFC	Disposition of Funds to Future Campaign (effective 11/1/13)
DPP	Disposition of Funds to Political Party (effective 11/1/13)
DPV	Disposition of Funds to Petition Verification (effective 11/1/13)
ECC	Electioneering Communication
IEC	Independent Expenditure Regarding a Candidate
IEI	Independent Expenditure Regarding an Issue
MON	Monetary (Not to a Candidate)
PCW	Petty Cash Withdrawn
PCS	Petty Cash Spent
PPD	Pre-paid Distribution
REF	Refund (Negative Amount Only)
RMB	Reimbursements
TOA	Transfer to Office Account (Disposition of Funds)

(10) **Amendment Type** (required on amended reports) - To add a new (previously unreported) expenditure for the reporting period being amended, enter "ADD" in amendment type on a line with ALL of the required data.

The sequence number for expenditures with amendment type "ADD" will start at one plus the number of expenditures in the original report. For example, amending an original M1 reports that had 75 expenditures, means the sequence number of the first expenditure having amendment type "ADD" will be 76; the second "ADD" expenditure would have sequence number 39.

AMERICAN OVERSIGHT

To correct a previously submitted expenditure use the following drop/add procedure. Enter "DEL" in amendment type on a line with the sequence number of the expenditure to be corrected. In combination with the report number being amended, this sequence number will identify the expenditure to be dropped from your active records. On the next line enter "ADD" in amendment type and ALL of the required data with the necessary corrections thus replacing the dropped data. Assign the sequence number as described above.

(11) Amount of expenditure.

AMERICAN OVERSIGHT

Anniversary celebrations



Above: John R. Cone II, left, is recognized by David Nesbitt for Cone's 10th anniversary of being installed as Worshipful Master of Gulf Beaches Masonic Lodge in Madeira Beach during the annual Past Master's Master Mason Degree Jan. 19 at the lodge.

GULF, from page 4A

Pinellas City Hall, 7047 Bismuth Drive. Show 20 rehearsals and seven concerts are scheduled.

Interested musicians are encouraged to come to a rehearsal or call director John Hoover 727 399-9038.

Madeira Social Club meets monthly

MADEIRA BEACH — The Madeira Beach Social Club meets the first Monday of the month at 1 p.m. at Madeira Beach City Hall.

Hear about new activities, including monthly luncheons, bridge contests, trips to local attractions and fall and spring parties.

Club members do not have to live in Madeira Beach to join. Membership dues are $15 per year. Call Dana for more information at 727 515-1111.

Historical museum available for meetings

ST. PETE BEACH — The Gulf Beaches Historical Museum, 115 10th Ave. Pass-A-Grille, is available for groups seeking a meeting place.

The museum is open October through May, Thursday to Saturday, 10 a.m. to 4 p.m.; and June to September, Friday and Saturday, 10 a.m. to 4 p.m. as well as Sundays, 1 to 4 p.m.

For a private tour, call 727-552-1610.

A program about the museum and the island history is also available for presentation at a meeting or dinner. The museum is handicap accessible and there is no admission fee.

Visit www.gulfbeachesmuseum.com. The museum also has a Facebook page.

Isleites host bingo games

TREASURE ISLAND — The Treasure Isleites conduct bingo games every Thursday evening at the Treasure Island Community Center on 10th Avenue.

Early bird games begin at 6:45 p.m. and regular games at 7:45 p.m. The games benefit fundraising efforts for local scholarships.

Attendees include a snack bar, free coffee and cash prizes.

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Silver, Copper & Brass • Big & Small
Lighting Fixtures • Oil Lamps • Holloware & Flatware
Repair, Refurbish & Rewire Lamps & Chandeliers
625 Pinellas Street • Clearwater • Suite C
727-442-7333 • Open 9am-5pm • Monday - Friday

Pinellas Cash Buyers
Your Local Property Buyers
You Pay NO Realtor Commissions or Fees!
We Pay ALL CLOSING COSTS!
• We Buy in "As Is Condition"
• No Need For Repairs
• Any Situation, Any Price Range
• Close When You Want...
• Better than National Home Buying Companies
• We can make INSTANT Decisions
• We Are Local Cash Buyers
• More Money in Your Pocket at Closing
We Buy Houses, Condos, Land, Commercial & Multi-Family Properties
SOLD
WE ALWAYS PAY CASH
Call us FIRST at
727-202-2770
Pinellas Cash Buyers
Your Local Property Buyers

Rooth & Rooth
Elder Law Attorneys
Probate and Trust Administration
Wills • Trusts • Living Wills
Powers of Attorney
Health Care Surrogates
Medicaid Planning
Counseling on Long-Term Care
727-397-4768
www.roothlaw.com



MADEIRA BEACH VOTERS:
PLEASE VOTE ON MARCH 12TH
We deserve a more representative government than what we have now. Madeira Beach residents vote on all Commissioner candidates citywide!

THE TOP TEN REASONS
WHY WE NEED DOUG ANDREWS AND STEVE KOCHICK

10. Doug and Steve will actively pursue State and Federal grant money for much needed items, such as a pump-out vessel that would double as a fire boat for our Marina. This was rejected by the current Commission. High bacteria levels in our canal water are due to boats anchoring for weeks/months and their fecal waste is going directly into our bay.
9. Doug and Steve will bring back the road repaving schedule. By the end of fiscal year: 2019, a road paving schedule will be established. It can't be done at once, but appropriating funding for this schedule will be a priority if Doug and Steve are elected.
8. Doug and Steve want responsible development. We want our blighted areas improved coupled with increasing our tax base to keep residents' tax bills low. We can do this without allowing developers to turn our fishing town into Clearwater Beach.
7. Doug and Steve will respect, appreciate, and protect our employees. Our employees are one of our greatest resources. Doug and Steve will work with our City Manager to avoid the grievance hearings and unrest amongst our current employee base.
6. Doug and Steve pledge to work to bring in more services, such as choices for cable and Internet, which are currently severely limited. Elect Doug and Steve and allow them to do the research and attract more competition in these areas.

TO BE CONTINUED NEXT WEEK...

Doug Andrews (Dist. 3) and Steve Kochick (Dist. 4) will bring their combined experience, balance, and common sense leadership to our Commission. Feel free to call either:

DOUG ANDREWS
I DIG DOUG
703.628.4313

VOTE
Steve Kochick
Believe in Steve
727.674.8078

We are Madeira Beach residents who disagree with the citizens vote literally seven to one way. We want to keep our citizens family-owned beach town and will NOT allow developers to turn Mad Beach into Clearwater Beach. If you want it, having a "yes man" on the board. Yes, we welcome input and comments at other times to Made or Facebook/Gulf Beaches and not on Facebook page "Residents of Madeira."

Finest Real Estate Worldwide



634 Edgewater Drive, Unit #145
Dunedin • $559,000

Edgewater Arms: A RARE FIND! Spectacular wide open water views with two patios/balconies directly on the intracoastal. This must see condo features a private entrance, gorgeous new kitchen, remodeled 2.5 baths, and new hurricane sliding doors on the patio (water side). Edgewater Arms amenities include geo-thermal heated pool, two private fishing piers, and a gorgeous clubhouse with fitness center, game room, and a dining/dance reception hall. Located next door to the marina and just steps from downtown "Delightful Dunedin" with shops, restaurants, farmers market, and the Pinellas Trail!

Gail Robinson, Broker Associate
Phone: 727-418-8001
GailRobinson.evusa.com
Gail.Robinson@evusa.com
ENGEL&VÖLKERS
GAIL ROBINSON

AMERICAN OVERSIGHT

EXHIBIT 6





Above: "Rocky Shore" by Toni Schwiha. Right: "Brooklyn Bridge" by Carol Lee

SHOW, from page 1A

artists in Utah speak to the viewer's imagination.

Basically self taught, Lee showcases her artistry based on her mantra "beauty in the space of life." Transparency of watercolors reflects a playful "Beach Day" as saturated hues characterize a passive turmoil in "Mirror Mirror on the Wall." Acrylics showcase still life "Treats of the Table" as a "Lovely Bunch of Coconuts" speaks of fine art.

Artist Shelby enjoys the challenge of portrait painting as she warms complementary hues define "Brave" and "Abdu Twenty Years Ago" while capturing the visual delight of "The Boy." A change in venue describes the smell of the sea leading upon a boardwalk "Rich Slices."

Inspired by the beauty of nature with an eye for symmetry and color, oil painter Terrell introduces rich hues in "Texas Bluebonnets." Expressive brushwork as well as "Market's Bright" and "Tuesday's Respite" mingled a narrative backed in impressionistic times. Perspective nuances in "Alabama Beauty."

The Treasure Island Community Center is located on 10501 Avenue, just east of Gulf Boulevard. Call 727-547-4575 for hours of operation.

Making Waves
www.TBNweekly.com

NEW 94 TON, 26' BEAM TRAVEL LIFT
Also Operating: 50 Ton, 17 Beam Travel Lift
PROGRESSIVE MARINE SERVICE, INC.
A Full Service Boat Yard for Power and Sail
727-822-2060 • www.progressivaboatyard.com • pmsi1@tpa.net
Electrical/Mechanical/Fiberglass/Bottom Painting

MADEIRA BEACH VOTERS:
PLEASE VOTE ON MARCH 12TH
We deserve a more representative government than what we have now. Madeira Beach residents vote on all Commissioner candidates city-wide!

THE TOP TEN REASONS
WHY WE NEED DOUG ANDREWS AND STEVE KOCHICK

5. Doug and Steve pledge to obtain more money to underground utilities. The project was started at the north end of Mad Beach near Archibald Park, yet it was inexplicably stopped. We promise to restart the undergrounding of utilities.
4. Doug and Steve will explore green energy for our City. Solar power at the beach is a no brainer. Could we save on utility cash by adding solar panels on our 24/7 fire stations? If feasible, we will do it!
3. Doug and Steve promise to work to ease the traffic on 150th Avenue/Madeira Beach Causeway (SR 666). The development along our major gateway is a done deal. One option is to modify the bridge opening schedule to avoid school dropoff and pick-up times. Working with the DOT and our government representatives, Doug and Steve will explore all options.
2. Doug and Steve want an end to big government. If we want to continue to pride ourselves on being a small fishing village and beach town, we need to stop overbuilding. We want a smaller, more efficient government and will put an end to collusion and cronyism for the professionals do their job. Good gosh folks, we are a vibrant beach community, let's have some fun.

AND THE NUMBER ONE REASON WHY MADEIRA BEACH NEEDS TO VOTE IN A NEW COMMISSIONERS IS:

1. Doug and Steve will work to bring our beloved John's Pass Seafood Festival to John's Pass. The current Board of Commissioners created such a hostile working relationship with the John's Pass Merchant's Association that they are actively seeking bids from other beach towns—and getting good offers. This 37-year old event is part of the DNA of this community and has a great economic impact for our City. We want it back!

Doug Andrews (Dist. 3) and Steve Kochick (Dist. 4) will add much-needed experience, balance, and common sense leadership to our Commission. Vote Yes to both either

DOUG ANDREWS
I DIG DOUG
703.628.4313

VOTE
Steve Kochick
Believe in Steve
727.674.8078

We are Madeira Beach residents who disagree with the actions taken by some of our city. We want to keep our charm, keep our local businesses and residents fighting overdevelopment to keep Madeira Beach "Old Florida" not Clearwater Beach. Let's get back to being a "small town" beach town. We are voters in every election & the upcoming Madeira Fantasticon Festival and are voting for local people. "Madeira 4 Madeira."

Wells Fargo

Give your money a raise

Make your money work harder by earning higher interest rates.

Talk to a banker for more details. Offer expires March 22, 2019.

Platinum Savings Account
2.10%
Annual Percentage Yield for 12 months[1]

2.60%

Both accounts are FDIC-insured up to the maximum allowable limit. Platinum Savings offer available in CT, DC, DE, FL, GA, MD, NJ, NY, SC and VA. Fixed Rate CD offer available in AL, AZ, CT, DC, DE, FL, GA, MD, NJ, NM, NV, NY, PA, SC and VA. *Portfolio by Wells Fargo*® customers are eligible to receive an additional interest rate bonus on these accounts.[2]

1 To qualify for the offer, you must have a new or existing Platinum Savings account and enroll the account in this offer between 04/24/2019 and 03/22/2019. This offer is subject to change at any time without notice. This offer is available only to Platinum Savings customers of the following states: CT, DC, DE, FL, GA, MD, NJ, NY, SC and VA. In order to earn the Special Interest Rate of 2.00% (Special Rate), you must deposit $25,000 in new money (from sources outside of Wells Fargo Bank, N.A. or its affiliates) to the enrolled savings account and maintain a minimum daily account balance of $25,000 throughout the term of this offer. The corresponding Annual Percentage Yield (APY) for this offer is 2.10%. The Special Rate will be applied to the enrolled savings account for a period of 12 months, starting on the date the account is enrolled in the offer. However, for any day during the 12 month period that the daily account balance is less than the $25,000 minimum, the Special Rate will not apply and the interest rate will revert to the standard interest rate applicable to your Platinum Savings account. As of 12/10/2018, the standard interest rate and APY for a Platinum Savings account in CT, DC, DE, FL, GA, MD, NJ, NY, SC, and VA with an account balance of $0.01 to $49,999.99 is 0.02% and 0.02% APY, and with an account balance of $50,000 and above is 0.02%, 0.02% APY. Each day shown reflects the current minimum daily collected balance required to obtain the applicable APY for the monthly statement period. Interest is calculated daily and paid monthly. The amount of interest earned is based on the daily collected balances in the account. Upon the expiration of the 12 month promotional period, standard interest rates apply. Minimum to open a Platinum Savings account is $25. A monthly service fee of $12 applies in any month the account falls below a $3,500 minimum daily balance. Fees may reduce earnings. Interest rates are variable and subject to change without notice. Wells Fargo may limit the amount you deposit to a Platinum Savings account to an aggregate of $1 million. Offer not available to Private Bank or Wealth, Brokerage & Retirement. 2 Annual Percentage Yield (APY) is effective as of date shown between 01/21/2019 and 02/22/2019. The 11-month new Dollar CD special requires a minimum of $25,000 brought to Wells Fargo from sources outside of Wells Fargo Bank N.A., or its affiliates to earn the advertised APY. Public Funds and Wholesale accounts are not eligible for this offer. APY assumes interest remains on deposit until maturity. Interest is compounded daily. Payment of interest on CDs is based on term. For terms less than 12 months (365 days), interest will be paid monthly, quarterly, semi-annually, or at maturity, (the end of the term). For terms of 12 months or more, interest may be paid monthly, quarterly, semi-annually, or annually. A fee for early withdrawal will be imposed, and could reduce earnings on this account. Special Rates are applicable to the initial term of the CD only. At maturity, the Special Rate CD will automatically renew for a term of 6 months at the interest rate and APY in effect for CDs on renewal date not subject to a Special Rate, unless the Bank has notified you otherwise. Due to the new money requirement, accounts may only be opened at your local branch. Wells Fargo reserves the right to modify or discontinue this offer at any time without notice. Offer cannot be combined with any other consumer deposit offer. 3 Make new money deposit requirement of at least $25,000 is for this offer only and cannot be transferred to another account to qualify for any other consumer deposit offer. If you wish to take advantage of another consumer deposit offer requiring a minimum new money deposit, you will be required to do so with another new money deposit as listed in the offer requirement and qualifications. Offer cannot be reproduced, purchased, sold, transferred or traded. 3. The Portfolio by Wells Fargo program has a $30 monthly service fee, which can be avoided when you have one of the following qualifying balances: $25,000 or more in qualifying fee-based bank deposit accounts (checking, savings, CDs, IRAs); mixed balance $50,000 or more in any combination of qualifying linked banking, brokerage (available through Wells Fargo Advisors, LLC and credit balances (excluding 30-yr mortgage balances, certain mortgages not eligible). If the Portfolio by Wells Fargo relationship is term-rated, the bonus interest rate on all eligible savings accounts, and accounts of the owners or other products and services will discontinue and revert to the Bank's then-current applicable rate or fee for bonus interest rates on term accounts this change will occur upon renewal. If the Portfolio by Wells Fargo relationship is terminated, the remaining unlinked Wells Fargo Portfolio Checking or Wells Fargo Prime Checking account will be converted to another checking product or closed.

Investment and Insurance Products:
Are not insured by FDIC or any Federal Government Agency | May Lose Value | Are not a Deposit of or Guaranteed by a Bank

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Deposit products offered by Wells Fargo Bank, N.A. Member FDIC.
NMLSR ID 399801

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003583

Weather will slow activity for anglers

Up and down weather is certainly typical for this time of year. Perfect weather the last several days has really made it nice out on the water. However with this week's cold front expected, take a couple of steps backwards in the progression of spring.

Catch and release snook fishing picked back up this week in Tampa Bay. The snook are prowling the flats in the middle of the day during the morning tide. As the big fish begin their transition to their summer spawning areas they can be targeted along the mangroves for the next few weeks.

Live pilchards are getting the fish fired up. However finding the pilchards has been tricky to say the least. Look for bird activity to reveal the location of the glass minnow schools that are holding around the



bridges. Within these glass minnow schools are the pilchards bringing plenty of baitfish chaos along to the key to attracting the few pilchards in the area into a cast net sized area. Lots of throws of the cast net have been necessary to gather enough bait for the day.

Sheepshead fishing has been good around the bay bridges recently. Live fiddler crabs weighted with a small split shot have been working the best. Work the fiddlers over down current under of the pilings. Using a rod with a very light tip as well as some light braided line will allow you to feel the bite much better when using the fiddler crabs.

Spoil island trout fishing improved this week. Target the spoils north of Pinellas Causeway on the incoming tide either with live pilchards or select shrimp. Some bait is starting to show along the beach swash channel although this weeks weather might put an end to that until the seas lay down and the water cleans up.

Those who can be reached on cape gamefishermail.com. To get a fish photo in the paper send the photo along with your name, where and where it was caught to editor@TBNweekly.com or mail it to Tampa Bay Newspapers, 9911 Seminole Blvd. Seminole FL 33772.

The great outdoors

Brooker to present Book Time

TARPON SPRINGS — Book Time at Brooker will be offered Thursday, March 7, 10:30 to 11:15 a.m. at Brooker Creek Preserve, 3950 Keystone Road, Tarpon Springs.

Designed for children ages 3 to 5, this free program connects attendees to the wonders of the natural world. In addition to hearing a great story, children will participate in a craft, game or other hands-on activity related to the story that is read. Space is limited.

Preregistration is required. Visit www.brookercreekpreserve.eventbrite.com. Registration only required for children and not the accompanying adult. Call 727-453-6800 or visit www.brookercreekpreserve.org.

Hikers to learn about native plants, pollinators

TARPON SPRINGS — The Native Plants & Pollinators Guided Hike will be offered Friday, March 8, 9 a.m. at Brooker Creek Preserve, 3950 Keystone Road, Tarpon Springs.

Participants will explore the 1-mile Education Center Loop Trail with Jason Stevenson, UF/IFAS extension specialist. Hikers will discover native wildflowers, ferns, epiphytes, trees and more. The group also will be on the lookout for native pollinators and other interesting insects. This is a busy season for activity participants.

The hike is free. Registration is required. Call 727-453-6800 or visit www.brookercreekpreserve.eventbrite.com.

Friends of Brooker to lead night hike

TARPON SPRINGS — The Friends of Brooker Creek will host a night hike Saturday, March 9, 6:30 p.m. at Brooker Creek Preserve, 3950 Keystone Road, Tarpon Springs.

Hikers will journey along the Education Center Trail. The hike is open to the public and limited to 30 guests. Cost is a $3 per person donation. Participants should meet at the main parking lot.

Preregistration is required.

To register, visit www.brookercreekpreserve.eventbrite.com.

For information, email foby@tampabay.rr.com or call 727-936-2080.

Brooker to present Book Time

TARPON SPRINGS — Book Time at Brooker will be offered Thursday, March 14, 10:30 to 11:15 a.m. at Brooker Creek Preserve, 3950 Keystone Road, Tarpon Springs.

Designed for children ages 3 to 5, this free program connects attendees to the wonders of the natural world. In addition to hearing a great story, children will participate in a craft, game or other hands-on activity related to the story that is read. Space is limited.

Preregistration is required. Visit www.brookercreekpreserve.eventbrite.com. Registration only required for children and not the accompanying adult. Call 727-453-6800 or visit www.brookercreekpreserve.org.

Hike to explore Brooker's wildlife

TARPON SPRINGS — The Wildlife in the Preserve hike will be offered Friday, March 15, 9 a.m. at Brooker Creek Preserve, 3950 Keystone Road, Tarpon Springs.

Hikers will join an experienced naturalist for a journey along boardwalks and natural trails at Brooker Creek Preserve. This will be a learning experience for everyone. Attendees are encouraged to bring their curiosities and questions.

Volunteer Jake Gaskin will meet participants in the lobby of the education center 10 minutes before the scheduled start time. Attendees should wear sturdy closed-toe shoes, sunscreen or hats. Insect repellent is strongly recommended. Hikers also should bring plenty of drinking water and a snack. A hat, sunglasses and sunscreen are also recommended. The hike will take about two hours to complete.

The hike is free. Registration is required. Call 727-453-6800 or visit www.brookercreekpreserve.eventbrite.com.







VOTE
MARCH 12
MADEIRA BEACH
CITY HALL
7AM - 7PM



WHY ARE DOUG & STEVE THE BEST FOR THE JOB?

- Real Transparency – open door policy, NO AGENDA POLITICS
- True internal audits of all departments – not a "forensic investigation" aimed to eliminate employees, but to address better accounting practices.
- Keep boards and committees active, especially the Civil Service Committee
- Responsible development to beautify our city
- Undergrounding of utilities
- Pursuing grants; like the pump out boat that will help keep our waters clean
- Encourage the use of our Nuisance Law – help keep crime out of our city
- Address traffic and roads improvements
- KEEP EVENTS .... Save the Seafood Festival and build better relations with Old Salt Fishing Foundation and Veteran's Boat Parade

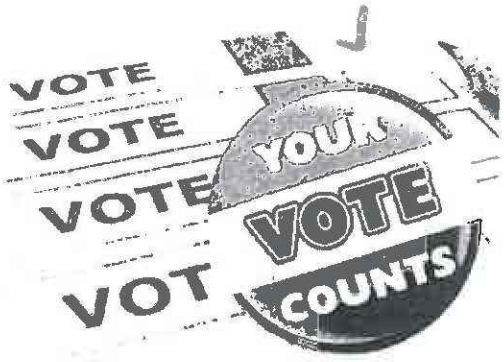
WE NEED YOUR VOTE MARCH 12

Pd. Pol. Adv. Paid For By Moderates for Madeira, Inc., 363A Medallion Blvd., Madeira Beach FL 33708. Content approved in advance by Doug Andrews, for Commissioner, District 3 and by Steve Kochick, for Commissioner, District 4

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003584

Doug and Steve
VOTE TODAY
March 12, 2019 at 11:41 AM

City Hall 7am to 7pm



March 2019

12

ALL registered residents CAN and should vote. (This is not a district only race)

There are 17 Charter amendments on the ballot today at large. VOTE NO to each of them. Our City Charter has been done. Past time for justice. If 50 years why change something that isn't broken.

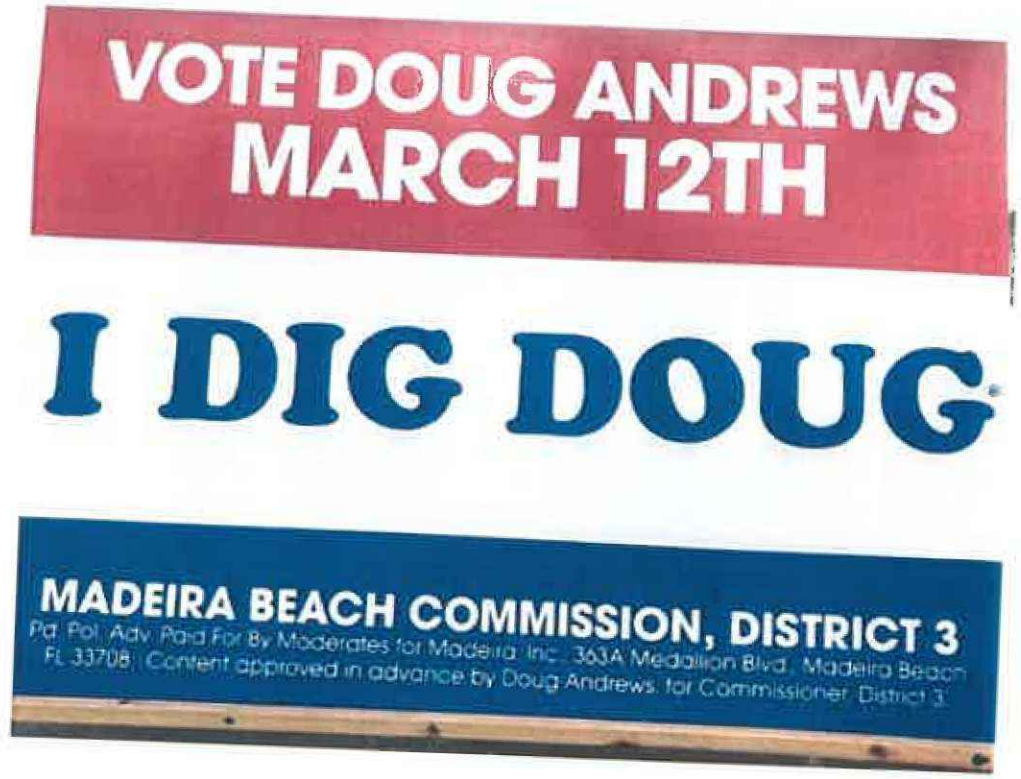
Today you should VOTE for both of us, Doug Andrews & Steve Kochich and help unify this city so we can do it together.

f FRIEND ON FACEBOOK ✉ Email Instagram

Copyright 2019 Steve Kochich. All rights reserved.

Don't want to hear from us anymore?

AMERICAN OVERSIGHT





AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 1-01-2019 / ____ To 1-31-2019 / ____ Report Type: M1

☐ Original ☑ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 5,100.00
Loans	$ 0
Total Monetary	$ 5,100.00
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 4,310.00
Transfers to Office Account	$ 0
Total Monetary	$

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 8,650.00

(10) TOTAL Monetary Expenditures To Date
$ 6,504.64

Amendment

It is a first ... rtification
I certify that I have exa... ...rect, and complete:
... son to falsify a public record (ss. 839.13, F.S.)

(Type name) REES I
☐ Individual (only for IE or electioneering comm.) ☐ Deputy Treasurer
X Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen Carter
Signature

DS-DE 12 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

EXHIBIT 7

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 1-1-2019 through 1-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
1/31/2019 M1-1	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Signs and Information cards	IEI		1,980.00
1/31/2019 M1-2	Tampa Bay Newspapers 9911 Seminole Boulevard Seminole, FL 33772	Advertisement	IEI		610.00
1/24/2019 M1-3	Tampa Bay Newspapers 9911 Seminole Boulevard Seminole, FL 33772	Advertisement	IEI		610.00
1-22-2019 M1-4	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Signs	IEI	ADD	1,210.00

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
Received By City Clerks 2/8/2019 12:45

(3) ID Number: _____

(4) Check appropriate box(es):

☐ Candidate Office Sought: _____
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 1-01-2019 / ____ To 1-31-2019 / ____ Report Type: M1

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 5,100.00
Loans	$ 0
Total Monetary	$ 5,100.00
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 3,100.00
Transfers to Office Account	$ 0
Total Monetary	$

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 8,450.00

(10) TOTAL Monetary Expenditures To Date
$ 4,961.64

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
x Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
x Helen Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number

(3) Cover Period 1-1-2019 through 1-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
1-22-2019 / / M1-1	KA Worldwide, LLC 13507 Gulf Boulevard Madeira Beach, FL 33708	B	Investor	CHE			5,000.00
1-22-2019 / / M1-2	Alligator Attractions, LLC 12973 Village Blvd. Madeira Beach, FL 33708	B	Retail	CHE			100.00
/ /							
/ /							
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number

(3) Cover Period 1-1-2019 / / through 1-31-2019 / / (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
1/31/2019 / M1-1	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Signs and Information cards	IEI		1,880.00
1/31/2019 / M1-2	Tampa Bay Newspapers 9911 Seminole Boulevard Seminole, FL 33772	Advertisement	IEI		610.00
1/24/2019 / M1-3	Tampa Bay Newspapers 9911 Seminole Boulevard Seminole, FL 33772	Advertisement	IEI		610.00
/ /					
/ /					
/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
City Clerk received
2/15/2019 11:16 am

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 2-01-2019 / To 2-8-2019 / Report Type: G1

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 2,150.00
Loans	$ 0
Total Monetary	$ 2,150.00
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 0
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 10,800.00

(10) TOTAL Monetary Expenditures To Date
$ 6,504.64

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen T Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-1-2019 through 2-8-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name. (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
2-8/2019 / / G1-1	Speeler Foundations, Inc. 6411 142nd Avenue N Clearwater, FL 33760	B	Construction	CHE			1,000.00
2-8-2019 / / G1-2	William and Robin Biloski 118 131st Avenue, #F Madeira Beach, FL 33708	I	Retired	CHE			100.00
2-8-2019 / / G1-3	Virginia Tolliver 814 Baypoint Drive Madeira Beach, FL 33708	I	Hospitality	CHE			1,000.00
2-8-2019 / / G1-4	Leonard and Angela Piotti 10064 87th Street Seminole, FL 33777	I		CHE			50.00
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-1-2019 / / through 2-8-2019 / / (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
/ /					
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DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
City Clerk received
3/1/2019; 1:39 p.m

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 2-09-2019 / To 2-22-2019 / Report Type: G2

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 500.00
Loans	$ 0
Total Monetary	$
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 1,505.79
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 11,300.00

(10) TOTAL Monetary Expenditures To Date
$ 8,010.43

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer

X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)

X Helen Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-9-2019 through 2-22-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
2-11/2019 / / G2-1	DeLosa's Pizza & Restaurant, Inc. 12800 Village Blvd. Madeira Beach, FL 33708	B	Restaurant	CHE			500.00
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-9-2019 through 2-22-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
2-11-2019 / G2-1	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Printing and postage	IEC		$1,444.54
2-15-2019 / G2-2	Florida Department of State 2661 Executive Center Circle Tallahassee, FL 32301	Corporate Annual Report Fee	MON		$61.25
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
Received By City Clerk 3/8/2019 @ 11:25 am

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 2-23-2019 / To 3-01-2019 / Report Type: G3

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 1,000.00
Loans	$ 0
Total Monetary	$
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 1,548.50
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 12,300.00

(10) TOTAL Monetary Expenditures To Date
$ 9,558.93

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. **(2) I.D. Number** _____

(3) Cover Period 2-23-2019 through 3-01-2019 **(4) Page** 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
2-28/2019 / / G3-1	Daniel's Development Company of SW Florida 2996 Dr. MLK Street N. St. Petersburg, FL 33704	B	Construction	CHE			1,000.00
/ /							
/ /							
/ /							
/ /							
/ /							
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DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-23-2019 / / through 3-01-2019 / / (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
2-11-2019 / G3-1	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Printing, postage, advertising	IEC		$1,548.50
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DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
Received By City Clerk.
9th April, 2019
@ 9:50 am

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed.

(5) Report Identifiers

Cover Period: From 3-02-2019 / To 3-31-2019 / Report Type: M3

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 500.00
Loans	$ 0
Total Monetary	$
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 2,982.57
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 12,800.00

(10) TOTAL Monetary Expenditures To Date
$ 12,541.50

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete.

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 3-02-2019 through 3-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
3-6-2019 / M3-1	Roadrunner Digital 400 Douglas Road E, Unit Letter i Oldsmar, FL 34667	Advertising	IEC		$1,500.00
3/8/2019 / M3-2	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Printing,postage, advertising	IEC		$1,300.00
3/8/2019 / M3-3	Daquiri Shak Raw Bar & Grille 14995 Gulf Boulevard Madeira Beach, FL 33708	Volunteer food and beverage	IEC		182.57
/ /					
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DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 3-02-2019 through 3-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
3/6/2019 / / M3-1	Dag Bros., Inc. 146 Boardwalk Place E Madeira Beach, FL 33708	B	Development	CHE			250.00
3/6/2019 / / M3-2	Dag Bros. Development, LLC 146 Boardwalk Place E Madeira Beach, FL 33708	B	Development	CHE			250.00
/ /							
/ /							
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

OFFICE USE ONLY

MODERATES FOR MADEIRA, INC.
Name

Office Sought

363A MEDALLION BOULEVARD
Address

MADEIRA BEACH, FL 33708
City State Zip Code

☐ Candidate ☒ Political Committee ☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

☐ Check here if address has changed since last report. ☐ Check here if PC has DISBANDED and will no longer file reports

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

☐ MONTHLY REPORT ☐ PRIMARY ELECTION ☒ GENERAL ELECTION ☐ OTHER REPORT TYPE

Indicate report #	Indicate report #	Indicate report #	Indicate report type and # as applicable:
M 4	P	G	

☐ TERMINATION REPORT ☐ SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

4/1/2019 THROUGH 4/31/2019

X Helen Carter — 5/9/19
Signature Date

X Rene E Nunez — 5/09/2019
Signature Date

REQUIRED SIGNATURES FOR:

Candidates:
Candidate and Campaign Treasurer or Deputy Treasurer (s 106.07(5), F.S.)

Political Committees:
Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:
Treasurer and Chairman (s 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

DS-DE 87 (Rev. 06/15)

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
Received By City Clerk Office 6/7/2019 2:30 PM

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☑ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 5-01-2019 / ___ To 5-31-2019 / ___ Report Type: M5

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 0
Loans	$ 0
Total Monetary	$
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 258.50
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 12,800.00

(10) TOTAL Monetary Expenditures To Date
$ 12,800.00

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 5-01-2019 / / through 5-31-2019 / / (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
5-30-2019 / M5-1	Bank of America 14805 Gulf Boulevard Madeira Beach, FL 33708	Bank fees and costs	IEC		$214.84
5-30-2019 / M5-2	Rees Noren 363A Medallion Blvd. Madeira Beach, FL 33708	Reimbursements for gas, copies, volunteer food	PCS		43.66
/ /					
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/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

August 5, 2019 Elections Commission Complaint - Moderates for Madeira

AMERICAN OVERSIGHT

August 5, 2019 Elections Commission Complaint - Candidate Douglas Andrews

AMERICAN OVERSIGHT

August 5, 2019 Elections Commission Complaint - Candidate Steve Kochick

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

MD

FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224, Tallahassee, FL 32399-1050

COMPLAINT

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom it is brought.

1. **PERSON BRINGING COMPLAINT:**

Name: William Gay Work Phone: (703) 774-5464

Address: 423 150th Ave, Unit 1503 Home Phone: (703) 774-5464

City: Madeira Beach County: Pinellas State: FL Zip Code: 33708

2. **PERSON AGAINST WHOM COMPLAINT IS BROUGHT:**

If you intend to name more than one individual or entity, please file multiple complaints. A person can be an individual, political committee, political party, electioneering communication organization, club, corporation, partnership, company, association, or other type of organization.

Name of individual or entity: Stephen John Kochick

Address: 15301 2nd Street East, Apartment 8 Phone: (727) 394-9017

City: Madeira Beach County: Pinellas State: FL Zip Code: 33708

If individual is a candidate, list the office or position sought: Madeira Beach City Commission

Have you filed this complaint with the State Attorney's Office? (check one) ☐ Yes ☑ No

Are you alleging a violation of Section 104.271(2), F.S.? (check one) ☐ Yes ☑ No

Are you alleging a violation of Section 104.2715, F.S.? (check one) ☐ Yes ☑ No

3. **ALLEGED VIOLATION(S):**

Please attach a **concise** narrative statement in which you list the provisions of the Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

AMERICAN OVERSIGHT

STATEMENT OF ELECTION COMPLAINT

Respondent: Steve Kochick

The Respondent, Steve Kochick (hereafter "Kochick") on December 19, 2018 became a candidate seeking election to the City Commission District 4 seat on the Madeira Beach, Florida City Commission. The DS-DE 9 form filed disclosed that Kochick would serve as his own campaign treasurer (A copy of the DS-DE 9 is attached hereto and incorporated herein by reference as Exhibit 1).

On January 10, 2019, Kochick filed a 2018 M12 report (although not designated as such) disclosing that he made a personal contribution to his campaign on December 19, 2018, in the amount of $100 (A copy of the 2018 M12 Report is attached hereto and incorporated herein by reference as Exhibit 2).

On February 7, 2019, Kochick filed a Waiver of Report for the 2019 M1 Report and then on February 8, 2019, filed a 2019 M1 Report. The M1 Report discloses that Kochick on January 10, 2019, made an additional contribution to his campaign in the amount of $100 and an expenditure in the amount of $125.50 to the City of Madeira Beach for "Fees for Petitions and Filing" (True and exact copies of the Waiver of Report and the 2019 M1 Report are attached hereto and incorporated herein by reference as Exhibit 3).

On February 15 Kochick filed a Waiver of Report for the G1 reporting period; on February 22 and February 28 filed Waiver of Report forms for the G2 reporting period; and on March 8, 2019 Kochick filed a Waiver of Report form for the G3 reporting period (Copies of the 2019 G1, G2 and G3 Waiver of Report forms are attached hereto and incorporated herein by reference as Exhibit 4).

On March 18, 2019, Kochick filed a Waiver of Report form as a termination report and then on June 12, 2019, filed an amended Termination Report disclosing payment of bank fees and reimbursement to himself of the remaining balance in the campaign account in the total amount of $74.50. However, the expenditure report fails to provide the address of the bank to which bank fees were paid (DS-DE 14 attached as part of Exhibit 5). (A copy of the 2019 TR Waiver and the TR Report are attached hereto and incorporated herein by reference as Exhibit 5).

Thus, according to the reports which Kochick filed the only contributions he received were a total of $200 which was contributed to his campaign by him and only $125.50 was expended on his election (which payment was for "Fees for Petitions and Filing" paid to the City of Madeira Beach).

In fact, an amount substantially in excess of $1,000 was contributed in-kind to Kochick's campaign by the Moderates for Madeira, Inc. political committee which provided advertising, yard signs, informational cards, volunteer entertainment expenses and similar support expressly

AMERICAN OVERSIGHT

advocating for the election of Kochick. Copies of some of the advertisements are attached hereto and incorporated herein as Exhibit 6. Copies of the Moderates for Madeira, Inc. political committee's reports disclosing the expenditures it made for the advertising and other expenses it incurred in support of Kochick's campaign are attached hereto and incorporated herein as Exhibit 7.

Kochick has violated the following provisions of the Florida Election Code:

1. Section 106.07(4)(a), Florida Statutes – Kochick has failed to file required reports disclosing the in-kind contributions made to his campaign by the Moderates for Madeira, Inc. political committee.

2. Section 106.07(4)(a)9., Florida Statutes – Kochick has failed to report the full name and address of each person to whom an expenditure has been made on his 2019 TR report (Exhibit 5).

3. Section 106.08(1)(a)2, (7)(a) & (b) and (8), Florida Statutes – Kochick has knowingly accepted in-kind contributions in excess of the maximum aggregate amount of $1,000 and should accordingly be fined in accordance with the aforementioned sections of law.

WHEREFORE, the Commission should find Kochick to be in violation of the aforementioned sections of the Florida Election Code and impose punishment as provided, including, without limitation, the imposition of "a sum equal to twice the amount contributed in violation of this chapter" and other penalties as provided in Sections 106.19(1)(b) and (2) and 106.265, Florida Statutes.

AMERICAN OVERSIGHT

Received on 12/19/2018
2:38 PM - Ft City Clerks Office

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

☑ Initial Filing of Form Re-filing to Change: ☐ Treasurer/Deputy ☐ Depository ☐ Office ☐ Party

2. Name of Candidate (in this order: First, Middle, Last)	3. Address (include post office box or street, city, state, zip code)
STEPHEN JOHN KOCHICK	1530 2ND ST E APT 8 MADEIRA BEACH FL 33708
4. Telephone: (727) 394-7017	5. E-mail address: STEVE_KOCHICK@YAHOO.COM

6. Office sought (include district, circuit, group number)	7. If a candidate for a nonpartisan office, check if applicable:
COMMISSIONER DIST. 4	☐ My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

☐ Write-In ☐ No Party Affiliation ☐ _____ Party candidate

9. I have appointed the following person to act as my ☑ Campaign Treasurer ☐ Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

STEPHEN KOCHICK

11. Mailing Address	12. Telephone
1530 2ND ST E APT 8 MADEIRA BEACH FL 33708	(727) 394-7017

13. City	14. County	15. State	16. Zip Code	17. E-mail address
MADEIRA BCH.	PINELLAS	FL	33708	STEVE_KOCHICK@YAHOO.COM

18. I have designated the following bank as my ☑ Primary Depository ☐ Secondary Depository

19. Name of Bank	20. Address
BANK OF AMERICA	1605 GULF BLVD.

21. City	22. County	23. State	24. Zip Code
MADEIRA BCH.	PINELLAS	FLORIDA	33708

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date	26. Signature of Candidate
12/19/2018	X Stephen John Kochick

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, STEPHEN JOHN KOCHICK (Please Print or Type Name), do hereby accept the appointment designated above as: ☒ Campaign Treasurer ☐ Deputy Treasurer

12/19/2018 (Date) X Stephen J. Kochick (Signature of Campaign Treasurer or Deputy Treasurer)

DS-DE 9 (Rev. 10/10) Rule 1S-2.0001, F.A.C.

EXHIBIT 1

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) STEPHEN Kochick
Name

(2) 1530 JNO. ST. G APT 8
Address (number and street)
MIAMI BEACH, FL. 33708
City, State, Zip Code

OFFICE USE ONLY
Received By City Clerk
1/16/2019 @ 1:31 PM

☐ Check here if address has changed

(3) ID Number: _____

(4) Check appropriate box(es):

☑ Candidate Office Sought: COMMISSIONER DIST. 4
☐ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 12 / 01 / 2018 To 12 / 31 / 2018 Report Type: _____

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 200.00
Loans	$ 0
Total Monetary	$ 0
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 0
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions

$ 0

(9) TOTAL Monetary Contributions To Date

$ 200.00

(10) TOTAL Monetary Expenditures To Date

$ _____

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) STEPHEN Kochick
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Stephen Kochick
Signature

(Type name) STEPHEN Kochick
☑ Candidate ☐ Chairperson (only for PC and PTY)
X Stephen Kochick
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

EXHIBIT 2

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name STEPHEN KOCHICK (2) I.D. Number

(3) Cover Period 12 / 01 / 20XX through 12 / 31 / 20XX (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
12/19/20XX 1	STEPHEN KOCHICK 15301 2ND ST E MADEIRA BCH FL 33708	I		CHE	N		$100.00
/ / 							
/ / 							
/ / 							
/ / 							
/ / 							
/ / 							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name _____ (2) I.D. Number _____

(3) Cover Period ____/____/____ through ____/____/____ (4) Page _____ of _____

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
/ /					
/ /					
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DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

Received BY CRNTS OFFICE
2-7-2019 @ 2:56 PM.

OFFICE USE ONLY

STEVE KOCHICK
Name

COMMISSIONER DIST. 4
Office Sought

15301 2ND ST. E
Address

MADEIRA BEACH FL. 33708
City State Zip Code

☑ Candidate ☐ Political Committee ☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

☐ Check here if address has changed since last report. ☐ Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

☐ MONTHLY REPORT ☐ PRIMARY ELECTION ☐ GENERAL ELECTION ☐ OTHER REPORT TYPE

Indicate report # M 1 | Indicate report # P_____ | Indicate report # G_____ | Indicate report type and # as applicable: _____

☐ TERMINATION REPORT ☐ SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

01/01/19 THROUGH 01/31/19

X Steve Kochick — 02/07/2019
Signature Date

X _____ _____
Signature Date

REQUIRED SIGNATURES FOR:

Candidates:
Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:
Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:
Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

DS-DE 87 (Rev. 06/15)

EXHIBIT 3

AMERICAN OVERSIGHT

~~M1 FILED 2/1/19~~ ~~THIS ONE~~

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) STEVE KOCHICK
Name

(2) 15301 2ND ST E
Address (number and street)
MADEIRA BEACH FL 33708
City, State, Zip Code

OFFICE USE ONLY
Received By City Clerks Office 2/8/2019 @ 11:34 am

☐ Check here if address has changed

(3) ID Number: _____

(4) Check appropriate box(es):

☑ Candidate Office Sought: COMMISSIONER DIST 4
☐ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 01 / 01 / 2019 To 01 / 31 / 2019 Report Type: M1

☐ Original ☒ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 100.00
Loans	$
Total Monetary	$
In-Kind	$

(7) Expenditures This Report

Monetary Expenditures	$ 125.50
Transfers to Office Account	$
Total Monetary	$

(8) Other Distributions

$

(9) TOTAL Monetary Contributions To Date

$ ~~100.00~~ 200.00

(10) TOTAL Monetary Expenditures To Date

$ 125.50

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) STEVE KOCHICK
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Steve Kochick
Signature

(Type name) STEVE KOCHICK
☑ Candidate ☐ Chairperson (only for PC and PTY)
X Steve Kochick
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name STEVE KOCHICK (2) I.D. Number _____

(3) Cover Period 01 / 01 / 2019 through 01 / 31 / 2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
01 / 10 / 2019 1	STEPHEN KOCHICK 15301 2 ST E MADEIRA BEACH FL 33708	S		CAS	N	ADD	$100
/ / 							
/ / 							
/ / 							
/ / 							
/ / 							
/ / 							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name STEVE KOCHICK (2) I.D. Number _____

(3) Cover Period 01/01/2019 through 01/31/2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
01/10/2019 / 1	CITY OF MADEIRA BEACH 300 MUNICIPLE DRIVE MAD. BCH. FL. 33708	FEES FOR PETITIONS AND FILING	DPV	ADD	$25.50
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

OFFICE USE ONLY

STEVE KOCHICK — Name

COMMISSIONER DIST 4 — Office Sought

15301 2ND ST. E — Address

MADEIRA BCH. — City

FL. — State

33708 — Zip Code

☑ Candidate ☐ Political Committee ☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

☐ Check here if address has changed since last report. ☐ Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

☐ MONTHLY REPORT ☐ PRIMARY ELECTION ☐ GENERAL ELECTION ☑ OTHER REPORT TYPE

Indicate report #	Indicate report #	Indicate report #	Indicate report type and # as applicable:
M_____	P_____	G 1	CAMP. TREAS. APT

☐ TERMINATION REPORT ☐ SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

1/1/2019 THROUGH 2/8/2019

X Steve Kochick — Signature — 2/15/2019 — Date

X _____ — Signature — _____ — Date

REQUIRED SIGNATURES FOR:

Candidates:
Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:
Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:
Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

DS-DE 87 (Rev. 06/15)

EXHIBIT 4

AMERICAN OVERSIGHT

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

City Clerk received 2/22/2019

OFFICE USE ONLY

Steve Kocchick
Name

Comm Dist 4 Mun. Sch
Office Sought

15301 2nd St. E.
Address

Madeira Bch FL. 33708
City State Zip Code

☑ Candidate ☐ Political Committee ☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

☐ Check here if address has changed since last report. ☐ Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

☐ MONTHLY REPORT ☐ PRIMARY ELECTION ☐ GENERAL ELECTION ☑ OTHER REPORT TYPE

Indicate report #	Indicate report #	Indicate report #	Indicate report type and # as applicable:
M_____	P_____	G_____	62 CAMP. TERM RPT.

☐ TERMINATION REPORT ☐ SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

2/09/2019 THROUGH 2/22/2019

X Steve Kocchick — 2/22/2019
Signature — Date

X
Signature — Date

REQUIRED SIGNATURES FOR:

Candidates:
Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:
Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:
Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

DS-DE 87 (Rev. 06/15)

AMERICAN OVERSIGHT

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

Received BY CITY CLERK.
12/28/2019 @ 2:00 PM.

OFFICE USE ONLY

STEVE KOCHECK
Name

COMMISSIONER DIST 4
Office Sought

15301 2ND ST. E
Address

MADEIRA BCH. FL. 33708
City State Zip Code

☑ Candidate ☐ Political Committee ☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

☐ Check here if address has changed since last report. ☐ Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

☐ MONTHLY REPORT ☐ PRIMARY ELECTION ☑ GENERAL ELECTION ☐ OTHER REPORT TYPE

Indicate report #	Indicate report #	Indicate report #	Indicate report type and # as applicable:
M_____	P_____	G 2	_____

☐ TERMINATION REPORT ☐ SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

2/9/2019 THROUGH 2/22/2019

X Steve Kocheck — 2/28/2019
Signature Date

X _____ _____
Signature Date

REQUIRED SIGNATURES FOR:

Candidates:
Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:
Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:
Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

DS-DE 87 (Rev. 06/15)

AMERICAN OVERSIGHT

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

Received BY CITY CLERK
3/8/2014 @ 12:37 PM

OFFICE USE ONLY

STEVE KOCHICK — Name

COMMISSIONER DIST 4 — Office Sought

15301 2ND ST E APT 8 — Address

MADEIRA BEACH FL 33708 — City State Zip Code

☑ Candidate ☐ Political Committee ☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

☐ Check here if address has changed since last report. ☐ Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

☐ MONTHLY REPORT ☐ PRIMARY ELECTION ☑ GENERAL ELECTION ☐ OTHER REPORT TYPE

Indicate report #	Indicate report #	Indicate report #	Indicate report type and # as applicable:
M_____	P_____	G 3	_____

☐ TERMINATION REPORT ☐ SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

2/23/2014 THROUGH 3/1/2014

X Steve Kochick — Signature — 3/6/2014 — Date

X — Signature — Date

REQUIRED SIGNATURES FOR:

Candidates:
Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:
Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:
Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

DS-DE 87 (Rev. 06/15)

AMERICAN OVERSIGHT

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

Received BY CITY Clerk
3/18/2019 @ 2:00 PM.

OFFICE USE ONLY

STEVE KOCHEK
Name

COMMISSIONER DIST 4
Office Sought

15301 2ND ST. E
Address

MADEIRA BCH FL 33708
City State Zip Code

☑ Candidate ☐ Political Committee ☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

☐ Check here if address has changed since last report. ☐ Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

☐ MONTHLY REPORT ☐ PRIMARY ELECTION ☑ GENERAL ELECTION ☐ OTHER REPORT TYPE

Indicate report # M_____ Indicate report # P_____ Indicate report # G_____ Indicate report type and # as applicable: _____

☑ TERMINATION REPORT ☐ SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

3/2/2019 THROUGH 6/9/2019

X Steve Kochek — 3/18/2019
Signature Date

X _____ _____
Signature Date

REQUIRED SIGNATURES FOR:

Candidates:
Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:
Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:
Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

DS-DE 87 (Rev. 06/15)

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) STEVE KOCHICK
Name

(2) 15301 2ND ST. E APT 8
Address (number and street)

MADEIRA BEACH, FL. 33708
City, State, Zip Code

OFFICE USE ONLY
City Clerk received 6/12/2019; U.S. Postal Dated 6/10/2019, Attached copy of env.

☐ Check here if address has changed

(3) ID Number: _____

(4) Check appropriate box(es):

☑ Candidate Office Sought: COMMISSIONER DIST. 4
☐ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☑ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 3 / 9 / 2019 To 6 / 9 / 2019 Report Type: TERMIN.

☐ Original ☑ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ ___ , ___ , ___ . ___
Loans	$ ___ , ___ , ___ . ___
Total Monetary	$ ___ , ___ , ___ . ___
In-Kind	$ ___ , ___ , ___ . ___

(7) Expenditures This Report

Monetary Expenditures	$ ___ , ___ , ~~74~~ 50 , ~~50~~ 00
Transfers to Office Account	$ ___ , ___ , ___ . ___
Total Monetary	$ ___ , ___ . ~~74~~ 50 . ~~50~~ 00

(8) Other Distributions

$ ___ , ___ , 125 . 00

(9) TOTAL Monetary Contributions To Date

$ ___ , ___ , 200 . 00

(10) TOTAL Monetary Expenditures To Date

$ ___ , ___ , 200 . 00

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) STEVE KOCHICK
☑ Individual (only for IE or electioneering comm.) ☐ Treasurer ☐ Deputy Treasurer

X Steve Kochick
Signature

(Type name) STEVE KOCHICK
☑ Candidate ☐ Chairperson (only for PC and PTY)

X Steve Kochick
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

EXHIBIT 5

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name _____ (2) I.D. Number _____

(3) Cover Period 3 / 9 / 2019 through 6 / 9 / 2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name STEVE KOCHICK (2) I.D. Number

(3) Cover Period 3 / 9 / 2019 through 6 / 9 / 2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
5/6/2019 1	KOCHICK, STEPHEN, JOHN 15301 2ND ST. E MAD. BCH. FL. 33708	CLOSE CAMP. ACCT. AT BANK of AMERICA	DIS	ADD	$23.50
5/1/2019 2	BANK of AMERICA	MONTHLY CHARGE FOR ACCT	PCS	ADD	$17.00
4/1/2019 3	BANK OF AMERICA	MONTHLY CHARGE FOR ACCT	PCS	ADD	17.00
3/1/2019 4	BANK of AMERICA	MONTHLY CHARGE FOR ACCT.	PCS	ADD	17.00
/ /					
/ / –					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

Anniversary celebrations



Above: John B. Crist III, left, is recognized by David Nevills for Crist's 50th anniversary of being installed as Worshipful Master at Gulf Beaches Masonic Lodge in Madeira Beach during the annual Past Master's Master Mason Degree Jan. 10 at the lodge.

GULF ... page 44

Pasadena City Hall 7047 Sunset Drive Some 20 rehearsals and seven concerts are scheduled

Interested musicians are encouraged to come to a rehearsal or call director John Dower 727 896-9638

Madeira Social Club meets monthly

MADEIRA BEACH — The Madeira Beach Social Club meets the first Monday of the month at 1 p.m. at Madeira Beach City Hall.

Hear about new activities including monthly luncheons bridge contests trips to local attractions and fall and spring parties.

Club members do not have to live in Madeira Beach to join. Membership dues are $15 per year. Call Dusty for more information at 727 515 1111

Historical museum available for meetings

ST. PETE BEACH — The Gulf Beaches Historical Museum 115 10th Ave. Penn A Gelli is available for groups seeking a meeting place.

The museum is open October through May Thursday 10 a.m. to 4 p.m. and June to September Friday and Saturday 10 a.m. to 4 p.m. as well as Sundays 1 to 4 p.m.

For a private tour call 727 552 1610

A program about the museum and the island history is also available for presentation at a meeting or dinner. The museum is handicap accessible and there is no admission fee.

Visit www.gulfbeachhistoricalmuseum.com. The museum also has a Facebook page.

Isleites host bingo games

TREASURE ISLAND — The Treasure Isleites conduct bingo games every Thursday evening at the Treasure Island Community Center on 105th Avenue.

Early bird games begin at 6:45 p.m. and regular games at 7:45 p.m. The games benefit fundraising efforts for local scholarships.

Attendees include a snack bar free roller and cash prizes.

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Repair, Refurbish & Rewire Lamps & Chandeliers
628 Pinellas Street • Clearwater • Suite C
727-443-7323 • Open Sun-2pm • Monday - Friday

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- We can make INSTANT Decisions
- We Are Local Cash Buyers
- More Money in Your Pocket at Closing

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Your Local Property Buyers

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Probate and Trust Administration
Wills • Trusts • Living Wills
Powers of Attorney
Health Care Surrogates
Medicaid Planning
Long-term Care
727-397-4768
www.roothlaw.com



MADEIRA BEACH VOTERS:
PLEASE VOTE ON MARCH 12TH
We deserve a more representative government than what we have now. Madeira Beach residents who are all Commissioner candidates should be elected.

THE TOP TEN REASONS
WHY WE NEED DOUG ANDREWS AND STEVE KOCHICK

10 Doug and Steve will actively pursue State and Federal grant money for much needed items, such as a pump-out vessel that would double as a fire boat for our Marina. This was rejected by the current Commission. High bacteria levels in our canal water are due to boats anchoring for weeks/months and their fecal waste is going directly into our bay.

9 Doug and Steve will bring back the road repaving schedule. By the end of fiscal year 2019, a road paving schedule will be established. It can't be done at once, but appropriating funding for this schedule will be a priority if Doug and Steve are elected.

8 Doug and Steve want responsible development. We want our blighted areas improved coupled with increasing our tax base to keep residents' tax bills low. We can do this without allowing developers to turn our fishing town into Clearwater Beach.

7 Doug and Steve will respect, appreciate, and protect our employees. Our employees are one of our greatest resources. Doug and Steve will work with our City Manager to avoid the grievance hearings and unrest amongst our current employee base.

6 Doug and Steve pledge to work to bring in more services, such as choices for cable and internet, which are currently severely limited. Elect Doug and Steve and allow them to do the research and attract more competition in these areas.

TO BE CONTINUED NEXT WEEK...

Doug Andrews (Dist. 3) and Steve Kochick (Dist. 4) will add much-needed experience, balance and common sense leadership to our Commission. Feel free to call either:

DOUG ANDREWS
I DIG DOUG
703.628.4313

VOTE
Steve Kochick
Believe in Steve
727.674.8078

Paid for by Madeira Beach residents who support Doug Andrews and Steve Kochick for Commission. Not affiliated with any candidate or campaign committee.

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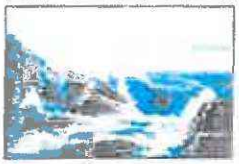
634 Edgewater Drive, Unit #145
Dunedin • $559,000

Edgewater Arms: A RARE FIND! Spectacular wide open water views with two patios/balconies directly on the intracoastal. This must see condo features a private entrance, gorgeous new kitchen, remodeled 2.5 baths, and new hurricane sliding doors on the patio (water side). Edgewater Arms amenities include geo-thermal heated pool, two private fishing piers, and a gorgeous clubhouse with fitness center, game room, and a dining/dance reception hall. Located next door to the marina and just steps from downtown "Delightful Dunedin" with shops, restaurants, farmers market, and the Pinellas Trail!

Gail Robinson, Broker Associate
Phone: 727-410-8801
GailRobinson.evusa.com
Gail.Robinson@evusa.com
ENGEL&VÖLKERS
GAIL ROBINSON

AMERICAN OVERSIGHT

EXHIBIT 6 FL-SEN-20-0201-B, 20-0202-A-003630



Above, "Rocky Shore" by Toni Schaefer. Right, "Brooklyn Bridge" by Carol Lore



SHOW, from page 4

acrylics in "Park" speak to the viewer's imagination.

Basically self-taught, Lore showcases her artistry based on her mantra "variety is the spice of life." Transparency of watercolors reflects a playful "Beach Day" as saturated tones characterize a perspective seen in "Mirror Mirror on the Wall." Acrylics showcase still life "Fruits of the Table" as a "Lovely Bunch of Coconuts" speaks of fine art.

Artist Shirley enjoys the challenge of portrait painting to rule. Warm complementary hues define "Snow" and "Judy Twenty Years Ago" while capturing the visual delights of "The Bay." A change in venue describes the smell of the sea breaking upon a boathouse "Rocky Shore."

Inspired by the beauty of nature with an eye for symmetry and color, oil painter Bethell introduces rich and "Texas Bluebonnets." Expressive brushstrokes in still life's "Mother's Bequest" and "Cowboy's Respite" suggest a narrative hurled in monochromatic tones. Perspective shines in "Alabama Sound."

The Treasure Island Community Center is located on 10601 Awausta just east of Gulf Boulevard. Call 727-547-4575 for hours of operation.





MADEIRA BEACH VOTERS:
PLEASE VOTE ON MARCH 12TH

THE TOP TEN REASONS
WHY WE NEED DOUG ANDREWS AND STEVE KOCHICK

5 Doug and Steve pledge to obtain more money to underground utilities. The project was started at the north end of Mid-Beach near Archibald Park yet it was inexplicably stopped. We promise to revisit the underground-ing of utilities.

4 Doug and Steve will explore green energy for our City. Solar power on the beach is a no brainer. Could we save on utility costs by adding solar panels on our 24/7 fire station? If feasible, we will do it!

3 Doug and Steve promise to work to ease the traffic on 150th Avenue/Madeira Beach Causeway (SR 666). The development along our major gateway is a done deal. One option is to modify the bridge opening schedule to avoid school dropoff and pickup hours. Working with the DOT and our government representatives, Doug and Steve will explore all options.

2 Doug and Steve want an end to big government. If we want to continue to pride ourselves on being a small fishing village and beach town, we need to stop wasting money. We want a smaller, more efficient government and will put an end to collusion and cronyism. Let the professionals do their job. Good government folks, we are a vibrant beach community. Let's have some fun.

AND THE NUMBER ONE REASON WHY MADEIRA BEACH NEEDS TO VOTE IN A NEW COMMISSIONERS IS:

1 Doug and Steve will work to bring our beloved John's Pass Seafood Festival to John's Pass. The current Board of Commissioners created such a hostile working relationship with the John's Pass Merchant's Association that they are actively seeking bids from other beach towns—and getting good offers. The 37-year-old event is part of the DNA of this community and has a great economic impact for our City. We want it back!

Doug Andrews (Dist. 3) and Steve Kochick (Dist. 4) will add much-needed experience, balance, and common sense leadership to our Commission. Feel free to call either:

DOUG ANDREWS
I DIG DOUG
703.628.4313

VOTE
Steve Kochick
Believe in Steve
727.674.8078

WELLS FARGO

Give your money a raise

Make your money work harder by earning higher interest rates.

Talk to a banker for more details. Offer expires March 22, 2019.

Platinum Savings Account
2.10%
Annual Percentage Yield for 12 months[1]

2.60%

Both accounts are FDIC-insured up to the maximum allowable limit. Platinum Savings offer available in CT, DC, DE, FL, GA, MD, NJ, NY, SC and VA. Fixed Rate CD offer available in AL, AZ, CT, DC, DE, FL, GA, MD, NJ, NM, NV, NY, PA, SC and VA. *Portfolio by Wells Fargo*® customers are eligible to receive an additional interest rate bonus on these accounts.[2]

Investment and Insurance Products:
Are Not a Deposit or Guaranteed by a Bank | May Lose Value | Are Not a Deposit of or Guaranteed by a Bank

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Deposit products offered by Wells Fargo Bank, N.A. Member FDIC
WMLSRD-EPPS

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003631

Weather will slow activity for anglers

Fish Tales
Capt. Peggy Wilkerson

Up and down weather is certainly typical for this time of year. Perfect weather the last several days has really made it nice out on the water. However with this week's cold front expect to take a couple of steps backwards in the progression of spring.

Cards and release needs fishing packed back up this week in Tampa Bay. The snook are pushing the flats in the middle of the day chasing the incoming tide. As the big fish begin their transition to their summer spawning areas they can be targeted along the mangroves for the next few weeks.

Live pilchards are getting the fish fired up. However finding the pilchards has been tricky to say the least. Look for bird activity to reveal the location of the glass minnow schools that are holding around the bridges. Within these glass minnow schools are the pilchards bringing plenty of baitfish chasing along the bay to attracting the few pilchards in the area into a cast net sized area. Lots of throws of the cast net have been necessary to gather enough bait for the day.

Sheepshead fishing has been good around the bay bridges recently. Live fiddler crabs weighted with a small split shot have been working the best. Work the fenders and down current sides of the pilings. Using a rod with a very light tip as well as some light braided line will allow you to feel the bite much better when using the fiddler crabs.

Spoil island trout fishing improved this week. Target the spoils north of Dunedin Causeway on the incoming tide either with live pilchards or select shrimp. Some bait is starting to show along the beach, mouth channel although this week's weather might put an end to that until the seas lay down and the water cleans up.

Paste Walkerton can be reached at capt.tpeggy@gmail.com. To get a fish photo in the paper send the photo along with your name, where and where it was caught to editor@thebeacon.com or mail it to Tampa Bay Newspapers, 9911 Seminole Blvd. Seminole FL 33772.

The great outdoors

Brooker to present Book Time

TARPON SPRINGS — Book Time at Brooker will be offered Thursday, March 7, 10:30 to 11:15 a.m. at Brooker Creek Preserve, 3940 Keystone Road, Tarpon Springs.

Designed for children ages 3 to 5, this free program connects attendees to the wonders of the natural world. In addition to hearing a great story, children will participate in a craft, game or other hands-on activity related to the story that is read. Space is limited.

Preregistration is required. Visit www.brookercreekpreserve.eventbrite.com. Registration only required for children and not the accompanying adult. Call 727-453-6600 or visit www.brookercreekpreserve.org.

Hikers to learn about native plants, pollinators

TARPON SPRINGS — The Native Plants & Pollinators Guided Hike will be offered Friday, March 8, 9 a.m. at Brooker Creek Preserve, 3940 Keystone Road, Tarpon Springs.

Participants will explore the 1-mile Education Center Loop Trail with James Stevenson, UF/IFAS extension specialist. Hikers will discover native wildflowers, ferns, epiphytes, trees and more. The group also will be on the lookout for native pollinators and other interesting insects. This activity is best suited for adult participants.

The hike is free. Registration is required. Call 727-453-6600 or visit www.brookercreekpreserve.eventbrite.com.

Friends of Brooker to lead night hike

TARPON SPRINGS — The Friends of Brooker Creek will host a night hike Saturday, March 9, 6:30 p.m. at Brooker Creek Preserve, 3940 Keystone Road, Tarpon Springs.

Hikers will journey along the Education Center Trail. The hike is open to the public and limited to 20 guests. Cost is $3 per person donation. Participants should meet at the main parking lot.

Preregistration is required.

To register, visit www.brookercreekpreserve.eventbrite.com.

For information, email kbeyerbach@pcfriends.com or call 727-934-3580.

Brooker to present Book Time

TARPON SPRINGS — Book Time at Brooker will be offered Thursday, March 14, 10:30 to 11:15 a.m. at Brooker Creek Preserve, 3940 Keystone Road, Tarpon Springs.

Designed for children ages 3 to 5, this free program connects attendees to the wonders of the natural world. In addition to hearing a great story, children will participate in a craft, game or other hands-on activity related to the story that is read. Space is limited.

Preregistration is required. Visit www.brookercreekpreserve.eventbrite.com. Registration only required for children and not the accompanying adult. Call 727-453-6600 or visit www.brookercreekpreserve.org.

Hike to explore Brooker's wildlife

TARPON SPRINGS — The Wildlife in the Preserve hike will be offered Friday, March 15, 9 a.m. at Brooker Creek Preserve, 3940 Keystone Road, Tarpon Springs.

Hikers will join an experienced naturalist for a journey along boardwalks and natural trails at Brooker Creek Preserve. This will be a learning experience for everyone. Attendees are encouraged to bring binoculars and questions.

Volunteer hike guides will meet participants in the lobby of the education center 10 minutes before the scheduled start time. Attendees should wear sturdy closed-toe shoes, sneakers or boots. Insect repellent is strongly recommended. Hikers also should bring plenty of drinking water and a snack. A hat, sunglasses and sunscreen are also recommended. The hike will take about two hours to complete.

The hike is free. Registration is required. Call 727-453-6600 or visit www.brookercreekpreserve.eventbrite.com.





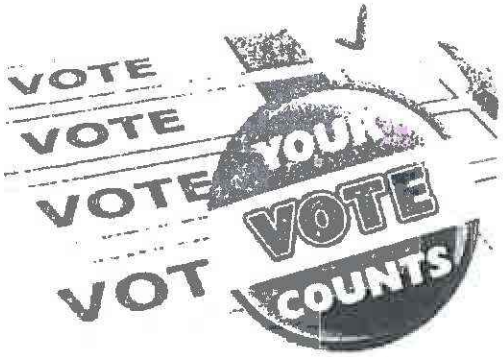




AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003632

Doug and Steve
VOTE TODAY
March 12, 2019 at 11:41 AM

City Hall 7am to 7pm



March 2019
12

you to go VOTE TODAY!

ALL registered residents CAN and should vote. (This is not a district only race)

There are 11 Charter Amendments on the ballot today as well. VOTE NO to all of them. Our Charter has been done this city justice for 50 years, why change something that isn't broken.

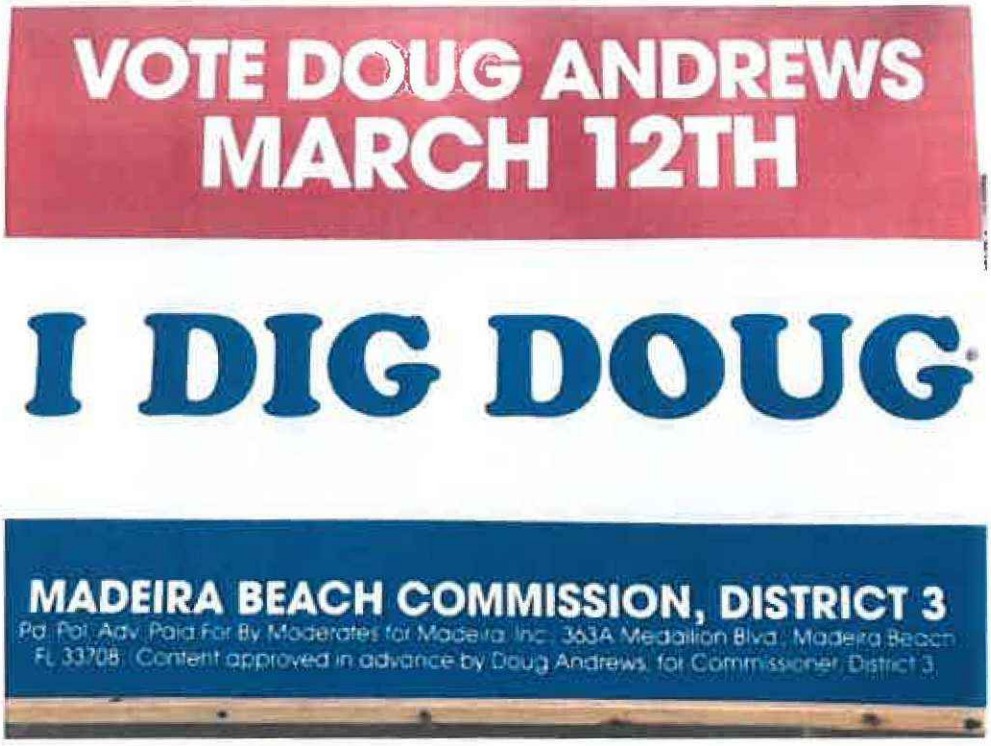
Today you should VOTE for both of the (Doug Andrews & Steve Kochick) and help unify this city we can do it together

f FRIEND ON FACEBOOK ✉ Email Instagram

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You are receiving this email because you opted in via our website.

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You can update your preferences or unsubscribe from this list.

AMERICAN OVERSIGHT





AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

OFFICE USE ONLY

☐ Check here if address has changed

(3) · ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 1-01-2019 / To 1-31-2019 / Report Type: M1

☐ Original ☑ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 5,100.00
Loans	$ 0
Total Monetary	$ 5,100.00
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 4,310.00
Transfers to Office Account	$ 0
Total Monetary	$

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 8,650.00

(10) TOTAL Monetary Expenditures To Date
$ 6,504.64

Amendment

It is a first c… rtification

I certify that I have exa… son to falsify a public record (ss. 839.13, F.S.)
…rect, and complete:

(Type name) REES I
☐ Individual (only for IE or electioneering comm.) ☐ Deputy Treasurer
X [signature] Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen Carter Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

EXHIBIT 7

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 1-1-2019 / / through 1-31-2019 / / (4) Page 1 of 1

(6) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
1/31/2019 / M1-1	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Signs and Information cards	IEI		1,880.00
1/31/2019 / M1-2	Tampa Bay Newspapers 9911 Seminole Boulevard Seminole, FL 33772	Advertisement	IEI		610.00
1/24/2019 / M1-3	Tampa Bay Newspapers 9911 Seminole Boulevard Seminole, FL 33772	Advertisement	IEI		610.00
1-22-2019 / M1-4	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Signs	IEI	ADD	1,210.00
/ /					
/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
Reaved BY CITY Clerks 2/8/2019 12:45

(3) ID Number: _____

(4) Check appropriate box(es):

☐ Candidate Office Sought: _____
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 1-01-2019 / ___ To 1-31-2019 / ___ Report Type: M1

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 5,100.00
Loans	$ 0
Total Monetary	$ 5,100.00
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 3,100.00
Transfers to Office Account	$ 0
Total Monetary	$

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 8,450.00

(10) TOTAL Monetary Expenditures To Date
$ 4,961.64

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
x Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
x Helen Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 1-1-2019 through 1-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
1-22-2019 / / M1-1	KA Worldwide, LLC 13507 Gulf Boulevard Madeira Beach, FL 33708	B	Investor	CHE			5,000.00
1-22-2019 / / M1-2	Alligator Attractions, LLC 12973 Village Blvd. Madeira Beach, FL 33708	B	Retail	CHE			100.00
/ /							
/ /							
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 1-1-2019 through 1-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
1/31/2019 M1-1	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Signs and Information cards	IEI		1,880.00
1/31/2019 M1-2	Tampa Bay Newspapers 9911 Seminole Boulevard Seminole, FL 33772	Advertisement	IEI		610.00
1/24/2019 M1-3	Tampa Bay Newspapers 9911 Seminole Boulevard Seminole, FL 33772	Advertisement	IEI		610.00
/ /					
/ /					
/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
City Clerk received
2/15/2019 11:16 am

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 2-01-2019 / To 2-8-2019 / Report Type: G1

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 2,150.00
Loans	$ 0
Total Monetary	$ 2,150.00
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 0
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 10,800.00

(10) TOTAL Monetary Expenditures To Date
$ 6,504.64

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen T. Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-1-2019 through 2-8-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name. (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
2-8/2019 / / G1-1	Speeler Foundations, Inc. 6411 142nd Avenue N Clearwater, FL 33760	B	Construction	CHE			1,000.00
2-8-2019 / / G1-2	William and Robin Biloski 118 131st Avenue, #F Madeira Beach, FL 33708	I	Retired	CHE			100.00
2-8-2019 / / G1-3	Virginia Tolliver 814 Baypoint Drive Madeira Beach, FL 33708	I	Hospitality	CHE			1,000.00
2-8-2019 / / G1-4	Leonard and Angela Piotti 10064 87th Street Seminole, FL 33777	I		CHE			50.00
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-1-2019 / / through 2-8-2019 / / (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
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DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
City Clerk received
3/1/2019; 1:39 p.m

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 2-09-2019 / To 2-22-2019 / Report Type: G2

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 500.00
Loans	$ 0
Total Monetary	$
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 1,505.79
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 11,300.00

(10) TOTAL Monetary Expenditures To Date
$ 8,010.43

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer

X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)

X Helen Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-9-2019 through 2-22-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
2-11/2019 / / G2-1	DeLosa's Pizza & Restaurant, Inc. 12600 Village Blvd. Madeira Beach, FL 33708	B	Restaurant	CHE			500.00
/ /							
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/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-9-2019 / / through 2-22-2019 / / (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
2-11-2019 / G2-1	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Printing and postage	IEC		$1,444.54
2-15-2019 / / G2-2	Florida Department of State 2661 Executive Center Circle Tallahassee, FL 32301	Corporate Annual Report Fee	MON		$61.25
/ /					
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DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
Received By City Clerk 3/8/2019 @ 11:25 am

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 2-23-2019 / ___ To 3-01-2019 / ___ Report Type: G3

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 1,000.00
Loans	$ 0
Total Monetary	$
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 1,548.50
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 12,300.00

(10) TOTAL Monetary Expenditures To Date
$ 9,558.93

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen T. Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-23-2019 through 3-01-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
2-28/2019 / / G3-1	Daniel's Development Company of SW Florida 2996 Dr. MLK Street N. St. Petersburg, FL 33704	B	Construction	CHE			1,000.00
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

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AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-23-2019 / / through 3-01-2019 / / (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
2-11-2019 / / G3-1	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Printing,postage, advertising	IEC		$1,548.50
/ /					
/ /					
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/ /					
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AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
Received By City Clerk.
9th April, 2019
@ 9:50 am

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed.

(5) Report Identifiers

Cover Period: From 3-02-2019 To 3-31-2019 Report Type: M3

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 500.00
Loans	$ 0
Total Monetary	$
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 2,982.57
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions

$ 0

(9) TOTAL Monetary Contributions To Date

$ 12,800.00

(10) TOTAL Monetary Expenditures To Date

$ 12,541.50

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete.

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen T. Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 3-02-2019 / / through 3-31-2019 / / (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
3-6-2019 / M3-1	Roadrunner Digital 400 Douglas Road E, Unit Letter i Oldsmar, FL 34667	Advertising	IEC		$1,500.00
3/8/2019 / / M3-2	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Printing, postage, advertising	IEC		$1,300.00
3/8/2019 / / M3-3	Daquiri Shak Raw Bar & Grille 14995 Gulf Boulevard Madeira Beach, FL 33708	Volunteer food and beverage	IEC		182.57
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AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 3-02-2019 through 3-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
3/6/2019 / / M3-1	Dag Bros., Inc. 146 Boardwalk Place E Madeira Beach, FL 33708	B	Development	CHE			250.00
3/6/2019 / / M3-2	Dag Bros. Development, LLC 146 Boardwalk Place E Madeira Beach, FL 33708	B	Development	CHE			250.00
/ /							
/ /							
/ /							
/ /							
/ /							

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AMERICAN OVERSIGHT

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

OFFICE USE ONLY

MODERATES FOR MADEIRA, INC.
Name

Office Sought

363A MEDALLION BOULEVARD
Address

MADEIRA BEACH, FL 33708
City State Zip Code

☐ Candidate ☒ Political Committee ☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

☐ Check here if address has changed since last report. ☐ Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

☐ MONTHLY REPORT ☐ PRIMARY ELECTION ☒ GENERAL ELECTION ☐ OTHER REPORT TYPE

Indicate report #	Indicate report #	Indicate report #	Indicate report type and # as applicable:
M 4	P	G	

☐ TERMINATION REPORT ☐ SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

4/1/2019 THROUGH 4/31/2019

X Helen Carter — 5/9/19
Signature — Date

X [illegible] — 5/09/2019
Signature — Date

REQUIRED SIGNATURES FOR:

Candidates:
Candidate and Campaign Treasurer or Deputy Treasurer (s 106.07(5), F.S.)

Political Committees:
Chairman and Campaign Treasurer or Deputy Treasurer (s 106.07(5), F.S.)

Party Executive Committees:
Treasurer and Chairman (s 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed

DS-DE 87 (Rev. 06/15)

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
Received By City Clerk Office 6/7/2019 2:30 PM

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☑ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 5-01-2019 / ___ To 5-31-2019 / ___ Report Type: M5

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 0
Loans	$ 0
Total Monetary	$
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 258,50
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 12,800,00

(10) TOTAL Monetary Expenditures To Date
$ 12,800,00

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 5-01-2019 through 5-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
5-30-2019 / M5-1	Bank of America 14805 Gulf Boulevard Madeira Beach, FL 33708	Bank fees and costs	IEC		$214.84
5-30-2019 / M5-2	Rees Noren 363A Medallion Blvd. Madeira Beach, FL 33708	Reimbursements for gas, copies, volunteer food	PCE		43.66
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

MD

FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224, Tallahassee, FL 32399-1050

COMPLAINT

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom it is brought.

1. **PERSON BRINGING COMPLAINT:**

Name: William Gay Work Phone: (703) 774-5464

Address: 423 150th Ave, Unit 1503 Home Phone: (703) 774-5464

City: Madeira Beach County: Pinellas State: FL Zip Code: 33708

2. **PERSON AGAINST WHOM COMPLAINT IS BROUGHT:**

If you intend to name more than one individual or entity, please file multiple complaints. A person can be an individual, political committee, political party, electioneering communication organization, club, corporation, partnership, company, association, or other type of organization.

Name of individual or entity: Moderates for Madeira, Inc. Political Committee

Address: 363A Medallion Boulevard Phone: (___)_____

City: Madeira Beach County: Pinellas State: FL Zip Code: 33708

If individual is a candidate, list the office or position sought: N/A

Have you filed this complaint with the State Attorney's Office? (check one) ☐ Yes ☑ No

Are you alleging a violation of Section 104.271(2), F.S.? (check one) ☐ Yes ☑ No

Are you alleging a violation of Section 104.2715, F.S.? (check one) ☐ Yes ☑ No

3. **ALLEGED VIOLATION(S):**

Please attach a **concise** narrative statement in which you list the provisions of the Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

AMERICAN OVERSIGHT

STATEMENT OF ELECTION COMPLAINT

Respondent: Moderates for Madeira, Inc. Political Committee

With the exception of paying the filing and petition fees associated with their running for City of Madeira Beach Commission, candidates Douglas Andrews (hereafter "Andrews") and Steve Kochick (hereafter "Kochick"), relied wholly on the Moderates for Madeira, Inc. Political Committee (hereafter "PC") to pay all of the advertising and election-related expenses on behalf of their campaigns in full coordination with them and in doing so the PC made in-kind contributions to the Andrews and Kochick campaigns which were not properly reported and which exceed allowable contribution limits.

The PC on January 17, 2019 filed a DS-DE 5 announcing its change from an issue committee to a candidate committee and identified in Box 7 that it would be supporting Andrews and Kochick in the Commission races. (The PC's DS-DE 5 is attached hereto and incorporated herein as Exhibit 1).

The PC made expenditures to produce advertising and to pay election-related campaign expenses on behalf of Andrews and Kochick in amounts in excess of $1,000 value to each campaign. Such advertisements disclose that they were disseminated in coordination with the candidates and not as independent expenditures. Copies of much of the advertising purchased and disseminated by the PC, including yard signs, are attached here to and incorporated by reference as Exhibit 2.

The relevant campaign reports filed by the PC disclose expenditures for advertising, postage, yard signs and similar campaign-related expenses approximating $12,000 are appended hereto and incorporated by reference as Exhibit 4.

The PC has violated the following provisions of the Florida Election Code:

1. Section 106.055, Florida Statutes – The PC made expenditures which it coordinated with candidates Andrews and Kochick in support of the candidacies of both without reporting the fair market value of such expenditures to the campaigns. Such expenditures were required to be reported at the time such in-kind contributions were made.

2. Section 106.143(c)3., Florida Statutes – The PC failed to state in its disclaimer on advertising it purchased in support of the candidates that such advertising was being provided in-kind to the candidates. Examples of some, but not all, of the advertising purchased and disseminated by the PC are attached hereto and incorporated herein as Exhibits 2.

AMERICAN OVERSIGHT

3. Section 106.08(1)(a)2., Florida Statutes – The PC made in-kind coordinated contributions to candidates Andrews and Kochick in excess of the aggregate contribution limit of $1,000 per candidate. A compilation of the expenditures made by the PC since it became a candidate committee on January 17, 2019, most of which were for advertising, signs, printing, postage and candidate volunteer expenses is attached hereto and incorporated herein as Exhibit 3. One expenditure made to the Beach Beacon in the amount of $871 for an advertisement the PC published on March 7, 2019, is not disclosed on any of the PC's reports (the March 7, 2019, advertisement is included within Exhibit 2). It should have been disclosed on the 2019 M3 report (attached as Exhibit 4 along with all other reports during the relevant reporting period).

4. Section 106.11(4), Florida Statutes – At the time the PC paid $871 for the March 7, 2019, advertisement in the Beach Beacon, the 2019 M3 report (Exhibit 4) discloses that there would not have been sufficient funds on hand to pay for the advertisement. Accordingly, the PC made an expenditure for which there were not sufficient funds on deposit in the primary deposit account.

5. Section 106.19(1) and (2), Florida Statutes – The PC has failed to report the in-kind contributions which it made to the campaigns of candidates Andrews and Kochick which were in excess of the maximum permitted contribution amounts. Accordingly, the PC is liable for "a civil penalty equal to three times the amount involved in the illegal act" in addition to other statutory penalties.

6. Section 106.07(5), Florida Statutes – The PC falsely certified to the truthfulness of its expenditure reports by describing on its campaign reports that the coordinated expenditures it made in support of the campaigns of Andrews and Kochick were "independent expenditures" (utilizing the code "IEC") when such expenditures were coordinated with such campaigns and therefore did not meet the independence requirements of Section 106.011(12), Florida Statutes. Review of Exhibit 2 hereto facially confirms that such expenditures were coordinated by virtue of including the disclaimer statement disclosing that the advertising's "Content [was] approved in advance by Doug Andrews, for Commissioner, District 3 and by Steve Kochick, for Commissioner, District 4."

WHEREFORE, the Commission should find the Moderates for Madeira, Inc. Political Committee to be in violation of the aforementioned sections of the Florida Election Code and impose punishment as provided in the Florida Election Code, including, without limitation, Sections 106.08(7)(a) and (8), Florida Statutes, (including the imposition of "a sum equal to twice the amount contributed in violation of this chapter") and Sections 106.19(1)(b) and (2) and 106.265, Florida Statutes.

AMERICAN OVERSIGHT

STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE

(PLEASE TYPE)

OFFICE USE ONLY

City Clerk received 1/17/2019

1. Full Name of Committee
MODERATES FOR MADEIRA, INC.

Telephone

Mailing Address (include city, state and zip code)
363A MEDALLION BOULEVARD, MADEIRA BEACH, FL 33708

Street Address (include city, state and zip code)
SAME AS MAILING ADDRESS

2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)

Name of Affiliated or Connected Organization	Mailing Address	Relationship

3. Area, Scope and Jurisdiction of the Committee
MADEIRA BEACH, FLORIDA

4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.)
POLITICAL COMMITTEE

5. Identify by Name, Address and Position, the Custodian of Books and Accounts (include treasurer's name)

Full Name	Mailing Address	Committee Title or Position
REES NOREN	363A MEDALLION BOULEVARD MADEIRA BEACH, FL 33708	TREASURER

DS-DE 5 (Rev. 06/11) – Rule 1S-2.017

(continued on reverse side)

EXHIBIT 1

AMERICAN OVERSIGHT

6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)

Full Name	Mailing Address	Committee Title or Position
HELEN T. CARTER	5000 MIRAMAR DRIVE, #5216 MADEIRA BEACH, FL 33708	PRESIDENT
HELEN A. PRICE	13319 BOCA CIEGA AVENUE MADEIRA BEACH, FL 33708	VICE PRESIDENT

7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (If none, please indicate)

Full Name	Mailing Address	Office Sought	Party
DOUG ANDREWS	90 141ST AVE EAST MADEIRA BEACH, FL 33708	COMMISSIONER	
STEVE KOCHICK	15301 2ND ST EAST MADEIRA BEACH, FL 33708	COMMISSIONER	

8. List Any Issues this Committee is Supporting:

List Any Issues this Committee is Opposing:

9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party

10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?

DONATION TO NON-PROFIT ORGANIZATION BENEFITING MADEIRA BEACH

11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds

Name of Bank or Depository & Account Number	Mailing Address
BANK OF AMERICA ACCOUNT NO. 229054639208	14805 GULF BOULEVARD MADEIRA BEACH, FL 33708

12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, If Any

Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address

STATE OF FLORIDA PINELLAS COUNTY

I, HELEN T. CARTER, certify that the information in this Statement of Organization is complete, true and correct.

X Helen Carter
Signature of Chairman of Political Committee

11/7/19
Date

AMERICAN OVERSIGHT

Anniversary celebrations



Above: John E. Case III, left, is recognized by Lloyd Neville for Case's 50th anniversary of being installed as Worshipful Master of Gulf Beaches Masonic Lodge in Madeira Beach during the annual Past Master's Master Mason Degree Jan. 10 at the lodge.

GULF ... from page 4A

Pasadena 55+ Hall 7447 Sunset Drive South 28 rehearsals and seven concerts are scheduled.

Interested musicians are encouraged to come to a rehearsal or call director John Hoover 727 398-0539.

Madeira Social Club meets monthly

MADEIRA BEACH – The Madeira Beach Social Club meets the first Monday of the month at 1 p.m. at Madeira Beach City Hall.

Hear about new activities including monthly luncheons bridge cruises trips to local attractions and fall and spring picnics.

Club members do not have to live in Madeira Beach to join. Memberships dues are $15 per year. Call Diane for more information at 727 515 1111.

Historical museum available for meetings

ST. PETE BEACH – The Gulf Beaches Historical Museum 115 10th Ave. Penn A Cottle is available for groups seeking a meeting place.

The museum is open Friday through May Thursday to Saturday 10 a.m. to 4 p.m. and June to September Friday and Saturday 10 a.m. to 4 p.m. as well as Sundays 1 to 4 p.m.

For a private tour call 727 552 1610.

A program about the museum and the island history is also available for presentations at a meeting or dinner. The museum is handicap accessible and there is no admission fee.

Visit www.gulfbeachesmuseum.com. The museum also has a Facebook page.

Islettes host bingo games

TREASURE ISLAND – The Treasure Islettes conduct bingo games every Thursday evening at the Treasure Island Community Center on 106th Avenue.

Early bird games begin at 6:45 p.m. and regular games at 7:45 p.m. The games benefit fundraising efforts for local scholarships.

Attendees receive a snack bar free coffee and cash prizes.

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- More Money in Your Pocket at Closing
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Elder Law Attorneys

Probate and Trust Administration
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Powers of Attorney
Health Care Surrogate
Medicaid Planning
Counseling on Long Term Care
RR 727-397-4768
www.roothlaw.com

MADEIRA BEACH VOTERS:
PLEASE VOTE ON MARCH 12TH
We deserve a more representative government that will work for all Madeira Beach residents, vote on all Commissioner candidates' names.

THE TOP TEN REASONS
WHY WE NEED DOUG ANDREWS AND STEVE KOCHICK

10. Doug and Steve will actively pursue State and Federal grant money for much needed items, such as a pump-out vessel that would double as a fire boat for our Marina. This was rejected by the current Commission. High bacteria levels in our canal water are due to boats anchoring for weeks/months and their fecal waste is going directly into our bay.
9. Doug and Steve will bring back the road repaving schedule. By the end of fiscal year 2019, a road paving schedule will be established. It can't be done at once, but appropriating funding for this schedule will be a priority if Doug and Steve are elected.
8. Doug and Steve want responsible development. We want our blighted areas improved coupled with increasing our tax base to keep residents' tax bills low. We can do this without allowing developers to turn our fishing town into Clearwater Beach.
7. Doug and Steve will respect, appreciate, and protect our employees. Our employees are one of our greatest resources. Doug and Steve will work with our City Manager to avoid the grievance hearings and unrest amongst our current employee base.
6. Doug and Steve pledge to work to bring in more services, such as choices for cable and Internet, which are currently severely limited. Elect Doug and Steve and allow them to do the research and attract more competition in these areas.

TO BE CONTINUED NEXT WEEK...

Doug Andrews (Dist. 3) and Steve Kochick (Dist. 4) will add much-needed experience, balance, and common sense leadership to our Commission. Feel free to call either:

DOUG ANDREWS
I DIG DOUG
703.628.4313

VOTE
Steve Kochick
Believe in Steve
727.674.8078

Finest Real Estate Worldwide



634 Edgewater Drive, Unit #145
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Edgewater Arms: A RARE FIND! Spectacular wide open water views with two patios/balconies directly on the intracoastal. This must see condo features a private entrance, gorgeous new kitchen, remodeled 2.5 baths, and new hurricane sliding doors on the patio (water side). Edgewater Arms amenities include geo-thermal heated pool, two private fishing piers, and a gorgeous clubhouse with fitness center, game room, and a dining/dance reception hall. Located next door to the marina and just steps from downtown "Delightful Dunedin" with shops, restaurants, farmers market, and the Pinellas Trail!
Gail Robinson, Broker Associate
Phone: 727-410-8001
GailRobinson.evusa.com
Gail.Robinson@evusa.com
ENGEL&VÖLKERS
GAIL ROBINSON

AMERICAN OVERSIGHT
EXHIBIT 2
FL-SEN-20-0201-B, 20-0202-A-003660





Above: "Rocky Shore" by Toni Schultz. Right: "Brooklyn Bridge" by Carol Love.

SHOW, from page 1A

acrylics in "Fish" speak to the viewer's imagination.

Basically self-taught Love showcases her artistry based on her mantra "variety is the spice of life." Transparency of watercolors reflects a playful "Beach Day" as saturated tones characterize a pensive moment in "Mirror Mirror on the Wall." Acrylics showcase still life "Fruits of the Table" as a "Lovely Bunch of Coconuts" speaks of fine art.

Artist Shelley enjoys the challenge of pattern setting in "St. Watts complementary hues define "Brave" and "Just a Twenty Years Ago" while capturing the visual delight of "The Boy." A change in tense describes the swell of the sea breaking upon a limestone "Rocky Shore."

Inspired by the beauty of nature with an eye for symmetry and color, oil painter Scovill introduces textural "Tonic Whitewaters." Expressive brushwork in still life's "Market's Bespoke" and "Yesterday's Bespoke" suggest a narrative bathed in monochromatic tones. Perspective shines in "Alabama Bound."

The Treasure Island Community Center is located on 105th Avenue, just east of Gulf Boulevard. Call 727-547-4575 for hours of operation.

MADEIRA BEACH VOTERS:
— PLEASE VOTE ON MARCH 12TH —

We deserve a more responsive government than what we have now. Madeira Beach residents vote on all Commission candidates City-wide!

THE TOP TEN REASONS
WHY WE NEED DOUG ANDREWS AND STEVE KOCHICK

1. Doug and Steve pledge to obtain more money to underground utilities. That project was started at the north end of Mad Beach near Archibald Park yet it was inexplicably stopped. We promise to restart the undergrounding of utilities.
2. Doug and Steve will explore green energy for our City. Solar power at the beach is a no brainer. Could we save on utility costs by adding solar panels on our 24/7 fire stations? If feasible, we will do it!
3. Doug and Steve promise to work to ease the traffic on 150th Avenue/Madeira Beach Causeway (SR 666). The development along our major gateway is a done deal. One option is to modify the bridge opening schedule to avoid school drop-off and pick-up times. Working with the DOT and our government representatives, Doug and Steve will explore all options.
4. Doug and Steve want an end to big government. If we want to continue to pride ourselves on being a small fishing village and beach town, we need to stop overregulating. We want a smaller, more efficient government and will put an end to collusion and cronyism. Let the politicians do their job! Good government folks, we are a vibrant beach community, let's leave some fun.

AND THE NUMBER ONE REASON WHY MADEIRA BEACH NEEDS TO VOTE IN A NEW COMMISSIONERS IS:

5. Doug and Steve will work to bring our beloved John's Pass Seafood Festival to John's Pass. The current Board of Commissioners created such a hostile working relationship with the John's Pass Merchant's Association that they are actively seeking bids from other beach towns—and getting good offers. This 30-year-old event is part of the DNA of this community and has a great economic impact for our City. We want it back!

Doug Andrews (Dist. 3) and Steve Kochick (Dist 4) will add much-needed experience, patience, and common sense leadership to our Commission. Feel free to call either.

DOUG ANDREWS
I DIG DOUG
703.628.4313

VOTE
Steve Kochick
Believe in Steve
727.674.8078

We are Madeira Beach residents who disagree with the process even before we get to the issues. We want to keep our theme fishing, open to locals' input and will NOT allow developers to run Mad Beach into Clearwater Beach. Let's get back to being a "mom and pop" town where you can walk to most restaurants, and where the mayor is "Madeira Mayor" and not an "elected puppet."

Making Waves
www.TBNweekly.com

NEW 84 TON, 28' BEAM TRAVEL LIFT
Also Operating: 60 Ton, 17' Beam Travel Lift



PROGRESSIVE MARINE SERVICE, INC.
& Full Service Boat Yard for Power and Sail
727-822-2266 • www.progressivemarineservice.com • email@aol.net
Bottom Painting • Hull Repairs • Fiberglass • Refinishing • Awlgrip • Interior Refurbishing • Canvas • Electrical • Mechanical

WELLS FARGO

Give your money a raise

Make your money work harder by earning higher interest rates.

Talk to a banker for more details. Offer expires March 22, 2019.

Platinum Savings Account
2.10%
Annual Percentage Yield for 12 months[1]

Fixed Rate CD
2.60%
Annual Percentage Yield for 12 months[2]

Both accounts are FDIC-insured up to the maximum allowable limit. Platinum Savings offer available in CT, DC, DE, FL, GA, MD, NJ, NY, SC and VA. Fixed Rate CD offer available in AL, AZ, CT, DC, DE, FL, GA, MD, NJ, NM, NV, NY, PA, SC and VA.
***Portfolio by Wells Fargo*® customers are eligible to receive an additional interest rate bonus on these accounts.[3]**

1. To qualify for the offer you must have a new or existing Platinum Savings account and enroll in account-to-offer between 01/01/2019 and 03/22/2019. This offer is subject to change at any time without notice. This offer is available only to Platinum Savings customers in the following states: CT, DC, DE, FL, GA, MD, NJ, NY, SC and VA. In order to earn the Special Interest Rate of 2.00% (Special Rate) you must deposit $25,000 in new money from sources outside of Wells Fargo Bank, N.A. or its affiliates to the enrolled savings account and maintain a minimum daily account balance of $25,000 throughout the term of the offer. The corresponding Annual Percentage Yield (APY) for this offer is 2.10%. The Special Rate will be applied to the enrolled savings account for a period of 12 months, starting on the date the account is enrolled in the offer. However, for any day during that 12 month period that the daily account balance is less than the $25,000 minimum, the Special Rate will not apply, and the account will revert to the standard interest rate applicable to your Platinum Savings account. As of 1/1/2019 the standard interest rate and APY for a Platinum Savings account in CT, DC, DE, FL, GA, MD, NJ, NY, SC and VA with an account balance of $0.01 to $99,999.99 is 0.02% with a 0.02% APY; and with an account balance of $100,000 and above is 0.05% with a 0.05% APY. Both tiers shown reflects the current minimum daily collected balance required to obtain the applicable APY. Interest is compounded daily and paid monthly. The amount of interest earned is based on the daily collected balances in the account. Upon the expiration of the 12 month promotional period, standard interest rates apply. Minimum to open a Platinum Savings account is $25. A monthly service fee of $12 applies in any month the account's daily balance is $3,500 (minimum daily balance). Fees may reduce earnings. Interest rates are variable and subject to change without notice. Wells Fargo may limit the amount you deposit to a Platinum Savings account to an aggregate of $3 million. Offer not available to Private Banking, Wealth, Business Banking or Wholesale customers. 2. Annual Percentage Yield (APY) is effective for accounts opened between 01/01/2019 and 03/22/2019. The 11-month New Dollar CD special requires a minimum of $25,000 brought in to Wells Fargo from sources outside of Wells Fargo Bank, N.A. or its affiliates to earn the advertised APY. Public Funds and Wholesale customers are not eligible for this offer. APY assumes interest remains on deposit until maturity. Interest is compounded daily. Payment of interest on CDs is based on term. For terms less than 12 months (365 days), interest may be paid monthly, quarterly, semi-annually or at maturity (the end of the term). For terms of 12 months or more, interest may be paid monthly, quarterly, semi-annually, or annually. A fee for early withdrawal will be imposed and could reduce earnings on this account. Special Rates are applicable to the initial term of the CD only. At maturity, the Special Rate CD is automatically renewed for a term of 6 months at the interest rate and APY in effect for CDs on renewal date (not subject to a Special Rate) unless the Bank has notified you otherwise. Due to the new money requirement, accounts may only be opened at your local branch. Wells Fargo reserves the right to modify or discontinue the offer at any time without notice. Offer cannot be combined with any other consumer deposit offer. Maximum new money deposit requirement of $1,500 is for this offer only and cannot be transferred to another account to qualify for any other consumer deposit offer. If you wish to take advantage of another consumer deposit offer requiring a minimum new money deposit, you will be required to do so with another new money deposit as stated in the offer requirements and qualifications. Offer cannot be reproduced, purchased, sold, transferred or traded. 3. The Portfolio by Wells Fargo program has a $30 monthly service fee, which can be waived when you have any of the following qualifying balances: $25,000 or more in qualifying linked bank deposit accounts (checking, savings, CDs, IRAs); owned Mutual $50,000 or more in any combination of qualifying linked banking, brokerage (available through Wells Fargo Advisors, LLC) and credit balances including 10% of mortgage balances (certain mortgages not eligible). If the Portfolio by Wells Fargo relationship is terminated the bonus rate is lost on all eligible savings accounts, and discounts or fee waivers on other products and services, and you'll also lose access to the Bank's then-current applicable rate for fee. For bonus interest rates on new accounts the change will occur upon renewal. If the Bank, in its Wells Fargo's sole, notice is terminated the remaining enrolled Wells Fargo Portfolio Checking or Wells Fargo Prime Checking account will be converted to another checking product or closed.

Investment and Insurance Products:
Are not insured by FDIC or any Federal Government Agency | May Lose Value | Are not a Deposit of or Guaranteed by a Bank

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Deposit products offered by Wells Fargo Bank, N.A. Member FDIC
MAIL_SAVE_29900

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003661

Weather will slow activity for anglers

Icy and Jose's weather is certainly typical for this time of year. Perfect weather the last several days has really made it nice out on the water. However with this week's cold front expect to take a couple of steps backwards in the progression of spring.

Catch and release snook fishing picked back up this week in Tampa Bay. The snook are spending the days in the middle of the day during the incoming tide. As the big fish begins their transition to their summer spawning areas they can be targeted along the mangroves for the next few weeks.

Live pinfish are getting the fish fired up. However, fishing the pinfish has been tricky to say the least. Look for bird activity to reveal the location of the glass minnow schools that are holding around the bridges. Within these glass minnow schools are the pinfish bringing plenty of baitfish chaos at stake is the key to attracting the few pinfish in the area. Like a cast net sized area. Lots of throws of the cast net have been necessary to gather enough bait for the day.

Sheepshead fishing has been good around the bay bridges recently. Live fiddler crabs weighted with a small split shot have been working the best. Work the fenders and down current sides of the pilings. Using a rod with a very light tip as well as some light braided line will allow you to feel the bite much better when using the fiddler crabs.

Spoil island trout fishing improved this week. Target the spoils north of Redington Causeway on the incoming tide either with live pinfish or select shrimp. Some bait is starting to show along the beach mouth channel although this week's weather might put an end to that until the seas lay down and the water clears up.

Tyson Wilkerson can be reached at rapt_tyson@hotmail.com. To get a fish photo in the paper, send the photo along with your name, where and when it was caught to editor@thebeachbeacon.com or mail it to Tampa Bay Newspapers, 9911 Seminole Blvd. Seminole FL 33772.



The great outdoors

Brooker to present Book Time

TARPON SPRINGS — Book Time at Brooker will be offered Thursday, March 7, 10:30 to 11:15 a.m. at Brooker Creek Preserve, 3940 Keystone Road, Tarpon Springs.

Designed for children ages 3 to 5, this free program connects attendees to the wonders of the natural world. In addition to hearing a great story, children will participate in a craft, game or other hands-on activity related to the story that is read. Space is limited.

Preregistration is required. Visit www.brookercreekpreserve.eventbrite.com. Registration only required for children and not the accompanying adult. Call 727-453-6800 or visit www.brookercreekpreserve.org.

Hikers to learn about native plants, pollinators

TARPON SPRINGS — The Native Plants & Pollinators Guided Hike will be offered Friday, March 8, 9 a.m. at Brooker Creek Preserve, 3940 Keystone Road, Tarpon Springs.

Participants will explore the Leslie Education Center Loop Trail with Janice Stevenson, UF/IFAS extension specialist. Hikers will discover native wildflowers, ferns, epiphytes, trees and more. The group also will be on the lookout for native pollinators and other interesting insects. This activity is best suited for adult participants.

The hike is free. Registration is required. Call 727-453-6800 or visit www.brookercreekpreserve.eventbrite.com.

Friends of Brooker to lead night hike

TARPON SPRINGS — The Friends of Brooker Creek will host a night hike Saturday, March 9, 6:30 p.m. at Brooker Creek Preserve, 3940 Keystone Road, Tarpon Springs.

Hikers will journey along the Education Center Trail. The hike is open to the public and hosted to 20 guests. Cost is a $5 per person donation. Participants should meet at the main parking lot.

Preregistration is required. To register, visit www.brookercreekpreserve.eventbrite.com.

For information, email Mary.Stanojkovic@pcsb.org or call 727-834-2600.

Brooker to present Book Time

TARPON SPRINGS — Book Time at Brooker will be offered Thursday, March 14, 10:30 to 11:15 a.m. at Brooker Creek Preserve, 3940 Keystone Road, Tarpon Springs.

Designed for children ages 3 to 5, this free program connects attendees to the wonders of the natural world. In addition to hearing a great story, children will participate in a craft, game or other hands-on activity related to the story that is read. Space is limited.

Preregistration is required. Visit www.brookercreekpreserve.eventbrite.com. Registration only required for children and not the accompanying adult. Call 727-453-6800 or visit www.brookercreekpreserve.org.

Hike to explore Brooker's wildlife

TARPON SPRINGS — The Wildlife in the Preserve Hike will be offered Friday, March 15, 9 a.m. at Brooker Creek Preserve, 3940 Keystone Road, Tarpon Springs.

Hikers will join an experienced naturalist for a journey along beautiful and natural trails at Brooker Creek Preserve. This will be a learning experience for everyone. Attendees are encouraged to bring binoculars and questions.

Volunteer Bob, guide will meet participants in the lobby of the education center 10 minutes before the scheduled start time. Attendees should wear sturdy closed-toe shoes or boots. Insect repellent is strongly recommended. Hikers also should bring plenty of drinking water and a snack. A hat, sunglasses and sunscreen are also recommended. The hike will take about two hours to complete.

The hike is free. Registration is required. Call 727-453-6800 or visit www.brookercreekpreserve.eventbrite.com.







VOTE
MARCH 12

MADEIRA BEACH
CITY HALL
7AM - 7PM



WHY ARE DOUG & STEVE THE BEST FOR THE JOB?

- *Real Transparency – open door policy, NO AGENDA POLITICS*
- *True internal audits of all departments – not a "forensic investigation" aimed to eliminate employees, but to address better accounting practices.*
- *Keep boards and committees active, especially the Civil Service Committee*
- *Responsible development to beautify our city*
- *Undergrounding of utilities*
- *Pursuing grants; like the pump out boat that will help keep our waters clean*
- *Encourage the use of our Nuisance Law – help keep crime out of our city*
- *Address traffic and roads improvements*
- *KEEP EVENTS .... Save the Seafood Festival and build better relations with Old Salt Fishing Foundation and Veteran's Boat Parade*

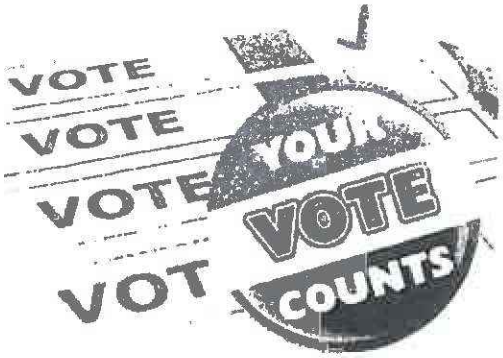
WE NEED YOUR VOTE MARCH 12

Pd. Pol. Adv. Paid For By Moderates for Madeira, Inc., 363A Medallion Blvd., Madeira Beach FL 33708. Content approved in advance by Doug Andrews, for Commissioner, District 3 and by Steve Kochick, for Commissioner, District 4

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003662

Doug and Steve
VOTE TODAY
March 12, 2019 at 11 41 AM

City Hall 7am to 7pm



March 2019

12

ALL registered residents CAN and should vote. (This is not a district only race)

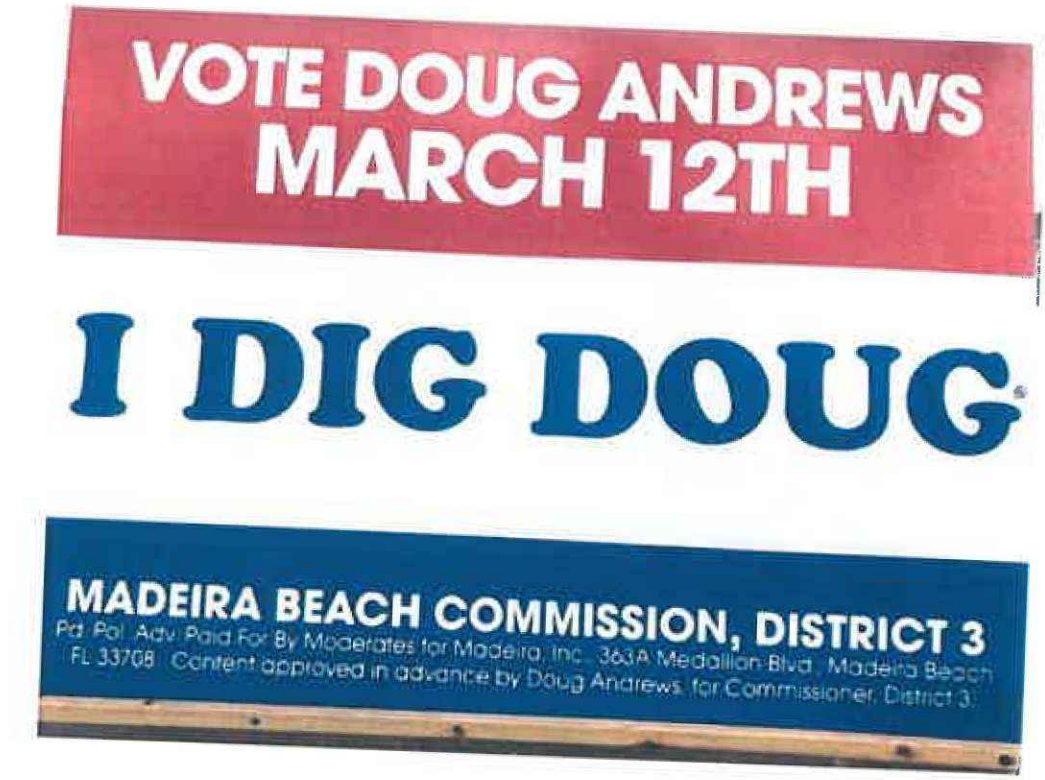
There are 11 Charter amendments on the ballot today as well. VOTE NO to all of them. Our Charter has been done fine by us for 50 years, why change something that isn't broken.

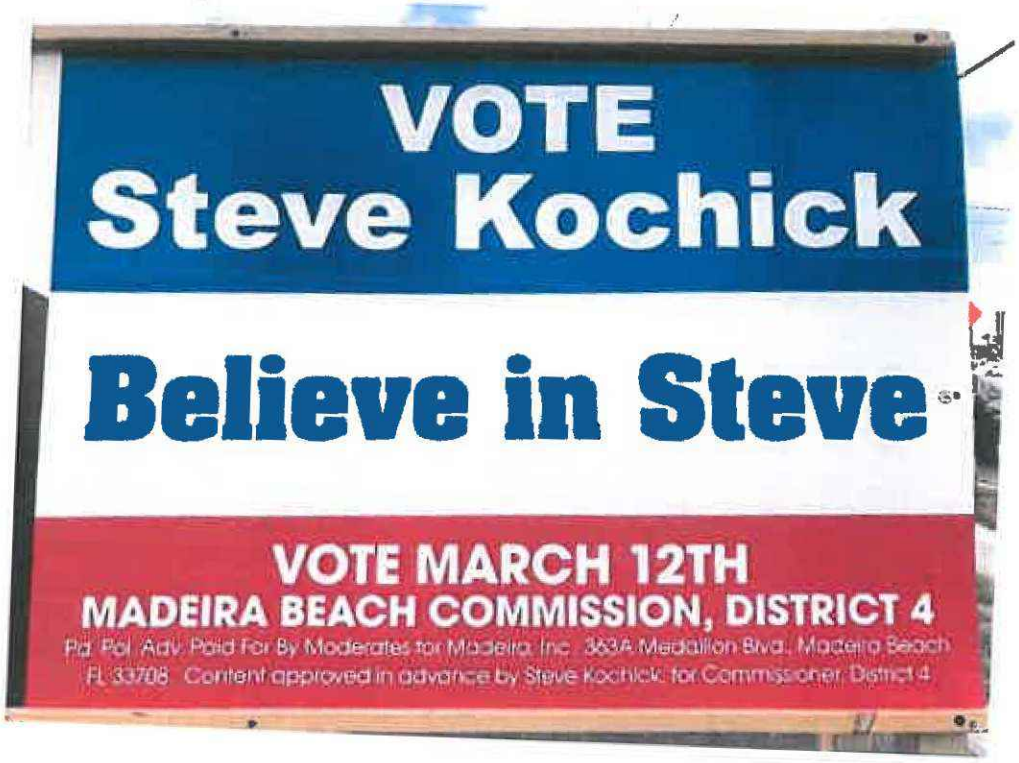
Today you should VOTE for both of us (Doug Andrews & Steve Kochick) and help unify this city, we can do it together.

FRIEND ON FACEBOOK Email Instagram

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AMERICAN OVERSIGHT





AMERICAN OVERSIGHT

Table 1

Report Period	Contributions	Expenditures	Net	Balance	Report Type	Clerk received
10/09/2019 - 10/12/2018	$3,350.00	$1,861.64	$1,488.36	$1,488.36	Original G5	10/16/2018
10/20/2018 - 10/26/2018	$200.00	$0.00	$200.00	$1,688.36	Original D1	Blank
10/26/2018 Waiver Rpt	$0.00	$0.00	$0.00	$1,688.36	Gen Elect ??	10/26/2018
10/27/2018 Waiver Rpt	$0.00	$0.00	$0.00	$1,688.36	Gen Elect D2	10/29/2018
10/28/2018 Waiver Rpt	$0.00	$0.00	$0.00	$1,688.36	Gen Elect D3	10/29/2018
10/29/2018 Waiver Rpt	$0.00	$0.00	$0.00	$1,688.36	Gen Elect D4	10/30/2018
10/20/2018 - 11/1/2018	$0.00	$333.00	-$333.00	$1,355.36	Original G7	11/2/2018
10/30/2018 Waiver Rpt	$0.00	$0.00	$0.00	$1,355.36	Gen Elect	10/31/2018
11/2/2018 Waiver Rpt	$0.00	$0.00	$0.00	$1,355.36	Gen Alec D6	11/2/2018
10/20/2018 - 11/1/2018	$200.00	$333.00	-$133.00	$1,222.36	Amendment G7	2/15/2019
11/2/2018 - 11/30/2018 Waiver Rpt	$0.00	$0.00	$0.00	$1,222.36	Monthly	11/30/2018
12/1/2018 - 12/31/2018 Waiver Rpt	$0.00	$0.00	$0.00	$1,222.36	Monthly	1/11/2019
1/1/2018 - 1/11/2018 Waiver Rpt	$0.00	$0.00	$0.00	$1,222.36	Gen Elect	Blank
1/1/2019 - 1/31/2019	$5,100.00	$4,310.00	$790.00	$2,012.36	Amendment M1	2/8/2019
2/1/2019 - 2/8/2019	$2,150.00	$0.00	$2,150.00	$4,162.36	Original G1	2/15/2019
2/9/2019 - 2/22/2019	$500.00	$1,505.79	-$1,005.79	$3,156.57	Original G2	3/1/2019
2/23/2019 - 3/1/2019	$1,000.00	$1,548.50	-$548.50	$2,608.07	Original G3	3/8/2019

EXHIBIT 3

AMERICAN OVERSIGHT

3/2/2019 - 3/31/2019	$500.00	$2,982.57	-$2,482.57	$125.50	M3	4/9/2019
Total	**$13,000**	**$12,875**	**$126**			

AMERICAN OVERSIGHT

Moderates for Madeira [1]
Political Committee Formed 10/5/2018

4. Nature of the Organization - Quality of live in Madeira Beach
7. List candidates - None
8. List issues the committee is supporting - Oppoed to proposed charter amendments
11. Bank - Bank of America - Acct # 229054639208

Date	Vendor	Type	Amount
10/1/2018	Squid Ink	Printing, mailing, postage	$1,861.64
10/29/2018	Beach Becon	Advertising	$333.00
		Total	**$2,194.64**

Moderates for Madeira [2]
Political Committee Formed 1/17/2019

4. Nature of the organization - Political Committee
7. List candidates - Doug Andrews, Steve Kochick
8. List issues the committee is supporting - Blank
11. Bank - Bank of America - Acct # 229054639208

Date	Vendor	Type	Amount
1/22/2019	Squid Ink	Candidate signs	$1,210.00
1/24/2019	Tampa Bay Newspapers	Advertisement	$610.00
1/31/2019	Tampa Bay Newspapers	Advertisement	$610.00
1/31/2019	Squid Ink	Candidate signs, info cards	$1,880.00
2/11/2018	Squid Ink	Printing, postage for mailing	$1,444.54
2/15/2019	FL Dept of State	Annual report fee	$61.25
2/11/2019	Squid Ink	Printing, postage, advertising	$1,548.50
3/6/2019	Roadrunner Digital	Advertising	$1,500.00
3/8/2109	Squid Ink	Printing, postage, advertising	$1,300.00
3/8/2019	Daquiri Shack	Volunteer food and Bev	$182.57
5/30/2019	Bank of America	Checking account	$214.84
5/30/2019	Rees Noren	Misc expenses	$43.66

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY

(3) · ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 1-01-2019 / To 1-31-2019 / Report Type: M1

☐ Original ☑ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 5,100.00
Loans	$ 0
Total Monetary	$ 5,100.00
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 4,310.00
Transfers to Office Account	$ 0
Total Monetary	$

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 8,650.00

(10) TOTAL Monetary Expenditures To Date
$ 6,504.64

Amendment

It is a first c

rtification
son to falsify a public record (ss. 839.13, F.S.)

I certify that I have exa

rect, and complete:

(Type name) REES I

☐ Individual (only for IE or electioneering comm.) ☐ Deputy Treasurer

X Signature

(Type name) HELEN T. CARTER

☐ Candidate ☑ Chairperson (only for PC and PTY)

X Helen Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

EXHIBIT 4

CAMPAIGN TREASURER'S REPORT -- ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 1-1-2019 through 1-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
1/31/2019 M1-1	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Signs and Information cards	IEI		1,880.00
1/31/2019 M1-2	Tampa Bay Newspapers 9911 Seminole Boulevard Seminole, FL 33772	Advertisement	IEI		610.00
1/24/2019 M1-3	Tampa Bay Newspapers 9911 Seminole Boulevard Seminole, FL 33772	Advertisement	IEI		610.00
1-22-2019 M1-4	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Signs	IEI	ADD	1,210.00
/ /					
/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
Received By City Clerks 2/8/2019 12:45

(3) ID Number: _____

(4) Check appropriate box(es):

☐ Candidate Office Sought: _____
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 1-01-2019 / ___ To 1-31-2019 / ___ Report Type: M1

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 5,100.00
Loans	$ 0
Total Monetary	$ 5,100.00
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 3,100.00
Transfers to Office Account	$ 0
Total Monetary	$

(8) Other Distributions

$ 0

(9) TOTAL Monetary Contributions To Date

$ 8,450.00

(10) TOTAL Monetary Expenditures To Date

$ 4,961.64

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 1-1-2019 through 1-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
1-22-2019 / / M1-1	KA Worldwide, LLC 13507 Gulf Boulevard Madeira Beach, FL 33708	B	Investor	CHE			5,000.00
1-22-2019 / / M1-2	Alligator Attractions, LLC 12973 Village Blvd. Madeira Beach, FL 33708	B	Retail	CHE			100.00
/ /							
/ /							
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 1-1-2019 through 1-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
1/31/2019 / M1-1	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Signs and Information cards	IEI		1,880.00
1/31/2019 / M1-2	Tampa Bay Newspapers 9911 Seminole Boulevard Seminole, FL 33772	Advertisement	IEI		610.00
1/24/2019 / M1-3	Tampa Bay Newspapers 9911 Seminole Boulevard Seminole, FL 33772	Advertisement	IEI		610.00
/ /					
/ /					
/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
City Clerk received
2/15/2019 11:16 am

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 2-01-2019 / To 2-8-2019 / Report Type: G1

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 2,150.00
Loans	$ 0
Total Monetary	$ 2,150.00
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 0
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 10,800.00

(10) TOTAL Monetary Expenditures To Date
$ 6,504.64

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen T. Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-1-2019 through 2-8-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name. (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount*
2-8/2019 / / G1-1	Speeler Foundations, Inc. 6411 142nd Avenue N Clearwater, FL 33760	B	Construction	CHE			1,000.00
2-8-2019 / / G1-2	William and Robin Biloski 118 131st Avenue, #F Madeira Beach, FL 33708	I	Retired	CHE			100.00
2-8-2019 / / G1-3	Virginia Tolliver 814 Baypoint Drive Madeira Beach, FL 33708	I	Hospitality	CHE			1,000.00
2-8-2019 / / G1-4	Leonard and Angela Piotti 10064 87th Street Seminole, FL 33777	I		CHE			50.00
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC (2) I.D. Number _____

(3) Cover Period 2-1-2019 / / through 2-8-2019 / / (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
/ /					
/ /					
/ /					
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/ /					
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DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
City Clerk received
3/1/2019 ; 1:39 p.m.

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 2-09-2019 / To 2-22-2019 / Report Type: G2

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 500.00
Loans	$ 0
Total Monetary	$
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 1,505.79
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 11,300.00

(10) TOTAL Monetary Expenditures To Date
$ 8,010.43

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-9-2019 through 2-22-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
2-11/2019 / / G2-1	DeLosa's Pizza & Restaurant, Inc. 12800 Village Blvd. Madeira Beach, FL 33708	B	Restaurant	CHE			500.00
/ /							
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AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number

(3) Cover Period 2-9-2019 through 2-22-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
2-11-2019 G2-1	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Printing and postage	IEC		$1,444.54
2-15-2019 G2-2	Florida Department of State 2661 Executive Center Circle Tallahassee, FL 32301	Corporate Annual Report Fee	MON		$61.25
/ /					
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/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
Received By City Clerk 3/8/2019 @ 11:25 am

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 2-23-2019 / To 3-01-2019 / Report Type: G3

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 1,000.00
Loans	$ 0
Total Monetary	$
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 1,548.50
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 12,300.00

(10) TOTAL Monetary Expenditures To Date
$ 9,558.93

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen T. Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. **(2) I.D. Number** _____

(3) Cover Period 2-23-2019 through 3-01-2019 **(4) Page** 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
2-28/2019 / / G3-1	Daniel's Development Company of SW Florida 2996 Dr. MLK Street N. St. Petersburg, FL 33704	B	Construction	CHE			1,000.00
/ /							
/ /							
/ /							
/ /							
/ /							
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DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 2-23-2019 / / through 3-01-2019 / / (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
2-11-2019 / G3-1	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Printing, postage, advertising	IEC		$1,548.50
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DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
Received By City Clerk.
9th April, 2019
@ 9:50 am

(3) ID Number: _____

(4) Check appropriate box(es):

☐ Candidate Office Sought: _____
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 3-02-2019 / ___ To 3-31-2019 / ___ Report Type: M3

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 500.00
Loans	$ 0
Total Monetary	$
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 2,982.57
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 12,800.00

(10) TOTAL Monetary Expenditures To Date
$ 12,541.50

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete.

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer

X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)

X Helen T. Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 3-02-2019 / / through 3-31-2019 / / (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
3-6-2019 / M3-1	Roadrunner Digital 400 Douglas Road E, Unit Letter i Oldsmar, FL 34667	Advertising	IEC		$1,500.00
3/8/2019 / / M3-2	Squid Ink 388 150th Avenue Madeira Beach, FL 33708	Printing,postage, advertising	IEC		$1,300.00
3/8/2019 / / M3-3	Daquiri Shak Raw Bar & Grille 14995 Gulf Boulevard Madeira Beach, FL 33708	Volunteer food and beverage	IEC		182.57
/ /					
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/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number _____

(3) Cover Period 3-02-2019 through 3-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Contributor Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
3/6/2019 / / M3-1	Dag Bros., Inc. 146 Boardwalk Place E Madeira Beach, FL 33708	B	Development	CHE			250.00
3/6/2019 / / M3-2	Dag Bros. Development, LLC 146 Boardwalk Place E Madeira Beach, FL 33708	B	Development	CHE			250.00
/ /							
/ /							
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

OFFICE USE ONLY

MODERATES FOR MADEIRA, INC.
Name

Office Sought

363A MEDALLION BOULEVARD
Address

MADEIRA BEACH, FL 33708
City State Zip Code

☐ Candidate ■ Political Committee ☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.)

☐ Check here if address has changed since last report. ☐ Check here if PC has DISBANDED and will no longer file reports

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

☐ MONTHLY REPORT ☐ PRIMARY ELECTION ■ GENERAL ELECTION ☐ OTHER REPORT TYPE

Indicate report #	Indicate report #	Indicate report #	Indicate report type and # as applicable:
M 4	P	G	

☐ TERMINATION REPORT ☐ SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

4/1/2019 THROUGH 4/31/2019

X Helen Carter — 5/9/19
Signature Date

X [illegible] — 5/09/2019
Signature Date

REQUIRED SIGNATURES FOR:

Candidates:
Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:
Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:
Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed

DS-DE 87 (Rev. 06/15)

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) MODERATES FOR MADEIRA, INC.
Name

(2) 363A MEDALLION BOULEVARD
Address (number and street)
MADEIRA BEACH, FL 33708
City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
Received By City Clerk Office 6/7/2019 2:30 PM

(3) ID Number:

(4) Check appropriate box(es):

☐ Candidate Office Sought:
☑ Political Committee (PC)
☐ Electioneering Communications Org. (ECO)
☐ Party Executive Committee (PTY)
☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☑ Check here if PC or ECO has disbanded
☐ Check here if PTY has disbanded
☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 5-01-2019 / ___ To 5-31-2019 / ___ Report Type: M5

☑ Original ☐ Amendment ☐ Special Election Report

(6) Contributions This Report

Cash & Checks	$ 0
Loans	$ 0
Total Monetary	$
In-Kind	$ 0

(7) Expenditures This Report

Monetary Expenditures	$ 258.50
Transfers to Office Account	$ 0
Total Monetary	$ 0

(8) Other Distributions
$ 0

(9) TOTAL Monetary Contributions To Date
$ 12,800.00

(10) TOTAL Monetary Expenditures To Date
$ 12,800.00

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) REES NOREN
☐ Individual (only for IE or electioneering comm.) ☑ Treasurer ☐ Deputy Treasurer
X Rees Noren
Signature

(Type name) HELEN T. CARTER
☐ Candidate ☑ Chairperson (only for PC and PTY)
X Helen Carter
Signature

DS-DE 12 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS

AMERICAN OVERSIGHT

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name MODERATES FOR MADEIRA, INC. (2) I.D. Number

(3) Cover Period 5-01-2019 through 5-31-2019 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
5-30-2019 / MS-1	Bank of America 14805 Gulf Boulevard Madeira Beach, FL 33708	Bank fees and costs	IEC		$214.84
5-30-2019 / MS-2	Rees Noren 363A Medallion Blvd. Madeira Beach, FL 33708	Reimbursements for gas, copies, volunteer food	PCS		43.66
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

DS-DE 14 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

AMERICAN OVERSIGHT

January 30, 2020

To: Mayor Maggi Black, City Manager Robert Daniels, City Attorney Ralf Brookes, Pinellas County Supervisor of Elections Deborah Clark

Elections Commission Investigation of the 2019 Municipal Election

It is my understanding that the Florida Elections Commission is investigating campaign activities that occurred during the March 2019 municipal election. Included in the investigation are the campaigns of Douglas Andrews and Steve Kochick, as well as the political committee, Moderates for Madeira, whose officers are Helen Price/Palladeno, Helen Carter, and Rees Noren.

The attached complaints were filed with the Elections Commission in August 2018. The complaints allege multiple and serious violations of the state election laws by Andrews, Kochick, and Moderates for Madeira.

Moderates for Madeira paid for nearly all of the Andrews and Kochick Campaign expenses, in apparent violation of law.

The Moderates for Madeira campaign, guided by Helen Price/Palladeno, the principals of the Old Salt Fishing Foundation, hotel developers and candidates Andrews and Kochick, appears to be a concerted effort to take over city government for their own private interests rather than the well-being of the citizens of Madeira Beach.

More than 70% of the campaign contributions to Moderates for Madeira came from land owners, architects and contractors. A more fitting name for the Price/Palladeno political committee would have been “Developers for Madeira”.

The Moderates for Madeira political committee gathered unlimited donations of money from developers, land owners, non-residents and some of the city’s vendors to elect Andrews and Kochick. Moderates for Madeira enabled candidates Andrews and Kochick to avoid the $1,000 cap on campaign donations. Moderates for Madeira contributors included:

- Attorney Helen A. Palladeno - $1,500 contribution, Vice Chairperson of Moderates for Madeira. Helen used the name Helen Price in registering Moderates for Madeira but used the name Helen Palladeno when she made a $1,500 donation to Moderates for Madeira. She is running for the District 1 Commission seat in the 2020 Madeira Beach municipal election.

AMERICAN OVERSIGHT

- KA World of St Petersburg - $5,000 contribution. KA principals own the former Jeff the Jeweler property on 150th Avenue, Madeira Beach..
- Rees Noren - $1,250 contribution. Treasurer of Moderates for Madeira.
- Architect Samuel Carew-Jones of Clearwater - $500 contribution.
- Speeler Foundations - $1,000 contribution. Under Mayor Travis Palladeno's administration, the city paid Speeler tens of thousands of dollars for marina dock construction.
- Daniels Development of St Petersburg (Scott E. Bodziak) - $1,000 contribution.

The contributions, both monetary and in-kind, exceeding $1,000 in the aggregate from Moderates for Madeira to candidates Andrews and Kochick exceed allowable contribution limits. This is part of the Florida Elections Commission investigation.

Thomas and Amy Verdensky (Squid Ink and Old Salt Fishing Foundation) made non-cash contributions to Moderates for Madeira, the Andrews campaign, and the Kochick campaign. Squid Ink handled advertising, messaging, postage and signage for the candidates. Moderates for Madeira spent more than $10,000 on the Andrews and Kochick campaigns; 71% of this flowed through Squid Ink. Thomas Verdensky is the president of the Old Salt Fishing Foundation and Amy Verdensky is a board member. One of the key campaign pledges made by Andrews and Kochick, and published in their 2019 Beach Beacon campaign ad, was to "build better relations with the Old Salt Fishing Foundation".

Elections Commission investigations of the 2017 Municipal Election and a Failed 2018 Recall Election

The attached complaints represent the third time in recent elections that candidates for office in Madeira Beach have appeared to violate the state election laws.

- Ingrid Ferro Spilde falsified her residency requirement in the 2017 commission election.
- John Hendricks and Robert Preston committed campaign finance violations as the principals of Respect Mad Beach in their failed attempt to overturn the 2017 commission elections.

AMERICAN OVERSIGHT

- Ferro-Spilde, Hendricks and Preston were found to have violated various campaign laws, signed consent orders, and were fined by the Florida Elections Commission.
- John Hendricks is running for Mayor in the 2020 Madeira Beach election.

The repeat nature of the election violations in Madeira Beach suggests the need for the city attorney and the Pinellas Supervisor of Elections to take an active role in reviewing candidate filings and financial reporting. It is destructive to our democracy when cheating candidates are allowed to violate the state's election laws and are then installed in elected positions.

Records Request

I am requesting the following records in regard to the 2019 municipal election in Madeira Beach.

- Correspondence, interviews and meeting notes between city officials (e.g., city clerk, city attorney, city manager) and the Florida Elections Commission including records requests by the Elections Commission concerning the March 2019 election campaigns of Douglas Andrews, Steve Kochick and Moderates for Madeira.
- Correspondence, interviews and meeting notes between city officials and Douglas Andrews regarding the Elections Commission investigation.
- Correspondence, interviews and meeting notes regarding any requests by Douglas Andrews for representation by the city attorney before the Elections Commission.

Sincerely,
William Gay

AMERICAN OVERSIGHT

From: Hubbard, Zachary
Sent: Tuesday, November 05, 2019 11:12 AM EST
To: lena@jejassoc.com <lena@jejassoc.com>; Taylor Biehl <taylor@capitolalliancegroup.com>
Subject: Ev Bill
Attachment(s): "EV Draft Bill 11.5.2019 (003).docx"

Hey guys,

I've attached our latest draft. Let me know of any questions!

Best,

Zach Hubbard
Legislative Aide to State Senator Jeff Brandes
Senate District 24
District Phone Number: 727.563.2100
Capitol Phone Number: 850.487.5024

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to electric vehicles; amending s. 316.003, F.S.; revising the definition of the terms "autocycle" and "personal delivery device"; creating s. 339.286, F.S.; requiring the Department of Transportation to create the Electric-Vehicle Infrastructure Grant Program; providing the purposes of the program; providing for the distribution of grants to certain entities to install electric-vehicle charging infrastructure; providing grant requirements; providing requirements for equipment installed using grant funds; providing criteria for the distribution of grants; amending s. 366.94, F.S.; prohibiting state agencies that implement certain rules from requiring specific methods of sale for electric vehicle charging equipment used in this state; requiring the Florida Public Service Commission to direct all public utilities to file for approval and implement approved rate designs to accommodate and optimize electric vehicle charging activities, subject to certain requirements; providing an effective date.

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

Section 1. Subsections (2) and (55) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context

AMERICAN OVERSIGHT

otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, brakes meeting the Federal Motor Vehicle Safety Standard 122, a steering mechanism, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(55) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;

(b) Weighs less than 120 ~~80~~ pounds or, if the Department of Transportation establishes by rule a maximum weight, has a weight that does not exceed that maximum, excluding cargo;

(c) Has a maximum speed of 10 miles per hour or, if the Department of Transportation establishes by rule a maximum speed, has a speed that does not exceed that maximum; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device.

Section 2. Paragraph (c) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

AMERICAN OVERSIGHT

334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(c) *Mobility.*—Ensuring a cost-effective, statewide, interconnected transportation system. Improvement of travel choices to ensure mobility includes planning and establishment of infrastructure for innovative technologies, including electric vehicle charging infrastructure.

Section 3. Section 339.286, Florida Statutes, is created to read:

339.286 Electric Vehicle Infrastructure Grant Program.—

(1) The department shall establish the Electric-Vehicle Infrastructure Grant Program. The purpose of the program is to provide financial assistance to encourage the installation of electric vehicle charging infrastructure.

(2) State agencies, public universities, public transit agencies, ports, airports, and local governments, including local housing authorities and libraries, may apply to the department for grants for the purpose of installing electric vehicle charging infrastructure.

(3) A grant may be awarded for:

1. Technical assistance for the creation and adoption of a local or regional plan that establishes an electric vehicle charging infrastructure and the necessary action plans to address any infrastructure gaps and steps to complete the infrastructure plan. A plan must address actions to deploy the necessary infrastructure in high-density housing areas and low- to moderate-income areas.

2. Assistance with the purchase of related equipment and

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the costs of installation of that equipment to provide electric vehicle charging. Such equipment must be capable of collecting and reporting data and must use standard connectors.

(4)(a) An applicant may apply for a grant for both technical assistance and equipment purchase and installation. A grant for technical assistance requires a minimum match of funds from the applicant of 30 percent of the grant award, but such match is not required for an applicant that is located in a fiscally constrained county. A grant for equipment purchase and installation requires a minimum match of funds from the applicant of 50 percent of the grant award, or 20 percent for an applicant that is located in a fiscally constrained county. The matching funds must be from nonstate resources, but may include private funds provided through a partnership with a private entity or in-kind contributions such as the donation of equipment, services, or land or use of land for establishment of the electric vehicle charging infrastructure. Grant funds may not subsidize the cost for the use of electricity.

(b) The department shall maintain a prioritized list of approved grant applications. The prioritized list must include recommended funding levels for each application and, if staged implementation is appropriate, provide funding requirements for each stage. Grants must be prioritized based on the extent to which the activities of the grant will encourage growth in the use of electric vehicles and increase the availability of charging locations along evacuation routes. A grant for equipment purchase and installation that will immediately and most effectively serve those who currently own or operate electric vehicles may receive priority.

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(5) The department must continually review emerging research, policies, and standards related to electric vehicle infrastructure. Using such information, the department must publish best practices for the establishment of electric vehicle charging infrastructure, model infrastructure plan development and components, and other significant information for the implementation and use of electric vehicle charging infrastructure. The department may develop a model plan that local governments may use as a guide to establish an electric vehicle charging infrastructure plan.

(6) The department shall adopt rules to administer this section.

Section 4. Contingent upon the enactment of Senate Bill XXXX (EV FEES) or other similar legislation enacted in the 2020 Regular Session or an extension thereof, section 339.0802, Florida Statutes, is created to read:

339.0802 .—Allocation of increased revenues derived from amendments to s. 320.0801 by this act.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 320.0801 made by this act must be used as set forth in this section, notwithstanding any other provision of law.

(1) Beginning in the 2020-2021 Fiscal Year and annually for 5 years thereafter, all increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(2) Beginning in the 2025-2025 Fiscal Year and annually for 5 years thereafter, half of the increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(3) This section expires on July 1, 2030.

AMERICAN OVERSIGHT

CONSIDERATION - I think you need to get a revenue estimate, and do a set amount (or file this as is, get the REC estimate, and then amend accordingly). I think it'll be hard (maybe?) for the department to know how much revenue they are going to get in a year and fund projects. If you do set amounts, then we'd do a subsection (3) and throw the remainder of increased revenues into the work program or whatever.

Section 5. Paragraph (c) of subsection (7) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local

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government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems, electric vehicles and electric vehicle charging stations, and other developments.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

Section 6. Paragraph (c) of subsection (3) of section 339.64, Florida Statutes, is amended to read:

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339.64 Strategic Intermodal System Plan.—

(3)

(c) The department shall coordinate with federal, regional, and local partners, as well as industry representatives, to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems, electric vehicles and electric vehicle charging stations, and other developments, in Strategic Intermodal System facilities.

Section 7. Section 366.94, Florida Statutes, is amended to read:

366.94 Electric vehicle charging stations.—

(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.

(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry. Rules implemented under this subsection may not require specific methods of sale for electric vehicle charging equipment used in this state.

(3)(a) It is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging

AMERICAN OVERSIGHT

station within any parking space specifically designated for charging an electric vehicle.

(b) If a law enforcement officer or specialist finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.

(4) The commission shall direct all public utilities to file for approval of rate designs, and to implement approved rate designs, to accommodate and optimize electric vehicle charging activities. Rates filed under this subsection must be submitted to the commission by October 1, 2020, and approved rates must remain in effect for at least 5 years. Rates that must be approved and implemented under this subsection include, but are not limited to, both of the following:

(a) Revisions to capacity or demand charges for publicly available, privately operated high-powered charging.

(b) Time-of-use rates for residential charging activities to encourage off-peak charging activities.

Section 8. The Division of Law Revision is directed to replace the phase "this act" wherever it occurs in this act with the chapter law number.

Section 9. Except as otherwise expressly provided, this act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Clemens, Clayton <Clayton.Clemens@myfloridahouse.gov>
Sent: Friday, December 27, 2019 1:13 PM EST
To: Lena Juarez <lena@jejassoc.com>
CC: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>; Anderson, Jack <Jack.Anderson@myfloridahouse.gov>
Subject: EV Bill
Attachment(s): "12 27 updated fee billdraft72571.docx","County Plan billdraft71179.docx"

Hey guys,

Hope you both had a Merry Christmas and are gearing up for a great New Year!

Attached is our updated fee draft. Lena, can you confirm this is good to go so I can transfer to Rep. Slosberg's office? Also attached is our EV draft with the inclusion of a county master plan for EV infrastructure. Can you confirm if this is good to go as well?

Thank you both,

Clayton Clemens
Aide to Rep. Jackie Toledo
House District 60

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to fees; amending s. 320.08001, F.S.; creating an additional fee for electric vehicles; creating a license tax and an additional fee for hybrid vehicles; providing for the distribution of proceeds from the additional fees; requiring, on specified dates, the Department of Highway Safety and Motor Vehicles to increase the additional fees, subject to certain requirements; providing that certain vehicles are exempt from specified fees; providing for the future expiration and reversion of specified statutory text; providing a contingent effective date.

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

Section 1. Section 320.08001, Florida Statutes, is amended to read:

320.08001 Low-speed, electric, and hybrid vehicles; license tax.—

(1) The license tax for a ~~an electric vehicle or~~ low-speed vehicle is the same as that prescribed in s. 320.08 for a vehicle that is not electrically powered.

(2)(a) The license tax for an electric vehicle weighing less than 8,000 pounds is the same as that prescribed in s.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003702

320.08 for a vehicle that is not electrically powered, plus an additional $135 flat fee. Beginning on January 1, 2025, the license tax for an electric vehicle weighing less than 8,000 pounds is the same as that prescribed in s. 320.08 for a vehicle that is not electrically powered, plus an additional $150 flat fee.

(b) The license tax for an electric vehicle weighing 8,000 pounds or more is the same as that prescribed in s. 320.08 for a vehicle that is not electrically powered, plus an additional $235 flat fee. Beginning on January 1, 2025, the license tax for an electric vehicle weighing 8,000 pounds or more is the same as that prescribed in s. 320.08 for a vehicle that is not electrically powered, plus an additional $250 flat fee.

(c) Fifty percent of the proceeds of the additional flat fee must be deposited into the State Transportation Trust Fund, and 50 percent must be deposited into the Electric Vehicle Infrastructure Grant Program created under s. 339.286.

(3) The license tax for a hybrid vehicle as defined in s. 316.0741 is the same as that prescribed in s. 320.08 for a vehicle that is not partially powered by a rechargeable energy-storage system, plus an additional $35 flat fee. Beginning on January 1, 2025, the license tax for a hybrid vehicle as defined in s. 316.0741 is the same as that prescribed in s. 320.08 for a vehicle that is not partially powered by a rechargeable energy-storage system, plus an additional $50 flat fee. The proceeds of

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FL-SEN-20-0201-B, 20-0202-A-003703

the additional flat fee must be deposited into the State Transportation Trust Fund.

(4) On January 1, 2024, and every 5 years thereafter, the department shall increase the additional flat fees imposed under subsections (2) and (3) to ensure that the additional fees reflect any upward adjustment in the South Region Consumer Price Index compiled by the United States Department of Labor. The fee increase must be equal to the average percentage change in the South Region Consumer Price Index for the prior 5 years.

(5) A low-speed, electric, or hybrid vehicle that uses a battery storage system of up to 5 kilowatt hours is exempt from any fee imposed under this section.

Section 2. The amendments made by this act to s. 320.08001, Florida Statutes, expire on July 1, 2030, and the text of that section shall revert to that in existence on June 30, 2020, except that any amendments to such text enacted other than by this act must be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 3. This act shall take effect July 1, 2020, but only if HB ____ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003704

A bill to be entitled

An act relating to electric vehicles; amending s. 316.003, F.S.; revising definitions; authorizing the Department of Transportation to adopt rules; amending s. 334.046, F.S.; revising the department's goals relating to mobility; creating s. 339.0802, F.S.; requiring that certain funds be used for specified purposes relating to the Electric Vehicle Infrastructure Grant Program, beginning in specified years; providing for future repeal of the requirement; creating s. 339.286, F.S.; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; providing the purpose of the program; providing for the distribution of grants to certain entities to install electric vehicle charging infrastructure; providing grant requirements; providing requirements for equipment installed using grant funds; providing criteria for the distribution of grants; requiring that the department continually review emerging research, policies, and standards; authorizing the department to develop a model plan for local governments; requiring the department to adopt rules; creating s. 339.287, F.S.; defining the term "master plan for electric vehicle charging stations" or "master plan"; requiring the department, in

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FL-SEN-20-0201-B, 20-0202-A-003705

coordination with the Office of Energy within the Department of Agriculture and Consumer Services and the Florida Clean Cities Coalitions, or other appropriate entities, to develop and adopt by a specified date a master plan for electric vehicle charging stations on the state highway system; specifying goals and objectives of the master plan; requiring the master plan to be updated annually by a specified date; amending s. 366.94, F.S.; specifying that certain rules adopted by the Department of Agriculture and Consumer Services may not require specific methods of sale for electric vehicle charging equipment and services provided in this state; providing effective dates.

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

Section 1. Subsections (2) and (55) of section 316.003, Florida Statutes, are amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003706

a roll cage or roll hoops, a seat belt for each occupant, antilock brakes that meet the requirements of Federal Motor Vehicle Safety Standard No. 122, a steering mechanism ~~wheel~~, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(55) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;

(b) Has a weight that does not exceed the maximum weight established by Department of Transportation rule ~~Weighs less than 80 pounds, excluding cargo~~;

(c) Has a maximum speed of 10 miles per hour or, if the Department of Transportation establishes by rule a maximum speed, has a speed that does not exceed that maximum; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device. The Department of

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FL-SEN-20-0201-B, 20-0202-A-003707

Transportation may adopt rules to implement this subsection.

Section 2. Paragraph (c) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(c) *Mobility.*—Ensuring a cost-effective, statewide, interconnected transportation system. Improvement of travel choices to ensure mobility includes planning and establishment of infrastructure for innovative technologies, including electric vehicle charging infrastructure.

Section 3. Effective upon HB ___ or other similar legislation being enacted in the 2020 Regular Session or an extension thereof and becoming a law, section 339.0802, Florida Statutes, is created to read:

339.0802 Allocation of increased license tax revenues from licensure of electric and hybrid vehicles.—Funds that result from increased revenues to the State Transportation Trust Fund derived under s. 320.08001(2), (3), and (4) must be used as set forth in this section, notwithstanding any other provision of law.

(1) Beginning in the 2020-2021 fiscal year, and annually for 4 years thereafter, all increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(2) Beginning in the 2025-2026 fiscal year, and annually

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FL-SEN-20-0201-B, 20-0202-A-003708

for 4 years thereafter, half of the increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(3) This section expires on July 1, 2030.

Section 4. Section 339.286, Florida Statutes, is created to read:

339.286 Electric Vehicle Infrastructure Grant Program.—

(1) The department shall establish the Electric Vehicle Infrastructure Grant Program. The purpose of the program is to provide financial assistance to encourage the installation of electric vehicle charging infrastructure.

(2) State agencies, public universities, public transit agencies, ports, airports, and local governments, including local housing authorities and libraries, may apply to the department for grants for the purpose of installing publicly available electric vehicle charging infrastructure on public or private property.

(3) A grant may be awarded for:

(a) Technical assistance for the development and adoption of:

1. A local or regional plan that establishes an electric vehicle charging infrastructure;

2. Any action plans necessary to address any infrastructure gaps; and

3. Steps necessary to complete the infrastructure plan.

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FL-SEN-20-0201-B, 20-0202-A-003709

A plan must address actions to deploy the necessary infrastructure in high-density housing areas and low-income to moderate-income areas.

(b) Assistance with the purchase of related equipment and the costs of installation of that equipment to provide electric vehicle charging. Such equipment must be available to the public, must be capable of collecting and reporting data, and must use standard connectors.

(4)(a) An applicant may apply for a grant for both technical assistance and equipment purchase and installation. A grant for technical assistance requires a minimum match of funds from the applicant in the amount of 30 percent of the grant award, but such match is not required for an applicant that is located in a fiscally constrained county. A grant for equipment purchase and installation requires a minimum match of funds from the applicant in the amount of 50 percent of the total project cost for Level 2 charging infrastructure or 20 percent of the total project cost for direct-current, fast-charging infrastructure. The matching funds must be from nonstate resources but may include private funds provided through a partnership with a private entity or in-kind contributions such as the donation of equipment, services, or land or use of land for establishment of the electric vehicle charging infrastructure. Grant funds may not subsidize the cost for the use of electricity. Twenty percent of the funds available under

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FL-SEN-20-0201-B, 20-0202-A-003710

this program shall be reserved for applicants or projects in fiscally constrained counties.

(b) The department shall maintain a prioritized list of approved grant applications. The prioritized list must include recommended funding levels for each application and, if staged implementation is appropriate, provide funding requirements for each stage. Grants must be prioritized based on the extent to which the activities of the grant will encourage growth in the use of electric vehicles and increase the availability of charging stations along evacuation routes. A grant for equipment purchase and installation that will immediately and most effectively serve those who currently own or operate electric vehicles may receive priority. An applicant may engage a private-sector entity to install electric vehicle charging infrastructure on private property in the applicant's county or local jurisdiction.

(5) The department shall continually review emerging research, policies, and standards related to electric vehicle infrastructure. Using such information, the department shall publish best practices for the establishment of electric vehicle charging infrastructure, model infrastructure plan development and components, and other significant information for the implementation and use of electric vehicle charging infrastructure. The department may develop a model plan that local governments may use as a guide to establish an electric

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FL-SEN-20-0201-B, 20-0202-A-003711

vehicle charging infrastructure plan.

(6) The department shall adopt rules to administer this section.

Section 5. Section 339.287, Florida Statutes, is created to read:

339.287 Electric vehicle charging stations; master plan requirements.—

(1) As used in this section, the term "master plan for electric vehicle charging stations" or "master plan" means a comprehensive plan of the department which describes current and future plans for the development of electric vehicle charging stations on the state highway system.

(2) The department, in coordination with the Office of Energy within the Department of Agriculture and Consumer Services and the Florida Clean Cities Coalitions designated by the United States Department of Energy, or other appropriate public or private entities, shall develop and adopt a master plan for electric vehicle charging stations on the state highway system by July 1, 2021.

(3) The goals and objectives of the master plan include, but are not limited to:

(a) Identifying optimal locations on the state highway system for the development of electric vehicle charging stations as a means of facilitating electric vehicle short-range and long-range travel and adequately serving evacuation routes in

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003712

this state.

(b) Identifying locations that would serve existing electric vehicles or encourage the expansion of electric vehicle use in this state.

(c) Evaluating and comparing the types of electric vehicle charging stations available at present and in the future, including the technology and infrastructure incorporated in such stations, for the purpose of identifying any advantages to developing a particular type of station.

(d) Evaluating the economic potential for electric vehicle charging stations in this state and considering strategies to develop that potential, including, but not limited to, methods of building partnerships with local governments, other state and federal entities, electric utilities, the business community, and the public in support of electric vehicle charging stations.

(e) Identifying specific projects that will accomplish the goals and objectives of this section.

(4) After its adoption, the master plan shall be updated annually by July 1.

Section 6. Section 366.94, Florida Statutes, is amended to read:

366.94 Electric vehicle charging stations.—

(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003713

of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.

(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry. Rules implemented under this subsection may not require specific methods of sale for electric vehicle charging equipment and services provided in this state.

(3)(a) ~~It is unlawful for~~ A person may not ~~to~~ stop, stand, or park a vehicle that is not capable of using an electrical recharging station within a ~~any~~ parking space specifically designated for charging an electric vehicle.

(b) If a law enforcement officer or specialist finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.

Section 7. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003714

From: Clemens, Clayton <Clayton.Clemens@myfloridahouse.gov>
Sent: Monday, December 09, 2019 2:21 PM EST
To: Lena Juarez <lena@jejassoc.com>
CC: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: EV Infrastructure
Attachment(s): "billdraft71179.docx"

Hey guys,

Here is the draft back from drafting, take a look and let me know your thoughts.

Have a great day,

Clayton Clemens
Aide to Rep. Jackie Toledo
House District 60

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to electric vehicles; amending s. 316.003, F.S.; revising definitions; authorizing the Department of Transportation to adopt rules; amending s. 334.046, F.S.; revising the department's goals relating to mobility; creating s. 339.0802, F.S.; requiring that certain funds be used for specified purposes relating to the Electric Vehicle Infrastructure Grant Program, beginning in specified years; providing for future repeal of the requirement; creating s. 339.286, F.S.; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; providing the purpose of the program; providing for the distribution of grants to certain entities to install electric vehicle charging infrastructure; providing grant requirements; providing requirements for equipment installed using grant funds; providing criteria for the distribution of grants; requiring that the department continually review emerging research, policies, and standards; authorizing the department to develop a model plan for local governments; requiring the department to adopt rules; amending s. 366.94, F.S.; specifying that certain rules adopted by the Department of Agriculture and Consumer Services may not require specific methods

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003716

of sale for electric vehicle charging equipment and services provided in this state; providing effective dates.

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

Section 1. Subsections (2) and (55) of section 316.003, Florida Statutes, are amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes that meet the requirements of Federal Motor Vehicle Safety Standard No. 122, a steering mechanism ~~wheel~~, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(55) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended

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FL-SEN-20-0201-B, 20-0202-A-003717

primarily for transporting property;

(b) Has a weight that does not exceed the maximum weight established by Department of Transportation rule ~~Weighs less than 80 pounds, excluding cargo~~;

(c) Has a maximum speed of 10 miles per hour or, if the Department of Transportation establishes by rule a maximum speed, has a speed that does not exceed that maximum; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device. The Department of Transportation may adopt rules to implement this subsection.

Section 2. Paragraph (c) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(c) *Mobility.*—Ensuring a cost-effective, statewide, interconnected transportation system. Improvement of travel choices to ensure mobility includes planning and establishment of infrastructure for innovative technologies, including electric vehicle charging infrastructure.

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FL-SEN-20-0201-B, 20-0202-A-003718

Section 3. Effective upon House Bill ___ or other similar legislation being enacted in the 2020 Regular Session or an extension thereof and becoming a law, section 339.0802, Florida Statutes, is created to read:

339.0802 Allocation of increased license tax revenues from licensure of electric and hybrid vehicles.—Funds that result from increased revenues to the State Transportation Trust Fund derived under s. 320.08001(2), (3), and (4) must be used as set forth in this section, notwithstanding any other provision of law.

(1) Beginning in the 2020-2021 fiscal year, and annually for 4 years thereafter, all increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(2) Beginning in the 2025-2026 fiscal year, and annually for 4 years thereafter, half of the increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(3) This section expires on July 1, 2030.

Section 4. Section 339.286, Florida Statutes, is created to read:

339.286 Electric Vehicle Infrastructure Grant Program.—

(1) The department shall establish the Electric Vehicle Infrastructure Grant Program. The purpose of the program is to provide financial assistance to encourage the installation of electric vehicle charging infrastructure.

(2) State agencies, public universities, public transit

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003719

agencies, ports, airports, and local governments, including local housing authorities and libraries, may apply to the department for grants for the purpose of installing publicly available electric vehicle charging infrastructure on public or private property.

(3) A grant may be awarded for:

(a) Technical assistance for the development and adoption of:

1. A local or regional plan that establishes an electric vehicle charging infrastructure;

2. Any action plans necessary to address any infrastructure gaps; and

3. Steps necessary to complete the infrastructure plan.

A plan must address actions to deploy the necessary infrastructure in high-density housing areas and low- to moderate-income areas.

(b) Assistance with the purchase of related equipment and the costs of installation of that equipment to provide electric vehicle charging. Such equipment must be available to the public, must be capable of collecting and reporting data, and must use standard connectors.

(4)(a) An applicant may apply for a grant for both technical assistance and equipment purchase and installation. A grant for technical assistance requires a minimum match of funds

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FL-SEN-20-0201-B, 20-0202-A-003720

from the applicant in the amount of 30 percent of the grant award, but such match is not required for an applicant that is located in a fiscally constrained county. A grant for equipment purchase and installation requires a minimum match of funds from the applicant in the amount of 50 percent of the total project cost for Level 2 charging infrastructure or 20 percent of the total project cost for direct-current, fast-charging infrastructure. The matching funds must be from nonstate resources but may include private funds provided through a partnership with a private entity or in-kind contributions such as the donation of equipment, services, or land or use of land for establishment of the electric vehicle charging infrastructure. Grant funds may not subsidize the cost for the use of electricity. Twenty percent of the funds available under this program shall be reserved for applicants or projects in fiscally constrained counties.

(b) The department shall maintain a prioritized list of approved grant applications. The prioritized list must include recommended funding levels for each application and, if staged implementation is appropriate, provide funding requirements for each stage. Grants must be prioritized based on the extent to which the activities of the grant will encourage growth in the use of electric vehicles and increase the availability of charging locations along evacuation routes. A grant for equipment purchase and installation that will immediately and

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FL-SEN-20-0201-B, 20-0202-A-003721

most effectively serve those who currently own or operate electric vehicles may receive priority. An applicant may engage a private-sector entity to install electric vehicle charging infrastructure on private property in the applicant's county or local jurisdiction.

(5) The department shall continually review emerging research, policies, and standards related to electric vehicle infrastructure. Using such information, the department shall publish best practices for the establishment of electric vehicle charging infrastructure, model infrastructure plan development and components, and other significant information for the implementation and use of electric vehicle charging infrastructure. The department may develop a model plan that local governments may use as a guide to establish an electric vehicle charging infrastructure plan.

(6) The department shall adopt rules to administer this section.

Section 5. Section 366.94, Florida Statutes, is amended to read:

366.94 Electric vehicle charging stations.—

(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003722

affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.

(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry. Rules implemented under this subsection may not require specific methods of sale for electric vehicle charging equipment and services provided in this state.

(3)(a) ~~It is unlawful for~~ A person may not ~~to~~ stop, stand, or park a vehicle that is not capable of using an electrical recharging station within a ~~any~~ parking space specifically designated for charging an electric vehicle.

(b) If a law enforcement officer or specialist finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-003723

From: Torres, Jared <Jared.Torres@fdc.myflorida.com>
Sent: Wednesday, October 23, 2019 12:34 PM EDT
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
CC: Vaughan, Scotti <Scotti.Vaughan@fdc.myflorida.com>; Taylor, Chris <WillardChris.Taylor@fdc.myflorida.com>; Mann, Garrett <Garrett.Mann@fdc.myflorida.com>
Subject: FDC Priority Bill - State-Operated Institutions Inmate Welfare Trust Fund
Attachment(s): "FDC One Pager_State-Operated Institutions Inmate Welfare Trust Fund within FDC.docx","FDC Bill Language-State-Operated Institutions Inmate Welfare Trust Fund within FDC.docx","FDC Bill Language-Part 2-State-Operated Institutions Inmate Welfare Trust Fund within FDC.docx"

Vanessa,

As discussed, please find attached **FDC's legislative priority bill to establish the State-Operated Institutions Inmate Welfare Trust Fund within the Florida Department of Corrections**. This proposal will provide the Department with valuable resources to combat inmate idleness, provide needed programming and improve safety within Florida's prisons.

A one pager is attached for your convenience. It is our understanding that an establishment of a trust fund procedurally requires two bills; therefore, there are two bill drafts attached. We welcome any edits and guidance from bill drafting/staff. We also welcome a conversation regarding the amount of the cap and whether a lower amount may be more favorable.

I am available anytime to talk with Chair Brandes about strategy for a sponsor or possibly a committee bill.

Please let me know if you need anything else and I look forward to hearing from you soon.

Thank you!
Jared

Jared M. Torres
Legislative Affairs Director
Florida Department of Corrections
Office: 850-717-3045
Cell: 850-728-5207
Email: Jared.Torres@fdc.myflorida.com

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to trust funds; amending s. 945.215, F.S.; requiring that specified proceeds and certain funds be deposited in the State Operated Institutions Inmate Welfare Trust Fund; providing that the State Operated Institutions Inmate Welfare Trust Fund is a trust held by the Department of Corrections for the benefit and welfare of certain inmates; prohibiting deposits into the trust fund from exceeding $10 million per fiscal year; requiring that deposits in excess of that amount be deposited into the General Revenue Fund; requiring that funds of the trust fund be used exclusively for specified purposes at correctional facilities operated by the department; requiring that funds from the trust fund only be expended pursuant to legislative appropriations; requiring the department to annually compile a report, at the statewide and institutional level documenting trust fund receipts and expenditures; requiring that the report be submitted by October 1 for the previous fiscal year to specified offices of the Legislature and to the Executive Office of the Governor; providing an effective date.

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

Section 1. Effective upon SB/HB X or similar legislation creating the "State Operated Institutions Inmate Welfare Trust Fund" being adopted in the 2020 Regular Session or an extension thereof and becoming law, subsection (1) of section 945.215,

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Florida Statutes, is amended, present subsections (2) and (3) are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section, to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS; STATE OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND. —

(a) The ~~From the~~ net proceeds from operating inmate canteens, vending machines used primarily by inmates and visitors, hobby shops, and other such facilities must be deposited in the State Operated Institutions Inmate Welfare Trust Fund or, as set forth in this section, in the General Revenue Fund; however, funds necessary to purchase items for resale at inmate canteens and vending machines must be deposited into local bank accounts designated by the department.

(b) All proceeds from contracted telephone commissions must be deposited in the State Operated Institutions Inmate Welfare Trust Fund or, as set forth in this section, in the General Revenue Fund. The department shall develop and update, as necessary, administrative procedures to verify that:

1. Contracted telephone companies accurately record and report all telephone calls made by inmates incarcerated in correctional facilities under the department's jurisdiction;

2. Persons who accept collect calls from inmates are charged the contracted rate; and

3. The department receives the contracted telephone commissions.

(c) Any funds that may be assigned by inmates or donated to the department by the general public or an inmate service

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FL-SEN-20-0201-B, 20-0202-A-003726

organization must be deposited in the State Operated Institutions Inmate Welfare Trust Fund or, as set forth in this section, in the General Revenue Fund; however, the department shall not accept any donation from, or on behalf of, any individual inmate.

(d) All proceeds from the following sources must be deposited in the State Operated Institutions Inmate Welfare Trust Fund or, as set forth in this section, in the General Revenue Fund:

1. The confiscation and liquidation of any contraband found upon, or in the possession of, any inmate;

2. Disciplinary fines imposed against inmates;

3. Forfeitures of inmate earnings; and

4. Unexpended balances in individual inmate trust fund accounts of less than $1.

(e) Items for resale at inmate canteens and vending machines maintained at the correctional facilities shall be priced comparatively with like items for retail sale at fair market prices.

(f) Notwithstanding any other provision of law, inmates with sufficient balances in their individual inmate bank trust fund accounts, after all debts against the account are satisfied, shall be allowed to request a weekly draw of up to an amount set by the Secretary of Corrections, not to exceed $100, to be expended for personal use on canteen and vending machine items.

(2)(a) The State Operated Institutions Inmate Welfare Trust Fund constitutes a trust held by the department for the benefit

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and welfare of inmates incarcerated in correctional facilities operated directly by the department.

(b) Deposits into the State Operated Institutions Inmate Welfare Trust Fund shall not exceed a total of $10 million in any fiscal year. Any proceeds or funds that would cause deposits into the State Operated Institutions Inmate Welfare Trust Fund to exceed this restriction shall be deposited into the General Revenue Fund.

(c) Funds in the State Operated Institutions Inmate Welfare Trust Fund shall be used exclusively for the following purposes at correctional facilities operated by the department:

1. To provide literacy programs, vocational training programs, and educational programs;

2. To operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries;

3. To provide inmate substance abuse treatment programs and transition and life skills training programs;

4. To provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment used by inmates;

5. To provide for the purchase, rental, maintenance or repair of recreation and wellness equipment; or

6. To provide for the purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work-release program authorized in s. 1084 945.091(1)(b).

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(d) Funds in the State Operated Institutions Inmate Welfare Trust Fund shall be expended only pursuant to legislative appropriation.

(e) The department shall annually compile a report that specifically documents State Operated Institutions Inmate Welfare Trust Fund receipts and expenditures. This report shall be compiled at both the statewide and institutional levels. The department must submit this report for the previous fiscal year by October 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and the House of Representatives and to the Executive Office of the Governor.

Section 2. This act shall take effect July 1, 2020.

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

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to trust funds; creating s. 944.73, F.S.; creating the State-Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections; providing a purpose; providing an effective date.

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

Section 1. Section 944.73, Florida Statutes, is created to read:

944.73 State-Operated Institutions Inmate Welfare Trust Fund.

(1) The State-Operated Institutions Inmate Welfare Trust Fund is created within the Department of Corrections. The purpose of the trust fund is the benefit and welfare of inmates incarcerated in state-operated correctional facilities.

(2) Moneys shall be deposited in the expenditures made from the trust fund as provided in s. 945.215.

(3) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

Section 2. This act shall take effect July 1, 2020.

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2020 Legislative Proposal

State-Operated Institutions Inmate Welfare Trust Fund within FDC

Purpose: Establish a State-Operated Institutions Inmate Welfare Trust Fund within the Florida Department of Corrections (FDC) for the benefit and welfare of inmates incarcerated in state-operated institutions. This proposal will provide the Department with valuable resources to combat inmate idleness and improve safety within our prisons. Studies have shown that inmates who are provided with programming opportunities along with wellness and other recreational equipment are better suited in an incarcerated environment with far less instances of inmate on inmate violence.

Major Components of the Bill:

- Establishes the State-Operated Institutions Inmate Welfare Trust Fund within FDC.
- The revenues deposited will be derived from operating inmate canteens, vending machines, hobby shops, and other such facilities.
- The fund will be capped at $10 million annually from current existing revenue streams and deposits in excess of that amount will be deposited into the General Revenue Fund. Any remaining balances at the fiscal year end are required to remain in the trust fund.
- Funds in the trust fund shall be used exclusively for the following purposes:
    - To provide literacy programs, vocational training programs, and educational programs;
    - To operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries;
    - To provide inmate substance abuse treatment programs and transition and life skills training programs;
    - To provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment used by inmates;
    - To provide for the purchase, rental, maintenance or repair of recreation and wellness equipment; or

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- To provide for the purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work-release program authorized in s. 1084 945.091(1)(b).

Additional Information:

- The Department of Corrections does not currently have a trust fund similar to the Privately Operated Institutions Inmate Welfare Trust Fund, s. 945.215, F.S., that is available for the benefit of inmates at private correctional facilities.

AMERICAN OVERSIGHT

From: Thompson, Vanessa
Sent: Wednesday, January 15, 2020 4:40 PM EST
To: Steele, Patrick <Patrick.Steele@myfloridahouse.gov>
Subject: FL Tech Day - Sen. Brandes & Rep. Grant
Attachment(s): "FTC_TechDay_flyer(2).pdf"

Hey friend, hope you're doing well.

Your boss has been asked to sponsor Tech Day. I'm sure he won't mind, but would you be willing to ask him so I can give these guys the okay?

Thanks so much!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: James Taylor <james.taylor@fltechcouncil.org>
Sent: Wednesday, January 15, 2020 1:56 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Re: Following Up

Ahhhhh the details.....

Sorry, just arrived back to my office. I've attached a flier on the event that gives the basics for tech companies who are enrolling to participate. If for any reason Jamie decides not to sponsor the event from the House we can change out his information.

I am working on the promotion flier that will feature the Courtyard and AV/EV event. If there is any special information you would like me to include in that flier just let me know. Also if you have a picture of Jeff, or other wording you would prefer, I'm happy to make any changes.

2020 Annual Tech Day at the Capitol
Featuring, "The Future of Transportation"
February 19th, 2020
9am - 3pm

Opening Remarks 10am
3rd Floor w/podium and media
We are sending an email today requesting Governor DeSantis open Tech Day as a way of supporting his technology push in our state. We are hoping Senator Brandes and Representative Grant will also be able to speak on the important work they are doing in technology, especially in the areas of AV and AI.

Legislative Lunch 1:00-200.
We can feature Senator Brandes, and EV partners, addressing the future of Florida's travel during this lunch if this would be of interest to the Senator.

Courtyard
We are partnering with Sustainable Tallahassee and Sustainable Florida to fill the courtyard with EV's from across the state. We would appreciate any connections for AV, and have plenty of space in the courtyard as well as inside the Capitol on the plaza, 2nd and 3rd floors for booth displays.

Tech Day at the Capitol was created by the Florida Technology Council with sponsorship by L3Harris. Participation in this event is free and open to all tech businesses who support our mission of building a better, stronger, safer and more efficient Florida.

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All the best,

- Jim

James E. Taylor
CEO
Florida Technology Council
Tallahassee, Florida
850-803-TECH (8324)
www.FLTechCouncil.Org

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From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, January 15, 2020 12:10 PM
To: James Taylor <james.taylor@fltechcouncil.org>
Subject: RE: Following Up

Jim,

I will reach out to Patrick in his office after you send me the details!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
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Jeff Brandes – District 24

From: James Taylor <james.taylor@fltechcouncil.org>
Sent: Wednesday, January 15, 2020 12:06 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Re: Following Up

Vanessa I would love for you to reach out to Representative Grant on this. I know things are wild, being the first week of Session, and worry my email may end up lost in the shuffle.

Thank you!

All the best,

- Jim

James E. Taylor
CEO
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From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, January 15, 2020 9:11 AM

AMERICAN OVERSIGHT

To: James Taylor <james.taylor@fltechcouncil.org>; Brody Enwright <brody0313@gmail.com>
Cc: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Following Up

Jim,

Senator Brandes would be delighted to sponsor you all for the day, and I'm sure Representative Grant would be as well. Please let me know if you need assistances getting in touch with his office.

Thanks!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
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Jeff Brandes – District 24

From: James Taylor <james.taylor@fltechcouncil.org>
Sent: Wednesday, January 15, 2020 9:09 AM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Brody Enwright <brody0313@gmail.com>
Cc: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: Re: Following Up

Thank you Vanessa and Brody.

Melissa the week of the 27th works well on our end. Please let me know if you have a particular day and time range you would like me to set aside.

Vanessa I will be sure to get you information for AV/EV Tech Day before the end of the day. If possible it would be wonderful to have the Senator and Representative Grant be our legislative sponsors for this day.

- Jim

Sent from the iPhone of James Taylor
CEO
Florida Technology Council
Tallahassee, Florida
850-803-TECH (8324)
www.FLTechCouncil.org

From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, January 15, 2020 9:01:14 AM
To: Brody Enwright <brody0313@gmail.com>
Cc: James Taylor <james.taylor@fltechcouncil.org>; Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Following Up

Thanks, Brody!

Hi Jim. I have looped Melissa from our office in on this email as she handles the Senator's schedule. We are happy to get something set up. Next week is very difficult for the Senator, but we can look at the following week if it works on your end.

Additionally, if you get me the information for AV/EV day at the Capitol we are happy to help out however you need us to!

Thanks,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Brody Enwright <brody0313@gmail.com>
Sent: Wednesday, January 15, 2020 8:42 AM

AMERICAN OVERSIGHT

To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Cc: James Taylor <james.taylor@fltechcouncil.org>
Subject: Following Up

Vanessa,

It was great seeing you the other day. As we discussed, I wanted to get you in touch with Jim Taylor from the Florida Technology Council. Like I mentioned, Jim would love the opportunity to speak with Senator Brandes about the prison education program.

Also, Jim can you get Vanessa more info on the electric/autonomous vehicle day at the capitol?

Thanks again for everything.

Best,

Brody

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Florida Technology Council

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ABOUT TECH DAY

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9am-3pm

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400 S Monroe St, Tallahassee, Florida

Sponsored by: L3 Harris Technologies

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- Legislative Lunch & Learn: Capitol 22nd Floor
- VIP Legislative Reception Industry Mingle

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Representative James Grant

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ACCESS OVERSIGHT
FL-SEN-20-0201-B-20-0202-A-003737

From: Aimee Coleman <acoleman@fsu.edu>
Sent: Friday, February 07, 2020 3:49 PM EST
To: Alena Small <asmall@fsu.edu>; Alexander Austein <aaustein@fsu.edu>; Alvita Howard (alvita.howard@fldoe.org) <alvita.howard@fldoe.org>; Angleton, Amelia <Amelia.Angleton@myfloridahouse.gov>; Ashley Spicola (ashley.spicola@laspbs.state.fl.us) <ashley.spicola@laspbs.state.fl.us>; Beth Switzer <bswitzer@fsu.edu>; Gaillard, Bill <Bill.Gaillard@LASPBS.STATE.FL.US>; Robert Brooks <bbrooks@admin.fsu.edu>; Imhof, Booter <Imhof.Booter@flsenate.gov>; Brittany Beigle <bbeigle@fsu.edu>; Browne, Jim <Jim.Browne@myfloridahouse.gov>; Burke, Brendan <Burke.Brendan@flsenate.gov>; Byran (bryan@lobbytools.com) <bryan@lobbytools.com>; Campbell, Cara <Campbell.Cara@flsenate.gov>; Collins, Carlecia <COLLINS.CARLECIA@flsenate.gov>; Carolyn Rayboun <crayboun@fsu.edu>; Pelham, Cary <PELHAM.CARY@flsenate.gov>; Catherine Vianale (cvianale@fsu.edu) <catherinevianale@gmail.com>; Cecil, Shelby <Shelby.Cecil@LASPBS.STATE.FL.US>; Chantelle Dorsey <cdorsey@fsu.edu>; Chase Mitchell (Chase.Mitchell@myfloridacfo.com) <Chase.Mitchell@myfloridacfo.com>; 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AMERICAN OVERSIGHT

<Michelle.Voran@myfloridahouse.gov>
Subject: Florida Channel Modulator Schedule: Monday, February 10th
Attachment(s): "200210FLCH-DLY-SCH.doc"

Attached is a modulator schedule for Monday, February 10th. It also includes events that require Chat.

Please let me know if you have any questions.

Aimee Coleman
Master Control and Program Acquisition/Distribution Manager
WFSU-TV/The Florida Channel

AMERICAN OVERSIGHT

WFSU-TV/ The FLORIDA Channel

Monday, February 10th, 2020

(Modulator Channels available ONLY on the in-house Capitol cable system.)

Start Time	End Time	Event/ Description	Location	CHAT	WEB	DOE	Director	Modulator Channel*
9:00am	TBD	Criminal Justice Impact Conference	117 Knott		WEB14		Brittany	86
1:30pm	3:30pm	House PreK-12 Appropriations Subcommittee **LIVE** *CU Backup*	Reed Hall	**CHAT**	WEB7		Ehab	78
1:30pm	3:30pm	House Transportation and Tourism Appropriations Subcommittee	404 HOB		WEB8		Thrin	79
1:30pm	3:30pm	Senate Committee on Education	412 Knott	**CHAT**	WEB2		Ian	71
1:30pm	3:30pm	Senate Committee on Governmental Oversight and Accountability	301 SOB		WEB3		Terrell	72
1:30pm	3:30pm	Senate Committee on Innovation, Industry and Technology	110 SOB		WEB4		Joey	73
4:00pm	6:00pm	House Select Committee on the Integrity of Research Institutions	404 HOB	**CHAT**	WEB7		Joey	78
4:00pm	6:00pm	Senate Committee on Community Affairs	301 SOB		WEB2		Brittany	71
4:00pm	6:00pm	Senate Committee on Environment and Natural Resources **LIVE**	37 SOB	**CHAT**	WEB3		Thrin	72
4:00pm	6:00pm	Senate Committee on Ethics and Elections	412 Knott		WEB4		Ian	73
4:00pm	6:00pm	Senate Committee on Infrastructure and Security	110 SOB		WEB5		Terrell	74
15 min after cmtes	TBD	Senate Special Order Calendar Group	401 SOB		WEB2		Joey, Brittany, Thrin, Ian, Terrell	71
5:30pm	6:00pm	Capitol Update	PCR		WEB15		See Krysta	87

NOTE: Those events noted as LIVE will be on the Florida Channel TODAY. All events will be recorded and posted to the Video Library at TheFloridaChannel.org.

AMERICAN OVERSIGHT

WFSU-TV/ The FLORIDA Channel

Monday, February 10th, 2020

(Modulator Channels available ONLY on the in-house Capitol cable system.)

AMERICAN OVERSIGHT

From: Aimee Coleman <acoleman@fsu.edu>
Sent: Friday, January 31, 2020 2:36 PM EST
To: Alena Small <asmall@fsu.edu>; Alexander Austein <aaustein@fsu.edu>; Alvita Howard (alvita.howard@fldoe.org) <alvita.howard@fldoe.org>; Angleton, Amelia <Amelia.Angleton@myfloridahouse.gov>; Ashley Spicola (ashley.spicola@laspbs.state.fl.us) <ashley.spicola@laspbs.state.fl.us>; Beth Switzer <bswitzer@fsu.edu>; Gaillard, Bill <Bill.Gaillard@LASPBS.STATE.FL.US>; Robert Brooks <bbrooks@admin.fsu.edu>; Imhof, Booter <Imhof.Booter@flsenate.gov>; Brittany Beigle <bbeigle@fsu.edu>; Browne, Jim <Jim.Browne@myfloridahouse.gov>; Burke, Brendan <Burke.Brendan@flsenate.gov>; Byran (bryan@lobbytools.com) <bryan@lobbytools.com>; Campbell, Cara <Campbell.Cara@flsenate.gov>; Collins, Carlecia <COLLINS.CARLECIA@flsenate.gov>; Carolyn Rayboun <crayboun@fsu.edu>; Pelham, Cary <PELHAM.CARY@flsenate.gov>; Catherine Vianale (cvianale@fsu.edu) <catherinevianale@gmail.com>; Cecil, Shelby <Shelby.Cecil@LASPBS.STATE.FL.US>; Chantelle Dorsey <cdorsey@fsu.edu>; Chase Mitchell (Chase.Mitchell@myfloridacfo.com) <Chase.Mitchell@myfloridacfo.com>; 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Paulson, Dustin <Paulson.Dustin@flsenate.gov>; Perry, Ethan <Ethan.Perry@myfloridahouse.gov>; Peters, Jacqui <Peters.Jacqui@flsenate.gov>; Piccolo, Fred <Fred.Piccolo@myfloridahouse.gov>; Sutton.Emily <Emily.Sutton@myfloridahouse.gov>; Barnes, Rachel <BARNES.RACHEL@flsenate.gov>; Rebecca Baer <rbaer@fsu.edu>; releases@lobbytools. com (releases@lobbytools.com) <releases@lobbytools.com>; Whitaker, Ronnie <WHITAKER.RONNIE@flsenate.gov>; Ross McSwain (McSwain.Ross@FLSenate.gov) <McSwain.Ross@FLSenate.gov>; Warren, Samuel <WARREN.SAMUEL@flsenate.gov>; Hodgins, Sandra <Hodgins.Sandra@flsenate.gov>; Shapiro, Sarah (FSU) <sshapiro@fsu.edu>; Sean Moten (sjm09m@my.fsu.edu) <sjm09m@my.fsu.edu>; Sean White (white.sean@flsenate.gov) <white.sean@flsenate.gov>; Shane Marshall <semarshall@fsu.edu>; Sondra Copeland <scopeland2@fsu.edu>; Spencer, Chris <Chris.Spencer@LASPBS.STATE.FL.US>; Stan Withrow (stan.withrow@fldoe.org) <stan.withrow@fldoe.org>; Birtman, Stephanie <Stephanie.Birtman@myfloridahouse.gov>; 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AMERICAN OVERSIGHT

<Michelle.Voran@myfloridahouse.gov>
Subject: Florida Channel Modulator Schedule: Monday, February 3rd
Attachment(s): "200203FLCH-DLY-SCH.doc"

Attached is a modulator schedule for Monday, February 3rd. It also includes events that require Chat.

Please let me know if you have any questions.

Aimee Coleman
Master Control and Program Acquisition/Distribution Manager
WFSU-TV/The Florida Channel

AMERICAN OVERSIGHT

WFSU-TV/ The FLORIDA Channel

Monday, February 3rd, 2020

(Modulator Channels available ONLY on the in-house Capitol cable system.)

Start Time	End Time	Event/ Description	Location	CHAT	WEB	DOE	Director	Modulator Channel*
12:00pm	2:30pm	House Ways and Means Committee **LIVE**	Morris Hall	**CHAT**	WEB7		Josh	78
1:30pm	3:30pm	Senate Committee on Education	412 Knott		WEB2		Ehab	71
1:30pm	3:30pm	Senate Committee on Governmental Oversight and Accountability	301 SOB		WEB3		Sondra	72
1:30pm	3:30pm	Senate Committee on Innovation, Industry and Technology *CU Backup*	110 SOB	**CHAT**	WEB4		Sean M.	73
2:00pm	6:00pm	House Criminal Justice Subcommittee	404 HOB		WEB8		Ian	79
3:00pm	6:00pm	House Agriculture and Natural Resources Appropriations Subcommittee	Morris Hall		WEB7		Terrell	78
3:00pm	6:00pm	House Health Quality Subcommittee **LIVE**	306 HOB	**CHAT**	WEB9		Mike	80
3:00pm	6:00pm	House Local, Federal and Veterans Affairs Subcommittee	12 HOB		WEB10		Brittany	81
3:00pm	6:00pm	House Transportation and Tourism Appropriations Subcommittee	Reed Hall		WEB11		John	82
3:00pm	TBD	Revenue Estimating Impact Conference	117 Knott		WEB14		Joey	86
4:00pm	6:00pm	Senate Committee on Community Affairs	301 SOB		WEB2		Sean M.	71
4:00pm	6:00pm	Senate Committee on Environment and Natural Resources	37 SOB		WEB3		Sondra	72
4:00pm	6:00pm	Senate Committee on Ethics and Elections	412 Knott		WEB4		Josh	73
4:00pm	6:00pm	Senate Committee on Infrastructure and Security	110 SOB	**CHAT**	WEB5		Thrin	74
15 min after cmtes	TBD	Senate Special Order Calendar Group	401 SOB		WEB2		Sean M., Sondra, Josh, Thrin	71

AMERICAN OVERSIGHT

WFSU-TV/ The FLORIDA Channel

Monday, February 3rd, 2020

(Modulator Channels available ONLY on the in-house Capitol cable system.)

5:30pm	6:00pm	Capitol Update	PCR		WEB15		See Krysta	87

NOTE: Those events noted as LIVE will be on the Florida Channel TODAY. All events will be recorded and posted to the Video Library at TheFloridaChannel.org.

AMERICAN OVERSIGHT

From: Aimee Coleman <acoleman@fsu.edu>
Sent: Friday, January 24, 2020 3:26 PM EST
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Joseph Dickinson <jdickinson2@fsu.edu>; John Hooker <john.hooker@laspbs.state.fl.us>; Joni Hildebrandt (jonih1234@yahoo.com) <jonih1234@yahoo.com>; Bellamy, Jonothan <BELLAMY.JONOTHAN@flsenate.gov>; Joshua Collins <jdcollins@fsu.edu>; Betta, Katherine <BETTA.KATHERINE@flsenate.gov>; Kathie Emrich (kemrich@msn.com) <kemrich@msn.com>; Kauffman, Lisa <Kauffman.Lisa@flsenate.gov>; Keith, Robert <KEITH.ROBERT@flsenate.gov>; Kennedy, Murphy <Murphy.Kennedy@myfloridahouse.gov>; Kiernan, Christopher <Christopher.Kiernan@eog.myflorida.com>; Bonn, Kim <BONN.KIM@flsenate.gov>; Webb, Kim <Kim.Webb@myfloridahouse.gov>; Krysta Brown <kjbrown@fsu.edu>; Persak, LaQuisha <PERSAK.LAQUISHA@flsenate.gov>; Leonard, Chan (FSU) <CTLeonar@fsu.edu>; Crawford, Lindsay <Crawford.Lindsay@flsenate.gov>; Vickers, Lisa <VICKERS.LISA@flsenate.gov>; Russ, Lynette <Lynette.Russ@myfloridahouse.gov>; Koon, Lynn <KOON.LYNN@flsenate.gov>; Thomas, Margaret <THOMAS.MARGARET@flsenate.gov>; Holland, Marty <Holland.Marty@flsenate.gov>; 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Perry, Ethan <Ethan.Perry@myfloridahouse.gov>; Peters, Jacqui <Peters.Jacqui@flsenate.gov>; Piccolo, Fred <Fred.Piccolo@myfloridahouse.gov>; Sutton.Emily <Emily.Sutton@myfloridahouse.gov>; Barnes, Rachel <BARNES.RACHEL@flsenate.gov>; Rebecca Baer <rbaer@fsu.edu>; releases@lobbytools. com (releases@lobbytools.com) <releases@lobbytools.com>; Whitaker, Ronnie <WHITAKER.RONNIE@flsenate.gov>; Ross McSwain (McSwain.Ross@FLSenate.gov) <McSwain.Ross@FLSenate.gov>; Warren, Samuel <WARREN.SAMUEL@flsenate.gov>; Hodgins, Sandra <Hodgins.Sandra@flsenate.gov>; Shapiro, Sarah (FSU) <sshapiro@fsu.edu>; Sean Moten (sjm09m@my.fsu.edu) <sjm09m@my.fsu.edu>; Sean White (white.sean@flsenate.gov) <white.sean@flsenate.gov>; Shane Marshall <semarshall@fsu.edu>; Sondra Copeland <scopeland2@fsu.edu>; Spencer, Chris <Chris.Spencer@LASPBS.STATE.FL.US>; Stan Withrow (stan.withrow@fldoe.org) <stan.withrow@fldoe.org>; Birtman, Stephanie <Stephanie.Birtman@myfloridahouse.gov>; Steve Carpenter <scarpenter@fsu.edu>; Switalski, Kim <Kim.Switalski@myfloridahouse.gov>; Tajiana Ancora-Brown (Tajiana.Ancora-Brown@LASPBS.STATE.FL.US) <Tajiana.Ancora-Brown@LASPBS.STATE.FL.US>; Takacs, Jeff <Jeff.Takacs@myfloridahouse.gov>; Thomas Jones <tejones@fsu.edu>; Terry Longordo <tlongordo@fsu.edu>; Cariota, Teri <Cariota.Teri@flsenate.gov>; Terrell Gibson <tjgibson@fsu.edu>; dl-WFSU-Newsroom <newsroom@wfsu.org>; Theresa Marsenburg <tmarsenburg@fsu.edu>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Proctor, Tim <Proctor.Tim@flsenate.gov>; Hay, Timothy <HAY.TIMOTHY@flsenate.gov>; Tracy.Suber-Holcomb (Tracy.Suber-Holcomb@myfloridacfo.com) <Tracy.Suber-Holcomb@myfloridacfo.com>; Voran, Michelle <Michelle.Voran@myfloridahouse.gov>
Subject: Florida Channel Modulator Schedule: Monday, January 27th

AMERICAN OVERSIGHT

Attachment(s): "200127FLCH-DLY-SCH.doc"

Attached is a modulator schedule for Monday, January 27th. It also includes events that require Chat.

Please let me know if you have any questions.

Aimee Coleman
Master Control and Program Acquisition/Distribution Manager
WFSU-TV/The Florida Channel

AMERICAN OVERSIGHT

WFSU-TV/ The FLORIDA Channel

Monday, January 27th, 2020

(Modulator Channels available ONLY on the in-house Capitol cable system.)

Start Time	End Time	Event/ Description	Location	CHAT	WEB	DOE	Director	Modulator Channel*
9:00am	TBD	Criminal Justice Impact Conference	117 Knott		WEB14		Brittany	86
1:00pm	3:00pm	House Gaming Control Subcommittee **LIVE**	212 Knott	**CHAT**	WEB7		Sean M.	78
1:30pm	3:30pm	Senate Committee on Education ***CU backup***	412 Knott		WEB2		Terrell	71
1:30pm	3:30pm	Senate Committee on Governmental Oversight and Accountability	301 SOB	**CHAT**	WEB3		Sondra	72
1:30pm	3:30pm	Senate Committee on Innovation, Industry and Technology	110 SOB		WEB4		Ehab	73
3:30pm	6:00pm	House Committee on Ways and Means **LIVE**	Morris Hall	**CHAT**	WEB7		Mike	78
4:00pm	6:00pm	Senate Committee on Community Affairs	301 SOB		WEB2		Ian	71
4:00pm	6:00pm	Senate Committee on Environment and Natural Resources	37 SOB		WEB3		Josh	72
4:00pm	6:00pm	Senate Committee on Ethics and Elections	412 Knott	**CHAT**	WEB4		Terrell	73
4:00pm	6:00pm	Senate Committee on Infrastructure and Security	110 SOB		WEB5		Sean M.	74
6:15pm or 15 min after cmtes	TBD	Senate Special Order Calendar Group	401 SOB		WEB2		Ian/ Josh/ Terrell/ Sean M.	71
5:30pm	6:00pm	Capitol Update	PCR		WEB15		See Krysta	87

NOTE: Those events noted as LIVE will be on the Florida Channel TODAY. All events will be recorded and posted to the Video Library at TheFloridaChannel.org.

AMERICAN OVERSIGHT

From: Aimee Coleman <acoleman@fsu.edu>
Sent: Friday, January 17, 2020 3:09 PM EST
To: Alena Small <asmall@fsu.edu>; Alexander Austein <aaustein@fsu.edu>; Alvita Howard (alvita.howard@fldoe.org) <alvita.howard@fldoe.org>; Angleton, Amelia <Amelia.Angleton@myfloridahouse.gov>; Ashley Spicola (ashley.spicola@laspbs.state.fl.us) <ashley.spicola@laspbs.state.fl.us>; Beth Switzer <bswitzer@fsu.edu>; Gaillard, Bill <Bill.Gaillard@LASPBS.STATE.FL.US>; Robert Brooks <bbrooks@admin.fsu.edu>; Imhof, Booter <Imhof.Booter@flsenate.gov>; Brittany Beigle <bbeigle@fsu.edu>; Browne, Jim <Jim.Browne@myfloridahouse.gov>; Burke, Brendan <Burke.Brendan@flsenate.gov>; Byran (bryan@lobbytools.com) <bryan@lobbytools.com>; Campbell, Cara <Campbell.Cara@flsenate.gov>; Collins, Carlecia <COLLINS.CARLECIA@flsenate.gov>; Carolyn Rayboun <crayboun@fsu.edu>; Pelham, Cary <PELHAM.CARY@flsenate.gov>; Catherine Vianale (cvianale@fsu.edu) <catherinevianale@gmail.com>; Cecil, Shelby <Shelby.Cecil@LASPBS.STATE.FL.US>; Chantelle Dorsey <cdorsey@fsu.edu>; Chase Mitchell (Chase.Mitchell@myfloridacfo.com) <Chase.Mitchell@myfloridacfo.com>; Kenline, Collin <Collin.Kenline@myfloridahouse.gov>; Curtis Ford <caford@fsu.edu>; Daniel Boldman <dboldman@fsu.edu>; Daniellita Brown <dbrown@fsu.edu>; Cox, David <COX.DAVID@flsenate.gov>; Davila, Michelle <Michelle.Davila@myfloridahouse.gov>; Brown, Debbie <BROWN.DEBBIE@flsenate.gov>; Edwards, Debbie <EDWARDS.DEBBIE@flsenate.gov>; Debra McGriff (debra.mcgriff@dos.myflorida.com) <debra.mcgriff@dos.myflorida.com>; DeCerchio, Anna <Anna.DeCerchio@LASPBS.STATE.FL.US>; DeLoach, Jamie <Jamie.DeLoach@LASPBS.STATE.FL.US>; Demetrius Scott <dscott4@fsu.edu>; Demi Busatta (busatta.demi@flsenate.gov) <busatta.demi@flsenate.gov>; Department of Education <EDCMediaServices@FLDOE.ORG>; Walker, Derek <Derek.Walker@myfloridahouse.gov>; Vause, Diane <VAUSE.DIANE@flsenate.gov>; Morgan, Dustin <MORGAN.DUSTIN@flsenate.gov>; Ehab Andrawis <eandrawis@fsu.edu>; Elisa Weber (Elisa.Weber@laspbs.state.fl.us) <Elisa.Weber@laspbs.state.fl.us>; Evans, Brooke <Brooke.Evans@myfloridahouse.gov>; Flynn, Kaley <Kaley.Flynn@LASPBS.STATE.FL.US>; 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Joseph Dickinson <jdickinson2@fsu.edu>; John Hooker <john.hooker@laspbs.state.fl.us>; Joni Hildebrandt (jonih1234@yahoo.com) <jonih1234@yahoo.com>; Bellamy, Jonothan <BELLAMY.JONOTHAN@flsenate.gov>; Joshua Collins <jdcollins@fsu.edu>; Betta, Katherine <BETTA.KATHERINE@flsenate.gov>; Kathie Emrich (kemrich@msn.com) <kemrich@msn.com>; Kauffman, Lisa <Kauffman.Lisa@flsenate.gov>; Keith, Robert <KEITH.ROBERT@flsenate.gov>; Kennedy, Murphy <Murphy.Kennedy@myfloridahouse.gov>; Kiernan, Christopher <Christopher.Kiernan@eog.myflorida.com>; Bonn, Kim <BONN.KIM@flsenate.gov>; Webb, Kim <Kim.Webb@myfloridahouse.gov>; Krysta Brown <kjbrown@fsu.edu>; Persak, LaQuisha <PERSAK.LAQUISHA@flsenate.gov>; Leonard, Chan (FSU) <CTLeonar@fsu.edu>; Crawford, Lindsay <Crawford.Lindsay@flsenate.gov>; Vickers, Lisa <VICKERS.LISA@flsenate.gov>; Russ, Lynette <Lynette.Russ@myfloridahouse.gov>; Koon, Lynn <KOON.LYNN@flsenate.gov>; Thomas, Margaret <THOMAS.MARGARET@flsenate.gov>; Holland, Marty <Holland.Marty@flsenate.gov>; Maura Andrews <mandrews2@fsu.edu>; McDonnell, Jamie <Jamie.McDonnell@myfloridahouse.gov>; Megan Bailey (megan.bailey@eog.myflorida.com) <megan.bailey@eog.myflorida.com>; Mejia, Margarita <Margarita.Mejia@myfloridahouse.gov>; Melissa Klinzing <mklinzing@fsu.edu>; Michael Licquia <mlicquia@fsu.edu>; Michelle Milligan (Milligan.Michelle@flsenate.gov) <Milligan.Michelle@flsenate.gov>; Mullins, Michelle <Michelle.Mullins@LASPBS.STATE.FL.US>; Singletary, Michelle <Michelle.Singletary@myfloridahouse.gov>; Mickler, Maggie <Maggie.Mickler@dms.myflorida.com>; Miller, Phillip <Miller.Phillip@flsenate.gov>; Mitchell, Bettsy <Mitchell.Bettsy@flsenate.gov>; Michael Stone <mstone2@fsu.edu>; Frier, Nancy <FRIER.NANCY@flsenate.gov>; Hipps, Nathan (FSU) <nhipps@fsu.edu>; Lowery, Nikki <LOWERY.NIKKI@flsenate.gov>; John O'Leary <joleary@fsu.edu>; LeBoutillier, Paige Anne <Paige.LeBoutillier@myfloridahouse.gov>; Patty Cromartie (patty.cromartie@fldfs.com) <patty.cromartie@fldfs.com>; Paulson, Dustin <Paulson.Dustin@flsenate.gov>; Perry, Ethan <Ethan.Perry@myfloridahouse.gov>; Peters, Jacqui <Peters.Jacqui@flsenate.gov>; Piccolo, Fred <Fred.Piccolo@myfloridahouse.gov>; Sutton.Emily <Emily.Sutton@myfloridahouse.gov>; Barnes, Rachel <BARNES.RACHEL@flsenate.gov>; Rebecca Baer <rbaer@fsu.edu>; releases@lobbytools. com (releases@lobbytools.com) <releases@lobbytools.com>; Whitaker, Ronnie <WHITAKER.RONNIE@flsenate.gov>; Ross McSwain (McSwain.Ross@FLSenate.gov) <McSwain.Ross@FLSenate.gov>; Warren, Samuel <WARREN.SAMUEL@flsenate.gov>; Hodgins, Sandra <Hodgins.Sandra@flsenate.gov>; Shapiro, Sarah (FSU) <sshapiro@fsu.edu>; Sean Moten (sjm09m@my.fsu.edu) <sjm09m@my.fsu.edu>; Sean White (white.sean@flsenate.gov) <white.sean@flsenate.gov>; Shane Marshall <semarshall@fsu.edu>; Sondra Copeland <scopeland2@fsu.edu>; Spencer, Chris <Chris.Spencer@LASPBS.STATE.FL.US>; Stan Withrow (stan.withrow@fldoe.org) <stan.withrow@fldoe.org>; Birtman, Stephanie <Stephanie.Birtman@myfloridahouse.gov>; Steve Carpenter <scarpenter@fsu.edu>; Switalski, Kim <Kim.Switalski@myfloridahouse.gov>; Tajiana Ancora-Brown (Tajiana.Ancora-Brown@LASPBS.STATE.FL.US) <Tajiana.Ancora-Brown@LASPBS.STATE.FL.US>; Takacs, Jeff <Jeff.Takacs@myfloridahouse.gov>; Thomas Jones <tejones@fsu.edu>; Terry Longordo <tlongordo@fsu.edu>; Cariota, Teri <Cariota.Teri@flsenate.gov>; Terrell Gibson <tjgibson@fsu.edu>; dl-WFSU-Newsroom <newsroom@wfsu.org>; Theresa Marsenburg <tmarsenburg@fsu.edu>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Proctor, Tim <Proctor.Tim@flsenate.gov>; Hay, Timothy <HAY.TIMOTHY@flsenate.gov>; Tracy.Suber-Holcomb (Tracy.Suber-Holcomb@myfloridacfo.com) <Tracy.Suber-Holcomb@myfloridacfo.com>; Voran, Michelle <Michelle.Voran@myfloridahouse.gov>
Subject: Florida Channel Modulator Schedule: Tuesday, January 21st

AMERICAN OVERSIGHT

Attachment(s): "200121FLCH-DLY-SCH.doc"

Attached is a modulator schedule for Tuesday, January 21st. It also includes events that require Chat.

Please let me know if you have any questions.

Aimee Coleman
Master Control and Program Acquisition/Distribution Manager
WFSU-TV/The Florida Channel

AMERICAN OVERSIGHT

WFSU-TV/ The FLORIDA Channel

Tuesday, January 21st, 2020

(Modulator Channels available ONLY on the in-house Capitol cable system.)

Start Time	End Time	Event/ Description	Location	CHAT	WEB	DOE	Director	Modulator Channel*
9:30am	TBD	Executive Clemency Board Meeting	Cabinet Room		WEB13		John/ Brittany	84
9:00am	12:00pm	House Local, Federal and Veterans Affairs Subcommittee **LIVE**	12 HOB	**CHAT**	WEB7		Thrin	78
10:00am	12:00pm	House Criminal Justice Subcommittee	404 HOB		WEB8		Demetrius	79
10:00am	12:00pm	House Energy and Utilities Subcommittee	212 Knott		WEB9		Joey	80
10:00am	12:00pm	House Health Quality Subcommittee	306 HOB		WEB10		Josh	81
10:00am	11:30am	Senate Committee on Agriculture	301 SOB		WEB2		Ehab	71
10:00am	11:30am	Senate Committee on Commerce and Tourism ***CU Backup***	110 SOB		WEB3		Sondra	72
10:00am	11:30am	Senate Committee on Criminal Justice	37 SOB	**CHAT**	WEB4		Ian	73
10:00am	11:30am	Senate Committee on Health Policy	412 Knott		WEB5		Sean M.	74
12:00pm	1:30pm	Senate Committee on Banking and Insurance	412 Knott		WEB2		Sean M.	71
12:00pm	1:30pm	Senate Committee on Children, Families and Elder Affairs **LIVE**	301 SOB	**CHAT**	WEB3		Mike	72
12:00pm	1:30pm	Senate Committee on Judiciary	110 SOB		WEB4		Terrell	73
12:30pm	2:30pm	House Agriculture and Natural Resources Subcommittee	12 HOB	**CHAT**	WEB7		Brittany	78
12:30pm	2:30pm	House Business and Professions Subcommittee	212 Knott		WEB8		Thrin	79
12:30pm	2:30pm	House Health Care Appropriations Subcommittee	404 HOB		WEB9		Ehab	80
12:30pm	2:30pm	House Transportation and Infrastructure Subcommittee	Reed Hall		WEB10		Sondra	81
1:30pm	2:30pm	House Government Operations and Technology	Morris Hall		WEB11		Ian	82

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WFSU-TV/ The FLORIDA Channel

Tuesday, January 21st, 2020

(Modulator Channels available ONLY on the in-house Capitol cable system.)

		Appropriations Subcommittee						
2:30pm	4:00pm	Senate Committee on Education **LIVE**	412 Knott	**CHAT**	WEB2		Mike	71
2:30pm	4:00pm	Senate Committee on Governmental Oversight and Accountability	301 SOB		WEB3		Joey	72
2:30pm	4:00pm	Senate Committee on Innovation, Industry and Technology	110 SOB		WEB4		Sean M.	73
3:00pm	5:00pm	House Health Market Reform Subcommittee	306 HOB		WEB7		John	78
3:00pm	5:00pm	House Insurance and Banking Subcommittee	404 HOB		WEB8		Ehab	79
3:00pm	5:00pm	House Justice Appropriations Subcommittee	Morris Hall		WEB9		Thrin	80
3:00pm	5:00pm	House PreK-12 Innovation Subcommittee	Reed Hall	**CHAT**	WEB10		Sondra	81
3:00pm	5:00pm	House Workforce Development and Tourism Subcommittee	12 HOB		WEB11		Ian	82
4:30pm	6:00pm	Senate Committee on Community Affairs	301 SOB		WEB2		Joey	71
4:30pm	6:00pm	Senate Committee on Environment and Natural Resources	37 SOB		WEB3		Brittany	72
4:30pm	6:00pm	Senate Committee on Ethics and Elections **LIVE** — *Will Leave for Capitol Update*	412 Knott	**CHAT**	WEB4		Mike	73
4:30pm	6:00pm	Senate Committee on Infrastructure and Security	110 SOB		WEB5		Sean M.	74
5:30pm	6:30pm	House Select Committee on the Integrity of Research Institutions	404 HOB	**CHAT**	WEB7		Sondra	78
5:30pm	6:00pm	Capitol Update	PCR		WEB14		Ehab/ Ian/ Thrin	86

NOTE: Those events noted as LIVE will be on the Florida Channel TODAY. All events will be recorded and posted to the Video Library at TheFloridaChannel.org.

AMERICAN OVERSIGHT

WFSU-TV/ The FLORIDA Channel

Tuesday, January 21st, 2020

(Modulator Channels available ONLY on the in-house Capitol cable system.)

AMERICAN OVERSIGHT

From: Kelly Horton <kelly@heffleyassociates.com>
Sent: Thursday, October 31, 2019 12:05 PM EDT
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Florida E-Bike Bill 10242019.docx
Attachment(s): "Florida E-Bike Bill 10242019.docx","ATT00001.txt"

Hey Vanessa
Hope you're having a good week. Hey we just picked up Harley Davidson and Sen Brandes Agreed to sponsor the below bill ..:
Rich sent you JB but know you're the one it needs to go to!!
Thanks!

AMERICAN OVERSIGHT

Sent from my iPhone

AMERICAN OVERSIGHT

DRAFT Florida E-Bike Legislation with Three Classes

Section 316.003 is amended to read as follows:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

…

(4) BICYCLE.—Every vehicle propelled solely by human power~~, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride,~~ having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. ~~A person under the age of 16 may not operate or ride upon a motorized bicycle.~~

~~…~~

(22) ELECTRIC BICYCLE.—A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classifications:

(a) "Class 1 electric bicycle" shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(b) "Class 2 electric bicycle" shall mean an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle, and that is not capable of providing assistance when the electric bicycle reaches the speed of 20 miles per hour.

(c) "Class 3 electric bicycle" shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

…

(41) MOPED.—Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. **The term does not include an electric bicycle.**

AMERICAN OVERSIGHT

…

(43) MOTOR VEHICLE.—Except when used in s. 316.1001, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, **electric bicycle,** motorized scooter, electric personal assistive mobility device, personal delivery device, swamp buggy, or moped. For purposes of s. 316.1001, "motor vehicle" has the same meaning as provided in s. 320.01(1)(a).

(44) MOTORCYCLE.—Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include a tractor, a moped, **electric bicycle,** or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(45) MOTORIZED SCOOTER.— Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. **The term does not include an electric bicycle.**

Section 316.027 is amended to read as follows:

316.027 Crash involving death or personal injuries.—

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

(a) "Serious bodily injury" means an injury to a person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

(b) "Vulnerable road user" means:

1. A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;

2. A person operating a bicycle, **electric bicycle,** motorcycle, scooter, or moped lawfully on the roadway;

3. A person riding an animal; or

4. A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:

a. A farm tractor or similar vehicle designed primarily for farm use;

b. A skateboard, roller skates, or in-line skates;

c. A horse-drawn carriage;

d. An electric personal assistive mobility device; or

e. A wheelchair.

AMERICAN OVERSIGHT

Section 316.083 is amended to read as follows:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:
(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an appropriate signal as provided for in s. 316.156, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. The driver of a vehicle overtaking a bicycle**, electric bicycle,** or other nonmotorized vehicle must pass the bicycle**, electric bicycle,** or other nonmotorized vehicle at a safe distance of not less than 3 feet between the vehicle and the bicycle**, electric bicycle,** or other nonmotorized vehicle.

A new section is added to read as follows:
316.20655 Electric bicycle regulations.

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including section 316.2065. An electric bicycle is a vehicle to the same extent as a bicycle.

(2) An electric bicycle or a person operating an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

(3) On and after January 1, 2021, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.

(4) A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification required in subsection (3) is replaced after modification.

(5) An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. part 1512).

(6) An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

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(7)

(a) **An electric bicycle may be ridden in places where bicycles are allowed, including but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multi-use paths.**

(b) **Following notice and a public hearing, a municipality, county or agency of the state having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path, if it finds that such a restriction is necessary in the interest of safety or to comply with other laws or legal obligations.**

(c) **A municipality, county, or agency of the state having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 3 electric bicycle on that path.**

(d) **This subsection shall not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A municipality, county, or agency of the state having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on that trail.**

(8)

(a) **No person under the age of sixteen (16) may operate a class 3 electric bicycle. A person under the age of sixteen (16) may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.**

(b) **All class 3 electric bicycles must be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.**

Section 316.1995 is amended to read as follows:

316.1995 Driving upon sidewalk or bicycle path.—
(1) Except as provided in s. 316.008 **~~or~~** s. 316.212(8) **or 316.20655**, a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway.
(2) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.
(3) This section does not apply to motorized wheelchairs.

Section 320.01 is amended to read as follows:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:
(1) "Motor vehicle" means:

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(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, personal delivery devices as defined in s. 316.003, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, **electric bicycles,** swamp buggies, or mopeds.

Section 322.01 is amended to read as follows:

322.01 Definitions.—As used in this chapter:
(27) "Motor vehicle" means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and **electric**~~motorized~~ bicycles as defined in s. 316.003.

Section 324.021 is amended to read as follows:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:
(1) MOTOR VEHICLE.—Every self-propelled vehicle that is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any personal delivery device as defined in s. 316.003, bicycle, **electric bicycle,** or moped. However, the term "motor vehicle" does not include a motor vehicle as defined in s. 627.732(3) when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply; and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.

Section 261.03 is amended to read as follows:

261.03 Definitions.—As used in this chapter, the term:
…
(4) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor**, electric bicycle,** or a moped.

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From: Blaise Trettis <btrettis@pd18.net>
Sent: Wednesday, October 02, 2019 9:43 AM EDT
To: Brandes, Jeff (Web) <BRANDES.JEFF.WEB@flsenate.gov>
Subject: FW: equality in sentencing studies relevant to the Criminal Punishment Code Task Force
Attachment(s): "An Empirical Examination of the Application of Florida's Habitual Offender Statute.pdf","Senate report 2006-112cj.pdf","The Impact of the 1994 and 1995 Structured Sentencing Policies in Florida.pdf"

Dear Senator Brandes:

As far as I can tell, you were the legislator who created the Criminal Punishment Code Task Force. As its likely originator, I thought that you might be interested in this email that I sent today to the members of the Criminal Punishment Code Task Force.
Sincerely,

Blaise Trettis
Public Defender, 18th Judicial Circuit
Phone: (321) 617-7373, ext. 74
Fax (321) 633-2122

http://www.18thjudicialcircuitpublicdefender.com

From: Blaise Trettis
Sent: Wednesday, October 2, 2019 9:38 AM
To: citizenservices@myfloridalegal.com; mwnelson@coj.net; mmorley@fsu.edu; jstinneford@ufl.edu; mandrews@jud6.org; melanie.bevan@bradentonpd.com; cnocco@pascosheriff.org; pizzo.jason.web@flsenate.gov; Larry Eger <Leger@scgov.net>; Donna McIntosh <Donna.McIntosh@flcourts18.org>; bmccabe@co.pinellas.fl.us; siscodm@fljud13.org; wdsnyder@sheriff.martin.fl.us; lfudge@jud12.flcourts.org; kenneth.steely@fdc.myflorida.com; Simone.Marstiller@djj.state.fl.us
Subject: equality in sentencing studies relevant to the Criminal Punishment Code Task Force

Dear members of the Criminal Punishment Code Task Force (CPCTF):

Attached and below are studies that have been done on whether or not there is racial equality in sentencing under Florida's criminal punishment code and habitual offender statute. These studies are important to the work of the CPCTF because Florida's public policy as declared in s. 921.002(1)(a) is that, " The Criminal Punishment Code embodies the principles that: (a) Sentencing is neutral with respect to race, gender, and social and economic status." Despite Florida's public policy on racial neutrality in sentencing, the studies in this email demonstrate that sentencing under the Florida criminal punishment code and the habitual offender statute is not neutral with respect to race and is not neutral geographically by circuit. Two of the attached reports conclude that sentencing was neutral with respect to race under sentencing pursuant to the sentencing guidelines which preceded enactment of the criminal punishment code. In addition to Florida's public policy on racially neutral sentencing, fundamental fairness and equal protection under the law guaranteed by the Florida and United States Constitutions dictate that sentencing in Florida be neutral with respect to race. Despite the importance of racial neutrality in sentencing, the only Florida government study that has been done on racial neutrality in sentencing was done in 1992. See first attachment, "An Empirical Examination of the Application of Florida's Habitual Offender Statute." That study concluded that sentencing under Florida's habitual offender statute was not racially neutral.

The competent research capability of the Florida Department of Corrections is available to the CPCTF. Therefore, based on the absence of Florida government studies on racial equality in sentencing in Florida, I respectfully recommend to the CPCTF that it direct the Florida Department of Corrections to study racial equality in sentencing under: 1) the criminal punishment code, s. 921.002 – 921.0024; 2) the prison releasee reoffender statute, s. 775.082(9)(a)(1); 3) the habitual offender statute, s. 775.084(1)(a); 4) the habitual violent felony offender statute, s. 775.084(1)(b).

Thank you for your consideration given to my recommendation.
Sincerely,

Blaise Trettis
Public Defender, 18th Judicial Circuit
Phone: (321) 617-7373, ext. 74
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Bias on the bench – first story "Florida's broken sentencing system"
http://projects.heraldtribune.com/bias/sentencing/
Bias on the bench – second story "Tough on Crime"
http://projects.heraldtribune.com/bias/bauer/
Bias on the bench – third story "Gainesville's war on drugs"
http://projects.heraldtribune.com/bias/alachua/
Bias on the bench – fourth story "Race and politics influence judicial decisions"
http://projects.heraldtribune.com/bias/politics/

ADDITIONAL ARTICLES – FOLLOW UP:
Bias on the bench – "How We Did It"
http://projects.heraldtribune.com/bias/how-we-did-it/
Bias on the bench – data – "Explore each county's racial disparities in sentencing"
http://projects.heraldtribune.com/bias/data/

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Bias on the bench – Judges Fight Back – “Judges defend role in sentencing with flawed study”
http://projects.heraldtribune.com/bias/judges-fight-back/
Bias on the bench – Fact Checking The 12th Circuit – “Fact Checking the 12th Circuit’s “final response”
http://projects.heraldtribune.com/bias/fact-checking-the-12th-circuit/
Influence & Injustice “An investigation into the power of prosecutors”
http://projects.heraldtribune.com/influence
The Florida Bar News “Software to compare sentences expanding statewide”
https://www.floridabar.org/news/tfb-news/?durl=/DIVCOM/JN/jnnews01.nsf/Articles/E9B11108DB520E75852582D0004B45E2
Study on racial disparity effects of habitual felony offenders in Florida
http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.821.8079&rep=rep1&type=pdf

An Empirical Examination of the Application of Florida’s Habitual Offender Statute Aug. 1992 (attached)

The Florida Senate: Review The Criminal Punishment Code and Sentencing Judges’ Assessment Nov. 2005 (attached)

The Impact of the 1994 and 1995 Structured Sentencing Policies in Florida Mar. 1997 (attached)

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PROPERTY OF
PUBLIC DEFENDER

AN EMPIRICAL EXAMINATION OF THE APPLICATION OF FLORIDA'S HABITUAL OFFENDER STATUTE

August 1992

Economic and Demographic Research Division
Joint Legislative Management Committee
The Florida Legislature

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FL-SEN-20-0201-B, 20-0202-A-003763

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SUMMARY OF FINDINGS AND CONCLUSIONS

This research was undertaken by the staff of the Economic and Demographic Research Division at the request of the House Committees on Criminal Justice and Corrections. There were three questions to be addressed in this research.

Question 1: Is the habitual offender statute being used selectively against the very worst offenders?

In light of the shortage of prison resources and the consequent necessity to release most inmates after serving an average of one third of their sentences, it is important that programs that exacerbate this problem by extending the effective sentence length of certain inmates, focus their efforts on the very worst offenders. Unless the program is limited to the worst offenders it will necessarily result in the early release of some inmates who are a greater threat to society than those being kept in prison. Such a practice would be wasteful of scarce prison resources and public funds. Thus, the first research question examines the claim frequently made by the supporters of the habitual offender statute that it has been used sparingly and only against the "worst of the worst" offenders.

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Question 2: Has the application of the habitual offender statute undermined the policy goal of uniform sentencing?

The second research question deals with the state policy that sentencing be more or less uniform across circuits, or put differently, that similarly situated offenders receive roughly equivalent sentences regardless of the circuit in which they are convicted. The research question, therefore, is: Do differences in the use of the habitual offender statute by the twenty State Attorneys result in a significant reduction in sentencing uniformity among the group of offenders who are eligible to be habitualized?

Question 3: Has the habitual offender statute been applied in a racially disparate manner?

The final research question is whether the habitual offender statute has been used disproportionately against black offenders. Based on the fact that approximately three-fourths of the habitualized offenders are black, it has been suggested that the statute has not been applied in a racially neutral manner. However, it is not possible to make such a determination based on aggregate information alone unless adjustments are made for the differences that may exist in other factors appropriate to the decision to habitualize; e.g., differences in the length and character of prior record and differences in the nature of the current offense.

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A large data base was assembled from the prison and probation records of the Department of Corrections to examine these questions. The data base used in this research consists of the records of offenders who were under Department of Corrections custody or supervision on December 31, 1991, and met the requirements for habitualization under the statute. The data base includes 25,806 individuals eligible for habitualization, all of whom were sentenced for offenses committed after October 1988 and were, therefore, subject to the current version of the habitual offender statute. Of this group, 4,783 (18.5%) were actually sentenced as habitual offenders. Thirty-two percent of the eligible population were white, 67 percent were black and one percent were of other races. The data base is described in detail in Chapter Two.

Two methods were used to analyze the data. In Chapter Two, offenders in the data base are grouped according to the nature and extent of prior criminal record, the seriousness of the offense that results in habitualization (or non-habitualization), and any other offenses before the court at the time of sentencing, in order to permit comparisons of like offenders. The differences between the offenders who were sentenced as habitual offenders and those who were eligible to be habitualized, but for some reason were not, are then compared. In the third chapter, a more sensitive set of statistical controls are applied to the data to further examine the extent to which legitimate sentencing factors, such as prior record

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and the nature of the current offense, explain the differences between the habitualized and non-habitualized groups. A statistical technique--logistic regression--that permits the researcher to simultaneously control for a number of factors that may be influencing the decision to habitualize eligible offenders, is used to analyze the impact of each factor on that decision. Because this technique permits the simultaneous evaluation of the influence of more than one variable, it also allows the exploration of a number of other factors that may be influencing the decision to habitualize. (The technical aspects of the logistic regression models are discussed in greater detail in Appendix B.)

Both approaches to the analysis produced approximately the same results. The analysis reveals a number of problems in the application of the habitual offender statute. Specifically, in most circuits, and certainly on a statewide basis, the statute has not been limited to use against the very worst offenders but has been applied more frequently to the less serious offenders. Only one circuit--the Eleventh (Miami)--has managed to restrict its use of the statute so that it is used more frequently against the very worst of the eligible offenders.

Second, the circuit in which an offender is prosecuted is of enormous importance to the risk of habitualization. This means that for the roughly one third of all guilty adjudications who are eligible for habitualization, Florida does not have a single

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statewide system of reasonably uniform sentencing. For this group of offenders--who constitute approximately one-third of all guilty dispositions--there are effectively twenty separate sentencing systems that vary widely in their treatment of offenders eligible for habitualization.

Third, in all but two circuits--the Eleventh (Miami) and the Twelfth (Sarasota)--the habitual offender sanctions are much more likely to be used against black offenders than non-black offenders, even after adjusting for prior record, the nature of the current offense and a variety of other factors that might have a bearing on the decision to habitualize. It was also found that, on a statewide basis, prosecutors were much more likely to use the statute against male offenders than similarly situated female offenders.

In the final chapter of the report, a number of policy options for correcting these problems are examined.

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CHAPTER THREE

METHODOLOGY

In this chapter, the research questions examined in Chapter Two are pursued further in a somewhat different fashion through a statistical technique that permits the researcher to simultaneously control for a number of factors that may be influencing the decision to habitualize eligible offenders and to analyze the impact of each factor on that decision. Because this technique permits the simultaneous evaluation of the influence of more than one variable, it also allows the exploration of a number of other factors that may be influencing the decision to habitualize. The statistical technique--logistic regression--is discussed in greater detail in Appendix B. Since the discussion in the text will concentrate on the findings rather than the methodology, interested readers are encouraged to study Appendix B for technical details.

The approach taken in this portion of the analysis was to simultaneously control for factors that might influence the decision to habitualize (or not habitualize). Three sets of factors are included in the analysis. The first set are those that are expected to influence the decision to habitualize. These include:

1. **Prior record**, including both the number of prior convictions and the seriousness of each prior conviction;
2. **Prior imprisonments;**

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3. **Seriousness of the primary offense** for the current admission;

4. **Additional offenses associated with the current admission**, including both the number of counts and the level of seriousness of each count;

5. **Sentencing guidelines category of the primary offense** for the current admission; and

6. **Statutory degree of the primary offense** for the current admission (capital or life, first degree felony, second degree felony, or third degree felony).

The second set of factors is included to account for influences on the habitualization decision that, while not of particular interest to the present inquiry, might distort the measurement of contribution by the key variables of interest if not accounted for separately. These factors are the gender and age of the offender.

The third set of factors are those of particular interest in this analysis: race of the offender and the circuit in which the offender is prosecuted. The use of logistic regression enables the evaluation of the contribution of these factors to the decision to habitualize (or not habitualize) after controlling for the influence of all of the other factors mentioned above. In other words, it is possible, using this technique, to examine the differences in the likelihood of habitualization for offenders of different races or in different circuits when the other factors that should or might influence the decision have been held constant.

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FINDINGS

Targeting the Most Serious Offenders

The first noteworthy finding is that most of the factors one expects would increase the likelihood of habitualization indeed do so. For example, increases in the seriousness or length of the prior criminal record significantly increase the likelihood of being habitualized. Additionally, the more frequently that past convictions resulted in incarcerations rather than probation, the greater the likelihood of habitualization.

One unexpected finding is that there is a weak relationship between the seriousness of the primary offense and the likelihood of habitualization. The seriousness of the primary offense was measured using three separate variables: (1) the primary offense seriousness level[13]; (2) the sentencing guidelines category; and (3) the felony degree. The relationship between the primary offense seriousness level and the risk of habitualization is weak but positive. A one level increase in the seriousness level of the primary offense increases the risk of habitualization by 13.7 percent, other things being equal.

The relationship between the seriousness of the primary offense and the risk of habitualization is more surprising when

[13]The primary offense seriousness score is a component of the total offender seriousness score used in Chapter Two. See Appendix A for an explanation of the primary offense seriousness score.

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looked at through the sentencing guidelines category variable. The analysis showed that eligible offenders who are alike with respect to criminal histories, primary offense seriousness level, previous prison terms, age, race, gender, and circuit, are significantly more likely to be habitualized if their primary offense is burglary, drugs, or robbery. On the other hand, similarly situated offenders are less likely to be habitualized for violent personal crimes or sex offenses.

Offenders are almost twice as likely to be habitualized (1.79 times), other things being equal, if their current offense is burglary, and almost one and a half times more likely to be habitualized if their current offense is a drug offense or robbery (1.44 times for drugs, and 1.41 times for robbery). Although the robbery result is not unexpected since robbery is a violent offense, it seems strange that two non-violent offenses would increase the risk of habitualization. This is especially unexpected in light of the fact that if the current offense is a sex offense, or a violent personal offense, the odds of being habitualized are approximately half of the average odds for all types of offenses (0.5 times for sex and 0.6 for violent personal).

An additional concern is the fact that offenders whose current offense was a first degree felony are only eight percent more likely to be habitualized (other factors being equal) than

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offenders whose current offense was a third degree felony, while offenders whose current offense was a second degree felony have a 44 percent greater risk of habitualization than similarly situated third degree felons.

These findings suggest shortcomings in the methods used to target the very worst offenders for application of this resource consumptive sanction. The findings of the logistic regression analysis corroborate those in the previous chapter and, taken together, indicate that statewide the application of the habitual offender statute has not been effectively targeted against the "worst of the worst" offenders.

Impact on Statewide Uniform Sentencing

Another important finding is that the circuit in which an eligible offender is prosecuted has an enormous impact on the probability of being habitualized, even after controlling for prior record, primary offense seriousness, guidelines category and degree of the primary offense, prior incarcerations, additional offenses, race, age and gender. For example, the risk of an eligible offender being habitualized if prosecuted in the Fourth Circuit (Jacksonville) is 4.8 times greater than the statewide average. If the same offender were prosecuted in the Twelfth Circuit (Sarasota), the odds of being habitualized would be one-third the statewide average. Table 11 shows the odds of a given offender being habitualized in each of the twenty circuits compared to the

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statewide average. Bear in mind that factors other than the circuit in which the eligible offender is prosecuted have been held constant. Given the vast difference in sentence length and time served between habitualized and non-habitualized offenders, the fact that like offenders can receive such disparate treatment based on nothing other than the circuit in which they are prosecuted, substantially undermines the policy of uniform sentencing in Florida for the subset of offenders who are eligible for habitualization.

TABLE 11
Odds of a Given Offender Being Habitualized by Circuit
(Relative to the Statewide Average, All Other Factors Equal)

Circuit Number	Principal City	Odds of Habitualization
1	Pensacola	2.89
2	Tallahassee	1.00
3	Lake City	0.28
4	Jacksonville	4.76
5	Ocala	1.15
6	St. Petersburg	1.40
7	Daytona	0.92
8	Gainesville	2.46
9	Orlando	1.53
10	Lakeland	1.60
11	Miami	0.55
12	Sarasota	0.33
13	Tampa	0.75
14	Panama City	0.72
15	Palm Beach	1.17
16	Key West	1.18
17	Ft. Lauderdale	0.36
18	Titusville	0.94
19	Ft. Pierce	0.49
20	Ft. Myers	1.25

Table 12 shows another way of comparing the practices among

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circuits. In Table 12, the probability of being habitualized in each of the circuits is calculated for three hypothetical offenders. The first offender is a black male whose primary offense is a second degree drug offense that is a Level 5 offense on the offense seriousness scale. The second offender is a white male whose primary offense is a second degree, Level 7, burglary offense. The third offender is a black female whose primary offense is a second degree, Level 6, robbery. All three offenders are 30 years old and have the same prior record score (which was set at the statewide average).

Table 12 shows that there is considerable variation in the probability of habitualization among the circuits for all three hypothetical offenders. For example, it can be seen from the first column of Table 12 that Offender 1 has a 65 percent probability of being habitualized given his criminal history, current offense and other characteristics if tried in the Fourth Circuit, but only a 10 percent probability of being habitualized if tried in the Third Circuit.[14] Likewise, Offender 3 has a 51 percent chance of being habitualized if prosecuted in the Fourth Circuit but only a six percent chance if prosecuted in the Third Circuit.

The information in Tables 11 and 12 makes it clear that the disparate practices of the twenty State Attorneys significantly

[14] Another way of expressing this is that if a large number of offenders with the characteristics of Offender 1 were tried in the Fourth Circuit, 65 percent of them would be habitualized.

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undermine the state policy of uniform sentencing for those offenders eligible for habitualization.

TABLE 12
Probability of Habitualization for Selected Offenders
(Based on Statewide Multivariate Model)

Circuit Number	(Principal City)	Offender 1	Offender 2	Offender 3
1	Pensacola	53%	36%	39%
2	Tallahassee	29%	17%	18%
3	Lake City	10%	5%	6%
4	Jacksonville	65%	49%	51%
5	Ocala	31%	19%	20%
6	St. Petersburg	35%	22%	23%
7	Daytona	26%	15%	17%
8	Gainesville	49%	33%	35%
9	Orlando	37%	23%	25%
10	Lakeland	38%	24%	26%
11	Miami	18%	10%	11%
12	Sarasota	11%	6%	7%
13	Tampa	22%	13%	14%
14	Panama City	22%	13%	14%
15	Palm Beach	31%	19%	20%
16	Key West	31%	19%	20%
17	Ft. Lauderdale	12%	7%	7%
18	Titusville	27%	16%	17%
19	Ft. Pierce	16%	9%	10%
20	Ft. Myers	33%	20%	21%

Racial and Gender Bias in the Application of the Habitual Offender Statute

The final issue to be considered is the question of possible racial disparity in the application of the habitual offender statute. Additionally, since gender was included as a control variable in the analysis, it is possible to examine the issue of gender bias in the application of the statute.

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Looking first at the race issue on a statewide basis, the logistic regression analysis shows that being black significantly increases the chances of being habitualized. Interestingly, however, the higher odds of habitualization faced by black offenders varies widely by the seriousness of the current offense. In other words, the extent of racial disparity in the application of the habitual offender statute differs at each primary offense seriousness level. Table 13 shows the odds that black offenders will be habitualized compared to non-blacks with like criminal histories and current offenses.

TABLE 13
Odds of a Black Offender Being Habitualized
Relative to those of a Non-Black Offender
With Like Criminal Characteristics

Primary Offense Seriousness Level	Odds Ratio
1	2.73
2	2.55
3	2.39
4	2.24
5	2.09
6	1.96
7	1.83
8	1.71
9	1.60
10	1.50

Table 13 shows that at all offense seriousness levels blacks are more likely than non-blacks to be habitualized. For the lowest level of primary offense, a black offender is 2.73 times more likely to be habitualized than a similarly situated non-black offender. This disparity drops to 1.50 at the highest offense

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levels, meaning that even for the most serious offenses, black offenders are 50 percent more likely to be habitualized than non-black offenders.

The extent of racial disparity in the statewide use of the habitual offender statute is most pronounced at the lower primary offense seriousness levels. At levels 5 and under, black offenders are more than twice as likely as non-black offenders to be habitualized. Since most non-violent offenses fall below primary offense seriousness level 5, this disparity also indicates that, on a statewide basis, blacks are more than twice as likely to be habitualized for a non-violent offense than are similarly situated non-blacks.

It was noted in the previous chapter that there was considerable variation among the circuits with respect to the extent of racial disparity evident in the use of the habitual offender statute. To re-evaluate that point using logistic regression, a separate analysis was run on each of the circuits controlling for the same factors as discussed above. In the analysis of the data at the circuit level, each circuit's specific criteria for application of the habitual offender statute was taken into consideration.[15] There was one exception to this method. It was not possible to examine the data in light of the Seventeenth

[15]Information about each circuit's individual criteria for use of the habitual offender statute was obtained from each State Attorney office by the staff of the House Criminal Justice Committee. A summary of this material is contained in Appendix C.

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Circuit's specific criteria because among their criteria were two matters for which data were not available: juvenile record and arrests that did not result in convictions. For the Seventeenth Circuit, therefore, the issue of racial disparity in the application of the habitual offender statute was evaluated using the statutory criteria for habitualization only.

In all but two cases, individual circuit criteria either: (a) made no significant difference in the results; (b) were so broad as to not constitute a restriction beyond that imposed by statute; or (c) were bypassed in a large percentage of the cases in the circuit and did not, therefore, effectively restrict the application of the statute. Thus, in all but two cases the individual circuit criteria were statistically inconsequential. The two exceptions were the Eleventh Circuit (Miami) and the Fifteenth Circuit (Palm Beach).

In the Eleventh Circuit, the consistent application of that circuit's criteria eliminated the racial disparity in the application of the habitual offender statute.

In the Fifteenth Circuit, an administrative order was imposed in May 1991 to establish criteria for that circuit. The analysis showed that there was significant racial disparity in the application of the habitual offender statute prior to the imposition of the administrative order. Unfortunately, the

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criteria in the order left considerable latitude for discretion by the prosecutor which was applied in a manner that resulted in a substantial increase in the amount of racial disparity in that circuit after May 1991. To be clear, it is not the circuit's criteria that led to the increasingly disproportionate use of the statute against black offenders, but rather the decisions made within the bounds of those criteria.

A few other exceptional cases merit attention. The Eighth Circuit's (Gainesville) criteria were bypassed more than half the time, so it is difficult to attribute much effect to the criteria on a circuitwide basis. However, in the cases in which the circuit's criteria were followed, there was no significant racial disparity in the application of the habitual offender statute. This finding suggests that more consistent application of the circuit's criteria might correct the racial disparity in the Eighth Circuit.

In the Fourth, Fifth, and Ninth Circuits, the circuits' criteria for habitualization were followed in a large percentage of cases, but application of the circuits' criteria did not significantly change the extent of racial disparity in these circuits.

Finally, in the Second Circuit, the State Attorney did not follow the circuit's criteria in 57 percent of the cases in the

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data base, but it was of no consequence since the extent of racial disparity would have been essentially the same even if the criteria had been followed consistently.

There were only two circuits--the Eleventh (Miami) and the Twelfth (Sarasota)--that did not show a significant disparity in the application of the statute between black and non-black offenders after the other possible explanatory factors had been considered. The remaining 18 circuits--with the possible exception of the Seventeenth, whose local criteria could not be evaluated--were significantly more likely to habitualize black offenders than similarly situated non-black offenders. These figures are presented in Table 14.

Table 14 shows, for each circuit, the odds that a black offender will be habitualized relative to those of a similarly situated non-black offender. For example, in the First Circuit (Pensacola), black offenders are habitualized 1.76 times more frequently than similarly situated non-black offenders. In the Second Circuit (Tallahassee), blacks are habitualized 3.37 times more often than similarly situated non-black offenders. The most pronounced racial disparity in the application of the habitual offender statute is found in the Third, Nineteenth, and Twentieth Circuits, where black offenders are habitualized more than four times as often as similarly situated non-black offenders. Only in the Eleventh and Twelfth Circuits are the differences between the

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TABLE 14
Odds of a Black Offender Being Habitualized
Relative to those of a Non-Black Offender
With Like Criminal Characteristics

Circuit Number	(Principal City)	Odds Ratio	
1	Pensacola	1.76	(1)
2	Tallahassee	3.37	(2)&(3)
3	Lake City	4.90	(1)
4	Jacksonville	2.36	(2)
5	Ocala	2.78	(2)
6	St. Petersburg	1.67	(1)
7	Daytona	1.73	(1)
8	Gainesville	1.94	(3)&(5)
9	Orlando	1.77	(2)
10	Lakeland	2.06	(1)
11	Miami	No Significant Disparity	(5)
12	Sarasota	No Significant Disparity	(1)
13	Tampa	1.63	(1)
14	Panama City	3.37	(1)
15	Palm Beach	1.90	(6)
16	Key West	2.46	(1)
17	Ft. Lauderdale	1.66	(4)
18	Titusville	2.70	(1)
19	Ft. Pierce	4.49	(1)
20	Ft. Myers	4.14	(1)

NOTE: The reported odds ratios shown in this table are based on the statutory criteria rather than individual circuit criteria except in the one case, the 11th Circuit. The notations to the right of each circuit's odds ratio refer to the following explanations for not reporting the that circuit's odds ratio based on its local criteria:

1. No circuit criteria or circuit criteria are so broad as to constitute no material change from statutory criteria.
2. Circuit criteria did not significantly alter the odds ratio.
3. Circuit criteria were not followed in more than 50 percent of the cases.
4. Data were not available to permit evaluation based on circuit criteria.
5. Circuit criteria did significantly alter the odds ratio.
6. Circuit criteria changed during the period of study. Odds ratio based on practices since new criteria indicate greater racial disparity.

habitualization rates of black and non-black offenders statistically indistinguishable.

One final issue that needs to be reported is that in addition

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to racial bias in the application of the habitual offender statute, there is significant gender bias. After controlling for all of the factors discussed above (including race), male offenders are nearly twice as likely to be habitualized as similarly situated female offenders (1.98 times). There were an insufficient number of female cases to examine this issue in more detail at the circuit level.

CONCLUSIONS

The results of the logistic regression analysis corroborate the findings reported in Chapter Two. The use of this technique enabled the application of controls for other factors that may be influencing the habitualization decision so that the influence attributed to the factors of interest--race and circuit--are more clearly seen. Readers of Appendix B will discover that the model fit the data very well and that the results were strong (95 percent confidence level). Thus, the analysis clearly shows the following results:

1. The application of the habitual offender statute does not appear to have been effectively targeted against the very worst offenders.

2. The circuit in which an offender is prosecuted makes a significant difference in the probability of habitualization (and, therefore, in the probability of serving a long sentence);

3. In all but two circuits, there is an unmistakable racial disparity in the application of the habitual offender statute to the disadvantage of black offenders; and

4. On a statewide basis there is a clear gender bias in favor of female offenders.

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CHAPTER FOUR

CONCLUSIONS

The results presented in Chapters Two and Three reveal a number of problems in the application of the habitual offender statute. Specifically, in most circuits, and certainly on a statewide basis, the statute has not been limited to use against the very worst offenders but has been applied more frequently to less serious offenders. Only one circuit--the Eleventh (Miami)--has managed to restrict its use of the statute so that it is used more frequently against the very worst of the eligible offenders.

Second, the circuit in which an offender is prosecuted is of enormous importance to the risk of habitualization. This means that for the roughly one-third of all guilty dispositions who are eligible for habitualization, Florida does not have a single statewide system of reasonably uniform sentencing. For this group of offenders, there are effectively twenty separate sentencing systems that vary widely in their treatment of offenders eligible for habitualization.

Third, in all but two circuits--the Eleventh (Miami) and the Twelfth (Sarasota)--the habitual offender sanctions are much more likely to be used against black offenders than non-black offenders, even after adjusting for prior record, the nature of the current

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offense and a variety of other factors that might have a bearing on the decision to habitualize. It was also found that, on a statewide basis, prosecutors were much more likely to use the statute against male offenders than similarly situated female offenders.

POLICY OPTIONS

The problems with the application of the habitual offender statute can be addressed in a variety of ways. A number of policy alternatives are listed and discussed, but no particular option is recommended.

Option 1: Allow the courts and the individual State Attorneys to correct the problems in each circuit now that they have been identified.

It is reasonable to assume that the State Attorneys are not deliberately wasting state prison resources, or deliberately undermining the policy of uniform sentencing, or intentionally targeting black offenders for use of the habitual offender statute. Rather, what has apparently happened is that, in most circuits, insufficient attention has been paid to these matters. State Attorneys offices, like other parts of the criminal justice system, have operated with less than optimal resources under a growing burden of cases. Under such circumstances, resources are focused on the most important tasks and devoting time and money to evaluation of the types of questions raised in this report, despite

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their importance, becomes an unaffordable luxury. However, now that the nature and extent of the problem has been clearly defined, one solution is to leave it to the State Attorneys--or the judiciary--to devise solutions for their individual circuits.

The principal advantage of this solution is that it is likely to be the least intrusive into the daily business of the State Attorneys. Since the State is not in a position to provide much in the way of additional resources to cope with any changes that need to be made, solutions that correct the problems without unnecessarily disrupting the operations of the State Attorneys should at least be considered.

It should also be noted that some of the State Attorneys have managed to devise operating procedures to prevent the types of misuses of the habitual offender statute described in the previous two chapters. The Eleventh Circuit, for example, seems to have managed to implement the law in a manner consistent with state policy. Thus, it does not seem impossible that the other State Attorneys could adopt similar procedures and correct the problems in their own circuits.

The principal disadvantage of this approach is the possibility that effective new procedures might not be implemented in a timely manner, or might not be implemented at all, absent a mandate from the Legislature or the Court. A second disadvantage is that

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allowing each circuit to solve its problems in its own way might actually exacerbate the problem with uniform statewide sentencing. At a minimum, therefore, if this alternative is selected, a follow-up study will need to be performed.

Option 2: Impose a solution by statute that restricts the amount of State Attorney discretion in the application of the statute.

There are a number of solutions that might be pursued through the legislative process. Such solutions would have two parts. The first part would involve setting more restrictive standards so that less serious offenders would not be eligible for habitualization. The second part would involve the implementation of procedural controls within the circuits to ensure careful review of the application of the statute. There are a large variety of options within this alternative, but one might start by discussing the types of limitations on the use of the statute that were discussed during the 1992 legislative session and the types of procedural controls already in place in the Eleventh Circuit.

The principal advantage of a statutorily imposed solution is that it would improve the probability that effective reforms would be accomplished in a reasonably short period.

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Option 3: Return to the pre-1988 standard of requiring a judicial finding of public necessity before permitting application of the habitual offender statute.

This solution may be appealing to some because it effectively returns the habitual offender law to a period during which the application of the statute was not particularly controversial. Unfortunately, it is not at all clear that the application of the statute was any freer of the types of problems discussed in Chapters Two and Three during the pre-1988 period than it is now. No similar studies were conducted for this period. It is possible that application of the statute was even more problematic during this period and that turning the matter over to the State Attorneys may have improved its use. No information exists to make such a determination.[16] Therefore, there is no basis for believing that this alternative will represent a solution to the problems identified in this study.

Option 4: Repeal the habitual offender statute and deal with repeat offenders in the context of sentencing guidelines.

The most comprehensive solution to the problems raised in this report--and consequently the most difficult solution--is to repeal the habitual offender statute entirely and re-write sentencing guidelines in a manner that imposes harsher sentences on the most serious repeat offenders. Alternatives to the current system of

[16]The only thing that is clear, however, is that the statute was used less frequently than during the post-1988 period.

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sentencing guidelines that would largely solve the problems raised in this report were proposed in an earlier study.[17] The principal disadvantage of this approach is that it is extremely complex and involves work on a problem much larger than merely the sentencing of habitual offenders.

[17] Economic and Demographic Research Division. An Alternative to Florida's Current Sentencing Guidelines. November 1991.

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The Florida Senate

Interim Project Report 2006-112 *November 2005*

Committee on Criminal Justice Senator Stephen R. Wise, Chair

REVIEW THE CRIMINAL PUNISHMENT CODE AND SENTENCING JUDGES' ASSESSMENT

SUMMARY

The Criminal Punishment Code ("Code") is Florida's primary sentencing policy. While the Code contains some features of the sentencing guidelines it replaced, it also differs substantially from the former guidelines. The most important difference is that the Code does not restrict judges in imposing a sentence greater than the minimum scored sentence as was the case under the former guidelines.

The Office of Economic and Demographic Research compared sentencing under the Code (FY 2003-04) to sentencing under the sentencing guidelines (FY 1997-98). Their research indicates that a larger percentage of those sentenced received a prison sanction under the Code (21.6%) than under the guidelines (17.1%), a larger percentage of those sentenced received mitigation under the Code (11.2%) than under the guidelines (9.0%), and the mean sentence length for those sentenced to prison was shorter under the Code (3.9 years) than under the guidelines (4.7 years).

Truth in sentencing has largely been achieved by reason of prison bed building and operation of the Code. According to the Florida Department of Corrections, "[t]he average prison sentence today will result in 4.0 years of imprisonment, a 150% increase from the 1.64 average in 1988-89. The percent of prison sentence served is more than 87% for offenders sentenced in FY 2003-2004, a 150% increase from the 34.9% of average sentence served 15 years ago."

A recent study of sentencing has concluded that unwarranted sentencing disparity, the impetus for creating the sentencing guidelines in 1983, exists under the Code, and to a lesser degree, under the previous and more determinate sentencing guidelines.

Forty-six circuit court judges who have sentenced under the Code responded to a survey prepared by staff in which they were asked for their views about the Code and related matters. Findings regarding this survey are that the majority of the responding judges indicated they were either satisfied or generally satisfied with the Code. None of the judges advocated returning to the former guidelines, although one judge indicated she prefers a more determinate sentencing structure and another judge proposed a 'suggested' range for sentencing. Four judges appeared to indicate they prefer indeterminate sentencing to the Code.

The main benefit of the Code noted by the judges is the discretion to impose sentences above the lowest permissible sentence. The main concern about the Code expressed by the judges is that it provides limited discretion to impose sentences below the lowest permissible sentence. Concern about unwarranted sentencing disparity was only raised by four judges. Other concerns raised about the Code and related matters are summarized in this report.

Only five judges indicated support for re-establishing a sentencing commission. (The Code abolished a previously established sentencing commission.)

While it does not appear that any of the concerns noted by the judges identify legal or implementation problems involving the Code that require legislative action, staff recommends that this report be used as an informational resource by legislators in any assessment of changes to sentencing policy or the Code.

BACKGROUND

In 1997, the Legislature enacted the Criminal Punishment Code[1] ("Code") as Florida's "primary sentencing policy."[2] The Code has been described as

[1] ss. 921.002 - 921.0027, F.S. See chs. 97-194 and 98-204, L.O.F.

[2] *Florida's Criminal Punishment Code*: *A Comparative Assessment*, Florida Department of Corrections (Sept. 2004).

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"unique in that it has features of both structured and unstructured sentencing policies."[3]

> From a structured sentencing perspective, the Code provides for a uniform evaluation of relevant factors present at sentencing, such as the offense before the court for sentencing, prior criminal record, victim injury, and others. It also provides for a lowest permissible sentence that the court must impose in any given sentencing event, absent a valid reason for departure.
>
> The Code also contains some characteristics of unstructured sentencing, such as broad judicial discretion and the allowance for the imposition of lengthy terms of incarceration.
>
> The Code is effective for offenses committed on or after October 1, 1998 and is unlike the state's preceding sentencing guidelines, which provided for narrow ranges of permissible sentences in all non-capital sentencing events.[4]

The Code replaced more determinate sentencing guidelines. Sentencing guidelines were first adopted in 1983 after significant review and input by judges and others and a pilot project to implement sentencing guidelines in four judicial circuits. In contrast, the Code was not subject to the same deliberative review before its enactment in 1997.[5] Judges' views of the Code, which have never been publicly reported, are reported here for the purpose of providing legislators with information that they may use in any assessment of changes to sentencing policy or the Code.

Staff surveyed circuit court judges who have sentenced under the Code regarding their views of the Code and related matters. Forty-six judges responded to the survey. The number of judges who responded to the survey constitutes approximately 35 percent of judges assigned to the judicial circuits' felony divisions.[6] Therefore, a view shared by the majority of the responding judges may or may not be a view shared by the majority of judges assigned to the judicial circuits' felony divisions. Even given this limitation, the views of the responding judges provide useful information to legislators on sentencing under the Code.

Understanding Florida's various sentencing policies and structures over more than two decades may provide legislators with a better understanding of the judges' survey responses, so staff begins this report with a summary of that history.

Sentencing in Florida*: *1980s to the present

In 1983 the Florida Legislature adopted "sentencing guidelines" or what has been referred to as "determinate sentencing" or "structured sentencing."[7] These are really descriptive labels for a sentencing policy and structure that, broadly speaking, "guides" judges in sentencing. Guidelines may be "voluntary," meaning they have no "enforcement mechanism" if judges don't follow them, or they may be "presumptive," meaning they are "prescriptive rather than descriptive and are also enforceable, although they have provisions to allow judges to depart from them."[8]

Until the adoption of sentencing guidelines in 1983, Florida judges' discretion in sentencing was limited only by the statutory maximum penalties for felonies[9] and constitutional requirements. This type of sentencing, which provides judges with virtually unfettered discretion, has been referred to as "indeterminate sentencing" or "unstructured sentencing."

The "principal concern" raised about indeterminate sentencing in Florida by its critics was "unwarranted" sentencing disparity, which they asserted was occurring

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[3] *Id.*

[4] *Id.*

[5] However, there was input from some judges, prosecutors, public defenders and others regarding changes to the Code after its enactment and prior to its implementation in 1998. *A 1997-1998 Interim Monitor*: *The Florida Criminal Punishment Code*, Senate Committee on Criminal Justice (Sept. 1997).

[6] The Office of the State Courts Administrator reported to staff that in 2004 there were approximately 161 judges assigned to the judicial circuits' felony divisions.

[7] In 1982 the Legislature created a Sentencing Commission. The Commission's responsibilities immediately prior to its termination in 1997 were the "initial development of a statewide system of sentencing guidelines, evaluating these guidelines periodically, and recommending on a continuous basis changes necessary to ensure incarceration of . . . violent criminal offenders . . . and non-violent criminal offenders who commit repeated acts of criminal behavior and who have demonstrated an inability to comply with less restrictive penalties previously imposed for nonviolent criminal acts." s. 921.001(1), F.S. (1997).

[8] Parent, Dunworth, McDonald and Rhodes, *Key Legislative Issues in Criminal Justice*: *The Impact of Sentencing Guidelines*, NCJ 161837, Nat. Inst. of Justice, U.S. Dept. of Justice (Nov. 1996), p. 1.

[9] s. 775.082, F.S.

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under indeterminate sentencing.[10] Guidelines proponents were concerned that similarly situated offenders were being sentenced differently in each judicial circuit and by judges within the same circuit. They were also concerned that extra-legal factors, such as gender, race, and ethnicity, were playing a part in sentencing outcomes. While everyone was opposed to sentencing based on those factors, there was disagreement on whether this was actually occurring and, if it was, whether it was the result of indeterminate sentencing or other factors. Guidelines proponents, while acknowledging that some sentencing variation was necessary, believed that fundamental fairness required uniformity in sentencing. Guidelines opponents argued that offenders only had a right to a "legal" sentence (a sentence within statutorily-imposed parameters), that guidelines could never capture the myriad of factors judges had to take into account in sentencing (many unquantifiable), and that variations in the sentencing of similarly situated offenders appropriately reflected the practices of different courtroom work groups and different community standards and values.

The 1983 guidelines structure was "comprised of nine separate worksheets for specified offense categories." "Within each worksheet points were assessed for offenses to be sentenced and prior record offenses based on the number of offenses and each offense's felony degree. Assessments were made for legal status, and victim injury. Total scores fell into sentencing ranges or cells, for each worksheet. The least severe cell provided for a non-prison sanction and the most severe cell provided for 27 years to life in prison. Departure sentences were permissible as long as written reasons were provided."[11] Departure sentences could be appealed.

While the Legislature may have been concerned about truth in sentencing -the principle that the sentence served should be roughly equivalent to the sentence imposed- when it approved of sentencing guidelines, the concern about unwarranted sentencing disparity appears to have been the impetus for adopting the guidelines. Certainly, truth in sentencing was not a reality in 1983. While parole consideration was abolished for non-capital offenders sentenced under the guidelines,[12] gain-time remained available. However, truth in sentencing eventually came to the forefront of concerns regarding sentencing.

When the guidelines were adopted, Florida was under federal judicial oversight[13] to ensure that unconstitutional conditions of overcrowding would not exist in Florida's prisons. Actions taken by the Legislature and other factors exacerbated and alleviated prison crowding. The majority of changes to the guidelines in the 1980s evinced the Legislature's intent to "toughen" the guidelines by enhancing punishments, increasing judges' discretion to impose prison sentences, and narrowing the grounds for appeal of departure sentences.[14]

Prison admissions increased significantly in the 1980s as a result of changes to the guidelines, changes to the habitual offender law,[15] mandatory minimum penalties, significant growth in the overall population of Florida, a precipitous and apparently unanticipated increase in drug offense admissions[16] (reflecting in large part the effects of "crack" cocaine), and other factors.

Although the Legislature appropriated monies for tens of thousands of prison beds during this period, there were frequent indications that Florida's prisons were on the brink of exceeding lawful capacity. To address this prison crowding, the Legislature created several early release mechanisms or programs (in addition to pre-existing basic gain-time), including administrative gain-time and provisional credits, which were administered by the Florida Department of Corrections,

[10] Griswold, *Florida's Sentencing Guidelines*: *Six Years Later*, Federal Probation (Dec. 1989), p. 46.

[11] *Florida's Criminal Punishment Code*: *A Descriptive Assessment*, Florida Department of Corrections (Oct. 1999), p. 3.

[12] The elimination of parole may have been the result of concerns that it was contrary to truth in sentencing and was subjective and arbitrary. Although the Legislature did enact uniform guidelines to assist the parole decision maker, this action apparently did not assuage parole's critics.

[13] The lawsuit was *Costello v. Wainwright*, 397 F. Supp 20 (M.D. Fla. 1975), aff'd as modified, 525 F.2d 1239 (5th Cir. 1976), aff'd in relevant part on reh'g en banc, 539 F.2d 547 (5th Cir. 1976).

[14] For an extensive discussion of changes to the guidelines, see Hogenmuller, *Structured Sentencing in Florida: Is the Experiment Over?*, 20 Law and Policy 281 (July 1998).

[15] Additionally, the Legislature decided to sentence habitual offenders outside the guidelines.

[16] In FY 1989-90, the apex for drug admissions, there were 16,169 drug admissions. Information provided by the Florida Department of Corrections.

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and control release, which was administered by the Florida Parole Commission.[17]

The use of early release programs eventually proved untenable.[18] By March of 1992 the average percentage of sentences served was 31.5 percent.[19] Early release and a widely reported murder by an early releasee in 1992 heightened the public's concerns about crime. In a special session in 1993, the Legislature significantly revised the sentencing guidelines and made other changes to try to address those concerns. Perhaps the most significant change in sentencing policy was that "incarcerative sanctions" were to be "prioritized toward offenders convicted of serious offenses and certain offenders who have long prior records, in order to maximize the finite capacities of state and local correctional facilities."[20]

The 1994 sentencing guidelines differed considerably from the previous guidelines. The nine separate worksheets and groupings by category were replaced with a chart that ranked non-capital felonies based on what the Legislature determined to be their seriousness. Each offense was assigned to a ranking level on a scale of one to ten (level ten being the most serious level).[21] Additional offenses and prior offenses were also assigned level rankings. Point values were associated with those rankings. The higher the level, the higher the point values. Also, point values were greater for the primary offense relative to point values for additional and prior offenses. Points were also assigned for several other factors, such as victim injury, legal status, and supervision violations.

By scoring all of these factors and performing a mathematical computation, a recommended guidelines sentence was established. There were "basically three categories of sanction based upon total scores":[22] a mandatory non-state prison sanction when the total score was 40 points or less (though the court could increase total sentencing points by up to 15 percent); a discretionary prison or a non-state prison sanction when the total score was greater than 40 points but less than 52 points; and a mandatory state prison sanction when the total score was greater than 52 points.

Prison length (state prison months) was determined by subtracting 28 points from the total sentence points. However, the court had the discretion to increase or decrease by 25 percent the recommended guidelines state prison sentence (unless the sentence had already been increased by up to 15 percent). If the recommended guidelines sentence exceeded the statutory maximum in s. 775.082, F.S., the guidelines sentence was imposed. A departure sentence, which could be appealed, was a state prison sentence varying upward or downward from the recommended guidelines prison sentence by more than 25 percent. Reasons for a departure had to be provided. A non-exclusive list of aggravating and mitigating circumstances were provided in statute.

Florida's prison bed "crisis" was brought under control and truth in sentencing was largely achieved because of a long-term commitment to building prison beds. Other factors that alleviated prison crowding included the enactment of sentence guidelines in 1993, the repeal of basic gain-time and the curtailment of provisional credits and control release, the redefining of prison capacity (after federal oversight had ceased) to "150% of what the system was designed to handle,"[23] a requirement that a funding source be provided for new offenses and penalty enhancements, the elimination of some mandatory minimum terms, a statutory requirement that offenders serve at least 85 percent of their sentences,[24] downward departure sentences, and decreases in drug admissions and the total crime rate index.

The 1993 changes to the guidelines were ambitious and some of those changes would later be incorporated in

[17] For an extensive discussion of early release, see Kaufman, *A Folly of Criminal Justice Policy-Making*: *The Rise and Demise of Early Release in Florida, and Its Ex Post Facto Implications*, 26 Fla. St. U. L. Rev. 361 (Winter 1999).

[18] Kaufman described the situation as follows: "At bottom, the state continued to operate two conflicting subsets of Florida's overall criminal justice policy: (1) a sentencing policy implemented through the guidelines, habitual offender laws, and minimum mandatory sentences, all designed to force the judicial branch to make offenders serve more time in prison; and (2) a corrections policy, implemented through early release mechanisms, that forced the executive branch to let people out of prison earlier than ever before. In essence criminal justice policy had turned against itself." Kaufman (1999), *supra*, at p. 396.

[19] Kaufman (1999), *supra*, at p. 400 (citation omitted).

[20] s. 921.001(4)(a)7., F.S. (1993).

[21] The chart did not list all non-capital felonies; offenses not listed in the chart were ranked based on felony degree. A similar "default" section was included in the Code for ranking felonies not listed in the offense severity ranking chart. s. 921.0023, F.S.

[22] See Note 2.

[23] Kaufman (1999), *supra*, at p. 407.

[24] s. 944.275, F.S.

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the Code. However, the guidelines had important critics, most notably many prosecutors and sheriffs. Several prosecutors had opposed guidelines from their original adoption in 1983. Likely their efforts to abolish the guidelines were unsuccessful, in part, because they were successful in convincing legislators to pass amendments to the guidelines. The 1994 guidelines were new territory for guidelines critics and were soon subjected to their criticism: they weren't tough enough, especially regarding prior record; they were too complex; they gave judges little real discretion, such as imposing prison sentences on nonviolent offenders where appropriate; and they reduced sentencing to a mathematical computation.

The Legislature was receptive to many of these criticisms of the guidelines. Legislators were sensitive to a growing, though statistically unsupported, perception that crime in Florida was out of control. This perception was attributable in large part to the murder of a Miami-Dade Police detective and the murders of several tourists.[25] In 1995 and 1996 the Legislature significantly amended the guidelines. Some of the changes included prohibiting sentence mitigation based on the defendant's substance abuse or addiction (without mental illness); enhancing sentencing point values for the primary offense (level 7 and above), additional offenses, prior offenses, and victim injury; and creating point multipliers for the attempted murder of law enforcement officers and other officials and grand theft of a motor vehicle.

Although these changes addressed some of the concerns of guidelines critics, what the critics really wanted were not changes to the guidelines but rather to be free of them. Bills to abolish the guidelines had been introduced as early as the 1980s, but guidelines supporters had always prevailed. By 1997, things had changed. Prison admissions and the prison population appeared to be manageable. There also appeared to be few guidelines supporters in the Legislature.

While prosecutors, perhaps the most visible critics of the guidelines, had clamored for more judicial discretion, that discretion was a two-edged sword. They wanted judges to impose more and longer prison sentences. Abolishing the guidelines and returning to indeterminate sentencing would have given judges virtually unfettered discretion to do that but would have also given them the discretion to impose non-prison sentences and shorter prison sentences. This was a concern of the Miami-Dade State Attorney because, historically, the Eleventh Judicial Circuit had the greatest number of downward departure sentences.

Staff of the State Attorney drafted a proposal for a new sentencing structure, named the Criminal Punishment Code, that limited downward departure sentences but gave judges more flexibility to impose prison sentences and increase prison sentence length than was available under the guidelines. The State Attorney brought this proposal to the Legislature and it was ultimately endorsed.[26] However, because the legislation creating the Code was hastily crafted, the Legislature revised the Code in 1998.

The Criminal Punishment Code, in its present form, applies to defendants whose offenses were committed on or after October 1, 1998. It retains some features of the guidelines it replaced: the offense severity ranking chart; point values for primary offenses, additional offenses, and prior offenses; and point multipliers and enhancements. However, the Code also differs considerably from the guidelines in several respects. Downward departures were retained as were statutory mitigating factors, but downward departures can only be appealed by the State. The Code eliminated upward departures. Judges are free to sentence from the lowest permissible sentence scored under the Code (i.e. the minimum sentence calculated from the Code scoresheet) up to the maximum sentence provided in s. 775.082, F.S.,[27] and that sentence cannot be appealed. For example, the maximum penalty for a third degree felony under s. 775.082, F.S., is a 5-year prison sentence. If the minimum sentence scored under the Code is 2-years imprisonment, the judge can impose a prison sentence of 2 years or a longer prison sentence, as long as the sentence imposed does not exceed 5-years imprisonment.

The lowest permissible sentence under the Code is scored differently than the recommended guidelines sentence under the previous guidelines. If total

[25] Noted one columnist: "Until just recently, Florida was called the Sunshine State and was on its way to being the vacation capital of the world. Now it's called the murder capital of America, a place where even visitors from Bosnia should fear to tread." Fumento, *They Shoot Tourists, Don't They*?, Investor's Business Daily (1993).

[26] Griset, *New sentencing laws follow old patterns*: *A Florida case study*, 30 Journal of Criminal Justice 287, 295 (2002).

[27] If the sentence scored exceeds the maximum penalty in s. 775.082, F.S., the scored sentence is both the minimum sentence and the maximum penalty. This feature was also retained from the previous guidelines.

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sentencing points equal or are less than 44 points, the minimum sentence is a non-prison sanction, though the sentencing range is the minimum sanction up to the maximum penalty provided in s. 775.082, F.S. If total sentencing points exceed 44 points, a prison sentence is the minimum sentence, though the judge may sentence up to the maximum penalty provided in s. 775.082, F.S.[28] Sentence length (in months) is determined by subtracting 28 points from the total sentencing points and decreasing the remaining total by 25 percent.

METHODOLOGY

Staff prepared a survey consisting of several questions to circuit judges who have sentenced under the Code. The Office of the State Courts Administrator disseminated the survey to the judicial circuits. The survey asked the judges for their views of the Code as a sentencing policy. It asked them to identify problems, if any, with the Code or with actions taken by the Legislature (other than revisions of the Code) that may affect its use or raise legal challenges. It also asked them if potential appellate challenges to upward departure sentences under the former guidelines affected their consideration of such sentences, the advantages and disadvantages of the Code relative to former guidelines and other sentencing structures, their views on establishing a sentencing commission, and for any other comments they wished to make regarding the Code.

FINDINGS

Staff asked the Office of Economic and Demographic Research (EDR) to do a comparison of sentencing under the Code to sentencing under the former guidelines. EDR examined two fiscal years: one right before the change to the Code (FY 1997-98) and the most recent complete year (FY 2003-04). EDR examined the total number sentenced, the number sentenced to prison (and the calculated incarceration rate), the number and the percentage who received a sanction mitigation, and the mean sentence length for those who received a prison sentence.[29] In addition to examining totals for each of the two fiscal years, EDR looked at the ten individual offenses with the greatest number of sentencing events in FY 2003-04. These ten offenses accounted for 54.5 percent of the sentencing events in FY 2003-04.

EDR's major findings were that, overall and for each of the ten individual offenses, a larger percentage of those sentenced received a prison sanction under the Code (21.6%) than under the guidelines (17.1%), a larger percentage of those sentenced received mitigation under the Code (11.2%) than under the guidelines (9.0%), and the mean sentence length for those sentenced to prison was shorter under the Code (3.9 years) than under the guidelines (4.7 years).[30] [31]

Additionally, as one judge responding to this survey opined: "the combination of massive prison construction and the operation of [the] . . . Code has resulted in 'truth in sentencing'." According to the Florida Department of Corrections, "[t]he average prison sentence today will result in 4.0 years of imprisonment, a 150% increase from the 1.64 average in 1988-89. The percent of prison sentence served is more than 87% for offenders sentenced in FY 2003-2004, a 150% increase from the 34.9% of average sentence served 15 years ago."[32]

One recent study has concluded that unwarranted sentencing disparity exists under the Code and to a greater extent than under any of the previous guidelines. However, it's important to note that the

[28] But see Note 27.

[29] EDR used the DOC convention of recoding all sentences greater than 600 months to 600 months (including life sentences).

[30] Mean sentence lengths for burglary of a dwelling or occupied conveyance and for cocaine possession remain the same under the Code as under the guidelines.

[31] Several possible factors may explain, at least in part, the greater mitigation rate and shorter average sentence length under the Code. Under the guidelines 52 or more points meant prison while under the Code more than 44 points means prison. Therefore, if offenders who score between 44 and 52 points under the Code receive a non-prison sanction, it is the result of a mitigation, whereas under the guidelines it was not. This mitigation may also explain to some degree the shorter sentences on average under the Code than under the guidelines. Some offenders who would have received probation under the guidelines are receiving prison sanctions under the Code, and many of those sentences may be relatively short in length, which would lower the average. Additionally, some offenders who score 44 points or less may be receiving short prison sentences instead of jail sentences in order to relieve jail overcrowding. Also, the Criminal Justice Estimating Conference has noted in its February 14, 2005, forecast that "[t]he average sentencing length of admissions continues to decline, associated with the high level of technical violators of supervision sentenced to prison." (http://edr.state.fl.us/conferences/criminaljustice/ES02142005.pdf)

[32] *Time Served by Criminals Sentenced to Florida's Prisons*: *The Impact of Punishment Policies from 1979 to 2004*, Florida Department of Corrections, Aug. 2004.

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study also concluded that the previous guidelines, which limited judicial discretion more than the Code, did not eliminate unwarranted sentencing disparity.[33]

Findings from the survey are that twenty-nine judges indicated they were satisfied (9) or generally satisfied (20) with the Code (some expressing concerns with particular features of the Code). Nine judges either noted one benefit of the Code counterbalanced by one concern or did not provide an opinion. Two judges noted more concerns about the Code than benefits, and eight judges noted only concerns about the Code.

None of the judges advocated replacing the Code with the former guidelines, though one judge indicated a preference for a more determinate sentencing structure like the federal sentencing guidelines and another judge proposed a "suggested" range for sentencing. Four judges appeared to indicate they prefer indeterminate sentencing to the Code.

The main concern expressed about the Code was that it does not allow judges enough discretion or "flexibility" to impose sentences below the lowest permissible sentence (17).[34] Two judges suggested that the Legislature consider bringing back the mitigator relating to a defendant's substance abuse (where there is no mental illness).[35]

Concern about sentencing disparity was only noted by four judges. As previously noted, one judge suggested a "more determinate sentencing scheme (operating or advisory)" might provide for more sentencing uniformity, and another judge proposed a "suggested" range. However, four judges expressed the opinion that structured sentencing of the type found in the former guidelines or the federal sentencing guidelines might be susceptible to constitutional challenge because of the U.S. Supreme Court's opinions in *Apprendi v. New Jersey*[36] and *Blakely v. Washington,*[37] which have profoundly impacted the federal sentencing guidelines and several states' guidelines. In *Blakely*, the Court stated: "Our precedents make clear . . . that the 'statutory maximum' for *Apprendi* purposes is the maximum sentence a judge may impose solely on the basis of facts reflected in the jury verdict or admitted by the defendant." [38]

While six judges noted the *Apprendi* and *Blakely* decisions, none of them expressed the view that those decisions threatened the Code. As one judge opined: "The *Blakely* opinion will probably have minimum impact in Florida. The . . . Code does not fit the mold of a typical sentencing guidelines structure. It provides a 'floor' or a minimum sentence, absent downward departure, but no 'ceiling.' The . . . Code does not forbid the trial judge from imposing the statutory maximum sentence for the least serious (Level 1) felony offenses."[39]

Some of the other concerns judges expressed about the Code are that it: is confusing (2);[40] does not sufficiently score prior record (2); does not consider other sentencing factors (e.g., prior juvenile record) (2); does not sufficiently score some offenses (e.g., some thefts and burglaries) (2); "actually affects only a small number of cases and often results in unintended

---

[33] Crow, *Florida's Evolving Sentencing Policy*: *An Analysis of the Impact of Sentencing Guidelines Transformations*, Doctoral dissertation for the School of Criminology and Criminal Justice, Florida State University (Spring Semester 2005). While cautioning there were several important variables missing from his study, Crow concluded that "extra-legal factors play important roles in determining sentencing outcomes under all sentencing policies examined" and that "the policy goal of increasing sentencing severity seems to undermine the goal of reducing unwarranted disparity." *Id.* at p. 155.

[34] One judge noted that "[t]he problem comes with parties who are inflexible in coming up with appropriate sentencing alternatives when a particular case warrants it, particularly when maximum mandatory sentences are a factor."

[35] One of these judges opined: "Drug addiction *is* treatable but many long-term residential programs -particularly Faith Based- will not take individuals with any significant mental illness."

[36] 530 U.S. 466, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000).

[37] 542 U.S. 296, 124 S.Ct. 2531, 159 L.Ed.2d 403 (2004).

[38] 124 S.Ct. at 2537 (emphasis provided by the Court and citations omitted). An exception to the *Apprendi* rule is an enhancement above the statutory maximum based solely on the offender's prior record.

[39] This judge noted, however, that "[i]f the prosecutor seeks a punishment that is greater than the statutory maximum due to scored points in excess of that maximum, "*Apprendi* . . . requires the basis for that punishment to be charged in the information or indictment and submitted to the jury for determination unless the sole reason for the excess points is prior record." He cites as an example determining the extent of victim injury, which "may become a jury issue to be reflected in the verdict." [O]ther issues, such as whether the victim was a law enforcement officer, are usually charged in the information or indictment and, if the defendant is found guilty "as charged," the verdict reflects the aggravating circumstance…."

[40] In contrast, one judge described the Code as "simple and straightforward."

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consequences in the cases it does effect" (1);[41] does not sufficiently indicate that the lowest permissible sentence is only the "starting point" for determining the appropriate sentence (1); has been changed "piece-meal . . . without looking at how previous changes have affected" the criminal justice system (1); "has the effect of discouraging defendants from exercising their right to jury trial by forcing them to accept a plea offer and is often wasteful of human and prison resources" (1); "does not accomplish stated legislative policy" (1); and does not address unnecessary challenges to sentences based on sentencing error that, if corrected, would not change the sentence previously imposed (1).[42] [43]

The most frequently cited benefit of the Code is the discretion afforded in sentencing above the lowest permissible sentence (14). Some other cited benefits are that the Code is more likely to withstand a *Blakely* challenge than the prior guidelines (2), promotes pleas (2), eliminates upward departure sentences and appeals of those sentences (2),[44] and allows for sentencing above the statutory maximum (1).

The legislation creating the Code abolished the previous Sentencing Commission. Staff asked the judges if Florida should have a sentencing commission. Of those judges indicating an opinion, fourteen indicated that Florida should not have a sentencing commission and five said there should be one. Some judges believed a sentencing commission would limit their sentencing discretion (5). Others believed it was unnecessary (4) or that the Legislature should determine what changes the Code needs (2).

One judge supporting a sentencing commission felt that it's "main advantage . . . is to provide the legislature with expertise that the legislature otherwise does not have available. The . . Commission never had any authority to enact sentencing policy or change current policy." None of the five judges specifically indicated that a sentencing commission should set sentencing standards and at least three of the judges appeared to indicate that they viewed a sentencing commission as having a purely advisory role.

RECOMMENDATIONS

While it does not appear that any of the concerns noted by the judges identify legal or implementation problems involving the Code that require legislative action, staff recommends that this report be used as an informational resource by legislators in any assessment of changes to sentencing policy or the Code.

[41] The judge who expressed this concern stated, in part, that "[w]hile the . . . Code provides a starting point in negotiating settlement of cases, it does not require specific results. Other factors, such as the sentencing policies of the trial judge, prosecutorial priorities, and constitutional considerations such as the prohibition against unreasonable search and seizure, have significant impact on the results of a given case. And since less than 4% of the cases are actually tried by jury, the . . . Code has infrequent direct impact on sentencing. This is particularly true since the vast majority of cases do not require a prison sanction to be imposed. Unfortunately, some of the cases that actually are subject to the sentencing restrictions contained in the . . . Code, and other sentencing policies, result in sentences that trial judges perceive as unnecessarily harsh and wasteful of prison resources."

[42] The judge that raised this concern stated that a sentence in which a sentencing error has occurred should be a "legal sentence" unless the defendant "affirmatively demonstrates" that the error caused the judge to sentence the defendant to prison instead of impose a non-prison sanction.

[43] Some other concerns raised in the survey include: effects of mandatory minimum terms (3); limitations on imposing greater punishment on youthful offenders (2); severity of the penalty for failure to comply with sex offender registration requirements when the offender is not an absconder (2); limitations on imposing community control for violent offenses (1); limitations on withholding adjudications (1); confusion over application of various repeat offender sanctions when several apply (1); confusion over differences in punishment for offenses punishable as life felonies, first degree felonies punishable by life, and first degree felonies (1); the 3-year term for aggravated assault under "10-20-Life" (1); appropriateness of license suspension for failure to pay child support (loss of license) (1); and the absence of any community service requirement for all offenders (1).

[44] Twenty-four judges indicated that they had imposed sentences under the former guidelines and had either considered or imposed an upward departure sentence. Twelve of these judges indicated that they had not imposed departure sentences in some cases because of potential appellate challenges to an upward departure sentence.

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Sentencing Guidelines 1995-96
Annual Report

The Impact of the 1994 and 1995 Structured Sentencing Policies in Florida

Prepared For:
The Florida Sentencing Commission



Florida Department of Corrections
Harry K. Singletary, Jr., Secretary

March 1997

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Does An Offender's Race Affect Sentencing in Florida?

Introduction:

The question addressed in this section is: Does an offender's race affect the sentencing decisions made by Florida courts when punishing felony offenders under the 1994 and 1995 sentencing guidelines structure. FS 921.001(a)(4) states that sentencing guidelines embody the principles that **sentencing is to be "neutral with respect to race..".** This study will determine whether this racial equity principle is followed when offenders are punished under Florida's sentencing guidelines mechanism.

Two major changes in Florida's sentencing policy have occurred in the past two decades. In 1983, the indeterminate sentencing policy, also known as parole, was eliminated and replaced with sentencing guidelines. In 1994, the 1983 sentencing guidelines structure was replaced with the 1994 sentencing guidelines. Modifications to the 1994 guidelines were made in 1995 for crimes committed on or after October 1, 1995. This study does not examine whether race affected sentencing decisions under the pre-1983 indeterminate sentencing system or during the 1983 guidelines period. It focuses on whether racial disparity exists within the 1994 and 1995 sentencing guidelines system.

Prior Research:

Some evidence suggests that racial disparity in sentencing did exist in Florida prior to the 1983 sentencing guidelines. The Sentencing Study Committee, which was responsible for recommending that Florida implement sentencing guidelines in 1983, conducted an in-depth study of 1,000 felony cases in 1979.[1] The committee examined the decision whether to sentence an offender to jail or prison and, if a prison sentence was imposed, the length of incarceration. The committee found that, after holding legally relevant factors constant, non-white offenders were significantly more likely to receive a jail or prison sentence than white offenders.

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Methodology:

For this analysis, all felony offenders sentenced in Florida courts from July 1, 1994 to December 31, 1996 who were sentenced under the 1994 or 1995 sentencing guidelines were examined for racial disparity.[2] Statistical models were constructed based on variables contained in the sentencing guidelines database maintained by the Florida Department of Corrections. This database contains information on 221,351 offenders sentenced under the guidelines over the period specified.

These statistical models examine the effect of all variables simultaneously, to measure the unique effect of each on the sentencing outcome while holding all other variables constant. This method enables one to determine whether an offender's race influences judicial sentencing when other characteristics about the offender are held constant (seriousness of the current offense, prior criminal record, offenses other than the primary offense,[3] and victim injury).

Sentencing is analyzed as a two part decision: first, whether or not the offender is sentenced to prison, and second, if a prison sentence is administered, the length of the prison sentence. Prior sentencing research has conclusively demonstrated that the judiciary utilizes different factors, or the same factors to different degrees, when making the in/out prison decision versus the length of prison sentence decision.

The following factors were included in the models. Details on how these factors were measured are located at the end of this section.

1. Race (black/white)[4]
2. Gender (male/female)
3. Age at Time of Sentencing
4. Most Serious Offense ("Primary Offense")
5. Statutory Felony Class of the Primary Offense
6. Type of Primary Offense (Murder, Sexual/Lewd Assault, Robbery, Other Violent, Burglary, Property, Drugs, Weapons, and Other)
7. Seriousness of Additional Offenses
8. Types of Additional Offenses
9. Seriousness of Offender's Prior Criminal Record
10. Types of Prior Crimes in Offender's Prior Criminal Record

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11. Prior Florida Prison Sentences
12. Victim Injury
13. Prior Community Supervision Violations
14. Law Enforcement Enhancement Guidelines Points
15. Case Disposition (Plea/Trial)

Many of these factors are measured in multiple ways to model the sentencing decisions. For example, the types of prior criminal convictions are measured by the number of prior robbery convictions, the number of prior drug convictions, etc. This approach was taken to develop models which explain as much of the sentencing decisions as possible. A total of 32 factors were used to predict the sentencing decisions.[5]

Details on the methodology of the current study can be obtained from the author.[6]

Findings:

This study failed to find evidence that an offender's race has any meaningful effect on decisions made by Florida courts under the 1994 and 1995 sentencing guidelines structure. **This leads to the conclusion that the goal of racial equity explicit in the sentencing guidelines law has been met when examining the 1994 and 1995 sentencing guidelines structure.**

Overall, the empirical evidence presented in detail in this section documents three primary conclusions:

1. Before examining any other factors, black offenders were more likely than white offenders to be sentenced to prison (Table 1). Within many offense groups, black offenders received longer prison sentences than white offenders (Table 2).

2. However, black offenders had higher rates of characteristics generally considered appropriate for higher rates of imprisonment and longer prison sentences (e.g., more serious crimes and more serious prior criminal records) (Table 3).

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3. After taking into account relevant sentencing factors, race was not found to be an influential factor in determining either the decision to sentence an offender to prison (Table 4) or the length of prison sentences for those receiving a prison term (Table 5).

It should be noted that this report addresses only disparity at the final stage in the judicial process of sentencing for felony offenders. The question of whether racial disparity exists at earlier stages in the criminal justice process, such as arrest, prosecution, plea bargaining, or conviction is not within the scope of this report.

Is there racial equity is specific sentencing guidelines factors? Below are the answers to this question.

Question: Are black offenders more likely than white offenders to be sentenced to state prison following a felony conviction when one does **not** examine any of the factors which are intended to affect sentencing (e.g., seriousness of the current crime, prior criminal record and victim injury)?

Answer: Yes. Table 1 shows that black offenders were more likely to be sentenced to prison than white offenders: black 20.8% versus white 14.1 %. When examining the likelihood of black and white offenders receiving a prison sentence for general crime types (violent, property, drug, and other), black offenders were more likely to be sentenced to prison than white offenders when the primary offenses was one of the following: Violent (+11.4%), Property (+3.4%), Drug (+9.4%), and Other (+3.7%). Within the nine more specific offense types (murder/manslaughter, sexual/lewd assault, etc.) black offenders were more likely to be sentenced to prison than white offenders. Examining 49 specific offense types in Table 1 reveals that black offenders were more likely to be sentenced to prison than white offenders within 39 offense types, while white offenders were more likely in 10 offense types.

Question: If the judge decided a prison sentence is appropriate for a convicted felon, were black and white offenders given different lengths of prison sentences under the 1994 and 1995 sentencing guidelines when no legally relevant factors are considered?

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Answer: Yes, but only for some offense types. Table 2 shows that the average sentence lengths for black and white offenders were identical (4.6 years) when all 38,031 offenders sentenced to prison are considered. However, while the numerical differences are not significant, when examining differences in average sentence lengths within the four broad offense types, black offenders received longer sentences in three of the four groups (Violent: black = +0.3 years, or + 4.7% longer prison sentences; Property: black +0.3 years, + 8.1%; Other: black +0.4 years, +13.6%). White offenders received an average of 0.6 years, or 17.2% longer prison sentences than black offenders for drug convictions.

When examining racial differences within nine specific offense types, black offenders received longer sentences in seven of the groups. Black offenders sentences averaged 20.4% (2.7 years) greater than white offenders for those convicted of murder or manslaughter. Black offenders convicted of robbery received 18.8% (1.2 years) longer sentences, on average, than white offenders convicted of robbery. Overall, white drug offenders received 17.2% (0.6 years) longer sentences than black offenders. However, when examining those convicted of selling drugs, black offenders received 25.5% (0.6 years) longer sentences than white offenders. White drug offenders received longer sentences for possession and trafficking of drugs compared to black offenders convicted of the same crimes.

Question: Are black offenders and white offenders different relative to sentencing factors considered relevant to the in/out prison decision and the length of prison sentence?

Answer: Yes. Table 3 shows that, for most factors, black offenders consistently exhibited higher rates of characteristics generally associated with judicial decisions towards more punitive sanctions. The figures in Table 3 reveal the following differences:

- Black offenders had higher overall sentencing guidelines points, which are a composite of the seriousness of the current primary crime, additional current crimes, prior criminal record, victim injury, supervision violation points, drug trafficking enhancements, and law enforcement protection enhancements. The average for total points was 30.7 for black offenders

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compared to 26.3 for white offenders -- a difference of 4.4 points, or 14.3%.

- Black offenders had higher average primary offense points than white offenders. The average for primary offense points was 26.2 for black offenders compared to 24.9 for white offenders -- a difference of 1.3 points or 5.0%. For drug crimes, black offenders had 15.5% higher average primary offense points than white offenders.

- Black offenders had more serious prior criminal records than white offenders using four different measures. First, black offenders were 27.0% more likely to have a prior criminal record than white offenders (black offenders = 66.2%, white offenders = 48.3%). Second, the average prior record guidelines points for black offenders was 8.2 compared to 4.8 for white offenders, a difference of 3.4 points or 41.5%. Third, black offenders had an average of 5.8 prior criminal convictions compared to 4.3 for white offenders. Fourth, black offenders were much more likely to have prior Florida prison commitments. Black offenders were 40.4% more likely to have a prior prison sentence than white offenders (black offenders: 9.2%; white offenders: 5.5%). These differences continued within the four broad offense groups. For example, among drug offenders, black offenders were 31.9% more likely to have prior criminal record, had 51.6% higher average prior record points, had 18.3% higher average number of prior record convictions, and were 58.5% more likely to have prior prison sentences than white offenders.

- Black offenders were slightly more likely (0.3%) to be convicted of multiple crimes (i.e., "additional offenses" beyond the primary crime) than white offenders. For all offense types, white offenders who had additional crimes had higher average guidelines points for these offenses than black offenders (5.4 versus 5.1). Examining additional point differences across the racial groups revealed that black offenders had higher point levels than white offenders for violent offenses (+1.7, 16.5%), drug offenses (+0.8, 25.0%), and other offenses (+0.6, 17.6%). Only within property offenses did white offenders have higher additional points than black offenders (+1.9, 42.2%).

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- Black offenders and white offenders did not differ appreciably in terms of the likelihood that their crimes involved victim injury. White offenders had committed crimes involving some level of victim injury 10.0% of the time compared to 9.6% for black offenders.

- Black offenders were more likely to have previously been violated for failure to abide by the conditions of community supervision (22.1%) than white offenders (19.1%). For violent offenses, black offenders were 17.8% more likely than white offenders to have violated conditions of supervision.

Question: Was race a factor used by judges to any meaningful degree when deciding whether to sentence an offender to prison when **all** other measured factors are held constant?

Answer: No. Table 4 shows that when considering the 32 factors measured in the in/out prison decision model, race was of no meaningful importance. Out of the 32 factors in the model, 28 affected the prison decision to a greater degree than whether the offender was white or black. Only three factors out of 32 were less influential in determining the sentence imposed than the race of the offenders. This leads to the conclusion that the race of the convicted felon had no meaningful impact on the judge's decision whether a prison sentence is warranted. Instead, the number of times the offenders had been sentenced to prison in the past, the seriousness of the current crime, the extent and severity of prior criminal record, the number of prior prison sentences, and the injury inflicted upon the victim are the factors that primarily determined the imprisonment decision.

The statistical models utilized in this study are able to explain just over half (52.2%) of the judicial decision of whether to sentence a criminal to prison. There are obviously a significant number of factors taken into consideration by judges to decide whether to administer a prison sentence that are not accounted for in the models constructed for this study. Without the ability to measure all the factors considered in the prison decision, the true effect of race cannot be quantified.

Question: Once a judge decided to sentence an offender to prison, was race a meaningful factor in deciding the length of the prison sentence?

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Answer: No. Table 5 clearly demonstrates that, under the sentencing guidelines, race has no meaningful effect on the length of prison sentences. Of the 31 factors in the model, 28 affected the length of the prison sentence to a greater degree than race. There were only 2 other factors less influential than race is determining the length of the prison sentence. The seriousness of the current offense, extent of victim injury, and the severity of the offender's prior criminal record, are factors which judges apparently consider most when determining the length of the prison sentence.

Conclusion:

This study of 221,351 felons sentenced under Florida's sentencing guidelines policy from July 1994 to December 1996 clearly demonstrates that the goal of ensuring equity in sentences across racial groups has been realized. There is no meaningful empirical evidence to suggest that black offenders and white offenders are treated unequally by the judicial system under these sentencing guidelines. The race of the offender does not have any meaningful bearing on the decision by Florida judges to sentence a felon to prison or how long imprisoned offenders will be incarcerated. What were influential in determining these punishment decisions were factors such as the severity of the crime(s) for which the offender is being sentenced, the extent and seriousness of the offender's prior criminal record, the number of prior prison sentences, and the amount of injury inflicted upon the victim.

Future Research:

Although sentencing guidelines have directed how over one million felons have been punished in Florida since 1983, this study is the first attempt to address the important question of whether there is racial equity in criminal sentencing under sentencing guidelines. There is much more research that will be done to further study the sentencing racial equity issue. Specifically, the following types of analyses will be conducted and reported in the future.

1. Analysis within specific offense types will be conducted to determine if there is any evidence of meaningful racial disparity. The analysis reported here utilized statistical controls to account for differences in the types of

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crimes. While this method is generally considered valid, studying this issue within specific offense types may educate us further about this issue.

2. Research will be conducted to determine if any meaningful levels of racial disparity occurred during different time periods since the 1994 and 1995 sentencing guidelines have been in place. It is particularly relevant to examine the racial disparity issue examining the 1994 compared to the 1995 sentencing guidelines.

3. The sentencing guidelines structure and resulting data enable periodic reviews of the racial disparity in sentencing issue to be conducted. Such reviews can be completed annually or on a specialized basis when policy changes require them.

4. While judicial circuit was considered in the statistical models developed in this study, further analysis of the racial disparity issue conducted for individual judicial circuits would tell us more about this issue.

5. If possible, comparative analysis with other states with and without sentencing guidelines structures will be made to identify how Florida compares to other states in terms of the issue of sentencing equity.

6. Further enhancements to the sentencing models will be made to increase the extent to which sentencing decisions are predicted with available data. This will involve including additional data when available and more refinements to the data already accessible.

7. Examinations will be made of whether disparity across geographical areas of the state exists. In addition, the issue of gender and socio-economic equity will be addressed since these factors are also included in the guidelines' equity goal.

Details on Measurement of Sentencing Factors:

Age at Time of Sentencing: Measured in years. The age of the offender when the offense occurred was also used in the preliminary analyses. The

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From: Thompson, Vanessa
Sent: Friday, January 31, 2020 2:58 PM EST
To: Roberts, Dawn <Roberts.Dawn@flsenate.gov>; Vaughan, Scotti <Scotti.Vaughan@fdc.myflorida.com>
Subject: FW: Barcoded amendment for SB 1372 (Elections)
Attachment(s): "169522.pdf"

Please see the barcoded amendment, approved to file.

Happy Friday!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Shumate, Lisa <SHUMATE.LISA@flsenate.gov>
Sent: Friday, January 31, 2020 2:57 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Barcoded amendment for SB 1372 (Elections)

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169522

LEGISLATIVE ACTION

Senate . House

. . . . . .

The Committee on Ethics and Elections (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.—

(1)

(b) If the picture identification does not contain the signature of the elector, an additional identification that

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provides the elector's signature shall be required. The address appearing on the identification presented by the elector may not be used as the basis to ~~confirm an elector's legal residence or otherwise~~ challenge an elector's legal residence. The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the elector's signature. The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

Section 2. Subsection (2) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(2) On any day not more than 25 ~~10~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. If the ballots to be used at the polling place on election day are not available at the time of the testing, the supervisor may conduct an additional test not more than 10 days before election day. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication on the supervisor of elections' website and once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting the notice in at least four conspicuous places in the

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county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of the public preelection test to each candidate qualifying with that office and obtain a signed receipt that the notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each candidate to contact the county supervisor of elections as to the time and location of the public preelection test. The supervisor or the municipal elections official shall, at least 30 ~~15~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee shall not interfere with the normal operation of the canvassing board.

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Section 3. Paragraph (a) of subsection (4) of section 101.5614, Florida Statutes, is amended to read:

101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. ~~Likewise,~~ A duplicate ballot must also ~~shall~~ be made of ~~a vote-by-mail ballot containing an overvoted race or~~ a marked vote-by-mail ballot in which every race is undervoted, including ~~which shall include~~ all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

Section 4. Subsection (1) of section 101.6103, Florida Statutes, is amended to read:

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection (7), the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector

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entitled to vote in the election not sooner than the 40th ~~20th~~ day before the election and not later than the 10th day before the date of the election. All such ballots shall be mailed by first-class mail. Ballots shall be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked "Do Not Forward."

Section 5. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the primary election in each year a presidential election is held. The terms begin ~~shall commence~~ on the first day of the month following each presidential general election, ~~;~~ but the names of candidates for political party offices may ~~shall~~ not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections no ~~not~~ earlier than noon of the 71st day, or later than noon of the 67th day, preceding the primary election. Notwithstanding the qualifying period prescribed in this subsection, a qualifying office may accept and hold qualifying papers submitted no earlier than 14 days before the beginning of the qualifying period, to be processed and filed during the qualifying period. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the

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purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

Section 6. This act shall take effect July 1, 2020.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to elections; amending s. 101.043, F.S.; deleting a provision that prohibits the use of an address appearing on identification presented by an elector at the polls as a basis to confirm an elector's legal residence; amending s. 101.5612, F.S.; revising the timeframes for conducting public preelection testing of automatic tabulating equipment; amending s. 101.5614, F.S.; removing the requirement that duplicate ballots be made of vote-by-mail ballots containing overvoted races; amending s. 101.6103, F.S.; revising the timeframe in which the supervisor of elections must mail ballots in elections conducted under the Mail Ballot Election Act; amending s. 103.091, F.S.; authorizing a qualifying office to accept and hold qualifying papers for candidates for political party executive committees before the beginning of the qualifying period; providing an effective date.

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From: Thompson, Vanessa
Sent: Wednesday, November 06, 2019 5:28 PM EST
To: Olivia Naugle <onaugle@mpp.org>; kokeefe@mpp.org <kokeefe@mpp.org>
Subject: FW: Brandes Adult Use 2.DOCX
Attachment(s): "Brandes Adult Use 2.DOCX"

Olivia and Karen,

I wanted to get our latest draft your way for review. Please let me know if you need anything else, and we look forward to your comments!

Best,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Looke, Daniel <Looke.Daniel@flsenate.gov>
Sent: Wednesday, November 6, 2019 10:27 AM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Brandes Adult Use 2.DOCX

Vanessa,

I've attached the updated version of the adult use draft to this email. I will also bring several copies to the meeting this evening!

Let me know if you or the Senator have any questions prior to the meeting.

Sincerely,

Daniel Looke
Staff Attorney
Senate Committee on Health Policy
Looke.Daniel@flsenate.gov
850-487-5824

AMERICAN OVERSIGHT

By Senator Brandes

24-00500-19 20191322__

A bill to be entitled

An act relating to the availability of marijuana for ~~medical~~adult use; amending s. 381.986, F.S.; redefining the term "medical use" to include the possession, use, or administration of marijuana in a form for smoking; conforming a provision to changes made by the act; revising provisions related to the licensure of and functions of medical marijuana treatment centers (MMTCs); requiring the Department of Health to adopt by rule certain operating standards and procedures; requiring the department to adopt by rule a certain MMTC registration form; specifying registration requirements, including the submission of a specified performance and compliance bond that may be forfeited for failure to comply with certain provisions; requiring an applicant for an MMTC to submit registration forms for certain principals, employees, and contractors listed on the application; prohibiting the department from registering an applicant as an MMTC until such principals, employees, and contractors are registered and issued MMTC employee identification cards; providing for expiration of an MMTC registration; specifying that a registered MMTC must obtain separate operating licenses for the cultivation, processing, dispensing, and transportation of marijuana; specifying application requirements for an MMTC to obtain cultivation licenses and processing licenses; providing for the expiration of and renewal of such

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licenses; specifying that an MMTC facility must obtain a facility permit before cultivating or processing marijuana; authorizing an MMTC licensed to cultivate or process marijuana to use contractors to assist with the cultivation and with the processing of marijuana under certain conditions; providing for the destruction of marijuana byproducts within a specified timeframe after their production; providing requirements for the cultivation and for the processing of marijuana; removing the requirement that each MMTC produce and make available for purchase at least one low-THC cannabis product; removing tetrahydrocannabinol limits for edibles; requiring a licensed processing MMTC to test marijuana before it is sold or dispensed; providing marijuana packaging requirements; providing application requirements for an MMTC to obtain a retail license; providing for the expiration of and renewal of such licenses; requiring an MMTC to obtain a facility permit before dispensing and before storing marijuana; prohibiting onsite consumption of or administration of marijuana at a dispensary facility; providing requirements for the dispensing of marijuana; deleting a provision prohibiting an MMTC from dispensing or selling specified products; providing application requirements for an MMTC to obtain a transportation license; providing marijuana transportation requirements; providing a process for the issuance and cancellation of vehicle permits; requiring that each permitted

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vehicle be GPS-monitored; specifying that a permitted vehicle is subject to inspection and search without a search warrant by specified persons when transporting marijuana; authorizing an MMTC licensed to transport marijuana and marijuana delivery devices to deliver or contract for the delivery of marijuana to other MMTCs and to qualified patients and caregivers within this state; requiring a person delivering marijuana and a marijuana delivery device to a qualified patient or his or her caregiver to verify the identity of the qualified patient; establishing that a county or municipality may not prohibit deliveries of marijuana to qualified patients and caregivers within the county or municipality; requiring the department to adopt certain rules for the delivery of marijuana; providing for the permitting of cultivation, processing, dispensary, and storage facilities; requiring the department to adopt by rule a facility permit application form; requiring the department to issue or deny a facility permit within a specified timeframe; providing for the expiration of facility permits; requiring the department to inspect a facility for compliance before the renewal of a facility permit; requiring an MMTC to cease applicable operations if a facility's permit expires or is revoked; requiring cultivation facilities and processing facilities to be insured with specified hazard and liability insurance; providing cultivation facility and processing facility requirements; preempting to the state all matters

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regarding the permitting and regulation of cultivation facilities and processing facilities; requiring dispensary facilities and storage facilities to be insured with specified hazard and liability insurance; providing dispensary facility and storage facility requirements; clarifying that a county or a municipality may prohibit a dispensary facility from being located in its jurisdiction, but may not prohibit a licensed retail MMTC or its permitted storage facility from being located in such county's or municipality's jurisdiction if the MMTC is delivering marijuana to qualifying patients; prohibiting the department from issuing a facility permit for a dispensary facility in a county or municipality that adopts a certain ordinance; authorizing a county or municipality to levy a local tax on a dispensary facility; authorizing the department to adopt specified requirements by rule; requiring the department to adopt rules to administer the registration of certain MMTC principals, employees, and contractors by a specified date; requiring an MMTC to apply to the department for the registration of certain persons before hiring or contracting with any such person; requiring the department to adopt by rule a registration form that includes specified information; requiring the department to register persons who meet specified conditions and issue MMTC employee identification cards; requiring a registered person and the MMTC to

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update the department within a specified timeframe if the person's employment status changes; authorizing the department to contract with vendors to issue MMTC employee identification cards; requiring the department to inspect an MMTC and its facilities upon a complaint and to biennially inspect each permitted facility; authorizing the department to conduct additional inspections of a facility; conforming a provision to changes made by the act; establishing that each MMTC licensed by the department before a specified date may continue operations under s. 381.986, F.S. (2018), and any rules adopted thereunder until the department is able to register MMTCs and to issue operational licenses and facility permits under this act; requiring the department to register such licensed MMTC and issue it cultivation, processing, retail, and transportation licenses and the appropriate facility and vehicle permits as soon as practicable; providing for the expiration of such registration, operating licenses, and facility permits; providing an effective date.

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

Section 1. Paragraph (l) of subsection (2) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the

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storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(2) EXEMPTIONS; MEDICAL.—

(l) Marijuana and marijuana delivery devices, as defined in s. 381.986, are exempt from the taxes imposed under this chapter when purchased by a qualified patient or caregiver, as defined in s. 381.986.

Section 2~~1~~. Paragraph (j) of subsection (1) and subsections (8), (9), (10), and (17) of section 381.986, Florida Statutes, are amended to read:

381.986 Medical use of marijuana.—

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

~~(j) "Medical use" means the acquisition, possession, use, delivery, transfer, or administration of marijuana authorized by a physician certification. The term does not include:~~

~~1. Possession, use, or administration of marijuana that was not purchased or acquired from a medical marijuana treatment center.~~

~~2. Possession, use, or administration of marijuana in a form for smoking, in the form of commercially produced food items other than edibles, or of marijuana seeds or flower, except for flower in a sealed, tamper-proof receptacle for vaping.~~

~~3. Use or administration of any form or amount of marijuana in a manner that is inconsistent with the qualified physician's directions or physician certification.~~

~~4. Transfer of marijuana to a person other than the qualified patient for whom it was authorized or the qualified~~

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~~patient's caregiver on behalf of the qualified patient.~~

~~5. Use or administration of marijuana in the following locations:~~

~~a. On any form of public transportation, except for low-THC cannabis.~~

~~b. In any public place, except for low-THC cannabis.~~

~~c. In a qualified patient's place of employment, except when permitted by his or her employer.~~

~~d. In a state correctional institution, as defined in s. 944.02, or a correctional institution, as defined in s. 944.241.~~

~~e. On the grounds of a preschool, primary school, or secondary school, except as provided in s. 1006.062.~~

~~f. In a school bus, a vehicle, an aircraft, or a motorboat, except for low-THC cannabis.~~

~~For the purposes of this subparagraph, the exceptions for low-THC cannabis do not include the smoking of low-THC cannabis.~~

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) ~~The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.~~

~~1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which~~

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~~meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017, and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).~~

~~2. The department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, under the following parameters:~~

~~a. As soon as practicable, but no later than August 1, 2017, the department shall license any applicant whose application was reviewed, evaluated, and scored by the department and which was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014; which had one or more administrative or judicial challenges pending as of January 1, 2017, or had a final ranking within one point of the highest final ranking in its region under former s. 381.986, Florida Statutes 2014; which meets the requirements of this section; and which provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating marijuana within 30 days after registration as a medical marijuana treatment center.~~

~~b. As soon as practicable, the department shall license one applicant that is a recognized class member of *Pigford v.*~~

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~~*Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed under this sub-subparagraph is exempt from the requirement of subparagraph (b)2.~~

~~c. As soon as practicable, but no later than October 3, 2017, the department shall license applicants that meet the requirements of this section in sufficient numbers to result in 10 total licenses issued under this subparagraph, while accounting for the number of licenses issued under sub-subparagraphs a. and b.~~

~~3. For up to two of the licenses issued under subparagraph 2., the department shall give preference to applicants that demonstrate in their applications that they own one or more facilities that are, or were, used for the canning, concentrating, or otherwise processing of citrus fruit or citrus molasses and will use or convert the facility or facilities for the processing of marijuana.~~

~~4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.~~

~~5. Dispensing facilities are subject to the following requirements:~~

~~a. A medical marijuana treatment center may not establish~~

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~~or operate more than a statewide maximum of 25 dispensing facilities, unless the medical marijuana use registry reaches a total of 100,000 active registered qualified patients. When the medical marijuana use registry reaches 100,000 active registered qualified patients, and then upon each further instance of the total active registered qualified patients increasing by 100,000, the statewide maximum number of dispensing facilities that each licensed medical marijuana treatment center may establish and operate increases by five.~~

~~b. A medical marijuana treatment center may not establish more than the maximum number of dispensing facilities allowed in each of the Northwest, Northeast, Central, Southwest, and Southeast Regions. The department shall determine a medical marijuana treatment center's maximum number of dispensing facilities allowed in each region by calculating the percentage of the total statewide population contained within that region and multiplying that percentage by the medical marijuana treatment center's statewide maximum number of dispensing facilities established under sub-subparagraph a., rounded to the nearest whole number. The department shall ensure that such rounding does not cause a medical marijuana treatment center's total number of statewide dispensing facilities to exceed its statewide maximum. The department shall initially calculate the maximum number of dispensing facilities allowed in each region for each medical marijuana treatment center using county population estimates from the Florida Estimates of Population 2016, as published by the Office of Economic and Demographic Research, and shall perform recalculations following the official release of county population data resulting from each~~

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~~United States Decennial Census. For the purposes of this subparagraph:~~

~~(I) The Northwest Region consists of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.~~

~~(II) The Northeast Region consists of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee, and Union Counties.~~

~~(III) The Central Region consists of Brevard, Citrus, Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia Counties.~~

~~(IV) The Southwest Region consists of Charlotte, Collier, DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee, Okeechobee, and Sarasota Counties.~~

~~(V) The Southeast Region consists of Broward, Miami-Dade, Martin, Monroe, and Palm Beach Counties.~~

~~c. If a medical marijuana treatment center establishes a number of dispensing facilities within a region that is less than the number allowed for that region under sub-subparagraph b., the medical marijuana treatment center may sell one or more of its unused dispensing facility slots to other licensed medical marijuana treatment centers. For each dispensing facility slot that a medical marijuana treatment center sells, that medical marijuana treatment center's statewide maximum number of dispensing facilities, as determined under sub-subparagraph a., is reduced by one. The statewide maximum number~~

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~~of dispensing facilities for a medical marijuana treatment center that purchases an unused dispensing facility slot is increased by one per slot purchased. Additionally, the sale of a dispensing facility slot shall reduce the seller's regional maximum and increase the purchaser's regional maximum number of dispensing facilities, as determined in sub-subparagraph b., by one for that region. For any slot purchased under this sub-subparagraph, the regional restriction applied to that slot's location under sub-subparagraph b. before the purchase shall remain in effect following the purchase. A medical marijuana treatment center that sells or purchases a dispensing facility slot must notify the department within 3 days of sale.~~

~~d. This subparagraph shall expire on April 1, 2020.~~

~~If this subparagraph or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end, the provisions of this subparagraph are severable.~~

~~(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The~~

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~~department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:~~

~~1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.~~

~~2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.~~

~~3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.~~

~~4. The ability to secure the premises, resources, and~~

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~~personnel necessary to operate as a medical marijuana treatment center.~~

~~5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.~~

~~6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.~~

~~7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.~~

~~a. Upon approval, the applicant must post a $5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a $2 million performance bond.~~

~~b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the~~

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~~administration of this section.~~

~~8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).~~

~~9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.~~

~~10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:~~

~~a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;~~

~~b. Efforts to recruit minority persons and veterans for employment; and~~

~~c. A record of contracts for services with minority business enterprises and veteran business enterprises.~~

~~(c) A medical marijuana treatment center may not make a wholesale purchase of marijuana from, or a distribution of marijuana to, another medical marijuana treatment center, unless the medical marijuana treatment center seeking to make a wholesale purchase of marijuana submits proof of harvest failure to the department.~~

~~(d)~~ *Department responsibilities.*—The department shall:

1. Adopt by rule:

a. Operating standards for the cultivation, processing, packaging, and labeling of marijuana;

b. Standards for the sale of marijuana; and

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c. Procedures and requirements for:

(I) The registration and registration renewal of medical marijuana treatment centers (MMTCs);

(II) The issuance and renewal of cultivation, processing, retail, and transportation operating licenses;

(III) The issuance and renewal of cultivation, processing, dispensary, and storage facility permits and of vehicle permits;

(IV) The registration of all principals, employees, and contractors of an MMTC who will participate in the operations of the MMTC; and

(V) The issuance of MMTC employee identification cards to registered principals, employees, and contractors of MMTCs.

2. Establish, maintain, and control a computer software tracking system that traces marijuana from seed to sale and allows real-time, 24-hour access by the department to data from all MMTCs ~~medical marijuana treatment centers~~ and marijuana testing laboratories. The tracking system must allow for integration of other seed-to-sale systems and, at a minimum, include notification of when marijuana seeds are planted, when marijuana plants are harvested and destroyed, and when marijuana is transported, sold, stolen, diverted, or lost. Each MMTC must ~~medical marijuana treatment center shall~~ use the seed-to-sale tracking system established by the department or integrate its own seed-to-sale tracking system with the seed-to-sale tracking system established by the department. Each MMTC ~~medical marijuana treatment center~~ may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system. The department may contract with a vendor to establish the seed-to-sale tracking system. The vendor selected by the department

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may not have a contractual relationship with the department to perform any services pursuant to this section other than the seed-to-sale tracking system. The vendor may not have a direct or indirect financial interest in an MMTC ~~a medical marijuana treatment center~~ or a marijuana testing laboratory.

(b) *Registration.*—

1. The department shall adopt by rule an MMTC registration form that must, at a minimum, require an applicant to provide:

a. Its full legal name;

b. The physical address of each location where it will apply for a facility permit to cultivate, process, dispense, or store marijuana;

c. The name, address, and date of birth of its principals;

d. The name, address, and date of birth of its current employees and contractors who will participate in the operations of the MMTC; and

e. The operation or operations in which it intends to engage, which may include one or more of the following:

(I) Cultivation.

(II) Processing.

(III) Retail.

(IV) Transportation.

2. To be registered as an MMTC, an applicant must submit to the department:

a. The applicant's completed registration form;

b. Personnel registration forms, as described in subsection (9), for all principals, employees, and contractors listed on the applicant's registration form who will participate in the operations of the MMTC. The department may not register the

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applicant as an MMTC until all principals, employees, and contractors listed on the applicant's registration form have registered with the department and are issued MMTC employee identification cards;

c. Proof that all principals listed on the applicant's registration form who will not participate in the operations of the MMTC have passed a level 2 background screening pursuant to chapter 435 within the previous year;

d. Proof that the MMTC has the capability to comply with seed-to-sale tracking system requirements;

e. Proof of the applicant's financial ability to maintain operations for the duration of the registration; and

f. A $500,0001 ~~million~~ performance and compliance bond, or $1 million if the MMTC intends to cultivate or process marijuana, to be forfeited if the MMTC fails to comply with:

(I) Registration requirements in this subsection during the registration period; or

(II) Material requirements of this section which are applicable to the functions the applicant intends to perform, as indicated on the registration form.

3. A registration expires 2 years after the date issued.

4. An MMTC must obtain an operating license for each operation it will perform. Registration as an MMTC is not sufficient to cultivate, process, dispense, or transport marijuana.

(c) *Cultivation licenses and processing licenses.*—

1. A registered MMTC may apply for a cultivation license, a processing license, or both. When applying, the MMTC must provide the department, at a minimum, all of the following:

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a. A completed cultivation license or processing license application form.

b. The physical address of each location where marijuana will be cultivated, processed, or stored.

c. Proof of an established infrastructure or the ability to establish an infrastructure in a reasonable amount of time which is designed for cultivation, processing, testing, packaging, and labeling marijuana and to maintain the infrastructure's security and prevent the theft or diversion of any marijuana, as applicable to the license or licenses requested.

d. Proof that the applicant possesses the technical and technological ability to cultivate and test marijuana or process and test marijuana, as applicable to the license or licenses requested.

e. Proof of operating procedures designed to secure and maintain accountability for all marijuana and marijuana-related byproducts that come into the applicant's possession, and to comply with the required seed-to-sale tracking system.

2. Cultivation licenses and processing licenses expire 2 years after the date issued. In order to renew a license, the licensee must meet all of the requirements for initial licensure; must provide all of the documentation required under subparagraph 1.; and must not have any uncorrected substantial violations of the standards adopted by department rule for the cultivation, processing, testing, packaging, and labeling of marijuana.

3. Before beginning cultivation or processing at any location, the licensee must obtain a facility permit from the department for that location pursuant to paragraph (g).

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4. Licensees under this subsection may use contractors to assist with the cultivation or processing of marijuana, as applicable, but the licensee is ultimately responsible for all of the operations performed by each contractor relating to the cultivation or processing of marijuana and is responsible for the physical possession of all marijuana. All work done by a contractor must be performed at a location with a facility permit issued by the department. All principals and employees of contractors who participate in the operations of the licensee must be registered with the department and issued MMTC employee identification cards.

5. All marijuana byproducts that cannot be processed or that cannot be reprocessed must be destroyed by the cultivation licensee or processing licensee or its contractor within 30 days after the production of the byproducts.

6. Licensees under this subsection may wholesale marijuana only to other registered MMTCs. Prior to wholesaling marijuana, the wholesaling MMTC must provide the purchasing documentation that the marijuana meets the testing, packaging, and labeling requirements in this section. The purchasing MMTC must review such documentation and determine that the marijuana is in compliance with the requirements of this section before taking possession of the marijuana.

7. Transportation or delivery of marijuana outside of the property owned by a licensee under this subsection may be performed only by an MMTC that holds a transportation license issued pursuant to paragraph (f).

~~(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for~~

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~~medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.~~

~~1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana~~

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~~treatment center. To accommodate a change in ownership:~~

~~a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.~~

~~b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days before the date of change of ownership.~~

~~c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.~~

~~d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application shall be deemed incomplete and shall be withdrawn from further consideration and the fees shall be forfeited.~~

~~Within 30 days after the receipt of a complete application, the department shall approve or deny the application.~~

~~2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.~~

~~3. A medical marijuana treatment center may not enter into any form of profit-sharing arrangement with the property owner~~

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~~or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.~~

~~4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9).~~

~~5. Each medical marijuana treatment center must adopt and enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.~~

8.~~6.~~ When growing marijuana, a licensed cultivation MMTC ~~medical marijuana treatment center~~:

a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

b. Must grow marijuana within an enclosed permitted cultivation facility ~~structure~~ and in a room separate from any other plant.

c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.

d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

~~7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis~~

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~~product.~~

~~9.~~8.~~~~ An MMTC ~~A medical marijuana treatment center~~ that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. ~~Edibles may not contain more than 200 milligrams of tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles may have a tetrahydrocannabinol potency variance of no greater than 15 percent. Edibles may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. MMTCs ~~Medical marijuana treatment centers~~ may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

~~9. Within 12 months after licensure, a medical marijuana treatment center must demonstrate to the department that all of its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection~~

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~~until it demonstrates to the department that such facility has met this requirement.~~

10. When processing marijuana, a licensed processing MMTC ~~medical marijuana treatment center~~ must:

a. Process the marijuana within an enclosed permitted processing facility ~~structure~~ and in a room separate from other plants or products.

b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans. The department shall determine by rule the requirements for MMTCs ~~medical marijuana treatment centers~~ to use such solvents or gases exhibiting potential toxicity to humans.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

d. Test the processed marijuana using a medical marijuana testing laboratory before it is sold or dispensed. Results must be verified and signed by two MMTC ~~medical marijuana treatment center~~ employees. Before selling, wholesaling, or dispensing, the MMTC ~~medical marijuana treatment center~~ must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of

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tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select a random sample from edibles available for purchase in a dispensing facility which shall be tested by the department to determine that the edible meets the potency requirements of this section, is safe for human consumption, and the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate. An MMTC ~~A medical marijuana treatment center~~ may not require payment from the department for the sample. An MMTC ~~A medical marijuana treatment center~~ must recall edibles, including all edibles made from the same batch of marijuana, which fail to meet the potency requirements of this section, which are unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The MMTC ~~medical marijuana treatment center~~ must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. The MMTC ~~medical marijuana treatment center~~ must contract with a marijuana testing laboratory to perform audits on the MMTC's ~~medical~~

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~~marijuana treatment center's~~ standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. An MMTC ~~A medical marijuana treatment center~~ shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. An MMTC ~~A medical marijuana treatment center~~ may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification~~, but in no event later than July 1, 2018~~.

e. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

f. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

(I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.

(II) The name of the MMTC ~~medical marijuana treatment center~~ from which the marijuana originates.

(III) The batch number and harvest number from which the marijuana originates and the date sold or dispensed.

~~(IV) The name of the physician who issued the physician certification.~~

~~(V) The name of the patient.~~

(IV)~~(VI)~~ The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated

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with products marketed by or to children.

(V) ~~(VII)~~ The recommended dose.

(VI) ~~(VIII)~~ A warning that it is illegal to transfer ~~medical~~ marijuana to ~~another~~ a person under the age of 21.

(VII) ~~(IX)~~ A marijuana universal symbol developed by the department.

11. The MMTC that packages the marijuana ~~medical marijuana treatment center~~ shall include in each package a ~~patient~~ package insert with information on the specific product dispensed related to:

a. Clinical pharmacology.

b. Indications and use.

c. Dosage and administration.

d. Dosage forms and strengths.

e. Contraindications.

f. Warnings and precautions.

g. Adverse reactions.

12. Each edible shall be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. ~~Where practical,~~ Eeach edible shall be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs 10. and 11., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the MMTC's ~~medical marijuana treatment center's~~ department-approved logo and the marijuana universal symbol. The receptacle must also include a list all of the edible's ingredients, storage instructions, information on the estimated amount of time for the edible to take effect, an expiration date, a legible and prominent warning to keep away

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from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

(d) *Retail licenses.*—

1. A registered MMTC may apply for a retail license. When applying, the MMTC must provide the department, at a minimum, all of the following:

a. A completed retail license application form.

b. A statement by the applicant indicating whether the applicant intends to dispense by delivery. A retail licensee may not deliver marijuana without also obtaining a transportation license pursuant to paragraph (f).

c. The physical address of each location where marijuana will be dispensed or stored.

d. Identifying information for all other current or previous retail licenses held by the applicant or any of the applicant's principals.

e. Proof of operating procedures designed to secure and maintain accountability for all marijuana that the applicant receives and possesses; to ensure that only— the allowed amount of marijuana is sold or dispensed; to ensure that ~~and~~ the specified type of marijuana is correctly dispensed to a qualified patient or his or her caregiver pursuant to a physician certification; and to monitor the medical marijuana patient registry and electronically update the registry with dispensing information.

2. A retail license expires 2 years after the date it is issued. The retail licensee must apply for a renewed license before the expiration date. In order to renew a license, a retail licensee must meet all of the requirements for initial

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licensure; must provide all of the documents required under paragraph (a); and must not have any outstanding substantial violations of the applicable standards adopted by department rule.

3. Before beginning to sell, dispense, or store marijuana, the licensee must obtain a facility permit from the department for each location where marijuana will be sold, dispensed, or stored. If a facility's permit expires or is suspended or revoked, the MMTC must cease all applicable operations at that facility until the department inspects the facility and renews or reinstates the facility's permit.

4. A dispensary facility may not repackage or modify marijuana that has already been packaged for ~~dispensary~~ sale by a cultivation licensee or processing licensee, unless the repackaging is of unprocessed marijuana and is done in accordance with instructions from the cultivator and such repackaging is documented in the required seed-to-sale tracking system.

5. A retail licensee may contract with an MMTC that has a transportation license to transport marijuana between properties owned by the retail licensee, to deliver the marijuana for sale or dispensing ~~to the residence of a qualified patient~~, and to pick up returns of marijuana.

6. Onsite consumption or administration of marijuana at a dispensary facility is prohibited.

7.~~13.~~ When dispensing marijuana or a marijuana delivery device, a licensed retail MMTC ~~medical marijuana treatment center~~:

a. May dispense any active, valid order for low-THC

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cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

b. May not dispense more than a 70-day supply of marijuana to a qualified patient or caregiver.

c. Must have the MMTC's ~~medical marijuana treatment center's~~ employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.

d. When dispensing to a qualified patient or caregiver, ~~M~~must verify that the qualified patient and the caregiver, if applicable, each have an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.

e. When dispensing to a qualified patient or caregiver, ~~M~~must label the marijuana or the marijuana delivery device with the name of the physician who issued the physician certification and the name of the patient for whom the certification was issued before it is dispensed.

f.~~e.~~ May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.

g. May sell marijuana to an adult 21 years of age or older pursuant to s. 381.990. When selling marijuana pursuant to s.

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381.990, the employee selling the marijuana must determine that the appearance of the buyer is such that a prudent person would believe the buyer to be 21 years of age or older or must carefully check the buyer's driver license, identification card issued by this state or another state of the united states, passport, or United States Armed Services identification card to determine the buyer's age. Other than for the purpose of determining a buyer's age, an MMTC may not request or store any personal information from the buyer. Prior to selling marijuana pursuant to this sub-subparagraph, an MMTC must be registered with the Department of Business and Professional Regulation. The Department of Business and Professional Regulation shall adopt rules for the registration of MMTCs to sell marijuana pursuant to s. 381.990.

hg.~~f.~~ May not dispense or sell any ~~other type of cannabis,~~ alcohol~~,~~ or illicit drug-related product~~, including pipes, bongs, or wrapping papers, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification~~.

ih.~~g.~~ Must, upon dispensing the marijuana or marijuana delivery device to a qualified patient or caregiver, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

ji.~~h.~~ Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized MMTC ~~medical marijuana treatment center~~

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employees.

(e) ~~(f)~~ *Security.*—To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, an MMTC ~~a medical marijuana treatment center~~ shall:

1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; and

b. Maintain a video surveillance system that records continuously 24 hours a day and meets the following criteria:

(I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms.

(II) Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points.

(III) Recorded images must clearly and accurately display the time and date.

(IV) Retain video surveillance recordings for at least 45 days or longer upon the request of a law enforcement agency.

2. Ensure that the MMTC's ~~medical marijuana treatment center's~~ outdoor premises have sufficient lighting from dusk until dawn.

3. Ensure that the indoor premises where dispensing occurs

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includes a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and area where dispensing occurs. An MMTC ~~A medical marijuana treatment center~~ may not display products or dispense marijuana or marijuana delivery devices in the waiting area.

4. Not dispense from its premises marijuana or a marijuana delivery device between the hours of 11~~9~~ p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.

5. Store marijuana in a secured, locked room or a vault.

6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times where cultivation, processing, or storing of marijuana occurs.

7. Require each employee or contractor to wear a photo identification badge at all times while on the premises.

8. Require each visitor to wear a visitor pass at all times while on the premises.

9. Implement an alcohol and drug-free workplace policy.

10. Report to local law enforcement within 24 hours after the MMTC ~~medical marijuana treatment center~~ is notified or becomes aware of the theft, diversion, or loss of marijuana.

(f) *Transportation licenses; vehicle permits.*—

1. A registered MMTC may apply for a transportation license. When applying, the MMTC must provide the department, at a minimum, all of the following:

a. The physical address of the MMTC's place of business.

b. Proof of a documentation system in accordance with the

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required seed-to-sale tracking system, including transportation manifests, for transporting marijuana between licensed facilities and to qualified patients. Transportation manifests may be electronically stored and presented.

c. Proof of health and sanitation standards for the transportation of marijuana.

d. Proof that all marijuana transported between licensed facilities will be transported in tamper-evident shipping containers.

2. Marijuana may not be transported on the property of an airport, a seaport, a spaceport, or any property of the Federal Government.

3. A transportation licensee may transport marijuana and marijuana delivery devices only in a vehicle that is owned or leased by the licensee or a contractor of the licensee and for which a valid vehicle permit has been issued by the department.

4. A vehicle permit may be obtained by an MMTC holding a transportation license upon submission of an application. The MMTC must designate as the driver for each permitted vehicle an employee or contracted employee who is registered with the department and who is authorized to possess marijuana when not on the property of the MMTC. Such designation must be displayed in the vehicle at all times. Each permitted vehicle must be GPS-monitored. A vehicle permit remains valid and does not expire unless the MMTC or its contractor disposes of the permitted vehicle or the MMTC's registration or transportation license is transferred, canceled, not renewed, or revoked by the department. The department shall cancel a vehicle permit upon the request of the MMTC or its contractor.

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5. When transporting marijuana, a permitted vehicle is subject to inspection and search without a search warrant by authorized employees of the department, sheriffs, deputy sheriffs, police officers, or other law enforcement officers to determine that the MMTC is operating in compliance with this section.

6. An MMTC with a transportation license may deliver, or contract for the delivery of, marijuana and marijuana delivery devices to other MMTCs, ~~and~~ to qualified patients and caregivers within this state, and to adults over the age of 21 within this state. When delivering to a qualified patient or caregiver, an MMTC or its contractor must verify the identity of the qualified patient upon placement of the delivery order and again upon delivery. When delivering marijuana to an adult age 21 or older, the an MMTC or its contractor must verify the age of the buyer upon placement of the order and again upon delivery. In order to verify the age of the buyer, the MMTC must determine that the appearance of the buyer is such that a prudent person would believe the buyer to be 21 years of age or older or must carefully check the buyer's driver license, identification card issued by this state or another state of the united states, passport, or United States Armed Services identification card to determine the buyer's age. Deliveries may only be made to the same qualified patient who placed the order or his or her caregiver. A county or municipality may not prohibit deliveries of marijuana and marijuana delivery devices to qualified patients within the county or municipality. The department shall adopt rules specific to the delivery of marijuana ~~to qualified patients and caregivers~~. Such rules must include:

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a. Procedures for verifying the age and identity of the person submitting and receiving a delivery, as appropriate, including required training for delivery personnel; and

b. A maximum dispensary value for all marijuana and currency that may be in the possession of a registered MMTC employee or contractor while he or she makes a delivery. The value established by rule may not be less than $5,000.

7. Licensees under this subsection may use contractors to assist with the transportation of marijuana, but the licensee is ultimately responsible for all of the actions and operations of each contractor relating to the transportation of marijuana and must know the location of all marijuana at all times. All principals and employees of contractors contracted by a licensee under this subsection who will participate in the operations of the licensee must be registered with the department and issued MMTC employee identification cards.

(g) *Facility permits.*—

1. Before cultivating, processing, dispensing, or storing marijuana at any location, an MMTC must apply to the department for the applicable facility permit for that facility. The department must adopt by rule an application form. Upon receiving a request for a permit from a licensee, the department shall inspect the facility for compliance with this section and rules adopted hereunder, and, upon a determination of compliance, shall issue a permit to the facility. The department must issue or deny the facility permit within 30 days after receiving the request for a permit.

2. A facility permit expires 2 years after the date it is issued. Each facility must be inspected by the department for

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compliance with this section and rules adopted hereunder before the facility's permit is renewed.

3. If a facility permit expires or is suspended or revoked, the MMTC must cease all applicable operations at that facility until the department inspects the facility and renews or reinstates the facility's permit.

4. Cultivation facilities and processing facilities must be:

a. Insured with at least $1 million of hazard and liability insurance per location; and

b. Secure, closed to the public, and unless an ordinance allows the facility to be located within 1,000 feet, be located at least 1,000 feet away from any existing public or private elementary or secondary school, a child care facility as defined in s. 402.302, or a licensed service provider offering substance abuse services.

5. All matters regarding the permitting and regulation of cultivation facilities and processing facilities, including the location of such facilities, are preempted to the state.

6. Dispensary facilities and storage facilities must be:

a. Insured with at least $500,000 of hazard and liability insurance for each facility where marijuana is dispensed or stored; and

b. Unless an ordinance allows the facility to be located within 1,000 feet, ~~L~~located at least 1,000 feet away from any existing public or private elementary or secondary school, child care facility as defined in s. 402.302, or licensed service provider offering substance abuse services.

7. The governing body of a county or municipality may, by

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ordinance, prohibit or limit the number of dispensary facilities ~~from being~~ located within its jurisdiction but may not prohibit an MMTC with a retail license or its permitted storage facility from being located within its jurisdiction if the licensee is delivering or contracting to deliver marijuana ~~to qualifying patients~~ within the jurisdiction. The department may not issue a facility permit for a dispensary facility in a county or municipality where the board of county commissioners of that county or the city council or other legislative body of that municipality has adopted such an ordinance. A county or municipality may not require, request, or accept financial contributions or similar benefits from MMTCs but, in addition to other taxes authorized by law, ~~A~~a county or municipality may levy a local business tax on a dispensary facility. An ordinance adopted by a municipality or county pursuant to this paragraph may not:

a. Provide exclusive access to one or several individuals or entities to operate dispensary facilities within the jurisdiction.

b. Prohibit specific individuals or entities from operating a dispensary facility within the jurisdiction if the ordinance allows dispensary facilities to operate in the jurisdiction.

c. Prohibit the delivery of marijuana ~~to qualifying patients~~ within the jurisdiction by a properly licensed MMTC located within the jurisdiction.

8. The department may adopt by rule additional requirements for the permitting of cultivation, processing, dispensary, and storage facilities to ensure the sanitary, safe, and secure cultivation, processing, dispensing, storage, and sale of

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marijuana.

~~(g) To ensure the safe transport of marijuana and marijuana delivery devices to medical marijuana treatment centers, marijuana testing laboratories, or qualified patients, a medical marijuana treatment center must:~~

~~1. Maintain a marijuana transportation manifest in any vehicle transporting marijuana. The marijuana transportation manifest must be generated from a medical marijuana treatment center's seed-to-sale tracking system and include the:~~

~~a. Departure date and approximate time of departure.~~

~~b. Name, location address, and license number of the originating medical marijuana treatment center.~~

~~c. Name and address of the recipient of the delivery.~~

~~d. Quantity and form of any marijuana or marijuana delivery device being transported.~~

~~e. Arrival date and estimated time of arrival.~~

~~f. Delivery vehicle make and model and license plate number.~~

~~g. Name and signature of the medical marijuana treatment center employees delivering the product.~~

~~(I) A copy of the marijuana transportation manifest must be provided to each individual, medical marijuana treatment center, or marijuana testing laboratory that receives a delivery. The individual, or a representative of the center or laboratory, must sign a copy of the marijuana transportation manifest acknowledging receipt.~~

~~(II) An individual transporting marijuana or a marijuana delivery device must present a copy of the relevant marijuana transportation manifest and his or her employee identification~~

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~~card to a law enforcement officer upon request.~~

~~(III) Medical marijuana treatment centers and marijuana testing laboratories must retain copies of all marijuana transportation manifests for at least 3 years.~~

~~2. Ensure only vehicles in good working order are used to transport marijuana.~~

~~3. Lock marijuana and marijuana delivery devices in a separate compartment or container within the vehicle.~~

~~4. Require employees to have possession of their employee identification card at all times when transporting marijuana or marijuana delivery devices.~~

~~5. Require at least two persons to be in a vehicle transporting marijuana or marijuana delivery devices, and require at least one person to remain in the vehicle while the marijuana or marijuana delivery device is being delivered.~~

~~6. Provide specific safety and security training to employees transporting or delivering marijuana and marijuana delivery devices.~~

(h) *Advertising.*—An MMTC ~~A medical marijuana treatment center~~ may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:

1. An MMTC dispensary facility ~~The dispensing location of A medical marijuana treatment center~~ may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensary by the licensee's business name, a department-approved trade name, or a department-approved logo. An MMTC's ~~A medical marijuana treatment center's~~ trade name and logo may not contain wording or images commonly associated with

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marketing targeted toward children ~~or which promote recreational use of marijuana~~.

2. An MMTC ~~A medical marijuana treatment center~~ may engage in Internet advertising and marketing under the following conditions:

a. All advertisements must be approved by the department.

b. An advertisement may not have any content that specifically targets individuals under the age of 18, including cartoon characters or similar images.

c. An advertisement may not be an unsolicited pop-up advertisement.

d. Opt-in marketing must include an easy and permanent opt-out feature.

(i) *Online retail catalogs.*—Each retail MMTC ~~medical marijuana treatment center~~ that dispenses marijuana and marijuana delivery devices shall make available to the public on its website:

1. Each marijuana and low-THC product available for purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.

2. The price for a 30-day, 50-day, and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase.

3. The price for each marijuana delivery device available for purchase.

4. If applicable, any discount policies and eligibility criteria for such discounts.

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(j) *Sourcing of marijuana for medical use.*—MMTCs ~~Medical marijuana treatment centers~~ are the sole source from which a person~~qualified patient~~ may legally obtain marijuana.

(k) *Rulemaking.*—The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(9) MEDICAL MARIJUANA TREATMENT CENTER PERSONNEL; REGISTRATION; EMPLOYEE IDENTIFICATION CARDS.—

(a) ~~By October 3, 2019, T~~the department shall adopt rules to administer the registration of MMTC principals, employees, and contractors who participate in the operations of an MMTC. Before hiring or contracting with any individual who is not registered with the department or who does not possess a current MMTC employee identification card, an MMTC must submit to the department an application to register that person as an MMTC employee. The department shall adopt by rule a form for such applications which requires the applicant to provide all of the following:

1. His or her full legal name, social security number, date of birth, and home address.

2. A full-face, passport-type, color photograph of the applicant taken within the 90 days immediately preceding registration.

3. Proof that he or she has passed a level 2 background screening pursuant to chapter 435 within the previous year.

4. Whether the applicant will be authorized by the MMTC to possess marijuana while not on MMTC property.

(b) Once the department has received a completed application from an MMTC, the department shall register the principal, employee, or contractor associated with the MMTC and

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issue him or her an MMTC employee identification card that, at a minimum, includes all of the following:

1. The employee's name and the name of the MMTC that employs him or her.

2. The employee's photograph, as required under paragraph (a).

3. The expiration date of the card, which is 1 year after the date of its issuance.

4. Whether the employee is authorized by the MMTC to possess marijuana while not on MMTC property.

(c) If any information provided to the department for the registration of an MMTC principal, employee, or contractor or in the application for an MMTC employee identification card changes or if the registered person's employment status with the MMTC changes, the registered person and the MMTC must update the department with the new information or status within 7 days after the change.

(d) The department may contract with one or more vendors for the purpose of issuing MMTC employee identification cards under this subsection.

~~(9) BACKGROUND SCREENING.—An individual required to undergo a background screening pursuant to this section must pass a level 2 background screening as provided under chapter 435, which, in addition to the disqualifying offenses provided in s. 435.04, shall exclude an individual who has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to an offense under chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction.~~

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~~(a) Such individual must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.~~

~~(b) Fees for state and federal fingerprint processing and retention shall be borne by the individual. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.~~

~~(c) Fingerprints submitted to the Department of Law Enforcement pursuant to this subsection shall be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification program. Any arrest record identified shall be reported to the department.~~

(10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS; ADMINISTRATIVE ACTIONS.—

~~(a) The department shall conduct announced or unannounced inspections of medical marijuana treatment centers to determine compliance with this section or rules adopted pursuant to this section.~~

(a)~~(b)~~ The department shall inspect an MMTC, ~~and~~ its facilities, and any cultivation or processing facility from of any MMTC from which the batch of marijuana was purchased, as

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appropriate, ~~a medical marijuana treatment center~~ upon receiving a complaint or notice that the MMTC ~~medical marijuana treatment center~~ has dispensed marijuana containing mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.

(b) ~~(c)~~ The department shall conduct at least a biennial inspection of each MMTC ~~medical marijuana treatment center~~ to evaluate the MMTC's ~~medical marijuana treatment center's~~ records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(c) The department shall conduct at least a biennial inspection of each permitted facility. The department may conduct additional announced or unannounced inspections of a permitted facility within reasonable hours in order to ensure compliance with this section and rules adopted under this section.

(d) The Department of Agriculture and Consumer Services and the department shall enter into an interagency agreement to ensure cooperation and coordination in the performance of their obligations under this section and their respective regulatory and authorizing laws. The department, the Department of Highway Safety and Motor Vehicles, and the Department of Law Enforcement may enter into interagency agreements for the purposes specified in this subsection or subsection (7).

(e) The department shall publish a list of all approved MMTCs ~~medical marijuana treatment centers~~, medical directors, and qualified physicians on its website.

(f) The department may impose administrative penalties including reasonable fines not to exceed $10,000 on an MMTC ~~a~~

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~~medical marijuana treatment center~~ for any of the following violations:

1. Violating this section or department rule.

2. Failing to maintain qualifications for approval.

3. Endangering the health, safety, or security of a qualified patient or adult purchasing marijuana pursuant to s. 381.990.

4. Improperly disclosing personal and confidential information of the qualified patient.

5. Attempting to procure MMTC ~~medical marijuana treatment center~~ approval by bribery, fraudulent misrepresentation, or extortion.

6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of an MMTC ~~a medical marijuana treatment center~~.

7. Making or filing a report or record that the MMTC ~~medical marijuana treatment center~~ knows to be false.

8. Willfully failing to maintain a record required by this section or department rule.

9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties.

10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of an MMTC ~~a medical marijuana treatment center~~.

11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of an MMTC ~~a medical marijuana treatment center~~.

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12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of an MMTC ~~a medical marijuana treatment center~~ suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.

13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

14. Failing to adequately determine the age of a buyer who is not a qualified patient or caregiver.

(g) The department may suspend, revoke, or refuse to renew an MMTC's registration, operating ~~a medical marijuana treatment center~~ license, and any vehicle permits or facility permits if the MMTC ~~medical marijuana treatment center~~ commits any of the violations in paragraph (f).

(h) The department shall refuse to renew the cultivation, processing, retail, or transportation license of an MMTC that has been issued such a license and has not begun to cultivate, process, dispense, or transport marijuana, respectively, by the date that the MMTC is required to renew such license.

(i) ~~(h),~~ The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

~~381.986 Medical use of marijuana.—~~

(12) PENALTIES.—

(a) A qualified physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the qualified physician issues a physician

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certification for the medical use of marijuana for a patient without a reasonable belief that the patient is suffering from a qualifying medical condition.

(b) A person who fraudulently represents that he or she has a qualifying medical condition to a qualified physician for the purpose of being issued a physician certification commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A person ~~qualified patient~~ who uses marijuana, not including low-THC cannabis, or a caregiver who administers marijuana, not including low-THC cannabis, in plain view of or in a place open to the general public is subject to a civil fine of not more than $100; A person who used marijuana, not including low-THC cannabis, in a school bus, a vehicle, an aircraft, or a boat; or on the grounds of a school except as provided in s. 1006.062, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A qualified patient or caregiver who cultivates marijuana or a person who purchases ~~or acquires~~ marijuana from any person or entity other than a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.

~~(e)1. A qualified patient or caregiver in possession of marijuana or a marijuana delivery device who fails or refuses to present his or her marijuana use registry identification card upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless it can be determined through the medical marijuana use registry that the person is authorized to~~

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~~be in possession of that marijuana or marijuana delivery device.~~

~~2. A person charged with a violation of this paragraph may not be convicted if, before or at the time of his or her court or hearing appearance, the person produces in court or to the clerk of the court in which the charge is pending a medical marijuana use registry identification card issued to him or her which is valid at the time of his or her arrest. The clerk of the court is authorized to dismiss such case at any time before the defendant's appearance in court. The clerk of the court may assess a fee of $5 for dismissing the case under this paragraph.~~

(e) ~~(f)~~ A caregiver who violates any of the applicable provisions of this section or applicable department rules, for the first offense, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and, for a second or subsequent offense, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(f) ~~(g)~~ A qualified physician who issues a physician certification for marijuana or a marijuana delivery device and receives compensation from a medical marijuana treatment center related to the issuance of a physician certification for marijuana or a marijuana delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1)(n).

(g) ~~(h)~~ A person transporting marijuana or marijuana delivery devices on behalf of a medical marijuana treatment center or marijuana testing laboratory who fails or refuses to present a transportation manifest, whether in paper or electronic format, upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as

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provided in s. 775.082 or s. 775.083.

(i) Persons and entities conducting activities authorized and governed by this section and s. 381.988 are subject to ss. 456.053, 456.054, and 817.505, as applicable.

(j) A person or entity that cultivates, processes, distributes, sells, or dispenses marijuana, as defined in s. 29(b)(4), Art. X of the State Constitution, and is not licensed as a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein except that an adult over the age of 21 may transfer without compensation marijuana to another adult over the age of 21 in this state.

(k) A person who manufactures, distributes, sells, gives, or possesses with the intent to manufacture, distribute, sell, or give marijuana or a marijuana delivery device that he or she holds out to have originated from a licensed medical marijuana treatment center but that is counterfeit commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term "counterfeit" means marijuana; a marijuana delivery device; or a marijuana or marijuana delivery device container, seal, or label which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a licensed medical marijuana treatment center and which thereby falsely purports or is represented to be the product of, or to have been distributed by, that licensed medical marijuana treatment facility.

(l) Any person who possesses or manufactures a blank, forged, stolen, fictitious, fraudulent, counterfeit, or otherwise unlawfully issued medical marijuana use registry

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identification card commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's caregiver may purchase from a medical marijuana treatment center for the patient's medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than a 70-day supply of marijuana, or the greater of 4 ounces of marijuana in a form for smoking or an amount of marijuana in a form for smoking approved by the department pursuant to paragraph (4)(f), at any given time and all marijuana purchased must remain in its original packaging.

(b) Notwithstanding paragraph (a), s. 893.13, s. 893.135, s. 893.147, or any other provision of law, a qualified patient and the qualified patient's caregiver may purchase and possess a marijuana delivery device intended for the medical use of marijuana by smoking from a vendor other than a medical marijuana treatment center.

(c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved medical marijuana treatment center and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of marijuana or a marijuana delivery device as provided in this section, s. 381.988, s. 381.990, and by department rule. For the purposes of this subsection, the terms "manufacture,"

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"possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

(d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a certified marijuana testing laboratory, including an employee of a certified marijuana testing laboratory acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana as provided in this section, in s. 381.988, and by department rule.

(e) A licensed medical marijuana treatment center and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of marijuana or a marijuana delivery device, as provided in this section, in s. 381.988, and by department rule.

(f) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of marijuana or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

(g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section and pursuant to policies and procedures established pursuant to s. 1006.62(8), school personnel may possess marijuana that is obtained for medical use pursuant to this section by a student who is a qualified patient.

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(h) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a research institute established by a public postsecondary educational institution, such as the H. Lee Moffitt Cancer Center and Research Institute, Inc., established under s. 1004.43, or a state university that has achieved the preeminent state research university designation under s. 1001.7065 may possess, test, transport, and lawfully dispose of marijuana for research purposes as provided by this section.

Section 3. Section 381.990 of the Florida Statutes is created to read:

381.990 Adult Use of Marijuana.-

(1) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law but subject to the requirements of this section an adult 21 years of age or older may purchase from a medical marijuana treatment center licensed for retail sale by the department pursuant to s. 381.986 and registered for sale of marijuana for adult use by the Department of Business and Professional Regulation, possess, use, transfer to another adult 21 years of age or older without compensation, and transport marijuana products containing no more than a total of 2,000mg of tetrahydrocannabinol and up to 2.5 ounces of marijuana in a form for smoking and one or more marijuana delivery devices, as defined in s. 381.986.

(2) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law but subject to the requirements of this section a minor who possess an amount of marijuana not to exceed the amounts authorized in subsection (1) is not subject to criminal prosecution, but is subject to a civil fine of up to

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$500.

(3) The Florida Department of Law Enforcement shall expunge from the criminal record of any person any arrest, conviction, or incarceration for the possession of cannabis in amount that is the equivalent to, or less than, the amount authorized in subsection (1).

(4) This section does not authorize any person or entity other than a medical marijuana treatment center to cultivate or sell marijuana. The Department of Agriculture and Consumer Services shall conduct a study on the potential harms and benefits of allowing the cultivation of marijuana by members of the public for private use, including the use of a cooperative model. The Department of Agriculture and Consumer Services shall report the results of the study to the Governor and to the Legislature by no later than January 1, 2021.

(5) Marijuana authorized by this section may not be used in any public place. A person who uses marijuana in a public place is subject to a civil fine of up to $100.

(6) This section does not limit the ability of a private property owner to restrict the smoking or vaping of marijuana on his or her private property, however a landlord may not prevent his or her tenants from possessing or using marijuana by other means.

(7) This section does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of marijuana or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

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Section 3. This act shall take effect upon becoming a law.

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FL-SEN-20-0201-B, 20-0202-A-003874

From: Phillips, Trent <Phillips.Trent@flsenate.gov>
Sent: Monday, November 18, 2019 2:07 PM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: FW: Brandes bill would legalize sports betting through Florida Lottery

Brandes bill would legalize sports betting through Florida Lottery

By Arek Sarkissian, Gary Fineout

11/18/2019 12:50 PM EST

TALLAHASSEE — State Sen. Jeff Brandes on Monday introduced legislation to legalize sports betting under the Florida Lottery, potentially circumventing a constitutional provision requiring major gaming proposals to go before voters first.

The bill, FL SB 968, would direct the state lottery to create rules for licenses to operate sports pools. Players age 21 and older would be able to make a variety of wagers at a specific location or at a self-service kiosk.

Brandes (R-St. Petersburg) said legalizing sports betting through the Department of Lottery will sidestep Amendment 3, which requires policy changes relating to casino gambling to be approved by voters.

Amendment 3 was added to the constitution last year with more than 71 percent of the vote. The campaign that pushed for the measure was led by the Voters in Charge Committee, chaired by anti-gambling activist John Sowinski. He said the professional sports franchises and online fantasy sports sites that fought the amendment knew there was no way to get around the statewide vote.

"They bought ads, sent emails to their fan/subscriber bases and frequently tweeted against Amendment 3, stating that Amendment 3 would hurt the prospects of [legalized] sports betting," Sowinski said in an email.

Amendment 3 was backed by more than $46 million in contributions from the Walt Disney Co. and the Seminole Tribe of Florida. The tribe operates six South Florida casinos under a gaming compact with the state. A provision in last year's amendment exempts changes to the compact from the statewide vote requirement.

There's been a rush by states to jump into sports betting following New Jersey's May 2018 legal victory at the U.S. Supreme Court, which overturned a law that blocked sports betting in most states. But intractable disagreements over gambling among Florida lawmakers have thwarted any serious attempts to bring a sports betting proposal forward in the Sunshine State.

Florida lawmakers have been unable to make any major changes to gambling laws since the Seminole compact was enacted in 2010. In April, Senate President Bill Galvano asked Gov. Ron DeSantis to review a gaming overhaul that included sports betting, but the governor rejected it shortly before this year's legislative session adjourned on May 4. The plan would have created a hub-and-spoke system. The tribe would have served as the hub that would administer betting from parimutuels.

Galvano's overhaul had no support from House Speaker Jose Oliva, but that might change during next year's session, which begins Jan. 14. Last month, Oliva and Galvano said talks about another overhaul already have begun.

To view online:
https://subscriber.politicopro.com/states/florida/story/2019/11/18/brandes-bill-would-legalize-sports-betting-through-florida-lottery-1226993

AMERICAN OVERSIGHT

From: Thompson, Vanessa
Sent: Wednesday, December 11, 2019 11:24 AM EST
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: FW: Clarification - status of audit of PSTA
Attachment(s): "2019-0610 FTA letter.pdf"

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Tom Rask <tom@rask.com>
Sent: Wednesday, December 11, 2019 11:07 AM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Clarification - status of audit of PSTA

Vanessa,

Just some clarification on my inquiry about an audit of PSTA:

1/ In a meeting a few months ago with about 8-10 citizens in his conference room on 4th street, Senator Brandes had mentioned audits called by the Joint Legislative Auditing Committee. This is of course a committee that the senator is the alternating chair for.

Senator Brandes had said he would ask for an audit if a citizen asked for it. That request for an audit has been made, hence my inquiry. Of course the senator has the right to change his mind and not call for an audit, but this is the background to my inquiry.

2/ In the event you don't have a copy, attached is a letter w/o attachments that several organizations and individuals sent to the FTA in June pointing out misrepresentations by PSTA. Allow me to point of out just one thing from that letter: last April, the PSTA board voted to start spending CAPITAL reserves to fund OPERATIONS.

3/ At PSTA's last board meeting in late October, it came to light that there was a half million dollar cost overrun that went undetected for three years. Staff failed to detect the cost overrun, multiple CAFR's failed to detect it and the taxpayers are left holding the bag.

4/ In the same month (August), PSTA gave financial information to the FTA that is totally different that it put in its Transit Development Plan.

5/ There is much yet to be revealed.

Tom Rask

At 10:25 AM 12/10/2019, you wrote:

> Tom,
>
> My email did not indicate our office doing an audit with PSTA.
>
> If an audit is done, it will be done properly through the state, approved by the Joint Legislative Auditing Committee, and the Inspector General will conducted the audit.
>
> Kind Regards,
>
> **Vanessa Thompson**
> Legislative Assistant to State Senator Jeff Brandes
> Thompson.Vanessa@flsenate.gov
> District: (727) 563-2100
> Capitol: (850) 487-5024
> Jeff Brandes – District 24
>
> **From:** Tom Rask <tom@rask.com>

AMERICAN OVERSIGHT

Sent: Tuesday, December 10, 2019 10:23 AM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: RE: Status of audit of PSTA

Vanessa,

Thanks for responding. The wording of your e-mail indicates that your office is discussing the possibility of a PSTA audit with PSTA itself. If so, I think that it ill-advised. It's too chummy.

Also, there will be more bad news for PSTA. You may want to keep some daylight between yourselves and PSTA.

On another but related note: are you aware of the FBI investigation in Hillsborough? It isn't looking good for Ken Hagan.

Allow me to take this opportunity to wish you and the Senator a Merry Christmas and a Happy New Year.

Tom Rask

At 09:31 AM 12/10/2019, you wrote:

> Tom,
>
> We have had numerous conversations about whether an audit of PSTA is the right course of action given their current status. It is something we are still discussing amongst other things with PSTA, but at this current time there is no audit taking place. That being said, we reserve the right to call for an audit moving forward if we choose to do so. The Senator is weighing all options, and we will take the most appropriate course of action.
>
> Kind Regards,
>
> Vanessa Thompson
> Legislative Assistant to State Senator Jeff Brandes
> Thompson.Vanessa@flsenate.gov
> District: (727) 563-2100
> Capitol: (850) 487-5024
> Jeff Brandes – District 24
>
> From: Tom Rask <tom@rask.com>
> Sent: Monday, December 9, 2019 9:14 AM
> To: Thompson, Vanessa < Thompson.Vanessa@flsenate.gov>
> Subject: Status of audit of PSTA
>
> Ms. Thompson,
>
> Earlier this year, I was in a meeting with Senator Brandes in which he said that if citizens asked for a state audit of PSTA, he would try to get the state to do it. Said request was put in by a citizen a few months ago. I am writing to ask what the status of that audit request is. Has Senator Brandes requested an audit of PSTA? If so, please provide the record (letter, e-mail or similar) in which he makes that request.
>
> My mobile number is 727.710.2800 should you need it.
>
> T i a.
>
> Regards,
>
> Tom Rask

AMERICAN OVERSIGHT

To: K. Jane Williams, Acting Administrator
Federal Transit Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Cc: Elaine Chao, U.S. Secretary of Transportation
Keith Melton, FTA Regional Administrator, Region 4 Office
Marco Rubio, US Senator for Florida
Rick Scott, US Senator for Florida
US Representative Charlie Crist, Florida's 13th Congressional District

Date: Monday, June 10th, 2019

Re: Request that the FTA withdraw PSTA's Small Starts program entry for cause

Dear Ms. Williams,

The Pinellas Suncoast Transit Authority ("PSTA") has a project that is currently in the Project Development ("PD") phase of the Small Starts program with the FTA. That project is called the Central Avenue BRT ("CABRT") project. As the FTA knows, the Small Starts program is authorized by 49 US Code §5309, a.k.a the "5309 Capital Investment Grant ("CIG") program."

We want to make sure that the FTA is aware of the following five facts:

1. PSTA's misuse in 2014 of 80% of FEMA federal grant funds it received.
2. The local funding commitments are being misrepresented by PSTA to the FTA.
3. There is considerable local organized opposition to this project.
4. PSTA has failed to meet a key financial requirement that the FTA imposes.
5. PSTA is in poor financial condition, contrary to what it has told the FTA.

We have copied those we believe are relevant parties on this letter. Rep. Charlie Crist was copied because the CABRT project falls entirely within his district. Information in support of the above five assertions are laid out in detail below.

1. PSTA's misuse in 2014 of 80% of FEMA federal grant funds it received

In FY2011, PSTA received a $439,254 award under FEMA's Transit Security Grant Program. Dr. David McKalip, a local neurosurgeon, alleged to FEMA that PSTA had unlawfully used the grant funds to promote one side of a referendum tax issue.

FEMA investigated Dr. McKalip's allegation and found material misrepresentations by PSTA to FEMA, violation of federal law and also violation of grant agreement guidance. In a letter dated 08/14/2014 [attachment #1], FEMA notified PSTA of its findings.

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Quoting from said letter:

Through a review of the advertisements purchased and publicly disseminated, FEMA has determined that the advertisements purchased were not used in the manner in which PSTA expressly described in its application. [underlining added]

When a public agency uses federal grant funds in a fashion different from what it "expressly described in its [grant] application," other granting federal agencies should take note.

FEMA further determined that *"PSTA has violated the requirements of the 9/11 Act and the FY11 Guidance that governs its grant agreement."* As a result of its finding, FEMA disallowed $354,091 (in excess of 80% of the total grant) in expenditures and asked that those grant funds be reimbursed to FEMA, or that allowed expenses be submitted. PSTA chose to return the funds, or in the language of FEMA, to "reimburse" FEMA.

This relatively recent history is relevant because there is strong evidence that PSTA is, once again, misleading federal officials, specifically the FTA, this time in PSTA's capacity as a project sponsor admitted in to the PD phase of the FTA's Small Starts program. Please note that PSTA has the same CEO it had when the FEMA funds were misused, and largely the same upper management.

Based on this past history and same management, we are concerned that FTA will enter into a construction agreement with PSTA, later find that PSTA misused those funds, and thereby leave local taxpayers on the hook when PSTA has to repay these funds to the FTA. We are also concerned about such a scenario because it's simply not good government.

2. The local funding commitments are being misrepresented by PSTA to the FTA

On 9/7/2017, PSTA included a City of St. Petersburg, FL city council resolution in its "Streamlined Financial Plan" submittal to the FTA [attachment #2]. PSTA wrote to the FTA that *"the City has pledged a local funding contribution of approximately $4 million."*

However, in fact no money was actually "pledged", committed, appropriated or in any way assured by said resolution. After the text that says "NOW THEREFORE BE IT RESOLVED," there is no pledge or commitment of a specific dollar amount.

In relevant part, the resolution specifically also states the following:

> *BE IT FURTHER RESOLVED that City Council requests Administration to identify sources and levels of funding to match state and federal grants and negotiate a funding agreement with PSTA for the City Council's consideration.*

No such funding agreement exists today. The city is apparently also laboring under the misapprehension that it will "match" state and federal funds. In fact, the way it works is exactly opposite: the state matches the city's funds, and then the FTA matches state and local funds at a level which varies from project to project.

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In the paragraph preceding the text quoted immediately above, the resolution states the following:

BE IT FURTHER RESOLVED that City Council supports the City contributing to the Central Avenue BRT project through the long-term maintenance of City-owned roadways upon which the BRT will travel and through a yet to be determined capital contribution to the local share of the project.....[underlining added]

The claim that the city is "contributing" to the CABRT project by simply maintaining its own roadways is specious and deserves close scrutiny by the FTA.

PSTA has also previously represented to the FTA that $1.5 million would be forthcoming as local capital funding from the City of St. Pete Beach, or hotels in that city. That is simply not true, as a newspaper article from Florida's largest newspaper explains [attachment #3].

There have been many other articles and media reports since September 2016 documenting the fact that the city never intended to provide capital or to fund operation of the CABRT project.

In fact, the City of St. Pete Beach commission became so annoyed that it asked city staff to draw up a resolution opposing the project's operation in all but the northernmost part of the city [attachment #4].

One of the "whereas" clauses in that resolution stated that *"WHERAS the City has repeatedly requested PSTA to cease and desist misrepresenting on grant and other application and documents that the City is contributing financial resources that the City has not agreed to do."*

The resolution then specifically directed the city manager to *"request PSTA to stop representing financial contributions that the City has not agreed to."*

Although the resolution was tabled due to overwhelming pressure from county government, its language is an example of how numerous local elected officials have determined that PSTA is not trustworthy. The undersigned parties agree with that determination.

In response to the furor, PSTA says it has now stated to FTA that no funds will be forthcoming from the City of St. Pete Beach, but this came 2.5 years after the city had already made it clear that such funding was out of the question.

3. There is considerable local organized opposition to this project

Above, we already covered opposition in the City of St. Pete Beach, both among residents and local officials. The project also passes through the neighboring City of South Pasadena, which unanimously passed a resolution on 04/23/19 opposing the CABRT project [attachment #5]

In the 5th and 6th "whereas" clauses of that resolution, city officials determined that neither they nor their residents are being listened to by PSTA and are not being *"afforded a meaningful opportunity to comment on and influence the BRT project."*

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There is also growing and organized opposition to the project in the third city through which the project passes, that city being St. Petersburg. If any FTA employee is available to do so, they can drive the bulk of the project route in St. Petersburg (1st Avenues North and South) and they will find a sea of yard signs opposing this project. People are opposed to the lane loss, opposed to the loss of parking, and opposed simply because of a lack of any compelling reason for this BRT project.

PSTA's chairperson Janet Long herself recently stated in a public meeting (on video) that there is a *"very organized group against this project,"* i.e. the CABRT project. In fact, multiple grassroots organizations have sprung up all along the route of this project. In our view, that opposition stems from PSTA's failure over many years to gain public trust for anything it does.

On 5/28/2019, the City of St. Pete Beach held a workshop to discuss (but not vote on) a PSTA-proposed interlocal agreement with PSTA. An overflow crowd of over 150 people attended, and *all* city residents who spoke voiced opposition to the project.

It doesn't look like the City of St. Pete Beach will enter in to an interlocal agreement in the foreseeable future, nor is it necessary to do so in order for PSTA to obtain a construction agreement from the FTA. However, the FTA should not award such a construction agreement because the CABRT is also simply not a very good investment of scarce transit dollars project, as shown towards the end of this letter.

At that same workshop on 5/28/2019, City Commissioner Melinda Pletcher stated that "98%" of the people she has heard from are opposed to the project. She also indicated that in actuality, it was 100% opposed from those she had heard from, and that she was just saying 98% in order to allow for the possibility that a small percentage of her constituents may support it.

Commissioner Doug Izzo, who has worked for the local chamber of commerce for 7 years, stated at a different city meeting that he has not heard from one resident or business owner in the city who is in favor of the project.

Many grassroots groups and citizens, some of which have signed this letter, are now actively engaged with door hangers, yard signs, pickets and continuing presentations and protestations at public meetings of city commissions and councils. There is organized opposition in all three cities that this 11 mile project runs through.

We ask the FTA to also note the following: if the project were to instead terminate at 75th Avenue in St. Pete Beach, an option which is now actively being discussed by PSTA and the City of St. Pete Beach, the project would be shortened by approximately 2.5 miles. The project length would then be only approximately 8.5 miles.

Our fears of misrepresentation by PSTA to the FTA are valid, given recent misrepresentations to local stakeholders, past misrepresentations to FEMA, which determined that PSTA had in fact misrepresented how it would use federal grant funds provided by FEMA/DHS.

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4. PSTA has failed to meet a key financial requirement that the FTA imposes

The CABRT project is subject to the document "Final Interim Policy Guidance" for the CIG program which the FTA published in June of 2016. Page 50 of that document, under "Small Starts Final Interim Policy Guidance," states the following:

> *FTA requires that project sponsors obtain commitments of at least 50 percent of all non-CIG funds within three years of a Small Starts project's advancement into PD.*

PSTA has not met this requirement ("the 3-year requirement"). We say so for the following reasons:

(ii) According to their current capital budget, PSTA itself has committed funds to the CABRT project [attachment #6]. PSTA has thus, at most, committed $5,199,640 in eligible funds. The State of Florida Department of Transportation ("FDOT") has promised to match dollar for dollar whatever funding commitments PSTA can secure, excluding FTA grants.

PSTA thus has a total commitment of, at most, $10,399,280 in what the FTA calls "local funds." This is simply the above figure of $5,199,640 multiplied by two. This upper limit of non-CIG funds committed to date is based on the assumption that the FTA will determine that the City of St. Petersburg did not commit any eligible funds in meeting the 3-year requirement in its 9/7/2017 resolution, as laid out previously in this letter.

Referencing again the attached excerpt of PSTA's own current capital budget, the non-CIG portion of the project cost will be $42,166,663 minus FTA's contribution of $20,360,000, which is an amount equal to $21,806,663.

The $10,399,280 in "funding commitments" is thus only 47.69% of the needed non-CIG funds of $21,806,663. This is far below the 3-year requirement of 50%.

FTA's own policy guidance says that if a sponsor does not meet the 3-year requirement, the *"FTA would withdraw the project from the Small Starts program."* We therefore respectfully request that the FTA withdraw the CABRT project from the Small Starts program, pursuant to your own policy guidance.

Next year, PSTA's budget will likely show an additional $1.5 million appropriated for the CABRT project because the City of St. Pete Beach will not commit funds to the project (as discussed above). PSTA CFO Deborah Leous showed that additional $1.5 million cost in a very recent presentation.

However, there has been no official PSTA board action to actually commit those funds. Had the board done so by April 15th, the 3-year requirement would have been met. But the board did not do so, and thus FTA's own 3-year requirement has not been met.

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For its city council meeting on 6/13/2019, the City of St. Petersburg has on its agenda the approval of an interlocal agreement with PSTA. The resolution purportedly provides $4 million in funding for the CABRT project. Should the resolution pass (we expect it will), please examine the resolution very closely for how much is actually committed, for what purpose, and with what geographic restrictions.

For example, the Intown Community Redevelopment Agency ("CRA") mentioned in the resolution is authorized to spend money only within its geographic boundaries. Note that the proposed route that runs within the City of St. Petersburg runs mostly *outside* of the CRA.

PSTA may argue that CRA funds will only be spent within the CRA and other funds will be spent outside of CRA. However, funds should properly be committed to the project itself, not to specific geographic portions of the project where those portions are specified by the funds committor. The FTA does not commit funds to specific geographic portions of the project or specific cost centers, and neither should other participants.

We do not believe that the City of St. Petersburg's proposed "geographic allocations of funds" is allowed under Small Starts program because it would make a complex mess of any Small Starts project. If it were allowed, one can easily imagine a scenario where a project is almost complete, funds are available to complete the project, but the project *won't* be completed because the funds available may not legally be used in the geographic area where the project is not yet completed.

We therefore ask that the FTA closely scrutinize this major portion of purported local funding.

5. PSTA is in poor financial condition, contrary to what it has told the FTA

In April of this year, the PSTA board voted to start spending capital reserves to fund operations. In a 5/29/19 presentation [attachment #7] to the PSTA board, PSTA's CFO Deborah Leous referenced that decision in her first bullet point on the slide numbered 1, and made it clear in the title of the slide numbered 3 that *capital* reserves are being spent to fund operations. We have included the relevant slides from Leous' presentation, namely slides 1, 2, 3, 6 and 11.

In its "Streamlined Financial Plan" as part of its Small Starts Application dated 9/7/2017, PSTA represented to the FTA that PSTA *"is in good financial condition."* They did so in a bullet point in the introduction on the page that is numbered 1. However, we are not aware that PSTA has updated the FTA about its rapidly deteriorating financial situation since the time it submitted that document. For example, the ending balance of the capital reserve at the end of FY2022 has worsened from -$8.6 million to -$12.1 million (see the slide numbered 3 in the presentation).

On the slide numbered 6, PSTA acknowledges that spending reserves on current operations will leave PSTA at below $1 million in reserves by the end of FY2021. We think they will run out of reserves before the end of FY2021 because new and unplanned expenses keep emerging. As just one example, just this month PSTA reached an agreement with the bus drivers union for driver enclosures on all their buses after a driver was stabbed to death in a neighboring county. This expense alone will cost $840,000 - $1,050,000, according to PSTA.

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Slide 11 of Leous' presentation lists capital expenses that are not funded, a list that begins with "Maintaining State of Good Repair." PSTA thus wants to incur additional operating expenses of several million dollars per year by embarking on this CABRT project while it is spending reserves to fund operations and has not even funded critical items.

Simply put, PSTA is on track for insolvency. The CABRT project would cost PSTA $4 million more per year, as they hope for new funding sources. However, as others have noted, "hope" is not a strategy. PSTA is already at its statutorily allowed maximum millage cap. The signatories of this letter are all of widely different political views, yet all recognize that under a newly elected Republican governor and a Republican legislature, it is especially unlikely that the state will bail a transit agency out of its own self-created financial crisis.

Perhaps the county will provide additional capital funds and/or operating funds for PSTA, but it has not done so to date. If PSTA does not secure new operating funding, it will have to cut service, leading to fewer riders in the network and possibly fewer riders on the proposed CABRT. These are all important considerations for the FTA to be aware of.

We would be remiss if we did not point out to the FTA that the Central Avenue BRT project is also simply not a very good investment of scarce transit dollars. The core of the proposal is faster travel speeds through four main tools: eleven directional route miles of dedicated bus lanes, off-vehicle fare collection, longer distances between stations/stops, and limited traffic signal preference.

However, as the experience with “BRT-Lite,” such as the Los Angeles County Metropolitan Transportation Authority’s “Metro Rapid” has shown, 75% or more of the speed advantage of "BRT-Heavy" dedicated lanes can be captured through the limited stops and traffic signal preference alone.

A recent PSTA project document (St. Pete Beach Interlocal Agreement Workshop, Tuesday, May 28, 2019) claims “over 1,500 new riders” per day, which is not a very high return for a $41.35 million expenditure, particularly since the never-considered BRT-Lite option, which would cost only a small portion of the BRT-Heavy option, would likely produce most of that gain. That gain can be achieved without having to explain to the 700+ auto drivers/lane/hour who lose an arterial street lane why there is a dedicated lane for four BRT buses/hour, which will lead to traffic congestion, unauthorized vehicles in the dedicated lanes, confused tourists, and improper and dangerous turning movements.

We ask the FTA take cognizance of the fact that this project sponsor is not very honest, has not met the program requirements, and should not be allowed to proceed. Allowing the CABRT project to proceed would send the wrong signal to other transit agencies, and wastes everybody's time and resources (including PSTA's) by unnecessarily prolonging the local battle that has arisen over this deeply unpopular project.

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We summarize by repeating the list that began this letter and ask the FTA to take note of:

1. PSTA's misuse in 2014 of 80% of FEMA federal grant funds it received
2. The local funding commitments are being misrepresented by PSTA to the FTA.
3. There is considerable local organized opposition to this project.
4. PSTA has failed to meet a key financial requirement that the FTA imposes.
5. PSTA is in poor financial condition, contrary to what it has told the FTA.

Thank you in advance for your anticipated action. Should you have any questions or need any more information, you may reach us by sending e-mail to ftamail@rask.com.

Sincerely,

Dr. Edwin C. Carlson
Citizens and Neighborhoods United, Inc.
CitizensAgainstLaneLoss.com
St. Petersburg, FL

Barb Haselden
Save Our Streets Citizens Group
SaveOurStreets.Net
St. Petersburg, FL

Lauren Sanders
Jungle Terrace Civic Association, Inc., a 501(c)(3)
"65 Years Advocating for Jungle Terrace"
Jungle-Terrace.org (located in St. Petersburg)

Tom Killian
West Neighborhoods United, Inc.
Founded in 2006

Sharon Calvert
Citizens Organized for Sound Transportation (COST)
A regional citizens group

Thomas Rask
Long-time local transportation activist and business owner
Seminole, FL

Attachments to this letter

1. Letter from FEMA to PSTA dated 08/14/2014 asking for return of grant funds.
2. City of St. Petersburg, FL resolution 2017-487 dated 9/7/2017
3. Tampa Bay Times article dated 03/29/2019 PSTA's misrepresentations to the FTA
4. Proposed resolution 2019-05 by the City of St. Pete Beach
5. City of South Pasadena, FL resolution 2019-03 dated 4/23/2019
6. Excerpt from the current PSTA capital budget
7. Excerpt of presentation by PSTA's CFO to PSTA board on 05/29/2019

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From: Thompson, Vanessa
Sent: Friday, November 15, 2019 3:42 PM EST
To: Burke, Ken <kburke@co.pinellas.fl.us>; Jason Harrell <JasonHarrell@flclerks.com>
Subject: FW: Clerks of Court - Contracted Study
Attachment(s): "Clerks Contracted Review.pdf","MGT_OPPAGA_FL Clerks of Court_Staffing and Effiency Study_Final Report_2019_11_13.pdf"

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Jameson, PK <PK.Jameson@LASPBS.STATE.FL.US>
Sent: Friday, November 15, 2019 3:14 PM
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: FW: Clerks of Court - Contracted Study

FYI

From: TWOGOOD.PHILIP <TWOGOOD.PHILIP@OPPAGA.FL.GOV>
Sent: Friday, November 15, 2019 3:03 PM
To: Pridgeon, Eric <Eric.Pridgeon@LASPBS.STATE.FL.US>; Kynoch, Cindy <Cindy.Kynoch@LASPBS.STATE.FL.US>
Cc: Vickers, Lisa <VICKERS.LISA@flsenate.gov>; Gormley, Carol <Carol.Gormley@myfloridahouse.gov>; Hamby, Tom <Tom.Hamby@myfloridahouse.gov>; Meyer, Reynold <MEYER.REYNOLD@flsenate.gov>; Jameson, PK <PK.Jameson@LASPBS.STATE.FL.US>; Gusky, Kristin <Kristin.Gusky@LASPBS.STATE.FL.US>; Hawkes, Jeremiah <Hawkes.Jeremiah@flsenate.gov>; MAZUR.CLAIRE <MAZUR.CLAIRE@OPPAGA.FL.GOV>; COLLINS-GOMEZ.KARA <COLLINS-GOMEZ.KARA@OPPAGA.FL.GOV>
Subject: Clerks of Court - Contracted Study

Attached please find a transmittal letter and copy of the report: ***Florida Clerks of Court Study.***

The 2019 General Appropriations Act directed OPPAGA to contract with an independent consultant to study the Clerks of Courts provision of court-related activities.

To complete this study, OPPAGA contracted with MGT Consulting Group, a national consulting firm. As directed, the study provides information gathered from in-person observations of a random sample of clerks' offices employees and an assessment of options to increase efficiencies. We anticipate that the full report will be posted on our website by early next week (www.oppaga.state.fl.us).

Should you have questions, please contact the contract manager Claire K. Mazur at (850) 717-0575.

R. Philip Twogood, PhD

Coordinator
Office of Program Policy Analysis and Government Accountability
Florida Legislature
850.717.0554

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The Florida Legislature

OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY

R. Philip Twogood, Coordinator

November 15, 2019

The Honorable Rob Bradley
Chair, Committee on Appropriations
Florida Senate

The Honorable W. Travis Cummings
Chair, Appropriations Committee
Florida House of Representatives

The 2019 General Appropriations Act directed OPPAGA to contract with an independent consultant to study the Clerks of Courts provision of court-related activities.

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Should you have questions, please contact the contract manager Claire K. Mazur at (850) 717-0575.

Sincerely,

R. Philip Twogood

R. Philip Twogood
Coordinator

RPT/kg

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MGT
CONSULTING GROUP

Florida Clerks of Court Study

Final Report
November 15, 2019



Prepared for: The Florida Legislature

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CHAPTER 1. INTRODUCTION

1.1 PROJECT BACKGROUND

In August 2019, the Florida Legislature contracted with MGT Consulting Group (MGT) to conduct an independent efficiency evaluation of the State's Clerks of Court Offices to determine the effectiveness of the Clerk of Courts' functions and performance in terms of internal operations and customer service. The contract fulfills the requirements of Ch. 2019-115, Laws of Florida, the General Appropriations Act of 2019, which states:

> From the funds in Specific Appropriation 2754, the Office of Program Policy Analysis and Government Accountability is directed to contract with an independent third party consulting firm to assist with a review of the Clerk of Court processes including collection and compilation of empirical evidence based on observation of a random sample of clerks' offices employees; comparison of clerks' office work patterns to propose efficiency and productivity standards; and assessment and comparison of organizational arrangements and deployment of personnel resources among all clerks' offices. Sample groups must include a broad number of large and small counties and include entities from all areas of the state. The analysis shall be submitted to the chair of the Senate Appropriations Committee and the chair of the House of Representatives Appropriations Committee by November 15, 2019.

Specifically, MGT evaluated 14 major functions (listed in section 1.2) that are identified as court-related duties by the Florida Court Clerks and Comptrollers Association. MGT's role in this engagement was to observe and analyze current circumstances and operations, highlight where best practices occur, and make recommendations to realize efficiencies. Our focus was on the people, processes, and technology that impact performance. An overview of the Florida Clerks of Court and explanation of the study's methodology follow.

1.2 OVERVIEW OF THE FLORIDA CLERKS OF COURT

Florida has 67 counties and 67 elected Clerks of Court, each providing an extensive amount of administrative services under the unique circumstances of their locale, including court-related and non-court related services. Non-court services include serving as Clerks to their respective Boards of County Commissioners and as County Comptrollers. In the focus of this study – a staffing and efficiency study of court-related responsibilities – Clerks of Court serve both the citizens and the judicial branch. The role of the Clerk of Court as an elected public trustee was established in the Florida Constitution in 1838. Clerks of Court are governed by the Florida Statutes and may gain additional responsibilities as laws change.

The Florida Court Clerks and Comptrollers Association identifies 14 key functions required of the Clerk of the Circuit and County Court:

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- Attend court hearings and trials
- File indictments, information, and verdicts
- Process all civil and criminal cases
- Prepare appellate records
- Jury management
- Collect and disburse fines, court costs, forfeitures, fees, and service charges
- Conduct mortgage foreclosure sales
- Maintain custody of all evidence and exhibits entered by the court
- Assist in completing paperwork required to file a Small Claims action
- Assist in completing paperwork required to file petitions for protective injunctions (domestic, repeat, sexual, and dating violence)
- Issue process service documents
- Maintain court registry
- Audit guardianship reports
- Audit child support payments

The Clerks of Court play a vital role in the state's judicial system. Yet, if one were to start from scratch to rebuild a statewide system of Clerks of Court, it is unlikely that you would design the approach MGT observed in Florida today, which is evident in the inconsistencies in the way court-related functions are managed across jurisdictions.

- Some differences reflect the broad spectrum of resources and demands across the state. For example, the court-related full-time employee counts range from the single digits in small, rural counties to many hundreds in larger urban centers.

- Other differences are based on individual management preferences. For example, Clerks of Court choose from a handful of case management/maintenance systems (CMSs) provided primarily by outside vendors to manage a significant portion of their workload.

- The CMS may be at the heart of the technology solutions for the Clerks of Court, but there are many more systems that the deputy clerks interact with on a daily basis. In Hillsborough County for example, MGT observed 27 more systems in addition to the CMS with which the deputy clerk may interface.

- Varied systems deployed by different Clerks of Court include internal systems that handle incoming calls, provide access to records, queue customers, manage juries, and facilitate foreclosure sales, to name a few.

- External systems are generally mandated statewide systems that provide and receive information critical to the courts. These include the Florida Courts E-Filing Portal (e-

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Portal), the Criminal Justice Information Services (CJIS), and the Comprehensive Case Information System (CCIS). Judicial circuits also utilize different bench viewers that interface with the Clerk's CMS to provide workflow management and document exchanges.

As evidenced by the above, technological improvements are of huge importance to the justice system, yet the level of information technology support and innovation is inconsistent among the Clerks of Court, even within similar peer groups. For example, "paperless" systems may actually mean using "less paper" than clerks previously used. In most counties, MGT observed paper and manual processes have not been completely removed from impacted tasks.

It should be noted that eliminating paper is not completely under the Clerk of Court's control. For example, introduction of the statewide Florida Courts E-Filing Portal now requires private attorneys to file cases electronically. Yet, pro se litigants who represent themselves in legal actions often file with paper, and some judges and public attorneys still favor the use of paper in the courts. External partners to the Clerks of Court, such as law enforcement and other state agencies also utilize paper. Where the Clerks of Court have control, significant strides have been made in some locations to transition to electronic methods of document maintenance and storage. Overall, local autonomy has certainly led to local innovation and creative strategies to drive efficiencies, but the lack of connection between respective Clerks' operations leaves significant room for optimization and to capitalize on what may truly be best practice, both within Clerks' offices as well as partnering with state agencies, the judiciary, and local law enforcement agencies.

The day-to-day duties of the elected Clerks of Court vary greatly. Some have advanced from entry-level positions and gained years of experience in the office. These Clerks of Court rely on years of personal experience to manage their deputy clerks on the frontline. On a given day, they may step into any subordinate's role to ensure the immediate deadlines are met and customers receive adequate service. Other Clerks of Court take on the role of a corporate CEO, working with a cabinet of division leaders and utilizing performance data to lead the office into the future. With no standardization of qualifications and experience requirements, it is up to voters to decide who is most qualified to hold the office in their county, and the diversity of backgrounds that are represented in these seats manifests itself in significant variation in the structure and practice of their operations.

Under current circumstances, the Clerks of Court must respond to changes that are not under their control. Deputy clerks respond to the different needs of the judges they partner with and must adapt to their unique preferences. The established revenue sources for Clerks of Court have been unreliable from year to year – and even within just one fiscal year – making it difficult for Clerks of Court to plan for necessary improvements or unexpected events. Many factors outside of the Clerks of Court span of control impact revenues coming from court fees and fines.

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Further, the amount of local funding support they each benefit from varies substantially, while a number of resource-consuming responsibilities do not yield sufficient revenues to cover the cost of the activity, either because there are no fees assessed (for filing an injunction for example) or the collection rate is low (for incarcerated felons' fines, for example).

1.3 PROJECT METHODOLOGY

MGT developed a methodological approach to address the specific goals and objectives for this study and to provide an appropriate in-depth review of the Florida Clerks of Court offices. This report section provides an overview of the methodology used in this assessment of the Clerks of Court Offices' functions.

1. **Project Initiation** – The project was kicked off August 9, 2019, in a meeting with the contract manager from the Office of Program Policy Analysis and Government Accountability (OPPAGA) to review the work plan, communications expectations for team meetings and status reports, study goals and objectives, project deliverables, and timeline for the study.

2. **Develop Preliminary Profile of the Florida Clerks of Court Offices** – MGT conducted a comprehensive review of the current state and functions of the Clerks of Court Offices. Relevant reports and studies were reviewed as part of our initial research.

   Multiple interviews were held with staff from the Florida Clerks of Court Operations Corporation and the Florida Clerks & Comptrollers Association. The Corporation is charged with budgeting responsibilities for the 67 Clerks, recommending amounts of court-related charges, fines, and fees to the Legislature, developing workload measures and performance standards, developing education programs for the deputy clerks, and preparing budget and expenditure reports to the Governor and Legislature. The Association provides advocacy and educational services for the Clerks of Court. Its wholly owned subsidiary, Civitek, provides technology services to more than half of the Clerks of Court.

   MGT also sought the judicial perspective of the performance of the Clerks of Court by talking with the Office of the State Courts Administrator and subsequently interviewing two Judges:

   - An Associate Administrative Circuit Judge who has served as the Chair of the Florida Courts Technology Commission since 2012.
   - A Chief Judge who serves on the Executive Council of the Florida Clerks of Court Operations Corporation.

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3. **Review of Industry Best Practices** – MGT conducted best practices research and review of common Clerks of Court Offices' practices among peers and within the industry. MGT reviewed best practices developed by the Florida Clerks & Comptrollers Association and discussed national performance measures with the National Center for State Courts.

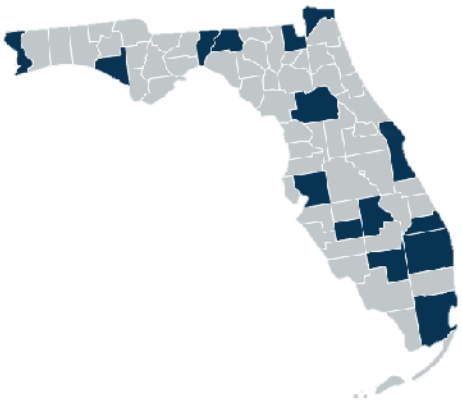
4. **Conduct In-Person Desk Audits of Selected Clerks Offices' Staff and Survey Remaining Offices** – MGT conducted onsite interviews with staff and desk audits of the Clerks of Court Offices' functions for 15 randomly selected sites. We administered an online survey of the remaining Clerks of Court Offices to gather comprehensive data across all Florida Clerks of Court Offices. We compiled and analyzed the onsite and survey data and summarized our findings.

5. **Prepare Draft and Final Reports**. We sought consultation from OPPAGA and prepared draft and final versions of this report in an agreed-upon format, including details regarding study methodology, analyses, findings, and recommendations.

SITE VISITS TO CLERKS OF COURT OFFICES AND RANDOM SELECTION METHODOLOGY

A primary resource for our observations and recommendations was 15 site visits with the Clerk of Court. During the site visits MGT:

- Interviewed and observed staff conducting 14 court-related functions (*identified above*).
- Met with the Clerk of Court and management and completed interviews and observations.
- More than 240 full-time Clerk of Court staff were interviewed or observed conducting the functions during the site visits.



Our random selection methodology for the 15 counties included the following steps:

- First, we categorized each County into peer groups 1-12 based on a 2017 report developed for the Florida Clerks of Court Operations Corporation (CCOC), which reviewed such items as population, new cases filed, and expenditures compared to peer group.
- For each 12 peer groups, MGT randomly selected a County using a random number generator.
    - We also wanted to ensure variance of Circuits (20 total), so if any of the same Circuits were selected, MGT would reselect that peer group. No Circuit was selected twice.
- For the final three visits, MGT randomly selected a number among the remaining 8 Circuits, and if there were more than one County per Circuit, MGT randomly selected the County in the Circuit.

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1.4 SUMMARY OF THE FINDINGS

MGT believes that staffing and efficiency could be enhanced by a combination of improvements with regards to people, process, and technology. While some recommendations can be immediately and easily implemented (e.g., "Standardize documents and processes"), others will require further investigation and study outside of a staffing and efficiency study (e.g., "Evaluate the effectiveness and feasibility of utilizing one CMS statewide"). Below is a chart summarizing our high-level recommendations. The full report provides detailed recommendations with associated examples and data in **Chapter 4.2** below.

Overall Report Recommendations	
Topics	**Recommendations**
Interruptions While Performing Daily Function	Address telephone interruptions by implementing an automated call center or devoting one employee daily to answer phone calls
	Direct customers and partners to online information
	Explore online chat bot development to aid in frequently asked questions
	Explore other processes to serve walk-in customers
Getting Clerk Staff to Full Productivity	Alter the hiring process
	Create standardized documents and processes
	Improve training methodology
	Provide easy access to resources
	Establish a culture of continuous learning
Use of Technology to Do Routine Tasks	Evaluate the effectiveness and feasibility of utilizing one CMS statewide
	Pursue the automation of routine tasks
	Customize or create interface between systems
	Fully leverage current existing technology
	Implement auto-stamps and digital signatures in the CMS
	Strengthen technological infrastructure and equipment to support present and future software, hardware, and computing needs
	Offer support to other court stakeholders and continue to expand E-Filing by pro se litigants, judges, law enforcement, and other parties

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Overall Report Recommendations, Continued	
Topics	**Recommendations**
Use and Storage of Paper Files	Develop a "paperless mentality"
	Educate and drive accountability
	Improve storage management and destruction of files
	Streamline the creation of packets for the public
Efficient Staffing and Resource Allocation	Enhance performance standards
	Develop a flexible staffing plan
	Assess resources other than staff such as technology
	Review prior caseload assessment and projection
	Develop current staff capability, capacity, and availability matrices
	Review future staff capabilities, capacity, and estimated headcount

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CHAPTER 2. FUNCTIONAL OVERVIEW SECTION

2.1 FUNCTIONAL INTERVIEW AND TIME ANALYSIS SUMMARY

During the site visits to meet with 15 Clerks of Court, MGT focused our interviews and observations on the 14 court-related functions identified above. MGT directly observed and timed tasks being performed by deputy clerks. When task work could not be performed in our presence, we inquired about time requirements during interviews with staff. Appendix B provides a full summary of our time recordings. Following are summaries of the functions, the tasks MGT observed that support the functions, and common observations.

2.1.1 ATTENDING COURT HEARINGS AND TRIALS

2.1.1.1 GENERAL DESCRIPTION OF FUNCTION

It is the role of the Clerks of the Court to provide administrative support in the facilitation of court hearings and trials. The courts follow structured processes during trials wherein deputy clerks' function as record keepers and liaison between judges, attorneys, bailiffs, and the public. Duties in support of this function occur prior to, during, and after hearings. The deputy clerks handle a variety of cases across multiple court divisions and with an array of judges (e.g., circuit, criminal, family), each with its own pace, style, requirements or preferences.

2.1.1.2 TASKS OBSERVED DURING FUNCTION

- Maintain Court Calendar: Prior to court, deputy clerks prepare the schedule of cases to be called before the judge
- Prepare Docket: Assembles legal documents and files (e.g., injunctions, writs, subpoenas, judicial orders) for cases scheduled to appear before the judge. Prior to court and, in some cases, making duplicates of said documents given certain judge's paper preference or scanning new documents to attach to case in the Case Management System (CMS)
- Process Evidence: Preparing files or evidence for temporary, on-site, or off-site storage
- Record Court Proceedings: Accurately track and note details of the case as the hearing occurs (i.e. trial outcome, judgment, sentence information, bail bonds, etc.) Typically, either during or post-case, judge's orders are recorded on paper and in the site-specific CMS
- Preparing court orders: Record judgement/order and prepare any documents requiring the judge's signature so they can be processed

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2.1.1.3 OBSERVATIONS

Common Observations

- Large portion of deputy clerk's job is handling court records, which could range from accepting them through the E-Filing Portal into the CMS, or scanning, reviewing, and possibly correcting errors when received in paper or electronic form.

- Courtroom operations MGT observed required the presence of at least one, and up to three clerks. The type and volume of cases, courtroom technology, staff numbers, pace of the judge, and availability of sufficient space could all factor into how many clerks are required.

- During court, deputy clerks typically recorded case proceedings and outcomes on paper/court documents and then updated the case file in their CMS. In courtrooms where either the judge required the handling of cases on paper or there was only one deputy clerk, it was more common for clerks to update the CMS records after they were done in court. In hearings where two or more clerks were present, it was common to see a system wherein one recorded the court proceedings /filled out required papers and the other updated the CMS case file. Particularly in fast moving courts, this greatly improved efficiency and ability for clerks to keep pace and record with accuracy.

- Clerks are expected to work at the pace of courts proceedings. Case and court type, the specific judge, or organization of lawyers may all determine the speed at which a court deputy clerk needs to work. Tenure in the job and strength of the deputy clerk/judge relationship, as well as the prerequisite knowledge of court-related terms, state or county statutes, the judge's orders and facts of the case are also main considerations in how efficient the deputy clerk can be.

- The four most important factors in driving efficiencies during hearings are:
    - Connectivity and response time of the CMS to the court's (or judges') information system;
    - Judges' use and ease of navigating the court information system;
    - Elimination of paper documents already available in the courts' systems;
    - Elimination of clerks preparing orders for any and all possible outcomes (orders from judge), especially when the deputy clerk is preparing orders that may never be used; also discarding unused, carbonless, triplicate forms is expensive.

- Based on seven observations, the minimum time for completing a task in the courtroom was 1.9 minutes and the maximum was 30 minutes, with an average completion time of 13.7 minutes.

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2.1.2 FILING INDICTMENTS, INFORMATION, AND VERDICTS

2.1.2.1 GENERAL DESCRIPTION OF FUNCTION

The purpose of this task is for the Clerk of Courts to process indictments, information, and verdicts according to the Florida statutes.

2.1.2.2 TASKS OBSERVED DURING FUNCTION

- Receive Documents and Process New Cases: Review indictments, information, and verdict documentation. Create and process cases in the Case Management System (CMS). Review and enter critical information (i.e., number of open cases, type and degree of charges)
- Maintain Court Calendar: Schedule court dates based on assigned judge
- Prepare Case File: Scan and save formal documentation into Case Management System (CMS). If multiple open cases for same individual, deputy clerk consolidates all cases
- Obtain Signatures: Following court, prepare and collect judge and state attorney's signature for warrant. Scan original document with required signatures into CMS

2.1.2.3 KEY OBSERVATIONS

Common Observations

- The E-Filing Portal is one of the most commonly used technology resources for this process.
- Source documents may come to the deputy clerks as a physical copy, sent digitally through E-Filing-portal, or both. When the process begins with paper copies it slows time to completion; paper takes longer because the deputy clerk must scan the documents and prepare the documents for the mail. In cases where documents are sent in both formats, the deputy clerks may experience a duplication in efforts.
- The most notable inefficiencies occurred with manually processed paper documents, as well as printing, and manually signing documents, then scanning the signed and sealed document because systems do not include an electronic signature and stamping feature.
- Based on seven observations, the minimum time for completing this task was 2 minutes and the maximum was 6.7 minutes, with an average completion time of 3.5 minutes.

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2.1.3 PROCESSING CIVIL AND CRIMINAL CASES

2.1.3.1 GENERAL DESCRIPTION OF FUNCTION

The function of processing all civil and criminal cases is very broad in that there are a variety of case types and updates to manage and track in the Case Management System (CMS). Frequently, the Clerk of the Court assigns criminal and civil divisions in their staff to track the different types of cases, but in simple terms, the majority of work in this category involves opening, updating, and closing cases with a variety of electronic and paper documents and forms.

2.1.3.2 TASKS OBSERVED DURING FUNCTION

- Case Initiation: Opening new cases (either filings from E-Filing Portal or paper filing) in CMS
- Document Management: Scanning and uploading attachments for the case in CMS
- Scheduling and Calendaring: Updating schedule of hearings and court activities for case
- Docketing: Updating open cases with activities and papers, such as motions and pleas
- Redaction: Removing protected information from court records that are available to the public
- Reporting: Running CMS reports to ensure documents are accepted and to analyze volumes

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2.1.3.3 OBSERVATIONS

Common Observations

- Technology requirements include the ability to transfer electronic filings from the E-Filing Portal into the CMS and uploading scanned paper documents received from pro se litigant filers, law enforcement agencies, and the courts. Case updates taken in court are noted on paper forms by the deputy clerks and then processed either in court or once they return to their desks. CMS systems varied in capabilities among counties. Some counties have created applications to enhance the functionality of their CMS. We heard occasionally that deputy clerks shared the tools with other counties that have the same system.
- Despite an overall effort to switch to electronic processing, we often were told that some judges still prefer managing cases on paper. Time and resources spent printing copies of orders and scanning documents due to preferences for paper is a concern for efficiency of staff, duplication of work, and costs of paper.
- We saw numerous approaches to redacting private information before documents were made available to the public. Some Clerks of Court use automated systems for redaction but still must do some manual redaction. Other offices had staff whose sole responsibility was redaction. We witnessed deputy clerks manually redacting private information by blacking out the information on the screen.
- A broad range of electronic and manual processes were noted among the different counties observed. Manual time stamping of documents entered and scanning forms that are manually signed is still common, but a few counties have advanced to electronic time stamping, signatures, automated redaction, and other related processes.
- Timely and accurate entry of data is a requisite skill set. Often, when speaking with deputy clerks we observed a pervasive fear of making mistakes. A deputy clerk who spends the bulk of their day working cases in the CMS practices a very repetitive process involving manual entry and reentry of data. We observed deputy clerks recording cases in paper logs, double checking their entries, or going through a Quality Assurance (QA) process where one or more clerks checks the work. One deputy clerk spent the first moments of her day reviewing all her entries from the previous day to make sure there were no mistakes, even though she reported rarely finding any mistakes.
- Some deputy clerks shared that they have procedural manuals, but the process is often learned over time by shadowing more experienced clerks.
- This was the most frequent function observed by MGT during site visits. Performing individual tasks in the CMS was a relatively quick process. Different approaches are used to notify deputy clerks when they have new case updates in the queue, depending on the capabilities of the CMS. Not all deputy clerks receive notifications directly from the CMS. Reports may be run by supervisors and shared at different time intervals, which means that it is possible that a deputy clerk has work to do but is waiting for notification from the supervisor.
- Time to complete task was as little as one minute for docketing and adding scanned files to as much as 60 minutes to transfer a case from a felony to a misdemeanor.

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2.1.4 PREPARING APPELLATE RECORDS

2.1.4.1 GENERAL DESCRIPTION OF FUNCTION

The purpose of this task is for the deputy clerk to prepare and submit appeals according to District Court of Appeal (DCA) rules and Florida statutes.

2.1.4.2 TASKS OBSERVED DURING FUNCTION

- Prepare Notice of Appeal: Receive and review Notice of Appeals documents from E-Filing Portal and mail. Work with appellant to fix documentation if the Notice of Appeal is incomplete or illegible
- Prepare Appellate Record: Locate and upload relevant documents to the Case Management System (CMS). Scan and build appellate record in Adobe, format records to DCA compliance standards
- Present Records: Submit record to DCA via E-Filing Portal (i.e., eDCA). Prepare electronic (e.g., hard disk or thumb drive) or physical package for appellant and attorney general

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2.1.4.3 OBSERVATIONS

Common Observations

- Preparing appellate records can be a very long process depending on the number of files and documents on the case, especially when the parties request physical packages over electronic ones.
- The demand for appeals is frequent and consistent in some counties, but infrequent and rare for others.
- Information Technology solutions are improving efficiency and accuracy and changing the need for human resources. For example, Hillsborough County is able to complete almost the entire appeals process electronically. This with the additional ability to redact electronically has helped reduce a 12-member appellate team to 6 members.
- Some District Court of Appeals (for example the 3rd and 4th DCA), have new e-filing requirements that require everything must be submitted electronically, which has been helping with paperless initiatives and increasing efficiency.
- The appellate preparation process can be placed on hold while waiting for transcripts from court reporters.
- The E-Filing Portal is one of the most commonly used technology resources for the appellate process, as this process requires the combination of many files into one document. If the case is not submitted via the E-Filing Portal, the deputy clerk must instead scan all the documents and then prepare them for the mail, thereby slowing the process down.
- Based on eight clerk-reported times, the minimum time for completing this task was 78.8 minutes and the maximum was 84.4 minutes, with an average completion time of 81.6 minutes.

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2.1.5 JURY MANAGEMENT

2.1.5.1 GENERAL DESCRIPTION OF FUNCTION

The purpose of this function is to manage the overall process in which jurors are summoned, accommodated, and checked-in on jury selection day. Clerks of the Court are tasked to maintain and implement a system that helps support effective juror selection and use.

2.1.5.2 TASKS OBSERVED DURING FUNCTION

- Jury Pool Creation: Generate a random selection of jurors from the available population to be summoned
- Issuing Summons: Send notices to appear for jury selection
- Database Maintenance: Record excusals or updating individual's information to limit future juror candidate populations to only those qualified and able to serve
- Jury Call-Offs: Provide an update or way for jury pool candidates to check if they have been called off from needing to appear
- Jury Check-In: Assist and check-in juror candidates on selection day

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2.1.5.3 OBSERVATIONS

Common Observations

- Courts typically use a jury management system or software to manage the jury process. The use of scanners to check people in with the barcode on their summons creates a quicker check-in process. If fewer jurors are needed than originally pooled, telephonic systems can allow jurors to call in to see if they must appear.
- Allowing candidates to complete and pre-submit their questionnaires can provide an early indication of how many people will appear and save deputy clerks' and candidates' time at check-in.
- Certain judges may prefer to order more jurors than needed, which can put strain on the deputy clerks and jury pool. For example, the deputy clerks have to issue larger numbers of summonses or check in more people on jury selection day.
- Most counties find that around 30% of those summoned will attend jury selection. Of the remaining individuals summoned, deputy clerks indicated an average of 40%-50% may get excused and another 20%-30% are no shows. Those who fail to appear without an approved excusal may experience no penalty, as it is not always economical to pursue them.
- Creating jury pools and issuing a summons can be a tedious and time-consuming process. Hendry is one example of a court that contracted this task out to a vendor. For example, once the number of jurors needed is entered into their jury management system, the vendor generates the jury pool and prints and mails all summonses on their behalf.
- The check-in process in Palm Beach County was notable in its use of terminals for the registration process. Deputy clerks are still nearby if needed, but this allows jurors to scan their summons and check in on their own which greatly reduced deputy clerks' processing times.
- Based on observations in five county courts, the average minimum time to check in jurors was forty-eight seconds and the average maximum time observed was two minutes. Kiosks and barcode scanners contribute to lower check-in times compared to manual check in processes.

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2.1.6 COLLECTING AND DISBURSING FINES, COURT COSTS, FORFEITURES, FEES, AND SERVICE CHARGES

2.1.6.1 GENERAL DESCRIPTION OF FUNCTION

The purpose of this function of the Clerks of Court is to collect and disburse fines, court costs, forfeitures, fees, and services charges accrued and imposed by the Florida court system per Title V, Chapter 28 of the Florida Statutes. Customers may pay these costs by mail, telephone, online, or in-person at the Clerks of Court county office or at designated bank(s) determined by the specific County in which payment is to be made.

2.1.6.2 TASKS OBSERVED DURING FUNCTION

- Collection of General Fines and Fees: Includes account reconciliations, processing and receipt of fine and fee costs relative to traffic citations, service charges, and documents and records requests
- Collection of Court Costs: Includes criminal and civil court costs, forfeitures, and child support payments
- Collection of Bonds: Includes bonds processing and payments
- Collection Agency Notifications: Includes the forwarding on unpaid due costs, fees, and fines to collection agencies

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2.1.6.3 OBSERVATIONS

Common Observations

- Delays in uploading or updating information, poor quality of scanned documentation, and inaccurate or mismatched data in software databases is an issue across multiple counties.
- Staff completing tasks under this function are typically instructed to prioritize walk-in customers and phone calls before all other tasks. If they are in the process of conducting another activity they must stop and come back to it once those other two have been addressed.
- Tasks were also delayed or slowed due to the high volume of payments received, manual and duplicative data entry, and paper handling. The amount of paper handling and manual data entry required by the deputy clerks is exacerbated by the receipt of cash payments, paper tickets received that must be entered into the system, paper recordkeeping, and incorrect or distorted/illegible data and documents received from external agents (e.g., customers, judges, and attorneys).
- New hires under this function learn the processes and procedures for completing their tasks by shadowing other deputy clerks or through cross-training. There is a lack of procedural documentation for deputy clerks to reference, and they frequently rely on their own notes and documentation for fulfilling their duties.
- Miami-Dade County exhibited well-defined collection, control and accounting closing processes considering they have 200 cashiers across multiple sites and functions. After payments are received a facility supervisor will calculate checks for each workstation, validate cash, close out each workstation and prepare for daily deposit. All money goes from the local sites directly to banks.
- Escambia County, which has four staff working on collections, noted that an additional collections fee of 27% is charged by the collection agency (on top of the amount owed to the Clerk of Court). They suggested that acquiring software which would allow them to do more collections in-house rather than outsourcing to a collection's agency. The cost of the software, its success rate, and needs for additional staff to do more collections in -house, was not known at the time of the interview.
- Per onsite observations, deputy clerks take an average of 10.5 minutes to complete processing bonds and payment plans; online and agency payments take an average 27.5 minutes to complete; and, payment processing (counter) takes an average of 3.4 minutes to complete.

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2.1.7 CONDUCTING MORTGAGE FORECLOSURE SALES

2.1.7.1 GENERAL DESCRIPTION OF FUNCTION

The Clerk of Court of each county is responsible for conducting mortgage foreclosure sales of properties within the county's borders. The court directs the Clerk of Court to sell the property via a final judgment. A copy of the final judgment is furnished by the deputy clerk to the last known address of every party to the action or to the attorney of record for such party. Prior to the auction, staff from the applicable Clerk of Court's office review each case to ensure that nothing that would stop a sale has been filed (e.g., bankruptcy). The general state of the economy is the biggest external factor that affects the volume of foreclosure sales.

2.1.7.2 TASKS OBSERVED DURING FUNCTION

- Filing of Complaint: Plaintiff files complaint with the Clerk of Court
- Final Judgment: Judge issues final judgment directing the Clerk of Court to sell property
- Publication of Sale: Notice of sale is published at least two weeks prior to the sale
- Conduct the Sale: The Clerk of Court conducts the sale either online or in-person
- Certify the Sale: The Clerk of Court issues the Certificate of Sale
- Certify the Title: The Clerk of Court issues the Certificate of Title

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2.1.7.3 OBSERVATIONS

Common Observations

- Counties that conduct the auctions via the internet have the opportunity for cost savings realized by avoiding the personnel cost associated with having multiple clerks at the auctions. Clerks of Court that conduct the auctions via the internet can have deputy clerks perform other functions while the auctions are taking place.
- There are processes in which deputy clerks are printing, signing, and sealing documents before scanning them back into the applicable system.
- Staff members performing the function are required to be knowledgeable of laws and regulations related to the sale of foreclosure properties.
- Staff members were trained by shadowing a more experienced deputy clerk.
- The Marion County Clerk of Court is a good example of an office that appears to have an effective and efficient process for conducting mortgage foreclosure sales. During our observation, the deputy clerk who provided us an overview of the process was able to perform various tasks while the auction was taking place. Additionally, the system automatically prohibits a bidder to bid an amount for which the five percent deposit requirement is greater than the amount available in the bidder's account.
- The average completion time of 12 minutes is based on three observations.

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2.1.8 MAINTAINING CUSTODY OF ALL EVIDENCE AND EXHIBITS

2.1.8.1 GENERAL DESCRIPTION OF FUNCTION

Exhibits received into evidence during a court proceeding become the responsibility of the Clerk of Courts. This exclusive control also carries with it the responsibility of maintaining a chain of custody, storage, and ultimately disposition or destruction pursuant to the Florida Statutes and Rules of Judicial Administration. Clerks of Court have an inherent concern over the responsibility and risk of mishandling evidence. The consequences could include a mistrial during appeals if evidence is mishandled.

2.1.8.2 TASKS OBSERVED DURING FUNCTION

- Record Receipt of Evidence: Establish and follow procedures for exchange of evidence between parties
- Handle and Store Evidence: Establish and follow control procedures for accessing evidence and conduct regular audits
- Dispose of Evidence: Per statute/rules, safely destroy or return evidence (if allowed)

2.1.8.3 OBSERVATIONS

Common Observations

- Exhibit sheets are recorded in the Case Management System (CMS).
- Based on judicial preference, a deputy clerk may be required to keep original copies of evidence for an active civil case at the ready on his or her desk. In one instance, the stack of evidence on the deputy clerk's desk was taking up scarce workspace for weeks. Some judges temporarily store evidence in their chambers.
- Storage locations vary from secure rooms and vaults within the Clerk of Courts' offices to off-site warehouses and leased spaces in other public buildings. Space is not generally a problem in the smaller counties we observed, but in large counties, a lack of space and lack of resources to scan old evidence is creating capacity issues.
- Established procedures and controls are necessary to maintain the integrity of evidence. Physical evidence may be hazardous and require special storage. Escambia County posts its access standards on the door to the evidence room, including a two-person access process, incorporating a Quality Assurance (QA) process to ensure case numbers are correct, and ensure that descriptions and images match.
- We were able to observe one instance of recording evidence records in the CMS following court, and the process to record one record took 3 minutes. Time ranges reported by deputy clerks were between 3 and 5 minutes.

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FL-SEN-20-0201-B, 20-0202-A-003911

2.1.9 ASSISTING IN COMPLETING PAPERWORK REQUIRED TO FILE A SMALL CLAIMS ACTION

2.1.9.1 GENERAL DESCRIPTION OF FUNCTION

The purpose of this function is to assist individuals in their filing of a legal action to settle a minor dispute for a dollar amount that is smaller than $5,000. Clerks of the Court assist by providing guidance on what documentation is needed, as well as how to fill out the required forms. Once the paperwork has been submitted, a Clerk issues a summons to appear in court.

2.1.9.2 TASKS OBSERVED DURING FUNCTION

- Filing Small Claims: Assist in completing paperwork required to file small claims action, including observing counter interaction with pro se litigant customers

2.1.9.3 OBSERVATIONS

Common Observations

- Individuals seeking to file a claim need to have certain documentation to do so, otherwise the process can take much longer. Providing this information online can reduce the number of times this issue occurs and increase efficiency for the deputy clerks, which has been noted by counties that provide this information.
- While use of the E-Filing Portal is statewide, electronic signatures have not been as widely incorporated. Having the capability to use electronic signatures would increase efficiency and accuracy of submissions, while also reducing the amount of paper used.
- Palm Beach County uses a self-help center with a part time "Navigator" employee to assist customers understand and complete their paperwork. In some counties, this individual has been a current law student.
- Cross training is utilized in Hillsborough County in order to allow multiple deputy clerks to assist with small claims paperwork as needed.
- Phone calls were noted as a frequent disruption to deputy clerks assisting pro se litigants which slowed down the filing process.
- Based on four observations, the minimum time for completing this task was 14.3 minutes and the maximum was 29.3 minutes, with an average completion time of 21.8 minutes.

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FL-SEN-20-0201-B, 20-0202-A-003912

2.1.10 ASSISTING IN COMPLETING PAPERWORK REQUIRED TO FILE PETITIONS FOR PROTECTIVE INJUNCTIONS

2.1.10.1 GENERAL DESCRIPTION OF FUNCTION

The purpose of this function is to provide clerical assistance to those seeking protective injunctions. An injunction is a legal remedy in the form of a special court order that compels a party to do or refrain from specific acts, e.g. to make restitution to an injured party, or restrain them from threatening or invading the legal right of another. There are four types of civil injunction petitions that can be filed with the Clerk of Court: such as domestic violence, sexual violence, dating violence, and repeat violence. The deputy clerk does this by walking through the appropriate paperwork from start to finish with the individual to ensure it has been completed correctly.

2.1.10.2 TASKS OBSERVED DURING FUNCTION

- Aid Filers: Assist in completing paperwork required to file petitions for protective injunctions
- Prepare Court Orders: May prepare forms for extended, final judgment, and dismissal for the judge
- Update Cases: Enter verdict or updated existing case for temporary injunction extension

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2.1.10.3 OBSERVATIONS

Common Observations

- Some Clerks of Court prepare proposed orders for the judge, while some do not. There is nothing in statutes or rules saying it is a Clerk of Court's responsibility, but some judges trust and prefer this task be performed by a deputy clerk. In one county, the judge asks the deputy clerk to print and prepare all three orders (granted/denied/denied set at hearing) and then the deputy clerk must destroy those that are not used, which reduces efficiency and increases overall process completion time.
- There is no fee charged in order to file a protective injunction. Based on multiple conversations with deputy clerks, as an unintended consequence of not having a fee, they see repeat filers whose injunctions end up being dismissed.
- Clerk of Court staff in multiple counties noted that being able to file documents online, with the ability while to e-sign documents would cut down on costs and time to file.
- Frequent phone calls are an interruption for most counties. However, counties with Automated Voice Systems (AVS) noted that calls were only an occasional interruption.
- Providing more information on the county's website to reduce the number of people who are missing documents when they go to court or walking in to file an injunction would increase efficiency and reduce staff time answering frequently asked questions.
- Based on three observations, the minimum time for completing this task was 35 minutes and the maximum was 40 minutes, with an average completion time of 37.5 minutes.

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FL-SEN-20-0201-B, 20-0202-A-003914

2.1.11 ISSUING PROCESS SERVICE DOCUMENTS

2.1.11.1 GENERAL DESCRIPTION OF FUNCTION

The Clerk of Court for each county must create documents such as complaints, petitions, summons, subpoenas, orders, or notices. A copy of the process service documents is often mailed or returned electronically to the lawyer who submitted the original application for the documents. The documents may also be sent to the Sheriff's Office. Generally, this function is an officially noticed document providing information and requiring a response from the individual who is served.

2.1.11.2 TASKS OBSERVED DURING FUNCTION

- Court Summons: Request for a person to appear in court
- Risk Protection Orders: A mandate to surrender guns due to a judicial order
- Eviction Notices: Notice to vacate a property

2.1.11.3 OBSERVATIONS

Common Observations

- The E-Filing Portal is one of the most commonly used technology resources for this process. In some cases, the process begins with paper, which slows time to completion. Paper takes longer because the deputy clerk must scan the documents and prepare the documents for the mail.
- The most notable inefficiencies occurred with manually processed paper documents, as well as scanning and rescanning with systems that do not include an electronic signature and stamping feature.
- Deputy clerks must be trained in the steps for this process. Training typically occurs with one-on-one sessions, job shadowing, and hands-on review. Instructor-led training and online procedure checklists are available in some counties (e.g., Hillsborough offers an instructor led class in addition to one-on-one and job shadowing). Other counties must do side-by-side training because they do not have training guides.
- Palm Beach County has excellent electronic resources, such as access to training documents through SharePoint, to support efficient processing.
- Based on nine observations, the minimum time for completing this task was 6.3 minutes and the maximum was 6.9 for an average of 6.6 minutes.

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FL-SEN-20-0201-B, 20-0202-A-003915

2.1.12 MAINTAINING COURT REGISTRY

2.1.12.1 GENERAL DESCRIPTION OF FUNCTION

The Court Registry is a depository for funds collected by court order or other legal authority. For example, the registry may be used to hold cash bail bonds issued for a failure to pay a fine on a prior case or to appear before the court on a scheduled appearance. It is the fiduciary responsibility of the Clerks of Court to be custodians of these funds, pending withdrawal pursuant to the proper authority.

2.1.12.2 TASKS OBSERVED DURING FUNCTION

- Track Incoming Funds: Record and/or deposit funds collected
- Disbursement of Funds: Checks are cut in accordance to the specifications of the judge's order. A signed Court Order is required before funds can be withdrawn from the Court Registry.
- Reconciliation: Verify the accuracy of records and account balances

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2.1.12.3 OBSERVATIONS

Common Observations

- Court orders and the funds collected are typically recorded in the courts Case Management System (CMS). A separate Financial Management System i.e., Inova, PeopleSoft, SAP, Finance Plus, etc. is also common for reconciliation and managing disbursements. In places where these systems do not talk to each other, more manual processes are required which take more time of the deputy clerks and increase the risk of error.
- Most counties have verification and control measures, such as checking for errors or periodic reconciliation, in place to help ensure accuracy of entries and accounts.
- In several site visits, deputy clerks shared that basic knowledge of accounting principles is a useful skill for accurately and effectively managing registry funds. No deficiencies in this skill were noted.
- In some court offices, the separate divisions are responsible for managing their own funds and deposits; however, the accounting department is responsible for reconciliation and issuing checks.
- Of the counties where this process was observed, Palm Beach County demonstrated a streamlined process. They created an interphase between their case management and financial management systems, which was a desire of Clerks of Court in other counties. The office also implemented a "Positive Pay" procedure wherein information is automatically sent to the bank, and the bank is responsible for confirming the check number, payee, and amount before cashing the check.
- Based on seven observations, the minimum time for completing this task was 6 minutes and the maximum was 15 minutes, with an average completion time of 10.5 minutes.

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FL-SEN-20-0201-B, 20-0202-A-003917

2.1.13 AUDIT OF GUARDIANSHIP REPORTS

2.1.13.1 GENERAL DESCRIPTION OF FUNCTION

Guardianship is the legal process used to protect individuals who are unable to care for their own well-being due to infancy, incapacity, or disability. In addition to the duty to serve as the custodian of the guardianship files, the Clerks of Court review each initial and annual guardianship report to ensure that it contains information about the ward addressing, as appropriate:

- physical and mental health care;
- personal and social services;
- residential setting;
- application of insurance, private benefits, and government benefits;
- physical and mental health examinations; and,
- initial verified inventory or the annual accounting.

2.1.13.2 TASKS OBSERVED DURING FUNCTION

- Audit of Annual Accounting: Guardianship reports are provided to the applicable Clerks of Court office for review of the annual accounting

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2.1.13.3 OBSERVATIONS

Common Observations

- Staff members performing the function are required to be knowledgeable of laws and regulations related to the audits of guardianship reports.
- Counties in which professional auditors are involved in the reviews appeared to have benefited in terms of knowledge and efficiency by having them involved. Accuracy and the fact that auditors have more training identifying unusual or inconsistent items when reviewing expenditures related documents have been key drivers behind using professional auditors.
- There are processes in which deputy clerks are printing, signing, and sealing documents before scanning them back into the applicable system.
- The Palm Beach County Clerk of Court is a good example of an office that appears to have an effective and efficient process for auditing guardianship reports. During our observation, the deputy clerk who provided us an overview of the process indicated that guardianship reports for which an indication of fraud is identified are forwarded to the Clerk and Comptroller, Palm Beach County Office of the Inspector General for a next level review. Additionally, the Clerk of Court has a Guardianship Fraud Hotline that can be used to anonymously report financial fraud or waste involving court appointed guardianships.
- The length of time required to perform a review varies significantly depending on the number of transactions, value/size of the assets, and whether suspicious activities are identified.
- Based on two observations, the average time for completing this task was 75 minutes.

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2.1.14 AUDIT CHILD SUPPORT PAYMENTS

2.1.14.1 GENERAL DESCRIPTION OF FUNCTION

The Florida Department of Revenue (DOR) is responsible for child support services and collection of child support payments, referred to as the Child Support Enhancement (CSE) program. The DOR works directly with families and partners with state and federal agencies including the Clerks of Court as well as private companies (employers) to carry out several steps associated with child support. Specifically related to our study, the Clerks of Court in all but two of Florida's 67 counties provide support for child support payments for DOR. For Miami-Dade and Manatee, the DOR partners with the State Attorney's office versus the Clerk of Court.

CLERC, a computer application designed by the Florida Association of City Clerks (FACC) and operated through DOR to manage child support payments, has been used since the early 1990s. CLERC is a first-generation, federally certified system that initially brought exceptional results. Technological progress with child support systems slowed down dramatically after certification. By the 2000s, most states (including Florida) settled for maintaining their legacy systems with no further improvements.

While deputy clerks primarily focus on the child support auditing function, they also handle inquiries including payment processing when call volume cannot be handled by the DOR or Florida State Disbursement Unit (FSDU). Clerks may answer many in-person or by-phone questions to provide information or reconcile issues within CLERC, FSDU and the Clerk of Courts case management system to ensure payments are made as accurately and as timely as possible.

2.1.14.2 TASKS OBSERVED DURING FUNCTION

- Processing Orders: Recording of, or modifying, child support orders received
- Payment Processing: Accepting payments or requests to process autopay through voided checks in site-specific CMS. Payments can be made in cash, cashier's check, credit card (with a convenience pay) or garnished from one's pay.
- Customer Inquiries: Fulfilling requests for historical report of payments
- Payment and Balance Reconciliation: Daily reconciliations with the Department of Revenue's Florida State Disbursement Unit (FDSU) to verify balances
- Allocating payments to different cases and categories based on priority levels
- Auditing Child Support Payments: Researching and reconciling child support transactions flagged by FSDU as possible errors. Makes necessary adjustments and/or adds comments in CLERC for subsequent review by FSDU or DOR. In addition, makes necessary duplicate entry of adjustments and/or or scans relevant documents (i.e., new orders) into Clerk of Court's CMS

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- Random Moment Sampling (RMS:) Responding to time diary requests from the DOR asking the Clerk of Court to list the cases they are currently working on and describing current activities related to those cases

2.1.14.3 OBSERVATIONS

Common Observations

- Same system used by all Clerks of Court, Florida State Disbursement Unit and Department of Revenue. Deputy clerks who audit child support payments interact frequently with payors, payee, and the agencies listed here. Most Clerks of Court audit payments in-house, but some have relied on third parties for accepting payments.
- The Child Support Enforcement System is a first-generation federally certified system with very limited reporting and has no connectivity to Case Management System (CMS) or finance systems.
- Lack of integration or interfaces with other systems requires longer processing time, duplicate data entry (in both CSE and a CMS), this leads to manual calculations which are inefficient and cause for potential errors.
- Daily, weekly, monthly and annual reconciliation of Florida State Disbursement Unit transactions with a county's chosen CMS or relevant financial systems such as SAP is very manual. Deputy clerks must print reports and manually record codes and then enter adjustments for what could be several hundred "flagged" items daily.
- Audits are done manually, which increases chance of errors in amounts or location for disbursement. Greater accuracy and efficiencies are realized when the deputy clerk conducting audits is not fielding basic calls, such as dates payments were received or disbursed.
- Based on two observations, the average time for completing this task was 17.5 minutes.

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2.2 MGT CLERK OF COURT SURVEY

2.2.1 SURVEY METHODOLOGY

In September 2019, MGT developed and distributed an online survey to the 52 remaining Florida counties that were not included in the site visit samples in order to collect comparative data on the Clerks of Court functions.

The survey was distributed online via e-mail using MGT's survey tool, Qualtrics, on September 23 and was scheduled to close on October 7. The survey was kept open until October 22 to conduct additional outreach and to ensure participation from all 52 counties not visited. Fifty-one responses were recorded, with MGT visiting one of the counties in person to ensure MGT was able to gather information from all counties that received a survey.

In the following section, a more in-depth overview will be provided for the survey topics that provided the most relevant data to this report.[1] Based on our analysis of the on-site visits and online survey, those survey topics are:

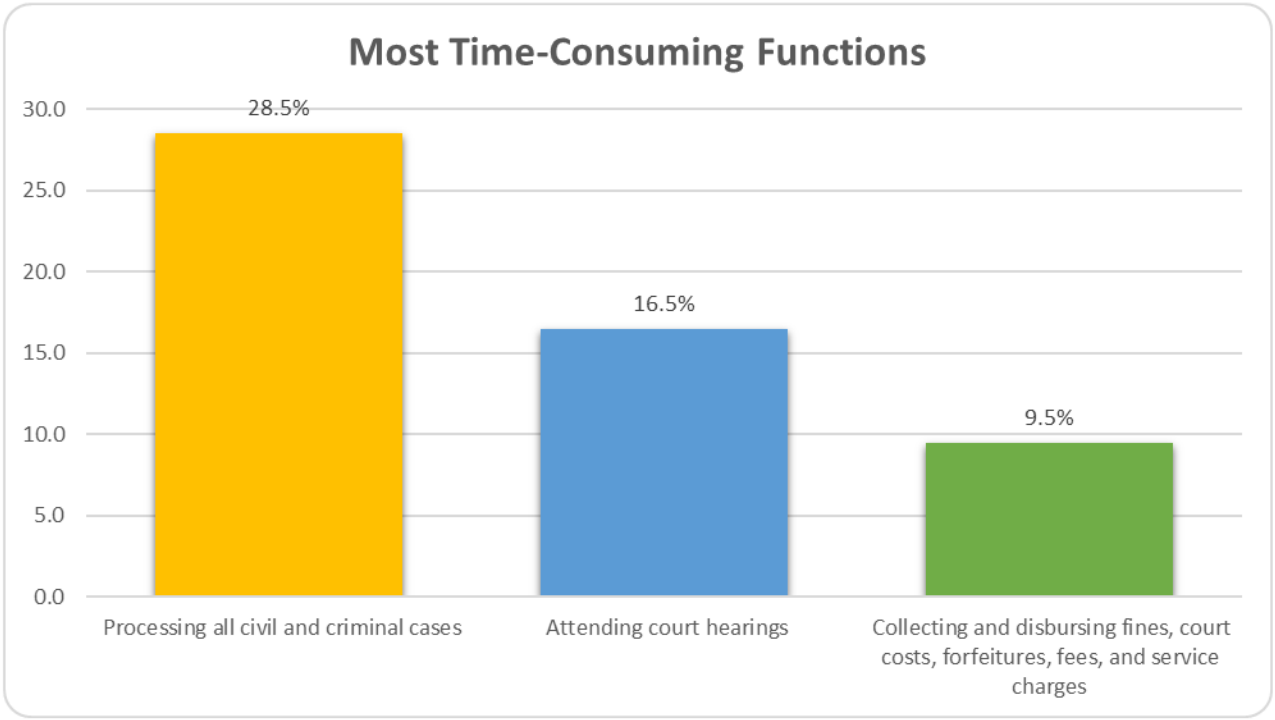
- For the functions performed at your site, please assign a percentage of overall staff time spent performing these functions.
- Select the top three changes your staff would like to make to provide greater efficiency or effectiveness in court-related functions.
- What are the greatest staff challenges that you have in your office?
- For those changes your staff would like to make, please include any relevant comments, concerns, plans, and/or suggestions related to each.

2.2.2 TIME SPENT ON FUNCTIONS

The chart below highlights survey responses to the question: "For the functions performed at your site, please assign a percentage of overall staff time spent performing these functions. (Must total 100%.)." The top three reported functions according to the percent of time spent performing each were processing all civil and criminal cases, attending court hearings, and collecting and disbursing fines, court costs, forfeitures, fees, and services charges. These functions made up over 50% of the total function time. We have highlighted these three functions below:

[1] Counties that submitted responses that either did not add up to 100 percent, or added up to more than 100 percent, were omitted from the analysis of the function section. Counties that did not provide any response to the Improvements Made, Greatest Challenges, and Improvements Desired sections were also removed from the analysis for the section with no response.

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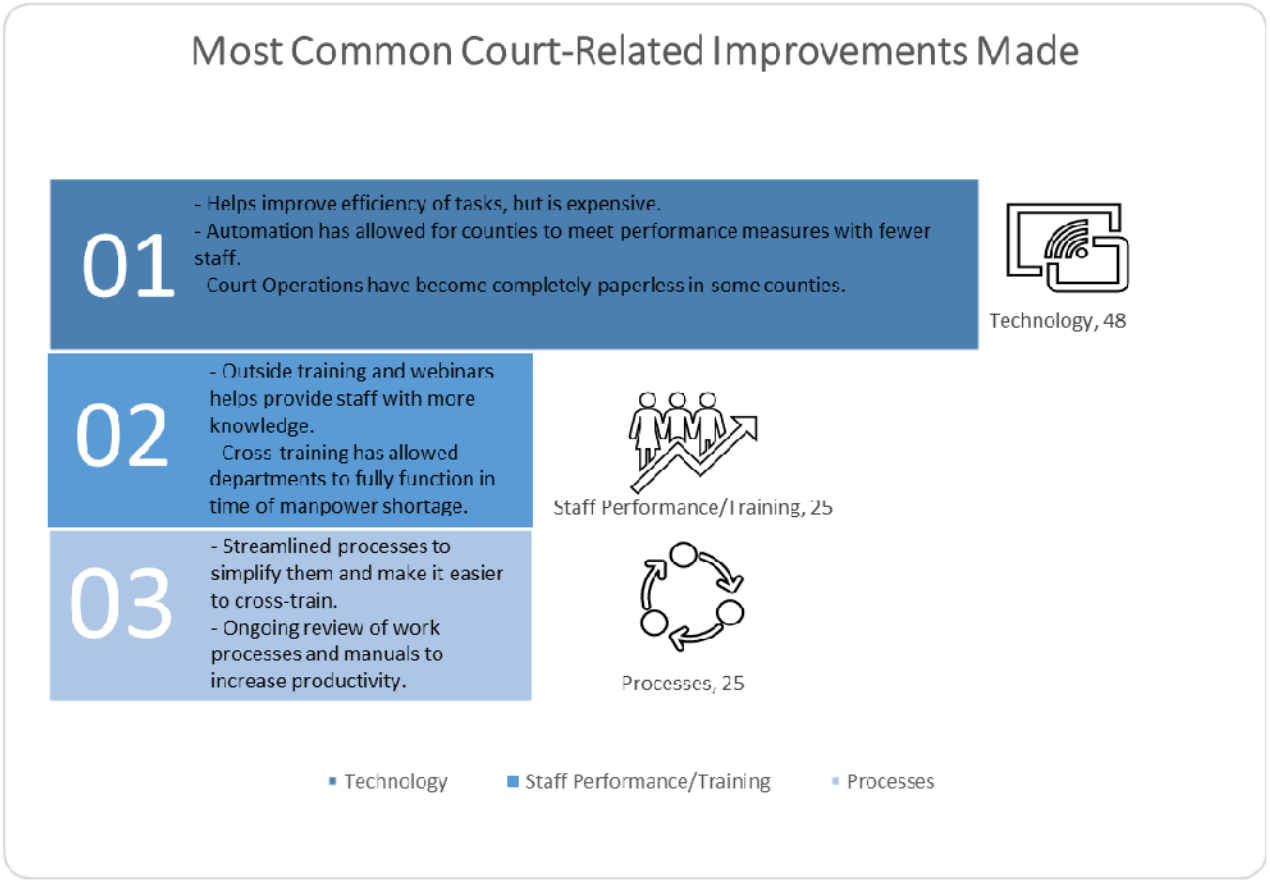
Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=46.

The bottom three reported functions according to the percent of time spent performing each were auditing guardianship reports, conducting mortgage foreclosure sales, and maintaining the court registry. Auditing guardianship reports (1.9%), conducting mortgage foreclosure sales (1.8%), and maintaining the court registry (1.3%), made up only 5% of the total function time.

2.2.3 IMPROVEMENTS MADE

The chart below highlights survey responses to the question: "Please select the top three most important changes that your staff has made in the past few years to provide greater efficiency or effectiveness in court-related functions." Out of the 162 recorded responses; technology was selected 48 times, staff performance/improvement was selected 25 times, and processes were selected 25 times as one of the improvements that have been made. In addition to reiterating the counts of responses, the chart below highlights responses from the Relevant Comments portion of the survey question.

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Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=51

The table below highlights comments from the Relevant Comments portion of the survey for each of the remaining functions.

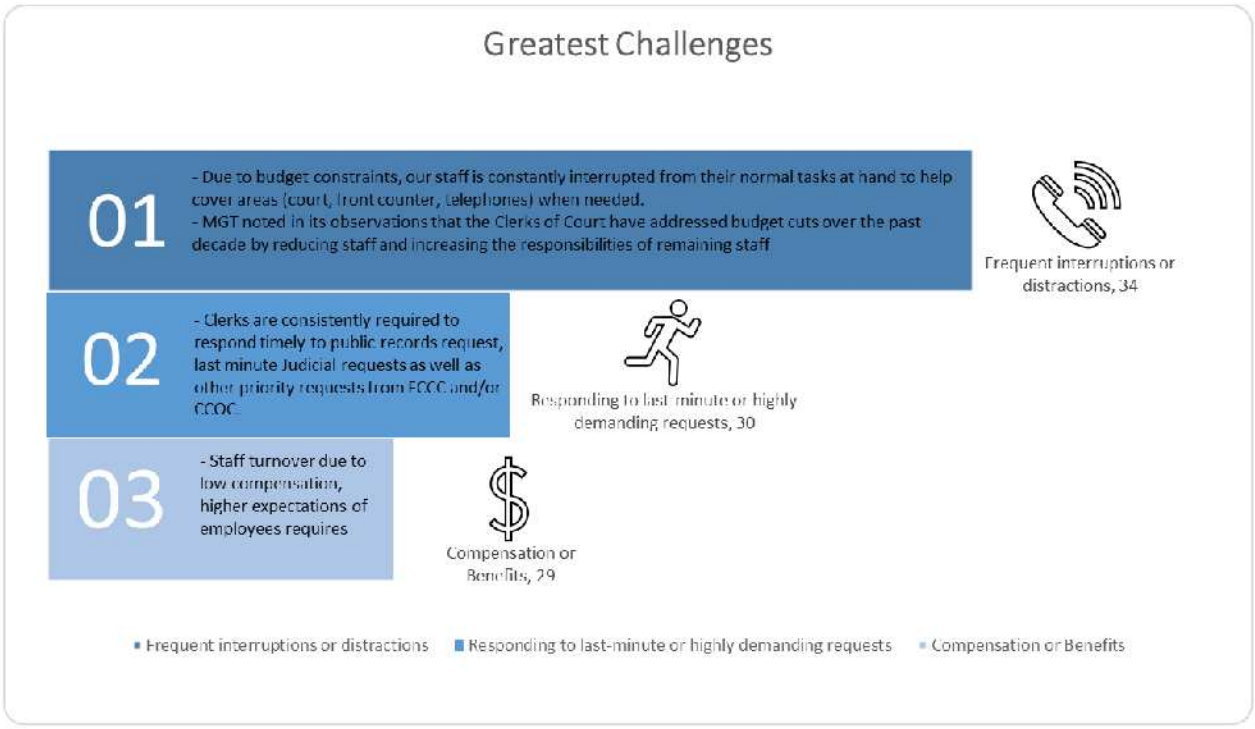
Category of Change Made	Count	Relevant Comments
Resource Allocation	23	Analyzing current business processes to ensure best use of current personnel
Skill Development	12	Sending staff to available Florida Court Clerks and Comptrollers association and external agency training opportunities
Work Schedules/Operating Hours	9	Extended work hours to have one hour without public interruption
Performance Metrics & Reporting	7	Allow managers to measure and monitor data to make informed and effective decisions for resource allocation
Work Environment/Workspace	5	Installation of standing desks has led to improved morale
Availability of Bilingual Resources	5	Hiring of a clerk possessing bilingual skills has decreased customer wait times
Facilities	3	Add-ons created for additional office space and storage

Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=51

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2.2.4 GREATEST STAFF CHALLENGES

The chart below highlights survey responses made to the question: "What are the greatest staff challenges that you have in your office?" Out of the 217 recorded responses, frequent interruptions or distractions from completing tasks was selected 34 times, responding to last-minute or highly demanding requests was selected 30 times, and compensation or benefits were selected 29 times as their greatest staffing challenges. In addition to reiterating the counts of responses, the chart below highlights responses from the Relevant Comments portion of the survey question.



Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=49

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The table below highlights comments from the Relevant Comments portion of the survey for each of the remaining functions.

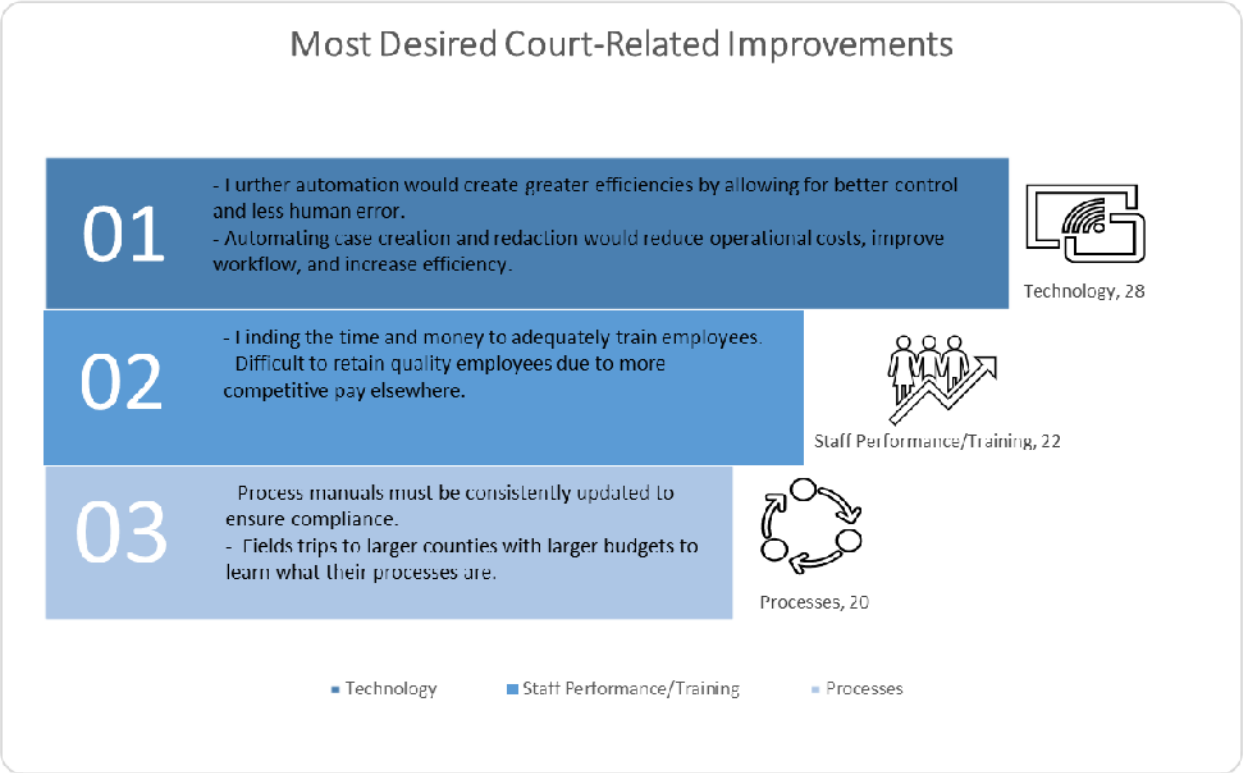
Category of Greatest Challenge	Count	Relevant Comments
Retaining quality staff members	25	Staff turnover due to compensation, higher expectations of employees requires high compensation
Training	21	Training new clerks is expensive and time consuming
Those which are outside of staff control	21	Economic downturns and political changes lead to increased work
Advancement	15	Advancement opportunities with salary growth are limited based on mandated budget authority
Multi-tasking	14	A deputy clerk can be opening a case in the E-Filing Portal, then a customer comes in and the deputy clerk has to issue a marriage license and perform a ceremony, then five minutes later has to head to Court
Returning incomplete or incorrect documents received from E-Filing Portal	8	[No comments were made on this category]
Recruiting qualified applicants	7	It is hard to recruit qualified employees when pay is better elsewhere
Accuracy of work completed	7	Limited staffing has affected the accuracy and timeliness of our work
Timeliness of work completed	6	Limited staffing has affected the accuracy and timeliness of our work

Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=49

2.2.5 IMPROVEMENTS CLERKS WOULD LIKE TO MAKE

The chart below highlights survey responses to the question: "For those changes your staff would like to make, please include any relevant comments, concerns, plans, and/or suggestions related to each." Out of the 137 recorded responses: technology was selected 28 times, staff performance/improvement was selected 22 times, and processes were selected 20 times as one of the top improvements desired. In addition to reiterating the counts of responses, the chart below highlights responses from the Relevant Comments portion of the survey question.

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Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=50

The table below highlights comments from the Relevant Comments portion of the survey for each of the remaining functions.

Category of Desired Change	Count	Relevant Comments
Work Schedules/Operating Hours	17	Need to look at 4-day work weeks, working from home
Skill Development	15	Doing more with less human resources requires employees with a higher skill set
Work Environment/Workspace	12	Limited space effects our abilities to assist the judiciary and customers efficiently
Resource Allocation	8	Analyzing current business processes to ensure best use of current personnel
Performance Metrics & Reporting	6	Utilize key performance indicator (KPIs) to help identify areas that could be more efficient
Facilities	5	Expanding facilities/satellite location could provide greater customer service
Availability of Bilingual Resources	4	Being bilingual is becoming an increasing need in central and south Florida

Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=50

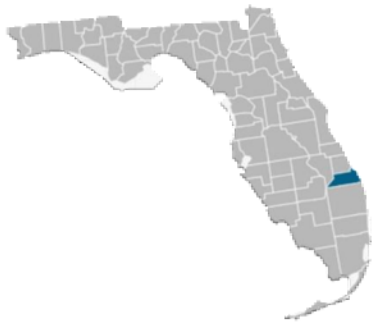
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CHAPTER 3. SITE VISIT OVERVIEW

During the period of August 27 to October 19, 2019 MGT visited 15 randomly selected Florida counties to meet with the county's Clerk of Court and staff. MGT deployed a total of 17 consultants representing a diverse range of levels of experience, from technical analysts to an executive vice president for the firm. Equally as diverse were the professional practices these consultants represented, including the areas of human capital, finance, accounting, auditing, and higher education. Those who went on multiple site visits reviewed the same functions when possible to gain subject matter expertise. Visits lengths ranged from one day in smaller counties to three days in larger counties, with as few as two and as many as nine MGT representatives visiting a site, averaging more than four consultants per site. During the visits the Clerk of Court and his or her leadership team provided a strategic overview, and then MGT conducted interviews of deputy clerks and observed performance of tasks associated with the 14 court-related functions reviewed in Chapter 2. Following is a summary of each visit listed in chronological order of the visits.

3.1 MARTIN COUNTY SITE VISIT OVERVIEW

MGT conducted the onsite visit in Martin County on Tuesday, August 27 and Wednesday, August 28. Day one consisted of high-level meetings with the leadership team and managers. On the second day, five MGT consultants performed functional interviews and observations for all 14 court-related functions with approximately 16 employees. Martin County recently transitioned their Case Management System (CMS) from Clericus to Benchmark.



3.1.1 DEMOGRAPHICS

Item	Amount
Clerk	Carolyn Timmann – 7 years as Clerk of Court
Main Office Location (1)	100 SE Ocean Boulevard, Stuart, FL 3499434994
Other Branch Locations (2)	Hobe Sound, Indiantown
Number of Counties in Circuit	4
Judicial Circuit Number	#19
Peer (Counties) Group	Monroe, Flagler, Sumter, Citrus, Indian River (5/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in Deferred Retirement Option Program (**DROP**)	 50.92 FTE (5), 6.85%
Population Statistics	

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- 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	155,556 159,129 286.1 52.3 years 13.80%
Number of Government Employers	52
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$55,588 $44,429

Sources: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm.

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FL-SEN-20-0201-B, 20-0202-A-003929

3.1.2 KEY OBSERVATIONS – MARTIN COUNTY

PEOPLE

- Retention is an area of concern given significant time to fill jobs and lack of local university which would provide a pool of employment candidates who have recently graduated. Time to bring employee to full productivity and low pay rate are top reasons for departures per exit interviews.
- Many employees have second (approved) jobs outside the Clerk of Court office.
- Paper-intensive, manual work. Multiple copies of case information first completed in paper and then scanned and saved in electronic form.
- Facility design constricts ability to have people in same department located in same area due to space limitations. This may lead to challenges in workflows and cross-training.

PROCESS

- Workflows being re-designed to better utilize new CMS capabilities.
- Recently added online payment processing through 3rd parties.
- Producing 3-page, carbonless forms for three possible proposed orders for injunction hearings, then judge selects appropriate one to use.
- Recently created internal collections department, which includes weekly outbound calls to every individual on a payment plan.
- For reasons beyond the deputy clerk's control many new cases are being added to docket at last minute (i.e., morning of court).

TECHNOLOGY

- Recently replaced CMS system Clericus with Benchmark.
- Website easy to navigate and forms are indexed by category for quicker access.
- Discontinued new application for judges to handle injunctions on their own due to lack of usage.
- They anticipate implementing a new Interactive Voice Response (IVR) automated telephone system that will provide efficiencies in routing phone calls.
- The Jurymark jury management system greatly facilitates concurrently running seven courtrooms by improving juror check-in and jury panel management.
- Shared copiers and printers are not always easily accessible.

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FL-SEN-20-0201-B, 20-0202-A-003930

3.2 ESCAMBIA COUNTY SITE VISIT OVERVIEW

MGT conducted the onsite visit in Escambia County on Tuesday, September 3 and Wednesday, September 4. Day one consisted of meetings with the Clerk and their management team to get a high-level overview of the court's operations and distinct features. On the second day, three MGT consultants interviewed approximately 18 staff and observed or discussed all 14 court-related functions. Technology utilized includes the Benchmark Case Management System (CMS).



3.2.1 DEMOGRAPHICS

Item	Amount
Clerk	Pam Childers– 7 years as Clerk of Court
Main Office Location (1)	190 W Government Street, Pensacola, FL 32502
Other Branch Locations (4)	Pensacola (3), Century
Number of Counties in Circuit	4
Judicial Circuit Number	1
Peer (Counties) Group	St. Lucie, Osceola, Collier, Manatee, Sarasota, Seminole, (6/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 121.01 FTE (2), 1.55%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 318,560 324,438 484.9 38.0 years 7.00%
Number of Government Employers	137
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$47,361 $35,533

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003931

3.2.2 KEY OBSERVATIONS – MARTIN COUNTY

PEOPLE

- Employee recruitment and retention is a key challenge. To aid in onboarding and get personnel up to speed the Clerk of Court has begun to put focus on adding quick, online training and standardized procedure manuals.
- While a process to formalize procedures is in the works, it was noted that shadowing a more senior deputy clerk is still a common method to learn processes.
- Managers monitor deputy clerk's performance; deputy clerks receive evaluations which are tied to the percentage of their cases meeting compliance regulations.
- The Clerk of Court reported that talent recruitment and retention is a significant issue due to competitive opportunities in the local career marketplace.

PROCESS

- During observation in the courtroom on docket day, we noted the fast pace of processing pleas, sentencing, and trial schedules performed by two deputy clerks.
- Escambia has an in-house collections team with four staff that tries to collect legal financial obligations before they utilize an outside collection agency.
- The process for maintaining evidence is documented and has controls, including a two-person security process for accessing evidence.
- We noted no training resource for filing injunctions, even though it was reported that the volume is 40-50 cases per day. Additionally, staff reported that being present in court prevents them from performing the task in a timely manner.

TECHNOLOGY

- Office recently updated its technology infrastructure, replacing outdated PCs with laptops on all desks. They are also investigating utilizing a Learning Management System (LMS) to quickly train employees.
- Scanners in the courtroom were used to scan handwritten forms and load them in the CMS vs. going back to office to complete.
- When building appellate or other large records, if the document is over 265 pages, Benchmark CMS will stop functioning. IT had to set up a remote desktop for one of the Clerks of Court to build these larger records.
- For auditing child support payments, requests come on paper from Department of Revenue. The deputy clerks open screens and reviews payments made to date in the statewide child support system CLERC. The system is outdated and still uses DOS interface. A replacement or upgrade to the CLERC system is scheduled for 2021.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003932

3.3 MADISON COUNTY SITE VISIT OVERVIEW

MGT conducted the onsite visit in Madison County on Thursday, September 5. Two MGT consultants met with the Clerk and approximately ten court-related staff to discuss or observe the 14 functions identified for the study. Madison uses the Clericus Case Management System (CMS).



3.3.1 DEMOGRAPHICS

Item	Amount
Clerk	Billy Washington – 3 as Clerk of Court
Main Office Location (1)	125 Range Street # 106, Madison, FL 32340
Other Branch Locations (0)	None
Number of Counties in Circuit	7
Judicial Circuit Number	#3
Peer (Counties) Group	Hamilton, Union, Gulf, Dixie, Gilchrist, Holmes (6/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROPDROP	 9.88 FTE (1), 7.14%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 19,473 19,541 28.0 41.6 years 6.50%
Number of Government Employers	33
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$31,816 $39,268

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm

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AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003933

3.3.2 KEY OBSERVATIONS – MADISON COUNTY

PEOPLE

- Madison is a rural county with a small court-related staff. Staff offers a balance of experience, from relatively new employees to two veterans who expect to retire in the near future. Having veteran staff is valuable given that most training occurs through shadowing.
- The Clerk of Court reported that competitive forces are not seen as much of an issue in his county (compared to other counties we observed) in terms of recruitment and retention.
- Employs a relatively small number of court-related employees. Deputy clerks work in close proximity to each other in two office spaces located directly across the hall from each other.
- Due to the small number of deputy clerks, employees are cross trained so they can back up other functions. This is a necessity to keep the office operational while employees are out of the office or in court.

PROCESS

- In Madison, there is one county judge present every day and one circuit judge every two weeks.
- In most cases only one deputy clerk is present in the courtroom to take notes of proceedings. Information is handwritten in court and later entered to the CMS at their desk.
- Interruptions are frequent as walk-in customers have nearly free access to the deputy clerks in their workspace. Deputy clerks frequently stopped work to answer phones.
- The elected Clerk of Court is responsible for jury management, and he reported a 40% attendance rate for jurors summoned.
- On days when two deputy clerks are in court, one deputy clerk is left alone to handle traffic fine collections. There is one cash drawer for the office that creates a minor inconvenience for the customer and may distract the employee closest to the cash drawer from other duties.

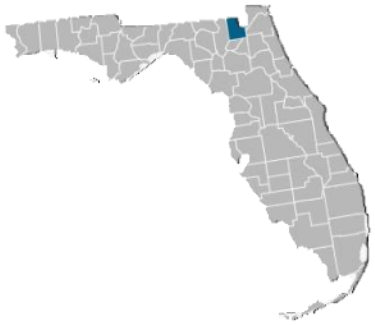
TECHNOLOGY

- The office does not have local IT support. Instead, it utilizes CiviTek in Tallahassee. If an issue were to occur, it can take an hour or more before IT support arrives, leaving the deputy clerks unable to perform duties.
- Clerks of Court reported that judges prefer paper files since they do not have in-house IT support; if they relied on electronic files in court and something went wrong they do not have backup support to assist them in a timely manner.
- The Sherriff's office does not always upload traffic tickets electronically, or at times scans are of poor quality which creates a backlog of paper tickets that have to be scanned and manually entered to the CMS. Further, they see delays when the Sherriff's office uploads tickets, creating a disconnect when a customer calls to pay and the violation is not in the system yet.
- Foreclosure sales, of which there is a low volume, are conducted live on the courthouse steps instead of online. Lack of volume is a factor when deputy clerks consider shifting to online.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003934

3.4 BAKER COUNTY SITE VISIT OVERVIEW

MGT conducted the onsite visit in Baker County on Tuesday, September 10. After an initial briefing with the Clerk of Courts, two MGT consultants interviewed and observed approximately seven staff members and discussed or observed all 14 functions. Baker uses the Clericus Case Management System (CMS) and utilizes the County for onsite Information Technology support.



3.4.1 DEMOGRAPHICS

Item	Amount
Clerk	Stacie Harvey– 5 years as Clerk of Court
Main Office Location (1)	339 E Macclenny Ave # 113, Macclenny, FL 32063
Other Branch Locations (0)	None
Number of Counties in Circuit	6
Judicial Circuit Number	#8
Peer (Counties) Group	Bradford, Hardee, Wakulla, DeSoto, Washington, Taylor (6/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 10.90 FTE (1), 9.09%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 27,652 28,666 47.2 37.3 years 3.70%
Number of Government Employers	34
- Median Household Income - Clerks of Court Average Pay (2080 Hours)	$59,506 $40,271

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm .

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003935

3.4.2 KEY OBSERVATIONS – BAKER COUNTY

PEOPLE

- Prior to being elected in 2014, Clerk Harvey spent 19 years as a deputy clerk in the office. She frequently backs up staff in numerous roles, serving where needed to support deputy clerks who are in court or out of the office.
- Staffing retention is a challenge due to lower starting pay than competitors. For example, deputy clerks start at $12 per hour, while a nearby bank may pay tellers $15 per hour plus bonuses.
- In the past, the office had issues with not tracking deputy clerks' time out of the office during the day. Last year, they installed a timeclock and have monitored it closely with success. Performance reviews are now backed up with statistics and documentation. However, the performance evaluation is viewed as a way to monitor poor performance rather than a system tied to incentives. Past pay increases were not tied to performance.
- The deputy clerks benefit from a larger workspace than in other counties observed.

PROCESS

- Two deputy clerks were present for jury selection in court; however, we did not note any activity meriting the allocation of resources.
- A pamphlet was prepared to assist injunction filers to answer common questions filers may have about the process. In discussions, we heard that deputy clerks see a lot of repeat filers, but there are no fees for filing injunctions.
- Clerk of Court staff noted inconsistent processes in how requests come from the Department of Revenue (DOR) with regards to child support payments. As the official record keeper, they receive a high number of requests from DOR and walk-in customers seeking help.
- Customers are able to walk up to centrally located service windows.

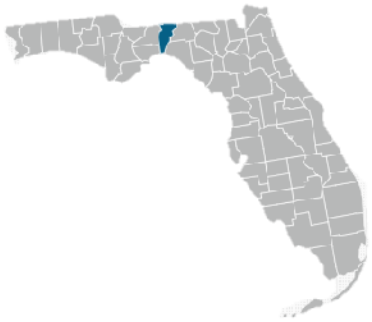
TECHNOLOGY

- Information technology support is provided by a County staff person located in the courthouse.
- Clerks participated in a 2019 electronic prison packet pilot program to save time and resources making three paper copies of prison packets (traditionally a collection of documents that goes with a convicted felon to prison, with each count against the defendant requiring one packet). Clerk reports significant success following initial hiccups. Program required buy-in from Sherriff's office.
- This year, they also eliminated paper from their juror check-in process, although we were told that judges still seek hard copies of seating charts and questionnaires.
- Documents are not scanned in court, even though there is a scanner there. One computer is utilized in court.
- After recording case updates back at the deputy clerk's desk, a receipt automatically prints out; however, the receipt is immediately discarded.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003936

3.5 JEFFERSON COUNTY SITE VISIT OVERVIEW

MGT conducted the onsite visit in Jefferson County Clerk of on September 10. During the on-site visit, MGT interviewed the Clerk of Court, members of the management team, and discussed all 14 court-related functions with approximately seven staff members. The on-site MGT team was composed of two consultants. The Clerk of Court office uses Clericus as its case management system (CMS).



3.5.1 DEMOGRAPHICS

Item	Amount
Clerk	Kirk Reams – 13 years as Clerk of Court
Main Office Location (1)	1 Courthouse Circle, Monticello, FL 32344
Other Branch Locations (#6)	None
Number of Counties in Circuit	6
Judicial Circuit Number	#2
Peer (Counties) Group	Lafayette, Liberty, Franklin, Glades, Calhoun (5/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROPDROP	 8.00 FTE (0), 0.00%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 14,733 14,882 24.6 46.4 years 7.00%
Number of Government Employers	73
- Median Household Income - Clerks of Court Average Pay (2080 Hours)	$47,599 $48,721

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm.

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AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003937

3.5.2 KEY OBSERVATIONS – JEFFERSON COUNTY

PEOPLE

- Retention is not an issue in this county, unlike other counties observed.
- One county judge (once per week) and one circuit judge (bi-weekly).
- The office does not have a central cashier due to facility layout.

PROCESS

- Payroll handled for county not just Clerk of Court, which adds to workload for finance staff.
- No red lights in county so no red-light citations can be written, which results in less traffic revenue.
- Recently updated cash collection procedures due the need for enhanced processes and stronger controls.
- Deputy clerks indicated they receive Automated Random Moment and Reporting System requests via email from the Department of Revenue for child support cases. Deputy clerks must submit a random time diary which includes the specific case numbers and activities being performed.
- The Clerk of Court sits in on all juror selections; Judge sends letter to all juror no-shows.
- "Father's Day" event held annually to encourage child support payments in some areas.

TECHNOLOGY

- No information technology department and minimal funds to use contractors; Clerks of Court needs to find ways to fund more information technology investments.
- Monday mornings can be very busy since e-filing occurs over the weekend and can generate a queue.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003938

3.6 NASSAU COUNTY SITE VISIT OVERVIEW

MGT conducted the onsite visit in Nassau County Wednesday, September 11 and Thursday, September 12. On day one, two MGT staff members met with Clerk Crawford and his leadership team followed by meetings with division supervisors. Four staff were present for staff interviews and observations of the 14 functions the second day. Approximately 15 staff were interviewed. Nassau uses the Clericus Case Management System (CMS).



3.6.1 DEMOGRAPHICS

Item	Amount
Clerk	John Crawford – 15 years as Clerk of Court
Main Office Location (1)	76347 Veterans Way, Yulee, FL 32097
Other Branch Locations (1)	Fernandina Beach
Number of Counties in Circuit	3
Judicial Circuit Number	#4
Peer (Counties) Group	Putnam, Columbia, Walton, Highlands (4/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 26.53 FTE (0), 0.00%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 82,748 86,416 127.6 45.3 years 4.60%
Number of Government Employers	45
- Median Household Income - Clerks of Court Average Pay (2080 Hours)	$64,294 $45,918

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm .

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AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003939

3.6.2 KEY OBSERVATIONS – NASSAU COUNTY

PEOPLE

- Special focus on improving office culture and emphasizing focus on public service. Everyone goes through an orientation to learn the organization's values. After orientation they swear every deputy clerk in.
- Seasoned employees have cross trained in other areas, which allows for better customer service and productivity.
- Performance reviews were conducted 4 times per year last year. They concluded that was too much and have cut back to 2 this year. Next year, their performance management tool will have goals set by management, the supervisor, and the employee.
- In 2017, they witnessed a higher amount of turnover. People have found better paying positions with government and private employers. They have seen benefits using a temp-to-hire process to ensure a good fit before hiring full-time.

PROCESS

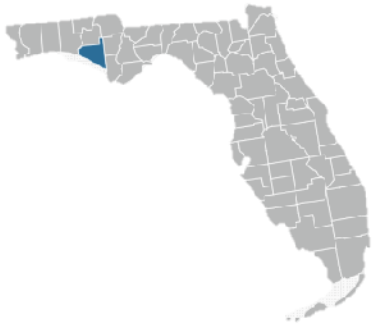
- Process is shifting to paperless. A new judge has helped to move that process forward.
- Pre-trial 30-minute preparation sessions help prevent inefficiencies while in court.
- They converted to a weekly online foreclosure sale process to avoid having too big of a queue.
- Stoppages observed during the deputy clerk's day include taking phone calls, helping customers at the counter, and training other deputy clerks.
- While processing criminal cases in the CMS, it was observed that the deputy clerks must correctly determine and select the type of crime committed based on the description of the case by the law enforcement officer. If the state attorney believes the deputy clerk selected the wrong code, they will send the case back to be updated by the deputy clerk.

TECHNOLOGY

- One employee reported there was no user guide for Clericus, but they learn by watching others, including those involved in transitioning to the system.
- Nassau has been taking advantage of time-saving implementations with Clericus. For example, they report time savings of 30 percent with District Court of Appeals compliance. Once a package is scanned, page numbers are automatically assigned by the CMS, versus individually marking pages in the past process.
- Barcodes on the juror summons are scanned to make the check-in process quicker.
- While the foreclosure sale process is done online, a paper and mail process follows that involves printing the certificate of sale, and then stamping and signing it. Most attorneys in Nassau provide courtesy envelopes to mail the hard copies.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003940

3.7 BAY COUNTY SITE VISIT OVERVIEW



MGT conducted the onsite visit in Bay County on Wednesday, September 11 and Thursday, September 12. MGT consultants conducted meetings with the leadership team before going into the functional observations on day one. The functional interviews, discussions, and observations continued into day two. Overall three MGT consultants met with approximately 14 employees to cover all 14 court-related functions. Bay County uses the Benchmark Court Management System (CMS).

3.7.1 DEMOGRAPHICS

Item	Amount
Clerk	Bill Kinsaul – 11 years as Clerk of Court
Main Office Location (1)	300 East 4th Street, Panama City, FL 32401
Other Branch Locations (0)	None
Number of Counties in Circuit	6
Judicial Circuit Number	#14
Peer (Counties) Group	Santa Rosa, Charlotte, Hernando, Okaloosa, Clay, St. Johns (6/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROPDROP	 59.90 FTE (5.00), 8.06%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 181,199 178,486 239.8 39.8 years 6.90%
Number of Government Employers	130
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$50,283 $40,661

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm .

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AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003941

3.7.2 KEY OBSERVATIONS – BAY COUNTY

PEOPLE

- Highly engaged workforce with easy access to management and an individual visit by Clerk to each employee every payday to thank them for their service.
- Emphasis on documenting and promoting more structured training.
- Redesigned internal promotion or transfer process to hire most qualified vs. most tenured staff. This Clerk does not hire part-time employees, temps or interns, unlike other counties.
- They believe that they would realize cost savings if they were able to participate in all benefits at the state level versus the county benefits program.
- Additional resources would be required for scanning prior years' documents. Staff is fully occupied with daily work. They have scanned old documents up to 2013.

PROCESS

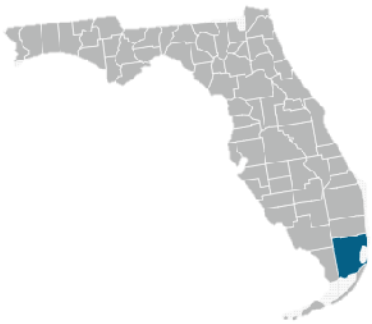
- Self-Help Center for customers with desire to add an attorney on staff to offer assistance to customers like some other counties have. Maintains onsite law library and public access terminal.
- Domestic violence orders are completed by clerks versus judges, which is not consistent with other counties.
- Automated Clearing House (ACH) transactions (direct electronic transfer of funds) can be used by individuals on payment plans for legal financial obligations. This option is not available in all counties.
- Clerk states they are the only county processing bed/tourism tax revenues.
- Per Clerk, 75% of employee's work is E-Filing Portal processing.

TECHNOLOGY

- Limited ability to implement additional efficiencies through technology given minimal, contracted information technology support.
- Eagerly awaiting replacement or upgrade to the state child support system (CLERC), which they have been told is coming. A new or upgraded system would allow for quicker, user-friendly interaction versus outdated system functionality.
- Would like to see more electronic correspondence and the use of electronic fingerprint processing with Department of Corrections to reduce paper and rejected fingerprinting.
- nCourt system used for payments of fines and fees are processed at local 7-11 and Dollar General stores using credit or debit cards.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003942

3.8 MIAMI-DADE COUNTY SITE VISIT OVERVIEW



MGT conducted the onsite visit in Miami-Dade County from Monday, September 16 to Wednesday, September 18. Nine MGT consultants were present for this onsite visit. The majority of day one was dedicated to observing jury pool selection, as well as meeting with leaders in both group and individual sessions for the functional interviews and observations being conducted Tuesday and Wednesday using a group of nine MGT consultants across seven sites. More than 50 staff were interviewed or observed regarding all 14 court-related functions. Odyssey is their current Case Management System (CMS) for the civil side, and a county system is used for the criminal side.

3.8.1 DEMOGRAPHICS

Item	Amount
Clerk	Harvey Ruvin – 27 years as Clerk of Court
Main Office Location (1)	111 NW First Street, Miami, Florida 33128
Other Branch Locations (#6)	Miami (6)
Number of Counties in Circuit	1
Judicial Circuit Number	#11
Peer (Counties) Group	Palm Beach, Broward (2/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 895.13 FTE (82), 8.94%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 2,779,322 2,861,579 1,463.8 39.4 years 73.80%
Number of Government Employers	343
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$46,338 $50,852

.Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003943

3.8.2 KEY OBSERVATIONS – MIAMI-DADE COUNTY

PEOPLE
• Cramped work and storage areas in the historic Courthouse; would benefit from remodeling to better leverage space. Other downtown office locations appear to have ample room for staff, but empty offices are used for storage. • Need for more structured training and procedures manual. • High multi-lingual needs (Spanish and Creole) in the County impacts customer service if a bilingual clerk is not available. • Staff shared that employees working on domestic violence, family court, and mental health cases have higher turnover rates.
PROCESS
• Jury badges are mailed to speed up check-in process. • Impacted by high number of non-English speaking jurors, requiring longer assessments by judge. • At least one clerk, often two, required in a courtroom or chamber and each judge usually requests a specific employee. • Deputy clerks have a backlog of data to input and documents to be signed by judge. • Clerks report most traffic tickets in the county go to court, with half of them being dismissed, creating extra work without revenue from fines. • Appeals unit must transport old paper casefiles from downtown library storage space back to office to scan documents. • The county is making progress handling extremely large volume of phone calls using routing process. Incoming callers are provided options, or reasons for calling, and routed to the appropriate line based on their selection
TECHNOLOGY
• Efficiencies realized with electronic data processing (EDP) applications without having to print and rescan with manual signature and date. • Extensively large document files for appeals frequently crash the Odyssey CMS with employee losing hours, and at least once, a week's worth of work. • Considering IBM Watson technology (like Sewage Division has done) for AI-enhanced capabilities and speech augmentation. • IT provides support to/internally manages over 120 in-house integrations or systems across divisions and clerks of court functions. • Inconsistent approach to providing two monitors to staff. Some staff with single monitor must split their screen.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003944

3.9 HENDRY COUNTY SITE VISIT OVERVIEW

MGT met with the Hendry County Clerk of Court and performed functional interviews and observations on Thursday, September 18. Three MGT consultants, worked closely with over a dozen employees in one day to complete the on-site visit. All 14 court-related functions where observed except for maintaining custody of evidence. Hendry is a rural county consisting of two cities approximately 35 miles apart. The Clerk of Court shares main office space with several other county divisions. Clericus is their Case Management System (CMS).



3.9.1 DEMOGRAPHICS

Item	Amount
Clerk	Barbara Butler – 19 years as Clerk of Court
Main Office Location (1)	25 E. Hickpochee Ave, LaBelle, FL 33935
Other Branch Locations (1)	Clewiston
Number of Counties in Circuit	5
Judicial Circuit Number	#20
Peer (Counties) Group	Levy, Okeechobee, Suwannee, Gadsden, Jackson (5/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROPDROP	 17.74 FTE (3), 12.50%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 39,586 40,334 34.2 33.6 years 47.20%
Number of Government Employers	53
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$37,966 $39,522

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm .

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AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003945

3.9.2 KEY OBSERVATIONS - HENDRY COUNTY

PEOPLE

- Strain is put on staff to meet performance metrics and mandates. This comes from budget constraints, which has led to reduction in staff, and increasing case volumes in certain areas.
- Difficult to compete with pay offered at School Board, but the Clerk of Court's office gives time off or rewards employees with training.
- Difficult to find Spanish certified translators for courtrooms given the rural location. As a result, the office hires translators from an out of county service. Indicated that surrounding county courts are doing the same, but they do not do it collectively.
- One clerk is required to be in every courtroom and typically needs to bring written judge's orders back to desk after court to process, print, and get judge signatures.

PROCESS

- After entering data and uploading documents into Clericus, many clerks printed or kept a hard copy. They may also manually record the work they completed on paper or into a data log. These serve as backup in case the CMS goes down or if they were called out for an error. Items tagged for shredding are onsite for about four months as back up.
- Outsourced jury selection and notification. Manual juror check in process.
- High turnover of judges. The needs, style and requests of each judge can vary greatly. This impacts the deputy clerk as they must learn new judges' preferences and adjust the fit their requirements.
- The judge's ability to impose own preferences can impact clerk workload. For example, one judge imposes $150 fine for no show, no excuse jurors, which can take six weeks for cash bonds to be applied, increasing follow up work for clerks.
- E-filing has reduced paperwork/scanning but not all external bodies send or accept documents this way. For example, would prefer if Sheriff's Department sent tickets or citations over online so they could be uploaded directly into the system rather than needing to scan them in.

TECHNOLOGY

- High desire to go paperless. Have old cases and documents stored on paper, microfiche, and disk drives that are not uploaded into the CMS. Office spent significant time to upload all Microfiche files but have a way to go with old paper records.
- Clerk brought up areas to improve public access to information such as getting their website to be ADA-compliant and the addition of onsite public access terminals.
- Internet service (signals) are not good in the county, which makes it difficult to move certain processes online. For example, foreclosure sales are held on the steps of court. They had attempted to move the foreclosure sale process online but unreliable signals within the county inhibited public access.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003946

3.10 MARION COUNTY SITE VISIT OVERVIEW



MGT conducted an onsite visit in Marion on Monday, September 23 and Tuesday, September 24. MGT and four of its consultants met with over a dozen leadership team and staff members for a one-day visit on Monday, September 23. Clerks of Court support a total of 18 judges and magistrates assigned to approximately 18 courtrooms and even more individual rooms chambers. The Clerk of Court is very interested in finding alternative ways to use technology and is eager to find the funding to do so. Marion County uses Clericus as their Case Management System (CMS).

3.10.1 DEMOGRAPHICS

Item	Amount
Clerk	David Ellspermann – 23 years as Clerk of Court
Main Office Location (1)	110 NW 1st Ave #1, Ocala, FL 34475
Other Branch Locations (3)	Ocala (3)
Number of Counties in Circuit	5
Judicial Circuit Number	#5
Peer (Counties) Group	Alachua, Leon, Lake (3/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 124.84 FTE (4), 3.05%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 353,898 363,726 222.8 49.6 years 11.50%
Number of Government Employers	100
- Median Household Income - CoC Annual Average Pay (2080 hours)	$41,964 $34,718

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm .

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FL-SEN-20-0201-B, 20-0202-A-003947

3.10.2 KEY OBSERVATIONS – MARION COUNTY

PEOPLE

- Retention and recruitment are key issues due, in part, to low salaries. It can take a long time to fill an open position and, sometimes, if it is not or cannot be filled promptly, it is eliminated, regardless of the underlying demand that had justified the slot.; Have attempted to leverage high school and college students on part-time basis to establish pipeline, however there has been little success due to low pay and the inability to hire an additional staff member to step in when someone else leaves.
- Employee morale is promoted through "Well Days" for employees to refresh, an annual Chili Cookoff, and an Employee Spotlight program.
- Monitors staff productivity and accuracy through monthly report to address potential performance issues.
- Recognize a need for a dedicated trainer to offload the amount of time existing staff use for

PROCESS

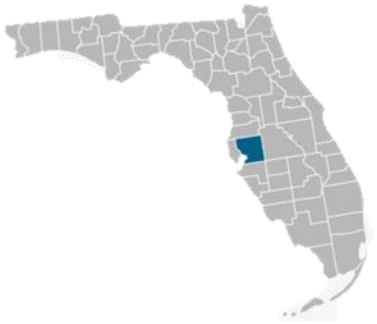
- Deputy clerks were being asked to take on the work of judicial assistants, with civil pre-trial and civil court cases being so time-consuming the deputy clerks now no longer attend them due to budget cuts.
- Significant concerns with redaction: at least 10% have not been redacted yet, fear that some documents have gone through without appropriate redaction applied, and there is still a lack of complete understanding and what is/is not supposed to be redacted.
- Calls go to voicemail beginning at 4:00 pm to allow an hour for staff to catch up without interruptions.
- They have seen increased volume in Vulnerable Audit cases and public record requests which consume more time than other cases.
- Maintains numerous bank accounts and is looking at consolidating and using intercompany

TECHNOLOGY

- Does not have onsite information technology support, so needs to pay high contractor fees for simple fixes. They have used multiple vendors for their technology support, including Civitek, which is also used by other small counties. Centralized information technology support allows the costs for system enhancements to be shared by several counties.
- Recently submitted requests for quotes for a new Case Management System (CMS).
- Vulnerability areas included cybersecurity (per Clerk) and lack of sprinkler systems near files in storage (per clerk interviewed).
- Believes E-Filing Portal needs to be upgraded to accommodate colorblind individuals.

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FL-SEN-20-0201-B, 20-0202-A-003948

3.11 HILLSBOROUGH COUNTY SITE VISIT OVERVIEW



Hillsborough County was visited on a Wednesday, September 25 and Thursday, September 26. On day one, MGT consultants met with the Clerk of Court and leadership, who provided an in-depth overview of the organization as well as a 746-page compilation of policy, procedures, metrics, work flowcharts, and systems information. Over the course of both days, a team of eight MGT consultants interviewed and observed more than 25 staff to review the 14 court-related functions. Hillsborough uses the Odyssey Case Management System (CMS).

3.11.1 DEMOGRAPHICS

Item	Amount
Clerk	Pat Frank – 15 years as Clerk of Court
Main Office Location (1)	601 E Kennedy Blvd Floor 13, Tampa, FL 33602
Other Branch Locations (5)	Tampa (2), Plant City, Brandon, Ruskin
Number of Counties in Circuit	1
Judicial Circuit Number	#13
Peer (Counties) Group	Duval, Pinellas, Orange (3/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROPDROP	 445.80 FTE (26), 5.59%
Population Statistics - 2018 Population Estimate - Projected number for 2020* - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 1,408,864 1,466,803 1,378.7 36.3 years 28.50%
Number of Government Employers	265
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$53,742 $42,578

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-003949

3.11.2 KEY OBSERVATIONS – HILLSBOROUGH COUNTY

PEOPLE

- Experienced leadership and management, with retirement in the near future for some leaders.
- Seeks to mirror the county's general population demographics in its staffing.
- Concerted partnership approach to working with external judiciary and county stakeholders.
- Hiring challenges in IT and financial areas. A classification and compensation study was completed in September 2019 which will help with recruitment and retention issues by making them more competitive with other organizations in their market.
- Training catalog has more than 180 courses, workshops, and webinars, including a boot camp on court operations for new employees.
- Have a Certified Public Manager Training program through University of South Florida (provides training and development geared towards government administrators). Have doubled the number of applicants to 51 in second round.

PROCESS

- Conducted functional consolidation and centralized Social Services, Customer Service, and Civil Court Processing. The process resulted in vacating two downtown buildings. The consolidation opened up space for the County to use the vacated buildings, enhancing partnership with County.
- Charts workflows and processes to assist decision making and development of new technical solutions.
- Weekly meetings (Policy, Chiefs, Governance, and Customer Experience) are held to review and analyze work volume data, performance metrics, evaluate operational and IT initiatives, and review and approve procedural changes.
- Court files were taken out of workspace and moved to an offsite warehouse. Allowed them to use that space for centralized services.

TECHNOLOGY

- Developed enhancements to the CMS internally.
- Active participant in statewide technology discussions and Odyssey CMS users' group.
- Uses an Automated Voice System, which frees clerk's time from answering and routing calls.
- Clerk has tracked more than 160 technology improvements since 2006 that contribute to employees' efficiency or effectiveness. Most of these improvements entail the use of electronic records or automation. Improvements from this year include electronic submissions of traffic school certificates; call center Natural Language Understanding implementation to provide automated self-service; and use of Automated Clearing House (ACH) payments/deposit processing.
- There are more than 25 systems used in court-related functions. More than half were developed internally or have some functionality developed internally. For example, e-Citations is an internally developed system that supports law enforcement agencies in the electronic submission of traffic citation data and images directly into the Clerk of Court's CMS.

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FL-SEN-20-0201-B, 20-0202-A-003950

3.12 BREVARD COUNTY SITE VISIT OVERVIEW

MGT conducted an onsite visit in Brevard on Monday, September 30 and Tuesday, October 1. Six MGT consultants covering their two largest offices, meeting with more than a dozen site leaders and staff members. Functional interviews and observations started on the afternoon of the first day and concluded on Tuesday, covering all court-related functions except for issuing process service documents. Brevard uses the Benchmark Case Management System (CMS).



3.12.1 DEMOGRAPHICS

Item	Amount
Clerk	Scott Ellis – 16 years as Clerk of Court (2001-10, 2012-present)
Main Office Location (1)	400 South Street, Titusville, FL 32780
Other Branch Locations (2)	Viera, Melbourne, Merritt/Palm Bay
Number of Counties in Circuit	2
Judicial Circuit Number	#18
Peer (Counties) Group	Pasco, Volusia, Polk, Lee (4/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 214.86 FTE (15), 6.41%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 583,563 598,486 574.8 47.2 years 10.40%
Number of Government Employers	171
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$51,536 $35,756

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm.

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FL-SEN-20-0201-B, 20-0202-A-003951

3.12.2 KEY OBSERVATIONS – BREVARD COUNTY

PEOPLE

- Flat organization structure with larger spans of control that allow easier access when working between departments.
- Recently renovated areas allow for better use of space.
- Staff appraisals have seven rating levels making it difficult to truly differentiate performance; standard is usually four to five.
- Appears to have stronger retention among non-degreed applicants and employees.
- Conducts town halls that allow employees to feel heard and provides additional time off. This helps to better retain and engage employees.
- Offers flexible work arrangements with some part-time employees working from home.

PROCESS

- Outsourced jury selection and notification to Courthouse Technologies; bar code system for entry.
- Manually writing down every bid at weekly live foreclosure auctions is very time consuming.
- Sometimes at least 3 clerks are needed in courtrooms causing the areas these clerks usually work in to slow down.
- Started a Call Center department but it was eliminated due to budget cuts. Customers now call specific departments listed in the phone directory on the website or respond to phone system prompts if the main number is called in order to be transferred to a specific department.
- Website recently updated to include Self-Help application. Content was added to answer the most frequently asked questions they had previously answered through the Call Center

TECHNOLOGY

- Has high quantity and quality Information Technology staff that support the county, which has provided the capability to build interfaces between systems.
- Software issues, such as delays in case processing and data mismatches, were noted within FACTS and Brevard Electronic Court Application, the software used for collecting fines and fees.
- Need to upgrade the financial program currently being used (SAP) to avoid duplicate data entry and electronic reconciliation.
- Significant measures put in place for data security and recovery.

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FL-SEN-20-0201-B, 20-0202-A-003952

3.13 HIGHLANDS COUNTY SITE VISIT OVERVIEW

MGT conducted an onsite visit in Highlands on Wednesday, September 25 and Thursday, September 26. Four MGT consultants including the Project Executive and VP, Human Capital, interviewed the Clerk of Court, members of the management team, and observed 14 court-related functions with more than 10 staff members. Clericus is their current Case Management System (CMS).



3.13.1 DEMOGRAPHICS

Item	Amount
Clerk	Bob Germaine – 11 years as Clerk of Court
Main Office Location (1)	430 S Commerce Ave, Sebring, FL 33870
Other Branch Locations (0)	None
Number of Counties in Circuit	3
Judicial Circuit Number	#10
Peer (Counties) Group	Putnam, Columbia, Walton, Nassau (4/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 31.76 FTE (5), 9.43%
Population Statistics - 2018 Population Estimate - Projected number for 2020* - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 102,525 104,077 100.8 53.7 years 18.80%
Number of Government Employers	60
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$36,374 $48,044

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm.

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FL-SEN-20-0201-B, 20-0202-A-003953

3.13.2 KEY OBSERVATIONS – HIGHLANDS COUNTY

PEOPLE

- Very structured recruitment process, including group interviews and formal "Decision Day".
- Retention does not seem to be an issue, as other county offices do not offer higher pay.
- Implemented "PACE" program, a retention and reward program for new hires who are given one-time, $1K bonus each year for up to 5 years based on performance and skills mastery.
- Clerk pursues alternative way to compensate employees (e.g., award personal leave days).
- Utilizes over 100 volunteer attorneys, judges, clerk staff and high school student to run Teen Court to prevent juvenile records going into Clericus.

PROCESS

- Guardianship report audits are performed by separate Internal Audit Department.
- Uses three collection agencies to pursue delinquent fines and fees accounts.
- Fully staffed Law Library to support community and increasing pro se cases; funded in portion by County.
- "Seed" numbers to enter into jury system are hand-picked from a box of numbers (1-178) as part of random selection process. Bar code scanner is available for faster juror processing, but is not being used, requiring daily input of juror attendance.
- Department of Highway Safety and Motor Vehicles does not seem to update records when jurors over the age of 70 have asked to be taken out of the pool from which clerks draw jurors.

TECHNOLOGY

- In addition to handling the Information Technology for the Clerk of Court office, the office also handles the Information Technology for all constitutional officers (e.g. Supervisor of Elections), which leads to an increase in workload.
- There is only one dedicated full -time employee for court-related Information Technology functions, other Information Technology staff are allocated as needed.
- Information Technology funding is provided by multiple organizations, including the County.
- All staff members use two computer monitors for easier navigation and faster processing.
- Manually signing, dating, and time stamping is current practice. Doing this electronically would allow for increased efficiency.
- Uses Skype for certain hearings with criminal cases versus transporting defendants

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FL-SEN-20-0201-B, 20-0202-A-003954

3.14 DESOTO COUNTY SITE VISIT OVERVIEW

Two MGT consultants conducted the onsite visit for DeSoto on Thursday, October 10. MGT met with the leadership team and approximately 11 employees to perform functional interviews and observations for all 14 court-related functions. Desoto County has been utilizing Clericus since 2012 as their Case Management System (CMS) and will soon be purchasing TurboCourt.



3.14.1 DEMOGRAPHICS

Item	Amount
Clerk	Nadia Daughtrey – 3 years as Clerk of Court
Main Office Location (1)	115 E Oak Street, Arcadia, FL 34266
Other Branch Locations (0)	None
Number of Counties in Circuit	3
Judicial Circuit Number	#12
Peer (Counties) Group	Bradford, Hardee, Wakulla, Baker, Washington, Taylor (6/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROPDROP	 11.45 FTE (0), 0.00%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 35,520 35,964 55.8 39.2 years 29.40%
Number of Government Employers	38
- Median Household Income - Clerks of Court Average Pay (2080 Hours)	$35,435 $41,591

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm

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FL-SEN-20-0201-B, 20-0202-A-003955

3.14.2. KEY OBSERVATIONS - DESOTO COUNTY

PEOPLE

- Given small size of staff, clerks are cross-trained and asked to perform tasks in multiple functional areas. The Clerk of Court also assists with certain operations such as working the counters and maintaining court registry.
- Emphasis placed on increasing employee engagement and morale by the Clerk and managers (e.g., awarding personal leave days to raffle winners during team building activities)
- High need for bilingual staff to work with Spanish-speaking customers.
- Per clerks, retention is an area of concern given lack of competitive pay rates.
- Facility space is constrained and requires that prospective jurors be placed in multiple spaces, including hallways.
- Training further relies on employee's individual notes while shadowing a more experienced staff member.

PROCESS

- Clerks review all files from the E-Filing-Portal prior to accepting the file into Clericus. This is done to prevent incorrect information or records from being accepted to the CMS (some files may also need to be redacted once accepted). The Clerk of Court expressed concern that E-Filing Portal files were not being fully reviewed and desires to have more controls built into the E-Filing Portal or CMS to ensure this does not happen.
- Responding to customer phone calls and walk-ins require clerks to stop and start tasks.
- State and/or private attorneys frequently add last minute cases to docket minutes before court, producing time-sensitive increases in workload for clerks and increases the risk of incomplete or inaccurate documents.
- Current plans include a new pro se litigant room.

TECHNOLOGY

- Clerks utilize Smart Bench to send files to judges. SmartBench integrates existing case and document management systems so that judges only have to work with one tool; allows them to view their daily docket, sort or re-order hearings, and preform quick, full-text searches to locate desired documents.
- Recently updated their website to improve user experience and enhance accessibility for the public. Updates have made it easier to navigate and allows jurors to check schedules, providing another way to notify jurors of updates in addition to the phone system.
- Desire for new jury management software solution to improve efficiency.
- Moved foreclosure sales from being conducted in the hallways to online, preventing backlog of walk-in counter customers and reduce clerks' time.

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FL-SEN-20-0201-B, 20-0202-A-003956

3.15 PALM BEACH COUNTY SITE VISIT OVERVIEW



MGT's visit to Palm Beach County lasted three days, from Thursday, October 17 to Saturday, October 19. During the first two days five MGT consultants met with over 20 leaders and staff members across five offices to discuss and observe prescribed court related functions. On the third day, one member of the team stayed behind to observe Operation Greenlight[2], a statewide initiative that originated in Palm Beach but that many Florida Clerks of Court take part in. Palm Beach use Showcase as their Case Management System (CMS) which interfaces with systems from other agencies that the county uses.

3.15.1 DEMOGRAPHICS

Item	Amount
Clerk	Sharon Bock – 15 years as Clerk of Court
Main Office Location (1)	205 N Dixie Hwy, West Palm Beach, FL 33401
Other Branch Locations (4)	Royal Palm Beach, Palm Beach Gardens, Delray Beach, Belle Glade
Number of Counties in Circuit	1
Judicial Circuit Number	#15
Peer (Counties) Group	Broward, Dade (2/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 463.33 FTE (35), 6.49%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 1,433,417 1.473,738 729.2 44.4 years 31.10%
Number of Government Employers	269
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$57,256 $42,925

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm

[2] The goal of Operation Green Light is to help the community by allowing individuals who are delinquent in fines and fees to make those payments and also have their driver's licenses reinstated.

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FL-SEN-20-0201-B, 20-0202-A-003957

3.15.2 KEY OBSERVATIONS – PALM BEACH COUNTY

PEOPLE

- Pre-hire occupational and personality assessments are administered to all applicants.
- Certain deputy clerk tasks are being automated through technology. With technology taking on more routine and manual tasks, the profile/skillset of the deputy clerk will change significantly and result in need for closer to market pay.
- High level of support and commitment placed on customer service, functional/technical skills, and providing supervisory and leadership training through multiple platforms, which not only improves skills but brings new hires to full productivity in weeks versus months.

PROCESS

- Conduct several self-audits per year to be best prepared for external audits.
- Workflows continuously re-evaluated, enhanced and tested through use of Business Analysts
- Dedicated training team takes training workload away from deputy clerks. Training addresses conceptual and practical understanding of the process. Assessments are conducted before an individual's official placement into their job to ensure they can adequately perform the task. This also increases their likelihood of meeting performance metrics.
- Centralized repository of all procedures, training manuals, reference guides, and videos easily accessible; functional owners outside of Training/Ops Department are responsible for updating with automatic notification to all employees when content is refreshed.
- A sophisticated call center manned by deputy clerks who have basic knowledge of all functions answer, log, categorize, and answer majority of questions while routing "Help" tickets to subject matter experts through SharePoint to get guidance on more complex situations so the call center deputy clerk can call the individual back.

TECHNOLOGY

- Leverage 5 robots (through a partnership with Computing Systems Innovations) to handle high volume, low risk processing of documents received through E-Filing Portal; robots automatically review and upload them to Smart Bench with 99.9% accuracy. About 27-28% of documents received electronically are processed by robots via AI. Currently these robots are operating at 20% capacity with a goal of 60% by 2020, which is equivalent to saving 15 FTEs. Capacity increases will be gained as the ability to process further document types is programed into the robots.
- Very efficient jury process using Jury Mark, and a check-in process with jurors scanning own summons at one of at least 10 terminals with bar code readers.
- All deputy clerks use multiple monitors and have access to a one-stop E-Filing Portal containing all procedures, statutes, training guides and/or videos. Getting ready to launch Learning Management System (LMS) module in PeopleSoft for more soft-skills training. System focuses on personal skill development for current and future jobs.

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FL-SEN-20-0201-B, 20-0202-A-003958

CHAPTER 4. RECOMMENDATIONS

4.1 OVERALL REPORT RECOMMENDATIONS

4.1.1 INTERRUPTIONS WHILE PERFORMING DAILY FUNCTIONS

Summary of Observations:

On numerous occasions in our site visits, particularly in smaller to medium-sized counties where Clerks of Court carry multiple responsibilities and frequently cover for employees who are in court or out of the office, MGT noted that deputy clerks were often interrupted from performing tasks to answer phones and attend to walk-in customers. In fact, during our 15 site visits, our observers noted at least 20 instances of these disruptions. In addition, our survey of the remaining counties MGT did not visit revealed that being responsive to customers either in-person or on the phone while completing another task was the most frequent challenge cited by 34 respondents. Clerks of Court consistently prioritize customer service, so the deputy clerks often prioritize a customer waiting in line or on the phone. In an environment where mistakes may be deemed unacceptable due to the potential consequences to a case, this can create a risk for the deputy clerks making a mistake when returning to unfinished work.

Deputy clerks can make mistakes as a result of the interruptions or simply be slowed down in their regular processes as they stop to answer phones or leave their desk to help a customer at the service window. In small- to medium-sized counties MGT observed deputy clerks answer a myriad of phone calls daily with questions ranging from court dates and information, tracking payments, and public records requests. In larger counties with more staff, there may be dedicated staff to handle customers which helped reduce the interruptions to the other deputy clerks.

Recommendations:

- **Address telephone interruptions by implementing an automated call center or devoting one employee daily to answer phone calls:**
    - Hillsborough County has countered the expense of interruptions by deploying "Amy," an automated call system with voice recognition and a menu of eight options, along with other online self-service options.
    - Smaller counties that lack resources to invest in call centers should consider a rotation where one deputy clerk is devoted to answering the phones for a day or portion of the day.
    - Seek partnering opportunities with county on sharing resources such as call centers.

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- **Direct customers and partners to online information:**
  - Ensure that web site addresses are included in every recording, voicemail, and correspondence.
  - Take every opportunity to educate customers and local partnering agencies on accessing online information.

- **Explore online chat bot development to aid in frequently asked questions:**
  - Although chat bots do not replace human interactions, they may be helpful in answering common questions that can distract the deputy clerks from important work. Chat bots are software programs designed to aid in customer service through simulated conversations. Simple forms of chatbots scan for keywords within the inputted question and pull a reply with the most matching keywords or similar wording patterns from a database.
  - Clerks of Court should examine the use of text-based chatbots as another form of online communication via their websites. Chatbots, unlike humans are accessible 24 hours per day. Our research finds that increasingly, public agencies are deploying chatbots online. Early examples can be found in Kansas City, Chattanooga, North Charleston, Los Angeles and Mississippi deploying chat bots developed by private vendors.[3] The New Jersey Courts website launched their chatbot, the Judiciary Information Assistant (or JIA) this year.[4]

- **Explore other processes to serve walk-in customers:**
  - For customers who need assistance in person, or for members of the public who do not have easy access to technology to look for answers to their questions, solutions that help both parties could include sharing waiting times at service locations, offering the ability to make an appointment, and kiosks or terminals to help visitors determine what they need before being directed to the appropriate deputy clerk.

4.1.2 GETTING CLERK STAFF TO FULL PRODUCTIVITY

Summary of Observations:

One of the greatest expenses in the Clerks of Court budgets is salary and benefits. The quicker each site can bring a staff member to full productivity, the greater and more immediate return on the investment. Further, full productivity among all employees is critical to meeting

[3] Quaintance, Zack; "Rise of the Government Chatbot;" Government Technology, August 4, 2017. Found on the Internet at https://www.govtech.com/civic/Rise-of-the-Government-Chatbot.html November 1, 2019.

[4] https://njcourts.gov/notices/2019/n190909a.pdf

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the performance standards and the overall success and morale of the site and organization as a whole. Productivity is achieved when an individual has: clear expectations, a sense of purpose, an environment conducive to ongoing learning, quality and timely feedback, formal and informal training, reference tools and the ability to be rewarded, recognition and coaching by supportive peers, supervisors and leaders.

One of the biggest factors contributing to the speed and ability of employees to reach full productivity is the onboarding and training process. Forty-three percent of counties that responded to the online survey noted that training was one of their greatest challenges. In the counties observed, it was indicated that it can take an average of six months to get an employee to full productivity with specific, or more specialized functions taking even longer. Further, during onsite visits and interviews, it was revealed that the majority of new hires, recently promoted individuals or individuals transferred to perform a new function, are receiving informal training, typically by observing an experienced peer perform the given task. It was also common for deputy clerks to have handwritten notes at their desks for reference as documented standard operating procedures were often either non-existent or outdated.

Recommendations:

- **Alter the hiring process:** With the rapid pace of change in technology and mandates, and the ongoing need for processing lots of court documents in a timely and accurate manner, it will be important to focus on hiring the employee of the future.
    - Managers should look for individuals who possess or have the potential to bring skills and knowledge in areas that are currently gaps. Further, recruiting and assessment techniques may need to be adjusted to ensure the potential hire fits the organization and its vision for the future, which may require high levels of learning agility (especially with new technologies) and resilience, critical thinking skills, and the ability to handle change, solve more complex problems, and teach others. It is much easier (and less costly) to hire individuals who already have these attributes than to train them after they are hired.
    - Several counties, both during onsite visits and in the survey, mentioned retention as a main concern. Making alterations to hiring processes may assist in their search for qualified and dedicated employees. For example, in one of the sites MGT visited, the applicant spent a day with the deputy clerk to ensure they knew what the job really entailed and what the site's environments were like. Or, Clerks of the Court may consider setting or providing a set of expectations i.e. learning and performance objectives, to be mutually agreed upon and achieved in the first 90 days.

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- **Create standardized documents and processes**: Create, update, or enhance the content of materials including an overview of the Clerk of Court's office, a list of all functions performed by Clerks of Court and how they interact and collaborate.
    - A summary of the concepts, terms and performance standards for measuring success for each function during both the learning and performing phases should be included and organized in a variety of forms such as reference tools, sample documents, procedure manuals and quick references. For example, Palm Beach County uses an internal electronic glossary of terms that is frequently updated. Glossaries are particularly helpful with understanding acronyms and everyone having the same understanding of important terms. Clerks of Court should ensure that quick reference tools are accessible to staff in one centralized location. Many of the procedures MGT observed that involve processing cases in the CMS are repetitive in nature. Preparing reference guides and other tools would enable new employees to become more autonomous more quickly, allowing more experienced, productive employees to carry out day-to-day duties.
    - Assess learners using a standardized checklist and a set of questions or actions to demonstrate competency with concepts and case processing. Palm Beach County uses a standard assessment list to record progress and to gauge learner readiness and where remediation may be necessary. Recognize and/or reward the learner and the teacher in a way consistent with the site's culture. During site visits, MGT observed that deputy clerks displayed various forms of recognition they received for achievements, such as certificates of completion, a low-cost way to provide recognition. are often the most sought after and lowest cost ways to provide recognition.

- **Improve training methodology:** The format, timing, and frequency of the training will vary by teacher availability, learner availability and learning style as well as the environment in which they can work together.
    - During onboarding, it is important to consider how quickly the learner can absorb and retain the new information. Where training was only done through shadowing, or observation of a peer as they performed their tasks, the learning environment for the student was typically filled with interruptions, distractions and the desire of the teacher to quickly return to his or her regular role. Further, the format of training did not necessarily consider the style of the learner nor provide reference guides. In Palm Beach County, an entire curriculum has been built for all conceptual, functional and some interpersonal skills content delivered through a variety of online, classroom and one-to-one training platforms. The sequence and pace of each module is determined by the manager and then adjusted based on learner needs.

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- Current training methods appear to place more emphasis on the technical versus conceptual and social aspects of the job. Regardless of training methods, deputy clerks in all counties were skilled in completing their job functions. However, in counties where staff received more formalized training, (e.g. allocated training periods, designated supervisor trainers, comprehension testing) deputy clerks appeared to possess greater enthusiasm and knowledge regarding the conceptual aspects of their duties and inner workings of the entire office and court system. Hillsborough County's Training Action Plan Program was designed to provide a structured, standardized method of professional development and training at the workforce level. All employees receive a two-day "Boot Camp" training, and deputy clerks who serve in the courtroom receive an additional three days. For a traffic cashier, the training program is a three-week process just to understand the various types of traffic citations that they may encounter. Trainees participate in assessments of the training and a leadership committee reviews the effectiveness of training.
- Develop a timeline of learning activities that is held on a consistent basis (without large gaps between sessions and not one long period at one time) and considers the learner's absorption rate. The teacher should take time to solicit feedback and questions from the learner on areas where full understanding has not been achieved or where remediation may be necessary.
- Learner should be introduced and encouraged to access other learning peers. The sequence of training should consider getting the big picture first of the importance and basics of role and drill deeper to system usage and navigation.
- Full mastery and confidence of the subject matter/function can be demonstrated by the teacher observing the learner teach the function to someone else.
- Vendor contract negotiations for systems such as the CMS should also consider the availability, access to, and utilization of vendor trainers, videos and/or other free or deeply discounted training material or a list of local experts or user groups who typically have web sites or seminars to educate.

- **Provide easy access to resources:** Once relevant content (written, visual, video, audio) has been developed, or obtained from vendor or even a peer county, it is important to develop a methodology to easily access information (indexed by category), so employees have quick access to it at all times. It is also important that content always remain current; printed materials for use at desks or individually handwritten notes can become outdated very quickly. One way to achieve this is by assigning a subject matter expert with authority to become content owner(s) whose responsibility is ensuring timely approvals of new or updated content and notifications made to all relevant staff when content is updated.

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- **Establish a culture of continuous learning:** Begin or continue to instill the importance and expectation of ongoing learning daily. Teaching does not always result in learning and learning occurs in a variety of ways, on and off the job. Have supervisors and managers be role models highlighting how they learn each day from their subordinates, peers, customers, managers and industry resources or conferences. Sometimes new hires, the learners, can offer the best insight or suggestions for improvements since they do not have preconceived notions or knowledge.

4.1.3 USE OF TECHNOLOGY TO PERFORM ROUTINE TASKS

Summary of Observations:

During our 15 on-site observations, MGT noted the use of technology varies considerably across the Clerks of Courts. The online survey found that while 94% of Clerks of Court reported that improvements have been made to their technology recently, 54% of those respondents noted that further technology-oriented improvements are still desired. Some Clerks of Courts have been able to take advantage of the technological advancement to automate processes which can lead to substantial cost savings. For example, the Clerk of Court for Palm Beach County was able to work with a vendor to incorporate artificial intelligence (AI) to its case processing function. The AI is composed of five robots that process high-volume, low-risk documents. These robots are currently operating at 20% capacity which is equivalent to saving five FTEs.

Our onsite observations also disclosed that resources allocated to technology fluctuate substantially among the different Clerks of Court. Per s. 14, Art. V of the State Constitution, it is the counties' responsibility to fund specific costs of communication systems[5] (among others) for the circuit and county courts, public defenders' offices, state attorneys' offices, guardian ad litem offices, and the offices of the Clerks of Courts performing court-related functions. Counties do have to meet some minimum requirements. However, beyond minimum requirements, any further allocation of resources depends on the available funding and/or priorities of the individual counties and offices.

This disparity in funding between the counties is a primary reason why the technological advances vary so greatly from location to location. Some Clerks of Court do not have internal Information Technology staff and receive Information Technology support from outside organizations such as the Florida Clerks of Court and Comptrollers, while other counties have a significant Information Technology staff which enables them to pursue customizations that can lead to increases in efficiency and effectiveness. The Clerk of Court's Information Technology department in Hillsborough County has been able to leverage its Information Technology resources to create interfaces between systems, allowing the staff to perform certain functions

5 Communications services systems includes telephone system infrastructure as well as all computer networks, systems and equipment. http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0029/Sections/0029.008.html

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more efficiently. For example, there are 28 systems used in court-related functions and more than half of these systems were developed internally or had some functionality developed internally.

Clerks of Court have the discretion to independently choose the brand and version of the CMS they utilize to carry out many of their case processing functions. Nine different CMS systems are used statewide (including two in-house versions developed by counties), and even among counties that use the same CMS type, MGT found that different versions and enhancements are deployed. Some Clerks of Court develop their own applications to increase functionality and interface, while others select options provided by private vendors. On one site visit, a large county indicated they were using the 2015 version of their CMS, and that they only deployed updates if they were mandated. To the deputy clerk's knowledge, they have been unable to add optional enhancements since 2015 due to limited resources.

MGT interviewed an Associate Administrative Circuit Judge in the Ninth Judicial Circuit Court and Chair of the Florida Courts Technology Commission and a Chief Judge for who serves on the Executive Council of the Florida Clerks of Court Operations Corporation. The Judges provided their personal perspectives and were not speaking on behalf of the Commission or Council on which they respectively serve. Both were quick to share that, from their view, having multiple CMSs across the state is problematic.

Judges identified the following issues with having multiple CMS systems:

- Lack of efficiency - multiple CMS user groups gather to work through their common system issues independently rather than collectively as a state
- Training challenges – judges and other stakeholders must learn to interface with multiple systems within a circuit. There is not one go-to resource for training at conferences. Multiple sessions would need to be scheduled to cover the variety of systems
- Data issues – Data is not always accurately or completely transferred between the CMS system and judicial system. Having different CMS systems within a circuit multiplies the risk for this happening
- Reduced economies of scale and bargaining power that could be realized if there were one statewide system

Recommendations:

- **Evaluate the effectiveness and feasibility of utilizing one CMS statewide:**
    - Clerks of Court should examine the effectiveness and potential path forward for selecting one standard statewide Case Management System. To our knowledge standardizing a statewide CMS system has never been formally studied by an

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independent party. A cost-benefit analysis should be conducted, recognizing the associated challenges and significant investment some Clerks of Court have made to enhance their system or transition to new systems.

- According to data from the National Center for State Courts, 29 states have a statewide Case Management System for trial courts, provided either in-house or through a third-party vendor. Further, 22 have a statewide Jury Management System.[6] Considering over half of all state have taken this approach, evidence may suggest there is an advantage of standardization. Additional research into these cases may provide valuable insight into the potential cost, complexity and benefit of implementing statewide management systems.

- **Pursue the automation of routine tasks:**
  - MGT recommends that the Clerks of Courts across Florida explore the possibility of automating routine tasks that can be automated and have the potential for cost savings over the long-term.
  - Automation is noted in the online survey as an improvement that has been made by multiple counties. This has helped them to do work more efficiently with less staff.

- **Customize or create interface between systems:**
  - Consideration should be given to pursuing customization, or creation, of software systems that can help the staff perform a task(s) more efficiently and/or effectively and provide cost savings over the long-term. The creation of an interface between systems, for example CMS and financial management systems, can result in a reduction in personnel cost by eliminating the time associated with reconciling the data or having to enter the same data into multiple systems. For example, in Hillsborough County, MGT learned that the Judicial Automated Workflow System (JAWS), a bench viewer used by the 13th Judicial Circuit, interfaces with the Clerk of Courts Odyssey CMS using data views that were internally built by the Clerk of Court and provided to the Circuit for deployment. Deputy clerks upload proposed orders for review and signature by the judiciary and once signed, they are electronically transmitted back to the Clerk of Court via workflow queues, or they are automatically added to respective case.

- **Fully leverage current existing technology:**
  - Deputy clerks and Information Technology personnel should be trained in the full existing functionality of the systems their office uses. Common knowledge of expectations and use of office systems can assist with consistency and efficiency throughout divisions or procedures. Informed and experienced Information

[6] National Center for State Courts, Court Statistics Project. *State Court Organization: Technology*. Available from http://data.ncsc.org/QvAJAXZfc/opendoc.htm?document=Public%20App/SCO.qvw&host=QVS@qlikviewisa&anonymous=true.

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Technology personnel will help ensure all system capabilities beneficial to court processes are applied and operational. Familiarity and skill within the systems may also provide opportunities for Information Technology to build custom integrations within current infrastructure i.e. auto-redaction, cross-system interactions.

- **Implement auto-stamp and digital signatures in the CMS:**
  - As a separate recommendation, but one that has tie ins to the previous bullet, Clerks of Court should consider implementing the use of electronic signatures to save time and reduce expenses. Across functions and offices, countless documents are printed solely to be stamped and/or signed then rescanned back into the system. This practice produces excess paper copies, increases production costs and adds to overall processing time. During on-site visits to Clerk of Court locations, MGT learned of Hillsborough County's efforts to build enhancements in this area (Odyssey CMS). This functionality was also observed being used in some compacity in Miami-Dade (Odyssey),. In addition, Palm Beach (Showcase), Hendry (Clericus) and Jefferson (Clericus). In other counties with the same CMS system, the electronic signing and stamping configuration functionality may be available but not in use or turned on. Particularly for offices where the capability exists but is not used, the cost to implement this recommendation would be low but with the potential for considerable impact.

- **Strengthen technological infrastructure and equipment to support present and future software, hardware, and computing needs:**
  - It is essential for the Clerks of Court offices to maintain a healthy infrastructure to support deputy clerks as they execute their duties under each Clerks of Court function. Outdated, poor quality, or insufficient technological hardware directly affects deputy clerks' ability to perform at target and peak performance, such as resulting in processing delays, duplicative or additional steps in processing, illegible scanned data, and exposure to security risks. Also, the consolidation of hardware (e.g. multiple monitors, individual office equipment such as scanners, copiers, label printers, etc.) for all-in-one office equipment, or eliminating the need for multiple office equipment, can open valuable space in deputy clerks' workspaces and be more cost-efficient in the long-term.

- **Offer support to other court stakeholders and continue to expand E-Filing by pro se litigants, judges, law enforcement and other parties:**
  - The Florida Courts E-Filing Portal Authority estimates that $29 million in postage savings resulting from e-filings have been realized between 2014 to 2017.

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- Increase non-attorney e-filings. Clerks of Court could look for opportunities to partner with other court stakeholders and conduct targeted marketing efforts to encourage e-filing.
- Explore whether a marketing program could be sponsored by the Florida Courts E-Filing Authority, which governs the Florida Courts E-Filing Portal, for enhanced educational materials and outreach efforts to targeted groups including pro se litigants, judges, law enforcement agencies and other non-attorney filers. While a substantial increase in accounts for non-attorney filers was realized in 2017, account growth slowed in 2018. Actual filing submissions by pro se litigants have also increased significantly over the timeframe, but submissions decreased for law enforcement and other groups in 2018. Further investigation could point to potential issues some non-attorneys may have with e-filing.

4.1.4 USE AND STORAGE OF PAPER FILES

Summary of Observations:

Managing documents is a key responsibility for Clerks of the Court and a critical component of court cases. Judges, litigants, attorneys, court administrators, and other external agencies rely on documents before, during and after court, ensuring compliance with federal, state, and county mandates. Court documents contain critical, dated and usually sensitive or confidential information. Court documents become part of public records and must be redacted prior to being published. Managing documentation (receipt, transfer, scanning, uploading, signing/notarization, and storage) requires a high attention to detail, sensitivity to personal or confidential information as well as the knowledge and compliance of relevant mandates and how technology can best support the process.

While most sites have begun or already have made significant progress in reducing the amount of printing, copying, filing and storing of paper due to the introduction of E-Filing Portal, there is still an opportunity for efficiencies. In the counties visited, there was often a noticeable abundance of documents or copies sitting in office areas, on or in filing cabinets or at individuals' desks. In some cases, staff printed and kept these documents to recheck their work later. In other cases, printed copies were retained for easy access in case the system did not scan or upload the document correctly. Sometimes the deputy clerk stated they retained hard copies in the event they were questioned for accuracy or timeliness. Reasoning behind this was often that it has always been done that way and/or their superior asked it to be done.

At the same time, going completely paperless is not solely up to the Clerk of Courts. In many cases, the requestors of printed documents are key external stakeholders. For example, pro se litigants and State Attorneys are not required to e-file documents. Judicial preference may also play a role. During interviews it was pointed out some judges may prefer judicial orders are filed in paper, or that paper copies of juror questionnaires or case files be provided.

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In one case, the county had software for individuals to file for an injunction at a terminal, but the judge removed that option and they went back to paper.

Recommendations:

- **Develop a "paperless mentality:"**
  - Encourage, recognize and reward employees who implement ways to avoid printing, making duplicate copies and maintaining personal copies in paper files or their hard drives.
  - In the event a document does need to be printed, have employees ask themselves "do I really need a hard copy of this?" and "is there a specific reason I am saving this paper?" Some staff even kept hand-written logs of cases they processed or paper calendars to write down docket information already in the CMS.

- **Educate and drive accountability:**
  - When process changes involving the use of paper are made by leadership, these changes should be clearly conveyed to the deputy clerks. Additionally, a strategy around implementing these expectations should be formed to ensure the process change is successful.
  - The Clerks of the Court can also promote or educate external partners on the benefits of paperless processes available. For example: Alachua County, Walton County, and Gilchrist County noted in their online survey response that they have been able to make court operations completely paperless. Not only did moving to a paperless system allow them to be more proficient while still maintaining and meeting performance measures, but it also meant they no longer had to deliver files to the judges. For the courts and other agencies, it helped them to have same day access to almost all documents filed.

- **Improve storage management and destruction of files**:
  - Clerks of Court should consider ways to join together to select a common vendor to scan and shred old paper records that may be stored electronically or are no longer required to be retained. There is an opportunity to leverage economies of scale if the Clerks of Court work together on this issue. MGT recommends a statewide working group be formed to determine the approach, timeline and resource plan while ensuring compliance with retention guidelines.
  - MGT's observations of offices, desk areas, cabinets, closets, evidence and storage rooms indicated that an effort to better organize, shred or destroy no longer needed (past retention period) documentation is prompted when Clerks of Court begin to run out of space. While most sites organized documents by case number and year, the shelves or filing systems should be set up so that the newest cases can be accessed quicker that the old ones. Every county in Florida

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is aware of the risks of hurricane season. Facilities for storage of documents in some locations would not withstand high winds or flooding and may not be properly climate controlled. A clear solution is to scan the old documents and do away with paper storage, thus mitigating the risk of natural disasters and saving on the cost of maintaining physical storage facilities. Some Clerks of Court reported that this was cost prohibitive.

  - Given the volume of documents and the redundancy of retaining paper documents that are already uploaded into the site's CMS, consideration should be given to a scheduled day by which all unnecessary documents are shredded and no longer in view or hand's reach of a non-employee of the Clerks of Court. In addition, a bar coding system or other log should be kept and audited to ensure all documents or files are returned to their appropriate location.

- **Streamline the creation of packets for the public:** Clerks of Court should review how to most efficiently prepare and provide packets of documents made available to walk-in pro se litigants who seek paper copies of forms to file cases (such as a small claims case). The Clerks of Court should add all relevant forms organized into specific category and easily accessible and printable from their website. One county printed packets on demand after programming what documents are required for each case category on their local copier. MGT observed a tremendous variance in the methods by which each site prepared packets of documents. Other Clerks of Court prepared huge volumes of each packet in advance and organized them on shelves, while some encouraged the visitor to use the public access terminal and associated printer to obtain.

4.1.5 EFFICIENT STAFFING & RESOURCE ALLOCATION

Summary of Observations:

A prevalent discussion during our onsite visits related to staffing and resource allocation. Efficiencies in these areas are achieved when each site has the right staff (capacity), at the right time, at the right location, with the right skills (capability) and with easily accessible and useable resources (reference materials, hardware, software, etc.). To achieve these efficiencies, it is recommended that each site make an effort to take inventory of what resources they have and how they are being utilized. This will allow them to better track what level of competency and processing speed they have reached in one or several functions and compare that to historical knowledge of average volumes by type of case, peak hours of days, week or month. In addition, it is also helpful to have a solid knowledge of internal and external factors which can affect volume and staff availability.

Recommendations:

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- **Enhance performance standards:** Develop or enhance performance metrics to ensure full clarity on what is expected in terms of volume, service, timeliness and accuracy, in accordance with federal, state, county and/or site mandates. In multiple locations, deputy clerks mentioned some performance measures were being tracked to ensure compliance with mandates but little else. Clerks of Court who fully utilize and act upon performance metrics say that this has benefited them and allows them to make the most of their current staff. In Hillsborough County, management tracks performance and has a matrix process to look at the percentage of the organization meeting, exceeding or falling below expectations. This data, along with other statistics and numbers is discusses regularly to aid with strategic planning or resource allocation. Employees are also encouraged to form teams to come up with process improvements initiatives which they can receive bonuses for based on the quality and achievement of the team performance improvement process.

- **Develop a flexible staffing plan:** In consideration of all available data, consider how best to utilize local high school and university individuals to supplement needs in a part-time or internship fashion. Look for ways to recruit faster and better assess candidates for both an office culture and job fit. Peak periods may suggest alternative work schedules and/or the probability of remote work.

- **Assess resources other than staff:** When evaluating current versus future state needs and gaps consider conducting a cost-benefit analysis to determine if technology upgrades and/or more efficient and less manual processes may be the better long-term investment. Clerks of Court have noted that they were able to substantially reduce the staff needed to perform certain tasks by upgrading their technology.

- **Review prior caseload assessments and projections:** Using already available data and reports, determine trends and patterns of peak periods and resources typically utilized during those periods and measure the timeliness and accuracy of work completed, considering the level of complexity required of work and how much each employee can be stretched. Solicit feedback from those that do the work on what efficiencies they have used or suggest using to process faster or more accurately.

- **Develop current staff capability, capacity and availability matrices:** Develop a matrix indicating the current level of mastery, the average volume each individual can process accurately in a given period of time and how much they can be stretched. Consider if having several employees multi-task is more efficient than having one multi-task and the rest focus on a key function. Make note of employees that may appear to need help, have more capacity and/or the potential to do more. Look at spans of control to determine if they are appropriate given the complexity of work, the volume of work, the experience level of staff and the degree to which supervision is needed. Identify

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opportunities where decisions or transactions are delayed due to layers of management or response time of key stakeholders.

- **Review future staff capabilities, capacity and estimated headcount**: With a view of current staff, proactive examination of current conditions and the most likely future conditions, determine where there may be a surplus or gap in skills or headcount. Determine how best to retain high performers who have skills or use technology that are becoming obsolete; identify employees who have capacity and a strong desire to learn more in areas where the greatest gaps exist. Develop and execute a plan to move, reskill or exit individuals where there is a surplus and begin hiring/training individuals who possess the transferrable skills outlined earlier in this document. It is important to remain cognizant of those employees in nearing retirement so that a plan to transfer their knowledge and experience is in place. Consider external factors such as the impact of changing technological and economic forces when planning for the future.

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APPENDIX A. SUMMARY OF DOCUMENT COLLECTION

Source	Description	Type	Number of Files
Baker County Clerk of Court Office	Jury Procedures	PDF	1
Bay County Clerk of Court Office	Copies of Documents/Forms They Use	PDF	1
Brevard County Clerk of Court Office	Budget Files, Court Documents, Data entry Documents, Evaluations Documents	PDF/Word	42
Brevard County Clerk of Court Office	Foreclosures Bid Sheet	PDF	1
Brevard County Clerk of Court Office	Cashier's Balance Sheet	Excel	1
Brevard County Clerk of Court Office	Percentage of Payment Plans to Collections Agencies	Word	1
Brevard County Clerk of Court Office	Employee Evaluations	PDF	3
Brevard County Clerk of Court Office	Standard Operating Procedures	PPT/Excel/Word	13
Brevard County Clerk of Court Office	Copies of Documents/Forms They Use	PPT/Excel/Word	12
Brevard County Clerk of Court Office	Copy of Budget	Excel	1
Brevard County Clerk of Court Office	Judges/Courtroom	Excel	1
Escambia County Clerk of Court Office	IT Documents & Strategic Plan	PDF/Word	8
Escambia County Clerk of Court Office	Standard Operating Procedures	Word	8
Escambia County Clerk of Court Office	Copies of Documents/Forms They Use	PDF	5
Escambia County Clerk of Court Office	E-Portal Filing Review	PDF	1
Florida Clerk of Court Reports	E-Filing Annual Report	PDF	1
Florida Clerk of Court Reports	Annual Statistics 2018-2019	PDF	1
Florida Clerk of Court Reports	FCCC Clerks Mandatory Reports Final	PDF	1
Florida Clerk of Court Reports	Education Policy, New Clerk Certification Plan, Committee Structure, Presidential Priorities, Best Practice Documents, Fee Schedule (2019)	PDF	13

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Florida Clerk of Court Reports	Budget Graphic, Budget Meeting Packet, 2016 Senate Presentation	PDF	3
Florida Clerk of Court Reports	List of Clerks' Years of Service	Excel	1
Florida Clerk of Court Reports	County Operational Budgets	Excel	67
Florida Clerk of Court Reports	Clerk's Duties	PDF	2
Florida Clerk of Court Reports	Budget/Graphics/Budget Meeting Details	Word/PDF	3
Florida Clerk of Court Reports	Budget Overview	Word	1
Florida Clerk of Court Reports	Florida Courts E-Filing Standards	PDF	1
Highlands County Clerk of Court Office	Check Sheet for Issuing Summons Small Claims	Word/PDF	3
Highlands County Clerk of Court Office	Check Sheet for Issuing Civil Cases	PDF	6
Highlands County Clerk of Court Office	Guardianship Templates & Procedures	Excel/PDF	13
Hillsborough County Clerk of Court Office	Domestic Violence Methods and Procedures Documents	PDF	1
Hillsborough County Clerk of Court Office	Training Documents and Manuals	PPT/PDF	8
Hillsborough County Clerk of Court Office	System Flowcharts and Description	Word/PDF	2
Hillsborough County Clerk of Court Office	Leadership Overview (Description of Procedures, Strategic Overview & Plan, Organizational Structure, Policies, Workflow Processes, Staffing, Records Management, Budget Information, Accounting, Technology Overview, Suggested Improvements)	PDF	1
Jefferson County Clerk of Court Office	Copies of Documents/Forms They Use	PDF	8
Jefferson County Clerk of Court Office	March Timesheet	PDF	1
Jefferson County Clerk of Court Office	Clerk of Court Expense Cost Centers	Excel	1
Jefferson County Clerk of Court Office	2019 Collections and Expenditures Summary	Excel	1
Marion County Clerk of Court Office	Performance Review	PDF	1
Marion County Clerk of Court Office	Position Descriptions	PDF	20
Marion County Clerk of Court Office	Quarterly Financial Reports	Excel	3

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Marion County Clerk of Court Office	Employee Performance Evaluations/Guide	PDF	5
Marion County Clerk of Court Office	Workflow Documentation Study	PDF	1
Marion County Clerk of Court Office	Appellate Records Procedue	PDF	1
Marion County Clerk of Court Office	Copies of Documents/Forms They Use	PDF	7
MGT Consulting Group	MGT Clerks Survey Copy	Word	1
MGT Consulting Group	MGT Clerks Survey Data Output	PDF	1
MGT Consulting Group	Selection Methodology of Clerk Offices for Onsite Desk Audits	Excel	1
MGT Consulting Group	Key Performance Metrics	PDF	4
MGT Consulting Group – Online Research	Past Efficiency & Staffing Studies	PDF/Word	28
MGT Consulting Group – Online Research & County Clerk of Courts Offices	County Organizational Charts	Excel/PDF	251
Miami-Dade County Clerk of Court Office	Copies of Documents/Forms They Use	PDF	3
Miami-Dade County Clerk of Court Office	Traffic & Misdemeanor Court Operations	PDF	1
Miami-Dade County Clerk of Court Office	Traffic & Misdemeanor Procedure Manuals	PDF	2
Nassau County Clerk of Court Office	Civil Case Procedures	Word/PDF	52
Nassau County Clerk of Court Office	Workflow Criminal Division 2016-2019	Word	40
Nassau County Clerk of Court Office	Distribution Schedules	Excel	2
Nassau County Clerk of Court Office	Evidence Room Policy	PDF	1
Nassau County Clerk of Court Office	Case Count – Timeliness Reports (17-19)	Excel/Word/PDF	767
Nassau County Clerk of Court Office	Workflow Civil Division	Excel	9
Nassau County Clerk of Court Office	Procedures – Criminal Division	Excel/Word/PDF	39
Nassau County Clerk of Court Office	Weekly Staff Workflow (2019)	Word	34
Nassau County Clerk of Court Office	Turnover Stats	PDF	1

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Nassau County Clerk of Court Office	Deputy Handbook	PDF	1
OPPAGA	Past Studies Copy/Listing	Excel/PDF	2
Palm Beach County Clerk of Court Office	Operations Training Documents	Word/Excel/PDFf	59,422
Palm Beach County Clerk of Court Office	Court Operations Details, Information Technology policies, Performance Metrics, HR Documents, External Factors, Technology Innovations, Accounting Documents	Word/Excel/PDFf	188
Palm Beach County Clerk of Court Office	Copies of Documents/Forms They Use	PDF	2
-The Australasian Institute of Judicial Administration -The Federal Judicial Center -The National Center for State Courts -The Subordinate Courts of Singapore	Global Measures of Court Performance	PDF	1

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APPENDIX B. TIME ANALYSIS TABLE

The time analysis table is based on MGT's 15 onsite county visits between August 26, 2019 and October 31, 2019. The onsite observations included direct (MGT observations) and indirect (clerk provided details) observation of employees performing court-related tasks, along with task completion times. Completion time observations are displayed in minutes and are organized by the functions of Clerks, descriptions of tasks, units of measure, and observation types (i.e., direct vs. indirect).

TIME ANALYSIS TABLE *Number displayed in minutes*			DIRECT OBSERVATION				INDIRECT OBSERVATION			
Functions of clerks	**Task Descriptions**	**Unit of Measure**	**Task Count**	**Average Minimum**	**Average Maximum**	**Average**	**Task Count**	**Average Minimum.**	**Average Maximum.**	**Average**
Auditing child support payments	Auditing child support payments	Case	2	17.5	17.5	17.5	1	10.0	15.0	12.5
	Reconciling rejected payments	Case	1	5.0	5.0	5.0	-	-	-	-
	Accepting child support payments by phone or counter	Case	1	5.0	5.0	5.0	-	-	-	-
Auditing guardianship reports	Auditing Guardianship Reports	Case	2	75.0	75.0	75.0	5	56.4	93.4	74.9
Collecting and disbursing fines, court costs, forfeitures, fees, and service charges	Bond processing & Payment Plan	Case	2	10.5	10.5	10.5	-	-	-	-
	Accounting: Daily Log	Daily	-	-	-	-	1	30.0	30.0	30.0
	Online & Agency Payment	Daily	2	27.5	27.5	27.5	-	-	-	-
	Accounting: Reconciliation	Monthly	-	-	-	-	2	210.0	270.0	240.0
	Payment Processing (Counter)	Transaction	5	2.2	4.6	3.4	1	5.0	15.0	10.0
	Supervisor review prior sending to collection agency	Weekly	-	-	-	-	1	120.0	360.0	240.0
Attending court hearings and trials	First Appear, Criminal Docket, Plea Day, Felony, Civil, Misdemeanor and Traffic	Case	10	1.9	2.8	2.4	2	0.5	0.7	0.6
	Criminal	Case	2	7.5	10.0	8.8	-	-	-	-
	Domestic	Case	1	5.0	20.0	12.5	-	-	-	-
	Juvenile Proceedings	Case	1	30.0	30.0	30.0	-	-	-	-
	Risk Protection Orders and Shelter	Case	2	12.5	17.5	15.0	-	-	-	-

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Maintaining court registry	Court Registry Entry	Case	-	-	-	-	1	5.0	5.0	5.0
	Foreclosure sales entry in registry and court registry docketing	Case	2	6.0	6.0	6.0	-	-	-	-
	Court Registry	Daily	1	15.0	15.0	15.0	4	19.8	19.8	19.8
	Monthly Reconciliation	Monthly	-	-	-	-	2	90.0	150.0	120.0
Filing indictments, information, and verdicts	Filing Indictments & Information	Case	4	2.0	2.8	2.4	1	3.0	5.0	4.0
	Filing Verdicts	Case	3	5.0	6.7	5.8	1	0.5	30.0	15.3
Jury management	Jury Selection	Event	1	160.0	160.0	160.0	2	90.0	90.0	90.0
	Jury check in and capture compensation information	Per Juror	5	0.8	1.9	1.4	1	0.3	0.3	0.3
	Report Quarterly	Quarterly	-	-	-	-	1	30.0	30.0	30.0
	Report Weekly	Weekly	-	-	-	-	1	20.0	20.0	20.0
Maintaining custody of all evidence and exhibits entered by the court	Recording Evidence records	Case	1	3.0	3.0	3.0	3	3.0	5.3	4.2
Conducting mortgage foreclosure sales	Live in-person auction	Auction	-	-	-	-	2	90.0	90.0	90.0
	Sales Setup & Online auction	Case	3	12.0	12.0	12.0	-	-	-	-
	Court viewing for mortgage foreclosures	Case	1	2.5	2.5	2.5	-	-	-	-
	Recording and conducting foreclosures / Processing new foreclosure case	Sale	-	-	-	-	4	11.8	12.3	12.0
	Post Sale Process	Sale	-	-	-	-	1	28.0	28.0	28.0
	Weekly Report	Weekly	-	-	-	-	1	10.0	15.0	12.5
Assisting in completing paperwork required to file petitions for protective injunctions (domestic, repeat, sexual, and dating violence)	Assisting in completing paperwork required to file petitions for protective injunctions	Case	3	35.0	40.0	37.5	6	32.5	47.5	40.0
	Temporary injunction extension	Case	1	5.0	5.0	5.0	-	-	-	-
Assisting in completing paperwork required to file a small claims action	Assisting in Completing Paperwork Required to file small claims action	Case	4	14.3	29.3	21.8	1	10.0	15.0	12.5
Preparing appellate records	Update Appeal	Case	-	-	-	-	2	22.5	22.5	22.5
	Prepare and processing appellate	Case	-	-	-	-	8	78.8	84.4	81.6

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Processing all civil and criminal cases	Open Civil, Close Civil, Open Criminal	Case	19	4.6	10.4	7.5	4	6.3	9.2	7.7
	Close Criminal	Case	6	11.3	17.5	14.4	-	-	-	-
	Sorting / Docketing	Case	1	1.0	1.0	1.0	-	-	-	-
	Transfer case from Felony to MM	Case	1	10.0	60.0	35.0	-	-	-	-
	Linking scanned file to case	Document	1	1.0	1.0	1.0	-	-	-	-
Issuing process service documents	Issuing Service Documents	Case	9	6.3	6.9	6.6	-	-	-	-

Source: MGT onsite observations and information provided by Clerks.

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APPENDIX C. COPY OF MGT CLERK OF COURT SURVEY

MGT CONSULTING GROUP

Florida Clerks of the Court
Staffing and Efficiency Survey

Your feedback is extremely valuable to us.

Please have one representative from your leadership team complete this survey with appropriate input from relevant managers or supervisors at your site.

Your survey should be submitted no later than Tuesday, October 1st, 2019.

Only one survey should be submitted for your site. Thank you in advance for your participation.

Your entries will be saved after you advance through each page. You can revisit your responses as many times as you need to prior to submission.

Survey responses are recorded as you click the "Next" and "Back" buttons in the survey; working from more than one browser tab may result in the loss of data you have entered.

NEXT

For verification purposes, please complete the following information:

Name:	
Current Job Title:	

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How long have you been in your current job role? (in years)

How many years of experience do you have with Florida Courts?

County Job Location(s):

(Select all that apply.)

Alachua
Baker
Bay
Bradford
Brevard
Broward
Calhoun
Charlotte
Citrus
Clay

For the functions performed at your site, please assign a percentage of overall staff time spent performing these functions. (Must total 100%. For functions not performed, you may leave those blank or enter 0.)

Filing indictments, information, and verdicts	0
Processing all civil and criminal cases	0
Preparing appellate records	0
Jury management	0
Collecting and disbursing fines, court costs, forfeitures, fees, and service charges	0
Conducting mortgage foreclosure sales	0
Maintaining custody of all evidence and exhibits entered by the court	0
Assisting in completing paperwork required to file a small claims action	0
Assisting in completing paperwork required to file petitions for protective injunctions (domestic, repeat, sexual, and dating violence)	0
Issuing process service documents	0
Maintaining court registry	0
Auditing guardianship reports	0

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Processing child support payments	0
Auditing child support payments	0
Processing or auditing bedroom/tourism taxes	0
Attending court hearings	0
Processing collections	0
Other 1 (please describe):	0
Other 2 (please describe):	0
Other 3 (please describe):	0
Total	0

BACK NEXT

For the court-related functions you selected in the previous question, identify the day(s) of the week that your staff performs each function.

	Monday	Tuesday	Wednesday	Thursday	Friday
Filing indictments, information, and verdicts	☐	☐	☐	☐	☐
Processing all civil and criminal cases	☐	☐	☐	☐	☐
Preparing appellate records	☐	☐	☐	☐	☐
Jury management	☐	☐	☐	☐	☐
Collecting and disbursing fines, court costs, forfeitures, fees, and service charges	☐	☐	☐	☐	☐
Conducting mortgage foreclosure sales	☐	☐	☐	☐	☐
Maintaining custody of all evidence and exhibits entered by the court	☐	☐	☐	☐	☐
Assisting in completing paperwork required to file a small claims action	☐	☐	☐	☐	☐
Assisting in completing paperwork required to file petitions for protective injunctions (domestic, repeat, sexual, and dating violence)	☐	☐	☐	☐	☐

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Issuing process service documents	☐	☐	☐	☐	☐
Maintaining court registry	☐	☐	☐	☐	☐
Auditing guardianship reports	☐	☐	☐	☐	☐
Processing child support payments	☐	☐	☐	☐	☐
Auditing child support payments	☐	☐	☐	☐	☐
Processing or auditing bedroom/tourism taxes	☐	☐	☐	☐	☐
Attending court hearings	☐	☐	☐	☐	☐
Processing collections	☐	☐	☐	☐	☐

BACK NEXT

Has your office ever performed a time or efficiency study for, or that included assessing, court-related functions?

- ○ Yes
- ○ No

Please briefly describe the time or efficiency study, including its purpose, the time period in which it was conducted, and the study's results.

Also, please upload a copy of the study, if available.

Drop files or click here to upload

BACK NEXT

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Please select the top three most important changes that your staff has made in the past few years to provide greater efficiency or effectiveness in court-related functions.

- ☐ Work Schedules/Operating Hours
- ☐ Resource Allocation
- ☐ Skill Development
- ☐ Work Environment/Workspace
- ☐ Technology
- ☐ Processes
- ☐ Performance Metrics & Reporting
- ☐ Facilities
- ☐ Staff Performance/Training
- ☐ Availability of Bilingual Resources
- ☐ Other (please describe):

BACK NEXT

For those changes you indicated in the prior survey question, please include any relevant comments, concerns, suggestions, and/or negative/positive outcomes related to each. **(What has or hasn't worked, and why?)**

You may copy and paste your answers into the text boxes below.

Work Schedules/Operating Hours	
Resource Allocation	
Skill Development	
Work Environment/Workspace	
Technology	
Processes	
Performance Metrics & Reporting	
Facilities	
Staff Performance/Training	
Availability of Bilingual Resources	

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You may also upload any related file or saved text document below.

Drop files or click here to upload

BACK NEXT

Please select the top three changes your staff would like to make to provide greater efficiency or effectiveness in court-related functions.

- ☐ Work Schedules/Operating Hours
- ☐ Resource Allocation
- ☐ Skill Development
- ☐ Work Environment/Workspace
- ☐ Technology
- ☐ Processes
- ☐ Performance Metrics & Reporting
- ☐ Facilities
- ☐ Staff Performance/Training
- ☐ Availability of Bilingual Resources
- ☐ Other (please describe):

BACK NEXT

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For those changes your staff would like to make, please include any relevant comments, concerns, plans, and/or suggestions related to each.

You may copy and paste your answers into the text boxes below.

Work Schedules/Operating Hours	
Resource Allocation	
Skill Development	
Work Environment/Workspace	
Technology	
Processes	
Performance Metrics & Reporting	
Facilities	
Staff Performance/Training	
Availability of Bilingual Resources	

You may also upload any related file or saved text document below.

Drop files or click here to upload

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What are the greatest staff challenges that you have in your office? (Check all that apply.)

- ☐ Absenteeism
- ☐ Recruiting qualified applicants
- ☐ Retaining quality staff members
- ☐ Advancement
- ☐ Compensation or Benefits
- ☐ Training
- ☐ Accuracy of work completed
- ☐ Timeliness of work completed
- ☐ Multi-tasking
- ☐ Frequent interruptions or distractions
- ☐ Returning incomplete or incorrect documents received from e-portal
- ☐ Responding to last-minute or highly demanding requests, which are outside of staff control
- ☐ Other (please describe):

Please include any comments you would like to provide regarding these challenges in the text box below.

BACK NEXT

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Please include any additional information or comments you would like to share as it relates to this study and the efficiency of court-related functions.

You may also upload any relevant files below (such as organizational charts).

Drop files or click here to upload

BACK NEXT

SURVEY SUBMISSION

Please click the button next to "SUBMIT AS FINAL" below and then click "**Next**" to submit your survey. If you wish to edit or review your responses, you may go back to previous questions by using the "**Back**" button.

○ **SUBMIT AS FINAL**

BACK NEXT

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APPENDIX D. DEMOGRAPHIC DATA

Source	Description	Type	Number of Files
Florida Clerks/Corporation Reports	Clerk's Years of Service	Excel	1
Florida Clerks/Corporation Reports	County Operational Budgets, FTE Counts, and Clerk's Average Pay	Excel	67
MGT Consulting Group Online Research	Clerk Main Addresses and Branch Address	Excel	15
Florida Clerks/Corporation Reports	Judicial Circuit, Number of Counties in Circuit, Peer Counties	Excel	1
Office of Economic and Demographic Research - Website	Population Demographics	PDF/Website	15

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APPENDIX E. PAST STUDIES

Study Title	Location	Year	Categories
An Analysis of Current Staffing in the Circuit Court Clerks' Offices in Maryland	Maryland	2005	Training, Technology, Business Process, Staffing
Judicial Branch Workload Formulas and On-Bench Time Reporting - North Carolina Administrative Office of the Courts	North Carolina	2014	Technology, Training
Nebraska Court Clerks' Office Study - Nebraska Supreme Court Advisory Committee	Nebraska	2017	Organizational Restructure, Staffing, Training
Iowa Court Clerk and Court Support Staff Workload Assessment Study	Iowa	2017	Business Process, Staffing, Technology
Little Duplication in Court-Related Services; Clerk/Court Cooperation Should Be Improved - OPPAGA	Florida	2010	Business Process, Organizational Restructure, Technology
Missouri Circuit Court Clerk Workload Assessment Study - Missouri Circuit Courts	Missouri	2017	Business Process
Miami-Dade Staffing Study	Florida	2000	Staffing, Training
Administrative Office of the Trial Courts Staffing Study – Commonwealth of Massachusetts	Massachusetts	2005	Staffing, Business Process, Technology
Staffing the Massachusetts Trial Courts	Massachusetts	2011	Staffing
Minnesota Judicial Workload Assessment	Minnesota	2010	Staffing, Organizational Restructure, Business Process
Kansas District Court Judicial and Clerk Staff Weighted Caseload Study - Supreme Court of Kansas	Kansas	2011	Business Process, Staffing, Technology
State of North Dakota Staffing Study – Clerks of Court	North Dakota	2000	Staffing

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From: Jameson, PK <PK.Jameson@LASPBS.STATE.FL.US>
Sent: Friday, November 15, 2019 3:14 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: FW: Clerks of Court - Contracted Study
Attachment(s): "Clerks Contracted Review.pdf","MGT_OPPAGA_FL Clerks of Court_Staffing and Effiency Study_Final Report_2019_11_13.pdf"

FYI

From: TWOGOOD.PHILIP <TWOGOOD.PHILIP@OPPAGA.FL.GOV>
Sent: Friday, November 15, 2019 3:03 PM
To: Pridgeon, Eric <Eric.Pridgeon@LASPBS.STATE.FL.US>; Kynoch, Cindy <Cindy.Kynoch@LASPBS.STATE.FL.US>
Cc: Vickers, Lisa <VICKERS.LISA@flsenate.gov>; Gormley, Carol <Carol.Gormley@myfloridahouse.gov>; Hamby, Tom <Tom.Hamby@myfloridahouse.gov>; Meyer, Reynold <MEYER.REYNOLD@flsenate.gov>; Jameson, PK <PK.Jameson@LASPBS.STATE.FL.US>; Gusky, Kristin <Kristin.Gusky@LASPBS.STATE.FL.US>; Hawkes, Jeremiah <Hawkes.Jeremiah@flsenate.gov>; MAZUR.CLAIRE <MAZUR.CLAIRE@OPPAGA.FL.GOV>; COLLINS-GOMEZ.KARA <COLLINS-GOMEZ.KARA@OPPAGA.FL.GOV>
Subject: Clerks of Court - Contracted Study

Attached please find a transmittal letter and copy of the report: ***Florida Clerks of Court Study.***

The 2019 General Appropriations Act directed OPPAGA to contract with an independent consultant to study the Clerks of Courts provision of court-related activities.

To complete this study, OPPAGA contracted with MGT Consulting Group, a national consulting firm. As directed, the study provides information gathered from in-person observations of a random sample of clerks' offices employees and an assessment of options to increase efficiencies. We anticipate that the full report will be posted on our website by early next week (www.oppaga.state.fl.us).

Should you have questions, please contact the contract manager Claire K. Mazur at (850) 717-0575.

R. Philip Twogood, PhD

Coordinator
Office of Program Policy Analysis and Government Accountability
Florida Legislature
850.717.0554

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The Florida Legislature

OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY

R. Philip Twogood, Coordinator

November 15, 2019

The Honorable Rob Bradley
Chair, Committee on Appropriations
Florida Senate

The Honorable W. Travis Cummings
Chair, Appropriations Committee
Florida House of Representatives

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Should you have questions, please contact the contract manager Claire K. Mazur at (850) 717-0575.

Sincerely,

R. Philip Twogood

R. Philip Twogood
Coordinator

RPT/kg

111 West Madison Street ■ Room 312 ■ Claude Pepper Building ■ Tallahassee, Florida 32399-1475
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MGT
CONSULTING GROUP

Florida Clerks of Court Study

Final Report
November 15, 2019



Prepared for: The Florida Legislature

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CHAPTER 1. INTRODUCTION

1.1 PROJECT BACKGROUND

In August 2019, the Florida Legislature contracted with MGT Consulting Group (MGT) to conduct an independent efficiency evaluation of the State's Clerks of Court Offices to determine the effectiveness of the Clerk of Courts' functions and performance in terms of internal operations and customer service. The contract fulfills the requirements of Ch. 2019-115, Laws of Florida, the General Appropriations Act of 2019, which states:

> From the funds in Specific Appropriation 2754, the Office of Program Policy Analysis and Government Accountability is directed to contract with an independent third party consulting firm to assist with a review of the Clerk of Court processes including collection and compilation of empirical evidence based on observation of a random sample of clerks' offices employees; comparison of clerks' office work patterns to propose efficiency and productivity standards; and assessment and comparison of organizational arrangements and deployment of personnel resources among all clerks' offices. Sample groups must include a broad number of large and small counties and include entities from all areas of the state. The analysis shall be submitted to the chair of the Senate Appropriations Committee and the chair of the House of Representatives Appropriations Committee by November 15, 2019.

Specifically, MGT evaluated 14 major functions (listed in section 1.2) that are identified as court-related duties by the Florida Court Clerks and Comptrollers Association. MGT's role in this engagement was to observe and analyze current circumstances and operations, highlight where best practices occur, and make recommendations to realize efficiencies. Our focus was on the people, processes, and technology that impact performance. An overview of the Florida Clerks of Court and explanation of the study's methodology follow.

1.2 OVERVIEW OF THE FLORIDA CLERKS OF COURT

Florida has 67 counties and 67 elected Clerks of Court, each providing an extensive amount of administrative services under the unique circumstances of their locale, including court-related and non-court related services. Non-court services include serving as Clerks to their respective Boards of County Commissioners and as County Comptrollers. In the focus of this study – a staffing and efficiency study of court-related responsibilities – Clerks of Court serve both the citizens and the judicial branch. The role of the Clerk of Court as an elected public trustee was established in the Florida Constitution in 1838. Clerks of Court are governed by the Florida Statutes and may gain additional responsibilities as laws change.

The Florida Court Clerks and Comptrollers Association identifies 14 key functions required of the Clerk of the Circuit and County Court:

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- Attend court hearings and trials
- File indictments, information, and verdicts
- Process all civil and criminal cases
- Prepare appellate records
- Jury management
- Collect and disburse fines, court costs, forfeitures, fees, and service charges
- Conduct mortgage foreclosure sales
- Maintain custody of all evidence and exhibits entered by the court
- Assist in completing paperwork required to file a Small Claims action
- Assist in completing paperwork required to file petitions for protective injunctions (domestic, repeat, sexual, and dating violence)
- Issue process service documents
- Maintain court registry
- Audit guardianship reports
- Audit child support payments

The Clerks of Court play a vital role in the state's judicial system. Yet, if one were to start from scratch to rebuild a statewide system of Clerks of Court, it is unlikely that you would design the approach MGT observed in Florida today, which is evident in the inconsistencies in the way court-related functions are managed across jurisdictions.

- Some differences reflect the broad spectrum of resources and demands across the state. For example, the court-related full-time employee counts range from the single digits in small, rural counties to many hundreds in larger urban centers.

- Other differences are based on individual management preferences. For example, Clerks of Court choose from a handful of case management/maintenance systems (CMSs) provided primarily by outside vendors to manage a significant portion of their workload.

- The CMS may be at the heart of the technology solutions for the Clerks of Court, but there are many more systems that the deputy clerks interact with on a daily basis. In Hillsborough County for example, MGT observed 27 more systems in addition to the CMS with which the deputy clerk may interface.

- Varied systems deployed by different Clerks of Court include internal systems that handle incoming calls, provide access to records, queue customers, manage juries, and facilitate foreclosure sales, to name a few.

- External systems are generally mandated statewide systems that provide and receive information critical to the courts. These include the Florida Courts E-Filing Portal (e-

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Portal), the Criminal Justice Information Services (CJIS), and the Comprehensive Case Information System (CCIS). Judicial circuits also utilize different bench viewers that interface with the Clerk's CMS to provide workflow management and document exchanges.

As evidenced by the above, technological improvements are of huge importance to the justice system, yet the level of information technology support and innovation is inconsistent among the Clerks of Court, even within similar peer groups. For example, "paperless" systems may actually mean using "less paper" than clerks previously used. In most counties, MGT observed paper and manual processes have not been completely removed from impacted tasks.

It should be noted that eliminating paper is not completely under the Clerk of Court's control. For example, introduction of the statewide Florida Courts E-Filing Portal now requires private attorneys to file cases electronically. Yet, pro se litigants who represent themselves in legal actions often file with paper, and some judges and public attorneys still favor the use of paper in the courts. External partners to the Clerks of Court, such as law enforcement and other state agencies also utilize paper. Where the Clerks of Court have control, significant strides have been made in some locations to transition to electronic methods of document maintenance and storage. Overall, local autonomy has certainly led to local innovation and creative strategies to drive efficiencies, but the lack of connection between respective Clerks' operations leaves significant room for optimization and to capitalize on what may truly be best practice, both within Clerks' offices as well as partnering with state agencies, the judiciary, and local law enforcement agencies.

The day-to-day duties of the elected Clerks of Court vary greatly. Some have advanced from entry-level positions and gained years of experience in the office. These Clerks of Court rely on years of personal experience to manage their deputy clerks on the frontline. On a given day, they may step into any subordinate's role to ensure the immediate deadlines are met and customers receive adequate service. Other Clerks of Court take on the role of a corporate CEO, working with a cabinet of division leaders and utilizing performance data to lead the office into the future. With no standardization of qualifications and experience requirements, it is up to voters to decide who is most qualified to hold the office in their county, and the diversity of backgrounds that are represented in these seats manifests itself in significant variation in the structure and practice of their operations.

Under current circumstances, the Clerks of Court must respond to changes that are not under their control. Deputy clerks respond to the different needs of the judges they partner with and must adapt to their unique preferences. The established revenue sources for Clerks of Court have been unreliable from year to year – and even within just one fiscal year – making it difficult for Clerks of Court to plan for necessary improvements or unexpected events. Many factors outside of the Clerks of Court span of control impact revenues coming from court fees and fines.

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Further, the amount of local funding support they each benefit from varies substantially, while a number of resource-consuming responsibilities do not yield sufficient revenues to cover the cost of the activity, either because there are no fees assessed (for filing an injunction for example) or the collection rate is low (for incarcerated felons' fines, for example).

1.3 PROJECT METHODOLOGY

MGT developed a methodological approach to address the specific goals and objectives for this study and to provide an appropriate in-depth review of the Florida Clerks of Court offices. This report section provides an overview of the methodology used in this assessment of the Clerks of Court Offices' functions.

1. **Project Initiation** – The project was kicked off August 9, 2019, in a meeting with the contract manager from the Office of Program Policy Analysis and Government Accountability (OPPAGA) to review the work plan, communications expectations for team meetings and status reports, study goals and objectives, project deliverables, and timeline for the study.

2. **Develop Preliminary Profile of the Florida Clerks of Court Offices** – MGT conducted a comprehensive review of the current state and functions of the Clerks of Court Offices. Relevant reports and studies were reviewed as part of our initial research.

   Multiple interviews were held with staff from the Florida Clerks of Court Operations Corporation and the Florida Clerks & Comptrollers Association. The Corporation is charged with budgeting responsibilities for the 67 Clerks, recommending amounts of court-related charges, fines, and fees to the Legislature, developing workload measures and performance standards, developing education programs for the deputy clerks, and preparing budget and expenditure reports to the Governor and Legislature. The Association provides advocacy and educational services for the Clerks of Court. Its wholly owned subsidiary, Civitek, provides technology services to more than half of the Clerks of Court.

   MGT also sought the judicial perspective of the performance of the Clerks of Court by talking with the Office of the State Courts Administrator and subsequently interviewing two Judges:

   - An Associate Administrative Circuit Judge who has served as the Chair of the Florida Courts Technology Commission since 2012.
   - A Chief Judge who serves on the Executive Council of the Florida Clerks of Court Operations Corporation.

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3. **Review of Industry Best Practices** – MGT conducted best practices research and review of common Clerks of Court Offices' practices among peers and within the industry. MGT reviewed best practices developed by the Florida Clerks & Comptrollers Association and discussed national performance measures with the National Center for State Courts.

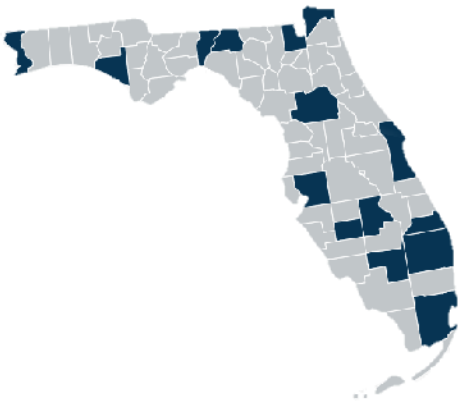
4. **Conduct In-Person Desk Audits of Selected Clerks Offices' Staff and Survey Remaining Offices** – MGT conducted onsite interviews with staff and desk audits of the Clerks of Court Offices' functions for 15 randomly selected sites. We administered an online survey of the remaining Clerks of Court Offices to gather comprehensive data across all Florida Clerks of Court Offices. We compiled and analyzed the onsite and survey data and summarized our findings.

5. **Prepare Draft and Final Reports**. We sought consultation from OPPAGA and prepared draft and final versions of this report in an agreed-upon format, including details regarding study methodology, analyses, findings, and recommendations.

SITE VISITS TO CLERKS OF COURT OFFICES AND RANDOM SELECTION METHODOLOGY

A primary resource for our observations and recommendations was 15 site visits with the Clerk of Court. During the site visits MGT:

- Interviewed and observed staff conducting 14 court-related functions (*identified above*).
- Met with the Clerk of Court and management and completed interviews and observations.
- More than 240 full-time Clerk of Court staff were interviewed or observed conducting the functions during the site visits.



Our random selection methodology for the 15 counties included the following steps:

- First, we categorized each County into peer groups 1-12 based on a 2017 report developed for the Florida Clerks of Court Operations Corporation (CCOC), which reviewed such items as population, new cases filed, and expenditures compared to peer group.
- For each 12 peer groups, MGT randomly selected a County using a random number generator.
    - We also wanted to ensure variance of Circuits (20 total), so if any of the same Circuits were selected, MGT would reselect that peer group. No Circuit was selected twice.
- For the final three visits, MGT randomly selected a number among the remaining 8 Circuits, and if there were more than one County per Circuit, MGT randomly selected the County in the Circuit.

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1.4 SUMMARY OF THE FINDINGS

MGT believes that staffing and efficiency could be enhanced by a combination of improvements with regards to people, process, and technology. While some recommendations can be immediately and easily implemented (e.g., "Standardize documents and processes"), others will require further investigation and study outside of a staffing and efficiency study (e.g., "Evaluate the effectiveness and feasibility of utilizing one CMS statewide"). Below is a chart summarizing our high-level recommendations. The full report provides detailed recommendations with associated examples and data in **Chapter 4.2** below.

Overall Report Recommendations	
Topics	**Recommendations**
Interruptions While Performing Daily Function	Address telephone interruptions by implementing an automated call center or devoting one employee daily to answer phone calls
	Direct customers and partners to online information
	Explore online chat bot development to aid in frequently asked questions
	Explore other processes to serve walk-in customers
Getting Clerk Staff to Full Productivity	Alter the hiring process
	Create standardized documents and processes
	Improve training methodology
	Provide easy access to resources
	Establish a culture of continuous learning
Use of Technology to Do Routine Tasks	Evaluate the effectiveness and feasibility of utilizing one CMS statewide
	Pursue the automation of routine tasks
	Customize or create interface between systems
	Fully leverage current existing technology
	Implement auto-stamps and digital signatures in the CMS
	Strengthen technological infrastructure and equipment to support present and future software, hardware, and computing needs
	Offer support to other court stakeholders and continue to expand E-Filing by pro se litigants, judges, law enforcement, and other parties

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Overall Report Recommendations, Continued	
Topics	**Recommendations**
Use and Storage of Paper Files	Develop a "paperless mentality"
	Educate and drive accountability
	Improve storage management and destruction of files
	Streamline the creation of packets for the public
Efficient Staffing and Resource Allocation	Enhance performance standards
	Develop a flexible staffing plan
	Assess resources other than staff such as technology
	Review prior caseload assessment and projection
	Develop current staff capability, capacity, and availability matrices
	Review future staff capabilities, capacity, and estimated headcount

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CHAPTER 2. FUNCTIONAL OVERVIEW SECTION

2.1 FUNCTIONAL INTERVIEW AND TIME ANALYSIS SUMMARY

During the site visits to meet with 15 Clerks of Court, MGT focused our interviews and observations on the 14 court-related functions identified above. MGT directly observed and timed tasks being performed by deputy clerks. When task work could not be performed in our presence, we inquired about time requirements during interviews with staff. Appendix B provides a full summary of our time recordings. Following are summaries of the functions, the tasks MGT observed that support the functions, and common observations.

2.1.1 ATTENDING COURT HEARINGS AND TRIALS

2.1.1.1 GENERAL DESCRIPTION OF FUNCTION

It is the role of the Clerks of the Court to provide administrative support in the facilitation of court hearings and trials. The courts follow structured processes during trials wherein deputy clerks' function as record keepers and liaison between judges, attorneys, bailiffs, and the public. Duties in support of this function occur prior to, during, and after hearings. The deputy clerks handle a variety of cases across multiple court divisions and with an array of judges (e.g., circuit, criminal, family), each with its own pace, style, requirements or preferences.

2.1.1.2 TASKS OBSERVED DURING FUNCTION

- Maintain Court Calendar: Prior to court, deputy clerks prepare the schedule of cases to be called before the judge
- Prepare Docket: Assembles legal documents and files (e.g., injunctions, writs, subpoenas, judicial orders) for cases scheduled to appear before the judge. Prior to court and, in some cases, making duplicates of said documents given certain judge's paper preference or scanning new documents to attach to case in the Case Management System (CMS)
- Process Evidence: Preparing files or evidence for temporary, on-site, or off-site storage
- Record Court Proceedings: Accurately track and note details of the case as the hearing occurs (i.e. trial outcome, judgment, sentence information, bail bonds, etc.) Typically, either during or post-case, judge's orders are recorded on paper and in the site-specific CMS
- Preparing court orders: Record judgement/order and prepare any documents requiring the judge's signature so they can be processed

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2.1.1.3 OBSERVATIONS

Common Observations

- Large portion of deputy clerk's job is handling court records, which could range from accepting them through the E-Filing Portal into the CMS, or scanning, reviewing, and possibly correcting errors when received in paper or electronic form.

- Courtroom operations MGT observed required the presence of at least one, and up to three clerks. The type and volume of cases, courtroom technology, staff numbers, pace of the judge, and availability of sufficient space could all factor into how many clerks are required.

- During court, deputy clerks typically recorded case proceedings and outcomes on paper/court documents and then updated the case file in their CMS. In courtrooms where either the judge required the handling of cases on paper or there was only one deputy clerk, it was more common for clerks to update the CMS records after they were done in court. In hearings where two or more clerks were present, it was common to see a system wherein one recorded the court proceedings /filled out required papers and the other updated the CMS case file. Particularly in fast moving courts, this greatly improved efficiency and ability for clerks to keep pace and record with accuracy.

- Clerks are expected to work at the pace of courts proceedings. Case and court type, the specific judge, or organization of lawyers may all determine the speed at which a court deputy clerk needs to work. Tenure in the job and strength of the deputy clerk/judge relationship, as well as the prerequisite knowledge of court-related terms, state or county statutes, the judge's orders and facts of the case are also main considerations in how efficient the deputy clerk can be.

- The four most important factors in driving efficiencies during hearings are:
    - Connectivity and response time of the CMS to the court's (or judges') information system;
    - Judges' use and ease of navigating the court information system;
    - Elimination of paper documents already available in the courts' systems;
    - Elimination of clerks preparing orders for any and all possible outcomes (orders from judge), especially when the deputy clerk is preparing orders that may never be used; also discarding unused, carbonless, triplicate forms is expensive.

- Based on seven observations, the minimum time for completing a task in the courtroom was 1.9 minutes and the maximum was 30 minutes, with an average completion time of 13.7 minutes.

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2.1.2 FILING INDICTMENTS, INFORMATION, AND VERDICTS

2.1.2.1 GENERAL DESCRIPTION OF FUNCTION

The purpose of this task is for the Clerk of Courts to process indictments, information, and verdicts according to the Florida statutes.

2.1.2.2 TASKS OBSERVED DURING FUNCTION

- Receive Documents and Process New Cases: Review indictments, information, and verdict documentation. Create and process cases in the Case Management System (CMS). Review and enter critical information (i.e., number of open cases, type and degree of charges)
- Maintain Court Calendar: Schedule court dates based on assigned judge
- Prepare Case File: Scan and save formal documentation into Case Management System (CMS). If multiple open cases for same individual, deputy clerk consolidates all cases
- Obtain Signatures: Following court, prepare and collect judge and state attorney's signature for warrant. Scan original document with required signatures into CMS

2.1.2.3 KEY OBSERVATIONS

Common Observations

- The E-Filing Portal is one of the most commonly used technology resources for this process.
- Source documents may come to the deputy clerks as a physical copy, sent digitally through E-Filing-portal, or both. When the process begins with paper copies it slows time to completion; paper takes longer because the deputy clerk must scan the documents and prepare the documents for the mail. In cases where documents are sent in both formats, the deputy clerks may experience a duplication in efforts.
- The most notable inefficiencies occurred with manually processed paper documents, as well as printing, and manually signing documents, then scanning the signed and sealed document because systems do not include an electronic signature and stamping feature.
- Based on seven observations, the minimum time for completing this task was 2 minutes and the maximum was 6.7 minutes, with an average completion time of 3.5 minutes.

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2.1.3 PROCESSING CIVIL AND CRIMINAL CASES

2.1.3.1 GENERAL DESCRIPTION OF FUNCTION

The function of processing all civil and criminal cases is very broad in that there are a variety of case types and updates to manage and track in the Case Management System (CMS). Frequently, the Clerk of the Court assigns criminal and civil divisions in their staff to track the different types of cases, but in simple terms, the majority of work in this category involves opening, updating, and closing cases with a variety of electronic and paper documents and forms.

2.1.3.2 TASKS OBSERVED DURING FUNCTION

- Case Initiation: Opening new cases (either filings from E-Filing Portal or paper filing) in CMS
- Document Management: Scanning and uploading attachments for the case in CMS
- Scheduling and Calendaring: Updating schedule of hearings and court activities for case
- Docketing: Updating open cases with activities and papers, such as motions and pleas
- Redaction: Removing protected information from court records that are available to the public
- Reporting: Running CMS reports to ensure documents are accepted and to analyze volumes

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2.1.3.3 OBSERVATIONS

Common Observations

- Technology requirements include the ability to transfer electronic filings from the E-Filing Portal into the CMS and uploading scanned paper documents received from pro se litigant filers, law enforcement agencies, and the courts. Case updates taken in court are noted on paper forms by the deputy clerks and then processed either in court or once they return to their desks. CMS systems varied in capabilities among counties. Some counties have created applications to enhance the functionality of their CMS. We heard occasionally that deputy clerks shared the tools with other counties that have the same system.
- Despite an overall effort to switch to electronic processing, we often were told that some judges still prefer managing cases on paper. Time and resources spent printing copies of orders and scanning documents due to preferences for paper is a concern for efficiency of staff, duplication of work, and costs of paper.
- We saw numerous approaches to redacting private information before documents were made available to the public. Some Clerks of Court use automated systems for redaction but still must do some manual redaction. Other offices had staff whose sole responsibility was redaction. We witnessed deputy clerks manually redacting private information by blacking out the information on the screen.
- A broad range of electronic and manual processes were noted among the different counties observed. Manual time stamping of documents entered and scanning forms that are manually signed is still common, but a few counties have advanced to electronic time stamping, signatures, automated redaction, and other related processes.
- Timely and accurate entry of data is a requisite skill set. Often, when speaking with deputy clerks we observed a pervasive fear of making mistakes. A deputy clerk who spends the bulk of their day working cases in the CMS practices a very repetitive process involving manual entry and reentry of data. We observed deputy clerks recording cases in paper logs, double checking their entries, or going through a Quality Assurance (QA) process where one or more clerks checks the work. One deputy clerk spent the first moments of her day reviewing all her entries from the previous day to make sure there were no mistakes, even though she reported rarely finding any mistakes.
- Some deputy clerks shared that they have procedural manuals, but the process is often learned over time by shadowing more experienced clerks.
- This was the most frequent function observed by MGT during site visits. Performing individual tasks in the CMS was a relatively quick process. Different approaches are used to notify deputy clerks when they have new case updates in the queue, depending on the capabilities of the CMS. Not all deputy clerks receive notifications directly from the CMS. Reports may be run by supervisors and shared at different time intervals, which means that it is possible that a deputy clerk has work to do but is waiting for notification from the supervisor.
- Time to complete task was as little as one minute for docketing and adding scanned files to as much as 60 minutes to transfer a case from a felony to a misdemeanor.

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2.1.4 PREPARING APPELLATE RECORDS

2.1.4.1 GENERAL DESCRIPTION OF FUNCTION

The purpose of this task is for the deputy clerk to prepare and submit appeals according to District Court of Appeal (DCA) rules and Florida statutes.

2.1.4.2 TASKS OBSERVED DURING FUNCTION

- Prepare Notice of Appeal: Receive and review Notice of Appeals documents from E-Filing Portal and mail. Work with appellant to fix documentation if the Notice of Appeal is incomplete or illegible
- Prepare Appellate Record: Locate and upload relevant documents to the Case Management System (CMS). Scan and build appellate record in Adobe, format records to DCA compliance standards
- Present Records: Submit record to DCA via E-Filing Portal (i.e., eDCA). Prepare electronic (e.g., hard disk or thumb drive) or physical package for appellant and attorney general

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2.1.4.3 OBSERVATIONS

Common Observations

- Preparing appellate records can be a very long process depending on the number of files and documents on the case, especially when the parties request physical packages over electronic ones.
- The demand for appeals is frequent and consistent in some counties, but infrequent and rare for others.
- Information Technology solutions are improving efficiency and accuracy and changing the need for human resources. For example, Hillsborough County is able to complete almost the entire appeals process electronically. This with the additional ability to redact electronically has helped reduce a 12-member appellate team to 6 members.
- Some District Court of Appeals (for example the 3rd and 4th DCA), have new e-filing requirements that require everything must be submitted electronically, which has been helping with paperless initiatives and increasing efficiency.
- The appellate preparation process can be placed on hold while waiting for transcripts from court reporters.
- The E-Filing Portal is one of the most commonly used technology resources for the appellate process, as this process requires the combination of many files into one document. If the case is not submitted via the E-Filing Portal, the deputy clerk must instead scan all the documents and then prepare them for the mail, thereby slowing the process down.
- Based on eight clerk-reported times, the minimum time for completing this task was 78.8 minutes and the maximum was 84.4 minutes, with an average completion time of 81.6 minutes.

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2.1.5 JURY MANAGEMENT

2.1.5.1 GENERAL DESCRIPTION OF FUNCTION

The purpose of this function is to manage the overall process in which jurors are summoned, accommodated, and checked-in on jury selection day. Clerks of the Court are tasked to maintain and implement a system that helps support effective juror selection and use.

2.1.5.2 TASKS OBSERVED DURING FUNCTION

- Jury Pool Creation: Generate a random selection of jurors from the available population to be summoned
- Issuing Summons: Send notices to appear for jury selection
- Database Maintenance: Record excusals or updating individual's information to limit future juror candidate populations to only those qualified and able to serve
- Jury Call-Offs: Provide an update or way for jury pool candidates to check if they have been called off from needing to appear
- Jury Check-In: Assist and check-in juror candidates on selection day

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2.1.5.3 OBSERVATIONS

Common Observations

- Courts typically use a jury management system or software to manage the jury process. The use of scanners to check people in with the barcode on their summons creates a quicker check-in process. If fewer jurors are needed than originally pooled, telephonic systems can allow jurors to call in to see if they must appear.
- Allowing candidates to complete and pre-submit their questionnaires can provide an early indication of how many people will appear and save deputy clerks' and candidates' time at check-in.
- Certain judges may prefer to order more jurors than needed, which can put strain on the deputy clerks and jury pool. For example, the deputy clerks have to issue larger numbers of summonses or check in more people on jury selection day.
- Most counties find that around 30% of those summoned will attend jury selection. Of the remaining individuals summoned, deputy clerks indicated an average of 40%-50% may get excused and another 20%-30% are no shows. Those who fail to appear without an approved excusal may experience no penalty, as it is not always economical to pursue them.
- Creating jury pools and issuing a summons can be a tedious and time-consuming process. Hendry is one example of a court that contracted this task out to a vendor. For example, once the number of jurors needed is entered into their jury management system, the vendor generates the jury pool and prints and mails all summonses on their behalf.
- The check-in process in Palm Beach County was notable in its use of terminals for the registration process. Deputy clerks are still nearby if needed, but this allows jurors to scan their summons and check in on their own which greatly reduced deputy clerks' processing times.
- Based on observations in five county courts, the average minimum time to check in jurors was forty-eight seconds and the average maximum time observed was two minutes. Kiosks and barcode scanners contribute to lower check-in times compared to manual check in processes.

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2.1.6 COLLECTING AND DISBURSING FINES, COURT COSTS, FORFEITURES, FEES, AND SERVICE CHARGES

2.1.6.1 GENERAL DESCRIPTION OF FUNCTION

The purpose of this function of the Clerks of Court is to collect and disburse fines, court costs, forfeitures, fees, and services charges accrued and imposed by the Florida court system per Title V, Chapter 28 of the Florida Statutes. Customers may pay these costs by mail, telephone, online, or in-person at the Clerks of Court county office or at designated bank(s) determined by the specific County in which payment is to be made.

2.1.6.2 TASKS OBSERVED DURING FUNCTION

- Collection of General Fines and Fees: Includes account reconciliations, processing and receipt of fine and fee costs relative to traffic citations, service charges, and documents and records requests
- Collection of Court Costs: Includes criminal and civil court costs, forfeitures, and child support payments
- Collection of Bonds: Includes bonds processing and payments
- Collection Agency Notifications: Includes the forwarding on unpaid due costs, fees, and fines to collection agencies

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2.1.6.3 OBSERVATIONS

Common Observations

- Delays in uploading or updating information, poor quality of scanned documentation, and inaccurate or mismatched data in software databases is an issue across multiple counties.
- Staff completing tasks under this function are typically instructed to prioritize walk-in customers and phone calls before all other tasks. If they are in the process of conducting another activity they must stop and come back to it once those other two have been addressed.
- Tasks were also delayed or slowed due to the high volume of payments received, manual and duplicative data entry, and paper handling. The amount of paper handling and manual data entry required by the deputy clerks is exacerbated by the receipt of cash payments, paper tickets received that must be entered into the system, paper recordkeeping, and incorrect or distorted/illegible data and documents received from external agents (e.g., customers, judges, and attorneys).
- New hires under this function learn the processes and procedures for completing their tasks by shadowing other deputy clerks or through cross-training. There is a lack of procedural documentation for deputy clerks to reference, and they frequently rely on their own notes and documentation for fulfilling their duties.
- Miami-Dade County exhibited well-defined collection, control and accounting closing processes considering they have 200 cashiers across multiple sites and functions. After payments are received a facility supervisor will calculate checks for each workstation, validate cash, close out each workstation and prepare for daily deposit. All money goes from the local sites directly to banks.
- Escambia County, which has four staff working on collections, noted that an additional collections fee of 27% is charged by the collection agency (on top of the amount owed to the Clerk of Court). They suggested that acquiring software which would allow them to do more collections in-house rather than outsourcing to a collection's agency. The cost of the software, its success rate, and needs for additional staff to do more collections in -house, was not known at the time of the interview.
- Per onsite observations, deputy clerks take an average of 10.5 minutes to complete processing bonds and payment plans; online and agency payments take an average 27.5 minutes to complete; and, payment processing (counter) takes an average of 3.4 minutes to complete.

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2.1.7 CONDUCTING MORTGAGE FORECLOSURE SALES

2.1.7.1 GENERAL DESCRIPTION OF FUNCTION

The Clerk of Court of each county is responsible for conducting mortgage foreclosure sales of properties within the county's borders. The court directs the Clerk of Court to sell the property via a final judgment. A copy of the final judgment is furnished by the deputy clerk to the last known address of every party to the action or to the attorney of record for such party. Prior to the auction, staff from the applicable Clerk of Court's office review each case to ensure that nothing that would stop a sale has been filed (e.g., bankruptcy). The general state of the economy is the biggest external factor that affects the volume of foreclosure sales.

2.1.7.2 TASKS OBSERVED DURING FUNCTION

- Filing of Complaint: Plaintiff files complaint with the Clerk of Court
- Final Judgment: Judge issues final judgment directing the Clerk of Court to sell property
- Publication of Sale: Notice of sale is published at least two weeks prior to the sale
- Conduct the Sale: The Clerk of Court conducts the sale either online or in-person
- Certify the Sale: The Clerk of Court issues the Certificate of Sale
- Certify the Title: The Clerk of Court issues the Certificate of Title

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2.1.7.3 OBSERVATIONS

Common Observations

- Counties that conduct the auctions via the internet have the opportunity for cost savings realized by avoiding the personnel cost associated with having multiple clerks at the auctions. Clerks of Court that conduct the auctions via the internet can have deputy clerks perform other functions while the auctions are taking place.
- There are processes in which deputy clerks are printing, signing, and sealing documents before scanning them back into the applicable system.
- Staff members performing the function are required to be knowledgeable of laws and regulations related to the sale of foreclosure properties.
- Staff members were trained by shadowing a more experienced deputy clerk.
- The Marion County Clerk of Court is a good example of an office that appears to have an effective and efficient process for conducting mortgage foreclosure sales. During our observation, the deputy clerk who provided us an overview of the process was able to perform various tasks while the auction was taking place. Additionally, the system automatically prohibits a bidder to bid an amount for which the five percent deposit requirement is greater than the amount available in the bidder's account.
- The average completion time of 12 minutes is based on three observations.

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2.1.8 MAINTAINING CUSTODY OF ALL EVIDENCE AND EXHIBITS

2.1.8.1 GENERAL DESCRIPTION OF FUNCTION

Exhibits received into evidence during a court proceeding become the responsibility of the Clerk of Courts. This exclusive control also carries with it the responsibility of maintaining a chain of custody, storage, and ultimately disposition or destruction pursuant to the Florida Statutes and Rules of Judicial Administration. Clerks of Court have an inherent concern over the responsibility and risk of mishandling evidence. The consequences could include a mistrial during appeals if evidence is mishandled.

2.1.8.2 TASKS OBSERVED DURING FUNCTION

- Record Receipt of Evidence: Establish and follow procedures for exchange of evidence between parties
- Handle and Store Evidence: Establish and follow control procedures for accessing evidence and conduct regular audits
- Dispose of Evidence: Per statute/rules, safely destroy or return evidence (if allowed)

2.1.8.3 OBSERVATIONS

Common Observations

- Exhibit sheets are recorded in the Case Management System (CMS).
- Based on judicial preference, a deputy clerk may be required to keep original copies of evidence for an active civil case at the ready on his or her desk. In one instance, the stack of evidence on the deputy clerk's desk was taking up scarce workspace for weeks. Some judges temporarily store evidence in their chambers.
- Storage locations vary from secure rooms and vaults within the Clerk of Courts' offices to off-site warehouses and leased spaces in other public buildings. Space is not generally a problem in the smaller counties we observed, but in large counties, a lack of space and lack of resources to scan old evidence is creating capacity issues.
- Established procedures and controls are necessary to maintain the integrity of evidence. Physical evidence may be hazardous and require special storage. Escambia County posts its access standards on the door to the evidence room, including a two-person access process, incorporating a Quality Assurance (QA) process to ensure case numbers are correct, and ensure that descriptions and images match.
- We were able to observe one instance of recording evidence records in the CMS following court, and the process to record one record took 3 minutes. Time ranges reported by deputy clerks were between 3 and 5 minutes.

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2.1.9 ASSISTING IN COMPLETING PAPERWORK REQUIRED TO FILE A SMALL CLAIMS ACTION

2.1.9.1 GENERAL DESCRIPTION OF FUNCTION

The purpose of this function is to assist individuals in their filing of a legal action to settle a minor dispute for a dollar amount that is smaller than $5,000. Clerks of the Court assist by providing guidance on what documentation is needed, as well as how to fill out the required forms. Once the paperwork has been submitted, a Clerk issues a summons to appear in court.

2.1.9.2 TASKS OBSERVED DURING FUNCTION

- Filing Small Claims: Assist in completing paperwork required to file small claims action, including observing counter interaction with pro se litigant customers

2.1.9.3 OBSERVATIONS

Common Observations

- Individuals seeking to file a claim need to have certain documentation to do so, otherwise the process can take much longer. Providing this information online can reduce the number of times this issue occurs and increase efficiency for the deputy clerks, which has been noted by counties that provide this information.
- While use of the E-Filing Portal is statewide, electronic signatures have not been as widely incorporated. Having the capability to use electronic signatures would increase efficiency and accuracy of submissions, while also reducing the amount of paper used.
- Palm Beach County uses a self-help center with a part time "Navigator" employee to assist customers understand and complete their paperwork. In some counties, this individual has been a current law student.
- Cross training is utilized in Hillsborough County in order to allow multiple deputy clerks to assist with small claims paperwork as needed.
- Phone calls were noted as a frequent disruption to deputy clerks assisting pro se litigants which slowed down the filing process.
- Based on four observations, the minimum time for completing this task was 14.3 minutes and the maximum was 29.3 minutes, with an average completion time of 21.8 minutes.

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2.1.10 ASSISTING IN COMPLETING PAPERWORK REQUIRED TO FILE PETITIONS FOR PROTECTIVE INJUNCTIONS

2.1.10.1 GENERAL DESCRIPTION OF FUNCTION

The purpose of this function is to provide clerical assistance to those seeking protective injunctions. An injunction is a legal remedy in the form of a special court order that compels a party to do or refrain from specific acts, e.g. to make restitution to an injured party, or restrain them from threatening or invading the legal right of another. There are four types of civil injunction petitions that can be filed with the Clerk of Court: such as domestic violence, sexual violence, dating violence, and repeat violence. The deputy clerk does this by walking through the appropriate paperwork from start to finish with the individual to ensure it has been completed correctly.

2.1.10.2 TASKS OBSERVED DURING FUNCTION

- Aid Filers: Assist in completing paperwork required to file petitions for protective injunctions
- Prepare Court Orders: May prepare forms for extended, final judgment, and dismissal for the judge
- Update Cases: Enter verdict or updated existing case for temporary injunction extension

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FL-SEN-20-0201-B, 20-0202-A-004018

2.1.10.3 OBSERVATIONS

Common Observations

- Some Clerks of Court prepare proposed orders for the judge, while some do not. There is nothing in statutes or rules saying it is a Clerk of Court's responsibility, but some judges trust and prefer this task be performed by a deputy clerk. In one county, the judge asks the deputy clerk to print and prepare all three orders (granted/denied/denied set at hearing) and then the deputy clerk must destroy those that are not used, which reduces efficiency and increases overall process completion time.
- There is no fee charged in order to file a protective injunction. Based on multiple conversations with deputy clerks, as an unintended consequence of not having a fee, they see repeat filers whose injunctions end up being dismissed.
- Clerk of Court staff in multiple counties noted that being able to file documents online, with the ability while to e-sign documents would cut down on costs and time to file.
- Frequent phone calls are an interruption for most counties. However, counties with Automated Voice Systems (AVS) noted that calls were only an occasional interruption.
- Providing more information on the county's website to reduce the number of people who are missing documents when they go to court or walking in to file an injunction would increase efficiency and reduce staff time answering frequently asked questions.
- Based on three observations, the minimum time for completing this task was 35 minutes and the maximum was 40 minutes, with an average completion time of 37.5 minutes.

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FL-SEN-20-0201-B, 20-0202-A-004019

2.1.11 ISSUING PROCESS SERVICE DOCUMENTS

2.1.11.1 GENERAL DESCRIPTION OF FUNCTION

The Clerk of Court for each county must create documents such as complaints, petitions, summons, subpoenas, orders, or notices. A copy of the process service documents is often mailed or returned electronically to the lawyer who submitted the original application for the documents. The documents may also be sent to the Sheriff's Office. Generally, this function is an officially noticed document providing information and requiring a response from the individual who is served.

2.1.11.2 TASKS OBSERVED DURING FUNCTION

- Court Summons: Request for a person to appear in court
- Risk Protection Orders: A mandate to surrender guns due to a judicial order
- Eviction Notices: Notice to vacate a property

2.1.11.3 OBSERVATIONS

Common Observations

- The E-Filing Portal is one of the most commonly used technology resources for this process. In some cases, the process begins with paper, which slows time to completion. Paper takes longer because the deputy clerk must scan the documents and prepare the documents for the mail.
- The most notable inefficiencies occurred with manually processed paper documents, as well as scanning and rescanning with systems that do not include an electronic signature and stamping feature.
- Deputy clerks must be trained in the steps for this process. Training typically occurs with one-on-one sessions, job shadowing, and hands-on review. Instructor-led training and online procedure checklists are available in some counties (e.g., Hillsborough offers an instructor led class in addition to one-on-one and job shadowing). Other counties must do side-by-side training because they do not have training guides.
- Palm Beach County has excellent electronic resources, such as access to training documents through SharePoint, to support efficient processing.
- Based on nine observations, the minimum time for completing this task was 6.3 minutes and the maximum was 6.9 for an average of 6.6 minutes.

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FL-SEN-20-0201-B, 20-0202-A-004020

2.1.12 MAINTAINING COURT REGISTRY

2.1.12.1 GENERAL DESCRIPTION OF FUNCTION

The Court Registry is a depository for funds collected by court order or other legal authority. For example, the registry may be used to hold cash bail bonds issued for a failure to pay a fine on a prior case or to appear before the court on a scheduled appearance. It is the fiduciary responsibility of the Clerks of Court to be custodians of these funds, pending withdrawal pursuant to the proper authority.

2.1.12.2 TASKS OBSERVED DURING FUNCTION

- Track Incoming Funds: Record and/or deposit funds collected
- Disbursement of Funds: Checks are cut in accordance to the specifications of the judge's order. A signed Court Order is required before funds can be withdrawn from the Court Registry.
- Reconciliation: Verify the accuracy of records and account balances

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2.1.12.3 OBSERVATIONS

Common Observations

- Court orders and the funds collected are typically recorded in the courts Case Management System (CMS). A separate Financial Management System i.e., Inova, PeopleSoft, SAP, Finance Plus, etc. is also common for reconciliation and managing disbursements. In places where these systems do not talk to each other, more manual processes are required which take more time of the deputy clerks and increase the risk of error.
- Most counties have verification and control measures, such as checking for errors or periodic reconciliation, in place to help ensure accuracy of entries and accounts.
- In several site visits, deputy clerks shared that basic knowledge of accounting principles is a useful skill for accurately and effectively managing registry funds. No deficiencies in this skill were noted.
- In some court offices, the separate divisions are responsible for managing their own funds and deposits; however, the accounting department is responsible for reconciliation and issuing checks.
- Of the counties where this process was observed, Palm Beach County demonstrated a streamlined process. They created an interphase between their case management and financial management systems, which was a desire of Clerks of Court in other counties. The office also implemented a "Positive Pay" procedure wherein information is automatically sent to the bank, and the bank is responsible for confirming the check number, payee, and amount before cashing the check.
- Based on seven observations, the minimum time for completing this task was 6 minutes and the maximum was 15 minutes, with an average completion time of 10.5 minutes.

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FL-SEN-20-0201-B, 20-0202-A-004022

2.1.13 AUDIT OF GUARDIANSHIP REPORTS

2.1.13.1 GENERAL DESCRIPTION OF FUNCTION

Guardianship is the legal process used to protect individuals who are unable to care for their own well-being due to infancy, incapacity, or disability. In addition to the duty to serve as the custodian of the guardianship files, the Clerks of Court review each initial and annual guardianship report to ensure that it contains information about the ward addressing, as appropriate:

- physical and mental health care;
- personal and social services;
- residential setting;
- application of insurance, private benefits, and government benefits;
- physical and mental health examinations; and,
- initial verified inventory or the annual accounting.

2.1.13.2 TASKS OBSERVED DURING FUNCTION

- Audit of Annual Accounting: Guardianship reports are provided to the applicable Clerks of Court office for review of the annual accounting

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2.1.13.3 OBSERVATIONS

Common Observations

- Staff members performing the function are required to be knowledgeable of laws and regulations related to the audits of guardianship reports.
- Counties in which professional auditors are involved in the reviews appeared to have benefited in terms of knowledge and efficiency by having them involved. Accuracy and the fact that auditors have more training identifying unusual or inconsistent items when reviewing expenditures related documents have been key drivers behind using professional auditors.
- There are processes in which deputy clerks are printing, signing, and sealing documents before scanning them back into the applicable system.
- The Palm Beach County Clerk of Court is a good example of an office that appears to have an effective and efficient process for auditing guardianship reports. During our observation, the deputy clerk who provided us an overview of the process indicated that guardianship reports for which an indication of fraud is identified are forwarded to the Clerk and Comptroller, Palm Beach County Office of the Inspector General for a next level review. Additionally, the Clerk of Court has a Guardianship Fraud Hotline that can be used to anonymously report financial fraud or waste involving court appointed guardianships.
- The length of time required to perform a review varies significantly depending on the number of transactions, value/size of the assets, and whether suspicious activities are identified.
- Based on two observations, the average time for completing this task was 75 minutes.

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2.1.14 AUDIT CHILD SUPPORT PAYMENTS

2.1.14.1 GENERAL DESCRIPTION OF FUNCTION

The Florida Department of Revenue (DOR) is responsible for child support services and collection of child support payments, referred to as the Child Support Enhancement (CSE) program. The DOR works directly with families and partners with state and federal agencies including the Clerks of Court as well as private companies (employers) to carry out several steps associated with child support. Specifically related to our study, the Clerks of Court in all but two of Florida's 67 counties provide support for child support payments for DOR. For Miami-Dade and Manatee, the DOR partners with the State Attorney's office versus the Clerk of Court.

CLERC, a computer application designed by the Florida Association of City Clerks (FACC) and operated through DOR to manage child support payments, has been used since the early 1990s. CLERC is a first-generation, federally certified system that initially brought exceptional results. Technological progress with child support systems slowed down dramatically after certification. By the 2000s, most states (including Florida) settled for maintaining their legacy systems with no further improvements.

While deputy clerks primarily focus on the child support auditing function, they also handle inquiries including payment processing when call volume cannot be handled by the DOR or Florida State Disbursement Unit (FSDU). Clerks may answer many in-person or by-phone questions to provide information or reconcile issues within CLERC, FSDU and the Clerk of Courts case management system to ensure payments are made as accurately and as timely as possible.

2.1.14.2 TASKS OBSERVED DURING FUNCTION

- Processing Orders: Recording of, or modifying, child support orders received
- Payment Processing: Accepting payments or requests to process autopay through voided checks in site-specific CMS. Payments can be made in cash, cashier's check, credit card (with a convenience pay) or garnished from one's pay.
- Customer Inquiries: Fulfilling requests for historical report of payments
- Payment and Balance Reconciliation: Daily reconciliations with the Department of Revenue's Florida State Disbursement Unit (FDSU) to verify balances
- Allocating payments to different cases and categories based on priority levels
- Auditing Child Support Payments: Researching and reconciling child support transactions flagged by FSDU as possible errors. Makes necessary adjustments and/or adds comments in CLERC for subsequent review by FSDU or DOR. In addition, makes necessary duplicate entry of adjustments and/or or scans relevant documents (i.e., new orders) into Clerk of Court's CMS

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- Random Moment Sampling (RMS:) Responding to time diary requests from the DOR asking the Clerk of Court to list the cases they are currently working on and describing current activities related to those cases

2.1.14.3 OBSERVATIONS

Common Observations

- Same system used by all Clerks of Court, Florida State Disbursement Unit and Department of Revenue. Deputy clerks who audit child support payments interact frequently with payors, payee, and the agencies listed here. Most Clerks of Court audit payments in-house, but some have relied on third parties for accepting payments.
- The Child Support Enforcement System is a first-generation federally certified system with very limited reporting and has no connectivity to Case Management System (CMS) or finance systems.
- Lack of integration or interfaces with other systems requires longer processing time, duplicate data entry (in both CSE and a CMS), this leads to manual calculations which are inefficient and cause for potential errors.
- Daily, weekly, monthly and annual reconciliation of Florida State Disbursement Unit transactions with a county's chosen CMS or relevant financial systems such as SAP is very manual. Deputy clerks must print reports and manually record codes and then enter adjustments for what could be several hundred "flagged" items daily.
- Audits are done manually, which increases chance of errors in amounts or location for disbursement. Greater accuracy and efficiencies are realized when the deputy clerk conducting audits is not fielding basic calls, such as dates payments were received or disbursed.
- Based on two observations, the average time for completing this task was 17.5 minutes.

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2.2 MGT CLERK OF COURT SURVEY

2.2.1 SURVEY METHODOLOGY

In September 2019, MGT developed and distributed an online survey to the 52 remaining Florida counties that were not included in the site visit samples in order to collect comparative data on the Clerks of Court functions.

The survey was distributed online via e-mail using MGT's survey tool, Qualtrics, on September 23 and was scheduled to close on October 7. The survey was kept open until October 22 to conduct additional outreach and to ensure participation from all 52 counties not visited. Fifty-one responses were recorded, with MGT visiting one of the counties in person to ensure MGT was able to gather information from all counties that received a survey.

In the following section, a more in-depth overview will be provided for the survey topics that provided the most relevant data to this report.[1] Based on our analysis of the on-site visits and online survey, those survey topics are:

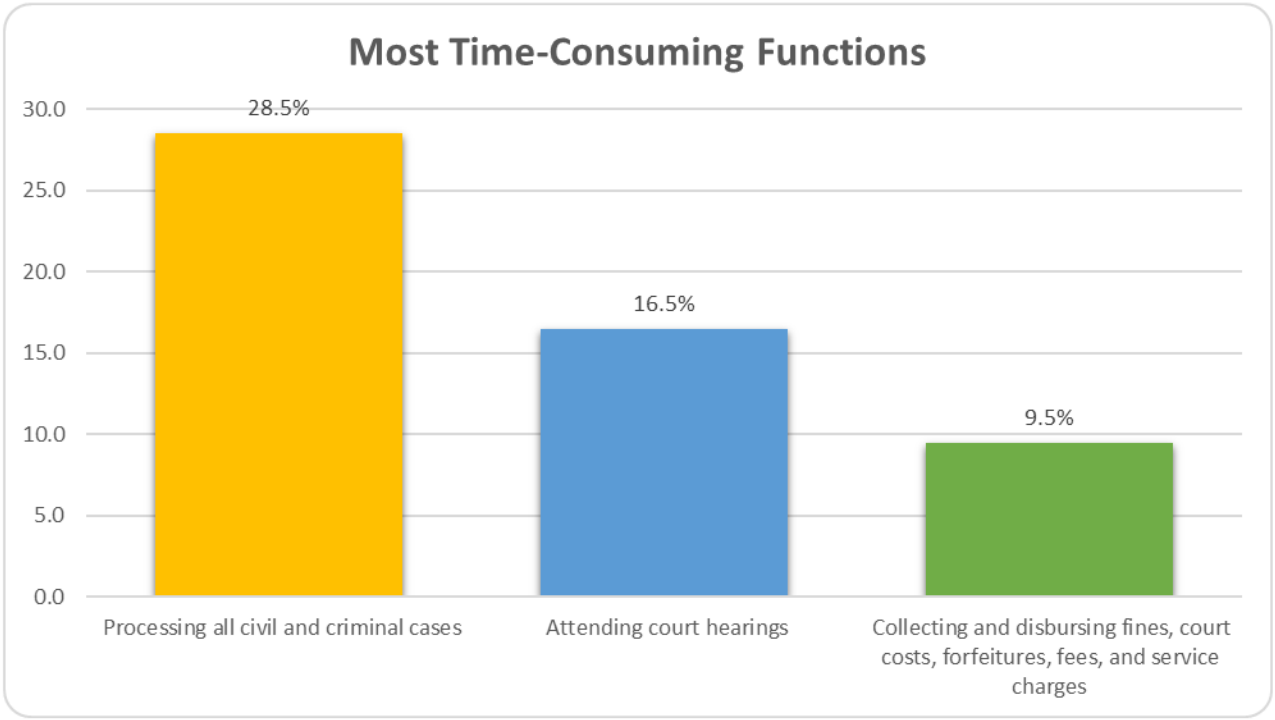
- For the functions performed at your site, please assign a percentage of overall staff time spent performing these functions.
- Select the top three changes your staff would like to make to provide greater efficiency or effectiveness in court-related functions.
- What are the greatest staff challenges that you have in your office?
- For those changes your staff would like to make, please include any relevant comments, concerns, plans, and/or suggestions related to each.

2.2.2 TIME SPENT ON FUNCTIONS

The chart below highlights survey responses to the question: "For the functions performed at your site, please assign a percentage of overall staff time spent performing these functions. (Must total 100%.)." The top three reported functions according to the percent of time spent performing each were processing all civil and criminal cases, attending court hearings, and collecting and disbursing fines, court costs, forfeitures, fees, and services charges. These functions made up over 50% of the total function time. We have highlighted these three functions below:

[1] Counties that submitted responses that either did not add up to 100 percent, or added up to more than 100 percent, were omitted from the analysis of the function section. Counties that did not provide any response to the Improvements Made, Greatest Challenges, and Improvements Desired sections were also removed from the analysis for the section with no response.

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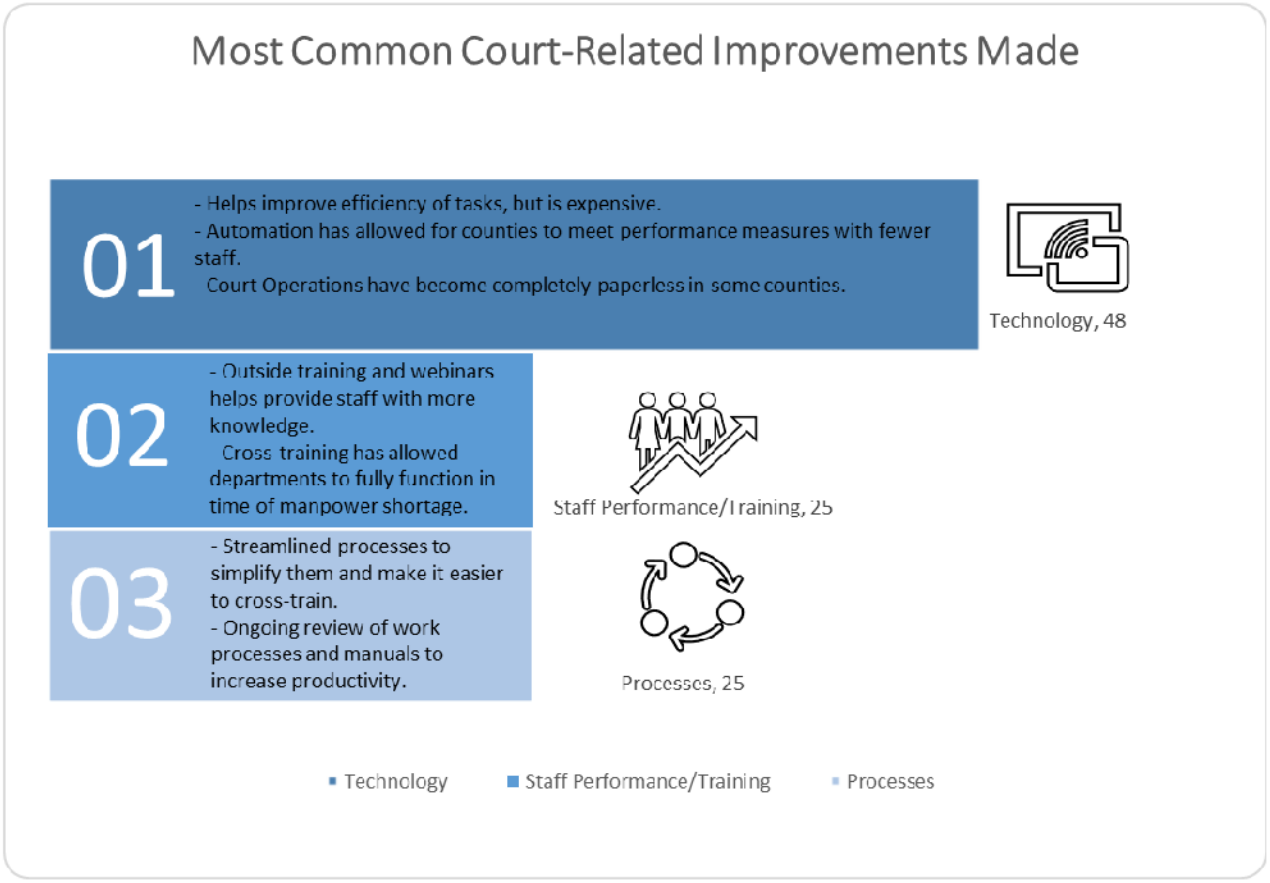
Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=46.

The bottom three reported functions according to the percent of time spent performing each were auditing guardianship reports, conducting mortgage foreclosure sales, and maintaining the court registry. Auditing guardianship reports (1.9%), conducting mortgage foreclosure sales (1.8%), and maintaining the court registry (1.3%), made up only 5% of the total function time.

2.2.3 IMPROVEMENTS MADE

The chart below highlights survey responses to the question: "Please select the top three most important changes that your staff has made in the past few years to provide greater efficiency or effectiveness in court-related functions." Out of the 162 recorded responses; technology was selected 48 times, staff performance/improvement was selected 25 times, and processes were selected 25 times as one of the improvements that have been made. In addition to reiterating the counts of responses, the chart below highlights responses from the Relevant Comments portion of the survey question.

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Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=51

The table below highlights comments from the Relevant Comments portion of the survey for each of the remaining functions.

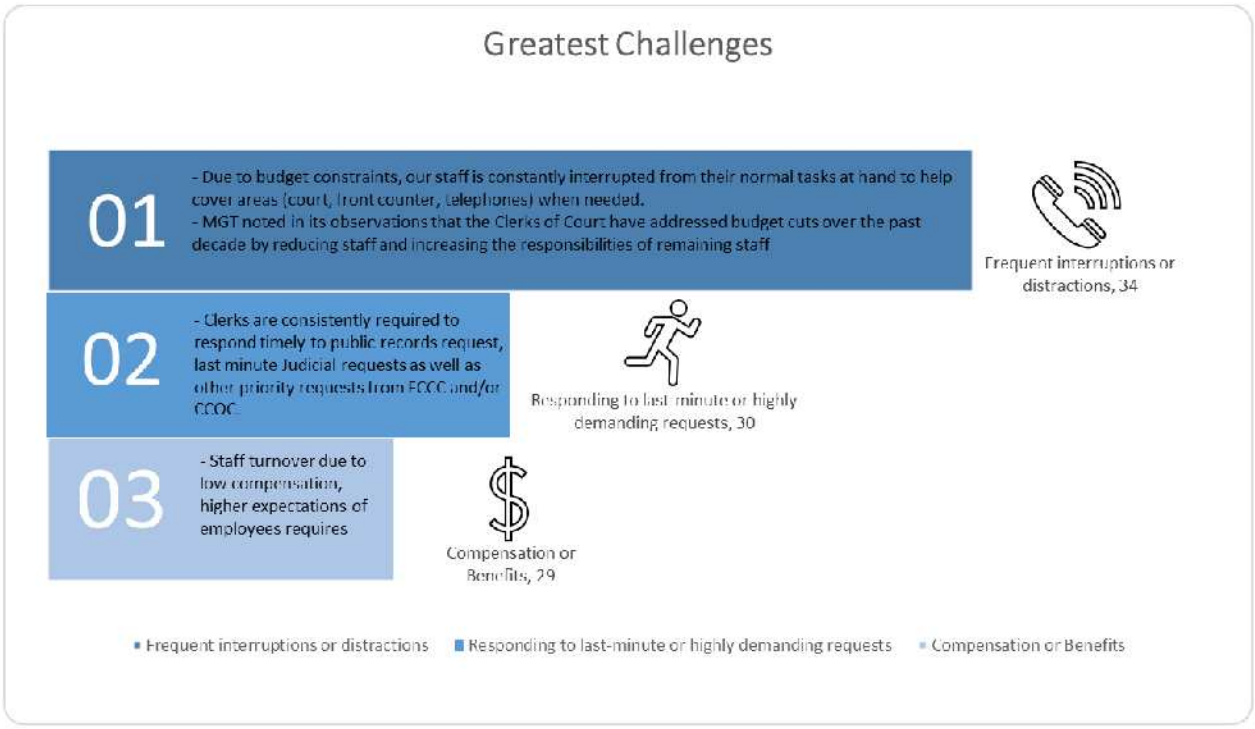
Category of Change Made	Count	Relevant Comments
Resource Allocation	23	Analyzing current business processes to ensure best use of current personnel
Skill Development	12	Sending staff to available Florida Court Clerks and Comptrollers association and external agency training opportunities
Work Schedules/Operating Hours	9	Extended work hours to have one hour without public interruption
Performance Metrics & Reporting	7	Allow managers to measure and monitor data to make informed and effective decisions for resource allocation
Work Environment/Workspace	5	Installation of standing desks has led to improved morale
Availability of Bilingual Resources	5	Hiring of a clerk possessing bilingual skills has decreased customer wait times
Facilities	3	Add-ons created for additional office space and storage

Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=51

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2.2.4 GREATEST STAFF CHALLENGES

The chart below highlights survey responses made to the question: "What are the greatest staff challenges that you have in your office?" Out of the 217 recorded responses, frequent interruptions or distractions from completing tasks was selected 34 times, responding to last-minute or highly demanding requests was selected 30 times, and compensation or benefits were selected 29 times as their greatest staffing challenges. In addition to reiterating the counts of responses, the chart below highlights responses from the Relevant Comments portion of the survey question.



Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=49

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The table below highlights comments from the Relevant Comments portion of the survey for each of the remaining functions.

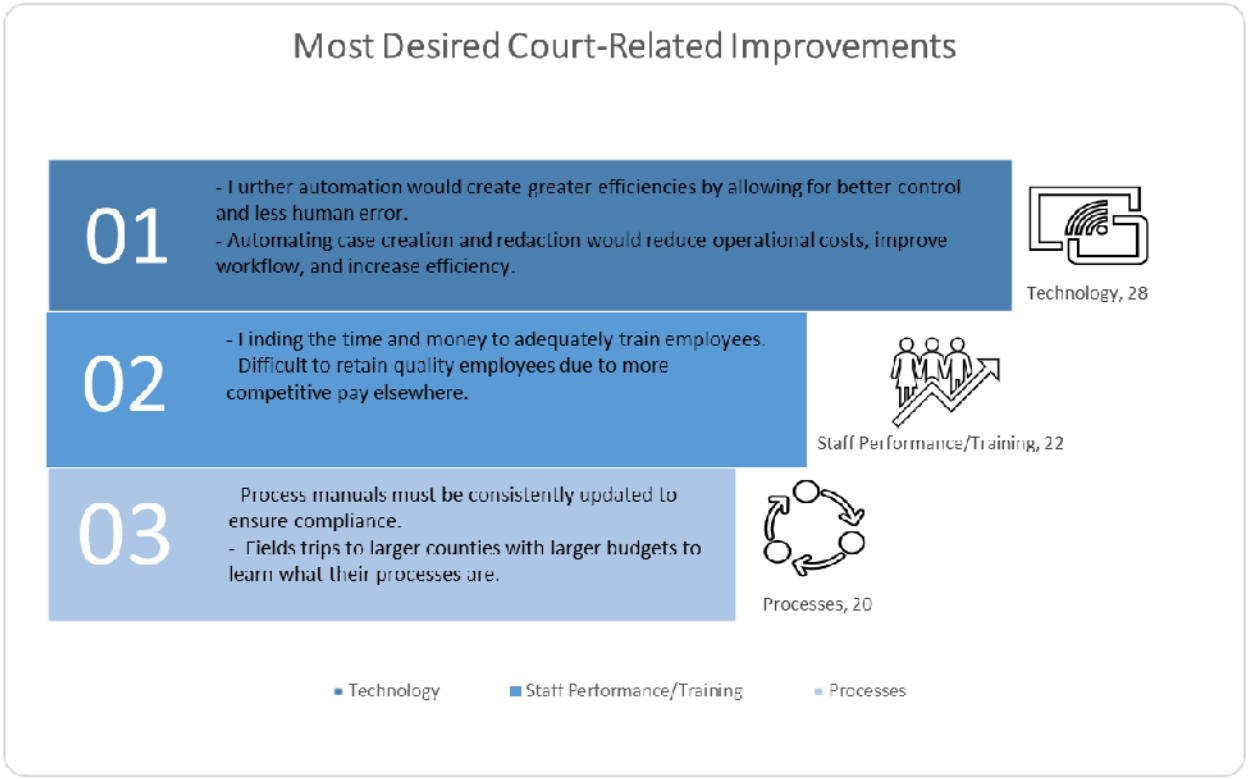
Category of Greatest Challenge	Count	Relevant Comments
Retaining quality staff members	25	Staff turnover due to compensation, higher expectations of employees requires high compensation
Training	21	Training new clerks is expensive and time consuming
Those which are outside of staff control	21	Economic downturns and political changes lead to increased work
Advancement	15	Advancement opportunities with salary growth are limited based on mandated budget authority
Multi-tasking	14	A deputy clerk can be opening a case in the E-Filing Portal, then a customer comes in and the deputy clerk has to issue a marriage license and perform a ceremony, then five minutes later has to head to Court
Returning incomplete or incorrect documents received from E-Filing Portal	8	[No comments were made on this category]
Recruiting qualified applicants	7	It is hard to recruit qualified employees when pay is better elsewhere
Accuracy of work completed	7	Limited staffing has affected the accuracy and timeliness of our work
Timeliness of work completed	6	Limited staffing has affected the accuracy and timeliness of our work

Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=49

2.2.5 IMPROVEMENTS CLERKS WOULD LIKE TO MAKE

The chart below highlights survey responses to the question: "For those changes your staff would like to make, please include any relevant comments, concerns, plans, and/or suggestions related to each." Out of the 137 recorded responses: technology was selected 28 times, staff performance/improvement was selected 22 times, and processes were selected 20 times as one of the top improvements desired. In addition to reiterating the counts of responses, the chart below highlights responses from the Relevant Comments portion of the survey question.

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Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=50

The table below highlights comments from the Relevant Comments portion of the survey for each of the remaining functions.

Category of Desired Change	Count	Relevant Comments
Work Schedules/Operating Hours	17	Need to look at 4-day work weeks, working from home
Skill Development	15	Doing more with less human resources requires employees with a higher skill set
Work Environment/Workspace	12	Limited space effects our abilities to assist the judiciary and customers efficiently
Resource Allocation	8	Analyzing current business processes to ensure best use of current personnel
Performance Metrics & Reporting	6	Utilize key performance indicator (KPIs) to help identify areas that could be more efficient
Facilities	5	Expanding facilities/satellite location could provide greater customer service
Availability of Bilingual Resources	4	Being bilingual is becoming an increasing need in central and south Florida

Source: MGT Clerks of Court Efficiency Survey - MGT Consulting Group, 2019. N=50

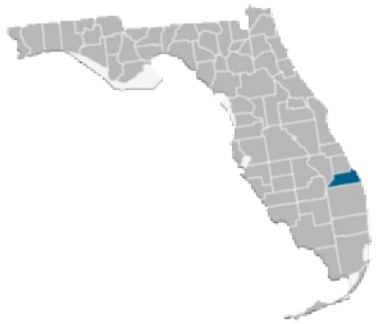
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CHAPTER 3. SITE VISIT OVERVIEW

During the period of August 27 to October 19, 2019 MGT visited 15 randomly selected Florida counties to meet with the county's Clerk of Court and staff. MGT deployed a total of 17 consultants representing a diverse range of levels of experience, from technical analysts to an executive vice president for the firm. Equally as diverse were the professional practices these consultants represented, including the areas of human capital, finance, accounting, auditing, and higher education. Those who went on multiple site visits reviewed the same functions when possible to gain subject matter expertise. Visits lengths ranged from one day in smaller counties to three days in larger counties, with as few as two and as many as nine MGT representatives visiting a site, averaging more than four consultants per site. During the visits the Clerk of Court and his or her leadership team provided a strategic overview, and then MGT conducted interviews of deputy clerks and observed performance of tasks associated with the 14 court-related functions reviewed in Chapter 2. Following is a summary of each visit listed in chronological order of the visits.

3.1 MARTIN COUNTY SITE VISIT OVERVIEW

MGT conducted the onsite visit in Martin County on Tuesday, August 27 and Wednesday, August 28. Day one consisted of high-level meetings with the leadership team and managers. On the second day, five MGT consultants performed functional interviews and observations for all 14 court-related functions with approximately 16 employees. Martin County recently transitioned their Case Management System (CMS) from Clericus to Benchmark.



3.1.1 DEMOGRAPHICS

Item	Amount
Clerk	Carolyn Timmann – 7 years as Clerk of Court
Main Office Location (1)	100 SE Ocean Boulevard, Stuart, FL 3499434994
Other Branch Locations (2)	Hobe Sound, Indiantown
Number of Counties in Circuit	4
Judicial Circuit Number	#19
Peer (Counties) Group	Monroe, Flagler, Sumter, Citrus, Indian River (5/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in Deferred Retirement Option Program (**DROP**)	 50.92 FTE (5), 6.85%
Population Statistics	

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- 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	155,556 159,129 286.1 52.3 years 13.80%
Number of Government Employers	52
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$55,588 $44,429

Sources: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm.

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FL-SEN-20-0201-B, 20-0202-A-004034

3.1.2 KEY OBSERVATIONS – MARTIN COUNTY

PEOPLE

- Retention is an area of concern given significant time to fill jobs and lack of local university which would provide a pool of employment candidates who have recently graduated. Time to bring employee to full productivity and low pay rate are top reasons for departures per exit interviews.
- Many employees have second (approved) jobs outside the Clerk of Court office.
- Paper-intensive, manual work. Multiple copies of case information first completed in paper and then scanned and saved in electronic form.
- Facility design constricts ability to have people in same department located in same area due to space limitations. This may lead to challenges in workflows and cross-training.

PROCESS

- Workflows being re-designed to better utilize new CMS capabilities.
- Recently added online payment processing through 3rd parties.
- Producing 3-page, carbonless forms for three possible proposed orders for injunction hearings, then judge selects appropriate one to use.
- Recently created internal collections department, which includes weekly outbound calls to every individual on a payment plan.
- For reasons beyond the deputy clerk's control many new cases are being added to docket at last minute (i.e., morning of court).

TECHNOLOGY

- Recently replaced CMS system Clericus with Benchmark.
- Website easy to navigate and forms are indexed by category for quicker access.
- Discontinued new application for judges to handle injunctions on their own due to lack of usage.
- They anticipate implementing a new Interactive Voice Response (IVR) automated telephone system that will provide efficiencies in routing phone calls.
- The Jurymark jury management system greatly facilitates concurrently running seven courtrooms by improving juror check-in and jury panel management.
- Shared copiers and printers are not always easily accessible.

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FL-SEN-20-0201-B, 20-0202-A-004035

3.2 ESCAMBIA COUNTY SITE VISIT OVERVIEW

MGT conducted the onsite visit in Escambia County on Tuesday, September 3 and Wednesday, September 4. Day one consisted of meetings with the Clerk and their management team to get a high-level overview of the court's operations and distinct features. On the second day, three MGT consultants interviewed approximately 18 staff and observed or discussed all 14 court-related functions. Technology utilized includes the Benchmark Case Management System (CMS).



3.2.1 DEMOGRAPHICS

Item	Amount
Clerk	Pam Childers– 7 years as Clerk of Court
Main Office Location (1)	190 W Government Street, Pensacola, FL 32502
Other Branch Locations (4)	Pensacola (3), Century
Number of Counties in Circuit	4
Judicial Circuit Number	1
Peer (Counties) Group	St. Lucie, Osceola, Collier, Manatee, Sarasota, Seminole, (6/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 121.01 FTE (2), 1.55%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 318,560 324,438 484.9 38.0 years 7.00%
Number of Government Employers	137
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$47,361 $35,533

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm

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FL-SEN-20-0201-B, 20-0202-A-004036

3.2.2 KEY OBSERVATIONS – MARTIN COUNTY

PEOPLE

- Employee recruitment and retention is a key challenge. To aid in onboarding and get personnel up to speed the Clerk of Court has begun to put focus on adding quick, online training and standardized procedure manuals.
- While a process to formalize procedures is in the works, it was noted that shadowing a more senior deputy clerk is still a common method to learn processes.
- Managers monitor deputy clerk's performance; deputy clerks receive evaluations which are tied to the percentage of their cases meeting compliance regulations.
- The Clerk of Court reported that talent recruitment and retention is a significant issue due to competitive opportunities in the local career marketplace.

PROCESS

- During observation in the courtroom on docket day, we noted the fast pace of processing pleas, sentencing, and trial schedules performed by two deputy clerks.
- Escambia has an in-house collections team with four staff that tries to collect legal financial obligations before they utilize an outside collection agency.
- The process for maintaining evidence is documented and has controls, including a two-person security process for accessing evidence.
- We noted no training resource for filing injunctions, even though it was reported that the volume is 40-50 cases per day. Additionally, staff reported that being present in court prevents them from performing the task in a timely manner.

TECHNOLOGY

- Office recently updated its technology infrastructure, replacing outdated PCs with laptops on all desks. They are also investigating utilizing a Learning Management System (LMS) to quickly train employees.
- Scanners in the courtroom were used to scan handwritten forms and load them in the CMS vs. going back to office to complete.
- When building appellate or other large records, if the document is over 265 pages, Benchmark CMS will stop functioning. IT had to set up a remote desktop for one of the Clerks of Court to build these larger records.
- For auditing child support payments, requests come on paper from Department of Revenue. The deputy clerks open screens and reviews payments made to date in the statewide child support system CLERC. The system is outdated and still uses DOS interface. A replacement or upgrade to the CLERC system is scheduled for 2021.

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FL-SEN-20-0201-B, 20-0202-A-004037

3.3 MADISON COUNTY SITE VISIT OVERVIEW

MGT conducted the onsite visit in Madison County on Thursday, September 5. Two MGT consultants met with the Clerk and approximately ten court-related staff to discuss or observe the 14 functions identified for the study. Madison uses the Clericus Case Management System (CMS).



3.3.1 DEMOGRAPHICS

Item	Amount
Clerk	Billy Washington – 3 as Clerk of Court
Main Office Location (1)	125 Range Street # 106, Madison, FL 32340
Other Branch Locations (0)	None
Number of Counties in Circuit	7
Judicial Circuit Number	#3
Peer (Counties) Group	Hamilton, Union, Gulf, Dixie, Gilchrist, Holmes (6/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROPDROP	 9.88 FTE (1), 7.14%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 19,473 19,541 28.0 41.6 years 6.50%
Number of Government Employers	33
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$31,816 $39,268

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm

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AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004038

3.3.2 KEY OBSERVATIONS – MADISON COUNTY

PEOPLE

- Madison is a rural county with a small court-related staff. Staff offers a balance of experience, from relatively new employees to two veterans who expect to retire in the near future. Having veteran staff is valuable given that most training occurs through shadowing.
- The Clerk of Court reported that competitive forces are not seen as much of an issue in his county (compared to other counties we observed) in terms of recruitment and retention.
- Employs a relatively small number of court-related employees. Deputy clerks work in close proximity to each other in two office spaces located directly across the hall from each other.
- Due to the small number of deputy clerks, employees are cross trained so they can back up other functions. This is a necessity to keep the office operational while employees are out of the office or in court.

PROCESS

- In Madison, there is one county judge present every day and one circuit judge every two weeks.
- In most cases only one deputy clerk is present in the courtroom to take notes of proceedings. Information is handwritten in court and later entered to the CMS at their desk.
- Interruptions are frequent as walk-in customers have nearly free access to the deputy clerks in their workspace. Deputy clerks frequently stopped work to answer phones.
- The elected Clerk of Court is responsible for jury management, and he reported a 40% attendance rate for jurors summoned.
- On days when two deputy clerks are in court, one deputy clerk is left alone to handle traffic fine collections. There is one cash drawer for the office that creates a minor inconvenience for the customer and may distract the employee closest to the cash drawer from other duties.

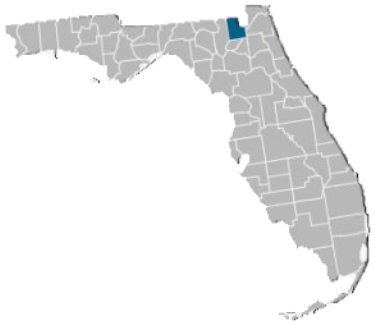
TECHNOLOGY

- The office does not have local IT support. Instead, it utilizes CiviTek in Tallahassee. If an issue were to occur, it can take an hour or more before IT support arrives, leaving the deputy clerks unable to perform duties.
- Clerks of Court reported that judges prefer paper files since they do not have in-house IT support; if they relied on electronic files in court and something went wrong they do not have backup support to assist them in a timely manner.
- The Sherriff's office does not always upload traffic tickets electronically, or at times scans are of poor quality which creates a backlog of paper tickets that have to be scanned and manually entered to the CMS. Further, they see delays when the Sherriff's office uploads tickets, creating a disconnect when a customer calls to pay and the violation is not in the system yet.
- Foreclosure sales, of which there is a low volume, are conducted live on the courthouse steps instead of online. Lack of volume is a factor when deputy clerks consider shifting to online.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004039

3.4 BAKER COUNTY SITE VISIT OVERVIEW

MGT conducted the onsite visit in Baker County on Tuesday, September 10. After an initial briefing with the Clerk of Courts, two MGT consultants interviewed and observed approximately seven staff members and discussed or observed all 14 functions. Baker uses the Clericus Case Management System (CMS) and utilizes the County for onsite Information Technology support.



3.4.1 DEMOGRAPHICS

Item	Amount
Clerk	Stacie Harvey– 5 years as Clerk of Court
Main Office Location (1)	339 E Macclenny Ave # 113, Macclenny, FL 32063
Other Branch Locations (0)	None
Number of Counties in Circuit	6
Judicial Circuit Number	#8
Peer (Counties) Group	Bradford, Hardee, Wakulla, DeSoto, Washington, Taylor (6/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 10.90 FTE (1), 9.09%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 27,652 28,666 47.2 37.3 years 3.70%
Number of Government Employers	34
- Median Household Income - Clerks of Court Average Pay (2080 Hours)	$59,506 $40,271

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm .

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004040

3.4.2 KEY OBSERVATIONS – BAKER COUNTY

PEOPLE

- Prior to being elected in 2014, Clerk Harvey spent 19 years as a deputy clerk in the office. She frequently backs up staff in numerous roles, serving where needed to support deputy clerks who are in court or out of the office.
- Staffing retention is a challenge due to lower starting pay than competitors. For example, deputy clerks start at $12 per hour, while a nearby bank may pay tellers $15 per hour plus bonuses.
- In the past, the office had issues with not tracking deputy clerks' time out of the office during the day. Last year, they installed a timeclock and have monitored it closely with success. Performance reviews are now backed up with statistics and documentation. However, the performance evaluation is viewed as a way to monitor poor performance rather than a system tied to incentives. Past pay increases were not tied to performance.
- The deputy clerks benefit from a larger workspace than in other counties observed.

PROCESS

- Two deputy clerks were present for jury selection in court; however, we did not note any activity meriting the allocation of resources.
- A pamphlet was prepared to assist injunction filers to answer common questions filers may have about the process. In discussions, we heard that deputy clerks see a lot of repeat filers, but there are no fees for filing injunctions.
- Clerk of Court staff noted inconsistent processes in how requests come from the Department of Revenue (DOR) with regards to child support payments. As the official record keeper, they receive a high number of requests from DOR and walk-in customers seeking help.
- Customers are able to walk up to centrally located service windows.

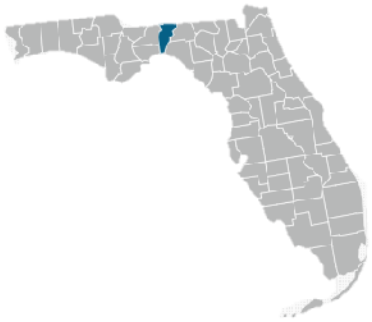
TECHNOLOGY

- Information technology support is provided by a County staff person located in the courthouse.
- Clerks participated in a 2019 electronic prison packet pilot program to save time and resources making three paper copies of prison packets (traditionally a collection of documents that goes with a convicted felon to prison, with each count against the defendant requiring one packet). Clerk reports significant success following initial hiccups. Program required buy-in from Sherriff's office.
- This year, they also eliminated paper from their juror check-in process, although we were told that judges still seek hard copies of seating charts and questionnaires.
- Documents are not scanned in court, even though there is a scanner there. One computer is utilized in court.
- After recording case updates back at the deputy clerk's desk, a receipt automatically prints out; however, the receipt is immediately discarded.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004041

3.5 JEFFERSON COUNTY SITE VISIT OVERVIEW

MGT conducted the onsite visit in Jefferson County Clerk of on September 10. During the on-site visit, MGT interviewed the Clerk of Court, members of the management team, and discussed all 14 court-related functions with approximately seven staff members. The on-site MGT team was composed of two consultants. The Clerk of Court office uses Clericus as its case management system (CMS).



3.5.1 DEMOGRAPHICS

Item	Amount
Clerk	Kirk Reams – 13 years as Clerk of Court
Main Office Location (1)	1 Courthouse Circle, Monticello, FL 32344
Other Branch Locations (#6)	None
Number of Counties in Circuit	6
Judicial Circuit Number	#2
Peer (Counties) Group	Lafayette, Liberty, Franklin, Glades, Calhoun (5/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROPDROP	 8.00 FTE (0), 0.00%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 14,733 14,882 24.6 46.4 years 7.00%
Number of Government Employers	73
- Median Household Income - Clerks of Court Average Pay (2080 Hours)	$47,599 $48,721

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm.

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AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004042

3.5.2 KEY OBSERVATIONS – JEFFERSON COUNTY

PEOPLE

- Retention is not an issue in this county, unlike other counties observed.
- One county judge (once per week) and one circuit judge (bi-weekly).
- The office does not have a central cashier due to facility layout.

PROCESS

- Payroll handled for county not just Clerk of Court, which adds to workload for finance staff.
- No red lights in county so no red-light citations can be written, which results in less traffic revenue.
- Recently updated cash collection procedures due the need for enhanced processes and stronger controls.
- Deputy clerks indicated they receive Automated Random Moment and Reporting System requests via email from the Department of Revenue for child support cases. Deputy clerks must submit a random time diary which includes the specific case numbers and activities being performed.
- The Clerk of Court sits in on all juror selections; Judge sends letter to all juror no-shows.
- "Father's Day" event held annually to encourage child support payments in some areas.

TECHNOLOGY

- No information technology department and minimal funds to use contractors; Clerks of Court needs to find ways to fund more information technology investments.
- Monday mornings can be very busy since e-filing occurs over the weekend and can generate a queue.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004043

3.6 NASSAU COUNTY SITE VISIT OVERVIEW

MGT conducted the onsite visit in Nassau County Wednesday, September 11 and Thursday, September 12. On day one, two MGT staff members met with Clerk Crawford and his leadership team followed by meetings with division supervisors. Four staff were present for staff interviews and observations of the 14 functions the second day. Approximately 15 staff were interviewed. Nassau uses the Clericus Case Management System (CMS).



3.6.1 DEMOGRAPHICS

Item	Amount
Clerk	John Crawford – 15 years as Clerk of Court
Main Office Location (1)	76347 Veterans Way, Yulee, FL 32097
Other Branch Locations (1)	Fernandina Beach
Number of Counties in Circuit	3
Judicial Circuit Number	#4
Peer (Counties) Group	Putnam, Columbia, Walton, Highlands (4/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 26.53 FTE (0), 0.00%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 82,748 86,416 127.6 45.3 years 4.60%
Number of Government Employers	45
- Median Household Income - Clerks of Court Average Pay (2080 Hours)	$64,294 $45,918

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm .

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AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004044

3.6.2 KEY OBSERVATIONS – NASSAU COUNTY

PEOPLE

- Special focus on improving office culture and emphasizing focus on public service. Everyone goes through an orientation to learn the organization's values. After orientation they swear every deputy clerk in.
- Seasoned employees have cross trained in other areas, which allows for better customer service and productivity.
- Performance reviews were conducted 4 times per year last year. They concluded that was too much and have cut back to 2 this year. Next year, their performance management tool will have goals set by management, the supervisor, and the employee.
- In 2017, they witnessed a higher amount of turnover. People have found better paying positions with government and private employers. They have seen benefits using a temp-to-hire process to ensure a good fit before hiring full-time.

PROCESS

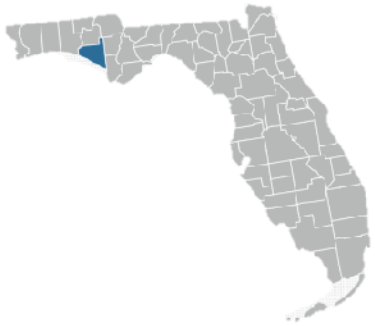
- Process is shifting to paperless. A new judge has helped to move that process forward.
- Pre-trial 30-minute preparation sessions help prevent inefficiencies while in court.
- They converted to a weekly online foreclosure sale process to avoid having too big of a queue.
- Stoppages observed during the deputy clerk's day include taking phone calls, helping customers at the counter, and training other deputy clerks.
- While processing criminal cases in the CMS, it was observed that the deputy clerks must correctly determine and select the type of crime committed based on the description of the case by the law enforcement officer. If the state attorney believes the deputy clerk selected the wrong code, they will send the case back to be updated by the deputy clerk.

TECHNOLOGY

- One employee reported there was no user guide for Clericus, but they learn by watching others, including those involved in transitioning to the system.
- Nassau has been taking advantage of time-saving implementations with Clericus. For example, they report time savings of 30 percent with District Court of Appeals compliance. Once a package is scanned, page numbers are automatically assigned by the CMS, versus individually marking pages in the past process.
- Barcodes on the juror summons are scanned to make the check-in process quicker.
- While the foreclosure sale process is done online, a paper and mail process follows that involves printing the certificate of sale, and then stamping and signing it. Most attorneys in Nassau provide courtesy envelopes to mail the hard copies.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004045

3.7 BAY COUNTY SITE VISIT OVERVIEW



MGT conducted the onsite visit in Bay County on Wednesday, September 11 and Thursday, September 12. MGT consultants conducted meetings with the leadership team before going into the functional observations on day one. The functional interviews, discussions, and observations continued into day two. Overall three MGT consultants met with approximately 14 employees to cover all 14 court-related functions. Bay County uses the Benchmark Court Management System (CMS).

3.7.1 DEMOGRAPHICS

Item	Amount
Clerk	Bill Kinsaul – 11 years as Clerk of Court
Main Office Location (1)	300 East 4th Street, Panama City, FL 32401
Other Branch Locations (0)	None
Number of Counties in Circuit	6
Judicial Circuit Number	#14
Peer (Counties) Group	Santa Rosa, Charlotte, Hernando, Okaloosa, Clay, St. Johns (6/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROPDROP	 59.90 FTE (5.00), 8.06%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 181,199 178,486 239.8 39.8 years 6.90%
Number of Government Employers	130
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$50,283 $40,661

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm .

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AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004046

3.7.2 KEY OBSERVATIONS – BAY COUNTY

PEOPLE

- Highly engaged workforce with easy access to management and an individual visit by Clerk to each employee every payday to thank them for their service.
- Emphasis on documenting and promoting more structured training.
- Redesigned internal promotion or transfer process to hire most qualified vs. most tenured staff. This Clerk does not hire part-time employees, temps or interns, unlike other counties.
- They believe that they would realize cost savings if they were able to participate in all benefits at the state level versus the county benefits program.
- Additional resources would be required for scanning prior years' documents. Staff is fully occupied with daily work. They have scanned old documents up to 2013.

PROCESS

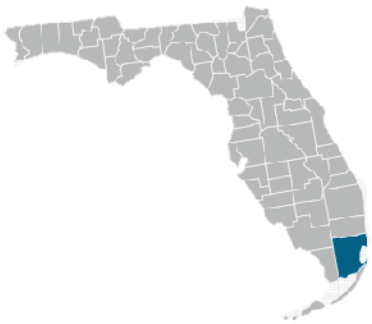
- Self-Help Center for customers with desire to add an attorney on staff to offer assistance to customers like some other counties have. Maintains onsite law library and public access terminal.
- Domestic violence orders are completed by clerks versus judges, which is not consistent with other counties.
- Automated Clearing House (ACH) transactions (direct electronic transfer of funds) can be used by individuals on payment plans for legal financial obligations. This option is not available in all counties.
- Clerk states they are the only county processing bed/tourism tax revenues.
- Per Clerk, 75% of employee's work is E-Filing Portal processing.

TECHNOLOGY

- Limited ability to implement additional efficiencies through technology given minimal, contracted information technology support.
- Eagerly awaiting replacement or upgrade to the state child support system (CLERC), which they have been told is coming. A new or upgraded system would allow for quicker, user-friendly interaction versus outdated system functionality.
- Would like to see more electronic correspondence and the use of electronic fingerprint processing with Department of Corrections to reduce paper and rejected fingerprinting.
- nCourt system used for payments of fines and fees are processed at local 7-11 and Dollar General stores using credit or debit cards.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004047

3.8 MIAMI-DADE COUNTY SITE VISIT OVERVIEW



MGT conducted the onsite visit in Miami-Dade County from Monday, September 16 to Wednesday, September 18. Nine MGT consultants were present for this onsite visit. The majority of day one was dedicated to observing jury pool selection, as well as meeting with leaders in both group and individual sessions for the functional interviews and observations being conducted Tuesday and Wednesday using a group of nine MGT consultants across seven sites. More than 50 staff were interviewed or observed regarding all 14 court-related functions. Odyssey is their current Case Management System (CMS) for the civil side, and a county system is used for the criminal side.

3.8.1 DEMOGRAPHICS

Item	Amount
Clerk	Harvey Ruvin – 27 years as Clerk of Court
Main Office Location (1)	111 NW First Street, Miami, Florida 33128
Other Branch Locations (#6)	Miami (6)
Number of Counties in Circuit	1
Judicial Circuit Number	#11
Peer (Counties) Group	Palm Beach, Broward (2/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 895.13 FTE (82), 8.94%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 2,779,322 2,861,579 1,463.8 39.4 years 73.80%
Number of Government Employers	343
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$46,338 $50,852

.Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004048

3.8.2 KEY OBSERVATIONS – MIAMI-DADE COUNTY

PEOPLE
• Cramped work and storage areas in the historic Courthouse; would benefit from remodeling to better leverage space. Other downtown office locations appear to have ample room for staff, but empty offices are used for storage. • Need for more structured training and procedures manual. • High multi-lingual needs (Spanish and Creole) in the County impacts customer service if a bilingual clerk is not available. • Staff shared that employees working on domestic violence, family court, and mental health cases have higher turnover rates.

PROCESS
• Jury badges are mailed to speed up check-in process. • Impacted by high number of non-English speaking jurors, requiring longer assessments by judge. • At least one clerk, often two, required in a courtroom or chamber and each judge usually requests a specific employee. • Deputy clerks have a backlog of data to input and documents to be signed by judge. • Clerks report most traffic tickets in the county go to court, with half of them being dismissed, creating extra work without revenue from fines. • Appeals unit must transport old paper casefiles from downtown library storage space back to office to scan documents. • The county is making progress handling extremely large volume of phone calls using routing process. Incoming callers are provided options, or reasons for calling, and routed to the appropriate line based on their selection

TECHNOLOGY
• Efficiencies realized with electronic data processing (EDP) applications without having to print and rescan with manual signature and date. • Extensively large document files for appeals frequently crash the Odyssey CMS with employee losing hours, and at least once, a week's worth of work. • Considering IBM Watson technology (like Sewage Division has done) for AI-enhanced capabilities and speech augmentation. • IT provides support to/internally manages over 120 in-house integrations or systems across divisions and clerks of court functions. • Inconsistent approach to providing two monitors to staff. Some staff with single monitor must split their screen.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004049

3.9 HENDRY COUNTY SITE VISIT OVERVIEW

MGT met with the Hendry County Clerk of Court and performed functional interviews and observations on Thursday, September 18. Three MGT consultants, worked closely with over a dozen employees in one day to complete the on-site visit. All 14 court-related functions where observed except for maintaining custody of evidence. Hendry is a rural county consisting of two cities approximately 35 miles apart. The Clerk of Court shares main office space with several other county divisions. Clericus is their Case Management System (CMS).



3.9.1 DEMOGRAPHICS

Item	Amount
Clerk	Barbara Butler – 19 years as Clerk of Court
Main Office Location (1)	25 E. Hickpochee Ave, LaBelle, FL 33935
Other Branch Locations (1)	Clewiston
Number of Counties in Circuit	5
Judicial Circuit Number	#20
Peer (Counties) Group	Levy, Okeechobee, Suwannee, Gadsden, Jackson (5/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROPDROP	 17.74 FTE (3), 12.50%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 39,586 40,334 34.2 33.6 years 47.20%
Number of Government Employers	53
- Median Household Income	$37,966
- Clerks of Court Average Pay (2080 hours)	$39,522

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm .

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AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004050

3.9.2 KEY OBSERVATIONS - HENDRY COUNTY

PEOPLE

- Strain is put on staff to meet performance metrics and mandates. This comes from budget constraints, which has led to reduction in staff, and increasing case volumes in certain areas.
- Difficult to compete with pay offered at School Board, but the Clerk of Court's office gives time off or rewards employees with training.
- Difficult to find Spanish certified translators for courtrooms given the rural location. As a result, the office hires translators from an out of county service. Indicated that surrounding county courts are doing the same, but they do not do it collectively.
- One clerk is required to be in every courtroom and typically needs to bring written judge's orders back to desk after court to process, print, and get judge signatures.

PROCESS

- After entering data and uploading documents into Clericus, many clerks printed or kept a hard copy. They may also manually record the work they completed on paper or into a data log. These serve as backup in case the CMS goes down or if they were called out for an error. Items tagged for shredding are onsite for about four months as back up.
- Outsourced jury selection and notification. Manual juror check in process.
- High turnover of judges. The needs, style and requests of each judge can vary greatly. This impacts the deputy clerk as they must learn new judges' preferences and adjust the fit their requirements.
- The judge's ability to impose own preferences can impact clerk workload. For example, one judge imposes $150 fine for no show, no excuse jurors, which can take six weeks for cash bonds to be applied, increasing follow up work for clerks.
- E-filing has reduced paperwork/scanning but not all external bodies send or accept documents this way. For example, would prefer if Sheriff's Department sent tickets or citations over online so they could be uploaded directly into the system rather than needing to scan them in.

TECHNOLOGY

- High desire to go paperless. Have old cases and documents stored on paper, microfiche, and disk drives that are not uploaded into the CMS. Office spent significant time to upload all Microfiche files but have a way to go with old paper records.
- Clerk brought up areas to improve public access to information such as getting their website to be ADA-compliant and the addition of onsite public access terminals.
- Internet service (signals) are not good in the county, which makes it difficult to move certain processes online. For example, foreclosure sales are held on the steps of court. They had attempted to move the foreclosure sale process online but unreliable signals within the county inhibited public access.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004051

3.10 MARION COUNTY SITE VISIT OVERVIEW



MGT conducted an onsite visit in Marion on Monday, September 23 and Tuesday, September 24. MGT and four of its consultants met with over a dozen leadership team and staff members for a one-day visit on Monday, September 23. Clerks of Court support a total of 18 judges and magistrates assigned to approximately 18 courtrooms and even more individual rooms chambers. The Clerk of Court is very interested in finding alternative ways to use technology and is eager to find the funding to do so. Marion County uses Clericus as their Case Management System (CMS).

3.10.1 DEMOGRAPHICS

Item	Amount
Clerk	David Ellspermann – 23 years as Clerk of Court
Main Office Location (1)	110 NW 1st Ave #1, Ocala, FL 34475
Other Branch Locations (3)	Ocala (3)
Number of Counties in Circuit	5
Judicial Circuit Number	#5
Peer (Counties) Group	Alachua, Leon, Lake (3/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 124.84 FTE (4), 3.05%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 353,898 363,726 222.8 49.6 years 11.50%
Number of Government Employers	100
- Median Household Income - CoC Annual Average Pay (2080 hours)	$41,964 $34,718

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm .

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004052

3.10.2 KEY OBSERVATIONS – MARION COUNTY

PEOPLE

- Retention and recruitment are key issues due, in part, to low salaries. It can take a long time to fill an open position and, sometimes, if it is not or cannot be filled promptly, it is eliminated, regardless of the underlying demand that had justified the slot.; Have attempted to leverage high school and college students on part-time basis to establish pipeline, however there has been little success due to low pay and the inability to hire an additional staff member to step in when someone else leaves.
- Employee morale is promoted through "Well Days" for employees to refresh, an annual Chili Cookoff, and an Employee Spotlight program.
- Monitors staff productivity and accuracy through monthly report to address potential performance issues.
- Recognize a need for a dedicated trainer to offload the amount of time existing staff use for

PROCESS

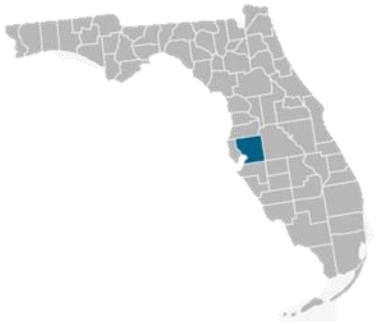
- Deputy clerks were being asked to take on the work of judicial assistants, with civil pre-trial and civil court cases being so time-consuming the deputy clerks now no longer attend them due to budget cuts.
- Significant concerns with redaction: at least 10% have not been redacted yet, fear that some documents have gone through without appropriate redaction applied, and there is still a lack of complete understanding and what is/is not supposed to be redacted.
- Calls go to voicemail beginning at 4:00 pm to allow an hour for staff to catch up without interruptions.
- They have seen increased volume in Vulnerable Audit cases and public record requests which consume more time than other cases.
- Maintains numerous bank accounts and is looking at consolidating and using intercompany

TECHNOLOGY

- Does not have onsite information technology support, so needs to pay high contractor fees for simple fixes. They have used multiple vendors for their technology support, including Civitek, which is also used by other small counties. Centralized information technology support allows the costs for system enhancements to be shared by several counties.
- Recently submitted requests for quotes for a new Case Management System (CMS).
- Vulnerability areas included cybersecurity (per Clerk) and lack of sprinkler systems near files in storage (per clerk interviewed).
- Believes E-Filing Portal needs to be upgraded to accommodate colorblind individuals.

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FL-SEN-20-0201-B, 20-0202-A-004053

3.11 HILLSBOROUGH COUNTY SITE VISIT OVERVIEW



Hillsborough County was visited on a Wednesday, September 25 and Thursday, September 26. On day one, MGT consultants met with the Clerk of Court and leadership, who provided an in-depth overview of the organization as well as a 746-page compilation of policy, procedures, metrics, work flowcharts, and systems information. Over the course of both days, a team of eight MGT consultants interviewed and observed more than 25 staff to review the 14 court-related functions. Hillsborough uses the Odyssey Case Management System (CMS).

3.11.1 DEMOGRAPHICS

Item	Amount
Clerk	Pat Frank – 15 years as Clerk of Court
Main Office Location (1)	601 E Kennedy Blvd Floor 13, Tampa, FL 33602
Other Branch Locations (5)	Tampa (2), Plant City, Brandon, Ruskin
Number of Counties in Circuit	1
Judicial Circuit Number	#13
Peer (Counties) Group	Duval, Pinellas, Orange (3/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROPDROP	 445.80 FTE (26), 5.59%
Population Statistics - 2018 Population Estimate - Projected number for 2020* - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 1,408,864 1,466,803 1,378.7 36.3 years 28.50%
Number of Government Employers	265
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$53,742 $42,578

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm.

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FL-SEN-20-0201-B, 20-0202-A-004054

3.11.2 KEY OBSERVATIONS – HILLSBOROUGH COUNTY

PEOPLE

- Experienced leadership and management, with retirement in the near future for some leaders.
- Seeks to mirror the county's general population demographics in its staffing.
- Concerted partnership approach to working with external judiciary and county stakeholders.
- Hiring challenges in IT and financial areas. A classification and compensation study was completed in September 2019 which will help with recruitment and retention issues by making them more competitive with other organizations in their market.
- Training catalog has more than 180 courses, workshops, and webinars, including a boot camp on court operations for new employees.
- Have a Certified Public Manager Training program through University of South Florida (provides training and development geared towards government administrators). Have doubled the number of applicants to 51 in second round.

PROCESS

- Conducted functional consolidation and centralized Social Services, Customer Service, and Civil Court Processing. The process resulted in vacating two downtown buildings. The consolidation opened up space for the County to use the vacated buildings, enhancing partnership with County.
- Charts workflows and processes to assist decision making and development of new technical solutions.
- Weekly meetings (Policy, Chiefs, Governance, and Customer Experience) are held to review and analyze work volume data, performance metrics, evaluate operational and IT initiatives, and review and approve procedural changes.
- Court files were taken out of workspace and moved to an offsite warehouse. Allowed them to use that space for centralized services.

TECHNOLOGY

- Developed enhancements to the CMS internally.
- Active participant in statewide technology discussions and Odyssey CMS users' group.
- Uses an Automated Voice System, which frees clerk's time from answering and routing calls.
- Clerk has tracked more than 160 technology improvements since 2006 that contribute to employees' efficiency or effectiveness. Most of these improvements entail the use of electronic records or automation. Improvements from this year include electronic submissions of traffic school certificates; call center Natural Language Understanding implementation to provide automated self-service; and use of Automated Clearing House (ACH) payments/deposit processing.
- There are more than 25 systems used in court-related functions. More than half were developed internally or have some functionality developed internally. For example, e-Citations is an internally developed system that supports law enforcement agencies in the electronic submission of traffic citation data and images directly into the Clerk of Court's CMS.

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FL-SEN-20-0201-B, 20-0202-A-004055

3.12 BREVARD COUNTY SITE VISIT OVERVIEW

MGT conducted an onsite visit in Brevard on Monday, September 30 and Tuesday, October 1. Six MGT consultants covering their two largest offices, meeting with more than a dozen site leaders and staff members. Functional interviews and observations started on the afternoon of the first day and concluded on Tuesday, covering all court-related functions except for issuing process service documents. Brevard uses the Benchmark Case Management System (CMS).



3.12.1 DEMOGRAPHICS

Item	Amount
Clerk	Scott Ellis – 16 years as Clerk of Court (2001-10, 2012-present)
Main Office Location (1)	400 South Street, Titusville, FL 32780
Other Branch Locations (2)	Viera, Melbourne, Merritt/Palm Bay
Number of Counties in Circuit	2
Judicial Circuit Number	#18
Peer (Counties) Group	Pasco, Volusia, Polk, Lee (4/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 214.86 FTE (15), 6.41%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 583,563 598,486 574.8 47.2 years 10.40%
Number of Government Employers	171
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$51,536 $35,756

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm.

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FL-SEN-20-0201-B, 20-0202-A-004056

3.12.2 KEY OBSERVATIONS – BREVARD COUNTY

PEOPLE

- Flat organization structure with larger spans of control that allow easier access when working between departments.
- Recently renovated areas allow for better use of space.
- Staff appraisals have seven rating levels making it difficult to truly differentiate performance; standard is usually four to five.
- Appears to have stronger retention among non-degreed applicants and employees.
- Conducts town halls that allow employees to feel heard and provides additional time off. This helps to better retain and engage employees.
- Offers flexible work arrangements with some part-time employees working from home.

PROCESS

- Outsourced jury selection and notification to Courthouse Technologies; bar code system for entry.
- Manually writing down every bid at weekly live foreclosure auctions is very time consuming.
- Sometimes at least 3 clerks are needed in courtrooms causing the areas these clerks usually work in to slow down.
- Started a Call Center department but it was eliminated due to budget cuts. Customers now call specific departments listed in the phone directory on the website or respond to phone system prompts if the main number is called in order to be transferred to a specific department.
- Website recently updated to include Self-Help application. Content was added to answer the most frequently asked questions they had previously answered through the Call Center

TECHNOLOGY

- Has high quantity and quality Information Technology staff that support the county, which has provided the capability to build interfaces between systems.
- Software issues, such as delays in case processing and data mismatches, were noted within FACTS and Brevard Electronic Court Application, the software used for collecting fines and fees.
- Need to upgrade the financial program currently being used (SAP) to avoid duplicate data entry and electronic reconciliation.
- Significant measures put in place for data security and recovery.

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FL-SEN-20-0201-B, 20-0202-A-004057

3.13 HIGHLANDS COUNTY SITE VISIT OVERVIEW

MGT conducted an onsite visit in Highlands on Wednesday, September 25 and Thursday, September 26. Four MGT consultants including the Project Executive and VP, Human Capital, interviewed the Clerk of Court, members of the management team, and observed 14 court-related functions with more than 10 staff members. Clericus is their current Case Management System (CMS).



3.13.1 DEMOGRAPHICS

Item	Amount
Clerk	Bob Germaine – 11 years as Clerk of Court
Main Office Location (1)	430 S Commerce Ave, Sebring, FL 33870
Other Branch Locations (0)	None
Number of Counties in Circuit	3
Judicial Circuit Number	#10
Peer (Counties) Group	Putnam, Columbia, Walton, Nassau (4/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 31.76 FTE (5), 9.43%
Population Statistics - 2018 Population Estimate - Projected number for 2020* - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 102,525 104,077 100.8 53.7 years 18.80%
Number of Government Employers	60
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$36,374 $48,044

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm.

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FL-SEN-20-0201-B, 20-0202-A-004058

3.13.2 KEY OBSERVATIONS – HIGHLANDS COUNTY

PEOPLE

- Very structured recruitment process, including group interviews and formal "Decision Day".
- Retention does not seem to be an issue, as other county offices do not offer higher pay.
- Implemented "PACE" program, a retention and reward program for new hires who are given one-time, $1K bonus each year for up to 5 years based on performance and skills mastery.
- Clerk pursues alternative way to compensate employees (e.g., award personal leave days).
- Utilizes over 100 volunteer attorneys, judges, clerk staff and high school student to run Teen Court to prevent juvenile records going into Clericus.

PROCESS

- Guardianship report audits are performed by separate Internal Audit Department.
- Uses three collection agencies to pursue delinquent fines and fees accounts.
- Fully staffed Law Library to support community and increasing pro se cases; funded in portion by County.
- "Seed" numbers to enter into jury system are hand-picked from a box of numbers (1-178) as part of random selection process. Bar code scanner is available for faster juror processing, but is not being used, requiring daily input of juror attendance.
- Department of Highway Safety and Motor Vehicles does not seem to update records when jurors over the age of 70 have asked to be taken out of the pool from which clerks draw jurors.

TECHNOLOGY

- In addition to handling the Information Technology for the Clerk of Court office, the office also handles the Information Technology for all constitutional officers (e.g. Supervisor of Elections), which leads to an increase in workload.
- There is only one dedicated full -time employee for court-related Information Technology functions, other Information Technology staff are allocated as needed.
- Information Technology funding is provided by multiple organizations, including the County.
- All staff members use two computer monitors for easier navigation and faster processing.
- Manually signing, dating, and time stamping is current practice. Doing this electronically would allow for increased efficiency.
- Uses Skype for certain hearings with criminal cases versus transporting defendants

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3.14 DESOTO COUNTY SITE VISIT OVERVIEW

Two MGT consultants conducted the onsite visit for DeSoto on Thursday, October 10. MGT met with the leadership team and approximately 11 employees to perform functional interviews and observations for all 14 court-related functions. Desoto County has been utilizing Clericus since 2012 as their Case Management System (CMS) and will soon be purchasing TurboCourt.



3.14.1 DEMOGRAPHICS

Item	Amount
Clerk	Nadia Daughtrey – 3 years as Clerk of Court
Main Office Location (1)	115 E Oak Street, Arcadia, FL 34266
Other Branch Locations (0)	None
Number of Counties in Circuit	3
Judicial Circuit Number	#12
Peer (Counties) Group	Bradford, Hardee, Wakulla, Baker, Washington, Taylor (6/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROPDROP	 11.45 FTE (0), 0.00%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 35,520 35,964 55.8 39.2 years 29.40%
Number of Government Employers	38
- Median Household Income - Clerks of Court Average Pay (2080 Hours)	$35,435 $41,591

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm

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3.14.2. KEY OBSERVATIONS - DESOTO COUNTY

PEOPLE

- Given small size of staff, clerks are cross-trained and asked to perform tasks in multiple functional areas. The Clerk of Court also assists with certain operations such as working the counters and maintaining court registry.
- Emphasis placed on increasing employee engagement and morale by the Clerk and managers (e.g., awarding personal leave days to raffle winners during team building activities)
- High need for bilingual staff to work with Spanish-speaking customers.
- Per clerks, retention is an area of concern given lack of competitive pay rates.
- Facility space is constrained and requires that prospective jurors be placed in multiple spaces, including hallways.
- Training further relies on employee's individual notes while shadowing a more experienced staff member.

PROCESS

- Clerks review all files from the E-Filing-Portal prior to accepting the file into Clericus. This is done to prevent incorrect information or records from being accepted to the CMS (some files may also need to be redacted once accepted). The Clerk of Court expressed concern that E-Filing Portal files were not being fully reviewed and desires to have more controls built into the E-Filing Portal or CMS to ensure this does not happen.
- Responding to customer phone calls and walk-ins require clerks to stop and start tasks.
- State and/or private attorneys frequently add last minute cases to docket minutes before court, producing time-sensitive increases in workload for clerks and increases the risk of incomplete or inaccurate documents.
- Current plans include a new pro se litigant room.

TECHNOLOGY

- Clerks utilize Smart Bench to send files to judges. SmartBench integrates existing case and document management systems so that judges only have to work with one tool; allows them to view their daily docket, sort or re-order hearings, and preform quick, full-text searches to locate desired documents.
- Recently updated their website to improve user experience and enhance accessibility for the public. Updates have made it easier to navigate and allows jurors to check schedules, providing another way to notify jurors of updates in addition to the phone system.
- Desire for new jury management software solution to improve efficiency.
- Moved foreclosure sales from being conducted in the hallways to online, preventing backlog of walk-in counter customers and reduce clerks' time.

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FL-SEN-20-0201-B, 20-0202-A-004061

3.15 PALM BEACH COUNTY SITE VISIT OVERVIEW



MGT's visit to Palm Beach County lasted three days, from Thursday, October 17 to Saturday, October 19. During the first two days five MGT consultants met with over 20 leaders and staff members across five offices to discuss and observe prescribed court related functions. On the third day, one member of the team stayed behind to observe Operation Greenlight[2], a statewide initiative that originated in Palm Beach but that many Florida Clerks of Court take part in. Palm Beach use Showcase as their Case Management System (CMS) which interfaces with systems from other agencies that the county uses.

3.15.1 DEMOGRAPHICS

Item	Amount
Clerk	Sharon Bock – 15 years as Clerk of Court
Main Office Location (1)	205 N Dixie Hwy, West Palm Beach, FL 33401
Other Branch Locations (4)	Royal Palm Beach, Palm Beach Gardens, Delray Beach, Belle Glade
Number of Counties in Circuit	1
Judicial Circuit Number	#15
Peer (Counties) Group	Broward, Dade (2/67)
Court-Related Employees (FTEs) - Total Performing Court-Related Tasks - % of Total Court FTEs in DROP	 463.33 FTE (35), 6.49%
Population Statistics - 2018 Population Estimate - Projected number for 2020 - Persons/Square Mile as of 2018 - Median Age Represented as of 2017 - % of population > Age 5 speaking language other than English at home	 1,433,417 1.473,738 729.2 44.4 years 31.10%
Number of Government Employers	269
- Median Household Income - Clerks of Court Average Pay (2080 hours)	$57,256 $42,925

Source: Office of Economic and Demographic Research. edr.state.fl.us/Content/area-profiles/county/index.cfm

[2] The goal of Operation Green Light is to help the community by allowing individuals who are delinquent in fines and fees to make those payments and also have their driver's licenses reinstated.

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FL-SEN-20-0201-B, 20-0202-A-004062

3.15.2 KEY OBSERVATIONS – PALM BEACH COUNTY

PEOPLE

- Pre-hire occupational and personality assessments are administered to all applicants.
- Certain deputy clerk tasks are being automated through technology. With technology taking on more routine and manual tasks, the profile/skillset of the deputy clerk will change significantly and result in need for closer to market pay.
- High level of support and commitment placed on customer service, functional/technical skills, and providing supervisory and leadership training through multiple platforms, which not only improves skills but brings new hires to full productivity in weeks versus months.

PROCESS

- Conduct several self-audits per year to be best prepared for external audits.
- Workflows continuously re-evaluated, enhanced and tested through use of Business Analysts
- Dedicated training team takes training workload away from deputy clerks. Training addresses conceptual and practical understanding of the process. Assessments are conducted before an individual's official placement into their job to ensure they can adequately perform the task. This also increases their likelihood of meeting performance metrics.
- Centralized repository of all procedures, training manuals, reference guides, and videos easily accessible; functional owners outside of Training/Ops Department are responsible for updating with automatic notification to all employees when content is refreshed.
- A sophisticated call center manned by deputy clerks who have basic knowledge of all functions answer, log, categorize, and answer majority of questions while routing "Help" tickets to subject matter experts through SharePoint to get guidance on more complex situations so the call center deputy clerk can call the individual back.

TECHNOLOGY

- Leverage 5 robots (through a partnership with Computing Systems Innovations) to handle high volume, low risk processing of documents received through E-Filing Portal; robots automatically review and upload them to Smart Bench with 99.9% accuracy. About 27-28% of documents received electronically are processed by robots via AI. Currently these robots are operating at 20% capacity with a goal of 60% by 2020, which is equivalent to saving 15 FTEs. Capacity increases will be gained as the ability to process further document types is programed into the robots.
- Very efficient jury process using Jury Mark, and a check-in process with jurors scanning own summons at one of at least 10 terminals with bar code readers.
- All deputy clerks use multiple monitors and have access to a one-stop E-Filing Portal containing all procedures, statutes, training guides and/or videos. Getting ready to launch Learning Management System (LMS) module in PeopleSoft for more soft-skills training. System focuses on personal skill development for current and future jobs.

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CHAPTER 4. RECOMMENDATIONS

4.1 OVERALL REPORT RECOMMENDATIONS

4.1.1 INTERRUPTIONS WHILE PERFORMING DAILY FUNCTIONS

Summary of Observations:

On numerous occasions in our site visits, particularly in smaller to medium-sized counties where Clerks of Court carry multiple responsibilities and frequently cover for employees who are in court or out of the office, MGT noted that deputy clerks were often interrupted from performing tasks to answer phones and attend to walk-in customers. In fact, during our 15 site visits, our observers noted at least 20 instances of these disruptions. In addition, our survey of the remaining counties MGT did not visit revealed that being responsive to customers either in-person or on the phone while completing another task was the most frequent challenge cited by 34 respondents. Clerks of Court consistently prioritize customer service, so the deputy clerks often prioritize a customer waiting in line or on the phone. In an environment where mistakes may be deemed unacceptable due to the potential consequences to a case, this can create a risk for the deputy clerks making a mistake when returning to unfinished work.

Deputy clerks can make mistakes as a result of the interruptions or simply be slowed down in their regular processes as they stop to answer phones or leave their desk to help a customer at the service window. In small- to medium-sized counties MGT observed deputy clerks answer a myriad of phone calls daily with questions ranging from court dates and information, tracking payments, and public records requests. In larger counties with more staff, there may be dedicated staff to handle customers which helped reduce the interruptions to the other deputy clerks.

Recommendations:

- **Address telephone interruptions by implementing an automated call center or devoting one employee daily to answer phone calls:**
    - Hillsborough County has countered the expense of interruptions by deploying "Amy," an automated call system with voice recognition and a menu of eight options, along with other online self-service options.
    - Smaller counties that lack resources to invest in call centers should consider a rotation where one deputy clerk is devoted to answering the phones for a day or portion of the day.
    - Seek partnering opportunities with county on sharing resources such as call centers.

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- **Direct customers and partners to online information:**
  - Ensure that web site addresses are included in every recording, voicemail, and correspondence.
  - Take every opportunity to educate customers and local partnering agencies on accessing online information.

- **Explore online chat bot development to aid in frequently asked questions:**
  - Although chat bots do not replace human interactions, they may be helpful in answering common questions that can distract the deputy clerks from important work. Chat bots are software programs designed to aid in customer service through simulated conversations. Simple forms of chatbots scan for keywords within the inputted question and pull a reply with the most matching keywords or similar wording patterns from a database.
  - Clerks of Court should examine the use of text-based chatbots as another form of online communication via their websites. Chatbots, unlike humans are accessible 24 hours per day. Our research finds that increasingly, public agencies are deploying chatbots online. Early examples can be found in Kansas City, Chattanooga, North Charleston, Los Angeles and Mississippi deploying chat bots developed by private vendors.[3] The New Jersey Courts website launched their chatbot, the Judiciary Information Assistant (or JIA) this year.[4]

- **Explore other processes to serve walk-in customers:**
  - For customers who need assistance in person, or for members of the public who do not have easy access to technology to look for answers to their questions, solutions that help both parties could include sharing waiting times at service locations, offering the ability to make an appointment, and kiosks or terminals to help visitors determine what they need before being directed to the appropriate deputy clerk.

4.1.2 GETTING CLERK STAFF TO FULL PRODUCTIVITY

Summary of Observations:

One of the greatest expenses in the Clerks of Court budgets is salary and benefits. The quicker each site can bring a staff member to full productivity, the greater and more immediate return on the investment. Further, full productivity among all employees is critical to meeting

[3] Quaintance, Zack; "Rise of the Government Chatbot;" Government Technology, August 4, 2017. Found on the Internet at https://www.govtech.com/civic/Rise-of-the-Government-Chatbot.html November 1, 2019.

[4] https://njcourts.gov/notices/2019/n190909a.pdf

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the performance standards and the overall success and morale of the site and organization as a whole. Productivity is achieved when an individual has: clear expectations, a sense of purpose, an environment conducive to ongoing learning, quality and timely feedback, formal and informal training, reference tools and the ability to be rewarded, recognition and coaching by supportive peers, supervisors and leaders.

One of the biggest factors contributing to the speed and ability of employees to reach full productivity is the onboarding and training process. Forty-three percent of counties that responded to the online survey noted that training was one of their greatest challenges. In the counties observed, it was indicated that it can take an average of six months to get an employee to full productivity with specific, or more specialized functions taking even longer. Further, during onsite visits and interviews, it was revealed that the majority of new hires, recently promoted individuals or individuals transferred to perform a new function, are receiving informal training, typically by observing an experienced peer perform the given task. It was also common for deputy clerks to have handwritten notes at their desks for reference as documented standard operating procedures were often either non-existent or outdated.

Recommendations:

- **Alter the hiring process:** With the rapid pace of change in technology and mandates, and the ongoing need for processing lots of court documents in a timely and accurate manner, it will be important to focus on hiring the employee of the future.
    - Managers should look for individuals who possess or have the potential to bring skills and knowledge in areas that are currently gaps. Further, recruiting and assessment techniques may need to be adjusted to ensure the potential hire fits the organization and its vision for the future, which may require high levels of learning agility (especially with new technologies) and resilience, critical thinking skills, and the ability to handle change, solve more complex problems, and teach others. It is much easier (and less costly) to hire individuals who already have these attributes than to train them after they are hired.
    - Several counties, both during onsite visits and in the survey, mentioned retention as a main concern. Making alterations to hiring processes may assist in their search for qualified and dedicated employees. For example, in one of the sites MGT visited, the applicant spent a day with the deputy clerk to ensure they knew what the job really entailed and what the site's environments were like. Or, Clerks of the Court may consider setting or providing a set of expectations i.e. learning and performance objectives, to be mutually agreed upon and achieved in the first 90 days.

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- **Create standardized documents and processes**: Create, update, or enhance the content of materials including an overview of the Clerk of Court's office, a list of all functions performed by Clerks of Court and how they interact and collaborate.
    - A summary of the concepts, terms and performance standards for measuring success for each function during both the learning and performing phases should be included and organized in a variety of forms such as reference tools, sample documents, procedure manuals and quick references. For example, Palm Beach County uses an internal electronic glossary of terms that is frequently updated. Glossaries are particularly helpful with understanding acronyms and everyone having the same understanding of important terms. Clerks of Court should ensure that quick reference tools are accessible to staff in one centralized location. Many of the procedures MGT observed that involve processing cases in the CMS are repetitive in nature. Preparing reference guides and other tools would enable new employees to become more autonomous more quickly, allowing more experienced, productive employees to carry out day-to-day duties.
    - Assess learners using a standardized checklist and a set of questions or actions to demonstrate competency with concepts and case processing. Palm Beach County uses a standard assessment list to record progress and to gauge learner readiness and where remediation may be necessary. Recognize and/or reward the learner and the teacher in a way consistent with the site's culture. During site visits, MGT observed that deputy clerks displayed various forms of recognition they received for achievements, such as certificates of completion, a low-cost way to provide recognition. are often the most sought after and lowest cost ways to provide recognition.

- **Improve training methodology:** The format, timing, and frequency of the training will vary by teacher availability, learner availability and learning style as well as the environment in which they can work together.
    - During onboarding, it is important to consider how quickly the learner can absorb and retain the new information. Where training was only done through shadowing, or observation of a peer as they performed their tasks, the learning environment for the student was typically filled with interruptions, distractions and the desire of the teacher to quickly return to his or her regular role. Further, the format of training did not necessarily consider the style of the learner nor provide reference guides. In Palm Beach County, an entire curriculum has been built for all conceptual, functional and some interpersonal skills content delivered through a variety of online, classroom and one-to-one training platforms. The sequence and pace of each module is determined by the manager and then adjusted based on learner needs.

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- Current training methods appear to place more emphasis on the technical versus conceptual and social aspects of the job. Regardless of training methods, deputy clerks in all counties were skilled in completing their job functions. However, in counties where staff received more formalized training, (e.g. allocated training periods, designated supervisor trainers, comprehension testing) deputy clerks appeared to possess greater enthusiasm and knowledge regarding the conceptual aspects of their duties and inner workings of the entire office and court system. Hillsborough County's Training Action Plan Program was designed to provide a structured, standardized method of professional development and training at the workforce level. All employees receive a two-day "Boot Camp" training, and deputy clerks who serve in the courtroom receive an additional three days. For a traffic cashier, the training program is a three-week process just to understand the various types of traffic citations that they may encounter. Trainees participate in assessments of the training and a leadership committee reviews the effectiveness of training.
- Develop a timeline of learning activities that is held on a consistent basis (without large gaps between sessions and not one long period at one time) and considers the learner's absorption rate. The teacher should take time to solicit feedback and questions from the learner on areas where full understanding has not been achieved or where remediation may be necessary.
- Learner should be introduced and encouraged to access other learning peers. The sequence of training should consider getting the big picture first of the importance and basics of role and drill deeper to system usage and navigation.
- Full mastery and confidence of the subject matter/function can be demonstrated by the teacher observing the learner teach the function to someone else.
- Vendor contract negotiations for systems such as the CMS should also consider the availability, access to, and utilization of vendor trainers, videos and/or other free or deeply discounted training material or a list of local experts or user groups who typically have web sites or seminars to educate.

- **Provide easy access to resources:** Once relevant content (written, visual, video, audio) has been developed, or obtained from vendor or even a peer county, it is important to develop a methodology to easily access information (indexed by category), so employees have quick access to it at all times. It is also important that content always remain current; printed materials for use at desks or individually handwritten notes can become outdated very quickly. One way to achieve this is by assigning a subject matter expert with authority to become content owner(s) whose responsibility is ensuring timely approvals of new or updated content and notifications made to all relevant staff when content is updated.

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- **Establish a culture of continuous learning:** Begin or continue to instill the importance and expectation of ongoing learning daily. Teaching does not always result in learning and learning occurs in a variety of ways, on and off the job. Have supervisors and managers be role models highlighting how they learn each day from their subordinates, peers, customers, managers and industry resources or conferences. Sometimes new hires, the learners, can offer the best insight or suggestions for improvements since they do not have preconceived notions or knowledge.

4.1.3 USE OF TECHNOLOGY TO PERFORM ROUTINE TASKS

Summary of Observations:

During our 15 on-site observations, MGT noted the use of technology varies considerably across the Clerks of Courts. The online survey found that while 94% of Clerks of Court reported that improvements have been made to their technology recently, 54% of those respondents noted that further technology-oriented improvements are still desired. Some Clerks of Courts have been able to take advantage of the technological advancement to automate processes which can lead to substantial cost savings. For example, the Clerk of Court for Palm Beach County was able to work with a vendor to incorporate artificial intelligence (AI) to its case processing function. The AI is composed of five robots that process high-volume, low-risk documents. These robots are currently operating at 20% capacity which is equivalent to saving five FTEs.

Our onsite observations also disclosed that resources allocated to technology fluctuate substantially among the different Clerks of Court. Per s. 14, Art. V of the State Constitution, it is the counties' responsibility to fund specific costs of communication systems[5] (among others) for the circuit and county courts, public defenders' offices, state attorneys' offices, guardian ad litem offices, and the offices of the Clerks of Courts performing court-related functions. Counties do have to meet some minimum requirements. However, beyond minimum requirements, any further allocation of resources depends on the available funding and/or priorities of the individual counties and offices.

This disparity in funding between the counties is a primary reason why the technological advances vary so greatly from location to location. Some Clerks of Court do not have internal Information Technology staff and receive Information Technology support from outside organizations such as the Florida Clerks of Court and Comptrollers, while other counties have a significant Information Technology staff which enables them to pursue customizations that can lead to increases in efficiency and effectiveness. The Clerk of Court's Information Technology department in Hillsborough County has been able to leverage its Information Technology resources to create interfaces between systems, allowing the staff to perform certain functions

5 Communications services systems includes telephone system infrastructure as well as all computer networks, systems and equipment. http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0029/Sections/0029.008.html

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more efficiently. For example, there are 28 systems used in court-related functions and more than half of these systems were developed internally or had some functionality developed internally.

Clerks of Court have the discretion to independently choose the brand and version of the CMS they utilize to carry out many of their case processing functions. Nine different CMS systems are used statewide (including two in-house versions developed by counties), and even among counties that use the same CMS type, MGT found that different versions and enhancements are deployed. Some Clerks of Court develop their own applications to increase functionality and interface, while others select options provided by private vendors. On one site visit, a large county indicated they were using the 2015 version of their CMS, and that they only deployed updates if they were mandated. To the deputy clerk's knowledge, they have been unable to add optional enhancements since 2015 due to limited resources.

MGT interviewed an Associate Administrative Circuit Judge in the Ninth Judicial Circuit Court and Chair of the Florida Courts Technology Commission and a Chief Judge for who serves on the Executive Council of the Florida Clerks of Court Operations Corporation. The Judges provided their personal perspectives and were not speaking on behalf of the Commission or Council on which they respectively serve. Both were quick to share that, from their view, having multiple CMSs across the state is problematic.

Judges identified the following issues with having multiple CMS systems:

- Lack of efficiency - multiple CMS user groups gather to work through their common system issues independently rather than collectively as a state
- Training challenges – judges and other stakeholders must learn to interface with multiple systems within a circuit. There is not one go-to resource for training at conferences. Multiple sessions would need to be scheduled to cover the variety of systems
- Data issues – Data is not always accurately or completely transferred between the CMS system and judicial system. Having different CMS systems within a circuit multiplies the risk for this happening
- Reduced economies of scale and bargaining power that could be realized if there were one statewide system

Recommendations:

- **Evaluate the effectiveness and feasibility of utilizing one CMS statewide:**
    - Clerks of Court should examine the effectiveness and potential path forward for selecting one standard statewide Case Management System. To our knowledge standardizing a statewide CMS system has never been formally studied by an

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independent party. A cost-benefit analysis should be conducted, recognizing the associated challenges and significant investment some Clerks of Court have made to enhance their system or transition to new systems.

- According to data from the National Center for State Courts, 29 states have a statewide Case Management System for trial courts, provided either in-house or through a third-party vendor. Further, 22 have a statewide Jury Management System.[6] Considering over half of all state have taken this approach, evidence may suggest there is an advantage of standardization. Additional research into these cases may provide valuable insight into the potential cost, complexity and benefit of implementing statewide management systems.

- **Pursue the automation of routine tasks:**
  - MGT recommends that the Clerks of Courts across Florida explore the possibility of automating routine tasks that can be automated and have the potential for cost savings over the long-term.
  - Automation is noted in the online survey as an improvement that has been made by multiple counties. This has helped them to do work more efficiently with less staff.

- **Customize or create interface between systems:**
  - Consideration should be given to pursuing customization, or creation, of software systems that can help the staff perform a task(s) more efficiently and/or effectively and provide cost savings over the long-term. The creation of an interface between systems, for example CMS and financial management systems, can result in a reduction in personnel cost by eliminating the time associated with reconciling the data or having to enter the same data into multiple systems. For example, in Hillsborough County, MGT learned that the Judicial Automated Workflow System (JAWS), a bench viewer used by the 13th Judicial Circuit, interfaces with the Clerk of Courts Odyssey CMS using data views that were internally built by the Clerk of Court and provided to the Circuit for deployment. Deputy clerks upload proposed orders for review and signature by the judiciary and once signed, they are electronically transmitted back to the Clerk of Court via workflow queues, or they are automatically added to respective case.

- **Fully leverage current existing technology:**
  - Deputy clerks and Information Technology personnel should be trained in the full existing functionality of the systems their office uses. Common knowledge of expectations and use of office systems can assist with consistency and efficiency throughout divisions or procedures. Informed and experienced Information

[6] National Center for State Courts, Court Statistics Project. *State Court Organization: Technology*. Available from http://data.ncsc.org/QvAJAXZfc/opendoc.htm?document=Public%20App/SCO.qvw&host=QVS@qlikviewisa&anonymous=true.

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Technology personnel will help ensure all system capabilities beneficial to court processes are applied and operational. Familiarity and skill within the systems may also provide opportunities for Information Technology to build custom integrations within current infrastructure i.e. auto-redaction, cross-system interactions.

- **Implement auto-stamp and digital signatures in the CMS:**
  - As a separate recommendation, but one that has tie ins to the previous bullet, Clerks of Court should consider implementing the use of electronic signatures to save time and reduce expenses. Across functions and offices, countless documents are printed solely to be stamped and/or signed then rescanned back into the system. This practice produces excess paper copies, increases production costs and adds to overall processing time. During on-site visits to Clerk of Court locations, MGT learned of Hillsborough County's efforts to build enhancements in this area (Odyssey CMS). This functionality was also observed being used in some compacity in Miami-Dade (Odyssey),. In addition, Palm Beach (Showcase), Hendry (Clericus) and Jefferson (Clericus). In other counties with the same CMS system, the electronic signing and stamping configuration functionality may be available but not in use or turned on. Particularly for offices where the capability exists but is not used, the cost to implement this recommendation would be low but with the potential for considerable impact.

- **Strengthen technological infrastructure and equipment to support present and future software, hardware, and computing needs:**
  - It is essential for the Clerks of Court offices to maintain a healthy infrastructure to support deputy clerks as they execute their duties under each Clerks of Court function. Outdated, poor quality, or insufficient technological hardware directly affects deputy clerks' ability to perform at target and peak performance, such as resulting in processing delays, duplicative or additional steps in processing, illegible scanned data, and exposure to security risks. Also, the consolidation of hardware (e.g. multiple monitors, individual office equipment such as scanners, copiers, label printers, etc.) for all-in-one office equipment, or eliminating the need for multiple office equipment, can open valuable space in deputy clerks' workspaces and be more cost-efficient in the long-term.

- **Offer support to other court stakeholders and continue to expand E-Filing by pro se litigants, judges, law enforcement and other parties:**
  - The Florida Courts E-Filing Portal Authority estimates that $29 million in postage savings resulting from e-filings have been realized between 2014 to 2017.

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- Increase non-attorney e-filings. Clerks of Court could look for opportunities to partner with other court stakeholders and conduct targeted marketing efforts to encourage e-filing.
- Explore whether a marketing program could be sponsored by the Florida Courts E-Filing Authority, which governs the Florida Courts E-Filing Portal, for enhanced educational materials and outreach efforts to targeted groups including pro se litigants, judges, law enforcement agencies and other non-attorney filers. While a substantial increase in accounts for non-attorney filers was realized in 2017, account growth slowed in 2018. Actual filing submissions by pro se litigants have also increased significantly over the timeframe, but submissions decreased for law enforcement and other groups in 2018. Further investigation could point to potential issues some non-attorneys may have with e-filing.

4.1.4 USE AND STORAGE OF PAPER FILES

Summary of Observations:

Managing documents is a key responsibility for Clerks of the Court and a critical component of court cases. Judges, litigants, attorneys, court administrators, and other external agencies rely on documents before, during and after court, ensuring compliance with federal, state, and county mandates. Court documents contain critical, dated and usually sensitive or confidential information. Court documents become part of public records and must be redacted prior to being published. Managing documentation (receipt, transfer, scanning, uploading, signing/notarization, and storage) requires a high attention to detail, sensitivity to personal or confidential information as well as the knowledge and compliance of relevant mandates and how technology can best support the process.

While most sites have begun or already have made significant progress in reducing the amount of printing, copying, filing and storing of paper due to the introduction of E-Filing Portal, there is still an opportunity for efficiencies. In the counties visited, there was often a noticeable abundance of documents or copies sitting in office areas, on or in filing cabinets or at individuals' desks. In some cases, staff printed and kept these documents to recheck their work later. In other cases, printed copies were retained for easy access in case the system did not scan or upload the document correctly. Sometimes the deputy clerk stated they retained hard copies in the event they were questioned for accuracy or timeliness. Reasoning behind this was often that it has always been done that way and/or their superior asked it to be done.

At the same time, going completely paperless is not solely up to the Clerk of Courts. In many cases, the requestors of printed documents are key external stakeholders. For example, pro se litigants and State Attorneys are not required to e-file documents. Judicial preference may also play a role. During interviews it was pointed out some judges may prefer judicial orders are filed in paper, or that paper copies of juror questionnaires or case files be provided.

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In one case, the county had software for individuals to file for an injunction at a terminal, but the judge removed that option and they went back to paper.

Recommendations:

- **Develop a "paperless mentality:"**
  - Encourage, recognize and reward employees who implement ways to avoid printing, making duplicate copies and maintaining personal copies in paper files or their hard drives.
  - In the event a document does need to be printed, have employees ask themselves "do I really need a hard copy of this?" and "is there a specific reason I am saving this paper?" Some staff even kept hand-written logs of cases they processed or paper calendars to write down docket information already in the CMS.

- **Educate and drive accountability:**
  - When process changes involving the use of paper are made by leadership, these changes should be clearly conveyed to the deputy clerks. Additionally, a strategy around implementing these expectations should be formed to ensure the process change is successful.
  - The Clerks of the Court can also promote or educate external partners on the benefits of paperless processes available. For example: Alachua County, Walton County, and Gilchrist County noted in their online survey response that they have been able to make court operations completely paperless. Not only did moving to a paperless system allow them to be more proficient while still maintaining and meeting performance measures, but it also meant they no longer had to deliver files to the judges. For the courts and other agencies, it helped them to have same day access to almost all documents filed.

- **Improve storage management and destruction of files**:
  - Clerks of Court should consider ways to join together to select a common vendor to scan and shred old paper records that may be stored electronically or are no longer required to be retained. There is an opportunity to leverage economies of scale if the Clerks of Court work together on this issue. MGT recommends a statewide working group be formed to determine the approach, timeline and resource plan while ensuring compliance with retention guidelines.
  - MGT's observations of offices, desk areas, cabinets, closets, evidence and storage rooms indicated that an effort to better organize, shred or destroy no longer needed (past retention period) documentation is prompted when Clerks of Court begin to run out of space. While most sites organized documents by case number and year, the shelves or filing systems should be set up so that the newest cases can be accessed quicker that the old ones. Every county in Florida

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is aware of the risks of hurricane season. Facilities for storage of documents in some locations would not withstand high winds or flooding and may not be properly climate controlled. A clear solution is to scan the old documents and do away with paper storage, thus mitigating the risk of natural disasters and saving on the cost of maintaining physical storage facilities. Some Clerks of Court reported that this was cost prohibitive.

  - Given the volume of documents and the redundancy of retaining paper documents that are already uploaded into the site's CMS, consideration should be given to a scheduled day by which all unnecessary documents are shredded and no longer in view or hand's reach of a non-employee of the Clerks of Court. In addition, a bar coding system or other log should be kept and audited to ensure all documents or files are returned to their appropriate location.

- **Streamline the creation of packets for the public:** Clerks of Court should review how to most efficiently prepare and provide packets of documents made available to walk-in pro se litigants who seek paper copies of forms to file cases (such as a small claims case). The Clerks of Court should add all relevant forms organized into specific category and easily accessible and printable from their website. One county printed packets on demand after programming what documents are required for each case category on their local copier. MGT observed a tremendous variance in the methods by which each site prepared packets of documents. Other Clerks of Court prepared huge volumes of each packet in advance and organized them on shelves, while some encouraged the visitor to use the public access terminal and associated printer to obtain.

4.1.5 EFFICIENT STAFFING & RESOURCE ALLOCATION

Summary of Observations:

A prevalent discussion during our onsite visits related to staffing and resource allocation. Efficiencies in these areas are achieved when each site has the right staff (capacity), at the right time, at the right location, with the right skills (capability) and with easily accessible and useable resources (reference materials, hardware, software, etc.). To achieve these efficiencies, it is recommended that each site make an effort to take inventory of what resources they have and how they are being utilized. This will allow them to better track what level of competency and processing speed they have reached in one or several functions and compare that to historical knowledge of average volumes by type of case, peak hours of days, week or month. In addition, it is also helpful to have a solid knowledge of internal and external factors which can affect volume and staff availability.

Recommendations:

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- **Enhance performance standards:** Develop or enhance performance metrics to ensure full clarity on what is expected in terms of volume, service, timeliness and accuracy, in accordance with federal, state, county and/or site mandates. In multiple locations, deputy clerks mentioned some performance measures were being tracked to ensure compliance with mandates but little else. Clerks of Court who fully utilize and act upon performance metrics say that this has benefited them and allows them to make the most of their current staff. In Hillsborough County, management tracks performance and has a matrix process to look at the percentage of the organization meeting, exceeding or falling below expectations. This data, along with other statistics and numbers is discusses regularly to aid with strategic planning or resource allocation. Employees are also encouraged to form teams to come up with process improvements initiatives which they can receive bonuses for based on the quality and achievement of the team performance improvement process.

- **Develop a flexible staffing plan:** In consideration of all available data, consider how best to utilize local high school and university individuals to supplement needs in a part-time or internship fashion. Look for ways to recruit faster and better assess candidates for both an office culture and job fit. Peak periods may suggest alternative work schedules and/or the probability of remote work.

- **Assess resources other than staff:** When evaluating current versus future state needs and gaps consider conducting a cost-benefit analysis to determine if technology upgrades and/or more efficient and less manual processes may be the better long-term investment. Clerks of Court have noted that they were able to substantially reduce the staff needed to perform certain tasks by upgrading their technology.

- **Review prior caseload assessments and projections:** Using already available data and reports, determine trends and patterns of peak periods and resources typically utilized during those periods and measure the timeliness and accuracy of work completed, considering the level of complexity required of work and how much each employee can be stretched. Solicit feedback from those that do the work on what efficiencies they have used or suggest using to process faster or more accurately.

- **Develop current staff capability, capacity and availability matrices:** Develop a matrix indicating the current level of mastery, the average volume each individual can process accurately in a given period of time and how much they can be stretched. Consider if having several employees multi-task is more efficient than having one multi-task and the rest focus on a key function. Make note of employees that may appear to need help, have more capacity and/or the potential to do more. Look at spans of control to determine if they are appropriate given the complexity of work, the volume of work, the experience level of staff and the degree to which supervision is needed. Identify

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opportunities where decisions or transactions are delayed due to layers of management or response time of key stakeholders.

- **Review future staff capabilities, capacity and estimated headcount**: With a view of current staff, proactive examination of current conditions and the most likely future conditions, determine where there may be a surplus or gap in skills or headcount. Determine how best to retain high performers who have skills or use technology that are becoming obsolete; identify employees who have capacity and a strong desire to learn more in areas where the greatest gaps exist. Develop and execute a plan to move, reskill or exit individuals where there is a surplus and begin hiring/training individuals who possess the transferrable skills outlined earlier in this document. It is important to remain cognizant of those employees in nearing retirement so that a plan to transfer their knowledge and experience is in place. Consider external factors such as the impact of changing technological and economic forces when planning for the future.

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APPENDIX A. SUMMARY OF DOCUMENT COLLECTION

Source	Description	Type	Number of Files
Baker County Clerk of Court Office	Jury Procedures	PDF	1
Bay County Clerk of Court Office	Copies of Documents/Forms They Use	PDF	1
Brevard County Clerk of Court Office	Budget Files, Court Documents, Data entry Documents, Evaluations Documents	PDF/Word	42
Brevard County Clerk of Court Office	Foreclosures Bid Sheet	PDF	1
Brevard County Clerk of Court Office	Cashier's Balance Sheet	Excel	1
Brevard County Clerk of Court Office	Percentage of Payment Plans to Collections Agencies	Word	1
Brevard County Clerk of Court Office	Employee Evaluations	PDF	3
Brevard County Clerk of Court Office	Standard Operating Procedures	PPT/Excel/Word	13
Brevard County Clerk of Court Office	Copies of Documents/Forms They Use	PPT/Excel/Word	12
Brevard County Clerk of Court Office	Copy of Budget	Excel	1
Brevard County Clerk of Court Office	Judges/Courtroom	Excel	1
Escambia County Clerk of Court Office	IT Documents & Strategic Plan	PDF/Word	8
Escambia County Clerk of Court Office	Standard Operating Procedures	Word	8
Escambia County Clerk of Court Office	Copies of Documents/Forms They Use	PDF	5
Escambia County Clerk of Court Office	E-Portal Filing Review	PDF	1
Florida Clerk of Court Reports	E-Filing Annual Report	PDF	1
Florida Clerk of Court Reports	Annual Statistics 2018-2019	PDF	1
Florida Clerk of Court Reports	FCCC Clerks Mandatory Reports Final	PDF	1
Florida Clerk of Court Reports	Education Policy, New Clerk Certification Plan, Committee Structure, Presidential Priorities, Best Practice Documents, Fee Schedule (2019)	PDF	13

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Florida Clerk of Court Reports	Budget Graphic, Budget Meeting Packet, 2016 Senate Presentation	PDF	3
Florida Clerk of Court Reports	List of Clerks' Years of Service	Excel	1
Florida Clerk of Court Reports	County Operational Budgets	Excel	67
Florida Clerk of Court Reports	Clerk's Duties	PDF	2
Florida Clerk of Court Reports	Budget/Graphics/Budget Meeting Details	Word/PDF	3
Florida Clerk of Court Reports	Budget Overview	Word	1
Florida Clerk of Court Reports	Florida Courts E-Filing Standards	PDF	1
Highlands County Clerk of Court Office	Check Sheet for Issuing Summons Small Claims	Word/PDF	3
Highlands County Clerk of Court Office	Check Sheet for Issuing Civil Cases	PDF	6
Highlands County Clerk of Court Office	Guardianship Templates & Procedures	Excel/PDF	13
Hillsborough County Clerk of Court Office	Domestic Violence Methods and Procedures Documents	PDF	1
Hillsborough County Clerk of Court Office	Training Documents and Manuals	PPT/PDF	8
Hillsborough County Clerk of Court Office	System Flowcharts and Description	Word/PDF	2
Hillsborough County Clerk of Court Office	Leadership Overview (Description of Procedures, Strategic Overview & Plan, Organizational Structure, Policies, Workflow Processes, Staffing, Records Management, Budget Information, Accounting, Technology Overview, Suggested Improvements)	PDF	1
Jefferson County Clerk of Court Office	Copies of Documents/Forms They Use	PDF	8
Jefferson County Clerk of Court Office	March Timesheet	PDF	1
Jefferson County Clerk of Court Office	Clerk of Court Expense Cost Centers	Excel	1
Jefferson County Clerk of Court Office	2019 Collections and Expenditures Summary	Excel	1
Marion County Clerk of Court Office	Performance Review	PDF	1
Marion County Clerk of Court Office	Position Descriptions	PDF	20
Marion County Clerk of Court Office	Quarterly Financial Reports	Excel	3

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Marion County Clerk of Court Office	Employee Performance Evaluations/Guide	PDF	5
Marion County Clerk of Court Office	Workflow Documentation Study	PDF	1
Marion County Clerk of Court Office	Appellate Records Procedue	PDF	1
Marion County Clerk of Court Office	Copies of Documents/Forms They Use	PDF	7
MGT Consulting Group	MGT Clerks Survey Copy	Word	1
MGT Consulting Group	MGT Clerks Survey Data Output	PDF	1
MGT Consulting Group	Selection Methodology of Clerk Offices for Onsite Desk Audits	Excel	1
MGT Consulting Group	Key Performance Metrics	PDF	4
MGT Consulting Group – Online Research	Past Efficiency & Staffing Studies	PDF/Word	28
MGT Consulting Group – Online Research & County Clerk of Courts Offices	County Organizational Charts	Excel/PDF	251
Miami-Dade County Clerk of Court Office	Copies of Documents/Forms They Use	PDF	3
Miami-Dade County Clerk of Court Office	Traffic & Misdemeanor Court Operations	PDF	1
Miami-Dade County Clerk of Court Office	Traffic & Misdemeanor Procedure Manuals	PDF	2
Nassau County Clerk of Court Office	Civil Case Procedures	Word/PDF	52
Nassau County Clerk of Court Office	Workflow Criminal Division 2016-2019	Word	40
Nassau County Clerk of Court Office	Distribution Schedules	Excel	2
Nassau County Clerk of Court Office	Evidence Room Policy	PDF	1
Nassau County Clerk of Court Office	Case Count – Timeliness Reports (17-19)	Excel/Word/PDF	767
Nassau County Clerk of Court Office	Workflow Civil Division	Excel	9
Nassau County Clerk of Court Office	Procedures – Criminal Division	Excel/Word/PDF	39
Nassau County Clerk of Court Office	Weekly Staff Workflow (2019)	Word	34
Nassau County Clerk of Court Office	Turnover Stats	PDF	1

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Nassau County Clerk of Court Office	Deputy Handbook	PDF	1
OPPAGA	Past Studies Copy/Listing	Excel/PDF	2
Palm Beach County Clerk of Court Office	Operations Training Documents	Word/Excel/PDFf	59,422
Palm Beach County Clerk of Court Office	Court Operations Details, Information Technology policies, Performance Metrics, HR Documents, External Factors, Technology Innovations, Accounting Documents	Word/Excel/PDFf	188
Palm Beach County Clerk of Court Office	Copies of Documents/Forms They Use	PDF	2
-The Australasian Institute of Judicial Administration -The Federal Judicial Center -The National Center for State Courts -The Subordinate Courts of Singapore	Global Measures of Court Performance	PDF	1

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APPENDIX B. TIME ANALYSIS TABLE

The time analysis table is based on MGT's 15 onsite county visits between August 26, 2019 and October 31, 2019. The onsite observations included direct (MGT observations) and indirect (clerk provided details) observation of employees performing court-related tasks, along with task completion times. Completion time observations are displayed in minutes and are organized by the functions of Clerks, descriptions of tasks, units of measure, and observation types (i.e., direct vs. indirect).

TIME ANALYSIS TABLE *Number displayed in minutes*			DIRECT OBSERVATION				INDIRECT OBSERVATION			
Functions of clerks	**Task Descriptions**	**Unit of Measure**	**Task Count**	**Average Minimum**	**Average Maximum**	**Average**	**Task Count**	**Average Minimum.**	**Average Maximum.**	**Average**
Auditing child support payments	Auditing child support payments	Case	2	17.5	17.5	17.5	1	10.0	15.0	12.5
	Reconciling rejected payments	Case	1	5.0	5.0	5.0	-	-	-	-
	Accepting child support payments by phone or counter	Case	1	5.0	5.0	5.0	-	-	-	-
Auditing guardianship reports	Auditing Guardianship Reports	Case	2	75.0	75.0	75.0	5	56.4	93.4	74.9
Collecting and disbursing fines, court costs, forfeitures, fees, and service charges	Bond processing & Payment Plan	Case	2	10.5	10.5	10.5	-	-	-	-
	Accounting: Daily Log	Daily	-	-	-	-	1	30.0	30.0	30.0
	Online & Agency Payment	Daily	2	27.5	27.5	27.5	-	-	-	-
	Accounting: Reconciliation	Monthly	-	-	-	-	2	210.0	270.0	240.0
	Payment Processing (Counter)	Transaction	5	2.2	4.6	3.4	1	5.0	15.0	10.0
	Supervisor review prior sending to collection agency	Weekly	-	-	-	-	1	120.0	360.0	240.0
Attending court hearings and trials	First Appear, Criminal Docket, Plea Day, Felony, Civil, Misdemeanor and Traffic	Case	10	1.9	2.8	2.4	2	0.5	0.7	0.6
	Criminal	Case	2	7.5	10.0	8.8	-	-	-	-
	Domestic	Case	1	5.0	20.0	12.5	-	-	-	-
	Juvenile Proceedings	Case	1	30.0	30.0	30.0	-	-	-	-
	Risk Protection Orders and Shelter	Case	2	12.5	17.5	15.0	-	-	-	-

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Maintaining court registry	Court Registry Entry	Case	-	-	-	-	1	5.0	5.0	5.0
	Foreclosure sales entry in registry and court registry docketing	Case	2	6.0	6.0	6.0	-	-	-	-
	Court Registry	Daily	1	15.0	15.0	15.0	4	19.8	19.8	19.8
	Monthly Reconciliation	Monthly	-	-	-	-	2	90.0	150.0	120.0
Filing indictments, information, and verdicts	Filing Indictments & Information	Case	4	2.0	2.8	2.4	1	3.0	5.0	4.0
	Filing Verdicts	Case	3	5.0	6.7	5.8	1	0.5	30.0	15.3
Jury management	Jury Selection	Event	1	160.0	160.0	160.0	2	90.0	90.0	90.0
	Jury check in and capture compensation information	Per Juror	5	0.8	1.9	1.4	1	0.3	0.3	0.3
	Report Quarterly	Quarterly	-	-	-	-	1	30.0	30.0	30.0
	Report Weekly	Weekly	-	-	-	-	1	20.0	20.0	20.0
Maintaining custody of all evidence and exhibits entered by the court	Recording Evidence records	Case	1	3.0	3.0	3.0	3	3.0	5.3	4.2
Conducting mortgage foreclosure sales	Live in-person auction	Auction	-	-	-	-	2	90.0	90.0	90.0
	Sales Setup & Online auction	Case	3	12.0	12.0	12.0	-	-	-	-
	Court viewing for mortgage foreclosures	Case	1	2.5	2.5	2.5	-	-	-	-
	Recording and conducting foreclosures / Processing new foreclosure case	Sale	-	-	-	-	4	11.8	12.3	12.0
	Post Sale Process	Sale	-	-	-	-	1	28.0	28.0	28.0
	Weekly Report	Weekly	-	-	-	-	1	10.0	15.0	12.5
Assisting in completing paperwork required to file petitions for protective injunctions (domestic, repeat, sexual, and dating violence)	Assisting in completing paperwork required to file petitions for protective injunctions	Case	3	35.0	40.0	37.5	6	32.5	47.5	40.0
	Temporary injunction extension	Case	1	5.0	5.0	5.0	-	-	-	-
Assisting in completing paperwork required to file a small claims action	Assisting in Completing Paperwork Required to file small claims action	Case	4	14.3	29.3	21.8	1	10.0	15.0	12.5
Preparing appellate records	Update Appeal	Case	-	-	-	-	2	22.5	22.5	22.5
	Prepare and processing appellate	Case	-	-	-	-	8	78.8	84.4	81.6

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Processing all civil and criminal cases	Open Civil, Close Civil, Open Criminal	Case	19	4.6	10.4	7.5	4	6.3	9.2	7.7
	Close Criminal	Case	6	11.3	17.5	14.4	-	-	-	-
	Sorting / Docketing	Case	1	1.0	1.0	1.0	-	-	-	-
	Transfer case from Felony to MM	Case	1	10.0	60.0	35.0	-	-	-	-
	Linking scanned file to case	Document	1	1.0	1.0	1.0	-	-	-	-
Issuing process service documents	Issuing Service Documents	Case	9	6.3	6.9	6.6	-	-	-	-

Source: MGT onsite observations and information provided by Clerks.

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APPENDIX C. COPY OF MGT CLERK OF COURT SURVEY

MGT CONSULTING GROUP

Florida Clerks of the Court
Staffing and Efficiency Survey

Your feedback is extremely valuable to us.

Please have one representative from your leadership team complete this survey with appropriate input from relevant managers or supervisors at your site.

Your survey should be submitted no later than Tuesday, October 1st, 2019.

Only one survey should be submitted for your site. Thank you in advance for your participation.

Your entries will be saved after you advance through each page. You can revisit your responses as many times as you need to prior to submission.

Survey responses are recorded as you click the "Next" and "Back" buttons in the survey; working from more than one browser tab may result in the loss of data you have entered.

NEXT

For verification purposes, please complete the following information:

Name:	
Current Job Title:	

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How long have you been in your current job role? (in years)

How many years of experience do you have with Florida Courts?

County Job Location(s):

(Select all that apply.)

Alachua
Baker
Bay
Bradford
Brevard
Broward
Calhoun
Charlotte
Citrus
Clay

For the functions performed at your site, please assign a percentage of overall staff time spent performing these functions. (Must total 100%. For functions not performed, you may leave those blank or enter 0.)

Filing indictments, information, and verdicts	0
Processing all civil and criminal cases	0
Preparing appellate records	0
Jury management	0
Collecting and disbursing fines, court costs, forfeitures, fees, and service charges	0
Conducting mortgage foreclosure sales	0
Maintaining custody of all evidence and exhibits entered by the court	0
Assisting in completing paperwork required to file a small claims action	0
Assisting in completing paperwork required to file petitions for protective injunctions (domestic, repeat, sexual, and dating violence)	0
Issuing process service documents	0
Maintaining court registry	0
Auditing guardianship reports	0

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Processing child support payments	0
Auditing child support payments	0
Processing or auditing bedroom/tourism taxes	0
Attending court hearings	0
Processing collections	0
Other 1 (please describe):	0
Other 2 (please describe):	0
Other 3 (please describe):	0
Total	0

BACK NEXT

For the court-related functions you selected in the previous question, identify the day(s) of the week that your staff performs each function.

	Monday	Tuesday	Wednesday	Thursday	Friday
Filing indictments, information, and verdicts	☐	☐	☐	☐	☐
Processing all civil and criminal cases	☐	☐	☐	☐	☐
Preparing appellate records	☐	☐	☐	☐	☐
Jury management	☐	☐	☐	☐	☐
Collecting and disbursing fines, court costs, forfeitures, fees, and service charges	☐	☐	☐	☐	☐
Conducting mortgage foreclosure sales	☐	☐	☐	☐	☐
Maintaining custody of all evidence and exhibits entered by the court	☐	☐	☐	☐	☐
Assisting in completing paperwork required to file a small claims action	☐	☐	☐	☐	☐
Assisting in completing paperwork required to file petitions for protective injunctions (domestic, repeat, sexual, and dating violence)	☐	☐	☐	☐	☐

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Issuing process service documents	☐	☐	☐	☐	☐
Maintaining court registry	☐	☐	☐	☐	☐
Auditing guardianship reports	☐	☐	☐	☐	☐
Processing child support payments	☐	☐	☐	☐	☐
Auditing child support payments	☐	☐	☐	☐	☐
Processing or auditing bedroom/tourism taxes	☐	☐	☐	☐	☐
Attending court hearings	☐	☐	☐	☐	☐
Processing collections	☐	☐	☐	☐	☐

BACK NEXT

Has your office ever performed a time or efficiency study for, or that included assessing, court-related functions?

- ○ Yes
- ○ No

Please briefly describe the time or efficiency study, including its purpose, the time period in which it was conducted, and the study's results.

Also, please upload a copy of the study, if available.

Drop files or click here to upload

BACK NEXT

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Please select the top three most important changes that your staff has made in the past few years to provide greater efficiency or effectiveness in court-related functions.

- ☐ Work Schedules/Operating Hours
- ☐ Resource Allocation
- ☐ Skill Development
- ☐ Work Environment/Workspace
- ☐ Technology
- ☐ Processes
- ☐ Performance Metrics & Reporting
- ☐ Facilities
- ☐ Staff Performance/Training
- ☐ Availability of Bilingual Resources
- ☐ Other (please describe):

BACK NEXT

For those changes you indicated in the prior survey question, please include any relevant comments, concerns, suggestions, and/or negative/positive outcomes related to each. **(What has or hasn't worked, and why?)**

You may copy and paste your answers into the text boxes below.

Work Schedules/Operating Hours	
Resource Allocation	
Skill Development	
Work Environment/Workspace	
Technology	
Processes	
Performance Metrics & Reporting	
Facilities	
Staff Performance/Training	
Availability of Bilingual Resources	

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You may also upload any related file or saved text document below.

Drop files or click here to upload

BACK NEXT

Please select the top three changes your staff would like to make to provide greater efficiency or effectiveness in court-related functions.

- ☐ Work Schedules/Operating Hours
- ☐ Resource Allocation
- ☐ Skill Development
- ☐ Work Environment/Workspace
- ☐ Technology
- ☐ Processes
- ☐ Performance Metrics & Reporting
- ☐ Facilities
- ☐ Staff Performance/Training
- ☐ Availability of Bilingual Resources
- ☐ Other (please describe):

BACK NEXT

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For those changes your staff would like to make, please include any relevant comments, concerns, plans, and/or suggestions related to each.

You may copy and paste your answers into the text boxes below.

Work Schedules/Operating Hours	
Resource Allocation	
Skill Development	
Work Environment/Workspace	
Technology	
Processes	
Performance Metrics & Reporting	
Facilities	
Staff Performance/Training	
Availability of Bilingual Resources	

You may also upload any related file or saved text document below.

Drop files or click here to upload

BACK NEXT

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What are the greatest staff challenges that you have in your office? (Check all that apply.)

- ☐ Absenteeism
- ☐ Recruiting qualified applicants
- ☐ Retaining quality staff members
- ☐ Advancement
- ☐ Compensation or Benefits
- ☐ Training
- ☐ Accuracy of work completed
- ☐ Timeliness of work completed
- ☐ Multi-tasking
- ☐ Frequent interruptions or distractions
- ☐ Returning incomplete or incorrect documents received from e-portal
- ☐ Responding to last-minute or highly demanding requests, which are outside of staff control
- ☐ Other (please describe):

Please include any comments you would like to provide regarding these challenges in the text box below.

BACK NEXT

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Please include any additional information or comments you would like to share as it relates to this study and the efficiency of court-related functions.

You may also upload any relevant files below (such as organizational charts).

Drop files or click here to upload

BACK NEXT

SURVEY SUBMISSION

Please click the button next to "SUBMIT AS FINAL" below and then click "**Next**" to submit your survey. If you wish to edit or review your responses, you may go back to previous questions by using the "**Back**" button.

○ **SUBMIT AS FINAL**

BACK NEXT

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APPENDIX D. DEMOGRAPHIC DATA

Source	Description	Type	Number of Files
Florida Clerks/Corporation Reports	Clerk's Years of Service	Excel	1
Florida Clerks/Corporation Reports	County Operational Budgets, FTE Counts, and Clerk's Average Pay	Excel	67
MGT Consulting Group Online Research	Clerk Main Addresses and Branch Address	Excel	15
Florida Clerks/Corporation Reports	Judicial Circuit, Number of Counties in Circuit, Peer Counties	Excel	1
Office of Economic and Demographic Research - Website	Population Demographics	PDF/Website	15

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APPENDIX E. PAST STUDIES

Study Title	Location	Year	Categories
An Analysis of Current Staffing in the Circuit Court Clerks' Offices in Maryland	Maryland	2005	Training, Technology, Business Process, Staffing
Judicial Branch Workload Formulas and On-Bench Time Reporting - North Carolina Administrative Office of the Courts	North Carolina	2014	Technology, Training
Nebraska Court Clerks' Office Study - Nebraska Supreme Court Advisory Committee	Nebraska	2017	Organizational Restructure, Staffing, Training
Iowa Court Clerk and Court Support Staff Workload Assessment Study	Iowa	2017	Business Process, Staffing, Technology
Little Duplication in Court-Related Services; Clerk/Court Cooperation Should Be Improved - OPPAGA	Florida	2010	Business Process, Organizational Restructure, Technology
Missouri Circuit Court Clerk Workload Assessment Study - Missouri Circuit Courts	Missouri	2017	Business Process
Miami-Dade Staffing Study	Florida	2000	Staffing, Training
Administrative Office of the Trial Courts Staffing Study – Commonwealth of Massachusetts	Massachusetts	2005	Staffing, Business Process, Technology
Staffing the Massachusetts Trial Courts	Massachusetts	2011	Staffing
Minnesota Judicial Workload Assessment	Minnesota	2010	Staffing, Organizational Restructure, Business Process
Kansas District Court Judicial and Clerk Staff Weighted Caseload Study - Supreme Court of Kansas	Kansas	2011	Business Process, Staffing, Technology
State of North Dakota Staffing Study – Clerks of Court	North Dakota	2000	Staffing

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From: Thompson, Vanessa
Sent: Friday, January 03, 2020 9:17 AM EST
To: Sarah Naf Biehl <nafs@flcourts.org>
Subject: FW: County Court -> DCA Jurisdiction
Attachment(s): "billdraft75615.supremecourt.docx"

Sarah,

Please see the attached and the email from our judiciary staff. Let me know if you all see any major issues that need to be addressed before filing – otherwise we can handle things through an amendment.

Best,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Cibula, Thomas <CIBULA.THOMAS@flsenate.gov>
Sent: Thursday, January 2, 2020 3:39 PM
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: RE: County Court -> DCA Jurisdiction

Senator Brandes,

I used the compare tool on Microsoft Word to compare my draft bill with the released draft from the bill drafting office. The substance of the released draft reflects the substance and legal effect of the draft I prepared for you.

There are a few number of stylistic differences of no legal effect. For example, the bill drafting office prefers publishing the minimum amount of existing law when it prepares drafts. I like to include enough of the existing law in an amended statute to give readers some context to understand and evaluate the significance of proposed a change. Additionally, I might show the entirety of a statute stricken as a means of repealing it, but the bill drafting office prefers to write, “Section xxx.xx, Florida Statutes, is repealed.”

Accordingly, the bill is ready for filing. However, due to the highly technical nature of the bill, the court staff should closely review it.

Please contact me if I can be of any additional assistance.

Thomas C. Cibula
Staff Director
Committee on Judiciary
The Florida Senate
515 Knott Building
404 South Monroe Street
Tallahassee, Florida 32399

(850) 487-5198

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24-01569-20

A bill to be entitled

An act relating to jurisdiction of courts; amending s. 26.012, F.S.; revising the jurisdiction of circuit courts; amending s. 26.57, F.S.; revising the authority of county court judges temporarily designated to preside over circuit court cases; amending s. 28.241, F.S.; removing authorization for filing fees for certain appellate proceedings; repealing s. 34.017, F.S., relating to certification of questions to district courts of appeal; amending s. 34.041, F.S.; conforming a provision to changes made by the act; repealing s. 35.065, F.S., relating to the review of a judgment or an order certified by a county court to be of great public importance; amending s. 162.11, F.S.; transferring jurisdiction for appeals of final administrative orders of local government code enforcement boards from the circuit court to the district court of appeal; amending s. 171.081, F.S.; transferring jurisdiction for petitions on annexation or contraction of local government boundaries from the circuit court to the district court of appeal; amending s. 163.3215, F.S.; transferring jurisdiction for appeals on development orders from the circuit court to the district court of appeal; amending s. 189.041, F.S.; transferring jurisdiction of challenges of urban area maps adopted by special districts from the circuit court to the district court of appeal; amending s. 190.046, F.S.; transferring jurisdiction of petitions seeking review of transfer plan

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ordinances adopted by a community development district from the circuit court to the district court of appeal; amending s. 255.20, F.S.; transferring jurisdiction of appeals regarding local bids and contracts for public construction works from the circuit court to the district court of appeal; amending s. 318.16, F.S.; transferring jurisdiction for appeals of traffic infractions from the circuit court to the district court of appeal; amending s. 318.33, F.S.; modifying provisions regarding the appeal of traffic infractions to conform to changes made by the act; amending s. 320.781, F.S.; transferring jurisdiction of appeals of determinations of the Department of Highway Safety and Motor Vehicles on certain claims against mobile home or recreational vehicle dealers or brokers from the circuit court to the district court of appeal; amending s. 321.051, F.S.; transferring jurisdiction of appeals of final orders of the Department of Highway Safety and Motor Vehicles regarding the Florida Highway Patrol wrecker operator system from the circuit court to the district court of appeal; amending s. 322.272, F.S.; modifying provisions regarding the filing of petitions for certiorari to conform to changes made by the act; amending s. 322.31, F.S.; transferring jurisdiction of the review of Department of Highway Safety and Motor Vehicles final orders and rulings from the circuit court to the district court of appeal; amending s. 322.64, F.S.; conforming a provision to changes made

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by the act; amending s. 327.73, F.S.; transferring jurisdiction of appeals of a hearing official's finding regarding a noncriminal infraction regarding a vessel from the circuit court to the district court of appeal; amending s. 333.11, F.S.; transferring jurisdiction of judicial review of airport zoning regulations from the circuit court to the district court of appeal; amending s. 336.41, F.S.; transferring jurisdiction of appeals of competitive bidding determinations made by counties from the circuit court to the district court of appeal; amending s. 337.14, F.S.; transferring jurisdiction of appeals of competitive bidding determinations made by the Department of Transportation from the circuit court to the district court of appeal; amending s. 337.404, F.S.; transferring jurisdiction of judicial review of the removal or relocation of utility facilities from the circuit court to the district court of appeal; amending s. 376.065, F.S.; transferring jurisdiction of an appeal of a hearing official's findings of a violation of discharge prevention and response certification from the circuit court to the district court of appeal; amending s. 376.07, F.S.; transferring jurisdiction of an appeal of a hearing official's finding of inadequate booming by a terminal facility from the circuit court to the district court of appeal; amending s. 376.071, F.S.; transferring jurisdiction of an appeal of a hearing official's finding of a violation of requirements for

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a discharge contingency plan from the circuit court to the district court of appeal; amending s. 376.16, F.S.; transferring jurisdiction of an appeal of a hearing official's finding of a violation of the Pollutant Discharge Prevention and Control Act from the circuit court to the district court of appeal; amending s. 379.401, F.S.; transferring jurisdiction of appeals of Level One violations from the circuit court to the district court of appeal; amending s. 379.4015, F.S.; conforming a provision to changes made by the act; amending s. 379.412, F.S.; transferring jurisdiction of appeals of violations of certain prohibitions regarding feeding wildlife and freshwater fish from the circuit court to the district court of appeal; amending s. 408.40, F.S.; providing for the review of the Public Counsel's petition of the Agency for Health Care Administration by appellate courts; amending s. 489.127, F.S.; transferring jurisdiction of appeals of final administrative orders of an enforcement board or licensing board regulating contracting or a designated special magistrate from the circuit court to the district court of appeal; amending s. 489.531, F.S.; transferring jurisdiction of appeals of final administrative orders of an enforcement board or licensing board regulating electrical or alarm system contracting or a designated special magistrate from the circuit court to the district court of appeal; amending s. 556.107, F.S.; transferring jurisdiction of appeals of noncriminal

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infractions under the Underground Facility Damage Prevention and Safety Act from the circuit court to the district court of appeal; conforming a provision to changes made by the act; amending s. 569.005, F.S.; transferring jurisdiction of appeals of findings of infractions of operating without a retail tobacco products dealer permit from the circuit court to the district court of appeal; amending s. 605.0716, F.S.; transferring jurisdiction of judicial review of denial of reinstatement of a limited liability company from the Circuit Court of Leon County to the First District Court of Appeal; amending s. 605.09091, F.S.; transferring jurisdiction of judicial review of denial of reinstatement of a foreign limited liability company from the Circuit Court of Leon County to the First District Court of Appeal; amending s. 607.0126, F.S.; transferring jurisdiction of appeals of the Department of State's refusal to file a corporate document from the Circuit Court of Leon County to the First District Court of Appeal; amending s. 607.1423, F.S.; transferring jurisdiction of judicial review of denial of reinstatement of a corporation from the Circuit Court of Leon County to the First District Court of Appeal; amending s. 607.1532, F.S.; transferring jurisdiction of judicial review of denial of reinstatement of a foreign corporation from the Circuit Court of Leon County to the First District Court of Appeal; amending s. 620.1811, F.S.; transferring jurisdiction of appeals from the denial

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of reinstatement of a limited partnership from the circuit court to the district court of appeal; amending s. 717.1242, F.S.; conforming a cross-reference to changes made by the act; amending s. 723.0612, F.S.; transferring jurisdiction of review of certain actions of the Florida Mobile Home Relocation Corporation from the circuit court to the district court of appeal; amending s. 767.12, F.S.; transferring jurisdiction of appeals of dangerous dog classifications and penalties from the circuit court to the district court of appeal; repealing s. 924.08, F.S., relating to courts of appeal; providing an effective date.

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

Section 1. Section 26.012, Florida Statutes, is amended to read:

26.012 Jurisdiction of circuit court.—

(1) Circuit courts shall have ~~jurisdiction of appeals from county courts except:~~

~~(a) Appeals of county court orders or judgments where the amount in controversy is greater than $15,000. This paragraph is repealed on January 1, 2023.~~

~~(b) Appeals of county court orders or judgments declaring invalid a state statute or a provision of the State Constitution.~~

~~(c) Orders or judgments of a county court which are certified by the county court to the district court of appeal to~~

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~~be of great public importance and which are accepted by the district court of appeal for review.~~

~~Circuit courts shall have jurisdiction of appeals from final administrative orders of local government code enforcement boards.~~

~~(2) They shall have~~ exclusive original jurisdiction:

(a) In all actions at law not cognizable by the county courts;

(b) Of proceedings relating to the settlement of the estates of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate;

(c) In all cases in equity including all cases relating to juveniles except traffic offenses as provided in chapters 316 and 985;

(d) Of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged;

(e) In all cases involving legality of any tax assessment or toll or denial of refund, except as provided in s. 72.011;

(f) In actions of ejectment; and

(g) In all actions involving the title and boundaries of real property.

(2) ~~(3)~~ The circuit court may issue injunctions.

(3) ~~(4)~~ The chief judge of a circuit may authorize a county court judge to order emergency hospitalizations pursuant to part I of chapter 394 in the absence from the county of the circuit judge; and the county court judge shall have the power to issue

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all temporary orders and temporary injunctions necessary or proper to the complete exercise of such jurisdiction.

(4) ~~(5)~~ A circuit court is a trial court.

Section 2. Section 26.57, Florida Statutes, is amended to read:

26.57 Temporary designation of county court judge to preside over circuit court cases.—A county court judge may be designated on a temporary basis to preside over circuit court cases by the Chief Justice of the Supreme Court upon recommendation of the chief judge of the circuit. He or she may be assigned to exercise all county and circuit court jurisdiction in the county~~, except appeals from the county court~~. In addition, he or she may be required to perform the duties of circuit judge in other counties of the circuit as time may permit and as the need arises, as determined by the chief judge of the circuit. A county court judge designated to preside over circuit court cases shall receive the same salary as a circuit court judge, to the extent that funds are specifically appropriated by law for such purposes.

Section 3. Present subsections (2) and (3) of section 28.241, Florida Statutes, are amended, and present subsections (4) through (7) of that section are renumbered as subsections (3) through (6), respectively, to read:

28.241 Filing fees for trial and appellate proceedings.—

(2) ~~Upon the institution of any appellate proceeding from any lower court to the circuit court of any such county, including appeals filed by a county or municipality as provided in s. 34.041(5), or from the county or circuit court to an appellate court of the state, the clerk shall charge and collect~~

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~~from the party or parties instituting such appellate proceedings a filing fee not to exceed $280, from which the clerk shall remit $20 to the Department of Revenue for deposit into the General Revenue Fund, for filing a notice of appeal from the county court to the circuit court and, in addition to the filing fee required under s. 25.241 or s. 35.22, $100 for filing a notice of appeal from the county or circuit court to the district court of appeal or to the Supreme Court. If the party is determined to be indigent, the clerk shall defer payment of the fee otherwise required by this subsection.~~

~~(3)~~ A filing fee may not be imposed upon a party for responding by pleading, motion, or other paper to a civil or criminal action, suit, or proceeding~~, or appeal~~ in a circuit court.

Section 4. Section 34.017, Florida Statutes, is repealed.

Section 5. Present subsections (5) and (6) of section 34.041, Florida Statutes, are amended, and present subsections (7) and (8) are renumbered as subsections (6) and (7), respectively, to read:

34.041 Filing fees.—

(5) ~~Upon the institution of any appellate proceeding from the county court to the circuit court, including any appeal filed by a county or municipality, the clerk shall charge and collect filing fees as provided in s. 28.241(2) from the party or parties instituting the appellate proceedings. If the party is determined to be indigent, the clerk shall defer payment of the fee.~~

~~(6)~~ A charge or a fee may not be imposed upon a party for responding by pleading, motion, or other paper to a civil or

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criminal action, suit, or proceeding in a county court ~~or to an appeal to the circuit court~~.

Section 6. Section 35.065, Florida Statutes, is repealed.

Section 7. Section 162.11, Florida Statutes, is amended to read:

162.11 Appeals.—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the district ~~circuit~~ court of appeal. The ~~Such an~~ appeal may ~~shall~~ not be a hearing de novo but must ~~shall~~ be limited to appellate review of the record created before the enforcement board. An appeal must ~~shall~~ be filed within 30 days after ~~of~~ the execution of the order to be appealed.

Section 8. Section 171.081, Florida Statutes, is amended to read:

171.081 Appeal on annexation or contraction.—

(1) Any party affected who believes that he or she will suffer material injury by reason of the failure of the municipal governing body to comply with the procedures set forth in this chapter for annexation or contraction or to meet the requirements established for annexation or contraction as they apply to his or her property may file a petition in the district ~~circuit~~ court of appeal for the appellate district ~~county~~ in which the municipality or municipalities are located seeking review by certiorari. The action may be initiated at the party's option within 30 days following the passage of the annexation or contraction ordinance or within 30 days following the completion of the dispute resolution process in subsection (2). In any action instituted pursuant to this subsection, the complainant, should he or she prevail, shall be entitled to reasonable costs

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and attorney ~~attorney's~~ fees.

(2) If the affected party is a governmental entity, no later than 30 days following the passage of an annexation or contraction ordinance, the governmental entity must initiate and proceed through the conflict resolution procedures established in chapter 164. If there is a failure to resolve the conflict, no later than 30 days following the conclusion of the procedures established in chapter 164, the governmental entity that initiated the conflict resolution procedures may file a petition in the district ~~circuit~~ court of appeal for the appellate district ~~county~~ in which the municipality or municipalities are located seeking review by certiorari. In any legal action instituted pursuant to this subsection, the prevailing party is entitled to reasonable costs and attorney ~~attorney's~~ fees.

Section 9. Subsection (4) of section 163.3215, Florida Statutes, is amended to read:

163.3215 Standing to enforce local comprehensive plans through development orders.—

(4) If a local government elects to adopt or has adopted an ordinance establishing, at a minimum, the requirements listed in this subsection, the sole method by which an aggrieved and adversely affected party may challenge any decision of local government granting or denying an application for a development order, as defined in s. 163.3164, which materially alters the use or density or intensity of use on a particular piece of property, on the basis that it is not consistent with the comprehensive plan adopted under this part, is by an appeal filed by a petition for writ of certiorari filed in the district ~~circuit~~ court of appeal within ~~no later than~~ 30 days after

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~~following~~ rendition of a development order or other written decision of the local government, or when all local administrative appeals, if any, are exhausted, whichever occurs later. An action for injunctive or other relief may be joined with the petition for certiorari. Principles of judicial or administrative res judicata and collateral estoppel apply to these proceedings. Minimum components of the local process are as follows:

(a) The local process must make provision for notice of an application for a development order that materially alters the use or density or intensity of use on a particular piece of property, including notice by publication or mailed notice consistent with the provisions of ss. 125.66(4)(b)2. and 3. and 166.041(3)(c)2.b. and c., and must require prominent posting at the job site. The notice must be given within 10 days after the filing of an application for a development order; however, notice under this subsection is not required for an application for a building permit or any other official action of local government which does not materially alter the use or density or intensity of use on a particular piece of property. The notice must clearly delineate that an aggrieved or adversely affected person has the right to request a quasi-judicial hearing before the local government for which the application is made, must explain the conditions precedent to the appeal of any development order ultimately rendered upon the application, and must specify the location where written procedures can be obtained that describe the process, including how to initiate the quasi-judicial process, the timeframes for initiating the process, and the location of the hearing. The process may

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include an opportunity for an alternative dispute resolution.

(b) The local process must provide a clear point of entry consisting of a written preliminary decision, at a time and in a manner to be established in the local ordinance, with the time to request a quasi-judicial hearing running from the issuance of the written preliminary decision; the local government, however, is not bound by the preliminary decision. A party may request a hearing to challenge or support a preliminary decision.

(c) The local process must provide an opportunity for participation in the process by an aggrieved or adversely affected party, allowing a reasonable time for the party to prepare and present a case for the quasi-judicial hearing.

(d) The local process must provide, at a minimum, an opportunity for the disclosure of witnesses and exhibits prior to hearing and an opportunity for the depositions of witnesses to be taken.

(e) The local process may not require that a party be represented by an attorney in order to participate in a hearing.

(f) The local process must provide for a quasi-judicial hearing before an impartial special master who is an attorney who has at least 5 years' experience and who shall, at the conclusion of the hearing, recommend written findings of fact and conclusions of law. The special master shall have the power to swear witnesses and take their testimony under oath, to issue subpoenas and other orders regarding the conduct of the proceedings, and to compel entry upon the land. The standard of review applied by the special master in determining whether a proposed development order is consistent with the comprehensive plan shall be strict scrutiny in accordance with Florida law.

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(g) At the quasi-judicial hearing, all parties must have the opportunity to respond, to present evidence and argument on all issues involved which are related to the development order, and to conduct cross-examination and submit rebuttal evidence. Public testimony must be allowed.

(h) The local process must provide for a duly noticed public hearing before the local government at which public testimony is allowed. At the quasi-judicial hearing, the local government is bound by the special master's findings of fact unless the findings of fact are not supported by competent substantial evidence. The governing body may modify the conclusions of law if it finds that the special master's application or interpretation of law is erroneous. The governing body may make reasonable legal interpretations of its comprehensive plan and land development regulations without regard to whether the special master's interpretation is labeled as a finding of fact or a conclusion of law. The local government's final decision must be reduced to writing, including the findings of fact and conclusions of law, and is not considered rendered or final until officially date-stamped by the city or county clerk.

(i) An ex parte communication relating to the merits of the matter under review may not be made to the special master. An ex parte communication relating to the merits of the matter under review may not be made to the governing body after a time to be established by the local ordinance, which time must be no later than receipt of the special master's recommended order by the governing body.

(j) At the option of the local government, the process may

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require actions to challenge the consistency of a development order with land development regulations to be brought in the same proceeding.

Section 10. Paragraph (b) of subsection (2) of section 189.041, Florida Statutes, is amended to read:

189.041 Elections; special requirements and procedures for districts with governing bodies elected on a one-acre/one-vote basis.—

(2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN AREAS.—

(b) *Designation of urban areas.*—

1. Within 30 days after approval of the election process described in this subsection by qualified electors of the district, the governing body shall direct the district staff to prepare and present maps of the district describing the extent and location of all urban areas within the district. Such determination shall be based upon the criteria contained within paragraph (1)(b).

2. Within 60 days after approval of the election process described in this subsection by qualified electors of the district, the maps describing urban areas within the district shall be presented to the governing body.

3. Any district landowner or elector may contest the accuracy of the urban area maps prepared by the district staff within 30 days after submission to the governing body. Upon notice of objection to the maps, the governing body shall request the county engineer to prepare and present maps of the district describing the extent and location of all urban areas within the district. Such determination shall be based upon the

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criteria contained within paragraph (1)(b). Within 30 days after the governing body request, the county engineer shall present the maps to the governing body.

4. Upon presentation of the maps by the county engineer, the governing body shall compare the maps submitted by both the district staff and the county engineer and make a determination as to which set of maps to adopt. Within 60 days after presentation of all such maps, the governing body may amend and shall adopt the official maps at a regularly scheduled meeting of the governing body.

5. Any district landowner or qualified elector may contest the accuracy of the urban area maps adopted by the governing body within 30 days after adoption by petition to the district ~~circuit~~ court of appeal ~~with jurisdiction over the district~~. Accuracy shall be determined pursuant to paragraph (1)(b). Any petitions so filed shall be heard expeditiously, and the maps shall either be approved or approved with necessary amendments to render the maps accurate and shall be certified to the governing body.

6. Upon adoption by the governing body or certification by the court, the district urban area maps shall serve as the official maps for determination of the extent of urban area within the district and the number of governing body members to be elected by qualified electors and by the one-acre/one-vote principle at the next regularly scheduled election of governing body members.

7. Upon a determination of the percentage of urban area within the district as compared with total area within the district, the governing body shall order elections in accordance

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with the percentages pursuant to paragraph (3)(a). The landowners' meeting date shall be designated by the governing body.

8. The maps shall be updated and readopted every 5 years or sooner in the discretion of the governing body.

Section 11. Subsection (6) of section 190.046, Florida Statutes, is amended to read:

190.046 Termination, contraction, or expansion of district.—

(6) No later than 30 days following the adoption of a transfer plan ordinance, the board of supervisors may file, in the appropriate district ~~circuit~~ court of appeal ~~for the county in which the local general-purpose government that adopted the ordinance is located~~, a petition seeking review by certiorari of the factual and legal basis for the adoption of the transfer plan ordinance.

Section 12. Paragraphs (a) and (b) of subsection (1) of section 255.20, Florida Statutes, are amended to read:

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than $300,000. For electrical work, the local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with

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generally accepted cost-accounting principles to cost more than $75,000. As used in this section, the term "competitively award" means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, cost includes the cost of all labor, except inmate labor, and the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(a) Notwithstanding any other law, a governmental entity seeking to construct or improve bridges, roads, streets, highways, or railroads, and services incidental thereto, at a cost in excess of $250,000 may require that persons interested in performing work under contract first be certified or qualified to perform such work. A contractor may be considered ineligible to bid if the contractor is behind by 10 percent or more on completing an approved progress schedule for the governmental entity at the time of advertising the work. A prequalified contractor considered eligible by the Department of

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Transportation to bid to perform the type of work described under the contract is presumed to be qualified to perform the work described. The governmental entity may provide an appeal process to overcome that presumption with de novo review based on the record below to the district ~~circuit~~ court of appeal.

(b) For contractors who are not prequalified by the Department of Transportation, the governmental entity shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications must include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures must provide for an appeal process within the authority for making objections to the prequalification process with de novo review based on the record below to the district ~~circuit~~ court of appeal within 30 days.

Section 13. Section 318.16, Florida Statutes, is amended to read:

318.16 Appeals; stay orders; procedures.—

(1) If a person is found to have committed an infraction by the hearing official, he or she may appeal that finding to the ~~circuit~~ district court of appeal. An appeal under this subsection does ~~shall~~ not ~~operate to~~ stay the reporting requirements of s. 318.14(7) or ~~to~~ stay appropriate action by the department upon receipt of that report.

(2) The district ~~circuit~~ court of appeal, upon application by the appellant, may:

(a) Order a stay of any action by the department during pendency of the appeal, but not to exceed a period of 60 days. A copy of the order shall be forwarded to the department.

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(b) Deny the application.

Section 14. Section 318.33, Florida Statutes, is amended to read:

318.33 Appeals.—Decisions of the hearing officer are appealable to the district court of appeal in the manner prescribed by the Florida Rules of Appellate Procedure~~, under the rules of court, to the circuit court~~. Appeals must ~~shall~~ be based upon the record of the hearing before the hearing officer and may ~~shall~~ not be hearings de novo. Appellants are responsible for producing the record of the hearing beyond that which normally results from the civil traffic infraction hearing process.

Section 15. Subsection (7) of section 320.781, Florida Statutes, is amended to read:

320.781 Mobile Home and Recreational Vehicle Protection Trust Fund.—

(7) Within 90 days after receipt of the application and verified claim, the department shall issue its determination on the claim. The ~~Such~~ determination is ~~shall~~ not ~~be~~ subject to ~~the provisions of~~ chapter 120, but is ~~shall be~~ reviewable only by writ of certiorari in the district court of appeal ~~circuit court in the county in which the claimant resides~~ in the manner and within the time provided by the Florida Rules of Appellate Procedure. The claim must be paid within 45 days after the determination, or, if judicial review is sought, within 45 days after the review becomes final. A person may not be paid an amount from the fund in excess of $25,000 per mobile home or recreational vehicle, which includes any damages, restitution, payments received as the result of a claim against the surety

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bond, or expenses, including reasonable attorney ~~attorney's~~ fees. Prior to payment, the person must execute an assignment to the department of all the person's rights and title to, and interest in, the unsatisfied judgment and judgment lien or the claim against the dealer or broker and its surety.

Section 16. Subsection (2) of section 321.051, Florida Statutes, is amended to read:

321.051 Florida Highway Patrol wrecker operator system; penalties for operation outside of system.—

(2) The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles may ~~is authorized to~~ establish within areas designated by the patrol a wrecker operator system using qualified, reputable wrecker operators for removal and storage of wrecked or disabled vehicles from a crash scene or for removal and storage of abandoned vehicles, if ~~in the event~~ the owner or operator is incapacitated or unavailable or leaves the procurement of wrecker service to the officer at the scene. All reputable wrecker operators are ~~shall be~~ eligible to participate ~~for use~~ in the system provided their equipment and drivers meet recognized safety qualifications and mechanical standards set by rules of the Division of Florida Highway Patrol for the size of vehicle it is designed to handle. The division may ~~is authorized to~~ limit the number of wrecker operators participating in the wrecker operator system, which authority shall not affect wrecker operators currently participating in the system established by this section. The division may ~~is authorized to~~ establish maximum rates for the towing and storage of vehicles removed at the division's request, where the ~~such~~ rates have not

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been set by a county or municipality pursuant to s. 125.0103 or s. 166.043. The ~~Such~~ rates are ~~shall~~ not ~~be considered~~ rules for the purpose of chapter 120; however, the department shall establish by rule a procedure for setting the ~~such~~ rates. Any provision in chapter 120 to the contrary notwithstanding, a final order of the department denying, suspending, or revoking a wrecker operator's participation in the system is ~~shall be~~ reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by a writ of certiorari issued by the district ~~circuit~~ court of appeal ~~in the county wherein such wrecker operator resides~~.

Section 17. Section 322.272, Florida Statutes, is amended to read:

322.272 Supersedeas.—The filing of a petition for certiorari to the district ~~circuit~~ court of appeal does not itself stay the enforcement of the suspension, revocation, or cancellation of license. The department may order a stay of enforcement upon appropriate terms and conditions.

Section 18. Section 322.31, Florida Statutes, is amended to read:

322.31 Right of review.—The final orders and rulings of the department by which ~~wherein~~ any person is denied a license, or by which ~~where~~ such license has been canceled, suspended, or revoked, are ~~shall be~~ reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by a writ of certiorari issued by the district ~~circuit~~ court of appeal ~~in the county wherein such person shall reside~~, in the manner prescribed by the Florida Rules of Appellate Procedure, any provision in chapter 120 to the contrary notwithstanding.

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Section 19. Subsection (13) of section 322.64, Florida Statutes, is amended to read:

322.64 Holder of commercial driver license; persons operating a commercial motor vehicle; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(13) A person may appeal any decision of the department sustaining the disqualification from operating a commercial motor vehicle by a petition for writ of certiorari to the district ~~circuit~~ court of appeal for the appellate district for ~~in~~ the county in which the ~~wherein such~~ person resides or in which ~~wherein~~ a formal or informal review was conducted pursuant to s. 322.31. However, an appeal does ~~shall~~ not stay the disqualification. This subsection does ~~shall~~ not ~~be construed to~~ provide for a de novo review.

Section 20. Subsection (7) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(7) If a person is found by the hearing official to have committed an infraction, he or she may appeal that finding to the district ~~circuit~~ court of appeal.

Section 21. Subsection (1) of section 333.11, Florida Statutes, is amended to read:

333.11 Judicial review.—

(1) Any person, political subdivision, or joint airport zoning board affected by a decision of a political subdivision or its administrative agency may apply for judicial relief to the district ~~circuit~~ court of appeal for the appellate district in which ~~in the judicial circuit where~~ the political subdivision

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is located within 30 days after rendition of the decision. Review shall be by petition for writ of certiorari, which shall be governed by the Florida Rules of Appellate Procedure.

Section 22. Subsection (5) of section 336.41, Florida Statutes, is amended to read:

336.41 Counties; employing labor and providing road equipment; accounting; when competitive bidding required.—

(5)(a) For contracts in excess of $250,000, any county may require that persons interested in performing work under the contract first be certified or qualified to do the work. Any contractor prequalified and considered eligible to bid by the department to perform the type of work described under the contract shall be presumed to be qualified to perform the work so described. Any contractor may be considered ineligible to bid by the county if the contractor is behind an approved progress schedule by 10 percent or more on another project for that county at the time of the advertisement of the work. The county may provide an appeal process to overcome such consideration with de novo review based on the record below to the district ~~circuit~~ court of appeal.

(b) The county shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. The ~~Such~~ publications must ~~shall~~ include notice of a public hearing for comment on the ~~such~~ criteria and procedures prior to adoption. The procedures must ~~shall~~ provide for an appeal process within the county for objections to the prequalification process with de novo review based on the record below to the district ~~circuit~~ court of appeal.

(c) The county shall also publish for comment, prior to

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adoption, the selection criteria and procedures to be used by the county if the ~~such~~ procedures would allow selection of other than the lowest responsible bidder. The selection criteria must ~~shall~~ include an appeal process within the county with de novo review based on the record below to the district ~~circuit~~ court of appeal.

Section 23. Subsection (9) of section 337.14, Florida Statutes, is amended to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(9)(a) Notwithstanding any other law to the contrary, for contracts in excess of $250,000, an authority created pursuant to chapter 348 or chapter 349 may require that persons interested in performing work under contract first be certified or qualified to do the work. Any contractor may be considered ineligible to bid by the governmental entity or authority if the contractor is behind an approved progress schedule for the governmental entity or authority by 10 percent or more at the time of advertisement of the work. Any contractor prequalified and considered eligible by the department to bid to perform the type of work described under the contract shall be presumed to be qualified to perform the work so described. The governmental entity or authority may provide an appeal process to overcome that presumption with de novo review based on the record below to the district ~~circuit~~ court of appeal.

(b) With respect to contractors not prequalified with the department, the authority shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. The ~~Such~~ publications must ~~shall~~ include notice of

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a public hearing for comment on the ~~such~~ criteria and procedures prior to adoption. The procedures must ~~shall~~ provide for an appeal process within the authority for objections to the prequalification process with de novo review based on the record below to the district ~~circuit~~ court of appeal within 30 days.

(c) An authority may establish criteria and procedures under which contractor selection may occur on a basis other than the lowest responsible bidder. Prior to adoption, the authority shall publish for comment the proposed criteria and procedures. Review of the adopted criteria and procedures shall be to the district ~~circuit~~ court of appeal, within 30 days after adoption, with de novo review based on the record below.

Section 24. Subsection (3) of section 337.404, Florida Statutes, is amended to read:

337.404 Removal or relocation of utility facilities; notice and order; court review.—

(3) The owner may obtain judicial review of the final order of the authority within the time and in the manner provided by the Florida Rules of Appellate Procedure by filing in the district ~~circuit~~ court of appeal for the appellate district ~~the county~~ in which the utility was relocated a petition for a writ of certiorari in the manner prescribed by the appellate ~~said~~ rules or in the manner provided by chapter 120 if ~~when~~ the respondent is an agency for purposes of chapter 120.

Section 25. Paragraph (g) of subsection (5) of section 376.065, Florida Statutes, is amended to read:

376.065 Operation of terminal facility without discharge prevention and response certificate prohibited; penalty.—

(5)

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(g) A person who is found by the hearing official to have committed an infraction may appeal that finding to the district ~~circuit~~ court of appeal.

Section 26. Paragraph (f) of subsection (3) of section 376.07, Florida Statutes, is amended to read:

376.07 Regulatory powers of department; penalties for inadequate booming by terminal facilities.—

(3) The department shall not require vessels to maintain discharge prevention gear, holding tanks, and containment gear which exceed federal requirements. However, a terminal facility transferring heavy oil to or from a vessel with a heavy oil storage capacity greater than 10,000 gallons shall be required, considering existing weather and tidal conditions, to adequately boom or seal off the transfer area during a transfer, including, but not limited to, a bunkering operation, to minimize the escape of such pollutants from the containment area. As used in this subsection, the term "adequate booming" means booming with proper containment equipment which is employed and located for the purpose of preventing, for the most likely discharge, as much of the pollutant as possible from escaping out of the containment area.

(f) A person who is found by the hearing official to have committed an infraction may appeal that finding to the district ~~circuit~~ court of appeal.

Section 27. Paragraph (g) of subsection (2) of section 376.071, Florida Statutes, is amended to read:

376.071 Discharge contingency plan for vessels.—

(2)

(g) A person who is found by the hearing official to have

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committed an infraction may appeal that finding to the district ~~circuit~~ court of appeal.

Section 28. Subsection (10) of section 376.16, Florida Statutes, is amended to read:

376.16 Enforcement and penalties.—

(10) A person who is found by a hearing official to have committed an infraction may appeal that finding to the district ~~circuit~~ court of appeal.

Section 29. Paragraph (h) of subsection (1) of section 379.401, Florida Statutes, is amended to read:

379.401 Penalties and violations; civil penalties for noncriminal infractions; criminal penalties; suspension and forfeiture of licenses and permits.—

(1) LEVEL ONE VIOLATIONS.—

(h) A person who elects to appear before the county court or who is required to appear before the county court shall be deemed to have waived the limitations on civil penalties provided under paragraphs (c) and (d). After a hearing, the county court shall determine if a Level One violation has been committed, and if so, may impose a civil penalty of not less than $50 for a first-time violation, and not more than $500 for subsequent violations. A person found guilty of committing a Level One violation may appeal that finding to the district ~~circuit~~ court of appeal. The commission of a violation must be proved beyond a reasonable doubt.

Section 30. Paragraph (j) of subsection (1) of section 379.4015, Florida Statutes, is amended to read:

379.4015 Nonnative and captive wildlife penalties.—

(1) LEVEL ONE.—Unless otherwise provided by law, the

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following classifications and penalties apply:

(j) If a person is found by the hearing official to have committed an infraction, she or he may appeal that finding to the district ~~circuit~~ court of appeal.

Section 31. Paragraph (a) of subsection (2) of section 379.412, Florida Statutes, is amended to read:

379.412 Penalties for feeding wildlife and freshwater fish.—

(2) A person who violates a prohibition or restriction identified in subsection (1):

(a) For a first violation, commits a noncriminal infraction, punishable by a civil penalty of $100.

1. A person cited for a violation under this paragraph shall sign and accept a citation to appear before the county court. The issuing officer may indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

2. A person cited for a violation may pay the civil penalty by mail or in person within 30 days after receipt of the citation. If the civil penalty is paid, the person is deemed to have admitted committing the violation and to have waived his or her right to a hearing before the county court. The ~~Such~~ admission may not be used as evidence in any other proceedings except to determine the appropriate fine for any subsequent violations.

3. A person who refuses to accept a citation, who fails to pay the civil penalty for a violation, or who fails to appear before a county court as required commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s.

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775.083.

4. A person who elects to appear before the county court or who is required to appear before the county court is deemed to have waived the limitations on civil penalties provided under this paragraph. After a hearing, the county court shall determine if a violation has been committed, and if so, may impose a civil penalty of not less than $100. A person found guilty of committing a violation may appeal that finding to the ~~circuit~~ district court of appeal. The commission of a violation must be proved beyond a reasonable doubt.

Section 32. Paragraph (a) of subsection (2) of section 408.40, Florida Statutes, is amended to read:

408.40 Public Counsel.—

(2) The Public Counsel shall:

(a) Recommend to the agency, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the agency and urge therein any position that he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the agency, and use therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the agency, which are ~~shall be~~ reviewable ~~by summary procedure~~ in the appellate ~~circuit~~ courts of this state.

Section 33. Paragraph (j) of subsection (5) of section 489.127, Florida Statutes, is amended to read:

489.127 Prohibitions; penalties.—

(5) Each county or municipality may, at its option, designate one or more of its code enforcement officers, as

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defined in chapter 162, to enforce, as set out in this subsection, the provisions of subsection (1) and s. 489.132(1) against persons who engage in activity for which a county or municipal certificate of competency or license or state certification or registration is required.

(j) An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board or licensing board or designated special magistrate to the district ~~circuit~~ court of appeal. The ~~Such an~~ appeal may ~~shall~~ not be a hearing de novo but must ~~shall~~ be limited to appellate review of the record created before the enforcement board or licensing board or designated special magistrate. An appeal must ~~shall~~ be filed within 30 days after ~~of~~ the execution of the order to be appealed.

Section 34. Paragraph (j) of subsection (4) of section 489.531, Florida Statutes, is amended to read:

489.531 Prohibitions; penalties.—

(4) Each county or municipality may, at its option, designate one or more of its code enforcement officers, as defined in chapter 162, to enforce, as set out in this subsection, the provisions of subsection (1) against persons who engage in activity for which county or municipal certification is required.

(j) An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement or licensing board or designated special magistrate to the district ~~circuit~~ court of appeal. The ~~Such an~~ appeal may ~~shall~~ not be a hearing de novo but must ~~shall~~ be limited to appellate review of the record created before the enforcement or licensing board or

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designated special magistrate. An appeal must ~~shall~~ be filed within 30 days of the execution of the order to be appealed.

Section 35. Paragraphs (h) and (i) of subsection (1) of section 556.107, Florida Statutes, are amended to read:

556.107 Violations.—

(1) NONCRIMINAL INFRACTIONS.—

(h) If a person is found by a judge or hearing official to have committed an infraction, the person may appeal that finding to the district ~~circuit~~ court of appeal.

(i) Sunshine State One-Call of Florida, Inc., may, at its own cost, retain an attorney to assist in the presentation of relevant facts and law in the county court proceeding pertaining to the citation issued under this section. The corporation may also appear in any case appealed to the district ~~circuit~~ court of appeal if a county court judge finds that an infraction of the chapter was committed. An appellant ~~in the circuit court proceeding~~ shall timely notify the corporation of any appeal under this section.

Section 36. Subsection (6) of section 569.005, Florida Statutes, is amended to read:

569.005 Operating without a retail tobacco products dealer permit; penalty.—

(6) If a person is found by the court to have committed the infraction, that person may appeal that finding to the district ~~circuit~~ court of appeal.

Section 37. Section 605.0716, Florida Statutes, is amended to read:

605.0716 Judicial review of denial of reinstatement.—

(1) If the department denies a limited liability company's

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application for reinstatement after administrative dissolution, the department shall serve the company with a notice in a record that explains the reason or reasons for the denial.

(2) Within 30 days after service of a notice of denial of reinstatement, a limited liability company may appeal the denial to the First District Court of Appeal by petitioning the court ~~Circuit Court of Leon County~~ to set aside the dissolution. The petition must be served on the department and contain a copy of the department's notice of administrative dissolution, the company's application for reinstatement, and the department's notice of denial.

(3) The ~~circuit~~ court may order the department to reinstate a dissolved limited liability company or take other action the court considers appropriate.

(4) The ~~circuit~~ court's final decision may be appealed as in other civil proceedings.

Section 38. Section 605.09091, Florida Statutes, is amended to read:

605.09091 Judicial review of denial of reinstatement.—

(1) If the department denies a foreign limited liability company's application for reinstatement after revocation of its certificate of authority, the department shall serve the foreign limited liability company, pursuant to s. 605.0117(7), with a written notice that explains the reason or reasons for the denial.

(2) Within 30 days after service of a notice of denial of reinstatement, a foreign limited liability company may appeal the denial to the First District Court of Appeal by petitioning the court ~~Circuit Court of Leon County~~ to set aside the

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revocation. The petition must be served on the department and must contain a copy of the department's notice of revocation, the foreign limited liability company's application for reinstatement, and the department's notice of denial.

(3) The ~~circuit~~ court may order the department to reinstate the certificate of authority of the foreign limited liability company or take other action the court considers appropriate.

(4) The ~~circuit~~ court's final decision may be appealed as in other civil proceedings.

Section 39. Section 607.0126, Florida Statutes, is amended to read:

607.0126 Appeal from department's refusal to file document.—If the department refuses to file a document delivered to its office for filing, the person who submitted the document for filing may petition the First District Court of Appeal ~~Circuit Court of Leon County~~ to compel filing of the document. The document and the explanation from the department of the refusal to file must be attached to the petition. The court may decide the matter in a summary proceeding, and the court may summarily order the department to file the document or take other action the court considers appropriate. The court's final decision may be appealed as in other civil proceedings.

Section 40. Subsection (2) of section 607.1423, Florida Statutes, is amended to read:

607.1423 Judicial review of denial of reinstatement.—

(2) Within 30 days after service of a notice of denial of reinstatement, a corporation may appeal the denial by petitioning the First District Court of Appeal ~~Circuit Court of Leon County~~ to set aside the dissolution. The petition must be

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served on the department and contain a copy of the department's notice of administrative dissolution, the corporation's application for reinstatement, and the department's notice of denial.

Section 41. Section 607.1532, Florida Statutes, is amended to read:

607.1532 Judicial review of denial of reinstatement.—

(1) If the department denies a foreign corporation's application for reinstatement after revocation of its certificate of authority, the department shall serve the foreign corporation under s. 607.15101 with a written notice that explains the reason or reasons for the denial.

(2) Within 30 days after service of a notice of denial of reinstatement, a foreign corporation may appeal the denial by petitioning the First District Court of Appeal ~~Circuit Court of Leon County~~ to set aside the revocation. The petition must be served on the department and contain a copy of the department's notice of revocation, the foreign corporation's application for reinstatement, and the department's notice of denial.

(3) The ~~circuit~~ court may order the department to reinstate the certificate of authority of the foreign corporation or take other action the court considers appropriate.

(4) The ~~circuit~~ court's final decision may be appealed as in other civil proceedings.

Section 42. Subsection (2) of section 620.1811, Florida Statutes, is amended to read:

620.1811 Appeal from denial of reinstatement.—

(2) Within 30 days after service of the notice of denial, the limited partnership may appeal from the denial of

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reinstatement by petitioning the district ~~circuit~~ court of appeal to set aside the dissolution. The petition must be served on the Department of State and contain a copy of the Department of State's declaration of dissolution, the limited partnership's application for reinstatement, and the Department of State's notice of denial.

Section 43. Subsection (1) of section 717.1242, Florida Statutes, is amended to read:

717.1242 Restatement of jurisdiction of the circuit court sitting in probate and the department.—

(1) It is and has been the intent of the Legislature that, pursuant to s. 26.012(1)(b) ~~s. 26.012(2)(b)~~, circuit courts have jurisdiction of proceedings relating to the settlement of the estates of decedents and other jurisdiction usually pertaining to courts of probate. It is and has been the intent of the Legislature that, pursuant to s. 717.124, the department determines the merits of claims for property paid or delivered to the department under this chapter. Consistent with this legislative intent, any estate or beneficiary, as defined in s. 731.201, of an estate seeking to obtain property paid or delivered to the department under this chapter must file a claim with the department as provided in s. 717.124.

Section 44. Subsection (5) of section 723.0612, Florida Statutes, is amended to read:

723.0612 Change in use; relocation expenses; payments by park owner.—

(5) Actions of the Florida Mobile Home Relocation Corporation under this section are not subject to ~~the provisions of~~ chapter 120 but are reviewable only by writ of certiorari in

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the district ~~circuit~~ court of appeal in the appellate district ~~county~~ in which the claimant resides in the manner and within the time provided by the Florida Rules of Appellate Procedure.

Section 45. Subsection (4) of section 767.12, Florida Statutes, is amended to read:

767.12 Classification of dogs as dangerous; certification of registration; notice and hearing requirements; confinement of animal; exemption; appeals; unlawful acts.—

(4) Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law pursuant to subsection (3), the animal control authority shall provide a written final order to the owner by registered mail, certified hand delivery or service. The owner may appeal the classification, penalty, or both, to the district ~~circuit~~ court of appeal in accordance with the Florida Rules of Appellate Procedure after receipt of the final order. If the dog is not held by the animal control authority, the owner must confine the dog in a securely fenced or enclosed area pending resolution of the appeal. Each applicable local governing authority must establish appeal procedures that conform to this subsection.

Section 46. Section 924.08, Florida Statutes, is repealed.

Section 47. This act shall take effect July 1, 2021.

AMERICAN OVERSIGHT

From: Thompson, Vanessa
Sent: Friday, October 18, 2019 12:26 PM EDT
To: vrthomps4@gmail.com <vrthomps4@gmail.com>
Subject: FW: Draft House bill
Attachment(s): "voting systems billdraft70186.docx"

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Carol Bracy <carol@ballardpartners.com>
Sent: Tuesday, October 15, 2019 12:46 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Draft House bill

Attached is the draft bill. Cindy in my office is going to request a meeting next week on this topic. Thanks. Carol

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to voting systems; amending s. 97.021, F.S.; defining the term "automatic tabulating equipment" for purposes of the Florida Election Code; amending s. 101.5614, F.S.; revising procedures governing the canvassing of returns to specify usage of a voting system's automatic tabulating equipment; amending s. 102.141, F.S.; specifying the circumstances under which ballots must be processed through automatic tabulating equipment in a recount; amending s. 102.166, F.S.; specifying the manner by which a manual recount may be conducted; revising requirements for hardware or software used in a manual recount; authorizing overvotes and undervotes to be identified and sorted physically or digitally in a manual recount; revising minimum requirements for Department of State rules to require procedures regarding the certification and use of automatic tabulating equipment for manual recounts; providing an effective date.

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

Section 1. Present subsections (5) through (46) of section 97.021, Florida Statutes, are renumbered as subsections (6)

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FL-SEN-20-0201-B, 20-0202-A-004135

through (47), respectively, and a new subsection (5) is added to that section, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(5) "Automatic tabulating equipment" means an apparatus that automatically examines, counts, and records votes.

Section 2. Paragraph (a) of subsection (4) and subsections (6) and (7) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the voting system's automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race or a marked vote-by-mail ballot in which every race is undervoted which shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of

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the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

(6) Vote-by-mail ballots may be counted by the voting system's automatic tabulating equipment if they have been marked in a manner which will enable them to be properly counted by such equipment.

(7) The return printed by the voting system's automatic tabulating equipment, to which has been added the return of write-in, vote-by-mail, and manually counted votes and votes from provisional ballots, shall constitute the official return of the election upon certification by the canvassing board. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

Section 3. Paragraph (a) of subsection (7) of section 102.141, Florida Statutes, is amended to read:

102.141 County canvassing board; duties.—

(7) If the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question

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FL-SEN-20-0201-B, 20-0202-A-004137

of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, a recount shall be ordered of the votes cast with respect to such office or measure. The Secretary of State is responsible for ordering recounts in federal, state, and multicounty races. The county canvassing board or the local board responsible for certifying the election is responsible for ordering recounts in all other races. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) Each canvassing board responsible for conducting a recount shall put each marksense ballot through automatic tabulating equipment and determine whether the returns correctly reflect the votes cast. If any marksense ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the damaged ballot pursuant to the procedures in s. 101.5614(4). Immediately before the start of the recount, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the

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cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error. If the automatic tabulating equipment used in a recount is not part of the voting system and the ballots have already been processed through such equipment, the canvassing board is not required to put each ballot through any automatic tabulating equipment again.

Section 4. Subsections (1), (2), and (5) of section 102.166, Florida Statutes, are amended to read:

102.166 Manual recounts of overvotes and undervotes.—

(1) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, a manual recount of the overvotes and

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undervotes cast in the entire geographic jurisdiction of such office or ballot measure shall be ordered unless:

(a) The candidate or candidates defeated or eliminated from contention by one-quarter of 1 percent or fewer of the votes cast for such office request in writing that a recount not be made; or

(b) The number of overvotes and undervotes is fewer than the number of votes needed to change the outcome of the election.

The Secretary of State is responsible for ordering a manual recount for federal, state, and multicounty races. The county canvassing board or local board responsible for certifying the election is responsible for ordering a manual recount for all other races. A manual recount consists of a recount of marksense ballots or of digital images of those ballots by a person.

(2) Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State ~~as part of the voting system pursuant to s. 101.015~~. Any such hardware or software must be capable of simultaneously identifying and sorting overvotes and undervotes in multiple races while simultaneously counting votes. Overvotes and undervotes must be identified and sorted while recounting ballots pursuant to s. 102.141. Overvotes and undervotes may be identified and sorted physically

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FL-SEN-20-0201-B, 20-0202-A-004140

or digitally.

(5) Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) Each duplicate ballot prepared pursuant to s. 101.5614(4) or s. 102.141(7) shall be compared with the original ballot to ensure the correctness of the duplicate.

(c) If a counting team is unable to determine whether the ballot contains a clear indication that the voter has made a definite choice, the ballot shall be presented to the county canvassing board for a determination.

(d) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

1. Security of ballots during the recount process;

2. Time and place of recounts;

3. Public observance of recounts;

4. Objections to ballot determinations;

5. Record of recount proceedings; ~~and~~

6. Procedures relating to candidate and petitioner representatives; and

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FL-SEN-20-0201-B, 20-0202-A-004141

7. Procedures relating to the certification and the use of automatic tabulating equipment that is not part of a voting system.

Section 5. This act shall take effect July 1, 2020.

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V

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FL-SEN-20-0201-B, 20-0202-A-004142

From: Thompson, Vanessa
Sent: Wednesday, October 23, 2019 12:53 PM EDT
To: 22brandes@gmail.com <22brandes@gmail.com>
Subject: FW: FDC Priority Bill - State-Operated Institutions Inmate Welfare Trust Fund
Attachment(s): "FDC One Pager_State-Operated Institutions Inmate Welfare Trust Fund within FDC.docx","FDC Bill Language-State-Operated Institutions Inmate Welfare Trust Fund within FDC.docx","FDC Bill Language-Part 2-State-Operated Institutions Inmate Welfare Trust Fund within FDC.docx"

For review – they would like you to sponsor.

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Torres, Jared <Jared.Torres@fdc.myflorida.com>
Sent: Wednesday, October 23, 2019 12:35 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Cc: Vaughan, Scotti <Scotti.Vaughan@fdc.myflorida.com>; Taylor, Chris <WillardChris.Taylor@fdc.myflorida.com>; Mann, Garrett <Garrett.Mann@fdc.myflorida.com>
Subject: FDC Priority Bill - State-Operated Institutions Inmate Welfare Trust Fund

Vanessa,

As discussed, please find attached **FDC's legislative priority bill to establish the State-Operated Institutions Inmate Welfare Trust Fund within the Florida Department of Corrections**. This proposal will provide the Department with valuable resources to combat inmate idleness, provide needed programming and improve safety within Florida's prisons.

A one pager is attached for your convenience. It is our understanding that an establishment of a trust fund procedurally requires two bills; therefore, there are two bill drafts attached. We welcome any edits and guidance from bill drafting/staff. We also welcome a conversation regarding the amount of the cap and whether a lower amount may be more favorable.

I am available anytime to talk with Chair Brandes about strategy for a sponsor or possibly a committee bill.

Please let me know if you need anything else and I look forward to hearing from you soon.

Thank you!
Jared

Jared M. Torres
Legislative Affairs Director
Florida Department of Corrections
Office: 850-717-3045
Cell: 850-728-5207
Email: Jared.Torres@fdc.myflorida.com

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to trust funds; amending s. 945.215, F.S.; requiring that specified proceeds and certain funds be deposited in the State Operated Institutions Inmate Welfare Trust Fund; providing that the State Operated Institutions Inmate Welfare Trust Fund is a trust held by the Department of Corrections for the benefit and welfare of certain inmates; prohibiting deposits into the trust fund from exceeding $10 million per fiscal year; requiring that deposits in excess of that amount be deposited into the General Revenue Fund; requiring that funds of the trust fund be used exclusively for specified purposes at correctional facilities operated by the department; requiring that funds from the trust fund only be expended pursuant to legislative appropriations; requiring the department to annually compile a report, at the statewide and institutional level documenting trust fund receipts and expenditures; requiring that the report be submitted by October 1 for the previous fiscal year to specified offices of the Legislature and to the Executive Office of the Governor; providing an effective date.

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

Section 1. Effective upon SB/HB X or similar legislation creating the "State Operated Institutions Inmate Welfare Trust Fund" being adopted in the 2020 Regular Session or an extension thereof and becoming law, subsection (1) of section 945.215,

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Florida Statutes, is amended, present subsections (2) and (3) are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section, to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS; STATE OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND. —

(a) The ~~From the~~ net proceeds from operating inmate canteens, vending machines used primarily by inmates and visitors, hobby shops, and other such facilities must be deposited in the State Operated Institutions Inmate Welfare Trust Fund or, as set forth in this section, in the General Revenue Fund; however, funds necessary to purchase items for resale at inmate canteens and vending machines must be deposited into local bank accounts designated by the department.

(b) All proceeds from contracted telephone commissions must be deposited in the State Operated Institutions Inmate Welfare Trust Fund or, as set forth in this section, in the General Revenue Fund. The department shall develop and update, as necessary, administrative procedures to verify that:

1. Contracted telephone companies accurately record and report all telephone calls made by inmates incarcerated in correctional facilities under the department's jurisdiction;

2. Persons who accept collect calls from inmates are charged the contracted rate; and

3. The department receives the contracted telephone commissions.

(c) Any funds that may be assigned by inmates or donated to the department by the general public or an inmate service

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FL-SEN-20-0201-B, 20-0202-A-004145

organization must be deposited in the State Operated Institutions Inmate Welfare Trust Fund or, as set forth in this section, in the General Revenue Fund; however, the department shall not accept any donation from, or on behalf of, any individual inmate.

(d) All proceeds from the following sources must be deposited in the State Operated Institutions Inmate Welfare Trust Fund or, as set forth in this section, in the General Revenue Fund:

1. The confiscation and liquidation of any contraband found upon, or in the possession of, any inmate;

2. Disciplinary fines imposed against inmates;

3. Forfeitures of inmate earnings; and

4. Unexpended balances in individual inmate trust fund accounts of less than $1.

(e) Items for resale at inmate canteens and vending machines maintained at the correctional facilities shall be priced comparatively with like items for retail sale at fair market prices.

(f) Notwithstanding any other provision of law, inmates with sufficient balances in their individual inmate bank trust fund accounts, after all debts against the account are satisfied, shall be allowed to request a weekly draw of up to an amount set by the Secretary of Corrections, not to exceed $100, to be expended for personal use on canteen and vending machine items.

(2)(a) The State Operated Institutions Inmate Welfare Trust Fund constitutes a trust held by the department for the benefit

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and welfare of inmates incarcerated in correctional facilities operated directly by the department.

(b) Deposits into the State Operated Institutions Inmate Welfare Trust Fund shall not exceed a total of $10 million in any fiscal year. Any proceeds or funds that would cause deposits into the State Operated Institutions Inmate Welfare Trust Fund to exceed this restriction shall be deposited into the General Revenue Fund.

(c) Funds in the State Operated Institutions Inmate Welfare Trust Fund shall be used exclusively for the following purposes at correctional facilities operated by the department:

1. To provide literacy programs, vocational training programs, and educational programs;

2. To operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries;

3. To provide inmate substance abuse treatment programs and transition and life skills training programs;

4. To provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment used by inmates;

5. To provide for the purchase, rental, maintenance or repair of recreation and wellness equipment; or

6. To provide for the purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work-release program authorized in s. 1084 945.091(1)(b).

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(d) Funds in the State Operated Institutions Inmate Welfare Trust Fund shall be expended only pursuant to legislative appropriation.

(e) The department shall annually compile a report that specifically documents State Operated Institutions Inmate Welfare Trust Fund receipts and expenditures. This report shall be compiled at both the statewide and institutional levels. The department must submit this report for the previous fiscal year by October 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and the House of Representatives and to the Executive Office of the Governor.

Section 2. This act shall take effect July 1, 2020.

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

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A bill to be entitled

An act relating to trust funds; creating s. 944.73, F.S.; creating the State-Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections; providing a purpose; providing an effective date.

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

Section 1. Section 944.73, Florida Statutes, is created to read:

944.73 State-Operated Institutions Inmate Welfare Trust Fund.

(1) The State-Operated Institutions Inmate Welfare Trust Fund is created within the Department of Corrections. The purpose of the trust fund is the benefit and welfare of inmates incarcerated in state-operated correctional facilities.

(2) Moneys shall be deposited in the expenditures made from the trust fund as provided in s. 945.215.

(3) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

Section 2. This act shall take effect July 1, 2020.

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2020 Legislative Proposal

State-Operated Institutions Inmate Welfare Trust Fund within FDC

Purpose: Establish a State-Operated Institutions Inmate Welfare Trust Fund within the Florida Department of Corrections (FDC) for the benefit and welfare of inmates incarcerated in state-operated institutions. This proposal will provide the Department with valuable resources to combat inmate idleness and improve safety within our prisons. Studies have shown that inmates who are provided with programming opportunities along with wellness and other recreational equipment are better suited in an incarcerated environment with far less instances of inmate on inmate violence.

Major Components of the Bill:

- Establishes the State-Operated Institutions Inmate Welfare Trust Fund within FDC.
- The revenues deposited will be derived from operating inmate canteens, vending machines, hobby shops, and other such facilities.
- The fund will be capped at $10 million annually from current existing revenue streams and deposits in excess of that amount will be deposited into the General Revenue Fund. Any remaining balances at the fiscal year end are required to remain in the trust fund.
- Funds in the trust fund shall be used exclusively for the following purposes:
  - To provide literacy programs, vocational training programs, and educational programs;
  - To operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries;
  - To provide inmate substance abuse treatment programs and transition and life skills training programs;
  - To provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment used by inmates;
  - To provide for the purchase, rental, maintenance or repair of recreation and wellness equipment; or

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- To provide for the purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work-release program authorized in s. 1084 945.091(1)(b).

Additional Information:

- The Department of Corrections does not currently have a trust fund similar to the Privately Operated Institutions Inmate Welfare Trust Fund, s. 945.215, F.S., that is available for the benefit of inmates at private correctional facilities.

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From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Thursday, October 31, 2019 1:56 PM EDT
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: FW: Florida E-Bike Bill 10242019.docx
Attachment(s): "Florida E-Bike Bill 10242019.docx","ATT00001.txt"

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

-----Original Message-----
From: Kelly Horton <kelly@heffleyassociates.com>
Sent: Thursday, October 31, 2019 12:05 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Florida E-Bike Bill 10242019.docx

Hey Vanessa
Hope you're having a good week. Hey we just picked up Harley Davidson and Sen Brandes Agreed to sponsor the below bill ..:
Rich sent you JB but know you're the one it needs to go to!!
Thanks!

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Sent from my iPhone

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DRAFT Florida E-Bike Legislation with Three Classes

Section 316.003 is amended to read as follows:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

…

(4) BICYCLE.—Every vehicle propelled solely by human power~~, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride,~~ having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. ~~A person under the age of 16 may not operate or ride upon a motorized bicycle.~~

~~…~~

(22) ELECTRIC BICYCLE.—A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classifications:

(a) "Class 1 electric bicycle" shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(b) "Class 2 electric bicycle" shall mean an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle, and that is not capable of providing assistance when the electric bicycle reaches the speed of 20 miles per hour.

(c) "Class 3 electric bicycle" shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

…

(41) MOPED.—Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. **The term does not include an electric bicycle.**

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…

(43) MOTOR VEHICLE.—Except when used in s. 316.1001, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, **electric bicycle,** motorized scooter, electric personal assistive mobility device, personal delivery device, swamp buggy, or moped. For purposes of s. 316.1001, "motor vehicle" has the same meaning as provided in s. 320.01(1)(a).

(44) MOTORCYCLE.—Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include a tractor, a moped, **electric bicycle,** or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(45) MOTORIZED SCOOTER.— Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. **The term does not include an electric bicycle.**

Section 316.027 is amended to read as follows:

316.027 Crash involving death or personal injuries.—

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

(a) "Serious bodily injury" means an injury to a person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

(b) "Vulnerable road user" means:

1. A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;

2. A person operating a bicycle, **electric bicycle,** motorcycle, scooter, or moped lawfully on the roadway;

3. A person riding an animal; or

4. A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:

a. A farm tractor or similar vehicle designed primarily for farm use;

b. A skateboard, roller skates, or in-line skates;

c. A horse-drawn carriage;

d. An electric personal assistive mobility device; or

e. A wheelchair.

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Section 316.083 is amended to read as follows:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:
(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an appropriate signal as provided for in s. 316.156, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. The driver of a vehicle overtaking a bicycle**, electric bicycle,** or other nonmotorized vehicle must pass the bicycle**, electric bicycle,** or other nonmotorized vehicle at a safe distance of not less than 3 feet between the vehicle and the bicycle**, electric bicycle,** or other nonmotorized vehicle.

A new section is added to read as follows:
316.20655 Electric bicycle regulations.

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including section 316.2065. An electric bicycle is a vehicle to the same extent as a bicycle.

(2) An electric bicycle or a person operating an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

(3) On and after January 1, 2021, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.

(4) A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification required in subsection (3) is replaced after modification.

(5) An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. part 1512).

(6) An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

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(7)

(a) **An electric bicycle may be ridden in places where bicycles are allowed, including but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multi-use paths.**

(b) **Following notice and a public hearing, a municipality, county or agency of the state having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path, if it finds that such a restriction is necessary in the interest of safety or to comply with other laws or legal obligations.**

(c) **A municipality, county, or agency of the state having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 3 electric bicycle on that path.**

(d) **This subsection shall not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A municipality, county, or agency of the state having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on that trail.**

(8)

(a) **No person under the age of sixteen (16) may operate a class 3 electric bicycle. A person under the age of sixteen (16) may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.**

(b) **All class 3 electric bicycles must be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.**

Section 316.1995 is amended to read as follows:

316.1995 Driving upon sidewalk or bicycle path.—
(1) Except as provided in s. 316.008 **~~or~~** s. 316.212(8) **or 316.20655**, a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway.
(2) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.
(3) This section does not apply to motorized wheelchairs.

Section 320.01 is amended to read as follows:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:
(1) "Motor vehicle" means:

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(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, personal delivery devices as defined in s. 316.003, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, **electric bicycles,** swamp buggies, or mopeds.

Section 322.01 is amended to read as follows:

322.01 Definitions.—As used in this chapter:
(27) "Motor vehicle" means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and **electric**~~motorized~~ bicycles as defined in s. 316.003.

Section 324.021 is amended to read as follows:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:
(1) MOTOR VEHICLE.—Every self-propelled vehicle that is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any personal delivery device as defined in s. 316.003, bicycle, **electric bicycle,** or moped. However, the term "motor vehicle" does not include a motor vehicle as defined in s. 627.732(3) when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply; and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.

Section 261.03 is amended to read as follows:

261.03 Definitions.—As used in this chapter, the term:
…
(4) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor**, electric bicycle,** or a moped.

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From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Friday, October 11, 2019 2:16 PM EDT
To: 22brandes@gmail.com <22brandes@gmail.com>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: FW: Government Efficiency Task Force Follow Up
Attachment(s): "Meeting Minutes_Oct8.pdf","2012GetFinalReport.pdf","2016-GETF-FInal-Report.pdf","Task Force Trip Details Form.docx","Task Force Traveler Guidelines.docx","Issue Rec Form.xlsx"

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
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Jeff Brandes – District 24

From: Farrill, Cody <Cody.Farrill@fldms.onmicrosoft.com>
Sent: Friday, October 11, 2019 9:03 AM
To: Harrington, Tiffany <Tiffany.Harrington@myfloridahouse.gov>; Becker, Katherine <BECKER.KATHERINE@flsenate.gov>; Forst, Andrew <Andrew.Forst@dms.myflorida.com>; Fillyaw, Tami <Tami.Fillyaw@dms.myflorida.com>; Gillespie, Patrick <Pat.Gillespie@dms.myflorida.com>; Thomas, John <John.Thomas@dms.myflorida.com>; Jefferson, Tyler <Tyler.Jefferson@dms.myflorida.com>
Cc: O'Steen, Chasity <chasity.osteen@dms.myflorida.com>; Gellis, Sean <Sean.Gellis@dms.myflorida.com>; Parrish, Katie <Katie.Parrish@dms.myflorida.com>
Subject: Government Efficiency Task Force Follow Up

Good Morning!

This email serves as follow-up to our meeting earlier this week. We appreciated getting to hear from many of you on your expectations for the coming year. Please see the below and attached information in follow up to our discussions:

Meeting Transcript
I've attached a meeting transcript for your reference.

Previous Task Force Reports
As recommended by our Vice Chair Senator Brandes, attached you will find the final report from the 2011-12 and 2015-16 Task Forces they will also be posted to our website: www.dms.myflorida.com/efficiencytaskforce.

Travel Reimbursements
Also attached are forms related to the travel reimbursement process. As a reminder, we will reimburse up to the thresholds listed, not above.

Subcommittee Preferences
If you have not already, please respond directly to me with your placement preference for one of the following subcommittees: Government Operations or Technology & Innovation. Chair Satter will be making appointments after receiving these preferences.

Path Forward
Following subcommittee appointments, we currently plan to schedule subcommittee calls the week of October 28-November 1. It is important that the subcommittees begin to meet to first vet and formulate ideas for discussion by the full task force. As mentioned by Chair Satter, I've also attached a document that will serve as our "Issue and Recommendations" list. Please submit any ideas for potential presentations and action in the spreadsheet. This would include any individuals you recommend to speak to the Task Force.

Sunshine Contacts
If you have questions on the Sunshine requirements/public records issues related to the Task Force please contact Chasity O'Steen chasity.osteen@dms.myflorida.com or Sean Gellis Sean.Gellis@dms.myflorida.com.

We expect the next full meeting of the Task Force to occur either the week of November 18-22 or December 2-6, once the subcommittees are up and running.

Please let me know if you have any questions.

Cody Farrill

Cody Farrill, MPA |Director of Legislative Affairs
Office of the Secretary
850-487-7001 (office) | 850-545-4693 (mobile)
Florida Department of Management Services
We Serve Those Who Serve Florida
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Government Efficiency Task Force

Abraham Uccello, Chair
Senator Lizbeth Benacquisto, Vice Chair

Final Report
June 2012

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Government Efficiency Task Force
2011-2012

Authority

The Task Force was created by Article III, section 19(i) of the Florida Constitution to develop recommendations for improving governmental operations and reducing costs.

First established in 2007, the Task Force meets each fourth year and submits its recommendations to the chairperson and vice chairperson of the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court.

As enacted in Section 11.9005 of the Florida Statutes, the Task Force is composed of 15 members of the Legislature and representatives from the private and public sectors appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Members

Abraham Uccello
Chair

Senator Lizbeth Benacquisto
Vice Chair

Appointed by Governor Rick Scott

Ann Duncan
Subcommittee on General Government
Subcommittee on Education
Design Procurement Work Group
Early Learning Work Group
Enterprise Information Technology Work Group

Belinda Keiser
Chair, Subcommittee on Education
Early Learning Work Group
Enterprise Information Technology Work Group

Frances Rice
Subcommittee on General Government
Business Regulation and Licensing Work Group

Eric Silagy
Subcommittee on Education
Enterprise Information Technology Work Group
Expressway and Bridge Authority Consolidation Work Group

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Abraham Uccello
Chair, Government Efficiency Task Force
Enterprise Information Technology Work Group

Appointed by President Mike Haridopolos

Senator Mike Bennett (March 22, 2012 – June 16, 2012)
Subcommittee on General Government

Senator Lizbeth Benacquisto
Vice Chair, Government Efficiency Task Force
Subcommittee on Education
Enterprise Information Technology Work Group

Michael Heekin
Subcommittee on Education
Enterprise Information Technology Work Group

Patrick Neal
Chair, Subcommittee on General Government
Design Procurement Work Group

Robert Stork
Subcommittee on Health and Human Services
Early Learning Work Group
Expressway and Bridge Authority Consolidation Work Group

Rob Wallace (June 16, 2011 – February 25, 2012)
Business Regulation and Licensing Work Group

Appointed by Speaker Dean Cannon

Frank Attkisson
Subcommittee on Health and Human Services
Design Procurement Work Group

Representative Gary Aubuchon (June 16, 2011 – October 14, 2011)

Larry Cretul
Subcommittee on General Government
Subcommittee on Health and Human Services
Business Regulation and Licensing Work Group

Matthew Falconer (June 16, 2011 – February 24, 2012)
Expressway and Bridge Authority Consolidation Work Group

Julie Fess (October 17, 2011 – June 16, 2012)
Subcommittee on Health and Human Services
Early Learning Work Group

Representative John Legg (June 16, 2011 – October 12, 2011)

Robert Rohrlack (October 17, 2011 – June 16, 2012)
Chair, Subcommittee on Health and Human Services
Enterprise Information Technology Work Group

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Government Efficiency Task Force

Abraham Uccello, Chair
Senator Lizbeth Benacquisto, Vice Chair

The Honorable Rick Scott
Governor of Florida
PL-05 The Capitol
Tallahassee, Florida 32399-0001

Chief Justice Charles T. Canady
Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399-1925

The Honorable JD Alexander
Chair, Legislative Budget Commission
201 Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1100

The Honorable Denise Grimsley
Vice-Chair, Legislative Budget Commission
221 Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

June 27, 2012

Dear Governor Scott, Senator Alexander, Representative Grimsley, and Chief Justice Canady:

Pursuant to Article III, section 19(i) of the Florida Constitution, the Government Efficiency Task Force submits its recommendations on improving governmental operations and reducing costs to the Governor, the chair and vice chair of the Legislative Budget Commission, and the Chief Justice of the Supreme Court. The Task Force submits the following final report of recommendations upon completion of its one-year term, as provided in section 11.9005, Florida Statutes.

In the area of Health and Human Services, the Task Force recommends:

State Employee Health Insurance Benefits

- Establish uniform premium contribution amounts for all classes of state employees.
- Set contributions for all employees at the current contribution levels of Career Service employees. Equalizing contributions at these levels is estimated to save **$34 million** per year.
- Implement a defined contribution model for state employee health insurance benefits. A defined contribution model is estimated to save **$250-300 million** per year.
- Consider multiple defined contribution options when designing a new defined contribution structure for state employee health insurance.
- Review the state's contribution and adjust for changes in health care costs at a minimum of every three years.

State Procurement of Mental Health and Substance Abuse Services

- Utilize common metrics for contracts when procuring mental health and substance abuse services.
- Ensure unit price information is available to all agencies and require agencies to check pricing for mental health and substance abuse services.
- Provide that agencies make greater use of pooled purchasing arrangements when cost effective.
- Implementing the above recommendations is estimated to achieve a cost savings of 6%-8%, or **$72-$96 million** per year based on current annual expenditures.

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FL-SEN-20-0201-B, 20-0202-A-004167

Criminal Justice

- Provide the Department of Corrections with flexibility to develop and implement cost savings initiatives, in conjunction with counties. The department should have the flexibility to implement new models of inmate transfer, assignment, or supervision if determined to effectively carry out inmate sentences, following existing statutory requirements, while achieving cost savings. Counties should be able to submit cost savings proposals to the Department of Corrections and appeal decisions to the Governor and Cabinet.
- Provide incentives for counties to participate in initiatives that will achieve efficiencies and cost savings for the state. Incentives should be created for arrangements that promote flexibility and produce mutually-beneficial arrangements for the state and counties. Incentives may include, but are not limited to, diversion of inmates from state to local facilities and increased utilization of community supervision, including electronic monitoring.
- Investigate implementation of a web-based risk and needs assessment tool for use at time of sentencing. Estimated costs for sentencing options should be included in the tool to allow judges to weigh projected results with estimated costs of sentences. The tool should be made available to judges at the time of sentencing and to the public through a web portal.
- Perform a study to determine the potential cost savings resulting from a risk and needs assessment tool.
- Stakeholders should develop recommendations to the Legislature for increasing flexibility in sentencing guidelines. Judges should be provided with the flexibility to consider the many purposes of sentencing, including punishment, rehabilitation, deterrence, restitution, recidivism reduction, and protection of public safety, as well as cost.

In the area of Education, the Task Force recommends:

Early Learning Time and Attendance

- The Task Force recommends that the Office of Early Learning adopt an electronic form of attendance submission for Voluntary Prekindergarten (VPK) and School Readiness (SR) programs. An electronic form of attendance submission is estimated to save **$4 million** per year by eliminating the manual paper process and reducing staff time.
- The Task Force recommends adopting a point of service system utilizing either electronic swipe cards or biometrics to supplement an electronic time and attendance submission process. Adopting this system would:
    - Reduce human error and fraud that result in improper payments;
    - Reduce the time burden on providers in collecting and recording attendance data;
    - Reduce the amount of paper record keeping required of providers;
    - Allow for quicker audits of attendance records;
    - Allow for quicker turnaround time on payments for SR and reconciliation for VPK; and
    - Allow for real time attendance data.
- The savings would be between **$40-60 million** per year if Florida were to realize similar results of other states that have utilized a point of service system. The savings would be based on the reduction of improper payments.
- The Task Force recommends ensuring sufficient time is allowed for implementation and training so providers can effectively learn to use the system.
- The Task Force recommends allowing for the sharing of time and attendance data with other agencies that utilize the information.
- The Task Force recommends utilizing other states' experiences with the point of service system to avoid common implementation mistakes.

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Inmate Education and Re-entry

- Individualized Inmate Re-entry Plans
  - Create an individualized inmate re-entry plan that, based on information obtained from assessments, outlines programming to be provided during the period of incarceration.
  - Consider educational needs when determining an inmate's facility placement.
  - Assessments to determine literacy skills are critical. Focus and priority should be given to this process of assessing literacy skills to provide appropriate foundation for other educational programs and opportunities after prison.
  - Develop a program providing literacy and life skills training for inmates who are ineligible for the Mandatory Literacy Program due to prison term length.
- Mandatory Literacy Program
  - Require prisoners who meet the requirements of the Mandatory Literacy Program to successfully complete the program by attaining a total battery score of 6.0 on a Test of Adult Basic Education.
- Online Education Opportunities
  - Investigate opportunities to introduce online and e-learning educational and vocational training in prisons.
  - Set up a pilot program to develop widely-acceptable security protocols for Internet access.
- Mission Driven Prisons
  - Convert some of Florida's prisons to institutions that focus on chemical dependency, literacy and basic education, and vocational education.
  - Align the missions of vocational education prisons to meet the needs of the employment market.
- Program Efficiency
  - Adopt policies regarding prioritizing the eligibility of educational and vocational programs to inmates whose likelihood of recidivism will be most improved as a result of this instruction.
  - Expand vocational education programs.
  - Research implementation of a double-track education system.
- Metrics and Statistics
  - Conduct a cost-benefit analysis to evaluate rehabilitative programs, such as educational and vocational programs.
  - Develop a regular report on the cost-effectiveness of rehabilitative programs, including those provided by entities outside of the Department of Corrections.

Higher Education

- Implement a pilot project for year-round school operations in the State University System.
- The Board of Governors should create a University Review Program.
- Strategies for Degree Production
  - The Blue Ribbon Task Force should develop strategies to increase degree production.
  - There is a high degree of interest among Florida's policy makers to increase the production of science, technology, engineering, and mathematics (STEM) degrees in the state. The Blue Ribbon Task Force should review methods to increase the production of STEM degree graduates in the State University System, and in doing so, consider the actions of HB 7135 and the creation of a statewide STEM strategic plan.
- Optimum Facility Utilization
  - The Blue Ribbon Task Force should review and develop a comprehensive assessment tool to evaluate facility usage, including classroom utilization, to more accurately determine the need for Public Education Capital Outlay program (PECO) funds.

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- Funding
  - The Blue Ribbon Task Force should investigate innovative strategies of funding for higher education.
  - The Blue Ribbon Task Force should find ways to increase transparency in state funding of higher education.
  - The Blue Ribbon Task Force should study the issue of market rate tuition and provide recommendations to the Governor and Legislature on its implementation.

University Procurement

- State University Procurement
  - The State University System adopt an electronic procurement platform(s) that offers functionality similar to the systems at the Florida State University and the University of Florida.
- Collaboration with the Department of Management Services
  - The Board of Governors, state universities, and the Department of Management services continue coordinating their efforts in the area of procurement in order to better manage tracking of spend, contracting, strategic sourcing, and best procurement practices.
  - The Department of Management Services and the State University System identify and jointly strategically source common goods and services in order to achieve maximum savings to both parties.
  - State universities utilize state term contracts to achieve savings.
- Florida Polytechnic
  - The Board of Governors leverage the creation of Florida Polytechnic to pursue opportunities to implement shared services models across multiple institutions.

In the area of General Government, the Task Force recommends:

Business Regulation

- Provisional Business Permits
  - Implement a provisional business permit for select industries.
  - Create an evaluation process for industries linked to health and human safety to qualify for a provisional business permit.
  - Utilize information from the business dashboard to indentify key industries that would qualify for the permit.
  - Utilize the provisional permit process to identify and eliminate unnecessary regulations.
  - Conduct a pilot program in selected counties or cities to benchmark the effectiveness of the permit.
- Business Dashboard
  - Implement a business permit dashboard that tracks the amount of time it takes for a company to get started in the State of Florida.
  - Begin the dashboard at the state level, tracking the business as it goes through the state regulatory process.
  - Begin with a pilot program with counties participating on a voluntary basis.
  - Encourage county/city compliance by requiring participation as a condition for certain funding.
  - Utilize current information already collected by state agencies, the Chamber of Commerce, and local governments.
  - Designate one agency, preferably the Department of State, to receive all information related to the business dashboard.

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  - Utilize dashboard metrics to identify unnecessary regulations, industries that do not require regulation, and industries or businesses that would qualify for the provisional business permit.
  - Allow private businesses to submit additional information.
  - For each week in reduced startup time resulting from the business dashboard, the state would save an estimated **$3.44 million** in unemployment benefit payments.
- One-Stop Business Portal
  - Implement the One-Stop Portal in stages as recommended by Department of Revenue Executive Director Lisa Vickers.
  - Identify redundancies and potential consolidations as the portal is phased in.
  - Utilize the consolidation process to identify unnecessary agency regulation.
  - Create a "Phase 1a" comprised of a "splash page" website with agency links to fast track businesses through the startup or renewal process.
  - Utilize existing call center functions to include a live chat feature to provide real time assistance to users.
  - Include a mechanism that allows for feedback from businesses regarding regulation, which would be forwarded to the Office of Fiscal Accountability and Regulatory Reform and the Legislature.

Expressway and Bridge Authority Consolidation

- An independent party who specializes in best management practices should assist in effectively consolidating the administrative functions of the Orlando-Orange County Expressway Authority (OOCEA) and Tampa-Hillsborough County Expressway Authority (THEA) into Florida's Turnpike Enterprise (FTE). The Florida Department of Transportation estimates a savings of **$24,318,000** per year. With the utilization of a third party, this process may be more efficient and achieve even greater savings.
- If THEA and OOCEA are consolidated into FTE, all revenue collected in the regions should be spent within the same region and local boards should be maintained to make policy decisions on road construction.
- Consolidate the Mid-Bay Bridge Authority into FTE.
- Consolidate all toll collections into a single entity and system, including all administrative functions, software and IT systems, accounting, collection personnel, enforcement, customer service, and billing.
- Require regional toll agencies to benchmark regional and state transportation and authority salaries to avoid possible excessive salaries.

Consultants' Competitive Negotiation Act (CCNA)

- Allow agencies to utilize the "Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow price to be a factor of up to 50% when ranking the top three most qualified firms. The process would work best for a project with a well-defined scope.
- Allow agencies to utilize the "Modified Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow the agency to see the price of the top three most qualified firms, but not re-rank the firms, thus preventing the agency from entering negotiations with insufficient information on pricing. This process would work best for projects that do not have a specific scope and for agencies that would otherwise use the current CCNA over "Best Value."

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- Maintain the current CCNA process as an option for agencies to utilize when "Best Value" or "Modified Best Value" would not be appropriate. This process would work best for a project that does not have a well-defined scope.

Enterprise Information Technology

- Redefine the role of the Agency for Enterprise Information Technology (AEIT) in governance of state enterprise information technology (IT) and clarify designated enterprise applications and operations.
- Strengthen statutory language to provide AEIT with enforceable governance.
- Provide AEIT with budget and procurement authority for enterprise IT projects and services.
- Maintain the current organizational structure of AEIT under the Governor and Cabinet.
- Establish an Enterprise Technology Advisory Council of public and private industry chief information officers and IT professionals to function in an advisory capacity to the state Chief Information Officer (CIO).
- Task the CIO with modifying AEIT's organizational structure to provide flexibility and nimbleness and to accommodate further adjustments as necessary.
- Direct AEIT to identify and align agencies in process oriented design structures (PODS), grouping similar business processes and functions across state government.
- Direct AEIT to implement enterprise IT in support of this alignment, executed in successful phases according to business processes and functions.
- Direct AEIT to immediately begin identification and alignment of PODS with financial management, due to the foundational importance of the Florida Accounting and Information Resource (FLAIR) subsystem.

State Procurement

- Increased utilization of state term contracts
  - Review all statutory barriers and remove those unnecessary for full utilization of state term contracts.
  - Create a process that gives the Department of Management Services (DMS) an approval role for non-state term contract purchases by agencies.
  - Estimated savings for strategically sourcing the estimated $1.8-$2.5 billion in potential sourceable spend is 6-10%, or **$108-$180 million** to **$150-$250 million** per year.
- Increased utilization of MyFloridaMarketPlace
  - Review the 1% usage fee for MyFloridaMarketPlace (MFMP) and adjust to allow for the greatest utilization by state agencies and other eligible users. Increased utilization of MFMP is estimated to achieve savings of **$9.5 million** per year.
  - Measure full cycle utilization of MFMP through DMS. Reduction in hard and soft costs is estimated to achieve savings of **$10.9-$11.9 million** per year.
  - Provide a public facing catalog solution for other eligible users of MFMP.
  - Convert Florida commodity codes to the National Institute of Governmental Purchasing codes.
- Increased effectiveness of MyFloridaMarketPlace
  - Implement a data analytics solution for MFMP.
  - Automate electronic posting of solicitations created in Sourcing to the Vendor Bid System.
  - Automate the workflow between the Ariba Buyer and Ariba Sourcing modules of MFMP.
  - Provide a public portal for contract information.

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- Strategic sourcing
  - Utilize the increased visibility and volume in spend achieved via increased use of state term contracts and MFMP to strategically procure commodities and services.
  - Create an incentive model that utilizes savings achieved by agencies to encourage participation in strategic sourcing.
- Consultants' Competitive Negotiation Act
  - Allow agencies to utilize the "Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow price to be a factor of up to 50% when ranking the top three most qualified firms.

Florida Retirement System

- Define a goal for the state retirement system. The state does not currently have a defined goal for the retirement system. The Florida Statutes and Constitution provide requirements, but do not outline a set goal or purpose for the state.
- Prioritize portability and transferability of retirement funds. The defined contribution plan currently offers portability for its members. Due to the changing nature of employment and the increasingly transient nature of employees, the state should place a priority on portability and transferability for all state employee retirement funds.
- Review the assumed long term returns on the pension fund and the acceptable funding level. The current assumed return for the FRS pension fund is 7.75%. This assumed rate should be reviewed in context of past market performance to determine if this is an accurate assumption. Various studies have indicated that a funding level of 80% is generally accepted as actuarially sound. As of June 2011, the FRS pension fund has a funding level of 87.5%. The funding level has many assumptions built in, including an assumed rate of return, length of FRS membership, and vesting time of benefits. The funding level policy should be reviewed in the context of the potential issues surrounding retirement funds. The Task Force also recommends that employees contribute a portion of their salary towards their retirement plan.
- Place a cap on the average salary for calculating pension benefits. High-salaried employees are one of the drivers of increased funding liability for the pension fund. The Internal Revenue Service (IRS) limits the amount of annual salary that may be applied towards retirement under a qualified plan. Currently, the IRS limits the annual salary to $245,000 for members hired on or after July 1, 1996, and $363,820 for members hired prior to July 1, 1996. The Task Force recommends a cap on salary applied towards retirement in line with the average salary of a head of state agency, which is $140,000.
- Consider a hybrid retirement system. Various states have either adopted or are considering a hybrid retirement plan (incorporates both defined benefit and defined contribution plans). Florida should review the hybrid option as a method to reduce future unfunded liability, provide flexibility for employees, and ensure adequate guaranteed retirement funds for state employees, particularly lower earning employees.

Division of Real Estate Development and Management

- State Construction
  - The Task Force recommends utilizing a shared service model for state construction directed by one agency in order to create uniform best practices and achieve cost savings. Currently, the Division of Real Estate Development and Management only manages building construction projects in Department of Management Services (DMS) facilities or those projects designated as DMS managed when appropriated to agencies. Additionally, building construction staff is located in multiple agencies, there are inconsistencies in contracting, and

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economies of scale are not leveraged through bundling of similar projects. All agencies involved in building construction should operate a shared services model directed through DMS, allowing for uniform standards, best practices, rules, and procedures for state construction. The state should institute an automatic review process for all state construction projects with a projected cost over a certain threshold. The state should also focus on function, in addition to form, in the design and renovation of state buildings.

- State Leasing
  - The Task Force recommends that DMS continue with current initiatives to increase the value of state leasing while reducing costs. DMS should continue its efforts to renegotiate leases statewide. DMS should propose legislation that will increase its authority in leasing decisions, save time in processing, and reduce the burden on private sector landlords. DMS should continue to work with other agencies and with local governments to maximize space utilization.
- State Building Emergency Management
  - The Task Force recommends that DMS explore options for service management of state buildings and facilities in the event of a natural disaster. The state does not currently have a contracted service for management of state facilities in the case of a natural disaster (i.e. hurricanes). In order to ensure the continued functioning of state facilities, the state should address proper disaster preparedness.

The complete recommendations and analyses are enclosed. Please do not hesitate to contact me or staff director Jeff Woodburn for additional information.

Thank you for the opportunity to serve the citizens of Florida.

Sincerely,



Abraham Uccello
Chair

AU/ew

Enclosures

cc: The Honorable Mike Haridopolos
The Honorable Dean Cannon
The Honorable Don Gaetz
The Honorable Will Weatherford

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FL-SEN-20-0201-B, 20-0202-A-004174

Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: State Employee Health Insurance Benefits

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding state employee health insurance benefits by a vote of 8 yeas, 0 nays:

- Establish uniform premium contribution amounts for all classes of state employees.
- Set contributions for all employees at the current contribution levels of Career Service employees. Equalizing contributions at these levels is estimated to save **$34 million** per year.
- Implement a defined contribution (DC) model for state employee health insurance benefits**.** A DC model is estimated to save **$250-300 million** per year.
- Consider multiple DC options when designing a new DC structure for state employee health insurance.
- Review the state's contribution and adjust for changes in health care costs at a minimum of every three years.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. STATE EMPLOYEE HEALTH INSURANCE

State Employee Health Insurance Program

The State Employee Health Insurance Program (program) is governed by s. 110.123, F.S. The program is administered by the Division of State Group Insurance (DSGI) within the Department of Management Services (DMS or department).

The program is an optional benefit for all state employees, including state agencies, state universities, the court system and the Legislature. The program includes health, life, dental, vision, disability, and other supplemental insurance benefits.

As implemented by the department, the program offers four types of health plans: a standard statewide Preferred Provider Organization (PPO) Plan, a Health Investor PPO Plan, a standard Health Maintenance Organization (HMO) Plan, and a Health Investor HMO Plan.

The State Employees' PPO plan is a self-insured health plan administered by Blue Cross Blue Shield of Florida and available to employees across the state.[1] Each HMO is a self-administered, pre-paid health plan that provides health services to people who live or work within the HMO's service area. Six HMOs provide coverage in various geographic regions.[2]

The program also offers two high-deductible health plans (HDHP) with health savings accounts (HSA). The Health Investor PPO Plan is the statewide, high deductible health plan administered by Blue Cross Blue Shield of Florida. The Health Investor HMO Plan is a high deductible health plan in which the state has contracted with multiple state and regional HMOs.

A state employee participating in either Health Investor plan is eligible to receive contributions into the employee's health savings account.[3] The participant may draw upon these funds to meet out-of-pocket medical and pharmacy expenses.

Employee premiums for Health Investor plans are lower, and every year since the high-deductible option has been offered, the state has contributed $500 and $1,000 into the HSA for employees with individual or family coverage, respectively. The contribution has annually been reinstated each year in a budget implementing bill.[4]

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[1] The administrator is responsible for processing health claims, providing access to a Preferred Provider Care Network, and managing customer service, utilization review, and case management functions.

[2] State contracted HMO plan providers are Aetna, AvMed, Capital Health Plan, Coventry Health Care of Florida, Florida Health Care Plans, and United Health Care. Department of Management Services, *State of Florida Employee and Retiree Benefits Guide,* September 2011, http://www.myflorida.com/mybenefits/pdf/BenefitsGuide_2012.pdf (last visited 4/18/2012).

[3] The state makes a $500 per year contribution to the health savings account for single coverage and a $1,000 per year contribution for family coverage. These contributions are not subject to federal income tax on the employee's income. *Id*.

[4] A budget implementing bill makes statutory changes that are only effective for one year.

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Employer and Employee Contributions

The State Personnel System (SPS) is divided into categories, including Career Service (CS), Selected Exempt Service (SES), and Senior Management Service (SMS). As of June 30, 2011, CS employees comprised 81.7 percent of the SPS.[5]

Employee health insurance premium contributions differ according to coverage selected and employee category. The State of Florida health program currently offers three tiers of enrollment for employees: individual employee, employee plus family, and spouse. Employees are divided into two general categories based on class and personnel system. CS employees are categorized separately from SES and SMS employees, as well as those employed by the Department of Lottery, Legislature, and Executive Office of the Governor, and personnel in other state employment systems.

Employee contribution levels are not adjusted for variances in benefit value or projected total cost of the chosen plan. The employee contribution and level of benefits are fixed, and the state absorbs any differences in total cost. The chart below details the monthly health insurance contributions for the state and employee.

Florida State Employee and Employer Insurance Contributions

		Standard Plan PPO/HMO			Health Investor Health Plan PPO/HMO		
Category	**Coverage**	**Employer**	**Enrollee**	**Total**	**Employer[6]**	**Enrollee**	**Total**
Career Service	Single	499.80	50.00	549.80	499.80	15.00	514.80
	Family	1,063.34	180.00	1,243.34	1,063.34	64.30	1,127.64
	Spouse[7]	1,243.32	30.00	1,273.32	1,097.64	30.00	1,127.64
SES/SMS/EOG/ LEG/Lottery/other	Single	541.46	8.34	549.80	506.46	8.34	514.80
	Family	1,213.34	30.00	1,243.34	1,097.64	30.00	1,127.64

B. EMPLOYER INSURANCE TRENDS

Average Contributions

Differences in premium amount, copays and deductibles, coverage levels, and other cost-sharing variables present challenges when comparing health benefits between government and private employers. Even within a single employer, each plan type may contract with multiple carriers and value of access varies by carrier and geographic location.[8]

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[5] Department of Management Services, *State Personnel System Annual Workforce Report: FY 2010 – 2011*, p. 13, http://www.dms.myflorida.com/human_resource_support/human_resource_management/for_state_hr_practitioners/reports (last visited 4/18/2012).

[6] Includes employer tax-free HSA contribution: $500 per year for single coverage and $1,000 per year for family coverage.

[7] Both spouses must be state employees to participate in the spouse program. Contributions for all employees in the spouse program are the same, regardless of category.

[8] For example, the federal benefits standard family Humana Medical Plan for South Florida requires a $271.87 per month employee contribution versus $310.59 for the same standard family Humana Medical Plan coverage in the Tampa area. United States Office of Personnel Management, *The 2012 Guide to Federal Benefits For Federal Civilian Employees*, November 2011, p. 42, http://www.opm.gov/insure/health/planinfo/2012/guides/70-1.pdf (last visited 4/18/2012).

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According to a 2010 study by The Segal Group surveying all 50 states and Washington, DC, over half of state plans are subsidized by the employer at 80% or higher.[9] Employers offering HMOs and HDHPs provide higher premium subsidies than PPOs, which is generally linked to the reduction in the employer's claim cost liability. A 2011 survey of state employee health benefits by the National Conference of State Legislators (NCSL) found that states paid an average of 89% for individual coverage and 80% for family coverage.[10] The State of Florida's contribution for CS employees is 91% of the standard premium and 97% of the health investor plan premium. NCSL found that Florida's employer contribution for individual coverage was $499.80 per month, compared to a national average of $519.13. Florida's contribution for CS employees is 86% of the standard premium and 94% of the health investor plan premium. NCSL found that Florida's employer contribution for family coverage was $1,063.34 per month, compared to a national average of $1,096.63.[11]

DSGI contracted with Mercer Consulting to prepare a Benchmarking Report[12] (report) for the state group insurance program. The report compares Florida's state group insurance program to the programs of other large employers,[13] both in the public and in the private sectors.

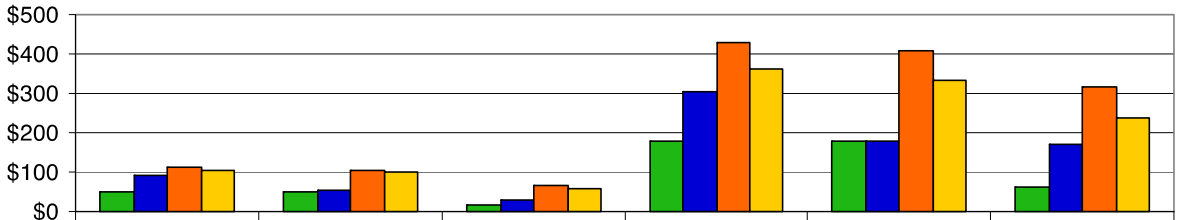
The report found that State of Florida contributes a higher percentage of the premium to employee health benefits than other states and private employers. For example, the report found that Florida paid 84% of the monthly premium for a family PPO plan, compared to a 69% average for large national employers. At the time of the study, the average family plan premium for large national employers was $361, while the monthly premium for a family PPO plan for a Florida state employee was $180.[14]

The report also found that the average monthly employee contribution for individual coverage with a State of Florida employer was $50, compared to $93 and $56 for PPO and HMO coverage, respectively, in other states.[15] The average employee contribution for large employers in Florida was $112 and $104 for PPO and HMO coverage, respectively. Mercer's findings are summarized in the following charts comparing monthly employee contributions by dollar amount and as a percentage of premium.[16]

[9] The Segal Group, *2010 Study of State Employee Health Benefits,* Winter 2011, p. 3, http://www.segalco.com/publications/surveysandstudies/2010statestudy.pdf (last visited 4/18/2012).
[10] National Conference of State Legislatures, *2011 State Employee Health Benefits: Monthly premium costs (family and individual coverage)*, September 2011, pp. 3, 5, http://www.ncsl.org/Portals/1/documents/health/StateEHBenefits2011.pdf (last visited 4/18/2012).
[11] *Id.* at pp. 2, 4.
[12] Mercer Consulting, *State of Florida Benchmarking Report*, March 24, 2011, http://www.dms.myflorida.com/media/dsgi/sb_2000/2010_benchmarking_report_for_state_of_florida (last visited 4/18/2012).
[13] For the purpose of the report, "large employers" had 500 or more employees. *Id.*
[14] *Id.*
[15] State of Florida compared with other states with 500+ employees. *Id.*
[16] *Id.*

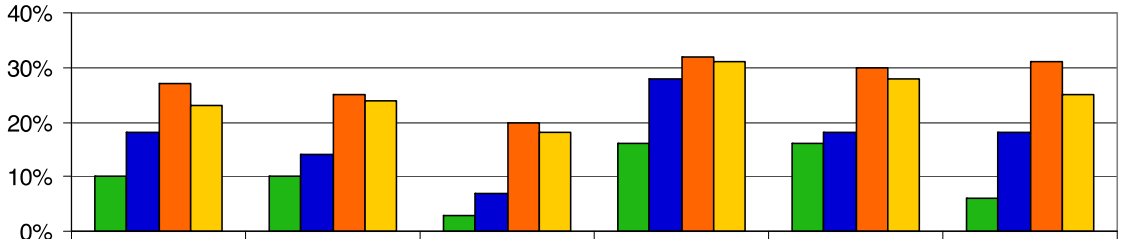
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Monthly Employee Contribution Benchmarks (dollars)



	PPO-Single	HMO-Single	HDHP w/ HSA-Single	PPO-Family	HMO-Family	HDHP w/ HSA-Family
State of Florida- 2010	$50	$50	$15	$180	$180	$64
States 500+	$93	$56	$30	$306	$179	$169
Florida 500+	$112	$104	$68	$430	$410	$318
National 500+	$103	$99	$59	$361	$334	$236

Monthly Employee Contribution Benchmarks (percentage)



	PPO-Single	HMO-Single	HDHP w/ HSA-Single	PPO-Family	HMO-Family	HDHP w/ HSA-Family
State of Florida- 2010	10%	10%	3%	16%	16%	6%
States 500+	18%	14%	7%	28%	18%	18%
Florida 500+	27%	25%	20%	32%	30%	31%
National 500+	23%	24%	18%	31%	28%	25%

The federal government offers Preferred Provider Organization, Health Maintenance Organization, Point-of-Service, Consumer Driven, and High Deductible Health Savings Account or Health Reimbursement plans. Government agencies pay the lesser of: 72% of the average total premium of all plans weighted by the number of enrollees in each, or 75% of the premium for the specific plan chosen by the employee. For purposes of comparison, the federal employee contribution for Capital Health Plan coverage is $102.27 for individuals and $271.01 for families.[17] State employee participants in Capital Health Plan contribute $50 for individual coverage and $180 for family coverage.

The State of Florida contributes approximately 90% toward the total annual premium for active employees, for a total of $1.43 billion of the total premium of $1.59 billion for FY 2011-12.[18] The state program is estimated to spend $1.9 billion in FY 2011-12 in health benefit costs.[19]

[17] United States Office of Personnel Management, *The 2012 Guide to Federal Benefits For Federal Civilian Employees,* November 2011, p. 42, http://www.opm.gov/insure/health/planinfo/2012/guides/70-1.pdf (last visited 4/18/2012).
[18] Fiscal information provided by DSGI (copy on file with Government Efficiency Task Force staff).

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Change and Efficiency

Recommendations

The Task Force recommends establishing uniform premium contribution amounts for all classes of state employees. Currently, SES and SMS employees, as well as those employed by the Department of Lottery, Legislature, Executive Office of the Governor, and other state personnel outside SPS, are contributing lower amounts for the same insurance coverage as CS employees. The current categories for monthly contribution levels do not correlate to average employee salary. On average, SPS employees in the lower monthly contribution category are earning higher salaries than CS employees.[20]

The Task Force recommends setting contributions for all employees at the current contribution levels of Career Service employees: $50 per month for standard individual coverage, $180 per month for standard family coverage, $15.00 per month for individual Health Investor plan coverage, and $64.30 per month for Health Investor plan family coverage. Employee contributions for CS employees are currently below the averages for employees of large state governments, large Florida employers, and large national employers. Equalizing contributions at these levels is estimated to save **$34 million** per year.

Cost and Trends

The state contributes approximately 90% toward the total annual premium for active employees, for a total of $1.43 billion of the total premium of $1.59 billion for FY 2011-12.[21] The state program is estimated to spend $1.9 billion in FY 2011-12 in health benefit costs.[22] Projected total expenses under the State Employees Group Health Program are expected to increase by $800 million over four years, from just over $1.8 billion in FY 2011-12 to just over $2.6 billion in FY 2014-15.[23] Medical and pharmacy costs alone are projected to increase an average of 9.2% each year through Fiscal Year 2015-16.[24]

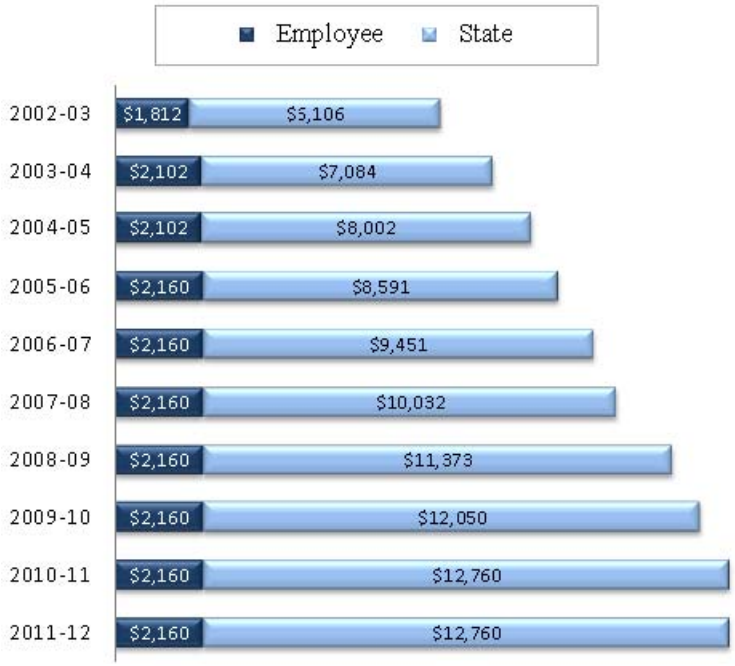
Health insurance contributions for state employees have not kept pace with annual increases in premium costs. The state has absorbed most of previous cost increases and employee contributions have remained relatively flat, as illustrated by the chart on the following page.[25] From FY 2002-03 to FY 2011-12, the total cost of the policy premium for standard family coverage increased $8,002. Over that time, the Career Service employee's contribution increased by $348, with the state contributing the remaining $7,654 of the premium increase. The employee contribution has not risen since 2005. Over the same time period, the cost of the standard family coverage premium has risen $4,169, and the full cost of the premium increase has been born by the state.

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[19] Department of Management Services, *State Employees' Group Health Self-Insurance Trust Fund, Report on the Financial Outlook*, January 4, 2012, http://edr.state.fl.us/content/conferences/healthinsurance/HealthInsuranceResults.pdf (last visited 4/18/2012).
[20] As of June 30, 2011, the average salary for Career Service employees was $34,119. The average salary for Selected Exempt Service employees was $53,136, and the average salary for Senior Management Service employees was $109,054. Department of Management Services, *State Personnel System Annual Workforce Report: FY 2010 – 2011*, p. 37, http://www.dms.myflorida.com/human_resource_support/human_resource_management/for_state_hr_practitioners/reports (last visited 4/18/2012).
[21] Fiscal information provided by DSGI (copy on file with Government Efficiency Task Force staff).
[22] Department of Management Services, *State Employees' Group Health Self-Insurance Trust Fund, Report on the Financial Outlook*, January 4, 2012, p. 1, http://edr.state.fl.us/content/conferences/healthinsurance/HealthInsuranceResults.pdf (last visited 4/18/2012).
[23] Fiscal information provided by DSGI (copy on file with Government Efficiency Task Force staff).
[24] *Id.*
[25] *Id.*

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Career Service Family Coverage Yearly Premium



Compared to employees of other state governments, large public and private employers in Florida, and large public and private employers across the country, State of Florida employees are currently paying lower rates for their health insurance coverage. State of Florida employees' lower contribution rates are evident when compared both in terms of the dollar amount of monthly contributions and in the total percentage of the premium. These lower rates translate to an increased cost to the state for health insurance benefits for state employees.

Change and Efficiency

The state employee health insurance program is a defined benefit (DB) program, in which the employer provides a specific benefit package to employees. Another option for providing health insurance benefits is the defined contribution (DC) model, in which the employer provides a specific contribution amount toward an employee's health coverage. The employee pays the remainder of the cost of the premium. The cost to the employee varies according to his or her choice of coverage and level of benefits.

Recommendations

The Task Force recommends implementing a defined contribution model for state employee health insurance benefits. A DC model would give employees more control over their health benefits and, depending on the model implemented, provide increased choice for the employee. The cost of employee health benefits to the state would be more predictable and the state's financial exposure would be limited. The end result is health care that is both better suited to individual employees' needs and more cost efficient for the state. A DC model is estimated to save **$250-300 million** per year.

The Task Force recommends considering multiple DC options when designing a new DC structure for state employee health insurance. DC plans may be implemented in numerous ways, including:

- The employer offers a range of benefit options at varying price levels. The employer contribution is typically set in relation to the lowest cost plan in order to ensure that all employees have access to benefits. The employee pays the difference in premium if he or she chooses a more expensive plan.

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- The employer provides a specified contribution toward a medical savings account, intended to be used for low-severity services, and an insurance plan, generally a high-deductible plan intended to cover high-severity and emergency services.
- The employer provides health benefits to employees through an intermediary or purchasing group. The purchasing group or intermediary facilitates the relationship between employers, health plans, and employees, and may be involved at some level in plan and provider selection, contracting, and employee enrollment.
- The employer removes itself from administering benefits and provides the employee its contribution in the form of a voucher, tax credit, or other type of financial transfer. The employee uses the employer contribution to purchase the coverage of his or her choice.
- Various hybrids of the above models.

The Task Force recommends reviewing the state's contribution and adjusting for changes in health care costs at a minimum of every three years. Health insurance premium costs should be periodically reviewed for recent changes and future projections in total costs. The state should adjust its contribution so that both employer and employee have a share of premium cost increases and savings resulting from rate changes.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: State Procurement of Mental Health and Substance Abuse Services

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding state procurement of mental health and substance abuse services by a vote of 8 yeas, 0 nays:

- Utilize common metrics for contracts when procuring mental health and substance abuse services.
- Ensure unit price information is available to all agencies and require agencies to check pricing for mental health and substance abuse services.
- Provide that agencies make greater use of pooled purchasing arrangements when cost effective.
- Implementing the above recommendations is estimated to achieve a cost savings of 6%-8%, or **$72-$96 million** per year based on current annual expenditures.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

Mental health and substance abuse services are provided by the State of Florida to many of its residents.[1] These services are provided through a variety of programs and agencies. Many of these services are outsourced through contracts with for profit and not-for-profit vendors.

The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) conducted research on *State Contract Management Review of Mental Health and Substance Abuse Services* in 2011.[2] As described by OPPAGA's research, for FY 2010-11, the state held contracts totaling $1.27 billion for mental health and substance abuse services.[3] Five state agencies contract with providers to deliver mental health and substance abuse services to eligible populations: the Agency for Health Care Administration (AHCA), and the Departments of Children and Families (DCF), Corrections (DOC), Juvenile Justice (DJJ), and Health (DOH).[4] As shown in Exhibit 1, the five agencies held a total of 641 contracts in FY 2010-11, with the number of contracts per agency ranging from 11 for DOH to 368 for DCF. Not included in this figure are the costs of services provided by managed care under the Medicaid program. This is because blended rates are paid to managed care organizations for health and behavioral health care such as mental health and substance abuse services. For the most part, institutional costs are only included when mental health and substance abuse services could be isolated from other costs and were contracted as opposed to state operated. Of the $1.27 billion in total annual value of the contracts for FY 2010-11, 41% was funded by federal and state trust funds, and 59% was funded by general revenue.[5] The total contract amount for each agency ranged from $2.9 million for DOH to $629.9 million for DCF.[6] The typical contract length was 3 years, but the length ranged from 4 months to 11 years.[7] Approximately 61% (392) of the contracts will end before FY 2012-13.[8] The total lifetime value for the current Mental Health and Substance Abuse contracts, including escalators and extensions, is $5.7 billion.[9]

Exhibit 1
For FY 2010-11, Five State Agencies Held Contracts for Mental Health and Substance Abuse Services Totaling $1.27 Billion[10]

Agency	Number of Contracts	Total Contracted Amount for FY 2010-11		
		Trust Fund	General Revenue	Total
Agency for Health Care Administration	31	$288,595,478	$158,054,191	$446,649,669
Department of Children and Families	368	195,548,935	434,394,242	629,943,178
Department of Corrections	77	1,760,977	37,347,963	39,108,940
Department of Juvenile Justice	154	27,317,281	124,437,096	151,754,377
Department of Health	11	2,678,119	227,902	2,906,021
Total	**641**	**$515,900,791[1]**	**$754,461,395[1]**	**$1,270,362,186[1]**

[1] Totals may differ due to rounding.

[1] Mental health and substance abuse services may include: prevention programs, crisis stabilization, detoxification, residential and transitional housing support services, and outpatient treatment.
[2] OPPAGA, *Substance Abuse and Mental Health Contracting*, September 28, 2011 (copy on file with Government Efficiency Task Force staff).
[3] *Id.* at p. 1.
[4] The scope of this research was to analyze the State Contract Management System database. The judicial branch also contracts for mental health services. In FY 2010-11, the Justice Administrative Commission paid $6.3 million for contracts with approximately 400 mental health experts for assessments. The state court circuits paid $5.6 million for contracts with approximately 600 experts for assessments and testimony. *Id.*
[5] *Id.* at pp. 1-2.
[6] *Id.* at p. 2.
[7] *Id.*
[8] *Id.*
[9] *Id.*
[10] Source: OPPAGA analysis of State Contract Management System database. *Id.* at p. 2.

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Exhibit 2 describes the types of services provided and populations served by these agencies.

Exhibit 2
Agencies with Substance Abuse and Mental Health Contracts Provide Various Services[11]

Agency	Description of Contracted Services
Agency for Health Care Administration	These contracts include the prepaid mental health plans that serve Medicaid recipients and the Statewide Inpatient Psychiatric Program that serves Medicaid recipients 17 years of age or younger who require placement in a psychiatric residential setting due to serious mental illness or emotional disturbance. The data does not include expenditures for behavioral health care provided by Health Maintenance Organizations or Provider Service Networks but does include prepaid mental health plans. The agency also has a contract for utilization management and a small number of research contracts with state universities.
Department of Children and Families	These contracts primarily are for a range of community-based services, including alcohol prevention programs in schools and Florida Assertive Community Treatment (FACT) teams that serve to prevent psychiatric hospitalizations.[1] They also include a limited number of contracts at state mental health institutions for both direct services, such as therapists, and indirect services, such as food services, and a limited number of contracts for indirect services, such as training for personnel who are involved in involuntary commitment of individuals into the mental health system. The contracts also include the managing entity organizations, which are organized in a regional system of care for substance abuse and mental health clients.[2]
Department of Corrections	These contracts primarily provide services, such as group therapy, to offenders on community supervision. A limited number of contracts provide mental health services to inmates in correctional facilities.
Department of Juvenile Justice	These contracts provide services, such as psychiatric evaluations, for juveniles in detention centers and services such as crisis intervention, psychotropic medication management, and suicide prevention for juveniles with a mental health diagnosis at residential facilities.
Department of Health	These contracts provide a range of community-based services including interventions for medical licensees with substance abuse or mental health problems, group counseling for HIV/AIDS patients, and home-based visits for mothers of children at risk of abuse or neglect.

[1] Individuals served by FACT teams must meet the definition of mental illness as specified in chapter 394, F.S.
[2] These entities will replace the current DCF substance abuse and mental health contracts, thereby reducing the overall number of DCF contracts.

B. ISSUES

Exhibit 3 shows that in FY 2010-11, a total of 369 vendors held the 641 contracts with the five agencies (an average of 1.7 contracts per vendor).[12] The average number of contracts per vendor ranged from 1 for DOH to 2.1 for DJJ. In addition, 48 of these vendors had contracts with multiple agencies. While most of these vendors had only two contracts, one vendor held 20 active substance abuse and mental health contracts with two agencies in FY 2010-11.[13]

Exhibit 3
In FY 2010-11, 369 Vendors Held 641 Substance Abuse and Mental Health Contracts[14]

Agency	Number of Contracts	Number of Vendors	Average Number of Contracts per Vendor
Agency for Health Care Administration	31	21	1.5
Department of Children and Families	368	267	1.4
Department of Corrections	77	50	1.5
Department of Juvenile Justice	154	74	2.1
Department of Health	11	11	1
Total	**641**	**369**[1]	**1.7**

[1] The total number of vendors does not equal the sum of the number of agency vendors. The total is adjusted so that there is not a duplicate count of vendors that have contracts with multiple agencies.

[11] Source: OPPAGA analysis of State Contract Management System database and interviews with agency staff. OPPAGA, *Substance Abuse and Mental Health Contracting*, September 28, 2011, p. 2 (copy on file with Government Efficiency Task Force staff).
[12] The Florida Accounting and Information Resource (FLAIR) subsystem included the tax status for 262 of the vendors in this study. Of these, 178 (68%) have a status of not-for-profit. *Id.* at p. 3.
[13] *Id.*
[14] Source: OPPAGA analysis of State Contract Management System database and agency data. *Id.*

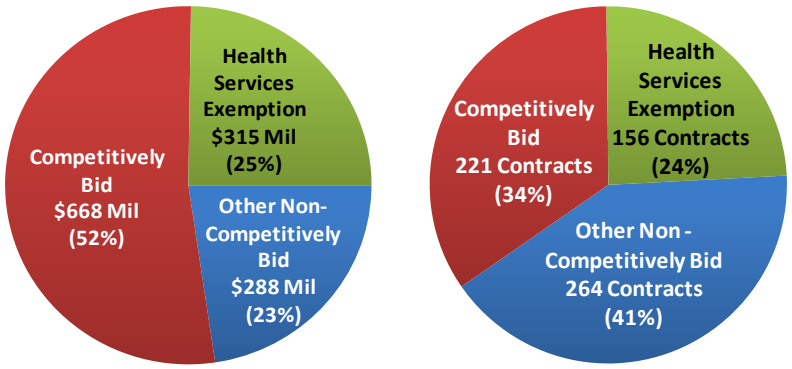
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Section 287.057, F.S., provides that unless otherwise authorized by law, all contracts for the purchase of commodities or contractual services in excess of $35,000 shall be awarded by competitive procurement. The dollar value of the substance abuse and mental health contracts held in FY 2010-11 that were competitively procured was $668 million, or 52% of the $1.27 billion worth of contracts identified in the State Contract Management System.[15] State agencies made most of these competitive procurements through methods such as requests for proposals.

Florida law also provides specific exemptions from competitive procurement, including a "health services exemption."[16] The health services exemption is designated for commodities or contractual services for health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration. In FY 2010-11, 24% of all substance abuse and mental health contracts were executed under the health services exemption. The dollar value of the contracts held in FY 2010-11 that were executed under the health services exemption was $315 million.[17] A variety of procurement methods are used for mental health and substance abuse (see Exhibit 4).

Exhibit 4
Percent of Contract Dollars By Agency By Procurement[18]

Agency	Competitive Bid	Health Services Exempt	Other Non-Competitive	Total
DCF	20 %	40%	40%	$630 Million
AHCA	85%	14%	1%	$447 Million
DJJ	87%	0%	13%	$152 Million
DOC	67%	0%	33%	$39 Million
DOH	1%	99%	0%	$2.9 Million
Total	52%	25%	23%	$1,270 Million



Total = $1.27 Billion **Total Contracts = 641**

In order to assess the range of prices for these services, OPPAGA reviewed a sample of 87 contracts from DCF, DOC, and DJJ.[19] The analysis focused on services in each agency using that agency's service definitions. Prices paid for the same service varied within each agency (see Exhibit 5). In some cases, the prices were different due to factors related to the level of care required by the recipient and the type of security each agency needs to provide. For example, the price of bed days ranged from $19 for adults who voluntarily

[15] *Id.* at p. 4.
[16] *See* s. 287.057(3)(f)5., F.S.
[17] The remaining agency spending for FY 2010-11 was on substance abuse and mental health contracts that were procured using other exemptions. OPPAGA, *Substance Abuse and Mental Health Contracting*, September 28, 2011, p. 4 (copy on file with Government Efficiency Task Force staff).
[18] Source: Analysis of State Contract Management System database. Data provided by Senate Budget Office.
[19] The Agency for Health Care Administration was from this sample because 11 of its contracts will not be renewed due to changes in state Medicaid law and 15 contracts are for Statewide Inpatient Psychiatric Program services, for which policy options may not apply due to federal requirements the facilities must meet. The Department of Health had a relatively small number of contracts; policy options would still apply to the department. *Id* at p. 3.

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received substance abuse services while residing at a religious organization's facility to $338 for 24-hour intensive services provided to adolescent girls with mental health and substance abuse issues at a secure facility.

As shown in Exhibit 5, agencies sometimes paid different unit prices for similar types of services. For example, DOC held a contract that paid $14 per person for adults receiving mandatory community-based outpatient group counseling for substance abuse but also held another contract that paid $24 per person for this service. Exhibit 5 shows the range of prices for the 14 service categories that were included in five or more contracts.[20]

Exhibit 5
Agencies Pay Different Unit Prices for Similar Services[21]

Service Category	Agency	Mean	Minimum	Maximum
Comprehensive Evaluations Level II[2]	DJJ	$450	$350	$550
Comprehensive Evaluations Level III[2]	DJJ	717	550	750
Mental Health and Substance Abuse Treatment Services	DJJ	57	25	200
Residential Level II (Intensive Mental Health and Substance Abuse Care)[3]	DCF	156	83	213
Comprehensive Evaluations Level I[2]	DJJ	267	250	350
Outpatient (Individual or Group Therapy)[1]	DCF	53	12	84
Individual Counseling (Community-Based Outpatient Substance Abuse)	DOC	41	11	56
Community-Based Residential Program (Short-Term/Non secure)	DOC	40	19	53
Treatment Plan Review (Community-Based Outpatient Substance Abuse)	DOC	28	10	42
Intake-Screening (Community-Based Outpatient Substance Abuse)	DOC	50	42	53
Group Counseling (Community-Based Outpatient Substance Abuse)	DOC	20	14	24
Substance Abuse Education and Life Skills Training	DOC	19	14	24
Aftercare Groups (Counseling After Completing a Treatment Program)	DOC	19	14	24
Outreach (Education and Engagement of At-risk Groups)	DCF	44	42	46

[1] Outpatient services provide a therapeutic environment designed to improve the functioning or prevent further deterioration.
[2] Comprehensive evaluations levels depend on the need level of youth served; level I evaluations are for lowest-need youth. Evaluations are a service many vendors provide to state agencies in different forms and for a range of unit costs. The Department of Children and Families pays vendors a maximum unit cost of $85.91. The Justice Administrative Commission pays vendors to provide pre-trial competency or sanity evaluations, pre-trial forensic exams, evaluations for departure hearings, and psychological evaluations for juvenile cases; the rates per evaluation range from $150 to $625. While Florida's State Courts System contracts for evaluations, staff could not specify a unit cost. In addition, the Agency for Health Care Administration sets Medicaid fee-for-service evaluation rates at a maximum unit cost of $150 if conducted by non-physician staff and $210 if conducted by a physician.
[3] Residential Level II facilities are licensed, structured rehabilitation-oriented group facilities that provide supervision 24 hours per day, seven days per week. Persons who live in Level II facilities have significant deficits in independent living skills and need extensive support and supervision.

Change and Efficiency

Recommendations

The Task Force recommends that agencies utilize common metrics for contracts when procuring mental health and substance abuse services. As demonstrated in Exhibit 5, variation in unit price exists within agencies. By examining standard definitions of services, unit pricing, and common outcome measures, agencies can attain greater understanding for providing mental health and substance abuse services.

A study should be completed by regions of the state utilizing a consumer price index for services to identify common metrics for substance abuse and mental health contracts. Where practical, such metrics should be used in all mental health and substance abuse service contracts, both by state agencies and any purchasing agents who procure services on behalf of the state. This would improve accountability and procurement of

[20] OPPAGA compared charges for Medicaid's fee-for-service behavioral health services to unit costs for services presented in Exhibit 5 and found comparable service categories for four services: group counseling, individual counseling, intake-screening, and treatment plan review. Medicaid reimbursement rates were higher than the maximum costs for group and individual counseling and treatment plan review. Rates for intake-screening fell within the range of unit prices paid by other agencies. *Id.* at pp. 3-4.
[21] Source: OPPAGA analysis of contracts in the State Contract Management System database. *Id.* at p. 4.

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services and allow agencies and purchasing entities visibility into what other programs and agencies pay for similar services.

The Task Force recommends ensuring unit price information is available to all agencies and requiring agencies to check pricing for mental health and substance abuse services. Using common definitions of services and standard units of measure, agencies should enter unit prices in the State Contract Management System for all mental health and substance abuse contracts. The Department of Management Services should calculate average unit prices for each service in State Contract Management System. Agencies should then be required to review unit prices for the service prior to contracting. If an agency chooses to procure a service at a unit price higher than the average, it would have to justify this action. This requirement should be extended to entities that purchase services on behalf of the state to ensure financial accountability.

The Task Force recommends that agencies make greater use of pooled purchasing arrangements when cost effective. There are two options that agencies can utilize to strategically pool the procurement of mental health and substance abuse services.

First, the Department of Management Services should work in conjunction with the Department of Children and Families, as the state's subject matter expert, to determine the feasibility of regional or state term contracts for mental health and substance abuse services. This would allow the agencies to collectively leverage their buying power and achieve saving through economies of scale.

Second, allowing other state agencies to purchase mental health and substance abuse services through purchasing entities may be considered. Regional purchasing entities, such as the managing entities provided by Chapter 2008-243, L.O.F., could broker mental health and substance abuse services for state agencies using Florida's state term contract methodology, if favorable unit pricing could be achieved.

Implementing the above recommendations is estimated to achieve a cost savings of 6%-8%, or **$72-$96 million** per year based on current annual expenditures. Over four years, the total savings equates to a $288-$384 million for mental health and substance abuse services for Florida.

Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Criminal Justice

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding criminal justice by a vote of 8 yeas, 1 nay:

- Provide the Department of Corrections (department) with flexibility to develop and implement cost savings initiatives, in conjunction with counties. The department should have the flexibility to implement new models of inmate transfer, assignment, or supervision if determined to effectively carry out inmate sentences, following existing statutory requirements, while achieving cost savings. Counties should be able to submit cost savings proposals to the department and appeal decisions to the Governor and Cabinet.

- Stakeholders should develop recommendations to the Legislature for increasing flexibility in sentencing guidelines. Judges should be provided with the flexibility to consider the many purposes of sentencing, including punishment, rehabilitation, deterrence, restitution, recidivism reduction, and protection of public safety, as well as cost.

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding criminal justice by a vote of 9 yeas, 0 nays:

- Provide incentives for counties to participate in initiatives that will achieve efficiencies and cost savings for the state. Incentives should be created for arrangements that promote flexibility and produce mutually-beneficial arrangements for the state and counties. Incentives may include, but are not limited to, diversion of inmates from state to local facilities and increased utilization of community supervision, including electronic monitoring.

- Investigate implementation of a web-based risk and needs assessment tool for use at time of sentencing. Estimated costs for sentencing options should be included in the tool to allow judges to weigh projected results with estimated costs of sentences. The tool should be made available to judges at the time of sentencing and to the public through a web portal.

- Perform a study to determine the potential cost savings resulting from a risk and needs assessment tool.

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FULL RECOMMENDATION(S) ANALYSIS

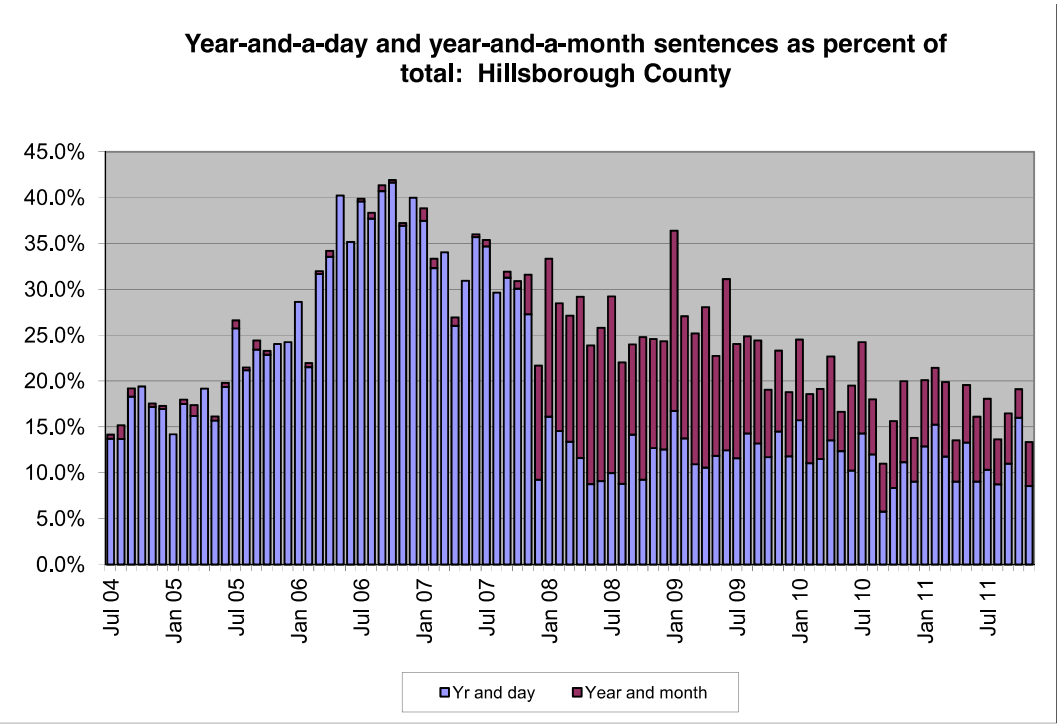
I. BACKGROUND AND RECOMMENDATION(S)

A. STATE AND LOCAL INCARCERATION

State and Local Incarceration in Florida

In Florida, defendants whose sentences include incarceration for one year or less are incarcerated in local prisons. The county in which the individual is incarcerated pays the costs of incarceration in local facilities. If a defendant is sentenced to incarceration for a year and a day or longer, the individual is placed in a state facility and the state pays the costs of incarceration.[1]

Year-and-a-day commitments rose to a peak of 17.7% of all new sentences in FY 2006-07.[2] Attempts to reduce year-and-a-day commitments resulted in a decrease to 8.4% of all new sentences in FY 2010-11.[3] It has been suggested that this reduction reflects a shift to year-and-a-month sentences, rather than shorter sentences resulting in local incarceration, as demonstrated in the graph below comparing year-and-a-day and year-and-a-month sentences in Hillsborough County.[4]



At the time of sentencing, many offenders have already served a portion of their sentence in jail, pending disposition of the case. If the offender is then sentenced for a term of incarceration longer than a year, he or she is transferred to a state facility. Each prisoner transferred to a state facility is first transported to a reception center.[5]

For FY 2010-11, the department reported an average per diem of $53.35 for all facilities, $42.36 for adult male custody facilities, $63.12 for male youthful offender custody facilities, and $69.74 for adult and youthful female

[1] *See* s. 944.17(3), F.S.
[2] Criminal Justice Estimating Conference, "Criminal Justice Trends," December 14, 2011, p. 35, http://edr.state.fl.us/content/conferences/criminaljustice/trends.pdf (last visited 5/2/2012).
[3] *Id.*
[4] *Id.* at p. 37.
[5] *See* s. 944.17(3), F.S.

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custody facilities.[6] Reception centers average a higher per diem of $96.90.[7] Because of the higher cost of reception centers, the overall cost of a sentence just over a year in length, which requires transferring the prisoner to a state facility, may be more per inmate than a sentence just under a year, which is served in a local facility only.

Incentives for Local Incarceration

California, Colorado, Illinois, Kansas, and Texas provide incentives to localities for successfully supervising offenders in the community instead of sending them to state prison.[8] Under these arrangements, local correctional agencies receive state funding and other assistance to implement community-based programming with the goal of reducing recidivism and supervision violations that result in probation revocations.[9]

In Illinois, the Crime Reduction Act[10] established the Adult Redeploy Illinois program, which provides financial incentives to local jurisdictions for designing and utilizing community-based programs to treat offenders instead of sending them to state facilities. Texas utilizes a grant program for counties to implement a system of progressive community-based sanctions.[11] California provides funding to counties for implementing community-based sanctions for probation and parole violations in lieu of prison.[12] In the first year of implementation of a law providing funding to counties for implementing community-based sanctions, Arizona experienced a 14.5 percent decrease in probation revocations to prison.[13]

A potential issue with incentive programs is that data reported by localities may not accurately reflect true diversion from state facilities. In order to receive incentive funds, localities may improperly report diversions of individuals who would have been sentenced to local jails or community-based alternatives without the incentives in place. Other concerns about increasing community-based sanctions include increased potential for absconding.

B. ELECTRONIC MONITORING

Electronic monitoring (EM) by location tracking devices can be used as an aid in supervising pre-trial releasees and sentenced offenders who are not incarcerated. In Florida, electronic monitoring is primarily used by the Department of Corrections (DOC or department) to provide an extra measure of security for high-risk offenders under some form of community supervision, particularly sex offenders. In recent years there have been proposals to reduce corrections costs by replacing all or part of a term of incarceration of low-risk offenders with less expensive community supervision, including EM. In addition to reducing costs, it has been suggested that use of EM may support successful reentry into the community by providing for a period of supervision before release from custody.

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[6] Department of Corrections, "2010-2011 Annual Report," 2011, p. 7, http://www.dc.state.fl.us/pub/annual/1011/pdfs/AR1011-Final.pdf (last visited 5/2/2012).
[7] *Id.*
[8] National Conference of State Legislatures (NCSL), "Innovations in Community Corrections," 2010, p. 2, http://www.ncsl.org/documents/cj/pew/innovations.pdf (last visited 5/2/2012).
[9] *Id.*
[10] *See* 730 ILL. COMP. Stat. 190 (2012).
[11] *See* TEX. CODE ANN. §509.0017 (2011).
[12] *See* CAL. PENAL CODE §1228-1233.8 (2012).
[13] *See* ARIZ. REV. STAT. ANN. §12-270 (repealed 2011). The law was first implemented during FY 2009-10. Due to state budget shortfalls, the Arizona Legislature suspended reinvestment of savings in communities for FY 2010-11. NCSL, "Innovations in Community Corrections," 2010, p. 2, http://www.ncsl.org/documents/cj/pew/innovations.pdf (last visited 5/2/2012).

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Requirements for Electronic Monitoring in Florida

Chapter 948, F.S., permits a sentencing court to order EM for offenders placed on probation or community control.[14] The Florida Parole Commission may also use EM as a condition of post-release supervision.[15] In some cases, the court is required to order EM due to the offender's current or past offenses.[16] The most stringent requirement is found in s. 948.012, F.S., which requires a minimum 25-year prison sentence followed by lifetime supervision with electronic monitoring for any adult offender who commits lewd or lascivious molestation against a child under 12 years of age.[17] EM is a required condition for offenders placed on sex offender probation for certain sex offenses, but can only be ordered "when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections."[18]

Apart from the statutory authority given to the courts, DOC has discretion pursuant to section 948.11(1), F.S., to place a community controlee on EM. The department does not exercise this discretion based on case law that an offender's failure to submit to EM ordered by the department cannot be a basis for revocation of community control.[19]

As of February 29, 2012, the department was actively supervising 114,761 offenders on some form of supervision in the community.[20] Of those offenders, 2,984 were being electronically monitored, with the majority (2,981) monitored by global positioning system (GPS) and the remaining 3 by radio frequency (RF) systems.[21] Of the monitored offenders, 1,934 were sex offenders or sexual predators.[22]

Electronic Monitoring Systems and Costs

EM systems mainly consist of two types: radio frequency (RF) monitoring or global positioning system (GPS) monitoring. Early EM systems used RF technology to alert or record an instance when the offender left a restricted area. These systems were typically used to monitor individuals under house arrest and do not provide information about the offender's location when the offender moves outside the range of the receiver.

In 2011, Florida's RF monitoring cost was $1.97 per day per monitored offender, making RF the least expensive form of electronic monitoring. RF system limitations and laws requiring use of monitoring with location tracking technology for sex offenders have led to reduced use by the department.[23]

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[14] Section 948.101(1)(d), F.S., specifically provides that a court may order electronic monitoring as a condition of community control for any offender. Section 948.03(2), F.S. authorizes a sentencing court to order special conditions of probation not specifically set forth in statute.

[15] The Parole Commission's discretionary authority is authorized by s. 947.18, F.S., (parole), s. 947.1405, F.S., (conditional release), and s. 947.149, F.S., (conditional medical release).

[16] *See* ss. 775.082(3), 947.1405, 948.012, and 948.30(3), F.S.

[17] *See* s. 800.04(5)(b), F.S.

[18] Section 948.30(2)(e), F.S. The Jessica Lunsford Act, Ch. 2005-28, L.O.F., made significant changes to Florida's electronic monitoring program. Among the provisions of the Act were requirements for electronic monitoring of certain sex offenders. Before passage of the Jessica Lunsford Act, the only statute mandating the sentencing court to require electronic monitoring was found in s. 948.101(1)(b), F.S., and applied only to offenders placed on criminal quarantine community control for criminal transmission of HIV. No offenders were ever placed on this form of community supervision, and it was removed from the statutes in 2010.

[19] *See Carson v. State*, 531 So. 2d 1069 (Fla. 4th DCA 1988) and *Anthony v. State*, 854 So. 2d 744 (Fla. 2d DCA 2003).

[20] Another 30,768 offenders were in active-suspense supervision status, meaning that the offender was unavailable for direct supervision for reasons such as incarceration or hospitalization, but was still being monitored by a probation officer. Additionally, the department was monitoring 6,520 offenders whose supervision had been transferred out of state, and 29,342 offenders had absconded from supervision. Department of Corrections, "Florida's Community Supervision Population Monthly Status Report," February 2012, p. 3, http://www.dc.state.fl.us/pub/spop/2012/02/0212.pdf (last visited 5/2/2012).

[21] *Id.* at p. 2.

[22] *Id.*

[23] The Jessica Lunsford Act requires the department to use "a system that actively monitors and identifies the offender's location and timely reports or records the offender's presence near or within a crime scene or in a prohibited area or the offender's departure from

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GPS technology allows tracking of an offender's location even when he or she moves away from a fixed location using satellite positioning. Active GPS monitoring provides real-time reporting of an offender's location by incorporating a cell phone into the equipment in order to transmit location coordinates to a monitoring station. The monitoring station alerts the probation officer when the offender either leaves an area to which he or she is restricted or enters an area from which he or she is barred. An active GPS monitoring system includes a Mobile Tracking Device (MTD) that receives, stores, and transmits the location data as well as displays messages and instructions from the monitoring station or probation officer. In 2011, Florida's GPS monitoring cost was approximately $8.94 per day per monitored offender.

Section 948.09, F.S., requires the monitored offender to pay the full cost of the electronic monitoring services. The department has authority to exempt the offender from all or part of the payment under certain circumstances, such as inability to find a job.[24] Willful failure to pay non-exempted monitoring costs is grounds for the court to find a violation of the conditions of supervision. Few offenders have the financial resources to pay this amount on top of restitution, court costs, supervision fees, and other fees that have priority for payment.

Impact of Electronic Monitoring on Supervision

In 2010, researchers from the Florida State University College of Criminology and Criminal Justice submitted a report to the United States Department of Justice that addressed whether EM is "an effective and cost efficient correctional strategy that increases the level of monitoring and supervision of high-risk offenders while maintaining public safety."[25] The study found that:

- Overall, EM reduces the likelihood that an offender will not successfully complete community supervision by approximately 31% relative to the supervision failure rate of offenders who are not subject to it.[26]
- EM significantly reduces the failure rate for all types of offenders but has less of an impact on violent offenders than on offenders who committed sex, drug, property, or other types of crimes.[27]
- Offenders who were monitored by use of active GPS monitoring had a 6% improvement rate in the reduction of supervision failures relative to offenders who were on RF monitoring.[28]

The study also noted drawbacks of EM, including:

- Offenders believe EM has negative consequences on their relationships with their spouses, significant others, and children, and a large proportion felt shame and were stigmatized by others disproportionate to their actions as a result of being on EM.[29]
- Offenders and officers were nearly unanimous in stating that EM is a detriment to the ability to obtain and maintain employment.[30]

A previous study conducted by researchers at the Florida State University found significant reductions in absconding and in revocations for technical violations or new offenses among electronically monitored

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specified geographic limitations" for any court-ordered EM of a probationer, community controlee, or conditional releasee who has a conviction for a violent or sexual offense. Section 948.11(6), F.S.

[24] Section 948.09(2) and (3), F.S.

[25] Bales, Bill, et al., *A Quantitative and Qualitative Assessment of Electronic Monitoring*, The Florida State University College of Criminology and Criminal Justice, Center for Criminology and Public Policy Research, January 2010, p. 5, https://www.ncjrs.gov/pdffiles1/nij/grants/230530.pdf (last visited 5/2/2012).

[26] *Id.* at p. 64.

[27] *Id.*

[28] *Id.*

[29] *Id* at p. xi.

[30] *Id.*

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offenders as compared to those who were not electronically-monitored. The study also found that electronic monitoring was effective across a range of violent, property, and drug offenders.[31]

The National Conference of State Legislatures (NCSL) Sentencing and Corrections Work Group provided that the value of intermediate sanctions, including EM, "depends upon policies that target resources effectively and focus the highest-level supervision on the highest-risk offenders. Creating more intensive supervision for lower-risk offenders usually does not help meet corrections goals, affect cost control, or reduce reoffending."[32] When used in lieu of incarceration, the Work Group noted that EM can benefit offenders by allowing them to continue working, attend treatment, support their families, and remain in their residences.[33]

The Office of Program Policy Analysis and Government Accountability (OPPAGA) found that in addition to offender costs for EM, logistical problems may occur in monitoring homeless persons lacking a permanent residence and the ability to recharge the unit for eight hours each day. Additionally, in rural areas offenders may be unable to acquire cellular signal for GPS monitoring, and offenders may not meet land-line telephone requirements for RF monitoring.[34]

In a 2010 report, OPPAGA found that increased use of intermediate sanctions, including community supervision with electronic monitoring, could reduce prison costs, but also has both positive and negative considerations.[35] OPPAGA determined that although the majority of persons on EM were sex offenders (70%), non-violent offenders with a Criminal Punishment Code score sheet total in the 45-60 point range are another population that may be effectively sanctioned with EM.[36] EM could be used as a sentencing alternative for persons driving with suspended licenses.[37] OPPAGA estimated potential savings of $1.2 million in the first year for every 100 offenders diverted from prison to EM supervision.[38]

Change and Efficiency

Recommendations

The Task Force recommends providing the Department of Corrections with flexibility to develop and implement cost savings initiatives, in conjunction with counties. The department should have the flexibility to implement new models of inmate transfer, assignment, or supervision if determined to effectively carry out inmate sentences, following existing statutory requirements, while achieving cost savings. Counties should be able to submit cost savings proposals to the department and appeal decisions to the Governor and Cabinet.

The Task Force recommends providing incentives for counties to participate in initiatives that will achieve efficiencies and cost savings for the state. Incentives should be created for arrangements that

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[31] Padgett, Kathy G., William D. Bales, and Thomas G. Blomberg, "Under Surveillance: An Empirical Test of the Effectiveness and Consequences of Electronic Monitoring," *Criminology & Public Policy* 5/1, February 2006, http://ccoso.org/undersurveillance.pdf (last visited 5/8/2012).

[32] NCSL Sentencing and Corrections Work Group, "Principles of Effective State Sentencing and Corrections Policy," August 2011, p. 11, http://www.ncsl.org/documents/cj/pew/WGprinciplesreport.pdf (last visited 5/2/2012).

[33] *Id*. at p. 12.

[34] OPPAGA, "Intermediate Sanctions for Non-Violent Offenders Could Produce Savings," Report No. 10-27, March 2010, p. 5, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1027rpt.pdf (last visited 5/2/2012).

[35] *Id*. at p. 2.

[36] Section 921.0024, F.S., provides a score sheet for determining the lowest permissible prison sentence under the Criminal Punishment Code. The lowest permissible sentence for an offender with 45 or 60 points is 12 or 24 months, respectively. *Id.* at p. 4.

[37] This sanction already exists within the state corrections system but is not commonly used by judges at sentencing. OPPAGA, "Several Alternatives Could Be Used to Reduce Increasing Imprisonment of Persons Driving with Suspended Licenses," Report No. 08-12, March 2008, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0812rpt.pdf (last visited 5/2/2012).

[38] This assumes that 75% of diversions will result in successful outcomes. Savings estimate includes expanding the number of probation officers employed by DOC to serve additional offenders. OPPAGA, "Intermediate Sanctions for Non-Violent Offenders Could Produce Savings," Report No. 10-27, March 2010, pp. 3-5, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1027rpt.pdf (last visited 5/2/2012).

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promote flexibility and produce mutually-beneficial arrangements for the state and counties. Incentives may include, but are not limited to, diversion of inmates from state to local facilities and increased utilization of community supervision, including electronic monitoring.

C. RISK AND NEEDS ASSESSMENT INSTRUMENTS

Florida's Sentencing Policies

Florida's sentencing policies use items such as nature of the primary offense and any additional offenses, prior criminal history, and injury to the victim to calculate a recommended sentence for the offender. This type of determinant sentencing is put forth in the Criminal Punishment Code.[39] Section 921.002(1)(b), F.S., provides, "The primary purpose of sentencing is to punish the offender. Rehabilitation is a desired goal of the criminal justice system but is subordinate to the goal of punishment."[40] To this end, the Criminal Punishment Code provides that sentences should be commensurate with the severity and circumstances of the primary offense, increase with the length and nature of the offender's prior record, and prioritize incarceration toward offenders of serious offenses and those with long prior records.[41]

A sentencing scoresheet must be completed for each felony defendant prior to sentencing.[42] The offender's score determines the lowest permissible sentence, with upward discretion to the statutory maximum sentence. Florida's sentencing guidelines scoring system has been shown to serve as a valid indicator of offender seriousness.[43] The weighted score produced by this system takes into account an offender's primary offense and all additional offenses, his or her prior record and the seriousness of prior offenses, and other circumstances of the criminal event (victim injury, weapon use, supervision violation, etc.). A study by Padgett, Bales, and Blomberg stated that "In the absence of risk scores derived from psychological or other such inventories, this indicator of offender seriousness is the best available quantitative measure of the risk an offender poses to public safety."[44]

Sentencing Tools

Actuarial risk and needs assessment tools use data about past cases to identify the indicators most closely associated with the likelihood of future criminality. After validation through testing on a known correctional population, this data is applied to individual offenders to produce recommendations based on offender characteristics, criminal history, and severity of current offense.

Once used largely by probation and parole departments to help determine the best supervision and treatment strategies for offenders, use of risk and needs assessment tools is expanding to inform decisions at other points in the criminal justice process. At sentencing, risk and needs assessments are intended to assist judges by providing information on risk management and reduction. Costs of different sentencing options may also be included in results. Judges consider this information in balancing the many purposes of sentencing, including punishment, rehabilitation, deterrence, restitution, recidivism, and public safety.

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[39] *See* s. 921.002, F.S.
[40] Section 921.002(1)(b), F.S.
[41] Section 921.002(1), F.S.
[42] Section 921.0024(7), F.S. The Florida Criminal Punishment Code worksheet is provided in s. 921.0024(1), F.S.
[43] Burton, Susan E., et al., "Applying a Crime Seriousness Scale to Measure Changes in the Severity of Offenses by Individuals Arrested in Florida," *Justice Research and Policy* 6/1, 2004.
[44] Padgett, Kathy G., William D. Bales, and Thomas G. Blomberg, "Under Surveillance: An Empirical Test of the Effectiveness and Consequences of Electronic Monitoring," *Criminology & Public Policy* 5/1, February 2006, p. 68, http://ccoso.org/undersurveillance.pdf (last visited 5/8/2012).

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Application of Risk and Needs Assessment Instruments

According to the National Center for State Courts' National Working Group on Using Risk and Needs Assessment Information at Sentencing, risk and needs assessment tools are effective in determining:

- Public safety and risk management;
- Amenability to probation, community supervision, and intermediate sanctions;
- Effective behavioral treatment options;
- Suspension of all or part of a sentence; and
- Effective conditions of probation and responses to violations.[45]

The Pew Center on the States has found that "whether a particular offender is an appropriate candidate for recidivism reduction cannot accurately be assessed relying solely on the type of offense committed and the offender's prior criminal history. Individual offender characteristics must also be taken into consideration."[46] Pew recommends providing sufficient flexibility to consider recidivism reduction options and that state sentencing rules should avoid mandates that prohibit judges from granting probation.[47]

Alabama, Oregon, California, Arizona, Idaho, South Carolina, Utah, Washington, and Wisconsin have implemented evidence-based sentencing or declared recidivism reduction a goal of sentencing in recent years. Studies have found that actuarial risk and needs assessment tools that use data on prior cases to identify the likelihood of future criminality can be as accurate as human judgment in predicting risk of recidivism, but recommend use of both a third-generation actuarial toll and professional judgment.[48]

The first state supreme court decision to discuss the use of risk and needs information at sentencing was in Indiana in *Malenchik v. State*.[49] In the decision, the Indiana Supreme Court distinguishes use of risk and needs assessment for sentencing alternatives for risk and recidivism management from sentencing as a punishment for criminal behavior. The *Malenchik* decision provides that risk and needs "evaluations and their scores are not intended to serve as aggravating or mitigating circumstances nor to determine the gross length of sentence, but a trial court may employ such results in formulating the manner in which a sentence is to be served."[50]

Risk and Needs Assessments in Other States

A 2010 survey by the Vera Institute of Justice found that over 60 community supervision agencies in 41 states reported using an actuarial assessment tool.[51] Of the survey respondents, 82 percent assessed both risk and need, and the remaining 18 percent assessed only risk.[52]

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[45] Casey, Pamela M., Roger K. Warren, and Jennifer K. Elek, "Using Offender Risk and Needs Assessment Information at Sentencing," National Center for State Courts, 2011, http://www.ncsc.org/~/media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Sentencing%20Probation/RNA%20Guide%20Final.ashx (last visited 5/2/2012).

[46] Pew Center on the States, "Arming the Courts with Research: 10 Evidence-Based Sentencing Initiatives to Control Crime and Reduce Cost," May 2009, p. 2, http://cdpsweb.state.co.us/cccjj/pdf/june%202009/pew%20arming%20the%20courts%20with%20research.pdf (last visited 5/2/2012).

[47] *Id.* at p. 2.

[48] *See* Andrews, D.A., James Bonta, and J. Stephen Wormith, "The Recent Past and Near Future of Risk and/or Need Assessment," *Crime and Delinquency* 52, January 2006; Gendreau, Paul, Tracy Little, and Claire Goggin, "A Meta-Analysis of the Predictors of Adult Offender Recidivism: What Works!" *Criminology* 34/4, 1996.

[49] *Malenchik v. State* 928 N.E.2d 564 (Ind. 2010).

[50] *Id.* at p. 575.

[51] Reponses were received from 72 agencies across 41 different states. Agencies included probation, parole, and releasing authorities. Vera Institute of Justice Center on Sentencing and Corrections memo to Illinois Risk, Assets and Needs Assessment Task Force, May 27, 2010, p. 1, http://www2.illinois.gov/idoc/Documents/National_Information_Offender_Assessments_PartII_Memo.pdf (last visited 5/2/2012).

[52] Nearly all responding probation agencies conduct their assessments in the pre-sentence phase. Releasing authorities were more likely to assess only risk. *Id.* at pp. 1-2.

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As of 2010, the Level of Service Inventory-Revised (LSI-R) was the most commonly used assessment tool and was utilized by at least 16 states.[53] LSI-R is used to predict recidivism across a range of correctional settings and assists in determining the necessary level of supervision, sentencing, program or institutional classification, and release from custody. The tool consists of a 54-item scale in the areas of prior criminal history, education, employment, financial situation, family relationships, use of leisure time, companions, alcohol or drug use, mental health, and criminal attitudes.[54]

Other assessment tools include: the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) and the Level of Service/Case Management Inventory (LS/CMI).[55] Several states use state-specific assessment tools, including Ohio, Arizona, Wisconsin, Virginia, and California.

Virginia implemented a risk assessment instrument created by a state Sentencing Commission in 2003.[56] Since that time, Virginia judges have used the tool to successfully divert 25% of Virginia's nonviolent offenders who would have otherwise been incarcerated to alternative sanctions programs.[57] Beginning in 2013, Kentucky will include risk and needs assessments in pre-sentence reports, allowing judges to review a defendant's likelihood of future criminal behavior when considering sentencing options.[58]

Missouri's Sentencing Commission developed the Recommended Sentencing Application (RSA), a web-based sentencing tool that provides extensive information about sentencing options and the risks and costs associated with each alternative.[59] RSA calculates recommended sentences, risk assessments, and recidivism projections using gender, prior felony convictions, prior misdemeanors, prior incarcerations, revocations, time since last conviction/release, recidivist offense, education, employment, substance abuse, escapes, and age. Also included in results are the estimated costs of incarceration, supervision, and community-based alternatives, allowing the judge to weigh projected results with estimated costs of sentences.[60]

Change and Efficiency

Recommendations

The Task Force recommends investigating implementation of a web-based risk and needs assessment tool for use at time of sentencing. Using data on the indicators most closely associated with the likelihood of future criminality, risk and needs assessment tools can provide recommended options based on the individual offender's risk of recidivating and effectiveness of various sentencing options. The state should investigate implementing a risk and needs assessment tool to provide judges with additional information on sentencing to effectively manage and reduce risk. Estimated costs for sentencing options should be included in the tool to allow judges to weigh projected results with estimated costs of sentences. The tool should be made available to judges at the time of sentencing and to the public through a web portal.

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[53] *Id.* at p. 1.
[54] Watkins, Ian, "The Utility Level of Service Inventory – Revised (LSI-R) Assessments within NSW Correctional Environments," Corrective Services NSW Research Bulletin No. 29, January 2011, p. 2, http://143.119.253.176/__data/assets/pdf_file/0018/302526/utility-of-level-of-service-inventory-.pdf (last visited 5/8/2012).
[55] Vera Institute of Justice Center on Sentencing and Corrections memo to Illinois Risk, Assets and Needs Assessment Task Force, May 27, 2010, p. 1, http://www2.illinois.gov/idoc/Documents/National_Information_Offender_Assessments_PartII_Memo.pdf (last visited 5/2/2012).
[56] *See* Section 17.1-803(5,6), Code of Virginia.
[57] Target populations for diversion include property and drug offenders. Warren, Roger K., "Evidence-Based Sentencing: The Application of Principles of Evidence-Based Practice to State Sentencing Practice and Policy," *University of San Francisco Law Review* 43, 2009, p. 608.
[58] NCSL Sentencing and Corrections Work Group, "Principles of Effective State Sentencing and Corrections Policy," August 2011, p. 4, http://www.ncsl.org/documents/cj/pew/WGprinciplesreport.pdf (last visited 5/2/2012).
[59] The Missouri Sentencing Advisory Commission Model can be visited at www.courts.mo.gov/rs/ (last visited 5/2/2012).
[60] *See* www.courts.mo.gov/rs/ (last visited 5/2/2012).

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The Task Force recommends performing a study to determine the potential cost savings resulting from implementing a risk and needs assessment tool. Allowing for judicial discretion at time of sentencing, an assessment tool may lead to savings if judges select appropriate sentencing options that have lower costs. A study should be performed to determine the estimated savings from implementation of an assessment tool that includes costs with recommended sentencing options.

Programs that address the individual needs of inmates and prepare them for successful re-entry into the community should be utilized when appropriate, based on assessments performed at time of sentencing and at time of intake. Educational, vocational, chemical dependency, faith, and character-based programs should be expanded as part of recidivism reduction and re-entry programs.[61]

To effectively implement the recommendations, flexibility in sentencing must be provided to judges. Options presented by a risk and needs assessment tool and initiatives partnering the state and counties must be available for judges to utilize at their discretion.

The Task Force recommends that stakeholders develop recommendations to the Legislature for increasing flexibility in sentencing guidelines. Judges should be provided with the flexibility to consider the many purposes of sentencing, including punishment, rehabilitation, deterrence, restitution, recidivism reduction, and protection of public safety, as well as cost. Judges should be given flexibility to determine the balance of these elements and most effective method of sentencing for each individual offender. Mandatory sentencing requirements should be evaluated and modified, if necessary, when determined to ineffectively limit judicial discretion.

[61] *See also* the Task Force recommendations on Inmate Education and Re-entry.

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FL-SEN-20-0201-B, 20-0202-A-004198

Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Early Learning Time and Attendance

RECOMMENDATION SUMMARY

On December 7, 2011, the Government Efficiency Task Force approved the following recommendations regarding early learning time and attendance by a vote of 12 yeas, 1 nay:

- The Task Force recommends that the Office of Early Learning adopt an electronic form of attendance submission for Voluntary Prekindergarten (VPK) and School Readiness (SR) programs. An electronic form of attendance submission is estimated to save **$4 million** per year by eliminating the manual paper process and reducing staff time.

- The Task Force recommends adopting a point of service system utilizing either electronic swipe cards or biometrics to supplement an electronic time and attendance submission process. Adopting this system would:
    - Reduce human error and fraud that result in improper payments;
    - Reduce the time burden on providers in collecting and recording attendance data;
    - Reduce the amount of paper record keeping required of providers;
    - Allow for quicker audits of attendance records;
    - Allow for quicker turnaround time on payments for SR and reconciliation for VPK; and
    - Allow for real time attendance data.

- The savings would be between **$40-60 million** per year if Florida were to realize similar results of other states that have utilized a point of service system. The savings would be based on the reduction of improper payments.

- The Task Force recommends ensuring sufficient time is allowed for implementation and training so providers can effectively learn to use the system.

- The Task Force recommends allowing for the sharing of time and attendance data with other agencies that utilize the information.

- The Task Force recommends utilizing other states' experiences with the point of service system to avoid common implementation mistakes.

- The Task Force recommends leveraging predicted savings in order to pay for the point of service system.

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FULL RECOMMENDATION(S) ANALYSIS

I. RECOMMENDATIONS(S) AND BACKGROUND

A. SCHOOL READINESS AND VOLUNTARY PREKINDERGARTEN EDUCATION

School Readiness Program

The School Readiness (SR) Program was created in 1999.[1] The program provides subsidies for early childhood education and child care services to:

- Children of low-income families;
- Children in protective services; and
- Children with disabilities.[2]

The Florida Legislature created regional Early Learning Coalitions (ELCs) in order to administer the SR program at a local level (see appendix one for map).[3] The SR program is administered by the ELCs at the county and regional level, while the Office of Early Learning (OEL) coordinates at the state level.[4] Children are admitted to the program using a priority based system.[5]

The SR program currently has 138,955 children enrolled and 5,054 providers.[6] In FY 2010-11, the state spent $434,835,140 on providers.[7]

School Readiness Program

	# of Children (current)	# of Providers (current)	Amount Spent in FY 2010-11
SR Program	138,955	5,054[8]	$434,835,140

Voluntary Prekindergarten Education Program

The Voluntary Prekindergarten (VPK) program was created by constitutional mandate in 2002 and enacted in law in 2005. The Florida Constitution provides that:

> Every four-year old child in Florida shall be provided by the State a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards.[9]

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[1] *See* Ch. 99-357 L.O.F.
[2] Section 411.01(6), F.S.
[3] Section 411.01(5), F.S.
[4] The program was administered by the Agency for Workforce Innovation but is now administered by the Office of Early Learning.
[5] *See* s. 411.01(6), F.S.
[6] These numbers are for FY 2011-12 and were provided by the Office of Early Learning (copy on file with Government Efficiency Task Force staff).
[7] Fiscal information provided by the Office of Early Learning. The amount paid to providers is a mix between a federal block grant and state money. In FY 2010-11, a total amount of $615.4 million was appropriated for the SR program: $353.6 million from CCDF block grant, $116.4 million from TANF block grant, $136 million from state general revenue, $9 million from other state funds, and $500,000 from other federal sources. *See* Specific Appropriation 2243, s. 6, Ch. 2010-152, L.O.F.
[8] There are also an additional 3,968 providers that participate in both the SR and VPK program for a total of 10,869 providers for the two programs.
[9] Section 1(b), Art. IX, Florida Constitution.

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A VPK provider may be:

- A school-year prekindergarten program delivered by a private prekindergarten provider;[10]
- A summer prekindergarten program delivered by a public school or private prekindergarten provider;[11]
- A school-year prekindergarten program delivered by a public school;[12] or
- A specialized instructional service program for children who have disabilities.[13]

A full-time VPK program consists of 540 instructional hours, while a summer VPK program consists of 300 instructional hours.[14]

The VPK program currently has 134,777 children enrolled and 1,847 providers.[15] The program is overseen by OEL and administered through the 31 ELCs.[16] In FY 2010-11, the state spent $382,607,156 on providers.[17]

Voluntary Prekindergarten Education Program

	# of Children (current)	# of Providers (current)	Amount Spent in FY 2010-11
VPK	134,777	1,847[18]	$382,607,156

B. CURRENT ATTENDANCE AND PAYMENT SYSTEM

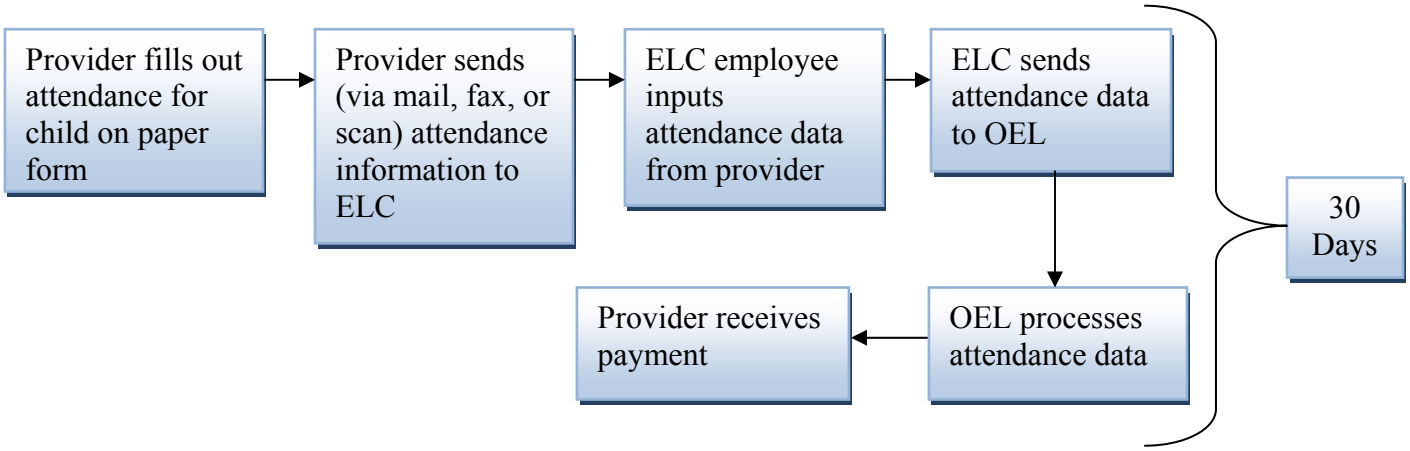
School Readiness Program

The current attendance system for SR is a paper based system in which the provider records time and attendance for each child enrolled at the facility. The attendance paperwork is then sent to the ELCs responsible for that facility. Data is input by the ELC staff and sent to OEL, which processes the data and then issues payment to the provider. The cycle takes an average of 30 days from submission of attendance to receipt of payment.[19]

[10] Section 1002.53(3)(a), F.S., with the requirements to be a private provider pursuant to s. 1002.55, F.S.
[11] Section 1002.53(3)(b), F.S., with the requirements to be a private provider pursuant to s. 1002.61, F.S.
[12] Section 1002.53(3)(c), F.S.
[13] Section 1002.53(3)(d), F.S., with the requirements to be a specialized services program pursuant to s. 1002.71, F.S.
[14] Section 1002.71(2), F.S.
[15] These numbers are for FY 2011-12 and were provided by the Office of Early Learning (copy on file with Government Efficiency Task Force staff). The percentage breakdown of providers is: private centers 81%, public schools 16 %, family day care homes 2%, and private schools 1%.
[16] The Early Learning Coalitions are those that were created pursuant to s. 411.01, F.S.
[17] Information provided by the Office of Early Learning (copy on file with Government Efficiency Task Force staff).
[18] There are also an additional 3,968 providers that participate in both the SR and VPK programs for a total of 10,869 providers for the two programs.
[19] The average is based on information provided by the Office of Early Learning (copy on file with Government Efficiency Task Force staff).

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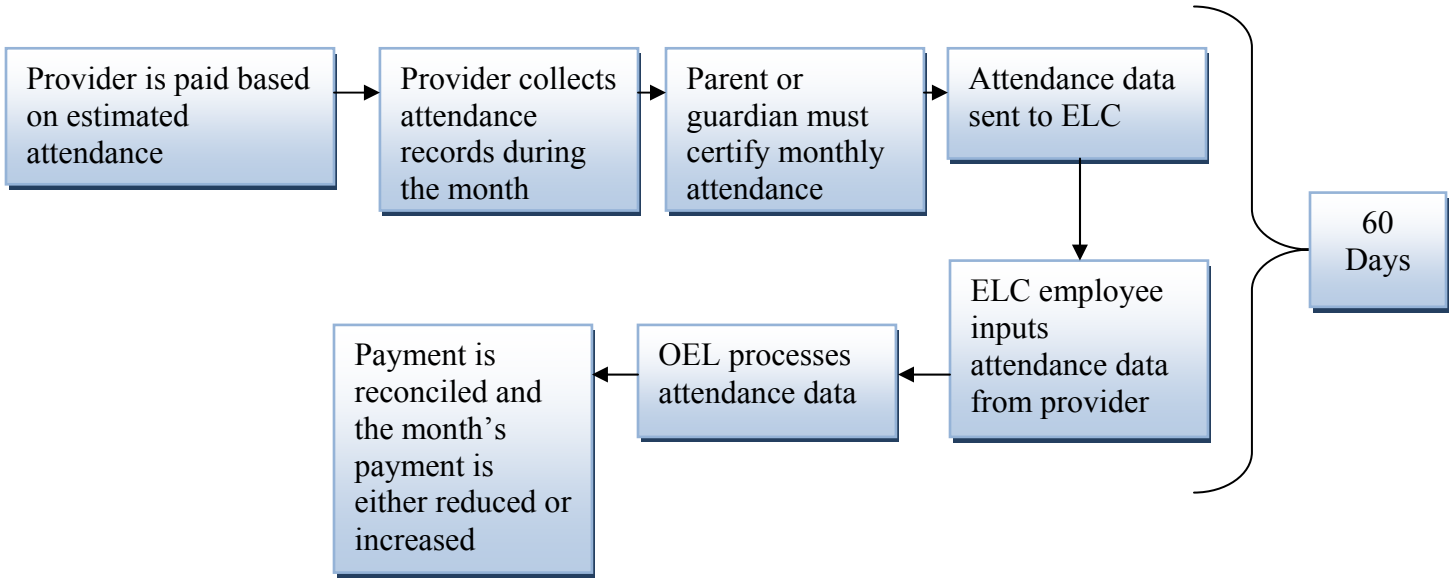
Current SR Attendance and Payment Flow Chart



Voluntary Prekindergarten Education Program

The current attendance system for VPK is a paper-based system similar to the SR process. The main difference is that VPK providers are paid a month ahead and the payment is reconciled after attendance has been provided to the ELC.[20] The parent or guardian is also required to certify the child's attendance every month.[21] The process takes about 60 days to reconcile the actual payment owed to the provider.

Current VPK Attendance and Payment Flow Chart



[20] *See* s. 1002.71(5)(b), F.S.
[21] *See* s. 1002.71(6)(b)(2), F.S. Pursuant to s. 1002.71(6)(b)(3), F.S., the provider must keep each monthly certified attendance form for two years.

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Change and Efficiency

There are two primary inefficiencies in the current system of time attendance in the SR and VPK programs: the paper based collection of attendance and the dependence on the provider for attendance records.

Paper-Based System

The paper based system is a burden on OEL, the ELCs, and the provider.[22] The provider is required to turn in attendance to the ELC on a specific form. The ELC must then manually enter the attendance data, which is sent to OEL. The process creates a great amount of paperwork and recordkeeping. OEL estimates that it processes over 34,500 paper attendance rosters per month.

Recommendations

The Task Force recommends that OEL adopt an electronic form of attendance submission.[23] Decreasing paperwork and redundancies in data entry would reduce payment errors, eliminate waste, and decrease the amount of time it takes for OEL to receive attendance data and process provider payments. The end result would be increased efficiency in distributing payment to the provider. OEL estimated that the electronic submission would save an estimated $4 million per year.[24]

Point of Service System

The electronic submission process for attendance would reduce paperwork, but would not address the issue of reliance on the provider for attendance records. A point of service system for checking the child in and out would provide additional efficiencies and savings. The point of service system addresses two issues that lead to improper payments: the first is the possibility of mistakes made by the provider in keeping the records; the second is the possibility of fraud.

The current paper system and the proposed Early Learning Information System (ELIS) rely on the provider for the attendance records. The provider takes the initial attendance,[25] records the attendance on a form, and sends the form (or with ELIS submits the data electronically) to the ELC. By requiring multiple people and steps in order to report attendance, the process is open to the possibility of mistakes. Neither the current process nor the ELIS project addresses these issues.

The current system and the proposed ELIS system do not prevent fraud. For VPK, 20% of the total payment made on behalf of a student to a provider may be for hours during which the student was absent.[26] For SR, the provider may be reimbursed for up to three days per calendar year that the child was absent.[27] This puts tremendous pressure on the provider to make sure the child is present. If the child exceeds the amount of absences allowed by statute or rule, then the provider is not paid. This provides a possible incentive to submit inaccurate attendance records if students are chronically absent.

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[22] Two Early Learning Work Group members, Mrs. Belinda Keiser and Mr. Robert Stork, visited ELCs and providers and testified at the November 29, 2011, Work Group meeting. The Work Group members testified that there are "voluminous amounts of paperwork," and "providers were open to anything that reduced paperwork." A recording of their testimony is available at http://www.floridaefficiency.com/meetings.cfm (last visited 11/30/2011).

[23] The Early Learning Information System (ELIS) is designed to have the ability to allow the provider to submit attendance data on-line rather than on a paper form. For more information on the ELIS project please see http://www.floridaearlylearning.com/EarlyLearning/OEL_SysDev_ELIS.html (last visited 11/30/2011).

[24] This information is based on the Office of Early Learning Project Briefing from November 1, 2011 (copy on file with Government Efficiency Task Force Staff).

[25] Mrs. Keiser and Mr. Stork noted that in their visits to providers, some providers have already invested in a check-in program for parents and guardians that tracks attendance. The provider is still required to manually enter the attendance data on the prescribed forms.

[26] Section 1002.71(6)(d), F.S.

[27] *See* Office of Early Learning Rule 60BB-4.500(2).

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Recommendations

The Task Force recommends adopting a point of service system utilizing either electronic swipe cards or biometrics to supplement an electronic attendance submission process in the Office of Early Learning. Adopting the point of service system would relieve the providers of the responsibility and time requirements of tracking attendance. The parent or guardian would use a swipe card or their finger, in the case of a biometric device, to check the child in and out of the school or day care center. The result would be fewer errors and the reduction in the amount of time the provider must spend in recording attendance data.[28] The point of service system would also reduce multiple steps in recording the attendance, which would result in quicker payments to the provider. The point of service system would also reduce fraud. Since the provider would not be responsible for the attendance data, there is no potential for false attendance records.

The point of service system would:

- Reduce human error and fraud that result in improper payments;
- Reduce the time burden on providers in collecting and recording attendance data;
- Reduce the amount of paper record keeping required of providers;
- Allow for quicker audits of attendance records;
- Allow for quicker turnaround time on payments for SR and reconciliation for VPK; and
- Allow for real time attendance data.

Several other states, including Oklahoma, Indiana, Texas, Louisiana, Colorado, Virginia, New Jersey, North Carolina, Ohio, and Mississippi, have adopted a point of service system. Louisiana adopted a biometric point of service system in 2010 and has estimated savings at $20-30 million per year.[29] Several other states have realized savings of 10%. If Florida were to have similar results, the savings would be $40-60 million dollars per year with implementation of a point of service system.[30]

Other states utilizing point of service systems have varying levels of costs. Oklahoma has approximately 40,000 enrolled children in its SR program and pays $2.97 per month ($1.43 million per year) for swipe card point of service and payment service. Louisiana has approximately 45,000 enrolled children and pays $4.75 per month ($2.57 million per year) for a biometric point of service system. Texas has approximately 148,559 enrolled children and pays $2.66 ($4.74 million per year) for swipe card time and attendance.[31]

Florida has approximately 292,952 students enrolled in SR and VPK for FY 2011-12. If Florida were to adopt swipe card technology for time and attendance collection at a rate similar to Texas, the state would pay about $8.79 million per year.[32] With a conservative savings of 6% of the provider reimbursements, which is a little more than half of what Oklahoma has reported, Florida would net approximately $40 million in savings.

The Task Force recommends leveraging predicted savings in order to pay for the point of service system. Since Florida is nearly double the size of Texas in terms of student population, the state would be able to leverage an economy of scale to competitively bid for a point of service system. The state should also leverage the proposed savings as payment and pay for the service out of the savings only.

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[28] The proposed ELIS system would relieve the ELCs and OEL of the paper process, but providers would still be responsible for maintaining attendance records to submit attendance data and in the case of an audit. The point of service system would save time and money for the providers by reliving them of this responsibility.

[29] Mr. Richard Howze, Undersecretary for Louisiana's Department of Child and Family Services, testified at the November 29, 2011, Work Group meeting that Louisiana saved between $8-10 million the first few months and then saved about $2.5 million per month after that. Mr. Howze also testified that the system paid for itself in less than a year. A recording of his testimony is available at http://www.floridaefficiency.com/meetings.cfm (last visited 11/30/2011).

[30] This estimate is based on a conservative estimate of 5-8% savings of the total amount spent on providers in FY 2010-11 of $817,442,296 (which equates to $40,872,114 to $65,395,383 per year of savings).

[31] The state by state information was provided by ACS (copy on file with the Government Efficiency Task Force staff).

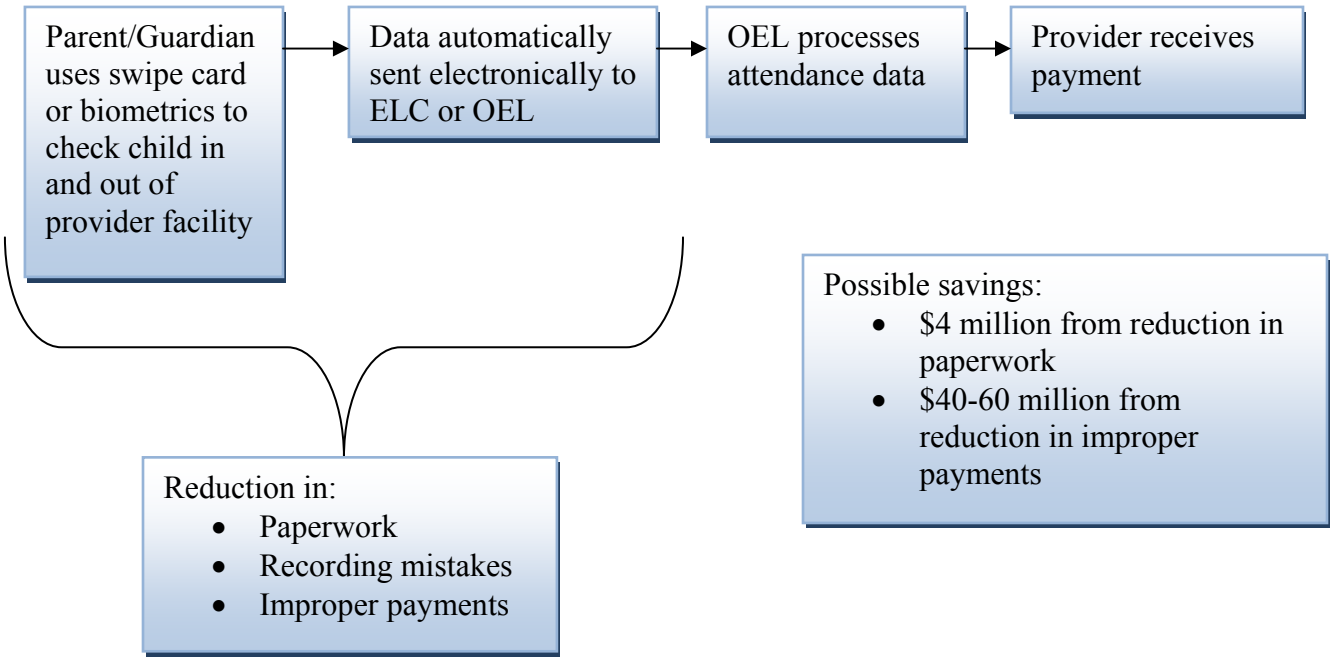
[32] This number is calculated at $2.50 per student per month multiplied by the total number of students for 12 months.

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In implementing a point of service system, the Task Force recommends:

- Ensuring sufficient time is allowed for implementation and training so providers can effectively use the system.[33]
- Allowing for the sharing of time and attendance data with other agencies that utilize the information.[34]
- Utilizing other states' experiences with the point of service system to avoid common implementation mistakes.

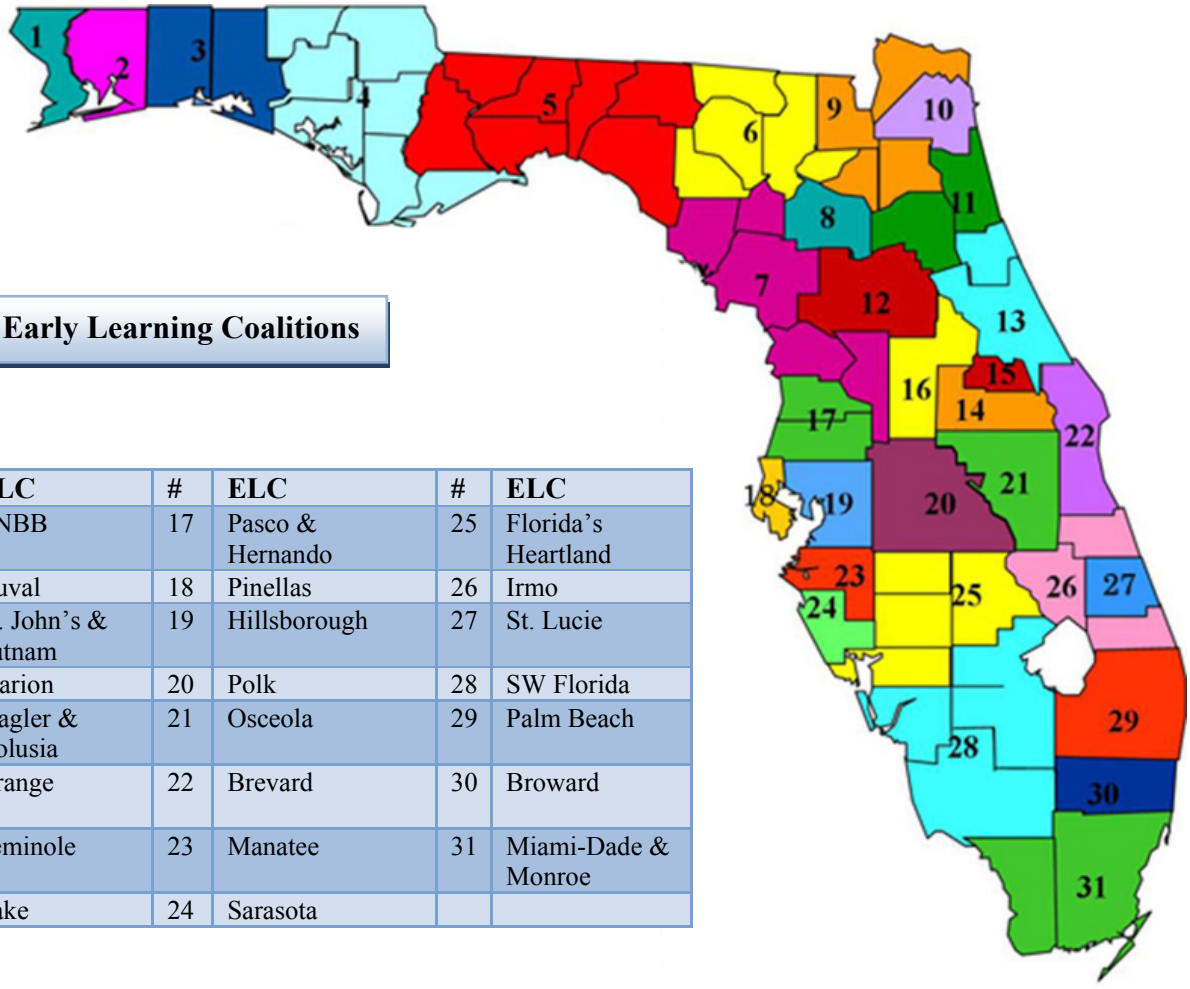
Electronic Attendance Submission Process with Point of Service



[33] In Mr. Howze's testimony, he suggested that a longer implementation and training time would have been beneficial for Louisiana.
[34] The Department of Education and Department of Children and Families utilize time and attendance information.

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Appendix One: Map of Florida's Early Learning Coalitions



#	ELC	#	ELC	#	ELC	#	ELC
1	Escambia	9	CNBB	17	Pasco & Hernando	25	Florida's Heartland
2	Santa Rosa	10	Duval	18	Pinellas	26	Irmo
3	Okaloosa & Walton	11	St. John's & Putnam	19	Hillsborough	27	St. Lucie
4	NW Florida	12	Marion	20	Polk	28	SW Florida
5	Big Bend	13	Flagler & Volusia	21	Osceola	29	Palm Beach
6	Florida's Gateway	14	Orange	22	Brevard	30	Broward
7	Nature Coast	15	Seminole	23	Manatee	31	Miami-Dade & Monroe
8	Alachua	16	Lake	24	Sarasota		

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Inmate Education and Re-entry

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding inmate education and re-entry by a vote of 10 yeas, 0 nays:

- **Individualized Inmate Re-entry Plans**
  - Create an individualized inmate re-entry plan that, based on information obtained from assessments, outlines programming to be provided during the period of incarceration.
  - Consider educational needs when determining an inmate's facility placement.
  - Assessments to determine literacy skills are critical. Focus and priority should be given to this process of assessing literacy skills to provide appropriate foundation for other educational programs and opportunities after prison.
  - Develop a program providing literacy and life skills training for inmates who are ineligible for the Mandatory Literacy Program due to prison term length.

- **Mandatory Literacy Program**
  - Require prisoners who meet the requirements of the Mandatory Literacy Program to successfully complete the program by attaining a total battery score of 6.0 on a Test of Adult Basic Education (TABE).

- **Online Education Opportunities**
  - Investigate opportunities to introduce online and e-learning educational and vocational training in prisons.
  - Set up a pilot program to develop widely-acceptable security protocols for Internet access.

- **Mission Driven Prisons**
  - Convert some of Florida's prisons to institutions that focus on chemical dependency, literacy and basic education, and vocational education.
  - Align the missions of vocational education prisons to meet the needs of the employment market.

- **Program Efficiency**
  - Adopt policies regarding prioritizing the eligibility of educational and vocational programs to inmates whose likelihood of recidivism will be most improved as a result of this instruction.
  - Expand vocational education programs.
  - Research implementation of a double-track education system.

- **Metrics and Statistics**
  - Conduct a cost-benefit analysis to evaluate rehabilitative programs, such as educational and vocational programs.
  - Develop a regular report on the cost-effectiveness of rehabilitative programs, including those provided by entities outside of the Department of Corrections.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. INMATE EDUCATION

After inmate and public safety, the most important goal of the correctional system is reducing recidivism.[1] Reducing recidivism results in fewer crimes, fewer victims and cost savings for Floridians.[2] One way to reduce recidivism rates is to promote the successful rehabilitation and re-entry of ex-offenders. This can be implemented by providing substance abuse treatment, educational and vocational training, and by assisting inmates with community support services after their release.[3]

Prisoner Statistics

As of January 2012, Florida housed 100,345 inmates across 60 state prisons, including seven private prisons.[4] The average cost per inmate is $19,473 annually.[5] Most of Florida's inmates (88.6 percent)[6] will eventually be released, and of those approximately one in three will return to prison.[7] The high budgetary demands and social costs incarceration places on the state make reducing recidivism rates a strategic investment. Rehabilitative programs, such as education and vocational training, are shown to reduce the likelihood of repeat offending, decrease inmate idleness and promote institutional security, and may also achieve cost savings.[8] Each inmate who is successfully rehabilitated and does not return to prison saves the State of Florida at least $19,473 each year.

According to the Department of Corrections (department), the probability of reoffending is reduced by 3.7 percent for each grade of adult basic education completed.[9] Currently, 64 percent of the tested inmate population in Florida has not achieved General Education Development (GED) Prep literacy skills (scoring less than 9th grade level[10]).[11] Studies have also found that inmates who have a GED when released recidivate at a rate 7.9 percent less than the overall inmate population.[12] Inmates with vocational certificates are 17 percent less likely to return to prison than those without certificates, and those participating in vocational training are

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[1] "Final Report of the Governor's Ex-Offender Task Force," November 2006, p. 9 (copy on file with Government Efficiency Task Force staff).
[2] Department of Corrections, "Recidivism Reduction Strategic Plan," June 2009, p. 13, http://www.dc.state.fl.us/orginfo/FinalRecidivismReductionPlan.pdf (last visited 5/10/2012).
[3] *Id.* at p. 7.
[4] Department of Corrections, "Quick Facts about the Florida Department of Corrections," Revised February 2012, http://www.dc.state.fl.us/oth/Quickfacts.html (last visited 5/14/2012).
[5] *Id.*
[6] Department of Corrections, "Doing Time," August 2011, http://www.dc.state.fl.us/pub/timeserv/doing/ (last visited 5/14/2012).
[7] Department of Corrections, "Quick Facts about the Florida Department of Corrections," Revised February 2012, http://www.dc.state.fl.us/oth/Quickfacts.html (last visited 5/14/2012).
[8] Office of Program Policy Analysis and Government Accountability (OPPAGA), "Corrections Rehabilitative Programs Effective, but Serve only a Portion of the Eligible Population," Report No. 07-14, February 2007, p. 1, http://www.oppaga.state.fl.us/Reports/pdf/0714rpt.pdf (last visited 5/16/2012).
[9] Department of Corrections, "2009 Florida Prison Recidivism Study Releases From 2001 to 2008," May 2010, p. 14, http://www.dc.state.fl.us/secretary/press/2010/RecidivismStudy.pdf (last visited 5/14/2012).
[10] Section 1004.93(2), F.S., identifies students who must be served by the adult education program. The 9th grade reading level is the separating line between primary and secondary school. According to the law, the adult education program must serve students studying to achieve basic literacy (students who demonstrate skills below the 5th grade level); students trying to achieve functional literacy (students who demonstrate skills at or above 5th grade level but below the 9th grade level); students earning credit for a high school diploma or preparing for the GED; students who have earned a high school diploma and are pursuing a postsecondary degree, certificate career education program, or develop competence in the English language; students enrolled in lifelong learning courses; and students who enroll in courses related to recreational or leisure pursuits. *See* s. 1004.93(2), F.S.
[11] Department of Corrections, "2010-11 Annual Report," p. 34, http://www.dc.state.fl.us/pub/annual/1011/pdfs/AR1011-Final.pdf (last visited 5/16/2012).
[12] *Id.* at p. 35.

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less likely to have disciplinary issues.[13] Of the 2011 inmate population, those with vocational certificates were 35 percent less likely to have received a disciplinary report that year than inmates without a certificate.[14] The Office of Program Policy Analysis and Government Accountability (OPPAGA) found that inmates who earned a GED or high school diploma were 9.3 percent more likely to be employed than other inmates, and those who earned a vocational certificate were 17.9 percent more likely to be employed than other ex-offenders.[15]

Prisoner Education Programs

The Department of Corrections' Bureau of Re-Entry Programs and Education is responsible for the oversight and support of the department's academic and vocational education programs. In FY 2011-12, the Legislature appropriated $2,277,324,021 to the department, of which $21,779,443, or less than one percent (0.95%), was allocated to correctional education programs.[16] The department currently allocates 299 Full Time Employees (FTE) to meet the educational needs of inmates (students) enrolled in education programs.[17] Academic educational programs are operated in 53 correctional facilities with an enrollment capacity of more than 6,500 students.[18] Local Education Agencies (LEA) operate programs in two additional facilities, each with an enrollment of 55 students.[19] Total enrollment capacity in department-operated academic education programs is approximately 6,600 students, which is 6.5 percent of the total inmate population.[20] In addition to the education services provided in the 53 department-operated facilities, seven contracted facilities utilize 141.5 FTEs to provide education services for students, with an enrollment capacity of approximately 2,471 students.[21]

The department's current allocation of FTEs has enabled the number of inmates earning GED certificates to rise for the fifth year in a row. In FY 2010-11, inmates in department-operated facilities earned 2,930 GED certificates.[22] Contracted facilities awarded 356 GED certificates during the same period.[23] There was a 20 percent increase in the number of vocational certificates awarded in FY 2010-11, for a total of 2,217 certificates earned in department-operated facilities.[24] Contracted facilities awarded 880 vocational certificates during this period.[25]

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[13] *Id.*
[14] *Id.*
[15] OPPAGA, "Corrections Rehabilitative Programs Effective, but Serve only a Portion of the Eligible Population," Report No. 07-14, February 2007, p. 5, http://www.oppaga.state.fl.us/Reports/pdf/0714rpt.pdf (last visited 5/16/2012).
[16] Department of Corrections email, March 29, 2012, (copy on file with Government Efficiency Task Force staff).
[17] *Id.*
[18] Department of Corrections, "Education Program Capacity, FDC-Operated Correctional Facilities," August 2011 (copy on file with Government Efficiency Task Force staff).
[19] *Id.*
[20] *Id.*
[21] Department of Management Services, "Operations and Management Contract," http://www.dms.myflorida.com/business_operations/bureau_of_private_prison_monitoring/facilities (last visited 5/15/2012).
[22] Department of Corrections, "2010-11 Annual Report," p. 35, http://www.dc.state.fl.us/pub/annual/1011/pdfs/AR1011-Final.pdf (last visited 5/15/2012).
[23] Correctional Education Certificates Awarded by Facility, by Quarter FY 2010-11, October 2011 (copy on file with Government Efficiency Task Force staff).
[24] Department of Corrections, "2010-11 Annual Report," p. 35, http://www.dc.state.fl.us/pub/annual/1011/pdfs/AR1011-Final.pdf (last visited 5/15/2012).
[25] Correctional Education Certificates Awarded by Facility, by Quarter FY 2010-11, October 2011 (copy on file with Government Efficiency Task Force staff).

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Academic and Special Education

To assist students in achieving GED and vocational certificates, the department offers several academic programs, including:[26]

- Adult Basic Education/General Education Development (ABE/GED);
- Special Education;
- Close Management Education (CME);
- Inmate Teaching Assistant Program (ITA);
- Local Education Agency (LEA)-Operated Academic Education Programs;
- Volunteer Literacy Programs;
- Mandatory Literacy;
- Ready to Work; and
- Federally-Funded Academic Programs and Services.

The department offers inmates 85 vocational education courses in 36 distinct vocational trades at 33 state operated institutions. The total enrollment capacity for vocational education is 1,584 students, or 1.6 percent of the total inmate population.

Mandatory Literacy Program

The Mandatory Literacy Program is a 150-hour literacy training program required by law[27] for all inmates who have at least two years of their sentence remaining when received at an institution and who receive a Tests of Adult Basic Education (TABE) total battery score below grade level 6.0.[28] The Mandatory Literacy Program is available to all inmates who meet the program requirements, as opposed to the other academic programs offered by the department, which are not mandatory and are provided based on availability.[29]

Recommendations

The Task Force recommends requiring prisoners who meet the requirements of the Mandatory Literacy Program to successfully complete the program by attaining a total battery score of 6.0 on a TABE (Test of Adult Basic Education). Currently, successful completion of the Mandatory Literacy Program requires completion of 150 hours of instruction or achievement of a total battery score of 6.0 or higher on the TABE. The importance of literacy and successful completion of this program is critical to reducing recidivism. The department estimates that only 21 percent[30] of inmates enrolled successfully complete the Mandatory Literacy Program.[31] The Task Force recommends that achievement of a total battery score of 6.0 on a TABE be the only method for successfully completing this program.

Special Education Services

Special education services are provided to inmates with disabilities who are eligible to receive special services required by state and federal law.[32] The Individuals with Disabilities Education Act (IDEA) requires the

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[26] OPPAGA, "Corrections Rehabilitative Programs Effective, but Serve only a Portion of the Eligible Population," Report No. 07-14, February 2007, p. 2, http://www.oppaga.state.fl.us/Reports/pdf/0714rpt.pdf (last visited 5/16/2012).
[27] Section 944.801(3)(i), F.S.
[28] *Id.*
[29] OPPAGA, "Alternative Placements for the Correctional Education Program would be more Costly," Report No. 08-16, March 2008, p. 1, http://www.oppaga.state.fl.us/Reports/pdf/0816rpt.pdf (last visited 5/16/2012).
[30] The Department of Corrections notes "this percent is only applicable to academic sites that provide special education programming." Department of Corrections memo, May 2, 2012 (copy on file with Government Efficiency Task Force staff).
[31] *Id.* at p. 1.
[32] OPPAGA, "Alternative Placements for the Correctional Education Program would be more Costly," Report No. 08-16, March 2008, p. 1, http://www.oppaga.state.fl.us/Reports/pdf/0816rpt.pdf (last visited 5/16/2012).

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department to provide free and appropriate public education in the least restrictive environment to exceptional students. Exceptional students are inmates under the age of twenty-two who have a previous special education history, have yet to obtain a high school diploma, continue to need special education and related services to benefit from participation in an educational assignment, consent to receive special education services, and have a current transition plan/individualized education plan.[33]

Close Management Education Program

The Close Management Education Program (CME) provides close management inmates[34] both cell-front and correspondence-study instruction in mathematics, reading, language, and workforce readiness skills by certified academic teachers. Close management inmates are also afforded the opportunity to secure GED diplomas. CME programs are available in 5 correctional facilities.[35]

Inmate Teaching Assistant Program

Recognizing the need to increase inmate access to education services, the department developed the Inmate Teaching Assistant Program (ITA). The ITA program provides grade-appropriate instruction in mathematics, reading, and language instruction to inmates with educational levels ranging from beginning literacy through GED. The program utilizes Inmate Teaching Assistants working under the direction and supervision of a certified teacher.[36] The Inmate Teaching Assistants are inmates with at least a high school diploma or GED who have received academic and practical training in various instructional methods from certified teachers.[37] The ITA program is available at 34 correctional facilities.[38]

Other Programs

Local Education Agency (LEA)-Operated Academic Education Programs are available at three[39] facilities.[40] LEAs are federal grant-funded adult education programs provided by county school districts or community colleges.[41] Volunteer Literacy Programs utilize citizen volunteers and/or ITAs who have received tutoring training to assist inmates in improving their educational abilities. This program is available at nearly all major institutions, annexes and work camps.[42] The Ready To Work program is a Department of Education sponsored employee credentialing program that tests and scores job skills.[43] The department also received $4,553,864 in federal grant funding in FY 2010-11 to provide academic and exceptional education services to inmates and training to correctional educators.[44]

Recommendations

The Task Force recommends the Department of Corrections conduct a cost-benefit analysis to evaluate its rehabilitative programs, such as educational and vocational programs. After inmate and

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[33] Department of Corrections, "Education Services," http://www.dc.state.fl.us/orginfo/education/index.html (last visited 5/4/2012).
[34] According to the department, close management is confinement of an inmate apart from the general inmate population. It is for inmates who commit acts that threaten the safety of others or the institution, or who demonstrate an inability to live in the general population without abusing the rights and privileges of others. Department of Corrections, "FAQ Regarding Close Management," http://www.dc.state.fl.us/oth/inmates/cm.html (last visited 5/15/2012).
[35] Department of Corrections, "Education Services," http://www.dc.state.fl.us/orginfo/education/index.html (last visited 5/15/2012).
[36] *Id.*
[37] Department of Corrections, "Inmate Teaching Assistant Programs," http://www.dc.state.fl.us/pub/annual/0405/pdfs/teaching.pdf (last visited 5/15/2012).
[38] Department of Corrections, "Education Services," http://www.dc.state.fl.us/orginfo/education/index.html (last visited 5/15/2012).
[39] Baker Work Camp, Putnam Correctional Institution, and Quincy Annex.
[40] Department of Corrections email, May 22, 2012 (copy on file with Government Efficiency Task Force staff).
[41] *Id.*
[42] *Id.*
[43] *Id.*
[44] *Id.*

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public safety, the most important goal of the correctional system is reducing recidivism.[45] With this in mind, the department's educational and vocational programs should be measured by their effectiveness at reducing recidivism. To make a compelling case for increased support for correctional education, the department must conclusively document the contribution correctional education provides to society.[46] A cost-benefit analysis should assess outcomes of cohorts of inmates in the department's various programs and track these inmates after release. This would help identify programs that show the greatest return on investment by improving ex-inmate employment outcomes and reducing recidivism. A cost-benefit analysis will determine if increasing funding for these programs will yield overall monetary benefits and how to allocate resources most effectively.

The Task Force recommends the Department of Corrections develop a regular report on the cost-effectiveness of rehabilitative programs, including those provided by entities outside of the department. The American Correctional Association recommends that programs be evaluated every two years to assess their contribution to an institution's mission.[47] According to OPPAGA, the department occasionally evaluates some rehabilitative programs; however, it does not routinely measure and report on the effectiveness of these programs.[48] A regular report on program and provider cost-effectiveness would provide standardized and transparent information to the department and the Legislature. The report should provide an assessment of programs' success in reducing recidivism and efficiency. This evaluation will enable policy makers and those that provide funding or services to determine which program goals are being met and which require more attention.[49]

Issues Facing Prison Education Programs

When an inmate enters the prison system they are given the TABE, which identifies their grade level. Subsequent assessments are taken at scheduled intervals or when an inmate is transferred to a new facility.[50] Unfortunately, because of limited slots in programs, most inmates are released without addressing their educational skills deficiencies.

Recommendations

The Task Force recommends focus and priority should be given to the process of assessing literacy skills to provide appropriate foundation for other educational programs and opportunities after prison. Providing educational opportunities that will enable most people to read at the eighth-grade level, the level at which a person is considered functionally literate, should be a universal goal within corrections.[51] The Florida Statutes define eligibility for the Mandatory Literacy Program as inmates with more than two years left on their sentence.[52] Many inmates who require or would benefit from literacy or life skills education do not qualify for the Mandatory Literacy program because they have less than two years remaining in their sentences. Therefore, the Task Force recommends that the department develop a program providing literacy and life skills training for inmates who are ineligible for the Mandatory Literacy Program due to prison term length.

The Task Force recommends creating an individualized inmate re-entry plan that, based on information obtained from assessments, outlines programming to be provided during the period of incarceration.

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[45] "Final Report of the Governor's Ex-Offender Task Force," November 2006, p. 9 (copy on file with Government Efficiency Task Force staff).
[46] Klein, S., and M. Tolbert, "Correctional Education," July 2004, p. 17, https://www.cedatanetwork.org/pdf/common_measures_of_perf.pdf (last visited 5/10/2012).
[47] American Correctional Association, Standard No. 4-4107.
See http://www.aca.org/standards/revisions/pdf/StandardsProposalsforCOC2010.pdf (last visited 5/9/2012).
[48] OPPAGA, "Department of Corrections Should Maximize Use of Best Practices in Inmate Rehabilitation Efforts," Report No. 09-44, December 2009, p. 6, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0944rpt.pdf (last visited 5/9/2012).
[49] Re-entry Policy Council, "Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community," January 2005, p. 89, http://reentrypolicy.org/publications/1694;file (last visited 5/9/2012).
[50] *Id.*
[51] *Id.* at p. 214.
[52] Section 944.801(3)(i), F.S.

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The goal of rehabilitation programs is to reduce recidivism, which will ultimately result in cost savings for the state. In order to accomplish this, inmates must re-enter the community with enough education or skills to avoid returning to the correctional system. An inmate's re-entry plan should begin at intake, addressing an inmate's needs, and plan for the prisoner's eventual release and reintegration into the community. Based on the risk factors and skill deficits determined by the initial assessment, the plan should identify specific activities to be performed or skills to be acquired to prepare the prisoner for successful re-entry.[53] Relevant skill areas may include: education, including literacy and life skills training; employment;[54] health, mental health and substance abuse challenges; managing family conflict; mentoring; and strategies to develop pro-social behavior and desistance from crime. Each inmate's re-entry plan should be updated and modified as he or she moves through the correctional process and should reflect both progress and changes in risk and need.[55] The plan should be kept electronically, which will ensure that the plan can be shared system-wide, regularly updated, and accessed if the inmate returns to the system.[56]

A critical component of the individualized inmate re-entry plan is the needs assessment. The department should make sure to go beyond the medical, mental health, education, alcohol abuse, and drug assessments to provide an in-depth assessment addressing anger management, work and vocational training, criminological risks and needs, and pre-release/re-entry planning needs.[57] A study in 1992 found that inmates often lacked the ability to fully read and understand the types of documents encountered in everyday life, such as job applications, credit applications, and health forms.[58] Because of these deficiencies, the department should also investigate the implementation of an assessment of functional and life skills to identify possible deficiencies and barriers to a successful re-entry into the community.[59] These assessments should go beyond identification of education level to assess personal abilities that will enable the inmate to succeed in the workplace.[60] Once the assessments are completed, a program that prioritizes the inmate's highest needs first should be developed.[61]

Re-entry Statistics

According to the department, of the 35,117 inmates released in FY 2010-11:

- Approximately 66 percent left with TABE scores below the 9th grade level;
- 17,383, or 69.5 percent, of the 25,002 inmates eligible for academic programs did not receive services prior to release; and
- 11,442, or 82.7 percent, of the 13,836 inmates eligible for vocational training did not receive services prior to release.[62]

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[53] "Final Report of the Governor's Task Force," November 2006, p. 18 (copy on file with Government Efficiency Task Force staff).
[54] Including resume preparation, job seeking and interviewing. *Id.*
[55] The National Institute of Corrections, "TPC Reentry Handbook: Implementing the NIC Transition from Prison to the Community Model," August 2008, p.12, http://static.nicic.gov/Library/022669.pdf (last visited 5/10/2012).
[56] Re-entry Policy Council, "Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community," January 2005, p. 152, http://reentrypolicy.org/publications/1694;file (last visited 5/9/2012).
[57] Thigpen, et al., "Prisoner Intake Systems: Assessing Needs and Classifying Prisoners," February 2004, p. ix, http://static.nicic.gov/Library/019033.pdf (last visited 5/10/2012).
[58] Re-entry Policy Council, "Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community," January 2005, p. 126, http://reentrypolicy.org/publications/1694;file (last visited 5/9/2012).
[59] *Id.* at p. 127.
[60] *Id.*
[61] Council of State Governments Justice Center, "Screening and Assessment in Re-entry Court Program Design: Incorporating Risk, Need, Responsivity," February 16, 2011, p. 26, http://www.nationalreentryresourcecenter.org/documents/0000/0963/SCA_Reentry_Courts_Webinar_on_Screening_and_assessment_in_reentry_court_program_design_02_16_2011.pdf (last visited 5/10/2012).
[62] As reported by the Department of Corrections, Bureau of Research and Data Analysis, March 23, 2012 (copy on file with Government Efficiency Task Force staff).

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Recommendations

The Task Force recommends the Department of Corrections expand its vocational education programs. These programs have been proven to reduce recidivism, increase ex-offender employment success, and are cost effective. Additionally, these programs give the department the ability to partner with local businesses for additional job training.

The Task Force recommends the Department of Corrections adopt policies regarding prioritizing the eligibility of educational and vocational programs to inmates whose likelihood of recidivism will be most improved as a result of this instruction. Currently, the department initially assesses an inmate's needs using the Corrections Integrated Needs Assessment System (CINAS).[63] This assessment determines the inmate's risk to recidivate measured on a scale of 1 (least likely) to 5 (most likely).[64] The department uses this as a factor, along with release date, Mandatory Literacy Program eligibility, special education designation, and whether the inmate has a verified high school diploma or GED, to determine the inmate's academic program score.[65] The program score is used in a ranking algorithm[66] that includes the inmate's number of days before release and the inmate's Targeted Academic Services Score (TASS)[67] to rank inmates in order of highest need.[68]

This program focuses its limited space to those inmates with a higher risk of returning to prison and who do not already possess a high school diploma or GED, within the last three years of incarceration.[69] The Task Force recommends that the system take into account which inmates will be able to complete a program, not just those nearing the end of their sentence. It is a better use of resources to ensure space is allocated to those inmates able to complete the program and most likely to find gainful employment after release (i.e. younger inmates with non-violent crimes).

By making a concerted effort to effectively target resources on inmates with the highest-potential of successful completion, the department should be able to reduce recidivism. The assessment tool will be critical in identifying those who will be the most successful at education and vocation programs. The assessment should have vocational and educational components. The department should also develop an assessment tool, similar to those used for the unemployed, that is appropriate for the prison population and can be utilized to determine the type of vocational or educational training most compatible with an individual's interests and capacities.[70] The assessment should also take into account the inmate's readiness for work, along with a review of work history, skills, and educational attainment.[71]

The Task Force recommends considering inmates' educational needs when determining facility placement. A key to reducing recidivism is using the time of incarceration to create positive change by diagnostically identifying the inmate's individual needs, creating an inmate re-entry plan, and providing the services and support for the plan. To ensure the re-entry plan is successful, effort should be made to place and keep inmates in facilities that have programs commensurate with their educational needs. At times, department operations can cause inmates to be transferred before an education or vocation program can be

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[63] Department of Corrections memo, May 2, 2012, p. 6 (copy on file with Government Efficiency Task Force staff).
[64] *Id.*
[65] *Id.*
[66] The program score is weighed so inmates with a program score of 4 are put lower on the ranking scale (highest need) followed by inmates that score 3, then 2 and 1. Inmates with a program score of 5 and inmates designated as mandatory literacy or special education are not ranked. Department of Corrections memo, May 2, 2012, pp. 6-7 (copy on file with Government Efficiency Task Force staff).
[67] TASS is a numerical score comprised of specific academic and incarceration data including: special education designation, release date, number of Florida prison commitments, TABE scores, vocation enrollment, possession of verified high school diploma or GED, and Mandatory Literacy Program eligibility. *Id.* at p. 6.
[68] *Id.* at p. 6.
[69] *Id.* at p. 7.
[70] Re-entry Policy Council, "Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community," January 2005, p. 127, http://reentrypolicy.org/publications/1694;file (last visited 5/9/2012).
[71] *Id.* at p. 128.

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completed.[72] The Task Force recommends that the department should take steps to avoid transferring inmates who are nearing a program's completion to avoid program disruptions.

Currently, the department places an inmate based on medical and security needs. The inmate will be transferred to a facility that can meet both types of needs at the level identified for that inmate.[73] Inmates are not normally placed in a permanent facility based on education or program needs, but rather are assessed for core programs (academic, vocational or substance abuse) once placed at their first permanent facility.[74] After those needs are established and the inmate reaches the programming time frame (three years prior to release), the inmate will be moved as necessary based on the his or her specific program need and priority ranking for placement.[75] Generally, placements are made at institutions that have available beds.[76]

Educational Program Length Challenges

While studies show that inmates who complete these educational and vocational programs are less likely to recidivate, OPPAGA found that 90 percent of inmates enrolled in ABE do not successfully complete the program, often for reasons within the department's control.[77] OPPAGA[78] found that while participants in GED and vocational programs had high completion rates, inmates in ABE programs either failed to complete program requirements or left the program for administrative reasons (such as being transferred) before completing the program. In a two-year study,[79] OPPAGA found that 79 percent of participating inmates completed GED courses; 73 percent completed vocational courses; and 90 percent of inmates taking the GED exam achieved a passing grade. However, only 10 percent of ABE students completed their courses over the same two-year period. OPPAGA attributed the lower success rate to program length, inmate demographic and behavioral characteristics, and department operations.

Adult Basic Education (ABE) programs often take inmates longer to complete than other programs, such as GED or vocational programs. To complete the ABE program, an inmate must attain a 9th grade level on the TABE, which may require more than two years of instruction. Additionally, ABE programs serve inmates with low educational levels (those with TABE scores below 9th grade), inmates requiring English as a Second Language instruction, and inmates with special education needs. Inmates participating in GED or vocational training can complete these programs in a two-year period. A GED program is completed when the inmate earns a GED Certificate, and most vocational training is completed in 9 to 40 weeks.

Because ABE classes are longer, there is a greater chance for the inmate to drop out, be discharged from the program for poor behavior, or be transferred to another institution. OPPAGA found that inmates who did not complete the ABE program had more disciplinary reports; spent more time in prison; had a higher number of drug offenses; and were more likely to have high custody classifications than inmates who completed the program.[80] Department operations cause some inmates to be removed before the program could be completed. Over 64 percent of the inmates in ABE programs were released from prison before completing the program. This can occur because the department moves inmates to meet a security or institutional need or transfers inmates to another facility for other reasons.

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[72] OPPAGA, "Corrections Rehabilitative Programs Effective, but Serve only a Portion of the Eligible Population," Report No. 07-14, February 2007, p. 6, http://www.oppaga.state.fl.us/Reports/pdf/0714rpt.pdf (last visited 3/22/2012).
[73] Department of Corrections memo, May 2, 2012, p. 1 (copy on file with Government Efficiency Task Force staff).
[74] Department of Corrections email, May 9, 2012 (copy on file with Government Efficiency Task Force staff).
[75] *Id.*
[76] Department of Corrections, "Recidivism Reduction Strategic Plan," June 2009, p. 27, http://www.dc.state.fl.us/orginfo/FinalRecidivismReductionPlan.pdf (last visited 5/10/2012).
[77] OPPAGA, "Corrections Rehabilitative Programs Effective, but Serve only a Portion of the Eligible Population," Report No. 07-14, February 2007, p. 4, http://www.oppaga.state.fl.us/Reports/pdf/0714rpt.pdf (last visited 5/16/2012).
[78] *Id.* at p. 5.
[79] 2004-06.
[80] These factors are also associated with higher recidivism.

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Recommendations

The Task Force recommends the Department of Corrections research implementation of a double-track education system. One track should consist of basic academic, life-skill and vocational education programs designed specifically for inmates incarcerated for less than one year. The program for this track should be designed to be completed in less than nine months. The second track should provide basic academic and vocational programs for inmates incarcerated for more than one year. A two-track system would enable the department to use the entry assessments to identify the most appropriate track for the educational or vocational programs in the inmate's re-entry plan.

In North Carolina, prison's educational offerings are determined by the minimum length of stay in the facility.[81] All facilities offer some type of programming, but a matrix is used to ensure that programs are only provided at facilities where inmates will be able to finish them.[82] In an attempt to accommodate those inmates whose sentences are not long enough to complete the entire GED curriculum during incarceration, the state of Washington offers a fast-tracked GED course offered at some facilities.[83] This program is available to offenders who already have the knowledge to pass a GED test, but may need additional practice preparing to take the test.[84]

The Task Force recommends the Department of Corrections investigate opportunities to introduce online and e-learning educational and vocational training in prisons. Internet access in Florida's prisons would make enormous amounts of educational resources available to corrections staff and inmates.[85] To address funding and capacity constraints that limit access to educational and vocational training, policies should be revised to support development and expansion of Internet-based and electronic platforms for program delivery. Internet-based instruction allows a single instructor to deliver educational content to an unlimited number of incarcerated students across multiple prisons or the prison system as a whole.[86] In addition, Internet-based coursework allows more students to be educated in a reduced space. Computer labs can accommodate terminals that allow students to progress through individualized educational programs at their own pace while sharing a physical space.[87] This is difficult to accommodate in a traditional classroom setting.[88] Finally, the economies of scale of Internet-based instructional methods would reduce the per-student cost of providing educational programs, which would allow the department to make more efficient use of its funding for educational services.[89]

Because many inmates have had limited exposure to technology, using computers, the Internet, and other communication technologies can be a learning experience in itself.[90] Interaction with computers or the Internet can serve as a form of vocational training,[91] as both are an increasingly essential part of today's world. Many security concerns can be addressed with careful planning and regulations governing access and use.[92]

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[81] Brazzell, D., et al., "From the Classroom to the Community: Exploring the Role of Education during Incarceration and Reentry," 2009, p. 29, http://www.urban.org/UploadedPDF/411963_classroom_community.pdf (last visited 5/10/2012).
[82] *Id.*
[83] Washington Department of Corrections, "Going Home: Accomplishments in Public Safety," 2009, p. 20, http://www.doc.wa.gov/aboutdoc/docs/docannualreportgoinghome.pdf (last visited 5/10/2012).
[84] *Id.*
[85] Spangenberg, Gail, "Current Issues in Correctional Education: A Compilation and Discussion," Council for Advancement of Adult Literacy, February 2004, p. 22, http://www.caalusa.org/correct_ed_paper.pdf, (last visited 5/10/2012).
[86] Gorgol, Laura, and Brian Sponsler, "Unlocking Potential: Results of a National Survey of Postsecondary Education in State Prisons," Institute for Higher Education Policy, May 2011, p. 17, http://www.ihep.org/assets/files/publications/s-z/Unlocking_Potential-PSCE_FINAL_REPORT_May_2011.pdf (last visited 5/9/2012).
[87] *Id.*
[88] *Id.*
[89] *Id.*
[90] Brazzell, D., et al., "From the Classroom to the Community: Exploring the Role of Education during Incarceration and Reentry," 2009, p. 33, http://www.urban.org/UploadedPDF/411963_classroom_community.pdf (last visited 5/10/2012).
[91] *Id.*
[92] *Id.* at p. 34.

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Firewalls and content filters can restrict Internet access, and clear rules and sanctions can deter misuse of technology.[93]

The Task Force recommends the Department of Corrections set up a pilot program to develop widely-acceptable security protocols for Internet access. While security concerns exist with providing inmates with Internet access, new computer and communication technologies have recently been incorporated into correctional education across the nation.[94] The department should investigate multimedia content and interactive learning opportunities delivered via the Internet, closed or restricted computer networks, satellite, closed-circuit TV, CDs or DVDs, videotapes, or videoconferencing[95] for the pilot program.

The Correctional Education Association received grant money to conduct a feasibility study to identify potential technologies that may be appropriate to consider in providing future distance learning services through the nationwide Transforming Lives Network.[96, 97] The feasibility study indicated that security measures exist to prevent security breaches.[98] By establishing a successful pilot program, some of these security concerns can be alleviated by developing acceptable security protocols for Internet access. These protocols would serve as a model for other Florida prisons.

The Task Force recommends converting some of Florida's prisons to institutions that focus on chemical dependency, literacy and basic education, and vocational education. Currently, Florida operates faith and character-based and re-entry institutions. Expanding on that concept, this recommendation will work in conjunction with the recommendation on individualized inmate re-entry plans. An inmate's initial assessments should determine the type of facility best suited to the inmate's needs.

The Task Force recommends aligning the missions of vocational education prisons to meet the needs of the employment market. Employment is highly correlated with successful reintegration into society.[99] It is important that the vocational education programs are demand-driven and focus on jobs available in regional areas. An advisory group should be created for each prison, consisting of representatives of local employers, economic development agencies, workforce investment boards, One-Stops,[100] educational institutions, and targeted community-community based organizations. The group should use its familiarity with the local job market to provide input on correctional programs to ensure that participants obtain skills necessary to find employment when they re-enter the community. By focusing on the needs of employers in the community, prisoners can attain skills for industries in high demand outside the prison. The advisory group should meet every 12 to 18 months to ensure that the vocational course offerings are relevant to the current job market and are up-to-date with advances in technology and methodology.[101]

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[93] *Id.*
[94] *Id.* at p. 32.
[95] *Id.*
[96] The Transforming Lives Network (TLN) is a distance learning project administered by the Correctional Education Association and funded through member subscriptions. TLN provides corrections-specific offender education and staff development via satellite to the nation's correctional facilities and at-risk populations. *See* http://tln.ceanational.org/TLN/index.htm (last visited 5/9/2012).
[97] Borden, Cindy and Penny Richardson, "The Effective Use of Technology in Correctional Education," John Jay College of Criminal Justice Reentry Roundtable on Education, March 31-April 1, 2008, p. 6, http://www.urban.org/projects/reentry-roundtable/upload/Effective.pdf (last visited 5/9/2012).
[98] *Id.* at p. 15.
[99] Re-entry Policy Council, "Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community," January 2005, p. 127, http://reentrypolicy.org/publications/1694;file (last visited 5/9/2012).
[100] Florida provides workforce program services through local One-Stop Career Centers. Each local area operates at least one physical One-Stop Center which may be supplemented by a network of affiliated sites. *See* http://www.floridajobs.org/frequently-asked-questions-directory/frequently-asked-questions/category/09fca767-4604-488b-81a4-4a750922d306/x (last visited 5/21/2012).
[101] Re-entry Policy Council, "Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community," January 2005, p. 216, http://reentrypolicy.org/publications/1694;file (last visited 5/9/2012).

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Higher Education

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding higher education by a vote of 10 yeas, 0 nays:

- **Year-Round Operations**
  - Implement a pilot project for year-round school operations in the State University System (SUS).
- **System Efficiency**
  - The Board of Governors (BOG) should create a "University Review Program."
- **Strategies for Degree Production**
  - The Blue Ribbon Task Force should develop strategies to increase degree production.
  - There is a high degree of interest among Florida's policy makers to increase the production of science, technology, engineering, and mathematics (STEM) degrees in the state. The Blue Ribbon Task Force should review methods to increase the production of STEM degree graduates in the SUS, and in doing so, consider the actions of HB 7135 and the creation of a statewide STEM strategic plan.
- **Optimum Facility Utilization**
  - The Blue Ribbon Task Force should review and develop a comprehensive assessment tool to evaluate facility usage, including classroom utilization, to more accurately determine the need for Public Education Capital Outlay program (PECO) funds.
- **Funding**
  - The Blue Ribbon Task Force should investigate innovative strategies of funding for higher education.
  - The Blue Ribbon Task Force should find ways to increase transparency in state funding of higher education.
  - The Blue Ribbon Task Force should study the issue of market rate tuition and provide recommendations to the Governor and Legislature on its implementation.

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FULL RECOMMENATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. HIGHER EDUCATION

State University System of Florida

The State University System of Florida (SUS) provides students with undergraduate and graduate level instruction leading to baccalaureate, masters, doctoral and professional degrees.[1] Additionally, SUS institutions conduct research and engage in public service.[2] Currently, state universities have over 324,000 students enrolled; offer nearly 1,800 degree programs at the baccalaureate, graduate, and professional levels; and annually award over 73,000 degrees at all levels.[3]

Governance

The governing body for the SUS is the Board of Governors (BOG).[4] The BOG is the constitutionally created body required to "operate, regulate, control, and be fully responsible for the management of the whole university system."[5]

Locally, each institution is governed by a board of trustees[6] comprised of 13 members.[7] The local boards of trustees are responsible for governing their institutions in accordance with BOG rules and regulations.[8] Each local board's responsibilities include, but are not limited to, strategic planning and adopting policies regarding admissions, educational programming, administration, personnel, contracts, grants, and facilities.[9]

Legislature

The BOG's oversight of the SUS is subject to the Legislature's power to appropriate funds, as well as the Legislature's responsibility to provide for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.[10] The Legislature is also responsible for establishing tuition and fees and establishing policies relating to merit and need-based student financial aid.[11]

Higher Education Coordinating Council

On March 24, 2010, the Chair of the BOG, the Chancellor of the SUS, legislative leaders and the Governor signed a SUS Governance Agreement acknowledging their shared constitutional authority for the state universities. Among the provisions adopted in the agreement was the creation of the Higher Education

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[1] The 11 SUS universities are provided in s. 1000.21(6), F.S. The 2012 Legislature passed SB 1994, which the Governor signed into law, creating the 12th state university – Florida Polytechnic University. Senate Bill 1994 (2012), Ch. 2012-129, L.O.F.
[2] Article IX, s. 7, Fla. Const.; part IV, chapter 1001, F.S.; part II, chapter 1004, F.S
[3] *See* Governor's Executive Order Number 12-104, May 4, 2012, (copy on file with Government Efficiency Task Force staff).
[4] Article XI, s. 7(d), Fla. Const. The BOG is made up of 17 members, including the Commissioner of Education, the chair of the Advisory Council of Faculty Senates, the Florida Student Association president, and 14 citizen-appointments made by the Governor and confirmed by the Florida Senate. *See* Article IX, s. 7(d), Fla. Const.; s. 1001.71(2) and (3), F.S.
[5] Article IX, s. 7(d), Fla. Const.
[6] Article IX, s. 7(c), Fla. Const.; s. 1001.71(1), F.S.
[7] The board is composed of the chair of the faculty senate, the president of the institution's student body, six members appointed by the Governor and confirmed by the Florida Senate, and five members appointed by the BOG and confirmed by the Florida Senate. *See* s. 1001.71(1), F.S.
[8] Article IX, s. 7(c), Fla. Const.; *see also* Florida Board of Governors Regulation 1.001.
[9] Florida Board of Governors Regulation 1.001(3)-(7).
[10] Article IX, s. 1(a) and 7(d), Fla. Const.; ss. 1001.705 and 1001.706, F.S.
[11] Section 1001.705(3), F.S.

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Coordinating Council (HECC).[12] The HECC[13] was created by the Legislature in 2010 to identify unmet needs and to facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.[14] The HECC is required to act as an advisory board to the Legislature, the SBE, and the BOG.[15]

On December 31, 2011, the HECC submitted a report of recommendations for legislative consideration during the 2012 Legislative Session.[16] The report's recommendations include:

- SUS institutions should identify their primary areas of research expertise based on the unique strengths and missions of each institution.
- The HECC should receive an annual list of prospective programs being planned by postsecondary education sectors to increase coordination. The offerings will be guided by comparative cost analyses and employment demand.
- The educational sectors should set goals for increased degree completion, with a particular emphasis on STEM degree production. Incentives should be provided to encourage STEM education.
- The Legislature should align financial aid and grant programs to encourage and accelerate access, graduation, and time-to-degree. Grants should be available for summer sessions.
- A new funding formula for the SUS and the Florida College System (FCS) needs to be examined based on performance-based accountability.[17]

Blue Ribbon Task Force

On May 4, 2012, Governor Scott issued an executive order creating the Blue Ribbon Task Force on State Higher Education Reform (BRTF).[18] The vision for the BRTF is to advance the SUS's Constitutional charge to operate, regulate, control, and be fully responsible for the management of the whole university system.[19] BRTF's responsibilities include, but are not limited to:

- Catalog and consolidate the recommendations of the various efforts addressing Florida's higher education system with respect to the SUS;
- Assess strengths and weaknesses of the SUS's governance model related to its Constitutional charge;
- Analyze the ability of state universities to contribute to the SUS 2012-2025 strategic plan;
- Recommend strategies, such as incentive systems and governance improvements, to encourage cooperation between institutions leading to reduced duplication and improved efficiencies;
- Recommend amendments to statutes and BOG regulations necessary to improve accountability and transparency on the part of state universities to the BOG and the BOG to the Legislature and Governor; and

[12] Other components of the SUS Governance Agreement include: master planning and coordination of Florida's higher education systems; strategic planning; university governance; financial aid programs; the Administrative Procedures Act and BOG regulations; tuition; and fees. *See* Ch. 2010-78, L.O.F.
[13] The HECC is comprised of the following members: the Commissioner of Education; the Chancellor of the State University System of Florida; the Chancellor of the FCS; the Executive Director of the Commission for Independent Education; the Executive Director of the Independent Colleges and Universities of Florida; and two members representing the business community, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. *See* s. 1004.015(2), F.S.
[14] Section 1004.015(1), F.S.
[15] HECC goals and guiding principles are provided in s. 1004.015(3), F.S.
[16] Section 1004.015(5), F.S.
[17] Higher Education Coordinating Council, "Higher Education Coordinating Council Releases Recommendations," December 19, 2011, http://www.floridahighereducation.org/20111219.php (last visited 5/4/2012).
[18] *See* Governor's Executive Order Number 12-104, May 4, 2012 (copy on file with Government Efficiency Task Force staff).
[19] *Id.*

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- Conduct a review and analysis of efforts to achieve national preeminence and academic and research excellence by Florida universities, including elements that may be considered for future legislation to advance higher education.[20]

B. YEAR-ROUND OPERATIONS

Currently, there is a growing movement for universities to re-evaluate their operations to better serve students while lowering costs by moving to year-round operations. Year-round operation requires universities to conduct regular academic programs over the entire year, without lowering the level of academic offerings and services over the summer.[21] Universities would provide courses and services in quantity and quality comparable to every other term of the year.[22] Through year-round operations, universities can provide a full academic year of instruction to at least one-third more[23] students compared to institutions using traditional calendars of three quarters or two semesters. This provides students with the opportunity to accelerate their studies or vary the season in which they take an annual break.[24] Several states and postsecondary institutions have begun instituting the idea of the year-round operations.

California

In 1999, the state of California looked at implementing a year-round university system as a way to facilitate enrollment growth.[25] A report by the California State Legislative Analyst's Office (LAO) found that year-round operations in higher education could serve one-third more students in existing instructional facilities and save several billions of dollars that would be otherwise spent on additional buildings. The report determined that year-round operations would have no impact on faculty workload, while increasing students' access to high-demand campuses and allowing students to accelerate their timeline to degree completion.[26]

Following the LAO report, a feasibility study[27] by the University of California found that year-round instruction addresses many critical needs, including:

- Responding to concerns about impacts on local communities by shifting some students away from the traditional Fall-Winter-Spring attendance patterns;
- Decreasing some of the impacts of large and rapid enrollment growth on campuses, including crowding that will occur if new construction cannot keep pace with growth; and
- Making better use of existing classroom and class laboratory facilities to avoid capital costs of $200 to $240 million and associated maintenance costs, thereby freeing up funds for construction of other new core academic space that will be needed.[28]

The State of California subsequently provided funding for the University of California and California State University to begin year-round operations in the 2001 summer term.[29] By 2006, the California State LAO

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[20] The BRTF is required to provide a written report detailing assessments and recommendation to the Governor, Senate President, and Speaker of the House of Representatives no later than November 15, 2012. *Id.*
[21] Guyer, P., J. Kuhn, and B. Breedlove, "Year-Round Operation in Higher Education. An LAO Report," *California State Legislative Analyst's Office,* February 1999, p. 1, http://lao.ca.gov/1999/021299_year_round.pdf (last visited 5/4/2012).
[22] *Id.* at p. 6.
[23] *Id.*
[24] *Id.*
[25] *Id.* at p. 2.
[26] *Id.*
[27] The California Legislature required the University of California and California State University to complete feasibility studies on year-round academic programs. *See* State of California, "Supplemental Report of the 1999 Budget Act," http://www.lao.ca.gov/1999/99-00_supp_rpt_lang.html#6440 (last visited 5/17/2012).
[28] University of California, "The Feasibility of Year Round Instruction within the University of California," April 2000, p. 1, http://www.ucop.edu/planning/documents/yrroundrpt2000.pdf (last visited 5/17/2012).

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found that summer enrollment had increased for all of the University of California campuses by 103% combined.[30]

Postsecondary Institutions

In January 2012, the president of Purdue University announced that the school would begin a shift towards a year-round, trimester-based calendar.[31] According to the university, offering a third semester will provide students with the opportunity to complete a four-year degree in as little as three-years, saving students time and money.[32] This move is estimated to create $40 million dollars in additional revenue for the university while making better use of classrooms, residence halls and other campus facilities during the summer months.[33] Brigham Young University (BYU)-Idaho offers a three semester or three-track system. Students are on campus for two semesters and, once they have proven they can succeed, they may apply to attend year-round. This has enabled BYU-Idaho to grow from 14,892 students in 1998 to 22,997 in 2009.[34] BYU-Idaho faculty increased to accommodate the increase in students; however the square footage per student decreased, (153 to 126 per student) and the operation cost per student increase was less than 7 percent ($5,771 to $6,155).[35]

University of Florida Innovation Academy

In 2011, the University of Florida was authorized to develop and implement a student enrollment plan for the spring and summer terms to align on-campus student enrollment with the availability of instructional facilities.[36] As a new enrollment model operating on a spring-summer calendar, students in this pilot are limited to on-campus enrollment during these terms.[37] The University of Florida cites this as an effort to increase access to the university and better spread its resources by boosting enrollment in the summer;[38] it is not an actual year-round school model.

Change and Efficiency

There are many benefits identified with moving to a year-round university schedule. With more classes available each year, students would be able to accelerate their graduation timelines.[39] A year-round calendar

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[29] *See* State of California, "2011-02 Final Budget Summary," http://www.documents.dgs.ca.gov/osp/GovernorsBudget/pdf/2001-02budsum.pdf (last visited 5/17/2012).
[30] For fully converted campuses, partially converted campuses were only up 91 percent. California State LAO, "LAO 2006 Budget Analysis: Intersegment: Year-Round Operations at UC and CSU," February 2006, p. 3, http://www.lao.ca.gov/analysis_2006/education/ed_21_anl06.html (last visited 5/17/2012).
[31] Schedler, Carrie, "Purdue to move to year-round academic system," *Desert News,* January 11, 2012, http://www.deseretnews.com/article/700214486/Purdue-to-move-to-year-round-academic-system.html (last visited 5/4/2012).
[32] Sigurdson, Chris, "Purdue trimester plan will accelerate time-to-degree, enhance educational opportunities," *Purdue University News Source,* January 11, 2012, http://www.purdue.edu/newsroom/academics/2012/120111CordovaTrimester.html (last visited 5/4/2012).
[33] *Id.*
[34] Clark, Kim, "Vision and Change at BYU-Idaho," *Forum Futures 2011,* p. 24, http://www.acenet.edu/AM/Template.cfm?Section=Forum&Template=/CM/ContentDisplay.cfm&ContentID=43625 (last visited 5/17/2012).
[35] Shaw, Jane S., "How should a university prepare for a challenging economic and financial environment?" March 11, 2012, http://www.popecenter.org/commentaries/article.html?id=2664 (last visited 5/17/2012).
[36] The Florida House of Representatives, Final Bill Analysis, CS/HB5201, March 19, 2012, p. 10, http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h5201z.HEAS.DOCX&DocumentType=Analysis&BillNumber=5201&Session=2012 (last visited 5/16/2012).
[37] *Id. See also* http://innovationacademy.aa.ufl.edu/ (last visited 5/17/2012).
[38] Crabbe, Nathan, "UF plans for students kept out of fall semester," June 10, 2011, http://chalkboard.blogs.gainesville.com/2011/06/uf-plans-for-students-kept-out-of-fall-semester/ (last visited 5/17/2012).
[39] Runner, George, "A Year-Round University Makes Sense," *Los Angeles Times*, February 14, 1999, http://articles.latimes.com/print/1999/feb/14/local/me-8065 (last visited 5/4/2012).

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would allow students requiring remedial courses to begin college with a lighter course load.[40] Nationally, about 53 percent of entering freshman must take at least one remedial course to prepare for the rigor of college-level work, and many of these students could benefit by having a lighter course load early in their college career.[41] Businesses and communities near the university could benefit by avoiding the traditional summer sales drop-off.[42] The University would benefit by maximizing the number of students served while minimizing the duplication of departmental overhead expenses.[43] The financial efficiency of campus operations would increase by ensuring that upkeep for buildings on campus are being paid for by the students actually using them.[44]

Some issues raised by those opposed to year-round operations relate to building maintenance and energy costs. The California LAO report found the amount of money spent on wear caused by additional students in the summer would be similar to what would have cost for the additional buildings required in the absence of year-round operations.[45] Additionally, they found that campus utility costs would not increase substantially because campuses cool many buildings in the summer, even when they are not being used at or near their full capacities.[46]

Recommendations

The Task Force recommends implementing a pilot project for year-round school operation in the State University System at one of Florida's universities. This pilot program should serve as a model for other SUS institutions and carefully consider the success of existing year-round operation models, such as the California higher education system and BYU-Idaho Campus. These universities, among others, successfully employed unique year-round school models to increase access, optimize degree completion and minimize operating costs.

C. DEGREE PRODUCTION

Florida faces an emerging talent gap, and this crisis in human capital represents a vast and growing unmet need for a highly skilled and educated workforce.[47] A highly skilled and educated workforce is our state's most important resource for driving sustainable economic development and a diversified economy.[48] The Florida Council of 100 found that for Florida to reach the education level of the 10 most productive states within the next 20 years, we will need 4.5 million adults with baccalaureate degrees – 1.3 million more than expected at the current rates.[49] In order to address these issues, Florida must increase degree production to meet the needs of this new global economy.

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[40] "Educators Urge Focus on 'Year-Round' College," *Black Issues,* June 3, 2004, http://diverseeducation.com/article/3716/ (last visited 5/17/2012).
[41] *Id.*
[42] Runner, George, "A Year-Round University Makes Sense," *Los Angeles Times*, February 14, 1999, http://articles.latimes.com/print/1999/feb/14/local/me-8065 (last visited 5/4/2012).
[43] *Id.*
[44] Wright, Sarah, "The Case for Year Round Schools," http://education-portal.com/articles/The_Case_for_Year-Round_Schools.html (last visited 5/17/2012).
[45] Guyer, P., J. Kuhn, and B. Breedlove, "Year-Round Operation in Higher Education. An LAO Report," *California State Legislative Analyst's Office,* February 1999, p. 12, http://lao.ca.gov/1999/021299_year_round.pdf (last visited 5/4/2012).
[46] *Id.* at p. 12.
[47] Florida Council of 100, "Closing the Talent Gap: What Florida Needs from its Talent Supply Chain," 2010, p. iii, http://www.flchamber.com/wp-content/uploads/ClosingtheTalentGap_2010.pdf (last visited 5/30/2012).
[48] *Id.*
[49] *Id.*

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Degree Completion

Florida's economic future may be dependent on having a highly educated and skilled workforce to remain competitive with other states and nations.[50] Of young adults between the ages of 25 and 34, persons with a college degree, working year-round, earn about 40 percent more than persons with some college education who have not completed a degree, and about two-thirds more than persons with just a high school degree.[51] Additionally, Americans with bachelor's degrees and higher have almost half the unemployment rate as Americans with some college or associate degrees.[52] Only 26.6 percent of adults (between the ages of 25 and 64) in Florida have a baccalaureate degree or higher, compared to the U.S. average of 29.8 percent.[53]

When a student enrolls in college but does not complete a degree, the State of Florida receives little return on its investment in the student's education. The cost of first-year dropouts from 2003-2008 to the state of Florida was $274,900,000 in state expenditures and another $18,400,000 was lost in federal student grants.[54] The costs to the individual and to the state are also felt in the form of lost wages and tax revenue. Florida college students who started college in fall 2002 but did not graduate in 6 years lost a potential one-year total of $132 million in income and lost a potential of $5.6 billion in income over the course of their lifetimes.[55] For those same students, the federal government has lost a potential one-year total of $19 million in tax revenue and a potential $1.1 billion in tax revenue over the course of their lifetimes.[56]

Three-year Degree

With the economic downturn, more pressure has been placed on the higher education system to reduce the cost of obtaining a degree. Although not a new idea, the three-year degree has recently become more popular. According to Lamar Alexander, "the three-year degree could become the higher-education equivalent of the fuel-efficient car."[57] Eliminating an extra year of school can save students 25 percent in non-tuition costs.[58] Students must still earn the same number of credits required for a bachelor's degree, but the programs typically cost less because they eliminate an extra year of room-and-board and other non-tuition costs.[59]

Building on former Governor Ted Strickland's dual enrollment initiative for high school seniors,[60] current Ohio Governor John Kasich has ordered Ohio state universities "to investigate ways for students to get a bachelor's

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[50] Schneider, M., and L. Yin, "The High Cost of Low Graduation Rates: How Much Does Dropping Out of College Really Cost?" August 2011, p. 1, http://www.air.org/files/AIR_High_Cost_of_Low_Graduation_Aug2011.pdf (last visited 5/18/2012).

[51] Data on mean earnings by educational attainment are available through the U.S. Census Bureau at http://www.census.gov/hhes/www/cpstables/032010/perinc/new04_001.htm. From Schneider, M., and L. Yin, "The High Cost of Low Graduation Rates: How Much Does Dropping Out of College Really Cost?," August 2011, p. 1, http://www.air.org/files/AIR_High_Cost_of_Low_Graduation_Aug2011.pdf (last visited 5/18/2012).

[52] Bureau of Labor Statistics, April 2012, http://www.bls.gov/news.release/empsit.t04.htm (last visited 5/18/2012).

[53] U.S. Census Bureau, 2009 American Community Survey Public Use Microdata Sample File. From The Florida House of Representatives, Final Bill Analysis, CS/HB 5201, March 19, 2012, p. 9, http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h5201z.HEAS.DOCX&DocumentType=Analysis&BillNumber=5201&Session=2012 (last visited 5/18/2012).

[54] Schneider, M. "Finishing the First Lap: The Cost of First-Year Attrition in America's Four-Year Colleges and Universities," American Institute of Research, October 2010, p. 10, http://www.air.org/files/AIR_Schneider_Finishing_the_First_Lap_Oct101.pdf (last visited 5/18/2012).

[55] Schneider, M., and L. Yin, "The High Cost of Low Graduation Rates: How Much Does Dropping Out of College Really Cost?" August 2011, p. 5, http://www.air.org/files/AIR_High_Cost_of_Low_Graduation_Aug2011.pdf (last visited 5/18/2012).

[56] *Id.,* at p. 6.

[57] Alexander, Lamar, "The Three-Year Solution," *Newsweek*, October 16, 2009, http://www.thedailybeast.com/newsweek/2009/10/16/the-three-year-solution.html (last visited 5/4/2012).

[58] *Id.*

[59] Shellenbarger, Sue, "Speeding College to Save $10,000," *Wall Street Journal,* May 12, 2010, http://online.wsj.com/article/SB10001424052748703565804575238341696523742.html (last visited 5/4/2012).

[60] The "Seniors to Sophomores" program allows high school seniors to earn both high school and college credit at the same time by enrolling in college classes at a University System of Ohio campus. University System of Ohio, "Seniors to Sophomores," http://pilot.uso.edu/opportunities/seniors2soph/index.php (last visited 5/4/2012).

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degree in three years."[61] In 2009, the Rhode Island Legislature passed "The Rhode Island Bachelor's Degree in Three Program Act,"[62] which enabled students in Rhode Island to apply advanced placement (AP), dual enrollment and other credit-bearing courses taken in high school to their college program. [63] Ideally, this program will reduce a year of their college education.[64]

Several U.S. colleges and universities currently offer three-year degree programs. The University of North Carolina Greensboro launched "UNCG in 3" in the fall of 2010.[65] This program is open to students in 17 departments and requires that students enter the program with 12 hours of college credit gained in high school.[66] Florida State University has offered a three-year program since 2000.[67] From 2007 to 2009, the enrollment in this program rose 73%, from 71 students to 123 students.[68]

Adult Completer Programs

Currently, there are an estimated two million[69] Floridians who have not finished college and do not have the skills needed for high-wage, high-skill jobs that our economy requires.[70] This year the Legislature established a Degree Completion Pilot Program[71] for the purpose of recruiting, recovering, and retaining the state's adult learners and assisting them in completing an associate or baccalaureate degree aligned to high-wage, high-skilled workforce needs.[72] Recently, other states have implemented similar programs.

Texas has the GradTX[73] program, which is a statewide initiative targeting adult learners who have earned at least 90 semester credit hours of college work, but never completed their program and encourages them to return to college to earn their bachelors degree.[74] Oklahoma's Reach Higher program is designed for working adults who have earned some college credit[75] by offering flexible class schedules that enable students to keep full-time jobs while earning their college education.[76] The program offers limited[77] degree options and classes are available in an online format in eight-week durations.[78]

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[61] Abramson, Larry, "Ohio Universities Told To Develop 3-Year Degrees," *NPR.org,* April 19, 2011, http://www.npr.org/2011/04/19/135545481/ohio-universities-told-to-develop-3-year-degrees (last visited 5/4/2012).
[62] 2009-H 5286 and 2009-S 1052.
[63] Szyba, Randall T., "Three years to a college degree in Rhode Island," *Rhode Island General Assembly,* October 29, 2009, http://www.rilin.state.ri.us/news/pr1.asp?prid=5939 (last visited 5/4/2012).
[64] *Id.*
[65] De Vise, Daniel, "Three-year degrees: A closer look," *Washington Post,* June 16, 2011, http://www.washingtonpost.com/blogs/college-inc/post/three-year-degrees-a-closer-look/2011/06/16/AGSM62XH_blog.html (last visited 5/4/2012).
[66] *Id.*
[67] Shellenbarger, Sue, "Speeding College to Save $10,000," *Wall Street Journal,* May 12, 2010, http://online.wsj.com/article/SB10001424052748703565804575238341696523742.html (last visited 5/4/2012).
[68] *Id.*
[69] This makes up 23 percent of our workforce. *See* The Florida Senate, Bill Analysis and Fiscal Impact Statement, SB 1992, Senate Committee on Budget, February 12, 2012, p. 25, http://www.flsenate.gov/Session/Bill/2012/1992/Analyses/kMc4baxtYILifVPhVS/8oEXnyzI=%7C11/Public/Bills/1900-1999/1992/Analysis/2012s1992.bc.PDF (last visited 6/1/2012).
[70] *Id.*
[71] Currently there is no funding in the budget for this program.
[72] Florida House of Representatives, "Final Bill Analysis CS/HB 5201," March 19, 2012, p. 9, http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h5201z.HEAS.DOCX&DocumentType=Analysis&BillNumber=5201&Session=2012 (last visited 5/15/2012).
[73] *See* http://gradtx.org/ (last visited 5/18/2012).
[74] Texas Higher Education Coordinating Board, "Self-Evaluation Report to the Sunset Advisory Commission," September 1, 2011, p. 32, http://www.thecb.state.tx.us/files/dmfile/SunsetSER2011Final5.pdf (last visited 5/18/2012).
[75] For the bachelor's degree program adult students must be at least 21 years old, have completed at least 72 hours of college credit and had a minimum of 2.0 grade point average (GPA). For the associate's degree program students must be at least 21 years old and have completed at least 18 hours of college credit with a minimum GPA of 2.0. McElroy, T. and D. Blanke, "Reach Higher" (copy on file with Government Efficiency Task Force staff).
[76] Southwester Oklahoma State University, "Reach Higher Program Information," http://www.swosu.edu/administration/registrar/reach-higher.asp" (last visited 6/1/2012).

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Project Win-Win is a collaborative effort between the Institute for Higher Education Policy and the State Higher Education Executive Officer, and funded principally by Lumina Foundation for Education.[79] The program partners with colleges and four-year institutions authorized to award associate's degrees to identify former students, no longer enrolled anywhere and never awarded any degree, whose record qualifies them for an associate's degree, and award those degrees retroactively.[80] Simultaneously, these institutions identify former students who are "academically short" of an associate's degree by no more than nine to 12 credits, find them, and seek to bring them back to complete the degree.[81] Currently Broward College, Indian River State College, and St. Johns River State College will be serving as pilot colleges for Florida.[82]

Excess Credits and Incentives

It is important for Florida that students graduate on time and without excess credits. A 2006 OPPAGA study found that excess credit hours cost the state $62 million in Fiscal Year 2004-05.[83] Currently, the state charges a surcharge for students who graduate with excess credit hours. Florida requires a surcharge of 100 percent of tuition for each credit hour in excess of 110[84] percent of the number of credit hours required for completion of the students' registered degree program.[85]

Other states offer tuition incentives in the form of credits or discounts if students commit to meeting certain goals, such as graduating on time or early.[86] Other states like Texas offer $1,000 in a tuition rebate for students who complete a bachelor's degree efficiently, taking as few courses outside their degree plan as possible.[87] To receive the rebate a student enrolled after high school graduation at a college or university for the first time in fall of 1997 or later must graduate with no more than three semester credit hours in excess of the minimum number of credit hours required to degree.[88] Students enrolled after high school graduation at a college or university for the first time in fall 2005 or later must also graduate in a timely manner[89] to earn the rebate.[90]

Recommendations

The Task Force recommends the Blue Ribbon Task Force develop strategies to increase degree production. Example strategies may include incentives for timely and expedited completion of bachelor degrees, creating more three-year degree programs, and developing a statewide degree completer program.

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[77] One bachelor's degree in Organizational Leadership, and three associate's degrees. McElroy, T., and D. Blanke, "Reach Higher" (copy on file with Government Efficiency Task Force staff).
[78] Southwester Oklahoma State University, "Reach Higher Program Information," http://www.swosu.edu/administration/registrar/reach-higher.asp" (last visited 6/1/2012).
[79] Institute for Higher Education Policy, "Project Win-Win," http://www.ihep.org/projectwin-win.cfm (last visited 5/18/2012).
[80] *Id.*
[81] *Id.*
[82] Florida Department of Education, State Board of Education, "Elimination of College Level Academic Skills," July 20, 2011, http://www.fldoe.org/cc/OSAS/Correspondence/pdf/07-11EliminationofCLAS.pdf (last visited 5/18/2012).
[83] OPPAGA, "Excess Hours Cost State $62 Million Annually: University Actions May Help Address Problem," Report No. 06-58, August 2006, p. 2, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0658rpt.pdf (last visited 5/18/2012).
[84] This was changed from 115 percent in HB 5201. OPAGGA estimated this reduction will save the state an additional $11 million in FY 2012-13. *See* The Florida House of Representatives, Final Bill Analysis, CS/HB 5201, March 19, 2012, p. 11, http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h5201z.HEAS.DOCX&DocumentType=Analysis&BillNumber=5201&Session=2012 (last visited 5/18/2012).
[85] Chapter 2012-134, L.O.F.
[86] National Conference of State Legislatures, "Getting What You Pay For: Tuition Policy and Practice," November 2008, p. 3, http://www.wiche.edu/info/gwypf/badolato.pdf (last visited 5/18/2012).
[87] *See* http://www.collegeforalltexans.com/apps/financialaid/tofa2.cfm?ID=447 (last visited 5/18/2012).
[88] *Id.*
[89] According to the most recent revision of this program, a timely manner is graduating in four calendar years for a four-year degree program or within five calendar years if the degree is in a program determined by the board to require more than four years to complete. *See* http://www.collegeforalltexans.com/apps/financialaid/tofa2.cfm?ID=447 (last visited 5/18/2012).
[90] *Id.*

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The Task Force recommends that the BRTF study the Project Win-Win program and its results at participating Florida colleges to determine if this program (or similar program) could be applied to SUS institutions. The BRTF should investigate initiatives in other states to see the value to Florida of an adult completer program that requires state funding. The Task Force recommends the BRTF research the effectiveness of programs aimed at student retention in higher education.

D. SYSTEM EFFICIENCY

Sharpening the Pencil Act

Building on the Best Financial Management Practice (BFMP) Reviews,[91] the Legislature passed the "Sharpening the Pencil Act" in 2001 to assist school districts in identifying and realizing cost savings through implementation of best financial management practices.[92] These reviews were intended to improve the use of resources, identify cost savings, and improve the districts' performance accountability systems.[93] To achieve these goals, the Commissioner of Education was required to develop best practices in several areas, including efficient delivery of educational services, facilities construction and maintenance, performance accountability, and cost control systems.[94]

The scope of the reviews focused on the best practices adopted by the Commissioner; however, OPPAGA could include additional items after seeking input from the district and the Department of Education.[95] The reviews culminated in a final report containing an action plan for addressing financial management. The total savings realized by Florida school districts from the BFMP and Sharpening the Pencil reviews,[96] over a five year period, was $933,209,474.00.[97]

University Audits

Currently, the Auditor General is required to conduct annual financial audits[98] of all state universities and colleges, and at least every three years, conduct operational audits[99] of the accounts of state universities and colleges.[100] Audits are made to determine whether financial resources are properly accounted for; whether public officials comply with applicable laws, rules, regulations and other legal requirements; whether proper and effective internal controls are in place over entity operations; and whether assets are properly safeguarded.[101]

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[91] BFMP reviews were an assessment system based on a comprehensive set of best practices to improve school districts' management and use of resources. The best practices covered a broad range of school district educational and program services. *See* s. 11.515, F.S., repealed in 2001 (*see also* Ch. 2001-86, L.O.F). These reviews were in-depth projects that involved reviewing district operations at the individual program level. *See* The Florida House of Representatives, Bill Analysis, CS/CS/HB 0269, Committee on General Education, June 1, 2001, p. 10 (copy on file with Government Efficiency Task Force staff).

[92] *Id.*

[93] *Id.*

[94] Chapter 2001-86, L.O.F.

[95] Section 230.2302(2), F.S., subsequently changed to s. 1008.35(2), F.S. in 2002 (*see also* Ch. 2002-387, L.O.F.)

[96] These reviews have not been funded by the Legislature since 2004. Kinsley, Chris, email from BOG, May 31, 2012 (copy on file with Government Efficiency Task Force staff).

[97] The Best Financial Management Practices reviews and Sharpening the Pencil reviews conducted by OPPAGA achieved an annual savings of $186,641,894.90, or a total savings of $933,209,474.00 over five years. OPPAGA, "Sharpening the Pencil: Reviews by District," http://www.oppaga.state.fl.us/districtlist.aspx (last visited 5/2/2012). For more information on the Best Financial Management Practices reviews, see s. 11.515, F.S., repealed in 2001 (*see also* Ch. 2001-86, L.O.F).

[98] Section 11.45(1)(c), F.S.

[99] Section 11.45(1)(g), F.S.

[100] Sections 11.45(2)(c) and (f), F.S.

[101] The Florida House of Representatives, Final Bill Analysis, CS/HB 5201, March 19, 2012, p. 2, http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h5201z.HEAS.DOCX&DocumentType=Analysis&BillNumber=5201&Session=2012 (last visited 5/15/2012).

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Recommendations

The Task Force recommends the Board of Governors (BOG) create a University Review Program. This program should be similar to the K-12 system's BFMP reviews and the "Sharpening the Pencil" Act. The university reviews should identify ways each university can achieve savings; improve management; and increase efficiency and effectiveness. The BOG should compile a list of best practices, including innovative strategies successfully implemented at individual universities. While the Task Force recognizes the Auditor General's Office conducts financial and operational audits to promote government accountability and stewardship and improve government operations, the objectives[102] of these audits are broader than the purpose of the recommended "University Review Program." The "University Review Program's" main focus should be on cost saving strategies and efficiencies.

E. SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS (STEM) DEGREES

STEM Degrees

Research conducted by the Center on Education and the Workforce at Georgetown University found the risk of unemployment among recent graduates, along with the amount of money a graduate makes, depends on their major.[103] Median earnings among recent college graduates is $36,000 higher for a Computer Engineering major than a Physiology major.[104] This is just one indicator of the importance of STEM degrees in today's economy.

A major factor in Florida's future economic growth will be the ability of the state university and state college systems to promote economic growth and meet the needs of the state's businesses. In order to do this, Florida's universities must produce more graduates in STEM fields, increase their STEM research productivity that can be commercialized and expanded into new economic opportunities, and build strong relationships with the business community to expand services such as business incubators that will promote targeted economic growth.[105] Governor Scott recognized the importance of STEM initiatives and included it as one of his seven key steps in the Governor's 2012 Job Creation and Economic Growth Agenda.[106]

Florida is a leader in multiple high-tech sectors, ranking among the top four in space and defense systems manufacturing, photonics manufacturing, internet and telecommunications services, engineering services, and computer training.[107] Overall, Florida ranks fifth in the nation for employing high-tech workers.[108] Although the research has not effectively addressed the human and financial capital necessary to generate a sufficient STEM talent pool, the current economic landscape demands that targeted investments be made, not in spite of the economic downturn, but rather because of it.[109] The leading companies and clusters that will emerge over the next 20 years will locate themselves in states where they have access to a top-quality workforce.[110]

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[102] *See* Auditor General, *Annual Report of the Auditor General: November 1, 2010 through October 31, 2011*, p. 10, http://www.myflorida.com/audgen/pages/pdf_files/annual%20report%202011.pdf (last visited 5/15/2012).
[103] Carnevale, A., B. Cheah, J. Strohl, "Hard Times: College Majors, Unemployment and Earnings: Not All College Degrees are Created Equal," Georgetown University Center for Education and the Workforce, January 4, 2012, p. 4, http://www9.georgetown.edu/grad/gppi/hpi/cew/pdfs/Unemployment.Final.pdf (last visited 5/23/2012).
[104] *Id.* at p. 6.
[105] Governor Rick Scott, "2012 Job Creation and Economic Growth Agenda," October 13, 2011, p. 7, http://www.flgov.com/wp-content/uploads/2011/12/Jobs2012FINAL.pdf (last visited 5/23/2012).
[106] *Id*. at p. 6.
[107] TechAmerica Foundation, "Florida Is the 5th Largest Cyberstate by Tech Employment," October 5, 2011, http://www.techamericafoundation.org/cyberstates2011-florida (last visited 5/23/2012).
[108] *Id.*
[109] The Florida Senate, "Review the Effect of State High School Graduation Requirements on Student Preparation for Postsecondary Education and the Workforce," Interim Report 2012-112, October 2009, p. 1, http://archive.flsenate.gov/data/publications/2010/Senate/reports/interim_reports/pdf/2010-112ed.pdf (last visited 5/23/2012).
[110] Florida Council of 100, "Closing the Talent Gap: What Florida Needs from its Talent Supply Chain," 2010, p. iii, http://www.flchamber.com/wp-content/uploads/ClosingtheTalentGap_2010.pdf (last visited 5/30/2012).

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The Florida Council of 100 found that within five years, Florida will need at least 100,000 more science and technology professionals than we are currently on track to produce.[111] By 2018, Florida's economy will demand a total of 385,010 STEM jobs, up from 322,560 in 2008.[112] Of those jobs, 58 percent will require a bachelor's degree or higher and a total of 89 percent will require some postsecondary education and training.[113] Currently,[114] less than 20 percent of bachelor's degrees awarded through the SUS[115] were in STEM fields.[116]

Florida's STEM Strategic Plan Efforts

In 2007, the Legislature created the Florida Center for Research in Science, Technology, Engineering and Mathematics (FCR-STEM).[117] FCR-STEM is housed at Florida State University's Learning System's Institute.[118] FCR-STEM's mission is to help the State of Florida improve teaching and learning in K-12 science, technology, engineering and math and prepare students for higher education and STEM careers in the 21st century.[119] A National Governor's Association (NGA) response to an FCR-STEM grant proposal, noted:

> Florida's gap analysis completed for NGA's grant application indicates that the state has many STEM partners, programs, and activities, but they are not well connected, aligned, or working cooperatively to achieve the common goal of improving student achievement in STEM areas. Additionally, despite these multiple STEM programs in public schools, colleges, universities, Space Florida, and STEM-related business and industry, student achievement in STEM content areas and programs is not where it needs to be for students' future success in these areas. Secondary students lack essential competencies to succeed in postsecondary STEM education and 21st Century STEM careers. As a result, employers are looking outside of Florida and the nation to fill high skill STEM positions.[120]

As a result of the NGA's findings, FRC-STEM, in partnership with the Florida Chamber of Commerce (Florida Chamber Foundation), established a task force to develop a cohesive state plan to engage the educational and workforce entities essential to create a sustained and high-skilled workforce and a more viable state economy.[121] In 2009, Workforce Florida, Inc., announced a request for proposal (RFP) to provide funding in support of efforts to improve STEM outcomes in Florida.[122] In order to avoid duplication of efforts and increase

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[111] *Id.*
[112] Carneval, A., N. Smith, and M. Melton, "STEM State-Level Analysis," Georgetown University Center for Education and the Workforce, October 20, 2011, p. 21, http://www.mcla.edu/About_MCLA/uploads/textWidget/4175.00014/documents/stem-states-complete.pdf (last visited 5/23/2012).
[113] *Id.*
[114] FY 2010-11.
[115] However, 37 percent bachelor's degrees were in areas of strategic emphasis that include STEM, globalization, security/emergency services, health professions, and education (critical). State University System of Florida, Board of Governors, "Annual Accountability Report 2010-2011," March 2012, p. 12, http://www.flbog.org/about/_doc/budget/System_Annual_Accountability_Report.pdf (last visited 5/23/2012).
[116] State University System of Florida, Board of Governors, "Annual Accountability Report 2010-2011," March 2012, p. 12, http://www.flbog.org/about/_doc/budget/System_Annual_Accountability_Report.pdf (last visited 5/23/2012).
[117] Section 59, Ch. 2006-60, L.O.F., (codified in s. 1004.86, F.S.) instructed the Department of Education to competitively select a public or private university to create and operate the Florida Center for Mathematics and Science Education Research for purposes of increasing student achievement in mathematics and science, with an emphasis on K-12 education.
[118] Learning Systems Institute, Florida State University "Florida Center for Research in Science, Technology, Engineering and Mathematics," http://www.lsi.fsu.edu/centers/fcrstem/documents/brochure_fcrstem.pdf (last visited 5/23/2012).
[119] *Id.*
[120] The Florida Senate, *Review the Effect of State High School Graduation Requirements on Student Preparation for Postsecondary Education and the Workforce*, Interim Report 2010-112, prepared by Committee on Education Pre-K – 12, October 2009, p. 7, http://archive.flsenate.gov/data/publications/2010/Senate/reports/interim_reports/pdf/2010-112ed.pdf (last visited 5/23/2012).
[121] *Id.* at p. 8.
[122] *Id.* at p. 6.

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the likelihood of developing a STEM Plan that would have a state-wide impact, leaders of the FCR-STEM task force decided to collaborate with the Consortium of Florida's Education Foundation and others in responding to the RFP.[123] STEM*florida* initiative was selected[124] and the eventual result was the Florida STEM Strategic Plan issued in December 2011.[125]

The STEM Strategic Task Force was composed of over 70 members of the business, industry, education, policy and philanthropic communities, who relied on state of the state reports, literature reviews, roundtable discussions, and earlier initiatives to gain a clear picture of both the current and necessary STEM performance in Florida and business-recommended and evidence-based strategies for overcoming that gap.[126] The plan focuses on three main areas: students, educators, and sustainable infrastructure.[127] For students, the goal is to increase the percentage of students successful at each level to ensure our diverse population is:

- Capable of conducting real-world STEM projects and inquiry;
- Capable of authentic and collaborative problem solving;
- Proficient in applying multidisciplinary knowledge and skills through STEM;
- Proficient in English and other languages in order to succeed on a global scale; and
- Knowledgeable about and interested in STEM careers.[128]

For educators, the goal is to increase the quality of STEM educators.[129] Lastly, for a sustainable infrastructure, the goal is to create a statewide sustainable STEM leadership organization to align existing and emerging STEM initiatives and represent Florida as one voice in meeting STEM demands.[130]

The Legislature, noticing the lack of a statewide strategic STEM plan, passed HB 7135 in 2012.[131] HB 7135 requires the SBE, in consultation with the BOG and the Department of Economic Opportunity, to adopt a unified plan to improve K-20 STEM education and prepare students for high-skill, high-wage, and high-demand employment in STEM and STEM-related fields.[132]

Economic Security Report (HB 7135 – Post Secondary Education)[133]

Passed during the 2012 Regular Session, HB 7135 requires the Department of Economic Opportunity (DEO) to prepare, or contract with an entity to prepare, an annual *Economic Security Report* of employment and earning outcomes report using Florida Education and Training Placement Information Program (FETPIP) data, FCS data, SUS data, and the Integrated Postsecondary Education Data System (IPEDS). The report will include information on graduates, degrees, education delivery system, public assistance, student loan debt, employment, income, continuing education, and graduate degrees for all students who earn a degree in the SUS, the FCS, and those who hold industry certifications.

Beginning in the 2014-15 academic year and each year thereafter, SUS institutions and FCS institutions will be required to provide students with the DEO report by the time of course registration. Each state university is also required to provide students with information detailing the top 25 percent and lowest 10 percent of degrees in regard to earnings.

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[123] *Id.*
[124] *Id.* at p. 8.
[124] FCR-STEM, "Florida STEM Strategic Plan," December 2011, p. 6, http://www.lsi.fsu.edu/centers/fcrstem/resources/documents/floridaSTEM_strategic_plan_dec2011.pdf (last visited 5/23/2012).
[125] *See Id.*
[126] *Id.* at p. 1.
[127] *Id.*
[128] *Id.* at p. 11.
[129] *Id.*
[130] *Id.*
[131] *See* Ch. 2012-118, L.O.F.
[132] *Id.*
[133] House Bill 7135 (2012), Ch. 2012-196, L.O.F.

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State University Accountability and Strategic Plan (HB 7135 – Post Secondary Education)[134]

The State University System Strategic Plan 2005-2013 outlined seven accountability measures for the SUS: graduation rates, degree production, meeting statewide and professional workforce needs, enrolling underserved populations, licensure passage, academic learning compacts, and building world-class nationally recognized programs.[135] HB 7135 expands the specific performance metrics and standards used to monitor the performance at the system level in each of the major areas of instruction, research, and public service, while recognizing the differing mission of each of the state universities. Metrics are to be included in the SUS strategic plan, and university and system progress will be reported annually in the accountability plans. The bill does not delineate the specific performance metrics and standards common to all institutions or metrics and standards unique to institutions depending on institutional core missions, but specifies certain metrics and standards, including: admission requirements, graduation, retention, employment, continuing education, licensure passage, excess hours, student loan burden and default rates, and well-known, highly-respected national rankings for institutional and program achievements.

The university system accountability process requires each board of trustees to submit to the BOG a university annual report that describes progress regarding articulated goals and summarizes other key data, including the above-mentioned performance metrics, with accompanying narrative to highlight or explain information. The plan must include student enrollment and performance data by method of instruction including traditional, online, and distance learning. The BOG must submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. This accountability process provides for the systematic, ongoing evaluation of quality and effectiveness of state universities by the BOG. The strategic plan must also consider reports and recommendations of the HECC and the Articulation Coordinating Committee .

Recommendations

The Task Force is aware of the high degree of interest among policy makers in increasing the production of science, technology, engineering, and mathematics (STEM) degrees in the State of Florida and concurs with that as a stated and laudable goal of the Blue Ribbon Task Force (BRTF). The Task Force recommends the BRTF review methods to increase the production of STEM degree graduates in the SUS, and in doing so, consider the actions of HB 7135 (Chapter 2012-195, L.O.F.) and the creation of a statewide STEM strategic plan. Graduates with STEM degrees have high employment rates and are drivers of economic progress for the State of Florida. Efforts, like those in HB 7135, should be encouraged and expanded. The BRTF should look at the strategic plan developed by FCR-STEM, but also examine initiatives other states have undertaken related to statewide STEM planning. The BRTF should make sure to investigate Florida's economy and identify STEM fields that are most important to expanding our economy and include in the plan.

The plan should establish metrics that enable all those involved with higher education to understand the economic impact of particular degree programs at each SUS institution. Beyond the requirements of HB 7135's Economic Security Report, this should involve a cost-per-degree assessment to provide students with the economic value based on a degree holders' median earnings. Multiple performance measures should be developed to provide the absolute and relative economic value of degree programs, and provide transparency to those involved the process so resource and allocation decisions can be based on a higher return on investment to the state and its citizens.

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[134] *Id.*

[135] Board of Governors, "State University System Strategic Plan 2005-2013," 2005, p. 42, http://www.flbog.edu/about/_doc/strategicplan/StrategicPlan_05-13.pdf (last visited 5/16/2012). The most recent strategic plan, *State University System Strategic Plan 2012-2025*, published in November 2011, includes 28 BOG identified performance indicators to measure progress toward the SUS 2025 goals. *See* http://www.flbog.edu/pressroom/_doc/2011-11-28_Strategic_Plan_2012-2025_FINAL.PDF (last visited 5/2/2012).

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The plan must take into account, coordinate, and streamline all STEM initiatives taking place throughout the K-20 system. STEM initiatives taking place at all higher education institutions must factor into the development of the State University Accountability and Strategic Plan,[136] including adding a metric for number of STEM degrees produced by each state university and college.

F. FACILITY UTILIZATION

Public Education Capital Outlay

The Public Education Capital Outlay program (PECO) is Florida's primary source of facility funding for the SUS, which utilizes the funds for new teaching and research facilities and to keep existing buildings functional with deferred maintenance spending.[137] PECO was established in 1963 by constitutional amendment to fund public higher education construction and maintenance projects.[138] PECO works to fund Florida's long-term need for education facilities with a portion of the gross receipts tax on utilities, including electricity, telecommunications and cable.[139] The GRT is utilized to borrow money at very low interest rates by issuing tax-exempt PECO bond offerings.[140] Currently, PECO bonds[141] account for nearly 40 percent of the state's debt.[142]

Within the SUS, fixed capital outlay expenditures are based on 3-year[143] and 5-year[144] plans provided by the institutions.[145] The plans are submitted to the BOG, which approves a 3-year PECO list.[146] The list is then sent to the Legislature, which determines the projects to receive PECO funding. Additionally, SUS institutions have a supplementary revenue source for capital improvements in the Capital Improvement Trust Fund Fee (CITF) and the building fee.[147]

Postsecondary institutions rely heavily on PECO funds to pay for fixed capital outlay projects.[148] In January 2012, the Revenue Estimating Conference reduced the PECO funding amount to zero for the next two years[149,150] It is critical SUS institutions utilize existing facilities as efficiently as possible, because increasing

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[136] As required by HB 7135 (2012), Ch. 2012-196, L.O.F.
[137] State University System of Florida, Board of Governors, "Fact Sheet: Public Education Capital Outlay (PECO)," September 29, 2011, p. 1, http://www.flbog.org/resources/_doc/publications/infobrief/9-2011_FACT_SHEET_Public-%20Education-Capital-Outlay-final.pdf (last visited 5/14/2012).
[138] *Id.*
[139] *Id.*
[140] *Id.*
[141] Section 1010.62, F.S., establishes the process for authorizing and issuing university debt and identifies the revenues that are available for payment of fixed capital outlay debt over a period of time.
[142] Florida TaxWatch, "Public Education Capital Outlay," May 20, 2011, p. 2, http://www.floridataxwatchapterorg/resources/pdf/05202011PECOFUNDSReport.pdf (last visited 5/14/2012).
[143] As required by s. 1013.64, F.S.
[144] As required by s. 1013.31, F.S.
[145] Florida State University, "Major Project Funding Process," March 16, 2012, http://www.facilities.fsu.edu/FDC/Major_Funding.php (last visited 5/14/2012).
[146] State University System of Florida, Board of Governors, "Fact Sheet: Public Education Capital Outlay (PECO)," September 29, 2011, p. 1, http://www.flbog.org/resources/_doc/publications/infobrief/9-2011_FACT_SHEET_Public-%20Education-Capital-Outlay-final.pdf (last visited 5/14/2012).
[147] Section 1009.24(8), F.S., establishes the Capital Improvement Trust Fund Fee (CITF) and the building fee. Prior to this legislative session, the CITF was capped at $2.44 per credit hour and the building fee was capped at $2.32 per credit hour. HB 5201 (*see* Ch. 2012-134, L.O.F) allows universities to increase the CITF up to 10 percent of tuition or the sum of tuition and out-of-state fees as approved by a fee committee and the board of trustees. The fee may increase no more than $2 per credit hour over the prior year for resident students.
[148] OPPAGA, "Higher Education Facility Construction Costs are Reasonable; Some Improvements could Maximize Use of Classroom Space," Report No. 06-31, March 2006, p. 3, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0631rpt.pdf (last visited 5/15/2012).
[149] FY 2012-13 and FY 2013-14.

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building utilization can delay the need for new classrooms.[151] The BOG has identified the importance of utilization in these tough economic times. For the 2013-14 Fixed Capital Outlay Budget Request, the BOG required SUS universities to consider utilization in the prioritization of their projects.[152]

Utilization

Florida law requires classrooms to be used at least 40 hours per week and that 60% of student stations be occupied.[153] The statutory language for higher education presumes a 40-hour work week, based primarily on faculty schedules of the past, and the standard 40-hour work week.[154] With the addition of distance learning, expansion of adjunct faculty, and other non-traditional approaches that blend classroom and non-classroom instruction, the 40-hour paradigm may no longer be the most appropriate bench mark.[155]

A 2006 OPPAGA report found classrooms at some state universities and colleges were underutilized.[156] As a result of this report, the BOG established a facilities task force in May 2006, which made recommendations for updating the formulas used in the planning process to determine need for additional classrooms and other types of instructional and non-instructional space. Currently, the BOG has not acted on the recommendations to update to the formula.[157] In a 2009 follow-up report, OPPAGA found that higher education classroom utilization remains low during some time periods despite the efforts of some postsecondary institutions.[158] OPPAGA noted that more state-level action is needed to improve classroom utilization and the facilities planning process.[159,160] This year the BOG has established another Facilities Task Force, which is required to produce final recommendations by November 7, 2012.[161] The Facilities Task Force's focus will be on studying ways to address the "facilities funding crisis."[162]

Recommendations

The Task Force recommends the Blue Ribbon Task Force review and develop a comprehensive assessment tool to evaluate facility usage, including classroom utilization, to more accurately determine the need for PECO funds. The BOG should make recommendations to the BRTF for consideration regarding maximization of facility usage and optimum facility utilization. Other recommendations

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[150] Revenue Estimating Conference, January 13, 2013, http://edr.state.fl.us/content/conferences/peco/pecoexec.pdf (last visited 5/15/2012).
[151] OPPAGA, "Higher Education Facility Construction Costs are Reasonable; Some Improvements could Maximize Use of Classroom Space," Report No. 06-31, March 2006, pp. 3, 6, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0631rpt.pdf (last visited 5/15/2012).
[152] Jones, Tim, "2013-14 Fixed Capital Outlay Budget Request General Instructions," Memo to University Presidents, August 1, 2012, p. 2, http://flbog.edu/about/_doc/cod/cipinstructions/1-CIP-General-Instructions.pdf (last visited 5/15/2012).
[153] Section 1013.03(2), F.S.
[154] FCS and SUS, "Florida Higher Education Classroom Utilization Study," 2011, p. 2, (copy on file with Government Efficiency Task Force staff).
[155] *Id.*
[156] OPPAGA, "Higher Education Facility Construction Costs are Reasonable; Some Improvements could Maximize Use of Classroom Space," Report No. 06-31, March 2006, p. 6, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0631rpt.pdf (last visited 5/15/2012).
[157] *Id.* at p. 5.
[158] OPPAGA, "More State Direction Could Increase the Utilization of Higher Education Classrooms," Report No. 09-25, April 2009, p. 2, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0925rpt.pdf (last visited 5/15/2012).
[159] *Id.* at p. 5.
[160] The FCS and BOG conducted their own higher education utilization study. For their results see FCS and SUS of Florida, "Florida Higher Education Classroom Utilization Study," 2011, p. 2 (copy on file with Government Efficiency Task Force staff).
[161] SUS Facilities Task Force, "Meeting Materials," April 30-May 1, 2012, p. 15, http://www.flbog.edu/documents_meetings/0166_0596_4749_Agenda%20and%20Meeting%20materials.pdf (last visited 5/15/2012).
[162] Wilmath, Kim, "Board of Governors to study facilities funding," *Tampa Bay Times*, March 21, 2012, http://www.tampabay.com/blogs/the-buzz-florida-politics/content/board-governors-study-facilities-funding (last visited 5/15/2012).

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should focus on ways to improve utilization data to ensure postsecondary institutions are meeting their potential for enrollment and whether steps are necessary to address underutilization at these sites.[163]

G. UNIVERSITY FUNDING

State universities receive funding from state appropriations, student tuition and fees, private sources, and federal programs.[164] This year's budget provided about $3.5 billion to the SUS.[165] According to the BOG, the SUS's overall budget was in excess of $9.7 billion last year.[166]

Performance-based Funding

Performance-based funding (or outcomes-based funding) is a postsecondary finance strategy that links state funding for public colleges and universities with institutional performance.[167] Unlike traditional funding, which has been based on linking appropriations to enrollment growth, performance-based funding links state appropriations to outcomes that align with the state's goals and priorities.[168] Performance-based funding has been promoted as a policy option for improving campus productivity and boosting college completion by the Lumina Foundation, Bill and Melinda Gates Foundation, College Board, National Conference of State Legislatures, National Governors Association, and Education Commission of the States.[169] The main components for performance-based funding are goals, measurements and incentives.[170] In order to be successful, these three components must be aligned and complementary with each other.[171]

There are three main delivery models that link state funding and campus outcomes: output-based funding, performance contracts, and performance set-asides.[172] Output-based systems are funding formulas linking state funding and outputs.[173] Performance contracts are negotiated agreements between states and institutions to achieve results.[174] Finally, performance set-asides are a separate portion of state funding designed to improve university performance, which may be a bonus fund or a separate portion of a regular state appropriation.[175]

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[163] *See* OPPAGA, "More State Direction Could Increase the Utilization of Higher Education Classrooms," Report No. 09-25, April 2009, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0925rpt.pdf (last visited 5/15/2012).
[164] OPPAGA, "Government Program Summaries: Education System State University System," October 3, 2011, p. 3, http://www.oppaga.state.fl.us/profiles/2101/ (last visited 5/15/2012).
[165] Kinsley, Chris, email from BOG, May 31, 2012 (copy on file with Government Efficiency Task Force staff).
[166] FY 2011-12. The SUS budget is divided into five major components: Education and General state and tuition funds, Contracts and Grants, Auxiliary Services, Local Funds, and Faculty Practice Plans. State University System of Florida, Board of Governors, "Annual Accountability Report 2010-2011," March 2012, p. 22, http://www.flbog.org/about/_doc/budget/System_Annual_Accountability_Report.pdf (last visited 5/18/2012).
[167] American Association of State Colleges and Universities, "Performance-based Funding: A Re-Emerging Strategy in Public Higher Education Financing," June 2011, p. 2, http://www.congressweb.com/aascu/docfiles/Performance_Funding_AASCU_June2011.pdf (last visited 5/18/2012).
[168] Maryland Department of Legislative Services, Office of Policy Analysis, "Performance Models and Metrics in Higher Education," February 23, 2012, p. 1, http://mlis.state.md.us/2012rs/misc/PolicyBriefing-PerformanceMetrics.pdf (last visited 5/21/2012).
[169] American Association of State Colleges and Universities, "Performance-based Funding: A Re-Emerging Strategy in Public Higher Education Financing," June 2011, p. 2, http://www.congressweb.com/aascu/docfiles/Performance_Funding_AASCU_June2011.pdf (last visited 5/18/2012).
[170] *Id.*
[171] Maryland Department of Legislative Services, Office of Policy Analysis, "Performance Models and Metrics in Higher Education," February 23, 2012, p. 1, http://mlis.state.md.us/2012rs/misc/PolicyBriefing-PerformanceMetrics.pdf (last visited 5/21/2012).
[172] *Id.*
[173] *Id.*
[174] *Id.* at p. 3.
[175] *Id.*

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There are many advantages to performance-based funding. It can lead to greater awareness of performance on college campuses, while improving the delineation of state and institutional priorities.[176] Performance-based funding can also enhance transparency and accountability and increase productivity.[177]

Other States Using Performance-based Funding

Tennessee

Tennessee, which first implemented performance-based funding in 1979, passed legislation in 2010[178] to restructure the state's higher education funding model.[179] They have changed their primarily enrollment-driven higher education finance system to an output-based approach[180] that will eventually tie 100 percent of state funding for two and four-year colleges and universities to a new set of outcome-based metrics.[181] Currently, Tennessee is the only state utilizing outcomes and an institution-specific weighting structure to completely replace the enrollment-based funding model in higher education finance policy.[182]

The Tennessee model weights outcomes for each institution separately,[183] which allows the model to be tailored to an institution's specific mission.[184] Each institution's formula calculation is independent of other institutions and there are no state-imposed targets or pre-determined goals.[185] The allocation of available state appropriations is competitive and the distribution follows a pro-rata share of each institution's formula calculation.[186] For instance, if the state funds 50 percent of the overall higher education request, then each institution will receive 50 percent of its outcomes formula request.[187] Every year the funding allocation for higher education is available again; no institutions are entitled to appropriations based on prior-year funding.[188]

The Tennessee Higher Education Commission cited several advantages of the outcome-based model, including:

- Multiple measures of productivity, previously unaccounted for, will now be credited to the institution.
- The formula is not prescriptive in how to achieve success and excellence.
- The model does not penalize failure to achieve pre-determined goals.
- The model emphasizes unique institutional mission.
- The model is more flexible and can accommodate future shifts in mission or desired outcomes.
- The model is more transparent and simpler for state government.

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[176] Maryland Department of Legislative Services, Office of Policy Analysis, "Performance Models and Metrics in Higher Education," February 23, 2012, p. 6, http://mlis.state.md.us/2012rs/misc/PolicyBriefing-PerformanceMetrics.pdf (last visited 5/21/2012).
[177] *Id.* at p. 7.
[178] Tennessee SB 7006 (2010), Public Chapter No. 3.
[179] Hermes, Jim, "States trend toward performance funding," *Community College Times*, February 17, 2012, http://www.communitycollegetimes.com/Pages/Funding/States-trend-toward-performance-funding.aspx (last visited 5/21/2012).
[180] Community colleges and four-year state colleges and universities are also treated differently, allowing the formulas to account for differences in institutional missions. American Association of State Colleges and Universities, "Performance-based Funding: A Re-Emerging Strategy in Public Higher Education Financing," June 2011, p. 6, http://www.congressweb.com/aascu/docfiles/Performance_Funding_AASCU_June2011.pdf (last visited 5/18/2012).
[181] Hermes, Jim, "States trend toward performance funding," *Community College Times*, February 17, 2012, http://www.communitycollegetimes.com/Pages/Funding/States-trend-toward-performance-funding.aspx (last visited 5/21/2012).
[182] Presentation by Tennessee Higher Education Commission, "Tennessee's Outcomes-Based Funding Formula," pp. 11-12 (copy on file with Government Efficiency Task Force staff).
[183] For instance, if research has a larger role in an institutions mission, it gets weighted more heavily in the model. *Id.* at p. 19.
[184] *Id.*
[185] *Id.* at p. 45.
[186] *Id.* at p. 46.
[187] *Id.*
[188] *Id.* at p. 47.

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- The model is directly linked to the educational attainment goals of Tennessee's Public Agenda for higher education.[189]
- The model establishes a framework for government to have an ongoing policy of discussion with higher education.
- The model is adjustable to account for new outcomes or a different policy focus by changing the weights.[190]

This model allows state government to be clear in its expectations for higher education, while institutions are given wide latitude in organizational, budgetary, programmatic and academic matters.[191] The state provides incentives for achievement, but is not interfering with instructional judgments about how to achieve these goals.[192]

Pennsylvania

The Pennsylvania State System of Higher Education (PASSHE) has been cited by the Lumina Foundation for Education as a national leader in performance-based funding. In 2000, PASSHE implemented performance funding, allocating a portion of its funds each year to reward those institutions that demonstrate improvements in key areas including student achievement.[193] Since implementing performance-based funding, PASSHE has experienced significant changes in its campuses' attitudes toward performance, with gains cited in student retention and graduation rates, campus diversity, program quality and faculty productivity.[194] The average number of credits at graduation has decreased, while retention and graduation rates have increased.[195]

In 2011, PASSHE approved a new performance-based funding system that will replace the system old system that had been in place since 2000.[196] Pennsylvania's goals for their new system are to emphasize results instead of inputs; be aligned with PASSHE's strategic goals and national accountability efforts; create a funding system that will reduce competition among universities; and allow for institution-specific measures.[197] The new system is based on the core values of student success, access, and institutional stewardship of resources.[198] Each PASSHE university is measured on 10 performance indicators, five of which will be the same for all institutions and five of which will be selected by the individual universities based on their strategic goals.[199] All indicators will measure the universities' progress toward institution-specific goals and against external comparisons or expectations.[200] The new model changes how money is

[189] The Tennessee Public Agenda for higher education establishes the direct link between the state's economic development and its educational system. The overarching goal is to have Tennessee meet the projected national average in educational attainment by 2025. *See* http://tn.gov/thec/complete_college_tn/ccta_summary.html (last visited 5/21/2012).
[190] Presentation by Tennessee Higher Education Commission, "Tennessee's Outcomes-Based Funding Formula," pp. 53-56 (copy on file with Government Efficiency Task Force staff).
[191] *Id.* at p. 59.
[192] *Id.*
[193] Maryland Department of Legislative Services, Office of Policy Analysis, "Performance Models and Metrics in Higher Education," February 23, 2012, p. 2, http://mlis.state.md.us/2012rs/misc/PolicyBriefing-PerformanceMetrics.pdf (last visited 5/21/2012).
[194] American Association of State Colleges and Universities, "Performance-based Funding: A Re-Emerging Strategy in Public Higher Education Financing," June 2011, p. 3, http://www.congressweb.com/aascu/docfiles/Performance_Funding_AASCU_June2011.pdf (last visited 5/18/2012).
[195] *Id.*
[196] *Id.* at p. 6.
[197] Snyder, Martha, "Pennsylvania's Performance Funding System, March 2011 Case Study," December 7, 2011, http://www.thekc.org/blogs/pennsylvania%E2%80%99s-performance-funding-system-march-2011-case-study (last visited 5/21/2012).
[198] American Association of State Colleges and Universities, "Performance-based Funding: A Re-Emerging Strategy in Public Higher Education Financing," June 2011, p. 6, http://www.congressweb.com/aascu/docfiles/Performance_Funding_AASCU_June2011.pdf (last visited 5/18/2012).
[199] Snyder, Martha, "Pennsylvania's Performance Funding System, March 2011 Case Study," December 7, 2011, http://www.thekc.org/blogs/pennsylvania%E2%80%99s-performance-funding-system-march-2011-case-study (last visited 5/21/2012).
[200] Marshall, Kenn, "PASSHE revises performance funding program," Pennsylvania State System of Higher Education, January 20, 2011, http://www.passhe.edu/inside/ne/press/Lists/Press%20Releases/DispForm.aspx?ID=461 (last visited 5/21/2012).

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appropriated. Under this model, the performance funding pool will be set at 2.4 percent of PASSHE's total Educational and General Appropriation, resulting in approximately the same funding level but ensuring greater productivity for universities.[201]

Texas

In 2011 the Texas legislature passed the "Higher Education Outcomes-Based Funding Act,"[202] which required the Texas Higher Education Coordinating Board to include in its biennial funding proposal to the Legislature a portion of funding (no more than 10 percent of the total appropriations for higher education) to reward institutions for achieving student success outcomes, such as increased graduation rates.[203] In April 2012, the Texas Higher Education Coordinating Board approved recommendations for outcomes-based funding. For two-year colleges, 10 percent of funding would use the outcomes-based methodology beginning in 2014-15.[204] These institutions would earn momentum points for the number of students annually completing certain metrics and the funding would be allocated to an institution in proportion to its share of the total momentum points earned statewide.[205]

For universities, the proposal would institute an outcomes-based allocation model to be funded outside the instruction and operations formula with 10 percent of funding that would have been allocated to undergraduate weighted credit hours.[206] The university model allocates funds based on a three-year rolling average of institutions' performance on certain metrics, which are all weighted the same[207] and based only on undergraduates.[208] The board noted that because the state's public health-related institutions have high graduation rates and do not face the same challenges with increasing student degree attainment as Texas' public universities and two-year colleges, they were not recommended for outcomes-based funding.[209]

Florida Performance-based Funding Initiatives

Colleges

The FCS first implemented performance-based funding in FY 1996-97, when the Legislature provided a specific appropriation for performance incentives.[210] The most recent year the Legislature appropriated funding for performance incentives was FY 2008-09.[211] Performance-based funding was distributed on a formula approved by the Council of Presidents and recommended to the Legislature. The formula recognized performance in efficiency (time to degree), program completions, degrees and certificates awarded, job placements, and meeting critical employment needs.[212]

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[201] Snyder, Martha, "Pennsylvania's Performance Funding System, March 2011 Case Study," December 7, 2011, http://www.thekc.org/blogs/pennsylvania%E2%80%99s-performance-funding-system-march-2011-case-study (last visited 5/21/2012).
[202] Texas HB 9 (2011).
[203] National Conference of State Legislatures, "Higher Education Legislation in 2011," http://www.ncsl.org/issues-research/educ/highereducationlegislation2011.aspx (last visited 5/21/2012).
[204] Texas Higher Education Coordinating Board, "Formula Funding Recommendations 2012," April 2012, p. 8, http://www.thecb.state.tx.us/reports/PDF/2591.PDF?CFID=28381880&CFTOKEN=98685641 (last visited 5/21/2012).
[205] *Id.*
[206] *Id.* at p. 9.
[207] One metric, critical fields factor (degrees awarded in fields identified as critical workforce needs such as Computer Science, Engineering, Math, Physics, Nursing, Allied Health and Teaching Certificates for Math and Science) are weighted double. *Id.*
[208] Graduate and professional students are excluded from the calculation. *Id.*
[209] *Id.*
[210] Florida College System, "Community College Funding," email from FCS, May 23, 2011 (copy on file with Government Efficiency Task Force staff).
[211] *Id.*
[212] *Id.*

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Performance funding was applied to as much as six percent of total college funding.[213] Florida did realize some success from the performance-based funding system. Over a six-year period, remedial students passing the highest remedial course within two years increased by 7.6 percent for reading, 4.3 percent by math, and 4.6 percent for writing.[214]

SUS Performance Based Funding (HB 7135 – Post Secondary Education)

For Fiscal Year 2012-13, the Legislature allocated $15 million[215] for performance funding for state universities.[216] HB 7135 outlines the formula by which the BOG must review and rank each state university that applies for performance funding:

- Twenty-five percent of a state university's score must be based on the percentage of employed graduates who have earned degrees in computer and information science, computer engineering, information system technology, and management information systems.
- Twenty-five percent of a state university's score must be based on the percentage of graduates who earned baccalaureate degrees in the concentrations above and who earn industry certifications in a related field from a FCS institution or state university before beginning a baccalaureate degree program.
- Fifty percent of a state university's score must be based on factors determined by the BOG that relate to increasing the probability that graduates who have earned degrees in computer and information science, computer engineering, information systems technology, and management information systems will be employed in high-skill, high-wage, and high-demand jobs.

The BOG must award up to $15 million to the highest-ranked state universities from funds appropriated for this purpose. The minimum amount awarded to a state university must be at least 25 percent of the total amount appropriated.

Colorado's Higher Education Voucher System

In May 2004, Colorado implemented the first, and to date only, voucher-based financing system for higher education statewide.[217] Colorado no longer appropriates money to institutions for undergrad education, but provides direct funding to in-state undergraduate students through the "College Opportunity Fund" (COF).[218] Students apply for and authorize the use of the voucher, which is applied to the student's university bill.[219] Unlike most funding systems where taxpayer money that a university receives for each student is not transparent, this plan shows the state's contribution on the tuition bill.[220] The state directs university expenses through fee-for-service contracts and conditional funding based on performance measures.[221] The fee-for-service contracts are negotiated between the institution and the state Department of Higher Education to fund several specific state needs, such as graduate education,

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[213] Dougherty, K., and E. Hong, "State Systems of Performance Accountability for Community Colleges: Impacts and Lessons for Policymakers," July 2005, p. 4 (copy on file with Government Efficiency Task Force staff).
[214] *Id.*
[215] This is only .52% of the universities education and general activities funds (including tuition). Excluding tuition, it is only 1.18% of the universities education and general activities funds. *See* Governor Rick Scott's Office of Policy and Budget, "K-20 Funding Sources Report," April 23, 2012 (copy on file with Government Efficiency Task Force staff).
[216] House Bill 5001 (2012), Ch. 2012-118, L.O.F.
[217] Western Interstate Commission for Higher Education, "An Evaluation of Colorado's College Opportunity Fund and related Policies," 2008, p. i, http://www.wiche.edu/info/publications/policyCOF.pdf (last visited 5/22/2012).
[218] University of Colorado, "College Opportunity Fund (COF) Project," https://www.cu.edu/ums/cof/faq.html (last visited 5/22/2012).
[219] *Id.*
[220] Sivasailam, Abhi, "Changes to College Funding System Could Increase Efficiency, Transparency," December 7, 2009, http://showmeinstitute.org/publications/commentary/education/181-changes-to-college-funding-system-could-increase-efficiency-transparency.html (last visited 5/22/2012).
[221] *Id.*

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specialized education services, and professional degrees.[222] Performance contracts are negotiated and established for accountability purposes.[223] With guaranteed funding, the state has created incentives for universities to keep operating costs and sticker prices low, in order to attract a larger pool of applicants.[224]

Recommendations

The Task Force recommends the Blue Ribbon Task Force investigate innovative strategies of funding for higher education. This should include a review of other successful funding mechanisms for higher education being employed by other states, including Tennessee, Pennsylvania, Texas and Colorado.

Transparency in Higher Education Funding

Transparency in government is not a new issue, nor is transparency in higher education funding. Several states have recognized the worthiness of making higher education funding more transparent. Effective May 2009, Utah State agencies, including higher education institutions, were required to provide financial data (including transactional data) to the Utah State Division of Finance website for transparency.[225] Similarly, the Virginia's State Legislature added language to its 2011 appropriations bill to require the Governor's Commission on Higher Education Reform, Innovation, and Investment to review a proposal to no longer permit the transfer of general fund appropriations to non-general funds for institutions of higher education.[226] Implementation of this proposal would improve transparency in the accounting system for higher education by separately accounting for expenditures in educational and general funds that are paid with tax dollars (general funds) and non-general funds (tuition).[227]

Recommendations

The Task Force recommends the Blue Ribbon Task Force find ways to increase transparency in state funding of higher education. The BRTF should review how other states, like Utah and Virginia, are increasing transparency in their higher education funding and analyze the potential use for Florida. Increasing transparency will enable the higher education system to align with Florida's other state transparency initiatives.

Market Rate Tuition (HB 7129 – State University of Academic and Research Excellence and National Preeminence)

Passed by the Legislature during the 2012 Regular Session, HB 7129 would have exempted state research universities of national preeminence, defined as those meeting 11 of 14 specified criteria, from statutory limits on the amount of tuition and fees that could be charged to undergraduate students and would have authorized the universities to establish undergraduate and graduate tuition at differentiated and market rates. During 2011-12, the tuition and fee average for Florida's public universities was $5,626 per year, making Florida 45th in

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[222] Western Interstate Commission for Higher Education, "An Evaluation of Colorado's College Opportunity Fund and related Policies," 2008, p. 4, http://www.wiche.edu/info/publications/policyCOF.pdf (last visited 5/22/2012).
[223] *Id.*
[224] Sivasailam, Abhi, "Changes to College Funding System Could Increase Efficiency, Transparency," December 7, 2009, http://showmeinstitute.org/publications/commentary/education/181-changes-to-college-funding-system-could-increase-efficiency-transparency.html (last visited 5/22/2012).
[225] On the TransparentUtah.gov website, universities list revenues, distinguishing between state and non-state funds and describing the source of the revenue. Expenses are categorized by the use of the funds including salaries and wages, and employer paid benefits. University of Utah, "Learning about the Transparency Initiative," http://fbs.admin.utah.edu/transparency/what/ (last visited 5/22/2012).
[226] Virginia House Bill 1500, Chapter 874, Item 248.E.
[227] Virginia's Governor's Commission on Higher Education Reform, Innovation, and Investment, "Increasing Transparency in Higher Education Accounting," December 16, 2011, p. 4, http://www.education.virginia.gov/initiatives/HigherEducation/meetingPresentations/121611/IncreasingTransparency.pdf (last visited 5/22/2012).

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the nation for average tuition cost.[228] The national average for the same period of time was $8,244.[229] At this time only the University of Florida and Florida State University meet 11 of the 14 preeminence measures.[230]

Veto

On April 27, 2012, the Governor vetoed HB 7129 citing concerns about the increased debt burden on students and a lack of evidence that the increased tuition would provide additional return on investment for students.[231] The Governor stated that in order to move the SUS toward excellence for the good of Florida, the university system will need to develop a statewide plan and distinctive mission tied to degree production, geographic location, and excellence for each university, and conduct an operational review of each university to identify potential cost savings and efficiencies.

Recommendations

The Task Force recommends the Blue Ribbon Task Force study the issue of market rate tuition and provide recommendations to the Governor and Legislature on its implementation. The study should include whether sufficient evidence exists for increasing tuition at certain universities above the current 15 percent cap. The study should analyze the possible effect on the return on investment for students and the SUS as a whole. If the BRTF recommends market rate tuition, it should identify a plan to ensure flat rate tuition for First-Time-In-College (FTIC) students for their first four years and upper level transfer students for two years.

[228] State University System of Florida, Board of Governors, "New National Rankings released for States' Tuition and Fees," October 26, 2011, http://flbog.edu/pressroom/news.php?id=418 (last visited 5/3/2012).
[229] *Id.*
[230] *See* Preeminence Measures by University (chart on file with Government Efficiency Task Force staff).
[231] *See* Governor's veto letter of HB 7129, April 27, 2012 (copy on file with Government Efficiency Task Force staff).

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: University Procurement

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding university procurement by a vote of 10 yeas, 0 nays:

- **State University Procurement**
  - The State University System adopt an electronic procurement platform(s) that offers functionality similar to the systems at the Florida State University and the University of Florida.
- **Collaboration with the Department of Management Services**
  - The Board of Governors, state universities, and the Department of Management services continue coordinating their efforts in the area of procurement in order to better manage tracking of spend, contracting, strategic sourcing, and best procurement practices.
  - The Department of Management Services and the State University System identify and jointly strategically source common goods and services in order to achieve maximum savings to both parties.
  - State universities utilize state term contracts to achieve savings.
- **Florida Polytechnic**
  - The Board of Governors leverage the creation of Florida Polytechnic to pursue opportunities to implement shared services models across multiple institutions.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. STATE UNIVERSITY SYSTEM

Governance

The governing body for the State University System (SUS) is the Board of Governors (BOG).[1] The BOG is made up of 17 members, including the Commissioner of Education, the chair of the Advisory Council of Faculty Senates, the Florida Student Association president, and 14 citizen-appointments made by the Governor and confirmed by the Florida Senate.[2] The BOG is the constitutionally created body required to "operate, regulate, control, and be fully responsible for the management of the whole university system."[3]

Locally, each institution is governed by a board of trustees[4] comprised of 13 members (the chair of the faculty senate, the president of the institution's student body, six members appointed by the Governor and confirmed by the Florida Senate, and five members appointed by the BOG and confirmed by the Florida Senate).[5] The local boards of trustees are responsible for governing their institutions in accordance with BOG rules and regulations.[6]

Each university is charged with managing its own procurement and purchasing services. Pursuant to BOG regulations, "each university Board of Trustees shall adopt regulations establishing basic criteria related to procurement, including procedures and practices to be used in acquiring commodities and contractual services".[7]

B. UNIVERSITY PROCUREMENT

Inter-institutional Committee on Purchasing

The Inter-institutional Committee on Purchasing (ICOP) is an association comprised of SUS institutions' purchasing directors. ICOP goals include increasing coordination of purchasing operations, reducing operating costs, increasing efficiencies, and leveraging quantities of scale to maximize volume discount opportunities for the purchase of shared goods and services. ICOP develops policies and guidelines for establishing system-wide contracts and cooperative agreements for use by universities. The ICOP listserv is utilized to share information on advantageous contract pricing through other purchasing groups and consortia.

Procurement Regulation

SUS institutions must adhere to the following regulations when purchasing goods and services:

- Chapter 18 of the Board of Governors Regulations provides regulations for purchasing, including competitive solicitation, notice and protest procedures, and solicitation bonding requirements.[8] University Boards of Trustees are permitted to establish a competitive solicitation threshold up to $75,000.[9]

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[1] Article XI, s. 7(d), Fla. Const.
[2] Art. IX, s. 7(d), Fla. Const.; s. 1001.71(2) and (3), F.S.
[3] Art. IX, s. 7(d), Fla. Const.
[4] Art. IX, s. 7(c), Fla. Const.; s. 1001.71(1), F.S.
[5] Section 1001.71(1), F.S.
[6] Art. IX, s. 7(c), Fla. Const.; *see also* Florida Board of Governors Regulation 1.001 (Feb. 16, 2012).
[7] Florida Board of Governors Regulation 18.001(1).
[8] Florida Board of Governors Regulation Chapter 18.
[9] Florida Board of Governors Regulation 18.001(2).

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- Due to federal procurement requirements, BOG procurement regulations continue to be aligned with the procurement provisions in ch. 287, F.S.
- Universities are subject to annual operational audits by federal, state, and internal auditors.
- Universities are required to complete federally-mandated education and training in procurement best practices.

The Florida State University and University of Florida Strategic Sourcing and E-Procurement Initiative

Although the use of strategic sourcing best practices is common throughout the SUS, the Florida State University (FSU) and the University of Florida (UF) have developed a fully integrated electronic procurement system, including an on-line catalog of purchasing options. The system contract was awarded to SciQuest, the premier provider of e-procurement software for research universities and institutions.

UF and FSU focused on six commodity areas for strategic sourcing throughout the university procurement process: IT hardware, courier, office products, scientific supplies, copiers, and maintenance, repairs, and operations. SUS institutions purchase from a contract between the Florida Distance Learning Consortium and Blackboard. Pricing is negotiated based on aggregate spend. The BOG leveraged aggregate spend and utilized the e-procurement system to purchase a system-wide contract with Microsoft.

FSU and UF collaboratively issued joint, strategically sourced invitations to negotiate (ITN) to establish e-procurement contracts for information technology equipment and scientific and medical supplies. The ITNs resulted in three joint IT contracts and ten lab supply contracts and agreements.

Recommendations

The Task Force recommends the State University System adopt an electronic procurement platform(s) that offers functionality similar to the systems at the Florida State University and the University of Florida. FSU and UF utilize an electronic platform for procurement. Implementation of the system resulted in improved control and tracking of procurement spend,[10] decreased ordering time for universities and vendors, and a reduction in paperwork. Utilization of technology, along with changes in procurement law, has allowed FSU to reduce its procurement work force by eleven positions.[11] Implementation of similar procurement platforms would allow the other nine universities of the SUS to realize similar benefits and savings.[12] Consideration should be given to leveraging of such a system across multiple institutions.

Other Buying Groups and Consortia

Each SUS institution is a member of the National Association of Educational Procurement (NAEP). NAEP members are eligible to use dozens of competitively-bid and strategically-sourced contracts established by Educational & Institutional Cooperative Service, Inc. (E&I). E&I is a not-for-profit buying cooperative established by members of NAEP to provide goods and services to members at the best possible value.[13]

SUS institutions are also eligible to use competitively-bid consortium contracts established by other government groups, such as the Western States Contracting Alliance, and buying groups, such as the U.S. Communities and Horizon Resource Group.

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[10] The improved control and tracking of spend allows for the ability to utilize strategic sourcing, which may lead to cost savings in the procurement of services and commodities.

[11] The elimination of positions occurred over a 20-year period of changing procurement law and substantial adoption of technology to increase efficiency. FSU staff has estimated that it has saved over $1.3 million in staff reduction and $900,000 in cost avoidance over the last 9 years. Information provided by FSU (copy on file with Government Efficiency Task Force staff). Other factors include increased efficiency of current staff use, less ordering time, better tracking of spend, and more predictable ordering.

[12] A recent proposal to implement a system to similar to that of FSU and UF among the other nine SUS institutions was estimated to cost between $1.4 to $1.7 million annually, with an additional one-time implementation cost of $2 million. Information provided by ICOP (copy on file with Government Efficiency Task Force staff).

[13] *See* https://www.eandi.org/ (last visited 05/29/2012).

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Regional Procurement

By working with larger institutions, smaller state universities with specialized needs have achieved procurement savings at the regional level. For example, the University of North Florida (UNF) implemented the SunGuard Banner ERP system in FY 2003-04 as a result of a SUS ITN initiative chaired by UF, FSU, UNF, the University of Central Florida (UCF), and Florida Atlantic University (FAU). UNF has achieved significant savings through its solicitation process. UNF's procurement savings was $570,628 in 2010, $352,059 in 2011, and $361,293 through the third quarter of 2012. UNF's purchasing department has generated revenue over the past five years, including two signing bonuses for office supply contracts utilizing strategic sourcing with other universities and rebates from E&I contracts.

C. UNIVERSITY COLLABORATION WITH STATE PURCHASING

The Department of Management Services (DMS) has organized a group of representatives from local governments, state colleges, and state universities (referred to as other eligible users or OEUs) called Florida Professionals for Public Procurement. The group meets monthly and has representation from the University of Florida, the University of North Florida, Polk State College, Florida Atlantic University, and Florida Gulf Coast University.

The group has several long term objectives including:

- Maximizing best in class procurement processes;
- Bringing the best value to the state and OEUs through strategic sourcing, standard contracts, and standard processes;
- Managing administrative costs through supply chain management and a shared services delivery model;
- Working with the Division of State Purchasing (the division) to create a flexible technology platform;[14] and
- Maximizing spend visibility.

In addition, the division also communicates with universities through the Florida Association of Public Procurement Officials.[15]

SUS institutions also utilize DMS's Vendor Bid System to post solicitations in order to increase competition and are substantial users of DMS state term contracts.[16]

Recommendations

The Task Force recommends that the Board of Governors, state universities, and the Department of Management services continue coordinating their efforts in the area of procurement in order to better manage tracking of spend, contracting, strategic sourcing, and best procurement practices. Representatives from DMS and several SUS institutions (UF, University of North Florida (UNF), Florida Atlantic University (FAU) and Florida Gulf Coast University (FGCU)) meet monthly to coordinate and improve procurement. This cooperative effort should continue and be expanded by the addition of other SUS institutions. The BOG should also consider having one person or current SUS institution procurement officer be the point person for DMS to contact regarding procurement issues and strategic procurement.

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[14] This would include the following items from the Task Force recommendations on state procurement: provide a public facing catalog solution for OEUs to purchase state term contract items; convert Florida commodity codes to the National Institute of Governmental Purchasing (NIGP) codes; and increase utilization of MyFloridaMarketPlace (MFMP).

[15] *See* http://www.fappo.org/ (last visited 5/29/2012).

[16] Examples of use of state contracts include: furniture, IT, gasoline, carpet, rental cars, lab supplies, office supplies, audio visual, bank services, and telecommunication. Information provided by ICOP (copy on file with Government Efficiency Task Force staff).

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The Task Force recommends that the Department of Management Services and the State University System identify and jointly strategically source common goods and services in order to achieve maximum savings to both parties. DMS should work with SUS institutions to identify those common goods and services in order to strategically procure them to the benefit of both the state and the SUS.

The Task Force recommends that state universities utilize state term contracts to achieve savings. Utilization of state term contracts allows the state and OEUs to achieve savings, track spending, and leverage volume to strategically procure commonly-utilized goods and services. Increasing OEU utilization of state term contracts will provide additional leverage for DMS in negotiating better pricing. DMS and the SUS institutions should also evaluate university contracts to determine if university pricing is more competitive than current state contracts.[17]

D. FLORIDA POLYTECHNIC UNIVERSITY

Passed during the 2012 Regular Session, Senate Bill 1994[18] provided for the creation of Florida Polytechnic University as a new, independent institution in the state university system,[19] effective upon becoming law. Florida Polytechnic is required to meet the following BOG requirements by December 31, 2016:

- Achieve regional accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools (SACS);
- Initiate development of new STEM programs;
- Seek discipline-specific accreditation for programs;
- Attain a minimum full-time equivalent student enrollment (FTE) of 1,244, with a minimum 50 percent of that FTE in STEM fields and 20 percent in STEM-related fields;
- Complete, at minimum, construction of the Science and Technology Building, Phase I of the Wellness Center, and a residence hall or halls with at least 190 beds;
- Have the ability to provide administration of financial aid, admissions, student support, information technology, and finance and accounting with an internal audit function.

USF Lakeland (formerly USF Polytechnic) has about 1,300 students: 60% of them are part-time, approximately 70% are from Polk County, and 98% are FL residents. Currently, there are only upper-division students, but the first class of freshman is expected to start in fall 2012. There are also approximately 196 faculty and staff, with an additional 18 employed by the Florida Industrial and Phosphate Research Institute. USF Lakeland occupies half of a joint-use building in Lakeland, shared with Polk State College. Construction on Phase 1 of the Science and Technology Building has begun, but Florida Polytechnic will share the joint-use facility until construction is completed. Currently, there are no students associated with Florida Polytechnic University; the University will require an appointed of Board of Trustees, who will then hire a president before they can begin enrolling new students.[20]

Recommendations

The Board of Governors should leverage the creation of Florida Polytechnic to pursue opportunities to implement shared services models across multiple institutions. With the addition of Florida Polytechnic as the 12th university in the SUS, there is an opportunity to create shared service models and find efficiencies that can be applied system wide. Initial focus should be on shared services for smaller institutions that have comparable needs.

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[17] DMS should also take into consideration other incentives that SUS institutions utilize such as rebates. For example, ICOP reports that when rebates and incentives are taken into consideration, the FSU contract pricing for office supplies is lower than the current state term contract. Information provided by ICOP (copy on file with Government Efficiency Task Force staff).
[18] *See* Senate Bill 1994, Ch. 2012-129, L.O.F.
[19] Section 1000.21, F.S.
[20] First entering class estimated fall 2013.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Business Regulation

RECOMMENDATION SUMMARY

On November 2, 2011, the Government Efficiency Task Force approved the following recommendations regarding business regulation by a vote of 14 yeas, 0 nays:

- **Provisional Business Permits**
  - Implement a provisional business permit for select industries.
  - Create an evaluation process for industries linked to health and human safety to qualify for a provisional business permit.
  - Utilize information from the business dashboard to indentify key industries that would qualify for the permit.
  - Utilize the provisional permit process to identify and eliminate unnecessary regulations.
  - Conduct a pilot program in selected counties or cities to benchmark the effectiveness of the permit.

- **Business Dashboard**
  - Implement a business permit dashboard that tracks the amount of time it takes for a company to get started in the State of Florida.
  - Begin the dashboard at the state level, tracking the business as it goes through the state regulatory process.
  - Begin with a pilot program with counties participating on a voluntary basis.
  - Encourage county/city compliance by requiring participation as a condition for certain funding.
  - Utilize current information already collected by state agencies, the Chamber of Commerce, and local governments.
  - Designate one agency, preferably the Department of State, to receive all information related to the business dashboard.
  - Utilize dashboard metrics to identify unnecessary regulations, industries that do not require regulation, and industries or businesses that would qualify for the provisional business permit.
  - Allow private businesses to submit additional information.
  - For each week in reduced startup time resulting from the business dashboard, the state would save an estimated **$3.44 million** in unemployment benefit payments.

- **One-Stop Business Portal**
  - Implement the One-Stop Portal in stages as recommended by Department of Revenue Executive Director Lisa Vickers.
  - Identify redundancies and potential consolidations as the portal is phased in.
  - Utilize the consolidation process to identify unnecessary agency regulation.
  - Create a “Phase Ia” comprised of a “splash page” website with agency links to fast track businesses through the startup or renewal process.
  - Utilize existing call center functions to include a live chat feature to provide real time assistance to users.
  - Include a mechanism that allows for feedback from businesses regarding regulation, which would be forwarded to the Office of Fiscal Accountability and Regulatory Reform and the Legislature.

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FULL RECOMMENDATION(S) ANALYSIS

I. RECOMMENDATIONS(S) AND BACKGROUND

A. PROVISIONAL BUSINESS PERMITS

Background

A provisional business permit would allow industries that do not affect health and human safety to start a business more quickly and be managed to compliance after the business is in operation. This would allow for reduced startup and hiring times in applicable industries. The result would be higher employment and enhanced revenue to the state. The increased ease of doing business in Florida may also attract more business to the state and encourage more people to create startup businesses.

Change and Efficiency

The new process would require a reorganization of the manner in which the state regulates businesses. This would result in a culture change as regulators look for creative ways to regulate to compliance after the business is open rather than requiring all regulation at the beginning of the process. Implementing new processes of provisional permitting may also identify and eliminate unnecessary regulations.

The efficiencies achieved would include reduced startup times for new businesses and more efficient hiring of new employees. More businesses leads to increased job creation in Florida, and would also generate increased revenue for the state.

Recommendations

The Task Force recommends the following:

- Implement a provisional business permit for select industries;
- Create an evaluation process for industries linked to health and human safety to qualify for a provisional business permit;
- Utilize information from the business dashboard to indentify key industries that would qualify for the permit;
- Utilize the provisional permit process to identify and eliminate unnecessary regulations; and
- Conduct a pilot program in selected counties or cities to benchmark the effectiveness of the permit.

B. BUSINESS DASHBOARD

Background

The purpose of the dashboard is to provide metrics for the time it takes for a business to be fully licensed and permitted. Currently, the state tracks the time it takes for a business to receive certain permits or licenses. For example, the Department of Business and Professional Regulation (DBPR) consistently tracks the amount of time it takes for a person or business to receive a professional license, which is often one of the many steps to open a business. The state does not currently measure the total time it takes for a business to open. Since the majority of business regulation and permitting takes place at the local level, local government participation would be needed in order for the program to achieve its goals. Once implemented, the dashboard could provide information on the startup phase of a business from all levels of regulation, state and local. Once collected, the data could be analyzed to see where the delays and challenges occur for businesses. The data could also be displayed online for the public to use in deciding where to locate their business and planning throughout the startup process.

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Change and Efficiency

The most significant change implemented with the business dashboard is the data collected and its impact. Government, at all levels, currently tracks how long it takes to receive permits or licenses, but no state or local governmental entity tracks how long it takes an individual business to open. Displaying this data could lead to a culture change that encourages local governments to become more efficient in order to compete for businesses and jobs in their area. The data collected may also help analyze current regulations at all levels and indicate what regulations are unnecessary burdens on business. The implementation of a dashboard system could provide crucial information to assist businesses starting in the state and deciding in which county or city to locate.

The cost savings is difficult to calculate. The data itself would not create cost savings or efficiencies, but the application of the data could speed up the business startup process. By identifying and eliminating potential impediments that the dashboard uncovers, businesses can get started more quickly. Each week a business is not operating translates to lost income to the business owner, the potential employee, and the state. Also, if some of the potential employees are unemployed, the state may be paying them unemployment benefits. Based on the statistics that Mr. Tarren Bragdon[1] presented, startups created 172,236 jobs in 2009. If we assume that 10% of those hired by the startup businesses were on unemployment and receiving benefits ($200 a week for this calculation), the state would save **$3.44 million** in unemployment benefit payments per each week less that those individuals are collecting benefits.

Recommendations

The Task Force recommends the following:

- Implement a business permit dashboard that tracks the amount of time it takes for a company to get started in the State of Florida;
- Begin the dashboard at the state level, tracking the business as it goes through the entire state regulatory process;
- Begin with a pilot program with counties participating on a voluntary basis;
- Encourage county/city participation by requiring participation as a condition for certain funding;
- Utilize current information already collected by state agencies, the Chamber of Commerce, and local governments;
- Designate one agency, preferably the Department of State, to receive all information related to the business dashboard;
- Utilize dashboard metrics to identify unnecessary regulations, industries that do not require regulation, and industries or businesses that would qualify for the provisional business permit; and
- Allow private businesses to submit additional information.

C. ONE STOP BUSINESS PORTAL

Background

The One-Stop Business Portal is a method to “virtually consolidate” agency functions when it applies to the registration and regulation of businesses. The portal would consolidate all information collection for businesses into one website and would then send the data collected to the appropriate agency. The portal would include a wizard program to steer individuals through the registration process and to help guide the new business owner

[1] Mr. Bragdon is the Chief Executive Officer of the Foundation for Government Accountability. The organization’s website is http://www.floridafga.org/ (last visited 10/27/2011). Mr. Bragdon presented to the Government Efficiency Task Force on October 19, 2011. Video and materials available at www.floridaefficiency.com/meetings.cfm (last visited 10/27/2011).

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to the appropriate registrations.[2] The implementation, as described by Ms. Lisa Vickers, would allow the portal to be phased in. A phased approach would give agencies time to make necessary adjustments to the new process, lessen the initial cost of the portal, and possibly spread out the costs over several years.[3]

Change and Efficiency

The implementation of the portal would lead to greater government efficiency by eliminating duplicative business processes as the different phases are adopted, which could lead to lower costs in administering government regulation. The one-stop initiative could also lead to identifying and eliminating unneeded agency regulation. The ability for local government to participate in the portal will deliver the best possible efficiencies for Florida businesses.

Recommendations

The Task Force recommends the following:

- Implement the One-Stop Portal in stages as recommended by Department of Revenue Executive Director Lisa Vickers;
- Identify redundancies and potential consolidations as the portal is phased in;
- Utilize the consolidation process to identify unnecessary agency regulation;
- Create a "Phase 1a" comprised of a "splash page" website with agency links to fast track businesses through the startup or renewal process;
- Utilize existing call center functions to include a live chat feature to provide real time assistance to users; and
- Include a mechanism that allows for feedback from businesses regarding regulation, which would be forwarded to the Office of Fiscal Accountability and Regulatory Reform and the Legislature.[4]

[2] An example given by Ms. Vickers would be a barber shop. The barber shop is required to register the business with the Department of State and apply for a professional license with DBPR. The wizard program would ask a question such as, "Will you be selling hair care products?" If the person answers yes, the program will know to collect sales tax registration information.
[3] Ms. Vickers believes that Phase 1 can be done within the current budget of the participating agencies.
[4] The Florida Legislature is currently collecting data related to regulatory rules called "YourVoice." *See* http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?DocumentType=Press Release&FileName=449 (last visited 10/27/2011).

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Expressway and Bridge Authority Consolidation

RECOMMENDATION SUMMARY

On November 16, 2011, the Government Efficiency Task Force approved the following recommendations regarding expressway and bridge authority consolidation by a vote of 10 yeas, 3 nays:

- An independent party who specializes in best management practices should assist in effectively consolidating the administrative functions of the Orlando-Orange County Expressway Authority (OOCEA) and Tampa-Hillsborough County Expressway Authority (THEA) into Florida's Turnpike Enterprise (FTE). The Florida Department of Transportation (FDOT) estimates a savings of **$24,318,000** per year. With the utilization of a third party, this process may be more efficient and achieve even greater savings.

- If THEA and OOCEA are consolidated into FTE, all revenue collected in the regions should be spent within the same region and local boards should be maintained to make policy decisions on road construction.

- Consolidate the Mid-Bay Bridge Authority into FTE.

- Consolidate all toll collections into a single entity and system, including all administrative functions, software and IT systems, accounting, collection personnel, enforcement, customer service, and billing.

- Require regional toll agencies to benchmark regional and state transportation and authority salaries to avoid possible excessive salaries.

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FULL RECOMMENDATION(S) ANALYSIS

I. RECOMMENDATIONS(S) AND BACKGROUND

A. REGIONAL EXPRESSWAY AND BRIDGE AUTHORITIES GLOBAL CONSOLIDATION

There are three independent Expressway and Bridge Authorities considered in the recommendation: Orlando-Orange County Expressway Authority (OOCEA), Tampa-Hillsborough Regional Expressway Authority (THEA), and the Mid-Bay Bridge Authority (MBBA). All three authorities currently operate pursuant to a lease-purchase agreement[1] with the Florida Department of Transportation (FDOT).[2]

The Florida Turnpike Enterprise

Florida's Turnpike was created in 1953 as the Florida State Turnpike Authority. The State Turnpike authority became part of the department in 1969. The Turnpike was reorganized as an office within the department in 1988 and as a district in 1994. Florida's Turnpike Enterprise (FTE), a business-focused organization within the department, was created by the Legislature in 2002 to manage the Turnpike System (Turnpike). The Turnpike is a system of toll-financed expressways serving sixteen Florida counties covering 460 miles.[3]

The Florida Turnpike Enterprise

	Lane Miles	Gross Toll Revenue FY 2010-11	Toll Transactions FY 2010-11	Bond Debt Outstanding	Long Term Payable to FDOT
FTE	2,112	$600,897,000	652,900,000	$2,811,830,000	$162,403,077

Orlando-Orange County Expressway Authority

The Orlando-Orange County Expressway Authority (OOCEA) was created in 1963 by the Florida Legislature.[4] The purpose of the authority is for the construction and operation of an expressway road system in Central Florida. OOCEA has the statutory authority to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards together with authority to construct, repair, replace, operate, install, and maintain electronic toll payment systems outside of Orange County with the respective county's written consent. OCCEA is also authorized to issue toll revenue bonds to finance portions of the system.

Orlando-Orange County Expressway Authority

	Lane Miles	Gross Toll Revenue FY 2010-11	Toll Transactions FY 2010-11	Bond Debt Outstanding	Long Term Payable to FDOT
OOCEA	671	$263,787,000	292,477,739	$2,696,415,000	$270,088,808

[1] For more information regarding lease-purchase agreements, see The Florida Senate, *Toll Facility Lease-Purchase Agreements*, Issue Brief 2011-227, prepared by Senate Committee on Transportation, http://www.flsenate.gov/Committees/InterimReports/2011/2011-227tr.pdf (last visited 11/10/2011).

[2] The Santa Rosa Bay Bridge Authority also operates pursuant to a lease-purchase agreement with FDOT but is not considered in this recommendation report.

[3] *See* The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf (last visited 11/10/2011).

[4] OOCEA operates pursuant to ch. 348, F.S., part V.

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Tampa-Hillsborough County Expressway Authority

The Tampa-Hillsborough County Expressway Authority (THEA) was created in 1963 as an agency of the state pursuant to ch. 348, F.S., for the purposes of and having the authority to construct, reconstruct, improve, extend, repair, maintain and operate the expressway system within Hillsborough County.

Tampa-Hillsborough County Expressway Authority

	Lane Miles	Gross Toll Revenue FY 2010-11	Toll Transactions FY 2010-11	Bond Debt Outstanding	Long Term Payable to FDOT
THEA	112	$40,476,072	31,634,997	$324,520,000	$200,655,481

Change and Efficiency

OOCEA and THEA

The Task Force found there is waste and inefficiency by having separate toll agencies. Each toll agency performs the same functions: administration of road construction and toll collection. Therefore, each agency has duplicative systems and personnel. Significant savings and efficiencies can be achieved through reduction of administrative personnel and consolidation of different systems into one larger system.[5]

Estimates from FDOT provide that the following savings may be realized by consolidating THEA and OOCEA into FTE:

- $6,572,000 per year from authority contract services;[6]
- $5,850,000 per year from authority administrative salaries and benefits;[7] and
- $14,877,000 per year from authority back office toll collection.[8]

FDOT also estimates a savings of $1,712,000 per year for the removal of the airport plaza and installation of electronic tolling at ramps. With an estimated recurring cost of $4,693,000 per year to FTE, the consolidation of OOCEA and THEA into FTE would lead to a conservative savings estimate of **$24,318,000** per year.[9]

Staff of the Senate Committee on Budget, during the 2011 session, also estimated that Florida taxpayers would save $24 million each year by merging all of the independent toll agencies into the Florida Turnpike Authority.[10]

To better assess the benefits of a merger/consolidation, Expressway and Bridge Authority Consolidation Work Group Chairman Matthew Falconer researched past mergers and consolidations in other states. The most

[5] Mr. Falconer visited the facilities of OOCEA, THEA, and FTE (Mr. Falconer's visit reports are on file with Government Efficiency Task Force staff).
[6] Savings are estimated at $6.145 million per year for OOCEA and $427,000 per year for THEA (estimates on file with Government Efficiency Task Force staff).
[7] Savings are estimated at $3.781 million per year for OOCEA and $2.069 million per year for THEA (estimates on file with Government Efficiency Task Force staff).
[8] Savings are estimated at $14.261 million per year for OOCEA and $616,000 per year for THEA (estimates on file with Government Efficiency Task Force staff).
[9] This does not take into account any possible savings from real estate holdings, leased property and related maintenance and utilities. Savings resulting from debt refinancing are also excluded.
[10] The Florida Senate Bill Analysis and Fiscal Impact Statement, SB 2152 (SPB 7198), Senate Committee on Budget, April 1, 2011, http://www.flsenate.gov/Session/Bill/2011/2152/Analyses/Vwph1SsHimSG5hGTFLi2jnfIuuM=%7C7/Public/Bills/2100-2199/2152/Analysis/2011s2152.bc.PDF (last visited 11/10/2011).

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relevant example found was the merger of the New Jersey Turnpike and the Garden State Parkway.[11] The New Jersey Turnpike and Garden State Parkway collect 2.2 million tolls per day and $650,000,000 per year. The consolidation allowed for a reduction of 212 employee positions and achieved administrative savings of $8,200,000 per year. The consolidation also reduced the amount of office space required. Consolidation achieved savings and reduced time for road project completion due to the combined resources of the larger agency.[12]

Recommendations

Task Force research concluded a global consolidation will result in significant savings, similar to that of the New Jersey Turnpike. Separate agencies require additional administration and multiple software and IT recourses. Savings from a global consolidation are estimated to be in the tens of millions of dollars annually. In addition, the savings in terms of interest are estimated to be in the tens of millions of dollars as a result of the lower interest rate available to FTE.[13]

Consolidation may also result in a changed business model for the raising of capital for roadway projects and expense planning. THEA and OOCEA currently have $3.02 billion in outstanding bond debt compared to FTE's $2.812 billion.[14] FTE, which is required to sell bonds through the Division of Bond Finance, tends to be more conservative in its approach to bond debt. Consolidation may result in a more conservative business model, resulting in less debt and quicker repayment of operations and maintenance expenses to the state.

While there appears to be considerable savings through administrative savings and culture change, because of the complexity of such a consolidation, the Task Force believes that it is beyond the group's capacity to detail how a consolidation would be carried out. **The Task Force recommends that an independent party who specializes in best management practices should assist in effectively consolidating the administrative functions of the Orlando-Orange County Expressway Authority (OOCEA) and Tampa-Hillsborough County Expressway Authority (THEA) into Florida's Turnpike Enterprise (FTE).**[15]

If a global consolidation or merger is completed, the Task Force recommends the following to ensure local governments maintain their influence on local decisions:

The Task Force recommends that revenue collected stay in the same system in which it is collected. The funds collected should be placed into a separate account or be designated for use in the same road system where the funds are collected.

The Task Force recommends that local boards be maintained to make policy decisions on road projects built within their system. Local boards should maintain control of their systems even if administered by a consolidated agency.

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[11] *See Report of the New Jersey Toll Road Consolidation Study Commission*, February 14, 2003, http://slic.njstatelib.org/slic_files/digidocs/r628/r6282003.pdf (last visited 11/10/2011).

[12] *See Consolidation Case Study: The New Jersey Turnpike Authority and The New Jersey Highway Authority, Two Years Later,* September 26, 2005 http://www.ibtta.org/files/PDFs/Diane%20Scaccetti.pdf (last visited 11/10/2011).

[13] The Expressways have a lower bond rating than FTE. OOCEA's bond rating was recently lowered by Moody's Investor Service to A2 with a negative outlook. The downgrade was due to "continued lower than forecasted traffic and revenue growth combined with reduced operating revenue support from Florida's Department of Transportation (FDOT) which we expect will result in lower debt service coverage ratios (DSCRs) going forward. Additional pressures include potential opposition to planned toll increases; a complex and increasingly back-loaded debt structure with substantial exposure to variable rate debt and swaps; and large as yet unfunded capital needs over the next three years" (copy of letter on file with Government Efficiency Task Force staff).

[14] These numbers are based on the presentation by Reynold Myer, staff director of the Florida Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations. Presentations materials are available at http://www.floridaefficiency.com/UserContent/docs/File/20111005MeetingPacket.pdf (last visited 11/10/2011).

[15] The Hay group performed such a study in the consolidation of the New Jersey Turnpike and the Garden State Parkway.

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B. CONSOLIDATION OF MID-BAY BRIDGE AUTHORITY INTO THE FLORIDA TURNPIKE ENTERPRISE

Mid-Bay Bridge Authority

In 1986, the Legislature created the Mid-Bay Bridge Authority (MBBA) as the governing body of an independent special district in Okaloosa County for the purpose of planning, constructing, operating and maintaining a bridge traversing Choctawhatchee Bay.

Mid-Bay Bridge Authority

	Lane Miles	Gross Toll Revenue FY 2010-11	Toll Transactions FY 2010-11	Bond Debt Outstanding	Long Term Payable to FDOT
MBBA	20.6	$15,476,000	6,519,391	$287,115,000	$17,120,448

Change and Efficiency

The Task Force researched the consolidation of the Mid-Bay Bridge Authority into FTE. The Task Force reviewed the Florida Senate issue brief on authority cost effectiveness[16] and received testimony from MBBA Executive Director Jim Vest.[17] MBBA currently consists of two employees and oversees 20.6 lane miles of roadway and bridge.[18]

Task Force research concluded MBBA's lower credit rating costs an additional $5 million to $10 million per year in interest payments when compared to FTE's interest rate.[19]

FDOT and FTE can absorb oversight of management of the existing construction project and HRE contract. FDOT may be able to better handle the project than an agency with one Executive Director and one administrative assistant.

If the MBBA is consolidated into FTE, FDOT projects an annual reduction in operational costs of $400,000 to $500,000.[20] Possible savings on bond refinancing may be between $5 million and $10 million per year.[21]

Due to lower interest rates and operational costs, consolidation of MBBA into FTE will prevent a possible default situation like the Santa Rose Bay Bridge.[22] The Task Force members believe that consolidation of MBBA into FTE is in the best interest of the customers of the Mid-Bay Bridge and the taxpayers of Florida.

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[16] The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf (last visited 11/10/2011).
[17] Mr. Vest testified during the November 4th Expressway and Bridge Authority Consolidation Work Group meeting and answered questions from members. The podcast is available at http://www.floridaefficiency.com/meetings.cfm (last visited 11/10/2011).
[18] *See* The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, p. 1, http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf (last visited 11/10/2011).
[19] This estimate is based on FTE issuing bonds at a higher credit rating compared to MBBA issuing bonds at its current credit rating.
[20] Savings based on FDOT estimates with $302,000 savings from authority contractual services (non-toll) and $224,000 from authority administrative salaries and benefits (estimates on file with Government Efficiency Task Force staff).
[21] This savings estimate is based on refinancing existing debt obligations of MBBA under the FTE bond rating.
[22] *See* Connor, Michael, *Florida Bridge Authority Misses Bond Payment, Defaults*, Reuters On-line, http://www.reuters.com/article/2011/07/01/us-florida-bridge-default-idUSTRE76053620110701 (last visited 11/11/2011).

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Recommendations

The Task Force recommends MBBA be consolidated into FTE without further study. This consolidation is estimated to result in immediate savings of $400,000 to $500,000 per year and produce annual savings of $5 million to $10 million per year if the revenue bonds can be refinanced by FTE. With only two employees, there is little reason to keep MBBA a separate agency, and consolidation will cost very little to execute. The five-member MBBA board should remain intact to provide local input to FTE.

C. CONSOLIDATION OF TOLL COLLECTION

Toll Collection

The Task Force also reviewed consolidating services provided by the toll agencies. Aside from road design and construction, toll collection is perhaps the most important service the toll agencies provide. The Task Force reviewed toll collection both from a cost standpoint as well as the effective and efficient use of time by the toll paying public.

Currently, there are three toll transponder systems in Florida:

- Sun Pass;[23]
- E-Pass;[24] and
- Lee-Way.[25]

In addition, several agencies have gone to "Pay by Plate" systems and "all electronic tolling." In these locations there is no option to pay cash, and new customers or customers without transponders are mailed invoices for use of the toll roads.

Residents of Florida and visitors must comply with different rules and transponder systems. Currently, Florida's Turnpike Enterprise (FTE), Orlando-Orange County Expressway (OOCEA), and the Tampa Hillsborough Expressway Authority (THEA) all use different toll collection systems. This requires three separate software systems, three separate vendors, three separate IT systems, and three different invoice and enforcement policies.

Change and Efficiency

Having a different collection system for each authority and turnpike is inefficient from a collection standpoint as well as from the customer's point of view. There are duplicative costs and inconsistent regulations regarding collection between counties. A customer with a dead battery in their toll transponder can receive violations from three separate agencies in the same day, leading to confusion.[26]

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[23] Administered by Florida's Turnpike Enterprise and the Florida Department of Transportation. *See* https://www.sunpass.com/index (last visited 11/10/2011).

[24] Administered by the Orlando-Orange County Expressway Authority. *See* http://www.expresswayauthority.com/corporate/epass/ (last visited 11/10//2011).

[25] Used for three bridges in Lee County. *See* https://www.leewayinfo.com/ (last visited 11/10/2011).

[26] The Expressway and Bridge Authority Consolidation Work Group received testimony from an Orlando resident, Darlene Petty Raimondi. Ms. Raimondi had a transponder in her car but was unaware that her battery in the transponder lost power. Ms. Raimondi used the toll roads and received violations for unpaid tolls. Unaware there are two separate tolling agencies on the same highway, Ms. Raimondi resolved the toll violation with one agency. The other agency's toll violation was not resolved, resulting in Ms. Raimondi's license being suspended. As a result Ms. Raimondi's insurance rates went up. A unified toll collection system and enforcement procedures will be more efficient from the taxpayer's perspective.

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The Orlando-Orange County Expressway (OOCEA) testified that consolidating toll collections under one agency can "save $22 million per year."[27] The savings will come from the economies of scale using one software system and one vendor.

Currently, Florida's Turnpike Enterprise processes 652 million transactions each year. FTE also collects tolls for MBBA. THEA processes 31 million transactions per year and OOCEA processes 292 million.[28] SunPass (FTE) has by far the largest number of transponders in service and 3100 locations for customers to buy and replenish accounts.

Recommendations

The Task Force recommends that Florida's Turnpike Enterprise be responsible for all toll collection in Florida. All toll collections should be consolidated into a single entity and system, including all administrative functions, software and IT systems, accounting, collection personnel, enforcement, customer service, and billing.

Florida's Turnpike Enterprise has by far the most transponders in Florida and processes double the transactions of all other agencies combined. The transformation will allow every customer to utilize one transponder system and will reduce collection costs significantly.

A single system should have a uniform procedure and fee for collecting the toll revenue. For example, if an electronic toll is collected by the Turnpike and paid to OOCEA, the Turnpike should be able to deduct the cost of collecting that toll. By setting that fee at or below current collection costs, there will be no loss of revenue to any toll agency.

The cost to collect tolls will be reduced and have an estimated savings of $22 million per year. The customer will enjoy a better service when dealing with one collection entity.

D. WAGE PARITY

Authority Wages vs. Turnpike Wages

During the course of the research, the Task Force was provided documentation on employee salaries of the various agencies. Salaries between the authorities and FTE varied greatly, even when the job descriptions were identical. As an example, the Executive Director of OOCEA makes $247,000 and the Florida Secretary of Transportation makes $140,000, despite having more than ten times the staff.[29] Of the 61 employees at OOCEA, ten make over $100,000 per year.[30]

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[27] Executive Director of OOCEA, Mike Snyder, testified before the Government Efficiency Task Force on October 5th, 2011. Video available at http://www.floridaefficiency.com/meetings.cfm (last visited 11/10/2011). FDOT estimates a conservative savings of $14 to $15 million per year.

[28] *See* The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, p.1. http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf (last visited 11/10/2011).

[29] *See* Tracy, Dan, *Senator Targets Top Expressway Salaries*, Orlando Sentinel, October, 7, 2011, http://articles.orlandosentinel.com/2011-10-07/news/os-salaries-snyder-gaetz-20111007_1_orlando-authority-salaries-gaetz (last visited 11/10/2011).

[30] Data is from: The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf (last visited 11/10/2011).

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	MBBA	THEA	OOCEA	Combined Authorities	FTE
Salary & Benefits	$223,000	$2,010,194	$6,419,842	$8,663,036	$30,197,148
FTEs	2	17	61	80	468
Average per FTE	$111,500	$118,247	$105,243	$108,288	$64,524[31]

Change and Efficiency

Recommendations

Regional authority employees perform the same functions as the state employees who make a fraction of the salary. There is considerable cost savings by requiring the expressway and bridge authorities to follow a pay scale similar to FDOT. **The Task Force recommends that regional toll agencies should benchmark regional and state transportation and authority salaries to avoid possible excessive salaries.** Pay parity will ensure taxpayers are getting value for the public service being performed.

[31] Averages are calculated by dividing the total amount of salary & benefits by the total number of FTEs.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Consultants' Competitive Negotiation Act (s. 287.055, F.S.)

RECOMMENDATION SUMMARY

On November 16, 2011, the Government Efficiency Task Force approved the following recommendations regarding the Consultants' Competitive Negotiation Act by a vote of 11 yeas, 2 nays:

- Allow agencies to utilize the "Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow price to be a factor of up to 50% when ranking the top three most qualified firms. The process would work best for a project with a well-defined scope.

- Allow agencies to utilize the "Modified Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow the agency to see the price of the top three most qualified firms, but not re-rank the firms, thus preventing the agency from entering negotiations with insufficient information on pricing. This process would work best for projects that do not have a specific scope and for agencies that would otherwise use the current CCNA over "Best Value."

- Maintain the current CCNA process as an option for agencies to utilize when "Best Value" or "Modified Best Value" would not be appropriate. This process would work best for a project that does not have a well-defined scope.

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FL-SEN-20-0201-B, 20-0202-A-004258

FULL RECOMMENDATION(S) ANALYSIS

I. RECOMMENDATION(S) AND BACKGROUND

A. CONSULTANTS' COMPETITIVE NEGOTIATION ACT (CCNA)

The Consultants' Competitive Negotiation Act (CCNA) was passed in 1973.[1] The Act is largely based on the Federal Brooks Act, which was passed in 1972.[2] CCNA provides that all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping[3] be contracted according to qualifications-based selection (QBS). CCNA applies to all projects above $325,000 and all studies above $35,000[4] bid out by the state, a state agency, a municipality, a political subdivision, a school district, or a school board.[5]

QBS follows these phases:

Phase One

1. The agency publicly announces the project or study.[6]
2. The agency evaluates current statements of qualifications and performance currently on file, together with those that are submitted by other firms and conducts discussions with no fewer than three firms regarding their qualifications, approach to the project, and ability to furnish the required services.[7]
3. The agency then selects in order of preference no fewer than three firms deemed to be the most qualified.[8]
4. The agency may consider the following factors in determining whether a firm is qualified: ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected firm workload; and the volume of work previously awarded to each firm by the agency.[9]
5. The agency may not consider compensation during this phase.[10]

Phase Two

1. The agency negotiates with the most qualified firm regarding compensation.[11]
2. If the agency cannot come to an agreement with the most qualified firm, then negotiations with that firm must be formally terminated.[12]
3. The agency may then begin negotiations with the second most qualified firm.[13]
4. If the agency cannot come to an agreement with the second most qualified firm, then negotiations with that firm must be formally terminated.[14]
5. The agency may then begin negotiations with the third most qualified firm.[15]

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[1] *See* s. 287.055, F.S.
[2] *See* Public Law 92-582.
[3] Section 287.055(2)(a), F.S.
[4] *See* s. 287.055(3)(a)(1), F.S., which cites to s. 287.017, F.S. Section 287.017(5), F.S., provides that a category 5 project is defined as a project over $325,000 and s. 287.017(2), F.S. provides that a category 2 is a study over $35,000.
[5] Section 287.055(2)(b), F.S.
[6] Section 287.055(3)(a)(1), F.S.
[7] Section 287.055(4)(a), F.S.
[8] Section 287.055(4)(b), F.S.
[9] *Id.*
[10] Section 287.055(4)(c), F.S.
[11] Section 287.055(5)(a), F.S. "Compensation which the agency determines is fair, competitive, and reasonable."
[12] Section 287.055(5)(b), F.S.
[13] *Id.*
[14] *Id.*
[15] *Id.*

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6. If the agency cannot come to an agreement with the third most qualified firm, then negotiations with that firm must by formally terminated.[16]
7. If the agency cannot negotiate a satisfactory contract with any of the three most qualified firms, the agency can negotiate with additional firms selected in order of their competence and qualifications.[17]
8. Once negotiations with a firm are terminated, the agency may not resume negotiations with that firm for the project.

Change and Efficiency

The Government Efficiency Task Force and the Design Procurement Work Group heard testimony from interested parties regarding CCNA.[18] Local government officials raised the following inefficiencies with CCNA:

- **Price is not considered.** The agency may not consider cost until the second phase when negotiating with the most qualified firm.
- **Negotiations with a firm may not be resumed once formally terminated.** If the agency is unable to negotiate a price within budget with the most qualified firm, he or she must completely close out negotiations and not resume them with that firm. The inability to reopen negotiations reduces the agency's negotiating power and limits them to the remaining firms, even if those firms negotiate a higher fee.
- **Excludes smaller firms.** Since larger firms are more qualified based on the set parameters, smaller or solo firms have a more difficult time procuring contracts for public works, thus hindering competition.
- **Lack of transparency.** The selection process is not as open and competitive as other procurement methods and taxpayers lack the ability to access prices and costs.

The Task Force and Work Group also heard testimony and comments from industry representatives. Industry representatives cited the following benefits of CCNA:

- **Focuses negotiations on qualifications rather than price.** This protects the health and safety of the public.
- **QBS process helps control construction costs.** Since the QBS process facilities negotiations that focus on the scope of the project rather than costs, there are fewer change orders and cost overruns. Both parties have a better understanding of the project at the outset.
- **Scope of the project is not well-defined.** Industry representatives provided that in many solicitations, the scope of the project is not well-defined, making it difficult to provide an accurate bid. The current QBS process facilities planning while negotiating, which may lead to lower costs.

The Task Force members discussed the testimony and comments. The Task Force recommends adopting two additional procurement methods for agencies[19] to follow in the selection of architecture, professional engineering, landscape architecture, or registered surveying and mapping services in addition to the current CCNA process.

The first recommended process is the "Best Value" process. [20] The best value process is defined as:

> The selection of a firm or firms whose proposal provides the greatest overall benefit to an agency in accordance with the requirements of a formal solicitation.

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[16] *Id.*
[17] Section 287.055(5)(c), F.S.
[18] Senator Pat Neal, Chairman of the Design Procurement Work Group, presented to the Task Force at the November 2, 2011, meeting regarding reforming CCNA. Carlos Beruff and Steve Carnell also presented. Video and podcast of the meeting are available at http://www.floridaefficiency.com/meetings.cfm (last visited 11/10/2011).
[19] Agencies includes: state agencies, state entities, local government, school boards, and the university system.
[20] The process was presented by Mr. Steve Carnell at the November 2, 2011, meeting of the Government Efficiency Task Force.

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The best value process would allow agencies to:

1. Solicit proposals and include a written scope of work for the project to the competing firms.
2. Rank all firms based on qualifications and establish a "short list."[21]
3. Rank "short listed" firms on qualifications and price.[22]

Price would be allowed to be solicited from the top three most qualified firms only and would be factored in to the evaluation at no more than 50%. Since unqualified firms would not make the original short list, only the most qualified firms would have an opportunity to be awarded the contract. This would address the concerns raised about health and human safety in the procurement process. The best value option would work most effectively with projects that have a well-defined scope.

The second recommended process is the 'Modified Best Value" process. The modified best value process would allow agencies to:

1. Solicit proposals and include a written scope of work for the project to the competing firms.
2. Rank all firms based on qualifications and establish a "short list."[23]
3. The agency would be able to see the price bid for the top qualified firms, but the firms would not be re-ranked with price as a factor.

This process would eliminate the concern that procurement officers have about entering negotiations with insufficient information on pricing. This method allows the agency to know the price of the other two bids, but still begin negotiations with the most qualified firm. This gives the agency a stronger position during negotiations. This method would be most effective for agencies that would otherwise use CCNA, not best value, or when the scope of the project is not well-defined.

The Task Force also recommends maintaining the current CCNA procedures as an option for an agency when "Best Value" or "Modified Best Value" would not be appropriate. The process is effective and bases all bidding on qualifications. For projects that do not have a well-defined scope, this may be the best method for an agency. However, in projects with a well-defined scope, this procedure would not be the best method of procurement and may result in higher costs to the agency.

The Task Force recommends changes to CCNA because the increased procurement options would:

- Give public agencies more discretion in the procurement of professional services;
- Align the procurement method for CCNA professional services with how other professional services are purchased; and
- Be a vehicle to increase transparency and public confidence in the procurement process as a whole.

Recommendations

- Allow agencies to utilize the "Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow price to be a factor of up to 50% when ranking the top three most qualified firms. The process would work best for a project with a well-defined scope.
- Allow agencies to utilize the "Modified Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow the agency to see the price of the top three most qualified firms, but not re-rank the firms, thus preventing the agency from entering negotiations with insufficient information on

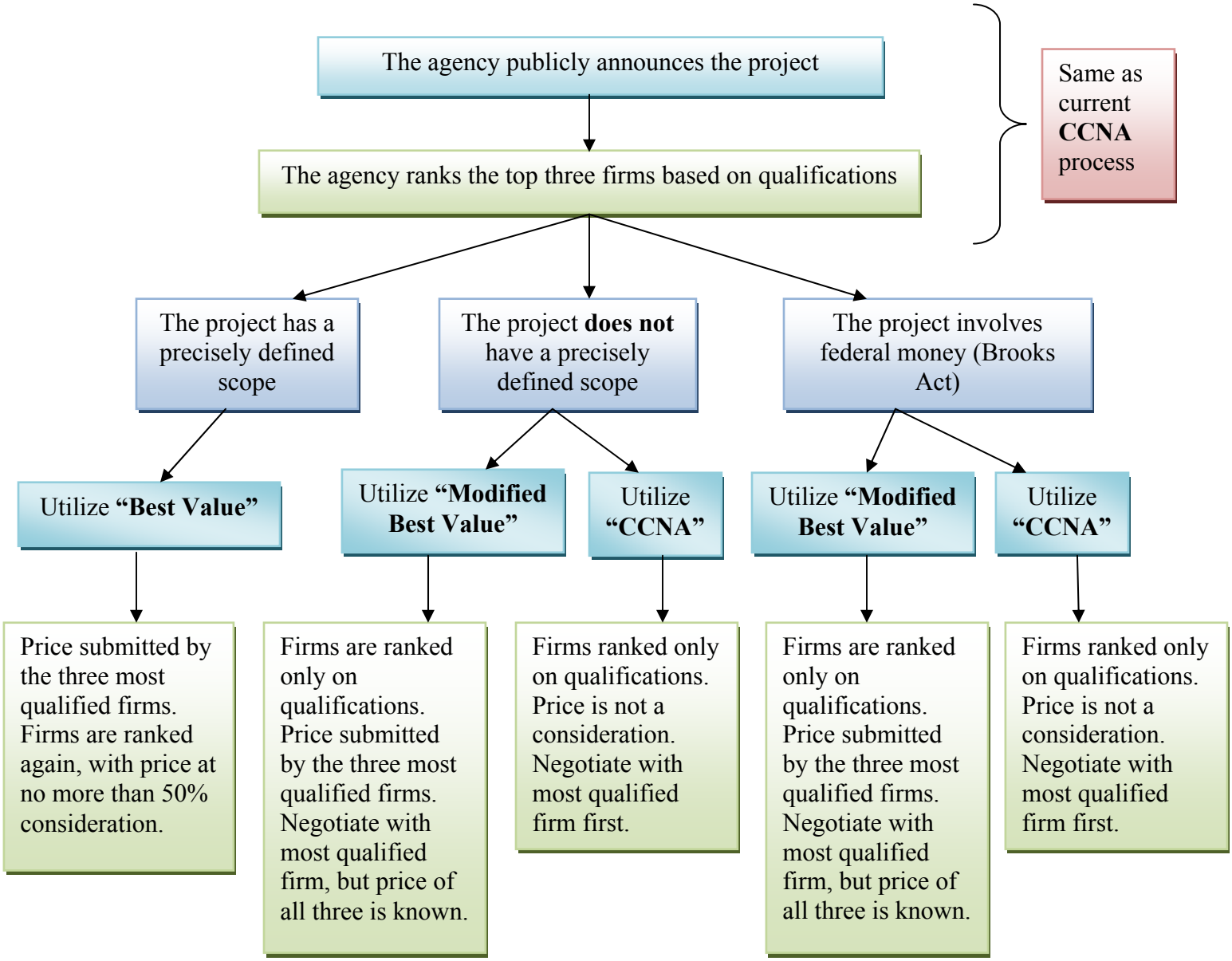
[21] The first two steps are the same as the current CCNA process and would remain the same under Best Value.
[22] The third step is a deviation from CCNA and would allow price to be a component of ranking the short list.
[23] The first two steps are the same as the current CCNA process and proposed best value process.

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pricing. This process would work best for agencies that would otherwise use the current CCNA over best value or for a project that does not have a specific scope.[24]

- Maintain the current CCNA process as an option for agencies to utilize when "Best Value" or "Modified Best Value" would not be appropriate. This process would work best for a project that does not have a well-defined scope.

Task Force Recommendation: "Procurement Officer Tool Box"



[24] The "Modified-Best Value" may be able to be used by agencies that come under the Brooks Act. The Brooks Act dictates the procurement process when federal dollars are used.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Enterprise Information Technology

RECOMMENDATION SUMMARY

On December 16, 2011, the Government Efficiency Task Force approved the following recommendations regarding enterprise information technology by a vote of 11 yeas, 0 nays:

- Redefine the role of the Agency for Enterprise Information Technology (AEIT) in governance of state enterprise information technology (IT) and clarify designated enterprise applications and operations.
- Strengthen statutory language to provide AEIT with enforceable governance.
- Provide AEIT with budget and procurement authority for enterprise IT projects and services.
- Maintain the current organizational structure of AEIT under the Governor and Cabinet.
- Establish an Enterprise Technology Advisory Council (ETAC) of public and private industry chief information officers and IT professionals to function in an advisory capacity to the state Chief Information Officer (CIO).
- Task the CIO with modifying AEIT's organizational structure to provide flexibility and nimbleness and to accommodate further adjustments as necessary.
- Direct AEIT to identify and align agencies in process oriented design structures (PODS), grouping similar business processes and functions across state government.
- Direct AEIT to implement enterprise IT in support of this alignment, executed in successful phases according to business processes and functions.
- Direct AEIT to immediately begin identification and alignment of PODS with financial management, due to the foundational importance of the Florida Accounting and Information Resource (FLAIR) subsystem.

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FULL RECOMMENDATION(S) ANALYSIS

I. RECOMMENDATIONS(S) AND BACKGROUND

A. AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY (AEIT)

In 2006, the Florida House of Representatives issued a report that identified the following issues with Florida's information technology (IT) governance:

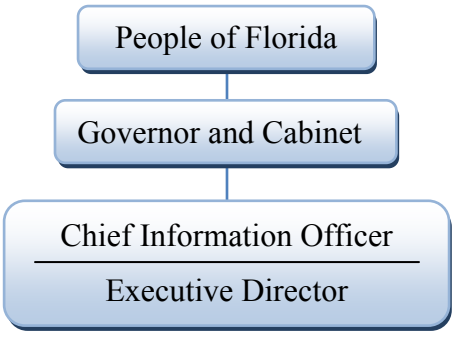
- A lack of a clear vision for the future of IT, its role in government operations, and its value to the state;
- An absence of an enterprise governance framework, which limits Florida's ability to capitalize on enterprise-wide technology solutions; and
- Inadequate visibility into IT funding of agencies and across the enterprise.[1]

In 2007, the Florida Senate issued a similar report that cited insufficient planning, management, and governance of enterprise IT services. The report provided that many state projects experience cost overruns and fall behind schedule, management does not understand or value IT governance and investments, and IT is often an impediment to innovative new processes.[2] Additionally, lack of planning, contract management, and accurate assessment of IT capabilities resulted in suspension of projects and led to substantial changes in direction and scope during development and implementation.[3]

The Senate report concluded that "The state would benefit financially and organizationally from defining enterprise- and agency-level IT projects and operations."[4] The report also provided that Florida "would improve its enterprise IT capabilities by requiring shared service delivery, planning, management, and operations for common, non-strategic IT services."[5]

The Senate and House committee recommendations led to the creation of the Agency for Enterprise Information Technology (AEIT or the agency). The agency's focus is IT as an enterprise responsibility linking the state's separate business and jurisdictional entities.[6] The agency reports to the Governor and Cabinet, and is administratively housed within the Executive Office of the Governor (EOG), but is a separate budget entity and not subject to control, supervision, or direction by EOG. The agency is headed by a Chief Information Officer (CIO) who is appointed by the Governor and confirmed by the Cabinet, subject to confirmation by the Senate, and serves at the pleasure of the Governor and Cabinet.[7]

Current AEIT high-level organizational structure



[1] The Florida House of Representatives, *Information Technology Management in Florida,* State Infrastructure Council/Spaceport and Technology Committee, January 2006, pp. 10-11 (copy on file with Government Efficiency Task Force staff).
[2] The Florida Senate, *Enterprise Information Technology: Senate Review and Study*, Report No. 2007-140, prepared by Committee on Governmental Operations, January 2007, p. 5, (http://archive.flsenate.gov/data/Publications/2007/Senate/reports/interim_reports/pdf/2007-140golong.pdf) (Last visited 12/12/2011).
[3] *Id.* at pp. 9-11.
[4] *Id.* at p. 11.
[5] *Id.*
[6] *See* Ch. 2007-105, L.O.F.
[7] Section 14.204(1), (2), and (3), F.S.

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Principal responsibilities of AEIT include:

- Developing strategies for the design, delivery, and management of enterprise IT services;
- Planning and establishing policies and standards for enterprise IT services;
- Identifying and recommending strategies and opportunities to improve delivery of cost-effective and efficient enterprise IT services;
- Coordinating acquisition planning and procurement negotiations for hardware and software products and services;
- In consultation with the Department of Management Services (DMS), establishing best practices for the procurement of IT products; and
- Providing recommendations for consolidating the purchase of IT commodities and services, and for establishing a process to achieve savings through consolidated purchases.[8]

Pursuant to legislative direction, AEIT organizes the required consolidation of agency data centers, and is working on the implementation of an enterprise-wide email system.[9]

Change and Efficiency

Governance

The current operations and organizational configuration of IT is dispersed throughout individual state agencies and departments. This process limits the ability to execute system-wide changes and oversight. A lack of centralized IT governance also hinders streamlining and elimination of duplication to achieve efficiencies and cost savings.

Recommendations

The Task Force recommends redefining the role of AEIT in governance of state enterprise IT and clarifying designated enterprise applications and operations. Enterprise IT services for all state agencies and departments should be further defined under AEIT, with special considerations and exemptions determined by the agency. Centralizing all enterprise IT under AEIT will allow the agency to examine technology across all agencies to identify duplication in applications, operations, and associated processes. Eliminating duplication and consolidating technology assets will achieve cost savings and lead to more efficient, effective service for both agencies and the citizens they serve. Centralization will lead to a great economy of scale, which can be leveraged for significant cost savings in negotiation of contracts, licensing, and purchasing.

Clarifying enterprise applications and operations under a single agency will provide clear direction to the agency. This will allow AEIT to evaluate and make decisions on maintaining, advancing, or outsourcing technology solutions to best achieve efficiencies and cost savings.

Current law limits the scope of AEIT to IT services established in law as enterprise and used by all agencies or a subset of agencies. AEIT makes recommendations to the Legislature concerning services that should be designed, delivered, and managed as enterprise IT services, but the Legislature designates services as enterprise.[10]

[8] Section 14.204(4), F.S.
[9] Sections 282.201 and 282.282.34, F.S.
[10] *See* s. 282.0041(11), F.S.

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The Legislature should include the following applications and operations identified by the Task Force for centralization under AEIT:

- MyFloridaMarketPlace (MFMP);
- Legislative Appropriations System/Planning and Budgeting System (LAS/PBS);
- Florida Accounting and Information Resource (FLAIR) subsystem;
- PeopleFirst;
- Network services;
- E-mail; and
- Data centers.

Telecommunications and call centers should also be considered for centralization. These applications have considerable impact and utilization across multiple agencies. Centralization would eliminate duplicative equipment costs and physical lease space, streamline agency support models, and provide world class customer service.

Authority

AEIT is tasked with the responsibility for developing strategies for enterprise IT and writing policies for enterprise IT services established in law. Design, planning, project management and implementation are the responsibility of AEIT, while supervision, design, delivery, and management are handled by individual agencies.[11] In its current form, AEIT lacks the ability to implement and enforce its administrative rules across all state agencies.[12] This inhibits AEIT's effectiveness and allows agencies to delay or decline implementation of rules and recommendations for cost-effective and efficient enterprise projects.

Recommendations

The Task Force recommends strengthening statutory language to provide AEIT with enforceable governance. Section 14.204 and Chapter 282, F.S., should be modified to remove optional language for agency implementation of AEIT's recommendations and rules.[13] Affirmative language will allow AEIT to enforce its policies to effectively design, plan, and manage enterprise IT services in order to leverage assets in the most effective and efficient manner. AEIT should have the authority to create and enforce rules related to enterprise IT strategy, planning, standards, policy, project management, licensing, and contract management. AEIT should work with the Legislature to create enforceable standards that facilitate communication, collaboration, and consensus among agencies.

The Task Force recommends providing AEIT with budget and procurement authority for enterprise IT projects and services. Placing budget authority within AEIT instead of under disparate agencies will enhance consistency in IT allocations and spending. Budget authority will provide AEIT with the ability to enforce its recommendations and standards. Centralizing IT budgets will also provide transparency for IT funding across agencies. This transparency will facilitate faster discovery of efficiencies and cost savings.

Structure

Current law provides that the head of AEIT is the Governor and Cabinet, with an executive director who is the state's Chief Information Officer.[14] AEIT's responsibility is limited to executive branch agencies, including Cabinet agencies and departments.[15]

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[11] *See* s. 282.0055, F.S.
[12] *See* ss. 14.204(4), (6), and (7), F.S. and s. 282.201(6), F.S.
[13] An example of strengthening language would be: "Develop, publish, and biennially update a long-term strategic enterprise information technology plan that identifies and provides governance for ~~recommends~~ strategies and opportunities to improve the delivery of cost-effective and efficient enterprise information technology services to be proposed for establishment pursuant to s. 282.0056." Section 14.204(4)(e), F.S.
[14] *See* ss. 14.204(1) and (3), F.S.

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Multiple attempts to create new enterprise IT governance structures have been unsuccessful or have had limited success.[16] The creation of new agencies may provide solutions, but may also create additional problems. For example, business processes could be transferred without sufficient evaluation. Also, new and unanticipated issues may arise from insufficient planning and management in the transfer of duties and creation of a new agency. Creation of a new entity is not the most effective solution. Any adjustments to IT centralization should include a thorough evaluation of business processes and sufficient planning and management to avoid past mistakes.

Recommendations

The Task Force recommends maintaining the current organizational structure of AEIT under the Governor and Cabinet. With governance of IT projects across all state agencies, AEIT should continue to be overseen by the Governor and Cabinet. This will provide appropriate oversight by stakeholders whose IT functions are managed by AEIT.

Successful implementation of enterprise IT projects requires agency cooperation and support. This issue has been raised by current agency CIOs as a critical element in establishing strong, centralized IT governance. Agency CIOs suggested that a method to improve AEIT's ability to garner agency support is through increased leverage of industry best practices, including those of both public and private sectors.[17]

The Task Force recommends establishing an Enterprise Technology Advisory Council (ETAC) of public and private industry chief information officers and IT professionals to function in an advisory capacity to the state CIO. ETAC will provide independent analysis of data to assist the CIO in developing standards and policies for enterprise services. Input from industry professionals with knowledge of current industry best practices will provide the CIO with additional resources and support for enterprise initiatives. ETAC will also assist in building consensus across agencies for enterprise projects and provide additional credence to AEIT initiatives. The council will help facilitate AEIT's ability to develop standards, and manage procurement and contracts to maximize efficiency and cost savings.

The Task Force recommends tasking the CIO with modifying AEIT's organizational structure to provide flexibility and nimbleness and to accommodate further adjustments as necessary. The CIO should be given authority to determine AEIT's internal organizational structure with consideration for the needs of the Governor, Cabinet, state agencies, and citizens of Florida. Flexibility to modify AEIT's structure will help the agency adapt to changing technology, business processes, and state needs.

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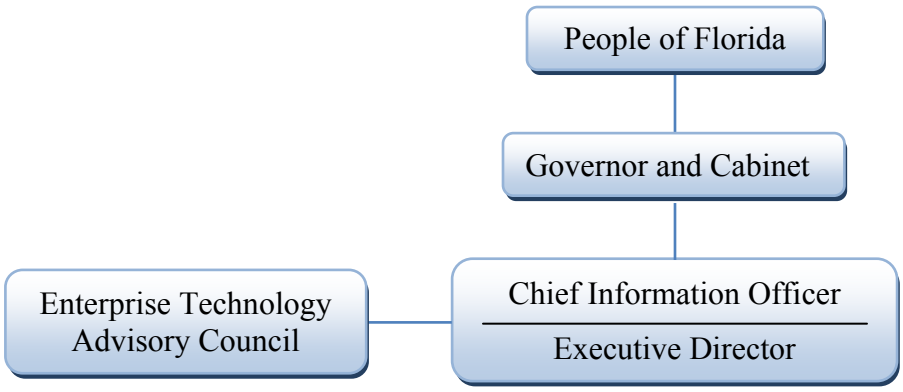
[15] AEIT services are limited to "executive branch agencies created or authorized in statute to perform legislatively delegated functions." Section 282.0055, F.S. A list of executive branch agencies can be found at the State of Florida website, http://www.myflorida.com/taxonomy/government/executive%20branch/ (last visited 12/12/2011).

[16] The Legislature created the State Technology Office (STO) in 2000 to oversee agency IT resources. Due to issues in funding and legislative support, the law authorizing STO as the central state IT service entity was only partially implemented. Further changes to the responsibilities of STO and creation of the Florida Technology Council (FTC) to take over the role of IT oversight were vetoed by the Governor on June 27, 2005, and STO underwent de facto dissolution. The Florida House of Representatives, *Information Technology Management in Florida,* State Infrastructure Council/Spaceport and Technology Committee, January 2006 (copy on file with Government Efficiency Task Force staff). *See also* Ch. 2000-164, L.O.F., Ch. 2001-261, L.O.F., Senate Bill 1494 (2005), and Veto Message for Committee Substitute for Committee Substitute for Senate Bill 1494, June 27, 2005.

[17] An enterprise IT questionnaire developed by the Task Force was distributed to select state agency CIOs on November 18, 2011. Responses were compiled and distributed to the enterprise information technology work group members on December 2, 2011, (questionnaire and CIO responses on file with Government Efficiency Task Force staff).

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Recommended AEIT high-level organizational structure



Implementation

Agencies have historically approached IT projects within the scope of the individual agency, even when administering enterprise services. It is a challenge for agencies to accurately examine their role in the larger picture of state IT. Current enterprise IT projects would benefit from the focus provided by a single agency tasked with developing and implementing an overarching vision for enterprise IT services.

Recommendations

The Task Force recommends directing AEIT to identify and align agencies in process oriented design structures (PODS), grouping similar business processes and functions across state government. Lisa Vickers, Executive Director of the Florida Department of Revenue, presented a framework of state entities organized into process oriented design structures (PODS), or units based on similar functions, processes, and resources.[18] This model can be used to create an overarching schema for enterprise IT that supports all agencies, encourages collaboration, and locates efficiencies.[19]

The Task Force recommends directing AEIT to implement enterprise IT in support of this alignment, executed in successful phases according to business processes and functions. A phased approach will allow AEIT to effectively implement new strategies, governance concepts, and processes within logical, focused units.

The Task Force recommends directing AEIT to immediately begin identification and alignment of PODS with financial management, due to the foundational importance of the Florida Accounting and Information Resource (FLAIR) subsystem. Financial management serves a critical function to state operations, and its applications and data are utilized across numerous state agencies. An effective enterprise financial application would create efficiency and transparency, and provide effective tools for cost analysis.

The Task Force recommends implementing Phase 1 in a unit comprised of financial management agencies, including: the State Board of Administration, the Department of Financial Services, the Financial Services Commission, the Office of Financial Regulation, and the Office of Insurance Regulation (see appendix 1). Before starting Phase 1, AEIT should communicate with agencies to build consensus on the basic framework for a statewide financial management system. Initiating implementation with financial management, which includes a significant IT component, would provide a greater benefit to the state and realize substantial cost savings.

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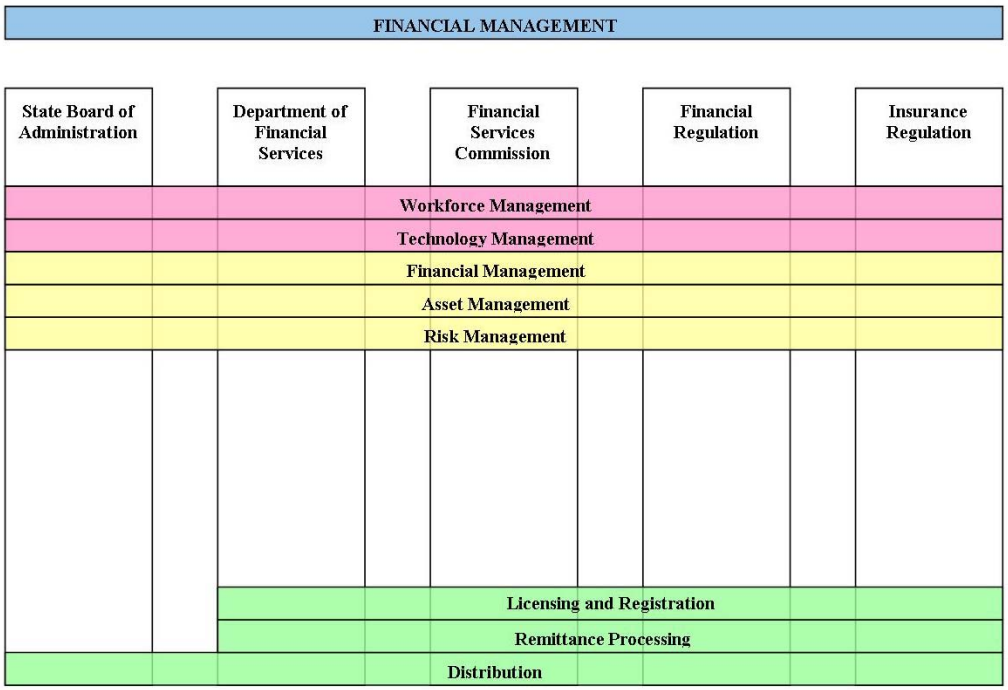
[18] Lisa Vickers, Executive Director of the Florida Department of Revenue, presented a consolidated government concept utilizing this structure to the Task Force on December 2, 2011. Presentation video, audio podcast, and materials are available at www.floridaefficiency.com/meetings.cfm (last visited 12/13/2011).

[19] Appendix 1 includes the diagram for the Financial Management unit using the PODS system.

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Appendix 1

Diagram of Financial Management agencies using PODS system.



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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: State Procurement

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding state procurement by a vote of 10 yeas, 0 nays:

- **Increased utilization of state term contracts**
  - Review all statutory barriers and remove those unnecessary for full utilization of state term contracts.
  - Create a process that gives the Department of Management Services (DMS) an approval role for non-state term contract purchases by agencies.
  - Estimated savings for strategically sourcing the estimated $1.8-$2.5 billion in potential sourceable spend is 6-10%, or **$108-$180 million** to **$150-$250 million** per year.

- **Increased utilization of MyFloridaMarketPlace**
  - Review the 1% usage fee for MyFloridaMarketPlace (MFMP) and adjust to allow for the greatest utilization by state agencies and other eligible users. Increased utilization is estimated to achieve savings of **$9.5 million** per year.
  - Measure full cycle utilization of MFMP through DMS. Reduction in hard and soft costs is estimated to achieve savings of **$10.9-$11.9 million** per year.
  - Provide a public facing catalog solution for other eligible users of MFMP.
  - Convert Florida commodity codes to the National Institute of Governmental Purchasing (NIGP) codes.

- **Increased effectiveness of MyFloridaMarketPlace**
  - Implement a data analytics solution for MFMP.
  - Automate electronic posting of solicitations created in Sourcing to the Vendor Bid System.
  - Automate the workflow between the Ariba Buyer and Ariba Sourcing modules of MFMP.
  - Provide a public portal for contract information.

- **Strategic sourcing**
  - Utilize the increased visibility and volume in spend achieved via increased use of state term contracts and MFMP to strategically procure commodities and services.
  - Create an incentive model that utilizes savings achieved by agencies to encourage participation in strategic sourcing.

- **Consultants' Competitive Negotiation Act (CCNA)**
  - Allow agencies to utilize the "Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow price to be a factor of up to 50% when ranking the top three most qualified firms.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. STATE PROCUREMENT

Department of Management Services

The Department of Management Services (DMS) provides administrative and support services to other state agencies and to state employees. DMS's areas of responsibility include, but are not limited to:

- Employee benefits (retirement and insurance);
- Human resource management;
- Business operations (real estate development and management, state purchasing, and specialized services);
- Telecommunications; and
- Agency administration.[1]

State Procurement of and Contracts for Personal Property and Services

Under ch. 287, F.S., the Division of State Purchasing in DMS is responsible for developing and administering standardized procurement policies, procedures, and practices to be used by state agencies in acquiring commodities, contractual services, and information technology. A variety of procurement methods are available for use by the agencies depending on the cost and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors. To guide the procedures for the procurement method to be used, the type of review required, and the method for the award of any contract, the following purchasing categories with threshold amounts have been established:

- Category one: $20,000
- Category two: $35,000
- Category three: $65,000
- Category four: $195,000
- Category five: $325,000[2]

DMS prescribes methods of securing competitive sealed bids, proposals, and replies.[3] The competitive solicitation process must be used for procurement of commodities or contractual services in excess of the category two threshold amount and include any of the following solicitation methods: invitations to bid, requests of proposals, and invitations to negotiate. Many services procured by state agencies are exempt from competitive solicitation requirements regardless of whether the purchase exceeds the applicable cost threshold, including artistic services, auditing services, and legal services.[4] Agencies currently must seek approval from DMS to use an alternate contract source to purchase commodities or services from term contracts or requirements contracts competitively established by other governmental entities. In approving the alternate contract source, DMS determines if the contract source is cost-effective and in the best interest of the state.[5]

All agreements in excess of the category two threshold must be evidenced by a written agreement and include provisions for the required minimum level of service to be performed by the contractor, criteria for evaluating the successful completion of each deliverable, and financial consequences for nonperformance. There must

[1] *See* the Department of Management Services website, http://www.dms.myflorida.com/ (last visited 04/18/2012).
[2] Section 287.017, F.S.
[3] Rules 60A-1.041 and 60A-1.002, F.A.C.
[4] Section 287.057(3)(f), F.S.
[5] Rule 60A-1.047, F.A.C.

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also be a provision dividing the contract into quantifiable, measurable, and verifiable units of deliverables that must be received and accepted in writing by the contract manager before payment. Each deliverable must be directly related to the scope of work and specify the required minimum level of service to be performed and criteria for evaluating the successful completion of each deliverable.[6]

State agencies may use a variety of procurement methods, depending on the cost and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors. These include the following:

- "Single source contracts," which are used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase;
- "Invitations to bid," which are used when an agency determines that standard services or goods will meet its needs, wide competition is available, and vendors' experience will not greatly influence the agency's results;
- "Requests for proposals," which are used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors with the ability to provide the required goods or services exist; and
- "Invitations to negotiate," which are used when negotiations are determined to be necessary to obtain the best value and involve a request for highly complex and customized services by an agency dealing with a limited number of vendors.[7]

Chapter 287, F.S., also establishes a process by which a person may file an action protesting a decision or intended decision pertaining to contracts administered by DMS, a water management district, or certain other agencies.[8]

State Term Contracts

Agencies also purchase commodities and contractual services utilizing agreements called “state term contracts” procured by DMS.[9] A state term contract is an agreement that leverages the state’s volume and buying power to procure the best price for services and commodities. DMS negotiates state term contracts when it is in the best interest of the state to purchase mass quantities of a specific commodity or service. DMS is also responsible for compiling statistical procurement data concerning the method of procurement, terms, usage, and disposition of commodities and contractual services by agencies. This data is available in the Florida Accounting Information Resource (FLAIR) subsystem and the state’s MyFloridaMarketPlace (MFMP) centralized e-procurement system.[10]

The advantage of state term contracts is that the procurement process allows the state to leverage increased volume and buying power to provide commodities and services at lower cost to state agencies and other eligible users (OEUs).[11] The more state agencies and OEUs utilize state term contracts, the more leverage DMS has in negotiating a better price. In FY 2011-12, the Division tracked the following state term contracts:

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[6] Section 287.058(1), F.S.
[7] *See* ss. 287.012(6) and 287.057(1), (3), F.S.
[8] *See* s. 287.042(2)(c), F.S.
[9] *See* ss. 287.042(2)(a) and 287.056, F.S.
[10] Department of Management Services Operational Audit, Report No. 2011-075, January 2011 (copy on file with Government Efficiency Task Force staff).
[11] Section 287.012(11), F.S., provides that “’Eligible user’ means any person or entity authorized by the department pursuant to rule to purchase from state term contracts or to use the online procurement system.” Rule 60A-1.005, F.A.C., provides that the following entities are eligible users: governmental entities as defined in s. 163.3164, F.S., (a county, city, school board, or special district that has a physical presence in Florida) and any independent, nonprofit college or university that is located within the State of Florida and is accredited by the Southern Association of Colleges and Schools.

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- PCs, laptops, and monitors;[12]
- Information Technology (IT) network infrastructure;[13]
- Medical and dental supplies;[14]
- Office and classroom supplies;[15]
- Uniforms;[16] and
- Office and educational consumables.[17]

DMS identified $41.6 million in annualized savings over FY 2011-12, which equates to 19% savings compared to the estimated spend under the pre-state term contract price.[18]

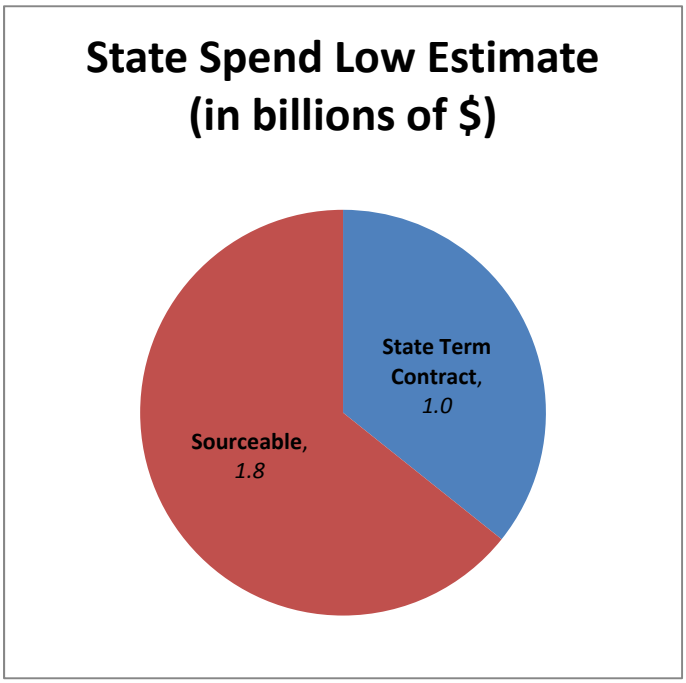
Category	Estimated Annual Spend (Before Sourcing)	Actual Identified Annual Savings $	Actual Identified Annual Savings %	Impacted FY 2011-12 Spend	Actual FY 2011-12 Spend	Actual FY 2011-12 Savings
PCs, Laptops and Monitors	$174,861,114	$56,834,099	33%	$88,944,688.47	$60,035,496	$28,909,172.47
IT Hardware: Network Infrastructure	$133,857,238	$15,661,312	12%	$91,204,979.65	$80,533,987	$10,670,922.65
Medical/Dental Supplies	$8,466,927	$2,024,192	24%	$1,569,471.19	$1,194,257.00	$375,214.19
Office and Classroom Supplies	$45,717,154	$3,116,256	7%	$4,915,976.74	$4,580,885.00	$335,091.74
Uniforms	$2,285,981	$325,461	14%	$718,246.76	$615,988.00	$102,258.76
Office and Education Consumables	$40,463,264	$1,627,757	4%	$31,235,860.42	$29,986,426.00	$1,249,434.42
Totals	**$405,651,678**	**$79,589,077**	**19.6%**	**$218,589,203.23**	**$176,947,039**	**$41,642,164.23**

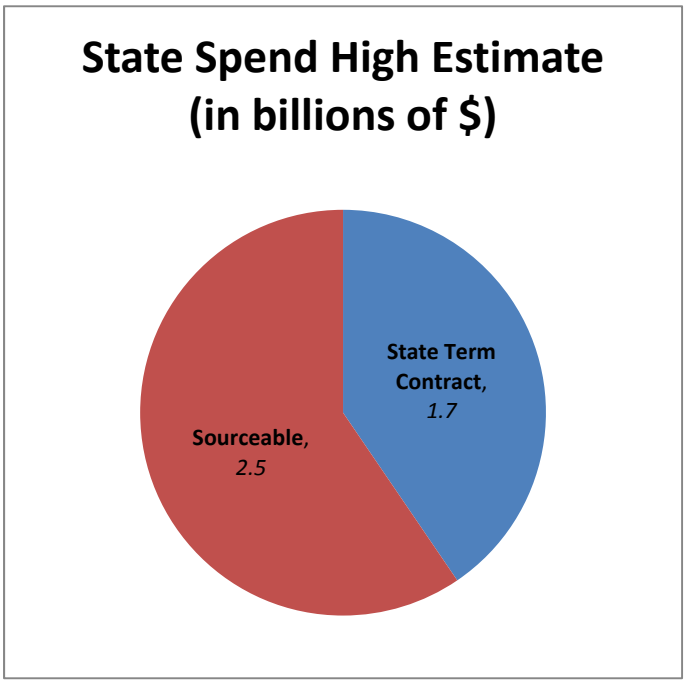
Despite the demonstrated success that DMS has attained in reducing costs for services and commodities through state term contracts, there is a large amount of unaddressed state spend that is not volume purchased through these contracts.[19] Many state agencies have not taken full advantage of the state term contracts provided by DMS, so volume purchasing opportunities are missed. DMS estimates that $1 to $1.7 billion[20] was purchased by state agencies through a state term contract last fiscal year with the opportunity to source[21] an

[12] Contract 250-040-08-1.
[13] Contract 250-000-09-1.
[14] Contract 475-000-11-1.
[15] Contract 618-001-07-ACS.
[16] Contract 200-050-05-1.
[17] Contract 618-000-11-1.
[18] Report provided by DMS at request of the Government Efficiency Task Force General Government Subcommittee Chairman (copy on file with Government Efficiency Task Force staff).
[19] Florida Senate, *State Contract Management System*, February 2011.
[20] DMS was able to track $1 billion of state term contract spend through MFMP and estimates that an additional $700 million was purchased on state term contracts outside of MFMP through FLAIR for a total estimate of $1 to $1.7 billion in total agency spend.
[21] "Opportunity to source" refers to agency spend to which a strategic sourcing methodology could be applied (i.e., a state term contract could be negotiated to procure the service or commodity).

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additional $1.8 to $2.5 billion of state agency spend. This potential sourceable spend does not include OEUs, or commodities or services exempted pursuant to s. 287.057(3)(f), F.S.





If DMS was able to strategically source the additional $1.8 to $2.5 billion in sourceable spend through multiple state term contracts and achieve a savings between 6-10%, the result would be in the range of $108-$180 million[22] to $150-$250 million[23] per year.

Change and Efficiency

Increase Use of State Term Contacts

The Task Force identified two primary reasons for under-utilization of state term contracts:

1. Lack of enforcement capability of DMS for state term contracts; and
2. Statutory barriers in the form of exceptions of use.

Approval of Non-Use of State Term Contracts

Section 287.042(2)(a), F.S., provides that DMS has the duty:

> To establish purchasing agreements and procure state term contracts for commodities and contractual services, pursuant to s. 287.057, under which *state agencies shall*, and eligible users may, make purchases pursuant to s. 287.056.[24]

[22] This range is based on a 6% or 10% savings on the additional $1.8 billion of potential sourceable spend.
[23] This range is based on a 6% or 10% savings on the additional $2.5 billion of potential sourceable spend.
[24] Emphasis added.

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Additionally, s. 287.056, F.S., provides that:

> *Agencies shall*, and eligible users may, purchase commodities and contractual services from purchasing agreements established and state term contracts procured, pursuant to s. 287.057, by the department.[25]

While state agencies are required to utilize state term contracts pursuant to statute,[26] DMS lacks an enforcement mechanism. Pursuant to Rule 60A-1.044, F.A.C., an agency that chooses to purchase outside a state term contract need only document why the state term contract does not meet its needs. Since DMS does not have a part in the approval process for non-state term purchases, the department does not receive feedback for improvement of state term contracts, which leads to ineffective contract negotiation and spend analysis.

Recommendations

The Task Force recommends creating a process that gives the Department of Management Services an approval role for non-state term contract purchases by agencies. Currently, while an agency may be mandated by statute to purchase from a state term contract, there is no approval or enforcement mechanism. DMS should have an approval role for agency purchases when the purchase can be made on a state term contract and the agency wants to purchase elsewhere. This would aid DMS in collecting data regarding the effectiveness of the state term contract and also enforce utilization of the state term contract when appropriate. This recommendation would aid DMS in strategically sourcing the estimated $1.8-$2.5 billion in potential sourceable spend to achieve an estimated savings between 6-10%. This would equate to a savings of **$108-$180 million**[27] to **$150-$250 million**[28] per year.[29]

Statutory Barriers to Use of State Term Contracts

There are several statutory barriers to use of state term contracts. Section 287.057(3)(f), F.S., lists exceptions to the competitive solicitation requirements, including:

- Artistic services;
- Academic program reviews;
- Lectures by individuals;
- Legal services;
- Health services;
- Services provided to persons with mental or physical disabilities by not-for-profit corporations;
- Medicaid services delivered to an eligible Medicaid recipient;
- Family placement services;
- Prevention services related to mental health;
- Training and education services;
- Contracts entered pursuant to s. 337.11, F.S.; and
- Services or commodities provided by governmental agencies.

For example, in FY 2010-11, $315 million, or 24% of the $1.27 billion, in substance abuse and mental health contracts were procured under the health services exemption.[30] This spend may be sourceable, but due to the

[25] Emphasis added.
[26] *See* ss. 287.042(2)(a), and 287.056(1), F.S.
[27] This range is based on a 6% or 10% savings on the additional $1.8 billion of potential sourceable spend.
[28] This range is based on a 6% or 10% savings on the additional $2.5 billion of potential sourceable spend.
[29] Sourcing and management of the added state term contracts may require additional staff.
[30] OPPAGA, *Substance Abuse and Mental Health Contracting*, September 28, 2011, p. 4 (copy on file with Government Efficiency Task Force staff). *See also* the Task Force recommendations specific to the issue of substance abuse and mental health services procurement.

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statutory authority, the purchase is exempt. Additionally, the combined spend for all exempt procurements is $8.4 billion annually.[31]

Recommendations

The Task Force recommends removing statutory barriers to full utilization of state term contracts. All exceptions to the competitive procurement process should be reviewed and those that are unnecessary should be repealed. By removing exemptions, there will be an increase in competition and ensure the best value for the State of Florida.

MyFloridaMarketPlace

MyFloridaMarketPlace (MFMP) was established to create a procure-to-pay system for commodities and services. The system aids DMS in utilizing a strategic sourcing methodology for state purchasing.[32] MFMP's purpose is to increase visibility and analysis into statewide spend, which allows the state to consolidate purchases across state entities. The strategic sourcing model used by the Division of State Purchasing (the division) seeks to maximize usage of MFMP by state agencies and other eligible users (OEUs) to:

- Increase total spend under management;
- Increase spend visibility; and
- Leverage the increased visibility and volume of spend to develop better procurements.

This visibility allows the division to target deeper discounts through negotiations with suppliers, resulting in stronger contracts. The state as a whole, including local governments, realizes reduced costs of procured products and services from these contracts. MFMP currently provides catalog availability only to agencies in the State of Florida. Currently, less than 50 percent of State of Florida spend is under management. Industry best practice is to achieve spend management of more than 80 percent, which has been achieved by other states.[33]

Utilization of MFMP by agencies provides the following benefits to the state:

1. Supply base management, which reduces procurement costs;
2. Supplier portal/network access, which creates greater competition;
3. Spend analysis, which provides a better understanding of state purchases;
4. Strategic sourcing, which leverages more dollars in order to achieve better pricing;
5. Contract lifecycle management, which reduces transition costs and providers greater visibility of spend; and
6. Procure-to-Pay availability, which reduces transaction costs.

In order for the state of Florida to achieve the greatest procurement efficiency and savings, state agencies need to utilize MFMP to its fullest capability. With greater use, the state agencies will achieve:

- Tighter control and better visibility of their purchases;
- Better control of encumbered funds;
- Significant reduction in invoicing and payment costs; and
- Easier detail and accessibility of spend data for audit purposes.

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[31] Analysis of the State Contract Management System database and agency data. Includes all exempt purchases, not just exemptions pursuant to s. 287.057(3)(f), F.S.

[32] Section 287.057(22), F.S., directs DMS to develop a program for online procurement of commodities and contractual services, which developed into MyFloridaMarketPlace.

[33] North Highland, *Business Case Of The eProcurement Solutions*, October 26, 2011, p.10 (copy on file with Government Efficiency Task Force staff).

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State Agency Utilization of MFMP

Currently, MFMP is not fully utilized by all agencies across state government. Measuring agency utilization is best captured in terms of the percent of addressable spend that is captured in agency MFMP Purchase Order (PO) dollars. Currently, DMS State Purchasing identified $3.8 billion of addressable spend in FY 2011-12. This was derived from FLAIR payments to vendors, categorized by accounting object code.

The expected total MFMP PO dollars at full agency utilization totals an estimated $3.6 billion. Currently, there are state agencies that are exempted from both competitive solicitation and utilization of MFMP. According to DMS, exempt agencies account for an additional estimated $100 million in addressable spend, while purchasing card (P-card) transactions account for an additional estimated $123 million in addressable spend. Additionally, approximately $1.7 billion of the $3.6 billion (47 percent) went through MFMP POs in FY 2011-12. Lastly, 32 vendors account for more than 65 percent of PO dollars not entered in MFMP. To better understand current state agency utilization trends, the Task Force has broken down agency MFMP PO utilization below into three categories:

1. State agencies with high utilization;
2. State agencies with medium utilization; and
3. State agencies with low utilization.

The chart below shows the agencies organized by MFMP utilization.

State Agencies with High MFMP Utilization (75% or More PO Adoption)	State Agencies with Medium MFMP Utilization (75-30% PO Adoption)	State Agencies with Low MFMP Utilization (Less than 30% PO Adoption)
The Agency for Work Force Innovation[34]	Department of Health	State Courts System
Department of Highway Safety and Motor Vehicles	Department of Corrections	Department of Revenue
Division of Administrative Hearings	Department of State	Department of Juvenile Justice
Department of Veteran Affairs	Department of Elder Affairs	Department of Transportation
Florida Fish and Wildlife Conservation Commission	Attorney General and Legal Affairs	Department of Environmental Protection
Department of Financial Services	Executive Office of the Governor	Department of Military Affairs
Florida Department of Law Enforcement	Department of Community Affairs[35]	Agency for Health Care Administration
Department of Children and Families[1]	Florida Parole Commission	Department of Citrus
Department of Business and Professional Regulation	Florida School for the Deaf and Blind	Florida Lottery
Department of Management Services		Department of Education
Agency for Persons with Disabilities		

[1] As of March 2012, the Department of Children and Families has 100 percent fully integrated MFMP utilization throughout the agency.

Change and Efficiency

Increase Usage of MyFloridaMarketPlace

1% Transaction Fee

One of the main identified factors for under utilization involved the 1% fee currently charged to vendors who utilize MFMP. Section 287.057(22)(c), F.S., provides that: “The department may impose and shall collect all

[34] Transitioned to Department of Economic Opportunity in 2011.
[35] Transitioned to Department of Economic Opportunity in 2011.

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fees for the use of the online procurement systems." The statute provides DMS flexibility in setting the fees for usage of MFMP. The current 1% is established via Rule 60A-1.031, F.A.C., with a list of exceptions to the 1% fee provided in Rule 60A-1.032, F.A.C.

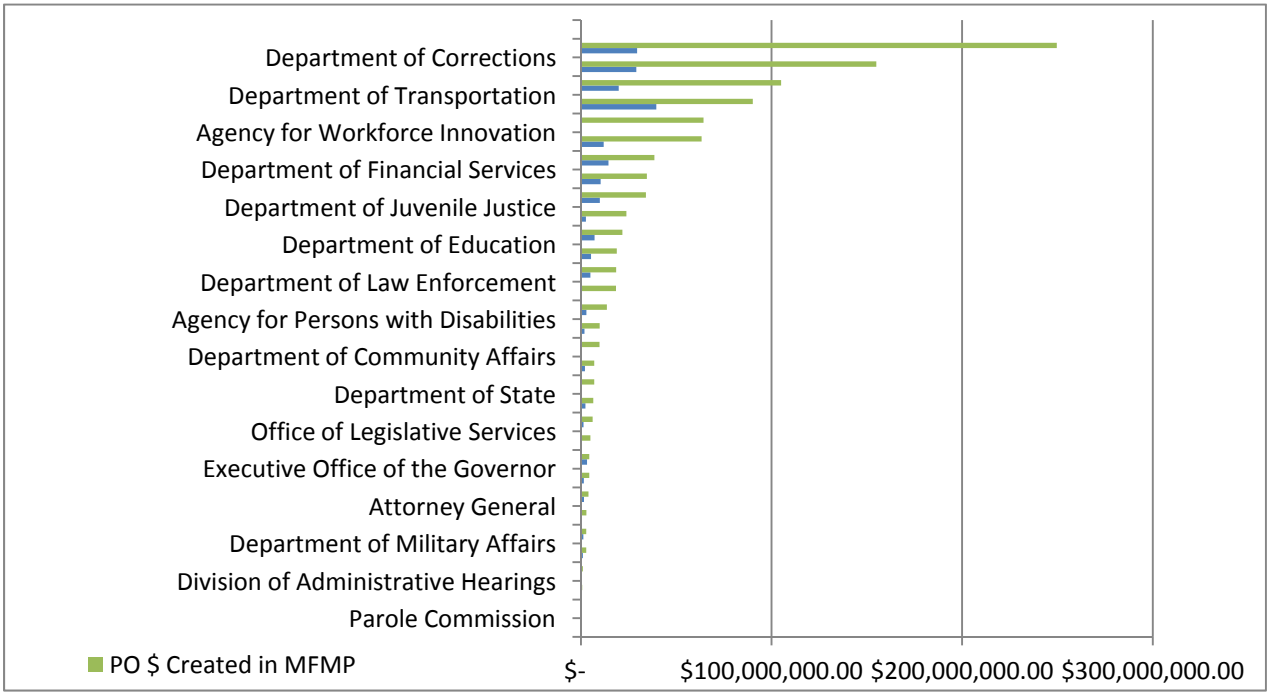
Recommendations

The Task Force recommends that the 1% usage fee for MyFloridaMarketPlace be reviewed and adjusted to allow for the greatest utilization by state agencies and other eligible users. Users of MFMP are charged a 1% usage fee. The fee and funding structure of MFMP should be reviewed and changed to allow for the greatest utilization.[36] If increased utilization was able to generate a 1% savings on only 50% of the possible spend that could utilize MFMP, the savings would total **$9.5 million** per year.[37]

Full Cycle Utilization

As demonstrated in the below graph, agencies do not fully utilize MFMP. Many agencies will order (create a PO) within the system, but will not utilize the e-Invoicing system; instead the agency will utilize FLAIR. Utilizing FLAIR creates additional soft and hard costs[38] involved in the invoicing process. Two separate reports estimate a savings of $10-$15 per transaction if the order were to be processed via the e-Invoicing in MFMP rather than through FLAIR.[39] DMS has estimated a cost savings of $10.9-$11.9 million per year if 80% of addressable spend were to utilize the e-Invoicing system with MFMP.

MFMP Invoice Payment dollars against MFMP POs



[36] DMS provided several high-level concepts of a revised fee, including reducing the fee, an e-transaction incentive model, and two hybrid models (copy on file with Government Efficiency Task Force staff).
[37] This is calculated by taking 1% of the 50% of the $1.9 billion in potential MFMP spend (1% of $950 million), which equates to $9.5 million.
[38] Soft costs refer to the labor involved in processing the order, while hard costs refer to the printing and sending of the invoice.
[39] These reports were done by Forrester and Accenture (copy on file with Government Efficiency Task Force staff).

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Recommendations

The Task Force recommends that DMS measure full cycle utilization. There are significant savings to be realized by not printing and mailing out invoices to customers. The hard costs alone (postage, paper, custom envelopes) are significant enough to justify adoption, but there are also significant soft costs in labor savings. Agencies should utilize MFMP for invoicing. This recommendation would result in savings of **$10.9-$11.9 million** per year if implemented.[40]

MFMP Enhancements

DMS's objective is to establish the following guiding principles to ensure that MFMP is fully as a best-in class[41] e-Procurement solution:

- Maximize spend visibility;
- Maximize usage by both agencies and other governmental entities;
- Bring best value to the state through strategic sourcing, standard contracts, and processes;
- Manage administrative costs through self-service and a shared services delivery model; and
- Create a flexible technology platform that is easy to use and maintain.

There are several enhancements available to the MFMP system that can further improve the realized efficiencies, produce greater savings from economies of scale, support open government requirements, better leverage OEU spend to Florida's collective benefit, further ease implementation of a unified statewide procurement process, embrace national and best-in-class standards, and embrace new cloud technology.

Recommendations

The Task Force recommends implementing a data analytics solution. MFMP should be modified to assist the state in gaining greater spend visibility for goods and/or services than is currently available. The goal should be data normalization at a minimum standard of 80 percent of the available dataset covering:

a. Suppliers – including but not limited to:
    i. Utilizing an external database to demonstrate parent-child relationships
    ii. Federal employer identification number (FEIN) validation
    iii. Physical location detail
b. Commodity code– including but not limited to:
    i. Transition to National Institute of Governmental Purchasing commodity codes
    ii. Validate commodity code spend against vendor business class
c. Supplier business status validation from a vendor-supplied database covering:
    i. Minority
    ii. Veteran
    iii. Small Business

The services should provide information that will support the shared services initiatives the state is currently undertaking and should provide greater visibility in expenditures made by state agencies. This enhancement provides the necessary data to support a strategic sourcing process for the State of Florida. The ability to access disparate data sources and normalize spend creates a benchmarking opportunity that allows agencies and other users to evaluate procurement performance.

The Task Force recommends automating electronic posting of solicitations created in Sourcing to the Vendor Bid System (VBS). DMS developed and manages the VBS, to which approximately 1,000 solicitations

[40] The savings estimate uses DMS calculations based on two reports by Accenture and Forrester.
[41] Gartner, *Understanding Your Top Procurement Processes*, May 11, 2011 (copy on file with Government Efficiency Task Force staff).

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are posted each year. DMS also uses the Ariba Sourcing application to post solicitations and receive responses. One of DMS's goals is to roll-out the Ariba Sourcing application to all agencies. Currently all agencies use VBS and are required to manually post information in the system. DMS should create a solution to facilitate the automated posting of solicitation information in VBS from Ariba Sourcing to avoid manually entering data in both systems. This enhancement will reduce the duplication of efforts by state agencies as the Ariba Sourcing module is rolled out to other agencies in Florida.

The Task Force recommends that DMS automate the workflow between the Ariba Buyer and Ariba Sourcing modules. Buyers must manually create a requisition within MFMP Buyer when an electronic quote or sourcing event is awarded in the Sourcing tool. DMS should create a solution to automate the creation of requisitions in Buyer for electronic quotes awarded in Sourcing.

The Task Force recommends providing a public portal for contract information. DMS maintains all statewide agreement documents and contract information on the DMS website, as well as in the MFMP application. A best-in-class solution will provide a tool to maintain contract information within MFMP complemented by a public portal for contract information, in order to prevent the duplication of data in multiple locations. This enhancement would replace the DMS state term contract website and would be available to other agencies in a shared solutions model to support transparency in Florida.

Other Eligible Users (OEUs)

OEUs account for a significant amount of the sourceable spend on state term contracts. The more OEUs utilize state term contracts and MFMP, the more DMS is able to negotiate better prices due to increase in volume of spend. MFMP does not currently utilize a public facing catalog for OEUs. The public facing catalog would be similar to the platform on amazon.com or other on-line stores. The catalog would significantly increase the ease of ordering from MFMP for OEUs.[42]

MFMP also utilizes Florida commodity codes. This codes are unique to the state and do not correspond with the majority of industry codes. Most OEUs use National Institute of Governmental Purchasing (NIGP) codes. The difference in coding makes it difficult for OEUs to navigate and locate the commodities they wish to purchase through MFMP and post solicitations on VBS once it becomes available to OEUs.

Recommendations

The Task Force recommends providing a public facing catalog solution. DMS establishes catalogs for all state term contracts in MFMP Buyer from which customers purchase. Current catalog types include line items, punch-outs (an interface between a supplier's online ordering portal and Buyer), and ordering instructions (general instructions to buyers on how to purchase). DMS is working to create a solution to make the MFMP catalog component available to OEUs (e.g., cities, counties, and universities). This enhancement will also allow users to create a shopping cart of various items for print view reference and will accept P-card payment functionality. This addition will support the goal of increasing spend visibility by capturing purchases from OEUs and making them reportable in MFMP analysis. This enhancement will better drive spend to state term contracts. Leveraging purchases across the entire State of Florida is a key component of strategic sourcing and will deliver better value to all Florida taxpayers.

The Task Force recommends converting Florida commodity codes to the National Institute of Governmental Purchasing (NIGP) codes. The State of Florida currently leverages custom commodity codes. These commodity codes are maintained by the Division of State Purchasing (the division) and are associated to a default object code (defined by DFS). DMS is interested in moving away from Florida customized commodity codes to a set of standard industry codes. Most OEUs utilize NIGP codes. If they are adopted as the State of Florida standard, it will be easier for the OEUs to utilize MFMP and VBS.

[42] OEU spend is not currently tracked through MFMP. Vendors self report the sales in order to reconcile the 1% fee with the state. It is estimated that the amount reported by vendors is lower than the actual amount. *See* Rule 60A-1.031, F.A.C.

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Strategic Sourcing

The ultimate goal of the Task Force recommendations is to aid DMS in its mission to strategically source commodities and services, for both the state and OEUs, in order to achieve the best price. Increased utilization of state term contracts will immediately realize savings by negotiating a better price for agency purchases and will also allow DMS to continually negotiate better state term contracts through the increase in the volume of spend. Increased use of MFMP allows DMS to track spending and in turn negotiate new state term contracts or identify new avenues for savings.

Recommendations

The Task Force recommends utilizing the increased visibility and volume in spend achieved via increased use of state term contracts and MFMP to strategically procure commodities and services. If utilization of state term contracts and utilization of MFMP are increased, the state will achieve greater spend visibility and purchasing leverage. DMS should utilize these processes to strategically procure and achieve greater savings.

The Task Force recommends creating an incentive model that utilizes savings achieved by agencies to encourage participation in strategic sourcing. In order to encourage agency compliance with the utilization of state term contracts and MFMP, the state should adopt an incentive model that awards an agency for cost savings through strategic procurement. The state should set realistic goals for savings achievement and reward agencies for achieving those goals, not just for participating.

Consultants' Competitive Negotiation Act

The Consultants' Competitive Negotiation Act (CCNA) was passed in 1973.[43] The Act is largely based on the Federal Brooks Act, which was passed in 1972.[44] CCNA provides that all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping[45] be contracted according to qualifications-based selection (QBS). CCNA applies to all projects above $325,000 and all studies above $35,000[46] bid out by the state, a state agency, a municipality, a political subdivision, a school district, or a school board.[47]

QBS follows these phases:

Phase One

1. The agency publicly announces the project or study.[48]
2. The agency evaluates current statements of qualifications and performance currently on file, together with those that are submitted by other firms and conducts discussions with no fewer than three firms regarding their qualifications, approach to the project, and ability to furnish the required services.[49]
3. The agency then selects in order of preference no fewer than three firms deemed to be the most qualified.[50]
4. The agency may consider the following factors in determining whether a firm is qualified: ability of professional personnel; whether a firm is a certified minority business enterprise; past performance;

[43] *See* s. 287.055, F.S.
[44] *See* Public Law 92-582.
[45] Section 287.055(2)(a), F.S.
[46] *See* s. 287.055(3)(a)(1), F.S., which cites to s. 287.017, F.S. Section 287.017(5), F.S., provides that a category 5 project is defined as a project over $325,000 and s. 287.017(2), F.S. provides that a category 2 is a study over $35,000.
[47] Section 287.055(2)(b), F.S.
[48] Section 287.055(3)(a)(1), F.S.
[49] Section 287.055(4)(a), F.S.
[50] Section 287.055(4)(b), F.S.

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willingness to meet time and budget requirements; location; recent, current, and projected firm workload; and the volume of work previously awarded to each firm by the agency.[51]

5. The agency may not consider compensation during this phase.[52]

Phase Two

1. The agency negotiates with the most qualified firm regarding compensation.[53]
2. If the agency cannot come to an agreement with the most qualified firm, then negotiations with that firm must be formally terminated.[54]
3. The agency may then begin negotiations with the second most qualified firm.[55]
4. If the agency cannot come to an agreement with the second most qualified firm, then negotiations with that firm must be formally terminated.[56]
5. The agency may then begin negotiations with the third most qualified firm.[57]
6. If the agency cannot come to an agreement with the third most qualified firm, then negotiations with that firm must by formally terminated.[58]
7. If the agency cannot negotiate a satisfactory contract with any of the three most qualified firms, the agency can negotiate with additional firms selected in order of their competence and qualifications.[59]
8. Once negotiations with a firm are terminated, the agency may not resume negotiations with that firm for the project.

Recommendations

The Task Force recommends that state agencies utilize the "Best Value" process.[60] The best value process is defined as:

> The selection of a firm or firms whose proposal provides the greatest overall benefit to an agency in accordance with the requirements of a formal solicitation.

The best value process allows agencies to:

1. Solicit proposals and include a written scope of work for the project to the competing firms.
2. Rank all firms based on qualifications and establish a "short list."[61]
3. Rank "short listed" firms on qualifications and price.[62]

Price would be allowed to be solicited from the top three most qualified firms only and would be factored in to the evaluation at no more than 50%. Since unqualified firms would not make the original short list, only the most qualified firms would have an opportunity to be awarded the contract. This would address the concerns raised about health and human safety in the procurement process.

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[51] *Id*.
[52] Section 287.055(4)(c), F.S.
[53] Section 287.055(5)(a), F.S. "Compensation which the agency determines is fair, competitive, and reasonable."
[54] Section 287.055(5)(b), F.S.
[55] *Id*.
[56] *Id*.
[57] *Id*.
[58] Section 287.055(5)(b), F.S.
[59] Section 287.055(5)(c), F.S.
[60] The process was presented by Mr. Steve Carnell at the November 2, 2011, meeting of the Government Efficiency Task Force. *See* http://www.floridaefficiency.com/2011meetings.cfm (last visited 5/7/2012). The Subcommittee on General Government also discussed CCNA and the best value process at the April 11 and May 2, 2012, meetings and adopted the best value process as a recommendation. *See also* the Task Force recommendations on the Consultants' Competitive Negotiation Act.
[61] The first two steps are the same as the current CCNA process and would remain the same under best value.
[62] The third step is a deviation from CCNA and would allow price to be a component of ranking the short list.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Florida Retirement System (FRS)

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding the Florida Retirement System (FRS) by a vote of 10 yeas, 0 nays:

- **Define a goal for the state retirement system.** The state does not currently have a defined goal for the retirement system. The Florida Statutes and Constitution provide requirements, but do not outline a set goal or purpose for the state.

- **Prioritize portability and transferability of retirement funds.** The defined contribution (DC) plan currently offers portability for its members. Due to the changing nature of employment and the increasingly transient nature of employees, the state should place a priority on portability and transferability for all state employee retirement funds.

- **Review the assumed long term returns on the pension fund and the acceptable funding level.** The current assumed return for the FRS pension fund is 7.75%. This assumed rate should be reviewed in context of past market performance to determine if this is an accurate assumption. Various studies have indicated that a funding level of 80% is generally accepted as actuarially sound. As of June 2011, the FRS pension fund has a funding level of 87.5%. The funding level has many assumptions built in, including an assumed rate of return, length of FRS membership, and vesting time of benefits. The funding level policy should be reviewed in the context of the potential issues surrounding retirement funds. The Task Force also recommends that employees contribute a portion of their salary towards their retirement plan.

- **Place a cap on the average salary for calculating pension benefits.** High-salaried employees are one of the drivers of increased funding liability for the pension fund. The Internal Revenue Service (IRS) limits the amount of annual salary that may be applied towards retirement under a qualified plan. Currently, the IRS limits the annual salary to $245,000 for members hired on or after July 1, 1996, and $363,820 for members hired prior to July 1, 1996. The Task Force recommends a cap on salary applied towards retirement in line with the average salary of a head of state agency, which is $140,000.

- **Consider a hybrid retirement system.** Various states have either adopted or are considering a hybrid retirement plan (incorporates both defined benefit (DB) and DC plans). Florida should review the hybrid option as a method to reduce future unfunded liability, provide flexibility for employees, and ensure adequate guaranteed retirement funds for state employees, particularly lower earning employees.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. FLORIDA RETIREMENT SYSTEM

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund.[1] The Florida Retirement System Act[2] governs the FRS, which is a multi-employer plan that provides retirement benefits to 643,680 active members,[3] 319,689 retired members and beneficiaries, and 45,092 members in the Deferred Retirement Option Program (DROP).[4] The FRS is the primary retirement plan for employees of state and county government agencies, district school boards, community colleges, and universities.[5] Participation in the FRS is compulsory for most state employees.[6] The FRS also serves as the retirement plan for participating employees of 185 cities and 243 special districts.[7]

The membership of FRS is divided into five membership classes:

- Regular Class:[8] 561,126 (87.1%)
- Special Risk Class:[9] 72,675 (11.3%)
- Special Risk Administrative Support Class:[10] 63 (0.01%)
- Elected Officers' Class:[11] 2,218 (0.34%)
- Senior Management Service Class:[12] 7,598 (1.2%)[13]

There are currently two retirement programs in which a member of the Florida Retirement System may participate: The Florida Retirement System Pension Plan (defined benefit or DB plan) or the Florida Retirement System Investment Plan (defined contribution or DC plan).

FRS Pension Plan

The FRS DB Plan was created in 1970 and is administered by the Secretary of the Department of Management Services through the Division of Retirement. Investment management is performed by the State Board of Administration. The DB plan also serves as the default retirement plan membership for all FRS

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[1] Department of Management Services, *The Florida Retirement System Annual Report*: *July 1, 2010 – June 30, 2011*, p. 10, https://www.rol.frs.state.fl.us/forms/2010-11_Annual_Report.pdf (last visited 5/15/2012). In 1972, the Judicial Retirement system was also consolidated into the FRS.
[2] *See* ch. 121, F.S.
[3] Information provided by the Department of Management Services, Division of Retirement (copy on file with Government Efficiency Task Force staff). Current as of 2/1/2012.
[4] *The Florida Retirement System Annual Report* at p. 22 (as of 6/1/2011).
[5] As of June 2011, there were 67 school boards, 28 community colleges, 396 county agencies and 55 agencies of the state participating in the FRS. *Id.* at p. 38.
[6] Section 121.051, F.S.
[7] *The Florida Retirement System Annual Report* at p. 38 (as of 6/1/2011).
[8] *See* s. 121.021(12), F.S. Regular Class "consists of all members who are not in the Special Risk Class, Special Risk Administrative Support Class, Elected Officers' Class, or Senior Management Class."
[9] *See* s. 121.0515, F.S. Members of this class include law enforcement officers, firefighters, correctional officers, correctional probation officers, paramedics, emergency medical technicians, certain professional health care workers within Department of Corrections and the Department of Children and Families, and certain forensic employees.
[10] *See* s. 121.0515(8), F.S. Members are former members of the special risk class who are transferred or reassigned to an administrative support position in certain circumstances.
[11] *See* s. 121.052, F.S. Members are those who hold specified elective offices in either state or local government.
[12] *See* s. 121.055, F.S. Members are generally high level executive and legal staff or as specifically provided in law.
[13] Information provided by the Department of Management Services, Division of Retirement (copy on file with Government Efficiency Task Force staff). Current as of 2/1/2012.

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participants. As of July 1, 2011, all active FRS members are required to contribute three percent of their gross salary towards their retirement plan.[14]

A member vests in the pension plan and becomes eligible for lifetime pension benefits after six years of employment with an FRS employer if initially enrolled before July 1, 2011, or after eight years if initially enrolled July 1, 2011, and after.[15] The benefits payable are calculated based on the years of service times the accrual rate times the average final compensation.[16] As of February 29, 2012, the market value of the pension fund was $126.125 billion.[17]

FRS Investment Plan

In 2000, the Legislature created the FRS Investment Plan (DC plan), a defined contribution plan offered to eligible employees as an alternative to the pension (DB) plan. The earliest any member could participate in the investment plan was July 1, 2002.

The plan is similar to private sector 401(k) plans. Benefits under the investment plan accrue in individual member accounts funded by employee and employer contributions.[18] Benefits are provided though employee directed investments offered by approved investment providers.[19] As of February 29, 2012, the total amount of funds in the investment plan was $7.067 billion.[20]

Employer and Employee Contributions

Section 121.71, F.S., provides employee and employer contributions to the Florida Retirement System. For FY 2011-12, all active FRS members are required to contribute three percent of their gross compensation, with the exception of members of DROP.[21] The contribution rates to fund normal cost benefits by employers for each membership class for FY 2011-12 are:

- Regular Class: 3.28%
- Special Risk Class: 10.21%
- Special Risk Administrative Support Class: 4.07%
- Elected Officers' Class:[22] 7.02%
- Elected Officers' Class:[23] 9.78%
- Elected Officers' Class:[24] 9.27%
- Senior Management Class: 4.81%
- DROP: 3.31%[25]

Section 121.71(5), F.S., also provides for employer contributions in order to address unfunded actuarial liabilities of the FRS Pension Plan. The contribution rates for employers for each membership class for FY 2011-12 are:

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[14] *See* s. 121.71(3), F.S.
[15] *See* s. 121.021(45)(b), F.S. The eight-year vesting period applies to employees covered under the FRS plan hired after July 1, 2011. The vesting period is six years for employees hired prior to July 1, 2011.
[16] *See* s. 121.091, F.S.
[17] *See* http://www.sbafla.com/fsb/ (last visited 5/15/2012).
[18] Section 121.4501(7), F.S. Prior to July 1, 2011, the member accounts were only employer funded.
[19] Section 121.4501(9), F.S.
[20] *See* http://www.sbafla.com/fsb/ (last visited 5/15/2012).
[21] Section 121.71(3), F.S.
[22] Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, and Public Defenders.
[23] Justices and judges.
[24] County elected officials.
[25] Section 121.71(4), F.S.

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- Regular Class: 0.49%
- Special Risk Class: 2.75%
- Special Risk Administrative Support Class: 0.83%
- Elected Officers' Class:[26] 0.88%
- Elected Officers' Class:[27] 0.77%
- Elected Officers' Class:[28] 0.73%
- Senior Management Class: 0.32%
- DROP: 0.00%[29]

Employer and employee contributions are contributed monthly to the Division of Retirement and are initially deposited in the Florida Retirement System Contributions Clearing Trust Fund.[30] Allocations to investment plan member accounts are established pursuant to section 121.72(3), F.S., by membership class. For FY 2011-12, the allocations for the investment plan members are:

- Regular Class: 9.00%
- Special Risk Class: 20.00%
- Special Risk Administrative Support Class: 11.35%
- Elected Officers' Class:[31] 13.40%
- Elected Officers' Class:[32] 18.90%
- Elected Officers' Class:[33] 16.20%
- Senior Management Class: 10.95%[34]

After making the allocations required by statute,[35] the remaining balance in the Florida Retirement System Contributions Clearing Trust Fund is transferred to the Florida Retirement Trust Fund to pay the costs of providing pension plan benefits and plan administration.[36] The disability coverage for Investment Plan members is administered by the Division of Retirement and the funding specified in s. 121.71(3), F.S., is transferred to the Florida Retirement System Trust Fund to pay the cost of this benefit.

Employee Participation

At the time of initial employment, a member of the FRS may choose to either participate in the pension plan or investment plan. If the member does not choose, the default choice is the pension plan. A member has one additional choice before termination or retirement to change retirement plans. The charts below reflect the current membership of the FRS by class and by retirement plan.[37]

[26] Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, and Public Defenders.
[27] Justices and judges.
[28] County elected officials.
[29] Section 121.71(5), F.S.
[30] Section 121.71(2), F.S.
[31] Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, and Public Defenders.
[32] Justices and judges.
[33] County elected officials.
[34] Section 121.72(4), F.S. House Bill 5005, passed during the 2012 session, reduces the contribution levels by approximately 30%. House Bill 5005 (2012), Ch. 2012-146, L.O.F.
[35] The allocations include investment member account funds (s. 121.72, F.S.), member disability coverage (s. 121.73, F.S.), and administrative and educational expenses (s. 121.74, F.S.).
[36] Section 121.75, F.S.
[37] Information was provided by the Department of Management Services, Division of Retirement (current as of 2/28/2012 and on file with Government Efficiency Task Force staff).

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	Class	Members in Pension Plan	Total Salary	Members in Investment Plan	Total Salary
FRS	Regular	472,198	$18,585,083,221	88,928	$3,439,293,624
	Senior Management	5,430	$453,933,974	2,168	$145,877,359
	Special Risk	61,280	$3,315,508,794	11,395	$624,543,868
	Special Risk Administrative Support	45	$2,070,774	18	$796,462
	Elected Officers	1,682	$142,579,733	536	$26,073,922

The vast majority of FRS members participate in the pension plan (84%) versus the investment plan (16%). The percentage breakdown per class is as follows:

- Regular Class: 84.2% (Pension Plan) and 15.8% (Investment Plan)
- Senior Management Class: 71.5% (Pension Plan) and 28.5% (Investment Plan)
- Special Risk Class: 84.3% (Pension Plan) and 15.7% (Investment Plan)
- Special Risk Administrative Support Class: 71.4% (Pension Plan) and 28.6% (Investment Plan)
- Elected Officers' Class: 75.8% (Pension Plan) and 24.2% (Investment Plan)

Member plan choice has been consistent over the last three fiscal years. The chart below shows new employee choice of retirement plans.[38]

Participant Election Data			
	New Employee Elections		
	**Default to Pension	Pension Plan	Investment Plan
FY 2009-10	21,501 (55.5%)	8,158 (21.1%)	9,071 (23.4%)
FY 2010-11	21,049 (52.6%)	9,042 (22.6%)	9,960 (24.8%)
FY 2011-12*	6,317 (51.4%)	2,782 (22.7%)	3,179 (25.9%)
Total	48,867 (53.7%)	19,982 (21.9%)	22,210 (24.4%)
* Percentages are shares of FY Totals as of 12/31/2011 ** Based on focus group and survey data, up to 45% of defaulters use this option as their active plan election choice to the pension plan			

[38] State Board of Administration of Florida, *Monthly Performance Report to the Trustees*, December 31, 2011, p. 13 (copy on file with Government Efficiency Task Force staff).

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Change and Efficiency

Goal of the Florida Retirement System

The Florida Retirement System does not have an overriding goal in the Constitution or in statute. The Task Force provided several questions regarding the purpose of the FRS including:

- What is the state policy regarding the FRS?
- Is the purpose of the FRS for recruitment and retention of state and local employees?
- Is there a comparison between private and public retirement systems that provides a consistent balance between the two?

One articulation of the retirement system was that it was a three prong approach to retirement, where the FRS benefit served as one prong, with social security and personal savings serving as the other two prongs.[39]

Recommendations

The Task Force recommends defining a goal for the Florida Retirement System. The state does not currently have a defined goal for the retirement system. The Florida Statutes and Constitution provide requirements, but do not outline a set goal or purpose for the state.[40]

The Task Force recommends that portability and transferability of retirement funds be placed as a priority. The DC plan currently offers portability for its members. Due to the changing nature of employment and the increasingly transient nature of employees, the state should place a priority on portability and transferability for all state employee retirement funds.

B. FUNDING

The pension plan is funded through a combination of employee and employer contributions and investment earnings. Since the retirement benefits are guaranteed by the state, there is the potential for the pension fund to have a shortfall if the investment earnings are below the projected returns for the long term, or if the actuarially-required contributions are not paid to the system by employees and/or employers.
The pension fund's funding ratio[41] over the last twenty-five years has had a high of 118.1% and a low of 54.3%.[42] A 100% funding ratio indicates that the pension fund is able to meet its liabilities as of the valuation date for current retirees and current members who retire. In 2009, the funding ratio was 88.5%, in 2010 it was 87.9%, and in 2011 it was 87.5%.[43] Experts generally consider public pension plans with funding ratios at or above 80% to be fiscally sound.[44] The economic downturn has shown that state pension funds are vulnerable to market downturns.

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[39] As provided by Sarabeth Snuggs, Director of the Division of Retirement, at the meeting of the Subcommittee on General Government, May 2, 2012. This is not an official position of DMS, but a common articulation of various pension plans. Ms. Snuggs also noted that a fourth prong would also be any retirement benefits from other employers in the course of the FRS member's career. *See* http://www.floridaefficiency.com/meetings.cfm (last visited 5/8/2012).
[40] The Task Force does not recommend a particular goal.
[41] A funding ratio is a comparison of a pension's assets to its liabilities (current and future).
[42] *See* State Board of Administration, *Pension Portfolio Overview as of 6/30/2011*, p. 2 (copy on file with Government Efficiency Task Force staff).
[43] *Id*. *See also* https://www.rol.frs.state.fl.us/forms/Asset_Liability_Chart.pdf (last visited 5/15/2012). The funding ratio represents assets versus liabilities at a given point in time. The percentages were calculated as of June 30th of that year.
[44] U.S. Government Accountability Office (GAO), *State and Local Government Retiree Benefits: Current Status of Benefit Structures, Protections, and Fiscal Outlook for Funding Future Costs*, Report No. 07-1156, November 2007 (copy on file with Government Efficiency Task Force staff).

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Change and Efficiency

Funding Ratio Assumptions

In calculating the funding ratios of pension funds, actuaries take several assumptions into consideration including: salary increases, inflation, and investment returns. Most states have an assumed return of around 8 percent.[45] The economic downturn has caused some to question if the assumed rate is too optimistic.[46] The board that oversees the California Public Employees' Retirement System (Calpers) reduced their assumed rate from 7.75% to 7.5%,[47] while the Illinois State Employees' Retirement System lowered their rate from 8.5% to 7.75%.[48] Florida has a return assumption of 7.75%.[49]

The Pew Center report outlines the main debate regarding the assumed return rate:

> At the heart of the debate surrounding the appropriate discount rate assumption is whether states should calculate the current value of these long-term promises using an expected rate of return. In other words, if investment returns are disappointing and do not meet expectations, states are still required to pay retirees the benefits they have earned.[50]

The study provides that several experts have recommended a riskless rate instead.[51] Two suggestions were the rate on 30-year treasury bonds[52] or the investment return required by the Final Accounting Standards Board, which is based on corporate bond rates.[53]

If Florida were to use a lower assumed rate of return, the funding ratio would be lower and additional contributions would be needed for the pension fund.[54] Based on the 2009 funding ratio, if the assumed rate were to be lowered to 5.22% the funding ratio would be 61% and if the rate was lowered to 4.38% the ratio would be 54%.[55]

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[45] The Pew Center on the States, *The Widening Gap: The Great Recession's Impact on State Pension and Retiree Health Care Costs*, April 2011, p. 8, http://www.pewstates.org/research/reports/the-widening-gap-85899378209 (last visited 5/10/2012).
[46] *Id.* Citing *Warren Buffett Says That Pension Accounting Encourages Cheating*, Bloomberg.com, July 17, 2009, http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aCb9PTevRP3g&refer=news_index (last visited 5/10/2012).
[47] *See Calpers Lowers Investment Target to 7.5%*, Wall Street Journal, March 15, 2012, http://online.wsj.com/article/SB10001424052702304692804577281603950185684.html (last visited 5/10/2012).
[48] *See Illinois Employers Lowers Return Assumption*, Pension & Investments, November 1, 2010, http://www.pionline.com/article/20101101/PRINTSUB/311019987 (last visited 5/10/2012).
[49] This rate of return is assumed over 30 years, since the investment outlook for the pension fund is a long term 15-30 year horizon. The current return for the last 20 years is 7.78%; 15 years is 6.49%; 10 years is 5.19%; 5 years is 1.75%; and 1 year is 0.5%. Information provided by the State Board of Administration (copy on file with Government Efficiency Task Force staff).
[50] *The Pew Center on the States* at p. 8.
[51] *Id.*
[52] *Id.* As of 5/10/2012, the yield on a 30-year treasury bond was 3.08 (at the time of the Pew Study the yield was 4.38). *See* http://www.bloomberg.com/markets/rates-bonds/government-bonds/us/ (last visited 5/10/2012).
[53] *Id.* As of 5/10/2012, the yield on a AA Corporate bond was 3.95 (at the time of the Pew Study the yield was 5.22) *See* http://www.bloomberg.com/quote/MOODCAA:IND (last visited 5/10/2012).
[54] The City of New York recently lowered the assumed rate of return from 8% to 7% on its pension fund, which will result in an additional $1 billion in contributions to the fund. Moody's gave this action a positive credit outlook, providing that, "While pension costs in the budget will increase, the plan over the long run will lead to greater stability, since using the 7% rate will mitigate market volatility in actuarial calculations of the city's pension liabilities." *See Moody's Welcomes Lower Investment Return Assumptions by Public Pensions*, Market News International, February 13, 2012, https://mninews.deutsche-boerse.com/index.php/moodys-welcomes-lower-invst-return-assump-public-pensions?q=content/moodys-welcomes-lower-invst-return-assump-public-pensions (last visited 5/15/2012).
[55] The ratio calculations are based on February 2009 pension figures released by the state and reflect the interest rate for a high end corporate bond (5.22%) and a 30 year US Treasury bond of 3/11. *See Can Investment Assumptions Worsen the State Pension Fund Crisis*, PBS News Hour, June 22, 2011, http://www.pbs.org/newshour/rundown/2011/06/can-investment-assumptions-worsen-the-state-pension-fund-crisis-1.html (last visited 5/15/2012).

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Recommendations

The Task Force recommends reviewing the assumed long-term returns on the pension fund and the acceptable funding level. The current assumed return for the FRS pension fund is 7.75%. This assumed rate should be reviewed in context of past market performance to determine if this is an accurate assumption.[56] Various studies have indicated that a funding level of 80% is generally accepted as actuarially sound. As of June of 2011, the FRS pension fund has a funding level of 87.5%. The funding level has many assumptions built in, including an assumed rate of return, length of FRS membership, and vesting time of benefits. The funding level policy should be reviewed in the context of the potential issues surrounding retirement funds. The Task Force also recommends that employees continue to contribute a portion of their salary towards their retirement plan.

The Task Force recommends that a cap be placed on the average salary for calculating pension benefits. High-salaried employees are one of the drivers of increased funding liability for the pension fund.[57] The Internal Revenue Service (IRS) limits the amount of annual salary that may be applied towards retirement under a qualified plan.[58] Currently, the IRS limits the annual salary to $245,000 for members hired on or after July 1, 1996, and $363,820 for members hired prior to July 1, 1996.[59] The Task Force recommends a cap on salary applied towards retirement in line with the average salary of a head of state agency, which is $140,000.[60]

C. GOVERNMENT RETIREMENT SYSTEMS

There are three main categories of retirement systems utilized by states:

- **Defined Benefit (DB)** – The traditional public pension structure in which the state (employer) assumes the risk of return and guarantees the employee's payments. The size of the employee's pension is based on a pre-defined equation that includes the employee's duration of service and salary. DB plans use final or greatest salary averages to determine an employee's pensionable salary. As such, the greatest portion of employer liability is accumulated during the latter years of employment.

- **Defined Contribution (DC)** – Similar to the private sector's 401(k) plan. The employee and/or the employer pay a portion of wages into an individual retirement savings account that is invested per the employee's direction. The eventual retirement benefits are determined by the value of the account. Investment risk is borne entirely by the employee.

  Cash Balance (CB) plans are also categorized as DC plans. These combine some elements of DB and DC in that the employer bears the risk of return, but the contributions are made into individual retirement accounts.

- **Hybrid Plans (HP)** – These combine DB and DC plans and can be parallel or stacked. Stacked HP plans offer DB benefits on a prescribed level of income (usually set at no more than the average salary) and enroll employees in an additional DC plan. Employee and employer contributions to the DC portion

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[56] Staff of the State Board of Administration recently suggested reducing the target return by a half a percentage point. *See* Cotterell, Bill, "SBA report says it may be time for government employers to put more in pension fund," *Florida Current*, May 17, 2012, http://www.thefloridacurrent.com/article.cfm?id=27741971 (last visited 5/20/2012).

[57] There are currently 2455 members who make over $140,000 per year enrolled in the defined benefit plan and 361 members enrolled in the defined contribution plan. Information provided by DMS (copy on file with the Government Efficiency Task Force staff).

[58] Section 401(a)(17) of the Internal Revenue Code.

[59] *Id.* The amount is based on the original cap of $150,000 for members employed on or after July 1, 1996, and $250,000 for members employed prior to July 1, 1996, and is annually adjusted by the IRS to reflect cost-of-living increases. Salary caps from 1996 to 2011 are on file with the Government Efficiency Task Force staff.

[60] Based on salaries of the Secretaries of Transportation, Lottery, Department of Business and Professional Regulation, and Department of Children and Families. Information provided by DMS.

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of the plan can be optional or mandatory. Parallel HPs give the employee the option to save for retirement with a DC plan.

Hybrid Retirement Plan

Four states, Georgia, Indiana, Oregon, and Rhode Island, all operate mandatory HPs. Three states, Ohio, Utah, and Washington, offer optional HPs. States have taken different approaches as to administering the different elements of the plans. Some administer the DB portion themselves but outsource the DC element, whereas others administer both elements. Generally, the employer makes the vast majority, or even all, of the contributions required for the DB portion of the plan, while the employee is required to make a specified contribution to the DC portion.

Advantages of hybrid retirement plans include:

- Provides a guaranteed benefit to the retiree;
- Provides some portability through a DC plan for salary above the average employee salary; and
- The benefit liability of the state is lessened since the salary level is capped.

Disadvantages of hybrid plans include:

- Higher earning employees will have a lower guaranteed benefit; and
- It may be more expensive to administer dual plans as compared to one plan.

Rhode Island Hybrid Plan

Rhode Island is the most recent state to switch to a hybrid retirement plan. Rhode Island was facing an unfunded pension liability of $7.3 billion, which equated to a 48.4% funding ratio.[61] In 2011, the state adopted a stacked hybrid plan that includes a smaller DB plan with a DC plan. The main difference between Rhode Island and other states is that Rhode Island has enrolled most current employees as well as new employees.

Rhode Island estimates that the switch to a hybrid plan will decrease the states unfunded pension liability to $4.3 billion (approximately 41% decrease) and raise the funding ratio to 59.8%.[62] The pension plan is projected to achieve 80% funding by 2030 for Rhode Island state employees.[63]

Change and Efficiency

Types of Retirement Plans Offered

Florida currently offers a DB plan and a DC plan. The choice of plan is at the discretion of the member. Both plans have advantages and disadvantages for the FRS member and the FRS. The DB plan provides a guaranteed amount of retirement funds for the employee with a longer vesting period, but the FRS retains the liability for providing that amount regardless of market performance. The DC plan provides flexibility and portability for the members and there is no liability for the FRS, but the retirement amount is not guaranteed.[64] The hybrid retirement plan offers the benefits of both plans, while mitigating some of the disadvantages. In the hybrid plan, members receive a lower guaranteed benefit amount than a traditional DB plan, but are

[61] Snell, Ron, *Lessons from Rhode Island: Bold Changes to its Pension Plan Have Caught the Attention of Other States*, National Council of State Legislatures (NCSL), February 2012, http://www.ncsl.org/issues-research/labor/lessons-from-rhode-island.aspx (last visited 5/15/2012).
[62] Burton, Paul, "Rhode Island Makes Reform Happen," *The Bond Buyer*, December 14, 2011, http://www.bondbuyer.com/issues/120_239/rhode-island-pension-1034196-1.html (last visited 5/15/2012).
[63] *Id.*
[64] The retirement funds are employee directed and may not have a market performance equal or greater than the state pension plan.

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supplemented by a DC plan as well. The hybrid plan reduces FRS liability, but continues to provide a reliable source of retirement funds for members.[65]

Recommendations

The Task Force recommends considering a hybrid retirement system. Various states have either adopted or are considering a hybrid retirement plan (incorporates both DB and DC plans). Florida should review the hybrid option as a method to reduce future unfunded liability, provide flexibility for employees, and ensure adequate guaranteed retirement funds for state employees.

[65] There are various different models of the hybrid plan. The Task Force does not recommend a particular model. The state should utilize SBA and DMS staff and private sector advisors to determine the benefits of each model for the State of Florida.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Division of Real Estate Development and Management

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding the Division of Real Estate Development and Management by a vote of 9 yeas, 0 nays:

- **State Construction**

  The Task Force recommends utilizing a shared service model for state construction directed by one agency in order to create uniform best practices and achieve cost savings. Currently, the Division of Real Estate Development and Management only manages building construction projects in Department of Management Services (DMS) facilities or those projects designated as DMS managed when appropriated to agencies. Additionally, building construction staff is located in multiple agencies, there are inconsistencies in contracting, and economies of scale are not leveraged through bundling of similar projects. All agencies involved in building construction should operate a shared services model directed through DMS, allowing for uniform standards, best practices, rules, and procedures for state construction. The state should institute an automatic review process for all state construction projects with a projected cost over a certain threshold. The state should also focus on function, in addition to form, in the design and renovation of state buildings.

- **State Leasing**

  The Task Force recommends that DMS continue with current initiatives to increase the value of state leasing while reducing costs. DMS should continue its efforts to renegotiate leases statewide. DMS should propose legislation that will increase its authority in leasing decisions, save time in processing, and reduce the burden on private sector landlords. DMS should continue to work with other agencies and with local governments to maximize space utilization.

- **State Building Emergency Management**

  The Task Force recommends that DMS explore options for service management of state buildings and facilities in the event of a natural disaster. The state does not currently have a contracted service for management of state facilities in the case of a natural disaster (i.e. hurricanes). In order to ensure the continued functioning of state facilities, the state should address proper disaster preparedness.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. DEPARTMENT OF MANAGEMENT SERVICES

The Division of Real Estate Development and Management

The Division of Real Estate Development and Management (REDM) is a division of the Department of Management Services (DMS).[1] REDM manages the Florida Facilities Pool (Pool),[2] administers public and private leasing for state agencies, and coordinates parking activities statewide. REDM manages construction projects for other agencies and serves as the state's lead real estate development consultant on state-administered construction projects.

As of July 1, 2011, there are 104 facilities in the DMS REDM-managed Pool.[3] By total, the facilities in the Pool represent less than one percent of the more than 20,000 facilities the state owns and manages.[4] REDM is responsible for a diverse set of resources within the Pool, ranging from the Capitol and Historic Capitol to the high-performance Department of Revenue complex in Tallahassee and the Department of Law Enforcement laboratory in Orlando.

Of these 104 Pool facilities, 69 are revenue-producing (available to lease).[5] The remaining 35 facilities in the Pool are special purpose properties such as the Historic Capitol, parking garages, and other structures that are not available for lease. As of July 1, 2011, DMS has 203 leases with state agencies in the 69 revenue-producing buildings.[6] In addition, as of July 1, 2011, agencies have entered into 971 leases with private landlords or federal and local government entities.[7]

Construction Management Oversight

Licensed professional staff within the Bureau of Building Construction provides project management oversight of public construction projects to help maintain the integrity of outsourced contracts with private providers.[8] In a process that often involves substantial tax dollars,[9] this oversight protects the public trust by ensuring that project managers spend taxpayer funds in accordance with legislative intent. REDM works with each customer to ensure the building meets the customer's business needs within the legislatively appropriated budget.

Change and Efficiency

Shared Service Model

Currently, REDM only manages building construction projects in DMS facilities or those projects designated as DMS managed when appropriated to agencies. Additionally, building construction staff[10] is located in multiple

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[1] REDM has statutory authority pursuant to Chapters 215, 216, 255, 272, 281, 287, 288 and 489, F.S. The Division has 298.5 positions with an operating budget of $59.5 million and fixed capital outlay of $46.5 million. For more information see http://www.dms.myflorida.com/business_operations/real_estate_development_management (last visited 5/29/2012).
[2] *See* s. 255.506, F.S.
[3] Information provided by the Division of Real Estate Development and Management (REDM) (copy on file with Government Efficiency Task Force staff).
[4] Information provided by REDM (copy on file with Government Efficiency Task Force staff).
[5] *Id.*
[6] *Id.*
[7] *Id.*
[8] *See* s. 255.31, F.S.
[9] There are currently 169 active projects with a budget of $58,261,977. *See* http://oas.state.fl.us/reports/rwservlet?proj_no (last visited 5/29/2012).
[10] This includes architects, engineers, project managers, construction managers, construction management support staff/contract management, and building permitting staff for construction projects.

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agencies,[11] there are inconsistencies in contracting, and economies of scale are not leveraged through bundling of similar projects.

Recommendations

The Task Force recommends utilizing a shared service model for state construction directed by one agency in order to create uniform best practices and achieve cost savings. All agencies involved in building construction should operate a shared services model directed through DMS, allowing for uniform standards, best practices, rules, and procedures for state construction. The state should institute an automatic review process for all state construction projects with a projected cost over a certain threshold. The state should also focus on function, in addition to form, in the design and renovation of state buildings. The shared service model allows for cross agency utilization of design and construction staff, which will reduce costs and allow for accountability.

Leasing Management and Parking

REDM is the landlord for tenant agencies that occupy the 69 revenue-producing Pool facilities. Under the state's partially decentralized leasing model, Bureau of Leasing staff oversees agency acquisition of private leased space, in concert with the state's three contracted tenant brokers, with the goal to ensure effective use of taxpayer dollars.

- Bureau of Leasing staff members oversee 1,174 leases (203 Pool leases and 971 private leases), accounting for more than 13.9 million square feet of space that houses the majority of the more than 120,000 State of Florida employees.[12]
- Held at $17.18 per square foot for the last five years, the Pool rental rate is consistently below the market rate statewide.[13]
- DMS currently maintains a 96 percent occupancy rate for the Florida Facilities Pool.
- REDM provides parking for more than 29,000 users in 92 parking lots and garages statewide.

REDM has several leasing initiatives including:

- Implementing strategy spelled out in the 2011 Strategic Leasing Plan and Master Leasing Report to reduce the state's lease costs;[14] and
- Coordinating with agencies to reduce lease costs by 20 percent over FY 2011-12 and 2012-13.

Lease Cost Savings

Governor Rick Scott directed DMS to secure a 20 percent reduction in lease cost savings over FY 2011-12 and FY 2012-13, which equates to $24.2 million. DMS has coordinated with state agencies and the state's tenant brokers to renegotiate lease contracts for private office space in excess of 2,000 square feet. To date, renegotiations since July 1, 2011, will result in a reduction of lease costs of more than $15 million and a net reduction of the state's leased portfolio by more than 350,000 square feet. DMS has projected that it will exceed the Governor's expectations and timeline.

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[11] These agencies include the Department of Health, Department of Children and Families, Department of Corrections, Department of Environmental Protection, Department of Highway Safety and Motor Vehicles, and Department of Transportation.
[12] Information provided by REDM (copy on file with Government Efficiency Task Force staff).
[13] The pool rental rate is established in the General Appropriations Act each year. DMS annually submits a budget in accordance with s. 255.511, F.S. The rate accounts for the following factors: annual debt service, capital depreciation, reserve deposits, tenant space improvement funding, Capitol Police, and expenditures related to the operation and maintenance of each facility in the pool.
[14] For a copy of the Lease Renegotiation Status Report please see: http://www.dms.myflorida.com/business_operations/real_estate_development_management/facilities_management/lease_management (last visited 5/29/2012).

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Recommendations

The Task Force recommends that DMS continue with current initiatives to increase the value of state leasing while reducing costs. DMS should continue its efforts to renegotiate leases statewide. DMS should propose legislation that will increase its authority in leasing decisions, save time in processing, and reduce the burden on private sector landlords. DMS should continue to work with other agencies and with local governments to maximize space utilization.

Facility Management

REDM operates and maintains more than 12.1 million gross square feet of space in Pool facilities, including adjacent grounds and parking facilities.[15] Building oversight tasks include, but are not limited to: building supervision, engineering and technical support, energy management, electrical, heating, ventilation and air conditioning, renovation services, central maintenance, parking, grounds keeping, fire and life safety, Americans with Disabilities Act compliance, and environmental and custodial services.

Emergency Services

The state does not currently have a contracted service for emergency management of state facilities in the case of a natural disaster. With the many state owned and managed facilities, it is necessary to have a contracted service to provide for the management of state properties.

Recommendations

The Task Force recommends that DMS explore options for service management of state buildings and facilities in the event of a natural disaster. The state does not currently have a contracted service for management of state facilities in the case of a natural disaster (i.e. hurricanes). In order to ensure the continued functioning of state facilities, the state should address proper disaster preparedness.

[15] For more information on DMS managed facilities please see: http://www.dms.myflorida.com/business_operations/real_estate_development_management/facilities_management/building_information (last visited 5/29/2012).

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Government Efficiency Task Force

John R. Alexander, *Chair*

Representative Daniel D. Raulerson, *Vice Chair*

Final Report

June 30, 2016

AMERICAN OVERSIGHT

Government Efficiency Task Force

John R. Alexander, *Chair*
Representative Daniel D. Raulerson, *Vice Chair*

June 30, 2016

The Honorable Rick Scott
Governor of Florida
PL-05 The Capitol
Tallahassee, Florida 32399-0001

Chief Justice Jorge Labarga
Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399-1925

The Honorable Richard Corcoran
Chair, Legislative Budget Commission
221 Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

The Honorable Tom Lee
Vice-Chair, Legislative Budget Commission
201 Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Governor Scott, Chief Justice Labarga, Representative Corcoran, and Senator Lee:

Pursuant to Article III, section 19(i) of the Florida Constitution, the Government Efficiency Task Force ("Task Force") is pleased to submit its final recommendations to the Governor, the Chief Justice of the Supreme Court, the Chair and Vice Chair of the Legislative Budget Commission. The enclosed report includes 29 recommendations which, if implemented, will significantly improve the efficiency of government operations and will reduce the costs of government by more than $2 billion annually. The Task Force extends its appreciation to the staff at Florida TaxWatch for their assistance in the preparation of this report.

Thank you for the opportunity to serve the taxpayers of Florida.

Sincerely,

John R. Alexander
Chair

Enclosure

cc: The Honorable Andy Gardiner
The Honorable Steve Crisafulli
Members, Florida Government Efficiency Task Force
Members, Florida Senate
Members, Florida House of Representatives

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INTRODUCTION

PURPOSE

This report represents the final recommendations of the 2015-16 Government Efficiency Task Force. These 29 recommendations, if implemented, will significantly improve the efficiency of government and reduce the cost of government by an estimated $2.14 billion (low estimate) to $12.14 billion (high estimate) annually. When eliminating the remaining barriers to telehealth is considered, Florida taxpayers stand to save billions in healthcare costs annually.

ABOUT THE GOVERNMENT EFFICIENCY TASK FORCE

In 2006, voters approved an amendment to the Florida Constitution creating the Government Efficiency Task Force[1] ("Task Force"), for the purpose of developing recommendations to improve governmental operations and reduce costs. First established in 2007, the Task Force is required to meet every four years and submit its recommendations to the Chairperson and Vice Chairperson of the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court. The Task Force is composed of 15 members of the Legislature and representatives from the private and public sectors who are appointed by the Governor (5), the Speaker of the House of Representatives (5), and the President of the Senate (5). The Task Force has one year in which to complete its work and submit its recommendations.[2]

The Task Force began its deliberations in September 2015, under the direction of Chairman John Alexander and Vice-Chairman Representative Dan Raulerson. Using the final report of the 2011 Task Force as a starting point, the Task Force reviewed reports by the Office of Program Policy Analysis and Government Accountability (OPPAGA), the Auditor General, agency inspectors general, legislative reports, and other agency reports to identify issues that could produce cost savings or improve government efficiency. Task Force members and taxpayers were also invited to submit issues to the Task Force for consideration.

This review produced an initial list of 36 issues that, if implemented, would improve government efficiency or reduce the costs of government. These issues were assigned to one of four committees for further review—the Civil and Criminal Justice Committee, chaired by former Supreme Court Justice Ken Bell; the General Government Committee, chaired by Senator Jeff Brandes; the Health and Human Services Committee, chaired by Representative Jason Brodeur; and the Government Efficiency Committee, chaired by Florida TaxWatch President and CEO Dominic Calabro.

Upon completion of their due diligence, the Committees recommended 11 issues for inclusion in an interim report[3] that was submitted to the chairperson and vice chairperson of the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court before the start of the 2016 legislative session. Copies were also made available to each member of the Florida Legislature. Each issue included in the Interim Report was selected based upon the following criteria: (1) there must be demonstrated cost savings or improvement in government efficiency; (2) the cost savings must be significant; (3) the cost savings must be recurring; and (4) there is a good chance of implementation.

Delays in appointing Task Force members and the early start of the 2016 legislative session limited the effectiveness of the Interim Report and, for these reasons, many of the recommendations contained in the Interim Report have been carried over to the final report.

1 Article III, Section 19, Florida Constitution, codified in section 11.905, Florida Statutes.
2 Section 11.9005(6), Florida Statutes.
3 Government Efficiency Task Force, "Interim Report January 2016," January 10, 2016.

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Despite these limitations, the Task Force was able to achieve the following successes during the 2016 legislative session:

- Legislation was passed and approved by the Governor that establishes a pilot program to offenders who have mental illnesses or concurrent mental illnesses and substance use disorders and who are involved in or at risk of entering state forensic mental health treatment facilities, prisons, jails, or state civil mental health treatment facilities;
- Funding was appropriated to continue the replacement of FLAIR and CMS. These funds are provided to the Department of Financial Services (DFS) to complete all tasks associated with the Pre-Design, Development, and Implementation phase as recommended in the March 31, 2014, DFS FLAIR Study;
- Funding was appropriated to continue the implementation of the Agency for State Technology. Proviso language in the General Appropriations Act requires AST collaboration with several state agencies on large-scale technology projects; and
- Legislation was passed and approved by the Governor that authorizes licensed health care professionals to use telehealth to deliver health care services within their respective scopes of practice.

After the 2016 legislative session, the Task Force continued its efforts to identify and recommend ways to improve governmental operations and reduce costs. Task Force members reviewed those remaining issues that had been previously considered but not included in the Interim Report, as well as any new issues. The result of this process was 18 new recommendations, which are included in this report.

In addition to recommendations to improve government efficiency and reduce the costs of government, the Task Force offers the following recommendations designed to maximize the effectiveness of the 2019-20 Government Efficiency Task Force:

1. **The Task Force recommends the Governor, President of the Senate, and Speaker of the House of Representatives complete their appointments to the 2019 Government Efficiency Task Force before January 1, 2019.** This will ensure compliance with the requirements contained in Article III, Section 19(i), Florida Constitution, and in section 11.905, Florida Statutes. This will provide the Task Force a window of opportunity (albeit a brief one) to present interim recommendations before the March 5, 2019 start of the 2019 regular legislative session. This will also ensure that the Task Force has the maximum amount of time permitted under the Constitution and Florida Statutes in which to present its recommendations to the chairperson and vice chairperson of the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court, and to educate legislators on its recommendations, before the start of the 2020 regular legislative session.
2. **The Task Force recommends the 2018 and 2019 legislatures appropriate funding for a full-time Executive Director and dedicated staff to support the 2019-20 Government Efficiency Task Force. The Executive Director should be hired and staff in place before January 1, 2019.** The use of current State of Florida employees to support the activities of the 2015-16 Task Force, in addition to their normal job duties and responsibilities, proved to be ineffective. Having staff dedicated to the Task Force on a full-time basis will greatly improve the operation and effectiveness of the Task Force.

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MEMBERSHIP

APPOINTED BY GOVERNOR RICK SCOTT

John Alexander, Retired CEO and Chairman, Alico, Inc.

Chair, Government Efficiency Task Force

Ken Bell, Shareholder with the Gunster Law Firm; former Florida Supreme Court Justice

Chair, Criminal and Civil Justice Committee

Representative Jason Brodeur, Florida House of Representatives

Chair, Health and Human Services Committee

Dominic Calabro, President and Chief Executive Officer, Florida TaxWatch

Chair, Government Efficiency Committee

Michelle Robinson, Vice President of State and Government Affairs, Verizon

APPOINTED BY SENATE PRESIDENT ANDY GARDINER

Senator Jeff Brandes, Florida Senate

Chair, General Government Committee

Fred Brummer, Partner, Brummer and Rogers, and former Member of the Florida House of Representatives

Pat Neal, Owner, Neal Communities, and former Member of the Florida Senate

Barbara Ray, Vice President and Global Public Sector Lead, North Highland

Senator Jeremy Ring, Florida Senate

APPOINTED BY HOUSE SPEAKER STEVE CRISAFULLI

Frank Attkisson, Management Consultant, and former Member of the Florida House of Representatives

John P. Miles, Managing Partner, Mainspring Advisors, LLC and former Secretary of DMS

Representative Mike LaRosa, Florida House of Representatives

Representative Dan Raulerson, Florida House of Representatives; CPA

Vice Chair, Government Efficiency Task Force

Robert Stork, Chairman and Chief Executive Officer, Communications International, Inc.

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SUMMARY OF RECOMMENDATIONS

ISSUE #	RECOMMENDATION	IMPROVED EFFICIENCY	EST. ANNUAL SAVINGS
GE 1	The Task Force recommends legislation be enacted to require the Governor to include as part of his or her budget recommendations, and the Legislature to consider as part of the annual General Appropriations Act, recommendations for improving governmental operations and reducing costs.	Yes	Significant Yet Indeterminate
CCJ 1	The Task Force recommends the Legislature introduce a bill for consideration during the 2017 Legislative Session to establish an inter-branch, bipartisan criminal justice task force of stakeholders from both inside and outside of state government to conduct an operational review of the Department of Corrections (DOC). The task force should publish and deliver a report to the Governor, Legislature, and Supreme Court on its findings and recommendations no later than December 1, 2017.	Yes	Significant Yet Indeterminate
CCJ 2	The Task Force recommends the Florida Commission on Offender Review amend its release eligibility standards to authorize the supervised release of certain non-violent elderly inmates. The establishment of prerequisites such as a place to live and access to services, like health care, should be added to the conditions of discretionary release.	Yes	$75.7 - $79.9 million
CCJ 3	The Task Force recommends the State develop risk/needs assessment and cost analysis tools to be used at the time of sentencing that provide judges with extensive information about sentencing options and the risks and costs associated with each option.	Yes	$2.8 million
CCJ 4	The Task Force recommends legislation be enacted and funding appropriated to expand the number of community-based alternative forensic sites that provide an added emphasis on reintegration as well as competency restoration.	Yes	$11 million
CCJ 5	The Task Force recommends the Legislature increase access to work release programs to permit more inmates to begin their transition back into the community sooner. This transition will be less expensive to the state and will likely result in improved outcomes (e.g., reduced recidivism) for the inmates.	Yes	$3.36 - $5.76 million

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ISSUE #	RECOMMENDATION	IMPROVED EFFICIENCY	EST. ANNUAL SAVINGS
CCJ 6	The Task Force recommends the Legislature appropriate funding to expand the use of electronic monitoring as a means of diverting low-risk, non-violent offenders from prison.	Yes	$18.3 - $21.6 million
GG1	The Task Force recommends the Legislature continue funding to replace the Florida Accounting Information Resource (FLAIR) and Cash Management System (CMS), consistent with the March 2014 business case study submitted by the Department of Financial Services (DFS) to the Legislature. To provide the Legislature with the information necessary to appropriate sufficient funding each year and to avoid delays or disruptions, a multi-year financial model to cover the entire project life cycle should be developed and maintained.	Yes	Significant risk and cost avoidance
GG2	The Task Force recommends the Legislature require the AST to develop and maintain a multi-year financial model to cover the next 5-10 year life cycle to ensure sufficient funding and spending authority are appropriated to implement the AST's core mission. The use of public-private partnerships as a means for delivering cost-effective implementation of the financial model should be explored. The Task Force also recommends a joint committee of the House and Senate be appointed to provide the proper governance, oversight and direction of the AST.	Yes	Significant risk and cost avoidance
GG 3	The Task Force recommends the Legislature direct the AST to adopt a "cloud first" protocol for state agencies to follow. The protocol must, at a minimum, establish IT security standards and direct a state agency to consider the role the applications play in the organization, the operational costs associated with its use in the new environment, the type of usage expected, and considerations related to ensuring IT security.	Yes	Significant risk and cost avoidance
GG 4	The Task Force recommends the Legislature amend Florida procurement laws to implement additional measures to reduce the number of bid protests and simplify the bid process, including a flexible and responsive "debriefing process" that permit all parties to benefit from the early identification and resolution of any errors or other issues.	Yes	Significant risk and cost avoidance

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ISSUE #	RECOMMENDATION	IMPROVED EFFICIENCY	EST. ANNUAL SAVINGS
GG 5	The Task Force recommends the State of Florida increase its commitment to having well-qualified and well-trained procurement personnel. It should be the policy of the state that training for procurement staff should be limited to enhancing or honing procurement skills, and not to develop basic procurement skills and core competencies.	Yes	Significant Yet Indeterminate
GG 6	The Task Force recommends the Legislature provide funds to DMS to contract with an independent third-party consulting firm with experience in strategic sourcing and procurement to complete a business case study of the State of Florida's procurement function focusing on the enterprise-wide organizational structure, governance, and operating model. This study would build upon, and not duplicate, the 2010 business case analysis prepared for MyFloridaMarketPlace (MFMP).	Yes	$1.4 billion
GG 7	The Task Force recommends the Department of Management Services (DMS) be designated the responsibility and authority by the Legislature to accelerate the implementation of best practices and a shared-services model by consolidating and standardizing facility management, operations, construction, and leasing to optimize the state's real estate portfolio to achieve significant long-term cost avoidance.	Yes	$70 - $80 million
GG 8	The Task Force recommends the Legislature enroll all new Florida Retirement System (FRS) members in the Defined Contribution Investment Plan to ensure that the FRS is actuarially sound going forward, and avoid billions in future liabilities and to increase the retirement wealth of state employees.	Yes	$12.9 million - $9.8 billion
GG 9	The Task Force recommends the Legislature consider consolidating management of all state agency vehicles into one statewide fleet program under one state agency (either DMS or FDOT) or third-party vendor with uniform standards for procurement, assignment, utilization, maintenance, and disposal of fleet vehicles.	Yes	$10.9 million
GG 10	The Task Force recommends the Legislature authorize the use of temporary, restricted use license plates during the private sale of motor vehicles to facilitate the transfer of ownership.	Yes	Significant Yet Indeterminate

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ISSUE #	RECOMMENDATION	IMPROVED EFFICIENCY	EST. ANNUAL SAVINGS
GG 11	The Task Force recommends the Legislature lift the suspension of state matching funds for the Alec P. Courtelis University Facility Enhancement Challenge Grant Program and the University Major Gifts Program.	Yes	$178.5 million
GG 12	The Task Force recommends the Legislature increase the DOR's sales and use tax audit coverage by adding new auditors, creating new state positions, and contracting with private auditors. In addition, the Legislature should expand the Certified Audit Program to allow recipients of Notices of Intent to Audit to use a DOR-certified private auditor in lieu of an audit by the DOR.	Yes	$2.9 million
GG 13	The Task Force recommends that all Florida government entities take advantage of the opportunity to recover taxpayer investment in recently completed building or retrofits through the retroactivity provisions of Section 179D of the Internal Revenue Code, and to help defer future costs of building and retrofitting.	Yes	Significant Yet Indeterminate
GG 14	The Task Force recommends the Legislature provide funds to contract with an independent third party firm to partner with the Florida Department of Environmental Protection (DEP) and Department of Management Services (DMS), as well as any other state agencies, to inventory, survey and provide condition assessment of state owned facilities. The survey should, at a minimum, consist of identifying location, key characteristics, valuable assets, facility condition and occupancy.	Yes	Significant Yet Indeterminate
HHS 1	The Task Force recommends the state increase copayments for emergency room visits by state employees that do not result in hospitalization from $100 to $250 to better reflect true costs and deter an increased utilization and reliance on costly emergency room care, thus avoiding unnecessary costs. The copayment would continue to be waived 100 percent if the visit results in hospitalization.	Yes	$5.64 million
HHS 2	The Task Force recommends the Legislature appropriate funding for a comprehensive audit of eligibility status of dependents covered under the State Group Insurance Program (SGIP) and switch from a passive enrollment process to an annual active enrollment process to avoid unnecessary costs paid for ineligible recipients.	Yes	$69.6 million

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ISSUE #	RECOMMENDATION	IMPROVED EFFICIENCY	EST. ANNUAL SAVINGS
HHS 3	The Task Force recommends the Legislature contribute a set amount or percent toward the annual health insurance premiums of state employees that is consistent with that paid by other large public and private employers. This cost shift would result in significant savings for the state.	Yes	$268.8 - $448.0 million
HHS 4	The Task Force recommends the Legislature further remove disincentives and barriers to the use of telehealth services, and while detailed policies are being determined, Florida should provide a foundation for the statewide expansion of telehealth. This will increase access to healthcare and avoid future costs.	Yes	$13.2 billion
HHS 5	The Task Force recommends the Legislature increase the health plan options available to employees enrolled in the State Group Insurance Program (SGIP) by establishing employee contribution rates that reflect the actuarial benefit differences between the existing plans. This will bring employee premiums and plan benefits more in line with industry benchmarks.	Yes	Significant Yet Indeterminate
HHS 6	The Task Force recommends the Legislature implement a state employee wellness program adopting only those practices that have evidenced a high return on investment.	Yes	Significant Yet Indeterminate
HHS 7	The Task Force recommends the Legislature begin a follow-up program of determining outcomes for those who have been served by the Florida foster care system a minimum of three years. The follow-up program will ask outcomes of former foster care clients at 3, 5 and 10 years after aging out of foster care.	Yes	Significant Yet Indeterminate
HHS 8	The Task Force recommends the Legislature appropriate funding to implement and support the recommendations contained in the Medicaid & Public Assistance Fraud Strike Force's October 2012 Annual Report.	Yes	$10.6 - $21.2 million
Total Estimated Annual Government Savings		**$2.14 billion - $12.14 billion**	
Total Annual Healthcare Savings to Private Sector (HHS 4)		**$13.2 billion**	

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GOVERNMENT EFFICIENCY

RECOMMENDATION GE 1: PROPOSED FLORIDA GOVERNMENT EFFICIENCY ACT

The Task Force recommends legislation be enacted to require the Governor to include as part of his or her budget recommendations, and the Legislature to consider as part of the annual General Appropriations Act, recommendations for improving governmental operations and reducing costs.

Rationale: Florida can demonstrate a strong and recurring commitment to improving governmental operations and reducing costs by implementing legislation establishing the "Florida Government Efficiency Act." The Governor's annual budget recommendations should include recommendations for improving governmental operations and reducing costs. These recommendations would consider reports and recommendations issued by the Auditor General, the Office of Program Policy Analysis and Government Accountability, the Government Efficiency Task Force, agency inspectors general, and state agencies. A mechanism could be put into place to solicit and encourage recommendations to be submitted to the Executive Office of the Governor by the general public.

Each state agency responsible for implementing the Governor's recommendations for improving governmental operations and reducing costs should be required to submit quarterly a report of their implementation status and any demonstrated cost savings to the legislative appropriations committees and to the Chair and Vice Chair of the Legislative Budget Commission.

A draft of the proposed Florida Government Efficiency Act is included as Appendix A (page 38).

Cost Savings / Government Efficiency: The major benefits of establishing the Florida Government Efficiency Act are significant recurring cost savings and improved efficiency of government. Estimates of actual cost savings would vary from year to year, but would be expected to be substantial.

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CRIMINAL AND CIVIL JUSTICE

RECOMMENDATION CCJ 1: INTER-BRANCH BIPARTISAN CRIMINAL JUSTICE TASK FORCE

The Task Force recommends the Legislature introduce a bill for consideration during the 2017 Legislative Session to establish an inter-branch, bipartisan criminal justice task force of stakeholders from both inside and outside of state government to conduct an operational review of the Department of Corrections (DOC). The task force should publish and deliver a report to the Governor, Legislature, and Supreme Court on its findings and recommendations no later than December 1, 2017.

Rationale: Florida currently has the third largest prison population in the United States with nearly 100,000 inmates and less than 12,000 correctional officers to oversee and manage them. The costs of maintaining this system are significant with the Legislature appropriating more than $2.4 billion during the 2016 legislative session to the DOC, representing more than half of the total $4.9 billion appropriated to Criminal and Civil Justice.

In 2015, the Office of Program Policy Analysis and Government Accountability (OPPAGA) contracted with an independent consultant for a study of operations of the Florida DOC.[4] Specifically the report reviewed correctional officer staffing, security operations, inmate programs, and a risk and needs assessment. The study found that DOC's staffing is inexperienced due to high turnover, and the number of staff is insufficient. The rate of turnover in FY 2014-15 was 17.6% and there were more than 2,900 separations. In addition, one-half of the department's correctional officers had less than 3.1 years of work experience.

Staffing was observed at some times to drop below the minimum acceptable levels. Many staff have not completed basic training—there are nearly 1,400 officers on temporary employment authorization. The study found that certain polices or procedures led to inmate idleness, the mixing of populations, or the ability to move contraband articles, all of which could lead to violence or other problems arising within the facility and population. The study also found that "[p]erimeter security systems are outdated, in poor operational condition, and fencing is in disrepair." The study recommended the DOC review comprehensive staffing, perimeter security, emergency management plans, facility repairs, contraband and abuse policies, inmate safety and interaction policies, and inmate programs and their effectiveness.

This task force will partner with nationally recognized criminal justice policy experts who will review the work and advise the task force on industry best practices. The operational review will establish a baseline of the current status, performance, and outlook for the DOC. This will include, but not be limited to, an evaluation of performance measures; explanation of factors that have contributed to any failures; promptness and effectiveness with which the department resolves complaints; a comprehensive staffing analysis; and an assessment of the extent to which the department has corrected deficiencies. Additionally, the task force will analyze the drivers of Florida's prison population, including how and why individuals are sentenced into the correctional and probation systems, and developing policy proposals for a complete set of reforms that keep the public safe whilst wisely investing state resources. The review should consider these aspects of the criminal justice system, as well as any overlapping aspects of the juvenile justice system.

Cost Savings / Government Efficiency: The major benefits of an operational review of the Florida DOC are significant recurring cost savings and improved efficiency of government. Estimates of actual cost savings would vary from year to year, but would be expected to be substantial.

4 Office of Program Policy Analysis and Government Accountability, *Study of Operations of the Florida Department of Corrections*, Report No. 15-FDC (November 2015).

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RECOMMENDATION CCJ 2: SUPERVISED RELEASE OF NON-VIOLENT ELDERLY INMATES

The Task Force recommends the Florida Commission on Offender Review amend its release eligibility standards to authorize the supervised release of certain non-violent elderly inmates. The establishment of prerequisites such as a place to live and access to services, like health care, should be added to the conditions of discretionary release.

Rationale: Florida continues to bear the increasing medical and housing costs of a growing elderly prison population. From 2000 to 2014, Florida's elderly prison population (aged 50 years of age and older) grew from 5,605 to 21,002, at an average increase of 9.9 percent per year. This growth rate is more than three times the growth rate of the general prison population.[5] As of May 2016, Florida has 6,642 prisoners at least 60 years of age, 1,300 prisoners at least 70 years old, 151 octogenarians, and 12 nonagenarians.[6] Among the octogenarians, 40 percent were sentenced to terms of years as opposed to life without parole, and 19 have release dates in the next 3 years. Florida also has two prisoners aged 92, who rank at the top of the oldest prisoners in the US.[7] By 2020, one out of every three prisoners in Florida will be elderly. This rate will be double the 16 percent national average, and impose huge and unsustainable fiscal burdens on Florida taxpayers.[8]

Many of these elderly inmates were originally incarcerated for a non-violent primary offense, and would pose little if any risk to the public if they were released from prison. The Department of Corrections reports that, as of June 30, 2015, 37 percent of inmates aged 50 years of age and older, and 18 percent of inmates aged 65 years of age or older, were incarcerated for a non-violent primary offense.[9]

Elderly prisoners cost the most to incarcerate, but pose the least danger to public safety. The National Institute of Corrections estimates that states spend on average $70,000 per year to incarcerate someone age 50 or older, nearly three times what it costs to house a younger prisoner, largely because of the difference in healthcare costs.[10] Elderly inmates are not eligible for federal healthcare support; however they are eligible for federally funded Medicaid (with state match) and/or Medicare upon their release. The average Medicaid spending per aged enrollee in Florida (including both state and federal payments) is $8,532.[11] The average Medicare spending on personal health care services and products per enrollee in Florida (including both state and federal payments) is $11,893.[12] This represents an average savings to the state of $58,107 to $61,468 per elderly inmate per year.

Cost Savings / Government Efficiency: Based on the average savings and the number of inmates, the supervised release of only those elderly inmates who are 70 years of age or older could result in estimated annual savings of $75.5 million to $79.9 million.

5 Florida TaxWatch, Center for Smart Justice, "Florida's Aging Prisoner Problem," September 2014.
6 Corrections Offender Network: Offender Information Search, Florida Department of Corrections, June 10, 2014.
7 Drayton Curry, 92, Nation's Oldest Federal Prisoner: Obama AWOL on Clemency Request," The Village Voice, Sep 2011.
8 Florida TaxWatch, Center for Smart Justice, "Florida's Aging Prisoner Problem," September 2014.
9 Note: This applies to the primary offense for current incarceration only and not for prior offenses.
10 Kevin McCarthy and Carrie Rose, "State Initiatives to Address Aging Prisoners", Office of Legislative Research, March 4, 2013.
11 The Henry J. Kaiser Foundation, "Medicaid Spending per Enrollee (Full or Partial Benefit)," retrieved from http://kff.org/medicaid/state-indicator/medicaid-spending-per-enrollee/, March 22, 2016.
12 The Henry J. Kaiser Foundation, "Medicare Spending per Enrollee, by State," retrieved from http://kff.org/medicaid/state-indicator/medicaid-spending-per-enrollee/, March 22, 2016.

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RECOMMENDATION CCJ 3: ENHANCED SENTENCING TOOLS

The Task Force recommends the State develop risk/needs assessment and cost analysis tools to be used at the time of sentencing that provide judges with extensive information about sentencing options and the risks and costs associated with each option.

Rationale: Over the past 20-25 years, Florida's sentencing guidelines have been revised on several occasions to provide for increased sanctions and sanction length in certain instances. Compared to the sentencing guidelines that existed in 1994, the current Criminal Punishment Code includes provisions whereby all felony offenders have the potential to receive a prison sentence (many under the guidelines would be excluded from such a possibility), and provisions for far greater sentence lengths than were permissible under the guidelines.[13] The calculation used to determine the sentence focuses not on risk or needs, or the likelihood of reoffending, but on the appropriate level of punishment, based on factors such as the nature of the primary offense and any additional offenses, prior criminal history, and injury to the victim. Two decades after Congress passed the Violent Crime Control and Law Enforcement Act of 1994, Florida's crime has decreased 54 percent and its imprisonment rate has increased 31 percent.

A 2006 National Center for State Courts survey identified restrictions on judicial discretion that limited the ability of judges to sentence more fairly and effectively as a major concern among state trial judges hearing felony cases. The survey also found that the state chief justices believed that the most important sentencing reform objective facing the state courts was to improve public safety and reduce recidivism through the expanded use of evidence-based practices and programs, including offender risk and needs assessment tools. In response, many states are moving toward sentencing policies and practices based on what research has demonstrated to be effective in reducing criminality, keeping corrections budgets in check, and helping rehabilitate convicted offenders.

The Oregon Judicial Conference, for example, requires judges to consider the sentence's potential impact on reducing future criminal conduct. Building flexibility into sentencing laws allows judges to better select sanctions that provide the best chance of reducing recidivism. Missouri's Sentencing Commission has developed a web-based tool for judges to use in sentencing that provides them extensive information about sentencing options and the risks and costs associated with each alternative. This tool is available for use by judges, prosecutors, defendants and their attorneys, and the public. The user simply inputs data for the highest level offense upon which the defendant has been (or will be) convicted, along with demographic, criminal history, substance abuse involvement, education and other information about the defendant. The tool provides the user with the recommended sentence, the risk assessment, recidivism projections and the costs of incarceration, supervision, and community alternatives, including treatment where warranted.

Florida should build on Missouri's success and create a similar risk/needs assessment tool that allows judges access to offense/offender-specific cost and recidivism estimates and enable them to use evidence in order to develop sentencing options best targeted to individual offenders. This will reduce the overall prison population over time, and help Florida save money without jeopardizing public safety.

Cost Savings / Government Efficiency: Every 5 percent reduction in recidivism represents 420 fewer inmates per release cohort returning to incarceration over a 3-year period and an estimated cost avoidance of approximately $8.3 million ($2.8 million annually).[14]

13 Florida Department of Corrections, "Florida's Criminal Punishment Code: A Comparative Assessment (FY 2000-2001)," retrieved from http://www.dc.state.fl.us/pub/sg_annual/0001/intro.html, March 22, 2016.

14 420 inmates X $15.91 per inmate per day X 365 days X 3.4 years = $8.3 million / 3 year = $2.8 million per year.

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RECOMMENDATION CCJ 4: EXPAND ALTERNATIVE FORENSIC MENTAL HEALTH PROGRAMS

The Task Force recommends legislation be enacted and funding appropriated to expand the number of community-based alternative forensic sites that provide an added emphasis on reintegration as well as competency restoration.

Rationale: Florida law requires that individuals must be able to understand the reasons for and the nature of the charges as against them, understand the penalties and consequences that may be imposed upon them should they be convicted, and be able to effectively communicate in order to stand trial. Competency restoration programs help restore competency to individuals who could not meet this requirement at the time of trial and have been deemed incompetent to proceed due to mental illness or disability.

Competency programs operate in about half of Florida's 67 counties[15] and there are two primary types: community competency services, which provide competency restoration to individuals who do not need a secure environment and conditionally receive services and training in the community;[16] and forensic facilities, which provide competency restoration for individuals that need a secure environment. Between 150,000 and 170,000 Floridians need acute mental health treatment each year, but the state spends over 20 percent of its total adult mental health budget on restoring competency for just 4,500 people.[17] Despite this, the number of people in prisons with mental health issues went from 8,000 to 16,000 between 2003 and 2015; a number that is expected to double in the coming years.

In August of 2009, Miami-Dade created a community-based program for competency restoration that combines elements of both community-based and state forensic facility programs and diverts individuals with mental illnesses from state hospital placement. Participants are initially placed in a secure inpatient setting, where they receive crisis stabilization and short-term residential services. They are regularly evaluated and, when ready, are moved to a less restrictive community placement with outpatient services. Throughout the entire process, participants are provided with reentry assistance as well as ongoing service engagement.[18] Legislation was proposed in 2015 that would have created four more sites for this program. It passed individually, but later died as part of a larger bill.[19] Two more bills with the same intent were filed for the 2016 Florida Legislative Session.[20]

Cost Savings / Government Efficiency: Alternative forensic mental health programs, such as the Forensic Alternative Center program in Miami-Dade County, have potential to provide significant cost-savings. The average cost to provide services through the program is an estimated $63 to $107 less per day than the cost of services provided in state forensic treatment facilities.[21] State facilities have the capacity to handle approximately 1,100 individuals in need of competency restoration services at any one time. Diverting 25 percent of these individuals into alternative forensic mental health programs would save an estimated $11 million annually.

15 "Incompetent to Proceed Adjudications Increasing." (March 2008). Office of Program Policy Analysis and Government Accountability.
16 "Juvenile and Adult Incompetent to Proceed Cases and Costs." (Feb. 2013). Office of Program Policy Analysis and Government Accountability.
17 Call with Judge Steven Leifman on "incompetent to proceed" cases (August 29, 2015).
18 "Detailed Summary of the Presentations from the 2012 Justice Summit & Pre-Summit Meetings." (Feb. 2013). Florida TaxWatch.
19 It died as part of CS/HB 7113 and SB 1452 – Mental Health Services in the Criminal Justice System.
20 CS/HB 439 and CS/SB 604– Mental Health Services in the Criminal Justice System.
21 Florida Council for Community Health, "Forensic Mental Health Fact Sheet," November 2010.

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RECOMMENDATION CCJ 5: INCREASE ACCESS TO WORK RELEASE PROGRAMS

The Task Force recommends the Legislature increase access to work release programs to permit more inmates to begin their transition back into the community sooner. This transition will be less expensive to the state and will likely result in improved outcomes (e.g., reduced recidivism) for the inmates.

Rationale: Florida offers transitional community work release for selected low-risk inmates to work at paid employment in the community while living in work release centers outside of prison. While in work release, the inmate earns money and a portion must be set aside for when the inmate is released. The inmate learns skills, which increases their chances of finding jobs after their release. The majority (75 percent) of participants' earnings in work release programs is used for restitution, child support, and subsistence in the facility, with only 10 percent specifically earmarked for saving.[22]

Florida has 34 work release centers[23] that serve about 3,000 inmates annually[24] at an average inmate cost per day of $30.57.[25] In contrast, the average inmate cost per day in a state-operated facility is about $51.65.[26] The annual cost to house an inmate in a work release center is approximately 60 percent of the cost to house an inmate in a state-operated facility. Every day an inmate is housed in a work release center saves the state $21.08. Over the course of a year, this represents a savings of $7,694.

Research shows that the work experience gained by inmates in work release programs reduces the likelihood that these inmates will recidivate within one year.[27]

- Inmates who receive a GED and participate in work release for 60 days or more are 10.1% less likely to recidivate than those who receive a GED and have no work experience.
- Inmates who complete a substance abuse program and participate in a work release program for at least 60 days are 5.9% less likely to recidivate than those who complete a program and have no work experience.

Cost Savings / Government Efficiency: Housing inmates at work release centers instead of in a state-operated facility saves the state approximately $23 million annually.[28] Expanding the capacity of existing programs or establishing new work release programs will save the state an additional $7,694 per inmate per year. Based on the differences in recidivism rates that can be attributed to the work experience gained through participation in work release (5.9 percent to 10.1 percent), the state would save an estimated $3.36 million to $5.76 million annually.[29] Assuming an inmate works 32 hours a week at minimum wage ($8.05/hr.), the inmate would earn approximately $13,395 annually, $7,367 (55 percent) of which would pay for subsistence at the work release center; $1,340 (10 percent) of which would go to restitution or court ordered payments; $1,340 (10 percent) of which would go to family assistance, including child support; $1,340 (10 percent) of which would go to the inmate's savings account; and the remainder would go to the inmate's general account and for incidental expenses.[30]

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22 "Frequently Asked Questions Regarding Work Release." (Accessed: January 6, 2016). Florida Department of Corrections.
23 Florida Department of Corrections Facility Directory. (Accessed January 6, 2016; Last Updated November 13, 2015).
24 "Frequently Asked Questions." (Accessed January 6, 2016). Florida Department of Corrections.
25 Florida Department of Corrections, Annual Report 2014-15.
26 Ibid.
27 Florida Department of Corrections, "Academic, Vocational, and Substance Abuse Program Impacts," retrieved from http://www.dc.state.fl.us/pub/recidivismprog/tab1.html, April 28, 2016.
28 3000 inmates X $21.08 (difference in daily costs) X 365 days = $23,082,600.
29 Based on a formula developed by the Office of Program Policy Analysis and Government Accountability (Report Number 00-23, page 48), cost avoidance is derived by multiplying the number of inmates who complete a program by the reduction in recidivism percentage (difference in completers and non-completers) and multiplying this number by an annual incarceration rate of $19,000 per inmate.
30 Supra, footnote 22.

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RECOMMENDATION CCJ 6: EXPAND ELECTRONIC MONITORING FOR LOW-RISK NON-VIOLENT OFFENDERS

The Task Force recommends the Legislature appropriate funding to expand the use of electronic monitoring as a means of diverting low-risk, non-violent offenders from prison.

Rationale: The Florida Department of Corrections (FDOC) began using electronic monitoring in 1987 to track offenders, increase compliance with the terms of offenders' release into the community, and reduce recidivism. Although used primarily to provide an extra measure of security for high-risk offenders (particularly sex offenders), there is increasing support for the use of electronic monitoring of low-risk offenders. Replacing all or part of a term of incarceration of low-risk offenders with less expensive community supervision that includes electronic monitoring will reduce the cost of corrections. The use of electronic monitoring in lieu of the last part of a period of incarceration would support successful reentry of low-risk, non-violent offenders into the community by providing for a period of supervision before release from custody.[31]

A 2010 Florida State University study[32] examined outcome data on approximately 272,000 medium-risk and high-risk offenders who were on community supervision in Florida at some time during the period between June 1, 2001 and June 30, 2007. Of these offenders, 5,034 were on electronic monitoring and 266,991 were not. The study found that offenders on electronic monitoring are 31 percent more likely to successfully complete community supervision than offenders who are not electronically monitored. Electronic monitoring significantly reduces the failure rate for all types of offenders, but has less of an impact on violent offenders (26% reduction) than on offenders who committed sex, drug, property, or other types of crimes (36% reduction).

Offenders sentenced to prison for non-violent offenses (e.g., drug, property, or other offense) make-up approximately 47 percent of Florida's FY2012-13 prison population.[33] The average inmate per diem cost of incarceration is $47.50.[34] In contrast, Global Positioning Satellite monitoring costs $8.94 per day (approximately $270 per month) and Radio Frequency monitoring costs $1.97 per day (approximately $60 per month).[35] Based on this, every day a low-risk, non-violent offender is incarcerated therefore costs the state $38.56 to $45.53 more than if that offender were electronically monitored.

Cost Savings / Government Efficiency: At a cost savings of $38.56 to $45.53 per day, every low-risk, non-violent offender sentenced to community supervision that includes electronic monitoring will reduce the cost of corrections by an estimated $14,074 to $16,618 annually. If community supervision that includes electronic monitoring were used for the 1,300 current inmates who are 70 years of age or older, the state would save an estimated $18.3 million - $21.6 million, exclusive of these inmates' healthcare costs.

31 The Florida Senate, Committee on Criminal Justice, "Examine Technological Advances and Other Issues in Electric Monitoring of Probationers," Interim Report 2012-117, September 2011.

32 Bales, Bill, et al. The Florida State University College of Criminology and Criminal Justice, Center for Criminology and Public Policy Research. "A Quantitative and Qualitative Assessment of Electronic Monitoring, Report Submitted to the Office of Justice Programs, National Institute of Justice, U.S. Department of Justice." January 2010.

33 Florida Department of Corrections. "2012-2013 Agency Statistics-Inmate Population."

34 Ibid.

35 Supra, footnote 31.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-004314

GENERAL GOVERNMENT

RECOMMENDATION GG 1: REPLACE THE FLORIDA ACCOUNTING INFORMATION RESOURCE (FLAIR) AND THE CASH MANAGEMENT SYSTEM (CMS)

The Task Force recommends the Legislature continue funding to replace the Florida Accounting Information Resource (FLAIR) and Cash Management System (CMS), consistent with the March 2014 business case study submitted by the Department of Financial Services (DFS) to the Legislature. To provide the Legislature with the information necessary to appropriate sufficient funding each year and to avoid delays or disruptions, a multi-year financial model to cover the entire project life cycle should be developed and maintained.

Rationale: FLAIR is a 30 year-old, double-entry, computer-based, general ledger accounting system, which is used to perform the state's accounting and financial management functions. State agency activities related to payments for payroll, retirement, unemployment compensation, expenses, and public assistance are processed through FLAIR. The programming language (COBOL) and data file structure are obsolete and, within the marketplace, there are few (if any) companies with the resources and staff knowledgeable enough to support FLAIR's underlying technology. FLAIR is currently maintained by DFS internal IT support staff, more than 40 percent of which have 30 years or more of service. These employees have considerable institutional knowledge and technical expertise and, as they retire, the chances of replacing this knowledge and expertise in today's market are highly unlikely.

For CMS, there is a similar, albeit more modern, situation regarding support staff. While a portion of CMS functionality was replaced by more modern technology, the resource pool supporting and developing the modern components is constrained by a small number of existing senior employees. This presents additional risk across the functions of the Treasury.

A 2014 study by North Highland[36] looked at four options and recommended that Florida pursue the replacement of FLAIR and CMS with a "commercial off the shelf" enterprise resource plan solution for the financial management processes to support the constitutional obligations of DFS. The total costs, spread over a 15-year period, were estimated to be $667.6 million, almost $100 million of which reflects expenses associated with supporting FLAIR until it is retired in the next 8-9 years. The replacement of FLAIR and CMS would:

- Mitigate the risks associated with maintaining an increasingly fragile technology platform;
- Implement a statewide accounting system to enforce standardization of business practices;
- Act as a scalable foundation to evolve as business needs change; and
- Position Florida for future innovation with the ability to consider a true enterprise system.

Maintaining the FLAIR system will cost the state nearly $100 million during the next few years, and significantly more after that if the system is not replaced or overhauled. DFS should continue to make smart business decisions, and do the high-level planning and project management necessary to minimize risk to the state.

Cost Savings / Government Efficiency: The major benefits of replacing FLAIR and CMS focus on risk avoidance and cost avoidance, as opposed to cost savings. Costs will be avoided as a result of agency business process standardization, reduced costs to maintain the system, and a reduced need for agency-run financial management systems and external financial data repositories.

36 Florida Department of Financial Affairs. "FLAIR Study." Deliverable 5, North Highland Worldwide Consulting, March 31, 2014.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-004315

RECOMMENDATION GG 2: FUNDING AND GOVERNANCE OF THE AGENCY FOR STATE TECHNOLOGY (AST)

The Task Force recommends the Legislature require the AST to develop and maintain a multi-year financial model to cover the next 5-10 year life cycle to ensure sufficient funding and spending authority are appropriated to implement the AST's core mission. The use of public-private partnerships as a means for delivering cost-effective implementation of the financial model should be explored. The Task Force also recommends a joint committee of the House and Senate be appointed to provide the proper governance, oversight and direction of the AST.

Rationale: The newly created Agency for State Technology (AST) affords state leaders an opportunity to look at all technology projects on an enterprise-wide level, with a view toward consolidation and standardization, as appropriate. While the creation of the AST is a great success for the state, it represents the third time in the past 15 years the state has tried to establish an enterprise-wide IT agency. Given the most recent failures, it is imperative that the state "get it right" this time. Implementing the AST and meeting the established requirements within established timelines will be challenging. The successful implementation of the AST will require extraordinary leadership, cooperation and vision at the executive and legislative levels to capture and ensure cost and delivery efficiency in all aspects of IT services and solutions.

To ensure the Legislature has the information it needs to adequately fund the AST, and avoid delays and disruptions, a multi-year financial model to cover the next 5-10 year life cycle of AST projects needs to be developed and maintained. Budgetary constraints and private sector efficiencies and expertise dictate that the AST look closely at the use of public-private partnership models, as appropriate, to deliver technology infrastructure projects that would have been previously built using only public sector finances.

Legislatively, oversight of the AST is provided by a number of "general government" policy and budget committees, which oversee the AST and a number of other agencies. A joint committee of the House and Senate on information technology appointed by House and Senate leaders, with whom is vested sole and exclusive authority for overseeing the governance of the AST and IT policy and budget issues, will help to ensure the successful implementation and operation of the AST.

This Task Force recommendation is in no way intended to undermine or usurp the responsibilities of the Governor and Cabinet, and the Technology Advisory Committee, in the implementation and administration of the AST. The Task Force recommendation is intended to more effectively discharge the Legislature's oversight responsibility through the establishment of a single joint committee.

Cost Savings / Government Efficiency: The major benefits of successfully implementing the AST are significant cost and risk avoidance and a significant increase in government efficiency as a result of more consistent enterprise technology policy for the state and more effective oversight of large IT projects.

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RECOMMENDATION GG 3: CLOUD FIRST PROTOCOL

The Task Force recommends the Legislature direct the AST to adopt a "cloud first" protocol for state agencies to follow. The protocol must, at a minimum, establish IT security standards and direct a state agency to consider the role the applications play in the organization, the operational costs associated with its use in the new environment, the type of usage expected, and considerations related to ensuring IT security.

Rationale: As technology has improved and become cheaper, state agencies now manage a large amount of digital data. In recent years, especially with the increased usage of mobile devices, the "cloud" has become part of everyday use. Cloud computing relies on Internet-based services and resources to provide computing services to customers, while freeing them from the burden and costs of maintaining the underlying infrastructure."[37] Cloud computing moves away from the traditional model of buying physical IT assets such as servers, storage, and routers and into buying the functionality provided by those devices as-a-service."[38] Benefits include: (1) Users pay for what they consume, and can increase or decrease their usage; (2) The cloud customer can spend less time managing complex IT resources and more time investing in core mission work; and (3) The providers benefit from economies of scale, enabling lower individual usage costs and centralized infrastructure costs.

The federal government recognized the inefficiencies created by fragmented demand for resources, duplicative systems, and other issues and implemented a "cloud-first" policy in 2011, the goal of which is to "maximize capacity utilization, improve IT flexibility and responsiveness, and minimize cost."[39] The consolidation of data centers and the use of cloud services have resulted in a cost savings of $3.6 billion over 4 years.[40]

The 2015 Legislature directed the AST to use a third-party consulting firm, in consultation with the State Data Center and the applicable state agency customers, to complete an assessment of applications hosted at the State Data Center to see if they are ready to be migrated to the cloud. A January 2016 assessment analyzed 931 applications and found that there are no applications located in the State Data Center that may be categorized as "cloud ready."[41]

Florida should be on the leading edge for the adoption of sound cloud-first policies. While federal agencies continue to implement cloud computing services, Florida can learn from their progress and adopt such a policy for state agencies to follow. As the state plans for major investments in technology, agencies should research the opportunities to leverage the innovations provided by cloud computing. This requires an evaluation of external service providers' capabilities and limitations to ensure compliance with business objectives while factoring in agility, security, risk mitigation, and opportunities for a reduced total cost of ownership. The use of cloud-services going forward or the migration of old data to cloud services would be undertaken if such decisions result in a cost savings or risk avoidance for the state.

Cost Savings / Government Efficiency: The major benefits of establishing a "cloud first" protocol for state agencies are significant recurring cost savings, significance avoidance of risk, and improved efficiency of government. Estimates of actual cost savings would vary from year to year, but would be expected to be substantial.

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37 U.S. Government Accountability Office, *Information Technology Reform: Billions of Dollars in Savings Have Been Realized, but Agencies Need to Complete Reinvestment Plans* (Sept. 2015), GAO-15-617.

38 U.S. General Services Administration, Cloud Computing Services Program Management Office (CSS PMO), *Helping Your Agency to Leverage the Power to Cloud Computing Brochure*, available at http://www.gsa.gov/portal/mediaId/238003/fileName/Cloud_PMO_Brochure_v10_07102015.action (last visited 5/27/2016).

39 *Federal Cloud Computing Strategy*.

40 Supra footnote 37.

41 Grant Thornton, "Florida Agency for State Technology, State Data Center Application Cloud Readiness Study Deliverable #6: Final Report," January 15, 2016.

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RECOMMENDATION GG 4: MINIMIZE BID PROTESTS

The Task Force recommends the Legislature amend Florida procurement laws to implement additional measures to reduce the number of bid protests and simplify the bid process, including a flexible and responsive "debriefing process" that permits all parties to benefit from the early identification and resolution of any errors or other issues.

Rationale: Bid protests are expensive and are often used to delay contract awards and to force concessions (settlement agreements) from agencies or the winning bidders. Many protests are filed simply because the unsuccessful bidder does not understand the process or how its proposal was scored. The procurement process affords limited access to relevant information in advance of the award, so many bidders feel compelled to file a protest just to gain a better understanding of why they lost. Using the "case search" function on the DOAH website, staff reviewed 91 bid cases[42] that had been reviewed by DOAH since 2014 and found that 51 of these cases (56 percent) had been settled and/or dismissed prior to the entry of a recommended order or final order.

Responding to bid protests is a time consuming effort, requiring considerable staff time and legal support. In Florida, agencies may recover the costs of their legal staff from an unsuccessful bidder; however, the costs incurred by agency staff (staff time) and the successful bidder (legal and staff time) to prepare their response and defend the state's selection are not recovered.[43]

Although Florida's bid protest process is fundamentally sound, the adoption of provisions that permit the use of "debriefings" would deter bid protests and save money for taxpayers by avoiding the costs associated with the protests and preventing delays of the procurement process. These debriefings would be conducted before the agency formally issues an award, at which time vendors would have an opportunity to discuss their bid response with the agency and get a better understanding of the process and how their proposal was scored. The agency would also have an opportunity to correct or resolve any errors it may have made during the process.

The focus would be on the bidder's proposal and how it satisfied or did not satisfy the evaluation criteria. The debriefing would get the necessary parties to the table and allow the bidder to be heard and understood by the agency. The debriefing process would include mechanisms that would permit an agency to stop the bid process, respond as lawful and appropriate to address the issue(s), and then resume the process, thereby avoiding the bidder having to file a protest to resolve the issue(s). This additional transparency will help to stem unnecessary bid protests. Information on proposals from other bidders would not be shared and would only be made available after an award was formally issued. This would help to ensure a fair but structured process that ensured a bidder's hearing, but not at the expense of taxpayer value or the project's timeline.

Cost Savings / Government Efficiency: Estimating the cost savings is difficult since, according to a 2013 survey conducted by the National Association of State Procurement Officers, only three states that allow bid protests quantify the cost for a protest.[44] Most states, like Florida, absorb the bid protest cost as a cost of doing business. The major benefits would be significant cost and risk avoidance and a significant increase in government efficiency as a result of the reduced number of bid protests.

42 http://www.doah.state.fl.us/ALJ/searchDOAH, retrieved May 9, 2016.
43 Conversation with Ms. Kelly Scott, Director, Division of State Purchasing, October 13, 2014.
44 State Bid Protests, Research Brief, National Association of State Procurement Officials, April, 2013.

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RECOMMENDATION GG 5: EMPLOYMENT OF EXPERIENCED AND WELL-TRAINED PROCUREMENT PERSONNEL

The Task Force recommends the State of Florida increase its commitment to having well-qualified and well-trained procurement personnel. It should be the policy of the state that training for procurement staff should be limited to enhancing or honing procurement skills, and not to develop basic procurement skills and core competencies.

Rationale: One of the challenges facing state agencies is whether to "hire and train" or "buy and hold" its procurement staff. The "hire and train" strategy permits agencies to use internal promotion as a way to provide lower-level employees a career path to higher-paying, more responsible jobs. The Division of State Purchasing's professional development program offers professional development opportunities designed to maintain, broaden, and improve the knowledge, skills, and abilities of public procurement professionals while helping them remain relevant and competitive in the public procurement industry.[45] The retirement of the Florida Certified Purchasing Agent and Florida Certified Purchasing Manager certification programs[46], however, decreases the likelihood that procurement employees will receive the training necessary to function effectively in higher paying and more responsible jobs. A review of the DMS website identified 181 purchasing agents and 160 purchasing managers who have been certified through these programs.[47]

In contrast, the "buy and hold" strategy permits public procurement agencies to recruit procurement staff that is already well-qualified and well-trained. Because these employees will already have the core competencies necessary to function effectively, any additional investment into their training or professional development is likely to be minimal. This strategy acknowledges the importance of post-secondary education, professional certification and previous procurement experience when recruiting procurement staff.

The Universal Public Procurement Certification Council has established guidelines for obtaining the Certified Public Procurement Officer (CPPO) and Certified Professional Public Buyer (CPPB) designations. The CPPO and CPPB designations are recognized credentials throughout the world and signify that the designated individual has reached a specific level of education and experience and has demonstrated an established level of knowledge necessary to competently perform the work of a public procurement officer or buyer.[48] These, or comparable, certification requirements could be included in the hiring criteria for hiring procurement staff.

The "buy and hold" strategy would likely require the state to reevaluate the compensation package for procurement officers to recruit and retain procurement staff with the desired qualifications.[49]

Cost Savings / Government Efficiency: The benefits from recruiting and retaining qualified staff ("buy and hold") to manage state purchasing are significant yet indeterminate.

45 http://www.dms.myflorida.com/business_operations/state_purchasing/public_procurement_professional_development, retrieved May 9, 2016.

46 http://www.dms.myflorida.com/business_operations/state_purchasing/public_procurement_professional_development/certifications_for_the_public_procurement_professional/florida_certified_purchasing_agent_and_manager2, retrieved May 9, 2016.

47 Ibid.

48 http://www.uppcc.org/certified, retrieved May 16, 2016.

49 Florida TaxWatch, "Annual Florida TaxWatch Government Efficiency Recommendations 2015," December 2014.

FL-SEN-20-0201-B, 20-0202-A-004319

RECOMMENDATION GG 6: CONSOLIDATED PROCUREMENT PERSONNEL

The Task Force recommends the Legislature provide funds to DMS to contract with an independent third-party consulting firm with experience in strategic sourcing and procurement to complete a business case study of the State of Florida's procurement function focusing on the enterprise-wide organizational structure, governance, and operating model. This study would build upon, and not duplicate, the 2010 business case analysis prepared for MyFloridaMarketPlace (MFMP).

Rationale: State and local government agencies spend a tremendous amount of taxpayer money procuring commodities and services, and even a small improvement in efficiency will generate a large savings. The potential for greater improvements in efficiency and even greater savings to taxpayers justifies a thorough review of how Florida's procurement program works and how it can be improved.

Florida's procurement program is neither consolidated nor unconsolidated, but a combination of the two. Consolidated management is the responsibility of DMS' Division of State Purchasing—DMS is charged with providing uniform commodity and contractual service procurement policies, rules, procedures, and forms for use by agencies and eligible users.[50] DMS negotiates state terms for services and commodities used by all state agencies to leverage the state's buying power. State agencies and other public entities are granted a certain level of independence from DMS and are authorized to process, oversee, and/or approve purchases up to certain dollar thresholds and negotiate their own contracts. Each agency has its own budget for procurement staff and activities. The DMS website identifies 37 state agencies, committees, commissions and other governmental entities that have their own agency purchasing officer and staff.[51]

DMS does not record the procurement activities of all state agencies, as MyFloridaMarketPlace (MFMP), the state's e-Procurement tool, has been historically underutilized by all state agencies. In 2012 the state launched an effort to improve MFMP utilization by state agencies. Utilization goals and performance levels were established and tracked monthly, and agency performance is available for review on a scorecard on the MFMP website.[52]

An analysis by McKinsey & Company found that the highest performing private-sector procurement organizations take a centralized, or similar, approach to managing procurement.[53] This suggests that Florida's hybrid model of procurement authority could be strengthened by making it more consolidated. Furthermore, there is evidence to suggest that there is some inefficiency in Florida's agency-based approach, despite a number of valiant efforts to improve functionality. Working toward a shared services model, where staff from one agency with particular expertise assists another agency that needs that expertise, would improve the state's procurement efficiency.

Cost Savings / Government Efficiency: In more than 500 purchasing projects that the management consulting firm McKinsey & Company has supported in both the private and public sectors over the past five years, improved purchasing in the public sector yields an average savings of 28 percent.[54] A 28 percent savings would save Florida taxpayers an estimated $1.4 billion annually.[55]

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50 Subsection 287.032(2), Florida Statutes.

51 http://www.dms.myflorida.com/business_operations/state_purchasing/vendor_resources/contact_a_purchasing_professional/agency_purchasing_officers, retrieved May 16, 2016.

52 http://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace/utilization_initiative/myfloridamarketplace_utilization_scorecard, retrieved May 16, 2016.

53 See, e.g., McKinsey & Company. "Global Procurement Excellence: A Quantitative way to determine PSM best practices." Presentation to the EIPM Annual Conference, Geneva, Switzerland. December 8, 2006.

54 Christian Husted and Nicolas Reinecke, "Improving public sector purchasing." McKinsey on Government, Summer 2009.

55 $5 billion x 28% = $1.4 billion.

FL-SEN-20-0201-B, 20-0202-A-004320

RECOMMENDATION GG 7: CONSOLIDATED REAL ESTATE AND FACILITIES SHARED SERVICES

The Task Force recommends the Department of Management Services (DMS) be designated the responsibility and authority by the Legislature to accelerate the implementation of best practices and a shared-services model by consolidating and standardizing facility management, operations, construction, and leasing to optimize the state's real estate portfolio to achieve significant long-term cost avoidance.

Rationale: Florida's current real estate delivery model is decentralized among, and within, multiple agencies. Twenty state agencies manage over 13,000 facilities totaling more than 63 million square feet. DMS is the only agency with facility management, operations, construction and leasing as its core mission. Despite this, the department only manages a footprint of more than 12 million square feet, and oversees only 108 facilities. The inefficiency of facility management of state owned assets is costing taxpayers millions each year.[56]

The Florida Department of Environmental Protection (DEP) and DMS recently collaborated to generate the FL-SOLARIS database, a centralized database for the collection of records for all state-owned real estate. This is the first step in changing the current decentralization of facility management, and a platform for implementing an enterprise-wide shared facility management model. In August 2012, DMS contracted with CBRE Group, Inc., to develop a comprehensive Real Estate Optimization Plan that spans across all state agencies, space types, uses and geographies.[57]

While the initial investment outlined in the CBRE Group, Inc. report was in excess of $493 million, DMS has a more focused and fiscally prudent implementation plan which would include the following strategies and recommendations:

- Reduce occupancy management costs by reducing the amount of space needed for agency operations;
- Consolidate oversight and operations of the state's real estate function into DMS. This includes moving all operations, maintenance and leasing positions into DMS;
- Enhance sourcing strategy; restructure contracts for consistent service delivery and unit cost reductions by implementing statewide procurements instead of individual agency procurements for local facilities;
- Transfer responsibility for portfolio-wide facilities-related energy management to DMS; and
- Help the state utilize its real estate in the highest and best use or to monetize its assets.

Cost Savings / Government Efficiency: The DMS has already worked with agencies to better utilize existing state owned space and reducing the leased space footprint. From July 1, 2011 through June 30, 2014, agencies that utilized DMS' expertise reduced their leasing spend by more than $48 million and square footage by more than 900,000 square feet. Similar efforts in operations, contracts and energy management across other State-owned properties could produce an additional estimated $70 million to $80 million in reduced costs.[58]

56 Florida TaxWatch, "Annual Florida TaxWatch Government Efficiency Recommendations 2015," December 2014.
57 CBRE Group, Inc. "Implementation Plan for Portfolio Optimization, Shared Services and Cost Savings Initiatives." November 30, 2012.
58 Supra, footnote 56.

FL-SEN-20-0201-B, 20-0202-A-004321

RECOMMENDATION GG 8: FLORIDA RETIREMENT SYSTEM (FRS) INVESTMENT INDEPENDENCE PROGRAM

The Task Force recommends the Legislature enroll all new Florida Retirement System (FRS) members in the Defined Contribution Investment Plan to ensure that the FRS is actuarially sound going forward, and avoid billions in future liabilities and to increase the retirement wealth of state employees.

Rationale: While nearly all private sector companies offer only Defined Contribution (DC) retirement plans to employees, the majority of FRS members participate in the Defined Benefit (DB) pension plan.[59] A DB pension plan provides a specified payment amount to the employee upon retirement, based on the employee's salary, years of service, and other factors. The employer bears the investment risk of ensuring the defined benefit amount will be available to be paid to the retired employee. Due to this risk, defined benefit plans require complex actuarial projections and insurance for guarantees, making the costs of administration very high. This has made defined benefit plans all but obsolete.[60]

In contrast, a DC plan allows employees and employers to contribute and invest funds over time to save for retirement. The contributions can be invested, at the participant's direction, in select mutual funds, money market funds, annuities or stock offered by the plan. This allows the participant to better align their investment risks and rewards. Because the employer no longer has any obligation for the performance of the contributions after they are deposited, the work required by, and the risk to, the employer are low. It is incumbent upon the employee to direct the contributions and investments to grow the assets for their retirement. The goal is for the employee to end up with more financial wealth upon their retirement. By offering incentives such as increased employer match, the state is in position to help employees who are enrolled in the DC plan earn more retirement wealth over the long run.

As of June 30, 2014, the FRS had 622,089 members who were covered by the provisions of the system including 363,034 annuitants. Regular Class membership comprised 87.35%, Special Risk Class membership comprised 11.03%, and Senior Management Services Class comprised 1.25%. All others classes combined comprised less than 0.5% of FRS members.[61]

The FRS Actuarial Assumption Conference met on October 6th and October 15th, 2015, to adopt updated economic assumptions to be used for the actuarial valuation of the FRS. The preliminary results show that the FRS continues to have an unfunded actuarial liability (UAL). As updated, the projected UAL is expected to increase from last year's $21.5 billion to $23.0 billion. In 2014, the system was 86.6% funded on an actuarial basis; however, the funded status is expected to decrease to 86.2% in the 2015 updated valuation.[62]

Cost Savings / Government Efficiency: The Florida Legislature commissioned a report by the state's actuaries to determine the costs associated with closing the DB plan to new state employees. An analysis of the actuarial study by the professional staff of the Florida House of Representatives determined an initial cost of $2.7 million in FY2014-15, then an estimated savings of $12.9 million in FY2015-16, out to an estimated $9.8 billion in savings in FY2042-43.[63]

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59 Florida Department of Management Services, Division of Retirement. "Florida Retirement System 2011-12 Annual Report."

60 http://www.investopedia.com/ask/answers/032415/how-does-defined-benefit-pension-plan-differ-defined-contribution-plan.asp, retrieved May 16, 2016.

61 Office of Program Policy Analysis & Government Accountbaility, Government Program Summaries, "Department of Management Services Retirement Benefits Administration, retrieved May 16, 2016.

62 Office of Economic and Demographic Research, "Florida Retirement System Actuarial Assumption Estimating Conference, Executive Summary for October 2015 Meetings," http://edr.state.fl.us/Content/conferences/actuarial/FRSexecutivesumm.pdf, retrieved May 16, 2016.

63 Florida House of Representatives, "Press Release and Analysis of Actuarial Study, 2013."

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RECOMMENDATION GG 9: CONSOLIDATED MANAGEMENT OF STATE AGENCY VEHICLES

The Task Force recommends the Legislature consider consolidating management of all state agency vehicles into one statewide fleet program under one state agency (either DMS or FDOT) or third-party vendor with uniform standards for procurement, assignment, utilization, maintenance, and disposal of fleet vehicles.

Rationale: The Department of Management Services (DMS) is responsible for the oversight of the state's fleet of motor vehicles, which includes approximately 25,000 automobiles and light trucks, medium and heavy trucks, aircraft, construction and industrial equipment, marine equipment (e.g., boats, airboats, boat engines, etc.), trailers, tractors and mowers, small utility, motorcycles and all-terrain vehicles.[64] DMS operates and maintains the Florida Equipment Electronic Tracking (FLEET) System, which provides information necessary to effectively and efficiently manage the state's vehicle fleet.

A 2011 report by OPPAGA[65] found that, although DMS has authority to manage fleet operations, it has delegated much of its authority to state agencies, permitting the agencies to independently manage their vehicle fleets. Decisions concerning operations and management of state-owned vehicles are delegated to 30 state agencies. This decentralized model, according to OPPAGA, hinders coordination, which reduces efficiency and increases costs. Permitting state agencies to independently manage their vehicle fleets resulted in poor overall management, unnecessary fleet expenditures, duplication of effort, and agencies spending resources on activities that are not central to their core missions.

OPPAGA offered several recommendations[66] to improve fleet management. Consolidating the management of all state agency vehicles into one statewide fleet program with uniform standards for procurement, assignment, utilization, maintenance, and disposal would improve efficiency and could reduce costs by leveraging the state's buying power. The most logical agencies to manage the vehicle fleet would be DMS (which currently has statutory authority to manage the fleet program) or FDOT (which currently has the largest fleet and most fleet managers).

A December 2013 independent business case study by Mercury Associates, Inc.,[67] found that Florida's FLEET System was "the least capable system we have encountered in any of the 34 states we have worked with" and recommended the expansion of DMS' role and staff resources to provide increased and centralized oversight, analysis, and services to manage the state's fleet. DMS requested and received funding during the FY 2016 legislative session to procure a commercially available solution to support a centralized Fleet Management Information System with the capacity to manage all state-owned and leased equipment.

Cost Savings / Government Efficiency: The major benefits of improved fleet management are significant cost savings and improved efficiency resulting from a reduction of unnecessary fleet expenditures and duplication of effort, and duplication of effort. Based on the Mercury Business Case, opportunities to achieve cost savings include a five-year cumulative benefit of implementing the operating best practice recommendations (estimated at $8.8 million annually) and right sizing recommendations (estimated at $2.1 million annually) that total $26.8 million in projected savings.[68]

64 Professional Staff of the Committee on Appropriations, "Bill Analysis and Fiscal Impact Statement, PCS/CS/SB 326,"Bill Analysis and Fiscal Impact Statement," March 2, 2016.

65 Office of Program Policy Analysis & Government Accountability, "Centralizing Vehicle Fleet Operations and Implementing Cost-Saving Strategies Could Reduce State Spending," Report No. 11-16, April 2011.

66 Ibid.

67 Mercury Associates, Inc., "Fleet Management Business Case for the State of Florida," December 2013.

68 Supra, footnote 64.

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RECOMMENDATION GG 10: CREATION OF TEMPORARY RESTRICTED-USE LICENSE PLATES

The Task Force recommends the Legislature authorize the use of temporary, restricted use license plates during the private sale of motor vehicles to facilitate the transfer of ownership.

Rationale: If one buys a vehicle from a Florida dealership, one receives a temporary plate that is valid for 30 days after the date of purchase. This allows the buyer to drive the vehicle while waiting for the vehicle title and registration. In the private sale of a vehicle, however, the buyer cannot get a temporary license plate. The seller is required to remove the license plate from the vehicle and either return it to the Department of Highway Safety & Motor Vehicles or the county tax collector/local tag office.[69] After completing the transfer of the title by the seller, the buyer and seller must then go to the Department of Highway Safety & Motor Vehicles or the county tax collector/local tag office to ensure the vehicle is transferred out of seller's name and into the buyer's name.

A restricted use, temporary (3 days) permit would allow the buyer in a private vehicle sale to operate an unregistered vehicle or a vehicle with a suspended registration from the present location of the vehicle to a specified destination (e.g., county tag office) to transfer the title and register the vehicle. The restricted use, temporary permit could be printed from the buyer's home computer printer, after making an appropriate on-line payment, by following the steps outlined on the Department of Highway Safety & Motor Vehicles' website.

Cost Savings / Government Efficiency: This is a revenue-generating opportunity. In Arizona, for example, the fee for a 3-day restricted use permit is $1.00; however, the Legislature has the authority to establish whatever fee amount it deems necessary and appropriate. The amount of revenue to be generated cannot be determined.

69 Section 320.0609(2)(a), Florida Statutes.

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RECOMMENDATION GG 11: REACTIVATION OF STATE MATCHING FUNDS

The Task Force recommends the Legislature lift the suspension of state matching funds for the Alec P. Courtelis University Facility Enhancement Challenge Grant Program and the University Major Gifts Program.

Rationale: Recognizing that state universities do not have sufficient physical facilities to meet the demands of their instructional and research programs, and that there are sources of private support that, if matched with state support, can assist in constructing much-needed facilities, the Legislature established the Alec P. Courtelis University Facility Enhancement Challenge Grant Program for the purpose of assisting universities build high priority instructional and research-related capital facilities.[70] This program provides a dollar-for-dollar match for operating gifts for capital construction for instruction or research facilities. All projects must be on the 5-year capital improvement plan and be approved by the Board of Governors or Legislature to be eligible for a state matching gift.[71]

In addition, the University Major Gifts Program provides opportunities for each state university to receive and match challenge grants to enhance their libraries and instruction and research programs. The amount of state matching funds allocated to each university is based on the amount of the donation and the restrictions applied to the donation.[72]

Effective July 1, 2011, state matching funds to the challenge grant programs (University Major Gifts and Alec P. Courtelis University Facility Enhancement) were temporarily suspended for donations received on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after $200 million of the current backlog is paid. The timing of this is uncertain.[73] The Major Gift Matching Program has a current backlog of $285.0 million; investing this amount will release more than $370.7 million in donations, which could otherwise be used to fund endowments and scholarships but which currently sit idle.[74] The Courtelis University Facility Enhancement Program has a current backlog of $92.7 million; investing this amount will release an equal amount of donations that could be used to fund capital improvements.[75]

Cost Savings / Government Efficiency: Lifting the suspension and investing the $377.8 million total backlog will result in the release of $556.3 million in donations, a return of almost $178.5 million (32 percent) and saving Taxpayers $556.3 million for needed University facilities.

70 Section 1013.79, Florida Statutes.
71 http://www.unstoppable.usf.edu/fnd_web/ways-to-give.aspx?ID=5, retrieved May 17, 2016.
72 Section 1011.94, Florida Statutes.
73 http://www.unstoppable.usf.edu/fnd_web/ways-to-give.aspx?ID=5, retrieved May 17, 2016.
74 State University System of Florida Major Gift Matching Program Backlog (As of June 2011).
75 Outstanding Alec P. Courtelis Facility Enhancement Challenge Grant Program List (May 23, 2016).

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RECOMMENDATION GG 12: IMPROVE EFFICIENCY OF SALES AND USE TAX AUDITS

The Task Force recommends the Legislature increase the DOR's sales and use tax audit coverage by adding new auditors, creating new state positions, and contracting with private auditors. In addition, the Legislature should expand the Certified Audit Program to allow recipients of Notices of Intent to Audit to use a DOR-certified private auditor in lieu of an audit by the DOR.

Rationale: The Department of Revenue (DOR) is responsible for auditing Florida businesses to make sure state taxes are properly reported, collected, and paid. Accurate and efficient auditing is a key to DOR's success in bringing taxpayers into compliance and promoting voluntary compliance. The DOR audits only about one-half of one-percent percent of its taxpayer accounts, whereas the federal Internal Revenue Service's audit coverage is 1.1 percent for individuals and 1.5 percent for corporations.[76] DOR would need to hire almost 400 additional auditors just to be able to audit one-percent percent of its taxpayer accounts.[77]

To encourage voluntarily compliance, s.213.285, F.S., established a Certified Audit Program as a cooperative effort between DOR and the Florida Institute of Certified Public Accountants ("FICPA"). The program allows taxpayers to hire qualified CPA firms to review their tax compliance for the tourist development taxes imposed by ss. 125.0104 and 125.0108, F.S, and the sales and use tax imposed by ch. 212, F.S. Taxpayers who take advantage of the certified audit program may see their tax liability decrease due to the abatement of interest and waiver of penalties. CPAs who are certified by DOR to conduct such audits will see additional demand for their services should the expanded eligibility lead to more participation.[78]

Expanding the scope and/or increasing participation in the certified audit program should free up resources to allow DOR to conduct more audits and collect additional taxes from noncompliant taxpayers whose liability would have otherwise gone undetected.

Cost Savings / Government Efficiency: On March 16, 2013, the Revenue Estimating Conference estimated that allowing taxpayers to enter the certified audit program after receiving a notice of intent to audit would have a recurring savings of $2.4 million to the state and $0.5 million to local governments.[79]

76 Internal Revenue Service. "Fiscal Year 2011 Enforcement and Service Results."
77 Florida TaxWatch. "Report and Recommendations of the Florida TaxWatch Government Cost Savings Task Force for Fiscal Year 2012-13."
78 House of Representatives Staff Analysis, "CS/HB 495 Certified Audit Program," April 11, 2013.
79 Ibid.

FL-SEN-20-0201-B, 20-0202-A-004326

RECOMMENDATION GG 13: IMPROVED ENERGY EFFICIENCY IN STATE BUILDINGS

The Task Force recommends that all Florida government entities take advantage of the opportunity to recover taxpayer investment in recently completed building or retrofits through the retroactivity provisions of Section 179D of the Internal Revenue Code , and to help defer future costs of building and retrofitting.

Rationale: Section 179D of the Internal Revenue Code, created as part of the 2005 Energy Policy Act, allows owners of commercial properties to receive federal tax deduction for costs associated with the installation of energy efficient lighting, HVAC and/or building envelope systems. Originally set to expire December 31, 2014, Section 179D was recently extended for 2 years, through December 31, 2016, and retroactively for 2015.[80] The deduction may be applied retroactively to 2006.

Building owners and tenants who make improvements that cause new or renovated commercial buildings to be more energy efficient, and designers of qualifying government buildings, will be eligible to receive a federal tax deduction of up to $1.80 per square foot. The resulting tax savings can offset the costs of implementing the energy efficiency measures. Since government entities do not pay taxes, they are not eligible to receive the direct deduction; however Section 179D's Special Rule for Government-Owned Buildings allows government to allocate the benefit to a tax-paying 'designer' and receive savings in return for the allocation.

To receive the maximum deduction, the building's energy and power costs must be reduced by a minimum of 50 percent as compared to predetermined ASHRAE standards. Buildings that do not achieve 50 percent savings can still qualify for a deduction of $0.60 – $1.20 per square foot. Available deductions for partially qualifying systems include: $0.60/sq. ft. for HVAC systems that meet 15 percent savings; $0.60/sq. ft. for lighting systems that meet 25 percent savings; and $0.60/sq. ft. for building envelope systems that meet 10 percent savings.[81] To determine whether a commercial building qualifies, an energy savings calculation must be performed with Department of Energy approved software. To verify results, an on-site inspection must be conducted after the energy efficient installation(s) has been placed into service. This certification process and inspection must be completed by a qualified engineer or contractor in the jurisdiction of the qualifying building.[82]

The University of Florida (UF) retained a qualified environmental consulting firm to administer its 179D allocation process and initially secured $135,000 in savings, with more expected.[83] Miami-Dade County took a similar approach and received $1.135 million in savings associated with recent improvements to the County's downtown chilled water system.[84]

Cost Savings / Government Efficiency: To illustrate, consider a government entity with 5,000,000 sq. ft. of qualifying area that hires a "designer" to pursue the deduction. Assuming a minimum 179D allocation of $0.60/sq. ft., the total tax deduction would be $3 million. Assuming a 35 percent tax bracket for the designer, the total tax benefit would be $1,050,000. If this benefit were split equally, the government entity would receive $525,000 for projects already completed using taxpayer resources. If this example could be applied to larger entities like the State University System or local school districts, which have significant numbers of buildings, the savings could be substantial.

80 Stuart Kaplow, "Congress Breathes New Life into 179D Tax Deduction," Green Building Law Update, December 20, 2015.
81 http://www.itseesy.com/179d-energy-efficiency-tax-deduction/, retrieved May 20, 2016.
82 Ibid.
83 http://news.ufl.edu/archive/2014/07/179d-tax-allocations-prove-source-of-savings-for-university-of-florida.html, retrieved May 20, 2016.
84 http://www.miamidade.gov/environment/releases/2014-07-16-chilled-water-system-savings.asp, retrieved May 20, 2016.

FL-SEN-20-0201-B, 20-0202-A-004327

RECOMMENDATION GG 14: IMPROVE MANAGEMENT OF ASSETS AND FACILITIES

The Task Force recommends the Legislature provide funds to contract with an independent third party firm to partner with the Florida Department of Environmental Protection (DEP) and Department of Management Services (DMS), as well as any other state agencies, to inventory, survey and provide condition assessment of state owned facilities. The survey should, at a minimum, consist of identifying location, key characteristics, valuable assets, facility condition and occupancy.

Rationale: Florida's current real estate delivery model is decentralized among multiple agencies currently estimated at more than 13,000 facilities managed by 20 state agencies- totaling more than 63 million square feet. Inaccurate or incomplete inventory data and lack of timely information on these assets are largely to blame for the inefficiencies in facility management of state owned assets, costing taxpayers millions, increasing risk to the state and making planning and oversight challenging.

The state has taken the first step in changing the current decentralized model and improving the information used for decision-making through collaboration between DEP and the DMS for the creation of a consolidated real estate database (FL-SOLARIS). In order to achieve the maximum return on investment, the state needs a way of not only creating an initial inventory that is accurate and complete but needs a software tool to collect and maintain important information such as geospatial information, key characteristics, high value assets, compliance information (ex. ADA), facility condition and occupancy. This information then could be made available to other state agencies, the public and businesses.

Effective implementation would help address the state's persistent management and oversight challenges by providing standardized, high-quality data. In addition, this initiative would help promote transparency across agencies, to the public and aid in addressing ongoing government management challenges by expanding the quality and availability of state facility data. Having better data also will make it possible to gauge the magnitude of the state investments, help agencies make more fully informed decisions about how resources should be allocated, and provide agencies and the audit community with additional data analytic tools to aid in compliance risk mitigation, disaster recovery and planning.

Finally this initiative would greatly compliment the goals set by both the CBRE group and DMS to implement the following strategies:

- Reduce occupancy management costs by reducing the amount of space needed for agency operations;
- Consolidate oversight of facility operations;
- Help the state utilize its real estate in highest and best use or monetize its assets;
- Ensure state facilities are ADA compliant; and
- Create operation capacity gains from a simplified, centralized and streamlined tool for conducting facility management, operations, inspections, and maintenance/issue remediation.

Cost Savings / Government Efficiency: The benefits from inventorying, surveying and assessing the condition of state-owned and leased facilities are significant yet indeterminate.

FL-SEN-20-0201-B, 20-0202-A-004328

HEALTH AND HUMAN SERVICES

RECOMMENDATION HHS 1: RIGHT-PRICING FOR EMERGENCY ROOM VISITS

The Task Force recommends the state increase copayments for emergency room visits by state employees that do not result in hospitalization from $100 to $250 to better reflect true costs and deter an increased utilization and reliance on costly emergency room care, thus avoiding unnecessary costs. The copayment would continue to be waived 100 percent if the visit results in hospitalization.

Rationale: Today, hospital emergency departments are a major source of primary health care in the community, treating a broad range of health problems that include many visits for minor ailments and other non-urgent conditions.[85] Health care consumers are generally over-dependent on emergency room services, when many health issues can be prevented or mitigated in a more efficient way through proactive primary care.

In recent years, freestanding, hospital-owned emergency centers have increased across Florida. These stand-alone centers may have limited facilities not equipped for true emergencies and closer to urgent care services, but still bill the plan as an emergency room visit. Any emergency room visit costs the patient and insurer considerably more than a visit to the patient's doctor or to an urgent care center. As a result, every non-essential or non-urgent emergency room visit increases the costs to consumers and insurers. For the same type of outpatient visit, Medicare reimburses medical providers $316 if a patient is treated in an emergency room, compared with $138 in an urgent care center.[86]

The emergency room visit copayment for state group insurance plan members is $100 across all available health plans. Within the industry, emergency room visit copayment levels on other health plans are frequently in the range of $150 to $250, with public sector employer plans often trending toward the lower end of the range. Other health plans use structures that vary copayments depending on usage.

Data indicate that emergency room usage by individuals on the state group health plan is higher than the average usage by insured individuals. Emergency room utilization by individuals on the state plan in 2014 averaged 249 visits per 1000 members.[87] With 171,749 state group health plan policy holders,[88] this equates to more than 42,700 emergency room visits annually. The Centers for Disease Control (CDC) report that only 11.9 percent of emergency room visits result in hospital admission,[89] suggesting that 88.1 percent of all state employees visiting emergency rooms (37,619 visits) could be treated more efficiently and at a lower cost by primary care practitioners or urgent care facilities.

Cost Savings / Government Efficiency: Marginal copayments create little incentive for state employees to better anticipate their health needs by regular visits to primary care practitioners, or to obtain lower cost care at urgent care facilities. An increase of copayment from $100 to $250 for emergency room visits will cover more of the total cost (6.8 percent of the average cost per visit), and save the state an estimated $5.64 million annually.[90]

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85 Statement of Peter Cunningham, Ph.D., Center for Studying Health System Change, before the U.S. Senate, Health, Education, Labor and Pensions Subcommittee on Primary Health and Aging, May 11, 2011.

86 Julie Appleby, More Emergency Rooms Open Away From Hospitals, USA Today, retrieved from http://abcnews.go.com/Business/story?id=4721981&page=1&singlePage=true, November 6, 2014.

87 Data obtained from the Department of Management Services January 2016. Does not include all state vendors. Data from some vendors are considered proprietary or unavailable.

88 Ibid.

89 http://www.cdc.gov/nchs/fastats/emergency-department.htm, retrieved May 19, 2016.

90 37,619 unnecessary visits X $150 increased copayment per visit = $5,642,850.

FL-SEN-20-0201-B, 20-0202-A-004329

RECOMMENDATION HHS 2: IMPROVED DEPENDENT EDUCATION AND ELIGIBILITY UNDER THE SGIP

The Task Force recommends the Legislature appropriate funding for a comprehensive audit of eligibility status of dependents covered under the State Group Insurance Program (SGIP) and switch from a passive enrollment process to an annual active enrollment process to avoid unnecessary costs paid for ineligible recipients.

Rationale: There is currently an unknown, but substantial, number of ineligible dependents improperly receiving health coverage and benefits under the State Group Insurance Program. State contracted plan vendors may report information to the DMS if the vendor becomes aware of a potentially-ineligible dependent. Once reported, the DMS researches and/or contacts the enrollee to request documentation demonstrating the dependent is eligible. The DMS may remove the dependent from coverage if it determines the individual is ineligible. BMI Audit Services, a professional health care benefits auditing company, reports that the number of ineligible dependents for any given organization can range between 2 -10%.[91] Most studies suggest that roughly 8 percent of dependents enrolled in health-care plans are ineligible for coverage.[92]

Currently, enrollees in the state group health insurance plan register eligible dependents (spouses and children) through a passive enrollment process which allows employees to roll over their benefits from year to year without requiring them to assess their plan options or learn more about their benefits. As a result, many ineligible dependents continue to receive benefits. Shifting to an annual active enrollment process would require employees to choose an enrollment plan and identify their dependents each year, regardless of their coverage and dependents from the previous year.

It is important that an extensive education and communication effort should precede the audit to inform health plan subscribers about the audit, increase response rates, and reduce the number of appeals. It may be necessary to procure the services of a third-party to assist in this communications effort. Those health plan subscribers identified in the audit as having ineligible dependents should be afforded an opportunity to make the necessary changes in their state health plans before any sanctions are imposed.

Cost Savings / Government Efficiency: The major benefits of purging the SGIP of ineligible recipients would be immediate and recurring savings to the state. Based upon the average annual per dependent cost ($5,670) and average dependent enrollment for plan year 2014 (152,541 enrollees), it is estimated that, for every 1 percent of dependents found to be ineligible, that the state would avoid $8.7 million in costs. Based on the industry average of 8 percent of covered dependents in a given plan found to be ineligible, the dependent eligibility audit would save the state an estimated $69.6 million annually.

91 Retrieved from http://www.bmiaudit.com/dependent-eligibility-audit.html, March 23, 2016.
92 Mark Mack, "Controlling Health-Care Costs With Dependent Eligibility Audits," Government Finance Review, June 2015.

FL-SEN-20-0201-B, 20-0202-A-004330

RECOMMENDATION HHS 3: SGIP PREMIUM PARTICIPATION PROGRAM

The Task Force recommends the Legislature contribute a set amount or percent toward the annual health insurance premiums of state employees that is consistent with that paid by other large public and private employers. This cost shift would result in significant savings for the state.

Rationale: Currently, there are three categories within the State Group Insurance Program (SGIP): employee only coverage, spouse coverage[93], and family coverage. Like the Florida Retirement System, the SGIP is a defined-benefit program, in which the employee pays a fixed amount toward the monthly premium and the state pays the remainder. In 2004, the employee's share of the $4,383 annual premium was $584 (13.3 percent). The state paid the remaining $3,869.[94] By 2014, the annual premium had increased to $7,698, with the employee paying only $600 (8.5 percent). The state paid the remaining $7,098.[95] The same is true for family coverage. In 2004, the employee's share of the $10,104 annual premium was $2,102 (20.8 percent). The state paid the remaining $8,002.[96] By 2014, the annual premium had increased to $17,328, with the employee paying only $2,160 (12.5 percent). The state paid the remaining $15,168.[97] It is clear that, over the past decade, the state has paid more and more of employee health insurance annual premiums and the amount the state pays continues to increase each year.

A 2010 benchmarking report by Mercer Consulting[98] compared Florida's state health insurance program to other large (500 or more employees) private and public sector programs. Mercer found that the state contributed a higher percentage of the annual health insurance premium than other states and private employers. The state now pays approximately 88 percent of the annual premium for a family Preferred Provider Option (PPO) plan, whereas large national employers pay 71 percent to 79 percent.[99] During fiscal year 2014-15, the state contributed approximately 91 percent ($1.68 billion) of the $1.85 billion total premium for active employees.

In a defined-contribution program, the state would contribute a set amount or percentage toward the employee's annual premium and the employee would pay the remainder. Establishing a set amount or percent that is consistent with that paid by other large public and private employers would shift more of the annual employee health insurance annual premiums to the employee and would result in significant savings for the state.

Cost Savings / Government Efficiency: Based on projected fiscal year 2015-16 state health insurance program costs of $2.24 billion[100], reducing the state's contribution toward employees' annual health insurance premiums from 91 percent to 71-79 percent would save the state an estimated $268.8 million to $448.0 million annually.

93 Both employees must work for the state.
94 Department of Management Services, "Overview of the State Group Health Insurance Program," presentation to the Health and Human Services Committee, March 12, 2015.
95 Ibid.
96 Ibid.
97 Ibid.
98 Mercer Consulting, State of Florida Benchmarking Report, March 24, 2011, available at: http://www.dms.myflorida.com/content/download/81475/468865/version/1/file/2010+Small+Employer+Benchmarking+Report+for+State+of+Florida.pdf.
99 Ibid.
100 Florida Legislature, Office of Economic and Demographic Research, Self-Insurance Estimating Conference, State Employees' Group Health Self-Insurance Trust Fund- Report on the Financial Outlook for Fiscal Years Ending June 30, 2015 through June 30, 2020, adopted August 12, 2015, page 6, available at http://edr.state.fl.us/Content/conferences/healthinsurance/HealthInsuranceOutlook.pdf.

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RECOMMENDATION HHS 4: IMPROVED ACCESS AND USE OF TELEHEALTH SERVICES

The Task Force recommends the Legislature further remove disincentives and barriers to the use of telehealth services, and while detailed policies are being determined, Florida should provide a foundation for the statewide expansion of telehealth. This will increase access to healthcare and avoid future costs.

Rationale: The availability of health manpower and resources to serve Florida's growing population continues to be a problem, a problem that is not confined to just rural areas. As of December 2012, there were 36 federally designated Medically Underserved Areas in Florida, 12 of which were rural counties. All 67 Florida counties have at least one underserved geographic area or population. In addition, there were 121 designated primary care shortage areas located in 65 counties.[101]

According to the federal shortage designation statistics, the number of Floridians without access to a primary care provider is 4,190,410 or 26.6 percent of Florida's population. Sixty-one counties also have Dental Health Professional Shortage Areas and 44 counties have Mental Health Professional Shortage Areas, most of which are rural. The ratio of population to practicing primary care physicians in 2011 for the 30 rural counties (2,067 per physician) was almost twice that for the state as a whole (1,304 persons per physician) and ranged from 905 in Union County to 5,577 persons per primary care physician in Hardee County. One rural county (Liberty) had no practicing primary care physicians.[102]

Telehealth services have been successfully implemented in other states and some isolated pockets of Florida as a way to: (1) address the shortages of specialists such as dermatologists, neurologists, radiologists, critical care doctors, and mental health specialists; (2) close the care gap for patients who live in rural areas; and (3) close the care gap for patients with debilitating illnesses for whom travel is difficult or impossible. While telehealth has proven to be effective in providing access to quality care, there are barriers and disincentives that limit its expansion.

Breaking down these barriers and disincentives will require, at minimum, promoting the continuation of good current telehealth practices across a full range of healthcare providers, setting standards of care and recordkeeping, and empowering respective practice boards. Additional financial incentives and expanded availability for telehealth provision, especially in high-need, high-cost populations such as the aging and individuals with disabilities should be explored. Continued discussion of telehealth policy issues across all industries and stakeholders is encouraged and necessary as practices and needs evolve.[103]

Cost Savings / Government Efficiency: A telehealth pilot study examining the first six months of results for 135 patients with multiple chronic conditions identified as the most complex and most costly – the top 5 percent of patients who account for roughly half of all healthcare expenditures - reduced the cost of care by 27 percent and reduced long-term and acute care costs by 32 percent.[104] Florida healthcare expenditures total $132.5 billion annually, equaling approximately $7,156 per person and roughly 6.3 percent of the United States' total healthcare expenditures.[105] If reducing the remaining barriers to telehealth could reduce the cost of healthcare by a more modest 10 percent, Floridians would save an estimated $13.2 billion annually.

101 Rural Health Services, retrieved from http://www.floridahealth.gov/programs-and-services/community-health/rural-health/rural-health-services.html, November 7, 2013.
102 Ibid.
103 Florida TaxWatch, "Moving Telehealth Forward: The High Costs of Paying Later," August 2015.
104 Retrieved from http://www.usa.philips.com/healthcare/product/HCNOCTN508/eIAC, April 4,2016.
105 Shannon Barnet, "Healthcare in Florida: 10 Things to Know," Becker's Hospital Review, December 1, 2014.

FL-SEN-20-0201-B, 20-0202-A-004332

RECOMMENDATION HHS 5: RIGHT-PRICING AND ENHANCED CHOICES FOR THE SGIP

The Task Force recommends the Legislature increase the health plan options available to employees enrolled in the State Group Insurance Program (SGIP) by establishing employee contribution rates that reflect the actuarial benefit differences between the existing plans. This will bring employee premiums and plan benefits more in line with industry benchmarks.

Rationale: Health plan options for state employees are limited to the following:

- Preferred Provider Organization (PPO) Plan—a statewide self-insured plan administered by Florida Blue;
- Health Maintenance Organization (HMO)—an insurance arrangement in which the state has contracted with 6 statewide and regional HMOs;
- Health Investor PPO Plan—a statewide high-deductible health plan (HDHP) with an integrated health savings account (HSA) administered by Florida Blue; and
- Health Investor HMO Plan—an HDHP with an integrated HSA in which the state has contracted with 6 statewide and regional HMOs.

There are currently 171,794 state policyholders, 50.3 percent of which are enrolled in the standard HMO plan and 48.3 percent of which are enrolled in the standard PPO plan. The remaining 1.4 percent are enrolled in either of the HDHP plans.[106] This is contrary to the trend among large employer health plans over the past decade of increasing enrollment in HDHPs and declining enrollment in HMOs.

The actuarial value (AV) measures the percentage of expected medical costs that a health plan will cover and is generally considered a measure of the health plan's generosity. The state program's standard HMO plan has an AV of 92.6%, the standard PPO plan has an AV of 88.9%, and the HDHP has an AV of 80%.[107] Many employees in the SGIP enroll in the low-cost, high-value HMO because of its high AV and because there is no difference in premiums between the HMO and PPO plans.[108] A March 2015 AV analysis concluded that state employees "have little real choice among health plan options since there is only a 4 percent difference in the "richness of the benefits" between the HMO and PPO, and the price is the same."[109] As a result, state employees have little incentive to enroll in the HDHP plans.

Because there is a 4 percent difference in the AV between the standard HMO and standard PPO plans, the state must pay more for HMO benefits than for PPO benefits. These payments come from the State Employees' Group Health Self Insurance Trust Fund, funds from which are also used to pay administrative expenses of the SGIP.

Cost Savings / Government Efficiency: Because DMS is currently procuring HMO contracts for the SGIP, the value of the benefits offered by the HMOs that will receive a contract is unknown. Employee contribution rates that reflect the different values of the HMO and the PPO cannot be determined until the conclusion of the procurement.[110]

106 Supra, footnote 94.
107 House of Representatives Staff Analysis, PCB HHSC 16-01 State Group Insurance Program, February 10, 2016.
108 Ibid.
109 Foster and Foster, Actuarial Value Contribution Analysis, March 20, 2015, page 3.
110 Supra, footnote 107.

FL-SEN-20-0201-B, 20-0202-A-004333

RECOMMENDATION HHS 6: STATE EMPLOYEE WELLNESS PROGRAM

The Task Force recommends the Legislature implement a state employee wellness program adopting only those practices that have evidenced a high return on investment.

Rationale: Health insurance for employees costs the state nearly $2 billion each year and an estimated 75 percent of all health care spending is attributed to preventable medical conditions. State agencies are increasingly looking for ways to reduce employee health care costs. A study in the peer-reviewed journal Health Affairs, found that private companies with wellness programs have seen a 28 percent decrease in sick leave, a 26 percent reduction in adjunctive health care costs, and a 30 percent reduction in disability and workers compensation costs.[111] A meta-analysis of the literature on costs and savings associated with workplace wellness programs found that medical costs fall by about $3.27 for every $1 spent on wellness programs, and that absenteeism costs fall by about $2.73 for every $1 spent.[112]

Successful wellness programs must focus on encouraging only prevention behaviors that are evidence-based, reflect nationally-recognized health indicators, and have been proven to reduce undesirable costly outcomes, such as chronic diseases, emergency room visits, and hospital readmissions. A well-designed incentive program for state employees could yield benefits primarily because of the longevity of the employer-employee relationship. State employees tend to remain employed with the state for long periods of time; therefore, a wellness program would likely have a high return on investment.[113] An emerging trend is to offer incentives to employees based on leading health indicators, primarily tobacco use and body mass index, as part of employee wellness programs.[114]

Cost Savings / Government Efficiency: Every dollar invested into evidence-based workplace wellness programs can be expected to reduce medical costs by about $3.27 and reduce absenteeism costs by about $2.73.[115] Other benefits of implementing a worksite wellness program, the costs of which are indeterminate, include improved employee morale, reduced absenteeism, improved employee health, reduced workers compensation claims, and increased productivity.

111 Health Affairs, Volume 21, Number 2, March 2002.
112 Baicker K, Cutler D, Song Z. "Workplace wellness programs can generate savings." Health Affairs 2010;29:304–311.
113 Florida TaxWatch, "Annual Florida TaxWatch Government Efficiency Recommendations 2015," December 2014.
114 Ibid.
115 Supra, footnote 112.

FL-SEN-20-0201-B, 20-0202-A-004334

RECOMMENDATION HHS 7: ASCERTAIN FOSTER CARE SYSTEM OUTCOMES

The Task Force recommends the Legislature begin a follow-up program of determining outcomes for those who have been served by the Florida foster care system a minimum of three years. The follow-up program will ask outcomes of former foster care system clients at 3, 5 and 10 years after aging out of foster care.

Rationale: Many former foster kids have a tough time out on their own. When they "age out" of the system, they're more likely than their peers to end up in jail, homeless or pregnant. They're also less likely to have a job or go to college.[116] Conservative studies find one in five will become homeless after 18; at 24, only half will be employed; less than 3% will have earned a college degree; 71% of women will be pregnant by 21; and one in four will have experienced post-traumatic stress disorder at twice the rate of United States war veterans. And too often, many are at risk of moving back into government systems -- from juvenile centers to prison.[117]

Children born to mothers raised in foster care are five times more likely to end up in foster care themselves. Stopping the generational cycle of foster care requires a collaborative and comprehensive approach that starts with education — beginning with information about pregnancy prevention. Foster children who become pregnant need extra attention to make sure they get the services and resources that will prepare them not only for parenting, but also for life.[118]

Florida's Department of Children and Families (DCF) has implemented an expanded version of the National Youth in Transition Database (NYTD) Survey to be used on an annual basis to survey young people ages 18-22 who have aged out the state foster care system. The 2015 Florida NYTD Survey included responses of 1,288 respondents aged 18 to 22 who turned 18 while in Florida's foster care system, and found that 25 percent had given birth or fathered children, and that 69 percent had no healthcare insurance other than Medicaid.[119]

While the Legislature and the DCF are to be commended for their efforts to improve child welfare outcomes, Florida does not have sufficient data to precisely know what happens to these children after they age out of the foster care system. Outcome data should be collected at 3, 5 and 10 years after aging out of foster care to get a better idea of how successful Florida's foster care children are, and determine whether they have access to services that will help them meet their goals in various aspects of their lives (i.e., education and employment).

Cost Savings / Government Efficiency: The major benefits of addressing the generational issues of foster children are significant cost avoidance. Costs will be avoided as a result of improved services available to pregnant and parenting foster children and resulting improved outcomes. The recurring cost savings to the state would be significant, yet indeterminate.

116 Pam Fessler, "Reflections on Aging Out," National Public Radio, April 7, 2010.
117 Rita Soronen, "We Are Abandoning Children in Foster Care," CNN, Updated April 17, 2014.
118 Jessica Chandler, "Breaking the Vicious Cycle of Foster Care," Los Angeles Times, May 3, 2013.
119 Department of Children and Families, "Florida NYTD Survey: What Young Adults Who Have Aged Out of Foster Care Can Tell Us," Spring 2015.

FL-SEN-20-0201-B, 20-0202-A-004335

RECOMMENDATION HHS 8: REDUCING MEDICAID AND PUBLIC ASSISTANCE FRAUD

The Task Force recommends the Legislature appropriate funding to implement and support the recommendations contained in the Medicaid & Public Assistance Fraud Strike Force's October 2012 Annual Report.

Rationale: Medicaid fraud in Florida is big-dollar crime. Medicaid services are provided through a managed care system in which Medicaid health benefits and services are provided through contracted arrangements between the Agency for Health Care Administration and managed care organizations (MCOs). The MCOs are paid a set amount per member per month (capitation) for these services.

The healthcare program for the poor in Florida costs taxpayers $21.2 billion, nearly a third of the state's overall budget. Of the total, $11.6 billion is paid for by the federal government. Estimates put the amount lost to fraud in Florida each year at between 5 and 10 percent of the state healthcare budget ($1.06 billion - $2.12 billion).[120] Because services are provided by the MCOs, the MCOs also have an obligation to go after fraud wherever they find it. Between December 2007 and December 2011, requests for assistance submitted through ACCESS increased by 28%. SNAP (food stamp) caseloads increased 139 percent and Temporary Assistance for Needy Families (TANF) caseloads increased by 18 percent.[121]

Federal law requires each state to have a Medicaid program integrity (MPI) unit within the Medicaid state agency to detect and investigate Medicaid fraud and abuse. Located within AHCA, the prevention of Medicaid fraud and after-the-fact recovery efforts is a high-priority activity of the MPI. Federal law also requires states to establish and operate a Medicaid Fraud Control Unit (MFCU) to conduct a statewide program for the investigation and prosecution of health care providers that defraud the Medicaid program.

Located within the Office of the Attorney General, the MFCU investigates allegations of patient abuse, neglect, and exploitation in facilities receiving payments under the Medicaid program, such as nursing homes, facilities for the mentally and physically disabled, and assisted living facilities. The MFCU also investigates a wide range of misconduct originating primarily from fraudulent billing schemes.

The Florida Legislature established the Medicaid and Public Assistance Fraud Strike Force (Strike Force) to develop and implement a statewide strategy to coordinate state and local agencies, law enforcement entities, and investigative units in order to increase the effectiveness of programs and initiatives dealing with the prevention, detection, and prosecution of Medicaid and public assistance fraud.[122] The Strike Force included in its October 2012 Annual Report 22 recommendations that, if implemented, would:

- Secure additional funding to adequately support existing processes intended to prevent, detect, investigate and prosecute fraud;
- Put into place the technology to connect all the databases that contain health care fraud and related data;
- Facilitate intra- and inter-agency coordination and communications;
- Identify critical activities that will enhance prevention efforts; and
- Provide opportunities to partner with local and federal agencies to enhance detection, investigation and enforcement efforts.[123]

Cost Savings / Government Efficiency: With estimates of the amount lost to fraud in Florida each year between 5 and 10 percent ($1.06 – $2.12 billion), the implementation of a Medicaid and public assistance fraud strategy that plan that reduced Medicaid fraud by 1 percent would save the state an estimated $10.6 million to $21.2 million annually.

120 Florida Trend Special Report. "Medicaid Fraud: Crime, No Punishment." November 5, 2012.
121 Medicaid & Public Assistance Fraud Strike Force, "Strike Force Annual Report," October 2012.
122 Section 624.351, Florida Statutes.
123 Medicaid & Public Assistance Fraud Strike Force, "Strike Force Annual Report," October 2012.

FL-SEN-20-0201-B, 20-0202-A-004336

APPENDIX A

PROPOSED FLORIDA GOVERNMENT EFFICIENCY ACT

A bill to be entitled

An act relating to government efficiency; creating s._____, F.S.; creating s._____, F.S.; amending Subsection (2) of section 216.162; amending Subsection (2) of section 216.163; amending Section 216.167; and providing an effective date.

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

Section 1. Section 216.___ is created to read:

216.___ Short Title.- The provisions of this act shall be known and may be cited as the "Florida Government Efficiency Act."

Section 2. Section 216.___ is created to read:

216.___ Governor's annual government efficiency recommendations.—

(1) The Governor shall include in his or her budget recommendations, and the Legislature shall consider as part of the General Appropriations Act, recommendations for improving governmental operations and reducing costs.

(2) The Governor's recommendations for improving governmental operations and reducing costs shall consider reports and recommendations issued by the Auditor General, the Office of Program Policy Analysis and Government Accountability, the Government Efficiency Task Force, agency inspectors general, , state agencies, and recommendations submitted to the Executive Office of the Governor by the general public.

(3) Each state agency responsible for implementing the Governor's recommendations for improving governmental operations and reducing costs shall submit quarterly a report of their implementation status and any demonstrated cost savings to the legislative appropriations committees and to the Chair and Vice Chair of the Legislative Budget Commission.

Section 3. Subsection (2) of section 216.162, Florida Statutes, is amended to read:

216.162 Governor's recommended budget to be furnished Legislature; copies to members.—

(2) There shall be included in such document the details of the Governor's recommended balanced budget, including his or her recommended appropriations pursuant to s. 216.163, his or her recommended revenues pursuant to s. 216.165, his or her recommendations for improving governmental operations and reducing costs pursuant to s. 216___, and a financial schedule showing that his or her estimates of state revenues will be sufficient to fund the Governor's recommendations pursuant to s. 216.167.

FL-SEN-20-0201-B, 20-0202-A-004337

Section 4. Subsection (2) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(2) The Governor's recommended budget shall also include:

(a) The Governor's recommendations for operating each state agency, and those of the Chief Justice of the Supreme Court for operating the judicial branch, for the next fiscal year. These recommendations shall be displayed by appropriation category within each budget entity and shall also include the legislative budget request of the corresponding agency. In order to present a balanced budget as required by s. 216.162, the Governor's recommendations for operating appropriations may include an alternative recommendation to that of the Chief Justice.

(b)1. The Governor's recommendations and those of the Chief Justice for fixed capital outlay appropriations for the next fiscal year. These recommendations shall be displayed by budget entity and shall also include the legislative budget request of the corresponding agency. In order to present a balanced budget as required by s. 216.162, the Governor's recommendations for fixed capital outlay appropriations may include an alternative recommendation to that of the Chief Justice.

2. For each specific fixed capital outlay project or group of projects or operating capital outlay requests recommended to be funded from a proposed state debt or obligation, he or she shall make available pursuant to s. 216.164(1)(a) the documents set forth in s. 216.0442(2).

(c) The evaluation of the fixed capital outlay request of each agency and the judicial branch and alternatives to the proposed projects as made by the Department of Management Services pursuant to s. 216.044.

(d) A summary statement of the amount of appropriations requested by each state agency and as recommended by the Governor and by the judicial branch.

(e) A distinct listing of all nonrecurring appropriations recommended by the Governor or the Chief Justice.

(f) A distinct listing of his or her recommendations for improving governmental operations and reducing costs pursuant to s. 216___.

(g)~~(f)~~ Any additional information which the Governor or Chief Justice feels is needed to justify his or her recommendations.

Section 5. Section 216.167, Florida Statutes, is amended to read:

216.167 Governor's recommendations.—The Governor's recommendations shall include a financial schedule that provides:

(1) The Governor's estimate of the recommended recurring revenues available in the Budget Stabilization Fund and the General Revenue Fund.

(2) The Governor's estimate of the recommended nonrecurring revenues available in the Budget Stabilization Fund and the General Revenue Fund.

FL-SEN-20-0201-B, 20-0202-A-004338

(3) The Governor's recommended recurring and nonrecurring appropriations from the Budget Stabilization Fund and the General Revenue Fund.

(4) The Governor's estimate of any cost savings realized through the implementation of the recommendations contained in Section 216.___.

~~(4)~~(5) The Governor's estimates of any interfund loans or temporary obligations of the Budget Stabilization Fund, the General Revenue Fund, or trust funds, which loans or obligations are needed to implement his or her recommended budget.

~~(5)~~(6)(a) For any recommendation to be funded by a proposed state debt or obligation as defined in s. 216.0442, the documents set forth in s. 216.0442(2) and a 5-year estimate of the program operational costs associated with any proposed fixed capital outlay project to be funded by the proposed state debt or obligation.

(b) The Governor's estimates of the debt service and reserve requirements for any recommended new bond issues or reissues and his or her recommended debt service appropriations for all outstanding fixed capital outlay bond issues.

Section 6. This act shall become effective upon becoming law.

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FL-SEN-20-0201-B, 20-0202-A-004339

The Florida Government Efficiency Task Force was convened
under the authority of the Florida Constitution, Article III, Section 19(i).

- -

ARTICLE III

SECTION 19. State Budgeting, Planning and Appropriations Processes.—

(i) GOVERNMENT EFFICIENCY TASK FORCE. No later than January of 2007, and each fourth year thereafter, the president of the senate, the speaker of the house of representatives, and the governor shall appoint a government efficiency task force, the membership of which shall be established by general law. The task force shall be composed of members of the legislature and representatives from the private and public sectors who shall develop recommendations for improving governmental operations and reducing costs. Staff to assist the task force in performing its duties shall be assigned by general law, and the task force may obtain assistance from the private sector. The task force shall complete its work within one year and shall submit its recommendations to the joint legislative budget commission, the governor, and the chief justice of the supreme court.

- -

The Chairman and the Members of the Government Efficiency Task Force acknowledge and thank the professional staff of Florida TaxWatch and the executive and legislative staff for their assistance researching, drafting, formatting, and publishing this report.

June 30, 2016

AMERICAN OVERSIGHT

	A	B	C
1	**Government Efficiency Taskforce** Issue & Topic Recommendations		
2	**Issue/Topic**	**Summary of the issue**	**Recommended stakeholders knowledgeable about this issue/topic & contact information**
3	Issue A	This issue looks to combine XXX	John Doe, Company Name (Phone)

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CourtSmart Tag Report

Room: EL 110 **Case No.:** **Type:**
Caption: Government Efficiency Task Force **Judge:**

Started: 10/8/2019 10:01:29 AM
Ends: 10/8/2019 10:53:20 AM Length: 00:51:52

10:01:28 AM Meeting held while waiting for 2 persons to arrive.
10:02:05 AM Meeting recording has begun
10:02:21 AM Meeting is called to order by Cody Farrill, Director of Legislative Affairs, Office of the Secretary, Department of Management Services
10:02:48 AM Roll call by Administrative Assistant
10:04:40 AM In attendance by phone: Senator Randolph Bracy, Senator Jeff Brandes, Senator Keith Perry Rachel Carpenter.
In attendance in person: Tarren Bragdon, Representative Jason Fischer, Robert Griggs, Ed Moore, Sal Nuzzo, Secretary Jonathan Satter, Bob Ward, Keith Wold.
Absentee: Patricia Levesque, Pat Neal, Representative Bob Rommel
10:04:43 AM **Cody Farrill** welcomes members to first meeting of 2019 - 2020 of the Government Efficiency Task Force. The Task Force was formed after amendment of the Florida Constitution was passed and is required to meet every four years. The meeting was published in the Administrative Register on September 27, 2019. Moving forward all notices will continue to be on the FLAR and will be available on FDMS website. DMS is the back office for the Florida Government. We are responsible for delivery of business, technology, and workforce services.
10:05:15 AM To partner with us this year are Tiffany Harrington, House of Representatives, Katherine Becker, of Florida Senate Committee of Agriculture
10:05:32 AM Adopt procedures for this year. Rules are detailed on meeting Tab 2 in the meeting packet.
10:05:48 AM Same task force rules as in 2011-2016. Is there a motion to approve? Motion made by Ed Moore, Secretary Satter seconds the motion. All in favor all opposed? – approved.
10:06:09 AM Member Introduction: Each member of the Task Force are asked to share their background and goals.
10:06:21 AM **Bob Wold** – Degree in Geology and two degrees law. Interested in efficiency in water management through policy objectives of the DeSantis administration, primarily focused on water quality. The 1972 law was not focused on quality when it was adopted. In favor of run off and ground water; and those water districts drawn along those boundary lines.
10:07:40 AM The geologic and hydrologic map of the state the boundaries don't coincide. How to manage those boundaries.
10:07:47 AM Area of dispute settlement, there should be mandatory dispute settlement for all dispute parties including governmental entity. This will also largely achieve the implementation of water quality policy. Advocate the judges come from the state administrative courts.
10:07:58 AM Need judges that have been trained to deal with water quality issues.
10:08:33 AM Area of agency overlap - focus water management issues in government - each agency to file and pursue applications to take over jurisdiction from federal agency currently managing the same issue. These could all be handled by state agencies.
10:09:57 AM Dealing with data management between entities and the government agencies.
10:10:14 AM data management and the internet should be free and open to everyone on a profit level. A democracy cannot exist without free open exchange ideas. The cost should be kept to minimal on a solution.
10:10:23 AM data more used than we need to. This costs time, energy and money.
10:11:19 AM Cody Farrill introduces Ed Moore
10:11:20 AM **Ed Moore**- Doctorate in Organizational Learning Theories.
10:11:42 AM Preference when divide individual members into committees: to look at interagency cooperation evidence when natural disaster – very good at reacting to it. Post disaster communication linkages and relationships need strengthening. How best to deliver services to the people of Florida, as we continue to be a growing state.
10:12:36 AM Tax Law-
10:12:50 AM Make sure services and equipment keep cost low as possible.
10:13:36 AM Develop actional items we can take to the legislature for them to respond to.
10:13:37 AM **Jonathan Satter**, Secretary of Department of Management Services (DMS) since beginning 2019
10:14:11 AM Means reducing friction improve service to residents and visitors
10:14:34 AM Government efficiency means – reduce friction in government; improve service to business, residents and visitors within the state.
10:14:54 AM Three areas: Analytics various components and agencies of the state generate a significant amount of data. Fan of evidence based policy making. Data has been traditionally treated as a bi-product rather than an asset.

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10:15:23 AM 2. Technology arm - rapid growth need to streamline it- largest stem of Government. How we structure its use and govern it can be very valuable.
10:15:58 AM 3. How do we address shared services across the enterprise- fleet, real estate, and technology?
10:16:29 AM **Tarron Bragdon**- founded and runs the Foundation of Government Accountability, a conservative think tank in Naples FL. We work on three areas: Welfare, Workforce and Health Care.
10:16:56 AM Florida is a national leader throughout many states.
10:17:09 AM 2012 CFO take info public available- turned over to Moore center at FSU. In partner with the DeSantis administration to undertake a study of welfare reform policy and tracking the outcomes and impact on people.
10:19:21 AM How we push through information to the public-- How we make that data easily consumable to the relevant end user. Use technology toward customer service- How do we live, work, and create jobs better.
10:19:53 AM **Sal Nuzzo** – Vice President of Policy with James Madison Institute focus on Economic Principles in Florida. 2- focus: 1 – Technological operability. Data and systems shared- overlapping services delivered and to minimize side effects that generate negative publicity. 2-Govt services at certain levels at times provide barriers to individuals in gaining employment becoming members of society.
10:20:18 AM Regulatory systems and licensing- try to streamline the barriers
10:20:39 AM **Bob Ward** – President CEO FL council 100. Businesses that give back to the community.
10:21:06 AM In public employment 26 years
10:21:18 AM HB 5301 - continue tracking area of cyber security
10:21:39 AM **Representative Jason Fischer**- align of small limited government. Background in Electrical Engineering.
10:22:07 AM Views on government are limited major transportation
10:22:22 AM Goal: Be as efficient as possible in how we operate in government, and communicate what we do to citizens of Florida.
10:22:54 AM How to make our lives and interaction with government more effective.
10:23:08 AM In legislature have spent time with technology solutions: 1- how government interacts with itself and 2- how the government interacts with the public. Government should be small and effective.
10:23:49 AM **Mr. Bobby Griggs** - small business man- Realty development.
10:23:59 AM FIU – from Miami
10:24:11 AM Limiting government with more tech aspect
10:24:28 AM **Cody Farrill** calls on Senator Brandes
10:24:30 AM **Senator Brandes** addresses team
10:24:37 AM Served on last task force
10:24:46 AM Encourage to review last few years reports and focus on a small area of items at one time.
10:25:11 AM **Senator Randolph Bracy** - Orlando first task force.
10:25:31 AM **Rachel Carpenter**, Co-founder and CEO- brings entrepreneur to the table. Doctorate in Finance, self-taught Engineering and Technology.
10:25:53 AM Background finance
10:26:35 AM If you want to build and grow - it's not possible unless we have clean data organized equally distributable
10:27:11 AM Municipalities
10:27:28 AM Ways to be efficient
10:27:46 AM **Cody Farrill** introduces Senator Perry-
10:27:51 AM **Senator Keith Perry** has served six years in House, and four years in the Senate. Owns and works private business 40 + years.
10:28:10 AM Majority with government agencies
10:28:20 AM Costs - more effective to business to do work
10:29:09 AM **Cody Farrill** asks were any members not able to join that missed roll? Names called and no answer. We need to nominate for chair for the committee.
10:29:22 AM **Sal Nuzzo** nominating based on use of Technology, since- DMS is the backbone office for this force; would like to formally nominate Secretary Jonathan Satter as the Chair. Is there a second motion? The motion was seconded.
10:30:19 AM Secretary Jonathan Satter is nominated and approved as chair of the committee. Chair Satter moves to the position of Chair of committee.
10:30:59 AM **Chair Satter** asks for nominations for Vice-chair. Senator Bracy nominates Senator Jeff Brandes as Vice-Chair.
10:31:34 AM The motion is seconded. No opposition.
10:31:43 AM **Senator Brandes** accepts Vice-Chair position.
10:32:02 AM Chair Satter explains and presents Tab 3 with purpose and responsibility of the task force
10:32:30 AM Cody Farrill- Task Force was established due to adopted amendment to the 2006 Florida Constitution which created new section of law requiring the following: Meet no later than January 1, 2007 and thereafter –meet every four years; the requirements are read to the committee. Contact DMS for details, posted on the DMS site
10:33:10 AM President of the Senate and the Speaker of the House, and the Governor shall appoint members Membership being established by general law; to be from the Senate, the House of Representatives, and the Public Sector and Executive Branch. Required to complete the work in one year. Present recommendations to the Joint

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Legislative Budget Commission, the Governor, and the Chief justice of the Supreme Court
10:33:20 AM Additional guidance passed in 2007 – Sec. 11.9005 F.S. **(1) (2) (3)**
10:33:36 AM Task Force is to be composed of 15 members, for term of one year; requires elected chair from its members.
10:33:46 AM Meet quarterly – members entitled to receive reimbursement for travel and per Diem.
10:34:00 AM Requires recommendation submitted, and a final summary report.
10:34:07 AM 2011- 2015 reports will be on DMS website
10:34:25 AM 2011 - 3 subsidies health education and general government
10:34:39 AM Several recommendations:
10:34:43 AM Business regulation and licensing
10:34:56 AM Expressway and bridge authority consolidation
10:35:01 AM Consultant's competitive negotiation act
10:35:11 AM Enterprise information technology to redefine and strengthen governance
10:35:24 AM 2015- 2016
10:35:28 AM Focus on Government Efficiency; Health and Human services, Criminal and civil Justice
10:35:37 AM Recommendations: Expand alternative forensic mental health programs;
10:35:44 AM Replace FLAIR
10:35:48 AM Additional funding and governance of the Agency for State Technology (AST)
10:35:56 AM Improve access and use of telehealth services
10:36:11 AM 2018-19
10:36:22 AM Technology & Innovation
10:36:36 AM Government operations
10:36:55 AM DeSantis Administration- law centralize single point of contact- interoperability between agencies.
10:37:26 AM Specific Focus on future on FL data
10:37:30 AM 1- future Florida Data 2 cyber sec
10:37:41 AM 3-data cataloging - collaboration
10:37:59 AM data why we collect -
10:38:15 AM Targeted - government operation
10:38:27 AM Move forward
10:38:29 AM Consider
10:38:33 AM 1How can state better leverage technology to increase efficiency?
10:38:38 AM 2 Can Floridians and visitors be better served with new technology?
10:38:52 AM 3 How can we increase efficiency in customer service operations across the state
10:39:09 AM Chair with comments
10:39:22 AM Chair introduces Sean Gellar
10:39:22 AM Discussion of sunshine public records law - Deputy Counsel of DMS
10:40:18 AM Meetings of public boards - open to public
10:40:27 AM Reasonable notice of meetings must be given. Minutes must be taken open for inspection
10:40:39 AM General rules
10:40:48 AM Board members not to use personal telephone, Facebook, email, or text messages to conduct private discussion about board business.
10:41:00 AM Member cannot be used as a liaison to communicate between board members or poll for personal view on a board issue.
10:41:00 AM Resolution, rule, regulation, or formal action is binding only as taken at the open meeting.
10:41:06 AM Sunshine Law binds in open meeting only.
10:41:16 AM Do not use other individuals for soliciting an idea.
10:41:29 AM The vote cannot be preordained
10:42:10 AM Penalties levied for violations, including misdemeanors and fines.
10:42:23 AM sunshine law - right of access for public
10:42:33 AM Law is equally applicable to the elected and appointed
10:42:39 AM Applied to any gathering of any 2 members of the same board of an issue that foreseeably will come before that board.
10:42:56 AM Do not discuss any board issues outside of meeting
10:43:04 AM What is a public record?
10:43:17 AM Public records are any document, paper, letter, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics, or means of transmission.
10:44:05 AM Law in accordance – communication or connection intended for communicable formalize
10:44:37 AM Not public record if it is not intended to be a formalizes document
10:45:00 AM Personal notes are merely preliminary - unless you hand them to someone
10:45:22 AM Personal notes ok if only for your use
10:45:34 AM Serves no government function.

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10:45:51 AM Caveat on drafts if used to perpetuate information
10:46:15 AM Exemptions Chapter 119 F.S., and other statutes
10:46:26 AM Should not be viewed by legislation
10:46:53 AM Ask task force attorneys
10:47:16 AM Check with attorney
10:47:22 AM Do not mix work and pleasure in emails or texts.
10:47:37 AM Private on personal phone - use separate phones
10:48:05 AM Attorney- written exchange - may be used - legislature
10:48:21 AM Work product or ongoing litigation
10:48:39 AM Opinions - if written are open for inspection at some point
10:49:05 AM Questions? - Chapter 119 F.S.
10:49:16 AM Government-in-Sunshine Manual - get an e-copy current year edition.
10:49:37 AM Sean Gellis contact
10:49:44 AM No questions.
10:49:47 AM Chair requests Cody Farrill to distribute Sean Gellis and Chastity Osteen contact information
10:50:04 AM Requests members to make list of potential ideas for next meeting
10:50:12 AM Chair staff will send the format
10:50:22 AM Chair staff will send minutes - review post schedule
10:50:46 AM Cody will explain - travel information following meeting with details on that process
10:51:03 AM Each member to submit preference to be on technology or government operatives committees.
10:51:36 AM Next meeting to be held in mid Nov – Possible two conference calls for sub-committees before that time.
10:51:57 AM Cody thanks Chair Satter.
10:52:02 AM Chair opens floor for any public comment
10:52:11 AM Any public present or on the telephone?
10:52:21 AM Chair asks if there is any other business/
10:52:32 AM Bob Wold- with question - Sean Gellis answers
10:52:45 AM Answer is to be careful who you cc on email
10:53:02 AM Are there any other comments? Sal Nuzzo motions close of meeting. The meeting is adjourned.

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Department of MANAGEMENT SERVICES
We serve those who serve Florida

4050 Esplanade Way
Tallahassee, FL 32399-0950
850-488-2786

Ron DeSantis, Governor

Task Force Traveler Guidelines

What to Know Before You Travel

- Please keep in mind that you are required to use the most economical method of travel when planning any trip, in order to be in compliance with section 112.061, Florida Statutes.
- Please make sure to review all cancellation policies carefully before booking. If you need to cancel after the trip has been authorized, the traveler may be responsible for fees incurred.

Transportation

Vehicle

The traveler has the option to use either a personal vehicle or a rental vehicle. If the traveler opts for a rental vehicle, the traveler must choose from a state authorized vendor. Use this link for reserving the rental vehicle: https://partners.rentalcar.com/stateofflorida/#/business. The traveler must choose either the compact or economy size vehicle. If an upgraded class of vehicle is chosen, the traveler will not be reimbursed for the difference. When the traveler chooses to use their personal vehicle, they will be reimbursed for the lesser of the mileage allowance (currently 44.5 cents per mile) or the most economical rental car rate. The traveler will be reimbursed for fuel based upon the rate of up to 38mpg.

Airfare

If the traveler chooses to fly, they will be reimbursed for what would be the most economical method of travel. For example, if the cost to drive (including rental car fee and fuel) is less than the price of an airline ticket, the traveler would be reimbursed for the lesser amount. Travelers are responsible for all travel arrangements and ticket purchases. Travelers are required to use coach/economy class. Airlines may have optional fees/upgrades that are not included in the base airfare such as preferred seating or priority boarding. These are considered personal preference for the traveler and will not be reimbursed.

Lodging

The traveler is encouraged to find the most economical option available for lodging. The traveler will be reimbursed up to $150 per night for lodging accommodations. If lodging costs exceed the state authorized amount of $150 per night, the traveler will not be reimbursed for the difference.

Meal Allowances

Travelers are eligible for meal allowances if overnight travel is required. If overnight travel is not required, meals will not be reimbursed.

Meal	Allowance	May only be claimed if…
Breakfast	$6	Travel begins before 6 a.m., and extends beyond 8 a.m.
Lunch	$11	Travel begins before 12 p.m., and extends beyond 2 p.m.
Dinner	$19	Travel begins before 6 p.m., and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment

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Per Diem

Travelers may be eligible for per diem if overnight travel is required. If overnight travel is not required, per diem will not be paid to the traveler.

For Class A and Class B travel, travelers may receive a maximum daily per diem of $80. Per diem is calculated for six-hour time periods.

- Midnight to 6 a.m.
- 6 a.m. to Noon
- Noon to 6 p.m.
- 6 p.m. to Midnight

What to Submit After Travel is Complete

Once the travel is complete, the traveler will need to submit the trip details form and all receipts for expenses related to the travel. All trip receipts and the completed form will need to be submitted to Vangie Felix at Vangie.Felix@dms.myflorida.com. Vangie can be reached via email or phone at (850) 487-2178.

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Department of MANAGEMENT SERVICES
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Tallahassee, FL 32399-0950
850-488-2786

Ron DeSantis, Governor

Government Efficiency Task Force Traveler Trip Details Form

Complete this form and submit along with your accompanying trip receipts to Vangie Felix at Vangie.Felix@dms.myflorida.com.

Trip Information

Traveler Full Name:	
Traveler Phone Number:	
Traveler Email Address:	
Traveler Home Address:	
Point of Origin:	
Destination:	
Date of Departure:	
Time of Departure:	
Date of Return:	
Time of Return:	
Comments:	

I hereby certify that travel as shown above is to be incurred in connection with official business of the State of Florida's Government Efficiency Task Force.

_____ _____

Traveler Signature Date

AMERICAN OVERSIGHT

From: Hubbard, Zachary
Sent: Thursday, October 17, 2019 9:24 AM EDT
To: Adrian Moore <adriantmoore@gmail.com>
Subject: FW: Initial Draft for Sports Betting
Attachment(s): "Brandes Sports Betting.docx"

Let me know what you think.

From: Peters, Justin <Peters.Justin@flsenate.gov>
Sent: Wednesday, October 16, 2019 6:04 PM
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>; Kraemer, Mary <KRAEMER.MARY@flsenate.gov>
Subject: Initial Draft for Sports Betting

Zach and Mary:

Here is the initial draft of the sports betting bill. I took what I thought was applicable to FL out of New Jersey's law and used it, while only limiting the authorization to pari-mutuels as you requested on your initial phone call. Zach, if there is something you wanted from New Jersey's enforcement that isn't included here just let me know. Once this is more or less finalized, I will draft the title provisions but I figured it would be a waste of time this early in the process as so many things are subject to change.

Also, this hasn't been through editing yet.

Thanks,

Justin Peters
Attorney, The Florida Senate
Office of the Secretary – Bill Drafting Services
Suite 310, The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100
(850) 487-5312

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A bill to be entitled

An act relating to; providing an effective date.

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

Section 1. Chapter 547, Florida Statutes, consisting of sections XXXXXX, is created to read:

CHAPTER 547

SPORTS WAGERING

547.001 Definitions.—

(1) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by or played in connection with a public or private institution that offers educational services beyond the secondary level.

(2) "Division" means the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.

(3) "Facility" means a facility at which a pari-mutuel permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities.

(4) "Licensee" means a pari-mutuel permitholder that holds a sports wagering license issued by the division under this chapter.

(5) "Online sports pool" means a sports betting operation in which wagers on sports events are made through computers or mobile or interactive devices and accepted through an online gaming system.

(6) "Operator" means:

1. A licensee operating a sports pool or online sports pool; or

Commented [PJ1]: waiting until this is more or less finalized before drafting the title provisions

Commented [PJ2]: waiting until this is more or less finalized before completing the directory clause

Commented [PJ3]: will this include greyhound tracks after 2021 or do we need to add language specifically including them?

This potential issue would need to be addressed elsewhere in the bill as well.

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

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2. A permittee operating an online sports pool on behalf of a licensee.

(7) "Permittee" means an entity that holds a permit issued by the division to operate an online sports pool.

(8) "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event.

(9) "Sports event" means any professional sport or athletic event, any Olympic or international sports competition event, and any collegiate sports or athletic event, or any portion thereof, including but not limited to the individual performance statistics of athletes in a sports event or combination of sports events. The term does not include:

(a) Any college sports or athletic event that takes place in this state;

(b) Any event in which any college team from this state participates; or

(c) Any games in a collegiate tournament in which some of the games in the tournament take place in this state.

Commented [PJ4]: Most states don't have this specific restriction, but NJ does. Not sure if you want to include it or not.

(10) "Sports pool" means the business of accepting wagers on any sports event by any system or method of wagering other than pari-mutuel, as defined in s. 550.02, including, but not limited to, single-game bets, teaser bets, parlays, over-under, moneyline, pools, proposition bets, exchange wagering, in-game wagering, in-play bets, and straight bets.

(11) "Sports wagering lounge" means a designated area wherein a sports pool is operated by a licensee at the licensee's facility.

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547.002 Sports wagering authorized.—Notwithstanding any other law, a person who is 21 years of age or older may wager money or any other thing of value on a sports event if the wager is placed with an operator and the person is physically present in this state.

547.003 Authority of division.—The division shall administer this chapter and regulate the operation of sports pools and online sports pools under this chapter and the rules adopted pursuant thereto, and shall:

(1) Adopt rules to implement this chapter, including, but not limited to, rules:

(a) Requiring a licensee to maintain a specified amount of cash reserves;

(b) Relating to the acceptance of wagers on a series of sports events;

(c) Setting a limit on the maximum wager that an operator may accept from any single person on a single sports event;

(d) Regulating the types of wagering tickets that may be used and the method of issuing such tickets;

(e) Regulating the method of accounting operators must use and what records must be kept;

(f) Regulating the use of credit and checks by persons placing wagers;

(g) Requiring certain protections for persons placing wagers; and

(h) Requiring the display of signage relating to gambling addiction that must be present in sports wagering lounges.

(2) Conduct investigations and monitor the operation of sports pools and online sports pools.

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(3) Review the books, accounts, and records of any current or former operator.

(4) Suspend or revoke any license or permit issued under this chapter, after hearing, for any violation of this chapter or the administrative rules adopted pursuant thereto. In lieu of suspending or revoking a license or permit, the division may impose a civil penalty against the licensee or permittee for a violation of this chapter or any rule adopted by the division. Unless otherwise indicated, a civil penalty imposed under this section may be up to $1,000 per violation for each count or separate offense.

(a) The division may require operators to remit fines and assessments by electronic funds transfer.

(b) All penalties collected by the division under this paragraph must be deposited in the General Revenue Fund.

(5) Take testimony, issue summons and subpoenas for any witness, and issue subpoenas duces tecum in connection with any matter within its jurisdiction.

547.004 Sports wagering licenses; online sports pool operator permits.—

(1) A pari-mutuel permitholder may apply to the division for a sports wagering license. A sports wagering license may be issued only to a licensed pari-mutuel permitholder and, except for wagers placed through an online sports pool, the licensee may accept wagers only at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities.

(2) A person may apply to the division for an online sports pool operator permit. Unless the permittee is also a licensee, a

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permittee may only operate an online sports pool on behalf of a licensee.

(3) All applications submitted pursuant to this section must be on a form prescribed by the division and adopted by rule.

(4) An operator must annually renew a license or permit issued under this section.

(5) The application fee and renewal fee for a license or permit issued or renewed under this section is $100,000.

547.005 Occupational licenses.—A person employed or otherwise working in a sports wagering lounge while the lounge is conducting wagering must hold a valid sports wagering employee occupational license issued by the division. Food service, maintenance, and security employees with a current pari-mutuel occupational license and a current background check will not be required to have a sports wagering employee occupational license.

(1) A licensee may not employ or allow to work in a sports wagering lounge any person unless such person holds a valid occupational license.

(2) The division shall establish, by rule, a schedule for the renewal of sports wagering occupational licenses. Sports wagering occupational licenses are not transferable.

(3) Persons seeking sports wagering occupational licenses, or renewal thereof, shall make application on forms prescribed by the division. Applications for sports wagering occupational licenses must contain all of the information the division, by rule, may determine is required to ensure eligibility.

(4) The division shall adopt rules regarding sports

Commented [PJ5]: Amendment 5 fee.

I couldn't find the specific fee for an online sports pool permit but it seemed like they were both $100k

Commented [PJ6]: New Jersey requires occupational licenses, but I lifted the requirements, etc for this section from the cardroom statute

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wagering occupational licenses.

(5) The division may deny, declare ineligible, or revoke any sports wagering occupational license if the applicant or holder thereof has been found guilty or had adjudication withheld in this state or any other state, or under the laws of the United States of a felony or misdemeanor involving forgery, larceny, extortion, conspiracy to defraud, or filing false reports to a government agency, racing or gaming commission or authority.

(6) Fingerprints for all sports wagering occupational license applications shall be taken in a manner approved by the division and then shall be submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a criminal records check upon initial application and at least every 5 years thereafter. The division may by rule require an annual record check of all renewal applications for a sports wagering occupational license. The cost of processing fingerprints and conducting a record check shall be borne by the applicant.

(7) The sports wagering employee occupational license fee may not exceed $50 for any 12-month period.

547.006 Sports pools; online sports pools.—

(1) A sports pool or online sports pool may not be offered by any person other than a licensee or a permittee operating an online sports pool on behalf of a licensee. Any person who violates this subsection is subject to a civil penalty of up to $10,000, in addition to any other penalty provided by law.

(2)(a) A licensee may not operate a sports pool or online sports pool, and a permittee may not operate an online sports

Commented [PJ7]: potential fee issue

Commented [PJ8]: amendment 5 fee issue

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pool on behalf of a licensee, unless a sports wagering lounge is established and has commenced operation at the licensee's facility. However, an applicant for a sports wagering license may petition the division to commence operation of a sports pool at a temporary location at the facility, and accept wagers via an online sports pool, during the pendency of construction of a sports wagering lounge at the applicant's facility.

(b) A licensee may only accept wagers from persons who are 21 years of age or older and:

1. Are physically present in the sports wagering lounge;

2. Are submitting a wager using an online sports pool; or

3. Are submitting a wager through one or more self-service kiosks located within the licensee's facility.

(3)(a) A licensee may apply to the division for a permit to operate an online sports pool in addition to operating a sports pool at the licensee's facility.

(b) A licensee or permittee offering an online sports pool may have up to three individually branded websites for the purposes of offering an online sports pool, each which may have an accompanying mobile application bearing the same brand as the website.

(c) Until a permit is received from the division, an applicant may not make a website or application available to the public, and may not accept wagers unless the wagers are strictly for testing purposes and nothing of value is wagered or exchanged.

(d) A licensee permitted to operate an online sports pool may enter into an agreement with another permittee so that the permittee may operate the online sports pool on the licensee's

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behalf. The terms of such agreement must be approved by the division before the agreement is valid. A permittee may not operate an online sports pool on behalf of more than one licensee.

(e) The server or other equipment used by an operator to accept wagers at a sports pool or online sports pool must be located at the licensee's facility.

(4) Operators may provide promotional credits, incentives, bonuses, complimentaries, or similar benefits designed to induce a person to wager.

547.007 Prohibitions.—

(1)(a) The following persons are prohibited from having any ownership interest in or control of a licensee or a facility in which a sports wagering lounge is located, and may not place a wager on a sports event that is overseen by the person's sports governing body based on publicly available information:

1. An athlete, a coach, a referee, or a director of a sport's governing body or any of such body's member teams.

2. A person who is a direct or indirect legal or beneficial owner of 10 percent or greater of a sports governing body or any of such body's member teams.

3. A sports governing body or any of such body's member teams.

4. A person who holds a position of authority or influence sufficient to exert influence over the participants in a sports event, including, but not limited to, a coach, manager, handler, or trainer.

5. A person with access to certain types of exclusive information on any sports event overseen by his or her sports

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governing body.

6. A person identified by any lists of prohibited persons provided to the division by a sports governing body.

(b) This subsection does not apply to any person who is a direct or indirect owner of a sports governing body member team and:

1. Has less than 10 percent direct or indirect ownership interest in a licensee; or

2. The shares of such person are registered pursuant to s. 12 of the Securities Exchange Act of 1934 and the value of the ownership of such team represents less than one percent of the person's total enterprise value.

(c) A person who violates this subsection is subject to a civil penalty of up to $1,000.

(2) An operator shall adopt procedures to prevent persons who are prohibited from wagering on sports events under subsection (1) from wagering on sports events. Additionally, an operator may not accept wagers from any person whose identity is known to the operator and:

(a) Who is the director, officer, owner, or employee of the operator or any relative of such person living in the same household as the operator;

(b) Who has access to nonpublic confidential information held by the operator; or

(c) Who is an agent or proxy for another person.

(3) An operator must obtain personally identifiable information from any person who places any single wager for $10,000 or greater on a sports event while physically present at the facility.

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(4) An operator must promptly notify the division of any of the following:

(a) A criminal or disciplinary proceeding commenced against the operator or any of its employees in connection with the operations of a sports pool or online sports pool.

(b) Abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event.

(c) Conduct that has the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including, but not limited to, match fixing.

(d) Suspicious or illegal wagering activities, including, but not limited to, the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, agents to place wagers, or false identification.

547.008 Unclaimed winnings.—If a person does not claim a winning wager within 1 year after the wager is graded, the obligation of the operator to pay the winnings expires and the funds shall be distributed as follows:

(1) For wagers placed in a sports pool or an online sports pool operated by a licensee, the licensee shall retain 50 percent and remit the remaining 50 percent to the General Revenue Fund.

(2) For wagers placed in an online sports pool operated on behalf of a licensee by a permittee, the licensee and the permittee shall retain a total of 50 percent, apportioned between them pursuant to the terms of the operating agreement, and the remaining 50 percent to the General Revenue Fund.

547.009 Tax rates.—

Commented [PJ9]: amendment 5 issues.

The tax rates here are the same as NJ. The requirements relating to payments I lifted from slot machines.

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

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(1) The tax rate on the sums received by a licensee from a sports pool, less only the total of all sums actually paid out as winnings to patrons, is 8.5 percent.

(2) The tax rate on the sums received by a licensee or permittee from an online sports pool, less only the total of all sums actually paid out as winnings to patrons of an online sports pool, is 13 percent.

(3) Payment for the tax on sports wagering revenues imposed by this section shall be paid to the division. The division shall deposit these sums with the Chief Financial Officer, to the credit of the General Revenue Fund. The licensee or permittee shall remit to the division payment for the tax on sports wagering revenues. Such payments shall be remitted by 3 p.m. on the 5th day of each calendar month for taxes imposed and collected for the preceding calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. the first Monday following the weekend. The licensee or permittee shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing all sports wagering activities for the preceding calendar month and such other information as may be prescribed by the division.

(4) A licensee or permittee who fails to make tax payments as required under this section is subject to an administrative penalty of up to $10,000 for each day the tax payment is not remitted. All administrative penalties imposed and collected shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation. If any

Commented [PJ10]: NJ has taxes placed in the state revenue fund. The slot machine taxes under Florida law go to the Educational Enhancement Trust Fund/Pari-mutuel Wagering Trust Fund.

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licensee or permittee fails to pay penalties imposed by order of the division under this subsection, the division may suspend, revoke, or refuse to renew the license of permit of the licensee or permittee.

Section 2. This act shall take effect October 1, 2020.

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From: Mark Phillips <mphillipswka@yahoo.com>
Sent: Thursday, January 09, 2020 11:12 AM EST
To: Phillips <mphillipswka@yahoo.com>
Subject: Fw: Jan 30 VIP Policy Briefing
Attachment(s): "VIP Policy Briefing Letter.pdf","VIP Policy Briefing.pdf"

Florida Faith Advocacy Leaders:

Jan. 30 VIP Policy Briefing with Faith & Freedom National Leaders in Tallahassee

Faith Advocate Friends:

Thank you for your advisory support and recent attendance at our Pinellas County coffee meeting December 14th with Florida Executive Director, Eric Criss of Faith and Freedom Coalition.

Wanted to follow up after the new year and remind you of our luncheon event in the Governor's Club with National Director / Founder Ralph Reed in Tallahassee on Thursday, January 30. The Governor, Speaker Sprowls and other legilstive heads may be with us.

If you're willing to contact 2-3 friends and invite them we would greatly appreciate it - Our Tallahassee office will even assist with your gas costs! You will be my guest and we will share in vision casting about how the faith votes in this nation are rising to pronounced strength to steer our nation's history.

Please respond to me personally to confirm - and note the two attachments to assist you with registration. I so look forward to serving with you in 2020 and beyond.

Excellent New 2020 to you!

Mark Phillips
Florida Field Advancement

Eric Criss

Chairman

Florida Faith and Freedom Coalition

eric@floridaffc.om

www.floridaffc.com

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Dr. Eric Criss
Chairman

Advisory Board

Neal Dunn, M.D.
U.S. Congress
Honorary Chairman

Brad Avery
Vice Chair

Mark Barnette

Marlll Canclo

David Gee

Kurt Kelly

Dave Murzin

FLORIDA FAITH & FREEDOM COALITION

January 8, 2020

Dear Friend:

On behalf of the Florida Faith and Freedom Coalition, it is my honor to extend an invitation to participate in our Annual VIP Policy Briefing. Dr. Ralph Reed, National Chairman of the Faith and Freedom Coalition, will join us, along with Senate and House leaders, political organizers, grassroots activists, pastors, and lay leaders from congregations throughout Florida.

The Faith and Freedom Coalition helped elect conservatives in Florida beginning in 2009. We are over 148,000 members strong in the state! During the 2016 and 2018 Elections, we knocked on 800,000 doors and sent over 2 million pieces of voter contact mail. From past Honorary Chair, Will Weatherford, to current Honorary Chair, Congressman Neal Dunn, we continue to work with Florida's best and brightest leaders for a bold conservative agenda.

We invite you to join us at the Governor's Club on Thursday, January 30, 2020, from 11:30 a.m. to 1:00 p.m. Please contact Caitlyn Sanford by email at caitlyn@floridaffc.com or phone at 386-576-3004, to confirm your availability.

Thank you in advance for your consideration of this important invitation.

Warmest regards,

Eric Criss, PhD
Chairman
Florida Faith and Freedom Coalition

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FLORIDA FAITH AND FREEDOM COALITION

Please join us for our Annual VIP Policy Briefing!

Thursday, January 30th, 2020

Governor's Club
202 South Adams Street
Tallahassee, Florida 32301

Invited Speakers

Honorary Chairman, Congressman Neal Dunn; Governor Ron DeSantis; Attorney General Ashley Moody; National Chairman, Dr. Ralph Reed [confirmed]; President Designate Wilton Simpson; Speaker Designate Chris Sprowls; Senator Manny Diaz; Representative Ray Rodrigues[confirmed]; John Kirtley [confirmed].

PLEASE RSVP TO CAITLYN AT CAITLYN@FLORIDAFFC.COM OR 386.576.3004

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From: Thompson, Vanessa
Sent: Tuesday, December 17, 2019 12:41 PM EST
To: Kopelousos, Stephanie <Stephanie.Kopelousos@eog.myflorida.com>; Spencer, Chris <Chris.Spencer@LASPBS.STATE.FL.US>; Jones, Lauren <Jones.Lauren@flsenate.gov>; Jameson, PK <PK.Jameson@LASPBS.STATE.FL.US>
Subject: FW: JRI materials
Attachment(s): "Pew_Georgia_Safety_Reform.pdf","South Carolina brief pdf.pdf","PSPP_The_Effects_of_Changing_Felony_Theft_Thresholds.pdf","Urban Institute, Assessing_the_impact_of_mississippis_technical_violation_centers.pdf","TexasModel-AdultCorrections-TPPF.pdf","PSPP_Louisianas_2017_Criminal_Justice_Reforms.pdf","CJI_Oklahoma'_2018_Criminal-_Justice_Policy_Solutions_UPDATED-20181009.pdf","CJI-JRI-Prison-Composition-One-Pager-Nov-2019.pdf","Louisianas_Reinvestment_into_Recidivism_Reduction_and_VictimServices_R1_UPDATED-20190306-1.pdf","JRI-Helping-Law-Enforcement-Keep-Communities-Safe.pdf"

All –

Please see attached documents following up on our discussion of the JRI program.

Let me know if you need anything else. Happy to help.

Best,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Vanessa Thompson <vrthomps4@gmail.com>
Sent: Tuesday, December 17, 2019 12:39 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Fwd: JRI materials

---------- Forwarded message ---------
From: **Len Engel** <lengel@cjinstitute.org>
Date: Fri, Dec 13, 2019 at 4:24 PM
Subject: JRI materials
To: Vanessa Thompson <vrthomps4@gmail.com>, Brandes Schedule <22brandes@gmail.com>

Senator and VT,
Attached are a handful of materials that Chris requested as they consider a JRI effort. These are either CJI, Pew, Urban Institute or TPPF publications. I've included a couple of assessments of the JRI efforts in particular states. There is the analysis of South Carolina's property crime five years after the JRI bill that increased the felony theft threshold. There's the Urban assessment of Mississippi's use of technical violator centers a few years after Mississippi's JRI bill created them. And there's a description of where reinvestment funds were spent after Louisiana's JRI bill was adopted.
Let me know if you need more.
-L

Leonard W. Engel, Esq.
Director of Policy and Campaigns
Crime and Justice Institute
A Division of Community Resources for Justice
355 Boylston Street
Boston, MA 02116
c-508-782-5125
o-617-482-2520 x129
lengel@crj.org
www.crj.org/cji
@lengeluphill

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CRIME AND JUSTICE INSTITUTE
A Division of Community Resources for Justice

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OKLAHOMA'S 2018 CRIMINAL JUSTICE POLICY SOLUTIONS

Data-Driven Policies for Better Public Safety

OCTOBER 2018

The Crime and Justice Institute (CJI), a division of Community Resources for Justice, works to improve public safety and the delivery of justice by providing nonpartisan technical assistance, research, and other services to improve outcomes across the spectrum of the adult and juvenile justice systems, from policing and pretrial through reentry. CJI provides direct technical assistance, assessment, implementation, research, data analysis, training, facilitation, and more. We take pride in our ability to improve evidence-based practices in public safety agencies and gain organizational acceptance of those practices. We create realistic implementation plans, put them into practice, and evaluate their effectiveness to enhance the sustainability of policies, practices, and interventions.

Find out more at www.crj.org/cji.

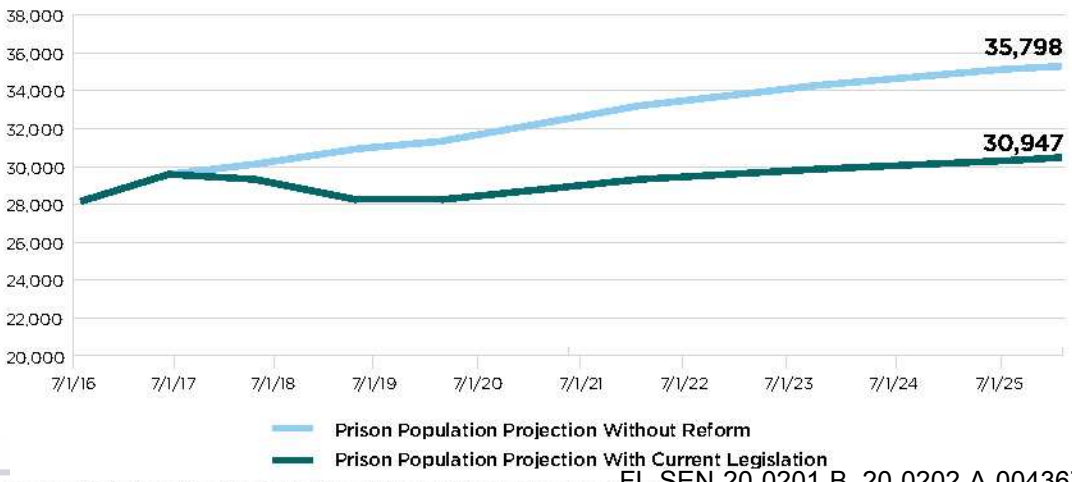
Overview

On April 26, 2018, Oklahoma Governor Mary Fallin (R) signed into law seven criminal justice measures that will reverse Oklahoma's steep and unsustainable prison growth trends while enhancing public safety, reducing recidivism, and keeping families together. This data-driven policy package was the result of nearly two years of bipartisan policy development and advocacy driven by the Oklahoma Justice Reform Task Force.

The effort was supported by the Justice Reinvestment Initiative, a partnership between Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance. The Crime and Justice Institute (CJI) provided technical assistance to the Task Force, including data analysis and policy development facilitation.

This process resulted in a policy package projected to avert 67 percent of the anticipated growth in Oklahoma's prison population over the next decade, avoiding the need for 4,800 additional prison beds. By changing course, Oklahoma will save over a billion dollars of spending on new prisons and instead invest in treatment and rehabilitation proven to reduce recidivism and protect public safety.

Figure 1. Reforms Projected to Avert 67% of Prison Growth



Source: Data from the Oklahoma Department of Corrections, Analysis by CJI

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The people of Oklahoma have decided that we can no longer afford to fill our prisons with individuals suffering from addiction; that strategy has been far too costly in dollars and in lives."

– GOVERNOR MARY FALLIN

BACKGROUND

As states across the country decreased imprisonment rates and saw crime rates drop, Oklahoma's prison population grew by 9 percent from 2011 to 2016, reaching 28,580 inmates. Oklahoma had the second-highest imprisonment rate in the country, 78 percent higher than the national average in 2015. More striking, Oklahoma has had the highest female imprisonment rate in the country since 1991; the female prison population grew 30 percent between 2011 and 2016, and in 2015 Oklahoma incarcerated more than two-and-a-half times as many women per capita as other states. These trends burdened state taxpayers with extraordinary costs, with Oklahoma spending over half a billion dollars on corrections in FY2015. At the same time, this unchecked growth left Oklahoma's prisons overcrowded and unsafe. In 2016, there were more than 2,300 temporary beds in the prison system, a growing county jail back-up, and an additional 7,800 expensive contract beds being used to house the existing population.

In 2016, Oklahoma's prison population was projected to grow 25 percent, adding 7,218 inmates by 2026. A projected 60 percent increase in the female prison population would have driven one-quarter of that overall growth. Even with the reforms advanced in the 2016 session and the defelonization of drug possession through State Question 780 in November of 2016, growth was expected to continue. The projected prison population growth would have cost the state at least $1.2 billion in capital expenditures for three new prisons and an additional $700 million in operating costs over 10 years.

OKLAHOMA JUSTICE REFORM TASK FORCE

PROCESS

In July of 2016, Governor Fallin established the bipartisan, inter-branch Oklahoma Justice Reform Task Force, with support from the Senate President Pro Tempore and the Speaker of the House. The Task Force was charged with:

1. Developing comprehensive criminal justice and corrections reform policy;
2. Identifying more cost-effective, evidence-based sentencing and supervision practices aimed at holding offenders accountable and reducing recidivism;
3. Estimating any resulting savings from the policy recommendations; and
4. Identifying opportunities to reinvest the resulting savings into policies shown to increase public safety, reduce recidivism, and improve offender reentry outcomes.

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The 21-member Task Force included law enforcement, legislators, judges, prosecutors, a public defender, agency leaders, representatives from the business community, and advocates for crime victims. Bringing together expertise from across the criminal justice system, the Task Force conducted a comprehensive analysis of Oklahoma's criminal justice system, reviewed the latest research on the most effective strategies to reduce recidivism and improve public safety, and developed recommendations in accordance with the governor's charge. The Task Force convened for seven months starting in the summer of 2016, issuing final recommendations in February of 2017 for consideration during the 2017 and 2018 legislative sessions.

In addition to receiving input and advice from law enforcement, prosecutors, defense attorneys, behavioral health experts, and other criminal justice practitioners, Task Force members held three roundtable discussions with victims; survivors; and victim advocates, including Oklahoma City victim advocates and members of the Seminole Nation and Cherokee Nation, to identify key priorities for victims and victims' advocates.

TASK FORCE MEMBERS

Director Joe M. Allbaugh	*Oklahoma Department of Corrections*
Administrative Director Jari Askins	*Oklahoma Administrative Office of the Courts*
Jennifer Chance	*Office of the Governor, General Counsel*
The Honorable Doug Drummond	*Tulsa County District Court*
District Attorney Mike Fields	*District 4 (Blaine, Canadian, Garfield, Grant, and Kingfisher Counties)*
Secretary Mike Hunter	*Oklahoma Secretary of State*
Adam Luck	*E Foundation, Policy Director, and Board of Corrections*
Mike Neal	*Tulsa Regional Chamber of Commerce, President and CEO*
The Honorable Irma Newburn	*Comanche County District Court and Board of Corrections*
Janet Peery	*YWCA Oklahoma City, CEO*
Representative Terry O'Donnell	*Oklahoma State House of Representatives*
District Attorney David Prater	*District 7 (Oklahoma County)*
Chief Public Defender Robert Ravitz	*Oklahoma County Office of the Public Defender*
Cara Rodriguez	*Office of the Attorney General, First Assistant Attorney General*
Director John Scully	*Oklahoma Bureau of Narcotics and Dangerous Drugs*
Speaker Kris Steele	*The Education and Employment Ministry (TEEM), Director*
Layne Subera, D.O.	*Oklahoma Bureau of Narcotics Commission, Chairman*
Commissioner Michael Thompson	*Oklahoma Department of Public Safety*
Senator Greg Treat	*Oklahoma State Senate*
Commissioner Terri White	*Oklahoma Department of Mental Health and Substance Abuse Services*
Roy Williams	*Greater Oklahoma City Chamber of Commerce, President and CEO*

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KEY FINDINGS

The Task Force identified four primary factors driving Oklahoma's unsustainable prison growth.

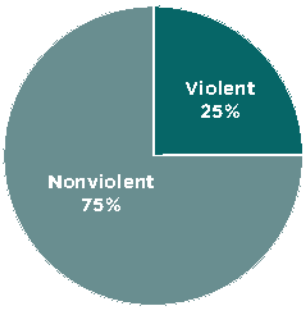
- Continued growth in admissions for nonviolent crimes
- Long sentences and limited use of parole
- Disproportionate incarceration of women
- Limited resources impeding effective supervision

CONTINUED GROWTH IN ADMISSIONS FOR NONVIOLENT CRIMES

In examining the use of incarceration as a post-conviction sanction in Oklahoma, the Task Force focused on the number of individuals entering prison for statutorily defined nonviolent offenses. Between FY2011 and FY2015, prison admissions grew 20 percent, with much of that growth driven by nonviolent offenders sentenced directly to prison. Three out of every four people entering prison in Oklahoma were sentenced for nonviolent crimes (See Figure 2). Fifty-six percent of nonviolent offenders sentenced to prison had little or no serious criminal history (See Figure 3).

Figure 2. 75% of Prison Admissions Sentenced for Nonviolent Offenses

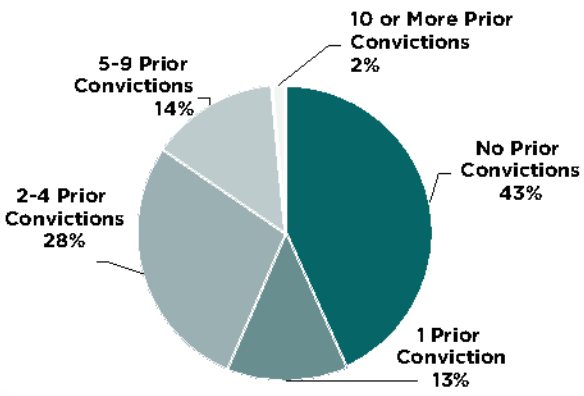
ADMISSIONS BY VIOLENT/NONVIOLENT CURRENT OFFENSE, FY2015



Source: Data from the Oklahoma Department of Corrections, Analysis by CJI

Figure 3. 56% of Nonviolent Offenders Sentenced to Prison Have 0 or 1 Prior Felony Conviction

CRIMINAL HISTORY FOR NONVIOLENT NEWLY SENTENCED PRISONERS, FY2015



Source: Data from the Oklahoma Department of Corrections, Analysis by CJI

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FL-SEN-20-0201-B, 20-0202-A-004370

We're past a state of emergency in Oklahoma's criminal justice system; we've reached the point of desperation. We must engage on these issues and make progress very quickly. As business leaders, we support the Governor's statewide criminal justice reform efforts, and we stand ready to support bold recommendations from the Oklahoma Criminal Justice Reform Task Force."

– CLAY BENNETT, OKLAHOMA CITY THUNDER OWNER AND CRIMINAL JUSTICE REFORM ADVOCATE

The Task Force was able to examine felony case filings and conviction records from Oklahoma and Tulsa counties for FY2011 and FY2015 and found that large increases in the number of felony cases filed drove the growth in admissions. This pattern was consistent across more than two-thirds of counties. While the rate at which felony cases received prison sentences did not increase, the sheer volume of cases being processed meant that more offenders were sentenced to prison, even as crime rates continued to decline. Many of those sentenced to prison were first-time felons. In particular, the number of first-time drug possession offenders sentenced to prison more than doubled from FY2011 to FY2015.

From FY2011 to FY2015, admissions to prison for drug sentences in Oklahoma grew 22 percent. Thirty-one percent of all prison admissions were for drug offenses, over a third of which (37 percent) were for drug distribution and manufacturing offenses. The average sentence length for possession with intent to distribute (PWID) and distribution was more than 8.5 years. In other states, a sentence of that length would typically indicate that the person has a violent criminal history, yet 81 percent of drug offenders sentenced to prison in Oklahoma had no prior violent crimes.

The number of property offenders admitted to prison grew 29 percent from FY2011 to FY2015, including 37 percent growth in the number of people sentenced directly to prison for these crimes. At the same time, average sentence lengths for property crimes grew 11 percent to 68 months. Property offenders admitted to prison in Oklahoma are disproportionately female and most often charged with "paper crimes," such as fraud, forgery, and writing a bad check.

The Task Force compared Oklahoma with neighboring states to better understand Oklahoma's relative use of incarceration. While Missouri and Texas have similar crime rates to Oklahoma, an examination of admissions to prisons from court found that Oklahoma admitted nonviolent offenders to prison at a much higher rate (48 percent higher than Missouri).

LONG SENTENCES AND LIMITED USE OF PAROLE

In comparing Oklahoma to Missouri and Texas, the Task Force found that Oklahoma imposed longer sentences on average than Missouri or Texas, despite a higher proportion of nonviolent offenders in its admissions cohort. Long sentences combined with habitual offender enhancements and low parole rates mean that Oklahomans serve long prison terms, even when incarcerated for nonviolent crimes.

Oklahoma's habitual offender law dramatically increased penalties for a second or subsequent felony conviction, and often increased the maximum punishment to life in prison. These long sentences were well beyond the penalty ranges of neighboring states. The law did not distinguish the seriousness of the prior offense and therefore treated a prior nonviolent felony conviction the same as a violent conviction. Offenders sentenced to prison in FY2015 for a nonviolent crime were more than

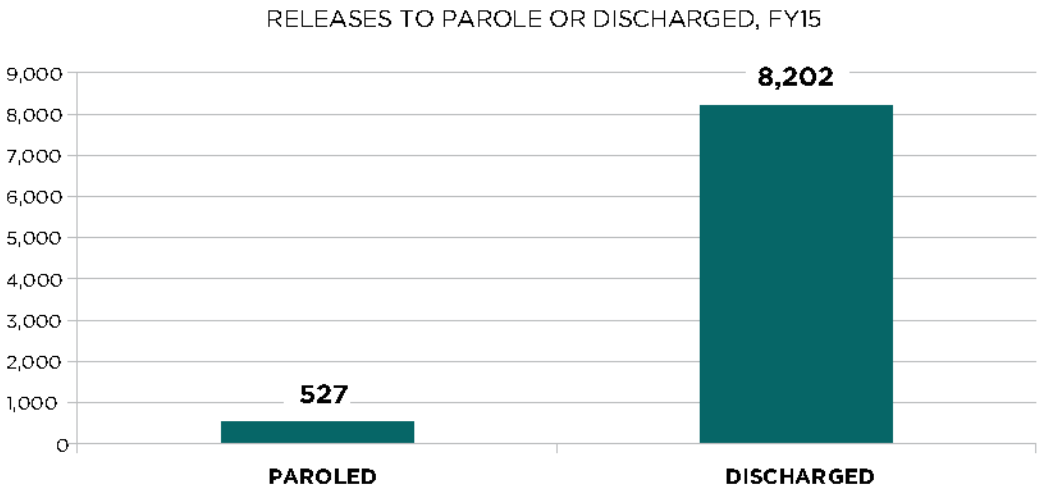
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twice as likely to have a sentence of at least 12 years if they had more than one prior felony conviction.

Prior to the 2018 bill, almost all inmates in Oklahoma were eligible to be released on parole once they served a third of their sentence. There were a small number of drug crimes with parole eligibility at 50 percent of their sentence and very serious crimes eligible at 85 percent. Yet very few people were released on parole in Oklahoma. In FY2015, only 6 percent of offenders released from prison were released onto parole, a decline from 12 percent in FY2011. This is one of the lowest parole rates in the country and is especially impactful because parole is the primary mode of early release in Oklahoma (See Figure 4). The Task Force determined that this parole rate was due to a combination of factors: low approval rates by the Pardon and Parole Board; a widespread lack of confidence in the hearing process; and a desire to leave prison without supervision to follow, leading some offenders to waive their right to a parole hearing.

While those with drug convictions were most likely to be released on parole, only 11 percent of those released for a drug offense were paroled. Those convicted of drug offenses served 50 percent of their sentence in prison on average, despite the overwhelming majority of drug offenders reaching parole eligibility at 33 percent of their sentence. Those with drug and property offenses served an average of nine months past parole eligibility.

Figure 4. **Less Than 10% of Prison Releases Paroled**



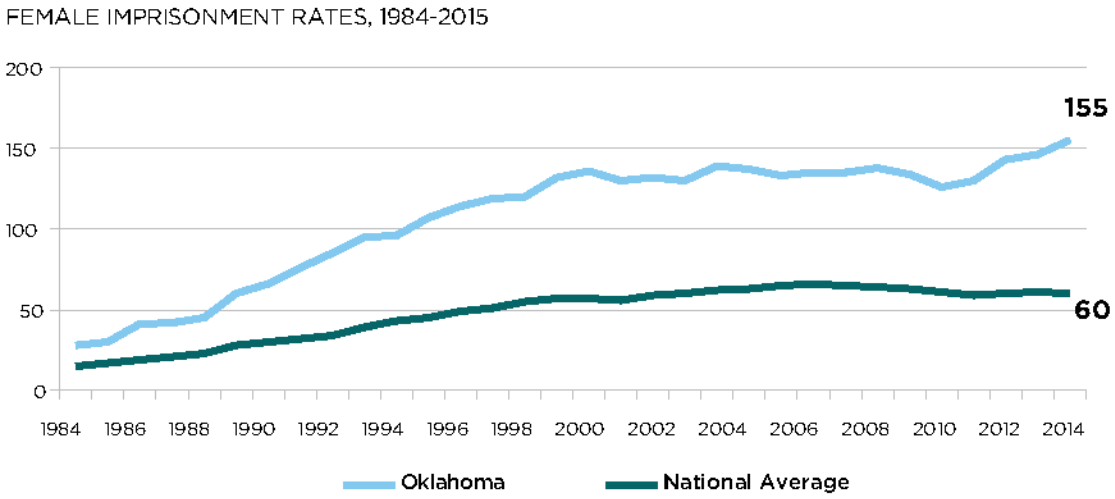
Source: Data from the Oklahoma Department of Corrections, Analysis by CJI

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DISPROPORTIONATE INCARCERATION OF WOMEN

Oklahoma has long had the highest female imprisonment rate in the nation, but in the last few years the gap between Oklahoma and the rest of the country has continued to widen. Between FY2011 and FY2015, the female prison population grew 30 percent.

Figure 5. Oklahoma Has the Highest Female Imprisonment Rate in the Nation, More Than Twice as High as the National Average and Growing



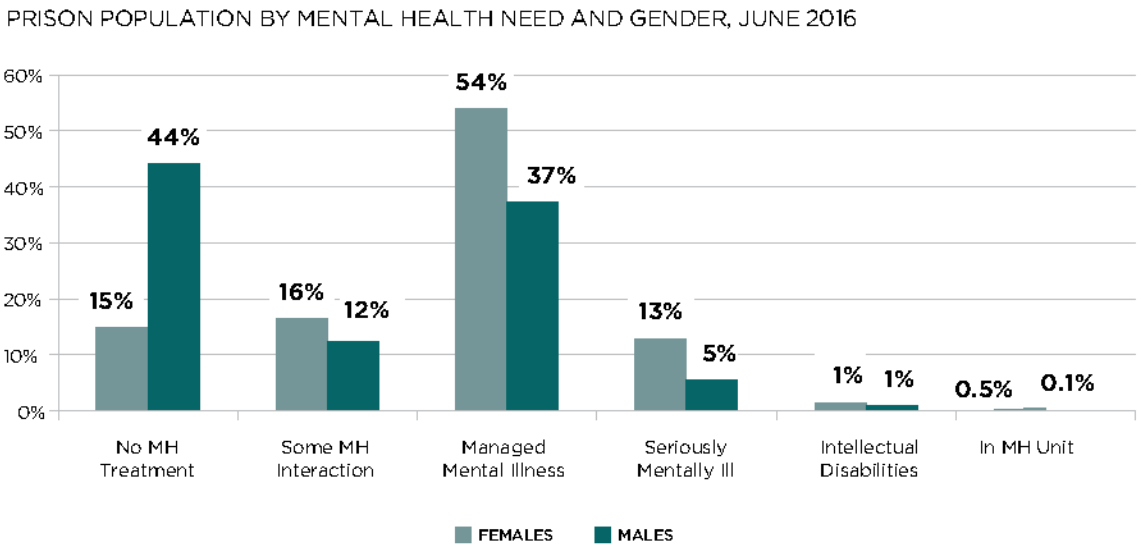
Source: Data from the Bureau of Justice Statistics, Correctional Statistical Analysis Tool

The vast majority of women going to prison in Oklahoma were serving time for drug-related crimes. Eighty-three percent of female prison admissions were for nonviolent crimes, with 42 percent for drug crimes alone. Women serving time for nonviolent offenses comprised nearly two-thirds (64 percent) of the female prison population in June 2016. The female prison population was projected to continue to grow at an alarming rate over the next 10 years.

Women in Oklahoma's prisons are much more likely to suffer from mental illness and substance abuse disorders than incarcerated men. Nearly 70 percent of Oklahoma's incarcerated women in 2016 had an actively managed or serious mental illness, compared to 44 percent of incarcerated men (See Figure 6).

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Figure 6. **69% of Women in Prison in Oklahoma Have an Actively Managed or Serious Mental Health Issue**

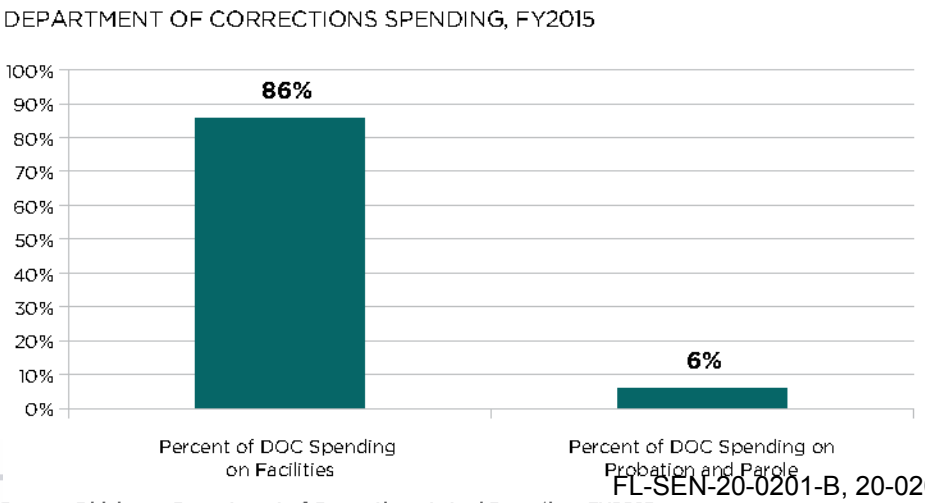


Source: Data from the Oklahoma Department of Corrections, Analysis by CJI

LIMITED RESOURCES IMPEDING EFFECTIVE SUPERVISION

Ninety-four percent of Oklahoma's prison inmates eventually return to their communities, and many more individuals are placed directly on supervision at sentencing. Despite the critical importance of effective supervision for recidivism reduction, resources for probation and parole are limited by Oklahoma's reliance on costly incarceration over community-based supervision. Incarceration in Oklahoma is 13 times more expensive than probation or parole supervision ($16,341 versus $1,218 annually in FY2015) in addition to being an ineffective crime prevention tool. In FY2015, the Department of Corrections (DOC) spent 86 percent of its budget on prison facilities and only 6 percent on probation and parole despite having 45 percent of offenders supervised in the community (See Figure 7).

Figure 7. **The Department of Corrections Spends 86% of its Budget on Prison Facilities and Only 6% on Probation and Parole**



Source: Oklahoma Department of Corrections Actual Spending, FY2015

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Diverting low-level, nonviolent offenders into effective alternatives such as supervision with treatment makes our communities stronger and saves resources for services for domestic violence victims."

– JAN PEERY AND DIANE BARKER-HEROLD, CRIME VICTIMS' ADVOCATES

While growth in the number of felony filings across the state contributed to an increase in the prison population, it had an even greater impact on the Department of Corrections' supervised population. Between FY2011 and FY2015, the community supervision population grew 16 percent. At the same time, success rates on probation as well as parole supervision fell. The Task Force found that in recent years more than half of probation revocations and 37 percent of parole revocations were for technical violations. In examining the allocation of staff resources, the Task Force discovered that Probation and Parole Services focused many of its supervision resources on low- and moderate-risk offenders rather than on high-risk offenders who are the most likely to reoffend. This practice runs counter to best practices for recidivism reduction and is an ineffective use of scarce resources.

COMPREHENSIVE LEGISLATIVE PACKAGE

In February 2017, the Task Force presented Governor Fallin and the Oklahoma Legislature with 27 policy recommendations. The legislative package, which included three bills passed in the 2017 session and seven bills in the 2018 session, reflects more than a dozen of the original Task Force recommendations. Together, the 10 bills expand access to alternatives to incarceration, adjust sentences for nonviolent offenders, and create release opportunities and improved reentry processes for those posing minimal risk to public safety. The 10 measures passed with large bipartisan majorities in both chambers after extensive vetting in legislative committees.

The legislation has four primary objectives:

Prioritize prison space for serious and violent offenders

- Applies the felony theft threshold established in 2016 to a broader group of low-level property offenses (HB 2281)
  - o Adjusts penalties for a range of low-level property offenses to match the felony theft threshold established by the legislature in 2016
  - o Creates a tiered penalty structure for property offenses by value
  - o Protects small businesses by authorizing multiple thefts committed in separate incidents or the items stolen in a single incident by multiple offenders to be combined to reach the felony threshold

VALUE OF PROPERTY	SENTENCE
$0-$1,000	Up to 12 months in jail
$1,000-$2,500	Up to 2 years in prison
$2,500-$15,000	Up to 5 years in prison
$15,000+	Up to 8 years in prison

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- Revises sentencing enhancements for nonviolent offenders (SB 649)
  - Distinguishes between individuals convicted of violent offenses and those with no history of violent offenses in the habitual offender statute
  - For certain eligible nonviolent offenses, revises the enhancement structure to remove any minimum sentence for offenders with a current nonviolent conviction and a nonviolent criminal history, and allows such offenders to be sentenced to no more than two times the maximum sentence otherwise authorized for a first offense
- Modifies burglary sentencing provisions to focus on those who jeopardize public safety (SB 786)
  - Establishes Burglary 3rd Degree for breaking and entering into vehicles, and eliminates the two-year mandatory minimum for Burglary 2nd Degree
- Reduces sentences for commercial drug offenses (SB 793)
  - Eliminates mandatory minimum sentences for possession with intent to distribute and reduces sentences for distribution, manufacturing, and trafficking offenses
  - Allows those convicted of possession with intent to distribute, distribution, or manufacturing to be eligible for a suspended, deferred, or probation sentence
  - Removes the sentence enhancement under the habitual offender statute and replaces it with a tiered penalty structure for repeat drug offenses
- Improves parole and release processes
  - Creates an administrative parole process for offenders convicted of nonviolent offenses who comply with case plans in prison, allowing the Pardon and Parole Board to focus on more serious offenders (HB 2286)
  - Establishes a geriatric parole release mechanism for inmates 60 or older to apply for parole consideration (HB 2286)
  - Lowers parole eligibility from one-third to one-fourth of the sentence for offenders convicted of a nonviolent offense (HB 2286)
  - Enables offenders serving life without parole for a nonviolent offense who no longer pose a threat to public safety to apply for resentencing after serving 10 years, making them eligible for parole and rehabilitation (SB 689)
  - Allows the court to depart from a mandatory minimum sentence for certain nonviolent crimes, if the mandatory sentence is not necessary for the protection of the public (SB 689)

Strengthen community supervision

- Strengthens parole and probation supervision practices (SB 689)
  - Establishes specialized supervision for sex offenders and domestic violence offenders

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- Expands access to alternatives to incarceration for deferred and suspended sentences (SB 689)
  - Allows those with a prior deferred sentence to be eligible to receive a deferred sentence, and places limitations on periods of incarceration as a result of a technical violation
- Reduces financial barriers (SB 689)
  - Requires that the Court of Criminal Appeals implement procedures and rules for establishing payment plans of fines, costs, fees, and assessments for indigent offenders

Reduce recidivism and remove barriers to successful re-entry

- Enhances in-prison case planning (SB 603)
  - Requires the DOC to administer a risk and needs assessment on new inmates, and to use the results of the assessment to develop an individualized case plan to guide rehabilitation and reduce the likelihood of recidivism
- Expands opportunities for expungement (SB 650)
  - Authorizes offenders convicted of no more than one nonviolent felony offense to apply for expungement if they have no new convictions or pending charges within the last seven years, rather than 15 years under prior law
- Improves training on effective recidivism reduction for criminal justice practitioners (HB 2284)
  - Requires the District Attorney Council, the Administrative Office of the Courts, the Board of County Commissioners, public defenders, and the Oklahoma Indigent Defense System to provide training on evidence-based practices related to behavioral health and substance abuse treatment

Support victims of crime

- Improves training for those working with victims of crime to increase protection, address trauma, and improve domestic violence intervention
  - Requires trainings provided by the District Attorney Council and the Administrative Office of the Courts to include training on domestic violence and victim trauma (HB 2284)
  - Requires the Council on Law Enforcement Education and Training to train law enforcement on personal-safety planning for victims of crime during the pretrial stage of the case (SB 604)
- Establishes specialized caseloads for high public safety threats (SB 689)
  - Strengthens supervision for repeat offenders, sex offenders, and domestic violence offenders by creating specialized caseloads for offenders convicted of these offenses and allowing the court to order batterers' assessments and participation in batterers' intervention programs

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INVESTING IN PRACTICES PROVEN TO REDUCE RECIDIVISM AND IMPROVE OUTCOMES IN THE COMMUNITY

Illustrating her commitment to improved public safety and funding that supports effective recidivism reduction, Governor Fallin invested more than $12 million in corrections and treatment programs in the 2018 budget:

$12 MILLION IN CORRECTIONS AND TREATMENT PROGRAMS IN THE 2018 BUDGET:

$7.1 MILLION:

- $5 million to the Department of Mental Health and Substance Abuse Services:
  - $4 million to fund risk/needs assessments
  - $1 million to fund drug and mental health treatment courts
- $2 million to restore treatment provider rate cuts
- $111,000 to the Pardon and Parole Board to fill two new field staff positions to improve the processing of pardons and paroles

$4.8 MILLION to THE DEPARTMENT OF CORRECTIONS

To fund a new Offender Management System that will allow DOC to collect important data and track probationers in a statewide unified system

$500,000 to *PAY FOR SUCCESS*

The program is proven to reduce the number of women sent to prison and mitigate the resulting impact of incarceration on their children

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Supporting Organizations

Oklahoma's legislative package received support from a broad group of stakeholders, including:

BancFirst
CEO Works Tulsa
Crowe & Dunlevy
Devon Energy
Dorchester Capital Corporation
Family and Children's Services
Family Policy Institute of Oklahoma
Fwd.us
George Kaiser Family Foundation
Greater Oklahoma City Chamber
Inter-Tribal Council of the Five Civilized Tribes
MACH Resources
Mental Health Association Oklahoma
Oklahoma ACLU
Oklahoma Administrative Offices of the Courts
Oklahoma Behavioral Health Association
Oklahoma Bureau of Narcotics
Oklahoma Center for Community and Justice
Oklahoma City YMCA
Oklahoma Conference of Churches
Oklahoma Corrections Professionals PAC
Oklahoma Council of Public Affairs
Oklahoma County Criminal Justice Advisory Council
Oklahomans for Criminal Justice Reform
Oklahoma Department of Corrections
Oklahoma Department of Mental Health and Substance Abuse Services
Oklahoma District Attorneys Council
Oklahoma Indigent Defense System
Oklahoma Pardons and Parole Board
Oklahoma Policy Institute
Oklahoma Right on Crime
Oklahoma State Bureau of Investigations
Oklahoma State Chamber of Commerce
Oklahoma Women's Coalition
ReMerge
The Education and Employment Ministry (TEEM)
The Oklahoma Academy
Tulsa Regional Chamber of Commerce
Tulsa Community Foundation
Urban League of Greater Oklahoma City
Women in Recovery
Workforce Tulsa
YWCA Tulsa

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Acknowledgements

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CJI
CRIME AND JUSTICE INSTITUTE
A Division of Community Resources for Justice

The Crime and Justice Institute (CJI), a division of Community Resources for Justice, works to improve public safety and the delivery of justice by providing nonpartisan technical assistance, research, and other services to improve outcomes across the spectrum of the adult and juvenile justice systems, from policing and pretrial through reentry. More information is available at www.crj.org/cji.

AMERICAN OVERSIGHT

NOVEMBER 2019

JUSTICE REINVESTMENT

PRIORITIZING PRISON RESOURCES WHERE THEY MATTER MOST

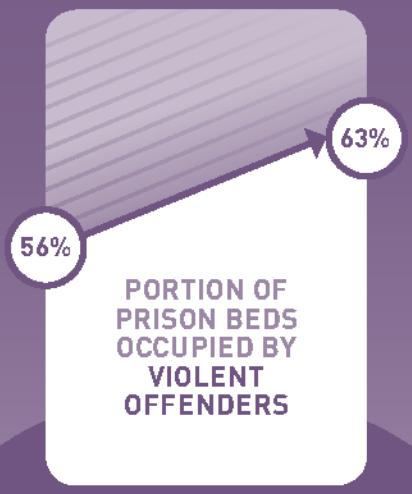
The **Justice Reinvestment Initiative (JRI)** is a partnership with state leaders from all three branches of government committed to using their criminal justice data to examine and improve their systems by implementing proven, innovative, and comprehensive approaches to reduce crime, cut recidivism rates, and shift resources toward more effective public safety strategies.

A central goal for states engaging in JRI is to focus prison space on those who have committed serious, violent, or repeat offenses, freeing up resources to invest in more effective recidivism-reduction strategies.

The Justice Reinvestment Initiative is an intensive, data-driven approach that allows states to address key challenges in their criminal justice systems, including violent crime, opioid addiction, mental illness, corrections costs, and recidivism. Funded by the Bureau of Justice Assistance, the initiative supports states to increase the cost-effectiveness of their justice systems and reinvest the savings into high-performing strategies to increase public safety.

Mississippi

JRI PASSED IN 2014





MISSISSIPPI DROVE THIS CHANGE BY:

- **INCREASING** eligibility for prison alternatives such as probation, intensive supervision, and drug court for those convicted of nonviolent offenses
- **GRANTING** the option for retroactive parole eligibility for some individuals incarcerated for a nonviolent offense
- **REQUIRING** mandatory time served before parole eligibility for nonviolent offenses and doubling that time for violent offenses

Utah

JRI PASSED IN 2015





UTAH DROVE THIS CHANGE BY:

- **REDUCING** penalties for certain lower-level offenses, most of which are nonviolent
- **INCREASING** alternative sanctions in lieu of revocation to prison
- **EXPANDING** the availability of community-based drug and mental health treatment

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A Division of Community Resources for Justice

For more information or for more state data, contact Barbara Pierce, Director of Justice Initiatives
Phone: **207.400.7594** | Email: **bpierce@cjinstitute.org**

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Achieving the Goal

A key indicator of progress toward prioritizing prison resources where they matter is the increase in the proportion of a state's prison population comprised of people convicted of violent offenses versus nonviolent offenses.

Four states that received technical assistance from the Crime and Justice Institute, with funding from the Bureau of Justice Assistance, enacted policies to achieve this goal.

The main strategies to shift the composition of the states' prison populations include:

1

CREATING tiered penalties to address violent conduct based on severity



2

FOCUSING recidivism reduction resources on those most likely to reoffend



3

PRIORITIZING earned time for those convicted of nonviolent offenses



4

EXPANDING parole eligibility for those convicted of nonviolent offenses



Alaska

JRI PASSED IN 2016*



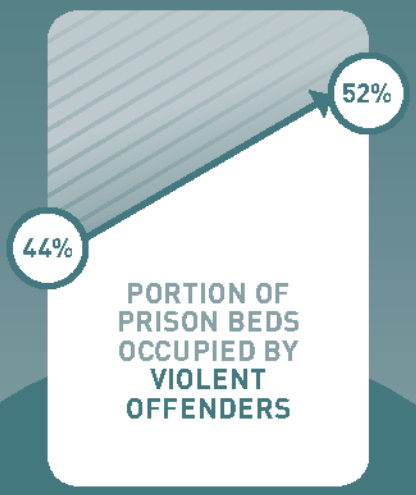


ALASKA DROVE THIS CHANGE BY:

- **EXPANDING** law enforcement arrest discretion to focus on serious offenses
- **RECLASSIFYING** certain lower-level misdemeanors as violations and some nonviolent felonies as misdemeanors
- **REDUCING** presumptive sentencing ranges for some offenses
- **INCREASING** penalties for homicides

Louisiana

JRI PASSED IN 2017





LOUISIANA DROVE THIS CHANGE BY:

- **REDUCING** penalties for some nonviolent offenses and expanding eligibility for prison alternatives and treatment for some nonviolent offenses
- **ALLOWING** more nonviolent offenders to earn time off their prison sentence through good behavior and participation in rehabilitative programs
- **EXPANDING** parole eligibility to nonviolent, non-sex offenders, including those sentenced under the habitual offender statute

This project was supported by Grant No. 2015-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

*In 2019, HB 49 rolled back portions of the original legislation.

Find out more at **www.cjinstitute.org**

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FL-SEN-20-0201-B, 20-0202-A-004381

JRI: HELPING LAW ENFORCEMENT KEEP COMMUNITIES SAFE

October 2019

The Justice Reinvestment Initiative (JRI) helps states' local law enforcement agencies tackle public safety challenges by providing resources to address

- law enforcement training needs;
- crime-fighting strategies;
- data system upgrades;
- people experiencing behavioral health crises; and
- victims services.

INTRODUCTION

Every law enforcement agency faces a unique combination of public safety challenges, such as addressing rising violent crime rates and serving as first responders to people experiencing a mental health crisis or overdose. To respond effectively, law enforcement agencies need to collect, analyze, and utilize data in actionable ways that support strategies to prevent crime and apprehend people who commit crimes. They also need access to the latest research on evidence-based policing practices and the training to implement them.

One way states have helped law enforcement agencies tackle these challenges is through JRI, which is funded by the U.S. Department of Justice's Bureau of Justice Assistance with support from The Pew Charitable Trusts. JRI provides technical assistance to states to analyze data and understand key criminal justice challenges, including violent crime, substance use and mental health disorders, and high recidivism rates; develop policies and practices; and plan budgets accordingly to reduce crime and recidivism, improve responses to behavioral health challenges, and increase public safety.

CSG Justice Center
THE COUNCIL OF STATE GOVERNMENTS

The Council of State Governments (CSG) Justice Center is a national nonprofit, nonpartisan organization that combines the power of a membership association, representing state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities. For more information about the CSG Justice Center, visit www.csgjusticecenter.org.

CJI
CRIME AND JUSTICE INSTITUTE
A Division of Community Resources for Justice

The Crime and Justice Institute bridges the gap between research and practice with data-driven solutions that drive bold, transformative improvements. With a reputation built over many decades for innovative thinking, a client-centered approach, and impartial analysis, CJI assists in developing effective policies, creates and supports implementation strategies, and drives positive change across the spectrum of the adult and juvenile justice systems. For more information, visit www.crj.org/cji.

This project was supported by Grant No. 2015-ZB-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. To learn more about the Bureau of Justice Assistance, please visit bja.gov.

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ARKANSAS

Helping Law Enforcement Respond to People in the Criminal Justice System Who Have Mental Health Disorders

Each year, an estimated 1,300 of the 7,600 people in Arkansas's jails have serious mental health disorders, and most of those jails are not equipped to provide necessary treatment. Arkansas policymakers passed Justice Reinvestment legislation in 2017—Act 423, the Criminal Justice Efficiency and Safety Act—that required and funded Crisis Intervention Team (CIT) training for law enforcement officers and crisis stabilization units (CSUs). This training enabled officers to take people experiencing a mental health crisis to receive treatment at facilities designed to meet their needs instead of going to jail, thereby reducing the burden on jails and law enforcement. In the two years since Act 423's enactment,

- $6.4 million in state funding has been allocated for regional CSUs and CIT training;
- Every county and local law enforcement agency with at least 10 full-time officers has at least one officer who has received intensive CIT training, which enables them to refer people to CSUs;
- All new recruits now receive basic CIT training at the academy, and almost 1,400 veteran officers have received basic CIT training; and
- 4 CSUs serving 28 counties are fully operational.[1]

LOUISIANA

Funding Crime Victims' Services

In June 2017, Louisiana enacted a bipartisan package of 10 bills aimed at protecting public safety and making better use of correctional dollars. The Louisiana Commission on Law Enforcement (LCLE) is an organization that improves public safety by providing training to law enforcement, administering grant programs to benefit crime victims, and supporting coordination between criminal justice organizations. In 2018, LCLE distributed $1.7 million to

- Create a dedicated forensics server for the Louisiana Bureau of Investigations Cyber Crimes Unit;
- Improve electronic notifications for victims by developing a system that will interface with the courts;
- Supplement the Crime Victims' Reparations Fund; and
- Establish a new Family Justice Center in East Baton Rouge Parish.

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MASSACHUSETTS

Strengthening Crime and Arrest Data Collection and Reporting

The FBI has notified local law enforcement agencies across the country that by 2021, it will only accept crime and arrest data for its Uniform Crime Reporting Program using the more thorough National Incident-Based Reporting System (NIBRS) instead of the older and limited Summary Reporting System. By collecting more detailed, meaningful, and previously uncollected data about crime and arrests, NIBRS can help local law enforcement agencies identify crime patterns and improve public safety. Policymakers and the public can use the more comprehensive data to hold law enforcement agencies accountable to the communities they serve. Massachusetts was an early adopter of NIBRS; approximately 350 agencies, representing about 84 percent of all agencies in the state, reported data to the FBI using NIBRS in 2017.[2] To ensure that the rest of the state complies with the federal requirements, Senate Bill 2371, which Massachusetts enacted as part of its Justice Reinvestment effort in 2018, includes provisions requiring

- All law enforcement agencies in the state to transition to NIBRS and
- The Department of Criminal Justice Information Services to make data collected through NIBRS publicly available on its website.

MISSOURI

Providing Law Enforcement with Tools to Reduce Violent Crime and Improve Data Collection and Reporting

Missouri enacted Justice Reinvestment legislation, House Bill 1355, in 2018 to provide funding and technical assistance to help local law enforcement agencies reduce violent crime, increase community-based treatment for people in the criminal justice system who have substance use and mental health disorders, and increase support for victims, among other measures. The state developed a grant program to provide financial and technical assistance to create or improve local law enforcement pilot programs that support training opportunities, build analytical capacity and data system upgrades to NIBRS, and enhance community policing efforts. To ensure the grant program meets the needs of local law enforcement, by the end of 2019, Missouri will have

- Surveyed all police chiefs and sheriffs' offices statewide to identify barriers to evidence-based, data-driven violent crime reduction efforts and how the state can help address them;
- Completed seven regional focus groups with sheriffs, police chiefs, and supervisors from across the state to learn more about the needs of law enforcement and identify what the grant funding can do to support their communities; and
- Provided $175,000 in initial grant funding using information gained from the survey and focus groups to support training, enhance use of data, and strengthen policing practices.

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NEVADA

Providing Law Enforcement with Tools and Resources to Better Respond to People with Behavioral Health Needs

Through JRI analysis, Nevada's Advisory Commission on the Administration of Justice (ACAJ) determined that given law enforcement's role as the first point of contact for people entering the criminal justice system, they needed additional tools and resources to better respond to people with behavioral health needs. ACAJ's subsequent recommendations were translated into Assembly Bill (AB) 236. Enacted in June 2019, AB 236 requires

- The development of standards for CIT programs to train law enforcement officers to identify signs and symptoms of mental health disorders and provide them with skills to de-escalate situations involving people experiencing a mental health crisis;
- The establishment of a Mental Health Field Response Grant Program to encourage expansion of innovative law enforcement programs;
- Averted costs as a result of AB 236 to be calculated and funding to be prioritized for targeted areas such as behavioral health; and
- The establishment of a JRI local coordinating council that will allow representatives from each county to identify public safety needs and recommend grants for local initiatives, including law enforcement programs.

OKLAHOMA

Funding Local Law Enforcement Agencies to Reduce Violent Crime

Oklahoma state policymakers created the Safe Oklahoma Grant Program in 2012 to fund law enforcement-led strategies to reduce violent crime as part of the state's Justice Reinvestment legislation, House Bill 3052. The grant program provides funding to target five key areas related to violent-crime prevention: implementing evidence-based policing strategies, increasing technological capacity to support crime prevention, improving analytical capacity, engaging with community partners, and providing victim services.

- Oklahoma awarded more than $10 million to 46 local law enforcement agencies across the state between 2012 and 2018 as part of the Safe Oklahoma Grant Program.
- Oklahoma City received funding to implement proactive policing strategies and nuisance abatement activities and develop community partnerships in a high-crime target area.
- The Oklahoma State Bureau of Investigations reported greater reductions in crime in the target area than Oklahoma City overall between 2013 and 2016 (see table below).[3]

Change in Number of Violent Crimes in Target Area Compared to Oklahoma City Overall, 2013–2016

	Target Area	Oklahoma City
Violent Crime Overall	-21.6%	-6.5%
Murder	-50%	-3.2%
Rape	-60%	-8.7%
Robbery	-29.6%	-14%
Aggravated Assault	-11.6%	-3.6%

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OREGON

Investing in Law Enforcement Efforts to Use Research-Based Policing Practices

In 2013, Oregon lawmakers passed Justice Reinvestment legislation (House Bill 3194) that created and provided initial funding for the Oregon Center for Policing Excellence (CPE) to develop and deliver training and resources that promote the use of evidence-based policing. In collaboration with the Oregon Criminal Justice Commission, CPE developed the Oregon Knowledge Bank, an online resource that highlights innovative and evidence-based policing, corrections, and community supervision programs operating in the state; provides research conducted on Oregon's criminal justice initiatives; and offers public safety agency profiles.

- The Oregon Criminal Justice Commission provided $3.46 million in the 2013–2015 biennium for the state police to spend on its crime lab and other programs and $2.5 million in the 2017–2019 biennium across seven counties to fund law enforcement and circuit courts.
- Since establishing an annual conference on problem-oriented policing in 2015, CPE has held four conferences with approximately 100 law enforcement officers and/or analyst attendees each year.
- CPE has trained newly promoted public safety supervisors and/or managers on research-informed decision-making since 2014 and public safety professionals and/or behavioral health practitioners with specialized behavioral health training since 2016.
- CPE has incorporated the Oregon Knowledge Bank into its basic police training and its leadership curriculum. The website had attracted almost 30,000 new visitors by 2017, two years after its development.[4]

PENNSYLVANIA

Investing in Tools, Tactics, and Training to Increase Public Safety

In 2012, Pennsylvania enacted Justice Reinvestment legislation (Acts 122 and 196) that established the legislature's funding priorities through a statutory formula. The formula required a portion of the money the state saved through JRI policy changes that reduced incarceration costs to be used to improve public safety and the quality of supervision by funding local law enforcement and county probation supervision. Five years after enacting the legislation, Pennsylvania has

- Provided almost $8.5 million in law enforcement grants for a range of projects, including law enforcement equipment and technology updates; CIT, de-escalation, and use of force training; strategies to prevent opioid overdose deaths; community outreach and relationship building; enhancements to data collection; and improvements to arrest fingerprint submissions; and
- Granted more than $5 million to county probation departments for upgrading equipment and technology; implementing risk assessments; using cognitive behavioral programs; and improving communication and information sharing with law enforcement.[5]

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Endnotes

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LOUISIANA'S REINVESTMENT INTO RECIDIVISM REDUCTION AND VICTIM SERVICES

FEBRUARY 2019

The Crime and Justice Institute (CJI), a division of Community Resources for Justice, works to improve public safety and the delivery of justice by providing nonpartisan technical assistance, research, and other services to improve outcomes across the spectrum of the adult and juvenile justice systems, from policing and pretrial through reentry. CJI provides direct technical assistance, assessment, implementation, research, data analysis, training, facilitation, and more. We take pride in our ability to improve evidence-based practices in public safety agencies and gain organizational acceptance of those practices. We create realistic implementation plans, put them into practice, and evaluate their effectiveness to enhance the sustainability of policies, practices, and interventions.

Find out more at www.crj.org/cji.

OVERVIEW

One year into Louisiana's implementation of landmark criminal justice reforms, the state no longer leads the nation in imprisonment and has earmarked millions of dollars in savings for reinvestment into programs that reduce recidivism and support crime victims.

In June 2017, Louisiana Governor John Bel Edwards signed into law a bipartisan package of 10 bills aimed at protecting public safety and making better use of correctional dollars. At the time, Louisiana's incarceration rate was nearly twice the national average, costing the state almost $700 million in corrections spending annually. Despite this enormous public investment, one in three inmates released from prison was re-incarcerated within three years.

The policy package was the result of months of study by the Louisiana Justice Reinvestment Task Force, an inter-branch, bipartisan panel of experts. The Task Force found that Louisiana had been sending a growing share of people to prison rather than prison alternatives,[1] yet leading criminologists have found that incarceration does not reduce recidivism more than non-custodial sanctions.[2] This trend was partly due to legislative restrictions on the use of community supervision, treatment, or other approaches such as specialty courts. During this time of more prison and less use of alternatives, the recidivism rate remained unchanged.

The new laws put in place policies designed to steer people convicted of less serious crimes away from prison, strengthen alternatives to incarceration, reduce prison terms for those who can be safely supervised in the community, and remove barriers to successful reentry.

Louisiana sought support from the Department of Justice's Bureau of Justice Assistance (BJA) to implement the new policies, with the Crime and Justice Institute partnering with state leaders to carefully put the policies into action. Louisiana has already begun to see significant results, including a drop in the prison population and larger-than-expected savings that will support state agencies and local partners in continued successful rollout.

[1] The full taskforce report can be found here: http://gov.louisiana.gov/assets/docs/Issues/Criminal-Justice/Justice-Reinvestment-Task-Force-Report_2017.pdf

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"I'm extremely proud of how we're making a huge difference in Louisiana today and for future generations through the passage and implementation of these historic criminal justice reforms. We're saving the state millions of dollars and reinvesting the savings into programs that reduce recidivism, support victims, and improve public safety. In addition, Louisiana no longer has the nation's highest incarceration rate, and we're moving in the right direction to make Louisiana a safer place."

—DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS SECRETARY JAMES M. LE BLANC

BACKGROUND

For more than two decades, Louisiana had the highest incarceration rate in the nation, fueled partly by stiff mandatory sentencing laws and restrictive parole practices, including for lower-level, nonviolent offenders. By 2017, state spending on corrections was approaching $700 million, yet this increased investment was not reducing recidivism.

In 2016, Louisiana leaders requested help through BJA's Justice Reinvestment Initiative (JRI) to develop solutions that would ease the strain on state budgets while reducing recidivism. Through the JRI process, the Louisiana Justice Reinvestment Task Force recommended a package of policy recommendations that became the basis for the 2017 legislation, which stands as the most comprehensive criminal justice improvement effort in the state's history.

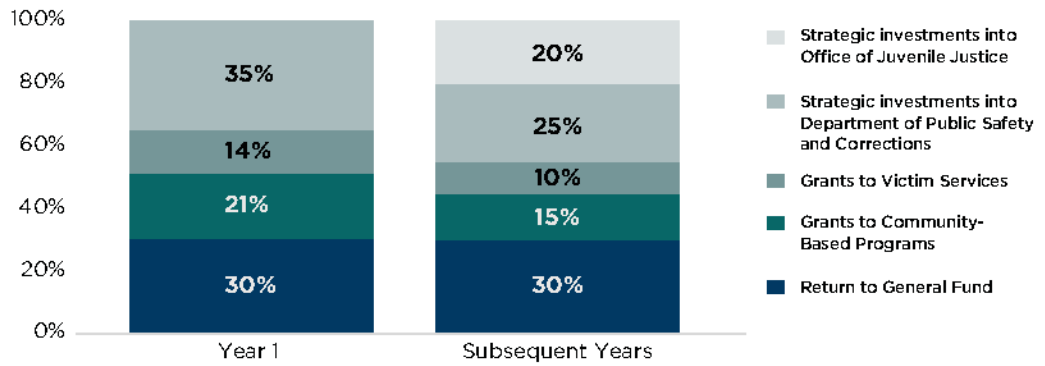
According to data from the Department of Public Safety and Corrections, the makeup of Louisiana's prison population has shifted to make smarter use of the limited resources. The number of people imprisoned for nonviolent offenses has dropped by 20 percent, opening up prison space and resources to focus more on individuals who pose the largest threat to the public. As a result, a majority of Louisiana's prison population (52 percent, as of the first quarter of 2018) is now incarcerated for a violent offense. The overall prison population decreased 7.6 percent since implementation of the policies began.

REINVESTING JRI SAVINGS

These shifts in the correctional population resulted in significant savings, 70 percent of which is slated for reinvestment into programs that reduce recidivism and support victims of crime; this allocation, shown in the graph below, is a statutory requirement that resulted from the Justice Reinvestment effort.[3]

In October 2018, the Department of Public Safety and Corrections (DPS&C) reported a total savings of $12.2 million in the first year of implementation, double the original projected savings of $6.1 million. Of that amount, $8.5 million is going back into recidivism reduction and victim services.

DISTRIBUTION OF REINVESTMENT DOLLARS



Given the required statutory framework for reinvestment, Louisiana policymakers have made available the following amounts for the coming year:

1. **$4.27 million for targeted Department of Public Safety & Corrections investments**
2. **$1.7 million for victim services grants**
3. **$2.53 million in grants to community-based programs**

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[3] Reinvestment requirements are laid out in HB 489, one of the 10 bills in the JRI package.

TARGETED INVESTMENTS INTO DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS

The Department intends to use first-year reinvestment funding to support the following priorities:

- Increase programming for state inmates housed at local jails;
- Enhance and expand Regional Reentry Centers;
- Increase Probation and Parole staffing and Day Reporting Centers;
- Launch a Transitional Housing pilot program;
- Open a new Reception Center to conduct assessments for new inmates; and
- Expand Specialty Courts.

GRANTS TO VICTIM SERVICES

The reinvestment money for victim services will be allocated by the Louisiana Commission on Law Enforcement. The Commission plans to use first-year reinvestment funding to:

- Supplement the Crime Victims' Reparations Fund;
- Establish a new Family Justice Center in East Baton Rouge Parish;
- Improve electronic notifications for victims by developing a system that will interface with all 64 parish clerks of court; and
- Provide funding to the Louisiana Bureau of Investigations for a dedicated forensics server for its Cyber Crimes Unit.

GRANTS TO COMMUNITY-BASED PROGRAMS

To distribute reinvestment funds earmarked for grants to community-based programs, DPS&C created a Community Incentive Grant Program and issued a Request for Proposals (RFP) to distribute the funds effectively and transparently.

The department sought proposals for programs or services to accomplish one or more of the following:

1. **Prioritize incarceration for serious and violent offenders** by expanding alternatives to prison such as pretrial intervention and/or diversion programs;
2. **Reduce crime among those returning to the community** by improving and expanding reentry resources such as employment and employment readiness, transportation, behavioral health care (mental health and substance use treatment), family reunification, education and/or vocational training, mentoring and peer support, and other wraparound services; and
3. **Improve community coordination of reentry resources.**

For the first year of the Community Incentive Grant program, the department appropriated $2.5 million for nonprofit organizations in the five parishes that account for 40 percent of the state's incarcerated population: East Baton Rouge, Caddo, St. Tammany, Jefferson, and Orleans. This first year of reinvestment will serve as a pilot, funding the development of innovative programs that can be expanded to additional parishes in future years.

At the end of October, the department announced awards to 11 nonprofits, some of which operate in multiple parishes. The organizations that received awards will provide a range of services including life skills, peer support, wraparound services, reentry programs, job training, behavioral health support, and legal services.[4] With this funding, these organizations will expand their work and deliver programs to help individuals transition back to the community after incarceration.

[4] All of the first year grantees will focus on priorities 2 (reducing returns to prison) and 3 (improving community coordination of reentry resources). No grantees were selected to focus on expanding alternative to prison.

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PARISH	ORGANIZATION	AWARD
East Baton Rouge Parish	Capital Area Human Services District	$327,059
	Louisiana Parole Project	$22,433
	The Life of a Single Mom	$57,529
Caddo Parish	Louisiana Parole Project	$22,433
	United Way of Northwest Louisiana	$365,635
St. Tammany Parish	Catholic Charities	$65,075
	Louisiana Parole Project	$22,433
Jefferson Parish	Louisiana Parole Project	$22,433
	United Way of Southeast Louisiana	$250,000
Orleans Parish	Catholic Charities	$254,208
	Goodwill Industries	$447,785
	Formerly Incarcerated Transitions (FIT) Clinic	$32,795
	Louisiana Parole Project	$22,433
	Louisiana Parole Project	$22,433
	Orleans Public Defenders	$377,000
	Welcoming Project	$125,000

A SOLID PATH FORWARD

Since passing the most significant criminal justice reform in state history, Louisiana has made meaningful progress in implementing new policies and practices designed to protect public safety and better utilize state corrections dollars.

Though implementation is a long process, the reforms have already had a dramatic impact, moving Louisiana out of its long-held top spot as the most incarcerated state in the nation and surpassing expectations for savings. By channeling $8.5 million in savings into innovative and evidence-based programs, Louisiana leaders are putting the state on a solid path for the positive impact of criminal justice reform to continue and expand.

This project was supported by Grant No. 2015-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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THE PEW CENTER ON THE STATES

PUBLIC SAFETY PERFORMANCE PROJECT

ISSUE BRIEF

2012 Georgia Public Safety Reform

Legislation to Reduce Recidivism and Cut Corrections Costs

Highlights

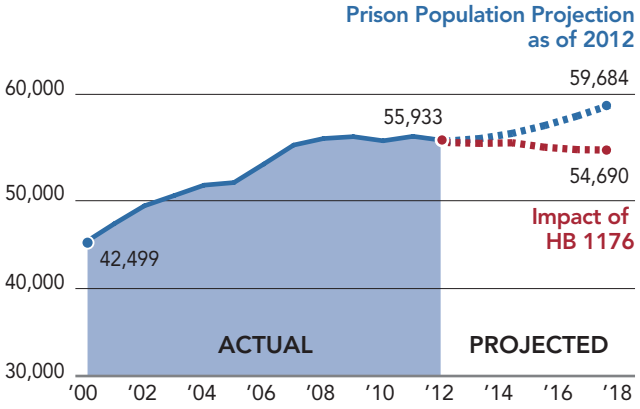
Problem: Since 1990, Georgia's prison population more than doubled to nearly 56,000 inmates. Today, the state spends more than $1 billion annually on corrections. Despite this growth, the proportion of inmates who were reconvicted of a felony within three years of release remained at nearly 30 percent during the past decade. If current policies had remained, the population was projected to grow 8 percent over five years at a cost of $264 million.

Findings: An extensive review of data by the Special Council on Criminal Justice Reform for Georgians (Council) revealed that drug and property offenders accounted for almost 60 percent of prison admissions. Judges had few viable sentencing options other than prison, and probation and parole agencies lacked the authority and resources to effectively supervise offenders in the community.

Reforms: With technical assistance from the Pew Center on the States and its partners, the Council issued recommendations to improve public safety by focusing prison space on serious offenders, strengthening probation and alternative sentencing options, relieving local jail overcrowding, and improving performance measurement. HB 1176, based on the Council's proposals, passed both chambers of the General Assembly unanimously and was signed by Governor Nathan Deal in May 2012.

The Impact of Public Safety Reform

HB 1176 is projected to reduce the prison population by nearly 5,000 beds over the next five years, saving taxpayers at least $264 million.[1]



Impact: HB 1176 is projected to avert all the anticipated growth in prison population and costs over the next five years, saving at least $264 million. Through accompanying budget initiatives, the state redirected more than $17 million of the savings into efforts to reduce reoffending. Governor Deal signed an Executive Order to continue the Council to monitor and expand on the reforms.

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Background

Between 1990 and 2011, the prison population in Georgia more than doubled to nearly 56,000 inmates.[2] Since 2000, the inmate population grew 35 percent.[3] Recent data show that one in 70 Georgia adults was behind bars (in state, local, or federal facilities), compared with the national incarceration rate of one in 100 adults, giving Georgia the fourth highest incarceration rate in the country.[4]

This scale of correctional control and growth came at a substantial cost to Georgia's taxpayers. Today, the state spends more than $1 billion annually on corrections,[5] up from $492 million in fiscal year 1990.[6] With more than $100 million in costs outside the Department of Corrections budget, including capital expenditures and retiree health care contributions, the total cost of the Georgia prison system in fiscal year 2010 was $1.13 billion.[7]

> "We studied this important issue for a year, met with all the stakeholders, weighed the pros and cons, and delivered a product that passed with total support from both sides of the aisle. That's amazing, particularly on an issue that's so often at the center of partisan divides."
>
> — Gov. Nathan Deal

Yet, despite this growth in population and spending, Georgia taxpayers have not received a sufficient public safety return on their corrections dollars: The proportion of inmates who are reconvicted of a felony within three years of release has remained unchanged at nearly 30 percent throughout the past decade.[8]

If current policies had remained in place, analysis at the time indicated that Georgia's prison population would rise by another 8 percent to reach nearly 60,000 inmates within five years.[9] With the state's existing prison facilities filled to 107 percent of capacity,[10] continued inmate growth would have created substantial taxpayer burdens. Absent policy reform, the state faced the need to spend an additional $264 million to expand capacity.[11]

Special Council on Criminal Justice Reform for Georgians

Seeking to protect public safety while controlling the growth of prison costs, the 2011 Georgia General Assembly passed HB 265 to establish the bipartisan, inter-branch Special Council on Criminal

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Justice Reform for Georgians (Council). The legislation also created a Special Joint Committee on Georgia Criminal Justice Reform (Joint Committee), comprised of members from both legislative chambers, to consider the recommendations of the Council in the 2012 legislative session.

Beginning in the summer of 2011, the Council members (see sidebar on page five) began a detailed analysis of Georgia's sentencing and corrections data to identify the factors driving the state's prison growth. They also audited state policies and practices and solicited input from a wide range of stakeholders, including prosecutors, sheriffs, crime victim advocates, and county officials. The Council used that information to develop research-based, fiscally sound policy options to protect public safety, hold offenders accountable, and control corrections costs.

The Council received technical assistance from the Public Safety Performance Project of the Pew Center on the States. Pew and its partners, the Crime and Justice Institute and Applied Research Services, Inc., helped the Council analyze current sentencing and corrections policies and generate data-driven policy options.

Key Findings

The Council determined that the state's prison growth was not explained by an increase in crime. Despite some year-to-year fluctuations, violent and property crime rates have declined in Georgia as they have in most states. In the past decade, violent and property crime rates have fallen 20 and 21 percent, respectively.[12] Despite a resident population that has grown significantly, the total number of violent crimes reported to police in 2009 is the same as it was in 1999.[13]

The Council's extensive data analysis revealed that Georgia's inmate population growth was due in large part to policy decisions about who is being sent to prison and for how long. The Council identified several specific challenges, including:

High Number of Lower-Risk Offenders in Prison: The data showed that drug and property offenders represented almost 60 percent of all prison admissions,[14] and the average length of stay behind bars for drug and property crimes had more than tripled between 1990 and 2010.[15]

Importantly, many of these offenders were identified as lower risk to reoffend. In 2010, Georgia courts sent more than 5,000 lower-risk drug and property offenders to prison who had never been to prison before, accounting for 25 percent of all admissions that year.[16] Looking more

> "There's plenty of evidence that the way we have addressed these types of offenders in the past has not been effective."
>
> — Rep. Jay Neal, R-Lafayette

closely at drug admissions, more than 3,200 offenders were admitted to prison in 2010 on a drug possession conviction (as opposed to a sales or trafficking conviction), and two-thirds of these inmates were assessed as lower risk to reoffend.[17]

Insufficient Supervision Resources: The Council also identified several challenges to the state's ability to effectively supervise offenders in the community and provide interventions to reduce the likelihood of reoffending. Georgia's probation and parole agencies operate some effective programs using evidence-based tools to identify and supervise higher-risk offenders, but the Council's analysis showed that these options were limited and that supervision agencies did not have the resources required to supervise all offenders effectively.

Lack of Options: The Council found that evidence-based services and programs, especially substance abuse and mental health, were either insufficient or unavailable in many areas of the state. For example, the state's existing drug courts covered less than 50 percent of Georgia's counties.[18] Judges and prosecutors alike indicated that expansion of these and other programs, such as Day Reporting Centers, would help them divert greater numbers of lower-risk offenders from prison and achieve better public safety outcomes at a lower cost.

Local Jail Backlog: Local jails in Georgia routinely hold inmates awaiting transfer to state facilities, including newly sentenced offenders and those waiting for a bed at a specific facility. The state had more than 800 inmates housed in county jails awaiting beds at Probation Detention Centers (PDC) and approximately 750 inmates in jails awaiting beds at Residential Substance Abuse Treatment (RSAT) programs.[19] This backlog has been a constant source of tension between state and local governments due to the costs of housing offenders awaiting a transfer.

Outcome Measurement: Most performance measures at the Georgia Department of Corrections track processes such as case flow (e.g., new cases received, cases discharged, cases remaining), activity counts (e.g., number of office or field contacts completed, number of drug tests administered), or point-in-time snapshots (e.g., average caseload size, types of cases supervised). Such measures provide information about the agency workload but fail to address the results achieved by the agency. A comprehensive performance measurement system also tracks and reports on key outcome measures such as recidivism, employment, substance use, and payment of victim restitution.

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The Council Report

Council members acknowledged the role that increased incarceration played in helping reduce crime, but saw its mission as finding the best way to deploy state resources to produce steeper drops in crime and recidivism. Based on the data analysis and the assessment of the correctional system, in November 2011 the Council issued a report detailing a broad spectrum of proposals designed to improve public safety, hold offenders accountable, and control corrections costs.[20]

The policy options in the report focused on concentrating prison space on violent and career criminals and more effectively punishing low-level drug users and property offenders through alternatives. Where fiscal savings were achieved, the Council recommended that a portion should be reinvested into those options proven to reduce recidivism and improve public safety. These included expanding the availability of drug and other accountability courts and strengthening community supervision. The Council also proposed investing in effective information and performance measurement systems.

This report was forwarded to the governor, lieutenant governor, speaker of the House of Representatives, and chief justice of the Supreme Court for full consideration by the Joint Committee. At the request of Governor Deal, the policy options in the Council report were translated into legislation and introduced as House Bill 1176 by Representative Rich Golick, co-chair of the Joint Committee.

SPECIAL COUNCIL ON CRIMINAL JUSTICE REFORM FOR GEORGIANS

Gubernatorial Appointees

Hon. Todd Markle
(Chair and designee of the Governor)
Superior Court Judge, Atlanta Judicial Circuit

Linda Evans
Member, Judicial Qualifications Commission

David McDade
District Attorney, Douglas County

Ken Shigley
President, Georgia State Bar

Senate Appointees

Sen. John Crosby
District 13, Tifton

Sen. Bill Hamrick
District 30, Carrollton

Sen. Ronald Ramsey
District 43, Decatur

House Appointees

Rep. Mary Margaret Oliver
District 83, Decatur

Rep. Jay Powell
District 171, Camilla

Rep. Willie Talton
District 145, Warner Robins

Judicial Branch Appointees

Hon. Carol Hunstein
Chief Justice, Supreme Court of Georgia

Hon. Michael P. Boggs
Superior Court Judge, Waycross Judicial Circuit

Hon. Ural Glanville
Superior Court Judge, Atlanta Judicial Circuit

Legislative Reform Package

The Georgia General Assembly unanimously passed HB 1176, with votes of 162-0 in the House and 51-0 in the Senate.[21] The law is expected to avert the projected 8 percent increase in the prison population and the associated cumulative cost of $264 million. Through accompanying budget initiatives, the General Assembly also reinvested more than $17 million of the prison savings into measures designed to reduce reoffending. In addition, Governor Deal signed an Executive Order to reassemble the Council in order to make recommendations on additional areas of improvement to the criminal justice system to protect public safety by reducing recidivism.

How the Public Safety Reform Works



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1. Focuses Prison Space on Serious Offenders

The law reflects a consensus that serious offenders deserve long prison sentences but that many nonviolent offenders can be sentenced to shorter periods of incarceration or effectively supervised in the community. This tiered approach is cost effective and helps ensure that prison beds are available for more serious offenders.

- **Creates degrees of burglary based on the seriousness of the offense.** Increases penalties for serious burglaries and establishes a graduated scale of penalties so that burglary of a residence is punished more severely than burglary of a non-residence.
- **Creates degrees of forgery based on the seriousness of the offense.** Increases penalties for serious forgeries and establishes a graduated scale of penalties based on the type of forgery.
- **Creates levels of theft based on the seriousness of the theft.** Raises the felony theft threshold from $500, which was set in 1982, to $1,500, and creates a graduated scale of penalties for felony theft based on the value of the stolen items. Raises the penalty for the most serious theft (above $25,000) and increases the felony shoplifting threshold from $300 to $500.
- **Revises penalties for simple possession of drugs.** Creates degrees of drug possession based on the weight of drugs and establishes a graduated scale of penalties, with higher penalties for third and subsequent convictions. Also restricts drug possession offenses from applying to the recidivist statute.
- **Reinvests $175,000 to develop a front-end risk assessment tool.** Provides funding to create a new tool to assist judges at sentencing in identifying lower-risk, nonviolent offenders who could be safely diverted from prison.

> “HB 1176 outlines much-needed reforms that will improve public safety, lower recidivism rates, and bring real costs savings to Georgia taxpayers.”
>
> — Sen. Bill Hamrick, R-Carrollton

2. Reduces Recidivism by Strengthening Probation and Alternative Sentencing Options

The new law expands cost-effective sentencing options for the courts and improves the state's ability to reduce recidivism.

- **Allows the courts to order electronic monitoring** with all offenders.
- **Allows probation to impose graduated sanctions** that swiftly and certainly respond to offender violations.

> "[I]n addressing the root problem, we're going to keep people from committing other crimes and reunite them with their families and make them taxpayers, not tax burdens."
>
> — Chief Justice Carol Hunstein

- **Requires the Board of Corrections to ensure the use of evidence-based practices**, including a risk and needs assessment tool, to guide decisions relating to the management and treatment of inmates and probationers.
- **Requires the Administrative Office of the Courts to establish policies and practices for drug and mental health court divisions**, such as the use of tools that identify higher-risk offenders and develop supervision plans that reduce recidivism.
- **Creates a certification and review process** for drug and mental health court divisions and restricts state funds to certified programs.
- **Reinvests $11.6 million of averted prison spending into accountability courts** that focus on drug offenders and those with mental illness.
- **Reinvests $5.7 million of prison savings into new Residential Substance Abuse Treatment (RSAT) programs** to reduce recidivism among inmates with drug and alcohol addictions.

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3. Relieves Local Jail Crowding

The new law relieves crowding in local jails by reducing the number of state-responsible inmates awaiting transfer to state facilities.

- **Streamlines the transfer of information and inmates from the counties to the state.** Requires sentencing "packets" to be submitted electronically to the state Department of Corrections from counties to reduce the time spent in jail awaiting transfer to prison.
- **Ensures the effective use of Probation Detention Centers (PDC)** by capping sentences to PDCs at 180 days, thereby reducing time spent in jail by those awaiting transfer to a PDC.

4. Improves Performance Measurement

To help state policy makers and corrections officials assess and manage the overall performance of the system, the new law creates a results-oriented reporting and accountability system.

- **Requires the Department of Corrections to collect, analyze, and report on the performance outcomes** related to the treatment programs for inmates and probationers, including the impact on recidivism.

The full text of the legislation is online at: http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/Georgia_Bill_HB_1176.pdf.

And the council's full report on the legislation and budget initiatives can be read here: http://www.legis.ga.gov/Documents/GACouncilReport-FINALDRAFT.pdf.

Endnotes

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2 Data from the Georgia Department of Corrections, Weekly Reports. (1990-2011). Includes prison inmates plus the jail backlog.

3 Ibid.

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7 Vera Institute of Justice, "The Price of Prisons: What Incarceration Costs Taxpayers," (January 2012).

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12 Crimes Reported to Police, "Georgia UCR, 1999-2009." In comparison, the national declines for violent and property crimes during the same period were 18 and 19 percent. http://www2.fbi.gov/ucr/cius2009/data/table_01.html.

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18 Georgia Adult Felony Drug Courts, "Summary of Performance Measures," January 2010-January 2011.

19 Georgia Department of Corrections.

20 The Report of the Special Council on Criminal Justice Reform for Georgians is available at http://www.legis.ga.gov/Documents/GACouncilReport-FINALDRAFT.pdf.

21 The full text of the legislation is online at: http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/Georgia_Bill_HB_1176.pdf.

Suggested Citation: Pew Center on the States, 2012 Georgia Public Safety Reform (Washington, DC: The Pew Charitable Trusts, July 2012).

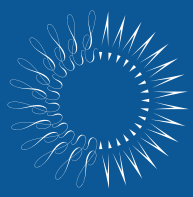
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Launched in 2006, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs.

The Pew Center on the States is a division of The Pew Charitable Trusts that identifies and advances effective solutions to critical issues facing states. Pew is a nonprofit organization that applies a rigorous, analytical approach to improve public policy, inform the public, and stimulate civic life. More information is available at www.pewstates.org.

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A brief from THE PEW CHARITABLE TRUSTS | March 2018

Louisiana's 2017 Criminal Justice Reforms

The most incarcerated state changes course

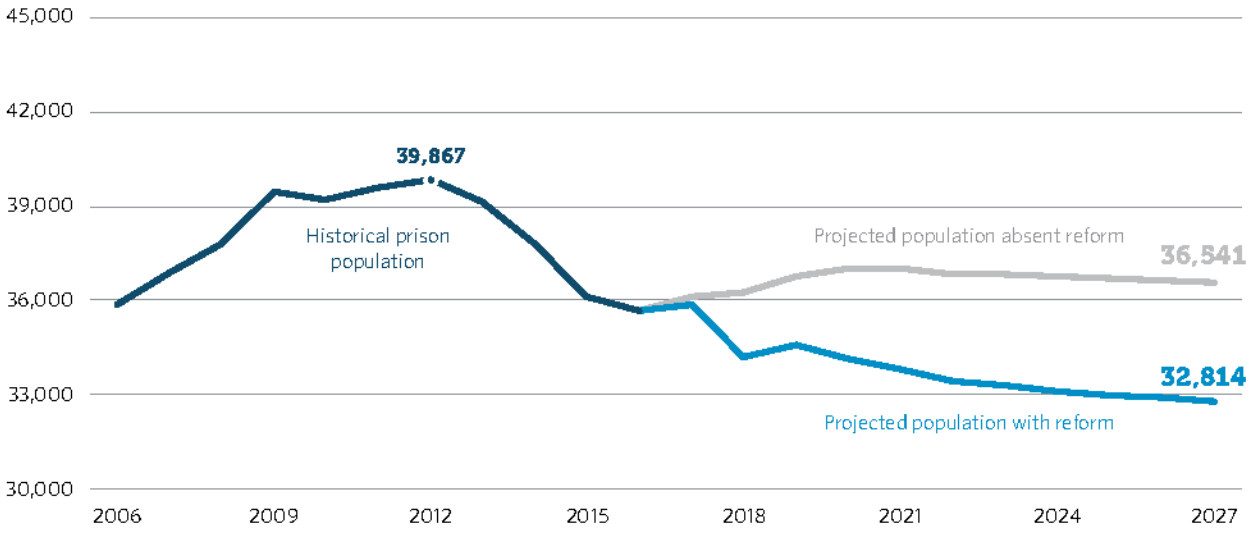
Overview

On June 15, 2017, Louisiana Governor John Bel Edwards (D) signed the most comprehensive criminal justice reform in state history. Six Republicans, two Democrats, and one independent authored the bipartisan package of 10 bills, which should enable Louisiana to shed its long-held status as the state with the nation's highest imprisonment rate by the end of 2018. Their efforts received widespread support, earning endorsements from the state district attorneys association, business and faith leaders, and diverse coalitions of advocates and community members. The measures steer people convicted of less serious crimes away from prison, strengthen incarceration alternatives, reduce prison terms for those who can be safely supervised in the community, and remove barriers to re-entry. Over 10 years, the reforms are projected to reduce the prison and community supervision populations by 10 and 12 percent, respectively. Lawmakers also committed to reinvest 70 percent of the estimated $262 million savings in local programs that reduce reoffending and support crime victims.

Figure 1

Reforms Expected to Cut Prison Population 10 Percent

Number of Louisiana prisoners projected with and without changes in the law



Source: Louisiana Justice Reinvestment Task Force

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Bill Sponsors

A bipartisan group of lawmakers sponsored 10 bills that became Louisiana's comprehensive criminal justice reform package. (See pages 10-18 for more information.)



Senator Dan Claitor (R):
S.B. 16 permits most people originally sentenced to life as juveniles to be considered for parole after 25 years in prison.



Senator Daniel Martiny (R):
S.B. 139 broadens eligibility for parole and other prison release provisions; expands eligibility for probation; reduces maximum probation terms; and adopts evidence-based sanctions and incentives to improve community supervision outcomes.



Senate President John Alario (R):
S.B. 220 and S.B. 221 reduce penalties for drug, property, and other nonviolent crimes and modify habitual-offender penalties to make them comparable to those in other states.



Representative Stephen Dwight (R):
H.B. 116 streamlines registration for victim notification and ensures that victims can request safety measures as a condition of a prisoner's release.



Representative Tanner Magee (R):
H.B. 249 tailors criminal justice fines and fees to a defendant's ability to pay by creating a payment plan and debt forgiveness incentive for those facing financial hardship.



Representative Walt Leger (D):
H.B. 489 mandates the collection of data to monitor the reforms and requires the state to redirect 70 percent of corrections savings to community-based prison alternatives, victim services, and recidivism-reduction programs in state prisons and parish jails.



Representative Julie Emerson (R):
H.B. 519 simplifies the occupational licensing process for state residents with criminal convictions.



Representative Joseph Marino (I):
H.B. 680 temporarily suspends child support obligations for inmates incarcerated for more than six months.



Representative Helena Moreno (D):
H.B. 681 lifts the ban on public assistance benefits for people with drug convictions.

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Background

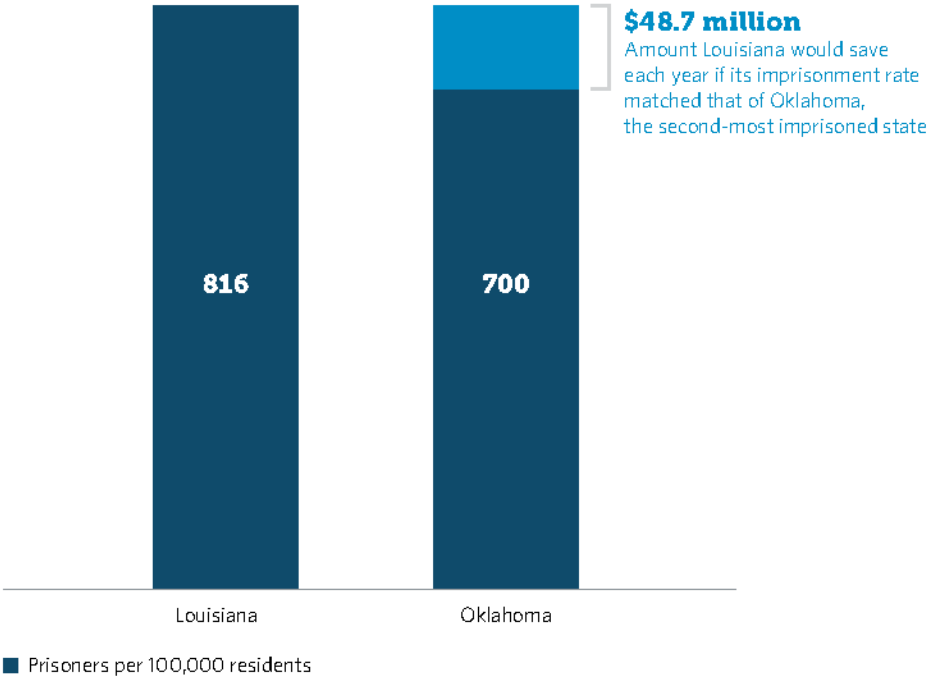
Louisiana's prison population peaked in 2012 at roughly 40,000, a fivefold increase since the late 1970s, growing much faster than the state's overall population.[1] Between 2012 and 2015, statutory and administrative changes that expanded evidence-based correctional practices helped lower the number of prisoners by 9 percent while crime also declined.[2] Even with this reduction, however, Louisiana still had more prisoners per capita than any other state and nearly double the national average.[3]

These high levels of imprisonment came at great cost to Louisiana taxpayers. In fiscal year 2017, lawmakers appropriated $625 million for adult corrections—the state's third-largest expenditure behind education and health care.[4] The consequences of these high costs can be best understood by comparing Louisiana with other states. For example, had Louisiana's 2014 imprisonment rate been the same as Oklahoma's—the nation's second-most-imprisoned state—Louisiana would have spent roughly $49 million less annually.[5] (See Figure 2.) Highlighting the burden of being number one in imprisonment, Gov. Edwards and Department of Corrections Secretary James LeBlanc called for reforms that would "reduce the state prison population significantly with the modest goal of not having the highest incarceration rate in the country."[6]

Figure 2

Taxpayers Incurred High Cost of Being in Most Incarcerated State

Imprisonment rates and associated cost differential, Louisiana and Oklahoma 2014



Note: Louisiana pays $24.39 per capita per diem to house state prisoners in local jails.

Sources: U.S. Department of Justice, Bureau of Justice Statistics; Louisiana Revised Statutes 15:824

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Louisiana Justice Reinvestment Task Force

In 2015, the state Legislature created the Louisiana Justice Reinvestment Task Force to develop recommendations for sentencing and corrections policies and practices that would improve public safety and reduce spending. The task force consisted of legislators, judges, prosecutors, defense attorneys, law enforcement officials, the corrections secretary, and the state sentencing commission chair, as well as faith leaders and victim and community advocates. It held public meetings, town halls, and victim advocate roundtables and formed subgroups to generate policy options for sentencing, community corrections, and budgetary issues. The Department of Corrections and the courts contributed staff support, and The Pew Charitable Trusts and the Crime and Justice Institute provided nonpartisan data analysis and technical assistance as part of the Justice Reinvestment Initiative, a public-private partnership between Pew and the U.S. Department of Justice's Bureau of Justice Assistance.

Task force members

Secretary James LeBlanc (Chair), Louisiana Department of Corrections

Sheriff Michael Cazes, West Baton Rouge

Senator Dan Claitor, Louisiana state Senate

Flozell Daniels, Foundation for Louisiana

Public Defender James Dixon, Louisiana Public Defender Board

District Attorney Bofill Duhé, 16th Judicial District

Judge Bonnie Jackson, 19th Judicial District Court

Chief Justice Bernette Johnson, Louisiana Supreme Court

Judge Lori Landry, 16th Judicial District Court

Representative Terry Landry, Louisiana House of Representatives

Representative Walt Leger, Louisiana House of Representatives

Representative Sherman Mack, Louisiana House of Representatives

Senator Daniel Martiny, Louisiana state Senate

Reverend Gene Mills, Louisiana Family Forum

Judge Laurie White, Louisiana Sentencing Commission

> "[T]he passage of the sprawling 10-bill incarceration package … is the boldest change of direction for Louisiana since the reform of New Orleans public schools after Hurricane Katrina."
>
> **The Advocate,** "Our Views: At Last, A Real Shot at Prison Reform" (editorial, June 7, 2017)

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Key findings

The task force identified six principal factors that contributed to Louisiana's highest-in-the-nation imprisonment rate.

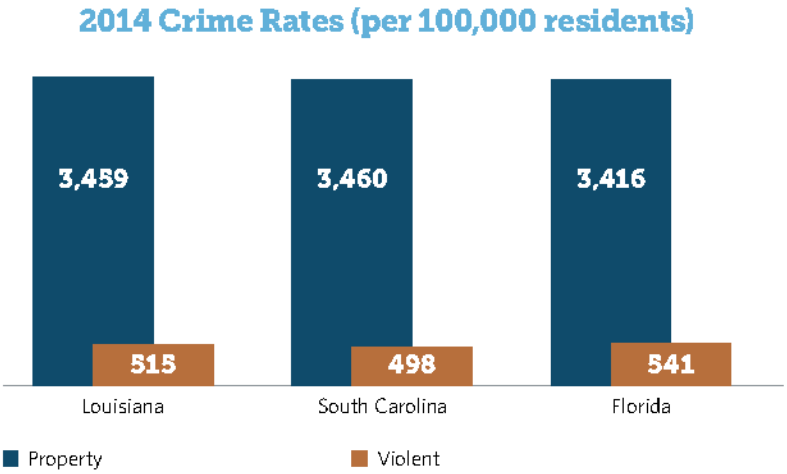
Unusually high admissions for nonviolent crimes

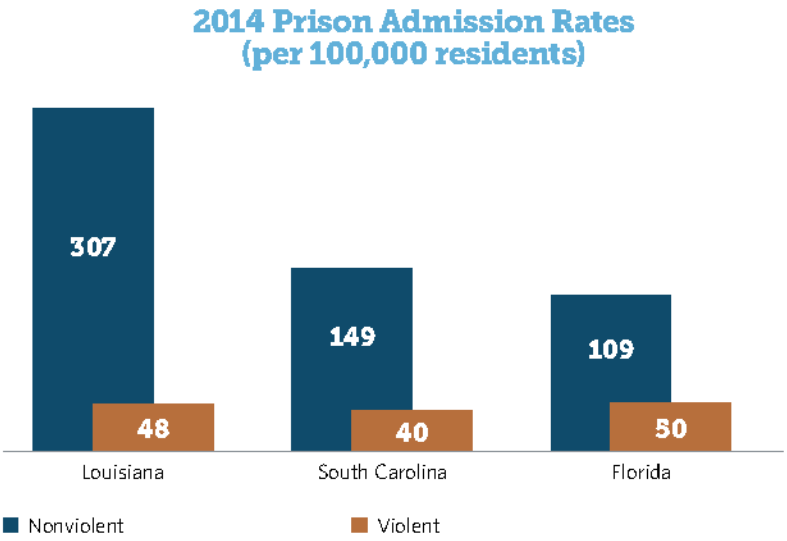
Although Louisiana's crime rates were nearly identical to South Carolina's and Florida's, the state was sending people to prison for nonviolent crimes at twice and nearly three times the rates of those states, respectively.[7] (See Figure 3.) The 10 most common convictions resulting in prison sentences in Louisiana were nonviolent, led by drug possession.[8]

Figure 3

Louisiana Sent More People to Prison for Nonviolent Offenses Than Comparable States Did

2014 crime and prison admission rates for Louisiana, South Carolina, and Florida





Sources: Federal Bureau of Investigation, Uniform Crime Reports, "Crime in the United States, 2014"; South Carolina Department of Corrections, "South Carolina's Prison System—Report to the Sentencing Reform Oversight Committee" (Nov. 23, 2015); Florida Department of Corrections, "General Characteristics of FY 2013-14 Admissions" (2014); Louisiana Department of Corrections

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Longer prison terms and narrower parole eligibility

The task force found that Louisiana inmates were entering prison with longer sentences and fewer opportunities to earn release than those admitted five to 10 years earlier. Between 2010 and 2015, average sentence lengths for common nonviolent crimes increased by 10 months.[9] Further, the number of inmates who had been in prison for at least 10 years increased by more than 2,400 between 2006 and 2015, accounting for nearly 1 in 5 state prisoners by the end of that decade. In addition, nearly 5,000 individuals were serving life sentences without the possibility of parole, many of whom would have been eligible for parole in other Southern states, including Alabama, Arkansas, Georgia, Mississippi, and Texas.[10]

Meanwhile, the Legislature adopted 80 new restrictions on parole eligibility between 2006 and 2015. Two-thirds of those new rules applied to nonviolent crimes.[11]

Large and growing number of people supervised in the community

Long supervision terms—stretching well beyond the period when probationers and parolees were most likely to reoffend—contributed to caseloads averaging 139 people per officer.[12] At the end of 2015, Louisiana's probation and parole officers supervised more than 70,000 people, an increase of more than 10,000 in just 10 years. The task force found that these large caseloads led to high failure rates, which in turn accounted for most of Louisiana's annual prison admissions; that sanctions for violating supervision conditions were inconsistently applied; and that incentives for compliance were inadequate.[13]

> "The business community is committed to being part of the solution by expanding job opportunities and hiring rehabilitated inmates, but lawmakers must take the first step by casting their votes in favor of reform."
>
> **Stephen Waguespack,** president and CEO, Louisiana Association of Business and Industry (guest column, *The Advocate*, May 24, 2017)

Significant criminal justice debts and other barriers to successful re-entry

Beyond requirements that people convicted of crimes pay restitution to crime victims, plus fines collected as a part of their punishment, Louisiana's statutes authorized the imposition of hundreds of additional fees on those convicted of crimes. These include payments to cover the costs of law enforcement, prosecution, court services, and supervision as well as local jurisdiction surcharges and offense-specific charges for DWIs, drug-related crimes, and other offenses.[14] Although defendants typically agree to fines, fees, and costs as part of plea agreements, the court in most cases was not making determinations regarding their financial ability to meet those obligations.[15] Louisiana's statutes offered no guidance on the use of waivers for criminal justice debt, nor did they address payment plans or debt forgiveness.[16]

The task force found that on average, felony probationers still owed a third of their restitution amounts and half of their other costs and fees at the end of their supervision terms. (See Figure 4.) Because many people with criminal convictions have difficulty finding a job and do not have a reliable income, their court-ordered payments can accrue and harm their financial stability.[17] Further, the state's penalties for failure to pay these debts in full,

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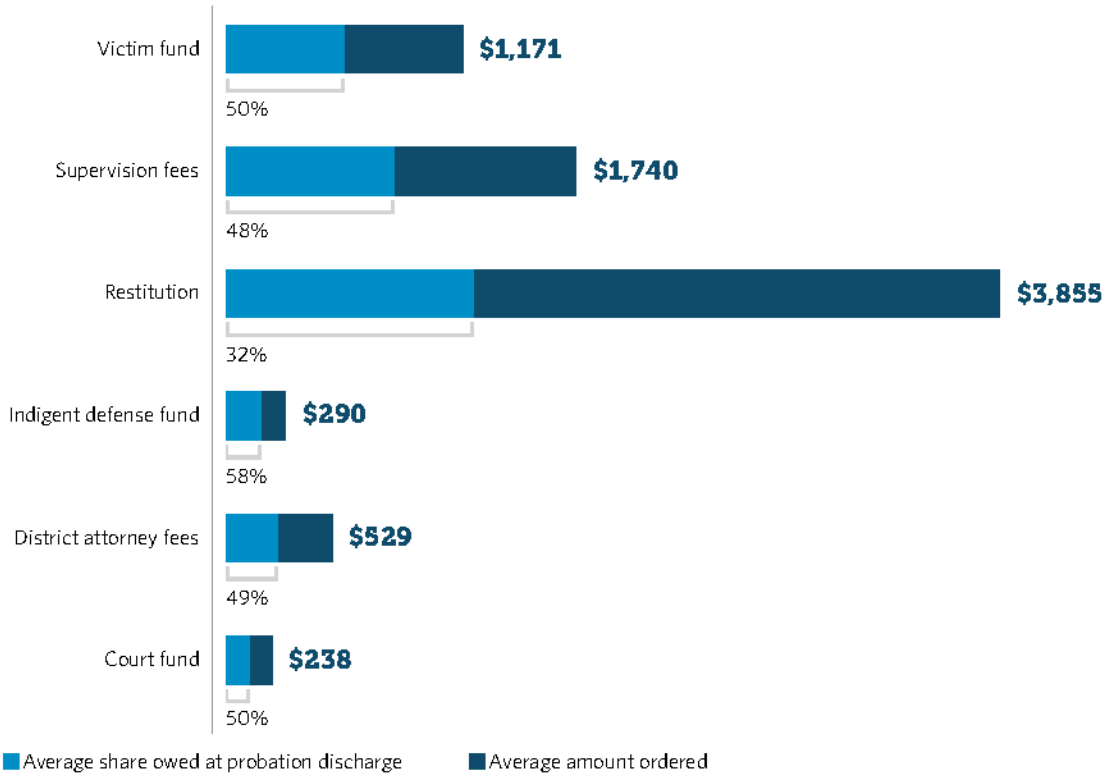
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including incarceration and suspension of a driver's license, were compounding the already substantial barriers to re-entry, such as restrictions on employment and public assistance and child support arrears from periods of incarceration.[18]

Figure 4

Fees Exceeded What Average Louisiana Probationers Could Afford

Amounts ordered and owed at discharge, 2015



Note: The data are limited to financial obligations tracked by the Louisiana Department of Probation and Parole. Average dollar amounts include only those individuals ordered to pay the fees specified in each category above.

Source: Louisiana Department of Corrections

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> "Financial obligations in excess of what an offender can reasonably pay undermine the primary purpose of the justice system which is to deter criminal behavior and encourage compliance with the law. Financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven."
>
> **Louisiana H.B. 249** (2017 regular session)

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Budgetary decisions inconsistent with long-term goals

In the years before Louisiana's justice reinvestment process, the Department of Corrections had achieved measurable savings by investing in programs in state prisons to reduce recidivism and help prisoners make the transition back into the community.[19] Lawmakers did not, however, fund sufficient programming for state inmates housed in parish jails or offer local governments financial incentives to develop and expand community-based diversion programs, such as specialty courts and treatment services for substance use disorders, that could lessen the flow of people into the state prison system.

The state had also dramatically scaled back behavioral health services. Between 2012 and 2015, the number of adults served by community programs was cut more than 40 percent, from about 38,000 to just over 21,000. Meanwhile, 13 percent of state inmates in 2016 had serious mental illness (about three times the rate in Louisiana's general population), and 70 percent had a substance use disorder (roughly eight times the rate among the general population).[20]

Inadequate services and supports for crime victims

In roundtable discussions and public testimony, crime victims and their advocates called for increased transparency in and access to the justice system, noting inefficiencies in the state's notification system and the lack of a mechanism to allow victims to offer input on parole conditions that could affect their safety.[21] They also asked that restitution be prioritized over other criminal justice fines and fees and recommended more state investment in safety planning, trauma-informed services, and shelters and transitional housing.

> "We can improve public safety and prevent others from experiencing ... the anguish that far too many families in our state experienced as the result of the violence that plagues our communities. We can do this while reducing our reliance on incarceration, building a stronger system of community accountability, and promoting healing for victims of violent crimes and their families."
>
> **Deborah Cotton,** victim advocate (op-ed, *The Advocate*, March 21, 2017)

Louisiana Voters Prioritize Alternatives to Incarceration

High levels of public support for criminal justice reform were critical to the enactment of Louisiana's new laws. Research by a bipartisan polling team revealed that state voters favored alternatives to imprisonment that hold people accountable for criminal behavior, enhance public safety, and save taxpayer dollars.'

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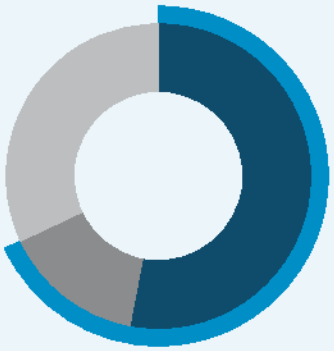
The survey of 600 likely voters, commissioned by Pew and conducted in March 2017, found that:

- 3 in 4 voters supported eliminating mandatory minimum sentences and giving judges more discretion over criminal penalties.
- Nearly 2 in 3 believed that fewer people should be sent to prison for nonviolent crimes and that eligibility for alternatives such as probation and parole should be expanded.
- Nearly 2 in 3 voters favored reducing penalties for lower-level drug offenses while maintaining those for serious drug trafficking.
- 3 in 4 thought most noncriminal probation and parole violations did not warrant incarceration and that other sanctions, such as community service, would be appropriate.
- Nearly 9 in 10 voters favored tying the amount of monthly criminal justice fines and fees to a defendant's income.

Figure 5

Across Party Lines, Louisiana Voters Prioritized Cutting Recidivism Over Length of Prison Terms

Participants were asked whether they agreed with the following statement: "It does not matter whether a nonviolent offender is in prison 15 or 20 or 24 months. What really matters is that ... when these offenders do get out, they are less likely to commit another crime."



53% Strongly agree

68% Agree

Total by party (Democrat, Independent, and Republican)

74* 67* 64*

Source: Telephone survey of 600 voters representing the likely 2018 Louisiana electorate conducted for The Pew Charitable Trusts by the Mellman Group and Public Opinion Strategies between March 27 and 30, 2017

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* The Mellman Group and Public Opinion Strategies conducted the survey March 27-30, 2017. The poll had a margin of error of plus or minus 4.0 percentage points at the 95 percent confidence level, and higher for subgroups. The top line can be found at: http://www.pewtrusts.org/~/media/assets/2018/02/louisiana_statewide_survey_2017.pdf

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Comprehensive legislative reform package

In March 2016, the task force presented Gov. Edwards and the Legislature with 21 consensus recommendations, which became the basis of a package of 10 bills. After extensive vetting in legislative committees and negotiations with the Louisiana District Attorneys Association, all 10 bills passed with strong bipartisan majorities. The governor signed them into law June 15, 2017.



Governor John Bel Edwards signs the 10 justice reinvestment bills June 15, 2017.

The legislation has four primary objectives:

Prioritize prison space for those who pose a public safety threat

To steer people with less serious offenses away from prison and reduce the length of imprisonment for those who can be safely supervised in the community, the law:

- **Expands probation and other prison alternatives.**
  - Establishes probation eligibility for third-time nonviolent felonies and certain first-time violent crimes.
  - Broadens eligibility for Louisiana's substance abuse probation program, which combines supervision with drug treatment and counseling, to crimes other than drug possession.
  - Opens drug courts and substance abuse probation to those convicted of certain violent crimes.

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- **Tailors drug sentences by weight.**
  - Reduces maximum terms of incarceration for drug possession involving small amounts of controlled substances.
  - Creates penalty tiers for drug sales and manufacturing according to the weight of the substances involved in the offense.
- **Reduces habitual-offender penalties.**
  - Reduces mandatory minimum sentences for most second and third offenses and grants judges discretion to disregard minimum sentences outlined in the habitual-offender statute if they would be cruel and unusual.
  - Eliminates the possibility of a life sentence for a fourth nonviolent conviction.
  - Shortens the "cleansing period"—the time before a felony can no longer be used to enhance a subsequent penalty—for nonviolent offenses.

> "We're hoping that, with these changes, we can generate some savings, build up these services, and lower our incarceration rate safely. That's why we're behind it."
>
> **E. Pete Adams,** executive director, Louisiana District Attorneys Association (news conference, May 16, 2017)

Table 1

Louisiana Reforms Lower Drug Penalties and Habitual-Offender Sentences

Example: Penalties for cocaine offenses under previous and current laws, by conviction type and number

Crime	Law	Standard penalty	Sentence ranges under the habitual-offender statute		
			2nd offense	3rd offense	4th offense
Cocaine possession < 2 grams	Prior law	0-5 years	2.5-10 years	3.3-10 years	20 years-life
	Current law	0-2 years	8 months-4 years	1-4 years	20 years
Cocaine sale > 4 grams	Prior law	2-30 years	15-60 years	20-60 years	20 years-life
	Current law	1-10 years	3.3-20 years	5-20 years	20 years

Note: This table represents changes to drug penalties and to the formula for enhancing sentence ranges under the habitual-offender statute. Underlined numbers reflect mandatory minimum sentences. The sentence ranges in this table apply only to individuals with less serious, nonviolent criminal histories.

Sources: Senate Bills 220 and 221 (Louisiana Reg. Session 2017); Louisiana Revised Statutes 15:529.1, 40:966-970

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- **Simplifies property crime statutes and raises the felony theft threshold.**
  - Eliminates numerous specialty crime categories that are duplicative of other theft, property damage, and burglary offenses.
  - Creates a single penalty structure for most property crimes and raises to $1,000 the dollar value at which theft is considered a felony.
- **Reduces penalties for other crimes and recategorizes certain offenses as nonviolent.**
  - Brings minimum and maximum penalties for various crimes more in line with those in other states and removes certain offenses from the violent crimes list.
  - Creates a task force to categorize felony offenses.
  - Establishes a working group to develop a felony classification system based on the seriousness of offenses that would create standard sentencing and release provisions.
- **Expands parole eligibility for some violent offenses.**
  - Allows parole consideration for those sentenced for violent crimes who have served 65 percent of their sentences and have no prior violent convictions (see Table 2) and those who have served 75 percent and have one prior violent conviction, unless they are otherwise ineligible for parole consideration.

> Last month, Louisiana passed one of the most ambitious criminal-justice reform packages in the country—10 new laws that make important changes to everything from drug sentences, parole and community supervision to re-entry and victims' rights. It would have been remarkable coming from any state. It's historic coming from Louisiana."
>
> **The New York Times,** "Louisiana's Big Step on Justice Reform" (editorial, July 19, 2017)

> Louisiana is on the verge of a wide-ranging criminal justice overhaul aimed at curbing the highest incarceration rate in America."
>
> **The Wall Street Journal,** "Change and Culture Collide in America's Prison Capital" (May 25, 2017)

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> Grace has been extended to each of us. Now, within the criminal justice system, we must consider intentionally extending that same grace to the eligible and willing residents of our jail and prison system."
>
> **Gene Mills,** president, Louisiana Family Forum (op-ed, *The Advocate*, Oct. 4, 2016)

Table 2

Louisiana Expanded Parole and 'Good Time' Eligibility

Percentage of sentence required before consideration for release under previous and current law, by conviction type and prior history

		Percentage of sentence for parole eligibility		Percentage of sentence for "good time" release eligibility	
		Prior law	Current law	Prior law	Current law
Nonviolent conviction					
Prior convictions	None	25%	25%	40%	35%
	1 nonviolent	33%	25%	40%	35%
	2 or more nonviolent	Ineligible	25%	40%	35%
	1 violent	33%	25%	40%	35%
	2 or more violent	Ineligible	25%	40%	35%
Violent conviction					
Prior convictions	None	75%	65%	85%	75%
	1 nonviolent	75%	65%	85%	75%
	2 or more nonviolent	Ineligible	65%	85%	75%
	1 violent	75%	75%	Ineligible	Ineligible
	2 or more violent	Ineligible	Ineligible	Ineligible	Ineligible

Sources: Senate Bill 139 (Louisiana Reg. Session 2017); Louisiana Revised Statutes 15:571.3 and 574.4

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State Representative Terry Landry (D) speaks at a rally for criminal justice reform at the Louisiana State Capitol in Baton Rouge on April 20, 2017.

- **Streamlines parole release for nonviolent crimes.**
  - Expands parole eligibility to those who have served 25 percent of their sentences for nonviolent crimes, and authorizes their release without a hearing when certain conditions are met. (See Table 2.)
- **Institutes a medical treatment furlough policy.**
  - Authorizes the release and transfer of prisoners with significant health and mobility issues to off-site medical facilities and provides for parole supervision for the remainder of their sentences.
- **Establishes parole consideration for some of Louisiana's longest-serving prisoners.**
  - Creates retroactive and prospective parole eligibility for most people who have served 25 years of life sentences imposed for crimes they committed as juveniles.
  - Makes individuals convicted of second-degree murder between 1973 and 1979 parole eligible.
- **Improves crime victim notification and protections.**
  - Allows victims to submit a "re-entry statement" to the parole board that can include a request for proximity and contact restrictions for the victims' protection.
  - Requires the development of an electronic victim registration and notification system.

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Strengthen community supervision

To expand the use of evidence-based community supervision practices that reduce recidivism, the law:

- **Focuses probation and parole officers' time on high-risk periods.**
  - Reduces maximum probation terms for nonviolent crimes from five to three years to concentrate officers' time on the period when those under supervision are most likely to fail.
- **Provides incentives for probationers and parolees to meet their supervision conditions.**
  - Establishes "earned compliance credits" for nonviolent crimes, a policy that awards 30 days off of community supervision terms for every full calendar month of compliance.
- **Requires that successfully completed probation time for nonviolent convictions be credited toward prison sentences imposed for probation violations.**
  - Reduces the time a person revoked from probation serves behind bars by deducting time spent in compliance with supervision. This change was modeled on a policy already in place for those on parole.
- **Establishes swift, certain, and proportional sanctions for supervision violations.**
  - Gives probation officers blanket authority to use administrative sanctions, such as increased reporting, community service, and short jail stays, for probationers with nonviolent convictions who fail to comply with the terms of their supervision. Similar powers had already been granted for all parolees.
  - Prohibits the use of jail as a sanction for first and second low-level violations.
  - Modifies the use of jail sanctions under Acts 402 and 299, which were adopted in 2007 and 2015, respectively, and allow for alternatives to complete revocation of community supervision:[22]
    - Authorizes an unlimited number of jail sanctions for probationers and parolees.
    - Caps stay at 15, 30, and 45 days for the first, second, and subsequent sanctions, respectively. (See Table 3.)
    - Broadens the categories of misconduct that can be addressed with Act 402/299 jail sanctions.
  - Expands the pool of violations for which officers can respond with administrative sanctions.

Table 3

Louisiana Made Intermediate Sanctions More Proportional to Violations

Jail terms under previous and current law, by supervision type and sanction

Act 402/Act 299 sanction number	Prior law		Current law
	Probation	Parole	Probation and parole
First	90 days	90 days	15 days
Second	Ineligible	120 days	30 days
Third or more	Ineligible	180 days	45 days

Source: Senate Bill 139 (Louisiana Reg. Session 2017); Louisiana Revised Statutes 15:574.9; Louisiana Code of Criminal Procedure section 900

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Reducing the Footprint of Community Supervision

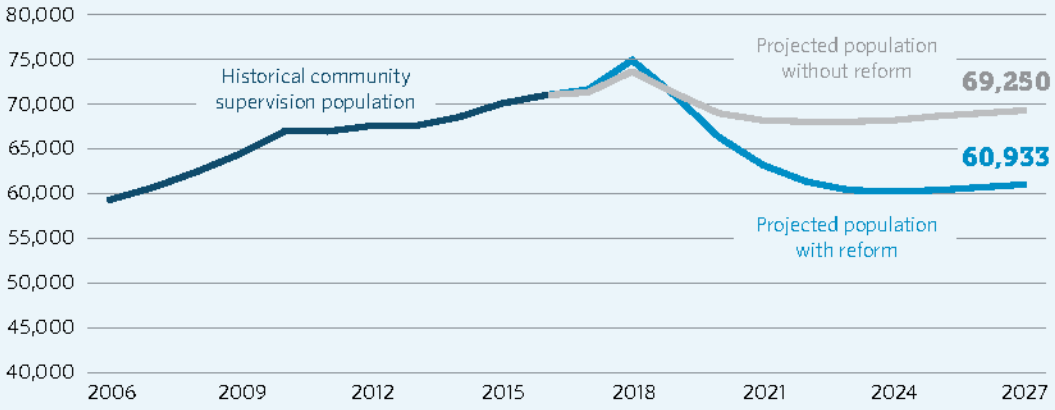
Because parolees and probationers are most likely to violate their conditions or commit new crimes during the first year of supervision, the public safety benefit of monitoring them after that time drops significantly.* Despite research that supports front loading resources during this early phase, average probation and parole terms in Louisiana stretched well beyond that high-risk period, contributing to a swelling supervision population and high caseloads: In 2016, the average officer supervised 139 individuals.† In addition, the state's court and corrections system lacked a consistent process for discharging those who had been successful.

By capping probation terms and adopting a system of earned compliance credits, Louisiana aimed to focus its limited resources on the highest-risk stage and reserve extended periods of supervision for those who fail to comply with their conditions. The Louisiana Department of Corrections and the Justice Reinvestment Task Force estimate that these statutory changes will reduce the community supervision population by 12 percent by 2027, dropping average caseloads to 119 cases per officer.

Figure 6

Louisiana Projects 12% Drop in Community Supervision Population

Estimated number of probationers and parolees 2017-27, with and without reform



* National Research Council, "Parole, Desistance From Crime, and Community Integration" (2007); Ryken Grattet, Joan Petersilia, and Jeffrey Lin, "Parole Violations and Revocations in California" (2008); The Pew Charitable Trusts, "Maximum Impact: Targeting Supervision on Higher-Risk People, Places, and Times" (2009).

† Louisiana Department of Corrections.

Source: Louisiana Justice Reinvestment Task Force

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> We shouldn't incarcerate people just because they're poor. Or just because they're addicted. Or just because they don't have a home. But we've done that for way too long."
>
> **Craig Webre,** sheriff, Lafourche Parish (op-ed, *The Times-Picayune*, April 23, 2017)

Eliminate barriers to re-entry

To smooth prisoners' re-entry into the community and the workforce and to promote their long-term success and financial stability, the law:

- **Tailors criminal justice fines and fees to a defendant's ability to pay.**
  - Requires courts to determine ability to pay fines, fees, and restitution before ordering and enforcing them in felony cases. If payment of the full amount would cause hardship, the court must waive the obligations or create a payment plan.
  - Matches monthly payments to each defendant's wage for an eight-hour workday, ensuring that the financial burden is adjusted according to the amount of money earned and requires that half of each payment go toward victim restitution when ordered rather than justice system operations.
- **Creates a debt forgiveness incentive to reward consistent payment.**
  - Forgives remaining debt for those who make regular monthly payments for 12 months or half the supervision term, whichever is longer.
- **Modifies penalties for failure to pay.**
  - Limits penalties such as incarceration and driver's license suspension to those cases in which a person was able but refused to pay fines and fees.
  - Prohibits a court from extending a probationary period for the purpose of collecting unpaid financial obligations, except for a single six-month extension for victim restitution, under certain circumstances.
- **Suspends child support during incarceration.**
  - Requires temporary suspension of child support orders for those incarcerated for 180 days or more in order to bolster inmates' long-term financial stability and help ensure consistent payment of child support over time. Payment orders resume after release.
- **Simplifies the application process for professional licenses.**
  - Eliminates waiting periods and provisional licensure for those with nonviolent and non-sex offense convictions who seek a professional license.
- **Lifts restrictions on public assistance programs.**
  - Eliminates constraints that had prevented people with drug convictions from getting public assistance through the Supplemental Nutrition Assistance and the Temporary Assistance for Needy Families programs.

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Reinvest prison savings to reduce recidivism, support victims

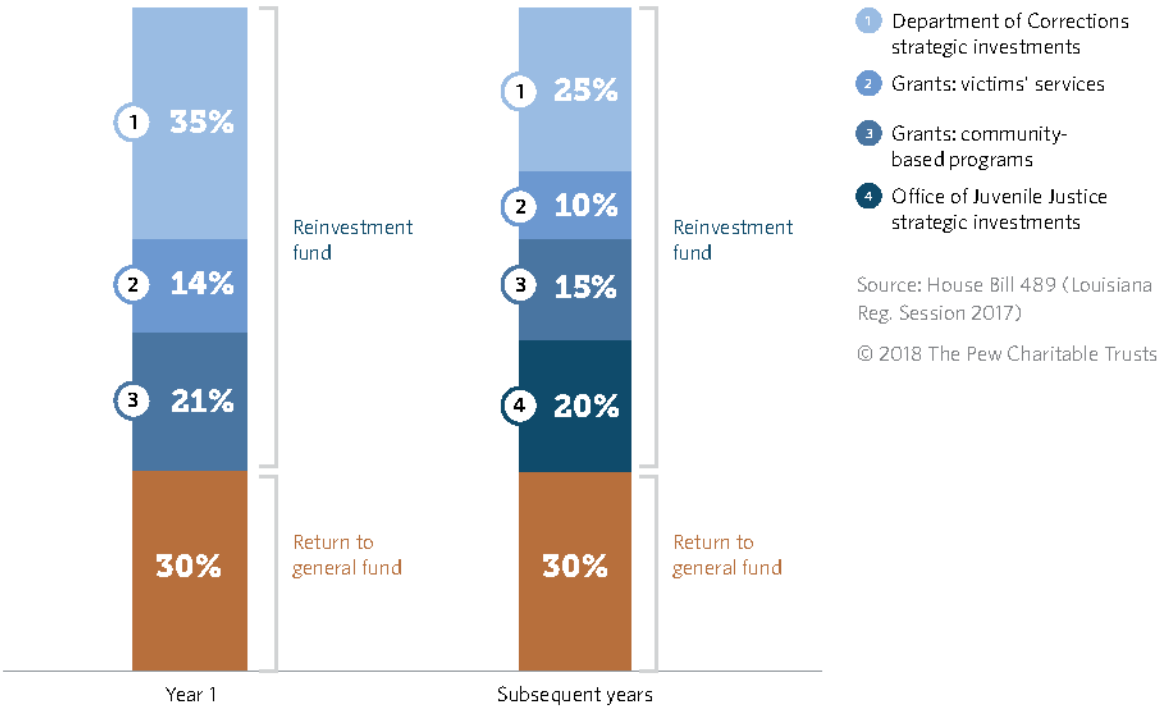
To reduce reoffending, provide services for crime victims, and save taxpayers money, the law:

- **Returns to the Louisiana general fund 30 percent of the annual savings arising from the reforms.**
  - Requires the Department of Corrections to calculate and report the annual surplus budgeted for housing state inmates as population and costs decline and treats 30 percent of that surplus as net savings to the state.
- **Reinvests 70 percent of the savings in recidivism reduction and victim support programs.**
  - Obliges the state to carry over 70 percent of the surplus to the following year's budget for programs and services, including:
    - Incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives.
    - Competitive grants for victims' services, treatment, and transitional housing as well as victim-focused training for justice system professionals.
    - Targeted investments in community supervision and recidivism reduction programming in prisons, jails, and work release facilities.
    - Juvenile justice initiatives and programs.

Figure 7

Corrections Savings Will Support Recidivism Reduction and Victim Programs

Expected distribution of reinvestment funds in first and subsequent years after reform



Source: House Bill 489 (Louisiana Reg. Session 2017)

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Flozell Daniels Jr., president and CEO of Foundation for Louisiana, speaks at a rally April 20, 2017.

Supporting organizations

Local organizations

- Baton Rouge Area Chamber
- Baptist Community Services
- Broussard Chamber of Commerce
- Chamber Southwest Louisiana
- Crowley Chamber of Commerce
- Foundation for Louisiana
- Greater New Orleans Inc.
- H.O.P.E. Foundation
- Jefferson Chamber of Commerce
- Louisiana Association of Business and Industry
- Louisiana Center for Children's Rights
- Louisiana Conference of Catholic Bishops
- Louisiana Department of Corrections
- Louisiana District Attorneys Association
- Louisiana District Judges' Association (supported nine of the 10 bills)
- Louisiana Family Forum
- Louisiana Interchurch Conference
- Louisiana State Bar Association
- Louisianans for Prison Alternatives
- New Orleans Chamber of Commerce
- One Acadiana
- The Pelican Institute
- Right on Crime, Louisiana
- Smart on Crime, Louisiana
- Vera Institute of Justice, New Orleans
- Voices of the Experienced

National organizations

- American Civil Liberties Union
- American Conservative Union Foundation
- Americans for Tax Reform
- Drug Policy Alliance
- Families Against Mandatory Minimums
- FWD.us
- Law Enforcement Leaders
- Prison Fellowship
- Right on Crime
- Southern Poverty Law Center
- U.S. Justice Action Network

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> I am not proud of our title as the most incarcerated state. But that's going to be part of our history rather than our future."
>
> **Gov. John Bel Edwards,** signing the justice reinvestment bills

Acknowledgments

This brief was prepared by Terry Schuster of Pew's public safety performance project staff with assistance from current and former staff members Adam Gelb, Jake Horowitz, Emily Levett, Michelle Russell, Nicole Roussell, and Adam Fifield. Pew staff members Maria Borden, Jennifer V. Doctors, Carol Hutchinson, Krista MacPherson, and Cindy Murphy-Tofig, as well as former staff member Ken Willis, provided editing, design, and web support.

Endnotes

1 Unless otherwise noted, the Louisiana Justice Reinvestment Task Force's technical assistance staff analyzed all figures cited in this report using data from the Louisiana Department of Corrections and the U.S. Department of Justice, Bureau of Justice Statistics.

2 Ibid.

3 Ibid.

4 State of Louisiana, "Governor's Executive Budget, Fiscal Year 2016-17" (2016) http://www.doa.la.gov/opb/pub/FY17/FY17_Executive_Budget.pdf.

5 See La. R.S. 15:824 for local housing per diem rate for state inmates, http://www.legis.la.gov/Legis/Law.aspx?d=79341.

6 Letter from Gov. Edwards and Secretary LeBlanc to Louisiana Justice Reinvestment Task Force members (Jan. 13, 2017).

7 Crime rates and population figures from the Federal Bureau of Investigation, Uniform Crime Reports, "Crime in the United States, 2014," https://ucr.fbi.gov/crime-in-the-u.s/2014/crime-in-the-u.s.-2014. Admissions rates from the South Carolina Department of Corrections, "South Carolina's Prison System—Report to the Sentencing Reform Oversight Committee" (Nov. 23, 2015); Florida Department of Corrections, "General Characteristics of FY 2013-14 Admissions" (2014), http://www.dc.state.fl.us/pub/annual/1314/stats/ia_genadm.html; and Pew analysis of data from the Louisiana Department of Corrections.

8 Ibid. Violent crimes are defined in Louisiana Revised Statutes 14:2(B).

9 The Department of Corrections and task force technical assistance staff reviewed 800 randomly selected case files focused on prisoners released in 2010 and 2015 who had been admitted to prison for a primary offense that was one of the 16 most common nonviolent crimes at admission.

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14 See, for example, La. CCrP 887, 890.2, 895.1, 895.4; La. R.S. 13:722, 13:841.4, 13:847, 13:853, 13:995.29, 13:1000.13, 13:1381 et seq., 13:1894.2, 13:2106, 13:2496.4, 13:3049, 13:5535, 13:5722; 14:98 et seq., 15:168, 15:176, 15:255, 15:541-543, 15:574 et seq., 16:16 et seq., 40:2266.1, 46:1816, and 46:2633.

15 State of Louisiana, "Louisiana Justice Reinvestment Task Force Report and Recommendations" (2017).

16 See La. R.S. 13:4206, 15:175; La. CCrP 884, 887; La. Dist. Ct. Rule 8.0.

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21 Anne Seymour, "Victim/Survivor/Advocate Roundtables Summary Report and Priorities," prepared for the Louisiana Justice Reinvestment Task Force (January 2017).

22 Act 402 (2007) and Act 299 (2015) established intermediate 90- to 180-day jail sanctions that are less severe than the complete revocation of community supervision for those who violate the terms of their probation or parole. La. R.S. 15:574.9; La. CCrP 900.

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For further information, please visit:
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A chartbook from THE PEW CHARITABLE TRUSTS | April 2017



The Effects of Changing Felony Theft Thresholds

More evidence that higher values have not led to increased property crime or larceny rates

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FL-SEN-20-0201-B, 20-0202-A-004426

The Pew Charitable Trusts

Susan K. Urahn, *executive vice president*
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Overview

Since 2000, at least 37 states have raised their felony theft thresholds, or the value of stolen money or goods above which prosecutors may charge theft offenses as felonies, rather than misdemeanors.[1] Felony offenses typically carry a penalty of at least a year in state prison, while misdemeanors generally result in probation or less than a year in a locally run jail. Lawmakers have made these changes to prioritize costly prison space for more serious offenders and ensure that value-based penalties take inflation into account. A felony theft threshold of $1,000 established in 1985, for example, is equivalent to more than twice that much in 2015 dollars.[2]

Critics have warned that these higher cutoff points might embolden offenders and cause property crime, particularly larceny, to rise.[3] To determine whether their concerns have proved to be true, The Pew Charitable Trusts examined crime trends in the 30 states that raised their felony theft thresholds between 2000 and 2012, a period that allows analysis of each jurisdiction from three years before to three years after the policy change. Pew also compared trends in states that raised their thresholds during this period with those that did not.

This chartbook, which updates and reinforces an analysis published in 2016, illustrates three important conclusions:

- Raising the felony theft threshold has no impact on overall property crime or larceny rates.
- States that increased their thresholds reported roughly the same average decrease in crime as the 20 states that did not change their theft laws.
- The amount of a state's felony theft threshold—whether it is $500, $1,000, $2,000, or more—is not correlated with its property crime and larceny rates.

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Figure 1

At Least 37 States Have Raised Felony Theft Thresholds Since 2000

Higher sums are designed to take inflation into account

Year of change	State	Previous threshold	Enacted threshold	Legislation
2001	Oklahoma	$50	$500	S.B. 397
2002	Missouri	$150	$500	H.B. 1888
2003	Alabama	$250	$500	H.B. 491
	Mississippi	$250	$500	H.B. 1121
2004	Kansas	$500	$1,000	H.B. 2271
	Wyoming	$500	$1,000	S.F. 66
2005	South Dakota	$500	$1,000	S.B. 43
2006	Arizona	$250	$1,000	H.B. 2581
	New Mexico	$250	$500	H.B. 80
	Vermont	$500	$900	S.B. 265
2007	Colorado	$500	$1,000	S.B. 260
	Minnesota	$500	$1,000	H.F. 829
2009	Connecticut	$1,000	$2,000	H.B. 6576
	Delaware	$1,000	$1,500	H.B. 113
	Kentucky	$300	$500	H.B. 369
	Louisiana	$300	$500	H.B. 555
	Maryland	$500	$1,000	H.B. 66
	Montana	$1,000	$1,500	S.B. 476
	Oregon	$750	$1,000	H.B. 2323
	Washington	$250	$750	S.B. 6167

Continued on the next page

Since 2000, at least 37 states have raised their felony theft thresholds, including nine that did so twice.[4] In terms of percentage, Oklahoma's tenfold increase, from $50 to $500 in 2001, was the largest in the nation.

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Year of change	State	Previous threshold	Enacted threshold	Legislation
2010	California	$400	$950	A.B. 2372
	Illinois	$300	$500	S.B. 3797
	New Hampshire	$500	$1,000	S.B. 205
	South Carolina	$1,000	$2,000	S.B. 1154
	Utah	$1,000	$1,500	S.B. 10
2011	Arkansas	$500	$1,000	S.B. 570
	Nevada	$250	$650	A.B. 142
	Ohio	$500	$1,000	H.B. 86
2012	Georgia	$500	$1,500	H.B. 1176
	Rhode Island	$500	$1,500	H.B. 7176A
2013	Colorado	$1,000	$2,000	H.B. 1160
	Indiana	any amount	$750	H.B. 1006
	North Dakota	$500	$1,000	S.B. 2251
2014	Alaska	$500	$750	S.B. 64
	Louisiana	$500	$750	H.B. 791
	Mississippi	$500	$1,000	H.B. 585
	Missouri	$500	$750	S.B. 491
2015	Alabama	$500	$1,500	S.B. 67
	Nebraska	$500	$1,500	L.B. 605
	Texas	$1,500	$2,500	H.B. 1396

Continued on the next page

Year of change	State	Previous threshold	Enacted threshold	Legislation
2016	Alaska	$750	$1,000	S.B. 91
	Hawaii	$300	$750	H.B. 2561
	Kansas	$1,000	$1,500	H.B. 2462
	Maryland	$1,000	$1,500	S.B. 1005
	Oklahoma	$500	$1,000	H.B. 2751
	Tennessee	$500	$1,000	H.B. 2576

Note: The District of Columbia raised its felony theft threshold in 2010 but is not included in this report because its crime data are not directly comparable with state crime statistics.

Source: Pew's analysis of legislative information from the National Conference of State Legislatures

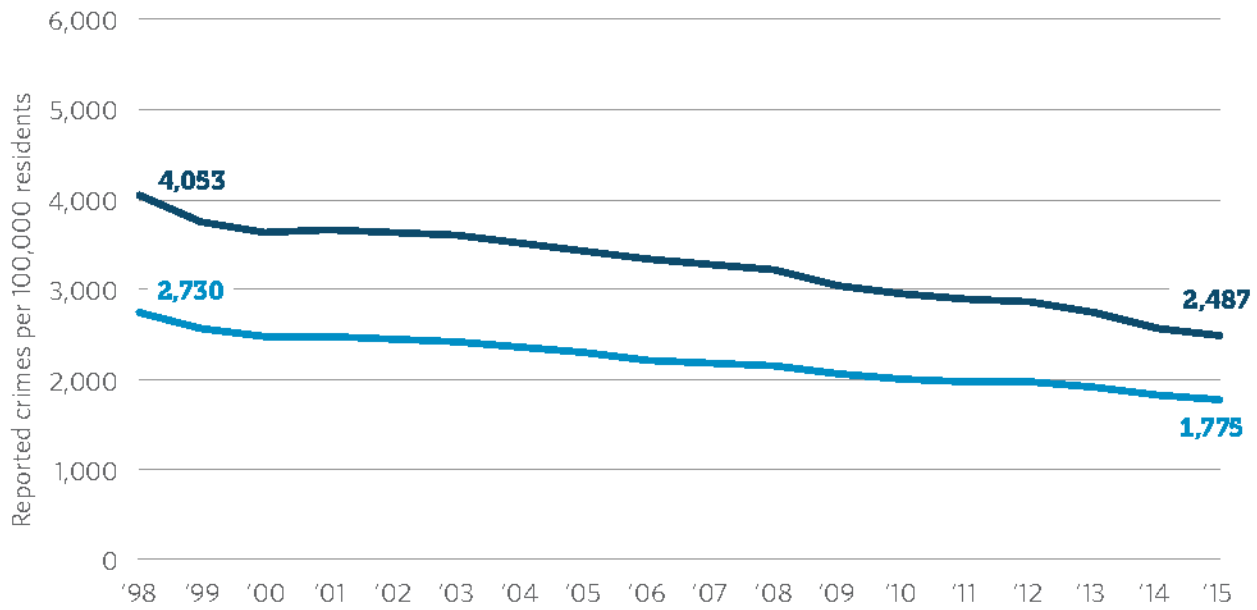
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Figure 2

U.S. Property Crime and Larceny Rates Have Fallen by More Than a Third

Improved policing and anticrime technology cited among reasons for decline



Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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Changes in state felony theft thresholds have not interrupted the long nationwide decline in property crime and larceny rates that began in the early 1990s. The U.S. property crime rate fell 39 percent from 1998—three years before Oklahoma enacted the first of the state threshold hikes included in this analysis—to 2015, the most recent year for which data are available.[5] The U.S. larceny rate fell 35 percent during that span.[6]

Experts attribute the nation's sustained drop in violent and property crime rates to a host of factors, including better policing; the increased incarceration of certain repeat offenders; an expansion in private security personnel; an aging population that is less prone to criminal behavior; and technological advances, such as the widespread use of surveillance cameras, car- and home-alarm systems, and digital transactions that have reduced the need for cash.[7]

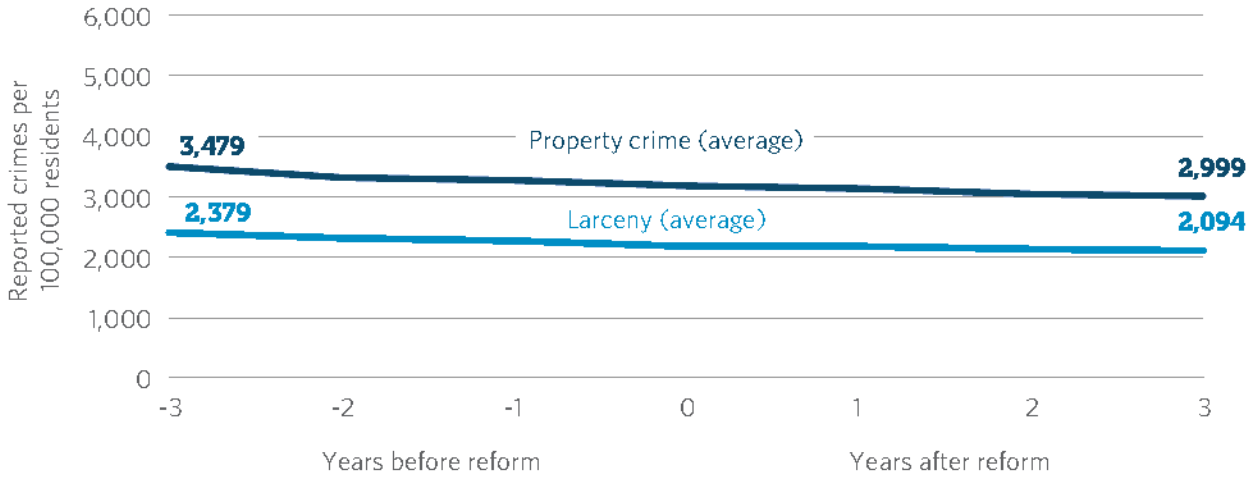
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Figure 3

Increases in Felony Theft Thresholds Had No Effect on Property Crime, Larceny Rates

Crime decline continued in states that raised monetary limits between 2000 and 2012



Notes: Pew used a panel fixed-effects approach to determine whether increases in state felony theft thresholds had an effect on property crime and larceny rates. The analysis found no statistically significant relationship using the standard threshold of 0.05. See the methodological notes for more information about this analysis.

Source: Pew's analysis of data from the Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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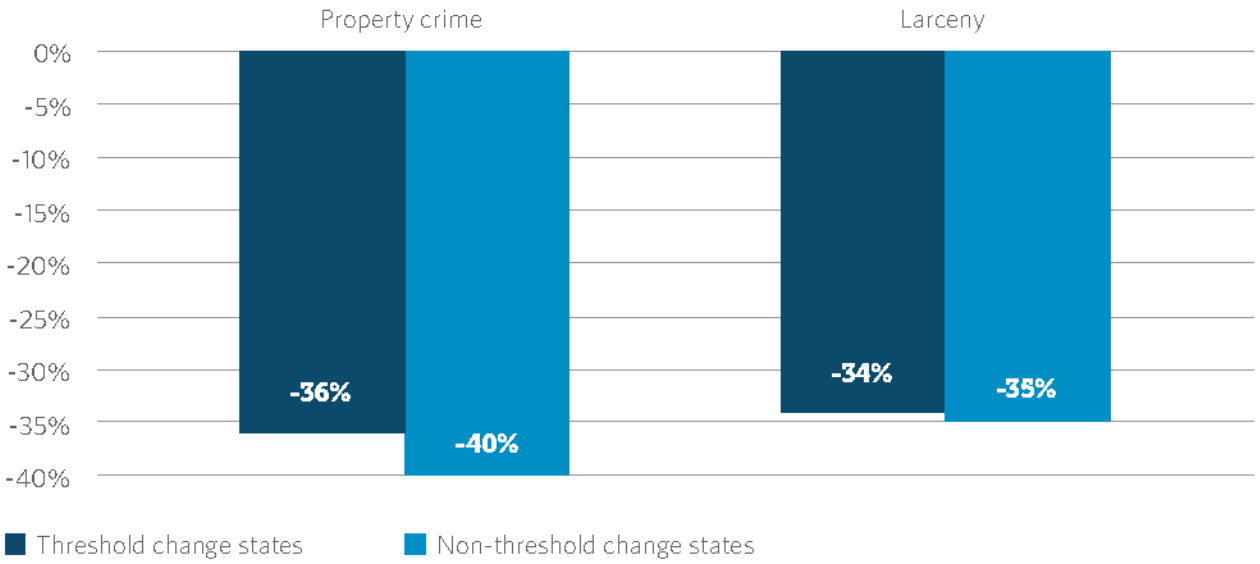
Because property crime and larceny rates have been on a downward trajectory nationwide, it is important to evaluate whether the same trend can be observed in states that have raised their felony theft thresholds. Average property crime and larceny rates continued to fall in the states that raised their thresholds between 2000 and 2012.

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Figure 4

States That Raised Felony Theft Thresholds Between 2000 and 2012 Had Crime Declines Similar to Those That Did Not

All states reported sharp decreases in property crime, larceny rates



Notes: Pew evaluated data from 1998 to 2015 to allow for a sufficient before-and-after analysis of all state threshold changes between 2000 and 2012. Pew used a panel random-effects approach to measure changes in property crime and larceny rates and compare states that raised their felony theft thresholds with those that did not. The analysis found no statistically significant relationship between the two groups of states using the standard threshold of 0.05. See the methodological notes for more information about this analysis.

Source: Pew's analysis of data from the Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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When comparing the 30 states that raised their felony theft thresholds between 2000 and 2012 with the 20 that did not, property crime and larceny rates fell slightly more in the latter group, although the differences were not statistically significant.

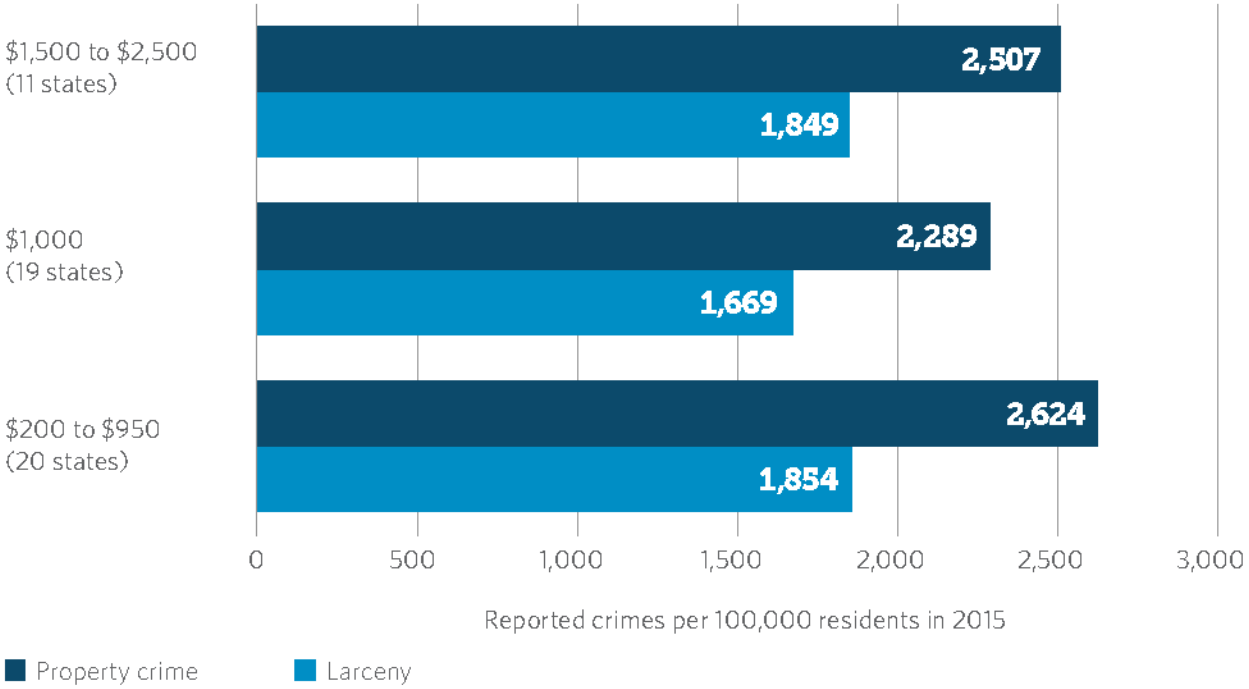
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Figure 5

Felony Theft Values Are Unrelated to Property Crime and Larceny Rates

States report similar crime rates regardless of thresholds



The value of states' felony theft thresholds—whether set at $500, $1,000, or $2,000—is not correlated with property crime and larceny rates. Florida, for example, treats theft as a felony if the value of stolen money or goods exceeds $300, but its property crime and larceny rates are considerably higher than those in Pennsylvania, where the threshold is $2,000.

Notes: Pew conducted a linear correlation test to determine whether property crime and larceny rates in 2015 were higher in states with higher felony theft thresholds. The analysis included no control variables and found no statistically significant correlation using the standard threshold of 0.05.

Source: Pew's analysis of data from the Federal Bureau of Investigation, *Crime in the United States*, 2015

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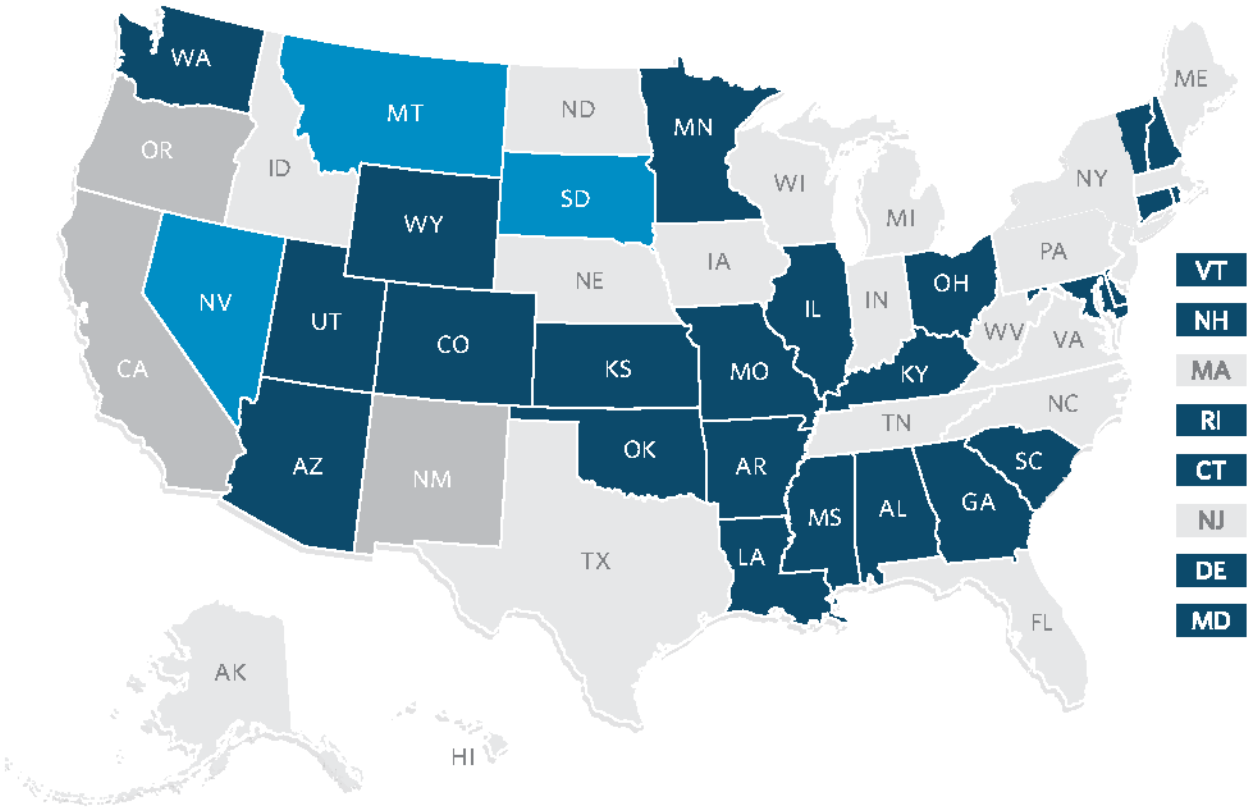
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Map 1

Property Crime and Larceny Rates Fell in 24 of 30 States That Raised Their Felony Thresholds Between 2000 and 2012

Six states had increases in one or both rates



No threshold change
Decreases in property crime and larceny rates (24 states)
Increases in property crime and larceny rates (MT, NV, SD)
Decrease in property crime rate, increase in larceny rate (CA, NM, OR)

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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An examination of long-term trends in property crime and larceny rates shows year-over-year fluctuations within many of the 30 states that raised their felony theft thresholds between 2000 and 2012. Nevertheless, for all but six of the 30 states—California, Montana, Nevada, New Mexico, Oregon, and South Dakota—property crime and larceny rates were lower in 2015 than in the year in which each state raised its threshold.[8]

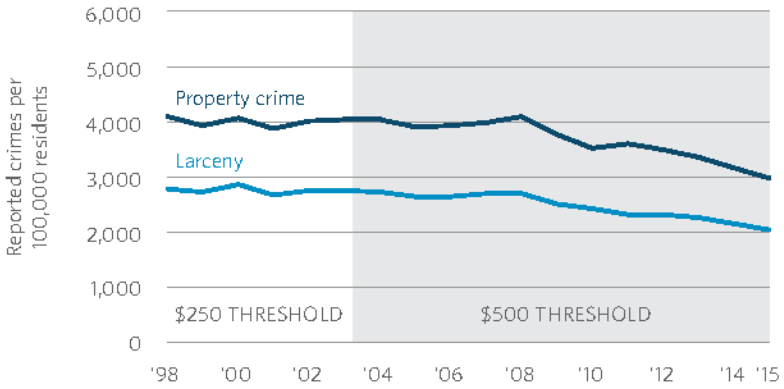
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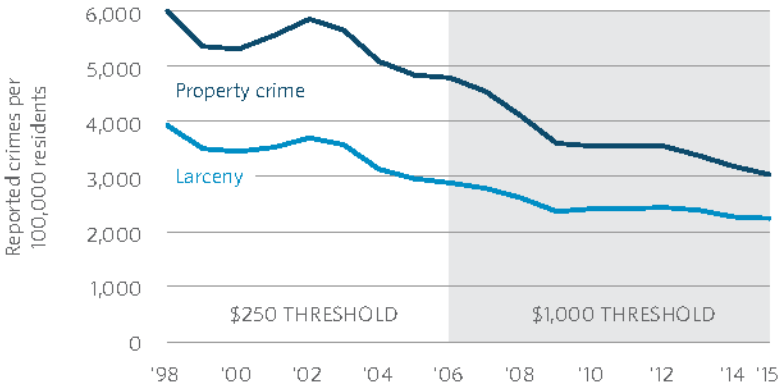
Figures 6A-D

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

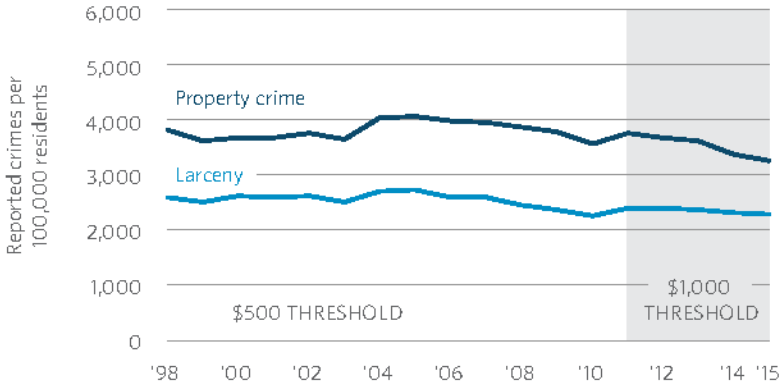
6A – Alabama



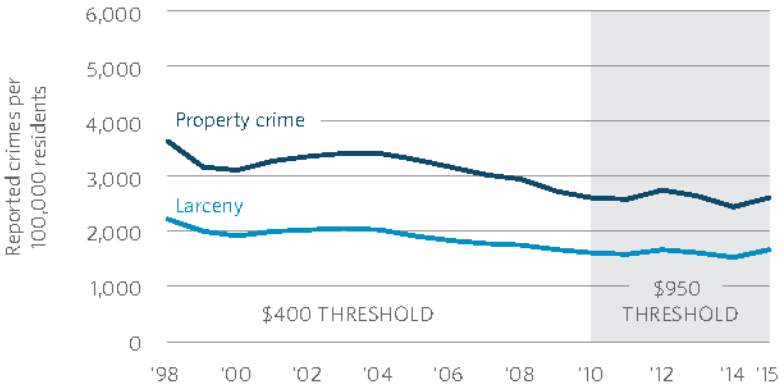
6B – Arizona



6C – Arkansas



6D – California



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state. Alabama's felony theft threshold also increased in 2015 from $500 to $1,500.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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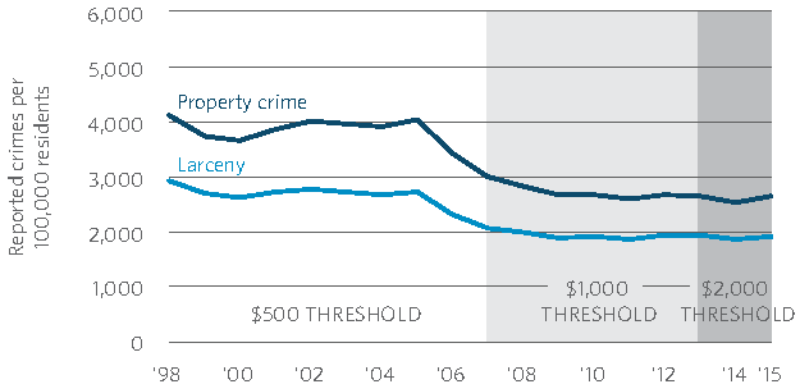
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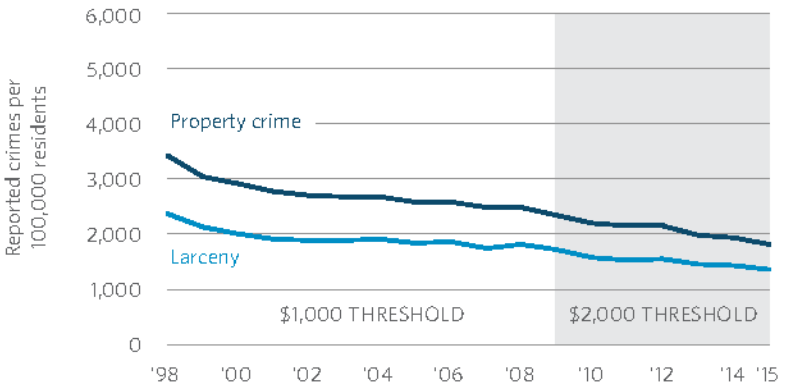
Figures 6E-H

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

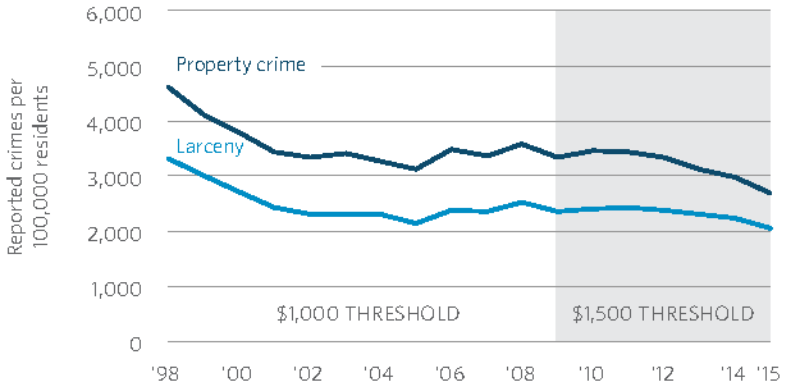
6E – Colorado



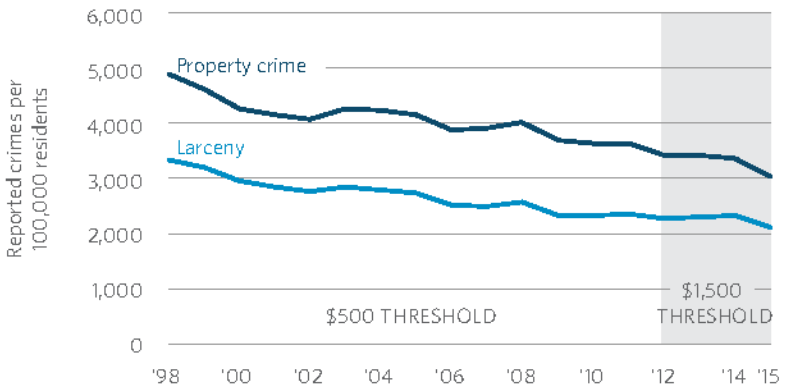
6F – Connecticut



6G – Delaware



6H – Georgia



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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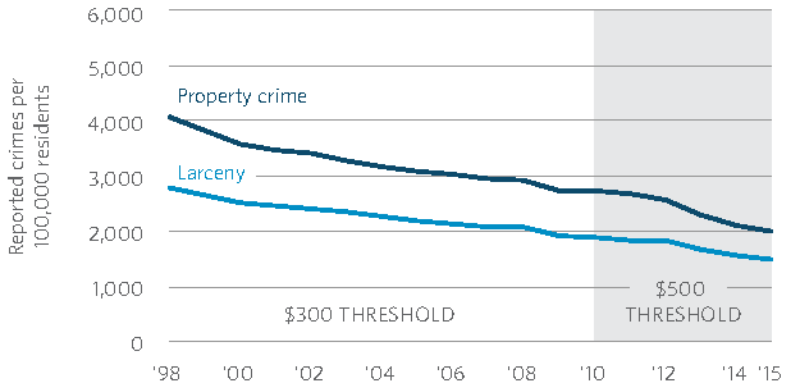
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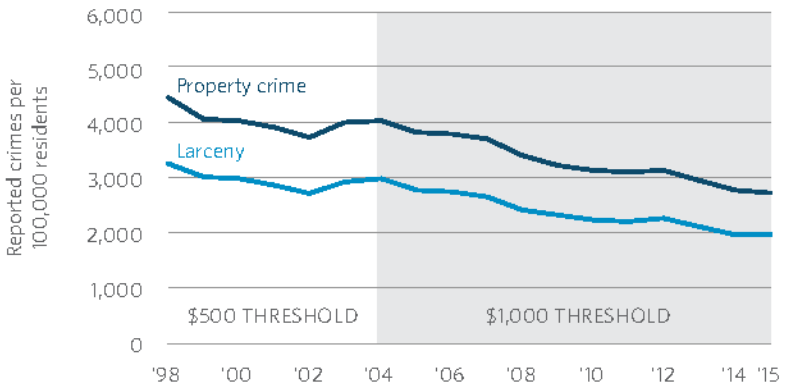
Figures 6I-L

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

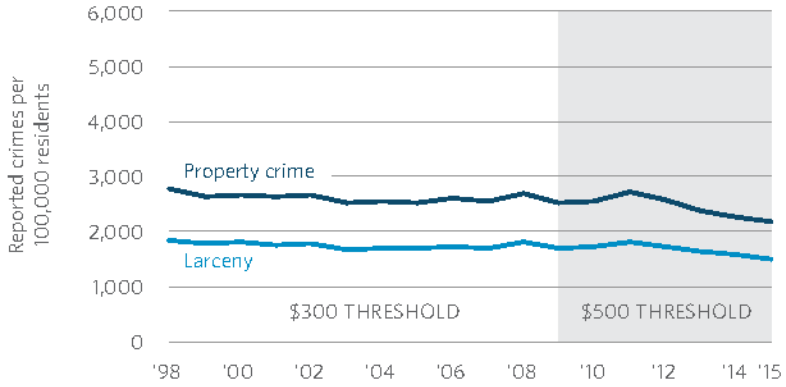
6I – Illinois



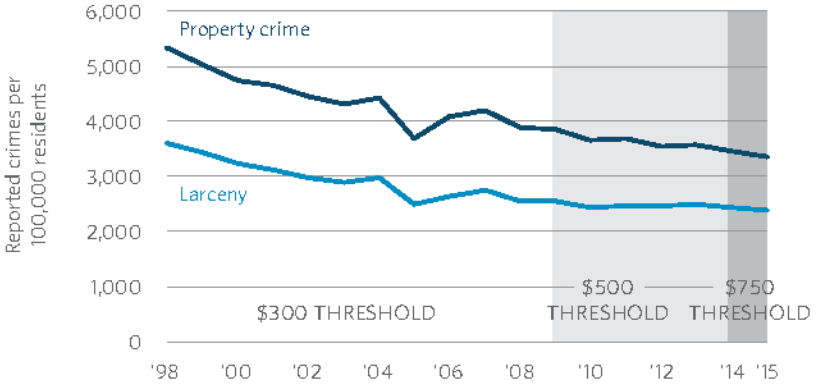
6J – Kansas



6K – Kentucky



6L – Louisiana



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state. Kansas' felony theft threshold also increased in 2016 from $1,000 to $1,500.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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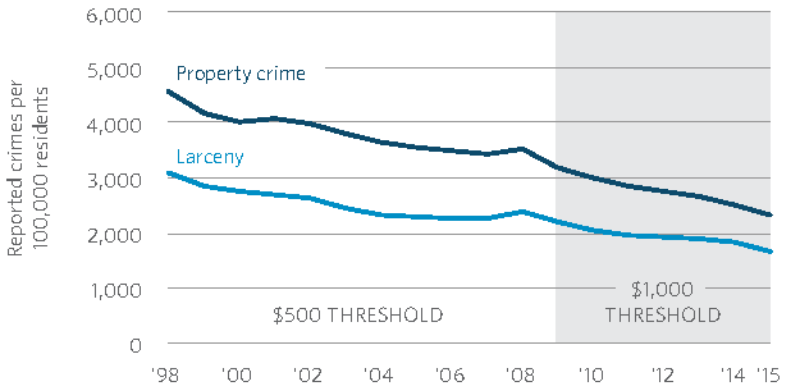
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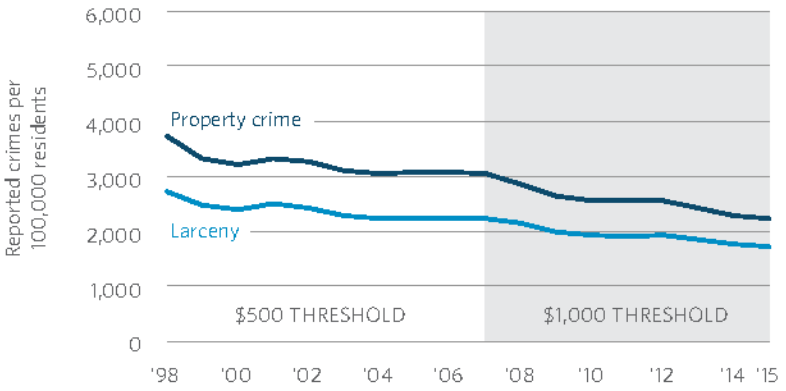
Figures 6M-P

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

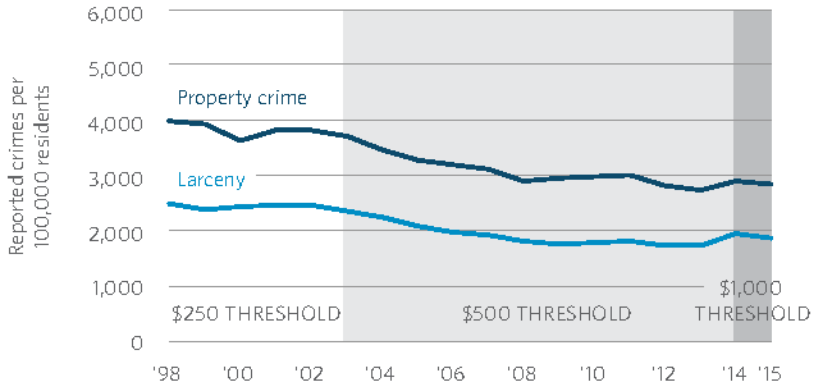
6M – Maryland



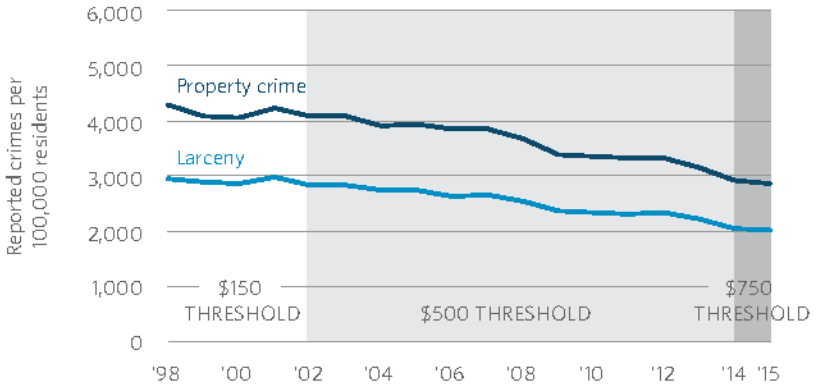
6N – Minnesota



6O – Mississippi



6P - Missouri



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state. Maryland's felony theft threshold also increased in 2016 from $1,000 to $1,500.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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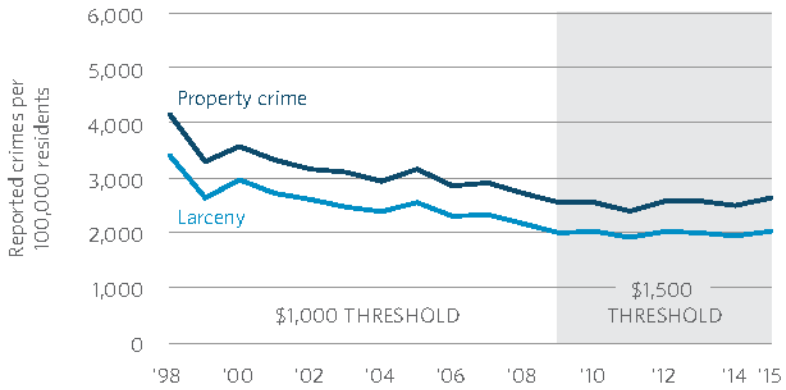
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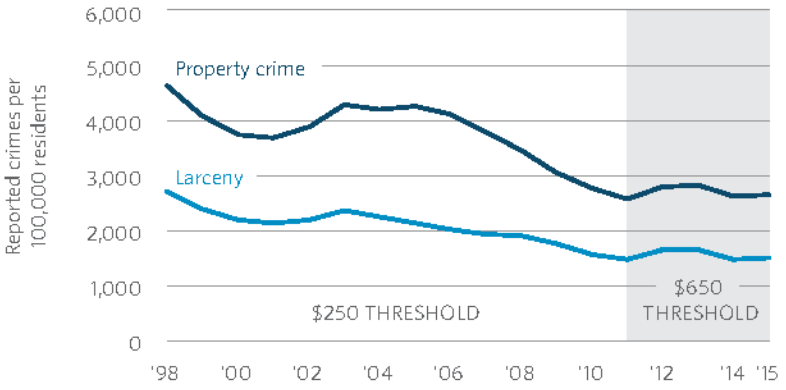
Figures 6Q-T

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

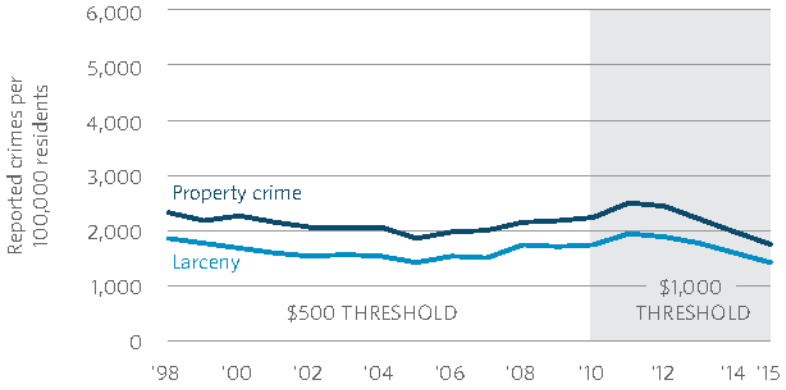
6Q – Montana



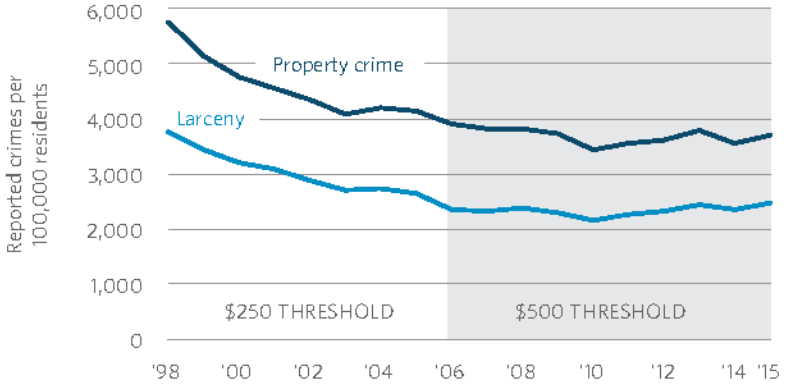
6R – Nevada



6S – New Hampshire



6T – New Mexico



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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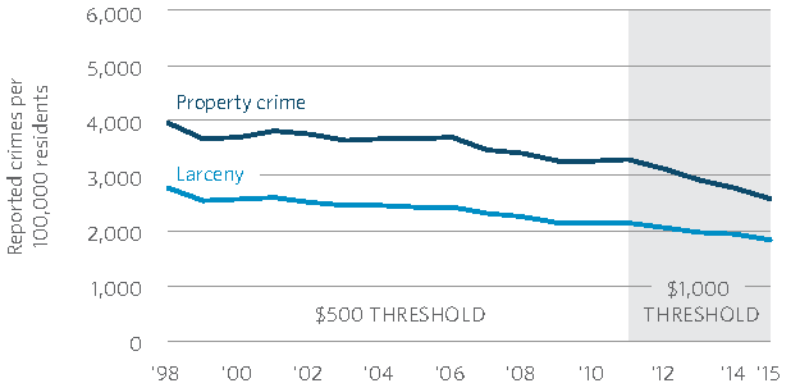
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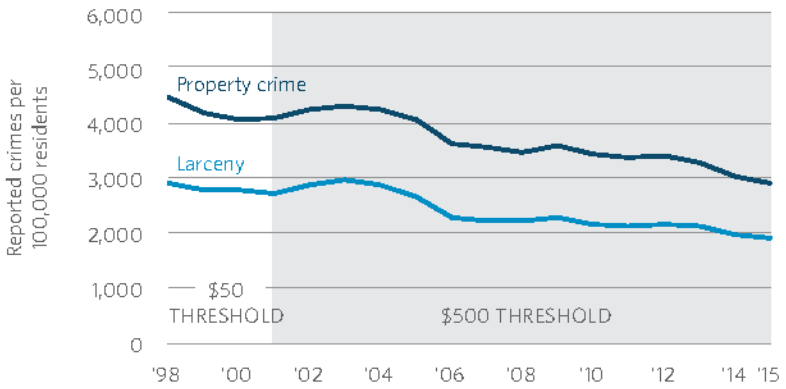
Figures 6U-X

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

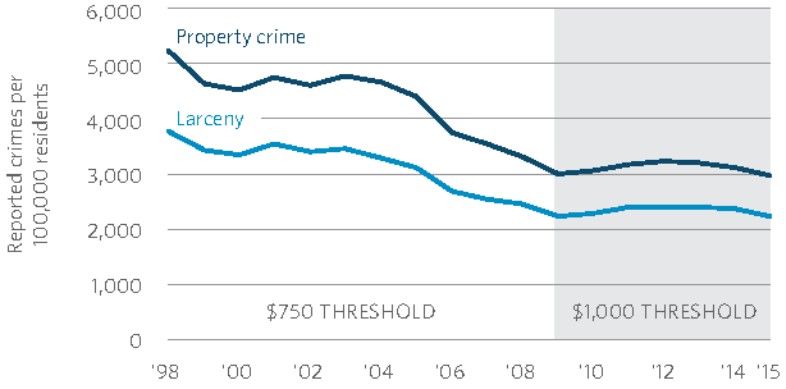
6U - Ohio



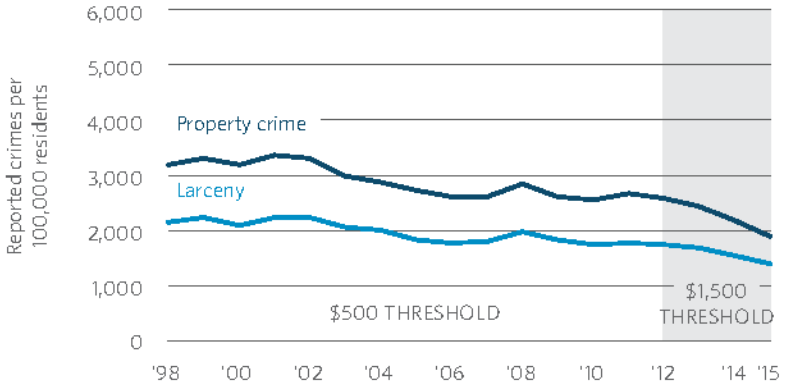
6V - Oklahoma



6W - Oregon



6X - Rhode Island



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state. Oklahoma's felony theft threshold also increased in 2016 from $500 to $1,000.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

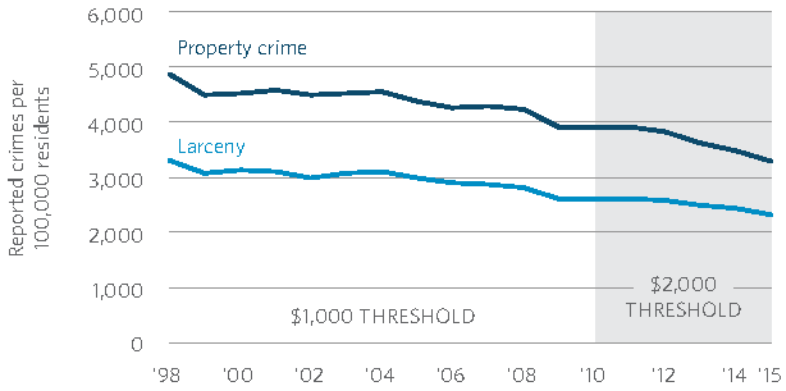
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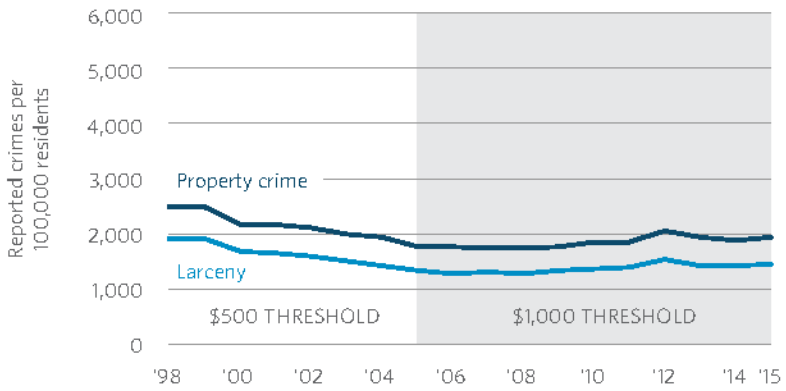
Figures 6Y-BB

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

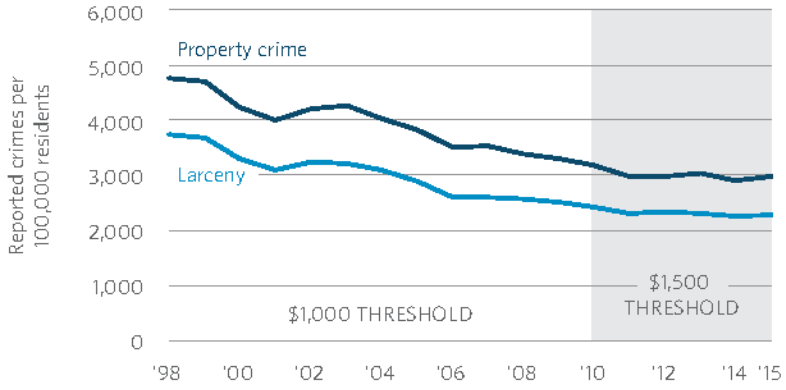
6Y – South Carolina



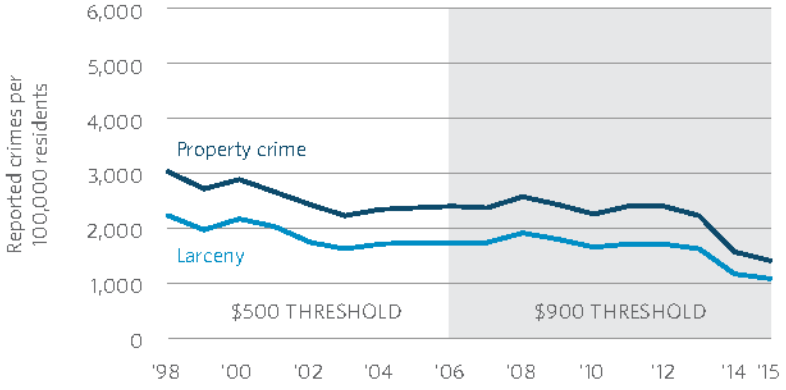
6Z - South Dakota



6AA – Utah



6BB – Vermont



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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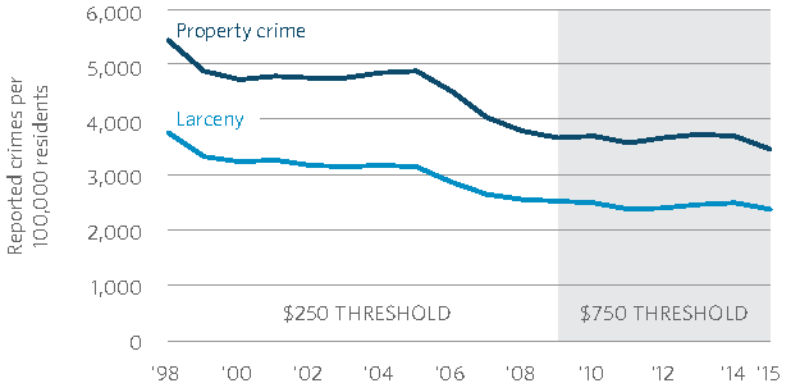
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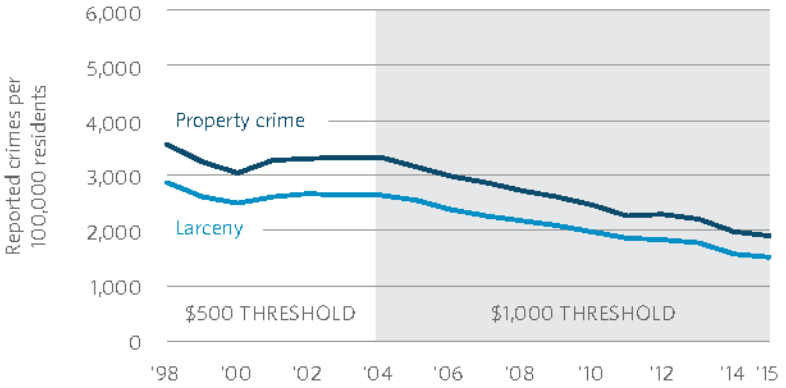
Figures 6CC-DD

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

6CC – Washington



6DD – Wyoming



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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Methodological notes

The statistical models for Figures 3 and 4 isolated the impact of threshold changes on property crime and larceny rates in each state in the year after the policy change and controlled for annual demographic, employment, and income information. The strength of this strategy is that only variables that change over time within each state must be controlled. Demographic data are drawn from the U.S. Census Bureau, and unemployment and income data are derived from the U.S. Bureau of Labor Statistics. State property crime and larceny rates are published by the FBI and are per 100,000 residents. The natural log of property crime and larceny rates was used in the model to account for general declines in rates over time.

Endnotes

1 Pew analysis of legislative information from the National Conference of State Legislatures. The District of Columbia raised its felony theft threshold in 2010 but is not included in this analysis because its crime data are not directly comparable with state crime statistics.

2 Bureau of Labor Statistics, Consumer Price Index Inflation Calculator, http://data.bls.gov/cgi-bin/cpicalc.pl.

3 Property crime includes the offenses of burglary, larceny-theft, motor vehicle theft, and arson. Larceny-theft includes offenses such as shoplifting and bicycle theft but does not include offenses such as embezzlement, forgery, and fraud. Definitions are set nationally by the Federal Bureau of Investigation and are not affected by individual states' crime definitions or penalty levels.

4 Pew analysis of legislative information from the National Conference of State Legislatures.

5 Federal Bureau of Investigation, Uniform Crime Reporting data tool, http://www.ucrdatatool.gov; and Federal Bureau of Investigation, "Crime in the U.S., 2015," https://ucr.fbi.gov/crime-in-the-u.s/2015.

6 Ibid.

7 The Pew Charitable Trusts, "Weighing Imprisonment and Crime" (February 2015), http://www.pewtrusts.org/~/media/assets/2015/02/pspp_qa_experts_brief.pdf.

8 Property crime and larceny rates were higher in Montana, Nevada, and South Dakota. The larceny rate was higher in California, New Mexico, and Oregon.

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For further information, please visit:

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Contact: Fred Baldassaro, director, communications
Email: fbaldassaro@pewtrusts.org
Project website: pewtrusts.org/publicsafety

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JUNE 2010

THE PEW CENTER ON THE STATES

South Carolina's Public Safety Reform

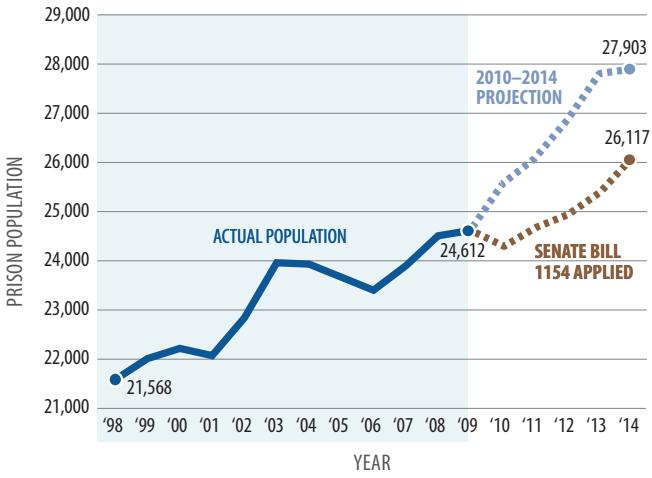
Legislation Enacts Research-based Strategies to Cut Prison Growth and Costs

In 2010, South Carolina enacted a comprehensive package of sentencing and corrections legislation that puts the state at the forefront of states advancing research-driven criminal justice policies designed to produce a greater public safety return on corrections spending.

The Omnibus Crime Reduction and Sentencing Reform Act of 2010 (S. 1154)—the result of more than a year of work by the South Carolina Sentencing Reform Commission—passed

PROJECTED IMPACT

S. 1154 reduces the need to build and operate new prison beds during the next five years by 1,786, saving the state a projected total of $241 million during the next five years.



SOURCE: South Carolina Department of Corrections (historical data); Applied Research Services, Inc. (projections).

HIGHLIGHTS

- **Population.** South Carolina's correctional population nearly tripled during the past 25 years and was projected to grow by more than 3,200 inmates by 2014.
- **Costs.** Since 1983, state spending on prisons increased by more than 500 percent to $394 million. Meanwhile, recidivism rates actually increased in recent years.
- **Drivers.** Data collected and analyzed found high rates of repeat offenders, high rates of incarceration for non-violent offenders and over-extended judicial caseloads.
- **Reforms.** With intensive technical assistance from the Pew Center on the States, the Sentencing Reform Commission developed a set of reforms leading to the Omnibus Crime Reduction and Sentencing Reform Act of 2010. The Act, which makes common sense sentencing reforms, improves parole release decision-making, strengthens supervision for offenders on probation and parole and provides ongoing oversight of sentencing and corrections reform in the state.
- **Impact.** The legislation, S. 1154, is designed to protect public safety, hold offenders accountable and control the growth of corrections costs. The law is projected to save the state up to $175 million in construction costs and avoid more than $66 million in operating costs during the next five years.

In this Brief:

p.2 Public Safety and Public Spending in South Carolina
p.4 Building Consensus
p.6 Comprehensive Legislation Seeks Less Crime at Lower Cost

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unanimously in the state Senate and passed the state House 97-4 before being signed into law by the governor.

The Commission's mandate was to make South Carolina safer, reduce recidivism and the revolving door of prison, use tax dollars more effectively and ensure that prison space is available for violent offenders who need to be there.

> "By using corrections dollars more efficiently—making them work harder—we ensure violent criminals remain locked up, reduce the likelihood that low-level offenders will commit new crimes and free up resources for law enforcement efforts that prevent crime in the first place."
>
> —State Senator Gerald Malloy (D), chair, South Carolina Sentencing Reform Commission, February 28, 2010

The bipartisan, inter-branch Commission produced a set of reforms that increase penalties for certain violent crimes and ensure fairness and certainty in sentencing. The reforms also require supervision for offenders leaving prison; focus corrections resources on high-risk offenders; provide greater accountability for non-violent, lower-level offenders; require greater accountability from state agencies; and provide ongoing data-driven oversight of sentencing and corrections reform in the state.

The 2010 legislation, which enacts these reforms, is projected to slow the growth of the state's prison population substantially during the next five years. Forecast models estimate the reforms will reduce the need to build and operate new prison space by 1,786 inmates,[1] saving the state up to $175 million in construction costs and avoiding more than $66 million in operating costs during the next five years.[2] Because the effects of some of the provisions will not be felt for several years, the bill will have an even larger impact on reducing the number of prison beds needed and will achieve even more cost savings after 2014.

The legislation also strengthens community corrections options to reduce recidivism and increase public safety. By improving the use of evidence-based programs, requiring the use of a risk and needs assessment tool and improving supervision for all offenders, this legislation will aid the state in reducing the number of parolees and probationers committing technical violations and new crime, thereby slowing the revolving door of prisons.

South Carolina is a leading example of what can happen when policy makers take a data-driven approach to difficult policy issues and then work together in a bipartisan fashion across the three branches of government to find solutions.

Public Safety and Public Spending in South Carolina

South Carolina's correctional population nearly tripled during the past 25 years, reaching 24,612 in 2009.[3] The correctional population growth has resulted in significant financial cost

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to state taxpayers. Since 1983, state spending on prisons increased by more than 500 percent to $394 million.[4]

Despite these increases, South Carolina's crime rate remained high. According to the FBI's Uniform Crime Report, South Carolina was the state with the highest violent crime rate in the country in 2008, a distinction held for seven years (2002–2008).[5] In addition, the recidivism rate actually increased. Of the inmates released in fiscal year (FY) 1999, 27.6 percent were returned to prison within three years; of those released in FY 2003, 32.7 percent were returned to prison within three years.[6]

If the state did not take action, the prison population in South Carolina was projected to grow by more than 3,200 inmates by 2014.[7] Such an increase could have added $141 million to the Department of Corrections' operating costs during the next five years, plus another $317 million for the construction of new prison space.[8]

The data collected and analyzed by Pew during the past year demonstrated the problems confronting South Carolina: high rates of repeat offenders, high rates of incarceration for non-violent offenders, growing correctional populations and over-extended judicial caseloads. The analysis found several key factors driving the state's prison growth:

1 Sentencing policies in recent years led to a significant number of offenders entering South Carolina prisons who were committed for low-level offenses for short periods of time. Admissions to prison had increased 26 percent since 2000,[9] and a significant portion of the increase was for less serious offenses with short sentences. In fact, 44 percent of new prison admissions in 2009 had a sentence of fewer than 18 months.[10]

> "About half of South Carolina's prison population is being held for nonviolent offenses… Such low-level violations, as well as certain nonviolent drug-related crimes, can be punished in other ways that aren't as expensive as prison. We build prisons for people we're afraid of. Yet South Carolina has filled them with people we're just mad at."
>
> —Newt Gingrich, former speaker of the U.S. House of Representatives, and Pat Nolan, vice president of Prison Fellowship, May 3, 2010

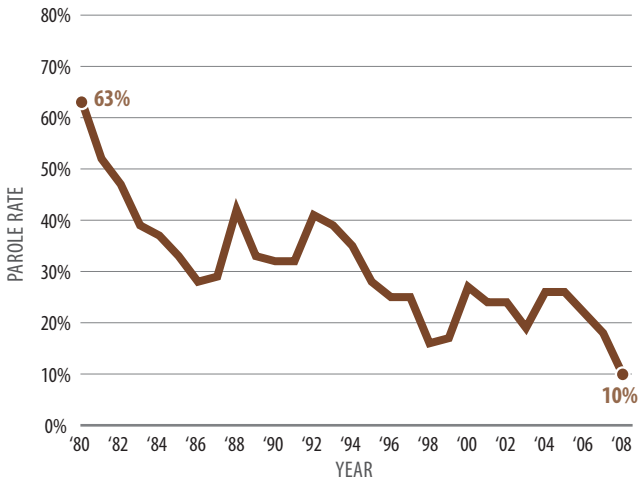
2 The number of offenders in prison for non-violent offenses, mostly drug and property crimes, increased significantly, largely as a result of sentencing practices. Of South Carolina's prison population, 49 percent (approximately 12,000 inmates) were being held for non-violent offenses.[11] The percentage of offenders incarcerated for drug-related offenses had more than tripled. In 1980, state prisons held 473 inmates convicted of drug-related offenses, six percent of the total prison population. In 2009, that number had increased to 4,682 inmates or 20 percent of the prison population.[12]

3 Increasing numbers of South Carolina offenders on parole and probation were being sent back to prison for breaking the rules of their release, not for committing new crimes. In FY 2009, the Department of Probation, Parole and Pardon Services revoked 3,205 offenders and sent them back to prison, accounting for 24 percent of all prison admissions. Of those offenders 66 percent (more than 2,100) were sent back to prison for non-criminal (technical) violations, such as failure to show up at the probation office, or for alcohol and drug use.[13]

4 The South Carolina Board of Paroles and Pardons (the parole board) substantially cut the rate at which it releases inmates who are eligible for parole. In 2008, the Parole Board rejected 5,358 parole applications and approved 564, or 10 percent of all hearings. In 2000, the Parole Board approved 27 percent of all applications, releasing 1,714 offenders; but in 1980, the Parole Board approved 63 percent of all applications.[14] In addition, a greater number of inmates, including higher-risk offenders, were being released at the end of their sentences and walking out the prison door with no supervision or accountability and no connection to the services or support that would reduce the chances they would return to crime or drug use.

PAROLE GRANT RATES

South Carolina's parole board has substantially cut the rate at which it releases inmates who are eligible for parole, from 63 percent in 1980 to 10 percent in 2008.



SOURCE: Data from the Statistical Analysis Center, South Carolina Department of Public Safety.

Building Consensus

In 2008, the South Carolina legislature established the Sentencing Reform Commission, which included three state senators, three state representatives, three members of the Judiciary and the director of the Department of Corrections. The legislature tasked the commission with reviewing and recommending:

1. Appropriate changes to existing felony sentences;
2. Maintaining, amending or abolishing the current parole system; and
3. Alternatives to incarceration for low-level offenders.

In February 2009, the Commission requested technical assistance from the Public Safety Performance Project of the Pew Center on the States. Pew, along with its partners, the Crime and Justice Institute and Applied Research Services, Inc., assisted the Commission in analyzing South Carolina's sentencing and corrections trends and in generating policy options to protect public safety, hold offenders accountable and control the growth of corrections costs.

Working with Pew and its partners, the Commission analyzed the state's sentencing

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and corrections trends to ensure that the recommendations and subsequent legislation would be based on data and research. Pew obtained data from the Department of Corrections; the Department of Probation, Parole and Pardon Services (PPP); the South Carolina Court Administration; the South Carolina Law Enforcement Division (SLED); and the Statistical Analysis Center (SAC), and merged the data into a common database for analysis. Pew and its partners analyzed the key drivers of prison growth and costs, the increase in the number of offenders on probation and parole, and the population and fiscal impact of various policy options.

> "This approach is soft on the taxpayer and smart on crime. It is soft on the taxpayer because it will reduce the need to build more prisons. It is smart on crime because community-based alternatives such as restitution and drug courts entail more accountability and have been proven to reduce recidivism."
>
> —State Senator George E. "Chip" Campsen III (R), member of the South Carolina Sentencing Reform Commission, April 21, 2010

For nearly a year, the Commission held more than 14 hearings and numerous workgroup meetings to analyze the data and research and to reach consensus on recommendations. Throughout the process, the Commission received input from stakeholders including prosecutors, crime victims, law enforcement, the defense bar and other key members of the criminal justice community.

In February 2010, the Commission submitted its final report to the legislature with 24 specific recommendations. To implement these recommendations, the Commission drafted and introduced legislation—the Omnibus Crime Reduction and Sentencing Reform Act of 2010 (S. 1154). A total of 26 senators co-sponsored the legislation.

SOUTH CAROLINA SENTENCING REFORM COMMISSION MEMBERS

Senate Appointees

Senator Gerald Malloy, *chair*
Senator John M. "Jake" Knotts Jr.
Senator George E. "Chip" Campsen III

House of Representatives Appointees

Representative G. Murrell Smith Jr., *vice-chair*
Representative Douglas Jennings Jr.
Representative R. Keith Kelly

Judiciary Appointees

Justice Donald W. Beatty
Judge Aphrodite K. Konduros
Judge William P. Keesley

Governor's Appointee

Jon Ozmint, *director, South Carolina Department of Corrections*

Comprehensive Legislation Seeks Less Crime at Lower Cost

The Omnibus Crime Reduction and Sentencing Reform Act of 2010 (S. 1154) makes common sense sentencing reforms, improves parole release decision-making, strengthens supervision for offenders on probation and parole, and provides ongoing oversight of sentencing and corrections reform in the state. Overall, it will ensure that there is more prison space for the state's violent and career criminals while helping stop the revolving door for lower-risk, non-violent offenders.

LESS CRIME, LOWER COST

1	Adopting common sense sentencing reforms
2	Improving release policies
3	Strengthening parole and probation
4	Establishing ongoing oversight

1. ADOPTING COMMON SENSE SENTENCING REFORMS

The legislation increases penalties for certain violent crimes, ensures fairness and certainty in sentencing and provides justice for victims. Specifically, the Act:

- Adds 24 crimes to the "violent crime" list that were not classified as "violent" offenses, even though many resulted in a victim's death.
- Restructures or revises specific violent and property offenses, including:
  - Creating an "attempted murder" offense, with a penalty of up to 30 years, which previously was not included in South Carolina's criminal code.
  - Providing that a person convicted of a "most serious offense" shall be sentenced to life without parole if the person had two or more prior convictions of a "serious offense."
  - Reducing the maximum penalty for burglary in the 2nd degree, non-violent (i.e., burglary of commercial buildings during the daytime) from 15 years to 10 years, and making these offenders eligible for parole.
  - Increasing the property value threshold from $1,000 to $2,000 for all felony property crimes, making all property crimes below $2,000 misdemeanors.
  - Increasing penalties when a habitual motor vehicle offender driving with a suspended license causes an accident that results in great bodily injury or death.
  - Establishing a consolidated assault and battery statute, with graduated penalties for more serious conduct or harm; also eliminating provisions related to assault and battery against special classes of individuals (e.g., sports officials, EMS providers), which are now covered by the consolidated statute.
- Restructures controlled substance offenses, including:
  - Providing that persons convicted for a first or second drug offense, other than trafficking offenses, are eligible for probation or a suspended sentence, parole, work release, good conduct and other credits; and that persons convicted of a third or subsequent drug offense, other than trafficking offenses, be eligible for probation, suspension, parole and credits in limited circumstances. Drug

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trafficking remains a violent offense with no probation or parole allowed.

- Equalizing penalties for drug offenses to erase the disparity for crack and powder cocaine possession.

> "[T]he substance of the law, the way lawmakers worked together to pass it and the change it signals to our counter-productive approach to criminal justice make it one of the most significant accomplishments in a decade."
>
> —The State, *Sentencing reform law will make S.C. safer*, June 6, 2010

- Clarifying the proximity to schools statute (requiring enhanced penalties for controlled substance offenses within the proximity of a school, park or playground) to require intent to commit a controlled substance offense and intent to commit it within the proximity of a school, park or playground.

- Redefining what is considered a second or subsequent drug offense for specific drug crimes (e.g., marijuana possession is no longer counted as a second or subsequent offense if a first offense of marijuana possession occurred more than five years before the conviction; for other offenses for drug possession, the first offense must have been within 10 years to count as a prior offense).

- Requiring drug offenders to pay a controlled substance offense assessment (with a waiver for indigent defendants), and allocating the proceeds to drug treatment court programs.

- Makes other significant sentencing reforms, including:

  - Increasing the amount of victim restitution that can be ordered by magistrates or municipal courts from $5,000 to $7,500; if the civil jurisdiction amount in summary courts increases, the victim restitution limit will also increase.

  - Prohibiting persons convicted of a violent crime from possessing a firearm or ammunition, consistent with federal law.

  - Revising work release provisions so that inmates convicted of certain offenses with long prison terms now may be eligible for work release in the last three years of their sentence.

  - Allowing for a reduction in an offender's sentence based on cooperation with law enforcement, the Department of Corrections or prosecutors.

  - Requiring an accurate fiscal impact statement prior to any committee action for any legislation that would establish a new criminal offense or that would amend the sentencing provisions of an existing criminal offense.

2. IMPROVING RELEASE POLICIES

The Act provides cost-effective prison release methods to improve successful reintegration into society by inmates and ensure public safety. Specifically, the Act:

- Increases the education and experience requirements for the director of the Department of Probation, Parole and Pardon Services and the at-large parole board member and requires annual training for all board members.

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- Requires the parole board to adopt a validated actuarial risk and needs assessment tool for use in making parole decisions and setting parole conditions.

- Allows parole for an inmate who is terminally ill, geriatric or permanently incapacitated upon the petition of the Department of Corrections.

- Directs the Department of Corrections and the Department of Probation, Parole and Pardon Services to work with the Department of Motor Vehicles to provide inmates released from prison with a valid photo identification card.

3. STRENGTHENING PAROLE AND PROBATION

The legislation focuses probation and parole supervision resources on high-risk offenders. It also improves the transition of lower-risk offenders—those considered least likely to re-offend—into the community. Specifically, the Act:

- Requires that non-violent inmates who have been incarcerated for at least two years be released to mandatory supervision 180 days before their release date.

- Requires probation agents to conduct actuarial assessments of offenders' risks and needs, and make decisions about the type of supervision and services that are consistent with evidence-based practices.

- Establishes incentives for good behavior (i.e., compliance credits) for offenders with a term of supervision of more than one year; an offender on supervision may earn up to 20 days off of their period of supervision for each 30-day period in which the offender has complied with the conditions of supervision and has no new arrests.

- Allows for administrative monitoring (i.e., a lower, less costly level of supervision) for offenders who have fulfilled all of their conditions of supervision except their payment of financial obligations (e.g., restitution, fines and fees).

- Extends supervision, under administrative monitoring, beyond the current five-year maximum probation term for offenders who have not paid all of their restitution, fines and fees, for the sole purpose of repayment.

- Authorizes the Department of Probation, Parole and Pardon Services to impose administrative sanctions in response to violations of the terms and conditions of supervision.

4. ESTABLISHING ONGOING OVERSIGHT

The Act provides ongoing oversight of sentencing and corrections reform in the state. Specifically, the Act:

- Establishes the Sentencing Reform Oversight Committee to review the implementation of the recommendations made by the Sentencing Reform Commission, oversee the various reports and plans required by S. 1154 and conduct additional studies and evaluations of sentencing reform issues.

- Provides for a system of performance incentive funding that allows for the shifting of resources from prisons to probation and parole. Specifically, the Oversight Committee is required to report on the expenditures avoided by reductions in the revocation rate and reductions in new felony offense convictions by those under supervision, and the Oversight Committee is to recommend to the legislature whether to shift up to 35 percent of any cost savings achieved to the Department of Probation, Parole and Pardon Services.

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Launched in 2006, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections costs.

For more information, please visit www.pewcenteronthestates.org

Endnotes

[1] The inmate projection was produced by Applied Research Services, Inc.

[2] The operational and new construction costs were provided by recent budget calculations from the South Carolina Department of Corrections.

[3] Data from the South Carolina Department of Corrections provided to Applied Research Services, Inc., and the South Carolina Sentencing Reform Commission, 2009.

[4] Pew Center on the States, *One in 31: The Long Reach of American Corrections* (Washington, DC: The Pew Charitable Trusts, March 2009) at http://www.pewcenteronthestates.org/uploadedFiles/PSPP_1in31_report_FINAL_WEB_3-26-09.pdf. See also South Carolina State Fact Sheet at http://www.pewcenteronthestates.org/uploadedFiles/wwwpewcenteronthestatesorg/Fact_Sheets/PSPP_1in31_factsheet_SC.pdf.

[5] Federal Bureau of Investigation, *Crime in the United States, 2008* (Washington, DC: U.S. Department of Justice, September 2009) at http://www.fbi.gov/ucr/cius2008/data/table_05.html. South Carolina led all 50 states with a violent crime rate of 729.7 per 100,000 inhabitants. The District of Columbia had the highest violent crime rate in the country at 1,437.7 per 100,000 inhabitants. South Carolina state officials note that South Carolina reports crimes using the National Incident-Based Reporting System (NIBRS), which has not been implemented in many states or localities. They note that this may impact the state's ranking on violent crime rates when compared with states that report crimes using the Uniform Crime Reporting (UCR) Program.

[6] Data from the South Carolina Department of Corrections provided to Applied Research Services, Inc., and the South Carolina Sentencing Reform Commission, 2009.

[7] Population projections calculated by Applied Research Services, Inc.

[8] Cost projections calculated by Applied Research Services, Inc.

[9] All data are from the South Carolina Department of Corrections, and analysis was completed by Applied Research Services, Inc.

[10] All data are from the South Carolina Department of Corrections, and analysis was completed by Applied Research Services, Inc.

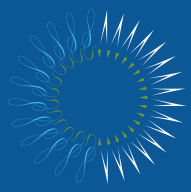
[11] All data are from the South Carolina Department of Corrections, and analysis was completed by Applied Research Services, Inc.

[12] Data from the South Carolina Department of Corrections provided to Applied Research Services, Inc., and the South Carolina Sentencing Reform Commission, 2009.

[13] Data from the South Carolina Department of Probation, Parole and Pardon Services provided to Applied Research Services, Inc., and the South Carolina Sentencing Reform Commission, 2009.

[14] 2008 data provided by the Department of Probation, Parole and Pardon Services. Historical data provided by the Statistical Analysis Center, South Carolina Department of Public Safety, to Applied Research Services, Inc., and the South Carolina Sentencing Reform Commission, 2009.

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The TEXAS Model
A TEXAS PUBLIC POLICY FOUNDATION PUBLICATION
September 2011
Center for Effective Justice

Adult Corrections Reform: Lower Crime, Lower Costs

RIGHT ON CRIME

by Marc Levin, Director, Center for Effective Justice

In the last several years, Texas has become emblematic of the growing movement to be both tough and smart on crime, as it has achieved significant declines in both its crime and incarceration rates. Policies initiated since 2005 have expanded capacity in alternatives to incarceration that hold nonviolent offenders accountable and provide effective supervision. Since that time, Texas has seen a double-digit reduction in crime, reaching its lowest crime rate since 1973.[1] In this same period, the state's adult incarceration rate has fallen 9 percent. Texas, which in 2004 had the nation's second highest incarceration rate, now has the fourth highest.[2]

Texas Crime and Incarceration Rates Tumble[3]

Year	FBI Index Crime Rate	Incarceration Rate Per 100k
2005	4,857.1	681
2010	4,236.4	620
% Change	-12.8%	-9.0%

Two key budgetary strategies enabled Texas to cut crime and avoid building more than 17,000 new prison beds.

The first strategy involved appropriating $55 million in 2005 for probation departments that agreed to target 10 percent fewer prison revocations and to implement graduated sanctions. Graduated sanctions ensure swift, sure, and commensurate sanctions (e.g., increased reporting, extended term, electronic monitoring, weekend in jail, etc.) for rules violations, such as missing meetings, rather than letting them pile up and then revoking that probationer to prison. Most of the funding went towards reducing caseloads from nearly 150 (in major urban areas) to 110 probationers per officer, and expanding specialized, much smaller caseloads for subgroups such as mentally ill probationers. This facilitated closer supervision, and the consistent application of such sanctions, which led to a decline in revocations in these departments, saving taxpayers $119 million.[4]

The second strategy, in 2007, was the appropriation of $241 million for a package of prison alternatives that included more intermediate sanctions and substance abuse treatment beds, drug courts, and mental illness treatment slots. This package was in lieu of spending $2 billion on 17,332 new prison beds that the Legislative Budget Board (LBB) had otherwise projected would be needed by 2012.[5] The search for alternatives came in response to statements from judges, prosecutors, and corrections officials, bolstered by data, indicating that increasing numbers of low-level, nonviolent offenders were being directly sentenced, or revoked from probation, to prison. Why? Because of long waiting lists for many alternatives.

Furthermore, parolees often remained in prison because of waiting lists for halfway houses and programs they had to complete before release, a backlog addressed by the 2007 package.[6] All told, the 2008-09 budget added 4,000 new probation and parole treatment beds, 500 in-prison treatment beds, 1,200 halfway house beds, 1,500 mental health pre-trial diversion beds, and 3,000 outpatient drug treatment slots.

Perhaps reflecting increased confidence by judges, juries, and prosecutors in probation, sentences to prison actually declined 6 percent in 2009 while more nonviolent offenders went on probation.[7] This reversed the historical increase of 6 percent per year in prison commitments.[8]

Furthermore, probation and parole revocations together account for approximately half of the annual prison intakes, and both have declined recently as supervision has been strengthened.[9] From 2005 to 2010, Texas' probation revocation rate fell from 16.4 to 14.7 percent.[10]

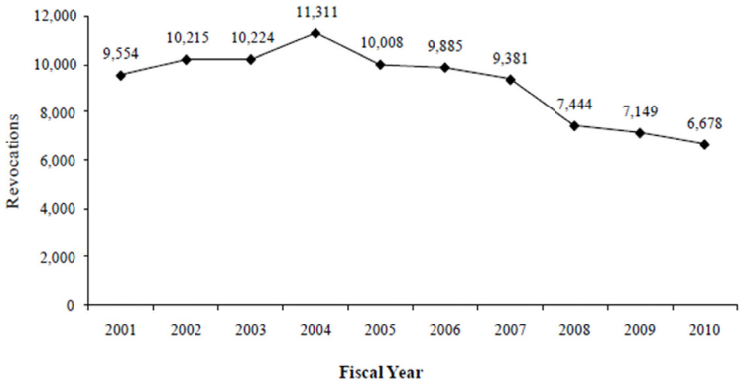
Similarly, during the last several years, parole offices have improved supervision by expanding the use of graduated sanctions, implementing instant drug testing, and restoring the parole chaplaincy program. Thus, despite there being more parolees, the number of new crimes committed by

continued on back

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parolees declined 8.5 percent from 2007 to 2010, contributing to a sharp reduction in parole revocations.[11]

Texas Parole Revocations to Prison[12]



Capitalizing on Texas' recent success, the Legislature in 2011 followed the recommendation of both the Texas Public Policy Foundation and Governor Rick Perry in ordering the closure of the Sugar Land Central Unit, the first such prison closure in Texas history. This will save taxpayers approximately $20 million over the biennium in operating costs, in addition to the one-time proceeds from the sale of the property.

In 2011, Texas policymakers also took many additional steps to continue the new Texas trend of lower crime and incarceration rates. First, lawmakers grappling with a challenging budget environment found operational savings such as closing one adult and three juvenile lockups and reducing subsidized housing for high-level corrections officials, rather than cutting back on cost-effective alternatives to prison and in-prison treatment programs that have paid dividends since being expanded in 2007.

In 2011, lawmakers also passed, and the Governor signed, several key bills. SB 1055 allows counties to opt for performance incentive funding based on reducing commitments to prison of low-level offenders while also reducing recidivism, increasing the share of probationers making victim restitution, and increasing the employment rate among probationers. Second, HB 1205 creates a positive incentive for probationers to pursue self-improvement by allowing judges to award time credits for exemplary behavior, such as earning a degree, fully paying restitution, and completing treatment programs.

Finally, HB 2649 is projected to save $49 million by incentivizing state jail inmates, the lowest-level, nonviolent offenders in state lockups, to complete educational, treatment, and vocational programs and exhibit exemplary behavior. Under this legislation, judges can require those offenders who demonstrated such exemplary conduct to spend several months of their sentence on probation, whereas under the former law most state jail felons had no opportunity for probation or supervision upon release. Transitioning exemplary state jail inmates upon rentry to probation ensures that they will be held accountable to an officer, directed to find a job and housing, and required to comply with restrictions such as drug testing, curfews, and avoiding anti-social peers.

While Texas, like all states, has more work to do to strengthen its criminal justice system, Texas' progress over the last several years is a shining example of how states can adopt strategies that deliver less crime and a lower bill to taxpayers. ★

[1] Texas Crime Rates, FBI Reports.
[2] Marc Levin, "Texas Criminal Justice Reform: Lower Crime, Lower Cost" Texas Public Policy Foundation (Jan. 2010).
[3] Texas Crime Rates 1960-2010.
[4] "Adult Probation" *2011-12 Texas Legislators' Guide to the Issues*, Texas Public Policy Foundation.
[5] "Adult & Juvenile Correctional Population Projections Fiscal Years 2007-2012" Legislative Budget Board (Jan. 2007).
[6] "Justice Reinvestment in Texas: Assessing the Impact of the 2007 Justice Reinvestment Initiative" Council of State Governments Justice Center (Apr. 2009).
[7] Garron Guszak, Legislative Budget Board, email (16 Dec. 2009).
[8] "Current Correctional Population Indicators" Legislative Budget Board (Apr. 2011).
[9] "Adult & Juvenile Correctional Population Projections Fiscal Years 2011-2016" Legislative Budget Board (Jan. 2011).
[10] "Statewide Criminal Justice Recidivism and Revocation Rates" Legislative Budget Board (Jan. 2011).
[11] "2007 Annual Report" Texas Board of Pardons and Paroles; and "2010 Annual Report" Texas Board of Pardons and Paroles.
[12] Tony Fabelo, "Texas Justice Reinvestment: Outcomes, Challenges and Policy Options to Consider" Council of State Governments Justice Center (Mar. 2011); and Texas Department of Criminal Justice Parole Statistics.

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Assessing the Impact of Mississippi's Technical Violation Centers

Justice Reinvestment Initiative

Chloe Warnberg and Robin Olsen

November 2019

Mississippi's prison population grew more than 400 percent between 1980 and 2013[1] and was projected to increase by nearly 2,000 people during the following decade at a cost of $266 million (Pew 2014). State leaders began exploring options to use prison space and other resources to get a better public safety return on correctional spending.

State leaders requested assistance through the Justice Reinvestment Initiative (JRI), a public-private partnership funded by the Bureau of Justice Assistance and the Pew Charitable Trusts. Mississippi convened its interbranch Corrections and Criminal Justice Task Force—with technical assistance from the Pew Charitable Trusts and the Crime and Justice Institute—to examine the drivers of incarceration and make recommendations for curbing corrections costs and improving public safety.

In 2014, Governor Phil Bryant signed House Bill (H.B.) 585 into law. Among other reforms, the legislation gave criminal justice system practitioners more options for responding to technical violations of supervision, which are incidents that violate conditions of supervision but do not involve a new crime. Such incidents could include missing meetings with supervision officers or failing drug tests. In particular, H.B. 585 established a system of graduated sanctions and created technical violation centers (TVCs) as alternatives to the use of lengthy prison sentences to respond to technical violations. Designed to provide programming and services to address the underlying causes of criminal behavior, TVC sentences were capped at 90 and 120 days for the first and second revocations, respectively.

This brief focuses on the implementation and outcomes of TVCs and the associated revocation caps in Mississippi following implementation in 2014. Using data from the Mississippi Department of Corrections (MDOC) and stakeholder interviews, the Urban Institute analyzed overall incarceration,[2] trends in admissions and lengths of stay, and additional outcomes.

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Key findings on H.B. 585's impact on Mississippi's prison population (excluding TVCs) include the following:

- Mississippi used **35 percent fewer days of imprisonment for technical violations** in the 3.5 years post-585 than in the 3.5 years pre-585. The majority of this decrease is attributable to a 45 percent decrease in imprisonment days used for technical violations of probation.
- **Admissions to prison for technical revocations increased 7 percent** between 2013 and 2017. During that period, technical revocations from parole increased 87 percent, while technical revocations from probation decreased 25 percent.
- **The average length of stay in prison for technical violations fell 14 percent** between 2013 and 2017. During that period, the average length of stay in prison for technical violations decreased 28 percent for parole and increased 7 percent for probation.

Key findings on H.B. 585's impact on overall incarceration (prisons and TVCs) include the following:

- Mississippi used **16 percent fewer incarceration days (prison and TVCs)** for technical violations in the 3.5 years post-585 than in the 3.5 years pre-585. Incarceration days for technical violations increased 45 percent for parole and decreased 34 percent for probation.
- **Admissions to incarceration (prison and TVCs) for technical violations increased 40 percent** between 2013 and 2017, from 3,077 to 4,321.
- **The average length of incarceration (prison and TVCs) for technical violations decreased 29 percent** between 2013 and 2017. During that period, length of incarceration for technical violations decreased 36 percent for parole and 16 percent for probation.

Background

Between 1980 and 2013, Mississippi's prison population grew more than fivefold, and in 2013, its imprisonment rate was the third highest in the country.[3] Its prison population was projected to grow by nearly 2,000 people at a cost of $266 million during the following 10 years (Pew 2014). With other states reducing crime rates and imprisonment, leaders in Mississippi began questioning whether high corrections spending was producing the best public safety results. To address this unsustainable growth and invest more effectively in public safety, the state convened the bipartisan, interbranch Corrections and Criminal Justice Task Force. With technical assistance from the Pew Charitable Trusts and the Crime and Justice Institute, the task force found that technical revocations of community supervision were a significant driver of the prison population. In 2012, there were more admissions to prison for revocations than for new crimes, and revocation admissions had increased 84 percent during the previous decade (Pew 2014).[4] Community supervision officers lacked options—like graduated sanctions or incentives—to change the behaviors of people on supervision before they rose to the level of revoking someone to prison, and prison revocations were often applied inconsistently and sometimes with significant delays.[5]

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In 2014, Governor Bryant signed H.B. 585 into law. The bill codified task force recommendations and created new options for responding to technical violations. Specifically, the legislation established TVCs for people whose community supervision had been revoked for technical violations. The bill specified that TVCs would provide services to address the underlying causes of the violation—as identified by a risk and needs assessment—and would provide services such as substance use disorder treatment, employment preparation, and education programs to help people avoid future violations. House Bill 585 also capped TVC stays at 90 days for the first technical violation and 120 days for the second. Third technical violations are eligible for up to 180 days in a TVC or revocation to prison for the remainder of the sentence. Lastly, H.B. 585 required the Mississippi Department of Corrections to implement a graduated response approach to technical violations that included developing a grid with the most common sanctions and responses, ranging from verbal warnings to increased reporting or drug and alcohol testing to short jail stays. These guidelines were intended to provide probation and parole officers responses that stop short of incarceration in a TVC or prison for less serious violations, and that address violations with proportional punishments that increase in severity. The legislation took effect July 1, 2014.

In January 2015, Mississippi began receiving technical assistance from the Crime and Justice Institute through the Justice Reinvestment Initiative to aid its implementation efforts. House Bill 585's TVC, revocation cap, and graduated sanction provisions were intended to curb growth in the state's prison population by reducing prison admissions for technical violations, reducing lengths of stay in prison for technical violations, and reducing prison admissions for new crimes by providing interventions that address the underlying causes of criminal behavior (thus preventing new crimes). Technical violation centers were specifically intended to provide targeted programming and services to address identified drivers of criminal behavior.

Throughout the implementation period, Mississippi has experienced challenges related to TVC facilities and programming. To establish TVCs, existing prisons and community work centers were repurposed to house people who committed technical violations of supervision. Flowood Technical Violation Center, which is located outside of Jackson, Mississippi, and is the only TVC that houses women, has been operating steadily since 2014. The number and location of TVC facilities for men, however, has changed since H.B. 585 was passed, and each iteration of TVC facilities has generally offered insufficient programming and services. Additionally, inefficiencies with reception and classification processes created a jail backlog, causing delays placing people in TVCs and giving them access to programming.

These issues made some decisionmakers less willing to send people to TVCs. For people on parole, the decisionmaker is the parole board; for people on probation, the decisionmaker is the judge. The State of Mississippi Parole Board has five members and is located in Jackson, Mississippi, and the state has 57 circuit court judges serving 22 circuit districts. By April 2018, the state had consolidated all of its men's TVCs at one facility—Delta TVC —in northwestern Mississippi. Currently, each person housed at Delta TVC is enrolled in three programs—a workforce training and reentry program, a cognitive training program, and an alcohol and drug program—each of which they attend twice a week. Additionally,

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individual decisionmakers in Mississippi (specifically judges and parole board members) often have considerable discretion over whether to send people with technical violations to prison or a TVC, as well as the duration of the sentence. This discretion has affected the consistency of the use of TVCs and may have impacted the differing trends in Mississippi's use of TVCs and prison to respond to technical violations by people on probation and parole.

Mississippi also experienced challenges with the interpretation of statutory language when implementing TVCs. The language in H.B. 585 specified that revocation caps would be applied according to a person's number of prior technical *violations* (not revocations). This allowed decisionmakers to stack prior violations, bypass TVCs, and send people directly to prison on their first technical revocation. House Bill 387 (2018) adjusted the wording to clarify that revocation caps apply according to a person's number of prior technical *revocations* (not violations). Although this brief does not include quantitative data past 2018, qualitative data show stakeholders expressed differing opinions regarding how much this legislative change has impacted behavior (see this brief's "Additional Outcomes and Recommendations" section for more information). The quantitative analysis in the following sections explores how technical violation centers impacted prisons and incarceration in Mississippi through 2017.

"The violation centers shall be equipped to address the underlying factors that led to the offender's violation as identified based on the results of a risk and needs assessment. At a minimum, each violation center shall include substance abuse services shown to reduce recidivism and a reduction in the use of illicit substances or alcohol, education programs, employment preparation and training programs and behavioral programs."
—Mississippi House Bill 585 (2014)

Using quantitative data from MDOC and stakeholder interviews (box 1), Urban assessed the impact of TVCs since H.B. 585 was passed. This analysis examines:

- the impact of TVCs on the prison population, overall incarceration, and other outcomes;
- how admissions to incarceration for technical violations changed since H.B. 585; and
- how lengths of incarceration for technical violations changed since H.B. 585.

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BOX 1

Methodology

Urban received the following quantitative data from MDOC for this brief:

- admissions to and releases from MDOC jurisdiction between 2010 and 2017
- sentencing data
- available data on violations of probation and parole occurring between 2010 and 2017
- demographic data (including gender, race, and dates of birth)
- available data on assessed risk

We also interviewed the following stakeholders about Delta TVC:

- MDOC community corrections staff and leadership
- staff and people incarcerated at Delta TVC
- judges
- a parole board member
- community and legislative advocates

Findings

Use of Prison and Incarceration to Respond to Technical Violations

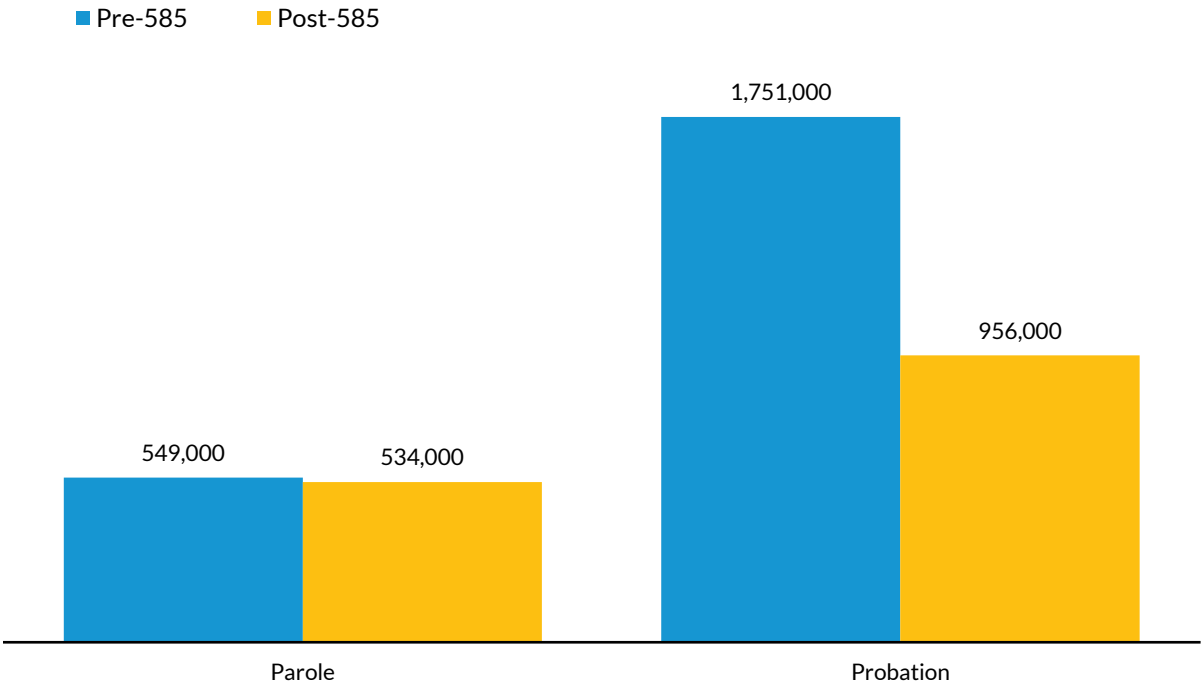
In the 3.5 years after H.B. 585 was implemented, the number of imprisonment days used for technical revocations in Mississippi decreased 35 percent. As figure 1 shows, most of this decline owed to a reduction in imprisonment days used for technical revocations from probation, which decreased 45 percent postimplementation. Imprisonment days for technical revocations from parole decreased by just 3 percent.

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FIGURE 1

Imprisonment Days Have Decreased for Probation and Remained Flat for Parole

Imprisonment days for technical violations before and after H.B. 585 (for people released)



Source: Mississippi Department of Corrections.

Notes: Imprisonment days are calculated by totaling the number of days served in prison for everyone admitted to and released from prison for a technical revocation in the pre-585 and post-585 groups. "Pre-585" includes all people admitted and released between January 1, 2011, and June 30, 2014. "Post-585" includes all people admitted and released between July 1, 2014, and December 31, 2017. Figures are rounded.

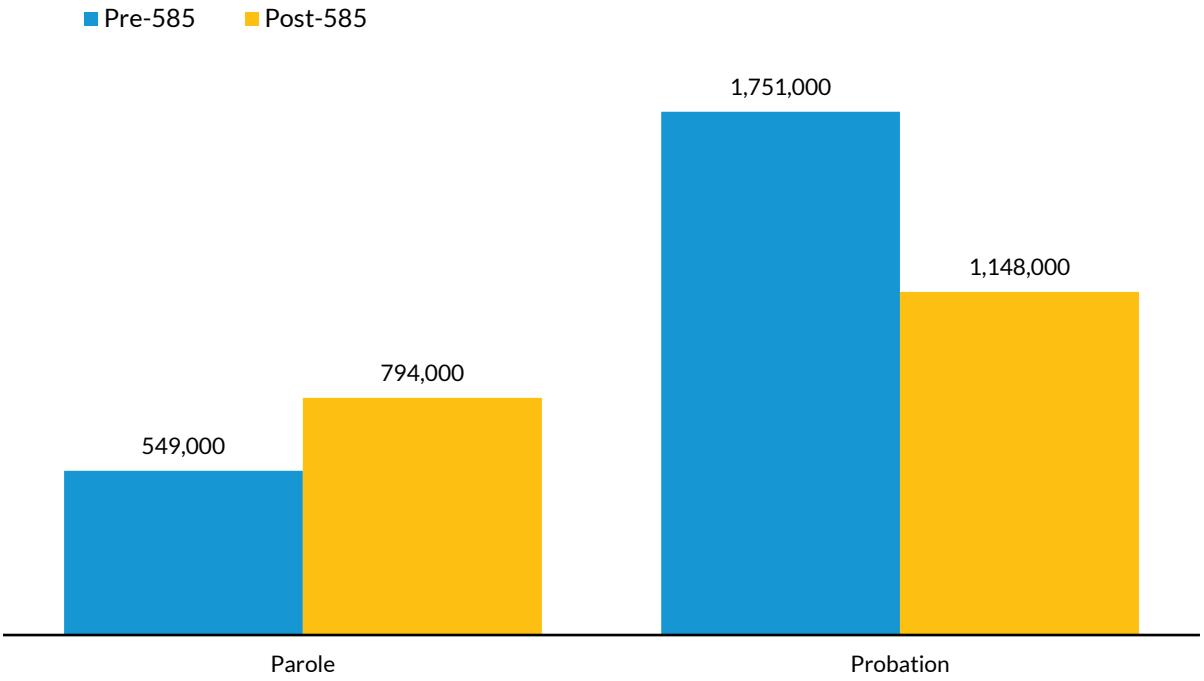
With the addition of TVCs, Mississippi's number of incarceration days (including TVCs and prisons) decreased 16 percent in the 3.5 years after H.B. 585. This decrease is largely attributable to decreases in incarceration among people on probation (figure 2). In contrast, the number of days used to incarcerate people on parole for technical violations increased 45 percent after H.B. 585.

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FIGURE 2

Incarceration Days Have Decreased for Probation and Increased for Parole

Incarceration days (prison and TVCs) for technical violations before and after H.B. 585 (for people released)



Source: Mississippi Department of Corrections.
Notes: Figures are rounded. Incarceration days are calculated by totaling the number of days served in prison or a TVC for everyone admitted to and released from prison for a technical revocation in the pre-585 and post-585 groups.

Variations in imprisonment or incarceration day usage are driven by changes in admissions to prison and incarceration for technical violations, along with lengths of stay in prison or TVCs.

Admissions to Incarceration for Technical Violations

HOW MANY PEOPLE ARE ADMITTED TO INCARCERATION FOR TECHNICAL VIOLATIONS?

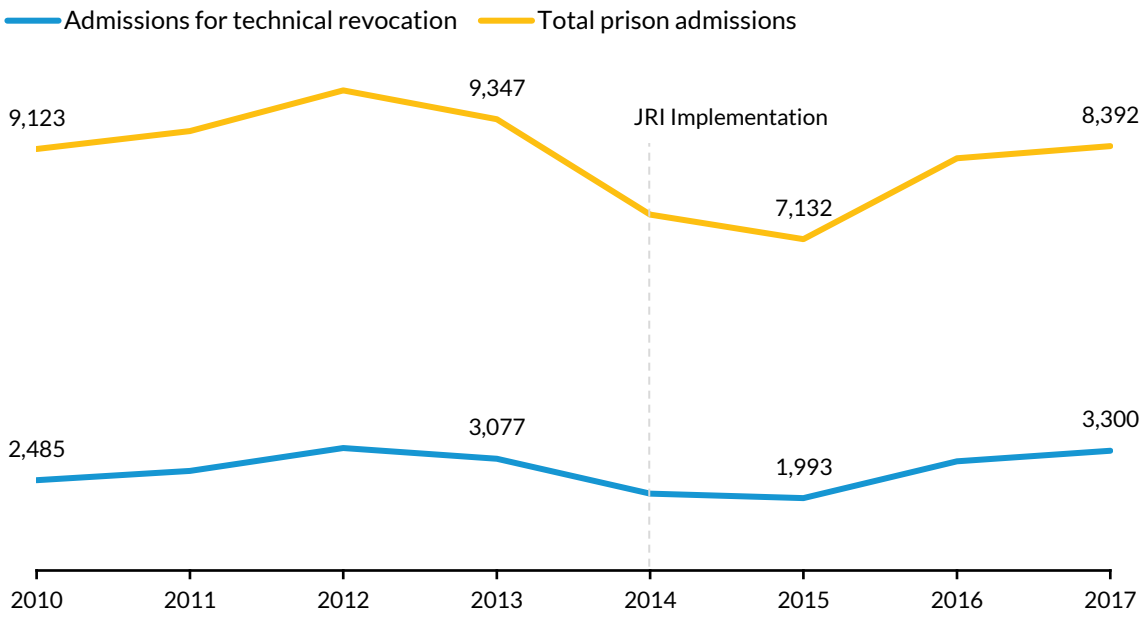
Between 2013 and 2017, overall admissions to Mississippi prisons decreased 10 percent, while prison admissions for technical violations increased 7 percent (figure 3). Technical revocations make up a large and growing share of prison admissions, accounting for 33 percent of all 2013 prison admissions and 39 percent of 2017 prison admissions. Overall, more people on parole were sent to prison or TVCs for technical violations in the years after H.B. 585 than the years before it, whereas approximately the same number of people on probation were sent to prison or TVCs.

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FIGURE 3

Technical Revocations to Prison Increased, Whereas Overall Prison Admissions Decreased

Annual prison admissions and technical revocations, 2010–17



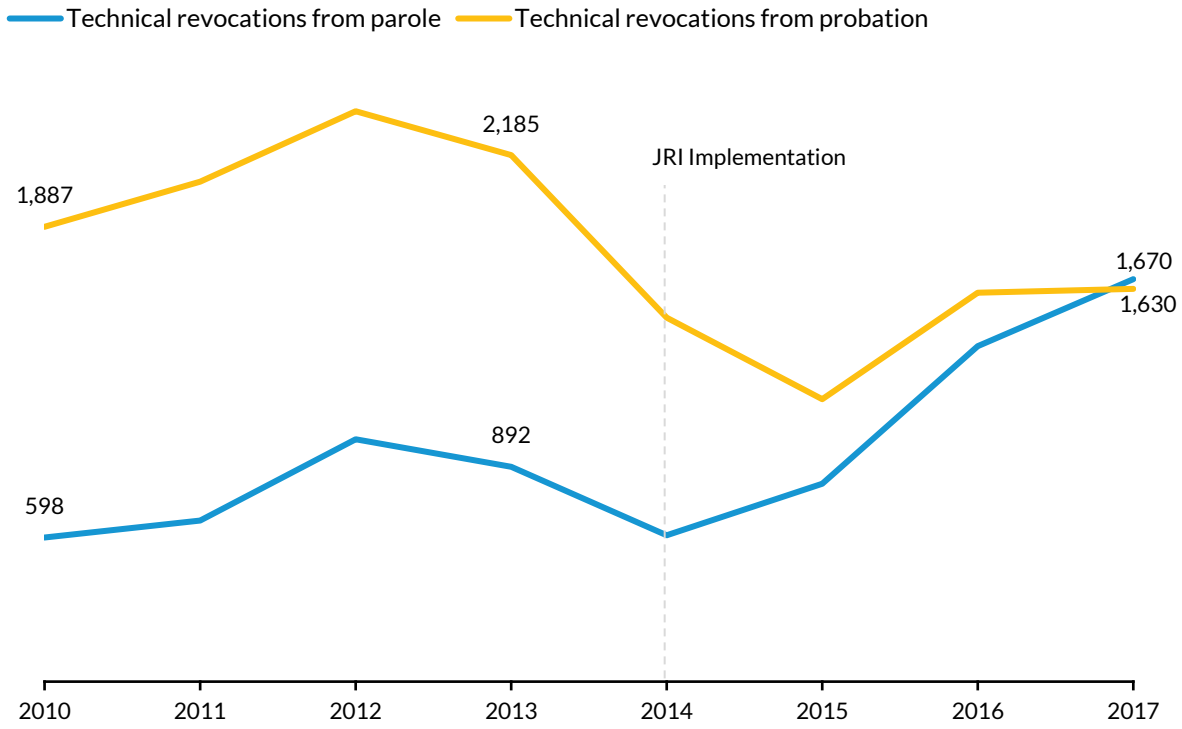
Source: Mississippi Department of Corrections.

This increase in admissions to prison for technical revocations owes to an increase in technical revocations to prison from parole specifically. Technical revocations from parole increased 87 percent between 2013 and 2017, while technical revocations from probation decreased 25 percent (figure 4). Although Mississippi's parole population has increased since 2013, technical parole revocations have increased at a faster rate; in 2017, 12 percent of the parole population was revoked to prison for a technical parole violation, compared with 9 percent in 2013. Approximately the same proportion of the probation population was revoked to prison for a technical violation in 2017 (4 percent) as in 2013 (5 percent).[6]

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FIGURE 4

Technical Revocations to Prison Increased for Parole and Decreased for Probation



Source: Mississippi Department of Corrections.

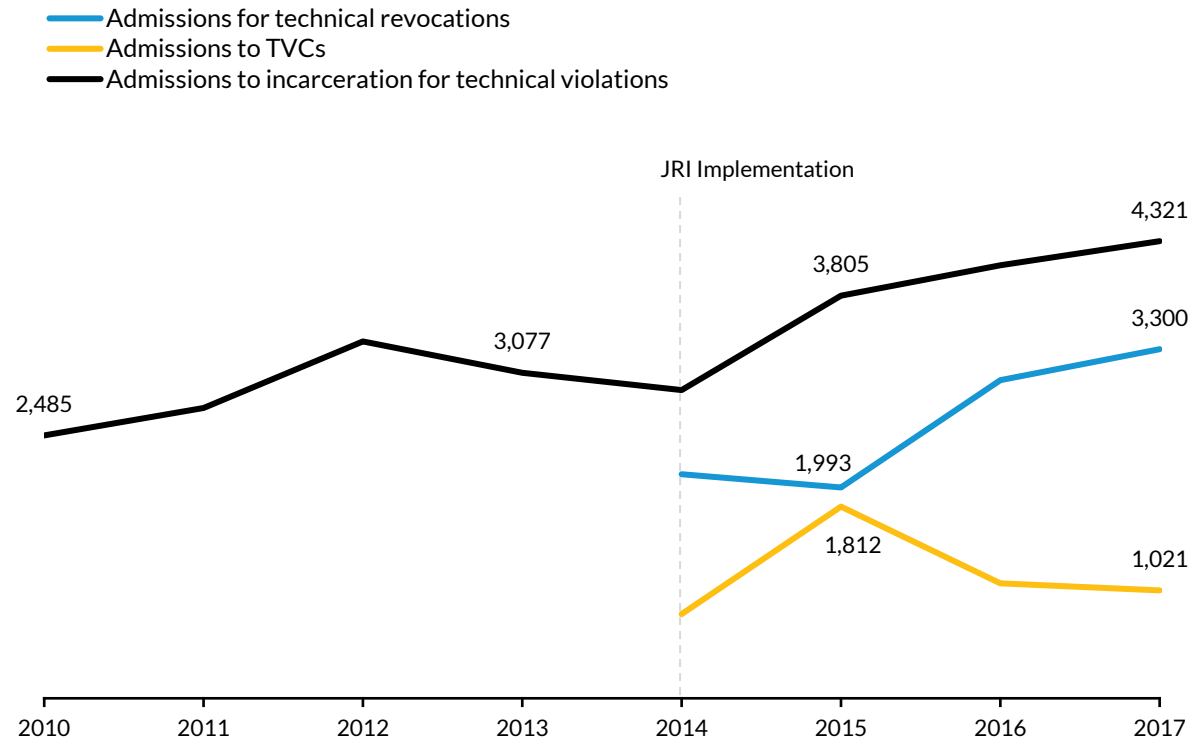
People in Mississippi who are admitted to incarceration for technical violations are sent either to prison or a technical violation center. With the addition of TVCs, more people are being admitted to incarceration for technical violations. Total admissions to incarceration—that is, both to prisons and TVCs—for technical violations increased 40 percent between 2013 and 2017 (from 3,077 to 4,321) (figure 5). Again, this increase largely owes to admissions from parole, which increased 145 percent during that period, while admissions from probation remained similar from start to finish with some fluctuations in between.

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FIGURE 5

Total Admissions to Incarceration for Technical Violations Increased

Admissions to incarceration (TVCs and prisons) for technical violations (parole and probation)



Source: Mississippi Department of Corrections.

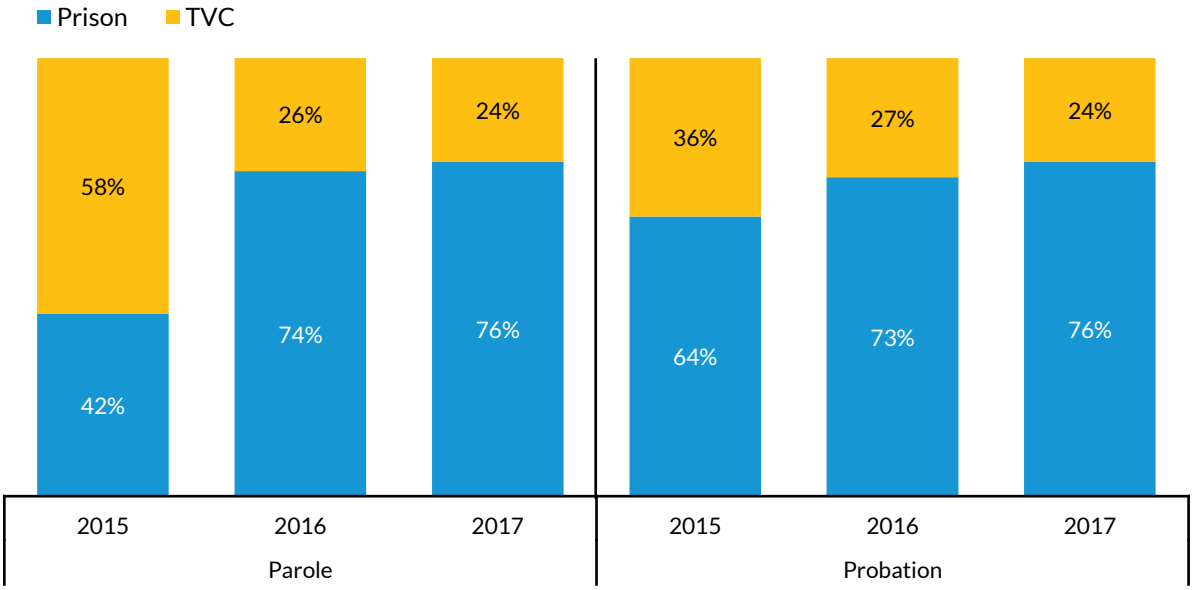
The proportion of admissions to incarceration for technical violations that result in someone going to a TVC (rather than prison) has decreased since 2015 for both parole and probation. In 2015, 58 percent of people on parole and 36 percent of people on probation who were admitted to incarceration for a technical violation were sent to TVCs rather than prison; in 2017, 24 percent of people on parole and 24 percent of people on probation were sent to TVCs (figure 6).

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FIGURE 6

The Proportion of Admissions to Incarceration for Technical Violations to TVCs Decreased

Proportion of admissions to incarceration for technical violations; prison versus TVC



Source: Mississippi Department of Corrections.

WHO IS BEING INCARCERATED FOR TECHNICAL VIOLATIONS?

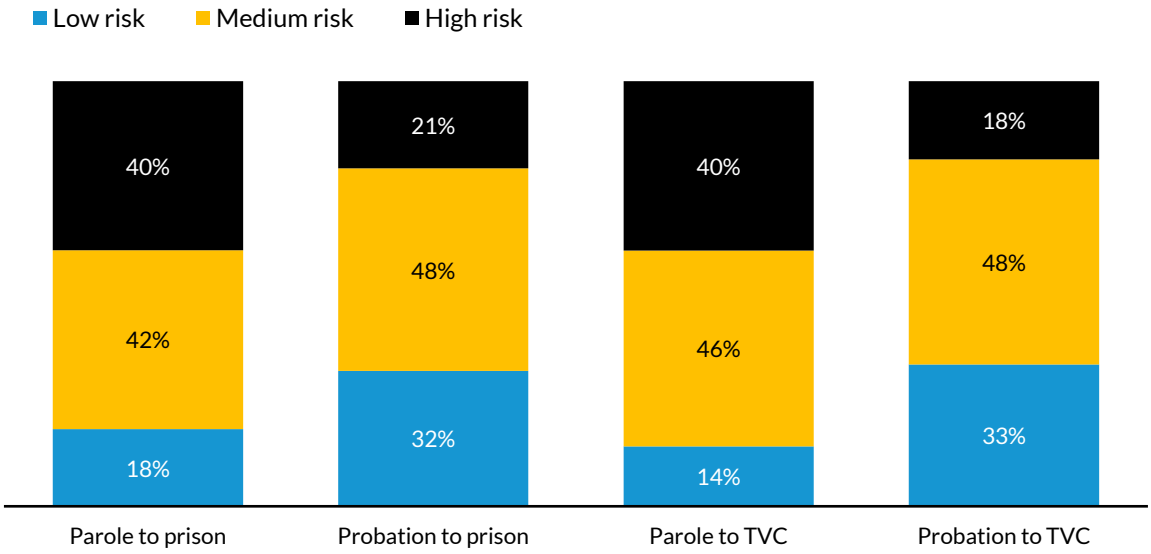
Risk profile. The proportion of people admitted to incarceration for technical violations who are classified as low risk is larger for probation than for parole (this is true for technical revocations to TVCs and for technical revocations to prisons). In 2017, approximately one-third of people revoked for technical violations to prison (32 percent) and to TVCs (33 percent) from probation were classified as low risk (figure 7).

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FIGURE 7

Larger Proportion of Technical Revocations to TVCs and Prison from Probation Are Low-Risk

Admissions to incarceration for technical violations by risk level, 2017



Source: Mississippi Department of Corrections.

The proportion of technical revocations from probation to prison accounted for by people who are classified as low risk increased from 29 percent in 2013 to 32 percent in 2017. In contrast, the proportion of technical revocations from parole to prison accounted for by people who are classified as low risk decreased from 24 percent in 2013 to 18 percent in 2017. In 2017, people classified as low risk who were convicted of nonviolent offenses accounted for 15 percent of technical parole revocations to prison (down from 23 percent in 2013) and 27 percent of technical probation revocations to prison (up from 25 percent in 2013). In other words, more than 20 percent of those revoked to prison for technical violations of probation or parole were convicted of nonviolent offenses and classified as low risk.

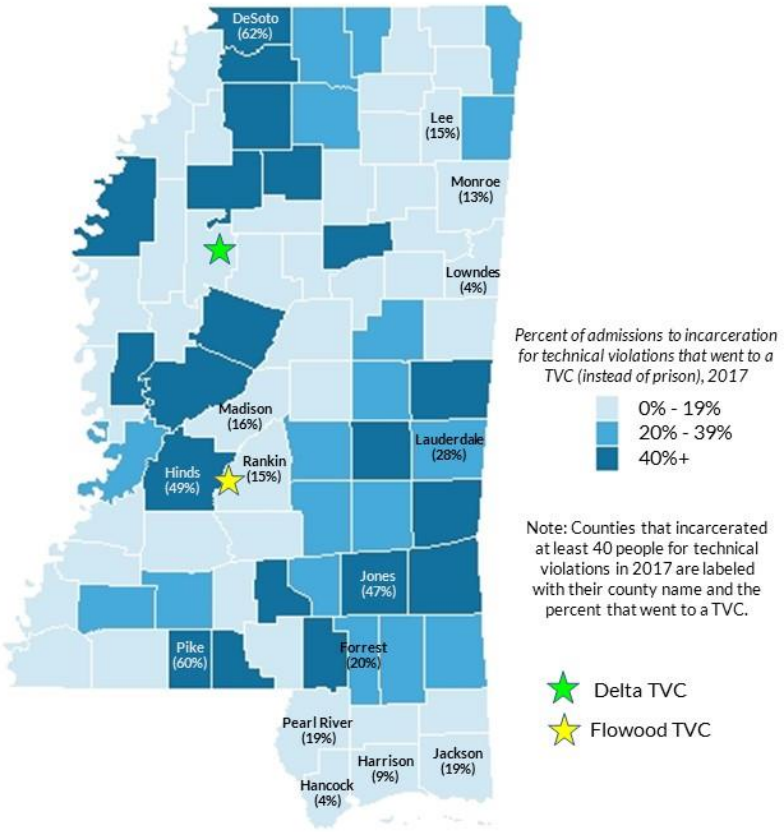
Geography. The likelihood of being sent to a TVC varies by county,[7] particularly for people on probation. In 2017, in counties where at least 40 people were admitted to either a TVC or prison for a technical violation of probation, the share of people admitted to TVCs rather than prison ranged from 4 percent (Hancock County and Lowndes County) to 62 percent (DeSoto County). For parole, the share of people incarcerated for a technical violation who went to a TVC rather than prison ranged from 16 percent (Pike County) to 35 percent (Clay County). Figure 8 offers a map of admissions to incarceration for technical probation violations by county of conviction.

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FIGURE 8

Use of TVCs Varies by Geographic Location

Admissions to incarceration for technical violations from probation, by county of conviction (2017)



WHY ARE PEOPLE BEING RECOMMENDED FOR TVCS FOR TECHNICAL VIOLATIONS?

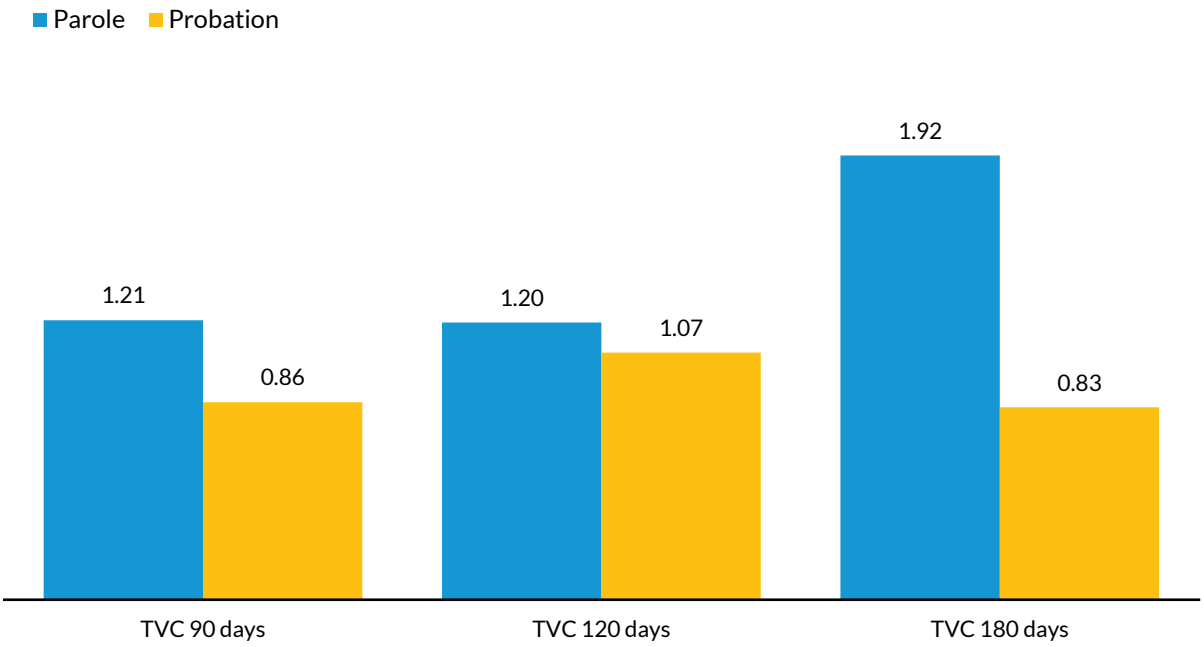
Using sanctions data provided by MDOC,[8] Urban examined the technical violations for which supervision officers recommended technical revocations to TVCs. On average, people on probation recommended for TVCs had fewer prior recorded sanctions than people on parole. This trend holds across all three recorded TVC sanction lengths (90 days, 120 days, and 180 days). People on probation recommended for a 180-day TVC sanction had an average of just 0.83 prior recorded sanctions, meaning probation officers are bypassing shorter stays in TVCs and recommending people who have not previously received any sanctions to the most severe (i.e., the longest) TVC sanction (figure 9).

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FIGURE 9

People on Probation Recommended for TVCs Had Fewer Prior Sanctions

Average number of recorded sanctions before TVC recommendation, 2017



Source: Mississippi Department of Corrections.

In 2017, one-fifth of recommended admissions to TVCs from probation were for failure to pay financial obligations. Table 1 shows the three most common violations leading to recommended revocations to a TVC from both parole and probation.

TABLE 1

One in Five People on Probation Recommended for a TVC for Failure to Pay Fines and Fees

Categories of violations leading to TVC recommendation, 2017

	Count	Percentage
Parole		
Abscond	270	50%
Arrest (misdemeanor or felony)	118	22%
Failure to abide by supervision conditions	43	8%
Probation		
Abscond	301	43%
Failure to pay financial obligations as ordered by releasing authority	144	20%
Arrest (misdemeanor or felony)	116	16%

Source: Mississippi Department of Corrections.

Note: "Abscond" includes failure to report for more than one required contact.

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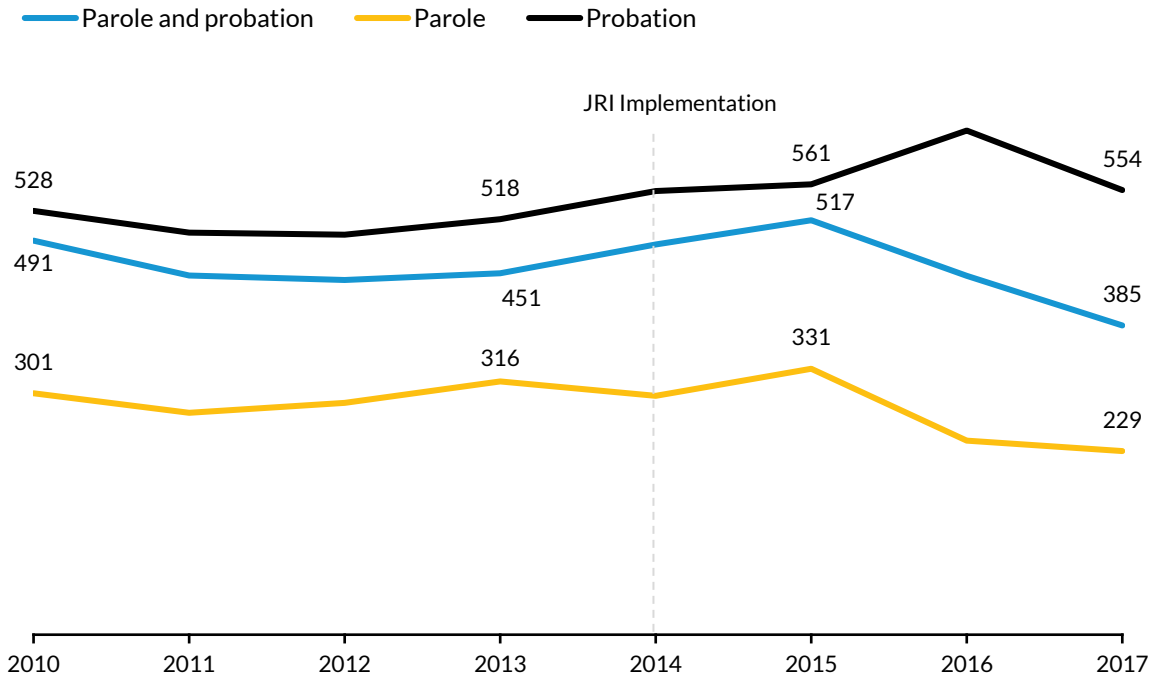
Lengths of Stay for Technical Violations

The average prison stay at release[9] for people revoked to prison for technical violations decreased 14 percent between 2013 and 2017. This decrease largely owes to a 28 percent reduction in the average length of stay in prison for technical parole revocations; average length of stay in prison for technical probation revocations increased 7 percent. In 2017, people released from prison after being revoked for a technical violation from probation spent approximately one and a half years (554 days) in prison, whereas people revoked from parole spent approximately 8 months (229 days) (figure 10). People released from TVCs spent an average of 110 days (probation) and 104 days (parole) incarcerated.

FIGURE 10

Lengths of Stay in Prison for Technical Violations Decreased for Parole and Increased for Probation

Days spent in prison for technical violations (for people released)



Source: Mississippi Department of Corrections.

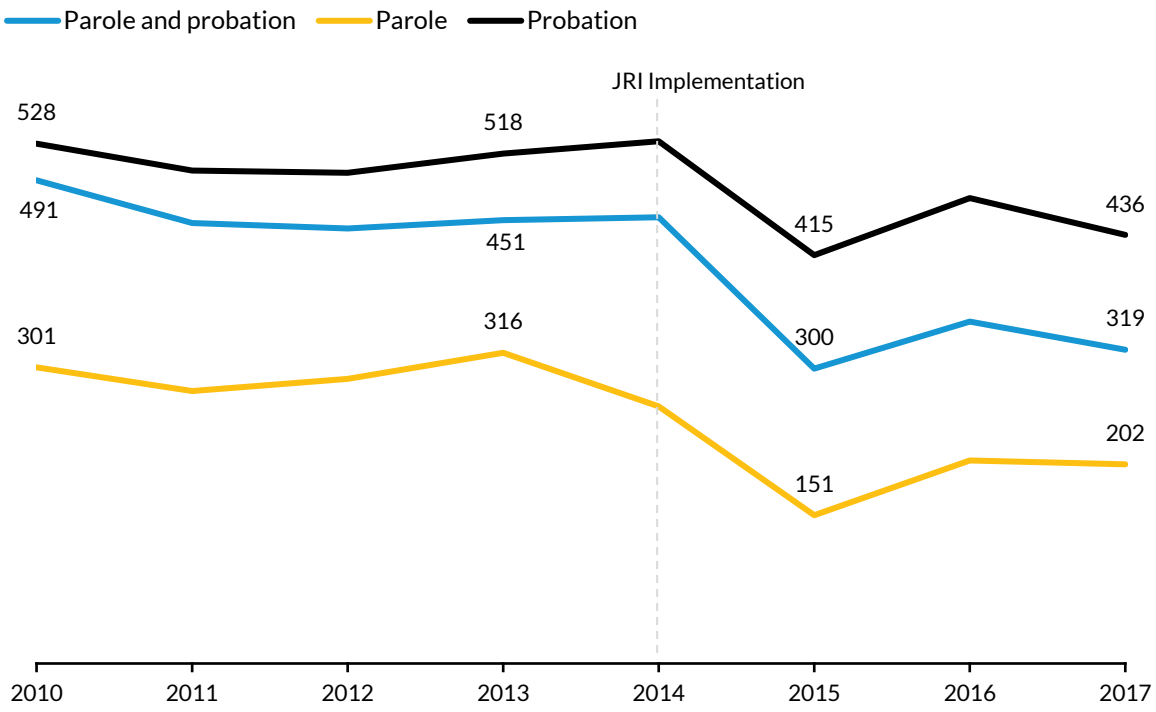
Overall, people on probation and parole in Mississippi are spending less time incarcerated for technical violations than they were before H.B. 585. The average length of incarceration (i.e., in both prison and TVCs) for technical violations decreased 29 percent between 2013 and 2017. During that period, average length of incarceration for technical violations decreased 36 percent for people on parole and 16 percent for people on probation. In 2017, people on probation incarcerated for technical violations spent, on average, more than twice as long in prison as people on parole (14.5 months and 6.7 months, respectively) (figure 11).

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FIGURE 11

Length of Incarceration for Technical Violations Decreased for Parole and Probation

Average days served (in prison and TVCs) for technical violations (for people released)



Source: Mississippi Department of Corrections.

Additional Outcomes and Recommendations

A synthesis of findings from interviews with Mississippi criminal justice stakeholders sheds light on some additional potential impacts of TVCs, as well as recommendations for policymakers and administrators to consider.

Additional Outcomes

Although it is too soon to assess recidivism rates for people released from TVCs, recent administrative changes could improve outcomes. Since April 2018, Delta TVC has provided programming to address the factors underlying criminal behavior, including alcohol and drug education, workforce and reentry programming, and cognitive training. It has also provided supplemental programming on an ad hoc basis, including a class on financial well-being. Mississippi Department of Corrections plans to expand programming in Delta TVC to the extent possible. There are not yet any formal assessments of program quality, nor are there risk and needs assessments for tailoring programming.

Additionally, recent legislative changes could better align TVCs with H.B. 585's original intent. As previously discussed, H.B. 387 (passed in 2018) clarified that revocation caps apply according to a

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person's number of prior technical revocations, not violations. This clarification was intended to address the issue of decisionmakers stacking violations to bypass TVCs and revoke people directly to prison. Because the quantitative data in this brief only go through 2017, it is unclear whether these changes have made an impact. However, Mississippi stakeholders have mixed opinions about the extent to which these changes have altered behavior, and about whether decisionmakers are aware of these changes.

Data Recommendations

Data limitations inhibited Urban's ability to examine important outcomes, such as the impact of TVCs on public safety and their ability to address the underlying factors of revocations. Filling gaps in data on TVCs can make future analyses more comprehensive. Priorities for future data collection include detailed information about sanctions for each violation (both recommended sanctions and implemented sanctions); information on incentives given to people on supervision; and information about programming and other treatment offered to and completed by people incarcerated in prison, incarcerated in TVCs, and under community supervision. Additionally, collecting metrics on recidivism—including revocations after a TVC sanction—and metrics on successful supervision case closures—such as time to closure—could be expanded and collected in a more usable format that allows the progression of a case to be tracked more easily.

The analysis presented here highlights the differing responses to technical violations for people on parole and probation and for people in different counties. To better understand and address those variations, it is critical that Mississippi be able to link sanctions and admissions data to specific decisionmakers and geographic areas. These data could be used to identify where and why TVCs are or are not being used, and lead to more targeted, cost-efficient, and effective solutions. Additionally, geographic data can be used to hold system actors accountable for responding to technical violations in accordance with the law.

Other Recommendations

House Bill 585 requires that technical violation centers be "equipped to address the underlying factors that led to the offender's violation as identified based on the results of a risk and needs assessment."[10] Moreover, research has demonstrated that interventions are most effective when based on a person's assessed risks and needs (Andrews and Bonta 2010; Bonta and Andrews 2007). Delta TVC currently provides the same programming in the same dosage to everyone admitted. Moving toward targeted programming in TVCs will help Mississippi prioritize resources for people who will benefit most from programming, and better align its TVC program with H.B. 585 requirements and research on how to address criminal behavior most effectively.

Research has also demonstrated that for people assessed as low risk, interventions are generally less effective and may even create worse outcomes (Andrews and Bonta 2010; Bonta and Andrews 2007; Lowenkamp and Latessa 2004). Interviews with Mississippi stakeholders showed even the shorter 90- or 120-day stays in TVCs disrupt people's lives, including by causing job loss, housing loss,

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and disruption of family relationships. Limiting the use of incarceration to certain supervision violations would allow resources used on incarceration to be redirected toward community-based interventions, thus decreasing the likelihood of these disruptions and allowing people to maintain critical family and community ties while receiving programming targeted to their risks and needs.

Conclusion

States across the US are looking for more effective solutions to respond to technical violations and improve public safety. Mississippi's H.B. 585 established graduated sanctions, revocation caps, and technical violation centers to address the growing number of people admitted to prison for technical violations and to get a better public safety return on its use of correctional resources. Despite challenges implementing TVCs and decisionmakers' hesitation to use them, Mississippi has decreased the number of imprisonment days used for technical violations. More people are being admitted to incarceration for technical violations, but they are spending less time incarcerated. Importantly, this analysis shows TVCs are used differently for people on probation and parole.

For parole, there have been more technical revocations to prison since H.B. 585, and there have been even more overall admissions to incarceration for technical violations (that is, including TVCs). However, the average length of stay—in prison and overall—has decreased. Overall, Mississippi has used approximately the same number of imprisonment days for technical violations of parole as before H.B. 585, but the number of incarceration days (prison and TVCs) for technical violations of parole has increased 45 percent.

For probation, fewer people are being revoked to prison for technical violations. Including TVCs, approximately the same number of people on probation are being admitted to incarceration (both prison and TVCs) for technical violations as before H.B. 585. Though people revoked to prison from probation for technical violations are spending slightly longer terms in prison, the average length of incarceration has decreased. The net impact of these changes is a 45 percent reduction in imprisonment days and a 16 percent reduction in incarceration days for people with technical violations of probation.

Moving forward, Mississippi can use this analysis to inform improvements to the TVC program and to develop more cost-effective, targeted community solutions to reduce the disruptive effects of incarceration and improve public safety. It will also be critical to expand and improve data collection to ensure outcomes are improving and programs align with legislative requirements and research.

Notes

1 "Corrections Statistical Analysis Tool (CSAT) – Prisoners," Bureau of Justice Statistics, accessed June 4, 2019, https://www.bjs.gov/index.cfm?ty=nps.

2 In this brief, incarceration refers to people held in prisons or TVCs.

3 "Corrections Statistical Analysis Tool," BJS.

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[4] *Final Report* (Jackson: Mississippi Corrections and Criminal Justice Task Force, 2013).

[5] *Final Report*, Mississippi Corrections and Criminal Justice Task Force.

[6] Proportions are calculated by taking the parole/probation population on January 1 of a given year and then looking at the percentage of that population that was revoked on a technical violation in the subsequent 365 days.

[7] The data do not permit an examination by county of supervision. County of conviction is likely a better proxy for people on probation than for people on parole.

[8] Available sanctions data only include the sanction that the supervision officer recommended. This is not necessarily the sanction that ended up being used, as judges (for probation) and the parole board (for parole) make the final decision to send someone to a TVC or to prison and do not need to adhere to the supervision officer's recommendation. The analysis presented here is limited to instances where supervision officers recorded their recommended TVC sanction for a person.

[9] Includes all people released from prison in a given year after being revoked for a technical violation.

[10] Mississippi House Bill 585 (2014).

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About the Authors

Chloe Warnberg is a former policy analyst in the Justice Policy Center at the Urban Institute, where she worked on projects related to criminal justice policy, prosecutorial decisionmaking, justice reinvestment, and juvenile justice. She graduated from Duke University with a BA in public policy and is now a JD candidate in the class of 2022 at Harvard Law School.

Robin Olsen is a senior policy associate in the Justice Policy Center, where she works on projects related to prosecutorial decisionmaking and data driven criminal and juvenile justice reform. She holds an MPP degree from Harvard University.

Acknowledgments

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From: Thompson, Vanessa
Sent: Wednesday, December 18, 2019 9:36 AM EST
To: 22brandes@gmail.com <22brandes@gmail.com>
Subject: FW: Legislation - Request for Input (Senator Brandes)
Attachment(s): "billdraft75627.elections.docx","0005_001.pdf"

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Clark, Deborah <DClark@votepinellas.com>
Sent: Wednesday, December 18, 2019 9:22 AM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Cc: Clark, Deborah <DClark@votepinellas.com>; Tammy Jones <tammy@votelevy.com>; 'Alan Hays - Lake' <alan@lakevotes.com>; Ronald Labasky <rlabasky@bplawfirm.net>; david@rambaconsulting.com; Marcus, Julie <jmarcus@votepinellas.com>; Chase, Dustin <dchase@votepinellas.com>; Gillette, Marc <mgillette@votepinellas.com>; Closterman, Tim <ticlosterman@votepinellas.com>; Pena-Rosado, Alex <apenarosado@votepinellas.com>
Subject: Legislation - Request for Input (Senator Brandes)

Vanessa –

I support the attached bill and appreciate Senator Brandes providing the opportunity to review the language.

Specifically, I want to thank Senator Brandes for proposing additional time to conduct the First Logic and Accuracy Test (line 43) from 10 days to 25 days. This will provide us with additional time to conduct pre-election activities, e.g., program voting equipment. The proposed language also helps to correct a technical issue created in SB 7066. The language the Senator is proposing allows Canvassing Boards to take full advantage of being able to canvass mail ballots 22 days prior to the election.

Also attached are the Florida Supervisors of Elections (FSE) legislative priorities for further consideration.

If you have any questions, my email address is dclark@votepinellas.com; this can be used for all direct correspondence rather than sending to election@votepinellas.com.

Have a safe and happy holiday season.

Sincerely,

Deborah Clark, CERA
Supervisor of Elections
Pinellas County, Florida
13001 Starkey Rd, Largo FL 33773
727-464-4987
dclark@votepinellas.com

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From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, December 4, 2019 1:59 PM
To: Mail, Election <election@votepinellas.com>
Subject: Senator Brandes - Legislation

Supervisor Clark,

Senator Brandes has been asked to file 2 pieces of legislation that he would like to run by you before doing anything.

At your convenience, would you be able to review and let us know your thoughts?

Thank you so much,

AMERICAN OVERSIGHT

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

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General Counsel

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Florida Supervisors Association

2020 Legislative Priorities and Issues

The Florida Supervisors of Elections respectfully asks the Legislature to assist us in the coming 2020 elections by adopting these priorities and supporting these issues for the coming session.

1. Funding for ERIC - Electronic Registration Information Center - Legislation was passed in 2018 authorizing Florida to join ERIC. It was announced by the Governor DeSantis and Secretary of State Lee on August 21, 2019 that Florida will join ERIC. The financial obligations are approximately $1.3 million to improve voter registration by contacting potentially eligible but unregistered voters with instructions on how to register to vote. The outreach to potentially eligible voters is conducted every two years ahead of each federal general election. It is far better to do this statewide than doing it county by county. (House budget bill and Senate project sponsors needed)

2. Super Voting Sites - As evidenced by the disruption of voting sites and locations after Hurricane Michael, and still today, many precincts in Bay County are unavailable to be used or are destroyed. Legislation is needed to allow each SOE the option, at the county level, for early voting and on Election Day to use Super Voting Sites where any voter from the county can cast their ballot. The benefits include less confusion for voters on precinct changes, equipment and personnel cost savings, greater organization and ease of location provided to voters, and ballots not rejected for being at the wrong precinct. In essence this is early voting extended through Election Day at 7:00 PM. This will also empower SOE's to utilize Super Sites in the event of another hurricane or natural disaster without having to wait on action by the Governor.

3. Allow a local supervisor and canvassing board the option to utilize for recounts, automated independent audit systems which have been approved and certified by the Division of Elections Bureau of Standards. (SB 582 in 2019)

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4. Public Records Exemption for ALL voter information contained in the statewide voter database, including email addresses and phone numbers, except for use for legitimate political purposes. (Amend 97.0585) This will assist in the completion of signature cure issues as well as improve the security of personal information of the voters.

5. Remove the $.10 limitation for initiative signature petition review and allow the Department of State, by rule, to set the actual cost to county taxpayers that must be paid for the cost of review. (Amend 99.097(4)) The $0.10 maximum allowed now is woefully inadequate!!

6. Remove language added in the 2019 Session requiring solicitation to be allowed on Private Property used as a polling place beyond the 150' No Solicitation Zone. (Amend 102.031) This language has resulted in the loss of several previously utilized polling places. The property owners refuse to allow solicitation on their property and thus are refusing to allow their facility to be a polling place.

7. Extend the current 30 day review period for initiative petition verification to 60 days.

8. Allow two additional days for recount deadlines. This will greatly assist the large counties who have several million ballots to recount.

9. Review and match statute for Mail-Only-Elections to comply with the time frames and certificate envelope match of Vote-By-Mail Ballots.

10. Modify the qualifying bounced check requirements in statute as a result of Wright v. City of Miami Gardens. Require the qualifying check to be either a cashier's check or a bank check.

11. In the instance of polling hours being extended by Court order or by order of a Governor's action, eliminate the requirement to use provisional ballot envelopes for all votes cast by voters not in line at 7:00 PM. The ballot cast during the extended time can be securely segregated much easier and more reliably than using provisional ballot envelopes. The envelopes slow down the whole process.

12. Expand the allowed number of "wildcard" early voting locations to allow a total of two locations.

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TECHNICAL CHANGES IN STATUTE NEEDED

- Amend 103.091 to allow State Committeemen and State Committeewomen to prequalify. They are currently allowed to qualify only during qualifying week, a VERY busy week for every SOE.
- Move Logic & Accuracy Testing to 25 days before the election. The 2019 changes allowed canvassing of ballots 22 days prior to the election. L&A Testing needs to be allowed prior to canvassing.
- Remove conflict in 101.043(1)(b)&(c) regarding providing identification and confirming address and correct precinct of voter.
- Remove portion of 101.5614 which requires duplication of over-voted ballots. This duplication is very time consuming and completely wasteful.

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A bill to be entitled

An act relating to elections; amending s. 101.043, F.S.; deleting a provision that prohibits the use of an address appearing on identification presented by an elector at the polls as a basis to confirm or otherwise challenge an elector's legal residence; amending s. 101.5612, F.S.; revising the timeframes for conducting public preelection testing of automatic tabulating equipment; amending s. 101.5614, F.S.; removing the requirement that duplicate ballots be made of vote-by-mail ballots containing overvoted races; amending s. 101.6103, F.S.; revising the timeframe in which the supervisor of elections must mail ballots in elections conducted under the Mail Ballot Election Act; amending s. 103.091, F.S.; expanding the timeframe within which candidates for political party executive committees may qualify for office; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.—

(1)

(b) If the picture identification does not contain the signature of the elector, an additional identification that provides the elector's signature shall be required. ~~The address appearing on the identification presented by the elector may not~~

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~~be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence.~~ The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the elector's signature. The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

Section 2. Subsection (2) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(2) On any day not more than 25 ~~10~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. If the ballots to be used at the polling place on election day are not available at the time of the testing, the supervisor may conduct an additional test not more than 10 days before election day. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication on the supervisor of elections' website and once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting the notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and

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location of the public preelection test to each candidate qualifying with that office and obtain a signed receipt that the notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each candidate to contact the county supervisor of elections as to the time and location of the public preelection test. The supervisor or the municipal elections official shall, at least 30 ~~15~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee shall not interfere with the normal operation of the canvassing board.

Section 3. Paragraph (a) of subsection (4) of section 101.5614, Florida Statutes, is amended to read:

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101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. ~~Likewise,~~ A duplicate ballot must also ~~shall~~ be made of ~~a vote-by-mail ballot containing an overvoted race or~~ a marked vote-by-mail ballot in which every race is undervoted, including ~~which shall include~~ all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

Section 4. Subsection (1) of section 101.6103, Florida Statutes, is amended to read:

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection (7), the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector entitled to vote in the election not sooner than the 40th ~~20th~~ day before the election and not later than the 10th day before

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the date of the election. All such ballots shall be mailed by first-class mail. Ballots shall be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked "Do Not Forward."

Section 5. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the primary election in each year a presidential election is held. The terms begin ~~shall commence~~ on the first day of the month following each presidential general election,~~;~~ but the names of candidates for political party offices may ~~shall~~ not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections no ~~not earlier than noon of the 71st day, or~~ later than noon of the 67th day~~,~~ preceding the primary election. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

Section 6. This act shall take effect July 1, 2020.

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From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Tuesday, October 22, 2019 3:53 PM EDT
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: FW: Meeting for Tomorrow?
Attachment(s): "Free and Fair Elections_Digital Packet_wLanguageStates.pdf"

Is this the group you like to meet with? You're more than welcome to. SJB doesn't have any time.

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: Scott Bajgrowicz <scottb94@gmail.com>
Sent: Tuesday, October 22, 2019 3:44 PM
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Meeting for Tomorrow?

Hello,

I am writing to request a short meeting with Sen. Brandes for any time tomorrow in his Capitol Office to discuss the subject campaign finance reform, and specifically the FREE AND FAIR ELECTIONS memorial that as introduced in both chambers last session.
Below, I have links to the bill texts for last session along with a .PDF attachment containing supporting and informational documents.

I am a Florida resident spending my own time on this because I believe without serious change to our campaign finance laws, our Federal Congress will continue to be inefficient partly due to the massive amount of time they spend fundraising, and that government will not be able to truly represent me or the other citizens of Florida and the US.

2019 Bill Text, HM883 - Article V Convention for Free and Fair Elections
2019 Bill Text, SM1230 - Permanently Restore Free and Fair Elections

I look forward to hearing from you,
-Scott Bajgrowicz

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A Nation United Against Corruption

— THE —
FREE & FAIR ELECTIONS
— RESOLUTION —

This is not a left or right issue, it's an **American issue**.

Let's take responsibility, as citizens and elected officials, to fix our broken campaign finance system in America and renew the people's trust in government.

This resolution uses a **proven strategy** to bring about much needed constitutional change when Congress is unwilling or unable to take action, by calling for a limited convention under Article V of the U.S. Constitution to address the topic of campaign finance reform.

We must ensure that elections in America are transparent, **free from** the undue influence of special interests, and **fair enough** that any citizen can be elected.

The Problem is we are in danger of losing a country dependent upon the people alone. This fundamental American principle has been distorted by a dependency on powerful special interests, often with little to no transparency, and eroded the people's trust in government.

The Solution is a U.S. Constitutional Amendment. Why an Amendment?

- **An Amendment is the only solution that goes above Congress and the Supreme Court.**
- **An Amendment is a lasting solution and can protect state and local laws.**

There are only **two** ways to propose amendments to the Constitution:

- **2/3 of Congress can propose...**
- **2/3 of the States can apply for a convention to propose...**

Ratification: Any amendment proposed by Congress or a convention **must be approved by 75% of the States** afterwards. This extremely high bar **ensures** that only the most reasonable amendments, those with widespread appeal across the political spectrum, will become part of the Constitution.

Facts

— The majority of U.S Constitutional Amendments have included a convention campaign from the States.

— 85% of Americans believe our campaign finance system needs fundamental changes.

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Taking Responsibility for Fixing our Broken Government

"Money's dominance over politics is a top problem our nation faces. It prevents us from tackling anything else. We have reached a stunning point: Either we are a country that makes decisions based on the common good, or one where the size of your wallet determines the worth of your ideas. Either we uphold the values of a representative democracy or we allow greed and wealth to destroy the great American experiment in self-governance."

— former Senator Alan Simpson (R-WY)

"Millionaires, billionaires can put in unlimited amounts of money directly into the campaign. In a way, it gives legal bribery a chance to prevail, because almost all the candidates, whether they're honest or not, and whether they're Democratic or Republican, depend on these massive infusions of money from very rich people in order to have money to campaign."

— former President Jimmy Carter

"Our nation is facing a crisis of liberty if we do not control campaign expenditures. We must prove that elective office is not for sale. We must convince the public that elected officials are what James Madison intended us to be, agents of the sovereign people, not the hired hands of rich givers…"

— former Senator Barry Goldwater (R-AZ)

"The need for real campaign finance reform is not a progressive issue. It is not a conservative issue. It is an American issue. It is an issue that should concern all Americans, regardless of their political point of view, who wish to preserve the essence of the longest standing democracy in the world, a government that represents all of the people and not a handful of powerful and wealthy special interests."

— Senator Bernie Sanders (D-VT)

"Conservatives want to see more transparency in politics. We deserve an America where our views are not dismissed simply because we might disagree with a high-priced lobbyist who happened to give more money to a politician."

— John Pudner, Executive Director, Take Back Our Republic

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Article V Convention Quotes

"We are convinced that Article V was designed to permit limited conventions and that a variety of legal and political means are available to help to enforce such limits."

- **Office of Legal Policy, U.S. Department of Justice**, *Limited Constitutional Conventions under Article V of the United States Constitution*

"Our two-year study of the subject has led us to conclude that a national constitutional convention can be channeled so as not to be a [radical force] but rather an orderly mechanism of effecting constitutional change when circumstances require its use. The charge of radicalism does a disservice to the ability of the states and people to act responsibly when dealing with the Constitution."

- **American Bar Association**, *Amendment of the Constitution by the Convention Method under Article V*

"The Article V Convention for proposing amendments was the subject of considerable debate and forethought at the Constitutional Convention. The founders clearly intended it as a balance to proposal of amendments by Congress, providing the people, through their state legislatures, with an alternative means to consider amendments, particularly if Congress was unable or unwilling to act on its own."

- **Congressional Research Service**, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*

"...The Convention Clause provides an important means to adopt or force Congress to adopt amendments that are perceived to be in the national interest by significant percentages of the American population, but that are detrimental to the interests of members of Congress."

- **Harvard Journal of Law & Public Policy**, *The Other Way to Amend the Constitution: The Article V Constitutional Convention Amendment Process*

"The framers did not provide an unchecked grant of power to a convention: every amendment proposed would be subject to the same conditions faced by those proposed by Congress—"... the notion of a 'runaway' convention, succeeding in amending the Constitution in a manner opposed by the American people, is not merely remote, it is impossible."

- **U.S. Senate Judiciary Committee**, Report to the 98th Congress

"I think the convention can be limited. The fact is that the majority of the scholars in America share my view."

- **Former Attorney General of the United States,** Hon. Griffin Bell

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Article V Convention Quotes (Continued)

"The majority view, however, is that Congress may limit the convention's deliberations. The arguments for this proposition, at least on our consideration of them, appear to be persuasive."

- **U.S. Department of Justice**, Constitutional Law—Constitution—Article V—The Amending Process—The Convention Method

"Much of the fear surrounding a convention is unfounded. The Convention Clause's text and history indicate that it grants power to the States to limit the scope of any such convention. In addition, the States have the ability to reject any amendments proposed by a convention through the ratification process."

- **Harvard Journal of Law & Public Policy**, *The Other Way to Amend the Constitution: The Article V Constitutional Convention Amendment Process*

"While I make no recommendation of amendments, I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should, under existing circumstances, favor rather than oppose a fair opportunity being afforded the people to act upon it. I will venture to add that to me the convention mode seems preferable, in that it allows amendments to originate with the people themselves."

- **President Abraham Lincoln**, *First Inaugural Address*

"We will state our conclusions in advance. First, we think that if a convention for proposing amendments were called under Article V, the constitutionally mandated procedures would operate to deprive the convention of power to make constitutionally viable proposals except with respect to subjects within a predetermined field. [...] Second, we think that Article V gives Congress no power to provide for the ratification of any constitutional proposal that is not developed and proposed in accordance with the procedures contemplated by Article V. Just as Congress would have no power to submit one of its own constitutional proposals for ratification unless two-thirds of the Members of both Houses were in accord that the proposal was necessary and desirable, Congress would have no power to provide for the ratification of any proposal propounded by a constitutional convention unless that proposal were responsive to the application that justified the gathering of the convention in the first instance."

- **U.S. Department of Justice,** *Constitutional Convention—Limitation of Power to Propose Amendments to the Constitution*

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Understanding Article V of the U.S. Constitution

The complete text of Article V:

" The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate. "

" *A convention for proposing amendments* "

- A convention called under Article V of the U.S. Constitution is only given the power to **propose** amendments

" *Shall be valid [...] when ratified* "

- Any proposal from a convention is **not** valid until ratified by ¾ of the states (38 states currently)
- Only 13 states are required to block unreasonable proposals, ensuring that only those proposals with widespread support across the political spectrum will become part of the Constitution

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The Convention of 1787 in Philadelphia only made a *proposal* to Congress.

"... the Convention of 1787 did not ignore Congress. The draft Constitution was submitted to Congress, consented to by Congress, and transmitted by Congress to the states for ratification by popularly-elected conventions."

- The American Bar Association, Special Constitutional Convention Study Committee

"It is also somewhat misleading to say that the Philadelphia Convention was 'runaway,' for the 'call' for that convention by the Continental Congress did speak in broad terms. There were 'defects in the present Confederation,' and 'alterations and provisions' seemed necessary. No specific defects were enumerated."

- Office of Legal Policy, U.S. Department of Justice

It was Congress that ultimately proposed a new Constitution, not the convention.

"The Articles of this confederation shall be inviolably observed by every State, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State."

- Article XIII of the Articles of Confederation

- A convention like the one in Philadelphia had no authority to propose changes to the Articles of Confederation; only Congress had that power. A convention could only offer a suggestion to Congress, much like a committee called to research a subject. Congress was the body that officially proposed the U.S. Constitution, because they believed that suggestion to be one that the states should consider and decide themselves.

The Federal Convention of 1787 did not ignore the ratification requirement.

Many note that the Constitution required nine states to be ratified rather than unanimity like the Articles of Confederation and think that means they ignored the procedure.

- In fact, the Convention sent its proposal to Congress, not the States. Congress sent it to the States who used their inherent authority to pull out of the Confederation, which was nothing more than a treaty among sovereign nation-states. Under the Articles, no State could bind any other and indeed they didn't. Rhode Island and North Carolina were not part of the new government when it went into effect because they chose not to ratify. Rhode Island even sent a letter to the first Congress asking for good foreign relations.

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Article V Convention Applications must be on the same topic in order to count towards the 34 state constitutional threshold required to hold a convention

How do we know this?

- Congress is constitutionally required to call a convention upon the applications of 2/3 of the state legislatures (currently 34 states), yet throughout our history there have been over 400 applications submitted from all 50 states on a variety of topics.

- Congress has officially counted over 70 applications from **35 states**- more than the constitutional threshold. This count can be found on the U.S. House Clerk's website. If Congress was counting applications without considering subject matter they would have to call a convention tomorrow, but they are clearly counting them in separate piles based on the specific topic or group of topics found in each application.

"In summary, we believe that a substantively-limited Article V convention is consistent with the purpose of the alternative method since the states and people would have a complete vehicle other than the Congress for remedying specific abuses of power by the national government; consistent with the actual history of the amending article throughout which only amendments on single subjects have been proposed by Congress; consistent with state practice under which limited conventions have been held under constitutional provisions not expressly sanctioning a substantively-limited convention; and consistent with democratic principles because convention delegates would be chosen by the people in an election in

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which the subject matter to be dealt with would be known and the issues identified, thereby enabling the electorate to exercise an informed judgment in the choice of delegates." - ***American Bar Association***, *Amendment of the Constitution by the Convention Method Under Article V*

"With some notable exceptions, most commentators hold that state applications for a convention must address the same issue in order to be counted toward the two-thirds threshold established by the Constitution, but they need not be identical." - ***Congressional Research Service***, *The Article V Convention Method for Proposing Constitutional Amendments: Historical Perspectives*

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SENATE JOINT RESOLUTION

WHEREAS, The first President of the United States, George Washington, stated in his Farewell Address: "The basis of our political systems is the right of the people to make and to alter their Constitutions of Government."; and

WHEREAS, It was the stated intention of the framers of the Constitution of the United States of America that the Congress of the United States of America should be "dependent on the people alone" (James Madison, Federalist 52); and

WHEREAS, That dependency has evolved from a dependency on the people alone to a dependency on those who spend excessively in elections, through campaigns or third-party groups; and

WHEREAS, The United States Supreme Court ruling in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), removed restrictions on amounts of independent political spending; and

WHEREAS, Article V of the United States Constitution requires the United States Congress to call a convention for proposing amendments upon application of two-thirds of the legislatures of the several states for the purpose of proposing amendments to the United States Constitution; and

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WHEREAS, The State of Illinois sees the need for a convention to propose amendments in order to address concerns such as those raised by the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission* and related cases and events, including those occurring long before or afterward, or for a substantially similar purpose, and desires that the convention should be so limited; and

WHEREAS, The State of Illinois desires that the delegates to the convention shall be comprised equally from individuals currently elected to State and local office, or be selected by election in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the Convention, and intends to retain the ability to restrict or expand the power of its delegates within the limits expressed above; and

WHEREAS, The State of Illinois intends that this be a continuing application, considered together with applications calling for a convention currently pending in the 188th Massachusetts legislature as S.1727 and H.3190, the 2013-2014 Vermont legislature as J.R.S. 27, and the 2013-2014 California legislature as AJR 1, and all other passed, pending, and future applications, the aforementioned concerns of Illinois

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notwithstanding until such time as two-thirds of the several states have applied for a Convention and that Convention is convened by Congress; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we, the legislature of the State of Illinois, hereby make application to the Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention for proposing amendments; and be it further

RESOLVED, That this application shall be deemed an application for a convention to address each and any of the subjects listed in this resolution; for purposes of determining whether two-thirds of the states have applied for a convention addressing any subject, this application is to be aggregated with the applications of any other state legislatures limited to one or more of the subjects listed in this resolution; and be it further

RESOLVED, That this resolution constitutes a continuing application and remains in effect until rescission by any sitting session of the legislature of this State; this application does not constitute a recognition that any particular activity or activities currently undertaken by the

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federal government is or are authorized by the Constitution; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President and Secretary of the United States Senate, the Speaker and Clerk of the House of Representatives of the United States Congress, and the Archivist of the United States; to the members of the United States Senate and House of Representatives from this State; and to the presiding officers of each of the legislative chambers in the several States, requesting their cooperation.

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Journal of the Senate

TUESDAY, APRIL 16, 2013

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Bill Referred to Committee on Appropriations

S. 165.

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to collective bargaining for deputy state's attorneys.

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Benning,

J.R.S. 26. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 19, 2013, it be to meet again no later than Tuesday, April 23, 2013.

Joint Resolution Referred

J.R.S. 27.

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senators Lyons, Ashe, Baruth, Cummings, Fox, Hartwell, Pollina and Rodgers,

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FL-SEN-20-0201-B, 20-0202-A-004502

J.R.S. 27. Joint resolution relating to an application of the General Assembly for Congress to call a convention for proposing amendments to the U.S. Constitution.

Whereas, it was the stated intention of the framers of the Constitution of the United States of America that the Congress of the United States of America should be "dependent on the people alone" (James Madison or Alexander Hamilton, Federalist 52), and

Whereas, that dependency has evolved from a dependency on the people alone to a dependency on those who spend excessively in elections through campaigns or third-party groups, and

Whereas, the U.S. Supreme Court ruling in *Citizens United v. Federal Election Commission*, 130 S.Ct. 876 (2010), removed restrictions on amounts of independent political spending, and

Whereas, the removal of those restrictions has resulted in the corrupting influence of powerful economic forces, which have supplanted the will of the people by undermining our ability to choose our political leadership, write our own laws, and determine the fate of our State, and

Whereas, the State of Vermont believes that a convention called pursuant to Article V of the U.S. Constitution should be convened to consider amendments to that Constitution to limit the corrupting influence of money in our political system and desires that said convention should be so limited, and

Whereas, the Congress of the United States has failed to propose, pursuant to Article V of the Constitution, amendments that would adequately address the concerns of Vermont, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly, pursuant to Article V of the U.S. Constitution, hereby petitions the U.S. Congress to call a convention for the purpose of proposing amendments to the Constitution of the United States of America, *and be it further*

Resolved: That not intending to condition this petition, Vermont requests that its specific concerns notwithstanding, the agenda of the convention be limited to those matters enumerated by at least 10 of the states calling for the convention, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vice President of the United States; the President Pro Tempore and the Secretary of the Senate of the United States; the Speaker and Clerk of the House of Representatives of the United States; the Archivist of the United States; and the Vermont Congressional Delegation.

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Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Judiciary.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 198.

An act relating to the Legacy Insurance Management Act.

To the Committee on Rules.

H. 529.

An act relating to approval of an amendment to the charter of the Winooski Incorporated School District related to the term of district treasurer.

To the Committee on Rules.

House Proposal of Amendment Concurred In

S. 144.

House proposal of amendment to Senate bill entitled:

An act relating to the St. Albans state office building.

Was taken up.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. SALE OF ST. ALBANS STATE OFFICE BUILDING

(a) Notwithstanding 29 V.S.A. § 166(b), the Commissioner of Buildings and General Services is authorized to sell the state office building at 20 Houghton Street in St. Albans. The Commissioner is authorized to convey 20 Houghton Street by warranty deed.

(b) The Commissioner of Buildings and General Services is authorized to negotiate and enter into a lease or lease-purchase agreement to replace the state office building at 20 Houghton Street in St. Albans. It is the intent of the General Assembly that the replacement state office building remain in downtown St. Albans.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

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Bill Passed in Concurrence

H. 13.

House bill of the following title was read the third time and passed in concurrence:

An act relating to statutory revision.

Proposals of Amendment; Third Reading Ordered

H. 71.

Senator Cummings, for the Committee on Economic Development, Housing and General Affairs, to which was referred House bill entitled:

An act relating to tobacco products.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 22, 33 V.S.A. § 1918, in subdivision (f)(1), by striking out the second sentence in its entirety and inserting in lieu thereof the following: The bond shall be issued by a surety company in good standing and authorized to transact business in this State to secure the payment of any escrow due or which may become due from the nonparticipating manufacturer or its United States importer.

Second: By striking out Sec. 23 in its entirety and inserting in lieu thereof a new Sec. 23 to read as follows:

Sec. 23. EFFECTIVE DATES

This section shall take effect on passage. Sec. 19 of this act shall take effect on June 30, 2013. All remaining sections shall take effect on July 1, 2013.

And that the bill ought to pass in concurrence with such proposals of amendment.

Senator MacDonald, for the Committee on Finance, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Economic Development, Housing and General Affairs.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposals of amendment were collectively agreed to, and third reading of the bill was ordered.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, April 17, 2013.

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Assembly Joint Resolution No. 1

RESOLUTION CHAPTER 77

Assembly Joint Resolution No. 1—Relative to a federal constitutional convention.

[Filed with Secretary of State June 27, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 1, Gatto. Federal constitutional convention: application.

This measure would constitute an application to the United States Congress to call a constitutional convention pursuant to Article V of the United States Constitution for the sole purpose of proposing an amendment to the United States Constitution that would limit corporate personhood for purposes of campaign finance and political speech and would further declare that money does not constitute speech and may be legislatively limited.

This measure would state that it constitutes a continuing application to call a constitutional convention until at least ⅔ of the state legislatures apply to the United States Congress to call a constitutional convention for that sole purpose. This measure would also state that it is an application for a limited constitutional convention and does not grant Congress the authority to call a constitutional convention for any purpose other than for the sole purpose set forth in this measure.

WHEREAS, Corporations are legal entities that governments create and the rights that they enjoy under the United States Constitution should be more narrowly defined than the rights afforded to natural persons; and

WHEREAS, Corporations do not vote in elections and should not be categorized as persons for purposes related to elections for public office and ballot measures; and

WHEREAS, The United States Supreme Court, in Citizens United v. Federal Election Commission (2010) 130 S.Ct. 876, held that the government may not, under the First Amendment to the United States Constitution, suppress political speech on the basis of the speaker's corporate identity; and

WHEREAS, Article V of the United States Constitution requires the United States Congress to call a constitutional convention upon application of two-thirds of the legislatures of the several states for the purpose of proposing amendments to the United States Constitution; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California, speaking on behalf of the people of the State of California, hereby applies to the United States Congress to call a constitutional convention pursuant to Article V of the

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United States Constitution for the sole purpose of proposing an amendment to the United States Constitution that would limit corporate personhood for purposes of campaign finance and political speech and would further declare that money does not constitute speech and may be legislatively limited; and be it further

Resolved, That this constitutes a continuing application to call a constitutional convention pursuant to Article V of the United States Constitution until at least two-thirds of the legislatures of the several states apply to the United States Congress to call a constitutional convention for the sole purpose of proposing an amendment to the United States Constitution that would limit corporate personhood for purposes of campaign finance and political speech and would further declare that money does not constitute speech and may be legislatively limited; and be it further

Resolved, That this application is for a limited constitutional convention and does not grant Congress the authority to call a constitutional convention for any purpose other than for the sole purpose set forth in this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to each Senator and Representative from California in the Congress of the United States.

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AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-004507

SENATE CONCURRENT RESOLUTION No. 132

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED AUGUST 11, 2014

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)
Senator BRIAN P. STACK
District 33 (Hudson)
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblyman HERB CONAWAY, JR.
District 7 (Burlington)
Assemblyman TIM EUSTACE
District 38 (Bergen and Passaic)

Co-Sponsored by:
Senator Gill, Assemblymen Singleton, Diegnan, Gusciora, Assemblywoman Watson Coleman, Assemblymen McKeon, Wimberly, Caputo, Johnson, Assemblywoman Jasey, Assemblyman Chivukula, Assemblywomen Jimenez, Quijano, Assemblyman Coughlin, Assemblywomen Tucker, Sumter, Assemblymen Garcia, Giblin, Assemblywoman Oliver, Assemblyman Burzichelli, Assemblywoman Pinkin and Assemblyman Danielsen

SYNOPSIS

Applies to Congress for limited constitutional convention to limit corrupting influence of money in politics and overturn Citizens United decision and related cases.

CURRENT VERSION OF TEXT

As introduced.

A CONCURRENT RESOLUTION applying to the Congress of the United States for the calling of a convention for the limited purpose of addressing concerns raised by the decision of the United States Supreme Court in the case of *Citizens United v. Federal Elections Commission* and related cases.

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WHEREAS, Elections should be free of the corrupting influence of excessive spending by outside interests and fair enough that any citizen can run for public office; and

WHEREAS, Numerous United States Supreme Court decisions have frustrated the will of the American people by eroding our ability to choose our political leadership, write our laws, and determine the fate of our country; and

WHEREAS, The New Jersey General Assembly and the New Jersey State Senate passed Assembly Resolution No. 86 and Senate Resolution No. 47, respectively, in the 2012-2013 legislative session; and

WHEREAS, Those resolutions expressed the Legislature's "strong opposition to [the] U.S. Supreme Court decision in *Citizens United v. Federal Elections Commission* [and called] upon [the] Congress of the United States to propose amending [the] U.S. Constitution" to overturn that decision; and

WHEREAS, Congress has failed to propose, pursuant to Article V of the United States Constitution, amendments thereto that would adequately address the concerns expressed in Assembly Resolution No. 86 and Senate Resolution No. 47; and

WHEREAS, Article V of the United States Constitution also requires Congress to call a convention for proposing amendments thereto upon application by two-thirds of the legislatures of the several states; and

WHEREAS, The State of New Jersey believes that there is a great need for a convention to propose amendments to the Constitution to address the concerns raised by citizens opposed to the decision of the Supreme Court in *Citizens United* and related cases, and believes that such a convention must be limited solely, specifically, and exclusively to addressing those concerns; and

WHEREAS, The State of New Jersey believes that the delegates to such a convention should be selected equally from individuals currently holding State or local office, or selected by election from each Congressional district for the purpose of serving as delegates, though past or present holders of federal elective office should be prohibited from serving as convention delegates, and the State should retain the ability to restrict or expand the power of its delegates within the limits noted above; and

WHEREAS, The State of New Jersey intends that this be a continuing application considered together with all other applications calling for a convention currently pending in other state legislatures, and all other passed, pending, and future applications with the aforementioned concerns until two-thirds of the several states have applied for a convention and it is convened by Congress; now, therefore,

BE IT RESOLVED *by the Senate of the State of New Jersey (the General Assembly concurring):*

1. The Legislature of the State of New Jersey makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States of America for the sole, specific and exclusive purpose of proposing amendments to the Constitution of the United States that would limit the corrupting influence of money in our political system including overturning the decision of the United States Supreme Court in the case of *Citizens United v. Federal Elections Commission* and related cases.

AMERICAN OVERSIGHT

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, each Senator and Representative from New Jersey in the Congress of the United States, the Archivist of the United States and the respective clerks of the United States House of Representatives and the United States Senate requesting that they record this application in the published tally of state petitions for a convention of the states under Article V of the United States Constitution, the Governor of each state, and the presiding officer of each house of each state legislature in the United States.

STATEMENT

This concurrent resolution makes application to the Congress of the United States of America for a convention to be called under Article V of the Constitution of the United States for the sole, specific and exclusive purpose of proposing amendments to the Constitution of the United States that would limit the corrupting influence of money in our political system including by overturning the decision of the United States Supreme Court in the case of *Citizens United v. Federal Elections Commission* and related cases.

The resolution provides that copies of the resolution are to be transmitted by the Secretary of the Senate to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, each Senator and Representative from New Jersey in the Congress of the United States, the Archivist of the United States and the respective clerks of the United States House of Representatives and the United States Senate requesting that they record this application in the published tally of state petitions for a convention of the states under Article V of the United States Constitution, the Governor of each state, and the presiding officer of each house of each state legislature in the United States.

AMERICAN OVERSIGHT

2016 -- S 2589

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LC004908
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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

S E N A T E R E S O L U T I O N

RESPECTFULLY URGING CONGRESS TO RESTORE FREE AND FAIR ELECTIONS IN THE UNITED STATES

Introduced By: Senator Joshua Miller

Date Introduced: February 25, 2016

Referred To: Senate Special Legislation and Veterans Affairs

WHEREAS, The 1st President of the United States George Washington stated, "The basis of our political systems is the right of the people to make and to alter their Constitutions of Government"; and

WHEREAS, It was the stated intention of the framers of the Constitution of the United States of America that the Congress of the United States of America should be "dependent on the people alone." (James Madison, Federalist 52); and

WHEREAS, That dependency has evolved from a dependency on the people alone to a dependency on those who spend excessively in elections, through campaigns or third-party groups; and

WHEREAS, The United States Supreme Court ruling in Citizens United v. Federal Election Commission, 558 U.S. 310 (2010) removed restrictions on amounts of independent political spending; and

WHEREAS, The removal of those restrictions has resulted in the unjust influence of powerful economic forces, which have supplanted the will of the people by undermining our ability to choose our political leadership, write our own laws, and determine the fate of our state; and

WHEREAS, Article V of the United States Constitution requires the United States Congress to call a convention for proposing amendments upon application of two-thirds of the legislatures of the several states for the purpose of proposing amendments to the United States

AMERICAN OVERSIGHT

Constitution; now, therefore be it

RESOLVED, That this Senate of the State of Rhode Island and Providence Plantations hereby sees the need for a convention to propose amendments in order to address concerns such as those raised by the decision of the United States Supreme Court in Citizens United v. Federal Election Commission and related cases and events including those occurring long before or afterward or for a substantially similar purpose, and desires that said convention should be so limited; and be it further

RESOLVED, That this Senate hereby respectfully requests that the delegates to said convention be comprised equally of individuals currently elected to state and local office, or be selected by election, in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the Convention, and furthermore requests the ability to restrict or expand the power of its delegates within the limits expressed above; and be it further

RESOLVED, That this Senate hereby intends that this be a continuing application considered together with applications calling for a convention passed in the 2013-2014 Vermont legislature as R454, the 2013-2014 California legislature as Resolution Chapter 77, the 2013-2014 Illinois legislature as Senate Joint Resolution No. 42, the 2014-2015 New Jersey legislature Senate concurrent Resolution No. 132, and all other passed, pending, and future applications, the aforementioned concerns of Rhode Island notwithstanding until such time as two-thirds of the several states have applied for a Convention and said Convention is convened by Congress; and be it further

RESOLVED, That the citizenry of the State of Rhode Island, speaking through this Senate, and pursuant to Article V of the United States Constitution, hereby petitions the United States Congress to call a Convention for the purpose of proposing Amendments to the Constitution of the United States of America as soon as two-thirds of the several states have applied for a Convention; and be it further

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RESOLVED, That the Secretary of State be and hereby is authorized and directed to transmit duly certified copies of this resolution to the President of the United States; the Vice President of the United States in his capacity as President of the United States Senate and addressed to him at the office he maintains in the United States Capitol; the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, and the Rhode Island Congressional Delegation.

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LC004908
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AMERICAN OVERSIGHT

From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Wednesday, February 05, 2020 4:58 PM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: FW: Message from DAVID KEATING (+17038946799) to Ext. 5024
Attachment(s): "VoiceMessage.wav"

I think you're handling SB 1372 and the amendent?

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: Cisco Unity Connection Messaging System <unityconnection@ip-unity-1.flsen.gov>
Sent: Wednesday, February 5, 2020 4:03 PM
To: senatedistrict24@ip-unity-1.flsen.gov
Subject: Message from DAVID KEATING (+17038946799) to Ext. 5024

AMERICAN OVERSIGHT

Unable to Process

AMERICAN OVERSIGHT

From: Hubbard, Zachary
Sent: Thursday, December 05, 2019 2:56 PM EST
To: Adrian Moore <adriantmoore@gmail.com>
Subject: FW: Mobility 12.2.2019 ds.docx
Attachment(s): "Mobility 12.2.2019 ds.docx"

-----Original Message-----
From: Lena Juarez <lena@jejassoc.com>
Sent: Wednesday, December 4, 2019 9:56 AM
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>; Clemens, Clayton <Clayton.Clemens@myfloridahouse.gov>
Subject: Mobility 12.2.2019 ds.docx

Edits in red

AMERICAN OVERSIGHT

24-00656D-20

A bill to be entitled

An act relating to electric vehicles; amending s. 316.003, F.S.; revising definitions; authorizing the Department of Transportation to adopt rules; amending s. 334.046, F.S.; revising the department's goals relating to mobility; creating s. 339.0802, F.S.; requiring that certain funds be used for specified purposes relating to the Electric Vehicle Infrastructure Grant Program, beginning in specified years; providing for future repeal of the requirement; creating s. 339.286, F.S.; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; providing the purpose of the program; providing for the distribution of grants to certain entities to install electric vehicle charging infrastructure; providing grant requirements; providing requirements for equipment installed using grant funds; providing criteria for the distribution of grants; requiring that the department continually review emerging research, policies, and standards; authorizing the department to develop a model plan for local governments; requiring the department to adopt rules; amending s. 366.94, F.S.; specifying that certain rules adopted by the Department of Agriculture and Consumer Services may not require specific methods of sale for electric vehicle charging equipment used in this state; providing effectives dates.

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

AMERICAN OVERSIGHT

Section 1. Subsections (2) and (55) of section 316.003, Florida Statutes, are amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes that meet the requirements of Federal Motor Vehicle Safety Standard No. 122, a steering ~~wheel~~ mechanism, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(55) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;

(b) Has a weight that does not exceed the maximum weight established by Department of Transportation rule ~~Weighs less than 80 pounds, excluding cargo~~;

(c) Has a maximum speed of 10 miles per hour or, if the Department of Transportation establishes by rule a maximum speed, has a speed that does not exceed that maximum; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a

AMERICAN OVERSIGHT

natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device. The Department of Transportation may adopt rules to implement this subsection.

Section 2. Paragraph (c) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(c) *Mobility.*—Ensuring a cost-effective, statewide, interconnected transportation system. Improvement of travel choices to ensure mobility includes planning and establishment of infrastructure for innovative technologies, including electric vehicle charging infrastructure.

Section 3. Effective upon Senate Bill ___ or other similar legislation being enacted in the 2020 Regular Session or an extension thereof and becoming a law, section 339.0802, Florida Statutes, is created to read:

339.0802 Allocation of increased license tax revenues from licensure of electric and hybrid vehicles.—Funds that result from increased revenues to the State Transportation Trust Fund derived under s. 320.08001(2), (3), and (4) must be used as set forth in this section, notwithstanding any other provision of law.

(1) Beginning in the 2020-2021 fiscal year, and annually for 5 years thereafter, all increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

AMERICAN OVERSIGHT

(2) Beginning in the 2025-2026 fiscal year, and annually for 5 years thereafter, half of the increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(3) This section expires on July 1, 2030.

Section 4. Section 339.286, Florida Statutes, is created to read:

339.286 Electric Vehicle Infrastructure Grant Program.—

(1) The department shall establish the Electric Vehicle Infrastructure Grant Program. The purpose of the program is to provide financial assistance to encourage the installation of electric vehicle charging infrastructure.

(2) State agencies, public universities, public transit agencies, ports, airports, and local governments, including local housing authorities and libraries, may apply to the department for grants for the purpose of installing publicly available electric vehicle charging infrastructure on public or private property.

(3) A grant may be awarded for:

(a) Technical assistance for the development and adoption of:

1. A local or regional plan that establishes an electric vehicle charging infrastructure;

2. Any action plans necessary to address any infrastructure gaps; and

3. Steps necessary to complete the infrastructure plan.

A plan must address actions to deploy the necessary infrastructure in high-density housing areas and low- to moderate-income areas.

AMERICAN OVERSIGHT

(b) Assistance with the purchase of related equipment and the costs of installation of that equipment to provide electric vehicle charging. Such equipment must be capable of collecting and reporting data and must use standard connectors, and must be available to the public.~~.~~

(4)(a) An applicant may apply for a grant for both technical assistance and equipment purchase and installation. A grant for technical assistance requires a minimum match of funds from the applicant of 30 percent of the grant award, but such match is not required for an applicant that is located in a fiscally constrained county. A grant for equipment purchase and installation requires a minimum match of funds from the applicant in the amount of 50 percent of the ~~grant award~~total project cost for Level 2 charging infrastructure or~~,~~ 20 percent of the total project cost for direct current fast charging infrastructure~~or 20 percent for an applicant that is located in a fiscally constrained county~~. The matching funds must be from nonstate resources, but may include private funds provided through a partnership with a private entity or in-kind contributions such as the donation of equipment, services, or land or use of land for establishment of the electric vehicle charging infrastructure. Grant funds may not subsidize the cost for the use of electricity. 20 percent of the funds available under this grant program shall be reserved for applicants or projects in fiscally constrained counties.

(b) The department shall maintain a prioritized list of approved grant applications. The prioritized list must include recommended funding levels for each application and, if staged implementation is appropriate, provide funding requirements for

AMERICAN OVERSIGHT

each stage. Grants must be prioritized based on the extent to which the activities of the grant will encourage growth in the use of electric vehicles and increase the availability of charging locations along evacuation routes. A grant for equipment purchase and installation that will immediately and most effectively serve those who currently own or operate electric vehicles may receive priority. Applicants may engage private sector entities to install charging infrastructure on private property in the same county or local jurisdiction as the applicant.

(5) The department shall continually review emerging research, policies, and standards related to electric vehicle infrastructure. Using such information, the department shall publish best practices for the establishment of electric vehicle charging infrastructure, model infrastructure plan development and components, and other significant information for the implementation and use of electric vehicle charging infrastructure. The department may develop a model plan that local governments may use as a guide to establish an electric vehicle charging infrastructure plan.

(6) The department shall adopt rules to administer this section.

Section 5. Section 366.94, Florida Statutes, is amended to read:

366.94 Electric vehicle charging stations.—

(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions

AMERICAN OVERSIGHT

of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.

(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry. Rules implemented under this subsection may not require specific methods of sale for electric vehicle charging equipment and services provided~~used~~ in this state.

(3)(a) It is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging station within any parking space specifically designated for charging an electric vehicle.

(b) If a law enforcement officer or specialist finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Hubbard, Zachary
Sent: Wednesday, December 04, 2019 1:31 PM EST
To: Hrdlicka, Jennifer <Jennifer.Hrdlicka@LASPBS.STATE.FL.US>
Subject: FW: Mobility 12.2.2019 ds.docx
Attachment(s): "Mobility 12.2.2019 ds.docx"

Hi Jennifer,

Senator Brandes requested your thoughts on these changes.

Thanks

-----Original Message-----
From: Lena Juarez <lena@jejassoc.com>
Sent: Wednesday, December 4, 2019 9:56 AM
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>; Clemens, Clayton <Clayton.Clemens@myfloridahouse.gov>
Subject: Mobility 12.2.2019 ds.docx

Edits in red

AMERICAN OVERSIGHT

24-00656D-20

A bill to be entitled

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

AMERICAN OVERSIGHT

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(55) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;

(b) Has a weight that does not exceed the maximum weight established by Department of Transportation rule ~~Weighs less than 80 pounds, excluding cargo~~;

(c) Has a maximum speed of 10 miles per hour or, if the Department of Transportation establishes by rule a maximum speed, has a speed that does not exceed that maximum; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a

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natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device. The Department of Transportation may adopt rules to implement this subsection.

Section 2. Paragraph (c) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(c) *Mobility.*—Ensuring a cost-effective, statewide, interconnected transportation system. Improvement of travel choices to ensure mobility includes planning and establishment of infrastructure for innovative technologies, including electric vehicle charging infrastructure.

Section 3. Effective upon Senate Bill ___ or other similar legislation being enacted in the 2020 Regular Session or an extension thereof and becoming a law, section 339.0802, Florida Statutes, is created to read:

339.0802 Allocation of increased license tax revenues from licensure of electric and hybrid vehicles.—Funds that result from increased revenues to the State Transportation Trust Fund derived under s. 320.08001(2), (3), and (4) must be used as set forth in this section, notwithstanding any other provision of law.

(1) Beginning in the 2020-2021 fiscal year, and annually for 5 years thereafter, all increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

AMERICAN OVERSIGHT

(2) Beginning in the 2025-2026 fiscal year, and annually for 5 years thereafter, half of the increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(3) This section expires on July 1, 2030.

Section 4. Section 339.286, Florida Statutes, is created to read:

339.286 Electric Vehicle Infrastructure Grant Program.—

(1) The department shall establish the Electric Vehicle Infrastructure Grant Program. The purpose of the program is to provide financial assistance to encourage the installation of electric vehicle charging infrastructure.

(2) State agencies, public universities, public transit agencies, ports, airports, and local governments, including local housing authorities and libraries, may apply to the department for grants for the purpose of installing publicly available electric vehicle charging infrastructure on public or private property.

(3) A grant may be awarded for:

(a) Technical assistance for the development and adoption of:

1. A local or regional plan that establishes an electric vehicle charging infrastructure;

2. Any action plans necessary to address any infrastructure gaps; and

3. Steps necessary to complete the infrastructure plan.

A plan must address actions to deploy the necessary infrastructure in high-density housing areas and low- to moderate-income areas.

AMERICAN OVERSIGHT

(b) Assistance with the purchase of related equipment and the costs of installation of that equipment to provide electric vehicle charging. Such equipment must be capable of collecting and reporting data and must use standard connectors, and must be available to the public.~~.~~

(4)(a) An applicant may apply for a grant for both technical assistance and equipment purchase and installation. A grant for technical assistance requires a minimum match of funds from the applicant of 30 percent of the grant award, but such match is not required for an applicant that is located in a fiscally constrained county. A grant for equipment purchase and installation requires a minimum match of funds from the applicant in the amount of 50 percent of the ~~grant award~~total project cost for Level 2 charging infrastructure or~~,~~ 20 percent of the total project cost for direct current fast charging infrastructure~~or 20 percent for an applicant that is located in a fiscally constrained county~~. The matching funds must be from nonstate resources, but may include private funds provided through a partnership with a private entity or in-kind contributions such as the donation of equipment, services, or land or use of land for establishment of the electric vehicle charging infrastructure. Grant funds may not subsidize the cost for the use of electricity. 20 percent of the funds available under this grant program shall be reserved for applicants or projects in fiscally constrained counties.

(b) The department shall maintain a prioritized list of approved grant applications. The prioritized list must include recommended funding levels for each application and, if staged implementation is appropriate, provide funding requirements for

AMERICAN OVERSIGHT

each stage. Grants must be prioritized based on the extent to which the activities of the grant will encourage growth in the use of electric vehicles and increase the availability of charging locations along evacuation routes. A grant for equipment purchase and installation that will immediately and most effectively serve those who currently own or operate electric vehicles may receive priority. Applicants may engage private sector entities to install charging infrastructure on private property in the same county or local jurisdiction as the applicant.

(5) The department shall continually review emerging research, policies, and standards related to electric vehicle infrastructure. Using such information, the department shall publish best practices for the establishment of electric vehicle charging infrastructure, model infrastructure plan development and components, and other significant information for the implementation and use of electric vehicle charging infrastructure. The department may develop a model plan that local governments may use as a guide to establish an electric vehicle charging infrastructure plan.

(6) The department shall adopt rules to administer this section.

Section 5. Section 366.94, Florida Statutes, is amended to read:

366.94 Electric vehicle charging stations.—

(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions

AMERICAN OVERSIGHT

of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.

(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry. Rules implemented under this subsection may not require specific methods of sale for electric vehicle charging equipment and services provided~~used~~ in this state.

(3)(a) It is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging station within any parking space specifically designated for charging an electric vehicle.

(b) If a law enforcement officer or specialist finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Meshil, Melissa
Sent: Tuesday, January 07, 2020 1:17 PM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: FW: Other (flsenate.gov)

The UF Student Newspaper wants to write about the elections bill?

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 - 2100
Capitol: (850) 487 - 5024
Jeff Brandes - District 24

-----Original Message-----
From: samanthachery@ufl.edu <samanthachery@ufl.edu>
Sent: Monday, January 6, 2020 1:12 PM
To: Brandes, Jeff (Web) <BRANDES.JEFF.WEB@flsenate.gov>
Subject: Other (flsenate.gov)

Preferred Response By: Email

Samantha Chery
The Independent Florida Alligator
samanthachery@ufl.edu
2322 Pesaro Cir
Ocoee, FL 34761-5005
This address is in Senate District 11.
4079199618

Receive updates via email: No

_____

Comment or Question:
Hello Senator Brandes,

My name is Samantha Chery, and I'm the political reporter for The Alligator. I'd like to write a story about the proposed elections bill that you filed on Friday. Would you be available this evening for a phone interview? I see the district office and Tallahassee office phone numbers on the website, but what's the best number to reach you?

I look forward to hearing from you.

AMERICAN OVERSIGHT

From: Thompson, Vanessa
Sent: Tuesday, January 07, 2020 1:28 PM EST
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: FW: Proposed Legislation - Address Appearing on Identification Presented at Polls
Attachment(s): "billdraft75627.elections.docx"

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Clark, Deborah <DClark@votepinellas.com>
Sent: Tuesday, January 7, 2020 10:36 AM
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Cc: Clark, Deborah <DClark@votepinellas.com>; Tammy Jones <tammy@votelevy.com>; 'Alan Hays - Lake' <alan@lakevotes.com>; Ronald Labasky <rlabasky@bplawfirm.net>; david@rambaconsulting.com; Marcus, Julie <jmarcus@votepinellas.com>; Gillette, Marc <mgillette@votepinellas.com>; Chase, Dustin <dchase@votepinellas.com>; Closterman, Tim <ticlosterman@votepinellas.com>; Pena-Rosado, Alex <apenarosado@votepinellas.com>; Brian E. Corley <bcorley@pascovotes.com>
Subject: Proposed Legislation - Address Appearing on Identification Presented at Polls

Senator Brandes –

As a follow up to our phone conversation last week:

Your draft bill 24-01581-20 (attached) strikes the following language in 101.043(1)(b) – "The address appearing on the identification presented by the elector may not be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence."

Supervisors of Elections support this change because it allows poll workers to ask the voter if the address on their ID is current.

- If it is, the voter is in the correct voting precinct and will receive the correct ballot.
- If the address is not current but the voter lives in the precinct, the voter may file an address change and vote a regular ballot.
- If the address is not current and the voter does not live in the precinct, the voter will be given directions to the correct precinct polling place where they can file an address change and receive the correct ballot.

Supervisors of Elections support this change because it gives us the ability to ensure voters are casting ballots in their home precincts, as required by F.S. 101.045(1) – "A person is not permitted to vote in any election precinct or district other than the one in which the person has his or her legal residence…"

Poll workers only use picture and signature identification to confirm the voter's identity, as provided in F.S. 101.043 (1)(a) – "…for the purpose of identifying the elector at the polls…"

Identification is not used to determine whether the voter is eligible to vote.

Supervisors feel strongly that confirming voters' residential addresses to ensure they are given correct ballots is essential to the integrity of the election process.

If you have any additional questions, please contact me at (727) 424-0088.

Respectfully,

Deb

Deborah Clark, CERA
Supervisor of Elections
Pinellas County, Florida
13001 Starkey Rd, Largo FL 33773
727-464-4987
dclark@votepinellas.com

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Florida Statute 668.6076

From: Clark, Deborah
Sent: Wednesday, December 18, 2019 9:22 AM

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To: Thompson.Vanessa@flsenate.gov
Cc: Clark, Deborah <DClark@votepinellas.com>; Tammy Jones <tammy@votelevy.com>; 'Alan Hays - Lake' <alan@lakevotes.com>; Ronald Labasky <rlabasky@bplawfirm.net>; david@rambaconsulting.com; Marcus, Julie <jmarcus@votepinellas.com>; Chase, Dustin <dchase@votepinellas.com>; Gillette, Marc <mgillette@votepinellas.com>; Closterman, Tim <ticlosterman@votepinellas.com>; Pena-Rosado, Alex <apenarosado@votepinellas.com>
Subject: Legislation - Request for Input (Senator Brandes)

Vanessa –

I support the attached bill and appreciate Senator Brandes providing the opportunity to review the language.

Specifically, I want to thank Senator Brandes for proposing additional time to conduct the First Logic and Accuracy Test (line 43) from 10 days to 25 days. This will provide us with additional time to conduct pre-election activities, e.g., program voting equipment. The proposed language also helps to correct a technical issue created in SB 7066. The language the Senator is proposing allows Canvassing Boards to take full advantage of being able to canvass mail ballots 22 days prior to the election.

Also attached are the Florida Supervisors of Elections (FSE) legislative priorities for further consideration.

If you have any questions, my email address is dclark@votepinellas.com; this can be used for all direct correspondence rather than sending to election@votepinellas.com.

Have a safe and happy holiday season.

Sincerely,

Deborah Clark, CERA
Supervisor of Elections
Pinellas County, Florida
13001 Starkey Rd, Largo FL 33773
727-464-4987
dclark@votepinellas.com

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Florida Statute 668.6076

From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, December 4, 2019 1:59 PM
To: Mail, Election <election@votepinellas.com>
Subject: Senator Brandes - Legislation

Supervisor Clark,

Senator Brandes has been asked to file 2 pieces of legislation that he would like to run by you before doing anything.

At your convenience, would you be able to review and let us know your thoughts?

Thank you so much,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

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24-01581-20

A bill to be entitled

An act relating to elections; amending s. 101.043, F.S.; deleting a provision that prohibits the use of an address appearing on identification presented by an elector at the polls as a basis to confirm or otherwise challenge an elector's legal residence; amending s. 101.5612, F.S.; revising the timeframes for conducting public preelection testing of automatic tabulating equipment; amending s. 101.5614, F.S.; removing the requirement that duplicate ballots be made of vote-by-mail ballots containing overvoted races; amending s. 101.6103, F.S.; revising the timeframe in which the supervisor of elections must mail ballots in elections conducted under the Mail Ballot Election Act; amending s. 103.091, F.S.; expanding the timeframe within which candidates for political party executive committees may qualify for office; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.—

(1)

(b) If the picture identification does not contain the signature of the elector, an additional identification that provides the elector's signature shall be required. ~~The address appearing on the identification presented by the elector may not~~

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

~~be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence.~~ The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the elector's signature. The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

Section 2. Subsection (2) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(2) On any day not more than 25 ~~10~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. If the ballots to be used at the polling place on election day are not available at the time of the testing, the supervisor may conduct an additional test not more than 10 days before election day. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication on the supervisor of elections' website and once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting the notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and

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location of the public preelection test to each candidate qualifying with that office and obtain a signed receipt that the notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each candidate to contact the county supervisor of elections as to the time and location of the public preelection test. The supervisor or the municipal elections official shall, at least 30 ~~15~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee shall not interfere with the normal operation of the canvassing board.

Section 3. Paragraph (a) of subsection (4) of section 101.5614, Florida Statutes, is amended to read:

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101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. ~~Likewise,~~ A duplicate ballot must also ~~shall~~ be made of ~~a vote-by-mail ballot containing an overvoted race or~~ a marked vote-by-mail ballot in which every race is undervoted, including ~~which shall include~~ all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

Section 4. Subsection (1) of section 101.6103, Florida Statutes, is amended to read:

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection (7), the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector entitled to vote in the election not sooner than the 40th ~~20th~~ day before the election and not later than the 10th day before

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the date of the election. All such ballots shall be mailed by first-class mail. Ballots shall be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked "Do Not Forward."

Section 5. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the primary election in each year a presidential election is held. The terms begin ~~shall commence~~ on the first day of the month following each presidential general election,~~;~~ but the names of candidates for political party offices may ~~shall~~ not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections no ~~not earlier than noon of the 71st day, or~~ later than noon of the 67th day~~,~~ preceding the primary election. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

Section 6. This act shall take effect July 1, 2020.

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From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Monday, February 03, 2020 9:39 AM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: FW: SB 1148 E-Bikes

He did say he would do this (before seeing the language) on their phone call on Friday

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: Jeff Branch <jbranch@flcities.com>
Sent: Friday, January 31, 2020 3:14 PM
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Cc: Meshil, Melissa <Meshil.Melissa@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: SB 1148 E-Bikes

Sen. Brandes,

Thank you for taking my call and agreeing to removing the language of concern to our municipalities. Per our discussion, listed below is the language we would like removed from SB 1148:

Lines 211 – 217:

(b) Following notice and a public hearing, a municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path may restrict or prohibit the operation of an electric bicycle on the path if the municipality, county, or agency finds that such a restriction is necessary in the interest of public safety or to comply with other laws or legal obligations.

As always, I look forward to our continue work on Transportation issues.

Jeff

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From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Thursday, January 09, 2020 5:01 PM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: FW: SB 1372 Voter ID Provision

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: Zachariah Chou <zachariahchou@gmail.com>
Sent: Thursday, January 9, 2020 12:49 PM
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: SB 1372 Voter ID Provision

Good afternoon,

My name is Zachariah Chou and I am writing a freelance op-ed for The Guardian. I wanted to ask you about your recently filed bill.

Concerning the striking out of "The address appearing on the identification presented by the elector may not be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence," I wanted to ask what is the intention behind this change and if the addresses on the IDs will need to match where people are registered.

Additionally, in what instances would a person's address need to be confirmed or challenged?

Best,
Zachariah Chou

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PLEASE NOTE: Florida public records law is extremely broad. In accordance with Florida State Statutes (F.S. 119), email addresses and any/all information contained herein may constitute public records. If you do not wish your private information released in a public records request, you are hereby advised not to send messages to this entity.

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From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Thursday, January 16, 2020 2:31 PM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: FW: SB 1372 Voter ID Provision

I know we talked about this briefly.

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: Zachariah Chou <zachariahchou@gmail.com>
Sent: Thursday, January 16, 2020 2:15 PM
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Re: SB 1372 Voter ID Provision

Good afternoon,

Just wanted to follow up on this email!

Warmly,
Zachariah Chou

On Fri, Jan 10, 2020 at 10:26 AM Zachariah Chou <zachariahchou@gmail.com> wrote:

> Good afternoon,
>
> Thank you for explaining the context of the changes and how they came to be. I have just a couple quick follow up questions I think would be faster for you to answer on email than a call.
>
> What do you expect will happen if an address on an ID does not match the address on file? To my understanding the clerk would now be able to say they noticed my driver's license doesn't match my address on file and I would have to let them know I still intend on voting with respect to the address I have on file. Would I then just go ahead and vote anyhow once I have provided that additional information and assured them I'm voting in the right precinct?
>
> Just so I'm completely clear on this, would this bill require matching addresses on Florida voter IDs and registrations in order to vote?
>
> Warmly,
> Zachariah Chou
>
> On Fri, Jan 10, 2020 at 3:57 AM Brandes, Jeff <BRANDES.JEFF@flsenate.gov> wrote:
>
> > Senate Bill 1372 was a list of concepts and clean up language brought to me by the Florida Supervisors of Elections (FSE) and unanimously approved by their bipartisan board.
> >
> > The language in Section 1 is an attempt to clean up a conflict in Florida law. The language drafted by staff did not accurately portray the intent of the clarification.
> >
> > Poll workers in Florida take an oath to uphold Florida's election laws (§101.24 and 102.012, F.S.). When those laws conflict as it relates to their duties, we must try and resolve those conflicts. Florida Statute 101.043 is one of those statutes.
> >
> > Paragraph (b) in section 1 of that statute requires that:
> >
> > "The address appearing on the identification presented by the elector may not be used as the basis to confirm an elector's legal residence or to otherwise challenge an elector's legal residence."
> >
> > Compare this to the language in paragraph (c) of that same section:
> >
> > "When an elector presents his or her picture identification and the elector's address on the picture identification matches the elector's address in the supervisor's records, the elector may not be asked to provide additional information or to recite his or her home address."
> >
> > The very act seemingly required in paragraph (c) – matching the address on the ID with the address in the supervisor's records – clearly violates the provision in paragraph (2) that the "address appearing on the identification presented . . . **may not** be used . . . to **confirm** an elector's legal residence . . . [emphasis added]."

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> The best way to resolve this would be to strike only the provision against “confirming” the address by matching it; thus keeping the protection for the voter that the address on their ID cannot be used as the sole basis to challenge a voter’s eligibility.
>
> Happy to talk by phone my number is 727-408-0543.
>
> Sent from my iPhone
>
> > On Jan 9, 2020, at 9:49 AM, Zachariah Chou <zachariahchou@gmail.com> wrote:

--
PLEASE NOTE: Florida public records law is extremely broad. In accordance with Florida State Statutes (F.S. 119), email addresses and any/all information contained herein may constitute public records. If you do not wish your private information released in a public records request, you are hereby advised not to send messages to this entity.

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PLEASE NOTE: Florida public records law is extremely broad. In accordance with Florida State Statutes (F.S. 119), email addresses and any/all information contained herein may constitute public records. If you do not wish your private information released in a public records request, you are hereby advised not to send messages to this entity.

From: Thompson, Vanessa
Sent: Tuesday, October 15, 2019 12:11 PM EDT
To: Looke, Daniel <Looke.Daniel@flsenate.gov>
Subject: FW: Senator Brandes Draft Marijuana Legislation
Attachment(s): "Florida Adult-Use Specific Recommendations.docx"

In the event it's helpful… If not, ignore me!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Olivia Naugle <onaugle@mpp.org>
Sent: Tuesday, October 15, 2019 12:05 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Cc: kokeefe@mpp.org
Subject: Re: Senator Brandes Draft Marijuana Legislation

Vanessa,

I wanted to follow up with some sample bill language for some of the areas where we recommended additions or tweaks to the draft bill. Please see the document attached. We'd be happy to answer any questions the Senator may have.

Best,
Olivia

On Wed, Oct 9, 2019 at 9:41 AM Thompson, Vanessa <Thompson.Vanessa@flsenate.gov> wrote:

> Olivia and Karen,
>
> Thank you SO much. You really gave us a lot of great things to consider putting in our legislation. I will have the Senator review all of this and we will absolutely get back to you with any questions we may have – I am certain there will be plenty! Additionally, as we redraft the legislation I will be sure to pass it along to you so we can get your eyes on it.
>
> Thanks again,
>
> **Vanessa Thompson**
> Legislative Assistant to State Senator Jeff Brandes
> Thompson.Vanessa@flsenate.gov
> District: (727) 563-2100
> Capitol: (850) 487-5024
> Jeff Brandes – District 24
>
> **From:** Olivia Naugle <onaugle@mpp.org>
> **Sent:** Tuesday, October 8, 2019 3:04 PM
> **To:** Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
> **Cc:** Karen O'Keefe <kokeefe@mpp.org>
> **Subject:** Re: Senator Brandes Draft Marijuana Legislation
>
> Vanessa,
>
> Thank you and Senator Brandes again for the opportunity to review the draft legislation and provide feedback. I have attached our written suggestions discussed on our call here. I've also attached two documents —1.) A breakdown of taxes in adult-use states 2.) an overview of tax revenue in adult-use states— for reference.
>
> We'd be happy to follow-up with specific bill language re our suggestions, key issues, etc. in the future. Please feel free to reach out.
>
> Best,
> Olivia
>
> On Wed, Oct 2, 2019 at 9:16 AM Thompson, Vanessa <Thompson.Vanessa@flsenate.gov> wrote:
>
> > Hi Olivia,

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Senator Brandes asked that I send our draft marijuana legislation your way.

The Senator is hoping to get your thoughts on the bill overall and potentially talk through a taxing structure.

Please let me know if you need anything else. I look forward to speaking with you in the near future.

Kind Regards,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

--
Sincerely,
Olivia Naugle, Legislative Coordinator
Marijuana Policy Project
Washington, D.C. 20009
Onaugle@mpp.org
http://www.mpp.org

--
Sincerely,
Olivia Naugle, Legislative Coordinator
Marijuana Policy Project
Washington, D.C. 20009
Onaugle@mpp.org
http://www.mpp.org

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Feedback for Senator Brandes' Adult-Use Bill

We are grateful for Sen. Brandes' leadership on marijuana policy and his receptivity to suggestions. Below is sample language for some of the areas where we recommended additions or tweaks to the draft bill, along with two additional general recommendations.

Clarifying that Adult-Use Only Businesses Are Allowed (new recommendation)

- We understand the intent is to allow adult-use *only* growers, processors, and retailers, not just MMTCs. However, the bill refers only to MMTCs when it refers to cannabis businesses. We recommend clarifying the language throughout to ensure there are clear legal protections, regulatory requirements, and licensing procedures for adult-use only businesses.

  For example:
  - Ø lines 445-448 only reference employee identification cards for MMTCs.
  - Ø lines 450-471 only reference MMTCs in reference to seed-to-sale tracking.
  - Ø lines 472-1121, 1174-1375 refer to registration procedures, inspections, and rules for MMTCs only.
  - Ø The legal protections in lines 1487-1496 and 1505-1511 only apply to MMTCs.
  - Ø lines 439-440 clarify that MMTCs are medical marijuana treatment centers, providing "medical marijuana treatment centers (MMTCs)."

Ensuring Free Market Licensing (new recommendation)

- We suggest including more specific language to ensure the licensing is truly free-market, and that all applicants that meet the requirements — and are allowed locally — are issued licenses by a date certain (such as within 90 days of submitting their application).

  Possible language:

  (xx) Within 90 days after receiving an application or renewal application, the department shall issue a registration to the [adult-use business] applicant, unless the department finds:
  (i) the applicant did not submit the materials required by section [xx], or
  (ii) the applicant is not in compliance with regulations enacted pursuant to [xx], or
  (iii) the department is notified by the relevant locality that the applicant is not in compliance with ordinances and regulations made pursuant to [xx].

Defining a Possession Limit

- Rather than allowing a "70-day supply" for adults, there should be a clear, specific possession limit for non-flower marijuana (lines 1542-1543)

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- Ten grams of concentrates and infused products up to 2,000 mg THC are about the equivalent of 2.5 ounces of flower.
- The weight/ THC-based limit should also be used for dispensing to adults, rather than a 70-day supply. (lines 860-868)

Since the limit will likely be referenced in many places, it is easiest to make it a defined term.

Suggested language:

"Possession limit" means:
(i) 2.5 ounces of marijuana, not including concentrated marijuana and marijuana products;
(ii) 10 grams of concentrated marijuana; and
(iii) Marijuana products containing no more than 2,000 milligrams of THC.

"Marijuana products" means products that are comprised of marijuana and other ingredients and are intended for use or consumption, including but not limited to, edible products, ointments, and tinctures.

Authorizing — and Regulating — Paraphernalia

- We recommend allowing adults 21+ to possess paraphernalia (for storage, not just delivery).
- In addition, the manufacture and sale of paraphernalia by businesses other than MMTCs should be explicitly "authorized."
  - Otherwise, cannabis businesses buying equipment to grow and store marijuana from other vendors would likely be illegal if the vendor has reason to know what it's intended for, which would be pretty obvious.

If paraphernalia is *authorized* under state law, it's federally legal, too. 21 USC 863(f)

It may also be a good idea to include language directing the health department to regulate paraphernalia used for inhalation, in light of the recent lung illnesses.

Suggested language:

(a) Notwithstanding any other provision of law, except as provided in this section, it is not unlawful and shall not be an offense under Florida law or the law of any political subdivision of Florida or be a basis for seizure or forfeiture of assets under Florida law for persons 21 years of age or older to manufacture, possess, or purchase marijuana paraphernalia, or to distribute or sell marijuana paraphernalia to a person who is 21 years of age or older.
(b) Except as provided in this section, a person who is 21 years of age or older is authorized to manufacture, possess, and purchase marijuana paraphernalia,

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and to distribute or sell marijuana paraphernalia to a person who is 21 years of age or older.
(c) This section is intended to meet the requirements of subsection (f) of Section 863 of Title 21 of the United States Code (21 U.S.C. Sec. 863(f)) by authorizing, under state law, any person in compliance with this section to manufacture, possess, or distribute marijuana paraphernalia.
(d) This section does not allow any person to manufacture, distribute, or sell marijuana paraphernalia that violates reasonable regulations enacted by the department.

[and the department-developed regulations will include]
(xx) Reasonable health and safety restrictions on marijuana paraphernalia that may be manufactured or sold in Florida. The department may prohibit vaporizers that are reasonably believed to pose hazards, but may not completely prohibit or unreasonably restrict the manufacture or sale of vaporization devices.

Sharing Marijuana Among Adults, Clarifying Legal Protections

- The bill should allow sharing with other adults of the personal-use amounts. Adults use marijuana socially. Adults who live together, including spouses, typically share cannabis products, rather than buying separate supplies, just as they do with all kinds of other consumable items (wine, food, etc.).

The below suggestion would also ensure that localities cannot criminalize cannabis possession and would otherwise clarify legal protections for adults.

Suggested language to replace 1535-1550:

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, except as otherwise provided in this chapter, the following acts are not unlawful and shall not be a criminal or civil offense under Florida law or the law of any political subdivision of Florida or be a basis for seizure or forfeiture of assets under Florida law for persons 21 years of age or older:
(1) Possessing, consuming, using, purchasing, or transporting an amount of marijuana that does not exceed the possession limit;
(2) Possessing, purchasing, manufacturing, or transporting marijuana paraphernalia, or selling it to a person who is 21 years of age or older;
(3) Transferring an amount of marijuana that does not exceed the possession limit to a person who is 21 years of age or older without remuneration. For purposes of this section, a transfer is for remuneration if marijuana is given away contemporaneously with another transaction between the same parties, if a gift of marijuana is offered or advertised in conjunction with an offer for sale of goods or services, or if the gift of marijuana is contingent upon a separate transaction for goods or services.

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(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, except as otherwise provided in this chapter, the following acts, when performed by a licensed MMTC ***[or other adult-use licensee?]****, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee, or agent of a licensed MMTC* ***[or other adult-use licensee?]****, are not unlawful and shall not be an offense under [State] law or be a basis for seizure or forfeiture of assets under [State] law: Engaging in any activities involving marijuana or marijuana products if the activities are within the scope of activities the MMTC* ***[or other adult-use licensee?] is permitted to engage in pursuant to a facility permit****.*
(c) Nothing in this section prevents the imposition of penalties for violating this chapter or rules adopted by the department or localities pursuant to this chapter.

Protections for Property Owners and Renters

- The bill should provide that landlords may not prevent tenants from possessing or using marijuana via non-smoked means. (lines 1549-1550)

Rather than "This section does not limit the ability of a private property owner to restrict the use of marijuana on his or her private property," this language could be used:

(a) Except as provided in this section, the provisions of this chapter do not require any person, corporation, or any other entity that occupies, owns, or controls a property to allow the consumption, cultivation, display, sale, or transfer of marijuana on or in that property.
(b) In the case of the rental of a residential dwelling, a landlord may not prohibit the possession of marijuana or the consumption of marijuana by non-smoked means unless:
(1) The tenant is a roomer who is not leasing the entire residential dwelling;
(2) The residence is incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar service;
(3) The residence is a transitional housing facility; or
(4) Failing to prohibit marijuana possession or consumption would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

Home Cultivation Study

- The bill should create a formal study on home cultivation to report back with findings and recommendations by a certain date.

Possible language:

The department shall commission or conduct a study to determine if adults who are 21 years of age or older should be allowed to cultivate marijuana for personal

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use, and to determine what restrictions should apply to home cultivation. The study shall include consideration of:
(a) reasonable precautions to ensure that the plants are secure from unauthorized access or access by any individual under 21 years of age,
(b) the location where such marijuana may be grown, and
(c) any other related public safety or regulatory issues the department deems necessary.
Not later than January 1, 2021, the department shall report the conclusions of the study to the [xx committees of the] legislature.

***Note**: We are checking with an ally regarding suggestions to this language and my circle back with a modified recommendation.*

Social Equity and Diversity

- The bill should include provisions to foster equity and diversity in the industry.

  At a minimum, it should include language such as:

  [Regulators must develop …] Procedures and policies to promote and encourage full participation in the regulated marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities.

  — and —

  Requiring yearly reporting by each [MMTC and other cannabis business] to the department regarding the diversity of its workforce, managerial positions, and ownership, the overall percentages of which the department shall make available to the public.

  Other worthwhile possibilities include:
  - Providing technical assistance for social equity applicants (and defining such applicants, such as those from communities with disproportionate marijuana arrests or those from communities with high poverty and high unemployment)
  - Providing for low-interest loans for social equity applicants, which can be funded by marijuana tax revenue
  - Providing a head start for applications filed by social equity applicants
  - Requiring licensees to establish and adhere to policies to encourage diversity in the workplaces

Consumer Privacy

- The bill should ensure regulators do not require information to be collected on adult-use consumers to protect privacy and in light of federal law. It should also protect consumers from improper data disclosure from businesses.

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Suggested language:

(xx) In order to ensure that individual privacy is protected, the department shall not require a consumer to provide a [MMTC or other licensee] with personal information other than government-issued identification to determine the consumer's age, and a [MMTC or other licensee] shall not be required to acquire and record personal information about consumers.

— and —

[around line 1336, listing conduct an MMTC can be fined for]

5. Improperly disclosing information about customers, including sharing names, addresses, and contact information of customers without their permission.

Preventing Medical Marijuana Shortages

- The bill should include language to avoid medical cannabis shortages and price hikes for patients during a transition period.

Sample language:

Any MMTCs applying to the Department of Business and Professional Regulation [for a license to serve adult-use consumers] must submit a plan explaining how the MMTC intends to continue serving qualified patients without increasing prices or reducing product availability.
[Regulators must establish]
(ii) procedures to suspend any MMTC licensed as an [adult-use business] that has failed to maintain reasonable prices and product availability for qualified patients during the first two years after the MMTC was issued [an adult-use license].

It may also be a good idea to allow regulators to take other actions if there are widespread issues with price hikes and shortages of medical cannabis. For example, if such issues arise, they could be allowed to impose smaller purchase limits for non-patients or even suspend adult-use sales.

Anti-Discrimination Protections

- We recommend including non-discrimination protections so cannabis consumers aren't denied medical care, child custody, and/or employment. The bill should include exceptions for if there's a clinical reason for denying the medical care, a parent endangers a child, an employee is impaired at work, or federal law or contracts require the action to be taken.

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Suggested language:

(a) (1) Except as provided in this section, an employer may not discipline, refuse to hire, or take adverse action against an employee or prospective employee because the person uses or used marijuana outside of work.
(2) Except as provided in this section, an employer may not discipline, refuse to hire, or take adverse action against an employee or prospective employee due to the presence of metabolites or components of marijuana in a person's bodily fluids.
(3) Nothing in this section prohibits an employer from disciplining, discharging, or otherwise taking an adverse employment action against an employee for working while under the influence of marijuana or for possessing or using marijuana during work hours or at a place of employment.
(b) (1) Medical care, including an organ or tissue transplant, may not be denied based on the status of marijuana under federal law.
(2) The use of marijuana or presence of metabolites or components of marijuana in a person's bodily fluids may only be considered with respect to the possible denial of medical care, including an organ transplant, in terms of evidence-based clinical criteria.
(c) A person shall not be denied custody of or visitation rights or parenting time with a minor solely due to the use of marijuana, or other actions allowed under this chapter, and there shall be no presumption of neglect or child endangerment unless the person's behavior is such that it creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.
(d) The rights provided by this section do not apply to the extent that they conflict with an employer or other person's obligations under federal law or regulations, or to the extent that they would disqualify an employer or other person from a monetary or licensing-related benefit under federal law or regulations.

Prohibiting Host Community Agreements

- In Massachusetts, localities negotiate specific "host community agreements" with cannabis businesses, which involve financial benefits that the individual business agrees to. This has caused a lot of controversy and an air of impropriety and unfair favoritism. A mayor has been indicted for bribery in relation to local licensing.

Possible language (line 1109):

Municipalities may not require, request, or accept financial contributions or similar benefits from marijuana businesses other than generally applicable taxes and fees.

Ensuring Appropriate Names/Logos

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- The bill provides "An MMTC's trade name and logo may not contain wording or images … which promote recreational use of marijuana." We recommend revising this to be more specific regarding what is prohibited. The current language is vague and almost any name or logo could arguably be prohibited since the signs will all be for stores that sell adult-use marijuana. (1185-1186).

  Suggested language:

  [The department shall develop:]

  - *requirements that the [business's] trade name, logo, advertising, and signage must be tasteful and that it may not appeal to minors, contain cartoon-like figures, attempts at humor, or marijuana-related slang; and*
  - *requirements that the [business] must submit any logo or trade name for review to regulators in accordance with regulations.*

Enforceability of Contracts

- The bill should provide that it's the policy of Florida that contracts related to marijuana are enforceable (such as a contract between a landlord and a cannabis business, or between two cannabis businesses). Otherwise, courts may rule that entire contracts are void and contrary to public policy, due to federal law.

Suggested language:

It is the public policy of this state that contracts related to the operation of a MMTC [or other marijuana establishment] should be enforceable. It is the public policy of this state that no contract entered into by a MMTC [or other marijuana establishment] or its employees or agents, or by those who allow property to be used by an establishment, its employees, or its agents, shall be unenforceable on the basis that cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, or using marijuana is prohibited by federal law.

Professional Licensing

- The bill should provide that CPAs, lawyers, and other professionals who provide services to marijuana businesses and applicants cannot be subject to professional discipline on the basis that marijuana is illegal under federal law.

Suggested language:

(a) A holder of a professional or occupational license may not be subject to professional discipline for providing advice or services related to a MMTC [or other marijuana establishment] or applications to operate marijuana establishments on the basis that marijuana is illegal under federal law.
(b) An applicant for a professional or occupational license may not be denied a license based on previous employment related to MMTCs [or other marijuana establishments] in accordance with state law.

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From: Thompson, Vanessa
Sent: Friday, January 31, 2020 8:39 AM EST
To: Vanessa Thompson <vrthomps4@gmail.com>
Subject: Fwd: Alive Bills Document for Call
Attachment(s): "Bills Still Alive .docx","ATT00001.htm"

Vanessa Thompson

Begin forwarded message:

> **From:** Adam Ogonoski <ato19a@my.fsu.edu>
> **Date:** January 31, 2020 at 1:28:53 AM EST
> **To:** "Thompson, Vanessa" <Thompson.Vanessa@flsenate.gov>
> **Cc:** "Ogonoski, Adam" <Ogonoski.Adam@flsenate.gov>
> **Subject: Alive Bills Document for Call**
>
> Good Evening,
>
> I have attached the complete list of our bills that are still alive with a summary of the bill. Let me know if there is anything else that you need me to do.
>
> Thank you,
> Adam Ogonoski

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Bills Still Alive

SJR 142 Abolishing the Constitution Revision Commission

This bill abolishes the Constitution Revision Commission. This bill proposes amendments to the State Constitution to abolish the Constitution Revision Commission.

SJR 146: Homestead Property Tax Assessments/Increased Portability Period

This bill proposes an amendment to Section 4 of Article VII and the creation of a new section in 4 Article XII of the State Constitution to increase the period of time during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead.

CS/SB 148: Limitations on Homestead Assessments

This bill revises the timeframe during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead. This bill also revises the timeframe during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election.

SB 150: Sanitary Sewer Laterals

This bill encourages counties and municipalities to establish a sanitary sewer lateral inspection program. This bill also requires a seller of real property to disclose any known defects in the property's sanitary sewer lateral.

SB 152: Dental Therapy

This bill authorizes Medicaid to reimburse for dental services provided in a mobile dental unit that is owned by, operated by, or contracted with a health access setting or another similar setting or program. This bill also requires the chair of the Board of Dentistry to appoint a Council on Dental Therapy effective after a specified timeframe; requiring the board to adopt certain rules relating to dental therapists. Furthermore, the bill provides application requirements and examination and licensure qualifications for dental therapists.

SB 468: Mandatory Sentences

This bill authorizes a court to impose a sentence other than a mandatory minimum term of imprisonment and mandatory fine for a person convicted of trafficking if the court makes certain findings on the record. The court must find on the record that the offender did not engage in a continuing criminal enterprise, did not use or threaten violence or use a weapon during the commission of the offense, and did not cause death or serious bodily injury.

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CS/SB 470: Searches of Cellular Phones and Other Electronic Devices

This bill expands the grounds for issuance of a search warrant to include content held within a cellular phone, portable electronic communication device, or microphone-enabled household device when such content constitutes evidence relevant to proving that a felony has been committed. This bill adopts the constitutional protection against unreasonable interception of private communications by any means for purposes of obtaining a search warrant. This bill also prohibits the use of certain communication content in any trial, hearing or other proceeding which was obtained without a specified warrant.

SB 482: Beverage Law

This bill repeals provisions relating to limitations on the size of individual wine containers and individual cider containers. This bill revises provisions that authorize a restaurant to allow patrons to remove partially consumed bottles of wine from the restaurant for off-premises consumption. This bill also revises the requirements for the sale of branded products by a licensed craft distillery to consumers. In addition, the bill authorizes a craft distillery to transfer specified quantities of specified distilled spirits from certain locations to its souvenir gift shop.

SB 550 Sentencing

This bill revises the criteria under which certain offenders sentenced after a specified date may be sentenced to a nonstate prison sanction under a prison diversion program. The bill amends some of the criteria for prison diversion eligibility, which will be applicable to offenders sentenced on or after October 1, 2020.

CS/SB 552 Sentencing

This bill revises the threshold of total sentence points below which a court must sentence nonviolent felony offenders who commit certain offenses and are sentenced on or after a specified date to a nonstate prison sanction. This bill increase total sentence points applicable to prison diversion under this subsection from 22 points or fewer to 44 points or fewer.

CS/SB 554 Sentencing

The bill revises the mitigating circumstances under which a departure from the lowest permissible sentence is reasonably justified. The bill also removes language that restricts mitigation based upon substance abuse or addiction, including intoxication at the time of the offense. The bill also removes language that restricts mitigation based upon substance abuse or addiction, including intoxication at the time of the offense.

CS/SB 556: Inmate Conditional Medical Release

This bill establishes the conditional medical release program within the Department of Corrections. This bill requires any inmate who meets certain criteria to be considered for

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conditional medical release; providing for victim notification in certain circumstances. This bill provides that an inmate who is approved for conditional medical release must be released from the department in a reasonable amount of time. This bill provides that a medical release remains in the care, custody, supervision, and control of the department and is eligible to earn or lose gain-time.

SB 560: Sentencing

This bill renames the Criminal Punishment Code as the Public Safety Code. The bill also revises the primary purpose of sentencing under the Public Safety Code from punishing an offender to public safety.

CS/SB 574: Conditional Aging Inmate Release

The bill establishes the conditional aging inmate release program within the Department of Corrections. The bill requires that an inmate who meets certain criteria be considered for conditional aging inmate release. The bill provides victim notification requirements under certain circumstances. The bill also provides that an inmate who is approved for conditional aging inmate release must be released from the department's custody within a reasonable amount of time. The bill prohibits an aging release or his or her community-based housing from being counted in the prison system population and the prison capacity figures, respectively.

SB 760: Independent Special Fire Control Districts

This bill requires an independent special fire control district to have, and authorizing the board of such district to exercise, specified powers and duties.

SB 790: Clerks of the Circuit Court

This bill specifies that certain revenues from service charges collected by the clerk for remittance to the Department of Revenue include only revenues for court-related functions. This bill provides for revenues for county operations to be retained by the clerk. This bill revises the distribution of revenue from filing fees from the institution of certain appellate proceedings. This bill revises retroactive application regarding the collection of revenue for court-related functions for remittance to the department.

CS/SB 914: Contingency Risk Multipliers

Providing that, for certain attorney fees awarded for claims arising under property insurance policies, a strong presumption is created that a lodestar fee is sufficient and reasonable; providing that such presumption may be rebutted only under certain circumstances.

SB 918: Civic Education

This bill requires the Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum for high school students, beginning with a specified school year. This bill authorizes students to apply the hours they devote to practicum

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activities to certain community service requirements. This bill requires the State Board of Education to designate certain high schools as Freedom Schools, based on criteria the board establishes relating to students' civic learning and civic engagement.

SB 924: Civil Actions Against Insurers

This bill provides that, in third-party bad faith actions against insurers, insureds and claimants have the burden to prove that an insurer acted in reckless disregard for insured rights which resulted in damage to the insured or the claimant. This bill provides that insured or claimant actions or inactions are relevant in bad faith actions; providing that an insurer is not liable if certain conditions are met; providing that an insurer is not liable beyond available policy limits as to certain competing third-party claims if it files an interpleader action within a certain timeframe.

SB 1116: Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections

This bill creates the State-Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections. This bill provides the purpose of the trust fund and provides for future review and termination or re-creation of the trust fund.

CS/SB 1118: Inmate Welfare Trust Funds

This requires that specified proceeds and funds be deposited into the State-Operated Institutions Inmate Welfare Trust Fund. This bill provides that the trust fund is a trust held by the Department of Corrections for the benefit and welfare of certain inmates. This bill requires that funds of the trust fund be used exclusively for specified purposes at correctional facilities operated by the department

SB 1144: Department of Juvenile Justice

This bill revises the list of programs within the department. This bill repeals a provision relating to shared county and state responsibility for juvenile detention. This bill deletes a provision requiring each county that is not a fiscally constrained county to pay its annual percentage share of the total shared detention costs. This bill requires the Department of Juvenile Justice to calculate and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share.

CS/SB 1146: Special Risk Class of the Florida Retirement System

This bill adds juvenile justice detention officers I and II and juvenile justice detention officer supervisors employed by the Department of Juvenile Justice who meet certain criteria to the class.

SB 1148: Electric Bicycles

This bill revises definitions relating to the Florida Uniform Traffic Control Law. The bill also requires the driver of a vehicle overtaking an electric bicycle to pass the electric

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bicycle at a certain distance. The bill also expands exceptions to a prohibition on persons driving certain vehicles on sidewalks and bicycle paths. Furthermore, the bill provides electric bicycle regulations. This bill requires electric bicycles to comply with specified provisions of law. This bill authorizes operators to ride electric bicycles where bicycles are allowed.

SB 1230: Electric Vehicles

This bill authorizes the Department of Transportation to adopt rules. This bill requires that certain funds be used for specified purposes relating to the Electric Vehicle Infrastructure Grant Program, beginning in specified years. This bill requires the department to establish the Electric Vehicle Infrastructure Grant Program. The bill also provides for the distribution of grants to certain entities to install electric vehicle charging infrastructure and provides grant requirements.

SB 1304: Sentencing

This bill creates conditional sentences for substance use and mental health offenders. This bill provides minimum sentencing requirements and specifies duties of the Department of Corrections. The bill also requires the department to provide written notice to specified parties upon the offender's admission into an in-prison treatment program. This bill also requires that an offender be transitioned to probation upon the completion of an in-prison program.

SB 1308: Criminal Justice

This bill authorizes the resentencing and release of certain persons who are eligible for sentence review under specified provisions. This bill precludes eligibility for a sentence review for young adult offenders who previously committed, or conspired to commit, specified offenses. This bill requires the Department of Corrections to notify young adult offenders in writing of their eligibility for sentence review within certain timeframes. This bill requires the department to provide inmates with certain information upon their release.

SB 1346: Fees/Electric Vehicles

This bill creates an additional fee for electric vehicles. The bill creates a license tax and an additional fee for plug-in hybrid electric vehicles. The bill also requires, on specified dates, the Department of Highway Safety and Motor Vehicles to increase the additional fees, subject to certain requirements. The bill provides that certain vehicles are exempt from specified fees.

SB 1352: Transportation Companies

This bill defines the term "transportation network company digital advertising device". This bill deletes for-hire vehicles from the list of vehicles that are not considered transportation network company (TNC) carriers or are not exempt from certain registration. This bill authorizes TNC drivers or their designees to contract with a

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company for the installment of TNC digital advertising devices. The bill also requires companies operating such devices to allocate a specified percentage of advertisement inventory to certain organizations.

SB 1354: Statewide Voter Registration Application

This bill revises requirements for the uniform statewide voter registration application and the acceptance of such applications. This bill deletes an exemption from public records requirements for information related to a voter registration applicant's or voter's prior felony conviction and his or her restoration of voting rights to conform to changes made by the act.

SB 1372: Elections

This bill deletes a provision that prohibits the use of an address appearing on identification presented by an elector at the polls as a basis to confirm or otherwise challenge an elector's legal residence. This bill revises the timeframes for conducting public pre-election testing of automatic tabulating equipment. The bill removes the requirement that duplicate ballots be made of vote-by-mail ballots containing overvoted races. The bill also revises the timeframe in which the supervisor of elections must mail ballots in elections conducted under the Mail Ballot Election Act.

SB 1504: Sentencing

This bill requires certain persons convicted of driving while license suspended, revoked, canceled, or disqualified committed before a specified date to be sentenced in a specified manner in accordance with the amendments in chapter 2019-167, Laws of Florida. This bill requires resentencing for persons who committed such violations before a specified date and are serving terms of imprisonment. This bill provides that persons who meet specified criteria are eligible to petition a court to expunge a criminal history record for convictions of driving while license suspended, revoked, canceled, or disqualified.

SB 1506: Public Records/Expunction of Specified Convictions

This bill provides a public records exemption to include the expunction of specified convictions of certain persons convicted of driving while license suspended, revoked, canceled, or disqualified. The bill provides for legislative review and repeal of the exemption. This bill provides a statement of public necessity.

CS/SB 1510: Jurisdiction of Courts

This bill limits the appellate jurisdiction of the circuit courts to appeals from final administrative orders of local code enforcement boards and other reviews and appeals expressly provided by law. This bill authorizes a county court to certify a question to a district court of appeal in a final judgment that is appealable to a circuit court. The bill authorizes a district court of appeal to review certain questions certified by a county court.

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SB 1708: Inmate Reports

This bill revises the information the Department of Corrections is required to publish on its website and update quarterly to include information from each facility regarding health services and conditions, the use of force, reports of abuse, disciplinary reports, the death of inmates, and statistics related to specified officer classes.

SB 1716: Sentencing

This bill revises the required sentencing structure for prison release reoffenders upon proof from a state attorney which establishes that a defendant is a prison release reoffender. This bill applies the revised sentencing structure to certain persons under certain circumstances. The bill provides resentencing requirements. The bill also deletes a provision that requires a state attorney to explain a sentencing deviation in writing under certain circumstances.

CS/SB 1718: Public Meetings and Records/Conditional Aging Inmate Release Program

This bill exempts from public meetings requirements the protected health information of specified inmates being considered for the conditional aging inmate release programs. This bill exempts from public records requirements certain records used by the reviewing panel to make a determination of the appropriateness of conditional aging inmate release and the recordings of closed panel review hearings. The bill provides for legislative review and repeal of the exemption; providing a statement of public necessity.

CS/SB 1728: Public Meetings and Records/Conditional Medical Release Program

This bill exempts from public meetings requirements the protected health information of specified inmates being considered for the conditional medical release program. The bill also exempts from public records requirements certain records used by the reviewing panel to make a determination of the appropriateness of conditional medical release and the recordings of closed panel review hearings. The bill provides for legislative review and repeal of the exemptions. The bill provides a statement of public necessity.

SB 1738: Motor Vehicle Dealers

This bill revises the definition of the term “rental company” to include motor vehicle dealers without limitation and their leasing and rental affiliates for the purpose of minimum insurance coverage requirements. This bill provides that motor vehicle dealers and their affiliates are immune to causes of action and not vicariously liable for harm to persons or property under certain circumstances.

SB 1826: Land Surveyors and Mappers

This bill deletes certain education requirements for an applicant to take the licensure examination to practice as a surveyor or mapper or to be qualified as a surveyor or mapper intern. This bill revises licensure by endorsement requirements. This bill revises the required continuing education hours for licensed surveyors or mappers.

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SB 1860: Availability of Marijuana for Adult Use

This bill revises the sales tax exemption for the sale of marijuana and marijuana delivery devices to only include sales to qualified patients or caregivers. This bill revises provisions related to the licensure and functions of medical marijuana treatment centers (MMTCs). The bill also specifies application requirements for MMTCs to obtain cultivation licenses and processing licenses. The bill authorizes MMTCs licensed to cultivate or process marijuana to use contractors to assist with the cultivation and processing of marijuana under certain conditions.

SB 1862: Public Records/Criminal History Records and Related Information

This bill specifies requirements for certain agencies in the disposition of expunged criminal history records; providing an exemption from public records requirements for certain expunged criminal history records and related information of persons who possessed 4 ounces or less of cannabis, with exceptions. The bill provides for future review and repeal of the exemption. The bill provides a statement of public necessity.

SB 1886: Grandparent Visitation Rights

This bill authorizes a grandparent of a minor child whose parent was the victim of a murder to petition the court for court-ordered visitation with the child under certain circumstances. This bill removes the requirement that a grandparent petitioning the court for court-ordered visitation with a minor child make a prima facie showing of parental unfitness or significant harm to the child in a preliminary hearing on such petition and instead requiring the grandparent to make a prima facie showing of other specified conditions.

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From: Hubbard, Zachary
Sent: Wednesday, October 30, 2019 11:57 PM EDT
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Fwd: Comments on MJ bill
Attachment(s): "Reason comments fladultuse.docx","ATT00001.htm"

Sent from my iPhone

Begin forwarded message:

> **From:** Adrian Moore <adriantmoore@gmail.com>
> **Date:** October 30, 2019 at 4:05:36 PM EDT
> **To:** "Hubbard, Zachary" <Hubbard.Zachary@flsenate.gov>, "Brandes, Jeff" <BRANDES.JEFF@flsenate.gov>
> **Subject: Comments on MJ bill**
>
> Let me know if you have any questions.

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Adrian
~~~~~~~~~~~~~~~~
Dr. Adrian Moore
Vice President, Reason Foundation
661/477-3107
On Twitter @reasonpolicy
Sent from my iPad, so please excuse any autocomplete non-sequiturs

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~~~~~~~~~~~~~~~~

Our Framework recommendations are highlighted in blue

Framework Principle 1 - **Agency Choice, Administrative Structure and Regulations: Maximum Flexibility.** While there is no universal panacea, the best practice is to select the option with the most regulatory flexibility. To adapt quickly to unknown future circumstances, regulatory mandates and requirements should be flexible wherever possible.

Even while approval and regulation of the adult-use MMTCs [*sic*] is kept in the Department of Health, the authorization for adult-use is authorized by the Department of Business and Professional Regulation. This curious agency intervention raises questions of the extent and scope of the approval for each, and whether DBPR should not (or would not) require additional authority in order to make a meaningful determination.

While we typically recommend authority be vested in one agency where possible, we also emphasize the importance of evaluating the constraints of each available option. Here, Department of Health is tasked with regulatory functions that make it well-suited to issue rules on testing and product safety requirements, they likely are not the best choice to enable a fledgling industry to establish new and innovative products in this emerging marketplace.

DBPR, by contrast, has the advantage of applicable institutional experience for adult-use cannabis by virtue of its regulation of alcohol and tobacco.

We recommend the adult-use section be properly developed and comprehensively established in the proper code sections relating to Business and Professions expertise, with meaningful substantive direction to develop a cannabis business authorization - independent of Department of Health's medical-specific regulatory scope.

Given the need to reform the medical system in light of the Amendment 2 litigation, it may be possible to design both systems in the same bill - but far more work is required.

Framework Principle 2 Demand: Maximum Access to Safe, Quality Products

Despite repealing the vertical integration mandates and quantitive caps, ostensibly opening the market, there are numerous remaining mandates that, in aggregate, pose a serious risk to a functional legal market.

Paragraph f(III) on page 27 requires the date sold or dispensed to be included on the packaging label. By moving to a multi-tier system, this is almost impossible. Cultivators and processors are responsible for packaging and labeling; dispensaries are prohibited from repackaging. There is no way for the wholesaler to know when the retailer will dispense a unit
of inventory and include that date on the packaging.

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Paragraph 12 on page 28 requires each edible to be individually sealed. This is unusual, since edibles normally come in sealed 10-packs. Also, why are edibles still excluded from qualifying as medical marijuana under Section 2? If anything, edibles are among the healthiest forms of consumption for a medical product.

Onsite consumption is expressly prohibited in paragraph 6 on page 30. Michigan just created the first state-level license for tasting rooms and several cities (e.g. Denver, San Francisco) have created municipal-level licenses. With penalties also assessed against consumption in public areas, the unavailability of public consumption spaces can become a significant barrier in states, like Florida, that have a large volume of tourism. Tourists, convention-goers, and others will have nowhere to legally consume. Also, the penalties for public consumption (page 48) should be reduced from a misdemeanor to a civil fine.

Framework Principle 3 -: Minimum Qualification Criteria for State Licensing.

A way of avoiding complications is to not limit the number of licenses available, but to award them to all applicants who meet certain minimum criteria, such as the lack of a criminal history.

Instead, the bill requires applicants prove the 'capacity to engage' in the very activities that will be regulated - a duplicative and arbitrary barrier that risks unnecessary rejection. Several required items simply cannot be proven definitively before the fact. For instance, what constitutes "proof" that the MMTC has the capability to comply with seed-to-sale tracking requirements? Does acquisition of a software license constitute "proof?" How can a cultivation applicant prove they can establish the necessary infrastructure, and how would the department even be able to evaluate what infrastructure is needed? What constitutes "proof of the applicant's financial ability to maintain operations for the duration of the registration?" Does a financial projection that includes prospective revenues count as "proof?" If not, then this requirement would essentially amount to an insanely high capitalization requirement that shouldn't exist to begin with.

The registration requirements for MMTCs starting on page 17 includes "The physical address of each location where it will apply for a facility permit to cultivate, process, dispense, or store marijuana." A prospective licensee will likely not know these addresses prior to applying and will have difficulty raising the capital necessary to acquire property or property leases without having first acquired a license. Therefore, we recommend that a provisional license be made available, and upon receipt of a provisional license, the licensee can have a period of time (6 or 12 months) to name a specific address and make the license permanent. Nevada and Michigan have followed similar procedures.

The requirement for all principals, employees and contractors to receive state-issued marijuana agent cards before they can begin work has been problematic in other states. Regulatory agencies in Colorado and Nevada did not have the capacity to process the large volume of initial applications once the markets went live. This tied up the labor market for nearly a year in Nevada, where licensees were unable to hire workers because of the backlog of applications with the state. The best approach is the one pursued in California, where it is the licensee's

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responsibility to conduct background checks and issue identification cards for every employee/contractor/principal and to retain all the relevant documentation showing these individuals met minimum state requirements. The state can audit and penalize licensees that don't follow these requirements correctly. But, this approach removes a significant burden from the regulatory agency and allows the market to remain dynamic.

Framework Principle 4 - **Local Government Control.** Conflicting desires create the need for a delicate balance between allowing local communities the autonomy to self-govern, while also ensuring those with minority views do not become marginalized. Local governments' level of autonomy for marijuana licensing must be balanced against the needs of patients and recreational consumers.

The draft ostensibly preempts local authority but then allows bans and additional nonsensical restrictions.

The original statute only allowed local governments to prohibit dispensaries within their borders. This new draft also allows them to limit the number of dispensaries (para. 7 on page 38). Capping the number of licenses is a recipe for public corruption, as seen recently in Nevada. The market is the best determinant of how many dispensaries should exist. The same paragraph also allows a local government to levy their own taxes on a dispensary, but does not restrict the rate. There should be a maximum rate spelled out in statute.

Framework Principle 5 - **Product Testing.** Generally, we recommend that states require testing procedures for marijuana products, but also allow licensees the latitude to adapt those procedures to fit within their unique production methods so long as they satisfy certain objective safety standards.

In some ways, the current draft achieves this end, but in other more important aspects, it risks implementation errors. While MMTCs can be exempted from using licensed testing labs before they are available, they must perform the acts themselves.

Moreover, Pages 26-27 state: "An MMTC may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification." What if the only licensed lab in in Pensacola and the inventory is in Miami?

With the Department of Health's statutory authority to ensure "safe products", the result may be no market at all.

Framework Principle 6 Medical-specific policies: Physician-Patient Empowerment.

The adult-use system is clearly an afterthought in the current bill. From foundational issues of agency choice and license supply to practical market and business concerns, the current tacking on of adult-use authorization to the still-suboptimal medical policy. Why are they still called MMTCs if they are authorized

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for adult use at all, and why subject them to any of the medical-specific rules, justified or otherwise?

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Details

Highlights:

1. Removes requirement for MMTCs to carry low-THC cannabis products. So long as high-THC products remain available, the low-THC requirement is likely to be a costly mandate for producing and carrying goods at a financial loss. Low-THC cannabis products are better regulated within the state's structure for industrial hemp and its derivatives.
2. Prudent controls on local governments: They may not ban deliveries even if they have banned retail dispensaries. This ensures people will still have access to safe, legal products. They also can't govern the locations of cultivators or processors (para. 5 on page 38).
3. Removes the requirement for vertical integration. It appears MMTCs will be able to apply for licenses to fill whichever stages of the supply chain they are best at.

Areas of Concern:

1. The distinction between medical and adult-use licensing is artful, but clunky. The bill draft calls little attention to the fact it authorizes adult-use, but it's also unclear how adult-use licenses will be issued by the Department of Business and Professional Regulation. It's productive to consolidate the rules between the two regimes to whatever extent possible to avoid confusion, and to exempt medical marijuana from excise taxation. However, there should likely be more detail on adult-use, especially including the tax rate.
2. Why are edibles still excluded from qualifying as medical marijuana under Section 2? If anything, edibles are among the healthiest forms of consumption for a medical product.
3. The requirement for all principals, employees and contractors to receive state-issued marijuana agent cards before they can begin work has been problematic in other states. Regulatory agencies in Colorado and Nevada did not have the capacity to process the large volume of initial applications once the markets went live. This tied up the labor market for nearly a year in Nevada, where licensees were unable to hire workers because of the backlog of applications with the state. The best approach is the one pursued in California, where it is the licensee's responsibility to conduct background checks and issue identification cards for every employee/contractor/principal and to retain all the relevant documentation showing these individuals met minimum state requirements. The state can audit and penalize licensees that don't follow these requirements correctly. But, this approach removes a significant burden from the regulatory agency and allows the market to remain dynamic.
4. Paragraph 2 on page 16 says "Each MMTC may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system." Does "may" mean this is an optional requirement until the state's system is live? Also, the entire point of seed-to-sale software is that the transfers of inventory are reconciled across the universe of licensees by a central database. Not much is accomplished by requiring each licensee to retain their own tracking database.

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5. The registration requirements for MMTCs starting on page 17 includes “The physical address of each location where it will apply for a facility permit to cultivate, process, dispense, or store marijuana.” A prospective licensee will likely not know these addresses prior to applying and will have difficulty raising the capital necessary to acquire property or property leases without having first acquired a license. Therefore, we recommend that a provisional license be made available, and upon receipt of a provisional license, the licensee can have a period of time (6 or 12 months) to name a specific address and make the license permanent. Nevada and Michigan have followed similar procedures.
6. Several required items for registration of an MMTC on pages 18 and 19 require “proof” of items that cannot be proven definitively before the fact. For instance, what constitutes “proof” that the MMTC has the capability to comply with seed-to-sale tracking requirements? Does acquisition of a software license constitute “proof?” How can a cultivation applicant prove they can establish the necessary infrastructure, and how would the department even be able to evaluate what infrastructure is needed? What constitutes “proof of the applicant’s financial ability to maintain operations for the duration of the registration?” Does a financial projection that includes prospective revenues count as “proof?” If not, then this requirement would essentially amount to an insanely high capitalization requirement that shouldn’t exist to begin with.
7. Paragraph 8(b) on page 23 stipulates that marijuana be cultivated in an enclosed facility. Does a greenhouse with a vented roof count as enclosed?
8. Pages 26-27 state: “An MMTC may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification.” What if the only licensed lab in in Pensacola and the inventory is in Miami?
9. Paragraph f(III) on page 27 requires the date sold or dispensed to be included on the packaging label. By moving to a multi-tier system, this is almost impossible. Cultivators and processors are responsible for packaging and labeling; dispensaries are prohibited from repackaging. There is no way for the wholesaler to know when the retailer will dispense a unit of inventory and include that date on the packaging.
10. Paragraph 12 on page 28 requires each edible to be individually sealed. This is unusual, since edibles normally come in sealed 10-packs.
11. Onsite consumption is expressly prohibited in paragraph 6 on page 30. Michigan just created the first state-level license for tasting rooms and several cities (e.g. Denver, San Francisco) have created municipal-level licenses. With penalties also assessed against consumption in public areas, the unavailability of public consumption spaces can become a significant barrier in states, like Florida, that have a large volume of tourism. Tourists, convention-goers, and others will have nowhere to legally consume. Also, the penalties for public consumption (page 48) should be reduced from a misdemeanor to a civil fine.
12. The delivery rules in pages 34-36 include no restrictions on signage of a transport vehicle. Since this is an industry that transports large volumes of cash, there can be a legitimate public safety concern if transport vehicles are wrapped or marked with cannabis labeling.

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13. Paragraph 4(b) on page 37 restricts a cultivation or processing facility from being within 1,000 feet of a school, child care facility, etc. This restriction may make sense for a dispensary because it is open to the public. But cultivation and processing centers are enclosed, restricted-access locations, so the spatial restriction doesn't make as much sense.
14. The original statute only allowed local governments to prohibit dispensaries within their borders. This new draft also allows them to limit the number of dispensaries (para. 7 on page 38). Capping the number of licenses is a recipe for public corruption, as seen recently in Nevada. The market is the best determinant of how many dispensaries should exist. The same paragraph also allows a local government to levy their own taxes on a dispensary, but does not restrict the rate. There should be a maximum rate spelled out in statute.

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From: Hubbard, Zachary
Sent: Wednesday, November 06, 2019 4:50 PM EST
To: Clemens, Clayton <Clayton.Clemens@myfloridahouse.gov>
Subject: Fwd: Draft EV Bill
Attachment(s): "EV Draft Bill 11.5.2019.docx","ATT00001.htm"

Sent from my iPhone

Begin forwarded message:

> **From:** "Hrdlicka, Jennifer" <Jennifer.Hrdlicka@LASPBS.STATE.FL.US>
> **Date:** November 5, 2019 at 11:03:26 AM EST
> **To:** "Miller, Phillip" <Miller.Phillip@flsenate.gov>, "Thompson, Vanessa" <Thompson.Vanessa@flsenate.gov>, "Hubbard, Zachary" <Hubbard.Zachary@flsenate.gov>
> **Cc:** "Price, Cindy" <PRICE.CINDY@flsenate.gov>
> **Subject: RE: Draft EV Bill**
>
> Ports and airports!
>
> ---
>
> **From:** Hrdlicka, Jennifer
> **Sent:** Tuesday, November 5, 2019 9:30 AM
> **To:** Miller, Phillip <Miller.Phillip@flsenate.gov>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
> **Cc:** Price, Cindy <Price.Cindy@flsenate.gov>
> **Subject:** RE: Draft EV Bill
>
> Hi! Here's the draft with the two tweaks to the applicants that Senator Brandes mentioned yesterday. I used track changes so it's easy to see.
>
> Thanks!
> Jennifer
>
> ---
>
> **From:** Miller, Phillip <Miller.Phillip@flsenate.gov>
> **Sent:** Thursday, October 24, 2019 12:00 PM
> **To:** Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
> **Cc:** Hrdlicka, Jennifer <Jennifer.Hrdlicka@LASPBS.STATE.FL.US>; Price, Cindy <PRICE.CINDY@flsenate.gov>
> **Subject:** Draft EV Bill
>
> Good Morning,
> Here is the latest draft of the EV bill with changes based on our last meeting. Just a few things to note:
> - The Autocycle and PDD issues could be removed and the bill would then relate only to "electric vehicles" and this would match the current "relating to" clause, otherwise the title needs to be expanded.
> - The issues in section 7 related to PSC rate filings needs review by the Innovation, Industry, and Technology Committee.
>
> Please let us know if you have any questions.
> Phillip

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A bill to be entitled

An act relating to electric vehicles; amending s. 316.003, F.S.; revising the definition of the terms "autocycle" and "personal delivery device"; creating s. 339.286, F.S.; requiring the Department of Transportation to create the Electric-Vehicle Infrastructure Grant Program; providing the purposes of the program; providing for the distribution of grants to certain entities to install electric-vehicle charging infrastructure; providing grant requirements; providing requirements for equipment installed using grant funds; providing criteria for the distribution of grants; amending s. 366.94, F.S.; prohibiting state agencies that implement certain rules from requiring specific methods of sale for electric vehicle charging equipment used in this state; requiring the Florida Public Service Commission to direct all public utilities to file for approval and implement approved rate designs to accommodate and optimize electric vehicle charging activities, subject to certain requirements; providing an effective date.

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

Section 1. Subsections (2) and (55) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context

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otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, brakes meeting the Federal Motor Vehicle Safety Standard 122, a steering mechanism, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(55) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;

(b) Weighs less than 120 ~~80~~ pounds or, if the Department of Transportation establishes by rule a maximum weight, has a weight that does not exceed that maximum, excluding cargo;

(c) Has a maximum speed of 10 miles per hour or, if the Department of Transportation establishes by rule a maximum speed, has a speed that does not exceed that maximum; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device.

Section 2. Paragraph (c) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

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334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(c) *Mobility.*—Ensuring a cost-effective, statewide, interconnected transportation system. Improvement of travel choices to ensure mobility includes planning and establishment of infrastructure for innovative technologies, including electric vehicle charging infrastructure.

Section 3. Section 339.286, Florida Statutes, is created to read:

339.286 Electric Vehicle Infrastructure Grant Program.—

(1) The department shall establish the Electric-Vehicle Infrastructure Grant Program. The purpose of the program is to provide financial assistance to encourage the installation of electric vehicle charging infrastructure.

(2) State agencies, public universities, public transit agencies, ports, airports, and local governments, including local housing authorities and libraries, may apply to the department for grants for the purpose of installing electric vehicle charging infrastructure.

(3) A grant may be awarded for:

1. Technical assistance for the creation and adoption of a local or regional plan that establishes an electric vehicle charging infrastructure and the necessary action plans to address any infrastructure gaps and steps to complete the infrastructure plan. A plan must address actions to deploy the necessary infrastructure in high-density housing areas and low- to moderate-income areas.

2. Assistance with the purchase of related equipment and

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the costs of installation of that equipment to provide electric vehicle charging. Such equipment must be capable of collecting and reporting data and must use standard connectors.

(4)(a) An applicant may apply for a grant for both technical assistance and equipment purchase and installation. A grant for technical assistance requires a minimum match of funds from the applicant of 30 percent of the grant award, but such match is not required for an applicant that is located in a fiscally constrained county. A grant for equipment purchase and installation requires a minimum match of funds from the applicant of 50 percent of the grant award, or 20 percent for an applicant that is located in a fiscally constrained county. The matching funds must be from nonstate resources, but may include private funds provided through a partnership with a private entity or in-kind contributions such as the donation of equipment, services, or land or use of land for establishment of the electric vehicle charging infrastructure. Grant funds may not subsidize the cost for the use of electricity.

(b) The department shall maintain a prioritized list of approved grant applications. The prioritized list must include recommended funding levels for each application and, if staged implementation is appropriate, provide funding requirements for each stage. Grants must be prioritized based on the extent to which the activities of the grant will encourage growth in the use of electric vehicles and increase the availability of charging locations along evacuation routes. A grant for equipment purchase and installation that will immediately and most effectively serve those who currently own or operate electric vehicles may receive priority.

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(5) The department must continually review emerging research, policies, and standards related to electric vehicle infrastructure. Using such information, the department must publish best practices for the establishment of electric vehicle charging infrastructure, model infrastructure plan development and components, and other significant information for the implementation and use of electric vehicle charging infrastructure. The department may develop a model plan that local governments may use as a guide to establish an electric vehicle charging infrastructure plan.

(6) The department shall adopt rules to administer this section.

Section 4. Contingent upon the enactment of Senate Bill XXXX (EV FEES) or other similar legislation enacted in the 2020 Regular Session or an extension thereof, section 339.0802, Florida Statutes, is created to read:

339.0802 .—Allocation of increased revenues derived from amendments to s. 320.0801 by this act.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 320.0801 made by this act must be used as set forth in this section, notwithstanding any other provision of law.

(1) Beginning in the 2020-2021 Fiscal Year and annually for 5 years thereafter, all increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(2) Beginning in the 2025-2025 Fiscal Year and annually for 5 years thereafter, half of the increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(3) This section expires on July 1, 2030.

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CONSIDERATION - I think you need to get a revenue estimate, and do a set amount (or file this as is, get the REC estimate, and then amend accordingly). I think it'll be hard (maybe?) for the department to know how much revenue they are going to get in a year and fund projects. If you do set amounts, then we'd do a subsection (3) and throw the remainder of increased revenues into the work program or whatever.

Section 5. Paragraph (c) of subsection (7) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local

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government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems, electric vehicles and electric vehicle charging stations, and other developments.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

Section 6. Paragraph (c) of subsection (3) of section 339.64, Florida Statutes, is amended to read:

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339.64 Strategic Intermodal System Plan.—

(3)

(c) The department shall coordinate with federal, regional, and local partners, as well as industry representatives, to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems, electric vehicles and electric vehicle charging stations, and other developments, in Strategic Intermodal System facilities.

Section 7. Section 366.94, Florida Statutes, is amended to read:

366.94 Electric vehicle charging stations.—

(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.

(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry. Rules implemented under this subsection may not require specific methods of sale for electric vehicle charging equipment used in this state.

(3)(a) It is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging

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station within any parking space specifically designated for charging an electric vehicle.

(b) If a law enforcement officer or specialist finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.

(4) The commission shall direct all public utilities to file for approval of rate designs, and to implement approved rate designs, to accommodate and optimize electric vehicle charging activities. Rates filed under this subsection must be submitted to the commission by October 1, 2020, and approved rates must remain in effect for at least 5 years. Rates that must be approved and implemented under this subsection include, but are not limited to, both of the following:

(a) Revisions to capacity or demand charges for publicly available, privately operated high-powered charging.

(b) Time-of-use rates for residential charging activities to encourage off-peak charging activities.

Section 8. The Division of Law Revision is directed to replace the phase "this act" wherever it occurs in this act with the chapter law number.

Section 9. Except as otherwise expressly provided, this act shall take effect July 1, 2020.

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From: Marc Wilson <marcmbp@icloud.com>
Sent: Saturday, November 23, 2019 7:52 AM EST
To: Jonathan.Satter@dms.myflorida.com <Jonathan.Satter@dms.myflorida.com>
CC: Galvano, Bill <GALVANO.BILL@flsenate.gov>; Oliva, Jose <Jose.Oliva@myfloridahouse.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Baxley, Dennis <Baxley.Dennis@flsenate.gov>; Lee, Tom <LEE.TOM@flsenate.gov>; Montford, Bill <MONTFORD.BILL@flsenate.gov>; Rader, Kevin <Rader.Kevin@flsenate.gov>; Fischer, Jason <Jason.Fischer@myfloridahouse.gov>; LaMarca, Chip <Chip.LaMarca@myfloridahouse.gov>; Pritchett, Sharon <Sharon.Pritchett@myfloridahouse.gov>; Rommel, Bob <Bob.Rommel@myfloridahouse.gov>; Toledo, Jackie <Jackie.Toledo@myfloridahouse.gov>; Caruso, Mike <Mike.Caruso@myfloridahouse.gov>; Williams, Pat <Pat.Williams@myfloridahouse.gov>
Subject: Fwd: Incorrect reporting to Medicare
Attachment(s): "IMG_0538.jpg","ATT00001.htm","IMG_0541 2.JPG","ATT00002.htm","IMG_0557.jpg","ATT00003.htm","Marc Wilson PF Screens.pdf","ATT00004.htm","Screen Shot 2019-11-09 at 7.16.33 AM.png","ATT00005.htm"

As previously communicated to you in writing, Ms. Jennifer Lloyd, who currently serves as the DSGI Director, declined, by e-mail on October 30, 2019, at 9:02 AM, to answer my questions re: the above-referenced matter. Although I redirected my unanswered questions to the current Secretary of the DMS, most recently by e-mail on November 15, 2019, at 6:49 AM "Re: ***ALERT* TO YOUR MEDICARE ENROLLED (IN PARTS A & B) RETIREES," said questions remain unanswered. Consequently, and via the e-mail below, which I am hereby forwarding to you for your information, I again redirected my unanswered questions to Mr. Jimmy Cox, who currently serves as the Director of People First, in which I asked him to respond by next Wednesday, November 27, 2019. Although Mr. Cox has not acknowledged my inquiry, he is a CPA and, in accordance with the standards of his profession, I trust he places high importance on the needs to maintain accurate records and to accurately report the information derived from said records, and will, therefore, respond by the requested response date, in order that all of us can have a happy Thanksgiving, which I do hereby wish to all of you, so that no further action on my part will become necessary to satisfactorily resolve this matter. Thank you.**

Begin forwarded message:

From: Marc Wilson <marcmbp@icloud.com>
Subject: Incorrect reporting to Medicare
Date: November 21, 2019 at 6:03:43 AM EST
To: "Cox, Jimmy" <Jimmy.Cox@dms.myflorida.com>

Dear Mr. Cox:

I recently became aware that my state Medicare Tier I supplemental group health insurance coverage was incorrectly reported to Medicare as follows:

I do not understand the significance or meaning of "(76442101)" appearing alongside Florida Blue's name, the address shown for them is not the address shown on the back of my member ID card, and the 8/21/2004 beginning date of coverage is incorrect.

In an effort to expedite the correct reporting of the above information to Medicare, I contacted Florida Blue and was told they did not report my supplemental health insurance coverage to Medicare, whereupon I contacted the DSGI and was provided with the following information:

Based on the preceding, and per confirming e-mail from Ms. Dee Fort at the DSGI, the People First Benefits Eligibility Key Information was the source of the incorrect 8/21/2004 beginning date of supplemental coverage that was reported to Medicare for which I have the following additional questions:

1. **Why was 8/21/2004 incorrectly reported to Medicare as the beginning date of my state group health insurance coverage when the correct date that should have been reported was 6/01/1987 - my "Plan Participation Date" - as per the second and third attachments which follow that were generated for the continuation of my coverage upon retirement, effective 3/01/2016, and subsequently upon becoming Medicare eligible, effective 9/01/2019, respectively?**
2. **Why was my supplemental group health insurance coverage, as incorrectly reported to Medicare, shown as being with "BCBS of Florida - Supp (76442101)" at an address of 4800 Deerwood Campus Parkway, Jacksonville, FL 32246 when, according to the back of my Florida Blue member ID card, the correct address, for sending claims to, and for all correspondence from and to, Florida Blue, is P.O. Box 2896, Jacksonville, FL 32232-0079, as per the first of three attachments which follow?**
3. **Why does People First Benefits Eligibility Key Information incorrectly show me as being an inactive employee, when I'm a retiree, and also incorrectly say that I'm ineligible for benefits when I receive a monthly retirement benefit and have state Medicare Tier I supplemental group health insurance coverage?**

In asking the above questions, I am also hereby additionally requesting that corrected information be reported to Medicare to reflect both the correct address and the beginning date of my supplemental coverage with Florida Blue.

Your response by Wednesday, November 27, 2019, is requested and will be greatly appreciated.

Thank you for your cooperation and assistance, and I look forward to hearing from you.

Sincerely,

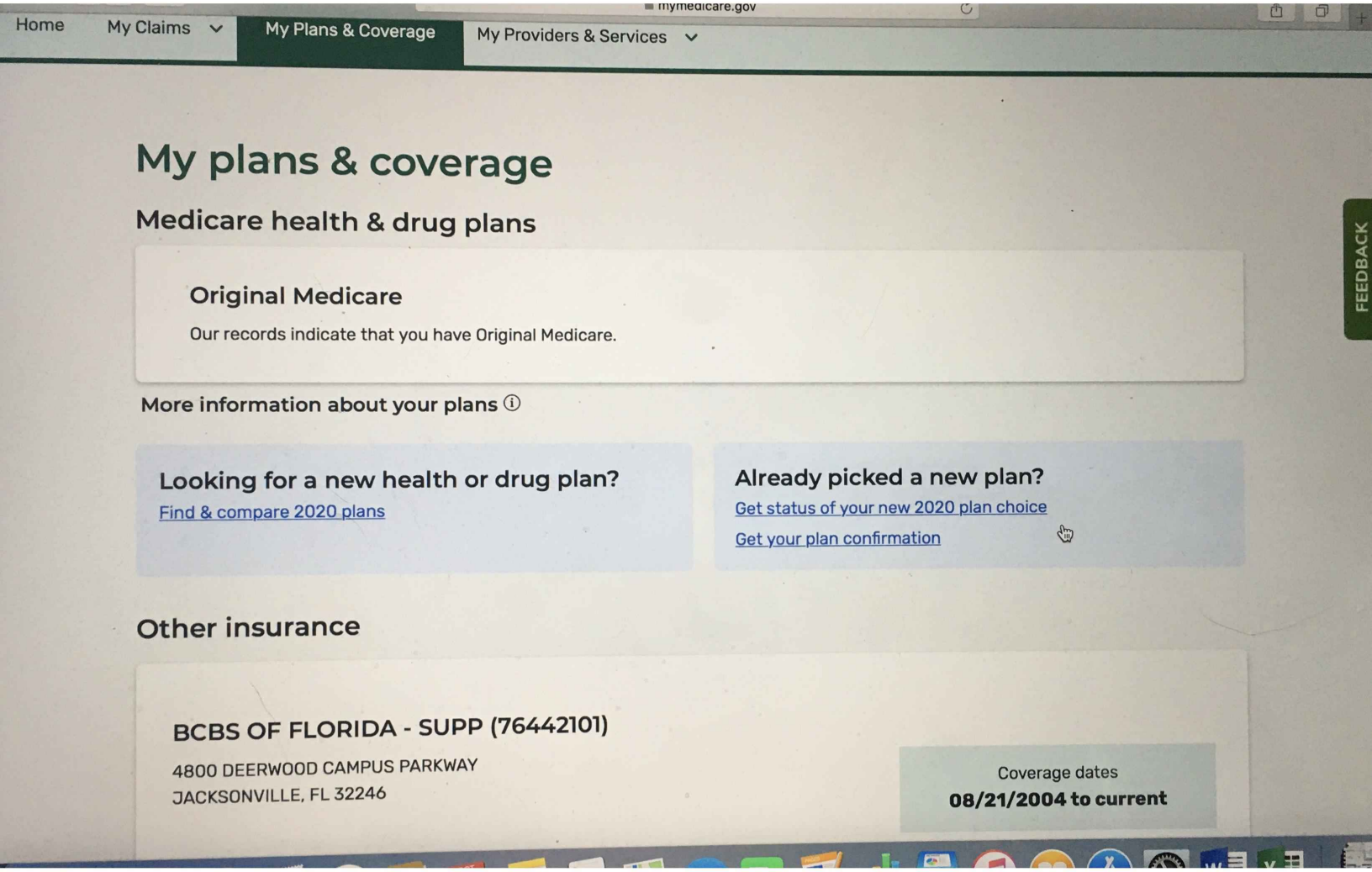
Marc Wilson
14614 S.E. 204th Terrace
Hawthorne, FL 32640-7946
Home 352-481-0017
E-mail marcmbp@icloud.com

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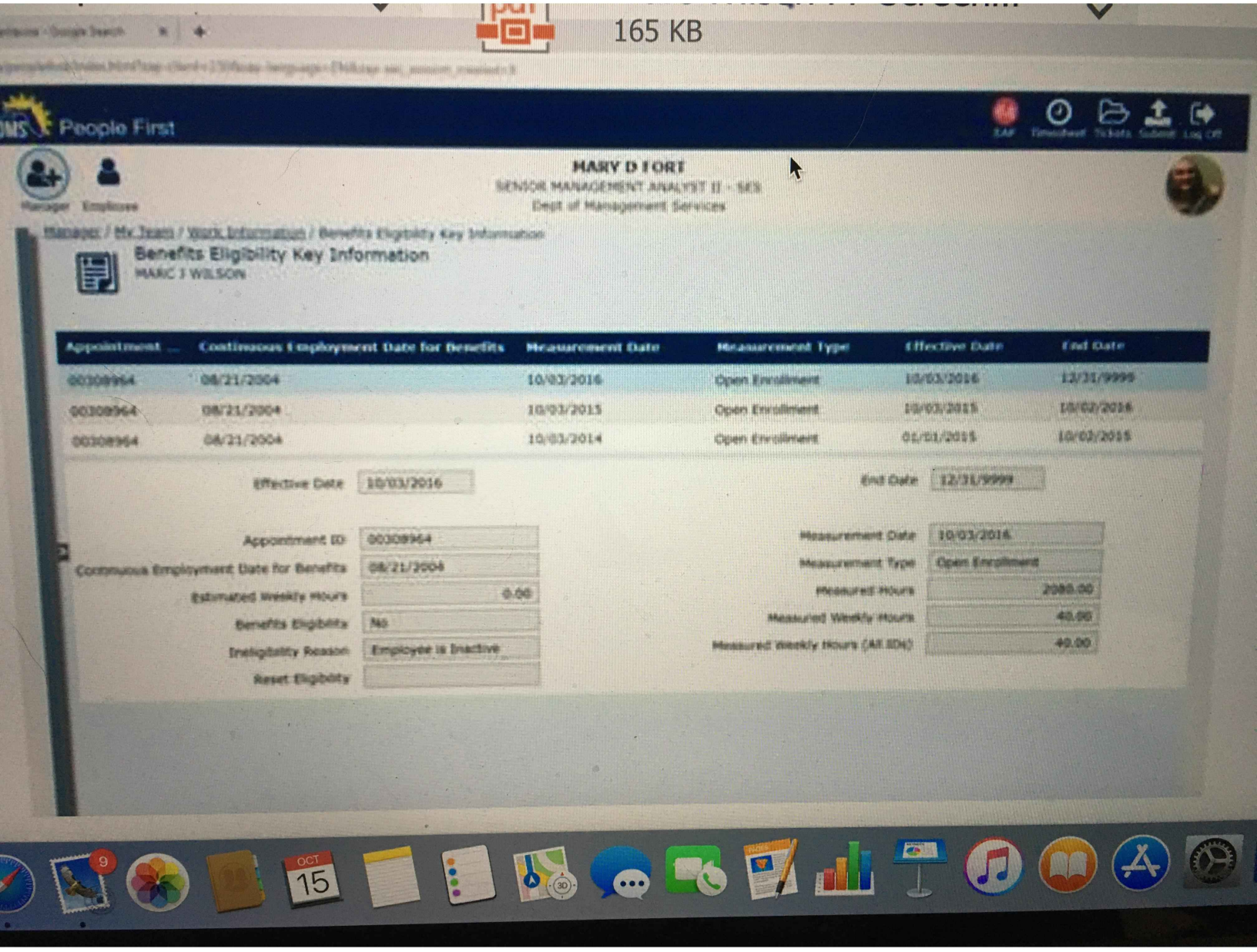
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ridaBlue.com Printed: 03/31/16

Florida Blue

e to Participating Provider: Collect for
rance, copay, deductible, and any non-covered
es only. Patient is not responsible for the
nce between your charge and our allowance.

submitting claims and/or inquiries, always
the name and complete member number,
ng the alpha prefix, as shown on the front of
d.

-State Providers: Submit all claims to the
oss and Blue Shield Plan serving your area.

Login/Register at FloridaBlue.com

Customer Service: 1-800-825-2583 TTY

Call for Certification: 1-800-955-5692

Outside of Florida: 1-800-810-2583

Florida Providers Send Claims to:

P.O. BOX 2896 JACKSONVILLE, FL 32232-0079

Florida Blue is a trade name of Blue Cross and Bl
Shield of Florida, Inc., an independent licensee o
Blue Cross and Blue Shield Association and provi
administrative claims payment services only and
not assume financial risk or obligation with respe
claims.

Possession of this card does not guarantee eligi
benefits. To locate a participating provider outs
Florida, call the number above or visit *bcbs.com*

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Prir

Home **Management** **Employee Information** **Health & Insurance**

Current User: **988909 - CHARLOTTE BULL -**

Employee Selected

Employee ID: 00308964 MARC J WILSON

Position Title: 99991099 - Legislative Stf **Agency:** BENO - Benefits Only

Instructions and Messages

Select from dropdown lists below to view specific benefits records.

View Benefit Elections

This screen may contain information that is confidential under state or federal law. Improper access or release of such information may be a violation of these laws.

Select Benefits View: Benefits Details As Of Date

Plan Details as of: 04/01/2016

Menu View

	Benefit Plan	Plan Participation Date	Coverage Level	Coverage Level Date	Pre-Tax Flag	Medical Underwriting	Effective Date	End Date
☑	State PPO Plan - 0100	06/01/1987	Individual	06/01/1987		N/A	04/01/2016	12/31/9999

Page 1 of 1

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State of Florida
Premium History

Employee ID: 00308964
Employee Name: MARC WILSON
Employment Status: Retiree
Employee Type: Benefits Only
Employee Total FTE: 1.00

Display Date: 02/29/2016
Display Time: 07:54:52

Plan Information

BENEFIT PLAN	PLAN PARTICIPATION DATE	COVERAGE LEVEL	COVERAGE LEVEL DATE	EFFECTIVE DATE	END DATE
State PPO Plan - 0100	06/01/1987	Individual	06/01/1987	04/01/2016	12/31/9999

Payment Details for Coverage Period - April 2016

POSTING DATE	PAYMENT SOURCE	EMPLOYEE DUE	EMPLOYEE PAID	EMPLOYEE VARIANCE	EMPLOYER DUE	EMPLOYER PAID	EMPLOYER VARIANCE
12/24/2015	PERSONAL CHECK		641.52			0.00	
	TOTAL	641.52	641.52	0.00	0.00	0.00	0.00

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Mail File Edit View Mailbox Message Format Window Help 61% Sat 7:16 AM Darryl & Marc

Sincerely,

Jimmy Cox CPA PMP® FCCMI Director
People First
850-413-9579 (office) I 850-694-1510 (cell)
Florida Department of Management Services
We Serve Those Who Serve Florida

See More from Marc Wilson

State of Florida Benefits Detail

Employee ID: 01169512
MARC WILSON

Display Date: 07/25/2019
Display Time: 07:48:44

Plan Information

BENEFIT PLAN	PLAN PARTICIPATION DATE	COVERAGE LEVEL	COVERAGE LEVEL DATE	PRE-TAX FLAG	MEDICAL UNDERWRITING	EFFECTIVE DATE	END DATE
State PPO Plan (Med) - 0101	06/01/1987	Medicare I	09/01/2019		N/A	09/01/2019	12/31/9999

Covered Dependents

DEPENDENT/BENEFICIARY NAME	PARTICIPATION DATE	RELATIONSHIP

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From: Vanessa Thompson <vrthomps4@gmail.com>
Sent: Tuesday, December 17, 2019 12:38 PM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Fwd: JRI materials
Attachment(s): "Pew_Georgia_Safety_Reform.pdf","South Carolina brief pdf.pdf","PSPP_The_Effects_of_Changing_Felony_Theft_Thresholds.pdf","Urban Institute, Assessing_the_impact_of_mississippis_technical_violation_centers.pdf","TexasModel-AdultCorrections-TPPF.pdf","PSPP_Louisianas_2017_Criminal_Justice_Reforms.pdf","CJI_Oklahoma'_2018_Criminal-_Justice_Policy_Solutions_UPDATED-20181009.pdf","CJI-JRI-Prison-Composition-One-Pager-Nov-2019.pdf","Louisianas_Reinvestment_into_Recidivism_Reduction_and_VictimServices_R1_UPDATED-20190306-1.pdf","JRI-Helping-Law-Enforcement-Keep-Communities-Safe.pdf"

---------- Forwarded message ---------
From: **Len Engel** <lengel@cjinstitute.org>
Date: Fri, Dec 13, 2019 at 4:24 PM
Subject: JRI materials
To: Vanessa Thompson <vrthomps4@gmail.com>, Brandes Schedule <22brandes@gmail.com>

Senator and VT,

Attached are a handful of materials that Chris requested as they consider a JRI effort. These are either CJI, Pew, Urban Institute or TPPF publications. I've included a couple of assessments of the JRI efforts in particular states. There is the analysis of South Carolina's property crime five years after the JRI bill that increased the felony theft threshold. There's the Urban assessment of Mississippi's use of technical violator centers a few years after Mississippi's JRI bill created them. And there's a description of where reinvestment funds were spent after Louisiana's JRI bill was adopted.

Let me know if you need more.

Also happy to see if we can get a call between Gov. Deal/Gov. Bryant/Gov. Hogan and Gov. Desantis.

-L

Leonard W. Engel, Esq.

Director of Policy and Campaigns

Crime and Justice Institute

A Division of Community Resources for Justice

355 Boylston Street

Boston, MA 02116

c-508-782-5125

o-617-482-2520 x129

lengel@crj.org

www.crj.org/cji

@lengeluphill

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify Community Resources for Justice at 617.482.2520 or reply to lengel@crj.org and destroy all copies of this message and any attachments.

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OKLAHOMA'S 2018 CRIMINAL JUSTICE POLICY SOLUTIONS

Data-Driven Policies for Better Public Safety

OCTOBER 2018

The Crime and Justice Institute (CJI), a division of Community Resources for Justice, works to improve public safety and the delivery of justice by providing nonpartisan technical assistance, research, and other services to improve outcomes across the spectrum of the adult and juvenile justice systems, from policing and pretrial through reentry. CJI provides direct technical assistance, assessment, implementation, research, data analysis, training, facilitation, and more. We take pride in our ability to improve evidence-based practices in public safety agencies and gain organizational acceptance of those practices. We create realistic implementation plans, put them into practice, and evaluate their effectiveness to enhance the sustainability of policies, practices, and interventions.

Find out more at www.crj.org/cji.

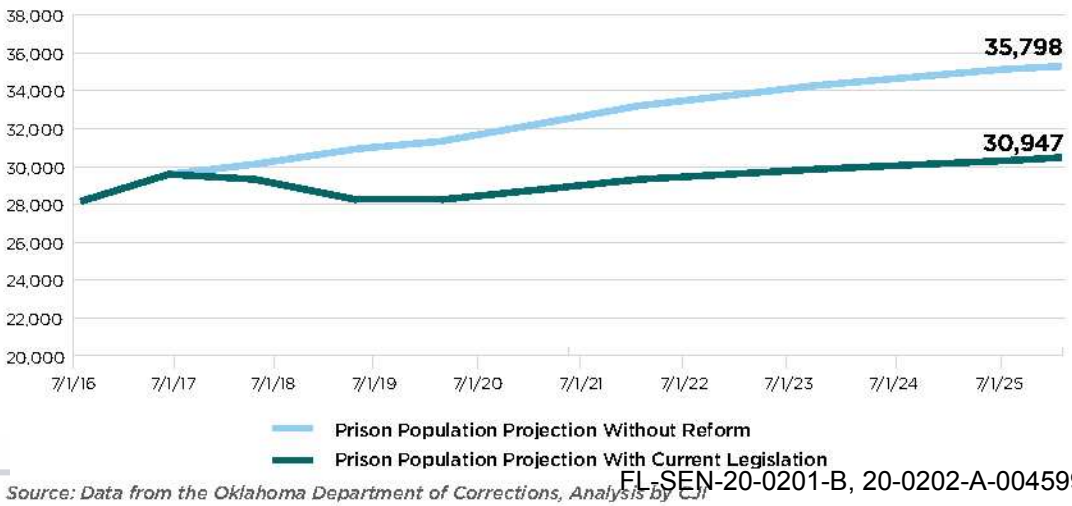
Overview

On April 26, 2018, Oklahoma Governor Mary Fallin (R) signed into law seven criminal justice measures that will reverse Oklahoma's steep and unsustainable prison growth trends while enhancing public safety, reducing recidivism, and keeping families together. This data-driven policy package was the result of nearly two years of bipartisan policy development and advocacy driven by the Oklahoma Justice Reform Task Force.

The effort was supported by the Justice Reinvestment Initiative, a partnership between Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance. The Crime and Justice Institute (CJI) provided technical assistance to the Task Force, including data analysis and policy development facilitation.

This process resulted in a policy package projected to avert 67 percent of the anticipated growth in Oklahoma's prison population over the next decade, avoiding the need for 4,800 additional prison beds. By changing course, Oklahoma will save over a billion dollars of spending on new prisons and instead invest in treatment and rehabilitation proven to reduce recidivism and protect public safety.

Figure 1. **Reforms Projected to Avert 67% of Prison Growth**



Source: Data from the Oklahoma Department of Corrections, Analysis by CJI

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The people of Oklahoma have decided that we can no longer afford to fill our prisons with individuals suffering from addiction; that strategy has been far too costly in dollars and in lives."

– GOVERNOR MARY FALLIN

BACKGROUND

As states across the country decreased imprisonment rates and saw crime rates drop, Oklahoma's prison population grew by 9 percent from 2011 to 2016, reaching 28,580 inmates. Oklahoma had the second-highest imprisonment rate in the country, 78 percent higher than the national average in 2015. More striking, Oklahoma has had the highest female imprisonment rate in the country since 1991; the female prison population grew 30 percent between 2011 and 2016, and in 2015 Oklahoma incarcerated more than two-and-a-half times as many women per capita as other states. These trends burdened state taxpayers with extraordinary costs, with Oklahoma spending over half a billion dollars on corrections in FY2015. At the same time, this unchecked growth left Oklahoma's prisons overcrowded and unsafe. In 2016, there were more than 2,300 temporary beds in the prison system, a growing county jail back-up, and an additional 7,800 expensive contract beds being used to house the existing population.

In 2016, Oklahoma's prison population was projected to grow 25 percent, adding 7,218 inmates by 2026. A projected 60 percent increase in the female prison population would have driven one-quarter of that overall growth. Even with the reforms advanced in the 2016 session and the defelonization of drug possession through State Question 780 in November of 2016, growth was expected to continue. The projected prison population growth would have cost the state at least $1.2 billion in capital expenditures for three new prisons and an additional $700 million in operating costs over 10 years.

OKLAHOMA JUSTICE REFORM TASK FORCE

PROCESS

In July of 2016, Governor Fallin established the bipartisan, inter-branch Oklahoma Justice Reform Task Force, with support from the Senate President Pro Tempore and the Speaker of the House. The Task Force was charged with:

1. Developing comprehensive criminal justice and corrections reform policy;
2. Identifying more cost-effective, evidence-based sentencing and supervision practices aimed at holding offenders accountable and reducing recidivism;
3. Estimating any resulting savings from the policy recommendations; and
4. Identifying opportunities to reinvest the resulting savings into policies shown to increase public safety, reduce recidivism, and improve offender reentry outcomes.

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The 21-member Task Force included law enforcement, legislators, judges, prosecutors, a public defender, agency leaders, representatives from the business community, and advocates for crime victims. Bringing together expertise from across the criminal justice system, the Task Force conducted a comprehensive analysis of Oklahoma's criminal justice system, reviewed the latest research on the most effective strategies to reduce recidivism and improve public safety, and developed recommendations in accordance with the governor's charge. The Task Force convened for seven months starting in the summer of 2016, issuing final recommendations in February of 2017 for consideration during the 2017 and 2018 legislative sessions.

In addition to receiving input and advice from law enforcement, prosecutors, defense attorneys, behavioral health experts, and other criminal justice practitioners, Task Force members held three roundtable discussions with victims; survivors; and victim advocates, including Oklahoma City victim advocates and members of the Seminole Nation and Cherokee Nation, to identify key priorities for victims and victims' advocates.

TASK FORCE MEMBERS

Director Joe M. Allbaugh	*Oklahoma Department of Corrections*
Administrative Director Jari Askins	*Oklahoma Administrative Office of the Courts*
Jennifer Chance	*Office of the Governor, General Counsel*
The Honorable Doug Drummond	*Tulsa County District Court*
District Attorney Mike Fields	*District 4 (Blaine, Canadian, Garfield, Grant, and Kingfisher Counties)*
Secretary Mike Hunter	*Oklahoma Secretary of State*
Adam Luck	*E Foundation, Policy Director, and Board of Corrections*
Mike Neal	*Tulsa Regional Chamber of Commerce, President and CEO*
The Honorable Irma Newburn	*Comanche County District Court and Board of Corrections*
Janet Peery	*YWCA Oklahoma City, CEO*
Representative Terry O'Donnell	*Oklahoma State House of Representatives*
District Attorney David Prater	*District 7 (Oklahoma County)*
Chief Public Defender Robert Ravitz	*Oklahoma County Office of the Public Defender*
Cara Rodriguez	*Office of the Attorney General, First Assistant Attorney General*
Director John Scully	*Oklahoma Bureau of Narcotics and Dangerous Drugs*
Speaker Kris Steele	*The Education and Employment Ministry (TEEM), Director*
Layne Subera, D.O.	*Oklahoma Bureau of Narcotics Commission, Chairman*
Commissioner Michael Thompson	*Oklahoma Department of Public Safety*
Senator Greg Treat	*Oklahoma State Senate*
Commissioner Terri White	*Oklahoma Department of Mental Health and Substance Abuse Services*
Roy Williams	*Greater Oklahoma City Chamber of Commerce, President and CEO*

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KEY FINDINGS

The Task Force identified four primary factors driving Oklahoma's unsustainable prison growth.

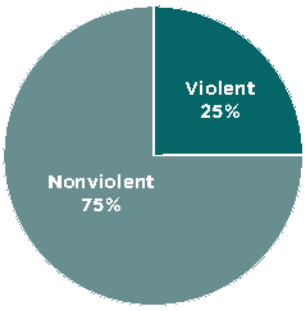
- Continued growth in admissions for nonviolent crimes
- Long sentences and limited use of parole
- Disproportionate incarceration of women
- Limited resources impeding effective supervision

CONTINUED GROWTH IN ADMISSIONS FOR NONVIOLENT CRIMES

In examining the use of incarceration as a post-conviction sanction in Oklahoma, the Task Force focused on the number of individuals entering prison for statutorily defined nonviolent offenses. Between FY2011 and FY2015, prison admissions grew 20 percent, with much of that growth driven by nonviolent offenders sentenced directly to prison. Three out of every four people entering prison in Oklahoma were sentenced for nonviolent crimes (See Figure 2). Fifty-six percent of nonviolent offenders sentenced to prison had little or no serious criminal history (See Figure 3).

Figure 2. 75% of Prison Admissions Sentenced for Nonviolent Offenses

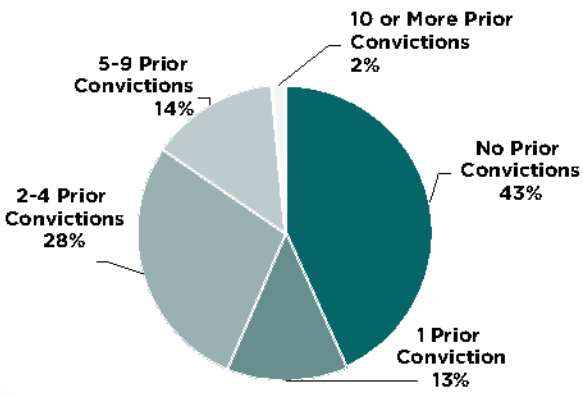
ADMISSIONS BY VIOLENT/NONVIOLENT CURRENT OFFENSE, FY2015



Source: Data from the Oklahoma Department of Corrections, Analysis by CJI

Figure 3. 56% of Nonviolent Offenders Sentenced to Prison Have 0 or 1 Prior Felony Conviction

CRIMINAL HISTORY FOR NONVIOLENT NEWLY SENTENCED PRISONERS, FY2015



Source: Data from the Oklahoma Department of Corrections, Analysis by CJI

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We're past a state of emergency in Oklahoma's criminal justice system; we've reached the point of desperation. We must engage on these issues and make progress very quickly. As business leaders, we support the Governor's statewide criminal justice reform efforts, and we stand ready to support bold recommendations from the Oklahoma Criminal Justice Reform Task Force."

– CLAY BENNETT, OKLAHOMA CITY THUNDER OWNER AND CRIMINAL JUSTICE REFORM ADVOCATE

The Task Force was able to examine felony case filings and conviction records from Oklahoma and Tulsa counties for FY2011 and FY2015 and found that large increases in the number of felony cases filed drove the growth in admissions. This pattern was consistent across more than two-thirds of counties. While the rate at which felony cases received prison sentences did not increase, the sheer volume of cases being processed meant that more offenders were sentenced to prison, even as crime rates continued to decline. Many of those sentenced to prison were first-time felons. In particular, the number of first-time drug possession offenders sentenced to prison more than doubled from FY2011 to FY2015.

From FY2011 to FY2015, admissions to prison for drug sentences in Oklahoma grew 22 percent. Thirty-one percent of all prison admissions were for drug offenses, over a third of which (37 percent) were for drug distribution and manufacturing offenses. The average sentence length for possession with intent to distribute (PWID) and distribution was more than 8.5 years. In other states, a sentence of that length would typically indicate that the person has a violent criminal history, yet 81 percent of drug offenders sentenced to prison in Oklahoma had no prior violent crimes.

The number of property offenders admitted to prison grew 29 percent from FY2011 to FY2015, including 37 percent growth in the number of people sentenced directly to prison for these crimes. At the same time, average sentence lengths for property crimes grew 11 percent to 68 months. Property offenders admitted to prison in Oklahoma are disproportionately female and most often charged with "paper crimes," such as fraud, forgery, and writing a bad check.

The Task Force compared Oklahoma with neighboring states to better understand Oklahoma's relative use of incarceration. While Missouri and Texas have similar crime rates to Oklahoma, an examination of admissions to prisons from court found that Oklahoma admitted nonviolent offenders to prison at a much higher rate (48 percent higher than Missouri).

LONG SENTENCES AND LIMITED USE OF PAROLE

In comparing Oklahoma to Missouri and Texas, the Task Force found that Oklahoma imposed longer sentences on average than Missouri or Texas, despite a higher proportion of nonviolent offenders in its admissions cohort. Long sentences combined with habitual offender enhancements and low parole rates mean that Oklahomans serve long prison terms, even when incarcerated for nonviolent crimes.

Oklahoma's habitual offender law dramatically increased penalties for a second or subsequent felony conviction, and often increased the maximum punishment to life in prison. These long sentences were well beyond the penalty ranges of neighboring states. The law did not distinguish the seriousness of the prior offense and therefore treated a prior nonviolent felony conviction the same as a violent conviction. Offenders sentenced to prison in FY2015 for a nonviolent crime were more than

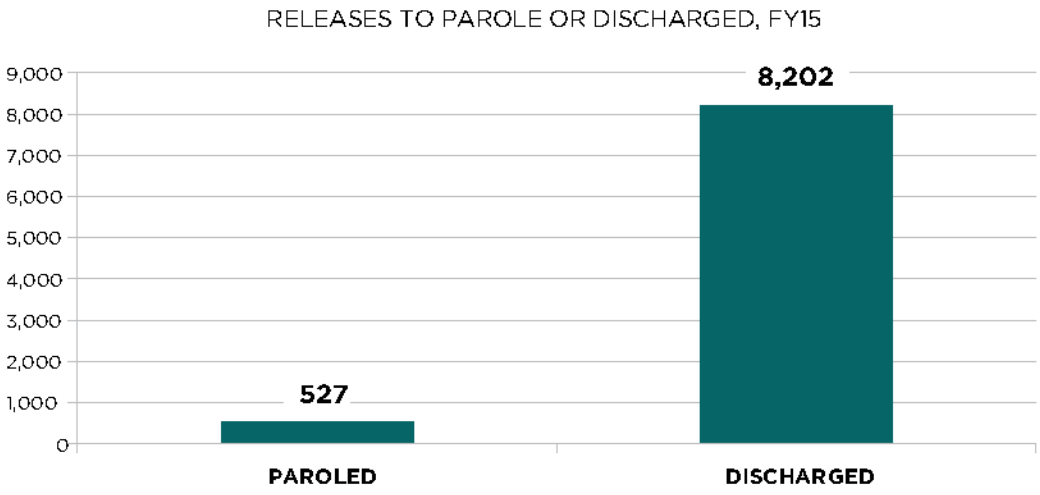
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twice as likely to have a sentence of at least 12 years if they had more than one prior felony conviction.

Prior to the 2018 bill, almost all inmates in Oklahoma were eligible to be released on parole once they served a third of their sentence. There were a small number of drug crimes with parole eligibility at 50 percent of their sentence and very serious crimes eligible at 85 percent. Yet very few people were released on parole in Oklahoma. In FY2015, only 6 percent of offenders released from prison were released onto parole, a decline from 12 percent in FY2011. This is one of the lowest parole rates in the country and is especially impactful because parole is the primary mode of early release in Oklahoma (See Figure 4). The Task Force determined that this parole rate was due to a combination of factors: low approval rates by the Pardon and Parole Board; a widespread lack of confidence in the hearing process; and a desire to leave prison without supervision to follow, leading some offenders to waive their right to a parole hearing.

While those with drug convictions were most likely to be released on parole, only 11 percent of those released for a drug offense were paroled. Those convicted of drug offenses served 50 percent of their sentence in prison on average, despite the overwhelming majority of drug offenders reaching parole eligibility at 33 percent of their sentence. Those with drug and property offenses served an average of nine months past parole eligibility.

Figure 4. **Less Than 10% of Prison Releases Paroled**



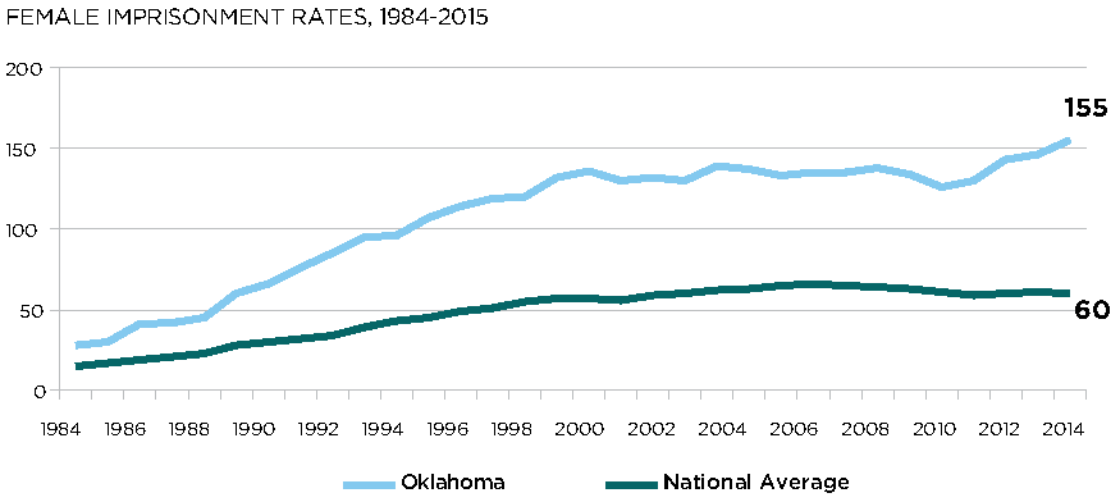
Source: Data from the Oklahoma Department of Corrections, Analysis by CJI

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DISPROPORTIONATE INCARCERATION OF WOMEN

Oklahoma has long had the highest female imprisonment rate in the nation, but in the last few years the gap between Oklahoma and the rest of the country has continued to widen. Between FY2011 and FY2015, the female prison population grew 30 percent.

Figure 5. **Oklahoma Has the Highest Female Imprisonment Rate in the Nation, More Than Twice as High as the National Average and Growing**



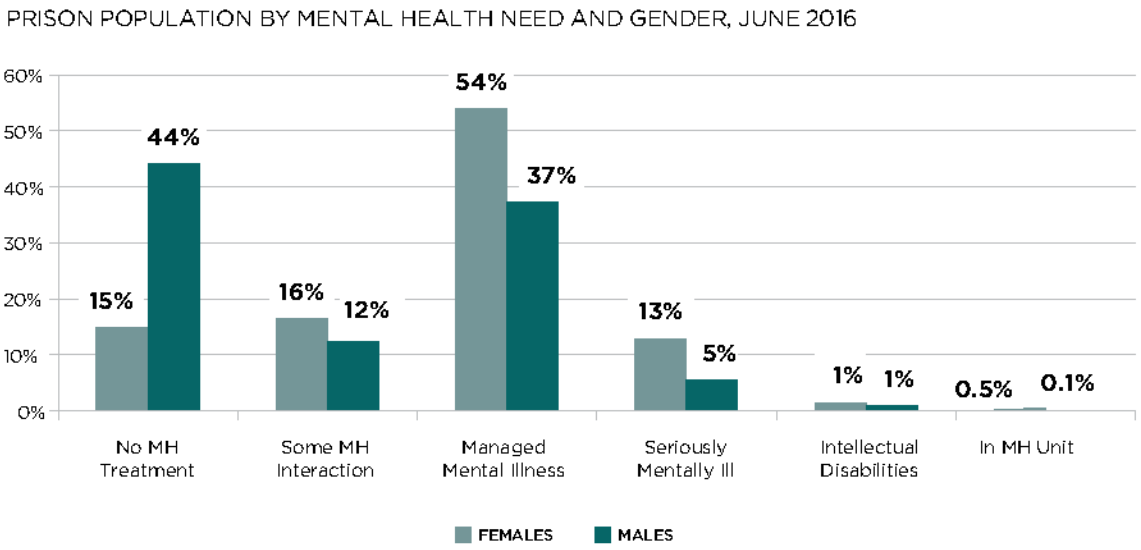
Source: Data from the Bureau of Justice Statistics, Correctional Statistical Analysis Tool

The vast majority of women going to prison in Oklahoma were serving time for drug-related crimes. Eighty-three percent of female prison admissions were for nonviolent crimes, with 42 percent for drug crimes alone. Women serving time for nonviolent offenses comprised nearly two-thirds (64 percent) of the female prison population in June 2016. The female prison population was projected to continue to grow at an alarming rate over the next 10 years.

Women in Oklahoma's prisons are much more likely to suffer from mental illness and substance abuse disorders than incarcerated men. Nearly 70 percent of Oklahoma's incarcerated women in 2016 had an actively managed or serious mental illness, compared to 44 percent of incarcerated men (See Figure 6).

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Figure 6. 69% of Women in Prison in Oklahoma Have an Actively Managed or Serious Mental Health Issue

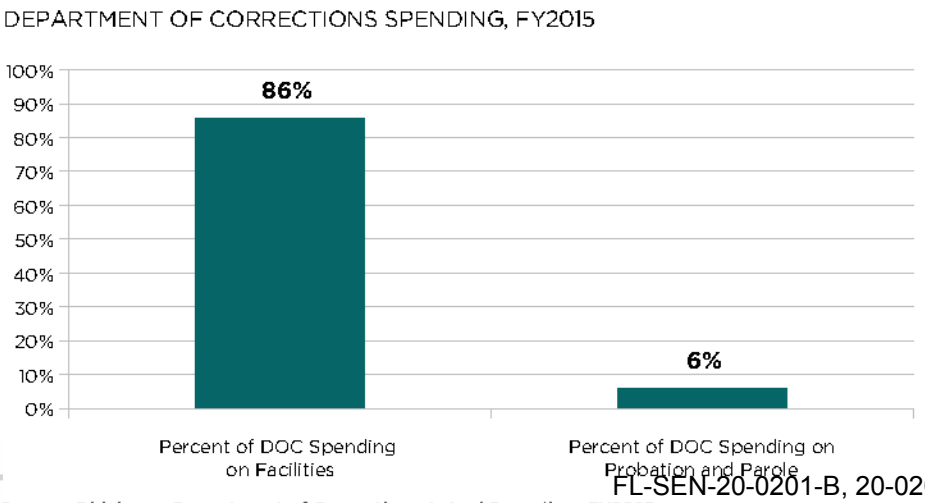


Source: Data from the Oklahoma Department of Corrections, Analysis by CJI

LIMITED RESOURCES IMPEDING EFFECTIVE SUPERVISION

Ninety-four percent of Oklahoma's prison inmates eventually return to their communities, and many more individuals are placed directly on supervision at sentencing. Despite the critical importance of effective supervision for recidivism reduction, resources for probation and parole are limited by Oklahoma's reliance on costly incarceration over community-based supervision. Incarceration in Oklahoma is 13 times more expensive than probation or parole supervision ($16,341 versus $1,218 annually in FY2015) in addition to being an ineffective crime prevention tool. In FY2015, the Department of Corrections (DOC) spent 86 percent of its budget on prison facilities and only 6 percent on probation and parole despite having 45 percent of offenders supervised in the community (See Figure 7).

Figure 7. The Department of Corrections Spends 86% of its Budget on Prison Facilities and Only 6% on Probation and Parole



Source: Oklahoma Department of Corrections Actual Spending, FY2015

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Diverting low-level, nonviolent offenders into effective alternatives such as supervision with treatment makes our communities stronger and saves resources for services for domestic violence victims."

– JAN PEERY AND DIANE BARKER-HEROLD, CRIME VICTIMS' ADVOCATES

While growth in the number of felony filings across the state contributed to an increase in the prison population, it had an even greater impact on the Department of Corrections' supervised population. Between FY2011 and FY2015, the community supervision population grew 16 percent. At the same time, success rates on probation as well as parole supervision fell. The Task Force found that in recent years more than half of probation revocations and 37 percent of parole revocations were for technical violations. In examining the allocation of staff resources, the Task Force discovered that Probation and Parole Services focused many of its supervision resources on low- and moderate-risk offenders rather than on high-risk offenders who are the most likely to reoffend. This practice runs counter to best practices for recidivism reduction and is an ineffective use of scarce resources.

COMPREHENSIVE LEGISLATIVE PACKAGE

In February 2017, the Task Force presented Governor Fallin and the Oklahoma Legislature with 27 policy recommendations. The legislative package, which included three bills passed in the 2017 session and seven bills in the 2018 session, reflects more than a dozen of the original Task Force recommendations. Together, the 10 bills expand access to alternatives to incarceration, adjust sentences for nonviolent offenders, and create release opportunities and improved reentry processes for those posing minimal risk to public safety. The 10 measures passed with large bipartisan majorities in both chambers after extensive vetting in legislative committees.

The legislation has four primary objectives:

Prioritize prison space for serious and violent offenders

- Applies the felony theft threshold established in 2016 to a broader group of low-level property offenses (HB 2281)
  - o Adjusts penalties for a range of low-level property offenses to match the felony theft threshold established by the legislature in 2016
  - o Creates a tiered penalty structure for property offenses by value
  - o Protects small businesses by authorizing multiple thefts committed in separate incidents or the items stolen in a single incident by multiple offenders to be combined to reach the felony threshold

VALUE OF PROPERTY	SENTENCE
$0-$1,000	Up to 12 months in jail
$1,000-$2,500	Up to 2 years in prison
$2,500-$15,000	Up to 5 years in prison
$15,000+	Up to 8 years in prison

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- Revises sentencing enhancements for nonviolent offenders (SB 649)
  - Distinguishes between individuals convicted of violent offenses and those with no history of violent offenses in the habitual offender statute
  - For certain eligible nonviolent offenses, revises the enhancement structure to remove any minimum sentence for offenders with a current nonviolent conviction and a nonviolent criminal history, and allows such offenders to be sentenced to no more than two times the maximum sentence otherwise authorized for a first offense
- Modifies burglary sentencing provisions to focus on those who jeopardize public safety (SB 786)
  - Establishes Burglary 3rd Degree for breaking and entering into vehicles, and eliminates the two-year mandatory minimum for Burglary 2nd Degree
- Reduces sentences for commercial drug offenses (SB 793)
  - Eliminates mandatory minimum sentences for possession with intent to distribute and reduces sentences for distribution, manufacturing, and trafficking offenses
  - Allows those convicted of possession with intent to distribute, distribution, or manufacturing to be eligible for a suspended, deferred, or probation sentence
  - Removes the sentence enhancement under the habitual offender statute and replaces it with a tiered penalty structure for repeat drug offenses
- Improves parole and release processes
  - Creates an administrative parole process for offenders convicted of nonviolent offenses who comply with case plans in prison, allowing the Pardon and Parole Board to focus on more serious offenders (HB 2286)
  - Establishes a geriatric parole release mechanism for inmates 60 or older to apply for parole consideration (HB 2286)
  - Lowers parole eligibility from one-third to one-fourth of the sentence for offenders convicted of a nonviolent offense (HB 2286)
  - Enables offenders serving life without parole for a nonviolent offense who no longer pose a threat to public safety to apply for resentencing after serving 10 years, making them eligible for parole and rehabilitation (SB 689)
  - Allows the court to depart from a mandatory minimum sentence for certain nonviolent crimes, if the mandatory sentence is not necessary for the protection of the public (SB 689)

Strengthen community supervision

- Strengthens parole and probation supervision practices (SB 689)
  - Establishes specialized supervision for sex offenders and domestic violence offenders

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- Expands access to alternatives to incarceration for deferred and suspended sentences (SB 689)
  - Allows those with a prior deferred sentence to be eligible to receive a deferred sentence, and places limitations on periods of incarceration as a result of a technical violation
- Reduces financial barriers (SB 689)
  - Requires that the Court of Criminal Appeals implement procedures and rules for establishing payment plans of fines, costs, fees, and assessments for indigent offenders

Reduce recidivism and remove barriers to successful re-entry

- Enhances in-prison case planning (SB 603)
  - Requires the DOC to administer a risk and needs assessment on new inmates, and to use the results of the assessment to develop an individualized case plan to guide rehabilitation and reduce the likelihood of recidivism
- Expands opportunities for expungement (SB 650)
  - Authorizes offenders convicted of no more than one nonviolent felony offense to apply for expungement if they have no new convictions or pending charges within the last seven years, rather than 15 years under prior law
- Improves training on effective recidivism reduction for criminal justice practitioners (HB 2284)
  - Requires the District Attorney Council, the Administrative Office of the Courts, the Board of County Commissioners, public defenders, and the Oklahoma Indigent Defense System to provide training on evidence-based practices related to behavioral health and substance abuse treatment

Support victims of crime

- Improves training for those working with victims of crime to increase protection, address trauma, and improve domestic violence intervention
  - Requires trainings provided by the District Attorney Council and the Administrative Office of the Courts to include training on domestic violence and victim trauma (HB 2284)
  - Requires the Council on Law Enforcement Education and Training to train law enforcement on personal-safety planning for victims of crime during the pretrial stage of the case (SB 604)
- Establishes specialized caseloads for high public safety threats (SB 689)
  - Strengthens supervision for repeat offenders, sex offenders, and domestic violence offenders by creating specialized caseloads for offenders convicted of these offenses and allowing the court to order batterers' assessments and participation in batterers' intervention programs

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INVESTING IN PRACTICES PROVEN TO REDUCE RECIDIVISM AND IMPROVE OUTCOMES IN THE COMMUNITY

Illustrating her commitment to improved public safety and funding that supports effective recidivism reduction, Governor Fallin invested more than $12 million in corrections and treatment programs in the 2018 budget:

$12 MILLION IN CORRECTIONS AND TREATMENT PROGRAMS IN THE 2018 BUDGET:

$7.1 MILLION:

- $5 million to the Department of Mental Health and Substance Abuse Services:
  - $4 million to fund risk/needs assessments
  - $1 million to fund drug and mental health treatment courts
- $2 million to restore treatment provider rate cuts
- $111,000 to the Pardon and Parole Board to fill two new field staff positions to improve the processing of pardons and paroles

$4.8 MILLION to THE DEPARTMENT OF CORRECTIONS

To fund a new Offender Management System that will allow DOC to collect important data and track probationers in a statewide unified system

$500,000 to *PAY FOR SUCCESS*

The program is proven to reduce the number of women sent to prison and mitigate the resulting impact of incarceration on their children

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Supporting Organizations

Oklahoma's legislative package received support from a broad group of stakeholders, including:

BancFirst
CEO Works Tulsa
Crowe & Dunlevy
Devon Energy
Dorchester Capital Corporation
Family and Children's Services
Family Policy Institute of Oklahoma
Fwd.us
George Kaiser Family Foundation
Greater Oklahoma City Chamber
Inter-Tribal Council of the Five Civilized Tribes
MACH Resources
Mental Health Association Oklahoma
Oklahoma ACLU
Oklahoma Administrative Offices of the Courts
Oklahoma Behavioral Health Association
Oklahoma Bureau of Narcotics
Oklahoma Center for Community and Justice
Oklahoma City YMCA
Oklahoma Conference of Churches
Oklahoma Corrections Professionals PAC
Oklahoma Council of Public Affairs
Oklahoma County Criminal Justice Advisory Council
Oklahomans for Criminal Justice Reform
Oklahoma Department of Corrections
Oklahoma Department of Mental Health and Substance Abuse Services
Oklahoma District Attorneys Council
Oklahoma Indigent Defense System
Oklahoma Pardons and Parole Board
Oklahoma Policy Institute
Oklahoma Right on Crime
Oklahoma State Bureau of Investigations
Oklahoma State Chamber of Commerce
Oklahoma Women's Coalition
ReMerge
The Education and Employment Ministry (TEEM)
The Oklahoma Academy
Tulsa Regional Chamber of Commerce
Tulsa Community Foundation
Urban League of Greater Oklahoma City
Women in Recovery
Workforce Tulsa
YWCA Tulsa

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Acknowledgements

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CJI
CRIME AND JUSTICE INSTITUTE
A Division of Community Resources for Justice

The Crime and Justice Institute (CJI), a division of Community Resources for Justice, works to improve public safety and the delivery of justice by providing nonpartisan technical assistance, research, and other services to improve outcomes across the spectrum of the adult and juvenile justice systems, from policing and pretrial through reentry. More information is available at www.crj.org/cji.

AMERICAN OVERSIGHT

NOVEMBER 2019

JUSTICE REINVESTMENT

PRIORITIZING PRISON RESOURCES WHERE THEY MATTER MOST

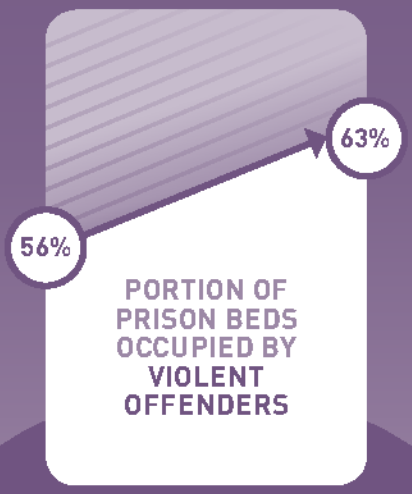
The **Justice Reinvestment Initiative (JRI)** is a partnership with state leaders from all three branches of government committed to using their criminal justice data to examine and improve their systems by implementing proven, innovative, and comprehensive approaches to reduce crime, cut recidivism rates, and shift resources toward more effective public safety strategies.

A central goal for states engaging in JRI is to focus prison space on those who have committed serious, violent, or repeat offenses, freeing up resources to invest in more effective recidivism-reduction strategies.

The Justice Reinvestment Initiative is an intensive, data-driven approach that allows states to address key challenges in their criminal justice systems, including violent crime, opioid addiction, mental illness, corrections costs, and recidivism. Funded by the Bureau of Justice Assistance, the initiative supports states to increase the cost-effectiveness of their justice systems and reinvest the savings into high-performing strategies to increase public safety.

Mississippi

JRI PASSED IN 2014





MISSISSIPPI DROVE THIS CHANGE BY:

- **INCREASING** eligibility for prison alternatives such as probation, intensive supervision, and drug court for those convicted of nonviolent offenses
- **GRANTING** the option for retroactive parole eligibility for some individuals incarcerated for a nonviolent offense
- **REQUIRING** mandatory time served before parole eligibility for nonviolent offenses and doubling that time for violent offenses

Utah

JRI PASSED IN 2015





UTAH DROVE THIS CHANGE BY:

- **REDUCING** penalties for certain lower-level offenses, most of which are nonviolent
- **INCREASING** alternative sanctions in lieu of revocation to prison
- **EXPANDING** the availability of community-based drug and mental health treatment

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Phone: **207.400.7594** | Email: **bpierce@cjinstitute.org**

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Achieving the Goal

A key indicator of progress toward prioritizing prison resources where they matter is the increase in the proportion of a state's prison population comprised of people convicted of violent offenses versus nonviolent offenses.

Four states that received technical assistance from the Crime and Justice Institute, with funding from the Bureau of Justice Assistance, enacted policies to achieve this goal.

The main strategies to shift the composition of the states' prison populations include:

1

CREATING
tiered penalties to address violent conduct based on severity



2

FOCUSING
recidivism reduction resources on those most likely to reoffend



3

PRIORITIZING
earned time for those convicted of nonviolent offenses



4

EXPANDING
parole eligibility for those convicted of nonviolent offenses



Alaska

JRI PASSED IN 2016*



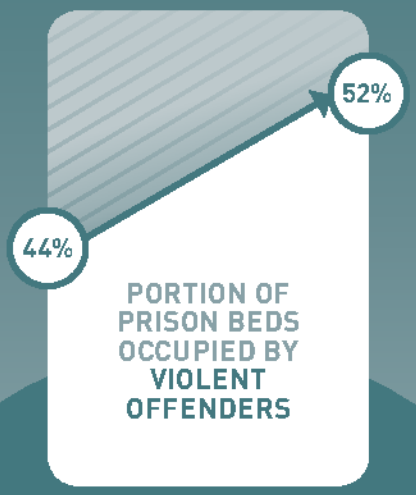


ALASKA DROVE THIS CHANGE BY:

- **EXPANDING** law enforcement arrest discretion to focus on serious offenses
- **RECLASSIFYING** certain lower-level misdemeanors as violations and some nonviolent felonies as misdemeanors
- **REDUCING** presumptive sentencing ranges for some offenses
- **INCREASING** penalties for homicides

Louisiana

JRI PASSED IN 2017





LOUISIANA DROVE THIS CHANGE BY:

- **REDUCING** penalties for some nonviolent offenses and expanding eligibility for prison alternatives and treatment for some nonviolent offenses
- **ALLOWING** more nonviolent offenders to earn time off their prison sentence through good behavior and participation in rehabilitative programs
- **EXPANDING** parole eligibility to nonviolent, non-sex offenders, including those sentenced under the habitual offender statute

This project was supported by Grant No. 2015-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

*In 2019, HB 49 rolled back portions of the original legislation.

Find out more at **www.cjinstitute.org**

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JRI: HELPING LAW ENFORCEMENT KEEP COMMUNITIES SAFE

October 2019

The Justice Reinvestment Initiative (JRI) helps states' local law enforcement agencies tackle public safety challenges by providing resources to address

- law enforcement training needs;
- crime-fighting strategies;
- data system upgrades;
- people experiencing behavioral health crises; and
- victims services.

INTRODUCTION

Every law enforcement agency faces a unique combination of public safety challenges, such as addressing rising violent crime rates and serving as first responders to people experiencing a mental health crisis or overdose. To respond effectively, law enforcement agencies need to collect, analyze, and utilize data in actionable ways that support strategies to prevent crime and apprehend people who commit crimes. They also need access to the latest research on evidence-based policing practices and the training to implement them.

One way states have helped law enforcement agencies tackle these challenges is through JRI, which is funded by the U.S. Department of Justice's Bureau of Justice Assistance with support from The Pew Charitable Trusts. JRI provides technical assistance to states to analyze data and understand key criminal justice challenges, including violent crime, substance use and mental health disorders, and high recidivism rates; develop policies and practices; and plan budgets accordingly to reduce crime and recidivism, improve responses to behavioral health challenges, and increase public safety.

CSG Justice Center
THE COUNCIL OF STATE GOVERNMENTS

The Council of State Governments (CSG) Justice Center is a national nonprofit, nonpartisan organization that combines the power of a membership association, representing state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities. For more information about the CSG Justice Center, visit www.csgjusticecenter.org.

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CRIME AND JUSTICE INSTITUTE
A Division of Community Resources for Justice

The Crime and Justice Institute bridges the gap between research and practice with data-driven solutions that drive bold, transformative improvements. With a reputation built over many decades for innovative thinking, a client-centered approach, and impartial analysis, CJI assists in developing effective policies, creates and supports implementation strategies, and drives positive change across the spectrum of the adult and juvenile justice systems. For more information, visit www.crj.org/cji.

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ARKANSAS

Helping Law Enforcement Respond to People in the Criminal Justice System Who Have Mental Health Disorders

Each year, an estimated 1,300 of the 7,600 people in Arkansas's jails have serious mental health disorders, and most of those jails are not equipped to provide necessary treatment. Arkansas policymakers passed Justice Reinvestment legislation in 2017—Act 423, the Criminal Justice Efficiency and Safety Act—that required and funded Crisis Intervention Team (CIT) training for law enforcement officers and crisis stabilization units (CSUs). This training enabled officers to take people experiencing a mental health crisis to receive treatment at facilities designed to meet their needs instead of going to jail, thereby reducing the burden on jails and law enforcement. In the two years since Act 423's enactment,

- $6.4 million in state funding has been allocated for regional CSUs and CIT training;
- Every county and local law enforcement agency with at least 10 full-time officers has at least one officer who has received intensive CIT training, which enables them to refer people to CSUs;
- All new recruits now receive basic CIT training at the academy, and almost 1,400 veteran officers have received basic CIT training; and
- 4 CSUs serving 28 counties are fully operational.[1]

LOUISIANA

Funding Crime Victims' Services

In June 2017, Louisiana enacted a bipartisan package of 10 bills aimed at protecting public safety and making better use of correctional dollars. The Louisiana Commission on Law Enforcement (LCLE) is an organization that improves public safety by providing training to law enforcement, administering grant programs to benefit crime victims, and supporting coordination between criminal justice organizations. In 2018, LCLE distributed $1.7 million to

- Create a dedicated forensics server for the Louisiana Bureau of Investigations Cyber Crimes Unit;
- Improve electronic notifications for victims by developing a system that will interface with the courts;
- Supplement the Crime Victims' Reparations Fund; and
- Establish a new Family Justice Center in East Baton Rouge Parish.

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MASSACHUSETTS

Strengthening Crime and Arrest Data Collection and Reporting

The FBI has notified local law enforcement agencies across the country that by 2021, it will only accept crime and arrest data for its Uniform Crime Reporting Program using the more thorough National Incident-Based Reporting System (NIBRS) instead of the older and limited Summary Reporting System. By collecting more detailed, meaningful, and previously uncollected data about crime and arrests, NIBRS can help local law enforcement agencies identify crime patterns and improve public safety. Policymakers and the public can use the more comprehensive data to hold law enforcement agencies accountable to the communities they serve. Massachusetts was an early adopter of NIBRS; approximately 350 agencies, representing about 84 percent of all agencies in the state, reported data to the FBI using NIBRS in 2017.[2] To ensure that the rest of the state complies with the federal requirements, Senate Bill 2371, which Massachusetts enacted as part of its Justice Reinvestment effort in 2018, includes provisions requiring

- All law enforcement agencies in the state to transition to NIBRS and
- The Department of Criminal Justice Information Services to make data collected through NIBRS publicly available on its website.

MISSOURI

Providing Law Enforcement with Tools to Reduce Violent Crime and Improve Data Collection and Reporting

Missouri enacted Justice Reinvestment legislation, House Bill 1355, in 2018 to provide funding and technical assistance to help local law enforcement agencies reduce violent crime, increase community-based treatment for people in the criminal justice system who have substance use and mental health disorders, and increase support for victims, among other measures. The state developed a grant program to provide financial and technical assistance to create or improve local law enforcement pilot programs that support training opportunities, build analytical capacity and data system upgrades to NIBRS, and enhance community policing efforts. To ensure the grant program meets the needs of local law enforcement, by the end of 2019, Missouri will have

- Surveyed all police chiefs and sheriffs' offices statewide to identify barriers to evidence-based, data-driven violent crime reduction efforts and how the state can help address them;
- Completed seven regional focus groups with sheriffs, police chiefs, and supervisors from across the state to learn more about the needs of law enforcement and identify what the grant funding can do to support their communities; and
- Provided $175,000 in initial grant funding using information gained from the survey and focus groups to support training, enhance use of data, and strengthen policing practices.

AMERICAN OVERSIGHT

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NEVADA

Providing Law Enforcement with Tools and Resources to Better Respond to People with Behavioral Health Needs

Through JRI analysis, Nevada's Advisory Commission on the Administration of Justice (ACAJ) determined that given law enforcement's role as the first point of contact for people entering the criminal justice system, they needed additional tools and resources to better respond to people with behavioral health needs. ACAJ's subsequent recommendations were translated into Assembly Bill (AB) 236. Enacted in June 2019, AB 236 requires

- The development of standards for CIT programs to train law enforcement officers to identify signs and symptoms of mental health disorders and provide them with skills to de-escalate situations involving people experiencing a mental health crisis;
- The establishment of a Mental Health Field Response Grant Program to encourage expansion of innovative law enforcement programs;
- Averted costs as a result of AB 236 to be calculated and funding to be prioritized for targeted areas such as behavioral health; and
- The establishment of a JRI local coordinating council that will allow representatives from each county to identify public safety needs and recommend grants for local initiatives, including law enforcement programs.

OKLAHOMA

Funding Local Law Enforcement Agencies to Reduce Violent Crime

Oklahoma state policymakers created the Safe Oklahoma Grant Program in 2012 to fund law enforcement-led strategies to reduce violent crime as part of the state's Justice Reinvestment legislation, House Bill 3052. The grant program provides funding to target five key areas related to violent-crime prevention: implementing evidence-based policing strategies, increasing technological capacity to support crime prevention, improving analytical capacity, engaging with community partners, and providing victim services.

- Oklahoma awarded more than $10 million to 46 local law enforcement agencies across the state between 2012 and 2018 as part of the Safe Oklahoma Grant Program.
- Oklahoma City received funding to implement proactive policing strategies and nuisance abatement activities and develop community partnerships in a high-crime target area.
- The Oklahoma State Bureau of Investigations reported greater reductions in crime in the target area than Oklahoma City overall between 2013 and 2016 (see table below).[3]

Change in Number of Violent Crimes in Target Area Compared to Oklahoma City Overall, 2013–2016

	Target Area	Oklahoma City
Violent Crime Overall	-21.6%	-6.5%
Murder	-50%	-3.2%
Rape	-60%	-8.7%
Robbery	-29.6%	-14%
Aggravated Assault	-11.6%	-3.6%

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OREGON

Investing in Law Enforcement Efforts to Use Research-Based Policing Practices

In 2013, Oregon lawmakers passed Justice Reinvestment legislation (House Bill 3194) that created and provided initial funding for the Oregon Center for Policing Excellence (CPE) to develop and deliver training and resources that promote the use of evidence-based policing. In collaboration with the Oregon Criminal Justice Commission, CPE developed the Oregon Knowledge Bank, an online resource that highlights innovative and evidence-based policing, corrections, and community supervision programs operating in the state; provides research conducted on Oregon's criminal justice initiatives; and offers public safety agency profiles.

- The Oregon Criminal Justice Commission provided $3.46 million in the 2013–2015 biennium for the state police to spend on its crime lab and other programs and $2.5 million in the 2017–2019 biennium across seven counties to fund law enforcement and circuit courts.
- Since establishing an annual conference on problem-oriented policing in 2015, CPE has held four conferences with approximately 100 law enforcement officers and/or analyst attendees each year.
- CPE has trained newly promoted public safety supervisors and/or managers on research-informed decision-making since 2014 and public safety professionals and/or behavioral health practitioners with specialized behavioral health training since 2016.
- CPE has incorporated the Oregon Knowledge Bank into its basic police training and its leadership curriculum. The website had attracted almost 30,000 new visitors by 2017, two years after its development.[4]

PENNSYLVANIA

Investing in Tools, Tactics, and Training to Increase Public Safety

In 2012, Pennsylvania enacted Justice Reinvestment legislation (Acts 122 and 196) that established the legislature's funding priorities through a statutory formula. The formula required a portion of the money the state saved through JRI policy changes that reduced incarceration costs to be used to improve public safety and the quality of supervision by funding local law enforcement and county probation supervision. Five years after enacting the legislation, Pennsylvania has

- Provided almost $8.5 million in law enforcement grants for a range of projects, including law enforcement equipment and technology updates; CIT, de-escalation, and use of force training; strategies to prevent opioid overdose deaths; community outreach and relationship building; enhancements to data collection; and improvements to arrest fingerprint submissions; and
- Granted more than $5 million to county probation departments for upgrading equipment and technology; implementing risk assessments; using cognitive behavioral programs; and improving communication and information sharing with law enforcement.[5]

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-004618

Endnotes

1. Email correspondence between CSG Justice Center and Arkansas Governor's Office, August 2019.
2. "Crime Data Explorer," Federal Bureau of Investigation, accessed July 16, 2019 https://crime-data-explorer.fr.cloud.gov.
3. Nikki Loftus, *Evaluation of the Oklahoma City Safe Oklahoma Grant Program 2017* (Oklahoma City, OK: Oklahoma State Bureau of Investigation, 2017).
4. Email correspondence between CSG Justice Center and Oregon Center for Policing Excellence, May 2019.
5. "Pennsylvania Commission on Crime and Delinquency Grant Funding," Pennsylvania Commission on Crime and Delinquency, accessed August 8, 2019, https://www.pccd.pa.gov/Funding/Pages/Grants-App.aspx; Email correspondence between CSG Justice Center and Pennsylvania Department of Corrections, March 2018.

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LOUISIANA'S REINVESTMENT INTO RECIDIVISM REDUCTION AND VICTIM SERVICES

FEBRUARY 2019

The Crime and Justice Institute (CJI), a division of Community Resources for Justice, works to improve public safety and the delivery of justice by providing nonpartisan technical assistance, research, and other services to improve outcomes across the spectrum of the adult and juvenile justice systems, from policing and pretrial through reentry. CJI provides direct technical assistance, assessment, implementation, research, data analysis, training, facilitation, and more. We take pride in our ability to improve evidence-based practices in public safety agencies and gain organizational acceptance of those practices. We create realistic implementation plans, put them into practice, and evaluate their effectiveness to enhance the sustainability of policies, practices, and interventions.

Find out more at www.crj.org/cji.

OVERVIEW

One year into Louisiana's implementation of landmark criminal justice reforms, the state no longer leads the nation in imprisonment and has earmarked millions of dollars in savings for reinvestment into programs that reduce recidivism and support crime victims.

In June 2017, Louisiana Governor John Bel Edwards signed into law a bipartisan package of 10 bills aimed at protecting public safety and making better use of correctional dollars. At the time, Louisiana's incarceration rate was nearly twice the national average, costing the state almost $700 million in corrections spending annually. Despite this enormous public investment, one in three inmates released from prison was re-incarcerated within three years.

The policy package was the result of months of study by the Louisiana Justice Reinvestment Task Force, an inter-branch, bipartisan panel of experts. The Task Force found that Louisiana had been sending a growing share of people to prison rather than prison alternatives,[1] yet leading criminologists have found that incarceration does not reduce recidivism more than non-custodial sanctions.[2] This trend was partly due to legislative restrictions on the use of community supervision, treatment, or other approaches such as specialty courts. During this time of more prison and less use of alternatives, the recidivism rate remained unchanged.

The new laws put in place policies designed to steer people convicted of less serious crimes away from prison, strengthen alternatives to incarceration, reduce prison terms for those who can be safely supervised in the community, and remove barriers to successful reentry.

Louisiana sought support from the Department of Justice's Bureau of Justice Assistance (BJA) to implement the new policies, with the Crime and Justice Institute partnering with state leaders to carefully put the policies into action. Louisiana has already begun to see significant results, including a drop in the prison population and larger-than-expected savings that will support state agencies and local partners in continued successful rollout.

[1] The full taskforce report can be found here: http://gov.louisiana.gov/assets/docs/Issues/Criminal-Justice/Justice-Reinvestment-Task-Force-Report_2017.pdf

[2] Daniel Nagin, Francis Cullen, and Cheryl Lero Jonson, Imprisonment and Reoffending (2009); Patrice Villetaz, Gladys Gilleron, and Martin Killian, The Effects on Reoffending of Custodial vs. Non-Custodial Sanctions: An Updated Systematic Review of the State of Knowledge (2015); Daniel Nagin and G. Matthew Snodgrass, The Effect of Incarceration on Re-Offending: Evidence from a Natural Experiment in Pennsylvania (2013).

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I'm extremely proud of how we're making a huge difference in Louisiana today and for future generations through the passage and implementation of these historic criminal justice reforms. We're saving the state millions of dollars and reinvesting the savings into programs that reduce recidivism, support victims, and improve public safety. In addition, Louisiana no longer has the nation's highest incarceration rate, and we're moving in the right direction to make Louisiana a safer place."

—DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS SECRETARY JAMES M. LE BLANC

BACKGROUND

For more than two decades, Louisiana had the highest incarceration rate in the nation, fueled partly by stiff mandatory sentencing laws and restrictive parole practices, including for lower-level, nonviolent offenders. By 2017, state spending on corrections was approaching $700 million, yet this increased investment was not reducing recidivism.

In 2016, Louisiana leaders requested help through BJA's Justice Reinvestment Initiative (JRI) to develop solutions that would ease the strain on state budgets while reducing recidivism. Through the JRI process, the Louisiana Justice Reinvestment Task Force recommended a package of policy recommendations that became the basis for the 2017 legislation, which stands as the most comprehensive criminal justice improvement effort in the state's history.

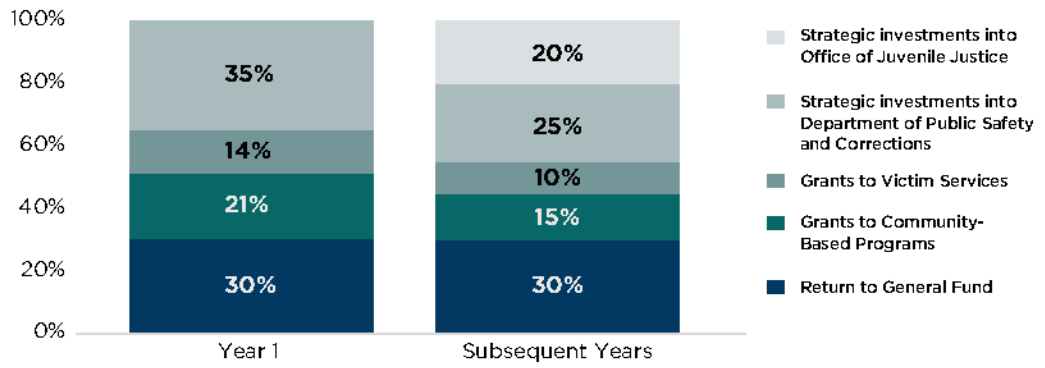
According to data from the Department of Public Safety and Corrections, the makeup of Louisiana's prison population has shifted to make smarter use of the limited resources. The number of people imprisoned for nonviolent offenses has dropped by 20 percent, opening up prison space and resources to focus more on individuals who pose the largest threat to the public. As a result, a majority of Louisiana's prison population (52 percent, as of the first quarter of 2018) is now incarcerated for a violent offense. The overall prison population decreased 7.6 percent since implementation of the policies began.

REINVESTING JRI SAVINGS

These shifts in the correctional population resulted in significant savings, 70 percent of which is slated for reinvestment into programs that reduce recidivism and support victims of crime; this allocation, shown in the graph below, is a statutory requirement that resulted from the Justice Reinvestment effort.[3]

In October 2018, the Department of Public Safety and Corrections (DPS&C) reported a total savings of $12.2 million in the first year of implementation, double the original projected savings of $6.1 million. Of that amount, $8.5 million is going back into recidivism reduction and victim services.

DISTRIBUTION OF REINVESTMENT DOLLARS



Given the required statutory framework for reinvestment, Louisiana policymakers have made available the following amounts for the coming year:

1. **$4.27 million for targeted Department of Public Safety & Corrections investments**
2. **$1.7 million for victim services grants**
3. **$2.53 million in grants to community-based programs**

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[3] Reinvestment requirements are laid out in HB 489, one of the 10 bills in the JRI package.

TARGETED INVESTMENTS INTO DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS

The Department intends to use first-year reinvestment funding to support the following priorities:

- Increase programming for state inmates housed at local jails;
- Enhance and expand Regional Reentry Centers;
- Increase Probation and Parole staffing and Day Reporting Centers;
- Launch a Transitional Housing pilot program;
- Open a new Reception Center to conduct assessments for new inmates; and
- Expand Specialty Courts.

GRANTS TO VICTIM SERVICES

The reinvestment money for victim services will be allocated by the Louisiana Commission on Law Enforcement. The Commission plans to use first-year reinvestment funding to:

- Supplement the Crime Victims' Reparations Fund;
- Establish a new Family Justice Center in East Baton Rouge Parish;
- Improve electronic notifications for victims by developing a system that will interface with all 64 parish clerks of court; and
- Provide funding to the Louisiana Bureau of Investigations for a dedicated forensics server for its Cyber Crimes Unit.

GRANTS TO COMMUNITY-BASED PROGRAMS

To distribute reinvestment funds earmarked for grants to community-based programs, DPS&C created a Community Incentive Grant Program and issued a Request for Proposals (RFP) to distribute the funds effectively and transparently.

The department sought proposals for programs or services to accomplish one or more of the following:

1. **Prioritize incarceration for serious and violent offenders** by expanding alternatives to prison such as pretrial intervention and/or diversion programs;
2. **Reduce crime among those returning to the community** by improving and expanding reentry resources such as employment and employment readiness, transportation, behavioral health care (mental health and substance use treatment), family reunification, education and/or vocational training, mentoring and peer support, and other wraparound services; and
3. **Improve community coordination of reentry resources.**

For the first year of the Community Incentive Grant program, the department appropriated $2.5 million for nonprofit organizations in the five parishes that account for 40 percent of the state's incarcerated population: East Baton Rouge, Caddo, St. Tammany, Jefferson, and Orleans. This first year of reinvestment will serve as a pilot, funding the development of innovative programs that can be expanded to additional parishes in future years.

At the end of October, the department announced awards to 11 nonprofits, some of which operate in multiple parishes. The organizations that received awards will provide a range of services including life skills, peer support, wraparound services, reentry programs, job training, behavioral health support, and legal services.[4] With this funding, these organizations will expand their work and deliver programs to help individuals transition back to the community after incarceration.

[4] All of the first year grantees will focus on priorities 2 (reducing returns to prison) and 3 (improving community coordination of reentry resources). No grantees were selected to focus on expanding alternative to prison.

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PARISH	ORGANIZATION	AWARD
East Baton Rouge Parish	Capital Area Human Services District	$327,059
	Louisiana Parole Project	$22,433
	The Life of a Single Mom	$57,529
Caddo Parish	Louisiana Parole Project	$22,433
	United Way of Northwest Louisiana	$365,635
St. Tammany Parish	Catholic Charities	$65,075
	Louisiana Parole Project	$22,433
Jefferson Parish	Louisiana Parole Project	$22,433
	United Way of Southeast Louisiana	$250,000
Orleans Parish	Catholic Charities	$254,208
	Goodwill Industries	$447,785
	Formerly Incarcerated Transitions (FIT) Clinic	$32,795
	Louisiana Parole Project	$22,433
	Louisiana Parole Project	$22,433
	Orleans Public Defenders	$377,000
	Welcoming Project	$125,000

A SOLID PATH FORWARD

Since passing the most significant criminal justice reform in state history, Louisiana has made meaningful progress in implementing new policies and practices designed to protect public safety and better utilize state corrections dollars.

Though implementation is a long process, the reforms have already had a dramatic impact, moving Louisiana out of its long-held top spot as the most incarcerated state in the nation and surpassing expectations for savings. By channeling $8.5 million in savings into innovative and evidence-based programs, Louisiana leaders are putting the state on a solid path for the positive impact of criminal justice reform to continue and expand.

This project was supported by Grant No. 2015-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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2012 Georgia Public Safety Reform

Legislation to Reduce Recidivism and Cut Corrections Costs

Highlights

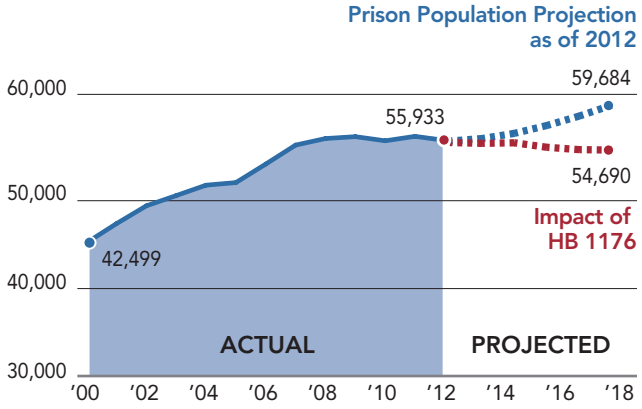
Problem: Since 1990, Georgia's prison population more than doubled to nearly 56,000 inmates. Today, the state spends more than $1 billion annually on corrections. Despite this growth, the proportion of inmates who were reconvicted of a felony within three years of release remained at nearly 30 percent during the past decade. If current policies had remained, the population was projected to grow 8 percent over five years at a cost of $264 million.

Findings: An extensive review of data by the Special Council on Criminal Justice Reform for Georgians (Council) revealed that drug and property offenders accounted for almost 60 percent of prison admissions. Judges had few viable sentencing options other than prison, and probation and parole agencies lacked the authority and resources to effectively supervise offenders in the community.

Reforms: With technical assistance from the Pew Center on the States and its partners, the Council issued recommendations to improve public safety by focusing prison space on serious offenders, strengthening probation and alternative sentencing options, relieving local jail overcrowding, and improving performance measurement. HB 1176, based on the Council's proposals, passed both chambers of the General Assembly unanimously and was signed by Governor Nathan Deal in May 2012.

The Impact of Public Safety Reform

HB 1176 is projected to reduce the prison population by nearly 5,000 beds over the next five years, saving taxpayers at least $264 million.[1]



Impact: HB 1176 is projected to avert all the anticipated growth in prison population and costs over the next five years, saving at least $264 million. Through accompanying budget initiatives, the state redirected more than $17 million of the savings into efforts to reduce reoffending. Governor Deal signed an Executive Order to continue the Council to monitor and expand on the reforms.

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Background

Between 1990 and 2011, the prison population in Georgia more than doubled to nearly 56,000 inmates.[2] Since 2000, the inmate population grew 35 percent.[3] Recent data show that one in 70 Georgia adults was behind bars (in state, local, or federal facilities), compared with the national incarceration rate of one in 100 adults, giving Georgia the fourth highest incarceration rate in the country.[4]

This scale of correctional control and growth came at a substantial cost to Georgia's taxpayers. Today, the state spends more than $1 billion annually on corrections,[5] up from $492 million in fiscal year 1990.[6] With more than $100 million in costs outside the Department of Corrections budget, including capital expenditures and retiree health care contributions, the total cost of the Georgia prison system in fiscal year 2010 was $1.13 billion.[7]

> "We studied this important issue for a year, met with all the stakeholders, weighed the pros and cons, and delivered a product that passed with total support from both sides of the aisle. That's amazing, particularly on an issue that's so often at the center of partisan divides."
>
> — Gov. Nathan Deal

Yet, despite this growth in population and spending, Georgia taxpayers have not received a sufficient public safety return on their corrections dollars: The proportion of inmates who are reconvicted of a felony within three years of release has remained unchanged at nearly 30 percent throughout the past decade.[8]

If current policies had remained in place, analysis at the time indicated that Georgia's prison population would rise by another 8 percent to reach nearly 60,000 inmates within five years.[9] With the state's existing prison facilities filled to 107 percent of capacity,[10] continued inmate growth would have created substantial taxpayer burdens. Absent policy reform, the state faced the need to spend an additional $264 million to expand capacity.[11]

Special Council on Criminal Justice Reform for Georgians

Seeking to protect public safety while controlling the growth of prison costs, the 2011 Georgia General Assembly passed HB 265 to establish the bipartisan, inter-branch Special Council on Criminal

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Justice Reform for Georgians (Council). The legislation also created a Special Joint Committee on Georgia Criminal Justice Reform (Joint Committee), comprised of members from both legislative chambers, to consider the recommendations of the Council in the 2012 legislative session.

Beginning in the summer of 2011, the Council members (see sidebar on page five) began a detailed analysis of Georgia's sentencing and corrections data to identify the factors driving the state's prison growth. They also audited state policies and practices and solicited input from a wide range of stakeholders, including prosecutors, sheriffs, crime victim advocates, and county officials. The Council used that information to develop research-based, fiscally sound policy options to protect public safety, hold offenders accountable, and control corrections costs.

The Council received technical assistance from the Public Safety Performance Project of the Pew Center on the States. Pew and its partners, the Crime and Justice Institute and Applied Research Services, Inc., helped the Council analyze current sentencing and corrections policies and generate data-driven policy options.

Key Findings

The Council determined that the state's prison growth was not explained by an increase in crime. Despite some year-to-year fluctuations, violent and property crime rates have declined in Georgia as they have in most states. In the past decade, violent and property crime rates have fallen 20 and 21 percent, respectively.[12] Despite a resident population that has grown significantly, the total number of violent crimes reported to police in 2009 is the same as it was in 1999.[13]

The Council's extensive data analysis revealed that Georgia's inmate population growth was due in large part to policy decisions about who is being sent to prison and for how long. The Council identified several specific challenges, including:

High Number of Lower-Risk Offenders in Prison: The data showed that drug and property offenders represented almost 60 percent of all prison admissions,[14] and the average length of stay behind bars for drug and property crimes had more than tripled between 1990 and 2010.[15]

Importantly, many of these offenders were identified as lower risk to reoffend. In 2010, Georgia courts sent more than 5,000 lower-risk drug and property offenders to prison who had never been to prison before, accounting for 25 percent of all admissions that year.[16] Looking more

> "There's plenty of evidence that the way we have addressed these types of offenders in the past has not been effective."
>
> — Rep. Jay Neal, R-Lafayette

closely at drug admissions, more than 3,200 offenders were admitted to prison in 2010 on a drug possession conviction (as opposed to a sales or trafficking conviction), and two-thirds of these inmates were assessed as lower risk to reoffend.[17]

Insufficient Supervision Resources: The Council also identified several challenges to the state's ability to effectively supervise offenders in the community and provide interventions to reduce the likelihood of reoffending. Georgia's probation and parole agencies operate some effective programs using evidence-based tools to identify and supervise higher-risk offenders, but the Council's analysis showed that these options were limited and that supervision agencies did not have the resources required to supervise all offenders effectively.

Lack of Options: The Council found that evidence-based services and programs, especially substance abuse and mental health, were either insufficient or unavailable in many areas of the state. For example, the state's existing drug courts covered less than 50 percent of Georgia's counties.[18] Judges and prosecutors alike indicated that expansion of these and other programs, such as Day Reporting Centers, would help them divert greater numbers of lower-risk offenders from prison and achieve better public safety outcomes at a lower cost.

Local Jail Backlog: Local jails in Georgia routinely hold inmates awaiting transfer to state facilities, including newly sentenced offenders and those waiting for a bed at a specific facility. The state had more than 800 inmates housed in county jails awaiting beds at Probation Detention Centers (PDC) and approximately 750 inmates in jails awaiting beds at Residential Substance Abuse Treatment (RSAT) programs.[19] This backlog has been a constant source of tension between state and local governments due to the costs of housing offenders awaiting a transfer.

Outcome Measurement: Most performance measures at the Georgia Department of Corrections track processes such as case flow (e.g., new cases received, cases discharged, cases remaining), activity counts (e.g., number of office or field contacts completed, number of drug tests administered), or point-in-time snapshots (e.g., average caseload size, types of cases supervised). Such measures provide information about the agency workload but fail to address the results achieved by the agency. A comprehensive performance measurement system also tracks and reports on key outcome measures such as recidivism, employment, substance use, and payment of victim restitution.

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The Council Report

Council members acknowledged the role that increased incarceration played in helping reduce crime, but saw its mission as finding the best way to deploy state resources to produce steeper drops in crime and recidivism. Based on the data analysis and the assessment of the correctional system, in November 2011 the Council issued a report detailing a broad spectrum of proposals designed to improve public safety, hold offenders accountable, and control corrections costs.[20]

The policy options in the report focused on concentrating prison space on violent and career criminals and more effectively punishing low-level drug users and property offenders through alternatives. Where fiscal savings were achieved, the Council recommended that a portion should be reinvested into those options proven to reduce recidivism and improve public safety. These included expanding the availability of drug and other accountability courts and strengthening community supervision. The Council also proposed investing in effective information and performance measurement systems.

This report was forwarded to the governor, lieutenant governor, speaker of the House of Representatives, and chief justice of the Supreme Court for full consideration by the Joint Committee. At the request of Governor Deal, the policy options in the Council report were translated into legislation and introduced as House Bill 1176 by Representative Rich Golick, co-chair of the Joint Committee.

SPECIAL COUNCIL ON CRIMINAL JUSTICE REFORM FOR GEORGIANS

Gubernatorial Appointees

Hon. Todd Markle
(Chair and designee of the Governor)
Superior Court Judge, Atlanta Judicial Circuit

Linda Evans
Member, Judicial Qualifications Commission

David McDade
District Attorney, Douglas County

Ken Shigley
President, Georgia State Bar

Senate Appointees

Sen. John Crosby
District 13, Tifton

Sen. Bill Hamrick
District 30, Carrollton

Sen. Ronald Ramsey
District 43, Decatur

House Appointees

Rep. Mary Margaret Oliver
District 83, Decatur

Rep. Jay Powell
District 171, Camilla

Rep. Willie Talton
District 145, Warner Robins

Judicial Branch Appointees

Hon. Carol Hunstein
Chief Justice, Supreme Court of Georgia

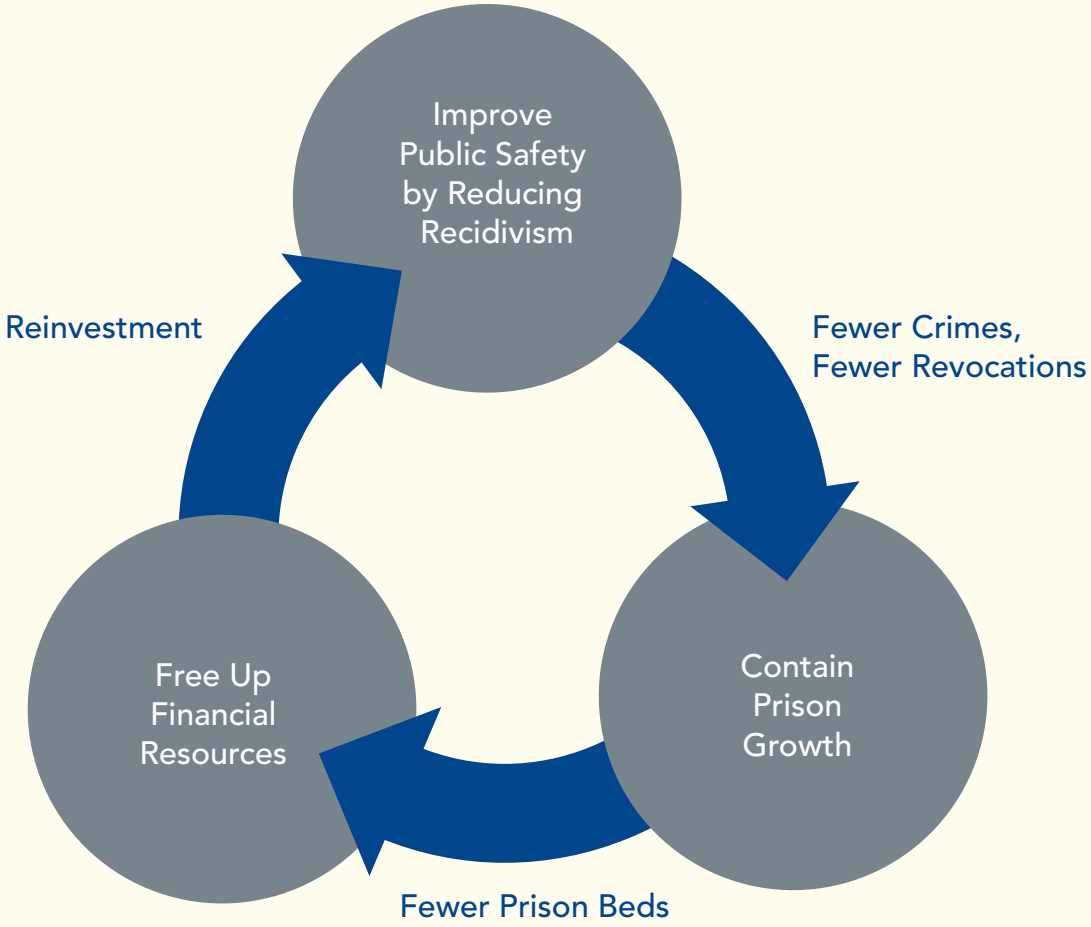
Hon. Michael P. Boggs
Superior Court Judge, Waycross Judicial Circuit

Hon. Ural Glanville
Superior Court Judge, Atlanta Judicial Circuit

Legislative Reform Package

The Georgia General Assembly unanimously passed HB 1176, with votes of 162-0 in the House and 51-0 in the Senate.[21] The law is expected to avert the projected 8 percent increase in the prison population and the associated cumulative cost of $264 million. Through accompanying budget initiatives, the General Assembly also reinvested more than $17 million of the prison savings into measures designed to reduce reoffending. In addition, Governor Deal signed an Executive Order to reassemble the Council in order to make recommendations on additional areas of improvement to the criminal justice system to protect public safety by reducing recidivism.

How the Public Safety Reform Works



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1. Focuses Prison Space on Serious Offenders

The law reflects a consensus that serious offenders deserve long prison sentences but that many nonviolent offenders can be sentenced to shorter periods of incarceration or effectively supervised in the community. This tiered approach is cost effective and helps ensure that prison beds are available for more serious offenders.

- **Creates degrees of burglary based on the seriousness of the offense.** Increases penalties for serious burglaries and establishes a graduated scale of penalties so that burglary of a residence is punished more severely than burglary of a non-residence.
- **Creates degrees of forgery based on the seriousness of the offense.** Increases penalties for serious forgeries and establishes a graduated scale of penalties based on the type of forgery.
- **Creates levels of theft based on the seriousness of the theft.** Raises the felony theft threshold from $500, which was set in 1982, to $1,500, and creates a graduated scale of penalties for felony theft based on the value of the stolen items. Raises the penalty for the most serious theft (above $25,000) and increases the felony shoplifting threshold from $300 to $500.
- **Revises penalties for simple possession of drugs.** Creates degrees of drug possession based on the weight of drugs and establishes a graduated scale of penalties, with higher penalties for third and subsequent convictions. Also restricts drug possession offenses from applying to the recidivist statute.
- **Reinvests $175,000 to develop a front-end risk assessment tool.** Provides funding to create a new tool to assist judges at sentencing in identifying lower-risk, nonviolent offenders who could be safely diverted from prison.

> “HB 1176 outlines much-needed reforms that will improve public safety, lower recidivism rates, and bring real costs savings to Georgia taxpayers.”
>
> — Sen. Bill Hamrick, R-Carrollton

2. Reduces Recidivism by Strengthening Probation and Alternative Sentencing Options

The new law expands cost-effective sentencing options for the courts and improves the state's ability to reduce recidivism.

- **Allows the courts to order electronic monitoring** with all offenders.
- **Allows probation to impose graduated sanctions** that swiftly and certainly respond to offender violations.

> "[I]n addressing the root problem, we're going to keep people from committing other crimes and reunite them with their families and make them taxpayers, not tax burdens."
>
> — Chief Justice Carol Hunstein

- **Requires the Board of Corrections to ensure the use of evidence-based practices**, including a risk and needs assessment tool, to guide decisions relating to the management and treatment of inmates and probationers.
- **Requires the Administrative Office of the Courts to establish policies and practices for drug and mental health court divisions**, such as the use of tools that identify higher-risk offenders and develop supervision plans that reduce recidivism.
- **Creates a certification and review process** for drug and mental health court divisions and restricts state funds to certified programs.
- **Reinvests $11.6 million of averted prison spending into accountability courts** that focus on drug offenders and those with mental illness.
- **Reinvests $5.7 million of prison savings into new Residential Substance Abuse Treatment (RSAT) programs** to reduce recidivism among inmates with drug and alcohol addictions.

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3. Relieves Local Jail Crowding

The new law relieves crowding in local jails by reducing the number of state-responsible inmates awaiting transfer to state facilities.

- **Streamlines the transfer of information and inmates from the counties to the state.** Requires sentencing "packets" to be submitted electronically to the state Department of Corrections from counties to reduce the time spent in jail awaiting transfer to prison.
- **Ensures the effective use of Probation Detention Centers (PDC)** by capping sentences to PDCs at 180 days, thereby reducing time spent in jail by those awaiting transfer to a PDC.

4. Improves Performance Measurement

To help state policy makers and corrections officials assess and manage the overall performance of the system, the new law creates a results-oriented reporting and accountability system.

- **Requires the Department of Corrections to collect, analyze, and report on the performance outcomes** related to the treatment programs for inmates and probationers, including the impact on recidivism.

The full text of the legislation is online at: http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/Georgia_Bill_HB_1176.pdf.

And the council's full report on the legislation and budget initiatives can be read here: http://www.legis.ga.gov/Documents/GACouncilReport-FINALDRAFT.pdf.

Endnotes

1 Georgia Department of Corrections (historical data); Applied Research Services, Inc. (projection and impacts of HB 1176).

2 Data from the Georgia Department of Corrections, Weekly Reports. (1990-2011). Includes prison inmates plus the jail backlog.

3 Ibid.

4 Pew Center on the States, *One in 31: The Long Reach of American Corrections* (Washington, DC: The Pew Charitable Trusts, March 2009).

5 State of Georgia's Budget in Brief FY 2011 and FY 2012. http://www.pewstates.org/research/reports/one-in-31-85899371887.

6 Georgia Department of Corrections, "Budget in Brief," (1990). In inflation-adjusted terms, the 1990 figure is $854 million.

7 Vera Institute of Justice, "The Price of Prisons: What Incarceration Costs Taxpayers," (January 2012).

8 Data from the Georgia Department of Corrections.

9 Analysis conducted by Applied Research Services.

10 Data from the Georgia Department of Corrections as of July 1, 2011.

11 Governor's Office of Planning and Budget, State of Georgia.

12 Crimes Reported to Police, "Georgia UCR, 1999-2009." In comparison, the national declines for violent and property crimes during the same period were 18 and 19 percent. http://www2.fbi.gov/ucr/cius2009/data/table_01.html.

13 Data from U.S. Census Bureau and Crimes Reported to Police, "Georgia UCR, 1999-2009."

14 Data from the Georgia Department of Corrections.

15 Ibid. Analysis conducted by Applied Research Services. Average time served grew from 0.6 years in 1990 to 2.0 years in 2010.

16 Analysis conducted by Applied Research Services.

17 Ibid.

18 Georgia Adult Felony Drug Courts, "Summary of Performance Measures," January 2010-January 2011.

19 Georgia Department of Corrections.

20 The Report of the Special Council on Criminal Justice Reform for Georgians is available at http://www.legis.ga.gov/Documents/GACouncilReport-FINALDRAFT.pdf.

21 The full text of the legislation is online at: http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/Georgia_Bill_HB_1176.pdf.

Suggested Citation: Pew Center on the States, 2012 Georgia Public Safety Reform (Washington, DC: The Pew Charitable Trusts, July 2012).

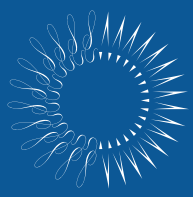
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Launched in 2006, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs.

The Pew Center on the States is a division of The Pew Charitable Trusts that identifies and advances effective solutions to critical issues facing states. Pew is a nonprofit organization that applies a rigorous, analytical approach to improve public policy, inform the public, and stimulate civic life. More information is available at www.pewstates.org.

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A brief from THE PEW CHARITABLE TRUSTS | March 2018

Louisiana's 2017 Criminal Justice Reforms

The most incarcerated state changes course

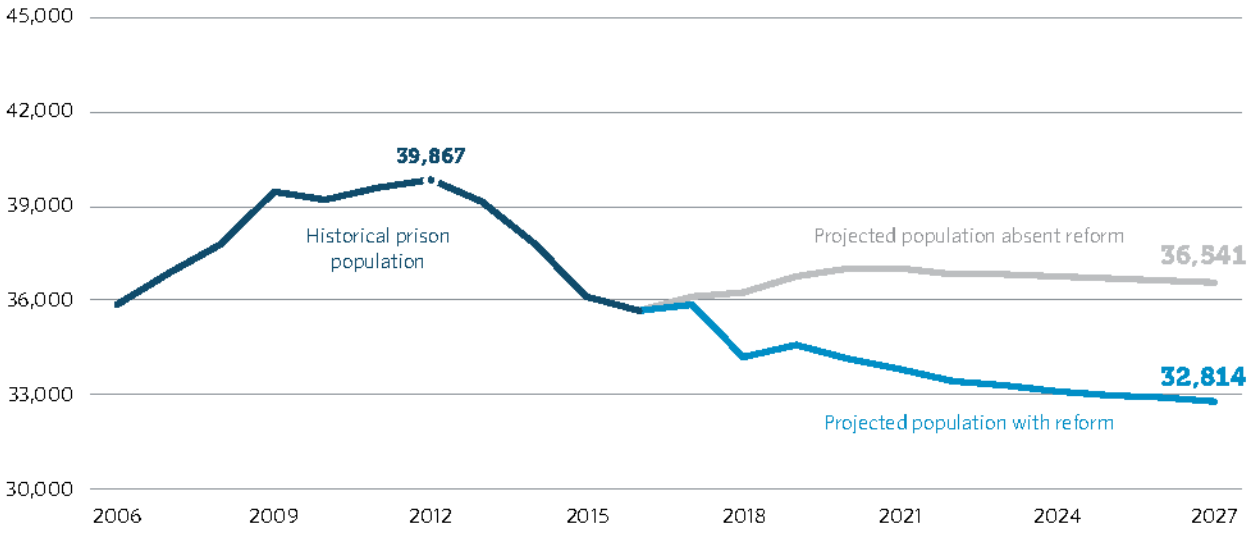
Overview

On June 15, 2017, Louisiana Governor John Bel Edwards (D) signed the most comprehensive criminal justice reform in state history. Six Republicans, two Democrats, and one independent authored the bipartisan package of 10 bills, which should enable Louisiana to shed its long-held status as the state with the nation's highest imprisonment rate by the end of 2018. Their efforts received widespread support, earning endorsements from the state district attorneys association, business and faith leaders, and diverse coalitions of advocates and community members. The measures steer people convicted of less serious crimes away from prison, strengthen incarceration alternatives, reduce prison terms for those who can be safely supervised in the community, and remove barriers to re-entry. Over 10 years, the reforms are projected to reduce the prison and community supervision populations by 10 and 12 percent, respectively. Lawmakers also committed to reinvest 70 percent of the estimated $262 million savings in local programs that reduce reoffending and support crime victims.

Figure 1

Reforms Expected to Cut Prison Population 10 Percent

Number of Louisiana prisoners projected with and without changes in the law



Source: Louisiana Justice Reinvestment Task Force

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Bill Sponsors

A bipartisan group of lawmakers sponsored 10 bills that became Louisiana's comprehensive criminal justice reform package. (See pages 10-18 for more information.)



Senator Dan Claitor (R):
S.B. 16 permits most people originally sentenced to life as juveniles to be considered for parole after 25 years in prison.



Senator Daniel Martiny (R):
S.B. 139 broadens eligibility for parole and other prison release provisions; expands eligibility for probation; reduces maximum probation terms; and adopts evidence-based sanctions and incentives to improve community supervision outcomes.



Senate President John Alario (R):
S.B. 220 and S.B. 221 reduce penalties for drug, property, and other nonviolent crimes and modify habitual-offender penalties to make them comparable to those in other states.



Representative Stephen Dwight (R):
H.B. 116 streamlines registration for victim notification and ensures that victims can request safety measures as a condition of a prisoner's release.



Representative Tanner Magee (R):
H.B. 249 tailors criminal justice fines and fees to a defendant's ability to pay by creating a payment plan and debt forgiveness incentive for those facing financial hardship.



Representative Walt Leger (D):
H.B. 489 mandates the collection of data to monitor the reforms and requires the state to redirect 70 percent of corrections savings to community-based prison alternatives, victim services, and recidivism-reduction programs in state prisons and parish jails.



Representative Julie Emerson (R):
H.B. 519 simplifies the occupational licensing process for state residents with criminal convictions.



Representative Joseph Marino (I):
H.B. 680 temporarily suspends child support obligations for inmates incarcerated for more than six months.



Representative Helena Moreno (D):
H.B. 681 lifts the ban on public assistance benefits for people with drug convictions.

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Background

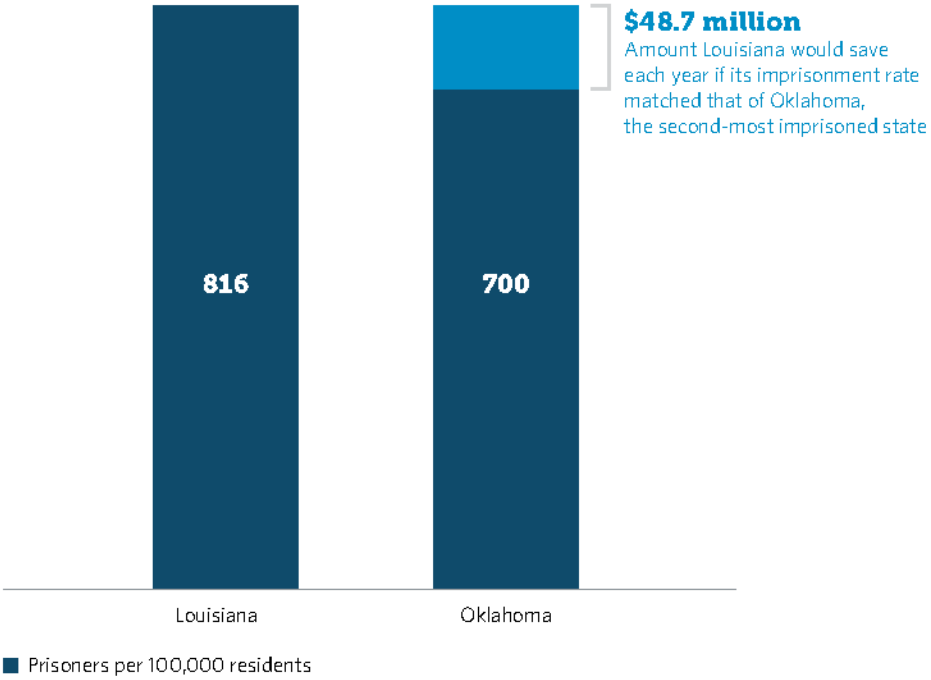
Louisiana's prison population peaked in 2012 at roughly 40,000, a fivefold increase since the late 1970s, growing much faster than the state's overall population.[1] Between 2012 and 2015, statutory and administrative changes that expanded evidence-based correctional practices helped lower the number of prisoners by 9 percent while crime also declined.[2] Even with this reduction, however, Louisiana still had more prisoners per capita than any other state and nearly double the national average.[3]

These high levels of imprisonment came at great cost to Louisiana taxpayers. In fiscal year 2017, lawmakers appropriated $625 million for adult corrections—the state's third-largest expenditure behind education and health care.[4] The consequences of these high costs can be best understood by comparing Louisiana with other states. For example, had Louisiana's 2014 imprisonment rate been the same as Oklahoma's—the nation's second-most-imprisoned state—Louisiana would have spent roughly $49 million less annually.[5] (See Figure 2.) Highlighting the burden of being number one in imprisonment, Gov. Edwards and Department of Corrections Secretary James LeBlanc called for reforms that would "reduce the state prison population significantly with the modest goal of not having the highest incarceration rate in the country."[6]

Figure 2

Taxpayers Incurred High Cost of Being in Most Incarcerated State

Imprisonment rates and associated cost differential, Louisiana and Oklahoma 2014



Note: Louisiana pays $24.39 per capita per diem to house state prisoners in local jails.

Sources: U.S. Department of Justice, Bureau of Justice Statistics; Louisiana Revised Statutes 15:824

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Louisiana Justice Reinvestment Task Force

In 2015, the state Legislature created the Louisiana Justice Reinvestment Task Force to develop recommendations for sentencing and corrections policies and practices that would improve public safety and reduce spending. The task force consisted of legislators, judges, prosecutors, defense attorneys, law enforcement officials, the corrections secretary, and the state sentencing commission chair, as well as faith leaders and victim and community advocates. It held public meetings, town halls, and victim advocate roundtables and formed subgroups to generate policy options for sentencing, community corrections, and budgetary issues. The Department of Corrections and the courts contributed staff support, and The Pew Charitable Trusts and the Crime and Justice Institute provided nonpartisan data analysis and technical assistance as part of the Justice Reinvestment Initiative, a public-private partnership between Pew and the U.S. Department of Justice's Bureau of Justice Assistance.

Task force members

Secretary James LeBlanc (Chair), Louisiana Department of Corrections

Sheriff Michael Cazes, West Baton Rouge

Senator Dan Claitor, Louisiana state Senate

Flozell Daniels, Foundation for Louisiana

Public Defender James Dixon, Louisiana Public Defender Board

District Attorney Bofill Duhé, 16th Judicial District

Judge Bonnie Jackson, 19th Judicial District Court

Chief Justice Bernette Johnson, Louisiana Supreme Court

Judge Lori Landry, 16th Judicial District Court

Representative Terry Landry, Louisiana House of Representatives

Representative Walt Leger, Louisiana House of Representatives

Representative Sherman Mack, Louisiana House of Representatives

Senator Daniel Martiny, Louisiana state Senate

Reverend Gene Mills, Louisiana Family Forum

Judge Laurie White, Louisiana Sentencing Commission

> "[T]he passage of the sprawling 10-bill incarceration package … is the boldest change of direction for Louisiana since the reform of New Orleans public schools after Hurricane Katrina."
>
> **The Advocate,** "Our Views: At Last, A Real Shot at Prison Reform" (editorial, June 7, 2017)

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Key findings

The task force identified six principal factors that contributed to Louisiana's highest-in-the-nation imprisonment rate.

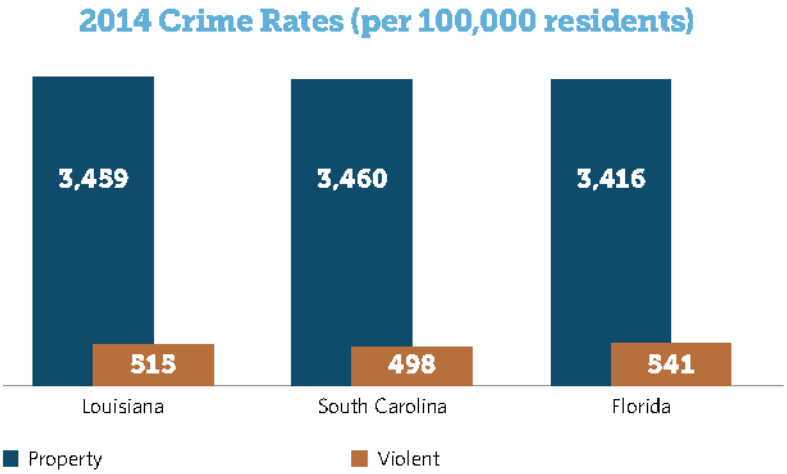
Unusually high admissions for nonviolent crimes

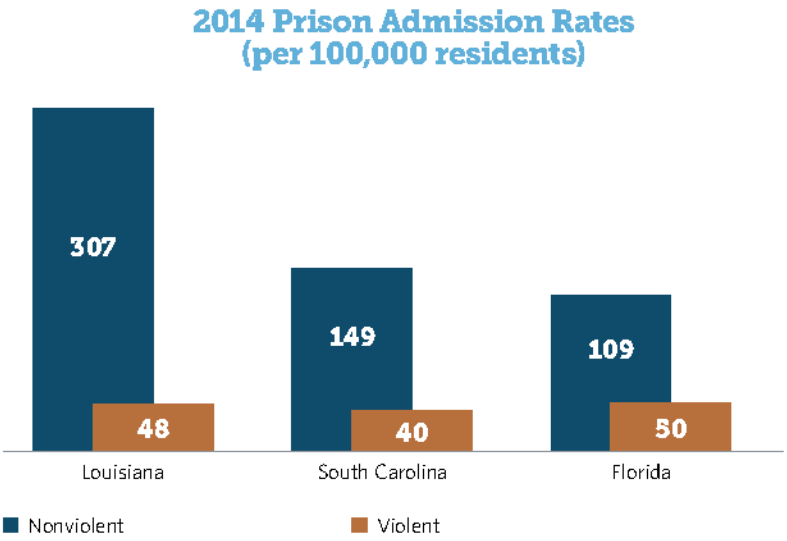
Although Louisiana's crime rates were nearly identical to South Carolina's and Florida's, the state was sending people to prison for nonviolent crimes at twice and nearly three times the rates of those states, respectively.[7] (See Figure 3.) The 10 most common convictions resulting in prison sentences in Louisiana were nonviolent, led by drug possession.[8]

Figure 3

Louisiana Sent More People to Prison for Nonviolent Offenses Than Comparable States Did

2014 crime and prison admission rates for Louisiana, South Carolina, and Florida





Sources: Federal Bureau of Investigation, Uniform Crime Reports, "Crime in the United States, 2014"; South Carolina Department of Corrections, "South Carolina's Prison System—Report to the Sentencing Reform Oversight Committee" (Nov. 23, 2015); Florida Department of Corrections, "General Characteristics of FY 2013-14 Admissions" (2014); Louisiana Department of Corrections

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Longer prison terms and narrower parole eligibility

The task force found that Louisiana inmates were entering prison with longer sentences and fewer opportunities to earn release than those admitted five to 10 years earlier. Between 2010 and 2015, average sentence lengths for common nonviolent crimes increased by 10 months.[9] Further, the number of inmates who had been in prison for at least 10 years increased by more than 2,400 between 2006 and 2015, accounting for nearly 1 in 5 state prisoners by the end of that decade. In addition, nearly 5,000 individuals were serving life sentences without the possibility of parole, many of whom would have been eligible for parole in other Southern states, including Alabama, Arkansas, Georgia, Mississippi, and Texas.[10]

Meanwhile, the Legislature adopted 80 new restrictions on parole eligibility between 2006 and 2015. Two-thirds of those new rules applied to nonviolent crimes.[11]

Large and growing number of people supervised in the community

Long supervision terms—stretching well beyond the period when probationers and parolees were most likely to reoffend—contributed to caseloads averaging 139 people per officer.[12] At the end of 2015, Louisiana's probation and parole officers supervised more than 70,000 people, an increase of more than 10,000 in just 10 years. The task force found that these large caseloads led to high failure rates, which in turn accounted for most of Louisiana's annual prison admissions; that sanctions for violating supervision conditions were inconsistently applied; and that incentives for compliance were inadequate.[13]

> "The business community is committed to being part of the solution by expanding job opportunities and hiring rehabilitated inmates, but lawmakers must take the first step by casting their votes in favor of reform."
>
> **Stephen Waguespack,** president and CEO, Louisiana Association of Business and Industry (guest column, *The Advocate*, May 24, 2017)

Significant criminal justice debts and other barriers to successful re-entry

Beyond requirements that people convicted of crimes pay restitution to crime victims, plus fines collected as a part of their punishment, Louisiana's statutes authorized the imposition of hundreds of additional fees on those convicted of crimes. These include payments to cover the costs of law enforcement, prosecution, court services, and supervision as well as local jurisdiction surcharges and offense-specific charges for DWIs, drug-related crimes, and other offenses.[14] Although defendants typically agree to fines, fees, and costs as part of plea agreements, the court in most cases was not making determinations regarding their financial ability to meet those obligations.[15] Louisiana's statutes offered no guidance on the use of waivers for criminal justice debt, nor did they address payment plans or debt forgiveness.[16]

The task force found that on average, felony probationers still owed a third of their restitution amounts and half of their other costs and fees at the end of their supervision terms. (See Figure 4.) Because many people with criminal convictions have difficulty finding a job and do not have a reliable income, their court-ordered payments can accrue and harm their financial stability.[17] Further, the state's penalties for failure to pay these debts in full,

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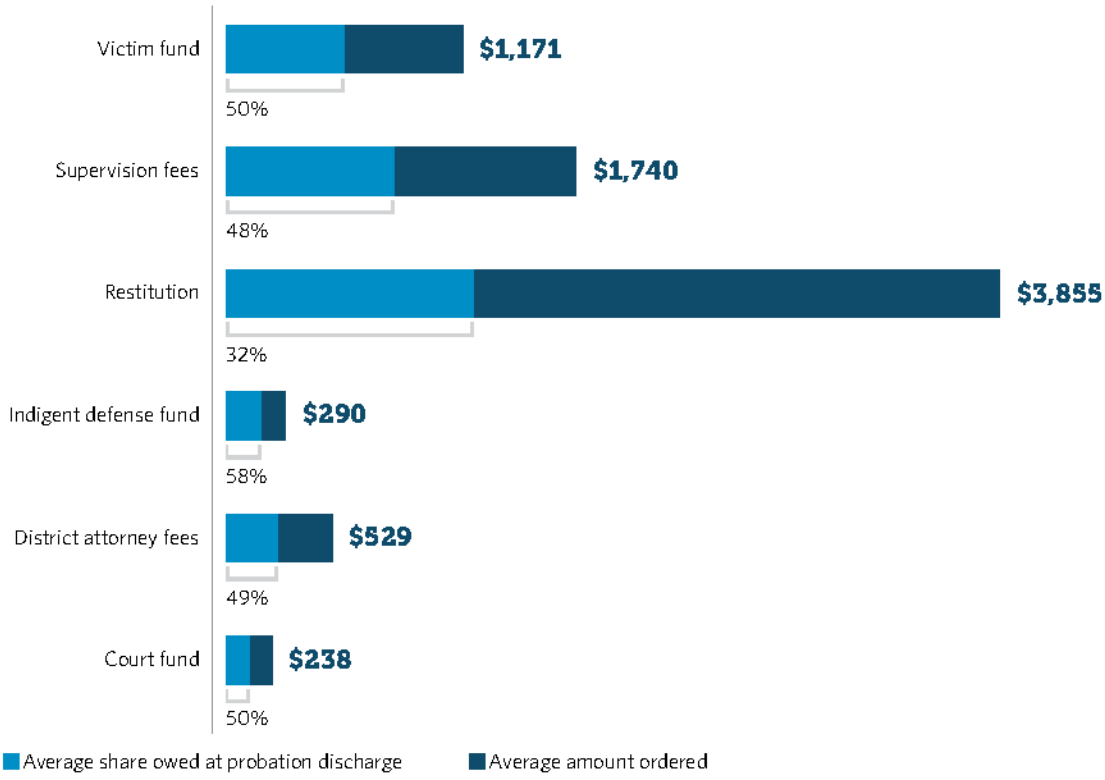
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including incarceration and suspension of a driver's license, were compounding the already substantial barriers to re-entry, such as restrictions on employment and public assistance and child support arrears from periods of incarceration.[18]

Figure 4

Fees Exceeded What Average Louisiana Probationers Could Afford

Amounts ordered and owed at discharge, 2015



Note: The data are limited to financial obligations tracked by the Louisiana Department of Probation and Parole. Average dollar amounts include only those individuals ordered to pay the fees specified in each category above.

Source: Louisiana Department of Corrections

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> "Financial obligations in excess of what an offender can reasonably pay undermine the primary purpose of the justice system which is to deter criminal behavior and encourage compliance with the law. Financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven."
>
> **Louisiana H.B. 249** (2017 regular session)

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Budgetary decisions inconsistent with long-term goals

In the years before Louisiana's justice reinvestment process, the Department of Corrections had achieved measurable savings by investing in programs in state prisons to reduce recidivism and help prisoners make the transition back into the community.[19] Lawmakers did not, however, fund sufficient programming for state inmates housed in parish jails or offer local governments financial incentives to develop and expand community-based diversion programs, such as specialty courts and treatment services for substance use disorders, that could lessen the flow of people into the state prison system.

The state had also dramatically scaled back behavioral health services. Between 2012 and 2015, the number of adults served by community programs was cut more than 40 percent, from about 38,000 to just over 21,000. Meanwhile, 13 percent of state inmates in 2016 had serious mental illness (about three times the rate in Louisiana's general population), and 70 percent had a substance use disorder (roughly eight times the rate among the general population).[20]

Inadequate services and supports for crime victims

In roundtable discussions and public testimony, crime victims and their advocates called for increased transparency in and access to the justice system, noting inefficiencies in the state's notification system and the lack of a mechanism to allow victims to offer input on parole conditions that could affect their safety.[21] They also asked that restitution be prioritized over other criminal justice fines and fees and recommended more state investment in safety planning, trauma-informed services, and shelters and transitional housing.

> "We can improve public safety and prevent others from experiencing ... the anguish that far too many families in our state experienced as the result of the violence that plagues our communities. We can do this while reducing our reliance on incarceration, building a stronger system of community accountability, and promoting healing for victims of violent crimes and their families."
>
> **Deborah Cotton,** victim advocate (op-ed, *The Advocate*, March 21, 2017)

Louisiana Voters Prioritize Alternatives to Incarceration

High levels of public support for criminal justice reform were critical to the enactment of Louisiana's new laws. Research by a bipartisan polling team revealed that state voters favored alternatives to imprisonment that hold people accountable for criminal behavior, enhance public safety, and save taxpayer dollars.'

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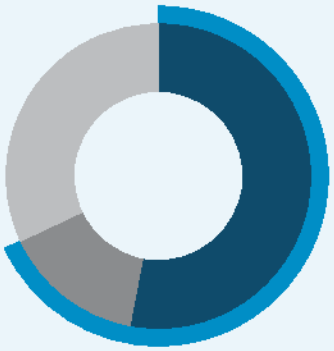
The survey of 600 likely voters, commissioned by Pew and conducted in March 2017, found that:

- 3 in 4 voters supported eliminating mandatory minimum sentences and giving judges more discretion over criminal penalties.
- Nearly 2 in 3 believed that fewer people should be sent to prison for nonviolent crimes and that eligibility for alternatives such as probation and parole should be expanded.
- Nearly 2 in 3 voters favored reducing penalties for lower-level drug offenses while maintaining those for serious drug trafficking.
- 3 in 4 thought most noncriminal probation and parole violations did not warrant incarceration and that other sanctions, such as community service, would be appropriate.
- Nearly 9 in 10 voters favored tying the amount of monthly criminal justice fines and fees to a defendant's income.

Figure 5

Across Party Lines, Louisiana Voters Prioritized Cutting Recidivism Over Length of Prison Terms

Participants were asked whether they agreed with the following statement: "It does not matter whether a nonviolent offender is in prison 15 or 20 or 24 months. What really matters is that ... when these offenders do get out, they are less likely to commit another crime."



53% Strongly agree

68% Agree

Total by party (Democrat, Independent, and Republican)

74* 67* 64*

Source: Telephone survey of 600 voters representing the likely 2018 Louisiana electorate conducted for The Pew Charitable Trusts by the Mellman Group and Public Opinion Strategies between March 27 and 30, 2017

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* The Mellman Group and Public Opinion Strategies conducted the survey March 27-30, 2017. The poll had a margin of error of plus or minus 4.0 percentage points at the 95 percent confidence level, and higher for subgroups. The top line can be found at: http://www.pewtrusts.org/~/media/assets/2018/02/louisiana_statewide_survey_2017.pdf

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Comprehensive legislative reform package

In March 2016, the task force presented Gov. Edwards and the Legislature with 21 consensus recommendations, which became the basis of a package of 10 bills. After extensive vetting in legislative committees and negotiations with the Louisiana District Attorneys Association, all 10 bills passed with strong bipartisan majorities. The governor signed them into law June 15, 2017.



Governor John Bel Edwards signs the 10 justice reinvestment bills June 15, 2017.

The legislation has four primary objectives:

Prioritize prison space for those who pose a public safety threat

To steer people with less serious offenses away from prison and reduce the length of imprisonment for those who can be safely supervised in the community, the law:

- **Expands probation and other prison alternatives.**
  - Establishes probation eligibility for third-time nonviolent felonies and certain first-time violent crimes.
  - Broadens eligibility for Louisiana's substance abuse probation program, which combines supervision with drug treatment and counseling, to crimes other than drug possession.
  - Opens drug courts and substance abuse probation to those convicted of certain violent crimes.

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- **Tailors drug sentences by weight.**
  - Reduces maximum terms of incarceration for drug possession involving small amounts of controlled substances.
  - Creates penalty tiers for drug sales and manufacturing according to the weight of the substances involved in the offense.
- **Reduces habitual-offender penalties.**
  - Reduces mandatory minimum sentences for most second and third offenses and grants judges discretion to disregard minimum sentences outlined in the habitual-offender statute if they would be cruel and unusual.
  - Eliminates the possibility of a life sentence for a fourth nonviolent conviction.
  - Shortens the "cleansing period"—the time before a felony can no longer be used to enhance a subsequent penalty—for nonviolent offenses.

> "We're hoping that, with these changes, we can generate some savings, build up these services, and lower our incarceration rate safely. That's why we're behind it."
>
> **E. Pete Adams,** executive director, Louisiana District Attorneys Association (news conference, May 16, 2017)

Table 1

Louisiana Reforms Lower Drug Penalties and Habitual-Offender Sentences

Example: Penalties for cocaine offenses under previous and current laws, by conviction type and number

Crime	Law	Standard penalty	Sentence ranges under the habitual-offender statute		
			2nd offense	3rd offense	4th offense
Cocaine possession < 2 grams	Prior law	0-5 years	2.5-10 years	3.3-10 years	20 years-life
	Current law	0-2 years	8 months-4 years	1-4 years	20 years
Cocaine sale > 4 grams	Prior law	2-30 years	15-60 years	20-60 years	20 years-life
	Current law	1-10 years	3.3-20 years	5-20 years	20 years

Note: This table represents changes to drug penalties and to the formula for enhancing sentence ranges under the habitual-offender statute. Underlined numbers reflect mandatory minimum sentences. The sentence ranges in this table apply only to individuals with less serious, nonviolent criminal histories.

Sources: Senate Bills 220 and 221 (Louisiana Reg. Session 2017); Louisiana Revised Statutes 15:529.1, 40:966-970

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- **Simplifies property crime statutes and raises the felony theft threshold.**
  - Eliminates numerous specialty crime categories that are duplicative of other theft, property damage, and burglary offenses.
  - Creates a single penalty structure for most property crimes and raises to $1,000 the dollar value at which theft is considered a felony.
- **Reduces penalties for other crimes and recategorizes certain offenses as nonviolent.**
  - Brings minimum and maximum penalties for various crimes more in line with those in other states and removes certain offenses from the violent crimes list.
  - Creates a task force to categorize felony offenses.
  - Establishes a working group to develop a felony classification system based on the seriousness of offenses that would create standard sentencing and release provisions.
- **Expands parole eligibility for some violent offenses.**
  - Allows parole consideration for those sentenced for violent crimes who have served 65 percent of their sentences and have no prior violent convictions (see Table 2) and those who have served 75 percent and have one prior violent conviction, unless they are otherwise ineligible for parole consideration.

> "Last month, Louisiana passed one of the most ambitious criminal-justice reform packages in the country—10 new laws that make important changes to everything from drug sentences, parole and community supervision to re-entry and victims' rights. It would have been remarkable coming from any state. It's historic coming from Louisiana."
>
> **The New York Times,** "Louisiana's Big Step on Justice Reform" (editorial, July 19, 2017)

> "Louisiana is on the verge of a wide-ranging criminal justice overhaul aimed at curbing the highest incarceration rate in America."
>
> **The Wall Street Journal,** "Change and Culture Collide in America's Prison Capital" (May 25, 2017)

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> Grace has been extended to each of us. Now, within the criminal justice system, we must consider intentionally extending that same grace to the eligible and willing residents of our jail and prison system."
>
> **Gene Mills,** president, Louisiana Family Forum (op-ed, *The Advocate*, Oct. 4, 2016)

Table 2

Louisiana Expanded Parole and 'Good Time' Eligibility

Percentage of sentence required before consideration for release under previous and current law, by conviction type and prior history

		Percentage of sentence for parole eligibility		Percentage of sentence for "good time" release eligibility	
		Prior law	Current law	Prior law	Current law
Nonviolent conviction					
Prior convictions	None	25%	25%	40%	35%
	1 nonviolent	33%	25%	40%	35%
	2 or more nonviolent	Ineligible	25%	40%	35%
	1 violent	33%	25%	40%	35%
	2 or more violent	Ineligible	25%	40%	35%
Violent conviction					
Prior convictions	None	75%	65%	85%	75%
	1 nonviolent	75%	65%	85%	75%
	2 or more nonviolent	Ineligible	65%	85%	75%
	1 violent	75%	75%	Ineligible	Ineligible
	2 or more violent	Ineligible	Ineligible	Ineligible	Ineligible

Sources: Senate Bill 139 (Louisiana Reg. Session 2017); Louisiana Revised Statutes 15:571.3 and 574.4

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State Representative Terry Landry (D) speaks at a rally for criminal justice reform at the Louisiana State Capitol in Baton Rouge on April 20, 2017.

- **Streamlines parole release for nonviolent crimes.**
  - Expands parole eligibility to those who have served 25 percent of their sentences for nonviolent crimes, and authorizes their release without a hearing when certain conditions are met. (See Table 2.)
- **Institutes a medical treatment furlough policy.**
  - Authorizes the release and transfer of prisoners with significant health and mobility issues to off-site medical facilities and provides for parole supervision for the remainder of their sentences.
- **Establishes parole consideration for some of Louisiana's longest-serving prisoners.**
  - Creates retroactive and prospective parole eligibility for most people who have served 25 years of life sentences imposed for crimes they committed as juveniles.
  - Makes individuals convicted of second-degree murder between 1973 and 1979 parole eligible.
- **Improves crime victim notification and protections.**
  - Allows victims to submit a "re-entry statement" to the parole board that can include a request for proximity and contact restrictions for the victims' protection.
  - Requires the development of an electronic victim registration and notification system.

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Strengthen community supervision

To expand the use of evidence-based community supervision practices that reduce recidivism, the law:

- **Focuses probation and parole officers' time on high-risk periods.**
  - Reduces maximum probation terms for nonviolent crimes from five to three years to concentrate officers' time on the period when those under supervision are most likely to fail.
- **Provides incentives for probationers and parolees to meet their supervision conditions.**
  - Establishes "earned compliance credits" for nonviolent crimes, a policy that awards 30 days off of community supervision terms for every full calendar month of compliance.
- **Requires that successfully completed probation time for nonviolent convictions be credited toward prison sentences imposed for probation violations.**
  - Reduces the time a person revoked from probation serves behind bars by deducting time spent in compliance with supervision. This change was modeled on a policy already in place for those on parole.
- **Establishes swift, certain, and proportional sanctions for supervision violations.**
  - Gives probation officers blanket authority to use administrative sanctions, such as increased reporting, community service, and short jail stays, for probationers with nonviolent convictions who fail to comply with the terms of their supervision. Similar powers had already been granted for all parolees.
  - Prohibits the use of jail as a sanction for first and second low-level violations.
  - Modifies the use of jail sanctions under Acts 402 and 299, which were adopted in 2007 and 2015, respectively, and allow for alternatives to complete revocation of community supervision:[22]
    - Authorizes an unlimited number of jail sanctions for probationers and parolees.
    - Caps stay at 15, 30, and 45 days for the first, second, and subsequent sanctions, respectively. (See Table 3.)
    - Broadens the categories of misconduct that can be addressed with Act 402/299 jail sanctions.
  - Expands the pool of violations for which officers can respond with administrative sanctions.

Table 3

Louisiana Made Intermediate Sanctions More Proportional to Violations

Jail terms under previous and current law, by supervision type and sanction

Act 402/Act 299 sanction number	Prior law		Current law
	Probation	Parole	Probation and parole
First	90 days	90 days	15 days
Second	Ineligible	120 days	30 days
Third or more	Ineligible	180 days	45 days

Source: Senate Bill 139 (Louisiana Reg. Session 2017); Louisiana Revised Statutes 15:574.9; Louisiana Code of Criminal Procedure section 900

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Reducing the Footprint of Community Supervision

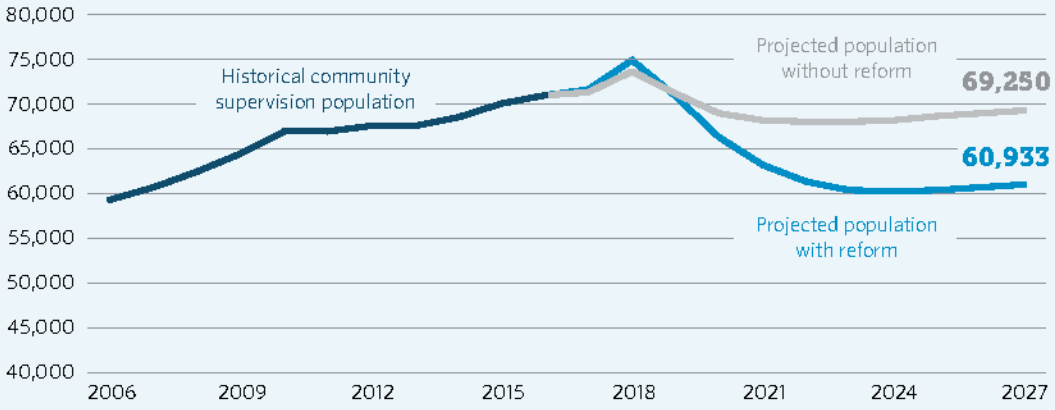
Because parolees and probationers are most likely to violate their conditions or commit new crimes during the first year of supervision, the public safety benefit of monitoring them after that time drops significantly.* Despite research that supports front loading resources during this early phase, average probation and parole terms in Louisiana stretched well beyond that high-risk period, contributing to a swelling supervision population and high caseloads: In 2016, the average officer supervised 139 individuals.† In addition, the state's court and corrections system lacked a consistent process for discharging those who had been successful.

By capping probation terms and adopting a system of earned compliance credits, Louisiana aimed to focus its limited resources on the highest-risk stage and reserve extended periods of supervision for those who fail to comply with their conditions. The Louisiana Department of Corrections and the Justice Reinvestment Task Force estimate that these statutory changes will reduce the community supervision population by 12 percent by 2027, dropping average caseloads to 119 cases per officer.

Figure 6

Louisiana Projects 12% Drop in Community Supervision Population

Estimated number of probationers and parolees 2017-27, with and without reform



* National Research Council, "Parole, Desistance From Crime, and Community Integration" (2007); Ryken Grattet, Joan Petersilia, and Jeffrey Lin, "Parole Violations and Revocations in California" (2008); The Pew Charitable Trusts, "Maximum Impact: Targeting Supervision on Higher-Risk People, Places, and Times" (2009).

† Louisiana Department of Corrections.

Source: Louisiana Justice Reinvestment Task Force

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> We shouldn't incarcerate people just because they're poor. Or just because they're addicted. Or just because they don't have a home. But we've done that for way too long."
>
> **Craig Webre,** sheriff, Lafourche Parish (op-ed, *The Times-Picayune*, April 23, 2017)

Eliminate barriers to re-entry

To smooth prisoners' re-entry into the community and the workforce and to promote their long-term success and financial stability, the law:

- **Tailors criminal justice fines and fees to a defendant's ability to pay.**
  - Requires courts to determine ability to pay fines, fees, and restitution before ordering and enforcing them in felony cases. If payment of the full amount would cause hardship, the court must waive the obligations or create a payment plan.
  - Matches monthly payments to each defendant's wage for an eight-hour workday, ensuring that the financial burden is adjusted according to the amount of money earned and requires that half of each payment go toward victim restitution when ordered rather than justice system operations.
- **Creates a debt forgiveness incentive to reward consistent payment.**
  - Forgives remaining debt for those who make regular monthly payments for 12 months or half the supervision term, whichever is longer.
- **Modifies penalties for failure to pay.**
  - Limits penalties such as incarceration and driver's license suspension to those cases in which a person was able but refused to pay fines and fees.
  - Prohibits a court from extending a probationary period for the purpose of collecting unpaid financial obligations, except for a single six-month extension for victim restitution, under certain circumstances.
- **Suspends child support during incarceration.**
  - Requires temporary suspension of child support orders for those incarcerated for 180 days or more in order to bolster inmates' long-term financial stability and help ensure consistent payment of child support over time. Payment orders resume after release.
- **Simplifies the application process for professional licenses.**
  - Eliminates waiting periods and provisional licensure for those with nonviolent and non-sex offense convictions who seek a professional license.
- **Lifts restrictions on public assistance programs.**
  - Eliminates constraints that had prevented people with drug convictions from getting public assistance through the Supplemental Nutrition Assistance and the Temporary Assistance for Needy Families programs.

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Reinvest prison savings to reduce recidivism, support victims

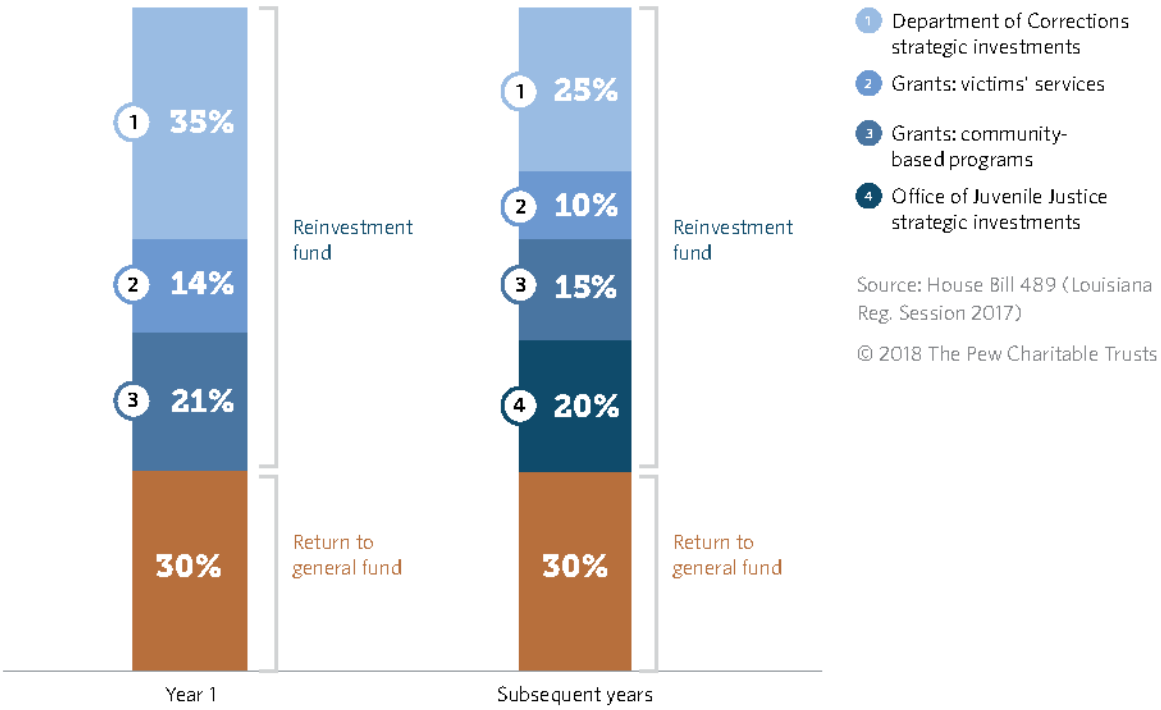
To reduce reoffending, provide services for crime victims, and save taxpayers money, the law:

- **Returns to the Louisiana general fund 30 percent of the annual savings arising from the reforms.**
  - Requires the Department of Corrections to calculate and report the annual surplus budgeted for housing state inmates as population and costs decline and treats 30 percent of that surplus as net savings to the state.
- **Reinvests 70 percent of the savings in recidivism reduction and victim support programs.**
  - Obliges the state to carry over 70 percent of the surplus to the following year's budget for programs and services, including:
    - Incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives.
    - Competitive grants for victims' services, treatment, and transitional housing as well as victim-focused training for justice system professionals.
    - Targeted investments in community supervision and recidivism reduction programming in prisons, jails, and work release facilities.
    - Juvenile justice initiatives and programs.

Figure 7

Corrections Savings Will Support Recidivism Reduction and Victim Programs

Expected distribution of reinvestment funds in first and subsequent years after reform



Source: House Bill 489 (Louisiana Reg. Session 2017)

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Flozell Daniels Jr., president and CEO of Foundation for Louisiana, speaks at a rally April 20, 2017.

Supporting organizations

Local organizations

- Baton Rouge Area Chamber
- Baptist Community Services
- Broussard Chamber of Commerce
- Chamber Southwest Louisiana
- Crowley Chamber of Commerce
- Foundation for Louisiana
- Greater New Orleans Inc.
- H.O.P.E. Foundation
- Jefferson Chamber of Commerce
- Louisiana Association of Business and Industry
- Louisiana Center for Children's Rights
- Louisiana Conference of Catholic Bishops
- Louisiana Department of Corrections
- Louisiana District Attorneys Association
- Louisiana District Judges' Association (supported nine of the 10 bills)
- Louisiana Family Forum
- Louisiana Interchurch Conference
- Louisiana State Bar Association
- Louisianans for Prison Alternatives
- New Orleans Chamber of Commerce
- One Acadiana
- The Pelican Institute
- Right on Crime, Louisiana
- Smart on Crime, Louisiana
- Vera Institute of Justice, New Orleans
- Voices of the Experienced

National organizations

- American Civil Liberties Union
- American Conservative Union Foundation
- Americans for Tax Reform
- Drug Policy Alliance
- Families Against Mandatory Minimums
- FWD.us
- Law Enforcement Leaders
- Prison Fellowship
- Right on Crime
- Southern Poverty Law Center
- U.S. Justice Action Network

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> I am not proud of our title as the most incarcerated state. But that's going to be part of our history rather than our future."
>
> **Gov. John Bel Edwards,** signing the justice reinvestment bills

Acknowledgments

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Endnotes

1 Unless otherwise noted, the Louisiana Justice Reinvestment Task Force's technical assistance staff analyzed all figures cited in this report using data from the Louisiana Department of Corrections and the U.S. Department of Justice, Bureau of Justice Statistics.

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15 State of Louisiana, "Louisiana Justice Reinvestment Task Force Report and Recommendations" (2017).

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For further information, please visit:
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A chartbook from THE PEW CHARITABLE TRUSTS | April 2017



The Effects of Changing Felony Theft Thresholds

More evidence that higher values have not led to increased property crime or larceny rates

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FL-SEN-20-0201-B, 20-0202-A-004658

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Overview

Since 2000, at least 37 states have raised their felony theft thresholds, or the value of stolen money or goods above which prosecutors may charge theft offenses as felonies, rather than misdemeanors.[1] Felony offenses typically carry a penalty of at least a year in state prison, while misdemeanors generally result in probation or less than a year in a locally run jail. Lawmakers have made these changes to prioritize costly prison space for more serious offenders and ensure that value-based penalties take inflation into account. A felony theft threshold of $1,000 established in 1985, for example, is equivalent to more than twice that much in 2015 dollars.[2]

Critics have warned that these higher cutoff points might embolden offenders and cause property crime, particularly larceny, to rise.[3] To determine whether their concerns have proved to be true, The Pew Charitable Trusts examined crime trends in the 30 states that raised their felony theft thresholds between 2000 and 2012, a period that allows analysis of each jurisdiction from three years before to three years after the policy change. Pew also compared trends in states that raised their thresholds during this period with those that did not.

This chartbook, which updates and reinforces an analysis published in 2016, illustrates three important conclusions:

- Raising the felony theft threshold has no impact on overall property crime or larceny rates.
- States that increased their thresholds reported roughly the same average decrease in crime as the 20 states that did not change their theft laws.
- The amount of a state's felony theft threshold—whether it is $500, $1,000, $2,000, or more—is not correlated with its property crime and larceny rates.

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FL-SEN-20-0201-B, 20-0202-A-004660

Figure 1

At Least 37 States Have Raised Felony Theft Thresholds Since 2000

Higher sums are designed to take inflation into account

Year of change	State	Previous threshold	Enacted threshold	Legislation
2001	Oklahoma	$50	$500	S.B. 397
2002	Missouri	$150	$500	H.B. 1888
2003	Alabama	$250	$500	H.B. 491
	Mississippi	$250	$500	H.B. 1121
2004	Kansas	$500	$1,000	H.B. 2271
	Wyoming	$500	$1,000	S.F. 66
2005	South Dakota	$500	$1,000	S.B. 43
2006	Arizona	$250	$1,000	H.B. 2581
	New Mexico	$250	$500	H.B. 80
	Vermont	$500	$900	S.B. 265
2007	Colorado	$500	$1,000	S.B. 260
	Minnesota	$500	$1,000	H.F. 829
2009	Connecticut	$1,000	$2,000	H.B. 6576
	Delaware	$1,000	$1,500	H.B. 113
	Kentucky	$300	$500	H.B. 369
	Louisiana	$300	$500	H.B. 555
	Maryland	$500	$1,000	H.B. 66
	Montana	$1,000	$1,500	S.B. 476
	Oregon	$750	$1,000	H.B. 2323
	Washington	$250	$750	S.B. 6167

Continued on the next page

Since 2000, at least 37 states have raised their felony theft thresholds, including nine that did so twice.[4] In terms of percentage, Oklahoma's tenfold increase, from $50 to $500 in 2001, was the largest in the nation.

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Year of change	State	Previous threshold	Enacted threshold	Legislation
2010	California	$400	$950	A.B. 2372
	Illinois	$300	$500	S.B. 3797
	New Hampshire	$500	$1,000	S.B. 205
	South Carolina	$1,000	$2,000	S.B. 1154
	Utah	$1,000	$1,500	S.B. 10
2011	Arkansas	$500	$1,000	S.B. 570
	Nevada	$250	$650	A.B. 142
	Ohio	$500	$1,000	H.B. 86
2012	Georgia	$500	$1,500	H.B. 1176
	Rhode Island	$500	$1,500	H.B. 7176A
2013	Colorado	$1,000	$2,000	H.B. 1160
	Indiana	any amount	$750	H.B. 1006
	North Dakota	$500	$1,000	S.B. 2251
2014	Alaska	$500	$750	S.B. 64
	Louisiana	$500	$750	H.B. 791
	Mississippi	$500	$1,000	H.B. 585
	Missouri	$500	$750	S.B. 491
2015	Alabama	$500	$1,500	S.B. 67
	Nebraska	$500	$1,500	L.B. 605
	Texas	$1,500	$2,500	H.B. 1396

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Year of change	State	Previous threshold	Enacted threshold	Legislation
2016	Alaska	$750	$1,000	S.B. 91
	Hawaii	$300	$750	H.B. 2561
	Kansas	$1,000	$1,500	H.B. 2462
	Maryland	$1,000	$1,500	S.B. 1005
	Oklahoma	$500	$1,000	H.B. 2751
	Tennessee	$500	$1,000	H.B. 2576

Note: The District of Columbia raised its felony theft threshold in 2010 but is not included in this report because its crime data are not directly comparable with state crime statistics.

Source: Pew's analysis of legislative information from the National Conference of State Legislatures

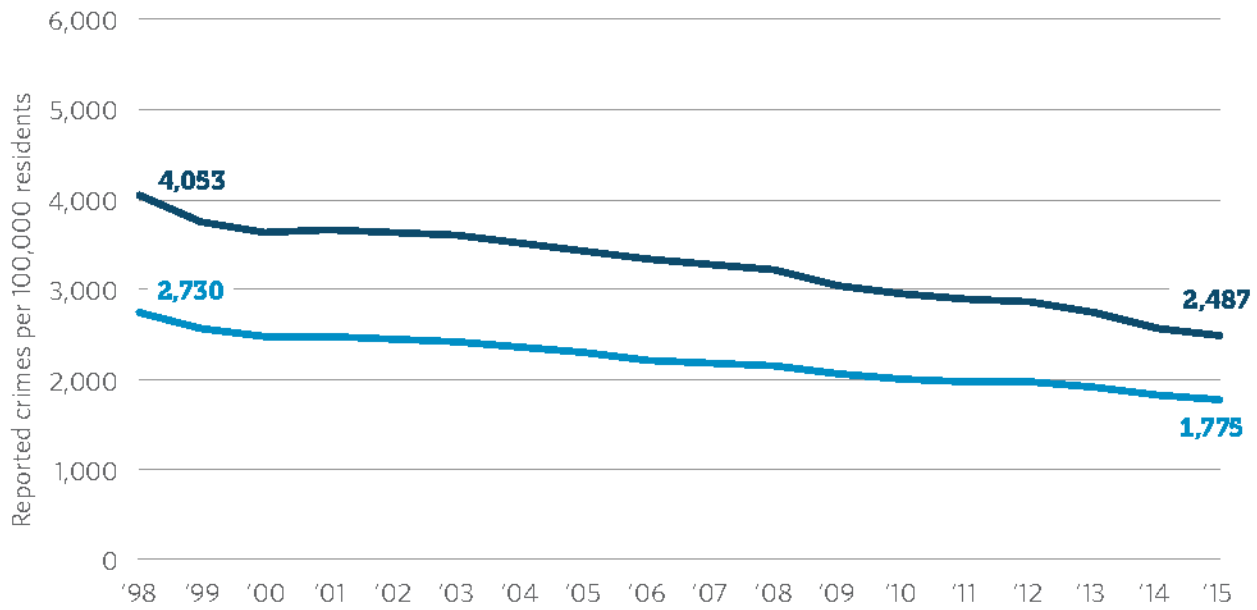
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Figure 2

U.S. Property Crime and Larceny Rates Have Fallen by More Than a Third

Improved policing and anticrime technology cited among reasons for decline



Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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Changes in state felony theft thresholds have not interrupted the long nationwide decline in property crime and larceny rates that began in the early 1990s. The U.S. property crime rate fell 39 percent from 1998—three years before Oklahoma enacted the first of the state threshold hikes included in this analysis—to 2015, the most recent year for which data are available.[5] The U.S. larceny rate fell 35 percent during that span.[6]

Experts attribute the nation's sustained drop in violent and property crime rates to a host of factors, including better policing; the increased incarceration of certain repeat offenders; an expansion in private security personnel; an aging population that is less prone to criminal behavior; and technological advances, such as the widespread use of surveillance cameras, car- and home-alarm systems, and digital transactions that have reduced the need for cash.[7]

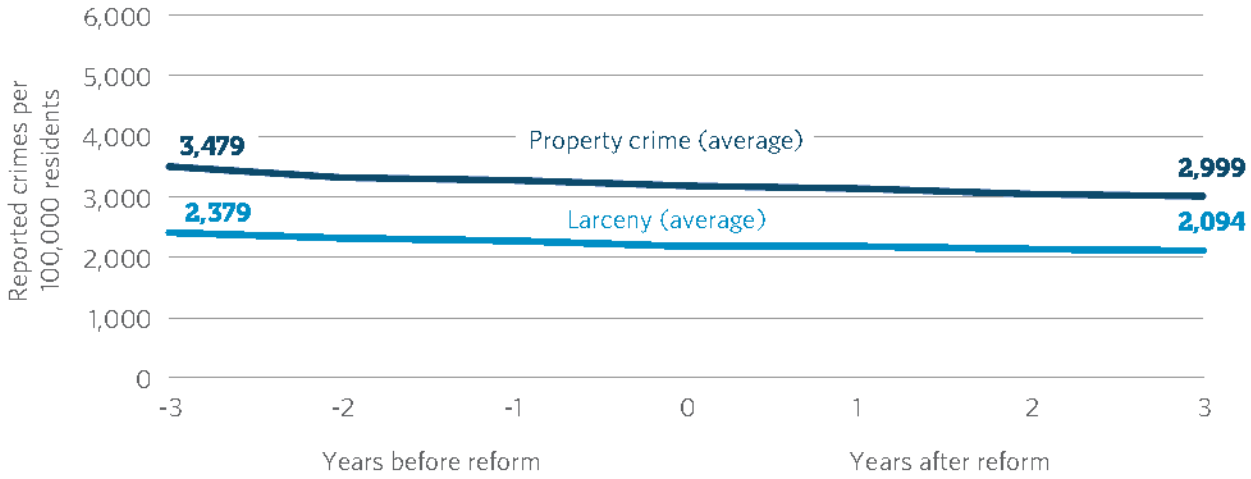
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Figure 3

Increases in Felony Theft Thresholds Had No Effect on Property Crime, Larceny Rates

Crime decline continued in states that raised monetary limits between 2000 and 2012



Notes: Pew used a panel fixed-effects approach to determine whether increases in state felony theft thresholds had an effect on property crime and larceny rates. The analysis found no statistically significant relationship using the standard threshold of 0.05. See the methodological notes for more information about this analysis.

Source: Pew's analysis of data from the Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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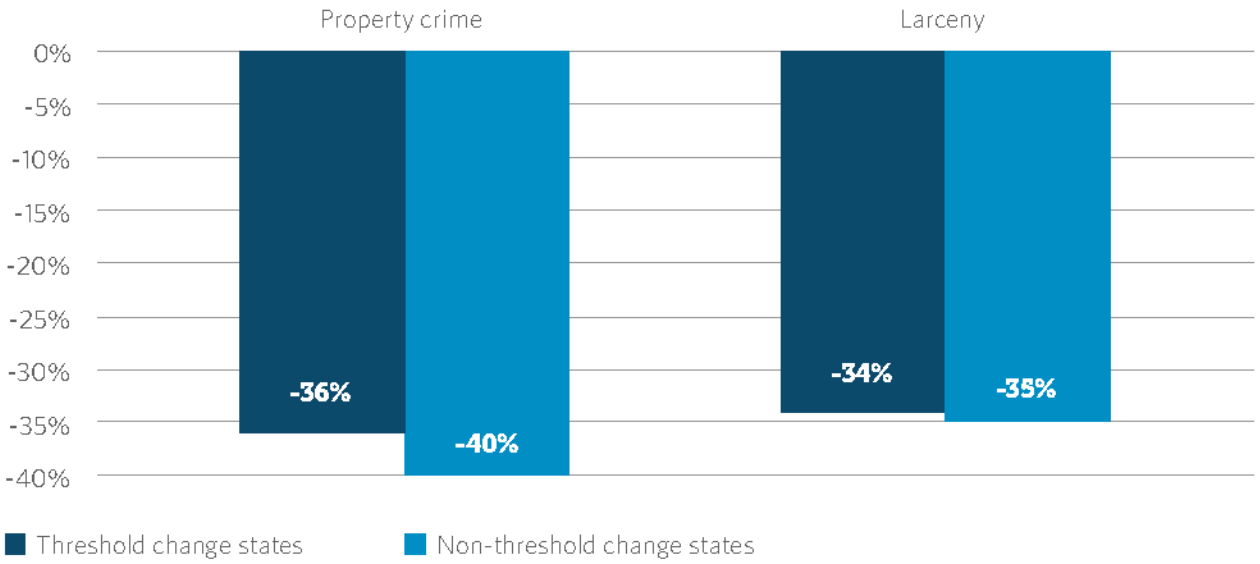
Because property crime and larceny rates have been on a downward trajectory nationwide, it is important to evaluate whether the same trend can be observed in states that have raised their felony theft thresholds. Average property crime and larceny rates continued to fall in the states that raised their thresholds between 2000 and 2012.

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Figure 4

States That Raised Felony Theft Thresholds Between 2000 and 2012 Had Crime Declines Similar to Those That Did Not

All states reported sharp decreases in property crime, larceny rates



Notes: Pew evaluated data from 1998 to 2015 to allow for a sufficient before-and-after analysis of all state threshold changes between 2000 and 2012. Pew used a panel random-effects approach to measure changes in property crime and larceny rates and compare states that raised their felony theft thresholds with those that did not. The analysis found no statistically significant relationship between the two groups of states using the standard threshold of 0.05. See the methodological notes for more information about this analysis.

Source: Pew's analysis of data from the Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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When comparing the 30 states that raised their felony theft thresholds between 2000 and 2012 with the 20 that did not, property crime and larceny rates fell slightly more in the latter group, although the differences were not statistically significant.

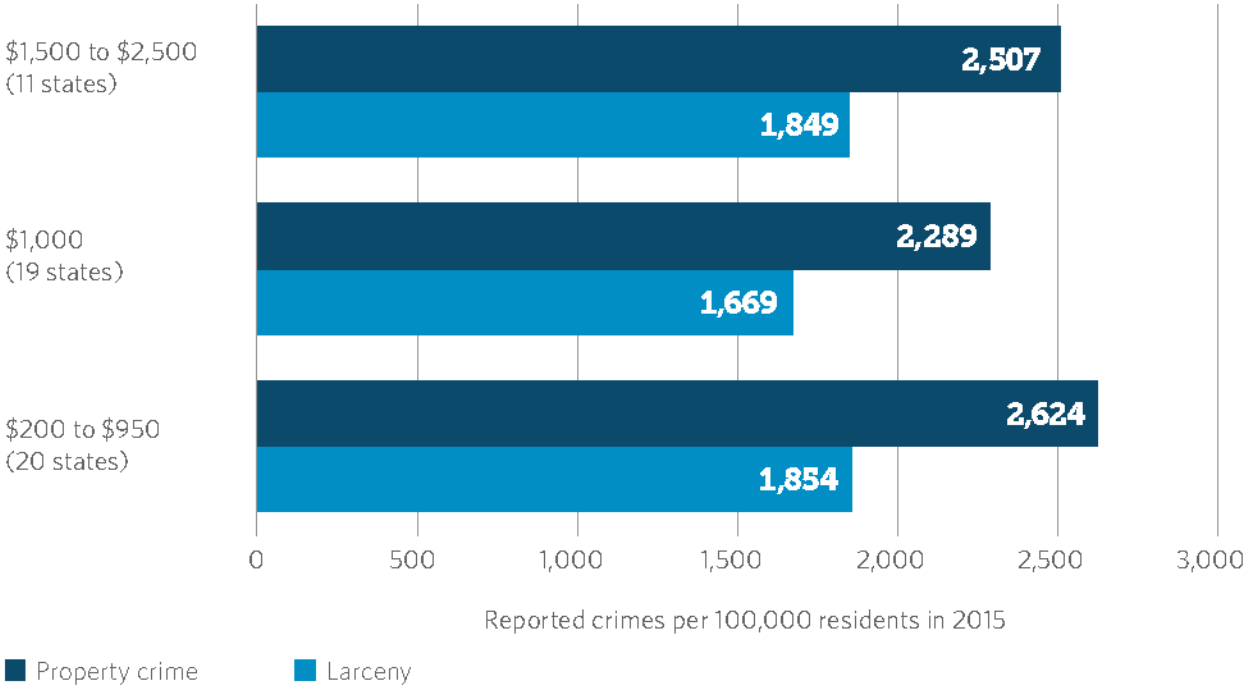
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Figure 5

Felony Theft Values Are Unrelated to Property Crime and Larceny Rates

States report similar crime rates regardless of thresholds



The value of states' felony theft thresholds—whether set at $500, $1,000, or $2,000—is not correlated with property crime and larceny rates. Florida, for example, treats theft as a felony if the value of stolen money or goods exceeds $300, but its property crime and larceny rates are considerably higher than those in Pennsylvania, where the threshold is $2,000.

Notes: Pew conducted a linear correlation test to determine whether property crime and larceny rates in 2015 were higher in states with higher felony theft thresholds. The analysis included no control variables and found no statistically significant correlation using the standard threshold of 0.05.

Source: Pew's analysis of data from the Federal Bureau of Investigation, *Crime in the United States*, 2015

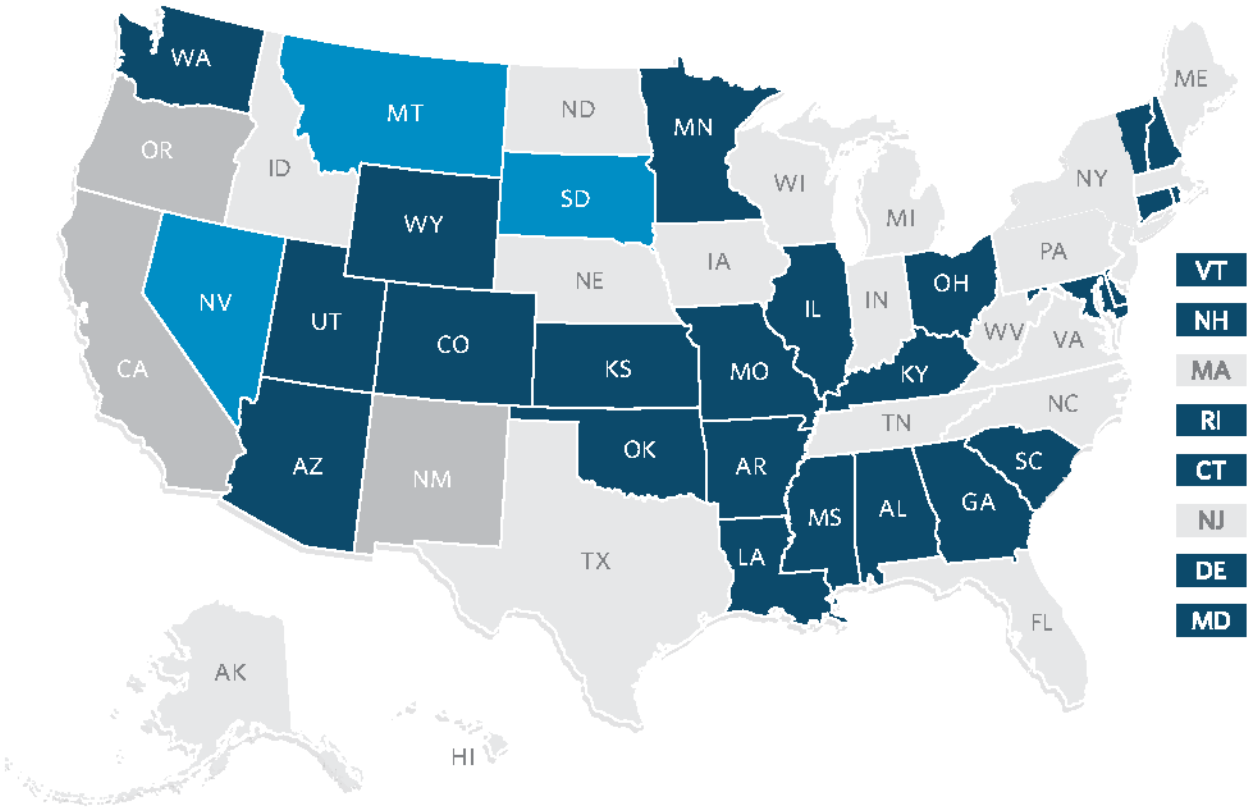
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Map 1

Property Crime and Larceny Rates Fell in 24 of 30 States That Raised Their Felony Thresholds Between 2000 and 2012

Six states had increases in one or both rates



No threshold change
Decreases in property crime and larceny rates (24 states)
Increases in property crime and larceny rates (MT, NV, SD)
Decrease in property crime rate, increase in larceny rate (CA, NM, OR)

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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An examination of long-term trends in property crime and larceny rates shows year-over-year fluctuations within many of the 30 states that raised their felony theft thresholds between 2000 and 2012. Nevertheless, for all but six of the 30 states—California, Montana, Nevada, New Mexico, Oregon, and South Dakota—property crime and larceny rates were lower in 2015 than in the year in which each state raised its threshold.[8]

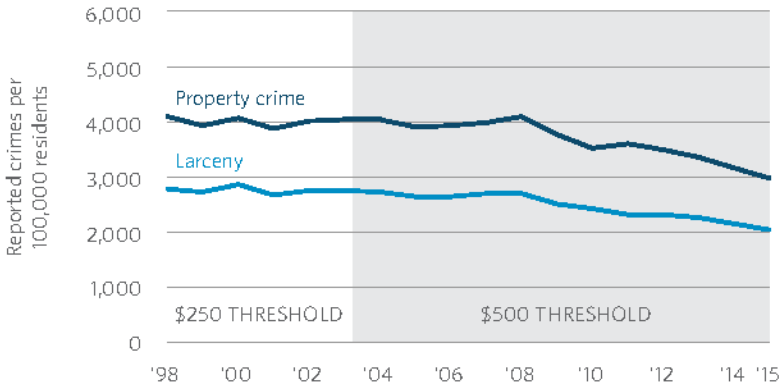
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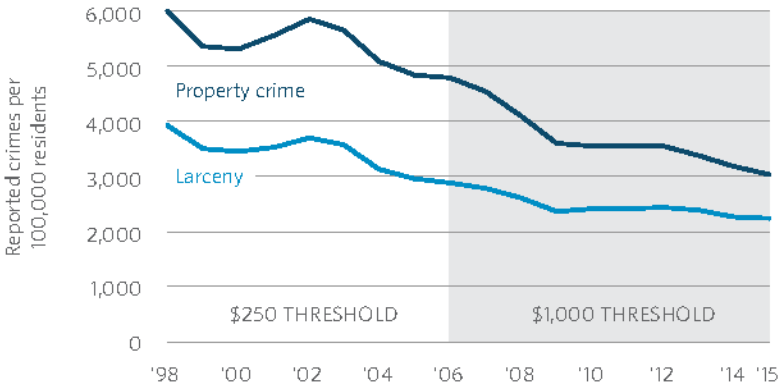
Figures 6A-D

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

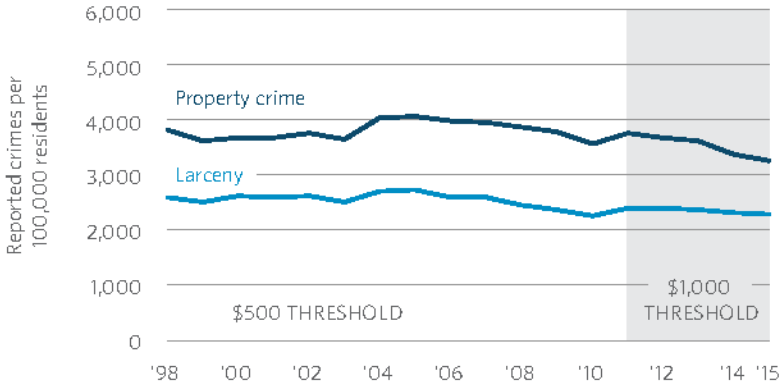
6A – Alabama



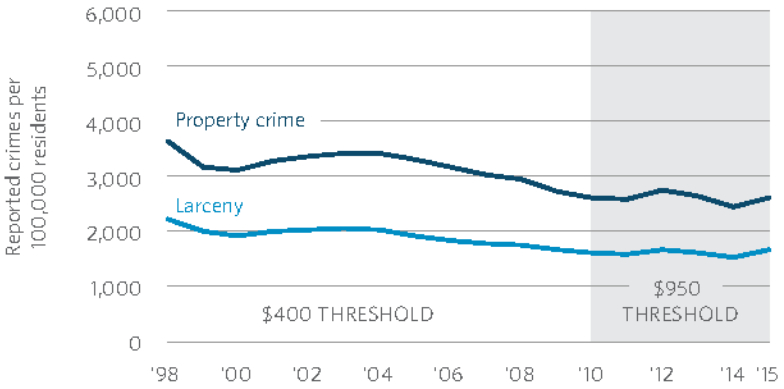
6B – Arizona



6C – Arkansas



6D – California



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state. Alabama's felony theft threshold also increased in 2015 from $500 to $1,500.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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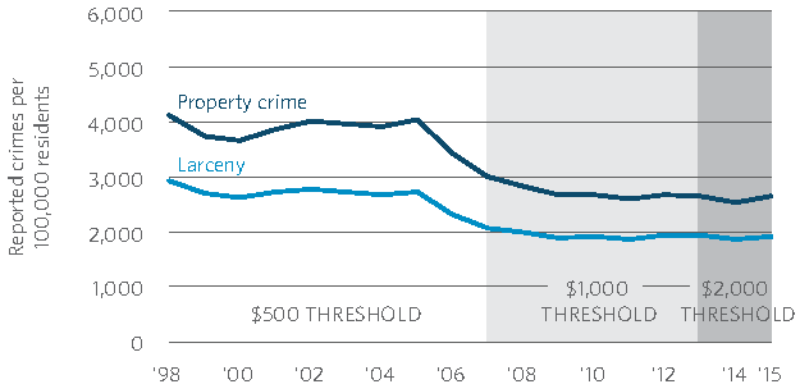
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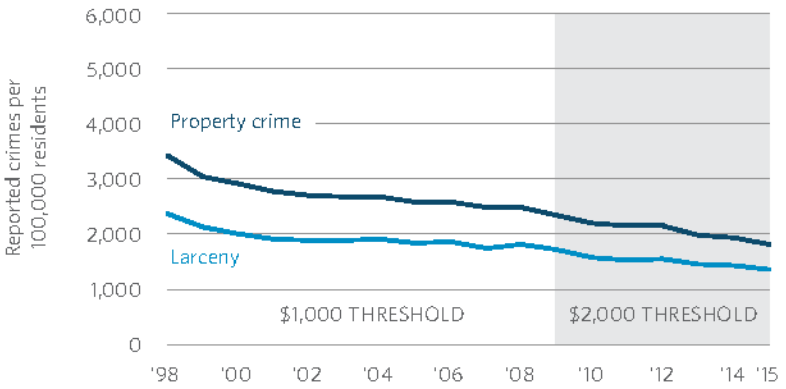
Figures 6E-H

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

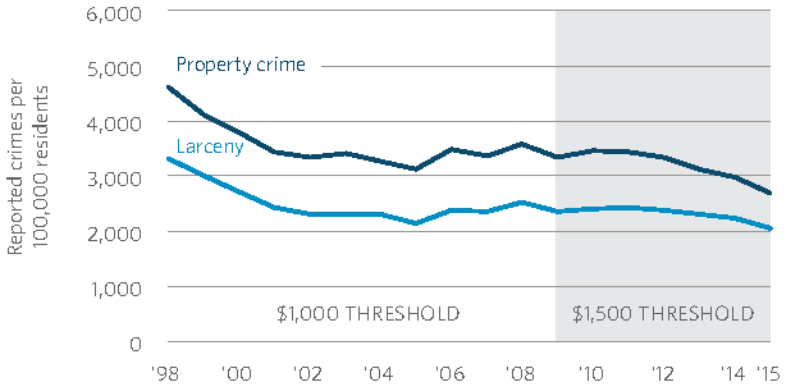
6E – Colorado



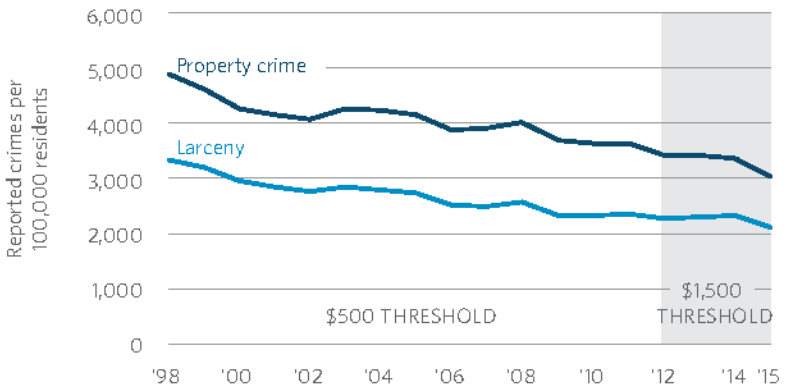
6F – Connecticut



6G – Delaware



6H – Georgia



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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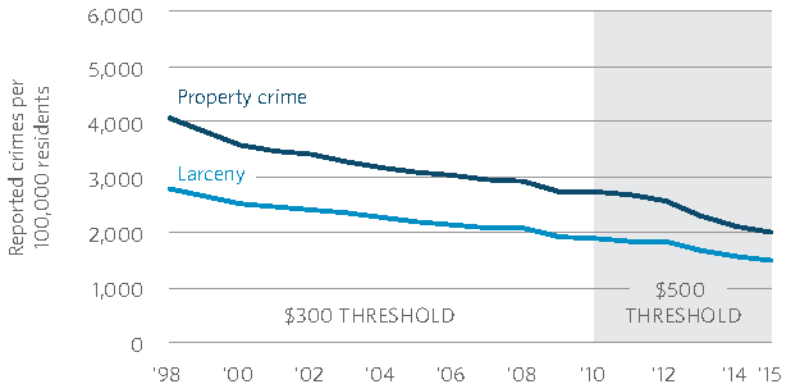
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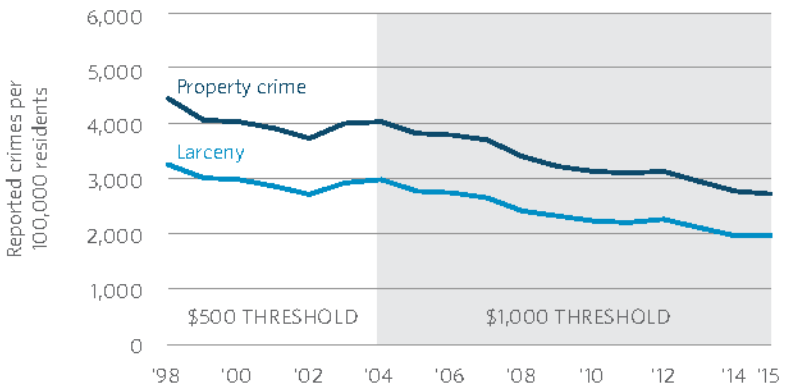
Figures 6I-L

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

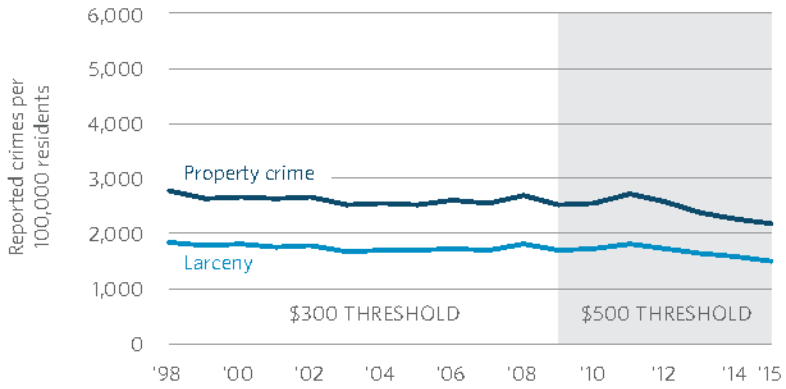
6I – Illinois



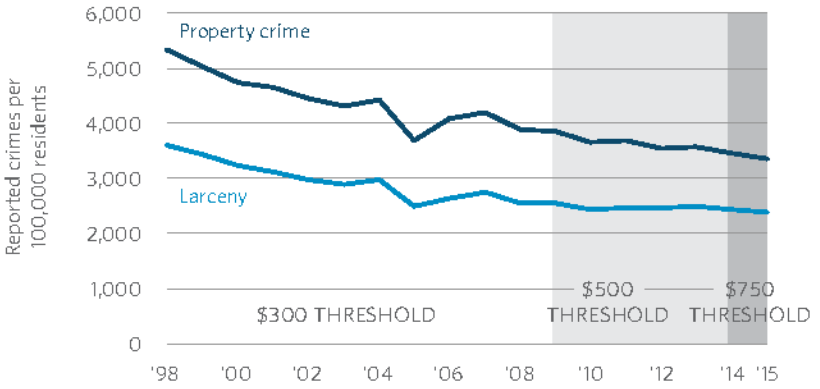
6J – Kansas



6K – Kentucky



6L – Louisiana



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state. Kansas' felony theft threshold also increased in 2016 from $1,000 to $1,500.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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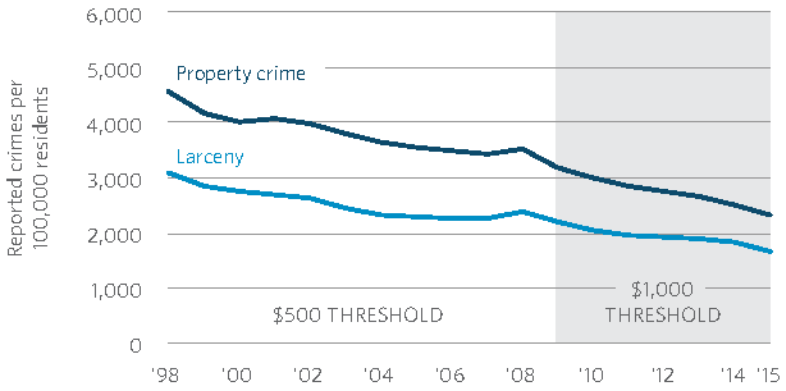
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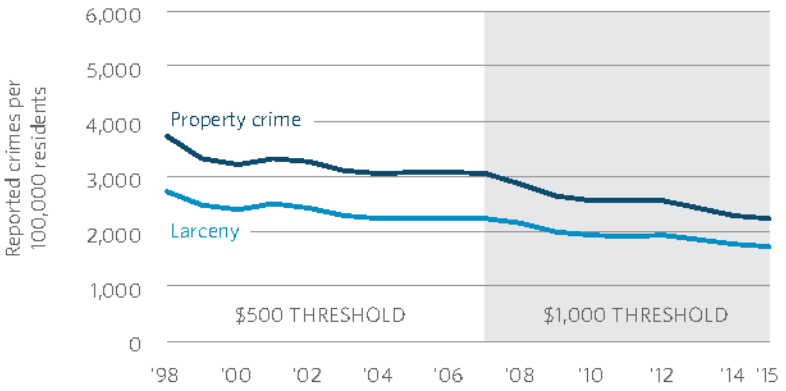
Figures 6M-P

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

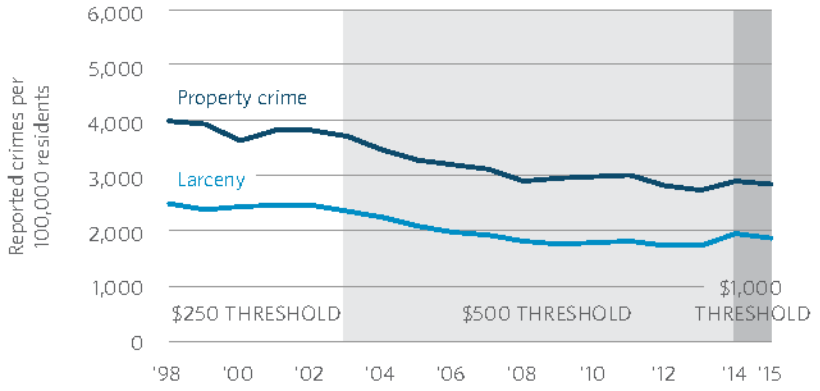
6M – Maryland



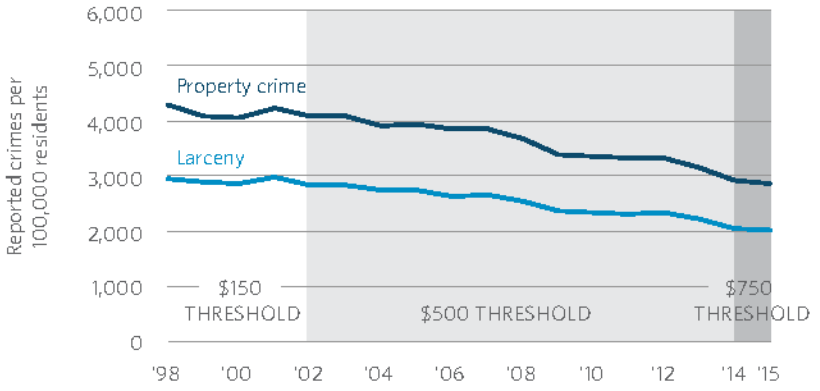
6N – Minnesota



6O – Mississippi



6P - Missouri



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state. Maryland's felony theft threshold also increased in 2016 from $1,000 to $1,500.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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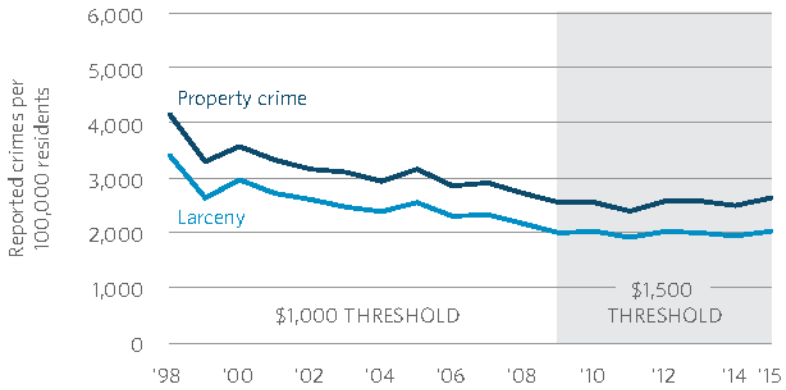
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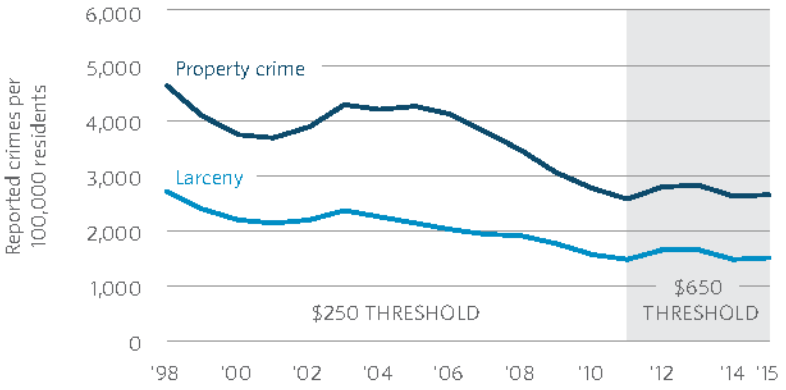
Figures 6Q-T

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

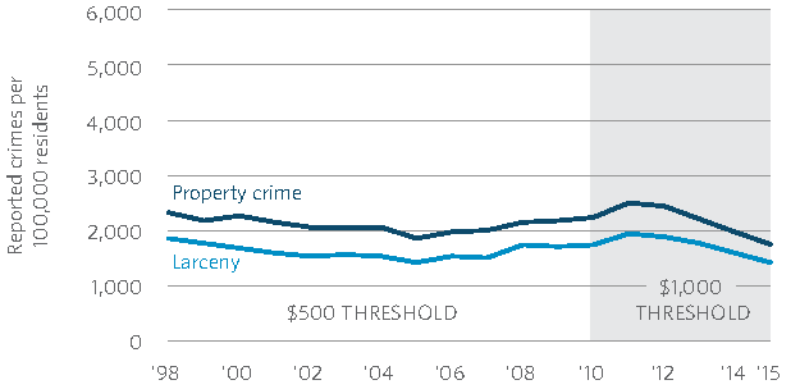
6Q – Montana



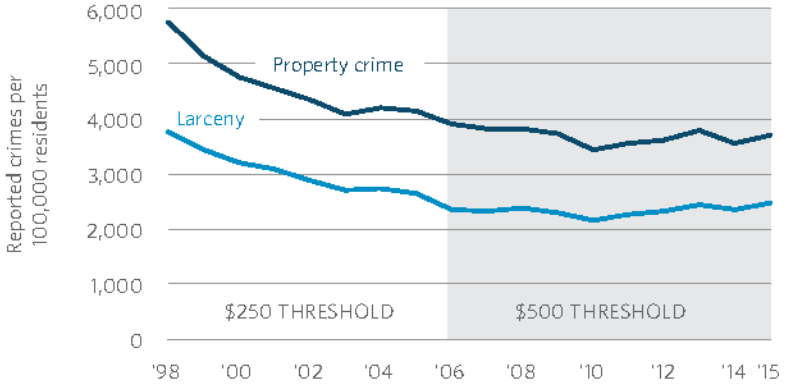
6R – Nevada



6S – New Hampshire



6T – New Mexico



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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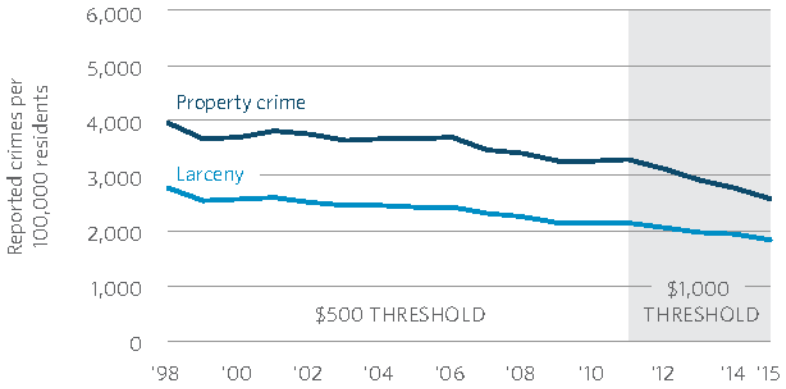
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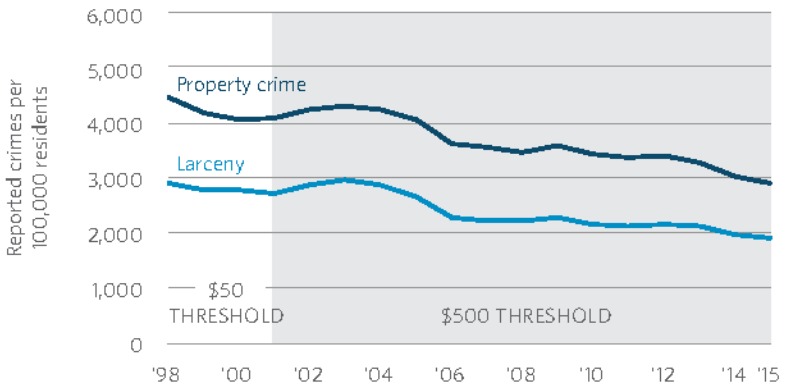
Figures 6U-X

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

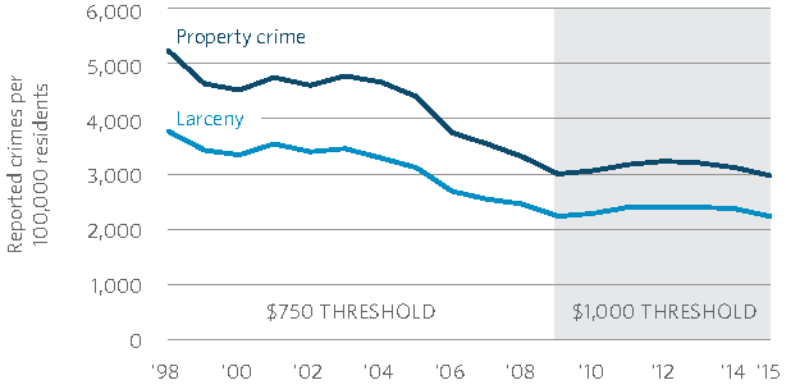
6U - Ohio



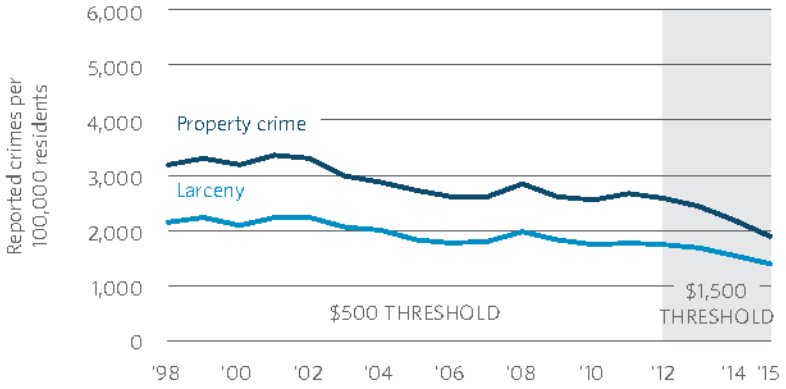
6V - Oklahoma



6W - Oregon



6X - Rhode Island



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state. Oklahoma's felony theft threshold also increased in 2016 from $500 to $1,000.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

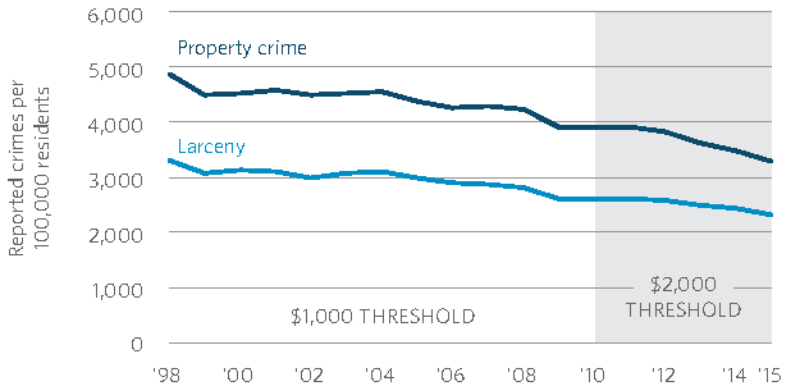
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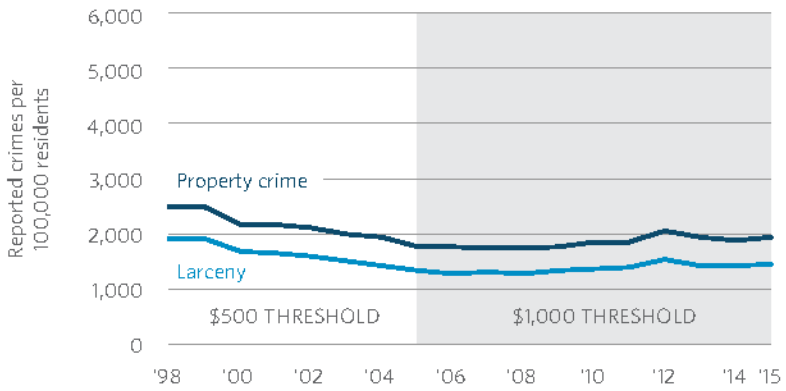
Figures 6Y-BB

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

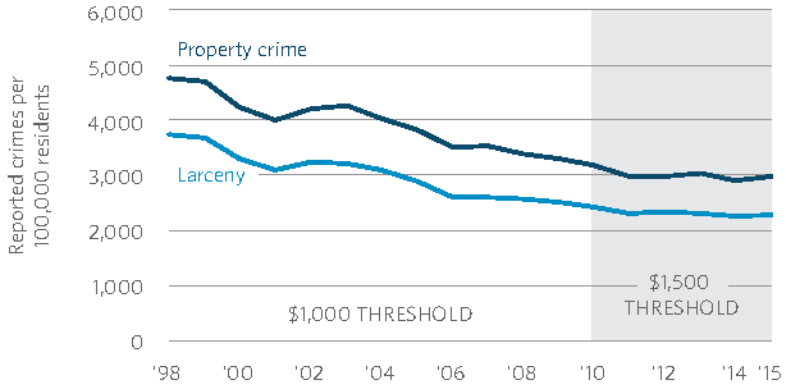
6Y – South Carolina



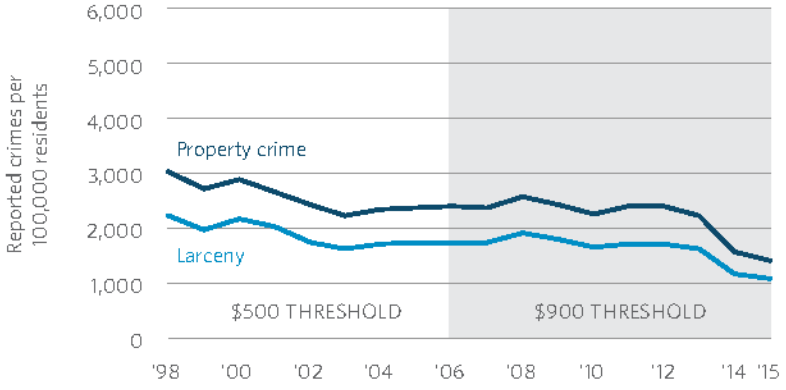
6Z - South Dakota



6AA – Utah



6BB – Vermont



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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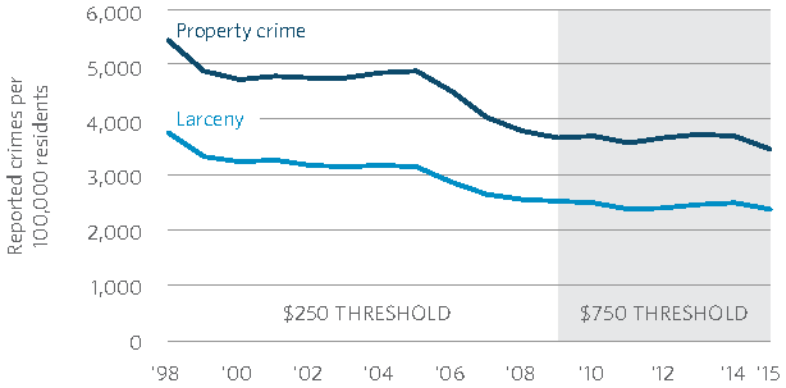
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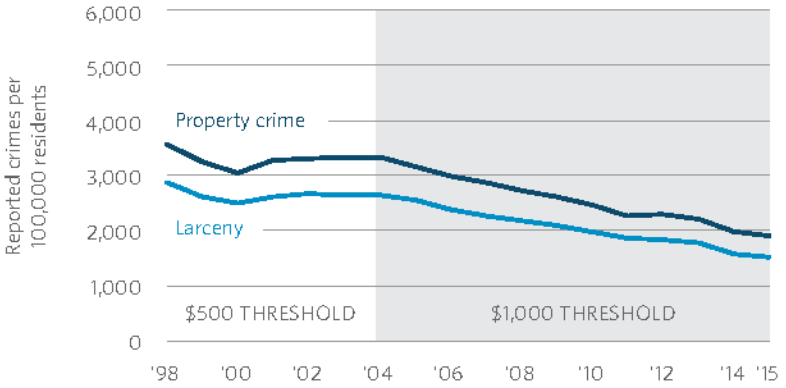
Figures 6CC-DD

Trends in Property Crime and Larceny Rates in the 30 States That Raised Felony Theft Thresholds Between 2000 and 2012

6CC – Washington



6DD – Wyoming



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2015

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Methodological notes

The statistical models for Figures 3 and 4 isolated the impact of threshold changes on property crime and larceny rates in each state in the year after the policy change and controlled for annual demographic, employment, and income information. The strength of this strategy is that only variables that change over time within each state must be controlled. Demographic data are drawn from the U.S. Census Bureau, and unemployment and income data are derived from the U.S. Bureau of Labor Statistics. State property crime and larceny rates are published by the FBI and are per 100,000 residents. The natural log of property crime and larceny rates was used in the model to account for general declines in rates over time.

Endnotes

1 Pew analysis of legislative information from the National Conference of State Legislatures. The District of Columbia raised its felony theft threshold in 2010 but is not included in this analysis because its crime data are not directly comparable with state crime statistics.

2 Bureau of Labor Statistics, Consumer Price Index Inflation Calculator, http://data.bls.gov/cgi-bin/cpicalc.pl.

3 Property crime includes the offenses of burglary, larceny-theft, motor vehicle theft, and arson. Larceny-theft includes offenses such as shoplifting and bicycle theft but does not include offenses such as embezzlement, forgery, and fraud. Definitions are set nationally by the Federal Bureau of Investigation and are not affected by individual states' crime definitions or penalty levels.

4 Pew analysis of legislative information from the National Conference of State Legislatures.

5 Federal Bureau of Investigation, Uniform Crime Reporting data tool, http://www.ucrdatatool.gov; and Federal Bureau of Investigation, "Crime in the U.S., 2015," https://ucr.fbi.gov/crime-in-the-u.s/2015.

6 Ibid.

7 The Pew Charitable Trusts, "Weighing Imprisonment and Crime" (February 2015), http://www.pewtrusts.org/~/media/assets/2015/02/pspp_qa_experts_brief.pdf.

8 Property crime and larceny rates were higher in Montana, Nevada, and South Dakota. The larceny rate was higher in California, New Mexico, and Oregon.

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For further information, please visit:

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JUNE 2010

THE PEW CENTER ON THE STATES

South Carolina's Public Safety Reform

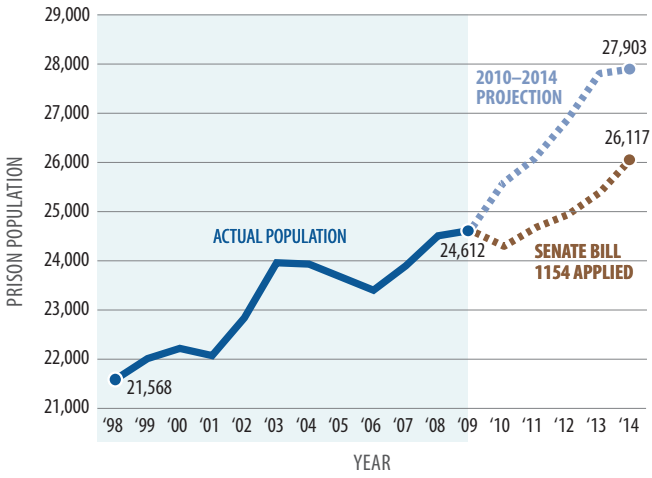
Legislation Enacts Research-based Strategies to Cut Prison Growth and Costs

In 2010, South Carolina enacted a comprehensive package of sentencing and corrections legislation that puts the state at the forefront of states advancing research-driven criminal justice policies designed to produce a greater public safety return on corrections spending.

The Omnibus Crime Reduction and Sentencing Reform Act of 2010 (S. 1154)—the result of more than a year of work by the South Carolina Sentencing Reform Commission—passed

PROJECTED IMPACT

S. 1154 reduces the need to build and operate new prison beds during the next five years by 1,786, saving the state a projected total of $241 million during the next five years.



SOURCE: South Carolina Department of Corrections (historical data); Applied Research Services, Inc. (projections).

HIGHLIGHTS

- **Population.** South Carolina's correctional population nearly tripled during the past 25 years and was projected to grow by more than 3,200 inmates by 2014.
- **Costs.** Since 1983, state spending on prisons increased by more than 500 percent to $394 million. Meanwhile, recidivism rates actually increased in recent years.
- **Drivers.** Data collected and analyzed found high rates of repeat offenders, high rates of incarceration for non-violent offenders and over-extended judicial caseloads.
- **Reforms.** With intensive technical assistance from the Pew Center on the States, the Sentencing Reform Commission developed a set of reforms leading to the Omnibus Crime Reduction and Sentencing Reform Act of 2010. The Act, which makes common sense sentencing reforms, improves parole release decision-making, strengthens supervision for offenders on probation and parole and provides ongoing oversight of sentencing and corrections reform in the state.
- **Impact.** The legislation, S. 1154, is designed to protect public safety, hold offenders accountable and control the growth of corrections costs. The law is projected to save the state up to $175 million in construction costs and avoid more than $66 million in operating costs during the next five years.

In this Brief:
p.2 Public Safety and Public Spending in South Carolina
p.4 Building Consensus
p.6 Comprehensive Legislation Seeks Less Crime at Lower Cost

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unanimously in the state Senate and passed the state House 97-4 before being signed into law by the governor.

The Commission's mandate was to make South Carolina safer, reduce recidivism and the revolving door of prison, use tax dollars more effectively and ensure that prison space is available for violent offenders who need to be there.

> "By using corrections dollars more efficiently—making them work harder—we ensure violent criminals remain locked up, reduce the likelihood that low-level offenders will commit new crimes and free up resources for law enforcement efforts that prevent crime in the first place."
>
> —State Senator Gerald Malloy (D), chair, South Carolina Sentencing Reform Commission, February 28, 2010

The bipartisan, inter-branch Commission produced a set of reforms that increase penalties for certain violent crimes and ensure fairness and certainty in sentencing. The reforms also require supervision for offenders leaving prison; focus corrections resources on high-risk offenders; provide greater accountability for non-violent, lower-level offenders; require greater accountability from state agencies; and provide ongoing data-driven oversight of sentencing and corrections reform in the state.

The 2010 legislation, which enacts these reforms, is projected to slow the growth of the state's prison population substantially during the next five years. Forecast models estimate the reforms will reduce the need to build and operate new prison space by 1,786 inmates,[1] saving the state up to $175 million in construction costs and avoiding more than $66 million in operating costs during the next five years.[2] Because the effects of some of the provisions will not be felt for several years, the bill will have an even larger impact on reducing the number of prison beds needed and will achieve even more cost savings after 2014.

The legislation also strengthens community corrections options to reduce recidivism and increase public safety. By improving the use of evidence-based programs, requiring the use of a risk and needs assessment tool and improving supervision for all offenders, this legislation will aid the state in reducing the number of parolees and probationers committing technical violations and new crime, thereby slowing the revolving door of prisons.

South Carolina is a leading example of what can happen when policy makers take a data-driven approach to difficult policy issues and then work together in a bipartisan fashion across the three branches of government to find solutions.

Public Safety and Public Spending in South Carolina

South Carolina's correctional population nearly tripled during the past 25 years, reaching 24,612 in 2009.[3] The correctional population growth has resulted in significant financial cost

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to state taxpayers. Since 1983, state spending on prisons increased by more than 500 percent to $394 million.[4]

Despite these increases, South Carolina's crime rate remained high. According to the FBI's Uniform Crime Report, South Carolina was the state with the highest violent crime rate in the country in 2008, a distinction held for seven years (2002–2008).[5] In addition, the recidivism rate actually increased. Of the inmates released in fiscal year (FY) 1999, 27.6 percent were returned to prison within three years; of those released in FY 2003, 32.7 percent were returned to prison within three years.[6]

If the state did not take action, the prison population in South Carolina was projected to grow by more than 3,200 inmates by 2014.[7] Such an increase could have added $141 million to the Department of Corrections' operating costs during the next five years, plus another $317 million for the construction of new prison space.[8]

The data collected and analyzed by Pew during the past year demonstrated the problems confronting South Carolina: high rates of repeat offenders, high rates of incarceration for non-violent offenders, growing correctional populations and over-extended judicial caseloads. The analysis found several key factors driving the state's prison growth:

1 Sentencing policies in recent years led to a significant number of offenders entering South Carolina prisons who were committed for low-level offenses for short periods of time. Admissions to prison had increased 26 percent since 2000,[9] and a significant portion of the increase was for less serious offenses with short sentences. In fact, 44 percent of new prison admissions in 2009 had a sentence of fewer than 18 months.[10]

> "About half of South Carolina's prison population is being held for nonviolent offenses… Such low-level violations, as well as certain nonviolent drug-related crimes, can be punished in other ways that aren't as expensive as prison. We build prisons for people we're afraid of. Yet South Carolina has filled them with people we're just mad at."
>
> —Newt Gingrich, former speaker of the U.S. House of Representatives, and Pat Nolan, vice president of Prison Fellowship, May 3, 2010

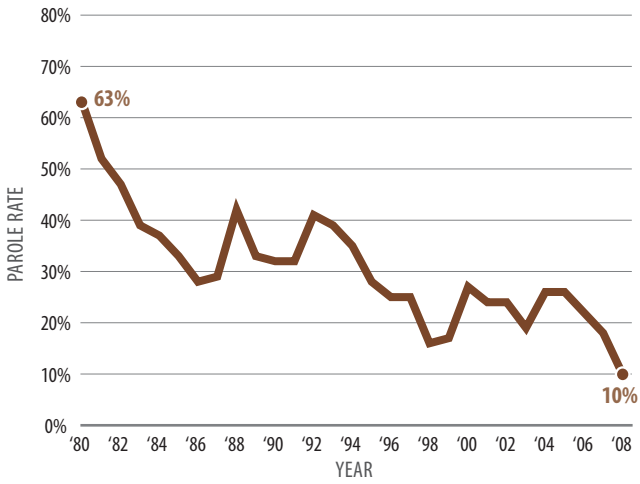
2 The number of offenders in prison for non-violent offenses, mostly drug and property crimes, increased significantly, largely as a result of sentencing practices. Of South Carolina's prison population, 49 percent (approximately 12,000 inmates) were being held for non-violent offenses.[11] The percentage of offenders incarcerated for drug-related offenses had more than tripled. In 1980, state prisons held 473 inmates convicted of drug-related offenses, six percent of the total prison population. In 2009, that number had increased to 4,682 inmates or 20 percent of the prison population.[12]

3 Increasing numbers of South Carolina offenders on parole and probation were being sent back to prison for breaking the rules of their release, not for committing new crimes. In FY 2009, the Department of Probation, Parole and Pardon Services revoked 3,205 offenders and sent them back to prison, accounting for 24 percent of all prison admissions. Of those offenders 66 percent (more than 2,100) were sent back to prison for non-criminal (technical) violations, such as failure to show up at the probation office, or for alcohol and drug use.[13]

4 The South Carolina Board of Paroles and Pardons (the parole board) substantially cut the rate at which it releases inmates who are eligible for parole. In 2008, the Parole Board rejected 5,358 parole applications and approved 564, or 10 percent of all hearings. In 2000, the Parole Board approved 27 percent of all applications, releasing 1,714 offenders; but in 1980, the Parole Board approved 63 percent of all applications.[14] In addition, a greater number of inmates, including higher-risk offenders, were being released at the end of their sentences and walking out the prison door with no supervision or accountability and no connection to the services or support that would reduce the chances they would return to crime or drug use.

PAROLE GRANT RATES

South Carolina's parole board has substantially cut the rate at which it releases inmates who are eligible for parole, from 63 percent in 1980 to 10 percent in 2008.



SOURCE: Data from the Statistical Analysis Center, South Carolina Department of Public Safety.

Building Consensus

In 2008, the South Carolina legislature established the Sentencing Reform Commission, which included three state senators, three state representatives, three members of the Judiciary and the director of the Department of Corrections. The legislature tasked the commission with reviewing and recommending:

1. Appropriate changes to existing felony sentences;
2. Maintaining, amending or abolishing the current parole system; and
3. Alternatives to incarceration for low-level offenders.

In February 2009, the Commission requested technical assistance from the Public Safety Performance Project of the Pew Center on the States. Pew, along with its partners, the Crime and Justice Institute and Applied Research Services, Inc., assisted the Commission in analyzing South Carolina's sentencing and corrections trends and in generating policy options to protect public safety, hold offenders accountable and control the growth of corrections costs.

Working with Pew and its partners, the Commission analyzed the state's sentencing

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and corrections trends to ensure that the recommendations and subsequent legislation would be based on data and research. Pew obtained data from the Department of Corrections; the Department of Probation, Parole and Pardon Services (PPP); the South Carolina Court Administration; the South Carolina Law Enforcement Division (SLED); and the Statistical Analysis Center (SAC), and merged the data into a common database for analysis. Pew and its partners analyzed the key drivers of prison growth and costs, the increase in the number of offenders on probation and parole, and the population and fiscal impact of various policy options.

> "This approach is soft on the taxpayer and smart on crime. It is soft on the taxpayer because it will reduce the need to build more prisons. It is smart on crime because community-based alternatives such as restitution and drug courts entail more accountability and have been proven to reduce recidivism."
>
> —State Senator George E. "Chip" Campsen III (R), member of the South Carolina Sentencing Reform Commission, April 21, 2010

For nearly a year, the Commission held more than 14 hearings and numerous workgroup meetings to analyze the data and research and to reach consensus on recommendations. Throughout the process, the Commission received input from stakeholders including prosecutors, crime victims, law enforcement, the defense bar and other key members of the criminal justice community.

In February 2010, the Commission submitted its final report to the legislature with 24 specific recommendations. To implement these recommendations, the Commission drafted and introduced legislation—the Omnibus Crime Reduction and Sentencing Reform Act of 2010 (S. 1154). A total of 26 senators co-sponsored the legislation.

SOUTH CAROLINA SENTENCING REFORM COMMISSION MEMBERS

Senate Appointees

Senator Gerald Malloy, *chair*
Senator John M. "Jake" Knotts Jr.
Senator George E. "Chip" Campsen III

House of Representatives Appointees

Representative G. Murrell Smith Jr., *vice-chair*
Representative Douglas Jennings Jr.
Representative R. Keith Kelly

Judiciary Appointees

Justice Donald W. Beatty
Judge Aphrodite K. Konduros
Judge William P. Keesley

Governor's Appointee

Jon Ozmint, *director, South Carolina Department of Corrections*

Comprehensive Legislation Seeks Less Crime at Lower Cost

The Omnibus Crime Reduction and Sentencing Reform Act of 2010 (S. 1154) makes common sense sentencing reforms, improves parole release decision-making, strengthens supervision for offenders on probation and parole, and provides ongoing oversight of sentencing and corrections reform in the state. Overall, it will ensure that there is more prison space for the state's violent and career criminals while helping stop the revolving door for lower-risk, non-violent offenders.

LESS CRIME, LOWER COST

1	Adopting common sense sentencing reforms
2	Improving release policies
3	Strengthening parole and probation
4	Establishing ongoing oversight

1. ADOPTING COMMON SENSE SENTENCING REFORMS

The legislation increases penalties for certain violent crimes, ensures fairness and certainty in sentencing and provides justice for victims. Specifically, the Act:

- Adds 24 crimes to the "violent crime" list that were not classified as "violent" offenses, even though many resulted in a victim's death.
- Restructures or revises specific violent and property offenses, including:
  - Creating an "attempted murder" offense, with a penalty of up to 30 years, which previously was not included in South Carolina's criminal code.
  - Providing that a person convicted of a "most serious offense" shall be sentenced to life without parole if the person had two or more prior convictions of a "serious offense."
  - Reducing the maximum penalty for burglary in the 2nd degree, non-violent (i.e., burglary of commercial buildings during the daytime) from 15 years to 10 years, and making these offenders eligible for parole.
  - Increasing the property value threshold from $1,000 to $2,000 for all felony property crimes, making all property crimes below $2,000 misdemeanors.
  - Increasing penalties when a habitual motor vehicle offender driving with a suspended license causes an accident that results in great bodily injury or death.
  - Establishing a consolidated assault and battery statute, with graduated penalties for more serious conduct or harm; also eliminating provisions related to assault and battery against special classes of individuals (e.g., sports officials, EMS providers), which are now covered by the consolidated statute.
- Restructures controlled substance offenses, including:
  - Providing that persons convicted for a first or second drug offense, other than trafficking offenses, are eligible for probation or a suspended sentence, parole, work release, good conduct and other credits; and that persons convicted of a third or subsequent drug offense, other than trafficking offenses, be eligible for probation, suspension, parole and credits in limited circumstances. Drug

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trafficking remains a violent offense with no probation or parole allowed.

- Equalizing penalties for drug offenses to erase the disparity for crack and powder cocaine possession.

> "[T]he substance of the law, the way lawmakers worked together to pass it and the change it signals to our counter-productive approach to criminal justice make it one of the most significant accomplishments in a decade."
>
> —The State, *Sentencing reform law will make S.C. safer*, June 6, 2010

- Clarifying the proximity to schools statute (requiring enhanced penalties for controlled substance offenses within the proximity of a school, park or playground) to require intent to commit a controlled substance offense and intent to commit it within the proximity of a school, park or playground.

- Redefining what is considered a second or subsequent drug offense for specific drug crimes (e.g., marijuana possession is no longer counted as a second or subsequent offense if a first offense of marijuana possession occurred more than five years before the conviction; for other offenses for drug possession, the first offense must have been within 10 years to count as a prior offense).

- Requiring drug offenders to pay a controlled substance offense assessment (with a waiver for indigent defendants), and allocating the proceeds to drug treatment court programs.

- Makes other significant sentencing reforms, including:

  - Increasing the amount of victim restitution that can be ordered by magistrates or municipal courts from $5,000 to $7,500; if the civil jurisdiction amount in summary courts increases, the victim restitution limit will also increase.

  - Prohibiting persons convicted of a violent crime from possessing a firearm or ammunition, consistent with federal law.

  - Revising work release provisions so that inmates convicted of certain offenses with long prison terms now may be eligible for work release in the last three years of their sentence.

  - Allowing for a reduction in an offender's sentence based on cooperation with law enforcement, the Department of Corrections or prosecutors.

  - Requiring an accurate fiscal impact statement prior to any committee action for any legislation that would establish a new criminal offense or that would amend the sentencing provisions of an existing criminal offense.

2. IMPROVING RELEASE POLICIES

The Act provides cost-effective prison release methods to improve successful reintegration into society by inmates and ensure public safety. Specifically, the Act:

- Increases the education and experience requirements for the director of the Department of Probation, Parole and Pardon Services and the at-large parole board member and requires annual training for all board members.

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- Requires the parole board to adopt a validated actuarial risk and needs assessment tool for use in making parole decisions and setting parole conditions.

- Allows parole for an inmate who is terminally ill, geriatric or permanently incapacitated upon the petition of the Department of Corrections.

- Directs the Department of Corrections and the Department of Probation, Parole and Pardon Services to work with the Department of Motor Vehicles to provide inmates released from prison with a valid photo identification card.

3. STRENGTHENING PAROLE AND PROBATION

The legislation focuses probation and parole supervision resources on high-risk offenders. It also improves the transition of lower-risk offenders—those considered least likely to re-offend—into the community. Specifically, the Act:

- Requires that non-violent inmates who have been incarcerated for at least two years be released to mandatory supervision 180 days before their release date.

- Requires probation agents to conduct actuarial assessments of offenders' risks and needs, and make decisions about the type of supervision and services that are consistent with evidence-based practices.

- Establishes incentives for good behavior (i.e., compliance credits) for offenders with a term of supervision of more than one year; an offender on supervision may earn up to 20 days off of their period of supervision for each 30-day period in which the offender has complied with the conditions of supervision and has no new arrests.

- Allows for administrative monitoring (i.e., a lower, less costly level of supervision) for offenders who have fulfilled all of their conditions of supervision except their payment of financial obligations (e.g., restitution, fines and fees).

- Extends supervision, under administrative monitoring, beyond the current five-year maximum probation term for offenders who have not paid all of their restitution, fines and fees, for the sole purpose of repayment.

- Authorizes the Department of Probation, Parole and Pardon Services to impose administrative sanctions in response to violations of the terms and conditions of supervision.

4. ESTABLISHING ONGOING OVERSIGHT

The Act provides ongoing oversight of sentencing and corrections reform in the state. Specifically, the Act:

- Establishes the Sentencing Reform Oversight Committee to review the implementation of the recommendations made by the Sentencing Reform Commission, oversee the various reports and plans required by S. 1154 and conduct additional studies and evaluations of sentencing reform issues.

- Provides for a system of performance incentive funding that allows for the shifting of resources from prisons to probation and parole. Specifically, the Oversight Committee is required to report on the expenditures avoided by reductions in the revocation rate and reductions in new felony offense convictions by those under supervision, and the Oversight Committee is to recommend to the legislature whether to shift up to 35 percent of any cost savings achieved to the Department of Probation, Parole and Pardon Services.

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Launched in 2006, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections costs.

For more information, please visit www.pewcenteronthestates.org

Endnotes

[1] The inmate projection was produced by Applied Research Services, Inc.

[2] The operational and new construction costs were provided by recent budget calculations from the South Carolina Department of Corrections.

[3] Data from the South Carolina Department of Corrections provided to Applied Research Services, Inc., and the South Carolina Sentencing Reform Commission, 2009.

[4] Pew Center on the States, *One in 31: The Long Reach of American Corrections* (Washington, DC: The Pew Charitable Trusts, March 2009) at http://www.pewcenteronthestates.org/uploadedFiles/PSPP_1in31_report_FINAL_WEB_3-26-09.pdf. See also South Carolina State Fact Sheet at http://www.pewcenteronthestates.org/uploadedFiles/wwwpewcenteronthestatesorg/Fact_Sheets/PSPP_1in31_factsheet_SC.pdf.

[5] Federal Bureau of Investigation, *Crime in the United States, 2008* (Washington, DC: U.S. Department of Justice, September 2009) at http://www.fbi.gov/ucr/cius2008/data/table_05.html. South Carolina led all 50 states with a violent crime rate of 729.7 per 100,000 inhabitants. The District of Columbia had the highest violent crime rate in the country at 1,437.7 per 100,000 inhabitants. South Carolina state officials note that South Carolina reports crimes using the National Incident-Based Reporting System (NIBRS), which has not been implemented in many states or localities. They note that this may impact the state's ranking on violent crime rates when compared with states that report crimes using the Uniform Crime Reporting (UCR) Program.

[6] Data from the South Carolina Department of Corrections provided to Applied Research Services, Inc., and the South Carolina Sentencing Reform Commission, 2009.

[7] Population projections calculated by Applied Research Services, Inc.

[8] Cost projections calculated by Applied Research Services, Inc.

[9] All data are from the South Carolina Department of Corrections, and analysis was completed by Applied Research Services, Inc.

[10] All data are from the South Carolina Department of Corrections, and analysis was completed by Applied Research Services, Inc.

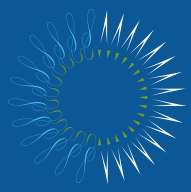
[11] All data are from the South Carolina Department of Corrections, and analysis was completed by Applied Research Services, Inc.

[12] Data from the South Carolina Department of Corrections provided to Applied Research Services, Inc., and the South Carolina Sentencing Reform Commission, 2009.

[13] Data from the South Carolina Department of Probation, Parole and Pardon Services provided to Applied Research Services, Inc., and the South Carolina Sentencing Reform Commission, 2009.

[14] 2008 data provided by the Department of Probation, Parole and Pardon Services. Historical data provided by the Statistical Analysis Center, South Carolina Department of Public Safety, to Applied Research Services, Inc., and the South Carolina Sentencing Reform Commission, 2009.

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The TEXAS Model
A TEXAS PUBLIC POLICY FOUNDATION PUBLICATION
September 2011
Center for Effective Justice

Adult Corrections Reform: Lower Crime, Lower Costs

RIGHT ON CRIME

by Marc Levin, Director, Center for Effective Justice

In the last several years, Texas has become emblematic of the growing movement to be both tough and smart on crime, as it has achieved significant declines in both its crime and incarceration rates. Policies initiated since 2005 have expanded capacity in alternatives to incarceration that hold nonviolent offenders accountable and provide effective supervision. Since that time, Texas has seen a double-digit reduction in crime, reaching its lowest crime rate since 1973.[1] In this same period, the state's adult incarceration rate has fallen 9 percent. Texas, which in 2004 had the nation's second highest incarceration rate, now has the fourth highest.[2]

Texas Crime and Incarceration Rates Tumble[3]

Year	FBI Index Crime Rate	Incarceration Rate Per 100k
2005	4,857.1	681
2010	4,236.4	620
% Change	-12.8%	-9.0%

Two key budgetary strategies enabled Texas to cut crime and avoid building more than 17,000 new prison beds.

The first strategy involved appropriating $55 million in 2005 for probation departments that agreed to target 10 percent fewer prison revocations and to implement graduated sanctions. Graduated sanctions ensure swift, sure, and commensurate sanctions (e.g., increased reporting, extended term, electronic monitoring, weekend in jail, etc.) for rules violations, such as missing meetings, rather than letting them pile up and then revoking that probationer to prison. Most of the funding went towards reducing caseloads from nearly 150 (in major urban areas) to 110 probationers per officer, and expanding specialized, much smaller caseloads for subgroups such as mentally ill probationers. This facilitated closer supervision, and the consistent application of such sanctions, which led to a decline in revocations in these departments, saving taxpayers $119 million.[4]

The second strategy, in 2007, was the appropriation of $241 million for a package of prison alternatives that included more intermediate sanctions and substance abuse treatment beds, drug courts, and mental illness treatment slots. This package was in lieu of spending $2 billion on 17,332 new prison beds that the Legislative Budget Board (LBB) had otherwise projected would be needed by 2012.[5] The search for alternatives came in response to statements from judges, prosecutors, and corrections officials, bolstered by data, indicating that increasing numbers of low-level, nonviolent offenders were being directly sentenced, or revoked from probation, to prison. Why? Because of long waiting lists for many alternatives.

Furthermore, parolees often remained in prison because of waiting lists for halfway houses and programs they had to complete before release, a backlog addressed by the 2007 package.[6] All told, the 2008-09 budget added 4,000 new probation and parole treatment beds, 500 in-prison treatment beds, 1,200 halfway house beds, 1,500 mental health pre-trial diversion beds, and 3,000 outpatient drug treatment slots.

Perhaps reflecting increased confidence by judges, juries, and prosecutors in probation, sentences to prison actually declined 6 percent in 2009 while more nonviolent offenders went on probation.[7] This reversed the historical increase of 6 percent per year in prison commitments.[8]

Furthermore, probation and parole revocations together account for approximately half of the annual prison intakes, and both have declined recently as supervision has been strengthened.[9] From 2005 to 2010, Texas' probation revocation rate fell from 16.4 to 14.7 percent.[10]

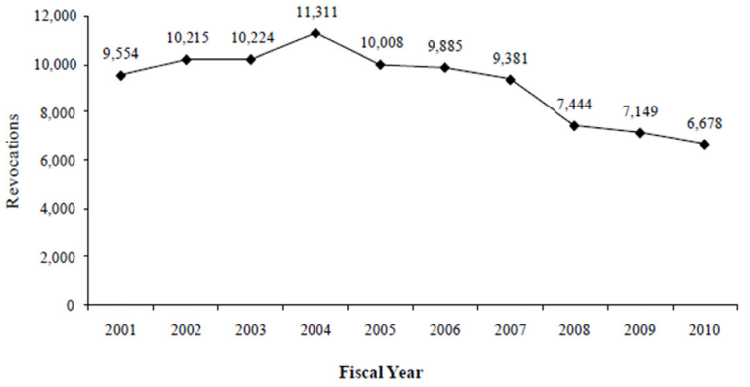
Similarly, during the last several years, parole offices have improved supervision by expanding the use of graduated sanctions, implementing instant drug testing, and restoring the parole chaplaincy program. Thus, despite there being more parolees, the number of new crimes committed by

continued on back

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parolees declined 8.5 percent from 2007 to 2010, contributing to a sharp reduction in parole revocations.[11]

Texas Parole Revocations to Prison[12]



Capitalizing on Texas' recent success, the Legislature in 2011 followed the recommendation of both the Texas Public Policy Foundation and Governor Rick Perry in ordering the closure of the Sugar Land Central Unit, the first such prison closure in Texas history. This will save taxpayers approximately $20 million over the biennium in operating costs, in addition to the one-time proceeds from the sale of the property.

In 2011, Texas policymakers also took many additional steps to continue the new Texas trend of lower crime and incarceration rates. First, lawmakers grappling with a challenging budget environment found operational savings such as closing one adult and three juvenile lockups and reducing subsidized housing for high-level corrections officials, rather than cutting back on cost-effective alternatives to prison and in-prison treatment programs that have paid dividends since being expanded in 2007.

In 2011, lawmakers also passed, and the Governor signed, several key bills. SB 1055 allows counties to opt for performance incentive funding based on reducing commitments to prison of low-level offenders while also reducing recidivism, increasing the share of probationers making victim restitution, and increasing the employment rate among probationers. Second, HB 1205 creates a positive incentive for probationers to pursue self-improvement by allowing judges to award time credits for exemplary behavior, such as earning a degree, fully paying restitution, and completing treatment programs.

Finally, HB 2649 is projected to save $49 million by incentivizing state jail inmates, the lowest-level, nonviolent offenders in state lockups, to complete educational, treatment, and vocational programs and exhibit exemplary behavior. Under this legislation, judges can require those offenders who demonstrated such exemplary conduct to spend several months of their sentence on probation, whereas under the former law most state jail felons had no opportunity for probation or supervision upon release. Transitioning exemplary state jail inmates upon rentry to probation ensures that they will be held accountable to an officer, directed to find a job and housing, and required to comply with restrictions such as drug testing, curfews, and avoiding anti-social peers.

While Texas, like all states, has more work to do to strengthen its criminal justice system, Texas' progress over the last several years is a shining example of how states can adopt strategies that deliver less crime and a lower bill to taxpayers. ★

[1] Texas Crime Rates, FBI Reports.
[2] Marc Levin, "Texas Criminal Justice Reform: Lower Crime, Lower Cost" Texas Public Policy Foundation (Jan. 2010).
[3] Texas Crime Rates 1960-2010.
[4] "Adult Probation" *2011-12 Texas Legislators' Guide to the Issues*, Texas Public Policy Foundation.
[5] "Adult & Juvenile Correctional Population Projections Fiscal Years 2007-2012" Legislative Budget Board (Jan. 2007).
[6] "Justice Reinvestment in Texas: Assessing the Impact of the 2007 Justice Reinvestment Initiative" Council of State Governments Justice Center (Apr. 2009).
[7] Garron Guszak, Legislative Budget Board, email (16 Dec. 2009).
[8] "Current Correctional Population Indicators" Legislative Budget Board (Apr. 2011).
[9] "Adult & Juvenile Correctional Population Projections Fiscal Years 2011-2016" Legislative Budget Board (Jan. 2011).
[10] "Statewide Criminal Justice Recidivism and Revocation Rates" Legislative Budget Board (Jan. 2011).
[11] "2007 Annual Report" Texas Board of Pardons and Paroles; and "2010 Annual Report" Texas Board of Pardons and Paroles.
[12] Tony Fabelo, "Texas Justice Reinvestment: Outcomes, Challenges and Policy Options to Consider" Council of State Governments Justice Center (Mar. 2011); and Texas Department of Criminal Justice Parole Statistics.

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URBAN INSTITUTE

Assessing the Impact of Mississippi's Technical Violation Centers

Justice Reinvestment Initiative

Chloe Warnberg and Robin Olsen

November 2019

Mississippi's prison population grew more than 400 percent between 1980 and 2013[1] and was projected to increase by nearly 2,000 people during the following decade at a cost of $266 million (Pew 2014). State leaders began exploring options to use prison space and other resources to get a better public safety return on correctional spending.

State leaders requested assistance through the Justice Reinvestment Initiative (JRI), a public-private partnership funded by the Bureau of Justice Assistance and the Pew Charitable Trusts. Mississippi convened its interbranch Corrections and Criminal Justice Task Force—with technical assistance from the Pew Charitable Trusts and the Crime and Justice Institute—to examine the drivers of incarceration and make recommendations for curbing corrections costs and improving public safety.

In 2014, Governor Phil Bryant signed House Bill (H.B.) 585 into law. Among other reforms, the legislation gave criminal justice system practitioners more options for responding to technical violations of supervision, which are incidents that violate conditions of supervision but do not involve a new crime. Such incidents could include missing meetings with supervision officers or failing drug tests. In particular, H.B. 585 established a system of graduated sanctions and created technical violation centers (TVCs) as alternatives to the use of lengthy prison sentences to respond to technical violations. Designed to provide programming and services to address the underlying causes of criminal behavior, TVC sentences were capped at 90 and 120 days for the first and second revocations, respectively.

This brief focuses on the implementation and outcomes of TVCs and the associated revocation caps in Mississippi following implementation in 2014. Using data from the Mississippi Department of Corrections (MDOC) and stakeholder interviews, the Urban Institute analyzed overall incarceration,[2] trends in admissions and lengths of stay, and additional outcomes.

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Key findings on H.B. 585's impact on Mississippi's prison population (excluding TVCs) include the following:

- Mississippi used **35 percent fewer days of imprisonment for technical violations** in the 3.5 years post-585 than in the 3.5 years pre-585. The majority of this decrease is attributable to a 45 percent decrease in imprisonment days used for technical violations of probation.
- **Admissions to prison for technical revocations increased 7 percent** between 2013 and 2017. During that period, technical revocations from parole increased 87 percent, while technical revocations from probation decreased 25 percent.
- **The average length of stay in prison for technical violations fell 14 percent** between 2013 and 2017. During that period, the average length of stay in prison for technical violations decreased 28 percent for parole and increased 7 percent for probation.

Key findings on H.B. 585's impact on overall incarceration (prisons and TVCs) include the following:

- Mississippi used **16 percent fewer incarceration days (prison and TVCs)** for technical violations in the 3.5 years post-585 than in the 3.5 years pre-585. Incarceration days for technical violations increased 45 percent for parole and decreased 34 percent for probation.
- **Admissions to incarceration (prison and TVCs) for technical violations increased 40 percent** between 2013 and 2017, from 3,077 to 4,321.
- **The average length of incarceration (prison and TVCs) for technical violations decreased 29 percent** between 2013 and 2017. During that period, length of incarceration for technical violations decreased 36 percent for parole and 16 percent for probation.

Background

Between 1980 and 2013, Mississippi's prison population grew more than fivefold, and in 2013, its imprisonment rate was the third highest in the country.[3] Its prison population was projected to grow by nearly 2,000 people at a cost of $266 million during the following 10 years (Pew 2014). With other states reducing crime rates and imprisonment, leaders in Mississippi began questioning whether high corrections spending was producing the best public safety results. To address this unsustainable growth and invest more effectively in public safety, the state convened the bipartisan, interbranch Corrections and Criminal Justice Task Force. With technical assistance from the Pew Charitable Trusts and the Crime and Justice Institute, the task force found that technical revocations of community supervision were a significant driver of the prison population. In 2012, there were more admissions to prison for revocations than for new crimes, and revocation admissions had increased 84 percent during the previous decade (Pew 2014).[4] Community supervision officers lacked options—like graduated sanctions or incentives—to change the behaviors of people on supervision before they rose to the level of revoking someone to prison, and prison revocations were often applied inconsistently and sometimes with significant delays.[5]

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In 2014, Governor Bryant signed H.B. 585 into law. The bill codified task force recommendations and created new options for responding to technical violations. Specifically, the legislation established TVCs for people whose community supervision had been revoked for technical violations. The bill specified that TVCs would provide services to address the underlying causes of the violation—as identified by a risk and needs assessment—and would provide services such as substance use disorder treatment, employment preparation, and education programs to help people avoid future violations. House Bill 585 also capped TVC stays at 90 days for the first technical violation and 120 days for the second. Third technical violations are eligible for up to 180 days in a TVC or revocation to prison for the remainder of the sentence. Lastly, H.B. 585 required the Mississippi Department of Corrections to implement a graduated response approach to technical violations that included developing a grid with the most common sanctions and responses, ranging from verbal warnings to increased reporting or drug and alcohol testing to short jail stays. These guidelines were intended to provide probation and parole officers responses that stop short of incarceration in a TVC or prison for less serious violations, and that address violations with proportional punishments that increase in severity. The legislation took effect July 1, 2014.

In January 2015, Mississippi began receiving technical assistance from the Crime and Justice Institute through the Justice Reinvestment Initiative to aid its implementation efforts. House Bill 585's TVC, revocation cap, and graduated sanction provisions were intended to curb growth in the state's prison population by reducing prison admissions for technical violations, reducing lengths of stay in prison for technical violations, and reducing prison admissions for new crimes by providing interventions that address the underlying causes of criminal behavior (thus preventing new crimes). Technical violation centers were specifically intended to provide targeted programming and services to address identified drivers of criminal behavior.

Throughout the implementation period, Mississippi has experienced challenges related to TVC facilities and programming. To establish TVCs, existing prisons and community work centers were repurposed to house people who committed technical violations of supervision. Flowood Technical Violation Center, which is located outside of Jackson, Mississippi, and is the only TVC that houses women, has been operating steadily since 2014. The number and location of TVC facilities for men, however, has changed since H.B. 585 was passed, and each iteration of TVC facilities has generally offered insufficient programming and services. Additionally, inefficiencies with reception and classification processes created a jail backlog, causing delays placing people in TVCs and giving them access to programming.

These issues made some decisionmakers less willing to send people to TVCs. For people on parole, the decisionmaker is the parole board; for people on probation, the decisionmaker is the judge. The State of Mississippi Parole Board has five members and is located in Jackson, Mississippi, and the state has 57 circuit court judges serving 22 circuit districts. By April 2018, the state had consolidated all of its men's TVCs at one facility—Delta TVC —in northwestern Mississippi. Currently, each person housed at Delta TVC is enrolled in three programs—a workforce training and reentry program, a cognitive training program, and an alcohol and drug program—each of which they attend twice a week. Additionally,

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individual decisionmakers in Mississippi (specifically judges and parole board members) often have considerable discretion over whether to send people with technical violations to prison or a TVC, as well as the duration of the sentence. This discretion has affected the consistency of the use of TVCs and may have impacted the differing trends in Mississippi's use of TVCs and prison to respond to technical violations by people on probation and parole.

Mississippi also experienced challenges with the interpretation of statutory language when implementing TVCs. The language in H.B. 585 specified that revocation caps would be applied according to a person's number of prior technical *violations* (not revocations). This allowed decisionmakers to stack prior violations, bypass TVCs, and send people directly to prison on their first technical revocation. House Bill 387 (2018) adjusted the wording to clarify that revocation caps apply according to a person's number of prior technical *revocations* (not violations). Although this brief does not include quantitative data past 2018, qualitative data show stakeholders expressed differing opinions regarding how much this legislative change has impacted behavior (see this brief's "Additional Outcomes and Recommendations" section for more information). The quantitative analysis in the following sections explores how technical violation centers impacted prisons and incarceration in Mississippi through 2017.

"The violation centers shall be equipped to address the underlying factors that led to the offender's violation as identified based on the results of a risk and needs assessment. At a minimum, each violation center shall include substance abuse services shown to reduce recidivism and a reduction in the use of illicit substances or alcohol, education programs, employment preparation and training programs and behavioral programs."
—Mississippi House Bill 585 (2014)

Using quantitative data from MDOC and stakeholder interviews (box 1), Urban assessed the impact of TVCs since H.B. 585 was passed. This analysis examines:

- the impact of TVCs on the prison population, overall incarceration, and other outcomes;
- how admissions to incarceration for technical violations changed since H.B. 585; and
- how lengths of incarceration for technical violations changed since H.B. 585.

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BOX 1

Methodology

Urban received the following quantitative data from MDOC for this brief:

- admissions to and releases from MDOC jurisdiction between 2010 and 2017
- sentencing data
- available data on violations of probation and parole occurring between 2010 and 2017
- demographic data (including gender, race, and dates of birth)
- available data on assessed risk

We also interviewed the following stakeholders about Delta TVC:

- MDOC community corrections staff and leadership
- staff and people incarcerated at Delta TVC
- judges
- a parole board member
- community and legislative advocates

Findings

Use of Prison and Incarceration to Respond to Technical Violations

In the 3.5 years after H.B. 585 was implemented, the number of imprisonment days used for technical revocations in Mississippi decreased 35 percent. As figure 1 shows, most of this decline owed to a reduction in imprisonment days used for technical revocations from probation, which decreased 45 percent postimplementation. Imprisonment days for technical revocations from parole decreased by just 3 percent.

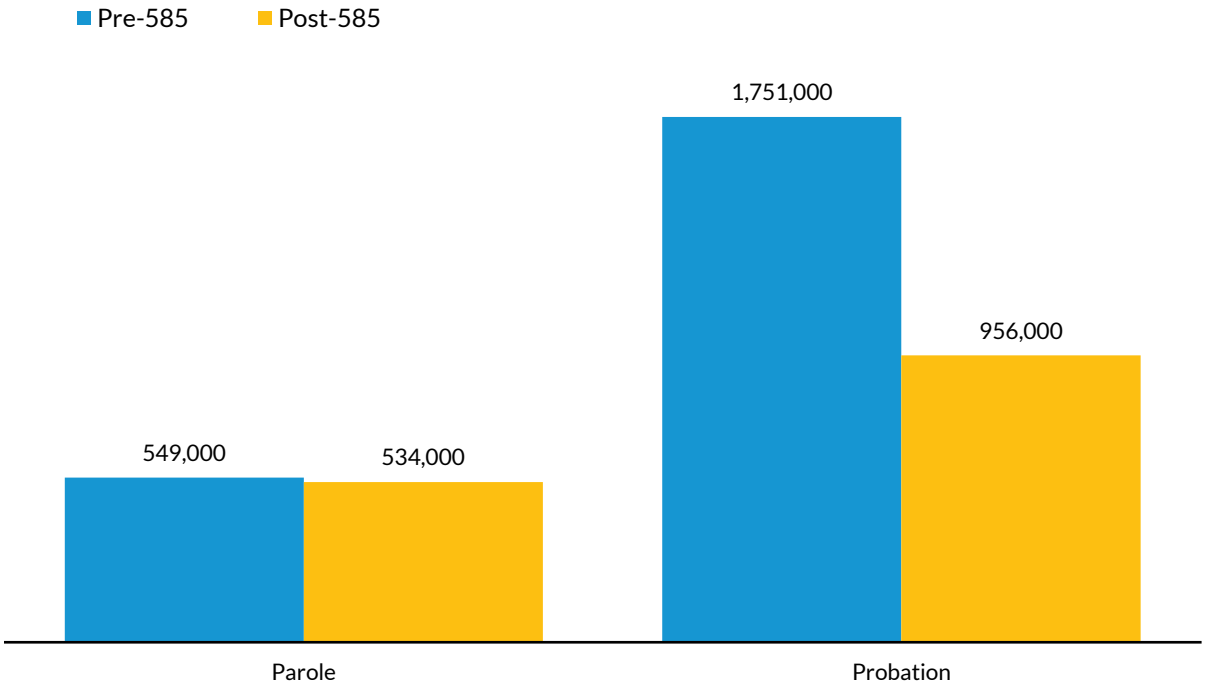
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FIGURE 1

Imprisonment Days Have Decreased for Probation and Remained Flat for Parole

Imprisonment days for technical violations before and after H.B. 585 (for people released)



Source: Mississippi Department of Corrections.

Notes: Imprisonment days are calculated by totaling the number of days served in prison for everyone admitted to and released from prison for a technical revocation in the pre-585 and post-585 groups. "Pre-585" includes all people admitted and released between January 1, 2011, and June 30, 2014. "Post-585" includes all people admitted and released between July 1, 2014, and December 31, 2017. Figures are rounded.

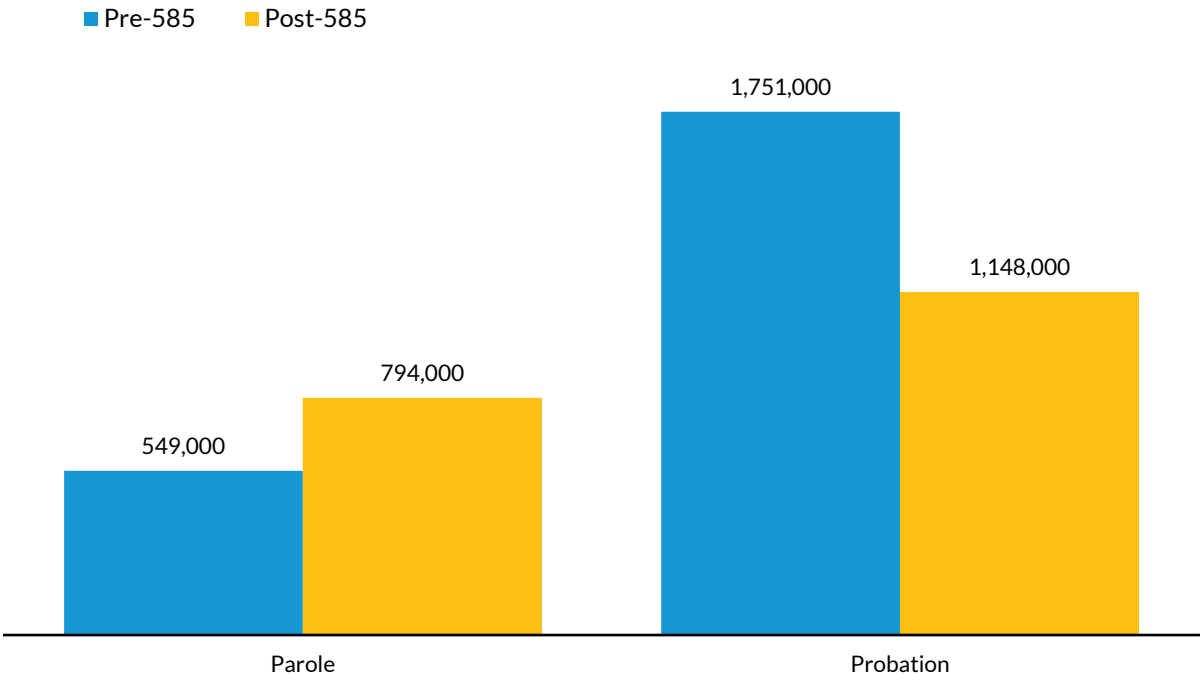
With the addition of TVCs, Mississippi's number of incarceration days (including TVCs and prisons) decreased 16 percent in the 3.5 years after H.B. 585. This decrease is largely attributable to decreases in incarceration among people on probation (figure 2). In contrast, the number of days used to incarcerate people on parole for technical violations increased 45 percent after H.B. 585.

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FIGURE 2

Incarceration Days Have Decreased for Probation and Increased for Parole

Incarceration days (prison and TVCs) for technical violations before and after H.B. 585 (for people released)



Source: Mississippi Department of Corrections.
Notes: Figures are rounded. Incarceration days are calculated by totaling the number of days served in prison or a TVC for everyone admitted to and released from prison for a technical revocation in the pre-585 and post-585 groups.

Variations in imprisonment or incarceration day usage are driven by changes in admissions to prison and incarceration for technical violations, along with lengths of stay in prison or TVCs.

Admissions to Incarceration for Technical Violations

HOW MANY PEOPLE ARE ADMITTED TO INCARCERATION FOR TECHNICAL VIOLATIONS?

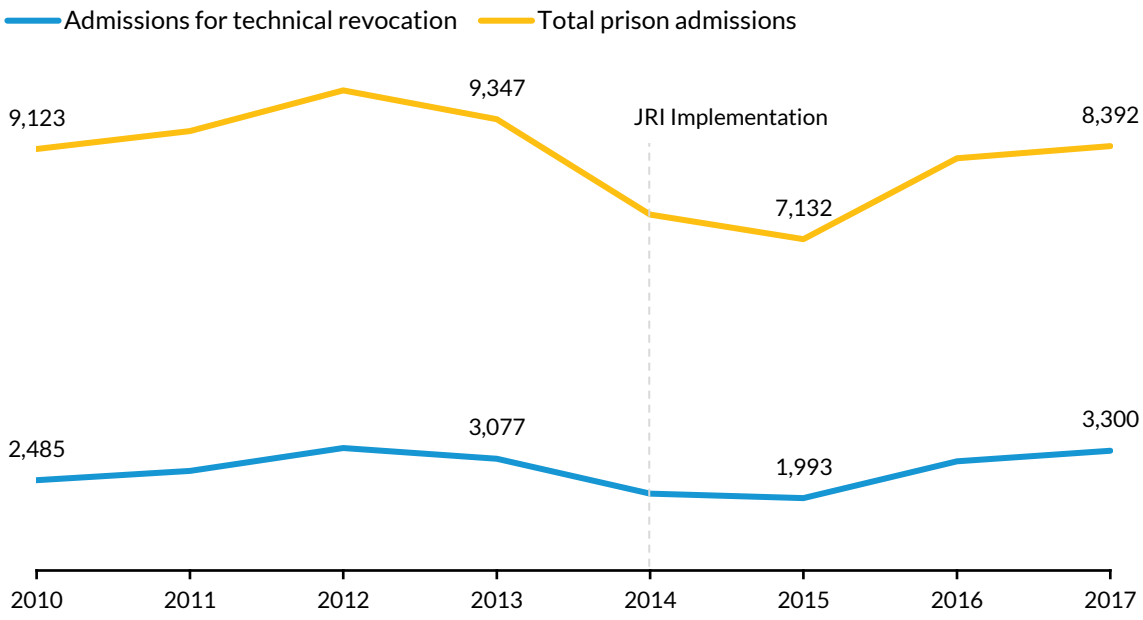
Between 2013 and 2017, overall admissions to Mississippi prisons decreased 10 percent, while prison admissions for technical violations increased 7 percent (figure 3). Technical revocations make up a large and growing share of prison admissions, accounting for 33 percent of all 2013 prison admissions and 39 percent of 2017 prison admissions. Overall, more people on parole were sent to prison or TVCs for technical violations in the years after H.B. 585 than the years before it, whereas approximately the same number of people on probation were sent to prison or TVCs.

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FIGURE 3

Technical Revocations to Prison Increased, Whereas Overall Prison Admissions Decreased

Annual prison admissions and technical revocations, 2010–17



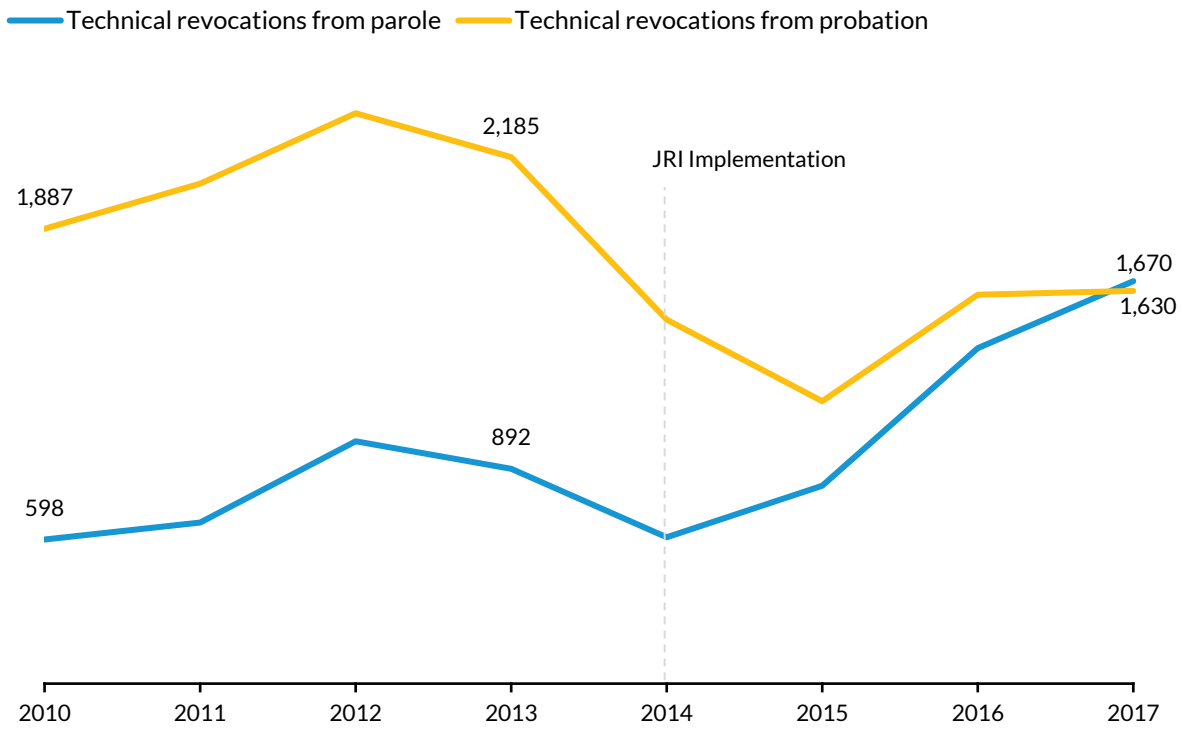
Source: Mississippi Department of Corrections.

This increase in admissions to prison for technical revocations owes to an increase in technical revocations to prison from parole specifically. Technical revocations from parole increased 87 percent between 2013 and 2017, while technical revocations from probation decreased 25 percent (figure 4). Although Mississippi's parole population has increased since 2013, technical parole revocations have increased at a faster rate; in 2017, 12 percent of the parole population was revoked to prison for a technical parole violation, compared with 9 percent in 2013. Approximately the same proportion of the probation population was revoked to prison for a technical violation in 2017 (4 percent) as in 2013 (5 percent).[6]

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FIGURE 4

Technical Revocations to Prison Increased for Parole and Decreased for Probation



Source: Mississippi Department of Corrections.

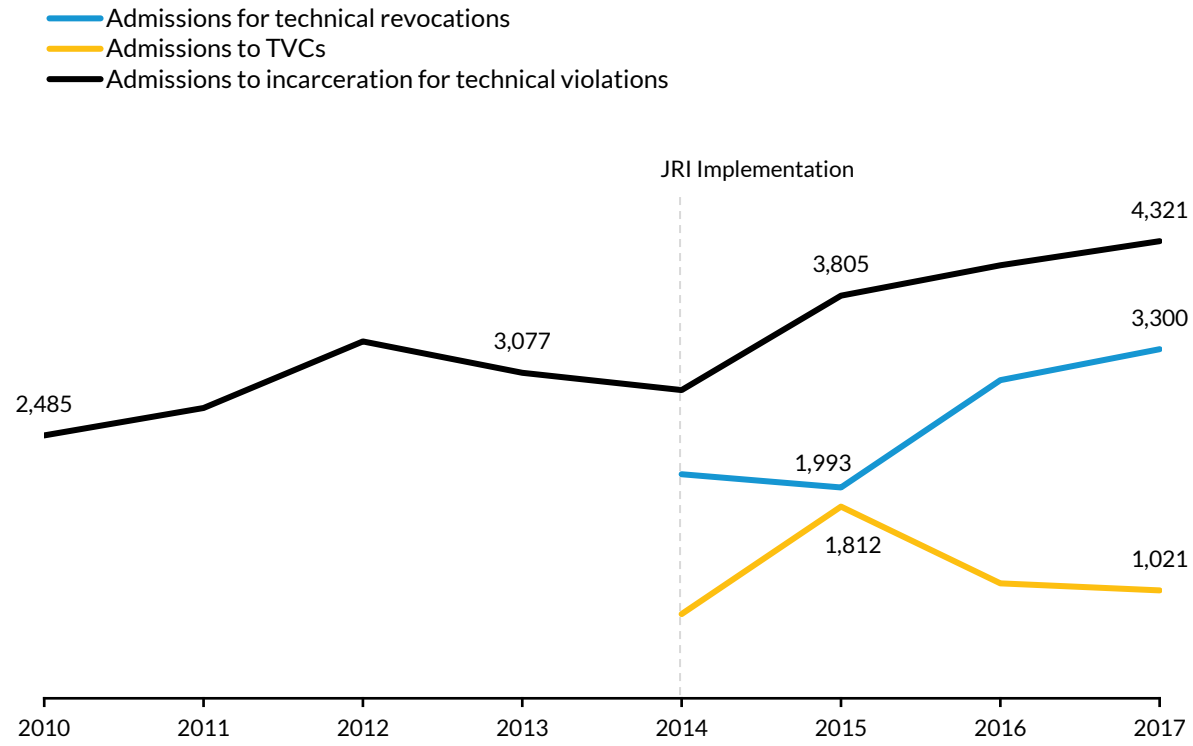
People in Mississippi who are admitted to incarceration for technical violations are sent either to prison or a technical violation center. With the addition of TVCs, more people are being admitted to incarceration for technical violations. Total admissions to incarceration—that is, both to prisons and TVCs—for technical violations increased 40 percent between 2013 and 2017 (from 3,077 to 4,321) (figure 5). Again, this increase largely owes to admissions from parole, which increased 145 percent during that period, while admissions from probation remained similar from start to finish with some fluctuations in between.

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FIGURE 5

Total Admissions to Incarceration for Technical Violations Increased

Admissions to incarceration (TVCs and prisons) for technical violations (parole and probation)



Source: Mississippi Department of Corrections.

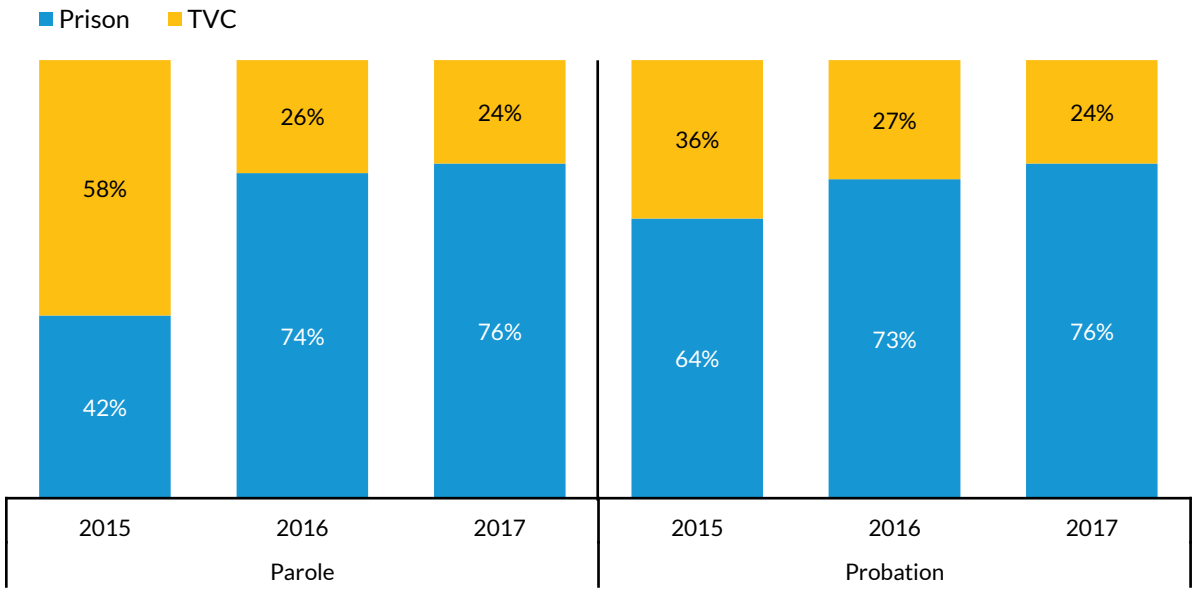
The proportion of admissions to incarceration for technical violations that result in someone going to a TVC (rather than prison) has decreased since 2015 for both parole and probation. In 2015, 58 percent of people on parole and 36 percent of people on probation who were admitted to incarceration for a technical violation were sent to TVCs rather than prison; in 2017, 24 percent of people on parole and 24 percent of people on probation were sent to TVCs (figure 6).

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FIGURE 6

The Proportion of Admissions to Incarceration for Technical Violations to TVCs Decreased

Proportion of admissions to incarceration for technical violations; prison versus TVC



Source: Mississippi Department of Corrections.

WHO IS BEING INCARCERATED FOR TECHNICAL VIOLATIONS?

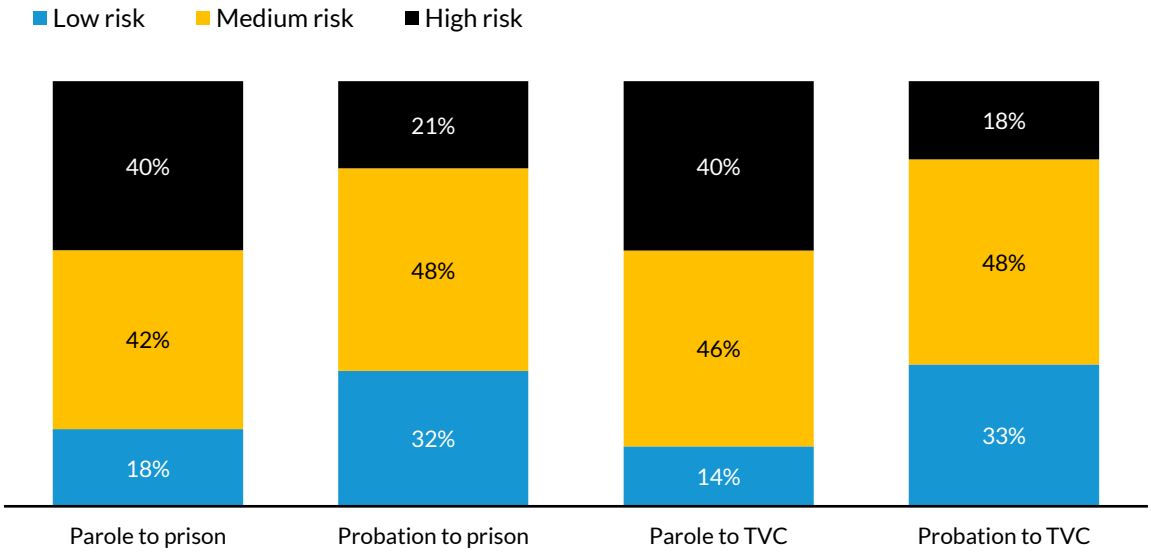
Risk profile. The proportion of people admitted to incarceration for technical violations who are classified as low risk is larger for probation than for parole (this is true for technical revocations to TVCs and for technical revocations to prisons). In 2017, approximately one-third of people revoked for technical violations to prison (32 percent) and to TVCs (33 percent) from probation were classified as low risk (figure 7).

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FIGURE 7

Larger Proportion of Technical Revocations to TVCs and Prison from Probation Are Low-Risk

Admissions to incarceration for technical violations by risk level, 2017



Source: Mississippi Department of Corrections.

The proportion of technical revocations from probation to prison accounted for by people who are classified as low risk increased from 29 percent in 2013 to 32 percent in 2017. In contrast, the proportion of technical revocations from parole to prison accounted for by people who are classified as low risk decreased from 24 percent in 2013 to 18 percent in 2017. In 2017, people classified as low risk who were convicted of nonviolent offenses accounted for 15 percent of technical parole revocations to prison (down from 23 percent in 2013) and 27 percent of technical probation revocations to prison (up from 25 percent in 2013). In other words, more than 20 percent of those revoked to prison for technical violations of probation or parole were convicted of nonviolent offenses and classified as low risk.

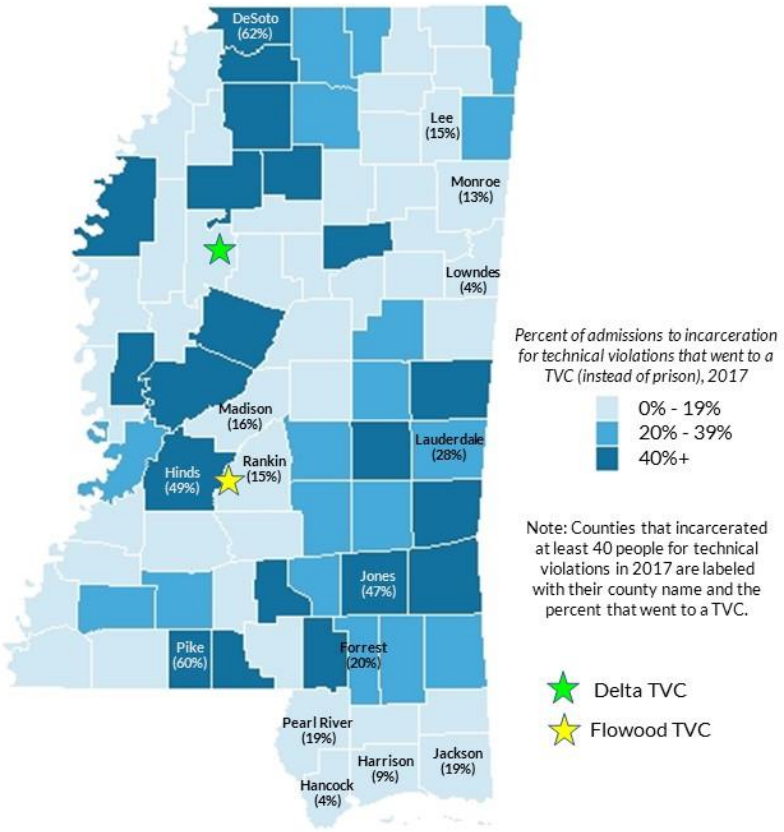
Geography. The likelihood of being sent to a TVC varies by county,[7] particularly for people on probation. In 2017, in counties where at least 40 people were admitted to either a TVC or prison for a technical violation of probation, the share of people admitted to TVCs rather than prison ranged from 4 percent (Hancock County and Lowndes County) to 62 percent (DeSoto County). For parole, the share of people incarcerated for a technical violation who went to a TVC rather than prison ranged from 16 percent (Pike County) to 35 percent (Clay County). Figure 8 offers a map of admissions to incarceration for technical probation violations by county of conviction.

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FIGURE 8

Use of TVCs Varies by Geographic Location

Admissions to incarceration for technical violations from probation, by county of conviction (2017)



WHY ARE PEOPLE BEING RECOMMENDED FOR TVCS FOR TECHNICAL VIOLATIONS?

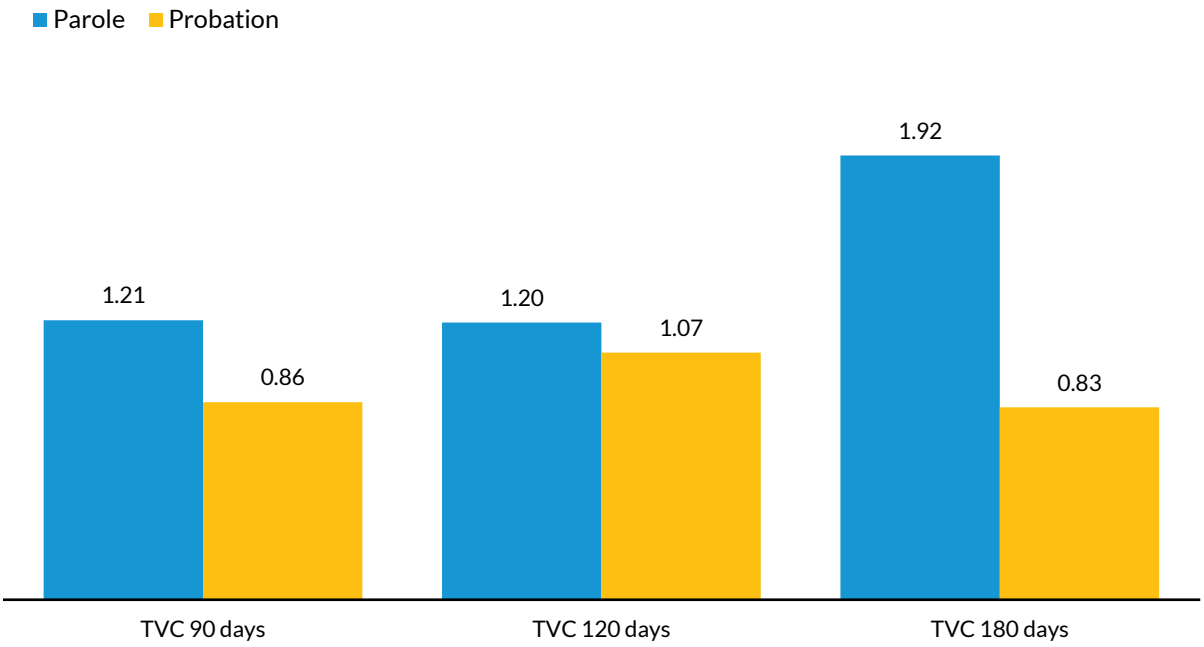
Using sanctions data provided by MDOC,[8] Urban examined the technical violations for which supervision officers recommended technical revocations to TVCs. On average, people on probation recommended for TVCs had fewer prior recorded sanctions than people on parole. This trend holds across all three recorded TVC sanction lengths (90 days, 120 days, and 180 days). People on probation recommended for a 180-day TVC sanction had an average of just 0.83 prior recorded sanctions, meaning probation officers are bypassing shorter stays in TVCs and recommending people who have not previously received any sanctions to the most severe (i.e., the longest) TVC sanction (figure 9).

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FIGURE 9

People on Probation Recommended for TVCs Had Fewer Prior Sanctions

Average number of recorded sanctions before TVC recommendation, 2017



Source: Mississippi Department of Corrections.

In 2017, one-fifth of recommended admissions to TVCs from probation were for failure to pay financial obligations. Table 1 shows the three most common violations leading to recommended revocations to a TVC from both parole and probation.

TABLE 1

One in Five People on Probation Recommended for a TVC for Failure to Pay Fines and Fees

Categories of violations leading to TVC recommendation, 2017

	Count	Percentage
Parole		
Abscond	270	50%
Arrest (misdemeanor or felony)	118	22%
Failure to abide by supervision conditions	43	8%
Probation		
Abscond	301	43%
Failure to pay financial obligations as ordered by releasing authority	144	20%
Arrest (misdemeanor or felony)	116	16%

Source: Mississippi Department of Corrections.

Note: "Abscond" includes failure to report for more than one required contact.

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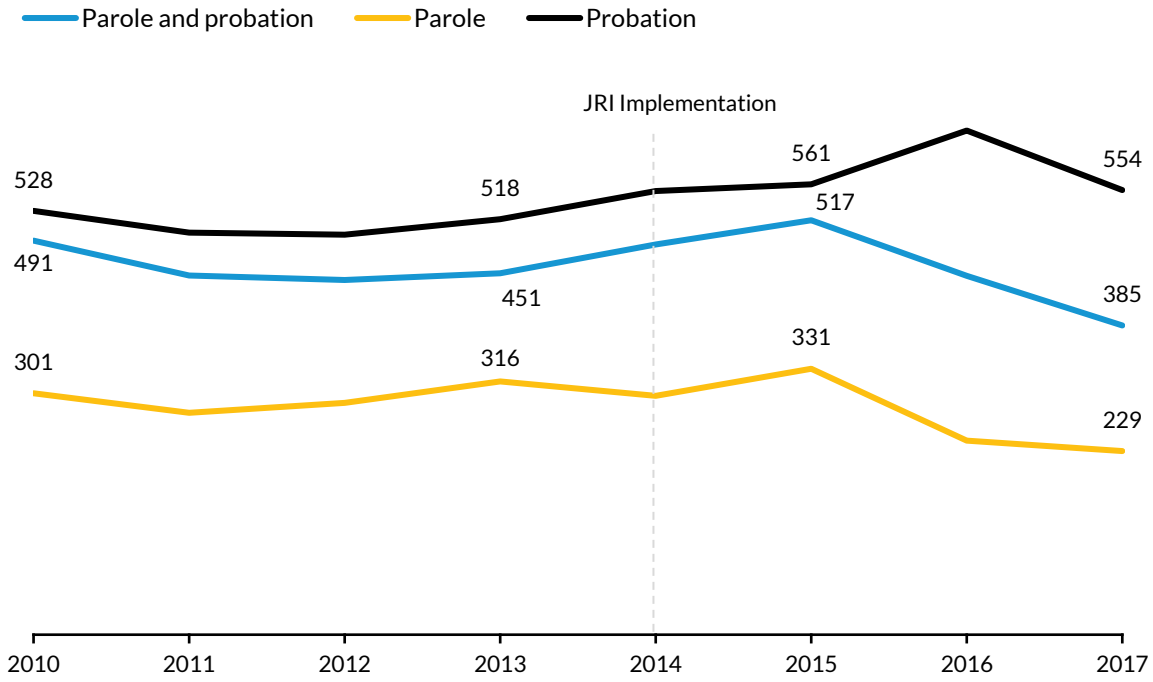
Lengths of Stay for Technical Violations

The average prison stay at release[9] for people revoked to prison for technical violations decreased 14 percent between 2013 and 2017. This decrease largely owes to a 28 percent reduction in the average length of stay in prison for technical parole revocations; average length of stay in prison for technical probation revocations increased 7 percent. In 2017, people released from prison after being revoked for a technical violation from probation spent approximately one and a half years (554 days) in prison, whereas people revoked from parole spent approximately 8 months (229 days) (figure 10). People released from TVCs spent an average of 110 days (probation) and 104 days (parole) incarcerated.

FIGURE 10

Lengths of Stay in Prison for Technical Violations Decreased for Parole and Increased for Probation

Days spent in prison for technical violations (for people released)



Source: Mississippi Department of Corrections.

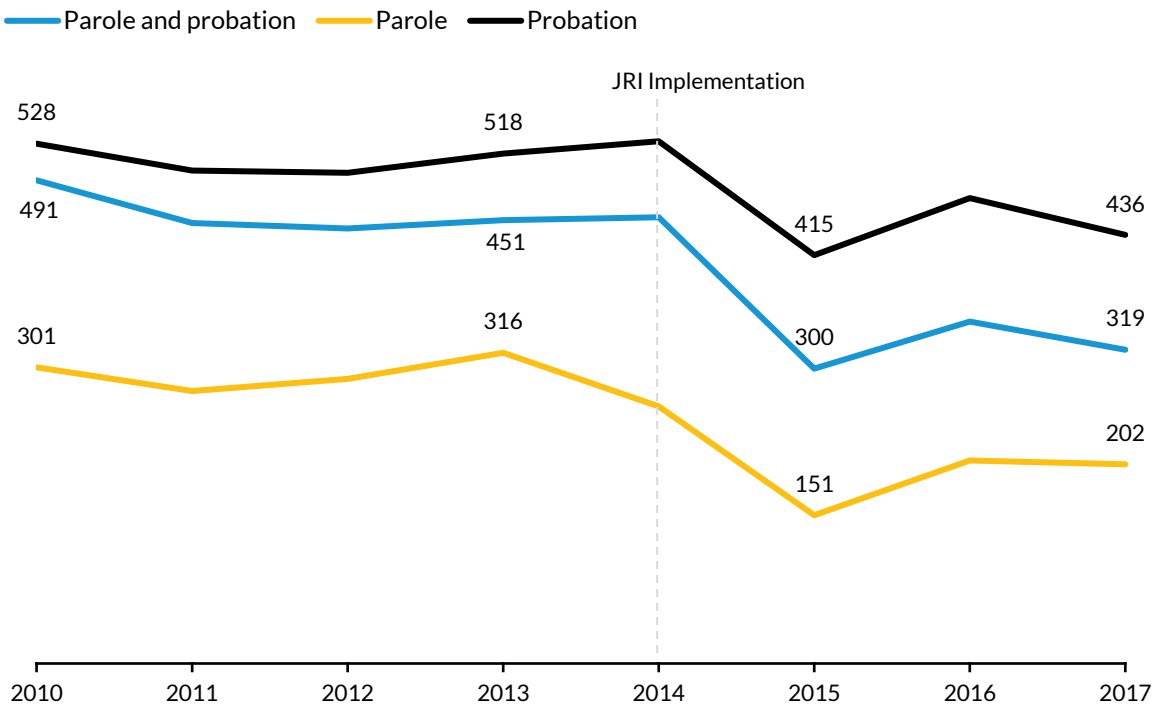
Overall, people on probation and parole in Mississippi are spending less time incarcerated for technical violations than they were before H.B. 585. The average length of incarceration (i.e., in both prison and TVCs) for technical violations decreased 29 percent between 2013 and 2017. During that period, average length of incarceration for technical violations decreased 36 percent for people on parole and 16 percent for people on probation. In 2017, people on probation incarcerated for technical violations spent, on average, more than twice as long in prison as people on parole (14.5 months and 6.7 months, respectively) (figure 11).

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FIGURE 11

Length of Incarceration for Technical Violations Decreased for Parole and Probation

Average days served (in prison and TVCs) for technical violations (for people released)



Source: Mississippi Department of Corrections.

Additional Outcomes and Recommendations

A synthesis of findings from interviews with Mississippi criminal justice stakeholders sheds light on some additional potential impacts of TVCs, as well as recommendations for policymakers and administrators to consider.

Additional Outcomes

Although it is too soon to assess recidivism rates for people released from TVCs, recent administrative changes could improve outcomes. Since April 2018, Delta TVC has provided programming to address the factors underlying criminal behavior, including alcohol and drug education, workforce and reentry programming, and cognitive training. It has also provided supplemental programming on an ad hoc basis, including a class on financial well-being. Mississippi Department of Corrections plans to expand programming in Delta TVC to the extent possible. There are not yet any formal assessments of program quality, nor are there risk and needs assessments for tailoring programming.

Additionally, recent legislative changes could better align TVCs with H.B. 585's original intent. As previously discussed, H.B. 387 (passed in 2018) clarified that revocation caps apply according to a

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person's number of prior technical revocations, not violations. This clarification was intended to address the issue of decisionmakers stacking violations to bypass TVCs and revoke people directly to prison. Because the quantitative data in this brief only go through 2017, it is unclear whether these changes have made an impact. However, Mississippi stakeholders have mixed opinions about the extent to which these changes have altered behavior, and about whether decisionmakers are aware of these changes.

Data Recommendations

Data limitations inhibited Urban's ability to examine important outcomes, such as the impact of TVCs on public safety and their ability to address the underlying factors of revocations. Filling gaps in data on TVCs can make future analyses more comprehensive. Priorities for future data collection include detailed information about sanctions for each violation (both recommended sanctions and implemented sanctions); information on incentives given to people on supervision; and information about programming and other treatment offered to and completed by people incarcerated in prison, incarcerated in TVCs, and under community supervision. Additionally, collecting metrics on recidivism—including revocations after a TVC sanction—and metrics on successful supervision case closures—such as time to closure—could be expanded and collected in a more usable format that allows the progression of a case to be tracked more easily.

The analysis presented here highlights the differing responses to technical violations for people on parole and probation and for people in different counties. To better understand and address those variations, it is critical that Mississippi be able to link sanctions and admissions data to specific decisionmakers and geographic areas. These data could be used to identify where and why TVCs are or are not being used, and lead to more targeted, cost-efficient, and effective solutions. Additionally, geographic data can be used to hold system actors accountable for responding to technical violations in accordance with the law.

Other Recommendations

House Bill 585 requires that technical violation centers be "equipped to address the underlying factors that led to the offender's violation as identified based on the results of a risk and needs assessment."[10] Moreover, research has demonstrated that interventions are most effective when based on a person's assessed risks and needs (Andrews and Bonta 2010; Bonta and Andrews 2007). Delta TVC currently provides the same programming in the same dosage to everyone admitted. Moving toward targeted programming in TVCs will help Mississippi prioritize resources for people who will benefit most from programming, and better align its TVC program with H.B. 585 requirements and research on how to address criminal behavior most effectively.

Research has also demonstrated that for people assessed as low risk, interventions are generally less effective and may even create worse outcomes (Andrews and Bonta 2010; Bonta and Andrews 2007; Lowenkamp and Latessa 2004). Interviews with Mississippi stakeholders showed even the shorter 90- or 120-day stays in TVCs disrupt people's lives, including by causing job loss, housing loss,

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and disruption of family relationships. Limiting the use of incarceration to certain supervision violations would allow resources used on incarceration to be redirected toward community-based interventions, thus decreasing the likelihood of these disruptions and allowing people to maintain critical family and community ties while receiving programming targeted to their risks and needs.

Conclusion

States across the US are looking for more effective solutions to respond to technical violations and improve public safety. Mississippi's H.B. 585 established graduated sanctions, revocation caps, and technical violation centers to address the growing number of people admitted to prison for technical violations and to get a better public safety return on its use of correctional resources. Despite challenges implementing TVCs and decisionmakers' hesitation to use them, Mississippi has decreased the number of imprisonment days used for technical violations. More people are being admitted to incarceration for technical violations, but they are spending less time incarcerated. Importantly, this analysis shows TVCs are used differently for people on probation and parole.

For parole, there have been more technical revocations to prison since H.B. 585, and there have been even more overall admissions to incarceration for technical violations (that is, including TVCs). However, the average length of stay—in prison and overall—has decreased. Overall, Mississippi has used approximately the same number of imprisonment days for technical violations of parole as before H.B. 585, but the number of incarceration days (prison and TVCs) for technical violations of parole has increased 45 percent.

For probation, fewer people are being revoked to prison for technical violations. Including TVCs, approximately the same number of people on probation are being admitted to incarceration (both prison and TVCs) for technical violations as before H.B. 585. Though people revoked to prison from probation for technical violations are spending slightly longer terms in prison, the average length of incarceration has decreased. The net impact of these changes is a 45 percent reduction in imprisonment days and a 16 percent reduction in incarceration days for people with technical violations of probation.

Moving forward, Mississippi can use this analysis to inform improvements to the TVC program and to develop more cost-effective, targeted community solutions to reduce the disruptive effects of incarceration and improve public safety. It will also be critical to expand and improve data collection to ensure outcomes are improving and programs align with legislative requirements and research.

Notes

1 "Corrections Statistical Analysis Tool (CSAT) – Prisoners," Bureau of Justice Statistics, accessed June 4, 2019, https://www.bjs.gov/index.cfm?ty=nps.

2 In this brief, incarceration refers to people held in prisons or TVCs.

3 "Corrections Statistical Analysis Tool," BJS.

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[4] *Final Report* (Jackson: Mississippi Corrections and Criminal Justice Task Force, 2013).

[5] *Final Report*, Mississippi Corrections and Criminal Justice Task Force.

[6] Proportions are calculated by taking the parole/probation population on January 1 of a given year and then looking at the percentage of that population that was revoked on a technical violation in the subsequent 365 days.

[7] The data do not permit an examination by county of supervision. County of conviction is likely a better proxy for people on probation than for people on parole.

[8] Available sanctions data only include the sanction that the supervision officer recommended. This is not necessarily the sanction that ended up being used, as judges (for probation) and the parole board (for parole) make the final decision to send someone to a TVC or to prison and do not need to adhere to the supervision officer's recommendation. The analysis presented here is limited to instances where supervision officers recorded their recommended TVC sanction for a person.

[9] Includes all people released from prison in a given year after being revoked for a technical violation.

[10] Mississippi House Bill 585 (2014).

References

Andrews, D. A., and James Bonta. 2010. "Rehabilitating Criminal Justice Policy and Practice." *Psychology, Public Policy, and Law* 16 (1): 39–55. https://psycnet.apa.org/doi/10.1037/a0018362.

Bonta, James, and D. A. Andrews. 2007. *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation*. Ottowa, CAN: Public Safety Canada.

Lowenkamp, Christopher T., and Edward J. Latessa. 2004. "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders." *Topics in Community Corrections*: 3–8.

Pew (The Pew Charitable Trusts). 2014. "Mississippi's 2014 Corrections and Criminal Justice Reform: Legislation to Improve Public Safety, Ensure Certainty in Sentencing, and Control Corrections Costs." Washington, DC: Pew.

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About the Authors

Chloe Warnberg is a former policy analyst in the Justice Policy Center at the Urban Institute, where she worked on projects related to criminal justice policy, prosecutorial decisionmaking, justice reinvestment, and juvenile justice. She graduated from Duke University with a BA in public policy and is now a JD candidate in the class of 2022 at Harvard Law School.

Robin Olsen is a senior policy associate in the Justice Policy Center, where she works on projects related to prosecutorial decisionmaking and data driven criminal and juvenile justice reform. She holds an MPP degree from Harvard University.

Acknowledgments

This project was supported by Grant No. 2015-ZB-BX-K005 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the US Department of Justice. We are grateful to them and to all our funders, who make it possible for Urban to advance its mission.

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The authors would also like to thank our colleagues Elizabeth Pelletier, Brian Elderbroom, Chelsea Thomson, Ammar Khalid, and Samantha Harvell for their valuable assistance throughout this project. We are also extremely grateful to the stakeholders who took time to share their insights and experiences with us.



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FL-SEN-20-0201-B, 20-0202-A-004710

From: mjalazo@exoffender.org <mjalazo@exoffender.org>
Sent: Wednesday, November 20, 2019 4:49 PM EST
To: Holloway, Jason <Holloway.Jason@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>; meshil.melissa@flsenate.gove <meshil.melissa@flsenate.gove>; Moore, Tennille <Moore.Tennille@flsenate.gov>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Fwd: Pinellas Ex Offender Re Entry Coalition
Attachment(s): "FDOR Letter.pdf"

Hello All-

Didnt know if anyone had any luck in helping with this - we have another court date this Friday and thought I would check in. Please let me know.

Thank you

Michael Jalazo

----- Original Message -----
From:
mjalazo@exoffender.org

To:
moore.tennille@flsenate.gov, holloway.jason@flsenate.gov, hubbard.zachary@flsenate.gov, meshil.melissa@flsenate.gove
Sent:
Wed, 04 Sep 2019 10:49:53 -0400
Subject:
Pinellas Ex Offender Re Entry Coalition
Hello-

I left a message for both Senator Rouson and Senator Brandes last week concerning the attached matter. I am sending a copy to the Governor and mailing one to Dr Zingale as I cant seem to get an email address for him. We are looking for some support from DOR such that we dont pay Doc Stamps twice on our housing program in Clearwater due to a technicality. Not sure who knows whom where, but appreciate any support either Senator (and staff) can give in helping us resolve this and paying this twice - to the tune of nearly $14k.

I am glad to explain, feel free to call me at 727-656-4989.

Thank you

Michael Jalazo

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PERC

Phone: (855) 505-7372
Fax: (727) 600-8096
Email: info@exoffender.org
FEIN: 59-3643636; 501c3 Tax Exempt Designation
Florida Solicitation of Contributions #CH21771

www.exoffender.org

August 30, 2019

Dr. Jim Zingale, Executive Director
Florida Department of Revenue
5050 West Tennessee Street
Tallahassee FL, 32399

Dear Mr. Zingale:

This purpose of this letter is in search of support and relief. We are listed as business partner 5485305. This past Tuesday I spent part of the morning in a Judge's chamber reviewing a case with our attorney and an attorney for the Florida Department of Revenue.

The Pinellas Ex Offender Re Entry Coalition (PERC) is an agency that exists to help the offender become and remain an ex-offender, taxpaying citizen reunited with family through advocacy, education, programming and comprehensive service delivery and referral. We believe that the successful reentry of offenders who become and remain ex-offenders is excellent public safety policy. In May of 2016, we acquired a facility in Clearwater to provide housing that we use for Veteran's and others who may have had contact with the criminal justice system and transitioning back into society. When we closed on the property, we executed a mortgage and paid Doc Stamps at that time. It was a different type of transaction because we purchased a company from an out of country owner that had one asset (the Continental Inn, now Continental Housing Program). In February of 2017 we made a simple move – to shutter the old company and have the facility in the name of our non-profit corporation. Sometime after this it became an issue with DOR wanting the same Doc Stamp taxes we had already paid. This could have, should have been quickly and easily addressed and this entire situation would be unnecessary. Certainly, the DOR would not expect a non-profit to pay the same taxes twice.

This is where well intentioned people – including myself, messed it up. Through 2018 my office moved twice, and mail concerning this was sent to an office where I am not located. People began putting mail from that facility in a box for me, but no one informed me. We pay most of our bills online, thus nothing seemed out of the ordinary. Finally, in December when looking for something, I discovered this box where the only significant issue was a big set of mail from DOR. I reviewed it, called your staff and sent to my lawyer because we needed to respond and didn't. Regrettably, I assumed my lawyer took care of this before the date, but he hadn't received what I sent him (while I was on a trip to Tallahassee early in session). Currently there is a lien on nearly $14k in my bank account that has been there for many months now while we have gone through the legal channel that was suggested by my lawyer for review.

It doesn't seem from the legal proceeding that the facts of this are in dispute, rather that since we missed the deadline, statute does not allow for any wiggle room on any order. Any order, in fact, that the judge may make could have state-wide implications in precedent setting (maybe unlikely, but possible) which wasn't really our intent. What may happen, as the Judge really did understand the actual issue is that he may dismiss the

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complain we made without prejudice, with leave to amend, thus kicking off potential appeals either way it is ruled upon – also not our intent.

What I am appealing to you for is some sort of consideration in this matter such that rulings and courts are out of this, and we can simply move forward. Again, we are a small non-profit that can't afford to spend $14k this way, and certainly not paying for the same Doc Stamps twice. We are completely open minded to working with DOR in some other way, but at this point I thought I would write to you seeking some compassion and relief with the hope of avoiding any precedent setting actions unintentionally.

Please let me know if you have any questions or comments. I can be reached at 727-656-4989, or emailed at mjalazo@exoffender.org.

Thank you for your time and consideration

Sincerely,



Michael Jalazo
CEO/Executive Director
Pinellas Ex Offender Re Entry Coalition

CC: Governor Ron DeSantis

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From: Jeff Brandes <22brandes@gmail.com>
Sent: Friday, January 17, 2020 5:12 PM EST
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: Fwd: Talking Points for 1372
Attachment(s): "ATT00001.htm","SB 1372 Response.docx"

---------- Forwarded message ---------
From: **David Ramba** <david@rambaconsulting.com>
Date: Mon, Jan 6, 2020 at 2:04 PM
Subject: Fwd: Talking Points for 1372
To: Jeff Brandes <22brandes@gmail.com>

Sent from my iPhone

Begin forwarded message:

> **From:** David Ramba <david@rambaconsulting.com>
> **Date:** January 6, 2020 at 1:45:54 PM EST
> **To:** Evan Power <Evan@rambaconsulting.com>, "jeff@jeffbrandesfl.com" <jeff@jeffbrandesfl.com>
> **Cc:** Rachel Kruse <rachel@rambaconsulting.com>
> **Subject: Talking Points for 1372**
>
> ï»¿

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Explanation of Section 1 of SB 1372 relating to voter addresses:

Senate Bill 1372 was a list of concepts and clean up language brought to me by the Florida Supervisors of Elections (FSE).

The language in Section 1 is an attempt to clean up a conflict in Florida law. The language drafted by staff did not accurately portray the intent of the clarification.

Poll workers in Florida take an oath to uphold Florida's election laws (§101.24 and 102.012, F.S.). When those laws conflict as it relates to their duties, we must try and resolve those conflicts. Florida Statute 101.043 is one of those statutes.

Paragraph (b) in section 1 of that statute requires that:

"The address appearing on the identification presented by the elector may not be used as the basis to confirm an elector's legal residence or to otherwise challenge an elector's legal residence."

Compare this to the language in paragraph (c) of that same section:

"When an elector presents his or her picture identification and the elector's address on the picture identification matches the elector's address in the supervisor's records, the elector may not be asked to provide additional information or to recite his or her home address."

The very act seemingly required in paragraph (c) – matching the address on the ID with the address in the supervisor's records – clearly violates the provision in paragraph (2) that the "address appearing on the identification presented . . . **may not** be used . . . to **confirm** an elector's legal residence . . . [emphasis added]."

The best way to resolve this would be to strike only the provision against "confirming" the address by matching it; thus keeping the protection for the voter that the address on their ID cannot be used as the sole basis to challenge a voter's eligibility.

The ideal language for Senator Brandes' bill would be:

> *The address appearing on the identification presented by the elector may not be used as the basis to ~~confirm an elector's legal residence or to otherwise~~ challenge an elector's legal residence.*

Also, as a side note for those who see this clean-up as "voter suppression" I would offer the following important reminder: of the twelve valid forms of photo ID allowed under Florida law [§ 101.043 (1)(a), F.S.] only two have an address – the Florida driver's license and the Florida ID card. The remaining 10 valid forms of ID either do not have, or have no requirement under law to have, a voter's residence address on them.

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From: Brandes, Jeff
Sent: Sunday, November 03, 2019 6:02 PM EST
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: Fwd: Visiting from Pinellas on “Advertising Day”

Sent from my iPhone

Begin forwarded message:

> **From:** Kate Whatley <kate@socialforces.com>
> **Date:** November 3, 2019 at 3:54:43 PM EST
> **To:** "Brandes, Jeff" <BRANDES.JEFF@flsenate.gov>
> **Cc:** Alexis Quintal <aquintal22@gmail.com>
> **Subject: Visiting from Pinellas on “Advertising Day”**
>
> Dear Senator Brandes,
> Several other members from the American Advertising Federation (AAF) - Tampa Bay and I will be visiting Tallahassee with other AAF members from around the State on November 5th for “Advertising Day.” The AAF has chapters across the United States, and Florida chapters will be sending about 50 representatives to Tallahassee to discuss our advertising interests, goals, and contributions to the Florida economy.
>
> Our representatives from Tampa Bay would like to set up a brief appointment with you on November 5th. I can be reached by email at kate@socialforces.com and directly on my mobile phone via call or text at 813-545-8560.
>
> Thank you in advance for your time!
>
> **KATE WHATLEY**
> CEO // SOCIAL FORCES
> 813 545 8560 // LinkedIn // Visit SOFO
>
> Social Forces is a certified Woman-Owned Business, Woman Owned Small Business and is part of the Goldman Sachs '10,000 Small Businesses' 2019 National Cohort.

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From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Monday, November 04, 2019 2:09 PM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Fwd: Visiting from Pinellas on “Advertising Day”

Would one of you like to meet with the group, or do you think CJ will run the full time? They didn’t reach out until Sunday...

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

Begin forwarded message:

From: Kate Whatley <kate@socialforces.com>
Date: November 4, 2019 at 2:03:13 PM EST
To: "Meshil, Melissa" <Meshil.Melissa@flsenate.gov>
Subject: Re: Visiting from Pinellas on “Advertising Day”

Thank you so much for getting back to me. Unfortunately, our group will have already left to travel back to Tampa Bay at that time. We know Senator Brandes time is limited. Would it be possible to stop by the office earlier in the day to drop off some literature and maybe speak to you or one of the other Legislative Assistants for a few minutes? Thank you so much!

KATE WHATLEY
CEO // SOCIAL FORCES
813 545 8560 // LinkedIn // Visit SOFO

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On Mon, Nov 4, 2019 at 11:46 AM Meshil, Melissa <Meshil.Melissa@flsenate.gov> wrote:

> Katie,
>
> Thank you for reaching out. Will your group be available to meet with Senator Brandes at 5:30 tomorrow? We’re located in Senate office Building 416.
>
> Thanks again,
>
> **Melissa Meshil**
>
> Legislative Assistant to State Senator Jeff Brandes
>
> meshil.melissa@flsenate.gov
>
> District: (727) 563 – 2100
> Capitol: (850) 487 – 5024
> Jeff Brandes – District 24
>
> **From:** Kate Whatley <kate@socialforces.com>
> **Sent:** Sunday, November 3, 2019 3:54 PM
> **To:** Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
> **Cc:** Alexis Quintal <aquintal22@gmail.com>
> **Subject:** Visiting from Pinellas on “Advertising Day”

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Dear Senator Brandes,
Several other members from the American Advertising Federation (AAF) - Tampa Bay and I will be visiting Tallahassee with other AAF members from around the State on November 5th for “Advertising Day.” The AAF has chapters across the United States, and Florida chapters will be sending about 50 representatives to Tallahassee to discuss our advertising interests, goals, and contributions to the Florida economy.

Our representatives from Tampa Bay would like to set up a brief appointment with you on November 5th. I can be reached by email at kate@socialforces.com and directly on my mobile phone via call or text at 813-545-8560.

Thank you in advance for your time!

KATE WHATLEY

CEO // SOCIAL FORCES

813 545 8560 // LinkedIn // Visit SOFO

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From: Kynoch, Cindy <Cindy.Kynoch@LASPBS.STATE.FL.US>
Sent: Thursday, February 06, 2020 10:52 AM EST
To: Senate - All <Senate-All@flsenate.gov>
Subject: FY 2020-2021 General Appropriations and Implementing Bills
Attachment(s): "Budget Summary - SB 2500 as Introduced.pdf"

Senators:

The Fiscal Year 2020-2021 General Appropriations Bill (SB 2500) and Implementing Bill (SB 2502), as Introduced, are now available electronically on the Senate's website, www.flsenate.gov , including the Appropriations webpage, www.flsenate.gov/Session/Appropriations.

A budget summary prepared by Appropriations committee staff is attached.

Cynthia Sauls Kynoch, Staff Director
Senate Appropriations Committee

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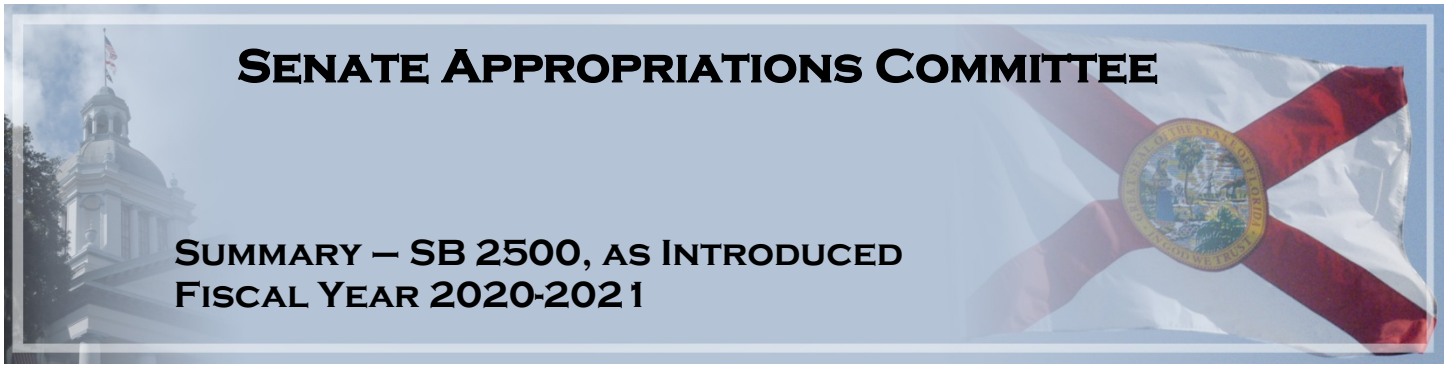


Budget Summary

SB 2500, as Introduced
Fiscal Year 2020-2021

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SUMMARY

Total Budget: $92.83 billion [$35.06 billion GR; $57.77 billion TF]

Reserves: $3.5 billion Total Aggregate:

- $1.0 billion - Working Capital
- $1.7 billion - Budget Stabilization Fund
- $858 million - Lawton Chiles Endowment Fund

MAJOR ISSUES

Education Capital Outlay

Total: $353.6 million [PECO TF]

- Charter School Repairs and Maintenance - $169.6 million
- Developmental Research School Repairs and Maintenance - $7 million
- Public School Special Facilities - $41.3 million
- Other Public School Projects - $9.4 million
- Florida College System Projects - $23 million
- State University System Projects - $90.9 million
- School for the Deaf and Blind Repairs and Maintenance - $5.3 million
- Public Broadcasting - Health and Safety Issues - $4.9 million
- Technical School Projects - $2 million
- Division of Blind Services Repairs and Maintenance - $100,000

In addition: $48 million in authorization for State University System (SUS) Capital Improvement Student Fee Projects

Compensation and Benefits

- Pay Issues - Total $249.4 million [$151.4 million GR; $98 million TF]
  - All State employees – a 3 percent increase, effective July 1, 2020.
  - Corrections Officers, Correctional Probation Officers, and Institutional Security Specialists – increases effective July 1, 2020, in addition to the 3% pay increase, based on longevity, of:
    - $500, for employees with less than 2 years of service;
    - $1,500, for employees with 2 or more but less than 5 years of service; and
    - $2,500, for employees with 5 or more years of service.
- Improved FRS Retirement Benefits – Total $5.6 million [$3 million GR; $2.6 million TF]
  - Juvenile Justice Detention Officers – FRS Special Risk Class benefits.
  - Regional Conflict Counsels & senior staff– FRS Senior Management Class benefits.
- State Group Health Insurance - Total $94.9 million [$58.6 million GR; $36.3 million TF]
  - 7% increase to total premiums (State Employee portion unchanged)
- Florida Retirement System (State Agencies) - Total $53.3 million [$17.4 million GR; $35.9 million TF]

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Senate Appropriations Subcommittee on Education

Summary – SB 2500, as Introduced
Fiscal Year 2020-2021

Summary

Total Appropriations: $23.2 billion [$17.9 billion GR; $5.3 billion TF, excludes tuition]

Total Funding - Including Local Revenues: $35.6 billion [$23.2 billion state funds; $12.4 billion local funds][1]

Major Issues

Early Learning Services

Total: $1.2 billion [$560.6 million GR; $663.9 million TF]

- Voluntary Prekindergarten Program - $404 million GR; including $1.75 million increase for 659 additional students
- School Readiness Program - $820.4 million [$156.5 million GR; $663.9 million TF]

Public Schools/K12 FEFP

Total Funding: $22.6 billion [$13 billion state funds; $9.6 billion local funds]

- FEFP Total Funds increase is $762.8 million or 3.49%
- FEFP increase in Total Funds per Student is $181.29, a 2.37% increase [from $7,656 to $7,837]
- Base Student Allocation (BSA) increase of $40.17
- FEFP Base Funds (flexible $) increase of $325 million (2.4%)
- Required Local Effort (RLE) increase of $159.4 million for New Construction only; RLE Millage reduced from 3.888 to 3.733 mills
- Teacher Salary Increase Allocation - $500 million – additional funds that school districts must use to increase the minimum salaries of classroom teachers (80%) and to increase salaries for other instructional personnel (20%)
- Eliminates the Best and Brightest Teacher and Principal Allocation – ($284.5 million)
- Safe Schools Allocation - $180 million for School Safety Officers
- Mental Health Assistance Allocation – $25 million increase for a total of $100 million to help school districts and charter schools address youth mental health issues
- Turnaround School Supplemental Services Allocation – $51 million – additional funds for services designed to improve the overall academic and community welfare of students and their families at designated lower performing schools
- Funding Compression Allocation – $52.1 million additional funds for school districts that receive lower than the statewide average total funds per student

Public Schools/K12 Non-FEFP

- Community School Grant Program - $10 million GR

[1] Local revenues include required and discretionary local effort for the public schools and tuition and fees for workforce, colleges, and universities.

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- Mentoring Programs - $15 million GR
- Gardiner Scholarships –$42 million additional funds for a total of $189.9 million GR
- Schools of Hope – ($40) million GR
- School District Foundation Matching Grants - $5 million GR
- School Hardening Grants program for capital purchases - $42 million GR
- School and Instructional Enhancement Grants - $17.9 million GR
- Exceptional Education Grants - $7.7 million [$5.4 million GR; $2.3 million TF]
- Florida School for the Deaf & Blind - $54.3 million [$49.6 million GR; $4.7 million TF]
- Computer Science Certification Grants - $10 million GR
- Reading Scholarships – $7.6 million GR
- Capital Projects - $3.9 million

State Board of Education

Total: $270.7 million [$118.5 million GR; $152.2 million TF]

- Assessment and Evaluation - $125.1 million [$68.8 million GR; $56.3 million TF]
- Safe and Secure Campus Initiatives - $8 million GR

School District Workforce

Total: $551.3 million [$297.4 million GR; $209.2 million TF; $44.7 million tuition/fees]

- Workforce Development for career and technical education and adult education - $370.3 million [$279.2 million GR, $91.1 million TF]
- Perkins Career and Technical Education grants and Adult Education and Literacy funds – $118.1 million TF
- CAPE Incentive Funds for students who earn Industry Certifications - $6.5 million
- School and Instructional Enhancement Grants - $1.7 million GR
- Pathways to Career Opportunities Grant Program for apprenticeships - $10 million GR
- No tuition increase

Florida College System

Total: $2.07 billion [$1.12 billion GR; $168.3 million TF; $778.7 million tuition/fees]

- Increased Operating Funds - $30 million New Tier-Based Funding Model
- CAPE Incentive Funds - $14 million GR
- Student Success Incentive Funds - $30 million
  - 2+2 Student Success Incentive Funds - $20 million GR
  - Work Florida Incentive Funds - $10 million GR
- No tuition increase

State University System

Total: $5.2 billion [$2.8 billion GR; $435 million TF; $2 billion tuition/fees]

- Performance Based Funding - $560 million
  - $265 million State Investment [GR]
  - $295 million Institutional Investment
    - Reprioritized from the base of each institution
- National Ranking Enhancement - $65 million GR increase
- Universities of Distinction - $15 million GR
- No tuition increase

Private Colleges

Total: $149.8 million GR

- EASE and ABLE funded at $2,841 per award

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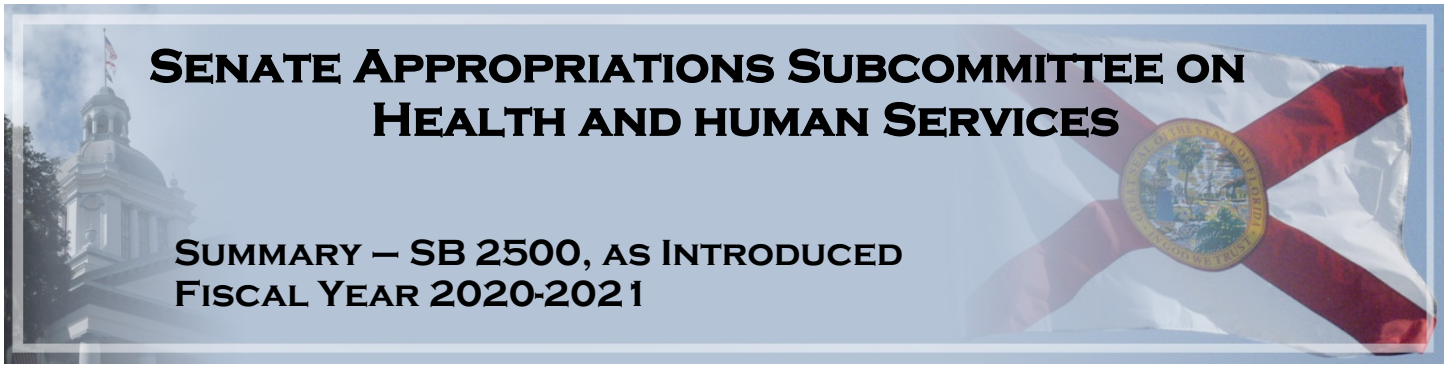
- Historically Black Colleges and Universities - $3 million GR increase

Student Financial Aid

Total: $984.5 million [$259 million GR, $725.5 million TF]

- Bright Futures – $651.8 million TF
- Benacquisto Scholarship Program – $26.6 million GR
  - $5.2 million workload increase
- Children/Spouses of Deceased or Disabled Veterans Workload Increase – $8.4 million GR
  - $757,042 workload increase

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SUMMARY

Total Budget: $39.4 billion [$10,634.1 million GR; $28,751.7 million TF]; 30,915.76 positions

MAJOR ISSUES

Agency for Health Care Administration

Total: $30,812.3 million [$7,361.8 million GR; $23,450.5 million TF]; 1,532.50 positions

- Medicaid Price Level and Workload – $900.7 million [$144.5 million GR; $756.2 million TF]
- KidCare Workload – $31.5 million [$74.7 million GR; ($43.2 million) TF]
- Florida Healthy Kids Lifetime Benefit Maximum Repeal – $1.17 million [$0.28 million GR; $0.89 million TF]
- Canadian Prescription Drug Importation Program – $15.0 million GR
- New Reimbursement Rate Level for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) – $38.3 million [$14.6 million GR; $23.7 million TF]
- Redirect Hospital Supplemental Payments – $69.2 [$26.4 million GR; $42.8 million TF]
- Increase Hospital Inpatient DRG Base Rate – $47.4 million [$18.1 million GR; $29.3 million TF]
- Increase Hospital Outpatient EAPG Base Rate – $11.8 million [$4.5 million GR; $7.3 million TF]
- Directed Payment Program for Hospitals (Authorization Subject to Federal Approval)
- Hospital Quality Incentive Program – $10.0 million [$3.8 million GR; $6.2 million TF]
- Graduate Medical Education Program Increase – $33.7 million [$12.9 million IGTs, $20.8 million TF]
- Medical School Faculty Physician Supplemental Payments – $4.6 million [$1.8 million IGTs, $2.8 million TF]
- Florida Cancer Hospital Restoration – $141.5 million TF [$54.0 million IGTs, $87.5 million TF]
- Nursing Home Rate Enhancement – $104.8 million [$40.0 million GR; $64.8 million TF]
- Florida Medicaid Management Information System (FMMIS) – $60.0 million TF
- Electronic Visit Verification for Behavior Analysis Services – $3.15 million TF

Agency for Persons with Disabilities

Total: $1,638.8 million [$665.5 million GR; $973.3 million TF]; 2,700.5 positions

- Resources for Persons with Unique Abilities – $134.3 million [$51.3 million GR; $83.0 million TF]
- Serve Additional Clients on the HCBS Waiver Waitlist – $30.2 million [$11.5 million GR; $18.7 million TF]
- Increase Adult Day Training Provider Rates – $2.6 million [$1.0 million GR; $1.6 million TF]

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- Increase Personal Supports/Companion Provider Rates - $28.6 million [$10.9 million GR; $17.7 million TF]
- Increase Residential Habilitation Provider Rates - $20.4 million [$7.8 million GR; $12.6 million TF]
- Employment and Internship Supports – $1.0 million GR
- iConnect System – $1.5 million [$0.3 million GR; $1.2 million TF]
- Fixed Capital Outlay for Developmental Disability Facilities – $2.9 million [$0.2 million GR; $2.7 million TF]

Department of Children and Families

Total: $3,312.4 million [$1,875.5 million GR; $1,436.9 million TF]; 12,050.75 positions

- Child Welfare Services:
  - Maintenance Adoption Subsidies – $20.0 million [$9.4 million GR; $10.6 million TF]
  - Increase Foster Parent Room & Board Rate – $0.8 million [$0.5 million GR, $0.3 million TF]
  - Evidence-Based Practices and Service Intervention – $10.0 million TF
  - Safety Management Services Restoration – $8.1 million [$5.2 million GR, $2.9 million TF]
  - Maintain Risk Pool Funding – 3.1 million GR
  - Increase Adoption Incentive Benefits for State Employees Funding - $1.6 million GR
- State Opioid Funding – $69.6 million TF
- Community Mental Health Treatment Services:
  - Increased School Access to Mental Health Services through Telehealth – $4 million GR
  - Restore Two (2) Children's Community Action Teams (CATs) – $1.5 million GR
  - Increase Forensic Community Transitional Beds (24 beds) – $2.1 million GR
  - Expand Community Mental Health Services by Realigning Department Funding – $5.8 million GR
  - Employment Assistance/Individuals with Mental Health Disorders – $1.7 million GR
  - Increase Juvenile Incompetent to Proceed Funding - $1.3 million GR
- State Mental Health Hospitals:
  - Contracted Mental Health Hospital Cost of Living Rate Adjustment – $3.6 million GR
  - Anti-Ligature Improvements – $1.7 million GR
  - Fixed Capital Outlay Repairs and Maintenance – $1.5 million GR

Department of Elder Affairs

Total: $363.8 million [$178.4 million GR; $185.4 million TF]; 404 positions

- Community Care for the Elderly (CCE) Program (381 slots) – $3.2 million GR
- Aging Resource Centers - $2 million [$1 million GR; $1 million TF]
- Alzheimer's Disease Initiative (167 slots) – $1.8 million GR
- Home Care for the Elderly (HCE) Program (139 slots) – $0.6 million GR
- Public Guardianship Program – $10.5 million GR
- Client Information and Registration Tracking System (eCIRTS) Project Implementation – $1.7 million [$0.2 million GR; $1.5 million TF]
- Program of All-Inclusive Care for the Elderly (PACE) – $2.6 million [$1 million GR; $1.6m TF]
- Adult Care Food Program – $1 million TF

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Department of Health

Total: $3,096.4 million [$529.4 million GR; $2,567.0 million TF]; 12,766.51 positions

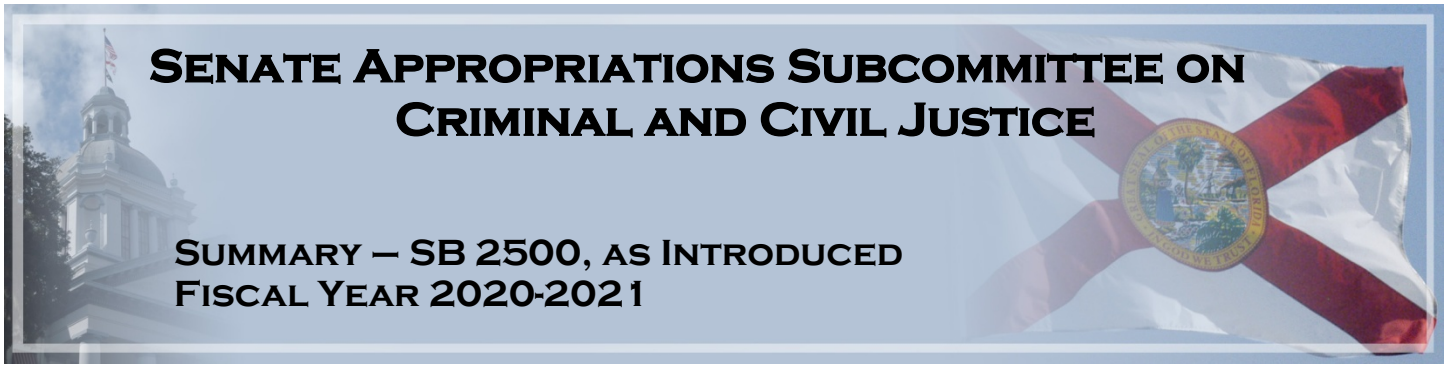
- Office of Medical Marijuana Use – $8.1 million TF
- Emerging Disease Threat Response (Hepatitis A) – $10 million GR (for 2019-2020 fiscal year)
- Transfer Correctional Medical Authority from EOG to DOH – $0.7 million GR; 4 FTE
- Children Medical Services workforce reduction – ($7.4 million) TF, (79 FTE)
- Children's Medical Services Managed Care Plan Administrative Savings – ($12.7 million) [$10.3 million GR; $2.4 million TF]
- Child Protection Teams – $1.5 million GR
- Housing Opportunities for Persons with Aids (HOPWA) – $9.1 million TF
- Early Steps Program – $8.0 million GR
- Early Steps Program State Match – $5.4 million GR
- Healthy Floridians Healthy Future Racial and Ethnic Disparities Closing the Gap – $1.7 million GR
- Poison Information Control Network – $0.7 million GR
- Expansion of Genetic Services – $1.2 million TF
- Center for Disease Control Federal Opioid Grant – $6.5 million TF
- Capital Improvement Projects for Public Health Laboratories and County Health Departments – $8.8 million TF

Department of Veterans Affairs

Total: $162.0 million [$23.4 million GR; $138.6 million TF]; 1,461.5 positions

- Staffing and Start-up of State Veterans' Nursing Home in St. Lucie County (Ardie Copas) – $4.6 million TF; 17 FTE
- Staffing and Start-up of State Veterans' Nursing Home in Orange County (Lake Baldwin) – $2.9 million TF; 17 FTE
- Increased FCO Funding for State Veterans' Nursing Home in Orange County (Lake Baldwin) – $6.1 million TF
- State Veterans' Nursing Home Nurse Staffing Increase – $1.5 million TF; 16 FTE
- Health Information Systems Technology Systems Upgrade – $0.4 million TF
- Nursing Home Equipment Needs – $1.2 million TF
- Florida is For Veterans Training Grants – $2.5 million GR
- Fixed Capital Outlay for State Veterans' Nursing Homes – $2.0 million TF

AMERICAN OVERSIGHT



SUMMARY

Total Budget: $5.6 billion [$4,742.4 million GR; $821.9 million TF]; 46,952.25 positions

MAJOR ISSUES

- Funds the Department of Corrections pilot program to convert work shifts from 12 to 8.5 hours for one third of the institutions $29.1 million GR and 292 FTE
- Continued funding of contracted inmate health services - $421 million
- Funds the Hepatitis C class action lawsuit in the Department of Corrections, contingent upon the court's final ruling on all appeals related to the treatment of inmates identified as testing positive for level F0-F1 Hepatitis C - $28 million GR
- Mental Health Facilities, including provision for the financing of a new mental health facility at Lake Correctional Institution - $17.9 million GR
- Fixed Capital Outlay for DJJ's residential program facilities - $6.3 million TF
- Funds workload issues for the Justice Administrative Commission (Public Defenders, State Attorney, Capital Collateral Regional Counsel and the Offices of Criminal Conflict and Civil Regional Counsel) - $12.9 million [$8.2 million GR, $4.7 million TF]
- Funds Year 3 of the Department of Legal Affairs IT Modernization Initiative - $6.6 million [$5.6 million GR, $1 million TF]
- Funds FDLE's trust fund deficits within the Operating and Criminal Justice Standards and Training Trust Fund - $5.9 million GR

Attorney General/ Legal Affairs

Total: $295 million [$70.1 million GR; $224.9 million TF]; 1,365.5 positions

- Agency-wide Information Technology Infrastructure Improvements - $6.6 million [$5.6 million GR, $1 million TF]
- Crime Victims Compensation Payments - $2 million GR
- Statewide Prosecution - $0.4 million GR
- Increased Operating Costs $2.2 million [$1.2 million GR; $1 million TF]

Department of Corrections

Total: $2.8 billion [$2.75 billion GR; $50 million TF]; 25,253 positions

- Funds the Department of Corrections pilot program to convert work shifts from 12 to 8.5 hours for one third of the institutions $29.1 million GR and 292 FTE
- Private Leases - $3.0 million GR
- Security Enhancement Equipment - $1.5 million GR
- Replacement of Motor Vehicles - $2.6 million GR
- Inspector General Inspectors - $1.5 million and 20 FTE
- Electronic Health Records - $2.3 million GR
- Security Threat Group - $2.2 million GR and 34 FTE

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- Wellness Specialists - $1.9 million and 34 FTE
- Academic and Technical Education Expansion - $5.4 million and 17 FTE
- Development of a University Medical School Inmate Health Care Plan - $.5 million
- Hepatitis C Direct Acting Antivirals - $28 million GR
- Critical Facility Renovations, Repairs and Maintenance - $6.8 million GR
- Mental Health Facilities - $17.9 million GR

Florida Department of Law Enforcement (FDLE)

Total: $284.0 million [$132.3 million GR; $151.7 million TF]; 1,944 positions

- Increase Capitol Complex Security - $0.9 million TF; 5 FTE
- Computerized Criminal History (CCH) Record System Maintenance - $1.9 million GR
- Florida Incident Based Reporting System (FIBRS) - $2.6 million GR
- Operating Trust Fund Deficit - $2 million GR
- Criminal Justice Standards and Training Trust Fund Deficit - $3.9 million GR
- Increase Federal Grants Trust Fund Authority for Project Safe Neighborhood Grants - $1.5 million TF
- Genetic Genealogy Program - $0.8 million GR; 6 FTE
- Statewide Behavioral Threat Assessment and Modernize to Counter 21st Century Threats - $1.1 million GR
- Repair and Maintenance for the Tampa Bay Regional Operations Center - $2.7 million GR

Department of Juvenile Justice

Total: $587 million [$442 million GR; $145 million TF]; 3,285.5 positions

- Additional Evidence Based Residential Services - $4.2 million GR
- Prevention and Early Intervention Programs and Services - $2.3 million GR
- Critical Repairs and Maintenance to DJJ Facilities - $6.3 million GR
- Enhanced Oversight of Medical Services in Residential Programs - $.6 million and 6 FTE
- Fixed Capital Outlay for DJJ's residential program facilities - $6.3 million TF

State Court System

Total: $602.4 million [$504.9 million GR; $97.5 million TF]; 4,434.5 positions

- Problem Solving Courts - $.3 million GR, $7,880 TF and 2 FTE
- Family Court Operational Support - $.3 million, 7,880 TF and 2 FTE
- Additional Judgeships - $2.1 million GR, $.03 million TF and 15 FTE (includes the certification of 5 new circuit judges)
- Judicial Data Management System - $.4 million TF
- Appellate Judiciary Travel - $125,000 GR
- Timely Resolution of Cases - $5.0 million GR and 64 FTE
- Court Interpreting Resources - $5.0 million GR and 37.5 FTE
- Begin the work for a new courthouse in the 2nd District Court of Appeal - $20 million GR

Justice Administrative Commission (JAC)

Total: $984.5 million [$831.9 million GR; $152.6 million TF]; 10,537.75 positions

- JAC HQ Staffing Needs - $264,935 GR; 3 FTE
- JAC HQ Critical Information Technology (IT) Needs - $317,000 GR
- State Attorney Workload - $1 million GR
- State Attorney Trust Fund Needs (Various) - $4.1 million TF; 3 FTE
- Public Defender Various Mental Health, Substance Abuse Related Funding Issues - $3.7 million GR; 32.5 FTE
- Public Defender Workload - $1 million GR

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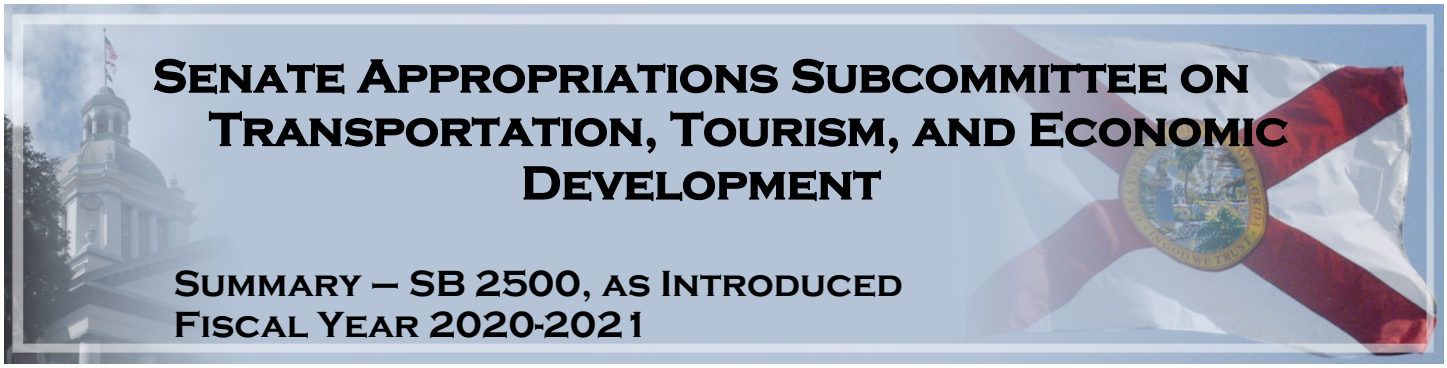
- Capital Collateral Regional Counsels (various issues - IT, Rent, Workload) - $208,920 GR
- Criminal Conflict & Civil Regional Counsel Workload, Rent, Forensic Social Workers, Bar Dues - $638,803 GR; 3 FTE
- RC02 Cross Jurisdictional Death Penalty Pilot Program - $1 million GR; 7 FTE

Florida Commission on Offender Review

Total: $11.9 million [$11.8 million GR; $0.1 million TF]; 132 positions

- Replacement of Motor Vehicles - $25,000 GR
- Information Technology (IT) Services Provided by Department of Corrections - $376,000

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Summary

Total Budget: $13.7 billion [$213.9 million GR; $13.5 billion TF]; 13,058 positions

Major Issues

- Transportation Work Program - $9.2 billion TF
- Affordable Housing Programs - $387 million TF
- Job Growth Grant Fund - $20 million GR
- Library Grants and Initiatives - $25.8 million GR
- Cultural, Museum, and Historic Preservation Grants and Initiatives - $43.7 million GR and TF
- Motorist Modernization Project - $9.2 million TF
- National Guard Tuition Assistance - $3.2 million GR

Department of Economic Opportunity

Total: $1.25 billion [$86.4 million GR; $1.2 billion TF]; 1,469 positions

- Economic Development Toolkit Payments (existing contracts) - $28.1 million GR and TF
- Florida Job Growth Grant Fund - $20 million GR
- Revolving Loan Fund Program - $40 million [$8 million GR and $32 million Federal TF] (for small businesses in the region impacted by Hurricane Michael)
- Space Florida - $12.5 million TF; $6 million GR
- Visit Florida - $50 million *recurring* TF
- Enterprise Florida - $16 million TF
- Affordable Housing Programs - $387 million TF
  - State Housing Initiatives Partnership (SHIP) - $267.2 million TF (allocated to local governments)
  - State Apartment Incentive Loan (SAIL) Programs - $119.8 million TF
- Rural Communities:
  - Rural Infrastructure Fund - $8.6 million GR
  - Rural Community Development Revolving Loan Fund - $6.2 million GR
- Economic Development Projects - $2.8 million GR
- Housing and Community Development Projects - $14.6 million GR
- Workforce Projects - $8.7 million GR

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Department of Highway Safety and Motor Vehicles

Total: $500.0 million TF; 4,347 positions

- Florida Highway Patrol Troopers - $2.6 million TF, 16 positions
  - First Coast Expressway - $1.3 million TF, 8 positions
  - Central Florida Expressway - $1.3 million TF, 8 positions
- Motorist Modernization Project - Phase II - $9.9 million TF
- Application Cloud Environment - $2.5 million TF
- Renovations to the Neil Kirkman Building - $2.6 million TF
- Florida Highway Patrol Troop D Headquarters, Orlando - $6.0 million TF

Department of Military Affairs

Total: $70.0 million [$29.3 million GR; $40.7 million TF]; 453 positions

- Tuition Assistance for Florida National Guard - $3.2 million GR
- Facility Maintenance and Repair - $3.4 million GR (matched by $3.4 million federal funds)
- Panama City Readiness Center Replacement - $6.3 million GR (matched by $18.75 million federal funds)

Department of State

Total: $125.6 million [$93.4 million GR; $32.2 million TF]; 420 positions

- Maintenance of Effort for Libraries - $23.2 million GR
- Libraries Construction Grant Ranked List - $2.0 million GR
- Grants to Library Cooperatives - $2.0 million GR
- Cultural and Museum Program Support and Facilities Grants and Initiatives - $26.0 million GR
  - Cultural & Museum Program Support Grants - $21.3 million GR
    - Cultural and Museum Ranked List - $12.6 million (funds distributed proportionally to all 489 projects)
    - Culture Builds Florida Ranked List - $2.9 million (funds all 125 projects)
    - Cultural Facilities Ranked List - $5.8 million (funds 17 of the 29 projects)
  - Cultural and Museum Projects - $4.7 million GR
- Historical Resources Preservation - $17.7 million GR and TF
  - Historic Preservation Grants - $6.2 million [$4.7 million GR; $1.5 million TF]
    - Historic Preservation Small Matching Grants Ranked List - $1.5 million TF (funds all 45 projects)
    - Historic Preservation Special Category Grants Ranked List - $4.7 million GR (funds 15 of 38 projects)
  - Historic Preservation Projects - $1.0 million GR
  - Artifact Curation Facility - $250,000 GR
  - Federal Hurricane Relief Funding for Historic Preservation – Hurricane Michael - $10.2 million TF
- Cyber Security Bureau - $1.3 million GR; 10 positions
- Elections - $7.4 million GR
  - Recurring funding for the Division of Elections - $1.8 million
  - Cyber Security and Election Activity Grants to Supervisors of Elections - $1.4 million
  - Electronic Registration Information System Center (ERIC) - $1.4 million
  - Reimbursements to Counties for Special Elections - $1.5 million
  - Advertising Proposed Constitutional Amendments - $1.3 million

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Department of Transportation

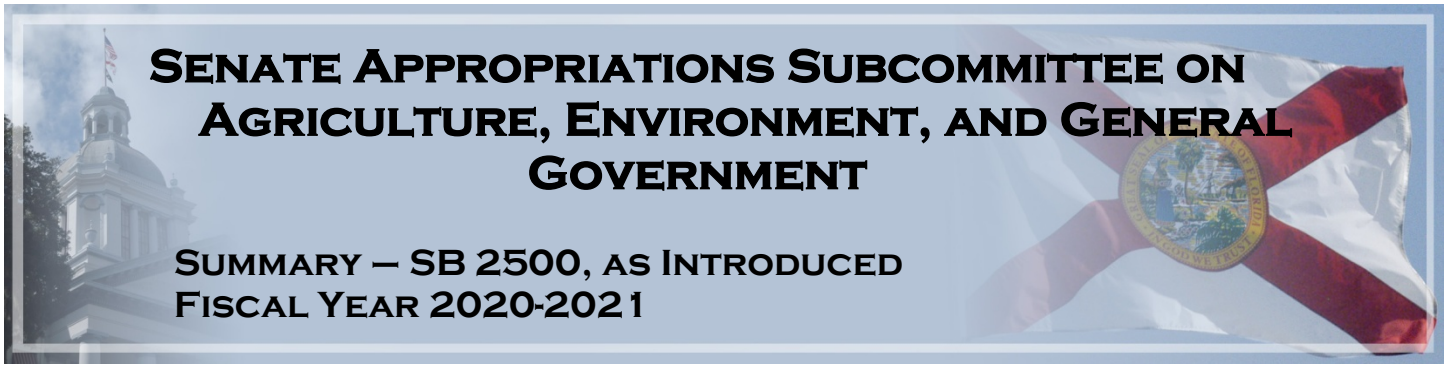
Total: $10.3 billion TF; 6,194 positions

- Transportation Work Program - $9.2 billion TF
  - County Transportation Programs:
    - Small County Road Resurface Assistance Program (SCRAP) - $37.6 million
    - Small County Outreach Program (SCOP) - $85.1 million
    - Other County Transportation Programs - $56.4 million
  - Local Transportation Initiatives (Road Fund) Projects - $60.3 million
- Transportation Disadvantaged Program - $70.4 million TF

Division of Emergency Management

Total: $1.5 billion [$4.8 million GR; $1.5 billion TF]; 175 positions

- Federally Declared Disaster Funding - $1.4 billion
  - Communities - $1.27 billion TF
  - State Operations - $115.7 million TF
- Statewide Regional Evacuation Study - $1.2 million GR
- Community Flood Resiliency - $491,576 GR



SUMMARY

Total Budget: $6.5 billion [$876.3 million GR; $993.3 million LATF; $4.6 billion Other TF]; 20,050 positions

MAJOR ISSUES

Department of Agriculture & Consumer Services

Total: $1.8 billion [$139.4 million GR; $113.8 million LATF; $1.5 billion TF]; 3,744 positions

- Wildfire Suppression Equipment/Aircraft Acquisition - $7.3 million TF [$0.7 million GR; $3.6 million LATF; $3 million TF]
- Florida Forest Service Road/Bridge and Facility Maintenance - $8.9 million LATF
- Citrus Protection and Research - $21.8 million [$1.5 million GR; $20.3 million TF]
- Water Supply Planning - $1.5 million GR
- Lake Okeechobee Agriculture Projects - $4 million LATF
- Office of Water Policy - $1.0 million LATF; 8 positions
- Rural and Family Lands Conservation Easements - $8.7 million GR
- State Industrial Hemp Program - $4.5 million [$1.8 million GR; $2.7 million TF]; 43 positions
- African Snail Eradication Program - $1.3 million TF
- Office of Energy Grants - $0.9 million TF
- USDA Hurricane Block Grant and Disaster Recovery - $9.6 million TF
- Agriculture Education and Promotion Facilities - $8.0 million GR

Department of Business & Professional Regulation

Total: $159.9 million [$1.4 million GR; $158.5 million TF]; 1,659 positions

- Additional Resources Division of Hotels and Restaurants/Human Trafficking - $0.3 million TF; 4 positions
- Staffing Necessary To Meet Statutorily-Required Food And Lodging Inspections - $1.3 million TF; 21 positions

Department of Citrus

Total: $27.1 million [$5.7 million GR, $21.4 million TF]; 38 positions

- Citrus Advertising/Promotion - $4.1 million GR

Department of Environmental Protection

Total: $2.2 billion [$364.1 million GR; $774.2 million LATF; $1.1 billion TF]; 2,917 positions

- DEP Everglades Restoration- $318.6 million [$299.9 million LATF; $13..0 million GR; $0.7 million TF]
- Water Quality Improvements - $200.7 million GR
  - Septic-to-Sewer/Wastewater Treatment - $25 million GR
  - Total Maximum Daily Loads - $25 million GR

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    - Water Quality Improvements Everglades - $50 million GR
    - Indian River Lagoon Water Quality Improvements - $25 million GR
    - St. Johns, Suwannee, Apalachicola Rivers and Springs Coast Watershed Water Quality Improvements - $25 million GR
    - Water Projects - $40.7 million GR
    - Coral Reef Protection and Restoration - $10.0 million GR
- Water Quality Improvements – Blue Green Algae Task Force - $10.8 million GR
- Florida Resilient Coastline Initiative - $10 million GR
- Innovative Technology Grants for Harmful Algal Blooms - $5.0 million GR
- Springs Restoration - $50 million LATF
- Alternative Water Supply - $40 million TF
- Florida Forever – $125 million [$25 million GR; $100 million TF]
    - Division of State Lands - $92 million TF
    - Florida Communities Trust - $10.0 million TF
    - Florida Recreational Development Assistance Grants - $12.3 million [$6.3 million GR; $6.0 million TF]
    - Working Waterfronts - $2.0 million TF
    - DACS Rural and Family Lands - $8.7 million GR
- Petroleum Tanks Cleanup Program - $125 million TF
- Volkswagen Settlement - $67.5 million TF
- Hazardous Waste/Site Cleanup - $8.5 million TF
- Beach Management Funding Assistance - $50.0 million LATF
- Drinking Water Revolving Loan Program - $130.7 million [$10.3 million GR; $120.4 million TF]
- Wastewater Revolving Loan Program – $228.6 million [$11.9 million GR; $216.7 million TF]
- Additional Hurricane Recovery Related Drinking & Wastewater Revolving Loan Programs - $152.4 million [$25.4 million GR; $127 million TF]
- Small County Solid Waste Management Grants - $3 million TF
- Small County Wastewater Treatment Grants - $13 million TF
- Local Parks - $1.7 million GR
- State Parks Maintenance and Repairs - $27.0 million TF

Department of Financial Services

Total: $387.6 million [$22.3 million GR; $365.3 million TF]; 2,570 positions

- Florida Planning, Accounting & Ledger Management (PALM) Project - $26.4 million TF
- Transfer to DEP for Cleanup of State Fire College - $10 million TF
- Fire and Arson Equipment and Repairs and Maintenance - $1.1 million TF
- Local Government Fire Services - $7.1 million [$.5M GR and $6.6 TF]
- Law Enforcement Training, Equipment, Upgrades and Vehicles - $0.6 million TF
- Information Technology Upgrades to Software, Hardware, and Equipment - $1 million TF

Fish & Wildlife Conservation Commission

Total: $405.5 million [$52.0 million GR; $105.3 million LATF; $248.2 million TF]; 2,114 positions

- Marine Fisheries Infrastructure Recovery Grant Program - $10.8 million TF
- Law Enforcement Vehicle Replacement - $3.0 million LATF
- Hurricane Irma Marine Fisheries Disaster Recovery - $9.4 million TF
- Invasive Species Response - $2.3 million GR
- Red Tide Research - $2.8 million [$2.2 million GR; $0.6 million TF]
- Center for Red Tide Research – 2 FTE, $2.0 million GR
- FWRI Building Repairs - $1.0 million GR
- Boating Infrastructure and Improvement Program - $6.9 million TF

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- Derelict Vessel Removal - $4.7 million [$1.0 million GR; $3.7 million TF]
- State Reef Fish Survey - $3.0 million GR

Department of the Lottery

Total: $187 million TF; 419 positions

- Information Technology Upgrades to Software, Hardware, and Equipment - $0.6 million TF
- Operational Support - $0.3 million TF
- Increase to Gaming System Contract - $3.1 million TF

Department of Management Services

Total Budget: $691.1 million [$68.5 million GR; $622.5 million TF]; 1,048 positions

- Florida Facilities Pool (FFP) Fixed Capital Outlay - $49.5 million [$30 million GR; $19.5 million TF]
- FFP Service and Security Guard Contracts - $0.4 million TF
- Private Prison Monitoring Facility Maintenance and Repairs (Gadsden and Lake City Correction Facilities) - $4.8 million GR; $1.5 million TF
- Florida Holocaust Memorial - $0.4 million GR
- Florida Slavery Memorial - $0.4 million GR
- Florida Interoperability Network and Mutual Aid - $1.7 million GR
- Statewide Law Enforcement Radio System (SLERS) Contract, Staff Augmentation and Independent Verification and Validation Services - $0.8 million TF
- Non-FRS Pension Benefits - $0.1 million GR
- E911 Next Generation Grant - $3.2 million TF
- Emergency 911 Call Routing System - $6.0 million TF

Division of Administrative Hearings

Total Budget: $27.2 million TF; 240 positions

Public Service Commission

Total: $25.9 million TF; 271 positions

Department of Revenue

Total: $602.9 million [$222.8 million GR; $380.1 million TF]; 5,029 positions

- Aerial Photography - $0.2 million GR
- Fiscally Constrained Counties - $31.1 million GR

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From: Kynoch, Cindy <Cindy.Kynoch@LASPBS.STATE.FL.US>
Sent: Thursday, January 30, 2020 1:36 PM EST
To: Senate - All <Senate-All@flsenate.gov>
Subject: FY 2020-2021 General Appropriations and Implementing Bills
Attachment(s): "Budget Summary - SPB 2500 FY 20-21.pdf"

Senators:

The Fiscal Year 2020-2021 General Appropriations Bill (SPB 2500) and Implementing Bill (SPB 2502) are now available electronically on the Senate's website, www.flsenate.gov , including the Appropriations webpage, www.flsenate.gov/Session/Appropriations.

A budget summary prepared by Appropriations committee staff is attached.

Cynthia Sauls Kynoch, Staff Director
Senate Appropriations Committee

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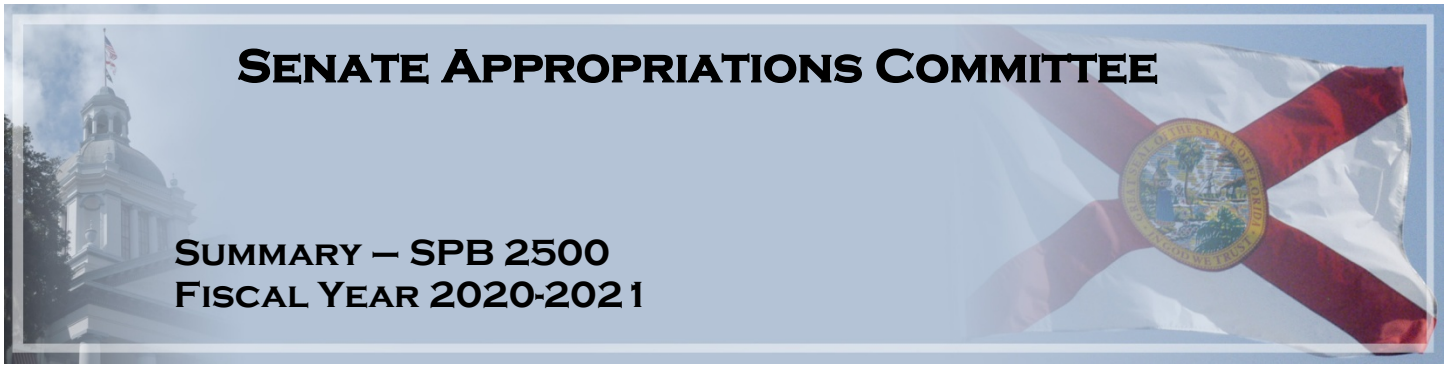


Budget Summary

SPB 2500
Fiscal Year 2020-2021

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SUMMARY

Total Budget: $92.83 billion [$35.06 billion GR; $57.77 billion TF]

Reserves: $3.5 billion Total Aggregate:

- $1.0 billion - Working Capital
- $1.7 billion - Budget Stabilization Fund
- $858 million - Lawton Chiles Endowment Fund

MAJOR ISSUES

Education Capital Outlay

Total: $353.6 million [PECO TF]

- Charter School Repairs and Maintenance - $169.6 million
- Developmental Research School Repairs and Maintenance - $7 million
- Public School Special Facilities - $41.3 million
- Other Public School Projects - $9.4 million
- Florida College System Projects - $23 million
- State University System Projects - $90.9 million
- School for the Deaf and Blind Repairs and Maintenance - $5.3 million
- Public Broadcasting - Health and Safety Issues - $4.9 million
- Technical School Projects - $2 million
- Division of Blind Services Repairs and Maintenance - $100,000

In addition: $48 million in authorization for State University System (SUS) Capital Improvement Student Fee Projects

Compensation and Benefits

- Pay Issues - Total $249.4 million [$151.4 million GR; $98 million TF]
  - All State employees – a 3 percent increase, effective July 1, 2020.
  - Corrections Officers, Correctional Probation Officers, and Institutional Security Specialists – increases effective July 1, 2020, in addition to the 3% pay increase, based on longevity, of:
    - $500, for employees with less than 2 years of service;
    - $1,500, for employees with 2 or more but less than 5 years of service; and
    - $2,500, for employees with 5 or more years of service.
- Improved FRS Retirement Benefits – Total $5.6 million [$3 million GR; $2.6 million TF]
  - Juvenile Justice Detention Officers – FRS Special Risk Class benefits.
  - Regional Conflict Counsels & senior staff– FRS Senior Management Class benefits.
- State Group Health Insurance - Total $94.9 million [$58.6 million GR; $36.3 million TF]
  - 7% increase to total premiums (State Employee portion unchanged)
- Florida Retirement System (State Agencies) - Total $53.3 million [$17.4 million GR; $35.9 million TF]

AMERICAN OVERSIGHT

Senate Appropriations Subcommittee on Education

Summary – SPB 2500
Fiscal Year 2020-2021

Summary

Total Appropriations: $23.2 billion [$17.9 billion GR; $5.3 billion TF, excludes tuition]

Total Funding - Including Local Revenues: $35.6 billion [$23.2 billion state funds; $12.4 billion local funds][1]

Major Issues

Early Learning Services

Total: $1.2 billion [$560.6 million GR; $663.9 million TF]

- Voluntary Prekindergarten Program - $404 million GR; including $1.75 million increase for 659 additional students
- School Readiness Program - $820.4 million [$156.5 million GR; $663.9 million TF]

Public Schools/K12 FEFP

Total Funding: $22.6 billion [$13 billion state funds; $9.6 billion local funds]

- FEFP Total Funds increase is $762.8 million or 3.49%
- FEFP increase in Total Funds per Student is $181.29, a 2.37% increase [from $7,656 to $7,837]
- Base Student Allocation (BSA) increase of $40.17
- FEFP Base Funds (flexible $) increase of $325 million (2.4%)
- Required Local Effort (RLE) increase of $159.4 million for New Construction only; RLE Millage reduced from 3.888 to 3.733 mills
- Teacher Salary Increase Allocation - $500 million – additional funds that school districts must use to increase the minimum salaries of classroom teachers (80%) and to increase salaries for other instructional personnel (20%)
- Eliminates the Best and Brightest Teacher and Principal Allocation – ($284.5 million)
- Safe Schools Allocation - $180 million for School Safety Officers
- Mental Health Assistance Allocation – $25 million increase for a total of $100 million to help school districts and charter schools address youth mental health issues
- Turnaround School Supplemental Services Allocation – $51 million – additional funds for services designed to improve the overall academic and community welfare of students and their families at designated lower performing schools
- Funding Compression Allocation – $52.1 million additional funds for school districts that receive lower than the statewide average total funds per student

Public Schools/K12 Non-FEFP

- Community School Grant Program - $10 million GR

[1] Local revenues include required and discretionary local effort for the public schools and tuition and fees for workforce, colleges, and universities.

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- Mentoring Programs - $15 million GR
- Gardiner Scholarships –$42 million additional funds for a total of $189.9 million GR
- Schools of Hope – ($40) million GR
- School District Foundation Matching Grants - $5 million GR
- School Hardening Grants program for capital purchases - $42 million GR
- School and Instructional Enhancement Grants - $17.9 million GR
- Exceptional Education Grants - $7.7 million [$5.4 million GR; $2.3 million TF]
- Florida School for the Deaf & Blind - $54.3 million [$49.6 million GR; $4.7 million TF]
- Computer Science Certification Grants - $10 million GR
- Reading Scholarships – $7.6 million GR
- Capital Projects - $3.7 million

State Board of Education

Total: $271.5 million [$119.3 million GR; $152.2 million TF]

- Assessment and Evaluation - $125.1 million [$68.8 million GR; $56.3 million TF]
- Safe and Secure Campus Initiatives - $8 million GR

School District Workforce

Total: $551.3 million [$297.4 million GR; $209.2 million TF; $44.7 million tuition/fees]

- Workforce Development for career and technical education and adult education - $370.3 million [$279.2 million GR, $91.1 million TF]
- Perkins Career and Technical Education grants and Adult Education and Literacy funds – $118.1 million TF
- CAPE Incentive Funds for students who earn Industry Certifications - $6.5 million
- School and Instructional Enhancement Grants - $1.7 million GR
- Pathways to Career Opportunities Grant Program for apprenticeships - $10 million GR
- No tuition increase

Florida College System

Total: $2.07 billion [$1.12 billion GR; $168.3 million TF; $778.7 million tuition/fees]

- Increased Operating Funds - $30 million New Tier-Based Funding Model
- CAPE Incentive Funds - $14 million GR
- Student Success Incentive Funds - $30 million
  - 2+2 Student Success Incentive Funds - $20 million GR
  - Work Florida Incentive Funds - $10 million GR
- No tuition increase

State University System

Total: $5.2 billion [$2.8 billion GR; $435 million TF; $2 billion tuition/fees]

- Performance Based Funding - $560 million
  - $265 million State Investment [GR]
  - $295 million Institutional Investment
    - Reprioritized from the base of each institution
- National Ranking Enhancement - $65 million GR increase
- Universities of Distinction - $15 million GR
- No tuition increase

Private Colleges

Total: $149.6 million GR

- EASE and ABLE funded at $2,841 per award

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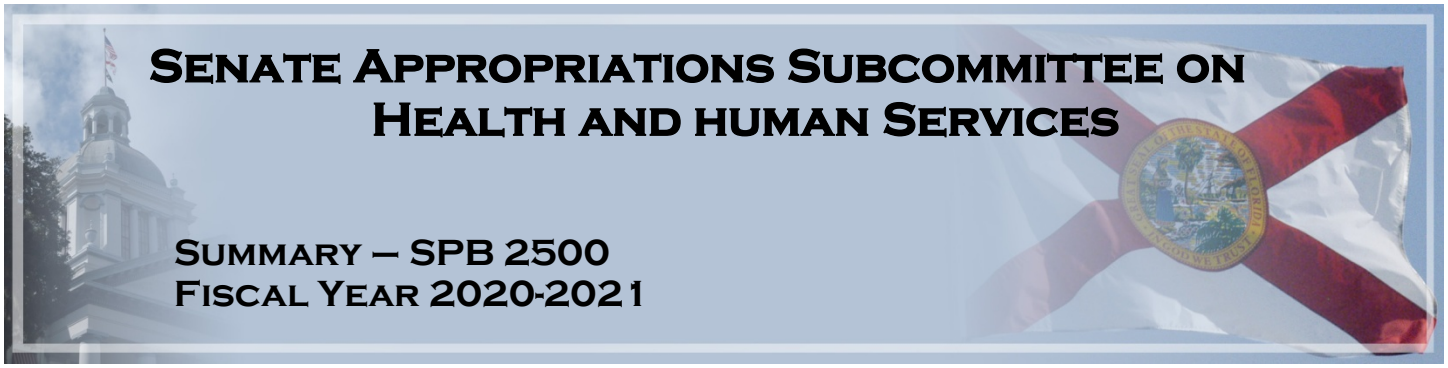
- Historically Black Colleges and Universities - $3 million GR increase

Student Financial Aid

Total: $984.5 million [$259 million GR, $725.5 million TF]

- Bright Futures – $651.8 million TF
- Benacquisto Scholarship Program – $26.6 million GR
  - $5.2 million workload increase
- Children/Spouses of Deceased or Disabled Veterans Workload Increase – $8.4 million GR
  - $757,042 workload increase

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SUMMARY

Total Budget: $39,385.8 million [$10,634.1 million GR; $28,751.7 million TF]; 30,915.76 positions

MAJOR ISSUES

Agency for Health Care Administration

Total: $30,811.8 million [$7,361.3 million GR; $23,450.5 million TF]; 1,532.50 positions

- Medicaid Price Level and Workload – $900.7 million [$144.5 million GR; $756.2 million TF]
- KidCare Workload – $31.5 million [$74.7 million GR; ($43.2 million) TF]
- Florida Healthy Kids Lifetime Benefit Maximum Repeal – $1.17 million [$0.28 million GR; $0.89 million TF]
- Canadian Prescription Drug Importation Program – $15.0 million GR
- New Reimbursement Rate Level for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) – $38.3 million [$14.6 million GR; $23.7 million TF]
- Redirect Hospital Supplemental Payments – $69.2 [$26.4 million GR; $42.8 million TF]
- Increase Hospital Inpatient DRG Base Rate – $47.4 million [$18.1 million GR; $29.3 million TF]
- Increase Hospital Outpatient EAPG Base Rate – $11.8 million [$4.5 million GR; $7.3 million TF]
- Directed Payment Program for Hospitals (Authorization Subject to Federal Approval)
- Hospital Quality Incentive Program – $10.0 million [$3.8 million GR; $6.2 million TF]
- Graduate Medical Education Program Increase – $33.7 million [$12.9 million IGTs, $20.8 million TF]
- Medical School Faculty Physician Supplemental Payments – $4.6 million [$1.8 million IGTs, $2.8 million TF]
- Florida Cancer Hospital Restoration – $141.5 million TF [$54.0 million IGTs, $87.5 million TF]
- Nursing Home Rate Enhancement – $104.8 million [$40.0 million GR; $64.8 million TF]
- Florida Medicaid Management Information System (FMMIS) – $60.0 million TF
- Electronic Visit Verification for Behavior Analysis Services – $3.15 million TF

Agency for Persons with Disabilities

Total: $1,640.4 million [$667.2 million GR; $973.2 million TF]; 2,700.5 positions

- Resources for Persons with Unique Abilities – $134.3 million [$51.3 million GR; $83.0 million TF]
- Serve Additional Clients on the HCBS Waiver Waitlist – $30.2 million [$11.5 million GR; $18.7 million TF]
- Increase Adult Day Training Provider Rates – $2.6 million [$1.0 million GR; $1.6 million TF]

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- Increase Personal Supports/Companion Provider Rates - $28.6 million [$10.9 million GR; $17.7 million TF]
- Increase Residential Habilitation Provider Rates - $20.4 million [$7.8 million GR; $12.6 million TF]
- Employment and Internship Supports – $1.0 million GR
- iConnect System – $1.5 million [$0.3 million GR; $1.2 million TF]
- Fixed Capital Outlay for Developmental Disability Facilities – $5.7 million [$3.0 million GR; $2.7 million TF]

Department of Children and Families

Total: $3,312.2 million [$1,875.3 million GR; $1,436.9 million TF]; 12,050.75 positions

- Child Welfare Services:
  - Maintenance Adoption Subsidies – $20.0 million [$9.4 million GR; $10.6 million TF]
  - Increase Foster Parent Room & Board Rate – $0.8 million [$0.5 million GR, $0.3 million TF]
  - Transitional Funding to Assist with Implementation of the federal Family First Prevention Services Act – $10.0 million TF
  - Safety Management Services Restoration – $8.1 million [$5.2 million GR, $2.9 million TF]
  - Maintain Risk Pool Funding – 3.1 million GR
  - Increase Adoption Incentive Benefits for State Employees - $1.6 million GR
  - Increase Juvenile Incompetent to Receive Funding - $1.3 million GR
- State Opioid Funding – $69.6 million TF
- Community Mental Health Treatment Services:
  - Increased School Access to Mental Health Services through Telehealth – $4 million GR
  - Restore Two (2) Children's Community Action Teams (CATs) – $1.5 million GR
  - Additional Community Mental Health Transitional Beds (24 beds) – $2.1 million GR
  - Expand Community Mental Health Services by Realigning Department Funding – $5.8 million GR
  - Employment Assistance/Individuals with Mental Health Disorders – $1.7 million GR
- State Mental Health Hospitals:
  - Contracted Mental Health Hospitals Rates Cost of Living Adjustment – $3.6 million GR
  - Anti-Ligature Improvements – $1.7 million GR
  - Fixed Capital Outlay Repairs and Maintenance – $3.2 million GR

Department of Elder Affairs

Total: $363.6 million [$178.2 million GR; $185.4 million TF]; 404 positions

- Community Care for the Elderly (CCE) Program (381 slots) – $3.2 million GR
- Aging Resource Centers - $2 million [$1 million GR; $1 million TF]
- Alzheimer's Disease Initiative (167 slots) – $1.8 million GR
- Home Care for the Elderly (HCE) Program (139 slots) – $0.6 million GR
- Public Guardianship Program – $10.5 million GR
- Client Information and Registration Tracking System (eCIRTS) Project Implementation – $1.7 million [$0.2 million GR; $1.5 million TF]
- Program of All-Inclusive Care for the Elderly (PACE) – $2.6 million [$1 million GR; $1.6m TF]
- Adult Care Food Program – $1 million TF

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Department of Health

Total: $3,095.9 million [$528.9 million GR; $2,567 million TF]; 12,766.51 positions

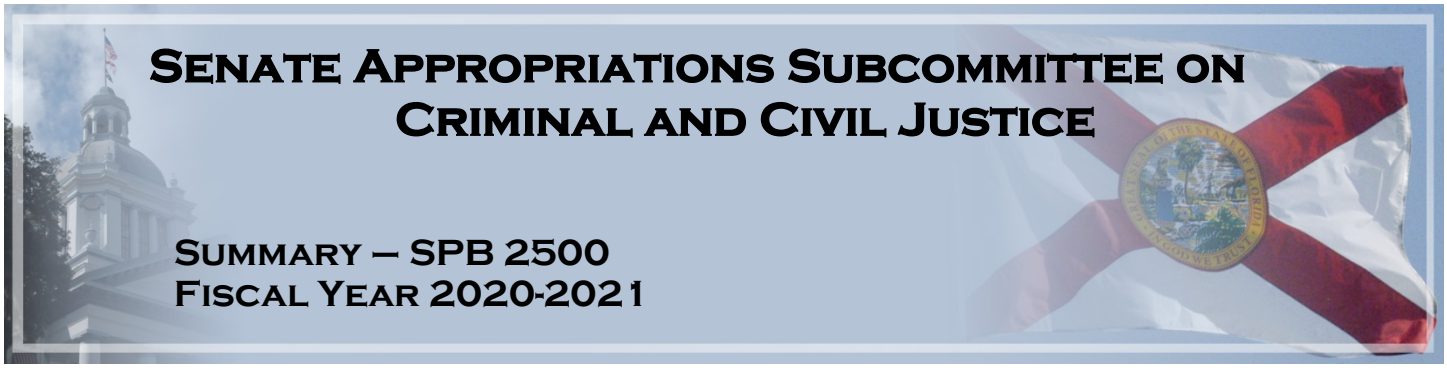
- Office of Medical Marijuana Use – $8.1 million TF
- Emerging Disease Threat Response (Hepatitis A) – $10 million GR (for 2019-2020 fiscal year)
- Transfer Correctional Medical Authority from EOG to DOH – $0.7 million GR; 4 FTE
- Children Medical Services workforce reduction – ($7.4 million) TF, (79 FTE)
- Children's Medical Services Managed Care Plan Administrative Savings – ($12.7 million) [$10.3 million GR; $2.4 million TF]
- Child Protection Teams – $1.5 million GR
- Housing Opportunities for Persons with Aids (HOPWA) – $9.1 million TF
- Early Steps Program – $8.0 million GR
- Early Steps Program State Match – $5.4 million GR
- Healthy Floridians Healthy Future Racial and Ethnic Disparities Closing the Gap – $1.7 million GR
- Poison Information Control Network – $0.7 million GR
- Expansion of Genetic Services – $1.2 million TF
- Center for Disease Control Federal Opioid Grant – $6.5 million TF
- Capital Improvement Projects for Public Health Laboratories and County Health Departments – $8.8 million TF

Department of Veterans Affairs

Total: $161.8 million [$23.2 million GR; $138.6 million TF]; 1,411.5 positions

- Staffing and Start-up of State Veterans' Nursing Home in St. Lucie County (Ardie Copas) – $4.6 million TF; 17 FTE
- Staffing and Start-up of State Veterans' Nursing Home in Orange County (Lake Baldwin) – $2.9 million TF; 17 FTE
- State Veterans' Nursing Home Nurse Staffing Increase – $1.5 million TF; 16 FTE
- Health Information Systems Technology Systems Upgrade – $0.4 million TF
- Nursing Home Equipment Needs – $1.2 million TF
- Florida is For Veterans Training Grants – $2.5 million GR
- Fixed Capital Outlay for State Veterans' Nursing Homes – $2.0 million TF

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SUMMARY

Total Budget: $5,564.3 million [$4,742.4 million GR; $821.9 million TF]; 46,952.25 positions

MAJOR ISSUES

- Funds the Department of Corrections pilot program to convert work shifts from 12 to 8.5 hours for one third of the institutions $29.1 million GR and 292 FTE
- Continued funding of contracted inmate health services - $421 million
- Funds the Hepatitis C class action lawsuit in the Department of Corrections, contingent upon the court's final ruling on all appeals related to the treatment of inmates identified as testing positive for level F0-F1 Hepatitis C - $28 million GR
- Mental Health Facilities, including provision for the financing of a new mental health facility at Lake Correctional Institution - $17.9 million GR
- Fixed Capital Outlay for DJJ's residential program facilities - $6.3 million TF
- Funds workload issues for the Justice Administrative Commission (Public Defenders, State Attorney, Capital Collateral Regional Counsel and the Offices of Criminal Conflict and Civil Regional Counsel) - $12.9 million [$8.2 million GR, $4.7 million TF]
- Funds Year 3 of the Department of Legal Affairs IT Modernization Initiative - $6.6 million [$5.6 million GR, $1 million TF]
- Funds FDLE's trust fund deficits within the Operating and Criminal Justice Standards and Training Trust Fund - $5.9 million GR

Attorney General/ Legal Affairs

Total: $295 million [$70.1 million GR; $224.9 million TF]; 1,365.5 positions

- Agency-wide Information Technology Infrastructure Improvements - $6.6 million [$5.6 million GR, $1 million TF]
- Crime Victims Compensation Payments - $2 million GR
- Statewide Prosecution - $0.4 million GR
- Increased Operating Costs $2.2 million [$1.2 million GR; $1 million TF]

Department of Corrections

Total: $2.8 billion [$2.75 billion GR; $50 million TF]; 25,253 positions

- Funds the Department of Corrections pilot program to convert work shifts from 12 to 8.5 hours for one third of the institutions $29.1 million GR and 292 FTE
- Private Leases - $3.0 million GR
- Security Enhancement Equipment - $1.5 million GR
- Replacement of Motor Vehicles - $2.6 million GR
- Inspector General Inspectors - $1.5 million and 20 FTE
- Electronic Health Records - $2.3 million GR
- Security Threat Group - $2.2 million GR and 34 FTE

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- Wellness Specialists - $1.9 million and 34 FTE
- Academic and Technical Education Expansion - $5.4 million and 17 FTE
- Development of a University Medical School Inmate Health Care Plan - $.5 million
- Hepatitis C Direct Acting Antivirals - $28 million GR
- Critical Facility Renovations, Repairs and Maintenance - $8.1 million GR
- Mental Health Facilities - $17.9 million GR

Florida Department of Law Enforcement (FDLE)

Total: $288.4 million [$132 million GR; $156.4 million TF]; 1,944 positions

- Increase Capitol Complex Security - $0.9 million TF; 5 FTE
- Computerized Criminal History (CCH) Record System Maintenance - $1.9 million GR
- Florida Incident Based Reporting System (FIBRS) - $2.6 million GR
- Operating Trust Fund Deficit - $2 million GR
- Criminal Justice Standards and Training Trust Fund Deficit - $3.9 million GR
- Increase Federal Grants Trust Fund Authority for Project Safe Neighborhood Grants - $1.5 million TF
- Genetic Genealogy Program - $0.8 million GR; 6 FTE
- Statewide Behavioral Threat Assessment and Modernize to Counter 21st Century Threats - $1.1 million GR
- Repair and Maintenance for the Tampa Bay Regional Operations Center - $2.7 million GR

Department of Juvenile Justice

Total: $581.5 million [$441.3 million GR; $140.2 million TF]; 3,285.5 positions

- Additional Evidence Based Residential Services - $4.2 million GR
- Prevention and Early Intervention Programs and Services - $2.3 million GR
- Critical Repairs and Maintenance to DJJ Facilities - $6.3 million GR
- Enhanced Oversight of Medical Services in Residential Programs - $.6 million and 6 FTE
- Fixed Capital Outlay for DJJ's residential program facilities - $6.3 million TF

State Court System

Total: $602.4 million [$504.9 million GR; $97.5 million TF]; 4,434.5 positions

- Problem Solving Courts - $.3 million GR, $7,880 TF and 2 FTE
- Family Court Operational Support - $.3 million, 7,880 TF and 2 FTE
- Certification of Additional Judgeships - $2.1 million GR, $.03 million TF and 15 FTE (includes the certification of 5 new judges)
- Judicial Data Management System - $.4 million TF
- Appellate Judiciary Travel - $125,000 GR
- Timely Resolution of Cases - $5.0 million GR and 64 FTE
- Court Interpreting Resources - $5.0 million GR and 37.5 FTE

Justice Administrative Commission (JAC)

Total: $984.5 million [$831.9 million GR; $152.6 million TF]; 10,537.75 positions

- JAC HQ Staffing Needs - $264,935 GR; 3 FTE
- JAC HQ Critical Information Technology (IT) Needs - $317,000 GR
- State Attorney Workload - $1 million GR
- State Attorney Trust Fund Needs (Various) - $4.1 million TF; 3 FTE
- Public Defender Various Mental Health, Substance Abuse Related Funding Issues - $3.7 million GR; 32.5 FTE
- Public Defender Workload - $1 million GR
- Capital Collateral Regional Counsels (various issues - IT, Rent, Workload) - $208,920 GR

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- Criminal Conflict & Civil Regional Counsel Workload, Rent, Forensic Social Workers, Bar Dues - $638,803 GR; 3 FTE
- RC02 Cross Jurisdictional Death Penalty Pilot Program - $1 million GR; 7 FTE

Florida Commission on Offender Review

Total: $11.9 million [$11.8 million GR; $0.1 million TF]; 132 positions

- Replacement of Motor Vehicles - $25,000 GR
- Information Technology (IT) Services Provided by Department of Corrections - $376,000

AMERICAN OVERSIGHT

Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Summary – SPB 2500
Fiscal Year 2020-2021

Summary

Total Budget: $13.7 billion [$213.9 million GR; $13.5 billion TF]; 13,058 positions

Major Issues

- Transportation Work Program - $9.2 billion TF
- Affordable Housing Programs - $387 million TF
- Job Growth Grant Fund - $20 million GR
- Library Grants and Initiatives - $25.8 million GR
- Cultural, Museum, and Historic Preservation Grants and Initiatives - $43.4 million GR and TF
- Motorist Modernization Project - $9.2 million TF
- National Guard Tuition Assistance - $3.2 million GR

Department of Economic Opportunity

Total: $1.25 billion [$85.1 million GR; $1.2 billion TF]; 1,469 positions

- Economic Development Toolkit Payments (existing contracts) - $28.1 million GR and TF
- Florida Job Growth Grant Fund - $20 million GR
- Revolving Loan Fund Program - $40 million [$8 million GR and $32 million Federal TF] (for small businesses in the region impacted by Hurricane Michael)
- Space Florida - $12.5 million TF; $6 million GR
- Visit Florida - $50 million *recurring* TF
- Enterprise Florida - $16 million TF
- Affordable Housing Programs - $387 million TF
  - State Housing Initiatives Partnership (SHIP) - $267.2 million TF (allocated to local governments)
  - State Apartment Incentive Loan (SAIL) Programs - $119.8 million TF
- Rural Communities:
  - Rural Infrastructure Fund - $8.6 million GR
  - Rural Community Development Revolving Loan Fund - $6.2 milllion GR
- Economic Development Projects - $2.9 million GR
- Housing and Community Development Projects - $13.5 million GR
- Workforce Projects - $8.7 million GR

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Department of Highway Safety and Motor Vehicles

Total: $500.0 million TF; 4,347 positions

- Florida Highway Patrol Troopers - $2.6 million TF, 16 positions
  - First Coast Expressway - $1.3 million TF, 8 positions
  - Central Florida Expressway - $1.3 million TF, 8 positions
- Motorist Modernization Project - Phase II - $9.9 million TF
- Application Cloud Environment - $2.5 million TF
- Renovations to the Neil Kirkman Building - $2.6 million TF
- Florida Highway Patrol Troop D Headquarters, Orlando - $6.0 million TF

Department of Military Affairs

Total: $70.0 million [$29.3 million GR; $40.7 million TF]; 453 positions

- Tuition Assistance for Florida National Guard - $3.2 million GR
- Facility Maintenance and Repair - $3.4 million GR (matched by $3.4 million federal funds)
- Panama City Readiness Center Replacement - $6.3 million GR (matched by $18.75 million federal funds)

Department of State

Total: $126.8 million [$94.6 million GR; $32.2 million TF]; 420 positions

- Maintenance of Effort for Libraries - $23.2 million GR
- Libraries Construction Grant Ranked List - $2.0 million GR
- Grants to Library Cooperatives - $2.0 million GR
- Cultural and Museum Program Support and Facilities Grants and Initiatives - $28.0 million GR
  - Cultural & Museum Program Support Grants - $23.3 million GR
    - Cultural and Museum Ranked List - $14.6 million (funds distributed proportionally to all 489 projects)
    - Culture Builds Florida Ranked List - $2.9 million (funds all 125 projects)
    - Cultural Facilities Ranked List - $5.8 million (funds 17 of the 29 projects)
  - Cultural and Museum Projects - $4.7 million GR
- Historical Resources Preservation - $17.0 million GR and TF
  - Historic Preservation Grants - $6.2 million [$4.7 million GR; $1.5 million TF]
    - Historic Preservation Small Matching Grants Ranked List - $1.5 million TF (funds all 45 projects)
    - Historic Preservation Special Category Grants Ranked List - $4.7 million GR (funds 15 of 38 projects)
  - Historic Preservation Projects - $540,000 GR
  - Federal Hurricane Relief Funding for Historic Preservation – Hurricane Michael - $10.2 million TF
- Cyber Security Bureau - $1.3 million GR; 10 positions
- Elections - $7.4 million GR
  - Recurring funding for the Division of Elections - $1.8 million
  - Cyber Security and Election Activity Grants to Supervisors of Elections - $1.4 million
  - Electronic Registration Information System Center (ERIC) - $1.4 million
  - Reimbursements to Counties for Special Elections - $1.5 million
  - Advertising Proposed Constitutional Amendments - $1.3 million

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Department of Transportation

Total: $10.3 billion TF; 6,194 positions

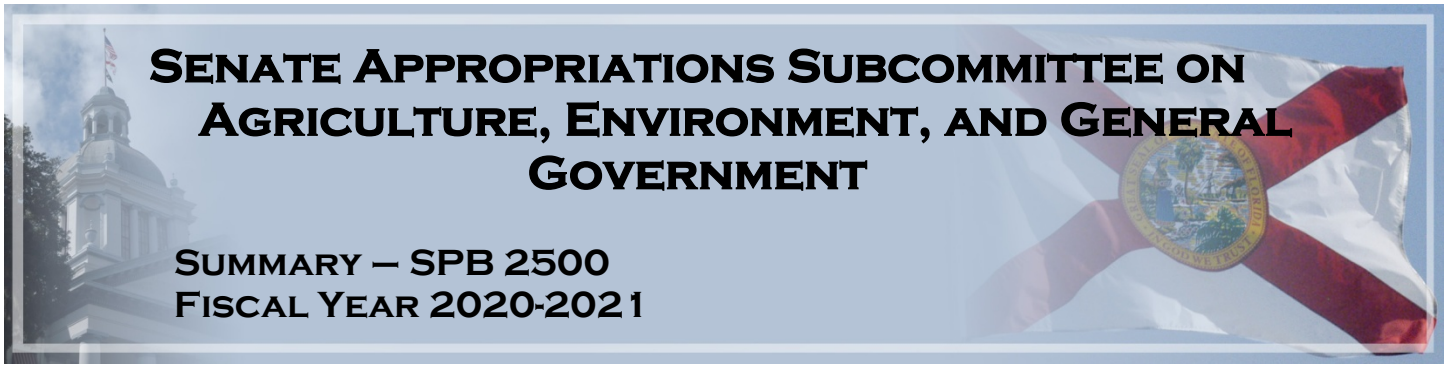
- Transportation Work Program - $9.2 billion TF
  - County Transportation Programs:
    - Small County Road Resurface Assistance Program (SCRAP) - $37.6 million
    - Small County Outreach Program (SCOP) - $85.1 million
    - Other County Transportation Programs - $56.4 million
  - Local Transportation Initiatives (Road Fund) Projects - $60 million
- Transportation Disadvantaged Program - $70.4 million TF

Division of Emergency Management

Total: $1.5 billion [$4.8 million GR; $1.5 billion TF]; 175 positions

- Federally Declared Disaster Funding - $1.4 billion
  - Communities - $1.27 billion TF
  - State Operations - $115.7 million TF
- Statewide Regional Evacuation Study - $1.2 million GR
- Community Flood Resiliency - $491,576 GR

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Senate Appropriations Subcommittee on Agriculture, Environment, and General Government

Summary – SPB 2500
Fiscal Year 2020-2021

Summary

Total Budget: $6.5 billion [$876.3 million GR; $993.3 million LATF; $4.6 billion Other TF]; 20,050 positions

Major Issues

Department of Agriculture & Consumer Services

Total: $1.8 billion [$139.2 million GR; $113.8 million LATF; $1.5 billion TF]; 3,744 positions

- Wildfire Suppression Equipment/Aircraft Acquisition - $7.3 million TF [$0.7 million GR; $3.6 million LATF; $3 million TF]
- Florida Forest Service Road/Bridge and Facility Maintenance - $8.9 million LATF
- Citrus Protection and Research - $21.8 million [$1.5 million GR; $20.3 million TF]
- Water Supply Planning - $1.5 million GR
- Lake Okeechobee Agriculture Projects - $4 million LATF
- Office of Water Policy - $1.0 million LATF; 8 positions
- Rural and Family Lands Conservation Easements - $8.7 million GR
- State Industrial Hemp Program - $4.5 million [$1.8 million GR; $2.7 million TF]; 43 positions
- African Snail Eradication Program - $1.3 million TF
- Office of Energy Grants - $0.9 million TF
- USDA Hurricane Block Grant and Disaster Recovery - $9.6 million TF
- Agriculture Education and Promotion Facilities - $8.0 million GR

Department of Business & Professional Regulation

Total: $159.9 million [$1.4 million GR; $158.5 million TF]; 1,659 positions

- Additional Resources Division of Hotels and Restaurants/Human Trafficking - $0.3 million TF; 4 positions
- Staffing Necessary To Meet Statutorily-Required Food And Lodging Inspections - $1.3 million TF; 21 positions

Department of Citrus

Total: $27.1 million [$5.7 million GR, $21.4 million TF]; 38 positions

- Citrus Advertising/Promotion - $4.1 million GR

Department of Environmental Protection

Total: $2.2 billion [$359.8 million GR; $774.2 million LATF; $1.1 billion TF]; 2,917 positions

- DEP Everglades Restoration- $318.6 million [$299.9 million LATF; $13..0 million GR; $0.7 million TF]
- Water Quality Improvements - $198.0 million GR
  - Septic-to-Sewer/Wastewater Treatment - $25 million GR
  - Total Maximum Daily Loads - $25 million GR

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    - Water Quality Improvements Everglades - $50 million GR
    - Indian River Lagoon Water Quality Improvements - $25 million GR
    - St. Johns, Suwannee, & Apalachicola Rivers Water Quality Improvements - $25 million GR
    - Water Projects - $38.0 million GR
    - Coral Reef Protection and Restoration - $10.0 million GR
- Water Quality Improvements – Blue Green Algae Task Force - $10.8 million GR
- Florida Resilient Coastline Initiative - $10 million GR
- Innovative Technology Grants for Harmful Algal Blooms - $5.0 million GR
- Springs Restoration - $50 million LATF
- Alternative Water Supply - $40 million TF
- Florida Forever – $125 million [$25 million GR; $100 million TF]
    - Division of State Lands - $92 million TF
    - Florida Communities Trust - $10.0 million TF
    - Florida Recreational Development Assistance Grants - $12.3 million [$6.3 million GR; $6.0 million TF]
    - Working Waterfronts - $2.0 million TF
    - DACS Rural and Family Lands - $8.7 million GR
- Petroleum Tanks Cleanup Program - $125 million TF
- Volkswagen Settlement - $67.5 million TF
- Hazardous Waste/Site Cleanup - $8.5 million TF
- Beach Management Funding Assistance - $50.0 million LATF
- Drinking Water Revolving Loan Program - $130.7 million [$10.3 million GR; $120.4 million TF]
- Wastewater Revolving Loan Program – $228.6 million [$11.9 million GR; $216.7 million TF]
- Additional Hurricane Recovery Related Drinking & Wastewater Revolving Loan Programs - $152.4 million [$25.4 million GR; $127 million TF]
- Small County Solid Waste Management Grants - $3 million TF
- Small County Wastewater Treatment Grants - $13 million TF
- Local Parks - $1.5 million GR
- State Parks Maintenance and Repairs - $27.0 million TF

Department of Financial Services

Total: $396.9 million [$21.8 million GR; $375.1 million TF]; 2,570 positions

- Florida Planning, Accounting & Ledger Management (PALM) Project - $26.4 million TF
- Transfer to DEP for Cleanup of State Fire College - $10 million TF
- Fire and Arson Equipment and Repairs and Maintenance - $1.1 million TF
- Local Government Fire Services - $6.4 million TF
- Law Enforcement Training, Equipment, Upgrades and Vehicles - $0.6 million TF
- Information Technology Upgrades to Software, Hardware, and Equipment - $1 million TF

Fish & Wildlife Conservation Commission

Total: $405.2 million [$51.8 million GR; $105.3 million LATF; $248.2 million TF]; 2,114 positions

- Marine Fisheries Infrastructure Recovery Grant Program - $10.8 million TF
- Law Enforcement Vehicle Replacement - $3.0 million LATF
- Hurricane Irma Marine Fisheries Disaster Recovery - $9.4 million TF
- Invasive Species Response - $2.0 million GR
- Red Tide Research - $2.8 million [$2.2 million GR; $0.6 million TF]
- Center for Red Tide Research – 2 FTE, $2.0 million GR
- FWRI Building Repairs - $1.0 million GR
- Boating Infrastructure and Improvement Program - $6.9 million TF
- Derelict Vessel Removal - $4.7 million [$1.0 million GR; $3.7 million TF]

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- State Reef Fish Survey - $3.0 million GR

Department of the Lottery

Total: $187 million TF; 419 positions

- Information Technology Upgrades to Software, Hardware, and Equipment - $0.6 million TF
- Operational Support - $0.3 million TF
- Increase to Gaming System Contract - $3.1 million TF

Department of Management Services

Total Budget: $695.6 million [$72.8 million GR; $622.8 million TF]; 1,049 positions

- Florida Facilities Pool (FFP) Fixed Capital Outlay - $49.5 million [$30 million GR; $19.5 million TF]
- FFP Service and Security Guard Contracts - $0.4 million TF
- Private Prison Monitoring Facility Maintenance and Repairs (Gadsden and Lake City Correction Facilities) - $4.8 million GR; $1.5 million TF
- Florida Holocaust Memorial - $0.4 million GR
- Florida Slavery Memorial - $0.4 million GR
- Florida Interoperability Network and Mutual Aid - $1.7 million GR
- Statewide Law Enforcement Radio System (SLERS) Contract, Staff Augmentation and Independent Verification and Validation Services - $0.8 million TF
- Non-FRS Pension Benefits - $0.1 million GR
- E911 Next Generation Grant - $3.2 million TF
- Emergency 911 Call Routing System - $6.0 million TF

Division of Administrative Hearings

Total Budget: $27.2 million TF; 240 positions

Public Service Commission

Total: $25.9 million TF; 271 positions

Department of Revenue

Total: $602.9 million [$222.8 million GR; $380.1 million TF]; 5,029 positions

- Aerial Photography - $0.2 million GR
- Fiscally Constrained Counties - $31.1 million GR

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From: ITS America Meetings <meetings@itsa.org> on behalf of ITS America Meetings <meetings=itsa.org@cmail19.com>
Sent: Thursday, December 05, 2019 2:00 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: GLOBAL INNOVATION COMPETITION: The New Age of Mobility | 2020 ITS World Congress

Global Innovation Competition

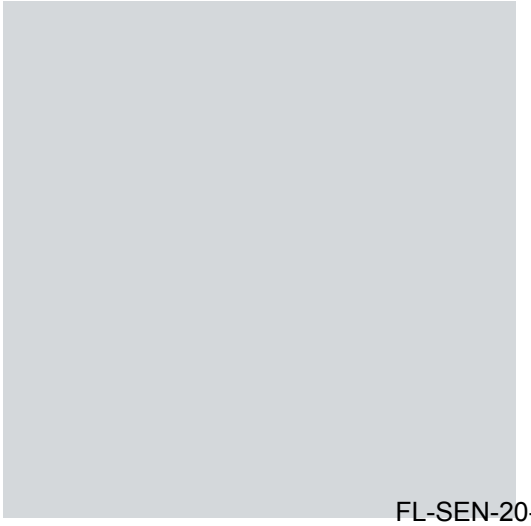
GLOBAL INNOVATION COMPETITION

The **Global Innovation Competition** is a start-up competition that will highlight emerging technologies and solutions that create a safer, greener, and smarter mobility system. The 2020 competition is hosted by **ITS America, ERTICO, and ITS Asia-Pacific**. Our partners for the competition include **Los Angeles Cleantech Incubator (LACI)** and **Prospect Silicon Valley**.

There will be three semi-final competitions held globally; one in each region - Europe, Asia-Pacific, and North America. There will be two winners selected from each region; and those winners will travel to the 2020 ITS World Congress in Los Angeles to compete to be the two grand prize winners.

This year's theme: Emerging Technologies and Solutions that create a Safer, Greener, Smarter Mobility System.

At the ITS World Congress in Los Angeles, the judges will select a United States-based winner, as well as a global based winner. Both winners will a receive $20,000 USD cash prize, a robust marketing package and extensive networking opportunities with leaders in the ITS industry. Along with this grand prize package; the winners will have the opportunity to attend ITS Asia-Pacific, ERTICO, and ITS America Annual Meetings in 2021.



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#ITSWC20: SUBMIT TODAY!

2020 ITS World Congress Call for Papers and Sessions closes **February 3rd!**

The International Programs Committee is looking for **paper and session submissions** for the 2020 World Congress in Los Angeles, October 4-8. The call for contributions consists of **Technical Papers, Scientific Papers,** and **Special Interest Sessions.** Submit your session and paper now to participate in the 2020 World Congress program.

For the ITS World Congress in Los Angeles, contributors should identify a cross-cutting technology below that fits within one of the eight programming themes:

• Artificial Intelligence / Machine Learning |• Automated Vehicle |• Communications / Spectrum |• Connected Vehicle |• Cybersecurity |• Data Access / Privacy |• Electric / Alternative Fuels / Emissions |• Freight Movement |• Infrastructure |• Goods Movement |• MOD / MaaS |• Rural |• Smart City |• V2X

SUBMIT YOUR SESSION & PAPERS

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For more information contact **Kyle Corcoran** at kyle@corcexpo.com

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Mark your calendar! Attendee registration and housing for #ITSWC20 opens in February. You won't want to miss signing up for early bird discounts.

Keep an eye on the official **2020 World Congress website** for updated information. www.itsworldcongress2020.com.

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For general information regarding the 2020 ITS World Congress event, contact
Rachel Rettberg, Director of Meetings & Events
at rrettberg@itsa.org

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From: Farrill, Cody <Cody.Farrill@fldms.onmicrosoft.com>
Sent: Friday, October 11, 2019 9:03 AM EDT
To: Harrington, Tiffany <Tiffany.Harrington@myfloridahouse.gov>; Becker, Katherine <BECKER.KATHERINE@flsenate.gov>; Forst, Andrew <Andrew.Forst@dms.myflorida.com>; Fillyaw, Tami <Tami.Fillyaw@dms.myflorida.com>; Gillespie, Patrick <Pat.Gillespie@dms.myflorida.com>; Thomas, John <John.Thomas@dms.myflorida.com>; Jefferson, Tyler <Tyler.Jefferson@dms.myflorida.com>
CC: O'Steen, Chasity <chasity.osteen@dms.myflorida.com>; Gellis, Sean <Sean.Gellis@dms.myflorida.com>; Parrish, Katie <Katie.Parrish@dms.myflorida.com>
Subject: Government Efficiency Task Force Follow Up
Attachment(s): "Meeting Minutes_Oct8.pdf","2012GetFinalReport.pdf","2016-GETF-FInal-Report.pdf","Task Force Trip Details Form.docx","Task Force Traveler Guidelines.docx","Issue Rec Form.xlsx"

Good Morning!

This email serves as follow-up to our meeting earlier this week. We appreciated getting to hear from many of you on your expectations for the coming year. Please see the below and attached information in follow up to our discussions:

Meeting Transcript
I've attached a meeting transcript for your reference.

Previous Task Force Reports
As recommended by our Vice Chair Senator Brandes, attached you will find the final report from the 2011-12 and 2015-16 Task Forces they will also be posted to our website: www.dms.myflorida.com/efficiencytaskforce.

Travel Reimbursements
Also attached are forms related to the travel reimbursement process. As a reminder, we will reimburse up to the thresholds listed, not above.

Subcommittee Preferences
If you have not already, please respond directly to me with your placement preference for one of the following subcommittees: Government Operations or Technology & Innovation. Chair Satter will be making appointments after receiving these preferences.

Path Forward
Following subcommittee appointments, we currently plan to schedule subcommittee calls the week of October 28-November 1. It is important that the subcommittees begin to meet to first vet and formulate ideas for discussion by the full task force. As mentioned by Chair Satter, I've also attached a document that will serve as our "Issue and Recommendations" list. Please submit any ideas for potential presentations and action in the spreadsheet. This would include any individuals you recommend to speak to the Task Force.

Sunshine Contacts
If you have questions on the Sunshine requirements/public records issues related to the Task Force please contact Chasity O'Steen chasity.osteen@dms.myflorida.com or Sean Gellis Sean.Gellis@dms.myflorida.com.

We expect the next full meeting of the Task Force to occur either the week of November 18-22 or December 2-6, once the subcommittees are up and running.

Please let me know if you have any questions.

Cody Farrill

Cody Farrill, MPA |Director of Legislative Affairs
Office of the Secretary
850-487-7001 (office) | 850-545-4693 (mobile)
Florida Department of Management Services
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Government Efficiency Task Force

Abraham Uccello, Chair
Senator Lizbeth Benacquisto, Vice Chair

Final Report
June 2012

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Government Efficiency Task Force
2011-2012

Authority

The Task Force was created by Article III, section 19(i) of the Florida Constitution to develop recommendations for improving governmental operations and reducing costs.

First established in 2007, the Task Force meets each fourth year and submits its recommendations to the chairperson and vice chairperson of the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court.

As enacted in Section 11.9005 of the Florida Statutes, the Task Force is composed of 15 members of the Legislature and representatives from the private and public sectors appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Members

Abraham Uccello
Chair

Senator Lizbeth Benacquisto
Vice Chair

Appointed by Governor Rick Scott

Ann Duncan
Subcommittee on General Government
Subcommittee on Education
Design Procurement Work Group
Early Learning Work Group
Enterprise Information Technology Work Group

Belinda Keiser
Chair, Subcommittee on Education
Early Learning Work Group
Enterprise Information Technology Work Group

Frances Rice
Subcommittee on General Government
Business Regulation and Licensing Work Group

Eric Silagy
Subcommittee on Education
Enterprise Information Technology Work Group
Expressway and Bridge Authority Consolidation Work Group

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Abraham Uccello
Chair, Government Efficiency Task Force
Enterprise Information Technology Work Group

Appointed by President Mike Haridopolos

Senator Mike Bennett (March 22, 2012 – June 16, 2012)
Subcommittee on General Government

Senator Lizbeth Benacquisto
Vice Chair, Government Efficiency Task Force
Subcommittee on Education
Enterprise Information Technology Work Group

Michael Heekin
Subcommittee on Education
Enterprise Information Technology Work Group

Patrick Neal
Chair, Subcommittee on General Government
Design Procurement Work Group

Robert Stork
Subcommittee on Health and Human Services
Early Learning Work Group
Expressway and Bridge Authority Consolidation Work Group

Rob Wallace (June 16, 2011 – February 25, 2012)
Business Regulation and Licensing Work Group

Appointed by Speaker Dean Cannon

Frank Attkisson
Subcommittee on Health and Human Services
Design Procurement Work Group

Representative Gary Aubuchon (June 16, 2011 – October 14, 2011)

Larry Cretul
Subcommittee on General Government
Subcommittee on Health and Human Services
Business Regulation and Licensing Work Group

Matthew Falconer (June 16, 2011 – February 24, 2012)
Expressway and Bridge Authority Consolidation Work Group

Julie Fess (October 17, 2011 – June 16, 2012)
Subcommittee on Health and Human Services
Early Learning Work Group

Representative John Legg (June 16, 2011 – October 12, 2011)

Robert Rohrlack (October 17, 2011 – June 16, 2012)
Chair, Subcommittee on Health and Human Services
Enterprise Information Technology Work Group

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Government Efficiency Task Force

Abraham Uccello, Chair
Senator Lizbeth Benacquisto, Vice Chair

The Honorable Rick Scott
Governor of Florida
PL-05 The Capitol
Tallahassee, Florida 32399-0001

Chief Justice Charles T. Canady
Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399-1925

The Honorable JD Alexander
Chair, Legislative Budget Commission
201 Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1100

The Honorable Denise Grimsley
Vice-Chair, Legislative Budget Commission
221 Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

June 27, 2012

Dear Governor Scott, Senator Alexander, Representative Grimsley, and Chief Justice Canady:

Pursuant to Article III, section 19(i) of the Florida Constitution, the Government Efficiency Task Force submits its recommendations on improving governmental operations and reducing costs to the Governor, the chair and vice chair of the Legislative Budget Commission, and the Chief Justice of the Supreme Court. The Task Force submits the following final report of recommendations upon completion of its one-year term, as provided in section 11.9005, Florida Statutes.

In the area of Health and Human Services, the Task Force recommends:

State Employee Health Insurance Benefits

- Establish uniform premium contribution amounts for all classes of state employees.
- Set contributions for all employees at the current contribution levels of Career Service employees. Equalizing contributions at these levels is estimated to save **$34 million** per year.
- Implement a defined contribution model for state employee health insurance benefits. A defined contribution model is estimated to save **$250-300 million** per year.
- Consider multiple defined contribution options when designing a new defined contribution structure for state employee health insurance.
- Review the state's contribution and adjust for changes in health care costs at a minimum of every three years.

State Procurement of Mental Health and Substance Abuse Services

- Utilize common metrics for contracts when procuring mental health and substance abuse services.
- Ensure unit price information is available to all agencies and require agencies to check pricing for mental health and substance abuse services.
- Provide that agencies make greater use of pooled purchasing arrangements when cost effective.
- Implementing the above recommendations is estimated to achieve a cost savings of 6%-8%, or **$72-$96 million** per year based on current annual expenditures.

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Criminal Justice

- Provide the Department of Corrections with flexibility to develop and implement cost savings initiatives, in conjunction with counties. The department should have the flexibility to implement new models of inmate transfer, assignment, or supervision if determined to effectively carry out inmate sentences, following existing statutory requirements, while achieving cost savings. Counties should be able to submit cost savings proposals to the Department of Corrections and appeal decisions to the Governor and Cabinet.
- Provide incentives for counties to participate in initiatives that will achieve efficiencies and cost savings for the state. Incentives should be created for arrangements that promote flexibility and produce mutually-beneficial arrangements for the state and counties. Incentives may include, but are not limited to, diversion of inmates from state to local facilities and increased utilization of community supervision, including electronic monitoring.
- Investigate implementation of a web-based risk and needs assessment tool for use at time of sentencing. Estimated costs for sentencing options should be included in the tool to allow judges to weigh projected results with estimated costs of sentences. The tool should be made available to judges at the time of sentencing and to the public through a web portal.
- Perform a study to determine the potential cost savings resulting from a risk and needs assessment tool.
- Stakeholders should develop recommendations to the Legislature for increasing flexibility in sentencing guidelines. Judges should be provided with the flexibility to consider the many purposes of sentencing, including punishment, rehabilitation, deterrence, restitution, recidivism reduction, and protection of public safety, as well as cost.

In the area of Education, the Task Force recommends:

Early Learning Time and Attendance

- The Task Force recommends that the Office of Early Learning adopt an electronic form of attendance submission for Voluntary Prekindergarten (VPK) and School Readiness (SR) programs. An electronic form of attendance submission is estimated to save **$4 million** per year by eliminating the manual paper process and reducing staff time.
- The Task Force recommends adopting a point of service system utilizing either electronic swipe cards or biometrics to supplement an electronic time and attendance submission process. Adopting this system would:
    - Reduce human error and fraud that result in improper payments;
    - Reduce the time burden on providers in collecting and recording attendance data;
    - Reduce the amount of paper record keeping required of providers;
    - Allow for quicker audits of attendance records;
    - Allow for quicker turnaround time on payments for SR and reconciliation for VPK; and
    - Allow for real time attendance data.
- The savings would be between **$40-60 million** per year if Florida were to realize similar results of other states that have utilized a point of service system. The savings would be based on the reduction of improper payments.
- The Task Force recommends ensuring sufficient time is allowed for implementation and training so providers can effectively learn to use the system.
- The Task Force recommends allowing for the sharing of time and attendance data with other agencies that utilize the information.
- The Task Force recommends utilizing other states' experiences with the point of service system to avoid common implementation mistakes.

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Inmate Education and Re-entry

- Individualized Inmate Re-entry Plans
  - Create an individualized inmate re-entry plan that, based on information obtained from assessments, outlines programming to be provided during the period of incarceration.
  - Consider educational needs when determining an inmate's facility placement.
  - Assessments to determine literacy skills are critical. Focus and priority should be given to this process of assessing literacy skills to provide appropriate foundation for other educational programs and opportunities after prison.
  - Develop a program providing literacy and life skills training for inmates who are ineligible for the Mandatory Literacy Program due to prison term length.
- Mandatory Literacy Program
  - Require prisoners who meet the requirements of the Mandatory Literacy Program to successfully complete the program by attaining a total battery score of 6.0 on a Test of Adult Basic Education.
- Online Education Opportunities
  - Investigate opportunities to introduce online and e-learning educational and vocational training in prisons.
  - Set up a pilot program to develop widely-acceptable security protocols for Internet access.
- Mission Driven Prisons
  - Convert some of Florida's prisons to institutions that focus on chemical dependency, literacy and basic education, and vocational education.
  - Align the missions of vocational education prisons to meet the needs of the employment market.
- Program Efficiency
  - Adopt policies regarding prioritizing the eligibility of educational and vocational programs to inmates whose likelihood of recidivism will be most improved as a result of this instruction.
  - Expand vocational education programs.
  - Research implementation of a double-track education system.
- Metrics and Statistics
  - Conduct a cost-benefit analysis to evaluate rehabilitative programs, such as educational and vocational programs.
  - Develop a regular report on the cost-effectiveness of rehabilitative programs, including those provided by entities outside of the Department of Corrections.

Higher Education

- Implement a pilot project for year-round school operations in the State University System.
- The Board of Governors should create a University Review Program.
- Strategies for Degree Production
  - The Blue Ribbon Task Force should develop strategies to increase degree production.
  - There is a high degree of interest among Florida's policy makers to increase the production of science, technology, engineering, and mathematics (STEM) degrees in the state. The Blue Ribbon Task Force should review methods to increase the production of STEM degree graduates in the State University System, and in doing so, consider the actions of HB 7135 and the creation of a statewide STEM strategic plan.
- Optimum Facility Utilization
  - The Blue Ribbon Task Force should review and develop a comprehensive assessment tool to evaluate facility usage, including classroom utilization, to more accurately determine the need for Public Education Capital Outlay program (PECO) funds.

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- Funding
  - The Blue Ribbon Task Force should investigate innovative strategies of funding for higher education.
  - The Blue Ribbon Task Force should find ways to increase transparency in state funding of higher education.
  - The Blue Ribbon Task Force should study the issue of market rate tuition and provide recommendations to the Governor and Legislature on its implementation.

University Procurement

- State University Procurement
  - The State University System adopt an electronic procurement platform(s) that offers functionality similar to the systems at the Florida State University and the University of Florida.
- Collaboration with the Department of Management Services
  - The Board of Governors, state universities, and the Department of Management services continue coordinating their efforts in the area of procurement in order to better manage tracking of spend, contracting, strategic sourcing, and best procurement practices.
  - The Department of Management Services and the State University System identify and jointly strategically source common goods and services in order to achieve maximum savings to both parties.
  - State universities utilize state term contracts to achieve savings.
- Florida Polytechnic
  - The Board of Governors leverage the creation of Florida Polytechnic to pursue opportunities to implement shared services models across multiple institutions.

In the area of General Government, the Task Force recommends:

Business Regulation

- Provisional Business Permits
  - Implement a provisional business permit for select industries.
  - Create an evaluation process for industries linked to health and human safety to qualify for a provisional business permit.
  - Utilize information from the business dashboard to indentify key industries that would qualify for the permit.
  - Utilize the provisional permit process to identify and eliminate unnecessary regulations.
  - Conduct a pilot program in selected counties or cities to benchmark the effectiveness of the permit.
- Business Dashboard
  - Implement a business permit dashboard that tracks the amount of time it takes for a company to get started in the State of Florida.
  - Begin the dashboard at the state level, tracking the business as it goes through the state regulatory process.
  - Begin with a pilot program with counties participating on a voluntary basis.
  - Encourage county/city compliance by requiring participation as a condition for certain funding.
  - Utilize current information already collected by state agencies, the Chamber of Commerce, and local governments.
  - Designate one agency, preferably the Department of State, to receive all information related to the business dashboard.

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  - Utilize dashboard metrics to identify unnecessary regulations, industries that do not require regulation, and industries or businesses that would qualify for the provisional business permit.
  - Allow private businesses to submit additional information.
  - For each week in reduced startup time resulting from the business dashboard, the state would save an estimated **$3.44 million** in unemployment benefit payments.
- One-Stop Business Portal
  - Implement the One-Stop Portal in stages as recommended by Department of Revenue Executive Director Lisa Vickers.
  - Identify redundancies and potential consolidations as the portal is phased in.
  - Utilize the consolidation process to identify unnecessary agency regulation.
  - Create a "Phase 1a" comprised of a "splash page" website with agency links to fast track businesses through the startup or renewal process.
  - Utilize existing call center functions to include a live chat feature to provide real time assistance to users.
  - Include a mechanism that allows for feedback from businesses regarding regulation, which would be forwarded to the Office of Fiscal Accountability and Regulatory Reform and the Legislature.

Expressway and Bridge Authority Consolidation

- An independent party who specializes in best management practices should assist in effectively consolidating the administrative functions of the Orlando-Orange County Expressway Authority (OOCEA) and Tampa-Hillsborough County Expressway Authority (THEA) into Florida's Turnpike Enterprise (FTE). The Florida Department of Transportation estimates a savings of **$24,318,000** per year. With the utilization of a third party, this process may be more efficient and achieve even greater savings.
- If THEA and OOCEA are consolidated into FTE, all revenue collected in the regions should be spent within the same region and local boards should be maintained to make policy decisions on road construction.
- Consolidate the Mid-Bay Bridge Authority into FTE.
- Consolidate all toll collections into a single entity and system, including all administrative functions, software and IT systems, accounting, collection personnel, enforcement, customer service, and billing.
- Require regional toll agencies to benchmark regional and state transportation and authority salaries to avoid possible excessive salaries.

Consultants' Competitive Negotiation Act (CCNA)

- Allow agencies to utilize the "Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow price to be a factor of up to 50% when ranking the top three most qualified firms. The process would work best for a project with a well-defined scope.
- Allow agencies to utilize the "Modified Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow the agency to see the price of the top three most qualified firms, but not re-rank the firms, thus preventing the agency from entering negotiations with insufficient information on pricing. This process would work best for projects that do not have a specific scope and for agencies that would otherwise use the current CCNA over "Best Value."

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- Maintain the current CCNA process as an option for agencies to utilize when "Best Value" or "Modified Best Value" would not be appropriate. This process would work best for a project that does not have a well-defined scope.

Enterprise Information Technology

- Redefine the role of the Agency for Enterprise Information Technology (AEIT) in governance of state enterprise information technology (IT) and clarify designated enterprise applications and operations.
- Strengthen statutory language to provide AEIT with enforceable governance.
- Provide AEIT with budget and procurement authority for enterprise IT projects and services.
- Maintain the current organizational structure of AEIT under the Governor and Cabinet.
- Establish an Enterprise Technology Advisory Council of public and private industry chief information officers and IT professionals to function in an advisory capacity to the state Chief Information Officer (CIO).
- Task the CIO with modifying AEIT's organizational structure to provide flexibility and nimbleness and to accommodate further adjustments as necessary.
- Direct AEIT to identify and align agencies in process oriented design structures (PODS), grouping similar business processes and functions across state government.
- Direct AEIT to implement enterprise IT in support of this alignment, executed in successful phases according to business processes and functions.
- Direct AEIT to immediately begin identification and alignment of PODS with financial management, due to the foundational importance of the Florida Accounting and Information Resource (FLAIR) subsystem.

State Procurement

- Increased utilization of state term contracts
  - Review all statutory barriers and remove those unnecessary for full utilization of state term contracts.
  - Create a process that gives the Department of Management Services (DMS) an approval role for non-state term contract purchases by agencies.
  - Estimated savings for strategically sourcing the estimated $1.8-$2.5 billion in potential sourceable spend is 6-10%, or **$108-$180 million** to **$150-$250 million** per year.
- Increased utilization of MyFloridaMarketPlace
  - Review the 1% usage fee for MyFloridaMarketPlace (MFMP) and adjust to allow for the greatest utilization by state agencies and other eligible users. Increased utilization of MFMP is estimated to achieve savings of **$9.5 million** per year.
  - Measure full cycle utilization of MFMP through DMS. Reduction in hard and soft costs is estimated to achieve savings of **$10.9-$11.9 million** per year.
  - Provide a public facing catalog solution for other eligible users of MFMP.
  - Convert Florida commodity codes to the National Institute of Governmental Purchasing codes.
- Increased effectiveness of MyFloridaMarketPlace
  - Implement a data analytics solution for MFMP.
  - Automate electronic posting of solicitations created in Sourcing to the Vendor Bid System.
  - Automate the workflow between the Ariba Buyer and Ariba Sourcing modules of MFMP.
  - Provide a public portal for contract information.

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- Strategic sourcing
  - Utilize the increased visibility and volume in spend achieved via increased use of state term contracts and MFMP to strategically procure commodities and services.
  - Create an incentive model that utilizes savings achieved by agencies to encourage participation in strategic sourcing.
- Consultants' Competitive Negotiation Act
  - Allow agencies to utilize the "Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow price to be a factor of up to 50% when ranking the top three most qualified firms.

Florida Retirement System

- Define a goal for the state retirement system. The state does not currently have a defined goal for the retirement system. The Florida Statutes and Constitution provide requirements, but do not outline a set goal or purpose for the state.
- Prioritize portability and transferability of retirement funds. The defined contribution plan currently offers portability for its members. Due to the changing nature of employment and the increasingly transient nature of employees, the state should place a priority on portability and transferability for all state employee retirement funds.
- Review the assumed long term returns on the pension fund and the acceptable funding level. The current assumed return for the FRS pension fund is 7.75%. This assumed rate should be reviewed in context of past market performance to determine if this is an accurate assumption. Various studies have indicated that a funding level of 80% is generally accepted as actuarially sound. As of June 2011, the FRS pension fund has a funding level of 87.5%. The funding level has many assumptions built in, including an assumed rate of return, length of FRS membership, and vesting time of benefits. The funding level policy should be reviewed in the context of the potential issues surrounding retirement funds. The Task Force also recommends that employees contribute a portion of their salary towards their retirement plan.
- Place a cap on the average salary for calculating pension benefits. High-salaried employees are one of the drivers of increased funding liability for the pension fund. The Internal Revenue Service (IRS) limits the amount of annual salary that may be applied towards retirement under a qualified plan. Currently, the IRS limits the annual salary to $245,000 for members hired on or after July 1, 1996, and $363,820 for members hired prior to July 1, 1996. The Task Force recommends a cap on salary applied towards retirement in line with the average salary of a head of state agency, which is $140,000.
- Consider a hybrid retirement system. Various states have either adopted or are considering a hybrid retirement plan (incorporates both defined benefit and defined contribution plans). Florida should review the hybrid option as a method to reduce future unfunded liability, provide flexibility for employees, and ensure adequate guaranteed retirement funds for state employees, particularly lower earning employees.

Division of Real Estate Development and Management

- State Construction
  - The Task Force recommends utilizing a shared service model for state construction directed by one agency in order to create uniform best practices and achieve cost savings. Currently, the Division of Real Estate Development and Management only manages building construction projects in Department of Management Services (DMS) facilities or those projects designated as DMS managed when appropriated to agencies. Additionally, building construction staff is located in multiple agencies, there are inconsistencies in contracting, and

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economies of scale are not leveraged through bundling of similar projects. All agencies involved in building construction should operate a shared services model directed through DMS, allowing for uniform standards, best practices, rules, and procedures for state construction. The state should institute an automatic review process for all state construction projects with a projected cost over a certain threshold. The state should also focus on function, in addition to form, in the design and renovation of state buildings.

- State Leasing
  - The Task Force recommends that DMS continue with current initiatives to increase the value of state leasing while reducing costs. DMS should continue its efforts to renegotiate leases statewide. DMS should propose legislation that will increase its authority in leasing decisions, save time in processing, and reduce the burden on private sector landlords. DMS should continue to work with other agencies and with local governments to maximize space utilization.
- State Building Emergency Management
  - The Task Force recommends that DMS explore options for service management of state buildings and facilities in the event of a natural disaster. The state does not currently have a contracted service for management of state facilities in the case of a natural disaster (i.e. hurricanes). In order to ensure the continued functioning of state facilities, the state should address proper disaster preparedness.

The complete recommendations and analyses are enclosed. Please do not hesitate to contact me or staff director Jeff Woodburn for additional information.

Thank you for the opportunity to serve the citizens of Florida.

Sincerely,

Abraham Uccello
Chair

AU/ew

Enclosures

cc: The Honorable Mike Haridopolos
The Honorable Dean Cannon
The Honorable Don Gaetz
The Honorable Will Weatherford

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FL-SEN-20-0201-B, 20-0202-A-004776

Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: State Employee Health Insurance Benefits

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding state employee health insurance benefits by a vote of 8 yeas, 0 nays:

- Establish uniform premium contribution amounts for all classes of state employees.
- Set contributions for all employees at the current contribution levels of Career Service employees. Equalizing contributions at these levels is estimated to save **$34 million** per year.
- Implement a defined contribution (DC) model for state employee health insurance benefits**.** A DC model is estimated to save **$250-300 million** per year.
- Consider multiple DC options when designing a new DC structure for state employee health insurance.
- Review the state's contribution and adjust for changes in health care costs at a minimum of every three years.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. STATE EMPLOYEE HEALTH INSURANCE

State Employee Health Insurance Program

The State Employee Health Insurance Program (program) is governed by s. 110.123, F.S. The program is administered by the Division of State Group Insurance (DSGI) within the Department of Management Services (DMS or department).

The program is an optional benefit for all state employees, including state agencies, state universities, the court system and the Legislature. The program includes health, life, dental, vision, disability, and other supplemental insurance benefits.

As implemented by the department, the program offers four types of health plans: a standard statewide Preferred Provider Organization (PPO) Plan, a Health Investor PPO Plan, a standard Health Maintenance Organization (HMO) Plan, and a Health Investor HMO Plan.

The State Employees' PPO plan is a self-insured health plan administered by Blue Cross Blue Shield of Florida and available to employees across the state.[1] Each HMO is a self-administered, pre-paid health plan that provides health services to people who live or work within the HMO's service area. Six HMOs provide coverage in various geographic regions.[2]

The program also offers two high-deductible health plans (HDHP) with health savings accounts (HSA). The Health Investor PPO Plan is the statewide, high deductible health plan administered by Blue Cross Blue Shield of Florida. The Health Investor HMO Plan is a high deductible health plan in which the state has contracted with multiple state and regional HMOs.

A state employee participating in either Health Investor plan is eligible to receive contributions into the employee's health savings account.[3] The participant may draw upon these funds to meet out-of-pocket medical and pharmacy expenses.

Employee premiums for Health Investor plans are lower, and every year since the high-deductible option has been offered, the state has contributed $500 and $1,000 into the HSA for employees with individual or family coverage, respectively. The contribution has annually been reinstated each year in a budget implementing bill.[4]

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[1] The administrator is responsible for processing health claims, providing access to a Preferred Provider Care Network, and managing customer service, utilization review, and case management functions.

[2] State contracted HMO plan providers are Aetna, AvMed, Capital Health Plan, Coventry Health Care of Florida, Florida Health Care Plans, and United Health Care. Department of Management Services, *State of Florida Employee and Retiree Benefits Guide,* September 2011, http://www.myflorida.com/mybenefits/pdf/BenefitsGuide_2012.pdf (last visited 4/18/2012).

[3] The state makes a $500 per year contribution to the health savings account for single coverage and a $1,000 per year contribution for family coverage. These contributions are not subject to federal income tax on the employee's income. *Id*.

[4] A budget implementing bill makes statutory changes that are only effective for one year.

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Employer and Employee Contributions

The State Personnel System (SPS) is divided into categories, including Career Service (CS), Selected Exempt Service (SES), and Senior Management Service (SMS). As of June 30, 2011, CS employees comprised 81.7 percent of the SPS.[5]

Employee health insurance premium contributions differ according to coverage selected and employee category. The State of Florida health program currently offers three tiers of enrollment for employees: individual employee, employee plus family, and spouse. Employees are divided into two general categories based on class and personnel system. CS employees are categorized separately from SES and SMS employees, as well as those employed by the Department of Lottery, Legislature, and Executive Office of the Governor, and personnel in other state employment systems.

Employee contribution levels are not adjusted for variances in benefit value or projected total cost of the chosen plan. The employee contribution and level of benefits are fixed, and the state absorbs any differences in total cost. The chart below details the monthly health insurance contributions for the state and employee.

Florida State Employee and Employer Insurance Contributions

		Standard Plan PPO/HMO			Health Investor Health Plan PPO/HMO		
Category	**Coverage**	**Employer**	**Enrollee**	**Total**	**Employer[6]**	**Enrollee**	**Total**
Career Service	Single	499.80	50.00	549.80	499.80	15.00	514.80
	Family	1,063.34	180.00	1,243.34	1,063.34	64.30	1,127.64
	Spouse[7]	1,243.32	30.00	1,273.32	1,097.64	30.00	1,127.64
SES/SMS/EOG/ LEG/Lottery/other	Single	541.46	8.34	549.80	506.46	8.34	514.80
	Family	1,213.34	30.00	1,243.34	1,097.64	30.00	1,127.64

B. EMPLOYER INSURANCE TRENDS

Average Contributions

Differences in premium amount, copays and deductibles, coverage levels, and other cost-sharing variables present challenges when comparing health benefits between government and private employers. Even within a single employer, each plan type may contract with multiple carriers and value of access varies by carrier and geographic location.[8]

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[5] Department of Management Services, *State Personnel System Annual Workforce Report: FY 2010 – 2011*, p. 13, http://www.dms.myflorida.com/human_resource_support/human_resource_management/for_state_hr_practitioners/reports (last visited 4/18/2012).

[6] Includes employer tax-free HSA contribution: $500 per year for single coverage and $1,000 per year for family coverage.

[7] Both spouses must be state employees to participate in the spouse program. Contributions for all employees in the spouse program are the same, regardless of category.

[8] For example, the federal benefits standard family Humana Medical Plan for South Florida requires a $271.87 per month employee contribution versus $310.59 for the same standard family Humana Medical Plan coverage in the Tampa area. United States Office of Personnel Management, *The 2012 Guide to Federal Benefits For Federal Civilian Employees*, November 2011, p. 42, http://www.opm.gov/insure/health/planinfo/2012/guides/70-1.pdf (last visited 4/18/2012).

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According to a 2010 study by The Segal Group surveying all 50 states and Washington, DC, over half of state plans are subsidized by the employer at 80% or higher.[9] Employers offering HMOs and HDHPs provide higher premium subsidies than PPOs, which is generally linked to the reduction in the employer's claim cost liability. A 2011 survey of state employee health benefits by the National Conference of State Legislators (NCSL) found that states paid an average of 89% for individual coverage and 80% for family coverage.[10] The State of Florida's contribution for CS employees is 91% of the standard premium and 97% of the health investor plan premium. NCSL found that Florida's employer contribution for individual coverage was $499.80 per month, compared to a national average of $519.13. Florida's contribution for CS employees is 86% of the standard premium and 94% of the health investor plan premium. NCSL found that Florida's employer contribution for family coverage was $1,063.34 per month, compared to a national average of $1,096.63.[11]

DSGI contracted with Mercer Consulting to prepare a Benchmarking Report[12] (report) for the state group insurance program. The report compares Florida's state group insurance program to the programs of other large employers,[13] both in the public and in the private sectors.

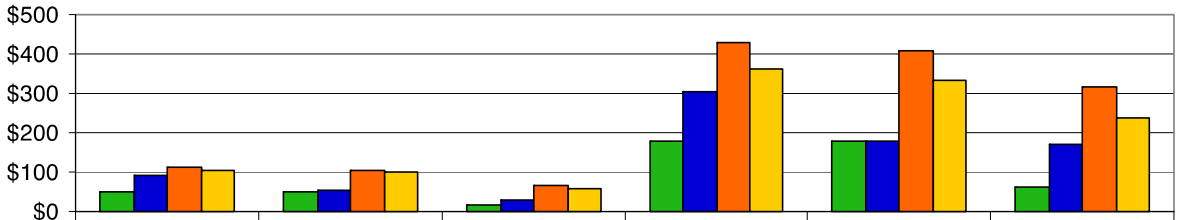
The report found that State of Florida contributes a higher percentage of the premium to employee health benefits than other states and private employers. For example, the report found that Florida paid 84% of the monthly premium for a family PPO plan, compared to a 69% average for large national employers. At the time of the study, the average family plan premium for large national employers was $361, while the monthly premium for a family PPO plan for a Florida state employee was $180.[14]

The report also found that the average monthly employee contribution for individual coverage with a State of Florida employer was $50, compared to $93 and $56 for PPO and HMO coverage, respectively, in other states.[15] The average employee contribution for large employers in Florida was $112 and $104 for PPO and HMO coverage, respectively. Mercer's findings are summarized in the following charts comparing monthly employee contributions by dollar amount and as a percentage of premium.[16]

[9] The Segal Group, *2010 Study of State Employee Health Benefits,* Winter 2011, p. 3, http://www.segalco.com/publications/surveysandstudies/2010statestudy.pdf (last visited 4/18/2012).
[10] National Conference of State Legislatures, *2011 State Employee Health Benefits: Monthly premium costs (family and individual coverage)*, September 2011, pp. 3, 5, http://www.ncsl.org/Portals/1/documents/health/StateEHBenefits2011.pdf (last visited 4/18/2012).
[11] *Id.* at pp. 2, 4.
[12] Mercer Consulting, *State of Florida Benchmarking Report*, March 24, 2011, http://www.dms.myflorida.com/media/dsgi/sb_2000/2010_benchmarking_report_for_state_of_florida (last visited 4/18/2012).
[13] For the purpose of the report, "large employers" had 500 or more employees. *Id.*
[14] *Id.*
[15] State of Florida compared with other states with 500+ employees. *Id.*
[16] *Id.*

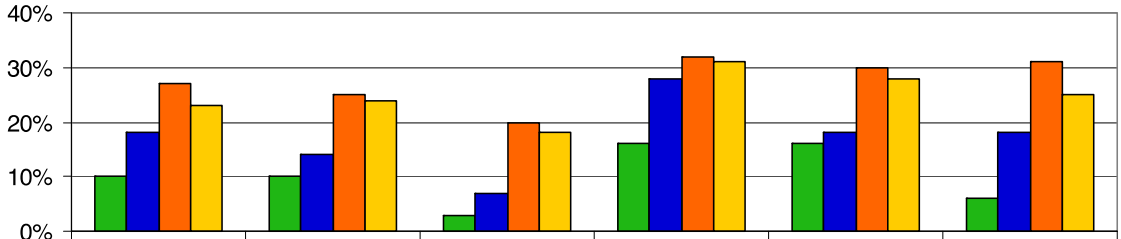
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Monthly Employee Contribution Benchmarks (dollars)



	PPO-Single	HMO-Single	HDHP w/ HSA-Single	PPO-Family	HMO-Family	HDHP w/ HSA-Family
State of Florida- 2010	$50	$50	$15	$180	$180	$64
States 500+	$93	$56	$30	$306	$179	$169
Florida 500+	$112	$104	$68	$430	$410	$318
National 500+	$103	$99	$59	$361	$334	$236

Monthly Employee Contribution Benchmarks (percentage)



	PPO-Single	HMO-Single	HDHP w/ HSA-Single	PPO-Family	HMO-Family	HDHP w/ HSA-Family
State of Florida- 2010	10%	10%	3%	16%	16%	6%
States 500+	18%	14%	7%	28%	18%	18%
Florida 500+	27%	25%	20%	32%	30%	31%
National 500+	23%	24%	18%	31%	28%	25%

The federal government offers Preferred Provider Organization, Health Maintenance Organization, Point-of-Service, Consumer Driven, and High Deductible Health Savings Account or Health Reimbursement plans. Government agencies pay the lesser of: 72% of the average total premium of all plans weighted by the number of enrollees in each, or 75% of the premium for the specific plan chosen by the employee. For purposes of comparison, the federal employee contribution for Capital Health Plan coverage is $102.27 for individuals and $271.01 for families.[17] State employee participants in Capital Health Plan contribute $50 for individual coverage and $180 for family coverage.

The State of Florida contributes approximately 90% toward the total annual premium for active employees, for a total of $1.43 billion of the total premium of $1.59 billion for FY 2011-12.[18] The state program is estimated to spend $1.9 billion in FY 2011-12 in health benefit costs.[19]

[17] United States Office of Personnel Management, *The 2012 Guide to Federal Benefits For Federal Civilian Employees,* November 2011, p. 42, http://www.opm.gov/insure/health/planinfo/2012/guides/70-1.pdf (last visited 4/18/2012).
[18] Fiscal information provided by DSGI (copy on file with Government Efficiency Task Force staff).

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Change and Efficiency

Recommendations

The Task Force recommends establishing uniform premium contribution amounts for all classes of state employees. Currently, SES and SMS employees, as well as those employed by the Department of Lottery, Legislature, Executive Office of the Governor, and other state personnel outside SPS, are contributing lower amounts for the same insurance coverage as CS employees. The current categories for monthly contribution levels do not correlate to average employee salary. On average, SPS employees in the lower monthly contribution category are earning higher salaries than CS employees.[20]

The Task Force recommends setting contributions for all employees at the current contribution levels of Career Service employees: $50 per month for standard individual coverage, $180 per month for standard family coverage, $15.00 per month for individual Health Investor plan coverage, and $64.30 per month for Health Investor plan family coverage. Employee contributions for CS employees are currently below the averages for employees of large state governments, large Florida employers, and large national employers. Equalizing contributions at these levels is estimated to save **$34 million** per year.

Cost and Trends

The state contributes approximately 90% toward the total annual premium for active employees, for a total of $1.43 billion of the total premium of $1.59 billion for FY 2011-12.[21] The state program is estimated to spend $1.9 billion in FY 2011-12 in health benefit costs.[22] Projected total expenses under the State Employees Group Health Program are expected to increase by $800 million over four years, from just over $1.8 billion in FY 2011-12 to just over $2.6 billion in FY 2014-15.[23] Medical and pharmacy costs alone are projected to increase an average of 9.2% each year through Fiscal Year 2015-16.[24]

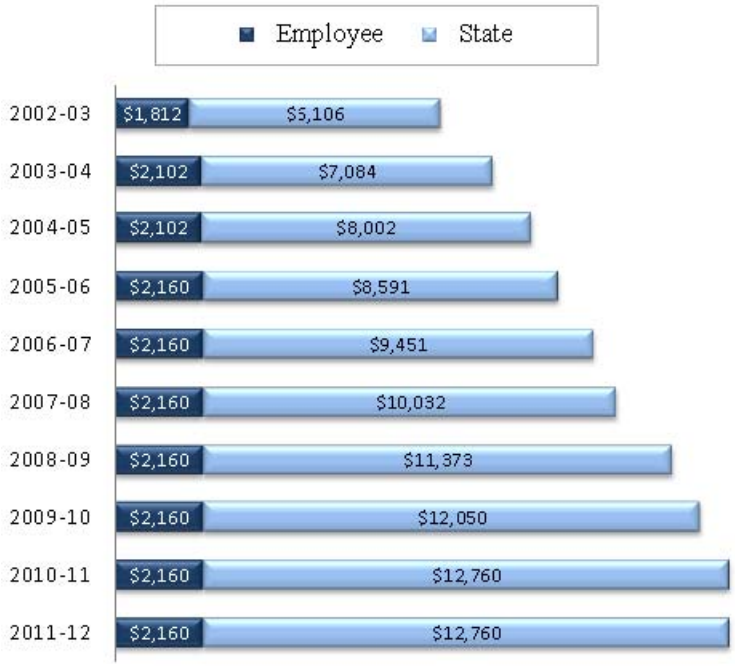
Health insurance contributions for state employees have not kept pace with annual increases in premium costs. The state has absorbed most of previous cost increases and employee contributions have remained relatively flat, as illustrated by the chart on the following page.[25] From FY 2002-03 to FY 2011-12, the total cost of the policy premium for standard family coverage increased $8,002. Over that time, the Career Service employee's contribution increased by $348, with the state contributing the remaining $7,654 of the premium increase. The employee contribution has not risen since 2005. Over the same time period, the cost of the standard family coverage premium has risen $4,169, and the full cost of the premium increase has been born by the state.

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[19] Department of Management Services, *State Employees' Group Health Self-Insurance Trust Fund, Report on the Financial Outlook*, January 4, 2012, http://edr.state.fl.us/content/conferences/healthinsurance/HealthInsuranceResults.pdf (last visited 4/18/2012).
[20] As of June 30, 2011, the average salary for Career Service employees was $34,119. The average salary for Selected Exempt Service employees was $53,136, and the average salary for Senior Management Service employees was $109,054. Department of Management Services, *State Personnel System Annual Workforce Report: FY 2010 – 2011*, p. 37, http://www.dms.myflorida.com/human_resource_support/human_resource_management/for_state_hr_practitioners/reports (last visited 4/18/2012).
[21] Fiscal information provided by DSGI (copy on file with Government Efficiency Task Force staff).
[22] Department of Management Services, *State Employees' Group Health Self-Insurance Trust Fund, Report on the Financial Outlook*, January 4, 2012, p. 1, http://edr.state.fl.us/content/conferences/healthinsurance/HealthInsuranceResults.pdf (last visited 4/18/2012).
[23] Fiscal information provided by DSGI (copy on file with Government Efficiency Task Force staff).
[24] *Id.*
[25] *Id.*

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Career Service Family Coverage Yearly Premium



Compared to employees of other state governments, large public and private employers in Florida, and large public and private employers across the country, State of Florida employees are currently paying lower rates for their health insurance coverage. State of Florida employees' lower contribution rates are evident when compared both in terms of the dollar amount of monthly contributions and in the total percentage of the premium. These lower rates translate to an increased cost to the state for health insurance benefits for state employees.

Change and Efficiency

The state employee health insurance program is a defined benefit (DB) program, in which the employer provides a specific benefit package to employees. Another option for providing health insurance benefits is the defined contribution (DC) model, in which the employer provides a specific contribution amount toward an employee's health coverage. The employee pays the remainder of the cost of the premium. The cost to the employee varies according to his or her choice of coverage and level of benefits.

Recommendations

The Task Force recommends implementing a defined contribution model for state employee health insurance benefits. A DC model would give employees more control over their health benefits and, depending on the model implemented, provide increased choice for the employee. The cost of employee health benefits to the state would be more predictable and the state's financial exposure would be limited. The end result is health care that is both better suited to individual employees' needs and more cost efficient for the state. A DC model is estimated to save **$250-300 million** per year.

The Task Force recommends considering multiple DC options when designing a new DC structure for state employee health insurance. DC plans may be implemented in numerous ways, including:

- The employer offers a range of benefit options at varying price levels. The employer contribution is typically set in relation to the lowest cost plan in order to ensure that all employees have access to benefits. The employee pays the difference in premium if he or she chooses a more expensive plan.

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- The employer provides a specified contribution toward a medical savings account, intended to be used for low-severity services, and an insurance plan, generally a high-deductible plan intended to cover high-severity and emergency services.
- The employer provides health benefits to employees through an intermediary or purchasing group. The purchasing group or intermediary facilitates the relationship between employers, health plans, and employees, and may be involved at some level in plan and provider selection, contracting, and employee enrollment.
- The employer removes itself from administering benefits and provides the employee its contribution in the form of a voucher, tax credit, or other type of financial transfer. The employee uses the employer contribution to purchase the coverage of his or her choice.
- Various hybrids of the above models.

The Task Force recommends reviewing the state's contribution and adjusting for changes in health care costs at a minimum of every three years. Health insurance premium costs should be periodically reviewed for recent changes and future projections in total costs. The state should adjust its contribution so that both employer and employee have a share of premium cost increases and savings resulting from rate changes.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: State Procurement of Mental Health and Substance Abuse Services

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding state procurement of mental health and substance abuse services by a vote of 8 yeas, 0 nays:

- Utilize common metrics for contracts when procuring mental health and substance abuse services.
- Ensure unit price information is available to all agencies and require agencies to check pricing for mental health and substance abuse services.
- Provide that agencies make greater use of pooled purchasing arrangements when cost effective.
- Implementing the above recommendations is estimated to achieve a cost savings of 6%-8%, or **$72-$96 million** per year based on current annual expenditures.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

Mental health and substance abuse services are provided by the State of Florida to many of its residents.[1] These services are provided through a variety of programs and agencies. Many of these services are outsourced through contracts with for profit and not-for-profit vendors.

The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) conducted research on *State Contract Management Review of Mental Health and Substance Abuse Services* in 2011.[2] As described by OPPAGA's research, for FY 2010-11, the state held contracts totaling $1.27 billion for mental health and substance abuse services.[3] Five state agencies contract with providers to deliver mental health and substance abuse services to eligible populations: the Agency for Health Care Administration (AHCA), and the Departments of Children and Families (DCF), Corrections (DOC), Juvenile Justice (DJJ), and Health (DOH).[4] As shown in Exhibit 1, the five agencies held a total of 641 contracts in FY 2010-11, with the number of contracts per agency ranging from 11 for DOH to 368 for DCF. Not included in this figure are the costs of services provided by managed care under the Medicaid program. This is because blended rates are paid to managed care organizations for health and behavioral health care such as mental health and substance abuse services. For the most part, institutional costs are only included when mental health and substance abuse services could be isolated from other costs and were contracted as opposed to state operated. Of the $1.27 billion in total annual value of the contracts for FY 2010-11, 41% was funded by federal and state trust funds, and 59% was funded by general revenue.[5] The total contract amount for each agency ranged from $2.9 million for DOH to $629.9 million for DCF.[6] The typical contract length was 3 years, but the length ranged from 4 months to 11 years.[7] Approximately 61% (392) of the contracts will end before FY 2012-13.[8] The total lifetime value for the current Mental Health and Substance Abuse contracts, including escalators and extensions, is $5.7 billion.[9]

Exhibit 1
For FY 2010-11, Five State Agencies Held Contracts for Mental Health and Substance Abuse Services Totaling $1.27 Billion[10]

Agency	Number of Contracts	Total Contracted Amount for FY 2010-11		
		Trust Fund	General Revenue	Total
Agency for Health Care Administration	31	$288,595,478	$158,054,191	$446,649,669
Department of Children and Families	368	195,548,935	434,394,242	629,943,178
Department of Corrections	77	1,760,977	37,347,963	39,108,940
Department of Juvenile Justice	154	27,317,281	124,437,096	151,754,377
Department of Health	11	2,678,119	227,902	2,906,021
Total	**641**	**$515,900,791[1]**	**$754,461,395[1]**	**$1,270,362,186[1]**

[1] Totals may differ due to rounding.

[1] Mental health and substance abuse services may include: prevention programs, crisis stabilization, detoxification, residential and transitional housing support services, and outpatient treatment.
[2] OPPAGA, *Substance Abuse and Mental Health Contracting*, September 28, 2011 (copy on file with Government Efficiency Task Force staff).
[3] *Id.* at p. 1.
[4] The scope of this research was to analyze the State Contract Management System database. The judicial branch also contracts for mental health services. In FY 2010-11, the Justice Administrative Commission paid $6.3 million for contracts with approximately 400 mental health experts for assessments. The state court circuits paid $5.6 million for contracts with approximately 600 experts for assessments and testimony. *Id.*
[5] *Id.* at pp. 1-2.
[6] *Id.* at p. 2.
[7] *Id.*
[8] *Id.*
[9] *Id.*
[10] Source: OPPAGA analysis of State Contract Management System database. *Id.* at p. 2.

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Exhibit 2 describes the types of services provided and populations served by these agencies.

Exhibit 2
Agencies with Substance Abuse and Mental Health Contracts Provide Various Services[11]

Agency	Description of Contracted Services
Agency for Health Care Administration	These contracts include the prepaid mental health plans that serve Medicaid recipients and the Statewide Inpatient Psychiatric Program that serves Medicaid recipients 17 years of age or younger who require placement in a psychiatric residential setting due to serious mental illness or emotional disturbance. The data does not include expenditures for behavioral health care provided by Health Maintenance Organizations or Provider Service Networks but does include prepaid mental health plans. The agency also has a contract for utilization management and a small number of research contracts with state universities.
Department of Children and Families	These contracts primarily are for a range of community-based services, including alcohol prevention programs in schools and Florida Assertive Community Treatment (FACT) teams that serve to prevent psychiatric hospitalizations.[1] They also include a limited number of contracts at state mental health institutions for both direct services, such as therapists, and indirect services, such as food services, and a limited number of contracts for indirect services, such as training for personnel who are involved in involuntary commitment of individuals into the mental health system. The contracts also include the managing entity organizations, which are organized in a regional system of care for substance abuse and mental health clients.[2]
Department of Corrections	These contracts primarily provide services, such as group therapy, to offenders on community supervision. A limited number of contracts provide mental health services to inmates in correctional facilities.
Department of Juvenile Justice	These contracts provide services, such as psychiatric evaluations, for juveniles in detention centers and services such as crisis intervention, psychotropic medication management, and suicide prevention for juveniles with a mental health diagnosis at residential facilities.
Department of Health	These contracts provide a range of community-based services including interventions for medical licensees with substance abuse or mental health problems, group counseling for HIV/AIDS patients, and home-based visits for mothers of children at risk of abuse or neglect.

[1] Individuals served by FACT teams must meet the definition of mental illness as specified in chapter 394, F.S.
[2] These entities will replace the current DCF substance abuse and mental health contracts, thereby reducing the overall number of DCF contracts.

B. ISSUES

Exhibit 3 shows that in FY 2010-11, a total of 369 vendors held the 641 contracts with the five agencies (an average of 1.7 contracts per vendor).[12] The average number of contracts per vendor ranged from 1 for DOH to 2.1 for DJJ. In addition, 48 of these vendors had contracts with multiple agencies. While most of these vendors had only two contracts, one vendor held 20 active substance abuse and mental health contracts with two agencies in FY 2010-11.[13]

Exhibit 3
In FY 2010-11, 369 Vendors Held 641 Substance Abuse and Mental Health Contracts[14]

Agency	Number of Contracts	Number of Vendors	Average Number of Contracts per Vendor
Agency for Health Care Administration	31	21	1.5
Department of Children and Families	368	267	1.4
Department of Corrections	77	50	1.5
Department of Juvenile Justice	154	74	2.1
Department of Health	11	11	1
Total	**641**	**369**[1]	**1.7**

[1] The total number of vendors does not equal the sum of the number of agency vendors. The total is adjusted so that there is not a duplicate count of vendors that have contracts with multiple agencies.

[11] Source: OPPAGA analysis of State Contract Management System database and interviews with agency staff. OPPAGA, *Substance Abuse and Mental Health Contracting*, September 28, 2011, p. 2 (copy on file with Government Efficiency Task Force staff).
[12] The Florida Accounting and Information Resource (FLAIR) subsystem included the tax status for 262 of the vendors in this study. Of these, 178 (68%) have a status of not-for-profit. *Id.* at p. 3.
[13] *Id.*
[14] Source: OPPAGA analysis of State Contract Management System database and agency data. *Id.*

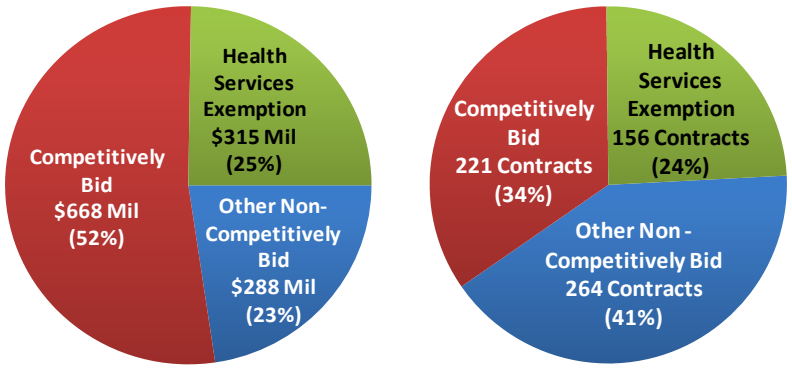
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Section 287.057, F.S., provides that unless otherwise authorized by law, all contracts for the purchase of commodities or contractual services in excess of $35,000 shall be awarded by competitive procurement. The dollar value of the substance abuse and mental health contracts held in FY 2010-11 that were competitively procured was $668 million, or 52% of the $1.27 billion worth of contracts identified in the State Contract Management System.[15] State agencies made most of these competitive procurements through methods such as requests for proposals.

Florida law also provides specific exemptions from competitive procurement, including a "health services exemption."[16] The health services exemption is designated for commodities or contractual services for health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration. In FY 2010-11, 24% of all substance abuse and mental health contracts were executed under the health services exemption. The dollar value of the contracts held in FY 2010-11 that were executed under the health services exemption was $315 million.[17] A variety of procurement methods are used for mental health and substance abuse (see Exhibit 4).

Exhibit 4
Percent of Contract Dollars By Agency By Procurement[18]

Agency	Competitive Bid	Health Services Exempt	Other Non-Competitive	Total
DCF	20 %	40%	40%	$630 Million
AHCA	85%	14%	1%	$447 Million
DJJ	87%	0%	13%	$152 Million
DOC	67%	0%	33%	$39 Million
DOH	1%	99%	0%	$2.9 Million
Total	52%	25%	23%	$1,270 Million



Total = $1.27 Billion **Total Contracts = 641**

In order to assess the range of prices for these services, OPPAGA reviewed a sample of 87 contracts from DCF, DOC, and DJJ.[19] The analysis focused on services in each agency using that agency's service definitions. Prices paid for the same service varied within each agency (see Exhibit 5). In some cases, the prices were different due to factors related to the level of care required by the recipient and the type of security each agency needs to provide. For example, the price of bed days ranged from $19 for adults who voluntarily

[15] *Id.* at p. 4.
[16] *See* s. 287.057(3)(f)5., F.S.
[17] The remaining agency spending for FY 2010-11 was on substance abuse and mental health contracts that were procured using other exemptions. OPPAGA, *Substance Abuse and Mental Health Contracting*, September 28, 2011, p. 4 (copy on file with Government Efficiency Task Force staff).
[18] Source: Analysis of State Contract Management System database. Data provided by Senate Budget Office.
[19] The Agency for Health Care Administration was from this sample because 11 of its contracts will not be renewed due to changes in state Medicaid law and 15 contracts are for Statewide Inpatient Psychiatric Program services, for which policy options may not apply due to federal requirements the facilities must meet. The Department of Health had a relatively small number of contracts; policy options would still apply to the department. *Id* at p. 3.

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received substance abuse services while residing at a religious organization's facility to $338 for 24-hour intensive services provided to adolescent girls with mental health and substance abuse issues at a secure facility.

As shown in Exhibit 5, agencies sometimes paid different unit prices for similar types of services. For example, DOC held a contract that paid $14 per person for adults receiving mandatory community-based outpatient group counseling for substance abuse but also held another contract that paid $24 per person for this service. Exhibit 5 shows the range of prices for the 14 service categories that were included in five or more contracts.[20]

Exhibit 5
Agencies Pay Different Unit Prices for Similar Services[21]

Service Category	Agency	Mean	Minimum	Maximum
Comprehensive Evaluations Level II[2]	DJJ	$450	$350	$550
Comprehensive Evaluations Level III[2]	DJJ	717	550	750
Mental Health and Substance Abuse Treatment Services	DJJ	57	25	200
Residential Level II (Intensive Mental Health and Substance Abuse Care)[3]	DCF	156	83	213
Comprehensive Evaluations Level I[2]	DJJ	267	250	350
Outpatient (Individual or Group Therapy)[1]	DCF	53	12	84
Individual Counseling (Community-Based Outpatient Substance Abuse)	DOC	41	11	56
Community-Based Residential Program (Short-Term/Non secure)	DOC	40	19	53
Treatment Plan Review (Community-Based Outpatient Substance Abuse)	DOC	28	10	42
Intake-Screening (Community-Based Outpatient Substance Abuse)	DOC	50	42	53
Group Counseling (Community-Based Outpatient Substance Abuse)	DOC	20	14	24
Substance Abuse Education and Life Skills Training	DOC	19	14	24
Aftercare Groups (Counseling After Completing a Treatment Program)	DOC	19	14	24
Outreach (Education and Engagement of At-risk Groups)	DCF	44	42	46

[1] Outpatient services provide a therapeutic environment designed to improve the functioning or prevent further deterioration.
[2] Comprehensive evaluations levels depend on the need level of youth served; level I evaluations are for lowest-need youth. Evaluations are a service many vendors provide to state agencies in different forms and for a range of unit costs. The Department of Children and Families pays vendors a maximum unit cost of $85.91. The Justice Administrative Commission pays vendors to provide pre-trial competency or sanity evaluations, pre-trial forensic exams, evaluations for departure hearings, and psychological evaluations for juvenile cases; the rates per evaluation range from $150 to $625. While Florida's State Courts System contracts for evaluations, staff could not specify a unit cost. In addition, the Agency for Health Care Administration sets Medicaid fee-for-service evaluation rates at a maximum unit cost of $150 if conducted by non-physician staff and $210 if conducted by a physician.
[3] Residential Level II facilities are licensed, structured rehabilitation-oriented group facilities that provide supervision 24 hours per day, seven days per week. Persons who live in Level II facilities have significant deficits in independent living skills and need extensive support and supervision.

Change and Efficiency

Recommendations

The Task Force recommends that agencies utilize common metrics for contracts when procuring mental health and substance abuse services. As demonstrated in Exhibit 5, variation in unit price exists within agencies. By examining standard definitions of services, unit pricing, and common outcome measures, agencies can attain greater understanding for providing mental health and substance abuse services.

A study should be completed by regions of the state utilizing a consumer price index for services to identify common metrics for substance abuse and mental health contracts. Where practical, such metrics should be used in all mental health and substance abuse service contracts, both by state agencies and any purchasing agents who procure services on behalf of the state. This would improve accountability and procurement of

[20] OPPAGA compared charges for Medicaid's fee-for-service behavioral health services to unit costs for services presented in Exhibit 5 and found comparable service categories for four services: group counseling, individual counseling, intake-screening, and treatment plan review. Medicaid reimbursement rates were higher than the maximum costs for group and individual counseling and treatment plan review. Rates for intake-screening fell within the range of unit prices paid by other agencies. *Id.* at pp. 3-4.
[21] Source: OPPAGA analysis of contracts in the State Contract Management System database. *Id.* at p. 4.

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services and allow agencies and purchasing entities visibility into what other programs and agencies pay for similar services.

The Task Force recommends ensuring unit price information is available to all agencies and requiring agencies to check pricing for mental health and substance abuse services. Using common definitions of services and standard units of measure, agencies should enter unit prices in the State Contract Management System for all mental health and substance abuse contracts. The Department of Management Services should calculate average unit prices for each service in State Contract Management System. Agencies should then be required to review unit prices for the service prior to contracting. If an agency chooses to procure a service at a unit price higher than the average, it would have to justify this action. This requirement should be extended to entities that purchase services on behalf of the state to ensure financial accountability.

The Task Force recommends that agencies make greater use of pooled purchasing arrangements when cost effective. There are two options that agencies can utilize to strategically pool the procurement of mental health and substance abuse services.

First, the Department of Management Services should work in conjunction with the Department of Children and Families, as the state's subject matter expert, to determine the feasibility of regional or state term contracts for mental health and substance abuse services. This would allow the agencies to collectively leverage their buying power and achieve saving through economies of scale.

Second, allowing other state agencies to purchase mental health and substance abuse services through purchasing entities may be considered. Regional purchasing entities, such as the managing entities provided by Chapter 2008-243, L.O.F., could broker mental health and substance abuse services for state agencies using Florida's state term contract methodology, if favorable unit pricing could be achieved.

Implementing the above recommendations is estimated to achieve a cost savings of 6%-8%, or **$72-$96 million** per year based on current annual expenditures. Over four years, the total savings equates to a $288-$384 million for mental health and substance abuse services for Florida.

Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Criminal Justice

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding criminal justice by a vote of 8 yeas, 1 nay:

- Provide the Department of Corrections (department) with flexibility to develop and implement cost savings initiatives, in conjunction with counties. The department should have the flexibility to implement new models of inmate transfer, assignment, or supervision if determined to effectively carry out inmate sentences, following existing statutory requirements, while achieving cost savings. Counties should be able to submit cost savings proposals to the department and appeal decisions to the Governor and Cabinet.

- Stakeholders should develop recommendations to the Legislature for increasing flexibility in sentencing guidelines. Judges should be provided with the flexibility to consider the many purposes of sentencing, including punishment, rehabilitation, deterrence, restitution, recidivism reduction, and protection of public safety, as well as cost.

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding criminal justice by a vote of 9 yeas, 0 nays:

- Provide incentives for counties to participate in initiatives that will achieve efficiencies and cost savings for the state. Incentives should be created for arrangements that promote flexibility and produce mutually-beneficial arrangements for the state and counties. Incentives may include, but are not limited to, diversion of inmates from state to local facilities and increased utilization of community supervision, including electronic monitoring.

- Investigate implementation of a web-based risk and needs assessment tool for use at time of sentencing. Estimated costs for sentencing options should be included in the tool to allow judges to weigh projected results with estimated costs of sentences. The tool should be made available to judges at the time of sentencing and to the public through a web portal.

- Perform a study to determine the potential cost savings resulting from a risk and needs assessment tool.

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FULL RECOMMENDATION(S) ANALYSIS

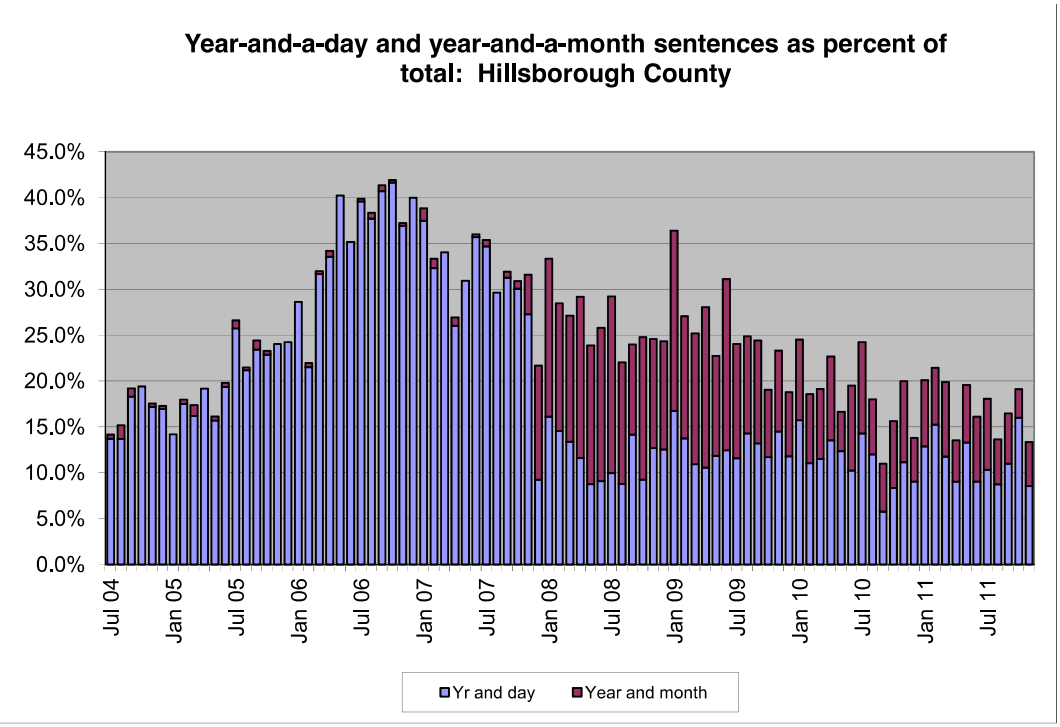
I. BACKGROUND AND RECOMMENDATION(S)

A. STATE AND LOCAL INCARCERATION

State and Local Incarceration in Florida

In Florida, defendants whose sentences include incarceration for one year or less are incarcerated in local prisons. The county in which the individual is incarcerated pays the costs of incarceration in local facilities. If a defendant is sentenced to incarceration for a year and a day or longer, the individual is placed in a state facility and the state pays the costs of incarceration.[1]

Year-and-a-day commitments rose to a peak of 17.7% of all new sentences in FY 2006-07.[2] Attempts to reduce year-and-a-day commitments resulted in a decrease to 8.4% of all new sentences in FY 2010-11.[3] It has been suggested that this reduction reflects a shift to year-and-a-month sentences, rather than shorter sentences resulting in local incarceration, as demonstrated in the graph below comparing year-and-a-day and year-and-a-month sentences in Hillsborough County.[4]



At the time of sentencing, many offenders have already served a portion of their sentence in jail, pending disposition of the case. If the offender is then sentenced for a term of incarceration longer than a year, he or she is transferred to a state facility. Each prisoner transferred to a state facility is first transported to a reception center.[5]

For FY 2010-11, the department reported an average per diem of $53.35 for all facilities, $42.36 for adult male custody facilities, $63.12 for male youthful offender custody facilities, and $69.74 for adult and youthful female

[1] *See* s. 944.17(3), F.S.
[2] Criminal Justice Estimating Conference, "Criminal Justice Trends," December 14, 2011, p. 35, http://edr.state.fl.us/content/conferences/criminaljustice/trends.pdf (last visited 5/2/2012).
[3] *Id.*
[4] *Id.* at p. 37.
[5] *See* s. 944.17(3), F.S.

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custody facilities.[6] Reception centers average a higher per diem of $96.90.[7] Because of the higher cost of reception centers, the overall cost of a sentence just over a year in length, which requires transferring the prisoner to a state facility, may be more per inmate than a sentence just under a year, which is served in a local facility only.

Incentives for Local Incarceration

California, Colorado, Illinois, Kansas, and Texas provide incentives to localities for successfully supervising offenders in the community instead of sending them to state prison.[8] Under these arrangements, local correctional agencies receive state funding and other assistance to implement community-based programming with the goal of reducing recidivism and supervision violations that result in probation revocations.[9]

In Illinois, the Crime Reduction Act[10] established the Adult Redeploy Illinois program, which provides financial incentives to local jurisdictions for designing and utilizing community-based programs to treat offenders instead of sending them to state facilities. Texas utilizes a grant program for counties to implement a system of progressive community-based sanctions.[11] California provides funding to counties for implementing community-based sanctions for probation and parole violations in lieu of prison.[12] In the first year of implementation of a law providing funding to counties for implementing community-based sanctions, Arizona experienced a 14.5 percent decrease in probation revocations to prison.[13]

A potential issue with incentive programs is that data reported by localities may not accurately reflect true diversion from state facilities. In order to receive incentive funds, localities may improperly report diversions of individuals who would have been sentenced to local jails or community-based alternatives without the incentives in place. Other concerns about increasing community-based sanctions include increased potential for absconding.

B. ELECTRONIC MONITORING

Electronic monitoring (EM) by location tracking devices can be used as an aid in supervising pre-trial releasees and sentenced offenders who are not incarcerated. In Florida, electronic monitoring is primarily used by the Department of Corrections (DOC or department) to provide an extra measure of security for high-risk offenders under some form of community supervision, particularly sex offenders. In recent years there have been proposals to reduce corrections costs by replacing all or part of a term of incarceration of low-risk offenders with less expensive community supervision, including EM. In addition to reducing costs, it has been suggested that use of EM may support successful reentry into the community by providing for a period of supervision before release from custody.

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[6] Department of Corrections, "2010-2011 Annual Report," 2011, p. 7, http://www.dc.state.fl.us/pub/annual/1011/pdfs/AR1011-Final.pdf (last visited 5/2/2012).
[7] *Id.*
[8] National Conference of State Legislatures (NCSL), "Innovations in Community Corrections," 2010, p. 2, http://www.ncsl.org/documents/cj/pew/innovations.pdf (last visited 5/2/2012).
[9] *Id.*
[10] *See* 730 ILL. COMP. Stat. 190 (2012).
[11] *See* TEX. CODE ANN. §509.0017 (2011).
[12] *See* CAL. PENAL CODE §1228-1233.8 (2012).
[13] *See* ARIZ. REV. STAT. ANN. §12-270 (repealed 2011). The law was first implemented during FY 2009-10. Due to state budget shortfalls, the Arizona Legislature suspended reinvestment of savings in communities for FY 2010-11. NCSL, "Innovations in Community Corrections," 2010, p. 2, http://www.ncsl.org/documents/cj/pew/innovations.pdf (last visited 5/2/2012).

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Requirements for Electronic Monitoring in Florida

Chapter 948, F.S., permits a sentencing court to order EM for offenders placed on probation or community control.[14] The Florida Parole Commission may also use EM as a condition of post-release supervision.[15] In some cases, the court is required to order EM due to the offender's current or past offenses.[16] The most stringent requirement is found in s. 948.012, F.S., which requires a minimum 25-year prison sentence followed by lifetime supervision with electronic monitoring for any adult offender who commits lewd or lascivious molestation against a child under 12 years of age.[17] EM is a required condition for offenders placed on sex offender probation for certain sex offenses, but can only be ordered "when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections."[18]

Apart from the statutory authority given to the courts, DOC has discretion pursuant to section 948.11(1), F.S., to place a community controlee on EM. The department does not exercise this discretion based on case law that an offender's failure to submit to EM ordered by the department cannot be a basis for revocation of community control.[19]

As of February 29, 2012, the department was actively supervising 114,761 offenders on some form of supervision in the community.[20] Of those offenders, 2,984 were being electronically monitored, with the majority (2,981) monitored by global positioning system (GPS) and the remaining 3 by radio frequency (RF) systems.[21] Of the monitored offenders, 1,934 were sex offenders or sexual predators.[22]

Electronic Monitoring Systems and Costs

EM systems mainly consist of two types: radio frequency (RF) monitoring or global positioning system (GPS) monitoring. Early EM systems used RF technology to alert or record an instance when the offender left a restricted area. These systems were typically used to monitor individuals under house arrest and do not provide information about the offender's location when the offender moves outside the range of the receiver.

In 2011, Florida's RF monitoring cost was $1.97 per day per monitored offender, making RF the least expensive form of electronic monitoring. RF system limitations and laws requiring use of monitoring with location tracking technology for sex offenders have led to reduced use by the department.[23]

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[14] Section 948.101(1)(d), F.S., specifically provides that a court may order electronic monitoring as a condition of community control for any offender. Section 948.03(2), F.S. authorizes a sentencing court to order special conditions of probation not specifically set forth in statute.

[15] The Parole Commission's discretionary authority is authorized by s. 947.18, F.S., (parole), s. 947.1405, F.S., (conditional release), and s. 947.149, F.S., (conditional medical release).

[16] *See* ss. 775.082(3), 947.1405, 948.012, and 948.30(3), F.S.

[17] *See* s. 800.04(5)(b), F.S.

[18] Section 948.30(2)(e), F.S. The Jessica Lunsford Act, Ch. 2005-28, L.O.F., made significant changes to Florida's electronic monitoring program. Among the provisions of the Act were requirements for electronic monitoring of certain sex offenders. Before passage of the Jessica Lunsford Act, the only statute mandating the sentencing court to require electronic monitoring was found in s. 948.101(1)(b), F.S., and applied only to offenders placed on criminal quarantine community control for criminal transmission of HIV. No offenders were ever placed on this form of community supervision, and it was removed from the statutes in 2010.

[19] *See Carson v. State*, 531 So. 2d 1069 (Fla. 4th DCA 1988) and *Anthony v. State*, 854 So. 2d 744 (Fla. 2d DCA 2003).

[20] Another 30,768 offenders were in active-suspense supervision status, meaning that the offender was unavailable for direct supervision for reasons such as incarceration or hospitalization, but was still being monitored by a probation officer. Additionally, the department was monitoring 6,520 offenders whose supervision had been transferred out of state, and 29,342 offenders had absconded from supervision. Department of Corrections, "Florida's Community Supervision Population Monthly Status Report," February 2012, p. 3, http://www.dc.state.fl.us/pub/spop/2012/02/0212.pdf (last visited 5/2/2012).

[21] *Id.* at p. 2.

[22] *Id.*

[23] The Jessica Lunsford Act requires the department to use "a system that actively monitors and identifies the offender's location and timely reports or records the offender's presence near or within a crime scene or in a prohibited area or the offender's departure from

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GPS technology allows tracking of an offender's location even when he or she moves away from a fixed location using satellite positioning. Active GPS monitoring provides real-time reporting of an offender's location by incorporating a cell phone into the equipment in order to transmit location coordinates to a monitoring station. The monitoring station alerts the probation officer when the offender either leaves an area to which he or she is restricted or enters an area from which he or she is barred. An active GPS monitoring system includes a Mobile Tracking Device (MTD) that receives, stores, and transmits the location data as well as displays messages and instructions from the monitoring station or probation officer. In 2011, Florida's GPS monitoring cost was approximately $8.94 per day per monitored offender.

Section 948.09, F.S., requires the monitored offender to pay the full cost of the electronic monitoring services. The department has authority to exempt the offender from all or part of the payment under certain circumstances, such as inability to find a job.[24] Willful failure to pay non-exempted monitoring costs is grounds for the court to find a violation of the conditions of supervision. Few offenders have the financial resources to pay this amount on top of restitution, court costs, supervision fees, and other fees that have priority for payment.

Impact of Electronic Monitoring on Supervision

In 2010, researchers from the Florida State University College of Criminology and Criminal Justice submitted a report to the United States Department of Justice that addressed whether EM is "an effective and cost efficient correctional strategy that increases the level of monitoring and supervision of high-risk offenders while maintaining public safety."[25] The study found that:

- Overall, EM reduces the likelihood that an offender will not successfully complete community supervision by approximately 31% relative to the supervision failure rate of offenders who are not subject to it.[26]
- EM significantly reduces the failure rate for all types of offenders but has less of an impact on violent offenders than on offenders who committed sex, drug, property, or other types of crimes.[27]
- Offenders who were monitored by use of active GPS monitoring had a 6% improvement rate in the reduction of supervision failures relative to offenders who were on RF monitoring.[28]

The study also noted drawbacks of EM, including:

- Offenders believe EM has negative consequences on their relationships with their spouses, significant others, and children, and a large proportion felt shame and were stigmatized by others disproportionate to their actions as a result of being on EM.[29]
- Offenders and officers were nearly unanimous in stating that EM is a detriment to the ability to obtain and maintain employment.[30]

A previous study conducted by researchers at the Florida State University found significant reductions in absconding and in revocations for technical violations or new offenses among electronically monitored

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specified geographic limitations" for any court-ordered EM of a probationer, community controlee, or conditional releasee who has a conviction for a violent or sexual offense. Section 948.11(6), F.S.

[24] Section 948.09(2) and (3), F.S.

[25] Bales, Bill, et al., *A Quantitative and Qualitative Assessment of Electronic Monitoring*, The Florida State University College of Criminology and Criminal Justice, Center for Criminology and Public Policy Research, January 2010, p. 5, https://www.ncjrs.gov/pdffiles1/nij/grants/230530.pdf (last visited 5/2/2012).

[26] *Id.* at p. 64.

[27] *Id.*

[28] *Id.*

[29] *Id* at p. xi.

[30] *Id.*

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offenders as compared to those who were not electronically-monitored. The study also found that electronic monitoring was effective across a range of violent, property, and drug offenders.[31]

The National Conference of State Legislatures (NCSL) Sentencing and Corrections Work Group provided that the value of intermediate sanctions, including EM, "depends upon policies that target resources effectively and focus the highest-level supervision on the highest-risk offenders. Creating more intensive supervision for lower-risk offenders usually does not help meet corrections goals, affect cost control, or reduce reoffending."[32] When used in lieu of incarceration, the Work Group noted that EM can benefit offenders by allowing them to continue working, attend treatment, support their families, and remain in their residences.[33]

The Office of Program Policy Analysis and Government Accountability (OPPAGA) found that in addition to offender costs for EM, logistical problems may occur in monitoring homeless persons lacking a permanent residence and the ability to recharge the unit for eight hours each day. Additionally, in rural areas offenders may be unable to acquire cellular signal for GPS monitoring, and offenders may not meet land-line telephone requirements for RF monitoring.[34]

In a 2010 report, OPPAGA found that increased use of intermediate sanctions, including community supervision with electronic monitoring, could reduce prison costs, but also has both positive and negative considerations.[35] OPPAGA determined that although the majority of persons on EM were sex offenders (70%), non-violent offenders with a Criminal Punishment Code score sheet total in the 45-60 point range are another population that may be effectively sanctioned with EM.[36] EM could be used as a sentencing alternative for persons driving with suspended licenses.[37] OPPAGA estimated potential savings of $1.2 million in the first year for every 100 offenders diverted from prison to EM supervision.[38]

Change and Efficiency

Recommendations

The Task Force recommends providing the Department of Corrections with flexibility to develop and implement cost savings initiatives, in conjunction with counties. The department should have the flexibility to implement new models of inmate transfer, assignment, or supervision if determined to effectively carry out inmate sentences, following existing statutory requirements, while achieving cost savings. Counties should be able to submit cost savings proposals to the department and appeal decisions to the Governor and Cabinet.

The Task Force recommends providing incentives for counties to participate in initiatives that will achieve efficiencies and cost savings for the state. Incentives should be created for arrangements that

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[31] Padgett, Kathy G., William D. Bales, and Thomas G. Blomberg, "Under Surveillance: An Empirical Test of the Effectiveness and Consequences of Electronic Monitoring," *Criminology & Public Policy* 5/1, February 2006, http://ccoso.org/undersurveillance.pdf (last visited 5/8/2012).

[32] NCSL Sentencing and Corrections Work Group, "Principles of Effective State Sentencing and Corrections Policy," August 2011, p. 11, http://www.ncsl.org/documents/cj/pew/WGprinciplesreport.pdf (last visited 5/2/2012).

[33] *Id*. at p. 12.

[34] OPPAGA, "Intermediate Sanctions for Non-Violent Offenders Could Produce Savings," Report No. 10-27, March 2010, p. 5, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1027rpt.pdf (last visited 5/2/2012).

[35] *Id*. at p. 2.

[36] Section 921.0024, F.S., provides a score sheet for determining the lowest permissible prison sentence under the Criminal Punishment Code. The lowest permissible sentence for an offender with 45 or 60 points is 12 or 24 months, respectively. *Id.* at p. 4.

[37] This sanction already exists within the state corrections system but is not commonly used by judges at sentencing. OPPAGA, "Several Alternatives Could Be Used to Reduce Increasing Imprisonment of Persons Driving with Suspended Licenses," Report No. 08-12, March 2008, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0812rpt.pdf (last visited 5/2/2012).

[38] This assumes that 75% of diversions will result in successful outcomes. Savings estimate includes expanding the number of probation officers employed by DOC to serve additional offenders. OPPAGA, "Intermediate Sanctions for Non-Violent Offenders Could Produce Savings," Report No. 10-27, March 2010, pp. 3-5, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1027rpt.pdf (last visited 5/2/2012).

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promote flexibility and produce mutually-beneficial arrangements for the state and counties. Incentives may include, but are not limited to, diversion of inmates from state to local facilities and increased utilization of community supervision, including electronic monitoring.

C. RISK AND NEEDS ASSESSMENT INSTRUMENTS

Florida's Sentencing Policies

Florida's sentencing policies use items such as nature of the primary offense and any additional offenses, prior criminal history, and injury to the victim to calculate a recommended sentence for the offender. This type of determinant sentencing is put forth in the Criminal Punishment Code.[39] Section 921.002(1)(b), F.S., provides, "The primary purpose of sentencing is to punish the offender. Rehabilitation is a desired goal of the criminal justice system but is subordinate to the goal of punishment."[40] To this end, the Criminal Punishment Code provides that sentences should be commensurate with the severity and circumstances of the primary offense, increase with the length and nature of the offender's prior record, and prioritize incarceration toward offenders of serious offenses and those with long prior records.[41]

A sentencing scoresheet must be completed for each felony defendant prior to sentencing.[42] The offender's score determines the lowest permissible sentence, with upward discretion to the statutory maximum sentence. Florida's sentencing guidelines scoring system has been shown to serve as a valid indicator of offender seriousness.[43] The weighted score produced by this system takes into account an offender's primary offense and all additional offenses, his or her prior record and the seriousness of prior offenses, and other circumstances of the criminal event (victim injury, weapon use, supervision violation, etc.). A study by Padgett, Bales, and Blomberg stated that "In the absence of risk scores derived from psychological or other such inventories, this indicator of offender seriousness is the best available quantitative measure of the risk an offender poses to public safety."[44]

Sentencing Tools

Actuarial risk and needs assessment tools use data about past cases to identify the indicators most closely associated with the likelihood of future criminality. After validation through testing on a known correctional population, this data is applied to individual offenders to produce recommendations based on offender characteristics, criminal history, and severity of current offense.

Once used largely by probation and parole departments to help determine the best supervision and treatment strategies for offenders, use of risk and needs assessment tools is expanding to inform decisions at other points in the criminal justice process. At sentencing, risk and needs assessments are intended to assist judges by providing information on risk management and reduction. Costs of different sentencing options may also be included in results. Judges consider this information in balancing the many purposes of sentencing, including punishment, rehabilitation, deterrence, restitution, recidivism, and public safety.

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[39] *See* s. 921.002, F.S.
[40] Section 921.002(1)(b), F.S.
[41] Section 921.002(1), F.S.
[42] Section 921.0024(7), F.S. The Florida Criminal Punishment Code worksheet is provided in s. 921.0024(1), F.S.
[43] Burton, Susan E., et al., "Applying a Crime Seriousness Scale to Measure Changes in the Severity of Offenses by Individuals Arrested in Florida," *Justice Research and Policy* 6/1, 2004.
[44] Padgett, Kathy G., William D. Bales, and Thomas G. Blomberg, "Under Surveillance: An Empirical Test of the Effectiveness and Consequences of Electronic Monitoring," *Criminology & Public Policy* 5/1, February 2006, p. 68, http://ccoso.org/undersurveillance.pdf (last visited 5/8/2012).

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Application of Risk and Needs Assessment Instruments

According to the National Center for State Courts' National Working Group on Using Risk and Needs Assessment Information at Sentencing, risk and needs assessment tools are effective in determining:

- Public safety and risk management;
- Amenability to probation, community supervision, and intermediate sanctions;
- Effective behavioral treatment options;
- Suspension of all or part of a sentence; and
- Effective conditions of probation and responses to violations.[45]

The Pew Center on the States has found that "whether a particular offender is an appropriate candidate for recidivism reduction cannot accurately be assessed relying solely on the type of offense committed and the offender's prior criminal history. Individual offender characteristics must also be taken into consideration."[46] Pew recommends providing sufficient flexibility to consider recidivism reduction options and that state sentencing rules should avoid mandates that prohibit judges from granting probation.[47]

Alabama, Oregon, California, Arizona, Idaho, South Carolina, Utah, Washington, and Wisconsin have implemented evidence-based sentencing or declared recidivism reduction a goal of sentencing in recent years. Studies have found that actuarial risk and needs assessment tools that use data on prior cases to identify the likelihood of future criminality can be as accurate as human judgment in predicting risk of recidivism, but recommend use of both a third-generation actuarial toll and professional judgment.[48]

The first state supreme court decision to discuss the use of risk and needs information at sentencing was in Indiana in *Malenchik v. State*.[49] In the decision, the Indiana Supreme Court distinguishes use of risk and needs assessment for sentencing alternatives for risk and recidivism management from sentencing as a punishment for criminal behavior. The *Malenchik* decision provides that risk and needs "evaluations and their scores are not intended to serve as aggravating or mitigating circumstances nor to determine the gross length of sentence, but a trial court may employ such results in formulating the manner in which a sentence is to be served."[50]

Risk and Needs Assessments in Other States

A 2010 survey by the Vera Institute of Justice found that over 60 community supervision agencies in 41 states reported using an actuarial assessment tool.[51] Of the survey respondents, 82 percent assessed both risk and need, and the remaining 18 percent assessed only risk.[52]

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[45] Casey, Pamela M., Roger K. Warren, and Jennifer K. Elek, "Using Offender Risk and Needs Assessment Information at Sentencing," National Center for State Courts, 2011, http://www.ncsc.org/~/media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Sentencing%20Probation/RNA%20Guide%20Final.ashx (last visited 5/2/2012).

[46] Pew Center on the States, "Arming the Courts with Research: 10 Evidence-Based Sentencing Initiatives to Control Crime and Reduce Cost," May 2009, p. 2, http://cdpsweb.state.co.us/cccjj/pdf/june%202009/pew%20arming%20the%20courts%20with%20research.pdf (last visited 5/2/2012).

[47] *Id.* at p. 2.

[48] *See* Andrews, D.A., James Bonta, and J. Stephen Wormith, "The Recent Past and Near Future of Risk and/or Need Assessment," *Crime and Delinquency* 52, January 2006; Gendreau, Paul, Tracy Little, and Claire Goggin, "A Meta-Analysis of the Predictors of Adult Offender Recidivism: What Works!" *Criminology* 34/4, 1996.

[49] *Malenchik v. State* 928 N.E.2d 564 (Ind. 2010).

[50] *Id.* at p. 575.

[51] Reponses were received from 72 agencies across 41 different states. Agencies included probation, parole, and releasing authorities. Vera Institute of Justice Center on Sentencing and Corrections memo to Illinois Risk, Assets and Needs Assessment Task Force, May 27, 2010, p. 1, http://www2.illinois.gov/idoc/Documents/National_Information_Offender_Assessments_PartII_Memo.pdf (last visited 5/2/2012).

[52] Nearly all responding probation agencies conduct their assessments in the pre-sentence phase. Releasing authorities were more likely to assess only risk. *Id.* at pp. 1-2.

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As of 2010, the Level of Service Inventory-Revised (LSI-R) was the most commonly used assessment tool and was utilized by at least 16 states.[53] LSI-R is used to predict recidivism across a range of correctional settings and assists in determining the necessary level of supervision, sentencing, program or institutional classification, and release from custody. The tool consists of a 54-item scale in the areas of prior criminal history, education, employment, financial situation, family relationships, use of leisure time, companions, alcohol or drug use, mental health, and criminal attitudes.[54]

Other assessment tools include: the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) and the Level of Service/Case Management Inventory (LS/CMI).[55] Several states use state-specific assessment tools, including Ohio, Arizona, Wisconsin, Virginia, and California.

Virginia implemented a risk assessment instrument created by a state Sentencing Commission in 2003.[56] Since that time, Virginia judges have used the tool to successfully divert 25% of Virginia's nonviolent offenders who would have otherwise been incarcerated to alternative sanctions programs.[57] Beginning in 2013, Kentucky will include risk and needs assessments in pre-sentence reports, allowing judges to review a defendant's likelihood of future criminal behavior when considering sentencing options.[58]

Missouri's Sentencing Commission developed the Recommended Sentencing Application (RSA), a web-based sentencing tool that provides extensive information about sentencing options and the risks and costs associated with each alternative.[59] RSA calculates recommended sentences, risk assessments, and recidivism projections using gender, prior felony convictions, prior misdemeanors, prior incarcerations, revocations, time since last conviction/release, recidivist offense, education, employment, substance abuse, escapes, and age. Also included in results are the estimated costs of incarceration, supervision, and community-based alternatives, allowing the judge to weigh projected results with estimated costs of sentences.[60]

Change and Efficiency

Recommendations

The Task Force recommends investigating implementation of a web-based risk and needs assessment tool for use at time of sentencing. Using data on the indicators most closely associated with the likelihood of future criminality, risk and needs assessment tools can provide recommended options based on the individual offender's risk of recidivating and effectiveness of various sentencing options. The state should investigate implementing a risk and needs assessment tool to provide judges with additional information on sentencing to effectively manage and reduce risk. Estimated costs for sentencing options should be included in the tool to allow judges to weigh projected results with estimated costs of sentences. The tool should be made available to judges at the time of sentencing and to the public through a web portal.

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[53] *Id.* at p. 1.
[54] Watkins, Ian, "The Utility Level of Service Inventory – Revised (LSI-R) Assessments within NSW Correctional Environments," Corrective Services NSW Research Bulletin No. 29, January 2011, p. 2, http://143.119.253.176/__data/assets/pdf_file/0018/302526/utility-of-level-of-service-inventory-.pdf (last visited 5/8/2012).
[55] Vera Institute of Justice Center on Sentencing and Corrections memo to Illinois Risk, Assets and Needs Assessment Task Force, May 27, 2010, p. 1, http://www2.illinois.gov/idoc/Documents/National_Information_Offender_Assessments_PartII_Memo.pdf (last visited 5/2/2012).
[56] *See* Section 17.1-803(5,6), Code of Virginia.
[57] Target populations for diversion include property and drug offenders. Warren, Roger K., "Evidence-Based Sentencing: The Application of Principles of Evidence-Based Practice to State Sentencing Practice and Policy," *University of San Francisco Law Review* 43, 2009, p. 608.
[58] NCSL Sentencing and Corrections Work Group, "Principles of Effective State Sentencing and Corrections Policy," August 2011, p. 4, http://www.ncsl.org/documents/cj/pew/WGprinciplesreport.pdf (last visited 5/2/2012).
[59] The Missouri Sentencing Advisory Commission Model can be visited at www.courts.mo.gov/rs/ (last visited 5/2/2012).
[60] *See* www.courts.mo.gov/rs/ (last visited 5/2/2012).

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The Task Force recommends performing a study to determine the potential cost savings resulting from implementing a risk and needs assessment tool. Allowing for judicial discretion at time of sentencing, an assessment tool may lead to savings if judges select appropriate sentencing options that have lower costs. A study should be performed to determine the estimated savings from implementation of an assessment tool that includes costs with recommended sentencing options.

Programs that address the individual needs of inmates and prepare them for successful re-entry into the community should be utilized when appropriate, based on assessments performed at time of sentencing and at time of intake. Educational, vocational, chemical dependency, faith, and character-based programs should be expanded as part of recidivism reduction and re-entry programs.[61]

To effectively implement the recommendations, flexibility in sentencing must be provided to judges. Options presented by a risk and needs assessment tool and initiatives partnering the state and counties must be available for judges to utilize at their discretion.

The Task Force recommends that stakeholders develop recommendations to the Legislature for increasing flexibility in sentencing guidelines. Judges should be provided with the flexibility to consider the many purposes of sentencing, including punishment, rehabilitation, deterrence, restitution, recidivism reduction, and protection of public safety, as well as cost. Judges should be given flexibility to determine the balance of these elements and most effective method of sentencing for each individual offender. Mandatory sentencing requirements should be evaluated and modified, if necessary, when determined to ineffectively limit judicial discretion.

[61] *See also* the Task Force recommendations on Inmate Education and Re-entry.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Early Learning Time and Attendance

RECOMMENDATION SUMMARY

On December 7, 2011, the Government Efficiency Task Force approved the following recommendations regarding early learning time and attendance by a vote of 12 yeas, 1 nay:

- The Task Force recommends that the Office of Early Learning adopt an electronic form of attendance submission for Voluntary Prekindergarten (VPK) and School Readiness (SR) programs. An electronic form of attendance submission is estimated to save **$4 million** per year by eliminating the manual paper process and reducing staff time.

- The Task Force recommends adopting a point of service system utilizing either electronic swipe cards or biometrics to supplement an electronic time and attendance submission process. Adopting this system would:
    - Reduce human error and fraud that result in improper payments;
    - Reduce the time burden on providers in collecting and recording attendance data;
    - Reduce the amount of paper record keeping required of providers;
    - Allow for quicker audits of attendance records;
    - Allow for quicker turnaround time on payments for SR and reconciliation for VPK; and
    - Allow for real time attendance data.

- The savings would be between **$40-60 million** per year if Florida were to realize similar results of other states that have utilized a point of service system. The savings would be based on the reduction of improper payments.

- The Task Force recommends ensuring sufficient time is allowed for implementation and training so providers can effectively learn to use the system.

- The Task Force recommends allowing for the sharing of time and attendance data with other agencies that utilize the information.

- The Task Force recommends utilizing other states' experiences with the point of service system to avoid common implementation mistakes.

- The Task Force recommends leveraging predicted savings in order to pay for the point of service system.

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FULL RECOMMENDATION(S) ANALYSIS

I. RECOMMENDATIONS(S) AND BACKGROUND

A. SCHOOL READINESS AND VOLUNTARY PREKINDERGARTEN EDUCATION

School Readiness Program

The School Readiness (SR) Program was created in 1999.[1] The program provides subsidies for early childhood education and child care services to:

- Children of low-income families;
- Children in protective services; and
- Children with disabilities.[2]

The Florida Legislature created regional Early Learning Coalitions (ELCs) in order to administer the SR program at a local level (see appendix one for map).[3] The SR program is administered by the ELCs at the county and regional level, while the Office of Early Learning (OEL) coordinates at the state level.[4] Children are admitted to the program using a priority based system.[5]

The SR program currently has 138,955 children enrolled and 5,054 providers.[6] In FY 2010-11, the state spent $434,835,140 on providers.[7]

School Readiness Program

	# of Children (current)	# of Providers (current)	Amount Spent in FY 2010-11
SR Program	138,955	5,054[8]	$434,835,140

Voluntary Prekindergarten Education Program

The Voluntary Prekindergarten (VPK) program was created by constitutional mandate in 2002 and enacted in law in 2005. The Florida Constitution provides that:

> Every four-year old child in Florida shall be provided by the State a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards.[9]

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[1] *See* Ch. 99-357 L.O.F.
[2] Section 411.01(6), F.S.
[3] Section 411.01(5), F.S.
[4] The program was administered by the Agency for Workforce Innovation but is now administered by the Office of Early Learning.
[5] *See* s. 411.01(6), F.S.
[6] These numbers are for FY 2011-12 and were provided by the Office of Early Learning (copy on file with Government Efficiency Task Force staff).
[7] Fiscal information provided by the Office of Early Learning. The amount paid to providers is a mix between a federal block grant and state money. In FY 2010-11, a total amount of $615.4 million was appropriated for the SR program: $353.6 million from CCDF block grant, $116.4 million from TANF block grant, $136 million from state general revenue, $9 million from other state funds, and $500,000 from other federal sources. *See* Specific Appropriation 2243, s. 6, Ch. 2010-152, L.O.F.
[8] There are also an additional 3,968 providers that participate in both the SR and VPK program for a total of 10,869 providers for the two programs.
[9] Section 1(b), Art. IX, Florida Constitution.

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A VPK provider may be:

- A school-year prekindergarten program delivered by a private prekindergarten provider;[10]
- A summer prekindergarten program delivered by a public school or private prekindergarten provider;[11]
- A school-year prekindergarten program delivered by a public school;[12] or
- A specialized instructional service program for children who have disabilities.[13]

A full-time VPK program consists of 540 instructional hours, while a summer VPK program consists of 300 instructional hours.[14]

The VPK program currently has 134,777 children enrolled and 1,847 providers.[15] The program is overseen by OEL and administered through the 31 ELCs.[16] In FY 2010-11, the state spent $382,607,156 on providers.[17]

Voluntary Prekindergarten Education Program

	# of Children (current)	# of Providers (current)	Amount Spent in FY 2010-11
VPK	134,777	1,847[18]	$382,607,156

B. CURRENT ATTENDANCE AND PAYMENT SYSTEM

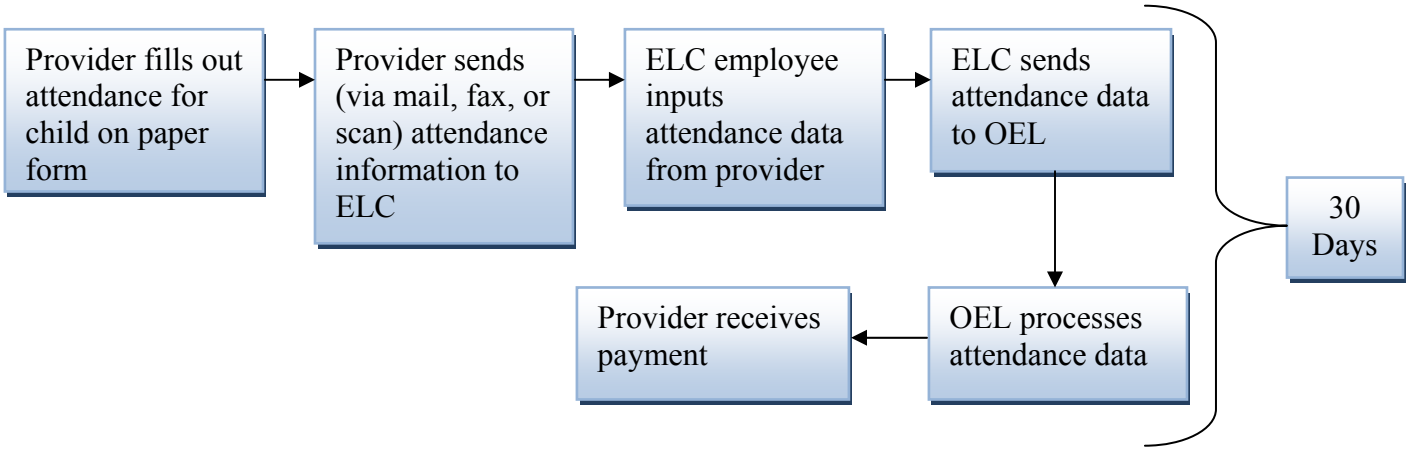
School Readiness Program

The current attendance system for SR is a paper based system in which the provider records time and attendance for each child enrolled at the facility. The attendance paperwork is then sent to the ELCs responsible for that facility. Data is input by the ELC staff and sent to OEL, which processes the data and then issues payment to the provider. The cycle takes an average of 30 days from submission of attendance to receipt of payment.[19]

[10] Section 1002.53(3)(a), F.S., with the requirements to be a private provider pursuant to s. 1002.55, F.S.
[11] Section 1002.53(3)(b), F.S., with the requirements to be a private provider pursuant to s. 1002.61, F.S.
[12] Section 1002.53(3)(c), F.S.
[13] Section 1002.53(3)(d), F.S., with the requirements to be a specialized services program pursuant to s. 1002.71, F.S.
[14] Section 1002.71(2), F.S.
[15] These numbers are for FY 2011-12 and were provided by the Office of Early Learning (copy on file with Government Efficiency Task Force staff). The percentage breakdown of providers is: private centers 81%, public schools 16 %, family day care homes 2%, and private schools 1%.
[16] The Early Learning Coalitions are those that were created pursuant to s. 411.01, F.S.
[17] Information provided by the Office of Early Learning (copy on file with Government Efficiency Task Force staff).
[18] There are also an additional 3,968 providers that participate in both the SR and VPK programs for a total of 10,869 providers for the two programs.
[19] The average is based on information provided by the Office of Early Learning (copy on file with Government Efficiency Task Force staff).

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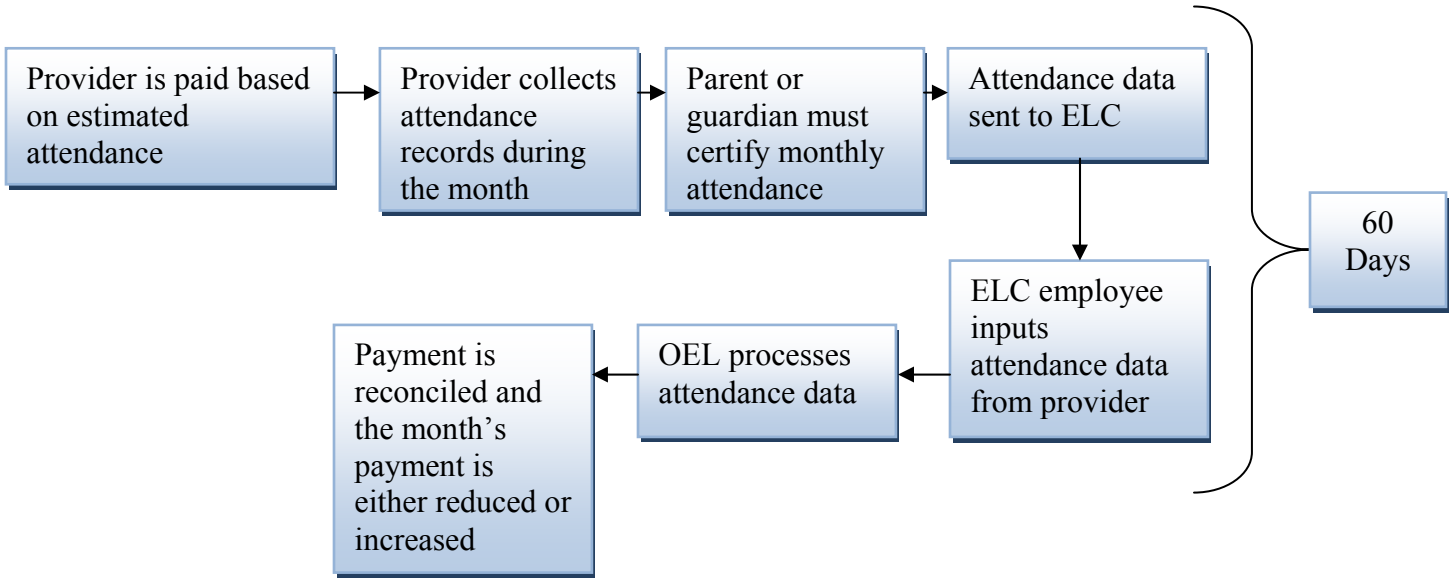
Current SR Attendance and Payment Flow Chart



Voluntary Prekindergarten Education Program

The current attendance system for VPK is a paper-based system similar to the SR process. The main difference is that VPK providers are paid a month ahead and the payment is reconciled after attendance has been provided to the ELC.[20] The parent or guardian is also required to certify the child's attendance every month.[21] The process takes about 60 days to reconcile the actual payment owed to the provider.

Current VPK Attendance and Payment Flow Chart



[20] *See* s. 1002.71(5)(b), F.S.
[21] *See* s. 1002.71(6)(b)(2), F.S. Pursuant to s. 1002.71(6)(b)(3), F.S., the provider must keep each monthly certified attendance form for two years.

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Change and Efficiency

There are two primary inefficiencies in the current system of time attendance in the SR and VPK programs: the paper based collection of attendance and the dependence on the provider for attendance records.

Paper-Based System

The paper based system is a burden on OEL, the ELCs, and the provider.[22] The provider is required to turn in attendance to the ELC on a specific form. The ELC must then manually enter the attendance data, which is sent to OEL. The process creates a great amount of paperwork and recordkeeping. OEL estimates that it processes over 34,500 paper attendance rosters per month.

Recommendations

The Task Force recommends that OEL adopt an electronic form of attendance submission.[23] Decreasing paperwork and redundancies in data entry would reduce payment errors, eliminate waste, and decrease the amount of time it takes for OEL to receive attendance data and process provider payments. The end result would be increased efficiency in distributing payment to the provider. OEL estimated that the electronic submission would save an estimated $4 million per year.[24]

Point of Service System

The electronic submission process for attendance would reduce paperwork, but would not address the issue of reliance on the provider for attendance records. A point of service system for checking the child in and out would provide additional efficiencies and savings. The point of service system addresses two issues that lead to improper payments: the first is the possibility of mistakes made by the provider in keeping the records; the second is the possibility of fraud.

The current paper system and the proposed Early Learning Information System (ELIS) rely on the provider for the attendance records. The provider takes the initial attendance,[25] records the attendance on a form, and sends the form (or with ELIS submits the data electronically) to the ELC. By requiring multiple people and steps in order to report attendance, the process is open to the possibility of mistakes. Neither the current process nor the ELIS project addresses these issues.

The current system and the proposed ELIS system do not prevent fraud. For VPK, 20% of the total payment made on behalf of a student to a provider may be for hours during which the student was absent.[26] For SR, the provider may be reimbursed for up to three days per calendar year that the child was absent.[27] This puts tremendous pressure on the provider to make sure the child is present. If the child exceeds the amount of absences allowed by statute or rule, then the provider is not paid. This provides a possible incentive to submit inaccurate attendance records if students are chronically absent.

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[22] Two Early Learning Work Group members, Mrs. Belinda Keiser and Mr. Robert Stork, visited ELCs and providers and testified at the November 29, 2011, Work Group meeting. The Work Group members testified that there are "voluminous amounts of paperwork," and "providers were open to anything that reduced paperwork." A recording of their testimony is available at http://www.floridaefficiency.com/meetings.cfm (last visited 11/30/2011).

[23] The Early Learning Information System (ELIS) is designed to have the ability to allow the provider to submit attendance data on-line rather than on a paper form. For more information on the ELIS project please see http://www.floridaearlylearning.com/EarlyLearning/OEL_SysDev_ELIS.html (last visited 11/30/2011).

[24] This information is based on the Office of Early Learning Project Briefing from November 1, 2011 (copy on file with Government Efficiency Task Force Staff).

[25] Mrs. Keiser and Mr. Stork noted that in their visits to providers, some providers have already invested in a check-in program for parents and guardians that tracks attendance. The provider is still required to manually enter the attendance data on the prescribed forms.

[26] Section 1002.71(6)(d), F.S.

[27] *See* Office of Early Learning Rule 60BB-4.500(2).

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Recommendations

The Task Force recommends adopting a point of service system utilizing either electronic swipe cards or biometrics to supplement an electronic attendance submission process in the Office of Early Learning. Adopting the point of service system would relieve the providers of the responsibility and time requirements of tracking attendance. The parent or guardian would use a swipe card or their finger, in the case of a biometric device, to check the child in and out of the school or day care center. The result would be fewer errors and the reduction in the amount of time the provider must spend in recording attendance data.[28] The point of service system would also reduce multiple steps in recording the attendance, which would result in quicker payments to the provider. The point of service system would also reduce fraud. Since the provider would not be responsible for the attendance data, there is no potential for false attendance records.

The point of service system would:

- Reduce human error and fraud that result in improper payments;
- Reduce the time burden on providers in collecting and recording attendance data;
- Reduce the amount of paper record keeping required of providers;
- Allow for quicker audits of attendance records;
- Allow for quicker turnaround time on payments for SR and reconciliation for VPK; and
- Allow for real time attendance data.

Several other states, including Oklahoma, Indiana, Texas, Louisiana, Colorado, Virginia, New Jersey, North Carolina, Ohio, and Mississippi, have adopted a point of service system. Louisiana adopted a biometric point of service system in 2010 and has estimated savings at $20-30 million per year.[29] Several other states have realized savings of 10%. If Florida were to have similar results, the savings would be $40-60 million dollars per year with implementation of a point of service system.[30]

Other states utilizing point of service systems have varying levels of costs. Oklahoma has approximately 40,000 enrolled children in its SR program and pays $2.97 per month ($1.43 million per year) for swipe card point of service and payment service. Louisiana has approximately 45,000 enrolled children and pays $4.75 per month ($2.57 million per year) for a biometric point of service system. Texas has approximately 148,559 enrolled children and pays $2.66 ($4.74 million per year) for swipe card time and attendance.[31]

Florida has approximately 292,952 students enrolled in SR and VPK for FY 2011-12. If Florida were to adopt swipe card technology for time and attendance collection at a rate similar to Texas, the state would pay about $8.79 million per year.[32] With a conservative savings of 6% of the provider reimbursements, which is a little more than half of what Oklahoma has reported, Florida would net approximately $40 million in savings.

The Task Force recommends leveraging predicted savings in order to pay for the point of service system. Since Florida is nearly double the size of Texas in terms of student population, the state would be able to leverage an economy of scale to competitively bid for a point of service system. The state should also leverage the proposed savings as payment and pay for the service out of the savings only.

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[28] The proposed ELIS system would relieve the ELCs and OEL of the paper process, but providers would still be responsible for maintaining attendance records to submit attendance data and in the case of an audit. The point of service system would save time and money for the providers by reliving them of this responsibility.

[29] Mr. Richard Howze, Undersecretary for Louisiana's Department of Child and Family Services, testified at the November 29, 2011, Work Group meeting that Louisiana saved between $8-10 million the first few months and then saved about $2.5 million per month after that. Mr. Howze also testified that the system paid for itself in less than a year. A recording of his testimony is available at http://www.floridaefficiency.com/meetings.cfm (last visited 11/30/2011).

[30] This estimate is based on a conservative estimate of 5-8% savings of the total amount spent on providers in FY 2010-11 of $817,442,296 (which equates to $40,872,114 to $65,395,383 per year of savings).

[31] The state by state information was provided by ACS (copy on file with the Government Efficiency Task Force staff).

[32] This number is calculated at $2.50 per student per month multiplied by the total number of students for 12 months.

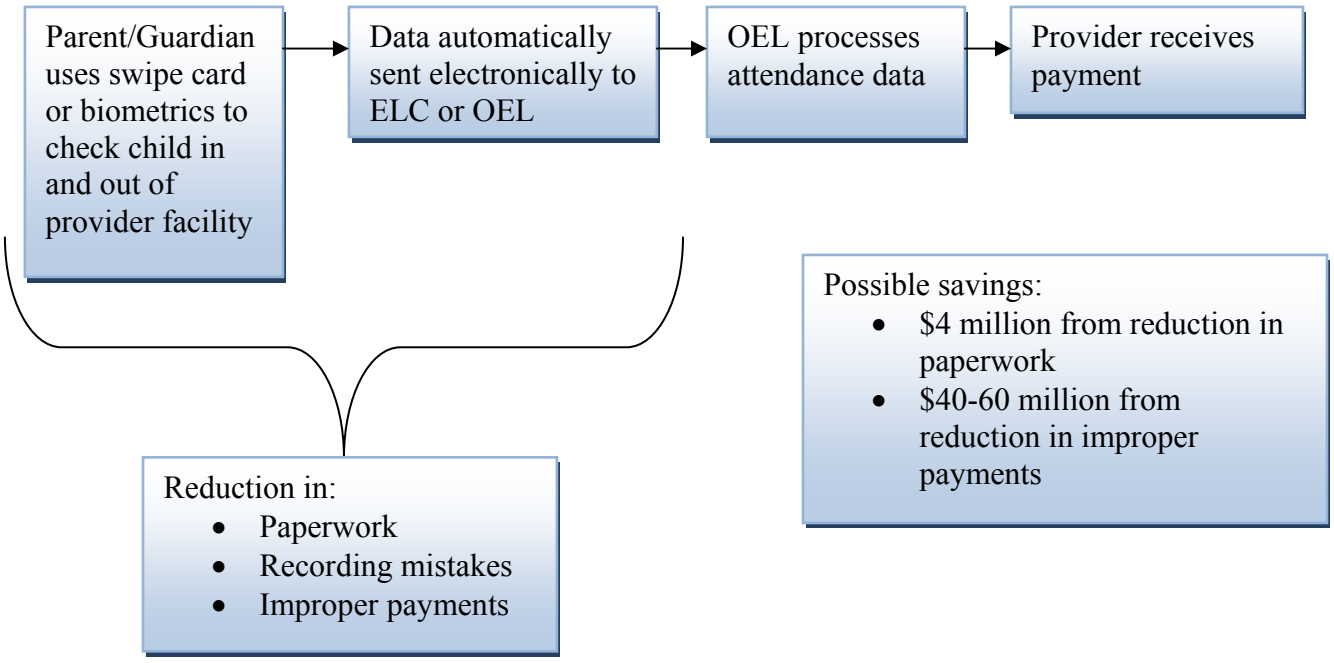
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In implementing a point of service system, the Task Force recommends:

- Ensuring sufficient time is allowed for implementation and training so providers can effectively use the system.[33]
- Allowing for the sharing of time and attendance data with other agencies that utilize the information.[34]
- Utilizing other states' experiences with the point of service system to avoid common implementation mistakes.

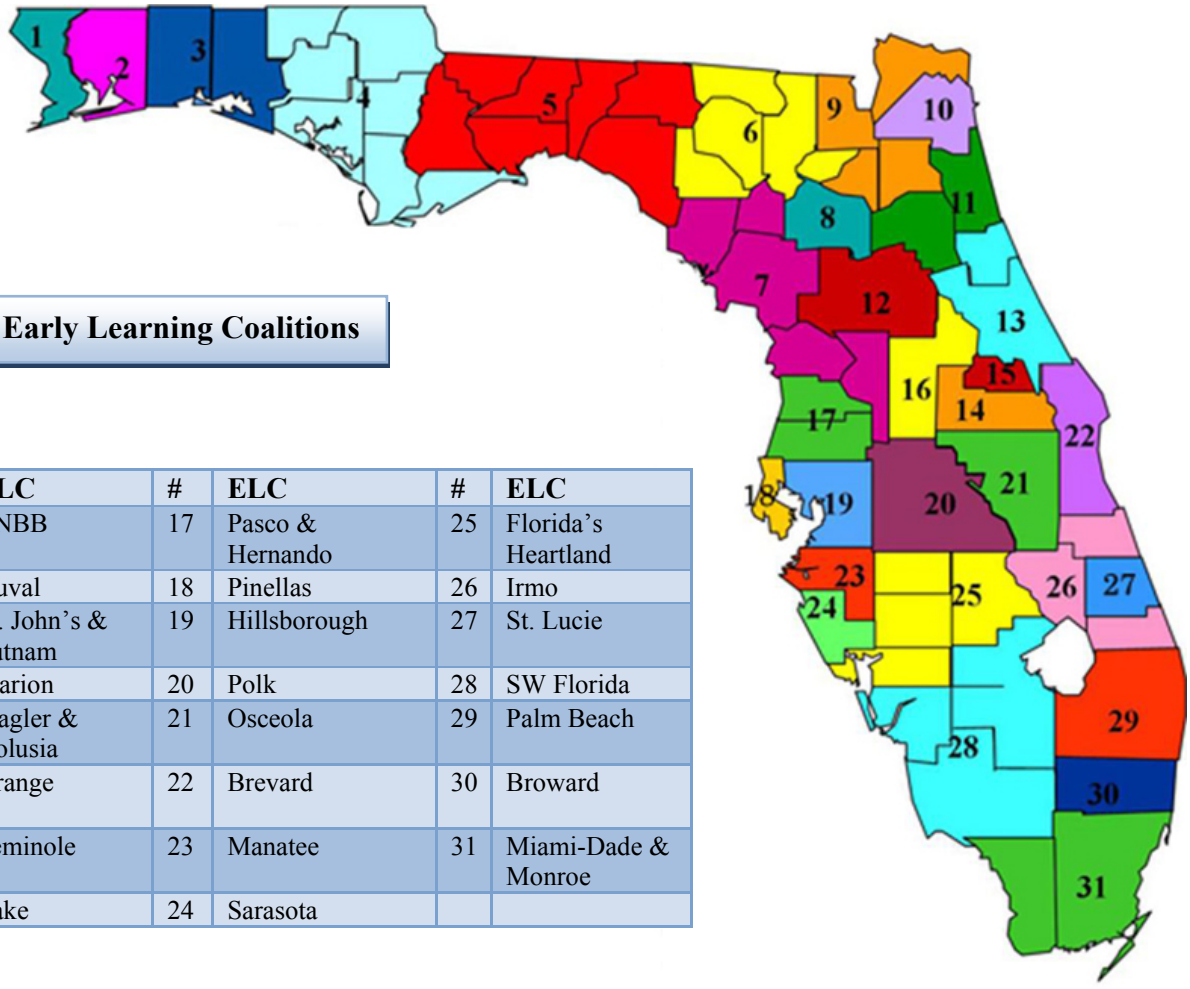
Electronic Attendance Submission Process with Point of Service



[33] In Mr. Howze's testimony, he suggested that a longer implementation and training time would have been beneficial for Louisiana.
[34] The Department of Education and Department of Children and Families utilize time and attendance information.

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Appendix One: Map of Florida's Early Learning Coalitions



#	ELC	#	ELC	#	ELC	#	ELC
1	Escambia	9	CNBB	17	Pasco & Hernando	25	Florida's Heartland
2	Santa Rosa	10	Duval	18	Pinellas	26	Irmo
3	Okaloosa & Walton	11	St. John's & Putnam	19	Hillsborough	27	St. Lucie
4	NW Florida	12	Marion	20	Polk	28	SW Florida
5	Big Bend	13	Flagler & Volusia	21	Osceola	29	Palm Beach
6	Florida's Gateway	14	Orange	22	Brevard	30	Broward
7	Nature Coast	15	Seminole	23	Manatee	31	Miami-Dade & Monroe
8	Alachua	16	Lake	24	Sarasota		

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Inmate Education and Re-entry

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding inmate education and re-entry by a vote of 10 yeas, 0 nays:

- **Individualized Inmate Re-entry Plans**
  - Create an individualized inmate re-entry plan that, based on information obtained from assessments, outlines programming to be provided during the period of incarceration.
  - Consider educational needs when determining an inmate's facility placement.
  - Assessments to determine literacy skills are critical. Focus and priority should be given to this process of assessing literacy skills to provide appropriate foundation for other educational programs and opportunities after prison.
  - Develop a program providing literacy and life skills training for inmates who are ineligible for the Mandatory Literacy Program due to prison term length.

- **Mandatory Literacy Program**
  - Require prisoners who meet the requirements of the Mandatory Literacy Program to successfully complete the program by attaining a total battery score of 6.0 on a Test of Adult Basic Education (TABE).

- **Online Education Opportunities**
  - Investigate opportunities to introduce online and e-learning educational and vocational training in prisons.
  - Set up a pilot program to develop widely-acceptable security protocols for Internet access.

- **Mission Driven Prisons**
  - Convert some of Florida's prisons to institutions that focus on chemical dependency, literacy and basic education, and vocational education.
  - Align the missions of vocational education prisons to meet the needs of the employment market.

- **Program Efficiency**
  - Adopt policies regarding prioritizing the eligibility of educational and vocational programs to inmates whose likelihood of recidivism will be most improved as a result of this instruction.
  - Expand vocational education programs.
  - Research implementation of a double-track education system.

- **Metrics and Statistics**
  - Conduct a cost-benefit analysis to evaluate rehabilitative programs, such as educational and vocational programs.
  - Develop a regular report on the cost-effectiveness of rehabilitative programs, including those provided by entities outside of the Department of Corrections.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. INMATE EDUCATION

After inmate and public safety, the most important goal of the correctional system is reducing recidivism.[1] Reducing recidivism results in fewer crimes, fewer victims and cost savings for Floridians.[2] One way to reduce recidivism rates is to promote the successful rehabilitation and re-entry of ex-offenders. This can be implemented by providing substance abuse treatment, educational and vocational training, and by assisting inmates with community support services after their release.[3]

Prisoner Statistics

As of January 2012, Florida housed 100,345 inmates across 60 state prisons, including seven private prisons.[4] The average cost per inmate is $19,473 annually.[5] Most of Florida's inmates (88.6 percent)[6] will eventually be released, and of those approximately one in three will return to prison.[7] The high budgetary demands and social costs incarceration places on the state make reducing recidivism rates a strategic investment. Rehabilitative programs, such as education and vocational training, are shown to reduce the likelihood of repeat offending, decrease inmate idleness and promote institutional security, and may also achieve cost savings.[8] Each inmate who is successfully rehabilitated and does not return to prison saves the State of Florida at least $19,473 each year.

According to the Department of Corrections (department), the probability of reoffending is reduced by 3.7 percent for each grade of adult basic education completed.[9] Currently, 64 percent of the tested inmate population in Florida has not achieved General Education Development (GED) Prep literacy skills (scoring less than 9th grade level[10]).[11] Studies have also found that inmates who have a GED when released recidivate at a rate 7.9 percent less than the overall inmate population.[12] Inmates with vocational certificates are 17 percent less likely to return to prison than those without certificates, and those participating in vocational training are

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[1] "Final Report of the Governor's Ex-Offender Task Force," November 2006, p. 9 (copy on file with Government Efficiency Task Force staff).
[2] Department of Corrections, "Recidivism Reduction Strategic Plan," June 2009, p. 13, http://www.dc.state.fl.us/orginfo/FinalRecidivismReductionPlan.pdf (last visited 5/10/2012).
[3] *Id.* at p. 7.
[4] Department of Corrections, "Quick Facts about the Florida Department of Corrections," Revised February 2012, http://www.dc.state.fl.us/oth/Quickfacts.html (last visited 5/14/2012).
[5] *Id.*
[6] Department of Corrections, "Doing Time," August 2011, http://www.dc.state.fl.us/pub/timeserv/doing/ (last visited 5/14/2012).
[7] Department of Corrections, "Quick Facts about the Florida Department of Corrections," Revised February 2012, http://www.dc.state.fl.us/oth/Quickfacts.html (last visited 5/14/2012).
[8] Office of Program Policy Analysis and Government Accountability (OPPAGA), "Corrections Rehabilitative Programs Effective, but Serve only a Portion of the Eligible Population," Report No. 07-14, February 2007, p. 1, http://www.oppaga.state.fl.us/Reports/pdf/0714rpt.pdf (last visited 5/16/2012).
[9] Department of Corrections, "2009 Florida Prison Recidivism Study Releases From 2001 to 2008," May 2010, p. 14, http://www.dc.state.fl.us/secretary/press/2010/RecidivismStudy.pdf (last visited 5/14/2012).
[10] Section 1004.93(2), F.S., identifies students who must be served by the adult education program. The 9th grade reading level is the separating line between primary and secondary school. According to the law, the adult education program must serve students studying to achieve basic literacy (students who demonstrate skills below the 5th grade level); students trying to achieve functional literacy (students who demonstrate skills at or above 5th grade level but below the 9th grade level); students earning credit for a high school diploma or preparing for the GED; students who have earned a high school diploma and are pursuing a postsecondary degree, certificate career education program, or develop competence in the English language; students enrolled in lifelong learning courses; and students who enroll in courses related to recreational or leisure pursuits. *See* s. 1004.93(2), F.S.
[11] Department of Corrections, "2010-11 Annual Report," p. 34, http://www.dc.state.fl.us/pub/annual/1011/pdfs/AR1011-Final.pdf (last visited 5/16/2012).
[12] *Id.* at p. 35.

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less likely to have disciplinary issues.[13] Of the 2011 inmate population, those with vocational certificates were 35 percent less likely to have received a disciplinary report that year than inmates without a certificate.[14] The Office of Program Policy Analysis and Government Accountability (OPPAGA) found that inmates who earned a GED or high school diploma were 9.3 percent more likely to be employed than other inmates, and those who earned a vocational certificate were 17.9 percent more likely to be employed than other ex-offenders.[15]

Prisoner Education Programs

The Department of Corrections' Bureau of Re-Entry Programs and Education is responsible for the oversight and support of the department's academic and vocational education programs. In FY 2011-12, the Legislature appropriated $2,277,324,021 to the department, of which $21,779,443, or less than one percent (0.95%), was allocated to correctional education programs.[16] The department currently allocates 299 Full Time Employees (FTE) to meet the educational needs of inmates (students) enrolled in education programs.[17] Academic educational programs are operated in 53 correctional facilities with an enrollment capacity of more than 6,500 students.[18] Local Education Agencies (LEA) operate programs in two additional facilities, each with an enrollment of 55 students.[19] Total enrollment capacity in department-operated academic education programs is approximately 6,600 students, which is 6.5 percent of the total inmate population.[20] In addition to the education services provided in the 53 department-operated facilities, seven contracted facilities utilize 141.5 FTEs to provide education services for students, with an enrollment capacity of approximately 2,471 students.[21]

The department's current allocation of FTEs has enabled the number of inmates earning GED certificates to rise for the fifth year in a row. In FY 2010-11, inmates in department-operated facilities earned 2,930 GED certificates.[22] Contracted facilities awarded 356 GED certificates during the same period.[23] There was a 20 percent increase in the number of vocational certificates awarded in FY 2010-11, for a total of 2,217 certificates earned in department-operated facilities.[24] Contracted facilities awarded 880 vocational certificates during this period.[25]

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[13] *Id.*
[14] *Id.*
[15] OPPAGA, "Corrections Rehabilitative Programs Effective, but Serve only a Portion of the Eligible Population," Report No. 07-14, February 2007, p. 5, http://www.oppaga.state.fl.us/Reports/pdf/0714rpt.pdf (last visited 5/16/2012).
[16] Department of Corrections email, March 29, 2012, (copy on file with Government Efficiency Task Force staff).
[17] *Id.*
[18] Department of Corrections, "Education Program Capacity, FDC-Operated Correctional Facilities," August 2011 (copy on file with Government Efficiency Task Force staff).
[19] *Id.*
[20] *Id.*
[21] Department of Management Services, "Operations and Management Contract," http://www.dms.myflorida.com/business_operations/bureau_of_private_prison_monitoring/facilities (last visited 5/15/2012).
[22] Department of Corrections, "2010-11 Annual Report," p. 35, http://www.dc.state.fl.us/pub/annual/1011/pdfs/AR1011-Final.pdf (last visited 5/15/2012).
[23] Correctional Education Certificates Awarded by Facility, by Quarter FY 2010-11, October 2011 (copy on file with Government Efficiency Task Force staff).
[24] Department of Corrections, "2010-11 Annual Report," p. 35, http://www.dc.state.fl.us/pub/annual/1011/pdfs/AR1011-Final.pdf (last visited 5/15/2012).
[25] Correctional Education Certificates Awarded by Facility, by Quarter FY 2010-11, October 2011 (copy on file with Government Efficiency Task Force staff).

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Academic and Special Education

To assist students in achieving GED and vocational certificates, the department offers several academic programs, including:[26]

- Adult Basic Education/General Education Development (ABE/GED);
- Special Education;
- Close Management Education (CME);
- Inmate Teaching Assistant Program (ITA);
- Local Education Agency (LEA)-Operated Academic Education Programs;
- Volunteer Literacy Programs;
- Mandatory Literacy;
- Ready to Work; and
- Federally-Funded Academic Programs and Services.

The department offers inmates 85 vocational education courses in 36 distinct vocational trades at 33 state operated institutions. The total enrollment capacity for vocational education is 1,584 students, or 1.6 percent of the total inmate population.

Mandatory Literacy Program

The Mandatory Literacy Program is a 150-hour literacy training program required by law[27] for all inmates who have at least two years of their sentence remaining when received at an institution and who receive a Tests of Adult Basic Education (TABE) total battery score below grade level 6.0.[28] The Mandatory Literacy Program is available to all inmates who meet the program requirements, as opposed to the other academic programs offered by the department, which are not mandatory and are provided based on availability.[29]

Recommendations

The Task Force recommends requiring prisoners who meet the requirements of the Mandatory Literacy Program to successfully complete the program by attaining a total battery score of 6.0 on a TABE (Test of Adult Basic Education). Currently, successful completion of the Mandatory Literacy Program requires completion of 150 hours of instruction or achievement of a total battery score of 6.0 or higher on the TABE. The importance of literacy and successful completion of this program is critical to reducing recidivism. The department estimates that only 21 percent[30] of inmates enrolled successfully complete the Mandatory Literacy Program.[31] The Task Force recommends that achievement of a total battery score of 6.0 on a TABE be the only method for successfully completing this program.

Special Education Services

Special education services are provided to inmates with disabilities who are eligible to receive special services required by state and federal law.[32] The Individuals with Disabilities Education Act (IDEA) requires the

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[26] OPPAGA, "Corrections Rehabilitative Programs Effective, but Serve only a Portion of the Eligible Population," Report No. 07-14, February 2007, p. 2, http://www.oppaga.state.fl.us/Reports/pdf/0714rpt.pdf (last visited 5/16/2012).
[27] Section 944.801(3)(i), F.S.
[28] *Id.*
[29] OPPAGA, "Alternative Placements for the Correctional Education Program would be more Costly," Report No. 08-16, March 2008, p. 1, http://www.oppaga.state.fl.us/Reports/pdf/0816rpt.pdf (last visited 5/16/2012).
[30] The Department of Corrections notes "this percent is only applicable to academic sites that provide special education programming." Department of Corrections memo, May 2, 2012 (copy on file with Government Efficiency Task Force staff).
[31] *Id.* at p. 1.
[32] OPPAGA, "Alternative Placements for the Correctional Education Program would be more Costly," Report No. 08-16, March 2008, p. 1, http://www.oppaga.state.fl.us/Reports/pdf/0816rpt.pdf (last visited 5/16/2012).

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department to provide free and appropriate public education in the least restrictive environment to exceptional students. Exceptional students are inmates under the age of twenty-two who have a previous special education history, have yet to obtain a high school diploma, continue to need special education and related services to benefit from participation in an educational assignment, consent to receive special education services, and have a current transition plan/individualized education plan.[33]

Close Management Education Program

The Close Management Education Program (CME) provides close management inmates[34] both cell-front and correspondence-study instruction in mathematics, reading, language, and workforce readiness skills by certified academic teachers. Close management inmates are also afforded the opportunity to secure GED diplomas. CME programs are available in 5 correctional facilities.[35]

Inmate Teaching Assistant Program

Recognizing the need to increase inmate access to education services, the department developed the Inmate Teaching Assistant Program (ITA). The ITA program provides grade-appropriate instruction in mathematics, reading, and language instruction to inmates with educational levels ranging from beginning literacy through GED. The program utilizes Inmate Teaching Assistants working under the direction and supervision of a certified teacher.[36] The Inmate Teaching Assistants are inmates with at least a high school diploma or GED who have received academic and practical training in various instructional methods from certified teachers.[37] The ITA program is available at 34 correctional facilities.[38]

Other Programs

Local Education Agency (LEA)-Operated Academic Education Programs are available at three[39] facilities.[40] LEAs are federal grant-funded adult education programs provided by county school districts or community colleges.[41] Volunteer Literacy Programs utilize citizen volunteers and/or ITAs who have received tutoring training to assist inmates in improving their educational abilities. This program is available at nearly all major institutions, annexes and work camps.[42] The Ready To Work program is a Department of Education sponsored employee credentialing program that tests and scores job skills.[43] The department also received $4,553,864 in federal grant funding in FY 2010-11 to provide academic and exceptional education services to inmates and training to correctional educators.[44]

Recommendations

The Task Force recommends the Department of Corrections conduct a cost-benefit analysis to evaluate its rehabilitative programs, such as educational and vocational programs. After inmate and

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[33] Department of Corrections, "Education Services," http://www.dc.state.fl.us/orginfo/education/index.html (last visited 5/4/2012).
[34] According to the department, close management is confinement of an inmate apart from the general inmate population. It is for inmates who commit acts that threaten the safety of others or the institution, or who demonstrate an inability to live in the general population without abusing the rights and privileges of others. Department of Corrections, "FAQ Regarding Close Management," http://www.dc.state.fl.us/oth/inmates/cm.html (last visited 5/15/2012).
[35] Department of Corrections, "Education Services," http://www.dc.state.fl.us/orginfo/education/index.html (last visited 5/15/2012).
[36] *Id.*
[37] Department of Corrections, "Inmate Teaching Assistant Programs," http://www.dc.state.fl.us/pub/annual/0405/pdfs/teaching.pdf (last visited 5/15/2012).
[38] Department of Corrections, "Education Services," http://www.dc.state.fl.us/orginfo/education/index.html (last visited 5/15/2012).
[39] Baker Work Camp, Putnam Correctional Institution, and Quincy Annex.
[40] Department of Corrections email, May 22, 2012 (copy on file with Government Efficiency Task Force staff).
[41] *Id.*
[42] *Id.*
[43] *Id.*
[44] *Id.*

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public safety, the most important goal of the correctional system is reducing recidivism.[45] With this in mind, the department's educational and vocational programs should be measured by their effectiveness at reducing recidivism. To make a compelling case for increased support for correctional education, the department must conclusively document the contribution correctional education provides to society.[46] A cost-benefit analysis should assess outcomes of cohorts of inmates in the department's various programs and track these inmates after release. This would help identify programs that show the greatest return on investment by improving ex-inmate employment outcomes and reducing recidivism. A cost-benefit analysis will determine if increasing funding for these programs will yield overall monetary benefits and how to allocate resources most effectively.

The Task Force recommends the Department of Corrections develop a regular report on the cost-effectiveness of rehabilitative programs, including those provided by entities outside of the department. The American Correctional Association recommends that programs be evaluated every two years to assess their contribution to an institution's mission.[47] According to OPPAGA, the department occasionally evaluates some rehabilitative programs; however, it does not routinely measure and report on the effectiveness of these programs.[48] A regular report on program and provider cost-effectiveness would provide standardized and transparent information to the department and the Legislature. The report should provide an assessment of programs' success in reducing recidivism and efficiency. This evaluation will enable policy makers and those that provide funding or services to determine which program goals are being met and which require more attention.[49]

Issues Facing Prison Education Programs

When an inmate enters the prison system they are given the TABE, which identifies their grade level. Subsequent assessments are taken at scheduled intervals or when an inmate is transferred to a new facility.[50] Unfortunately, because of limited slots in programs, most inmates are released without addressing their educational skills deficiencies.

Recommendations

The Task Force recommends focus and priority should be given to the process of assessing literacy skills to provide appropriate foundation for other educational programs and opportunities after prison. Providing educational opportunities that will enable most people to read at the eighth-grade level, the level at which a person is considered functionally literate, should be a universal goal within corrections.[51] The Florida Statutes define eligibility for the Mandatory Literacy Program as inmates with more than two years left on their sentence.[52] Many inmates who require or would benefit from literacy or life skills education do not qualify for the Mandatory Literacy program because they have less than two years remaining in their sentences. Therefore, the Task Force recommends that the department develop a program providing literacy and life skills training for inmates who are ineligible for the Mandatory Literacy Program due to prison term length.

The Task Force recommends creating an individualized inmate re-entry plan that, based on information obtained from assessments, outlines programming to be provided during the period of incarceration.

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[45] "Final Report of the Governor's Ex-Offender Task Force," November 2006, p. 9 (copy on file with Government Efficiency Task Force staff).
[46] Klein, S., and M. Tolbert, "Correctional Education," July 2004, p. 17, https://www.cedatanetwork.org/pdf/common_measures_of_perf.pdf (last visited 5/10/2012).
[47] American Correctional Association, Standard No. 4-4107.
See http://www.aca.org/standards/revisions/pdf/StandardsProposalsforCOC2010.pdf (last visited 5/9/2012).
[48] OPPAGA, "Department of Corrections Should Maximize Use of Best Practices in Inmate Rehabilitation Efforts," Report No. 09-44, December 2009, p. 6, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0944rpt.pdf (last visited 5/9/2012).
[49] Re-entry Policy Council, "Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community," January 2005, p. 89, http://reentrypolicy.org/publications/1694;file (last visited 5/9/2012).
[50] *Id.*
[51] *Id.* at p. 214.
[52] Section 944.801(3)(i), F.S.

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The goal of rehabilitation programs is to reduce recidivism, which will ultimately result in cost savings for the state. In order to accomplish this, inmates must re-enter the community with enough education or skills to avoid returning to the correctional system. An inmate's re-entry plan should begin at intake, addressing an inmate's needs, and plan for the prisoner's eventual release and reintegration into the community. Based on the risk factors and skill deficits determined by the initial assessment, the plan should identify specific activities to be performed or skills to be acquired to prepare the prisoner for successful re-entry.[53] Relevant skill areas may include: education, including literacy and life skills training; employment;[54] health, mental health and substance abuse challenges; managing family conflict; mentoring; and strategies to develop pro-social behavior and desistance from crime. Each inmate's re-entry plan should be updated and modified as he or she moves through the correctional process and should reflect both progress and changes in risk and need.[55] The plan should be kept electronically, which will ensure that the plan can be shared system-wide, regularly updated, and accessed if the inmate returns to the system.[56]

A critical component of the individualized inmate re-entry plan is the needs assessment. The department should make sure to go beyond the medical, mental health, education, alcohol abuse, and drug assessments to provide an in-depth assessment addressing anger management, work and vocational training, criminological risks and needs, and pre-release/re-entry planning needs.[57] A study in 1992 found that inmates often lacked the ability to fully read and understand the types of documents encountered in everyday life, such as job applications, credit applications, and health forms.[58] Because of these deficiencies, the department should also investigate the implementation of an assessment of functional and life skills to identify possible deficiencies and barriers to a successful re-entry into the community.[59] These assessments should go beyond identification of education level to assess personal abilities that will enable the inmate to succeed in the workplace.[60] Once the assessments are completed, a program that prioritizes the inmate's highest needs first should be developed.[61]

Re-entry Statistics

According to the department, of the 35,117 inmates released in FY 2010-11:

- Approximately 66 percent left with TABE scores below the 9th grade level;
- 17,383, or 69.5 percent, of the 25,002 inmates eligible for academic programs did not receive services prior to release; and
- 11,442, or 82.7 percent, of the 13,836 inmates eligible for vocational training did not receive services prior to release.[62]

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[53] "Final Report of the Governor's Task Force," November 2006, p. 18 (copy on file with Government Efficiency Task Force staff).
[54] Including resume preparation, job seeking and interviewing. *Id.*
[55] The National Institute of Corrections, "TPC Reentry Handbook: Implementing the NIC Transition from Prison to the Community Model," August 2008, p.12, http://static.nicic.gov/Library/022669.pdf (last visited 5/10/2012).
[56] Re-entry Policy Council, "Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community," January 2005, p. 152, http://reentrypolicy.org/publications/1694;file (last visited 5/9/2012).
[57] Thigpen, et al., "Prisoner Intake Systems: Assessing Needs and Classifying Prisoners," February 2004, p. ix, http://static.nicic.gov/Library/019033.pdf (last visited 5/10/2012).
[58] Re-entry Policy Council, "Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community," January 2005, p. 126, http://reentrypolicy.org/publications/1694;file (last visited 5/9/2012).
[59] *Id.* at p. 127.
[60] *Id.*
[61] Council of State Governments Justice Center, "Screening and Assessment in Re-entry Court Program Design: Incorporating Risk, Need, Responsivity," February 16, 2011, p. 26, http://www.nationalreentryresourcecenter.org/documents/0000/0963/SCA_Reentry_Courts_Webinar_on_Screening_and_assessment_in_reentry_court_program_design_02_16_2011.pdf (last visited 5/10/2012).
[62] As reported by the Department of Corrections, Bureau of Research and Data Analysis, March 23, 2012 (copy on file with Government Efficiency Task Force staff).

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Recommendations

The Task Force recommends the Department of Corrections expand its vocational education programs. These programs have been proven to reduce recidivism, increase ex-offender employment success, and are cost effective. Additionally, these programs give the department the ability to partner with local businesses for additional job training.

The Task Force recommends the Department of Corrections adopt policies regarding prioritizing the eligibility of educational and vocational programs to inmates whose likelihood of recidivism will be most improved as a result of this instruction. Currently, the department initially assesses an inmate's needs using the Corrections Integrated Needs Assessment System (CINAS).[63] This assessment determines the inmate's risk to recidivate measured on a scale of 1 (least likely) to 5 (most likely).[64] The department uses this as a factor, along with release date, Mandatory Literacy Program eligibility, special education designation, and whether the inmate has a verified high school diploma or GED, to determine the inmate's academic program score.[65] The program score is used in a ranking algorithm[66] that includes the inmate's number of days before release and the inmate's Targeted Academic Services Score (TASS)[67] to rank inmates in order of highest need.[68]

This program focuses its limited space to those inmates with a higher risk of returning to prison and who do not already possess a high school diploma or GED, within the last three years of incarceration.[69] The Task Force recommends that the system take into account which inmates will be able to complete a program, not just those nearing the end of their sentence. It is a better use of resources to ensure space is allocated to those inmates able to complete the program and most likely to find gainful employment after release (i.e. younger inmates with non-violent crimes).

By making a concerted effort to effectively target resources on inmates with the highest-potential of successful completion, the department should be able to reduce recidivism. The assessment tool will be critical in identifying those who will be the most successful at education and vocation programs. The assessment should have vocational and educational components. The department should also develop an assessment tool, similar to those used for the unemployed, that is appropriate for the prison population and can be utilized to determine the type of vocational or educational training most compatible with an individual's interests and capacities.[70] The assessment should also take into account the inmate's readiness for work, along with a review of work history, skills, and educational attainment.[71]

The Task Force recommends considering inmates' educational needs when determining facility placement. A key to reducing recidivism is using the time of incarceration to create positive change by diagnostically identifying the inmate's individual needs, creating an inmate re-entry plan, and providing the services and support for the plan. To ensure the re-entry plan is successful, effort should be made to place and keep inmates in facilities that have programs commensurate with their educational needs. At times, department operations can cause inmates to be transferred before an education or vocation program can be

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[63] Department of Corrections memo, May 2, 2012, p. 6 (copy on file with Government Efficiency Task Force staff).
[64] *Id.*
[65] *Id.*
[66] The program score is weighed so inmates with a program score of 4 are put lower on the ranking scale (highest need) followed by inmates that score 3, then 2 and 1. Inmates with a program score of 5 and inmates designated as mandatory literacy or special education are not ranked. Department of Corrections memo, May 2, 2012, pp. 6-7 (copy on file with Government Efficiency Task Force staff).
[67] TASS is a numerical score comprised of specific academic and incarceration data including: special education designation, release date, number of Florida prison commitments, TABE scores, vocation enrollment, possession of verified high school diploma or GED, and Mandatory Literacy Program eligibility. *Id.* at p. 6.
[68] *Id.* at p. 6.
[69] *Id.* at p. 7.
[70] Re-entry Policy Council, "Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community," January 2005, p. 127, http://reentrypolicy.org/publications/1694;file (last visited 5/9/2012).
[71] *Id.* at p. 128.

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completed.[72] The Task Force recommends that the department should take steps to avoid transferring inmates who are nearing a program's completion to avoid program disruptions.

Currently, the department places an inmate based on medical and security needs. The inmate will be transferred to a facility that can meet both types of needs at the level identified for that inmate.[73] Inmates are not normally placed in a permanent facility based on education or program needs, but rather are assessed for core programs (academic, vocational or substance abuse) once placed at their first permanent facility.[74] After those needs are established and the inmate reaches the programming time frame (three years prior to release), the inmate will be moved as necessary based on the his or her specific program need and priority ranking for placement.[75] Generally, placements are made at institutions that have available beds.[76]

Educational Program Length Challenges

While studies show that inmates who complete these educational and vocational programs are less likely to recidivate, OPPAGA found that 90 percent of inmates enrolled in ABE do not successfully complete the program, often for reasons within the department's control.[77] OPPAGA[78] found that while participants in GED and vocational programs had high completion rates, inmates in ABE programs either failed to complete program requirements or left the program for administrative reasons (such as being transferred) before completing the program. In a two-year study,[79] OPPAGA found that 79 percent of participating inmates completed GED courses; 73 percent completed vocational courses; and 90 percent of inmates taking the GED exam achieved a passing grade. However, only 10 percent of ABE students completed their courses over the same two-year period. OPPAGA attributed the lower success rate to program length, inmate demographic and behavioral characteristics, and department operations.

Adult Basic Education (ABE) programs often take inmates longer to complete than other programs, such as GED or vocational programs. To complete the ABE program, an inmate must attain a 9th grade level on the TABE, which may require more than two years of instruction. Additionally, ABE programs serve inmates with low educational levels (those with TABE scores below 9th grade), inmates requiring English as a Second Language instruction, and inmates with special education needs. Inmates participating in GED or vocational training can complete these programs in a two-year period. A GED program is completed when the inmate earns a GED Certificate, and most vocational training is completed in 9 to 40 weeks.

Because ABE classes are longer, there is a greater chance for the inmate to drop out, be discharged from the program for poor behavior, or be transferred to another institution. OPPAGA found that inmates who did not complete the ABE program had more disciplinary reports; spent more time in prison; had a higher number of drug offenses; and were more likely to have high custody classifications than inmates who completed the program.[80] Department operations cause some inmates to be removed before the program could be completed. Over 64 percent of the inmates in ABE programs were released from prison before completing the program. This can occur because the department moves inmates to meet a security or institutional need or transfers inmates to another facility for other reasons.

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[72] OPPAGA, "Corrections Rehabilitative Programs Effective, but Serve only a Portion of the Eligible Population," Report No. 07-14, February 2007, p. 6, http://www.oppaga.state.fl.us/Reports/pdf/0714rpt.pdf (last visited 3/22/2012).
[73] Department of Corrections memo, May 2, 2012, p. 1 (copy on file with Government Efficiency Task Force staff).
[74] Department of Corrections email, May 9, 2012 (copy on file with Government Efficiency Task Force staff).
[75] *Id.*
[76] Department of Corrections, "Recidivism Reduction Strategic Plan," June 2009, p. 27, http://www.dc.state.fl.us/orginfo/FinalRecidivismReductionPlan.pdf (last visited 5/10/2012).
[77] OPPAGA, "Corrections Rehabilitative Programs Effective, but Serve only a Portion of the Eligible Population," Report No. 07-14, February 2007, p. 4, http://www.oppaga.state.fl.us/Reports/pdf/0714rpt.pdf (last visited 5/16/2012).
[78] *Id.* at p. 5.
[79] 2004-06.
[80] These factors are also associated with higher recidivism.

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Recommendations

The Task Force recommends the Department of Corrections research implementation of a double-track education system. One track should consist of basic academic, life-skill and vocational education programs designed specifically for inmates incarcerated for less than one year. The program for this track should be designed to be completed in less than nine months. The second track should provide basic academic and vocational programs for inmates incarcerated for more than one year. A two-track system would enable the department to use the entry assessments to identify the most appropriate track for the educational or vocational programs in the inmate's re-entry plan.

In North Carolina, prison's educational offerings are determined by the minimum length of stay in the facility.[81] All facilities offer some type of programming, but a matrix is used to ensure that programs are only provided at facilities where inmates will be able to finish them.[82] In an attempt to accommodate those inmates whose sentences are not long enough to complete the entire GED curriculum during incarceration, the state of Washington offers a fast-tracked GED course offered at some facilities.[83] This program is available to offenders who already have the knowledge to pass a GED test, but may need additional practice preparing to take the test.[84]

The Task Force recommends the Department of Corrections investigate opportunities to introduce online and e-learning educational and vocational training in prisons. Internet access in Florida's prisons would make enormous amounts of educational resources available to corrections staff and inmates.[85] To address funding and capacity constraints that limit access to educational and vocational training, policies should be revised to support development and expansion of Internet-based and electronic platforms for program delivery. Internet-based instruction allows a single instructor to deliver educational content to an unlimited number of incarcerated students across multiple prisons or the prison system as a whole.[86] In addition, Internet-based coursework allows more students to be educated in a reduced space. Computer labs can accommodate terminals that allow students to progress through individualized educational programs at their own pace while sharing a physical space.[87] This is difficult to accommodate in a traditional classroom setting.[88] Finally, the economies of scale of Internet-based instructional methods would reduce the per-student cost of providing educational programs, which would allow the department to make more efficient use of its funding for educational services.[89]

Because many inmates have had limited exposure to technology, using computers, the Internet, and other communication technologies can be a learning experience in itself.[90] Interaction with computers or the Internet can serve as a form of vocational training,[91] as both are an increasingly essential part of today's world. Many security concerns can be addressed with careful planning and regulations governing access and use.[92]

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[81] Brazzell, D., et al., "From the Classroom to the Community: Exploring the Role of Education during Incarceration and Reentry," 2009, p. 29, http://www.urban.org/UploadedPDF/411963_classroom_community.pdf (last visited 5/10/2012).
[82] *Id.*
[83] Washington Department of Corrections, "Going Home: Accomplishments in Public Safety," 2009, p. 20, http://www.doc.wa.gov/aboutdoc/docs/docannualreportgoinghome.pdf (last visited 5/10/2012).
[84] *Id.*
[85] Spangenberg, Gail, "Current Issues in Correctional Education: A Compilation and Discussion," Council for Advancement of Adult Literacy, February 2004, p. 22, http://www.caalusa.org/correct_ed_paper.pdf, (last visited 5/10/2012).
[86] Gorgol, Laura, and Brian Sponsler, "Unlocking Potential: Results of a National Survey of Postsecondary Education in State Prisons," Institute for Higher Education Policy, May 2011, p. 17, http://www.ihep.org/assets/files/publications/s-z/Unlocking_Potential-PSCE_FINAL_REPORT_May_2011.pdf (last visited 5/9/2012).
[87] *Id.*
[88] *Id.*
[89] *Id.*
[90] Brazzell, D., et al., "From the Classroom to the Community: Exploring the Role of Education during Incarceration and Reentry," 2009, p. 33, http://www.urban.org/UploadedPDF/411963_classroom_community.pdf (last visited 5/10/2012).
[91] *Id.*
[92] *Id.* at p. 34.

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Firewalls and content filters can restrict Internet access, and clear rules and sanctions can deter misuse of technology.[93]

The Task Force recommends the Department of Corrections set up a pilot program to develop widely-acceptable security protocols for Internet access. While security concerns exist with providing inmates with Internet access, new computer and communication technologies have recently been incorporated into correctional education across the nation.[94] The department should investigate multimedia content and interactive learning opportunities delivered via the Internet, closed or restricted computer networks, satellite, closed-circuit TV, CDs or DVDs, videotapes, or videoconferencing[95] for the pilot program.

The Correctional Education Association received grant money to conduct a feasibility study to identify potential technologies that may be appropriate to consider in providing future distance learning services through the nationwide Transforming Lives Network.[96, 97] The feasibility study indicated that security measures exist to prevent security breaches.[98] By establishing a successful pilot program, some of these security concerns can be alleviated by developing acceptable security protocols for Internet access. These protocols would serve as a model for other Florida prisons.

The Task Force recommends converting some of Florida's prisons to institutions that focus on chemical dependency, literacy and basic education, and vocational education. Currently, Florida operates faith and character-based and re-entry institutions. Expanding on that concept, this recommendation will work in conjunction with the recommendation on individualized inmate re-entry plans. An inmate's initial assessments should determine the type of facility best suited to the inmate's needs.

The Task Force recommends aligning the missions of vocational education prisons to meet the needs of the employment market. Employment is highly correlated with successful reintegration into society.[99] It is important that the vocational education programs are demand-driven and focus on jobs available in regional areas. An advisory group should be created for each prison, consisting of representatives of local employers, economic development agencies, workforce investment boards, One-Stops,[100] educational institutions, and targeted community-community based organizations. The group should use its familiarity with the local job market to provide input on correctional programs to ensure that participants obtain skills necessary to find employment when they re-enter the community. By focusing on the needs of employers in the community, prisoners can attain skills for industries in high demand outside the prison. The advisory group should meet every 12 to 18 months to ensure that the vocational course offerings are relevant to the current job market and are up-to-date with advances in technology and methodology.[101]

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[93] *Id.*
[94] *Id.* at p. 32.
[95] *Id.*
[96] The Transforming Lives Network (TLN) is a distance learning project administered by the Correctional Education Association and funded through member subscriptions. TLN provides corrections-specific offender education and staff development via satellite to the nation's correctional facilities and at-risk populations. *See* http://tln.ceanational.org/TLN/index.htm (last visited 5/9/2012).
[97] Borden, Cindy and Penny Richardson, "The Effective Use of Technology in Correctional Education," John Jay College of Criminal Justice Reentry Roundtable on Education, March 31-April 1, 2008, p. 6, http://www.urban.org/projects/reentry-roundtable/upload/Effective.pdf (last visited 5/9/2012).
[98] *Id.* at p. 15.
[99] Re-entry Policy Council, "Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community," January 2005, p. 127, http://reentrypolicy.org/publications/1694;file (last visited 5/9/2012).
[100] Florida provides workforce program services through local One-Stop Career Centers. Each local area operates at least one physical One-Stop Center which may be supplemented by a network of affiliated sites. *See* http://www.floridajobs.org/frequently-asked-questions-directory/frequently-asked-questions/category/09fca767-4604-488b-81a4-4a750922d306/x (last visited 5/21/2012).
[101] Re-entry Policy Council, "Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community," January 2005, p. 216, http://reentrypolicy.org/publications/1694;file (last visited 5/9/2012).

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Higher Education

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding higher education by a vote of 10 yeas, 0 nays:

- **Year-Round Operations**
  - Implement a pilot project for year-round school operations in the State University System (SUS).
- **System Efficiency**
  - The Board of Governors (BOG) should create a "University Review Program."
- **Strategies for Degree Production**
  - The Blue Ribbon Task Force should develop strategies to increase degree production.
  - There is a high degree of interest among Florida's policy makers to increase the production of science, technology, engineering, and mathematics (STEM) degrees in the state. The Blue Ribbon Task Force should review methods to increase the production of STEM degree graduates in the SUS, and in doing so, consider the actions of HB 7135 and the creation of a statewide STEM strategic plan.
- **Optimum Facility Utilization**
  - The Blue Ribbon Task Force should review and develop a comprehensive assessment tool to evaluate facility usage, including classroom utilization, to more accurately determine the need for Public Education Capital Outlay program (PECO) funds.
- **Funding**
  - The Blue Ribbon Task Force should investigate innovative strategies of funding for higher education.
  - The Blue Ribbon Task Force should find ways to increase transparency in state funding of higher education.
  - The Blue Ribbon Task Force should study the issue of market rate tuition and provide recommendations to the Governor and Legislature on its implementation.

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FULL RECOMMENATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. HIGHER EDUCATION

State University System of Florida

The State University System of Florida (SUS) provides students with undergraduate and graduate level instruction leading to baccalaureate, masters, doctoral and professional degrees.[1] Additionally, SUS institutions conduct research and engage in public service.[2] Currently, state universities have over 324,000 students enrolled; offer nearly 1,800 degree programs at the baccalaureate, graduate, and professional levels; and annually award over 73,000 degrees at all levels.[3]

Governance

The governing body for the SUS is the Board of Governors (BOG).[4] The BOG is the constitutionally created body required to "operate, regulate, control, and be fully responsible for the management of the whole university system."[5]

Locally, each institution is governed by a board of trustees[6] comprised of 13 members.[7] The local boards of trustees are responsible for governing their institutions in accordance with BOG rules and regulations.[8] Each local board's responsibilities include, but are not limited to, strategic planning and adopting policies regarding admissions, educational programming, administration, personnel, contracts, grants, and facilities.[9]

Legislature

The BOG's oversight of the SUS is subject to the Legislature's power to appropriate funds, as well as the Legislature's responsibility to provide for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.[10] The Legislature is also responsible for establishing tuition and fees and establishing policies relating to merit and need-based student financial aid.[11]

Higher Education Coordinating Council

On March 24, 2010, the Chair of the BOG, the Chancellor of the SUS, legislative leaders and the Governor signed a SUS Governance Agreement acknowledging their shared constitutional authority for the state universities. Among the provisions adopted in the agreement was the creation of the Higher Education

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[1] The 11 SUS universities are provided in s. 1000.21(6), F.S. The 2012 Legislature passed SB 1994, which the Governor signed into law, creating the 12th state university – Florida Polytechnic University. Senate Bill 1994 (2012), Ch. 2012-129, L.O.F.
[2] Article IX, s. 7, Fla. Const.; part IV, chapter 1001, F.S.; part II, chapter 1004, F.S
[3] *See* Governor's Executive Order Number 12-104, May 4, 2012, (copy on file with Government Efficiency Task Force staff).
[4] Article XI, s. 7(d), Fla. Const. The BOG is made up of 17 members, including the Commissioner of Education, the chair of the Advisory Council of Faculty Senates, the Florida Student Association president, and 14 citizen-appointments made by the Governor and confirmed by the Florida Senate. *See* Article IX, s. 7(d), Fla. Const.; s. 1001.71(2) and (3), F.S.
[5] Article IX, s. 7(d), Fla. Const.
[6] Article IX, s. 7(c), Fla. Const.; s. 1001.71(1), F.S.
[7] The board is composed of the chair of the faculty senate, the president of the institution's student body, six members appointed by the Governor and confirmed by the Florida Senate, and five members appointed by the BOG and confirmed by the Florida Senate. *See* s. 1001.71(1), F.S.
[8] Article IX, s. 7(c), Fla. Const.; *see also* Florida Board of Governors Regulation 1.001.
[9] Florida Board of Governors Regulation 1.001(3)-(7).
[10] Article IX, s. 1(a) and 7(d), Fla. Const.; ss. 1001.705 and 1001.706, F.S.
[11] Section 1001.705(3), F.S.

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Coordinating Council (HECC).[12] The HECC[13] was created by the Legislature in 2010 to identify unmet needs and to facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.[14] The HECC is required to act as an advisory board to the Legislature, the SBE, and the BOG.[15]

On December 31, 2011, the HECC submitted a report of recommendations for legislative consideration during the 2012 Legislative Session.[16] The report's recommendations include:

- SUS institutions should identify their primary areas of research expertise based on the unique strengths and missions of each institution.
- The HECC should receive an annual list of prospective programs being planned by postsecondary education sectors to increase coordination. The offerings will be guided by comparative cost analyses and employment demand.
- The educational sectors should set goals for increased degree completion, with a particular emphasis on STEM degree production. Incentives should be provided to encourage STEM education.
- The Legislature should align financial aid and grant programs to encourage and accelerate access, graduation, and time-to-degree. Grants should be available for summer sessions.
- A new funding formula for the SUS and the Florida College System (FCS) needs to be examined based on performance-based accountability.[17]

Blue Ribbon Task Force

On May 4, 2012, Governor Scott issued an executive order creating the Blue Ribbon Task Force on State Higher Education Reform (BRTF).[18] The vision for the BRTF is to advance the SUS's Constitutional charge to operate, regulate, control, and be fully responsible for the management of the whole university system.[19] BRTF's responsibilities include, but are not limited to:

- Catalog and consolidate the recommendations of the various efforts addressing Florida's higher education system with respect to the SUS;
- Assess strengths and weaknesses of the SUS's governance model related to its Constitutional charge;
- Analyze the ability of state universities to contribute to the SUS 2012-2025 strategic plan;
- Recommend strategies, such as incentive systems and governance improvements, to encourage cooperation between institutions leading to reduced duplication and improved efficiencies;
- Recommend amendments to statutes and BOG regulations necessary to improve accountability and transparency on the part of state universities to the BOG and the BOG to the Legislature and Governor; and

[12] Other components of the SUS Governance Agreement include: master planning and coordination of Florida's higher education systems; strategic planning; university governance; financial aid programs; the Administrative Procedures Act and BOG regulations; tuition; and fees. *See* Ch. 2010-78, L.O.F.
[13] The HECC is comprised of the following members: the Commissioner of Education; the Chancellor of the State University System of Florida; the Chancellor of the FCS; the Executive Director of the Commission for Independent Education; the Executive Director of the Independent Colleges and Universities of Florida; and two members representing the business community, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. *See* s. 1004.015(2), F.S.
[14] Section 1004.015(1), F.S.
[15] HECC goals and guiding principles are provided in s. 1004.015(3), F.S.
[16] Section 1004.015(5), F.S.
[17] Higher Education Coordinating Council, "Higher Education Coordinating Council Releases Recommendations," December 19, 2011, http://www.floridahighereducation.org/20111219.php (last visited 5/4/2012).
[18] *See* Governor's Executive Order Number 12-104, May 4, 2012 (copy on file with Government Efficiency Task Force staff).
[19] *Id.*

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- Conduct a review and analysis of efforts to achieve national preeminence and academic and research excellence by Florida universities, including elements that may be considered for future legislation to advance higher education.[20]

B. YEAR-ROUND OPERATIONS

Currently, there is a growing movement for universities to re-evaluate their operations to better serve students while lowering costs by moving to year-round operations. Year-round operation requires universities to conduct regular academic programs over the entire year, without lowering the level of academic offerings and services over the summer.[21] Universities would provide courses and services in quantity and quality comparable to every other term of the year.[22] Through year-round operations, universities can provide a full academic year of instruction to at least one-third more[23] students compared to institutions using traditional calendars of three quarters or two semesters. This provides students with the opportunity to accelerate their studies or vary the season in which they take an annual break.[24] Several states and postsecondary institutions have begun instituting the idea of the year-round operations.

California

In 1999, the state of California looked at implementing a year-round university system as a way to facilitate enrollment growth.[25] A report by the California State Legislative Analyst's Office (LAO) found that year-round operations in higher education could serve one-third more students in existing instructional facilities and save several billions of dollars that would be otherwise spent on additional buildings. The report determined that year-round operations would have no impact on faculty workload, while increasing students' access to high-demand campuses and allowing students to accelerate their timeline to degree completion.[26]

Following the LAO report, a feasibility study[27] by the University of California found that year-round instruction addresses many critical needs, including:

- Responding to concerns about impacts on local communities by shifting some students away from the traditional Fall-Winter-Spring attendance patterns;
- Decreasing some of the impacts of large and rapid enrollment growth on campuses, including crowding that will occur if new construction cannot keep pace with growth; and
- Making better use of existing classroom and class laboratory facilities to avoid capital costs of $200 to $240 million and associated maintenance costs, thereby freeing up funds for construction of other new core academic space that will be needed.[28]

The State of California subsequently provided funding for the University of California and California State University to begin year-round operations in the 2001 summer term.[29] By 2006, the California State LAO

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[20] The BRTF is required to provide a written report detailing assessments and recommendation to the Governor, Senate President, and Speaker of the House of Representatives no later than November 15, 2012. *Id.*
[21] Guyer, P., J. Kuhn, and B. Breedlove, "Year-Round Operation in Higher Education. An LAO Report," *California State Legislative Analyst's Office,* February 1999, p. 1, http://lao.ca.gov/1999/021299_year_round.pdf (last visited 5/4/2012).
[22] *Id.* at p. 6.
[23] *Id.*
[24] *Id.*
[25] *Id.* at p. 2.
[26] *Id.*
[27] The California Legislature required the University of California and California State University to complete feasibility studies on year-round academic programs. *See* State of California, "Supplemental Report of the 1999 Budget Act," http://www.lao.ca.gov/1999/99-00_supp_rpt_lang.html#6440 (last visited 5/17/2012).
[28] University of California, "The Feasibility of Year Round Instruction within the University of California," April 2000, p. 1, http://www.ucop.edu/planning/documents/yrroundrpt2000.pdf (last visited 5/17/2012).

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found that summer enrollment had increased for all of the University of California campuses by 103% combined.[30]

Postsecondary Institutions

In January 2012, the president of Purdue University announced that the school would begin a shift towards a year-round, trimester-based calendar.[31] According to the university, offering a third semester will provide students with the opportunity to complete a four-year degree in as little as three-years, saving students time and money.[32] This move is estimated to create $40 million dollars in additional revenue for the university while making better use of classrooms, residence halls and other campus facilities during the summer months.[33] Brigham Young University (BYU)-Idaho offers a three semester or three-track system. Students are on campus for two semesters and, once they have proven they can succeed, they may apply to attend year-round. This has enabled BYU-Idaho to grow from 14,892 students in 1998 to 22,997 in 2009.[34] BYU-Idaho faculty increased to accommodate the increase in students; however the square footage per student decreased, (153 to 126 per student) and the operation cost per student increase was less than 7 percent ($5,771 to $6,155).[35]

University of Florida Innovation Academy

In 2011, the University of Florida was authorized to develop and implement a student enrollment plan for the spring and summer terms to align on-campus student enrollment with the availability of instructional facilities.[36] As a new enrollment model operating on a spring-summer calendar, students in this pilot are limited to on-campus enrollment during these terms.[37] The University of Florida cites this as an effort to increase access to the university and better spread its resources by boosting enrollment in the summer;[38] it is not an actual year-round school model.

Change and Efficiency

There are many benefits identified with moving to a year-round university schedule. With more classes available each year, students would be able to accelerate their graduation timelines.[39] A year-round calendar

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[29] *See* State of California, "2011-02 Final Budget Summary," http://www.documents.dgs.ca.gov/osp/GovernorsBudget/pdf/2001-02budsum.pdf (last visited 5/17/2012).
[30] For fully converted campuses, partially converted campuses were only up 91 percent. California State LAO, "LAO 2006 Budget Analysis: Intersegment: Year-Round Operations at UC and CSU," February 2006, p. 3, http://www.lao.ca.gov/analysis_2006/education/ed_21_anl06.html (last visited 5/17/2012).
[31] Schedler, Carrie, "Purdue to move to year-round academic system," *Desert News,* January 11, 2012, http://www.deseretnews.com/article/700214486/Purdue-to-move-to-year-round-academic-system.html (last visited 5/4/2012).
[32] Sigurdson, Chris, "Purdue trimester plan will accelerate time-to-degree, enhance educational opportunities," *Purdue University News Source,* January 11, 2012, http://www.purdue.edu/newsroom/academics/2012/120111CordovaTrimester.html (last visited 5/4/2012).
[33] *Id.*
[34] Clark, Kim, "Vision and Change at BYU-Idaho," *Forum Futures 2011,* p. 24, http://www.acenet.edu/AM/Template.cfm?Section=Forum&Template=/CM/ContentDisplay.cfm&ContentID=43625 (last visited 5/17/2012).
[35] Shaw, Jane S., "How should a university prepare for a challenging economic and financial environment?" March 11, 2012, http://www.popecenter.org/commentaries/article.html?id=2664 (last visited 5/17/2012).
[36] The Florida House of Representatives, Final Bill Analysis, CS/HB5201, March 19, 2012, p. 10, http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h5201z.HEAS.DOCX&DocumentType=Analysis&BillNumber=5201&Session=2012 (last visited 5/16/2012).
[37] *Id. See also* http://innovationacademy.aa.ufl.edu/ (last visited 5/17/2012).
[38] Crabbe, Nathan, "UF plans for students kept out of fall semester," June 10, 2011, http://chalkboard.blogs.gainesville.com/2011/06/uf-plans-for-students-kept-out-of-fall-semester/ (last visited 5/17/2012).
[39] Runner, George, "A Year-Round University Makes Sense," *Los Angeles Times*, February 14, 1999, http://articles.latimes.com/print/1999/feb/14/local/me-8065 (last visited 5/4/2012).

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would allow students requiring remedial courses to begin college with a lighter course load.[40] Nationally, about 53 percent of entering freshman must take at least one remedial course to prepare for the rigor of college-level work, and many of these students could benefit by having a lighter course load early in their college career.[41] Businesses and communities near the university could benefit by avoiding the traditional summer sales drop-off.[42] The University would benefit by maximizing the number of students served while minimizing the duplication of departmental overhead expenses.[43] The financial efficiency of campus operations would increase by ensuring that upkeep for buildings on campus are being paid for by the students actually using them.[44]

Some issues raised by those opposed to year-round operations relate to building maintenance and energy costs. The California LAO report found the amount of money spent on wear caused by additional students in the summer would be similar to what would have cost for the additional buildings required in the absence of year-round operations.[45] Additionally, they found that campus utility costs would not increase substantially because campuses cool many buildings in the summer, even when they are not being used at or near their full capacities.[46]

Recommendations

The Task Force recommends implementing a pilot project for year-round school operation in the State University System at one of Florida's universities. This pilot program should serve as a model for other SUS institutions and carefully consider the success of existing year-round operation models, such as the California higher education system and BYU-Idaho Campus. These universities, among others, successfully employed unique year-round school models to increase access, optimize degree completion and minimize operating costs.

C. DEGREE PRODUCTION

Florida faces an emerging talent gap, and this crisis in human capital represents a vast and growing unmet need for a highly skilled and educated workforce.[47] A highly skilled and educated workforce is our state's most important resource for driving sustainable economic development and a diversified economy.[48] The Florida Council of 100 found that for Florida to reach the education level of the 10 most productive states within the next 20 years, we will need 4.5 million adults with baccalaureate degrees – 1.3 million more than expected at the current rates.[49] In order to address these issues, Florida must increase degree production to meet the needs of this new global economy.

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[40] "Educators Urge Focus on 'Year-Round' College," *Black Issues,* June 3, 2004, http://diverseeducation.com/article/3716/ (last visited 5/17/2012).
[41] *Id.*
[42] Runner, George, "A Year-Round University Makes Sense," *Los Angeles Times*, February 14, 1999, http://articles.latimes.com/print/1999/feb/14/local/me-8065 (last visited 5/4/2012).
[43] *Id.*
[44] Wright, Sarah, "The Case for Year Round Schools," http://education-portal.com/articles/The_Case_for_Year-Round_Schools.html (last visited 5/17/2012).
[45] Guyer, P., J. Kuhn, and B. Breedlove, "Year-Round Operation in Higher Education. An LAO Report," *California State Legislative Analyst's Office,* February 1999, p. 12, http://lao.ca.gov/1999/021299_year_round.pdf (last visited 5/4/2012).
[46] *Id.* at p. 12.
[47] Florida Council of 100, "Closing the Talent Gap: What Florida Needs from its Talent Supply Chain," 2010, p. iii, http://www.flchamber.com/wp-content/uploads/ClosingtheTalentGap_2010.pdf (last visited 5/30/2012).
[48] *Id.*
[49] *Id.*

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Degree Completion

Florida's economic future may be dependent on having a highly educated and skilled workforce to remain competitive with other states and nations.[50] Of young adults between the ages of 25 and 34, persons with a college degree, working year-round, earn about 40 percent more than persons with some college education who have not completed a degree, and about two-thirds more than persons with just a high school degree.[51] Additionally, Americans with bachelor's degrees and higher have almost half the unemployment rate as Americans with some college or associate degrees.[52] Only 26.6 percent of adults (between the ages of 25 and 64) in Florida have a baccalaureate degree or higher, compared to the U.S. average of 29.8 percent.[53]

When a student enrolls in college but does not complete a degree, the State of Florida receives little return on its investment in the student's education. The cost of first-year dropouts from 2003-2008 to the state of Florida was $274,900,000 in state expenditures and another $18,400,000 was lost in federal student grants.[54] The costs to the individual and to the state are also felt in the form of lost wages and tax revenue. Florida college students who started college in fall 2002 but did not graduate in 6 years lost a potential one-year total of $132 million in income and lost a potential of $5.6 billion in income over the course of their lifetimes.[55] For those same students, the federal government has lost a potential one-year total of $19 million in tax revenue and a potential $1.1 billion in tax revenue over the course of their lifetimes.[56]

Three-year Degree

With the economic downturn, more pressure has been placed on the higher education system to reduce the cost of obtaining a degree. Although not a new idea, the three-year degree has recently become more popular. According to Lamar Alexander, "the three-year degree could become the higher-education equivalent of the fuel-efficient car."[57] Eliminating an extra year of school can save students 25 percent in non-tuition costs.[58] Students must still earn the same number of credits required for a bachelor's degree, but the programs typically cost less because they eliminate an extra year of room-and-board and other non-tuition costs.[59]

Building on former Governor Ted Strickland's dual enrollment initiative for high school seniors,[60] current Ohio Governor John Kasich has ordered Ohio state universities "to investigate ways for students to get a bachelor's

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[50] Schneider, M., and L. Yin, "The High Cost of Low Graduation Rates: How Much Does Dropping Out of College Really Cost?" August 2011, p. 1, http://www.air.org/files/AIR_High_Cost_of_Low_Graduation_Aug2011.pdf (last visited 5/18/2012).

[51] Data on mean earnings by educational attainment are available through the U.S. Census Bureau at http://www.census.gov/hhes/www/cpstables/032010/perinc/new04_001.htm. From Schneider, M., and L. Yin, "The High Cost of Low Graduation Rates: How Much Does Dropping Out of College Really Cost?," August 2011, p. 1, http://www.air.org/files/AIR_High_Cost_of_Low_Graduation_Aug2011.pdf (last visited 5/18/2012).

[52] Bureau of Labor Statistics, April 2012, http://www.bls.gov/news.release/empsit.t04.htm (last visited 5/18/2012).

[53] U.S. Census Bureau, 2009 American Community Survey Public Use Microdata Sample File. From The Florida House of Representatives, Final Bill Analysis, CS/HB 5201, March 19, 2012, p. 9, http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h5201z.HEAS.DOCX&DocumentType=Analysis&BillNumber=5201&Session=2012 (last visited 5/18/2012).

[54] Schneider, M. "Finishing the First Lap: The Cost of First-Year Attrition in America's Four-Year Colleges and Universities," American Institute of Research, October 2010, p. 10, http://www.air.org/files/AIR_Schneider_Finishing_the_First_Lap_Oct101.pdf (last visited 5/18/2012).

[55] Schneider, M., and L. Yin, "The High Cost of Low Graduation Rates: How Much Does Dropping Out of College Really Cost?" August 2011, p. 5, http://www.air.org/files/AIR_High_Cost_of_Low_Graduation_Aug2011.pdf (last visited 5/18/2012).

[56] *Id.,* at p. 6.

[57] Alexander, Lamar, "The Three-Year Solution," *Newsweek*, October 16, 2009, http://www.thedailybeast.com/newsweek/2009/10/16/the-three-year-solution.html (last visited 5/4/2012).

[58] *Id.*

[59] Shellenbarger, Sue, "Speeding College to Save $10,000," *Wall Street Journal,* May 12, 2010, http://online.wsj.com/article/SB10001424052748703565804575238341696523742.html (last visited 5/4/2012).

[60] The "Seniors to Sophomores" program allows high school seniors to earn both high school and college credit at the same time by enrolling in college classes at a University System of Ohio campus. University System of Ohio, "Seniors to Sophomores," http://pilot.uso.edu/opportunities/seniors2soph/index.php (last visited 5/4/2012).

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degree in three years."[61] In 2009, the Rhode Island Legislature passed "The Rhode Island Bachelor's Degree in Three Program Act,"[62] which enabled students in Rhode Island to apply advanced placement (AP), dual enrollment and other credit-bearing courses taken in high school to their college program. [63] Ideally, this program will reduce a year of their college education.[64]

Several U.S. colleges and universities currently offer three-year degree programs. The University of North Carolina Greensboro launched "UNCG in 3" in the fall of 2010.[65] This program is open to students in 17 departments and requires that students enter the program with 12 hours of college credit gained in high school.[66] Florida State University has offered a three-year program since 2000.[67] From 2007 to 2009, the enrollment in this program rose 73%, from 71 students to 123 students.[68]

Adult Completer Programs

Currently, there are an estimated two million[69] Floridians who have not finished college and do not have the skills needed for high-wage, high-skill jobs that our economy requires.[70] This year the Legislature established a Degree Completion Pilot Program[71] for the purpose of recruiting, recovering, and retaining the state's adult learners and assisting them in completing an associate or baccalaureate degree aligned to high-wage, high-skilled workforce needs.[72] Recently, other states have implemented similar programs.

Texas has the GradTX[73] program, which is a statewide initiative targeting adult learners who have earned at least 90 semester credit hours of college work, but never completed their program and encourages them to return to college to earn their bachelors degree.[74] Oklahoma's Reach Higher program is designed for working adults who have earned some college credit[75] by offering flexible class schedules that enable students to keep full-time jobs while earning their college education.[76] The program offers limited[77] degree options and classes are available in an online format in eight-week durations.[78]

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[61] Abramson, Larry, "Ohio Universities Told To Develop 3-Year Degrees," *NPR.org,* April 19, 2011, http://www.npr.org/2011/04/19/135545481/ohio-universities-told-to-develop-3-year-degrees (last visited 5/4/2012).
[62] 2009-H 5286 and 2009-S 1052.
[63] Szyba, Randall T., "Three years to a college degree in Rhode Island," *Rhode Island General Assembly,* October 29, 2009, http://www.rilin.state.ri.us/news/pr1.asp?prid=5939 (last visited 5/4/2012).
[64] *Id.*
[65] De Vise, Daniel, "Three-year degrees: A closer look," *Washington Post,* June 16, 2011, http://www.washingtonpost.com/blogs/college-inc/post/three-year-degrees-a-closer-look/2011/06/16/AGSM62XH_blog.html (last visited 5/4/2012).
[66] *Id.*
[67] Shellenbarger, Sue, "Speeding College to Save $10,000," *Wall Street Journal,* May 12, 2010, http://online.wsj.com/article/SB10001424052748703565804575238341696523742.html (last visited 5/4/2012).
[68] *Id.*
[69] This makes up 23 percent of our workforce. *See* The Florida Senate, Bill Analysis and Fiscal Impact Statement, SB 1992, Senate Committee on Budget, February 12, 2012, p. 25, http://www.flsenate.gov/Session/Bill/2012/1992/Analyses/kMc4baxtYILifVPhVS/8oEXnyzI=%7C11/Public/Bills/1900-1999/1992/Analysis/2012s1992.bc.PDF (last visited 6/1/2012).
[70] *Id.*
[71] Currently there is no funding in the budget for this program.
[72] Florida House of Representatives, "Final Bill Analysis CS/HB 5201," March 19, 2012, p. 9, http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h5201z.HEAS.DOCX&DocumentType=Analysis&BillNumber=5201&Session=2012 (last visited 5/15/2012).
[73] *See* http://gradtx.org/ (last visited 5/18/2012).
[74] Texas Higher Education Coordinating Board, "Self-Evaluation Report to the Sunset Advisory Commission," September 1, 2011, p. 32, http://www.thecb.state.tx.us/files/dmfile/SunsetSER2011Final5.pdf (last visited 5/18/2012).
[75] For the bachelor's degree program adult students must be at least 21 years old, have completed at least 72 hours of college credit and had a minimum of 2.0 grade point average (GPA). For the associate's degree program students must be at least 21 years old and have completed at least 18 hours of college credit with a minimum GPA of 2.0. McElroy, T. and D. Blanke, "Reach Higher" (copy on file with Government Efficiency Task Force staff).
[76] Southwester Oklahoma State University, "Reach Higher Program Information," http://www.swosu.edu/administration/registrar/reach-higher.asp" (last visited 6/1/2012).

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Project Win-Win is a collaborative effort between the Institute for Higher Education Policy and the State Higher Education Executive Officer, and funded principally by Lumina Foundation for Education.[79] The program partners with colleges and four-year institutions authorized to award associate's degrees to identify former students, no longer enrolled anywhere and never awarded any degree, whose record qualifies them for an associate's degree, and award those degrees retroactively.[80] Simultaneously, these institutions identify former students who are "academically short" of an associate's degree by no more than nine to 12 credits, find them, and seek to bring them back to complete the degree.[81] Currently Broward College, Indian River State College, and St. Johns River State College will be serving as pilot colleges for Florida.[82]

Excess Credits and Incentives

It is important for Florida that students graduate on time and without excess credits. A 2006 OPPAGA study found that excess credit hours cost the state $62 million in Fiscal Year 2004-05.[83] Currently, the state charges a surcharge for students who graduate with excess credit hours. Florida requires a surcharge of 100 percent of tuition for each credit hour in excess of 110[84] percent of the number of credit hours required for completion of the students' registered degree program.[85]

Other states offer tuition incentives in the form of credits or discounts if students commit to meeting certain goals, such as graduating on time or early.[86] Other states like Texas offer $1,000 in a tuition rebate for students who complete a bachelor's degree efficiently, taking as few courses outside their degree plan as possible.[87] To receive the rebate a student enrolled after high school graduation at a college or university for the first time in fall of 1997 or later must graduate with no more than three semester credit hours in excess of the minimum number of credit hours required to degree.[88] Students enrolled after high school graduation at a college or university for the first time in fall 2005 or later must also graduate in a timely manner[89] to earn the rebate.[90]

Recommendations

The Task Force recommends the Blue Ribbon Task Force develop strategies to increase degree production. Example strategies may include incentives for timely and expedited completion of bachelor degrees, creating more three-year degree programs, and developing a statewide degree completer program.

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[77] One bachelor's degree in Organizational Leadership, and three associate's degrees. McElroy, T., and D. Blanke, "Reach Higher" (copy on file with Government Efficiency Task Force staff).
[78] Southwester Oklahoma State University, "Reach Higher Program Information," http://www.swosu.edu/administration/registrar/reach-higher.asp" (last visited 6/1/2012).
[79] Institute for Higher Education Policy, "Project Win-Win," http://www.ihep.org/projectwin-win.cfm (last visited 5/18/2012).
[80] *Id.*
[81] *Id.*
[82] Florida Department of Education, State Board of Education, "Elimination of College Level Academic Skills," July 20, 2011, http://www.fldoe.org/cc/OSAS/Correspondence/pdf/07-11EliminationofCLAS.pdf (last visited 5/18/2012).
[83] OPPAGA, "Excess Hours Cost State $62 Million Annually: University Actions May Help Address Problem," Report No. 06-58, August 2006, p. 2, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0658rpt.pdf (last visited 5/18/2012).
[84] This was changed from 115 percent in HB 5201. OPAGGA estimated this reduction will save the state an additional $11 million in FY 2012-13. *See* The Florida House of Representatives, Final Bill Analysis, CS/HB 5201, March 19, 2012, p. 11, http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h5201z.HEAS.DOCX&DocumentType=Analysis&BillNumber=5201&Session=2012 (last visited 5/18/2012).
[85] Chapter 2012-134, L.O.F.
[86] National Conference of State Legislatures, "Getting What You Pay For: Tuition Policy and Practice," November 2008, p. 3, http://www.wiche.edu/info/gwypf/badolato.pdf (last visited 5/18/2012).
[87] *See* http://www.collegeforalltexans.com/apps/financialaid/tofa2.cfm?ID=447 (last visited 5/18/2012).
[88] *Id.*
[89] According to the most recent revision of this program, a timely manner is graduating in four calendar years for a four-year degree program or within five calendar years if the degree is in a program determined by the board to require more than four years to complete. *See* http://www.collegeforalltexans.com/apps/financialaid/tofa2.cfm?ID=447 (last visited 5/18/2012).
[90] *Id.*

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The Task Force recommends that the BRTF study the Project Win-Win program and its results at participating Florida colleges to determine if this program (or similar program) could be applied to SUS institutions. The BRTF should investigate initiatives in other states to see the value to Florida of an adult completer program that requires state funding. The Task Force recommends the BRTF research the effectiveness of programs aimed at student retention in higher education.

D. SYSTEM EFFICIENCY

Sharpening the Pencil Act

Building on the Best Financial Management Practice (BFMP) Reviews,[91] the Legislature passed the "Sharpening the Pencil Act" in 2001 to assist school districts in identifying and realizing cost savings through implementation of best financial management practices.[92] These reviews were intended to improve the use of resources, identify cost savings, and improve the districts' performance accountability systems.[93] To achieve these goals, the Commissioner of Education was required to develop best practices in several areas, including efficient delivery of educational services, facilities construction and maintenance, performance accountability, and cost control systems.[94]

The scope of the reviews focused on the best practices adopted by the Commissioner; however, OPPAGA could include additional items after seeking input from the district and the Department of Education.[95] The reviews culminated in a final report containing an action plan for addressing financial management. The total savings realized by Florida school districts from the BFMP and Sharpening the Pencil reviews,[96] over a five year period, was $933,209,474.00.[97]

University Audits

Currently, the Auditor General is required to conduct annual financial audits[98] of all state universities and colleges, and at least every three years, conduct operational audits[99] of the accounts of state universities and colleges.[100] Audits are made to determine whether financial resources are properly accounted for; whether public officials comply with applicable laws, rules, regulations and other legal requirements; whether proper and effective internal controls are in place over entity operations; and whether assets are properly safeguarded.[101]

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[91] BFMP reviews were an assessment system based on a comprehensive set of best practices to improve school districts' management and use of resources. The best practices covered a broad range of school district educational and program services. *See* s. 11.515, F.S., repealed in 2001 (*see also* Ch. 2001-86, L.O.F). These reviews were in-depth projects that involved reviewing district operations at the individual program level. *See* The Florida House of Representatives, Bill Analysis, CS/CS/HB 0269, Committee on General Education, June 1, 2001, p. 10 (copy on file with Government Efficiency Task Force staff).

[92] *Id.*

[93] *Id.*

[94] Chapter 2001-86, L.O.F.

[95] Section 230.2302(2), F.S., subsequently changed to s. 1008.35(2), F.S. in 2002 (*see also* Ch. 2002-387, L.O.F.)

[96] These reviews have not been funded by the Legislature since 2004. Kinsley, Chris, email from BOG, May 31, 2012 (copy on file with Government Efficiency Task Force staff).

[97] The Best Financial Management Practices reviews and Sharpening the Pencil reviews conducted by OPPAGA achieved an annual savings of $186,641,894.90, or a total savings of $933,209,474.00 over five years. OPPAGA, "Sharpening the Pencil: Reviews by District," http://www.oppaga.state.fl.us/districtlist.aspx (last visited 5/2/2012). For more information on the Best Financial Management Practices reviews, see s. 11.515, F.S., repealed in 2001 (*see also* Ch. 2001-86, L.O.F).

[98] Section 11.45(1)(c), F.S.

[99] Section 11.45(1)(g), F.S.

[100] Sections 11.45(2)(c) and (f), F.S.

[101] The Florida House of Representatives, Final Bill Analysis, CS/HB 5201, March 19, 2012, p. 2, http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h5201z.HEAS.DOCX&DocumentType=Analysis&BillNumber=5201&Session=2012 (last visited 5/15/2012).

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Recommendations

The Task Force recommends the Board of Governors (BOG) create a University Review Program. This program should be similar to the K-12 system's BFMP reviews and the "Sharpening the Pencil" Act. The university reviews should identify ways each university can achieve savings; improve management; and increase efficiency and effectiveness. The BOG should compile a list of best practices, including innovative strategies successfully implemented at individual universities. While the Task Force recognizes the Auditor General's Office conducts financial and operational audits to promote government accountability and stewardship and improve government operations, the objectives[102] of these audits are broader than the purpose of the recommended "University Review Program." The "University Review Program's" main focus should be on cost saving strategies and efficiencies.

E. SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS (STEM) DEGREES

STEM Degrees

Research conducted by the Center on Education and the Workforce at Georgetown University found the risk of unemployment among recent graduates, along with the amount of money a graduate makes, depends on their major.[103] Median earnings among recent college graduates is $36,000 higher for a Computer Engineering major than a Physiology major.[104] This is just one indicator of the importance of STEM degrees in today's economy.

A major factor in Florida's future economic growth will be the ability of the state university and state college systems to promote economic growth and meet the needs of the state's businesses. In order to do this, Florida's universities must produce more graduates in STEM fields, increase their STEM research productivity that can be commercialized and expanded into new economic opportunities, and build strong relationships with the business community to expand services such as business incubators that will promote targeted economic growth.[105] Governor Scott recognized the importance of STEM initiatives and included it as one of his seven key steps in the Governor's 2012 Job Creation and Economic Growth Agenda.[106]

Florida is a leader in multiple high-tech sectors, ranking among the top four in space and defense systems manufacturing, photonics manufacturing, internet and telecommunications services, engineering services, and computer training.[107] Overall, Florida ranks fifth in the nation for employing high-tech workers.[108] Although the research has not effectively addressed the human and financial capital necessary to generate a sufficient STEM talent pool, the current economic landscape demands that targeted investments be made, not in spite of the economic downturn, but rather because of it.[109] The leading companies and clusters that will emerge over the next 20 years will locate themselves in states where they have access to a top-quality workforce.[110]

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[102] *See* Auditor General, *Annual Report of the Auditor General: November 1, 2010 through October 31, 2011*, p. 10, http://www.myflorida.com/audgen/pages/pdf_files/annual%20report%202011.pdf (last visited 5/15/2012).
[103] Carnevale, A., B. Cheah, J. Strohl, "Hard Times: College Majors, Unemployment and Earnings: Not All College Degrees are Created Equal," Georgetown University Center for Education and the Workforce, January 4, 2012, p. 4, http://www9.georgetown.edu/grad/gppi/hpi/cew/pdfs/Unemployment.Final.pdf (last visited 5/23/2012).
[104] *Id.* at p. 6.
[105] Governor Rick Scott, "2012 Job Creation and Economic Growth Agenda," October 13, 2011, p. 7, http://www.flgov.com/wp-content/uploads/2011/12/Jobs2012FINAL.pdf (last visited 5/23/2012).
[106] *Id*. at p. 6.
[107] TechAmerica Foundation, "Florida Is the 5th Largest Cyberstate by Tech Employment," October 5, 2011, http://www.techamericafoundation.org/cyberstates2011-florida (last visited 5/23/2012).
[108] *Id.*
[109] The Florida Senate, "Review the Effect of State High School Graduation Requirements on Student Preparation for Postsecondary Education and the Workforce," Interim Report 2012-112, October 2009, p. 1, http://archive.flsenate.gov/data/publications/2010/Senate/reports/interim_reports/pdf/2010-112ed.pdf (last visited 5/23/2012).
[110] Florida Council of 100, "Closing the Talent Gap: What Florida Needs from its Talent Supply Chain," 2010, p. iii, http://www.flchamber.com/wp-content/uploads/ClosingtheTalentGap_2010.pdf (last visited 5/30/2012).

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The Florida Council of 100 found that within five years, Florida will need at least 100,000 more science and technology professionals than we are currently on track to produce.[111] By 2018, Florida's economy will demand a total of 385,010 STEM jobs, up from 322,560 in 2008.[112] Of those jobs, 58 percent will require a bachelor's degree or higher and a total of 89 percent will require some postsecondary education and training.[113] Currently,[114] less than 20 percent of bachelor's degrees awarded through the SUS[115] were in STEM fields.[116]

Florida's STEM Strategic Plan Efforts

In 2007, the Legislature created the Florida Center for Research in Science, Technology, Engineering and Mathematics (FCR-STEM).[117] FCR-STEM is housed at Florida State University's Learning System's Institute.[118] FCR-STEM's mission is to help the State of Florida improve teaching and learning in K-12 science, technology, engineering and math and prepare students for higher education and STEM careers in the 21st century.[119] A National Governor's Association (NGA) response to an FCR-STEM grant proposal, noted:

> Florida's gap analysis completed for NGA's grant application indicates that the state has many STEM partners, programs, and activities, but they are not well connected, aligned, or working cooperatively to achieve the common goal of improving student achievement in STEM areas. Additionally, despite these multiple STEM programs in public schools, colleges, universities, Space Florida, and STEM-related business and industry, student achievement in STEM content areas and programs is not where it needs to be for students' future success in these areas. Secondary students lack essential competencies to succeed in postsecondary STEM education and 21st Century STEM careers. As a result, employers are looking outside of Florida and the nation to fill high skill STEM positions.[120]

As a result of the NGA's findings, FRC-STEM, in partnership with the Florida Chamber of Commerce (Florida Chamber Foundation), established a task force to develop a cohesive state plan to engage the educational and workforce entities essential to create a sustained and high-skilled workforce and a more viable state economy.[121] In 2009, Workforce Florida, Inc., announced a request for proposal (RFP) to provide funding in support of efforts to improve STEM outcomes in Florida.[122] In order to avoid duplication of efforts and increase

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[111] *Id.*
[112] Carneval, A., N. Smith, and M. Melton, "STEM State-Level Analysis," Georgetown University Center for Education and the Workforce, October 20, 2011, p. 21, http://www.mcla.edu/About_MCLA/uploads/textWidget/4175.00014/documents/stem-states-complete.pdf (last visited 5/23/2012).
[113] *Id.*
[114] FY 2010-11.
[115] However, 37 percent bachelor's degrees were in areas of strategic emphasis that include STEM, globalization, security/emergency services, health professions, and education (critical). State University System of Florida, Board of Governors, "Annual Accountability Report 2010-2011," March 2012, p. 12, http://www.flbog.org/about/_doc/budget/System_Annual_Accountability_Report.pdf (last visited 5/23/2012).
[116] State University System of Florida, Board of Governors, "Annual Accountability Report 2010-2011," March 2012, p. 12, http://www.flbog.org/about/_doc/budget/System_Annual_Accountability_Report.pdf (last visited 5/23/2012).
[117] Section 59, Ch. 2006-60, L.O.F., (codified in s. 1004.86, F.S.) instructed the Department of Education to competitively select a public or private university to create and operate the Florida Center for Mathematics and Science Education Research for purposes of increasing student achievement in mathematics and science, with an emphasis on K-12 education.
[118] Learning Systems Institute, Florida State University "Florida Center for Research in Science, Technology, Engineering and Mathematics," http://www.lsi.fsu.edu/centers/fcrstem/documents/brochure_fcrstem.pdf (last visited 5/23/2012).
[119] *Id.*
[120] The Florida Senate, *Review the Effect of State High School Graduation Requirements on Student Preparation for Postsecondary Education and the Workforce*, Interim Report 2010-112, prepared by Committee on Education Pre-K – 12, October 2009, p. 7, http://archive.flsenate.gov/data/publications/2010/Senate/reports/interim_reports/pdf/2010-112ed.pdf (last visited 5/23/2012).
[121] *Id.* at p. 8.
[122] *Id.* at p. 6.

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the likelihood of developing a STEM Plan that would have a state-wide impact, leaders of the FCR-STEM task force decided to collaborate with the Consortium of Florida's Education Foundation and others in responding to the RFP.[123] STEM*florida* initiative was selected[124] and the eventual result was the Florida STEM Strategic Plan issued in December 2011.[125]

The STEM Strategic Task Force was composed of over 70 members of the business, industry, education, policy and philanthropic communities, who relied on state of the state reports, literature reviews, roundtable discussions, and earlier initiatives to gain a clear picture of both the current and necessary STEM performance in Florida and business-recommended and evidence-based strategies for overcoming that gap.[126] The plan focuses on three main areas: students, educators, and sustainable infrastructure.[127] For students, the goal is to increase the percentage of students successful at each level to ensure our diverse population is:

- Capable of conducting real-world STEM projects and inquiry;
- Capable of authentic and collaborative problem solving;
- Proficient in applying multidisciplinary knowledge and skills through STEM;
- Proficient in English and other languages in order to succeed on a global scale; and
- Knowledgeable about and interested in STEM careers.[128]

For educators, the goal is to increase the quality of STEM educators.[129] Lastly, for a sustainable infrastructure, the goal is to create a statewide sustainable STEM leadership organization to align existing and emerging STEM initiatives and represent Florida as one voice in meeting STEM demands.[130]

The Legislature, noticing the lack of a statewide strategic STEM plan, passed HB 7135 in 2012.[131] HB 7135 requires the SBE, in consultation with the BOG and the Department of Economic Opportunity, to adopt a unified plan to improve K-20 STEM education and prepare students for high-skill, high-wage, and high-demand employment in STEM and STEM-related fields.[132]

Economic Security Report (HB 7135 – Post Secondary Education)[133]

Passed during the 2012 Regular Session, HB 7135 requires the Department of Economic Opportunity (DEO) to prepare, or contract with an entity to prepare, an annual *Economic Security Report* of employment and earning outcomes report using Florida Education and Training Placement Information Program (FETPIP) data, FCS data, SUS data, and the Integrated Postsecondary Education Data System (IPEDS). The report will include information on graduates, degrees, education delivery system, public assistance, student loan debt, employment, income, continuing education, and graduate degrees for all students who earn a degree in the SUS, the FCS, and those who hold industry certifications.

Beginning in the 2014-15 academic year and each year thereafter, SUS institutions and FCS institutions will be required to provide students with the DEO report by the time of course registration. Each state university is also required to provide students with information detailing the top 25 percent and lowest 10 percent of degrees in regard to earnings.

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[123] *Id.*
[124] *Id.* at p. 8.
[124] FCR-STEM, "Florida STEM Strategic Plan," December 2011, p. 6, http://www.lsi.fsu.edu/centers/fcrstem/resources/documents/floridaSTEM_strategic_plan_dec2011.pdf (last visited 5/23/2012).
[125] *See Id.*
[126] *Id.* at p. 1.
[127] *Id.*
[128] *Id.* at p. 11.
[129] *Id.*
[130] *Id.*
[131] *See* Ch. 2012-118, L.O.F.
[132] *Id.*
[133] House Bill 7135 (2012), Ch. 2012-196, L.O.F.

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State University Accountability and Strategic Plan (HB 7135 – Post Secondary Education)[134]

The State University System Strategic Plan 2005-2013 outlined seven accountability measures for the SUS: graduation rates, degree production, meeting statewide and professional workforce needs, enrolling underserved populations, licensure passage, academic learning compacts, and building world-class nationally recognized programs.[135] HB 7135 expands the specific performance metrics and standards used to monitor the performance at the system level in each of the major areas of instruction, research, and public service, while recognizing the differing mission of each of the state universities. Metrics are to be included in the SUS strategic plan, and university and system progress will be reported annually in the accountability plans. The bill does not delineate the specific performance metrics and standards common to all institutions or metrics and standards unique to institutions depending on institutional core missions, but specifies certain metrics and standards, including: admission requirements, graduation, retention, employment, continuing education, licensure passage, excess hours, student loan burden and default rates, and well-known, highly-respected national rankings for institutional and program achievements.

The university system accountability process requires each board of trustees to submit to the BOG a university annual report that describes progress regarding articulated goals and summarizes other key data, including the above-mentioned performance metrics, with accompanying narrative to highlight or explain information. The plan must include student enrollment and performance data by method of instruction including traditional, online, and distance learning. The BOG must submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. This accountability process provides for the systematic, ongoing evaluation of quality and effectiveness of state universities by the BOG. The strategic plan must also consider reports and recommendations of the HECC and the Articulation Coordinating Committee .

Recommendations

The Task Force is aware of the high degree of interest among policy makers in increasing the production of science, technology, engineering, and mathematics (STEM) degrees in the State of Florida and concurs with that as a stated and laudable goal of the Blue Ribbon Task Force (BRTF). The Task Force recommends the BRTF review methods to increase the production of STEM degree graduates in the SUS, and in doing so, consider the actions of HB 7135 (Chapter 2012-195, L.O.F.) and the creation of a statewide STEM strategic plan. Graduates with STEM degrees have high employment rates and are drivers of economic progress for the State of Florida. Efforts, like those in HB 7135, should be encouraged and expanded. The BRTF should look at the strategic plan developed by FCR-STEM, but also examine initiatives other states have undertaken related to statewide STEM planning. The BRTF should make sure to investigate Florida's economy and identify STEM fields that are most important to expanding our economy and include in the plan.

The plan should establish metrics that enable all those involved with higher education to understand the economic impact of particular degree programs at each SUS institution. Beyond the requirements of HB 7135's Economic Security Report, this should involve a cost-per-degree assessment to provide students with the economic value based on a degree holders' median earnings. Multiple performance measures should be developed to provide the absolute and relative economic value of degree programs, and provide transparency to those involved the process so resource and allocation decisions can be based on a higher return on investment to the state and its citizens.

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[134] *Id.*

[135] Board of Governors, "State University System Strategic Plan 2005-2013," 2005, p. 42, http://www.flbog.edu/about/_doc/strategicplan/StrategicPlan_05-13.pdf (last visited 5/16/2012). The most recent strategic plan, *State University System Strategic Plan 2012-2025*, published in November 2011, includes 28 BOG identified performance indicators to measure progress toward the SUS 2025 goals. *See* http://www.flbog.edu/pressroom/_doc/2011-11-28_Strategic_Plan_2012-2025_FINAL.PDF (last visited 5/2/2012).

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The plan must take into account, coordinate, and streamline all STEM initiatives taking place throughout the K-20 system. STEM initiatives taking place at all higher education institutions must factor into the development of the State University Accountability and Strategic Plan,[136] including adding a metric for number of STEM degrees produced by each state university and college.

F. FACILITY UTILIZATION

Public Education Capital Outlay

The Public Education Capital Outlay program (PECO) is Florida's primary source of facility funding for the SUS, which utilizes the funds for new teaching and research facilities and to keep existing buildings functional with deferred maintenance spending.[137] PECO was established in 1963 by constitutional amendment to fund public higher education construction and maintenance projects.[138] PECO works to fund Florida's long-term need for education facilities with a portion of the gross receipts tax on utilities, including electricity, telecommunications and cable.[139] The GRT is utilized to borrow money at very low interest rates by issuing tax-exempt PECO bond offerings.[140] Currently, PECO bonds[141] account for nearly 40 percent of the state's debt.[142]

Within the SUS, fixed capital outlay expenditures are based on 3-year[143] and 5-year[144] plans provided by the institutions.[145] The plans are submitted to the BOG, which approves a 3-year PECO list.[146] The list is then sent to the Legislature, which determines the projects to receive PECO funding. Additionally, SUS institutions have a supplementary revenue source for capital improvements in the Capital Improvement Trust Fund Fee (CITF) and the building fee.[147]

Postsecondary institutions rely heavily on PECO funds to pay for fixed capital outlay projects.[148] In January 2012, the Revenue Estimating Conference reduced the PECO funding amount to zero for the next two years[149,150] It is critical SUS institutions utilize existing facilities as efficiently as possible, because increasing

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[136] As required by HB 7135 (2012), Ch. 2012-196, L.O.F.
[137] State University System of Florida, Board of Governors, "Fact Sheet: Public Education Capital Outlay (PECO)," September 29, 2011, p. 1, http://www.flbog.org/resources/_doc/publications/infobrief/9-2011_FACT_SHEET_Public-%20Education-Capital-Outlay-final.pdf (last visited 5/14/2012).
[138] *Id.*
[139] *Id.*
[140] *Id.*
[141] Section 1010.62, F.S., establishes the process for authorizing and issuing university debt and identifies the revenues that are available for payment of fixed capital outlay debt over a period of time.
[142] Florida TaxWatch, "Public Education Capital Outlay," May 20, 2011, p. 2, http://www.floridataxwatchapterorg/resources/pdf/05202011PECOFUNDSReport.pdf (last visited 5/14/2012).
[143] As required by s. 1013.64, F.S.
[144] As required by s. 1013.31, F.S.
[145] Florida State University, "Major Project Funding Process," March 16, 2012, http://www.facilities.fsu.edu/FDC/Major_Funding.php (last visited 5/14/2012).
[146] State University System of Florida, Board of Governors, "Fact Sheet: Public Education Capital Outlay (PECO)," September 29, 2011, p. 1, http://www.flbog.org/resources/_doc/publications/infobrief/9-2011_FACT_SHEET_Public-%20Education-Capital-Outlay-final.pdf (last visited 5/14/2012).
[147] Section 1009.24(8), F.S., establishes the Capital Improvement Trust Fund Fee (CITF) and the building fee. Prior to this legislative session, the CITF was capped at $2.44 per credit hour and the building fee was capped at $2.32 per credit hour. HB 5201 (*see* Ch. 2012-134, L.O.F) allows universities to increase the CITF up to 10 percent of tuition or the sum of tuition and out-of-state fees as approved by a fee committee and the board of trustees. The fee may increase no more than $2 per credit hour over the prior year for resident students.
[148] OPPAGA, "Higher Education Facility Construction Costs are Reasonable; Some Improvements could Maximize Use of Classroom Space," Report No. 06-31, March 2006, p. 3, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0631rpt.pdf (last visited 5/15/2012).
[149] FY 2012-13 and FY 2013-14.

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building utilization can delay the need for new classrooms.[151] The BOG has identified the importance of utilization in these tough economic times. For the 2013-14 Fixed Capital Outlay Budget Request, the BOG required SUS universities to consider utilization in the prioritization of their projects.[152]

Utilization

Florida law requires classrooms to be used at least 40 hours per week and that 60% of student stations be occupied.[153] The statutory language for higher education presumes a 40-hour work week, based primarily on faculty schedules of the past, and the standard 40-hour work week.[154] With the addition of distance learning, expansion of adjunct faculty, and other non-traditional approaches that blend classroom and non-classroom instruction, the 40-hour paradigm may no longer be the most appropriate bench mark.[155]

A 2006 OPPAGA report found classrooms at some state universities and colleges were underutilized.[156] As a result of this report, the BOG established a facilities task force in May 2006, which made recommendations for updating the formulas used in the planning process to determine need for additional classrooms and other types of instructional and non-instructional space. Currently, the BOG has not acted on the recommendations to update to the formula.[157] In a 2009 follow-up report, OPPAGA found that higher education classroom utilization remains low during some time periods despite the efforts of some postsecondary institutions.[158] OPPAGA noted that more state-level action is needed to improve classroom utilization and the facilities planning process.[159,160] This year the BOG has established another Facilities Task Force, which is required to produce final recommendations by November 7, 2012.[161] The Facilities Task Force's focus will be on studying ways to address the "facilities funding crisis."[162]

Recommendations

The Task Force recommends the Blue Ribbon Task Force review and develop a comprehensive assessment tool to evaluate facility usage, including classroom utilization, to more accurately determine the need for PECO funds. The BOG should make recommendations to the BRTF for consideration regarding maximization of facility usage and optimum facility utilization. Other recommendations

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[150] Revenue Estimating Conference, January 13, 2013, http://edr.state.fl.us/content/conferences/peco/pecoexec.pdf (last visited 5/15/2012).
[151] OPPAGA, "Higher Education Facility Construction Costs are Reasonable; Some Improvements could Maximize Use of Classroom Space," Report No. 06-31, March 2006, pp. 3, 6, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0631rpt.pdf (last visited 5/15/2012).
[152] Jones, Tim, "2013-14 Fixed Capital Outlay Budget Request General Instructions," Memo to University Presidents, August 1, 2012, p. 2, http://flbog.edu/about/_doc/cod/cipinstructions/1-CIP-General-Instructions.pdf (last visited 5/15/2012).
[153] Section 1013.03(2), F.S.
[154] FCS and SUS, "Florida Higher Education Classroom Utilization Study," 2011, p. 2, (copy on file with Government Efficiency Task Force staff).
[155] *Id.*
[156] OPPAGA, "Higher Education Facility Construction Costs are Reasonable; Some Improvements could Maximize Use of Classroom Space," Report No. 06-31, March 2006, p. 6, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0631rpt.pdf (last visited 5/15/2012).
[157] *Id.* at p. 5.
[158] OPPAGA, "More State Direction Could Increase the Utilization of Higher Education Classrooms," Report No. 09-25, April 2009, p. 2, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0925rpt.pdf (last visited 5/15/2012).
[159] *Id.* at p. 5.
[160] The FCS and BOG conducted their own higher education utilization study. For their results see FCS and SUS of Florida, "Florida Higher Education Classroom Utilization Study," 2011, p. 2 (copy on file with Government Efficiency Task Force staff).
[161] SUS Facilities Task Force, "Meeting Materials," April 30-May 1, 2012, p. 15, http://www.flbog.edu/documents_meetings/0166_0596_4749_Agenda%20and%20Meeting%20materials.pdf (last visited 5/15/2012).
[162] Wilmath, Kim, "Board of Governors to study facilities funding," *Tampa Bay Times*, March 21, 2012, http://www.tampabay.com/blogs/the-buzz-florida-politics/content/board-governors-study-facilities-funding (last visited 5/15/2012).

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should focus on ways to improve utilization data to ensure postsecondary institutions are meeting their potential for enrollment and whether steps are necessary to address underutilization at these sites.[163]

G. UNIVERSITY FUNDING

State universities receive funding from state appropriations, student tuition and fees, private sources, and federal programs.[164] This year's budget provided about $3.5 billion to the SUS.[165] According to the BOG, the SUS's overall budget was in excess of $9.7 billion last year.[166]

Performance-based Funding

Performance-based funding (or outcomes-based funding) is a postsecondary finance strategy that links state funding for public colleges and universities with institutional performance.[167] Unlike traditional funding, which has been based on linking appropriations to enrollment growth, performance-based funding links state appropriations to outcomes that align with the state's goals and priorities.[168] Performance-based funding has been promoted as a policy option for improving campus productivity and boosting college completion by the Lumina Foundation, Bill and Melinda Gates Foundation, College Board, National Conference of State Legislatures, National Governors Association, and Education Commission of the States.[169] The main components for performance-based funding are goals, measurements and incentives.[170] In order to be successful, these three components must be aligned and complementary with each other.[171]

There are three main delivery models that link state funding and campus outcomes: output-based funding, performance contracts, and performance set-asides.[172] Output-based systems are funding formulas linking state funding and outputs.[173] Performance contracts are negotiated agreements between states and institutions to achieve results.[174] Finally, performance set-asides are a separate portion of state funding designed to improve university performance, which may be a bonus fund or a separate portion of a regular state appropriation.[175]

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[163] *See* OPPAGA, "More State Direction Could Increase the Utilization of Higher Education Classrooms," Report No. 09-25, April 2009, http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0925rpt.pdf (last visited 5/15/2012).
[164] OPPAGA, "Government Program Summaries: Education System State University System," October 3, 2011, p. 3, http://www.oppaga.state.fl.us/profiles/2101/ (last visited 5/15/2012).
[165] Kinsley, Chris, email from BOG, May 31, 2012 (copy on file with Government Efficiency Task Force staff).
[166] FY 2011-12. The SUS budget is divided into five major components: Education and General state and tuition funds, Contracts and Grants, Auxiliary Services, Local Funds, and Faculty Practice Plans. State University System of Florida, Board of Governors, "Annual Accountability Report 2010-2011," March 2012, p. 22, http://www.flbog.org/about/_doc/budget/System_Annual_Accountability_Report.pdf (last visited 5/18/2012).
[167] American Association of State Colleges and Universities, "Performance-based Funding: A Re-Emerging Strategy in Public Higher Education Financing," June 2011, p. 2, http://www.congressweb.com/aascu/docfiles/Performance_Funding_AASCU_June2011.pdf (last visited 5/18/2012).
[168] Maryland Department of Legislative Services, Office of Policy Analysis, "Performance Models and Metrics in Higher Education," February 23, 2012, p. 1, http://mlis.state.md.us/2012rs/misc/PolicyBriefing-PerformanceMetrics.pdf (last visited 5/21/2012).
[169] American Association of State Colleges and Universities, "Performance-based Funding: A Re-Emerging Strategy in Public Higher Education Financing," June 2011, p. 2, http://www.congressweb.com/aascu/docfiles/Performance_Funding_AASCU_June2011.pdf (last visited 5/18/2012).
[170] *Id.*
[171] Maryland Department of Legislative Services, Office of Policy Analysis, "Performance Models and Metrics in Higher Education," February 23, 2012, p. 1, http://mlis.state.md.us/2012rs/misc/PolicyBriefing-PerformanceMetrics.pdf (last visited 5/21/2012).
[172] *Id.*
[173] *Id.*
[174] *Id.* at p. 3.
[175] *Id.*

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There are many advantages to performance-based funding. It can lead to greater awareness of performance on college campuses, while improving the delineation of state and institutional priorities.[176] Performance-based funding can also enhance transparency and accountability and increase productivity.[177]

Other States Using Performance-based Funding

Tennessee

Tennessee, which first implemented performance-based funding in 1979, passed legislation in 2010[178] to restructure the state's higher education funding model.[179] They have changed their primarily enrollment-driven higher education finance system to an output-based approach[180] that will eventually tie 100 percent of state funding for two and four-year colleges and universities to a new set of outcome-based metrics.[181] Currently, Tennessee is the only state utilizing outcomes and an institution-specific weighting structure to completely replace the enrollment-based funding model in higher education finance policy.[182]

The Tennessee model weights outcomes for each institution separately,[183] which allows the model to be tailored to an institution's specific mission.[184] Each institution's formula calculation is independent of other institutions and there are no state-imposed targets or pre-determined goals.[185] The allocation of available state appropriations is competitive and the distribution follows a pro-rata share of each institution's formula calculation.[186] For instance, if the state funds 50 percent of the overall higher education request, then each institution will receive 50 percent of its outcomes formula request.[187] Every year the funding allocation for higher education is available again; no institutions are entitled to appropriations based on prior-year funding.[188]

The Tennessee Higher Education Commission cited several advantages of the outcome-based model, including:

- Multiple measures of productivity, previously unaccounted for, will now be credited to the institution.
- The formula is not prescriptive in how to achieve success and excellence.
- The model does not penalize failure to achieve pre-determined goals.
- The model emphasizes unique institutional mission.
- The model is more flexible and can accommodate future shifts in mission or desired outcomes.
- The model is more transparent and simpler for state government.

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[176] Maryland Department of Legislative Services, Office of Policy Analysis, "Performance Models and Metrics in Higher Education," February 23, 2012, p. 6, http://mlis.state.md.us/2012rs/misc/PolicyBriefing-PerformanceMetrics.pdf (last visited 5/21/2012).
[177] *Id.* at p. 7.
[178] Tennessee SB 7006 (2010), Public Chapter No. 3.
[179] Hermes, Jim, "States trend toward performance funding," *Community College Times*, February 17, 2012, http://www.communitycollegetimes.com/Pages/Funding/States-trend-toward-performance-funding.aspx (last visited 5/21/2012).
[180] Community colleges and four-year state colleges and universities are also treated differently, allowing the formulas to account for differences in institutional missions. American Association of State Colleges and Universities, "Performance-based Funding: A Re-Emerging Strategy in Public Higher Education Financing," June 2011, p. 6, http://www.congressweb.com/aascu/docfiles/Performance_Funding_AASCU_June2011.pdf (last visited 5/18/2012).
[181] Hermes, Jim, "States trend toward performance funding," *Community College Times*, February 17, 2012, http://www.communitycollegetimes.com/Pages/Funding/States-trend-toward-performance-funding.aspx (last visited 5/21/2012).
[182] Presentation by Tennessee Higher Education Commission, "Tennessee's Outcomes-Based Funding Formula," pp. 11-12 (copy on file with Government Efficiency Task Force staff).
[183] For instance, if research has a larger role in an institutions mission, it gets weighted more heavily in the model. *Id.* at p. 19.
[184] *Id.*
[185] *Id.* at p. 45.
[186] *Id.* at p. 46.
[187] *Id.*
[188] *Id.* at p. 47.

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- The model is directly linked to the educational attainment goals of Tennessee's Public Agenda for higher education.[189]
- The model establishes a framework for government to have an ongoing policy of discussion with higher education.
- The model is adjustable to account for new outcomes or a different policy focus by changing the weights.[190]

This model allows state government to be clear in its expectations for higher education, while institutions are given wide latitude in organizational, budgetary, programmatic and academic matters.[191] The state provides incentives for achievement, but is not interfering with instructional judgments about how to achieve these goals.[192]

Pennsylvania

The Pennsylvania State System of Higher Education (PASSHE) has been cited by the Lumina Foundation for Education as a national leader in performance-based funding. In 2000, PASSHE implemented performance funding, allocating a portion of its funds each year to reward those institutions that demonstrate improvements in key areas including student achievement.[193] Since implementing performance-based funding, PASSHE has experienced significant changes in its campuses' attitudes toward performance, with gains cited in student retention and graduation rates, campus diversity, program quality and faculty productivity.[194] The average number of credits at graduation has decreased, while retention and graduation rates have increased.[195]

In 2011, PASSHE approved a new performance-based funding system that will replace the system old system that had been in place since 2000.[196] Pennsylvania's goals for their new system are to emphasize results instead of inputs; be aligned with PASSHE's strategic goals and national accountability efforts; create a funding system that will reduce competition among universities; and allow for institution-specific measures.[197] The new system is based on the core values of student success, access, and institutional stewardship of resources.[198] Each PASSHE university is measured on 10 performance indicators, five of which will be the same for all institutions and five of which will be selected by the individual universities based on their strategic goals.[199] All indicators will measure the universities' progress toward institution-specific goals and against external comparisons or expectations.[200] The new model changes how money is

[189] The Tennessee Public Agenda for higher education establishes the direct link between the state's economic development and its educational system. The overarching goal is to have Tennessee meet the projected national average in educational attainment by 2025. *See* http://tn.gov/thec/complete_college_tn/ccta_summary.html (last visited 5/21/2012).
[190] Presentation by Tennessee Higher Education Commission, "Tennessee's Outcomes-Based Funding Formula," pp. 53-56 (copy on file with Government Efficiency Task Force staff).
[191] *Id.* at p. 59.
[192] *Id.*
[193] Maryland Department of Legislative Services, Office of Policy Analysis, "Performance Models and Metrics in Higher Education," February 23, 2012, p. 2, http://mlis.state.md.us/2012rs/misc/PolicyBriefing-PerformanceMetrics.pdf (last visited 5/21/2012).
[194] American Association of State Colleges and Universities, "Performance-based Funding: A Re-Emerging Strategy in Public Higher Education Financing," June 2011, p. 3, http://www.congressweb.com/aascu/docfiles/Performance_Funding_AASCU_June2011.pdf (last visited 5/18/2012).
[195] *Id.*
[196] *Id.* at p. 6.
[197] Snyder, Martha, "Pennsylvania's Performance Funding System, March 2011 Case Study," December 7, 2011, http://www.thekc.org/blogs/pennsylvania%E2%80%99s-performance-funding-system-march-2011-case-study (last visited 5/21/2012).
[198] American Association of State Colleges and Universities, "Performance-based Funding: A Re-Emerging Strategy in Public Higher Education Financing," June 2011, p. 6, http://www.congressweb.com/aascu/docfiles/Performance_Funding_AASCU_June2011.pdf (last visited 5/18/2012).
[199] Snyder, Martha, "Pennsylvania's Performance Funding System, March 2011 Case Study," December 7, 2011, http://www.thekc.org/blogs/pennsylvania%E2%80%99s-performance-funding-system-march-2011-case-study (last visited 5/21/2012).
[200] Marshall, Kenn, "PASSHE revises performance funding program," Pennsylvania State System of Higher Education, January 20, 2011, http://www.passhe.edu/inside/ne/press/Lists/Press%20Releases/DispForm.aspx?ID=461 (last visited 5/21/2012).

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appropriated. Under this model, the performance funding pool will be set at 2.4 percent of PASSHE's total Educational and General Appropriation, resulting in approximately the same funding level but ensuring greater productivity for universities.[201]

Texas

In 2011 the Texas legislature passed the "Higher Education Outcomes-Based Funding Act,"[202] which required the Texas Higher Education Coordinating Board to include in its biennial funding proposal to the Legislature a portion of funding (no more than 10 percent of the total appropriations for higher education) to reward institutions for achieving student success outcomes, such as increased graduation rates.[203] In April 2012, the Texas Higher Education Coordinating Board approved recommendations for outcomes-based funding. For two-year colleges, 10 percent of funding would use the outcomes-based methodology beginning in 2014-15.[204] These institutions would earn momentum points for the number of students annually completing certain metrics and the funding would be allocated to an institution in proportion to its share of the total momentum points earned statewide.[205]

For universities, the proposal would institute an outcomes-based allocation model to be funded outside the instruction and operations formula with 10 percent of funding that would have been allocated to undergraduate weighted credit hours.[206] The university model allocates funds based on a three-year rolling average of institutions' performance on certain metrics, which are all weighted the same[207] and based only on undergraduates.[208] The board noted that because the state's public health-related institutions have high graduation rates and do not face the same challenges with increasing student degree attainment as Texas' public universities and two-year colleges, they were not recommended for outcomes-based funding.[209]

Florida Performance-based Funding Initiatives

Colleges

The FCS first implemented performance-based funding in FY 1996-97, when the Legislature provided a specific appropriation for performance incentives.[210] The most recent year the Legislature appropriated funding for performance incentives was FY 2008-09.[211] Performance-based funding was distributed on a formula approved by the Council of Presidents and recommended to the Legislature. The formula recognized performance in efficiency (time to degree), program completions, degrees and certificates awarded, job placements, and meeting critical employment needs.[212]

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[201] Snyder, Martha, "Pennsylvania's Performance Funding System, March 2011 Case Study," December 7, 2011, http://www.thekc.org/blogs/pennsylvania%E2%80%99s-performance-funding-system-march-2011-case-study (last visited 5/21/2012).
[202] Texas HB 9 (2011).
[203] National Conference of State Legislatures, "Higher Education Legislation in 2011," http://www.ncsl.org/issues-research/educ/highereducationlegislation2011.aspx (last visited 5/21/2012).
[204] Texas Higher Education Coordinating Board, "Formula Funding Recommendations 2012," April 2012, p. 8, http://www.thecb.state.tx.us/reports/PDF/2591.PDF?CFID=28381880&CFTOKEN=98685641 (last visited 5/21/2012).
[205] *Id.*
[206] *Id.* at p. 9.
[207] One metric, critical fields factor (degrees awarded in fields identified as critical workforce needs such as Computer Science, Engineering, Math, Physics, Nursing, Allied Health and Teaching Certificates for Math and Science) are weighted double. *Id.*
[208] Graduate and professional students are excluded from the calculation. *Id.*
[209] *Id.*
[210] Florida College System, "Community College Funding," email from FCS, May 23, 2011 (copy on file with Government Efficiency Task Force staff).
[211] *Id.*
[212] *Id.*

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Performance funding was applied to as much as six percent of total college funding.[213] Florida did realize some success from the performance-based funding system. Over a six-year period, remedial students passing the highest remedial course within two years increased by 7.6 percent for reading, 4.3 percent by math, and 4.6 percent for writing.[214]

SUS Performance Based Funding (HB 7135 – Post Secondary Education)

For Fiscal Year 2012-13, the Legislature allocated $15 million[215] for performance funding for state universities.[216] HB 7135 outlines the formula by which the BOG must review and rank each state university that applies for performance funding:

- Twenty-five percent of a state university's score must be based on the percentage of employed graduates who have earned degrees in computer and information science, computer engineering, information system technology, and management information systems.
- Twenty-five percent of a state university's score must be based on the percentage of graduates who earned baccalaureate degrees in the concentrations above and who earn industry certifications in a related field from a FCS institution or state university before beginning a baccalaureate degree program.
- Fifty percent of a state university's score must be based on factors determined by the BOG that relate to increasing the probability that graduates who have earned degrees in computer and information science, computer engineering, information systems technology, and management information systems will be employed in high-skill, high-wage, and high-demand jobs.

The BOG must award up to $15 million to the highest-ranked state universities from funds appropriated for this purpose. The minimum amount awarded to a state university must be at least 25 percent of the total amount appropriated.

Colorado's Higher Education Voucher System

In May 2004, Colorado implemented the first, and to date only, voucher-based financing system for higher education statewide.[217] Colorado no longer appropriates money to institutions for undergrad education, but provides direct funding to in-state undergraduate students through the "College Opportunity Fund" (COF).[218] Students apply for and authorize the use of the voucher, which is applied to the student's university bill.[219] Unlike most funding systems where taxpayer money that a university receives for each student is not transparent, this plan shows the state's contribution on the tuition bill.[220] The state directs university expenses through fee-for-service contracts and conditional funding based on performance measures.[221] The fee-for-service contracts are negotiated between the institution and the state Department of Higher Education to fund several specific state needs, such as graduate education,

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[213] Dougherty, K., and E. Hong, "State Systems of Performance Accountability for Community Colleges: Impacts and Lessons for Policymakers," July 2005, p. 4 (copy on file with Government Efficiency Task Force staff).
[214] *Id.*
[215] This is only .52% of the universities education and general activities funds (including tuition). Excluding tuition, it is only 1.18% of the universities education and general activities funds. *See* Governor Rick Scott's Office of Policy and Budget, "K-20 Funding Sources Report," April 23, 2012 (copy on file with Government Efficiency Task Force staff).
[216] House Bill 5001 (2012), Ch. 2012-118, L.O.F.
[217] Western Interstate Commission for Higher Education, "An Evaluation of Colorado's College Opportunity Fund and related Policies," 2008, p. i, http://www.wiche.edu/info/publications/policyCOF.pdf (last visited 5/22/2012).
[218] University of Colorado, "College Opportunity Fund (COF) Project," https://www.cu.edu/ums/cof/faq.html (last visited 5/22/2012).
[219] *Id.*
[220] Sivasailam, Abhi, "Changes to College Funding System Could Increase Efficiency, Transparency," December 7, 2009, http://showmeinstitute.org/publications/commentary/education/181-changes-to-college-funding-system-could-increase-efficiency-transparency.html (last visited 5/22/2012).
[221] *Id.*

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specialized education services, and professional degrees.[222] Performance contracts are negotiated and established for accountability purposes.[223] With guaranteed funding, the state has created incentives for universities to keep operating costs and sticker prices low, in order to attract a larger pool of applicants.[224]

Recommendations

The Task Force recommends the Blue Ribbon Task Force investigate innovative strategies of funding for higher education. This should include a review of other successful funding mechanisms for higher education being employed by other states, including Tennessee, Pennsylvania, Texas and Colorado.

Transparency in Higher Education Funding

Transparency in government is not a new issue, nor is transparency in higher education funding. Several states have recognized the worthiness of making higher education funding more transparent. Effective May 2009, Utah State agencies, including higher education institutions, were required to provide financial data (including transactional data) to the Utah State Division of Finance website for transparency.[225] Similarly, the Virginia's State Legislature added language to its 2011 appropriations bill to require the Governor's Commission on Higher Education Reform, Innovation, and Investment to review a proposal to no longer permit the transfer of general fund appropriations to non-general funds for institutions of higher education.[226] Implementation of this proposal would improve transparency in the accounting system for higher education by separately accounting for expenditures in educational and general funds that are paid with tax dollars (general funds) and non-general funds (tuition).[227]

Recommendations

The Task Force recommends the Blue Ribbon Task Force find ways to increase transparency in state funding of higher education. The BRTF should review how other states, like Utah and Virginia, are increasing transparency in their higher education funding and analyze the potential use for Florida. Increasing transparency will enable the higher education system to align with Florida's other state transparency initiatives.

Market Rate Tuition (HB 7129 – State University of Academic and Research Excellence and National Preeminence)

Passed by the Legislature during the 2012 Regular Session, HB 7129 would have exempted state research universities of national preeminence, defined as those meeting 11 of 14 specified criteria, from statutory limits on the amount of tuition and fees that could be charged to undergraduate students and would have authorized the universities to establish undergraduate and graduate tuition at differentiated and market rates. During 2011-12, the tuition and fee average for Florida's public universities was $5,626 per year, making Florida 45th in

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[222] Western Interstate Commission for Higher Education, "An Evaluation of Colorado's College Opportunity Fund and related Policies," 2008, p. 4, http://www.wiche.edu/info/publications/policyCOF.pdf (last visited 5/22/2012).
[223] *Id.*
[224] Sivasailam, Abhi, "Changes to College Funding System Could Increase Efficiency, Transparency," December 7, 2009, http://showmeinstitute.org/publications/commentary/education/181-changes-to-college-funding-system-could-increase-efficiency-transparency.html (last visited 5/22/2012).
[225] On the TransparentUtah.gov website, universities list revenues, distinguishing between state and non-state funds and describing the source of the revenue. Expenses are categorized by the use of the funds including salaries and wages, and employer paid benefits. University of Utah, "Learning about the Transparency Initiative," http://fbs.admin.utah.edu/transparency/what/ (last visited 5/22/2012).
[226] Virginia House Bill 1500, Chapter 874, Item 248.E.
[227] Virginia's Governor's Commission on Higher Education Reform, Innovation, and Investment, "Increasing Transparency in Higher Education Accounting," December 16, 2011, p. 4, http://www.education.virginia.gov/initiatives/HigherEducation/meetingPresentations/121611/IncreasingTransparency.pdf (last visited 5/22/2012).

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the nation for average tuition cost.[228] The national average for the same period of time was $8,244.[229] At this time only the University of Florida and Florida State University meet 11 of the 14 preeminence measures.[230]

Veto

On April 27, 2012, the Governor vetoed HB 7129 citing concerns about the increased debt burden on students and a lack of evidence that the increased tuition would provide additional return on investment for students.[231] The Governor stated that in order to move the SUS toward excellence for the good of Florida, the university system will need to develop a statewide plan and distinctive mission tied to degree production, geographic location, and excellence for each university, and conduct an operational review of each university to identify potential cost savings and efficiencies.

Recommendations

The Task Force recommends the Blue Ribbon Task Force study the issue of market rate tuition and provide recommendations to the Governor and Legislature on its implementation. The study should include whether sufficient evidence exists for increasing tuition at certain universities above the current 15 percent cap. The study should analyze the possible effect on the return on investment for students and the SUS as a whole. If the BRTF recommends market rate tuition, it should identify a plan to ensure flat rate tuition for First-Time-In-College (FTIC) students for their first four years and upper level transfer students for two years.

[228] State University System of Florida, Board of Governors, "New National Rankings released for States' Tuition and Fees," October 26, 2011, http://flbog.edu/pressroom/news.php?id=418 (last visited 5/3/2012).
[229] *Id.*
[230] *See* Preeminence Measures by University (chart on file with Government Efficiency Task Force staff).
[231] *See* Governor's veto letter of HB 7129, April 27, 2012 (copy on file with Government Efficiency Task Force staff).

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: University Procurement

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding university procurement by a vote of 10 yeas, 0 nays:

- **State University Procurement**
  - The State University System adopt an electronic procurement platform(s) that offers functionality similar to the systems at the Florida State University and the University of Florida.
- **Collaboration with the Department of Management Services**
  - The Board of Governors, state universities, and the Department of Management services continue coordinating their efforts in the area of procurement in order to better manage tracking of spend, contracting, strategic sourcing, and best procurement practices.
  - The Department of Management Services and the State University System identify and jointly strategically source common goods and services in order to achieve maximum savings to both parties.
  - State universities utilize state term contracts to achieve savings.
- **Florida Polytechnic**
  - The Board of Governors leverage the creation of Florida Polytechnic to pursue opportunities to implement shared services models across multiple institutions.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. STATE UNIVERSITY SYSTEM

Governance

The governing body for the State University System (SUS) is the Board of Governors (BOG).[1] The BOG is made up of 17 members, including the Commissioner of Education, the chair of the Advisory Council of Faculty Senates, the Florida Student Association president, and 14 citizen-appointments made by the Governor and confirmed by the Florida Senate.[2] The BOG is the constitutionally created body required to "operate, regulate, control, and be fully responsible for the management of the whole university system."[3]

Locally, each institution is governed by a board of trustees[4] comprised of 13 members (the chair of the faculty senate, the president of the institution's student body, six members appointed by the Governor and confirmed by the Florida Senate, and five members appointed by the BOG and confirmed by the Florida Senate).[5] The local boards of trustees are responsible for governing their institutions in accordance with BOG rules and regulations.[6]

Each university is charged with managing its own procurement and purchasing services. Pursuant to BOG regulations, "each university Board of Trustees shall adopt regulations establishing basic criteria related to procurement, including procedures and practices to be used in acquiring commodities and contractual services".[7]

B. UNIVERSITY PROCUREMENT

Inter-institutional Committee on Purchasing

The Inter-institutional Committee on Purchasing (ICOP) is an association comprised of SUS institutions' purchasing directors. ICOP goals include increasing coordination of purchasing operations, reducing operating costs, increasing efficiencies, and leveraging quantities of scale to maximize volume discount opportunities for the purchase of shared goods and services. ICOP develops policies and guidelines for establishing system-wide contracts and cooperative agreements for use by universities. The ICOP listserv is utilized to share information on advantageous contract pricing through other purchasing groups and consortia.

Procurement Regulation

SUS institutions must adhere to the following regulations when purchasing goods and services:

- Chapter 18 of the Board of Governors Regulations provides regulations for purchasing, including competitive solicitation, notice and protest procedures, and solicitation bonding requirements.[8] University Boards of Trustees are permitted to establish a competitive solicitation threshold up to $75,000.[9]

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[1] Article XI, s. 7(d), Fla. Const.
[2] Art. IX, s. 7(d), Fla. Const.; s. 1001.71(2) and (3), F.S.
[3] Art. IX, s. 7(d), Fla. Const.
[4] Art. IX, s. 7(c), Fla. Const.; s. 1001.71(1), F.S.
[5] Section 1001.71(1), F.S.
[6] Art. IX, s. 7(c), Fla. Const.; *see also* Florida Board of Governors Regulation 1.001 (Feb. 16, 2012).
[7] Florida Board of Governors Regulation 18.001(1).
[8] Florida Board of Governors Regulation Chapter 18.
[9] Florida Board of Governors Regulation 18.001(2).

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- Due to federal procurement requirements, BOG procurement regulations continue to be aligned with the procurement provisions in ch. 287, F.S.
- Universities are subject to annual operational audits by federal, state, and internal auditors.
- Universities are required to complete federally-mandated education and training in procurement best practices.

The Florida State University and University of Florida Strategic Sourcing and E-Procurement Initiative

Although the use of strategic sourcing best practices is common throughout the SUS, the Florida State University (FSU) and the University of Florida (UF) have developed a fully integrated electronic procurement system, including an on-line catalog of purchasing options. The system contract was awarded to SciQuest, the premier provider of e-procurement software for research universities and institutions.

UF and FSU focused on six commodity areas for strategic sourcing throughout the university procurement process: IT hardware, courier, office products, scientific supplies, copiers, and maintenance, repairs, and operations. SUS institutions purchase from a contract between the Florida Distance Learning Consortium and Blackboard. Pricing is negotiated based on aggregate spend. The BOG leveraged aggregate spend and utilized the e-procurement system to purchase a system-wide contract with Microsoft.

FSU and UF collaboratively issued joint, strategically sourced invitations to negotiate (ITN) to establish e-procurement contracts for information technology equipment and scientific and medical supplies. The ITNs resulted in three joint IT contracts and ten lab supply contracts and agreements.

Recommendations

The Task Force recommends the State University System adopt an electronic procurement platform(s) that offers functionality similar to the systems at the Florida State University and the University of Florida. FSU and UF utilize an electronic platform for procurement. Implementation of the system resulted in improved control and tracking of procurement spend,[10] decreased ordering time for universities and vendors, and a reduction in paperwork. Utilization of technology, along with changes in procurement law, has allowed FSU to reduce its procurement work force by eleven positions.[11] Implementation of similar procurement platforms would allow the other nine universities of the SUS to realize similar benefits and savings.[12] Consideration should be given to leveraging of such a system across multiple institutions.

Other Buying Groups and Consortia

Each SUS institution is a member of the National Association of Educational Procurement (NAEP). NAEP members are eligible to use dozens of competitively-bid and strategically-sourced contracts established by Educational & Institutional Cooperative Service, Inc. (E&I). E&I is a not-for-profit buying cooperative established by members of NAEP to provide goods and services to members at the best possible value.[13]

SUS institutions are also eligible to use competitively-bid consortium contracts established by other government groups, such as the Western States Contracting Alliance, and buying groups, such as the U.S. Communities and Horizon Resource Group.

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[10] The improved control and tracking of spend allows for the ability to utilize strategic sourcing, which may lead to cost savings in the procurement of services and commodities.

[11] The elimination of positions occurred over a 20-year period of changing procurement law and substantial adoption of technology to increase efficiency. FSU staff has estimated that it has saved over $1.3 million in staff reduction and $900,000 in cost avoidance over the last 9 years. Information provided by FSU (copy on file with Government Efficiency Task Force staff). Other factors include increased efficiency of current staff use, less ordering time, better tracking of spend, and more predictable ordering.

[12] A recent proposal to implement a system to similar to that of FSU and UF among the other nine SUS institutions was estimated to cost between $1.4 to $1.7 million annually, with an additional one-time implementation cost of $2 million. Information provided by ICOP (copy on file with Government Efficiency Task Force staff).

[13] *See* https://www.eandi.org/ (last visited 05/29/2012).

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Regional Procurement

By working with larger institutions, smaller state universities with specialized needs have achieved procurement savings at the regional level. For example, the University of North Florida (UNF) implemented the SunGuard Banner ERP system in FY 2003-04 as a result of a SUS ITN initiative chaired by UF, FSU, UNF, the University of Central Florida (UCF), and Florida Atlantic University (FAU). UNF has achieved significant savings through its solicitation process. UNF's procurement savings was $570,628 in 2010, $352,059 in 2011, and $361,293 through the third quarter of 2012. UNF's purchasing department has generated revenue over the past five years, including two signing bonuses for office supply contracts utilizing strategic sourcing with other universities and rebates from E&I contracts.

C. UNIVERSITY COLLABORATION WITH STATE PURCHASING

The Department of Management Services (DMS) has organized a group of representatives from local governments, state colleges, and state universities (referred to as other eligible users or OEUs) called Florida Professionals for Public Procurement. The group meets monthly and has representation from the University of Florida, the University of North Florida, Polk State College, Florida Atlantic University, and Florida Gulf Coast University.

The group has several long term objectives including:

- Maximizing best in class procurement processes;
- Bringing the best value to the state and OEUs through strategic sourcing, standard contracts, and standard processes;
- Managing administrative costs through supply chain management and a shared services delivery model;
- Working with the Division of State Purchasing (the division) to create a flexible technology platform;[14] and
- Maximizing spend visibility.

In addition, the division also communicates with universities through the Florida Association of Public Procurement Officials.[15]

SUS institutions also utilize DMS's Vendor Bid System to post solicitations in order to increase competition and are substantial users of DMS state term contracts.[16]

Recommendations

The Task Force recommends that the Board of Governors, state universities, and the Department of Management services continue coordinating their efforts in the area of procurement in order to better manage tracking of spend, contracting, strategic sourcing, and best procurement practices. Representatives from DMS and several SUS institutions (UF, University of North Florida (UNF), Florida Atlantic University (FAU) and Florida Gulf Coast University (FGCU)) meet monthly to coordinate and improve procurement. This cooperative effort should continue and be expanded by the addition of other SUS institutions. The BOG should also consider having one person or current SUS institution procurement officer be the point person for DMS to contact regarding procurement issues and strategic procurement.

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[14] This would include the following items from the Task Force recommendations on state procurement: provide a public facing catalog solution for OEUs to purchase state term contract items; convert Florida commodity codes to the National Institute of Governmental Purchasing (NIGP) codes; and increase utilization of MyFloridaMarketPlace (MFMP).

[15] *See* http://www.fappo.org/ (last visited 5/29/2012).

[16] Examples of use of state contracts include: furniture, IT, gasoline, carpet, rental cars, lab supplies, office supplies, audio visual, bank services, and telecommunication. Information provided by ICOP (copy on file with Government Efficiency Task Force staff).

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The Task Force recommends that the Department of Management Services and the State University System identify and jointly strategically source common goods and services in order to achieve maximum savings to both parties. DMS should work with SUS institutions to identify those common goods and services in order to strategically procure them to the benefit of both the state and the SUS.

The Task Force recommends that state universities utilize state term contracts to achieve savings. Utilization of state term contracts allows the state and OEUs to achieve savings, track spending, and leverage volume to strategically procure commonly-utilized goods and services. Increasing OEU utilization of state term contracts will provide additional leverage for DMS in negotiating better pricing. DMS and the SUS institutions should also evaluate university contracts to determine if university pricing is more competitive than current state contracts.[17]

D. FLORIDA POLYTECHNIC UNIVERSITY

Passed during the 2012 Regular Session, Senate Bill 1994[18] provided for the creation of Florida Polytechnic University as a new, independent institution in the state university system,[19] effective upon becoming law. Florida Polytechnic is required to meet the following BOG requirements by December 31, 2016:

- Achieve regional accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools (SACS);
- Initiate development of new STEM programs;
- Seek discipline-specific accreditation for programs;
- Attain a minimum full-time equivalent student enrollment (FTE) of 1,244, with a minimum 50 percent of that FTE in STEM fields and 20 percent in STEM-related fields;
- Complete, at minimum, construction of the Science and Technology Building, Phase I of the Wellness Center, and a residence hall or halls with at least 190 beds;
- Have the ability to provide administration of financial aid, admissions, student support, information technology, and finance and accounting with an internal audit function.

USF Lakeland (formerly USF Polytechnic) has about 1,300 students: 60% of them are part-time, approximately 70% are from Polk County, and 98% are FL residents. Currently, there are only upper-division students, but the first class of freshman is expected to start in fall 2012. There are also approximately 196 faculty and staff, with an additional 18 employed by the Florida Industrial and Phosphate Research Institute. USF Lakeland occupies half of a joint-use building in Lakeland, shared with Polk State College. Construction on Phase 1 of the Science and Technology Building has begun, but Florida Polytechnic will share the joint-use facility until construction is completed. Currently, there are no students associated with Florida Polytechnic University; the University will require an appointed of Board of Trustees, who will then hire a president before they can begin enrolling new students.[20]

Recommendations

The Board of Governors should leverage the creation of Florida Polytechnic to pursue opportunities to implement shared services models across multiple institutions. With the addition of Florida Polytechnic as the 12th university in the SUS, there is an opportunity to create shared service models and find efficiencies that can be applied system wide. Initial focus should be on shared services for smaller institutions that have comparable needs.

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[17] DMS should also take into consideration other incentives that SUS institutions utilize such as rebates. For example, ICOP reports that when rebates and incentives are taken into consideration, the FSU contract pricing for office supplies is lower than the current state term contract. Information provided by ICOP (copy on file with Government Efficiency Task Force staff).
[18] *See* Senate Bill 1994, Ch. 2012-129, L.O.F.
[19] Section 1000.21, F.S.
[20] First entering class estimated fall 2013.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Business Regulation

RECOMMENDATION SUMMARY

On November 2, 2011, the Government Efficiency Task Force approved the following recommendations regarding business regulation by a vote of 14 yeas, 0 nays:

- **Provisional Business Permits**
  - Implement a provisional business permit for select industries.
  - Create an evaluation process for industries linked to health and human safety to qualify for a provisional business permit.
  - Utilize information from the business dashboard to indentify key industries that would qualify for the permit.
  - Utilize the provisional permit process to identify and eliminate unnecessary regulations.
  - Conduct a pilot program in selected counties or cities to benchmark the effectiveness of the permit.

- **Business Dashboard**
  - Implement a business permit dashboard that tracks the amount of time it takes for a company to get started in the State of Florida.
  - Begin the dashboard at the state level, tracking the business as it goes through the state regulatory process.
  - Begin with a pilot program with counties participating on a voluntary basis.
  - Encourage county/city compliance by requiring participation as a condition for certain funding.
  - Utilize current information already collected by state agencies, the Chamber of Commerce, and local governments.
  - Designate one agency, preferably the Department of State, to receive all information related to the business dashboard.
  - Utilize dashboard metrics to identify unnecessary regulations, industries that do not require regulation, and industries or businesses that would qualify for the provisional business permit.
  - Allow private businesses to submit additional information.
  - For each week in reduced startup time resulting from the business dashboard, the state would save an estimated **$3.44 million** in unemployment benefit payments.

- **One-Stop Business Portal**
  - Implement the One-Stop Portal in stages as recommended by Department of Revenue Executive Director Lisa Vickers.
  - Identify redundancies and potential consolidations as the portal is phased in.
  - Utilize the consolidation process to identify unnecessary agency regulation.
  - Create a “Phase Ia” comprised of a “splash page” website with agency links to fast track businesses through the startup or renewal process.
  - Utilize existing call center functions to include a live chat feature to provide real time assistance to users.
  - Include a mechanism that allows for feedback from businesses regarding regulation, which would be forwarded to the Office of Fiscal Accountability and Regulatory Reform and the Legislature.

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FULL RECOMMENDATION(S) ANALYSIS

I. RECOMMENDATIONS(S) AND BACKGROUND

A. PROVISIONAL BUSINESS PERMITS

Background

A provisional business permit would allow industries that do not affect health and human safety to start a business more quickly and be managed to compliance after the business is in operation. This would allow for reduced startup and hiring times in applicable industries. The result would be higher employment and enhanced revenue to the state. The increased ease of doing business in Florida may also attract more business to the state and encourage more people to create startup businesses.

Change and Efficiency

The new process would require a reorganization of the manner in which the state regulates businesses. This would result in a culture change as regulators look for creative ways to regulate to compliance after the business is open rather than requiring all regulation at the beginning of the process. Implementing new processes of provisional permitting may also identify and eliminate unnecessary regulations.

The efficiencies achieved would include reduced startup times for new businesses and more efficient hiring of new employees. More businesses leads to increased job creation in Florida, and would also generate increased revenue for the state.

Recommendations

The Task Force recommends the following:

- Implement a provisional business permit for select industries;
- Create an evaluation process for industries linked to health and human safety to qualify for a provisional business permit;
- Utilize information from the business dashboard to indentify key industries that would qualify for the permit;
- Utilize the provisional permit process to identify and eliminate unnecessary regulations; and
- Conduct a pilot program in selected counties or cities to benchmark the effectiveness of the permit.

B. BUSINESS DASHBOARD

Background

The purpose of the dashboard is to provide metrics for the time it takes for a business to be fully licensed and permitted. Currently, the state tracks the time it takes for a business to receive certain permits or licenses. For example, the Department of Business and Professional Regulation (DBPR) consistently tracks the amount of time it takes for a person or business to receive a professional license, which is often one of the many steps to open a business. The state does not currently measure the total time it takes for a business to open. Since the majority of business regulation and permitting takes place at the local level, local government participation would be needed in order for the program to achieve its goals. Once implemented, the dashboard could provide information on the startup phase of a business from all levels of regulation, state and local. Once collected, the data could be analyzed to see where the delays and challenges occur for businesses. The data could also be displayed online for the public to use in deciding where to locate their business and planning throughout the startup process.

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Change and Efficiency

The most significant change implemented with the business dashboard is the data collected and its impact. Government, at all levels, currently tracks how long it takes to receive permits or licenses, but no state or local governmental entity tracks how long it takes an individual business to open. Displaying this data could lead to a culture change that encourages local governments to become more efficient in order to compete for businesses and jobs in their area. The data collected may also help analyze current regulations at all levels and indicate what regulations are unnecessary burdens on business. The implementation of a dashboard system could provide crucial information to assist businesses starting in the state and deciding in which county or city to locate.

The cost savings is difficult to calculate. The data itself would not create cost savings or efficiencies, but the application of the data could speed up the business startup process. By identifying and eliminating potential impediments that the dashboard uncovers, businesses can get started more quickly. Each week a business is not operating translates to lost income to the business owner, the potential employee, and the state. Also, if some of the potential employees are unemployed, the state may be paying them unemployment benefits. Based on the statistics that Mr. Tarren Bragdon[1] presented, startups created 172,236 jobs in 2009. If we assume that 10% of those hired by the startup businesses were on unemployment and receiving benefits ($200 a week for this calculation), the state would save **$3.44 million** in unemployment benefit payments per each week less that those individuals are collecting benefits.

Recommendations

The Task Force recommends the following:

- Implement a business permit dashboard that tracks the amount of time it takes for a company to get started in the State of Florida;
- Begin the dashboard at the state level, tracking the business as it goes through the entire state regulatory process;
- Begin with a pilot program with counties participating on a voluntary basis;
- Encourage county/city participation by requiring participation as a condition for certain funding;
- Utilize current information already collected by state agencies, the Chamber of Commerce, and local governments;
- Designate one agency, preferably the Department of State, to receive all information related to the business dashboard;
- Utilize dashboard metrics to identify unnecessary regulations, industries that do not require regulation, and industries or businesses that would qualify for the provisional business permit; and
- Allow private businesses to submit additional information.

C. ONE STOP BUSINESS PORTAL

Background

The One-Stop Business Portal is a method to "virtually consolidate" agency functions when it applies to the registration and regulation of businesses. The portal would consolidate all information collection for businesses into one website and would then send the data collected to the appropriate agency. The portal would include a wizard program to steer individuals through the registration process and to help guide the new business owner

[1] Mr. Bragdon is the Chief Executive Officer of the Foundation for Government Accountability. The organization's website is http://www.floridafga.org/ (last visited 10/27/2011). Mr. Bragdon presented to the Government Efficiency Task Force on October 19, 2011. Video and materials available at www.floridaefficiency.com/meetings.cfm (last visited 10/27/2011).

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to the appropriate registrations.[2] The implementation, as described by Ms. Lisa Vickers, would allow the portal to be phased in. A phased approach would give agencies time to make necessary adjustments to the new process, lessen the initial cost of the portal, and possibly spread out the costs over several years.[3]

Change and Efficiency

The implementation of the portal would lead to greater government efficiency by eliminating duplicative business processes as the different phases are adopted, which could lead to lower costs in administering government regulation. The one-stop initiative could also lead to identifying and eliminating unneeded agency regulation. The ability for local government to participate in the portal will deliver the best possible efficiencies for Florida businesses.

Recommendations

The Task Force recommends the following:

- Implement the One-Stop Portal in stages as recommended by Department of Revenue Executive Director Lisa Vickers;
- Identify redundancies and potential consolidations as the portal is phased in;
- Utilize the consolidation process to identify unnecessary agency regulation;
- Create a "Phase 1a" comprised of a "splash page" website with agency links to fast track businesses through the startup or renewal process;
- Utilize existing call center functions to include a live chat feature to provide real time assistance to users; and
- Include a mechanism that allows for feedback from businesses regarding regulation, which would be forwarded to the Office of Fiscal Accountability and Regulatory Reform and the Legislature.[4]

[2] An example given by Ms. Vickers would be a barber shop. The barber shop is required to register the business with the Department of State and apply for a professional license with DBPR. The wizard program would ask a question such as, "Will you be selling hair care products?" If the person answers yes, the program will know to collect sales tax registration information.
[3] Ms. Vickers believes that Phase 1 can be done within the current budget of the participating agencies.
[4] The Florida Legislature is currently collecting data related to regulatory rules called "YourVoice." *See* http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?DocumentType=Press Release&FileName=449 (last visited 10/27/2011).

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Expressway and Bridge Authority Consolidation

RECOMMENDATION SUMMARY

On November 16, 2011, the Government Efficiency Task Force approved the following recommendations regarding expressway and bridge authority consolidation by a vote of 10 yeas, 3 nays:

- An independent party who specializes in best management practices should assist in effectively consolidating the administrative functions of the Orlando-Orange County Expressway Authority (OOCEA) and Tampa-Hillsborough County Expressway Authority (THEA) into Florida's Turnpike Enterprise (FTE). The Florida Department of Transportation (FDOT) estimates a savings of **$24,318,000** per year. With the utilization of a third party, this process may be more efficient and achieve even greater savings.

- If THEA and OOCEA are consolidated into FTE, all revenue collected in the regions should be spent within the same region and local boards should be maintained to make policy decisions on road construction.

- Consolidate the Mid-Bay Bridge Authority into FTE.

- Consolidate all toll collections into a single entity and system, including all administrative functions, software and IT systems, accounting, collection personnel, enforcement, customer service, and billing.

- Require regional toll agencies to benchmark regional and state transportation and authority salaries to avoid possible excessive salaries.

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FULL RECOMMENDATION(S) ANALYSIS

I. RECOMMENDATIONS(S) AND BACKGROUND

A. REGIONAL EXPRESSWAY AND BRIDGE AUTHORITIES GLOBAL CONSOLIDATION

There are three independent Expressway and Bridge Authorities considered in the recommendation: Orlando-Orange County Expressway Authority (OOCEA), Tampa-Hillsborough Regional Expressway Authority (THEA), and the Mid-Bay Bridge Authority (MBBA). All three authorities currently operate pursuant to a lease-purchase agreement[1] with the Florida Department of Transportation (FDOT).[2]

The Florida Turnpike Enterprise

Florida's Turnpike was created in 1953 as the Florida State Turnpike Authority. The State Turnpike authority became part of the department in 1969. The Turnpike was reorganized as an office within the department in 1988 and as a district in 1994. Florida's Turnpike Enterprise (FTE), a business-focused organization within the department, was created by the Legislature in 2002 to manage the Turnpike System (Turnpike). The Turnpike is a system of toll-financed expressways serving sixteen Florida counties covering 460 miles.[3]

The Florida Turnpike Enterprise

	Lane Miles	Gross Toll Revenue FY 2010-11	Toll Transactions FY 2010-11	Bond Debt Outstanding	Long Term Payable to FDOT
FTE	2,112	$600,897,000	652,900,000	$2,811,830,000	$162,403,077

Orlando-Orange County Expressway Authority

The Orlando-Orange County Expressway Authority (OOCEA) was created in 1963 by the Florida Legislature.[4] The purpose of the authority is for the construction and operation of an expressway road system in Central Florida. OOCEA has the statutory authority to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards together with authority to construct, repair, replace, operate, install, and maintain electronic toll payment systems outside of Orange County with the respective county's written consent. OCCEA is also authorized to issue toll revenue bonds to finance portions of the system.

Orlando-Orange County Expressway Authority

	Lane Miles	Gross Toll Revenue FY 2010-11	Toll Transactions FY 2010-11	Bond Debt Outstanding	Long Term Payable to FDOT
OOCEA	671	$263,787,000	292,477,739	$2,696,415,000	$270,088,808

[1] For more information regarding lease-purchase agreements, see The Florida Senate, *Toll Facility Lease-Purchase Agreements*, Issue Brief 2011-227, prepared by Senate Committee on Transportation, http://www.flsenate.gov/Committees/InterimReports/2011/2011-227tr.pdf (last visited 11/10/2011).
[2] The Santa Rosa Bay Bridge Authority also operates pursuant to a lease-purchase agreement with FDOT but is not considered in this recommendation report.
[3] *See* The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf (last visited 11/10/2011).
[4] OOCEA operates pursuant to ch. 348, F.S., part V.

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Tampa-Hillsborough County Expressway Authority

The Tampa-Hillsborough County Expressway Authority (THEA) was created in 1963 as an agency of the state pursuant to ch. 348, F.S., for the purposes of and having the authority to construct, reconstruct, improve, extend, repair, maintain and operate the expressway system within Hillsborough County.

Tampa-Hillsborough County Expressway Authority

	Lane Miles	Gross Toll Revenue FY 2010-11	Toll Transactions FY 2010-11	Bond Debt Outstanding	Long Term Payable to FDOT
THEA	112	$40,476,072	31,634,997	$324,520,000	$200,655,481

Change and Efficiency

OOCEA and THEA

The Task Force found there is waste and inefficiency by having separate toll agencies. Each toll agency performs the same functions: administration of road construction and toll collection. Therefore, each agency has duplicative systems and personnel. Significant savings and efficiencies can be achieved through reduction of administrative personnel and consolidation of different systems into one larger system.[5]

Estimates from FDOT provide that the following savings may be realized by consolidating THEA and OOCEA into FTE:

- $6,572,000 per year from authority contract services;[6]
- $5,850,000 per year from authority administrative salaries and benefits;[7] and
- $14,877,000 per year from authority back office toll collection.[8]

FDOT also estimates a savings of $1,712,000 per year for the removal of the airport plaza and installation of electronic tolling at ramps. With an estimated recurring cost of $4,693,000 per year to FTE, the consolidation of OOCEA and THEA into FTE would lead to a conservative savings estimate of **$24,318,000** per year.[9]

Staff of the Senate Committee on Budget, during the 2011 session, also estimated that Florida taxpayers would save $24 million each year by merging all of the independent toll agencies into the Florida Turnpike Authority.[10]

To better assess the benefits of a merger/consolidation, Expressway and Bridge Authority Consolidation Work Group Chairman Matthew Falconer researched past mergers and consolidations in other states. The most

[5] Mr. Falconer visited the facilities of OOCEA, THEA, and FTE (Mr. Falconer's visit reports are on file with Government Efficiency Task Force staff).
[6] Savings are estimated at $6.145 million per year for OOCEA and $427,000 per year for THEA (estimates on file with Government Efficiency Task Force staff).
[7] Savings are estimated at $3.781 million per year for OOCEA and $2.069 million per year for THEA (estimates on file with Government Efficiency Task Force staff).
[8] Savings are estimated at $14.261 million per year for OOCEA and $616,000 per year for THEA (estimates on file with Government Efficiency Task Force staff).
[9] This does not take into account any possible savings from real estate holdings, leased property and related maintenance and utilities. Savings resulting from debt refinancing are also excluded.
[10] The Florida Senate Bill Analysis and Fiscal Impact Statement, SB 2152 (SPB 7198), Senate Committee on Budget, April 1, 2011, http://www.flsenate.gov/Session/Bill/2011/2152/Analyses/Vwph1SsHimSG5hGTFLi2jnfIuuM=%7C7/Public/Bills/2100-2199/2152/Analysis/2011s2152.bc.PDF (last visited 11/10/2011).

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relevant example found was the merger of the New Jersey Turnpike and the Garden State Parkway.[11] The New Jersey Turnpike and Garden State Parkway collect 2.2 million tolls per day and $650,000,000 per year. The consolidation allowed for a reduction of 212 employee positions and achieved administrative savings of $8,200,000 per year. The consolidation also reduced the amount of office space required. Consolidation achieved savings and reduced time for road project completion due to the combined resources of the larger agency.[12]

Recommendations

Task Force research concluded a global consolidation will result in significant savings, similar to that of the New Jersey Turnpike. Separate agencies require additional administration and multiple software and IT recourses. Savings from a global consolidation are estimated to be in the tens of millions of dollars annually. In addition, the savings in terms of interest are estimated to be in the tens of millions of dollars as a result of the lower interest rate available to FTE.[13]

Consolidation may also result in a changed business model for the raising of capital for roadway projects and expense planning. THEA and OOCEA currently have $3.02 billion in outstanding bond debt compared to FTE's $2.812 billion.[14] FTE, which is required to sell bonds through the Division of Bond Finance, tends to be more conservative in its approach to bond debt. Consolidation may result in a more conservative business model, resulting in less debt and quicker repayment of operations and maintenance expenses to the state.

While there appears to be considerable savings through administrative savings and culture change, because of the complexity of such a consolidation, the Task Force believes that it is beyond the group's capacity to detail how a consolidation would be carried out. **The Task Force recommends that an independent party who specializes in best management practices should assist in effectively consolidating the administrative functions of the Orlando-Orange County Expressway Authority (OOCEA) and Tampa-Hillsborough County Expressway Authority (THEA) into Florida's Turnpike Enterprise (FTE).**[15]

If a global consolidation or merger is completed, the Task Force recommends the following to ensure local governments maintain their influence on local decisions:

The Task Force recommends that revenue collected stay in the same system in which it is collected. The funds collected should be placed into a separate account or be designated for use in the same road system where the funds are collected.

The Task Force recommends that local boards be maintained to make policy decisions on road projects built within their system. Local boards should maintain control of their systems even if administered by a consolidated agency.

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[11] *See Report of the New Jersey Toll Road Consolidation Study Commission*, February 14, 2003, http://slic.njstatelib.org/slic_files/digidocs/r628/r6282003.pdf (last visited 11/10/2011).

[12] *See Consolidation Case Study: The New Jersey Turnpike Authority and The New Jersey Highway Authority, Two Years Later,* September 26, 2005 http://www.ibtta.org/files/PDFs/Diane%20Scaccetti.pdf (last visited 11/10/2011).

[13] The Expressways have a lower bond rating than FTE. OOCEA's bond rating was recently lowered by Moody's Investor Service to A2 with a negative outlook. The downgrade was due to "continued lower than forecasted traffic and revenue growth combined with reduced operating revenue support from Florida's Department of Transportation (FDOT) which we expect will result in lower debt service coverage ratios (DSCRs) going forward. Additional pressures include potential opposition to planned toll increases; a complex and increasingly back-loaded debt structure with substantial exposure to variable rate debt and swaps; and large as yet unfunded capital needs over the next three years" (copy of letter on file with Government Efficiency Task Force staff).

[14] These numbers are based on the presentation by Reynold Myer, staff director of the Florida Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations. Presentations materials are available at http://www.floridaefficiency.com/UserContent/docs/File/20111005MeetingPacket.pdf (last visited 11/10/2011).

[15] The Hay group performed such a study in the consolidation of the New Jersey Turnpike and the Garden State Parkway.

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B. CONSOLIDATION OF MID-BAY BRIDGE AUTHORITY INTO THE FLORIDA TURNPIKE ENTERPRISE

Mid-Bay Bridge Authority

In 1986, the Legislature created the Mid-Bay Bridge Authority (MBBA) as the governing body of an independent special district in Okaloosa County for the purpose of planning, constructing, operating and maintaining a bridge traversing Choctawhatchee Bay.

Mid-Bay Bridge Authority

	Lane Miles	Gross Toll Revenue FY 2010-11	Toll Transactions FY 2010-11	Bond Debt Outstanding	Long Term Payable to FDOT
MBBA	20.6	$15,476,000	6,519,391	$287,115,000	$17,120,448

Change and Efficiency

The Task Force researched the consolidation of the Mid-Bay Bridge Authority into FTE. The Task Force reviewed the Florida Senate issue brief on authority cost effectiveness[16] and received testimony from MBBA Executive Director Jim Vest.[17] MBBA currently consists of two employees and oversees 20.6 lane miles of roadway and bridge.[18]

Task Force research concluded MBBA's lower credit rating costs an additional $5 million to $10 million per year in interest payments when compared to FTE's interest rate.[19]

FDOT and FTE can absorb oversight of management of the existing construction project and HRE contract. FDOT may be able to better handle the project than an agency with one Executive Director and one administrative assistant.

If the MBBA is consolidated into FTE, FDOT projects an annual reduction in operational costs of $400,000 to $500,000.[20] Possible savings on bond refinancing may be between $5 million and $10 million per year.[21]

Due to lower interest rates and operational costs, consolidation of MBBA into FTE will prevent a possible default situation like the Santa Rose Bay Bridge.[22] The Task Force members believe that consolidation of MBBA into FTE is in the best interest of the customers of the Mid-Bay Bridge and the taxpayers of Florida.

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[16] The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf (last visited 11/10/2011).
[17] Mr. Vest testified during the November 4th Expressway and Bridge Authority Consolidation Work Group meeting and answered questions from members. The podcast is available at http://www.floridaefficiency.com/meetings.cfm (last visited 11/10/2011).
[18] *See* The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, p. 1, http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf (last visited 11/10/2011).
[19] This estimate is based on FTE issuing bonds at a higher credit rating compared to MBBA issuing bonds at its current credit rating.
[20] Savings based on FDOT estimates with $302,000 savings from authority contractual services (non-toll) and $224,000 from authority administrative salaries and benefits (estimates on file with Government Efficiency Task Force staff).
[21] This savings estimate is based on refinancing existing debt obligations of MBBA under the FTE bond rating.
[22] *See* Connor, Michael, *Florida Bridge Authority Misses Bond Payment, Defaults*, Reuters On-line, http://www.reuters.com/article/2011/07/01/us-florida-bridge-default-idUSTRE76053620110701 (last visited 11/11/2011).

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Recommendations

The Task Force recommends MBBA be consolidated into FTE without further study. This consolidation is estimated to result in immediate savings of $400,000 to $500,000 per year and produce annual savings of $5 million to $10 million per year if the revenue bonds can be refinanced by FTE. With only two employees, there is little reason to keep MBBA a separate agency, and consolidation will cost very little to execute. The five-member MBBA board should remain intact to provide local input to FTE.

C. CONSOLIDATION OF TOLL COLLECTION

Toll Collection

The Task Force also reviewed consolidating services provided by the toll agencies. Aside from road design and construction, toll collection is perhaps the most important service the toll agencies provide. The Task Force reviewed toll collection both from a cost standpoint as well as the effective and efficient use of time by the toll paying public.

Currently, there are three toll transponder systems in Florida:

- Sun Pass;[23]
- E-Pass;[24] and
- Lee-Way.[25]

In addition, several agencies have gone to "Pay by Plate" systems and "all electronic tolling." In these locations there is no option to pay cash, and new customers or customers without transponders are mailed invoices for use of the toll roads.

Residents of Florida and visitors must comply with different rules and transponder systems. Currently, Florida's Turnpike Enterprise (FTE), Orlando-Orange County Expressway (OOCEA), and the Tampa Hillsborough Expressway Authority (THEA) all use different toll collection systems. This requires three separate software systems, three separate vendors, three separate IT systems, and three different invoice and enforcement policies.

Change and Efficiency

Having a different collection system for each authority and turnpike is inefficient from a collection standpoint as well as from the customer's point of view. There are duplicative costs and inconsistent regulations regarding collection between counties. A customer with a dead battery in their toll transponder can receive violations from three separate agencies in the same day, leading to confusion.[26]

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[23] Administered by Florida's Turnpike Enterprise and the Florida Department of Transportation. *See* https://www.sunpass.com/index (last visited 11/10/2011).

[24] Administered by the Orlando-Orange County Expressway Authority. *See* http://www.expresswayauthority.com/corporate/epass/ (last visited 11/10//2011).

[25] Used for three bridges in Lee County. *See* https://www.leewayinfo.com/ (last visited 11/10/2011).

[26] The Expressway and Bridge Authority Consolidation Work Group received testimony from an Orlando resident, Darlene Petty Raimondi. Ms. Raimondi had a transponder in her car but was unaware that her battery in the transponder lost power. Ms. Raimondi used the toll roads and received violations for unpaid tolls. Unaware there are two separate tolling agencies on the same highway, Ms. Raimondi resolved the toll violation with one agency. The other agency's toll violation was not resolved, resulting in Ms. Raimondi's license being suspended. As a result Ms. Raimondi's insurance rates went up. A unified toll collection system and enforcement procedures will be more efficient from the taxpayer's perspective.

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The Orlando-Orange County Expressway (OOCEA) testified that consolidating toll collections under one agency can "save $22 million per year."[27] The savings will come from the economies of scale using one software system and one vendor.

Currently, Florida's Turnpike Enterprise processes 652 million transactions each year. FTE also collects tolls for MBBA. THEA processes 31 million transactions per year and OOCEA processes 292 million.[28] SunPass (FTE) has by far the largest number of transponders in service and 3100 locations for customers to buy and replenish accounts.

Recommendations

The Task Force recommends that Florida's Turnpike Enterprise be responsible for all toll collection in Florida. All toll collections should be consolidated into a single entity and system, including all administrative functions, software and IT systems, accounting, collection personnel, enforcement, customer service, and billing.

Florida's Turnpike Enterprise has by far the most transponders in Florida and processes double the transactions of all other agencies combined. The transformation will allow every customer to utilize one transponder system and will reduce collection costs significantly.

A single system should have a uniform procedure and fee for collecting the toll revenue. For example, if an electronic toll is collected by the Turnpike and paid to OOCEA, the Turnpike should be able to deduct the cost of collecting that toll. By setting that fee at or below current collection costs, there will be no loss of revenue to any toll agency.

The cost to collect tolls will be reduced and have an estimated savings of $22 million per year. The customer will enjoy a better service when dealing with one collection entity.

D. WAGE PARITY

Authority Wages vs. Turnpike Wages

During the course of the research, the Task Force was provided documentation on employee salaries of the various agencies. Salaries between the authorities and FTE varied greatly, even when the job descriptions were identical. As an example, the Executive Director of OOCEA makes $247,000 and the Florida Secretary of Transportation makes $140,000, despite having more than ten times the staff.[29] Of the 61 employees at OOCEA, ten make over $100,000 per year.[30]

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[27] Executive Director of OOCEA, Mike Snyder, testified before the Government Efficiency Task Force on October 5th, 2011. Video available at http://www.floridaefficiency.com/meetings.cfm (last visited 11/10/2011). FDOT estimates a conservative savings of $14 to $15 million per year.

[28] *See* The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, p.1. http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf (last visited 11/10/2011).

[29] *See* Tracy, Dan, *Senator Targets Top Expressway Salaries*, Orlando Sentinel, October, 7, 2011, http://articles.orlandosentinel.com/2011-10-07/news/os-salaries-snyder-gaetz-20111007_1_orlando-authority-salaries-gaetz (last visited 11/10/2011).

[30] Data is from: The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf (last visited 11/10/2011).

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	MBBA	THEA	OOCEA	Combined Authorities	FTE
Salary & Benefits	$223,000	$2,010,194	$6,419,842	$8,663,036	$30,197,148
FTEs	2	17	61	80	468
Average per FTE	$111,500	$118,247	$105,243	$108,288	$64,524[31]

Change and Efficiency

Recommendations

Regional authority employees perform the same functions as the state employees who make a fraction of the salary. There is considerable cost savings by requiring the expressway and bridge authorities to follow a pay scale similar to FDOT. **The Task Force recommends that regional toll agencies should benchmark regional and state transportation and authority salaries to avoid possible excessive salaries.** Pay parity will ensure taxpayers are getting value for the public service being performed.

[31] Averages are calculated by dividing the total amount of salary & benefits by the total number of FTEs.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Consultants' Competitive Negotiation Act (s. 287.055, F.S.)

RECOMMENDATION SUMMARY

On November 16, 2011, the Government Efficiency Task Force approved the following recommendations regarding the Consultants' Competitive Negotiation Act by a vote of 11 yeas, 2 nays:

- Allow agencies to utilize the "Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow price to be a factor of up to 50% when ranking the top three most qualified firms. The process would work best for a project with a well-defined scope.

- Allow agencies to utilize the "Modified Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow the agency to see the price of the top three most qualified firms, but not re-rank the firms, thus preventing the agency from entering negotiations with insufficient information on pricing. This process would work best for projects that do not have a specific scope and for agencies that would otherwise use the current CCNA over "Best Value."

- Maintain the current CCNA process as an option for agencies to utilize when "Best Value" or "Modified Best Value" would not be appropriate. This process would work best for a project that does not have a well-defined scope.

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FL-SEN-20-0201-B, 20-0202-A-004860

FULL RECOMMENDATION(S) ANALYSIS

I. RECOMMENDATION(S) AND BACKGROUND

A. CONSULTANTS' COMPETITIVE NEGOTIATION ACT (CCNA)

The Consultants' Competitive Negotiation Act (CCNA) was passed in 1973.[1] The Act is largely based on the Federal Brooks Act, which was passed in 1972.[2] CCNA provides that all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping[3] be contracted according to qualifications-based selection (QBS). CCNA applies to all projects above $325,000 and all studies above $35,000[4] bid out by the state, a state agency, a municipality, a political subdivision, a school district, or a school board.[5]

QBS follows these phases:

Phase One

1. The agency publicly announces the project or study.[6]
2. The agency evaluates current statements of qualifications and performance currently on file, together with those that are submitted by other firms and conducts discussions with no fewer than three firms regarding their qualifications, approach to the project, and ability to furnish the required services.[7]
3. The agency then selects in order of preference no fewer than three firms deemed to be the most qualified.[8]
4. The agency may consider the following factors in determining whether a firm is qualified: ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected firm workload; and the volume of work previously awarded to each firm by the agency.[9]
5. The agency may not consider compensation during this phase.[10]

Phase Two

1. The agency negotiates with the most qualified firm regarding compensation.[11]
2. If the agency cannot come to an agreement with the most qualified firm, then negotiations with that firm must be formally terminated.[12]
3. The agency may then begin negotiations with the second most qualified firm.[13]
4. If the agency cannot come to an agreement with the second most qualified firm, then negotiations with that firm must be formally terminated.[14]
5. The agency may then begin negotiations with the third most qualified firm.[15]

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[1] *See* s. 287.055, F.S.
[2] *See* Public Law 92-582.
[3] Section 287.055(2)(a), F.S.
[4] *See* s. 287.055(3)(a)(1), F.S., which cites to s. 287.017, F.S. Section 287.017(5), F.S., provides that a category 5 project is defined as a project over $325,000 and s. 287.017(2), F.S. provides that a category 2 is a study over $35,000.
[5] Section 287.055(2)(b), F.S.
[6] Section 287.055(3)(a)(1), F.S.
[7] Section 287.055(4)(a), F.S.
[8] Section 287.055(4)(b), F.S.
[9] *Id.*
[10] Section 287.055(4)(c), F.S.
[11] Section 287.055(5)(a), F.S. "Compensation which the agency determines is fair, competitive, and reasonable."
[12] Section 287.055(5)(b), F.S.
[13] *Id.*
[14] *Id.*
[15] *Id.*

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6. If the agency cannot come to an agreement with the third most qualified firm, then negotiations with that firm must by formally terminated.[16]
7. If the agency cannot negotiate a satisfactory contract with any of the three most qualified firms, the agency can negotiate with additional firms selected in order of their competence and qualifications.[17]
8. Once negotiations with a firm are terminated, the agency may not resume negotiations with that firm for the project.

Change and Efficiency

The Government Efficiency Task Force and the Design Procurement Work Group heard testimony from interested parties regarding CCNA.[18] Local government officials raised the following inefficiencies with CCNA:

- **Price is not considered.** The agency may not consider cost until the second phase when negotiating with the most qualified firm.
- **Negotiations with a firm may not be resumed once formally terminated.** If the agency is unable to negotiate a price within budget with the most qualified firm, he or she must completely close out negotiations and not resume them with that firm. The inability to reopen negotiations reduces the agency's negotiating power and limits them to the remaining firms, even if those firms negotiate a higher fee.
- **Excludes smaller firms.** Since larger firms are more qualified based on the set parameters, smaller or solo firms have a more difficult time procuring contracts for public works, thus hindering competition.
- **Lack of transparency.** The selection process is not as open and competitive as other procurement methods and taxpayers lack the ability to access prices and costs.

The Task Force and Work Group also heard testimony and comments from industry representatives. Industry representatives cited the following benefits of CCNA:

- **Focuses negotiations on qualifications rather than price.** This protects the health and safety of the public.
- **QBS process helps control construction costs.** Since the QBS process facilities negotiations that focus on the scope of the project rather than costs, there are fewer change orders and cost overruns. Both parties have a better understanding of the project at the outset.
- **Scope of the project is not well-defined.** Industry representatives provided that in many solicitations, the scope of the project is not well-defined, making it difficult to provide an accurate bid. The current QBS process facilities planning while negotiating, which may lead to lower costs.

The Task Force members discussed the testimony and comments. The Task Force recommends adopting two additional procurement methods for agencies[19] to follow in the selection of architecture, professional engineering, landscape architecture, or registered surveying and mapping services in addition to the current CCNA process.

The first recommended process is the "Best Value" process. [20] The best value process is defined as:

> The selection of a firm or firms whose proposal provides the greatest overall benefit to an agency in accordance with the requirements of a formal solicitation.

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[16] *Id.*
[17] Section 287.055(5)(c), F.S.
[18] Senator Pat Neal, Chairman of the Design Procurement Work Group, presented to the Task Force at the November 2, 2011, meeting regarding reforming CCNA. Carlos Beruff and Steve Carnell also presented. Video and podcast of the meeting are available at http://www.floridaefficiency.com/meetings.cfm (last visited 11/10/2011).
[19] Agencies includes: state agencies, state entities, local government, school boards, and the university system.
[20] The process was presented by Mr. Steve Carnell at the November 2, 2011, meeting of the Government Efficiency Task Force.

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The best value process would allow agencies to:

1. Solicit proposals and include a written scope of work for the project to the competing firms.
2. Rank all firms based on qualifications and establish a "short list."[21]
3. Rank "short listed" firms on qualifications and price.[22]

Price would be allowed to be solicited from the top three most qualified firms only and would be factored in to the evaluation at no more than 50%. Since unqualified firms would not make the original short list, only the most qualified firms would have an opportunity to be awarded the contract. This would address the concerns raised about health and human safety in the procurement process. The best value option would work most effectively with projects that have a well-defined scope.

The second recommended process is the 'Modified Best Value" process. The modified best value process would allow agencies to:

1. Solicit proposals and include a written scope of work for the project to the competing firms.
2. Rank all firms based on qualifications and establish a "short list."[23]
3. The agency would be able to see the price bid for the top qualified firms, but the firms would not be re-ranked with price as a factor.

This process would eliminate the concern that procurement officers have about entering negotiations with insufficient information on pricing. This method allows the agency to know the price of the other two bids, but still begin negotiations with the most qualified firm. This gives the agency a stronger position during negotiations. This method would be most effective for agencies that would otherwise use CCNA, not best value, or when the scope of the project is not well-defined.

The Task Force also recommends maintaining the current CCNA procedures as an option for an agency when "Best Value" or "Modified Best Value" would not be appropriate. The process is effective and bases all bidding on qualifications. For projects that do not have a well-defined scope, this may be the best method for an agency. However, in projects with a well-defined scope, this procedure would not be the best method of procurement and may result in higher costs to the agency.

The Task Force recommends changes to CCNA because the increased procurement options would:

- Give public agencies more discretion in the procurement of professional services;
- Align the procurement method for CCNA professional services with how other professional services are purchased; and
- Be a vehicle to increase transparency and public confidence in the procurement process as a whole.

Recommendations

- Allow agencies to utilize the "Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow price to be a factor of up to 50% when ranking the top three most qualified firms. The process would work best for a project with a well-defined scope.
- Allow agencies to utilize the "Modified Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow the agency to see the price of the top three most qualified firms, but not re-rank the firms, thus preventing the agency from entering negotiations with insufficient information on

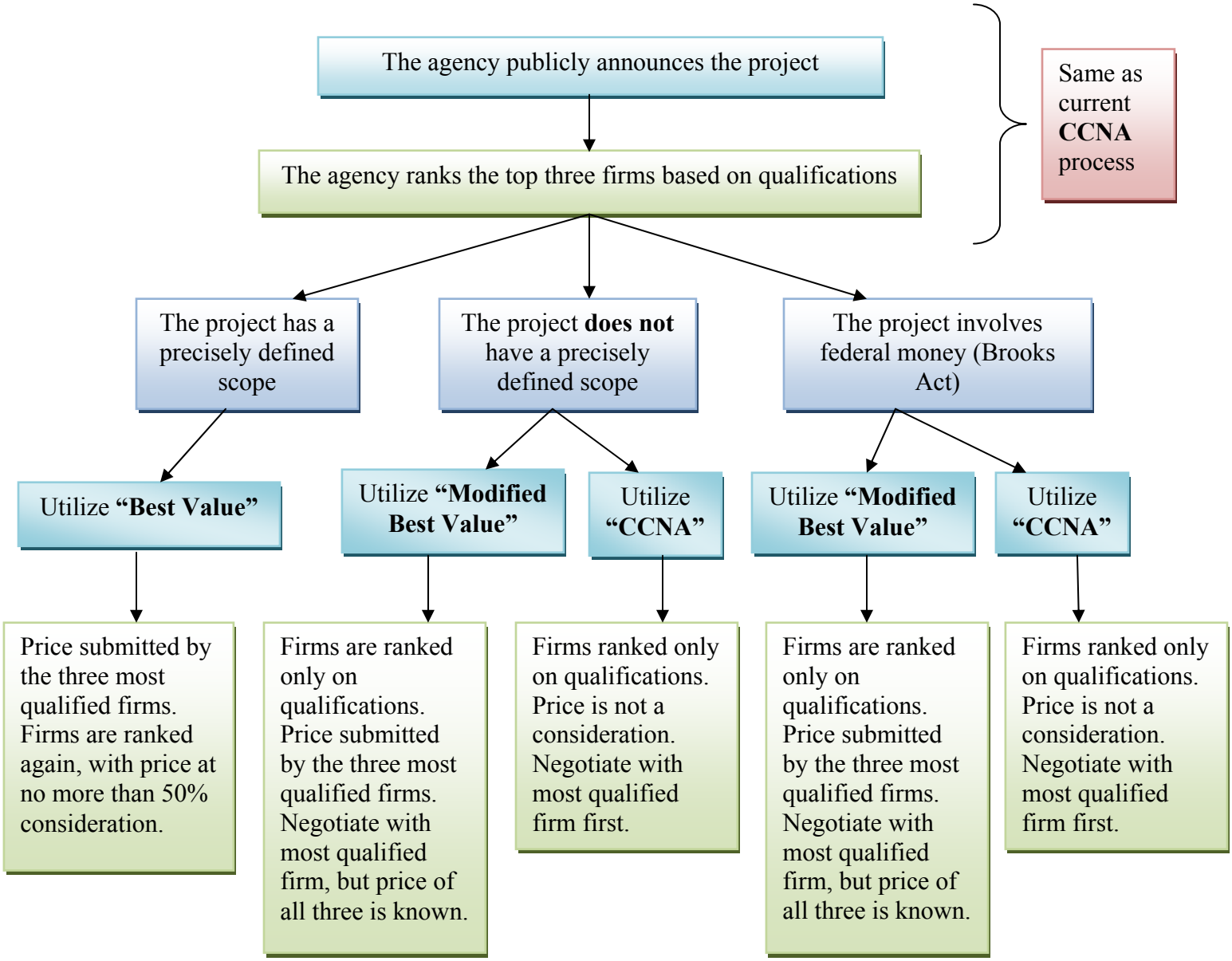
[21] The first two steps are the same as the current CCNA process and would remain the same under Best Value.
[22] The third step is a deviation from CCNA and would allow price to be a component of ranking the short list.
[23] The first two steps are the same as the current CCNA process and proposed best value process.

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pricing. This process would work best for agencies that would otherwise use the current CCNA over best value or for a project that does not have a specific scope.[24]

- Maintain the current CCNA process as an option for agencies to utilize when "Best Value" or "Modified Best Value" would not be appropriate. This process would work best for a project that does not have a well-defined scope.

Task Force Recommendation: "Procurement Officer Tool Box"



[24] The "Modified-Best Value" may be able to be used by agencies that come under the Brooks Act. The Brooks Act dictates the procurement process when federal dollars are used.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Enterprise Information Technology

RECOMMENDATION SUMMARY

On December 16, 2011, the Government Efficiency Task Force approved the following recommendations regarding enterprise information technology by a vote of 11 yeas, 0 nays:

- Redefine the role of the Agency for Enterprise Information Technology (AEIT) in governance of state enterprise information technology (IT) and clarify designated enterprise applications and operations.
- Strengthen statutory language to provide AEIT with enforceable governance.
- Provide AEIT with budget and procurement authority for enterprise IT projects and services.
- Maintain the current organizational structure of AEIT under the Governor and Cabinet.
- Establish an Enterprise Technology Advisory Council (ETAC) of public and private industry chief information officers and IT professionals to function in an advisory capacity to the state Chief Information Officer (CIO).
- Task the CIO with modifying AEIT's organizational structure to provide flexibility and nimbleness and to accommodate further adjustments as necessary.
- Direct AEIT to identify and align agencies in process oriented design structures (PODS), grouping similar business processes and functions across state government.
- Direct AEIT to implement enterprise IT in support of this alignment, executed in successful phases according to business processes and functions.
- Direct AEIT to immediately begin identification and alignment of PODS with financial management, due to the foundational importance of the Florida Accounting and Information Resource (FLAIR) subsystem.

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FULL RECOMMENDATION(S) ANALYSIS

I. RECOMMENDATIONS(S) AND BACKGROUND

A. AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY (AEIT)

In 2006, the Florida House of Representatives issued a report that identified the following issues with Florida's information technology (IT) governance:

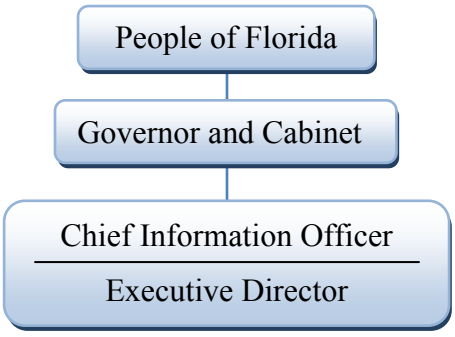
- A lack of a clear vision for the future of IT, its role in government operations, and its value to the state;
- An absence of an enterprise governance framework, which limits Florida's ability to capitalize on enterprise-wide technology solutions; and
- Inadequate visibility into IT funding of agencies and across the enterprise.[1]

In 2007, the Florida Senate issued a similar report that cited insufficient planning, management, and governance of enterprise IT services. The report provided that many state projects experience cost overruns and fall behind schedule, management does not understand or value IT governance and investments, and IT is often an impediment to innovative new processes.[2] Additionally, lack of planning, contract management, and accurate assessment of IT capabilities resulted in suspension of projects and led to substantial changes in direction and scope during development and implementation.[3]

The Senate report concluded that "The state would benefit financially and organizationally from defining enterprise- and agency-level IT projects and operations."[4] The report also provided that Florida "would improve its enterprise IT capabilities by requiring shared service delivery, planning, management, and operations for common, non-strategic IT services."[5]

The Senate and House committee recommendations led to the creation of the Agency for Enterprise Information Technology (AEIT or the agency). The agency's focus is IT as an enterprise responsibility linking the state's separate business and jurisdictional entities.[6] The agency reports to the Governor and Cabinet, and is administratively housed within the Executive Office of the Governor (EOG), but is a separate budget entity and not subject to control, supervision, or direction by EOG. The agency is headed by a Chief Information Officer (CIO) who is appointed by the Governor and confirmed by the Cabinet, subject to confirmation by the Senate, and serves at the pleasure of the Governor and Cabinet.[7]

Current AEIT high-level organizational structure



[1] The Florida House of Representatives, *Information Technology Management in Florida,* State Infrastructure Council/Spaceport and Technology Committee, January 2006, pp. 10-11 (copy on file with Government Efficiency Task Force staff).
[2] The Florida Senate, *Enterprise Information Technology: Senate Review and Study*, Report No. 2007-140, prepared by Committee on Governmental Operations, January 2007, p. 5, (http://archive.flsenate.gov/data/Publications/2007/Senate/reports/interim_reports/pdf/2007-140golong.pdf) (Last visited 12/12/2011).
[3] *Id.* at pp. 9-11.
[4] *Id.* at p. 11.
[5] *Id.*
[6] *See* Ch. 2007-105, L.O.F.
[7] Section 14.204(1), (2), and (3), F.S.

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Principal responsibilities of AEIT include:

- Developing strategies for the design, delivery, and management of enterprise IT services;
- Planning and establishing policies and standards for enterprise IT services;
- Identifying and recommending strategies and opportunities to improve delivery of cost-effective and efficient enterprise IT services;
- Coordinating acquisition planning and procurement negotiations for hardware and software products and services;
- In consultation with the Department of Management Services (DMS), establishing best practices for the procurement of IT products; and
- Providing recommendations for consolidating the purchase of IT commodities and services, and for establishing a process to achieve savings through consolidated purchases.[8]

Pursuant to legislative direction, AEIT organizes the required consolidation of agency data centers, and is working on the implementation of an enterprise-wide email system.[9]

Change and Efficiency

Governance

The current operations and organizational configuration of IT is dispersed throughout individual state agencies and departments. This process limits the ability to execute system-wide changes and oversight. A lack of centralized IT governance also hinders streamlining and elimination of duplication to achieve efficiencies and cost savings.

Recommendations

The Task Force recommends redefining the role of AEIT in governance of state enterprise IT and clarifying designated enterprise applications and operations. Enterprise IT services for all state agencies and departments should be further defined under AEIT, with special considerations and exemptions determined by the agency. Centralizing all enterprise IT under AEIT will allow the agency to examine technology across all agencies to identify duplication in applications, operations, and associated processes. Eliminating duplication and consolidating technology assets will achieve cost savings and lead to more efficient, effective service for both agencies and the citizens they serve. Centralization will lead to a great economy of scale, which can be leveraged for significant cost savings in negotiation of contracts, licensing, and purchasing.

Clarifying enterprise applications and operations under a single agency will provide clear direction to the agency. This will allow AEIT to evaluate and make decisions on maintaining, advancing, or outsourcing technology solutions to best achieve efficiencies and cost savings.

Current law limits the scope of AEIT to IT services established in law as enterprise and used by all agencies or a subset of agencies. AEIT makes recommendations to the Legislature concerning services that should be designed, delivered, and managed as enterprise IT services, but the Legislature designates services as enterprise.[10]

[8] Section 14.204(4), F.S.
[9] Sections 282.201 and 282.282.34, F.S.
[10] *See* s. 282.0041(11), F.S.

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The Legislature should include the following applications and operations identified by the Task Force for centralization under AEIT:

- MyFloridaMarketPlace (MFMP);
- Legislative Appropriations System/Planning and Budgeting System (LAS/PBS);
- Florida Accounting and Information Resource (FLAIR) subsystem;
- PeopleFirst;
- Network services;
- E-mail; and
- Data centers.

Telecommunications and call centers should also be considered for centralization. These applications have considerable impact and utilization across multiple agencies. Centralization would eliminate duplicative equipment costs and physical lease space, streamline agency support models, and provide world class customer service.

Authority

AEIT is tasked with the responsibility for developing strategies for enterprise IT and writing policies for enterprise IT services established in law. Design, planning, project management and implementation are the responsibility of AEIT, while supervision, design, delivery, and management are handled by individual agencies.[11] In its current form, AEIT lacks the ability to implement and enforce its administrative rules across all state agencies.[12] This inhibits AEIT's effectiveness and allows agencies to delay or decline implementation of rules and recommendations for cost-effective and efficient enterprise projects.

Recommendations

The Task Force recommends strengthening statutory language to provide AEIT with enforceable governance. Section 14.204 and Chapter 282, F.S., should be modified to remove optional language for agency implementation of AEIT's recommendations and rules.[13] Affirmative language will allow AEIT to enforce its policies to effectively design, plan, and manage enterprise IT services in order to leverage assets in the most effective and efficient manner. AEIT should have the authority to create and enforce rules related to enterprise IT strategy, planning, standards, policy, project management, licensing, and contract management. AEIT should work with the Legislature to create enforceable standards that facilitate communication, collaboration, and consensus among agencies.

The Task Force recommends providing AEIT with budget and procurement authority for enterprise IT projects and services. Placing budget authority within AEIT instead of under disparate agencies will enhance consistency in IT allocations and spending. Budget authority will provide AEIT with the ability to enforce its recommendations and standards. Centralizing IT budgets will also provide transparency for IT funding across agencies. This transparency will facilitate faster discovery of efficiencies and cost savings.

Structure

Current law provides that the head of AEIT is the Governor and Cabinet, with an executive director who is the state's Chief Information Officer.[14] AEIT's responsibility is limited to executive branch agencies, including Cabinet agencies and departments.[15]

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[11] *See* s. 282.0055, F.S.
[12] *See* ss. 14.204(4), (6), and (7), F.S. and s. 282.201(6), F.S.
[13] An example of strengthening language would be: "Develop, publish, and biennially update a long-term strategic enterprise information technology plan that identifies and provides governance for ~~recommends~~ strategies and opportunities to improve the delivery of cost-effective and efficient enterprise information technology services to be proposed for establishment pursuant to s. 282.0056." Section 14.204(4)(e), F.S.
[14] *See* ss. 14.204(1) and (3), F.S.

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Multiple attempts to create new enterprise IT governance structures have been unsuccessful or have had limited success.[16] The creation of new agencies may provide solutions, but may also create additional problems. For example, business processes could be transferred without sufficient evaluation. Also, new and unanticipated issues may arise from insufficient planning and management in the transfer of duties and creation of a new agency. Creation of a new entity is not the most effective solution. Any adjustments to IT centralization should include a thorough evaluation of business processes and sufficient planning and management to avoid past mistakes.

Recommendations

The Task Force recommends maintaining the current organizational structure of AEIT under the Governor and Cabinet. With governance of IT projects across all state agencies, AEIT should continue to be overseen by the Governor and Cabinet. This will provide appropriate oversight by stakeholders whose IT functions are managed by AEIT.

Successful implementation of enterprise IT projects requires agency cooperation and support. This issue has been raised by current agency CIOs as a critical element in establishing strong, centralized IT governance. Agency CIOs suggested that a method to improve AEIT's ability to garner agency support is through increased leverage of industry best practices, including those of both public and private sectors.[17]

The Task Force recommends establishing an Enterprise Technology Advisory Council (ETAC) of public and private industry chief information officers and IT professionals to function in an advisory capacity to the state CIO. ETAC will provide independent analysis of data to assist the CIO in developing standards and policies for enterprise services. Input from industry professionals with knowledge of current industry best practices will provide the CIO with additional resources and support for enterprise initiatives. ETAC will also assist in building consensus across agencies for enterprise projects and provide additional credence to AEIT initiatives. The council will help facilitate AEIT's ability to develop standards, and manage procurement and contracts to maximize efficiency and cost savings.

The Task Force recommends tasking the CIO with modifying AEIT's organizational structure to provide flexibility and nimbleness and to accommodate further adjustments as necessary. The CIO should be given authority to determine AEIT's internal organizational structure with consideration for the needs of the Governor, Cabinet, state agencies, and citizens of Florida. Flexibility to modify AEIT's structure will help the agency adapt to changing technology, business processes, and state needs.

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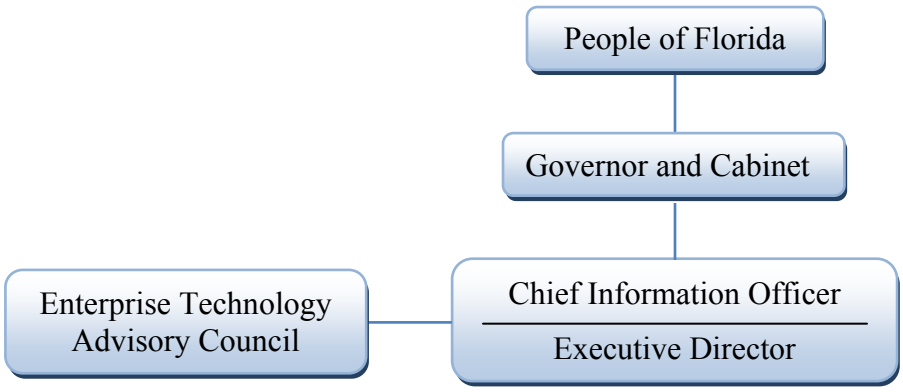
[15] AEIT services are limited to "executive branch agencies created or authorized in statute to perform legislatively delegated functions." Section 282.0055, F.S. A list of executive branch agencies can be found at the State of Florida website, http://www.myflorida.com/taxonomy/government/executive%20branch/ (last visited 12/12/2011).

[16] The Legislature created the State Technology Office (STO) in 2000 to oversee agency IT resources. Due to issues in funding and legislative support, the law authorizing STO as the central state IT service entity was only partially implemented. Further changes to the responsibilities of STO and creation of the Florida Technology Council (FTC) to take over the role of IT oversight were vetoed by the Governor on June 27, 2005, and STO underwent de facto dissolution. The Florida House of Representatives, *Information Technology Management in Florida,* State Infrastructure Council/Spaceport and Technology Committee, January 2006 (copy on file with Government Efficiency Task Force staff). *See also* Ch. 2000-164, L.O.F., Ch. 2001-261, L.O.F., Senate Bill 1494 (2005), and Veto Message for Committee Substitute for Committee Substitute for Senate Bill 1494, June 27, 2005.

[17] An enterprise IT questionnaire developed by the Task Force was distributed to select state agency CIOs on November 18, 2011. Responses were compiled and distributed to the enterprise information technology work group members on December 2, 2011, (questionnaire and CIO responses on file with Government Efficiency Task Force staff).

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Recommended AEIT high-level organizational structure



Implementation

Agencies have historically approached IT projects within the scope of the individual agency, even when administering enterprise services. It is a challenge for agencies to accurately examine their role in the larger picture of state IT. Current enterprise IT projects would benefit from the focus provided by a single agency tasked with developing and implementing an overarching vision for enterprise IT services.

Recommendations

The Task Force recommends directing AEIT to identify and align agencies in process oriented design structures (PODS), grouping similar business processes and functions across state government. Lisa Vickers, Executive Director of the Florida Department of Revenue, presented a framework of state entities organized into process oriented design structures (PODS), or units based on similar functions, processes, and resources.[18] This model can be used to create an overarching schema for enterprise IT that supports all agencies, encourages collaboration, and locates efficiencies.[19]

The Task Force recommends directing AEIT to implement enterprise IT in support of this alignment, executed in successful phases according to business processes and functions. A phased approach will allow AEIT to effectively implement new strategies, governance concepts, and processes within logical, focused units.

The Task Force recommends directing AEIT to immediately begin identification and alignment of PODS with financial management, due to the foundational importance of the Florida Accounting and Information Resource (FLAIR) subsystem. Financial management serves a critical function to state operations, and its applications and data are utilized across numerous state agencies. An effective enterprise financial application would create efficiency and transparency, and provide effective tools for cost analysis.

The Task Force recommends implementing Phase 1 in a unit comprised of financial management agencies, including: the State Board of Administration, the Department of Financial Services, the Financial Services Commission, the Office of Financial Regulation, and the Office of Insurance Regulation (see appendix 1). Before starting Phase 1, AEIT should communicate with agencies to build consensus on the basic framework for a statewide financial management system. Initiating implementation with financial management, which includes a significant IT component, would provide a greater benefit to the state and realize substantial cost savings.

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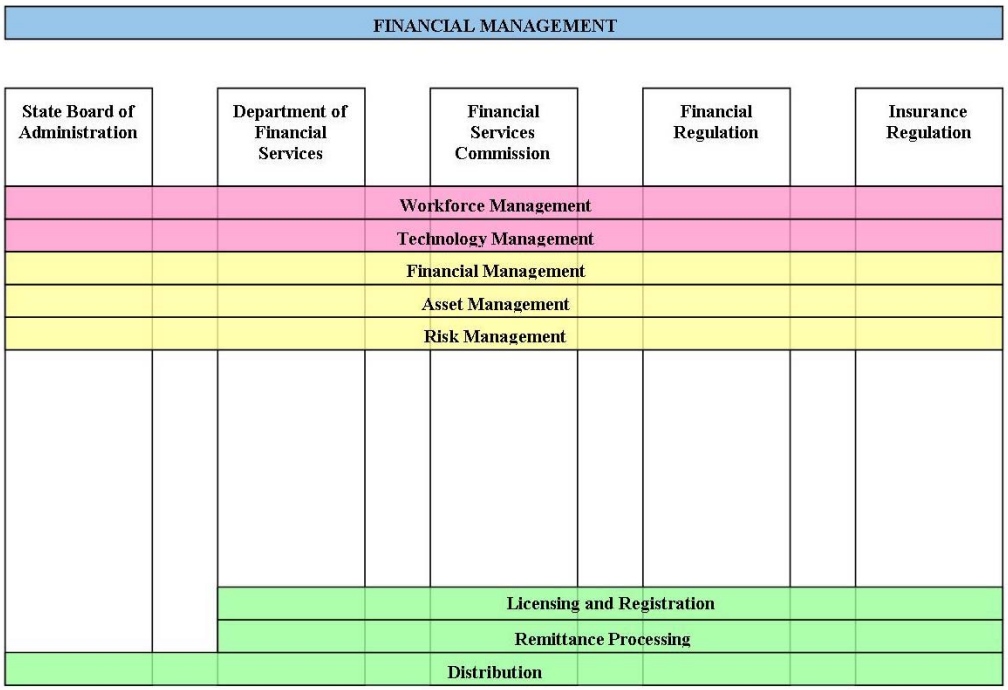
[18] Lisa Vickers, Executive Director of the Florida Department of Revenue, presented a consolidated government concept utilizing this structure to the Task Force on December 2, 2011. Presentation video, audio podcast, and materials are available at www.floridaefficiency.com/meetings.cfm (last visited 12/13/2011).

[19] Appendix 1 includes the diagram for the Financial Management unit using the PODS system.

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Appendix 1

Diagram of Financial Management agencies using PODS system.



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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: State Procurement

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding state procurement by a vote of 10 yeas, 0 nays:

- **Increased utilization of state term contracts**
  - Review all statutory barriers and remove those unnecessary for full utilization of state term contracts.
  - Create a process that gives the Department of Management Services (DMS) an approval role for non-state term contract purchases by agencies.
  - Estimated savings for strategically sourcing the estimated $1.8-$2.5 billion in potential sourceable spend is 6-10%, or **$108-$180 million** to **$150-$250 million** per year.

- **Increased utilization of MyFloridaMarketPlace**
  - Review the 1% usage fee for MyFloridaMarketPlace (MFMP) and adjust to allow for the greatest utilization by state agencies and other eligible users. Increased utilization is estimated to achieve savings of **$9.5 million** per year.
  - Measure full cycle utilization of MFMP through DMS. Reduction in hard and soft costs is estimated to achieve savings of **$10.9-$11.9 million** per year.
  - Provide a public facing catalog solution for other eligible users of MFMP.
  - Convert Florida commodity codes to the National Institute of Governmental Purchasing (NIGP) codes.

- **Increased effectiveness of MyFloridaMarketPlace**
  - Implement a data analytics solution for MFMP.
  - Automate electronic posting of solicitations created in Sourcing to the Vendor Bid System.
  - Automate the workflow between the Ariba Buyer and Ariba Sourcing modules of MFMP.
  - Provide a public portal for contract information.

- **Strategic sourcing**
  - Utilize the increased visibility and volume in spend achieved via increased use of state term contracts and MFMP to strategically procure commodities and services.
  - Create an incentive model that utilizes savings achieved by agencies to encourage participation in strategic sourcing.

- **Consultants' Competitive Negotiation Act (CCNA)**
  - Allow agencies to utilize the "Best Value" process for all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping. This process would allow price to be a factor of up to 50% when ranking the top three most qualified firms.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. STATE PROCUREMENT

Department of Management Services

The Department of Management Services (DMS) provides administrative and support services to other state agencies and to state employees. DMS's areas of responsibility include, but are not limited to:

- Employee benefits (retirement and insurance);
- Human resource management;
- Business operations (real estate development and management, state purchasing, and specialized services);
- Telecommunications; and
- Agency administration.[1]

State Procurement of and Contracts for Personal Property and Services

Under ch. 287, F.S., the Division of State Purchasing in DMS is responsible for developing and administering standardized procurement policies, procedures, and practices to be used by state agencies in acquiring commodities, contractual services, and information technology. A variety of procurement methods are available for use by the agencies depending on the cost and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors. To guide the procedures for the procurement method to be used, the type of review required, and the method for the award of any contract, the following purchasing categories with threshold amounts have been established:

- Category one: $20,000
- Category two: $35,000
- Category three: $65,000
- Category four: $195,000
- Category five: $325,000[2]

DMS prescribes methods of securing competitive sealed bids, proposals, and replies.[3] The competitive solicitation process must be used for procurement of commodities or contractual services in excess of the category two threshold amount and include any of the following solicitation methods: invitations to bid, requests of proposals, and invitations to negotiate. Many services procured by state agencies are exempt from competitive solicitation requirements regardless of whether the purchase exceeds the applicable cost threshold, including artistic services, auditing services, and legal services.[4] Agencies currently must seek approval from DMS to use an alternate contract source to purchase commodities or services from term contracts or requirements contracts competitively established by other governmental entities. In approving the alternate contract source, DMS determines if the contract source is cost-effective and in the best interest of the state.[5]

All agreements in excess of the category two threshold must be evidenced by a written agreement and include provisions for the required minimum level of service to be performed by the contractor, criteria for evaluating the successful completion of each deliverable, and financial consequences for nonperformance. There must

[1] *See* the Department of Management Services website, http://www.dms.myflorida.com/ (last visited 04/18/2012).
[2] Section 287.017, F.S.
[3] Rules 60A-1.041 and 60A-1.002, F.A.C.
[4] Section 287.057(3)(f), F.S.
[5] Rule 60A-1.047, F.A.C.

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also be a provision dividing the contract into quantifiable, measurable, and verifiable units of deliverables that must be received and accepted in writing by the contract manager before payment. Each deliverable must be directly related to the scope of work and specify the required minimum level of service to be performed and criteria for evaluating the successful completion of each deliverable.[6]

State agencies may use a variety of procurement methods, depending on the cost and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors. These include the following:

- "Single source contracts," which are used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase;
- "Invitations to bid," which are used when an agency determines that standard services or goods will meet its needs, wide competition is available, and vendors' experience will not greatly influence the agency's results;
- "Requests for proposals," which are used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors with the ability to provide the required goods or services exist; and
- "Invitations to negotiate," which are used when negotiations are determined to be necessary to obtain the best value and involve a request for highly complex and customized services by an agency dealing with a limited number of vendors.[7]

Chapter 287, F.S., also establishes a process by which a person may file an action protesting a decision or intended decision pertaining to contracts administered by DMS, a water management district, or certain other agencies.[8]

State Term Contracts

Agencies also purchase commodities and contractual services utilizing agreements called “state term contracts” procured by DMS.[9] A state term contract is an agreement that leverages the state’s volume and buying power to procure the best price for services and commodities. DMS negotiates state term contracts when it is in the best interest of the state to purchase mass quantities of a specific commodity or service. DMS is also responsible for compiling statistical procurement data concerning the method of procurement, terms, usage, and disposition of commodities and contractual services by agencies. This data is available in the Florida Accounting Information Resource (FLAIR) subsystem and the state’s MyFloridaMarketPlace (MFMP) centralized e-procurement system.[10]

The advantage of state term contracts is that the procurement process allows the state to leverage increased volume and buying power to provide commodities and services at lower cost to state agencies and other eligible users (OEUs).[11] The more state agencies and OEUs utilize state term contracts, the more leverage DMS has in negotiating a better price. In FY 2011-12, the Division tracked the following state term contracts:

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[6] Section 287.058(1), F.S.
[7] *See* ss. 287.012(6) and 287.057(1), (3), F.S.
[8] *See* s. 287.042(2)(c), F.S.
[9] *See* ss. 287.042(2)(a) and 287.056, F.S.
[10] Department of Management Services Operational Audit, Report No. 2011-075, January 2011 (copy on file with Government Efficiency Task Force staff).
[11] Section 287.012(11), F.S., provides that “’Eligible user’ means any person or entity authorized by the department pursuant to rule to purchase from state term contracts or to use the online procurement system.” Rule 60A-1.005, F.A.C., provides that the following entities are eligible users: governmental entities as defined in s. 163.3164, F.S., (a county, city, school board, or special district that has a physical presence in Florida) and any independent, nonprofit college or university that is located within the State of Florida and is accredited by the Southern Association of Colleges and Schools.

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- PCs, laptops, and monitors;[12]
- Information Technology (IT) network infrastructure;[13]
- Medical and dental supplies;[14]
- Office and classroom supplies;[15]
- Uniforms;[16] and
- Office and educational consumables.[17]

DMS identified $41.6 million in annualized savings over FY 2011-12, which equates to 19% savings compared to the estimated spend under the pre-state term contract price.[18]

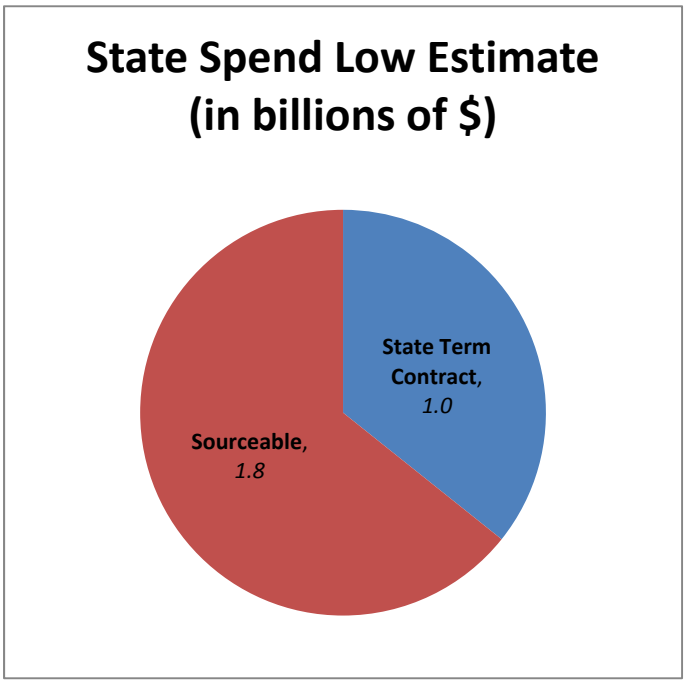
Category	Estimated Annual Spend (Before Sourcing)	Actual Identified Annual Savings $	Actual Identified Annual Savings %	Impacted FY 2011-12 Spend	Actual FY 2011-12 Spend	Actual FY 2011-12 Savings
PCs, Laptops and Monitors	$174,861,114	$56,834,099	33%	$88,944,688.47	$60,035,496	$28,909,172.47
IT Hardware: Network Infrastructure	$133,857,238	$15,661,312	12%	$91,204,979.65	$80,533,987	$10,670,922.65
Medical/Dental Supplies	$8,466,927	$2,024,192	24%	$1,569,471.19	$1,194,257.00	$375,214.19
Office and Classroom Supplies	$45,717,154	$3,116,256	7%	$4,915,976.74	$4,580,885.00	$335,091.74
Uniforms	$2,285,981	$325,461	14%	$718,246.76	$615,988.00	$102,258.76
Office and Education Consumables	$40,463,264	$1,627,757	4%	$31,235,860.42	$29,986,426.00	$1,249,434.42
Totals	**$405,651,678**	**$79,589,077**	**19.6%**	**$218,589,203.23**	**$176,947,039**	**$41,642,164.23**

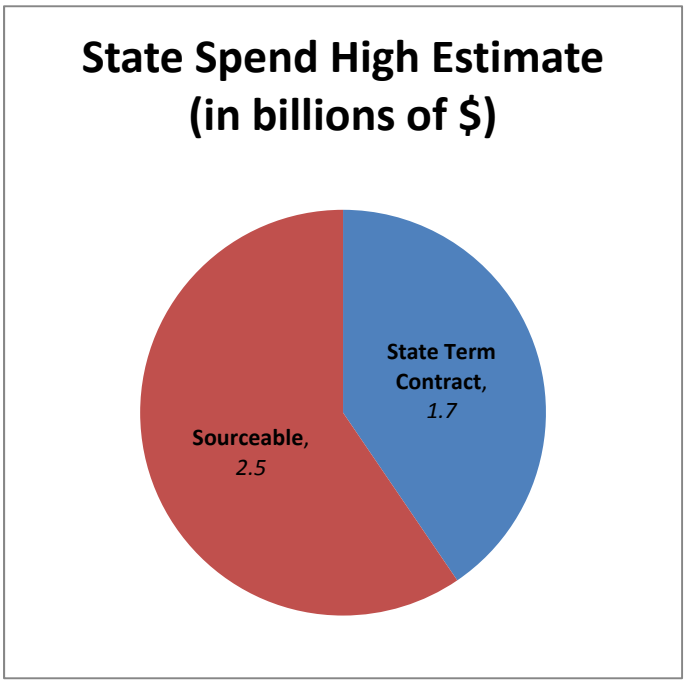
Despite the demonstrated success that DMS has attained in reducing costs for services and commodities through state term contracts, there is a large amount of unaddressed state spend that is not volume purchased through these contracts.[19] Many state agencies have not taken full advantage of the state term contracts provided by DMS, so volume purchasing opportunities are missed. DMS estimates that $1 to $1.7 billion[20] was purchased by state agencies through a state term contract last fiscal year with the opportunity to source[21] an

[12] Contract 250-040-08-1.
[13] Contract 250-000-09-1.
[14] Contract 475-000-11-1.
[15] Contract 618-001-07-ACS.
[16] Contract 200-050-05-1.
[17] Contract 618-000-11-1.
[18] Report provided by DMS at request of the Government Efficiency Task Force General Government Subcommittee Chairman (copy on file with Government Efficiency Task Force staff).
[19] Florida Senate, *State Contract Management System*, February 2011.
[20] DMS was able to track $1 billion of state term contract spend through MFMP and estimates that an additional $700 million was purchased on state term contracts outside of MFMP through FLAIR for a total estimate of $1 to $1.7 billion in total agency spend.
[21] "Opportunity to source" refers to agency spend to which a strategic sourcing methodology could be applied (i.e., a state term contract could be negotiated to procure the service or commodity).

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additional $1.8 to $2.5 billion of state agency spend. This potential sourceable spend does not include OEUs, or commodities or services exempted pursuant to s. 287.057(3)(f), F.S.





If DMS was able to strategically source the additional $1.8 to $2.5 billion in sourceable spend through multiple state term contracts and achieve a savings between 6-10%, the result would be in the range of $108-$180 million[22] to $150-$250 million[23] per year.

Change and Efficiency

Increase Use of State Term Contacts

The Task Force identified two primary reasons for under-utilization of state term contracts:

1. Lack of enforcement capability of DMS for state term contracts; and
2. Statutory barriers in the form of exceptions of use.

Approval of Non-Use of State Term Contracts

Section 287.042(2)(a), F.S., provides that DMS has the duty:

> To establish purchasing agreements and procure state term contracts for commodities and contractual services, pursuant to s. 287.057, under which *state agencies shall*, and eligible users may, make purchases pursuant to s. 287.056.[24]

[22] This range is based on a 6% or 10% savings on the additional $1.8 billion of potential sourceable spend.
[23] This range is based on a 6% or 10% savings on the additional $2.5 billion of potential sourceable spend.
[24] Emphasis added.

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Additionally, s. 287.056, F.S., provides that:

> *Agencies shall*, and eligible users may, purchase commodities and contractual services from purchasing agreements established and state term contracts procured, pursuant to s. 287.057, by the department.[25]

While state agencies are required to utilize state term contracts pursuant to statute,[26] DMS lacks an enforcement mechanism. Pursuant to Rule 60A-1.044, F.A.C., an agency that chooses to purchase outside a state term contract need only document why the state term contract does not meet its needs. Since DMS does not have a part in the approval process for non-state term purchases, the department does not receive feedback for improvement of state term contracts, which leads to ineffective contract negotiation and spend analysis.

Recommendations

The Task Force recommends creating a process that gives the Department of Management Services an approval role for non-state term contract purchases by agencies. Currently, while an agency may be mandated by statute to purchase from a state term contract, there is no approval or enforcement mechanism. DMS should have an approval role for agency purchases when the purchase can be made on a state term contract and the agency wants to purchase elsewhere. This would aid DMS in collecting data regarding the effectiveness of the state term contract and also enforce utilization of the state term contract when appropriate. This recommendation would aid DMS in strategically sourcing the estimated $1.8-$2.5 billion in potential sourceable spend to achieve an estimated savings between 6-10%. This would equate to a savings of **$108-$180 million**[27] to **$150-$250 million**[28] per year.[29]

Statutory Barriers to Use of State Term Contracts

There are several statutory barriers to use of state term contracts. Section 287.057(3)(f), F.S., lists exceptions to the competitive solicitation requirements, including:

- Artistic services;
- Academic program reviews;
- Lectures by individuals;
- Legal services;
- Health services;
- Services provided to persons with mental or physical disabilities by not-for-profit corporations;
- Medicaid services delivered to an eligible Medicaid recipient;
- Family placement services;
- Prevention services related to mental health;
- Training and education services;
- Contracts entered pursuant to s. 337.11, F.S.; and
- Services or commodities provided by governmental agencies.

For example, in FY 2010-11, $315 million, or 24% of the $1.27 billion, in substance abuse and mental health contracts were procured under the health services exemption.[30] This spend may be sourceable, but due to the

[25] Emphasis added.
[26] *See* ss. 287.042(2)(a), and 287.056(1), F.S.
[27] This range is based on a 6% or 10% savings on the additional $1.8 billion of potential sourceable spend.
[28] This range is based on a 6% or 10% savings on the additional $2.5 billion of potential sourceable spend.
[29] Sourcing and management of the added state term contracts may require additional staff.
[30] OPPAGA, *Substance Abuse and Mental Health Contracting*, September 28, 2011, p. 4 (copy on file with Government Efficiency Task Force staff). *See also* the Task Force recommendations specific to the issue of substance abuse and mental health services procurement.

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statutory authority, the purchase is exempt. Additionally, the combined spend for all exempt procurements is $8.4 billion annually.[31]

Recommendations

The Task Force recommends removing statutory barriers to full utilization of state term contracts. All exceptions to the competitive procurement process should be reviewed and those that are unnecessary should be repealed. By removing exemptions, there will be an increase in competition and ensure the best value for the State of Florida.

MyFloridaMarketPlace

MyFloridaMarketPlace (MFMP) was established to create a procure-to-pay system for commodities and services. The system aids DMS in utilizing a strategic sourcing methodology for state purchasing.[32] MFMP's purpose is to increase visibility and analysis into statewide spend, which allows the state to consolidate purchases across state entities. The strategic sourcing model used by the Division of State Purchasing (the division) seeks to maximize usage of MFMP by state agencies and other eligible users (OEUs) to:

- Increase total spend under management;
- Increase spend visibility; and
- Leverage the increased visibility and volume of spend to develop better procurements.

This visibility allows the division to target deeper discounts through negotiations with suppliers, resulting in stronger contracts. The state as a whole, including local governments, realizes reduced costs of procured products and services from these contracts. MFMP currently provides catalog availability only to agencies in the State of Florida. Currently, less than 50 percent of State of Florida spend is under management. Industry best practice is to achieve spend management of more than 80 percent, which has been achieved by other states.[33]

Utilization of MFMP by agencies provides the following benefits to the state:

1. Supply base management, which reduces procurement costs;
2. Supplier portal/network access, which creates greater competition;
3. Spend analysis, which provides a better understanding of state purchases;
4. Strategic sourcing, which leverages more dollars in order to achieve better pricing;
5. Contract lifecycle management, which reduces transition costs and providers greater visibility of spend; and
6. Procure-to-Pay availability, which reduces transaction costs.

In order for the state of Florida to achieve the greatest procurement efficiency and savings, state agencies need to utilize MFMP to its fullest capability. With greater use, the state agencies will achieve:

- Tighter control and better visibility of their purchases;
- Better control of encumbered funds;
- Significant reduction in invoicing and payment costs; and
- Easier detail and accessibility of spend data for audit purposes.

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[31] Analysis of the State Contract Management System database and agency data. Includes all exempt purchases, not just exemptions pursuant to s. 287.057(3)(f), F.S.

[32] Section 287.057(22), F.S., directs DMS to develop a program for online procurement of commodities and contractual services, which developed into MyFloridaMarketPlace.

[33] North Highland, *Business Case Of The eProcurement Solutions*, October 26, 2011, p.10 (copy on file with Government Efficiency Task Force staff).

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State Agency Utilization of MFMP

Currently, MFMP is not fully utilized by all agencies across state government. Measuring agency utilization is best captured in terms of the percent of addressable spend that is captured in agency MFMP Purchase Order (PO) dollars. Currently, DMS State Purchasing identified $3.8 billion of addressable spend in FY 2011-12. This was derived from FLAIR payments to vendors, categorized by accounting object code.

The expected total MFMP PO dollars at full agency utilization totals an estimated $3.6 billion. Currently, there are state agencies that are exempted from both competitive solicitation and utilization of MFMP. According to DMS, exempt agencies account for an additional estimated $100 million in addressable spend, while purchasing card (P-card) transactions account for an additional estimated $123 million in addressable spend. Additionally, approximately $1.7 billion of the $3.6 billion (47 percent) went through MFMP POs in FY 2011-12. Lastly, 32 vendors account for more than 65 percent of PO dollars not entered in MFMP. To better understand current state agency utilization trends, the Task Force has broken down agency MFMP PO utilization below into three categories:

1. State agencies with high utilization;
2. State agencies with medium utilization; and
3. State agencies with low utilization.

The chart below shows the agencies organized by MFMP utilization.

State Agencies with High MFMP Utilization (75% or More PO Adoption)	State Agencies with Medium MFMP Utilization (75-30% PO Adoption)	State Agencies with Low MFMP Utilization (Less than 30% PO Adoption)
The Agency for Work Force Innovation[34]	Department of Health	State Courts System
Department of Highway Safety and Motor Vehicles	Department of Corrections	Department of Revenue
Division of Administrative Hearings	Department of State	Department of Juvenile Justice
Department of Veteran Affairs	Department of Elder Affairs	Department of Transportation
Florida Fish and Wildlife Conservation Commission	Attorney General and Legal Affairs	Department of Environmental Protection
Department of Financial Services	Executive Office of the Governor	Department of Military Affairs
Florida Department of Law Enforcement	Department of Community Affairs[35]	Agency for Health Care Administration
Department of Children and Families[1]	Florida Parole Commission	Department of Citrus
Department of Business and Professional Regulation	Florida School for the Deaf and Blind	Florida Lottery
Department of Management Services		Department of Education
Agency for Persons with Disabilities		

[1] As of March 2012, the Department of Children and Families has 100 percent fully integrated MFMP utilization throughout the agency.

Change and Efficiency

Increase Usage of MyFloridaMarketPlace

1% Transaction Fee

One of the main identified factors for under utilization involved the 1% fee currently charged to vendors who utilize MFMP. Section 287.057(22)(c), F.S., provides that: “The department may impose and shall collect all

[34] Transitioned to Department of Economic Opportunity in 2011.
[35] Transitioned to Department of Economic Opportunity in 2011.

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fees for the use of the online procurement systems." The statute provides DMS flexibility in setting the fees for usage of MFMP. The current 1% is established via Rule 60A-1.031, F.A.C., with a list of exceptions to the 1% fee provided in Rule 60A-1.032, F.A.C.

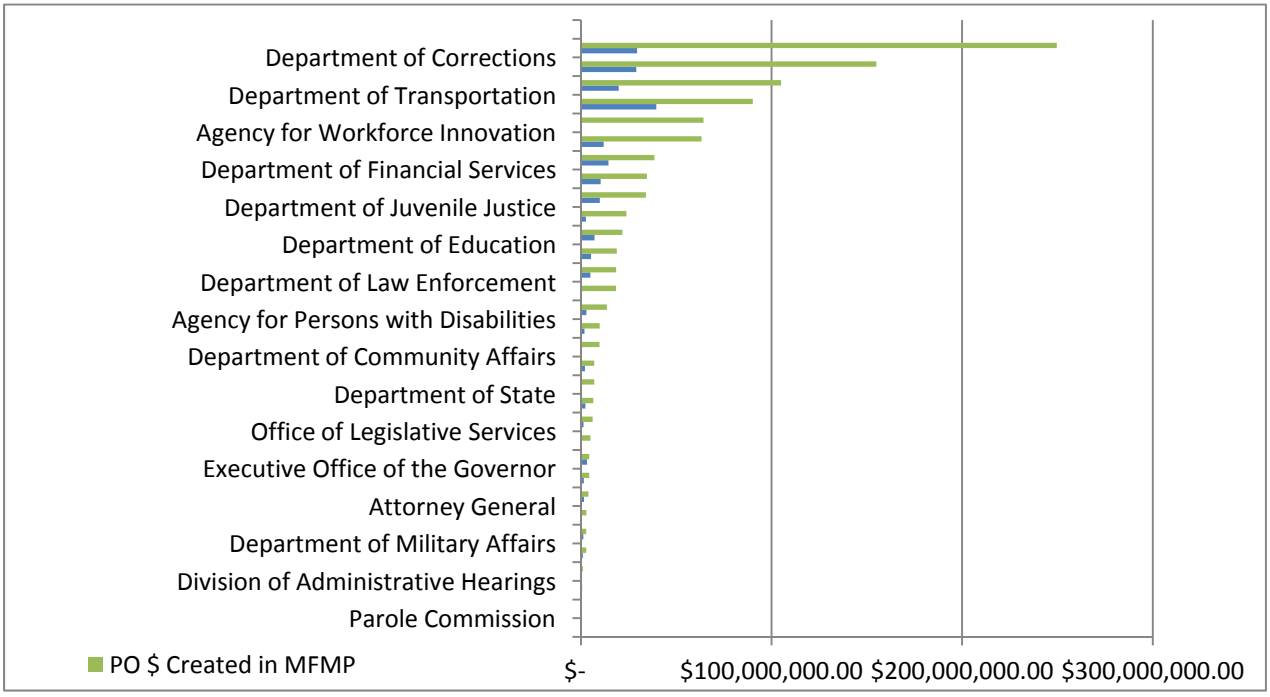
Recommendations

The Task Force recommends that the 1% usage fee for MyFloridaMarketPlace be reviewed and adjusted to allow for the greatest utilization by state agencies and other eligible users. Users of MFMP are charged a 1% usage fee. The fee and funding structure of MFMP should be reviewed and changed to allow for the greatest utilization.[36] If increased utilization was able to generate a 1% savings on only 50% of the possible spend that could utilize MFMP, the savings would total **$9.5 million** per year.[37]

Full Cycle Utilization

As demonstrated in the below graph, agencies do not fully utilize MFMP. Many agencies will order (create a PO) within the system, but will not utilize the e-Invoicing system; instead the agency will utilize FLAIR. Utilizing FLAIR creates additional soft and hard costs[38] involved in the invoicing process. Two separate reports estimate a savings of $10-$15 per transaction if the order were to be processed via the e-Invoicing in MFMP rather than through FLAIR.[39] DMS has estimated a cost savings of $10.9-$11.9 million per year if 80% of addressable spend were to utilize the e-Invoicing system with MFMP.

MFMP Invoice Payment dollars against MFMP POs



[36] DMS provided several high-level concepts of a revised fee, including reducing the fee, an e-transaction incentive model, and two hybrid models (copy on file with Government Efficiency Task Force staff).
[37] This is calculated by taking 1% of the 50% of the $1.9 billion in potential MFMP spend (1% of $950 million), which equates to $9.5 million.
[38] Soft costs refer to the labor involved in processing the order, while hard costs refer to the printing and sending of the invoice.
[39] These reports were done by Forrester and Accenture (copy on file with Government Efficiency Task Force staff).

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Recommendations

The Task Force recommends that DMS measure full cycle utilization. There are significant savings to be realized by not printing and mailing out invoices to customers. The hard costs alone (postage, paper, custom envelopes) are significant enough to justify adoption, but there are also significant soft costs in labor savings. Agencies should utilize MFMP for invoicing. This recommendation would result in savings of **$10.9-$11.9 million** per year if implemented.[40]

MFMP Enhancements

DMS's objective is to establish the following guiding principles to ensure that MFMP is fully as a best-in class[41] e-Procurement solution:

- Maximize spend visibility;
- Maximize usage by both agencies and other governmental entities;
- Bring best value to the state through strategic sourcing, standard contracts, and processes;
- Manage administrative costs through self-service and a shared services delivery model; and
- Create a flexible technology platform that is easy to use and maintain.

There are several enhancements available to the MFMP system that can further improve the realized efficiencies, produce greater savings from economies of scale, support open government requirements, better leverage OEU spend to Florida's collective benefit, further ease implementation of a unified statewide procurement process, embrace national and best-in-class standards, and embrace new cloud technology.

Recommendations

The Task Force recommends implementing a data analytics solution. MFMP should be modified to assist the state in gaining greater spend visibility for goods and/or services than is currently available. The goal should be data normalization at a minimum standard of 80 percent of the available dataset covering:

a. Suppliers – including but not limited to:
    i. Utilizing an external database to demonstrate parent-child relationships
    ii. Federal employer identification number (FEIN) validation
    iii. Physical location detail
b. Commodity code– including but not limited to:
    i. Transition to National Institute of Governmental Purchasing commodity codes
    ii. Validate commodity code spend against vendor business class
c. Supplier business status validation from a vendor-supplied database covering:
    i. Minority
    ii. Veteran
    iii. Small Business

The services should provide information that will support the shared services initiatives the state is currently undertaking and should provide greater visibility in expenditures made by state agencies. This enhancement provides the necessary data to support a strategic sourcing process for the State of Florida. The ability to access disparate data sources and normalize spend creates a benchmarking opportunity that allows agencies and other users to evaluate procurement performance.

The Task Force recommends automating electronic posting of solicitations created in Sourcing to the Vendor Bid System (VBS). DMS developed and manages the VBS, to which approximately 1,000 solicitations

[40] The savings estimate uses DMS calculations based on two reports by Accenture and Forrester.
[41] Gartner, *Understanding Your Top Procurement Processes*, May 11, 2011 (copy on file with Government Efficiency Task Force staff).

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are posted each year. DMS also uses the Ariba Sourcing application to post solicitations and receive responses. One of DMS's goals is to roll-out the Ariba Sourcing application to all agencies. Currently all agencies use VBS and are required to manually post information in the system. DMS should create a solution to facilitate the automated posting of solicitation information in VBS from Ariba Sourcing to avoid manually entering data in both systems. This enhancement will reduce the duplication of efforts by state agencies as the Ariba Sourcing module is rolled out to other agencies in Florida.

The Task Force recommends that DMS automate the workflow between the Ariba Buyer and Ariba Sourcing modules. Buyers must manually create a requisition within MFMP Buyer when an electronic quote or sourcing event is awarded in the Sourcing tool. DMS should create a solution to automate the creation of requisitions in Buyer for electronic quotes awarded in Sourcing.

The Task Force recommends providing a public portal for contract information. DMS maintains all statewide agreement documents and contract information on the DMS website, as well as in the MFMP application. A best-in-class solution will provide a tool to maintain contract information within MFMP complemented by a public portal for contract information, in order to prevent the duplication of data in multiple locations. This enhancement would replace the DMS state term contract website and would be available to other agencies in a shared solutions model to support transparency in Florida.

Other Eligible Users (OEUs)

OEUs account for a significant amount of the sourceable spend on state term contracts. The more OEUs utilize state term contracts and MFMP, the more DMS is able to negotiate better prices due to increase in volume of spend. MFMP does not currently utilize a public facing catalog for OEUs. The public facing catalog would be similar to the platform on amazon.com or other on-line stores. The catalog would significantly increase the ease of ordering from MFMP for OEUs.[42]

MFMP also utilizes Florida commodity codes. This codes are unique to the state and do not correspond with the majority of industry codes. Most OEUs use National Institute of Governmental Purchasing (NIGP) codes. The difference in coding makes it difficult for OEUs to navigate and locate the commodities they wish to purchase through MFMP and post solicitations on VBS once it becomes available to OEUs.

Recommendations

The Task Force recommends providing a public facing catalog solution. DMS establishes catalogs for all state term contracts in MFMP Buyer from which customers purchase. Current catalog types include line items, punch-outs (an interface between a supplier's online ordering portal and Buyer), and ordering instructions (general instructions to buyers on how to purchase). DMS is working to create a solution to make the MFMP catalog component available to OEUs (e.g., cities, counties, and universities). This enhancement will also allow users to create a shopping cart of various items for print view reference and will accept P-card payment functionality. This addition will support the goal of increasing spend visibility by capturing purchases from OEUs and making them reportable in MFMP analysis. This enhancement will better drive spend to state term contracts. Leveraging purchases across the entire State of Florida is a key component of strategic sourcing and will deliver better value to all Florida taxpayers.

The Task Force recommends converting Florida commodity codes to the National Institute of Governmental Purchasing (NIGP) codes. The State of Florida currently leverages custom commodity codes. These commodity codes are maintained by the Division of State Purchasing (the division) and are associated to a default object code (defined by DFS). DMS is interested in moving away from Florida customized commodity codes to a set of standard industry codes. Most OEUs utilize NIGP codes. If they are adopted as the State of Florida standard, it will be easier for the OEUs to utilize MFMP and VBS.

[42] OEU spend is not currently tracked through MFMP. Vendors self report the sales in order to reconcile the 1% fee with the state. It is estimated that the amount reported by vendors is lower than the actual amount. *See* Rule 60A-1.031, F.A.C.

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Strategic Sourcing

The ultimate goal of the Task Force recommendations is to aid DMS in its mission to strategically source commodities and services, for both the state and OEUs, in order to achieve the best price. Increased utilization of state term contracts will immediately realize savings by negotiating a better price for agency purchases and will also allow DMS to continually negotiate better state term contracts through the increase in the volume of spend. Increased use of MFMP allows DMS to track spending and in turn negotiate new state term contracts or identify new avenues for savings.

Recommendations

The Task Force recommends utilizing the increased visibility and volume in spend achieved via increased use of state term contracts and MFMP to strategically procure commodities and services. If utilization of state term contracts and utilization of MFMP are increased, the state will achieve greater spend visibility and purchasing leverage. DMS should utilize these processes to strategically procure and achieve greater savings.

The Task Force recommends creating an incentive model that utilizes savings achieved by agencies to encourage participation in strategic sourcing. In order to encourage agency compliance with the utilization of state term contracts and MFMP, the state should adopt an incentive model that awards an agency for cost savings through strategic procurement. The state should set realistic goals for savings achievement and reward agencies for achieving those goals, not just for participating.

Consultants' Competitive Negotiation Act

The Consultants' Competitive Negotiation Act (CCNA) was passed in 1973.[43] The Act is largely based on the Federal Brooks Act, which was passed in 1972.[44] CCNA provides that all professional services within architecture, professional engineering, landscape architecture, or registered surveying and mapping[45] be contracted according to qualifications-based selection (QBS). CCNA applies to all projects above $325,000 and all studies above $35,000[46] bid out by the state, a state agency, a municipality, a political subdivision, a school district, or a school board.[47]

QBS follows these phases:

Phase One

1. The agency publicly announces the project or study.[48]
2. The agency evaluates current statements of qualifications and performance currently on file, together with those that are submitted by other firms and conducts discussions with no fewer than three firms regarding their qualifications, approach to the project, and ability to furnish the required services.[49]
3. The agency then selects in order of preference no fewer than three firms deemed to be the most qualified.[50]
4. The agency may consider the following factors in determining whether a firm is qualified: ability of professional personnel; whether a firm is a certified minority business enterprise; past performance;

[43] *See* s. 287.055, F.S.
[44] *See* Public Law 92-582.
[45] Section 287.055(2)(a), F.S.
[46] *See* s. 287.055(3)(a)(1), F.S., which cites to s. 287.017, F.S. Section 287.017(5), F.S., provides that a category 5 project is defined as a project over $325,000 and s. 287.017(2), F.S. provides that a category 2 is a study over $35,000.
[47] Section 287.055(2)(b), F.S.
[48] Section 287.055(3)(a)(1), F.S.
[49] Section 287.055(4)(a), F.S.
[50] Section 287.055(4)(b), F.S.

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willingness to meet time and budget requirements; location; recent, current, and projected firm workload; and the volume of work previously awarded to each firm by the agency.[51]

5. The agency may not consider compensation during this phase.[52]

Phase Two

1. The agency negotiates with the most qualified firm regarding compensation.[53]
2. If the agency cannot come to an agreement with the most qualified firm, then negotiations with that firm must be formally terminated.[54]
3. The agency may then begin negotiations with the second most qualified firm.[55]
4. If the agency cannot come to an agreement with the second most qualified firm, then negotiations with that firm must be formally terminated.[56]
5. The agency may then begin negotiations with the third most qualified firm.[57]
6. If the agency cannot come to an agreement with the third most qualified firm, then negotiations with that firm must by formally terminated.[58]
7. If the agency cannot negotiate a satisfactory contract with any of the three most qualified firms, the agency can negotiate with additional firms selected in order of their competence and qualifications.[59]
8. Once negotiations with a firm are terminated, the agency may not resume negotiations with that firm for the project.

Recommendations

The Task Force recommends that state agencies utilize the "Best Value" process.[60] The best value process is defined as:

> The selection of a firm or firms whose proposal provides the greatest overall benefit to an agency in accordance with the requirements of a formal solicitation.

The best value process allows agencies to:

1. Solicit proposals and include a written scope of work for the project to the competing firms.
2. Rank all firms based on qualifications and establish a "short list."[61]
3. Rank "short listed" firms on qualifications and price.[62]

Price would be allowed to be solicited from the top three most qualified firms only and would be factored in to the evaluation at no more than 50%. Since unqualified firms would not make the original short list, only the most qualified firms would have an opportunity to be awarded the contract. This would address the concerns raised about health and human safety in the procurement process.

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[51] *Id*.
[52] Section 287.055(4)(c), F.S.
[53] Section 287.055(5)(a), F.S. "Compensation which the agency determines is fair, competitive, and reasonable."
[54] Section 287.055(5)(b), F.S.
[55] *Id*.
[56] *Id*.
[57] *Id*.
[58] Section 287.055(5)(b), F.S.
[59] Section 287.055(5)(c), F.S.
[60] The process was presented by Mr. Steve Carnell at the November 2, 2011, meeting of the Government Efficiency Task Force. *See* http://www.floridaefficiency.com/2011meetings.cfm (last visited 5/7/2012). The Subcommittee on General Government also discussed CCNA and the best value process at the April 11 and May 2, 2012, meetings and adopted the best value process as a recommendation. *See also* the Task Force recommendations on the Consultants' Competitive Negotiation Act.
[61] The first two steps are the same as the current CCNA process and would remain the same under best value.
[62] The third step is a deviation from CCNA and would allow price to be a component of ranking the short list.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Florida Retirement System (FRS)

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding the Florida Retirement System (FRS) by a vote of 10 yeas, 0 nays:

- **Define a goal for the state retirement system.** The state does not currently have a defined goal for the retirement system. The Florida Statutes and Constitution provide requirements, but do not outline a set goal or purpose for the state.

- **Prioritize portability and transferability of retirement funds.** The defined contribution (DC) plan currently offers portability for its members. Due to the changing nature of employment and the increasingly transient nature of employees, the state should place a priority on portability and transferability for all state employee retirement funds.

- **Review the assumed long term returns on the pension fund and the acceptable funding level.** The current assumed return for the FRS pension fund is 7.75%. This assumed rate should be reviewed in context of past market performance to determine if this is an accurate assumption. Various studies have indicated that a funding level of 80% is generally accepted as actuarially sound. As of June 2011, the FRS pension fund has a funding level of 87.5%. The funding level has many assumptions built in, including an assumed rate of return, length of FRS membership, and vesting time of benefits. The funding level policy should be reviewed in the context of the potential issues surrounding retirement funds. The Task Force also recommends that employees contribute a portion of their salary towards their retirement plan.

- **Place a cap on the average salary for calculating pension benefits.** High-salaried employees are one of the drivers of increased funding liability for the pension fund. The Internal Revenue Service (IRS) limits the amount of annual salary that may be applied towards retirement under a qualified plan. Currently, the IRS limits the annual salary to $245,000 for members hired on or after July 1, 1996, and $363,820 for members hired prior to July 1, 1996. The Task Force recommends a cap on salary applied towards retirement in line with the average salary of a head of state agency, which is $140,000.

- **Consider a hybrid retirement system.** Various states have either adopted or are considering a hybrid retirement plan (incorporates both defined benefit (DB) and DC plans). Florida should review the hybrid option as a method to reduce future unfunded liability, provide flexibility for employees, and ensure adequate guaranteed retirement funds for state employees, particularly lower earning employees.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. FLORIDA RETIREMENT SYSTEM

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund.[1] The Florida Retirement System Act[2] governs the FRS, which is a multi-employer plan that provides retirement benefits to 643,680 active members,[3] 319,689 retired members and beneficiaries, and 45,092 members in the Deferred Retirement Option Program (DROP).[4] The FRS is the primary retirement plan for employees of state and county government agencies, district school boards, community colleges, and universities.[5] Participation in the FRS is compulsory for most state employees.[6] The FRS also serves as the retirement plan for participating employees of 185 cities and 243 special districts.[7]

The membership of FRS is divided into five membership classes:

- Regular Class:[8] 561,126 (87.1%)
- Special Risk Class:[9] 72,675 (11.3%)
- Special Risk Administrative Support Class:[10] 63 (0.01%)
- Elected Officers' Class:[11] 2,218 (0.34%)
- Senior Management Service Class:[12] 7,598 (1.2%)[13]

There are currently two retirement programs in which a member of the Florida Retirement System may participate: The Florida Retirement System Pension Plan (defined benefit or DB plan) or the Florida Retirement System Investment Plan (defined contribution or DC plan).

FRS Pension Plan

The FRS DB Plan was created in 1970 and is administered by the Secretary of the Department of Management Services through the Division of Retirement. Investment management is performed by the State Board of Administration. The DB plan also serves as the default retirement plan membership for all FRS

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[1] Department of Management Services, *The Florida Retirement System Annual Report*: *July 1, 2010 – June 30, 2011*, p. 10, https://www.rol.frs.state.fl.us/forms/2010-11_Annual_Report.pdf (last visited 5/15/2012). In 1972, the Judicial Retirement system was also consolidated into the FRS.
[2] *See* ch. 121, F.S.
[3] Information provided by the Department of Management Services, Division of Retirement (copy on file with Government Efficiency Task Force staff). Current as of 2/1/2012.
[4] *The Florida Retirement System Annual Report* at p. 22 (as of 6/1/2011).
[5] As of June 2011, there were 67 school boards, 28 community colleges, 396 county agencies and 55 agencies of the state participating in the FRS. *Id.* at p. 38.
[6] Section 121.051, F.S.
[7] *The Florida Retirement System Annual Report* at p. 38 (as of 6/1/2011).
[8] *See* s. 121.021(12), F.S. Regular Class "consists of all members who are not in the Special Risk Class, Special Risk Administrative Support Class, Elected Officers' Class, or Senior Management Class."
[9] *See* s. 121.0515, F.S. Members of this class include law enforcement officers, firefighters, correctional officers, correctional probation officers, paramedics, emergency medical technicians, certain professional health care workers within Department of Corrections and the Department of Children and Families, and certain forensic employees.
[10] *See* s. 121.0515(8), F.S. Members are former members of the special risk class who are transferred or reassigned to an administrative support position in certain circumstances.
[11] *See* s. 121.052, F.S. Members are those who hold specified elective offices in either state or local government.
[12] *See* s. 121.055, F.S. Members are generally high level executive and legal staff or as specifically provided in law.
[13] Information provided by the Department of Management Services, Division of Retirement (copy on file with Government Efficiency Task Force staff). Current as of 2/1/2012.

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participants. As of July 1, 2011, all active FRS members are required to contribute three percent of their gross salary towards their retirement plan.[14]

A member vests in the pension plan and becomes eligible for lifetime pension benefits after six years of employment with an FRS employer if initially enrolled before July 1, 2011, or after eight years if initially enrolled July 1, 2011, and after.[15] The benefits payable are calculated based on the years of service times the accrual rate times the average final compensation.[16] As of February 29, 2012, the market value of the pension fund was $126.125 billion.[17]

FRS Investment Plan

In 2000, the Legislature created the FRS Investment Plan (DC plan), a defined contribution plan offered to eligible employees as an alternative to the pension (DB) plan. The earliest any member could participate in the investment plan was July 1, 2002.

The plan is similar to private sector 401(k) plans. Benefits under the investment plan accrue in individual member accounts funded by employee and employer contributions.[18] Benefits are provided though employee directed investments offered by approved investment providers.[19] As of February 29, 2012, the total amount of funds in the investment plan was $7.067 billion.[20]

Employer and Employee Contributions

Section 121.71, F.S., provides employee and employer contributions to the Florida Retirement System. For FY 2011-12, all active FRS members are required to contribute three percent of their gross compensation, with the exception of members of DROP.[21] The contribution rates to fund normal cost benefits by employers for each membership class for FY 2011-12 are:

- Regular Class: 3.28%
- Special Risk Class: 10.21%
- Special Risk Administrative Support Class: 4.07%
- Elected Officers' Class:[22] 7.02%
- Elected Officers' Class:[23] 9.78%
- Elected Officers' Class:[24] 9.27%
- Senior Management Class: 4.81%
- DROP: 3.31%[25]

Section 121.71(5), F.S., also provides for employer contributions in order to address unfunded actuarial liabilities of the FRS Pension Plan. The contribution rates for employers for each membership class for FY 2011-12 are:

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[14] *See* s. 121.71(3), F.S.
[15] *See* s. 121.021(45)(b), F.S. The eight-year vesting period applies to employees covered under the FRS plan hired after July 1, 2011. The vesting period is six years for employees hired prior to July 1, 2011.
[16] *See* s. 121.091, F.S.
[17] *See* http://www.sbafla.com/fsb/ (last visited 5/15/2012).
[18] Section 121.4501(7), F.S. Prior to July 1, 2011, the member accounts were only employer funded.
[19] Section 121.4501(9), F.S.
[20] *See* http://www.sbafla.com/fsb/ (last visited 5/15/2012).
[21] Section 121.71(3), F.S.
[22] Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, and Public Defenders.
[23] Justices and judges.
[24] County elected officials.
[25] Section 121.71(4), F.S.

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- Regular Class: 0.49%
- Special Risk Class: 2.75%
- Special Risk Administrative Support Class: 0.83%
- Elected Officers' Class:[26] 0.88%
- Elected Officers' Class:[27] 0.77%
- Elected Officers' Class:[28] 0.73%
- Senior Management Class: 0.32%
- DROP: 0.00%[29]

Employer and employee contributions are contributed monthly to the Division of Retirement and are initially deposited in the Florida Retirement System Contributions Clearing Trust Fund.[30] Allocations to investment plan member accounts are established pursuant to section 121.72(3), F.S., by membership class. For FY 2011-12, the allocations for the investment plan members are:

- Regular Class: 9.00%
- Special Risk Class: 20.00%
- Special Risk Administrative Support Class: 11.35%
- Elected Officers' Class:[31] 13.40%
- Elected Officers' Class:[32] 18.90%
- Elected Officers' Class:[33] 16.20%
- Senior Management Class: 10.95%[34]

After making the allocations required by statute,[35] the remaining balance in the Florida Retirement System Contributions Clearing Trust Fund is transferred to the Florida Retirement Trust Fund to pay the costs of providing pension plan benefits and plan administration.[36] The disability coverage for Investment Plan members is administered by the Division of Retirement and the funding specified in s. 121.71(3), F.S., is transferred to the Florida Retirement System Trust Fund to pay the cost of this benefit.

Employee Participation

At the time of initial employment, a member of the FRS may choose to either participate in the pension plan or investment plan. If the member does not choose, the default choice is the pension plan. A member has one additional choice before termination or retirement to change retirement plans. The charts below reflect the current membership of the FRS by class and by retirement plan.[37]

[26] Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, and Public Defenders.
[27] Justices and judges.
[28] County elected officials.
[29] Section 121.71(5), F.S.
[30] Section 121.71(2), F.S.
[31] Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, and Public Defenders.
[32] Justices and judges.
[33] County elected officials.
[34] Section 121.72(4), F.S. House Bill 5005, passed during the 2012 session, reduces the contribution levels by approximately 30%. House Bill 5005 (2012), Ch. 2012-146, L.O.F.
[35] The allocations include investment member account funds (s. 121.72, F.S.), member disability coverage (s. 121.73, F.S.), and administrative and educational expenses (s. 121.74, F.S.).
[36] Section 121.75, F.S.
[37] Information was provided by the Department of Management Services, Division of Retirement (current as of 2/28/2012 and on file with Government Efficiency Task Force staff).

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	Class	Members in Pension Plan	Total Salary	Members in Investment Plan	Total Salary
FRS	Regular	472,198	$18,585,083,221	88,928	$3,439,293,624
	Senior Management	5,430	$453,933,974	2,168	$145,877,359
	Special Risk	61,280	$3,315,508,794	11,395	$624,543,868
	Special Risk Administrative Support	45	$2,070,774	18	$796,462
	Elected Officers	1,682	$142,579,733	536	$26,073,922

The vast majority of FRS members participate in the pension plan (84%) versus the investment plan (16%). The percentage breakdown per class is as follows:

- Regular Class: 84.2% (Pension Plan) and 15.8% (Investment Plan)
- Senior Management Class: 71.5% (Pension Plan) and 28.5% (Investment Plan)
- Special Risk Class: 84.3% (Pension Plan) and 15.7% (Investment Plan)
- Special Risk Administrative Support Class: 71.4% (Pension Plan) and 28.6% (Investment Plan)
- Elected Officers' Class: 75.8% (Pension Plan) and 24.2% (Investment Plan)

Member plan choice has been consistent over the last three fiscal years. The chart below shows new employee choice of retirement plans.[38]

Participant Election Data			
	New Employee Elections		
	**Default to Pension	Pension Plan	Investment Plan
FY 2009-10	21,501 (55.5%)	8,158 (21.1%)	9,071 (23.4%)
FY 2010-11	21,049 (52.6%)	9,042 (22.6%)	9,960 (24.8%)
FY 2011-12*	6,317 (51.4%)	2,782 (22.7%)	3,179 (25.9%)
Total	48,867 (53.7%)	19,982 (21.9%)	22,210 (24.4%)
* Percentages are shares of FY Totals as of 12/31/2011 ** Based on focus group and survey data, up to 45% of defaulters use this option as their active plan election choice to the pension plan			

[38] State Board of Administration of Florida, *Monthly Performance Report to the Trustees*, December 31, 2011, p. 13 (copy on file with Government Efficiency Task Force staff).

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Change and Efficiency

Goal of the Florida Retirement System

The Florida Retirement System does not have an overriding goal in the Constitution or in statute. The Task Force provided several questions regarding the purpose of the FRS including:

- What is the state policy regarding the FRS?
- Is the purpose of the FRS for recruitment and retention of state and local employees?
- Is there a comparison between private and public retirement systems that provides a consistent balance between the two?

One articulation of the retirement system was that it was a three prong approach to retirement, where the FRS benefit served as one prong, with social security and personal savings serving as the other two prongs.[39]

Recommendations

The Task Force recommends defining a goal for the Florida Retirement System. The state does not currently have a defined goal for the retirement system. The Florida Statutes and Constitution provide requirements, but do not outline a set goal or purpose for the state.[40]

The Task Force recommends that portability and transferability of retirement funds be placed as a priority. The DC plan currently offers portability for its members. Due to the changing nature of employment and the increasingly transient nature of employees, the state should place a priority on portability and transferability for all state employee retirement funds.

B. FUNDING

The pension plan is funded through a combination of employee and employer contributions and investment earnings. Since the retirement benefits are guaranteed by the state, there is the potential for the pension fund to have a shortfall if the investment earnings are below the projected returns for the long term, or if the actuarially-required contributions are not paid to the system by employees and/or employers.
The pension fund's funding ratio[41] over the last twenty-five years has had a high of 118.1% and a low of 54.3%.[42] A 100% funding ratio indicates that the pension fund is able to meet its liabilities as of the valuation date for current retirees and current members who retire. In 2009, the funding ratio was 88.5%, in 2010 it was 87.9%, and in 2011 it was 87.5%.[43] Experts generally consider public pension plans with funding ratios at or above 80% to be fiscally sound.[44] The economic downturn has shown that state pension funds are vulnerable to market downturns.

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[39] As provided by Sarabeth Snuggs, Director of the Division of Retirement, at the meeting of the Subcommittee on General Government, May 2, 2012. This is not an official position of DMS, but a common articulation of various pension plans. Ms. Snuggs also noted that a fourth prong would also be any retirement benefits from other employers in the course of the FRS member's career. *See* http://www.floridaefficiency.com/meetings.cfm (last visited 5/8/2012).
[40] The Task Force does not recommend a particular goal.
[41] A funding ratio is a comparison of a pension's assets to its liabilities (current and future).
[42] *See* State Board of Administration, *Pension Portfolio Overview as of 6/30/2011*, p. 2 (copy on file with Government Efficiency Task Force staff).
[43] *Id*. *See also* https://www.rol.frs.state.fl.us/forms/Asset_Liability_Chart.pdf (last visited 5/15/2012). The funding ratio represents assets versus liabilities at a given point in time. The percentages were calculated as of June 30th of that year.
[44] U.S. Government Accountability Office (GAO), *State and Local Government Retiree Benefits: Current Status of Benefit Structures, Protections, and Fiscal Outlook for Funding Future Costs*, Report No. 07-1156, November 2007 (copy on file with Government Efficiency Task Force staff).

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Change and Efficiency

Funding Ratio Assumptions

In calculating the funding ratios of pension funds, actuaries take several assumptions into consideration including: salary increases, inflation, and investment returns. Most states have an assumed return of around 8 percent.[45] The economic downturn has caused some to question if the assumed rate is too optimistic.[46] The board that oversees the California Public Employees' Retirement System (Calpers) reduced their assumed rate from 7.75% to 7.5%,[47] while the Illinois State Employees' Retirement System lowered their rate from 8.5% to 7.75%.[48] Florida has a return assumption of 7.75%.[49]

The Pew Center report outlines the main debate regarding the assumed return rate:

> At the heart of the debate surrounding the appropriate discount rate assumption is whether states should calculate the current value of these long-term promises using an expected rate of return. In other words, if investment returns are disappointing and do not meet expectations, states are still required to pay retirees the benefits they have earned.[50]

The study provides that several experts have recommended a riskless rate instead.[51] Two suggestions were the rate on 30-year treasury bonds[52] or the investment return required by the Final Accounting Standards Board, which is based on corporate bond rates.[53]

If Florida were to use a lower assumed rate of return, the funding ratio would be lower and additional contributions would be needed for the pension fund.[54] Based on the 2009 funding ratio, if the assumed rate were to be lowered to 5.22% the funding ratio would be 61% and if the rate was lowered to 4.38% the ratio would be 54%.[55]

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[45] The Pew Center on the States, *The Widening Gap: The Great Recession's Impact on State Pension and Retiree Health Care Costs*, April 2011, p. 8, http://www.pewstates.org/research/reports/the-widening-gap-85899378209 (last visited 5/10/2012).
[46] *Id.* Citing *Warren Buffett Says That Pension Accounting Encourages Cheating*, Bloomberg.com, July 17, 2009, http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aCb9PTevRP3g&refer=news_index (last visited 5/10/2012).
[47] *See Calpers Lowers Investment Target to 7.5%*, Wall Street Journal, March 15, 2012, http://online.wsj.com/article/SB10001424052702304692804577281603950185684.html (last visited 5/10/2012).
[48] *See Illinois Employers Lowers Return Assumption*, Pension & Investments, November 1, 2010, http://www.pionline.com/article/20101101/PRINTSUB/311019987 (last visited 5/10/2012).
[49] This rate of return is assumed over 30 years, since the investment outlook for the pension fund is a long term 15-30 year horizon. The current return for the last 20 years is 7.78%; 15 years is 6.49%; 10 years is 5.19%; 5 years is 1.75%; and 1 year is 0.5%. Information provided by the State Board of Administration (copy on file with Government Efficiency Task Force staff).
[50] *The Pew Center on the States* at p. 8.
[51] *Id.*
[52] *Id.* As of 5/10/2012, the yield on a 30-year treasury bond was 3.08 (at the time of the Pew Study the yield was 4.38). *See* http://www.bloomberg.com/markets/rates-bonds/government-bonds/us/ (last visited 5/10/2012).
[53] *Id.* As of 5/10/2012, the yield on a AA Corporate bond was 3.95 (at the time of the Pew Study the yield was 5.22) *See* http://www.bloomberg.com/quote/MOODCAA:IND (last visited 5/10/2012).
[54] The City of New York recently lowered the assumed rate of return from 8% to 7% on its pension fund, which will result in an additional $1 billion in contributions to the fund. Moody's gave this action a positive credit outlook, providing that, "While pension costs in the budget will increase, the plan over the long run will lead to greater stability, since using the 7% rate will mitigate market volatility in actuarial calculations of the city's pension liabilities." *See Moody's Welcomes Lower Investment Return Assumptions by Public Pensions*, Market News International, February 13, 2012, https://mninews.deutsche-boerse.com/index.php/moodys-welcomes-lower-invst-return-assump-public-pensions?q=content/moodys-welcomes-lower-invst-return-assump-public-pensions (last visited 5/15/2012).
[55] The ratio calculations are based on February 2009 pension figures released by the state and reflect the interest rate for a high end corporate bond (5.22%) and a 30 year US Treasury bond of 3/11. *See Can Investment Assumptions Worsen the State Pension Fund Crisis*, PBS News Hour, June 22, 2011, http://www.pbs.org/newshour/rundown/2011/06/can-investment-assumptions-worsen-the-state-pension-fund-crisis-1.html (last visited 5/15/2012).

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Recommendations

The Task Force recommends reviewing the assumed long-term returns on the pension fund and the acceptable funding level. The current assumed return for the FRS pension fund is 7.75%. This assumed rate should be reviewed in context of past market performance to determine if this is an accurate assumption.[56] Various studies have indicated that a funding level of 80% is generally accepted as actuarially sound. As of June of 2011, the FRS pension fund has a funding level of 87.5%. The funding level has many assumptions built in, including an assumed rate of return, length of FRS membership, and vesting time of benefits. The funding level policy should be reviewed in the context of the potential issues surrounding retirement funds. The Task Force also recommends that employees continue to contribute a portion of their salary towards their retirement plan.

The Task Force recommends that a cap be placed on the average salary for calculating pension benefits. High-salaried employees are one of the drivers of increased funding liability for the pension fund.[57] The Internal Revenue Service (IRS) limits the amount of annual salary that may be applied towards retirement under a qualified plan.[58] Currently, the IRS limits the annual salary to $245,000 for members hired on or after July 1, 1996, and $363,820 for members hired prior to July 1, 1996.[59] The Task Force recommends a cap on salary applied towards retirement in line with the average salary of a head of state agency, which is $140,000.[60]

C. GOVERNMENT RETIREMENT SYSTEMS

There are three main categories of retirement systems utilized by states:

- **Defined Benefit (DB)** – The traditional public pension structure in which the state (employer) assumes the risk of return and guarantees the employee's payments. The size of the employee's pension is based on a pre-defined equation that includes the employee's duration of service and salary. DB plans use final or greatest salary averages to determine an employee's pensionable salary. As such, the greatest portion of employer liability is accumulated during the latter years of employment.

- **Defined Contribution (DC)** – Similar to the private sector's 401(k) plan. The employee and/or the employer pay a portion of wages into an individual retirement savings account that is invested per the employee's direction. The eventual retirement benefits are determined by the value of the account. Investment risk is borne entirely by the employee.

  Cash Balance (CB) plans are also categorized as DC plans. These combine some elements of DB and DC in that the employer bears the risk of return, but the contributions are made into individual retirement accounts.

- **Hybrid Plans (HP)** – These combine DB and DC plans and can be parallel or stacked. Stacked HP plans offer DB benefits on a prescribed level of income (usually set at no more than the average salary) and enroll employees in an additional DC plan. Employee and employer contributions to the DC portion

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[56] Staff of the State Board of Administration recently suggested reducing the target return by a half a percentage point. *See* Cotterell, Bill, "SBA report says it may be time for government employers to put more in pension fund," *Florida Current*, May 17, 2012, http://www.thefloridacurrent.com/article.cfm?id=27741971 (last visited 5/20/2012).

[57] There are currently 2455 members who make over $140,000 per year enrolled in the defined benefit plan and 361 members enrolled in the defined contribution plan. Information provided by DMS (copy on file with the Government Efficiency Task Force staff).

[58] Section 401(a)(17) of the Internal Revenue Code.

[59] *Id.* The amount is based on the original cap of $150,000 for members employed on or after July 1, 1996, and $250,000 for members employed prior to July 1, 1996, and is annually adjusted by the IRS to reflect cost-of-living increases. Salary caps from 1996 to 2011 are on file with the Government Efficiency Task Force staff.

[60] Based on salaries of the Secretaries of Transportation, Lottery, Department of Business and Professional Regulation, and Department of Children and Families. Information provided by DMS.

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of the plan can be optional or mandatory. Parallel HPs give the employee the option to save for retirement with a DC plan.

Hybrid Retirement Plan

Four states, Georgia, Indiana, Oregon, and Rhode Island, all operate mandatory HPs. Three states, Ohio, Utah, and Washington, offer optional HPs. States have taken different approaches as to administering the different elements of the plans. Some administer the DB portion themselves but outsource the DC element, whereas others administer both elements. Generally, the employer makes the vast majority, or even all, of the contributions required for the DB portion of the plan, while the employee is required to make a specified contribution to the DC portion.

Advantages of hybrid retirement plans include:

- Provides a guaranteed benefit to the retiree;
- Provides some portability through a DC plan for salary above the average employee salary; and
- The benefit liability of the state is lessened since the salary level is capped.

Disadvantages of hybrid plans include:

- Higher earning employees will have a lower guaranteed benefit; and
- It may be more expensive to administer dual plans as compared to one plan.

Rhode Island Hybrid Plan

Rhode Island is the most recent state to switch to a hybrid retirement plan. Rhode Island was facing an unfunded pension liability of $7.3 billion, which equated to a 48.4% funding ratio.[61] In 2011, the state adopted a stacked hybrid plan that includes a smaller DB plan with a DC plan. The main difference between Rhode Island and other states is that Rhode Island has enrolled most current employees as well as new employees.

Rhode Island estimates that the switch to a hybrid plan will decrease the states unfunded pension liability to $4.3 billion (approximately 41% decrease) and raise the funding ratio to 59.8%.[62] The pension plan is projected to achieve 80% funding by 2030 for Rhode Island state employees.[63]

Change and Efficiency

Types of Retirement Plans Offered

Florida currently offers a DB plan and a DC plan. The choice of plan is at the discretion of the member. Both plans have advantages and disadvantages for the FRS member and the FRS. The DB plan provides a guaranteed amount of retirement funds for the employee with a longer vesting period, but the FRS retains the liability for providing that amount regardless of market performance. The DC plan provides flexibility and portability for the members and there is no liability for the FRS, but the retirement amount is not guaranteed.[64] The hybrid retirement plan offers the benefits of both plans, while mitigating some of the disadvantages. In the hybrid plan, members receive a lower guaranteed benefit amount than a traditional DB plan, but are

[61] Snell, Ron, *Lessons from Rhode Island: Bold Changes to its Pension Plan Have Caught the Attention of Other States*, National Council of State Legislatures (NCSL), February 2012, http://www.ncsl.org/issues-research/labor/lessons-from-rhode-island.aspx (last visited 5/15/2012).
[62] Burton, Paul, "Rhode Island Makes Reform Happen," *The Bond Buyer*, December 14, 2011, http://www.bondbuyer.com/issues/120_239/rhode-island-pension-1034196-1.html (last visited 5/15/2012).
[63] *Id.*
[64] The retirement funds are employee directed and may not have a market performance equal or greater than the state pension plan.

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supplemented by a DC plan as well. The hybrid plan reduces FRS liability, but continues to provide a reliable source of retirement funds for members.[65]

Recommendations

The Task Force recommends considering a hybrid retirement system. Various states have either adopted or are considering a hybrid retirement plan (incorporates both DB and DC plans). Florida should review the hybrid option as a method to reduce future unfunded liability, provide flexibility for employees, and ensure adequate guaranteed retirement funds for state employees.

[65] There are various different models of the hybrid plan. The Task Force does not recommend a particular model. The state should utilize SBA and DMS staff and private sector advisors to determine the benefits of each model for the State of Florida.

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Florida Government Efficiency Task Force

Recommendation Analysis

Subject Matter: Division of Real Estate Development and Management

RECOMMENDATION SUMMARY

On June 6, 2012, the Government Efficiency Task Force approved the following recommendations regarding the Division of Real Estate Development and Management by a vote of 9 yeas, 0 nays:

- **State Construction**

  The Task Force recommends utilizing a shared service model for state construction directed by one agency in order to create uniform best practices and achieve cost savings. Currently, the Division of Real Estate Development and Management only manages building construction projects in Department of Management Services (DMS) facilities or those projects designated as DMS managed when appropriated to agencies. Additionally, building construction staff is located in multiple agencies, there are inconsistencies in contracting, and economies of scale are not leveraged through bundling of similar projects. All agencies involved in building construction should operate a shared services model directed through DMS, allowing for uniform standards, best practices, rules, and procedures for state construction. The state should institute an automatic review process for all state construction projects with a projected cost over a certain threshold. The state should also focus on function, in addition to form, in the design and renovation of state buildings.

- **State Leasing**

  The Task Force recommends that DMS continue with current initiatives to increase the value of state leasing while reducing costs. DMS should continue its efforts to renegotiate leases statewide. DMS should propose legislation that will increase its authority in leasing decisions, save time in processing, and reduce the burden on private sector landlords. DMS should continue to work with other agencies and with local governments to maximize space utilization.

- **State Building Emergency Management**

  The Task Force recommends that DMS explore options for service management of state buildings and facilities in the event of a natural disaster. The state does not currently have a contracted service for management of state facilities in the case of a natural disaster (i.e. hurricanes). In order to ensure the continued functioning of state facilities, the state should address proper disaster preparedness.

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FULL RECOMMENDATION(S) ANALYSIS

I. BACKGROUND AND RECOMMENDATION(S)

A. DEPARTMENT OF MANAGEMENT SERVICES

The Division of Real Estate Development and Management

The Division of Real Estate Development and Management (REDM) is a division of the Department of Management Services (DMS).[1] REDM manages the Florida Facilities Pool (Pool),[2] administers public and private leasing for state agencies, and coordinates parking activities statewide. REDM manages construction projects for other agencies and serves as the state's lead real estate development consultant on state-administered construction projects.

As of July 1, 2011, there are 104 facilities in the DMS REDM-managed Pool.[3] By total, the facilities in the Pool represent less than one percent of the more than 20,000 facilities the state owns and manages.[4] REDM is responsible for a diverse set of resources within the Pool, ranging from the Capitol and Historic Capitol to the high-performance Department of Revenue complex in Tallahassee and the Department of Law Enforcement laboratory in Orlando.

Of these 104 Pool facilities, 69 are revenue-producing (available to lease).[5] The remaining 35 facilities in the Pool are special purpose properties such as the Historic Capitol, parking garages, and other structures that are not available for lease. As of July 1, 2011, DMS has 203 leases with state agencies in the 69 revenue-producing buildings.[6] In addition, as of July 1, 2011, agencies have entered into 971 leases with private landlords or federal and local government entities.[7]

Construction Management Oversight

Licensed professional staff within the Bureau of Building Construction provides project management oversight of public construction projects to help maintain the integrity of outsourced contracts with private providers.[8] In a process that often involves substantial tax dollars,[9] this oversight protects the public trust by ensuring that project managers spend taxpayer funds in accordance with legislative intent. REDM works with each customer to ensure the building meets the customer's business needs within the legislatively appropriated budget.

Change and Efficiency

Shared Service Model

Currently, REDM only manages building construction projects in DMS facilities or those projects designated as DMS managed when appropriated to agencies. Additionally, building construction staff[10] is located in multiple

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[1] REDM has statutory authority pursuant to Chapters 215, 216, 255, 272, 281, 287, 288 and 489, F.S. The Division has 298.5 positions with an operating budget of $59.5 million and fixed capital outlay of $46.5 million. For more information see http://www.dms.myflorida.com/business_operations/real_estate_development_management (last visited 5/29/2012).
[2] *See* s. 255.506, F.S.
[3] Information provided by the Division of Real Estate Development and Management (REDM) (copy on file with Government Efficiency Task Force staff).
[4] Information provided by REDM (copy on file with Government Efficiency Task Force staff).
[5] *Id.*
[6] *Id.*
[7] *Id.*
[8] *See* s. 255.31, F.S.
[9] There are currently 169 active projects with a budget of $58,261,977. *See* http://oas.state.fl.us/reports/rwservlet?proj_no (last visited 5/29/2012).
[10] This includes architects, engineers, project managers, construction managers, construction management support staff/contract management, and building permitting staff for construction projects.

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agencies,[11] there are inconsistencies in contracting, and economies of scale are not leveraged through bundling of similar projects.

Recommendations

The Task Force recommends utilizing a shared service model for state construction directed by one agency in order to create uniform best practices and achieve cost savings. All agencies involved in building construction should operate a shared services model directed through DMS, allowing for uniform standards, best practices, rules, and procedures for state construction. The state should institute an automatic review process for all state construction projects with a projected cost over a certain threshold. The state should also focus on function, in addition to form, in the design and renovation of state buildings. The shared service model allows for cross agency utilization of design and construction staff, which will reduce costs and allow for accountability.

Leasing Management and Parking

REDM is the landlord for tenant agencies that occupy the 69 revenue-producing Pool facilities. Under the state's partially decentralized leasing model, Bureau of Leasing staff oversees agency acquisition of private leased space, in concert with the state's three contracted tenant brokers, with the goal to ensure effective use of taxpayer dollars.

- Bureau of Leasing staff members oversee 1,174 leases (203 Pool leases and 971 private leases), accounting for more than 13.9 million square feet of space that houses the majority of the more than 120,000 State of Florida employees.[12]
- Held at $17.18 per square foot for the last five years, the Pool rental rate is consistently below the market rate statewide.[13]
- DMS currently maintains a 96 percent occupancy rate for the Florida Facilities Pool.
- REDM provides parking for more than 29,000 users in 92 parking lots and garages statewide.

REDM has several leasing initiatives including:

- Implementing strategy spelled out in the 2011 Strategic Leasing Plan and Master Leasing Report to reduce the state's lease costs;[14] and
- Coordinating with agencies to reduce lease costs by 20 percent over FY 2011-12 and 2012-13.

Lease Cost Savings

Governor Rick Scott directed DMS to secure a 20 percent reduction in lease cost savings over FY 2011-12 and FY 2012-13, which equates to $24.2 million. DMS has coordinated with state agencies and the state's tenant brokers to renegotiate lease contracts for private office space in excess of 2,000 square feet. To date, renegotiations since July 1, 2011, will result in a reduction of lease costs of more than $15 million and a net reduction of the state's leased portfolio by more than 350,000 square feet. DMS has projected that it will exceed the Governor's expectations and timeline.

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[11] These agencies include the Department of Health, Department of Children and Families, Department of Corrections, Department of Environmental Protection, Department of Highway Safety and Motor Vehicles, and Department of Transportation.
[12] Information provided by REDM (copy on file with Government Efficiency Task Force staff).
[13] The pool rental rate is established in the General Appropriations Act each year. DMS annually submits a budget in accordance with s. 255.511, F.S. The rate accounts for the following factors: annual debt service, capital depreciation, reserve deposits, tenant space improvement funding, Capitol Police, and expenditures related to the operation and maintenance of each facility in the pool.
[14] For a copy of the Lease Renegotiation Status Report please see: http://www.dms.myflorida.com/business_operations/real_estate_development_management/facilities_management/lease_management (last visited 5/29/2012).

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Recommendations

The Task Force recommends that DMS continue with current initiatives to increase the value of state leasing while reducing costs. DMS should continue its efforts to renegotiate leases statewide. DMS should propose legislation that will increase its authority in leasing decisions, save time in processing, and reduce the burden on private sector landlords. DMS should continue to work with other agencies and with local governments to maximize space utilization.

Facility Management

REDM operates and maintains more than 12.1 million gross square feet of space in Pool facilities, including adjacent grounds and parking facilities.[15] Building oversight tasks include, but are not limited to: building supervision, engineering and technical support, energy management, electrical, heating, ventilation and air conditioning, renovation services, central maintenance, parking, grounds keeping, fire and life safety, Americans with Disabilities Act compliance, and environmental and custodial services.

Emergency Services

The state does not currently have a contracted service for emergency management of state facilities in the case of a natural disaster. With the many state owned and managed facilities, it is necessary to have a contracted service to provide for the management of state properties.

Recommendations

The Task Force recommends that DMS explore options for service management of state buildings and facilities in the event of a natural disaster. The state does not currently have a contracted service for management of state facilities in the case of a natural disaster (i.e. hurricanes). In order to ensure the continued functioning of state facilities, the state should address proper disaster preparedness.

[15] For more information on DMS managed facilities please see: http://www.dms.myflorida.com/business_operations/real_estate_development_management/facilities_management/building_information (last visited 5/29/2012).

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Government Efficiency Task Force

John R. Alexander, *Chair*

Representative Daniel D. Raulerson, *Vice Chair*

Final Report

June 30, 2016

AMERICAN OVERSIGHT

Government Efficiency Task Force

John R. Alexander, *Chair*
Representative Daniel D. Raulerson, *Vice Chair*

June 30, 2016

The Honorable Rick Scott
Governor of Florida
PL-05 The Capitol
Tallahassee, Florida 32399-0001

Chief Justice Jorge Labarga
Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399-1925

The Honorable Richard Corcoran
Chair, Legislative Budget Commission
221 Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

The Honorable Tom Lee
Vice-Chair, Legislative Budget Commission
201 Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Governor Scott, Chief Justice Labarga, Representative Corcoran, and Senator Lee:

Pursuant to Article III, section 19(i) of the Florida Constitution, the Government Efficiency Task Force ("Task Force") is pleased to submit its final recommendations to the Governor, the Chief Justice of the Supreme Court, the Chair and Vice Chair of the Legislative Budget Commission. The enclosed report includes 29 recommendations which, if implemented, will significantly improve the efficiency of government operations and will reduce the costs of government by more than $2 billion annually. The Task Force extends its appreciation to the staff at Florida TaxWatch for their assistance in the preparation of this report.

Thank you for the opportunity to serve the taxpayers of Florida.

Sincerely,

John R. Alexander
Chair

Enclosure

cc: The Honorable Andy Gardiner
The Honorable Steve Crisafulli
Members, Florida Government Efficiency Task Force
Members, Florida Senate
Members, Florida House of Representatives

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INTRODUCTION

PURPOSE

This report represents the final recommendations of the 2015-16 Government Efficiency Task Force. These 29 recommendations, if implemented, will significantly improve the efficiency of government and reduce the cost of government by an estimated $2.14 billion (low estimate) to $12.14 billion (high estimate) annually. When eliminating the remaining barriers to telehealth is considered, Florida taxpayers stand to save billions in healthcare costs annually.

ABOUT THE GOVERNMENT EFFICIENCY TASK FORCE

In 2006, voters approved an amendment to the Florida Constitution creating the Government Efficiency Task Force[1] ("Task Force"), for the purpose of developing recommendations to improve governmental operations and reduce costs. First established in 2007, the Task Force is required to meet every four years and submit its recommendations to the Chairperson and Vice Chairperson of the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court. The Task Force is composed of 15 members of the Legislature and representatives from the private and public sectors who are appointed by the Governor (5), the Speaker of the House of Representatives (5), and the President of the Senate (5). The Task Force has one year in which to complete its work and submit its recommendations.[2]

The Task Force began its deliberations in September 2015, under the direction of Chairman John Alexander and Vice-Chairman Representative Dan Raulerson. Using the final report of the 2011 Task Force as a starting point, the Task Force reviewed reports by the Office of Program Policy Analysis and Government Accountability (OPPAGA), the Auditor General, agency inspectors general, legislative reports, and other agency reports to identify issues that could produce cost savings or improve government efficiency. Task Force members and taxpayers were also invited to submit issues to the Task Force for consideration.

This review produced an initial list of 36 issues that, if implemented, would improve government efficiency or reduce the costs of government. These issues were assigned to one of four committees for further review—the Civil and Criminal Justice Committee, chaired by former Supreme Court Justice Ken Bell; the General Government Committee, chaired by Senator Jeff Brandes; the Health and Human Services Committee, chaired by Representative Jason Brodeur; and the Government Efficiency Committee, chaired by Florida TaxWatch President and CEO Dominic Calabro.

Upon completion of their due diligence, the Committees recommended 11 issues for inclusion in an interim report[3] that was submitted to the chairperson and vice chairperson of the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court before the start of the 2016 legislative session. Copies were also made available to each member of the Florida Legislature. Each issue included in the Interim Report was selected based upon the following criteria: (1) there must be demonstrated cost savings or improvement in government efficiency; (2) the cost savings must be significant; (3) the cost savings must be recurring; and (4) there is a good chance of implementation.

Delays in appointing Task Force members and the early start of the 2016 legislative session limited the effectiveness of the Interim Report and, for these reasons, many of the recommendations contained in the Interim Report have been carried over to the final report.

1 Article III, Section 19, Florida Constitution, codified in section 11.905, Florida Statutes.
2 Section 11.9005(6), Florida Statutes.
3 Government Efficiency Task Force, "Interim Report January 2016," January 10, 2016.

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Despite these limitations, the Task Force was able to achieve the following successes during the 2016 legislative session:

- Legislation was passed and approved by the Governor that establishes a pilot program to offenders who have mental illnesses or concurrent mental illnesses and substance use disorders and who are involved in or at risk of entering state forensic mental health treatment facilities, prisons, jails, or state civil mental health treatment facilities;
- Funding was appropriated to continue the replacement of FLAIR and CMS. These funds are provided to the Department of Financial Services (DFS) to complete all tasks associated with the Pre-Design, Development, and Implementation phase as recommended in the March 31, 2014, DFS FLAIR Study;
- Funding was appropriated to continue the implementation of the Agency for State Technology. Proviso language in the General Appropriations Act requires AST collaboration with several state agencies on large-scale technology projects; and
- Legislation was passed and approved by the Governor that authorizes licensed health care professionals to use telehealth to deliver health care services within their respective scopes of practice.

After the 2016 legislative session, the Task Force continued its efforts to identify and recommend ways to improve governmental operations and reduce costs. Task Force members reviewed those remaining issues that had been previously considered but not included in the Interim Report, as well as any new issues. The result of this process was 18 new recommendations, which are included in this report.

In addition to recommendations to improve government efficiency and reduce the costs of government, the Task Force offers the following recommendations designed to maximize the effectiveness of the 2019-20 Government Efficiency Task Force:

1. **The Task Force recommends the Governor, President of the Senate, and Speaker of the House of Representatives complete their appointments to the 2019 Government Efficiency Task Force before January 1, 2019.** This will ensure compliance with the requirements contained in Article III, Section 19(i), Florida Constitution, and in section 11.905, Florida Statutes. This will provide the Task Force a window of opportunity (albeit a brief one) to present interim recommendations before the March 5, 2019 start of the 2019 regular legislative session. This will also ensure that the Task Force has the maximum amount of time permitted under the Constitution and Florida Statutes in which to present its recommendations to the chairperson and vice chairperson of the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court, and to educate legislators on its recommendations, before the start of the 2020 regular legislative session.
2. **The Task Force recommends the 2018 and 2019 legislatures appropriate funding for a full-time Executive Director and dedicated staff to support the 2019-20 Government Efficiency Task Force. The Executive Director should be hired and staff in place before January 1, 2019.** The use of current State of Florida employees to support the activities of the 2015-16 Task Force, in addition to their normal job duties and responsibilities, proved to be ineffective. Having staff dedicated to the Task Force on a full-time basis will greatly improve the operation and effectiveness of the Task Force.

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MEMBERSHIP

APPOINTED BY GOVERNOR RICK SCOTT

John Alexander, Retired CEO and Chairman, Alico, Inc.

Chair, Government Efficiency Task Force

Ken Bell, Shareholder with the Gunster Law Firm; former Florida Supreme Court Justice

Chair, Criminal and Civil Justice Committee

Representative Jason Brodeur, Florida House of Representatives

Chair, Health and Human Services Committee

Dominic Calabro, President and Chief Executive Officer, Florida TaxWatch

Chair, Government Efficiency Committee

Michelle Robinson, Vice President of State and Government Affairs, Verizon

APPOINTED BY SENATE PRESIDENT ANDY GARDINER

Senator Jeff Brandes, Florida Senate

Chair, General Government Committee

Fred Brummer, Partner, Brummer and Rogers, and former Member of the Florida House of Representatives

Pat Neal, Owner, Neal Communities, and former Member of the Florida Senate

Barbara Ray, Vice President and Global Public Sector Lead, North Highland

Senator Jeremy Ring, Florida Senate

APPOINTED BY HOUSE SPEAKER STEVE CRISAFULLI

Frank Attkisson, Management Consultant, and former Member of the Florida House of Representatives

John P. Miles, Managing Partner, Mainspring Advisors, LLC and former Secretary of DMS

Representative Mike LaRosa, Florida House of Representatives

Representative Dan Raulerson, Florida House of Representatives; CPA

Vice Chair, Government Efficiency Task Force

Robert Stork, Chairman and Chief Executive Officer, Communications International, Inc.

FL-SEN-20-0201-B, 20-0202-A-004904

SUMMARY OF RECOMMENDATIONS

ISSUE #	RECOMMENDATION	IMPROVED EFFICIENCY	EST. ANNUAL SAVINGS
GE 1	The Task Force recommends legislation be enacted to require the Governor to include as part of his or her budget recommendations, and the Legislature to consider as part of the annual General Appropriations Act, recommendations for improving governmental operations and reducing costs.	Yes	Significant Yet Indeterminate
CCJ 1	The Task Force recommends the Legislature introduce a bill for consideration during the 2017 Legislative Session to establish an inter-branch, bipartisan criminal justice task force of stakeholders from both inside and outside of state government to conduct an operational review of the Department of Corrections (DOC). The task force should publish and deliver a report to the Governor, Legislature, and Supreme Court on its findings and recommendations no later than December 1, 2017.	Yes	Significant Yet Indeterminate
CCJ 2	The Task Force recommends the Florida Commission on Offender Review amend its release eligibility standards to authorize the supervised release of certain non-violent elderly inmates. The establishment of prerequisites such as a place to live and access to services, like health care, should be added to the conditions of discretionary release.	Yes	$75.7 - $79.9 million
CCJ 3	The Task Force recommends the State develop risk/needs assessment and cost analysis tools to be used at the time of sentencing that provide judges with extensive information about sentencing options and the risks and costs associated with each option.	Yes	$2.8 million
CCJ 4	The Task Force recommends legislation be enacted and funding appropriated to expand the number of community-based alternative forensic sites that provide an added emphasis on reintegration as well as competency restoration.	Yes	$11 million
CCJ 5	The Task Force recommends the Legislature increase access to work release programs to permit more inmates to begin their transition back into the community sooner. This transition will be less expensive to the state and will likely result in improved outcomes (e.g., reduced recidivism) for the inmates.	Yes	$3.36 - $5.76 million

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ISSUE #	RECOMMENDATION	IMPROVED EFFICIENCY	EST. ANNUAL SAVINGS
CCJ 6	The Task Force recommends the Legislature appropriate funding to expand the use of electronic monitoring as a means of diverting low-risk, non-violent offenders from prison.	Yes	$18.3 - $21.6 million
GG1	The Task Force recommends the Legislature continue funding to replace the Florida Accounting Information Resource (FLAIR) and Cash Management System (CMS), consistent with the March 2014 business case study submitted by the Department of Financial Services (DFS) to the Legislature. To provide the Legislature with the information necessary to appropriate sufficient funding each year and to avoid delays or disruptions, a multi-year financial model to cover the entire project life cycle should be developed and maintained.	Yes	Significant risk and cost avoidance
GG2	The Task Force recommends the Legislature require the AST to develop and maintain a multi-year financial model to cover the next 5-10 year life cycle to ensure sufficient funding and spending authority are appropriated to implement the AST's core mission. The use of public-private partnerships as a means for delivering cost-effective implementation of the financial model should be explored. The Task Force also recommends a joint committee of the House and Senate be appointed to provide the proper governance, oversight and direction of the AST.	Yes	Significant risk and cost avoidance
GG 3	The Task Force recommends the Legislature direct the AST to adopt a "cloud first" protocol for state agencies to follow. The protocol must, at a minimum, establish IT security standards and direct a state agency to consider the role the applications play in the organization, the operational costs associated with its use in the new environment, the type of usage expected, and considerations related to ensuring IT security.	Yes	Significant risk and cost avoidance
GG 4	The Task Force recommends the Legislature amend Florida procurement laws to implement additional measures to reduce the number of bid protests and simplify the bid process, including a flexible and responsive "debriefing process" that permit all parties to benefit from the early identification and resolution of any errors or other issues.	Yes	Significant risk and cost avoidance

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ISSUE #	RECOMMENDATION	IMPROVED EFFICIENCY	EST. ANNUAL SAVINGS
GG 5	The Task Force recommends the State of Florida increase its commitment to having well-qualified and well-trained procurement personnel. It should be the policy of the state that training for procurement staff should be limited to enhancing or honing procurement skills, and not to develop basic procurement skills and core competencies.	Yes	Significant Yet Indeterminate
GG 6	The Task Force recommends the Legislature provide funds to DMS to contract with an independent third-party consulting firm with experience in strategic sourcing and procurement to complete a business case study of the State of Florida's procurement function focusing on the enterprise-wide organizational structure, governance, and operating model. This study would build upon, and not duplicate, the 2010 business case analysis prepared for MyFloridaMarketPlace (MFMP).	Yes	$1.4 billion
GG 7	The Task Force recommends the Department of Management Services (DMS) be designated the responsibility and authority by the Legislature to accelerate the implementation of best practices and a shared-services model by consolidating and standardizing facility management, operations, construction, and leasing to optimize the state's real estate portfolio to achieve significant long-term cost avoidance.	Yes	$70 - $80 million
GG 8	The Task Force recommends the Legislature enroll all new Florida Retirement System (FRS) members in the Defined Contribution Investment Plan to ensure that the FRS is actuarially sound going forward, and avoid billions in future liabilities and to increase the retirement wealth of state employees.	Yes	$12.9 million - $9.8 billion
GG 9	The Task Force recommends the Legislature consider consolidating management of all state agency vehicles into one statewide fleet program under one state agency (either DMS or FDOT) or third-party vendor with uniform standards for procurement, assignment, utilization, maintenance, and disposal of fleet vehicles.	Yes	$10.9 million
GG 10	The Task Force recommends the Legislature authorize the use of temporary, restricted use license plates during the private sale of motor vehicles to facilitate the transfer of ownership.	Yes	Significant Yet Indeterminate

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ISSUE #	RECOMMENDATION	IMPROVED EFFICIENCY	EST. ANNUAL SAVINGS
GG 11	The Task Force recommends the Legislature lift the suspension of state matching funds for the Alec P. Courtelis University Facility Enhancement Challenge Grant Program and the University Major Gifts Program.	Yes	$178.5 million
GG 12	The Task Force recommends the Legislature increase the DOR's sales and use tax audit coverage by adding new auditors, creating new state positions, and contracting with private auditors. In addition, the Legislature should expand the Certified Audit Program to allow recipients of Notices of Intent to Audit to use a DOR-certified private auditor in lieu of an audit by the DOR.	Yes	$2.9 million
GG 13	The Task Force recommends that all Florida government entities take advantage of the opportunity to recover taxpayer investment in recently completed building or retrofits through the retroactivity provisions of Section 179D of the Internal Revenue Code, and to help defer future costs of building and retrofitting.	Yes	Significant Yet Indeterminate
GG 14	The Task Force recommends the Legislature provide funds to contract with an independent third party firm to partner with the Florida Department of Environmental Protection (DEP) and Department of Management Services (DMS), as well as any other state agencies, to inventory, survey and provide condition assessment of state owned facilities. The survey should, at a minimum, consist of identifying location, key characteristics, valuable assets, facility condition and occupancy.	Yes	Significant Yet Indeterminate
HHS 1	The Task Force recommends the state increase copayments for emergency room visits by state employees that do not result in hospitalization from $100 to $250 to better reflect true costs and deter an increased utilization and reliance on costly emergency room care, thus avoiding unnecessary costs. The copayment would continue to be waived 100 percent if the visit results in hospitalization.	Yes	$5.64 million
HHS 2	The Task Force recommends the Legislature appropriate funding for a comprehensive audit of eligibility status of dependents covered under the State Group Insurance Program (SGIP) and switch from a passive enrollment process to an annual active enrollment process to avoid unnecessary costs paid for ineligible recipients.	Yes	$69.6 million

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ISSUE #	RECOMMENDATION	IMPROVED EFFICIENCY	EST. ANNUAL SAVINGS
HHS 3	The Task Force recommends the Legislature contribute a set amount or percent toward the annual health insurance premiums of state employees that is consistent with that paid by other large public and private employers. This cost shift would result in significant savings for the state.	Yes	$268.8 - $448.0 million
HHS 4	The Task Force recommends the Legislature further remove disincentives and barriers to the use of telehealth services, and while detailed policies are being determined, Florida should provide a foundation for the statewide expansion of telehealth. This will increase access to healthcare and avoid future costs.	Yes	$13.2 billion
HHS 5	The Task Force recommends the Legislature increase the health plan options available to employees enrolled in the State Group Insurance Program (SGIP) by establishing employee contribution rates that reflect the actuarial benefit differences between the existing plans. This will bring employee premiums and plan benefits more in line with industry benchmarks.	Yes	Significant Yet Indeterminate
HHS 6	The Task Force recommends the Legislature implement a state employee wellness program adopting only those practices that have evidenced a high return on investment.	Yes	Significant Yet Indeterminate
HHS 7	The Task Force recommends the Legislature begin a follow-up program of determining outcomes for those who have been served by the Florida foster care system a minimum of three years. The follow-up program will ask outcomes of former foster care clients at 3, 5 and 10 years after aging out of foster care.	Yes	Significant Yet Indeterminate
HHS 8	The Task Force recommends the Legislature appropriate funding to implement and support the recommendations contained in the Medicaid & Public Assistance Fraud Strike Force's October 2012 Annual Report.	Yes	$10.6 - $21.2 million
Total Estimated Annual Government Savings		**$2.14 billion - $12.14 billion**	
Total Annual Healthcare Savings to Private Sector (HHS 4)		**$13.2 billion**	

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GOVERNMENT EFFICIENCY

RECOMMENDATION GE 1: PROPOSED FLORIDA GOVERNMENT EFFICIENCY ACT

The Task Force recommends legislation be enacted to require the Governor to include as part of his or her budget recommendations, and the Legislature to consider as part of the annual General Appropriations Act, recommendations for improving governmental operations and reducing costs.

Rationale: Florida can demonstrate a strong and recurring commitment to improving governmental operations and reducing costs by implementing legislation establishing the "Florida Government Efficiency Act." The Governor's annual budget recommendations should include recommendations for improving governmental operations and reducing costs. These recommendations would consider reports and recommendations issued by the Auditor General, the Office of Program Policy Analysis and Government Accountability, the Government Efficiency Task Force, agency inspectors general, and state agencies. A mechanism could be put into place to solicit and encourage recommendations to be submitted to the Executive Office of the Governor by the general public.

Each state agency responsible for implementing the Governor's recommendations for improving governmental operations and reducing costs should be required to submit quarterly a report of their implementation status and any demonstrated cost savings to the legislative appropriations committees and to the Chair and Vice Chair of the Legislative Budget Commission.

A draft of the proposed Florida Government Efficiency Act is included as Appendix A (page 38).

Cost Savings / Government Efficiency: The major benefits of establishing the Florida Government Efficiency Act are significant recurring cost savings and improved efficiency of government. Estimates of actual cost savings would vary from year to year, but would be expected to be substantial.

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CRIMINAL AND CIVIL JUSTICE

RECOMMENDATION CCJ 1: INTER-BRANCH BIPARTISAN CRIMINAL JUSTICE TASK FORCE

The Task Force recommends the Legislature introduce a bill for consideration during the 2017 Legislative Session to establish an inter-branch, bipartisan criminal justice task force of stakeholders from both inside and outside of state government to conduct an operational review of the Department of Corrections (DOC). The task force should publish and deliver a report to the Governor, Legislature, and Supreme Court on its findings and recommendations no later than December 1, 2017.

Rationale: Florida currently has the third largest prison population in the United States with nearly 100,000 inmates and less than 12,000 correctional officers to oversee and manage them. The costs of maintaining this system are significant with the Legislature appropriating more than $2.4 billion during the 2016 legislative session to the DOC, representing more than half of the total $4.9 billion appropriated to Criminal and Civil Justice.

In 2015, the Office of Program Policy Analysis and Government Accountability (OPPAGA) contracted with an independent consultant for a study of operations of the Florida DOC.[4] Specifically the report reviewed correctional officer staffing, security operations, inmate programs, and a risk and needs assessment. The study found that DOC's staffing is inexperienced due to high turnover, and the number of staff is insufficient. The rate of turnover in FY 2014-15 was 17.6% and there were more than 2,900 separations. In addition, one-half of the department's correctional officers had less than 3.1 years of work experience.

Staffing was observed at some times to drop below the minimum acceptable levels. Many staff have not completed basic training—there are nearly 1,400 officers on temporary employment authorization. The study found that certain polices or procedures led to inmate idleness, the mixing of populations, or the ability to move contraband articles, all of which could lead to violence or other problems arising within the facility and population. The study also found that "[p]erimeter security systems are outdated, in poor operational condition, and fencing is in disrepair." The study recommended the DOC review comprehensive staffing, perimeter security, emergency management plans, facility repairs, contraband and abuse policies, inmate safety and interaction policies, and inmate programs and their effectiveness.

This task force will partner with nationally recognized criminal justice policy experts who will review the work and advise the task force on industry best practices. The operational review will establish a baseline of the current status, performance, and outlook for the DOC. This will include, but not be limited to, an evaluation of performance measures; explanation of factors that have contributed to any failures; promptness and effectiveness with which the department resolves complaints; a comprehensive staffing analysis; and an assessment of the extent to which the department has corrected deficiencies. Additionally, the task force will analyze the drivers of Florida's prison population, including how and why individuals are sentenced into the correctional and probation systems, and developing policy proposals for a complete set of reforms that keep the public safe whilst wisely investing state resources. The review should consider these aspects of the criminal justice system, as well as any overlapping aspects of the juvenile justice system.

Cost Savings / Government Efficiency: The major benefits of an operational review of the Florida DOC are significant recurring cost savings and improved efficiency of government. Estimates of actual cost savings would vary from year to year, but would be expected to be substantial.

4 Office of Program Policy Analysis and Government Accountability, *Study of Operations of the Florida Department of Corrections*, Report No. 15-FDC (November 2015).

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RECOMMENDATION CCJ 2: SUPERVISED RELEASE OF NON-VIOLENT ELDERLY INMATES

The Task Force recommends the Florida Commission on Offender Review amend its release eligibility standards to authorize the supervised release of certain non-violent elderly inmates. The establishment of prerequisites such as a place to live and access to services, like health care, should be added to the conditions of discretionary release.

Rationale: Florida continues to bear the increasing medical and housing costs of a growing elderly prison population. From 2000 to 2014, Florida's elderly prison population (aged 50 years of age and older) grew from 5,605 to 21,002, at an average increase of 9.9 percent per year. This growth rate is more than three times the growth rate of the general prison population.[5] As of May 2016, Florida has 6,642 prisoners at least 60 years of age, 1,300 prisoners at least 70 years old, 151 octogenarians, and 12 nonagenarians.[6] Among the octogenarians, 40 percent were sentenced to terms of years as opposed to life without parole, and 19 have release dates in the next 3 years. Florida also has two prisoners aged 92, who rank at the top of the oldest prisoners in the US.[7] By 2020, one out of every three prisoners in Florida will be elderly. This rate will be double the 16 percent national average, and impose huge and unsustainable fiscal burdens on Florida taxpayers.[8]

Many of these elderly inmates were originally incarcerated for a non-violent primary offense, and would pose little if any risk to the public if they were released from prison. The Department of Corrections reports that, as of June 30, 2015, 37 percent of inmates aged 50 years of age and older, and 18 percent of inmates aged 65 years of age or older, were incarcerated for a non-violent primary offense.[9]

Elderly prisoners cost the most to incarcerate, but pose the least danger to public safety. The National Institute of Corrections estimates that states spend on average $70,000 per year to incarcerate someone age 50 or older, nearly three times what it costs to house a younger prisoner, largely because of the difference in healthcare costs.[10] Elderly inmates are not eligible for federal healthcare support; however they are eligible for federally funded Medicaid (with state match) and/or Medicare upon their release. The average Medicaid spending per aged enrollee in Florida (including both state and federal payments) is $8,532.[11] The average Medicare spending on personal health care services and products per enrollee in Florida (including both state and federal payments) is $11,893.[12] This represents an average savings to the state of $58,107 to $61,468 per elderly inmate per year.

Cost Savings / Government Efficiency: Based on the average savings and the number of inmates, the supervised release of only those elderly inmates who are 70 years of age or older could result in estimated annual savings of $75.5 million to $79.9 million.

5 Florida TaxWatch, Center for Smart Justice, "Florida's Aging Prisoner Problem," September 2014.
6 Corrections Offender Network: Offender Information Search, Florida Department of Corrections, June 10, 2014.
7 Drayton Curry, 92, Nation's Oldest Federal Prisoner: Obama AWOL on Clemency Request," The Village Voice, Sep 2011.
8 Florida TaxWatch, Center for Smart Justice, "Florida's Aging Prisoner Problem," September 2014.
9 Note: This applies to the primary offense for current incarceration only and not for prior offenses.
10 Kevin McCarthy and Carrie Rose, "State Initiatives to Address Aging Prisoners", Office of Legislative Research, March 4, 2013.
11 The Henry J. Kaiser Foundation, "Medicaid Spending per Enrollee (Full or Partial Benefit)," retrieved from http://kff.org/medicaid/state-indicator/medicaid-spending-per-enrollee/, March 22, 2016.
12 The Henry J. Kaiser Foundation, "Medicare Spending per Enrollee, by State," retrieved from http://kff.org/medicaid/state-indicator/medicaid-spending-per-enrollee/, March 22, 2016.

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RECOMMENDATION CCJ 3: ENHANCED SENTENCING TOOLS

The Task Force recommends the State develop risk/needs assessment and cost analysis tools to be used at the time of sentencing that provide judges with extensive information about sentencing options and the risks and costs associated with each option.

Rationale: Over the past 20-25 years, Florida's sentencing guidelines have been revised on several occasions to provide for increased sanctions and sanction length in certain instances. Compared to the sentencing guidelines that existed in 1994, the current Criminal Punishment Code includes provisions whereby all felony offenders have the potential to receive a prison sentence (many under the guidelines would be excluded from such a possibility), and provisions for far greater sentence lengths than were permissible under the guidelines.[13] The calculation used to determine the sentence focuses not on risk or needs, or the likelihood of reoffending, but on the appropriate level of punishment, based on factors such as the nature of the primary offense and any additional offenses, prior criminal history, and injury to the victim. Two decades after Congress passed the Violent Crime Control and Law Enforcement Act of 1994, Florida's crime has decreased 54 percent and its imprisonment rate has increased 31 percent.

A 2006 National Center for State Courts survey identified restrictions on judicial discretion that limited the ability of judges to sentence more fairly and effectively as a major concern among state trial judges hearing felony cases. The survey also found that the state chief justices believed that the most important sentencing reform objective facing the state courts was to improve public safety and reduce recidivism through the expanded use of evidence-based practices and programs, including offender risk and needs assessment tools. In response, many states are moving toward sentencing policies and practices based on what research has demonstrated to be effective in reducing criminality, keeping corrections budgets in check, and helping rehabilitate convicted offenders.

The Oregon Judicial Conference, for example, requires judges to consider the sentence's potential impact on reducing future criminal conduct. Building flexibility into sentencing laws allows judges to better select sanctions that provide the best chance of reducing recidivism. Missouri's Sentencing Commission has developed a web-based tool for judges to use in sentencing that provides them extensive information about sentencing options and the risks and costs associated with each alternative. This tool is available for use by judges, prosecutors, defendants and their attorneys, and the public. The user simply inputs data for the highest level offense upon which the defendant has been (or will be) convicted, along with demographic, criminal history, substance abuse involvement, education and other information about the defendant. The tool provides the user with the recommended sentence, the risk assessment, recidivism projections and the costs of incarceration, supervision, and community alternatives, including treatment where warranted.

Florida should build on Missouri's success and create a similar risk/needs assessment tool that allows judges access to offense/offender-specific cost and recidivism estimates and enable them to use evidence in order to develop sentencing options best targeted to individual offenders. This will reduce the overall prison population over time, and help Florida save money without jeopardizing public safety.

Cost Savings / Government Efficiency: Every 5 percent reduction in recidivism represents 420 fewer inmates per release cohort returning to incarceration over a 3-year period and an estimated cost avoidance of approximately $8.3 million ($2.8 million annually).[14]

13 Florida Department of Corrections, "Florida's Criminal Punishment Code: A Comparative Assessment (FY 2000-2001)," retrieved from http://www.dc.state.fl.us/pub/sg_annual/0001/intro.html, March 22, 2016.

14 420 inmates X $15.91 per inmate per day X 365 days X 3.4 years = $8.3 million / 3 year = $2.8 million per year.

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RECOMMENDATION CCJ 4: EXPAND ALTERNATIVE FORENSIC MENTAL HEALTH PROGRAMS

The Task Force recommends legislation be enacted and funding appropriated to expand the number of community-based alternative forensic sites that provide an added emphasis on reintegration as well as competency restoration.

Rationale: Florida law requires that individuals must be able to understand the reasons for and the nature of the charges as against them, understand the penalties and consequences that may be imposed upon them should they be convicted, and be able to effectively communicate in order to stand trial. Competency restoration programs help restore competency to individuals who could not meet this requirement at the time of trial and have been deemed incompetent to proceed due to mental illness or disability.

Competency programs operate in about half of Florida's 67 counties[15] and there are two primary types: community competency services, which provide competency restoration to individuals who do not need a secure environment and conditionally receive services and training in the community;[16] and forensic facilities, which provide competency restoration for individuals that need a secure environment. Between 150,000 and 170,000 Floridians need acute mental health treatment each year, but the state spends over 20 percent of its total adult mental health budget on restoring competency for just 4,500 people.[17] Despite this, the number of people in prisons with mental health issues went from 8,000 to 16,000 between 2003 and 2015; a number that is expected to double in the coming years.

In August of 2009, Miami-Dade created a community-based program for competency restoration that combines elements of both community-based and state forensic facility programs and diverts individuals with mental illnesses from state hospital placement. Participants are initially placed in a secure inpatient setting, where they receive crisis stabilization and short-term residential services. They are regularly evaluated and, when ready, are moved to a less restrictive community placement with outpatient services. Throughout the entire process, participants are provided with reentry assistance as well as ongoing service engagement.[18] Legislation was proposed in 2015 that would have created four more sites for this program. It passed individually, but later died as part of a larger bill.[19] Two more bills with the same intent were filed for the 2016 Florida Legislative Session.[20]

Cost Savings / Government Efficiency: Alternative forensic mental health programs, such as the Forensic Alternative Center program in Miami-Dade County, have potential to provide significant cost-savings. The average cost to provide services through the program is an estimated $63 to $107 less per day than the cost of services provided in state forensic treatment facilities.[21] State facilities have the capacity to handle approximately 1,100 individuals in need of competency restoration services at any one time. Diverting 25 percent of these individuals into alternative forensic mental health programs would save an estimated $11 million annually.

15 "Incompetent to Proceed Adjudications Increasing." (March 2008). Office of Program Policy Analysis and Government Accountability.
16 "Juvenile and Adult Incompetent to Proceed Cases and Costs." (Feb. 2013). Office of Program Policy Analysis and Government Accountability.
17 Call with Judge Steven Leifman on "incompetent to proceed" cases (August 29, 2015).
18 "Detailed Summary of the Presentations from the 2012 Justice Summit & Pre-Summit Meetings." (Feb. 2013). Florida TaxWatch.
19 It died as part of CS/HB 7113 and SB 1452 – Mental Health Services in the Criminal Justice System.
20 CS/HB 439 and CS/SB 604– Mental Health Services in the Criminal Justice System.
21 Florida Council for Community Health, "Forensic Mental Health Fact Sheet," November 2010.

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RECOMMENDATION CCJ 5: INCREASE ACCESS TO WORK RELEASE PROGRAMS

The Task Force recommends the Legislature increase access to work release programs to permit more inmates to begin their transition back into the community sooner. This transition will be less expensive to the state and will likely result in improved outcomes (e.g., reduced recidivism) for the inmates.

Rationale: Florida offers transitional community work release for selected low-risk inmates to work at paid employment in the community while living in work release centers outside of prison. While in work release, the inmate earns money and a portion must be set aside for when the inmate is released. The inmate learns skills, which increases their chances of finding jobs after their release. The majority (75 percent) of participants' earnings in work release programs is used for restitution, child support, and subsistence in the facility, with only 10 percent specifically earmarked for saving.[22]

Florida has 34 work release centers[23] that serve about 3,000 inmates annually[24] at an average inmate cost per day of $30.57.[25] In contrast, the average inmate cost per day in a state-operated facility is about $51.65.[26] The annual cost to house an inmate in a work release center is approximately 60 percent of the cost to house an inmate in a state-operated facility. Every day an inmate is housed in a work release center saves the state $21.08. Over the course of a year, this represents a savings of $7,694.

Research shows that the work experience gained by inmates in work release programs reduces the likelihood that these inmates will recidivate within one year.[27]

- Inmates who receive a GED and participate in work release for 60 days or more are 10.1% less likely to recidivate than those who receive a GED and have no work experience.
- Inmates who complete a substance abuse program and participate in a work release program for at least 60 days are 5.9% less likely to recidivate than those who complete a program and have no work experience.

Cost Savings / Government Efficiency: Housing inmates at work release centers instead of in a state-operated facility saves the state approximately $23 million annually.[28] Expanding the capacity of existing programs or establishing new work release programs will save the state an additional $7,694 per inmate per year. Based on the differences in recidivism rates that can be attributed to the work experience gained through participation in work release (5.9 percent to 10.1 percent), the state would save an estimated $3.36 million to $5.76 million annually.[29] Assuming an inmate works 32 hours a week at minimum wage ($8.05/hr.), the inmate would earn approximately $13,395 annually, $7,367 (55 percent) of which would pay for subsistence at the work release center; $1,340 (10 percent) of which would go to restitution or court ordered payments; $1,340 (10 percent) of which would go to family assistance, including child support; $1,340 (10 percent) of which would go to the inmate's savings account; and the remainder would go to the inmate's general account and for incidental expenses.[30]

22 "Frequently Asked Questions Regarding Work Release." (Accessed: January 6, 2016). Florida Department of Corrections.
23 Florida Department of Corrections Facility Directory. (Accessed January 6, 2016; Last Updated November 13, 2015).
24 "Frequently Asked Questions." (Accessed January 6, 2016). Florida Department of Corrections.
25 Florida Department of Corrections, Annual Report 2014-15.
26 Ibid.
27 Florida Department of Corrections, "Academic, Vocational, and Substance Abuse Program Impacts," retrieved from http://www.dc.state.fl.us/pub/recidivismprog/tab1.html, April 28, 2016.
28 3000 inmates X $21.08 (difference in daily costs) X 365 days = $23,082,600.
29 Based on a formula developed by the Office of Program Policy Analysis and Government Accountability (Report Number 00-23, page 48), cost avoidance is derived by multiplying the number of inmates who complete a program by the reduction in recidivism percentage (difference in completers and non-completers) and multiplying this number by an annual incarceration rate of $19,000 per inmate.
30 Supra, footnote 22.

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RECOMMENDATION CCJ 6: EXPAND ELECTRONIC MONITORING FOR LOW-RISK NON-VIOLENT OFFENDERS

The Task Force recommends the Legislature appropriate funding to expand the use of electronic monitoring as a means of diverting low-risk, non-violent offenders from prison.

Rationale: The Florida Department of Corrections (FDOC) began using electronic monitoring in 1987 to track offenders, increase compliance with the terms of offenders' release into the community, and reduce recidivism. Although used primarily to provide an extra measure of security for high-risk offenders (particularly sex offenders), there is increasing support for the use of electronic monitoring of low-risk offenders. Replacing all or part of a term of incarceration of low-risk offenders with less expensive community supervision that includes electronic monitoring will reduce the cost of corrections. The use of electronic monitoring in lieu of the last part of a period of incarceration would support successful reentry of low-risk, non-violent offenders into the community by providing for a period of supervision before release from custody.[31]

A 2010 Florida State University study[32] examined outcome data on approximately 272,000 medium-risk and high-risk offenders who were on community supervision in Florida at some time during the period between June 1, 2001 and June 30, 2007. Of these offenders, 5,034 were on electronic monitoring and 266,991 were not. The study found that offenders on electronic monitoring are 31 percent more likely to successfully complete community supervision than offenders who are not electronically monitored. Electronic monitoring significantly reduces the failure rate for all types of offenders, but has less of an impact on violent offenders (26% reduction) than on offenders who committed sex, drug, property, or other types of crimes (36% reduction).

Offenders sentenced to prison for non-violent offenses (e.g., drug, property, or other offense) make-up approximately 47 percent of Florida's FY2012-13 prison population.[33] The average inmate per diem cost of incarceration is $47.50.[34] In contrast, Global Positioning Satellite monitoring costs $8.94 per day (approximately $270 per month) and Radio Frequency monitoring costs $1.97 per day (approximately $60 per month).[35] Based on this, every day a low-risk, non-violent offender is incarcerated therefore costs the state $38.56 to $45.53 more than if that offender were electronically monitored.

Cost Savings / Government Efficiency: At a cost savings of $38.56 to $45.53 per day, every low-risk, non-violent offender sentenced to community supervision that includes electronic monitoring will reduce the cost of corrections by an estimated $14,074 to $16,618 annually. If community supervision that includes electronic monitoring were used for the 1,300 current inmates who are 70 years of age or older, the state would save an estimated $18.3 million - $21.6 million, exclusive of these inmates' healthcare costs.

31 The Florida Senate, Committee on Criminal Justice, "Examine Technological Advances and Other Issues in Electric Monitoring of Probationers," Interim Report 2012-117, September 2011.

32 Bales, Bill, et al. The Florida State University College of Criminology and Criminal Justice, Center for Criminology and Public Policy Research. "A Quantitative and Qualitative Assessment of Electronic Monitoring, Report Submitted to the Office of Justice Programs, National Institute of Justice, U.S. Department of Justice." January 2010.

33 Florida Department of Corrections. "2012-2013 Agency Statistics-Inmate Population."

34 Ibid.

35 Supra, footnote 31.

FL-SEN-20-0201-B, 20-0202-A-004916

GENERAL GOVERNMENT

RECOMMENDATION GG 1: REPLACE THE FLORIDA ACCOUNTING INFORMATION RESOURCE (FLAIR) AND THE CASH MANAGEMENT SYSTEM (CMS)

The Task Force recommends the Legislature continue funding to replace the Florida Accounting Information Resource (FLAIR) and Cash Management System (CMS), consistent with the March 2014 business case study submitted by the Department of Financial Services (DFS) to the Legislature. To provide the Legislature with the information necessary to appropriate sufficient funding each year and to avoid delays or disruptions, a multi-year financial model to cover the entire project life cycle should be developed and maintained.

Rationale: FLAIR is a 30 year-old, double-entry, computer-based, general ledger accounting system, which is used to perform the state's accounting and financial management functions. State agency activities related to payments for payroll, retirement, unemployment compensation, expenses, and public assistance are processed through FLAIR. The programming language (COBOL) and data file structure are obsolete and, within the marketplace, there are few (if any) companies with the resources and staff knowledgeable enough to support FLAIR's underlying technology. FLAIR is currently maintained by DFS internal IT support staff, more than 40 percent of which have 30 years or more of service. These employees have considerable institutional knowledge and technical expertise and, as they retire, the chances of replacing this knowledge and expertise in today's market are highly unlikely.

For CMS, there is a similar, albeit more modern, situation regarding support staff. While a portion of CMS functionality was replaced by more modern technology, the resource pool supporting and developing the modern components is constrained by a small number of existing senior employees. This presents additional risk across the functions of the Treasury.

A 2014 study by North Highland[36] looked at four options and recommended that Florida pursue the replacement of FLAIR and CMS with a "commercial off the shelf" enterprise resource plan solution for the financial management processes to support the constitutional obligations of DFS. The total costs, spread over a 15-year period, were estimated to be $667.6 million, almost $100 million of which reflects expenses associated with supporting FLAIR until it is retired in the next 8-9 years. The replacement of FLAIR and CMS would:

- Mitigate the risks associated with maintaining an increasingly fragile technology platform;
- Implement a statewide accounting system to enforce standardization of business practices;
- Act as a scalable foundation to evolve as business needs change; and
- Position Florida for future innovation with the ability to consider a true enterprise system.

Maintaining the FLAIR system will cost the state nearly $100 million during the next few years, and significantly more after that if the system is not replaced or overhauled. DFS should continue to make smart business decisions, and do the high-level planning and project management necessary to minimize risk to the state.

Cost Savings / Government Efficiency: The major benefits of replacing FLAIR and CMS focus on risk avoidance and cost avoidance, as opposed to cost savings. Costs will be avoided as a result of agency business process standardization, reduced costs to maintain the system, and a reduced need for agency-run financial management systems and external financial data repositories.

36 Florida Department of Financial Affairs. "FLAIR Study." Deliverable 5, North Highland Worldwide Consulting, March 31, 2014.

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-004917

RECOMMENDATION GG 2: FUNDING AND GOVERNANCE OF THE AGENCY FOR STATE TECHNOLOGY (AST)

The Task Force recommends the Legislature require the AST to develop and maintain a multi-year financial model to cover the next 5-10 year life cycle to ensure sufficient funding and spending authority are appropriated to implement the AST's core mission. The use of public-private partnerships as a means for delivering cost-effective implementation of the financial model should be explored. The Task Force also recommends a joint committee of the House and Senate be appointed to provide the proper governance, oversight and direction of the AST.

Rationale: The newly created Agency for State Technology (AST) affords state leaders an opportunity to look at all technology projects on an enterprise-wide level, with a view toward consolidation and standardization, as appropriate. While the creation of the AST is a great success for the state, it represents the third time in the past 15 years the state has tried to establish an enterprise-wide IT agency. Given the most recent failures, it is imperative that the state "get it right" this time. Implementing the AST and meeting the established requirements within established timelines will be challenging. The successful implementation of the AST will require extraordinary leadership, cooperation and vision at the executive and legislative levels to capture and ensure cost and delivery efficiency in all aspects of IT services and solutions.

To ensure the Legislature has the information it needs to adequately fund the AST, and avoid delays and disruptions, a multi-year financial model to cover the next 5-10 year life cycle of AST projects needs to be developed and maintained. Budgetary constraints and private sector efficiencies and expertise dictate that the AST look closely at the use of public-private partnership models, as appropriate, to deliver technology infrastructure projects that would have been previously built using only public sector finances.

Legislatively, oversight of the AST is provided by a number of "general government" policy and budget committees, which oversee the AST and a number of other agencies. A joint committee of the House and Senate on information technology appointed by House and Senate leaders, with whom is vested sole and exclusive authority for overseeing the governance of the AST and IT policy and budget issues, will help to ensure the successful implementation and operation of the AST.

This Task Force recommendation is in no way intended to undermine or usurp the responsibilities of the Governor and Cabinet, and the Technology Advisory Committee, in the implementation and administration of the AST. The Task Force recommendation is intended to more effectively discharge the Legislature's oversight responsibility through the establishment of a single joint committee.

Cost Savings / Government Efficiency: The major benefits of successfully implementing the AST are significant cost and risk avoidance and a significant increase in government efficiency as a result of more consistent enterprise technology policy for the state and more effective oversight of large IT projects.

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RECOMMENDATION GG 3: CLOUD FIRST PROTOCOL

The Task Force recommends the Legislature direct the AST to adopt a "cloud first" protocol for state agencies to follow. The protocol must, at a minimum, establish IT security standards and direct a state agency to consider the role the applications play in the organization, the operational costs associated with its use in the new environment, the type of usage expected, and considerations related to ensuring IT security.

Rationale: As technology has improved and become cheaper, state agencies now manage a large amount of digital data. In recent years, especially with the increased usage of mobile devices, the "cloud" has become part of everyday use. Cloud computing relies on Internet-based services and resources to provide computing services to customers, while freeing them from the burden and costs of maintaining the underlying infrastructure."[37] Cloud computing moves away from the traditional model of buying physical IT assets such as servers, storage, and routers and into buying the functionality provided by those devices as-a-service."[38] Benefits include: (1) Users pay for what they consume, and can increase or decrease their usage; (2) The cloud customer can spend less time managing complex IT resources and more time investing in core mission work; and (3) The providers benefit from economies of scale, enabling lower individual usage costs and centralized infrastructure costs.

The federal government recognized the inefficiencies created by fragmented demand for resources, duplicative systems, and other issues and implemented a "cloud-first" policy in 2011, the goal of which is to "maximize capacity utilization, improve IT flexibility and responsiveness, and minimize cost."[39] The consolidation of data centers and the use of cloud services have resulted in a cost savings of $3.6 billion over 4 years.[40]

The 2015 Legislature directed the AST to use a third-party consulting firm, in consultation with the State Data Center and the applicable state agency customers, to complete an assessment of applications hosted at the State Data Center to see if they are ready to be migrated to the cloud. A January 2016 assessment analyzed 931 applications and found that there are no applications located in the State Data Center that may be categorized as "cloud ready."[41]

Florida should be on the leading edge for the adoption of sound cloud-first policies. While federal agencies continue to implement cloud computing services, Florida can learn from their progress and adopt such a policy for state agencies to follow. As the state plans for major investments in technology, agencies should research the opportunities to leverage the innovations provided by cloud computing. This requires an evaluation of external service providers' capabilities and limitations to ensure compliance with business objectives while factoring in agility, security, risk mitigation, and opportunities for a reduced total cost of ownership. The use of cloud-services going forward or the migration of old data to cloud services would be undertaken if such decisions result in a cost savings or risk avoidance for the state.

Cost Savings / Government Efficiency: The major benefits of establishing a "cloud first" protocol for state agencies are significant recurring cost savings, significance avoidance of risk, and improved efficiency of government. Estimates of actual cost savings would vary from year to year, but would be expected to be substantial.

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37 U.S. Government Accountability Office, *Information Technology Reform: Billions of Dollars in Savings Have Been Realized, but Agencies Need to Complete Reinvestment Plans* (Sept. 2015), GAO-15-617.

38 U.S. General Services Administration, Cloud Computing Services Program Management Office (CSS PMO), *Helping Your Agency to Leverage the Power to Cloud Computing Brochure*, available at http://www.gsa.gov/portal/mediaId/238003/fileName/Cloud_PMO_Brochure_v10_07102015.action (last visited 5/27/2016).

39 *Federal Cloud Computing Strategy*.

40 Supra footnote 37.

41 Grant Thornton, "Florida Agency for State Technology, State Data Center Application Cloud Readiness Study Deliverable #6: Final Report," January 15, 2016.

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RECOMMENDATION GG 4: MINIMIZE BID PROTESTS

The Task Force recommends the Legislature amend Florida procurement laws to implement additional measures to reduce the number of bid protests and simplify the bid process, including a flexible and responsive "debriefing process" that permits all parties to benefit from the early identification and resolution of any errors or other issues.

Rationale: Bid protests are expensive and are often used to delay contract awards and to force concessions (settlement agreements) from agencies or the winning bidders. Many protests are filed simply because the unsuccessful bidder does not understand the process or how its proposal was scored. The procurement process affords limited access to relevant information in advance of the award, so many bidders feel compelled to file a protest just to gain a better understanding of why they lost. Using the "case search" function on the DOAH website, staff reviewed 91 bid cases[42] that had been reviewed by DOAH since 2014 and found that 51 of these cases (56 percent) had been settled and/or dismissed prior to the entry of a recommended order or final order.

Responding to bid protests is a time consuming effort, requiring considerable staff time and legal support. In Florida, agencies may recover the costs of their legal staff from an unsuccessful bidder; however, the costs incurred by agency staff (staff time) and the successful bidder (legal and staff time) to prepare their response and defend the state's selection are not recovered.[43]

Although Florida's bid protest process is fundamentally sound, the adoption of provisions that permit the use of "debriefings" would deter bid protests and save money for taxpayers by avoiding the costs associated with the protests and preventing delays of the procurement process. These debriefings would be conducted before the agency formally issues an award, at which time vendors would have an opportunity to discuss their bid response with the agency and get a better understanding of the process and how their proposal was scored. The agency would also have an opportunity to correct or resolve any errors it may have made during the process.

The focus would be on the bidder's proposal and how it satisfied or did not satisfy the evaluation criteria. The debriefing would get the necessary parties to the table and allow the bidder to be heard and understood by the agency. The debriefing process would include mechanisms that would permit an agency to stop the bid process, respond as lawful and appropriate to address the issue(s), and then resume the process, thereby avoiding the bidder having to file a protest to resolve the issue(s). This additional transparency will help to stem unnecessary bid protests. Information on proposals from other bidders would not be shared and would only be made available after an award was formally issued. This would help to ensure a fair but structured process that ensured a bidder's hearing, but not at the expense of taxpayer value or the project's timeline.

Cost Savings / Government Efficiency: Estimating the cost savings is difficult since, according to a 2013 survey conducted by the National Association of State Procurement Officers, only three states that allow bid protests quantify the cost for a protest.[44] Most states, like Florida, absorb the bid protest cost as a cost of doing business. The major benefits would be significant cost and risk avoidance and a significant increase in government efficiency as a result of the reduced number of bid protests.

42 http://www.doah.state.fl.us/ALJ/searchDOAH, retrieved May 9, 2016.
43 Conversation with Ms. Kelly Scott, Director, Division of State Purchasing, October 13, 2014.
44 State Bid Protests, Research Brief, National Association of State Procurement Officials, April, 2013.

FL-SEN-20-0201-B, 20-0202-A-004920

RECOMMENDATION GG 5: EMPLOYMENT OF EXPERIENCED AND WELL-TRAINED PROCUREMENT PERSONNEL

The Task Force recommends the State of Florida increase its commitment to having well-qualified and well-trained procurement personnel. It should be the policy of the state that training for procurement staff should be limited to enhancing or honing procurement skills, and not to develop basic procurement skills and core competencies.

Rationale: One of the challenges facing state agencies is whether to "hire and train" or "buy and hold" its procurement staff. The "hire and train" strategy permits agencies to use internal promotion as a way to provide lower-level employees a career path to higher-paying, more responsible jobs. The Division of State Purchasing's professional development program offers professional development opportunities designed to maintain, broaden, and improve the knowledge, skills, and abilities of public procurement professionals while helping them remain relevant and competitive in the public procurement industry.[45] The retirement of the Florida Certified Purchasing Agent and Florida Certified Purchasing Manager certification programs[46], however, decreases the likelihood that procurement employees will receive the training necessary to function effectively in higher paying and more responsible jobs. A review of the DMS website identified 181 purchasing agents and 160 purchasing managers who have been certified through these programs.[47]

In contrast, the "buy and hold" strategy permits public procurement agencies to recruit procurement staff that is already well-qualified and well-trained. Because these employees will already have the core competencies necessary to function effectively, any additional investment into their training or professional development is likely to be minimal. This strategy acknowledges the importance of post-secondary education, professional certification and previous procurement experience when recruiting procurement staff.

The Universal Public Procurement Certification Council has established guidelines for obtaining the Certified Public Procurement Officer (CPPO) and Certified Professional Public Buyer (CPPB) designations. The CPPO and CPPB designations are recognized credentials throughout the world and signify that the designated individual has reached a specific level of education and experience and has demonstrated an established level of knowledge necessary to competently perform the work of a public procurement officer or buyer.[48] These, or comparable, certification requirements could be included in the hiring criteria for hiring procurement staff.

The "buy and hold" strategy would likely require the state to reevaluate the compensation package for procurement officers to recruit and retain procurement staff with the desired qualifications.[49]

Cost Savings / Government Efficiency: The benefits from recruiting and retaining qualified staff ("buy and hold") to manage state purchasing are significant yet indeterminate.

45 http://www.dms.myflorida.com/business_operations/state_purchasing/public_procurement_professional_development, retrieved May 9, 2016.

46 http://www.dms.myflorida.com/business_operations/state_purchasing/public_procurement_professional_development/certifications_for_the_public_procurement_professional/florida_certified_purchasing_agent_and_manager2, retrieved May 9, 2016.

47 Ibid.

48 http://www.uppcc.org/certified, retrieved May 16, 2016.

49 Florida TaxWatch, "Annual Florida TaxWatch Government Efficiency Recommendations 2015," December 2014.

FL-SEN-20-0201-B, 20-0202-A-004921

RECOMMENDATION GG 6: CONSOLIDATED PROCUREMENT PERSONNEL

The Task Force recommends the Legislature provide funds to DMS to contract with an independent third-party consulting firm with experience in strategic sourcing and procurement to complete a business case study of the State of Florida's procurement function focusing on the enterprise-wide organizational structure, governance, and operating model. This study would build upon, and not duplicate, the 2010 business case analysis prepared for MyFloridaMarketPlace (MFMP).

Rationale: State and local government agencies spend a tremendous amount of taxpayer money procuring commodities and services, and even a small improvement in efficiency will generate a large savings. The potential for greater improvements in efficiency and even greater savings to taxpayers justifies a thorough review of how Florida's procurement program works and how it can be improved.

Florida's procurement program is neither consolidated nor unconsolidated, but a combination of the two. Consolidated management is the responsibility of DMS' Division of State Purchasing—DMS is charged with providing uniform commodity and contractual service procurement policies, rules, procedures, and forms for use by agencies and eligible users.[50] DMS negotiates state terms for services and commodities used by all state agencies to leverage the state's buying power. State agencies and other public entities are granted a certain level of independence from DMS and are authorized to process, oversee, and/or approve purchases up to certain dollar thresholds and negotiate their own contracts. Each agency has its own budget for procurement staff and activities. The DMS website identifies 37 state agencies, committees, commissions and other governmental entities that have their own agency purchasing officer and staff.[51]

DMS does not record the procurement activities of all state agencies, as MyFloridaMarketPlace (MFMP), the state's e-Procurement tool, has been historically underutilized by all state agencies. In 2012 the state launched an effort to improve MFMP utilization by state agencies. Utilization goals and performance levels were established and tracked monthly, and agency performance is available for review on a scorecard on the MFMP website.[52]

An analysis by McKinsey & Company found that the highest performing private-sector procurement organizations take a centralized, or similar, approach to managing procurement.[53] This suggests that Florida's hybrid model of procurement authority could be strengthened by making it more consolidated. Furthermore, there is evidence to suggest that there is some inefficiency in Florida's agency-based approach, despite a number of valiant efforts to improve functionality. Working toward a shared services model, where staff from one agency with particular expertise assists another agency that needs that expertise, would improve the state's procurement efficiency.

Cost Savings / Government Efficiency: In more than 500 purchasing projects that the management consulting firm McKinsey & Company has supported in both the private and public sectors over the past five years, improved purchasing in the public sector yields an average savings of 28 percent.[54] A 28 percent savings would save Florida taxpayers an estimated $1.4 billion annually.[55]

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50 Subsection 287.032(2), Florida Statutes.

51 http://www.dms.myflorida.com/business_operations/state_purchasing/vendor_resources/contact_a_purchasing_professional/agency_purchasing_officers, retrieved May 16, 2016.

52 http://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace/utilization_initiative/myfloridamarketplace_utilization_scorecard, retrieved May 16, 2016.

53 See, e.g., McKinsey & Company. "Global Procurement Excellence: A Quantitative way to determine PSM best practices." Presentation to the EIPM Annual Conference, Geneva, Switzerland. December 8, 2006.

54 Christian Husted and Nicolas Reinecke, "Improving public sector purchasing." McKinsey on Government, Summer 2009.

55 $5 billion x 28% = $1.4 billion.

FL-SEN-20-0201-B, 20-0202-A-004922

RECOMMENDATION GG 7: CONSOLIDATED REAL ESTATE AND FACILITIES SHARED SERVICES

The Task Force recommends the Department of Management Services (DMS) be designated the responsibility and authority by the Legislature to accelerate the implementation of best practices and a shared-services model by consolidating and standardizing facility management, operations, construction, and leasing to optimize the state's real estate portfolio to achieve significant long-term cost avoidance.

Rationale: Florida's current real estate delivery model is decentralized among, and within, multiple agencies. Twenty state agencies manage over 13,000 facilities totaling more than 63 million square feet. DMS is the only agency with facility management, operations, construction and leasing as its core mission. Despite this, the department only manages a footprint of more than 12 million square feet, and oversees only 108 facilities. The inefficiency of facility management of state owned assets is costing taxpayers millions each year.[56]

The Florida Department of Environmental Protection (DEP) and DMS recently collaborated to generate the FL-SOLARIS database, a centralized database for the collection of records for all state-owned real estate. This is the first step in changing the current decentralization of facility management, and a platform for implementing an enterprise-wide shared facility management model. In August 2012, DMS contracted with CBRE Group, Inc., to develop a comprehensive Real Estate Optimization Plan that spans across all state agencies, space types, uses and geographies.[57]

While the initial investment outlined in the CBRE Group, Inc. report was in excess of $493 million, DMS has a more focused and fiscally prudent implementation plan which would include the following strategies and recommendations:

- Reduce occupancy management costs by reducing the amount of space needed for agency operations;
- Consolidate oversight and operations of the state's real estate function into DMS. This includes moving all operations, maintenance and leasing positions into DMS;
- Enhance sourcing strategy; restructure contracts for consistent service delivery and unit cost reductions by implementing statewide procurements instead of individual agency procurements for local facilities;
- Transfer responsibility for portfolio-wide facilities-related energy management to DMS; and
- Help the state utilize its real estate in the highest and best use or to monetize its assets.

Cost Savings / Government Efficiency: The DMS has already worked with agencies to better utilize existing state owned space and reducing the leased space footprint. From July 1, 2011 through June 30, 2014, agencies that utilized DMS' expertise reduced their leasing spend by more than $48 million and square footage by more than 900,000 square feet. Similar efforts in operations, contracts and energy management across other State-owned properties could produce an additional estimated $70 million to $80 million in reduced costs.[58]

56 Florida TaxWatch, "Annual Florida TaxWatch Government Efficiency Recommendations 2015," December 2014.
57 CBRE Group, Inc. "Implementation Plan for Portfolio Optimization, Shared Services and Cost Savings Initiatives." November 30, 2012.
58 Supra, footnote 56.

FL-SEN-20-0201-B, 20-0202-A-004923

RECOMMENDATION GG 8: FLORIDA RETIREMENT SYSTEM (FRS) INVESTMENT INDEPENDENCE PROGRAM

The Task Force recommends the Legislature enroll all new Florida Retirement System (FRS) members in the Defined Contribution Investment Plan to ensure that the FRS is actuarially sound going forward, and avoid billions in future liabilities and to increase the retirement wealth of state employees.

Rationale: While nearly all private sector companies offer only Defined Contribution (DC) retirement plans to employees, the majority of FRS members participate in the Defined Benefit (DB) pension plan.[59] A DB pension plan provides a specified payment amount to the employee upon retirement, based on the employee's salary, years of service, and other factors. The employer bears the investment risk of ensuring the defined benefit amount will be available to be paid to the retired employee. Due to this risk, defined benefit plans require complex actuarial projections and insurance for guarantees, making the costs of administration very high. This has made defined benefit plans all but obsolete.[60]

In contrast, a DC plan allows employees and employers to contribute and invest funds over time to save for retirement. The contributions can be invested, at the participant's direction, in select mutual funds, money market funds, annuities or stock offered by the plan. This allows the participant to better align their investment risks and rewards. Because the employer no longer has any obligation for the performance of the contributions after they are deposited, the work required by, and the risk to, the employer are low. It is incumbent upon the employee to direct the contributions and investments to grow the assets for their retirement. The goal is for the employee to end up with more financial wealth upon their retirement. By offering incentives such as increased employer match, the state is in position to help employees who are enrolled in the DC plan earn more retirement wealth over the long run.

As of June 30, 2014, the FRS had 622,089 members who were covered by the provisions of the system including 363,034 annuitants. Regular Class membership comprised 87.35%, Special Risk Class membership comprised 11.03%, and Senior Management Services Class comprised 1.25%. All others classes combined comprised less than 0.5% of FRS members.[61]

The FRS Actuarial Assumption Conference met on October 6th and October 15th, 2015, to adopt updated economic assumptions to be used for the actuarial valuation of the FRS. The preliminary results show that the FRS continues to have an unfunded actuarial liability (UAL). As updated, the projected UAL is expected to increase from last year's $21.5 billion to $23.0 billion. In 2014, the system was 86.6% funded on an actuarial basis; however, the funded status is expected to decrease to 86.2% in the 2015 updated valuation.[62]

Cost Savings / Government Efficiency: The Florida Legislature commissioned a report by the state's actuaries to determine the costs associated with closing the DB plan to new state employees. An analysis of the actuarial study by the professional staff of the Florida House of Representatives determined an initial cost of $2.7 million in FY2014-15, then an estimated savings of $12.9 million in FY2015-16, out to an estimated $9.8 billion in savings in FY2042-43.[63]

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59 Florida Department of Management Services, Division of Retirement. "Florida Retirement System 2011-12 Annual Report."

60 http://www.investopedia.com/ask/answers/032415/how-does-defined-benefit-pension-plan-differ-defined-contribution-plan.asp, retrieved May 16, 2016.

61 Office of Program Policy Analysis & Government Accountbaility, Government Program Summaries, "Department of Management Services Retirement Benefits Administration, retrieved May 16, 2016.

62 Office of Economic and Demographic Research, "Florida Retirement System Actuarial Assumption Estimating Conference, Executive Summary for October 2015 Meetings," http://edr.state.fl.us/Content/conferences/actuarial/FRSexecutivesumm.pdf, retrieved May 16, 2016.

63 Florida House of Representatives, "Press Release and Analysis of Actuarial Study, 2013."

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RECOMMENDATION GG 9: CONSOLIDATED MANAGEMENT OF STATE AGENCY VEHICLES

The Task Force recommends the Legislature consider consolidating management of all state agency vehicles into one statewide fleet program under one state agency (either DMS or FDOT) or third-party vendor with uniform standards for procurement, assignment, utilization, maintenance, and disposal of fleet vehicles.

Rationale: The Department of Management Services (DMS) is responsible for the oversight of the state's fleet of motor vehicles, which includes approximately 25,000 automobiles and light trucks, medium and heavy trucks, aircraft, construction and industrial equipment, marine equipment (e.g., boats, airboats, boat engines, etc.), trailers, tractors and mowers, small utility, motorcycles and all-terrain vehicles.[64] DMS operates and maintains the Florida Equipment Electronic Tracking (FLEET) System, which provides information necessary to effectively and efficiently manage the state's vehicle fleet.

A 2011 report by OPPAGA[65] found that, although DMS has authority to manage fleet operations, it has delegated much of its authority to state agencies, permitting the agencies to independently manage their vehicle fleets. Decisions concerning operations and management of state-owned vehicles are delegated to 30 state agencies. This decentralized model, according to OPPAGA, hinders coordination, which reduces efficiency and increases costs. Permitting state agencies to independently manage their vehicle fleets resulted in poor overall management, unnecessary fleet expenditures, duplication of effort, and agencies spending resources on activities that are not central to their core missions.

OPPAGA offered several recommendations[66] to improve fleet management. Consolidating the management of all state agency vehicles into one statewide fleet program with uniform standards for procurement, assignment, utilization, maintenance, and disposal would improve efficiency and could reduce costs by leveraging the state's buying power. The most logical agencies to manage the vehicle fleet would be DMS (which currently has statutory authority to manage the fleet program) or FDOT (which currently has the largest fleet and most fleet managers).

A December 2013 independent business case study by Mercury Associates, Inc.,[67] found that Florida's FLEET System was "the least capable system we have encountered in any of the 34 states we have worked with" and recommended the expansion of DMS' role and staff resources to provide increased and centralized oversight, analysis, and services to manage the state's fleet. DMS requested and received funding during the FY 2016 legislative session to procure a commercially available solution to support a centralized Fleet Management Information System with the capacity to manage all state-owned and leased equipment.

Cost Savings / Government Efficiency: The major benefits of improved fleet management are significant cost savings and improved efficiency resulting from a reduction of unnecessary fleet expenditures and duplication of effort, and duplication of effort. Based on the Mercury Business Case, opportunities to achieve cost savings include a five-year cumulative benefit of implementing the operating best practice recommendations (estimated at $8.8 million annually) and right sizing recommendations (estimated at $2.1 million annually) that total $26.8 million in projected savings.[68]

64 Professional Staff of the Committee on Appropriations, "Bill Analysis and Fiscal Impact Statement, PCS/CS/SB 326,"Bill Analysis and Fiscal Impact Statement," March 2, 2016.

65 Office of Program Policy Analysis & Government Accountability, "Centralizing Vehicle Fleet Operations and Implementing Cost-Saving Strategies Could Reduce State Spending," Report No. 11-16, April 2011.

66 Ibid.

67 Mercury Associates, Inc., "Fleet Management Business Case for the State of Florida," December 2013.

68 Supra, footnote 64.

FL-SEN-20-0201-B, 20-0202-A-004925

RECOMMENDATION GG 10: CREATION OF TEMPORARY RESTRICTED-USE LICENSE PLATES

The Task Force recommends the Legislature authorize the use of temporary, restricted use license plates during the private sale of motor vehicles to facilitate the transfer of ownership.

Rationale: If one buys a vehicle from a Florida dealership, one receives a temporary plate that is valid for 30 days after the date of purchase. This allows the buyer to drive the vehicle while waiting for the vehicle title and registration. In the private sale of a vehicle, however, the buyer cannot get a temporary license plate. The seller is required to remove the license plate from the vehicle and either return it to the Department of Highway Safety & Motor Vehicles or the county tax collector/local tag office.[69] After completing the transfer of the title by the seller, the buyer and seller must then go to the Department of Highway Safety & Motor Vehicles or the county tax collector/local tag office to ensure the vehicle is transferred out of seller's name and into the buyer's name.

A restricted use, temporary (3 days) permit would allow the buyer in a private vehicle sale to operate an unregistered vehicle or a vehicle with a suspended registration from the present location of the vehicle to a specified destination (e.g., county tag office) to transfer the title and register the vehicle. The restricted use, temporary permit could be printed from the buyer's home computer printer, after making an appropriate on-line payment, by following the steps outlined on the Department of Highway Safety & Motor Vehicles' website.

Cost Savings / Government Efficiency: This is a revenue-generating opportunity. In Arizona, for example, the fee for a 3-day restricted use permit is $1.00; however, the Legislature has the authority to establish whatever fee amount it deems necessary and appropriate. The amount of revenue to be generated cannot be determined.

69 Section 320.0609(2)(a), Florida Statutes.

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RECOMMENDATION GG 11: REACTIVATION OF STATE MATCHING FUNDS

The Task Force recommends the Legislature lift the suspension of state matching funds for the Alec P. Courtelis University Facility Enhancement Challenge Grant Program and the University Major Gifts Program.

Rationale: Recognizing that state universities do not have sufficient physical facilities to meet the demands of their instructional and research programs, and that there are sources of private support that, if matched with state support, can assist in constructing much-needed facilities, the Legislature established the Alec P. Courtelis University Facility Enhancement Challenge Grant Program for the purpose of assisting universities build high priority instructional and research-related capital facilities.[70] This program provides a dollar-for-dollar match for operating gifts for capital construction for instruction or research facilities. All projects must be on the 5-year capital improvement plan and be approved by the Board of Governors or Legislature to be eligible for a state matching gift.[71]

In addition, the University Major Gifts Program provides opportunities for each state university to receive and match challenge grants to enhance their libraries and instruction and research programs. The amount of state matching funds allocated to each university is based on the amount of the donation and the restrictions applied to the donation.[72]

Effective July 1, 2011, state matching funds to the challenge grant programs (University Major Gifts and Alec P. Courtelis University Facility Enhancement) were temporarily suspended for donations received on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after $200 million of the current backlog is paid. The timing of this is uncertain.[73] The Major Gift Matching Program has a current backlog of $285.0 million; investing this amount will release more than $370.7 million in donations, which could otherwise be used to fund endowments and scholarships but which currently sit idle.[74] The Courtelis University Facility Enhancement Program has a current backlog of $92.7 million; investing this amount will release an equal amount of donations that could be used to fund capital improvements.[75]

Cost Savings / Government Efficiency: Lifting the suspension and investing the $377.8 million total backlog will result in the release of $556.3 million in donations, a return of almost $178.5 million (32 percent) and saving Taxpayers $556.3 million for needed University facilities.

70 Section 1013.79, Florida Statutes.
71 http://www.unstoppable.usf.edu/fnd_web/ways-to-give.aspx?ID=5, retrieved May 17, 2016.
72 Section 1011.94, Florida Statutes.
73 http://www.unstoppable.usf.edu/fnd_web/ways-to-give.aspx?ID=5, retrieved May 17, 2016.
74 State University System of Florida Major Gift Matching Program Backlog (As of June 2011).
75 Outstanding Alec P. Courtelis Facility Enhancement Challenge Grant Program List (May 23, 2016).

FL-SEN-20-0201-B, 20-0202-A-004927

RECOMMENDATION GG 12: IMPROVE EFFICIENCY OF SALES AND USE TAX AUDITS

The Task Force recommends the Legislature increase the DOR's sales and use tax audit coverage by adding new auditors, creating new state positions, and contracting with private auditors. In addition, the Legislature should expand the Certified Audit Program to allow recipients of Notices of Intent to Audit to use a DOR-certified private auditor in lieu of an audit by the DOR.

Rationale: The Department of Revenue (DOR) is responsible for auditing Florida businesses to make sure state taxes are properly reported, collected, and paid. Accurate and efficient auditing is a key to DOR's success in bringing taxpayers into compliance and promoting voluntary compliance. The DOR audits only about one-half of one-percent percent of its taxpayer accounts, whereas the federal Internal Revenue Service's audit coverage is 1.1 percent for individuals and 1.5 percent for corporations.[76] DOR would need to hire almost 400 additional auditors just to be able to audit one-percent percent of its taxpayer accounts.[77]

To encourage voluntarily compliance, s.213.285, F.S., established a Certified Audit Program as a cooperative effort between DOR and the Florida Institute of Certified Public Accountants ("FICPA"). The program allows taxpayers to hire qualified CPA firms to review their tax compliance for the tourist development taxes imposed by ss. 125.0104 and 125.0108, F.S, and the sales and use tax imposed by ch. 212, F.S. Taxpayers who take advantage of the certified audit program may see their tax liability decrease due to the abatement of interest and waiver of penalties. CPAs who are certified by DOR to conduct such audits will see additional demand for their services should the expanded eligibility lead to more participation.[78]

Expanding the scope and/or increasing participation in the certified audit program should free up resources to allow DOR to conduct more audits and collect additional taxes from noncompliant taxpayers whose liability would have otherwise gone undetected.

Cost Savings / Government Efficiency: On March 16, 2013, the Revenue Estimating Conference estimated that allowing taxpayers to enter the certified audit program after receiving a notice of intent to audit would have a recurring savings of $2.4 million to the state and $0.5 million to local governments.[79]

76 Internal Revenue Service. "Fiscal Year 2011 Enforcement and Service Results."
77 Florida TaxWatch. "Report and Recommendations of the Florida TaxWatch Government Cost Savings Task Force for Fiscal Year 2012-13."
78 House of Representatives Staff Analysis, "CS/HB 495 Certified Audit Program," April 11, 2013.
79 Ibid.

FL-SEN-20-0201-B, 20-0202-A-004928

RECOMMENDATION GG 13: IMPROVED ENERGY EFFICIENCY IN STATE BUILDINGS

The Task Force recommends that all Florida government entities take advantage of the opportunity to recover taxpayer investment in recently completed building or retrofits through the retroactivity provisions of Section 179D of the Internal Revenue Code , and to help defer future costs of building and retrofitting.

Rationale: Section 179D of the Internal Revenue Code, created as part of the 2005 Energy Policy Act, allows owners of commercial properties to receive federal tax deduction for costs associated with the installation of energy efficient lighting, HVAC and/or building envelope systems. Originally set to expire December 31, 2014, Section 179D was recently extended for 2 years, through December 31, 2016, and retroactively for 2015.[80] The deduction may be applied retroactively to 2006.

Building owners and tenants who make improvements that cause new or renovated commercial buildings to be more energy efficient, and designers of qualifying government buildings, will be eligible to receive a federal tax deduction of up to $1.80 per square foot. The resulting tax savings can offset the costs of implementing the energy efficiency measures. Since government entities do not pay taxes, they are not eligible to receive the direct deduction; however Section 179D's Special Rule for Government-Owned Buildings allows government to allocate the benefit to a tax-paying 'designer' and receive savings in return for the allocation.

To receive the maximum deduction, the building's energy and power costs must be reduced by a minimum of 50 percent as compared to predetermined ASHRAE standards. Buildings that do not achieve 50 percent savings can still qualify for a deduction of $0.60 – $1.20 per square foot. Available deductions for partially qualifying systems include: $0.60/sq. ft. for HVAC systems that meet 15 percent savings; $0.60/sq. ft. for lighting systems that meet 25 percent savings; and $0.60/sq. ft. for building envelope systems that meet 10 percent savings.[81] To determine whether a commercial building qualifies, an energy savings calculation must be performed with Department of Energy approved software. To verify results, an on-site inspection must be conducted after the energy efficient installation(s) has been placed into service. This certification process and inspection must be completed by a qualified engineer or contractor in the jurisdiction of the qualifying building.[82]

The University of Florida (UF) retained a qualified environmental consulting firm to administer its 179D allocation process and initially secured $135,000 in savings, with more expected.[83] Miami-Dade County took a similar approach and received $1.135 million in savings associated with recent improvements to the County's downtown chilled water system.[84]

Cost Savings / Government Efficiency: To illustrate, consider a government entity with 5,000,000 sq. ft. of qualifying area that hires a "designer" to pursue the deduction. Assuming a minimum 179D allocation of $0.60/sq. ft., the total tax deduction would be $3 million. Assuming a 35 percent tax bracket for the designer, the total tax benefit would be $1,050,000. If this benefit were split equally, the government entity would receive $525,000 for projects already completed using taxpayer resources. If this example could be applied to larger entities like the State University System or local school districts, which have significant numbers of buildings, the savings could be substantial.

80 Stuart Kaplow, "Congress Breathes New Life into 179D Tax Deduction," Green Building Law Update, December 20, 2015.
81 http://www.itseesy.com/179d-energy-efficiency-tax-deduction/, retrieved May 20, 2016.
82 Ibid.
83 http://news.ufl.edu/archive/2014/07/179d-tax-allocations-prove-source-of-savings-for-university-of-florida.html, retrieved May 20, 2016.
84 http://www.miamidade.gov/environment/releases/2014-07-16-chilled-water-system-savings.asp, retrieved May 20, 2016.

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RECOMMENDATION GG 14: IMPROVE MANAGEMENT OF ASSETS AND FACILITIES

The Task Force recommends the Legislature provide funds to contract with an independent third party firm to partner with the Florida Department of Environmental Protection (DEP) and Department of Management Services (DMS), as well as any other state agencies, to inventory, survey and provide condition assessment of state owned facilities. The survey should, at a minimum, consist of identifying location, key characteristics, valuable assets, facility condition and occupancy.

Rationale: Florida's current real estate delivery model is decentralized among multiple agencies currently estimated at more than 13,000 facilities managed by 20 state agencies- totaling more than 63 million square feet. Inaccurate or incomplete inventory data and lack of timely information on these assets are largely to blame for the inefficiencies in facility management of state owned assets, costing taxpayers millions, increasing risk to the state and making planning and oversight challenging.

The state has taken the first step in changing the current decentralized model and improving the information used for decision-making through collaboration between DEP and the DMS for the creation of a consolidated real estate database (FL-SOLARIS). In order to achieve the maximum return on investment, the state needs a way of not only creating an initial inventory that is accurate and complete but needs a software tool to collect and maintain important information such as geospatial information, key characteristics, high value assets, compliance information (ex. ADA), facility condition and occupancy. This information then could be made available to other state agencies, the public and businesses.

Effective implementation would help address the state's persistent management and oversight challenges by providing standardized, high-quality data. In addition, this initiative would help promote transparency across agencies, to the public and aid in addressing ongoing government management challenges by expanding the quality and availability of state facility data. Having better data also will make it possible to gauge the magnitude of the state investments, help agencies make more fully informed decisions about how resources should be allocated, and provide agencies and the audit community with additional data analytic tools to aid in compliance risk mitigation, disaster recovery and planning.

Finally this initiative would greatly compliment the goals set by both the CBRE group and DMS to implement the following strategies:

- Reduce occupancy management costs by reducing the amount of space needed for agency operations;
- Consolidate oversight of facility operations;
- Help the state utilize its real estate in highest and best use or monetize its assets;
- Ensure state facilities are ADA compliant; and
- Create operation capacity gains from a simplified, centralized and streamlined tool for conducting facility management, operations, inspections, and maintenance/issue remediation.

Cost Savings / Government Efficiency: The benefits from inventorying, surveying and assessing the condition of state-owned and leased facilities are significant yet indeterminate.

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HEALTH AND HUMAN SERVICES

RECOMMENDATION HHS 1: RIGHT-PRICING FOR EMERGENCY ROOM VISITS

The Task Force recommends the state increase copayments for emergency room visits by state employees that do not result in hospitalization from $100 to $250 to better reflect true costs and deter an increased utilization and reliance on costly emergency room care, thus avoiding unnecessary costs. The copayment would continue to be waived 100 percent if the visit results in hospitalization.

Rationale: Today, hospital emergency departments are a major source of primary health care in the community, treating a broad range of health problems that include many visits for minor ailments and other non-urgent conditions.[85] Health care consumers are generally over-dependent on emergency room services, when many health issues can be prevented or mitigated in a more efficient way through proactive primary care.

In recent years, freestanding, hospital-owned emergency centers have increased across Florida. These stand-alone centers may have limited facilities not equipped for true emergencies and closer to urgent care services, but still bill the plan as an emergency room visit. Any emergency room visit costs the patient and insurer considerably more than a visit to the patient's doctor or to an urgent care center. As a result, every non-essential or non-urgent emergency room visit increases the costs to consumers and insurers. For the same type of outpatient visit, Medicare reimburses medical providers $316 if a patient is treated in an emergency room, compared with $138 in an urgent care center.[86]

The emergency room visit copayment for state group insurance plan members is $100 across all available health plans. Within the industry, emergency room visit copayment levels on other health plans are frequently in the range of $150 to $250, with public sector employer plans often trending toward the lower end of the range. Other health plans use structures that vary copayments depending on usage.

Data indicate that emergency room usage by individuals on the state group health plan is higher than the average usage by insured individuals. Emergency room utilization by individuals on the state plan in 2014 averaged 249 visits per 1000 members.[87] With 171,749 state group health plan policy holders,[88] this equates to more than 42,700 emergency room visits annually. The Centers for Disease Control (CDC) report that only 11.9 percent of emergency room visits result in hospital admission,[89] suggesting that 88.1 percent of all state employees visiting emergency rooms (37,619 visits) could be treated more efficiently and at a lower cost by primary care practitioners or urgent care facilities.

Cost Savings / Government Efficiency: Marginal copayments create little incentive for state employees to better anticipate their health needs by regular visits to primary care practitioners, or to obtain lower cost care at urgent care facilities. An increase of copayment from $100 to $250 for emergency room visits will cover more of the total cost (6.8 percent of the average cost per visit), and save the state an estimated $5.64 million annually.[90]

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85 Statement of Peter Cunningham, Ph.D., Center for Studying Health System Change, before the U.S. Senate, Health, Education, Labor and Pensions Subcommittee on Primary Health and Aging, May 11, 2011.

86 Julie Appleby, More Emergency Rooms Open Away From Hospitals, USA Today, retrieved from http://abcnews.go.com/Business/story?id=4721981&page=1&singlePage=true, November 6, 2014.

87 Data obtained from the Department of Management Services January 2016. Does not include all state vendors. Data from some vendors are considered proprietary or unavailable.

88 Ibid.

89 http://www.cdc.gov/nchs/fastats/emergency-department.htm, retrieved May 19, 2016.

90 37,619 unnecessary visits X $150 increased copayment per visit = $5,642,850.

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RECOMMENDATION HHS 2: IMPROVED DEPENDENT EDUCATION AND ELIGIBILITY UNDER THE SGIP

The Task Force recommends the Legislature appropriate funding for a comprehensive audit of eligibility status of dependents covered under the State Group Insurance Program (SGIP) and switch from a passive enrollment process to an annual active enrollment process to avoid unnecessary costs paid for ineligible recipients.

Rationale: There is currently an unknown, but substantial, number of ineligible dependents improperly receiving health coverage and benefits under the State Group Insurance Program. State contracted plan vendors may report information to the DMS if the vendor becomes aware of a potentially-ineligible dependent. Once reported, the DMS researches and/or contacts the enrollee to request documentation demonstrating the dependent is eligible. The DMS may remove the dependent from coverage if it determines the individual is ineligible. BMI Audit Services, a professional health care benefits auditing company, reports that the number of ineligible dependents for any given organization can range between 2 -10%.[91] Most studies suggest that roughly 8 percent of dependents enrolled in health-care plans are ineligible for coverage.[92]

Currently, enrollees in the state group health insurance plan register eligible dependents (spouses and children) through a passive enrollment process which allows employees to roll over their benefits from year to year without requiring them to assess their plan options or learn more about their benefits. As a result, many ineligible dependents continue to receive benefits. Shifting to an annual active enrollment process would require employees to choose an enrollment plan and identify their dependents each year, regardless of their coverage and dependents from the previous year.

It is important that an extensive education and communication effort should precede the audit to inform health plan subscribers about the audit, increase response rates, and reduce the number of appeals. It may be necessary to procure the services of a third-party to assist in this communications effort. Those health plan subscribers identified in the audit as having ineligible dependents should be afforded an opportunity to make the necessary changes in their state health plans before any sanctions are imposed.

Cost Savings / Government Efficiency: The major benefits of purging the SGIP of ineligible recipients would be immediate and recurring savings to the state. Based upon the average annual per dependent cost ($5,670) and average dependent enrollment for plan year 2014 (152,541 enrollees), it is estimated that, for every 1 percent of dependents found to be ineligible, that the state would avoid $8.7 million in costs. Based on the industry average of 8 percent of covered dependents in a given plan found to be ineligible, the dependent eligibility audit would save the state an estimated $69.6 million annually.

91 Retrieved from http://www.bmiaudit.com/dependent-eligibility-audit.html, March 23, 2016.
92 Mark Mack, "Controlling Health-Care Costs With Dependent Eligibility Audits," Government Finance Review, June 2015.

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RECOMMENDATION HHS 3: SGIP PREMIUM PARTICIPATION PROGRAM

The Task Force recommends the Legislature contribute a set amount or percent toward the annual health insurance premiums of state employees that is consistent with that paid by other large public and private employers. This cost shift would result in significant savings for the state.

Rationale: Currently, there are three categories within the State Group Insurance Program (SGIP): employee only coverage, spouse coverage[93], and family coverage. Like the Florida Retirement System, the SGIP is a defined-benefit program, in which the employee pays a fixed amount toward the monthly premium and the state pays the remainder. In 2004, the employee's share of the $4,383 annual premium was $584 (13.3 percent). The state paid the remaining $3,869.[94] By 2014, the annual premium had increased to $7,698, with the employee paying only $600 (8.5 percent). The state paid the remaining $7,098.[95] The same is true for family coverage. In 2004, the employee's share of the $10,104 annual premium was $2,102 (20.8 percent). The state paid the remaining $8,002.[96] By 2014, the annual premium had increased to $17,328, with the employee paying only $2,160 (12.5 percent). The state paid the remaining $15,168.[97] It is clear that, over the past decade, the state has paid more and more of employee health insurance annual premiums and the amount the state pays continues to increase each year.

A 2010 benchmarking report by Mercer Consulting[98] compared Florida's state health insurance program to other large (500 or more employees) private and public sector programs. Mercer found that the state contributed a higher percentage of the annual health insurance premium than other states and private employers. The state now pays approximately 88 percent of the annual premium for a family Preferred Provider Option (PPO) plan, whereas large national employers pay 71 percent to 79 percent.[99] During fiscal year 2014-15, the state contributed approximately 91 percent ($1.68 billion) of the $1.85 billion total premium for active employees.

In a defined-contribution program, the state would contribute a set amount or percentage toward the employee's annual premium and the employee would pay the remainder. Establishing a set amount or percent that is consistent with that paid by other large public and private employers would shift more of the annual employee health insurance annual premiums to the employee and would result in significant savings for the state.

Cost Savings / Government Efficiency: Based on projected fiscal year 2015-16 state health insurance program costs of $2.24 billion[100], reducing the state's contribution toward employees' annual health insurance premiums from 91 percent to 71-79 percent would save the state an estimated $268.8 million to $448.0 million annually.

93 Both employees must work for the state.
94 Department of Management Services, "Overview of the State Group Health Insurance Program," presentation to the Health and Human Services Committee, March 12, 2015.
95 Ibid.
96 Ibid.
97 Ibid.
98 Mercer Consulting, State of Florida Benchmarking Report, March 24, 2011, available at: http://www.dms.myflorida.com/content/download/81475/468865/version/1/file/2010+Small+Employer+Benchmarking+Report+for+State+of+Florida.pdf.
99 Ibid.
100 Florida Legislature, Office of Economic and Demographic Research, Self-Insurance Estimating Conference, State Employees' Group Health Self-Insurance Trust Fund- Report on the Financial Outlook for Fiscal Years Ending June 30, 2015 through June 30, 2020, adopted August 12, 2015, page 6, available at http://edr.state.fl.us/Content/conferences/healthinsurance/HealthInsuranceOutlook.pdf.

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RECOMMENDATION HHS 4: IMPROVED ACCESS AND USE OF TELEHEALTH SERVICES

The Task Force recommends the Legislature further remove disincentives and barriers to the use of telehealth services, and while detailed policies are being determined, Florida should provide a foundation for the statewide expansion of telehealth. This will increase access to healthcare and avoid future costs.

Rationale: The availability of health manpower and resources to serve Florida's growing population continues to be a problem, a problem that is not confined to just rural areas. As of December 2012, there were 36 federally designated Medically Underserved Areas in Florida, 12 of which were rural counties. All 67 Florida counties have at least one underserved geographic area or population. In addition, there were 121 designated primary care shortage areas located in 65 counties.[101]

According to the federal shortage designation statistics, the number of Floridians without access to a primary care provider is 4,190,410 or 26.6 percent of Florida's population. Sixty-one counties also have Dental Health Professional Shortage Areas and 44 counties have Mental Health Professional Shortage Areas, most of which are rural. The ratio of population to practicing primary care physicians in 2011 for the 30 rural counties (2,067 per physician) was almost twice that for the state as a whole (1,304 persons per physician) and ranged from 905 in Union County to 5,577 persons per primary care physician in Hardee County. One rural county (Liberty) had no practicing primary care physicians.[102]

Telehealth services have been successfully implemented in other states and some isolated pockets of Florida as a way to: (1) address the shortages of specialists such as dermatologists, neurologists, radiologists, critical care doctors, and mental health specialists; (2) close the care gap for patients who live in rural areas; and (3) close the care gap for patients with debilitating illnesses for whom travel is difficult or impossible. While telehealth has proven to be effective in providing access to quality care, there are barriers and disincentives that limit its expansion.

Breaking down these barriers and disincentives will require, at minimum, promoting the continuation of good current telehealth practices across a full range of healthcare providers, setting standards of care and recordkeeping, and empowering respective practice boards. Additional financial incentives and expanded availability for telehealth provision, especially in high-need, high-cost populations such as the aging and individuals with disabilities should be explored. Continued discussion of telehealth policy issues across all industries and stakeholders is encouraged and necessary as practices and needs evolve.[103]

Cost Savings / Government Efficiency: A telehealth pilot study examining the first six months of results for 135 patients with multiple chronic conditions identified as the most complex and most costly – the top 5 percent of patients who account for roughly half of all healthcare expenditures - reduced the cost of care by 27 percent and reduced long-term and acute care costs by 32 percent.[104] Florida healthcare expenditures total $132.5 billion annually, equaling approximately $7,156 per person and roughly 6.3 percent of the United States' total healthcare expenditures.[105] If reducing the remaining barriers to telehealth could reduce the cost of healthcare by a more modest 10 percent, Floridians would save an estimated $13.2 billion annually.

101 Rural Health Services, retrieved from http://www.floridahealth.gov/programs-and-services/community-health/rural-health/rural-health-services.html, November 7, 2013.
102 Ibid.
103 Florida TaxWatch, "Moving Telehealth Forward: The High Costs of Paying Later," August 2015.
104 Retrieved from http://www.usa.philips.com/healthcare/product/HCNOCTN508/eIAC, April 4,2016.
105 Shannon Barnet, "Healthcare in Florida: 10 Things to Know," Becker's Hospital Review, December 1, 2014.

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RECOMMENDATION HHS 5: RIGHT-PRICING AND ENHANCED CHOICES FOR THE SGIP

The Task Force recommends the Legislature increase the health plan options available to employees enrolled in the State Group Insurance Program (SGIP) by establishing employee contribution rates that reflect the actuarial benefit differences between the existing plans. This will bring employee premiums and plan benefits more in line with industry benchmarks.

Rationale: Health plan options for state employees are limited to the following:

- Preferred Provider Organization (PPO) Plan—a statewide self-insured plan administered by Florida Blue;
- Health Maintenance Organization (HMO)—an insurance arrangement in which the state has contracted with 6 statewide and regional HMOs;
- Health Investor PPO Plan—a statewide high-deductible health plan (HDHP) with an integrated health savings account (HSA) administered by Florida Blue; and
- Health Investor HMO Plan—an HDHP with an integrated HSA in which the state has contracted with 6 statewide and regional HMOs.

There are currently 171,794 state policyholders, 50.3 percent of which are enrolled in the standard HMO plan and 48.3 percent of which are enrolled in the standard PPO plan. The remaining 1.4 percent are enrolled in either of the HDHP plans.[106] This is contrary to the trend among large employer health plans over the past decade of increasing enrollment in HDHPs and declining enrollment in HMOs.

The actuarial value (AV) measures the percentage of expected medical costs that a health plan will cover and is generally considered a measure of the health plan's generosity. The state program's standard HMO plan has an AV of 92.6%, the standard PPO plan has an AV of 88.9%, and the HDHP has an AV of 80%.[107] Many employees in the SGIP enroll in the low-cost, high-value HMO because of its high AV and because there is no difference in premiums between the HMO and PPO plans.[108] A March 2015 AV analysis concluded that state employees "have little real choice among health plan options since there is only a 4 percent difference in the "richness of the benefits" between the HMO and PPO, and the price is the same."[109] As a result, state employees have little incentive to enroll in the HDHP plans.

Because there is a 4 percent difference in the AV between the standard HMO and standard PPO plans, the state must pay more for HMO benefits than for PPO benefits. These payments come from the State Employees' Group Health Self Insurance Trust Fund, funds from which are also used to pay administrative expenses of the SGIP.

Cost Savings / Government Efficiency: Because DMS is currently procuring HMO contracts for the SGIP, the value of the benefits offered by the HMOs that will receive a contract is unknown. Employee contribution rates that reflect the different values of the HMO and the PPO cannot be determined until the conclusion of the procurement.[110]

106 Supra, footnote 94.
107 House of Representatives Staff Analysis, PCB HHSC 16-01 State Group Insurance Program, February 10, 2016.
108 Ibid.
109 Foster and Foster, Actuarial Value Contribution Analysis, March 20, 2015, page 3.
110 Supra, footnote 107.

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RECOMMENDATION HHS 6: STATE EMPLOYEE WELLNESS PROGRAM

The Task Force recommends the Legislature implement a state employee wellness program adopting only those practices that have evidenced a high return on investment.

Rationale: Health insurance for employees costs the state nearly $2 billion each year and an estimated 75 percent of all health care spending is attributed to preventable medical conditions. State agencies are increasingly looking for ways to reduce employee health care costs. A study in the peer-reviewed journal Health Affairs, found that private companies with wellness programs have seen a 28 percent decrease in sick leave, a 26 percent reduction in adjunctive health care costs, and a 30 percent reduction in disability and workers compensation costs.[111] A meta-analysis of the literature on costs and savings associated with workplace wellness programs found that medical costs fall by about $3.27 for every $1 spent on wellness programs, and that absenteeism costs fall by about $2.73 for every $1 spent.[112]

Successful wellness programs must focus on encouraging only prevention behaviors that are evidence-based, reflect nationally-recognized health indicators, and have been proven to reduce undesirable costly outcomes, such as chronic diseases, emergency room visits, and hospital readmissions. A well-designed incentive program for state employees could yield benefits primarily because of the longevity of the employer-employee relationship. State employees tend to remain employed with the state for long periods of time; therefore, a wellness program would likely have a high return on investment.[113] An emerging trend is to offer incentives to employees based on leading health indicators, primarily tobacco use and body mass index, as part of employee wellness programs.[114]

Cost Savings / Government Efficiency: Every dollar invested into evidence-based workplace wellness programs can be expected to reduce medical costs by about $3.27 and reduce absenteeism costs by about $2.73.[115] Other benefits of implementing a worksite wellness program, the costs of which are indeterminate, include improved employee morale, reduced absenteeism, improved employee health, reduced workers compensation claims, and increased productivity.

111 Health Affairs, Volume 21, Number 2, March 2002.
112 Baicker K, Cutler D, Song Z. "Workplace wellness programs can generate savings." Health Affairs 2010;29:304–311.
113 Florida TaxWatch, "Annual Florida TaxWatch Government Efficiency Recommendations 2015," December 2014.
114 Ibid.
115 Supra, footnote 112.

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RECOMMENDATION HHS 7: ASCERTAIN FOSTER CARE SYSTEM OUTCOMES

The Task Force recommends the Legislature begin a follow-up program of determining outcomes for those who have been served by the Florida foster care system a minimum of three years. The follow-up program will ask outcomes of former foster care system clients at 3, 5 and 10 years after aging out of foster care.

Rationale: Many former foster kids have a tough time out on their own. When they "age out" of the system, they're more likely than their peers to end up in jail, homeless or pregnant. They're also less likely to have a job or go to college.[116] Conservative studies find one in five will become homeless after 18; at 24, only half will be employed; less than 3% will have earned a college degree; 71% of women will be pregnant by 21; and one in four will have experienced post-traumatic stress disorder at twice the rate of United States war veterans. And too often, many are at risk of moving back into government systems -- from juvenile centers to prison.[117]

Children born to mothers raised in foster care are five times more likely to end up in foster care themselves. Stopping the generational cycle of foster care requires a collaborative and comprehensive approach that starts with education — beginning with information about pregnancy prevention. Foster children who become pregnant need extra attention to make sure they get the services and resources that will prepare them not only for parenting, but also for life.[118]

Florida's Department of Children and Families (DCF) has implemented an expanded version of the National Youth in Transition Database (NYTD) Survey to be used on an annual basis to survey young people ages 18-22 who have aged out the state foster care system. The 2015 Florida NYTD Survey included responses of 1,288 respondents aged 18 to 22 who turned 18 while in Florida's foster care system, and found that 25 percent had given birth or fathered children, and that 69 percent had no healthcare insurance other than Medicaid.[119]

While the Legislature and the DCF are to be commended for their efforts to improve child welfare outcomes, Florida does not have sufficient data to precisely know what happens to these children after they age out of the foster care system. Outcome data should be collected at 3, 5 and 10 years after aging out of foster care to get a better idea of how successful Florida's foster care children are, and determine whether they have access to services that will help them meet their goals in various aspects of their lives (i.e., education and employment).

Cost Savings / Government Efficiency: The major benefits of addressing the generational issues of foster children are significant cost avoidance. Costs will be avoided as a result of improved services available to pregnant and parenting foster children and resulting improved outcomes. The recurring cost savings to the state would be significant, yet indeterminate.

116 Pam Fessler, "Reflections on Aging Out," National Public Radio, April 7, 2010.
117 Rita Soronen, "We Are Abandoning Children in Foster Care," CNN, Updated April 17, 2014.
118 Jessica Chandler, "Breaking the Vicious Cycle of Foster Care," Los Angeles Times, May 3, 2013.
119 Department of Children and Families, "Florida NYTD Survey: What Young Adults Who Have Aged Out of Foster Care Can Tell Us," Spring 2015.

FL-SEN-20-0201-B, 20-0202-A-004937

RECOMMENDATION HHS 8: REDUCING MEDICAID AND PUBLIC ASSISTANCE FRAUD

The Task Force recommends the Legislature appropriate funding to implement and support the recommendations contained in the Medicaid & Public Assistance Fraud Strike Force's October 2012 Annual Report.

Rationale: Medicaid fraud in Florida is big-dollar crime. Medicaid services are provided through a managed care system in which Medicaid health benefits and services are provided through contracted arrangements between the Agency for Health Care Administration and managed care organizations (MCOs). The MCOs are paid a set amount per member per month (capitation) for these services.

The healthcare program for the poor in Florida costs taxpayers $21.2 billion, nearly a third of the state's overall budget. Of the total, $11.6 billion is paid for by the federal government. Estimates put the amount lost to fraud in Florida each year at between 5 and 10 percent of the state healthcare budget ($1.06 billion - $2.12 billion).[120] Because services are provided by the MCOs, the MCOs also have an obligation to go after fraud wherever they find it. Between December 2007 and December 2011, requests for assistance submitted through ACCESS increased by 28%. SNAP (food stamp) caseloads increased 139 percent and Temporary Assistance for Needy Families (TANF) caseloads increased by 18 percent.[121]

Federal law requires each state to have a Medicaid program integrity (MPI) unit within the Medicaid state agency to detect and investigate Medicaid fraud and abuse. Located within AHCA, the prevention of Medicaid fraud and after-the-fact recovery efforts is a high-priority activity of the MPI. Federal law also requires states to establish and operate a Medicaid Fraud Control Unit (MFCU) to conduct a statewide program for the investigation and prosecution of health care providers that defraud the Medicaid program.

Located within the Office of the Attorney General, the MFCU investigates allegations of patient abuse, neglect, and exploitation in facilities receiving payments under the Medicaid program, such as nursing homes, facilities for the mentally and physically disabled, and assisted living facilities. The MFCU also investigates a wide range of misconduct originating primarily from fraudulent billing schemes.

The Florida Legislature established the Medicaid and Public Assistance Fraud Strike Force (Strike Force) to develop and implement a statewide strategy to coordinate state and local agencies, law enforcement entities, and investigative units in order to increase the effectiveness of programs and initiatives dealing with the prevention, detection, and prosecution of Medicaid and public assistance fraud.[122] The Strike Force included in its October 2012 Annual Report 22 recommendations that, if implemented, would:

- Secure additional funding to adequately support existing processes intended to prevent, detect, investigate and prosecute fraud;
- Put into place the technology to connect all the databases that contain health care fraud and related data;
- Facilitate intra- and inter-agency coordination and communications;
- Identify critical activities that will enhance prevention efforts; and
- Provide opportunities to partner with local and federal agencies to enhance detection, investigation and enforcement efforts.[123]

Cost Savings / Government Efficiency: With estimates of the amount lost to fraud in Florida each year between 5 and 10 percent ($1.06 – $2.12 billion), the implementation of a Medicaid and public assistance fraud strategy that plan that reduced Medicaid fraud by 1 percent would save the state an estimated $10.6 million to $21.2 million annually.

120 Florida Trend Special Report. "Medicaid Fraud: Crime, No Punishment." November 5, 2012.
121 Medicaid & Public Assistance Fraud Strike Force, "Strike Force Annual Report," October 2012.
122 Section 624.351, Florida Statutes.
123 Medicaid & Public Assistance Fraud Strike Force, "Strike Force Annual Report," October 2012.

FL-SEN-20-0201-B, 20-0202-A-004938

APPENDIX A

PROPOSED FLORIDA GOVERNMENT EFFICIENCY ACT

A bill to be entitled

An act relating to government efficiency; creating s._____, F.S.; creating s._____, F.S.; amending Subsection (2) of section 216.162; amending Subsection (2) of section 216.163; amending Section 216.167; and providing an effective date.

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

Section 1. Section 216.___ is created to read:

216.___ Short Title.- The provisions of this act shall be known and may be cited as the "Florida Government Efficiency Act."

Section 2. Section 216.___ is created to read:

216.___ Governor's annual government efficiency recommendations.—

(1) The Governor shall include in his or her budget recommendations, and the Legislature shall consider as part of the General Appropriations Act, recommendations for improving governmental operations and reducing costs.

(2) The Governor's recommendations for improving governmental operations and reducing costs shall consider reports and recommendations issued by the Auditor General, the Office of Program Policy Analysis and Government Accountability, the Government Efficiency Task Force, agency inspectors general, , state agencies, and recommendations submitted to the Executive Office of the Governor by the general public.

(3) Each state agency responsible for implementing the Governor's recommendations for improving governmental operations and reducing costs shall submit quarterly a report of their implementation status and any demonstrated cost savings to the legislative appropriations committees and to the Chair and Vice Chair of the Legislative Budget Commission.

Section 3. Subsection (2) of section 216.162, Florida Statutes, is amended to read:

216.162 Governor's recommended budget to be furnished Legislature; copies to members.—

(2) There shall be included in such document the details of the Governor's recommended balanced budget, including his or her recommended appropriations pursuant to s. 216.163, his or her recommended revenues pursuant to s. 216.165, his or her recommendations for improving governmental operations and reducing costs pursuant to s. 216___, and a financial schedule showing that his or her estimates of state revenues will be sufficient to fund the Governor's recommendations pursuant to s. 216.167.

FL-SEN-20-0201-B, 20-0202-A-004939

Section 4. Subsection (2) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(2) The Governor's recommended budget shall also include:

(a) The Governor's recommendations for operating each state agency, and those of the Chief Justice of the Supreme Court for operating the judicial branch, for the next fiscal year. These recommendations shall be displayed by appropriation category within each budget entity and shall also include the legislative budget request of the corresponding agency. In order to present a balanced budget as required by s. 216.162, the Governor's recommendations for operating appropriations may include an alternative recommendation to that of the Chief Justice.

(b)1. The Governor's recommendations and those of the Chief Justice for fixed capital outlay appropriations for the next fiscal year. These recommendations shall be displayed by budget entity and shall also include the legislative budget request of the corresponding agency. In order to present a balanced budget as required by s. 216.162, the Governor's recommendations for fixed capital outlay appropriations may include an alternative recommendation to that of the Chief Justice.

2. For each specific fixed capital outlay project or group of projects or operating capital outlay requests recommended to be funded from a proposed state debt or obligation, he or she shall make available pursuant to s. 216.164(1)(a) the documents set forth in s. 216.0442(2).

(c) The evaluation of the fixed capital outlay request of each agency and the judicial branch and alternatives to the proposed projects as made by the Department of Management Services pursuant to s. 216.044.

(d) A summary statement of the amount of appropriations requested by each state agency and as recommended by the Governor and by the judicial branch.

(e) A distinct listing of all nonrecurring appropriations recommended by the Governor or the Chief Justice.

(f) A distinct listing of his or her recommendations for improving governmental operations and reducing costs pursuant to s. 216___.

(g)~~(f)~~ Any additional information which the Governor or Chief Justice feels is needed to justify his or her recommendations.

Section 5. Section 216.167, Florida Statutes, is amended to read:

216.167 Governor's recommendations.—The Governor's recommendations shall include a financial schedule that provides:

(1) The Governor's estimate of the recommended recurring revenues available in the Budget Stabilization Fund and the General Revenue Fund.

(2) The Governor's estimate of the recommended nonrecurring revenues available in the Budget Stabilization Fund and the General Revenue Fund.

FL-SEN-20-0201-B, 20-0202-A-004940

(3) The Governor's recommended recurring and nonrecurring appropriations from the Budget Stabilization Fund and the General Revenue Fund.

(4) The Governor's estimate of any cost savings realized through the implementation of the recommendations contained in Section 216.___.

~~(4)~~(5) The Governor's estimates of any interfund loans or temporary obligations of the Budget Stabilization Fund, the General Revenue Fund, or trust funds, which loans or obligations are needed to implement his or her recommended budget.

~~(5)~~(6)(a) For any recommendation to be funded by a proposed state debt or obligation as defined in s. 216.0442, the documents set forth in s. 216.0442(2) and a 5-year estimate of the program operational costs associated with any proposed fixed capital outlay project to be funded by the proposed state debt or obligation.

(b) The Governor's estimates of the debt service and reserve requirements for any recommended new bond issues or reissues and his or her recommended debt service appropriations for all outstanding fixed capital outlay bond issues.

Section 6. This act shall become effective upon becoming law.

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FL-SEN-20-0201-B, 20-0202-A-004941

The Florida Government Efficiency Task Force was convened
under the authority of the Florida Constitution, Article III, Section 19(i).

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ARTICLE III

SECTION 19. State Budgeting, Planning and Appropriations Processes.—

(i) GOVERNMENT EFFICIENCY TASK FORCE. No later than January of 2007, and each fourth year thereafter, the president of the senate, the speaker of the house of representatives, and the governor shall appoint a government efficiency task force, the membership of which shall be established by general law. The task force shall be composed of members of the legislature and representatives from the private and public sectors who shall develop recommendations for improving governmental operations and reducing costs. Staff to assist the task force in performing its duties shall be assigned by general law, and the task force may obtain assistance from the private sector. The task force shall complete its work within one year and shall submit its recommendations to the joint legislative budget commission, the governor, and the chief justice of the supreme court.

- -

The Chairman and the Members of the Government Efficiency Task Force acknowledge and thank the professional staff of Florida TaxWatch and the executive and legislative staff for their assistance researching, drafting, formatting, and publishing this report.

June 30, 2016

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	A	B	C
1	**Government Efficiency Taskforce** Issue & Topic Recommendations		
2	**Issue/Topic**	**Summary of the issue**	**Recommended stakeholders knowledgeable about this issue/topic & contact information**
3	Issue A	This issue looks to combine XXX	John Doe, Company Name (Phone)

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CourtSmart Tag Report

Room: EL 110 **Case No.:** **Type:**
Caption: Government Efficiency Task Force **Judge:**

Started: 10/8/2019 10:01:29 AM
Ends: 10/8/2019 10:53:20 AM Length: 00:51:52

10:01:28 AM Meeting held while waiting for 2 persons to arrive.
10:02:05 AM Meeting recording has begun
10:02:21 AM Meeting is called to order by Cody Farrill, Director of Legislative Affairs, Office of the Secretary, Department of Management Services
10:02:48 AM Roll call by Administrative Assistant
10:04:40 AM In attendance by phone: Senator Randolph Bracy, Senator Jeff Brandes, Senator Keith Perry Rachel Carpenter.
In attendance in person: Tarren Bragdon, Representative Jason Fischer, Robert Griggs, Ed Moore, Sal Nuzzo, Secretary Jonathan Satter, Bob Ward, Keith Wold.
Absentee: Patricia Levesque, Pat Neal, Representative Bob Rommel
10:04:43 AM **Cody Farrill** welcomes members to first meeting of 2019 - 2020 of the Government Efficiency Task Force. The Task Force was formed after amendment of the Florida Constitution was passed and is required to meet every four years. The meeting was published in the Administrative Register on September 27, 2019. Moving forward all notices will continue to be on the FLAR and will be available on FDMS website. DMS is the back office for the Florida Government. We are responsible for delivery of business, technology, and workforce services.
10:05:15 AM To partner with us this year are Tiffany Harrington, House of Representatives, Katherine Becker, of Florida Senate Committee of Agriculture
10:05:32 AM Adopt procedures for this year. Rules are detailed on meeting Tab 2 in the meeting packet.
10:05:48 AM Same task force rules as in 2011-2016. Is there a motion to approve? Motion made by Ed Moore, Secretary Satter seconds the motion. All in favor all opposed? – approved.
10:06:09 AM Member Introduction: Each member of the Task Force are asked to share their background and goals.
10:06:21 AM **Bob Wold** – Degree in Geology and two degrees law. Interested in efficiency in water management through policy objectives of the DeSantis administration, primarily focused on water quality. The 1972 law was not focused on quality when it was adopted. In favor of run off and ground water; and those water districts drawn along those boundary lines.
10:07:40 AM The geologic and hydrologic map of the state the boundaries don't coincide. How to manage those boundaries.
10:07:47 AM Area of dispute settlement, there should be mandatory dispute settlement for all dispute parties including governmental entity. This will also largely achieve the implementation of water quality policy. Advocate the judges come from the state administrative courts.
10:07:58 AM Need judges that have been trained to deal with water quality issues.
10:08:33 AM Area of agency overlap - focus water management issues in government - each agency to file and pursue applications to take over jurisdiction from federal agency currently managing the same issue. These could all be handled by state agencies.
10:09:57 AM Dealing with data management between entities and the government agencies.
10:10:14 AM data management and the internet should be free and open to everyone on a profit level. A democracy cannot exist without free open exchange ideas. The cost should be kept to minimal on a solution.
10:10:23 AM data more used than we need to. This costs time, energy and money.
10:11:19 AM Cody Farrill introduces Ed Moore
10:11:20 AM **Ed Moore**- Doctorate in Organizational Learning Theories.
10:11:42 AM Preference when divide individual members into committees: to look at interagency cooperation evidence when natural disaster – very good at reacting to it. Post disaster communication linkages and relationships need strengthening. How best to deliver services to the people of Florida, as we continue to be a growing state.
10:12:36 AM Tax Law-
10:12:50 AM Make sure services and equipment keep cost low as possible.
10:13:36 AM Develop actional items we can take to the legislature for them to respond to.
10:13:37 AM **Jonathan Satter**, Secretary of Department of Management Services (DMS) since beginning 2019
10:14:11 AM Means reducing friction improve service to residents and visitors
10:14:34 AM Government efficiency means – reduce friction in government; improve service to business, residents and visitors within the state.
10:14:54 AM Three areas: Analytics various components and agencies of the state generate a significant amount of data. Fan of evidence based policy making. Data has been traditionally treated as a bi-product rather than an asset.

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10:15:23 AM 2. Technology arm - rapid growth need to streamline it- largest stem of Government. How we structure its use and govern it can be very valuable.
10:15:58 AM 3. How do we address shared services across the enterprise- fleet, real estate, and technology?
10:16:29 AM **Tarron Bragdon**- founded and runs the Foundation of Government Accountability, a conservative think tank in Naples FL. We work on three areas: Welfare, Workforce and Health Care.
10:16:56 AM Florida is a national leader throughout many states.
10:17:09 AM 2012 CFO take info public available- turned over to Moore center at FSU. In partner with the DeSantis administration to undertake a study of welfare reform policy and tracking the outcomes and impact on people.
10:19:21 AM How we push through information to the public-- How we make that data easily consumable to the relevant end user. Use technology toward customer service- How do we live, work, and create jobs better.
10:19:53 AM **Sal Nuzzo** – Vice President of Policy with James Madison Institute focus on Economic Principles in Florida. 2- focus: 1 – Technological operability. Data and systems shared- overlapping services delivered and to minimize side effects that generate negative publicity. 2-Govt services at certain levels at times provide barriers to individuals in gaining employment becoming members of society.
10:20:18 AM Regulatory systems and licensing- try to streamline the barriers
10:20:39 AM **Bob Ward** – President CEO FL council 100. Businesses that give back to the community.
10:21:06 AM In public employment 26 years
10:21:18 AM HB 5301 - continue tracking area of cyber security
10:21:39 AM **Representative Jason Fischer**- align of small limited government. Background in Electrical Engineering.
10:22:07 AM Views on government are limited major transportation
10:22:22 AM Goal: Be as efficient as possible in how we operate in government, and communicate what we do to citizens of Florida.
10:22:54 AM How to make our lives and interaction with government more effective.
10:23:08 AM In legislature have spent time with technology solutions: 1- how government interacts with itself and 2- how the government interacts with the public. Government should be small and effective.
10:23:49 AM **Mr. Bobby Griggs** - small business man- Realty development.
10:23:59 AM FIU – from Miami
10:24:11 AM Limiting government with more tech aspect
10:24:28 AM **Cody Farrill** calls on Senator Brandes
10:24:30 AM **Senator Brandes** addresses team
10:24:37 AM Served on last task force
10:24:46 AM Encourage to review last few years reports and focus on a small area of items at one time.
10:25:11 AM **Senator Randolph Bracy** - Orlando first task force.
10:25:31 AM **Rachel Carpenter**, Co-founder and CEO- brings entrepreneur to the table. Doctorate in Finance, self-taught Engineering and Technology.
10:25:53 AM Background finance
10:26:35 AM If you want to build and grow - it's not possible unless we have clean data organized equally distributable
10:27:11 AM Municipalities
10:27:28 AM Ways to be efficient
10:27:46 AM **Cody Farrill** introduces Senator Perry-
10:27:51 AM **Senator Keith Perry** has served six years in House, and four years in the Senate. Owns and works private business 40 + years.
10:28:10 AM Majority with government agencies
10:28:20 AM Costs - more effective to business to do work
10:29:09 AM **Cody Farrill** asks were any members not able to join that missed roll? Names called and no answer. We need to nominate for chair for the committee.
10:29:22 AM **Sal Nuzzo** nominating based on use of Technology, since- DMS is the backbone office for this force; would like to formally nominate Secretary Jonathan Satter as the Chair. Is there a second motion? The motion was seconded.
10:30:19 AM Secretary Jonathan Satter is nominated and approved as chair of the committee. Chair Satter moves to the position of Chair of committee.
10:30:59 AM **Chair Satter** asks for nominations for Vice-chair. Senator Bracy nominates Senator Jeff Brandes as Vice-Chair.
10:31:34 AM The motion is seconded. No opposition.
10:31:43 AM **Senator Brandes** accepts Vice-Chair position.
10:32:02 AM Chair Satter explains and presents Tab 3 with purpose and responsibility of the task force
10:32:30 AM Cody Farrill- Task Force was established due to adopted amendment to the 2006 Florida Constitution which created new section of law requiring the following: Meet no later than January 1, 2007 and thereafter –meet every four years; the requirements are read to the committee. Contact DMS for details, posted on the DMS site
10:33:10 AM President of the Senate and the Speaker of the House, and the Governor shall appoint members Membership being established by general law; to be from the Senate, the House of Representatives, and the Public Sector and Executive Branch. Required to complete the work in one year. Present recommendations to the Joint

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Legislative Budget Commission, the Governor, and the Chief justice of the Supreme Court
10:33:20 AM Additional guidance passed in 2007 – Sec. 11.9005 F.S. **(1) (2) (3)**
10:33:36 AM Task Force is to be composed of 15 members, for term of one year; requires elected chair from its members.
10:33:46 AM Meet quarterly – members entitled to receive reimbursement for travel and per Diem.
10:34:00 AM Requires recommendation submitted, and a final summary report.
10:34:07 AM 2011- 2015 reports will be on DMS website
10:34:25 AM 2011 - 3 subsidies health education and general government
10:34:39 AM Several recommendations:
10:34:43 AM Business regulation and licensing
10:34:56 AM Expressway and bridge authority consolidation
10:35:01 AM Consultant's competitive negotiation act
10:35:11 AM Enterprise information technology to redefine and strengthen governance
10:35:24 AM 2015- 2016
10:35:28 AM Focus on Government Efficiency; Health and Human services, Criminal and civil Justice
10:35:37 AM Recommendations: Expand alternative forensic mental health programs;
10:35:44 AM Replace FLAIR
10:35:48 AM Additional funding and governance of the Agency for State Technology (AST)
10:35:56 AM Improve access and use of telehealth services
10:36:11 AM 2018-19
10:36:22 AM Technology & Innovation
10:36:36 AM Government operations
10:36:55 AM DeSantis Administration- law centralize single point of contact- interoperability between agencies.
10:37:26 AM Specific Focus on future on FL data
10:37:30 AM 1- future Florida Data 2 cyber sec
10:37:41 AM 3-data cataloging - collaboration
10:37:59 AM data why we collect -
10:38:15 AM Targeted - government operation
10:38:27 AM Move forward
10:38:29 AM Consider
10:38:33 AM 1How can state better leverage technology to increase efficiency?
10:38:38 AM 2 Can Floridians and visitors be better served with new technology?
10:38:52 AM 3 How can we increase efficiency in customer service operations across the state
10:39:09 AM Chair with comments
10:39:22 AM Chair introduces Sean Gellar
10:39:22 AM Discussion of sunshine public records law - Deputy Counsel of DMS
10:40:18 AM Meetings of public boards - open to public
10:40:27 AM Reasonable notice of meetings must be given. Minutes must be taken open for inspection
10:40:39 AM General rules
10:40:48 AM Board members not to use personal telephone, Facebook, email, or text messages to conduct private discussion about board business.
10:41:00 AM Member cannot be used as a liaison to communicate between board members or poll for personal view on a board issue.
10:41:00 AM Resolution, rule, regulation, or formal action is binding only as taken at the open meeting.
10:41:06 AM Sunshine Law binds in open meeting only.
10:41:16 AM Do not use other individuals for soliciting an idea.
10:41:29 AM The vote cannot be preordained
10:42:10 AM Penalties levied for violations, including misdemeanors and fines.
10:42:23 AM sunshine law - right of access for public
10:42:33 AM Law is equally applicable to the elected and appointed
10:42:39 AM Applied to any gathering of any 2 members of the same board of an issue that foreseeably will come before that board.
10:42:56 AM Do not discuss any board issues outside of meeting
10:43:04 AM What is a public record?
10:43:17 AM Public records are any document, paper, letter, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics, or means of transmission.
10:44:05 AM Law in accordance – communication or connection intended for communicable formalize
10:44:37 AM Not public record if it is not intended to be a formalizes document
10:45:00 AM Personal notes are merely preliminary - unless you hand them to someone
10:45:22 AM Personal notes ok if only for your use
10:45:34 AM Serves no government function.

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10:45:51 AM Caveat on drafts if used to perpetuate information
10:46:15 AM Exemptions Chapter 119 F.S., and other statutes
10:46:26 AM Should not be viewed by legislation
10:46:53 AM Ask task force attorneys
10:47:16 AM Check with attorney
10:47:22 AM Do not mix work and pleasure in emails or texts.
10:47:37 AM Private on personal phone - use separate phones
10:48:05 AM Attorney- written exchange - may be used - legislature
10:48:21 AM Work product or ongoing litigation
10:48:39 AM Opinions - if written are open for inspection at some point
10:49:05 AM Questions? - Chapter 119 F.S.
10:49:16 AM Government-in-Sunshine Manual - get an e-copy current year edition.
10:49:37 AM Sean Gellis contact
10:49:44 AM No questions.
10:49:47 AM Chair requests Cody Farrill to distribute Sean Gellis and Chastity Osteen contact information
10:50:04 AM Requests members to make list of potential ideas for next meeting
10:50:12 AM Chair staff will send the format
10:50:22 AM Chair staff will send minutes - review post schedule
10:50:46 AM Cody will explain - travel information following meeting with details on that process
10:51:03 AM Each member to submit preference to be on technology or government operatives committees.
10:51:36 AM Next meeting to be held in mid Nov – Possible two conference calls for sub-committees before that time.
10:51:57 AM Cody thanks Chair Satter.
10:52:02 AM Chair opens floor for any public comment
10:52:11 AM Any public present or on the telephone?
10:52:21 AM Chair asks if there is any other business/
10:52:32 AM Bob Wold- with question - Sean Gellis answers
10:52:45 AM Answer is to be careful who you cc on email
10:53:02 AM Are there any other comments? Sal Nuzzo motions close of meeting. The meeting is adjourned.

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Department of MANAGEMENT SERVICES
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4050 Esplanade Way
Tallahassee, FL 32399-0950
850-488-2786

Ron DeSantis, Governor

Task Force Traveler Guidelines

What to Know Before You Travel

- Please keep in mind that you are required to use the most economical method of travel when planning any trip, in order to be in compliance with section 112.061, Florida Statutes.
- Please make sure to review all cancellation policies carefully before booking. If you need to cancel after the trip has been authorized, the traveler may be responsible for fees incurred.

Transportation

Vehicle

The traveler has the option to use either a personal vehicle or a rental vehicle. If the traveler opts for a rental vehicle, the traveler must choose from a state authorized vendor. Use this link for reserving the rental vehicle: https://partners.rentalcar.com/stateofflorida/#/business. The traveler must choose either the compact or economy size vehicle. If an upgraded class of vehicle is chosen, the traveler will not be reimbursed for the difference. When the traveler chooses to use their personal vehicle, they will be reimbursed for the lesser of the mileage allowance (currently 44.5 cents per mile) or the most economical rental car rate. The traveler will be reimbursed for fuel based upon the rate of up to 38mpg.

Airfare

If the traveler chooses to fly, they will be reimbursed for what would be the most economical method of travel. For example, if the cost to drive (including rental car fee and fuel) is less than the price of an airline ticket, the traveler would be reimbursed for the lesser amount. Travelers are responsible for all travel arrangements and ticket purchases. Travelers are required to use coach/economy class. Airlines may have optional fees/upgrades that are not included in the base airfare such as preferred seating or priority boarding. These are considered personal preference for the traveler and will not be reimbursed.

Lodging

The traveler is encouraged to find the most economical option available for lodging. The traveler will be reimbursed up to $150 per night for lodging accommodations. If lodging costs exceed the state authorized amount of $150 per night, the traveler will not be reimbursed for the difference.

Meal Allowances

Travelers are eligible for meal allowances if overnight travel is required. If overnight travel is not required, meals will not be reimbursed.

Meal	Allowance	May only be claimed if…
Breakfast	$6	Travel begins before 6 a.m., and extends beyond 8 a.m.
Lunch	$11	Travel begins before 12 p.m., and extends beyond 2 p.m.
Dinner	$19	Travel begins before 6 p.m., and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment

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Per Diem

Travelers may be eligible for per diem if overnight travel is required. If overnight travel is not required, per diem will not be paid to the traveler.

For Class A and Class B travel, travelers may receive a maximum daily per diem of $80. Per diem is calculated for six-hour time periods.

- Midnight to 6 a.m.
- 6 a.m. to Noon
- Noon to 6 p.m.
- 6 p.m. to Midnight

What to Submit After Travel is Complete

Once the travel is complete, the traveler will need to submit the trip details form and all receipts for expenses related to the travel. All trip receipts and the completed form will need to be submitted to Vangie Felix at Vangie.Felix@dms.myflorida.com. Vangie can be reached via email or phone at (850) 487-2178.

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Department of MANAGEMENT SERVICES
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Tallahassee, FL 32399-0950
850-488-2786

Ron DeSantis, Governor

Government Efficiency Task Force Traveler Trip Details Form

Complete this form and submit along with your accompanying trip receipts to Vangie Felix at Vangie.Felix@dms.myflorida.com.

Trip Information

Traveler Full Name:	
Traveler Phone Number:	
Traveler Email Address:	
Traveler Home Address:	
Point of Origin:	
Destination:	
Date of Departure:	
Time of Departure:	
Date of Return:	
Time of Return:	
Comments:	

I hereby certify that travel as shown above is to be incurred in connection with official business of the State of Florida's Government Efficiency Task Force.

_____ _____

Traveler Signature Date

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From: Equality Initiative for Florida Families <timpanogospinnacle2@gmail.com>
Sent: Sunday, February 09, 2020 4:33 PM EST
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Subject: HB843 and SB1832
Attachment(s): "Ending Permanent Alimony.pdf"

To All Members of the Florida Legislature,

HB843 and SB1832 are both a direct violation of Section 1 of the 14th Amendment. They will both be appealed, for certain, as they allow for absolutely no judicial discretion, meaning any party needing to seek refuge through the courts have no rights. Both sides need to have rights.

In addition, if these two alimony reform bills pass as they are written, equitable distribution laws will need to be rewritten simultaneously. Please see the attached file for an explanation of this relationship.

For the sake of all, please read the attached article.

Thank you for your time and consideration.

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by Jerry Reiss and Marc H. Brawer

Ending Permanent Periodic Alimony: A Crisis for Enforcing Equitable Distribution Waiting to Happen

The Florida Legislature has taken steps in recent years to end permanent periodic alimony. If they are successful, this will have a major impact on enforcing equitable distribution on a wide array of assets. These include assets controlled by one spouse before the final judgment is entered and are subsequently "stolen" by that spouse after it is entered. They also include assets intentionally dissipated before filing the petition for divorce, which then cannot be dealt with by unequally distributing other assets, has been cured in the past by awarding permanently periodic alimony.[1]

The assets affected include a plethora of things awaiting distribution under the deferred distribution method. They include most retirement plans, executive compensation payments and perks, unvested nonretirement benefits, and compensation enriched by future work effort designed to pay bonuses, including but not limited to employer stock and stock options. Assets affected also include forgivable loans repaid with a bonus schedule that is automatically repaid in full at death or disability, equalization payments, and intellectual properties. In most instances these assets, when present in equitable distribution, represent the lion's share of assets divided. Because they include most retirement benefits, few economic classes will be immune from the impact.

This article addresses appellate rulings that are part of the reason for the harmful effect and possible corrective measures that the legislature might consider passing into law that cannot work under our current state constitution. It will show that some of these matters are long overdue for our Supreme Court to address.

Problems of Enforcement

The enforcement problems can begin when the final judgment is entered. Property awarded is considered distributed and is enforceable only with respect to individual rights arising from the final judgment.[2] This means if that asset or its proceeds *are no longer available*, the court no longer retains jurisdiction to enforce that award against other marital property.[3] Thus, one issue ripe for consideration by the Florida Supreme Court is whether certain appellate rulings conflicting with the majority of sister state rulings that came to an opposite conclusion on whether the proceeds of the assets are no longer available are correct as matter of law. This will be dealt with when we address the faulty reasoning the First DCA employed in its ruling in *Board of Trustees v. Vizcaino*, 635 So. 2d 1012 (Fla. 1st DCA 1994), the refusal of other DCAs to rule otherwise,[4] and the issues the Fifth DCA raised in *Langford v. Langford*, 833 So. 2d 230 (Fla. 5th DCA 2002), certifying its ruling as a matter of great public importance to the Florida Supreme Court. The holding in *Vizcaino* cannot be cured simply by the Florida Legislature drafting a state statute for a qualified domestic relations order because that statute cannot do more than require municipal and other state retirement benefits to be enforced as property with an income deduction order. Anything else increases plan cost not presently funded, and the bill cannot require municipalities to increase plan cost not previously approved by city council. This would violate Fla. Const. art. X, §14, by increasing costs that have not been funded. Such a statute will do nothing to cure the underlying cause where it traces back to whether the proceeds are available as cash (to be discussed later in the article).

• *Fraudulent Conveyance to Jointly Titled Real Estate* — If the proceeds of any affected awarded asset are deposited to joint or tenants by the entireties property after the final judgment is entered, the only way it can be secured is by civilly piercing through that protected status by invalidating it. This requires proving fraud by showing the other spouse committed a willful fraudulent conveyance of property. After that is done, the property must be partitioned, and unless it can be shown that the other spouse had knowledge of and actively participated in the fraud, partitioning will release only half of the asset because the new spouse owns the other half once joint titling takes place. If the value of the "stolen" property exceeds that half, recovery is limited by half the proceeds on the sale. In addition, a successful outcome often requires litigating in more than one court. Then, as oftentimes is the case, the property is outside Florida, this requires litigating the matter in two separate states, which involves registration of that judgment and adjudication of the fraud. This can be done, but is an expensive undertaking.[5] A foreign court may need to be called upon to construe Florida law.

• *Enforcement in a Foreign Country* — A spouse who liquidates some assets and relocates with the remaining assets to a foreign country may be subject to enforcement if that country is part of the Hague Convention.[6] That involves a great deal of expense because a lawyer knowledgeable about Hague

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located locally must be employed along with a lawyer in the country where the property is located for a coordinated effort. If the person resides in a country not subject to Hague, alimony can be used to get access to pension benefits not awarded with a qualified domestic relations order (QDRO) or an income deduction order (IDO), as applicable.[7] If none, there are always Social Security benefits that can be garnished, but only for need.[8] But they are only available as a source to pay support.[9] If permanent alimony ends, recovery is limited to the term limit on alimony.

• *Role Permanent Alimony Plays* — Permanent alimony affords some relief because temporary awards can be made permanent when this occurs.[10] Likewise, a court may refuse to consider a petition to modify a final judgment on support at retirement or when there is less income by finding that the substantial change of circumstances was self-inflicted,[11] ruling that the payor spouse voluntary divested himself or herself of assets, which if not fraudulently conveyed outside the reach of the court could have been used to demonstrate an ability to pay alimony.[12] Alimony awards are enforceable out-of-state making enforcement more realistic.[13] The roadblocks to enforcing equitable distribution described here would not be limited to tenants by the entireties property if permanent alimony were to end. They include any property over which the guilty spouse lacks control, such as many trust instruments in which he or she has a beneficiary interest. It also includes all property not spent or otherwise destroyed requiring enforcement by ordering the spouse to retitle the asset when the only means of enforcement is with contempt and that spouse resides outside Florida's reach. Alimony can be enforced out-of-state under the Uniform Reciprocal Enforcement of Support Act (URESA) replaced by UIFSA[14] of 1992 adopted by all 50 states.[15] More importantly, it can be enforced against Social Security payments and all retirement plans (including the spouse's awarded interest as property) overcoming *DeSantis v. DeSantis*, 714 So. 2d 637 (Fla. 4th DCA 1998), and any other rulings addressing enforcing a property interest using a retirement plan.

• *Enforcing Most Retirement Plans* — Retirement plans fall into a number of different categories, and each must be separately addressed in order to understand the different enforcement problems associated with each classification. They include ERISA-defined benefit plans, which have different challenges depending on whether they meet I.R.C. §401(a) conditions and are, therefore, qualified plans. They affect local government plans seeking plan qualification status a bit differently, because not all of the requirements need be followed by governmental plans seeking qualification, including exemption from offering QDRO enforcement.

Separate categories exist and breakdown almost identically for all defined contribution plans, with the exception of many governmental defined contribution plans, because they require certain IRS protection on asset accumulations, which is the reason why they sought qualification in the first place. That means that while they are exempt from offering a 29 U.S.C. §1056(d)(3) QDRO under an ERISA requirement, if they require a trust that relies on 29 U.S.C. §1056(d)(1) protection to individual account balances, they must, nonetheless, provide an I.R.C. §401(a) trust that requires QDRO access as part of the requirement for qualification. Therefore, different enforcement problems exist for local government defined contribution plans than local government defined benefit plans, apart from the basic problems for enforcing all retirement benefit awards. Each will be identified.

Exemption from statutory QDRO access does not mean that the non-assignment clause found in all retirement plans prevents assignment to spouses in matrimonial actions as the *Vizcaino* line of cases concluded.[16] They can be assigned because the purpose of such benefits was established before divorce became so commonplace an occurrence, and it was added to the retirement plan to protect retirement for the intact family unit, which included women and children.[17] The courts and most experts generally do not understand the distinction between QDRO enforcement that grants rights not covered by the basic plan, and involves substantial extra cost by adding underwriting risk the basic plan doesn't face, and a simple assignment. A simple assignment only provides access to payments as made. Nor do they understand that the nonassignment clause only prevents actual creditors from seizing the proceeds inside the trust, but after that payment is made, that protection is lost (unless it finds its way inside another protected asset, such as a qualified IRA).[18]

Enforcement and Valuations

The problem of enforcement with any retirement plan begins when attorneys fail to do valuations determining basic things, such as the dollar amount of the award, before the final judgment is entered. Even if perfectly bifurcated in the final judgment by fully retaining jurisdiction to determine said amounts, the information to do this won't always be available, and when it is, often requires subpoena power. The valuation can be complex depending on a host of factors that haven't yet come into play, and there may be no appetite for the client to engage in legal and discovery expense years later. The other spouse is forced to revisit how much that spouse didn't want to share his or her retirement plan benefits in the first place and is eager to defend against what has to be shared. This easily becomes a disputed contest making enforcement of the final judgment both expensive and very difficult to accomplish.

Traditional Pensions and Other Defined Benefit Plans

• *Ancillary Benefits* — Ancillary benefits include subsidies that exist in many different forms (some marital property and some not), survivor benefits payable to one beneficiary and others like a period certain or refund premium feature, which may or may not be payable to only one spouse, DROP[19] payments, and minimum guarantees, such as a floor benefit feature. These are not divisible with a QDRO but represent value to either the participant or beneficiary spouse depending on the feature. Therefore, the QDRO *cannot* divide all benefits and requires adjustments outside of it, and few lawyers appreciate this. A reservation of jurisdiction will not cure a 50% division that does not make allowances for a benefit feature that is marital property, but by design is paid only to one spouse. If there are cash benefits that accumulate, as in

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DROP, failure to account for those allowances exacerbates the unequal division halving the payments that a QDRO provides. This is because the DROP payment is directly related to the amount of pension payment that the other spouse is entitled to share, and if unadjusted because no valuation was done, only skews the unequal division that much more because DROP is involved.

• *When the Employee Outlives the Spouse* — When survivor benefits are not in play and pension payments are divided with a QDRO and the payment is shared over the employee's lifetime, half the payments cannot be achieved because all plan administrators require that the assigned share revert to the plan participant upon the death of the beneficiary spouse. The courts seldom care because the spouse is not alive and doesn't need it. Property divisions are not based on need but rights. When health issues arise, division by QDRO often results in one spouse receiving nearly all of the benefit, and which spouse receives the windfall depends on facts yet to be determined.

Other Retirement Plans

These issues apply equally to defined contribution plans because family law brings with it so many operating principals that can apply to retirement plans. As one example, because the trust owns the assets, loans distribute property that involve marital and non-marital contributions, the percentage of split property depending on the extent of marital contribution when the loan is made. They are almost always repaid with automatic employee deductions, which are marital wages and, therefore, marital property. The process of repayment involves transmutation principles changing nonmarital property into marital property that occurs outside the trust. Thus, while the assets are exempt from transmutation while they sit inside the trust, that doesn't apply once the assets commingle outside the trust. Attorneys understand this when nonmarital funds are deposited to a marital account. But they give no thought to this when loan proceeds outside the trust instrument are repaid with marital funds.

A few loans can easily change a one-third marital classification based on contributions into a two-thirds marital classification based on the nonmarital portion of the loan property transmuting into marital property when it is repaid. When such benefits involving a nonmarital portion are divided it is absolutely mind boggling when that half hasn't been determined and is left for the plan administrator to do, which will never happen with defined contribution plans, even when loans are not in issue. In many instances, leaving valuation issues as post-dissolution tasks creates an environment in which assets are liquidated or for theft or dissipation to occur.

If permanent periodic alimony ends, retirement plans will have many enforcement issues that occur after the final judgment is entered. As previously mentioned, this is the result when valuations weren't performed, identifying which benefits can be divided inside a QDRO, which benefits cannot, and when offsets need be enforced at the same time the QDRO pays the benefit. It also occurs because attorneys do not understand that they divide the benefits when the final judgment is entered, not when the QDRO enforcing the final judgment is entered. Thus, when attorneys who do understand benefits enter final judgments without professional assistance from true benefit professionals, they can unknowingly create a host of enforcement problems, including unclear divisions that are contested later when enforcement is sought. The authors also believe that the faulty *Vizcaino* reasoning of the First DCA bled into other enforcement caselaw involving other assets, compounding the problem.

• *The Vizcaino Problem* — The *Board of Pension Trustees v. Vizcaino*, 635 So. 2d 1012 (Fla. 1st DCA 1994), dealt with the city of Jacksonville retirement plan, sponsored by a government entity, exempted from a QDRO under 29 U.S.C. §1056(d)(1). The former wife sought to enforce her interest with a QDRO covered by ERISA 206(d)(3) and in the alternative, if she could not, under an assignment with an IDO under Florida's income deduction statute. The court first concluded correctly that government entities were exempt under the ERISA nonassignment clause, and only those subject to it could avail themselves of a 29 U.S.C. §1056(d)(3) QDRO. Then it ruled that an IDO cannot be used to enforce the property awarded, finding the spouse was now a creditor prevented from getting an assignment, because the state statute requiring nonassignment to creditors prevented it. The court came to that conclusion because the Florida Supreme Court concluded in *Alvarez v. Board of Trustees*, 580 So. 2d 151 (Fla. 1991), that the IDO statute authorizes its use to collect alimony with an IDO and may be used to collect alimony from the city of Tampa pension plan. *Vizcaino* concluded that its failure to mention that it equally applied to a property division yielded the result that the city nonassignment clause applied to spouses awarded a property interest, and not because that was the narrow issue decided by *Alvarez*.

It has already been discussed that the nonassignment clause was added to retirement plans to protect women and children from creditors and not for the purpose of depriving a spouse from sharing benefits, especially after state law made that spouse an owner in one-half the benefit. In addition, the nonassignment clause in the city pension plan was established in 1937, 51 years before Florida's equitable distribution was created, and, therefore, had nothing to do with spouses enforcing a property right given to them under F.S. §61.075(5). How could the beneficiary spouse be a creditor when that spouse is an owner of property to which he or she seeks enforcement once the final judgment is entered?

How the *Vizcaino* Reasoning Affects Enforcement of Other Assets

The key point missed by the line of cases that rely on *Vizcaino* is that the employee does not own a retirement plan asset unless the asset is an individually titled insured annuity. The trust owns all retirement plan assets, and the plan sponsor(s) own(s) the trust. The plan sponsor is the employer providing benefits, or with union plans, the plan sponsors are the class of employers (referred to as multiple-employer plans) paying benefits. The employee doesn't own the asset but only has rights to benefits from the trust, which are always paid in cash. That makes all plan benefits cash benefits. This cannot be over emphasized because only the owner of the trust has the capacity to change or terminate the trust.

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As money is fungible, all cash benefits are indistinguishable from each other. After the final judgment is entered and a pension award or other property right passes to individual property rights, this does not magically transform the property owner into a debt collector because they already own the cash payments under the same state law under which they seek to enforce it.

The other thing the caselaw does not consider is that these cash payments, once made, can be assigned by creditors seeking to collect a debt, because the nonassignment clause only attaches to the payment while it sits in the trust owned by the employer.[20] Therefore, there is nothing that distinguishes the cash payment from other cash, making the cash proceeds the actual asset the employee owns. A court can enforce equitable distribution by entering an order forcing payment of the cash proceeds. Therefore, all cash-based property should be enforceable with a QDRO, which only accesses cash, because the only time the concept of a creditor comes up is with the faulty reasoning employed by *Vizcaino,* and the overwhelming majority of sister state rulings determined the reasoning employed by *Vizcaino* is wrong.[21] This is why we believe rulings like *Vizcaino*, involving a municipal retirement plan and *DeSantis*, refusing to enforce an equalization payment with a QDRO distributing and assigning a like amount of cash, are incorrect. But until the *Vizcaino* and the *DeSantis* line of cases are reversed by our Supreme Court by recognizing that spouses awarded property are not creditors, the appellate rulings tie the hands of trial courts enforcing in-kind cash payments, and the only way to enforce in-kind cash and other assets is with permanent periodic alimony.

Conclusion

As equitable distribution cannot be enforced with contempt, and alimony can, it is plain to see that it will be nearly impossible to enforce a stream of payments produced by intellectual properties, or any other property that is distributed over years, because each separate payment or distribution must be enforced with contempt as it occurs.[22] This is further complicated by the caselaw that creates distinct different asset classifications for different cash and in-kind cash payments, making it easy for the spouse who does not want to share what was promised or awarded. Alimony is pliable because it is subject to modification. A term award of alimony can be converted to permanent alimony when need is increased because the spouse in need has not been paid the property awarded in equitable distribution. But this will not be possible when permanent alimony is no longer available.❑

[1] *See Buoniconti v. Buoniconti*, 36 So. 3d 154 (Fla. 2d DCA 2010).

[2] *McAvoy v. McAvoy*, 662 So. 2d 744, 745 (Fla. 5th DCA 1995).

[3] *Id.*

[4] *Langford v. Langford*, 833 So. 2d 230 (Fla. 5th DCA 2002); *Motil v. Motil*, 771 So. 2d 1251 (Fla. 2d DCA 2000); *Silversmith v. Silversmith*, 797 So. 2d 653 (Fla. 3d DCA 2001).

[5] The court has subject-matter jurisdiction and personal jurisdiction over the spouse that engaged in the fraudulent conveyance of property. It can order him to convey back that one-half interest to the former wife. That order can be enforced out-of-state, requiring the property be partitioned. Once that is done, the court has the ability to rule that the proceeds of that spouse's half can be used to establish ability to pay more alimony under *Bowen v. Bowen*, 471 So. 2d 1274 (Fla. 1985), if the court finds that the conveyance to divest himself or herself of assets was willful.

[6] *Eos Transport Inc. v. Agri-Source Fuels*, LLC, Case No. 1D09-4300 (Fla. 1st DCA 2010).

[7] 29 U.S.C. §1056(d)(3)(B)(ii)(I).

[8] 42 U.S.C. §659.

[9] *Id.*

[10] *Pullo v. Pullo*, 926 So. 2d 428 (Fla. 1st DCA 2006) (en banc); *see also Perry v. Perry*, 448 So. 2d 588 (Fla. 1st DCA 1984), and *Barlow v. Barlow*, 562 So. 2d 425, 426 (Fla. 2d DCA 1990).

[11] *Hammesfahr v. Hammesfahr*, 104 So. 3d 1129, 1130 (Fla. 2d DCA 2012), *citing Thomas v. Thomas*, 589 So. 2d 944, 947 (Fla. 1st DCA 1991).

[12] *Id.*

[13] *See the Uniform Reciprocal Enforcement of Support Act* replaced by the *Uniform Interstate Support Act of 1992*; *Beck v. Winegeart*, 471 SW 422 (Tx. App. Ct. 1972); *Smith v. Smith*, 281 P.2d 274 (Cal. 4th DCA 1955); *Dansby v. Dansby*, 149 S.E.2d 252 (Ga. 1966).

[14] Refers to the Uniform Interstate Family Support Act.

[15] *See* Joseph W. Booth, *A Practical Guide to UIFSA*, Family Advocate Magazine 39:4 (American Bar Association, Spring 2017).

[16] *See Majauskas v. Majauskas*, 463 N.E.2d 15, 21-22 (N.Y. 1984) (citing *Monck v. Monck,* 184 App. Div. 656; *Zwingmann v. Zwingmann,* 150 App. Div. 358; *Matter of Spadaro v. New York City Police Dept. Pension Serv.,* 115 Misc. 2d 494; *American Tel. & Tel. Co. v. Merry*, 592 F.2d 118).

[17] *Id.*

[18] *See Guidry v. Sheet Metal Workers Nat. Pen. Fund*, 39 F.3d 1078, 1080 (10th Cir. (Colo.) 1994).

[19] This refers to the deferred retirement option program, a feature common to municipal pension plans. To be eligible, the employee must reach an age and/or service requirement where that person could retire immediately with an unreduced pension. Eligibility also requires making an irrevocable election to retire within a period of years, such as three or more years, and the worker must make an irrevocable election on the form of benefit under which it's paid. The employee enters the program and receives the payment that would be made with an actual retirement, but while in DROP, it is paid to a DROP account that accumulates with interest. The employee pulls down a full salary while in DROP.

[20] *Guidry,* 39 F.3d at 1078.

[21] *See Majauskas,* 463 N.E.2d at 15; *In re: the Marriage of Koelsch*, 713 P.2d 1245 (Ariz. App. 1984); *Cleveland v. Board of Trustees,* 550 A.2d 1287 (N.J. App. 1988); *Irving Firemen Relief v. Sears*, 803 S.W. 2d 747 (Tx. 5th Dist. 1990); *Early v. Early*, 604 N.E. 2d 17 (Mass. 1992); *Smithberg v. The Illinois Municipal Retirement Fund*, 735 So. 2d 560 (Ill. 2000); *Foley v. Foley*, 1997 Conn. Super Lexis 2948 (Conn. Sup. Ct. 1997); *Prince George's County Police Pension Plan v. Harmen*, 584 A.2d 702 (Md. App. Ct. 1991); *Furia v. Furia*, 638 A.2d 548 (R.I. 1994); *Lindner v. Lindner*, 358 N.W. 2d 376 (Mich. App. Ct. 1984); *Barbee v. Barbee*, 1991 Va. Cir. Lexis 128 (Va. Cir. 1991); *Oler v. Oler*, 451 N.W. 9 (Iowa App. Ct. 1991); *Faus v. Faus*, 319 N.W.2d 408 (Minn. 1982); *Young v. Young*, 488 A.2d 264 (Pa. 1985); *Fowler v. Fowler*, 362 A.2d 204 (N.H. 1976); *Chatelain v. Chatelain*, 518 So. 2d 505 (La. 1988); *Rice v. Rice*, 762 P.2d 925 (OK 1988); *Custer v. Custer*, 776 S.W. 2d 92 (Tenn. App. Ct. 1988); and *Sedbrook v. Sedbrook*, 827 P.2d 1222 (Kan. App. Ct. 1992).

[22] *Langford,* 833 So. 2d at 230.

AUTHORS



JERRY REISS *is a federally licensed pension actuary. He has written over 40 articles dealing with multiple disciplines, 13 published in The Florida Bar* Journal.



MARC H. BRAWER *was a fellow of the American Academy of Matrimonial Lawyers for 37 years and board certified in marital and family law for 25 years. A Florida Bar member for more than 40 years, and a New York Bar member for more than 49 years, he currently concentrates on strategic consulting.*

This column is submitted on behalf of the Family Law Section, Amy C. Hamlin, chair, and Anastasia Garcia, editor.

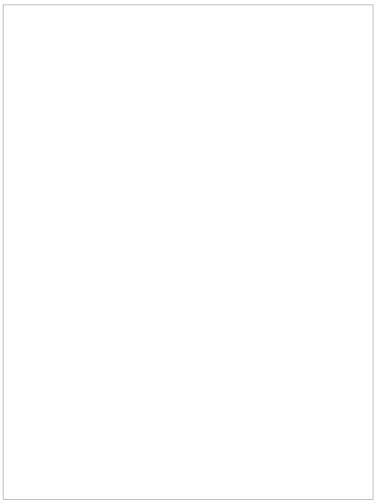
AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A 004956

From: Volusia GOP <volusiarepublicans@recvc.org>
Sent: Monday, January 20, 2020 5:13 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Help President Trump this weekend.

Volusia County GOP Executive Committee

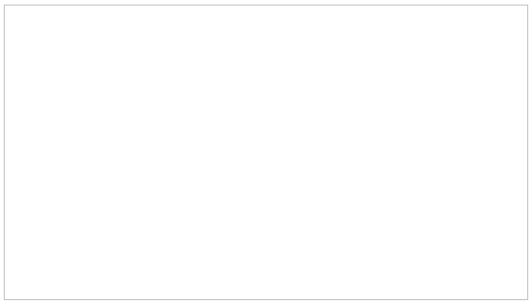
Friend



Paul Deering

CALLING ALL VOLUNTEERS!

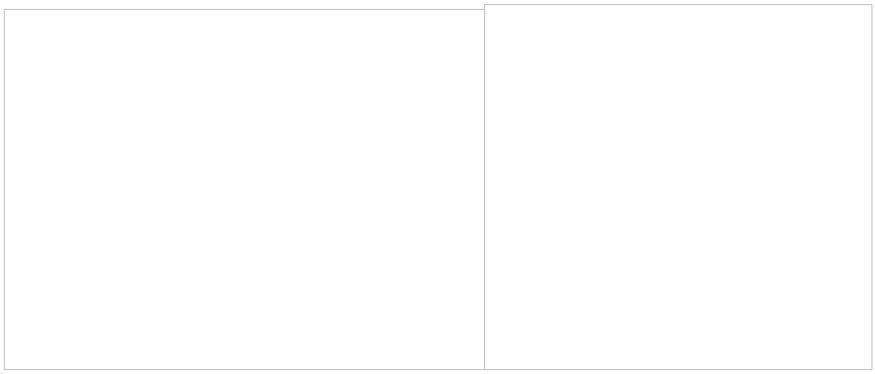
President Trump NEEDS YOU THIS WEEKEND.



SIGN UP TO VOLUNTEER FOR

TRUMP VICTORY VOTER REGISTRATION AT THE

BLUE SPRING MANATEE FESTIVAL IN ORANGE CITY!



AMERICAN OVERSIGHT

We need volunteers for shifts anytime between 9 am and 5 pm at the Festival in Valentine Park, 1511 W French Avenue, off 1792 in Orange City. You can take exit 114 from the I-4 and follow the signs.

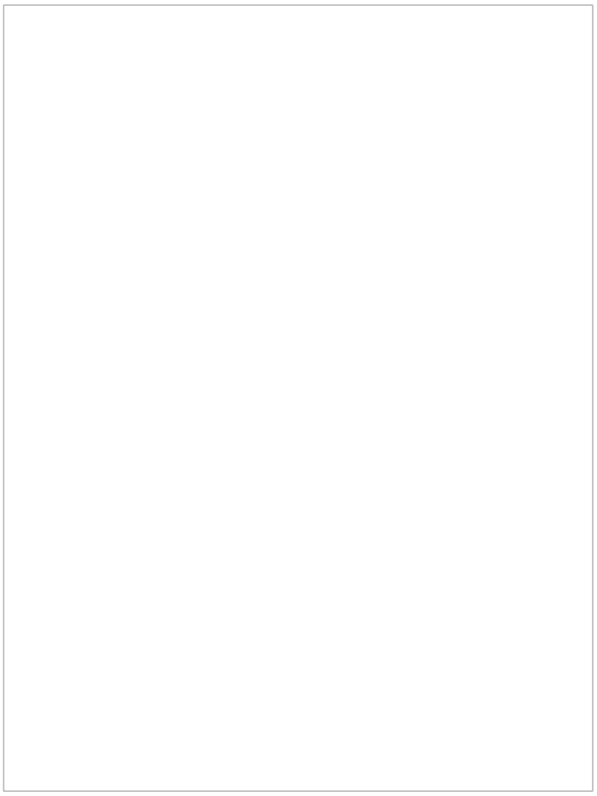
Contact Kathy Pugh 386 956 8427 text/call or emailkatannpugh@gmail.com

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SIGN UP BELOW TO VOLUNTEER THIS WEEKEND FOR

TRUMP VICTORY VOTER REGISTRATION

AT THE DAYTONA FLEA AND FARMERS' MARKET



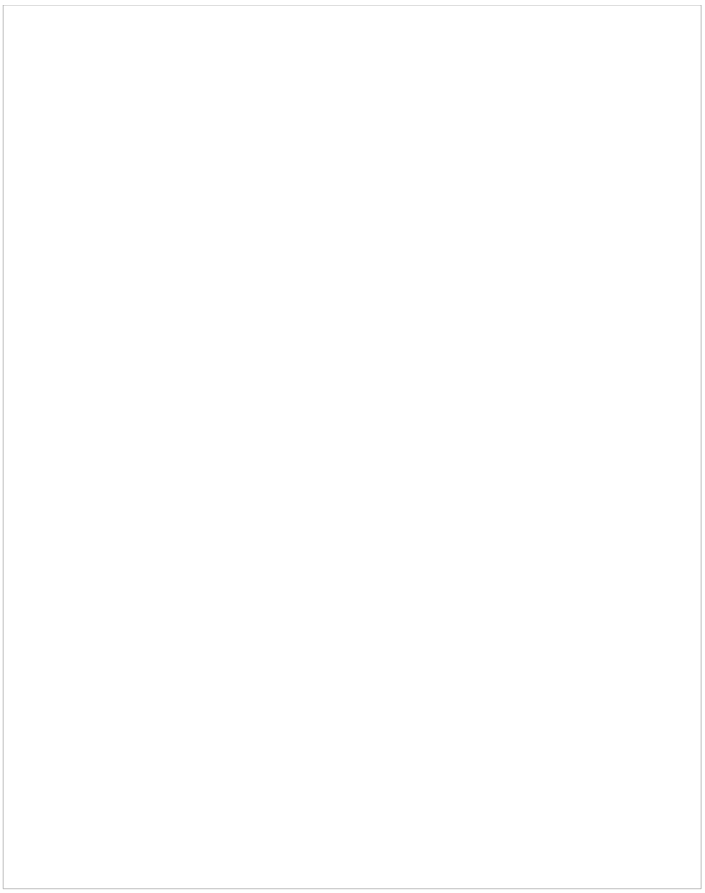
Here is another chance for you to be a volunteer and help our great President out! We need MAGA warriors to staff our voter registration kiosk at the Flea Market in Daytona Beach Friday, Saturday and Sunday. We do this every weekend.
Please sign up for a shift at the Daytona Beach Flea Market. We are at South C #41 just 3 booths past the restroom sign in the middle aisle.
If you have any questions please feel free to text or call Kathy Pugh at 386 956 8427 or personal email katannpugh@gmail.com

DAYTONA FLEA MARKET

Get ready for the sequel to Trump Talk Live!
TRUMP TALK NOW debuts 7 pm Thursday, January 23rd

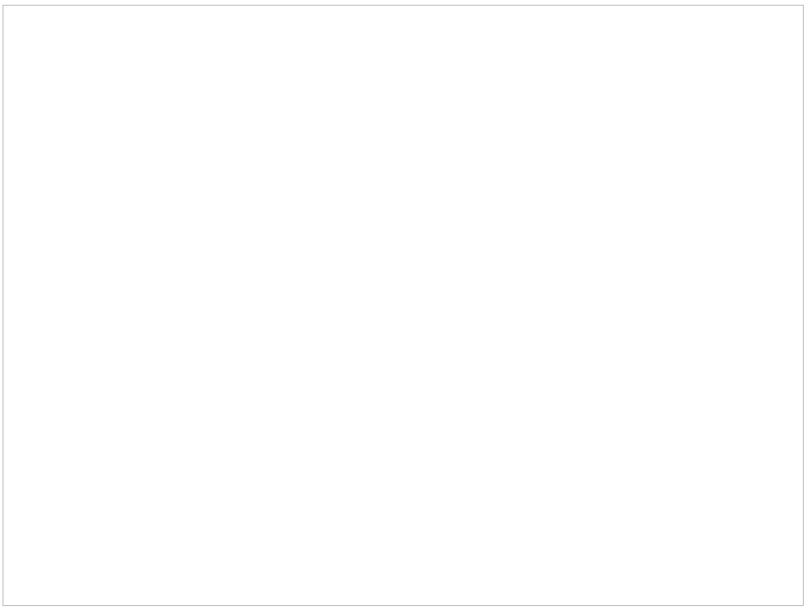
in front of a live audience at Volusia Top Gun.

AMERICAN OVERSIGHT



Our Special guests are Rep. Mike Waltz & Clint Lorance, a former Army Lt. Clint Lorance who was recently pardoned by the President.

Make plans to arrive early and have dinner with us at the Double Barrel Grill as we resume our fearless truth-telling about America's transformational 45th President.



Host Vic Baker (on right) & Co-host Joe Fieldus (on left) return for this MAGA KAG America First revival.

You can also watch us live each week by going to TRUMP TALK NOW on Facebook

RSVP HERE

Click here to Donate

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Volusia County Supervisor of Elections

Lisa Lewis needs poll workers!

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Let's Keep America Great

and Keep Volusia Republican Red!

Paul Deering

Volusia County Republican Chairman

Volusia GOP

http://www.volusiacountyrepublicans.org/

REPUBLICAN EXECUTIVE COMMITTEE OF VOLUSIA COUNTY · PO Box 9096, Daytona Beach, FL 32120, United States
This email was sent to brandes.jeff@flsenate.gov. To stop getting these, click here.

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Created by Ron Robinson/CivicMerit with NationBuilder.

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From: Monica Pons <mpons@usaid.gov>
Sent: Wednesday, October 02, 2019 2:05 PM EDT
To: Monica Pons <mpons@usaid.gov>
Subject: Hurricane Dorian: 9.30.19 facts sheet and map
Attachment(s): "09.30.19 - USAID-DCHA The Bahamas Hurricane Dorian Fact Sheet #12.pdf","09.30.19 - USAID-DCHA The Bahamas Hurricane Dorian Response Map.pdf"

Hi all,

Please find the attached facts sheet and map that provide updated information on the humanitarian response to Hurricane Dorian in the Bahamas.

To date, USAID has provided more than $25 million to the Hurricane Dorian response, bringing the total U.S. Government (USG) contribution to nearly $34 million. The USG remains the largest humanitarian donor to the response.

This message will be the final email update to this group. Please note that future updates, facts sheets, and maps can be found at https://www.usaid.gov/dorian.

Thank you for your interest and support in this response, and please let me know if you have any further questions.

Best,
Monica

--
Monica Pons
Bureau for Legislative and Public Affairs
U.S. Agency for International Development
mpons@usaid.gov
202 712 0370 office
571 699 5235 cell

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USAID
FROM THE AMERICAN PEOPLE

THE BAHAMAS - HURRICANE DORIAN

FACT SHEET #12, FISCAL YEAR (FY) 2019 — SEPTEMBER 30, 2019

NUMBERS AT A GLANCE

58
Deaths Reported in The Bahamas due to Hurricane Dorian as of September 30
GoB – September 2019

54,000
Number of People Targeted by USAID In-Kind Commodities
USG – September 2019

17,200
Pre-Hurricane Estimated Population of Abaco
UN – September 2019

51,000
Pre-Hurricane Estimated Population of Grand Bahama
UN – September 2019

HIGHLIGHTS

- USAID provides additional $7.5 million to Hurricane Dorian response for health, shelter, and WASH activities
- USAID partner IOM scales up early recovery shelter assistance
- Relief actors continue to fulfill health, protection, and WASH needs

HUMANITARIAN FUNDING

FOR THE BAHAMAS HURRICANE RESPONSE IN FY 2019

USAID/OFDA[1]	$24,304,837
USAID/FFP[2]	$1,000,000
DoD[3]	$8,490,000
$33,794,837	

KEY DEVELOPMENTS

- USAID recently contributed $7.5 million to Samaritan's Purse to support health, shelter, and water, sanitation, and hygiene (WASH) projects in The Bahamas' Abaco and Grand Bahama islands, which experienced widespread destruction due to Hurricane Dorian. Samaritan's Purse established a field hospital in Grand Bahama and is delivering critical health services to more than 100 patients daily, as well as providing access to safe drinking water for affected populations on the islands.
- To date, USAID has provided more than $25 million to the Hurricane Dorian response, bringing the total U.S. Government (USG) contribution to nearly $34 million. The USG remains the largest humanitarian donor to the response.
- One month after Hurricane Dorian, the Government of The Bahamas (GoB) and humanitarian partners continue to address affected populations' basic needs, while also prioritizing strategies for economic and social recovery. As organizations are completing emergency activities, some relief actors are departing the country and transitioning operations to organizations focused on early recovery and reconstruction.
- As debris removal activities progress, the GoB and other relief actors continue efforts to confirm numbers of victims and individuals displaced by the storm. On September 30, the Royal Bahamian Police Force announced the death toll had risen to 58, with 49 deaths recorded in Abaco and nine in Grand Bahama, due to ongoing victim identification and recovery work. Meanwhile, the GoB National Emergency Management Agency (NEMA) announced that nearly 700 of the more than 1,300 people reported missing to a GoB missing persons registry were identified and located by September 25.

[1] USAID's Office of U.S. Foreign Disaster Assistance (USAID/OFDA)
[2] USAID's Office of Food for Peace (USAID/FFP)
[3] U.S. Department of Defense (DoD)

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CURRENT SITUATION

- Prime Minister (PM) of The Bahamas Hubert Minnis addressed the UN General Assembly on September 27, where he expressed gratitude to the international community for mobilizing humanitarian response efforts in the wake of Hurricane Dorian.
- The GoB continues to conduct daily assessments of damage to infrastructure, residences, and critical service systems, including testing water samples and subsequently spreading public messages to inform populations in Abaco and Grand Bahama of varying levels of water quality. The Ministry of Public Works is conducting long-term infrastructure and damage assessments in storm-affected areas of Abaco and Grand Bahama, with support from the UN Development Program (UNDP). As of September 27, approximately 50 percent of assessed buildings in Abaco and 16 percent of assessed buildings in Grand Bahama were deemed unsalvageable, although the government agency noted that thousands of buildings were still in need of assessments.
- Bahamas Power and Light Company (BPLC) restored power to southern Abaco's Casuarina Point and Winding Bay communities by September 30, marking the first populations in the area to gain sustained access to electricity since the storm. The BPLC is also working to restore consistent power to all critical infrastructure in Abaco's Marsh Harbour town, including a government complex, a Water and Sewerage Corporation (WSC) plant, and the Marsh Harbour Clinic, which have been relying on temporary power generation to date.
- On September 26, Aliv, one of The Bahamas' main telecommunications providers, completed restoration of all mobile towers in Abaco and eastern Grand Bahama, which were damaged by Hurricane Dorian. The company is coordinating with the Bahamas Telecommunications Company—which had restored approximately 20 percent and 40 percent of mobile network coverage in Abaco and Grand Bahama, respectively, as of September 25—to provide long-term telecommunications solutions for all affected populations. To fill existing gaps in affected areas, the non-governmental organization (NGO) NetHope had installed more than 32 emergency telecommunications networks at distribution points for relief commodities and food assistance, government facilities, health facilities, and shelters as of September 26. NetHope plans to continue operations in The Bahamas over the next two to three months to support the full restoration of power and telecommunication services, particularly as the GoB facilitates the transition of displaced populations back to areas of origin in Abaco and Grand Bahama.

DISPLACEMENT AND SHELTER

- On September 25, NEMA announced that 692 people previously reported as missing following Hurricane Dorian had been identified and located due to the efforts of the GoB Department of Social Services (DSS) and other relief actors, including the USAID Disaster Assistance Response Team (DART), who are cross-checking the missing persons registry against collective shelter lists and other records of displaced individuals; 608 people remained reported missing as of September 25.
- The number of displaced people in GoB-led collective shelters continues to decline, with nearly 1,550 people in six New Providence Island shelters as of September 30 and approximately 50 people in two Grand Bahama shelters as of September 25. Two churches and a community center functioning as collective shelters are scheduled to close during the week of September 30, enabling the facilities to resume normal operations; approximately 200 occupants will move to the largest collective shelter, Sir Kendall Issacs Gym, the Pan American Health Organization (PAHO) reports. Additionally, more than 3,400 people who registered as evacuees with the DSS were residing in alternative accommodations—including sheltering with relatives and friends, renting apartments, or staying in hotels and condominiums supported by private sector actors—in New Providence as of September 26. Relief actors continue efforts to determine exact quantity of displaced individuals in New Providence and returnees to storm-affected islands, and the DSS is conducting door-to-door demographic data collection, property inspections, and needs assessments of individuals remaining in damaged houses in Abaco and Grand Bahama.
- With USAID support, the International Organization for Migration (IOM) is scaling up efforts to provide shelter assistance during the early recovery phase of the response, as it remains a priority need for storm-affected populations. While displaced populations remain in collective shelters, which are not equipped for prolonged habitation, the IOM is

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supporting the GoB in camp management and coordination, and plans to provide additional relief commodities, including non-food items and WASH supplies, to the shelters as needed. In anticipation of households returning to areas of origin, IOM plans to assist the GoB with debris and rubble removal operations in Abaco and Grand Bahama through partnering with local contractors and, where necessary, employing a cash-for-work approach. IOM also plans to provide tools and necessary training for households returning to areas of origin to facilitate small-scale reconstruction and rebuilding efforts.

- IOM continues to collect data through a second round of its USAID-supported Displacement Tracking Matrix (DTM) exercise, which aims to identify, register, and monitor displaced households and assess living conditions and vulnerabilities among displaced populations. During the first DTM round in mid-September, IOM highlighted the need for psychosocial support and funding for long-term rental options, particularly for those without livelihood opportunities. Additionally, IOM participated in a September 18 inter-agency rapid shelter assessment in Abaco, which identified the lack of labor and basic services, including education, banking, and security, necessary to facilitate returns. IOM and other relief actors continue to work closely with the GoB to flesh out plans to develop temporary housing units in Abaco.

HEALTH, PROTECTION, AND WASH

- As the health sector in affected areas of The Bahamas recovers, relief actors continue to supplement GoB Ministry of Health (MoH) capacity to meet health care needs of storm-affected populations, including mental health and psychosocial support (MHPSS), which the MoH has identified as a priority. The MoH has established a 24-hour hotline for individuals seeking MHPSS services, and USAID/OFDA partner PAHO continues to coordinate efforts to establish a MHPSS referral pathway for communities in need.
- PAHO is also supporting the MoH to strengthen epidemiological surveillance and outbreak early warning systems, particularly for water- and vector-borne diseases. PAHO delivered vector surveillance supplies to Abaco and Grand Bahama on September 25, and the UN agency contributed to a GoB Department of Environmental Health Services operational vector surveillance and control plan for the upcoming four months.
- Four of the seven emergency medical teams (EMTs)—groups of health professionals that meet internationally recognized standards to respond to foreign disasters or emergencies—initially deployed to The Bahamas remained active as of September 26, including two mobile EMTs providing outpatient services and MHPSS in Abaco and New Providence collective shelters. In Grand Bahama, a USAID-supported International Medical Corps (IMC) EMT is expanding MHPSS services, and has treated more than 420 patients from September 9 to 30. Finally, USAID partner Samaritan's Purse is operating an EMT field hospital with surgical capacity in Grand Bahama's Freeport city, which provided approximately 2,300 outpatient consultations and performed more than 50 surgeries from September 8 to 27.
- In addition to the EMTs, other relief partners continue to provide critical health services in The Bahamas. Medical professionals from Project HOPE are providing services at three collective shelters in The Bahamas' capital city of Nassau, including health screenings for children enrolling in local schools, and in Abaco's Marsh Harbour Clinic, including pharmacy supply chain management and WASH interventions. The NGO is also facilitating the provision of three interagency emergency health kits, which contain medicines and medical supplies sufficient to meet the needs of 30,000 people over three months. Project HOPE plans to maintain staff presence in affected areas of The Bahamas through late November.
- As of September 24, UN Children's Emergency Fund (UNICEF) had provided more than 300 school-aged children residing in collective shelters in Nassau with MHPSS services. Additionally, the UN agency collaborated with the GoB Ministry of Education and NGO IsraAID to train nearly 70 school counsellors and school psychologists on MHPSS in schools. UNICEF is also addressing hurricane-related child protection concerns for displaced and host communities with the DSS.
- UNICEF continues to support the WSC to lead coordination of relief actors conducting WASH activities, including Mercy Corps and Mission Resolve Foundation. The relief organizations installed two reverse osmosis water treatment units that provide 7,500 gallons of safe drinking water daily to health clinics and public tap systems in Grand Bahama.

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Additionally, Mercy Corps is utilizing UNICEF-provided WASH supplies, including 1,000 jerry cans, six 5,000-liter water tanks, and 100 water disinfection tablets, to benefit approximately 5,000 people in Grand Bahama.

- With USAID support, Samaritan's Purse installed reverse osmosis units in Abaco's Cooper's Town and Treasure Cay, each with capacity to produce 2,500 gallons of safe drinking water per day. The NGO is also supporting WSC with fuel distribution to enable functioning of water pumping systems across the island. As of September 25, only 10 percent of Abaco's population had access to piped water, while the remaining population continued to rely on partner-provided safe drinking water. Samaritan's Purse is also providing WASH services in Grand Bahama, where 75 percent of the population had access to piped water by September 25.

FOOD SECURITY AND LOGISTICS

- The UN World Food Program (WFP) continues to lead food security coordination efforts, ensuring that immediate food needs of affected populations are met daily by organizations providing food assistance. As of September 30, NGOs and UN agencies had reportedly delivered nearly 350,000 meals in Abaco, Grand Bahama, and New Providence, according to the UN; the figure does not capture the amount of food assistance provided by the GoB or private sector actors, which also continue to address daily food needs.
- With USAID funding, WFP has provided significant logistics support for humanitarian and early recovery operations. As of September 23, four WFP-chartered vessels transported more than 214 metric tons of relief commodities, including construction materials, food assistance, medical supplies, and safe drinking water, from Nassau to hurricane-affected islands. The UN agency continues to provide warehouse management and supply chain coordination in four mobile storage facilities at the Marsh Harbour port and two at the Marsh Harbour International Airport; two additional mobile storage facilities remain on stand-by in Grand Bahama.

EARLY RECOVERY, INFRASTRUCTURE, LIVELIHOODS

- Debris removal and waste management remain priorities for the GoB during the early recovery phase of the Hurricane Dorian response. The GoB Ministry of Environment and Housing recently produced a comprehensive debris management plan which provides a framework for organizing the rapid, safe, and cost effective removal, recycling, and disposal of disaster-generated debris, while minimizing debris-related threats to public health and safety, the environment, and economic recovery of affected areas.
- Relief actors are also focused on assessing the storm's economic impact and effects on people's livelihoods. The GoB, with assistance from the UN Food and Agricultural Organization, continues to assess the damage Hurricane Dorian caused to the agricultural, fishing, and tourism sectors, which comprise the main economic industries in Abaco and Grand Bahama. The BRCS is also conducting livelihoods recovery needs assessments to inform early interventions; preliminary results indicate severe disruption of income-generating opportunities and activities for populations affected by Hurricane Dorian, as productive assets such as crops, agricultural and fishing equipment, and business commodities and infrastructure have been damaged or destroyed in parts of Abaco and Grand Bahama.
- The International Federation of Red Cross and Red Crescent Societies (IFRC) initiated preparation for multi-purpose cash assistance to help households meet basic needs in New Providence, where most Hurricane Dorian evacuees are currently residing. As of September 27, IFRC and the Bahamas Red Cross Society (BRCS), in coordination with the GoB Ministry of Social Services and Urban Development, had begun efforts to identify, verify, and register beneficiaries who qualify for cash assistance. Additionally, IFRC is deploying a Recovery Assessment Team to assist the GoB with implementing comprehensive early recovery strategies in economic and social development, information management, and shelter and reconstruction.
- On September 27, UNDP announced a $1 million contribution for early recovery interventions in The Bahamas. UNDP aims to promote environmentally sustainable disaster resilient infrastructure, develop national and local capacities for disaster risk reduction and recovery, and support livelihoods and economic recovery for vulnerable communities.

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CONTEXT

- From September 1 to 2, Hurricane Dorian made landfall over Abaco and Grand Bahama as a Category 5 storm on the Saffir-Simpson Hurricane Wind Scale, bringing sustained winds of approximately 180 miles per hour, heavy rains, and storm surges of up to 23 feet to the islands.
- As a result of widespread flooding and destruction to infrastructure caused by Hurricane Dorian, U.S. Chargé d'Affaires Stephanie Bowers declared a disaster in The Bahamas on September 2. In response, USAID/OFDA provided an initial $200,000 to the BRCS and rapidly activated a DART and Response Management Team. USAID/OFDA is working with multiple USG agencies, partners, and the GoB to swiftly provide humanitarian assistance to populations in The Bahamas most severely affected by the hurricane.

USG HUMANITARIAN FUNDING FOR THE BAHAMAS HURRICANE DORIAN RESPONSE IN FY 2019[1]

IMPLEMENTING PARTNER	ACTIVITY	LOCATION	AMOUNT
USAID/OFDA			
The Bahamas Red Cross Society (BRCS)	Shelter and Settlements, WASH	Countrywide	$200,000
Fairfax County Fire and Rescue and Los Angeles County Fire Departments[2]	Urban Search and Rescue	Abaco	$3,868,351
International Federation of Red Cross and Red Crescent Societies (IFRC)	Economic Recovery and Market Systems, Health, Protection, Shelter and Settlements, WASH	Countrywide	$2,340,000
International Medical Corps (IMC)	Health, Protection, WASH	Grand Bahama	$2,691,000
International Organization for Migration (IOM)	Humanitarian Coordination and Information Management, Shelter and Settlements	Countrywide	$1,500,000
	In-Kind Relief Commodities		$219,350
Pan American Health Organization (PAHO)	Health, WASH	Countrywide	$2,600,000
Samaritan's Purse (SP)	Health, Shelter, WASH	Abaco, Grand Bahama	$7,500,002
U.S. Coast Guard	Humanitarian Coordination and Information Management	Grand Bahama, New Providence	$169,205
UN World Food Program (WFP)	Logistics Support	Countrywide	$1,064,186
	In-Kind Relief Commodities	Countrywide	$324,935
	Logistics Support	Countrywide	$1,234,069
	Program Support		$593,739
TOTAL USAID/OFDA FUNDING			**$24,304,837**
USAID/FFP			
WFP	Food Security	Countrywide	$1,000,000
TOTAL USAID/FFP FUNDING			**$1,000,000**

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DoD[3]		
Logistics Support	Countrywide	$8,490,000
TOTAL DoD FUNDING		**$8,490,000**
TOTAL USG HUMANITARIAN FUNDING FOR THE HURRICANE RESPONSE IN FY 2019		**$33,794,837**

[1] Year of funding indicates the date of commitment or obligation, not appropriation, of funds. Funding figures reflect anticipated or actual obligated amounts as of September 30, 2019. There may be slight changes to FY 2019 funding totals following financial reconciling conducted after the end of the fiscal year.
[2] Figures are subject to change. Los Angeles County Fire Department personnel comprised part of the Americas Support Team.
[3] DoD figures reflect publicly announced funding as of September 24.

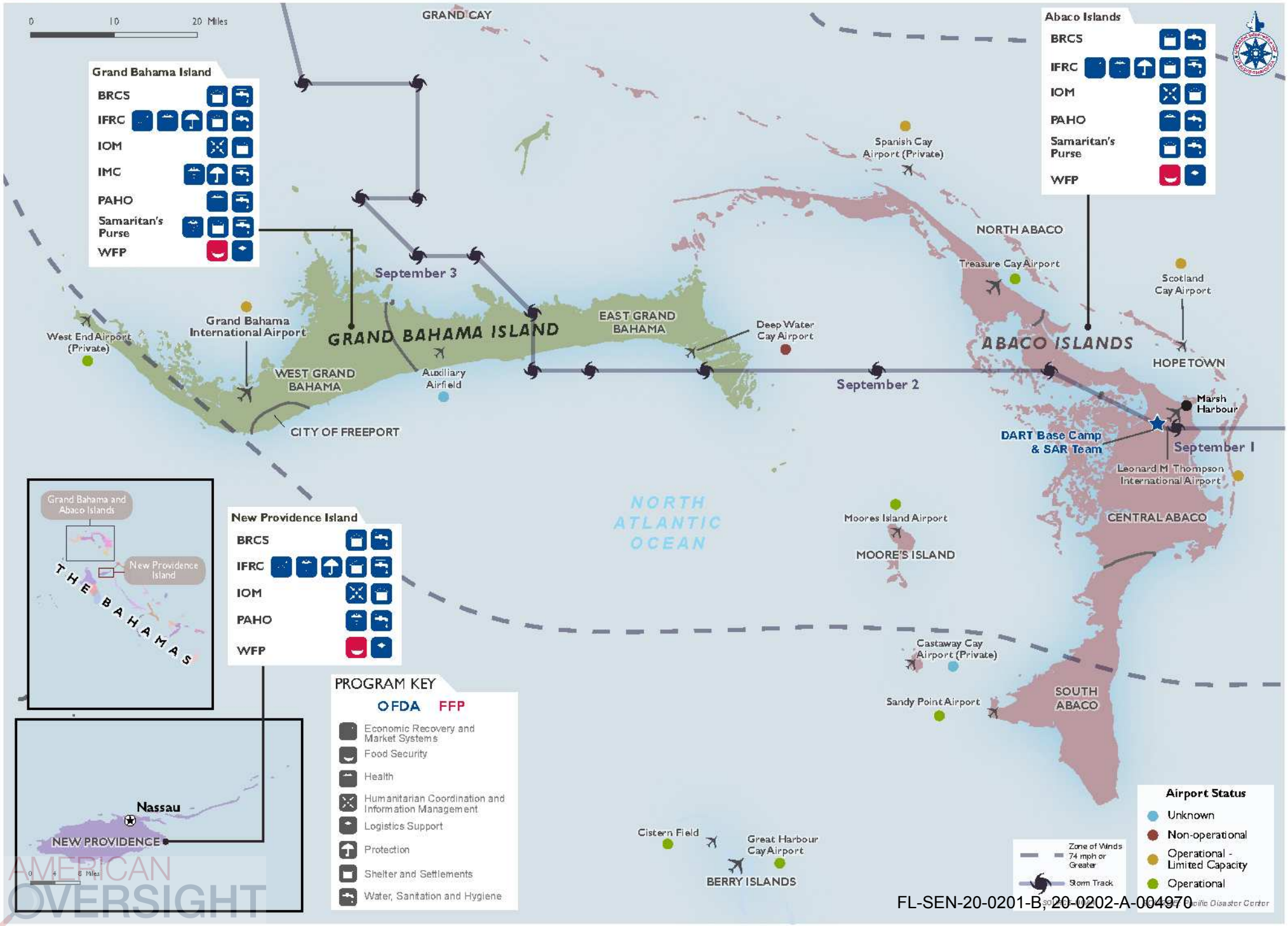
PUBLIC DONATION INFORMATION

- The most effective way people can assist relief efforts is by making cash contributions to humanitarian organizations that are conducting relief operations. A list of humanitarian organizations that are accepting cash donations for disaster responses around the world can be found at www.interaction.org.
- USAID encourages cash donations because they allow aid professionals to procure the exact items needed (often in the affected region); reduce the burden on scarce resources (such as transportation routes, staff time, and warehouse space); can be transferred very quickly and without transportation costs; support the economy of the disaster-stricken region; and ensure culturally, dietarily, and environmentally appropriate assistance.
- More information can be found at:
  - USAID Center for International Disaster Information: www.cidi.org/hurricane-dorian/.
  - USAID Center for International Disaster Information Call Center: +1.202.661.7710.
  - Information on relief activities of the humanitarian community can be found at www.reliefweb.int.

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FL-SEN-20-0201-B, 20-0202-A-004969

ACTIVE USAID PROGRAMS FOR THE BAHAMAS HURRICANE DORIAN RESPONSE

Last Updated 09/30/2019



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FL-SEN-20-0201-B, 20-0202-A-004970

The boundaries and names used on this map do not imply official endorsement or acceptance by the U.S. Government.

From: Immunization Action Coalition <express@immunize.org>
Sent: Wednesday, December 04, 2019 6:45 AM EST
To: Hodge, Connor <Hodge.Connor@flsenate.gov>
Subject: IAC Express #1465

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Issue 1465: December 4, 2019

TOP STORIES

- It's National Influenza Vaccination Week; make sure all your patients are protected against flu!
- IAC Spotlight: Just in case you missed them, these IAC materials and web pages were updated during October and November
- IAC's elegantly designed "Vaccines Save Lives" black enamel pins make great gifts for the holidays!
- Flu season is here, so make sure you have IAC's new "FLU VACCINE" buttons for staff and patient stickers on hand!
- There are now 1,113 organizations enrolled in IAC's Influenza Vaccination Honor Roll for mandatory healthcare worker vaccination
- National Adult and Influenza Immunization Summit soliciting nominations for its 2020 Immunization Excellence Awards; deadline is February 1

VACCINE INFORMATION STATEMENTS

- Small correction made to Japanese-language translation of the varicella VIS

WORLD NEWS

- WHO reports on cholera in this week's *Weekly Epidemiological Record*

FEATURED RESOURCES

- Reminder: Women in Government, representing the nation's women state legislators, releases new podcast titled "Don't Hesitate, Vaccinate"; IAC's Dr. Deborah Wexler among featured speakers
- Visit the California Immunization Coalition's recently updated website, ImmunizeCA.org
- IAC's comprehensive *Vaccinating Adults: A Step-by-Step Guide* is available for free download either by chapter or in its entirety (142 pages)

JOURNAL ARTICLES AND NEWSLETTERS

- *Pediatrics* publishes "Safety of the 9-Valent Human Papillomavirus Vaccine"

EDUCATION AND TRAINING

- CDC's NCIRD will host the third *Current Issues in Immunization* webinar on HPV vaccination recommendations on December 11

TOP STORIES

Video of the Week

IAC's Video of the Week

We Share Our Stories to Convince You to Vaccinate: In this video from Families Fighting Flu, produced with moving background music and photographs, families share their personal tragedies to let others know how important it is to get vaccinated against influenza. Last year, 79,400 people died from flu—more than from car crashes and drug overdoses.
Visit the VOTW archive

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Read Dr. Wexler's column for the

AMERICAN OVERSIGHT

It's National Influenza Vaccination Week; make sure all your patients are protected against flu!

National Influenza Vaccination Week (NIVW), observed this week, was established by CDC in 2005 as an awareness week to highlight the importance of continuing influenza vaccination activities throughout the holiday season and beyond. It's a great time to vaccinate people who have not yet been protected against flu and to call or send a reminder message to those who have not been vaccinated to be sure they get protected. Vaccination efforts should continue through the holiday season and beyond because peak influenza activity generally does not occur until February (with some variability year to year). Providers are encouraged to continue vaccinating patients throughout the influenza season, including into the spring months.

This year, CDC is focusing on groups at high risk of flu-related complications, hospitalizations, and death, such as children younger than 5 years, adults over 65, people with chronic conditions such as asthma, heart disease, and diabetes, and pregnant women. Click on the graphic above to access the NIVW campaign resources from CDC, including web tools, videos, communication hints, matte articles to submit to newspapers, animated images, graphics, and more.

CDC has stated in its Weekly U.S. Influenza Surveillance Report, FluView, that as of the week ending November 23, the geographic spread of influenza was reported as widespread in 10 states, with regional activity in 14 states. Puerto Rico and 19 states reported local activity; the U.S. Virgin Islands and 7 states reported sporadic activity; and District of Columbia and Guam did not report.

One influenza-associated pediatric death was reported to CDC during the week ending November 23. A total of five influenza-associated pediatric deaths have been reported for the 2019–20 season.

Influenza vaccination is recommended for everyone six months of age and older, so please continue to vaccinate all your patients in this age range. If you don't provide influenza vaccination in your clinic, please recommend vaccination to your patients and refer them to a clinic or pharmacy that provides vaccines. The HealthMap Vaccine Finder can help patients locate influenza vaccination services near them.

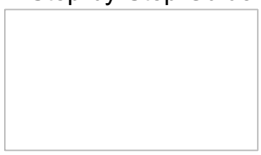
Related Links:

- CDC's Seasonal Flu web section
- CDC's FluView web section
- CDC's Free Resources related to influenza
- IAC's Influenza Educational Materials web page, free, ready-to print, and CDC-reviewed
- IAC's Ask the Experts: Influenza web page
- IAC's Vaccines: Influenza web page
- National Adult and Influenza Immunization Summit website
- Influenza vaccination resources for providers from the NAIIS Influenza Workgroup
- *The Summit Buzz:* Newsletter of the National Adult and Influenza Immunization Summit (NAIIS)
- Influenza Vaccine Availability Tracking System—IVATS: a resource for healthcare settings looking to purchase influenza vaccine (made available from NAIIS)

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Vaccine Education Center's monthly newsletter, *Vaccine Update*

Vaccinating Adults: A Step-by-Step Guide



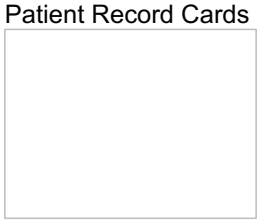
IAC's 142-page book available for free download.

Calendar of Events



Conferences, meetings, and training opportunities

Patient Record Cards



Record cards for patients -- child & teen, adult, and lifetime -- are printed on durable paper and sized to fit in a wallet when folded

DVD: Immunization Techniques



Every practice should have this award winning, "how-to" training video

Protect Newborns Guidebook



Comprehensive guide *Hepatitis B: What Hospitals Need to Do to Protect Newborns*

Editorial Information

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Abbreviations

AAFP: American Academy of Family

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IAC Spotlight: Just in case you missed them, these IAC materials and web pages were updated during October and November

In almost every issue of *IAC Express,* we provide readers with information about new and updated educational materials for healthcare professionals and handouts for patients that have been posted during the past week on IAC's website for healthcare professionals, immunize.org. All these materials are CDC-reviewed and available free for you to download, print, copy, and distribute in your healthcare settings. We also announce major updates to the content on various web sections and pages on immunize.org.

Below you'll find a listing of the new and updated items and web pages we've announced in *IAC Express* during the months of October and November, in case you've missed any of them.

Educational Materials for Healthcare Professionals

Influenza Educational Materials for Healthcare Professionals

- Communicating the Benefits of Seasonal Influenza Vaccination
- Influenza: Questions and Answers
- Screening Checklist for Contraindications to Inactivated Injectable Influenza Vaccination; also available in Spanish

Other Staff Education Materials

- Leading Medical Organizations Endorse Strong School and Childcare Vaccination Requirements and Elimination of Non-Medical Exemptions
- Current Dates of Vaccine Information Statements (VISs)
- You Must Provide Patients with Vaccine Information Statements (VISs) – It's Federal Law!
- Standing Orders for Administering Human Papillomavirus Vaccine to Adults
- Personal Belief Exemptions for Vaccination Put People at Risk. Examine the Evidence for Yourself.

Handouts for Your Patients

- Vaccinations for Pregnant Women; also available in:
  - Spanish
  - Arabic
  - Chinese – Simplified
  - French
  - Korean
  - Russian
  - Vietnamese
- You're 16…We Recommend These Vaccines for You!; also available in Spanish
- Chickenpox Is a Serious Disease…Make Sure Your Child Is Protected!
- Hepatitis A Is a Serious Disease…Make Sure Your Child Is Protected!
- Hepatitis B Is a Serious Disease…Make Sure Your Child Is Protected!
- Hib Is a Serious Disease…Make Sure Your Child Is Protected!
- HPV Is a Serious Disease…Make Sure Your Child Is Protected!
- Influenza Is a Serious Disease…Make Sure Your Child Is Protected!
- Measles, Mumps, and Rubella Are Serious Diseases…Make Sure Your Child Is Protected!
- Meningococcal Disease Is Serious…Make Sure Your Child Is Protected!
- Pneumococcal Disease Is Serious…Make Sure Your Child Is Protected!
- Polio Is a Serious Disease…Make Sure Your Child Is Protected!
- Rotavirus Is a Serious Disease…Make Sure Your Child Is Protected!
- Whooping Cough, Tetanus, and Diphtheria Are Serious Diseases…Make Sure Your Child Is Protected!

Physicians
AAP: American Academy of Pediatrics
ACIP: Advisory Committee on Immunization Practices
CDC: Centers for Disease Control and Prevention
FDA: Food and Drug Administration
IAC: Immunization Action Coalition
MMWR: Morbidity and Mortality Weekly Report
NCIRD: National Center for Immunization and Respiratory Diseases
VIS: Vaccine Information Statement
WHO: World Health Organization

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Updated Web Sections and Pages

- Current Issues in Influenza webinar from Dr. L.J Tan and slide set
- Talking About Vaccines: Responding to Parents

Updated VIS Web Pages

- Hib VIS web page includes new interim Hib VIS
- HPV (Human Papillomavirus) VIS web page includes new interim HPV VIS
- Pneumococcal Conjugate (PCV13) VIS web page includes new interim PCV13 VIS
- Pneumococcal Polysaccharide (PPSV) VIS web page includes new final PPSV VIS
- Polio VIS web page includes new interim Polio VIS
- Rotavirus VIS web page includes new interim Rotavirus VIS
- Zoster Live VIS web page includes new final Zoster Live VIS
- Zoster Recombinant VIS web page includes new final Zoster Recombinant VIS
- Cholera VIS web page includes new final Cholera VIS
- Typhoid VIS web page includes new final Typhoid VIS

Related Links

- Visit IAC's View All Materials web page to obtain a list of more than 300 staff educational materials and patient handouts on immunize.org
- Visit IAC's Handouts main page to see the materials sorted by category
- Visit IAC's Ask the Experts web section to access more than 1,000 questions answered by CDC experts
- Visit IAC's Clinic Tools main page to access this web section and its seven specific topics
- Visit the What's New at IAC: Handouts web page to view all new and updated handouts and other educational materials and the dates they were posted on immunize.org
- Visit the What's New at IAC: Web Sections to view all new and updated web pages and dates they were posted on immunize.org
- Visit the What's New at IAC: Vaccine Information Statements web page to view all new and updated Vaccine Information Statements and the dates they were posted on immunize.org

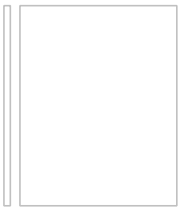
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IAC's elegantly designed "Vaccines Save Lives" black enamel pins make great gifts for the holidays!

IAC's new elegantly designed "Vaccines Save Lives" pin on hard black enamel with gold lettering and edges makes a meaningful gift for people who care about immunization.

The pin is a stick-through-post variety with the back end covered by a round rubber cap that holds the pin securely. A gold metal spring-lock clasp is also provided. The pin makes a refined statement, measuring 1.125" x 0.75".

Wear these pins on clothing, uniforms, lab coats, tote bags, and backpacks to show that you value vaccines!



Click here for "Vaccines Save Lives" pins pricing and ordering information.

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Visit Shop IAC for additional items, including "FLU VACCINE" buttons and stickers, patient record cards, and a vaccine administration training video.

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Flu season is here, so make sure you have IAC's new "FLU VACCINE" buttons for staff and patient stickers on hand!

IAC's "FLU VACCINE" buttons and stickers are ready to ship! Their bright red color helps broadcast your important message about the need for flu vaccination. And the cost is nominal.

"FLU VACCINE" BUTTONS

The button measures 1.25" across and carries a bold message! Pin on lab coats, uniforms, other clothing, tote bags, or backpacks to show support for flu vaccine.

Buttons are delivered in bags of 10 buttons per bag.

Click here for pricing and ordering information for "FLU VACCINE" buttons.

"FLU VACCINE" STICKERS

Measuring 1.5" across and printed on Avery labels, theses stickers adhere well to clothing and have an easy-peel-off back.

Stickers are delivered to you cut individually (not on rolls)—available in bundles of 100.

Click here for pricing and ordering information for "FLU VACCINE" stickers.

Visit Shop IAC for additional items, including "Vaccines Save Lives" enamel pins, patient record cards, and a vaccine administration training video.

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There are now 1,113 organizations enrolled in IAC's Influenza Vaccination Honor Roll for mandatory healthcare worker vaccination

There are now **1,113 organizations** enrolled in IAC's Influenza Vaccination Honor Roll. The honor roll recognizes hospitals, long-term care facilities (LTCFs), medical practices, pharmacies, professional organizations, health departments, and other government entities that have taken a stand for patient safety by implementing mandatory influenza vaccination policies for healthcare personnel.

Since November 6, when *IAC Express* last reported on the Influenza Vaccination Honor Roll, four additional healthcare organizations have been enrolled.

IAC urges qualifying healthcare organizations to apply by visiting the Application page.

Newly added healthcare organizations, hospitals, government agencies, medical practices, long-term care facilities, and pharmacies

- Mason County Health Department, Havana, IL
- The Manor Health and Rehabilitation Center, Freehold, NJ
- Washoe Tribal Health Center, Gardnerville, NV
- Eagle Valley Children's Home, Carson City, NV

Related Links

- Listing of all Influenza Vaccination honorees by state
- Long-term care/assisted living Influenza Vaccination honorees by state

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- Position statements from professional societies and leading healthcare organizations in support of mandatory influenza vaccination
- Application form for the Influenza Vaccination Honor Roll
- Influenza Vaccination Honor Roll section on immunize.org, which includes access to the application form (see the gold honor badge in right column, and click on the words "Apply for the Influenza Vaccination Honor Roll")
- IAC's Honor Roll for Patient Safety web page
- IAC's Hepatitis B Birth Dose Honor Roll section on immunize.org

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National Adult and Influenza Immunization Summit soliciting nominations for its 2020 Immunization Excellence Awards; deadline is February 1

The National Adult and Influenza Immunization Summit (NAIIS) is soliciting nominations for the 2020 NAIIS Immunization Excellence Awards. The 2020 awards recognize individuals and organizations that have made extraordinary contributions towards improving vaccination rates within their communities during 2019. Awardees exemplify the meaning of the "immunization neighborhood" (collaboration, coordination, and communication among immunization stakeholders dedicated to meeting the immunization needs of the patient and protecting the community from vaccine-preventable diseases). Unless an award criterion is specifically focused on influenza, it is the intent of the Summit to recognize broader adult immunization activities.

A National Winner will be selected for each award category, and where appropriate, an Honorable Mention recipient. The winners will be presented with their awards at the NAIIS meeting to be held on May 18 in Atlanta, GA, in conjunction with CDC's National Immunization Conference. The National Winner in each category will be invited to present their programs at the NAIIS meeting.

Access information on the award categories and the nomination form.

Related Links

- NAIIS website
- NAIIS newsletter: *The Summit Buzz*

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VACCINE INFORMATION STATEMENTS

Small correction made to Japanese-language translation of the varicella VIS

A small correction has been made to the Japanese-language translation of the varicella VIS. In "Section 1: Why Get Vaccinated?" the VIS translation now correctly states "some children who get chickenpox stay home from school or childcare for at least 5–6 days."

Many thanks to the sharp-eyed immunization staff at the Michigan Department of Health and Human Services for pointing out the error.

The updated Japanese translation is for the varicella VIS published on August 12, 2018. On August 15, 2019, CDC released a new interim VIS for varicella; a translation of this new interim VIS is not available. CDC states that it is acceptable to use the out-of-date VIS translation since there have not been significant content changes from the 2018 version to the 2019 interim version.

CDC also states that the corresponding up-to-date English-language VIS must also be provided when providing an out-of-date translation.

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When downloading the corrected version, you may have to "refresh" the page or use a different browser if you recently accessed the piece, as the previous version may be cached in your system.

Related Links

- Access all Japanese-language VISs
- Access all varicella VIS translations, as well as the English-language version
- Visit IAC's VIS web section for VISs in up to 50 languages
- CDC's What's New with VISs web section
- CDC's VIS web section

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WORLD NEWS

WHO reports on cholera in this week's *Weekly Epidemiological Record*

The November 29 edition of the WHO periodical *Weekly Epidemiological Record* featured an article titled Cholera, 2018. According to the article, in 2018, 34 countries reported a total of 499,447 cholera cases and 2,990 cholera deaths to WHO.

Related Links

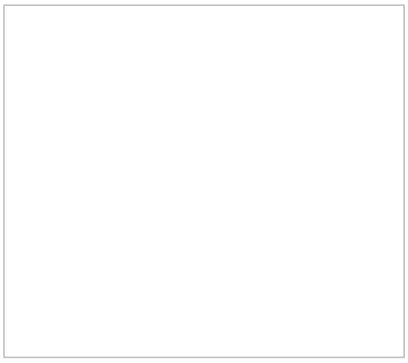
- Access the entire article: Cholera, 2018
- Current issue and archives of the *Weekly Epidemiological Record*

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FEATURED RESOURCES

Reminder: Women in Government, representing the nation's women state legislators, releases new podcast titled "Don't Hesitate, Vaccinate"; IAC's Dr. Deborah Wexler among featured speakers

Women in Government, a national, non-profit, non-partisan organization of women state legislators, has released a new podcast titled Don't Hesitate, Vaccinate! The podcast, moderated by Patti Bellock, who has served in the Illinois legislature, features the following panelists: Georgia state senator Gloria Butler; Dr. Deborah Wexler of IAC; Elaine O'Hara of Sanofi Pasteur; and Erica DeWald of Vaccinate Your Family.



Access the podcast as well as links to leading immunization advocacy organizations and governmental websites on the Women in Government's Immunizations/Vaccinations web page.

Related Link

- Women in Government website

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Visit the California Immunization Coalition's recently updated website, ImmunizeCA.org

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The California Immunization Coalition announced the official launch of their updated website, ImmunizeCA.org. The website has been refreshed with updated images and information and is now easier to navigate. Be sure to visit today!

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IAC's comprehensive *Vaccinating Adults: A Step-by-Step Guide* is available for free download either by chapter or in its entirety (142 pages)

In late 2017, the Immunization Action Coalition (IAC) announced the publication of its new book, *Vaccinating Adults: A Step-by-Step Guide (Guide)*.

This completely updated "how to" guide on adult immunization provides easy-to-use, practical information covering essential adult immunization activities. It helps vaccine providers enhance their existing adult immunization services or introduce them into any clinical setting. Topics include:

- setting up for vaccination services,
- storing and handling vaccines,
- deciding which people should receive which vaccines,
- administering vaccines,
- documenting vaccinations (including legal issues), and
- understanding financial considerations and billing information.

In addition, the *Guide* is filled with hundreds of web addresses and references to help providers stay up to date on the latest immunization information, both now and in the future.

The *Guide* is available to download/print either by chapter or in its entirety free of charge at www.immunize.org/guide. The downloaded version is suitable for double-sided printing. The National Vaccine Program Office and CDC both supported the development of the *Guide* and provided early technical review.

The *Guide* is a uniquely valuable resource to assist providers in increasing adult immunization rates. Be sure to get a copy today!

Related Links

- See *Vaccinating Adults: A Step-by-Step Guide* and all its content
- Free download of entire *Guide* (10.6 MB PDF)
- View the Table of Contents and individual chapters in PDF format:
  – Table of Contents
  – Step 1: Getting Started
  – Step 2: Setting Up for Vaccination Services
  – Step 3: Vaccine Storage and Handling
  – Step 4: Deciding Whom to Vaccinate
  – Step 5: Administering Vaccines
  – Step 6: Documentation and Related Issues
  – Step 7A: Financial Considerations
  – Step 7B: How to Bill for Adult Immunizations
- Promotional flyer for *Vaccinating Adults: A Step-by-Step Guide*
- IAC's educational materials (handouts) on adult immunization

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JOURNAL ARTICLES AND NEWSLETTERS

Pediatrics publishes "Safety of the 9-Valent Human Papillomavirus Vaccine"

The journal *Pediatrics* has published Safety of the 9-Valent Human Papillomavirus Vaccine, by T. Shimabukuro, et al., in its November 2019 issue. The Conclusions section of the abstract is reprinted below.

CONCLUSIONS: No new or unexpected safety concerns or reporting patterns of 9vHPV with clinically important AEs were detected. The safety profile of 9vHPV is consistent with data from prelicensure trials and from postmarketing safety data of its predecessor, the quadrivalent human papillomavirus vaccine.

Access the complete abstract.

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EDUCATION AND TRAINING

CDC's NCIRD will host the third *Current Issues in Immunization* webinar on HPV vaccination recommendations on December 11

CDC's National Center for Immunization and Respiratory Diseases will offer a *Current Issues in Immunization* webinar on December 11 from 12:00–1:00 p.m. (ET). Titled HPV Vaccination Recommendations Update, Lauri Markowitz, MD, MPH, medical officer, NCIRD, CDC, will present and Andrew Kroger, MD, MPH, will moderate.

To register: HPV Vaccination Recommendations Update.

Related Links

- CDC's Current Issues in Immunization Webinar (CIIW) web page
- CDC's Education and Training home page

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If you have trouble receiving or displaying *IAC Express* messages, visit our online help section.

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To: Hodge, Connor <Hodge.Connor@flsenate.gov>
Subject: IAC Express #1469

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Issue 1469: December 18, 2019

TOP STORIES

- Happy holidays from all of us at IAC! We'll be back on January 8.
- WHO and CDC issue joint press release reporting more than 140,000 died from measles worldwide in 2018 and urging increased global investment in immunization and response
- CDC updates ACIP recommendations on use of anthrax vaccine in the U.S.
- Reminder: National Adult and Influenza Immunization Summit soliciting nominations for its 2020 Immunization Excellence Awards
- IAC's elegantly designed "Vaccines Save Lives" black enamel pins make great gifts for the holidays!
- Flu season is here, so make sure you have IAC's new "FLU VACCINE" buttons for staff and patient stickers on hand!

VACCINE INFORMATION STATEMENTS

- Updated translations of the PPSV23 VIS are now available in Arabic, Burmese, Chinese, French, Russian, Somali, Spanish, and Vietnamese
- IAC posts updated translations of both zoster recombinant and zoster live VISs in Arabic, Burmese, Chinese, French, Korean, Russian, Somali, Spanish, and Vietnamese; Spanish-language RTF files also available
- Updated Turkish translations of the PPSV23, typhoid, zoster recombinant, and zoster live VISs now available
- IAC posts new and updated Karen translations of the PPSV23, zoster recombinant, and zoster live VISs
- New Hindi-language version of the Japanese encephalitis VIS now available

WORLD NEWS

- Democratic Republic of the Congo, experiencing world's largest measles epidemic, launches phase 2 of campaign to vaccinate 18.9 million children by end of 2019
- Pakistan, first country worldwide to introduce typhoid conjugate vaccine into its routine immunization program, vaccinates 9.4 million children against typhoid fever in Sindh province

FEATURED RESOURCES

- Seasonal influenza activity in the U.S. elevated for five weeks and continues to increase. Make sure all your patients are getting vaccinated!
- New 16-minute personal background film about Dr. Maurice Hilleman released by the Vaccine Makers Project at VEC
- NFID's redesigned website brings together the organization's valuable information and resources for the public and healthcare professionals

Video of the Week

IAC's Video of the Week

Steve's Story—Oral Cancer Caused by HPV: This Minnesota Department of Health video tells about Steve, who learned at age 28 that he had oral cancer caused by HPV. His doctor, an oral and maxillofacial surgeon, states that HPV is the leading cause of head and neck cancers, which have increased in recent years. Steve and his wife want everyone to vaccinate their children against HPV.

Visit the VOTW archive

Follow Us

Technically Speaking

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- IAC's comprehensive *Vaccinating Adults: A Step-by-Step Guide* is available for free download either by chapter or in its entirety (142 pages)

JOURNAL ARTICLES AND NEWSLETTERS

- *JAMA Pediatrics* study finds need for strategies to increase MMR vaccination rates among pediatric travelers to reduce measles outbreaks in the U.S.

TOP STORIES

Happy holidays from all of us at IAC! We'll be back on January 8.

All of us at the Immunization Action Coalition (IAC) wish you, our readers, a safe, happy, and relaxing holiday season. Because of the holiday schedule, we will not publish another issue of *IAC Express* until January 8. The IAC office will be closed on December 24 and 25, as well as January 1.

Happy holidays!

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WHO and CDC issue joint press release reporting more than 140,000 died from measles worldwide in 2018 and urging increased global investment in immunization and response

On December 5, the World Health Organization (WHO) and CDC issued a joint press release highlighting the surge in worldwide measles cases in 2018. The press release stresses the risk for complications among infants and young children, with most deaths from complications occurring in children under 5 years of age. Populations that are hardest hit by measles outbreaks are those in the poorest countries, especially in sub-Saharan Africa. The joint statement calls for ongoing investment in high-quality national immunization programs and disease surveillance in addition to improved outbreak response.

Access the complete press release: More than 140,000 Die from Measles as Cases Surge Worldwide (12/5/19)

Related Links

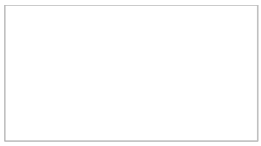
- *MMWR:* Progress toward Regional Measles Elimination—Worldwide, 2000–2017 (11/30/18)
- WHO news release: Measles Cases Spike Globally Due to Gaps in Vaccination Coverage (11/29/18)

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CDC updates ACIP recommendations on use of anthrax vaccine in the U.S.

CDC published Use of Anthrax Vaccine in the United States: Recommendations of the Advisory Committee on Immunization Practices, 2019 in the December 13 issue of *MMWR Recommendations and Report*s. The first paragraph of the summary for the press is reprinted below.

This report updates the 2009 recommendations from the CDC Advisory Committee on Immunization Practices (ACIP) regarding use of anthrax vaccine in the United States (Wright JG, Quinn CP, Shadomy S, Messonnier N. Use of anthrax vaccine in the United States: recommendations of the Advisory Committee on Immunization Practices [ACIP)], 2009. MMWR Recomm Rep 2010;59[No. RR-6]). The report 1) summarizes data on estimated efficacy in humans using a correlates of protection model and safety data published since the last ACIP review, 2) provides updated guidance for use of anthrax vaccine adsorbed (AVA) for preexposure prophylaxis (PrEP) and in conjunction with



Read Dr. Wexler's column for the Vaccine Education Center's monthly newsletter, *Vaccine Update*

Vaccinating Adults: A Step-by-Step Guide



IAC's 142-page book available for free download.

Calendar of Events



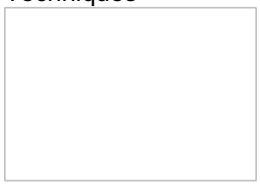
Conferences, meetings, and training opportunities

Patient Record Cards



Record cards for patients -- child & teen, adult, and lifetime -- are printed on durable paper and sized to fit in a wallet when folded

DVD: Immunization Techniques



Every practice should have this award winning, "how-to" training video

Protect Newborns Guidebook



Comprehensive guide *Hepatitis B: What Hospitals Need to Do to Protect Newborns*

Editorial Information

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antimicrobials for postexposure prophylaxis (PEP), 3) provides updated guidance regarding PrEP vaccination of emergency and other responders, 4) summarizes the available data on an investigational anthrax vaccine (AV7909), and 5) discusses the use of anthrax antitoxins for PEP.

Access the complete *MMWR* article:

- In PDF format
- In HTML format

Related Link

- *MMWR* main page provides access to *MMWR Weekly*, *MMWR Recommendations and Reports*, *MMWR Surveillance Summaries*, and *MMWR Supplements*

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Reminder: National Adult and Influenza Immunization Summit soliciting nominations for its 2020 Immunization Excellence Awards

The National Adult and Influenza Immunization Summit (NAIIS) is soliciting nominations for the 2020 NAIIS Immunization Excellence Awards. The 2020 awards recognize individuals and organizations that have made extraordinary contributions towards improving vaccination rates within their communities during 2019. Awardees exemplify the meaning of the "immunization neighborhood" (collaboration, coordination, and communication among immunization stakeholders dedicated to meeting the immunization needs of the patient and protecting the community from vaccine-preventable diseases).

A National Winner will be selected for each award category, and where appropriate, an Honorable Mention recipient. The winners will be presented with their awards at the NAIIS meeting to be held on May 18 in Atlanta, GA, in conjunction with CDC's National Immunization Conference. The National Winners in each category will be invited to present their programs at the NAIIS meeting.

Nominations deadline is February 1, 2020.

Access information on the award categories and the nomination form.

Related Links

- NAIIS website
- NAIIS newsletter: *The Summit Buzz*

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IAC's elegantly designed "Vaccines Save Lives" black enamel pins make great gifts for the holidays!

IAC's new elegantly designed "Vaccines Save Lives" pin on hard black enamel with gold lettering and edges makes a meaningful gift for people who care about immunization.

The pin is a stick-through-post variety with the back end covered by a round rubber cap that holds the pin securely. A gold metal spring-lock clasp is also provided. The pin makes a refined statement, measuring 1.125" x 0.75".

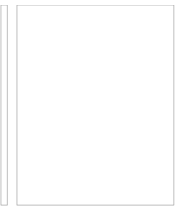
Wear these pins on clothing, uniforms, lab coats, tote bags, and backpacks to show that you value vaccines!

Assistant Managing Editor
Liv Augusta Anderson, MPP

Abbreviations

AAFP: American Academy of Family Physicians
AAP: American Academy of Pediatrics
ACIP: Advisory Committee on Immunization Practices
CDC: Centers for Disease Control and Prevention
FDA: Food and Drug Administration
IAC: Immunization Action Coalition
MMWR: Morbidity and Mortality Weekly Report
NCIRD: National Center for Immunization and Respiratory Diseases
VIS: Vaccine Information Statement
WHO: World Health Organization

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Click here for "Vaccines Save Lives" pins pricing and ordering information.

Visit Shop IAC for additional items, including "FLU VACCINE" buttons and stickers, patient record cards, and a vaccine administration training video.

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Flu season is here, so make sure you have IAC's new "FLU VACCINE" buttons for staff and patient stickers on hand!

IAC's "FLU VACCINE" buttons and stickers are ready to ship! Their bright red color helps broadcast your important message about the need for flu vaccination. And the cost is nominal.

"FLU VACCINE" BUTTONS

The button measures 1.25" across and carries a bold message! Pin on lab coats, uniforms, other clothing, tote bags, or backpacks to show support for flu vaccine.

Buttons are delivered in bags of 10 buttons per bag.

Click here for pricing and ordering information for "FLU VACCINE" buttons.

"FLU VACCINE" STICKERS

Measuring 1.5" across and printed on Avery labels, theses stickers adhere well to clothing and have an easy-peel-off back.

Stickers are delivered to you cut individually (not on rolls)—available in bundles of 100.

Click here for pricing and ordering information for "FLU VACCINE" stickers.

Visit Shop IAC for additional items, including "Vaccines Save Lives" enamel pins, patient record cards, and a vaccine administration training video.

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VACCINE INFORMATION STATEMENTS

Updated translations of the PPSV23 VIS are now available in Arabic, Burmese, Chinese, French, Russian, Somali, Spanish, and Vietnamese

IAC recently posted updated Arabic, Burmese, Chinese, French, Russian, Somali, Spanish, and Vietnamese translations of the PPSV23 VIS. Access these updated translated versions below.

- Arabic-language version
- Burmese-language version
- Chinese-Simplified version
- Chinese-Traditional version
- French-language version
- Russian-language version
- Somali-language version
- Spanish-language version
- Spanish-language RTF version
- Vietnamese-language version

Related Links

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- Access all PPSV23 VIS translations, as well as the English-language version
- Access all Arabic-language versions of VISs
- Access all Burmese-language versions of VISs
- Access all Chinese-language versions of VISs
- Access all French-language versions of VISs
- Access all Russian-language versions of VISs
- Access all Somali-language versions of VISs
- Access all Spanish-language versions of VISs
- Access all Vietnamese-language versions of VISs
- Access all VIS translations categorized by language
- IAC's VIS web section for VISs in up to 50 languages
- CDC's What's New with VISs web section
- CDC's VIS web section
- View more than 300 CDC-reviewed, ready-to-print IAC Educational Materials for Patients and Staff

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IAC posts updated translations of both zoster recombinant and zoster live VISs in Arabic, Burmese, Chinese, French, Korean, Russian, Somali, Spanish, and Vietnamese; Spanish-language RTF files also available

IAC recently posted updated Arabic, Burmese, Chinese, French, Korean, Russian, Somali, Spanish, and Vietnamese translations of the VISs for both the zoster recombinant (Shingrix, GlaxoSmithKline) and the zoster live vaccine (Zostavax, Merck). Access the updated translated versions below.

Zoster recombinant VIS

- Arabic-language version
- Burmese-language version
- Chinese-Simplified version
- Chinese-Traditional version
- French-language version
- Korean-language version
- Russian-language version
- Somali-language version
- Spanish-language version (PDF)
- Spanish-language version (RTF)
- Vietnamese-language version

Zoster live VIS

- Arabic-language version
- Burmese-language version
- Chinese-Simplified version
- Chinese-Traditional version
- French-language version
- Korean-language version
- Russian-language version
- Somali-language version
- Spanish-language version (PDF)
- Spanish-language version (RTF)
- Vietnamese-language version

RTF files are intended for use in electronic systems, such as electronic medical records, immunization information systems, or other electronic databases. CDC supplies RTF files of the English-language VISs, and IAC provides Spanish RTF files of VISs for each routinely recommended vaccine.

Related Links

- Access all zoster recombinant VIS translations, as well as the English-language version
- Access all zoster live VIS translations, as well as the English-language version
- Access all Arabic-language versions of VISs
- Access all Burmese-language versions of VISs
- Access all Chinese-language versions of VISs
- Access all French-language versions of VISs
- Access all Korean-language versions of VISs
- Access all Russian-language versions of VISs
- Access all Somali-language versions of VISs
- Access all Spanish-language versions of VISs

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- Access all Vietnamese-language versions of VISs
- Access all VIS translations categorized by language
- IAC's VIS web section for VISs in up to 50 languages
- CDC's What's New with VISs web section
- CDC's VIS web section
- View more than 300 CDC-reviewed, ready-to-print IAC Educational Materials for Patients and Staff

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Updated Turkish translations of the PPSV23, typhoid, zoster recombinant, and zoster live VISs now available

IAC has posted updated Turkish-language versions of the PPSV23, typhoid, zoster recombinant, and zoster live VISs. IAC thanks Betül Polatdemir, MD, and Sibel Bostancıoğlu, MD, Occupational and Environmental Diseases Hospital, Ankara, Turkey, for their donation of the Turkish translations. Access these Turkish-language versions below.

- PPSV23 VIS
- Typhoid VIS
- Zoster recombinant VIS
- Zoster live VIS

Related Links

- Access all Turkish-language versions of VISs
- Access all PPSV23 VIS translations, as well as the English-language version
- Access all typhoid VIS translations, as well as the English-language version
- Access all zoster recombinant VIS translations, as well as the English-language version
- Access all zoster live VIS translations, as well as the English-language version
- IAC's VIS web section for VISs in up to 50 languages

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IAC posts new and updated Karen translations of the PPSV23, zoster recombinant, and zoster live VISs

IAC has posted both new and updated Karen-language versions of the PPSV23, recombinant zoster, and zoster live VISs. IAC thanks St. Peter's Health Partners, Albany, NY, for the donation of these translations.

- PPSV23 VIS—new!
- Zoster recombinant VIS—new!
- Zoster live VIS—updated

Related Links

- Access all Karen-language versions of VISs
- Access all PPSV23 VIS translations, as well as the English-language version
- Access all zoster recombinant VIS translations, as well as the English-language version
- Access all zoster live VIS translations, as well as the English-language version
- IAC's VIS web section for VISs in up to 50 languages

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New Hindi-language version of the Japanese encephalitis VIS now available

IAC has posted a new Hindi-language version of the Japanese encephalitis VIS. IAC thanks Avinash Bansal, MD, Keshav Swarnkar, and Geeta Bansal, MD, of Kota, India, for donating the translation. Access the updated translation as well as the English-language version below.

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- Hindi-language version—new!
- English-language version

Related Links

- Access all Hindi-language versions of VISs
- IAC's VIS web section for VISs in up to 50 languages

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WORLD NEWS

Democratic Republic of the Congo, experiencing world's largest measles epidemic, launches phase 2 of campaign to vaccinate 18.9 million children by end of 2019

According to the World Health Organization (WHO), the Democratic Republic of the Congo (DRC), currently experiencing the world's largest measles epidemic, has begun its effort to vaccinate 2.2 million children against measles in North Kivu. This effort is phase 2 of its campaign to vaccinate 18.9 million children against measles by end of 2019. The third and final phase of the campaign will target the ten remaining provinces. At this time, the DRC is also dealing with the world's second worst Ebola outbreak.

Read the article on WHO's regional office for Africa website: Measles Vaccination Drive Launched, North Kivu Targets 2.2 Million Children (12/5/19)

Related Link

- WHO Africa website

Back to top

Pakistan, first country worldwide to introduce typhoid conjugate vaccine into its routine immunization program, vaccinates 9.4 million children against typhoid fever in Sindh province

On December 4, the World Health Organization (WHO) reported that Pakistan had vaccinated 9.4 million children against typhoid fever in the Sindh province. This campaign, conducted with the financial support of Gavi, the Vaccine Alliance, and technical support from WHO and UNICEF, included more than 8,000 skilled vaccinators, 20,000 organizers and on-the-ground mobilizers, and more than 2,000 supervisors and monitors between November 18–30, 2019. Pakistan is the first country in the world to introduce the typhoid conjugate vaccine (TCV) into its routine vaccination program.

Read the article on WHO's Pakistan web page: More than 9.4 Million Children Vaccinated against Typhoid Fever in Sindh (12/4/19)

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FEATURED RESOURCES

Seasonal influenza activity in the U.S. elevated for five weeks and continues to increase. Make sure all your patients are getting vaccinated!

According to CDC, seasonal influenza activity in the United States has been elevated for five weeks and continues to increase. CDC stated in its Weekly U.S. Influenza Surveillance Report, FluView, that as of the week ending December 7, the number of jurisdictions reporting regional or widespread activity increased to 38 this week from 30 last week.

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Four new influenza-associated pediatric deaths were reported to CDC during the week ending December 7. A total of 10 influenza-associated pediatric deaths have been reported for the 2019–20 season.

Visit the CDC's Weekly U.S. Influenza Surveillance Report, FluView, for details.

Influenza vaccination is recommended for everyone six months of age and older, so please continue to vaccinate all your patients in this age range. If you don't provide influenza vaccination in your clinic, please recommend vaccination to your patients and refer them to a clinic or pharmacy that provides vaccines or to the HealthMap Vaccine Finder to locate influenza vaccination services near them.

Related Links:

- CDC's Seasonal Flu web section
- CDC's FluView web section
- CDC's Free Resources related to influenza
- IAC's Influenza Educational Materials web page, free, ready-to print, and CDC-reviewed
- IAC's Ask the Experts: Influenza web page
- IAC's Vaccines: Influenza web page
- National Adult and Influenza Immunization Summit website
- *The Summit Buzz:* Newsletter of the National Adult and Influenza Immunization Summit (NAIIS)
- Influenza Vaccine Availability Tracking System—IVATS: a resource for healthcare settings looking to purchase influenza vaccine (made available from NAIIS)

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New 16-minute personal background film about Dr. Maurice Hilleman released by the Vaccine Makers Project at VEC

A new 16-minute film about Dr. Maurice Hilleman titled *Maurice Hilleman: The Man behind the Science,* presents the personal background of Dr. Hilleman through memories shared by those who were close to him. It has been released on the Hillemanfilm.com website, which is sponsored by the Vaccine Education Center at Children's Hospital of Philadelphia.

Dr. Hilleman is considered by many to be the "father of modern vaccines" because of his work in preventing pandemic flu, combining the measles, mumps, and rubella vaccines, and other achievements. His work has been estimated to save about 8 million lives every year.

Read about Dr. Hilleman's life and accomplishments and access a link to watch the film on the About Dr. Hilleman web page of Hillemanfilm.com.

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Access the film directly: *Maurice Hilleman: The Man behind the Science*

Related Links

- *HILLEMAN—A Perilous Quest to Save the World's Children*, www. hillemanfilm.com (1 hour)
- The Vaccine Makers Project, with educational resources and school-based curricula about vaccine science
- The College of Physicians of Philadelphia's The History of Vaccines website

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NFID's redesigned website brings together the organization's valuable information and resources for the public and healthcare professionals

The National Foundation for Infectious Diseases (NFID) has redesigned its website, www.nfid.org, to bring together information and resources from its blog and previously separate NFID websites. The navigation menu on the redesigned site provides access to NFID's toolkits, reports, events, and trainings more easily than before. In addition, the website has improved search capabilities and is optimized for mobile devices.

Visit the NFID website to see the range of valuable information and resources it offers.

Related Link

- NFID website

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IAC's comprehensive *Vaccinating Adults: A Step-by-Step Guide* is available for free download either by chapter or in its entirety (142 pages)

In late 2017, the Immunization Action Coalition (IAC) announced the publication of its new book, *Vaccinating Adults: A Step-by-Step Guide (Guide).*



This completely updated "how to" guide on adult immunization provides easy-to-use, practical information covering essential adult immunization activities. It helps vaccine providers enhance their existing adult immunization services or introduce them into any clinical setting. Topics include:

- setting up for vaccination services,
- storing and handling vaccines,
- deciding which people should receive which vaccines,
- administering vaccines,
- documenting vaccinations (including legal issues), and
- understanding financial considerations and billing information.

In addition, the *Guide* is filled with hundreds of web addresses and references to help providers stay up to date on the latest immunization information, both now and in the future.

The *Guide* is available to download/print either by chapter or in its entirety free of charge at www.immunize.org/guide. The downloaded version is suitable for double-sided printing. The National Vaccine

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Program Office and CDC both supported the development of the *Guide* and provided early technical review.

The *Guide* is a uniquely valuable resource to assist providers in increasing adult immunization rates. Be sure to get a copy today!

Related Links

- See *Vaccinating Adults: A Step-by-Step Guide* and all its content
- Free download of entire *Guide* (10.6 MB PDF)
- View the Table of Contents and individual chapters in PDF format:
  – Table of Contents
  – Step 1: Getting Started
  – Step 2: Setting Up for Vaccination Services
  – Step 3: Vaccine Storage and Handling
  – Step 4: Deciding Whom to Vaccinate
  – Step 5: Administering Vaccines
  – Step 6: Documentation and Related Issues
  – Step 7A: Financial Considerations
  – Step 7B: How to Bill for Adult Immunizations
- Promotional flyer for *Vaccinating Adults: A Step-by-Step Guide*
- IAC's educational materials (handouts) on adult immunization

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JOURNAL ARTICLES AND NEWSLETTERS

JAMA Pediatrics study finds need for strategies to increase MMR vaccination rates among pediatric travelers to reduce measles outbreaks in the U.S.

On December 9, *JAMA Pediatrics* published a study titled Clinical Practices for Measles-Mumps-Rubella Vaccination among U.S. Pediatric International Travelers (Emily P. Hyle, et al.). The first and last paragraphs of the abstract are reprinted below.

Importance
The U.S. population is experiencing a resurgence of measles, with more than 1,000 cases during the first 6 months of 2019. Imported measles cases among returning international travelers are the source of most US measles outbreaks, and these importations can be reduced with pretravel measles-mumps-rubella (MMR) vaccination of pediatric travelers. Although it is estimated that children account for less than 10% of U.S. international travelers, pediatric travelers account for 47% of all known measles importations.

Conclusions and Relevance
Although most infant and preschool-aged travelers evaluated at GTEN [Global TravEpiNet] *sites were eligible for pretravel MMR vaccination, only 41.3% were vaccinated during pretravel consultation, mostly because of clinician decision or guardian refusal. Strategies may be needed to improve MMR vaccination among pediatric travelers and to reduce measles importations and outbreaks in the United States.*

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About *IAC Express*
The Immunization Action Coalition welcomes redistribution of this issue of *IAC Express* or selected articles. When you do so, please add a note that the Immunization Action Coalition is the source of the material and provide a link to this issue.

If you have trouble receiving or displaying *IAC Express* messages, visit our online help section.

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Sent: Wednesday, February 05, 2020 8:17 AM EST
To: Hodge, Connor <Hodge.Connor@flsenate.gov>
Subject: IAC Express #1476

Email not displaying correctly? View it in your browser.

Issue 1476: February 5, 2020

TOP STORIES

- 2020 U.S. recommended immunization schedules for children and adolescents as well as for adults now available on CDC's website
- CDC and WHO have declared public health emergencies regarding 2019 novel coronavirus
- CDC reports influenza activity remains high and has increased over the last two weeks; please continue vaccinating this season to prevent flu from spreading further
- IAC Spotlight! In case you missed them, these IAC materials and web pages on immunize.org were updated during December and January
- Deadline extended to February 10 for submitting nominations for 2020 Immunization Excellence Awards for the National Adult and Influenza Summit
- Not-to-miss immunization articles in the news

FEATURED RESOURCES

- Families Fighting Flu announces launch of new blog titled *Insights on Influenza*
- IAC's elegantly designed "Vaccines Save Lives" black enamel pins are a great way to show you value immunization!
- Flu season is ongoing, so make sure you have IAC's "FLU VACCINE" buttons for staff and patient stickers on hand!
- IAC's comprehensive *Vaccinating Adults: A Step-by-Step Guide* is available for free download either by chapter or in its entirety (142 pages)

JOURNAL ARTICLES AND NEWSLETTERS

- January issue of CDC's *Immunization Works* newsletter now available; subscribe for monthly immunization resources and information
- Vaccine Education Center at Children's Hospital of Philadelphia publishes January issue of its newsletter *Vaccine Update*
- *New England Journal of Medicine* publishes article titled "Choosing a Mass Immunization Program Against Meningococcal B"
- *Clinical Infectious Diseases* publishes a review of measles outbreak cost estimates in the U.S. between 2004–2017

CONFERENCES AND MEETINGS

- Reminder: The 49th National Immunization Conference will be held in Atlanta on May 19–21
- American Public Health Association's 2020 Annual Meeting and Expo will be held in San Francisco, October 24–28

TOP STORIES

Video of the Week

Don't Skip This: Dr. Aaron Carroll highlights Michael Becker, a biotech executive who died of oropharyngeal cancer in 2019. He had strongly advocated for HPV vaccine in males as well as females. Almost 16,000 of the 39,000 cases of HPV-associated cancers diagnosed yearly are in males. Dr. Carroll states it's highly likely that HPV vaccine will prevent HPV-related oral cancers, as well as many penile and anal cancers.
Visit the VOTW archive

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Technically Speaking

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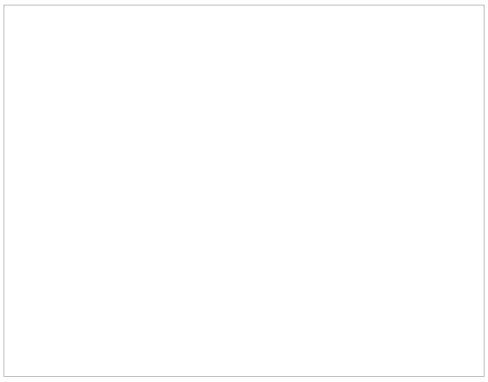
2020 U.S. recommended immunization schedules for children and adolescents as well as for adults now available on CDC's website

On February 3, CDC posted the 2020 recommended immunization schedules for children and adolescents, as well as for adults, on CDC's Immunization Schedules for Health Care Providers web page.

For children and adolescents

The immunization schedule information for children and adolescents is available on the CDC web page titled Table 1. Recommended Child and Adolescent Immunization Schedule for Ages 18 Years or Younger, United States, 2020.

Access the full-color 8-page PDF of the child/adolescent schedule.



View what has changed on the child schedule for 2020.

For adults

The immunization schedule information for adults is available on the CDC web page titled Table 1. Recommended Adult Immunization Schedule for Ages 19 Years or Older, United States, 2020.

Access the full-color 6-page PDF of the adult schedule.

View what has changed on the adult schedule for 2020.

Related Links

- CDC web page: Schedule-Related Resources for healthcare providers
- CDC web page: Schedules and Resources for Parents and Adults
- CDC web page: Resources for Healthcare Providers

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CDC and WHO have declared public health emergencies regarding 2019 novel coronavirus

On Feb. 1, CDC updated the information on its web page titled 2019 Novel Coronavirus (2019-nCoV) Situation Summary. The portion of the Background section



Read Dr. Wexler's column for the Vaccine Education Center's monthly newsletter, *Vaccine Update*

Vaccinating Adults: A Step-by-Step Guide



IAC's 142-page book available for free download.

Calendar of Events



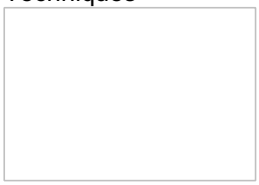
Conferences, meetings, and training opportunities

Patient Record Cards



Record cards for patients -- child & teen, adult, and lifetime -- are printed on durable paper and sized to fit in a wallet when folded

DVD: Immunization Techniques



Every practice should have this award winning, "how-to" training video

Protect Newborns Guidebook



Comprehensive guide *Hepatitis B: What Hospitals Need to Do to Protect Newborns*

Editorial Information

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containing the public health emergency information is reprinted below:

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a "public health emergency of international concern" (PHEIC). On January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to 2019-nCoV. Also on January 31, the President of the United States signed a presidential "Proclamation on Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus." These measures were announced at a press briefing by members of the President's Coronavirus Task Force.

Related links:

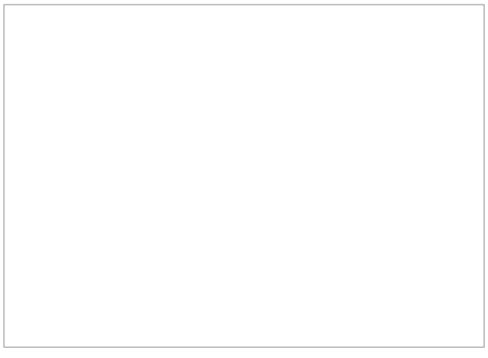
- Access CDC's 2019 Novel Coronavirus Situation Summary web page
- Access WHO's Statement on the second meeting of the International Health Regulations Emergency Committee regarding the outbreak of novel coronavirus
- Visit CDC's 2019 Novel Coronavirus main page
- CDC's 2019 Novel Coronavirus Information for Healthcare Professionals web page
- Visit CDC's Health Alert Network main page with resources for Emergency Health Professionals
- Visit CDC's 2020 Newsroom Releases
- Visit WHO's Novel Coronavirus main page
- WHO's Novel Coronavirus (2019-nCoV) Technical Guidance web page

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CDC reports influenza activity remains high and has increased over the last two weeks; please continue vaccinating this season to prevent flu from spreading further

According to CDC's Weekly U.S. Influenza Surveillance Report, FluView for the week ending January 25, key indicators that track flu activity remain high and, after falling during the first two weeks of the year, increased over the last two weeks. Indicators that track severity (hospitalizations and deaths) are not high at this point in the season.

Forty-nine states and Puerto Rico reported widespread activity, while Hawaii, the District of Columbia, and the U.S. Virgin Islands reported regional, local, or sporadic activity for this time period.



A total of 68 influenza-associated pediatric deaths have been reported for the 2019–20 season, 45 associated with influenza B viruses. Fourteen influenza-associated pediatric deaths were reported to CDC between weeks ending November 9–January 25.

Visit the CDC's Weekly U.S. Influenza Surveillance Report, FluView, for details.

Influenza vaccination is recommended for everyone six months of age and older, so please continue to vaccinate all your patients in this age range. If you don't provide influenza vaccination in your clinic, please recommend

Consulting Editors
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Abbreviations
AAFP: American Academy of Family Physicians
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MMWR: Morbidity and Mortality Weekly Report
NCIRD: National Center for Immunization and Respiratory Diseases
VIS: Vaccine Information Statement
WHO: World Health Organization

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vaccination to your patients and refer them to a clinic or pharmacy that provides vaccines or to the HealthMap Vaccine Finder to locate influenza vaccination services near them.

Related Links:

- CDC's Seasonal Flu web section
- CDC's FluView web section
- CDC's Free Resources related to influenza
- IAC's Influenza Educational Materials, free and ready to print
- IAC's Ask the Experts: Influenza web page
- IAC's Vaccines: Influenza web page
- National Adult and Influenza Immunization Summit website
- *The Summit Buzz:* Newsletter of the National Adult and Influenza Immunization Summit (NAIIS)
- Influenza Vaccine Availability Tracking System—IVATS: a resource for healthcare settings looking to purchase influenza vaccine (made available from NAIIS)

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IAC Spotlight! In case you missed them, these IAC materials and web pages on immunize.org were updated during December and January

In almost every issue of *IAC Express,* we provide readers with information about new and updated educational materials for healthcare professionals and handouts for patients that have been made available during the past week on IAC's website immunize.org. All these materials are available free for you to download, print, copy, and distribute in your healthcare settings. We also announce major updates to the web pages and sections on immunize.org.

Below you'll find a listing of items we've announced in *IAC Express* during the past two months

Educational Materials for Healthcare Professionals

Staff Education Materials

- Current Dates of Vaccine Information Statements (VISs)
- You Must Provide Patients with Vaccine Information Statements (VISs) – It's Federal Law!

Handouts for Your Patients

- You're 16…We Recommend These Vaccines for You!; also available in Spanish

Updated PowerPoint Slide Set

- To Err Is Human: Not to Err Is Better! Vaccination Errors and How to Prevent Them slide set

New Web Pages

- State Laws: DTaP Vaccine Mandates for Child Care and Elementary Schools
- State Laws: Hib Vaccine Mandates for Child Care
- State Laws: MMR Vaccine Mandates for MMR Vaccine Mandates for Child Care and K-12
- State Laws: Polio Vaccine Mandates for Child Care and Elementary Schools

Updated VIS Web Pages

- Adenovirus VIS web page includes new final Adenovirus VIS
- Anthrax VIS web page includes new final Anthrax VIS
- Rabies VIS web page includes new final Rabies VIS

Related Links

- Visit IAC's View All Materials web page to obtain a list of more than 300 staff educational materials and patient handouts on immunize.org

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- Visit IAC's Handouts main page to see educational materials sorted by category
- Visit IAC's Ask the Experts section on immunize.org to access more than 1,000 questions answered by IAC experts
- Visit IAC's Clinic Tools main pages and its seven subtopics
- Visit the What's New at IAC: Handouts web page to view all new and updated educational materials and the dates they were posted on immunize.org
- Visit the What's New at IAC: Web Pages to view all new and updated web pages and dates they were posted on immunize.org
- Visit the What's New at IAC: Vaccine Information Statements web page to view all new and updated Vaccine Information Statements and the dates they were posted on immunize.org

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Deadline extended to February 10 for submitting nominations for 2020 Immunization Excellence Awards for the National Adult and Influenza Summit

The deadline for submitting nominations for the 2020 Immunization Excellence Awards for the National Adult and Influenza Immunization Summit (NAIIS) has been extended until Feb 10.

The 2020 awards recognize individuals and organizations that have made extraordinary contributions towards improving vaccination rates within their communities during 2019. Awardees exemplify the meaning of the "immunization neighborhood" (collaboration, coordination, and communication among immunization stakeholders dedicated to meeting the immunization needs of the patient and protecting the community from vaccine-preventable diseases).

A National Winner will be selected for each award category, and where appropriate, an Honorable Mention recipient. The winners will be presented with their awards at the NAIIS meeting to be held May 18 in Atlanta; the awards ceremony will be May 18. The national winner in each category will be invited to present their programs at the meeting.

The deadline for nominations has been extended to February 10.

Access information on the award categories and the nomination form.

Related Links

- NAIIS website
- NAIIS newsletter: *The Summit Buzz*

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Not-to-miss immunization articles in the news

Four articles that appeared in the media recently are particularly compelling in conveying the potential risks of vaccine-preventable diseases and the importance of vaccination.

- *The Washington Post*: Coronavirus Vaccine Research is Moving at Record Speed, by Carolyn Johnson (1/30/20)
- *Good Morning America*: High flu activity spreads across US as virus claims 14 more children, by Erin Schumaker (1/31/20)
- *KSL TV*: Utah Family Warning Others After Losing Father to Flu, by Tania Dean (1/27/20)
- *The Hill*: Not Too Late: Flu Shots Can Still Protect Babies and Moms, by Christie Lawrence and Kristen Welsh, (1/24/20)

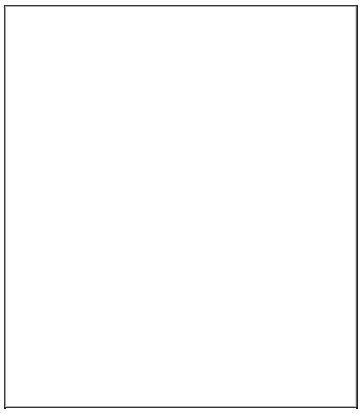
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FEATURED RESOURCES

Families Fighting Flu announces launch of new blog titled *Insights on Influenza*

Families Fighting Flu launched their new blog, *Insights on Influenza,* in January. This blog features new articles twice a month to share in-depth influenza-related information in an effort to help others learn more about flu prevention and treatment, as well as to honor lost loved ones.



Related Link:

- Families Fighting Flu website

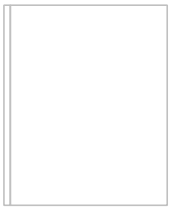
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IAC's elegantly designed "Vaccines Save Lives" black enamel pins are a great way to show you value immunization!

IAC's elegantly designed "Vaccines Save Lives" pin on hard black enamel with gold lettering and edges makes a meaningful gift for people who care about immunization.

The pin is a stick-through-post variety with the back end covered by a round rubber cap that holds the pin securely. A gold metal spring-lock clasp is also provided. The pin makes a refined statement, measuring 1.125" x 0.75".

Wear these pins on clothing, uniforms, lab coats, tote bags, and backpacks to show that you value vaccines!



Click here for "Vaccines Save Lives" pins pricing and ordering information.

Visit Shop IAC for additional items, including "FLU VACCINE" buttons and stickers, patient record cards, and a vaccine administration training video.

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Flu season is ongoing, so make sure you have IAC's "FLU VACCINE" buttons for staff and patient stickers on hand!

IAC's "FLU VACCINE" buttons and stickers are ready to ship! Their bright red color helps broadcast your important message about the need for flu vaccination. And the cost is nominal.

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“FLU VACCINE” BUTTONS

The button measures 1.25" across and carries a bold message! Pin on lab coats, uniforms, other clothing, tote bags, or backpacks to show support for flu vaccine.

Buttons are delivered in bags of 10 buttons per bag.

Click here for pricing and ordering information for "FLU VACCINE" buttons.

“FLU VACCINE” STICKERS

Measuring 1.5" across and printed on Avery labels, theses stickers adhere well to clothing and have an easy-peel-off back.

Stickers are delivered to you cut individually (not on rolls)—available in bundles of 100.

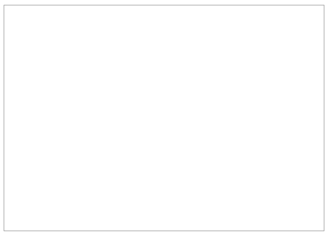
Click here for pricing and ordering information for “FLU VACCINE” stickers.

Visit Shop IAC for additional items, including "Vaccines Save Lives" enamel pins, patient record cards, and a vaccine administration training video.

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IAC's comprehensive *Vaccinating Adults: A Step-by-Step Guide* is available for free download either by chapter or in its entirety (142 pages)

In late 2017, the Immunization Action Coalition (IAC) announced the publication of its book, *Vaccinating Adults: A Step-by-Step Guide (Guide)*.



This completely updated "how to" guide on adult immunization provides easy-to-use, practical information covering essential adult immunization activities. It helps vaccine providers enhance their existing adult immunization services or introduce them into any clinical setting. Topics include:

- setting up for vaccination services,
- storing and handling vaccines,
- deciding which people should receive which vaccines,
- administering vaccines,
- documenting vaccinations (including legal issues), and
- understanding financial considerations and billing information.

In addition, the *Guide* is filled with hundreds of web addresses and references to help providers stay up to date on the latest immunization information, both now and in the future.

The *Guide* is available to download/print either by chapter or in its entirety free of charge at www.immunize.org/guide. The downloaded version is

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suitable for double-sided printing. The National Vaccine Program Office and CDC both supported the development of the *Guide* and provided early technical review.

The *Guide* is a uniquely valuable resource to assist providers in increasing adult immunization rates. Be sure to get a copy today!

Related Links

- See *Vaccinating Adults: A Step-by-Step Guide* and all its content
- Free download of entire *Guide* (10.6 MB PDF)
- View the Table of Contents and individual chapters in PDF format:
  – Table of Contents
  – Step 1: Getting Started
  – Step 2: Setting Up for Vaccination Services
  – Step 3: Vaccine Storage and Handling
  – Step 4: Deciding Whom to Vaccinate
  – Step 5: Administering Vaccines
  – Step 6: Documentation and Related Issues
  – Step 7A: Financial Considerations
  – Step 7B: How to Bill for Adult Immunizations
- Promotional flyer for *Vaccinating Adults: A Step-by-Step Guide*
- IAC's educational materials (handouts) on adult immunization

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JOURNAL ARTICLES AND NEWSLETTERS

January issue of CDC's *Immunization Works* newsletter now available; subscribe for monthly immunization resources and information

CDC recently released the January issue of its monthly newsletter, *Immunization Works*. The newsletter offers the immunization community information about current topics. The information is in the public domain and can be reproduced and circulated widely.

Subscribe to CDC's *Immunization Works* newsletter for monthly resources and information on vaccination sent straight to your inbox.

Related Links

- January issue of *Immunization Works*
- *Immunization Works* main page with links to archives
- CDC newsletter subscription web page

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Vaccine Education Center at Children's Hospital of Philadelphia publishes January issue of its newsletter *Vaccine Update*

The Vaccine Education Center (VEC) at Children's Hospital of Philadelphia publishes a monthly immunization-focused newsletter titled *Vaccine Update.* The January issue includes several articles, including the following:

- News & Views—Considering Intestinal Microbiota in Practice by Charlotte A. Moser, BS, and Paul A. Offit, MD
- In the Journals—Impact of CA SB277 Removing Non-medical Exemptions by Paul A. Offit, MD
- Technically Speaking—CDC Releases 2020 Version of Its *Vaccine Storage and Handling Toolkit* by IAC's Deborah L. Wexler, MD
- On the Bookshelf—*No More Measles: The Truth about Vaccines and Your Health* by Charlotte A. Moser, BS
- Vaccine Resources—VoICE, Rotavirus and Type 1 Diabetes, and VIS Updates

Access the sign-up form to subscribe to *Vaccine Update.*

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New England Journal of Medicine publishes article titled "Choosing a Mass Immunization Program Against Meningococcal B"

New England Journal of Medicine published Choosing a Mass Immunization Program Against Meningococcal B (Ken Wu, et al.) on January 23.

This interactive feature about an outbreak of meningitis caused by *Neisseria meningitidis* group B in a public university offers a case vignette accompanied by essays that either support or discourage a mass immunization program.

Subscribers can access the article from the *NEJM* website. If you are not a subscriber, you can fill out a form on the website to obtain three free articles per month at no charge.

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Clinical Infectious Diseases publishes a review of measles outbreak cost estimates in the U.S. between 2004–2017

Clinical Infectious Diseases published A review of measles outbreak cost estimates from the U.S. in the post-elimination era (2004–2017): estimates by perspective and cost type in its January 22 issue. The abstract is reprinted below.

Despite the elimination of measles in the U.S. in the year 2000, cases continue to occur with measles outbreaks having occurred in various jurisdictions in the U.S. in 2018 and 2019. Understanding the cost associated to measles outbreaks can inform cost-of-illness and cost-effectiveness studies of measles and measles prevention. We performed a literature review and identified 10 published studies from 2001–2018 that presented cost estimates from 11 measles outbreaks. Median total costs per measles outbreak were $152,308 (range, $9,862–$1,063,936); median cost per case was $32,805 (range, $7,396–$76,154) and median cost per contact was $223 (range, $81–$746). There was limited data on direct and indirect costs associated with measles. These findings highlight how costly measles outbreaks can be, the value of this information for public health department budgeting, and the importance of more broadly documenting the cost of measles outbreaks.

Access the full article in PDF format.

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CONFERENCES AND MEETINGS

Reminder: The 49th National Immunization Conference will be held in Atlanta on May 19–21

The 49th National Immunization Conference (NIC) will be held May 19–21 at the Westin Peachtree Plaza Hotel in Atlanta, GA. NIC brings together more than 1,500 local, state, federal, and private-sector immunization stakeholders and partners to explore science, policy, education, and planning issues related to immunization and vaccine-preventable diseases.

Registration for the conference is now open.

Visit the National Immunization Conference web page for more information about conference and hotel registration, fees, and more.

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American Public Health Association's 2020 Annual Meeting and Expo will be held in San Francisco, October 24–28

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The American Public Health Association's (APHA) 2020 Annual Meeting and Expo is inviting abstracts for its APHA 2020 Annual Meeting and Expo, which will be held October 24–28 in San Francisco. The deadline for submitting abstracts is February 20. Access additional information on the APHA 2020 Annual Meeting and Expo abstract submission web page.

Visit the APHA 2020 Annual Meeting and Expo web page for information about conference and hotel registration, presentations, and more.

Related Links

- APHA 2020 Annual Meeting and Expo website
- APHA website

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About *IAC Express*
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From: Disability Rights Florida <noreply@disabilityrightsflorida.org>
Sent: Wednesday, October 09, 2019 1:49 PM EDT
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: iBudget Redesign: Let Us Know Your Thoughts!

News and Information from Disability Rights Florida

October 9, 2019

iBudget Redesign: We Invite Your Comments and Questions

The Agency for Persons with Disabilities (APD) has been working in conjunction with the Agency for Health Care Administration (AHCA) to develop a redesign of the Medicaid iBudget Waiver Program, in hopes to create a plan structured to end its frequent operation at a deficit. Throughout this year, Disability Rights Florida has been in contact with APD to receive more detailed and transparent information regarding the iBudget redesign plan. We have filed official comments with APD and have provided them for the public's view.

We encourage you to review our commentary and critiques, and to please share your comments or questions with us via email at ibudgetredesign@drflorida.org.

Learn more and read the official comments!

New Goals, Priorities and Objectives for 2020

This summer, we asked you to provide input on what you would like to see our organization accomplish over the next year. Your responses played an integral role in formulating what disability issues are most important to you and helped us learn what you have on your mind.

View our updated 2020 Goals, Priorities, and Objectives on our website.

Happy National Disability Employment Awareness Month!

October is National Disability Employment Awareness Month (NDEAM). It is a national campaign that raises awareness about disability employment issues and celebrates the many and varied contributions of America's workers with disabilities. The theme for 2019 is "The Right Talent, Right Now."

Learn more about National Disability Employment Awareness Month.

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Disability Rights Florida
2473 Care Drive
Suite 200
Tallahassee, FL 32308

Unsubscribe hubbard.zachary@flsenate.gov

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From: Mayfield, Debbie <Mayfield.Debbie@flsenate.gov>
Sent: Wednesday, December 18, 2019 4:59 PM EST
To: Dubose, Kathy <DUBOSE.KATHY@leg.state.fl.us>
CC: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Fischer, Jason <Jason.Fischer@myfloridahouse.gov>; FLAUDGEN <FLAUDGEN@AUD.STATE.FL.US>; SHERRILL NORMAN <SHERRILLNORMAN@AUD.STATE.FL.US>; mayor@pbfl.org <mayor@pbfl.org>; citymanager@pbfl.org <citymanager@pbfl.org>; mike.shannon@dot.state.fl.us <mike.shannon@dot.state.fl.us>; anna.taylor@dot.state.fl.us <anna.taylor@dot.state.fl.us>
Subject: JLAC Follow-up questions for the City of Palm Bay
Attachment(s): "12.18.19 JLAC Palm Bay Audit Hearing Additional Questions - Senator Mayfield.pdf"

Hi Kathy,
In follow up from the Joint Legislative Auditing Committee hearing on December 12, 2019, I have drafted some additional questions that the City of Palm Bay did not have the opportunity to answer in the meeting. Please see attached. I appreciate the Chairman providing this opportunity and thank you for coordinating communication on this important matter.

Sincerely,
Debbie Mayfield

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Agriculture, Environment, and General Government, *Chair*
Children, Families, and Elder Affairs, *Vice Chair*
Appropriations
Environment and Natural Resources
Health Policy

SENATOR DEBBIE MAYFIELD
17th District

December 18, 2019

Kathy Dubose
Joint Legislative Auditing Committee
Claude Pepper Building
111 West Madison Street, Suite 876
Tallahassee, FL 32399

Dear Ms. Dubose,

I am writing in regards to the operational audit of the City of Palm Bay. At the Joint Legislative Auditing Committee (JLAC) hearing on December 12, 2019, the City of Palm Bay had the opportunity to respond to the audit findings, but city staff had limited answers to questions asked by members at that time.

The audit examined records for the St. Johns Heritage Parkway (SJHP)/I-95 Interchange to Babcock Street project, of which there have been a series of contractual improprieties. The City of Palm Bay signed a Memorandum of Agreement with the Florida Department of Transportation (FDOT) on May 16, 2013, outlining the SJHP construction schedule. The construction schedule hinged on the City's commitment to have completed the connection to a public roadway network. FDOT completed the SJHP/I-95 interchange in summer 2019 as outlined in the agreement, however the interchange still remains unopened due to the City's delay in constructing the connecting road. FDOT has incurred approximately $475,000 in additional costs to keep the interchange closed until the City's connecting road is complete. The urgency to complete this project and open the interchange cannot be understated.

I respectfully request that the following questions be included in the JLAC follow-up letter to the City of Palm Bay for response:

1. It is my understanding that the estimated cost to construct the connecting road is approximately $7 million. The City of Palm Bay conveyed that they had approximately $3 million reserved for the connector road project as of October 16, 2019. Has the City of Palm Bay secured the full funding necessary for completion of this project?

2. Based on historical documentation, it is apparent that the developers who stood to profit from the SJHP/I-95 Interchange had originally agreed to provide financial or in-kind support of the connector road. The audit findings specified that "*it was not apparent, of record, why the City*

REPLY TO:
☐ 900 East Strawbridge Avenue, Melbourne, Florida 32901 (321) 409-2025 FAX: (888) 263-3815
☐ 1801 27th Street, Vero Beach, Florida 32960 (772) 226-1970
☐ 322 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

Senate's Website: www.*flsenate.gov*

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

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FL-SEN-20-0201-B, 20-0202-A-005005

did not make a more concerted effort to compel developers benefitting from the Interchange to contribute towards costs related to the Interchange or SJHP Projects." Is the City of Palm Bay actively working to secure funding or in-kind support for the connector road project from the parties that originally pledged the financial backing?

3. As specified in Finding 1 of the Audit, the City of Palm Bay ordinances contain transportation provisions that address methods for meeting identified transportation needs. "*To mitigate the transportation-related costs incurred by the City as the result of a development project, homebuilders or developers are responsible for paying transportation impact fees or proportionate share contributions.*" How much has been secured from the developer(s) in transportation impact fees or proportionate share contributions to date for this project? Is the City of Palm continuing to issue construction permits to the developer(s) that had originally committed to providing the financial or in-kind support for the project?

4. It is my understanding that there are ten property owners along the corridor. Has the City of Palm Bay secured the right-of-way from each of the private property owners needed to move forward with the project? Please provide supporting documentation.

5. On December 21, 2017 the Palm Bay City Council directed city staff to initiate Phase 4 of the Project Development & Environment (PD&E) planning study for the corridor. What is the current status of the SJHP PD&E planning study for the corridor? If the study has not been completed, please provide reasoning for the delay as this step is necessary for the project's successful completion.

Thank you for coordinating communication on this matter. I look forward to reviewing the responses provided by the City of Palm Bay.

Sincerely,

Debbie Mayfield
State Senator, District 17

CC: Senator Jeff Brandes, Alternating Chair of Joint Legislative Auditing Committee
Representative Jason Fischer, Alternating Chair of Joint Legislative Auditing Committee
Sherill Norman, Florida Auditor General
Mayor William Capote, City of Palm Bay
Lisa Morrell, Palm Bay City Manager
Mike Shannon, P.E., District 5 Secretary
Anna Taylor, FDOT Government Affairs Liaison

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From: Butler, Joyce <BUTLER.JOYCE@flsenate.gov>
Sent: Thursday, January 30, 2020 5:00 PM EST
To: Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 33 (Thurston) <SenateDistrict33Thurston@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate Committee - Infrastructure and Security <SenateCommittee-InfrastructureandSecurity@flsenate.gov>; Senate Committee - Innovation, Industry, and Technology <SenateCommittee-Innovation_Industry_andTechnology@flsenate.gov>; Senate Committee - Banking and Insurance <SenateCommittee-BankingandInsurance@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Education <SenateCommittee-Education@flsenate.gov>; !HSE Judiciary Committee <!HSEJudiciaryCommittee@myfloridahouse.gov>; Frier, Nancy <FRIER.NANCY@flsenate.gov>; Hay, Timothy <HAY.TIMOTHY@flsenate.gov>; Senate Committee - Judiciary <SenateCommittee-Judiciary@flsenate.gov>; Senate District 06 (Gibson) <SenateDistrict06Gibson@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 09 (Simmons) <SenateDistrict09Simmons@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate E-Packet <SenateE-Packet@flsenate.gov>; Senate General Counsel <SenateGeneralCounsel1@flsenate.gov>
Subject: JU Meeting Notice for 02-04-2020 12:30 - 2:30 P.M.
Attachment(s): "tmp26B.PDF"

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The Florida Senate

COMMITTEE MEETING NOTICE

JUDICIARY
Senator Simmons, Chair
Senator Rodriguez, Vice Chair

MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: *Toni Jennings Committee Room,* 110 Senate Building

AMENDMENT DEADLINE: The amendment deadline for this meeting, including proposed committee substitutes and delete everything amendments, is Monday, February 3, 2020 at 12:30 p.m. All amendments must be in final form and barcoded when filed.

MEMBERS: Senator Simmons, Chair; Senator Rodriguez, Vice Chair; Senators Baxley, Gibson, Hutson, and Stargel

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SB 290 by Hooper—School Bus Safety

SB 868 by Albritton—Construction Contracting

SB 1256 by Albritton—Telegraph Companies

CS/SB 914 by Banking and Insurance / Brandes—Contingency Risk Multipliers

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SB 1354 by Brandes—Statewide Voter Registration Application

SB 1044 by Pizzo—Animal Cruelty

SB 656 by Pizzo—Arrests

SB 1306 by Thurston—Individual Retirement Accounts

SB 1590 by Powell—Juror Sanctions

SB 1766 by Lee—Growth Management

SB 946 by Baxley—Moments of Silence in Public Schools

SB 1634 by Stargel—Parental Rights

SB 1582 by Simmons—Asbestos Trust Claims

Other Related Meeting Documents

With the Chair's approval, DURING regular session file 1 copy with the Secretary of the Senate (Room 303, Capitol) at least 3 days before meeting and PRIOR to regular session at least 7 days before meeting (Rules 2.6 and 2.8). File 1 copy with the Sergeant at Arms.

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From: Clark, Deborah <DClark@votepinellas.com>
Sent: Wednesday, December 18, 2019 9:21 AM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
CC: Clark, Deborah <DClark@votepinellas.com>; Tammy Jones <tammy@votelevy.com>; Alan Hays - Lake <alan@lakevotes.com>; Ronald Labasky <rlabasky@bplawfirm.net>; david@rambaconsulting.com <david@rambaconsulting.com>; Marcus, Julie <jmarcus@votepinellas.com>; Chase, Dustin <dchase@votepinellas.com>; Gillette, Marc <mgillette@votepinellas.com>; Closterman, Tim <ticlosterman@votepinellas.com>; Pena-Rosado, Alex <apenarosado@votepinellas.com>
Subject: Legislation - Request for Input (Senator Brandes)
Attachment(s): "billdraft75627.elections.docx","0005_001.pdf"

Vanessa –

I support the attached bill and appreciate Senator Brandes providing the opportunity to review the language.

Specifically, I want to thank Senator Brandes for proposing additional time to conduct the First Logic and Accuracy Test (line 43) from 10 days to 25 days. This will provide us with additional time to conduct pre-election activities, e.g., program voting equipment. The proposed language also helps to correct a technical issue created in SB 7066. The language the Senator is proposing allows Canvassing Boards to take full advantage of being able to canvass mail ballots 22 days prior to the election.

Also attached are the Florida Supervisors of Elections (FSE) legislative priorities for further consideration.

If you have any questions, my email address is dclark@votepinellas.com; this can be used for all direct correspondence rather than sending to election@votepinellas.com.

Have a safe and happy holiday season.

Sincerely,

Deborah Clark, CERA
Supervisor of Elections
Pinellas County, Florida
13001 Starkey Rd, Largo FL 33773
727-464-4987
dclark@votepinellas.com

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Florida Statute 668.6076

From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, December 4, 2019 1:59 PM
To: Mail, Election <election@votepinellas.com>
Subject: Senator Brandes - Legislation

Supervisor Clark,

Senator Brandes has been asked to file 2 pieces of legislation that he would like to run by you before doing anything.

At your convenience, would you be able to review and let us know your thoughts?

Thank you so much,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

FLORIDA STATE ASSOCIATION OF SUPERVISORS OF ELECTIONS
PO Box 350 | Tallahassee, FL 32302 | Telephone: (850) 599-9120

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Brenda Hoots

General Counsel

Ronald Labasky, Esq.

Florida Supervisors Association

2020 Legislative Priorities and Issues

The Florida Supervisors of Elections respectfully asks the Legislature to assist us in the coming 2020 elections by adopting these priorities and supporting these issues for the coming session.

1. Funding for ERIC - Electronic Registration Information Center - Legislation was passed in 2018 authorizing Florida to join ERIC. It was announced by the Governor DeSantis and Secretary of State Lee on August 21, 2019 that Florida will join ERIC. The financial obligations are approximately $1.3 million to improve voter registration by contacting potentially eligible but unregistered voters with instructions on how to register to vote. The outreach to potentially eligible voters is conducted every two years ahead of each federal general election. It is far better to do this statewide than doing it county by county. (House budget bill and Senate project sponsors needed)

2. Super Voting Sites - As evidenced by the disruption of voting sites and locations after Hurricane Michael, and still today, many precincts in Bay County are unavailable to be used or are destroyed. Legislation is needed to allow each SOE the option, at the county level, for early voting and on Election Day to use Super Voting Sites where any voter from the county can cast their ballot. The benefits include less confusion for voters on precinct changes, equipment and personnel cost savings, greater organization and ease of location provided to voters, and ballots not rejected for being at the wrong precinct. In essence this is early voting extended through Election Day at 7:00 PM. This will also empower SOE's to utilize Super Sites in the event of another hurricane or natural disaster without having to wait on action by the Governor.

3. Allow a local supervisor and canvassing board the option to utilize for recounts, automated independent audit systems which have been approved and certified by the Division of Elections Bureau of Standards. (SB 582 in 2019)

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4. Public Records Exemption for ALL voter information contained in the statewide voter database, including email addresses and phone numbers, except for use for legitimate political purposes. (Amend 97.0585) This will assist in the completion of signature cure issues as well as improve the security of personal information of the voters.

5. Remove the $.10 limitation for initiative signature petition review and allow the Department of State, by rule, to set the actual cost to county taxpayers that must be paid for the cost of review. (Amend 99.097(4)) The $0.10 maximum allowed now is woefully inadequate!!

6. Remove language added in the 2019 Session requiring solicitation to be allowed on Private Property used as a polling place beyond the 150' No Solicitation Zone. (Amend 102.031) This language has resulted in the loss of several previously utilized polling places. The property owners refuse to allow solicitation on their property and thus are refusing to allow their facility to be a polling place.

7. Extend the current 30 day review period for initiative petition verification to 60 days.

8. Allow two additional days for recount deadlines. This will greatly assist the large counties who have several million ballots to recount.

9. Review and match statute for Mail-Only-Elections to comply with the time frames and certificate envelope match of Vote-By-Mail Ballots.

10. Modify the qualifying bounced check requirements in statute as a result of Wright v. City of Miami Gardens. Require the qualifying check to be either a cashier's check or a bank check.

11. In the instance of polling hours being extended by Court order or by order of a Governor's action, eliminate the requirement to use provisional ballot envelopes for all votes cast by voters not in line at 7:00 PM. The ballot cast during the extended time can be securely segregated much easier and more reliably than using provisional ballot envelopes. The envelopes slow down the whole process.

12. Expand the allowed number of "wildcard" early voting locations to allow a total of two locations.

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TECHNICAL CHANGES IN STATUTE NEEDED

- Amend 103.091 to allow State Committeemen and State Committeewomen to prequalify. They are currently allowed to qualify only during qualifying week, a VERY busy week for every SOE.
- Move Logic & Accuracy Testing to 25 days before the election. The 2019 changes allowed canvassing of ballots 22 days prior to the election. L&A Testing needs to be allowed prior to canvassing.
- Remove conflict in 101.043(1)(b)&(c) regarding providing identification and confirming address and correct precinct of voter.
- Remove portion of 101.5614 which requires duplication of over-voted ballots. This duplication is very time consuming and completely wasteful.

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24-01581-20

A bill to be entitled

An act relating to elections; amending s. 101.043, F.S.; deleting a provision that prohibits the use of an address appearing on identification presented by an elector at the polls as a basis to confirm or otherwise challenge an elector's legal residence; amending s. 101.5612, F.S.; revising the timeframes for conducting public preelection testing of automatic tabulating equipment; amending s. 101.5614, F.S.; removing the requirement that duplicate ballots be made of vote-by-mail ballots containing overvoted races; amending s. 101.6103, F.S.; revising the timeframe in which the supervisor of elections must mail ballots in elections conducted under the Mail Ballot Election Act; amending s. 103.091, F.S.; expanding the timeframe within which candidates for political party executive committees may qualify for office; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.—

(1)

(b) If the picture identification does not contain the signature of the elector, an additional identification that provides the elector's signature shall be required. ~~The address appearing on the identification presented by the elector may not~~

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

~~be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence.~~ The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the elector's signature. The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

Section 2. Subsection (2) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(2) On any day not more than 25 ~~10~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. If the ballots to be used at the polling place on election day are not available at the time of the testing, the supervisor may conduct an additional test not more than 10 days before election day. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication on the supervisor of elections' website and once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting the notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and

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location of the public preelection test to each candidate qualifying with that office and obtain a signed receipt that the notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each candidate to contact the county supervisor of elections as to the time and location of the public preelection test. The supervisor or the municipal elections official shall, at least 30 ~~15~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee shall not interfere with the normal operation of the canvassing board.

Section 3. Paragraph (a) of subsection (4) of section 101.5614, Florida Statutes, is amended to read:

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101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. ~~Likewise,~~ A duplicate ballot must also ~~shall~~ be made of ~~a vote-by-mail ballot containing an overvoted race or~~ a marked vote-by-mail ballot in which every race is undervoted, including ~~which shall include~~ all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

Section 4. Subsection (1) of section 101.6103, Florida Statutes, is amended to read:

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection (7), the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector entitled to vote in the election not sooner than the 40th ~~20th~~ day before the election and not later than the 10th day before

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the date of the election. All such ballots shall be mailed by first-class mail. Ballots shall be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked "Do Not Forward."

Section 5. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the primary election in each year a presidential election is held. The terms begin ~~shall commence~~ on the first day of the month following each presidential general election,~~;~~ but the names of candidates for political party offices may ~~shall~~ not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections no ~~not earlier than noon of the 71st day, or~~ later than noon of the 67th day~~,~~ preceding the primary election. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

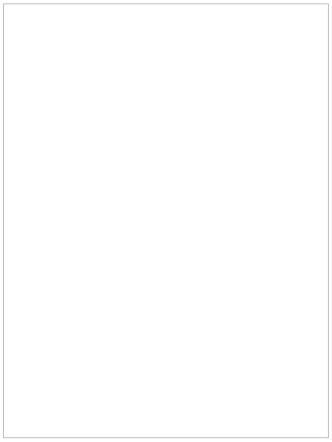
Section 6. This act shall take effect July 1, 2020.

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From: Volusia GOP <volusiarepublicans@recvc.org>
Sent: Monday, February 03, 2020 8:30 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: MAGA Meetup for SOTU Tuesday

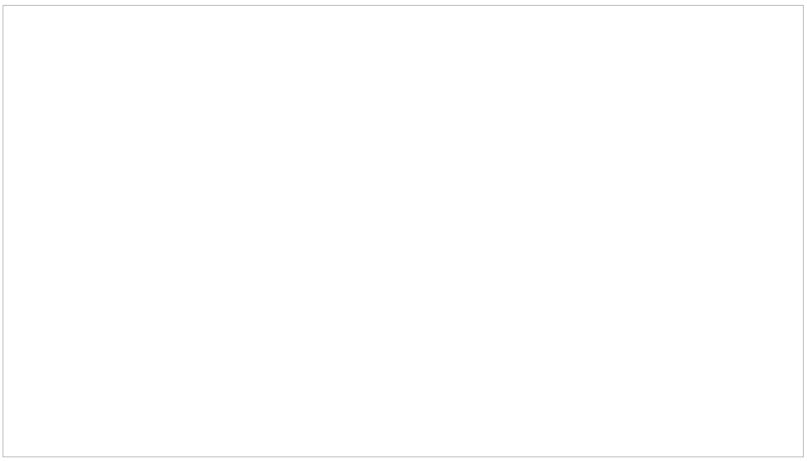
Volusia County GOP Executive Committee

Friend --

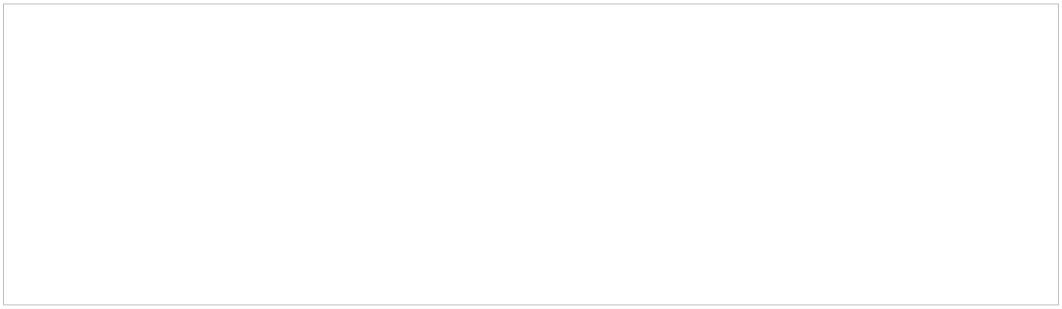


PAUL DEERING

VOLUSIA COUNTY REPUBLICAN CHAIRMAN



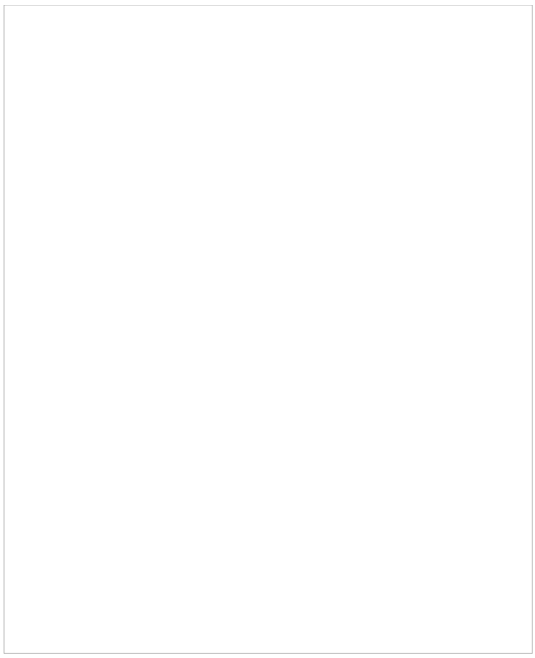
We need you to show your support for our transformational Presidentwhen he delivers an epic State of the Union Address Tomorrow night, on the eve of his anticipated acquittal by the U.S. Senate.



Click the button below to RSVP now for our State of the Union MAGA Meetup, Tuesday, February 4th starting 8 pm at Volusia Top Gun, 2900 Bellevue Avenue Ext. Daytona Beach, Florida:

RSVP HERE

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Just two days later, **Republican Party of Florida Chairman Joe Gruters** joins Vic Baker and Joe Fieldus on **TRUMP TALK NOW** for a discussion of the President's second-term agenda, his acquittal by the U.S. Senate, and the Trump Victory campaign mobilization here in Florida.

Come t**o Volusia Top Gun** and be part of our weekly

live TRUMP TALK NOW audience.

Join us Thursday, February 6, 7-8 pm in the Double Barrel Grill

at Volusia Top Gun

2900 Bellevue Ave. Ext. in Daytona Beach.

Click the button below to RSVP:

TRUMP TALK NOW

You can also watch us live on Facebook

(click this link: TRUMP TALK NOW),

Trump Talk Now streams live in front of the gun range

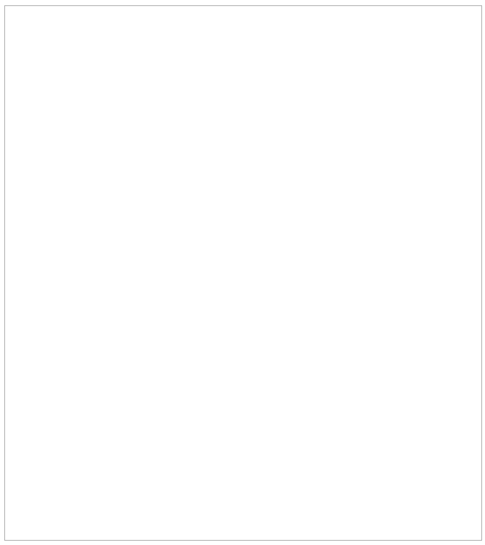
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Trump Talk Now is a production of Moltane Broadcasting, LLC.

Other Republican events this week:

REPUBLICAN CLUB OF PORT ORANGE

6 pm Wednesday, February 5, at Tomoka Brewing Company, 4647 Clyde Morris Blvd.



Featured Guest Speaker: Brigadier Gen. Ernest Audino, US Army (Ret)

General Audino serves as District Director for Congressman Michael Waltz (FL6). He is also a Senior Military Fellow at the London Center for Policy Research and the Gold Institute for International Strategy. He contributes frequently to the Washington Times and many other media outlets, national and international, where he provides commentary and analysis on national security, foreign policy, strategy, leadership, and the Middle East.

CLICK HERE FOR MORE INFO:

PORT ORANGE

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REPUBLICAN CLUB OF SOUTHWEST VOLUSIA

6 pm Thursday, February 6 at VFW Post 8093

351 S Charles Richard Beall Blvd, DeBary

FEATURED SPEAKER: HORACE ANDERSON, JR.

February is Black History Month.

This is a fitting timed to tell the REAL story about the role of the Republican Party in emancipating the slaves,

and passing the 13th, 14th and 15th Amendments ending slavery, guaranteeing rights of citizenship, the vote and due process to all Americans.

Republicans did all this without any help from the Democrats who fought a Civil War over slavery and then spawned the KKK,

Jim Crow laws and another century of lynchings, segregations and discrimination until the civil rights movement brought new legislation in the 60's.

Horace has been producing video vignettes on YouTube and plans to write a book to tell the real story of the Civil War against Civil Rights.

CLICK HERE FOR MORE INFO:

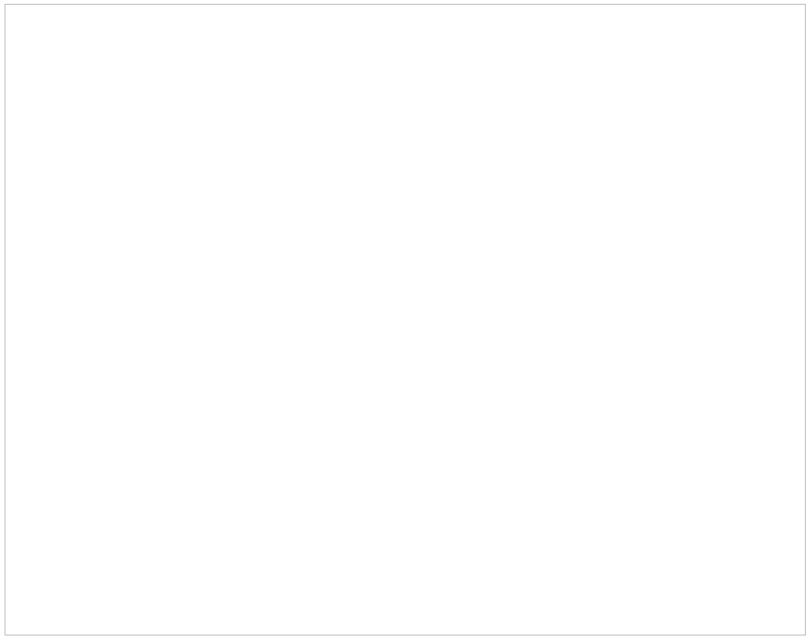
SW VOLUSIA REPUBLICAN CLUB



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Our remarkable, transformational President needs US

NOW MORE THAN EVER!



Below you will find the link to sign up to work at the Volusia County Republican Party's Voter Registration kiosk at the Daytona Beach Flea Market. Please sign up to help re-elect our transformational President!

We are only asking for 2 to 3 hours of your time.

The flea market will be open all day every day during Speed week at Daytona!

https://www.signupgenius.com/go/60B0D45ADAB2FAAFF2-daytona2

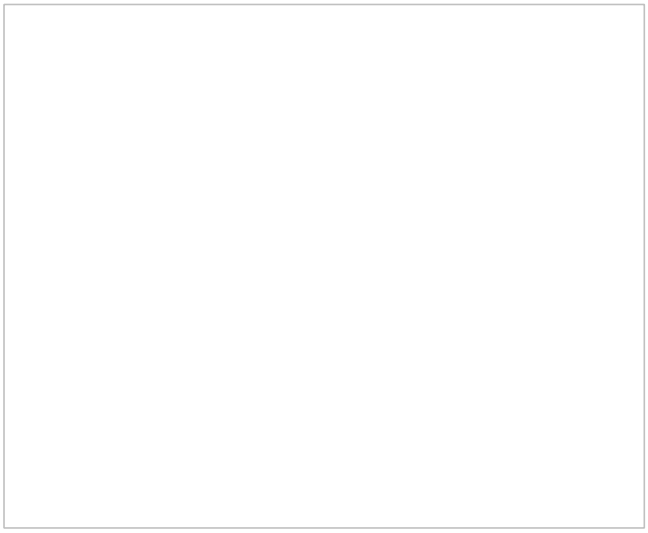
If you have any questions or concerns please contact

Kathy Pugh

text/call **386-956-8427**

or reach out via email

katannpugh@gmail.com



Together, let's **KEEP VOLUSIA RED and KEEP AMERICA GREAT!**

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Volusia GOP
http://www.volusiacountyrepublicans.org/

REPUBLICAN EXECUTIVE COMMITTEE OF VOLUSIA COUNTY · PO Box 9096, Daytona Beach, FL 32120, United States
This email was sent to brandes.jeff@flsenate.gov. To stop getting these, click here.

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Created by Ron Robinson/CivicMerit with NationBuilder.

From: Scott Bajgrowicz <scottb94@gmail.com>
Sent: Tuesday, October 22, 2019 3:43 PM EDT
To: Brandes, Jeff <Brandes.Jeff@flsenate.gov>
Subject: Meeting for Tomorrow?
Attachment(s): "Free and Fair Elections_Digital Packet_wLanguageStates.pdf"

Hello,

I am writing to request a short meeting with Sen. Brandes for any time tomorrow in his Capitol Office to discuss the subject campaign finance reform, and specifically the FREE AND FAIR ELECTIONS memorial that as introduced in both chambers last session.

Below, I have links to the bill texts for last session along with a .PDF attachment containing supporting and informational documents.

I am a Florida resident spending my own time on this because I believe without serious change to our campaign finance laws, our Federal Congress will continue to be inefficient partly due to the massive amount of time they spend fundraising, and that government will not be able to truly represent me or the other citizens of Florida and the US.

2019 Bill Text, HM883 - Article V Convention for Free and Fair Elections

2019 Bill Text, SM1230 - Permanently Restore Free and Fair Elections

I look forward to hearing from you,

-Scott Bajgrowicz

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A Nation United Against Corruption

— THE —
FREE & FAIR ELECTIONS
— RESOLUTION —

This is not a left or right issue, it's an **American issue**.

Let's take responsibility, as citizens and elected officials, to fix our broken campaign finance system in America and renew the people's trust in government.

This resolution uses a **proven strategy** to bring about much needed constitutional change when Congress is unwilling or unable to take action, by calling for a limited convention under Article V of the U.S. Constitution to address the topic of campaign finance reform.

We must ensure that elections in America are transparent, **free from** the undue influence of special interests, and **fair enough** that any citizen can be elected.

The Problem is we are in danger of losing a country dependent upon the people alone. This fundamental American principle has been distorted by a dependency on powerful special interests, often with little to no transparency, and eroded the people's trust in government.

The Solution is a U.S. Constitutional Amendment. Why an Amendment?

- **An Amendment is the only solution that goes above Congress and the Supreme Court.**
- **An Amendment is a lasting solution and can protect state and local laws.**

There are only **two** ways to propose amendments to the Constitution:

- **2/3 of Congress can propose...**
- **2/3 of the States can apply for a convention to propose...**

Ratification: Any amendment proposed by Congress or a convention **must be approved by 75% of the States** afterwards. This extremely high bar **ensures** that only the most reasonable amendments, those with widespread appeal across the political spectrum, will become part of the Constitution.

Facts

— The majority of U.S Constitutional Amendments have included a convention campaign from the States.

— 85% of Americans believe our campaign finance system needs fundamental changes.

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Taking Responsibility for Fixing our Broken Government

"Money's dominance over politics is a top problem our nation faces. It prevents us from tackling anything else. We have reached a stunning point: Either we are a country that makes decisions based on the common good, or one where the size of your wallet determines the worth of your ideas. Either we uphold the values of a representative democracy or we allow greed and wealth to destroy the great American experiment in self-governance."

— former Senator Alan Simpson (R-WY)

"Millionaires, billionaires can put in unlimited amounts of money directly into the campaign. In a way, it gives legal bribery a chance to prevail, because almost all the candidates, whether they're honest or not, and whether they're Democratic or Republican, depend on these massive infusions of money from very rich people in order to have money to campaign."

— former President Jimmy Carter

"Our nation is facing a crisis of liberty if we do not control campaign expenditures. We must prove that elective office is not for sale. We must convince the public that elected officials are what James Madison intended us to be, agents of the sovereign people, not the hired hands of rich givers…"

— former Senator Barry Goldwater (R-AZ)

"The need for real campaign finance reform is not a progressive issue. It is not a conservative issue. It is an American issue. It is an issue that should concern all Americans, regardless of their political point of view, who wish to preserve the essence of the longest standing democracy in the world, a government that represents all of the people and not a handful of powerful and wealthy special interests."

— Senator Bernie Sanders (D-VT)

"Conservatives want to see more transparency in politics. We deserve an America where our views are not dismissed simply because we might disagree with a high-priced lobbyist who happened to give more money to a politician."

— John Pudner, Executive Director, Take Back Our Republic

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Article V Convention Quotes

"We are convinced that Article V was designed to permit limited conventions and that a variety of legal and political means are available to help to enforce such limits."

- **Office of Legal Policy, U.S. Department of Justice**, *Limited Constitutional Conventions under Article V of the United States Constitution*

"Our two-year study of the subject has led us to conclude that a national constitutional convention can be channeled so as not to be a [radical force] but rather an orderly mechanism of effecting constitutional change when circumstances require its use. The charge of radicalism does a disservice to the ability of the states and people to act responsibly when dealing with the Constitution."

- **American Bar Association**, *Amendment of the Constitution by the Convention Method under Article V*

"The Article V Convention for proposing amendments was the subject of considerable debate and forethought at the Constitutional Convention. The founders clearly intended it as a balance to proposal of amendments by Congress, providing the people, through their state legislatures, with an alternative means to consider amendments, particularly if Congress was unable or unwilling to act on its own."

- **Congressional Research Service**, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*

"...The Convention Clause provides an important means to adopt or force Congress to adopt amendments that are perceived to be in the national interest by significant percentages of the American population, but that are detrimental to the interests of members of Congress."

- **Harvard Journal of Law & Public Policy**, *The Other Way to Amend the Constitution: The Article V Constitutional Convention Amendment Process*

"The framers did not provide an unchecked grant of power to a convention: every amendment proposed would be subject to the same conditions faced by those proposed by Congress—"... the notion of a 'runaway' convention, succeeding in amending the Constitution in a manner opposed by the American people, is not merely remote, it is impossible."

- **U.S. Senate Judiciary Committee**, Report to the 98th Congress

"I think the convention can be limited. The fact is that the majority of the scholars in America share my view."

- **Former Attorney General of the United States,** Hon. Griffin Bell

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Article V Convention Quotes (Continued)

"The majority view, however, is that Congress may limit the convention's deliberations. The arguments for this proposition, at least on our consideration of them, appear to be persuasive."

- **U.S. Department of Justice**, Constitutional Law—Constitution—Article V—The Amending Process—The Convention Method

"Much of the fear surrounding a convention is unfounded. The Convention Clause's text and history indicate that it grants power to the States to limit the scope of any such convention. In addition, the States have the ability to reject any amendments proposed by a convention through the ratification process."

- **Harvard Journal of Law & Public Policy**, *The Other Way to Amend the Constitution: The Article V Constitutional Convention Amendment Process*

"While I make no recommendation of amendments, I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should, under existing circumstances, favor rather than oppose a fair opportunity being afforded the people to act upon it. I will venture to add that to me the convention mode seems preferable, in that it allows amendments to originate with the people themselves."

- **President Abraham Lincoln**, *First Inaugural Address*

"We will state our conclusions in advance. First, we think that if a convention for proposing amendments were called under Article V, the constitutionally mandated procedures would operate to deprive the convention of power to make constitutionally viable proposals except with respect to subjects within a predetermined field. [...] Second, we think that Article V gives Congress no power to provide for the ratification of any constitutional proposal that is not developed and proposed in accordance with the procedures contemplated by Article V. Just as Congress would have no power to submit one of its own constitutional proposals for ratification unless two-thirds of the Members of both Houses were in accord that the proposal was necessary and desirable, Congress would have no power to provide for the ratification of any proposal propounded by a constitutional convention unless that proposal were responsive to the application that justified the gathering of the convention in the first instance."

- **U.S. Department of Justice,** *Constitutional Convention—Limitation of Power to Propose Amendments to the Constitution*

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Understanding Article V of the U.S. Constitution

The complete text of Article V:

" The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate. "

" *A convention for proposing amendments* "

- A convention called under Article V of the U.S. Constitution is only given the power to **propose** amendments

" *Shall be valid [...] when ratified* "

- Any proposal from a convention is **not** valid until ratified by ¾ of the states (38 states currently)
- Only 13 states are required to block unreasonable proposals, ensuring that only those proposals with widespread support across the political spectrum will become part of the Constitution

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The Convention of 1787 in Philadelphia only made a *proposal* to Congress.

"... the Convention of 1787 did not ignore Congress. The draft Constitution was submitted to Congress, consented to by Congress, and transmitted by Congress to the states for ratification by popularly-elected conventions."

- The American Bar Association, Special Constitutional Convention Study Committee

"It is also somewhat misleading to say that the Philadelphia Convention was 'runaway,' for the 'call' for that convention by the Continental Congress did speak in broad terms. There were 'defects in the present Confederation,' and 'alterations and provisions' seemed necessary. No specific defects were enumerated."

- Office of Legal Policy, U.S. Department of Justice

It was Congress that ultimately proposed a new Constitution, not the convention.

"The Articles of this confederation shall be inviolably observed by every State, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State."

- Article XIII of the Articles of Confederation

- A convention like the one in Philadelphia had no authority to propose changes to the Articles of Confederation; only Congress had that power. A convention could only offer a suggestion to Congress, much like a committee called to research a subject. Congress was the body that officially proposed the U.S. Constitution, because they believed that suggestion to be one that the states should consider and decide themselves.

The Federal Convention of 1787 did not ignore the ratification requirement.

Many note that the Constitution required nine states to be ratified rather than unanimity like the Articles of Confederation and think that means they ignored the procedure.

- In fact, the Convention sent its proposal to Congress, not the States. Congress sent it to the States who used their inherent authority to pull out of the Confederation, which was nothing more than a treaty among sovereign nation-states. Under the Articles, no State could bind any other and indeed they didn't. Rhode Island and North Carolina were not part of the new government when it went into effect because they chose not to ratify. Rhode Island even sent a letter to the first Congress asking for good foreign relations.

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Article V Convention Applications must be on the same topic in order to count towards the 34 state constitutional threshold required to hold a convention

How do we know this?

- Congress is constitutionally required to call a convention upon the applications of 2/3 of the state legislatures (currently 34 states), yet throughout our history there have been over 400 applications submitted from all 50 states on a variety of topics.

- Congress has officially counted over 70 applications from **35 states**- more than the constitutional threshold. This count can be found on the U.S. House Clerk's website. If Congress was counting applications without considering subject matter they would have to call a convention tomorrow, but they are clearly counting them in separate piles based on the specific topic or group of topics found in each application.

"In summary, we believe that a substantively-limited Article V convention is consistent with the purpose of the alternative method since the states and people would have a complete vehicle other than the Congress for remedying specific abuses of power by the national government; consistent with the actual history of the amending article throughout which only amendments on single subjects have been proposed by Congress; consistent with state practice under which limited conventions have been held under constitutional provisions not expressly sanctioning a substantively-limited convention; and consistent with democratic principles because convention delegates would be chosen by the people in an election in

AMERICAN OVERSIGHT

which the subject matter to be dealt with would be known and the issues identified, thereby enabling the electorate to exercise an informed judgment in the choice of delegates." - ***American Bar Association***, *Amendment of the Constitution by the Convention Method Under Article V*

"With some notable exceptions, most commentators hold that state applications for a convention must address the same issue in order to be counted toward the two-thirds threshold established by the Constitution, but they need not be identical." - ***Congressional Research Service***, *The Article V Convention Method for Proposing Constitutional Amendments: Historical Perspectives*

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SENATE JOINT RESOLUTION

WHEREAS, The first President of the United States, George Washington, stated in his Farewell Address: "The basis of our political systems is the right of the people to make and to alter their Constitutions of Government."; and

WHEREAS, It was the stated intention of the framers of the Constitution of the United States of America that the Congress of the United States of America should be "dependent on the people alone" (James Madison, Federalist 52); and

WHEREAS, That dependency has evolved from a dependency on the people alone to a dependency on those who spend excessively in elections, through campaigns or third-party groups; and

WHEREAS, The United States Supreme Court ruling in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), removed restrictions on amounts of independent political spending; and

WHEREAS, Article V of the United States Constitution requires the United States Congress to call a convention for proposing amendments upon application of two-thirds of the legislatures of the several states for the purpose of proposing amendments to the United States Constitution; and

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WHEREAS, The State of Illinois sees the need for a convention to propose amendments in order to address concerns such as those raised by the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission* and related cases and events, including those occurring long before or afterward, or for a substantially similar purpose, and desires that the convention should be so limited; and

WHEREAS, The State of Illinois desires that the delegates to the convention shall be comprised equally from individuals currently elected to State and local office, or be selected by election in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the Convention, and intends to retain the ability to restrict or expand the power of its delegates within the limits expressed above; and

WHEREAS, The State of Illinois intends that this be a continuing application, considered together with applications calling for a convention currently pending in the 188th Massachusetts legislature as S.1727 and H.3190, the 2013-2014 Vermont legislature as J.R.S. 27, and the 2013-2014 California legislature as AJR 1, and all other passed, pending, and future applications, the aforementioned concerns of Illinois

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notwithstanding until such time as two-thirds of the several states have applied for a Convention and that Convention is convened by Congress; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we, the legislature of the State of Illinois, hereby make application to the Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention for proposing amendments; and be it further

RESOLVED, That this application shall be deemed an application for a convention to address each and any of the subjects listed in this resolution; for purposes of determining whether two-thirds of the states have applied for a convention addressing any subject, this application is to be aggregated with the applications of any other state legislatures limited to one or more of the subjects listed in this resolution; and be it further

RESOLVED, That this resolution constitutes a continuing application and remains in effect until rescission by any sitting session of the legislature of this State; this application does not constitute a recognition that any particular activity or activities currently undertaken by the

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federal government is or are authorized by the Constitution; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President and Secretary of the United States Senate, the Speaker and Clerk of the House of Representatives of the United States Congress, and the Archivist of the United States; to the members of the United States Senate and House of Representatives from this State; and to the presiding officers of each of the legislative chambers in the several States, requesting their cooperation.

AMERICAN OVERSIGHT

Journal of the Senate

TUESDAY, APRIL 16, 2013

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Bill Referred to Committee on Appropriations

S. 165.

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to collective bargaining for deputy state's attorneys.

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Benning,

J.R.S. 26. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 19, 2013, it be to meet again no later than Tuesday, April 23, 2013.

Joint Resolution Referred

J.R.S. 27.

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senators Lyons, Ashe, Baruth, Cummings, Fox, Hartwell, Pollina and Rodgers,

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FL-SEN-20-0201-B, 20-0202-A-005037

J.R.S. 27. Joint resolution relating to an application of the General Assembly for Congress to call a convention for proposing amendments to the U.S. Constitution.

Whereas, it was the stated intention of the framers of the Constitution of the United States of America that the Congress of the United States of America should be "dependent on the people alone" (James Madison or Alexander Hamilton, Federalist 52), and

Whereas, that dependency has evolved from a dependency on the people alone to a dependency on those who spend excessively in elections through campaigns or third-party groups, and

Whereas, the U.S. Supreme Court ruling in *Citizens United v. Federal Election Commission*, 130 S.Ct. 876 (2010), removed restrictions on amounts of independent political spending, and

Whereas, the removal of those restrictions has resulted in the corrupting influence of powerful economic forces, which have supplanted the will of the people by undermining our ability to choose our political leadership, write our own laws, and determine the fate of our State, and

Whereas, the State of Vermont believes that a convention called pursuant to Article V of the U.S. Constitution should be convened to consider amendments to that Constitution to limit the corrupting influence of money in our political system and desires that said convention should be so limited, and

Whereas, the Congress of the United States has failed to propose, pursuant to Article V of the Constitution, amendments that would adequately address the concerns of Vermont, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly, pursuant to Article V of the U.S. Constitution, hereby petitions the U.S. Congress to call a convention for the purpose of proposing amendments to the Constitution of the United States of America, *and be it further*

Resolved: That not intending to condition this petition, Vermont requests that its specific concerns notwithstanding, the agenda of the convention be limited to those matters enumerated by at least 10 of the states calling for the convention, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vice President of the United States; the President Pro Tempore and the Secretary of the Senate of the United States; the Speaker and Clerk of the House of Representatives of the United States; the Archivist of the United States; and the Vermont Congressional Delegation.

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Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Judiciary.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 198.

An act relating to the Legacy Insurance Management Act.

To the Committee on Rules.

H. 529.

An act relating to approval of an amendment to the charter of the Winooski Incorporated School District related to the term of district treasurer.

To the Committee on Rules.

House Proposal of Amendment Concurred In

S. 144.

House proposal of amendment to Senate bill entitled:

An act relating to the St. Albans state office building.

Was taken up.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. SALE OF ST. ALBANS STATE OFFICE BUILDING

(a) Notwithstanding 29 V.S.A. § 166(b), the Commissioner of Buildings and General Services is authorized to sell the state office building at 20 Houghton Street in St. Albans. The Commissioner is authorized to convey 20 Houghton Street by warranty deed.

(b) The Commissioner of Buildings and General Services is authorized to negotiate and enter into a lease or lease-purchase agreement to replace the state office building at 20 Houghton Street in St. Albans. It is the intent of the General Assembly that the replacement state office building remain in downtown St. Albans.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

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Bill Passed in Concurrence

H. 13.

House bill of the following title was read the third time and passed in concurrence:

An act relating to statutory revision.

Proposals of Amendment; Third Reading Ordered

H. 71.

Senator Cummings, for the Committee on Economic Development, Housing and General Affairs, to which was referred House bill entitled:

An act relating to tobacco products.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 22, 33 V.S.A. § 1918, in subdivision (f)(1), by striking out the second sentence in its entirety and inserting in lieu thereof the following: The bond shall be issued by a surety company in good standing and authorized to transact business in this State to secure the payment of any escrow due or which may become due from the nonparticipating manufacturer or its United States importer.

Second: By striking out Sec. 23 in its entirety and inserting in lieu thereof a new Sec. 23 to read as follows:

Sec. 23. EFFECTIVE DATES

This section shall take effect on passage. Sec. 19 of this act shall take effect on June 30, 2013. All remaining sections shall take effect on July 1, 2013.

And that the bill ought to pass in concurrence with such proposals of amendment.

Senator MacDonald, for the Committee on Finance, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Economic Development, Housing and General Affairs.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposals of amendment were collectively agreed to, and third reading of the bill was ordered.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, April 17, 2013.

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Assembly Joint Resolution No. 1

RESOLUTION CHAPTER 77

Assembly Joint Resolution No. 1—Relative to a federal constitutional convention.

[Filed with Secretary of State June 27, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 1, Gatto. Federal constitutional convention: application.

This measure would constitute an application to the United States Congress to call a constitutional convention pursuant to Article V of the United States Constitution for the sole purpose of proposing an amendment to the United States Constitution that would limit corporate personhood for purposes of campaign finance and political speech and would further declare that money does not constitute speech and may be legislatively limited.

This measure would state that it constitutes a continuing application to call a constitutional convention until at least ⅔ of the state legislatures apply to the United States Congress to call a constitutional convention for that sole purpose. This measure would also state that it is an application for a limited constitutional convention and does not grant Congress the authority to call a constitutional convention for any purpose other than for the sole purpose set forth in this measure.

WHEREAS, Corporations are legal entities that governments create and the rights that they enjoy under the United States Constitution should be more narrowly defined than the rights afforded to natural persons; and

WHEREAS, Corporations do not vote in elections and should not be categorized as persons for purposes related to elections for public office and ballot measures; and

WHEREAS, The United States Supreme Court, in Citizens United v. Federal Election Commission (2010) 130 S.Ct. 876, held that the government may not, under the First Amendment to the United States Constitution, suppress political speech on the basis of the speaker's corporate identity; and

WHEREAS, Article V of the United States Constitution requires the United States Congress to call a constitutional convention upon application of two-thirds of the legislatures of the several states for the purpose of proposing amendments to the United States Constitution; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California, speaking on behalf of the people of the State of California, hereby applies to the United States Congress to call a constitutional convention pursuant to Article V of the

AMERICAN OVERSIGHT

United States Constitution for the sole purpose of proposing an amendment to the United States Constitution that would limit corporate personhood for purposes of campaign finance and political speech and would further declare that money does not constitute speech and may be legislatively limited; and be it further

Resolved, That this constitutes a continuing application to call a constitutional convention pursuant to Article V of the United States Constitution until at least two-thirds of the legislatures of the several states apply to the United States Congress to call a constitutional convention for the sole purpose of proposing an amendment to the United States Constitution that would limit corporate personhood for purposes of campaign finance and political speech and would further declare that money does not constitute speech and may be legislatively limited; and be it further

Resolved, That this application is for a limited constitutional convention and does not grant Congress the authority to call a constitutional convention for any purpose other than for the sole purpose set forth in this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to each Senator and Representative from California in the Congress of the United States.

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FL-SEN-20-0201-B, 20-0202-A-005042

SENATE CONCURRENT RESOLUTION No. 132

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED AUGUST 11, 2014

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)
Senator BRIAN P. STACK
District 33 (Hudson)
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblyman HERB CONAWAY, JR.
District 7 (Burlington)
Assemblyman TIM EUSTACE
District 38 (Bergen and Passaic)

Co-Sponsored by:
Senator Gill, Assemblymen Singleton, Diegnan, Gusciora, Assemblywoman Watson Coleman, Assemblymen McKeon, Wimberly, Caputo, Johnson, Assemblywoman Jasey, Assemblyman Chivukula, Assemblywomen Jimenez, Quijano, Assemblyman Coughlin, Assemblywomen Tucker, Sumter, Assemblymen Garcia, Giblin, Assemblywoman Oliver, Assemblyman Burzichelli, Assemblywoman Pinkin and Assemblyman Danielsen

SYNOPSIS

Applies to Congress for limited constitutional convention to limit corrupting influence of money in politics and overturn Citizens United decision and related cases.

CURRENT VERSION OF TEXT

As introduced.

A CONCURRENT RESOLUTION applying to the Congress of the United States for the calling of a convention for the limited purpose of addressing concerns raised by the decision of the United States Supreme Court in the case of *Citizens United v. Federal Elections Commission* and related cases.

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WHEREAS, Elections should be free of the corrupting influence of excessive spending by outside interests and fair enough that any citizen can run for public office; and

WHEREAS, Numerous United States Supreme Court decisions have frustrated the will of the American people by eroding our ability to choose our political leadership, write our laws, and determine the fate of our country; and

WHEREAS, The New Jersey General Assembly and the New Jersey State Senate passed Assembly Resolution No. 86 and Senate Resolution No. 47, respectively, in the 2012-2013 legislative session; and

WHEREAS, Those resolutions expressed the Legislature's "strong opposition to [the] U.S. Supreme Court decision in *Citizens United v. Federal Elections Commission* [and called] upon [the] Congress of the United States to propose amending [the] U.S. Constitution" to overturn that decision; and

WHEREAS, Congress has failed to propose, pursuant to Article V of the United States Constitution, amendments thereto that would adequately address the concerns expressed in Assembly Resolution No. 86 and Senate Resolution No. 47; and

WHEREAS, Article V of the United States Constitution also requires Congress to call a convention for proposing amendments thereto upon application by two-thirds of the legislatures of the several states; and

WHEREAS, The State of New Jersey believes that there is a great need for a convention to propose amendments to the Constitution to address the concerns raised by citizens opposed to the decision of the Supreme Court in *Citizens United* and related cases, and believes that such a convention must be limited solely, specifically, and exclusively to addressing those concerns; and

WHEREAS, The State of New Jersey believes that the delegates to such a convention should be selected equally from individuals currently holding State or local office, or selected by election from each Congressional district for the purpose of serving as delegates, though past or present holders of federal elective office should be prohibited from serving as convention delegates, and the State should retain the ability to restrict or expand the power of its delegates within the limits noted above; and

WHEREAS, The State of New Jersey intends that this be a continuing application considered together with all other applications calling for a convention currently pending in other state legislatures, and all other passed, pending, and future applications with the aforementioned concerns until two-thirds of the several states have applied for a convention and it is convened by Congress; now, therefore,

BE IT RESOLVED *by the Senate of the State of New Jersey (the General Assembly concurring):*

1. The Legislature of the State of New Jersey makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States of America for the sole, specific and exclusive purpose of proposing amendments to the Constitution of the United States that would limit the corrupting influence of money in our political system including overturning the decision of the United States Supreme Court in the case of *Citizens United v. Federal Elections Commission* and related cases.

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2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, each Senator and Representative from New Jersey in the Congress of the United States, the Archivist of the United States and the respective clerks of the United States House of Representatives and the United States Senate requesting that they record this application in the published tally of state petitions for a convention of the states under Article V of the United States Constitution, the Governor of each state, and the presiding officer of each house of each state legislature in the United States.

STATEMENT

This concurrent resolution makes application to the Congress of the United States of America for a convention to be called under Article V of the Constitution of the United States for the sole, specific and exclusive purpose of proposing amendments to the Constitution of the United States that would limit the corrupting influence of money in our political system including by overturning the decision of the United States Supreme Court in the case of *Citizens United v. Federal Elections Commission* and related cases.

The resolution provides that copies of the resolution are to be transmitted by the Secretary of the Senate to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, each Senator and Representative from New Jersey in the Congress of the United States, the Archivist of the United States and the respective clerks of the United States House of Representatives and the United States Senate requesting that they record this application in the published tally of state petitions for a convention of the states under Article V of the United States Constitution, the Governor of each state, and the presiding officer of each house of each state legislature in the United States.

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2016 -- S 2589

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

S E N A T E R E S O L U T I O N

RESPECTFULLY URGING CONGRESS TO RESTORE FREE AND FAIR ELECTIONS IN THE UNITED STATES

Introduced By: Senator Joshua Miller

Date Introduced: February 25, 2016

Referred To: Senate Special Legislation and Veterans Affairs

WHEREAS, The 1st President of the United States George Washington stated, "The basis of our political systems is the right of the people to make and to alter their Constitutions of Government"; and

WHEREAS, It was the stated intention of the framers of the Constitution of the United States of America that the Congress of the United States of America should be "dependent on the people alone." (James Madison, Federalist 52); and

WHEREAS, That dependency has evolved from a dependency on the people alone to a dependency on those who spend excessively in elections, through campaigns or third-party groups; and

WHEREAS, The United States Supreme Court ruling in Citizens United v. Federal Election Commission, 558 U.S. 310 (2010) removed restrictions on amounts of independent political spending; and

WHEREAS, The removal of those restrictions has resulted in the unjust influence of powerful economic forces, which have supplanted the will of the people by undermining our ability to choose our political leadership, write our own laws, and determine the fate of our state; and

WHEREAS, Article V of the United States Constitution requires the United States Congress to call a convention for proposing amendments upon application of two-thirds of the legislatures of the several states for the purpose of proposing amendments to the United States

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Constitution; now, therefore be it

RESOLVED, That this Senate of the State of Rhode Island and Providence Plantations hereby sees the need for a convention to propose amendments in order to address concerns such as those raised by the decision of the United States Supreme Court in Citizens United v. Federal Election Commission and related cases and events including those occurring long before or afterward or for a substantially similar purpose, and desires that said convention should be so limited; and be it further

RESOLVED, That this Senate hereby respectfully requests that the delegates to said convention be comprised equally of individuals currently elected to state and local office, or be selected by election, in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the Convention, and furthermore requests the ability to restrict or expand the power of its delegates within the limits expressed above; and be it further

RESOLVED, That this Senate hereby intends that this be a continuing application considered together with applications calling for a convention passed in the 2013-2014 Vermont legislature as R454, the 2013-2014 California legislature as Resolution Chapter 77, the 2013-2014 Illinois legislature as Senate Joint Resolution No. 42, the 2014-2015 New Jersey legislature Senate concurrent Resolution No. 132, and all other passed, pending, and future applications, the aforementioned concerns of Rhode Island notwithstanding until such time as two-thirds of the several states have applied for a Convention and said Convention is convened by Congress; and be it further

RESOLVED, That the citizenry of the State of Rhode Island, speaking through this Senate, and pursuant to Article V of the United States Constitution, hereby petitions the United States Congress to call a Convention for the purpose of proposing Amendments to the Constitution of the United States of America as soon as two-thirds of the several states have applied for a Convention; and be it further

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RESOLVED, That the Secretary of State be and hereby is authorized and directed to transmit duly certified copies of this resolution to the President of the United States; the Vice President of the United States in his capacity as President of the United States Senate and addressed to him at the office he maintains in the United States Capitol; the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, and the Rhode Island Congressional Delegation.

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From: Butler, Joyce <BUTLER.JOYCE@flsenate.gov>
Sent: Monday, February 03, 2020 12:58 PM EST
To: Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 33 (Thurston) <SenateDistrict33Thurston@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate Committee - Infrastructure and Security <SenateCommittee-InfrastructureandSecurity@flsenate.gov>; Senate Committee - Innovation, Industry, and Technology <SenateCommittee-Innovation_Industry_andTechnology@flsenate.gov>; Senate Committee - Banking and Insurance <SenateCommittee-BankingandInsurance@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Education <SenateCommittee-Education@flsenate.gov>; !HSE Judiciary Committee <!HSEJudiciaryCommittee@myfloridahouse.gov>; Frier, Nancy <FRIER.NANCY@flsenate.gov>; Hay, Timothy <HAY.TIMOTHY@flsenate.gov>; Senate Committee - Judiciary <SenateCommittee-Judiciary@flsenate.gov>; Senate District 06 (Gibson) <SenateDistrict06Gibson@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 09 (Simmons) <SenateDistrict09Simmons@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate E-Packet <SenateE-Packet@flsenate.gov>; Senate General Counsel <SenateGeneralCounsel1@flsenate.gov>
Subject: Meeting Materials available: JU 02/04/2020 12:30 pm

The committee meeting materials are now available in Session Organizer for the 02/04/2020 12:30 p.m. JU Committee meeting.

In Session Organizer, click on the Committee Agendas tab and select the desired meeting.

- Select and view documents individually:
  - Select an agenda item;
  - Select an associated document in the Details Pane: Amendment, Bill Analysis, Presentation (Other), etc.
  - The selected document is displayed in the Document Viewer.
- Produce a full packet, with bookmarks:
  - Click File > Print Packet > All Bills;
  - In the Packet Builder dialog, verify that Pre-set is set to Committee Packet;
  - Click the Create PDF button;
  - View, Save, or Print.

For your convenience, bill introducers who are not members of this committee are listed below, and their respective tabs are noted:

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Non-member Introducers		Tab Numbers
Senator	**Hooper**	**1**
Senator	**Albritton**	**2,3**
Senator	**Brandes**	**4,5**
Senator	**Pizzo**	**6,7**
Senator	**Thurston**	**8**
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Senator	**Lee**	**10**
Committee	**Infrastructure & Security**	**1**
Committee	**Innovation, Industry & Technology**	**3**
Committee	**Banking & Insurance**	**4,8**
Committee	**Ethics & Elections**	**5**
Committee	**Criminal Justice**	**6,7**
Committee	**Education**	**11**



Joyce G. Butler
Senate Judiciary Committee
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From: Redig, Tamra <Redig.Tamra@flsenate.gov>
Sent: Friday, January 31, 2020 1:40 PM EST
To: Frier, Nancy <FRIER.NANCY@flsenate.gov>; Hay, Timothy <HAY.TIMOTHY@flsenate.gov>; Moore, Alexandra <Alexandra.Moore@myfloridahouse.gov>; Senate Committee - Governmental Oversight and Accountability <SenateCommittee-GovernmentalOversightandAccountability@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>; Williamson, Heather <Heather.Williamson@myfloridahouse.gov>; Grissom, William <GRISSOM.WILLIAM@flsenate.gov>; Harrington, Tiffany <Tiffany.Harrington@myfloridahouse.gov>; Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 29 (Rader) <SenateDistrict29Rader@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 04 (Bean) <SenateDistrict04Bea@flsenate.gov>; Senate District 15 (Torres) <SenateDistrict15Torre@flsenate.gov>; Denson, Tori <Tori.Denson@myfloridahouse.gov>; Mackintosh, Andrew <MACKINTOSH.ANDREW@flsenate.gov>; Senate Committee - Approp. Sub. Agr, Env., & Gen. Gov. <SenateCommittee-Approp.Sub.AgrEnv&GenGovt@flsenate.gov>; Smith, Melissa <Melissa.Smith@myfloridahouse.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 32 (Book) <SenateDistrict32Book@flsenate.gov>; Senate District 05 (Bradley) <SenateDistrict05Bradley@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 39 (Flores) <SenateDistrict39Flores@flsenate.gov>; Senate District 02 (Gainer) <SenateDistrict02Gainer@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate District 17 (Mayfield) <SenateDistrict17Mayfield@flsenate.gov>; Senate District 08 (Perry) <SenateDistrict08Perry@flsenate.gov>; Senate District 33 (Thurston) <SenateDistrict33Thurston@flsenate.gov>; Senate Committee - Agriculture <SenateCommittee-Agriculture@flsenate.gov>; Senate Committee - Banking and Insurance <SenateCommittee-BankingandInsurance@flsenate.gov>; Senate Committee - Children, Families, and Elder Affairs <SenateCommittee-Children_Families_andElderAffairs@flsenate.gov>; Senate Committee - Community Affairs <SenateCommittee-CommunityAffairs@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Environment and Natural Resources <SenateCommittee-EnvironmentandNaturalResources@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Innovation, Industry, and Technology <SenateCommittee-Innovation_Industry_andTechnology@flsenate.gov>; Crawford, Lindsay <Crawford.Lindsay@flsenate.gov>
Subject: Meeting Materials available: GO 02/03/20 1:30 p.m.

The committee meeting materials are now available in Session Organizer for the **02/03/20 1:30pm Governmental Oversight and Accountability Committee** meeting.
In Session Organizer, click on the Committee Agendas tab and select the desired meeting.

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- Produce a full packet, with bookmarks:
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  - In the Packet Builder dialog, verify that Pre-set is set to Committee Packet;
  - Click the Create PDF button;
  - View, Save, or Print.

For your convenience, bill introducers who are not members of this committee are listed below, and their respective tabs are noted:

Non-member Introducers		Tab Numbers
Senator	Baxley	7
Senator	Book	1
Senator	Bradley	11, 13
Senator	Brandes	6
Senator	Flores	10
Senator	Gainer	3
Senator	Hutson	4
Senator	Lee	8
Senator	Mayfield	2
Senator	Perry	12, 9
Senator	Thurston	5
Committee	Agriculture	3
Committee	Banking and Insurance	15
Committee	Child Fam Elder Aff	1
Committee	Comm Affairs	10, 2
Committee	Criminal Justice	6, 9
Committee	Env NR	14, 4
Committee	Ethics and Elections	11
Committee	Innovation Ind Tech	5, 7

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From: Redig, Tamra <Redig.Tamra@flsenate.gov>
Sent: Friday, February 07, 2020 1:54 PM EST
To: Frier, Nancy <FRIER.NANCY@flsenate.gov>; Hay, Timothy <HAY.TIMOTHY@flsenate.gov>; Moore, Alexandra <Alexandra.Moore@myfloridahouse.gov>; Senate Committee - Governmental Oversight and Accountability <SenateCommittee-GovernmentalOversightandAccountability@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>; Williamson, Heather <Heather.Williamson@myfloridahouse.gov>; Grissom, William <GRISSOM.WILLIAM@flsenate.gov>; Harrington, Tiffany <Tiffany.Harrington@myfloridahouse.gov>; Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 29 (Rader) <SenateDistrict29Rader@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 04 (Bean) <SenateDistrict04Bea@flsenate.gov>; Senate District 15 (Torres) <SenateDistrict15Torre@flsenate.gov>; Denson, Tori <Tori.Denson@myfloridahouse.gov>; Mackintosh, Andrew <MACKINTOSH.ANDREW@flsenate.gov>; Senate Committee - Approp. Sub. Agr, Env., & Gen. Gov. <SenateCommittee-Approp.Sub.AgrEnv&GenGovt@flsenate.gov>; Smith, Melissa <Melissa.Smith@myfloridahouse.gov>; Crawford, Lindsay <Crawford.Lindsay@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 39 (Flores) <SenateDistrict39Flores@flsenate.gov>; Senate District 02 (Gainer) <SenateDistrict02Gainer@flsenate.gov>; Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>; Senate District 25 (Harrell) <SenateDistrict25Harrell@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate District 17 (Mayfield) <SenateDistrict17Mayfield@flsenate.gov>; Senate District 03 (Montford) <SenateDistrict03Montford@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 19 (Rouson) <SenateDistrict19Rouson@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate Committee - Community Affairs <SenateCommittee-CommunityAffairs@flsenate.gov>; Senate Committee - Commerce and Tourism <SenateCommittee-CommerceandTourism@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Health Policy <SenateCommittee-HealthPolicy@flsenate.gov>; Senate Committee - Infrastructure and Security <SenateCommittee-InfrastructureandSecurity@flsenate.gov>; Senate Committee - Military and Veterans Affairs and Space <SenateCommittee-MilitaryandVeteransAffairsandSpace@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>
Subject: Meeting Materials available: GO 02/10/20 1:30 p.m.

The committee meeting materials are now available in Session Organizer for the **02/10/20 1:30pm Governmental Oversight and Accountability Committee** meeting.
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  - The selected document is displayed in the Document Viewer.
- Produce a full packet, with bookmarks:
  - Click File > Print Packet > All Bills;
  - In the Packet Builder dialog, verify that Pre-set is set to Committee Packet;
  - Click the Create PDF button;
  - View, Save, or Print.

For your convenience, bill introducers who are not members of this committee are listed below, and their respective tabs are noted:

Non-member Introducers		Tab Numbers
Senator	Baxley	10, 12
Senator	Brandes	13, 14
Senator	Flores	15
Senator	Gainer	4
Senator	Gruters	2
Senator	Harrell	3
Senator	Hutson	17, 18
Senator	Lee	8
Senator	Mayfield	1
Senator	Montford	9
Senator	Pizzo	16
Senator	Rouson	11
Senator	Stargel	6
Committee	Comm Affairs	10
Committee	Commerce Tourism	1
Committee	Criminal Justice	5, 13, 14, 16
Committee	Ethics and Elections	9
Committee	Health Policy	3
Committee	Infrastructure Security	4, 6
Committee	Mil Vet Aff Space	7

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From: Futch, Cynthia <FUTCH.CYNTHIA@flsenate.gov>
Sent: Tuesday, January 28, 2020 1:53 PM EST
To: Meyer, Reynold <MEYER.REYNOLD@flsenate.gov>; Senate Committee - Rules <SenateCommittee-Rules@flsenate.gov>; Senate District 03 (Montford) <SenateDistrict03Montford@flsenate.gov>; Senate District 05 (Bradley) <SenateDistrict05Bradley@flsenate.gov>; Senate District 06 (Gibson) <SenateDistrict06Gibson@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 09 (Simmons) <SenateDistrict09Simmons@flsenate.gov>; Senate District 10 (Simpson) <SenateDistrict10Simpson@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 27 (Benacquisto) <SenateDistrict27Benacquisto@flsenate.gov>; Senate District 28 (Passidomo) <SenateDistrict28Passidomo@flsenate.gov>; Senate District 32 (Book) <SenateDistrict32Book@flsenate.gov>; Senate District 33 (Thurston) <SenateDistrict33Thurston@flsenate.gov>; Senate District 34 (Farmer) <SenateDistrict34Farmer@flsenate.gov>; Senate District 35 (Braynon) <SenateDistrict35Braynon@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate District 39 (Flores) <SenateDistrict39Flores@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Sergeant's Office <SenateSergeant'sOffice1@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>; Zaugg, Laureen <ZAUGG.LAUREEN@flsenate.gov>
CC: Senate District 13 (Stewart) <SenateDistrict13Stewart@flsenate.gov>; Senate District 04 (Bean) <SenateDistrict04Bea@flsenate.gov>; Senate District 14 (Wright) <SenateDistrict14Wright@flsenate.gov>; Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate Committee - Children, Families, and Elder Affairs <SenateCommittee-Children_Families_andElderAffairs@flsenate.gov>; Senate Committee - Judiciary <SenateCommittee-Judiciary@flsenate.gov>; Senate Committee - Military and Veterans Affairs and Space <SenateCommittee-MilitaryandVeteransAffairsandSpace@flsenate.gov>; Senate Committee - Innovation, Industry, and Technology <SenateCommittee-Innovation_Industry_andTechnology@flsenate.gov>; Senate Committee - Governmental Oversight and Accountability <SenateCommittee-GovernmentalOversightandAccountability@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>
Subject: Meeting Materials Available RC 01/29/2020 1:30 p.m.

Good Afternoon,

The committee meeting materials are now available in Session Organizer for the ***1/29/20 1:30 pm Rules Committee*** *meeting.*

In Session Organizer, click on the Committee Agendas tab and select the desired meeting.

- *Select and view documents individually:*
  - *Select an agenda item;*
  - *Select an associated document in the Details Pane: Amendment, Bill Analysis, Presentation (Other), etc.*
  - *The selected document is displayed in the Document Viewer.*
- *Produce a full packet, with bookmarks:*
  - *Click File > Print Packet > All Bills;*
  - *In the Packet Builder dialog, verify that Pre-set is set to Committee Packet;*
  - *Click the Create PDF button;*
  - *View, Save, or Print.*

(A version of this meeting packet will be placed on the Internet.)

For your convenience, bill introducers who are not members of this committee are listed below, and their respective tabs are noted:

Senator	Bean	2
Senator	Hooper	6, 7
Senator	Pizzo	9
Senator	Powell	8
Senator	Stewart	1
Senator	Wright	3, 4
Committee	Child Fam Elder Aff	1, 2
Committee	Ethics and Elections	10
Committee	Gov Oversight Acc	3, 5, 9
Committee	Innovation Ind Tech	7
Committee	Judiciary	11, 2, 3, 6, 8
Committee	Mil Vet Aff Space	4, 5

Cyndi Futch
Senate Rules Committee
(850) 487-5350

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From: Cindy Davis <cindy@ballardpartners.com>
Sent: Monday, October 07, 2019 3:04 PM EDT
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: Meeting Request - Week 3

Hey Melissa!

Carol Bracy would like to request time with Senator Brandes during the week of October 21, for herself and Bill Murphy with Clear Ballot. They would like to discuss some possible legislation for elections reform and auditing.

Bill will be in town from Tampa that week. As we get closer, please let me know what might be available on the calendar.

Thanks so much!
Cindy

BALLARD | PARTNERS

Cindy Davis
850.577.0444
cindy@ballardpartners.com

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From: James Taylor <james.taylor@fltechcouncil.org>
Sent: Tuesday, November 12, 2019 11:14 AM EST
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: Meeting request

Good morning Melissa,

Following up with you to see if Senator Brandes has an opening in his schedule this week on Wednesday or Thursday to discuss possible steps for prison education via technology. It appears we are in a much better position than originally thought and do not require the support of Florida LamdaRail. We look forward to discussing this further.

All the best,

- Jim

James E. Taylor
CEO
Florida Technology Council
Tallahassee, Florida
850-803-TECH (8324)
www.FLTechCouncil.Org

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Florida A&M University
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Forensic Data Corp
Griffin Global
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IBM
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Intact Partners
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Kaleo Partners
Kikoda
KPMG
Knowli Data Science
Kyra Solutions
L3Harris Corporation
LexisNexis Risk
MGT Consulting
Microsoft
Modis
Monster XP
New Age Information Solutions
NorthPointe
Northwest Regional Data Center
OmniFund
Oracle
OZ Digital Consulting
ProCom
ProofPoint
Pure Storage
Reason Foundation
Redfish Consulting
Ruvos
SAS
Scholastic
Signal Vault
Simplicity Solutions Group
Spirit
SyaRose
Symantec
Tallahassee Community College
TekBank
Tenable
The LSH Group
Trend Micro

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TrueNorth Technology
Uber Technologies
Valintry Services
Veritas
Walton County School District
WinSquares
WiredPeople Inc.
World Wide Technology
Zscaler

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From: Jennifer Berthiaume <Jennifer.Berthiaume@floridahousing.org>
Sent: Tuesday, October 22, 2019 9:36 AM EDT
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
CC: Stephanie Sutton <Stephanie.Sutton@floridahousing.org>
Subject: Meeting w/Florida Housing 10/24
Attachment(s): "image001.jpg","Pinellas County LHAP.pdf"

Good Morning!

In anticipation of Trey and Stephanie's meeting with Senator Brandes this Thursday (10/24) I was asked to provide a copy of the Pinellas County Local Housing Assistance Plan (LHAP). The LHAP is a requirement of the State Housing Initiatives Partnership program (SHIP), which provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The program was designed to serve very low, low and moderate income families.

Please see attached.

All LHAPs are posted on our website.

Let us know if you have any questions.

Thank you,
Jennifer

Florida Housing Finance Corporation
Jennifer Berthiaume | *Legislative Coordinator*
227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301 | p. 850.488.4197 | f. 850.488.9809
Jennifer.Berthiaume@floridahousing.org | Visit our website at *www.floridahousing.org*.

Disclaimer

Florida has a broad and inclusive public records law. This e-mail and any responses to it should be considered a matter of public record."

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Florida Housing

PINELLAS COUNTY



SHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP)

2018-2019, 2019-2020, 2020-2021

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Florida Housing

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Exhibits	
A. Administrative Budget for each fiscal year covered in the Plan B. Timeline for Estimated Encumbrance and Expenditure C. Housing Delivery Goals Chart (HDGC) for each fiscal year covered in the Plan D. Signed LHAP Certification E. Signed, dated, witnessed or attested adopting resolution F. Ordinance: (If changed from the original creating ordinance) G. Interlocal Agreement	

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I. Program Details:

A. Name of the participating local government: Pinellas County
Is there an Interlocal Agreement: Yes _____ No X

B. Purpose of the program:
1. To meet the housing needs of the very low, low and moderate income households;
2. To expand production of and preserve affordable housing; and
3. To further the housing element of the local government comprehensive plan specific to affordable housing.

C. Fiscal years covered by the Plan: 2018-2019, 2019-2020, 2020-2021

D. Governance: The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37, Florida Administrative Code. Cities and Counties must be in compliance with these applicable statutes, rules and any additional requirements as established through the Legislative process.

E. Local Housing Partnership: The SHIP Program encourages building active partnerships between government, lending institutions, builders and developers, not-for-profit and community based housing providers and service organizations, providers of professional services related to affordable housing, advocates for low-income persons, real estate professionals, persons or entities that can provide housing or support services and lead agencies of the local continuums of care.

F. Leveraging: The Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing. SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide local match to obtain federal housing grants or programs.

G. Public Input: Public input was solicited through face-to-face meetings with housing providers,

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social service providers and local lenders and neighborhood associations. Public input was solicited through the local newspaper in the advertising of the Local Housing Assistance Plan and the Notice of Funding Availability.

H. Advertising and Outreach: SHIP funding availability shall be advertised in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

I. Waiting List/Priorities: A waiting list will be established when there are eligible applicants for strategies that no longer have funding available. Those households on the waiting list will be notified of their status. Applicants will be maintained in an order that is consistent with the time applications were submitted as well as any established funding priorities as described in this plan.

The following priorities for funding described/listed here apply to all strategies unless otherwise stated in the strategy:

Should funding not be available, the County will establish a waiting list. The ranking priority will be:

- Special Needs Households
  Extremely Low
  Very Low
  Low
  Moderate
- Essential Services Personnel
  Extremely Low
  Very Low
  Low
  Moderate

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- After Special Needs and Essential Personnel, the following:
  Extremely Low
  Very Low
  Low
  Moderate

J. Discrimination: In accordance with the provisions of ss.760.20-760.37, it is unlawful to discriminate on the basis of race, color, religion, sex, national origin, age, handicap, or marital status in the award application process for eligible housing.

K. Support Services and Counseling: Support services are available from various sources. Available support services may include but are not limited to Homeownership Counseling (Pre and Post), Credit Counseling, Tenant Counseling, Foreclosure Counseling and Budgeting Counseling.

L. Purchase Price Limits: The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units, which can be lower but may not exceed 90% of the median area purchase price established by the U.S. Treasury Department or as described above.

The methodology used is:

__X__ U.S. Treasury Department

_____ Local HFA Numbers

M. Income Limits, Rent Limits and Affordability: The Income and Rent Limits used in the SHIP Program are updated annually by the Department of Housing and Urban Development and posted at www.floridahousing.org.

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"Affordable" means that monthly rents or mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in Sections 420.9071, F.S. However, it is not the intent to limit an individual household's ability to devote more than 30% of its income for housing, and housing for which a household devotes more than 30% of its income shall be deemed Affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size.

N. Welfare Transition Program: Should an eligible sponsor be used, a qualification system and selection criteria for applications for Awards to eligible sponsors shall be developed, which includes a description that demonstrates how eligible sponsors that employ personnel from the Welfare Transition Program will be given preference in the selection process.

O. Monitoring and First Right of Refusal: In the case of rental housing, the staff and any entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides periodic monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of $10,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored annually for no less than 15 years or the term of assistance whichever is longer unless as specified above. Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

P. Administrative Budget: A line-item budget of proposed Administrative Expenditures is attached as Exhibit A.

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Pinellas County finds that the moneys deposited in the local housing assistance trust fund shall be used to administer and implement the local housing assistance plan.

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, states: *"A county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan."*

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, further states: *"The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(19), and eligible municipalities receiving a local housing distribution of up to $350,000 may use up to 10 percent of program income for administrative costs." The applicable local jurisdiction has adopted the above findings in the resolution attached as Exhibit E.*

Pinellas County finds that five percent (5%) of the estimated local distribution plus five percent (5%) of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan and authorizes expenditures not to exceed ten percent (10%) of distributed funds, to be supplemented by expenditures not to exceed five percent (5%)of program income.

Q. Program Administration: Administration of the local housing assistance plan will be wholly performed and maintained by the County.

R. Project Delivery Costs: In addition to the administrative costs listed above, the County will charge a reasonable project delivery cost to cover inspections, and work write-ups for rehabilitation projects. The County may contract for these services. The fee will not exceed 5% of the contracted SHIP award and will be included in the Loan.

S. Essential Service Personnel Definition: **Essential Service Personnel** means active duty/reserve military personnel; teachers and educators; employees of school districts, community colleges, or universities; police and fire personnel including police, fire, emergency medical service and 9-1-1

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dispatchers; health care personnel and employees in health care related fields including employees of hospitals, assisted living facilities, medical providers and pharmacies; and skilled building trades personnel.

T. Describe efforts to incorporate Green Building and Energy Saving products and processes: Pinellas County housing rehabilitation and new construction standards include design features that include green building features, storm resistant construction and other elements that reduce the long term costs relating to maintenance, utilities, and insurance while enhancing marketability and having a lower impact on the environment. Features such as Energy Star appliances, windows, shingles, and HVAC systems reduce energy use and lower monthly housing costs. Structural enhancements such as roofing, tie downs and impact resistant windows lower homeowner insurance costs.

Pinellas County design criteria include, but are not limited to the following:

- Structural components shall be of sound condition. This shall include strengthening a structure to withstand adverse environmental conditions. Any structural defects shall be repaired or replaced;
- Upgrade insulation where feasible;
- Provide caulking and weather stripping of windows and doors;
- Replace windows that are not substantially weatherproofed with windows containing impact glass;
- New plumbing fixtures shall be low flow;
- Energy Star rated appliances;
- Low VOC paints and coatings;
- Replacement of HVAC systems shall be a minimum of 14 SEER.

U. Describe efforts to meet the 20% Special Needs set-aside: For each annual allocation with a requirement to serve persons with special needs, the County will meet the requirements through the following housing program, further defined in the Homeowner and Rental Housing Strategies:

- Purchase Assistance Without Rehab
- Owner Occupied Rehabilitation
- Acquisition/Rehabilitation/New Construction

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- Disaster Mitigation
- Rental Development
- Rental Assistance

V. Describe efforts to reduce homelessness: The County will coordinate with agencies that serve the homeless population. The County has implemented the rapid re-housing and prevention assistance program with Emergency Solutions Grant funding to assist individuals and families with rental assistance. The County will also use SHIP funds to create/rehabilitate housing units to provide housing for chronically homeless individuals with special needs.

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Section II. LHAP Strategies:

A. Purchase Assistance	*Code 1, 2*

a. Summary of Strategy: SHIP funds will be awarded, based on need after qualifying for the first mortgage. Funds will be provided for down payment and closing costs to income eligible households to assist with purchasing a new or existing home. A newly constructed home must have received a certificate of occupancy within the previous 12 months.

b. Fiscal Years Covered: 2018-2019, 2019-2020, 2020-2021

c. Income Categories to be served: Extremely Low, Very Low, Low, and Moderate

d. Maximum award:

Extremely Low:	$20,000
Very Low:	$20,000
Low:	$20,000
Moderate:	$10,000

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a temporarily deferred loan. The funds will be secured with a recorded mortgage and promissory note.
2. Interest Rate: 0%
3. Years in loan term: 20 Years
4. Forgiveness: N/A
5. Repayment: Repayment is temporarily deferred for five (5) years with repayment beginning in year six (6). Repayment of loan will be amortized over 15 years.
6. Default: The loan will be determined to be in default if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as their primary residence. If any of these occur, the outstanding balance will be due and payable.

   In cases where the qualifying homeowner(s) die(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a

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primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable. If the home is foreclosed on by a superior mortgage holder, the county will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a recapture.

f. Recipient Selection Criteria: Applicants will be prioritized for assistance based on a first-qualified, first-served basis with the priorities for Special Needs, Essential Services Personnel and income groups if a waiting list has been established.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: Applicants must secure a Fixed Rate, first mortgage from an approved lender. Applicants are required to complete a homebuyer counseling course from a HUD or County approved counseling agency. The maximum award includes associated soft costs.

B. Owner Occupied Rehabilitation	***Code 3***

a. Summary of Strategy: SHIP funds will be awarded to income eligible households to make home improvement repairs to electrical, plumbing, roofing, windows and other structural items and for needed accessibility modifications. Exterior enhancing improvements may be included if funds are available after completing all required repairs listed above.

b. Fiscal Years Covered: 2018-2019, 2019-2020, 2020-2021

c. Income Categories to be served: Extremely Low, Very Low, Low

d. Maximum award: $50,000

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as deferred and repayment loans based on income, award amount and loan underwriting guidelines which include debt to income ratios, loan to value ratio and credit history.

   i. Borrowers with incomes less than 50% Area Median Income will be awarded deferred loans up to an amount of $25,000. If the rehabilitation exceeds the $25,000 and the borrower has a debt ratio less than 50%, they

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may qualify for a partial repayment loan in addition to the deferred loan. If the borrower does not qualify for a partial repayment, the scope of work must be reduced to the $25,000.

ii. Low income eligible borrowers that exceed the 50% area median income, will be awarded an amortizing loan for an amount that doesn't exceed the maximum award amount **and** does not have a debt ratio that exceeds 50%.

2. Interest Rate: 0%
3. Years in loan term: 20 Years
4. Forgiveness: Deferred loans provided to very low income households will be reduced on a prorated basis of 5% annually until the end of the 20 year period.
5. Repayment: Amortizing loan payments will begin 120 days from the loan closing and amortized over a 20-year period.
6. Default: The loan will be determined to be in default if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as their primary residence. If any of these occur, the outstanding balance will be due and payable.

   In cases where the qualifying homeowner(s) die(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable. If the home is foreclosed on by a superior mortgage holder, the county will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a recapture.

f. Recipient Selection Criteria: Applicants will be prioritized for assistance based on a first-qualified, first-served basis with the priorities for Special Needs, Essential Services Personnel and income groups if a waiting list has been established.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: The maximum award includes associated soft costs.

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C. Acquisition/Rehabilitation/New Construction	*Code 9, 10*

a. Summary of Strategy: Funds will be awarded to developers of affordable homeownership housing for construction financing. Eligible costs include property acquisition, demolition, site improvements, rehabilitation and new construction. Houses rehabilitated or constructed will be sold to SHIP income eligible buyers. The strategy promotes infill housing development, green building and mixed income neighborhoods. Funds will be awarded for acquisition, demolition, construction, and rehabilitation for resale to income eligible households.

b. Fiscal Years Covered: 2018-2019, 2019-2020, 2020-2021

c. Income Categories to be served: Very Low, Low, and Moderate

d. Maximum award: $250,000

e. Terms: Developer

1. Repayment loan/deferred loan/grant: Funds will be awarded as a repayment loan secured by a recorded mortgage and note.
2. Interest Rate: 0%
3. Years in loan term: 2 Years
4. Forgiveness: Once the developer has successfully completed the construction, the subsidy provided to the development during construction will be passed through to the eligible homebuyer in the form of a subordinate mortgage. In the event that through no fault of the developer, the project suffers a reduction in market value, the County reserves the right to allow for a forgiveness equal to the difference between the project development cost and market value.
5. Repayment: All proceeds from the sale of the property are due and payable upon sale of the property.
6. Default: The loan will be in default if the Developer fails to meet the requirements outlined in the Land Use Restriction Agreement.

Terms: Recipient

1. Loan/deferred loan/grant: Funds will be awarded in an amount equal to the market value sales price reduction as a deferred loan secured by a recorded subordinate mortgage and note.

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2. Interest Rate: 0%
3. Term: 20 Years
4. Forgiveness: The loan amount will be reduced by 5% annually over 20-year affordability period. The loan amount is forgiven at the end of the term. If the property is sold prior to the 20 year affordability period, the repayment amount will be the outstanding balance remaining on the loan.
5. Default: The loan will be determined to be in default if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as their primary residence.

   In cases where the qualifying homeowner(s) die(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable. If the home is foreclosed on by a superior mortgage holder, the county will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a recapture.

f. Recipient Selection Criteria: Assistance will be awarded on a first qualified, first served basis to an income eligible household.

g. Sponsor/Developer Selection Criteria: Affordable Housing Development applications will be funded on a first qualified, first eligible basis according to the established Affordable Housing Development guidelines and underwriting criteria.

h. Additional Information: The maximum award amount is on a per unit basis and is provided as construction financing.

D. Disaster Mitigation	***Code 5***

a. Summary of Strategy: Funds will be awarded to applicants in need of home repairs directly caused by a disaster that is declared by an Executive Order of the President or Governor. In addition to repair awarded funds may be used for additional mitigation items. Repairs will be prioritized as follows:

- Immediate threat to health and safety (sewage, windows, roofing, tree removal)

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in cases where the home is still habitable.

- Imminent residual damage to the home (such as damage caused by a leaking roof) in cases where the home is still habitable.
- Repairs to mitigate future damage (hurricane shutters, tie-downs) in cases where the home is still habitable.

b. Fiscal Years Covered: 2018-2019, 2019-2020, 2020-2021

c. Income Categories to be served: Extremely Low, Very Low, Low, Moderate

d. Maximum award: $15,000

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a grant with no recapture terms.
2. Interest Rate: N/A
3. Years in loan term: N/A
4. Forgiveness: N/A
5. Repayment: N/A
6. Default: N/A

f. Recipient Selection Criteria: Applicants will be assisted on a first-qualified, first served basis.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: Documentation that the applicant has attempted to obtain all other resources first, such as insurance coverage, Federal Emergency Management Agency (FEMA) funds and any funding available through the Small Business Administration.

E. Rental Development	***Code 14, 21***

a. Summary of Strategy: Funds will be awarded to developers of affordable rental units through the Affordable Development Program. Funds may be used to assist projects with acquisition, rehabilitation and new construction. Eligible costs may include demolition and reconstruction of rental units. SHIP funding is not intended to be the only source of financing, but the financing of last resort. All financing for the project must be secured prior to award of SHIP funds.

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b. Fiscal Years Covered: 2018-2019, 2019-2020, 2020-2021

c. Income Categories to be served: Extremely Low, Very Low, Low, and Moderate

d. Maximum award: $250,000 per unit

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a loan secured by a recorded subordinate mortgage and note. Payment will be deferred for three (3) years to provide for construction, lease-up and property stabilization and then amortized for the remaining loan term.
2. Interest Rate: 0-3%
3. Years in loan term: 30 Years
4. Forgiveness: Partial loan forgiveness may be provided at the end of the loan term for nonprofit affordable housing providers if it is documented that the development doesn't have sufficient cash flow.
5. Repayment: The loan is due and payable at the end of the term unless an extended loan term is negotiated to secure the affordable rental unit or if partial loan forgiveness is provided as described above.
6. Default: The loan will be considered in default and due and payable if there is a sale of the property, transfer of property, conversion to another use, failure to maintain compliance standards as required by the funding source.

f. Recipient Selection Criteria: All households that occupy a SHIP assisted unit must be income eligible for the program as determined by Pinellas County staff or a third party entity hired by the developer to annually monitor for compliance.

g. Sponsor/Developer Selection Criteria: Affordable Housing Development applications will be funded on a first qualified, first eligible basis according to the established Affordable Housing Development guidelines and underwriting criteria. Proposed projects are reviewed by staff to determine project viability and the developer's ability to repay a loan under the terms and conditions requested. When providing subordinate financing, the senior lender's underwriting will be used.

h. Additional Information: The interest rate of the developer loan is determined through the underwriting process that includes a cash flow analysis, with the debt to income ratios at 1.2.

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F. Rental Assistance	*Code 13, 23*

a. Summary of Strategy: Funds will be awarded to income eligible rental households to prevent eviction and becoming homeless. Eligible expenses include utility deposits, security deposits and assistance for utility payments and rent that is in arrears.

b. Fiscal Years Covered: 2018-2019, 2019-2020, 2020-2021

c. Income Categories to be served: Extremely Low, Very Low

d. Maximum award: $10,000

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a grant.
2. Interest Rate: N/A
3. Years in loan term: N/A
4. Forgiveness: N/A
5. Repayment: N/A
6. Default: N/A

f. Recipient Selection Criteria: Applicants will be referred through the Coordinated Entry System established for the area. Applicants must be at imminent risk of homelessness. Assistance will be provided on a first qualified, first served basis.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: Applicants can receive up to $10,000, including deposits, and Six (6) months of assistance, including rent arrears. The household is required to have a lease and the unit must meet Housing Quality Standards.

III. LHAP Incentive Strategies

In addition to the **required Incentive Strategy A and Strategy B**, include all adopted incentives with the policies and procedures used for implementation as provided in Section 420.9076, F.S.:

A. Name of the Strategy: **Expedited Permitting**

Permits as defined in s. 163.3177 (6) (f) (3) for affordable housing projects are expedited to a greater degree than other projects.

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Provide a description of the procedures used to implement this strategy:

Builders and developers must submit an Affordable Housing Development (AHD) application to the Pinellas County Planning Department. County staff reviews AHD applications and determines AHD certification eligibility. If a project is certified as an AHD, the developer is provided with a certification to be submitted with the permit and review application. Applications with the certification are given priority review with a target to complete the review process in two weeks. In addition to expedited permit processing, AHDs are entitled to permit and review fee waivers.

B. Name of the Strategy: **Ongoing Review Process**

An ongoing process for review of local policies, ordinances, regulations and plan provisions that increase the cost of housing prior to their adoption.

Provide a description of the procedures used to implement this strategy:

Coordination between Planning staff and Building Development Review Services occurs when changes in the code are proposed and information provided to the committee for input and recommendations. Planning staff attends the AHAC meetings as requested to provide an overview of major changes being considered.

C. Other Incentive Strategies Adopted:

- Allowance for Increased Density Levels
- Reduction of Parking Requirements
- Reduction of Setback Requirements
- Allowance of Zero-Lot-Line Configurations
- Street Design (Modification of Street Requirements)
- Donation of Publicly Owned Land
- Identifying Qualified Buyers or Renters
- Accessory Housing Units – Guest Cottages
- Affordable Housing Development (Mixed-Use Developments)

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IV. EXHIBITS:

A. Administrative Budget for each fiscal year covered in the Plan.

B. Timeline for Estimated Encumbrance and Expenditure.

C. Housing Delivery Goals Chart (HDGC) for each fiscal year covered in the Plan.

D. Signed LHAP Certification.

E. Signed, dated, witnessed or attested adopting resolution.

F. Ordinance: (If changed from the original creating ordinance).

G. Interlocal Agreement.

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ADMINISTRATIVE BUDGET FOR EACH FISCAL YEAR

Exhibit A

Pinellas County

Fiscal Year: 2018-2019		
Estimated SHIP Funds for Fiscal Year:	$	692,931.00
Salaries and Benefits	$	66,293.00
Office Supplies and Equipment	$	1,000.00
Travel Per diem Workshops, etc.	$	1,000.00
Advertising	$	1,000.00
Other*	$	
Total	$	69,293.00
Admin %		10.00%
		OK
Fiscal Year 2019-2020		
Estimated SHIP Funds for Fiscal Year:	$	2,141,346.00
Salaries and Benefits	$	206,334.00
Office Supplies and Equipment	$	1,000.00
Travel Per diem Workshops, etc.	$	5,000.00
Advertising	$	1,800.00
Other*	$	
Total	$	214,134.00
Admin %		10.00%
		OK
Fiscal Year 2020-2021		
Estimated SHIP Funds for Fiscal Year:	$	2,141,346.00
Salaries and Benefits	$	206,334.00
Office Supplies and Equipment	$	1,000.00
Travel Per diem Workshops, etc.	$	5,000.00
Advertising	$	1,800.00
Other*	$	
Total	$	214,134.00
Admin %		10.00%
		OK

*All "other" items need to be detailed here and are subject to review and approval by the SHIP review committee. Project Delivery Costs that are outside of administrative costs are not to be included here, but must be detailed in the LHAP main document.

Details:

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[eff. date]

Exhibit B
Timeline for SHIP Expenditures

Pinellas County affirms that funds allocated for these fiscal years will meet the following deadlines:
(local government)

Fiscal Year	Encumbered	Expended	1st Year AR	2nd Year AR	Closeout AR
2018-2019	6/30/2020	6/30/2021	9/15/2019	9/15/2020	9/15/2021
2019-2020	6/30/2021	6/30/2022	9/15/2020	9/15/2021	9/15/2022
2020-2021	6/30/2022	6/30/2023	9/15/2021	9/15/2022	9/15/2023

If funds allocated for these fiscal years is not anticipated to meet any of the deadlines in the table above, Florida Housing Finance Corporation will be notified according to the following chart:

Fiscal Year	Funds Not Encumbered	Funds Not Expended	1st Year AR Not Submitted	2nd Year AR Not Submitted	Closeout AR Not Submitted
2018-2019	3/30/2020	3/30/2021	6/15/2019	6/15/2020	6/15/2021
2019-2020	3/30/2021	3/30/2022	6/15/2020	6/15/2021	6/15/2022
2020-2021	3/30/2022	3/30/2023	6/15/2021	6/15/2022	6/15/2023

Requests for Expenditure Extensions (close-out year ONLY) must be received by FHFC by June 15 of the year in which funds are required to be expended. The extension request shall be emailed to robert.dearduff@floridahousing.org and terry.auringer@floridahousing.org and include:

1. A statement that "(city/county) requests an extension to the expenditure deadline for fiscal year _____.
2. The amount of funds that is not expended.
3. The amount of funds that is not encumbered or has been recaptured.
4. A detailed plan of how/when the money will be expended.

Note: an extension to the expenditure deadline (June 30) does not relieve the requirement to submit (September 15) the annual report online detailing all funds that have been expended. Please email terry.auringer@floridahousing.org when you are ready to "submit" the AR.

Other Key Deadlines:

AHAC reports are due for each local government the same year as the local government's LHAP being submitted. Local governments receiving the minimum or less allocation are not required to report.

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FLORIDA HOUSING FINANCE CORPORATION

HOUSING DELIVERY GOALS CHART

2018-2019

Please check applicable box	
New Plan:	X
Amendment:	
Fiscal Yr. Closeout:	2021

Name of Local Government: Pinellas County

Allocation: $692,931.00

Strategy # From Plan Text	Code	HOME OWNERSHIP STRATEGIES (strategy title must be same as the title used in plan text.)	VLI Units	VLI Max. SHIP Award	LI Units	LI Max. SHIP Award	MI Units	MI Max. SHIP Award	A New Construction SHIP Dollars	B Rehab/Repair SHIP Dollars	C Without Construction SHIP Dollars	D Total SHIP Dollars	E Total Percentage	F Total Units
A	1	Purchase Assistance	5	$20,000	20	$20,000	20	$10,000		$100,000.00	$50,000.00	$150,000.00	21.65%	45
B	2	Purchase Assistance With Rehab	1	$20,000	10	$20,000	5	$10,000		$150,000.00		$150,000.00	21.65%	16
C	3	Owner Occupied Rehabilitation	5	$50,000	5	$50,000	0			$125,000.00		$125,000.00	18.04%	10
D	9,10	Acquisition/Rehabiliation/Const.	0	$250,000	1	$250,000	0	$250,000		$25,000.00		$25,000.00	3.61%	1
E	5	Disaster Mitigation		$15,000	1	$15,000	1	$15,000				$0.00	0.00%	2
												$0.00	0.00%	0
												$0.00	0.00%	0
												$0.00	0.00%	0
												$0.00	0.00%	0
		Subtotal 1 (Home Ownership)	11		37		26		$0.00	$400,000.00	$50,000.00	$450,000.00	64.94%	74

		RENTAL STRATEGIES	VLI Units	VLI Max. SHIP Award	LI Units	LI Max. SHIP Award	MI Units	MI Max. SHIP Award	New Construction SHIP Dollars	Rehab/Repair SHIP Dollars	Without Construction SHIP Dollars	Total 122000	Total Percentage	Total Units
E	14,21	Rental Development	2	$250,000	4	$250,000	0	$ 250,000		$123,637.90		$123,637.90	17.84%	6
F	13, 23	Rental Assistance		$10,000		$10,000						$0.00	0.00%	0
												$0.00	0.00%	0
												$0.00	0.00%	0
												$0.00	0.00%	0
		Subtotal 2 (Non-Home Ownershig	2		4		0		$0.00	$123,637.90	$0.00	$123,637.90	17.84%	6
		Administration Fees										$69,293.10	10.00%	
		Admin. From Program Income											0.00%	
		Home Ownership Counseling										$50,000.00	7.22%	
		GRAND TOTAL Add Subtotals 1 & 2, plus all Adr	13		41		26		$0.00	$523,637.90	$50,000.00	$692,931.00	100.00%	80
		Percentage Construction/Rel	Calculate Constr./Rehab Percent. by adding Grand Total Columns A&B, then divide by Annual Allocation Amt.									76%		
		Maximum Allowable Purchase Price:							New	$255,574	Existing	$255,574		

Allocation Breakdown	Amount	%
Very-Low Income	$208,000.00	30.0%
Low Income	$208,000.00	30.0%
Moderate Income	$276,931.00	40.0%
TOTAL		100.0%

Projected Program Income:		Max Amount Program Income For Admi	$0.00
Projected Recaptured Funds:			
Distribution:	$692,931.00		
Total Available Funds:	$692,931.00		

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FLORIDA HOUSING FINANCE CORPORATION

HOUSING DELIVERY GOALS CHART

2019-2020

Please check applicable box	
New Plan:	X
Amendment:	
Fiscal Yr. Closeout:	2022

Name of Local Government: Pinellas County

Estimated Funds: $2,141,346.00

								A	B	C	D	E	F
	HOME OWNERSHIP	VLI	Max. SHIP	LI	Max. SHIP	MI	Max. SHIP	New Construction	Rehab/Repair	Without Construction	Total	Total	Total
Code	STRATEGIES (strategy title must be same as the title used in plan text.)	Units	Award	Units	Award	Units	Award	SHIP Dollars	SHIP Dollars	SHIP Dollars	SHIP Dollars	Percentage	Units
A	Purchase Assistance	5	$20,000	20	$20,000	20	$10,000		$100,000.00	$137,211.40	$237,211.40	11.08%	45
B	Purchase Assistance With Rehab	1	$20,000	10	$20,000	5	$10,000	$30,000.00	$100,000.00		$130,000.00	6.07%	16
C	Owner Occupied Rehabilitation	10	$50,000	5	$50,000	0	$0		$335,000.00		$335,000.00	15.64%	15
D	Acquisition/Rehabiliation/Const.	0	$250,000	1	$250,000	0	$250,000	$400,000.00	$150,000.00		$550,000.00	25.68%	1
E	Disaster Mitigation	0	$15,000	1	$15,000	1	$15,000		$45,000.00		$45,000.00	2.10%	2
											$0.00	0.00%	0
											$0.00	0.00%	0
											$0.00	0.00%	0
	Subtotal 1 (Home Ownership)	16		37		26		$430,000.00	$730,000.00	$137,211.40	$1,297,211.40	60.58%	79

	RENTAL	VLI	Max. SHIP	LI	Max. SHIP	MI	Max. SHIP	New Construction	Rehab/Repair	Without Construction	Total	Total	Total
	STRATEGIES	Units	Award	Units	Award	Units	Award	SHIP Dollars	SHIP Dollars	SHIP Dollars	SHIP Dollars	Percentage	Units
	Rental Development	2	$250,000	4	$250,000	0	$ 250,000	$250,000.00	$200,000.00		$450,000.00	21.01%	6
	Rental Assistance	0	$10,000		$10,000					$5,000.00	$5,000.00	0.23%	0
											$0.00	0.00%	0
											$0.00	0.00%	0
											$0.00	0.00%	0
	Subtotal 2 (Non-Home Ownershi	2		4		0		$250,000.00	$200,000.00	$5,000.00	$455,000.00	21.25%	6
	Administration Fees										$214,134.60	10.00%	
	Admin. From Program Income											0.00%	
	Home Ownership Counseling										$175,000.00	8.17%	
	GRAND TOTAL												
	Add Subtotals 1 & 2, plus all Ad	18		41		26		$680,000.00	$930,000.00	$142,211.40	$2,141,346.00	100.00%	85
	Percentage Construction/Re	Calculate Constr./Rehab Percent. by adding Grand Total Columns A&B, then divide by Annual Allocation Amt.									75%		
	Maximum Allowable Purchase Price:								$255,574	Existing	$255,574		

Allocation Breakdown	Amount	%
Very-Low Income	$925,000.00	43.2%
Low Income	$785,000.00	36.7%
Moderate Income	$431,346.00	20.1%
TOTAL	$2,141,346.00	100.0%

Projected Program Income:		Max Amount Program Income For Admin	$0.00
Projected Recaptured Funds:			
Distribution:	$2,141,346.00		
Total Available Funds:	$2,141,346.00		

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FLORIDA HOUSING FINANCE CORPORATION
HOUSING DELIVERY GOALS CHART
2020-2021

Please check applicable box	
New Plan: [eff. date]	X
Amendment:	
Fiscal Yr. Closeout:	2023

Name of Local Government: Pinellas County

Estimated Funds: $2,141,346.00

Code	HOME OWNERSHIP STRATEGIES (strategy title must be same as the title used in plan text.	VLI Units	VLI Max. SHIP Award	LI Units	LI Max. SHIP Award	MI Units	MI Max. SHIP Award	A New Construction SHIP Dollars	B Rehab/Repair SHIP Dollars	C Without Construction SHIP Dollars	D Total SHIP Dollars	E Total Percentage	F Total Units
	Purchase Assistance	5	$20,000	20	$20,000	20	$10,000		$100,000.00	$137,211.40	$237,211.40	11.08%	45
	Purchase Assistance With Rehab	1	$20,000	10	$20,000	5	$10,000	$30,000.00	$100,000.00		$130,000.00	6.07%	16
	Owner Occupied Rehabilitation	10	$50,000	5	$50,000	0			$335,000.00		$335,000.00	15.64%	15
	Acquisition/Rehabiliation/Const.	0	$250,000	1	$250,000	0	$250,000	$400,000.00	$150,000.00		$550,000.00	25.68%	1
	Disaster Mitigation		$15,000	1	$15,000	1	$15,000		$45,000.00		$45,000.00	2.10%	2
											$0.00	0.00%	0
											$0.00	0.00%	0
											$0.00	0.00%	0
	Subtotal 1 (Home Ownership)	16		37		26		$430,000.00	$730,000.00	$137,211.40	$1,297,211.40	60.58%	79
	RENTAL STRATEGIES	VLI Units	VLI Max. SHIP Award	LI Units	LI Max. SHIP Award	MI Units	MI Max. SHIP Award	New Construction SHIP Dollars	Rehab/Repair SHIP Dollars	Without Construction SHIP Dollars	Total SHIP Dollars	Total Percentage	Total Units
	Rental Development	2	$250,000	4	$250,000	0	$ 250,000	$250,000.00	$200,000.00		$450,000.00	21.01%	6
	Rental Assistance	0	$10,000	0	$10,000					$5,000.00	$5,000.00	0.23%	0
											$0.00	0.00%	0
											$0.00	0.00%	0
											$0.00	0.00%	0
	Subtotal 2 (Non-Home Ownership)	2		4		0		$250,000.00	$200,000.00	$5,000.00	$455,000.00	21.25%	6
	Administration Fees										$214,134.60	10.00%	
	Admin. From Program Income											0.00%	
	Home Ownership Counseling										$175,000.00	8.17%	
	GRAND TOTAL Add Subtotals 1 & 2, plus all Adm	18		41		26		$680,000.00	$930,000.00	$142,211.40	$2,141,346.00	100.00%	85
	Percentage Construction/Reha	Calculate Constr./Rehab Percent. by adding Grand Total Columns A&B, then divide by Annual Allocation Amt.									75%		
	Maximum Allowable Purchase Price:							New	$255,574	Existing	$255,574		

Allocation Breakdown	Amount	%
Very-Low Income	$925,000.00	43.2%
Low Income	$785,000.00	36.7%
Moderate Income	$431,346.00	20.1%
TOTAL	$2,141,346.00	100.0%

Projected Program Income:		Max Amount Program Income For Admin	$0.00
Projected Recaptured Funds:			
Distribution:	$2,141,346.00		
Total Available Funds:	$2,141,346.00		

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Exhibit D
67-37.005(1), F.A.C.
[eff. date]

CERTIFICATION TO
FLORIDA HOUSING FINANCE CORPORATION

Local Government or Interlocal Entity: Pinellas County

Certifies that:

(1) The availability of SHIP funds will be advertised pursuant to program requirements in 420.907-420.9079, Florida Statutes.

(2) All SHIP funds will be expended in a manner which will insure that there will be no discrimination on the basis of race, color, national origin, sex, handicap, familial status, or religion.

(3) A process to determine eligibility and for selection of recipients for funds has been developed.

(4) Recipients of funds will be required to contractually commit to program guidelines and loan terms.

(5) Florida Housing will be notified promptly if the local government /interlocal entity will be unable to comply with any provision of the local housing assistance plan (LHAP).

(6) The LHAP provides a plan for the encumbrance of funds within twelve months of the end of the State fiscal year in which they are received and a plan for the expenditure of SHIP funds including allocation, program income and recaptured funds within 24 months following the end of the State fiscal year in which they are received.

(7) The LHAP conforms to the Local Government Comprehensive Plan, or that an amendment to the Local Government Comprehensive Plan will be initiated at the next available opportunity to insure conformance with the LHAP.

(8) Amendments to the approved LHAP shall be provided to the Florida Housing for review and/or approval within 21 days after adoption.

(9) The trust fund exists with a qualified depository for all SHIP funds as well as program income or recaptured funds.

(10) Amounts on deposit in the local housing assistance trust fund shall be invested as permitted by law.

(11) The local housing assistance trust fund shall be separately stated as a special revenue fund in the local governments audited financial statements (CAFR). An electronic copy of the CAFR or a hyperlink to the document shall be provided to Florida Housing by June 30 of the applicable year.

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(12) Evidence of compliance with the Florida Single Audit Act, as referenced in Section 215.97, F.S. shall be provided to Florida Housing by June 30 of the applicable year.

(13) SHIP funds will not be pledged for debt service on bonds.

(14) Developers receiving assistance from both SHIP and the Low Income Housing Tax Credit (LIHTC) Program shall comply with the income, affordability and other LIHTC requirements, similarly, any units receiving assistance from other federal programs shall comply with all Federal and SHIP program requirements.

(15) Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.

(16) Rental Units constructed or rehabilitated with SHIP funds shall be monitored for compliance with tenant income requirements and affordability requirements or as required in Section 420.9075 (3)(e). To the extent another governmental entity provides periodic monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility.

(17) The LHAP meets the requirements of Section 420.907-9079 FS, and Rule Chapter 67-37 FAC.

(18) The provisions of Chapter 83-220, Laws of Florida have not been implemented (except for Miami-Dade County).

Witness

Kenneth T. Welch
Chief Elected Official or designee

Witness

Kenneth T. Welch, Board Chairman
Type Name and Title

Date

OR

ATTEST: KEN BURKE, CLERK
By: Deputy Clerk

Attest:
(Seal)

BOARD OF COUNTY COMMISSIONERS SEAL PINELLAS COUNTY, FLORIDA

AMERICAN OVERSIGHT

RESOLUTION NO. 18-__22__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA APPROVING THE 2018-2019, 2019-2020, 2020-2021 LOCAL HOUSING ASSISTANCE PLAN; AUTHORIZATION FOR THE CHAIRMAN, OR DESIGNEE, TO EXECUTE AND THE CLERK TO ATTEST PLAN CERTIFICATIONS AND DOCUMENTS; AUTHORIZATION FOR THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN TO THE FLORIDA HOUSING FINANCE CORPORATION FOR REVIEW AND APPROVAL; AUTHORIZATION FOR THE COUNTY ADMINISTRATOR TO IMPLEMENT THE HOUSING STRATEGIES AND PROGRAMS AS DEFINED IN THE PLAN; AUTHORIZATION FOR THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE AGREEMENTS WITH VENDORS, SUBRECIPIENTS, SPONSORS, HOUSING DEVELOPERS AND OTHER ENTITIES TO IMPLEMENT HOUSING PROGRAMS AND STRATEGIES; AUTHORIZATION FOR THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE HOUSING PROGRAM SECURITY INSTRUMENTS, AGENCY AGREEMENTS, LAND USE RESTRICTION AGREEMENTS, AND AMENDMENTS; AUTHORIZATION FOR THE PLANNING DEPARTMENT DIRECTOR, OR DESIGNEE, TO SIGN AND SUBMIT FORMS, REPORTS, AND OTHER ADMINISTRATIVE DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida enacted the William E. Sadowski Affordable Housing Act, Chapter 92-317 of Florida Sessions Laws, allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing; and

WHEREAS, the State Housing Initiatives Partnership (SHIP) Act, ss. 420.907-420.9079, Florida Statutes (1992), and Rule Chapter 67-37, Florida Administrative Code, requires local governments to develop a one- to three-year Local Housing Assistance Plan outlining how funds will be used; and

WHEREAS, the SHIP Act requires local governments to establish the maximum SHIP funds allowable for each strategy; and

WHEREAS, the SHIP Act further requires local governments to establish an average area purchase price for new and existing housing benefiting from awards made pursuant to the Act; The methodology and purchase prices used are defined in the attached Local Housing Assistance Plan; and

WHEREAS, as required by section 420.9075, F.S. it is found that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the Local Housing Assistance Plan. The cost of administering the program may not

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exceed 10 percent of the local housing distribution plus 5% of program income deposited into the trust fund; and

WHEREAS, Pinellas County has prepared a three-year Local Housing Assistance Plan for submission to the Florida Housing Finance Corporation; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public for Pinellas County to submit the Local Housing Assistance Plan for review and approval so as to qualify for said SHIP funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1. The Local Housing Assistance Plan, as attached and incorporated hereto for submission to the Florida Housing Finance Corporation as required by ss. 420.907-420-9079, Florida Statutes, for fiscal years 2018-2019, 2019-2020, and 2020-2021 is approved.

SECTION 2. The Chairman, or designee, is designated and authorized to execute and the Clerk to attest any documents and certifications required by the Florida Housing Finance Corporation as related to the Local Housing Assistance Plan, and to do all things necessary and proper to carry out the term and conditions of said program.

SECTION 3. The County Administrator is authorized to implement the housing strategies and programs as defined in the plan.

SECTION 4. The County Administrator, or designee, is authorized to execute agreements with vendors, subrecipients, sponsors, housing developers and other entities to implement housing programs and strategies.

SECTION 5. The County Administrator, or designee, is authorized to execute housing program security instruments, agency agreements, land use restriction agreements, and amendments thereto, pursuant to the Local Housing Assistance Plan.

SECTION 6. The Planning Department Director, or designee, is authorized to sign and submit forms, reports, and other administrative documents related to the administration and operation of the Local Housing Assistance Plan. The Planning Department Director or designee shall also have authority to authorize actions and execute documentation necessary in administering mortgage and mortgage notes associated with any housing program referenced herein, including but not limited to authorizing and executing mortgage accelerations, reinstatements, and

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assignments.

SECTION 7. EFFECTIVE DATE. This resolution shall become effective upon adoption as provided by law.

In a regular meeting duly assembled on the 24th day of April, 2018, Commissioner Gerard offered the foregoing Resolution and hereby moved its adoption, which was seconded by Commissioner Justice and upon roll call the vote was:

Ayes: Welch, Seel, Eggers, Gerard, Justice, and Long.

Nays: None.

Absent and Not Voting: Morroni.

APPROVED AS TO FORM

By: _____

Office of the County Attorney

AMERICAN OVERSIGHT

From: MEP Coalition <info@mepcoalition.org>
Sent: Thursday, October 24, 2019 10:48 AM EDT
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
CC: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: MEP Coalition Tallahassee Meetings
Attachment(s): "FLORIDA'S-FAILURE-TO-REGULATE-FINAL.pdf","FPL Draft Legislation.pdf","FLORIDA'S-FAILURE-TO-REGULATE-FINAL.pdf","FPL Draft Legislation.pdf"

Dear Senator Brandes,

I am contacting you on behalf of the MEP Coalition, a state wide coalition of over 23,000 mechanical electrical and plumbing contractors who are very concerned about the impacts of regulated utility monopolies entering into unregulated businesses.

This type of subsidization leveraging monopoly status and ratepayer assets is fundamentally unfair and undermines consumer and anti-trust protections. Florida Power & Light (FPL) is leading the way with their entry into the home services market which includes air conditioning, heating, plumbing and electrical services. If FPL is allowed to circumvent oversight and legislative and regulatory intent with ratepayer subsidized expansions, the rest of the state's utilities are likely to follow in their footsteps.

There is already significant consumer confusion as highlighted by this investigative news report.

Moreover, we have concerns about the company using public resources as a ratepayer funded utility for private gain. Across the country, other states have imposed and enforced rules to protect ratepayers and prohibit or regulate these activities under "affiliate transaction rules."

Attached you will find the Draft Legislation and a copy of Florida's Failure to Regulate which extensively documents how other states have already taken steps to prohibit or restrict utility expansions to protect ratepayers, local businesses, jobs and consumers.

We would appreciate an opportunity to meet with you to explain the issue and its impacts on your constituents and businesses across the state. Members of our coalition will be in Tallahassee November 5th and 6th. Please let us know a convenient time and we will arrange for them to give you a quick briefing on the issue and our efforts to address it.

Thank you!

MEP Coalition

info@mepcoalition.org

727.275.0572

Doug Lindstrom

Keith Martin

Skip Farinhas

Jaime DiDomenico

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FLORIDA'S FAILURE TO REGULATE

Despite massive political spending and lobbying, most states have found a way to enact and enforce regulations to protect citizens from monopoly utility expansions.

Florida has yet to do so…

MEP COALITION
FOR FAIR COMPETITION
MECHANICAL • ELECTRICAL • PLUMBING

727.275.0572
1532 US Highway 41 Bypass S. #139
Venice, FL 34293-1032
mepcoalition.org
info@mepcoalition.org

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EXECUTIVE BRIEF

Florida's oversight of utility monopolies has failed.

The Florida Public Service Commission, the State Legislature, the Attorney General and all those charged with the protection of consumers have failed to act to provide reasonable regulatory oversight and restrictions on the expansion of utility monopolies. This leaves consumers, rate payers, small businesses and local communities at risk while utilities leverage their monopoly status and use ratepayer funds to subsidize expansion into new unregulated industries.

This has already been prohibited or regulated across much of the United States.
Florida has fallen behind most other states and has allowed powerful utility lobbyists and political donations to inhibit reasonable and responsible governance.

All businesses are driven by growth. Building shareholder value, increasing market share and growing profitability are the benchmarks for success especially among large publicly traded companies.

Utility companies, because they maintain vital public infrastructure, are granted special rights and privileges including monopoly-like status – the ability to operate as a sole supplier free from competition. All commercial and residential customers must use the one utility monopoly that services their area as there is essentially no reasonable alternative. In return for this special status and exemption from a myriad of laws designed to encourage competition, utility monopolies are regulated with special rules and laws designed to protect the rights of ratepayers and consumers who cannot choose another supplier if they do not think the company is providing good service, dealing with them fairly or pricing their services reasonably.

The job of protecting the ratepayer, consumer and citizen from the corporation's drive to grow and expand their monopoly status into greater market power and profitability falls to regulators charged to act in the public interest. Public Service Commissions, Attorneys General and state legislators have direct oversight responsibility to keep utility monopolies in check and protect citizens.

Using utility ratepayer funds to subsidize new businesses.
The expansion of regulated utility monopolies using ratepayer funds to enter unregulated businesses are not new. Over the past twenty years, many utilities have attempted to leverage their monopoly power, access to customer data and ratepayer funded infrastructure to subsidize easy entry into electrical, heating, air conditioning, plumbing and other industries.

States across the U.S. have enacted laws to regulate so-called **Utility Affiliate Transactions,** preventing regulated utilities from using ratepayer funded resources to subsidize nonregulated subsidiaries. Florida has yet to implement even the most basic regulatory protections.

Massive political spending, lobbying, and donations as well as contributions specifically targeted at those with the power to nominate members to the Florida Public Service Commission, the state regulatory authority, have all contributed to the undermining of regulatory oversight and reasonable safeguards against the misuse of ratepayer funds.

Undermining Regulatory Oversight

Major campaign donations. Florida's four largest energy companies contributed more than $43 million to state level candidates, political parties and political committees in the 2014 and 2016 election cycles.

- **Political spending increasing.** The energy companies spent more than twice as much in the most recent four-year period than in the previous ten-year period.
- **Lobby expenditures trending upward.** Utilities continue to have an outsized lobbying presence in the Florida Capitol, employing more than one lobbyist for every two legislators.
- **Trade associations used to lobby.** While the energy companies are not supposed to use customer dollars to lobby, regulators allow them to bypass the ban by paying dues to trade groups and associations that lobby.

Utility	Average Number of Contract Lobbyists Per Year 2014 – 2017	Total Paid 2014 - 2017
Duke Energy	25	$750,000
Florida Power & Light	32	1,760,000
Gulf Power Company	13	$940,000
TECO/Tampa Electric	24	$2,098,000
Totals	94	$5,548,000

(SOURCE: Power Play Redux: Political Influence of Florida's Top Energy Corporations: http://www.integrityflorida.org/wp-content/uploads/2018/05/Power-Play-Redux-final.pdf)

Our review of 13 states chosen randomly illustrates the type of restrictions used across the country to prohibit misuse of ratepayer funds and prevent subsidization. These regulations address the sharing of customer data, joint marketing, sharing of personnel and corporate infrastructure and much more in order to shield ratepayers, local businesses and entire industries from insurmountable and unfair competition.

Federal Trade Commission and Consumer Protections

The Federal Trade Commission weighed in on this issue and offers guidelines for utility/affiliate codes of conduct in their July 2000 report, "Competition and Consumer Protection Perspectives on Electric Power Regulatory Reform."

> ***"The chief concerns in the context of affiliate transactions in retail competition typically include discrimination as well as cross-subsidization or cost-shifting that favors the unregulated affiliate relative to its competitors. Consumers are harmed because discrimination and cross-subsidization may displace more efficient and innovative competitors and shift production to less efficient suppliers… Most states have rules or codes of conduct against cost shifts and cross-subsidization already in place because of the traditional concern about burdening ratepayers with unrelated costs."***

Moreover, the FTC dedicates an entire sub-section to logo usage, where they identify concerns of using a utility's logo resulting in consumer deception and cross-subsidization.

> ***"Harm to competition may occur because the unregulated affiliate's access to the logo of its regulated parent gives it a cost advantage through potential cross-subsidization that otherwise equally efficient competitors cannot match. The anticompetitive results may include (1) higher-than-necessary average operating (i.e., non-logo-related) costs for the industry and higher prices for consumers due to the continued operation of the affiliate, which can survive with higher-than-necessary costs due to the cross-subsidization; (2) greater market concentration and less competition than would occur absent the cross-subsidization;(78) and (3) discouragement of potential entry that likely would have occurred absent the cross-subsidization, including entry involving innovative products and production processes."***

There is no need to reinvent the wheel as most states have already successfully acted to reign in ratepayer subsidized utility expansions. Aggressive lobbying and political spending must not prevent legislators and regulators from doing their jobs and acting in the public trust. Florida must finally take action and enact real legislative and regulatory controls, as other states have done, to protect consumers, ratepayers and small businesses.

Other states have found a way through the wall of corporate lobbying and political spending to protect citizens. Failing to do so in Florida will result in irreparable harm and will be a distressing demonstration of a complete breakdown and abdication of legislative and regulatory oversight bought and paid for with utility ratepayer funds.

FLORIDA DRAFT LEGISLATION

Currently seeking Florida legislators willing to sponsor this bill or a version of it to provide Florida with consumer protections currently written into law in states across the country.

Chapter 366, Florida Statutes, Public Utilities

Section 366.____ is created to read:

Section 366.____ Public utility or electric utility prohibited from engaging in construction contracting services, exceptions, penalty.—

(1) A public utility or electric utility, as defined in s. 366.02, may not engage in construction contracting services, as defined in ch. 489, unless otherwise provided in subsection (7).

(2) No affiliate or utility contractor may use any facility, electronic processing or communication mechanism, public relations or marketing product or service, vehicle, service tool, instrument, employee, or any other public utility or electric utility asset, the cost of which is recoverable in the regulated rate for utility service, to engage in construction contracting services unless the public utility or electric utility is compensated for the use of such asset at cost to the public utility or electric utility.

(3) No affiliate or utility contractor may use or combine any bookkeeping, billing, mailing, financing, legal services, or insurance product or service procured or owned by a public utility or electric utility for any activity related to construction contracting.

(4) A public utility or electric utility may not provide any affiliate or utility contractor with bookkeeping, billing, mailing, financing, legal services, or insurance product or service related to construction contracting, including service warranty or home warranty products or services under ch. 634 or construction liens under part I, ch. 713.

(5) A public utility or electric utility may not use or allow any affiliate or utility contractor to use the name, trade or service mark, logo, or slogan of such public utility or electric utility to engage in construction contracting services.

(6) A public utility or electric utility may not engage in or assist any affiliate or utility contractor in engaging in construction contracting services in a manner which subsidizes the activities of such public utility, electric utility, affiliate or utility contractor to the extent of changing the rates or charges for the public utility's or electric utility's regulated services above or below the rates or charges that would be in effect if the public utility or electric utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

(7) Any affiliate or utility contractor engaged in construction contracting services shall maintain accounts, bookkeeping and records separate and distinct from the public utility or electric utility.

(8) The provisions of this section shall apply to any affiliate or utility contractor engaged in construction contracting services that is owned, controlled or under common control with a public utility or electric utility providing regulated utility service in this state or any other state.

(9) The provisions of this section shall not be construed to prohibit a public utility or electric utility from providing emergency service, providing any service required by law, providing any service exempt from construction contracting licensure under s. 489.103(5), or providing a program pursuant to an existing tariff, rule or order of the Commission.

UTILITY AFFILIATE TRANSACTION RULES BY STATE

State	Rule	Prohibits Subsidation	Market Value Asset Transfers	Prohibits Sharing of Customer Data	Prohibits Joint Marketing	Prohibits Sharing of Employees	Prohibits Sharing of Corporate Infrastructure	Prohibits Use of Logo	Notes
FLORIDA	Florida Administrative Code 25-6.1351 Cost Allocation and Affiliate Transactions	(Not Specific)	X (Unenforced/Unregulated)						No clear rules in place compared to other states
CALIFORNIA	PUC Affiliate Transaction Rules Applicable to Large CA Energy Utilities	X	X	Non-discriminatory	X	X	X	Allowed with Disclaimer	Any shared corporate support shall be priced, reported
MISSOURI	4 CSR 240-40.015	X	Commission approves cost allocation, market valuation and internal cost methods	Requires customer consent and non-discriminatory	Allowed with Disclaimer			Allowed with Disclaimer	Includes HVAC Services Affiliate Transactions (4 CSR 240-40.017)
TEXAS	Texas Administrative Code Title 16 Part 2 Chapter 25 Subchapter K RULE §25.272	X	Governed by a tariff approved by the Commission, non-discriminatory	Requires customer consent and non-discriminatory	X	X	X		includes access for all to things like billing inserts if offered to the affiliate.
CONNECTICUT	Code of Conduct for Electric Distribution Companies Sec 16-244h1-7	X	X	Requires customer consent and non-discriminatory	Allowed with Disclaimer	X		Allowed with Disclaimer	Corporate support services shall be priced, reported
MAINE	PUC 65-407 (Chapters 304 and 820)	X		X (820 requires purchase)	X (820 requires purchase)	X		X (820 requires purchase)	
ARKANSAS	PSC Order No. 7 Docket No. 06-112-R Affiliate Transaction Rules	X	X	X	X	X	X		Describes Books and Record Keeping
NEW HAMPSHIRE	Chapter PUC 2100 Affiliate Transaction Rules	X	X	Requires customer consent	X	X	X	Allowed with Disclaimer	Corporate support services shall be priced, reported
RHODE ISLAND	PUC R.I.G.L. § 39-1-11 and § 39-3-7		Transactions tariffed, other sales are publicly disclosed		Unless promotions are non-discriminatory	Limited		X	Describes Books and Record Keeping
NEW JERSEY	NJ Administrative Code Title 14:4-3	X	Prohibited unless tariffed	Requires customer consent	X	X	X	Allowed with Disclaimer	Corporate support services shall be priced, reported
MICHIGAN	Public Act 141, MCL 460.10 Code of Conduct	X	X	Requires customer consent and non-discriminatory	X	X	X		Non-discriminatory services
ILLINOIS	Title 83 Chapter Ic Part 450	X	Transfer costs must be Commission approved	Requires customer consent and non-discriminatory	X	X			Includes internal audit information
NORTH CAROLINA	NC Utilities Commission: North Carolina Code of Conduct	X	X	Requires customer consent and non-discriminatory	Must make such oppotunities available to comparable third parties.			Allowed with Disclaimer	Same rules apply in South Carolina (Aimed at Duke)
MARYLAND	2013 Maryland Code PUBLIC UTILITIES § 7-211 - Energy efficiency programs	X							Ruling is ambiguous, multiple fights over use of logo (BGE)
MASSACHUSETTS	220 CMR 12.00 and Proposed Bills H3513 and H860		X	Requires customer consent and non-discriminatory	X	X		Allowed with Disclaimer	Proposed 2011 H. 860. Contains full prohibition on logo and subsidization.

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FEDERAL ENERGY REGULATORY COMMISSION

Rule: Cross-Subsidization Restrictions on Affiliate Transactions, [Docket No. RM07-15-000; Order No. 707][1]

SUMMARY: In this Final Rule, pursuant to sections 205 and 206 of the Federal Power Act, the Federal Energy Regulatory Commission (Commission) is amending its regulations to codify restrictions on affiliate transactions between franchised public utilities that have captive customers or that own or provide transmission service over jurisdictional transmission facilities, and their market-regulated power sales affiliates or non-utility affiliates. These restrictions will supplement other restrictions the Commission has in place to protect captive customers of franchised public utilities or transmission customers of franchised public utilities that own or provide transmission service over jurisdictional transmission facilities from inappropriate cross-subsidization of affiliates.

Order No. 707 expands the applicability of recently-adopted affiliate transaction restrictions. FERC's restrictions are meant to prevent franchised public utilities (that is, utilities with franchised service obligations under state law) with captive customers from unfairly subsidizing their unregulated affiliates at the captive customers' expense. FERC traditionally has addressed this issue in the context of market-based rate sellers, and recently codified in its regulations a series of restrictions on transactions between franchised public utilities with captive customers and their affiliates that sell power at marketbased rates. Even more recently, in a 2007 order approving the acquisition of KeySpan by National Grid, FERC applied those conditions not only to the relationship between a franchised public utility with captive customers and its affiliates that sell power at market-based rates, but also to the relationship between the utility and all of its other affiliates, even those that do not engage in power sales.

Order No. 707 further broadens the scope of the affiliate transaction restrictions so that the rules adopted in the National Grid merger proceeding will apply to all FERC-jurisdictional franchised utilities that either (1) serve wholesale or retail customers under cost-based regulation, or (2) own or provide transmission service over FERC jurisdictional transmission facilities. However, FERC clarifies that if a franchised public utility has received a determination from FERC that it does not have captive customers, it may continue to rely on that determination. If a franchised public utility is subject to the affiliate restrictions under Order No. 707, it must comply with the following rules:

‡ FERC approval is required for any wholesale sale by the utility to an affiliate eligible to sell wholesale energy at market-based rates, or by such an affiliate to the utility.

‡ Sales of non-power goods and services to any affiliate must be at the higher of cost or market price.

‡ With the exception of purchases from "centralized service companies" (i.e., a service company providing legal, accounting, tax, human resources, and related services) purchases of non-power goods and services from any affiliate must be at a price no higher than the market price.

‡ Purchases by a franchised utility of non-power goods and services from a "centralized service company" must be at cost.[2]

[1] https://www.ferc.gov/whats-new/comm-meet/2008/022108/E-2.pdf

[2] https://www.huntonak.com/images/content/2/0/v3/2058/FERC-707-Alert.pdf

FEDERAL TRADE COMMISSION

Competition and Consumer Protection Perspectives on Electric Power Regulatory Reform[3]

Limits on Transactions Between Regulated Utilities and Their Unregulated Affiliates

As discussed above, we have significant reservations about the effectiveness of relying exclusively on behavioral rules [to discourage discrimination in transactions between regulated utilities and their unregulated affiliates]. If the scale, scope, or vertical integration economies of affiliation are substantial and can be realized even in the presence of functional unbundling, [a state commission] may wish to strengthen its approach by requiring the affiliates to operate independently, on a bid-based, arm's-length basis. For example, [a state commission] may wish to require that the bulk of regulated utility purchases from unregulated affiliates be restricted to contracts won through an objective bidding process in which a third party evaluates the bids.

A critical element of workable bidding systems is the perceived and actual objectivity of the bid evaluation process. The system must be perceived as objective in order to attract bidders. Potential bidders, other than affiliates, may be unwilling to incur the costs of making a bid if the system is perceived as biased in favor of affiliates. The system must also be objective in fact in order to avoid raising costs for customers of the regulated utility. The use of third-party evaluations of the bids is one technique for achieving such objectivity.(70)

In addition, [a state commission] may wish to consider restrictions on asset transfers from the parent distribution utility to an affiliate. Some states are considering making such transfers subject to particular price bounds to assure that ratepayers do not unfairly subsidize the activities of the affiliate.(71) This proposal raises issues similar to determining the value of assets in assessing stranded costs. Just as some states, such as Massachusetts, have determined that the market is the best gauge of value to determine the value of generating assets in a stranded cost assessment,(72) [a state commission] may wish to use actual market values, rather than a band of prices, for asset transfers. The arm's-length bid process discussed above is an example of a method to establish actual market values.

Benefits and Costs of Allowing Unregulated Affiliates to Use the Parent, Regulated Distribution Firm's Logo

[A state commission] may wish to compare the benefits and costs of allowing affiliates of regulated distribution firms to use the corporate logo of the distribution firm.(73) One benefit of such use may be to reduce prices in the competitive markets served by affiliates. With access to the parent company's logo, the affiliate is likely to have lower marketing costs that may be passed along to consumers in a competitive market.(74) The lower prices of the affiliate may encourage other firms serving this market to charge lower prices as well, resulting in lower prices for the market as a whole.(75) If consumers' perceptions of the implications of an affiliate's use of the parent utility's logo are accurate,(76) a second prospective benefit may be reduced search costs for consumers.

On the cost side, we have identified two potential concerns about the use of logos by affiliates: deception of consumers and cross-subsidization.

(1) Potential Deception: [This is discussed in Chapter VIII.]

(2) Potential Cross-subsidization and the Use of the Parent Utility's Logo: Although some forms of cross-subsidization may be effectively addressed by transfer pricing rules,(77) other forms may be more difficult to assess. Cross-subsidization could take the form of cost-shifting among inputs used for both regulated and unregulated products, such as the use of a corporate logo in marketing the affiliate's products and services as well as the regulated parent utility's products and services. Costs of shared inputs could be assigned in a biased manner (i.e., with additional costs assigned to the regulated side of the business) so that the regulated entity can justify

[3] https://www.ftc.gov/reports/competition-consumer-protection-perspectives-electric-power-regulatory-reform#Limits

higher rates. This biased assignment of costs, which is often difficult for regulators to detect and remedy, distorts competition and produces inefficiencies in the unregulated business as well.

The risk of failing to detect anticompetitive cross-subsidization is heightened if (1) the reputation of the regulated parent utility is effectively embodied or represented by its logo; (2) the regulated parent firm can improve its reputation by incurring costs of the type that regulators would traditionally include in the rate base of the regulated firm; and (3) the unregulated affiliate can enhance its own reputation among consumers by using the logo of the regulated parent firm, even if elements of the regulated firm's reputation do not apply to the affiliate. When these factors are present, a regulated incumbent will have a heightened incentive to overinvest in reputation-building because it can expect to incorporate a greater share of these investments into its rate base than if the assets were not shared with the affiliate. Moreover, the affiliate would realize additional profits from its increased sales in the unregulated market. The principal obstacle to deterring this conduct is that it may be extraordinarily difficult to distinguish competitive from anticompetitive levels of investment in reputation-building. Harm to competition and consumers may result from such overinvestment and subsequent cross-subsidization.

Harm to competition may occur because the unregulated affiliate's access to the logo of its regulated parent gives it a cost advantage through potential cross-subsidization that otherwise equally efficient competitors cannot match. The anticompetitive results may include (1) higher-than-necessary average operating (i.e., non-logo-related) costs for the industry and higher prices for consumers due to the continued operation of the affiliate, which can survive with higher-than-necessary costs due to the cross-subsidization; (2) greater market concentration and less competition than would occur absent the cross-subsidization;(78) and (3) discouragement of potential entry that likely would have occurred absent the cross-subsidization, including entry involving innovative products and production processes.

If [a state commission] upon more detailed study determines that there are substantial economies of vertical integration that cannot be realized without allowing affiliates to use the logos of their respective regulated parent utilities, [a state commission] may wish to consider two policy alternatives that are designed to obtain some of the potential benefits of affiliate use of the parent distribution firm's logo without incurring the costs. First, some states are considering allowing the use of the logo by affiliates, contingent upon use of a disclaimer that avoids consumer deception. [A state commission] may wish to evaluate this alternative by examining the impression that consumers are likely to have with the use of the logo accompanied by a disclaimer, and whether that impression would be accurate.(79)Consumer research designed to investigate the effects of several alternative policies on consumers may be the most effective approach.(80) A disclaimer that suffices to avoid consumer deception also may suffice to discourage cross-subsidization in the form of excessive investment in reliability.

Another alternative for transfer of the rights to use the parent firm's logo is to require that the affiliate (and any other firms granted the right to use the logo) pay the parent for the right to use the logo.(81) Because the logo is an asset, use of the logo by other firms, including affiliates, represents an asset transfer from the parent firm, and [a state commission] may wish to treat it like other asset transfers.(82) In order to avoid cross-subsidization in such a transaction, the use of the parent logo must be fairly evaluated.

MASSACHUSETTS

Rule: 220 CMR 12.00 STANDARDS OF CONDUCT FOR DISTRIBUTION COMPANIES AND THEIR AFFILIATES[4] and Proposed Bills H3513 and H860[5]

Market Value Asset Transfers

A Distribution Company may sell, lease, or otherwise transfer to an Affiliate, including a Competitive Affiliate, an asset, the cost of which has been reflected in the Distribution Company's rates for regulated service, provided that the price charged the Affiliate is the higher of the net book value or market value of the asset. The Department shall determine the market value of any such asset sold, leased, or otherwise transferred, based on the highest price that the asset could have reasonably realized after an open and competitive sale.

A Distribution Company may sell, lease, or otherwise transfer to an affiliate, including a Competitive Affiliate, assets other than those subject to 220 CMR 12.04(1), and may also provide services to an affiliate, including a Competitive Affiliate, provided that the price charged for such asset or service is equal to or greater than the Distribution Company's fully allocated cost to provide the asset or service.

An Affiliated Company may sell, lease, or otherwise transfer an asset to a Distribution Company, and may also provide services to a Distribution Company, provided that the price charged to the Distribution Company is no greater than the market value of the asset or service provided.

A Distribution Company must maintain a log of all transactions with Affiliated Companies made pursuant to 220 CMR 12.04(1) through (3). The log shall include the date of the transaction, the nature and quantity of the asset or service provided, the price charged, and an explanation of how the price was derived for purposes of compliance with 220 CMR 12.04. All log entries must be dated and made contemporaneously with relevant transactions. The log shall be kept up to date. The Distribution Company shall file a copy of the log with the Department no later than January 15 of each year, covering the previous year.

Sharing Customer Data

A Distribution Company shall not release any proprietary customer information to an Affiliate without the prior written authorization of the customer.

To the extent that a Distribution Company provides a Competitive Affiliate with information not readily available or generally known to any Non-affiliated Supplier, which information was obtained by the Distribution Company in the course of providing distribution service to its customers, the Distribution Company shall make that information available on a non-discriminatory basis to all Non-affiliated Suppliers transacting business in its service territory. 220 CMR 12.03(10) does not apply to customer-specific information obtained with proper authorization, information necessary to fulfill the provisions of a contract, or information relating to the provision of general and administrative support services.

Joint Marketing

The Distribution Company shall not engage in joint advertising or marketing programs of any sort with its Competitive Energy Affiliate, nor shall the Distribution Company directly promote or market any product or service offered by any Competitive Affiliate.

[4] https://www.mass.gov/files/220_cmr_12.00_10_3_08.pdf

[5] https://malegislature.gov/Bills/187/H860

Sharing Employees

Employees of a Distribution Company shall not be shared with a Competitive Energy Affiliate, and shall be physically separated from those of the Competitive Energy Affiliate. The Distribution Company shall fully and transparently allocate costs for any shared facilities or general and administrative support services provided to any Competitive Affiliate.

Logo Usage

Subject to 220 CMR 12.03(12), a Distribution Company may allow an Affiliate, including a Competitive Energy Affiliate, to identify itself, through the use of a name, logo, or both, as an Affiliate of the Distribution Company, provided that such use by a Competitive Energy Affiliate shall be accompanied by a disclaimer that shall state that no advantage accrues to customers or others in the use of the Distribution Company's services as a result of that customer or others dealing with the Competitive Energy Affiliate, and that the customer or others need not purchase any product or service from any Competitive Energy Affiliate in order to obtain services from the Distribution Company on a non-discriminatory basis. The disclaimer shall be written or spoken, or both, as may be appropriate given the context of the use of the name or logo.

CALIFORNIA

Rule: Public Utilities Commission Affiliate Transaction Rules Applicable to Large California Energy Utilities[6]

Subsidization

Corporate Support: As a general principle, a utility, its parent holding company, or a separate affiliate created solely to perform corporate support services may share with its affiliates joint corporate oversight, governance, support systems and personnel. Any shared support shall be priced, reported and conducted in accordance with the Separation and Information Standards set forth herein, as well as other applicable Commission pricing and reporting requirements.

As a general principle, such joint utilization shall not allow or provide a means for the transfer of confidential information from the utility to the affiliate, create the opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of affiliates. In the compliance plan, a corporate officer from the utility and holding company shall verify the adequacy of the specific mechanisms and procedures in place to ensure the utility follows the mandates of this paragraph, and to ensure the utility is not utilizing joint corporate support services as a conduit to circumvent these Rules.

Market Value Asset Transfers

Transfer of Goods and Services: To the extent that these Rules do not prohibit transfers of goods and services between a utility and its affiliates, all such transfers shall be subject to the following pricing provisions:

1. Transfers from the utility to its affiliates of goods and services produced, purchased or developed for sale on the open market by the utility will be priced at fair market value.

2. Transfers from an affiliate to the utility of goods and services produced, purchased or developed for sale on the open market by the affiliate shall be priced at no more than fair market value.

3. For goods or services for which the price is regulated by a state or federal agency, that price shall be deemed to be the fair market value, except that in cases where more than one state commission regulates the price of goods or services, this Commission's pricing provisions govern.

4. Goods and services produced, purchased or developed for sale on the open market by the utility will be provided to its affiliates and unaffiliated companies on a nondiscriminatory basis, except as otherwise required or permitted by these Rules or applicable law.

5. Transfers from the utility to its affiliates of goods and services not produced, purchased or developed for sale by the utility will be priced at fully loaded cost plus 5% of direct labor cost.

6. Transfers from an affiliate to the utility of goods and services not produced, purchased or developed for sale by the affiliate will be priced at the lower of fully loaded cost or fair market value.

Sharing Customer Data

Customer Information: A utility shall provide customer information to its affiliates and unaffiliated entities on a strictly non-discriminatory basis, and only with prior affirmative customer written consent.

Non-Customer Specific Non-Public Information: A utility shall make non-customer specific non-public information, including but not limited to information about a utility's natural gas or electricity purchases, sales, or operations or about the utility's gas-related goods or services, electricity-related goods or services, available to the utility's affiliates only if the utility makes that information contemporaneously available to all other service providers on

[6] http://www.cpuc.ca.gov/General.aspx?id=1459

the same terms and conditions, and keeps the information open to public inspection. Unless otherwise provided by these Rules, a utility continues to be bound by all Commission-adopted pricing and reporting guidelines for such transactions. Utilities are also permitted to exchange proprietary information on an exclusive basis with their affiliates, provided the utility follows all Commission-adopted pricing and reporting guidelines for such transactions, and it is necessary to exchange this information in the provision of the corporate support services permitted by Rule V E below. The affiliate's use of such proprietary information is limited to use in conjunction with the permitted corporate support services, and is not permitted for any other use. Nothing in this Rule precludes the exchange of information pursuant to D.97-10-031.

Joint Marketing

A utility shall not participate in joint advertising or joint marketing with its affiliates. This prohibition means that utilities may not engage in activities which include, but are not limited to the following:

1. A utility shall not participate with its affiliates in joint sales calls, through joint call centers or otherwise, or joint proposals (including responses to requests for proposals (RFPs)) to existing or potential customers. At a customer's unsolicited request, a utility may participate, on a nondiscriminatory basis, in non-sales meetings with its affiliates or any other market participant to discuss technical or operational subjects regarding the utility's provision of transportation service to the customer;

2. Except as otherwise provided for by these Rules, a utility shall not participate in any joint activity with its affiliates. The term "joint activities" includes, but is not limited to, advertising, sales, marketing, communications and correspondence with any existing or potential customer;

3. A utility shall not participate with its affiliates in trade shows, conferences, or other information or marketing events held in California.

Sharing Employees

1. Except as permitted in Section V E (corporate support), a utility and its affiliates shall not jointly employ the same employees. This Rule prohibiting joint employees also applies to Board Directors and corporate officers, except for the following circumstances: In instances when this Rule is applicable to holding companies, any board member or corporate officer may serve on the holding company and with either the utility or affiliate (but not both). Where the utility is a multi-state utility, is not a member of a holding company structure, and assumes the corporate governance functions for the affiliates, the prohibition against any board member or corporate officer of the utility also serving as a board member or corporate officer of an affiliate shall only apply to affiliates that operate within California. In the case of shared directors and officers, a corporate officer from the utility and holding company shall verify in the utility's compliance plan the adequacy of the specific mechanisms and procedures in place to ensure that the utility is not utilizing shared officers and directors as a conduit to circumvent any of these Rules.

2. All employee movement between a utility and its affiliates shall be consistent with the following provisions:

    a. A utility shall track and report to the Commission all employee movement between the utility and affiliates. The utility shall report this information annually pursuant to our Affiliate Transaction Reporting Decision, D.93-02-016, 48 CPUC2d 163, 171-172 and 180 (Appendix A, Section I and Section II H.).

    b. Once an employee of a utility becomes an employee of an affiliate, the employee may not return to the utility for a period of one year. This Rule is inapplicable if the affiliate to which the employee transfers goes out of business during the one-year period. In the event that such an employee returns to the utility, such employee cannot be retransferred, reassigned, or otherwise employed by the affiliate for a period of two years.

Employees transferring from the utility to the affiliate are expressly prohibited from using information gained from the utility in a discriminatory or exclusive fashion, to the benefit of the affiliate or to the detriment of other unaffiliated service providers.

c. When an employee of a utility is transferred, assigned, or otherwise employed by the affiliate, the affiliate shall make a one-time payment to the utility in an amount equivalent to 25% of the employee's base annual compensation, unless the utility can demonstrate that some lesser percentage (equal to at least 15%) is appropriate for the class of employee included. All such fees paid to the utility shall be accounted for in a separate memorandum account to track them for future ratemaking treatment (i.e. credited to the Electric Revenue Adjustment Account or the Core and Non-core Gas Fixed Cost Accounts, or other ratemaking treatment, as appropriate), on an annual basis, or as otherwise necessary to ensure that the utility's ratepayers receive the fees. This transfer payment provision will not apply to clerical workers. Nor will it apply to the initial transfer of employees to the utility's holding company to perform corporate support functions or to a separate affiliate performing corporate support functions, provided that that transfer is made during the initial implementation period of these rules or pursuant to a § 851 application or other Commission proceeding. However, the rule will apply to any subsequent transfers or assignments between a utility and its affiliates of all covered employees at a later time.

d. Any utility employee hired by an affiliate shall not remove or otherwise provide information to the affiliate which the affiliate would otherwise be precluded from having pursuant to these Rules.

e. A utility shall not make temporary or intermittent assignments, or rotations to its affiliates.

Sharing Corporate Infrastructure

Corporate Support: As a general principle, a utility, its parent holding company, or a separate affiliate created solely to perform corporate support services may share with its affiliates joint corporate oversight, governance, support systems and personnel. Any shared support shall be priced, reported and conducted in accordance with the Separation and Information Standards set forth herein, as well as other applicable Commission pricing and reporting requirements.

As a general principle, such joint utilization shall not allow or provide a means for the transfer of confidential information from the utility to the affiliate, create the opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of affiliates. In the compliance plan, a corporate officer from the utility and holding company shall verify the adequacy of the specific mechanisms and procedures in place to ensure the utility follows the mandates of this paragraph, and to ensure the utility is not utilizing joint corporate support services as a conduit to circumvent these Rules.

Examples of services that may be shared include: payroll, taxes, shareholder services, insurance, financial reporting, financial planning and analysis, corporate accounting, corporate security, human resources (compensation, benefits, employment policies), employee records, regulatory affairs, lobbying, legal, and pension management.

Examples of services that may not be shared include: employee recruiting, engineering, hedging and financial derivatives and arbitrage services, gas and electric purchasing for resale, purchasing of gas transportation and storage capacity, purchasing of electric transmission, system operations, and marketing.

Logo Usage

1. A utility shall not trade upon, promote, or advertise its affiliate's affiliation with the utility, nor allow the utility name or logo to be used by the affiliate or in any material circulated by the affiliate, unless it discloses in plain legible or audible language, on the first page or at the first point where the utility name or logo appears that:

    a. the affiliate "is not the same company as [i.e. PG&E, Edison, the Gas Company, etc.], the utility,";

    b. the affiliate is not regulated by the California Public Utilities Commission; and

    c. "you do not have to buy [the affiliate's] products in order to continue to receive quality regulated services from the utility."
    The application of the name/logo disclaimer is limited to the use of the name or logo in California.

2. A utility, through action or words, shall not represent that, as a result of the affiliate's affiliation with the utility, its affiliates will receive any different treatment than other service providers.

3. A utility shall not offer or provide to its affiliates advertising space in utility billing envelopes or any other form of utility customer written communication unless it provides access to all other unaffiliated service providers on the same terms and conditions.

4. A utility shall not participate in joint advertising or joint marketing with its affiliates. This prohibition means that utilities may not engage in activities which include, but are not limited to the following:

    a. A utility shall not participate with its affiliates in joint sales calls, through joint call centers or otherwise, or joint proposals (including responses to requests for proposals (RFPs)) to existing or potential customers. At a customer's unsolicited request, a utility may participate, on a nondiscriminatory basis, in non-sales meetings with its affiliates or any other market participant to discuss technical or operational subjects regarding the utility's provision of transportation service to the customer;

    b. Except as otherwise provided for by these Rules, a utility shall not participate in any joint activity with its affiliates. The term "joint activities" includes, but is not limited to, advertising, sales, marketing, communications and correspondence with any existing or potential customer;

    c. A utility shall not participate with its affiliates in trade shows, conferences, or other information or marketing events held in California.

5. A utility shall not share or subsidize costs, fees, or payments with its affiliates associated with research and development activities or investment in advanced technology research.

MISSOURI

Rule: Code of State Regulations 4 CSR 240-40.015[7]

Subsidization

4 CSR 240-40.015 Affiliate Transactions
PURPOSE: This rule is intended to prevent regulated utilities from subsidizing their nonregulated operations. In order to accomplish this objective, the rule sets forth financial standards, evidentiary standards and record keeping requirements applicable to any Missouri Public Service Commission (commission) regulated gas corporation whenever such corporation participates in transactions with any affiliated entity (except with regard to HVAC services as defined in section 386.754, RSMo Supp. 1998, by the General Assembly of Missouri). The rule and its effective enforcement will provide the public the assurance that their rates are not adversely impacted by the utilities' nonregulated activities.

4 CSR 240-40.017 HVAC Services Affiliate Transactions
PURPOSE: This rule prescribes the requirements for HVAC services affiliated entities and regulated gas corporations when such gas corporations participate in affiliated transactions with an HVAC affiliated entity as set forth in sections 386.754, 386.756, 386.760, 386.762 and 386.764, RSMo by the General Assembly of the State of Missouri.

A regulated gas corporation may not engage in or assist any affiliated entity or utility contractor in engaging in HVAC services in a manner which subsidizes the activities of such regulated gas corporation, affiliated entity or utility contractor to the extent of changing the rates or charges for the regulated gas corporation's services above or below the rates or charges that would be in effect if the regulated gas corporation were not engaged in or assisting any affiliated entity or utility contractor in engaging in such activities.

Market Value Asset Transfers

(D) In transactions involving the purchase of goods or services by the regulated gas corporation from an affiliated entity, the regulated gas corporation will use a commission approved Cost Allocation Manual (CAM) which sets forth cost allocation, market valuation and internal cost methods. This CAM can use benchmarking practices that can constitute compliance with the market value requirements of this section if approved by the commission.

In transactions involving the purchase of information, assets, goods or services by the regulated gas corporation from an affiliated entity, the regulated gas corporation will use a commission-approved CAM which sets forth cost allocation, market valuation and internal cost methods. This CAM can use bench marking practices that can constitute compliance with the market value requirements of this section if approved by the commission.

Sharing Customer Data

Specific customer information shall be made available to affiliated or unaffiliated entities only upon consent of the customer or as otherwise provided by law or commission rules or orders. General or aggregated customer information shall be made available to affiliated or unaffiliated entities upon similar terms and conditions. The regulated gas corporation may set reasonable charges for costs incurred in producing customer information. Customer information includes information provided to the regulated utility by affiliated or unaffiliated entities.

Joint Marketing/Logo Usage

Marketing materials, information or advertisements by an affiliate entity that share an exact or similar name, logo or trademark of the regulated utility shall clearly display or announce that the affiliate entity is not regulated by the Missouri Public Service Commission.

[7] https://www.sos.mo.gov/cmsimages/adrules/csr/previous/4csr/4csr0308/4c240-40.pdf

TEXAS

Rule: Texas Administrative Code Title 16 Part 2 Chapter 25 Subchapter K RULE §25.272[8]
(See also: Project 41616 2014 Texas PUC Ruling[9] and Texas Court of Appeals Dissenting Opinion[10] for issues including logo sharing)

Subsidization

A utility shall not subsidize the business activities of any affiliate with revenues from a regulated service. In accordance with PURA and the commission's rules, a utility and its affiliates shall fully allocate costs for any shared services, including corporate support services, offices, employees, property, equipment, computer systems, information systems, and any other shared assets, services, or products.

Market Value Asset Transfers

Sale of products or services by a utility. Unless otherwise approved by the commission and except for corporate support services, any sale of a product or service by a utility shall be governed by a tariff approved by the commission. Products and services shall be made available to any third party entity on the same terms and conditions as the utility makes those products and services available to its affiliates.

Sharing Customer Data

1) Proprietary customer information. A utility shall provide a customer with the customer's proprietary customer information, upon request by the customer. Unless a utility obtains prior affirmative written consent or other verifiable authorization from the customer as determined by the commission, or unless otherwise permitted under this subsection, it shall not release any proprietary customer information to a competitive affiliate or any other entity, other than the customer, an independent organization as defined by PURA §39.151, or a provider of corporate support services for the sole purpose of providing corporate support services in accordance with subsection (e)(2)(A) of this section. The utility shall maintain records that include the date, time, and nature of information released when it releases customer proprietary information to another entity in accordance with this paragraph. The utility shall maintain records of such information for a minimum of three years, and shall make the records available for third party review within 72 hours of a written request, or at a time mutually agreeable to the utility and the third party. When the third party requesting review of the records is not the customer, commission, or Office of Public Utility Counsel, the records may be redacted in such a way as to protect the customer's identity. If proprietary customer information is released to an independent organization or a provider of corporate support services, the independent organization or entity providing corporate support services is subject to the rules in this subsection with respect to releasing the information to other persons.

    (A) Exception for law, regulation, or legal process. A utility may release proprietary customer information to another entity without customer authorization where authorized or requested to do so by the commission or where required to do so by law, regulation, or legal process.

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8 https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=16&pt=2&ch=25&rl=272

9 https://www.puc.texas.gov/agency/rulesnlaws/subrules/electric/25.272/41616adt.pdf

10 https://cases.justia.com/texas/third-court-of-appeals/2014-03-13-00358-cv-1.pdf?ts=1405646304

(B) Exception for release to governmental entity. A utility may release proprietary customer information without customer authorization to a federal, state, or local governmental entity or in connection with a court or administrative proceeding involving the customer or the utility; provided, however, that the utility shall take all reasonable actions to protect the confidentiality of such information, including, but not limited to, providing such information under a confidentiality agreement or protective order, and shall also promptly notify the affected customer in writing that such information has been requested.

(C) Exception to facilitate transition to customer choice. In order to facilitate the transition to customer choice, a utility may release proprietary customer information to its affiliated retail electric provider or providers of last resort without authorization of those customers only during a period prescribed by the commission.

(D) Exception for release to providers of last resort. On or after January 1, 2002, a utility may provide proprietary customer information to a provider of last resort without customer authorization for the purpose of serving customers who have been switched to the provider of last resort.

(E) Exception for release to State of Texas' Division of Emergency Management. Beginning January 1, 2011, a utility may provide proprietary customer information to the State of Texas' Division of Emergency Management, upon that agency's request for purposes of identifying the customer as a critical care residential customer pursuant to §25.497 of this title (relating to Critical Load Industrial Customers, Critical Load Public Safety Customers, Critical Care Residential Customers, and Chronic Condition Residential Customers).

2) Nondiscriminatory availability of aggregate customer information. A utility may aggregate non-proprietary customer information, including, but not limited to, information about a utility's energy purchases, sales, or operations or about a utility's energy-related goods or services. However, except in circumstances solely involving the provision of corporate support services in accordance with subsection (e)(2)(A) of this section, a utility shall aggregate non-proprietary customer information for a competitive affiliate only if the utility makes such aggregation service available to all non-affiliates under the same terms and conditions and at the same price as it is made available to any of its affiliates. In addition, no later than 24 hours prior to a utility's provision to its competitive affiliate of aggregate customer information, the utility shall post a conspicuous notice on its Internet site or other public electronic bulletin board for at least 30 consecutive calendar days, providing the following information: the name of the competitive affiliate to which the information will be provided, the rate charged for the information, a meaningful description of the information provided, and the procedures by which non-affiliates may obtain the same information under the same terms and conditions. The utility shall maintain records of such information for a minimum of three years, and shall make such records available for third party review within 72 hours of a written request, or at a time mutually agreeable to the utility and the third party.

3) No preferential access to transmission and distribution information. A utility shall not allow preferential access by its competitive affiliates to information about its transmission and distribution systems.

4) Other limitations on information disclosure. Nothing in this rule is intended to alter the specific limitations on disclosure of confidential information in the Texas Utilities Code, the Texas Government Code, Chapter 552, or the commission's substantive and procedural rules.

5) Other information. Except as otherwise allowed in this subsection, a utility shall not share information, except for information required to perform allowed corporate support services, with competitive affiliates unless the utility can prove to the commission that the sharing will not compromise the public interest prior to any such sharing. Information that is publicly available, or that is unrelated in any way to utility activities, may be shared.

Joint Marketing/Sharing Corporate Infrastructure

Corporate support services--Services shared by a utility, its parent holding company, or a separate affiliate created to perform corporate support services, with its affiliates of joint corporate oversight, governance, support systems, and personnel. Examples of services that may be shared, to the extent the services comply with the requirements prescribed by PURA §39.157(d) and (g) and rules implementing those requirements, include human resources, procurement, information technology, regulatory services, administrative services, real estate services, legal services, accounting, environmental services, research and development unrelated to marketing activity and/or business development for the competitive affiliate regarding its services and products, internal audit, community relations, corporate communications, financial services, financial planning and management support, corporate services, corporate secretary, lobbying, and corporate planning.

Examples of services that may not be shared include engineering, purchasing of electric transmission facilities and service, transmission and distribution system operations, and marketing, unless such services are provided by a utility, or a separate affiliate created to perform such services, exclusively to affiliated regulated utilities and only for provision of regulated utility services.

(h) Safeguards relating to joint marketing and advertising.
(1) Joint marketing, advertising, and promotional activities.
(A) A utility shall not:
i. provide or acquire leads on behalf of its competitive affiliates;
ii. solicit business or acquire information on behalf of any of its competitive affiliates;
iii. give the appearance of speaking or acting on behalf of any of its competitive affiliates;
iv. share market analysis reports or other proprietary or non-publicly available reports, with its competitive affiliates;
v. represent to customers or potential customers that it can offer competitive retail services bundled with its tariffed services; or
vi. request authorization from its customers to pass on information exclusively to its competitive affiliate.

(B) A utility shall not engage in joint marketing, advertising, or promotional activities of its products or services with those of a competitive affiliate in a manner that favors the affiliate. Such joint marketing, advertising, or promotional activities include, but are not limited to, the following activities:
i. acting or appearing to act on behalf of a competitive affiliate in any communications and contacts with any existing or potential customers;
ii. joint sales calls;
ii. joint proposals, either as requests for proposals or responses to requests for proposals:
iv. joint promotional communications or correspondence, except that a utility may allow a competitive affiliate access to customer bill advertising inserts according to the terms of a commission-approved tariff so long as access to such inserts is made available on the same terms and conditions to non-affiliates offering similar services as the competitive affiliate that uses bill inserts;

v. joint presentation at trade shows, conferences, or other marketing events within the State of Texas; and
vi. providing links between any of a utility's websites and social media platforms, and any of the websites and social media platforms of its competitive affiliates.

Sharing Employees

Sharing of employees, facilities, or other resources. Except as otherwise allowed in paragraph (3), (4), (5), or (7) of this subsection, a utility shall not share employees, facilities, or other resources with its competitive affiliates unless the utility can prove to the commission prior to such sharing that the sharing will not compromise the public interest. Such sharing may be allowed if the utility implements adequate safeguards precluding employees of a competitive affiliate from gaining access to information in a manner that would allow or provide a means to transfer confidential information from a utility to an affiliate, create an opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of affiliates.

(3) Sharing officers and directors, property, equipment, computer systems, information systems, and corporate services. A utility and a competitive affiliate may share common officers and directors, property, equipment, computer systems, information systems and corporate support services, if the utility implements safeguards that the commission determines are adequate to preclude employees of a competitive affiliate from gaining access to information in a manner that would allow or provide a means to transfer confidential information from a utility to an affiliate, create an opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of affiliates

(4) Employee transfers and temporary assignments. A utility shall not assign, for less than one year, utility employees engaged in transmission or distribution system operations to a competitive affiliate unless the employee does not have knowledge of confidential information. Utility employees engaged in transmission or distribution system operations, including persons employed by a service company affiliated with the utility who are engaged in transmission system operations on a day-to-day basis or have knowledge of transmission or distribution system operations and are transferred to a competitive affiliate, shall not remove or otherwise provide or use confidential property or information gained from the utility or affiliated service company in a discriminatory or exclusive fashion, to the benefit of the competitive affiliate or to the detriment of non-affiliated electric suppliers. Movement of an employee engaged in transmission or distribution system operations, including a person employed by a service company affiliated with the utility who is engaged in transmission or distribution system operations on a day-to-day basis or has knowledge of transmission or distribution system operations from a utility to a competitive affiliate or vice versa, may be accomplished through either the employee's termination of employment with one company and acceptance of employment with the other, or a transfer to another company, as long as the transfer of an employee from the utility to an affiliate results in the utility bearing no ongoing costs associated with that employee. Transferring employees shall sign a statement indicating that they are aware of and understand the restrictions and penalties set forth in this section. The utility also shall post a conspicuous notice of such a transfer on its Internet site or other public electronic bulletin board within 24 hours and for at least 30 consecutive calendar days. The exception to this provision is that employees may be temporarily assigned to an affiliate or non-affiliated utility to assist in restoring power in the event of a major service interruption or assist in resolving emergency situations affecting system reliability. Consistent with §25.84(h) of this title (relating to Reporting of Affiliate Transactions for Electric Utilities), however, within 30 days of such a deviation from the code of conduct, the utility shall report this information to the commission and shall conspicuously post the information on its Internet site or other public electronic bulletin board for 30 consecutive calendar days.

(5) Sharing of office space. A utility's office space shall be physically separate from that of its competitive affiliates, where physical separation is accomplished by having office space in separate buildings or, if within the same building, by a method such as having offices on separate floors or with separate access, unless otherwise approved by the commission.

(6) Separate books and records. A utility and its affiliates shall keep separate books of accounts and records, and the commission may review records relating to a transaction between a utility and an affiliate.

(A) In accordance with generally accepted accounting principles or state and federal guidelines, as appropriate, a utility shall record all transactions with its affiliates, whether they involve direct or indirect expenses.

(B) A utility shall prepare financial statements that are not consolidated with those of its affiliates.

(C) A utility and its affiliates shall maintain sufficient records to allow for an audit of the transactions between the utility and its affiliates. At any time, the commission may, at its discretion, require a utility to initiate, at the utility's expense, an audit of transactions between the utility and its affiliates performed by an independent third party.

(7) Limited credit support by a utility. A utility may share credit, investment, or financing arrangements with its competitive affiliates if it complies with subparagraphs (A) and (B) of this paragraph.

(A) The utility shall implement adequate safeguards precluding employees of a competitive affiliate from gaining access to information in a manner that would allow or provide a means to transfer confidential information from a utility to an affiliate, create an opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of affiliates.

(B) The utility shall not allow an affiliate to obtain credit under any arrangement that would include a specific pledge of any assets in the rate base of the utility or a pledge of cash reasonably necessary for utility operations. This subsection does not affect a utility's obligations under other law or regulations, such as the obligations of a public utility holding company under §25.271(c)(2) of this title (relating to Foreign Utility Company Ownership by Exempt Holding Companies).

CONNECTICUT

Rule: Department of Public Utility Control: Code of Conduct for Electric Distribution Companies Sec 16-244h1-7[11]

Subsidization

(5) An electric distribution company shall not share or subsidize costs, fees, or payments with its affiliates associated with research and development activities or investment in advanced technology research.

Market Value Asset Transfers

(3) An electric distribution company shall pay fair market value for all goods and services produced, purchased or developed by its generation entities or affiliates. The electric distribution company's purchasing practices shall be non-discriminatory and shall result in fair prices to its customers. All transfers from a generation entity or affiliate to its electric distribution company shall be posted on the affiliate discount internet web page referenced in section 16-244h-3(f) of the Regulations of Connecticut State Agencies within 24 hours of the time at which the service provided by the generation entity or affiliate is so provided.

Sharing Customer Data

(1) Unless the electric distribution company has received a form from a customer requesting that the customer's name, address, telephone number and rate class not be released, the electric distribution company may release such information to its generation entities or affiliates without customer consent, so long as such information is released only on a strictly non-discriminatory basis pursuant to the provisions of section 16-245o(d) of the Connecticut General Statutes. Customer consent is not required for an electric distribution company to provide load data concerning existing customers of its generation entities or affiliates necessary for customer billing and load reporting to the regional independent system operator, as that term is defined in section 16-1 of the Connecticut General Statutes.

(2) An electric distribution company shall receive prior affirmative written customer consent before releasing any customer information not referenced in subdivision (1) of this subsection. If an electric distribution company releases customer specific information not referenced in subdivision (1) of this subsection to its generation entity or affiliate, it shall make similar customer specific information available to other electric suppliers on a strictly non-discriminatory basis and on the same terms and conditions.

(3) If an electric distribution company releases customer information to its generation entities or affiliates for which no tariff or standard fee applies, within 24 hours of the time at which an electric distribution company releases such customer information, the electric distribution company shall post, either directly on or directly linked to the discount page required pursuant to section 16-244h-3(f) of the Regulations of Connecticut State Agencies, a notice providing the terms and conditions of such release of information. The notice shall include, but is not limited to:

(A) The name of the generation entity or affiliate receiving the information;
(B) The number of names provided;
(C) The type of information provided (e.g., customer specific load profiles);
(D) The price charged to the generation entity or affiliate; and
(E) The electronic form in which the information was provided.

Joint Marketing/Advertising/Logo Usage

(1) An electric distribution company shall not trade upon, promote, or advertise its generation entity or affiliate's affiliation with the electric distribution company, nor allow the electric distribution company name or logo to be used by the generation entity or affiliate in any advertisement or in any

[11] https://www.ct.gov/pura/lib/pura/regs/16-244h-1to7.pdf

material circulated by the generation entity or affiliate, unless it discloses in plain legible or audible language, on the first page or at the first point where the electric distribution company's name or logo appears that:

(A) The generation entity or affiliate ''is not the same company as [i.e. The Connecticut Light and Power Company, The United Illuminating Company], the electric distribution company,''; and

(B) ''You do not have to buy [the generation entity or affiliate's] products in order to continue to receive quality regulated services from the electric distribution company.''

The application of the name/logo disclaimer is limited to the use of the name or logo in Connecticut. Any written disclaimer shall be in bold print, and shall not utilize a typeface of less than eight points in size. Compensation for ratemaking purposes for the use of the electric distribution company's logo by a generation entity or affiliate shall be determined by the department in any rate case held pursuant to section 16-19 of the Connecticut General Statutes. The electric distribution company shall record any such use of its logo by its generation entity or affiliate.

(2) An electric distribution company, through action or words, shall not represent that, as a result of the generation entity or affiliate's relationship with the electric distribution company, its generation entity or affiliates will receive any different treatment than other service providers.

(3) An electric distribution company shall not offer or provide to any generation entity or affiliate advertising space in electric distribution company billing envelopes or any other form of written electric distribution company customer communication. The appearance of a generation entity or affiliate's name or logo on a customer bill to indicate the customer's choice of electric supplier shall not be considered trading upon or promoting the generation entity or affiliate's affiliation with the electric distribution company under subdivision (1) of this subsection, and shall not be considered joint advertising or joint marketing prohibited in subdivision (4) of this section. An electric distribution company shall offer each electric supplier the ability to display its name or logo or both on the customer bill, to indicate the customer's choice of electric supplier, under the same terms and conditions as those offered to the electric distribution company's generation entities or affiliates. The appearance of an electric distribution company's logo on a customer bill to indicate the provider of electric distribution services shall not require the disclaimers listed in subdivision (1) of this section.

(4) An electric distribution company shall not participate in joint advertising or joint marketing with its generation entities or affiliates. This prohibition against joint advertising or joint marketing includes, but is not limited to the following:

(A) An electric distribution company shall not participate with its generation entities or affiliates through joint sales calls, through joint call centers or otherwise, or through joint proposals (including responses to requests for proposals) to existing or potential customers. This subparagraph does not prohibit an electric distribution company from participating, on a nondiscriminatory basis, in non-sales meetings with its generation entities or affiliates or any other electric supplier to discuss technical or operational subjects regarding the electric distribution company's provision of transportation service to the customer. An electric distribution company shall maintain a record of all such meetings that shall include, but is not limited to, the customer's name and customer class, the customers electric supplier at the time of the meeting, the date of the meeting and a general description of the subject matter discussed. The record of meetings shall be open to inspection by the department and its staff consistent with the provisions of section 16-244h-5(b) of the Regulations of Connecticut State Agencies;

(B) Except as otherwise provided for by sections 16-244h-1 to 16-244h-7, inclusive, of the Regulations of Connecticut State Agencies, an electric distribution company shall not participate in any joint activity with its generation entities or affiliates. The term ''joint activity'' includes, but is not limited to, advertising, sales, marketing, communications and correspondence with any existing or potential customer;

(C) An electric distribution company shall not participate with its generation entities or affiliates in trade shows, conferences, or other information or marketing events.

(5) An electric distribution company shall not share or subsidize costs, fees, or payments with its affiliates associated with research and development activities or investment in advanced technology research.

Corporate Support/Sharing Employees

(f) Corporate Support:
(1) An electric distribution company, its parent holding company, or a separate affiliate created solely to perform corporate support services may share with its generation entities or affiliates joint corporate oversight, governance, support systems and personnel. Any shared corporate support shall be priced, reported and conducted in accordance with the separation and information standards set forth in sections 16-244h-1 to 16-244h-7, inclusive, of the Regulations of Connecticut State Agencies, as well as other applicable department pricing and reporting requirements.

(2) Such shared corporate support shall not allow or provide a means for the transfer of confidential information such as customer information or noncustomer specific non-public information from the electric distribution company to the affiliate, create the opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create opportunities for cross subsidization of generation entities or affiliates. In the compliance plan submitted pursuant to section 16-244h-7 of the Regulations of Connecticut State Agencies, a corporate officer from the electric distribution company and holding company shall verify the adequacy of the specific mechanisms and procedures in place to ensure the electric distribution company follows the mandates of this subsection, and to ensure the electric distribution company is not utilizing shared corporate support services as a means to circumvent sections 16-244h-1 to 16-244h-7, inclusive of the Regulations of Connecticut State Agencies.

(3) Examples of services that may be shared include, but are not limited to: payroll, taxes, shareholder services, insurance, financial reporting, corporate financial planning and analysis, corporate accounting, corporate security, human resources (compensation, benefits, employment policies), employee records, regulatory affairs, lobbying, legal, and pension management. Examples of services that may not be shared include: employee recruiting, engineering, hedging and financial derivatives and arbitrage services, electric purchasing for resale, purchasing of electric transmission, system operations and marketing.

(h) Employees:
(1) Except as permitted in subsection (f) of this section, an electric distribution company and its generation entities or affiliates shall not jointly employ the same employees. This prohibition against joint employees also applies to board of directors and corporate officers, except that if an electric distribution company and its generation entities or affiliates are controlled by a holding company, any board member or corporate officer may serve on the holding company and with either the electric distribution company or its generation entities or affiliates, but not both. In the case of shared directors and officers, a corporate officer from the electric distribution company and holding company shall verify in the electric distribution company's compliance plan submitted pursuant to section 16-244h-7 of the Regulations of Connecticut State Agencies the adequacy of the specific mechanisms and procedures in place to ensure that the electric distribution company is not utilizing shared officers and directors as a means to circumvent sections 16-244h-1 to 16-244h-7, inclusive, of the Regulations of Connecticut State Agencies.

(2) All employee transfers between an electric distribution company and its generation entities or affiliates shall be consistent with the following provisions:

(A) An electric distribution company shall track and report to the department all employee transfers between the electric distribution company and generation entities or affiliates. The

electric distribution company shall report this information to the department no later than July 1, 2000 and annually thereafter.
(B) Once an employee of an electric distribution company becomes an employee of a generation entity or affiliate, the employee shall not return to the electric distribution company for a period of one year. This prohibition is inapplicable if the generation entity or affiliate to which the employee transfers no longer transacts business in this state during the one-year period. In the event that an employee returns to the electric distribution company, such employee shall not be retransferred, reassigned, or otherwise employed by a generation entity or affiliate for a period of two years. An employee that is hired by the generation entity or affiliate and becomes an employee of the electric distribution company shall not be retransferred, reassigned, or otherwise employed by a generation entity or affiliate for a period of two years. Employees transferring from the electric distribution company to a from the electric distribution company in a discriminatory or exclusive fashion, to the benefit of the generation entity or affiliate or to the detriment of unaffiliated electric suppliers.

(C) Any electric distribution company employee hired by a generation entity or affiliate shall not remove or otherwise provide information to the generation entity or affiliate which the generation entity or affiliate would otherwise be precluded from having pursuant to sections 16-244h-1 to 16 244h-7, inclusive, of the Regulations of Connecticut State Agencies.

(D) An electric distribution company shall not make temporary or intermittent assignments, or rotations of its employees to its generation entities or affiliates.

(E) A transferring employee shall sign a statement attesting that the employee is aware of and understands the restrictions set forth in sections 16-244h-1 to 16-244h-7, inclusive, of the Regulations of Connecticut State Agencies and the attendant consequences of violations of those sections.

MAINE

Rule: PUC 65-407[12] Chapters 304 and 820

304 SUMMARY - This Chapter establishes standards of conduct applicable to both large and small investor-owned distribution utilities and affiliated competitive providers, a method of tracking the retail sales made by an affiliated competitive provider within the service territory of its affiliated distribution utility and a requirement that consumer-owned utilities notify the Commission of any wholesale generation sales.

820 SUMMARY: This rule describes the record keeping, accounting and structural requirements that Maine utilities must comply with if they engage in non-core business activities consistent with the requirements in 35-A M.R.S.A. §§ 503, 707, 708, 713, 714 and 715.

Subsidization (304)

No Subsidization. A distribution utility may not subsidize the business of its affiliated competitive provider at ratepayer expense in any manner not specifically authorized under this section.

Sharing of Customer Data (820)

i. Limits on Use of Customer Information.
   i. Use by Affiliate of Customer Specific Information (CSI) or Aggregate Customer Information (ACI). A utility affiliate must purchase any CSI or ACI it wishes to use from the core utility at market value.
   ii. Availability of CSI or ACI. If a utility makes CSI or ACI available to a non-core utility subsidiary, it must make the CSI or ACI available to any other entity requesting it, on the same terms.
   iii. Affirmative Permission of Customer Required. To use any CSI (as distinguished from ACI), the utility must obtain affirmative, written permission from the customer.

ii. Obligation to Provide Information. If a utility provides information to an affiliate related to its status as a public utility, it must provide such information upon request to nonaffiliated companies.

iii. Preferences Forbidden. The utility may not act in preference to its affiliate or affiliates in providing access to utility facilities or services or in influencing utility customers to use the services of its affiliates. A utility that provides the name of its affiliate to a customer interested in the services of its affiliate must also provide the names of non-affiliated entities providing such services.

iv. Additional Standards of Conduct. This rule does not limit the Commission from imposing additional standards of conduct on a utility's activities related to its affiliated interests to the extent necessary to protect the public interest.

Joint Marketing (304 and 820)

Joint Advertising or Marketing. Joint advertising or marketing is any advertising or marketing that includes, directly or indirectly, references to both the distribution utility and its affiliated competitive provider. It also includes the use by the affiliated competitive provider of the same or substantially similar name or logo as the distribution utility in a way that would require a payment for good will under Chapter 820.

i. Promotion of Affiliate; Joint Marketing.

[12] https://www.maine.gov/sos/cec/rules/65/chaps65.htm

1) Neither a distribution utility nor its affiliated competitive provider may give any appearance of speaking on behalf of the other.
2) Neither a distribution utility nor an affiliated competitive provider may in any way represent that any advantage accrues to customers or others in the use of the distribution utility's services as a result of that customer's or others' dealing with the affiliated competitive provider.

3) A distribution utility and its affiliated competitive provider may not engage in joint advertising or marketing.

4) The distribution utility may not in any manner promote its affiliated competitive provider or any product or service offered by its affiliated competitive provider nor may the affiliated competitive provider promote any product or service offered by the distribution utility.

5) The Commission shall maintain a current list of all competitive providers available to customers in each distribution utility's service territory. The Commission shall update the list and rearrange the names on the list in a random sequence at least every 60 days. If a customer requests information about competitive electricity providers or where the customer may obtain generation services, the distribution utility shall provide a copy of the most recent list of competitive electricity providers issued by the Commission.

6) Unless the distribution utility or affiliated competitive provider is specifically asked what the relationship is between the two entities or whether the distribution utility or affiliated competitive provider has an affiliation or association with a competitive provider or distribution utility, respectively, employees of those entities may not disclose the affiliation. If they are specifically asked, employees may disclose the affiliation but must inform the questioner that:
   a. The affiliated competitive provider is not regulated by the Public Utilities Commission;
   b. No advantage will accrue to any customer of the affiliated competitive provider due to the affiliate's relationship with the distribution utility; and
   c. Customers may select another competitive electricity provider.

   The distribution utility shall submit as part of its implementation plan under Section 5 a script containing the information specified above that distribution utility and affiliated competitive provider employees shall use in responding to inquiries regarding affiliated status.

Sharing Employees (304)

Sharing of Employee Prohibition. Employees of a distribution utility must be located in a separate building from the employees of the affiliated competitive provider. Employees may not be shared between a distribution utility and its affiliated competitive provider. An employee is considered to be shared if the employee performs work for both entities. The employees of a distribution utility and the employees of an affiliated competitive provider must be served by separate telecommunications and computer systems. An employee who is transferred from an affiliated competitive provider to the distribution utility cannot return to the affiliated competitive provider for at least one year.

1. Exemption.

   The Commission may approve an exemption from this subsection upon a finding that:

a. Sharing employees or facilities would be in the best interest of the public;
b. Sharing employees or facilities would have no anticompetitive effect; and
c. The costs of any shared employees or facilities can be fully and accurately allocated between the distribution utility and the affiliated competitive provider.

Any request for an exemption must be accompanied by a full and transparent allocation of costs for any shared facilities or general and administrative support services. The Commission shall allow a reasonable opportunity for parties to submit comments regarding any request for an exemption. An exemption is valid until the Commission determines that modification or removal of the exemption is necessary.

ARKANSAS

Rule: Arkansas PSC Order No. 7 Docket No. 06-112-R Affiliate Transaction Rules[13]
The purpose of these rules is to ensure that all transactions among or between a public utility and any affiliates or divisions do not result in rates which are unreasonable and in violation of Ark. Code Ann. §§ 23-4- 103 and 23-4-104; to ensure that the rates charged by public utilities do not provide any subsidy to affiliates or divisions of the public utility which are involved in non-utility activities or which provide services to the public utility; to prevent anti-competitive behavior, and market manipulation or market power; and to prevent financial risk to rate-regulated public utility operations which may arise from business endeavors of an unregulated affiliate.

Rule IV - Affiliate Financial Transactions

A. Except as otherwise provided in this Rule IV or in other applicable law, a public utility shall not engage in any affiliate transaction in which the public utility:
    1. provides to or shares with any affiliate any financial resource or financial benefit, including but not limited to any:
        a. loan, extension of credit, guarantee or assumption of debt, indemnification, pledge of collateral; or
        b. encumbrance of or restriction on the disposition of any public utility;
    2. incurs any debt for purposes of investing in, or otherwise supporting, any business other than the provision of public utility service in Arkansas.

B. A public utility may obtain financial resources from an affiliate for public utility purposes, provided that the cost to the public utility of such financial resource does not exceed the lower of market price or the affiliate's fully allocated cost.

C. Rule IV shall not apply to or prohibit any of the following unless the Commission finds, after notice and hearing, unless waived by the parties, and consistent with applicable law, that such arrangement is not consistent with the purposes of these rules as defined in Rule II:
    1. An inter-affiliate financial transaction integral to an affiliate transaction for goods or services subject to and consistent with Rule V.
    2. The payment of dividends by a public utility to affiliates that own stock in such public utility (including adjustments to the capital accounts of divisions within the public utility).
    3. Transactions in connection with the factoring of accounts receivable, the creation and use of special Purpose financing entities, and the creation and use of money pool or cash management arrangements, subject to safeguards to prevent cross-subsidization and unauthorized pledges or encumbrances of public utility assets.
    4. Any loan, extension of credit, guarantee, assumption of debt, restriction on disposition of assets, indemnification, investment, or pledge of assets by a public utility for the purpose of supporting the utility related business activities of an affiliate.
    5. Any debt incurred by a public utility, including debt that imposes any encumbrance on, or any restriction placed on the disposition of any assets of, the public utility for the purpose of supporting the utility related business activities of an affiliate.
    6. Receipt by a public utility of capital contributions or proceeds from the sale of common stock to its parent holding company.
    7. Receipt by a public utility of financial resources from an affiliate for any non-public utility Purpose, provided that the cost to the public utility of such financial resource shall not be recovered from the public utility's customers in Arkansas.

[13] http://www.apscservices.info/Rules/affiliate_transaction_rules.pdf

8. Any financing arrangement involving a public utility and any affiliate that was in existence as of the effective date of these rules; provided the public utility files with the Commission a description of each such arrangement involving a public utility and any affiliate having an annual value or amount in excess of $350,000 and such filing is received within 120 days of the effective date of these rules.
9. Any other affiliate financial transaction proposed by a public utility, provided that:
    a. the public utility first files with the Commission an application for approval of such proposed affiliate financial transaction including a detailed description thereof and any relevant supporting documentation, and
    b. the Commission finds, after notice and hearing, unless waived by the parties, on such application, that the proposed affiliate financial transaction is consistent with the purposes of these rules as defined in Rule II.

D. Nothing in this Rule IV shall alter or amend the Commission's authority or the obligation of public utilities set out in Rule 5.01 of the Commission's Rules of Practice and Procedure.

Rule V Affiliate - Transactions Other Than Financial Transactions

A. Except as otherwise provided in this Rule V, or in other applicable law, with respect to an affiliate transaction involving assets, goods, services, information having competitive value, or personnel, a public utility shall not:
    1. receive anything of value, unless the compensation paid by the public utility does not exceed the lower of market price or fully allocated cost of the item received; and,
    2. provide anything of value, unless the compensation received by the public utility is no less than the higher of market price or fully allocated cost of the item provided.

B. Rule V shall not apply to or prohibit any of the following unless the Commission finds, after notice and hearing, unless waived by the parties, and consistent with applicable law, that such arrangement is not consistent with the Purposes of these rules as defined in Rule II:
    1. Exchanges of information:
        a. necessary to the reliable provision of public utility service by a public utility, provided such exchange occurs consistently with guidelines published by the utility and applied equally to affiliates and nonaffiliate entities;
        b. required by or necessary to comply with federal statutes or regulations; or,
        c. between or among a public utility, its parent holding company, a service company and any affiliated rate-regulated utility in another State of the United States.
    2. The provisions of shared corporate support services, at fully allocated cost, between or among a public utility and any affiliate, including a service company.
    3. The provision, at fully allocated cost, of assets, goods, services, or personnel between or among a public utility and a affiliated rate-regulated utility in another State of the United States.
    4. The provision of assets, goods, services, information having competitive value, or personnel, at a price determined by competitive bidding or pursuant to a regulatory filed or approved tariff or contract.
    5. Any other affiliate transaction proposed by a public utility to be exempted from Rule V.A provided that
        a. the public utility first files with the Commission an application for an exemption of such proposed affiliate transaction from the requirements of Rule V.A, including a detailed description of the proposed transaction and any relevant supporting documentation, and

b. the Commission finds, after notice and hearing, unless waived by the parties, on such application and consistent with applicable law, that the proposed exemption is consistent with the Purposes of these rules as defined in Rule II.

Rule VI Books, Records and Procedures

A. Recordkeeping

1. The public utility shall:
    a. keep books and records separately from the books and records of its affiliates; and,
    b. maintain such books and records in accordance with the applicable rules and orders of the Commission, and with Generally Accepted Accounting Principles (GAAP) as amended;

   provided, that, any multi-jurisdictional public utility whose Arkansas rates are set pursuant to jurisdictional allocations among such public utility's various regulatory jurisdictions shall not be required to keep books and records other than on a combined basis including all its utility business.
2. Such books and records shall contain all information necessary to:
    a. Identify all affiliate transactions in which the public utility participated; and,
    b. Identify and allocate or impute all revenues and costs (both direct and indirect) associated with all such affiliated transactions.
3. Upon the creation of a new affiliate that will participate in affiliate transactions with a public utility, the utility shall, no later than 60 days after the creation of such affiliate, notify the Commission by letter to the Secretary of the Commission of the creation of such new affiliate, which notice shall include an explanation of how the public utility will implement these rules with respect to such new affiliate.
4. Each public utility shall maintain, for at least five years, records of each affiliate transaction in which it participated, and the records shall:
    a. Be made contemporaneously with each affiliate transaction;
    b. Be in a readily retrievable format, and;
    c. Include, for each affiliate transaction;
        (1) The identity of the affiliate involved in the affiliate transaction;
        (2) The commencement and termination dates of the affiliate transaction;
        (3) a description of the affiliate transaction, including the nature and quantity of value provided and received;
        (4) the dollar amount of the affiliate transaction and the manner in which such dollar amount was calculated;
        (5) all other terms of the affiliate transaction;
        (6) the direct and indirect costs associated with the affiliate transaction, including any allocation formula used to attribute indirect costs; and,
        (7) all information necessary to verify compliance with these rules and the accuracy of amounts stated on the public utility's books and records, such information to include, but not be limited to:

(a) invoices, vouchers, communications, journal entries, workpapers; and,
(b) information supporting the price of each affiliate transaction, including but not limited to the cost and allocation method of the affiliate transaction and, when the cost was the result of a competitive bidding process, the market price and basis for the market price of the affiliate transaction; and,

d. be summarized and said summary for the prior calendar year shall be filed annually with the Commission as part of the annual report required by Rule IX. Unless otherwise ordered by the Commission, a public utility may satisfy the requirement of this Rule VI.A.4.d by filing with the Commission a copy of Federal Energy Regulatory Commission Form 60, Annual Report of Centralized Service Companies.

5. Each public utility shall file contemporaneously with its annual report under Rule VI.A.4.d the following information: a summary report indicating the aggregate dollar amount of all transactions described in Rule III.G(1), (2), (3), and (4) which the utility has conducted with each affiliate, as defined under Rule III.A, including the name of each such affiliate.
6. Each public utility shall maintain, update annually, train appropriate employees in, and (within 120 days following the effectiveness of these rules, and thereafter, to the extent of material changes, in each annual report required under Rule IX) file with the Commission, written procedures which ensure compliance with these rules; and, such written procedures shall include, at a minimum:
    a. all internal rules, practices, financial record keeping requirements, and other policies governing affiliate transactions among or between the public utility and its affiliates;
    b. the names and addresses of all the public utility's affiliates that participate in affiliate transactions with the public utility;
    c. an organizational chart depicting the ownership relationships between the public utility and those affiliates that participate in affiliate transactions with the public utility;
    d. a description of the types of assets, goods and services provided in any existing affiliate transaction lasting more than one year; and,
    e. a cost allocation manual or other description of the methods used to determine allocations in affiliate transactions.

B. The Commission shall have access to all books and records, of a public utility and its affiliates that participate in transactions with the public utility, to the extent such access is relevant to determining compliance with all applicable Arkansas statutes and rules or establishing rates subject to the Commission's jurisdiction.

NEW HAMPSHIRE

Rule: Chapter PUC 2100 Affiliate Transaction Rules[14]

Subsidization

(d) Shared corporate support permitted by this section shall not:

(1) Allow or provide a means for the transfer of customer information or distribution system information from the utility to the competitive affiliate;

(2) Create the opportunity for preferential treatment, unfair competitive advantage, or cross subsidization of competitive affiliates; or

(3) Create customer confusion.

Market Value Asset Transfers

Puc 2105.09 Transfer of Goods, Services, and Assets.

(a) To the extent that these rules do not prohibit transfers between a utility and its affiliates, the permitted transfers shall be subject to the following pricing provisions:

(1) A utility may sell, lease, or otherwise transfer to an affiliate an asset, the cost of which has been reflected in the utility's rates for regulated service, provided that the price charged the affiliate is the highest of the net book value, fully loaded cost, and the current market value of the asset, as applicable;

(2) A utility may sell, lease, or otherwise transfer to an affiliate assets other than those subject to (1) above, and may also provide services to an affiliate, provided that the price charged for such asset or service is the highest of the net book value, fully loaded cost, and its current market value, as applicable;

(3) An affiliate may sell, lease, or otherwise transfer an asset to a utility, and may provide services to a utility, provided that the price charged to the utility is the lesser of the market value, the net book value, and the fully loaded cost, as applicable;

(4) Joint or shared costs allowed in Puc 2105.03 and Puc 2105.04 shall be allocated and shall be priced to the utility and its competitive affiliate based on fully loaded costs;

(5) Products or services which are price regulated by a state or federal agency shall be priced 'at the tariffed or regulated rate;

(6) In cases where more than one state commission regulates the price of products or services provided to or by a utility, this commission's pricing provisions shall govern such transactions in New Hampshire; and

(7) For purposes of this section, the market value of any asset sold, leased, or otherwise transferred, shall be determined based on the highest price that the asset could have reasonably realized after an open and competitive sale.

Customer Information

Puc 2103.02 Preferences to Competitive Affiliates Regarding Products and Services, Distribution System Information, and Customer Information.

(a) A utility shall provide its products and services, including but not limited to terms and conditions, pricing, and timing, to competitive affiliates, and to non-affiliated competitors in a non-discriminatory manner;

(b) A utility shall provide access to distribution system information to its competitive affiliates and to non-affiliated competitors in a non-discriminatory manner; or

(c) A utility shall not allow an employee, officer, director, or agent of a competitive affiliate access to customer information except as permitted in accordance with Puc 2104.01.

PART Puc 2104 DISCLOSURE AND INFORMATION

Puc 2104.01 Release of Customer Information to Competitive Affiliate. A utility shall not release any customer information to a competitive affiliate without the prior written authorization of the customer.

[14] https://www.puc.nh.gov/Regulatory/Rules/PUC2100.pdf

Puc 2105.04 Shared Services

(d) Shared corporate support permitted by this section shall not: (1) Allow or provide a means for the transfer of customer information or distribution system information from the utility to the competitive affiliate;

Puc 2105.06 Employee Transfers. All employee transfers between a utility and its competitive energy affiliates shall comply with the following provisions:

(j) Utility employees transferring from the utility to a competitive energy affiliate and shared utility employees shall not use customer information and distribution system information in a discriminatory fashion to the benefit of the competitive energy affiliate or to the detriment of non-affiliated energy competitors;

Joint Advertising and Marketing

Puc 2105.07 Joint Advertising and Marketing. A utility shall not:

(a) Engage in joint advertising or marketing programs of any sort directly or indirectly with its competitive energy affiliates.

(b) This section shall not prohibit a utility from participating, on a nondiscriminatory basis, in non-sales meetings with its competitive energy affiliates or any non-affiliated energy competitor to discuss technical or operational subjects.

Sharing Employees

Puc 2105.04 Shared Services.

(e) Examples of services, systems, and personnel that shall not be shared include, but are not limited to:

(1) Employee recruiting;

(f) Any shared corporate support shall be priced, reported, and conducted in accordance with the separation and information standards set forth in these rules and in other applicable commission pricing and reporting requirements.

Corporate Infrastructure

Puc 2105.02 Shared Facilities, Services and Data.

(a) Except to the extent necessary to perform shared corporate support functions permitted under Puc 2105.04, a utility shall not:

(1) Share office space, office equipment, services, or computer data with its competitive energy affiliates; or

(2) Allow its competitive energy affiliates to access its computer data.

(b) The separation required by this section shall, at a minimum, be accomplished by methods such as:

(1) Use of secure passwords and firewalls; and

(2) Occupation of separate floors of an office building, or distinct wings.

Corporate Identification/Logo usage

Puc 2105.08 Corporate Identification.

(a) Subject to Puc 2105.07, a utility may allow any affiliate to identify itself through the use of a name, logo, or both as an affiliate of the utility, provided that such use by a competitive energy affiliate shall be accompanied by a disclaimer stating that:

(1) No advantage accrues to customers or others in the use of the utility's services as a result of that customer or others dealing with the competitive energy affiliate; and

(2) The customer or others need not purchase any product or service from any competitive energy affiliate in order to obtain services from the utility on a non-discriminatory basis.

(b) The disclaimer referred to in (a) above shall be written or spoken, or both, as is appropriate given the context of the use of the name or logo.
(c) The disclaimer referred to in (a) above shall not be required where the name or logo is merely being used for identification of assets or employees and it is impractical to include such disclaimer, such as on the competitive energy affiliate's vehicles, business locations, equipment, employee business cards, or clothing.
(d) A utility shall not provide to its competitive affiliates:

(1) Advertising space in its billing envelopes used for regulated utility services unless it provides access on the same terms and conditions for all similarly situated non-affiliated competitors; or

(2) Access to any other form of written communication with utility customers unless it provides access on the same terms and conditions to all similarly situated non-affiliated competitors.

RHODE ISLAND

Rule: Public Utilities Commission Regulations for Utility Interaction with Gas Marketers R.I.G.L. § 39-1-11 and § 39-3-7[15]

INTRODUCTION

These regulations, enacted pursuant to R.I.G.L. § 39-1-11 and § 39-3-7, set forth the entry requirements for gas marketers and the standards of conduct for utilities with respect to gas marketers. They further apply to transactions, direct or indirect, between public utilities and gas marketers. The standards are intended to promote fair competition and a level playing field among all participants in the natural gas marketplace in Rhode Island.

"Gas marketer" means an entity which markets gas and gas-related services, and is authorized to provide services in Rhode Island in accordance with Section III of these regulations.

"Marketing affiliate" means a gas marketer residing within a corporate structure that includes a Rhode Island public utility. A marketing affiliate includes any arm of the utility or parent of the utility, either owned or subject to common control, or part of a separate legal entity, which functions as a gas marketer.

STANDARDS OF CONDUCT

A. PERSONNEL

1. (a) A utility employee may not do any of the following on behalf of a gas marketer:

Purchase gas, pipeline capacity or storage capacity. Market or sell gas and related services. Price or administer transportation upstream of the city gate and related tariff services, non-tariff and competitive products and services. Hire and train gas marketer employees.

(b) A utility employee may offer to sell or otherwise proffer gas, pipeline capacity or storage capacity, and related services to a gas marketer or to others on behalf of the utility. A utility employee may respond to transportation and related tariff service requests or inquires from the gas marketer as well as from others on behalf of the utility.

2. (a) A marketing affiliate may receive corporate-level support affiliated with the preparation of joint financial statements and shareholder relations.

(b) The use of shared employees shall be minimized. A shared employee shall record time in a manner consistent with the master service framework, if applicable.

3. The use of utility operating personnel, as established in a master service framework is permitted, subject to all of the following limitations:

(a)The use of a utility employee by a gas marketer or the use of a gas marketer employee by the utility is not allowed if it is likely to result in the sharing or exposure of market sensitive information or an unfair competitive advantage for either party.

Advice and assistance in human resource management shall be limited to general personnel and corporate matters. It shall not include job or position specific hiring or training advice or assistance dealing with the functions to be performed by the employee.

[15] http://www.ripuc.org/utilityinfo/natgas/gasregsmarket.html

4. Advice or assistance with regard to engineering and construction matters as well as gas consulting services shall be made available to all gas marketers on an equal basis

5. Utility operating personnel may engage in transactions involving natural gas supply, capacity, or both, with a gas marketer, but may not share with the gas marketer any information related to sales by other gas marketers of natural gas supply, capacity, or both.

6. An individual may not be an officer of both a utility and a gas marketer.

ADVERTISING

Promotional materials may allow marketers to be identified as affiliated with utilities. However, neither utilities nor marketing affiliate personnel may represent that any advantage accrues to customers or others in the use of the utility's services as a result of that customer or others dealing with the marketing affiliate. Joint promotions between the utility and the marketing affiliate are prohibited, unless such promotions are offered to all other competitors under the same terms and conditions. A utility and a marketing affiliate may not share trademarks or logos.

STANDARDS FOR COMPETITIVE GAS MARKETING

MARKETING LIMITATIONS

1. Utilities shall not provide leads to gas marketers and shall refrain from giving any appearance that the utility speaks on behalf of any gas marketer. Nor shall the marketing affiliate suggest that its receives preferential treatment as a result of its affiliation. If a customer requests information about marketers, a utility should provide a list of all approved gas marketers, including its affiliate, but should not promote its affiliate.

2. To the extent a utility provides a marketing affiliate information related to transportation which is not readily available or generally known to other gas marketers, including but not limited to utility customer lists, it must contemporaneously provide that information to all gas marketers on its system. A utility must file with the Commission procedures that will enable the Commission to determine how the utility is complying with this standard.

3. Utilities shall not condition or tie their agreements to release interstate pipeline capacity to any agreement by a gas supplier, customer or other third party relating to any service in which their marketers are involved.

B. CONDITIONS FOR COMPETITIVE SALES

1. A utility shall communicate with all market participants when it has gas supply or capacity, or both, available for release.

2. A utility may not sell gas supply or capacity to a marketing affiliate at less than a market-clearing price without either posting on an electronic bulletin board that is a well known source or placing an offering that would constitute an offering to the market of capacity or supply.

3. Utilities must apply any tariff provision relating to transportation in the same manner to the same or similarly situated gas marketers if there is discretion in the application of the provision.

4. Utilities shall uniformly enforce tariff provisions for which there is no discretion in the application of the provision for all transportation customers.

5. Utilities may not, through a tariff provision or otherwise, give a gas marketer or its customers preference over other gas marketers or customers in matters relating to transportation including, but not limited to, scheduling, balancing, metering, storage, standby service or curtailment policy. Utilities may not sell to their marketing affiliates gas and capacity on a bundled basis, unless such bundled service is offered contemporaneously on a similar basis to other gas marketers.

6. If a utility offers its marketing affiliate, or a customer of its affiliate, a discount, rebate, or fee waiver for transportation services, balancing, meters or meter installation, storage, standby service or any other service offered to shippers, it must contemporaneously offer the same discount, rebate, or fee waiver to all similarly situated non-affiliated gas marketers or customers by providing appropriate notification to the non-affiliated gas marketers or customers. A utility must file with the Commission procedures that will enable the Commission to determine how the utility is complying with this standard.

7. Utilities must process all similar requests for transportation in the same manner and within a similar period of time.

8. Utilities shall not disclose to any gas marketer any information obtained in connection with providing delivery or related services to another gas marketer or customer, a potential supplier or customer, any agent of such customer or potential supplier, or any other entity seeking to supply gas to a customer or potential customer.

VI. ADMINISTRATIVE STANDARDS

ACCOUNTING AND REPORTING

1. Utilities and their marketing affiliates shall keep separate books of accounts and records.

2. A utility shall keep sufficient records of transactions with a marketing affiliate to document, for all consummated sales or release transactions, all offers of, bids for, requests for, and sales of natural gas supplies, capacity, or both, including the evaluation criteria for acceptance and rejection. A utility shall maintain documentation of such marketing affiliates transactions, such as phone logs, so that the utility's activities can be audited.

3. If a utility provides tariffed on-system distribution services at a discounted rate, the utility shall maintain complete and accurate records of all service requests, service refusals, and service transactions arising under its tariffs.

4. A utility shall publicly disclose sales at wholesale or transfers of gas supply or capacity and related services for all transactions that are not tariffed transactions. A utility shall report all transactions within 30 days following the end of the month in which the transaction occurred.

5. For each transaction under Rule VI.A.4(a), disclosure shall include all of the following:

The date of the contract or arrangement.

The period covered.

The type of transaction (commodity, capacity, storage balancing, etc.).
Units sold or transferred.

Conditions or restrictions placed on the transaction.

The price for the transaction, including separate prices for each service offered on a stand-alone basis.

ENFORCEMENT

Should a utility or gas marketer be found to have violated these regulatory requirements, it will be subject to appropriate sanctions as determined by the Commission or any other entity having jurisdiction.

NEW JERSEY

Rule: NJ Administrative Code Title 14:4-3[16]

(a) This subchapter shall apply as follows:

1. N.J.A.C. 14:4-3.3 through 3.5 set forth standards of conduct applicable to transactions, between an electric public utility or gas public utility, including a related competitive business segment of an electric or gas public utility, and a related competitive business segment of the electric or gas public utility holding company providing or offering competitive services to retail customers in New Jersey or the public utility holding company itself providing or offering competitive services to retail customers in New Jersey;

2. N.J.A.C. 14:4-3.6 sets forth standards of conduct applicable to electric and/or gas public utilities and the related competitive business segments of each electric public utility and gas public utility, as well as the transactions, interactions and relations between an electric and/or gas public utility and a related competitive business segment of an electric and/or gas public utility; and

3. N.J.A.C. 14:4-3.7 through 3.9 address regulatory oversight, dispute resolution and violations and penalties applicable to electric and/or gas public utilities regarding affiliate relations, fair competition, accounting standards and related reporting requirements.

(b) A New Jersey electric and/or gas public utility, which is also a multi-state electric and/or gas public utility and subject to the jurisdiction of other state or Federal regulatory commissions, may file an application, requesting a limited exemption from this subchapter or part(s) thereof, for transactions between the electric and/or gas public utility and its affiliate(s) solely in its role of serving its jurisdictional areas wholly outside of New Jersey. To obtain such an exception, the applicant shall meet the requirements of N.J.A.C. 14:1-1.2(b).

Nondiscrimination

(a) An electric and/or gas public utility shall not unreasonably discriminate against any competitor in favor of its affiliate(s) or related competitive business segment.
(b) An electric or gas public utility shall not represent that, as a result of the relationship with the electric and/or gas public utility or for any other reason, a related competitive business segment of its public utility holding company, or customers of a related competitive business segment of its public utility holding company will receive any different treatment by the electric and/or gas public utility than the treatment the electric and/or gas public utility provides to other, unaffiliated companies or their customers.
(c) An electric or gas public utility shall not provide a related competitive business segment of its public utility holding company, or customers of a related competitive business segment of its public utility holding company, any preference (including, but not limited to, terms and conditions, pricing, or timing) over non-affiliated suppliers or their customers in the provision of products and/or services offered by the electric and/or gas public utility.
(d) Transactions between an electric and/or gas public utility and a related competitive business segment of its public utility holding company shall be prohibited, except for the following:

1. Tariffed products and services;

2. The sale or purchase of goods, property, products or services made generally available by the electric and/or gas public utility, by the PUHC or a related competitive business segment of its public utility holding company to all market participants through an open, competitive bidding process; or

[16] https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=fd1cf359-9fc0-45c0-a207-b4629aa27d50&pdistocdocslideraccess=true&config=00JAA1YTg5OGJlYi04MTI4LTRlNjQtYTc4Yi03NTQxN2E5NmE0ZjQKAFBvZENhdGFsb2ftaXPxZTR7bRPtX1Jok9kz&pddocfullpath=%2Fshared%2Fdocument%2Fadministrative-codes%2Furn%3AcontentItem%3A5V8M-DSM0-00BY-K0JN-00008-00&pdcomponentid=234124&pdtocnodeidentifier=AAUAAEAAFAAB&ecomp=bgqfkkk&prid=c69df815-1e1b-4d1e-8aa0-22620d090d85

3. As provided for in N.J.A.C. 14:4-3.5(g) and (h), in (i) and (j) or 3.6(a) through (f), provided the transactions specified in N.J.A.C. 14:4-3.6 comply with all other applicable rules.

(e) An electric and/or gas public utility shall provide access to utility information, services, and unused capacity or supply on a non-discriminatory basis to all market participants, including affiliated and non-affiliated companies, except as provided for in N.J.A.C. 14:4-3.4, 3.5 and 3.6, provided the transactions specified in N.J.A.C. 14:4-3.6, Competitive utility products and/or services, comply with all other applicable rules.

1. If an electric and/or gas public utility provides supply, capacity, services, or information to a related competitive business segment of its public utility holding company, it shall make the offering available, via a public posting, on a non-discriminatory basis to non-affiliated market participants, which include competitors serving the same market as the related competitive business segment of the electric and/or gas public utility's holding company.

(*o*) Except as otherwise provided by this subchapter, an electric and/or gas public utility shall not provide any assistance, aid or services to its PUHC or related competitive segment of the PUHC if related to customer enrollment, marketing or business development unless offered to all competitors on a nondiscriminatory basis. By way of example, but not limited to, an electric or gas public utility shall not:

1. Provide leads to its PUHC or a related competitive business segment of its public utility holding company;

2. Solicit business on behalf of its PUHC or a related competitive business segment of its public utility holding company;

3. Acquire information on behalf of or to provide to its PUHC or a related competitive business segment of its public utility holding company;

4. Share market analysis reports or any other type(s) of proprietary or non-publicly available reports, including, but not limited to, market, forecast, planning or strategic reports, with its PUHC or a related competitive business segment of its public utility holding company;

5. Share customer usage or end use equipment information, obtained during the course of providing electric and/or gas public utility services, with its PUHC or a related competitive business segment of its public utility holding company;

6. Request authorization from its customers to pass on customer information exclusively to its PUHC or a related competitive business segment of its public utility holding company;

7. Represent or imply that the electric and/or gas public utility speaks on behalf of its PUHC or a related competitive business segment of its public utility holding company or that the customer will receive preferential treatment as a consequence of conducting business with the related competitive business segment of its public utility holding company; or

8. Represent or imply that its PUHC or a related competitive business segment of its public utility holding company speaks on behalf of the electric and/or gas public utility.

Information Disclosure

(a) An electric and/or gas public utility may provide individual proprietary information to its PUHC or a related competitive business segment of its PUHC, only with prior affirmative customer written consent, or as otherwise authorized by the Board, and only if that same proprietary information is provided to unaffiliated entities on a non-discriminatory basis with prior affirmative customer written consent, or as otherwise authorized by the Board.

(b) An electric and/or gas public utility shall make available non-customer specific non-public information acquired as a result of operating the public utility's distribution system, including information about an electric and/or gas public utility's natural gas or electricity purchases, sales, or operations or about an electric and/or gas public utility's gas-related goods or services, electricity-related goods or services, to a related competitive business segment of its public utility holding company only if the electric and/or gas public utility makes such information available, via a public posting, to all other service providers on a nondiscriminatory basis, and keeps the information open to public inspection.

1. An electric or gas public utility is permitted to exchange proprietary information on an exclusive basis with its PUHC or a related competitive business segment of its public utility holding company, provided it is necessary to exchange this information in the provision of the corporate support services permitted by N.J.A.C. 14:4-3.5(i) and (j).

2. The PUHC's or related competitive business segment's use of such proprietary information is limited to its use in conjunction with the permitted corporate support services, and is not permitted for any other use.

(h) An electric and/or gas public utility shall maintain complete and accurate records, documenting all tariffed and non-tariffed transactions with its PUHC and a related competitive business segment of its public utility holding company, including, but not limited to, all waivers of tariff or contract provisions.

(i) An electric and/or gas public utility shall maintain such records in compliance with the time frame required by N.J.A.C. 14:5-5.2 or longer if another government agency so requires.

(j) The electric and/or gas public utility shall make such records available for Board and/or Rate Counsel review upon 72 hours notice, or at a time mutually agreeable to the electric and/or gas public utility and the Board and/or Rate Counsel.

(k) An electric and/or gas public utility shall maintain a record of all contracts and related bids for the provision of work, products and/or services to and from the electric and/or gas public utility to and from the PUHC or related competitive business segments of its public utility holding company in compliance with N.J.A.C. 14:5-5.2 or longer if another government agency so requires.

Separation

(a) An electric and/or gas public utility, its PUHC and related competitive business segments of its public utility holding company shall be separate corporate entities.

(b) An electric and/or gas public utility and related competitive business segments of its public utility holding company shall keep separate books and records.

(e) An electric and/or gas public utility shall not share office space, office equipment, services, and systems with a related competitive business segment of its public utility holding company, except to the extent appropriate to perform shared corporate support functions as follows:

1. An electric and/or gas public utility may access the computer or information systems of a competitive related business segment of its PUHC or allow a related competitive business segment of its PUHC to access its computer or information systems, for purposes of the sharing of computer hardware and software systems and may share office space, office equipment, services and systems, provided adequate system protections are in place to prevent the accessing of information or data between the utility and its affiliate(s), which would be in violation of this subchapter.

i. Prevention of unauthorized access to computer and information systems shall be specifically addressed as part of an electric and/or gas public utility's compliance plan submitted pursuant to N.J.A.C. 14:4-3.7(b).

(i) An electric and/or gas public utility, its public utility holding company and related competitive business segments, or separate business segments of the public utility holding company created solely to perform corporate support services may share joint corporate oversight, governance, support systems and personnel. Any shared support shall be priced, reported and conducted in accordance with N.J.A.C. 14:4-3.4 and this section, as well as other applicable Board pricing and reporting rules.

(j) Such joint utilization shall not allow or provide a means for the transfer of confidential customer or market information from the electric and/or gas public utility to a related competitive business segment of its public utility holding company in violation of this subchapter, create the opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of a related competitive business segment of the public utility holding company. In the compliance plan required pursuant to N.J.A.C. 14:4-3.7(a) through (e), a senior corporate officer from the electric and/or gas public utility and public utility holding company shall verify the adequacy of the specific mechanisms and procedures in place to ensure the electric and/or gas public utility follows the mandates of this subchapter, and to ensure the electric and/or gas public utility is not utilizing joint corporate support services as a conduit to circumvent this subchapter.

(k) A related competitive business segment of a public utility holding company shall not trade upon, promote, or advertise its relationship with the electric and/or gas public utility, nor use the electric and/or gas public utility's name and/or logo in any circulated material, including, but not limited to, hard copy, correspondence, business cards, faxes electronic mail, electronic or hardcopy advertising or marketing materials, unless it discloses clearly and conspicuously or in audible language that:

1. The PUHC or related competitive business segment of the public utility holding company "is not the same company as the electric and/or gas public utility";

2. The PUHC or related competitive business segment of the public utility holding company is not regulated by the Board; and

3. "You do not have to buy products in order to continue to receive quality regulated services from the electric and/or gas public utility."

(l) The requirement of the name and/or logo disclaimer set forth in (k) above is limited to the use of the name and/or logo in New Jersey.

(m) An electric and/or gas public utility, through action or words, shall not represent that, as a result of its PUHC or a related competitive business segment of the public utility holding company's relationship with the electric and/or gas public utility, its affiliate(s) will receive any different treatment than other product and/or service providers.

(n) An electric and/or gas public utility shall not offer or provide to its PUHC or a related competitive business segment of its public utility holding company advertising space in the electric and/or gas public utility's billing envelope(s) or any other form of electric and/or gas public utility's written communication to its customers, unless it provides access to all other unaffiliated service providers on the same terms and conditions.

(o) An electric and/or gas public utility shall not participate in joint advertising or joint marketing activities with its PUHC or related competitive business segments of its public utility holding company, which activities include, but are not limited to, joint sales calls, through joint call centers or otherwise, or joint proposals (including responses to requests for proposals) to existing or potential customers.

1. The prohibition in (o) above notwithstanding, at a customer's unsolicited request, an electric and/or gas public utility may participate, on a nondiscriminatory basis, in non-sales meetings with its PUHC or a related competitive business segment of its public utility holding company or any other market participant to discuss technical or operational subjects regarding the electric and/or gas public utility's provision of distribution service to the customer;

2. Except as otherwise provided for by this subchapter, an electric and/or gas public utility shall not participate in any joint business activity(ies) with its PUHC or a related competitive business segment of its public utility holding company, which includes, but is not limited to, advertising, sales, marketing, communications and correspondence with any existing or potential customer;

3. An electric and/or gas public utility shall not participate jointly with its PUHC or a related competitive business segment of the PUHC in trade shows, conferences, or other information or marketing events held in New Jersey. For the purposes of this paragraph, "joint participation" includes any sharing of costs or facilities associated with the event, such as using the same signage, handouts, transport, advertising, booth or space, or presentation time; and

4. An electric and/or gas public utility shall not subsidize costs, fees, or payments with its PUHC or related competitive business segments of its public utility holding company associated with research and development activities or investment in advanced technology research.

(p) Except as permitted in (i) and (j) above, an electric and/or gas public utility and its PUHC or related competitive business segments of its public utility holding company, that are engaged in offering merchant functions and/or electric related services or gas related services shall not employ the same employees or otherwise retain, with or without compensation, as employees, independent contractors, consultants, or otherwise.

1. Other than shared administration and overheads, employees of the competitive services business unit of the public utility holding company shall not also be involved in the provision of non-competitive utility and safety services, and the competitive services shall be provided utilizing separate assets than those utilized to provide non-competitive utility and safety services.

MICHIGAN

Rule: Public Act 141, MCL 460.10 Code of Conduct[17]

This code of conduct is intended to promote fair competition by establishing measures to prevent cross-subsidization, information sharing, and preferential treatment between the regulated and unregulated operations of electric utilities, alternative electric suppliers, and their affiliates. An electric utility or alternative electric supplier is prohibited from taking punitive action against any individual (including an employee) or entity who files a complaint with the electric utility, the alternative electric supplier, or the Commission, or otherwise causes an alleged violation of this code of conduct to come to the attention of the Commission.

II. Separation

An electric utility or alternative electric supplier that offers, itself or through its affiliates, both regulated and unregulated services shall do so with the structural or functional separation needed to prevent cross-subsidization, information sharing, and preferential treatment between the regulated and unregulated services. This includes, but is not limited to, the following:

A. An electric utility shall not offer unregulated services or products except through one or more affiliates or through other entities within the corporate structure, such as divisions.

B. An electric utility's or alternative electric supplier's regulated services shall not subsidize in any manner, directly or indirectly, the unregulated business of its affiliates or other separate entities.

C. An electric utility or alternative electric supplier shall maintain its books and records separately from those of its affiliates or other entities within its corporate structure. An electric cooperative offering unregulated services shall maintain an accounting system that allocates costs between its regulated and unregulated ventures on a fully allocated embedded cost basis, and any transfers of services, products, or property must be in compliance with the provisions of Section III, paragraph C.

D. An electric utility or alternative electric supplier and its affiliates or other entities within its corporate structure shall not share facilities, equipment, or operating employees, but may share computer hardware and software with documented protection to prevent discriminatory access to competitively sensitive information.

[17] https://www.michigan.gov/mpsc/0,4639,7-159-16377_17111-42901--,00.html

AMERICAN OVERSIGHT

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E. An electric utility's or alternative electric supplier's operating employees and the operating employees of its affiliates or other entities within its corporate structure shall function independently of each other and maintain separate offices.

F. An electric utility or alternative electric supplier shall not finance or co-sign loans for affiliates.

G. An electric utility may transfer employees between the electric utility and any of its affiliates or other entities within the corporate structure as long as the electric utility documents those transfers and files semi-annually with the Commission a report of each occasion on which an employee of the electric utility became an employee of an affiliate or other entity within its corporate structure and/or an employee of an affiliate or other entity within its corporate structure became an employee of the electric utility.

H. An electric utility and its affiliates or other entities within the corporate structure and an alternative electric supplier and its affiliates or other entities within the corporate structure offering both regulated and unregulated services or products in Michigan shall not engage in joint advertising, marketing, or other promotional activities related to the provision of regulated and unregulated services, nor shall they jointly sell regulated and unregulated services.

I. An electric utility or alternative electric supplier offering regulated service in Michigan shall not suggest that it will provide any customer with preferential treatment or service by doing business with the electric utility or the alternative electric supplier, affiliates, or other entities within the corporate structure offering unregulated services or products, nor shall the electric utility or alternative electric supplier suggest that any customer will receive inferior treatment or service by doing business with an unaffiliated supplier.

J. An electric utility or alternative electric supplier offering regulated service in Michigan shall not condition or otherwise tie the provision of a regulated service or the availability of discounts, rates, other charges, fees, rebates, or waivers of terms and conditions for regulated service to the taking of any unregulated goods or services from the electric utility or alternative electric supplier, affiliates, or other entities within the corporate structure.

K. An electric utility or alternative electric supplier offering regulated service in Michigan shall not allow its affiliates to use its logo unless the affiliate includes, in a clearly visible position and easily readable by customers, the following statement:

"(Affiliate name) is not regulated by the Michigan Public Service Commission."

L. If an electric utility, its affiliate, or other entity within the corporate structure offers an unregulated service, any use of its logo shall include, in a clearly visible position and easily readable by customers, the following statement: "(Service) is not regulated by the Michigan Public Service Commission."

M. None of the provisions of this code shall be interpreted to require a cooperative electric utility or an independent investor-owned utility with fewer than 60 employees to maintain separate facilities, operations, or personnel, used to deliver electricity to retail customers, provide retail electric service, or to be an alternative electric supplier.

III. Discrimination

An electric utility or alternative electric supplier that offers, itself or through its affiliates, both regulated and unregulated services shall not unduly discriminate in favor of or against any party, including its affiliates. This includes, but is not limited to, the following:

A. An electric utility or alternative electric supplier that offers, itself or through its affiliates, both regulated and unregulated service shall not provide any affiliate or other entity within its corporate structure, preferential treatment or any other advantages that are not offered under the same terms and conditions and contemporaneously to other suppliers offering services or products within the same service territory or to customers of those suppliers. This provision includes, but is not limited to, all aspects of the electric utility's or alternative electric supplier's service, including pricing, responsiveness to requests for service or repair, the availability of firm and interruptible service, and metering requirements.

B. If an electric utility provides to any affiliate or other separate entity, or customers of an affiliate or other separate entity within its corporate structure, a discount, rebate, fee waiver, or waiver of its regulated tariffed terms and conditions for services or products, it shall contemporaneously provide notice of and offer the same discount, rebate, fee waiver, or waiver to all alternative electric suppliers operating within the electric utility's service territory or all alternative electric suppliers' customers.

C. If an electric utility or alternative electric supplier offering regulated service in Michigan provides services, products, or property to any affiliate or other entity within the corporate structure, compensation shall be based upon the higher of fully allocated embedded cost or market price. If an affiliate or other entity within the corporate structure provides services, products, or property to an electric utility or alternative electric supplier offering regulated service in Michigan, compensation for services and supplies shall be at the lower of market price or 10% over fully allocated embedded cost and transfers of assets shall be based upon the lower of fully allocated embedded cost or market price.

D. If an electric utility provides a customer or potential customer with the names of its affiliates or other entities within the corporate structure that are alternative electric suppliers, it shall do so only by distributing their names along with the names of all licensed alternative electric suppliers.

E. An electric utility or alternative electric supplier offering regulated service in Michigan shall not provide information or consultation to an affiliate or other entity within the corporate structure offering unregulated electric service in Michigan regarding a potential business arrangement between that affiliate or other entity within the corporate structure and a potential customer.

F. An electric utility or alternative electric supplier offering regulated service in Michigan shall not refer a customer or potential customer to an affiliate or other entity within the corporate structure offering unregulated electric service in Michigan, nor steer a potential customer away from a non-affiliated entity offering unregulated electric service in Michigan, nor shall the electric utility or alternative electric supplier offering regulated service in Michigan provide a customer or potential customer with advice or assistance regarding the selection of or relationship with an affiliate, other entity within the corporate structure, or other service provider offering unregulated electric service in Michigan.

IV. Disclosure of Information

Information obtained by an electric utility or alternative electric supplier in the course of conducting its regulated business in Michigan shall not be shared directly or indirectly with its affiliates or other entities within its corporate structure unless that same information is provided to competitors operating in the state on the same terms and conditions and contemporaneously. This provision includes, but is not limited to, the following:

A. Customer specific names and addresses shall not be provided to an affiliate or other entity within the corporate structure unless the same information is offered on the same terms and conditions, and contemporaneously, to all competitors.

B. Customer specific consumption or billing data shall not be provided to any affiliate or other entity within the corporate structure or alternative electric supplier without prior written approval of the customer. Once each calendar year a request for up to 12 months of historic usage or billing data may be made at no cost.

C. If an electric utility or alternative electric supplier offering regulated service in Michigan provides non-customer specific, or aggregated, customer information to its affiliate or other entity within its corporate structure, it must offer the same information on the same terms and conditions, in the same form and manner, and contemporaneously to all competitors.

D. An electric utility shall not provide its affiliates or other entities within its corporate structure with information about the distribution system, including operation and expansion, without offering the same information under the same terms and conditions, in the same form and manner, and contemporaneously to all licensed alternative electric suppliers.

E. An electric utility or alternative electric supplier offering regulated service in Michigan shall not provide any information received from or as a result of doing business with a competitor to an affiliate or other entity within its corporate structure without the written approval of the competitor.

V. Electric Utility – Alternative Electric Supplier Relationship

Except for instances covered by Section 10a(3) of 2000 PA 141 or other instances approved by the Commission, an electric utility shall not in any way interfere in the business operations of an alternative electric supplier. This provision includes, but is not limited to, the following:

A. An electric utility shall not give the appearance in any way that it speaks on behalf of any alternative electric supplier.

B. An electric utility shall not interfere in any manner in the contractual relationship between the alternative electric supplier and its customers unless such involvement is clearly permitted in the contract between the customer and the alternative electric supplier or in tariffs approved by the Commission.

VI. Compliance Plans

Each electric utility or alternative electric supplier shall file a code of conduct compliance plan within 60 days of the order on rehearing on this code of conduct by the Commission. The compliance plan shall:

A. Designate a corporate officer of the electric utility or alternative electric supplier who will oversee compliance with the code of conduct and be available to serve as the Commission's primary contact regarding compliance with the code.

B. Include an affidavit signed by the designated corporate officer certifying that the electric utility or alternative electric supplier will comply fully with the code of conduct.

C. Include a clear organization chart of the parent or holding company showing all regulated entities and affiliates and a description of all services and products provided between the regulated entity and its affiliates.

The electric utility or alternative electric supplier shall file revisions to its compliance plan needed to keep the information contained therein current.

In the compliance filing, the electric utility or alternative electric supplier may request a waiver from one or more provisions of this code of conduct. The electric utility or alternative electric supplier carries the burden of demonstrating that such a waiver will not inhibit the development or functioning of the competitive market.

VII. Oversight, Enforcement, and Penalties

A. An electric utility or alternative electric supplier shall maintain documentation needed to investigate compliance with the code of conduct. All documentation shall be kept at a designated company office in Michigan. The electric utility or alternative electric supplier shall make this information available for review upon request by the Commission or its Staff. The designated officer will either be available or make personnel available who are knowledgeable to respond to inquiries by the Commission or its Staff regarding compliance with the provisions of the code of conduct.

B. The electric utility or alternative electric supplier shall use a documented dispute resolution process separate from any process that might be available from the Commission. This dispute resolution process shall address complaints arising from application of the code of conduct. The electric utility or alternative electric supplier shall keep a log of all complaints, including: (1) the name of the person or entity filing the complaint, (2) the date the complaint was filed, (3) a written statement of the nature of the complaint, and (4) the results of the resolution process.

C. Each electric utility or alternative electric supplier shall file an annual report with the commission summarizing the number and types of complaints received and their resolution.

D. Penalties for violations of the code of conduct will be as provided in Section 10c of the Customer Choice and Electricity Reliability Act, MCL 460.10c.

ILLINOIS

Rule: Public Utilities Act for Electric Utilities, Illinois Commerce Commission
TITLE 83: PUBLIC UTILITIES CHAPTER I: ILLINOIS COMMERCE COMMISSION SUBCHAPTER c: ELECTRIC UTILITIES
PART 450 NON-DISCRIMINATION IN AFFILIATE TRANSACTIONS FOR ELECTRIC UTILITIES[18]

Non-Discrimination

a. Electric utilities shall not provide affiliated interests or customers of affiliated interests preferential treatment or advantages relative to unaffiliated entities or their customers in connection with services provided under tariffs on file with the Illinois Commerce Commission (Commission). This provision applies broadly to all aspects of service, including, but not limited to, responsiveness to requests for service, the availability of firm versus interruptible services, the imposition of special metering requirements, and all terms and conditions and charges specified in the tariff.

b. Except for corporate support transactions and services that have been declared competitive pursuant to Section 16-113 of the Act, transactions between an electric utility and one or more of its affiliated interests in competition with alternative retail electric suppliers that are not governed by tariff sheets on file with the Commission shall not discriminate in relation to unaffiliated alternative retail electric suppliers.

c. Electric utilities and affiliated interests shall not notify potential or actual customers, either directly or indirectly, advertise to the public, or otherwise communicate that the electric utility provides any advantages relating to the scheduling, transmission or distribution of electricity to affiliated interests or their customers relative to unaffiliated entities and their customers.

d. A utility shall process requests for similar services provided by the utility in the same manner and within the same time period for its affiliated interests in competition with alternative retail electric suppliers and for all similarly situated unaffiliated alternative retail electric suppliers and their respective customers.

e. If discretion is permitted in application of a tariff provision, electric utilities shall maintain a log detailing each instance in which it exercised discretion, as required in Section 450.140(d).

f. If an electric utility offers affiliated interests or customers of affiliated interests a discount, rebate, fee waiver or waivers of its ordinary terms and conditions for services provided under tariffs on file with the Commission, it shall contemporaneously offer the same discount, rebate, fee waiver or waivers of its ordinary terms and conditions to all unaffiliated entities and customers of unaffiliated entities, to the extent consistent with the tariffs, provided, however, that this subsection shall not apply to billing experiments under Section 16-106 of the Act or competitive services under Sections 16-102 and 16-116(b) of the Act. Electric utilities shall maintain a log of such instances, as required in Section 450.140(d).

g. A customer's eligibility for participation in any billing experiments under Section 16-106 of the Act or contracts for competitive service under Sections 16-102 and 16-116(b) of the Act, except for those competitive services that have been declared competitive pursuant to Section 16-113 of the Act, shall not be conditioned on, nor tied to, the taking of any goods and services from the utility's affiliated interests. Electric utilities shall inform customers of this prohibition in writing before customers begin taking such service.

h. When providing delivery services as a component of any bundled service, an electric utility shall not offer affiliated interests or the customers of affiliated interests a discount, rebate, fee waiver or waivers of its ordinary terms and conditions for delivery services on file with the Commission unless delivery services have been declared competitive service pursuant to Section 16-113 of the Act or the electric utility

[18] ftp://www.ilga.gov/jcar/admincode/083/08300450sections.html

contemporaneously offers the same discount, rebate, fee waiver or waivers of its ordinary terms and conditions to all unaffiliated entities and customers of unaffiliated entities.

Marketing and Advertising

a. An electric utility shall neither jointly advertise nor jointly market its services or products with those of an affiliated interest in competition with Alternative Retail Electric Suppliers (ARES).

b. Nothing in subsection (a) shall be construed as prohibiting an affiliated interest in competition with ARES from using the corporate name or logo of an electric utility or electric utility holding company.

Customer Information

a. Customer information shall be made available in accordance with Section 16-122 of the Public Utilities Act [220 ILCS 5/16-122], without preference to affiliated interests or their customers. Electric utilities shall not provide any preferences to affiliated interests in requesting authorization for the release of customer information.

b. An unaffiliated ARES may submit, to an electric utility, a written standing request for any generic customer information concerning the usage, load shape curve or other general characteristics of customers by rate classification that the electric utility provides to its affiliated interests in competition with ARES. A standing request made pursuant to this Section shall expire one year after being received by the utility unless renewed in writing by the ARES.

c. The electric utility shall contemporaneously, and in the same form and manner, make available to any unaffiliated alternative retail electric suppliers that have submitted a standing request, pursuant to subsection (b) of this Section, any generic customer information concerning the usage, load shape curve or other general characteristics of customers by rate classification that the utility makes available to its affiliated interests in competition with alternative retail electric suppliers.

d. Any unaffiliated ARES that receives generic customer information pursuant to a standing request made under this Section or any affiliated interest in competition with ARES that receives generic customer information concerning the usage, load shape curve or other general characteristics of customers by rate classification from the electric utility shall, in accordance with Section 16-122(b) of the Act, pay the electric utility a reasonable fee in each instance that such information is provided.

Independent Functioning

a. Except in relation to corporate support and emergency support, electric utilities and affiliated interests in competition with ARES that provide services to customers within the utility's service territory shall function independently of each other and shall not share services or facilities.

Employees

a. Except in relation to corporate support and emergency support, electric utilities and their affiliated interests in competition with alternative retail electric suppliers shall not jointly employ or otherwise share the same employees.

b. Electric utilities shall not jointly employ or otherwise share employees engaged in providing delivery services with their affiliated interests in competition with alternative retail electric suppliers.

c. Subsections (a), (b) and (d) of this Section shall not apply to any employee covered by a collective bargaining agreement subject to federal labor law, including the Labor Management Relations Act and the National Labor Relations Act.

d. Each electric utility that has an affiliated interest in competition with ARES shall maintain a log detailing the transfer of employees: from the utility to its affiliated interests in competition with ARES; from the utility to its other affiliated interests; and from the utility's other affiliated interests to its affiliated interests in competition with ARES. This subsection shall not apply to employee transfers to or from corporations that are affiliated interests of the electric utility solely because they share a common director. The log shall be made available to the Commission upon request.

Transfer of Goods

a. Transactions between an electric utility and its affiliated interests shall not be allowed to subsidize the affiliated interests.

b. In connection with an application for a certificate of service authority filed by an affiliated interest of an electric utility, pursuant to Section 16-115 of the Act, the affiliated interest shall provide a copy of a Commission approved services and facilities or affiliated interest agreement that explicitly addresses the cost allocation and valuation methodology to be applied to any transfer of goods and services: between the electric utility and its affiliated interests in competition with ARES; between the utility and its other affiliated interests; and between the utility's other affiliated interests and its affiliated interests in competition with ARES. In the event that there is no Commission approved agreement addressing these issues, the applicant shall submit such an agreement for approval as part of its application.

c. Costs associated with the transfer of goods and services between an electric utility and its affiliated interests, including affiliated interests in competition with ARES, shall be priced as specified in, and allocated pursuant to, the Commission approved services and facilities agreement or affiliated interests agreement presented in the affiliated ARES certification proceeding. Any transfer of goods and services between an electric utility and its affiliated interests, including affiliated interests in competition with ARES, that is not explicitly addressed in a Commission approved services and facilities or affiliated interests agreement is prohibited unless the transfer has been otherwise specifically approved by the Commission pursuant to Section 7-101 of the Act or approval has been waived by statute or Commission rule.

Maintenance of Books and Records and Commission Access

a. An electric utility shall maintain books, accounts, and records separate from those of its affiliated interests.

b. In connection with an application for a certificate of service authority filed by an affiliated interest of an electric utility, pursuant to Section 16-115 of the Act, the affiliated interest shall provide a copy of a Commission approved services and facilities or affiliated interest agreement that explicitly sets forth both the cost allocation guidelines and the accounting conventions to be applied to any transactions: between the electric utility and its affiliated interests in competition with ARES; between the utility and its other affiliated interests; and between the utility's affiliated interests in competition with ARES and its other affiliated interests. In the event that there is no Commission approved agreement addressing cost allocation and accounting conventions, the applicant shall submit such an agreement for approval as part of its application.

c. Upon the request of the Commission, electric utilities shall make personnel available who are competent to respond to the Commission's inquiries regarding the nature of any transactions that have taken place between the electric utility and its affiliated interests, including but not limited to the goods and services provided, the prices, terms and conditions, and other considerations given for the goods and services provided.

d. Each electric utility shall maintain a log detailing: each instance in which it exercised discretion in the application of tariff provisions; each instance in which it offered affiliated interests or customers of affiliated interests services not governed by tariffs, except for corporate support transactions and services that have been declared competitive pursuant to Section 16-113 of the Act; and each instance in which it offered affiliated interests or customers of affiliated interests a discount, rebate, fee waiver or waivers of the electric utility's ordinary terms and conditions in connection with services provided under tariffs on file with the Commission. The electric utility shall make such log available to the Commission upon request. The log shall contain the following information:
    i. the names of the affiliated interests and unaffiliated entities involved in the transaction;
    ii. a description of the transaction;
    iii. the time period over which the transaction applies; and
    iv. the quantities and locations involved in the transaction.

Internal Audits

a. Electric utilities shall conduct biennial internal audits on transactions with affiliated interests. These audits shall test compliance with this Part, with any applicable Commission orders, with the electric utility's affiliated interest operating agreement(s) and/or guidelines, with 83 Ill. Adm. Code 415, and with 83 Ill. Adm. Code 420. The audits shall include written reports of conclusions and associated workpapers that shall be available to the Commission Staff for review. The audit reports shall be submitted to the Commission's Director of Accounting within 30 days after completion. Any audit performed pursuant to this Section may be designated as confidential with the Commission's Director of Accounting.

b. The first such internal audit report shall be submitted on or before December 1, 1998. Succeeding audit reports shall be submitted on or before December 1 of each even numbered succeeding year.

c. Subsections (a) and (b) of this Section shall not apply to transactions with corporations that are affiliated interests of the electric utility solely because they share a common director or transactions with individuals that are affiliated interests of the electric utility solely because they are an elective officer or director of the electric utility.

NORTH CAROLINA

Rule: North Carolina Code of Conduct (as approved by the North Carolina Utilities Commission)[19]

This section contains the complete text of the "official" North Carolina Code of Conduct (hereinafter "Code of Conduct or "Code"), approved by the North Carolina Utilities Commission, which governs Duke Energy Carolina's (DEC) and Duke Energy Progress (DEP) transactions with affiliates. This Code applies in North Carolina and South Carolina.

CODE OF CONDUCT GOVERNING THE RELATIONSHIPS, ACTIVITIES AND TRANSACTIONS BETWEEN AND AMONG THE PUBLIC UTILITY OPERATIONS OF DEC, THE PUBLIC UTILITY OPERATIONS OF PEC, DUKE ENERGY CORPORATION, OTHER AFFILIATES, AND THE NONPUBLIC UTILITY OPERATIONS OF DEC AND PEC

GENERAL

This Code of Conduct establishes the minimum guidelines and rules that apply to the relationships, transactions, and activities involving the public utility operations of DEC, PEC, Duke Energy, other Affiliates, or the Nonpublic Utility Operations of DEC and PEC, to the extent such relationships, activities, and transactions affect the operations or costs of utility service experienced by the public utility operations of DEC and PEC in their respective service areas. DEC, PEC, and the other Affiliates are bound by this Code of Conduct pursuant to Regulatory Condition 6.1 approved by the Commission in Docket Nos. E-2, Sub 998, and E-7, Sub 986. This Code of Conduct is subject to modification by the Commission as the public interest may require, including, but not limited to, addressing changes in the organizational structure of DEC, PEC, Duke Energy, other Affiliates, or the Nonpublic Utility Operations; changes in the structure of the electric industry; or other changes that warrant modification of this Code.

DEC or PEC may seek a waiver of any aspect of this Code of Conduct by filing a request with the Commission showing that exigent circumstances in a particular case justify such a waiver.

STANDARDS OF CONDUCT

A. Independence and Information Sharing

1. Separation - DEC, PEC, Duke Energy, and the other Affiliates shall operate independently of each other and in physically separate locations to the maximum extent practicable. DEC, PEC, Duke Energy, and each of the other Affiliates shall maintain separate books and records. Each of DEC's and PEC's Nonpublic Utility Operations shall maintain separate records from those of DEC's and PEC's public utility operations to ensure appropriate cost allocations and any arm's- length-transaction requirements.

Disclosure of Customer Information:

(a) Upon request, and subject to the restrictions and conditions contained herein, DEC and PEC may provide Customer Information to Duke Energy, another Affiliate, or a Nonpublic Utility Operation under the same terms and conditions that such information is provided to non-Affiliates.

(b) Except as provided in Section III.A.2.(f) below, Customer Information shall not be disclosed to any person or company, without the Customer's consent, and then only to the extent specified by the Customer. Consent to disclosure of Customer Information to Affiliates or Nonpublic Utility Operations may be obtained by means of written authorization, electronic authorization or recorded verbal authorization upon providing the Customer with the information set forth in Attachment A; provided, however, that DEC and PEC retain such authorization for verification purposes for as long as the authorization remains in effect.

[19] https://dms.psc.sc.gov/Attachments/Matter/e71fb4fb-1518-41e6-895c-7c6e3f60bdfa

(c) If the Customer allows or directs DEC or PEC to provide Customer Information to Duke Energy, another Affiliate, or a Nonpublic Utility Operation, then DEC or PEC shall ask the Customer if he, she, it would like the Customer Information to be provided to one or more non-Affiliates. If the Customer directs DEC or PEC to provide Customer Information to one or more non-Affiliates, the Customer Information shall be disclosed to all entities designated by the Customer contemporaneously and in the same manner.

(d) Sections III.A.2.(a), 2.(b), and 2.(c) herein shall be permanently posted on DEC's and PEC's website.

(e) No DEC or PEC employee who is transferred to Duke Energy or another Affiliate will be permitted to copy or otherwise compile any Customer Information for use by such entity except pursuant to written permission from the Customer, as reflected by a signed Data Disclosure Authorization. Neither DEC nor PEC shall transfer any employee to Duke Energy or another Affiliate for the purpose of disclosing or providing Customer Information to such entity.

(f) Notwithstanding the prohibitions established by this Section III.A.2, DEC and PEC may disclose Customer Information to DEBS, PESC, any other Affiliate, a Nonpublic Utility Operation or a non-affiliated third party without Customer consent, but only to the extent necessary for the Affiliate, Nonpublic Utility Operation or non-affiliated third party to provide goods or services to DEC or PEC and upon their explicit agreement to protect the confidentiality of such Customer Information. To the extent the Commission approves a list of services to be provided and taken pursuant to one or more utility to-utility service agreements, then Customer Information may be disclosed pursuant to the foregoing exception to the extent necessary for such services to be performed.

(g) DEC and PEC shall take appropriate steps to store Customer Information in such a manner as to limit access to only those persons permitted to receive it and shall require all persons with access to such information to protect its confidentiality.

(h) DEC and PEC shall establish guidelines for its employees and representatives to follow with regard to complying with this Section III.A.2.

(i) No DEBS or PESC employee may use Customer Information to market or sell any product or service to DEC's or PEC's Customers, except in support of a Commission-approved rate schedule or program or a marketing effort managed and supervised directly by DEC or PEC.

(j) DEBS and PESC employees with access to Customer Information must be prohibited from making any improper indirect use of the data, including directing or encouraging any actions based on the Customer Information by employees of DEBS or PESC that do not have access to such information, or by other employees of Duke Energy or other Affiliates or Nonpublic Utility Operations of the Utilities.

(k) Should any inappropriate disclosure of DEC or PEC Customer Information occur at any time, DEC or PEC is required to promptly file a statement with the Commission in this docket describing the circumstances of the disclosure, the Customer information disclosed, the results of the disclosure, and the mitigating and/or other steps taken to address the disclosure.

3. The disclosure of Confidential Systems Operation Information of DEC and PEC (referred to hereinafter as "Information") shall be governed as follows: (l) Such Information shall not be disclosed by DEC or PEC to an Affiliate or a Nonpublic Utility Operation unless it is disclosed to all competing nonAffiliates contemporaneously and in the same manner. Disclosure to nonAffiliates is not required when disclosure to Affiliates or Nonpublic Utility Operations meets one of the following exceptions:

(i) The Information is provided to employees of DEC or PEC for the purpose of implementing, and operating pursuant to, the JDA in accordance with the Regulatory Conditions approved in Docket Nos. E-7, Sub 986, and E-2, Sub 998;

(ii) The Information is necessary for the performance of services approved to be performed pursuant to one or more Affiliate utility-to-utility service agreements;
(iii) A state or federal regulatory agency or court having jurisdiction over the disclosure of the Information requires the disclosure;
(iv) The Information is provided to employees of DEBS or PESC pursuant to a service agreement filed with the Commission pursuant to G.S. 62-153;
(v) The Information is provided to employees of DEC's or PEC's Utility Affiliates for the purpose of sharing best practices and otherwise improving the provision of regulated utility service;
(vi) The Information is provided to an Affiliate pursuant to an agreement filed with the Commission pursuant to G.S. 62-153, provided that the agreement specifically describes the types of Information to be disclosed;
(vii) Disclosure is otherwise essential to enable DEC or PEC to provide Electric Services to their Customers; or
(viii) Disclosure of the Information is necessary for compliance with the Sarbanes-Oxley Act of 2002.

(m) Any Information disclosed pursuant to the exceptions in Section III.A.3(a), above, shall be disclosed only to employees that need the information for the purposes covered by those exceptions and in as limited a manner as possible. The employees receiving such Information must be prohibited from acting as conduits to pass the Information to any Affiliate(s) and must have explicitly agreed to protect the confidentiality of such Information.

(n) For disclosures pursuant to exceptions (vii) and (viii) in Section III.A.3(a), above, DEC and PEC shall include in their annual affiliated transaction reports the following information:
(i) The types of Information disclosed and the name(s) of the Affiliate(s) to which it is being, or has been, disclosed;
(ii) The reasons for the disclosure; and
(iii) Whether the disclosure is intended to be a one-time occurrence or an ongoing process. To the extent a disclosure subject to the reporting requirement is intended to be ongoing, only the initial disclosure and a description of any processes governing subsequent disclosures need to be reported.

(o) DEC, PEC, DEBS, and PESC employees with access to CSOI must be prohibited from making any improper indirect use of the data, including directing or encouraging any actions based on the CSOI by employees that do not have access to such information, or by other employees of Duke Energy or other Affiliates or Nonpublic Utility Operations of DEC and PEC.

(p) Should the handling or disclosure of DEC's or PEC's Market Information, Transmission Information, or other CSOI by DEBS, PESC, or another Affiliate or Nonpublic Utility Operation, or their respective employees, result in (i) a violation of the FERC Standards of Conduct or Affiliate Restrictions, 18 CFR § 358 - Standards of Conduct for Transmission Providers and 18 CFR § 35.39-Affiliate Restrictions), or any other relevant FERC standards or codes of conduct, (ii) the posting of such data on an OASIS or other Internet website, or (iii) other public disclosure of the data, DEC or PEC shall promptly file a statement with the Commission in Docket Nos. E-7, Sub 986C, and E-2, Sub 998C, respectively, describing the circumstances leading to such violation, posting, or other public disclosure, any data required to be posted or otherwise publicly disclosed, and the mitigating and/or other steps taken to address the current or any future potential violation, posting, or other public disclosure.

(q) Should any inappropriate disclosure of CSOI occur at any time, DEC or PEC shall promptly file a statement with the Commission in Docket Nos. E-7, Sub 986C, or E2, Sub 998C, respectively, describing the circumstances of the disclosure, the CSOI disclosed, the results of the disclosure, and the mitigating and/or other steps taken to addressthe disclosure.

(r) Unless publicly noticed and generally available, should the FERC Affiliate Restrictions, the Transmission Standards, or any other relevant FERC standards or codes of conduct be eliminated, amended, superseded, or otherwise replaced, DEC and PEC shall file a letter in Docket Nos. E-7, Sub 986E, and E-2, Sub 998E, with the Commission describing such action within 60 days of the action, along with a copy of any amended or replacement document.

Nondiscrimination

1. DEC's and PEC's employees and representatives shall not unduly discriminate against non-Affiliated entities.

Marketing/Logo Usage

1. The public utility operations of DEC and PEC may engage in joint sales, joint sales calls, joint proposals, or joint advertising (a joint marketing arrangement) with their Utility Affiliates and with their Nonpublic Utility Operations, subject to compliance with other provisions of this Code of Conduct and any conditions or restrictions that the Commission may hereafter establish. Neither DEC nor PEC shall otherwise engage in such joint activities without making such opportunities available to comparable third parties.

2. Neither Duke Energy nor any of the other Affiliates shall use the names or logos of DEC or PEC in any communications unless a disclaimer is included that states the following:

(a) "[Duke Energy Corporation/Affiliate) is not the same company as [DEC/PEC], and [Duke Energy Corporation/Affiliate) has separate management and separate employees"; (b) "[Duke Energy Corporation/Affiliate] is not regulated by the North Carolina Utilities Commission or in any way sanctioned by the Commission";
(c) "Purchasers of products or services from [Duke Energy Corporation/Affiliate] will receive no preference or special treatment from [DEC/PEC]"; and
(d) "A customer does not have to buy products or services from [Duke Energy Corporation/Affiliate] in order to continue to receive the same safe and reliable electric service from [DEC/PEC]."

3. Nonpublic Utility Operations may not use the names or logos of DEC or PEC in any communications unless a disclaimer is included that states the following:

(a) "[Nonpublic Utility Operation] is not part of the regulated services offered by [DEC/PEC] and is not in any way sanctioned by the North Carolina Utilities Commission"; (b) "Purchasers of products or services from [Nonpublic Utility Operation] will receive no preference or special treatment from [DEC/PEC]"; and
(c) "A customer does not have to buy products or services from [Nonpublic Utility Operation] in order to continue to receive the same safe and reliable electric service from [DEC/PEC]."

The required disclaimer must be sized and displayed in a way that is commensurate with the name and logo so that the disclaimer is at least the larger of one-half the size of the type that first displays the name and logo or the predominant type used in the communication.

Transfers of Goods and Services, Transfer Pricing, and Cost Allocation

1. Cross-subsidies involving DEC or PEC and Duke Energy, other Affiliates, or the Nonpublic Utility Operations are prohibited.

2. All costs incurred by personnel or representatives of DEC or PEC for or on behalf of Duke Energy, other Affiliates, or the Nonpublic Utility Operations shall be charged to the entity responsible for the costs.

3. As a general guideline, with regard to the transfer prices charged for goods and services, including the use or transfer of personnel, exchanged between and among DEC or PEC, and Duke Energy, the other

Non-Utility Affiliates, and the Nonpublic Utility Operations, to the extent such prices affect DEC's or PEC's operations or costs of utility service, the following conditions shall apply:

(a) Except as otherwise provided for in this Section III.D, for untariffed goods and services provided by DEC or PEC to Duke Energy, a Non-Utility Affiliate, or a Nonpublic Utility Operation, the transfer price paid to DEC or PEC shall be set at the higher of Market Value or DEC's or PEC's Fully Distributed Cost.

(b) Except as otherwise provided for in this Section III.D, for goods and services provided, directly or indirectly, by Duke Energy, a Non-Utility Affiliate other than DEBS or PESC, or a Nonpublic Utility Operation to DEC or PEC, the transfer price(s) charged by Duke Energy, the Non-Utility Affiliate, and the Nonpublic Utility Operation to DEC or PEC shall be set at the lower of Market Value or Duke Energy's, the Non-Utility Affiliate's, or the Nonpublic Utility Operation's Fully Distributed Cost(s). If DEC or PEC do not engage in competitive solicitation and instead obtain the goods or services from Duke Energy, a Non-Utility Affiliate, or a Nonpublic Utility Operation, DEC and PEC shall implement adequate processes to comply with this Code provision and related Regulatory Conditions and ensure that in each case DEC's and PEC's Customers receive service at the lowest reasonable cost. For goods and services provided by DEBS and PESC to DEC, PEC, and Utility Affiliates, the transfer price charged shall be set at DEBS' and PESC's Fully Distributed Cost.

(c) Tariffed goods and services provided by DEC and PEC to Duke Energy, other Affiliates, or a Nonpublic Utility Operation shall be provided at the same prices and terms that are made available to Customers having similar characteristics with regard to Electric Services (such as time of use, manner of use, customer class, load factor, and relevant Standard Industrial Classification) under the applicable tariff.

(d) Subject to and in compliance with all conditions placed upon DEC and PEC by the Commission, untariffed non-power, non-generation, or non-fuel goods and services provided by DEC or PEC to DEC, PEC, or the Utility Affiliates or by the Utility Affiliates to DEC or PEC, shall be transferred at the supplier's Fully Distributed Cost.

4. To the extent that DEC, PEC, Duke Energy, other Affiliates, or the Nonpublic Utility Operations receive Shared Services from DEBS or PESC (or their successors), these Shared Services may be jointly provided to DEC, PEC, Duke Energy, other Affiliates, or the Nonpublic Utility Operations on a fully distributed cost basis, provided that the taking of such Shared Services by DEC and PEC is cost beneficial on a service-by-service (e.g., accounting management, human resources management, legal services, tax administration, public affairs) basis to DEC and PEC. Charges for such Shared Services shall be allocated in accordance with the cost allocation manual(s) filed with the Commission pursuant to Regulatory Condition 5.5, subject to any revisions or other adjustments that may be found appropriate by the Commission on an ongoing basis.

5. DEC, PEC, and their Utility Affiliates may capture economies-of-scale in joint purchases of goods and services (excluding the purchase of natural gas, coal, and electricity or ancillary services intended for resale), if such joint purchases result in cost savings to DEC's and PEC's Customers. DEC, PEC, Duke Indiana, Duke Kentucky, and PEF, may capture economies-ofscale in joint purchases of coal and natural gas, if such joint purchases result in cost savings to DEC's and PEC's Customers. Notwithstanding the foregoing, if any of the coal or natural gas jointly purchased by DEC, PEC, Duke Indiana, Duke Kentucky, or PEF is transferred to or utilized by another Affiliate within 12 months of the joint purchase, DEC and PEC will file a notification of such with the Commission. All joint purchases entered into pursuant to this section shall be priced in a manner that permits clear identification of each participant's portion of the purchases and shall be reported in DEC's and PEC's affiliated transaction reports filed with the Commission.

6. All permitted transactions between DEC, PEC, Duke Energy, other Affiliates, and the Nonpublic Utility Operations shall be recorded and accounted for in accordance with the cost allocation manuals required to be filed with the Commission pursuant to Regulatory Condition 5.5 and with Affiliate agreements accepted by the Commission or otherwise processed in accordance with North Carolina law, the rules and orders of the Commission, and the Regulatory Conditions.

7. Costs that DEC and PEC incur in assembling, compiling, preparing, or furnishing requested Customer Information or Confidential Systems Operation Information for or to Duke Energy, other Affiliates, Nonpublic Utility Operations, or non-Affiliates shall be recovered from the requesting party pursuant to Section III.D.3 of this Code of Conduct.

8. Any technology or trade secrets developed, obtained, or held by DEC or PEC in the conduct of regulated operations shall not be transferred to Duke Energy, another Affiliate, or a Nonpublic Utility Operation without just compensation and the filing of 60-days prior notification to the Commission; provided however, that DEC and PEC are not required to provide advance notice for such transfers to each other. DEC and PEC may request a waiver of this requirement from the Commission with respect to such transfers to Duke Energy, a Utility Affiliate, a Non-Utility Affiliate, or a Nonpublic Utility Operation. In no case, however, shall the notice period requested be less than 20 business days.

9. DEC and PEC shall receive compensation from Duke Energy, other Affiliates, and the Nonpublic Utility Operations for intangible benefits, if appropriate.

Regulatory Oversight

1. The State's existing requirements regarding affiliate transactions, as set forth in G.S. 62-153, shall continue to apply to all transactions between DEC, PEC, Duke Energy, and the other Affiliates.

2. The books and records of DEC, PEC, Duke Energy, other Affiliates, and the Nonpublic Utility Operations shall be open for examination by the Commission, its staff, and the Public Staff as provided in G.S. 62-34, 62-37, and 62-51.

3. To the extent North Carolina law, the orders and rules of the Commission, and the Regulatory Conditions permit Duke Energy, an Affiliate, or a Nonpublic Utility Operation to supply DEC or PEC with Natural Gas Services or other Fuel and Purchased Power Supply Services used by DEC or PEC to provide Electric Services to Customers, and to the extent such Natural Gas Services or other Fuel and Purchased Power Supply Services are supplied, DEC or PEC shall demonstrate in its annual fuel adjustment clause proceeding that each such acquisition was prudent and the price was reasonable.

Utility Billing Format

To the extent any bill issued by DEC and PEC, Duke Energy, another Affiliate, a Nonpublic Utility Operation, or a non-Affiliated third party includes any charges to Customers for Electric Services and non-Electric Services from Duke Energy, another Affiliate, a Nonpublic Utility Operation, or a non-Affiliated third party, the charges for the Electric Services shall be separated from the charges for any other services included on the bill. Each such bill shall contain language stating that the Customer's Electric Services will not be terminated for failure to pay for any other services billed.

MARYLAND

Rule: 2013 Maryland Code PUBLIC UTILITIES § 7-211 - Energy efficiency programs[20]
See also: 2016 SB 684[21], aimed at Prohibiting an affiliate of an electric company from using the electric company's trade name, logo, billing services, mail inserts, advertising, or computer services for a plan or program that provides heating, ventilation, air conditioning, or refrigeration services; requiring the Public Service Commission to determine just and reasonable compensation that an affiliate of an electric company shall provide to customers of the electric company's regulated services; etc.

(a) (1) In this section the following words have the meanings indicated.

(2) "Affiliate" has the meaning stated in § 7-501 of this title.

(3) "Demand response program" means a program established by an electric company that promotes changes in electric usage by customers from their normal consumption patterns in response to:

(i) changes in the price of electricity over time; or

(ii) incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized.

(4) "Electricity consumption" and "electricity consumed" mean the sum of retail electricity sales to all customers and reported electricity losses within the electric distribution system.

(5) "Peak demand" means the highest level of electricity demand in the State measured in megawatts during the period from May 1 to September 30 on a weather-normalized basis.

(6) "Per capita electricity consumption" means the result calculated by dividing the total gigawatt-hours of electricity consumed by electricity customers in the State as of December 31 of a year, as determined by the Commission, by the population of the State as of December 31 of that year, as determined by the Department of Planning.

(7) "Plan" means an electricity savings and demand reduction plan and cost recovery proposal.

(8) "Provide heating, ventilation, air conditioning, or refrigeration services" has the meaning stated in § 9A-101 of the Business Regulation Article.

(b) The General Assembly finds and declares that:

(1) energy efficiency is among the least expensive ways to meet the growing electricity demands of the State; and

(2) to provide affordable, reliable, and clean energy for consumers of Maryland, it is the goal of the State to achieve the following energy efficiency, conservation, and demand response targets, based on 2007 electricity consumption:

(i) a 15% reduction in per capita electricity consumption by the end of 2015; and

(ii) a 15% reduction in per capita peak demand by the end of 2015.

[20] https://law.justia.com/codes/maryland/2013/article-gpu/section-7-211/

[21] https://legiscan.com/MD/text/SB684/2016

(c) Beginning with the 2008 calendar year and each year thereafter, the Commission shall calculate:

(1) the per capita electricity consumption for that year; and

(2) the peak demand for that year.

(d) Subject to review and approval by the Commission, each gas company and electric company shall develop and implement programs and services to encourage and promote the efficient use and conservation of energy by consumers, gas companies, and electric companies.

(e) As directed by the Commission, each municipal electric utility and each electric cooperative that serves a population of less than 250,000 in its distribution territory shall include energy efficiency and conservation programs or services as part of their service to their customers.

(f) The Commission shall:

(1) require each gas company and electric company to establish any program or service that the Commission deems appropriate and cost effective to encourage and promote the efficient use and conservation of energy;

(2) adopt rate-making policies that provide cost recovery and, in appropriate circumstances, reasonable financial incentives for gas companies and electric companies to establish programs and services that encourage and promote the efficient use and conservation of energy; and

(3) ensure that adoption of electric customer choice under Subtitle 5 of this title does not adversely impact the continuation of cost-effective energy efficiency and conservation programs.

(g) Except as provided in subsection (e) of this section, on or before December 31, 2008, by regulation or order, the Commission shall:

(1) to the extent that the Commission determines that cost-effective energy efficiency and conservation programs and services are available, for each affected class, require each electric company to procure or provide for its electricity customers cost-effective energy efficiency and conservation programs and services with projected and verifiable electricity savings that are designed to achieve a targeted reduction of at least 5% by the end of 2011 and 10% by the end of 2015 of per capita electricity consumed in the electric company's service territory during 2007; and

(2) require each electric company to implement a cost-effective demand response program in the electric company's service territory that is designed to achieve a targeted reduction of at least 5% by the end of 2011, 10% by the end of 2013, and 15% by the end of 2015, in per capita peak demand of electricity consumed in the electric company's service territory during 2007.

(h) (1) (i) On or before July 1, 2008, and every 3 years thereafter, each electric company shall consult with the Maryland Energy Administration regarding the design and adequacy of the electric company's plan to achieve the electricity savings and demand reduction targets specified in subsection (g) of this section.

(ii) An electric company shall provide the Maryland Energy Administration with any additional information regarding the plan, as requested.

(2) On or before September 1, 2008, and every 3 years thereafter, an electric company shall submit its plan to the Commission that details the electric company's proposals for achieving the electricity savings and demand reduction targets specified in subsection (g) of this section for the 3 subsequent calendar years.

(3) The Commission shall consider any written findings provided by the Maryland Energy Administration regarding the design and adequacy of the plan.

(4) Each electric company shall provide annual updates to the Commission and the Maryland Energy Administration on plan implementation and progress towards achieving the electricity savings and demand reduction targets specified in subsection (g) of this section.

(5) (i) The plan shall include a description of the proposed energy efficiency and conservation programs and services and the proposed demand response program, anticipated costs, projected electricity savings, and any other information requested by the Commission.

(ii) The plan shall address residential, commercial, and industrial sectors as appropriate, including low-income communities and low- to moderate-income communities.

(iii) 1. If, in connection with a program or service, the electric company proposes to provide heating, ventilation, air conditioning, or refrigeration services for its customers, the plan shall include procedures for the competitive selection of heating, ventilation, air conditioning, or refrigeration service providers.

2. On request by the electric company and for good cause shown, the Commission may waive the requirement that the electric company competitively select heating, ventilation, air conditioning, or refrigeration providers under subsubparagraph 1 of this subparagraph.

Subsidization

(6) The plan and any updates shall include a certification or recertification by the electric company that, if an affiliate of the electric company provides heating, ventilation, air conditioning, or refrigeration services through any existing contract or obligation in connection with a program or service, the customers of the electric company's regulated services will not subsidize the operations of the affiliate.

(7) The Commission shall review each electric company's plan to determine if the plan is adequate and cost-effective in achieving the electricity savings and demand reduction targets specified in subsection (g) of this section.

(i) (1) In determining whether a program or service encourages and promotes the efficient use and conservation of energy, the Commission shall consider the:

(i) cost-effectiveness;

(ii) impact on rates of each ratepayer class;

(iii) impact on jobs; and

(iv) impact on the environment.

(2) The Commission shall monitor and analyze the impact of each program and service to ensure that the outcome of each program and service provides the best possible results.

(3) In monitoring and analyzing the impact of a program or service under paragraph (2) of this subsection, if the Commission finds that the outcome of the program or services may not be providing the best possible results, the Commission shall direct the electric company to include in its annual update under subsection (h)(4) of this section specific measures to address the findings.

(4) An electric company that enters into a contract or obligation with an affiliate of the electric company to provide heating, ventilation, air conditioning, or refrigeration services in connection with a program or service shall notify the Commission within 30 days after entering into the contract or obligation that the electric company:

(i) has entered into a contract or obligation with an affiliate of the electric company; and

(ii) certifies that the customers of the electric company's regulated services will not subsidize the operations of the affiliate.

(j) (1) At least once each year, each electric company and gas company shall notify affected customers of the energy efficiency and conservation charges imposed and benefits conferred.

(2) The notice shall be provided by publication on the company's website and inclusion with billing information such as a bill insert or bill message.

(k) On or before March 1 of each year, the Commission, in consultation with the Maryland Energy Administration, shall report, subject to § 2-1246 of the State Government Article, to the General Assembly on:

(1) the status of programs and services to encourage and promote the efficient use and conservation of energy, including an evaluation of the impact of the programs and services that are directed to low-income communities, low- to moderate-income communities to the extent possible, and other particular classes of ratepayers;

(2) a recommendation for the appropriate funding level to adequately fund these programs and services; and

(3) in accordance with subsection (c) of this section, the per capita electricity consumption and the peak demand for the previous calendar year.

(l) Notwithstanding any other law, the Commission may not require or allow an electric company to require an electric customer to authorize the electric company to control the amount of the electric customer's electricity usage, including through control of the electric customer's thermostat.

(m) (1) On or before June 30, 2013, by regulation or order, the Commission shall establish a pilot program for electric customers to recharge electric vehicles during off-peak hours.

(2) (i) An electric company may request to participate in the pilot program.

(ii) The Commission shall make every effort to include at least two electric companies in the pilot program.

(3) The pilot program shall include incentives for residential, commercial, and governmental customers to recharge electric vehicles in a manner that will:

(i) increase the efficiency and reliability of the electric distribution system; and

(ii) lower electricity use at times of high demand.

(4) Incentives may include:

(i) time-of-day pricing of electricity;

(ii) credits on distribution charges;

(iii) rebates on the cost of charging systems;

(iv) demand response programs; or

(v) other incentives approved by the Commission.

(5) On or before February 1, 2015, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the experience of the pilot program and the Commission's findings.

FLORIDA

Florida Administrative Code 25-6.1351 Cost Allocation and Affiliate Transactions.[22]

(1) Purpose. The purpose of this rule is to establish cost allocation requirements to ensure proper accounting for affiliate transactions and utility nonregulated activities so that these transactions and activities are not subsidized by utility ratepayers. This rule is not applicable to affiliate transactions for purchase of fuel and related transportation services that are subject to Commission review and approval in cost recovery proceedings.

(2) Definitions.

(a) Affiliate – Any entity that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with a utility. As used herein, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, contracts or any other direct or indirect means.

Affiliate Transaction – Any transaction in which both a utility and an affiliate are each participants, except transactions related solely to the filing of consolidated tax returns.

(c) Cost Allocation Manual (CAM) – The manual that sets out a utility's cost allocation policies and related procedures.

(d) Direct Costs – Costs that can be specifically identified with a particular service or product.

(e) Fully Allocated Costs – The sum of direct costs plus a fair and reasonable share of indirect costs.

(f) Indirect Costs – Costs, including all overheads, that cannot be identified with a particular service or product.

(g) Nonregulated – Refers to services or products that are not subject to price regulation by the Commission or not included for ratemaking purposes and not reported in surveillance.

(h) Prevailing Price Valuation – Refers to the price an affiliate charges a regulated utility for products and services, which equates to that charged by the affiliate to third parties. To qualify for this treatment, sales of a particular asset or service to third parties must encompass more than 50 percent of the total quantity of the product or service sold by the entity. The 50 percent threshold is applied on an asset-by-asset and service-by-service basis, rather than on a product line or service line basis.

(i) Regulated – Refers to services or products that are subject to price regulation by the Commission or included for ratemaking purposes and reported in surveillance.

(3) Non-Tariffed Affiliate Transactions.

(a) The purpose of subsection (3) is to establish requirements for non-tariffed affiliate transactions impacting regulated activities. This subsection does not apply to the allocation of costs for services between a utility and its parent company or between a utility and its regulated utility affiliates or to services received by a utility from an affiliate that exists solely to provide services to members of the utility's corporate family. All affiliate transactions, however, are subject to regulatory review and approval.

(b) A utility must charge an affiliate the higher of fully allocated costs or market price for all non-tariffed services and products purchased by the affiliate from the utility. Except, a utility may charge an affiliate less than fully allocated costs or market price if the charge is above incremental cost. If a utility charges less than fully allocated costs or market price, the utility must maintain documentation to support and justify how doing so benefits regulated operations. If a utility charges less than market price, the utility must notify the Commission Clerk in writing within 30 days of the utility initiating, or changing any of the terms or conditions, for the provision of a product or service. In the case of products or services currently being provided, a utility must notify the Division within 30 days of the rule's effective date.

(c) When a utility purchases services and products from an affiliate and applies the cost to regulated operations, the utility shall apportion to regulated operations the lesser of fully allocated costs or market price. Except, a utility

[22] https://www.flrules.org/gateway/ruleno.asp?id=25-6.1351

may apportion to regulated operations more than fully allocated costs if the charge is less than or equal to the market price. If a utility apportions to regulated operations more than fully allocated costs, the utility must maintain documentation to support and justify how doing so benefits regulated operations and would be based on prevailing price valuation.

(d) When an asset used in regulated operations is transferred from a utility to a nonregulated affiliate, the utility must charge the affiliate the greater of market price or net book value. Except, a utility may charge the affiliate either the market price or net book value if the utility maintains documentation to support and justify that such a transaction benefits regulated operations. When an asset to be used in regulated operations is transferred from a nonregulated affiliate to a utility, the utility must record the asset at the lower of market price or net book value. Except, a utility may record the asset at either market price or net book value if the utility maintains documentation to support and justify that such a transaction benefits regulated operations. An independent appraiser must verify the market value of a transferred asset with a net book value greater than $1,000,000. If a utility charges less than market price, the utility must notify the Commission Clerk in writing within 30 days of the transfer.

(e) Each affiliate involved in affiliate transactions must maintain all underlying data concerning the affiliate transaction for at least three years after the affiliate transaction is complete. This paragraph does not relieve a regulated affiliate from maintaining records under otherwise applicable record retention requirements.

(4) Cost Allocation Principles.

(a) Utility accounting records must show whether each transaction involves a product or service that is regulated or nonregulated. A utility that identifies these transactions by the use of subaccounts meets the requirements of this paragraph.

(b) Direct costs shall be assigned to each non-tariffed service and product provided by the utility.

(c) Indirect costs shall be distributed to each non-tariffed service and product provided by the utility on a fully allocated cost basis. Except, a utility may distribute indirect costs on an incremental or market basis if the utility can demonstrate that its ratepayers will benefit. If a utility distributes indirect costs on less than a fully allocated basis, the utility must maintain documentation to support doing so.

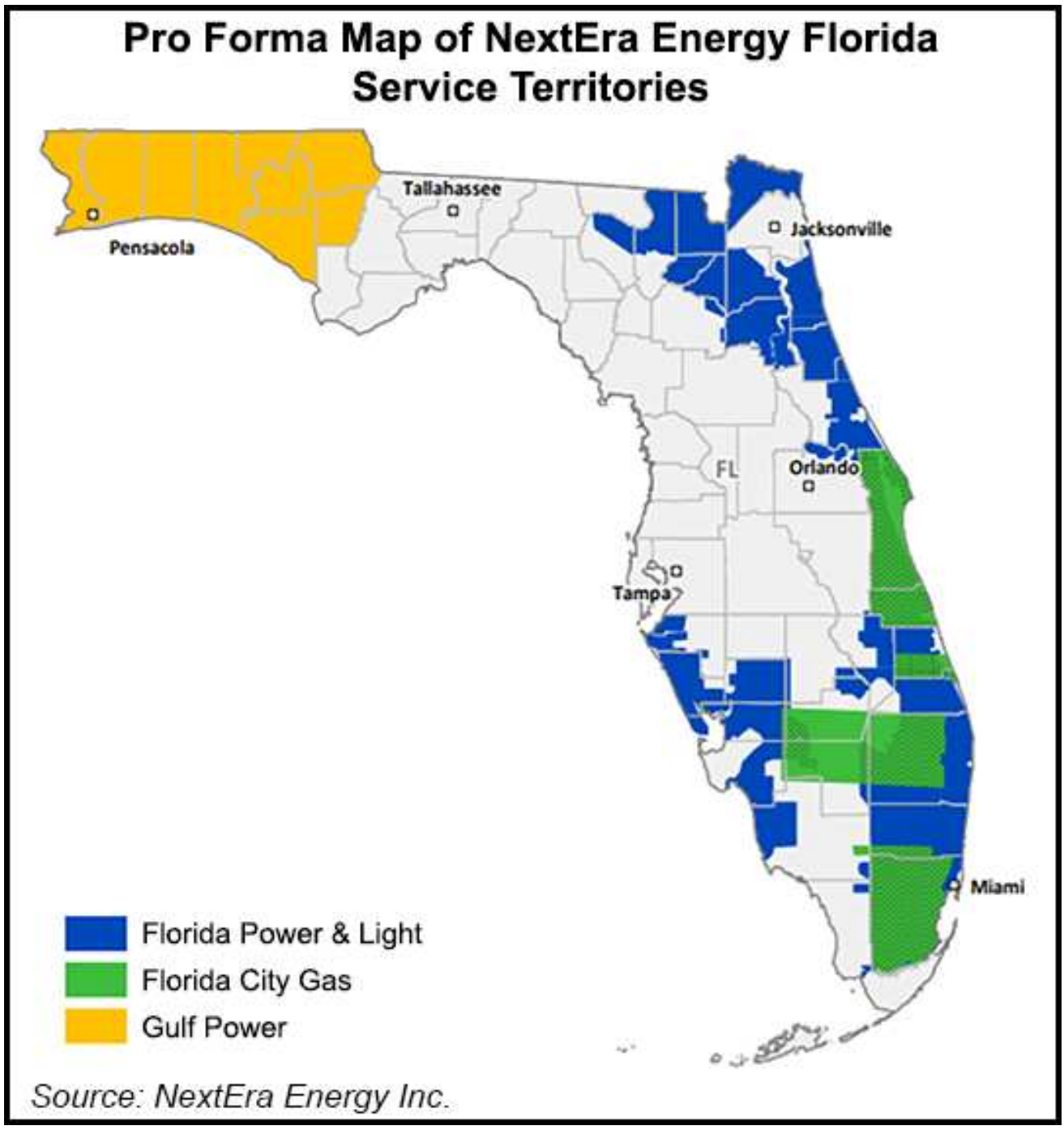
(d) Each utility must maintain a listing of revenues and expenses for all non-tariffed products and services.

(5) Reporting Requirements. Each utility shall file information concerning its affiliates, affiliate transactions, and nonregulated activities on Form PSC/AFD/101 (3/04) which is incorporated by reference into Rule 25-6.135, F.A.C. Form PSC/AFD/101, entitled “Annual Report of Major Electric Utilities,” may be obtained from the Commission’s Division of Accounting and Finance.

(6) Cost Allocation Manual. Each utility involved in affiliate transactions or in nonregulated activities must maintain a Cost Allocation Manual (CAM). The CAM must be organized and indexed so that the information contained therein can be easily accessed.

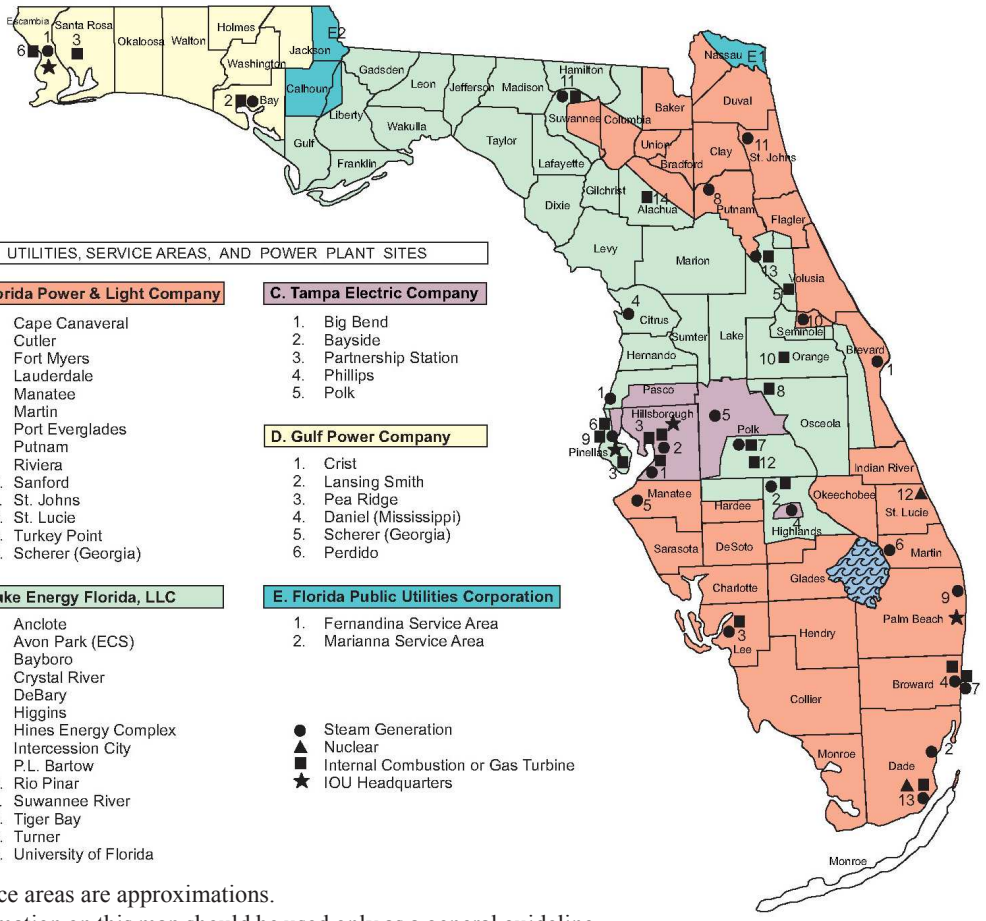
Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 350.115, 366.04(2)(a), (f), 366.041(1), 366.05(1), (2), (9), 366.06(1), 366.093(1) FS. History–New 12-27-94, Amended 12-11-00, 3-30-04.

NEXTERA ENERGY SERVICE AREAS



FLORIDA UTILITIES MAP

Investor-Owned Electric Utilities
Approximate Company Service Areas



UTILITIES, SERVICE AREAS, AND POWER PLANT SITES

A. Florida Power & Light Company

1. Cape Canaveral
2. Cutler
3. Fort Myers
4. Lauderdale
5. Manatee
6. Martin
7. Port Everglades
8. Putnam
9. Riviera
10. Sanford
11. St. Johns
12. St. Lucie
13. Turkey Point
14. Scherer (Georgia)

B. Duke Energy Florida, LLC

1. Anclote
2. Avon Park (ECS)
3. Bayboro
4. Crystal River
5. DeBary
6. Higgins
7. Hines Energy Complex
8. Intercession City
9. P.L. Bartow
10. Rio Pinar
11. Suwannee River
12. Tiger Bay
13. Turner
14. University of Florida

C. Tampa Electric Company

1. Big Bend
2. Bayside
3. Partnership Station
4. Phillips
5. Polk

D. Gulf Power Company

1. Crist
2. Lansing Smith
3. Pea Ridge
4. Daniel (Mississippi)
5. Scherer (Georgia)
6. Perdido

E. Florida Public Utilities Corporation

1. Fernandina Service Area
2. Marianna Service Area

- ● Steam Generation
- ▲ Nuclear
- ■ Internal Combustion or Gas Turbine
- ★ IOU Headquarters

Service areas are approximations.
Information on this map should be used only as a general guideline.
For more detailed information, contact individual utilities.

Source:
Florida Public Service Commission

Additional information about Florida's investor-owned electric utilities is available from:
FPSC's *Statistics of the Florida Electric Utility Industry*, October 2015
http://www.floridapsc.com/Files/PDF/Publications/Reports/Electricgas/Statistics/2014.pdf

FLORIDA'S FAILURE TO REGULATE

Despite massive political spending and lobbying, most states have found a way to enact and enforce regulations to protect citizens from monopoly utility expansions.

Florida has yet to do so…

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AMERICAN OVERSIGHT

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EXECUTIVE BRIEF

Florida's oversight of utility monopolies has failed.

The Florida Public Service Commission, the State Legislature, the Attorney General and all those charged with the protection of consumers have failed to act to provide reasonable regulatory oversight and restrictions on the expansion of utility monopolies. This leaves consumers, rate payers, small businesses and local communities at risk while utilities leverage their monopoly status and use ratepayer funds to subsidize expansion into new unregulated industries.

This has already been prohibited or regulated across much of the United States.
Florida has fallen behind most other states and has allowed powerful utility lobbyists and political donations to inhibit reasonable and responsible governance.

All businesses are driven by growth. Building shareholder value, increasing market share and growing profitability are the benchmarks for success especially among large publicly traded companies.

Utility companies, because they maintain vital public infrastructure, are granted special rights and privileges including monopoly-like status – the ability to operate as a sole supplier free from competition. All commercial and residential customers must use the one utility monopoly that services their area as there is essentially no reasonable alternative. In return for this special status and exemption from a myriad of laws designed to encourage competition, utility monopolies are regulated with special rules and laws designed to protect the rights of ratepayers and consumers who cannot choose another supplier if they do not think the company is providing good service, dealing with them fairly or pricing their services reasonably.

The job of protecting the ratepayer, consumer and citizen from the corporation's drive to grow and expand their monopoly status into greater market power and profitability falls to regulators charged to act in the public interest. Public Service Commissions, Attorneys General and state legislators have direct oversight responsibility to keep utility monopolies in check and protect citizens.

Using utility ratepayer funds to subsidize new businesses.
The expansion of regulated utility monopolies using ratepayer funds to enter unregulated businesses are not new. Over the past twenty years, many utilities have attempted to leverage their monopoly power, access to customer data and ratepayer funded infrastructure to subsidize easy entry into electrical, heating, air conditioning, plumbing and other industries.

States across the U.S. have enacted laws to regulate so-called **Utility Affiliate Transactions,** preventing regulated utilities from using ratepayer funded resources to subsidize nonregulated subsidiaries. Florida has yet to implement even the most basic regulatory protections.

Massive political spending, lobbying, and donations as well as contributions specifically targeted at those with the power to nominate members to the Florida Public Service Commission, the state regulatory authority, have all contributed to the undermining of regulatory oversight and reasonable safeguards against the misuse of ratepayer funds.

Undermining Regulatory Oversight

Major campaign donations. Florida's four largest energy companies contributed more than $43 million to state level candidates, political parties and political committees in the 2014 and 2016 election cycles.

- **Political spending increasing.** The energy companies spent more than twice as much in the most recent four-year period than in the previous ten-year period.
- **Lobby expenditures trending upward.** Utilities continue to have an outsized lobbying presence in the Florida Capitol, employing more than one lobbyist for every two legislators.
- **Trade associations used to lobby.** While the energy companies are not supposed to use customer dollars to lobby, regulators allow them to bypass the ban by paying dues to trade groups and associations that lobby.

Utility	Average Number of Contract Lobbyists Per Year 2014 – 2017	Total Paid 2014 - 2017
Duke Energy	25	$750,000
Florida Power & Light	32	1,760,000
Gulf Power Company	13	$940,000
TECO/Tampa Electric	24	$2,098,000
Totals	94	$5,548,000

(SOURCE: Power Play Redux: Political Influence of Florida's Top Energy Corporations: http://www.integrityflorida.org/wp-content/uploads/2018/05/Power-Play-Redux-final.pdf)

Our review of 13 states chosen randomly illustrates the type of restrictions used across the country to prohibit misuse of ratepayer funds and prevent subsidization. These regulations address the sharing of customer data, joint marketing, sharing of personnel and corporate infrastructure and much more in order to shield ratepayers, local businesses and entire industries from insurmountable and unfair competition.

Federal Trade Commission and Consumer Protections

The Federal Trade Commission weighed in on this issue and offers guidelines for utility/affiliate codes of conduct in their July 2000 report, "Competition and Consumer Protection Perspectives on Electric Power Regulatory Reform."

> ***"The chief concerns in the context of affiliate transactions in retail competition typically include discrimination as well as cross-subsidization or cost-shifting that favors the unregulated affiliate relative to its competitors. Consumers are harmed because discrimination and cross-subsidization may displace more efficient and innovative competitors and shift production to less efficient suppliers… Most states have rules or codes of conduct against cost shifts and cross-subsidization already in place because of the traditional concern about burdening ratepayers with unrelated costs."***

Moreover, the FTC dedicates an entire sub-section to logo usage, where they identify concerns of using a utility's logo resulting in consumer deception and cross-subsidization.

> ***"Harm to competition may occur because the unregulated affiliate's access to the logo of its regulated parent gives it a cost advantage through potential cross-subsidization that otherwise equally efficient competitors cannot match. The anticompetitive results may include (1) higher-than-necessary average operating (i.e., non-logo-related) costs for the industry and higher prices for consumers due to the continued operation of the affiliate, which can survive with higher-than-necessary costs due to the cross-subsidization; (2) greater market concentration and less competition than would occur absent the cross-subsidization;(78) and (3) discouragement of potential entry that likely would have occurred absent the cross-subsidization, including entry involving innovative products and production processes."***

There is no need to reinvent the wheel as most states have already successfully acted to reign in ratepayer subsidized utility expansions. Aggressive lobbying and political spending must not prevent legislators and regulators from doing their jobs and acting in the public trust. Florida must finally take action and enact real legislative and regulatory controls, as other states have done, to protect consumers, ratepayers and small businesses.

Other states have found a way through the wall of corporate lobbying and political spending to protect citizens. Failing to do so in Florida will result in irreparable harm and will be a distressing demonstration of a complete breakdown and abdication of legislative and regulatory oversight bought and paid for with utility ratepayer funds.

FLORIDA DRAFT LEGISLATION



Chapter 366, Florida Statutes, Public Utilities

Section 366.____ is created to read:

Section 366.____ Public utility or electric utility prohibited from engaging in construction contracting services, exceptions, penalty.—

(1) A public utility or electric utility, as defined in s. 366.02, may not engage in construction contracting services, as defined in ch. 489, unless otherwise provided in subsection (7).

(2) No affiliate or utility contractor may use any facility, electronic processing or communication mechanism, public relations or marketing product or service, vehicle, service tool, instrument, employee, or any other public utility or electric utility asset, the cost of which is recoverable in the regulated rate for utility service, to engage in construction contracting services unless the public utility or electric utility is compensated for the use of such asset at cost to the public utility or electric utility.

(3) No affiliate or utility contractor may use or combine any bookkeeping, billing, mailing, financing, legal services, or insurance product or service procured or owned by a public utility or electric utility for any activity related to construction contracting.

(4) A public utility or electric utility may not provide any affiliate or utility contractor with bookkeeping, billing, mailing, financing, legal services, or insurance product or service related to construction contracting, including service warranty or home warranty products or services under ch. 634 or construction liens under part I, ch. 713.

(5) A public utility or electric utility may not use or allow any affiliate or utility contractor to use the name, trade or service mark, logo, or slogan of such public utility or electric utility to engage in construction contracting services.

(6) A public utility or electric utility may not engage in or assist any affiliate or utility contractor in engaging in construction contracting services in a manner which subsidizes the activities of such public utility, electric utility, affiliate or utility contractor to the extent of changing the rates or charges for the public utility's or electric utility's regulated services above or below the rates or charges that would be in effect if the public utility or electric utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

(7) Any affiliate or utility contractor engaged in construction contracting services shall maintain accounts, bookkeeping and records separate and distinct from the public utility or electric utility.

(8) The provisions of this section shall apply to any affiliate or utility contractor engaged in construction contracting services that is owned, controlled or under common control with a public utility or electric utility providing regulated utility service in this state or any other state.

(9) The provisions of this section shall not be construed to prohibit a public utility or electric utility from providing emergency service, providing any service required by law, providing any service exempt from construction contracting licensure under s. 489.103(5), or providing a program pursuant to an existing tariff, rule or order of the Commission.

UTILITY AFFILIATE TRANSACTION RULES BY STATE

State	Rule	Prohibits Subsidation	Market Value Asset Transfers	Prohibits Sharing of Customer Data	Prohibits Joint Marketing	Prohibits Sharing of Employees	Prohibits Sharing of Corporate Infrastructure	Prohibits Use of Logo	Notes
FLORIDA	Florida Administrative Code 25-6.1351 Cost Allocation and Affiliate Transactions	(Not Specific)	X (Unenforced/Unregulated)						No clear rules in place compared to other states
CALIFORNIA	PUC Affiliate Transaction Rules Applicable to Large CA Energy Utilities	X	X	Non-discriminatory	X	X	X	Allowed with Disclaimer	Any shared corporate support shall be priced, reported
MISSOURI	4 CSR 240-40.015	X	Commission approves cost allocation, market valuation and internal cost methods	Requires customer consent and non-discriminatory	Allowed with Disclaimer			Allowed with Disclaimer	Includes HVAC Services Affiliate Transactions (4 CSR 240-40.017)
TEXAS	Texas Administrative Code Title 16 Part 2 Chapter 25 Subchapter K RULE §25.272	X	Governed by a tariff approved by the Commission, non-discriminatory	Requires customer consent and non-discriminatory	X	X	X		includes access for all to things like billing inserts if offered to the affiliate.
CONNECTICUT	Code of Conduct for Electric Distribution Companies Sec 16-244h1-7	X	X	Requires customer consent and non-discriminatory	Allowed with Disclaimer	X		Allowed with Disclaimer	Corporate support services shall be priced, reported
MAINE	PUC 65-407 (Chapters 304 and 820)	X		X (820 requires purchase)	X (820 requires purchase)	X		X (820 requires purchase)	
ARKANSAS	PSC Order No. 7 Docket No. 06-112-R Affiliate Transaction Rules	X	X	X	X	X	X		Describes Books and Record Keeping
NEW HAMPSHIRE	Chapter PUC 2100 Affiliate Transaction Rules	X	X	Requires customer consent	X	X	X	Allowed with Disclaimer	Corporate support services shall be priced, reported
RHODE ISLAND	PUC R.I.G.L. § 39-1-11 and § 39-3-7		Transactions tariffed, other sales are publicly disclosed		Unless promotions are non-discriminatory	Limited		X	Describes Books and Record Keeping
NEW JERSEY	NJ Administrative Code Title 14:4-3	X	Prohibited unless tariffed	Requires customer consent	X	X	X	Allowed with Disclaimer	Corporate support services shall be priced, reported
MICHIGAN	Public Act 141, MCL 460.10 Code of Conduct	X	X	Requires customer consent and non-discriminatory	X	X	X		Non-discriminatory services
ILLINOIS	Title 83 Chapter Ic Part 450	X	Transfer costs must be Commission approved	Requires customer consent and non-discriminatory	X	X			Includes internal audit information
NORTH CAROLINA	NC Utilities Commission: North Carolina Code of Conduct	X	X	Requires customer consent and non-discriminatory	Must make such oppotunities available to comparable third parties.			Allowed with Disclaimer	Same rules apply in South Carolina (Aimed at Duke)
MARYLAND	2013 Maryland Code PUBLIC UTILITIES § 7-211 - Energy efficiency programs	X							Ruling is ambiguous, multiple fights over use of logo (BGE)
MASSACHUSETTS	220 CMR 12.00 and Proposed Bills H3513 and H860		X	Requires customer consent and non-discriminatory	X	X		Allowed with Disclaimer	Proposed 2011 H. 860. Contains full prohibition on logo and subsidization.

AMERICAN OVERSIGHT

FEDERAL ENERGY REGULATORY COMMISSION

Rule: Cross-Subsidization Restrictions on Affiliate Transactions, [Docket No. RM07-15-000; Order No. 707][1]

SUMMARY: In this Final Rule, pursuant to sections 205 and 206 of the Federal Power Act, the Federal Energy Regulatory Commission (Commission) is amending its regulations to codify restrictions on affiliate transactions between franchised public utilities that have captive customers or that own or provide transmission service over jurisdictional transmission facilities, and their market-regulated power sales affiliates or non-utility affiliates. These restrictions will supplement other restrictions the Commission has in place to protect captive customers of franchised public utilities or transmission customers of franchised public utilities that own or provide transmission service over jurisdictional transmission facilities from inappropriate cross-subsidization of affiliates.

Order No. 707 expands the applicability of recently-adopted affiliate transaction restrictions. FERC's restrictions are meant to prevent franchised public utilities (that is, utilities with franchised service obligations under state law) with captive customers from unfairly subsidizing their unregulated affiliates at the captive customers' expense. FERC traditionally has addressed this issue in the context of market-based rate sellers, and recently codified in its regulations a series of restrictions on transactions between franchised public utilities with captive customers and their affiliates that sell power at marketbased rates. Even more recently, in a 2007 order approving the acquisition of KeySpan by National Grid, FERC applied those conditions not only to the relationship between a franchised public utility with captive customers and its affiliates that sell power at market-based rates, but also to the relationship between the utility and all of its other affiliates, even those that do not engage in power sales.

Order No. 707 further broadens the scope of the affiliate transaction restrictions so that the rules adopted in the National Grid merger proceeding will apply to all FERC-jurisdictional franchised utilities that either (1) serve wholesale or retail customers under cost-based regulation, or (2) own or provide transmission service over FERC jurisdictional transmission facilities. However, FERC clarifies that if a franchised public utility has received a determination from FERC that it does not have captive customers, it may continue to rely on that determination. If a franchised public utility is subject to the affiliate restrictions under Order No. 707, it must comply with the following rules:

‡ FERC approval is required for any wholesale sale by the utility to an affiliate eligible to sell wholesale energy at market-based rates, or by such an affiliate to the utility.

‡ Sales of non-power goods and services to any affiliate must be at the higher of cost or market price.

‡ With the exception of purchases from "centralized service companies" (i.e., a service company providing legal, accounting, tax, human resources, and related services) purchases of non-power goods and services from any affiliate must be at a price no higher than the market price.

‡ Purchases by a franchised utility of non-power goods and services from a "centralized service company" must be at cost.[2]

[1] https://www.ferc.gov/whats-new/comm-meet/2008/022108/E-2.pdf

[2] https://www.huntonak.com/images/content/2/0/v3/2058/FERC-707-Alert.pdf

FEDERAL TRADE COMMISSION

Competition and Consumer Protection Perspectives on Electric Power Regulatory Reform[3]

Limits on Transactions Between Regulated Utilities and Their Unregulated Affiliates

As discussed above, we have significant reservations about the effectiveness of relying exclusively on behavioral rules [to discourage discrimination in transactions between regulated utilities and their unregulated affiliates]. If the scale, scope, or vertical integration economies of affiliation are substantial and can be realized even in the presence of functional unbundling, [a state commission] may wish to strengthen its approach by requiring the affiliates to operate independently, on a bid-based, arm's-length basis. For example, [a state commission] may wish to require that the bulk of regulated utility purchases from unregulated affiliates be restricted to contracts won through an objective bidding process in which a third party evaluates the bids.

A critical element of workable bidding systems is the perceived and actual objectivity of the bid evaluation process. The system must be perceived as objective in order to attract bidders. Potential bidders, other than affiliates, may be unwilling to incur the costs of making a bid if the system is perceived as biased in favor of affiliates. The system must also be objective in fact in order to avoid raising costs for customers of the regulated utility. The use of third-party evaluations of the bids is one technique for achieving such objectivity.(70)

In addition, [a state commission] may wish to consider restrictions on asset transfers from the parent distribution utility to an affiliate. Some states are considering making such transfers subject to particular price bounds to assure that ratepayers do not unfairly subsidize the activities of the affiliate.(71) This proposal raises issues similar to determining the value of assets in assessing stranded costs. Just as some states, such as Massachusetts, have determined that the market is the best gauge of value to determine the value of generating assets in a stranded cost assessment,(72) [a state commission] may wish to use actual market values, rather than a band of prices, for asset transfers. The arm's-length bid process discussed above is an example of a method to establish actual market values.

Benefits and Costs of Allowing Unregulated Affiliates to Use the Parent, Regulated Distribution Firm's Logo

[A state commission] may wish to compare the benefits and costs of allowing affiliates of regulated distribution firms to use the corporate logo of the distribution firm.(73) One benefit of such use may be to reduce prices in the competitive markets served by affiliates. With access to the parent company's logo, the affiliate is likely to have lower marketing costs that may be passed along to consumers in a competitive market.(74) The lower prices of the affiliate may encourage other firms serving this market to charge lower prices as well, resulting in lower prices for the market as a whole.(75) If consumers' perceptions of the implications of an affiliate's use of the parent utility's logo are accurate,(76) a second prospective benefit may be reduced search costs for consumers.

On the cost side, we have identified two potential concerns about the use of logos by affiliates: deception of consumers and cross-subsidization.

(1) Potential Deception: [This is discussed in Chapter VIII.]

(2) Potential Cross-subsidization and the Use of the Parent Utility's Logo: Although some forms of cross-subsidization may be effectively addressed by transfer pricing rules,(77) other forms may be more difficult to assess. Cross-subsidization could take the form of cost-shifting among inputs used for both regulated and unregulated products, such as the use of a corporate logo in marketing the affiliate's products and services as well as the regulated parent utility's products and services. Costs of shared inputs could be assigned in a biased manner (i.e., with additional costs assigned to the regulated side of the business) so that the regulated entity can justify

[3] https://www.ftc.gov/reports/competition-consumer-protection-perspectives-electric-power-regulatory-reform#Limits

higher rates. This biased assignment of costs, which is often difficult for regulators to detect and remedy, distorts competition and produces inefficiencies in the unregulated business as well.

The risk of failing to detect anticompetitive cross-subsidization is heightened if (1) the reputation of the regulated parent utility is effectively embodied or represented by its logo; (2) the regulated parent firm can improve its reputation by incurring costs of the type that regulators would traditionally include in the rate base of the regulated firm; and (3) the unregulated affiliate can enhance its own reputation among consumers by using the logo of the regulated parent firm, even if elements of the regulated firm's reputation do not apply to the affiliate. When these factors are present, a regulated incumbent will have a heightened incentive to overinvest in reputation-building because it can expect to incorporate a greater share of these investments into its rate base than if the assets were not shared with the affiliate. Moreover, the affiliate would realize additional profits from its increased sales in the unregulated market. The principal obstacle to deterring this conduct is that it may be extraordinarily difficult to distinguish competitive from anticompetitive levels of investment in reputation-building. Harm to competition and consumers may result from such overinvestment and subsequent cross-subsidization.

Harm to competition may occur because the unregulated affiliate's access to the logo of its regulated parent gives it a cost advantage through potential cross-subsidization that otherwise equally efficient competitors cannot match. The anticompetitive results may include (1) higher-than-necessary average operating (i.e., non-logo-related) costs for the industry and higher prices for consumers due to the continued operation of the affiliate, which can survive with higher-than-necessary costs due to the cross-subsidization; (2) greater market concentration and less competition than would occur absent the cross-subsidization;(78) and (3) discouragement of potential entry that likely would have occurred absent the cross-subsidization, including entry involving innovative products and production processes.

If [a state commission] upon more detailed study determines that there are substantial economies of vertical integration that cannot be realized without allowing affiliates to use the logos of their respective regulated parent utilities, [a state commission] may wish to consider two policy alternatives that are designed to obtain some of the potential benefits of affiliate use of the parent distribution firm's logo without incurring the costs. First, some states are considering allowing the use of the logo by affiliates, contingent upon use of a disclaimer that avoids consumer deception. [A state commission] may wish to evaluate this alternative by examining the impression that consumers are likely to have with the use of the logo accompanied by a disclaimer, and whether that impression would be accurate.(79)Consumer research designed to investigate the effects of several alternative policies on consumers may be the most effective approach.(80) A disclaimer that suffices to avoid consumer deception also may suffice to discourage cross-subsidization in the form of excessive investment in reliability.

Another alternative for transfer of the rights to use the parent firm's logo is to require that the affiliate (and any other firms granted the right to use the logo) pay the parent for the right to use the logo.(81) Because the logo is an asset, use of the logo by other firms, including affiliates, represents an asset transfer from the parent firm, and [a state commission] may wish to treat it like other asset transfers.(82) In order to avoid cross-subsidization in such a transaction, the use of the parent logo must be fairly evaluated.

MASSACHUSETTS

Rule: 220 CMR 12.00 STANDARDS OF CONDUCT FOR DISTRIBUTION COMPANIES AND THEIR AFFILIATES[4] and Proposed Bills H3513 and H860[5]

Market Value Asset Transfers

A Distribution Company may sell, lease, or otherwise transfer to an Affiliate, including a Competitive Affiliate, an asset, the cost of which has been reflected in the Distribution Company's rates for regulated service, provided that the price charged the Affiliate is the higher of the net book value or market value of the asset. The Department shall determine the market value of any such asset sold, leased, or otherwise transferred, based on the highest price that the asset could have reasonably realized after an open and competitive sale.

A Distribution Company may sell, lease, or otherwise transfer to an affiliate, including a Competitive Affiliate, assets other than those subject to 220 CMR 12.04(1), and may also provide services to an affiliate, including a Competitive Affiliate, provided that the price charged for such asset or service is equal to or greater than the Distribution Company's fully allocated cost to provide the asset or service.

An Affiliated Company may sell, lease, or otherwise transfer an asset to a Distribution Company, and may also provide services to a Distribution Company, provided that the price charged to the Distribution Company is no greater than the market value of the asset or service provided.

A Distribution Company must maintain a log of all transactions with Affiliated Companies made pursuant to 220 CMR 12.04(1) through (3). The log shall include the date of the transaction, the nature and quantity of the asset or service provided, the price charged, and an explanation of how the price was derived for purposes of compliance with 220 CMR 12.04. All log entries must be dated and made contemporaneously with relevant transactions. The log shall be kept up to date. The Distribution Company shall file a copy of the log with the Department no later than January 15 of each year, covering the previous year.

Sharing Customer Data

A Distribution Company shall not release any proprietary customer information to an Affiliate without the prior written authorization of the customer.

To the extent that a Distribution Company provides a Competitive Affiliate with information not readily available or generally known to any Non-affiliated Supplier, which information was obtained by the Distribution Company in the course of providing distribution service to its customers, the Distribution Company shall make that information available on a non-discriminatory basis to all Non-affiliated Suppliers transacting business in its service territory. 220 CMR 12.03(10) does not apply to customer-specific information obtained with proper authorization, information necessary to fulfill the provisions of a contract, or information relating to the provision of general and administrative support services.

Joint Marketing

The Distribution Company shall not engage in joint advertising or marketing programs of any sort with its Competitive Energy Affiliate, nor shall the Distribution Company directly promote or market any product or service offered by any Competitive Affiliate.

[4] https://www.mass.gov/files/220_cmr_12.00_10_3_08.pdf

[5] https://malegislature.gov/Bills/187/H860

Sharing Employees

Employees of a Distribution Company shall not be shared with a Competitive Energy Affiliate, and shall be physically separated from those of the Competitive Energy Affiliate. The Distribution Company shall fully and transparently allocate costs for any shared facilities or general and administrative support services provided to any Competitive Affiliate.

Logo Usage

Subject to 220 CMR 12.03(12), a Distribution Company may allow an Affiliate, including a Competitive Energy Affiliate, to identify itself, through the use of a name, logo, or both, as an Affiliate of the Distribution Company, provided that such use by a Competitive Energy Affiliate shall be accompanied by a disclaimer that shall state that no advantage accrues to customers or others in the use of the Distribution Company's services as a result of that customer or others dealing with the Competitive Energy Affiliate, and that the customer or others need not purchase any product or service from any Competitive Energy Affiliate in order to obtain services from the Distribution Company on a non-discriminatory basis. The disclaimer shall be written or spoken, or both, as may be appropriate given the context of the use of the name or logo.

CALIFORNIA

Rule: Public Utilities Commission Affiliate Transaction Rules Applicable to Large California Energy Utilities[6]

Subsidization

Corporate Support: As a general principle, a utility, its parent holding company, or a separate affiliate created solely to perform corporate support services may share with its affiliates joint corporate oversight, governance, support systems and personnel. Any shared support shall be priced, reported and conducted in accordance with the Separation and Information Standards set forth herein, as well as other applicable Commission pricing and reporting requirements.

As a general principle, such joint utilization shall not allow or provide a means for the transfer of confidential information from the utility to the affiliate, create the opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of affiliates. In the compliance plan, a corporate officer from the utility and holding company shall verify the adequacy of the specific mechanisms and procedures in place to ensure the utility follows the mandates of this paragraph, and to ensure the utility is not utilizing joint corporate support services as a conduit to circumvent these Rules.

Market Value Asset Transfers

Transfer of Goods and Services: To the extent that these Rules do not prohibit transfers of goods and services between a utility and its affiliates, all such transfers shall be subject to the following pricing provisions:

1. Transfers from the utility to its affiliates of goods and services produced, purchased or developed for sale on the open market by the utility will be priced at fair market value.

2. Transfers from an affiliate to the utility of goods and services produced, purchased or developed for sale on the open market by the affiliate shall be priced at no more than fair market value.

3. For goods or services for which the price is regulated by a state or federal agency, that price shall be deemed to be the fair market value, except that in cases where more than one state commission regulates the price of goods or services, this Commission's pricing provisions govern.

4. Goods and services produced, purchased or developed for sale on the open market by the utility will be provided to its affiliates and unaffiliated companies on a nondiscriminatory basis, except as otherwise required or permitted by these Rules or applicable law.

5. Transfers from the utility to its affiliates of goods and services not produced, purchased or developed for sale by the utility will be priced at fully loaded cost plus 5% of direct labor cost.

6. Transfers from an affiliate to the utility of goods and services not produced, purchased or developed for sale by the affiliate will be priced at the lower of fully loaded cost or fair market value.

Sharing Customer Data

Customer Information: A utility shall provide customer information to its affiliates and unaffiliated entities on a strictly non-discriminatory basis, and only with prior affirmative customer written consent.

Non-Customer Specific Non-Public Information: A utility shall make non-customer specific non-public information, including but not limited to information about a utility's natural gas or electricity purchases, sales, or operations or about the utility's gas-related goods or services, electricity-related goods or services, available to the utility's affiliates only if the utility makes that information contemporaneously available to all other service providers on

[6] http://www.cpuc.ca.gov/General.aspx?id=1459

the same terms and conditions, and keeps the information open to public inspection. Unless otherwise provided by these Rules, a utility continues to be bound by all Commission-adopted pricing and reporting guidelines for such transactions. Utilities are also permitted to exchange proprietary information on an exclusive basis with their affiliates, provided the utility follows all Commission-adopted pricing and reporting guidelines for such transactions, and it is necessary to exchange this information in the provision of the corporate support services permitted by Rule V E below. The affiliate's use of such proprietary information is limited to use in conjunction with the permitted corporate support services, and is not permitted for any other use. Nothing in this Rule precludes the exchange of information pursuant to D.97-10-031.

Joint Marketing

A utility shall not participate in joint advertising or joint marketing with its affiliates. This prohibition means that utilities may not engage in activities which include, but are not limited to the following:

1. A utility shall not participate with its affiliates in joint sales calls, through joint call centers or otherwise, or joint proposals (including responses to requests for proposals (RFPs)) to existing or potential customers. At a customer's unsolicited request, a utility may participate, on a nondiscriminatory basis, in non-sales meetings with its affiliates or any other market participant to discuss technical or operational subjects regarding the utility's provision of transportation service to the customer;

2. Except as otherwise provided for by these Rules, a utility shall not participate in any joint activity with its affiliates. The term "joint activities" includes, but is not limited to, advertising, sales, marketing, communications and correspondence with any existing or potential customer;

3. A utility shall not participate with its affiliates in trade shows, conferences, or other information or marketing events held in California.

Sharing Employees

1. Except as permitted in Section V E (corporate support), a utility and its affiliates shall not jointly employ the same employees. This Rule prohibiting joint employees also applies to Board Directors and corporate officers, except for the following circumstances: In instances when this Rule is applicable to holding companies, any board member or corporate officer may serve on the holding company and with either the utility or affiliate (but not both). Where the utility is a multi-state utility, is not a member of a holding company structure, and assumes the corporate governance functions for the affiliates, the prohibition against any board member or corporate officer of the utility also serving as a board member or corporate officer of an affiliate shall only apply to affiliates that operate within California. In the case of shared directors and officers, a corporate officer from the utility and holding company shall verify in the utility's compliance plan the adequacy of the specific mechanisms and procedures in place to ensure that the utility is not utilizing shared officers and directors as a conduit to circumvent any of these Rules.

2. All employee movement between a utility and its affiliates shall be consistent with the following provisions:

    a. A utility shall track and report to the Commission all employee movement between the utility and affiliates. The utility shall report this information annually pursuant to our Affiliate Transaction Reporting Decision, D.93-02-016, 48 CPUC2d 163, 171-172 and 180 (Appendix A, Section I and Section II H.).

    b. Once an employee of a utility becomes an employee of an affiliate, the employee may not return to the utility for a period of one year. This Rule is inapplicable if the affiliate to which the employee transfers goes out of business during the one-year period. In the event that such an employee returns to the utility, such employee cannot be retransferred, reassigned, or otherwise employed by the affiliate for a period of two years.

Employees transferring from the utility to the affiliate are expressly prohibited from using information gained from the utility in a discriminatory or exclusive fashion, to the benefit of the affiliate or to the detriment of other unaffiliated service providers.

c. When an employee of a utility is transferred, assigned, or otherwise employed by the affiliate, the affiliate shall make a one-time payment to the utility in an amount equivalent to 25% of the employee's base annual compensation, unless the utility can demonstrate that some lesser percentage (equal to at least 15%) is appropriate for the class of employee included. All such fees paid to the utility shall be accounted for in a separate memorandum account to track them for future ratemaking treatment (i.e. credited to the Electric Revenue Adjustment Account or the Core and Non-core Gas Fixed Cost Accounts, or other ratemaking treatment, as appropriate), on an annual basis, or as otherwise necessary to ensure that the utility's ratepayers receive the fees. This transfer payment provision will not apply to clerical workers. Nor will it apply to the initial transfer of employees to the utility's holding company to perform corporate support functions or to a separate affiliate performing corporate support functions, provided that that transfer is made during the initial implementation period of these rules or pursuant to a § 851 application or other Commission proceeding. However, the rule will apply to any subsequent transfers or assignments between a utility and its affiliates of all covered employees at a later time.

d. Any utility employee hired by an affiliate shall not remove or otherwise provide information to the affiliate which the affiliate would otherwise be precluded from having pursuant to these Rules.

e. A utility shall not make temporary or intermittent assignments, or rotations to its affiliates.

Sharing Corporate Infrastructure

Corporate Support: As a general principle, a utility, its parent holding company, or a separate affiliate created solely to perform corporate support services may share with its affiliates joint corporate oversight, governance, support systems and personnel. Any shared support shall be priced, reported and conducted in accordance with the Separation and Information Standards set forth herein, as well as other applicable Commission pricing and reporting requirements.

As a general principle, such joint utilization shall not allow or provide a means for the transfer of confidential information from the utility to the affiliate, create the opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of affiliates. In the compliance plan, a corporate officer from the utility and holding company shall verify the adequacy of the specific mechanisms and procedures in place to ensure the utility follows the mandates of this paragraph, and to ensure the utility is not utilizing joint corporate support services as a conduit to circumvent these Rules.

Examples of services that may be shared include: payroll, taxes, shareholder services, insurance, financial reporting, financial planning and analysis, corporate accounting, corporate security, human resources (compensation, benefits, employment policies), employee records, regulatory affairs, lobbying, legal, and pension management.

Examples of services that may not be shared include: employee recruiting, engineering, hedging and financial derivatives and arbitrage services, gas and electric purchasing for resale, purchasing of gas transportation and storage capacity, purchasing of electric transmission, system operations, and marketing.

Logo Usage

1. A utility shall not trade upon, promote, or advertise its affiliate's affiliation with the utility, nor allow the utility name or logo to be used by the affiliate or in any material circulated by the affiliate, unless it discloses in plain legible or audible language, on the first page or at the first point where the utility name or logo appears that:

    a. the affiliate "is not the same company as [i.e. PG&E, Edison, the Gas Company, etc.], the utility,";

    b. the affiliate is not regulated by the California Public Utilities Commission; and

    c. "you do not have to buy [the affiliate's] products in order to continue to receive quality regulated services from the utility."
    The application of the name/logo disclaimer is limited to the use of the name or logo in California.

2. A utility, through action or words, shall not represent that, as a result of the affiliate's affiliation with the utility, its affiliates will receive any different treatment than other service providers.

3. A utility shall not offer or provide to its affiliates advertising space in utility billing envelopes or any other form of utility customer written communication unless it provides access to all other unaffiliated service providers on the same terms and conditions.

4. A utility shall not participate in joint advertising or joint marketing with its affiliates. This prohibition means that utilities may not engage in activities which include, but are not limited to the following:

    a. A utility shall not participate with its affiliates in joint sales calls, through joint call centers or otherwise, or joint proposals (including responses to requests for proposals (RFPs)) to existing or potential customers. At a customer's unsolicited request, a utility may participate, on a nondiscriminatory basis, in non-sales meetings with its affiliates or any other market participant to discuss technical or operational subjects regarding the utility's provision of transportation service to the customer;

    b. Except as otherwise provided for by these Rules, a utility shall not participate in any joint activity with its affiliates. The term "joint activities" includes, but is not limited to, advertising, sales, marketing, communications and correspondence with any existing or potential customer;

    c. A utility shall not participate with its affiliates in trade shows, conferences, or other information or marketing events held in California.

5. A utility shall not share or subsidize costs, fees, or payments with its affiliates associated with research and development activities or investment in advanced technology research.

MISSOURI

Rule: Code of State Regulations 4 CSR 240-40.015[7]

Subsidization

4 CSR 240-40.015 Affiliate Transactions

PURPOSE: This rule is intended to prevent regulated utilities from subsidizing their nonregulated operations. In order to accomplish this objective, the rule sets forth financial standards, evidentiary standards and record keeping requirements applicable to any Missouri Public Service Commission (commission) regulated gas corporation whenever such corporation participates in transactions with any affiliated entity (except with regard to HVAC services as defined in section 386.754, RSMo Supp. 1998, by the General Assembly of Missouri). The rule and its effective enforcement will provide the public the assurance that their rates are not adversely impacted by the utilities' nonregulated activities.

4 CSR 240-40.017 HVAC Services Affiliate Transactions

PURPOSE: This rule prescribes the requirements for HVAC services affiliated entities and regulated gas corporations when such gas corporations participate in affiliated transactions with an HVAC affiliated entity as set forth in sections 386.754, 386.756, 386.760, 386.762 and 386.764, RSMo by the General Assembly of the State of Missouri.

A regulated gas corporation may not engage in or assist any affiliated entity or utility contractor in engaging in HVAC services in a manner which subsidizes the activities of such regulated gas corporation, affiliated entity or utility contractor to the extent of changing the rates or charges for the regulated gas corporation's services above or below the rates or charges that would be in effect if the regulated gas corporation were not engaged in or assisting any affiliated entity or utility contractor in engaging in such activities.

Market Value Asset Transfers

(D) In transactions involving the purchase of goods or services by the regulated gas corporation from an affiliated entity, the regulated gas corporation will use a commission approved Cost Allocation Manual (CAM) which sets forth cost allocation, market valuation and internal cost methods. This CAM can use benchmarking practices that can constitute compliance with the market value requirements of this section if approved by the commission.

In transactions involving the purchase of information, assets, goods or services by the regulated gas corporation from an affiliated entity, the regulated gas corporation will use a commission-approved CAM which sets forth cost allocation, market valuation and internal cost methods. This CAM can use bench marking practices that can constitute compliance with the market value requirements of this section if approved by the commission.

Sharing Customer Data

Specific customer information shall be made available to affiliated or unaffiliated entities only upon consent of the customer or as otherwise provided by law or commission rules or orders. General or aggregated customer information shall be made available to affiliated or unaffiliated entities upon similar terms and conditions. The regulated gas corporation may set reasonable charges for costs incurred in producing customer information. Customer information includes information provided to the regulated utility by affiliated or unaffiliated entities.

Joint Marketing/Logo Usage

Marketing materials, information or advertisements by an affiliate entity that share an exact or similar name, logo or trademark of the regulated utility shall clearly display or announce that the affiliate entity is not regulated by the Missouri Public Service Commission.

[7] https://www.sos.mo.gov/cmsimages/adrules/csr/previous/4csr/4csr0308/4c240-40.pdf

TEXAS

Rule: Texas Administrative Code Title 16 Part 2 Chapter 25 Subchapter K RULE §25.272[8]
(See also: Project 41616 2014 Texas PUC Ruling[9] and Texas Court of Appeals Dissenting Opinion[10] for issues including logo sharing)

Subsidization

A utility shall not subsidize the business activities of any affiliate with revenues from a regulated service. In accordance with PURA and the commission's rules, a utility and its affiliates shall fully allocate costs for any shared services, including corporate support services, offices, employees, property, equipment, computer systems, information systems, and any other shared assets, services, or products.

Market Value Asset Transfers

Sale of products or services by a utility. Unless otherwise approved by the commission and except for corporate support services, any sale of a product or service by a utility shall be governed by a tariff approved by the commission. Products and services shall be made available to any third party entity on the same terms and conditions as the utility makes those products and services available to its affiliates.

Sharing Customer Data

1) Proprietary customer information. A utility shall provide a customer with the customer's proprietary customer information, upon request by the customer. Unless a utility obtains prior affirmative written consent or other verifiable authorization from the customer as determined by the commission, or unless otherwise permitted under this subsection, it shall not release any proprietary customer information to a competitive affiliate or any other entity, other than the customer, an independent organization as defined by PURA §39.151, or a provider of corporate support services for the sole purpose of providing corporate support services in accordance with subsection (e)(2)(A) of this section. The utility shall maintain records that include the date, time, and nature of information released when it releases customer proprietary information to another entity in accordance with this paragraph. The utility shall maintain records of such information for a minimum of three years, and shall make the records available for third party review within 72 hours of a written request, or at a time mutually agreeable to the utility and the third party. When the third party requesting review of the records is not the customer, commission, or Office of Public Utility Counsel, the records may be redacted in such a way as to protect the customer's identity. If proprietary customer information is released to an independent organization or a provider of corporate support services, the independent organization or entity providing corporate support services is subject to the rules in this subsection with respect to releasing the information to other persons.

    (A) Exception for law, regulation, or legal process. A utility may release proprietary customer information to another entity without customer authorization where authorized or requested to do so by the commission or where required to do so by law, regulation, or legal process.

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8 https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=16&pt=2&ch=25&rl=272

9 https://www.puc.texas.gov/agency/rulesnlaws/subrules/electric/25.272/41616adt.pdf

10 https://cases.justia.com/texas/third-court-of-appeals/2014-03-13-00358-cv-1.pdf?ts=1405646304

(B) Exception for release to governmental entity. A utility may release proprietary customer information without customer authorization to a federal, state, or local governmental entity or in connection with a court or administrative proceeding involving the customer or the utility; provided, however, that the utility shall take all reasonable actions to protect the confidentiality of such information, including, but not limited to, providing such information under a confidentiality agreement or protective order, and shall also promptly notify the affected customer in writing that such information has been requested.

(C) Exception to facilitate transition to customer choice. In order to facilitate the transition to customer choice, a utility may release proprietary customer information to its affiliated retail electric provider or providers of last resort without authorization of those customers only during a period prescribed by the commission.

(D) Exception for release to providers of last resort. On or after January 1, 2002, a utility may provide proprietary customer information to a provider of last resort without customer authorization for the purpose of serving customers who have been switched to the provider of last resort.

(E) Exception for release to State of Texas' Division of Emergency Management. Beginning January 1, 2011, a utility may provide proprietary customer information to the State of Texas' Division of Emergency Management, upon that agency's request for purposes of identifying the customer as a critical care residential customer pursuant to §25.497 of this title (relating to Critical Load Industrial Customers, Critical Load Public Safety Customers, Critical Care Residential Customers, and Chronic Condition Residential Customers).

2) Nondiscriminatory availability of aggregate customer information. A utility may aggregate non-proprietary customer information, including, but not limited to, information about a utility's energy purchases, sales, or operations or about a utility's energy-related goods or services. However, except in circumstances solely involving the provision of corporate support services in accordance with subsection (e)(2)(A) of this section, a utility shall aggregate non-proprietary customer information for a competitive affiliate only if the utility makes such aggregation service available to all non-affiliates under the same terms and conditions and at the same price as it is made available to any of its affiliates. In addition, no later than 24 hours prior to a utility's provision to its competitive affiliate of aggregate customer information, the utility shall post a conspicuous notice on its Internet site or other public electronic bulletin board for at least 30 consecutive calendar days, providing the following information: the name of the competitive affiliate to which the information will be provided, the rate charged for the information, a meaningful description of the information provided, and the procedures by which non-affiliates may obtain the same information under the same terms and conditions. The utility shall maintain records of such information for a minimum of three years, and shall make such records available for third party review within 72 hours of a written request, or at a time mutually agreeable to the utility and the third party.

3) No preferential access to transmission and distribution information. A utility shall not allow preferential access by its competitive affiliates to information about its transmission and distribution systems.

4) Other limitations on information disclosure. Nothing in this rule is intended to alter the specific limitations on disclosure of confidential information in the Texas Utilities Code, the Texas Government Code, Chapter 552, or the commission's substantive and procedural rules.

5) Other information. Except as otherwise allowed in this subsection, a utility shall not share information, except for information required to perform allowed corporate support services, with competitive affiliates unless the utility can prove to the commission that the sharing will not compromise the public interest prior to any such sharing. Information that is publicly available, or that is unrelated in any way to utility activities, may be shared.

Joint Marketing/Sharing Corporate Infrastructure

Corporate support services--Services shared by a utility, its parent holding company, or a separate affiliate created to perform corporate support services, with its affiliates of joint corporate oversight, governance, support systems, and personnel. Examples of services that may be shared, to the extent the services comply with the requirements prescribed by PURA §39.157(d) and (g) and rules implementing those requirements, include human resources, procurement, information technology, regulatory services, administrative services, real estate services, legal services, accounting, environmental services, research and development unrelated to marketing activity and/or business development for the competitive affiliate regarding its services and products, internal audit, community relations, corporate communications, financial services, financial planning and management support, corporate services, corporate secretary, lobbying, and corporate planning.

Examples of services that may not be shared include engineering, purchasing of electric transmission facilities and service, transmission and distribution system operations, and marketing, unless such services are provided by a utility, or a separate affiliate created to perform such services, exclusively to affiliated regulated utilities and only for provision of regulated utility services.

(h) Safeguards relating to joint marketing and advertising.
(1) Joint marketing, advertising, and promotional activities.
(A) A utility shall not:
i. provide or acquire leads on behalf of its competitive affiliates;
ii. solicit business or acquire information on behalf of any of its competitive affiliates;
iii. give the appearance of speaking or acting on behalf of any of its competitive affiliates;
iv. share market analysis reports or other proprietary or non-publicly available reports, with its competitive affiliates;
v. represent to customers or potential customers that it can offer competitive retail services bundled with its tariffed services; or
vi. request authorization from its customers to pass on information exclusively to its competitive affiliate.

(B) A utility shall not engage in joint marketing, advertising, or promotional activities of its products or services with those of a competitive affiliate in a manner that favors the affiliate. Such joint marketing, advertising, or promotional activities include, but are not limited to, the following activities:
i. acting or appearing to act on behalf of a competitive affiliate in any communications and contacts with any existing or potential customers;
ii. joint sales calls;
ii. joint proposals, either as requests for proposals or responses to requests for proposals:
iv. joint promotional communications or correspondence, except that a utility may allow a competitive affiliate access to customer bill advertising inserts according to the terms of a commission-approved tariff so long as access to such inserts is made available on the same terms and conditions to non-affiliates offering similar services as the competitive affiliate that uses bill inserts;

v. joint presentation at trade shows, conferences, or other marketing events within the State of Texas; and
vi. providing links between any of a utility's websites and social media platforms, and any of the websites and social media platforms of its competitive affiliates.

Sharing Employees

Sharing of employees, facilities, or other resources. Except as otherwise allowed in paragraph (3), (4), (5), or (7) of this subsection, a utility shall not share employees, facilities, or other resources with its competitive affiliates unless the utility can prove to the commission prior to such sharing that the sharing will not compromise the public interest. Such sharing may be allowed if the utility implements adequate safeguards precluding employees of a competitive affiliate from gaining access to information in a manner that would allow or provide a means to transfer confidential information from a utility to an affiliate, create an opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of affiliates.

(3) Sharing officers and directors, property, equipment, computer systems, information systems, and corporate services. A utility and a competitive affiliate may share common officers and directors, property, equipment, computer systems, information systems and corporate support services, if the utility implements safeguards that the commission determines are adequate to preclude employees of a competitive affiliate from gaining access to information in a manner that would allow or provide a means to transfer confidential information from a utility to an affiliate, create an opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of affiliates

(4) Employee transfers and temporary assignments. A utility shall not assign, for less than one year, utility employees engaged in transmission or distribution system operations to a competitive affiliate unless the employee does not have knowledge of confidential information. Utility employees engaged in transmission or distribution system operations, including persons employed by a service company affiliated with the utility who are engaged in transmission system operations on a day-to-day basis or have knowledge of transmission or distribution system operations and are transferred to a competitive affiliate, shall not remove or otherwise provide or use confidential property or information gained from the utility or affiliated service company in a discriminatory or exclusive fashion, to the benefit of the competitive affiliate or to the detriment of non-affiliated electric suppliers. Movement of an employee engaged in transmission or distribution system operations, including a person employed by a service company affiliated with the utility who is engaged in transmission or distribution system operations on a day-to-day basis or has knowledge of transmission or distribution system operations from a utility to a competitive affiliate or vice versa, may be accomplished through either the employee's termination of employment with one company and acceptance of employment with the other, or a transfer to another company, as long as the transfer of an employee from the utility to an affiliate results in the utility bearing no ongoing costs associated with that employee. Transferring employees shall sign a statement indicating that they are aware of and understand the restrictions and penalties set forth in this section. The utility also shall post a conspicuous notice of such a transfer on its Internet site or other public electronic bulletin board within 24 hours and for at least 30 consecutive calendar days. The exception to this provision is that employees may be temporarily assigned to an affiliate or non-affiliated utility to assist in restoring power in the event of a major service interruption or assist in resolving emergency situations affecting system reliability. Consistent with §25.84(h) of this title (relating to Reporting of Affiliate Transactions for Electric Utilities), however, within 30 days of such a deviation from the code of conduct, the utility shall report this information to the commission and shall conspicuously post the information on its Internet site or other public electronic bulletin board for 30 consecutive calendar days.

(5) Sharing of office space. A utility's office space shall be physically separate from that of its competitive affiliates, where physical separation is accomplished by having office space in separate buildings or, if within the same building, by a method such as having offices on separate floors or with separate access, unless otherwise approved by the commission.

(6) Separate books and records. A utility and its affiliates shall keep separate books of accounts and records, and the commission may review records relating to a transaction between a utility and an affiliate.

(A) In accordance with generally accepted accounting principles or state and federal guidelines, as appropriate, a utility shall record all transactions with its affiliates, whether they involve direct or indirect expenses.

(B) A utility shall prepare financial statements that are not consolidated with those of its affiliates.

(C) A utility and its affiliates shall maintain sufficient records to allow for an audit of the transactions between the utility and its affiliates. At any time, the commission may, at its discretion, require a utility to initiate, at the utility's expense, an audit of transactions between the utility and its affiliates performed by an independent third party.

(7) Limited credit support by a utility. A utility may share credit, investment, or financing arrangements with its competitive affiliates if it complies with subparagraphs (A) and (B) of this paragraph.

(A) The utility shall implement adequate safeguards precluding employees of a competitive affiliate from gaining access to information in a manner that would allow or provide a means to transfer confidential information from a utility to an affiliate, create an opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of affiliates.

(B) The utility shall not allow an affiliate to obtain credit under any arrangement that would include a specific pledge of any assets in the rate base of the utility or a pledge of cash reasonably necessary for utility operations. This subsection does not affect a utility's obligations under other law or regulations, such as the obligations of a public utility holding company under §25.271(c)(2) of this title (relating to Foreign Utility Company Ownership by Exempt Holding Companies).

CONNECTICUT

Rule: Department of Public Utility Control: Code of Conduct for Electric Distribution Companies Sec 16-244h1-7[11]

Subsidization

(5) An electric distribution company shall not share or subsidize costs, fees, or payments with its affiliates associated with research and development activities or investment in advanced technology research.

Market Value Asset Transfers

(3) An electric distribution company shall pay fair market value for all goods and services produced, purchased or developed by its generation entities or affiliates. The electric distribution company's purchasing practices shall be non-discriminatory and shall result in fair prices to its customers. All transfers from a generation entity or affiliate to its electric distribution company shall be posted on the affiliate discount internet web page referenced in section 16-244h-3(f) of the Regulations of Connecticut State Agencies within 24 hours of the time at which the service provided by the generation entity or affiliate is so provided.

Sharing Customer Data

(1) Unless the electric distribution company has received a form from a customer requesting that the customer's name, address, telephone number and rate class not be released, the electric distribution company may release such information to its generation entities or affiliates without customer consent, so long as such information is released only on a strictly non-discriminatory basis pursuant to the provisions of section 16-245o(d) of the Connecticut General Statutes. Customer consent is not required for an electric distribution company to provide load data concerning existing customers of its generation entities or affiliates necessary for customer billing and load reporting to the regional independent system operator, as that term is defined in section 16-1 of the Connecticut General Statutes.

(2) An electric distribution company shall receive prior affirmative written customer consent before releasing any customer information not referenced in subdivision (1) of this subsection. If an electric distribution company releases customer specific information not referenced in subdivision (1) of this subsection to its generation entity or affiliate, it shall make similar customer specific information available to other electric suppliers on a strictly non-discriminatory basis and on the same terms and conditions.

(3) If an electric distribution company releases customer information to its generation entities or affiliates for which no tariff or standard fee applies, within 24 hours of the time at which an electric distribution company releases such customer information, the electric distribution company shall post, either directly on or directly linked to the discount page required pursuant to section 16-244h-3(f) of the Regulations of Connecticut State Agencies, a notice providing the terms and conditions of such release of information. The notice shall include, but is not limited to:

(A) The name of the generation entity or affiliate receiving the information;
(B) The number of names provided;
(C) The type of information provided (e.g., customer specific load profiles);
(D) The price charged to the generation entity or affiliate; and
(E) The electronic form in which the information was provided.

Joint Marketing/Advertising/Logo Usage

(1) An electric distribution company shall not trade upon, promote, or advertise its generation entity or affiliate's affiliation with the electric distribution company, nor allow the electric distribution company name or logo to be used by the generation entity or affiliate in any advertisement or in any

[11] https://www.ct.gov/pura/lib/pura/regs/16-244h-1to7.pdf

material circulated by the generation entity or affiliate, unless it discloses in plain legible or audible language, on the first page or at the first point where the electric distribution company's name or logo appears that:

(A) The generation entity or affiliate ''is not the same company as [i.e. The Connecticut Light and Power Company, The United Illuminating Company], the electric distribution company,''; and

(B) ''You do not have to buy [the generation entity or affiliate's] products in order to continue to receive quality regulated services from the electric distribution company.''

The application of the name/logo disclaimer is limited to the use of the name or logo in Connecticut. Any written disclaimer shall be in bold print, and shall not utilize a typeface of less than eight points in size. Compensation for ratemaking purposes for the use of the electric distribution company's logo by a generation entity or affiliate shall be determined by the department in any rate case held pursuant to section 16-19 of the Connecticut General Statutes. The electric distribution company shall record any such use of its logo by its generation entity or affiliate.

(2) An electric distribution company, through action or words, shall not represent that, as a result of the generation entity or affiliate's relationship with the electric distribution company, its generation entity or affiliates will receive any different treatment than other service providers.

(3) An electric distribution company shall not offer or provide to any generation entity or affiliate advertising space in electric distribution company billing envelopes or any other form of written electric distribution company customer communication. The appearance of a generation entity or affiliate's name or logo on a customer bill to indicate the customer's choice of electric supplier shall not be considered trading upon or promoting the generation entity or affiliate's affiliation with the electric distribution company under subdivision (1) of this subsection, and shall not be considered joint advertising or joint marketing prohibited in subdivision (4) of this section. An electric distribution company shall offer each electric supplier the ability to display its name or logo or both on the customer bill, to indicate the customer's choice of electric supplier, under the same terms and conditions as those offered to the electric distribution company's generation entities or affiliates. The appearance of an electric distribution company's logo on a customer bill to indicate the provider of electric distribution services shall not require the disclaimers listed in subdivision (1) of this section.

(4) An electric distribution company shall not participate in joint advertising or joint marketing with its generation entities or affiliates. This prohibition against joint advertising or joint marketing includes, but is not limited to the following:

(A) An electric distribution company shall not participate with its generation entities or affiliates through joint sales calls, through joint call centers or otherwise, or through joint proposals (including responses to requests for proposals) to existing or potential customers. This subparagraph does not prohibit an electric distribution company from participating, on a nondiscriminatory basis, in non-sales meetings with its generation entities or affiliates or any other electric supplier to discuss technical or operational subjects regarding the electric distribution company's provision of transportation service to the customer. An electric distribution company shall maintain a record of all such meetings that shall include, but is not limited to, the customer's name and customer class, the customers electric supplier at the time of the meeting, the date of the meeting and a general description of the subject matter discussed. The record of meetings shall be open to inspection by the department and its staff consistent with the provisions of section 16-244h-5(b) of the Regulations of Connecticut State Agencies;

(B) Except as otherwise provided for by sections 16-244h-1 to 16-244h-7, inclusive, of the Regulations of Connecticut State Agencies, an electric distribution company shall not participate in any joint activity with its generation entities or affiliates. The term ''joint activity'' includes, but is not limited to, advertising, sales, marketing, communications and correspondence with any existing or potential customer;

(C) An electric distribution company shall not participate with its generation entities or affiliates in trade shows, conferences, or other information or marketing events.

(5) An electric distribution company shall not share or subsidize costs, fees, or payments with its affiliates associated with research and development activities or investment in advanced technology research.

Corporate Support/Sharing Employees

(f) Corporate Support:
(1) An electric distribution company, its parent holding company, or a separate affiliate created solely to perform corporate support services may share with its generation entities or affiliates joint corporate oversight, governance, support systems and personnel. Any shared corporate support shall be priced, reported and conducted in accordance with the separation and information standards set forth in sections 16-244h-1 to 16-244h-7, inclusive, of the Regulations of Connecticut State Agencies, as well as other applicable department pricing and reporting requirements.

(2) Such shared corporate support shall not allow or provide a means for the transfer of confidential information such as customer information or noncustomer specific non-public information from the electric distribution company to the affiliate, create the opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create opportunities for cross subsidization of generation entities or affiliates. In the compliance plan submitted pursuant to section 16-244h-7 of the Regulations of Connecticut State Agencies, a corporate officer from the electric distribution company and holding company shall verify the adequacy of the specific mechanisms and procedures in place to ensure the electric distribution company follows the mandates of this subsection, and to ensure the electric distribution company is not utilizing shared corporate support services as a means to circumvent sections 16-244h-1 to 16-244h-7, inclusive of the Regulations of Connecticut State Agencies.

(3) Examples of services that may be shared include, but are not limited to: payroll, taxes, shareholder services, insurance, financial reporting, corporate financial planning and analysis, corporate accounting, corporate security, human resources (compensation, benefits, employment policies), employee records, regulatory affairs, lobbying, legal, and pension management. Examples of services that may not be shared include: employee recruiting, engineering, hedging and financial derivatives and arbitrage services, electric purchasing for resale, purchasing of electric transmission, system operations and marketing.

(h) Employees:
(1) Except as permitted in subsection (f) of this section, an electric distribution company and its generation entities or affiliates shall not jointly employ the same employees. This prohibition against joint employees also applies to board of directors and corporate officers, except that if an electric distribution company and its generation entities or affiliates are controlled by a holding company, any board member or corporate officer may serve on the holding company and with either the electric distribution company or its generation entities or affiliates, but not both. In the case of shared directors and officers, a corporate officer from the electric distribution company and holding company shall verify in the electric distribution company's compliance plan submitted pursuant to section 16-244h-7 of the Regulations of Connecticut State Agencies the adequacy of the specific mechanisms and procedures in place to ensure that the electric distribution company is not utilizing shared officers and directors as a means to circumvent sections 16-244h-1 to 16-244h-7, inclusive, of the Regulations of Connecticut State Agencies.

(2) All employee transfers between an electric distribution company and its generation entities or affiliates shall be consistent with the following provisions:

(A) An electric distribution company shall track and report to the department all employee transfers between the electric distribution company and generation entities or affiliates. The

electric distribution company shall report this information to the department no later than July 1, 2000 and annually thereafter.
(B) Once an employee of an electric distribution company becomes an employee of a generation entity or affiliate, the employee shall not return to the electric distribution company for a period of one year. This prohibition is inapplicable if the generation entity or affiliate to which the employee transfers no longer transacts business in this state during the one-year period. In the event that an employee returns to the electric distribution company, such employee shall not be retransferred, reassigned, or otherwise employed by a generation entity or affiliate for a period of two years. An employee that is hired by the generation entity or affiliate and becomes an employee of the electric distribution company shall not be retransferred, reassigned, or otherwise employed by a generation entity or affiliate for a period of two years. Employees transferring from the electric distribution company to a from the electric distribution company in a discriminatory or exclusive fashion, to the benefit of the generation entity or affiliate or to the detriment of unaffiliated electric suppliers.

(C) Any electric distribution company employee hired by a generation entity or affiliate shall not remove or otherwise provide information to the generation entity or affiliate which the generation entity or affiliate would otherwise be precluded from having pursuant to sections 16-244h-1 to 16 244h-7, inclusive, of the Regulations of Connecticut State Agencies.

(D) An electric distribution company shall not make temporary or intermittent assignments, or rotations of its employees to its generation entities or affiliates.

(E) A transferring employee shall sign a statement attesting that the employee is aware of and understands the restrictions set forth in sections 16-244h-1 to 16-244h-7, inclusive, of the Regulations of Connecticut State Agencies and the attendant consequences of violations of those sections.

MAINE

Rule: PUC 65-407[12] Chapters 304 and 820

304 SUMMARY - This Chapter establishes standards of conduct applicable to both large and small investor-owned distribution utilities and affiliated competitive providers, a method of tracking the retail sales made by an affiliated competitive provider within the service territory of its affiliated distribution utility and a requirement that consumer-owned utilities notify the Commission of any wholesale generation sales.

820 SUMMARY: This rule describes the record keeping, accounting and structural requirements that Maine utilities must comply with if they engage in non-core business activities consistent with the requirements in 35-A M.R.S.A. §§ 503, 707, 708, 713, 714 and 715.

Subsidization (304)

No Subsidization. A distribution utility may not subsidize the business of its affiliated competitive provider at ratepayer expense in any manner not specifically authorized under this section.

Sharing of Customer Data (820)

i. Limits on Use of Customer Information.
   i. Use by Affiliate of Customer Specific Information (CSI) or Aggregate Customer Information (ACI). A utility affiliate must purchase any CSI or ACI it wishes to use from the core utility at market value.
   ii. Availability of CSI or ACI. If a utility makes CSI or ACI available to a non-core utility subsidiary, it must make the CSI or ACI available to any other entity requesting it, on the same terms.
   iii. Affirmative Permission of Customer Required. To use any CSI (as distinguished from ACI), the utility must obtain affirmative, written permission from the customer.

ii. Obligation to Provide Information. If a utility provides information to an affiliate related to its status as a public utility, it must provide such information upon request to nonaffiliated companies.

iii. Preferences Forbidden. The utility may not act in preference to its affiliate or affiliates in providing access to utility facilities or services or in influencing utility customers to use the services of its affiliates. A utility that provides the name of its affiliate to a customer interested in the services of its affiliate must also provide the names of non-affiliated entities providing such services.

iv. Additional Standards of Conduct. This rule does not limit the Commission from imposing additional standards of conduct on a utility's activities related to its affiliated interests to the extent necessary to protect the public interest.

Joint Marketing (304 and 820)

Joint Advertising or Marketing. Joint advertising or marketing is any advertising or marketing that includes, directly or indirectly, references to both the distribution utility and its affiliated competitive provider. It also includes the use by the affiliated competitive provider of the same or substantially similar name or logo as the distribution utility in a way that would require a payment for good will under Chapter 820.

i. Promotion of Affiliate; Joint Marketing.

[12] https://www.maine.gov/sos/cec/rules/65/chaps65.htm

1) Neither a distribution utility nor its affiliated competitive provider may give any appearance of speaking on behalf of the other.
2) Neither a distribution utility nor an affiliated competitive provider may in any way represent that any advantage accrues to customers or others in the use of the distribution utility's services as a result of that customer's or others' dealing with the affiliated competitive provider.

3) A distribution utility and its affiliated competitive provider may not engage in joint advertising or marketing.

4) The distribution utility may not in any manner promote its affiliated competitive provider or any product or service offered by its affiliated competitive provider nor may the affiliated competitive provider promote any product or service offered by the distribution utility.

5) The Commission shall maintain a current list of all competitive providers available to customers in each distribution utility's service territory. The Commission shall update the list and rearrange the names on the list in a random sequence at least every 60 days. If a customer requests information about competitive electricity providers or where the customer may obtain generation services, the distribution utility shall provide a copy of the most recent list of competitive electricity providers issued by the Commission.

6) Unless the distribution utility or affiliated competitive provider is specifically asked what the relationship is between the two entities or whether the distribution utility or affiliated competitive provider has an affiliation or association with a competitive provider or distribution utility, respectively, employees of those entities may not disclose the affiliation. If they are specifically asked, employees may disclose the affiliation but must inform the questioner that:
   a. The affiliated competitive provider is not regulated by the Public Utilities Commission;
   b. No advantage will accrue to any customer of the affiliated competitive provider due to the affiliate's relationship with the distribution utility; and
   c. Customers may select another competitive electricity provider.

   The distribution utility shall submit as part of its implementation plan under Section 5 a script containing the information specified above that distribution utility and affiliated competitive provider employees shall use in responding to inquiries regarding affiliated status.

Sharing Employees (304)

Sharing of Employee Prohibition. Employees of a distribution utility must be located in a separate building from the employees of the affiliated competitive provider. Employees may not be shared between a distribution utility and its affiliated competitive provider. An employee is considered to be shared if the employee performs work for both entities. The employees of a distribution utility and the employees of an affiliated competitive provider must be served by separate telecommunications and computer systems. An employee who is transferred from an affiliated competitive provider to the distribution utility cannot return to the affiliated competitive provider for at least one year.

1. Exemption.

   The Commission may approve an exemption from this subsection upon a finding that:

a. Sharing employees or facilities would be in the best interest of the public;
b. Sharing employees or facilities would have no anticompetitive effect; and
c. The costs of any shared employees or facilities can be fully and accurately allocated between the distribution utility and the affiliated competitive provider.

Any request for an exemption must be accompanied by a full and transparent allocation of costs for any shared facilities or general and administrative support services. The Commission shall allow a reasonable opportunity for parties to submit comments regarding any request for an exemption. An exemption is valid until the Commission determines that modification or removal of the exemption is necessary.

ARKANSAS

Rule: Arkansas PSC Order No. 7 Docket No. 06-112-R Affiliate Transaction Rules[13]
The purpose of these rules is to ensure that all transactions among or between a public utility and any affiliates or divisions do not result in rates which are unreasonable and in violation of Ark. Code Ann. §§ 23-4- 103 and 23-4-104; to ensure that the rates charged by public utilities do not provide any subsidy to affiliates or divisions of the public utility which are involved in non-utility activities or which provide services to the public utility; to prevent anti-competitive behavior, and market manipulation or market power; and to prevent financial risk to rate-regulated public utility operations which may arise from business endeavors of an unregulated affiliate.

Rule IV - Affiliate Financial Transactions

A. Except as otherwise provided in this Rule IV or in other applicable law, a public utility shall not engage in any affiliate transaction in which the public utility:
    1. provides to or shares with any affiliate any financial resource or financial benefit, including but not limited to any:
        a. loan, extension of credit, guarantee or assumption of debt, indemnification, pledge of collateral; or
        b. encumbrance of or restriction on the disposition of any public utility;
    2. incurs any debt for purposes of investing in, or otherwise supporting, any business other than the provision of public utility service in Arkansas.

B. A public utility may obtain financial resources from an affiliate for public utility purposes, provided that the cost to the public utility of such financial resource does not exceed the lower of market price or the affiliate's fully allocated cost.

C. Rule IV shall not apply to or prohibit any of the following unless the Commission finds, after notice and hearing, unless waived by the parties, and consistent with applicable law, that such arrangement is not consistent with the purposes of these rules as defined in Rule II:
    1. An inter-affiliate financial transaction integral to an affiliate transaction for goods or services subject to and consistent with Rule V.
    2. The payment of dividends by a public utility to affiliates that own stock in such public utility (including adjustments to the capital accounts of divisions within the public utility).
    3. Transactions in connection with the factoring of accounts receivable, the creation and use of special Purpose financing entities, and the creation and use of money pool or cash management arrangements, subject to safeguards to prevent cross-subsidization and unauthorized pledges or encumbrances of public utility assets.
    4. Any loan, extension of credit, guarantee, assumption of debt, restriction on disposition of assets, indemnification, investment, or pledge of assets by a public utility for the purpose of supporting the utility related business activities of an affiliate.
    5. Any debt incurred by a public utility, including debt that imposes any encumbrance on, or any restriction placed on the disposition of any assets of, the public utility for the purpose of supporting the utility related business activities of an affiliate.
    6. Receipt by a public utility of capital contributions or proceeds from the sale of common stock to its parent holding company.
    7. Receipt by a public utility of financial resources from an affiliate for any non-public utility Purpose, provided that the cost to the public utility of such financial resource shall not be recovered from the public utility's customers in Arkansas.

[13] http://www.apscservices.info/Rules/affiliate_transaction_rules.pdf

8. Any financing arrangement involving a public utility and any affiliate that was in existence as of the effective date of these rules; provided the public utility files with the Commission a description of each such arrangement involving a public utility and any affiliate having an annual value or amount in excess of $350,000 and such filing is received within 120 days of the effective date of these rules.
9. Any other affiliate financial transaction proposed by a public utility, provided that:
    a. the public utility first files with the Commission an application for approval of such proposed affiliate financial transaction including a detailed description thereof and any relevant supporting documentation, and
    b. the Commission finds, after notice and hearing, unless waived by the parties, on such application, that the proposed affiliate financial transaction is consistent with the purposes of these rules as defined in Rule II.

D. Nothing in this Rule IV shall alter or amend the Commission's authority or the obligation of public utilities set out in Rule 5.01 of the Commission's Rules of Practice and Procedure.

Rule V Affiliate - Transactions Other Than Financial Transactions

A. Except as otherwise provided in this Rule V, or in other applicable law, with respect to an affiliate transaction involving assets, goods, services, information having competitive value, or personnel, a public utility shall not:
    1. receive anything of value, unless the compensation paid by the public utility does not exceed the lower of market price or fully allocated cost of the item received; and,
    2. provide anything of value, unless the compensation received by the public utility is no less than the higher of market price or fully allocated cost of the item provided.

B. Rule V shall not apply to or prohibit any of the following unless the Commission finds, after notice and hearing, unless waived by the parties, and consistent with applicable law, that such arrangement is not consistent with the Purposes of these rules as defined in Rule II:
    1. Exchanges of information:
        a. necessary to the reliable provision of public utility service by a public utility, provided such exchange occurs consistently with guidelines published by the utility and applied equally to affiliates and nonaffiliate entities;
        b. required by or necessary to comply with federal statutes or regulations; or,
        c. between or among a public utility, its parent holding company, a service company and any affiliated rate-regulated utility in another State of the United States.
    2. The provisions of shared corporate support services, at fully allocated cost, between or among a public utility and any affiliate, including a service company.
    3. The provision, at fully allocated cost, of assets, goods, services, or personnel between or among a public utility and a affiliated rate-regulated utility in another State of the United States.
    4. The provision of assets, goods, services, information having competitive value, or personnel, at a price determined by competitive bidding or pursuant to a regulatory filed or approved tariff or contract.
    5. Any other affiliate transaction proposed by a public utility to be exempted from Rule V.A provided that
        a. the public utility first files with the Commission an application for an exemption of such proposed affiliate transaction from the requirements of Rule V.A, including a detailed description of the proposed transaction and any relevant supporting documentation, and

b. the Commission finds, after notice and hearing, unless waived by the parties, on such application and consistent with applicable law, that the proposed exemption is consistent with the Purposes of these rules as defined in Rule II.

Rule VI Books, Records and Procedures

A. Recordkeeping

1. The public utility shall:
    a. keep books and records separately from the books and records of its affiliates; and,
    b. maintain such books and records in accordance with the applicable rules and orders of the Commission, and with Generally Accepted Accounting Principles (GAAP) as amended;

   provided, that, any multi-jurisdictional public utility whose Arkansas rates are set pursuant to jurisdictional allocations among such public utility's various regulatory jurisdictions shall not be required to keep books and records other than on a combined basis including all its utility business.
2. Such books and records shall contain all information necessary to:
    a. Identify all affiliate transactions in which the public utility participated; and,
    b. Identify and allocate or impute all revenues and costs (both direct and indirect) associated with all such affiliated transactions.
3. Upon the creation of a new affiliate that will participate in affiliate transactions with a public utility, the utility shall, no later than 60 days after the creation of such affiliate, notify the Commission by letter to the Secretary of the Commission of the creation of such new affiliate, which notice shall include an explanation of how the public utility will implement these rules with respect to such new affiliate.
4. Each public utility shall maintain, for at least five years, records of each affiliate transaction in which it participated, and the records shall:
    a. Be made contemporaneously with each affiliate transaction;
    b. Be in a readily retrievable format, and;
    c. Include, for each affiliate transaction;
        (1) The identity of the affiliate involved in the affiliate transaction;
        (2) The commencement and termination dates of the affiliate transaction;
        (3) a description of the affiliate transaction, including the nature and quantity of value provided and received;
        (4) the dollar amount of the affiliate transaction and the manner in which such dollar amount was calculated;
        (5) all other terms of the affiliate transaction;
        (6) the direct and indirect costs associated with the affiliate transaction, including any allocation formula used to attribute indirect costs; and,
        (7) all information necessary to verify compliance with these rules and the accuracy of amounts stated on the public utility's books and records, such information to include, but not be limited to:

(a) invoices, vouchers, communications, journal entries, workpapers; and,
(b) information supporting the price of each affiliate transaction, including but not limited to the cost and allocation method of the affiliate transaction and, when the cost was the result of a competitive bidding process, the market price and basis for the market price of the affiliate transaction; and,

d. be summarized and said summary for the prior calendar year shall be filed annually with the Commission as part of the annual report required by Rule IX. Unless otherwise ordered by the Commission, a public utility may satisfy the requirement of this Rule VI.A.4.d by filing with the Commission a copy of Federal Energy Regulatory Commission Form 60, Annual Report of Centralized Service Companies.

5. Each public utility shall file contemporaneously with its annual report under Rule VI.A.4.d the following information: a summary report indicating the aggregate dollar amount of all transactions described in Rule III.G(1), (2), (3), and (4) which the utility has conducted with each affiliate, as defined under Rule III.A, including the name of each such affiliate.
6. Each public utility shall maintain, update annually, train appropriate employees in, and (within 120 days following the effectiveness of these rules, and thereafter, to the extent of material changes, in each annual report required under Rule IX) file with the Commission, written procedures which ensure compliance with these rules; and, such written procedures shall include, at a minimum:
    a. all internal rules, practices, financial record keeping requirements, and other policies governing affiliate transactions among or between the public utility and its affiliates;
    b. the names and addresses of all the public utility's affiliates that participate in affiliate transactions with the public utility;
    c. an organizational chart depicting the ownership relationships between the public utility and those affiliates that participate in affiliate transactions with the public utility;
    d. a description of the types of assets, goods and services provided in any existing affiliate transaction lasting more than one year; and,
    e. a cost allocation manual or other description of the methods used to determine allocations in affiliate transactions.

B. The Commission shall have access to all books and records, of a public utility and its affiliates that participate in transactions with the public utility, to the extent such access is relevant to determining compliance with all applicable Arkansas statutes and rules or establishing rates subject to the Commission's jurisdiction.

NEW HAMPSHIRE

Rule: Chapter PUC 2100 Affiliate Transaction Rules[14]

Subsidization

(d) Shared corporate support permitted by this section shall not:

(1) Allow or provide a means for the transfer of customer information or distribution system information from the utility to the competitive affiliate;

(2) Create the opportunity for preferential treatment, unfair competitive advantage, or cross subsidization of competitive affiliates; or

(3) Create customer confusion.

Market Value Asset Transfers

Puc 2105.09 Transfer of Goods, Services, and Assets.

(a) To the extent that these rules do not prohibit transfers between a utility and its affiliates, the permitted transfers shall be subject to the following pricing provisions:

(1) A utility may sell, lease, or otherwise transfer to an affiliate an asset, the cost of which has been reflected in the utility's rates for regulated service, provided that the price charged the affiliate is the highest of the net book value, fully loaded cost, and the current market value of the asset, as applicable;

(2) A utility may sell, lease, or otherwise transfer to an affiliate assets other than those subject to (1) above, and may also provide services to an affiliate, provided that the price charged for such asset or service is the highest of the net book value, fully loaded cost, and its current market value, as applicable;

(3) An affiliate may sell, lease, or otherwise transfer an asset to a utility, and may provide services to a utility, provided that the price charged to the utility is the lesser of the market value, the net book value, and the fully loaded cost, as applicable;

(4) Joint or shared costs allowed in Puc 2105.03 and Puc 2105.04 shall be allocated and shall be priced to the utility and its competitive affiliate based on fully loaded costs;

(5) Products or services which are price regulated by a state or federal agency shall be priced 'at the tariffed or regulated rate;

(6) In cases where more than one state commission regulates the price of products or services provided to or by a utility, this commission's pricing provisions shall govern such transactions in New Hampshire; and

(7) For purposes of this section, the market value of any asset sold, leased, or otherwise transferred, shall be determined based on the highest price that the asset could have reasonably realized after an open and competitive sale.

Customer Information

Puc 2103.02 Preferences to Competitive Affiliates Regarding Products and Services, Distribution System Information, and Customer Information.

(a) A utility shall provide its products and services, including but not limited to terms and conditions, pricing, and timing, to competitive affiliates, and to non-affiliated competitors in a non-discriminatory manner;

(b) A utility shall provide access to distribution system information to its competitive affiliates and to non-affiliated competitors in a non-discriminatory manner; or

(c) A utility shall not allow an employee, officer, director, or agent of a competitive affiliate access to customer information except as permitted in accordance with Puc 2104.01.

PART Puc 2104 DISCLOSURE AND INFORMATION

Puc 2104.01 Release of Customer Information to Competitive Affiliate. A utility shall not release any customer information to a competitive affiliate without the prior written authorization of the customer.

[14] https://www.puc.nh.gov/Regulatory/Rules/PUC2100.pdf

Puc 2105.04 Shared Services

(d) Shared corporate support permitted by this section shall not: (1) Allow or provide a means for the transfer of customer information or distribution system information from the utility to the competitive affiliate;

Puc 2105.06 Employee Transfers. All employee transfers between a utility and its competitive energy affiliates shall comply with the following provisions:

(j) Utility employees transferring from the utility to a competitive energy affiliate and shared utility employees shall not use customer information and distribution system information in a discriminatory fashion to the benefit of the competitive energy affiliate or to the detriment of non-affiliated energy competitors;

Joint Advertising and Marketing

Puc 2105.07 Joint Advertising and Marketing. A utility shall not:

(a) Engage in joint advertising or marketing programs of any sort directly or indirectly with its competitive energy affiliates.

(b) This section shall not prohibit a utility from participating, on a nondiscriminatory basis, in non-sales meetings with its competitive energy affiliates or any non-affiliated energy competitor to discuss technical or operational subjects.

Sharing Employees

Puc 2105.04 Shared Services.

(e) Examples of services, systems, and personnel that shall not be shared include, but are not limited to:

(1) Employee recruiting;

(f) Any shared corporate support shall be priced, reported, and conducted in accordance with the separation and information standards set forth in these rules and in other applicable commission pricing and reporting requirements.

Corporate Infrastructure

Puc 2105.02 Shared Facilities, Services and Data.

(a) Except to the extent necessary to perform shared corporate support functions permitted under Puc 2105.04, a utility shall not:

(1) Share office space, office equipment, services, or computer data with its competitive energy affiliates; or

(2) Allow its competitive energy affiliates to access its computer data.

(b) The separation required by this section shall, at a minimum, be accomplished by methods such as:

(1) Use of secure passwords and firewalls; and

(2) Occupation of separate floors of an office building, or distinct wings.

Corporate Identification/Logo usage

Puc 2105.08 Corporate Identification.

(a) Subject to Puc 2105.07, a utility may allow any affiliate to identify itself through the use of a name, logo, or both as an affiliate of the utility, provided that such use by a competitive energy affiliate shall be accompanied by a disclaimer stating that:

(1) No advantage accrues to customers or others in the use of the utility's services as a result of that customer or others dealing with the competitive energy affiliate; and

(2) The customer or others need not purchase any product or service from any competitive energy affiliate in order to obtain services from the utility on a non-discriminatory basis.

(b) The disclaimer referred to in (a) above shall be written or spoken, or both, as is appropriate given the context of the use of the name or logo.
(c) The disclaimer referred to in (a) above shall not be required where the name or logo is merely being used for identification of assets or employees and it is impractical to include such disclaimer, such as on the competitive energy affiliate's vehicles, business locations, equipment, employee business cards, or clothing.
(d) A utility shall not provide to its competitive affiliates:

(1) Advertising space in its billing envelopes used for regulated utility services unless it provides access on the same terms and conditions for all similarly situated non-affiliated competitors; or

(2) Access to any other form of written communication with utility customers unless it provides access on the same terms and conditions to all similarly situated non-affiliated competitors.

RHODE ISLAND

Rule: Public Utilities Commission Regulations for Utility Interaction with Gas Marketers R.I.G.L. § 39-1-11 and § 39-3-7[15]

INTRODUCTION

These regulations, enacted pursuant to R.I.G.L. § 39-1-11 and § 39-3-7, set forth the entry requirements for gas marketers and the standards of conduct for utilities with respect to gas marketers. They further apply to transactions, direct or indirect, between public utilities and gas marketers. The standards are intended to promote fair competition and a level playing field among all participants in the natural gas marketplace in Rhode Island.

"Gas marketer" means an entity which markets gas and gas-related services, and is authorized to provide services in Rhode Island in accordance with Section III of these regulations.

"Marketing affiliate" means a gas marketer residing within a corporate structure that includes a Rhode Island public utility. A marketing affiliate includes any arm of the utility or parent of the utility, either owned or subject to common control, or part of a separate legal entity, which functions as a gas marketer.

STANDARDS OF CONDUCT

A. PERSONNEL

1. (a) A utility employee may not do any of the following on behalf of a gas marketer:

Purchase gas, pipeline capacity or storage capacity. Market or sell gas and related services. Price or administer transportation upstream of the city gate and related tariff services, non-tariff and competitive products and services. Hire and train gas marketer employees.

(b) A utility employee may offer to sell or otherwise proffer gas, pipeline capacity or storage capacity, and related services to a gas marketer or to others on behalf of the utility. A utility employee may respond to transportation and related tariff service requests or inquires from the gas marketer as well as from others on behalf of the utility.

2. (a) A marketing affiliate may receive corporate-level support affiliated with the preparation of joint financial statements and shareholder relations.

(b) The use of shared employees shall be minimized. A shared employee shall record time in a manner consistent with the master service framework, if applicable.

3. The use of utility operating personnel, as established in a master service framework is permitted, subject to all of the following limitations:

(a)The use of a utility employee by a gas marketer or the use of a gas marketer employee by the utility is not allowed if it is likely to result in the sharing or exposure of market sensitive information or an unfair competitive advantage for either party.

Advice and assistance in human resource management shall be limited to general personnel and corporate matters. It shall not include job or position specific hiring or training advice or assistance dealing with the functions to be performed by the employee.

[15] http://www.ripuc.org/utilityinfo/natgas/gasregsmarket.html

4. Advice or assistance with regard to engineering and construction matters as well as gas consulting services shall be made available to all gas marketers on an equal basis

5. Utility operating personnel may engage in transactions involving natural gas supply, capacity, or both, with a gas marketer, but may not share with the gas marketer any information related to sales by other gas marketers of natural gas supply, capacity, or both.

6. An individual may not be an officer of both a utility and a gas marketer.

ADVERTISING

Promotional materials may allow marketers to be identified as affiliated with utilities. However, neither utilities nor marketing affiliate personnel may represent that any advantage accrues to customers or others in the use of the utility's services as a result of that customer or others dealing with the marketing affiliate. Joint promotions between the utility and the marketing affiliate are prohibited, unless such promotions are offered to all other competitors under the same terms and conditions. A utility and a marketing affiliate may not share trademarks or logos.

STANDARDS FOR COMPETITIVE GAS MARKETING

MARKETING LIMITATIONS

1. Utilities shall not provide leads to gas marketers and shall refrain from giving any appearance that the utility speaks on behalf of any gas marketer. Nor shall the marketing affiliate suggest that its receives preferential treatment as a result of its affiliation. If a customer requests information about marketers, a utility should provide a list of all approved gas marketers, including its affiliate, but should not promote its affiliate.

2. To the extent a utility provides a marketing affiliate information related to transportation which is not readily available or generally known to other gas marketers, including but not limited to utility customer lists, it must contemporaneously provide that information to all gas marketers on its system. A utility must file with the Commission procedures that will enable the Commission to determine how the utility is complying with this standard.

3. Utilities shall not condition or tie their agreements to release interstate pipeline capacity to any agreement by a gas supplier, customer or other third party relating to any service in which their marketers are involved.

B. CONDITIONS FOR COMPETITIVE SALES

1. A utility shall communicate with all market participants when it has gas supply or capacity, or both, available for release.

2. A utility may not sell gas supply or capacity to a marketing affiliate at less than a market-clearing price without either posting on an electronic bulletin board that is a well known source or placing an offering that would constitute an offering to the market of capacity or supply.

3. Utilities must apply any tariff provision relating to transportation in the same manner to the same or similarly situated gas marketers if there is discretion in the application of the provision.

4. Utilities shall uniformly enforce tariff provisions for which there is no discretion in the application of the provision for all transportation customers.

5. Utilities may not, through a tariff provision or otherwise, give a gas marketer or its customers preference over other gas marketers or customers in matters relating to transportation including, but not limited to, scheduling, balancing, metering, storage, standby service or curtailment policy. Utilities may not sell to their marketing affiliates gas and capacity on a bundled basis, unless such bundled service is offered contemporaneously on a similar basis to other gas marketers.

6. If a utility offers its marketing affiliate, or a customer of its affiliate, a discount, rebate, or fee waiver for transportation services, balancing, meters or meter installation, storage, standby service or any other service offered to shippers, it must contemporaneously offer the same discount, rebate, or fee waiver to all similarly situated non-affiliated gas marketers or customers by providing appropriate notification to the non-affiliated gas marketers or customers. A utility must file with the Commission procedures that will enable the Commission to determine how the utility is complying with this standard.

7. Utilities must process all similar requests for transportation in the same manner and within a similar period of time.

8. Utilities shall not disclose to any gas marketer any information obtained in connection with providing delivery or related services to another gas marketer or customer, a potential supplier or customer, any agent of such customer or potential supplier, or any other entity seeking to supply gas to a customer or potential customer.

VI. ADMINISTRATIVE STANDARDS

ACCOUNTING AND REPORTING

1. Utilities and their marketing affiliates shall keep separate books of accounts and records.

2. A utility shall keep sufficient records of transactions with a marketing affiliate to document, for all consummated sales or release transactions, all offers of, bids for, requests for, and sales of natural gas supplies, capacity, or both, including the evaluation criteria for acceptance and rejection. A utility shall maintain documentation of such marketing affiliates transactions, such as phone logs, so that the utility's activities can be audited.

3. If a utility provides tariffed on-system distribution services at a discounted rate, the utility shall maintain complete and accurate records of all service requests, service refusals, and service transactions arising under its tariffs.

4. A utility shall publicly disclose sales at wholesale or transfers of gas supply or capacity and related services for all transactions that are not tariffed transactions. A utility shall report all transactions within 30 days following the end of the month in which the transaction occurred.

5. For each transaction under Rule VI.A.4(a), disclosure shall include all of the following:

The date of the contract or arrangement.

The period covered.

The type of transaction (commodity, capacity, storage balancing, etc.).
Units sold or transferred.

Conditions or restrictions placed on the transaction.

The price for the transaction, including separate prices for each service offered on a stand-alone basis.

ENFORCEMENT

Should a utility or gas marketer be found to have violated these regulatory requirements, it will be subject to appropriate sanctions as determined by the Commission or any other entity having jurisdiction.

NEW JERSEY

Rule: NJ Administrative Code Title 14:4-3[16]

(a) This subchapter shall apply as follows:

1. N.J.A.C. 14:4-3.3 through 3.5 set forth standards of conduct applicable to transactions, between an electric public utility or gas public utility, including a related competitive business segment of an electric or gas public utility, and a related competitive business segment of the electric or gas public utility holding company providing or offering competitive services to retail customers in New Jersey or the public utility holding company itself providing or offering competitive services to retail customers in New Jersey;

2. N.J.A.C. 14:4-3.6 sets forth standards of conduct applicable to electric and/or gas public utilities and the related competitive business segments of each electric public utility and gas public utility, as well as the transactions, interactions and relations between an electric and/or gas public utility and a related competitive business segment of an electric and/or gas public utility; and

3. N.J.A.C. 14:4-3.7 through 3.9 address regulatory oversight, dispute resolution and violations and penalties applicable to electric and/or gas public utilities regarding affiliate relations, fair competition, accounting standards and related reporting requirements.

(b) A New Jersey electric and/or gas public utility, which is also a multi-state electric and/or gas public utility and subject to the jurisdiction of other state or Federal regulatory commissions, may file an application, requesting a limited exemption from this subchapter or part(s) thereof, for transactions between the electric and/or gas public utility and its affiliate(s) solely in its role of serving its jurisdictional areas wholly outside of New Jersey. To obtain such an exception, the applicant shall meet the requirements of N.J.A.C. 14:1-1.2(b).

Nondiscrimination

(a) An electric and/or gas public utility shall not unreasonably discriminate against any competitor in favor of its affiliate(s) or related competitive business segment.
(b) An electric or gas public utility shall not represent that, as a result of the relationship with the electric and/or gas public utility or for any other reason, a related competitive business segment of its public utility holding company, or customers of a related competitive business segment of its public utility holding company will receive any different treatment by the electric and/or gas public utility than the treatment the electric and/or gas public utility provides to other, unaffiliated companies or their customers.
(c) An electric or gas public utility shall not provide a related competitive business segment of its public utility holding company, or customers of a related competitive business segment of its public utility holding company, any preference (including, but not limited to, terms and conditions, pricing, or timing) over non-affiliated suppliers or their customers in the provision of products and/or services offered by the electric and/or gas public utility.
(d) Transactions between an electric and/or gas public utility and a related competitive business segment of its public utility holding company shall be prohibited, except for the following:

1. Tariffed products and services;

2. The sale or purchase of goods, property, products or services made generally available by the electric and/or gas public utility, by the PUHC or a related competitive business segment of its public utility holding company to all market participants through an open, competitive bidding process; or

[16] https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=fd1cf359-9fc0-45c0-a207-b4629aa27d50&pdistocdocslideraccess=true&config=00JAA1YTg5OGJlYi04MTI4LTRlNjQtYTc4Yi03NTQxN2E5NmE0ZjQKAFBvZENhdGFsb2ftaXPxZTR7bRPtX1Jok9kz&pddocfullpath=%2Fshared%2Fdocument%2Fadministrative-codes%2Furn%3AcontentItem%3A5V8M-DSM0-00BY-K0JN-00008-00&pdcomponentid=234124&pdtocnodeidentifier=AAUAAEAAFAAB&ecomp=bgqfkkk&prid=c69df815-1e1b-4d1e-8aa0-22620d090d85

3. As provided for in N.J.A.C. 14:4-3.5(g) and (h), in (i) and (j) or 3.6(a) through (f), provided the transactions specified in N.J.A.C. 14:4-3.6 comply with all other applicable rules.

(e) An electric and/or gas public utility shall provide access to utility information, services, and unused capacity or supply on a non-discriminatory basis to all market participants, including affiliated and non-affiliated companies, except as provided for in N.J.A.C. 14:4-3.4, 3.5 and 3.6, provided the transactions specified in N.J.A.C. 14:4-3.6, Competitive utility products and/or services, comply with all other applicable rules.

1. If an electric and/or gas public utility provides supply, capacity, services, or information to a related competitive business segment of its public utility holding company, it shall make the offering available, via a public posting, on a non-discriminatory basis to non-affiliated market participants, which include competitors serving the same market as the related competitive business segment of the electric and/or gas public utility's holding company.

(*o*) Except as otherwise provided by this subchapter, an electric and/or gas public utility shall not provide any assistance, aid or services to its PUHC or related competitive segment of the PUHC if related to customer enrollment, marketing or business development unless offered to all competitors on a nondiscriminatory basis. By way of example, but not limited to, an electric or gas public utility shall not:

1. Provide leads to its PUHC or a related competitive business segment of its public utility holding company;

2. Solicit business on behalf of its PUHC or a related competitive business segment of its public utility holding company;

3. Acquire information on behalf of or to provide to its PUHC or a related competitive business segment of its public utility holding company;

4. Share market analysis reports or any other type(s) of proprietary or non-publicly available reports, including, but not limited to, market, forecast, planning or strategic reports, with its PUHC or a related competitive business segment of its public utility holding company;

5. Share customer usage or end use equipment information, obtained during the course of providing electric and/or gas public utility services, with its PUHC or a related competitive business segment of its public utility holding company;

6. Request authorization from its customers to pass on customer information exclusively to its PUHC or a related competitive business segment of its public utility holding company;

7. Represent or imply that the electric and/or gas public utility speaks on behalf of its PUHC or a related competitive business segment of its public utility holding company or that the customer will receive preferential treatment as a consequence of conducting business with the related competitive business segment of its public utility holding company; or

8. Represent or imply that its PUHC or a related competitive business segment of its public utility holding company speaks on behalf of the electric and/or gas public utility.

Information Disclosure

(a) An electric and/or gas public utility may provide individual proprietary information to its PUHC or a related competitive business segment of its PUHC, only with prior affirmative customer written consent, or as otherwise authorized by the Board, and only if that same proprietary information is provided to unaffiliated entities on a non-discriminatory basis with prior affirmative customer written consent, or as otherwise authorized by the Board.

(b) An electric and/or gas public utility shall make available non-customer specific non-public information acquired as a result of operating the public utility's distribution system, including information about an electric and/or gas public utility's natural gas or electricity purchases, sales, or operations or about an electric and/or gas public utility's gas-related goods or services, electricity-related goods or services, to a related competitive business segment of its public utility holding company only if the electric and/or gas public utility makes such information available, via a public posting, to all other service providers on a nondiscriminatory basis, and keeps the information open to public inspection.

1. An electric or gas public utility is permitted to exchange proprietary information on an exclusive basis with its PUHC or a related competitive business segment of its public utility holding company, provided it is necessary to exchange this information in the provision of the corporate support services permitted by N.J.A.C. 14:4-3.5(i) and (j).

2. The PUHC's or related competitive business segment's use of such proprietary information is limited to its use in conjunction with the permitted corporate support services, and is not permitted for any other use.

(h) An electric and/or gas public utility shall maintain complete and accurate records, documenting all tariffed and non-tariffed transactions with its PUHC and a related competitive business segment of its public utility holding company, including, but not limited to, all waivers of tariff or contract provisions.

(i) An electric and/or gas public utility shall maintain such records in compliance with the time frame required by N.J.A.C. 14:5-5.2 or longer if another government agency so requires.

(j) The electric and/or gas public utility shall make such records available for Board and/or Rate Counsel review upon 72 hours notice, or at a time mutually agreeable to the electric and/or gas public utility and the Board and/or Rate Counsel.

(k) An electric and/or gas public utility shall maintain a record of all contracts and related bids for the provision of work, products and/or services to and from the electric and/or gas public utility to and from the PUHC or related competitive business segments of its public utility holding company in compliance with N.J.A.C. 14:5-5.2 or longer if another government agency so requires.

Separation

(a) An electric and/or gas public utility, its PUHC and related competitive business segments of its public utility holding company shall be separate corporate entities.

(b) An electric and/or gas public utility and related competitive business segments of its public utility holding company shall keep separate books and records.

(e) An electric and/or gas public utility shall not share office space, office equipment, services, and systems with a related competitive business segment of its public utility holding company, except to the extent appropriate to perform shared corporate support functions as follows:

1. An electric and/or gas public utility may access the computer or information systems of a competitive related business segment of its PUHC or allow a related competitive business segment of its PUHC to access its computer or information systems, for purposes of the sharing of computer hardware and software systems and may share office space, office equipment, services and systems, provided adequate system protections are in place to prevent the accessing of information or data between the utility and its affiliate(s), which would be in violation of this subchapter.

i. Prevention of unauthorized access to computer and information systems shall be specifically addressed as part of an electric and/or gas public utility's compliance plan submitted pursuant to N.J.A.C. 14:4-3.7(b).

(i) An electric and/or gas public utility, its public utility holding company and related competitive business segments, or separate business segments of the public utility holding company created solely to perform corporate support services may share joint corporate oversight, governance, support systems and personnel. Any shared support shall be priced, reported and conducted in accordance with N.J.A.C. 14:4-3.4 and this section, as well as other applicable Board pricing and reporting rules.

(j) Such joint utilization shall not allow or provide a means for the transfer of confidential customer or market information from the electric and/or gas public utility to a related competitive business segment of its public utility holding company in violation of this subchapter, create the opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of a related competitive business segment of the public utility holding company. In the compliance plan required pursuant to N.J.A.C. 14:4-3.7(a) through (e), a senior corporate officer from the electric and/or gas public utility and public utility holding company shall verify the adequacy of the specific mechanisms and procedures in place to ensure the electric and/or gas public utility follows the mandates of this subchapter, and to ensure the electric and/or gas public utility is not utilizing joint corporate support services as a conduit to circumvent this subchapter.

(k) A related competitive business segment of a public utility holding company shall not trade upon, promote, or advertise its relationship with the electric and/or gas public utility, nor use the electric and/or gas public utility's name and/or logo in any circulated material, including, but not limited to, hard copy, correspondence, business cards, faxes electronic mail, electronic or hardcopy advertising or marketing materials, unless it discloses clearly and conspicuously or in audible language that:

1. The PUHC or related competitive business segment of the public utility holding company "is not the same company as the electric and/or gas public utility";

2. The PUHC or related competitive business segment of the public utility holding company is not regulated by the Board; and

3. "You do not have to buy products in order to continue to receive quality regulated services from the electric and/or gas public utility."

(l) The requirement of the name and/or logo disclaimer set forth in (k) above is limited to the use of the name and/or logo in New Jersey.

(m) An electric and/or gas public utility, through action or words, shall not represent that, as a result of its PUHC or a related competitive business segment of the public utility holding company's relationship with the electric and/or gas public utility, its affiliate(s) will receive any different treatment than other product and/or service providers.

(n) An electric and/or gas public utility shall not offer or provide to its PUHC or a related competitive business segment of its public utility holding company advertising space in the electric and/or gas public utility's billing envelope(s) or any other form of electric and/or gas public utility's written communication to its customers, unless it provides access to all other unaffiliated service providers on the same terms and conditions.

(o) An electric and/or gas public utility shall not participate in joint advertising or joint marketing activities with its PUHC or related competitive business segments of its public utility holding company, which activities include, but are not limited to, joint sales calls, through joint call centers or otherwise, or joint proposals (including responses to requests for proposals) to existing or potential customers.

1. The prohibition in (o) above notwithstanding, at a customer's unsolicited request, an electric and/or gas public utility may participate, on a nondiscriminatory basis, in non-sales meetings with its PUHC or a related competitive business segment of its public utility holding company or any other market participant to discuss technical or operational subjects regarding the electric and/or gas public utility's provision of distribution service to the customer;

2. Except as otherwise provided for by this subchapter, an electric and/or gas public utility shall not participate in any joint business activity(ies) with its PUHC or a related competitive business segment of its public utility holding company, which includes, but is not limited to, advertising, sales, marketing, communications and correspondence with any existing or potential customer;

3. An electric and/or gas public utility shall not participate jointly with its PUHC or a related competitive business segment of the PUHC in trade shows, conferences, or other information or marketing events held in New Jersey. For the purposes of this paragraph, "joint participation" includes any sharing of costs or facilities associated with the event, such as using the same signage, handouts, transport, advertising, booth or space, or presentation time; and

4. An electric and/or gas public utility shall not subsidize costs, fees, or payments with its PUHC or related competitive business segments of its public utility holding company associated with research and development activities or investment in advanced technology research.

(p) Except as permitted in (i) and (j) above, an electric and/or gas public utility and its PUHC or related competitive business segments of its public utility holding company, that are engaged in offering merchant functions and/or electric related services or gas related services shall not employ the same employees or otherwise retain, with or without compensation, as employees, independent contractors, consultants, or otherwise.

1. Other than shared administration and overheads, employees of the competitive services business unit of the public utility holding company shall not also be involved in the provision of non-competitive utility and safety services, and the competitive services shall be provided utilizing separate assets than those utilized to provide non-competitive utility and safety services.

MICHIGAN

Rule: Public Act 141, MCL 460.10 Code of Conduct[17]

This code of conduct is intended to promote fair competition by establishing measures to prevent cross-subsidization, information sharing, and preferential treatment between the regulated and unregulated operations of electric utilities, alternative electric suppliers, and their affiliates. An electric utility or alternative electric supplier is prohibited from taking punitive action against any individual (including an employee) or entity who files a complaint with the electric utility, the alternative electric supplier, or the Commission, or otherwise causes an alleged violation of this code of conduct to come to the attention of the Commission.

II. Separation

An electric utility or alternative electric supplier that offers, itself or through its affiliates, both regulated and unregulated services shall do so with the structural or functional separation needed to prevent cross-subsidization, information sharing, and preferential treatment between the regulated and unregulated services. This includes, but is not limited to, the following:

A. An electric utility shall not offer unregulated services or products except through one or more affiliates or through other entities within the corporate structure, such as divisions.

B. An electric utility's or alternative electric supplier's regulated services shall not subsidize in any manner, directly or indirectly, the unregulated business of its affiliates or other separate entities.

C. An electric utility or alternative electric supplier shall maintain its books and records separately from those of its affiliates or other entities within its corporate structure. An electric cooperative offering unregulated services shall maintain an accounting system that allocates costs between its regulated and unregulated ventures on a fully allocated embedded cost basis, and any transfers of services, products, or property must be in compliance with the provisions of Section III, paragraph C.

D. An electric utility or alternative electric supplier and its affiliates or other entities within its corporate structure shall not share facilities, equipment, or operating employees, but may share computer hardware and software with documented protection to prevent discriminatory access to competitively sensitive information.

[17] https://www.michigan.gov/mpsc/0,4639,7-159-16377_17111-42901--,00.html

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E. An electric utility's or alternative electric supplier's operating employees and the operating employees of its affiliates or other entities within its corporate structure shall function independently of each other and maintain separate offices.

F. An electric utility or alternative electric supplier shall not finance or co-sign loans for affiliates.

G. An electric utility may transfer employees between the electric utility and any of its affiliates or other entities within the corporate structure as long as the electric utility documents those transfers and files semi-annually with the Commission a report of each occasion on which an employee of the electric utility became an employee of an affiliate or other entity within its corporate structure and/or an employee of an affiliate or other entity within its corporate structure became an employee of the electric utility.

H. An electric utility and its affiliates or other entities within the corporate structure and an alternative electric supplier and its affiliates or other entities within the corporate structure offering both regulated and unregulated services or products in Michigan shall not engage in joint advertising, marketing, or other promotional activities related to the provision of regulated and unregulated services, nor shall they jointly sell regulated and unregulated services.

I. An electric utility or alternative electric supplier offering regulated service in Michigan shall not suggest that it will provide any customer with preferential treatment or service by doing business with the electric utility or the alternative electric supplier, affiliates, or other entities within the corporate structure offering unregulated services or products, nor shall the electric utility or alternative electric supplier suggest that any customer will receive inferior treatment or service by doing business with an unaffiliated supplier.

J. An electric utility or alternative electric supplier offering regulated service in Michigan shall not condition or otherwise tie the provision of a regulated service or the availability of discounts, rates, other charges, fees, rebates, or waivers of terms and conditions for regulated service to the taking of any unregulated goods or services from the electric utility or alternative electric supplier, affiliates, or other entities within the corporate structure.

K. An electric utility or alternative electric supplier offering regulated service in Michigan shall not allow its affiliates to use its logo unless the affiliate includes, in a clearly visible position and easily readable by customers, the following statement:

"(Affiliate name) is not regulated by the Michigan Public Service Commission."

L. If an electric utility, its affiliate, or other entity within the corporate structure offers an unregulated service, any use of its logo shall include, in a clearly visible position and easily readable by customers, the following statement: "(Service) is not regulated by the Michigan Public Service Commission."

M. None of the provisions of this code shall be interpreted to require a cooperative electric utility or an independent investor-owned utility with fewer than 60 employees to maintain separate facilities, operations, or personnel, used to deliver electricity to retail customers, provide retail electric service, or to be an alternative electric supplier.

III. Discrimination

An electric utility or alternative electric supplier that offers, itself or through its affiliates, both regulated and unregulated services shall not unduly discriminate in favor of or against any party, including its affiliates. This includes, but is not limited to, the following:

A. An electric utility or alternative electric supplier that offers, itself or through its affiliates, both regulated and unregulated service shall not provide any affiliate or other entity within its corporate structure, preferential treatment or any other advantages that are not offered under the same terms and conditions and contemporaneously to other suppliers offering services or products within the same service territory or to customers of those suppliers. This provision includes, but is not limited to, all aspects of the electric utility's or alternative electric supplier's service, including pricing, responsiveness to requests for service or repair, the availability of firm and interruptible service, and metering requirements.

B. If an electric utility provides to any affiliate or other separate entity, or customers of an affiliate or other separate entity within its corporate structure, a discount, rebate, fee waiver, or waiver of its regulated tariffed terms and conditions for services or products, it shall contemporaneously provide notice of and offer the same discount, rebate, fee waiver, or waiver to all alternative electric suppliers operating within the electric utility's service territory or all alternative electric suppliers' customers.

C. If an electric utility or alternative electric supplier offering regulated service in Michigan provides services, products, or property to any affiliate or other entity within the corporate structure, compensation shall be based upon the higher of fully allocated embedded cost or market price. If an affiliate or other entity within the corporate structure provides services, products, or property to an electric utility or alternative electric supplier offering regulated service in Michigan, compensation for services and supplies shall be at the lower of market price or 10% over fully allocated embedded cost and transfers of assets shall be based upon the lower of fully allocated embedded cost or market price.

D. If an electric utility provides a customer or potential customer with the names of its affiliates or other entities within the corporate structure that are alternative electric suppliers, it shall do so only by distributing their names along with the names of all licensed alternative electric suppliers.

E. An electric utility or alternative electric supplier offering regulated service in Michigan shall not provide information or consultation to an affiliate or other entity within the corporate structure offering unregulated electric service in Michigan regarding a potential business arrangement between that affiliate or other entity within the corporate structure and a potential customer.

F. An electric utility or alternative electric supplier offering regulated service in Michigan shall not refer a customer or potential customer to an affiliate or other entity within the corporate structure offering unregulated electric service in Michigan, nor steer a potential customer away from a non-affiliated entity offering unregulated electric service in Michigan, nor shall the electric utility or alternative electric supplier offering regulated service in Michigan provide a customer or potential customer with advice or assistance regarding the selection of or relationship with an affiliate, other entity within the corporate structure, or other service provider offering unregulated electric service in Michigan.

IV. Disclosure of Information

Information obtained by an electric utility or alternative electric supplier in the course of conducting its regulated business in Michigan shall not be shared directly or indirectly with its affiliates or other entities within its corporate structure unless that same information is provided to competitors operating in the state on the same terms and conditions and contemporaneously. This provision includes, but is not limited to, the following:

A. Customer specific names and addresses shall not be provided to an affiliate or other entity within the corporate structure unless the same information is offered on the same terms and conditions, and contemporaneously, to all competitors.

B. Customer specific consumption or billing data shall not be provided to any affiliate or other entity within the corporate structure or alternative electric supplier without prior written approval of the customer. Once each calendar year a request for up to 12 months of historic usage or billing data may be made at no cost.

C. If an electric utility or alternative electric supplier offering regulated service in Michigan provides non-customer specific, or aggregated, customer information to its affiliate or other entity within its corporate structure, it must offer the same information on the same terms and conditions, in the same form and manner, and contemporaneously to all competitors.

D. An electric utility shall not provide its affiliates or other entities within its corporate structure with information about the distribution system, including operation and expansion, without offering the same information under the same terms and conditions, in the same form and manner, and contemporaneously to all licensed alternative electric suppliers.

E. An electric utility or alternative electric supplier offering regulated service in Michigan shall not provide any information received from or as a result of doing business with a competitor to an affiliate or other entity within its corporate structure without the written approval of the competitor.

V. Electric Utility – Alternative Electric Supplier Relationship

Except for instances covered by Section 10a(3) of 2000 PA 141 or other instances approved by the Commission, an electric utility shall not in any way interfere in the business operations of an alternative electric supplier. This provision includes, but is not limited to, the following:

A. An electric utility shall not give the appearance in any way that it speaks on behalf of any alternative electric supplier.

B. An electric utility shall not interfere in any manner in the contractual relationship between the alternative electric supplier and its customers unless such involvement is clearly permitted in the contract between the customer and the alternative electric supplier or in tariffs approved by the Commission.

VI. Compliance Plans

Each electric utility or alternative electric supplier shall file a code of conduct compliance plan within 60 days of the order on rehearing on this code of conduct by the Commission. The compliance plan shall:

A. Designate a corporate officer of the electric utility or alternative electric supplier who will oversee compliance with the code of conduct and be available to serve as the Commission's primary contact regarding compliance with the code.

B. Include an affidavit signed by the designated corporate officer certifying that the electric utility or alternative electric supplier will comply fully with the code of conduct.

C. Include a clear organization chart of the parent or holding company showing all regulated entities and affiliates and a description of all services and products provided between the regulated entity and its affiliates.

The electric utility or alternative electric supplier shall file revisions to its compliance plan needed to keep the information contained therein current.

In the compliance filing, the electric utility or alternative electric supplier may request a waiver from one or more provisions of this code of conduct. The electric utility or alternative electric supplier carries the burden of demonstrating that such a waiver will not inhibit the development or functioning of the competitive market.

VII. Oversight, Enforcement, and Penalties

A. An electric utility or alternative electric supplier shall maintain documentation needed to investigate compliance with the code of conduct. All documentation shall be kept at a designated company office in Michigan. The electric utility or alternative electric supplier shall make this information available for review upon request by the Commission or its Staff. The designated officer will either be available or make personnel available who are knowledgeable to respond to inquiries by the Commission or its Staff regarding compliance with the provisions of the code of conduct.

B. The electric utility or alternative electric supplier shall use a documented dispute resolution process separate from any process that might be available from the Commission. This dispute resolution process shall address complaints arising from application of the code of conduct. The electric utility or alternative electric supplier shall keep a log of all complaints, including: (1) the name of the person or entity filing the complaint, (2) the date the complaint was filed, (3) a written statement of the nature of the complaint, and (4) the results of the resolution process.

C. Each electric utility or alternative electric supplier shall file an annual report with the commission summarizing the number and types of complaints received and their resolution.

D. Penalties for violations of the code of conduct will be as provided in Section 10c of the Customer Choice and Electricity Reliability Act, MCL 460.10c.

ILLINOIS

Rule: Public Utilities Act for Electric Utilities, Illinois Commerce Commission
TITLE 83: PUBLIC UTILITIES CHAPTER I: ILLINOIS COMMERCE COMMISSION SUBCHAPTER c: ELECTRIC UTILITIES
PART 450 NON-DISCRIMINATION IN AFFILIATE TRANSACTIONS FOR ELECTRIC UTILITIES[18]

Non-Discrimination

a. Electric utilities shall not provide affiliated interests or customers of affiliated interests preferential treatment or advantages relative to unaffiliated entities or their customers in connection with services provided under tariffs on file with the Illinois Commerce Commission (Commission). This provision applies broadly to all aspects of service, including, but not limited to, responsiveness to requests for service, the availability of firm versus interruptible services, the imposition of special metering requirements, and all terms and conditions and charges specified in the tariff.

b. Except for corporate support transactions and services that have been declared competitive pursuant to Section 16-113 of the Act, transactions between an electric utility and one or more of its affiliated interests in competition with alternative retail electric suppliers that are not governed by tariff sheets on file with the Commission shall not discriminate in relation to unaffiliated alternative retail electric suppliers.

c. Electric utilities and affiliated interests shall not notify potential or actual customers, either directly or indirectly, advertise to the public, or otherwise communicate that the electric utility provides any advantages relating to the scheduling, transmission or distribution of electricity to affiliated interests or their customers relative to unaffiliated entities and their customers.

d. A utility shall process requests for similar services provided by the utility in the same manner and within the same time period for its affiliated interests in competition with alternative retail electric suppliers and for all similarly situated unaffiliated alternative retail electric suppliers and their respective customers.

e. If discretion is permitted in application of a tariff provision, electric utilities shall maintain a log detailing each instance in which it exercised discretion, as required in Section 450.140(d).

f. If an electric utility offers affiliated interests or customers of affiliated interests a discount, rebate, fee waiver or waivers of its ordinary terms and conditions for services provided under tariffs on file with the Commission, it shall contemporaneously offer the same discount, rebate, fee waiver or waivers of its ordinary terms and conditions to all unaffiliated entities and customers of unaffiliated entities, to the extent consistent with the tariffs, provided, however, that this subsection shall not apply to billing experiments under Section 16-106 of the Act or competitive services under Sections 16-102 and 16-116(b) of the Act. Electric utilities shall maintain a log of such instances, as required in Section 450.140(d).

g. A customer's eligibility for participation in any billing experiments under Section 16-106 of the Act or contracts for competitive service under Sections 16-102 and 16-116(b) of the Act, except for those competitive services that have been declared competitive pursuant to Section 16-113 of the Act, shall not be conditioned on, nor tied to, the taking of any goods and services from the utility's affiliated interests. Electric utilities shall inform customers of this prohibition in writing before customers begin taking such service.

h. When providing delivery services as a component of any bundled service, an electric utility shall not offer affiliated interests or the customers of affiliated interests a discount, rebate, fee waiver or waivers of its ordinary terms and conditions for delivery services on file with the Commission unless delivery services have been declared competitive service pursuant to Section 16-113 of the Act or the electric utility

[18] ftp://www.ilga.gov/jcar/admincode/083/08300450sections.html

contemporaneously offers the same discount, rebate, fee waiver or waivers of its ordinary terms and conditions to all unaffiliated entities and customers of unaffiliated entities.

Marketing and Advertising

a. An electric utility shall neither jointly advertise nor jointly market its services or products with those of an affiliated interest in competition with Alternative Retail Electric Suppliers (ARES).

b. Nothing in subsection (a) shall be construed as prohibiting an affiliated interest in competition with ARES from using the corporate name or logo of an electric utility or electric utility holding company.

Customer Information

a. Customer information shall be made available in accordance with Section 16-122 of the Public Utilities Act [220 ILCS 5/16-122], without preference to affiliated interests or their customers. Electric utilities shall not provide any preferences to affiliated interests in requesting authorization for the release of customer information.

b. An unaffiliated ARES may submit, to an electric utility, a written standing request for any generic customer information concerning the usage, load shape curve or other general characteristics of customers by rate classification that the electric utility provides to its affiliated interests in competition with ARES. A standing request made pursuant to this Section shall expire one year after being received by the utility unless renewed in writing by the ARES.

c. The electric utility shall contemporaneously, and in the same form and manner, make available to any unaffiliated alternative retail electric suppliers that have submitted a standing request, pursuant to subsection (b) of this Section, any generic customer information concerning the usage, load shape curve or other general characteristics of customers by rate classification that the utility makes available to its affiliated interests in competition with alternative retail electric suppliers.

d. Any unaffiliated ARES that receives generic customer information pursuant to a standing request made under this Section or any affiliated interest in competition with ARES that receives generic customer information concerning the usage, load shape curve or other general characteristics of customers by rate classification from the electric utility shall, in accordance with Section 16-122(b) of the Act, pay the electric utility a reasonable fee in each instance that such information is provided.

Independent Functioning

a. Except in relation to corporate support and emergency support, electric utilities and affiliated interests in competition with ARES that provide services to customers within the utility's service territory shall function independently of each other and shall not share services or facilities.

Employees

a. Except in relation to corporate support and emergency support, electric utilities and their affiliated interests in competition with alternative retail electric suppliers shall not jointly employ or otherwise share the same employees.

b. Electric utilities shall not jointly employ or otherwise share employees engaged in providing delivery services with their affiliated interests in competition with alternative retail electric suppliers.

c. Subsections (a), (b) and (d) of this Section shall not apply to any employee covered by a collective bargaining agreement subject to federal labor law, including the Labor Management Relations Act and the National Labor Relations Act.

d. Each electric utility that has an affiliated interest in competition with ARES shall maintain a log detailing the transfer of employees: from the utility to its affiliated interests in competition with ARES; from the utility to its other affiliated interests; and from the utility's other affiliated interests to its affiliated interests in competition with ARES. This subsection shall not apply to employee transfers to or from corporations that are affiliated interests of the electric utility solely because they share a common director. The log shall be made available to the Commission upon request.

Transfer of Goods

a. Transactions between an electric utility and its affiliated interests shall not be allowed to subsidize the affiliated interests.

b. In connection with an application for a certificate of service authority filed by an affiliated interest of an electric utility, pursuant to Section 16-115 of the Act, the affiliated interest shall provide a copy of a Commission approved services and facilities or affiliated interest agreement that explicitly addresses the cost allocation and valuation methodology to be applied to any transfer of goods and services: between the electric utility and its affiliated interests in competition with ARES; between the utility and its other affiliated interests; and between the utility's other affiliated interests and its affiliated interests in competition with ARES. In the event that there is no Commission approved agreement addressing these issues, the applicant shall submit such an agreement for approval as part of its application.

c. Costs associated with the transfer of goods and services between an electric utility and its affiliated interests, including affiliated interests in competition with ARES, shall be priced as specified in, and allocated pursuant to, the Commission approved services and facilities agreement or affiliated interests agreement presented in the affiliated ARES certification proceeding. Any transfer of goods and services between an electric utility and its affiliated interests, including affiliated interests in competition with ARES, that is not explicitly addressed in a Commission approved services and facilities or affiliated interests agreement is prohibited unless the transfer has been otherwise specifically approved by the Commission pursuant to Section 7-101 of the Act or approval has been waived by statute or Commission rule.

Maintenance of Books and Records and Commission Access

a. An electric utility shall maintain books, accounts, and records separate from those of its affiliated interests.

b. In connection with an application for a certificate of service authority filed by an affiliated interest of an electric utility, pursuant to Section 16-115 of the Act, the affiliated interest shall provide a copy of a Commission approved services and facilities or affiliated interest agreement that explicitly sets forth both the cost allocation guidelines and the accounting conventions to be applied to any transactions: between the electric utility and its affiliated interests in competition with ARES; between the utility and its other affiliated interests; and between the utility's affiliated interests in competition with ARES and its other affiliated interests. In the event that there is no Commission approved agreement addressing cost allocation and accounting conventions, the applicant shall submit such an agreement for approval as part of its application.

c. Upon the request of the Commission, electric utilities shall make personnel available who are competent to respond to the Commission's inquiries regarding the nature of any transactions that have taken place between the electric utility and its affiliated interests, including but not limited to the goods and services provided, the prices, terms and conditions, and other considerations given for the goods and services provided.

d. Each electric utility shall maintain a log detailing: each instance in which it exercised discretion in the application of tariff provisions; each instance in which it offered affiliated interests or customers of affiliated interests services not governed by tariffs, except for corporate support transactions and services that have been declared competitive pursuant to Section 16-113 of the Act; and each instance in which it offered affiliated interests or customers of affiliated interests a discount, rebate, fee waiver or waivers of the electric utility's ordinary terms and conditions in connection with services provided under tariffs on file with the Commission. The electric utility shall make such log available to the Commission upon request. The log shall contain the following information:
    i. the names of the affiliated interests and unaffiliated entities involved in the transaction;
    ii. a description of the transaction;
    iii. the time period over which the transaction applies; and
    iv. the quantities and locations involved in the transaction.

Internal Audits

a. Electric utilities shall conduct biennial internal audits on transactions with affiliated interests. These audits shall test compliance with this Part, with any applicable Commission orders, with the electric utility's affiliated interest operating agreement(s) and/or guidelines, with 83 Ill. Adm. Code 415, and with 83 Ill. Adm. Code 420. The audits shall include written reports of conclusions and associated workpapers that shall be available to the Commission Staff for review. The audit reports shall be submitted to the Commission's Director of Accounting within 30 days after completion. Any audit performed pursuant to this Section may be designated as confidential with the Commission's Director of Accounting.

b. The first such internal audit report shall be submitted on or before December 1, 1998. Succeeding audit reports shall be submitted on or before December 1 of each even numbered succeeding year.

c. Subsections (a) and (b) of this Section shall not apply to transactions with corporations that are affiliated interests of the electric utility solely because they share a common director or transactions with individuals that are affiliated interests of the electric utility solely because they are an elective officer or director of the electric utility.

NORTH CAROLINA

Rule: North Carolina Code of Conduct (as approved by the North Carolina Utilities Commission)[19]

This section contains the complete text of the "official" North Carolina Code of Conduct (hereinafter "Code of Conduct or "Code"), approved by the North Carolina Utilities Commission, which governs Duke Energy Carolina's (DEC) and Duke Energy Progress (DEP) transactions with affiliates. This Code applies in North Carolina and South Carolina.

CODE OF CONDUCT GOVERNING THE RELATIONSHIPS, ACTIVITIES AND TRANSACTIONS BETWEEN AND AMONG THE PUBLIC UTILITY OPERATIONS OF DEC, THE PUBLIC UTILITY OPERATIONS OF PEC, DUKE ENERGY CORPORATION, OTHER AFFILIATES, AND THE NONPUBLIC UTILITY OPERATIONS OF DEC AND PEC

GENERAL

This Code of Conduct establishes the minimum guidelines and rules that apply to the relationships, transactions, and activities involving the public utility operations of DEC, PEC, Duke Energy, other Affiliates, or the Nonpublic Utility Operations of DEC and PEC, to the extent such relationships, activities, and transactions affect the operations or costs of utility service experienced by the public utility operations of DEC and PEC in their respective service areas. DEC, PEC, and the other Affiliates are bound by this Code of Conduct pursuant to Regulatory Condition 6.1 approved by the Commission in Docket Nos. E-2, Sub 998, and E-7, Sub 986. This Code of Conduct is subject to modification by the Commission as the public interest may require, including, but not limited to, addressing changes in the organizational structure of DEC, PEC, Duke Energy, other Affiliates, or the Nonpublic Utility Operations; changes in the structure of the electric industry; or other changes that warrant modification of this Code.

DEC or PEC may seek a waiver of any aspect of this Code of Conduct by filing a request with the Commission showing that exigent circumstances in a particular case justify such a waiver.

STANDARDS OF CONDUCT

A. Independence and Information Sharing

1. Separation - DEC, PEC, Duke Energy, and the other Affiliates shall operate independently of each other and in physically separate locations to the maximum extent practicable. DEC, PEC, Duke Energy, and each of the other Affiliates shall maintain separate books and records. Each of DEC's and PEC's Nonpublic Utility Operations shall maintain separate records from those of DEC's and PEC's public utility operations to ensure appropriate cost allocations and any arm's- length-transaction requirements.

Disclosure of Customer Information:

(a) Upon request, and subject to the restrictions and conditions contained herein, DEC and PEC may provide Customer Information to Duke Energy, another Affiliate, or a Nonpublic Utility Operation under the same terms and conditions that such information is provided to non-Affiliates.

(b) Except as provided in Section III.A.2.(f) below, Customer Information shall not be disclosed to any person or company, without the Customer's consent, and then only to the extent specified by the Customer. Consent to disclosure of Customer Information to Affiliates or Nonpublic Utility Operations may be obtained by means of written authorization, electronic authorization or recorded verbal authorization upon providing the Customer with the information set forth in Attachment A; provided, however, that DEC and PEC retain such authorization for verification purposes for as long as the authorization remains in effect.

[19] https://dms.psc.sc.gov/Attachments/Matter/e71fb4fb-1518-41e6-895c-7c6e3f60bdfa

(c) If the Customer allows or directs DEC or PEC to provide Customer Information to Duke Energy, another Affiliate, or a Nonpublic Utility Operation, then DEC or PEC shall ask the Customer if he, she, it would like the Customer Information to be provided to one or more non-Affiliates. If the Customer directs DEC or PEC to provide Customer Information to one or more non-Affiliates, the Customer Information shall be disclosed to all entities designated by the Customer contemporaneously and in the same manner.

(d) Sections III.A.2.(a), 2.(b), and 2.(c) herein shall be permanently posted on DEC's and PEC's website.

(e) No DEC or PEC employee who is transferred to Duke Energy or another Affiliate will be permitted to copy or otherwise compile any Customer Information for use by such entity except pursuant to written permission from the Customer, as reflected by a signed Data Disclosure Authorization. Neither DEC nor PEC shall transfer any employee to Duke Energy or another Affiliate for the purpose of disclosing or providing Customer Information to such entity.

(f) Notwithstanding the prohibitions established by this Section III.A.2, DEC and PEC may disclose Customer Information to DEBS, PESC, any other Affiliate, a Nonpublic Utility Operation or a non-affiliated third party without Customer consent, but only to the extent necessary for the Affiliate, Nonpublic Utility Operation or non-affiliated third party to provide goods or services to DEC or PEC and upon their explicit agreement to protect the confidentiality of such Customer Information. To the extent the Commission approves a list of services to be provided and taken pursuant to one or more utility to-utility service agreements, then Customer Information may be disclosed pursuant to the foregoing exception to the extent necessary for such services to be performed.

(g) DEC and PEC shall take appropriate steps to store Customer Information in such a manner as to limit access to only those persons permitted to receive it and shall require all persons with access to such information to protect its confidentiality.

(h) DEC and PEC shall establish guidelines for its employees and representatives to follow with regard to complying with this Section III.A.2.

(i) No DEBS or PESC employee may use Customer Information to market or sell any product or service to DEC's or PEC's Customers, except in support of a Commission-approved rate schedule or program or a marketing effort managed and supervised directly by DEC or PEC.

(j) DEBS and PESC employees with access to Customer Information must be prohibited from making any improper indirect use of the data, including directing or encouraging any actions based on the Customer Information by employees of DEBS or PESC that do not have access to such information, or by other employees of Duke Energy or other Affiliates or Nonpublic Utility Operations of the Utilities.

(k) Should any inappropriate disclosure of DEC or PEC Customer Information occur at any time, DEC or PEC is required to promptly file a statement with the Commission in this docket describing the circumstances of the disclosure, the Customer information disclosed, the results of the disclosure, and the mitigating and/or other steps taken to address the disclosure.

3. The disclosure of Confidential Systems Operation Information of DEC and PEC (referred to hereinafter as "Information") shall be governed as follows: (l) Such Information shall not be disclosed by DEC or PEC to an Affiliate or a Nonpublic Utility Operation unless it is disclosed to all competing nonAffiliates contemporaneously and in the same manner. Disclosure to nonAffiliates is not required when disclosure to Affiliates or Nonpublic Utility Operations meets one of the following exceptions:

(i) The Information is provided to employees of DEC or PEC for the purpose of implementing, and operating pursuant to, the JDA in accordance with the Regulatory Conditions approved in Docket Nos. E-7, Sub 986, and E-2, Sub 998;

(ii) The Information is necessary for the performance of services approved to be performed pursuant to one or more Affiliate utility-to-utility service agreements;
(iii) A state or federal regulatory agency or court having jurisdiction over the disclosure of the Information requires the disclosure;
(iv) The Information is provided to employees of DEBS or PESC pursuant to a service agreement filed with the Commission pursuant to G.S. 62-153;
(v) The Information is provided to employees of DEC's or PEC's Utility Affiliates for the purpose of sharing best practices and otherwise improving the provision of regulated utility service;
(vi) The Information is provided to an Affiliate pursuant to an agreement filed with the Commission pursuant to G.S. 62-153, provided that the agreement specifically describes the types of Information to be disclosed;
(vii) Disclosure is otherwise essential to enable DEC or PEC to provide Electric Services to their Customers; or
(viii) Disclosure of the Information is necessary for compliance with the Sarbanes-Oxley Act of 2002.

(m) Any Information disclosed pursuant to the exceptions in Section III.A.3(a), above, shall be disclosed only to employees that need the information for the purposes covered by those exceptions and in as limited a manner as possible. The employees receiving such Information must be prohibited from acting as conduits to pass the Information to any Affiliate(s) and must have explicitly agreed to protect the confidentiality of such Information.

(n) For disclosures pursuant to exceptions (vii) and (viii) in Section III.A.3(a), above, DEC and PEC shall include in their annual affiliated transaction reports the following information:
(i) The types of Information disclosed and the name(s) of the Affiliate(s) to which it is being, or has been, disclosed;
(ii) The reasons for the disclosure; and
(iii) Whether the disclosure is intended to be a one-time occurrence or an ongoing process. To the extent a disclosure subject to the reporting requirement is intended to be ongoing, only the initial disclosure and a description of any processes governing subsequent disclosures need to be reported.

(o) DEC, PEC, DEBS, and PESC employees with access to CSOI must be prohibited from making any improper indirect use of the data, including directing or encouraging any actions based on the CSOI by employees that do not have access to such information, or by other employees of Duke Energy or other Affiliates or Nonpublic Utility Operations of DEC and PEC.

(p) Should the handling or disclosure of DEC's or PEC's Market Information, Transmission Information, or other CSOI by DEBS, PESC, or another Affiliate or Nonpublic Utility Operation, or their respective employees, result in (i) a violation of the FERC Standards of Conduct or Affiliate Restrictions, 18 CFR § 358 - Standards of Conduct for Transmission Providers and 18 CFR § 35.39-Affiliate Restrictions), or any other relevant FERC standards or codes of conduct, (ii) the posting of such data on an OASIS or other Internet website, or (iii) other public disclosure of the data, DEC or PEC shall promptly file a statement with the Commission in Docket Nos. E-7, Sub 986C, and E-2, Sub 998C, respectively, describing the circumstances leading to such violation, posting, or other public disclosure, any data required to be posted or otherwise publicly disclosed, and the mitigating and/or other steps taken to address the current or any future potential violation, posting, or other public disclosure.

(q) Should any inappropriate disclosure of CSOI occur at any time, DEC or PEC shall promptly file a statement with the Commission in Docket Nos. E-7, Sub 986C, or E2, Sub 998C, respectively, describing the circumstances of the disclosure, the CSOI disclosed, the results of the disclosure, and the mitigating and/or other steps taken to addressthe disclosure.

(r) Unless publicly noticed and generally available, should the FERC Affiliate Restrictions, the Transmission Standards, or any other relevant FERC standards or codes of conduct be eliminated, amended, superseded, or otherwise replaced, DEC and PEC shall file a letter in Docket Nos. E-7, Sub 986E, and E-2, Sub 998E, with the Commission describing such action within 60 days of the action, along with a copy of any amended or replacement document.

Nondiscrimination

1. DEC's and PEC's employees and representatives shall not unduly discriminate against non-Affiliated entities.

Marketing/Logo Usage

1. The public utility operations of DEC and PEC may engage in joint sales, joint sales calls, joint proposals, or joint advertising (a joint marketing arrangement) with their Utility Affiliates and with their Nonpublic Utility Operations, subject to compliance with other provisions of this Code of Conduct and any conditions or restrictions that the Commission may hereafter establish. Neither DEC nor PEC shall otherwise engage in such joint activities without making such opportunities available to comparable third parties.

2. Neither Duke Energy nor any of the other Affiliates shall use the names or logos of DEC or PEC in any communications unless a disclaimer is included that states the following:

(a) "[Duke Energy Corporation/Affiliate) is not the same company as [DEC/PEC], and [Duke Energy Corporation/Affiliate) has separate management and separate employees"; (b) "[Duke Energy Corporation/Affiliate] is not regulated by the North Carolina Utilities Commission or in any way sanctioned by the Commission";
(c) "Purchasers of products or services from [Duke Energy Corporation/Affiliate] will receive no preference or special treatment from [DEC/PEC]"; and
(d) "A customer does not have to buy products or services from [Duke Energy Corporation/Affiliate] in order to continue to receive the same safe and reliable electric service from [DEC/PEC]."

3. Nonpublic Utility Operations may not use the names or logos of DEC or PEC in any communications unless a disclaimer is included that states the following:

(a) "[Nonpublic Utility Operation] is not part of the regulated services offered by [DEC/PEC] and is not in any way sanctioned by the North Carolina Utilities Commission"; (b) "Purchasers of products or services from [Nonpublic Utility Operation] will receive no preference or special treatment from [DEC/PEC]"; and
(c) "A customer does not have to buy products or services from [Nonpublic Utility Operation] in order to continue to receive the same safe and reliable electric service from [DEC/PEC]."

The required disclaimer must be sized and displayed in a way that is commensurate with the name and logo so that the disclaimer is at least the larger of one-half the size of the type that first displays the name and logo or the predominant type used in the communication.

Transfers of Goods and Services, Transfer Pricing, and Cost Allocation

1. Cross-subsidies involving DEC or PEC and Duke Energy, other Affiliates, or the Nonpublic Utility Operations are prohibited.

2. All costs incurred by personnel or representatives of DEC or PEC for or on behalf of Duke Energy, other Affiliates, or the Nonpublic Utility Operations shall be charged to the entity responsible for the costs.

3. As a general guideline, with regard to the transfer prices charged for goods and services, including the use or transfer of personnel, exchanged between and among DEC or PEC, and Duke Energy, the other

Non-Utility Affiliates, and the Nonpublic Utility Operations, to the extent such prices affect DEC's or PEC's operations or costs of utility service, the following conditions shall apply:

(a) Except as otherwise provided for in this Section III.D, for untariffed goods and services provided by DEC or PEC to Duke Energy, a Non-Utility Affiliate, or a Nonpublic Utility Operation, the transfer price paid to DEC or PEC shall be set at the higher of Market Value or DEC's or PEC's Fully Distributed Cost.

(b) Except as otherwise provided for in this Section III.D, for goods and services provided, directly or indirectly, by Duke Energy, a Non-Utility Affiliate other than DEBS or PESC, or a Nonpublic Utility Operation to DEC or PEC, the transfer price(s) charged by Duke Energy, the Non-Utility Affiliate, and the Nonpublic Utility Operation to DEC or PEC shall be set at the lower of Market Value or Duke Energy's, the Non-Utility Affiliate's, or the Nonpublic Utility Operation's Fully Distributed Cost(s). If DEC or PEC do not engage in competitive solicitation and instead obtain the goods or services from Duke Energy, a Non-Utility Affiliate, or a Nonpublic Utility Operation, DEC and PEC shall implement adequate processes to comply with this Code provision and related Regulatory Conditions and ensure that in each case DEC's and PEC's Customers receive service at the lowest reasonable cost. For goods and services provided by DEBS and PESC to DEC, PEC, and Utility Affiliates, the transfer price charged shall be set at DEBS' and PESC's Fully Distributed Cost.

(c) Tariffed goods and services provided by DEC and PEC to Duke Energy, other Affiliates, or a Nonpublic Utility Operation shall be provided at the same prices and terms that are made available to Customers having similar characteristics with regard to Electric Services (such as time of use, manner of use, customer class, load factor, and relevant Standard Industrial Classification) under the applicable tariff.

(d) Subject to and in compliance with all conditions placed upon DEC and PEC by the Commission, untariffed non-power, non-generation, or non-fuel goods and services provided by DEC or PEC to DEC, PEC, or the Utility Affiliates or by the Utility Affiliates to DEC or PEC, shall be transferred at the supplier's Fully Distributed Cost.

4. To the extent that DEC, PEC, Duke Energy, other Affiliates, or the Nonpublic Utility Operations receive Shared Services from DEBS or PESC (or their successors), these Shared Services may be jointly provided to DEC, PEC, Duke Energy, other Affiliates, or the Nonpublic Utility Operations on a fully distributed cost basis, provided that the taking of such Shared Services by DEC and PEC is cost beneficial on a service-by-service (e.g., accounting management, human resources management, legal services, tax administration, public affairs) basis to DEC and PEC. Charges for such Shared Services shall be allocated in accordance with the cost allocation manual(s) filed with the Commission pursuant to Regulatory Condition 5.5, subject to any revisions or other adjustments that may be found appropriate by the Commission on an ongoing basis.

5. DEC, PEC, and their Utility Affiliates may capture economies-of-scale in joint purchases of goods and services (excluding the purchase of natural gas, coal, and electricity or ancillary services intended for resale), if such joint purchases result in cost savings to DEC's and PEC's Customers. DEC, PEC, Duke Indiana, Duke Kentucky, and PEF, may capture economies-ofscale in joint purchases of coal and natural gas, if such joint purchases result in cost savings to DEC's and PEC's Customers. Notwithstanding the foregoing, if any of the coal or natural gas jointly purchased by DEC, PEC, Duke Indiana, Duke Kentucky, or PEF is transferred to or utilized by another Affiliate within 12 months of the joint purchase, DEC and PEC will file a notification of such with the Commission. All joint purchases entered into pursuant to this section shall be priced in a manner that permits clear identification of each participant's portion of the purchases and shall be reported in DEC's and PEC's affiliated transaction reports filed with the Commission.

6. All permitted transactions between DEC, PEC, Duke Energy, other Affiliates, and the Nonpublic Utility Operations shall be recorded and accounted for in accordance with the cost allocation manuals required to be filed with the Commission pursuant to Regulatory Condition 5.5 and with Affiliate agreements accepted by the Commission or otherwise processed in accordance with North Carolina law, the rules and orders of the Commission, and the Regulatory Conditions.

7. Costs that DEC and PEC incur in assembling, compiling, preparing, or furnishing requested Customer Information or Confidential Systems Operation Information for or to Duke Energy, other Affiliates, Nonpublic Utility Operations, or non-Affiliates shall be recovered from the requesting party pursuant to Section III.D.3 of this Code of Conduct.

8. Any technology or trade secrets developed, obtained, or held by DEC or PEC in the conduct of regulated operations shall not be transferred to Duke Energy, another Affiliate, or a Nonpublic Utility Operation without just compensation and the filing of 60-days prior notification to the Commission; provided however, that DEC and PEC are not required to provide advance notice for such transfers to each other. DEC and PEC may request a waiver of this requirement from the Commission with respect to such transfers to Duke Energy, a Utility Affiliate, a Non-Utility Affiliate, or a Nonpublic Utility Operation. In no case, however, shall the notice period requested be less than 20 business days.

9. DEC and PEC shall receive compensation from Duke Energy, other Affiliates, and the Nonpublic Utility Operations for intangible benefits, if appropriate.

Regulatory Oversight

1. The State's existing requirements regarding affiliate transactions, as set forth in G.S. 62-153, shall continue to apply to all transactions between DEC, PEC, Duke Energy, and the other Affiliates.

2. The books and records of DEC, PEC, Duke Energy, other Affiliates, and the Nonpublic Utility Operations shall be open for examination by the Commission, its staff, and the Public Staff as provided in G.S. 62-34, 62-37, and 62-51.

3. To the extent North Carolina law, the orders and rules of the Commission, and the Regulatory Conditions permit Duke Energy, an Affiliate, or a Nonpublic Utility Operation to supply DEC or PEC with Natural Gas Services or other Fuel and Purchased Power Supply Services used by DEC or PEC to provide Electric Services to Customers, and to the extent such Natural Gas Services or other Fuel and Purchased Power Supply Services are supplied, DEC or PEC shall demonstrate in its annual fuel adjustment clause proceeding that each such acquisition was prudent and the price was reasonable.

Utility Billing Format

To the extent any bill issued by DEC and PEC, Duke Energy, another Affiliate, a Nonpublic Utility Operation, or a non-Affiliated third party includes any charges to Customers for Electric Services and non-Electric Services from Duke Energy, another Affiliate, a Nonpublic Utility Operation, or a non-Affiliated third party, the charges for the Electric Services shall be separated from the charges for any other services included on the bill. Each such bill shall contain language stating that the Customer's Electric Services will not be terminated for failure to pay for any other services billed.

MARYLAND

Rule: 2013 Maryland Code PUBLIC UTILITIES § 7-211 - Energy efficiency programs[20]
See also: 2016 SB 684[21], aimed at Prohibiting an affiliate of an electric company from using the electric company's trade name, logo, billing services, mail inserts, advertising, or computer services for a plan or program that provides heating, ventilation, air conditioning, or refrigeration services; requiring the Public Service Commission to determine just and reasonable compensation that an affiliate of an electric company shall provide to customers of the electric company's regulated services; etc.

(a) (1) In this section the following words have the meanings indicated.

(2) "Affiliate" has the meaning stated in § 7-501 of this title.

(3) "Demand response program" means a program established by an electric company that promotes changes in electric usage by customers from their normal consumption patterns in response to:

(i) changes in the price of electricity over time; or

(ii) incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized.

(4) "Electricity consumption" and "electricity consumed" mean the sum of retail electricity sales to all customers and reported electricity losses within the electric distribution system.

(5) "Peak demand" means the highest level of electricity demand in the State measured in megawatts during the period from May 1 to September 30 on a weather-normalized basis.

(6) "Per capita electricity consumption" means the result calculated by dividing the total gigawatt-hours of electricity consumed by electricity customers in the State as of December 31 of a year, as determined by the Commission, by the population of the State as of December 31 of that year, as determined by the Department of Planning.

(7) "Plan" means an electricity savings and demand reduction plan and cost recovery proposal.

(8) "Provide heating, ventilation, air conditioning, or refrigeration services" has the meaning stated in § 9A-101 of the Business Regulation Article.

(b) The General Assembly finds and declares that:

(1) energy efficiency is among the least expensive ways to meet the growing electricity demands of the State; and

(2) to provide affordable, reliable, and clean energy for consumers of Maryland, it is the goal of the State to achieve the following energy efficiency, conservation, and demand response targets, based on 2007 electricity consumption:

(i) a 15% reduction in per capita electricity consumption by the end of 2015; and

(ii) a 15% reduction in per capita peak demand by the end of 2015.

[20] https://law.justia.com/codes/maryland/2013/article-gpu/section-7-211/

[21] https://legiscan.com/MD/text/SB684/2016

(c) Beginning with the 2008 calendar year and each year thereafter, the Commission shall calculate:

(1) the per capita electricity consumption for that year; and

(2) the peak demand for that year.

(d) Subject to review and approval by the Commission, each gas company and electric company shall develop and implement programs and services to encourage and promote the efficient use and conservation of energy by consumers, gas companies, and electric companies.

(e) As directed by the Commission, each municipal electric utility and each electric cooperative that serves a population of less than 250,000 in its distribution territory shall include energy efficiency and conservation programs or services as part of their service to their customers.

(f) The Commission shall:

(1) require each gas company and electric company to establish any program or service that the Commission deems appropriate and cost effective to encourage and promote the efficient use and conservation of energy;

(2) adopt rate-making policies that provide cost recovery and, in appropriate circumstances, reasonable financial incentives for gas companies and electric companies to establish programs and services that encourage and promote the efficient use and conservation of energy; and

(3) ensure that adoption of electric customer choice under Subtitle 5 of this title does not adversely impact the continuation of cost-effective energy efficiency and conservation programs.

(g) Except as provided in subsection (e) of this section, on or before December 31, 2008, by regulation or order, the Commission shall:

(1) to the extent that the Commission determines that cost-effective energy efficiency and conservation programs and services are available, for each affected class, require each electric company to procure or provide for its electricity customers cost-effective energy efficiency and conservation programs and services with projected and verifiable electricity savings that are designed to achieve a targeted reduction of at least 5% by the end of 2011 and 10% by the end of 2015 of per capita electricity consumed in the electric company's service territory during 2007; and

(2) require each electric company to implement a cost-effective demand response program in the electric company's service territory that is designed to achieve a targeted reduction of at least 5% by the end of 2011, 10% by the end of 2013, and 15% by the end of 2015, in per capita peak demand of electricity consumed in the electric company's service territory during 2007.

(h) (1) (i) On or before July 1, 2008, and every 3 years thereafter, each electric company shall consult with the Maryland Energy Administration regarding the design and adequacy of the electric company's plan to achieve the electricity savings and demand reduction targets specified in subsection (g) of this section.

(ii) An electric company shall provide the Maryland Energy Administration with any additional information regarding the plan, as requested.

(2) On or before September 1, 2008, and every 3 years thereafter, an electric company shall submit its plan to the Commission that details the electric company's proposals for achieving the electricity savings and demand reduction targets specified in subsection (g) of this section for the 3 subsequent calendar years.

(3) The Commission shall consider any written findings provided by the Maryland Energy Administration regarding the design and adequacy of the plan.

(4) Each electric company shall provide annual updates to the Commission and the Maryland Energy Administration on plan implementation and progress towards achieving the electricity savings and demand reduction targets specified in subsection (g) of this section.

(5) (i) The plan shall include a description of the proposed energy efficiency and conservation programs and services and the proposed demand response program, anticipated costs, projected electricity savings, and any other information requested by the Commission.

(ii) The plan shall address residential, commercial, and industrial sectors as appropriate, including low-income communities and low- to moderate-income communities.

(iii) 1. If, in connection with a program or service, the electric company proposes to provide heating, ventilation, air conditioning, or refrigeration services for its customers, the plan shall include procedures for the competitive selection of heating, ventilation, air conditioning, or refrigeration service providers.

2. On request by the electric company and for good cause shown, the Commission may waive the requirement that the electric company competitively select heating, ventilation, air conditioning, or refrigeration providers under subsubparagraph 1 of this subparagraph.

Subsidization

(6) The plan and any updates shall include a certification or recertification by the electric company that, if an affiliate of the electric company provides heating, ventilation, air conditioning, or refrigeration services through any existing contract or obligation in connection with a program or service, the customers of the electric company's regulated services will not subsidize the operations of the affiliate.

(7) The Commission shall review each electric company's plan to determine if the plan is adequate and cost-effective in achieving the electricity savings and demand reduction targets specified in subsection (g) of this section.

(i) (1) In determining whether a program or service encourages and promotes the efficient use and conservation of energy, the Commission shall consider the:

(i) cost-effectiveness;

(ii) impact on rates of each ratepayer class;

(iii) impact on jobs; and

(iv) impact on the environment.

(2) The Commission shall monitor and analyze the impact of each program and service to ensure that the outcome of each program and service provides the best possible results.

(3) In monitoring and analyzing the impact of a program or service under paragraph (2) of this subsection, if the Commission finds that the outcome of the program or services may not be providing the best possible results, the Commission shall direct the electric company to include in its annual update under subsection (h)(4) of this section specific measures to address the findings.

(4) An electric company that enters into a contract or obligation with an affiliate of the electric company to provide heating, ventilation, air conditioning, or refrigeration services in connection with a program or service shall notify the Commission within 30 days after entering into the contract or obligation that the electric company:

(i) has entered into a contract or obligation with an affiliate of the electric company; and

(ii) certifies that the customers of the electric company's regulated services will not subsidize the operations of the affiliate.

(j) (1) At least once each year, each electric company and gas company shall notify affected customers of the energy efficiency and conservation charges imposed and benefits conferred.

(2) The notice shall be provided by publication on the company's website and inclusion with billing information such as a bill insert or bill message.

(k) On or before March 1 of each year, the Commission, in consultation with the Maryland Energy Administration, shall report, subject to § 2-1246 of the State Government Article, to the General Assembly on:

(1) the status of programs and services to encourage and promote the efficient use and conservation of energy, including an evaluation of the impact of the programs and services that are directed to low-income communities, low- to moderate-income communities to the extent possible, and other particular classes of ratepayers;

(2) a recommendation for the appropriate funding level to adequately fund these programs and services; and

(3) in accordance with subsection (c) of this section, the per capita electricity consumption and the peak demand for the previous calendar year.

(l) Notwithstanding any other law, the Commission may not require or allow an electric company to require an electric customer to authorize the electric company to control the amount of the electric customer's electricity usage, including through control of the electric customer's thermostat.

(m) (1) On or before June 30, 2013, by regulation or order, the Commission shall establish a pilot program for electric customers to recharge electric vehicles during off-peak hours.

(2) (i) An electric company may request to participate in the pilot program.

(ii) The Commission shall make every effort to include at least two electric companies in the pilot program.

(3) The pilot program shall include incentives for residential, commercial, and governmental customers to recharge electric vehicles in a manner that will:

(i) increase the efficiency and reliability of the electric distribution system; and

(ii) lower electricity use at times of high demand.

(4) Incentives may include:

(i) time-of-day pricing of electricity;

(ii) credits on distribution charges;

(iii) rebates on the cost of charging systems;

(iv) demand response programs; or

(v) other incentives approved by the Commission.

(5) On or before February 1, 2015, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the experience of the pilot program and the Commission's findings.

FLORIDA

Florida Administrative Code 25-6.1351 Cost Allocation and Affiliate Transactions.[22]

(1) Purpose. The purpose of this rule is to establish cost allocation requirements to ensure proper accounting for affiliate transactions and utility nonregulated activities so that these transactions and activities are not subsidized by utility ratepayers. This rule is not applicable to affiliate transactions for purchase of fuel and related transportation services that are subject to Commission review and approval in cost recovery proceedings.

(2) Definitions.

(a) Affiliate – Any entity that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with a utility. As used herein, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, contracts or any other direct or indirect means.

Affiliate Transaction – Any transaction in which both a utility and an affiliate are each participants, except transactions related solely to the filing of consolidated tax returns.

(c) Cost Allocation Manual (CAM) – The manual that sets out a utility's cost allocation policies and related procedures.

(d) Direct Costs – Costs that can be specifically identified with a particular service or product.

(e) Fully Allocated Costs – The sum of direct costs plus a fair and reasonable share of indirect costs.

(f) Indirect Costs – Costs, including all overheads, that cannot be identified with a particular service or product.

(g) Nonregulated – Refers to services or products that are not subject to price regulation by the Commission or not included for ratemaking purposes and not reported in surveillance.

(h) Prevailing Price Valuation – Refers to the price an affiliate charges a regulated utility for products and services, which equates to that charged by the affiliate to third parties. To qualify for this treatment, sales of a particular asset or service to third parties must encompass more than 50 percent of the total quantity of the product or service sold by the entity. The 50 percent threshold is applied on an asset-by-asset and service-by-service basis, rather than on a product line or service line basis.

(i) Regulated – Refers to services or products that are subject to price regulation by the Commission or included for ratemaking purposes and reported in surveillance.

(3) Non-Tariffed Affiliate Transactions.

(a) The purpose of subsection (3) is to establish requirements for non-tariffed affiliate transactions impacting regulated activities. This subsection does not apply to the allocation of costs for services between a utility and its parent company or between a utility and its regulated utility affiliates or to services received by a utility from an affiliate that exists solely to provide services to members of the utility's corporate family. All affiliate transactions, however, are subject to regulatory review and approval.

(b) A utility must charge an affiliate the higher of fully allocated costs or market price for all non-tariffed services and products purchased by the affiliate from the utility. Except, a utility may charge an affiliate less than fully allocated costs or market price if the charge is above incremental cost. If a utility charges less than fully allocated costs or market price, the utility must maintain documentation to support and justify how doing so benefits regulated operations. If a utility charges less than market price, the utility must notify the Commission Clerk in writing within 30 days of the utility initiating, or changing any of the terms or conditions, for the provision of a product or service. In the case of products or services currently being provided, a utility must notify the Division within 30 days of the rule's effective date.

(c) When a utility purchases services and products from an affiliate and applies the cost to regulated operations, the utility shall apportion to regulated operations the lesser of fully allocated costs or market price. Except, a utility

[22] https://www.flrules.org/gateway/ruleno.asp?id=25-6.1351

may apportion to regulated operations more than fully allocated costs if the charge is less than or equal to the market price. If a utility apportions to regulated operations more than fully allocated costs, the utility must maintain documentation to support and justify how doing so benefits regulated operations and would be based on prevailing price valuation.

(d) When an asset used in regulated operations is transferred from a utility to a nonregulated affiliate, the utility must charge the affiliate the greater of market price or net book value. Except, a utility may charge the affiliate either the market price or net book value if the utility maintains documentation to support and justify that such a transaction benefits regulated operations. When an asset to be used in regulated operations is transferred from a nonregulated affiliate to a utility, the utility must record the asset at the lower of market price or net book value. Except, a utility may record the asset at either market price or net book value if the utility maintains documentation to support and justify that such a transaction benefits regulated operations. An independent appraiser must verify the market value of a transferred asset with a net book value greater than $1,000,000. If a utility charges less than market price, the utility must notify the Commission Clerk in writing within 30 days of the transfer.

(e) Each affiliate involved in affiliate transactions must maintain all underlying data concerning the affiliate transaction for at least three years after the affiliate transaction is complete. This paragraph does not relieve a regulated affiliate from maintaining records under otherwise applicable record retention requirements.

(4) Cost Allocation Principles.

(a) Utility accounting records must show whether each transaction involves a product or service that is regulated or nonregulated. A utility that identifies these transactions by the use of subaccounts meets the requirements of this paragraph.

(b) Direct costs shall be assigned to each non-tariffed service and product provided by the utility.

(c) Indirect costs shall be distributed to each non-tariffed service and product provided by the utility on a fully allocated cost basis. Except, a utility may distribute indirect costs on an incremental or market basis if the utility can demonstrate that its ratepayers will benefit. If a utility distributes indirect costs on less than a fully allocated basis, the utility must maintain documentation to support doing so.

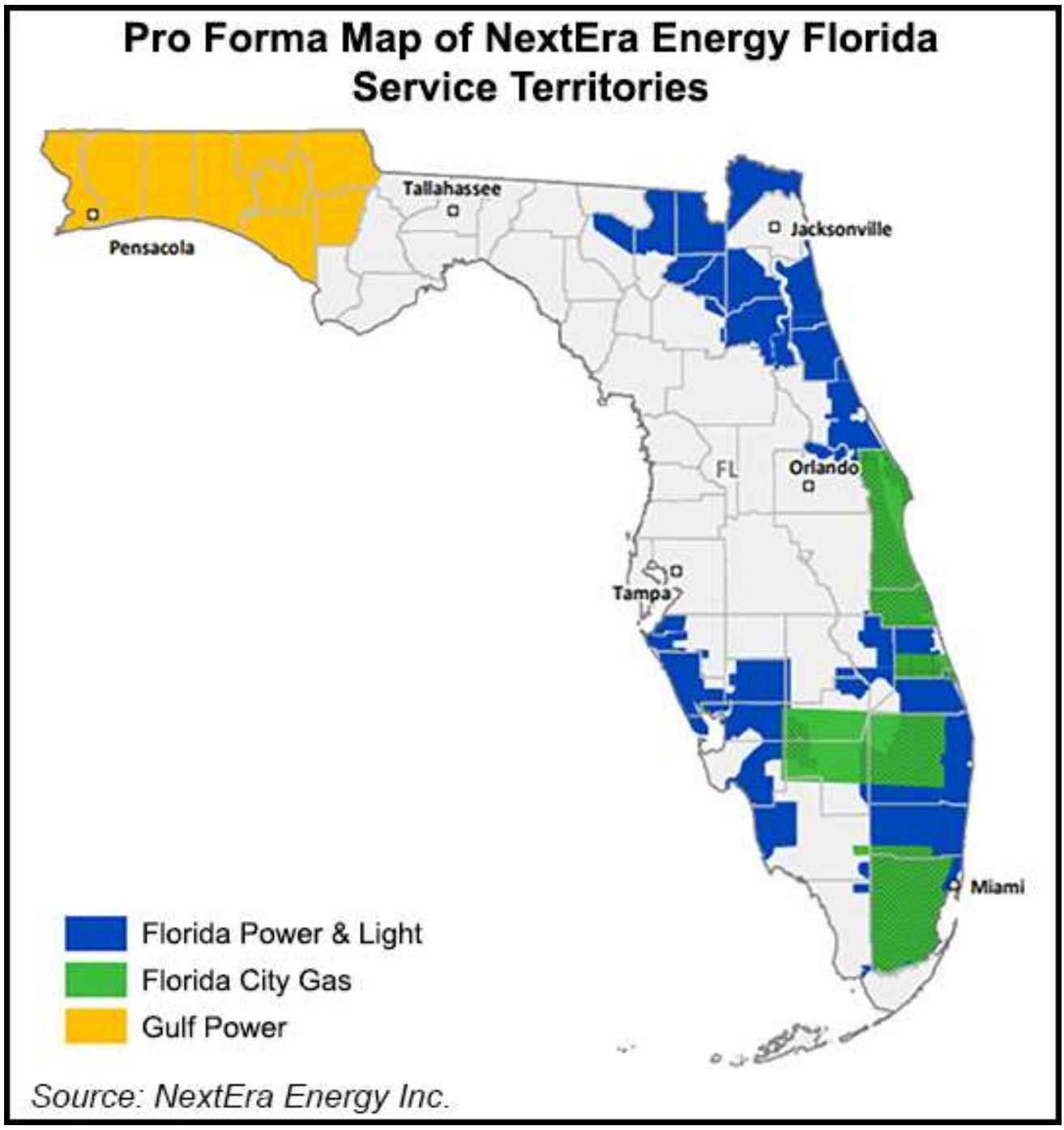
(d) Each utility must maintain a listing of revenues and expenses for all non-tariffed products and services.

(5) Reporting Requirements. Each utility shall file information concerning its affiliates, affiliate transactions, and nonregulated activities on Form PSC/AFD/101 (3/04) which is incorporated by reference into Rule 25-6.135, F.A.C. Form PSC/AFD/101, entitled “Annual Report of Major Electric Utilities,” may be obtained from the Commission’s Division of Accounting and Finance.

(6) Cost Allocation Manual. Each utility involved in affiliate transactions or in nonregulated activities must maintain a Cost Allocation Manual (CAM). The CAM must be organized and indexed so that the information contained therein can be easily accessed.

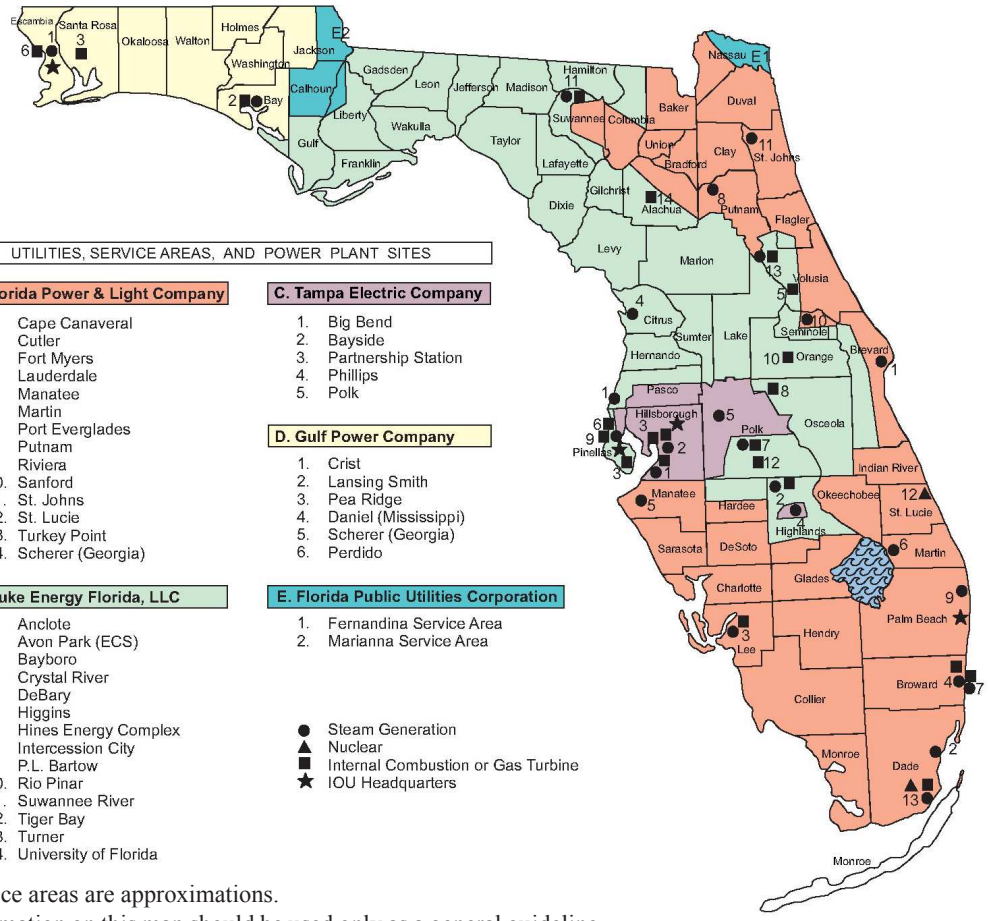
Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 350.115, 366.04(2)(a), (f), 366.041(1), 366.05(1), (2), (9), 366.06(1), 366.093(1) FS. History–New 12-27-94, Amended 12-11-00, 3-30-04.

NEXTERA ENERGY SERVICE AREAS



FLORIDA UTILITIES MAP

Investor-Owned Electric Utilities
Approximate Company Service Areas



UTILITIES, SERVICE AREAS, AND POWER PLANT SITES

A. Florida Power & Light Company

1. Cape Canaveral
2. Cutler
3. Fort Myers
4. Lauderdale
5. Manatee
6. Martin
7. Port Everglades
8. Putnam
9. Riviera
10. Sanford
11. St. Johns
12. St. Lucie
13. Turkey Point
14. Scherer (Georgia)

B. Duke Energy Florida, LLC

1. Anclote
2. Avon Park (ECS)
3. Bayboro
4. Crystal River
5. DeBary
6. Higgins
7. Hines Energy Complex
8. Intercession City
9. P.L. Bartow
10. Rio Pinar
11. Suwannee River
12. Tiger Bay
13. Turner
14. University of Florida

C. Tampa Electric Company

1. Big Bend
2. Bayside
3. Partnership Station
4. Phillips
5. Polk

D. Gulf Power Company

1. Crist
2. Lansing Smith
3. Pea Ridge
4. Daniel (Mississippi)
5. Scherer (Georgia)
6. Perdido

E. Florida Public Utilities Corporation

1. Fernandina Service Area
2. Marianna Service Area

- ● Steam Generation
- ▲ Nuclear
- ■ Internal Combustion or Gas Turbine
- ★ IOU Headquarters

Service areas are approximations.
Information on this map should be used only as a general guideline.
For more detailed information, contact individual utilities.

Source:
Florida Public Service Commission

Additional information about Florida's investor-owned electric utilities is available from:
FPSC's *Statistics of the Florida Electric Utility Industry*, October 2015
http://www.floridapsc.com/Files/PDF/Publications/Reports/Electricgas/Statistics/2014.pdf

Explanation:

This legislation will ensure that utility companies are complying with both the letter and spirit of the law in Florida that protects Florida's citizens and ratepayers from improper business practices designed to enrich the non-regulated business of utility companies by use of ratepayer funds and efforts to increase market share to stop fair competition that is in the best interest of the consumer.

Regulated utility companies are not permitted to use ratepayer funds to further a company's non-regulated business ventures. The reason for this is that not one cent required to be paid by a utility customer should be used to further the non-regulated business interests of a utility company and its shareholders. Funds for non-regulated business ventures should come from investors, not utility customers.

Regulated utility companies also should not be permitted to offer or engage in non-regulated services under the guise of the regulated utility that is known to be specifically regulated by the Florida Public Service Commission. Without very clear and unambiguous representation, a consumer may be led to believe that non-regulated products or services, such as water heaters or heating and air equipment and related installation, are backed by the added regulation and oversight of the Florida Public Service Commission. This is not speculation – this misrepresentation is made today.

Draft Legislation:

Chapter 366, Florida Statutes, Public Utilities

Section 366.____ is created to read:

Section 366.____ Public utility or electric utility prohibited from engaging in construction contracting services, exceptions, penalty.—

(1) A public utility or electric utility, as defined in s. 366.02, may not engage in construction contracting services, as defined in ch. 489, unless otherwise provided in subsection (7).

(2) No affiliate or utility contractor may use any facility, electronic processing or communication mechanism, public relations or marketing product or service, vehicle, service tool, instrument, employee, or any other public utility or electric utility asset, the cost of which is recoverable in the regulated rate for utility service, to engage in construction contracting services unless the public utility or electric utility is compensated for the use of such asset at cost to the public utility or electric utility.

(3) No affiliate or utility contractor may use or combine any bookkeeping, billing, customer billing, mailing, financing, collections, legal services, or insurance product or service procured or owned by a public utility or electric utility for any activity related to construction contracting.

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(4) A public utility or electric utility may not provide any affiliate or utility contractor with bookkeeping, billing, customer billing, mailing, financing, collections, legal services, or insurance product or service related to construction contracting, including service warranty or home warranty products or services under ch. 634 or construction liens under part I, ch. 713.

(5) A public utility or electric utility may not allow any affiliate or utility contractor to use or license any name, fictitious name, trade or service mark, logo, slogan, or branding of such public utility or electric utility to engage in construction contracting services.

(6) A public utility or electric utility may not engage in or assist any affiliate or utility contractor in engaging in construction contracting services in a manner which subsidizes the activities of such public utility, electric utility, affiliate or utility contractor to the extent of changing the rates or charges for the public utility's or electric utility's regulated services above or below the rates or charges that would be in effect if the public utility or electric utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

(7) Any affiliate or utility contractor engaged in construction contracting services shall maintain accounts, bookkeeping and records separate and distinct from the public utility or electric utility.

(8) The provisions of this section shall apply to any affiliate or utility contractor engaged in construction contracting services that is owned, controlled or under common control with a public utility or electric utility providing regulated utility service in this state or any other state.

(9) The provisions of this section shall not be construed to prohibit a public utility or electric utility from providing emergency service, providing any service required by law, providing any service exempt from construction contracting licensure under s. 489.103(5), or providing a program pursuant to an existing tariff, rule or order of the Commission.

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Explanation:

This legislation will ensure that utility companies are complying with both the letter and spirit of the law in Florida that protects Florida's citizens and ratepayers from improper business practices designed to enrich the non-regulated business of utility companies by use of ratepayer funds and efforts to increase market share to stop fair competition that is in the best interest of the consumer.

Regulated utility companies are not permitted to use ratepayer funds to further a company's non-regulated business ventures. The reason for this is that not one cent required to be paid by a utility customer should be used to further the non-regulated business interests of a utility company and its shareholders. Funds for non-regulated business ventures should come from investors, not utility customers.

Regulated utility companies also should not be permitted to offer or engage in non-regulated services under the guise of the regulated utility that is known to be specifically regulated by the Florida Public Service Commission. Without very clear and unambiguous representation, a consumer may be led to believe that non-regulated products or services, such as water heaters or heating and air equipment and related installation, are backed by the added regulation and oversight of the Florida Public Service Commission. This is not speculation – this misrepresentation is made today.

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(3) No affiliate or utility contractor may use or combine any bookkeeping, billing, customer billing, mailing, financing, collections, legal services, or insurance product or service procured or owned by a public utility or electric utility for any activity related to construction contracting.

AMERICAN OVERSIGHT

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(6) A public utility or electric utility may not engage in or assist any affiliate or utility contractor in engaging in construction contracting services in a manner which subsidizes the activities of such public utility, electric utility, affiliate or utility contractor to the extent of changing the rates or charges for the public utility's or electric utility's regulated services above or below the rates or charges that would be in effect if the public utility or electric utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

(7) Any affiliate or utility contractor engaged in construction contracting services shall maintain accounts, bookkeeping and records separate and distinct from the public utility or electric utility.

(8) The provisions of this section shall apply to any affiliate or utility contractor engaged in construction contracting services that is owned, controlled or under common control with a public utility or electric utility providing regulated utility service in this state or any other state.

(9) The provisions of this section shall not be construed to prohibit a public utility or electric utility from providing emergency service, providing any service required by law, providing any service exempt from construction contracting licensure under s. 489.103(5), or providing a program pursuant to an existing tariff, rule or order of the Commission.

AMERICAN OVERSIGHT

From: Thompson, Vanessa
Sent: Wednesday, October 02, 2019 9:17 AM EDT
To: Adrian Moore <adriantmoore@gmail.com>
Subject: MMJ
Attachment(s): "Brandes Adult Use.DOCX"

Hi Adrian!

I hope you're doing well. The bossman asked that I send our adult use bill your way to get your thoughts and then potentially talk through a taxing structure.

Please let me know if you need anything else from me, and I look forward to talking to/seeing you soon!

Best,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

AMERICAN OVERSIGHT

By Senator Brandes

24-00500-19 20191322__

A bill to be entitled

An act relating to the availability of marijuana for ~~medical~~adult use; amending s. 381.986, F.S.; redefining the term "medical use" to include the possession, use, or administration of marijuana in a form for smoking; conforming a provision to changes made by the act; revising provisions related to the licensure of and functions of medical marijuana treatment centers (MMTCs); requiring the Department of Health to adopt by rule certain operating standards and procedures; requiring the department to adopt by rule a certain MMTC registration form; specifying registration requirements, including the submission of a specified performance and compliance bond that may be forfeited for failure to comply with certain provisions; requiring an applicant for an MMTC to submit registration forms for certain principals, employees, and contractors listed on the application; prohibiting the department from registering an applicant as an MMTC until such principals, employees, and contractors are registered and issued MMTC employee identification cards; providing for expiration of an MMTC registration; specifying that a registered MMTC must obtain separate operating licenses for the cultivation, processing, dispensing, and transportation of marijuana; specifying application requirements for an MMTC to obtain cultivation licenses and processing licenses; providing for the expiration of and renewal of such

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licenses; specifying that an MMTC facility must obtain a facility permit before cultivating or processing marijuana; authorizing an MMTC licensed to cultivate or process marijuana to use contractors to assist with the cultivation and with the processing of marijuana under certain conditions; providing for the destruction of marijuana byproducts within a specified timeframe after their production; providing requirements for the cultivation and for the processing of marijuana; removing the requirement that each MMTC produce and make available for purchase at least one low-THC cannabis product; removing tetrahydrocannabinol limits for edibles; requiring a licensed processing MMTC to test marijuana before it is sold or dispensed; providing marijuana packaging requirements; providing application requirements for an MMTC to obtain a retail license; providing for the expiration of and renewal of such licenses; requiring an MMTC to obtain a facility permit before dispensing and before storing marijuana; prohibiting onsite consumption of or administration of marijuana at a dispensary facility; providing requirements for the dispensing of marijuana; deleting a provision prohibiting an MMTC from dispensing or selling specified products; providing application requirements for an MMTC to obtain a transportation license; providing marijuana transportation requirements; providing a process for the issuance and cancellation of vehicle permits; requiring that each permitted

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vehicle be GPS-monitored; specifying that a permitted vehicle is subject to inspection and search without a search warrant by specified persons when transporting marijuana; authorizing an MMTC licensed to transport marijuana and marijuana delivery devices to deliver or contract for the delivery of marijuana to other MMTCs and to qualified patients and caregivers within this state; requiring a person delivering marijuana and a marijuana delivery device to a qualified patient or his or her caregiver to verify the identity of the qualified patient; establishing that a county or municipality may not prohibit deliveries of marijuana to qualified patients and caregivers within the county or municipality; requiring the department to adopt certain rules for the delivery of marijuana; providing for the permitting of cultivation, processing, dispensary, and storage facilities; requiring the department to adopt by rule a facility permit application form; requiring the department to issue or deny a facility permit within a specified timeframe; providing for the expiration of facility permits; requiring the department to inspect a facility for compliance before the renewal of a facility permit; requiring an MMTC to cease applicable operations if a facility's permit expires or is revoked; requiring cultivation facilities and processing facilities to be insured with specified hazard and liability insurance; providing cultivation facility and processing facility requirements; preempting to the state all matters

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FL-SEN-20-0201-B, 20-0202-A-005241

regarding the permitting and regulation of cultivation facilities and processing facilities; requiring dispensary facilities and storage facilities to be insured with specified hazard and liability insurance; providing dispensary facility and storage facility requirements; clarifying that a county or a municipality may prohibit a dispensary facility from being located in its jurisdiction, but may not prohibit a licensed retail MMTC or its permitted storage facility from being located in such county's or municipality's jurisdiction if the MMTC is delivering marijuana to qualifying patients; prohibiting the department from issuing a facility permit for a dispensary facility in a county or municipality that adopts a certain ordinance; authorizing a county or municipality to levy a local tax on a dispensary facility; authorizing the department to adopt specified requirements by rule; requiring the department to adopt rules to administer the registration of certain MMTC principals, employees, and contractors by a specified date; requiring an MMTC to apply to the department for the registration of certain persons before hiring or contracting with any such person; requiring the department to adopt by rule a registration form that includes specified information; requiring the department to register persons who meet specified conditions and issue MMTC employee identification cards; requiring a registered person and the MMTC to

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update the department within a specified timeframe if the person's employment status changes; authorizing the department to contract with vendors to issue MMTC employee identification cards; requiring the department to inspect an MMTC and its facilities upon a complaint and to biennially inspect each permitted facility; authorizing the department to conduct additional inspections of a facility; conforming a provision to changes made by the act; establishing that each MMTC licensed by the department before a specified date may continue operations under s. 381.986, F.S. (2018), and any rules adopted thereunder until the department is able to register MMTCs and to issue operational licenses and facility permits under this act; requiring the department to register such licensed MMTC and issue it cultivation, processing, retail, and transportation licenses and the appropriate facility and vehicle permits as soon as practicable; providing for the expiration of such registration, operating licenses, and facility permits; providing an effective date.

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

Section 1. Paragraph (l) of subsection (2) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the

Commented [LD1]: New. This will allow medical marijuana to remain tax free while recreational marijuana will be taxed.

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storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(2) EXEMPTIONS; MEDICAL.—

(l) Marijuana and marijuana delivery devices, as defined in s. 381.986, are exempt from the taxes imposed under this chapter when purchased by a qualified patient or caregiver, as defined in s. 381.986.

Commented [LD2]: new.

Section 21. Paragraph (j) of subsection (1) and subsections (8), (9), (10), and (17) of section 381.986, Florida Statutes, are amended to read:

381.986 Medical use of marijuana.—

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

(j) "Medical use" means the acquisition, possession, use, delivery, transfer, or administration of marijuana authorized by a physician certification. The term does not include:

1. Possession, use, or administration of marijuana that was not purchased or acquired from a medical marijuana treatment center.

2. Possession, use, or administration of marijuana in ~~a form for smoking, in~~ the form of commercially produced food items other than edibles~~,~~ or of marijuana seeds ~~or flower, except for flower in a sealed, tamper-proof receptacle for vaping~~.

3. Use or administration of any form or amount of marijuana in a manner that is inconsistent with the qualified physician's directions or physician certification.

4. Transfer of marijuana to a person other than the qualified patient for whom it was authorized or the qualified

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patient's caregiver on behalf of the qualified patient.

5. Use or administration of marijuana in the following locations:

a. On any form of public transportation, except for low-THC cannabis.

b. In any public place, except for low-THC cannabis.

c. In a qualified patient's place of employment, except when permitted by his or her employer.

d. In a state correctional institution, as defined in s. 944.02, or a correctional institution, as defined in s. 944.241.

e. On the grounds of a preschool, primary school, or secondary school, except as provided in s. 1006.062.

f. In a school bus, a vehicle, an aircraft, or a motorboat, except for low-THC cannabis.

For the purposes of this subparagraph, the exceptions for low-THC cannabis do not include the smoking of low-THC cannabis.

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) ~~The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.~~

~~1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which~~

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~~meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017, and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).~~

~~2. The department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, under the following parameters:~~

~~a. As soon as practicable, but no later than August 1, 2017, the department shall license any applicant whose application was reviewed, evaluated, and scored by the department and which was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014; which had one or more administrative or judicial challenges pending as of January 1, 2017, or had a final ranking within one point of the highest final ranking in its region under former s. 381.986, Florida Statutes 2014; which meets the requirements of this section; and which provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating marijuana within 30 days after registration as a medical marijuana treatment center.~~

~~b. As soon as practicable, the department shall license one applicant that is a recognized class member of *Pigford v.*~~

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FL-SEN-20-0201-B, 20-0202-A-005246

~~*Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed under this sub-subparagraph is exempt from the requirement of subparagraph (b)2.~~

~~c. As soon as practicable, but no later than October 3, 2017, the department shall license applicants that meet the requirements of this section in sufficient numbers to result in 10 total licenses issued under this subparagraph, while accounting for the number of licenses issued under sub-subparagraphs a. and b.~~

~~3. For up to two of the licenses issued under subparagraph 2., the department shall give preference to applicants that demonstrate in their applications that they own one or more facilities that are, or were, used for the canning, concentrating, or otherwise processing of citrus fruit or citrus molasses and will use or convert the facility or facilities for the processing of marijuana.~~

~~4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.~~

~~5. Dispensing facilities are subject to the following requirements:~~

~~a. A medical marijuana treatment center may not establish~~

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~~or operate more than a statewide maximum of 25 dispensing facilities, unless the medical marijuana use registry reaches a total of 100,000 active registered qualified patients. When the medical marijuana use registry reaches 100,000 active registered qualified patients, and then upon each further instance of the total active registered qualified patients increasing by 100,000, the statewide maximum number of dispensing facilities that each licensed medical marijuana treatment center may establish and operate increases by five.~~

~~b. A medical marijuana treatment center may not establish more than the maximum number of dispensing facilities allowed in each of the Northwest, Northeast, Central, Southwest, and Southeast Regions. The department shall determine a medical marijuana treatment center's maximum number of dispensing facilities allowed in each region by calculating the percentage of the total statewide population contained within that region and multiplying that percentage by the medical marijuana treatment center's statewide maximum number of dispensing facilities established under sub-subparagraph a., rounded to the nearest whole number. The department shall ensure that such rounding does not cause a medical marijuana treatment center's total number of statewide dispensing facilities to exceed its statewide maximum. The department shall initially calculate the maximum number of dispensing facilities allowed in each region for each medical marijuana treatment center using county population estimates from the Florida Estimates of Population 2016, as published by the Office of Economic and Demographic Research, and shall perform recalculations following the official release of county population data resulting from each~~

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~~United States Decennial Census. For the purposes of this subparagraph:~~

~~(I) The Northwest Region consists of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.~~

~~(II) The Northeast Region consists of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee, and Union Counties.~~

~~(III) The Central Region consists of Brevard, Citrus, Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia Counties.~~

~~(IV) The Southwest Region consists of Charlotte, Collier, DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee, Okeechobee, and Sarasota Counties.~~

~~(V) The Southeast Region consists of Broward, Miami-Dade, Martin, Monroe, and Palm Beach Counties.~~

~~c. If a medical marijuana treatment center establishes a number of dispensing facilities within a region that is less than the number allowed for that region under sub-subparagraph b., the medical marijuana treatment center may sell one or more of its unused dispensing facility slots to other licensed medical marijuana treatment centers. For each dispensing facility slot that a medical marijuana treatment center sells, that medical marijuana treatment center's statewide maximum number of dispensing facilities, as determined under sub-subparagraph a., is reduced by one. The statewide maximum number~~

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~~of dispensing facilities for a medical marijuana treatment center that purchases an unused dispensing facility slot is increased by one per slot purchased. Additionally, the sale of a dispensing facility slot shall reduce the seller's regional maximum and increase the purchaser's regional maximum number of dispensing facilities, as determined in sub-subparagraph b., by one for that region. For any slot purchased under this sub-subparagraph, the regional restriction applied to that slot's location under sub-subparagraph b. before the purchase shall remain in effect following the purchase. A medical marijuana treatment center that sells or purchases a dispensing facility slot must notify the department within 3 days of sale.~~

~~d. This subparagraph shall expire on April 1, 2020.~~

~~If this subparagraph or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end, the provisions of this subparagraph are severable.~~

~~(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The~~

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FL-SEN-20-0201-B, 20-0202-A-005250

~~department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:~~

~~1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.~~

~~2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.~~

~~3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.~~

~~4. The ability to secure the premises, resources, and~~

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~~personnel necessary to operate as a medical marijuana treatment center.~~

~~5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.~~

~~6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.~~

~~7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.~~

~~a. Upon approval, the applicant must post a $5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a $2 million performance bond.~~

~~b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the~~

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FL-SEN-20-0201-B, 20-0202-A-005252

~~administration of this section.~~

~~8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).~~

~~9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.~~

~~10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:~~

~~a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;~~

~~b. Efforts to recruit minority persons and veterans for employment; and~~

~~c. A record of contracts for services with minority business enterprises and veteran business enterprises.~~

~~(c) A medical marijuana treatment center may not make a wholesale purchase of marijuana from, or a distribution of marijuana to, another medical marijuana treatment center, unless the medical marijuana treatment center seeking to make a wholesale purchase of marijuana submits proof of harvest failure to the department.~~

~~(d)~~ *Department responsibilities.*—The department shall:

1. Adopt by rule:

a. Operating standards for the cultivation, processing, packaging, and labeling of marijuana;

b. Standards for the sale of marijuana; and

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c. Procedures and requirements for:

(I) The registration and registration renewal of medical marijuana treatment centers (MMTCs);

(II) The issuance and renewal of cultivation, processing, retail, and transportation operating licenses;

(III) The issuance and renewal of cultivation, processing, dispensary, and storage facility permits and of vehicle permits;

(IV) The registration of all principals, employees, and contractors of an MMTC who will participate in the operations of the MMTC; and

(V) The issuance of MMTC employee identification cards to registered principals, employees, and contractors of MMTCs.

2. Establish, maintain, and control a computer software tracking system that traces marijuana from seed to sale and allows real-time, 24-hour access by the department to data from all MMTCs ~~medical marijuana treatment centers~~ and marijuana testing laboratories. The tracking system must allow for integration of other seed-to-sale systems and, at a minimum, include notification of when marijuana seeds are planted, when marijuana plants are harvested and destroyed, and when marijuana is transported, sold, stolen, diverted, or lost. Each MMTC must ~~medical marijuana treatment center shall~~ use the seed-to-sale tracking system established by the department or integrate its own seed-to-sale tracking system with the seed-to-sale tracking system established by the department. Each MMTC ~~medical marijuana treatment center~~ may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system. The department may contract with a vendor to establish the seed-to-sale tracking system. The vendor selected by the department

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may not have a contractual relationship with the department to perform any services pursuant to this section other than the seed-to-sale tracking system. The vendor may not have a direct or indirect financial interest in an MMTC ~~a medical marijuana treatment center~~ or a marijuana testing laboratory.

(b) *Registration.*—

1. The department shall adopt by rule an MMTC registration form that must, at a minimum, require an applicant to provide:

a. Its full legal name;

b. The physical address of each location where it will apply for a facility permit to cultivate, process, dispense, or store marijuana;

c. The name, address, and date of birth of its principals;

d. The name, address, and date of birth of its current employees and contractors who will participate in the operations of the MMTC; and

e. The operation or operations in which it intends to engage, which may include one or more of the following:

(I) Cultivation.

(II) Processing.

(III) Retail.

(IV) Transportation.

2. To be registered as an MMTC, an applicant must submit to the department:

a. The applicant's completed registration form;

b. Personnel registration forms, as described in subsection (9), for all principals, employees, and contractors listed on the applicant's registration form who will participate in the operations of the MMTC. The department may not register the

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applicant as an MMTC until all principals, employees, and contractors listed on the applicant's registration form have registered with the department and are issued MMTC employee identification cards;

c. Proof that all principals listed on the applicant's registration form who will not participate in the operations of the MMTC have passed a level 2 background screening pursuant to chapter 435 within the previous year;

d. Proof that the MMTC has the capability to comply with seed-to-sale tracking system requirements;

e. Proof of the applicant's financial ability to maintain operations for the duration of the registration; and

f. A $1 million performance and compliance bond, to be forfeited if the MMTC fails to comply with:

(I) Registration requirements in this subsection during the registration period; or

(II) Material requirements of this section which are applicable to the functions the applicant intends to perform, as indicated on the registration form.

3. A registration expires 2 years after the date issued.

4. An MMTC must obtain an operating license for each operation it will perform. Registration as an MMTC is not sufficient to cultivate, process, dispense, or transport marijuana.

(c) *Cultivation licenses and processing licenses.*—

1. A registered MMTC may apply for a cultivation license, a processing license, or both. When applying, the MMTC must provide the department, at a minimum, all of the following:

a. A completed cultivation license or processing license

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application form.

b. The physical address of each location where marijuana will be cultivated, processed, or stored.

c. Proof of an established infrastructure or the ability to establish an infrastructure in a reasonable amount of time which is designed for cultivation, processing, testing, packaging, and labeling marijuana and to maintain the infrastructure's security and prevent the theft or diversion of any marijuana, as applicable to the license or licenses requested.

d. Proof that the applicant possesses the technical and technological ability to cultivate and test marijuana or process and test marijuana, as applicable to the license or licenses requested.

e. Proof of operating procedures designed to secure and maintain accountability for all marijuana and marijuana-related byproducts that come into the applicant's possession, and to comply with the required seed-to-sale tracking system.

2. Cultivation licenses and processing licenses expire 2 years after the date issued. In order to renew a license, the licensee must meet all of the requirements for initial licensure; must provide all of the documentation required under subparagraph 1.; and must not have any uncorrected substantial violations of the standards adopted by department rule for the cultivation, processing, testing, packaging, and labeling of marijuana.

3. Before beginning cultivation or processing at any location, the licensee must obtain a facility permit from the department for that location pursuant to paragraph (g).

4. Licensees under this subsection may use contractors to

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assist with the cultivation or processing of marijuana, as applicable, but the licensee is ultimately responsible for all of the operations performed by each contractor relating to the cultivation or processing of marijuana and is responsible for the physical possession of all marijuana. All work done by a contractor must be performed at a location with a facility permit issued by the department. All principals and employees of contractors who participate in the operations of the licensee must be registered with the department and issued MMTC employee identification cards.

5. All marijuana byproducts that cannot be processed or that cannot be reprocessed must be destroyed by the cultivation licensee or processing licensee or its contractor within 30 days after the production of the byproducts.

6. Licensees under this subsection may wholesale marijuana only to other registered MMTCs.

7. Transportation or delivery of marijuana outside of the property owned by a licensee under this subsection may be performed only by an MMTC that holds a transportation license issued pursuant to paragraph (f).

~~(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A~~

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~~licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.~~

~~1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana treatment center. To accommodate a change in ownership:~~

~~a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.~~

~~b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days before the~~

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~~date of change of ownership.~~

~~c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.~~

~~d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application shall be deemed incomplete and shall be withdrawn from further consideration and the fees shall be forfeited.~~

~~Within 30 days after the receipt of a complete application, the department shall approve or deny the application.~~

~~2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.~~

~~3. A medical marijuana treatment center may not enter into any form of profit-sharing arrangement with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.~~

~~4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9).~~

~~5. Each medical marijuana treatment center must adopt and~~

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~~enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.~~

8.~~6.~~ When growing marijuana, a licensed cultivation MMTC ~~medical marijuana treatment center~~:

a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

b. Must grow marijuana within an enclosed permitted cultivation facility ~~structure~~ and in a room separate from any other plant.

c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.

d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

~~7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.~~

9.~~8.~~ An MMTC ~~A medical marijuana treatment center~~ that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. ~~Edibles may not contain more than 200 milligrams of~~

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~~tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles may have a potency variance of no greater than 15 percent. Edibles may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. MMTCs ~~Medical marijuana treatment centers~~ may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

~~9. Within 12 months after licensure, a medical marijuana treatment center must demonstrate to the department that all of its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection until it demonstrates to the department that such facility has met this requirement.~~

10. When processing marijuana, a licensed processing MMTC ~~medical marijuana treatment center~~ must:

a. Process the marijuana within an enclosed permitted processing facility ~~structure~~ and in a room separate from other plants or products.

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b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans. The department shall determine by rule the requirements for MMTCs ~~medical marijuana treatment centers~~ to use such solvents or gases exhibiting potential toxicity to humans.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

d. Test the processed marijuana using a medical marijuana testing laboratory before it is sold or dispensed. Results must be verified and signed by two MMTC ~~medical marijuana treatment center~~ employees. Before dispensing, the MMTC ~~medical marijuana treatment center~~ must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human

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consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select a random sample from edibles available for purchase in a dispensing facility which shall be tested by the department to determine that the edible meets the potency requirements of this section, is safe for human consumption, and the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate. An MMTC ~~A medical marijuana treatment center~~ may not require payment from the department for the sample. An MMTC ~~A medical marijuana treatment center~~ must recall edibles, including all edibles made from the same batch of marijuana, which fail to meet the potency requirements of this section, which are unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The MMTC ~~medical marijuana treatment center~~ must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. The MMTC ~~medical marijuana treatment center~~ must contract with a marijuana testing laboratory to perform audits on the MMTC's ~~medical marijuana treatment center's~~ standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. An MMTC ~~A medical marijuana treatment center~~ shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. An MMTC ~~A medical~~

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~~marijuana treatment center~~ may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification~~, but in no event later than July 1, 2018~~.

e. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

f. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

(I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.

(II) The name of the MMTC ~~medical marijuana treatment center~~ from which the marijuana originates.

(III) The batch number and harvest number from which the marijuana originates and the date sold or dispensed.

~~(IV) The name of the physician who issued the physician certification.~~

~~(V) The name of the patient.~~

(IV) ~~(VI)~~ The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products marketed by or to children.

(V) ~~(VII)~~ The recommended dose.

(VI) ~~(VIII)~~ A warning that it is illegal to transfer medical marijuana to another person.

(VII) ~~(IX)~~ A marijuana universal symbol developed by the department.

11. The MMTC that packages the marijuana ~~medical marijuana treatment center~~ shall include in each package a patient package

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insert with information on the specific product dispensed related to:

a. Clinical pharmacology.

b. Indications and use.

c. Dosage and administration.

d. Dosage forms and strengths.

e. Contraindications.

f. Warnings and precautions.

g. Adverse reactions.

12. Each edible shall be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. Where practical, each edible shall be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs 10. and 11., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the MMTC's ~~medical marijuana treatment center's~~ department-approved logo and the marijuana universal symbol. The receptacle must also include a list all of the edible's ingredients, storage instructions, an expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

(d) *Retail licenses.*—

1. A registered MMTC may apply for a retail license. When applying, the MMTC must provide the department, at a minimum, all of the following:

a. A completed retail license application form.

b. A statement by the applicant indicating whether the applicant intends to dispense by delivery. A retail licensee may

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not deliver marijuana without also obtaining a transportation license pursuant to paragraph (f).

c. The physical address of each location where marijuana will be dispensed or stored.

d. Identifying information for all other current or previous retail licenses held by the applicant or any of the applicant's principals.

e. Proof of operating procedures designed to secure and maintain accountability for all marijuana that the applicant receives and possesses; to ensure that the allowed amount of marijuana and the specified type of marijuana is correctly dispensed to a qualified patient or his or her caregiver pursuant to a physician certification; and to monitor the medical marijuana patient registry and electronically update the registry with dispensing information.

2. A retail license expires 2 years after the date it is issued. The retail licensee must apply for a renewed license before the expiration date. In order to renew a license, a retail licensee must meet all of the requirements for initial licensure; must provide all of the documents required under paragraph (a); and must not have any outstanding substantial violations of the applicable standards adopted by department rule.

3. Before beginning to dispense or store marijuana, the licensee must obtain a facility permit from the department for each location where marijuana will be dispensed or stored. If a facility's permit expires or is suspended or revoked, the MMTC must cease all applicable operations at that facility until the department inspects the facility and renews or reinstates the

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facility's permit.

4. A dispensary facility may not repackage or modify marijuana that has already been packaged for dispensary sale by a cultivation licensee or processing licensee, unless the repackaging is of unprocessed marijuana and is done in accordance with instructions from the cultivator and such repackaging is documented in the required seed-to-sale tracking system.

5. A retail licensee may contract with an MMTC that has a transportation license to transport marijuana between properties owned by the retail licensee, to deliver the marijuana ~~to the residence of a qualified patient~~, and to pick up returns of marijuana.

6. Onsite consumption or administration of marijuana at a dispensary facility is prohibited.

7.~~13.~~ When dispensing marijuana or a marijuana delivery device, a licensed retail MMTC ~~medical marijuana treatment center~~:

a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

b. May not dispense more than a 70-day supply of marijuana ~~to a qualified patient or caregiver~~.

c. Must have the MMTC's ~~medical marijuana treatment center's~~ employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.

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d. Unless dispensing pursuant to s. 381.990, ~~M~~must verify that the qualified patient and the caregiver, if applicable, each have an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.

e. Unless dispensing pursuant to s. 381.990, ~~M~~must label the marijuana or the marijuana delivery device with the name of the physician who issued the physician certification and the name of the patient for whom the certification was issued before it is dispensed.

f.~~e.~~ May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.

g. May sell marijuana to an adult 21 years of age or older pursuant to s. 381.990. When selling marijuana pursuant to s. 381.990, the employee selling the marijuana must determine that the appearance of the buyer is such that a prudent person would believe the buyer to be 21 years of age or older or must carefully check the buyer's driver license, identification card issued by this state or another state of the united states, passport, or United States Armed Services identification card to determine the buyer's age. Prior to selling marijuana pursuant to this sub-subparagraph, an MMTC must be authorized to make such sales by the Department of Business and Professional Regulation. In order to obtain such authorization an MMTC must

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demonstrate: XXXXXXX.

hg.~~f.~~ May not dispense or sell any ~~other type of cannabis,~~ alcohol~~,~~ or illicit drug-related product~~, including pipes, bongs, or wrapping papers, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification~~.

ih.~~g.~~ Must, upon dispensing the marijuana or marijuana delivery device to a qualified patient or caregiver, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

ji.~~h.~~ Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized MMTC ~~medical marijuana treatment center~~ employees.

(e)~~(f)~~ *Security.*—To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, an MMTC ~~a medical marijuana treatment center~~ shall:

1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; and

b. Maintain a video surveillance system that records continuously 24 hours a day and meets the following criteria:

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(I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms.

(II) Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points.

(III) Recorded images must clearly and accurately display the time and date.

(IV) Retain video surveillance recordings for at least 45 days or longer upon the request of a law enforcement agency.

2. Ensure that the MMTC's ~~medical marijuana treatment center's~~ outdoor premises have sufficient lighting from dusk until dawn.

3. Ensure that the indoor premises where dispensing occurs includes a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and area where dispensing occurs. An MMTC ~~A medical marijuana treatment center~~ may not display products or dispense marijuana or marijuana delivery devices in the waiting area.

4. Not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.

5. Store marijuana in a secured, locked room or a vault.

6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the

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premises at all times where cultivation, processing, or storing of marijuana occurs.

7. Require each employee or contractor to wear a photo identification badge at all times while on the premises.

8. Require each visitor to wear a visitor pass at all times while on the premises.

9. Implement an alcohol and drug-free workplace policy.

10. Report to local law enforcement within 24 hours after the MMTC ~~medical marijuana treatment center~~ is notified or becomes aware of the theft, diversion, or loss of marijuana.

(f) *Transportation licenses; vehicle permits.*—

1. A registered MMTC may apply for a transportation license. When applying, the MMTC must provide the department, at a minimum, all of the following:

a. The physical address of the MMTC's place of business.

b. Proof of a documentation system in accordance with the required seed-to-sale tracking system, including transportation manifests, for transporting marijuana between licensed facilities and to qualified patients.

c. Proof of health and sanitation standards for the transportation of marijuana.

d. Proof that all marijuana transported between licensed facilities will be transported in tamper-evident shipping containers.

2. Marijuana may not be transported on the property of an airport, a seaport, a spaceport, or any property of the Federal Government.

3. A transportation licensee may transport marijuana and marijuana delivery devices only in a vehicle that is owned or

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leased by the licensee or a contractor of the licensee and for which a valid vehicle permit has been issued by the department.

4. A vehicle permit may be obtained by an MMTC holding a transportation license upon submission of an application. The MMTC must designate as the driver for each permitted vehicle an employee or contracted employee who is registered with the department and who is authorized to possess marijuana when not on the property of the MMTC. Such designation must be displayed in the vehicle at all times. Each permitted vehicle must be GPS-monitored. A vehicle permit remains valid and does not expire unless the MMTC or its contractor disposes of the permitted vehicle or the MMTC's registration or transportation license is transferred, canceled, not renewed, or revoked by the department. The department shall cancel a vehicle permit upon the request of the MMTC or its contractor.

5. When transporting marijuana, a permitted vehicle is subject to inspection and search without a search warrant by authorized employees of the department, sheriffs, deputy sheriffs, police officers, or other law enforcement officers to determine that the MMTC is operating in compliance with this section.

6. An MMTC with a transportation license may deliver, or contract for the delivery of, marijuana and marijuana delivery devices to other MMTCs, ~~and~~ to qualified patients and caregivers within this state, and to adults over the age of 21 within this state. When delivering to a qualified patient or caregiver, an MMTC or its contractor must verify the identity of the qualified patient upon placement of the delivery order and again upon delivery. When delivering marijuana to an adult age 21 or older,

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the an MMTC or its contractor must verify the age of the buyer upon placement of the order and again upon delivery. In order to verify the age of the buyer, the MMTC must determine that the appearance of the buyer is such that a prudent person would believe the buyer to be 21 years of age or older or must carefully check the buyer's driver license, identification card issued by this state or another state of the united states, passport, or United States Armed Services identification card to determine the buyer's age. Deliveries may only be made to the same qualified patient who placed the order or his or her caregiver. A county or municipality may not prohibit deliveries of marijuana and marijuana delivery devices to qualified patients within the county or municipality. The department shall adopt rules specific to the delivery of marijuana ~~to qualified patients and caregivers~~. Such rules must include:

a. Procedures for verifying the age and identity of the person submitting and receiving a delivery, as appropriate, including required training for delivery personnel; and

b. A maximum dispensary value for all marijuana and currency that may be in the possession of a registered MMTC employee or contractor while he or she makes a delivery. The value established by rule may not be less than $5,000.

7. Licensees under this subsection may use contractors to assist with the transportation of marijuana, but the licensee is ultimately responsible for all of the actions and operations of each contractor relating to the transportation of marijuana and must know the location of all marijuana at all times. All principals and employees of contractors contracted by a licensee under this subsection who will participate in the operations of

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the licensee must be registered with the department and issued MMTC employee identification cards.

(g) *Facility permits.*—

1. Before cultivating, processing, dispensing, or storing marijuana at any location, an MMTC must apply to the department for the applicable facility permit for that facility. The department must adopt by rule an application form. Upon receiving a request for a permit from a licensee, the department shall inspect the facility for compliance with this section and rules adopted hereunder, and, upon a determination of compliance, shall issue a permit to the facility. The department must issue or deny the facility permit within 30 days after receiving the request for a permit.

2. A facility permit expires 2 years after the date it is issued. Each facility must be inspected by the department for compliance with this section and rules adopted hereunder before the facility's permit is renewed.

3. If a facility permit expires or is suspended or revoked, the MMTC must cease all applicable operations at that facility until the department inspects the facility and renews or reinstates the facility's permit.

4. Cultivation facilities and processing facilities must be:

a. Insured with at least $1 million of hazard and liability insurance per location; and

b. Secure, closed to the public, and unless an ordinance allows the facility to be located within 1,000 feet, be located at least 1,000 feet away from any existing public or private elementary or secondary school, a child care facility as defined

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in s. 402.302, or a licensed service provider offering substance abuse services.

5. All matters regarding the permitting and regulation of cultivation facilities and processing facilities, including the location of such facilities, are preempted to the state.

6. Dispensary facilities and storage facilities must be:

a. Insured with at least $500,000 of hazard and liability insurance for each facility where marijuana is dispensed or stored; and

b. Located at least 1,000 feet away from any existing public or private elementary or secondary school, child care facility as defined in s. 402.302, or licensed service provider offering substance abuse services.

7. The governing body of a county or municipality may, by ordinance, prohibit or limit the number of dispensary facilities ~~from being~~ located within its jurisdiction but may not prohibit an MMTC with a retail license or its permitted storage facility from being located within its jurisdiction if the licensee is delivering or contracting to deliver marijuana ~~to qualifying patients~~ within the jurisdiction. The department may not issue a facility permit for a dispensary facility in a county or municipality where the board of county commissioners of that county or the city council or other legislative body of that municipality has adopted such an ordinance. A county or municipality may levy a local business tax on a dispensary facility. An ordinance adopted by a municipality or county pursuant to this paragraph may not:

a. Provide exclusive access to one or several individuals or entities to operate dispensary facilities within the

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jurisdiction.

b. Prohibit specific individuals or entities from operating a dispensary facility within the jurisdiction if the ordinance allows dispensary facilities to operate in the jurisdiction.

c. Prohibit the delivery of marijuana ~~to qualifying patients~~ within the jurisdiction by a properly licensed MMTC located within the jurisdiction.

8. The department may adopt by rule additional requirements for the permitting of cultivation, processing, dispensary, and storage facilities to ensure the sanitary, safe, and secure cultivation, processing, dispensing, storage, and sale of marijuana.

~~(g) To ensure the safe transport of marijuana and marijuana delivery devices to medical marijuana treatment centers, marijuana testing laboratories, or qualified patients, a medical marijuana treatment center must:~~

~~1. Maintain a marijuana transportation manifest in any vehicle transporting marijuana. The marijuana transportation manifest must be generated from a medical marijuana treatment center's seed-to-sale tracking system and include the:~~

~~a. Departure date and approximate time of departure.~~

~~b. Name, location address, and license number of the originating medical marijuana treatment center.~~

~~c. Name and address of the recipient of the delivery.~~

~~d. Quantity and form of any marijuana or marijuana delivery device being transported.~~

~~e. Arrival date and estimated time of arrival.~~

~~f. Delivery vehicle make and model and license plate number.~~

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~~g. Name and signature of the medical marijuana treatment center employees delivering the product.~~

~~(I) A copy of the marijuana transportation manifest must be provided to each individual, medical marijuana treatment center, or marijuana testing laboratory that receives a delivery. The individual, or a representative of the center or laboratory, must sign a copy of the marijuana transportation manifest acknowledging receipt.~~

~~(II) An individual transporting marijuana or a marijuana delivery device must present a copy of the relevant marijuana transportation manifest and his or her employee identification card to a law enforcement officer upon request.~~

~~(III) Medical marijuana treatment centers and marijuana testing laboratories must retain copies of all marijuana transportation manifests for at least 3 years.~~

~~2. Ensure only vehicles in good working order are used to transport marijuana.~~

~~3. Lock marijuana and marijuana delivery devices in a separate compartment or container within the vehicle.~~

~~4. Require employees to have possession of their employee identification card at all times when transporting marijuana or marijuana delivery devices.~~

~~5. Require at least two persons to be in a vehicle transporting marijuana or marijuana delivery devices, and require at least one person to remain in the vehicle while the marijuana or marijuana delivery device is being delivered.~~

~~6. Provide specific safety and security training to employees transporting or delivering marijuana and marijuana delivery devices.~~

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(h) *Advertising.*—An MMTC ~~A medical marijuana treatment center~~ may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:

1. An MMTC dispensary facility ~~The dispensing location of A medical marijuana treatment center~~ may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensary by the licensee's business name, a department-approved trade name, or a department-approved logo. An MMTC's ~~A medical marijuana treatment center's~~ trade name and logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana.

2. An MMTC ~~A medical marijuana treatment center~~ may engage in Internet advertising and marketing under the following conditions:

a. All advertisements must be approved by the department.

b. An advertisement may not have any content that specifically targets individuals under the age of 18, including cartoon characters or similar images.

c. An advertisement may not be an unsolicited pop-up advertisement.

d. Opt-in marketing must include an easy and permanent opt-out feature.

(i) *Online retail catalogs.*—Each retail MMTC ~~medical marijuana treatment center~~ that dispenses marijuana and marijuana delivery devices shall make available to the public on its website:

1. Each marijuana and low-THC product available for

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purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.

2. The price for a 30-day, 50-day, and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase.

3. The price for each marijuana delivery device available for purchase.

4. If applicable, any discount policies and eligibility criteria for such discounts.

(j) *Sourcing of marijuana for medical use.*—MMTCs ~~Medical marijuana treatment centers~~ are the sole source from which a qualified patient may legally obtain marijuana.

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(k) *Rulemaking.*—The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(9) MEDICAL MARIJUANA TREATMENT CENTER PERSONNEL; REGISTRATION; EMPLOYEE IDENTIFICATION CARDS.—

(a) By October 3, 2019, the department shall adopt rules to administer the registration of MMTC principals, employees, and contractors who participate in the operations of an MMTC. Before hiring or contracting with any individual who is not registered with the department or who does not possess a current MMTC employee identification card, an MMTC must submit to the department an application to register that person as an MMTC employee. The department shall adopt by rule a form for such applications which requires the applicant to provide all of the following:

1. His or her full legal name, social security number, date

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of birth, and home address.

2. A full-face, passport-type, color photograph of the applicant taken within the 90 days immediately preceding registration.

3. Proof that he or she has passed a level 2 background screening pursuant to chapter 435 within the previous year.

4. Whether the applicant will be authorized by the MMTC to possess marijuana while not on MMTC property.

(b) Once the department has received a completed application from an MMTC, the department shall register the principal, employee, or contractor associated with the MMTC and issue him or her an MMTC employee identification card that, at a minimum, includes all of the following:

1. The employee's name and the name of the MMTC that employs him or her.

2. The employee's photograph, as required under paragraph (a).

3. The expiration date of the card, which is 1 year after the date of its issuance.

4. Whether the employee is authorized by the MMTC to possess marijuana while not on MMTC property.

(c) If any information provided to the department for the registration of an MMTC principal, employee, or contractor or in the application for an MMTC employee identification card changes or if the registered person's employment status with the MMTC changes, the registered person and the MMTC must update the department with the new information or status within 7 days after the change.

(d) The department may contract with one or more vendors

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for the purpose of issuing MMTC employee identification cards under this subsection.

~~(9) BACKGROUND SCREENING.—An individual required to undergo a background screening pursuant to this section must pass a level 2 background screening as provided under chapter 435, which, in addition to the disqualifying offenses provided in s. 435.04, shall exclude an individual who has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to an offense under chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction.~~

~~(a) Such individual must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.~~

~~(b) Fees for state and federal fingerprint processing and retention shall be borne by the individual. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.~~

~~(c) Fingerprints submitted to the Department of Law Enforcement pursuant to this subsection shall be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification~~

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~~program. Any arrest record identified shall be reported to the department.~~

(10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS; ADMINISTRATIVE ACTIONS.—

~~(a) The department shall conduct announced or unannounced inspections of medical marijuana treatment centers to determine compliance with this section or rules adopted pursuant to this section.~~

(a) ~~(b)~~ The department shall inspect an MMTC and its facilities, as appropriate, ~~a medical marijuana treatment center~~ upon receiving a complaint or notice that the MMTC ~~medical marijuana treatment center~~ has dispensed marijuana containing mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.

(b) ~~(c)~~ The department shall conduct at least a biennial inspection of each MMTC ~~medical marijuana treatment center~~ to evaluate the MMTC's ~~medical marijuana treatment center's~~ records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(c) The department shall conduct at least a biennial inspection of each permitted facility. The department may conduct additional announced or unannounced inspections of a permitted facility within reasonable hours in order to ensure compliance with this section and rules adopted under this section.

(d) The Department of Agriculture and Consumer Services and the department shall enter into an interagency agreement to ensure cooperation and coordination in the performance of their obligations under this section and their respective regulatory

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and authorizing laws. The department, the Department of Highway Safety and Motor Vehicles, and the Department of Law Enforcement may enter into interagency agreements for the purposes specified in this subsection or subsection (7).

(e) The department shall publish a list of all approved MMTCs ~~medical marijuana treatment centers~~, medical directors, and qualified physicians on its website.

(f) The department may impose reasonable fines not to exceed $10,000 on an MMTC ~~a medical marijuana treatment center~~ for any of the following violations:

1. Violating this section or department rule.

2. Failing to maintain qualifications for approval.

3. Endangering the health, safety, or security of a qualified patient or adult purchasing marijuana pursuant to s. 381.990.

4. Improperly disclosing personal and confidential information of the qualified patient.

5. Attempting to procure MMTC ~~medical marijuana treatment center~~ approval by bribery, fraudulent misrepresentation, or extortion.

6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of an MMTC ~~a medical marijuana treatment center~~.

7. Making or filing a report or record that the MMTC ~~medical marijuana treatment center~~ knows to be false.

8. Willfully failing to maintain a record required by this section or department rule.

9. Willfully impeding or obstructing an employee or agent

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of the department in the furtherance of his or her official duties.

10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of an MMTC ~~a medical marijuana treatment center~~.

11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of an MMTC ~~a medical marijuana treatment center~~.

12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of an MMTC ~~a medical marijuana treatment center~~ suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.

13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

(g) The department may suspend, revoke, or refuse to renew an MMTC's registration, operating ~~a medical marijuana treatment center~~ license, and any vehicle permits or facility permits if the MMTC ~~medical marijuana treatment center~~ commits any of the violations in paragraph (f).

(h) the department shall refuse to renew the cultivation, processing, retail, or transportation license of an MMTC that has been issued such a license and has not to cultivate, process, dispense, or transport marijuana, respectively, by the date that the MMTC is required to renew such license.

(i) ~~(h)~~ The department may adopt rules pursuant to ss.

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120.536(1) and 120.54 to implement this subsection.

~~381.986 Medical use of marijuana.—~~

(12) PENALTIES.—

(a) A qualified physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the qualified physician issues a physician certification for the medical use of marijuana for a patient without a reasonable belief that the patient is suffering from a qualifying medical condition.

(b) A person who fraudulently represents that he or she has a qualifying medical condition to a qualified physician for the purpose of being issued a physician certification commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A qualified patient who uses marijuana, not including low-THC cannabis, or a caregiver who administers marijuana, not including low-THC cannabis, in plain view of or in a place open to the general public; in a school bus, a vehicle, an aircraft, or a boat; or on the grounds of a school except as provided in s. 1006.062, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A qualified patient or caregiver who cultivates marijuana or who purchases or acquires marijuana from any person or entity other than a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.

(e)1. A qualified patient or caregiver in possession of marijuana or a marijuana delivery device who fails or refuses to present his or her marijuana use registry identification card

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upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless it can be determined through the medical marijuana use registry that the person is authorized to be in possession of that marijuana or marijuana delivery device.

2. A person charged with a violation of this paragraph may not be convicted if, before or at the time of his or her court or hearing appearance, the person produces in court or to the clerk of the court in which the charge is pending a medical marijuana use registry identification card issued to him or her which is valid at the time of his or her arrest. The clerk of the court is authorized to dismiss such case at any time before the defendant's appearance in court. The clerk of the court may assess a fee of $5 for dismissing the case under this paragraph.

(f) A caregiver who violates any of the applicable provisions of this section or applicable department rules, for the first offense, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and, for a second or subsequent offense, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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(g) A qualified physician who issues a physician certification for marijuana or a marijuana delivery device and receives compensation from a medical marijuana treatment center related to the issuance of a physician certification for marijuana or a marijuana delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1)(n).

(h) A person transporting marijuana or marijuana delivery devices on behalf of a medical marijuana treatment center or

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marijuana testing laboratory who fails or refuses to present a transportation manifest upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(i) Persons and entities conducting activities authorized and governed by this section and s. 381.988 are subject to ss. 456.053, 456.054, and 817.505, as applicable.

(j) A person or entity that cultivates, processes, distributes, sells, or dispenses marijuana, as defined in s. 29(b)(4), Art. X of the State Constitution, and is not licensed as a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.

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(k) A person who manufactures, distributes, sells, gives, or possesses with the intent to manufacture, distribute, sell, or give marijuana or a marijuana delivery device that he or she holds out to have originated from a licensed medical marijuana treatment center but that is counterfeit commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term "counterfeit" means marijuana; a marijuana delivery device; or a marijuana or marijuana delivery device container, seal, or label which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a licensed medical marijuana treatment center and which thereby falsely purports or is represented to be the product of, or to have been distributed by, that licensed medical marijuana treatment facility.

(l) Any person who possesses or manufactures a blank, forged, stolen, fictitious, fraudulent, counterfeit, or

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otherwise unlawfully issued medical marijuana use registry identification card commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14) EXCEPTIONS TO OTHER LAWS.—

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(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's caregiver may purchase from a medical marijuana treatment center for the patient's medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than a 70-day supply of marijuana, or the greater of 4 ounces of marijuana in a form for smoking or an amount of marijuana in a form for smoking approved by the department pursuant to paragraph (4)(f), at any given time and all marijuana purchased must remain in its original packaging.

(b) Notwithstanding paragraph (a), s. 893.13, s. 893.135, s. 893.147, or any other provision of law, a qualified patient and the qualified patient's caregiver may purchase and possess a marijuana delivery device intended for the medical use of marijuana by smoking from a vendor other than a medical marijuana treatment center.

(c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved medical marijuana treatment center and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of marijuana or a marijuana delivery device as provided in this section, s. 381.988, s. 381.990, and by department rule. For the

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purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

(d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a certified marijuana testing laboratory, including an employee of a certified marijuana testing laboratory acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana as provided in this section, in s. 381.988, and by department rule.

(e) A licensed medical marijuana treatment center and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of marijuana or a marijuana delivery device, as provided in this section, in s. 381.988, and by department rule.

(f) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of marijuana or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

(g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section and pursuant to policies and procedures established pursuant to s. 1006.62(8), school personnel may possess marijuana that is obtained for medical use pursuant to this

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section by a student who is a qualified patient.

(h) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a research institute established by a public postsecondary educational institution, such as the H. Lee Moffitt Cancer Center and Research Institute, Inc., established under s. 1004.43, or a state university that has achieved the preeminent state research university designation under s. 1001.7065 may possess, test, transport, and lawfully dispose of marijuana for research purposes as provided by this section.

Section 3. Section 381.990 of the Florida Statutes is created to read:

381.990 Adult Use of Marijuana.-

(1) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law but subject to the requirements of this section an adult 21 years of age or older may purchase from a medical marijuana treatment center licensed for retail sale by the department pursuant to s. 381.986 and authorized for sale of marijuana for adult use by the Department of Business and Professional Regulation, possess, use, and transport up to a 70 day supply of marijuana or 2.5 ounces of marijuana in a form for smoking and one or more marijuana delivery devices, as defined in s. 381.986. This section does not authorize any person or entity other than a medical marijuana treatment center to cultivate or sell marijuana. Marijuana authorized by this section may not be used in any public place. This section does not limit the ability of a private property owner to restrict the use of marijuana on his or her private property.

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Section 3. This act shall take effect upon becoming a law.

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From: Lena Juarez <lena@jejassoc.com>
Sent: Wednesday, December 04, 2019 9:56 AM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>; Clemens, Clayton <Clayton.Clemens@myfloridahouse.gov>
Subject: Mobility 12.2.2019 ds.docx
Attachment(s): "Mobility 12.2.2019 ds.docx"

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24-00656D-20

A bill to be entitled

An act relating to electric vehicles; amending s. 316.003, F.S.; revising definitions; authorizing the Department of Transportation to adopt rules; amending s. 334.046, F.S.; revising the department's goals relating to mobility; creating s. 339.0802, F.S.; requiring that certain funds be used for specified purposes relating to the Electric Vehicle Infrastructure Grant Program, beginning in specified years; providing for future repeal of the requirement; creating s. 339.286, F.S.; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; providing the purpose of the program; providing for the distribution of grants to certain entities to install electric vehicle charging infrastructure; providing grant requirements; providing requirements for equipment installed using grant funds; providing criteria for the distribution of grants; requiring that the department continually review emerging research, policies, and standards; authorizing the department to develop a model plan for local governments; requiring the department to adopt rules; amending s. 366.94, F.S.; specifying that certain rules adopted by the Department of Agriculture and Consumer Services may not require specific methods of sale for electric vehicle charging equipment used in this state; providing effectives dates.

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

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Section 1. Subsections (2) and (55) of section 316.003, Florida Statutes, are amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes that meet the requirements of Federal Motor Vehicle Safety Standard No. 122, a steering ~~wheel~~ mechanism, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(55) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;

(b) Has a weight that does not exceed the maximum weight established by Department of Transportation rule ~~Weighs less than 80 pounds, excluding cargo~~;

(c) Has a maximum speed of 10 miles per hour or, if the Department of Transportation establishes by rule a maximum speed, has a speed that does not exceed that maximum; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a

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natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device. The Department of Transportation may adopt rules to implement this subsection.

Section 2. Paragraph (c) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(c) *Mobility.*—Ensuring a cost-effective, statewide, interconnected transportation system. Improvement of travel choices to ensure mobility includes planning and establishment of infrastructure for innovative technologies, including electric vehicle charging infrastructure.

Section 3. Effective upon Senate Bill ___ or other similar legislation being enacted in the 2020 Regular Session or an extension thereof and becoming a law, section 339.0802, Florida Statutes, is created to read:

339.0802 Allocation of increased license tax revenues from licensure of electric and hybrid vehicles.—Funds that result from increased revenues to the State Transportation Trust Fund derived under s. 320.08001(2), (3), and (4) must be used as set forth in this section, notwithstanding any other provision of law.

(1) Beginning in the 2020-2021 fiscal year, and annually for 5 years thereafter, all increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

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(2) Beginning in the 2025-2026 fiscal year, and annually for 5 years thereafter, half of the increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(3) This section expires on July 1, 2030.

Section 4. Section 339.286, Florida Statutes, is created to read:

339.286 Electric Vehicle Infrastructure Grant Program.—

(1) The department shall establish the Electric Vehicle Infrastructure Grant Program. The purpose of the program is to provide financial assistance to encourage the installation of electric vehicle charging infrastructure.

(2) State agencies, public universities, public transit agencies, ports, airports, and local governments, including local housing authorities and libraries, may apply to the department for grants for the purpose of installing publicly available electric vehicle charging infrastructure on public or private property.

(3) A grant may be awarded for:

(a) Technical assistance for the development and adoption of:

1. A local or regional plan that establishes an electric vehicle charging infrastructure;

2. Any action plans necessary to address any infrastructure gaps; and

3. Steps necessary to complete the infrastructure plan.

A plan must address actions to deploy the necessary infrastructure in high-density housing areas and low- to moderate-income areas.

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(b) Assistance with the purchase of related equipment and the costs of installation of that equipment to provide electric vehicle charging. Such equipment must be capable of collecting and reporting data and must use standard connectors, and must be available to the public.~~.~~

(4)(a) An applicant may apply for a grant for both technical assistance and equipment purchase and installation. A grant for technical assistance requires a minimum match of funds from the applicant of 30 percent of the grant award, but such match is not required for an applicant that is located in a fiscally constrained county. A grant for equipment purchase and installation requires a minimum match of funds from the applicant in the amount of 50 percent of the ~~grant award~~total project cost for Level 2 charging infrastructure or~~,~~ 20 percent of the total project cost for direct current fast charging infrastructure~~or 20 percent for an applicant that is located in a fiscally constrained county~~. The matching funds must be from nonstate resources, but may include private funds provided through a partnership with a private entity or in-kind contributions such as the donation of equipment, services, or land or use of land for establishment of the electric vehicle charging infrastructure. Grant funds may not subsidize the cost for the use of electricity. 20 percent of the funds available under this grant program shall be reserved for applicants or projects in fiscally constrained counties.

(b) The department shall maintain a prioritized list of approved grant applications. The prioritized list must include recommended funding levels for each application and, if staged implementation is appropriate, provide funding requirements for

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each stage. Grants must be prioritized based on the extent to which the activities of the grant will encourage growth in the use of electric vehicles and increase the availability of charging locations along evacuation routes. A grant for equipment purchase and installation that will immediately and most effectively serve those who currently own or operate electric vehicles may receive priority. Applicants may engage private sector entities to install charging infrastructure on private property in the same county or local jurisdiction as the applicant.

(5) The department shall continually review emerging research, policies, and standards related to electric vehicle infrastructure. Using such information, the department shall publish best practices for the establishment of electric vehicle charging infrastructure, model infrastructure plan development and components, and other significant information for the implementation and use of electric vehicle charging infrastructure. The department may develop a model plan that local governments may use as a guide to establish an electric vehicle charging infrastructure plan.

(6) The department shall adopt rules to administer this section.

Section 5. Section 366.94, Florida Statutes, is amended to read:

366.94 Electric vehicle charging stations.—

(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions

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of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.

(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry. Rules implemented under this subsection may not require specific methods of sale for electric vehicle charging equipment and services provided~~used~~ in this state.

(3)(a) It is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging station within any parking space specifically designated for charging an electric vehicle.

(b) If a law enforcement officer or specialist finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Hubbard, Zachary
Sent: Tuesday, November 26, 2019 10:39 AM EST
To: haley.rubinson@gorevel.com <haley.rubinson@gorevel.com>
Subject: Mobility Legislation
Attachment(s): "EV 11.19.19.docx","E BIKE 11.26.19.docx"

Haley,

Senator Brandes requested I send these over to you. Let me know if you need anything else.

Best,

Zach Hubbard
Legislative Aide to State Senator Jeff Brandes
Senate District 24
District Phone Number: 727.563.2100
Capitol Phone Number: 850.487.5024

AMERICAN OVERSIGHT

A bill to be entitled

An act relating to electric bicycles; amending s. 261.03, F.S.; revising the definition of the term "OHM" or "off-highway motorcycle"; amending s. 316.003, F.S.; revising definitions relating to the Florida Uniform Traffic Control Law; defining the term "electric bicycle"; amending s. 316.027, F.S.; revising the definition of the term "vulnerable road user"; amending s. 316.083, F.S.; revising a rule related to drivers of vehicles overtaking electric bicycles; amending s. 316.1995, F.S.; expanding exceptions to a prohibition on persons driving certain vehicles on sidewalks and bicycle paths; creating s. 316.20655, F.S.; providing electric bicycle regulations; providing for rights and privileges of electric bicycles and operators of electric bicycles; providing that electric bicycles are vehicles to the same extent as bicycles; providing that electric bicycles and operators of electric bicycles are not subject to specified provisions; requiring manufacturers and distributers, beginning on a specified date, to apply a label containing certain information to each electric bicycle; prohibiting persons from tampering with or modifying electric bicycles for certain purposes; providing an exception; requiring electric bicycles to comply with specified provisions of law; requiring electric bicycles to operate in a manner that meets certain requirements; authorizing operators to ride electric bicycles where

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bicycles are allowed; authorizing municipalities, counties, and agencies of the state to prohibit the operation of certain classes of electric bicycles under certain conditions; providing applicability; authorizing such municipalities, counties, and agencies to regulate the use of electric bicycles on certain trails; prohibiting persons under a specified age from operating class 3 electric bicycles; authorizing such persons to ride as passengers on such electric bicycles; requiring class 3 electric bicycles to be equipped with a speedometer that meets certain requirements; amending ss. 320.01, 322.01, and 324.021, F.S.; revising the definitions of the term "motor vehicle"; amending s. 320.08, F.S.; conforming a provision to changes made by the act; amending ss. 316.306 and 655.960, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsection (4) of section 261.03, Florida Statutes, is amended to read:

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

(4) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor, an electric bicycle, or a moped.

Section 2. Present subsections (22) through (104) of

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section 316.003, Florida Statutes, are redesignated as subsections (23) through (105), respectively, a new subsection (22) is added to that section, and subsection (4) and present subsections (41), (43), (44), (45), and (61) of that section are amended, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(4) BICYCLE.—Every vehicle propelled solely by human power~~, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride~~, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. ~~A person under the age of 16 may not operate or ride upon a motorized bicycle.~~

(22) ELECTRIC BICYCLE.—A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

(a) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(b) "Class 2 electric bicycle" means an electric bicycle

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equipped with a motor that may be used exclusively to propel the electric bicycle, and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(c) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

(42) ~~(41)~~ MOPED.—Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

(44) ~~(43)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped. For purposes of s. 316.1001, "motor vehicle" has the same meaning as provided in s. 320.01(1)(a).

(45) ~~(44)~~ MOTORCYCLE.—Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include a tractor, a moped,

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electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(46) ~~(45)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.

(62) ~~(61)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (84)(b) ~~(83)(b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 3. Paragraph (b) of subsection (1) of section 316.027, Florida Statutes, is amended to read:

316.027 Crash involving death or personal injuries.—

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

(b) "Vulnerable road user" means:

1. A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;

2. A person operating a bicycle, an electric bicycle, a motorcycle, a scooter, or a moped lawfully on the roadway;

3. A person riding an animal; or

4. A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:

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a. A farm tractor or similar vehicle designed primarily for farm use;

b. A skateboard, roller skates, or in-line skates;

c. A horse-drawn carriage;

d. An electric personal assistive mobility device; or

e. A wheelchair.

Section 4. Subsection (1) of section 316.083, Florida Statutes, is amended to read:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an appropriate signal as provided for in s. 316.156, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. The driver of a vehicle overtaking a bicycle, an electric bicycle, or other nonmotorized vehicle must pass the bicycle, electric bicycle, or other nonmotorized vehicle at a safe distance of not less than 3 feet between the vehicle and the bicycle, electric bicycle, or other nonmotorized vehicle.

Section 5. Section 316.1995, Florida Statutes, is amended to read:

316.1995 Driving upon sidewalk or bicycle path.—

(1) Except as provided in s. 316.008, s. 316.212(8), s. 316.20655, or s. 316.2128, a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized

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temporary driveway.

(2) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

(3) This section does not apply to motorized wheelchairs.

Section 6. Section 316.20655, Florida Statutes, is created to read:

316.20655 Electric bicycle regulations.—

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including s. 316.2065. An electric bicycle is a vehicle to the same extent as a bicycle.

(2) An electric bicycle or an operator of an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

(3) Beginning on January 1, 2021, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed in a prominent location to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and must be printed in Arial font in at least 9-point type.

(4) A person may not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification required in subsection (3) is replaced after

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such modification.

(5) An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission under 16 C.F.R. part 1512.

(6) An electric bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

(7)(a) An operator may ride an electric bicycle where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths.

(b) Following notice and a public hearing, a municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path, if the municipality, county, or agency finds that such a restriction is necessary in the interest of safety or to comply with other laws or legal obligations.

(c) A municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path may prohibit the operation of a class 3 electric bicycle on that path.

(d) This subsection does not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A municipality, county, or agency of the state having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on such trail.

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(8)(a) A person under the age of 16 may not operate a class 3 electric bicycle. A person under the age of 16 may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(b) All class 3 electric bicycles must be equipped with a speedometer that displays the speed at which the bicycle is traveling in miles per hour.

Section 7. Paragraph (a) of subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, motorized scooters, micromobility devices, personal delivery devices and mobile carriers as defined in s. 316.003, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, electric bicycles, swamp buggies, or mopeds.

Section 8. Subsection (27) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(27) "Motor vehicle" means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and electric ~~motorized~~ bicycles as

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defined in s. 316.003.

Section 9. Subsection (1) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) MOTOR VEHICLE.—Every self-propelled vehicle that is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any personal delivery device or mobile carrier as defined in s. 316.003, bicycle, electric bicycle, or moped. However, the term "motor vehicle" does not include a motor vehicle as defined in s. 627.732(3) when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply; and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.

Section 10. Section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, ~~motorized bicycles as defined in s. 316.003(4),~~ tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to

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and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(a) Any motorcycle: $10 flat.

(b) Any moped: $5 flat.

(c) Upon registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes specified in this subsection, a nonrefundable motorcycle safety education fee in the amount of $2.50 shall be paid. The proceeds of such additional fee shall be deposited in the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.

(d) An ancient or antique motorcycle: $7.50 flat.

(2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

(a) An ancient or antique automobile, as defined in s. 320.086, or a street rod, as defined in s. 320.0863: $7.50 flat.

(b) Net weight of less than 2,500 pounds: $14.50 flat.

(c) Net weight of 2,500 pounds or more, but less than 3,500 pounds: $22.50 flat.

(d) Net weight of 3,500 pounds or more: $32.50 flat.

(3) TRUCKS.—

(a) Net weight of less than 2,000 pounds: $14.50 flat.

(b) Net weight of 2,000 pounds or more, but not more than 3,000 pounds: $22.50 flat.

(c) Net weight more than 3,000 pounds, but not more than 5,000 pounds: $32.50 flat.

(d) A truck defined as a "goat," or other vehicle if used

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in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: $7.50 flat. The term "goat" means a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for hauling associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.

(e) An ancient or antique truck, as defined in s. 320.086: $7.50 flat.

(4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT.—

(a) Gross vehicle weight of 5,001 pounds or more, but less than 6,000 pounds: $60.75 flat.

(b) Gross vehicle weight of 6,000 pounds or more, but less than 8,000 pounds: $87.75 flat.

(c) Gross vehicle weight of 8,000 pounds or more, but less than 10,000 pounds: $103 flat.

(d) Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $118 flat.

(e) Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $177 flat.

(f) Gross vehicle weight of 20,000 pounds or more, but less than 26,001 pounds: $251 flat.

(g) Gross vehicle weight of 26,001 pounds or more, but less than 35,000: $324 flat.

(h) Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $405 flat.

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(i) Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $773 flat.

(j) Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $916 flat.

(k) Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $1,080 flat.

(l) Gross vehicle weight of 72,000 pounds or more: $1,322 flat.

(m) Notwithstanding the declared gross vehicle weight, a truck tractor used within the state or within a 150-mile radius of its home address is eligible for a license plate for a fee of $324 flat if:

1. The truck tractor is used exclusively for hauling forestry products; or

2. The truck tractor is used primarily for the hauling of forestry products, and is also used for the hauling of associated forestry harvesting equipment used by the owner of the truck tractor.

(n) A truck tractor or heavy truck, not operated as a for-hire vehicle and which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within the state or within a 150-mile radius of its home address is eligible for a restricted license plate for a fee of:

1. If such vehicle’s declared gross vehicle weight is less than 44,000 pounds, $87.75 flat.

2. If such vehicle’s declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports from the point of production to the point of primary manufacture; to the

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point of assembling the same; or to a shipping point of a rail, water, or motor transportation company, $324 flat.

Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers delivered direct to the growers. The department may require any documentation deemed necessary to determine eligibility before issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(a)1. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $13.50 flat per registration year or any part thereof.

2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $68 flat per permanent registration.

(b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery described above over public roads: $44 flat.

(c) A school bus used exclusively to transport pupils to and from school or school or church activities or functions within their own county: $41 flat.

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(d) A wrecker, as defined in s. 320.01, which is used to tow a vessel as defined in s. 327.02, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01, or a replacement motor vehicle as defined in s. 320.01: $41 flat.

(e) A wrecker that is used to tow any nondisabled motor vehicle, a vessel, or any other cargo unless used as defined in paragraph (d), as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $118 flat.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $177 flat.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: $251 flat.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: $324 flat.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $405 flat.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $772 flat.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $915 flat.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $1,080 flat.

9. Gross vehicle weight of 72,000 pounds or more: $1,322 flat.

(f) A hearse or ambulance: $40.50 flat.

(6) MOTOR VEHICLES FOR HIRE.—

(a) Under nine passengers: $17 flat plus $1.50 per cwt.

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(b) Nine passengers and over: $17 flat plus $2 per cwt.

(7) TRAILERS FOR PRIVATE USE.—

(a) Any trailer weighing 500 pounds or less: $6.75 flat per year or any part thereof.

(b) Net weight over 500 pounds: $3.50 flat plus $1 per cwt.

(8) TRAILERS FOR HIRE.—

(a) Net weight under 2,000 pounds: $3.50 flat plus $1.50 per cwt.

(b) Net weight 2,000 pounds or more: $13.50 flat plus $1.50 per cwt.

(9) RECREATIONAL VEHICLE-TYPE UNITS.—

(a) A travel trailer or fifth-wheel trailer, as defined by s. 320.01(1)(b), that does not exceed 35 feet in length: $27 flat.

(b) A camping trailer, as defined by s. 320.01(1)(b)2.: $13.50 flat.

(c) A motor home, as defined by s. 320.01(1)(b)4.:

1. Net weight of less than 4,500 pounds: $27 flat.

2. Net weight of 4,500 pounds or more: $47.25 flat.

(d) A truck camper as defined by s. 320.01(1)(b)3.:

1. Net weight of less than 4,500 pounds: $27 flat.

2. Net weight of 4,500 pounds or more: $47.25 flat.

(e) A private motor coach as defined by s. 320.01(1)(b)5.:

1. Net weight of less than 4,500 pounds: $27 flat.

2. Net weight of 4,500 pounds or more: $47.25 flat.

(10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS; 35 FEET TO 40 FEET.—

(a) *Park trailers.*—Any park trailer, as defined in s. 320.01(1)(b)7.: $25 flat.

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(b) *Travel trailers or fifth-wheel trailers.*—A travel trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b), that exceeds 35 feet: $25 flat.

(11) MOBILE HOMES.—

(a) A mobile home not exceeding 35 feet in length: $20 flat.

(b) A mobile home over 35 feet in length, but not exceeding 40 feet: $25 flat.

(c) A mobile home over 40 feet in length, but not exceeding 45 feet: $30 flat.

(d) A mobile home over 45 feet in length, but not exceeding 50 feet: $35 flat.

(e) A mobile home over 50 feet in length, but not exceeding 55 feet: $40 flat.

(f) A mobile home over 55 feet in length, but not exceeding 60 feet: $45 flat.

(g) A mobile home over 60 feet in length, but not exceeding 65 feet: $50 flat.

(h) A mobile home over 65 feet in length: $80 flat.

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: $17 flat.

(13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or official license plate: $4 flat, except that the registration or renewal of a registration of a marine boat trailer exempt under s. 320.102 is not subject to any license tax.

(14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor vehicle for hire operated wholly within a city or within 25

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miles thereof: $17 flat plus $2 per cwt.

(15) TRANSPORTER.—Any transporter license plate issued to a transporter pursuant to s. 320.133: $101.25 flat.

Section 11. Paragraph (a) of subsection (3) of section 316.306, Florida Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—

(3)(a)1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(105) ~~s. 316.003(104)~~. This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

2.a. During the period from October 1, 2019, through December 31, 2019, a law enforcement officer may stop motor vehicles to issue verbal or written warnings to persons who are in violation of subparagraph 1. for the purposes of informing and educating such persons of this section. This sub-subparagraph shall stand repealed on October 1, 2020.

b. Effective January 1, 2020, a law enforcement officer may stop motor vehicles and issue citations to persons who are driving while using a wireless communications device in a handheld manner in violation of subparagraph 1.

Section 12. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

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655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(84)(a) or (b) ~~s. 316.003(83)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 13. This act shall take effect July 1, 2020.

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24-00656C-20

A bill to be entitled

An act relating to electric vehicles; amending s. 316.003, F.S.; revising definitions; amending s. 334.046, F.S.; revising the Department of Transportation's goals relating to mobility; creating s. 339.0802, F.S.; requiring that certain funds be used for specified purposes relating to the Electric Vehicle Infrastructure Grant Program, beginning in specified years; providing for future repeal of the requirement; creating s. 339.286, F.S.; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; providing the purpose of the program; providing for the distribution of grants to certain entities to install electric vehicle charging infrastructure; providing grant requirements; providing requirements for equipment installed using grant funds; providing criteria for the distribution of grants; requiring that the department continually review emerging research, policies, and standards; authorizing the department to adopt a model plan for local governments; requiring the department to adopt rules; amending s. 366.94, F.S.; specifying that certain rules adopted by the Department of Agriculture and Consumer Services may not require specific methods of sale for electric vehicle charging equipment used in this state; providing effectives dates.

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

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Section 1. Subsections (2) and (55) of section 316.003, Florida Statutes, are amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes that meet the requirements of Federal Motor Vehicle Safety Standard No. 122, a steering ~~wheel~~ mechanism, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(55) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;

(b) Weighs less than 80 pounds, excluding cargo;

(c) Has a maximum speed of 10 miles per hour or, if the Department of Transportation establishes by rule a maximum speed, has a speed that does not exceed that maximum; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless

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expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device.

Section 2. Paragraph (c) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(c) *Mobility.*—Ensuring a cost-effective, statewide, interconnected transportation system. Improvement of travel choices to ensure mobility includes planning and establishment of infrastructure for innovative technologies, including electric vehicle charging infrastructure.

Section 3. Effective upon Senate Bill XXXX or other similar legislation being enacted in the 2020 Regular Session or an extension thereof and becoming a law, section 339.0802, Florida Statutes, is created to read:

339.0802 Allocation of increased license tax revenues from licensure of electric and hybrid vehicles.—Funds that result from increased revenues to the State Transportation Trust Fund derived under s. 320.08001(2), (3), and (4) must be used as set forth in this section, notwithstanding any other provision of law.

(1) Beginning in the 2020-2021 fiscal year, and annually for 5 years thereafter, all increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(2) Beginning in the 2025-2026 fiscal year, and annually for 5 years thereafter, half of the increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(3) This section expires on July 1, 2030.

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Section 4. Section 339.286, Florida Statutes, is created to read:

339.286 Electric Vehicle Infrastructure Grant Program.—

(1) The department shall establish the Electric Vehicle Infrastructure Grant Program. The purpose of the program is to provide financial assistance to encourage the installation of electric vehicle charging infrastructure.

(2) State agencies, public universities, public transit agencies, ports, airports, and local governments, including local housing authorities and libraries, may apply to the department for grants for the purpose of installing electric vehicle charging infrastructure.

(3) A grant may be awarded for:

(a) Technical assistance for the development and adoption of:

1. A local or regional plan that establishes an electric vehicle charging infrastructure;

2. Any action plans necessary to address any infrastructure gaps; and

3. Steps necessary to complete the infrastructure plan.

A plan must address actions to deploy the necessary infrastructure in high-density housing areas and low- to moderate-income areas.

(b) Assistance with the purchase of related equipment and the costs of installation of that equipment to provide electric vehicle charging. Such equipment must be capable of collecting and reporting data and must use standard connectors.

(4)(a) An applicant may apply for a grant for both

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technical assistance and equipment purchase and installation. A grant for technical assistance requires a minimum match of funds from the applicant of 30 percent of the grant award, but such match is not required for an applicant that is located in a fiscally constrained county. A grant for equipment purchase and installation requires a minimum match of funds from the applicant of 50 percent of the grant award, or 20 percent for an applicant that is located in a fiscally constrained county. The matching funds must be from nonstate resources, but may include private funds provided through a partnership with a private entity or in-kind contributions such as the donation of equipment, services, or land or use of land for establishment of the electric vehicle charging infrastructure. Grant funds may not subsidize the cost for the use of electricity.

(b) The department shall maintain a prioritized list of approved grant applications. The prioritized list must include recommended funding levels for each application and, if staged implementation is appropriate, provide funding requirements for each stage. Grants must be prioritized based on the extent to which the activities of the grant will encourage growth in the use of electric vehicles and increase the availability of charging locations along evacuation routes. A grant for equipment purchase and installation that will immediately and most effectively serve those who currently own or operate electric vehicles may receive priority.

(5) The department shall continually review emerging research, policies, and standards related to electric vehicle infrastructure. Using such information, the department shall publish best practices for the establishment of electric vehicle

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charging infrastructure, model infrastructure plan development and components, and other significant information for the implementation and use of electric vehicle charging infrastructure. The department may develop a model plan that local governments may use as a guide to establish an electric vehicle charging infrastructure plan.

(6) The department shall adopt rules to administer this section.

Section 5. Section 366.94, Florida Statutes, is amended to read:

366.94 Electric vehicle charging stations.—

(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.

(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry. Rules implemented under this subsection may not require specific methods of sale for electric vehicle charging equipment used in this state.

(3)(a) It is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging station within any parking space specifically designated for

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charging an electric vehicle.

(b) If a law enforcement officer or specialist finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

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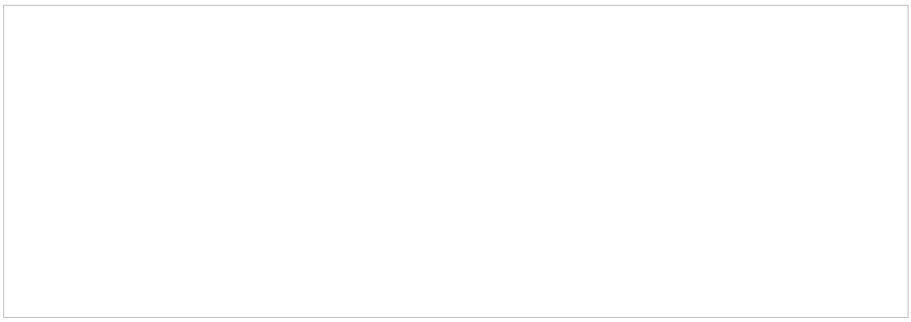
From: Wilson Center <wwics@e.wilsoncenter.org>
Sent: Friday, October 04, 2019 11:24 AM EDT
To: Brandes, Jeff (Web) <Brandes.Jeff.Web@flsenate.gov>
Subject: Navigating “Un-Peace”; New Science on Oceans & Climate; After the Arab Spring

Wilson Weekly

October 4, 2019

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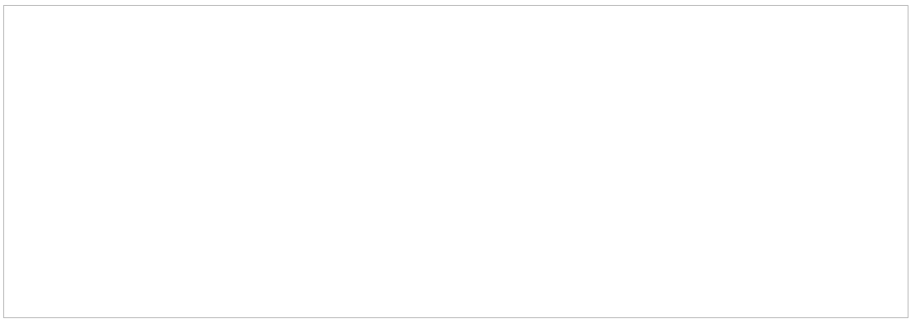
A State of Un-Peace: the EU’s Response to Asymmetric Threats



Video & key quotes

“‘Un-Peace’ is not the name of some new, snazzy UN agency,” observes Sir Julian King, European Commissioner for the Security Union. “Rather, it’s the state of international relations that has much in common with other words sharing the same prefix – unease, unrest, uncertainty.”

Deep Dive: IPCC Special Report on the Ocean and Cryosphere in a Changing Climate



Video & key quotes

“Ocean-based climate solutions can deliver up to one-fifth of the annual cut to greenhouse gas emissions needed by 2050 to keep global temperature rise below one-and-a-half degrees Celsius. That is the equivalent of taking two-and-a-half billion cars off the road,” said Ambassador Kåre R. Aas of Norway during an event on the UN Intergovernmental Panel on Climate Change’s first-ever Special Report on the Ocean and Cryosphere in a Changing Climate.

Myths and Realities of Japan’s Security Policy

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Video & key quotes

Global Fellow Narushige Michishita offers new insights in Japan's global security stance. "Pacifists don't support any use of force," he observed. "Japan supports the use of force that it considers to be legitimate."

Revolts, Realignments, and Reckonings in the Middle East

Wilson Center NOW

From the Arab Spring to the murder of journalist Jamal Khashoggi in 2018, the Middle East has experienced pervasive and violent tumult in recent decades. In this edition of Wilson Center NOW, we speak with Middle East Fellows and authors Marina and David Ottaway about their new book, *A Tale of Four Worlds: The Arab Region After the Uprisings* – an indispensable analysis of the region's profound upheavals.

Wilson in the News

Communist Party Celebrates 70 Years of Power in China (BYU Radio Top of Mind)
Rui Zhong says that the anniversary of the foundation of the People's Republic of China is an occasion for President Xi Jinping to cement his place as "as the architect of China's next chapter."

Jamal Khashoggi's Murder Haunts Saudi Arabia's Crown Prince (New Yorker)
Robin Wright observes that "Khashoggi's cold-blooded killing and the kingdom's troubled war in Yemen have intensified doubts in Congress about Saudi Arabia."

Whistleblower: Ukraine Felt It Needed to "Play Ball" with U.S. (CNN)
"Zelenskyy was trying to make a friend, trying to maybe shore up rhetorical support for the hot war Ukraine is fighting against Russia," says Nina Jankowicz.

Upcoming Events

Oct. 8, 2019 // 12:00-1:00 pm
Book Launch | Nuclear Crises with North Korea and Iran: From Transformational to Transactional Diplomacy

Oct. 10, 2019 // 1:00-2:30 pm
Elections, Peace Talks, and U.S. Policy: What's Next for Afghanistan?

Oct. 10, 2019 // 3:30-5:00 pm
Book Launch | Coups and Revolutions: Mass Mobilization, the Egyptian Military, and the United States from Mubarak to Sisi

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From: Roberts, Dawn <ROBERTS.DAWN@flsenate.gov>
Sent: Monday, November 18, 2019 4:11 PM EST
To: !XCON.NOTIFICATION <XCON.NOTIFICATION@leg.state.fl.us>
Subject: New Appointee(s) Released - Set 10

The Committee on Ethics and Elections has received the following appointments requiring Senate Confirmation. The committee has begun its initial examination of the appointees' backgrounds and qualifications. The most recent set of appointments may be found by accessing: http://www.flsenate.gov/executiveappointments/

Each time a new set of appointments is released, you will receive a similar electronic reminder from our office.

Should you have any questions regarding the appointment process, our committee will gladly assist you. You may contact me at (850) 487-5828, or by e-mail at the address below.

Dawn K. Roberts
Senior Staff Director
Committee on Ethics & Elections
ROBERTS.DAWN@flsenate.gov

Board Name	Jurisdiction	Appointee	Appointment Type	Residence City	Term Begin	Term End	President Referral
Board of Trustees of Daytona State College	Regional	Betty Jean Holness	Reappointment	Ormond Beach, Florida	10/14/2019	5/31/2023	EE
Board of Trustees of Daytona State College	Regional	Robert W. Lloyd	New Appointment	Port Orange, Florida	10/14/2019	5/31/2023	EE
Board of Trustees of Florida State College at Jacksonville	Regional	Laura DiBella	Reappointment	Fernandina Beach, Florida	10/14/2019	5/31/2023	EE
Board of Trustees of St. Petersburg College	Local	Deveron M. Gibbons	Reappointment	St. Petersburg, Florida	7/30/2019	5/31/2022	EE
Board of Trustees of Valencia College	Regional	Daisy Lopez-Cid	Reappointment	Kissimmee, Florida	8/29/2019	5/31/2020	EE
Board of Trustees of Valencia College	Regional	Michael Adam Sasso	New Appointment	Confidential pursuant to s. 119.071(4), F.S.	8/29/2019	5/31/2021	EE
Florida Citrus Commission	State	Jonathan Ned Hancock	Reappointment	Sebring, Florida	9/18/2019	5/31/2022	EE
Florida Citrus Commission	State	Carlos H. Martinez	New Appointment	Orlando, Florida	9/18/2019	5/31/2021	EE
Florida Citrus Commission	State	John Patrick Schirard	Reappointment	Vero Beach, Florida	9/18/2019	5/31/2022	EE

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Governing Board of the Southwest Florida Water Management District	Regional	Kelly S. Rice	Reappointment	Webster, Florida	9/17/2019	3/1/2023	EN, EE
Jacksonville Port Authority	Local	Edward J. Fleming, Jr.	Reappointment	Jacksonville, Florida	10/21/2019	9/30/2023	EE
Tampa Port Authority	Local	Patrick H. Allman, III	Reappointment	Tampa, Florida	10/14/2019	2/6/2022	EE

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From: Roberts, Dawn <ROBERTS.DAWN@flsenate.gov>
Sent: Monday, December 16, 2019 11:18 AM EST
To: !XCON.NOTIFICATION <XCON.NOTIFICATION@leg.state.fl.us>
Subject: New Appointee(s) Released - Set 14

The Committee on Ethics and Elections has received the following appointments requiring Senate Confirmation. The committee has begun its initial examination of the appointees' backgrounds and qualifications. The most recent set of appointments may be found by accessing: http://www.flsenate.gov/executiveappointments/

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Dawn K. Roberts
Senior Staff Director
Committee on Ethics & Elections
ROBERTS.DAWN@flsenate.gov

Board Name	Jurisdiction	Appointee	Appointment Type	Residence City	Term Begin	Term End	President Referral
Board of Trustees of Daytona State College	Regional	Randall W. Dye	New Appointment	Deland, Florida	10/14/2019	5/31/2023	EE
Board of Trustees, Florida Atlantic University	State	Michael T.B. Dennis	Reappointment	Palm Beach, Florida	1/7/2020	1/6/2025	ED, EE
Board of Trustees, Florida Gulf Coast University	State	Edward Allen Morton	New Appointment	Naples, Florida	1/7/2020	1/6/2025	ED, EE
Board of Trustees, Florida Gulf Coast University	State	Jaye Semrod	New Appointment	Naples, Florida	1/7/2020	1/6/2025	ED, EE
Board of Trustees, Florida State University	State	John William Thiel	New Appointment	Clearwater, Florida	1/7/2020	1/6/2025	ED, EE
Board of Trustees, New College of Florida	State	Ronald A. Christaldi	New Appointment	Tampa, Florida	1/7/2020	1/6/2025	ED, EE
Board of Trustees, New College of Florida	State	Mary Ruiz	New Appointment	Bradenton, Florida	10/30/2019	1/6/2021	ED, EE
Board of Trustees, University of Florida	State	David Lee Brandon	Reappointment	Palm Harbor, Florida	1/7/2020	1/6/2025	ED, EE

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Board of Trustees, University of Florida	State	Anita G. Zucker	Reappointment	Charleston, South Carolina	1/7/2020	1/6/2025	ED, EE
Board of Trustees, University of South Florida	State	Sandra W. Callahan	New Appointment	St. Petersburg, Florida	1/7/2020	1/6/2025	ED, EE
Board of Trustees, University of South Florida	State	Michael E. Griffin	New Appointment	Tampa, Florida	1/7/2020	1/6/2025	ED, EE
Governing Board of the Southwest Florida Water Management District	Regional	Paul J. Bispham	New Appointment	Myakka City, Florida	11/5/2019	3/1/2021	EN, EE
Governing Board of the Southwest Florida Water Management District	Regional	Seth Weightman	New Appointment	Dade City, Florida	11/5/2019	3/1/2023	EN, EE
Secretary of the Department of the Lottery	State	Randall Hunt	New Appointment	Lake Mary, Florida	12/2/2019	Pleasure of Governor	AEG, IT, EE

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From: Roberts, Dawn <ROBERTS.DAWN@flsenate.gov>
Sent: Monday, January 13, 2020 3:02 PM EST
To: !XCON.NOTIFICATION <XCON.NOTIFICATION@leg.state.fl.us>
Subject: New Appointee(s) Released - Set 15 and Set 16

The Committee on Ethics and Elections has received the following appointments requiring Senate Confirmation. The committee has begun its initial examination of the appointees' backgrounds and qualifications. The most recent set of appointments may be found by accessing: http://www.flsenate.gov/executiveappointments/

Each time a new set of appointments is released, you will receive a similar electronic reminder from our office.

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Dawn K. Roberts
Senior Staff Director
Committee on Ethics & Elections
ROBERTS.DAWN@flsenate.gov

Board Name	Jurisdiction	Appointee	Appointment Type	Residence City	Term Begin	Term End	President Referral
Board of Medicine	State	Hector Vila, Jr.	Reappointment	Tampa, Florida	11/5/2019	10/31/2022	EE
Board of Professional Surveyors and Mappers	State	Keith R. Fountain	New Appointment	DeLand, Florida	11/5/2019	10/31/2021	EE
Board of Trustees of Miami-Dade College	Local	Marcell Felipe	New Appointment	Miami, Florida	Upon Senate Confirmation	5/31/2022	EE
Board of Trustees, University of Central Florida	State	Caryl C. McAlpin	New Appointment	Orlando, Florida	1/7/2020	1/6/2025	ED, EE
Board of Trustees, University of Central Florida	State	Harold F. Mills	New Appointment	Windermere, Florida	10/30/2019	1/6/2021	ED, EE
Board of Trustees, University of North Florida	State	Jill Smith Davis	New Appointment	Jacksonville, Florida	1/6/2020	1/6/2025	ED, EE
Board of Trustees, University of North Florida	State	Nikul Patel	New Appointment	Jacksonville, Florida	1/7/2020	1/6/2025	ED, EE
Board of Trustees, University of West Florida	State	Jill Anne Singer	New Appointment	Reston, Virginia	1/7/2019	1/6/2025	ED, EE
Board of Trustees, University of West Florida	State	Stephanie S. White	New Appointment	Pensacola, Florida	1/7/2020	1/6/2025	ED, EE
Florida Citrus Commission	State	Steve Allen Johnson	New Appointment	Bowling Green, Florida	11/15/2019	5/31/2021	EE

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Florida Citrus Commission	State	William Scott Poulton	New Appointment	Lakewood Ranch, Florida	11/15/2019	5/31/2021	EE
Florida Housing Finance Corporation	State	Ryan Benson	New Appointment	Fort Myers, Florida	11/26/2019	11/13/2022	EE
Florida Transportation Commission	State	Richard Burke	Reappointment	Ponte Vedra Beach, Florida	10/1/2019	9/30/2023	IS. EE
Jacksonville Port Authority	Local	Daniel K. Bean	New Appointment	Jacksonville, Florida	10/21/2019	9/30/2023	EE

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From: Roberts, Dawn <ROBERTS.DAWN@flsenate.gov>
Sent: Friday, January 17, 2020 11:53 AM EST
To: !XCON.NOTIFICATION <XCON.NOTIFICATION@leg.state.fl.us>
Subject: New Appointee(s) Released - Set 17

The Committee on Ethics and Elections has received the following appointments requiring Senate Confirmation. The committee has begun its initial examination of the appointees' backgrounds and qualifications. The most recent set of appointments may be found by accessing: http://www.flsenate.gov/executiveappointments/

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Dawn K. Roberts
Senior Staff Director
Committee on Ethics & Elections
ROBERTS.DAWN@flsenate.gov

Board Name	Jurisdiction	Appointee	Appointment Type	Residence City	Term Begin	Term End	President Referral
Higher Educational Facilities Financing Authority	State	Joseph C. Berardinelli	New Appointment	Palm City, Florida	12/20/2019	1/17/2022	EE
Board of Trustees, Florida International University	State	Donna J. Hrinak	New Appointment	Miami, Florida	1/7/2020	1/6/2025	ED, EE

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From: Roberts, Dawn <ROBERTS.DAWN@flsenate.gov>
Sent: Monday, February 10, 2020 2:02 PM EST
To: !XCON.NOTIFICATION <XCON.NOTIFICATION@leg.state.fl.us>
Subject: New Appointee(s) Released - Set 23

The Committee on Ethics and Elections has received the following appointments requiring Senate Confirmation. The committee has begun its initial examination of the appointees' backgrounds and qualifications. The most recent set of appointments may be found by accessing: http://www.flsenate.gov/executiveappointments/

Each time a new set of appointments is released, you will receive a similar electronic reminder from our office.

Should you have any questions regarding the appointment process, our committee will gladly assist you. You may contact me at (850) 487-5828, or by e-mail at the address below.

Dawn K. Roberts
Senior Staff Director
Committee on Ethics & Elections
ROBERTS.DAWN@flsenate.gov

Board Name	Jurisdiction	Appointee	Appointment Type	Residence City	Term Begin	Term End	President Referral
Investment Advisory Council	State	John P. Goetz	New Appointment	Weston, Connecticut	9/24/2019	12/12/2022	EE
State Board of Education	State	Ryan B. Petty	New Appointment	Parkland, Florida	1/21/2020	12/31/2022	EE

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From: Roberts, Dawn <ROBERTS.DAWN@flsenate.gov>
Sent: Tuesday, February 11, 2020 5:29 PM EST
To: !XCON.NOTIFICATION <XCON.NOTIFICATION@leg.state.fl.us>
Subject: New Appointee(s) Released - Set 24 and Set 25

The Committee on Ethics and Elections has received the following appointments requiring Senate Confirmation. The committee has begun its initial examination of the appointees' backgrounds and qualifications. The most recent set of appointments may be found by accessing: http://www.flsenate.gov/executiveappointments/

Each time a new set of appointments is released, you will receive a similar electronic reminder from our office.

Should you have any questions regarding the appointment process, our committee will gladly assist you. You may contact me at (850) 487-5828, or by e-mail at the address below.

Dawn K. Roberts
Senior Staff Director
Committee on Ethics & Elections
ROBERTS.DAWN@flsenate.gov

Board Name	Jurisdiction	Appointee	Appointment Type	Residence City	Term Begin	Term End	President Referral
Board of Dentistry	State	Karyn Hill	New Appointment	Parkland, Florida	01/31/2020	10/31/2021	EE
Board of Governors of the State University System	State	Charles Harvey Lydecker	Reappointment	Ormond Beach, Florida	2/7/2020	1/6/2027	EE
Board of Trustees of Broward College	Local	Matthew Caldwell	Reappointment	Ft. Lauderdale, Florida	1/31/2020	5/31/2022	EE
Florida Housing Finance Corporation	State	Sandra V. Einhorn	New Appointment	Hollywood, Florida	11/13/2022	11/13/2022	EE

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From: Roberts, Dawn <ROBERTS.DAWN@flsenate.gov>
Sent: Monday, December 16, 2019 11:19 AM EST
To: !XCON.NOTIFICATION <XCON.NOTIFICATION@leg.state.fl.us>
Subject: New Appointee(s) Released Set 12 and Set 13

The Committee on Ethics and Elections has received the following appointments requiring Senate Confirmation. The committee has begun its initial examination of the appointees' backgrounds and qualifications. The most recent set of appointments may be found by accessing: http://www.flsenate.gov/executiveappointments/

Each time a new set of appointments is released, you will receive a similar electronic reminder from our office.

Should you have any questions regarding the appointment process, our committee will gladly assist you. You may contact me at (850) 487-5828, or by e-mail at the address below.

Dawn K. Roberts
Senior Staff Director
Committee on Ethics & Elections
ROBERTS.DAWN@flsenate.gov

Board Name	Jurisdiction	Appointee	Appointment Type	Residence City	Term Begin	Term End	President Referral
Board of Professional Surveyors and Mappers	State	Iarelis Diaz Hall	New Appointment	Apopka, Florida	11/1/2019	10/31/2023	EE
Board of Professional Surveyors and Mappers	State	Michael John Zoltek	New Appointment	Cape Coral, Florida	5/6/2019	10/31/2022	EE
Board of Trustees for the Florida School for the Deaf and the Blind	State	Matthew Kramer	New Appointment	St. Augustine, Florida	8/9/2019	2/7/2023	EE
Board of Trustees of Florida State College at Jacksonville	Regional	Orrin Wayne Young	Reappointment	Jacksonville, Florida	7/15/2019	5/31/2021	EE
Board of Trustees of Florida State College at Jacksonville	Regional	Roderick "Rod" D. Odom	New Appointment	Yulee, Florida	10/14/2019	5/31/2022	EE
Board of Trustees of Miami-Dade College	Local	Anay Marie Abraham	Reappointment	Confidential pursuant to s. 119.071(4), F.S.	5/31/2019	5/31/2023	EE
Board of Trustees, Florida Atlantic University	State	Elycia Morris	New Appointment	Boca Raton, Florida	1/7/2020	1/6/2025	ED, EE

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Board of Trustees, Florida Polytechnic University	State	W. Earl Sasser, Jr.	New Appointment	Winter Park, Florida	10/30/2019	7/15/2024	ED, EE
Board of Trustees, Florida State University	State	Bobby L. Sasser	Reappointment	Virginia Beach, Virginia	1/7/2020	1/6/2025	ED, EE
Board of Trustees, University of Central Florida	State	Michael A. Okaty	New Appointment	Maitland, Florida	1/7/2020	1/6/2025	ED, EE
Board of Trustees, University of West Florida	State	Alonzie Scott, III	Reappointment	Philadelphia, Pennsylvania	11/5/2019	1/6/2023	ED, EE
Capital Collateral Regional Counsel - Middle Region	State	Eric Pinkard	New Appointment	Plant City, Florida	11/18/2019	9/30/2021	CJ, EE
Central Florida Expressway Authority	Regional	Jay Madara	Reappointment	Windermere, Florida	Upon Senate Confirmation	6/20/2022	EE
Investment Advisory Council	State	J. Robert Jones, Jr.	Reappointment	Winter Park, Florida	9/24/2019	3/1/2023	GO, EE
Tampa Port Authority	Local	Hung T. Mai	Reappointment	Lutz, Florida	11/16/2019	11/15/2023	EE
Tampa Port Authority	Local	Hung T. Mai	Reappointment	Lutz, Florida	10/14/2019	11/15/2019	EE

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From: Roberts, Dawn <ROBERTS.DAWN@flsenate.gov>
Sent: Friday, January 24, 2020 12:09 PM EST
To: !XCON.NOTIFICATION <XCON.NOTIFICATION@leg.state.fl.us>
Subject: New Appointee(s) Released Set 18, Set 19, and Set 20

The Committee on Ethics and Elections has received the following appointments requiring Senate Confirmation. The committee has begun its initial examination of the appointees' backgrounds and qualifications. The most recent set of appointments may be found by accessing: http://www.flsenate.gov/executiveappointments/

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Dawn K. Roberts
Senior Staff Director
Committee on Ethics & Elections
ROBERTS.DAWN@flsenate.gov

Board Name	Jurisdiction	Appointee	Appointment Type	Residence City	Term Begin	Term End	President Referral
Board of Optometry	State	Denise Burns-LeGros	New Appointment	Indialantic, Florida	12/20/2019	10/31/2023	EE
Board of Optometry	State	John Edmund Griffin	Reappointment	Tallahassee, Florida	12/20/2019	10/31/2022	EE
Board of Trustees, Florida A & M University	State	Kristin R. Harper	New Appointment	Lewis Center, Ohio	10/30/2019	1/6/2021	ED, EE
Board of Trustees, Florida International University	State	Natasha Lowell	Reappointment	Coral Gables, Florida	1/7/2020	1/6/2025	ED, EE
Florida Housing Finance Corporation	State	William Irving Gulliford	New Appointment	Atlantic Beach, Florida	11/26/2019	11/13/2022	EE
Higher Educational Facilities Financing Authority	State	Timothy H. Czerniec	Reappointment	Miami, Florida	12/20/2019	1/17/2021	EE
Investment Advisory Council	State	Vinny Olmstead	Reappointment	Vero Beach, Florida	3/12/2019	2/1/2023	GO, EE
Jacksonville Aviation Authority	Local	Michelle Barnett	New Appointment	Jacksonville, Florida	10/17/2019	9/30/2023	EE

AMERICAN OVERSIGHT

From: Roberts, Dawn <ROBERTS.DAWN@flsenate.gov>
Sent: Wednesday, January 29, 2020 2:53 PM EST
To: !XCON.NOTIFICATION <XCON.NOTIFICATION@leg.state.fl.us>
Subject: New Appointee(s) Released, Set 21

The Committee on Ethics and Elections has received the following appointments requiring Senate Confirmation. The committee has begun its initial examination of the appointees' backgrounds and qualifications. The most recent set of appointments may be found by accessing: http://www.flsenate.gov/executiveappointments/

Each time a new set of appointments is released, you will receive a similar electronic reminder from our office.

Should you have any questions regarding the appointment process, our committee will gladly assist you. You may contact me at (850) 487-5828, or by e-mail at the address below.

Dawn K. Roberts
Senior Staff Director
Committee on Ethics & Elections
ROBERTS.DAWN@flsenate.gov

Board Name	Jurisdiction	Appointee	Appointment Type	Residence City	Term Begin	Term End	President Referral
Florida Citrus Commission	State	Paul Jackson Meador, Jr.	New Appointment	Fort Denaud, Florida	11/15/2019	5/31/2022	EE
Florida Development Finance Corporation	State	Ayanna Louis-Charles	New Appointment	Pembroke Pines, Florida	12/9/2019	5/2/2021	EE
Higher Educational Facilities Financing Authority	State	Tracy A. Wagner	New Appointment	Bradenton, Florida	12/20/2019	1/17/2024	EE
Investment Advisory Council	State	Maria Teresa Canida	New Appointment	Coral Gables, Florida	9/24/2019	12/12/2022	GO. EE
Jacksonville Port Authority	Local	John Palmer Clarkson	Reappointment	Jacksonville, Florida	8/23/2019	9/30/2021	EE

AMERICAN OVERSIGHT

From: Roberts, Dawn <ROBERTS.DAWN@flsenate.gov>
Sent: Friday, January 31, 2020 11:45 AM EST
To: !XCON.NOTIFICATION <XCON.NOTIFICATION@leg.state.fl.us>
Subject: New Appointee(s) Released, Set 22

The Committee on Ethics and Elections has received the following appointments requiring Senate Confirmation. The committee has begun its initial examination of the appointees' backgrounds and qualifications. The most recent set of appointments may be found by accessing: http://www.flsenate.gov/executiveappointments/

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Board Name	Jurisdiction	Appointee	Appointment Type	Residence City	Term Begin	Term End	President Referral
Board of Trustees, Florida A & M University	State	T. Nicole Washington	Reappointment	Miami Beach, Florida	1/7/2022	1/6/2025	ED, EE
Florida Development Finance Corporation	State	James Nelson Bradshaw	Reappointment	Jacksonville Beach, Florida	12/9/2019	5/2/2023	EE

AMERICAN OVERSIGHT

From: Jeff Clayton <jeff@ambailcoalition.org>
Sent: Thursday, February 06, 2020 7:00 AM EST
To: Brandes, Jeff (Web) <Brandes.Jeff.Web@flsenate.gov>
Subject: New York Bail Reform: Bipartisan Chorus Of Local And State Officials Call For Repeal Of Bail Reform As Local Judge Declares The Law Unconstitutional

Image

AMERICAN OVERSIGHT

New York Bail Reform: Bipartisan Chorus Of Local And State Officials Call For Repeal Of Bail Reform As Local Judge Declares The Law Unconstitutional

Dear Sen. Brandes,
It's been a busy week in the Empire State of New York as the repeal of "catch and release" bail reform continues to draw bipartisan support...
For states considering similar policies...you've been warned.
The fallout of New York's bail reform continued this week as critics of the new law blasted the restricting of judicial discretion to set bail by issuing automatic get-out-of-jail free cards.
First, a bipartisan coalition of law enforcement leaders and other important state officials from around the State of New York stormed the Capitol building on February 3, 2020, assembling on the 444 steps of the so-called "Million Dollar Steps" in Albany. At the rally, Mayor Steve Buckley said: "This dangerous and misguided [bail reform] legislation needs to be repealed."



Second, the Chair of the New York State Democratic Party, Jay Jacobs, recently said that the bail reform law is "going to be a problem if we don't do something." In fact, the public outrage and ire with the law is so overwhelming that Jacobs is worried, according to the New York Post, "**Democratic lawmakers running for re-election in competitive districts this fall could be defeated if Gov. Andrew Cuomo and the Democrat-run Legislature refuse to revise the controversial bail reform law that lets loose dangerous criminal defendants.**" Said Jacobs: "More Democratic seats will be put at risk — and it will be tough — if we don't do something."
RELATED: Jay Jacobs, chair of New York state Democratic Party, urges changes to bail reforms
Third, a local judge ruled on February 3, 2020 that the bail reform law was unconstitutional, although the order has apparently been stayed for a period of two weeks. In the order, Judge Thomas Marcelle held that the bail reform law was unconstitutional insofar as it constrained judicial discretion by preventing judges from imposing monetary bail in situations where other non-monetary conditions would be more restrictive.
RELATED: Cohoes judge issues order challenging state's bail reform law
In the Order, Judge Marcelle wrote...
The second restriction that the legislature placed upon the judiciary is to deny judges the ability to set bail in a certain category of cases. It is this categorical prohibition on judicial discretion that raises the question of whether the legislature impermissibly trespassed upon the judicial power.
...
Discretion to determine the means—including setting cash bail—for securing a defendant's appearance in court is essential to a court's ability to efficiently control the course of a criminal proceeding.
Finally, Sarah Wallace at NBC News 4 in New York recently did an NB4 I-Team report that noted that the battle over bail reform is raging, due to the intent of the law which was to release without bail 90% of defendants who otherwise would be stuck in jail without supervision or any other monitoring.
Thirty-Six days and counting and the results of New York's failed bail reform are clear...it's not working. According to the NYPD, total crime is up 16.9%, shootings up 28.8%, shooting victims up 41%, auto thefts up 72.5%, robbery up 36.8%, grand larceny up 10.7%, and felony assaults up 7.9%.
Perhaps Sheriff Errol Toulon, Jr. of Suffolk County said it best...

Image

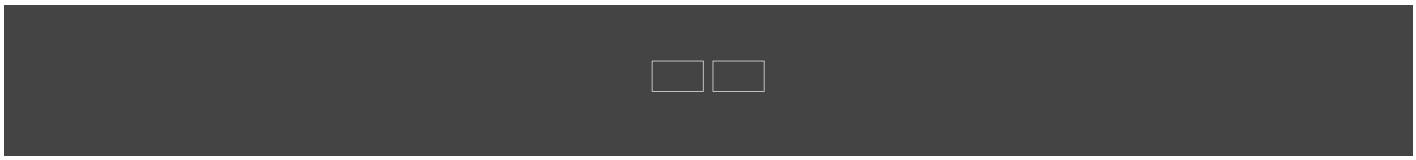
"Bail reform is negatively impacting the poor, the victims of crime, and the quality of life in our state."

More about the American Bail Coalition...

The American Bail Coalition is the national trade association of commercial bail insurance underwriters whose members are responsible for underwriting criminal bail bonds throughout the United States of America.
The Coalition's primary focus is to protect the constitutional right to bail by working with local and state policymakers to bring best practices to the system of release from custody pending trial.
Jeff Clayton, Esq. is the Executive Director/Policy Director and can be reached at jclayton@americanbail.org or (877) 958-6628.

Visit the American Bail Coalition

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

From: Jeff Clayton <jeff@ambailcoalition.org>
Sent: Thursday, February 06, 2020 7:00 AM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: New York Bail Reform: Bipartisan Chorus Of Local And State Officials Call For Repeal Of Bail Reform As Local Judge Declares The Law Unconstitutional

Image

New York Bail Reform: Bipartisan Chorus Of Local And State Officials Call For Repeal Of Bail Reform As Local Judge Declares The Law Unconstitutional

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RELATED: Jay Jacobs, chair of New York state Democratic Party, urges changes to bail reforms

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RELATED: Cohoes judge issues order challenging state's bail reform law

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AMERICAN OVERSIGHT

Image

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Jeff Clayton, Esq. is the Executive Director/Policy Director and can be reached at jclayton@americanbail.org or (877) 958-6628.

Visit the American Bail Coalition



AMERICAN OVERSIGHT

From: Jeff Clayton <jeff@ambailcoalition.org>
Sent: Thursday, February 06, 2020 7:00 AM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: New York Bail Reform: Bipartisan Chorus Of Local And State Officials Call For Repeal Of Bail Reform As Local Judge Declares The Law Unconstitutional

Image

New York Bail Reform: Bipartisan Chorus Of Local And State Officials Call For Repeal Of Bail Reform As Local Judge Declares The Law Unconstitutional

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RELATED: Jay Jacobs, chair of New York state Democratic Party, urges changes to bail reforms

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AMERICAN OVERSIGHT

Image

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Jeff Clayton, Esq. is the Executive Director/Policy Director and can be reached at jclayton@americanbail.org or (877) 958-6628.

Visit the American Bail Coalition



AMERICAN OVERSIGHT

From: Michelle Rivera <riverawrites@everyactioncustom.com>
Sent: Thursday, January 30, 2020 12:43 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Oppose HB1237/SB168

Dear Senator Jeff Brandes,

Please VOTE NO on HB1237 and SB1698.

I was one of the people who went to the Town Hall about stopping the sale of puppies from puppy mills. Other than the major contributions you have received from people who work in the industry, how could you possibly be thinking to overturn them? The people in those cities have spoken and they shouldn't be second-guessed. I can't believe that, after seeing videos of puppy mills, you won't protect them.

These preemption bills overturn 70 Florida municipal and county ordinances banning the retail sales of puppy mill puppies and block all future regulations.

Puppy Store lobbyists, led by Petland, are misleading you.

While this bill may seem reasonable by proposing regulations of pet stores, the stores know these regulations are completely unenforceable. Every past attempt to regulate this industry have already proven unsuccessful at protecting consumers and public safety.

The facts are clear:

FACT: In Florida, 95% of puppies sold in pet stores come from massive commercial breeding facilities (puppy mills). The majority of those are from five states: Indiana, Missouri, Kansas, Arkansas, and Ohio.
Florida cannot regulate out of state breeders.

FACT:The USDA has purged breeder inspection reports from the public record and redacted all information linking bad breeders to bad inspection results.

FACT: The vast majority of pet retailers DO NOT sell dogs. Stores like Petco, PetSmart, Pet Supermarket, and most of the largest pet retailers in the world voluntarily stopped selling puppies decades ago because they could not find healthy dogs in retail quantities.

FACT: Often the stores knowingly sell sick puppies costing customers thousands in veterinary bills and mislead customers by veterinarian self-referrals. The Florida Attorney General and the Florida Department of Ag and Consumer Services have hundreds of complaints from consumers on record.

FACT: Pet store puppies can make humans sick. The CDC recently linked two outbreaks of Campylobacter, a multi-antibiotic resistant disease to puppies sold in 13 states including Florida. Over half of these cases were directly linked to Petland puppies and employees

Please vote to protect consumers, children, and seniors.
Vote NO on HB 1237 and SB 1698.

Thank you,

Sincerely,
Michelle Rivera
1179 SE Sabina Ln Port Saint Lucie, FL 34983-3227

AMERICAN OVERSIGHT

From: Joycde Etchison <joyce.etchison@everyactioncustom.com>
Sent: Friday, January 31, 2020 7:52 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Oppose HB1237/SB168

Dear Senator Jeff Brandes,

Please VOTE NO on HB1237 and SB1698.
DOZENS OF FLA COUNTIES HAVE STUDIED PETLAND (AND A FEW OTHERS') PRACTICES REGARDING PUPPY MILLS, DISEASE SPREADING, LENDING PRACTICES, RETURN POLICIES.
WE KNOW WHAT GOES ON BEHIND THE SCENES...DO YOU?

WE ALSO KNOW ABOUT CONTRIBUTIONS TO VARIOUS LEGISLATORS.

WHY WOULD YOU OVERRULE THE VOICE OF THE VOTERS. MANY STATES HAVE ALREADY BANNED LIVE SALES ALSO. DO YOU NOT SEE THE CONCERN OF THE PUBLIC AND THEIR WISHES? OVERRULE US...WHAT IS NEXT?

WE BANNED GREYHOUND RACING BIG TIME....HELP US PROTECT THE ANIMALS AND PUBLIC IN THEIR HEALTH AND PREVENT POOR BUSINESS PRACTICES. HAVE YOU READ STATISTICS?????
LEAVE IT TO THE LOCALS TO DECIDE!

YOU WOULD BE PENALIZING ALL THE RESCUE (VOLUNTEER) ESTABLISHMENTS, CAUSING INCREASED COSTS AND KILLING OF SHELTER ANIMALS DUE TO OVERCROWDING.
WE ARE INTELLIGENT ENOUGH TO LOOK AT THE HISTORY OF LIVE PET SALES, AND PARTICULARLY COMPLAINTS ON PETLAND (AND OTHERS).....

YOU HAVE NO RIGHT TO TAKE THIS CHOICE AWAY FROM US.

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Please vote to protect consumers, children, and seniors.
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Thank you,
JOYCE ETCHISON
(NAPLES)

Sincerely,
Joycde Etchison
2110 Cay Lagoon Dr Apt 124 Naples, FL 34109-8929

AMERICAN OVERSIGHT

From: Elizabeth Hook <elizabeth_hook@ymail.com>
Sent: Saturday, December 07, 2019 3:38 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Oppose SB64
Attachment(s): "OPPOSE SB64 - FINAL.pdf"

Good afternoon Senator Brandes,

I have attached a letter that I drafted stating my opposition to SB64. The letter contains court precedent showing how the bill violates our constitutional rights. I hope you take the time to read it. Thank you.

Sincerely,
Elizabeth Hook

AMERICAN OVERSIGHT

Dear Senator,

I would like to voice my opposition to SB64. SB64 seeks to remove religious exemptions for students in regards to vaccinations and school entry physicals. This bill not only violates our First and Fourteenth Amendment rights, but also our religious rights established in Florida's Religious Freedom Restoration Act and Florida's Educational Equity Act.

In regards to SB64 violating our First and Fourteenth Amendment rights, it helps to clarify that in *Abington School District v. Schempp*, the Supreme Court reinforced that the Fourteenth Amendment made the First Amendment wholly applicable to the States when passing legislation. 142 U.S. 203, 215 (1963). "Congress shall make no law respecting an establishment of religion (Establishment Clause), or prohibiting the free exercise thereof …" (Free Exercise Clause) U.S. Const. Amend. I. The Supreme Court stated that in order for a law to survive the restriction of the Establishment Clause, ask this question and the answer will determine if it has violated the Clause: "What is the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution." *Id.* at 222. SB64 attempts to inhibit religious beliefs.

The Supreme Court also clarified limitations placed on the government by the Free Exercise Clause.

> It withdraws from legislative power, state and federal, the exertion of any restraint on the free exercise of religion. Hence it is necessary in a free exercise case for one to show the coercive effect of the enactment as it operates against him in the practice of his religion.

Id. at 223.

Florida's Compulsory Education Laws require children to obtain a formal education, whether that is public school, private school, homeschool, or something else. A child's non-enrollment in school can result in criminal prosecution for the parents, such as a second-degree misdemeanor. Fla. Stat. §§ 1003.21, 1003.26, 1003.27 (2019). If this bill is approved it would force parents to either cave to government vaccine mandates that violate their religious beliefs or they will face criminal charges, because their child would be denied access to school due to their religious beliefs. SB64 is coercive.

AMERICAN OVERSIGHT

However, to further clarify if the Establishment Clause of the First Amendment has been violated a three-prong test was established in *Lemon v. Kurtzman*, which relied upon the Court's opinion in *Abington School District v. Schempp*.

> The first prong is that the statute enacted has a secular legislative (neutral) purpose. Second, its principal or primary effect must neither advance or inhibit religion. Finally, the statute must not foster 'an excessive government entanglement with religion.'

Lemon v. Kurtzman, 403 U.S. 602, 612 (1971).

If the government policy can pass each of the prongs of the *Lemon* test, then the policy is not in violation. *Windmar v. Vincent*, 454 U.S. 263, 271 (1981). SB64 is not neutral. It is specifically targeted at parents exercising their religious rights. Additionally, SB64 not only inhibits, but removes parent's rights at exercising their religious beliefs when it comes to vaccine mandates. It fails the *Lemon* test.

The Supreme Court has had plenty of cases to interpret the Establishment Clause; however, not as many cases to interpret the Free Exercise Clause of the First Amendment, that is until *Church of the Lukumi Babalu Aye v. City of Hialeah* in 1993. The Supreme Court stated:

> At a minimum, the protections of the Free Exercise Clause pertain if the law at issue discriminates against some or all religious beliefs or regulates or prohibits conduct because it is undertaken for religious reasons.

508 U.S. 520, 532 (1993).

They further elaborated stating:

> If the object of a law is to infringe upon or restrict practices because of their religious motivation, the law is not neutral and it is invalid unless it is justified by a compelling interest and is narrowly tailored to advance that interest.

Id. at 520, 533.

It has already been explained why SB64 is not neutral.

AMERICAN OVERSIGHT

While many would consider mandating vaccinations is a compelling State interest, the Supreme Court went on to clarify what constitutes a compelling interest.

> Where government restricts only conduct protected by the First Amendment and fails to enact feasible measures to restrict other conduct producing substantial harm or alleged harm of the same sort, the interest given in justification of the restriction is not compelling.

Id. at 520, 547.

It could be found ironic that the legislature wants to mandate vaccinations to eliminate diseases, when, at the same time, many vaccines contain a live virus. Here are two examples of a live virus vaccine shedding. The following is from Merck's Rotavirus vaccine insert.

> Shedding of vaccine virus was evaluated among a subset of subjects in the Rotavirus Efficacy and Safety Trial 4 to 6 days after each dose and among all subjects who submitted a stool antigen rotavirus positive sample at any time. RotaTeq was shed in the stools of 32 of 360 vaccine recipients tested after dose 1.[1]

Here is what Merck has to say about the Varivax (Varicella Virus Vaccine Live) vaccine. "Due to the concern for transmission of vaccine virus, vaccine recipients should attempt to avoid, whenever possible, close association with susceptible high-risk individuals for up to 6 weeks following vaccination."[2] Vaccines claim to prevent diseases, but here are two examples of potential shedding of the very disease it is designed to prevent. A perfect example of "alleged harm of the same sort." *Id.* at 547. It helps to add that every vaccine insert states that the vaccine may not offer protection from contracting the disease it is designed to prevent.

Many are unaware of the health risks that vaccines possess. In 1986, Congress passed the National Childhood Vaccine Act removing liability from the vaccine manufacturers. Vaccine manufacturers were so overwhelmed by lawsuits due to vaccines injuries that it threatened to put them out of business. "No vaccine

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1 https://www.merck.com/product/usa/pi_circulars/r/rotateq/rotateq_pi.pdf
2 https://www.merck.com/product/usa/pi_circulars/v/varivax/varivax_pi.pdf

AMERICAN OVERSIGHT

manufacturer shall be liable in a civil action for damages arising from a **vaccine-related injury or death** associated with the administration of a vaccine after October 1, 1988 …" 42 U.S.C. §300aa–22(b)(1). This Act resulted in the creation of the National Vaccine Injury Compensation Program (VICP). It has currently paid out $4,194,495,832.52 for vaccine injuries.[3] Compensation generally occurs if: the injury occurs from a VICP covered vaccine, the injury appears on their Vaccine Injury Table, and the injury occurred during a specific time after the vaccination.[4] Interestingly, potential side effects that are listed on certain vaccine inserts are not included on this table. However, if a petitioner's injury is not listed on the table, they have to provide evidence linking the injury to the vaccine. Imagine that task. Especially since "'underreporting' is one of VAERS (Vaccine Adverse Event Reporting System) main limitations. The term underreporting refers to the fact that VAERS receives reports for only a small fraction of actual adverse events."[5]

SB64 is targeting individual's religious beliefs regarding vaccinations on the basis of preventing the spread of diseases. However, there are three things to consider. First, many of the vaccines are capable of spreading the very same disease it is designed to prevent. Second, even if the vaccine does not spread the disease, it may not even offer the protection it claims. Finally, there is a risk of injury or death after every injection. It is also concerning that every vaccine insert contains a statement that they have never been evaluated for the potential to cause carcinogenicity, mutagenicity, or fertility impairments. The Supreme Court said it perfectly – a law restricting a First Amendment right is not compelling if it does not restrict conduct "producing substantial harm or the alleged harm of the same sort." *Id.* at 547.

Florida enacted Florida's Religious Freedom Restoration Act (FRFRA) in 1998 to further protect religious freedoms founded in the Constitution.

> (1) The government shall not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, except that government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person:
> (a) Is in furtherance of a compelling governmental interest; and
> (b) Is the least restrictive means of furthering that compelling governmental interest.

---

3 https://www.hrsa.gov/sites/default/files/hrsa/vaccine-compensation/data/data-statistics-october-2019.pdf
4 https://www.hrsa.gov/sites/default/files/hrsa/vaccine-compensation/vaccine-injury-table.pdf
5 https://vaers.hhs.gov/data/dataguide.html

AMERICAN OVERSIGHT

Fla. Stat. § 761.03(1)(a-b) (2019).

In fact, in *Warner v. City of Boca Raton*, the Florida Supreme Court specified that the protection offered to the free exercise of religiously motivated activity by FRFRA is broader than that afforded by the decisions of the United States Supreme Court. 887 So. 2d 1023 (Fla. 2004). Based upon Supreme Court precedent, a neutral law can infringe on an individuals' rights of free exercise of religion. However, under FRFRA, even a neutral law cannot infringe on this right, and if it does it must pass the compelling interest test established by Federal precedent that the Florida Supreme Court has accepted as the standard. *Id*. A law restricting a First Amendment right is not compelling if it does not restrict conduct "producing substantial harm or the alleged harm of the same sort." *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 547 (1993).

The Equal Protection clause of the Fourteenth Amendment also offers another perspective on how SB64 violates our rights. "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; … nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. Amend. XIV. In *Brown v. Board of Education*, the Court interpreted the Equal Protection Clause of the Fourteenth Amendment in regards to segregation in public schools. Chief Justice Warren states:

> We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws. Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

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Brown v. Board of Education, 10 U.S. 486 (1954).

It helps to add that Chief Justice Warren found inspiration in a prior case that stated the detrimental effect separation based on race in public schools would have on African American children. Chief Justice Warren expounded on this by writing: "To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." *Brown v. Board of Education*, 10 U.S. 486, (1954). Now, replace the word race with religion and the effect is the same.

The Supreme Court held that segregation was in clear violation of the Fourteenth Amendment. Here we are again, but with legislation creating segregation among school-aged children because of religious beliefs. In fact, legislation is taking it a step further and denying children their right to a public education if they are not vaccinated due to religious beliefs. It is a good thing that Florida enacted the Florida Educational Equity Act.

> Discrimination on the basis of race, ethnicity, national origin, gender, disability, religion, or marital status against a student or an employee in the state system of public K-20 education is prohibited. No person in this state shall, on the basis of race, ethnicity, national origin, gender, disability, religion, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.

Fla. Stat. § 1000.05(2)(a) (2019).

How are people's religious rights being violated by SB64? Here are a few examples. Christians find guidance from the Holy Bible. The Holy Bible repeats our bodies are temples and to treat it with respect.[6] However, Christianity has many denominations that choose to practice their beliefs differently. To further broaden the scope, different religions have different beliefs and practices. Some choose to use prayer instead of medicine in times of sickness. Others follow dietary restrictions. While others scrutinize what they put into their bodies, for instance,

[6] 1 Corinthians 3:16-17; 6:19-20.

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toxic substances, animals, or even human tissue. Did you know the hazardous waste limit for mercury allowed to be present in drinking water set by the EPA is 0.2ppm or 200 parts per billion?[7] The flu vaccine, Fluvirin, contains mercury in the amount of 25,000 parts per billion. That is 24,800 over what the EPA deems as hazardous waste. Did you know that vaccines not only contain animal tissue, but aborted human tissue? Although, the aborted fetal tissue has been renamed to MRC-5 and WI-38. Collagen used from pigs in vaccines has been named Porcine gelatin. The following ingredients from chickens, dogs (Madin Darby Canine Kidney), monkeys, cows and insects (Spodoptera frugiperda cell proteins) can also be found.[8] Christians are opposed to abortion, as are Buddhists. They view abortion as an act of murder. So why would it be okay to have a vaccine that contain remnants of an aborted fetus being injected into their children? Jews and Muslims have dietary restrictions due to their religious beliefs. The Florida Supreme Court used Muslims and Jews consuming pork as an example of a substantial burden (compels you to act in a way forbidden by your religion). *Warner v. City of Boca Raton*, 887 So. 2d 1023 (Fla. 2004). So again, it must be asked why would they be okay injecting pork into their body if it is against their religious beliefs to consume it?

People are not objecting to SB64 due to an "anti-vax" sentiment, but because of the religious freedom it threatens to take away. The separation between church and state needs to be protected. It is why the First Amendment was written, to keep legislature from overstepping.

SB64 not only risks violating our constitutional rights, but damaging children's "hearts and minds" by casting them out of school with a message that they are "inferior". *Brown v. Board of Education*, 10 U.S. 486 (1954). You would be telling these children they do not deserve the same opportunities due to their religious beliefs because of a potential "health risk". The same health risk was demonstrated above as a possibility from vaccinated children. However, it is assuming the belief that the low percent of unvaccinated, school aged children in Florida are a threat for spreading diseases, but the remaining children, vaccinated with live viruses, are not.[9]

SB64 seeks to distort the line that separates church and state, but will you allow this? You swore an oath to support and defend the Constitution. So, will you? Will you protect the rights our Founding Fathers fought so passionately to secure so

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7 https://www.epa.gov/ground-water-and-drinking-water/national-primary-drinking-water-regulations
8 https://www.cdc.gov/vaccines/pubs/pinkbook/downloads/appendices/b/excipient-table-2.pdf
9 http://www.floridahealth.gov/programs-and-services/immunization/resources/surveys/_documents/k-7-status2018-19.pdf

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we would never have to experience such oppression again from our government? If so, oppose SB64.

Sincerely,

Elizabeth Hook

AMERICAN OVERSIGHT

From: Elizabeth Oreck <elizabetho@bestfriends.org>
Sent: Thursday, January 30, 2020 8:50 PM EST
To: Simpson, Wilton <Simpson.Wilton@flsenate.gov>; Benacquisto, Lizbeth <Benacquisto.Lizbeth@flsenate.gov>; Bracy, Randolph <Bracy.Randolph@flsenate.gov>; Bradley, Rob <Bradley.Rob@flsenate.gov>; Brandes, Jeff <Brandes.Jeff@flsenate.gov>; Braynon, Oscar <Braynon.Oscar@flsenate.gov>; Farmer, Gary <Farmer.Gary@flsenate.gov>; Gibson, Audrey <Gibson.Audrey@flsenate.gov>; Hutson, Travis <Hutson.Travis@flsenate.gov>; Passidomo, Kathleen <Passidomo.Kathleen@flsenate.gov>
Subject: Opposition to SB 1698
Attachment(s): "AKC Breeders Code of Ethics re Pet Stores.pdf","Dr. Frank McMillan Executive Summary PM Studies.pdf","JAVMA Pet Store Puppies Study.pdf","FL SB 1698 Letter from BFAS.pdf"

Honorable Chair Simpson, Vice Chair Benacquisto and Committee members,
On behalf of Best Friends Animal Society and our Florida members, please find attached a letter respectfully urging you to oppose Senate Bill 1698, which would prohibit localities from enacting retail pet sales ordinances. Also attached are a few supporting documents that you may find helpful.

While this bill appears to be promote animal welfare, it is actually just a vehicle for local preemption. The pet industry has introduced similar preemption bills in other states, all with the intention of supporting the puppy mills that supply pet stores, to the serious detriment of pets, consumers and taxpayers.

Best Friends and our thousands of members throughout Florida thank you in advance for voting NO on this harmful bill.

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

Respectfully,

Elizabeth Oreck
National Manager, Puppy Mill Initiatives
Best Friends Animal Society
(818) 922-2445
bestfriends.org
facebook.com/bestfriendsanimalsociety | twitter.com/bestfriends



Together, we can Save Them All® by 2025.

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AKC Breeder Code of Ethics re: Pet Store Puppies

If one visits the website of the American Kennel Club (AKC), one of the oldest and most respected breed club registries in the world, one can access the Breeder Code of Ethics on any of the websites listed in their national parent club directory for AKC-recognized breeds.* One of the most common provisos is that ***breeders must agree never to sell their puppies to pet stores.***

Below are several examples.

Airedale Terrier Club of America
(airedale.org)
Code of Ethics: *In sale/placement transactions, we endeavor to refuse to sell an Airedale Terrier of any age to pet dealers, catalog houses, or any other commercial sources of distribution.*

Alaskan Malamute Club of America, Inc.
(alaskanmalamute.org)
Code of Ethics: *No member shall knowingly be involved in the sale/placement of puppies/dogs through retail or wholesale outlets, mail order businesses, dog dealers/agents/brokers, or act as a finder for such operations.*

American Bloodhound Club
(bloodhounds.org)
Code of Ethics: *As a member of the American Bloodhound Club: I agree not to engage in the practice of providing any Bloodhound to any individual, commercial wholesaler, or retailer for the purpose of resale.*

American Cavalier King Charles Spaniel Club, Inc.
(ackcsc.org)
General Code of Conduct: *I will not: 1. Knowingly falsify a pedigree, health screening or breeding information. 2. Sell Cavaliers to pet shops, brokers or third party dealers. 3. Supply or sell Cavaliers for auctions, raffles, flea markets or any other such enterprise. 4. Knowingly sell to unethical breeders, or sell to persons whose intention is resale. 5. Purchase any Cavalier or any litter for resale either to an individual or a commercial establishment.*

American Fox Terrier Club
(aftc.org)
Code of Ethics: *Under no condition shall dogs be sold to pet dealers or any other source of commercial distribution.*

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American Whippet Club, Inc.
(americanwhippetclub.net)
Code of Ethics: *No member of this club shall engage in the wholesaling of litters of Whippet puppies, or the sale of breeding stock or individuals to pet shops or other commercial sources of distribution.*

Basset Hound Club of America
(basset-bhca.com)
Breeder Code of Ethical Conduct: *No member of this club shall engage in the wholesaling of litters or the selling of breeding stock to commercial sales operations.*

American Maltese Association, Inc.
(americanmaltese.org)
Member Code of Ethics: *I will not knowingly deal with dog wholesalers, commercial retailers, brokers or unethical dog breeders, nor supply dogs for raffles, "give away" prizes or other such projects.*

American Miniature Schnauzer Club, Inc.
(amsc.us)
Code of Ethics: *The breeder will not sell or dispose of any dog through pet shops, wholesalers, commercial dealers or paid agents.*

American Pomeranian Club, Inc.
(americanpomeranianclub.org)
Code of Ethics: *I will not sell my puppies to pet shops or commercial pet mill establishments, nor will I donate puppies for raffles or auctions.*

American Spaniel Club, Inc.
(asc-cockerspaniel.org)
Code of Ethics: *Breeders shall refrain from selling puppies to pet shops either outright or on consignment; refrain from supplying puppies for auctions, raffles, or other such enterprises; refrain from selling to persons whose intention to resell is known or suspected; refrain from breeding litters primarily for the pet market.*

Australian Cattle Dog Club of America
(acdca.org)
Breeder Code of Ethics: *As an ACDCA Code of Ethics Breeder, I agree that no puppies will be knowingly sold to franchised commercial facilities, puppy brokers, puppy mills or agents thereof.*

Boston Terrier Club of America, Inc.
(bostonterrierclubofamerica.org)
Code of Ethics: *I will sell no Boston Terrier to a commercial facility, puppy broker, pet shop, puppy mill or their agent.*

Bulldog Club of America
(bulldogclubofamerica.org)
Breeder's Code of Ethics: *Responsible breeders refuse to sell or recommend breeders who do not conform to the ideals and obligations expressed in this Code and shall not engage in wholesaling litters or in individual sales or consignments of pups or adults to pet shops, dealers, catalog houses or other commercial establishments, nor shall they be donated or given as prizes in contests, raffles, or fund-raising events, no matter how charitable.*

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Chihuahua Club of America, Inc.
(chihuahuaclubofamerica.com)
Code of Ethics: *I pledge to be responsible for all Chihuahuas that I have produced for their entire life-time by never buying, selling or trading my/our Chihuahuas to research laboratories, pet stores, or to auctions nor placing them in rescue groups.*

Chinese Shar-Pei Club of America, Inc.
(cspca.com)
Breeders Code of Conduct: *I agree to never sell or give any puppy or dog to pet stores either on consignment or outright.*

Collie Club of America, Inc.
(collieclubofamerica.org)
Code of Ethics: *No member shall knowingly sell or place, trade or give any Collie of any age to pet dealers, catalog houses, or other commercial sources; nor shall Collies be given as prizes, auctioned, or exploited to the detriment of the breed.*

Dachshund Club of America, Inc.
(dachshund-dca.org)
Code of Ethics: *To never supply a Dachshund to pet shops, commercial brokers or dealers, raffles or similar projects.*

Dalmatian Club of America, Inc.
(thedca.org)
Ethical Guidelines: I hereby pledge to ensure that puppies and adults produced by my brood bitch or stud dog are never knowingly sold or consigned to pet stores, wholesalers, or commercial dealers.

French Bull Dog Club of America
(frenchbulldogclub.org)
Code of Ethics and Sportsmanship: *As a member of the French Bull Dog Club of America, I will not sell a French Bulldog to anycommercial facility, puppy brokers, pet shop, puppy mill or agent thereof.*

German Shepherd Dog Club of America
(gsdca.org)
Club Code of Conduct: *No GSD will be sold to wholesalers or retail stores for the purpose of resale.*
Breeders Code: *I hereby pledge to refuse to sell or recommend breeders who do not conform to the ideals and obligations expressed in this Code and refuse all sales to dog wholesalers and retailers.*

Golden Retriever Club of America
(grca.org)
Responsibilities as a Breeder: *Members should not sell dogs at auction, or to brokers or commercial dealers.*

Greyhound Club of America
(greyhoundcluboramericainc.org)
Ethical Standards: *Breeders shall not knowingly sell or consign puppies or adult dogs to pet stores, puppy brokers or other commercial dealers.*

Havanese Club of America
(havanese.org)
Code of Ethics: *No Havanese will be sold to pet dealers, pet stores, pet wholesalers, or pet brokers either singly or in litter lots.*

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Miniature Pinscher Club of America, Inc.
(minpin.org)
Code of Ethics: *No Miniature Pinscher shall be sold to commercial facilities; research laboratories; pet shops; brokers who purchase litter lots or individuals for re-sale to pet shops or other commercial facilities, puppy mills or their agents.*

Newfoundland Club of America, Inc.
(ncanewfs.org)
Ethics Guide: *Responsibilities of Members: To refuse to sell Newfoundland dogs to any pet shop, or any wholesale dealer in dogs, or knowingly to sell or aid or abet the sale of any Newfoundland to a person or agent who will sell the animal through a pet shop.*

Old English Sheepdog Club of America, Inc.
(oldenglishsheepdogclubofamerica.org)
Code of Ethics: *Puppies may not be sold from any temporary marketplace or transient headquarters, no litters purchased or taken on consignment for resale, nor dogs wholesaled to pet shops, auctions, dealers, contest sponsors, raffles, etc.*

Papillon Club of America, Inc.
(papillonclub.org)
Code of Ethics: *No member of the Papillon Club of America will sell at wholesale or to retail outlets, brokers, pet shops, mail order houses, or businesses of similar commercial enterprise, or donate a dog to be offered as a prize.*

Portugese Water Dog Club of America, Inc.
(pwdca.org)
Section 1 All PWDCA Members shall: *Not sell, place or consign any Portuguese Water Dog to a commercial facility, business or agent thereof.*

Pug Dog Club of America, Inc.
(pugs.org)
Code of Ethics: *No member shall EVER sell or donate dogs for auctions or raffles, or to pet shops, catalog houses, brokers or for resale purposes.*

Rhodesian Ridgeback Club of the United States
(rrcus.org)
Code of Ethics: *Members will not knowingly furnish puppies or adult dogs for wholesale, pet shops, puppy brokers, commercial facilities, guard dog businesses or agents thereof, or dispose of them as "Give away" prizes or auction items; neither will they sell puppies to nor breed to dogs owned by those whom they have reason to believe may do so.*

Samoyed Club of America, Inc.
(samoyedclubofamerica.org)
Code of Ethics: *The SCA member does not sell, consign, or transfer puppies, or adults to pet shops, wholesale dealers, contest sponsors, or anyone who is known to degrade the Samoyed breed or purebred dogs, or to individuals contemplating breeding and/or sale to the aforementioned.*

Scottish Terrier Club of America
(stca.biz)
Code of Ethics: *Not knowingly sell a Scottish Terrier of any age to a pet shop, catalog house, laboratory or any wholesale dealer in dogs (a dealer being a person who regularly buys dogs for sale at profit), or to any person who sells to any of the above.*

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Siberian Husky Club of America, Inc.
(shca.org)
Code of Ethics: *I pledge that I will refuse to deal with dog wholesalers or to sell puppies or dogs to pet shops, and I will include in all stud contracts an agreement to be signed by the owner of the bitch that no puppies resulting from the mating will be wholesaled or sold to pet shops.*

Skye Terrier Club of America
(clubs.akc.org/skye)
Code of Ethics: *To refrain from knowingly selling, trading, or giving Skye Terriers or providing stud service to a commercial breeder, pet shop, research laboratory or any person known to be unethical in his/her dealings in purebred dogs.*

Spinone Club of America
(spinoneclubofamerica.com)
Code of Conduct: *Members will not sell, transfer or consign a dog to pet shops, unethical breeders, or other commercial ventures including lotteries, raffles or auctions.*

Staffordshire Bull Terrier Club of America
(sbtca.com)
Code of Ethics: *Litters shall not be sold to a person en-bloc, to commercial sources, or for purposes of resale.*

St. Bernard Club of America, Inc.
(saintbernardclub.org)
Guidelines and Statement of Policy: *No member shall buy or sell St. Bernards through commercial pet outlets, nor buy or sell in litter lots, nor sell to persons whose activities tend to degrade the Breed.*

Tibetan Terrier Club of America, Inc.
(ttca-online.org)
Guidelines for Responsible Breeders: *A responsible breeder does not sell or consign Tibetan Terriers to pet shops or other commercial dealers, nor does he breed his animals to their animals.*

Weimaraner Club of America
(weimaranerclubofamerica.org)
Code of Ethics: *The owner/breeder shall not breed, sell or consign puppies or adults to pet shops or other commercial dealers.*

*** http://www.akc.org/clubs/search/index.cfm?action=national&display=on**

Executive Summary: Scientific studies of dogs and puppies from commercial dog-breeding establishments (puppy mills)

BACKGROUND

Commercial breeding establishments, or puppy mills, are large-scale facilities where dogs are confined in small enclosures for their entire reproductive lives with little to no exercise or positive human contact. The sole purpose of such facilities is to mass-produce puppies to sell them for profit through retail pet stores and via the Internet.

SYNOPSIS

In two large-scale studies of dogs from high-volume commercial breeding establishments (one study focusing on the adult breeding dogs and the other on the puppies sold through pet stores), the evidence showed conclusively that these breeding facilities are highly injurious to both groups of dogs, resulting in severe, extensive and long-term harm to the behavioral and psychological well-being of the dogs.

Study 1: The adult breeding dogs

WHAT THE STUDY LOOKED AT

This study compared a wide array of psychological and behavioral characteristics of 1,169 dogs formerly kept for breeding purposes in commercial breeding establishments with pet dogs owned by members of the general public.

RESEARCHERS

Franklin D. McMillan, DVM, Best Friends Animal Society
Deborah L. Duffy, PhD, University of Pennsylvania School of Veterinary Medicine
James A. Serpell, PhD, University of Pennsylvania School of Veterinary Medicine

THE PUBLISHED PAPER

Mental health of dogs formerly used as ‘breeding stock’ in commercial breeding establishments. FD McMillan, DL Duffy, JA Serpell. *Applied Animal Behaviour Science* 2011; 135: 86-94.

WHAT THE STUDY FOUND

- The results showed a broad range of abnormal behavioral and psychological characteristics in the former breeding dogs from large-scale commercial breeding establishments, including significantly elevated levels of fears and phobias; pronounced compulsive and repetitive behaviors, such as spinning in tight circles and pacing; house soiling; and a heightened sensitivity to being touched and picked up.
- The psychological harm demonstrated in these dogs is severe and long-lasting. Much of the harm is irreparable and will remain a continued source of suffering for years after the dogs leave the breeding facility, in some cases for the entire lifetime of the dog.

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CONCLUSIONS

- Current laws at both the national and state levels are not based on current scientific knowledge of animal psychology, quality of life, suffering, and welfare, and are thus inadequate to protect dogs from the psychological harm resulting from living in commercial breeding establishments.
- Legislation to adequately protect the welfare of dogs in confinement needs to be updated to reflect current scientific knowledge.

To obtain a copy of the published study, contact Dr. Frank McMillan (dr.frank@bestfriends.org).

Study 2: The puppies

WHAT THE STUDY LOOKED AT

This study compared the psychological and behavioral characteristics of 431 adult dogs who were purchased as puppies from pet stores with adult dogs purchased as puppies from small-scale, private breeders.

RESEARCHERS

Franklin D. McMillan, DVM, Best Friends Animal Society
James A. Serpell, PhD, University of Pennsylvania School of Veterinary Medicine
Deborah L. Duffy, PhD, University of Pennsylvania School of Veterinary Medicine
Elmabrok Masaoud, PhD, Atlantic Veterinary College, University of Prince Edward Island
Ian Dohoo, DVM, PhD, Atlantic Veterinary College, University of Prince Edward Island

THE PUBLISHED PAPER

Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders. FD McMillan, JA Serpell, DL Duffy, E Masaoud, IR Dohoo. *Journal of the American Veterinary Medical Association* 2013; 242: 1359-1363.

WHAT THE STUDY FOUND

- Dogs obtained as puppies from pet stores received significantly less favorable scores than breeder-obtained dogs on most behavioral variables measured. Compared with dogs obtained as puppies from noncommercial breeders, dogs from pet stores had significantly greater aggression toward human family members, unfamiliar people and other dogs; greater fear of other dogs and typical life events; and greater separation-related problems and house soiling.
- For no behavior evaluated in the study did pet store dogs score more favorably than noncommercial breeder dogs.
- The chances of a dog developing serious behavior problems is much higher for dogs purchased as puppies from pet stores, as compared to dogs obtained from small, noncommercial breeders.

CONCLUSIONS

- On the basis of these findings, combined with findings from earlier small-scale studies of dogs obtained from pet stores, until the causes of the unfavorable differences detected in this group of dogs can be specifically identified and remedied, the authors of this study withhold any recommendation that puppies be obtained from pet stores.

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FL-SEN-20-0201-B, 20-0202-A-005369

- Dogs sold by pet stores are misrepresented to consumers as a high-quality product, because the data now shows that consumers are not receiving what they believe they are paying for. The increased risk of behavior problems that pet store customers face as their dog matures includes aggression issues, which pose a significant risk of human injury. Consumer protective legislation is urgently needed in this area.
- Legislation to improve the conditions in the large-scale commercial breeding facilities supplying puppies to pet stores is needed to assure that the puppies are not at any increased risk of maturing into adult dogs with serious behavior problems.

To obtain a copy of the published study, contact Dr. Frank McMillan (dr.frank@bestfriends.org).

Overall Conclusions

- Current laws provide inadequate protection against harm to breeding dogs and puppies associated with commercial breeding establishments.
- Consumers purchasing puppies from pet stores are unknowingly assuming a risk of difficult and serious behavior problems in their dogs, including dog behavior that can endanger their own safety.
- If dogs are to be bred to produce puppies for sale, all of the dogs and puppies should be assured a decent quality of life based on the most current scientific research.

For More Information

For more about Best Friends Animal Society, go to **bestfriends.org**. To learn about Best Friends' puppy mill initiatives and what you can do to help, visit **puppymills.bestfriends.org**.

Best Friends SAVE THEM ALL

Atlanta • Kanab • Los Angeles • New York City • Northwest Arkansas • Salt Lake City

28 January 2020

Florida Senate Committee on Innovation, Industry and Technology
404 S. Monroe St.
Tallahassee, FL 32399-1100

Re: Opposition to Senate Bill 1698

Honorable Chair Simpson, Vice Chair Benacquisto and Committee members,

On behalf of Best Friends Animal Society and our Florida members, I respectfully urge you to oppose Senate Bill 1698, which would prohibit localities from enacting retail pet sales ordinances.

Pet mills, particularly puppy mills, are a serious problem in the U.S. These facilities, which supply nearly 100% of retail pet stores and online retailers, are cruel and inhumane breeding factories in which profit takes priority over the health, comfort and welfare of the animals.

Although the USDA regulates these breeders, the minimum federal standards do not ensure a humane life for dogs. These types of kennels can legally have more than a thousand dogs in one facility, and these dogs are allowed to be confined to very small cages for their entire lives, breeding continuously in order to produce as many puppies as possible for the pet trade. And USDA inspection reports show that many USDA-licensed breeders continue to sell animals to local pet stores even after being cited for serious violations at their facilities. In other words, having a USDA license does **not** ensure responsible breeding.

Further, with the USDA no longer making inspection reports readily available to the public, there is no way for pet stores or consumers to know if the puppies for sale have come from breeding facilities with serious violations of the Animal Welfare Act. Therefore, the fact that a pet store may source from a federally regulated breeding facility, whether or not it has received USDA citations, does not offer protection for consumers or animals. Sourcing requirements that pertain to USDA violations are virtually unenforceable.

Pet stores rely on high-volume commercial pet mills and their distributors to supply their stores because reputable breeders won't sell to pet stores for two simple reasons: it's not financially viable and they don't sell to third parties. And this pledge never to sell a puppy to a pet store can be found in every reputable breeder's code of ethics, including virtually all of the parent breed clubs of the American Kennel Club.

Because the focus is solely on profit, commercial breeding operations typically cut all possible corners to keep their overhead low, at the expense of the health and well-being of their animals. For the unsuspecting consumer, this frequently results in the purchase of a pet facing an array of immediate veterinary problems or harboring genetic diseases that surface down the line. This creates a financial burden on the consumer and results in many of these animals being

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surrendered to overcrowded, taxpayer-subsidized shelters. Thus, this is not just an animal welfare issue but a consumer protection concern.

It makes little sense to continue manufacturing dogs and cats while so many are being killed for lack of space. Public education has been effective, but until communities take the initiative to limit the supply of pets being imported from substandard commercial facilities, there can be no hope of preventing these unnecessary deaths.

Also concerning is the fact that Florida is one of 21 states to have been hit by an outbreak of a strain of bacteria (Campylobacter) that is linked to puppies for sale at Petland. Campylobacter is resistant to antibiotics and contagious to humans. Florida residents should not continue to be exposed to this serious public health threat.

Those who benefit most from companion animal sales in pet stores are the retailers themselves. While they may profit from the practice of buying these pets at a low price from commercial brokers and then selling them at a high price (typically without first spaying or neutering them), it is the taxpaying public who pays for animal control to house and kill unwanted animals in the community.

Puppy mill-supplied pet stores can choose to be part of the solution rather than the problem by phasing out the sale of commercially bred pets in favor of other common revenue streams such as pet product sales, grooming and day care, and by offering space for animal rescue organizations to adopt out animals from those stores.

Pet stores that have transitioned from selling dogs and cats to offering rescued pets for adoption have found this humane model to be both viable and embraced by the communities in which the stores are located. Therefore, allowing localities to restrict the retail sale of pets does *not* prevent local pet stores from staying in business, but does, in fact, alleviate a significant burden on local shelters by increasing pet adoptions. Further, it does not prevent anyone from purchasing the pet of their choice directly from a private breeder.

More than 350 localities (including more than seventy in Florida), as well as three states, have enacted retail pet sales legislation in order to effectively address the problem of puppy and kitten mills from the point of sale. While statewide commercial breeder regulation is important, it should not preclude localities from taking even more stringent steps to eliminating the puppy and kitten mill problem in their own communities. Allowing a corporation that profits from the sale of puppies from mills to determine how localities choose to regulate their businesses is not in the best interest of those communities, nor of the state.

Best Friends and our members thank you in advance for your careful consideration and we strongly urge you to vote NO on Senate Bill 1698, in order to protect Florida consumers, pets and taxpayers.

Respectfully,

Elizabeth Oreck

Elizabeth Oreck
National Manager, Puppy Mill Initiatives
Best Friends Animal Society
bestfriends.org/puppymills
elizabetho@bestfriends.org

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Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders

Franklin D. McMillan, DVM, DACVIM; James A. Serpell, PhD; Deborah L. Duffy, PhD; Elmabrok Masaoud, PhD; Ian R. Dohoo, DVM, PhD

Objective—To compare the owner-reported prevalence of behavioral characteristics in dogs obtained as puppies from pet stores with that of dogs obtained as puppies from noncommercial breeders.

Design—Cross-sectional study.

Animals—Dogs obtained as puppies from pet stores (n = 413) and breeder-obtained dogs (5,657).

Procedures—Behavioral evaluations were obtained from a large convenience sample of current dog owners with the online version of the Canine Behavioral Assessment and Research Questionnaire, which uses ordinal scales to rate either the intensity or frequency of the dogs' behavior. Hierarchic linear and logistic regression models were used to analyze the effects of source of acquisition on behavioral outcomes when various confounding and intervening variables were controlled for.

Results—Pet store–derived dogs received significantly less favorable scores than did breeder-obtained dogs on 12 of 14 of the behavioral variables measured; pet store dogs did not score more favorably than breeder dogs in any behavioral category. Compared with dogs obtained as puppies from noncommercial breeders, dogs obtained as puppies from pet stores had significantly greater aggression toward human family members, unfamiliar people, and other dogs; greater fear of other dogs and nonsocial stimuli; and greater separation-related problems and house soiling.

Conclusions and Clinical Relevance—Obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a wide range of undesirable behavioral characteristics. Until the causes of the unfavorable differences detected in this group of dogs can be specifically identified and remedied, the authors cannot recommend that puppies be obtained from pet stores. (*J Am Vet Med Assoc* 2013;242:1359–1363)

It has long been an article of faith among veterinarians and canine professionals that dogs obtained as puppies from pet stores have a higher prevalence of health and behavioral problems.[1] However, there has been a dearth of empirical studies to support this notion. In a retrospective survey of the owners of 737 adult dogs, Jagoe[a] found that dogs obtained from pet shops had a significantly higher prevalence of owner-directed (dominance-type) aggression and social fears (fear of strangers, children, and unfamiliar dogs) than did dogs from 5 other sources: breeders, animal shelters, friends or relatives, found or rescued off the streets, and home bred (ie, bred and reared in the current owner's home).[2] However, the sample size of pet store dogs in that study[a] was small (n = 20).

Bennett and Rohlf[3] investigated the frequency of potential problematic behavior patterns as reported by owners in a convenience sample of 413 companion dogs, of which 47 were obtained from pet stores. Results indicated that dogs purchased from pet shops or shelters were considered by their owners to be more unfriendly or aggressive than were dogs purchased from breeders and significantly more nervous than dogs bred by the present owner. However, by using broadly defined behavioral subscales rather than discrete behaviors, the researchers were not able to ascertain whether pet shop dogs had specific problematic behaviors more frequently than did dogs from other sources.

Mugford[4] reported analyzing a sample of 1,864 dogs with various behavioral problems and determined that "only 10% of purebred dogs obtained directly from breeders presented separation-related problems, whereas 55% of purebred dogs originating from so-called 'puppy farms' or 'puppy mills' present such problems." Sample sizes and the way in which it was determined

Abbreviations

C-BARQ	Canine Behavioral Assessment and Research Questionnaire
CBE	Commercial breeding establishment
NCB	Noncommercial breeder

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that the dogs came from puppy farms or puppy mills were not reported.

Some inconsistent findings have also been reported. Pierantoni et al[5] compared owner-reported behaviors between 70 adult dogs separated from their litters at 30 to 40 days of age and 70 adult dogs separated from their litters at 2 months of age. Their analysis included the source of the dog classified into 3 categories: breeder, pet shop, or friend or relative. The researchers found no significant association between the source of the dog and the behavioral categories examined. In a study of the efficacy of a dog-appeasing pheromone in reducing stress associated with social isolation in puppies recently acquired from pet stores, Gaultier et al[6] noted that their data did not seem to support the hypothesis that puppies from pet stores constitute a special, at-risk population for the development of behavioral problems. The researchers reported that the puppies in that study[6] (n = 66) did not appear to disturb their owners any more than those in a previous study by Taylor and Mills[7] involving puppies acquired from local pedigree dog breeders. However, the breeders in the latter study[7] included a semicommercial breeder and at least 1 puppy mill.[b]

Most puppies sold by pet stores in the United States are purchased from brokers, who may themselves be breeders but overwhelmingly acquire their puppies from high-volume breeding facilities, or CBEs, located throughout the United States.[8] Conditions in the CBEs, which supply tens of thousands of puppies to retail pet stores each year, vary widely. Conditions in CBEs range from modern, clean, and well-kept to squalid, noxious, and gravely detrimental to animal health and welfare.[9–11]

The purpose of the study reported here was to evaluate the hypothesis that dogs obtained as puppies from pet stores would be reported to have an increased prevalence of behavioral problems, compared with dogs obtained as puppies from NCBs.

Materials and Methods

Data collection—Behavioral evaluations of the dogs were obtained by use of the online version of the C-BARQ, a standardized survey instrument with established reliability and validity characteristics.[12] The C-BARQ is designed to provide quantitative assessments of a wide array of behavioral characteristics of dogs and has been widely used as a research tool for comparing behavior in different dog populations.[13–15] The questionnaire consists of 100 items that ask respondents to indicate on a series of 5-point ordinal rating scales their dogs' typical responses to a variety of everyday situations during the recent past. The scales rate either the intensity (aggression, fear, and excitability subscales) or frequency (all remaining subscales and miscellaneous items) of the behaviors, with a score of 0 indicating the absence of the behavior and a score of 4 indicating the most intense or frequent form of the behavior. The C-BARQ currently comprises 14 behavioral factors or subscales and a further 22 miscellaneous stand-alone items. Higher scores are generally less favorable for all items and subscales, with the exception of trainability, for which higher scores are more desirable. Owners were also asked to indicate the dog's current age at the time the survey was completed, whether there were other dogs living in the same household, and whether the dog was used for specific working or recreational roles, including breeding or showing, field trials or hunting, other sports (eg, agility, racing, or sledding), and working roles (eg, search and rescue, service, or sheep herding). To obtain information on the source from which the dog was acquired, owners were also asked to respond to the question, "where did you acquire this dog?" Possible responses included the following: bred him/her myself; from a breeder; from a shelter or rescue group; from a neighbor, friend, or relative; bought from a pet store; adopted as a stray; and other. Consistent with the 2 previous studies[3,a] that offered pet-owning participants the choice of breeder as the source of the dog, the question in the C-BARQ regarding the source of the dog does not define the term breeder.

Sample—The online C-BARQ was advertised originally via an article in the newsmagazine of the Veterinary Hospital of the University of Pennsylvania and by notices sent to Philadelphia-area veterinary clinics and the top 20 US breed clubs, as determined on the basis of American Kennel Club registrations. Availability of the survey then spread via word of mouth. No geographic limitations were applied, and participation included residents of the United States as well as other countries. A subset of these data consisting entirely of pet dogs whose owners reported obtaining them either from breeders (n = 5,657) or pet stores (413) was used for analysis. Breeder-obtained dogs were selected as the comparison group for the following reasons: age at the time of acquisition would most closely match pet store–obtained dogs; for the most part, breeder-obtained dogs are purebred as are those from pet stores; and the life history of the dog prior to purchase in breeder-obtained puppies is relatively standardized, thereby reducing the amount of environmental variability among the dogs of this group. These assumptions apply to the United States and may have less validity in other countries.

Statistical analysis—Two-level hierarchic linear or logistic regression models were used to analyze the data on behavioral measures.[16] The outcome variables (attachment and attention seeking, chasing, trainability, excitability, and energy) in the hierarchic linear model were treated as normally distributed continuous variables. All other behavioral variables were dichotomized (eg, 0 or > 0) because they were typically highly skewed and it was impossible to identify a suitable transformation method to normalize their distribution. These were analyzed with 2-level mixed logistic models. Both types of model aimed to assess the relationship between source of acquisition (eg, pet store vs breeder) and behavior while controlling for various confounding variables (other dogs in household, working or recreational roles, sex, and body weight) or intervening variables (neutered vs sexually intact and age at the time of evaluation). All possible 2-way interactions between source of acquisition and confounding and intervening variables were explored and accounted for in the modeling process. Nonsignificant confounding and intervening variables and interaction effects were removed from the

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model. Breed was also included in both models as a random effect to account for clustering of dogs at the breed level. Linear and logistic models were fit via restricted and full maximum likelihood estimation procedures. The analysis was performed with statistical software[17] by use of subject-specific models.[c,d] For all comparisons, a value of $P < 0.05$ was considered significant.

Results

According to the results of the multiple regression analyses, dogs acquired from pet stores differed significantly from those acquired from breeders on 12 of 14 of the C-BARQ behavioral subscales. In no category did pet store dogs have a more desirable score than breeder dogs (**Tables 1 and 2**). The strongest effects were observed in relation to aggressive behavior. For example, sexually intact pet store dogs were 3 times as likely to have owner-directed aggression as were sexually intact dogs acquired from breeders, and pet store dogs were nearly twice as likely to have aggression toward unfamiliar dogs (dog-directed aggression). Pet store dogs were also 30% to 60% more likely to have stranger-directed aggression, aggression to other household dogs, fear of dogs and nonsocial stimuli, separation-related problems, and touch sensitivity. In addition, they were somewhat more excitable, energetic, and attention seeking and generally less trainable, although this was only true for dogs that did not participate in working or recreational activities. The only C-BARQ subscales that were not significantly different between pet store and breeder-derived dogs were chasing and stranger-directed fear. In addition, pet store–obtained dogs had a range of miscellaneous behavioral problems at significantly higher frequencies than did those acquired from breeders (eg, escaping from the home, sexual mounting of people and objects, and most forms of house-soiling).

Discussion

Results of this study supported the view that dogs obtained as puppies from pet stores are more likely to develop behavioral problems as adults, compared with dogs obtained from NCBs. The retrospective nature of the data used in this analysis did not permit determinations of causality. However, there are several potential explanations for the differences between pet store and NCB dogs.

Table 1—Results of linear regression models comparing behavioral variables in dogs obtained from pet stores versus dogs obtained from NCBs.

Variable	Other variables controlled	Predictor	Effect	95% CI	*P* value
Excitability	1,2,3,4,6	PS	0.204	0.12 to 0.29	< 0.001
Energy	1,2,3,4,6	PS	0.109	0.004 to 0.21	0.043
Chasing		PS	0.002	–0.13 to 0.10	0.769
Attachment and attention seeking	1,2,3,4,5,6	PS	0.204	0.12 to 0.29	< 0.001
Trainability	1,2,3,4,5,6	PS–Not working dog	–0.195	–0.26 to –0.13	< 0.001
		PS– Working dog	0.098	–0.07 to 0.27	0.262

PS = Acquired from pet store.

Other variables controlled were as follows: 1 = other dogs, 2 = dogs with working or recreational roles, 3 = sex, 4 = weight, 5 = neutered, 6 = age at time of evaluation (nonsignificant intervening variables [those variables that intervene the relationship between variable and predictor] were removed from the analyses).

Table 2—Results of logistic regression models comparing behavioral variables in dogs obtained from pet stores versus dogs obtained from NCBs.

Variable	Other variables controlled	Predictor	OR	95% CI	*P* value
Separation-related behavior	1,2,3,4,5,6	PS	1.58	1.19–2.11	0.002
Owner-directed aggression	1,2,3,4,5,6	PS–Not neutered	3.13	1.87–5.23	< 0.001
	1,2,3,4,5,6	PS–Neutered	1.54	1.16–2.06	0.003
Stranger-directed aggression	1,2,3,4,5,6	PS	1.59	1.18–2.16	0.003
Nonsocial fear	1,2,3,4,5	PS	1.44	1.01–2.07	0.047
Dog rivalry	1,2,3,4,6	PS	1.35	1.05–1.74	0.021
Dog-directed fear	1,2,3,4,5	PS	1.33	1.03–1.71	0.030
Dog-directed aggression	1,2,3,4,5,6	PS	1.96	1.44–2.67	< 0.001
Touch sensitivity	1,2,3,4,5,6	PS	1.58	1.18–2.11	0.002
Escapes from home or yard	1,2,3,4,5,6	PS	4.14	1.75–9.83	0.001
Rolls in odorous material		PS	0.86	0.67–1.09	0.214
Coprophagia			1.08	0.86–1.36	0.502
Chews objects			1.07	0.84–1.36	0.590
Mounts objects or people	1,2,3,4,5		1.39	1.1–1.75	0.006
Urinates against objects or furnishings	1,2,3,4,5,6	PS	1.77	1.32–2.39	< 0.001
Submissive urination	1,2,3,4,5,6	PS	1.53	1.13–2.07	0.007
Urinates when left alone	1,2,3,4,5,6	PS	1.96	1.52–1.52	< 0.001
Defecates when left alone	1,2,3,4,5	PS	1.68	1.31–2.16	< 0.001

See Table 1 for key.

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The formative stages of the puppy's life in the CBE are periods where stress may exert an impact on brain development. Although no studies on sources of stress in CBEs or their potential effects on the well-being of the dogs have been published, sources of stress have been investigated in dogs living in confinement in kennels,[18–21] animal shelters,[22,23] and laboratories.[24,25] Similar stressors have been documented in the CBE environment,[10] and it is therefore reasonable to suggest that the effects applied also to the dogs in the present study, despite some differences in background, housing, and husbandry. Specific factors that have been determined to be associated with stress in dogs living in confined environments include spatial restriction,[18,19,23] extreme temperatures,[9,26] aversive interactions with kennel staff,[26,27] lack of perceived control or the capacity to avoid or regulate exposure to aversive stimuli,[20–23] and limited access to positive human and conspecific social interactions.[18,24,25] A recent study[11] on the mental health of dogs formerly used as breeding stock in CBEs found severe and long-lasting adverse effects in dogs living in this type of environment, offering evidence of the magnitude of stressors in CBEs.

The stressors in the CBE environment may have acted at 2 stages of the developing puppies' lives: the prenatal period and the first 8 weeks after birth. A large body of research in humans and other animals has convincingly determined that prenatal stress (ie, stress experienced by a pregnant female) causes alterations to the hypothalamic-pituitary-adrenal axis of the developing fetus that may manifest later in life as an impaired ability to cope with stress,[22] abnormal social behavior,[28,29] and increased emotionality and fear-related behavior.[30] All of these outcomes are consistent with the differences detected in pet store– versus NCB-obtained dogs (ie, increased aggression, fear of dogs and nonsocial stimuli, and excitability). Substantial evidence in humans and other animals indicates that stressful experiences in early life may have extensive and enduring effects with strong correlations to later development of behavioral abnormalities and psychopathologic abnormalities.[31–35] In dogs, Fox and Stelzner[36] detected a short period at approximately 8 weeks of age when puppies are hypersensitive to distressing psychological or physical stimuli and during which a single unpleasant experience could result in long-term aversive or abnormal effects. Transport-related stress was suggested by both Mugford[4] and Gaultier et al[6] to be a potentially critical factor in the early lives of puppies from CBEs as they are shipped to pet stores throughout North America. Mugford,[4] Serpell and Jagoe,[2] and Bennett and Rohlf[3] have each suggested that a reason for pet store and CBE puppies to have a high prevalence of behavioral problems later in life is inadequate early socialization. In addition, genetic influences may play a role in the differences between pet store and NCB dogs, because a genetic basis for behavioral traits in dogs is consistent with findings observed in dogs of the present study, including fear, aggression, emotional reactivity, and nonspecific alterations in temperament and personality.[27,37,38]

The reported differences in the 2 groups of dogs in the present study could be attributable to a number of owner-related factors. It is possible that people who buy puppies from pet shops may use different degrees or methods of training than people who buy puppies from an NCB. The importance of training in the development of problem behaviors was recently elucidated in the study[3] of the relationship of potentially problematic behaviors with other variables. The researchers found that for the 5 behavioral subscales, the strongest predictor for scoring undesirably in 3 of the 5 subscales was the level of training the dog received. The present study did not attempt to collect demographic or background information on the dog owners; therefore, the degree to which such factors may have contributed to the findings could not be assessed. An additional owner-related consideration is that it is possible that people who buy puppies from pet stores simply report potentially problematic behaviors more readily than do others, irrespective of the dog's actual behavior.

The data support the notion that dogs obtained as puppies from pet stores have substantial adverse behavioral differences, compared with dogs obtained from NCBs. Taken individually, however, the specific factors that differ between the 2 groups are not readily attributable to a single definitive explanation. For example, stranger-directed aggression may be attributable to inadequate socialization, maltreatment by humans, genetic factors, and prenatal stress. Taken collectively, no single explanatory factor appears capable of accounting for the differences between the 2 groups. For example, although inadequate socialization may explain increased aggression, the most prominent emotional consequence of insufficient socialization is fear,[27,39] and whereas aggression toward humans (owners and unfamiliar people) was increased, fear toward humans was not.

There were a number of limitations to the present study. The sample of dog owners was self-selected and therefore a potential source of bias. The question in the C-BARQ regarding the source of the dogs did not define breeder, leaving the participants to define the term for themselves. Accordingly, a breeder source could have indicated either type of NCB (hobby breeder or backyard breeder), and the level and type of care differ between the 2 types. These differences are presumably minor in comparison to the differences between NCBs and CBEs. It is also conceivable that the source of some dogs specified by the owner as breeder was a CBE; however, it is reasonable to conclude that there would be no overlap between breeder and pet store categories (ie, no owner with a dog coming from a pet store would select breeder as a source, and no owner with a dog coming from a breeder would select pet store as a source).

Results of the present study indicated that compared with dogs obtained as puppies from NCBs, dogs obtained as puppies from pet stores had significantly greater aggression toward human family members, unfamiliar people, and other dogs; fear of other dogs and nonsocial stimuli; separation-related problems; and urination and defecation problems in the home. On almost all behavioral variables measured, pet store dogs received less favorable scores than breeder-obtained dogs. The diversity of behavioral differences between pet store–obtained and breeder-obtained dogs suggests a multifactorial cause and, accordingly, a multifactorial approach to correction; however, the data did not permit determination of the specific contributory factors and the degree of influence they exerted. In addition,

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because we did not compare the 2 groups of dogs in this study with other sources of dogs, the results should not be interpreted as an endorsement of any particular source of dogs. On the basis of these findings combined with earlier findings regarding pet store–obtained dogs, until the causes of the unfavorable differences detected in this group of dogs can be specifically identified and remedied, we cannot recommend that puppies be obtained from pet stores.

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d. xtmelogit, Stata Statistical Software, release 11, StataCorp, College Station, Tex.

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From: cregan5@cfl.rr.com <cregan5@cfl.rr.com>
Sent: Monday, January 13, 2020 6:59 AM EST
To: Simpson, Wilton <SIMPSON.WILTON@flsenate.gov>; Braynon, Oscar <BRAYNON.OSCAR@flsenate.gov>; Benacquisto, Lizbeth <BENACQUISTO.LIZBETH@flsenate.gov>; Farmer, Gary <Farmer.Gary@flsenate.gov>; Bracy, Randolph <Bracy.Randolph@flsenate.gov>; Gibson, Audrey <GIBSON.AUDREY@flsenate.gov>; Bradley, Rob <BRADLEY.ROB@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Opposition to SB1128 on Home Rule

I am a full time Florida resident and a guaranteed voter. I am deeply opposed to the above legislature which is once again submitted for approval to this legislation. Florida residents are continually being harassed by the big corporate interests who are behind this proposed legislation. This has been voted down repeatedly but nonetheless keeps coming back like a fungus or weed. One can only be very suspicious of the reasons why this is so.

In my opinion this legislation is Unconstitutional for many reasons. First, it is attempting to make illegal something which was legal when executed thereby making it an unconstitutional Ex post facto law. Second, it is interfering with my existing contractual rights. I live in a community which has an HOA. I intentionally bought in this community with its restrictive covenants on renting for less than 6 months because I did not want to have revolving neighbors. If SB1128 is passed it will allow homeowners to ignore rules and regulations which they contractually agreed to at the time they bought into the community. If they can ignore this particular rule why not any others because the rationale being used to promote this legislation would be equally applicable to any number of other restrictive covenants. If homeowners in an HOA can ignore the renting restriction why should they be obligated to abide by other restrictive covenants? Where will it stop? If approved, this legislation would completely undermine HOA frameworks which exists throughout most of Florida. What percentage of home ownership in Florida is governed by HOA restrictions? Has anyone calculated the cost of the uncertainty and potential litigation that this proposal would cause to everyday citizens whose existing property rights are being impaired by the legislature.

Lastly, it is apparent that large corporations such as Marriott are now trying to enter the niche market of leasing out homes for short term rentals and it would change the make up of this community into a commercial one as opposed to the peaceful residential one that I presumed I was buying into when I purchased in 2004. Is this just a backdoor way to rezone a residential area into a commercial one?

DO NOT PASS SB1128

Catherine M Regan, 31 San Jose Drive, Palm Coast Fl 32137

Palm Coast, Fl 32137

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From: steven.sergent@flhealth.gov <steven.sergent@flhealth.gov>
Sent: Thursday, February 06, 2020 9:26 AM EST
To: Brandes, Jeff (Web) <Brandes.Jeff.Web@flsenate.gov>
Subject: Other (flsenate.gov)

Preferred Response By: Email

Steven Sergent
SWAT (Students Working Against Tobacco)
steven.sergent@flhealth.gov
12420 130th Ave N
Largo, FL 33775
This address is in Senate District 24.
727-275-6241

Receive updates via email: No

Comment or Question:
Good morning Senator Brandes,

My name is Steven Sergent and I am the Pinellas County Students Working Against Tobacco (S.W.A.T.) Coordinator. I wanted to inform you that on February 17th, eight S.W.A.T. Students from Pinellas County Schools will be visiting Tallahassee in honor of Kick Butts Day.
The students would like to schedule a meeting with you to inform you of the success the tobacco prevention programs have had locally and state wide and the advocacy work they have done in Pinellas County to help other youth to stay tobacco free. It would be a brief presentation on the programs successes battling Big Tobacco and how they try to lure youth to be replacement users for the 1,300 people who die each day from tobacco use. The presentation will take 10-15 minutes of your time. The students have been working vigorously throughout the year to educate their peers and community about the same issues.
Municipalities throughout our county have passed flavored tobacco resolutions (Pinellas County Board of Commission, St. Petersburg, Pinellas Park, Safety Harbor, Indian Rocks Beach, Clearwater, Dunedin, Largo, Oldsmar and Kenneth City). And though there is no a federal age restriction and limited e-cig flavor restriction, there is still more work to do to curb youth tobacco initiation and deglamorize big tobacco. The students involved in S.W.A.T. will continue to educate their community and peers throughout the year.

Thank you and we look forward to meeting with you
Steven Sergent
Pinellas County S.W.A.T. Coordinator
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From: Roll Call <political-theater@newsletters.rollcall.com>
Sent: Wednesday, November 20, 2019 8:21 AM EST
To: Brandes, Jeff (Web) <Brandes.Jeff.Web@flsenate.gov>
Subject: Our offbeat debrief of the off-year elections: Trump ‘always makes it about him’

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Image

Image

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It is tempting to read into the 2019 campaign results, so-called off-year elections, for signs of what's to come in next year's big political brouhaha. Political prognosticators beware!

But while we don't want to look too much into what happened in high-profile gubernatorial and special elections that President Donald Trump campaigned in, there are a few key data points to consider, particularly a growing rural-suburban partisan divide that showed up in places as disparate as Pennsylvania, North Carolina, Louisiana, Kentucky and Virginia.

Oh, and also: The president tends to make things about himself. "The biggest concern Republicans should have with what's happened over the last couple of months is that the president always makes everything about him. He wants to be on the stage. He wants to be the center of attention," CQ Roll Call elections analyst Nathan L. Gonzales says on the latest Political Theater podcast.

That strategy is a solid one, according to the president's team. And they are not about to change now, says CQ Roll Call White House correspondent John T. Bennett. In addition to reporting from the executive mansion, Bennett also covered a rally the president held for Fred Keller, the Republican who won a May special election in a mostly rural Pennsylvania district to replace GOP Rep. Tom Marino. The enthusiasm and support there for the president was obvious. It's one of those data points we can point to as evidence of Trump's popularity in such parts of the country.

The question is whether that will be enough for him to win reelection in 2020, and what it means for his Republican colleagues in the House, Senate and in state races for legislature and governor. While both sides can take some solace from this year's election results, Democrats can point to higher-profile statewide wins, at least this month, as a show of momentum.

Show Notes:

- Lessons from Kentucky, Mississippi and Virginia elections may not be what you think
- Democrats lean into 2019 victories to build case for 2020
- Tuesday elections show Trump coattails are mostly rural, experts say
- Going all in on Louisiana governor's race, Trump tries to 'thread a needle'
- 3 takeaways after Trump rallies in Louisiana: President takes ownership of governor's race
- Trump goes after Adam Schiff at Louisiana rally for GOP governor nominee
- Gloom and doom in Louisiana: Trump warns of deep 'depression' if he loses in 2020
- Medicaid at issue in 2019 races for governor
- Trump urges reelection of 'pain in the ass' Kentucky governor as a 2020 'message'
- Is tight Kentucky governor's race a sign of trouble awaiting McConnell in 2020?
- The way Trump weaves economy, impeachment in reelection messaging
- The Pennsylvania special election you haven't heard about
- Voters head to polls after Trump dove into a safe special House race
- Republican Fred Keller wins Pennsylvania special election
- GOP leadership lowers expectations for North Carolina special election
- Republican Greg Murphy wins special election in North Carolina's 3rd District
- North Carolina's 9th District highlights trouble spots for both parties

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From: Donna Winchester <dwinchester@stepupforstudents.org>
Sent: Tuesday, October 22, 2019 7:06 AM EDT
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Panel backs Broward sheriff's removal, insurance for armed teachers and more

View this at redefinED

Good Morning,

redefinED's daily roundup is Florida's most comprehensive source for quick links to the latest education news.

Panel backs Broward sheriff's removal, insurance for armed teachers and more

A sheriff's hearing: After hearing 10 hours of testimony on Monday, the Florida Senate Rules Committee voted 9-7 to recommend that the full Senate uphold Gov. Ron DeSantis' suspension of Broward Sheriff Scott Israel for his agency's failures during the shootings at Marjory Stoneman Douglas High School in 2018. Israel was removed in January, but appealed. A special Senate master who heard the case recommended his reinstatement, saying DeSantis had not made his case for Israel's removal. That decision was bitterly opposed by parents of victims, who lobbied senators against allowing Israel to retain his job. The committee recommendation now goes to the full Senate for a vote Wednesday. *Sun Sentinel*. *Miami Herald*. *Politico Florida*. *GateHouse*. *News Service of Florida*. *Associated Press*. *Florida Politics*. *WLRN*.

Armed teachers' insurance: Armed teachers in Florida schools will be covered through the state's liability insurance as long as they act within their lawful duties, Florida Department of Education officials have announced. It's a reversal of a 2018 decision to specifically exclude armed teachers. But other armed school employees will have to be covered by their districts since they still will not have coverage from the state. The DOE is asking for an additional $200,000 from the Legislature to pay the increased costs. *Tampa Bay Times*.

District faulted by judge: An administrative law judge has found that the Sarasota County School District falsified records to push a special-needs student into a specialized program for students with the most severe cognitive impairments. Doing so denied the student a "free and appropriate public education," the judge ruled. The district has been ordered to pay for tutoring and private school to help the student make up for the six years he was in the program. *Sarasota Herald-Tribune*.

Portables for school: A dozen portable classrooms are arriving at Lakeland Kathleen Middle School, which lost much of its roof after a tornado struck Friday. The school is closed to students again today, but officials hope to have the portables in place and operational so students can return Wednesday. *WTSP*.

Sales tax hike lawsuit: The legal dispute between the city of Jacksonville and the Duval County School District over the district's request to put a sales tax hike on the ballot was argued Monday before a circuit court judge. The district sued the city for delaying consideration of the sales tax hike. City attorneys are arguing that under the charter, the district is part of the city's consolidated government and therefore doesn't have the authority to file a suit. *Florida Times-Union*. *WJXT*.

Security in schools: Four large Florida school districts are receiving federal grants to improve safety in schools. The Broward County School District is receiving $1.5 million, Hillsborough $1.2 million, the Miami-Dade district $979,700 and the Palm Beach district $500,000. Florida school districts and law enforcement agencies are getting about $27 million of the $85.3 million handed out nationwide. *Sun Sentinel*. *Gradebook*. A leading group for school superintendents, the American Association of School Administrators, is raising ethical questions by recommending the services of school security companies in exchange for a fee. *The 74*. Active-shooter drills in schools can be traumatizing for children, says the past president of the National Association of School Psychologists. Melissa Reeves, in a Q&A with Politico, says the drills are taking an unnecessary risk, and there are better ways to prepare students. *Politico Florida*.

Academic standards: The value of changing the state's academic standards was debated at Monday's stop in the Department of Education's listening tour in St. Johns County, but most in attendance agreed that they want less standardized testing for students and more hands-on learning in schools. The tour makes its final two stops today in Hamilton County and tomorrow in Walton County. *WJAX*.

Politics and charters: Democratic presidential candidate Elizabeth Warren says if she's elected, she'll cut off federal funding for charter schools, ban for-profit charter schools and require the same accountability rules for charters that public schools must meet. She also said she'd push for a 2 percent "wealth tax" on households worth $50 million or more to increase funding for K-12 public schools. *Associated Press*. *Florida Phoenix*. *Education Week*. *Chalkbeat*.

School elections: A graduation enhancement teacher at a Pasco County middle school says she's running next year for

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the district superintendent's job. The job is now held by Kurt Browning, who has yet to announce if he's running for a third term. Cynthia Thompson, 38, who works at Bayonet Point Middle School, says the superintendent should be an educator, which Browning has not been. *Gradebook*.

Personnel moves: Steve Hegarty has been hired as the communications director for the Pasco County School District. He starts in January and will replace Linda Cobbe, who is retiring in March. *Gradebook*.

District survey says: The Flagler County School District should concentrate on hiring and retaining quality teachers and focus on the safety and mental well-being of its students, according to the results of an online survey. About 75 percent of respondents say they are satisfied with the district. *Flagler Live*.

School's utility bill suit: A Manatee County social activist says she'll file a lawsuit against the mayor of Palmetto for creating a "fraudulent utility bill for Lincoln Memorial Academy," which was taken over by the Manatee County School District. Michelle Williams accuses the mayor of working with the district to create an appearance of financial problems so the district could take over the charter school. *Bradenton Herald*.

One dead in school bus crash: A 70-year-old Umatilla woman was killed when she drove into the back of a stopped Marion County school bus Monday morning. A student who was getting on the bus and a bus aide were slightly injured. *WKMG*. *Ocala Star-Banner*.

Student hit by vehicle: Two students from Lincoln High School in Tallahassee were taken to a hospital for treatment after being hit by a vehicle just after school let out Monday. The injuries are not life-threatening, according to district officials. *Tallahassee Democrat*.

School consultant arrested: An insurance consultant for the Walton County School Board has been arrested and accused of bid tampering. Florida Department of Law Enforcement officials say John Bradley Hoard, 49, used his position to get information about a competitor's bid on a telemedicine services contract and then altered his company's bid after the deadline. *Northwest Florida Daily News*.

Opinions on schools: Maybe it's time for Gov. Ron DeSantis to go back to his roots as a public school graduate and focus on visiting traditional public schools that enroll the vast majority of students in Florida. Let's face it: Ignoring them is a slap in the face. *Diane Rado, Florida Phoenix*. Families should have the option to choose how to spend their K-12 scholarships from the state to maximize the value of their funds given the particular needs and aspirations of the student. *Matthew Ladner, redefinED*. As charter school enrollment increases as a percentage of the total students within a district, a Fordham Institute report has shown, the achievement gains of all students, within both charter and district, improve.*Patrick R. Gibbons, redefinED*. Misplaced nostalgia should not be an excuse to deny giving more parents more choices in their children's education. Education should reflect the way the world is, not the way people want it to be. *Scott Kent, redefinED*. Rather than complaining about or prohibiting the loss of students away from "regular" public schools, we should welcome more charter schools because they offer a faster way to improve student performance. *Len Cabrera, Gainesville Sun*.

Student enrichment: Julietta Ramirez, a 4th-grader at Pine Forest Elementary School in Jacksonville, is named the winner of the state's Hispanic Heritage Month essay contest for her profile of Judge Tatiana Radi Salvador of the 4th Judicial Circuit Court of Florida. *Florida Times-Union*. Creating a farm-to-schools process has been more difficult than imagined for Hernando County school officials, but a recent Fresh from Florida Plate Day event at the Challenger K-8 School in Spring Hill demonstrated the potential. *Tampa Bay Times*. Timothy Rodriguez, from Leesburg High School, has been chosen to be a drum major for Macy's Great American Marching Band during the Thanksgiving parade. *Daily Commercial*. The playground at Eustis Elementary School is getting a "buddy bench" where students can sit to make new friends. *Daily Commercial*. Corie McGraw-Abel, a vocational culinary arts teacher at Coral Shores High School in Monroe County, is awarded a $50,000 grant from the Florida Restaurant and Lodging Association Educational Foundation to renovate the school's kitchen. *Key West Citizen*.

The post Panel backs Broward sheriff's removal, insurance for armed teachers and moreappeared first on redefinED.

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From: Adrian Moore <adriantmoore@gmail.com>
Sent: Monday, November 11, 2019 3:18 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Pension bill
Attachment(s): "Reason Memo - Brandes 2020 Bill Draft 20191111.pdf","ATT00001.txt"

Here's some overall thoughts and in line suggestions.

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Adrian
~~~~~~~~~~~~~~~~
Dr. Adrian Moore
Vice President, Reason Foundation
661/477-3107
On Twitter @reasonpolicy
Sent from my iPad, so please excuse any autocomplete non-sequiturs

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~~~~~~~~~~~~~~~~

Review of Proposed 2020 Florida Senate Bill

Prepared for: Sen. Jeff Brandes, Florida State Senate

Prepared by: Len Gilroy, Vice President, Government Reform
Ryan Frost, Policy Analyst, Pension Integrity Project

Project Date: November 11, 2019

Comments on Proposed Legislation

1. Section 1 changes - S 121.4501 § 4(b)
    a. Removed lead-in statement from 3(a).

2. Section 2 changes - S 121.571 § 4
    a. Replaced "salary" with "compensation" in two places. There is no definition of "salary" under Title X, Chapter 121, but "compensation" is clearly defined.
        i. *""Compensation" means the monthly salary paid a member by his or her employer for work performed arising from that employment."*

3. Section 3 changes - S 121.71 § 3(b)
    a. Recommend moving the current member rate up to 5% sooner than 2024. Current members will still be at 5% one year later than post-July 2020 hires with this change.

4. Section 4 changes - S 121.72 § 5-8
    a. Removed needless end dates due to new start dates being added in the next subsection.

5. Section 10 changes
    a. Small edits for sentence flow.

Contact Information

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Ryan Frost (ryan.frost@reason.org), Policy Analyst, Pension Integrity Project

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24-00740-20

A bill to be entitled

An act relating to the Florida Retirement System Investment Plan; amending s. 121.4501, F.S.; specifying applicability of employee and employer contribution rates for employees who default into the investment plan; amending s. 121.571, F.S.; authorizing investment plan members to make voluntary contributions to the plan, subject to certain limitations; amending s. 121.71, F.S.; revising required employee contribution rates for the investment plan; conforming provisions to changes made by the act; amending s. 121.72, F.S.; revising the percentage of gross compensation allocated to investment plan member accounts to conform to changes made by the act; amending ss. 121.051, 121.055, 121.35, and 1012.875, F.S.; conforming cross-references to changes made by the act; revising required employer retirement contribution rates to fund the benefit changes made by the act; providing a directive to the Division of Law Revision; requiring the State Board of Administration to prepare a report regarding income annuities; requiring the state board to submit the report to the board trustees and the Legislature by a specified date; providing a declaration of important state interest; providing an effective date.

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

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FL SEN 20-0201 B 20-0202 A 005389

Section 1. Paragraph (b) of subsection (4) of section 121.4501, Florida Statutes, is amended to read:

121.4501 Florida Retirement System Investment Plan.—

(4) PARTICIPATION; ENROLLMENT.—

(b)1. With respect to employees who become eligible to participate in the investment plan by reason of employment in a regularly established position commencing on or after January 1, 2018, or who did not complete an election window before January 1, 2018, any such employee shall be enrolled in the pension plan at the commencement of employment and may, by the last business day of the eighth month following the employee's month of hire, elect to participate in the pension plan or the investment plan. Eligible employees may make a plan election only if they are earning service credit in an employer-employee relationship consistent with s. 121.021(17)(b), excluding leaves of absence without pay.

2. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the pension plan or investment plan is irrevocable, except as provided in paragraph (f).

3.a. Except as provided in subparagraph 4., if the employee fails to make an election to either the pension plan or the investment plan during the 8-month period following the month of hire, the employee is deemed to have elected the investment plan and shall default into the investment plan retroactively to the employee's date of employment. The employee's option to participate in the pension plan is forfeited, except as provided in paragraph (f). ~~Notwithstanding that the default to the~~

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~~investment plan is retroactive to the employee's date of hire,~~ ~~t~~The employee and employer shall begin paying employee and employer contributions at the applicable rate for investment plan members prescribed in s. 121.71(3) only after the default has occurred and not retroactively for the initial 8-month period following the date of hire.

b. The amount of the employee and employer contributions paid through the date of default to the investment plan shall be transferred to the investment plan and shall be placed in a default fund as designated by the State Board of Administration. The employee may move the contributions once an account is activated in the investment plan.

4. If the employee is employed in a position included in the Special Risk Class and fails to make an election to either the pension plan or the investment plan during the 8-month period following the month of hire, the employee is deemed to have elected the pension plan and shall default into the pension plan retroactively to the employee's date of employment. The employee's option to participate in the investment plan is forfeited, except as provided in paragraph (f).

5. Effective the first day of the month after an eligible employee makes a plan election of the pension plan or investment plan, or the first day of the month after default, the employee and employer shall pay the applicable contributions based on the employee membership class in the program.

Section 2. Subsection (2) of section 121.571, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

121.571 Contributions.—Contributions to the Florida

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Retirement System Investment Plan shall be made as follows:

(2) CONTRIBUTION RATES GENERALLY.—Contributions to fund the retirement, disability, and line-of-duty death benefits provided under this part must be based on the uniform contribution rates established by s. 121.71 and on the membership class or subclass of the member, except for voluntary contributions made pursuant to subsection (4). Such contributions must be allocated as provided in ss. 121.72, 121.73, and 121.735.

(4) VOLUNTARY CONTRIBUTIONS.—An employee may elect to contribute voluntary contributions from his or her ~~salary~~compensation, after the computation of applicable federal taxes, to his or her investment plan account subject to the applicable contribution limitations established under s. 415 of the Internal Revenue Code. The employer shall deduct the voluntary contribution from the employee's monthly ~~salary~~compensation, and the contribution shall be submitted to the division and credited to the account of the employee.

Section 3. Subsections (2) and (3) of section 121.71, Florida Statutes, are amended to read:

121.71 Uniform rates; process; calculations; levy.—

(2) Based on the uniform rates set forth in subsections (3), (4), and (5), employees and employers shall make monthly contributions to the Division of Retirement as required in s. 121.061(1), which shall initially deposit the funds into the Florida Retirement System Contributions Clearing Trust Fund. A change in a contribution rate is effective the first day of the month for which a full month's employer and employee contribution may be made on or after the beginning date of the change. ~~Beginning July 1, 2011,~~ Each employee shall contribute

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the contributions required in subsection (3) according to the employee's retirement plan and initial date of entry into the Florida Retirement System. The rates established in subsection (3) do not include any voluntary contributions that an employee has contributed to his or her investment plan account. The employer shall deduct the contribution from the employee's monthly salary, and the contribution shall be submitted to the division. These contributions shall be reported as employer-paid employee contributions, and credited to the account of the employee. The contributions shall be deducted from the employee's salary before the computation of applicable federal taxes and treated as employer contributions under 26 U.S.C. s. 414(h)(2). The employer specifies that the contributions, although designated as employee contributions, are being paid by the employer in lieu of contributions by the employee. The employee does not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the plan. Such contributions are mandatory, and each employee is considered to have consented to payroll deductions. Payment of an employee's salary or wages, less the contribution, is a full and complete discharge and satisfaction of all claims and demands for the service rendered by employees during the period covered by the payment, except their claims to the benefits to which they may be entitled under this chapter.

(3)(a) Required employee retirement contribution rates for each membership class and subclass of the Florida Retirement System for the pension plan ~~both retirement plans~~ are as follows:

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Membership Class	Percentage of Gross Compensation, Effective July 1, 2011
Regular Class	3.00%
Special Risk Class	3.00%
Special Risk Administrative Support Class	3.00%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	3.00%
Elected Officers' Class— Justices, Judges	3.00%
Elected Officers' Class— County Elected Officers	3.00%

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Senior Management Service Class	3.00%
DROP	0.00%

(b) Required employee retirement contribution rates for each membership class and subclass of the Florida Retirement System for the investment plan, for members initially enrolled before July 1, 2020, are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2011	Percentage of Gross Compensation, Effective July 1, 2021	Percentage of Gross Compensation, Effective July 1, 2022	Percentage of Gross Compensation, Effective July 1, 2023	Percentage of Gross Compensation, Effective July 1, 2024
Regular Class	3.00%	~~3.50~~ 5.00%	~~4.00~~ 5.00%	~~4.50~~ 5.00%	5.00%
Special Risk Class	3.00%	3.50%	4.00%	4.50%	5.00%

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Special Risk Administrative Support Class	3.00%	3.50%	4.00%	4.50%	5.00%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	3.00%	3.50%	4.00%	4.50%	5.00%
Elected Officers' Class— Justices, Judges	3.00%	3.50%	4.00%	4.50%	5.00%
Elected Officers' Class— County Elected Officers	3.00%	3.50%	4.00%	4.50%	5.00%

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Senior Management Service Class	3.00%	3.50%	4.00%	4.50%	5.00%

(c) Required employee retirement contribution rates for each membership class and subclass of the Florida Retirement System for the investment plan, for members initially enrolled on or after July 1, 2020, are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2020
Regular Class	5.00%
Special Risk Class	5.00%
Special Risk Administrative Support Class	5.00%
Elected Officers' Class—Legislators, Governor, Lt. Governor,	5.00%

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Cabinet Officers, State Attorneys, Public Defenders	
Elected Officers' Class— Justices, Judges	5.00%
Elected Officers' Class— County Elected Officers	5.00%
Senior Management Service Class	5.00%

Section 4. Subsections (1) and (5) of section 121.72, Florida Statutes, are amended, and subsections (6) through (9) are added to that section, to read:

121.72 Allocations to investment plan member accounts; percentage amounts.—

(1) The allocations established in subsections (4) through (9) ~~subsection (4)~~ shall fund retirement benefits under the investment plan and shall be transferred monthly by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the third-party administrator for deposit in each participating employee's individual account based on the membership class of the participant. Such allocations do not include any voluntary contributions that an employee has made

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toward his or her investment plan account.

(5) Effective July 1, 2012, ~~through June 30, 2021,~~ allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan member accounts, for members initially enrolled before July 1, 2020, are as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	6.30%
Special Risk Class	14.00%
Special Risk Administrative Support Class	7.95%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	9.38%
Elected Officers' Class— Justices, Judges	13.23%
Elected Officers' Class—	11.34%

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County Elected Officers

Senior Management Service Class	7.67%

(6) Effective July 1, 2021, ~~through June 30, 2022,~~ allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan accounts, for members initially enrolled before July 1, 2020, are as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	7.30%
Special Risk Class	15.00%
Special Risk Administrative Support Class	8.95%
Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	10.38%

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Elected Officers' Class— Justices, Judges	14.23%
Elected Officers' Class— County Elected Officers	12.34%
Senior Management Service Class	8.67%

(7) Effective July 1, 2022, ~~through June 30, 2023,~~ allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan accounts, for members initially enrolled before July 1, 2020, are as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	8.30%
Special Risk Class	16.00%
Special Risk Administrative Support Class	9.95%

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Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	11.38%
Elected Officers' Class— Justices, Judges	15.23%
Elected Officers' Class— County Elected Officers	13.34%
Senior Management Service Class	9.67%

(8) Effective July 1, 2023, ~~through June 30, 2024,~~ allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan accounts, for members initially enrolled before July 1, 2020, are as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	9.30%

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Special Risk Class	17.00%
Special Risk Administrative Support Class	10.95%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	12.38%
Elected Officers' Class— Justices, Judges	16.23%
Elected Officers' Class— County Elected Officers	14.34%
Senior Management Service Class	10.67%

(9) Effective July 1, 2024, for members initially enrolled before July 1, 2020, and effective July 1, 2020, for members initially enrolled on or after July 1, 2020, allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan accounts are as follows:

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Membership Class	Percentage of Gross Compensation
Regular Class	10.30%
Special Risk Class	18.00%
Special Risk Administrative Support Class	11.95%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	13.38%
Elected Officers' Class— Justices, Judges	17.23%
Elected Officers' Class— County Elected Officers	15.34%
Senior Management Service Class	11.67%

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Section 5. Paragraph (c) of subsection (2) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(c) Employees of public community colleges or charter technical career centers sponsored by public community colleges, designated in s. 1000.21(3), who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and s. 1012.875 may, in lieu of participating in the Florida Retirement System, elect to withdraw from the system altogether and participate in the State Community College System Optional Retirement Program provided by the employing agency under s. 1012.875.

1.a. Through June 30, 2001, the cost to the employer for benefits under the optional retirement program equals the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the pension plan's Regular Class, plus the portion of the contribution rate required by s. 112.363(8) which would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

b. Effective July 1, 2001, through June 30, 2011, each employer shall contribute on behalf of each member of the optional program an amount equal to 10.43 percent of the employee's gross monthly compensation. The employer shall deduct an amount for the administration of the program.

c. Effective July 1, 2011, through June 30, 2012, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3)(a) ~~s. 121.71(3)~~. The

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employer shall contribute on behalf of each program member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

d. Effective July 1, 2012, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3)(a) ~~s. 121.71(3)~~. The employer shall contribute on behalf of each program member an amount equal to the difference between 8.15 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

e. The employer shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in the optional retirement program is irrevocable as long as the employee holds a position eligible for participation, except as provided in subparagraph 3. Any service creditable under the Florida Retirement System is retained after the member withdraws from the system; however, additional service credit in the system may not be earned while a member of the optional retirement program.

3. An employee who has elected to participate in the optional retirement program shall have one opportunity, at the employee's discretion, to transfer from the optional retirement program to the pension plan of the Florida Retirement System or to the investment plan established under part II of this chapter, subject to the terms of the applicable optional

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retirement program contracts.

a. If the employee chooses to move to the investment plan, any contributions, interest, and earnings creditable to the employee under the optional retirement program are retained by the employee in the optional retirement program, and the applicable provisions of s. 121.4501(4) govern the election.

b. If the employee chooses to move to the pension plan of the Florida Retirement System, the employee shall receive service credit equal to his or her years of service under the optional retirement program.

(I) The cost for such credit is the amount representing the present value of the employee's accumulated benefit obligation for the affected period of service. The cost shall be calculated as if the benefit commencement occurs on the first date the employee becomes eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System Pension Plan liabilities in the most recent actuarial valuation. The calculation must include any service already maintained under the pension plan in addition to the years under the optional retirement program. The present value of any service already maintained must be applied as a credit to total cost resulting from the calculation. The division must ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

(II) The employee must transfer from his or her optional retirement program account and from other employee moneys as necessary, a sum representing the present value of the employee's accumulated benefit obligation immediately following

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the time of such movement, determined assuming that attained service equals the sum of service in the pension plan and service in the optional retirement program.

4. Participation in the optional retirement program is limited to employees who satisfy the following eligibility criteria:

a. The employee is otherwise eligible for membership or renewed membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12) or s. 121.122.

b. The employee is employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management and the community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and the duties and responsibilities of the position include the formulation, interpretation, or implementation of policies, or the performance of functions that are unique or specialized within higher education and that frequently support the mission of the community college.

c. The employee is employed in a position not included in the Senior Management Service Class of the Florida Retirement System as described in s. 121.055.

5. Members of the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions applicable to regular members of the

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Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively. A member who receives a program distribution funded by employer and required employee contributions is deemed to be retired from a state-administered retirement system if the member is subsequently employed with an employer that participates in the Florida Retirement System.

6. Eligible community college employees are compulsory members of the Florida Retirement System until, pursuant to s. 1012.875, a written election to withdraw from the system and participate in the optional retirement program is filed with the program administrator and received by the division.

a. A community college employee whose program eligibility results from initial employment shall be enrolled in the optional retirement program retroactive to the first day of eligible employment. The employer and employee retirement contributions paid through the month of the employee plan change shall be transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

b. A community college employee whose program eligibility is due to the subsequent designation of the employee's position as one of those specified in subparagraph 4., or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in subparagraph 4., must be enrolled in the program on the first day of the first full calendar month that such change in status becomes effective. The employer and employee retirement contributions paid from the effective date through the month of the employee plan change must be

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transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

7. Effective July 1, 2003, through December 31, 2008, any member of the optional retirement program who has service credit in the pension plan of the Florida Retirement System for the period between his or her first eligibility to transfer from the pension plan to the optional retirement program and the actual date of transfer may, during employment, transfer to the optional retirement program a sum representing the present value of the accumulated benefit obligation under the defined benefit retirement program for the period of service credit. Upon transfer, all service credit previously earned under the pension plan during this period is nullified for purposes of entitlement to a future benefit under the pension plan.

Section 6. Paragraph (d) of subsection (6) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(6)

(d) *Contributions.*—

1.a. Through June 30, 2001, each employer shall contribute on behalf of each member of the Senior Management Service Optional Annuity Program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the member were a Senior Management Service Class

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member of the Florida Retirement System Pension Plan, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

b. Effective July 1, 2001, through June 30, 2011, each employer shall contribute on behalf of each member of the optional annuity program an amount equal to 12.49 percent of the employee's gross monthly compensation.

c. Effective July 1, 2011, through June 30, 2012, each member of the optional annuity program shall contribute an amount equal to the employee contribution required under s. 121.71(3)(a) ~~s. 121.71(3)~~. The employer shall contribute on behalf of such employee an amount equal to the difference between 12.49 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

d. Effective July 1, 2012, each member of the optional annuity program shall contribute an amount equal to the employee contribution required under s. 121.71. The employer shall contribute on behalf of such employee an amount equal to the difference between 9.27 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

e. The department shall deduct an amount approved by the Legislature to provide for the administration of this program. Payment of the contributions, including contributions made by the employee, shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the member

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under the program.

2. Each employer shall contribute on behalf of each member of the Senior Management Service Optional Annuity Program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Senior Management Service Class in the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

3. An Optional Annuity Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to provider companies on behalf of the optional annuity program members, and to transfer the unfunded liability portion of the state optional annuity program contributions to the Florida Retirement System Trust Fund.

4. Contributions required for social security by each employer and employee, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act shall be maintained for each member of the Senior Management Service retirement program and are in addition to the retirement contributions specified in this paragraph.

5. Each member of the optional annuity program may contribute by way of salary reduction or deduction a percentage amount of the employee's gross compensation not to exceed the percentage amount contributed by the employer to the optional annuity program. Payment of the employee's contributions shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the member under the

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program.

Section 7. Paragraph (a) of subsection (4) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(4) CONTRIBUTIONS.—

(a)1. Through June 30, 2001, each employer shall contribute on behalf of each member of the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the employee were a regular member of the Florida Retirement System Pension Plan, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

2. Effective July 1, 2001, through June 30, 2011, each employer shall contribute on behalf of each member of the optional retirement program an amount equal to 10.43 percent of the employee's gross monthly compensation.

3. Effective July 1, 2011, through June 30, 2012, each member of the optional retirement program shall contribute an amount equal to the employee contribution required in s. 121.71(3)(a) ~~s. 121.71(3)~~. The employer shall contribute on behalf of each such member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

4. Effective July 1, 2012, each member of the optional retirement program shall contribute an amount equal to the employee contribution required in s. 121.71(3)(a) ~~s. 121.71(3)~~.

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The employer shall contribute on behalf of each such member an amount equal to the difference between 8.15 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

5. The payment of the contributions, including contributions by the employee, shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for members of the program. However, such contributions paid on behalf of an employee described in paragraph (3)(c) may not be forwarded to a company and do not begin to accrue interest until the employee has executed a contract and notified the department. The department shall deduct an amount from the contributions to provide for the administration of this program.

Section 8. Paragraph (a) of subsection (4) of section 1012.875, Florida Statutes, is amended to read:

1012.875 State Community College System Optional Retirement Program.—Each Florida College System institution may implement an optional retirement program, if such program is established therefor pursuant to s. 1001.64(20), under which annuity or other contracts providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program, in accordance with s. 403(b) of the Internal Revenue Code. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual Florida College System institution or by a consortium of Florida College System

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institutions.

(4)(a)1. Through June 30, 2011, each college must contribute on behalf of each program member an amount equal to 10.43 percent of the employee's gross monthly compensation.

2. Effective July 1, 2011, through June 30, 2012, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3)(a) ~~s. 121.71(3)~~. The employer shall contribute on behalf of each program member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

3. Effective July 1, 2012, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3)(a) ~~s. 121.71(3)~~. The employer shall contribute on behalf of each program member an amount equal to the difference between 8.15 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

4. The college shall deduct an amount approved by the district board of trustees of the college to provide for the administration of the optional retirement program. Payment of this contribution must be made directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program member.

Section 9. (1) In order to fund the benefit changes provided by this act, the required employer contribution rates for the members of the Florida Retirement System established in s. 121.71(4), Florida Statutes, are increased as follows:

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(a) By X.XX percentage point for the Regular Class.

(b) By X.XX percentage point for the Special Risk Class.

(c) By X.XX percentage point for the Special Risk Administrative Support Class.

(d) By X.XX percentage point for the Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders.

(e) By X.XX percentage point for the Elected Officers' Class—Justices, Judges.

(f) By X.XX percentage point for the Elected Officers' Class—County Elected Officers.

(g) By X.XX percentage point for the Senior Management Service Class.

(2) In order to fund the benefit changes provided by this act, the required employer contribution rate for the unfunded actuarial liability of the Florida Retirement System established in s. 121.71(5), Florida Statutes, are increased as follows:

(a) By X.XX percentage point for the Regular Class.

(b) By X.XX percentage point for the Special Risk Class.

(c) By X.XX percentage point for the Special Risk Administrative Support Class.

(d) By X.XX percentage point for the Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders.

(e) By X.XX percentage point for the Elected Officers' Class—Justices, Judges.

(f) By X.XX percentage point for the Elected Officers' Class—County Elected Officers.

(g) By X.XX percentage point for the Senior Management

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Service Class.

(3) The adjustments provided in subsections (1) and (2) are in addition to any other changes to such contribution rates which may be enacted into law to take effect on July 1, 2020. The Division of Law Revision is directed to adjust accordingly the contribution rates provided in s. 121.71, Florida Statutes.

Section 10. The State Board of Administration shall prepare a report that examines the adequacy and ~~the~~ use of current income annuity options available to members of the Florida Retirement System Investment Plan.~~,~~ The report should recommend ~~and~~ strategies on how to further increase access to income annuity options and any additional options for guaranteed lifetime income that would assist in providing greater retirement security for investment plan retirees. The state board shall propose any legislative changes that are necessary in order to implement any of the strategies outlined in its report. By March 1, 2021, the state board shall submit the report to the board's trustees, the President of the Senate, and the Speaker of the House of Representatives.

Section 11. The Legislature finds that a proper and legitimate state purpose is served when employees, officers, and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees, officers, and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the

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Legislature determines and declares that this act fulfills an important state interest.

Section 12. This act shall take effect July 1, 2020.

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Review of Proposed 2020 Florida Senate Bill

Prepared for: Sen. Jeff Brandes, Florida State Senate

Prepared by: Len Gilroy, Vice President, Government Reform
Ryan Frost, Policy Analyst, Pension Integrity Project

Project Date: November 11, 2019

Summary of Proposed Legislation

1. **Clarifying Contribution Rates for Defaulted Members**
    a. Employee and Employer rates for members who default into the Investment Plan (due to failure to make an election in either pension plan after 8 months of employment) will begin after the default has occurred

2. **Allowing Voluntary Contributions for Investment Plan Participants**
    a. Employees who participate in the investment plan will now be allowed to voluntarily contribute a higher amount (subject to limitations under s. 415 of the IRC).
        i. For 2019, total contributions to a s. 415 plan is $56,000.
        ii. Employees, due to limits under s. 402(g), may contribute up to $19,000.
        iii. For employees over age 50, an additional $6,000 may be contributed annually (only authorized if employee is already contributing the 2019 max of $19,000).

3. **Increasing Investment Plan Contribution Rates**
    a. Increases the required employee contribution (for active members) by 50 basis points per year over 4 years to arrive at a 5% employee rate.
        i. Employees hired after July 1, 2020 will begin paying a 5% rate immediately.
    b. Increases the required employer contribution rate (on active member accounts) by 100 basis points per year over 4 years to arrive at a 7.3% employer rate.
        i. Employer rate for members hired after July 1, 2020 will be 7.3% immediately.

4. **Employer Cost to Fund Benefit Changes**
    a. Section 9 will, we're assuming, be calculated by the plan actuaries prior to bill introduction.

5. **Study on Annuity Options**
    a. The State Board of Administration will conduct a study to examine the adequacy and use of income annuity options available to Investment Plan members.
        i. Study is due to the legislature by March 1, 2021.

Contact Information

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From: Hubbard, Zachary
Sent: Friday, October 25, 2019 11:20 AM EDT
To: Adrian Moore <adriantmoore@gmail.com>
Subject: Pension Bill
Attachment(s): "pension bill.docx"

Let me know If I can send anything else.

Zach Hubbard
Legislative Aide to State Senator Jeff Brandes
Senate District 24
District Phone Number: 727.563.2100
Capitol Phone Number: 850.487.5024

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24-00740-20

A bill to be entitled

An act relating to the Florida Retirement System Investment Plan; amending s. 121.4501, F.S.; specifying applicability of employee and employer contribution rates for employees who default into the investment plan; amending s. 121.571, F.S.; authorizing investment plan members to make voluntary contributions to the plan, subject to certain limitations; amending s. 121.71, F.S.; revising required employee contribution rates for the investment plan; conforming provisions to changes made by the act; amending s. 121.72, F.S.; revising the percentage of gross compensation allocated to investment plan member accounts to conform to changes made by the act; amending ss. 121.051, 121.055, 121.35, and 1012.875, F.S.; conforming cross-references to changes made by the act; revising required employer retirement contribution rates to fund the benefit changes made by the act; providing a directive to the Division of Law Revision; requiring the State Board of Administration to prepare a report regarding income annuities; requiring the state board to submit the report to the board trustees and the Legislature by a specified date; providing a declaration of important state interest; providing an effective date.

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

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Section 1. Paragraph (b) of subsection (4) of section 121.4501, Florida Statutes, is amended to read:

121.4501 Florida Retirement System Investment Plan.—

(4) PARTICIPATION; ENROLLMENT.—

(b)1. With respect to employees who become eligible to participate in the investment plan by reason of employment in a regularly established position commencing on or after January 1, 2018, or who did not complete an election window before January 1, 2018, any such employee shall be enrolled in the pension plan at the commencement of employment and may, by the last business day of the eighth month following the employee's month of hire, elect to participate in the pension plan or the investment plan. Eligible employees may make a plan election only if they are earning service credit in an employer-employee relationship consistent with s. 121.021(17)(b), excluding leaves of absence without pay.

2. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the pension plan or investment plan is irrevocable, except as provided in paragraph (f).

3.a. Except as provided in subparagraph 4., if the employee fails to make an election to either the pension plan or the investment plan during the 8-month period following the month of hire, the employee is deemed to have elected the investment plan and shall default into the investment plan retroactively to the employee's date of employment. The employee's option to participate in the pension plan is forfeited, except as provided in paragraph (f). Notwithstanding that the default to the

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investment plan is retroactive to the employee's date of hire, the employee and employer shall begin paying employee and employer contributions at the applicable rate for investment plan members prescribed in s. 121.71(3) only after the default has occurred and not retroactively for the initial 8-month period following the date of hire.

b. The amount of the employee and employer contributions paid through the date of default to the investment plan shall be transferred to the investment plan and shall be placed in a default fund as designated by the State Board of Administration. The employee may move the contributions once an account is activated in the investment plan.

4. If the employee is employed in a position included in the Special Risk Class and fails to make an election to either the pension plan or the investment plan during the 8-month period following the month of hire, the employee is deemed to have elected the pension plan and shall default into the pension plan retroactively to the employee's date of employment. The employee's option to participate in the investment plan is forfeited, except as provided in paragraph (f).

5. Effective the first day of the month after an eligible employee makes a plan election of the pension plan or investment plan, or the first day of the month after default, the employee and employer shall pay the applicable contributions based on the employee membership class in the program.

Section 2. Subsection (2) of section 121.571, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

121.571 Contributions.—Contributions to the Florida

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Retirement System Investment Plan shall be made as follows:

(2) CONTRIBUTION RATES GENERALLY.—Contributions to fund the retirement, disability, and line-of-duty death benefits provided under this part must be based on the uniform contribution rates established by s. 121.71 and on the membership class or subclass of the member, except for voluntary contributions made pursuant to subsection (4). Such contributions must be allocated as provided in ss. 121.72, 121.73, and 121.735.

(4) VOLUNTARY CONTRIBUTIONS.—An employee may elect to contribute voluntary contributions from his or her salary, after the computation of applicable federal taxes, to his or her investment plan account subject to the applicable contribution limitations established under s. 415 of the Internal Revenue Code. The employer shall deduct the voluntary contribution from the employee's monthly salary, and the contribution shall be submitted to the division and credited to the account of the employee.

Section 3. Subsections (2) and (3) of section 121.71, Florida Statutes, are amended to read:

121.71 Uniform rates; process; calculations; levy.—

(2) Based on the uniform rates set forth in subsections (3), (4), and (5), employees and employers shall make monthly contributions to the Division of Retirement as required in s. 121.061(1), which shall initially deposit the funds into the Florida Retirement System Contributions Clearing Trust Fund. A change in a contribution rate is effective the first day of the month for which a full month's employer and employee contribution may be made on or after the beginning date of the change. ~~Beginning July 1, 2011,~~ Each employee shall contribute

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the contributions required in subsection (3) according to the employee's retirement plan and initial date of entry into the Florida Retirement System. The rates established in subsection (3) do not include any voluntary contributions that an employee has contributed to his or her investment plan account. The employer shall deduct the contribution from the employee's monthly salary, and the contribution shall be submitted to the division. These contributions shall be reported as employer-paid employee contributions, and credited to the account of the employee. The contributions shall be deducted from the employee's salary before the computation of applicable federal taxes and treated as employer contributions under 26 U.S.C. s. 414(h)(2). The employer specifies that the contributions, although designated as employee contributions, are being paid by the employer in lieu of contributions by the employee. The employee does not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the plan. Such contributions are mandatory, and each employee is considered to have consented to payroll deductions. Payment of an employee's salary or wages, less the contribution, is a full and complete discharge and satisfaction of all claims and demands for the service rendered by employees during the period covered by the payment, except their claims to the benefits to which they may be entitled under this chapter.

(3)(a) Required employee retirement contribution rates for each membership class and subclass of the Florida Retirement System for the pension plan ~~both retirement plans~~ are as follows:

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Membership Class	Percentage of Gross Compensation, Effective July 1, 2011
Regular Class	3.00%
Special Risk Class	3.00%
Special Risk Administrative Support Class	3.00%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	3.00%
Elected Officers' Class— Justices, Judges	3.00%
Elected Officers' Class— County Elected Officers	3.00%

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Senior Management Service Class	3.00%
DROP	0.00%

(b) Required employee retirement contribution rates for each membership class and subclass of the Florida Retirement System for the investment plan, for members initially enrolled before July 1, 2020, are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2011	Percentage of Gross Compensation, Effective July 1, 2021	Percentage of Gross Compensation, Effective July 1, 2022	Percentage of Gross Compensation, Effective July 1, 2023	Percentage of Gross Compensation, Effective July 1, 2024
Regular Class	3.00%	3.50%	4.00%	4.50%	5.00%
Special Risk Class	3.00%	3.50%	4.00%	4.50%	5.00%
Special Risk Administrative Support Class	3.00%	3.50%	4.00%	4.50%	5.00%

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Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	3.00%	3.50%	4.00%	4.50%	5.00%
Elected Officers' Class—Justices, Judges	3.00%	3.50%	4.00%	4.50%	5.00%
Elected Officers' Class—County Elected Officers	3.00%	3.50%	4.00%	4.50%	5.00%
Senior Management Service Class	3.00%	3.50%	4.00%	4.50%	5.00%

(c) Required employee retirement contribution rates for each membership class and subclass of the Florida Retirement System for the investment plan, for members initially enrolled on or after July 1, 2020, are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2020

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Regular Class	5.00%
Special Risk Class	5.00%
Special Risk Administrative Support Class	5.00%
Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	5.00%
Elected Officers' Class—Justices, Judges	5.00%
Elected Officers' Class—County Elected Officers	5.00%
Senior Management Service Class	5.00%

Section 4. Subsections (1) and (5) of section 121.72,

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Florida Statutes, are amended, and subsections (6) through (9) are added to that section, to read:

121.72 Allocations to investment plan member accounts; percentage amounts.—

(1) The allocations established in subsections (4) through (9) ~~subsection (4)~~ shall fund retirement benefits under the investment plan and shall be transferred monthly by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the third-party administrator for deposit in each participating employee's individual account based on the membership class of the participant. Such allocations do not include any voluntary contributions that an employee has made toward his or her investment plan account.

(5) Effective July 1, 2012, through June 30, 2021, allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan member accounts, for members initially enrolled before July 1, 2020, are as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	6.30%
Special Risk Class	14.00%
Special Risk Administrative Support Class	7.95%
Elected Officers' Class—	9.38%

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Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	
Elected Officers' Class— Justices, Judges	13.23%
Elected Officers' Class— County Elected Officers	11.34%
Senior Management Service Class	7.67%

(6) Effective July 1, 2021, through June 30, 2022, allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan accounts, for members initially enrolled before July 1, 2020, are as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	7.30%
Special Risk Class	15.00%
Special Risk Administrative Support Class	8.95%
Elected Officers' Class—	10.38%

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Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	
Elected Officers' Class—Justices, Judges	14.23%
Elected Officers' Class—County Elected Officers	12.34%
Senior Management Service Class	8.67%

(7) Effective July 1, 2022, through June 30, 2023, allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan accounts, for members initially enrolled before July 1, 2020, are as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	8.30%
Special Risk Class	16.00%
Special Risk Administrative Support Class	9.95%

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Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	11.38%
Elected Officers' Class— Justices, Judges	15.23%
Elected Officers' Class— County Elected Officers	13.34%
Senior Management Service Class	9.67%

(8) Effective July 1, 2023, through June 30, 2024, allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan accounts, for members initially enrolled before July 1, 2020, are as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	9.30%
Special Risk Class	17.00%
Special Risk Administrative Support Class	10.95%

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Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	12.38%
Elected Officers' Class— Justices, Judges	16.23%
Elected Officers' Class— County Elected Officers	14.34%
Senior Management Service Class	10.67%

(9) Effective July 1, 2024, for members initially enrolled before July 1, 2020, and effective July 1, 2020, for members initially enrolled on or after July 1, 2020, allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan accounts are as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	10.30%
Special Risk Class	18.00%

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Special Risk Administrative Support Class	11.95%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	13.38%
Elected Officers' Class— Justices, Judges	17.23%
Elected Officers' Class— County Elected Officers	15.34%
Senior Management Service Class	11.67%

Section 5. Paragraph (c) of subsection (2) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(c) Employees of public community colleges or charter technical career centers sponsored by public community colleges, designated in s. 1000.21(3), who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and s. 1012.875 may, in lieu of participating in the Florida Retirement System, elect to withdraw from the system altogether and participate in the State Community College System Optional Retirement Program provided by

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the employing agency under s. 1012.875.

1.a. Through June 30, 2001, the cost to the employer for benefits under the optional retirement program equals the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the pension plan's Regular Class, plus the portion of the contribution rate required by s. 112.363(8) which would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

b. Effective July 1, 2001, through June 30, 2011, each employer shall contribute on behalf of each member of the optional program an amount equal to 10.43 percent of the employee's gross monthly compensation. The employer shall deduct an amount for the administration of the program.

c. Effective July 1, 2011, through June 30, 2012, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3)(a) ~~s. 121.71(3)~~. The employer shall contribute on behalf of each program member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

d. Effective July 1, 2012, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3)(a) ~~s. 121.71(3)~~. The employer shall contribute on behalf of each program member an amount equal to the difference between 8.15 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

e. The employer shall contribute an additional amount to

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the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in the optional retirement program is irrevocable as long as the employee holds a position eligible for participation, except as provided in subparagraph 3. Any service creditable under the Florida Retirement System is retained after the member withdraws from the system; however, additional service credit in the system may not be earned while a member of the optional retirement program.

3. An employee who has elected to participate in the optional retirement program shall have one opportunity, at the employee's discretion, to transfer from the optional retirement program to the pension plan of the Florida Retirement System or to the investment plan established under part II of this chapter, subject to the terms of the applicable optional retirement program contracts.

a. If the employee chooses to move to the investment plan, any contributions, interest, and earnings creditable to the employee under the optional retirement program are retained by the employee in the optional retirement program, and the applicable provisions of s. 121.4501(4) govern the election.

b. If the employee chooses to move to the pension plan of the Florida Retirement System, the employee shall receive service credit equal to his or her years of service under the optional retirement program.

(I) The cost for such credit is the amount representing the present value of the employee's accumulated benefit obligation for the affected period of service. The cost shall be calculated

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as if the benefit commencement occurs on the first date the employee becomes eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System Pension Plan liabilities in the most recent actuarial valuation. The calculation must include any service already maintained under the pension plan in addition to the years under the optional retirement program. The present value of any service already maintained must be applied as a credit to total cost resulting from the calculation. The division must ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

(II) The employee must transfer from his or her optional retirement program account and from other employee moneys as necessary, a sum representing the present value of the employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the pension plan and service in the optional retirement program.

4. Participation in the optional retirement program is limited to employees who satisfy the following eligibility criteria:

a. The employee is otherwise eligible for membership or renewed membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12) or s. 121.122.

b. The employee is employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

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(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management and the community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and the duties and responsibilities of the position include the formulation, interpretation, or implementation of policies, or the performance of functions that are unique or specialized within higher education and that frequently support the mission of the community college.

c. The employee is employed in a position not included in the Senior Management Service Class of the Florida Retirement System as described in s. 121.055.

5. Members of the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively. A member who receives a program distribution funded by employer and required employee contributions is deemed to be retired from a state-administered retirement system if the member is subsequently employed with an employer that participates in the Florida Retirement System.

6. Eligible community college employees are compulsory members of the Florida Retirement System until, pursuant to s. 1012.875, a written election to withdraw from the system and participate in the optional retirement program is filed with the program administrator and received by the division.

a. A community college employee whose program eligibility results from initial employment shall be enrolled in the

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optional retirement program retroactive to the first day of eligible employment. The employer and employee retirement contributions paid through the month of the employee plan change shall be transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

b. A community college employee whose program eligibility is due to the subsequent designation of the employee's position as one of those specified in subparagraph 4., or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in subparagraph 4., must be enrolled in the program on the first day of the first full calendar month that such change in status becomes effective. The employer and employee retirement contributions paid from the effective date through the month of the employee plan change must be transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

7. Effective July 1, 2003, through December 31, 2008, any member of the optional retirement program who has service credit in the pension plan of the Florida Retirement System for the period between his or her first eligibility to transfer from the pension plan to the optional retirement program and the actual date of transfer may, during employment, transfer to the optional retirement program a sum representing the present value of the accumulated benefit obligation under the defined benefit retirement program for the period of service credit. Upon

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transfer, all service credit previously earned under the pension plan during this period is nullified for purposes of entitlement to a future benefit under the pension plan.

Section 6. Paragraph (d) of subsection (6) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(6)

(d) *Contributions.*—

1.a. Through June 30, 2001, each employer shall contribute on behalf of each member of the Senior Management Service Optional Annuity Program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the member were a Senior Management Service Class member of the Florida Retirement System Pension Plan, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

b. Effective July 1, 2001, through June 30, 2011, each employer shall contribute on behalf of each member of the optional annuity program an amount equal to 12.49 percent of the employee's gross monthly compensation.

c. Effective July 1, 2011, through June 30, 2012, each member of the optional annuity program shall contribute an amount equal to the employee contribution required under s. 121.71(3)(a) ~~s. 121.71(3)~~. The employer shall contribute on behalf of such employee an amount equal to the difference

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between 12.49 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

d. Effective July 1, 2012, each member of the optional annuity program shall contribute an amount equal to the employee contribution required under s. 121.71. The employer shall contribute on behalf of such employee an amount equal to the difference between 9.27 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

e. The department shall deduct an amount approved by the Legislature to provide for the administration of this program. Payment of the contributions, including contributions made by the employee, shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the member under the program.

2. Each employer shall contribute on behalf of each member of the Senior Management Service Optional Annuity Program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Senior Management Service Class in the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

3. An Optional Annuity Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to provider companies on behalf of the optional annuity program members, and to transfer the unfunded liability portion of the state optional annuity program

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contributions to the Florida Retirement System Trust Fund.

4. Contributions required for social security by each employer and employee, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act shall be maintained for each member of the Senior Management Service retirement program and are in addition to the retirement contributions specified in this paragraph.

5. Each member of the optional annuity program may contribute by way of salary reduction or deduction a percentage amount of the employee's gross compensation not to exceed the percentage amount contributed by the employer to the optional annuity program. Payment of the employee's contributions shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the member under the program.

Section 7. Paragraph (a) of subsection (4) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(4) CONTRIBUTIONS.—

(a)1. Through June 30, 2001, each employer shall contribute on behalf of each member of the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the employee were a regular member of the Florida Retirement System Pension Plan, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree

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Health Insurance Subsidy Trust Fund.

2. Effective July 1, 2001, through June 30, 2011, each employer shall contribute on behalf of each member of the optional retirement program an amount equal to 10.43 percent of the employee's gross monthly compensation.

3. Effective July 1, 2011, through June 30, 2012, each member of the optional retirement program shall contribute an amount equal to the employee contribution required in s. 121.71(3)(a) ~~s. 121.71(3)~~. The employer shall contribute on behalf of each such member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

4. Effective July 1, 2012, each member of the optional retirement program shall contribute an amount equal to the employee contribution required in s. 121.71(3)(a) ~~s. 121.71(3)~~. The employer shall contribute on behalf of each such member an amount equal to the difference between 8.15 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

5. The payment of the contributions, including contributions by the employee, shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for members of the program. However, such contributions paid on behalf of an employee described in paragraph (3)(c) may not be forwarded to a company and do not begin to accrue interest until the employee has executed a contract and notified

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the department. The department shall deduct an amount from the contributions to provide for the administration of this program.

Section 8. Paragraph (a) of subsection (4) of section 1012.875, Florida Statutes, is amended to read:

1012.875 State Community College System Optional Retirement Program.—Each Florida College System institution may implement an optional retirement program, if such program is established therefor pursuant to s. 1001.64(20), under which annuity or other contracts providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program, in accordance with s. 403(b) of the Internal Revenue Code. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual Florida College System institution or by a consortium of Florida College System institutions.

(4)(a)1. Through June 30, 2011, each college must contribute on behalf of each program member an amount equal to 10.43 percent of the employee's gross monthly compensation.

2. Effective July 1, 2011, through June 30, 2012, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3)(a) ~~s. 121.71(3)~~. The employer shall contribute on behalf of each program member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

3. Effective July 1, 2012, each member shall contribute an

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amount equal to the employee contribution required under s. 121.71(3)(a) ~~s. 121.71(3)~~. The employer shall contribute on behalf of each program member an amount equal to the difference between 8.15 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

4. The college shall deduct an amount approved by the district board of trustees of the college to provide for the administration of the optional retirement program. Payment of this contribution must be made directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program member.

Section 9. (1) In order to fund the benefit changes provided by this act, the required employer contribution rates for the members of the Florida Retirement System established in s. 121.71(4), Florida Statutes, are increased as follows:

(a) By X.XX percentage point for the Regular Class.

(b) By X.XX percentage point for the Special Risk Class.

(c) By X.XX percentage point for the Special Risk Administrative Support Class.

(d) By X.XX percentage point for the Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders.

(e) By X.XX percentage point for the Elected Officers' Class—Justices, Judges.

(f) By X.XX percentage point for the Elected Officers' Class—County Elected Officers.

(g) By X.XX percentage point for the Senior Management Service Class.

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(2) In order to fund the benefit changes provided by this act, the required employer contribution rate for the unfunded actuarial liability of the Florida Retirement System established in s. 121.71(5), Florida Statutes, are increased as follows:

(a) By X.XX percentage point for the Regular Class.

(b) By X.XX percentage point for the Special Risk Class.

(c) By X.XX percentage point for the Special Risk Administrative Support Class.

(d) By X.XX percentage point for the Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders.

(e) By X.XX percentage point for the Elected Officers' Class—Justices, Judges.

(f) By X.XX percentage point for the Elected Officers' Class—County Elected Officers.

(g) By X.XX percentage point for the Senior Management Service Class.

(3) The adjustments provided in subsections (1) and (2) are in addition to any other changes to such contribution rates which may be enacted into law to take effect on July 1, 2020. The Division of Law Revision is directed to adjust accordingly the contribution rates provided in s. 121.71, Florida Statutes.

Section 10. The State Board of Administration shall prepare a report that examines the adequacy and the use of current income annuity options available to members of the Florida Retirement System Investment Plan, and strategies on how to further increase access to income annuity options and any additional options for guaranteed lifetime income that would assist in providing greater retirement security for investment

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plan retirees. The state board shall propose any legislative changes that are necessary in order to implement any of the strategies outlined in its report. By March 1, 2021, the state board shall submit the report to the board's trustees, the President of the Senate, and the Speaker of the House of Representatives.

Section 11. The Legislature finds that a proper and legitimate state purpose is served when employees, officers, and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees, officers, and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

Section 12. This act shall take effect July 1, 2020.

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From: Howard Crosson <hcrosson@insight.rr.com>
Sent: Sunday, January 12, 2020 2:27 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Bracy, Randolph <Bracy.Randolph@flsenate.gov>; Bradley, Rob <BRADLEY.ROB@flsenate.gov>; Braynon, Oscar <BRAYNON.OSCAR@flsenate.gov>; Farmer, Gary <Farmer.Gary@flsenate.gov>; Gibson, Audrey <GIBSON.AUDREY@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Passidomo, Kathleen <Passidomo.Kathleen@flsenate.gov>; Simpson, Wilton <SIMPSON.WILTON@flsenate.gov>; Benacquisto, Lizbeth <BENACQUISTO.LIZBETH@flsenate.gov>
Subject: Please Amend SB 1128

Dear Senator Brandes and members of the Senate Committee on IIT,

As owners of a one-bedroom condo, our legal residence, we are concerned about Senate Bill 1128 as currently proposed.

My association and we as individuals request that the current SB 1128 be amended to assure that duly adopted condominium and home owner association deed restrictions and governing documents will not be "superseded". Our current restrictions can be protected by REMOVING Lines 87-90 and Lines 96-98 so that SB 1128 is consistent with legislation on this topic adopted in 2019.

Thank you for considering our request. We appreciate your voice on our behalf in the highest levels of our state government.

Regards,

Howard & Janis Crosson
6180 Sun Blvd #305
St. Petersburg, Florida 33715 - 1140

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From: OPPAGA WEB INFORMATION <siteinfo@OPPAGA.FL.GOV>
Sent: Friday, February 07, 2020 8:00 AM EST
To: !EVERYONE <EVERYONE@leg.state.fl.us>
Subject: PolicyNotes - February 7, 2020

PolicyNotes Banner

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CRIMINAL JUSTICE

Correlates of Intimate Partner Homicide in the Rural United States: Findings From a National Sample of Rural Counties, 2009–2016

Intimate partner homicide in the U.S. rural context has increased in recent years while other types of homicide have decreased. This suggests that some rural structural characteristics make intimate partner homicide more likely in rural communities than other forms of homicide. This study used multilevel models to examine individual- and community-level characteristics' association with intimate partner homicide in rural counties between 2009 and 2016 in the United States. Overall, individual-level correlates were more strongly associated with intimate partner homicide than community-level correlates, although increased economic need was associated with intimate partner homicide in one of the models. Implications for individual-level intervention, policy, and future research are discussed.

Source: Homicide Studies

Criminal Justice Reform in the Fentanyl Era: One Step Forward, Two Steps Back

The U.S. is in the throes of a deadly overdose crisis that claimed almost 70,000 lives in 2018. Of those, around 30,000 deaths involved synthetic opioids like fentanyl. Since 2011, 45 states have proposed legislation to increase penalties for fentanyl while 39 states and Washington D.C. have passed or enacted such legislation. This paper aims to shine a light on the danger that harsh fentanyl penalties present to the criminal justice reform movement and efforts to end the war on drugs such as exacerbating the overdose crises, inability to differentiate between people who use or sell drugs, and disproportionate targeting of people of color. In addition, the paper includes evidence-based public health and harm reduction recommendations for policymakers such as expanding 911 Good Samaritan Laws, expanding community-based naloxone access and distribution, and improving drug checking, surveillance, and data collection.

Source: Drug Policy Alliance

Education

EDUCATION

The Benefits of Bridging Divides: How YouthBuild Philly Shares its Supportive Practices to Build Business Value and Better Jobs

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Many workforce development organizations have expertise in supportive strategies that help people succeed at work. By learning how to translate these practices to their business partners, workforce organizations can provide greater value to employers – helping improve their management practices, reduce turnover costs, and create better jobs. This report documents how YouthBuild Philly partners with retail businesses like Gap Inc. and Brown's Superstores Inc. — ShopRite! to shape the workplace experiences of the young people the organization serves. YouthBuild Philly translates its internal culture of respect and belonging into training and capacity-building services for front-line retail supervisors. This includes treating students as assets to the business, flexible work scheduling to accommodate students' educational and career goals, providing a clear pathway for advancement within the company, and providing a support system to promote employee stability and retention. Businesses report that the supportive practices supervisors learn are useful for improving engagement and retention across their entire workforce. The report highlights three key practices YouthBuild Philly uses that other organizations can adopt to engage retail businesses and strengthen equity, inclusion, and retention: 1) identifying "good-fit" business partnerships that set young people up for success; 2) strengthening front-line management through coaching and feedback; and 3) providing customized training to help business partners institutionalize supportive culture and management.

Source: Aspen Institute

Dual Enrollment Access

Dual enrollment programs allow students to earn high school and college credit simultaneously. Such programs support students in their transition from high school to college in two ways: first, students access advanced learning experiences that can help them prepare academically for college; second, through early credit accumulation, students have the potential to reduce the total cost of their college degree. In addition, research indicates that participating in dual enrollment increases the chance that a student will attend and graduate from college. As dual enrollment programs have grown, policymakers across the country have been increasingly attentive to the issue of who has access to these courses. While states have consistently sought to ensure broad access to dual enrollment courses, both dual enrollment generally and the specific issue of dual enrollment access received a significant amount of legislative focus in the past year. In 2019, states considered at least 219 bills related to dual enrollment; nearly half of those involved provisions about access to the courses. In this analysis of enacted 2019 legislation, which focused specifically on access, four themes arose across the states: 1) reducing the cost for students, 2) removing barriers to participation, 3) expanding student eligibility, and 4) increasing qualified educators. In this report, Florida House Bill 7071 from the 2019 legislative session (which added a requirement for each school district to establish a career dual enrollment agreement between each high school and the regional career center) is highlighted.

Source: Education Commission of the States

Increasing Community College Graduation Rates with a Proven Model

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The nation's community colleges play a central role in producing a more educated workforce and promoting social mobility. They serve about 40% of all college students and, not surprisingly, they serve a disproportionate number of low-income and underrepresented students. But most students who enter these colleges do not graduate — only about a third of entering students earn a degree or certificate within six years. Among the many programs that have attempted to increase graduation rates, one program stands out. Developed by the City University of New York (CUNY), the Accelerated Study in Associate Programs (ASAP) is a comprehensive program that provides students with up to three years of financial and academic support and other support services. Along with those services and other forms of support comes an obligation to attend full time and participate in essential program services. An experimental evaluation of CUNY Accelerated Study in Associate Programs found that the program nearly doubled graduation rates after three years. This report presents findings through three years from a replication of the Accelerated Study in Associate Programs model at three community colleges in Ohio. The findings include that the Ohio programs were generally managed and staffed as planned and implemented as designed and that the programs created a noticeable contrast between the experiences of program and control group students in all areas where the model had components. The Ohio programs nearly doubled degree receipt through three years and led to an increase in transfers to four-year colleges in addition to having a positive effects on enrollment, full-time enrollment, and credits earned. The Ohio programs had positive effects for various types of students, including those who entered with and without developmental (remedial) education requirements. Although the Ohio programs cost more per student than traditional services, they also led to a lower cost per degree.

Source: MDRC

High School GPAs and ACT Scores as Predictors of College Completion: Examining Assumptions about Consistency across High Schools

High school GPAs are often perceived to represent inconsistent levels of readiness for college across high schools, whereas test scores (e.g., ACT scores) are seen as comparable. This study tests those assumptions, examining variation across high schools of both high school GPAs and ACT scores as measures of academic readiness for college. The authors found students with the same high school GPA or the same ACT score graduate at very different rates based on which high school they attended. Yet, the relationship of high school GPAs with college graduation is strong and consistent and larger than school effects. In contrast, the relationship of ACT scores with college graduation is weak and smaller than high school effects, and the slope of the relationship varies by high school.

Source: Educational Researcher



GOVERNMENT OPERATIONS

Florida Growth Fund Program Investments Provided More Than $432 Million in Florida Retirement System (FRS) Distribution

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As of June 30, 2019, the Florida Growth Fund Program had committed to invest $721.1 million in 53 technology and growth companies and 37 private equity funds. Since the previous report, the two fund managers made new investments totaling $83.6 million in six technology and growth companies and four private equity funds. Florida investments were dispersed across 14 counties, with amounts ranging from $6.8 million in Manatee County to $177.5 million in Palm Beach County. From fund inception to June 30, 2019, the program had distributed $432.9 million to the Florida Retirement System trust fund. Since its inception, both the Florida Growth Fund I and Florida Growth Fund II have exceeded benchmarks set for each of these funds. Net internal rates of return since inception range from 12.2% to 9.1%, varying by tranche. The program's investments resulted in reported economic benefits to the state. The Florida Growth Fund Program's investments also resulted in reported economic benefits to the state. Companies that received investments reported creating 20,906 jobs as of June 30, 2019. Fund managers reported that current investments created jobs that paid average salaries of $55,116. These salaries exceed the state's 2018 annual mean income of $50,092. One fund manager reported that companies and private equity funds receiving investments reported making $111.0 million in capital investments between July 1, 2018 and June 30, 2019, bringing total capital expenditures to $865.6 million since the fund's inception.

Source: Office of Program Policy Analysis and Government Accountability (OPPAGA)

Leveling the Playing Field Between Inherited Income and Income from Work Through an Inheritance Tax

The core objectives of tax policymaking should be to raise revenue in an efficient and equitable manner. Current taxation of estates and gifts (and non-taxation of inheritances) fails to meet these goals, perpetuating high levels of economic inequality and impeding intergenerational mobility. The current system also provides an intense incentive to delay realization of capital gains until death. These shortcomings distort capital markets, encourage nonproductive estate tax planning, and limit the effectiveness of the overall tax code. The U.S. tax code plays a key role. Inherited income is taxed at less than one-seventh the average tax rate on income from work and savings. This report proposes a major step toward leveling the playing field by requiring wealthy heirs to pay income and payroll taxes on inheritances they receive above a large lifetime exemption.

Source: Brookings Institute

Evidence-Based Retirement Policy: Necessity and Opportunity

Retirement saving plays an important role in the U.S. economy. Americans hold more than $18 trillion in private retirement accounts like 401(k)s and IRAs, while defined benefit pensions in the private and public sector hold trillions more. Social Security and Medicare comprise nearly 40% of the federal budget. Despite existing research, policymakers do not have access to robust empirical consensus when making decisions that affect the retirement security of tens of millions of families. There are many major outstanding questions such as the following: How well are households preparing for retirement? Why does consumption fall at retirement? Do tax-based savings incentives raise net wealth accumulation? Obtaining better answers to these questions and using the insights they provide to guide changes in the American retirement system could improve living standards for generations of retirees and control the federal budget. But to obtain these answers, researchers and policy makers need better information. The authors recommend devoting a percent of program funds to evaluation, evaluating retirement saving tax expenditures, and collecting comprehensive, linked data.

Source: Brookings Institute

HEALTH AND HUMAN SERVICES

How Can Policy and Practice Support an Innovating Healthcare System?

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The British National Health Service is under increasing pressure to meet rising and changing demand for healthcare services, driven in part by an ageing population and growing numbers of people living with chronic conditions. It confronts these demands with limited resources. Policymakers are increasingly recognizing the potential of innovation to support a thriving health and care system. This study recommends actions to strengthen innovation in the National Health Service based on four principles: 1) innovation strategies and policy should be rooted in a whole care-pathway approach; 2) success requires balancing shorter term (quick win) actions with longer term transformational interventions; 3) it is critical to assess how new policies and interventions relate to the existing policy infrastructure; and 4) the need for cultural and behavioral change is critical if innovating is to happen at scale and sustainably.

Source: RAND Corporation

Trends in Unmet Need for Physician and Preventive Services in the United States, 1998-2017

Improvements in insurance coverage and access to care have resulted from the Affordable Care Act (ACA). However, a focus on short-term pre- to post-ACA changes may distract attention from longer-term trends in unmet health needs, and the problems that persist. The goal of this study was to identify changes from 1998 to 2017 in unmet need for physician services among insured and uninsured adults aged 18 to 64 years in the United States. Among the adults aged 18 to 64 years in 1998 (n = 117,392) and in 2017 (n = 282,378) who responded to the Centers for Disease Control and Prevention Behavioral Risk Factors Surveillance System (mean age was 39.2; 50.3% were female; 65.9% were white), uninsurance decreased by 2.1 percentage points (from 16.9% to 14.8%). However, the adjusted proportion unable to see a physician owing to cost increased by 2.7 percentage points overall, by 5.9 percentage points among the uninsured and 3.6 percentage points among the insured (from 7.1% to 11.5%, unadjusted). The adjusted proportion of persons with chronic medical conditions who were unable to see a physician because of cost also increased for most conditions. Results indicate that despite coverage gains since 1998, most measures of unmet need for physician services have shown no improvement, and financial access to physician services has decreased.

Source: JAMA Network

Accounting for the Burden And Redistribution of Health Care Costs: Who Uses Care and Who Pays For It

In 2015, health care spending accounted for nearly 18% of the U.S. gross domestic product, a measure of the total value of goods produced and services provided by the nation. Ultimately all health care costs are paid by households, either in obvious ways such as through insurance premiums or out-of-pocket costs, in addition to less-visible ways such as employer-paid premiums and taxes. The researchers analyzed a variety of sources of information to examine the burden that different families face to pay for health care, as well as the relationship between who pays for care and who receives care. Results indicate that higher-income American households pay the most to finance the nation's health care system, but the burden of payments as a share of income is greatest among households with the lowest incomes. Households in the middle three income tiers pay between 19.8% and 23.2% of their income toward health care. The analysis considered all payments made by households to support health care, including taxes and employer contributions.

Source: Health Services Research

N O T E :
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GRADUATE STUDENT POSITION

AMERICAN OVERSIGHT

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POLICYNOTES

A publication of the Florida Legislature's Office of Program Policy Analysis & Government Accountability

PolicyNotes, published every Friday, features reports, articles, and websites with timely information of interest to policymakers and researchers. Any opinions, findings, conclusions, or recommendations expressed by third parties as reported in this publication are those of the author(s) and do not necessarily reflect OPPAGA's views.

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CRIMINAL JUSTICE

Reimagining Prison

The prison experience today is harsh, restrictive, and dehumanizing—resulting in the loss of each incarcerated person's sense of self, autonomy, and capacity to control his or her own destiny. Today's American prison system did not arise fully formed out of 20th century politics and policies, but is interwoven with this country's deep and divisive history of unequal race relations. To transform the goals and experience of incarceration in this country requires that the bold but simple value of human dignity govern all facets of a newly shaped prison system. This report reimagines the how, what, and why of incarceration and asserts a new governing principle on which to ground prison policy and practice: human dignity. Basing American corrections practice on human dignity acknowledges and responds to the role formal state punishment systems have played in creating and perpetuating inequality. The authors propose three practice principles to support this tenet: (1) respect the intrinsic worth of each human being; (2) elevate and support personal relationships; and (3) respect a person's capacity to grow and change.

Source: Vera Institute of Justice

Implementing Gunshot Detection Technology: Recommendations for Law Enforcement and Municipal Partners

This practitioner guide synthesizes findings from an evaluation of gunshot detection technology in three cities (Denver, Colorado; Milwaukee, Wisconsin; and Richmond, California) to guide law enforcement and government officials in decisions to invest in, continue, or expand the technology in efforts to reduce violent crime. Gunshot detection technology (GDT) is a system that uses a network of outdoor acoustic sensors to automatically detect gunfire and promptly alert law enforcement officers. The evaluation finds that GDT is most effective when law enforcement agencies thoroughly incorporate the technology into day-to-day procedures and operations and when the data generated by GDT is integrated into other data and investigative systems. The guidebook details best practices in GDT training, policy development, deployment, alert response, use in investigations, and communication with community members. Key recommendations include developing clear policies and procedures prior to GDT implementation, placing GDT sensors in areas where violent crime is most concentrated, making training an ongoing priority, and communicating with community members early and often.

Source: Urban Institute

Education

EDUCATION

AMERICAN OVERSIGHT

States' Use of the Child Care and Development Block Grant Funding Increase

In 2014, Congress reauthorized the Child Care and Development Block Grant (CCDBG), setting new standards around eligibility for child care subsidies, child care quality, health and safety, access to child care, and workforce supports for early childhood educators. The 2014 reauthorization law included policy changes requiring states to: 1) Set provider payment rates to promote equal access to the child care market for parents receiving child care subsidies; 2) Implement family-friendly eligibility policies that help families keep their subsidy without interruptions; 3) Enhance health and safety practices for all CCDBG providers, including health and safety training and inspections and comprehensive background checks; 4) Expand consumer education, which includes increasing online access to information on child development and other financial assistance programs and creating a hotline to report safety concerns; 5) Increase the amounts of set-asides that states must spend toward supporting the quality and development of the child care workforce; and 6) Expand access to child care for vulnerable families and priority groups whose needs and characteristics limit the child care options currently available to them. Florida, specifically, will use additional funding to increase the number of child care subsidies, increase payment rates for child care services, and to expand child care slots for children experiencing homelessness. In addition, Florida will use additional funds to allocate money to child care workforce training, investments in infant/toddler care, investments in home-based care, and to cover enrollment registration fees.

Source: Child Trends

Learning from Peers on a Large Scale: Teachers in High-Poverty Schools Find Value in Results of National Educator Surveys

Teachers in the United States are encouraged to continuously improve their teaching practice, and one method of doing so is learning from peers. Learning from peers can take many forms, such as pursuing formal or informal collaboration, accessing research results through professional networks, or seeking guidance from peers about interventions and instructional strategies. Many opportunities for peer-to-peer learning occur through one-on-one or small-group interactions. Larger-scale opportunities for learning, such as conferences and online communities, may be useful channels for building peer connections, but are unlikely to provide teachers with systematic information about what their peers are doing nationally. Researchers know little about the extent to which teachers would find national survey data about their peers' teaching practice useful, as little research exists on which topics might be perceived as useful for reflection and improvement. In addition, researchers do not know how school characteristics affect teachers' perceptions of the usefulness of such information. Nationally representative data from the web-based American Teacher Panel survey provide insight into the degree to which teachers believe national survey data would be useful for thinking about how they could improve their practice and the extent to which their perceptions vary by school characteristics. The authors found that more than 80% of teachers reported that survey data about social and emotional learning, interventions to support student outcomes, curriculum, and supporting students with high-incidence disabilities would be useful. In addition, they found that teachers in higher-poverty schools were significantly more likely to report that national survey data on many topics would be somewhat or very useful for improving their instruction than teachers in lower-poverty schools. The authors recommend that researchers who collect and analyze national survey data, as well as funders and policymakers who use and disseminate such data, should consider making the results — particularly if they address any of the topics included in the American Teacher Panel — available directly to teachers.

Source: RAND Corporation

Beyond the Schoolhouse: Overcoming Challenges & Expanding Opportunity for Black Youth in Los Angeles County

AMERICAN OVERSIGHT

In California, despite the state's growing commitment to equity, black children consistently lag behind their peers on standardized assessments and graduation rates. This is also the case in Los Angeles County, the large metropolitan area that is the subject of this report. Black students in Los Angeles County are overrepresented among those who are under-prepared for college, who are subject to punitive forms of discipline, and who are chronically absent from school. Moreover, a disproportionate number of black students in Los Angeles County attend schools that the state has identified as "low-performing" and they are also more likely to be enrolled in schools where critical resources (e.g. school counselors, nurses, social workers, highly qualified teachers, etc.) are in short supply. This report provides detailed analysis of how school-based and environmental factors interact to shape the academic and developmental outcomes of black children. The authors offer five findings: 1) Place matters: Academic performance and health are highly correlated with where a child lives; 2) The majority of black students in Los Angeles County are enrolled in racially isolated (e.g. predominantly black and Latinx students) schools located in impoverished communities; 3) Most of the schools where black children are concentrated have limited resources despite having high numbers of very disadvantaged students (e.g. students in foster care, students who are homeless, in special education, etc.); 4) Key academic and school climate indicators illustrate distinct differences between black students and students of other racial and ethnic groups; 5) Social, environmental and health data reveals that black children and families are more likely to be negatively impacted by their surroundings. The authors provide recommendations for the school, district, city, county, state and federal levels. These recommendations include adopting a Multi-Tiered System of Support, investing in longitudinal data systems, and expanding full-service community schools to support primary health, mental health, and dental care in schools.

Source: University of California Los Angeles, Center for the Transformation of Schools

Fewer Children Left Behind: Lessons From the Dramatic Achievement Gains of the 1990s and 2000s

This study reports that from the mid- to late 1990s until 2010, fourth and eighth grade National Assessment of Educational Progress scores for the lowest-achieving children, and for students of color, increased in reading, mathematics, and most other academic subjects. At the end of this period black, Hispanic, and low-achieving students were reading and doing mathematics two or three grade levels above their equivalent peers in the early 1990s. This report concludes that schools and school reform are only part of the reason for these educational achievements. Significant improvements in social and economic conditions for the poorest students during this same time period – especially the rapid decrease in rates of violence and child poverty –more likely account for why students started to make significant educational gains.

Source: Thomas Fordham Institute

GOVERNMENT OPERATIONS

Department of Veterans Affairs: Improved Succession Planning Would Help Address Long-Standing Workforce Problems

AMERICAN OVERSIGHT

The U.S. Department of Veterans Affairs (VA) operates one of the largest health care delivery systems in the nation and provides billions of dollars in benefits and services to veterans and their families. However, the VA) faces serious and long-standing problems with management challenges and veterans' access to care and disability benefits. For example, as of December 2018, the VA reported an overall staff vacancy rate of 11% at Veterans Health Administration (VHA) medical facilities, including vacancies of more than 24,000 medical and dental positions, and around 900 human resource positions. Ensuring VA, VHA, and Veterans Benefit Administration (VBA) have a pipeline of talent to fill leadership positions and mission-critical occupations is key to addressing these challenges. The VA Choice and Quality Employment Act of 2017 includes a provision for the Government Accountability Office to review succession planning policies and guidance at VA and its administrations. This report addresses the extent to which succession planning policies and procedures at VA, VHA, and VBA are consistent with key leading practices. The authors reviewed agency documents related to succession planning for leadership positions and mission-critical occupations, and interviewed agency officials. To identify key leading practices, the authors reviewed the Government Accountability Office's past work and Office of Personnel Management guidance. The authors recommend that VA should develop a department-wide succession plan and update its succession planning directive and that VHA and VBA should fully incorporate key leading practices for succession planning. VA agreed with the recommendations.

Source: Government Accountability Office

Will America Embrace National Service?

America's civic health is in significant decline. The percentage of Americans who say others can be trusted fell from 46% in 1972 to just 31% in 2016, with 36% of whites and 17% of blacks expressing such trust; and, in recent years, trust in the media, government, and the courts has fallen to historic lows. It is no surprise that communities are fraying in places like Charlottesville, Ferguson, and Baltimore, and that America is not fulfilling its potential, as political institutions suffer from partisan gridlock, and the institutions that serve as checks on power and as guarantors of individual rights are increasingly under attack. This paper recommends that any universal voluntary national service program to address civic engagement be available to all, bring together youth of different backgrounds in common purpose, permit participant choice between military or non-military service, reward participants with increased opportunities, allow for local priorities to be honored, and build on existing federal, state, and local programs.

Source: The Brookings Institute

Vote Harvesting: A Recipe for Intimidation, Coercion, and Election Fraud

Giving third parties who have a stake in the outcome of an election access to voters and their absentee ballots in an unsupervised setting is not wise, and is a proven threat to the integrity of the election process. The handling of absentee ballots should be restricted to voters, most immediate family members, or an individual residing in their household. This will prevent campaigns, political parties, and other third parties from handling absentee ballots. Vote harvesting is the collection of absentee ballots from voters by a third party who then delivers them to election officials. The term "vote harvesting" was essentially unknown to the general public until the North Carolina State Board of Elections overturned the results of the 2018 election for the Ninth Congressional District due to illegal vote harvesting, what the board called a "coordinated, unlawful and substantially resourced absentee ballot scheme." Twenty-seven states (including Florida) and the District of Columbia have legalized vote harvesting. This report recommends that the practice should be prohibited.

Source: Heritage Foundation

Explaining the Black-White Homeownership Gap: A Closer Look at Disparities across Local Markets

The gap in the homeownership rate between black and white households is the highest it has been in 50 years. This brief examines key variables that explain the black/white homeownership gap, and estimates the role that income, education, credit score, and marital status play both nationally and locally in 105 metropolitan statistical areas with large black populations. The researchers determine that roughly 17% of the homeownership gap remains unexplained by observed variables and could be caused by differences in parental wealth, information networks or the vestiges of policies and structures that have made it difficult for black households to obtain and benefit from homeownership. The researchers also recommend specific policy actions for officials across federal, state, and local government as well as institutional policy changes.

Source: Urban Institute

HEALTH AND HUMAN SERVICES

2018 Sexually Transmitted Disease Surveillance Report

This report provides trends in sexually transmitted disease (STDs) to inform prevention and control strategies. This overview summarizes national surveillance data for 2018 on the three notifiable diseases for which there are federally funded control programs: chlamydia, gonorrhea, and syphilis. In 2018, a total of 1,758,668 cases of Chlamydia trachomatis infection were reported to the U.S. Centers for Disease Control and Prevention (CDC), making it the most common notifiable condition in the United States. This case count corresponds to a rate of 539.9 cases per 100,000 population, an increase of 2.9% compared with the rate in 2017. During 2017–2018, rates of reported chlamydia increased among both males and females, in all regions of the United States, and among all racial/Hispanic ethnicity groups. In 2018, a total of 583,405 cases of gonorrhea were reported to the CDC, making it the second most common notifiable condition in the United States. Rates of reported gonorrhea have increased 82.6% since the historic low in 2009. During 2017–2018, the overall rate of reported gonorrhea increased 5.0%, and rates increased among both males and females, in all regions of the United States, and among all racial/Hispanic ethnicity groups. In 2018, 115,045 cases of all stages of syphilis, were reported, including 35,063 cases of primary and secondary syphilis, the most infectious stages of the disease. Since reaching a historic low in 2000 and 2001, the rate of primary and secondary syphilis has increased almost every year, increasing 14.9% during 2017–2018. Rates increased among both males and females, in all regions of the United States, and among all racial/Hispanic ethnicity groups. In addition to the above findings, the Centers for Disease control ranked each state by rates of reported cases of STDs. Florida ranks 29th with 104,758 cases.

Source: Centers for Disease Control and Prevention

Employers, Work-Family Supports, and Low-Wage Workers

AMERICAN OVERSIGHT

Employers shape the work conditions that parents face, and they play a central role in policy debates about how to address work-family pressures. To better understand employer perspectives on these issues, this report presents findings from interviews with 16 organizations that represent or directly work with employers. Focusing on three policy areas central to parents' ability to manage work and family—paid leave, workplace flexibility and control, and child care—the report explores three research questions: 1) What are employers' perceived motivations and barriers for providing work-family supports to low-wage workers?; 2)What role do employers see for public policy or employer policy in each area?; 3) How do employers think about relationships between different work-family supports and other benefits they might provide low-wage workers? This research suggest several considerations to inform future policy and research. These include that employers may need more information to understand issues facing their workforces and the options available to address these issues. There are varying perspectives on the best ways to provide paid leave, workplace flexibility and control, and child care, but there is broad consensus that these supports are valuable. Employer perspectives could evolve with more information on, experience with, and public attention to different approaches to address these work-family challenges. In addition, respondents portrayed employer perspectives on their role relative to public policy as different across policy areas. Employer costs vary, but public policy could help address them without excluding workers from benefits. Concerns about the costs of providing public or employer-sponsored work-family supports are real. But employers might be willing to absorb some costs associated with supports that they see as benefiting business. More research, knowledge, and innovation could inform cross-domain policy design. Employers, researchers, policymakers, and advocates tend to think of work-family supports in silos. Further research is needed to understand how both public and employer-based policies related to paid leave, workplace flexibility, and child care can be designed strategically and in an integrated fashion.

Source: Urban Institute

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CRIMINAL JUSTICE

On Track: How Well Are States Preparing Youth in the Juvenile Justice System for Employment?

In 2018, the Council of State Governments (CSG) Justice Center partnered with the Council of Juvenile Correctional Administrators to send an electronic survey to juvenile correctional agencies in all 50 states. This survey asked questions about the delivery of workforce development services to the approximately 32,000 incarcerated youth who are committed to state custody nationwide as part of a court disposition, with a focus on the 23,000 youth incarcerated in secure facilities typically managed by state agencies. All 50 states completed the survey. Authors found that 1) most incarcerated youth are not provided the workforce development services necessary to obtain viable employment in the community after release; 2) most state juvenile correctional agencies lack the partnerships needed to help incarcerated youth overcome barriers to obtaining viable employment in the community; and 3) most states do not track key employment outcomes for incarcerated youth while they are in facilities and after their release. Additionally, the authors provide best practices including checklists for creating workforce development activities in facilities and in the community, checklists for partnering with other entities (agencies, employers, educational entities, etc.), and collecting more data related to youth outcomes.

Source: Justice Center: The Council of State Governments

Incorporating Strategies Informed by Procedural Justice into Child Support Services

The Procedural Justice-Informed Alternatives to Contempt (PJAC) demonstration project integrates procedural justice principles into child support enforcement business practices in six child support agencies across the United States. Procedural justice is the idea of fairness in processes that resolve disputes and result in decisions. Research has shown that if people perceive a process to be fair, they will be more likely to comply with the outcome of that process whether or not the outcome was favorable to them. The project's target population is non-custodial parents who are not compliant with their child support obligations, but who have been determined to be able to pay their child support. The goal of PJAC is to improve consistent payment among non-custodial parents who are at the point of being referred to the legal system for civil contempt of court for failure to comply with their child support orders. PJAC aims to accomplish its goal by addressing parents' barriers to providing reliable payments and by promoting positive engagement with the child support program and the other parent. Case managers receive continuing training and support as they employ strategies informed by procedural justice throughout their work on the PJAC project. The follow-up training provides an important opportunity for staff members to assess their use of procedural justice strategies and to adapt their approaches as they encounter new situations, gain experience, and learn what is most effective in their work with parents.

Source: MDRC

AMERICAN OVERSIGHT

Immigrants' Deportations, Local Crime, and Police Effectiveness

This paper analyzes the impact of immigrant deportations on local crime and police efficiency. The authors' identification relies on increases in the deportation rate driven by the introduction of the Secure Communities program, an immigration enforcement program based on local-federal cooperation, which was rolled out across counties between 2008 and 2013. The authors measure the deportation rate by examining the introduction of Secure Communities with the local presence of likely undocumented in 2005, prior to the introduction of Secure Communities. The authors document a surge in local deportation rates under Secure Communities, and show that deportations increased the most in counties with a large undocumented population. The authors find that Secure Communities-driven increases in deportation rates did not reduce crime rates for violent offenses or property offenses. Estimates are small and precise, so the authors can rule out meaningful effects. The authors do not find evidence that Secure Communities increased either police effectiveness in solving crimes or local police resources. Finally, the authors do not find effects of deportations on the local employment of unskilled citizens or on local firm creation.

Source: IZA Institute of Labor Economics



EDUCATION

Long-Term Impacts of Knowledge is Power Program (KIPP) Middle Schools on College Enrollment and Early College Persistence

This report presents the results of a long-term tracking study that follows 1,177 students who applied to enter 1 of 13 oversubscribed Knowledge is Power Program (KIPP) middle schools through a 5th or 6th grade admissions lottery in 2008 or 2009. Those students are now old enough to have attended college for at least two years. This study uses a randomized controlled trial design to ensure that students who were offered admission to a KIPP middle school (the treatment group) are similar on average to students who did not receive an offer of admission (the control group) on both observable characteristics, such as prior test scores, and unobservable characteristics, such as levels of motivation and parental support. After adjusting for which students attended KIPP after the lottery in our exploratory analysis, we find that 33.2% of students who attended KIPP enrolled immediately in a four-year college program after high school and persisted in college for four consecutive semesters, compared to 24.2% of students who did not attend KIPP. While rates of entering and persisting in college were higher in the treatment group, the difference between the two groups was not large enough to be statistically significant. For the students in this study, it is too early to know whether KIPP will ultimately produce improvements in college graduation rates.

Source: Mathematica

When Is a School Segregated? Making Sense of Segregation 65 Years after Brown v. Board of Education

AMERICAN OVERSIGHT

Much research on segregation relies on an absolute measure of segregation, which evaluates exposure and isolation between students of different racial groups within individual schools. But these measures can be misleading because they are strongly influenced by the racial composition of students in the neighborhood or system. Schools in areas with few white students could be considered “hyper-segregated” for simply reflecting the pool of students they draw from. On the other hand, because these metrics often consider exposure of historically underserved populations—blacks and Hispanics—to other students—whites and Asians—they can miss schools that are predominantly white and Asian with a small minority community while penalizing schools that are predominantly black or Hispanic. The authors’ Segregation Contribution Index assesses how much each school within a system—whether a district, county, or city—contributes to segregation by examining what would happen to segregation within the system if a school’s actual racial composition were perfectly integrated—that is, replaced with a composition corresponding to that of the school system. Because redistributing students across a system could require students to travel long distances or create other logistical problems, the authors also assess whether system wide integration would be improved if schools more closely resembled their neighborhoods. The authors’ Segregation Contribution Index allows stakeholders to see which schools in a system contribute most to segregation or integration, helping policymakers better target their school integration efforts. The authors find that holding school size constant, private and charter schools tend to have higher average contributions to segregation than traditional public schools, charter schools are overrepresented among schools that are both significantly more and less black and Hispanic than the surrounding neighborhood, and in neighborhoods with low shares of black and Hispanic students, private schools are 30% more likely than traditional public schools to segregate the system.

Source: Urban Institute

Rising Tide: Charter School Market Share and Student Achievement

Plenty of studies have compared the progress of students in charter schools versus traditional public schools. And more than a dozen have examined the “competitive effects” of charters on neighboring district schools. Yet, to the authors’ knowledge, no prior study has directly addressed whether overall achievement increases as the “market share” of charter schools grows. The findings from this study include that in large urban areas, higher charter market share is associated with significant achievement gains for black and Hispanic students; in suburban and rural areas, higher charter market share is associated with significant achievement gains for Hispanic students, and black students in rural districts also see gains. Also, there is no evidence that higher charter market share is associated with achievement gains for white students. In short, the report is consistent with prior research that suggests black and Hispanic students learn more in charter schools and that competition from charter schools has a positive, or at worst neutral, effect on traditional public schools.

Source: Thomas B. Fordham Institute



GOVERNMENT OPERATIONS

Energy Efficiency Jobs in America: 2019

Energy efficiency is the fastest-growing segment of the U.S. energy industry. More than 2.3 million people nationwide worked in the field in 2018, up 76,000 from the previous year. In Florida, 118,400 people worked in energy efficiency in 2018, up 5% and ranking Florida fourth in the nation for energy efficiency jobs. Most were with businesses that employ fewer than 20 people. They did everything from designing sustainable buildings to repairing energy-efficient lighting systems. Energy efficiency jobs make up 17% of all construction jobs in Florida and 36% of all energy sector jobs in the state. This sector’s strong year-over-year job growth—and growing integration in the economic value chain and built environment—is turning the industry into the energy sector’s most viable and efficient job creator.

Source: Environmental Entrepreneurs (E2)

AMERICAN OVERSIGHT

An Opportunity Zone Guide for Governors and a Case Study of South Carolina

Created by the Tax Cuts and Jobs Act of 2017, the federal government's latest economic development incentive, Opportunity Zones, is currently in the beginning stages of implementation. While it has the potential to stimulate significant cash flow across the country, its success partially depends on localized execution. Restrictions on what investments qualify are light compared to other federal programs. Because of the limited federal accountability, state-level policy potentially has a large role to play in facilitating capital flow into projects that 1) do no harm to communities and 2) bolster investments in communities in ways that benefit low- and moderate-income residents. To better guide governors when implementing policy related to the Opportunity Zones, researchers have determined a five-step process to create thriving and supported zones. These steps are: 1) to select state-level guiding principles; 2) to create support systems for projects and investments; 3) to assist aspiring opportunity fund managers; 4) to engage with opportunity fund investors; and 5) to recruit other mission-driven financial actors. Of South Carolina's 1,103 census tracts, 67% were eligible for Opportunity Zone designations. Of these, 135 tracts across the state's 46 counties were chosen. South Carolina's approach to Opportunity Zones has straddled the line on the issues listed above, often opting for broad incentives that apply (much like the federal legislation) to any Opportunity Zone investment. Ultimately, South Carolina should consider additional action based on the priorities described in this brief: incorporating community voices, goals, and needs; promoting transparency, monitoring, learning, and evaluation; thinking and acting locally; being cost-effective; doing no harm; and aligning with the original incentive.

Source: Urban Institute



HEALTH AND HUMAN SERVICES

Mortality Patterns Between Five States With Highest Death Rates and Five States with Lowest Death Rates: United States, 2017

In 2017, the five states with the highest age-adjusted death rates were Alabama, Kentucky, Mississippi, Oklahoma, and West Virginia. The five states with the lowest age-adjusted death rates were California, Connecticut, Hawaii, Minnesota, and New York. The average age-adjusted death rate for the five states with the highest rates (926.8 per 100,000 standard population) was 49% higher than the rate for the five states with the lowest rates (624.0). Age-specific death rates for all age groups were higher for the states with the highest rates compared with the states with the lowest rates. Age-adjusted death rates were higher for non-Hispanic white and non-Hispanic black populations but lower for the Hispanic population in states with the highest rates than in states with the lowest rates. The age-adjusted death rates for chronic lower respiratory diseases and unintentional injuries for the states with the highest rates (62.0 and 65.5, respectively) were almost doubled compared with the states with the lowest rates (31.0 and 35.8).

Source: U.S. Department of Health and Human Services

Poverty: 2017 and 2018, American Community Survey Briefs

AMERICAN OVERSIGHT

In 2018, 13.1% of the U.S. population had income below the poverty level, a decline from 13.4% in 2017. This is the fifth consecutive annual decline in the American Community Survey national poverty rate. The poverty rate declined in 14 states and Puerto Rico between 2017 and 2018. In three of those states (Arizona, Illinois, and New York), poverty declined for a fourth consecutive year. Four states (California, Florida, Georgia, and North Carolina) had declining poverty rates for a fifth year in a row. The poverty rate increased in only one state, Connecticut. In seven of the 25 most populous metropolitan areas, the poverty rate declined between 2017 and 2018. The poverty rate declined for the fourth consecutive year in five of these seven areas. An additional four metropolitan areas showed poverty rate declines in three of the last four years. Poverty did not increase in 2018 for any of the 25 most populous metropolitan areas. In 2018, the proportion of people with income less than 50% of their poverty threshold declined in seven states, and in three of the 25 most populous metropolitan areas. The proportion of people with an income-to-poverty ratio less than 50% increased in two states (Michigan and Rhode Island) but in none of the 25 most populous metropolitan areas.

Source: U.S. Census Bureau

A New Vision for Health Reform

Health spending is the largest component of the federal budget. Left unchecked, federal health spending is expected to double over the next decade. A similar sharp increase in health spending is projected for consumers, employers, and state governments. A viable agenda for growing the economy must include policies to control the growth of health care spending while promoting access to affordable, quality health care and better health outcomes. Otherwise, there is a big risk that much of the federal budget and the economy's future growth will be absorbed by an excessively costly health system without appreciable gains in health. Controlling costs will require a comprehensive approach that addresses the root causes of high spending. It must increase competitive pressures on health care prices, both from the demand- and supply-sides, allowing pressure from patients to help control costs. This report details how to arm purchasers – consumers, physicians, insurers, employers, and the government – to make cost-effective decisions in a competitive market environment. Key elements include: promoting competition among health care providers and insurers to lower health care prices; improving information on prices and outcomes to help patients and their physicians make more cost-effective decisions; shifting to new ways of paying for health care that promote efficiency, innovation, and better outcomes; and recognizing the appropriate and necessary role of regulation where markets are not workable.

Source: Brookings Institute

N O T E :
An online subscription may be required to view some items.

EMPLOYMENT OPPORTUNITIES

OPPAGA is currently seeking applications for **Legislative Policy Analysts** (salary range $38,220 to $82,608) and **Senior Legislative Analysts** (salary range $52,632 to $105,576). Positions are available in the following policy areas: Criminal Justice, Education, Government Operations, and Health and Human Services. Salary is commensurate with experience, and OPPAGA offers excellent employee benefits. For more information on application requirements, click here.

GOVERNMENT PROGRAM SUMMARIES (GPS)

www.oppaga.state.fl.us/government/

Government Program Summaries (GPS) is a free resource for legislators and the public that provides descriptive information on over 200 state government programs. To provide fiscal data, GPS links to Transparency Florida, the Legislature's website that includes continually updated information on the state's operating budget and daily expenditures by state agencies.

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POLICYNOTES

A publication of the Florida Legislature's Office of Program Policy Analysis & Government Accountability

PolicyNotes, published every Friday, features reports, articles, and websites with timely information of interest to policymakers and researchers. Any opinions, findings, conclusions, or recommendations expressed by third parties as reported in this publication are those of the author(s) and do not necessarily reflect OPPAGA's views.

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From: Robert Holladay <wingbiddlebaumjr@gmail.com>
Sent: Thursday, December 12, 2019 2:38 PM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: post secondary
Attachment(s): "1007.25rewrite3.docx"

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Title XLVIII
K-20 Education Code

Chapter 1007
Articulation and Access

1007.25 General education courses; common prerequisites; other degree requirements.—

(1) The department shall identify the degree programs offered by public postsecondary educational institutions.

(2) The department shall identify postsecondary career education programs offered by Florida College System institutions and district school boards. The department shall also identify career courses designated as college credit courses applicable toward a career education diploma or degree. Such courses must be identified within the statewide course numbering system.

(3) The chair of the State Board of Education and the chair of the Board of Governors, or their designees, shall jointly appoint faculty committees to identify statewide general education core course options. General education core course options shall consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, ~~and~~ natural sciences, and civic literacy. The core courses may be revised, or the five-course maximum within each subject area may be exceeded, if approved by the State Board of Education and the Board of Governors, as recommended by the subject area faculty committee and approved by the Articulation Coordinating Committee as necessary for a subject area. Each general education core course option must contain high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course. Beginning with students initially entering a Florida College System institution or state university in ~~2015-2016~~ 2020-2021 and thereafter, each student must complete at least one identified core course in each subject area as part of the general education course requirements, with the exception of civic literacy which will require the student to complete at least one course each in American government and American history. All public postsecondary educational institutions shall accept these courses as meeting general education core course requirements. The remaining general education course requirements shall be identified by each institution and reported to the department by their statewide course number. The general education core course options shall be

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adopted in rule by the State Board of Education and in regulation by the Board of Governors.

(4) Beginning with students initially entering a Florida College System institution or state university in the ~~2018-2019~~ 2020-2021 school year and thereafter, each student must demonstrate competency in civic literacy. Students must have the option to demonstrate competency through successful completion of ~~a civic literacy~~ both an American government and an American history course or by achieving a passing score on an assessment. The State Board of Education must adopt in rule and the Board of Governors must adopt in regulation at least one ~~existing~~ assessment in existence prior to January 1, 2018 that measures competencies consistent with the following required course competencies. ~~outlined in paragraph (b). The chair of the State Board of Education and the chair of the Board of Governors, or their respective designees, shall jointly appoint a faculty committee to:~~

~~(a) Develop a new course in civic literacy or revise an existing general education core course in American History or American Government to include civic literacy.~~

~~(b) Establish course~~ Civic literacy competencies ~~and identify~~ outcomes ~~that~~ must include, at a minimum~~,~~:

(a) an understanding of the basic principles of American democracy and how they are applied in our republican form of government~~,~~;

(b) an understanding of the United States Constitution~~,~~;

(c) knowledge of the founding documents and how they have shaped the nature and functions of our institutions of self-governance~~, and~~;

(d) an understanding of landmark Supreme Court cases, executive, and legislative actions, and their impact on law and society~~,~~;

(e) a knowledge and understanding of prominent individuals and their contributions to changing political, social, and cultural movements in the United States~~;~~ and

(f) a knowledge and understanding of United States military history.

(5) The department shall identify those courses offered by universities and accepted for credit toward a degree. The department shall identify courses designated as either general education or required as a prerequisite for a degree. The courses shall be identified by their statewide course numbers.

(6) The department shall identify common prerequisite courses and course substitutions for degree programs across all institutions. Common degree program prerequisites shall be offered and accepted by all state universities and Florida College System institutions, except in cases approved by the State Board of Education for Florida College System institutions and the Board of Governors for state universities. The

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department shall develop a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program.

(7) The universities and Florida College System institutions shall work with their school districts to ensure that high school curricula coordinate with the general education curricula and to prepare students for college-level work. General education curricula for associate in arts programs shall be identified by each institution and include ~~36~~ 42 semester hours in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.

(8) An associate in arts degree shall require no more than 60 semester hours of college credit and include ~~36~~ 42 semester hours of general education coursework. Beginning with students initially entering a Florida College System institution or state university in 2014-2015 and thereafter, coursework for an associate in arts degree shall include demonstration of competency in a foreign language pursuant to s. 1007.262. Except for developmental education required pursuant to s. 1008.30, all required coursework shall count toward the associate in arts degree or the baccalaureate degree.

(9) A baccalaureate degree program shall require no more than 120 semester hours of college credit and include ~~36~~ 42 semester hours of general education coursework, unless prior approval has been granted by the Board of Governors for baccalaureate degree programs offered by state universities and by the State Board of Education for baccalaureate degree programs offered by Florida College System institutions.

(10) A student who received an associate in arts degree for successfully completing 60 semester credit hours may continue to earn additional credits at a Florida College System institution. The university must provide credit toward the student's baccalaureate degree for an additional Florida College System institution course if, according to the statewide course numbering, the Florida College System institution course is a course listed in the university catalog as required for the degree or as prerequisite to a course required for the degree. Of the courses required for the degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower division, except in degree programs approved by the State Board of Education for programs offered by Florida College System institutions and by the Board of Governors for programs offered by state universities.

(11) Students at state universities may request associate in arts certificates if they have successfully completed the minimum requirements for the degree of associate in arts (A.A.). The university must grant the student an associate in arts degree if the student has successfully completed minimum requirements for college-level communication and

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computation skills adopted by the State Board of Education and 60 academic semester hours or the equivalent within a degree program area, including ~~36~~ 42 semester hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences, consistent with the general education requirements specified in the articulation agreement pursuant to s. 1007.23.

(12) The Commissioner of Education shall appoint faculty committees representing both Florida College System institution and public school faculties to recommend to the commissioner for approval by the State Board of Education a standard program length and appropriate occupational completion points for each postsecondary career certificate program, diploma, and degree offered by a school district or a Florida College System institution.

History.—s. 351, ch. 2002-387; s. 107, ch. 2004-357; s. 115, ch. 2007-217; s. 20, ch. 2009-59; s. 93, ch. 2011-5; s. 8, ch. 2011-177; s. 10, ch. 2012-195; s. 15, ch. 2013-51; s. 18, ch. 2017-116.

1001.64 Florida College System institution boards of trustees; powers and duties.—

(1) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the Florida College System institution's mission, the implementation and maintenance of high-quality education programs within law and rules of the State Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(2) Each board of trustees is vested with the responsibility to govern its respective Florida College System institution and with such necessary authority as is needed for the proper operation and improvement thereof in accordance with rules of the State Board of Education.

(3) A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties. A board of trustees shall ask the Commissioner of Education to authorize an investigation of the president's actions by the department's inspector general if the board considers such investigation necessary. The inspector general shall provide a report detailing each issue under investigation and shall recommend corrective action. If the inspector general identifies potential legal violations, he or she shall refer the potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or another appropriate authority.

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(4)(a) The board of trustees, after considering recommendations submitted by the Florida College System institution president, may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it. These rules may supplement those prescribed by the State Board of Education if they will contribute to the more orderly and efficient operation of Florida College System institutions.

(b) Each board of trustees is specifically authorized to adopt rules, procedures, and policies, consistent with law and rules of the State Board of Education, related to its mission and responsibilities as set forth in s. 1004.65, its governance, personnel, budget and finance, administration, programs, curriculum and instruction, buildings and grounds, travel and purchasing, technology, students, contracts and grants, or college property.

(5) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of Florida College System institution owned or Florida College System institution controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the Florida College System institution. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound.

(6) Each board of trustees has responsibility for the establishment and discontinuance of program and course offerings in accordance with law and rule; provision for instructional and noninstructional community services, location of classes, and services provided; and dissemination of information concerning such programs and services. New programs must be approved pursuant to s. 1004.03.

(7) Each board of trustees has responsibility for: ensuring that students have access to general education courses as identified in rule; requiring no more than 60 semester hours of degree program coursework, including ~~36~~ 42 semester hours of general education coursework, for an associate in arts degree; notifying students that earned hours in excess of 60 semester hours may not be accepted by state universities; notifying students of unique program prerequisites; and ensuring that degree program coursework beyond general education coursework is consistent with degree program prerequisite requirements adopted pursuant to s. 1007.25(6).

(8) Each board of trustees has authority for policies related to students, enrollment of students, student records, student activities, financial assistance, and other student services.

(a) Each board of trustees shall govern admission of students pursuant to s. 1007.263 and rules of the State Board of Education. A board of trustees may establish additional admissions criteria, which shall be included in the dual enrollment articulation

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agreement developed according to s. 1007.271(21), to ensure student readiness for postsecondary instruction. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the Florida College System institution.

(b) Each board of trustees shall adopt rules establishing student performance standards for the award of degrees and certificates pursuant to s. 1004.68.

(c) Boards of trustees are authorized to establish intrainstitutional and interinstitutional programs to maximize articulation pursuant to s. 1007.22.

(d) Boards of trustees shall identify their general education curricula pursuant to s. 1007.25(7).

(e) Each board of trustees must adopt a written antihazing policy, provide a program for the enforcement of such rules, and adopt appropriate penalties for violations of such rules pursuant to the provisions of s. 1006.63.

(f) Each board of trustees may establish a uniform code of conduct and appropriate penalties for violation of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(g) Each board of trustees pursuant to s. 1006.53 shall adopt a policy in accordance with rules of the State Board of Education that reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments.

(9) A board of trustees may contract with the board of trustees of a state university for the Florida College System institution to provide developmental education on the state university campus.

(10) Each board of trustees shall establish fees pursuant to ss. 1009.22, 1009.23, 1009.25, 1009.26, and 1009.27.

(11) Each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the State Board of Education for review in accordance with guidelines established by the State Board of Education.

(12) Each board of trustees shall account for expenditures of all state, local, federal and other funds in the manner described by the Department of Education.

(13) Each board of trustees is responsible for the uses for the proceeds of academic improvement trust funds pursuant to s. 1011.85.

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(14) Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the Florida College System institution for recommendation to the State Board of Education.

(15) Each board of trustees shall develop an accountability plan pursuant to s. 1008.45.

(16) Each board of trustees must expend performance funds provided for workforce education pursuant to the provisions of s. 1011.80.

(17) Each board of trustees is accountable for performance in certificate career education and diploma programs pursuant to s. 1008.43.

(18) Each board of trustees shall establish the personnel program for all employees of the Florida College System institution, including the president, pursuant to the provisions of chapter 1012 and rules and guidelines of the State Board of Education, including: compensation and other conditions of employment; recruitment and selection; nonreappointment; standards for performance and conduct; evaluation; benefits and hours of work; leave policies; recognition; inventions and work products; travel; learning opportunities; exchange programs; academic freedom and responsibility; promotion; assignment; demotion; transfer; ethical obligations and conflict of interest; restrictive covenants; disciplinary actions; complaints; appeals and grievance procedures; and separation and termination from employment.

(19) Each board of trustees shall appoint, suspend, or remove the president of the Florida College System institution. The board of trustees may appoint a search committee. The board of trustees shall conduct annual evaluations of the president in accordance with rules of the State Board of Education and submit such evaluations to the State Board of Education for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.45 and the performance of the president in achieving the annual and long-term goals and objectives established in the Florida College System institution's employment accountability program implemented pursuant to s. 1012.86.

(20) Each board of trustees is authorized to enter into contracts to provide a State Community College System Optional Retirement Program pursuant to s. 1012.875 and to enter into consortia with other boards of trustees for this purpose.

(21) Each board of trustees is authorized to purchase annuities for its Florida College System institution personnel who have 25 or more years of creditable service and who have reached age 55 and have applied for retirement under the Florida Retirement System pursuant to the provisions of s. 1012.87.

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(22) A board of trustees may defray all costs of defending civil actions against officers, employees, or agents of the board of trustees pursuant to s. 1012.85.

(23) Each board of trustees has authority for risk management, safety, security, and law enforcement operations. Each board of trustees is authorized to employ personnel, including police officers pursuant to s. 1012.88, to carry out the duties imposed by this subsection.

(24) Each board of trustees shall provide rules governing parking and the direction and flow of traffic within campus boundaries. Except for sworn law enforcement personnel, persons employed to enforce campus parking rules have no authority to arrest or issue citations for moving traffic violations. The board of trustees may adopt a uniform code of appropriate penalties for violations. Such penalties, unless otherwise provided by law, may include the levying of fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal. Moneys collected from parking rule infractions shall be deposited in appropriate funds at each Florida College System institution for student financial aid purposes.

(25) Each board of trustees constitutes the contracting agent of the Florida College System institution. It may when acting as a body make contracts, sue, and be sued in the name of the board of trustees. In any suit, a change in personnel of the board of trustees shall not abate the suit, which shall proceed as if such change had not taken place.

(26) Each board of trustees is authorized to contract for the purchase, sale, lease, license, or acquisition in any manner, including purchase by installment or lease-purchase contract which may provide for the payment of interest on the unpaid portion of the purchase price and for the granting of a security interest in the items purchased, subject to the provisions of subsection (38) and ss. 1009.22 and 1009.23, of goods, materials, equipment, and services required by the Florida College System institution. The board of trustees may choose to consolidate equipment contracts under master equipment financing agreements made pursuant to s. 287.064.

(27) Each board of trustees shall be responsible for managing and protecting real and personal property acquired or held in trust for use by and for the benefit of such Florida College System institution. To that end, any board of trustees is authorized to be self-insured, to enter into risk management programs, or to purchase insurance for whatever coverage it may choose, or to have any combination thereof, in anticipation of any loss, damage, or destruction. A board of trustees may contract for self-insurance services pursuant to s. 1004.725.

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(28) Each board of trustees is authorized to enter into agreements for, and accept, credit card, charge card, and debit card payments as compensation for goods, services, tuition, and fees. Each Florida College System institution is further authorized to establish accounts in credit card, charge card, and debit card banks for the deposit of sales invoices.

(29) Each board of trustees may provide incubator facilities to eligible small business concerns pursuant to s. 1004.79.

(30) Each board of trustees may establish a technology transfer center for the purpose of providing institutional support to local business and industry and governmental agencies in the application of new research in technology pursuant to the provisions of s. 1004.78.

(31) Each board of trustees may establish economic development centers for the purpose of serving as liaisons between Florida College System institutions and the business sector pursuant to the provisions of s. 1004.80.

(32) Each board of trustees may establish a child development training center pursuant to s. 1004.81.

(33) Each board of trustees is authorized to develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to chapter 1004.

(34) Each board of trustees shall administer the facilities program pursuant to chapter 1013, including but not limited to: the construction of public educational and ancillary plants; the acquisition and disposal of property; compliance with building and life safety codes; submission of data and information relating to facilities and construction; use of buildings and grounds; establishment of safety and sanitation programs for the protection of building occupants; and site planning and selection.

(35) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013.

(36) Each board of trustees may enter into lease-purchase arrangements with private individuals or corporations for necessary grounds and buildings for Florida College System institution purposes, other than dormitories, or for buildings other than dormitories to be erected for Florida College System institution purposes. Such arrangements shall be paid from capital outlay and debt service funds as provided by s. 1011.84(2), with terms not to exceed 30 years at a stipulated rate. The provisions of such contracts, including building plans, are subject to approval by the Department of Education, and no such contract may be entered into without such approval.

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(37) Each board of trustees may purchase, acquire, receive, hold, own, manage, lease, sell, dispose of, and convey title to real property, in the best interests of the Florida College System institution.

(38) Each board of trustees is authorized to enter into short-term loans and installment, lease-purchase, and other financing contracts for a term of not more than 5 years, including renewals, extensions, and refundings. Payments on short-term loans and installment, lease-purchase, and other financing contracts pursuant to this subsection shall be subject to annual appropriation by the board of trustees. Each board of trustees is authorized to borrow funds and incur long-term debt, including promissory notes, installment sales agreements, lease-purchase agreements, certificates of participation, and other similar long-term financing arrangements, only as specifically provided in ss. 1009.22(6) and (9) and 1009.23(11) and (12). At the option of the board of trustees, bonds issued pursuant to ss. 1009.22(6) and (9) and 1009.23(11) and (12) may be secured by a combination of revenues authorized to be pledged to bonds pursuant to such subsections. Revenue bonds may not be secured by or paid from, directly or indirectly, tuition, financial aid fees, the Florida College System Program Fund, or any other operating revenues of a Florida College System institution. Lease-purchase agreements may be secured by a combination of revenues as specifically authorized pursuant to ss. 1009.22(7) and 1009.23(10).

(39) Each board of trustees shall prescribe conditions for direct-support organizations to be certified and to use Florida College System institution property and services. Conditions relating to certification must provide for audit review and oversight by the board of trustees.

(40) Each board of trustees may adopt policies pursuant to s. 1010.02 that provide procedures for transferring to the direct-support organization of that Florida College System institution for administration by such organization contributions made to the Florida College System institution.

(41) The board of trustees shall exert every effort to collect all delinquent accounts pursuant to s. 1010.03.

(42) Each board of trustees shall implement a plan, in accordance with guidelines of the State Board of Education, for working on a regular basis with the other Florida College System institution boards of trustees, representatives of the university boards of trustees, and representatives of the district school boards to achieve the goals of the seamless education system.

(43) Each board of trustees has responsibility for compliance with state and federal laws, rules, regulations, and requirements.

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(44) Each board of trustees may adopt rules, procedures, and policies related to institutional governance, administration, and management in order to promote orderly and efficient operation, including, but not limited to, financial management, budget management, physical plant management, and property management.

(45) Each board of trustees may adopt rules and procedures related to data or technology, including, but not limited to, information systems, communications systems, computer hardware and software, and networks.

(46) Each board of trustees may consider the past actions of any person applying for employment and may deny employment to a person because of misconduct if determined to be in the best interest of the Florida College System institution.

(47) Each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay with an officer, agent, employee, or contractor must include the provisions required in s. 215.425.

(48) Each board of trustees shall use purchasing agreements and state term contracts pursuant to s. 287.056 or enter into consortia and cooperative agreements to maximize the purchasing power for goods and services. A consortium or cooperative agreement may be statewide, regional, or a combination of institutions, as appropriate to achieve the lowest cost, with the goal of achieving a 5-percent savings on existing contract prices through the use of new cooperative arrangements or new consortium contracts.

History.—s. 80, ch. 2002-387; s. 75, ch. 2004-357; s. 4, ch. 2005-146; s. 74, ch. 2007-217; s. 1, ch. 2008-163; s. 2, ch. 2009-60; s. 21, ch. 2011-5; ss. 4, 12, ch. 2011-177; s. 4, ch. 2012-134; s. 2, ch. 2012-191; s. 4, ch. 2012-195; s. 6, ch. 2013-51; s. 20, ch. 2017-116

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From: Volusia GOP <volusiarepublicans@recvc.org>
Sent: Friday, October 04, 2019 11:36 AM EDT
To: Brandes, Jeff <Brandes.Jeff@flsenate.gov>
Subject: President Trump is fighting for seniors

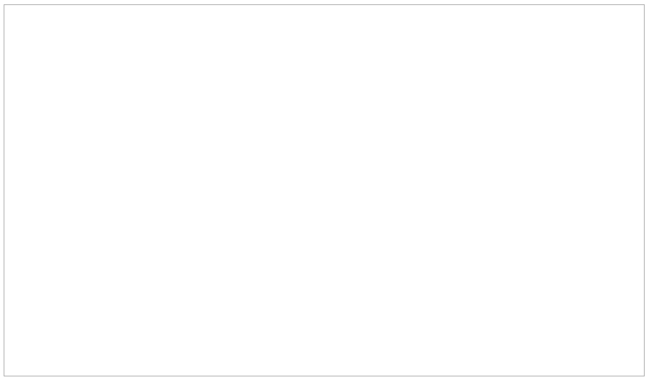
Volusia County GOP Executive Committee

Friend --

Paul Deering

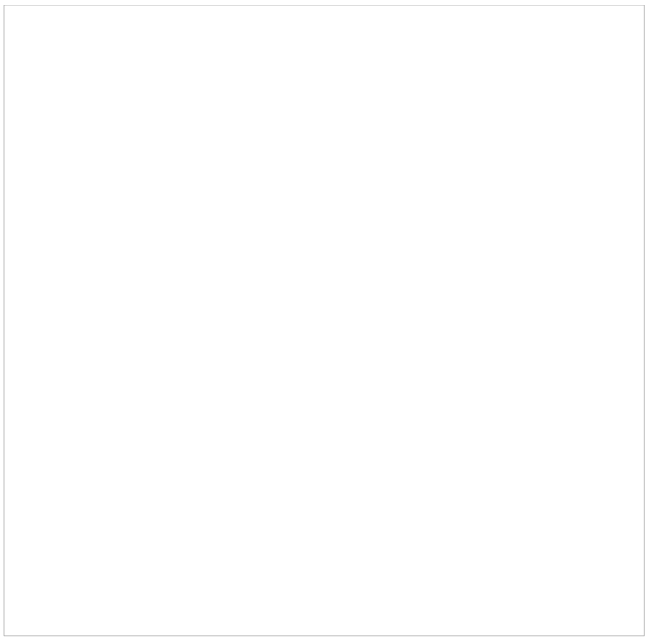
Volusia County Republican Chairman

President Trump has fought fiercely for us against overwhelming odds....a rabid corrupt fake news media, desperate and delusional Democrats, and a Deep State infected with plotters who want to undo your clear mandate to make America great again!

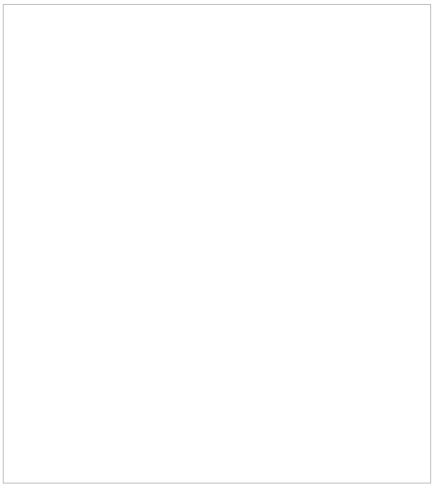


A lesser man would have collapsed under such an onslaught. President Trump will not surrender and he will not fail. He has kept his promises to us and he's still working to finish the job.

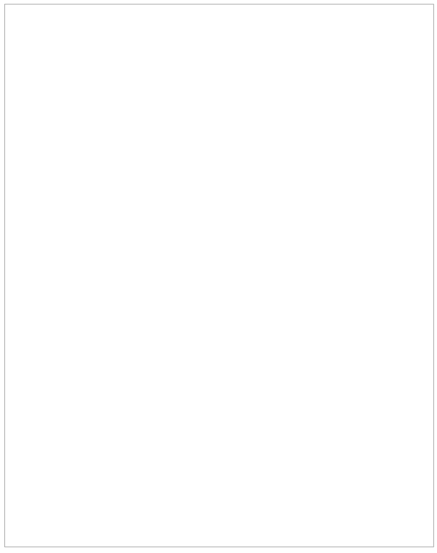
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He fulfilled another promise to American seniors on Thursday during a visit to the Villages here in Florida.



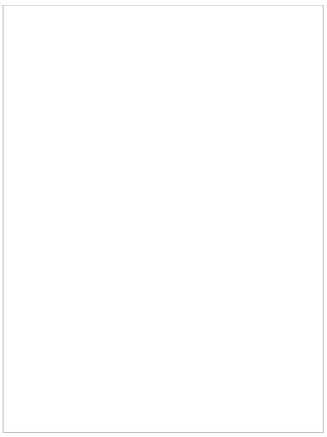
President Trump signed an executive order to provide seniors with new affordable options with Medicare Advantage coverage and policies to further drive down the cost of prescription drugs.



Click this link to read the President's remarks:

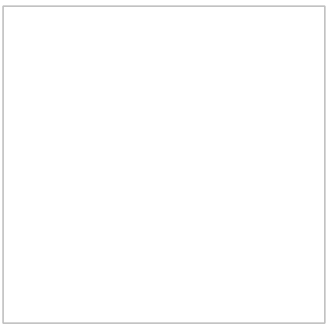
https://www.whitehouse.gov/briefings-statements/remarks-president-trump-signing-executive-order-protecting-improving-medicare-nations-seniors-ocala-fl/

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Click this link to watch the President's remarks and witness his signing of the executive order in the Villages:

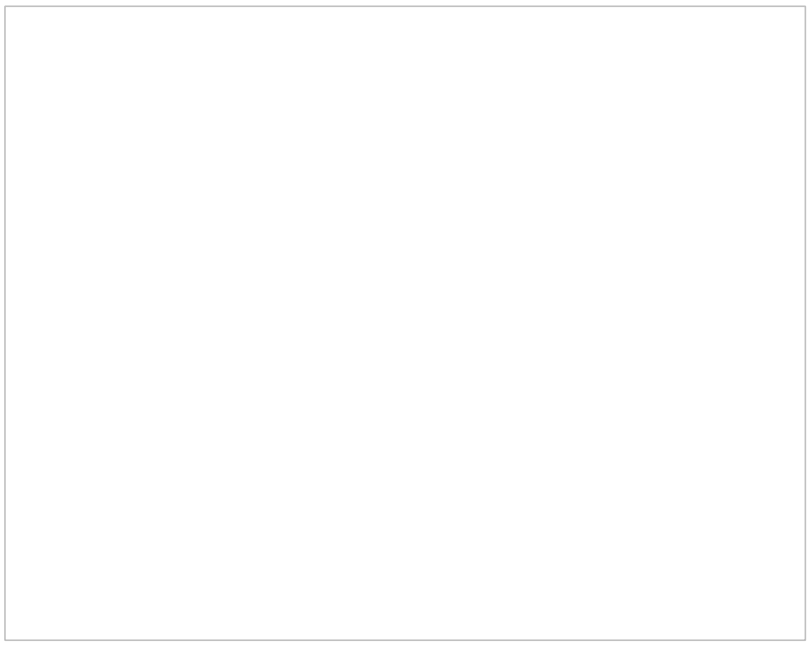
https://youtu.be/CV3XBp_J1I0



Click this link to read the text of President Trump's executive order on Medicare:

https://www.whitehouse.gov/presidential-actions/executive-order-protecting-improving-medicare-nations-seniors/

I was honored to witness President Trump's bold initiative for seniors along with fellow patriots and GOP leaders from around Florida.



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PROMISES MADE... PROMISES KEPT!

Oh, and did I mention that unemployment has dropped to a**50 year low** under President Trump's bold leadership?

LET'S FINISH THE JOB!

YOU DON'T WANT TO MISS WHAT DAN BONGINO HAS TO SAY ABOUT THE DEMOCRATS AND THEIR DESPERATE EFFORT TO OVERTURN YOUR MANDATE THROUGH IMPEACHMENT!

Dan will light up the Ocean Center with his "take no prisoners" message at our Lincoln Day Dinner November 3.

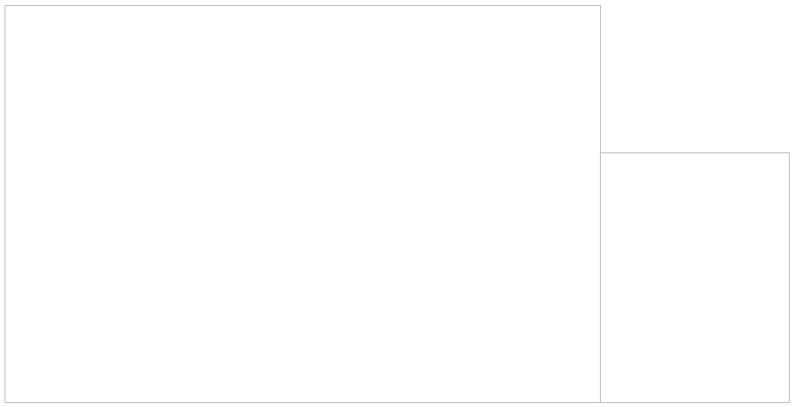
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Paul Deering

Volusia County Republican Chairman

recvc.org@gmail.com

http://www.volusiacountyrepublicans.org/

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REPUBLICAN EXECUTIVE COMMITTEE OF VOLUSIA COUNTY · PO Box 9096, Daytona Beach, FL 32120, United States
This email was sent to brandes.jeff@flsenate.gov. To stop getting these, click here.

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From: Florida Chamber of Commerce <gholcomb@flchamber.com>
Sent: Wednesday, January 29, 2020 4:38 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: President Trump Signs USMCA Trade Agreement

INTERNATIONAL TRADE AND INVESTMENT

Local Businesses, Jobs and Economy Win with USMCA Trade Agreement

Selling more Florida goods and services around the world is vital to creating jobs, and helping local businesses grow Florida's economy from the 17th largest in the world to the 10th largest.

With President Donald Trump's signature, the new U.S. Mexico Canada Agreement (USMCA) law will help preserve and strengthen U.S. trade ties to Canada and Mexico – **two of Florida's top six countries for Florida-origin exports.**

"With more than 2.5 million high-wage Florida jobs depending on international trade, the Florida Chamber of Commerce thanks President Trump for signing the USMCA trade agreement. USMCA will benefit Florida's agriculture industry, manufacturers and local businesses, and will help grow Florida's $57 billion exports of goods and $43 billion in exports of services," said **Bob Grammig**, Chair, Florida Chamber of Commerce's International Trade Division, and Partner, Holland & Knight. "The **Florida Chamber's International Trade Division** will continue fighting to strengthen Florida's position as a global trade leader and will continue working to ensure Florida's exports in goods double and exports in services triple by 2030."

Data from **TheFloridaScorecard.org** shows just how important trade is to Florida's economy:

"Leveling the playing field for Florida and the rest of the nation, as well as increasing access to foreign markets is critical to growing the U.S. economy and creating good-paying jobs," **U.S. Rep. Vern Buchanan**, Past Chair of the Florida Chamber, explained earlier this month to the Florida Chamber Board of Directors.

In uniting Florida's business community for good, the Florida Chamber stood up for local businesses in supporting USMCA in the halls of Congress, on **editorial pages** and in **letters to lawmakers**, and we're committed to ensure protecting this important economic engine.

Exporting to Another Country?

Does your company need verification that exports are freely marketed without restriction and approved for sale in the United States and Florida? The Florida Chamber's International Trade Division issues **Certificates of Free Sale** and **Certificates of Origin** and can help.

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From: Clark, Deborah <DClark@votepinellas.com>
Sent: Tuesday, January 07, 2020 10:35 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
CC: Clark, Deborah <DClark@votepinellas.com>; Tammy Jones <tammy@votelevy.com>; Alan Hays - Lake <alan@lakevotes.com>; Ronald Labasky <rlabasky@bplawfirm.net>; david@rambaconsulting.com <david@rambaconsulting.com>; Marcus, Julie <jmarcus@votepinellas.com>; Gillette, Marc <mgillette@votepinellas.com>; Chase, Dustin <dchase@votepinellas.com>; Closterman, Tim <ticlosterman@votepinellas.com>; Pena-Rosado, Alex <apenarosado@votepinellas.com>; Brian E. Corley <bcorley@pascovotes.com>
Subject: Proposed Legislation - Address Appearing on Identification Presented at Polls
Attachment(s): "billdraft75627.elections.docx"

Senator Brandes –

As a follow up to our phone conversation last week:

Your draft bill 24-01581-20 (attached) strikes the following language in 101.043(1)(b) – "The address appearing on the identification presented by the elector may not be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence."

Supervisors of Elections support this change because it allows poll workers to ask the voter if the address on their ID is current.

- If it is, the voter is in the correct voting precinct and will receive the correct ballot.
- If the address is not current but the voter lives in the precinct, the voter may file an address change and vote a regular ballot.
- If the address is not current and the voter does not live in the precinct, the voter will be given directions to the correct precinct polling place where they can file an address change and receive the correct ballot.

Supervisors of Elections support this change because it gives us the ability to ensure voters are casting ballots in their home precincts, as required by F.S. 101.045(1) – "A person is not permitted to vote in any election precinct or district other than the one in which the person has his or her legal residence…"

Poll workers only use picture and signature identification to confirm the voter's identity, as provided in F.S. 101.043 (1)(a) – "…for the purpose of identifying the elector at the polls…"

Identification is not used to determine whether the voter is eligible to vote.

Supervisors feel strongly that confirming voters' residential addresses to ensure they are given correct ballots is essential to the integrity of the election process.

If you have any additional questions, please contact me at (727) 424-0088.

Respectfully,

Deb

Deborah Clark, CERA
Supervisor of Elections
Pinellas County, Florida
13001 Starkey Rd, Largo FL 33773
727-464-4987
dclark@votepinellas.com

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Florida Statute 668.6076

From: Clark, Deborah
Sent: Wednesday, December 18, 2019 9:22 AM
To: Thompson.Vanessa@flsenate.gov
Cc: Clark, Deborah <DClark@votepinellas.com>; Tammy Jones <tammy@votelevy.com>; 'Alan Hays - Lake' <alan@lakevotes.com>; Ronald Labasky <rlabasky@bplawfirm.net>; david@rambaconsulting.com; Marcus, Julie <jmarcus@votepinellas.com>; Chase, Dustin <dchase@votepinellas.com>; Gillette, Marc <mgillette@votepinellas.com>; Closterman, Tim <ticlosterman@votepinellas.com>; Pena-Rosado, Alex <apenarosado@votepinellas.com>
Subject: Legislation - Request for Input (Senator Brandes)

Vanessa –

I support the attached bill and appreciate Senator Brandes providing the opportunity to review the language.

Specifically, I want to thank Senator Brandes for proposing additional time to conduct the First Logic and Accuracy Test (line 43) from 10 days to 25 days. This will provide us with additional time to conduct pre-election activities, e.g., program voting equipment. The proposed language also helps to correct a technical issue created in SB 7066. The language the Senator is proposing allows Canvassing Boards to take full advantage of being able to canvass mail ballots 22 days prior to the election.

Also attached are the Florida Supervisors of Elections (FSE) legislative priorities for further consideration.

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If you have any questions, my email address is dclark@votepinellas.com; this can be used for all direct correspondence rather than sending to election@votepinellas.com.

Have a safe and happy holiday season.

Sincerely,

Deborah Clark, CERA
Supervisor of Elections
Pinellas County, Florida
13001 Starkey Rd, Largo FL 33773
727-464-4987
dclark@votepinellas.com

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Florida Statute 668.6076

From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, December 4, 2019 1:59 PM
To: Mail, Election <election@votepinellas.com>
Subject: Senator Brandes - Legislation

Supervisor Clark,

Senator Brandes has been asked to file 2 pieces of legislation that he would like to run by you before doing anything.

At your convenience, would you be able to review and let us know your thoughts?

Thank you so much,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

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24-01581-20

A bill to be entitled

An act relating to elections; amending s. 101.043, F.S.; deleting a provision that prohibits the use of an address appearing on identification presented by an elector at the polls as a basis to confirm or otherwise challenge an elector's legal residence; amending s. 101.5612, F.S.; revising the timeframes for conducting public preelection testing of automatic tabulating equipment; amending s. 101.5614, F.S.; removing the requirement that duplicate ballots be made of vote-by-mail ballots containing overvoted races; amending s. 101.6103, F.S.; revising the timeframe in which the supervisor of elections must mail ballots in elections conducted under the Mail Ballot Election Act; amending s. 103.091, F.S.; expanding the timeframe within which candidates for political party executive committees may qualify for office; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.—

(1)

(b) If the picture identification does not contain the signature of the elector, an additional identification that provides the elector's signature shall be required. ~~The address appearing on the identification presented by the elector may not~~

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~~be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence.~~ The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the elector's signature. The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

Section 2. Subsection (2) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(2) On any day not more than 25 ~~10~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. If the ballots to be used at the polling place on election day are not available at the time of the testing, the supervisor may conduct an additional test not more than 10 days before election day. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication on the supervisor of elections' website and once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting the notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and

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location of the public preelection test to each candidate qualifying with that office and obtain a signed receipt that the notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each candidate to contact the county supervisor of elections as to the time and location of the public preelection test. The supervisor or the municipal elections official shall, at least 30 ~~15~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee shall not interfere with the normal operation of the canvassing board.

Section 3. Paragraph (a) of subsection (4) of section 101.5614, Florida Statutes, is amended to read:

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101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. ~~Likewise,~~ A duplicate ballot must also ~~shall~~ be made of ~~a vote-by-mail ballot containing an overvoted race or~~ a marked vote-by-mail ballot in which every race is undervoted, including ~~which shall include~~ all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

Section 4. Subsection (1) of section 101.6103, Florida Statutes, is amended to read:

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection (7), the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector entitled to vote in the election not sooner than the 40th ~~20th~~ day before the election and not later than the 10th day before

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the date of the election. All such ballots shall be mailed by first-class mail. Ballots shall be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked "Do Not Forward."

Section 5. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the primary election in each year a presidential election is held. The terms begin ~~shall commence~~ on the first day of the month following each presidential general election,~~;~~ but the names of candidates for political party offices may ~~shall~~ not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections no ~~not earlier than noon of the 71st day, or~~ later than noon of the 67th day~~,~~ preceding the primary election. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

Section 6. This act shall take effect July 1, 2020.

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From: Thompson, Vanessa
Sent: Wednesday, December 04, 2019 1:55 PM EST
To: Evan Power <Evan@rambaconsulting.com>
Subject: RE: Bill Drafts
Attachment(s): "billdraft75627.elections.docx","billdraft75622.boaf.docx"

Hi Evan,

Both of these are out of drafting and attached.

Senator Brandes would like to speak further about the BOAF draft.

Please let me know if there is a good time to set up a call, or you/David can reach out to the Senator directly whenever it works on your end!

Thanks,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Evan Power <Evan@rambaconsulting.com>
Sent: Thursday, November 14, 2019 11:07 AM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Bill Drafts

Vanessa-

Ramba asked me to to get these two bills to you to get into drafting.

Let me know if you have any questions.

Thanks!

Evan

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24-01576-20

A bill to be entitled

An act relating to contractor services; amending s. 468.603, F.S.; revising the definition of the term "plans examiner" to include one- and two-family dwelling plans examiners; amending s. 468.609, F.S.; revising eligibility requirements to take the examination for certification as a building code inspector or plans examiner to include the completion of certain internship programs; increasing the number of years for which provisional certificates are valid; requiring the Florid Building Code Administrators and Inspectors Board to develop a one- and two-family dwelling inspector internship program, a one- and two-family plans examiner internship program, and a roofing inspector internship program which meet certain requirements; providing eligibility requirements for the internship programs; amending s. 468.8312, F.S.; limiting the amount that the Department of Business and Professional Regulation may charge for a certain examination fee; amending s. 468.8313, F.S.; revising the types of examinations the department may review and approve; amending s. 489.1195, F.S.; requiring a newly designated qualifying agent to apply for a change of contractor within a specified period of time in each jurisdiction in which the previous qualifying agent held an active permit; prohibiting a qualifying agent from letting an active permit expire without taking certain actions; authorizing a project owner to submit a change of

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

contractor form and hold harmless affidavit under certain circumstances; authorizing a local building official to limit the number of new permits obtained by a qualifying agent under certain circumstances; requiring a project owner to take certain steps if a qualifying agent declines to or is unable to sign a change of contractor form; prohibiting a qualifying agent from being held liable for the work of his or her predecessor; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (8) of section 468.603, Florida Statutes, to read:

468.603 Definitions.—As used in this part:

(8) "Plans examiner" means a person who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other applicable construction codes. The term includes a residential plans examiner who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable residential building, plumbing, mechanical, electrical, gas, energy, accessibility, and other applicable construction codes. Categories of plans examiners include:

(e) One- and two-family dwelling plans examiner.

Section 2. Paragraph (c) of subsection (2), paragraph (a) of subsection (7), and paragraph (b) of subsection (10) of

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section 468.609, Florida Statutes, are amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person:

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 5 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

4. Currently holds a standard certificate issued by the board or a firesafety inspector license issued pursuant to chapter 633, has a minimum of 3 years' verifiable full-time experience in inspection or plan review, and has satisfactorily completed a building code inspector or plans examiner training program that provides at least 100 hours but not more than 200 hours of cross-training in the certification category sought. The board shall establish by rule criteria for the development

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and implementation of the training programs. The board shall accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

5. Demonstrates a combination of the completion of an approved training program in the field of building code inspection or plan review and a minimum of 2 years' experience in the field of building code inspection, plan review, fire code inspections and fire plans review of new buildings as a firesafety inspector certified under s. 633.216, or construction. The approved training portion of this requirement shall include proof of satisfactory completion of a training program that provides at least 200 hours but not more than 300 hours of cross-training that is approved by the board in the chosen category of building code inspection or plan review in the certification category sought with at least 20 hours but not more than 30 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificateholder. The board shall coordinate with the Building Officials Association of Florida, Inc., to establish by rule the development and implementation of the training program. However, the board shall accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

6. Currently holds a standard certificate issued by the board or a firesafety inspector license issued pursuant to chapter 633 and:

a. Has at least 5 years' verifiable full-time experience as

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an inspector or plans examiner in a standard certification category currently held or has a minimum of 5 years' verifiable full-time experience as a firesafety inspector licensed pursuant to chapter 633.

b. Has satisfactorily completed a building code inspector or plans examiner classroom training course or program that provides at least 200 but not more than 300 hours in the certification category sought, except for one-family and two-family dwelling training programs, which must provide at least 500 but not more than 800 hours of training as prescribed by the board. The board shall establish by rule criteria for the development and implementation of classroom training courses and programs in each certification category; or

7.a. Has completed a 4-year internship certification program as a building code inspector or plans examiner while employed full-time by a municipality, county, or other governmental jurisdiction, under the direct supervision of a certified building official. Proof of graduation with a related vocational degree or college degree or of verifiable work experience may be exchanged for the internship experience requirement year-for-year, but may reduce the requirement to no less than 1 year.

b. Has passed an examination administered by the International Code Council in the certification category sought. Such examination must be passed before beginning the internship certification program.

c. Has passed the principles and practice examination before completing the internship certification program.

d. Has passed a board-approved 40-hour code training course

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in the certification category sought before completing the internship certification program.

e. Has obtained a favorable recommendation from the supervising building official after completion of the internship certification program.

8. Completes a one- and two-family dwelling inspector internship program under subparagraph (10)(b)7.

9. Completes a one- and two-family plans examiner internship program under subparagraph (10)(b)8.

(7)(a) The board shall provide for the issuance of provisional certificates that are valid for 2 years ~~1 year~~, as specified by board rule, to any building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3). The provisional license may be renewed by the board for just cause; however, a provisional license is not valid for longer than 3 years.

(10)

(b) The board shall by rule establish:

1. Reciprocity of certification with any other state that requires an examination administered by the International Code Council.

2. That an applicant for certification as a building code inspector or plans examiner may apply for a provisional certificate valid for the duration of the internship period.

3. That partial completion of an internship program may be transferred between jurisdictions on a form prescribed by the board.

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4. That an applicant may apply for a standard certificate on a form prescribed by the board upon successful completion of an internship certification program.

5. That an applicant may apply for a standard certificate at least 30 days and no more than 60 days before completing the internship certification program.

6. That a building code inspector or plans examiner who has standard certification may seek an additional certification in another category by completing an additional nonconcurrent 1-year internship program in the certification category sought and passing an examination administered by the International Code Council and a board-approved 40-hour code training course.

7. A one- and two-family dwelling inspector internship program. The program must include 4 years of training, including at least 1 year of on-the-job training in each of the building, electrical, plumbing, and mechanical categories under the supervision of a standard certified inspector. The 4-year internship program may be reduced to no less than 2 years for candidates who have verifiable experience or education, including at least 6 months of on-the-job training under the supervision of a standard certified inspector in each of the building, electrical, plumbing, and mechanical residential inspector categories.

a. To participate in the program, an individual must:

(I) Hold an International Code Council (ICC) certification as a residential or commercial inspector in each of the building, electrical, plumbing, and mechanical categories; or

(II) Hold a standard certification as an inspector in any of the categories listed in s. 468.603(5) and have completed an

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internship program that included not less than 6 months of on-the-job training in each of the following categories in which the applicant does not hold standard certification: building, plumbing, electrical, and mechanical, under the supervision of a standard certified inspector.

b. As part of the course, the intern must complete a 40-hour training course on the one- and two-family dwelling inspector code.

8. A one- and two-family plans examiner internship program under the supervision of a standard certified plans examiner. The program must include 4 years of training, but may be reduced to no less than 2 years for candidates who have verifiable experience or education, according to department rule.

a. To participate in the program, an individual must hold an ICC certification as a one- and two-family dwelling plans examiner prior to entering the internship program.

b. As part of the program, the intern must complete a 40-hour training course on the one- and two-family plans examiner code.

9. A roofing inspector internship program that includes on-the-job training as a roofing inspector under the supervision of a standard certified commercial building inspector or roofing inspector. The program must include 1 year of training.

a. To participate in the program, an individual must:

(I) Hold an ICC certification as a roofing inspector in this state; or

(II) Hold a standard certificate as a residential building inspector and complete an internship program in which at least 200 hours were completed under the supervision of a standard

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certified commercial building inspector or roofing inspector.

b. As part of the program, the intern must complete a 40-hour roofing inspector training course.

Section 3. Subsection (2) of section 468.8312, Florida Statutes, is amended to read:

468.8312 Fees.—

(2) The initial application and examination fee may ~~shall~~ not exceed $125 plus the actual per applicant cost to the department to purchase an examination, if the department chooses to purchase the examination. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination, but may not exceed $200, and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee shall be nonrefundable.

Section 4. Subsection (4) of section 468.8313, Florida Statutes, is amended to read:

468.8313 Examinations.—

(4) The department may review and approve examinations that the department has certified as meeting generally accepted testing standards and the requirements of a national examination as provided in s. 455.217(1)(d) ~~by a nationally recognized entity that offers programs or sets standards that ensure competence as a home inspector~~.

Section 5. Subsection (4) is added to section 489.1195, Florida Statutes, to read:

489.1195 Responsibilities.—

(4) Within 60 days after a change in qualifying agents, a newly designated qualifying agent must apply for a change of contractor in each jurisdiction in which the previous qualifying

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agent held an active permit.

(a) A qualifying agent may not allow an active permit to expire without properly closing the permit. However, if a permit does expire and the permit remains open, the project owner may submit a change of contractor form and a hold harmless affidavit without any further notification to the previous qualifying agent. The local building official may limit the number of new permits obtained by a qualifying agent with open or expired permits.

(b) When requested, a qualifying agent may sign a change of contractor form provided by the jurisdiction.

1. If a qualifying agent declines to sign a change of contractor form, is unavailable, or is deceased, the owner of the project must:

a. Serve notice to the qualifying agent's corporate address; and

b. Submit a change of contractor form, a written statement, and a hold harmless affidavit to the jurisdiction.

2. The jurisdiction, upon receipt of the statement and affidavit required under subparagraph 1., shall process a change of contractor to a new qualifying agent without requiring any further notifications.

(c) A qualifying agent that is designated pursuant to a change of contractor under this subsection may not be held liable for the work of his or her predecessor but is responsible for any corrective work or new work that he or she performs.

Section 6. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

24-01581-20

A bill to be entitled

An act relating to elections; amending s. 101.043, F.S.; deleting a provision that prohibits the use of an address appearing on identification presented by an elector at the polls as a basis to confirm or otherwise challenge an elector's legal residence; amending s. 101.5612, F.S.; revising the timeframes for conducting public preelection testing of automatic tabulating equipment; amending s. 101.5614, F.S.; removing the requirement that duplicate ballots be made of vote-by-mail ballots containing overvoted races; amending s. 101.6103, F.S.; revising the timeframe in which the supervisor of elections must mail ballots in elections conducted under the Mail Ballot Election Act; amending s. 103.091, F.S.; expanding the timeframe within which candidates for political party executive committees may qualify for office; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.—

(1)

(b) If the picture identification does not contain the signature of the elector, an additional identification that provides the elector's signature shall be required. ~~The address appearing on the identification presented by the elector may not~~

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~~be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence.~~ The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the elector's signature. The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

Section 2. Subsection (2) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(2) On any day not more than 25 ~~10~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. If the ballots to be used at the polling place on election day are not available at the time of the testing, the supervisor may conduct an additional test not more than 10 days before election day. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication on the supervisor of elections' website and once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting the notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and

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location of the public preelection test to each candidate qualifying with that office and obtain a signed receipt that the notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each candidate to contact the county supervisor of elections as to the time and location of the public preelection test. The supervisor or the municipal elections official shall, at least 30 ~~15~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee shall not interfere with the normal operation of the canvassing board.

Section 3. Paragraph (a) of subsection (4) of section 101.5614, Florida Statutes, is amended to read:

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101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. ~~Likewise,~~ A duplicate ballot must also ~~shall~~ be made of ~~a vote-by-mail ballot containing an overvoted race or~~ a marked vote-by-mail ballot in which every race is undervoted, including ~~which shall include~~ all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

Section 4. Subsection (1) of section 101.6103, Florida Statutes, is amended to read:

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection (7), the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector entitled to vote in the election not sooner than the 40th ~~20th~~ day before the election and not later than the 10th day before

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the date of the election. All such ballots shall be mailed by first-class mail. Ballots shall be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked "Do Not Forward."

Section 5. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the primary election in each year a presidential election is held. The terms begin ~~shall commence~~ on the first day of the month following each presidential general election,~~;~~ but the names of candidates for political party offices may ~~shall~~ not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections no ~~not earlier than noon of the 71st day, or~~ later than noon of the 67th day~~,~~ preceding the primary election. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

Section 6. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Hubbard, Zachary
Sent: Tuesday, December 03, 2019 9:38 AM EST
To: Beth Kigel <bkigel@HNTB.com>; Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: CAV legislation
Attachment(s): "Mobility 12.2.2019.docx"

Beth,

I've attached our mobility bill for the upcoming year.

Let me know if I can be of any further assistance.

Best,
Zach Hubbard
Legislative Aide to State Senator Jeff Brandes
Senate District 24
District Phone Number: 727.563.2100
Capitol Phone Number: 850.487.5024

From: Beth Kigel <bkigel@HNTB.com>
Sent: Monday, December 2, 2019 6:14 PM
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Cc: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: RE: CAV legislation

Thanks Melissa, and great to meet you Zach! Could you share with me any proposed mobility legislation that you are aware of? Thanks so much! Beth

Beth Kigel, VP
ITS and Emerging Mobility Solutions, HNTB Corporation
Tel (305) 222-1460 **Cell** (561) 373-3208 **Email** bkigel@hntb.com

---

From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Monday, December 2, 2019 4:25 PM
To: Beth Kigel <bkigel@HNTB.com>
Cc: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: RE: CAV legislation

Hi Beth,

It was great to see you at FAV. I'm sorry we didn't get to chat more! I had a great holiday. I hope you did, as well.

I would like to introduce to you Zach Hubbard in our office. He is handling our mobility legislation now, so he can speak to you best on this topic.

I hope I get to see you again soon!

Melissa

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: Beth Kigel <bkigel@HNTB.com>
Sent: Saturday, November 30, 2019 11:43 AM
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: CAV legislation

Hi Melissa,

It was great to see you at FAV, and hope you had a wonderful Thanksgiving. I thought I'd catch up with you to find out if there is any CAV legislation in process this year. If so, can you share the key proposed bills?

Thanks much and have a great weekend!

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Beth

Beth Kigel
Vice President
Director of Smart and Connected Solutions
Tel (305) 222-1460 **Cell** (561) 373-3208 **Email** bkigel@hntb.com
HNTB CORPORATION
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100+ YEARS OF INFRASTRUCTURE SOLUTIONS
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This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are NOT the intended recipient and receive this communication, please delete this message and any attachments. Thank you.
This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are NOT the intended recipient and receive this communication, please delete this message and any attachments. Thank you.

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24-00656D-20

A bill to be entitled

An act relating to electric vehicles; amending s. 316.003, F.S.; revising definitions; authorizing the Department of Transportation to adopt rules; amending s. 334.046, F.S.; revising the department's goals relating to mobility; creating s. 339.0802, F.S.; requiring that certain funds be used for specified purposes relating to the Electric Vehicle Infrastructure Grant Program, beginning in specified years; providing for future repeal of the requirement; creating s. 339.286, F.S.; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; providing the purpose of the program; providing for the distribution of grants to certain entities to install electric vehicle charging infrastructure; providing grant requirements; providing requirements for equipment installed using grant funds; providing criteria for the distribution of grants; requiring that the department continually review emerging research, policies, and standards; authorizing the department to develop a model plan for local governments; requiring the department to adopt rules; amending s. 366.94, F.S.; specifying that certain rules adopted by the Department of Agriculture and Consumer Services may not require specific methods of sale for electric vehicle charging equipment used in this state; providing effectives dates.

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

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Section 1. Subsections (2) and (55) of section 316.003, Florida Statutes, are amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes that meet the requirements of Federal Motor Vehicle Safety Standard No. 122, a steering ~~wheel~~ mechanism, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(55) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;

(b) Has a weight that does not exceed the maximum weight established by Department of Transportation rule ~~Weighs less than 80 pounds, excluding cargo~~;

(c) Has a maximum speed of 10 miles per hour or, if the Department of Transportation establishes by rule a maximum speed, has a speed that does not exceed that maximum; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a

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natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device. The Department of Transportation may adopt rules to implement this subsection.

Section 2. Paragraph (c) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(c) *Mobility.*—Ensuring a cost-effective, statewide, interconnected transportation system. Improvement of travel choices to ensure mobility includes planning and establishment of infrastructure for innovative technologies, including electric vehicle charging infrastructure.

Section 3. Effective upon Senate Bill ___ or other similar legislation being enacted in the 2020 Regular Session or an extension thereof and becoming a law, section 339.0802, Florida Statutes, is created to read:

339.0802 Allocation of increased license tax revenues from licensure of electric and hybrid vehicles.—Funds that result from increased revenues to the State Transportation Trust Fund derived under s. 320.08001(2), (3), and (4) must be used as set forth in this section, notwithstanding any other provision of law.

(1) Beginning in the 2020-2021 fiscal year, and annually for 5 years thereafter, all increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

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(2) Beginning in the 2025-2026 fiscal year, and annually for 5 years thereafter, half of the increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(3) This section expires on July 1, 2030.

Section 4. Section 339.286, Florida Statutes, is created to read:

339.286 Electric Vehicle Infrastructure Grant Program.—

(1) The department shall establish the Electric Vehicle Infrastructure Grant Program. The purpose of the program is to provide financial assistance to encourage the installation of electric vehicle charging infrastructure.

(2) State agencies, public universities, public transit agencies, ports, airports, and local governments, including local housing authorities and libraries, may apply to the department for grants for the purpose of installing electric vehicle charging infrastructure.

(3) A grant may be awarded for:

(a) Technical assistance for the development and adoption of:

1. A local or regional plan that establishes an electric vehicle charging infrastructure;

2. Any action plans necessary to address any infrastructure gaps; and

3. Steps necessary to complete the infrastructure plan.

A plan must address actions to deploy the necessary infrastructure in high-density housing areas and low- to moderate-income areas.

(b) Assistance with the purchase of related equipment and

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the costs of installation of that equipment to provide electric vehicle charging. Such equipment must be capable of collecting and reporting data and must use standard connectors.

(4)(a) An applicant may apply for a grant for both technical assistance and equipment purchase and installation. A grant for technical assistance requires a minimum match of funds from the applicant of 30 percent of the grant award, but such match is not required for an applicant that is located in a fiscally constrained county. A grant for equipment purchase and installation requires a minimum match of funds from the applicant of 50 percent of the grant award, or 20 percent for an applicant that is located in a fiscally constrained county. The matching funds must be from nonstate resources, but may include private funds provided through a partnership with a private entity or in-kind contributions such as the donation of equipment, services, or land or use of land for establishment of the electric vehicle charging infrastructure. Grant funds may not subsidize the cost for the use of electricity.

(b) The department shall maintain a prioritized list of approved grant applications. The prioritized list must include recommended funding levels for each application and, if staged implementation is appropriate, provide funding requirements for each stage. Grants must be prioritized based on the extent to which the activities of the grant will encourage growth in the use of electric vehicles and increase the availability of charging locations along evacuation routes. A grant for equipment purchase and installation that will immediately and most effectively serve those who currently own or operate electric vehicles may receive priority.

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(5) The department shall continually review emerging research, policies, and standards related to electric vehicle infrastructure. Using such information, the department shall publish best practices for the establishment of electric vehicle charging infrastructure, model infrastructure plan development and components, and other significant information for the implementation and use of electric vehicle charging infrastructure. The department may develop a model plan that local governments may use as a guide to establish an electric vehicle charging infrastructure plan.

(6) The department shall adopt rules to administer this section.

Section 5. Section 366.94, Florida Statutes, is amended to read:

366.94 Electric vehicle charging stations.—

(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.

(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry. Rules implemented under this subsection may not require specific methods of sale for electric

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vehicle charging equipment used in this state.

(3)(a) It is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging station within any parking space specifically designated for charging an electric vehicle.

(b) If a law enforcement officer or specialist finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Hubbard, Zachary
Sent: Tuesday, November 05, 2019 11:10 AM EST
To: Kotyk, John <John.Kotyk@dot.state.fl.us>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: RE: Draft EV Bill
Attachment(s): "EV Draft Bill 11.5.2019 (003).docx"

John,

Here is our most up to date version of our entire bill package. Let me know if you need anything else.

Best,

Zach Hubbard
Legislative Aide to State Senator Jeff Brandes
Senate District 24
District Phone Number: 727.563.2100
Capitol Phone Number: 850.487.5024

From: Kotyk, John <John.Kotyk@dot.state.fl.us>
Sent: Thursday, October 31, 2019 1:47 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: RE: Draft EV Bill

Thanks for this!

John Kotyk
Deputy Legislative Affairs Director
Florida Department of Transportation
Office: (850)414-4575
Direct: (850)414-4147
John.Kotyk@dot.state.fl.us

From: Thompson, Vanessa [mailto:Thompson.Vanessa@flsenate.gov]
Sent: Wednesday, October 30, 2019 2:36 PM
To: Kotyk, John <John.Kotyk@dot.state.fl.us>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: FW: Draft EV Bill

EXTERNAL SENDER: Use caution with links and attachments.

See attached!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Miller, Phillip <Miller.Phillip@flsenate.gov>
Sent: Thursday, October 24, 2019 12:00 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Cc: Hrdlicka, Jennifer <Jennifer.Hrdlicka@LASPBS.STATE.FL.US>; Price, Cindy <PRICE.CINDY@flsenate.gov>
Subject: Draft EV Bill

Good Morning,
Here is the latest draft of the EV bill with changes based on our last meeting. Just a few things to note:

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- The Autocycle and PDD issues could be removed and the bill would then relate only to “electric vehicles” and this would match the current “relating to” clause, otherwise the title needs to be expanded.
- The issues in section 7 related to PSC rate filings needs review by the Innovation, Industry, and Technology Committee.

Please let us know if you have any questions.
Phillip

A bill to be entitled

An act relating to electric vehicles; amending s. 316.003, F.S.; revising the definition of the terms "autocycle" and "personal delivery device"; creating s. 339.286, F.S.; requiring the Department of Transportation to create the Electric-Vehicle Infrastructure Grant Program; providing the purposes of the program; providing for the distribution of grants to certain entities to install electric-vehicle charging infrastructure; providing grant requirements; providing requirements for equipment installed using grant funds; providing criteria for the distribution of grants; amending s. 366.94, F.S.; prohibiting state agencies that implement certain rules from requiring specific methods of sale for electric vehicle charging equipment used in this state; requiring the Florida Public Service Commission to direct all public utilities to file for approval and implement approved rate designs to accommodate and optimize electric vehicle charging activities, subject to certain requirements; providing an effective date.

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

Section 1. Subsections (2) and (55) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context

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otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, brakes meeting the Federal Motor Vehicle Safety Standard 122, a steering mechanism, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(55) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;

(b) Weighs less than 120 ~~80~~ pounds or, if the Department of Transportation establishes by rule a maximum weight, has a weight that does not exceed that maximum, excluding cargo;

(c) Has a maximum speed of 10 miles per hour or, if the Department of Transportation establishes by rule a maximum speed, has a speed that does not exceed that maximum; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device.

Section 2. Paragraph (c) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

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334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(c) *Mobility.*—Ensuring a cost-effective, statewide, interconnected transportation system. Improvement of travel choices to ensure mobility includes planning and establishment of infrastructure for innovative technologies, including electric vehicle charging infrastructure.

Section 3. Section 339.286, Florida Statutes, is created to read:

339.286 Electric Vehicle Infrastructure Grant Program.—

(1) The department shall establish the Electric-Vehicle Infrastructure Grant Program. The purpose of the program is to provide financial assistance to encourage the installation of electric vehicle charging infrastructure.

(2) State agencies, public universities, public transit agencies, ports, airports, and local governments, including local housing authorities and libraries, may apply to the department for grants for the purpose of installing electric vehicle charging infrastructure.

(3) A grant may be awarded for:

1. Technical assistance for the creation and adoption of a local or regional plan that establishes an electric vehicle charging infrastructure and the necessary action plans to address any infrastructure gaps and steps to complete the infrastructure plan. A plan must address actions to deploy the necessary infrastructure in high-density housing areas and low- to moderate-income areas.

2. Assistance with the purchase of related equipment and

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the costs of installation of that equipment to provide electric vehicle charging. Such equipment must be capable of collecting and reporting data and must use standard connectors.

(4)(a) An applicant may apply for a grant for both technical assistance and equipment purchase and installation. A grant for technical assistance requires a minimum match of funds from the applicant of 30 percent of the grant award, but such match is not required for an applicant that is located in a fiscally constrained county. A grant for equipment purchase and installation requires a minimum match of funds from the applicant of 50 percent of the grant award, or 20 percent for an applicant that is located in a fiscally constrained county. The matching funds must be from nonstate resources, but may include private funds provided through a partnership with a private entity or in-kind contributions such as the donation of equipment, services, or land or use of land for establishment of the electric vehicle charging infrastructure. Grant funds may not subsidize the cost for the use of electricity.

(b) The department shall maintain a prioritized list of approved grant applications. The prioritized list must include recommended funding levels for each application and, if staged implementation is appropriate, provide funding requirements for each stage. Grants must be prioritized based on the extent to which the activities of the grant will encourage growth in the use of electric vehicles and increase the availability of charging locations along evacuation routes. A grant for equipment purchase and installation that will immediately and most effectively serve those who currently own or operate electric vehicles may receive priority.

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(5) The department must continually review emerging research, policies, and standards related to electric vehicle infrastructure. Using such information, the department must publish best practices for the establishment of electric vehicle charging infrastructure, model infrastructure plan development and components, and other significant information for the implementation and use of electric vehicle charging infrastructure. The department may develop a model plan that local governments may use as a guide to establish an electric vehicle charging infrastructure plan.

(6) The department shall adopt rules to administer this section.

Section 4. Contingent upon the enactment of Senate Bill XXXX (EV FEES) or other similar legislation enacted in the 2020 Regular Session or an extension thereof, section 339.0802, Florida Statutes, is created to read:

339.0802 .—Allocation of increased revenues derived from amendments to s. 320.0801 by this act.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 320.0801 made by this act must be used as set forth in this section, notwithstanding any other provision of law.

(1) Beginning in the 2020-2021 Fiscal Year and annually for 5 years thereafter, all increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(2) Beginning in the 2025-2025 Fiscal Year and annually for 5 years thereafter, half of the increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(3) This section expires on July 1, 2030.

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CONSIDERATION - I think you need to get a revenue estimate, and do a set amount (or file this as is, get the REC estimate, and then amend accordingly). I think it'll be hard (maybe?) for the department to know how much revenue they are going to get in a year and fund projects. If you do set amounts, then we'd do a subsection (3) and throw the remainder of increased revenues into the work program or whatever.

Section 5. Paragraph (c) of subsection (7) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local

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government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems, electric vehicles and electric vehicle charging stations, and other developments.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

Section 6. Paragraph (c) of subsection (3) of section 339.64, Florida Statutes, is amended to read:

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339.64 Strategic Intermodal System Plan.—

(3)

(c) The department shall coordinate with federal, regional, and local partners, as well as industry representatives, to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems, electric vehicles and electric vehicle charging stations, and other developments, in Strategic Intermodal System facilities.

Section 7. Section 366.94, Florida Statutes, is amended to read:

366.94 Electric vehicle charging stations.—

(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.

(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry. Rules implemented under this subsection may not require specific methods of sale for electric vehicle charging equipment used in this state.

(3)(a) It is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging

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station within any parking space specifically designated for charging an electric vehicle.

(b) If a law enforcement officer or specialist finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.

(4) The commission shall direct all public utilities to file for approval of rate designs, and to implement approved rate designs, to accommodate and optimize electric vehicle charging activities. Rates filed under this subsection must be submitted to the commission by October 1, 2020, and approved rates must remain in effect for at least 5 years. Rates that must be approved and implemented under this subsection include, but are not limited to, both of the following:

(a) Revisions to capacity or demand charges for publicly available, privately operated high-powered charging.

(b) Time-of-use rates for residential charging activities to encourage off-peak charging activities.

Section 8. The Division of Law Revision is directed to replace the phase "this act" wherever it occurs in this act with the chapter law number.

Section 9. Except as otherwise expressly provided, this act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Hubbard, Zachary
Sent: Monday, December 02, 2019 1:52 PM EST
To: Clemens, Clayton <Clayton.Clemens@myfloridahouse.gov>; Lena Juarez <lena@jejassoc.com>
Subject: RE: EV Draft Bill comments
Attachment(s): "Mobility 12.2.2019.docx"

Hey guys,

Here is the most up to date version we have in bill drafting currently.

Let me know of any necessary changes.

Thanks!
Zach

From: Clemens, Clayton <Clayton.Clemens@myfloridahouse.gov>
Sent: Monday, December 2, 2019 1:33 PM
To: Lena Juarez <lena@jejassoc.com>
Subject: Re: EV Draft Bill comments

Hey Lena,

I hope you had a nice Thanksgiving! As we get back into gear before Christmas I wanted to make sure we got the exact proposed edits that were discussed at the FAV conference to drafting. Are you and your client able to provide a bullet list of the changes they want and where they want them in the bill language?

Thank you,

Clayton Clemens
Aide to Rep. Jackie Toledo
House District 60

From: Lena Juarez <lena@jejassoc.com>
Sent: Friday, November 22, 2019 1:15:47 PM
To: Clemens, Clayton
Subject: Re: EV Draft Bill comments

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

850-212-8330

Thanks so much, Clay!

> On Nov 22, 2019, at 10:20 AM, Clemens, Clayton <Clayton.Clemens@myfloridahouse.gov> wrote:
>
> Lena,
>
> What is your cell? Mine is 2676141063.
>
> Thanks!
>
> Clay
>
> Get Outlook for iOS
>
> On Thu, Nov 21, 2019 at 6:13 PM -0500, "Clemens, Clayton" <Clayton.Clemens@myfloridahouse.gov> wrote:
>
> > Thank you for getting this to me so quick!
> >
> > Have a great night,
> >
> > Clayton Clemens
> > Aide to Rep. Jackie Toledo
> > House District 60

AMERICAN OVERSIGHT

From: Lena Juarez <lena@jejassoc.com>
Sent: Thursday, November 21, 2019 4:54:09 PM
To: Clemens, Clayton
Subject: EV Draft Bill comments

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Clay -here's the comments to the EV bill we discussed today. Lena

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24-00656D-20

A bill to be entitled

An act relating to electric vehicles; amending s. 316.003, F.S.; revising definitions; authorizing the Department of Transportation to adopt rules; amending s. 334.046, F.S.; revising the department's goals relating to mobility; creating s. 339.0802, F.S.; requiring that certain funds be used for specified purposes relating to the Electric Vehicle Infrastructure Grant Program, beginning in specified years; providing for future repeal of the requirement; creating s. 339.286, F.S.; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; providing the purpose of the program; providing for the distribution of grants to certain entities to install electric vehicle charging infrastructure; providing grant requirements; providing requirements for equipment installed using grant funds; providing criteria for the distribution of grants; requiring that the department continually review emerging research, policies, and standards; authorizing the department to develop a model plan for local governments; requiring the department to adopt rules; amending s. 366.94, F.S.; specifying that certain rules adopted by the Department of Agriculture and Consumer Services may not require specific methods of sale for electric vehicle charging equipment used in this state; providing effectives dates.

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

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Section 1. Subsections (2) and (55) of section 316.003, Florida Statutes, are amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes that meet the requirements of Federal Motor Vehicle Safety Standard No. 122, a steering ~~wheel~~ mechanism, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(55) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;

(b) Has a weight that does not exceed the maximum weight established by Department of Transportation rule ~~Weighs less than 80 pounds, excluding cargo~~;

(c) Has a maximum speed of 10 miles per hour or, if the Department of Transportation establishes by rule a maximum speed, has a speed that does not exceed that maximum; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a

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natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device. The Department of Transportation may adopt rules to implement this subsection.

Section 2. Paragraph (c) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(c) *Mobility.*—Ensuring a cost-effective, statewide, interconnected transportation system. Improvement of travel choices to ensure mobility includes planning and establishment of infrastructure for innovative technologies, including electric vehicle charging infrastructure.

Section 3. Effective upon Senate Bill ___ or other similar legislation being enacted in the 2020 Regular Session or an extension thereof and becoming a law, section 339.0802, Florida Statutes, is created to read:

339.0802 Allocation of increased license tax revenues from licensure of electric and hybrid vehicles.—Funds that result from increased revenues to the State Transportation Trust Fund derived under s. 320.08001(2), (3), and (4) must be used as set forth in this section, notwithstanding any other provision of law.

(1) Beginning in the 2020-2021 fiscal year, and annually for 5 years thereafter, all increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

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(2) Beginning in the 2025-2026 fiscal year, and annually for 5 years thereafter, half of the increased revenues must be used to fund the Electric Vehicle Infrastructure Grant Program.

(3) This section expires on July 1, 2030.

Section 4. Section 339.286, Florida Statutes, is created to read:

339.286 Electric Vehicle Infrastructure Grant Program.—

(1) The department shall establish the Electric Vehicle Infrastructure Grant Program. The purpose of the program is to provide financial assistance to encourage the installation of electric vehicle charging infrastructure.

(2) State agencies, public universities, public transit agencies, ports, airports, and local governments, including local housing authorities and libraries, may apply to the department for grants for the purpose of installing electric vehicle charging infrastructure.

(3) A grant may be awarded for:

(a) Technical assistance for the development and adoption of:

1. A local or regional plan that establishes an electric vehicle charging infrastructure;

2. Any action plans necessary to address any infrastructure gaps; and

3. Steps necessary to complete the infrastructure plan.

A plan must address actions to deploy the necessary infrastructure in high-density housing areas and low- to moderate-income areas.

(b) Assistance with the purchase of related equipment and

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the costs of installation of that equipment to provide electric vehicle charging. Such equipment must be capable of collecting and reporting data and must use standard connectors.

(4)(a) An applicant may apply for a grant for both technical assistance and equipment purchase and installation. A grant for technical assistance requires a minimum match of funds from the applicant of 30 percent of the grant award, but such match is not required for an applicant that is located in a fiscally constrained county. A grant for equipment purchase and installation requires a minimum match of funds from the applicant of 50 percent of the grant award, or 20 percent for an applicant that is located in a fiscally constrained county. The matching funds must be from nonstate resources, but may include private funds provided through a partnership with a private entity or in-kind contributions such as the donation of equipment, services, or land or use of land for establishment of the electric vehicle charging infrastructure. Grant funds may not subsidize the cost for the use of electricity.

(b) The department shall maintain a prioritized list of approved grant applications. The prioritized list must include recommended funding levels for each application and, if staged implementation is appropriate, provide funding requirements for each stage. Grants must be prioritized based on the extent to which the activities of the grant will encourage growth in the use of electric vehicles and increase the availability of charging locations along evacuation routes. A grant for equipment purchase and installation that will immediately and most effectively serve those who currently own or operate electric vehicles may receive priority.

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(5) The department shall continually review emerging research, policies, and standards related to electric vehicle infrastructure. Using such information, the department shall publish best practices for the establishment of electric vehicle charging infrastructure, model infrastructure plan development and components, and other significant information for the implementation and use of electric vehicle charging infrastructure. The department may develop a model plan that local governments may use as a guide to establish an electric vehicle charging infrastructure plan.

(6) The department shall adopt rules to administer this section.

Section 5. Section 366.94, Florida Statutes, is amended to read:

366.94 Electric vehicle charging stations.—

(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.

(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry. Rules implemented under this subsection may not require specific methods of sale for electric

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vehicle charging equipment used in this state.

(3)(a) It is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging station within any parking space specifically designated for charging an electric vehicle.

(b) If a law enforcement officer or specialist finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Steele, Patrick <Patrick.Steele@myfloridahouse.gov>
Sent: Friday, January 17, 2020 11:11 AM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: RE: FL Tech Day - Sen. Brandes & Rep. Grant

Awesome! Jamie has agreed to be the sponsor. Feel free to let me know if you need our help with anything.

Thanks

Patrick Steele
Legislative Aide III
Representative James W. Grant
Florida House of Representatives, District 64
12972 N Dale Mabry Hwy
Tampa, Florida 33618
(813) 265-6272 District
(850) 717-5064 Tallahassee

From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, January 15, 2020 5:01 PM
To: Steele, Patrick <Patrick.Steele@myfloridahouse.gov>
Subject: RE: FL Tech Day - Sen. Brandes & Rep. Grant

Between them and us everything is handled! Thank you!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Steele, Patrick <Patrick.Steele@myfloridahouse.gov>
Sent: Wednesday, January 15, 2020 4:51 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: RE: FL Tech Day - Sen. Brandes & Rep. Grant

Hey there,

I'm sure you're correct and that he won't mind but I'll check with him and get back with you shortly. As a sponsor, do we need to do anything/set anything up or are they handling the logistics? Either way, I'll get back to you with an answer.

Thanks,

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AMERICAN OVERSIGHT

From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, January 15, 2020 4:41 PM
To: Steele, Patrick <Patrick.Steele@myfloridahouse.gov>
Subject: FL Tech Day - Sen. Brandes & Rep. Grant

Hey friend, hope you're doing well.

Your boss has been asked to sponsor Tech Day. I'm sure he won't mind, but would you be willing to ask him so I can give these guys the okay?

Thanks so much!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
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District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: James Taylor <james.taylor@fltechcouncil.org>
Sent: Wednesday, January 15, 2020 1:56 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Re: Following Up

Ahhhhh the details.....

Sorry, just arrived back to my office. I've attached a flier on the event that gives the basics for tech companies who are enrolling to participate. If for any reason Jamie decides not to sponsor the event from the House we can change out his information.

I am working on the promotion flier that will feature the Courtyard and AV/EV event. If there is any special information you would like me to include in that flier just let me know. Also if you have a picture of Jeff, or other wording you would prefer, I'm happy to make any changes.

2020 Annual Tech Day at the Capitol
Featuring, "The Future of Transportation"
February 19th, 2020
9am - 3pm

Opening Remarks 10am
3rd Floor w/podium and media
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We can feature Senator Brandes, and EV partners, addressing the future of Florida's travel during this lunch if this would be of interest to the Senator.

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We are partnering with Sustainable Tallahassee and Sustainable Florida to fill the courtyard with EV's from across the state. We would appreciate any connections for AV, and have plenty of space in the courtyard as well as inside the Capitol on the plaza, 2nd and 3rd floors for booth displays.

Tech Day at the Capitol was created by the Florida Technology Council with sponsorship by L3Harris. Participation in this event is free and open to all tech businesses who support our mission of building a better, stronger, safer and more efficient Florida.

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All the best,

- Jim

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From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, January 15, 2020 12:10 PM
To: James Taylor <james.taylor@fltechcouncil.org>
Subject: RE: Following Up

Jim,

I will reach out to Patrick in his office after you send me the details!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
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From: James Taylor <james.taylor@fltechcouncil.org>
Sent: Wednesday, January 15, 2020 12:06 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Re: Following Up

Vanessa I would love for you to reach out to Representative Grant on this. I know things are wild, being the first week of Session, and worry my email may end up lost in the shuffle.

Thank you!

All the best,

- Jim

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From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, January 15, 2020 9:11 AM

AMERICAN OVERSIGHT

To: James Taylor <james.taylor@fltechcouncil.org>; Brody Enwright <brody0313@gmail.com>
Cc: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Following Up

Jim,

Senator Brandes would be delighted to sponsor you all for the day, and I'm sure Representative Grant would be as well. Please let me know if you need assistances getting in touch with his office.

Thanks!

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Legislative Assistant to State Senator Jeff Brandes
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Subject: Re: Following Up

Thank you Vanessa and Brody.

Melissa the week of the 27th works well on our end. Please let me know if you have a particular day and time range you would like me to set aside.

Vanessa I will be sure to get you information for AV/EV Tech Day before the end of the day. If possible it would be wonderful to have the Senator and Representative Grant be our legislative sponsors for this day.

- Jim

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Sent: Wednesday, January 15, 2020 9:01:14 AM
To: Brody Enwright <brody0313@gmail.com>
Cc: James Taylor <james.taylor@fltechcouncil.org>; Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Following Up

Thanks, Brody!

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Additionally, if you get me the information for AV/EV day at the Capitol we are happy to help out however you need us to!

Thanks,

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District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Brody Enwright <brody0313@gmail.com>
Sent: Wednesday, January 15, 2020 8:42 AM

AMERICAN OVERSIGHT

To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Cc: James Taylor <james.taylor@fltechcouncil.org>
Subject: Following Up

Vanessa,

It was great seeing you the other day. As we discussed, I wanted to get you in touch with Jim Taylor from the Florida Technology Council. Like I mentioned, Jim would love the opportunity to speak with Senator Brandes about the prison education program.

Also, Jim can you get Vanessa more info on the electric/autonomous vehicle day at the capitol?

Thanks again for everything.

Best,

Brody

AMERICAN OVERSIGHT

From: Steele, Patrick <Patrick.Steele@myfloridahouse.gov>
Sent: Wednesday, January 15, 2020 4:51 PM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: RE: FL Tech Day - Sen. Brandes & Rep. Grant

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AMERICAN OVERSIGHT

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To: Steele, Patrick <Patrick.Steele@myfloridahouse.gov>
Subject: RE: FL Tech Day - Sen. Brandes & Rep. Grant

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To: James Taylor <james.taylor@fltechcouncil.org>
Subject: RE: Following Up

AMERICAN OVERSIGHT

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To: Steele, Patrick <Patrick.Steele@myfloridahouse.gov>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Meshil, Melissa <Meshil.Melissa@flsenate.gov>
CC: Brody Enwright <brody0313@gmail.com>
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Vanessa, Melissa & Patrick,

Melissa, thank you for the follow up. We have Senator Brandes confirmed for 2/19 on the Historic Steps at 9:30am addressing AVs and EVs, with enough time to make it back to committee by 10am. Thank you as well for also confirming his ability to stop by the reception that evening on the 22nd floor. Please know your entire team is warmly invited to join us for food, music and drinks at the reception.

Patrick, if at all possible we would like to have Representative Grant address Florida's tech leaders for a brief press event on the 3rd floor of the Capitol at 10:30am. We are working with Deputy Chief of Staff David Clark's schedule as well in hopes he may join us. Jamie's enthusiasm and excitement is exactly what this industry, and our state, needs right now.

Representative Grant, and your team, are also invited to join us for the legislative reception that evening on the 22nd floor from 4:30-7pm.

Thank you again for your sponsorship, and I look forward to hearing if Representative Grant is available at 10:30. (We can adjust that time if necessary)

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From: James Taylor <james.taylor@fltechcouncil.org>
Sent: Wednesday, January 15, 2020 9:09 AM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Brody Enwright <brody0313@gmail.com>
Cc: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: Re: Following Up

Thank you Vanessa and Brody.

Melissa the week of the 27th works well on our end. Please let me know if you have a particular day and time range you would like me to set aside.

Vanessa I will be sure to get you information for AV/EV Tech Day before the end of the day. If possible it would be wonderful to have the Senator and Representative Grant be our legislative sponsors for this day.

- Jim

Sent from the iPhone of James Taylor
CEO
Florida Technology Council
Tallahassee, Florida
850-803-TECH (8324)
www.FLTechCouncil.org

From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, January 15, 2020 9:01:14 AM
To: Brody Enwright <brody0313@gmail.com>
Cc: James Taylor <james.taylor@fltechcouncil.org>; Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Following Up

AMERICAN OVERSIGHT

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Thanks,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Brody Enwright <brody0313@gmail.com>
Sent: Wednesday, January 15, 2020 8:42 AM
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Cc: James Taylor <james.taylor@fltechcouncil.org>
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Also, Jim can you get Vanessa more info on the electric/autonomous vehicle day at the capitol?

Thanks again for everything.

Best,

Brody

AMERICAN OVERSIGHT

From: James Taylor <james.taylor@fltechcouncil.org>
Sent: Wednesday, January 15, 2020 1:56 PM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: Re: Following Up
Attachment(s): "FTC_TechDay_flyer(2).pdf"

Ahhhhh the details.....

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February 19th, 2020
9am - 3pm

Opening Remarks 10am
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AMERICAN OVERSIGHT

Sent: Wednesday, January 15, 2020 12:10 PM
To: James Taylor <james.taylor@fltechcouncil.org>
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Vanessa Thompson
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Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
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Jeff Brandes – District 24

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To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
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Best,

Brody

AMERICAN OVERSIGHT



Florida Technology Council

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FAST. FORWARD.

TECH DAY AT THE CAPITOL 2020

ABOUT TECH DAY

Featuring Florida's Fastest Growing Technology Leaders, Innovators, and Startups. Meet and Mingle with Senators, Representatives, Legislative Staff, The Press, Heads of Agencies, CIOs, and CISOs.

February 19
9am-3pm

The Florida State Capitol
400 S Monroe St, Tallahassee, Florida

Sponsored by: L3 Harris Technologies

EVENT INCLUDES

- Tech Business Booths: Plaza Level, 2nd and 3rd Floor
- EV & AV Vehicles: Filling the Capitol Courtyard
- Legislative Lunch & Learn: Capitol 22nd Floor
- VIP Legislative Reception Industry Mingle

LEGISLATIVE SPONSORS



Senator Jeff Brandes



Representative James Grant

To Participate, Please Register Here:
https://www.surveymonkey.com/r/TDATC2020

FL-SEN-20-0201-B-20-0202-A-005584

From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Tuesday, January 21, 2020 8:43 AM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: RE: Following Up

No, that's perfect.

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Tuesday, January 21, 2020 8:43 AM
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Following Up

Thanks, sorry just easier to cc you since we have no idea what his life is going to look like that day.

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Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
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Sent: Tuesday, January 21, 2020 8:42 AM
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I just added "Tech Day" with his email to the calendar as a reminder for the time being.

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Tuesday, January 21, 2020 8:37 AM
To: James Taylor <james.taylor@fltechcouncil.org>
Cc: Steele, Patrick <Patrick.Steele@myfloridahouse.gov>; Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Following Up

Jim,

Just wanted to touch base. Rep. Grant will sponsor on the House side, and I have cc'd his legislative aide, Patrick, on this email.

I have looked over the agenda (Patrick, for reference it is below), and as it stands I can probably have Senator Brandes swing by the lunch. Unfortunately, we typically have a committee meeting that either starts at 8:30am or 10am on Wednesdays. We will not know the schedule until the week before, either. They like to keep us on our toes here. So if we can get the Senator over to the 10am press conference we absolutely will. I, of course, cannot speak to what Representative Grant may be able to do.

I will keep in touch on the Senator's availability, and in the meantime, we will work on getting some AV's to the event.

Thanks!

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AMERICAN OVERSIGHT

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Brody

AMERICAN OVERSIGHT

From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Tuesday, December 17, 2019 9:36 AM EST
To: Pizzo, Jason <Pizzo.Jason@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: RE: Juvenile Life Sentencing Bill
Attachment(s): "billdraft74815.2ndchances with PRR (002).docx"

Maggie –

We are going to have a bill that touches Graham Miller. Ours is going to up the age from 18 to 25, but the same statutes are open. The draft I've attached is what we just got back from committee staff and also includes a PRR provision. Let me know what you think about your language being married up with this guy, and let's go from there!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Pizzo, Jason <Pizzo.Jason@flsenate.gov>
Sent: Monday, December 16, 2019 3:45 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Fwd: Juvenile Life Sentencing Bill

Hi guys,

The Senator asked that I forward this attachment to you. He's wondering if you have a bill where this would fit in?

Thanks,
Maggie

Begin forwarded message:

> **From:** "Carlos J. Martinez" <cmartinez@pdmiami.com>
> **Date:** December 12, 2019 at 10:29:16 AM EST
> **To:** "Pizzo, Jason" <Pizzo.Jason@flsenate.gov>
> **Cc:** "Gerson, Maggie" <Gerson.Maggie@flsenate.gov>
> **Subject: FW: Juvenile Life Sentencing Bill**
>
> Senator,
>
> Can you and I discuss this draft bill and some A4-related issues on Monday?
>
> Thanks,
> Carlos
>
> ---
>
> **From:** Charlie Cofer <ccofer@pd4.coj.net>
> **Sent:** Thursday, December 12, 2019 10:00 AM
> **To:** Carlos J. Martinez <cmartinez@pdmiami.com>
> **Cc:** Alan Suskey <as@suskeyconsulting.com>; 'Carey Haughwout' <CareyPD@pd15.state.fl.us>; 'Nancy Daniels' <ndaniels@flpda.org>
> **Subject:** Juvenile Life Sentencing Bill
>
> ---
>
> EXTERNAL EMAIL - DO NOT open attachments or click links from unknown senders or unexpected emails.
>
> ---
>
> Carlos:
>
> Thanks for trying to locate a sponsor for this bill.

AMERICAN OVERSIGHT

I am sending a copy of the bill draft, together with an outline that helps to explain the need for making the juvenile sentencing provisions retroactive to those juveniles who were previously sentenced to Life with eligibility for Parole after serving 25 years.

Thanks.

Charlie Cofer

Public Defender

Fourth Judicial Circuit

407 N. Laura Street

Jacksonville, FL 32202

904/255-4600

ccofer@pd4.coj.net

PLEASE NOTE: Florida has a broad public records law (Chapter 119, Florida Statutes).
E-mails to and from public officials are retained as public records, and may be subject to disclosure. Accordingly, your e-mail communications, including your e-mail address and other information, may be subject to disclosure to the public and/or news media.

<<...>> <<...>>

AMERICAN OVERSIGHT

24-00771B-20

A bill to be entitled

An act relating to criminal justice~~sentence review hearings~~; providing a short title; amending s. 775.082, F.S.; providing that certain persons who are otherwise eligible for sentence review under s. 921.1401 or s. 921.1402 may be resentenced and released in specified circumstances; reenacting and amending s. 921.1402, F.S.; revising the offenses the committing of which would preclude a juvenile offender from being entitled to a review of his or her sentence after a specified timeframe; creating s. 921.1403, F.S.; defining the term "young adult offender"; precluding eligibility for a sentence review for young adult offenders who previously committed, or conspired to commit, specified offenses; providing timeframes under which young adult offenders who commit specified crimes are entitled to a review of their sentences; providing applicability; requiring the Department of Corrections to notify young adult offenders in writing of their eligibility under certain timeframes; requiring a young adult offender seeking a sentence review or a subsequent sentence review to submit an application to the original sentencing court and request a hearing; providing for legal representation of eligible young adult offenders; providing for one subsequent review hearing for the young adult offender after a certain timeframe if he or she is not resentenced at the initial sentence review hearing; requiring the original sentencing court to hold a

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

AMERICAN OVERSIGHT

sentence review hearing upon receiving an application from an eligible young adult offender; requiring the court to consider certain factors in determining whether to modify the young adult offender's sentence; providing requirements if the court makes certain determinations regarding the young adult offender; amending s. 944.705, F.S.; requiring the Department of Corrections to provide inmates with certain information upon release; creating s. 951.30, F.S.; requiring administrators of county detention centers to provide inmates with certain information upon release; amending s. 1009.21, F.S.; providing that a specified period of time spent in a county detention facility or state correctional facility can be credited toward the 12-month residency requirement for tuition; requiring the Office of Program Policy and Governmental Accountability (OPPAGA) to conduct a study of various opportunities available to persons returning to the community from imprisonment, including any barriers to such opportunities and what, if any, collateral consequences are present for persons who are released from incarceration into the community; providing study requirements; requiring OPPAGA to submit a report to the Governor and the Legislature by a certain date; providing an effective date.

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

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005592

Section 1. This act may be cited as "The Second Look Act."

Section 2. Paragraph (b) of subsection (9) of section 775.082, Florida Statutes, is amended to read:

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(9)

(b)1. —Except as provided for in sub-subparagraph 2., a~~A~~ person sentenced under paragraph (a) shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. Any person sentenced under paragraph (a) must serve 100 percent of the court-imposed sentence.

2. A juvenile or young adult offender that is eligible for review of his or her sentence under s. 921.1401 or s. 921.1402, respectively, may be resentenced and released from imprisonment if a court deems such resentencing is appropriate in accordance with the review requirements of such sections.

Section 3. Paragraph (a) of subsection (2) of section 921.1402, Florida Statutes, is amended, and subsection (4) of that section is reenacted, to read:

921.1402 Review of sentences for persons convicted of specified offenses committed while under the age of 18 years.—

(2)(a) A juvenile offender sentenced under s. 775.082(1)(b)1. is entitled to a review of his or her sentence after 25 years. However, a juvenile offender is not entitled to review if he or she has previously been convicted of any ~~one~~ of the following offenses, or conspiracy to commit any ~~one~~ of the following offenses, and if the offense for which the person was

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005593

previously convicted was part of a separate criminal transaction or episode ~~than~~ that ~~which~~ resulted in the sentence under s. 775.082(1)(b)1.:

1. Murder; or

2. ~~Manslaughter.;~~

~~3. Sexual battery;~~

~~4. Armed burglary;~~

~~5. Armed robbery;~~

~~6. Armed carjacking;~~

~~7. Home-invasion robbery;~~

~~8. Human trafficking for commercial sexual activity with a child under 18 years of age;~~

~~9. False imprisonment under s. 787.02(3)(a); or~~

~~10. Kidnapping.~~

(4) A juvenile offender seeking sentence review pursuant to subsection (2) must submit an application to the court of original jurisdiction requesting that a sentence review hearing be held. The juvenile offender must submit a new application to the court of original jurisdiction to request subsequent sentence review hearings pursuant to paragraph (2)(d). The sentencing court shall retain original jurisdiction for the duration of the sentence for this purpose.

Section 4. Section 921.1403, Florida Statutes, is created to read:

921.1403 Review of sentences for persons convicted of specified offenses committed while under 25 years of age.—

(1) As used in this section, the term "young adult offender" means a person who committed an offense before he or she reached 25 years of age and for which he or she is sentenced

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005594

to a term of years in the custody of the Department of Corrections, regardless of the date of sentencing. The term does not included a young adult offender who committed an offense under s. 782.04.

(2) A young adult offender is not entitled to a sentence review under this section if he or she has previously been convicted of committing, or of conspiring to commit ~~,~~ murder, ~~any of the following offenses and~~ if the offense was part of a separate criminal transaction or episode that resulted in the sentence under s. 775.082(3)(a)1., 2., 3., 4., or 6., or (b)1.~~:~~

~~(a) Murder.~~

~~(b) Manslaughter.~~

(3)(a)1. A young adult offender who is convicted of an offense that is a life felony, that is punishable by a term of years not exceeding life imprisonment, or that was reclassified as a life felony, which was committed after the person attained 18 years of age and who is sentenced to a term of more than 20 years under s. 775.082(3)(a)1., 2., 3., 4., or 6., is entitled to a review of his or her sentence after 20 years.

2. This paragraph does not apply to a person who is eligible for sentencing under s. 775.082(3)(a)5.

(b) A young adult offender who is convicted of an offense that is a felony of the first degree or that was reclassified as a felony of the first degree and who is sentenced to a term of more than 15 years under s. 775.082(3)(b)1. is entitled to a review of his or her sentence after 15 years.

(4) The Department of Corrections must notify a young adult offender in writing of his or her eligibility to request a sentence review hearing 18 months before the young adult

Commented [TV1]: We want to make sure felony murder is excluded here.

Commented [TV2]: We want to make sure felony murder is excluded here.

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

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FL-SEN-20-0201-B, 20-0202-A-005595

offender is entitled to a sentence review hearing or notify him or her immediately in writing if the offender is eligible as of July 1, 2020.

(5) A young adult offender seeking a sentence review under this section must submit an application to the original sentencing court requesting that the court hold a sentence review hearing. The young adult offender seeking a subsequent sentence review hearing must submit a new application to the original sentencing court to request a subsequent sentence review hearing pursuant to subsection (7). The original sentencing court retains jurisdiction for the duration of the sentence for this purpose.

(6) A young adult offender who is eligible for a sentence review hearing under this section is entitled to be represented by an attorney, and the court must appoint a public defender to represent the young adult offender if he or she cannot afford an attorney.

(7)(a) If the young adult offender seeking sentence review under paragraph (3)(a) is not resentenced at the initial sentence review hearing, he or she is eligible for one subsequent review hearing ~~10~~ 5 years after the initial review hearing.

(b) If the young adult offender seeking sentence review under paragraph (3)(b) is not resentenced at the initial sentence review hearing, he or she is eligible for one subsequent review hearing 5 years after the initial review hearing.

(8) Upon receiving an application from an eligible young adult offender, the original sentencing court must hold a

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FL-SEN-20-0201-B, 20-0202-A-005596

sentence review hearing to determine whether to modify the young adult offender's sentence. When determining if it is appropriate to modify the young adult offender's sentence, the court must consider any factor it deems appropriate, including, but not limited to, any of the following:

(a) Whether the young adult offender demonstrates maturity and rehabilitation.

(b) Whether the young adult offender remains at the same level of risk to society as he or she did at the time of the initial sentencing.

(c) The opinion of the victim or the victim's next of kin. The absence of the victim or the victim's next of kin from the sentence review hearing may not be a factor in the determination of the court under this section. The court must allow the victim or victim's next of kin to be heard in person, in writing, or by electronic means. If the victim or the victim's next of kin chooses not to participate in the hearing, the court may consider previous statements made by the victim or the victim's next of kin during the trial, initial sentencing phase, or previous sentencing review hearings.

(d) Whether the young adult offender was a relatively minor participant in the criminal offense or whether he or she acted under extreme duress or under the domination of another person.

(e) Whether the young adult offender has shown sincere and sustained remorse for the criminal offense.

(f) Whether the young adult offender's age, maturity, or psychological development at the time of the offense affected his or her behavior.

(g) Whether the young adult offender has successfully

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obtained a high school equivalency diploma or completed another educational, technical, work, vocational, or self-rehabilitation program, if such a program is available.

(h) Whether the young adult offender was a victim of sexual, physical, or emotional abuse before he or she committed the offense.

(i) The results of any mental health assessment, risk assessment, or evaluation of the young adult offender as to rehabilitation.

(9)(a) If the court determines at a sentence review hearing that the young adult offender who is seeking sentence review under paragraph (3)(a) has been rehabilitated and is reasonably believed to be fit to reenter society, the court ~~must~~ may modify the sentence and impose a term of probation of at least 5 years.

(b) If the court determines at a sentence review hearing that the young adult offender who is seeking sentence review under paragraph (3)(b) has been rehabilitated and is reasonably believed to be fit to reenter society, the court ~~must~~ may modify the sentence and impose a term of probation of at least 3 years.

(c) If the court determines that the young adult offender seeking sentence review under paragraph (3)(a) or (3)(b) has not demonstrated rehabilitation or is not fit to reenter society, the court must issue a written order stating the reasons why the sentence is not being modified.

Section 5. Paragraph (a) of subsection (7) of section 944.705, Florida Statutes, is amended to read:

944.705 Release orientation program.—

(7)(a) The department shall notify every inmate in the inmate's release documents:

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1. Of all outstanding terms of the inmate's sentence at the time of release to assist the inmate in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751. This subparagraph does not apply to inmates who are being released from the custody of the department to any type of supervision monitored by the department;

2. Of the dates of admission to and release from the custody of the department, including the total length of the term of imprisonment for which he or she is being released; and

3.~~2.~~ In not less than 18-point type, that the inmate may be sentenced pursuant to s. 775.082(9) if the inmate commits any felony offense described in s. 775.082(9) within 3 years after the inmate's release. This notice must be prefaced by the word "WARNING" in boldfaced type.

Section 6. Section 951.30, Florida Statutes, is created to read:

951.30 Release documents requirements.—The administrator of a county detention facility must provide to each inmate upon release from custody of the facility the dates of admission to and release from the custody of the facility, including the total length of the term of imprisonment for which he or she is being released.

Section 7. Paragraph (a) of subsection (2) and paragraphs (b) and (c) of subsection (3) of section 1009.21, Florida Statutes, are amended to read:

(2)(a) To qualify as a resident for tuition purposes:

1. A person or, if that person is a dependent child, his or her parent or parents must have established legal residence in

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this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education. The 12 consecutive months immediately prior to enrollment may include time spent incarcerated in a county detention facility or state correctional facility.

2. Every applicant for admission to an institution of higher education shall be required to make a statement as to his or her length of residence in the state and, further, shall establish that his or her presence or, if the applicant is a dependent child, the presence of his or her parent or parents in the state currently is, and during the requisite 12-month qualifying period was, for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

(3)

(b) Except as otherwise provided in this section, evidence of legal residence and its duration shall include clear and convincing documentation that residency in this state was for a minimum of 12 consecutive months prior to a student's initial enrollment in an institution of higher education. Time spent incarcerated in a county detention facility or state correctional facility must be credited toward the residency requirement, with any combination of documented time living in Florida prior and post incarceration.

(c) Each institution of higher education shall affirmatively determine that an applicant who has been granted admission to that institution as a Florida resident meets the

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residency requirements of this section at the time of initial enrollment. The residency determination must be documented by the submission of written or electronic verification that includes two or more of the documents identified in this paragraph. No single piece of evidence shall be conclusive.

1. The documents must include at least one of the following:

a. A Florida voter's registration card.

b. A Florida driver license.

c. A State of Florida identification card.

d. A Florida vehicle registration.

e. Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.

f. Proof of a homestead exemption in Florida.

g. Transcripts from a Florida high school for multiple years if the Florida high school diploma or high school equivalency diploma was earned within the last 12 months.

h. Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.

2. The documents may include one or more of the following:

a. A declaration of domicile in Florida.

b. A Florida professional or occupational license.

c. Florida incorporation.

d. A document evidencing family ties in Florida.

e. Proof of membership in a Florida-based charitable or professional organization.

f. Any other documentation that supports the student's request for resident status, including, but not limited to,

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utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official local, state, federal, or court document evidencing legal ties to Florida.

Section 8. The Office of Program Policy and Governmental Accountability (OPPAGA) must conduct a study to evaluate the various opportunities available to persons returning to the community from imprisonment. The study's scope must include, but need not be limited to, any barriers to such opportunities; the collateral consequences that are present, if applicable, for persons who are released from incarceration into the community; and methods for reducing such collateral consequences. OPPAGA must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2020.

Section 96. This act shall take effect July 1, 2020.

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FL-SEN-20-0201-B, 20-0202-A-005602

From: Thompson, Vanessa
Sent: Monday, December 23, 2019 10:32 AM EST
To: Clark, Deborah <DClark@votepinellas.com>
Subject: RE: Legislation - Request for Input (Senator Brandes)

Supervisor –

Our bill drafting came back to us with a few comments:

Hey Vanessa, a few edits in the attachment didn't make sense:
-In s. 101.5614, based on what was stricken, I couldn't tell exactly what was meant since the sentence wasn't complete. I kept the requirement for duplicate ballots as to ballots with undervotes.
-In s. 101.6103, it appeared that the change was trying to line up with the general vote-by-mail statute but the timing didn't make sense in this case in all-mail elections since voters don't request ballots. So, I made it so the ballots can be mailed anytime between 10 and 40 days before the election.

Please let me know if these changes are okay. If so, we will file the bill soon.

Thank you so much!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Clark, Deborah <DClark@votepinellas.com>
Sent: Wednesday, December 18, 2019 9:22 AM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Cc: Clark, Deborah <DClark@votepinellas.com>; Tammy Jones <tammy@votelevy.com>; 'Alan Hays - Lake' <alan@lakevotes.com>; Ronald Labasky <rlabasky@bplawfirm.net>; david@rambaconsulting.com; Marcus, Julie <jmarcus@votepinellas.com>; Chase, Dustin <dchase@votepinellas.com>; Gillette, Marc <mgillette@votepinellas.com>; Closterman, Tim <ticlosterman@votepinellas.com>; Pena-Rosado, Alex <apenarosado@votepinellas.com>
Subject: Legislation - Request for Input (Senator Brandes)

Vanessa –

I support the attached bill and appreciate Senator Brandes providing the opportunity to review the language.

Specifically, I want to thank Senator Brandes for proposing additional time to conduct the First Logic and Accuracy Test (line 43) from 10 days to 25 days. This will provide us with additional time to conduct pre-election activities, e.g., program voting equipment. The proposed language also helps to correct a technical issue created in SB 7066. The language the Senator is proposing allows Canvassing Boards to take full advantage of being able to canvass mail ballots 22 days prior to the election.

Also attached are the Florida Supervisors of Elections (FSE) legislative priorities for further consideration.

If you have any questions, my email address is dclark@votepinellas.com; this can be used for all direct correspondence rather than sending to election@votepinellas.com.

Have a safe and happy holiday season.

Sincerely,

Deborah Clark, CERA
Supervisor of Elections
Pinellas County, Florida
13001 Starkey Rd, Largo FL 33773
727-464-4987
dclark@votepinellas.com

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Florida Statute 668.6076

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From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, December 4, 2019 1:59 PM
To: Mail, Election <election@votepinellas.com>
Subject: Senator Brandes - Legislation

Supervisor Clark,

Senator Brandes has been asked to file 2 pieces of legislation that he would like to run by you before doing anything.

At your convenience, would you be able to review and let us know your thoughts?

Thank you so much,

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Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

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From: Clark, Deborah <DClark@votepinellas.com>
Sent: Tuesday, December 24, 2019 11:42 AM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Clark, Deborah <DClark@votepinellas.com>
CC: Clark, Deborah <DClark@votepinellas.com>; Chase, Dustin <dchase@votepinellas.com>; Marcus, Julie <jmarcus@votepinellas.com>; Gillette, Marc <mgillette@votepinellas.com>; Grimes, Wendy <WGrimes@votepinellas.com>; Closterman, Tim <ticlosterman@votepinellas.com>
Subject: RE: Legislation - Request for Input (Senator Brandes)

Vanessa –

Thank you for sharing the comments on s. 101.5614 and s. 101.6103 and the opportunity to provide feedback. We are okay with the two comments as stated.

Thank you.

Deborah Clark, CERA
Supervisor of Elections
Pinellas County, Florida
13001 Starkey Rd, Largo FL 33773
727-464-4987
dclark@votepinellas.com

From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Monday, December 23, 2019 10:32 AM
To: Clark, Deborah <DClark@votepinellas.com>
Subject: RE: Legislation - Request for Input (Senator Brandes)

CAUTION: This message has originated from **Outside of the Organization**. **Do Not Click** on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe.

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Sent: Wednesday, December 4, 2019 1:59 PM
To: Mail, Election <election@votepinellas.com>
Subject: Senator Brandes - Legislation

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District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

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From: Butler, Joyce <BUTLER.JOYCE@flsenate.gov>
Sent: Tuesday, February 04, 2020 10:35 AM EST
To: Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 33 (Thurston) <SenateDistrict33Thurston@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate Committee - Infrastructure and Security <SenateCommittee-InfrastructureandSecurity@flsenate.gov>; Senate Committee - Innovation, Industry, and Technology <SenateCommittee-Innovation_Industry_andTechnology@flsenate.gov>; Senate Committee - Banking and Insurance <SenateCommittee-BankingandInsurance@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Education <SenateCommittee-Education@flsenate.gov>; !HSE Judiciary Committee <!HSEJudiciaryCommittee@myfloridahouse.gov>; Frier, Nancy <FRIER.NANCY@flsenate.gov>; Hay, Timothy <HAY.TIMOTHY@flsenate.gov>; Senate Committee - Judiciary <SenateCommittee-Judiciary@flsenate.gov>; Senate District 06 (Gibson) <SenateDistrict06Gibson@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 09 (Simmons) <SenateDistrict09Simmons@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate E-Packet <SenateE-Packet@flsenate.gov>; Senate General Counsel <SenateGeneralCounsel1@flsenate.gov>
Subject: RE: Meeting Materials available: JU 02/04/2020 12:30 pm

The committee meeting materials have been updated in Session Organizer.

Amendment has been added for the following bill agenda item:

TAB	BARCODE
4	292098

From: Butler, Joyce
Sent: Monday, February 3, 2020 4:12 PM
To: Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 33 (Thurston) <SenateDistrict33Thurston@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate Committee - Infrastructure and Security <SenateCommittee-InfrastructureandSecurity@flsenate.gov>; Senate Committee - Innovation, Industry, and Technology <SenateCommittee-Innovation_Industry_andTechnology@flsenate.gov>; Senate Committee - Banking and Insurance <SenateCommittee-BankingandInsurance@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Education <SenateCommittee-Education@flsenate.gov>; !HSE Judiciary Committee <!HSEJudiciaryCommittee@myfloridahouse.gov>; Frier, Nancy <Frier.Nancy@flsenate.gov>; Hay, Timothy <Hay.Timothy@flsenate.gov>; Senate Committee - Judiciary <SenateCommittee-Judiciary@flsenate.gov>; Senate District 06 (Gibson) <SenateDistrict06Gibson@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 09 (Simmons) <SenateDistrict09Simmons@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate E-Packet <SenateE-Packet@flsenate.gov>; Senate General Counsel <SenateGeneralCounsel1@flsenate.gov>
Subject: RE: Meeting Materials available: JU 02/04/2020 12:30 pm

The committee meeting materials have been updated in Session Organizer.

AMERICAN OVERSIGHT

Amendments have been added for the following bill agenda items:

Non-member Introducers	TAB	BARCODE
Senator Pizzo 292316	6	

From: Butler, Joyce
Sent: Monday, February 3, 2020 12:58 PM
To: Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 33 (Thurston) <SenateDistrict33Thurston@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate Committee - Infrastructure and Security <SenateCommittee-InfrastructureandSecurity@flsenate.gov>; Senate Committee - Innovation, Industry, and Technology <SenateCommittee-Innovation_Industry_andTechnology@flsenate.gov>; Senate Committee - Banking and Insurance <SenateCommittee-BankingandInsurance@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Education <SenateCommittee-Education@flsenate.gov>; !HSE Judiciary Committee <!HSEJudiciaryCommittee@myfloridahouse.gov>; Frier, Nancy <Frier.Nancy@flsenate.gov>; Hay, Timothy <Hay.Timothy@flsenate.gov>; Senate Committee - Judiciary <SenateCommittee-Judiciary@flsenate.gov>; Senate District 06 (Gibson) <SenateDistrict06Gibson@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 09 (Simmons) <SenateDistrict09Simmons@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate E-Packet <SenateE-Packet@flsenate.gov>; Senate General Counsel <SenateGeneralCounsel1@flsenate.gov>
Subject: Meeting Materials available: JU 02/04/2020 12:30 pm

The committee meeting materials are now available in Session Organizer for the 02/04/2020 12:30 p.m. JU Committee meeting.

In Session Organizer, click on the Committee Agendas tab and select the desired meeting.

- Select and view documents individually:
  - Select an agenda item;
  - Select an associated document in the Details Pane: Amendment, Bill Analysis, Presentation (Other), etc.
  - The selected document is displayed in the Document Viewer.
- Produce a full packet, with bookmarks:
  - Click File > Print Packet > All Bills;
  - In the Packet Builder dialog, verify that Pre-set is set to Committee Packet;
  - Click the Create PDF button;
  - View, Save, or Print.

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For your convenience, bill introducers who are not members of this committee are listed below, and their respective tabs are noted:

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Non-member Introducers		Tab Numbers
Senator	Hooper	1
Senator	Albritton	2,3
Senator	Brandes	4,5
Senator	Pizzo	6,7
Senator	Thurston	8
Senator	Powell	9
Senator	Lee	10
Committee	Infrastructure & Security	1
Committee	Innovation, Industry & Technology	3
Committee	Banking & Insurance	4,8
Committee	Ethics & Elections	5
Committee	Criminal Justice	6,7
Committee	Education	11



Joyce G. Butler
Senate Judiciary Committee
515 Knott Building
850-487-5198
FAX 850-410-0082
Butler.joyce@flsenate.gov

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From: Butler, Joyce <BUTLER.JOYCE@flsenate.gov>
Sent: Monday, February 03, 2020 4:12 PM EST
To: Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 33 (Thurston) <SenateDistrict33Thurston@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate Committee - Infrastructure and Security <SenateCommittee-InfrastructureandSecurity@flsenate.gov>; Senate Committee - Innovation, Industry, and Technology <SenateCommittee-Innovation_Industry_andTechnology@flsenate.gov>; Senate Committee - Banking and Insurance <SenateCommittee-BankingandInsurance@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Education <SenateCommittee-Education@flsenate.gov>; !HSE Judiciary Committee <!HSEJudiciaryCommittee@myfloridahouse.gov>; Frier, Nancy <FRIER.NANCY@flsenate.gov>; Hay, Timothy <HAY.TIMOTHY@flsenate.gov>; Senate Committee - Judiciary <SenateCommittee-Judiciary@flsenate.gov>; Senate District 06 (Gibson) <SenateDistrict06Gibson@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 09 (Simmons) <SenateDistrict09Simmons@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate E-Packet <SenateE-Packet@flsenate.gov>; Senate General Counsel <SenateGeneralCounsel1@flsenate.gov>
Subject: RE: Meeting Materials available: JU 02/04/2020 12:30 pm

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Amendments have been added for the following bill agenda items:

Non-member Introducers	TAB	BARCODE
Senator Pizzo 292316		6

From: Butler, Joyce
Sent: Monday, February 3, 2020 12:58 PM
To: Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 33 (Thurston) <SenateDistrict33Thurston@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate Committee - Infrastructure and Security <SenateCommittee-InfrastructureandSecurity@flsenate.gov>; Senate Committee - Innovation, Industry, and Technology <SenateCommittee-Innovation_Industry_andTechnology@flsenate.gov>; Senate Committee - Banking and Insurance <SenateCommittee-BankingandInsurance@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Education <SenateCommittee-Education@flsenate.gov>; !HSE Judiciary Committee <!HSEJudiciaryCommittee@myfloridahouse.gov>; Frier, Nancy <Frier.Nancy@flsenate.gov>; Hay, Timothy <Hay.Timothy@flsenate.gov>; Senate Committee - Judiciary <SenateCommittee-Judiciary@flsenate.gov>; Senate District 06 (Gibson) <SenateDistrict06Gibson@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>; Senate District 09 (Simmons) <SenateDistrict09Simmons@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate E-Packet <SenateE-Packet@flsenate.gov>; Senate General

AMERICAN OVERSIGHT

Counsel <SenateGeneralCounsel1@flsenate.gov>
Subject: Meeting Materials available: JU 02/04/2020 12:30 pm

The committee meeting materials are now available in Session Organizer for the 02/04/2020 12:30 p.m. JU Committee meeting.

In Session Organizer, click on the Committee Agendas tab and select the desired meeting.

- Select and view documents individually:
  - Select an agenda item;
  - Select an associated document in the Details Pane: Amendment, Bill Analysis, Presentation (Other), etc.
  - The selected document is displayed in the Document Viewer.
- Produce a full packet, with bookmarks:
  - Click File > Print Packet > All Bills;
  - In the Packet Builder dialog, verify that Pre-set is set to Committee Packet;
  - Click the Create PDF button;
  - View, Save, or Print.

For your convenience, bill introducers who are not members of this committee are listed below, and their respective tabs are noted:

Non-member Introducers		Tab Numbers
Senator	**Hooper**	**1**
Senator	**Albritton**	**2,3**
Senator	**Brandes**	**4,5**
Senator	**Pizzo**	**6,7**
Senator	**Thurston**	**8**
Senator	**Powell**	**9**
Senator	**Lee**	**10**
Committee	**Infrastructure & Security**	**1**
Committee	**Innovation, Industry & Technology**	**3**
Committee	**Banking & Insurance**	**4,8**
Committee	**Ethics & Elections**	**5**
Committee	**Criminal Justice**	**6,7**
Committee	**Education**	**11**

AMERICAN OVERSIGHT



Joyce G. Butler
Senate Judiciary Committee
515 Knott Building
850-487-5198
FAX 850-410-0082
Butler.joyce@flsenate.gov

AMERICAN OVERSIGHT

From: Cindy Davis <cindy@ballardpartners.com>
Sent: Friday, October 18, 2019 9:48 AM EDT
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Meeting Request - Week 3

You're awesome – yes, they will see you at 3pm on Tuesday. Thank you!!

From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Friday, October 18, 2019 9:41 AM
To: Cindy Davis <cindy@ballardpartners.com>
Subject: RE: Meeting Request - Week 3

Hi Cindy,

Thank you for your patience. Can we do 3:00 on Tuesday?

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: Cindy Davis <cindy@ballardpartners.com>
Sent: Friday, October 18, 2019 8:31 AM
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Meeting Request - Week 3

Hey Melissa – I know special session makes this hard, but can we squeak these guys in on Tuesday?? Wednesday would work but Tuesday is preferable. Thanks!!

From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Tuesday, October 8, 2019 9:58 AM
To: Cindy Davis <cindy@ballardpartners.com>
Subject: RE: Meeting Request - Week 3

Hi Cindy,

Can you follow up with me next week, when I am planning for the week of 10/21?

Thank you,

Melissa Meshil
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meshil.melissa@flsenate.gov
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From: Cindy Davis <cindy@ballardpartners.com>
Sent: Monday, October 7, 2019 3:04 PM
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: Meeting Request - Week 3

Hey Melissa!

Carol Bracy would like to request time with Senator Brandes during the week of October 21, for herself and Bill Murphy with Clear Ballot. They would like to discuss some possible legislation for elections reform and auditing.

Bill will be in town from Tampa that week. As we get closer, please let me know what might be available on the calendar.

Thanks so much!
Cindy

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cindy@ballardpartners.com

AMERICAN OVERSIGHT

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cindy@ballardpartners.com

AMERICAN OVERSIGHT

From: Cindy Davis <cindy@ballardpartners.com>
Sent: Tuesday, October 08, 2019 10:00 AM EDT
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Meeting Request - Week 3

Of course, happy to!

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cindy@ballardpartners.com

AMERICAN OVERSIGHT

From: Meshil, Melissa
Sent: Friday, October 18, 2019 10:55 AM EDT
To: Cindy Davis <cindy@ballardpartners.com>
Subject: RE: Meeting Request - Week 3

Great, it's on out calendar.

Thank you,

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: Cindy Davis <cindy@ballardpartners.com>
Sent: Friday, October 18, 2019 9:49 AM
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Meeting Request - Week 3

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AMERICAN OVERSIGHT

From: Cindy Davis <cindy@ballardpartners.com>
Sent: Wednesday, October 16, 2019 9:56 AM EDT
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Meeting Request - Week 3

Hey Melissa – the folks from Clear Ballot are looking at 10/22 & 10/23 to be in Tallahassee next week. If we could find a sliver of time for them on either day, it would be appreciated!

Thanks,
Cindy

From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Tuesday, October 8, 2019 9:58 AM
To: Cindy Davis <cindy@ballardpartners.com>
Subject: RE: Meeting Request - Week 3

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AMERICAN OVERSIGHT

From: Meshil, Melissa
Sent: Friday, October 18, 2019 9:40 AM EDT
To: Cindy Davis <cindy@ballardpartners.com>
Subject: RE: Meeting Request - Week 3

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AMERICAN OVERSIGHT

From: Cindy Davis <cindy@ballardpartners.com>
Sent: Friday, October 18, 2019 8:30 AM EDT
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
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Cindy

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cindy@ballardpartners.com

AMERICAN OVERSIGHT

From: Meshil, Melissa
Sent: Tuesday, October 08, 2019 10:03 AM EDT
To: Cindy Davis <cindy@ballardpartners.com>
Subject: RE: Meeting Request - Week 3

Thank you!

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: Cindy Davis <cindy@ballardpartners.com>
Sent: Tuesday, October 8, 2019 10:00 AM
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: RE: Meeting Request - Week 3

Of course, happy to!

From: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Sent: Tuesday, October 8, 2019 9:58 AM
To: Cindy Davis <cindy@ballardpartners.com>
Subject: RE: Meeting Request - Week 3

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Thanks so much!
Cindy

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850.577.0444
cindy@ballardpartners.com

AMERICAN OVERSIGHT

From: Meshil, Melissa
Sent: Wednesday, November 13, 2019 4:11 PM EST
To: James Taylor <james.taylor@fltechcouncil.org>
Subject: RE: Meeting request

Great, let's touch base a week prior to the committee week.

Thank you,

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: James Taylor <james.taylor@fltechcouncil.org>
Sent: Wednesday, November 13, 2019 3:59 PM
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: Re: Meeting request

Hi Melissa. I believe it was Florida LamdaRail that no longer needed the meeting after we discovered the State and FTC already have what we need to make this happen without involving LamdaRail.

I am more than happy to meet during committee week in December.

All the best,

- Jim

James E. Taylor
CEO
Florida Technology Council
Tallahassee, Florida
850-803-TECH (8324)
www.FLTechCouncil.Org

Florida's Only Association Focused Exclusively on the Needs and Priorities of the Sunshine State's Expansive Technology Sector

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CCS Southeast
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Clear Touch Interactive
Coaxis
Codewired
Computers that Werk
ConvergeOne
Crown Castle
Current Agency
D3 Air & Space Operations
DataBank IMX
Deloitte
DocuSign
EC Council
Enwright Rimes Consulting
epi
EPIC
Five Points Technology
Flagler College
Florida A&M University
Florida State College of Jacksonville
Florida State University
Foley & Lardner
Forensic Data Corp
Griffin Global
Hitomi Digital
IBM
ImageSoft
IMS Business
Inspired Technologies
Intact Partners
IntegriSource
ISF
IT New Age
Kaleo Partners
Kikoda
KPMG
Knowli Data Science
Kyra Solutions
L3Harris Corporation
LexisNexis Risk
MGT Consulting
Microsoft
Modis
Monster XP
New Age Information Solutions
NorthPointe
Northwest Regional Data Center
OmniFund
Oracle
OZ Digital Consulting
ProCom
ProofPoint
Pure Storage
Reason Foundation
Redfish Consulting
Ruvos
SAS

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Scholastic
Signal Vault
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Spirit
SyaRose
Symantec
Tallahassee Community College
TekBank
Tenable
The LSH Group
Trend Micro
TrueNorth Technology
Uber Technologies
Valintry Services
Veritas
Walton County School District
WinSquares
WiredPeople Inc.
World Wide Technology
Zscaler

From: "Meshil, Melissa" <Meshil.Melissa@flsenate.gov>
Date: Wednesday, November 13, 2019 at 3:55 PM
To: James Taylor <james.taylor@fltechcouncil.org>
Subject: RE: Meeting request

Hi Jim,

My apologies for the misunderstanding. I had thought you send on the phone that you no longer needed a meeting. We do not have availability left this week. I'm happy to schedule a time for the committee week in December when we get closer, or a phone call early next week.

Again, I'm sorry for the confusion.

Thank you,

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From: James Taylor <james.taylor@fltechcouncil.org>
Sent: Tuesday, November 12, 2019 11:14 AM
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: Meeting request

Good morning Melissa,

Following up with you to see if Senator Brandes has an opening in his schedule this week on Wednesday or Thursday to discuss possible steps for prison education via technology. It appears we are in a much better position than originally thought and do not require the support of Florida LamdaRail. We look forward to discussing this further.

All the best,

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AMERICAN OVERSIGHT

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Benchmark Solutions
Broadcom
Cambria Solutions
Canopy Tech
Carahsoft
Carson Inc.
CCS Southeast
CenturyLink
Certes Network
Checkmarx
Clear Touch Interactive
Coaxis
Codewired
Computers that Werk
ConvergeOne
Crown Castle
Current Agency
D3 Air & Space Operations
DataBank IMX
Deloitte
DocuSign
EC Council
Enwright Rimes Consulting
epi
EPIC
Five Points Technology
Flagler College
Florida A&M University
Florida State College of Jacksonville
Florida State University
Foley & Lardner
Forensic Data Corp
Griffin Global
Hitomi Digital
IBM
ImageSoft
IMS Business

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Inspired Technologies
Intact Partners
IntegriSource
ISF
IT New Age
Kaleo Partners
Kikoda
KPMG
Knowli Data Science
Kyra Solutions
L3Harris Corporation
LexisNexis Risk
MGT Consulting
Microsoft
Modis
Monster XP
New Age Information Solutions
NorthPointe
Northwest Regional Data Center
OmniFund
Oracle
OZ Digital Consulting
ProCom
ProofPoint
Pure Storage
Reason Foundation
Redfish Consulting
Ruvos
SAS
Scholastic
Signal Vault
Simplicity Solutions Group
Spirit
SyaRose
Symantec
Tallahassee Community College
TekBank
Tenable
The LSH Group
Trend Micro
TrueNorth Technology
Uber Technologies
Valintry Services
Veritas
Walton County School District
WinSquares
WiredPeople Inc.
World Wide Technology
Zscaler

AMERICAN OVERSIGHT

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AT&T
Benchmark Solutions
Broadcom
Cambria Solutions

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Carahsoft
Carson Inc.
CCS Southeast
CenturyLink
Certes Network
Checkmarx
Clear Touch Interactive
Coaxis
Codewired
Computers that Werk
ConvergeOne
Crown Castle
Current Agency
D3 Air & Space Operations
DataBank IMX
Deloitte
DocuSign
EC Council
Enwright Rimes Consulting
epi
EPIC
Five Points Technology
Flagler College
Florida A&M University
Florida State College of Jacksonville
Florida State University
Foley & Lardner
Forensic Data Corp
Griffin Global
Hitomi Digital
IBM
ImageSoft
IMS Business
Inspired Technologies
Intact Partners
IntegriSource
ISF
IT New Age
Kaleo Partners
Kikoda
KPMG
Knowli Data Science
Kyra Solutions
L3Harris Corporation
LexisNexis Risk
MGT Consulting
Microsoft
Modis
Monster XP
New Age Information Solutions
NorthPointe
Northwest Regional Data Center
OmniFund
Oracle
OZ Digital Consulting

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ProofPoint
Pure Storage
Reason Foundation
Redfish Consulting
Ruvos
SAS
Scholastic
Signal Vault
Simplicity Solutions Group
Spirit
SyaRose
Symantec
Tallahassee Community College
TekBank
Tenable
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Trend Micro
TrueNorth Technology
Uber Technologies
Valintry Services
Veritas
Walton County School District
WinSquares
WiredPeople Inc.
World Wide Technology
Zscaler

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From: James Taylor <james.taylor@fltechcouncil.org>
Sent: Wednesday, November 13, 2019 3:58 PM EST
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: Re: Meeting request

Hi Melissa. I believe it was Florida LamdaRail that no longer needed the meeting after we discovered the State and FTC already have what we need to make this happen without involving LamdaRail.

I am more than happy to meet during committee week in December.

All the best,

- Jim

James E. Taylor
CEO
Florida Technology Council
Tallahassee, Florida
850-803-TECH (8324)
www.FLTechCouncil.Org

Florida's Only Association Focused Exclusively on the Needs and Priorities of the Sunshine State's Expansive Technology Sector

FTC is not a lobbyist organization. No FTC funds are applied toward lobbying expenditures or political contributions.

Florida Technology Council Members

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Kaleo Partners
Kikoda
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Walton County School District
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Zscaler

From: "Meshil, Melissa" <Meshil.Melissa@flsenate.gov>
Date: Wednesday, November 13, 2019 at 3:55 PM
To: James Taylor <james.taylor@fltechcouncil.org>
Subject: RE: Meeting request

Hi Jim,

My apologies for the misunderstanding. I had thought you send on the phone that you no longer needed a meeting. We do not have availability left this week. I'm happy to schedule a time for the committee week in December when we get closer, or a phone call early next week.

Again, I'm sorry for the confusion.

Thank you,

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: James Taylor <james.taylor@fltechcouncil.org>
Sent: Tuesday, November 12, 2019 11:14 AM
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: Meeting request

Good morning Melissa,

Following up with you to see if Senator Brandes has an opening in his schedule this week on Wednesday or Thursday to discuss possible steps for prison education via technology. It appears we are in a much better position than originally thought and do not require the support of Florida LamdaRail. We look forward to discussing this further.

All the best,

- Jim

James E. Taylor
CEO
Florida Technology Council
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Checkmarx
Clear Touch Interactive
Coaxis
Codewired
Computers that Werk
ConvergeOne
Crown Castle
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EC Council
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Forensic Data Corp
Griffin Global
Hitomi Digital
IBM
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IMS Business
Inspired Technologies
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IT New Age
Kaleo Partners
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L3Harris Corporation
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Trend Micro
TrueNorth Technology
Uber Technologies
Valintry Services
Veritas
Walton County School District
WinSquares
WiredPeople Inc.
World Wide Technology
Zscaler

AMERICAN OVERSIGHT

From: Meshil, Melissa
Sent: Thursday, December 12, 2019 1:32 PM EST
To: elimeyer1993@gmail.com <elimeyer1993@gmail.com>
Subject: RE: Other (flsenate.gov)

Good morning Mr. Meyer,

Thank you for reaching out to the legislative office of State Senator Jeff Brandes. State Senator Brandes appreciates the time you have taken to share your thoughts.

As a member of the Florida Senate, not the US Senate, State Senator Jeff Brandes does not have the ability to vote in federal issues, like impeachment proceedings. You are welcome to reach out to your federal elected officials, who may be more impactful. These officials are: US Congressman Charlie Crist (https://crist.house.gov/contact/), US Senator Marco Rubio (https://www.rubio.senate.gov/public/index.cfm/tampa-office), and US Senator Rick Scott (https://www.senate.gov/senators/116thCongress/ScottRick.htm).

Again, thank you for sharing. Please let us know if you have any state legislative questions or concerns.

Kind regards,

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 - 2100
Capitol: (850) 487 - 5024
Jeff Brandes - District 24

-----Original Message-----
From: elimeyer1993@gmail.com <elimeyer1993@gmail.com>
Sent: Thursday, December 12, 2019 12:35 PM
To: Brandes, Jeff (Web) <BRANDES.JEFF.WEB@flsenate.gov>
Subject: Other (flsenate.gov)

Preferred Response By: Email

Eliajah Meyer
elimeyer1993@gmail.com
5081 Duval Circle, APT 204
Saint Petersburg, FL 33714
This address is in Senate District 24.
3528127465

Receive updates via email: No

_____

Comment or Question:
Over the past few months our democratic system has gone through an extremely volatile time between the two major parties in our political system (Republicans and Democrats) over the potential right to impeach the current citizen who holds presidential office Honorable Donald J. Trump and remove him from office and potential nomination of any political office in the future. After the numerous committee's performed, witnesses and professional evaluations given, and with the current debate on the House panel where representatives argue between one another on articles of impeachment and try to defame each other's reputation on each side worries me as an independent voter and citizen within this wonderful country. After reviewing numerous amounts of information released to the public it is deemed in my opinion that our current president is in violation of his official duties without the current role. Whether all the representatives of both parties want to dispute which words mean what in a document released that they all want to classify is a "phone call transcript" is invalid. The document can not be legally classified as a transcript by either party due to no audio recording ever being released to the public to validate the words of this document nor has it been mentioned that there ever was audio recorded between both the president of the U.S. and the current president of Ukraine.

As well multiple investigations have been conducted that debunk false narratives stating Ukraine not Russia interfered in the 2016 United States elections by governmental agencies, yet continuously these assumptions are announced by representatives allowing false information to reach the public. It is dismaying that still many representatives who were just elected into office this past election continue to remain silent while our democratic system continues to fall apart in partisan politics by the two major parties in our country.

It is now time for all of the elected officials in congress to resolve their differences within the next year before our 2020 presidential elections so that we can protect the integrity of our political system. This starts as well with the removal of a citizen who has violated public trust while in holding the presidential office Honorable Donald J. Trump.

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A concerned citizen and independent voter,

Eliajah Meyer

AMERICAN OVERSIGHT

From: Hays, Alan <alan@lakevotes.com>
Sent: Tuesday, January 07, 2020 11:34 AM EST
To: Clark, Deborah <DClark@votepinellas.com>
CC: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>; Tammy Jones <tammy@votelevy.com>; Ronald Labasky <rlabasky@bplawfirm.net>; david@rambaconsulting.com <david@rambaconsulting.com>; Marcus, Julie <jmarcus@votepinellas.com>; Gillette, Marc <mgillette@votepinellas.com>; Chase, Dustin <dchase@votepinellas.com>; Closterman, Tim <ticlosterman@votepinellas.com>; Pena-Rosado, Alex <apenarosado@votepinellas.com>; Brian E. Corley <bcorley@pascovotes.com>
Subject: Re: Proposed Legislation - Address Appearing on Identification Presented at Polls

Thank you Deb!! Your note to Sen. Brandes is the most clear explanation I've seen. We definitely need to be able to inquire about the correct address for the very reason you noted.
Thanks for your help!!

Alan Hays
Sent from my iPad

On Jan 7, 2020, at 10:36, Clark, Deborah <DClark@votepinellas.com> wrote:

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Senator Brandes –

As a follow up to our phone conversation last week:

Your draft bill 24-01581-20 (attached) strikes the following language in 101.043(1)(b) – "The address appearing on the identification presented by the elector may not be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence."

Supervisors of Elections support this change because it allows poll workers to ask the voter if the address on their ID is current.

- If it is, the voter is in the correct voting precinct and will receive the correct ballot.
- If the address is not current but the voter lives in the precinct, the voter may file an address change and vote a regular ballot.
- If the address is not current and the voter does not live in the precinct, the voter will be given directions to the correct precinct polling place where they can file an address change and receive the correct ballot.

Supervisors of Elections support this change because it gives us the ability to ensure voters are casting ballots in their home precincts, as required by F.S. 101.045(1) – "A person is not permitted to vote in any election precinct or district other than the one in which the person has his or her legal residence…"

Poll workers only use picture and signature identification to confirm the voter's identity, as provided in F.S. 101.043 (1)(a) – "…for the purpose of identifying the elector at the polls…"

Identification is not used to determine whether the voter is eligible to vote.

Supervisors feel strongly that confirming voters' residential addresses to ensure they are given correct ballots is essential to the integrity of the election process.

If you have any additional questions, please contact me at (727) 424-0088.

Respectfully,

Deb

Deborah Clark, CERA
Supervisor of Elections
Pinellas County, Florida
13001 Starkey Rd, Largo FL 33773
727-464-4987
dclark@votepinellas.com

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Florida Statute 668.6076

From: Clark, Deborah
Sent: Wednesday, December 18, 2019 9:22 AM

AMERICAN OVERSIGHT

To: Thompson.Vanessa@flsenate.gov
Cc: Clark, Deborah <DClark@votepinellas.com>; Tammy Jones <tammy@votelevy.com>; 'Alan Hays - Lake' <alan@lakevotes.com>; Ronald Labasky <rlabasky@bplawfirm.net>; david@rambaconsulting.com; Marcus, Julie <jmarcus@votepinellas.com>; Chase, Dustin <dchase@votepinellas.com>; Gillette, Marc <mgillette@votepinellas.com>; Closterman, Tim <ticlosterman@votepinellas.com>; Pena-Rosado, Alex <apenarosado@votepinellas.com>
Subject: Legislation - Request for Input (Senator Brandes)

Vanessa –

I support the attached bill and appreciate Senator Brandes providing the opportunity to review the language.

Specifically, I want to thank Senator Brandes for proposing additional time to conduct the First Logic and Accuracy Test (line 43) from 10 days to 25 days. This will provide us with additional time to conduct pre-election activities, e.g., program voting equipment. The proposed language also helps to correct a technical issue created in SB 7066. The language the Senator is proposing allows Canvassing Boards to take full advantage of being able to canvass mail ballots 22 days prior to the election.

Also attached are the Florida Supervisors of Elections (FSE) legislative priorities for further consideration.

If you have any questions, my email address is dclark@votepinellas.com; this can be used for all direct correspondence rather than sending to election@votepinellas.com.

Have a safe and happy holiday season.

Sincerely,

Deborah Clark, CERA
Supervisor of Elections
Pinellas County, Florida
13001 Starkey Rd, Largo FL 33773
727-464-4987
dclark@votepinellas.com

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Florida Statute 668.6076

From: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Sent: Wednesday, December 4, 2019 1:59 PM
To: Mail, Election <election@votepinellas.com>
Subject: Senator Brandes - Legislation

Supervisor Clark,

Senator Brandes has been asked to file 2 pieces of legislation that he would like to run by you before doing anything.

At your convenience, would you be able to review and let us know your thoughts?

Thank you so much,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

<billdraft75627.elections.docx>

AMERICAN OVERSIGHT

From: Becky Afonso <becky@floridabicycle.org>
Sent: Tuesday, January 14, 2020 9:18 AM EST
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>; Brandes, Jeff (Web) <BRANDES.JEFF.WEB@flsenate.gov>
Subject: Re: SB 1148
Attachment(s): "2020 Bicycle Amendments.docx"

Happy First Day of Session!

I realize it is a busy time, but I did want to follow up on this email to see if you have any questions.

Thank you for the consideration,
Becky

Becky Afonso
Executive Director, Florida Bicycle Association
813-748-1513
PO Box 2452, Oldsmar, FL 34677
Like Us on Facebook - Follow Us on Twitter
Let's Ride Together - Join FBA!

On Fri, Jan 3, 2020 at 12:11 PM Becky Afonso <becky@floridabicycle.org> wrote:

> Melissa and Zach,
>
> I do hope both of you and Senator Brandes had a wonderful holiday break. I also wish to thank the Senator again for meeting with me prior to Christmas to discuss SB 1148.
>
> The Florida Bicycle Association is supportive of SB 1148 and HB 971. During our conversation on December 20, I asked the Senator to consider a few amendments to SB 1148 (attached as well):
>
> **Regarding bicycle helmets:**
> **316.2065 Bicycle regulations (current)**–
> (2)(d) A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203. ~~A helmet purchased before October 1, 2012, which meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department may continue to be worn by a bicycle rider or passenger until January 1, 2016.~~* As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.
>
> *FBA recommends an amendment to SB 1148 and HB 971 to strike out the language above due to the years in the current statute being past.
>
> **Regarding bicycle seat height:**
> **316.003 Definitions (current)** –
> (4) BICYCLE.—Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include ~~such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or~~* a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.
>
> * FBA recommends an amendment to SB 1148 and HB 971 to strike out the language above due to the restriction being imposed prior to the popularity of adult recumbents and recumbent tricycles. FBA has been informed by membership that insurance companies will not insure their recumbent bicycles or tricycles due to this restriction. These bicycles may be valued at $2,000 or more. The deletion has been discussed with the Florida Department of Transportation and is felt to be the best way to adjust the definition as opposed to creating definitions with every advance in technology.
>
> **Regarding current Bicycle definition and proposed Electric Bicycle definitions and Micro Mobility devices:**
> **316.003 Definitions (current)** –
> (4) BICYCLE.—Every vehicle propelled solely by human power, ~~and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more~~

AMERICAN OVERSIGHT

~~than 20 miles per hour on level ground upon which any person may ride~~*, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.

***SB 1148 and HB 971 propose the above strikeout language to current Bicycle statute** (FBA is recommending the highlighted language to be stricken, see above.)

SB 1148 and HB 971 provide the following for Electric Bicycle definitions:
(22) ELECTRIC BICYCLE.—A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications: (a) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour. (b) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour. (c) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.
(language highlighted to demonstrate need for amendment)

316.003 Definitions (current) –
(38) MICROMOBILITY DEVICE.—Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.*
(language highlighted to demonstrate need for amendment)

*FBA recommends an amendment to SB 1148 and HB 971 to change Micromobility Device definition to reflect a **Class 2 Electric Bicycle** as only the proposed Class 1 and Class 2 Electric Bicycle definitions would match up best with the Bicycle definition proposed by SB 1148 and HB 971 because both these Classes keep human power in the definition.

I appreciate your time and consideration of these proposed amendments. If you have any questions, please don't hesitate to contact me.

Happy 2020!
Becky

Becky Afonso
Executive Director, Florida Bicycle Association
813-748-1513
PO Box 2452, Oldsmar, FL 34677
Like Us on Facebook - Follow Us on Twitter
Let's Ride Together - Join FBA!



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Regarding bicycle helmets:
316.2065 Bicycle regulations (current)–
(2)(d) A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203. ~~A helmet purchased before October 1, 2012, which meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department may continue to be worn by a bicycle rider or passenger until January 1, 2016.~~* As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.

*FBA recommends an amendment to SB 1148 and HB 971 to strike out the language above due to the years in the current statute being past.

Regarding bicycle seat height:
316.003 Definitions (current) –
(4) BICYCLE.—Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include ~~such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or~~* a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.

* FBA recommends an amendment to SB 1148 and HB 971 to strike out the language above due to the restriction being imposed prior to the popularity of adult recumbents and recumbent tricycles. FBA has been informed by membership that insurance companies will not insure their recumbent bicycles or tricycles due to this restriction. These bicycles may be valued at $2,000 or more. The deletion has been discussed with the Florida Department of Transportation and is felt to be the best way to adjust the definition as opposed to creating definitions with every advance in technology.

Regarding current Bicycle definition and proposed Electric Bicycle definitions and Micro Mobility devices:
316.003 Definitions (current) –
(4) BICYCLE.—Every vehicle propelled solely by human power, ~~and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride~~*, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.

***SB 1148 and HB 971 propose the above strikeout language to current Bicycle statute** (FBA is recommending the highlighted language to be stricken, see above.)

SB 1148 and HB 971 provide the following for Electric Bicycle definitions:
(22) ELECTRIC BICYCLE.—A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications: (a) "Class 1 electric bicycle" means an electric bicycle equipped

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with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour. (b) “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour. (c) “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.
(language highlighted to demonstrate need for amendment)

316.003 Definitions (current) –
(38) MICROMOBILITY DEVICE.—Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.*
(language highlighted to demonstrate need for amendment)

*FBA recommends an amendment to SB 1148 and HB 971 to change Micromobility Device definition to reflect a Class 2 Electric Bicycle as only the proposed Class 1 and Class 2 Electric Bicycle definitions would match up best with the Bicycle definition proposed by SB 1148 and HB 971 because both these Classes keep human power in the definition.

AMERICAN OVERSIGHT

From: Thompson, Vanessa
Sent: Friday, January 31, 2020 12:07 PM EST
To: Marcus, Julie <jmarcus@votepinellas.com>
Subject: RE: SB 1372 - Elections

In drafting!

Thank you for working this out, Julie!

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

From: Marcus, Julie <jmarcus@votepinellas.com>
Sent: Friday, January 31, 2020 12:00 PM
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: SB 1372 - Elections

Vanessa –

As we discussed on the phone -

- The FSE supports ***inserting*** the following language in Section 5.

  "Notwithstanding the qualifying period prescribed in this section, a qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period."

  Same language that is in F.S. 99.061(8).

- The FSE support ***keeping*** "not earlier than noon of the 71st day, or" (line 135). No strikethrough.

Please let me know if you have any questions.

Thank you for your time and consideration.

Julie

Julie K. Marcus, Chief Deputy
Representing Deborah Clark, Supervisor of Elections, Pinellas County
13001 Starkey Road
Largo, Florida 33773
Phone:(727) 464-5710 ~ Fax:(727) 453-3058
jmarcus@votepinellas.com

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. -- F.S. 668.6076

Conforme a la legislación de Florida, las direcciones de correo electrónico son registros públicos. Si no desea que su correo electrónico se divulgue como respuesta a una solicitud de registros públicos, no envíe un correo electrónico a esta entidad. En su lugar, póngase en contacto con esta oficina por teléfono o por escrito. -- F.S. 668.6076

AMERICAN OVERSIGHT

From: Brandes, Jeff
Sent: Thursday, January 09, 2020 1:57 PM EST
To: Zachariah Chou <zachariahchou@gmail.com>
Subject: Re: SB 1372 Voter ID Provision

Senate Bill 1372 was a list of concepts and clean up language brought to me by the Florida Supervisors of Elections (FSE) and unanimously approved by their bipartisan board.

The language in Section 1 is an attempt to clean up a conflict in Florida law. The language drafted by staff did not accurately portray the intent of the clarification.

Poll workers in Florida take an oath to uphold Florida's election laws (§101.24 and 102.012, F.S.). When those laws conflict as it relates to their duties, we must try and resolve those conflicts. Florida Statute 101.043 is one of those statutes.

Paragraph (b) in section 1 of that statute requires that:

"The address appearing on the identification presented by the elector may not be used as the basis to confirm an elector's legal residence or to otherwise challenge an elector's legal residence."

Compare this to the language in paragraph (c) of that same section:

"When an elector presents his or her picture identification and the elector's address on the picture identification matches the elector's address in the supervisor's records, the elector may not be asked to provide additional information or to recite his or her home address."

The very act seemingly required in paragraph (c) – matching the address on the ID with the address in the supervisor's records – clearly violates the provision in paragraph (2) that the "address appearing on the identification presented . . . **may not** be used . . . to **confirm** an elector's legal residence . . . [emphasis added]."

The best way to resolve this would be to strike only the provision against "confirming" the address by matching it; thus keeping the protection for the voter that the address on their ID cannot be used as the sole basis to challenge a voter's eligibility.

Happy to talk by phone my number is 727-408-0543.

Sent from my iPhone

> On Jan 9, 2020, at 9:49 AM, Zachariah Chou <zachariahchou@gmail.com> wrote:

AMERICAN OVERSIGHT

From: Zachariah Chou <zachariahchou@gmail.com>
Sent: Thursday, January 16, 2020 2:14 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Re: SB 1372 Voter ID Provision

Good afternoon,

Just wanted to follow up on this email!

Warmly,
Zachariah Chou

On Fri, Jan 10, 2020 at 10:26 AM Zachariah Chou <zachariahchou@gmail.com> wrote:

> Good afternoon,
>
> Thank you for explaining the context of the changes and how they came to be. I have just a couple quick follow up questions I think would be faster for you to answer on email than a call.
>
> What do you expect will happen if an address on an ID does not match the address on file? To my understanding the clerk would now be able to say they noticed my driver's license doesn't match my address on file and I would have to let them know I still intend on voting with respect to the address I have on file. Would I then just go ahead and vote anyhow once I have provided that additional information and assured them I'm voting in the right precinct?
>
> Just so I'm completely clear on this, would this bill require matching addresses on Florida voter IDs and registrations in order to vote?
>
> Warmly,
> Zachariah Chou
>
> On Fri, Jan 10, 2020 at 3:57 AM Brandes, Jeff <BRANDES.JEFF@flsenate.gov> wrote:
>
>> Senate Bill 1372 was a list of concepts and clean up language brought to me by the Florida Supervisors of Elections (FSE) and unanimously approved by their bipartisan board.
>>
>> The language in Section 1 is an attempt to clean up a conflict in Florida law. The language drafted by staff did not accurately portray the intent of the clarification.
>>
>> Poll workers in Florida take an oath to uphold Florida's election laws (§101.24 and 102.012, F.S.). When those laws conflict as it relates to their duties, we must try and resolve those conflicts. Florida Statute 101.043 is one of those statutes.
>>
>> Paragraph (b) in section 1 of that statute requires that:
>>
>> "The address appearing on the identification presented by the elector may not be used as the basis to confirm an elector's legal residence or to otherwise challenge an elector's legal residence."
>>
>> Compare this to the language in paragraph (c) of that same section:
>>
>> "When an elector presents his or her picture identification and the elector's address on the picture identification matches the elector's address in the supervisor's records, the elector may not be asked to provide additional information or to recite his or her home address."
>>
>> The very act seemingly required in paragraph (c) – matching the address on the ID with the address in the supervisor's records – clearly violates the provision in paragraph (2) that the "address appearing on the identification presented . . . **may not** be used . . . to **confirm** an elector's legal residence . . . [emphasis added]."
>>
>> The best way to resolve this would be to strike only the provision against "confirming" the address by matching it; thus keeping the protection for the voter that the address on their ID cannot be used as the sole basis to challenge a voter's eligibility.
>>
>> Happy to talk by phone my number is 727-408-0543.
>>
>> Sent from my iPhone
>>
>>> On Jan 9, 2020, at 9:49 AM, Zachariah Chou <zachariahchou@gmail.com> wrote:

--
PLEASE NOTE: Florida public records law is extremely broad. In accordance with Florida State Statutes (F.S. 119), email addresses and any/all information contained herein may constitute public records. If you do not wish your private information released in a public records request, you are hereby advised not to send messages to this entity.

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PLEASE NOTE: Florida public records law is extremely broad. In accordance with Florida State Statutes (F.S. 119), email addresses and any/all information contained herein may constitute public records. If you do not wish your private information released in a public records request, you are hereby advised not to send messages to this entity.

AMERICAN OVERSIGHT

From: Olivia Naugle <onaugle@mpp.org>
Sent: Tuesday, October 15, 2019 12:05 PM EDT
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
CC: kokeefe@mpp.org <kokeefe@mpp.org>
Subject: Re: Senator Brandes Draft Marijuana Legislation
Attachment(s): "Florida Adult-Use Specific Recommendations.docx"

Vanessa,

I wanted to follow up with some sample bill language for some of the areas where we recommended additions or tweaks to the draft bill. Please see the document attached. We'd be happy to answer any questions the Senator may have.

Best,
Olivia

On Wed, Oct 9, 2019 at 9:41 AM Thompson, Vanessa <Thompson.Vanessa@flsenate.gov> wrote:

> Olivia and Karen,
>
> Thank you SO much. You really gave us a lot of great things to consider putting in our legislation. I will have the Senator review all of this and we will absolutely get back to you with any questions we may have – I am certain there will be plenty! Additionally, as we redraft the legislation I will be sure to pass it along to you so we can get your eyes on it.
>
> Thanks again,
>
> **Vanessa Thompson**
>
> Legislative Assistant to State Senator Jeff Brandes
>
> Thompson.Vanessa@flsenate.gov
>
> District: (727) 563-2100
> Capitol: (850) 487-5024
>
> Jeff Brandes – District 24
>
> **From:** Olivia Naugle <onaugle@mpp.org>
> **Sent:** Tuesday, October 8, 2019 3:04 PM
> **To:** Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
> **Cc:** Karen O'Keefe <kokeefe@mpp.org>
> **Subject:** Re: Senator Brandes Draft Marijuana Legislation
>
> Vanessa,
>
> Thank you and Senator Brandes again for the opportunity to review the draft legislation and provide feedback. I have attached our written suggestions discussed on our call here. I've also attached two documents —1.) A breakdown of taxes in adult-use states 2.) an overview of tax revenue in adult-use states— for reference.
>
> We'd be happy to follow-up with specific bill language re our suggestions, key issues, etc. in the future. Please feel free to reach out.
>
> Best,
> Olivia

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On Wed, Oct 2, 2019 at 9:16 AM Thompson, Vanessa <Thompson.Vanessa@flsenate.gov> wrote:

> Hi Olivia,
>
> Senator Brandes asked that I send our draft marijuana legislation your way.
>
> The Senator is hoping to get your thoughts on the bill overall and potentially talk through a taxing structure.
>
> Please let me know if you need anything else. I look forward to speaking with you in the near future.
>
> Kind Regards,
>
> **Vanessa Thompson**
>
> Legislative Assistant to State Senator Jeff Brandes
>
> Thompson.Vanessa@flsenate.gov
>
> District: (727) 563-2100
> Capitol: (850) 487-5024
>
> Jeff Brandes – District 24

--

Sincerely,

Olivia Naugle, Legislative Coordinator

Marijuana Policy Project

Washington, D.C. 20009

Onaugle@mpp.org

http://www.mpp.org

--
Sincerely,
Olivia Naugle, Legislative Coordinator
Marijuana Policy Project
Washington, D.C. 20009
Onaugle@mpp.org
http://www.mpp.org

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Feedback for Senator Brandes' Adult-Use Bill

We are grateful for Sen. Brandes' leadership on marijuana policy and his receptivity to suggestions. Below is sample language for some of the areas where we recommended additions or tweaks to the draft bill, along with two additional general recommendations.

Clarifying that Adult-Use Only Businesses Are Allowed (new recommendation)

- We understand the intent is to allow adult-use *only* growers, processors, and retailers, not just MMTCs. However, the bill refers only to MMTCs when it refers to cannabis businesses. We recommend clarifying the language throughout to ensure there are clear legal protections, regulatory requirements, and licensing procedures for adult-use only businesses.

  For example:
  - Ø lines 445-448 only reference employee identification cards for MMTCs.
  - Ø lines 450-471 only reference MMTCs in reference to seed-to-sale tracking.
  - Ø lines 472-1121, 1174-1375 refer to registration procedures, inspections, and rules for MMTCs only.
  - Ø The legal protections in lines 1487-1496 and 1505-1511 only apply to MMTCs.
  - Ø lines 439-440 clarify that MMTCs are medical marijuana treatment centers, providing "medical marijuana treatment centers (MMTCs)."

Ensuring Free Market Licensing (new recommendation)

- We suggest including more specific language to ensure the licensing is truly free-market, and that all applicants that meet the requirements — and are allowed locally — are issued licenses by a date certain (such as within 90 days of submitting their application).

  Possible language:

  (xx) Within 90 days after receiving an application or renewal application, the department shall issue a registration to the [adult-use business] applicant, unless the department finds:
  (i) the applicant did not submit the materials required by section [xx], or
  (ii) the applicant is not in compliance with regulations enacted pursuant to [xx], or
  (iii) the department is notified by the relevant locality that the applicant is not in compliance with ordinances and regulations made pursuant to [xx].

Defining a Possession Limit

- Rather than allowing a "70-day supply" for adults, there should be a clear, specific possession limit for non-flower marijuana (lines 1542-1543)

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- Ten grams of concentrates and infused products up to 2,000 mg THC are about the equivalent of 2.5 ounces of flower.
- The weight/ THC-based limit should also be used for dispensing to adults, rather than a 70-day supply. (lines 860-868)

Since the limit will likely be referenced in many places, it is easiest to make it a defined term.

Suggested language:

"Possession limit" means:
(i) 2.5 ounces of marijuana, not including concentrated marijuana and marijuana products;
(ii) 10 grams of concentrated marijuana; and
(iii) Marijuana products containing no more than 2,000 milligrams of THC.

"Marijuana products" means products that are comprised of marijuana and other ingredients and are intended for use or consumption, including but not limited to, edible products, ointments, and tinctures.

Authorizing — and Regulating — Paraphernalia

- We recommend allowing adults 21+ to possess paraphernalia (for storage, not just delivery).
- In addition, the manufacture and sale of paraphernalia by businesses other than MMTCs should be explicitly "authorized."
  - Otherwise, cannabis businesses buying equipment to grow and store marijuana from other vendors would likely be illegal if the vendor has reason to know what it's intended for, which would be pretty obvious.

If paraphernalia is *authorized* under state law, it's federally legal, too. 21 USC 863(f)

It may also be a good idea to include language directing the health department to regulate paraphernalia used for inhalation, in light of the recent lung illnesses.

Suggested language:

(a) Notwithstanding any other provision of law, except as provided in this section, it is not unlawful and shall not be an offense under Florida law or the law of any political subdivision of Florida or be a basis for seizure or forfeiture of assets under Florida law for persons 21 years of age or older to manufacture, possess, or purchase marijuana paraphernalia, or to distribute or sell marijuana paraphernalia to a person who is 21 years of age or older.
(b) Except as provided in this section, a person who is 21 years of age or older is authorized to manufacture, possess, and purchase marijuana paraphernalia,

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and to distribute or sell marijuana paraphernalia to a person who is 21 years of age or older.
(c) This section is intended to meet the requirements of subsection (f) of Section 863 of Title 21 of the United States Code (21 U.S.C. Sec. 863(f)) by authorizing, under state law, any person in compliance with this section to manufacture, possess, or distribute marijuana paraphernalia.
(d) This section does not allow any person to manufacture, distribute, or sell marijuana paraphernalia that violates reasonable regulations enacted by the department.

[and the department-developed regulations will include]
(xx) Reasonable health and safety restrictions on marijuana paraphernalia that may be manufactured or sold in Florida. The department may prohibit vaporizers that are reasonably believed to pose hazards, but may not completely prohibit or unreasonably restrict the manufacture or sale of vaporization devices.

Sharing Marijuana Among Adults, Clarifying Legal Protections

- The bill should allow sharing with other adults of the personal-use amounts. Adults use marijuana socially. Adults who live together, including spouses, typically share cannabis products, rather than buying separate supplies, just as they do with all kinds of other consumable items (wine, food, etc.).

The below suggestion would also ensure that localities cannot criminalize cannabis possession and would otherwise clarify legal protections for adults.

Suggested language to replace 1535-1550:

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, except as otherwise provided in this chapter, the following acts are not unlawful and shall not be a criminal or civil offense under Florida law or the law of any political subdivision of Florida or be a basis for seizure or forfeiture of assets under Florida law for persons 21 years of age or older:
(1) Possessing, consuming, using, purchasing, or transporting an amount of marijuana that does not exceed the possession limit;
(2) Possessing, purchasing, manufacturing, or transporting marijuana paraphernalia, or selling it to a person who is 21 years of age or older;
(3) Transferring an amount of marijuana that does not exceed the possession limit to a person who is 21 years of age or older without remuneration. For purposes of this section, a transfer is for remuneration if marijuana is given away contemporaneously with another transaction between the same parties, if a gift of marijuana is offered or advertised in conjunction with an offer for sale of goods or services, or if the gift of marijuana is contingent upon a separate transaction for goods or services.

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(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, except as otherwise provided in this chapter, the following acts, when performed by a licensed MMTC ***[or other adult-use licensee?]****, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee, or agent of a licensed MMTC* ***[or other adult-use licensee?]****, are not unlawful and shall not be an offense under [State] law or be a basis for seizure or forfeiture of assets under [State] law: Engaging in any activities involving marijuana or marijuana products if the activities are within the scope of activities the MMTC* ***[or other adult-use licensee?] is permitted to engage in pursuant to a facility permit****.*
(c) Nothing in this section prevents the imposition of penalties for violating this chapter or rules adopted by the department or localities pursuant to this chapter.

Protections for Property Owners and Renters

- The bill should provide that landlords may not prevent tenants from possessing or using marijuana via non-smoked means. (lines 1549-1550)

Rather than "This section does not limit the ability of a private property owner to restrict the use of marijuana on his or her private property," this language could be used:

(a) Except as provided in this section, the provisions of this chapter do not require any person, corporation, or any other entity that occupies, owns, or controls a property to allow the consumption, cultivation, display, sale, or transfer of marijuana on or in that property.
(b) In the case of the rental of a residential dwelling, a landlord may not prohibit the possession of marijuana or the consumption of marijuana by non-smoked means unless:
(1) The tenant is a roomer who is not leasing the entire residential dwelling;
(2) The residence is incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar service;
(3) The residence is a transitional housing facility; or
(4) Failing to prohibit marijuana possession or consumption would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

Home Cultivation Study

- The bill should create a formal study on home cultivation to report back with findings and recommendations by a certain date.

Possible language:

The department shall commission or conduct a study to determine if adults who are 21 years of age or older should be allowed to cultivate marijuana for personal

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use, and to determine what restrictions should apply to home cultivation. The study shall include consideration of:
(a) reasonable precautions to ensure that the plants are secure from unauthorized access or access by any individual under 21 years of age,
(b) the location where such marijuana may be grown, and
(c) any other related public safety or regulatory issues the department deems necessary.
Not later than January 1, 2021, the department shall report the conclusions of the study to the [xx committees of the] legislature.

***Note**: We are checking with an ally regarding suggestions to this language and my circle back with a modified recommendation.*

Social Equity and Diversity

- The bill should include provisions to foster equity and diversity in the industry.

  At a minimum, it should include language such as:

  [Regulators must develop …] Procedures and policies to promote and encourage full participation in the regulated marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities.

  — and —

  Requiring yearly reporting by each [MMTC and other cannabis business] to the department regarding the diversity of its workforce, managerial positions, and ownership, the overall percentages of which the department shall make available to the public.

  Other worthwhile possibilities include:
  - Providing technical assistance for social equity applicants (and defining such applicants, such as those from communities with disproportionate marijuana arrests or those from communities with high poverty and high unemployment)
  - Providing for low-interest loans for social equity applicants, which can be funded by marijuana tax revenue
  - Providing a head start for applications filed by social equity applicants
  - Requiring licensees to establish and adhere to policies to encourage diversity in the workplaces

Consumer Privacy

- The bill should ensure regulators do not require information to be collected on adult-use consumers to protect privacy and in light of federal law. It should also protect consumers from improper data disclosure from businesses.

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Suggested language:

(xx) In order to ensure that individual privacy is protected, the department shall not require a consumer to provide a [MMTC or other licensee] with personal information other than government-issued identification to determine the consumer's age, and a [MMTC or other licensee] shall not be required to acquire and record personal information about consumers.

— and —

[around line 1336, listing conduct an MMTC can be fined for]

5. Improperly disclosing information about customers, including sharing names, addresses, and contact information of customers without their permission.

Preventing Medical Marijuana Shortages

- The bill should include language to avoid medical cannabis shortages and price hikes for patients during a transition period.

Sample language:

Any MMTCs applying to the Department of Business and Professional Regulation [for a license to serve adult-use consumers] must submit a plan explaining how the MMTC intends to continue serving qualified patients without increasing prices or reducing product availability.
[Regulators must establish]
(ii) procedures to suspend any MMTC licensed as an [adult-use business] that has failed to maintain reasonable prices and product availability for qualified patients during the first two years after the MMTC was issued [an adult-use license].

It may also be a good idea to allow regulators to take other actions if there are widespread issues with price hikes and shortages of medical cannabis. For example, if such issues arise, they could be allowed to impose smaller purchase limits for non-patients or even suspend adult-use sales.

Anti-Discrimination Protections

- We recommend including non-discrimination protections so cannabis consumers aren't denied medical care, child custody, and/or employment. The bill should include exceptions for if there's a clinical reason for denying the medical care, a parent endangers a child, an employee is impaired at work, or federal law or contracts require the action to be taken.

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Suggested language:

(a) (1) Except as provided in this section, an employer may not discipline, refuse to hire, or take adverse action against an employee or prospective employee because the person uses or used marijuana outside of work.
(2) Except as provided in this section, an employer may not discipline, refuse to hire, or take adverse action against an employee or prospective employee due to the presence of metabolites or components of marijuana in a person's bodily fluids.
(3) Nothing in this section prohibits an employer from disciplining, discharging, or otherwise taking an adverse employment action against an employee for working while under the influence of marijuana or for possessing or using marijuana during work hours or at a place of employment.
(b) (1) Medical care, including an organ or tissue transplant, may not be denied based on the status of marijuana under federal law.
(2) The use of marijuana or presence of metabolites or components of marijuana in a person's bodily fluids may only be considered with respect to the possible denial of medical care, including an organ transplant, in terms of evidence-based clinical criteria.
(c) A person shall not be denied custody of or visitation rights or parenting time with a minor solely due to the use of marijuana, or other actions allowed under this chapter, and there shall be no presumption of neglect or child endangerment unless the person's behavior is such that it creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.
(d) The rights provided by this section do not apply to the extent that they conflict with an employer or other person's obligations under federal law or regulations, or to the extent that they would disqualify an employer or other person from a monetary or licensing-related benefit under federal law or regulations.

Prohibiting Host Community Agreements

- In Massachusetts, localities negotiate specific "host community agreements" with cannabis businesses, which involve financial benefits that the individual business agrees to. This has caused a lot of controversy and an air of impropriety and unfair favoritism. A mayor has been indicted for bribery in relation to local licensing.

Possible language (line 1109):

Municipalities may not require, request, or accept financial contributions or similar benefits from marijuana businesses other than generally applicable taxes and fees.

Ensuring Appropriate Names/Logos

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- The bill provides "An MMTC's trade name and logo may not contain wording or images … which promote recreational use of marijuana." We recommend revising this to be more specific regarding what is prohibited. The current language is vague and almost any name or logo could arguably be prohibited since the signs will all be for stores that sell adult-use marijuana. (1185-1186).

  Suggested language:

  [The department shall develop:]

  - *requirements that the [business's] trade name, logo, advertising, and signage must be tasteful and that it may not appeal to minors, contain cartoon-like figures, attempts at humor, or marijuana-related slang; and*
  - *requirements that the [business] must submit any logo or trade name for review to regulators in accordance with regulations.*

Enforceability of Contracts

- The bill should provide that it's the policy of Florida that contracts related to marijuana are enforceable (such as a contract between a landlord and a cannabis business, or between two cannabis businesses). Otherwise, courts may rule that entire contracts are void and contrary to public policy, due to federal law.

Suggested language:

It is the public policy of this state that contracts related to the operation of a MMTC [or other marijuana establishment] should be enforceable. It is the public policy of this state that no contract entered into by a MMTC [or other marijuana establishment] or its employees or agents, or by those who allow property to be used by an establishment, its employees, or its agents, shall be unenforceable on the basis that cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, or using marijuana is prohibited by federal law.

Professional Licensing

- The bill should provide that CPAs, lawyers, and other professionals who provide services to marijuana businesses and applicants cannot be subject to professional discipline on the basis that marijuana is illegal under federal law.

Suggested language:

(a) A holder of a professional or occupational license may not be subject to professional discipline for providing advice or services related to a MMTC [or other marijuana establishment] or applications to operate marijuana establishments on the basis that marijuana is illegal under federal law.
(b) An applicant for a professional or occupational license may not be denied a license based on previous employment related to MMTCs [or other marijuana establishments] in accordance with state law.

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From: segii@aol.com <segii@aol.com>
Sent: Sunday, January 26, 2020 1:22 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Re: Short Term Rentals

Senator Brandes,

While we acknowledge and appreciate the progress of this legislation from previous years, especially with the addition of language intended to not "supersede" community associations and their duly adopted governing documents, this legislation now creates, at a minimum, significant concerns for Redington Towers Condominium Association, Inc. Association for these reasons:

1. **Insufficient Protections for Homeowners.** In the original bill, Lines 202-208 provide some needed protections for Community Association documents by stating "the Legislature does not intend to supersede" an Association's governing documents. However, the question then becomes: what if the legislation does supersede an Association's governing documents related to short term rentals? Our solution would be to replace the current language in Section 6 with the following:

   "This act does not supersede restrictions, that prohibit or limit public vacation rentals or public lodging establishments, which are contained within any current or future declaration or declaration of condominium adopted pursuant to chapter 718, Florida Statutes, cooperative documents adopted pursuant to chapter 719, Florida Statutes, or governing documents adopted pursuant to chapter 720, Florida Statutes, or within amendments to any of the foregoing."

2. **Constitutional Property Rights for Short Term Rental Operators.** Lines 86-90 of the original bill state the following "constitutional right" for Short Term Rental operators:

   "Property owners who choose to use their property as a vacation rental have constitutionally protected property rights and other rights that must be protected, including the right to use their residential property as a vacation rental." By stating a constitutional right for short term rental operators, the bill disregards a homeowner's legal obligation to comply with the rules when they purchased their home, as everyone else must do. We request you REMOVE this language from the bill.

3. Permitting Unauthorized Short Term Rentals in Neighborhoods. Lines 96-98 of the original bill state unequivocally:

   "Vacation rentals are residential in nature, a residential use, and thus permitted in residential neighborhoods." In other words, short term rentals could be allowed regardless of whether an Association's governing documents authorizes them because short term rentals are "residential". We request you REMOVE this language from the bill.

At best, the legislation, as drafted without our requested changes, contradicts itself and creates significant uncertainty as to whether the rules of a Community Association apply to everyone.

At worst, the legislation exposes homeowners and their Community Associations to legal liability by statutorily authorizing short term rentals regardless of whether or not a Community Association authorizes them.

Please make the changes we have suggested to this legislation to protect your homeowners.

As owners and as an Association, we have worked very hard to keep our property attractive and in good repair. Our documents state a 3 month minimum rental, because we found that short-term renters quite often do not treat our property or other residents with the respect that is deserved. Our owners, themselves, made the decision to restrict rentals to a 3 month minimum, so this restriction should be allowed to prevail.

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Thank you for your consideration.

Sincerely,

Christine M. Cook, Owner, Former Board Member and Treasurer

Redington Towers Condominium Association, Inc.

Redington Shores, Florida

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From: Dawn Bauman <dbauman@caionline.org>
Sent: Wednesday, November 13, 2019 9:50 PM EST
To: Dominick Scannavino <DScannavino@mgmt-assoc.com>; danny@dannyburgessfl.com <danny@dannyburgessfl.com>
CC: Sprowls, Chris <Chris.Sprowls@myfloridahouse.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Travis W. Moore <travis@moore-relations.com>
Subject: RE: VA Benefits
Attachment(s): "38 CFR 36.4362 Lending Rule for VA.pdf"

Dear Director Burgess,

The issue at hand is related to the right of first refusal and the VA lending guidelines. As you see from the attached rule, VA does back loans for housing that is subject to a first right of refusal. Many governing documents in condominiums have a first right of refusal clause that could be beneficial for the financial integrity of the community. Even if the community were to choose to remove the first right of refusal, it is very challenging for community associations to amend covenants as the amendment process typically sets forth a process that requires 2/3 of the owners in the community to vote to support the amendment. The problem is not usually related to support of an issue rather it is related to getting people to vote. The VA lending guidelines are attached and the specific clause regarding Right of First Refusal is below.

(5) *Right of first refusal.* The right of a unit owner to sell, transfer, or otherwise convey his or her unit in a condominium shall not be subject to any right of first refusal or similar restriction if the declaration or similar document is recorded on or after December 1, 1976. If the declaration was recorded prior to December 1, 1976, the right of first refusal must comply with § 36.4854(b)(5)(ii); Provided, however, restrictions on the basis of age or restrictions established by a State, Territorial, or local government agency as part of a program for providing assistance to low- and moderate-income purchasers shall be governed by § 36.4854(b)(5)(iv).

I welcome the opportunity to participate in the conversation moving forward. Thank you for your service and your leadership.

Very truly yours,

Dawn M. Bauman, CAE
Senior Vice President, Government & Public Affairs
Community Associations Institute
6402 Arlington Blvd., Suite 500
Falls Church, VA 22042
(703) 970-9224 Direct
(703) 867-5588 Mobile
(888) 224-4321 Toll Free

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From: Dominick Scannavino <DScannavino@mgmt-assoc.com>
Sent: Wednesday, November 13, 2019 4:33 PM
To: danny@dannyburgessfl.com
Cc: Chris.Sprowls@myfloridahouse.gov; brandes.jeff@flsenate.gov; Dawn Bauman <dbauman@caionline.org>; Travis W. Moore <travis@moore-relations.com>
Subject: VA Benefits

Danny Burgess Executive Director of Veterans Affairs
35358 State Road 54
Zephyrhills Fl. 33541

Dear Director,
Please let me take this opportunity to introduce myself. My name is Dominick Scannavino President of the Council of Neighborhood Associations (CONA) and a Delegate with the Community Association Institutes Florida Legislative Alliance (CAI-FLA). I met you several times while you were in the legislature and a recent West Pasco Republican Club dinner.
During our groups visit to Tallahassee last week, among the thirty legislators we met with, we met with Senator Brandes. Our discussion was confined to common interest communities. During that conversation the topic of Veterans came up. Apparently Veterans desirous of obtaining a V.A. Loan to purchase a condominium and in certain Home Owner associations are disqualified because of a first right of refusal language in the associations governing documents placed by developers while they were or are in control of the associations. After control of the association is turned over to the membership the documents can be amended,

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however it would require a super majority of the membership to change the documents which is almost an impossible task. Senator Brandes indicated that if we could find the wording necessary to present to the legislature this would be a tremendous accomplishment.
Subsequent our meeting with Senator Brandes I met with Representative Sprowls, who I dearly support, and presented this very delicate challenge to him. Chris suggested I bring this matter to you for guidance and help.
I will also contact Congressman Bilirakis for his guidance as well.
Director I'm sure you agree that giving a life time service to our Country by our Vet's, only to be turned down for a benefit Veterans rightly deserve is a travesty.
I look forward to speaking with you regarding this most urgent matter.

Dominick Scannavino, President
Management And Associates
720 Brooker Creek Boulevard 206
Oldsmar Florida, 33677
813-433-2000
www.mgmt-assoc.com



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AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

other enabling documentation must be approved by the Secretary. The declarant should have proposed amendments reviewed prior to recordation. This provision does not apply to amendments which annex additional phases to the condominium regime in accordance with a general plan of development (§§ 36.4864(a)(3) and 36.4865(b)(6)).

(Authority: 38 U.S.C. 3703(c)(1), 3710(a)(6))

(d) *Real property descriptions in the declaration*—(1) *Clarity—conformity with the law of the jurisdiction.* The description of the units, common elements, any recreational facilities and other related amenities, and any limited common elements shall be clear and in conformity with the law of the jurisdiction where the project is located. Responsibility for maintenance and repair of all portions of the condominium shall be set forth clearly.

(2) *Developmental plan—proposed condominiums.* The declaration or other legally enforceable and binding document must state in a reasonable manner the overall development plan of the condominium, including building types, architectural style and the size of the units for those phases of the condominium which are required to be built. Under the applicable provisions of the declaration or such other legally enforceable and binding document, the development of the required portion of the condominium must be consistent with the overall plan, except that the declarant may reserve the right to change the overall plan or decide not to construct planned units or improvements to the common elements if the declaration sets forth the conditions required to be satisfied prior to the exercise of that right the time within which the right may be exercised, and any other limitations and criteria that would be necessary or appropriate under the particular circumstances. Such conditions, time restraints and other limitations must be reasonable in light of the overall plan for the condominium. In an expandable project, additional phases which are not required to be built may be described in the development plan in very general terms, or the declaration may provide that the declarant makes no assurances concerning the construction, building types, architectural style and size of the units, etc. of these phases. However, the minimum number of units to be built should be that which would be adequate to reasonably support the common elements. (See § 36.4864(a)(6).)

(Authority: 38 U.S.C. 3703(c)(1), 3710(a)(6))

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0448)

§ 36.4362 Rights and restrictions.

(a) *Declarant's rights and restrictions*—(1) *Disclosure and reasonableness of reserved rights.* Any right reserved by the declarant must be reasonable and set forth in the declaration.

(2) *Examples of reserved rights of declarant, sponsor, or affiliate of declarant which are usually unacceptable.* Binding the owners' association either directly or indirectly to any of the following agreements is not acceptable unless the owners' association shall have a right of termination thereof which is exercisable without penalty at any time after transfer of control, upon not more than 90 days' notice to the other party thereto:

(i) Any management contract, employment contract or lease of recreational or parking areas or facilities.

(ii) Any contract or lease, including franchises and licenses, to which a declarant is a party.

(iii) The requirements of paragraphs (a)(2)(i) and (ii) of this section do not apply to acceptable ground leases.

(3) *Examples of reserved rights which are usually acceptable.* The following rights in the common elements may usually be reserved by the declarant for a reasonable period of time, subject to a concomitant obligation to restore:

(i) Easement over and upon the common elements and upon lands appurtenant to the condominium for the purpose of completing improvements for which provision is made in the declaration, but only if access thereto is otherwise not reasonably available.

(ii) Easement over and upon the common elements for the purpose of making repairs required pursuant to the declaration or contracts of sale made with unit purchasers.

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FL-SEN-20-0201-B, 20-0202-A-005663

(iii) Right to maintain facilities in the common areas which are identified in the declaration and which are reasonably necessary to market the units. These may include sales and management offices, model units, parking areas, and advertising signs.

(Authority: 38 U.S.C. 3704(c)(1), 3710(a)(6))

(b) *Owners' association's rights and restrictions*—(1) *Right of entry upon units and limited common elements.* The owners' association shall be granted a right of entry upon unit premises and any limited common elements to effect emergency repairs, and a reasonable right of entry thereupon to effect other repairs, improvements, replacement or maintenance as necessary.

(2) *Power to grant rights and restrictions in common elements.* The owners' association should be granted other rights, such as the right to grant utility easements under, through or over the common elements, which are reasonably necessary to the ongoing development and operation of the project.

(3) *Responsibility for damage to common elements and units.* A provision may be made in the declaration or bylaws for allocation of responsibility for damages resulting from the exercise of any of the above rights.

(4) *Assessments*—(i) *Levy and collection.* The declaration or its equivalent shall describe the authority of the owners' association to levy and enforce the collection of general and special assessments for common expenses and shall describe adequate remedies for failure to pay such common expenses. The common expenses assessed against any unit, with interest, late charges, costs and a reasonable attorney's fee shall be a lien upon such unit in accordance with applicable law. Each such assessment, together with interest, late charges, costs, and attorney's fee, shall also be the personal obligation of the person who was the owner of such unit at the time the assessment fell due. The personal obligation for delinquent assessments shall not pass to successors in title or interest unless assumed by them, or required by applicable law. Common expenses as used in this subdivision shall mean expenditures made or liabilities incurred by or on behalf of the owners' association, together with any assessments for the creation and maintenance of reserves.

(ii) *Reserves and working capital.* There shall be in new or proposed condominium projects (including conversions) a provision for an adequate reserve fund for the periodic maintenance, repair and replacement of the common elements, which fund shall be maintained out of regular assessments for common expenses. Additionally, a working capital fund must be established for the initial months of the project operations equal to at least a 2 months' estimated common area charge for each unit.

(iii) *Priority of lien.* Any assessment lien must be subordinate to any Department of Veterans Affairs guaranteed mortgage except as provided in § 36.4856. A lien for common expense charges and assessments shall not be affected by any sale or transfer of a unit except that a sale or transfer pursuant to a foreclosure of a first mortgage shall extinguish a subordinate lien for common expense charges and assessments which became payable prior to such sale or transfer. Any such sale or transfer pursuant to a foreclosure shall not relieve the purchaser or transferee of a unit from liability for, nor the unit so sold or transferred from the lien of, any common expense charges thereafter becoming due.

(Authority: 38 U.S.C. 3703(c)(1), (d)(3), 3710(a)(6))

(c) *Unit owners' rights and restrictions*—(1) *Obligation to pay expenses.* The declaration or equivalent document shall establish a duty on each unit owner, including the declarant, to pay a proportionate share of common expenses upon being assessed therefor by the owners' association. Such share may be allocated equally to each unit, may be proportionate to that unit's common element interest, relative size or value, or may be allocated according to any other specified criteria provided that the method chosen is equitable and reasonable for that condominium.

(2) *Voting rights.* The declaration or equivalent document shall allocate a portion of the votes in the association

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to each unit. Such portion may be allocated equally to each unit, may be proportionate to that unit's common expense liability, common element interest, relative size or value, or may be allocated according to any other specified criteria provided that the method is equitable and reasonable for that condominium. The declaration may provide different criteria for allocations of votes to the units on particular specified matters and may also provide different percentages of required unit owner approvals for such particular specified matters.

(3) *Ingress and egress of unit owners.* There may not be any restriction upon any unit owner's right of ingress and egress to his or her unit.

(4) *Encroachments*—(i) *Easements for encroachments.* In the event any portion of the common elements encroaches upon any unit or any unit encroaches upon the common elements or another unit as a result of the construction, reconstruction, repair, shifting, settlement, or movement of any portion of the improvements, a valid easement for the encroachment and for the maintenance of the same shall exist so long as the encroachment exists. The declaration may provide, however, reasonable limits on the extent of any easement created by the overlap of units, common elements, and limited common elements resulting from such encroachments; or

(ii) *Monuments as boundaries.* If permitted by the governing law within the jurisdiction where the project is located, the existing physical boundaries of a unit or a common element or the physical boundaries of a unit or a common element reconstructed in substantial accordance with the original plats and plans thereof become its boundaries rather than the metes and bounds expressed in the deed, plat or plan, regardless of settling or lateral movement of the building, or minor variance between boundaries shown on the plats, plans or in the deed and those of the building. The declaration should provide reasonable limits on the extent of any such revised boundary(ies) created by the overlap of units, common elements, and limited common elements resulting from such encroachments.

(5) *Right of first refusal.* The right of a unit owner to sell, transfer, or otherwise convey his or her unit in a condominium shall not be subject to any right of first refusal or similar restriction if the declaration or similar document is recorded on or after December 1, 1976. If the declaration was recorded prior to December 1, 1976, the right of first refusal must comply with § 36.4854(b)(5)(ii); Provided, however, restrictions on the basis of age or restrictions established by a State, Territorial, or local government agency as part of a program for providing assistance to low- and moderate-income purchasers shall be governed by § 36.4854(b)(5)(iv).

(Authority: 38 U.S.C. 3703(c))

(6) *Leasing restrictions.* Except as provided in this paragraph, there shall be no prohibition or restriction on a condominium unit owner's right to lease his or her unit. The following restrictions are acceptable:

(i) A requirement that leases have a minimum initial term of up to 1 year; or

(ii) Age restrictions or restrictions imposed by State or local housing authorities which are allowable under § 36.4809(e) or § 36.4854(b)(5)(iv).

(d) *Rights of action.* The owners' association and any aggrieved unit owner should be granted a right of action against unit owners for failure to comply with the provisions of the declaration, bylaws, or equivalent documents, or with decisions of the owners' association which are made pursuant to authority granted the owners' association in such documents. Unit owners should have similar rights of action against the owners' association.

(Authority: 38 U.S.C. 3703(c)(1), 3710(a)(6))

§ 36.4363 Miscellaneous legal requirements.

(a) *Declarant transfer of control of owners' association*—(1) *Standards for transfer of control.* The declarant shall relinquish all special rights, expressed or implied, through which the declarant may directly or indirectly control, direct, modify, or veto any action of the owners' association, its executive board, or a majority of unit owners,

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FL-SEN-20-0201-B, 20-0202-A-005665

From: DannyBurgessFL <danny@dannyburgessfl.com>
Sent: Tuesday, November 19, 2019 3:08 PM EST
To: Dawn Bauman <Dbauman@caionline.org>
CC: Dominick Scannavino <DScannavino@mgmt-assoc.com>; Sprowls, Chris <Chris.Sprowls@myfloridahouse.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Travis W. Moore <travis@moore-relations.com>; Allison Sitte <SitteA@fdva.state.fl.us>; burgessd@fdva.state.fl.us <burgessd@fdva.state.fl.us>; Roy Clark <ClarkR@fdva.state.fl.us>
Subject: Re: VA Benefits

Dominick and Dawn,

Thank you both very much for your emails and I hope you are having a nice start to your week. I appreciate you sharing this information and by way of a separate email I am asking my team to look into this issue and advise. I share your concerns and desire to rectify any barrier to housing that may exist for our servicemembers and their families. I wanted to provide you with my department email address in case you have any additional information you would like to provide as we research this issue: BurgessD@fdva.state.fl.us.

Daniel W. Burgess, Jr.
Sent from my iPhone

> On Nov 13, 2019, at 21:50, Dawn Bauman <Dbauman@caionline.org> wrote:
>
> Dear Director Burgess,
>
> The issue at hand is related to the right of first refusal and the VA lending guidelines. As you see from the attached rule, VA does back loans for housing that is subject to a first right of refusal. Many governing documents in condominiums have a first right of refusal clause that could be beneficial for the financial integrity of the community. Even if the community were to choose to remove the first right of refusal, it is very challenging for community associations to amend covenants as the amendment process typically sets forth a process that requires 2/3 of the owners in the community to vote to support the amendment. The problem is not usually related to support of an issue rather it is related to getting people to vote. The VA lending guidelines are attached and the specific clause regarding Right of First Refusal is below.
>
> (5) *Right of first refusal.* The right of a unit owner to sell, transfer, or otherwise convey his or her unit in a condominium shall not be subject to any right of first refusal or similar restriction if the declaration or similar document is recorded on or after December 1, 1976. If the declaration was recorded prior to December 1, 1976, the right of first refusal must comply with § 36.4854(b)(5)(ii); Provided, however, restrictions on the basis of age or restrictions established by a State, Territorial, or local government agency as part of a program for providing assistance to low- and moderate-income purchasers shall be governed by § 36.4854(b)(5)(iv).
>
> I welcome the opportunity to participate in the conversation moving forward. Thank you for your service and your leadership.
>
> Very truly yours,

Dawn M. Bauman, CAE
Senior Vice President, Government & Public Affairs
Community Associations Institute
6402 Arlington Blvd., Suite 500
Falls Church, VA 22042
(703) 970-9224 Direct
(703) 867-5588 Mobile
(888) 224-4321 Toll Free

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are present in this e-mail, Community Associations Institute cannot accept responsibility for any loss or damage arising from the use of this e-mail or attachments.

From: Dominick Scannavino <DScannavino@mgmt-assoc.com>
Sent: Wednesday, November 13, 2019 4:33 PM
To: danny@dannyburgessfl.com
Cc: Chris.Sprowls@myfloridahouse.gov; brandes.jeff@flsenate.gov; Dawn Bauman <dbauman@caionline.org>; Travis W. Moore <travis@moore-relations.com>
Subject: VA Benefits

Danny Burgess Executive Director of Veterans Affairs
35358 State Road 54
Zephyrhills Fl. 33541

Dear Director,
Please let me take this opportunity to introduce myself. My name is Dominick Scannavino President of the Council of Neighborhood Associations (CONA) and a Delegate with the Community Association Institutes Florida Legislative Alliance (CAI-FLA). I met you several times while you were in the legislature and a recent West Pasco Republican Club dinner.
During our groups visit to Tallahassee last week, among the thirty legislators we met with, we met with Senator Brandes. Our discussion was confined to common interest communities. During that conversation the topic of Veterans came up. Apparently Veterans desirous of obtaining a V.A. Loan to purchase a condominium and in certain Home Owner associations are disqualified because of a first right of refusal language in the associations governing documents placed by developers while they were or are in control of the associations. After control of the association is turned over to the membership the documents can be amended, however it would require a super majority of the membership to change the documents which is almost an impossible task. Senator Brandes indicated that if we could find the wording necessary to present to the legislature this would be a tremendous accomplishment.
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Dominick Scannavino, President
Management And Associates
720 Brooker Creek Boulevard 206
Oldsmar Florida, 33677
813-433-2000
www.mgmt-assoc.com

<image006.png>

<38 CFR 36.4362 Lending Rule for VA.pdf>

From: Meshil, Melissa
Sent: Monday, November 04, 2019 11:46 AM EST
To: Kate Whatley <kate@socialforces.com>
Subject: RE: Visiting from Pinellas on “Advertising Day”

Katie,

Thank you for reaching out. Will your group be available to meet with Senator Brandes at 5:30 tomorrow? We’re located in Senate office Building 416.

Thanks again,

Melissa Meshil
Legislative Assistant to State Senator Jeff Brandes
meshil.melissa@flsenate.gov
District: (727) 563 – 2100
Capitol: (850) 487 – 5024
Jeff Brandes – District 24

From: Kate Whatley <kate@socialforces.com>
Sent: Sunday, November 3, 2019 3:54 PM
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Cc: Alexis Quintal <aquintal22@gmail.com>
Subject: Visiting from Pinellas on “Advertising Day”

Dear Senator Brandes,
Several other members from the American Advertising Federation (AAF) - Tampa Bay and I will be visiting Tallahassee with other AAF members from around the State on November 5th for “Advertising Day.” The AAF has chapters across the United States, and Florida chapters will be sending about 50 representatives to Tallahassee to discuss our advertising interests, goals, and contributions to the Florida economy.

Our representatives from Tampa Bay would like to set up a brief appointment with you on November 5th. I can be reached by email at kate@socialforces.com and directly on my mobile phone via call or text at 813-545-8560.

Thank you in advance for your time!

KATE WHATLEY
CEO // SOCIAL FORCES
813 545 8560 // LinkedIn // Visit SOFO

Social Forces is a certified Woman-Owned Business, Woman Owned Small Business and is part of the Goldman Sachs '10,000 Small Businesses' 2019 National Cohort.

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From: Kate Whatley <kate@socialforces.com>
Sent: Monday, November 04, 2019 2:02 PM EST
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
Subject: Re: Visiting from Pinellas on “Advertising Day”

Thank you so much for getting back to me. Unfortunately, our group will have already left to travel back to Tampa Bay at that time. We know Senator Brandes time is limited. Would it be possible to stop by the office earlier in the day to drop off some literature and maybe speak to you or one of the other Legislative Assistants for a few minutes? Thank you so much!

KATE WHATLEY
CEO // SOCIAL FORCES
813 545 8560 // LinkedIn // Visit SOFO

Social Forces is a certified Woman-Owned Business, Woman Owned Small Business and is part of the Goldman Sachs '10,000 Small Businesses' 2019 National Cohort.

On Mon, Nov 4, 2019 at 11:46 AM Meshil, Melissa <Meshil.Melissa@flsenate.gov> wrote:

> Katie,
>
> Thank you for reaching out. Will your group be available to meet with Senator Brandes at 5:30 tomorrow? We’re located in Senate office Building 416.
>
> Thanks again,
>
> **Melissa Meshil**
>
> Legislative Assistant to State Senator Jeff Brandes
>
> meshil.melissa@flsenate.gov
>
> District: (727) 563 – 2100
> Capitol: (850) 487 – 5024
> Jeff Brandes – District 24
>
> **From:** Kate Whatley <kate@socialforces.com>
> **Sent:** Sunday, November 3, 2019 3:54 PM
> **To:** Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
> **Cc:** Alexis Quintal <aquintal22@gmail.com>
> **Subject:** Visiting from Pinellas on “Advertising Day”
>
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>
> Thank you in advance for your time!
>
> **KATE WHATLEY**
> CEO // SOCIAL FORCES
> 813 545 8560 // LinkedIn // Visit SOFO
>
> Social Forces is a certified Woman-Owned Business, Woman Owned Small Business and is part of the Goldman Sachs '10,000 Small Businesses' 2019 National Cohort.

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From: Volunteer Florida <newsletter@volunteerflorida.org>
Sent: Thursday, January 16, 2020 11:34 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Reminder: 2020 Black History Month Contest Entries Due Tuesday, January 21 by 5 pm (ET)

News Alert from Volunteer Florida

Email not displaying correctly?
View it in your browser.

2020 Black History Month Contests

Submissions due Tuesday, January 21 by 5 pm (ET)

Volunteer Florida is thrilled to share First Lady Casey DeSantis' 2020 Black History Month Contests for Florida students and educators. This year's theme is *"Celebrating Untold Stories and Contributions of African Americans in Florida."*

Students in grades K-3 are invited to participate in an art contest while students in grades 4-12 are invited to participate in an essay contest. Additionally, students, parents, teachers and principals are invited to nominate full-time educators of all student grades for the Black History Month Excellence in Education Award.

More information about the contests may be found below. Entries must be received by Volunteer Florida in the mail or online by Tuesday, January 21 at 5 pm (ET).

About the Student Art Contest
First Lady Casey DeSantis' Black History Month Art Contest is open to all K-3 students in Florida. Each student will submit original, two-dimensional artwork based on this year's theme. Two winners will be selected.

About the Student Essay Contest
First Lady Casey DeSantis' Black History Month Essay Contest is open to all 4-12 students in Florida. Each student will submit one essay no longer than 500 words based on this year's theme. Three winners will be selected: one elementary school student (grades 4-5), one middle school student (grades 6-8) and one high school student (grades 9-12). Each winner will receive a 4-Year Florida College Plan scholarship provided by the Florida Prepaid College Foundation.

About the Excellence in Education Award
First Lady Casey DeSantis' Black History Month Excellence in Education Award Contest is open to all full-time educators in an elementary, middle, or high school in Florida. Three winners will be selected: one elementary school teacher (grades K-5), one middle school teacher (grades 6-8) and one high school teacher (grades 9-12). Nominations may be submitted by a principal, teacher, parent/guardian or student.

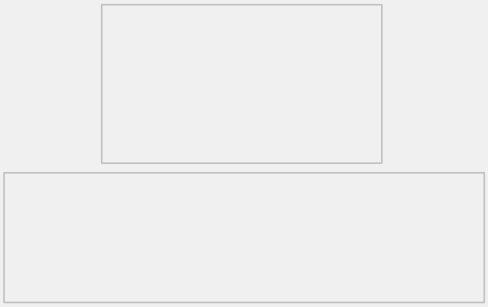
Contest Entries and Nominating Forms and Guidelines
Student contest forms and educator nomination forms must be mailed to Volunteer Florida or submitted online at www.FloridaBlackHistory.com.

Volunteer Florida
Black History Month Committee
1545 Raymond Diehl Road, Suite 250
Tallahassee, Florida 32308

All entries must be received by 5 pm (ET) on Tuesday, January 21, 2020.

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Volunteer Florida thanks Florida Prepaid College Foundation and the Florida Lottery for sponsoring the 2020 Black History Month Contests.



About Volunteer Florida

Volunteer Florida is Florida's lead agency for volunteerism and national service, administering more than $43 million in federal, state and local funding to deliver high-impact national service and volunteer programs in Florida. Volunteer Florida promotes and encourages volunteerism to meet critical needs across the state. Volunteer Florida also serves as Florida's lead agency for volunteers and donations before, during and after disasters. For more information, please visit www.volunteerflorida.org.

Introducing Volunteer Connect

Volunteer Florida is proud to introduce Volunteer Connect, the State of Florida's official volunteer opportunities platform. Volunteer Connect serves as an intermediary between 501(c)(3) organizations and governmental entities that mobilize volunteers and Floridians who are interested in engaging in community service. To learn more or to find a volunteer opportunity in your community, please click here.

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Our mailing address is:
Volunteer Florida
1545 Raymond Diehl Road - Suite 250
Tallahassee, FL 32308

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From: Valdes, Susan <Susan.Valdes@myfloridahouse.gov>
Sent: Sunday, February 09, 2020 9:50 PM EST
To: !ALL LEGISLATORS & STAFFs <ALLLEGISLATORS&STAFFs@leg.state.fl.us>
Subject: REMINDER: Caribbean Day 2/10 11:30-2:00 PM 22nd Floor
Attachment(s): "Caribbean Day Invitation.jpg"

Good Morning Colleagues and Staff -

On Monday, February 10, there will be a reception honoring Caribbean Day at the Capitol on the 22nd Floor from 11:30 AM to 2:00 PM. All are welcome and encouraged to attend and help us celebrate the culture and traditions of Caribbean-Floridians and the contributions they have made to our state. A sampling of various Caribbean cuisines will be served.

I hope to see you there!

Sincerely -

Representative Susan Valdes
Florida House District 62
Susan.Valdes@myfloridahouse.gov
813-673-4673 | 850-717-5062

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From: Slosberg, Emily <Emily.Slosberg@myfloridahouse.gov>
Sent: Friday, February 07, 2020 4:04 PM EST
To: !ALL LEGISLATORS & STAFFs <ALLLEGISLATORS&STAFFs@leg.state.fl.us>
Subject: REMINDER: CELEBRATING 100 YEARS OF WOMEN'S SUFFRAGE
Attachment(s): "Keep Roaring On - 1920-2020.png"

Good afternoon!

On Wednesday, February 12, I will host***Keep Roaring On: 1920 – 2020***, a celebration of the 100th anniversary of women's suffrage in the United States.

Keep Roaring On: 1920 – 2020 will honor the significant contributions of women to the State of Florida and I will recognize the outstanding achievements of distinguished women with Edna Giles Fuller Awards. Edna Giles Fuller was the first female member of the Florida House of Representatives. She served two terms from 1929-1933 and championed women's suffrage and the right for women to serve on juries.

Please join us from **8:00 – 10:00 AM on the 22nd floor of the Florida Capitol on Wednesday, February 12** for this wonderful celebration of women and women's rights (and an excellent kosher breakfast)! The ceremony will be followed by a tour of the Historic Capitol's brand new women's suffrage exhibit. Feel free to share the attached graphic and post it to your social media feeds.

Please direct all questions and RSVPs to my Legislative Assistant, Jack Anderson, atJack.Anderson@myfloridahouse.gov.

I looks forward to seeing you there!



—

Representative Emily Slosberg
State Representative, District 91
Florida House of Representatives
Capitol Phone: (850) 717-5091
District Phone: (561) 496-5940

AMERICAN OVERSIGHT

Emily.Slosberg@myfloridahouse.gov

Warning: Florida has a broad public records law. Most written communications to or from elected officials and state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public records and shall only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida. If you do not want your email address released in response to a public records request, do not contact me by email. Instead, contact my office by phone or in writing.

AMERICAN OVERSIGHT

Keep Roaring On

•1920-2020•

Celebrating 100 Years of Women's Suffrage

Hosted by Representative Emily Slosberg

Where: 22nd floor of the Capitol

When: February 12
8-10 a.m.

RSVP to Jack Anderson at Jack.Anderson@myfloridahouse.gov

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From: FLAUDGEN_AUDRPT <FLAUDGEN_AUDRPT@aud.state.fl.us>
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Subject: Report No. 2020-086 - Department of the Lottery - Comprehensive Annual Financial Report
Attachment(s): "2020-086.pdf"

The attached PDF file of the Department of the Lottery Comprehensive Annual Financial Report contains the independent auditor's reports issued for the entity specified on the subject line.

The PDF file can be viewed using Adobe Acrobat Reader. If you do not have the Reader, please visitwww.adobe.com to download a FREE copy. This report will be placed on the Auditor General's Web site at FLAuditor.gov.

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FLORIDA LOTTERY

An Enterprise Fund of the State of Florida



Comprehensive Annual Financial Report

For the Fiscal Years Ended June 30, 2019 and 2018

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FL-SEN-20-0201-B, 20-0202-A-005678

FLORIDA LOTTERY

An Enterprise Fund of the State of Florida

COMPREHENSIVE ANNUAL FINANCIAL REPORT

For the Fiscal Years Ended June 30, 2019, and 2018

RANDALL HUNT
SECRETARY

Prepared by:

General Accounting

Gina Ballard, CPA, Director of Accounting

Patricia Spence, Financial Analyst

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INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS* 93

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INTRODUCTORY SECTION

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December 20, 2019

The Honorable Ron DeSantis, Governor
The Honorable Bill Galvano, President of the Senate
The Honorable Jose Oliva, Speaker of the House of Representatives

To Governor DeSantis, President Galvano, and Speaker Oliva:

We are pleased to submit the Florida Lottery's (Lottery) Comprehensive Annual Financial Report (CAFR) for the fiscal years ended June 30, 2019, and 2018 in accordance with Section 24.123, Florida Statutes (F.S.). This report is prepared in accordance with generally accepted accounting principles (GAAP) as prescribed by the Governmental Accounting Standards Board (GASB).

Lottery management is responsible for the accuracy and completeness of all data and disclosures in this report. To the best of our knowledge, the information presented is accurate and complete in all material respects and fairly depicts the financial activities and position of the Lottery.

The Auditor General has issued an opinion on the Lottery's financial statements for the fiscal years ended June 30, 2019, and 2018. The independent auditor's report is located at the front of the financial section of this report. Also, the Auditor General has issued an opinion on internal control over financial reporting for the fiscal year ended June 30, 2019, which is located after the statistical section of this report.

Management's Discussion and Analysis (MD&A) immediately follows the independent auditor's report and provides a narrative introduction, overview, and analysis of the basic financial statements. The MD&A complements this letter of transmittal and should be read in conjunction with it.

PROFILE OF THE LOTTERY

The operation of the Lottery by the State of Florida was authorized by a constitutional amendment approved by Florida voters in November of 1986. The Lottery was established as a state agency in 1987 with the enactment of the Florida Public Education Lottery Act, as amended, the purpose of which is to implement Section 15, Article X of the Florida Constitution. The Lottery's mission is to maximize revenues for the enhancement of public education while upholding the highest standards of integrity and public trust.

The Lottery is included within the financial reporting entity of the State of Florida as an enterprise fund. The fund is operated in a manner similar to a private business enterprise.

During its 31 years of operation, the Lottery has offered a variety of Scratch-Off and Draw game products and promotions, which have generated over $110.4 billion in revenues. Since inception, the Lottery has transferred approximately $35.5 billion to education. In fiscal year ended June 30, 2019, the Lottery had its eighth consecutive all-time record-breaking sales year of approximately $7.15 billion which provided more than $1.92 billion in contributions to education.

To date the Lottery has introduced more than 1,100 new Scratch-Off games and continues to market approximately 40 new games each year. The portfolio of games offered at any given time provides a wide range of play styles, game themes, and price points to appeal to a wide range of players. Prizes have included free tickets, merchandise, vacations, and jackpots of up to $15 million. With the exception of fiscal year 2009 during the height of the Great Recession, Scratch-Off

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sales have increased annually over the past 19 years. Scratch-Off sales surpassed $4.93 billion in fiscal year 2018-19. The Lottery has had measurable success strategically launching several "families of games" and has highlighted several key Scratch-Off games in its total advertising efforts. Product placement initiatives focused on increased facings/footprint at the point-of-sale.

Terminal games were expanded to include a $5 price point for the FAST PLAY™ game with two $5 games released in fiscal year 2018-19. In January of 2019, JACKPOT TRIPLE PLAY™ was introduced, which replaced LUCKY MONEY™. The Lottery currently offers the following Terminal games: FLORIDA LOTTO®, FANTASY 5®, PICK 2™, PICK 3™, PICK 4™, PICK 5™, LUCKY MONEY™, POWERBALL®, MEGA MILLIONS®, FAST PLAY, and CASH4LIFE™. FLORIDA LOTTO, FANTASY 5, LUCKY MONEY, and JACKPOT TRIPLE PLAY are pari-mutuel games in which the actual prize amounts depend on the sales and the number of winners for the draws. Prizes are divided among the winners in each prize category. POWERBALL, MEGA MILLIONS, and CASH4LIFE are set prize payout games except that the jackpot is shared among winners in all participating states. PICK 2, PICK 3, PICK 4, PICK 5, MILLIONAIRE RAFFLE™, and FAST PLAY are set prize payout games. The Lottery also offers add-on features, such as EZmatch™, Power Play®, Megaplier®, XTRA, and Combo™ in conjunction with certain games to increase a player's prize amount for additional dollars.

The Lottery's budget is prepared using the processes set forth in Chapter 216, F.S. The budgetary process for state agencies is outlined in the Other Required Supplementary Information Section of the State of Florida's CAFR or publications of the State of Florida Department of Financial Services, Office of the Chief Financial Officer.

ECONOMIC CONDITION AND FINANCIAL INFORMATION

The main economic factors affecting lottery sales are population growth, personal income growth and employment. Based on the July 2019 Florida Economic Estimating Conference (Conference), Florida's population is forecasted to increase 1.658% and 1.573% for the fiscal years ending June 30, 2020, and 2021, respectively. Additionally, the Conference produced forecasts for real personal income growth of 4.7% and 4.4%, for the fiscal years ended June 30, 2020, and 2021, respectively, while total non-farm employment is forecasted to increase by 2.1% and 1.5%, respectively. According to the Conference, Florida's unemployment rate of 3.4% in February was lower than the nation as a whole. Florida's unemployment rate is now below the "full employment" unemployment rate (assumed to be 4%).

ACCOUNTING SYSTEMS AND POLICIES

As an enterprise fund of the State of Florida, the Lottery operates as a business within the state government structure. The Lottery uses the accrual basis of accounting, following GAAP and GASB pronouncements.

INTERNAL CONTROLS

The Lottery maintains a system of internal controls to safeguard assets, prevent fraud and abuse, and ensure the accuracy of financial information. Employee, retailer, and contractor standards are in place to minimize risk of loss or theft. There are inherent limitations with internal controls. Because the cost of an internal control should not exceed the benefits derived from it, the objective is to provide reasonable, rather than absolute assurance, that the financial statements are free of any material misstatements. A second inherent limitation of internal control is the risk of management override due to their levels of access. In addition, internal controls are primarily designed to prevent one individual from being able to steal assets, commit fraud or abuse, or to manipulate the financial records of an entity. Some internal controls can be circumvented when two or more employees collude together.

DEBT ADMINISTRATION

Long-term liabilities are primarily installment payments owed to certain prize winners. Prize liabilities are funded by investments in U.S. Treasury Strips. These liabilities are paid as the securities mature (refer to Note 2 and Note 7 to the financial statements for additional details).

CASH MANAGEMENT

Cash from retailers is collected on a weekly basis through electronic funds transfer and is deposited into the Lottery's bank account. Cash balances are used to fund daily operations, including prize and vendor payments. Surplus cash is

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maintained in the State Treasury's general pool of investments (refer to Note 2 to the financial statements for additional details).

MAJOR INITIATIVES

The Lottery continuously works on new ways to attract players and increase sales to supports its goal of maximizing contributions to enhance education. Some of the strategies that we continue to actively pursue are:

- Increase the Lottery's player base with innovative new products;
- Refresh the Lottery brand through innovative approaches to technology;
- Improve market penetration through recruitment and diversification of the Lottery's retailer network; and
- Maximize the effectiveness of the Lottery through execution of best practices.

AWARDS AND ACKNOWLEDGMENTS

The Government Finance Officers Association (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the Lottery for its CAFR for the fiscal year ended June 30, 2018. This was the second year that the Lottery achieved this prestigious award. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized comprehensive annual financial report. This report must satisfy both GAAP and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year. We believe that our current comprehensive annual financial report continues to meet the Certificate of Achievement Program's requirements and are submitting it to the GFOA to determine its eligibility for another certificate.

Preparation of the CAFR requires a significant investment of time and resources and would not be possible without the efficient and dedicated efforts of our accounting staff. Their remarkable efforts make this report possible.

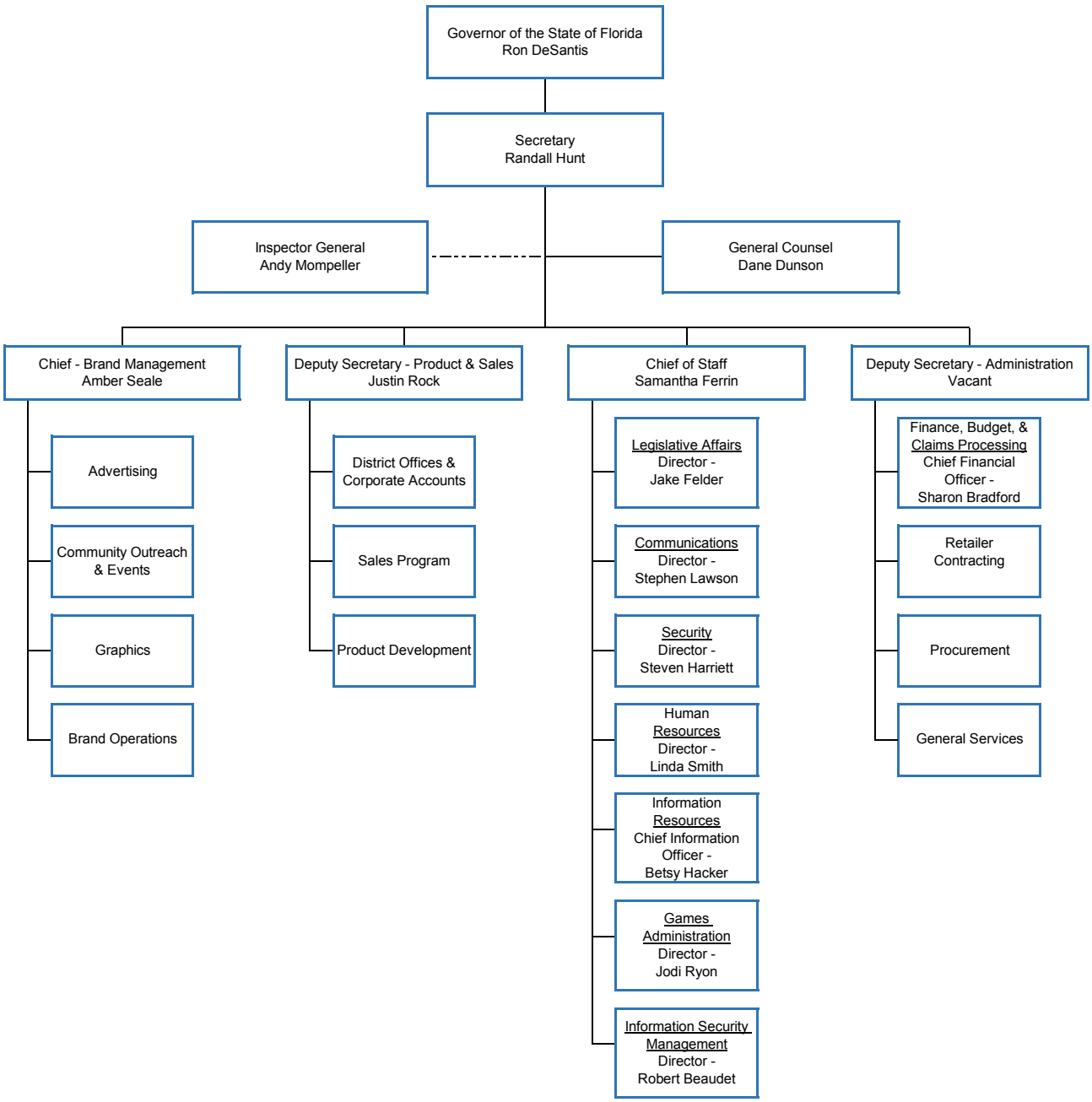
Respectfully submitted,

Randall Hunt,	Sharon Bradford,	Gina Ballard, CPA,
Secretary	Chief Financial Officer	Accounting Director

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Organization Chart and Principal Officials



Note: Principal Officials in the chart are as of the issue date of this report.

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Government Finance Officers Association

Certificate of Achievement for Excellence in Financial Reporting

Presented to

Florida Lottery

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2018

Christopher P. Morrill

Executive Director/CEO

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FINANCIAL SECTION

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AUDITOR GENERAL
STATE OF FLORIDA

Sherrill F. Norman, CPA
Auditor General

Claude Denson Pepper Building, Suite G74
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The President of the Senate, the Speaker of the
House of Representatives, and the
Legislative Auditing Committee

INDEPENDENT AUDITOR'S REPORT

Report on the Financial Statements

We have audited the accompanying financial statements of the Department of the Lottery (Lottery), an enterprise fund of the State of Florida, as of and for the fiscal years ended June 30, 2019, and June 30, 2018, and the related notes to the financial statements, which collectively comprise the Lottery's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of accounting

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policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above, present fairly, in all material respects, the respective financial position of the Lottery as of June 30, 2019, and June 30, 2018, and the respective changes in financial position and cash flows, for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note 1, the financial statements of the Lottery present the financial position, the changes in financial position, and cash flows of only that portion of the business-type activities and major funds of the State that is attributable to the transactions of the Lottery. These financial statements do not purport to, and do not, present fairly the operations of the State of Florida as of June 30, 2019, and June 30, 2018, or the changes in its financial position and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that **MANAGEMENT'S DISCUSSION AND ANALYSIS** (pages 17 through 25) and schedules of the Lottery's proportionate share of the net pension liability and contributions (pages 60 through 63) and the Lottery's proportionate share of the other postemployment benefits liability (page 64) be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Lottery's basic financial statements. The Introductory Section, on pages 5 through 10, and the Statistical Section, on pages 65 through 91, are presented for purposes of additional analysis and are not a required part of the basic financial statements.

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The Introductory and Statistical Sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by *Government Auditing Standards*

In accordance with auditing standards generally accepted in the United States of America and applicable *Government Auditing Standards*, we have also issued our report dated December 20, 2019, on our audit of the Lottery's internal control over financial reporting, and on our tests of the Lottery's compliance with certain provisions of laws, rules, regulations, contracts, and other matters included under the heading **INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***. The purpose of that report is to describe the scope of our testing of the Lottery's internal control over financial reporting as of June 30, 2019, based on criteria established in the *Internal Control – Integrated Framework* (2013) issued by the Committee of Sponsoring Organizations of the Treadway Commission, and to express an opinion on the effectiveness of the Lottery's internal control over financial reporting. With respect to compliance, the purpose of that report is not to provide an opinion on compliance, but rather to describe the scope of our testing of compliance and the results of that testing. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Lottery's internal control over financial reporting and compliance.

Respectfully submitted,

Sherrill F. Norman

Sherrill F. Norman, CPA
Tallahassee, Florida
December 20, 2019
Audit Report No. 2020-086

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MANAGEMENT'S DISCUSSION AND ANALYSIS

The information presented in the Management's Discussion and Analysis (MD&A) introduces the Florida Lottery's (Lottery) financial statements and provides readers an analytical overview of the Lottery's financial activities and performance for the fiscal years ended June 30, 2019, and 2018. We encourage readers to consider the information presented here in conjunction with the transmittal letter beginning on page 6 of this report and Lottery's financial statements and notes to the financial statements, which begin on page 26.

Financial Highlights

The Lottery has as its mission the maximization of revenues for the benefit of education in a manner consistent with the dignity of the State of Florida and the welfare of its citizens. The Lottery is considered a mature lottery and offers its players a full range of both Scratch-Off and Draw products. The Lottery has been successful in sustaining ticket sales in excess of $2 billion for the thirtieth consecutive fiscal year, with the past seven fiscal years exceeding $5 billion. During the same thirty year period, the transfer to the Educational Enhancement Trust Fund (EETF) has been a minimum of $800 million annually, with the fiscal year 2019 transfer exceeding $1 billion for the seventeenth consecutive year.

For the fiscal year ended June 30, 2019:

- Transfers to the EETF were approximately $1.93 billion this fiscal year compared to $1.76 billion in the prior fiscal year.
- The Lottery's ticket sales increased by 6.72 percent over the prior fiscal year from approximately $6.70 billion to $7.15 billion.
- Approximately 69.05 percent of total sales were provided by the Scratch-Off product line which decreased 0.38 percent from the prior fiscal year. The 0.38 percent decrease in Scratch-Off sales as a percentage of total sales as compared to the prior fiscal year was primarily due to record sales of Draw products.
- Prize expense increased $244.09 million, which represents a 5.55 percent increase during fiscal year 2019. The Lottery has the authority to vary the prize expense in order to maximize transfers. This expense typically increases or decreases in proportion to ticket sales and represented approximately 64.86 percent of ticket sales.
- The gaming vendors' fees and retailer commissions are based on sales and therefore fluctuate in direct correlation with sales revenue. Fiscal year 2019 expenses for these items increased 6.83 percent over the prior fiscal year expenses in conjunction with the increase in sales.
- Administrative operating expenses, which include advertising, salaries and benefits, rent, utilities and maintenance, professional fees, depreciation, and other administrative expenses, experienced an increase of approximately $994,000. Administrative operating expenses for fiscal years 2019 and 2018 were $82.20 million and $81.20 million, respectively.
- Nonoperating income increased $37.71 million over the prior fiscal year. The increase was primarily due to an increase of $34.28 million in net appreciation (depreciation) in fair value of investments.
- EETF transfers from unclaimed prize money increased $12.48 million over the prior fiscal year. This increase was primarily due to the closing of two Scratch-Off games with unclaimed amounts exceeding $7.0 million each.

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Overview of the Financial Statements

The Lottery is accounted for as an enterprise fund, reporting transactions using the accrual basis of accounting similar to the method used by business entities. This MD&A is intended to serve as an introduction to the Lottery's basic financial statements, including the notes to the financial statements. The Statements of Net Position on page 26, the Statements of Revenues, Expenses, and Changes in Net Position on page 28, and the Statements of Cash Flows on page 29 report the Lottery's net position and changes therein. The notes to the financial statements provide additional information that is essential to a reader's understanding of the data provided in the financial statements. This report also includes supplementary information intended to furnish additional detail to support the basic financial statements themselves.

The Lottery transfers its net profits each fiscal year to the EETF. As a result, the Lottery's net position consists of funds invested in capital assets, unrestricted net position, and restricted net position. Unrestricted net position consists of liabilities for which no cash payments will be made. The restricted net position consists of the investments being held by the Lottery to fund deferred prize payouts, 20 percent of unclaimed prizes designated for future prize payouts or promotions, and the Multi-State Lottery Association (MUSL) deposit amounts. The financial statements do include the cumulative effect of periodic adjustments to recognize the fair value of the grand prize investments despite the fact that the Lottery purchased the investments with the intention of holding the investments until maturity in order to meet the future obligations and, therefore, would not realize any gains or losses related to these investments for distribution as net proceeds.

Summary of Net Position

Table 1 presents a comparative summary of the Lottery's Statements of Net Position for fiscal years 2019, 2018, and 2017.

Table 1 - Condensed Statements of Net Position
As of June 30, 2019, 2018, and 2017
(In Thousands)

	2019	2018	2017
Current Assets	$ 257,392	$ 234,485	$ 219,147
Restricted Assets	386,966	357,206	352,429
Capital Assets, Net of Depreciation	7,170	6,987	6,264
Total Assets	651,528	598,678	577,840
Total Deferred Outflows of Resources	11,968	11,245	9,872
Current Liabilities	255,348	237,155	221,636
Current Liabilities Payable from Restricted Assets	21,792	22,143	25,540
Noncurrent Liabilities	292,701	295,812	261,133
Total Liabilities	569,841	555,110	508,309
Total Deferred Inflows of Resources	9,092	6,578	1,006
Net Position:			
Invested in Capital Assets	7,170	6,987	6,264
Restricted Net Position	130,558	91,991	95,499
Unrestricted Net Position	(53,165)	(50,743)	(23,366)
Total Net Position	$ 84,563	$ 48,235	$ 78,397

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Financial Analysis

Assets

Total assets at the end of fiscal year 2019 increased $52.85 million from $598.68 million at June 30, 2018, to $651.53 million at June 30, 2019. At the end of fiscal year 2018, total assets were $20.84 million more than the $577.84 million at the end of fiscal year 2017.

- The increase in total assets in from 2018 to 2019 is primarily related to an increase of $40.24 million of investments in the State Treasury.
- The increase in total assets in 2018 over 2017 is primarily related to an increase of $13.14 million of cash in the State Treasury.

Deferred Outflows of Resources

Total deferred outflows of resources as of June 30, 2019, were $11.97 million reflecting an increase of $723,000 over the June 30, 2018, amount of $11.25 million. At the end of fiscal year 2018, deferred outflows increased $1.37 million over June 30, 2017, which was $9.87 million for pension and other postemployment benefits related items (refer to Note 9 to the financial statements for additional details).

Liabilities

Total liabilities at June 30, 2019, were $569.84 million, which was approximately $14.73 million higher than the total liabilities of $555.11 million at June 30, 2018. The total liabilities at June 30, 2018, were $46.80 million higher than the June 30, 2017, amount of $508.31 million.

- Current liabilities increased by $18.19 million from June 30, 2018, to June 30, 2019. This increase can be primarily attributed to the increase of $11.19 million for the amount owed to prizewinners.
- Noncurrent liabilities principally consist of the long-term portion of grand prizes payable, which represents the amount to be paid to grand prizewinners in future years. Correlative to current grand prizes payable, the long-term grand prizes payable increased $12.16 million from $229.66 million at June 30, 2017, to $241.82 million at June 30, 2018. The purchase of $23.42 million in investments related to winners who chose installment payments for grand prizes contributed to this increase.

Deferred Inflows of Resources

Total deferred inflows of resources as of June 30, 2019, were $9.09 million reflecting an increase of $2.51 million over the June 30, 2018, amount of $6.58 million. At the end of fiscal year 2018, deferred inflows increased $5.57 million over June 30, 2017, which was $1.01 million for pension and other postemployment benefits related items (refer to Note 9 to the financial statements for additional details).

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Net Position

Net position increased $36.33 million from June 30, 2018, to June 30, 2019. Net position at June 30, 2019, 2018, and 2017 were $84.56 million, $48.24 million, and $78.40 million, respectively.

- The $36.33 million increase in net position at June 30, 2019, is primarily due to a $12.22 million increase in the amount of restricted cash and cash equivalents for future prize promotions and a $19.28 million increase in the amount restricted for undistributed appreciation on restricted investments due to an increase in net appreciation (depreciation) in fair value of investments.
- The $30.16 million decrease in net position at June 30, 2018, is primarily related to a prior period adjustment of $24.62 million for the implementation of Governmental Accounting Standards Board (GASB) Statement No. 75 which relates to postemployment benefits other than pensions. (Refer to Note 9 to the financial statements for further details.)

The Lottery joined MUSL ten years ago in order to participate in the Powerball® with Powerplay® game and on May 15, 2013, the Lottery began participating in Mega Millions® with Megaplier®. In accordance with MUSL's rules, the Lottery must contribute to various prize reserve funds maintained by MUSL for unforeseen prize payouts related to the Powerball with Powerplay and Mega Millions with Megaplier games. The Lottery's deposits in reserve funds with MUSL totaled $33.75 million and $26.68 million as of June 30, 2019, and June 30, 2018, respectively. (Refer to Note 6 to the financial statements for further details.)

Summary of Revenues, Expenses, and Changes in Net Position

The most important element demonstrated with the Lottery's financial statements is the transfer to the EETF. Accordingly, the primary focus of these financial statements is determining net income available for transfer, rather than the change in net position of the Lottery, which primarily reflects the changes in fair value of restricted investments.

Table 2 presents the Condensed Statements of Revenues, Expenses, and Changes in Net Position for the fiscal year ended June 30, 2019, and the prior fiscal years ended June 30, 2018, and June 30, 2017, as derived from the Lottery's Statements of Revenues, Expenses, and Changes in Net Position.

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Table 2 - Condensed Statements of Revenues, Expenses, and Changes in Net Position
For the Years Ended June 30, 2019, 2018, and 2017
(In Thousands)

	2019	2018	2017
Operating Revenues:			
Ticket Sales	$ 7,151,236	$ 6,700,811	$ 6,156,479
Bad Debt Expense	(1,041)	(1,158)	(1,073)
Terminal & Retailer Fees and Miscellaneous	7,688	8,222	7,611
Total Operating Revenues	7,157,883	6,707,875	6,163,017
Operating Expenses:			
Prizes	4,638,488	4,394,400	3,996,632
Retailer Commissions	398,162	373,819	343,608
Vendor Commissions	103,210	95,517	88,916
Other Expenses	82,195	81,201	80,805
Total Operating Expenses	5,222,055	4,944,937	4,509,961
Income from Operations	1,935,828	1,762,938	1,653,056
Nonoperating Revenue, Net of Expenses	27,554	(10,156)	(25,741)
Income Before Operating Transfers	1,963,382	1,752,782	1,627,315
Total Transfers to EETF	(1,927,054)	(1,758,329)	(1,656,348)
Change in Net Position	36,328	(5,547)	(29,033)
Net Position, Beginning Restated	48,235	53,782	107,430
Net Position, End of Year	$ 84,563	$ 48,235	$ 78,397

Financial Analysis

Sales

Total sales for the fiscal year 2019 increased $450.43 million from $6.70 billion for the fiscal year 2018, to $7.15 billion for fiscal year 2019. At the end of fiscal year 2018, total sales were $544.33 million more than the $6.16 billion for the fiscal year 2017.

- Scratch-Off sales increased by $285.48 million in fiscal year 2019. The introduction of the Gold Rush Classic family of games and the Gold Rush Special Edition $30 ticket contributed $1.19 billion to sales, and the Monopoly™ Jackpot family of games contributed $622.01 million. Draw Game sales increased by $164.94 million in fiscal year 2019. The increase was primarily related to an increase in Mega Millions sales of $196.34 million over the prior year with a jackpot that reached $1.54 billion in October 2018.
- The increase in ticket sales from fiscal year 2017 to fiscal year 2018 include Mega Million sales which increased $73.24 million for a growing jackpot that reached $451 million in January 2018. A $30 Scratch-Off ticket was introduced in February 2018 with sales reaching $352.34 million in fiscal year 2018.

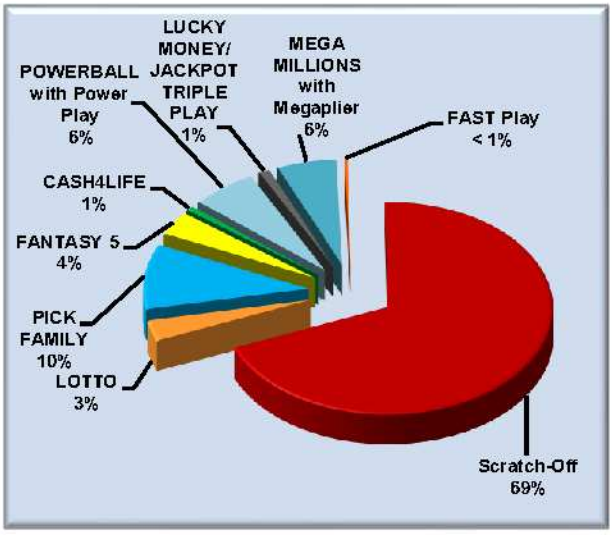
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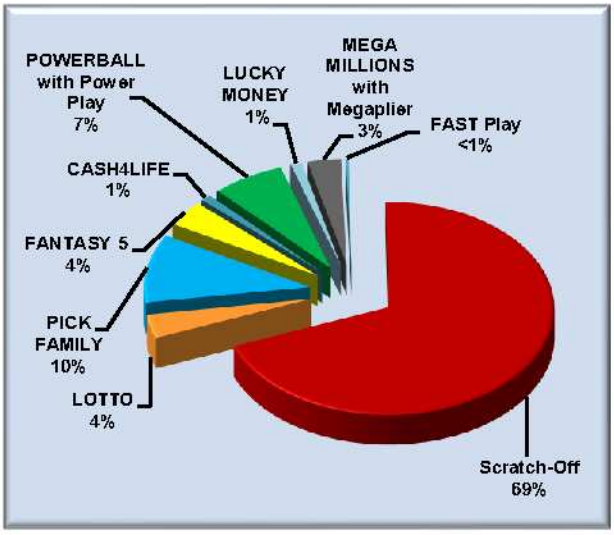
Bad debt expense is reported as a reduction in gross revenue in accordance with GASB requirements. The amount of bad debt expense for the fiscal years ended June 30, 2019, 2018, and 2017, was $1.04 million, $1.16 million, and $1.07 million, respectively.

The following charts show sales by product for the various Lottery games during the fiscal years 2019 and 2018:

Sales by Product for Fiscal Year 2018-19



Sales by Product for Fiscal Year 2017-18



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The following chart and table show sales by game for the last three fiscal years:

Department of the Lottery
Historical Lottery Sales by Game
(In Thousands)

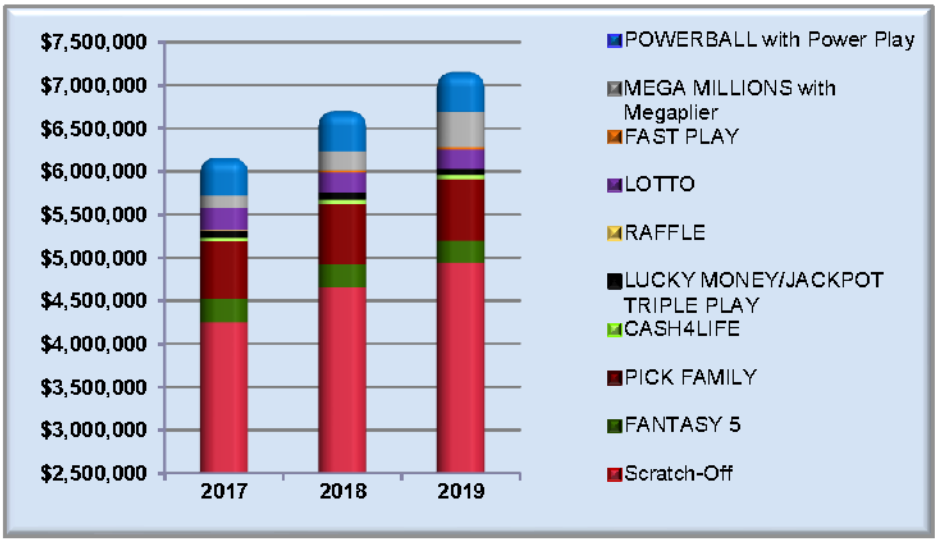


Table 3
Department of the Lottery
Historical Lottery Sales by Game
Last Three Fiscal Years
(In Thousands)

Fiscal Year Ended June 30	LOTTO	FANTASY 5	CASH 3 & PLAY 4 /PICK FAMILY	CASH4LIFE	LUCKY MONEY/ JACKPOT TRIPLE PLAY	RAFFLE	POWERBALL with Power Play	MEGA MILLIONS with Megaplier	Fast Play	Scratch-Off	Combined Sales
2017	$ 253,039	$ 275,663	$ 672,963	$ 28,775	$ 89,436	$ 11,357	$ 434,263	$ 147,381	$ -	$ 4,243,602	$ 6,156,479
2018	240,015	264,418	698,229	59,219	74,193	-	474,039	220,619	17,784	4,652,295	6,700,811
2019	223,504	256,409	709,262	50,337	74,632	-	459,392	416,963	20,958	4,937,779	7,151,236

CASH 3 and PLAY 4 were changed to PICK 3 and PICK 4 when PICK 2 and PICK 5 were introduced in August 2016. They are represented as a family of games - PICK FAMILY on the charts and tables above.

Expenses

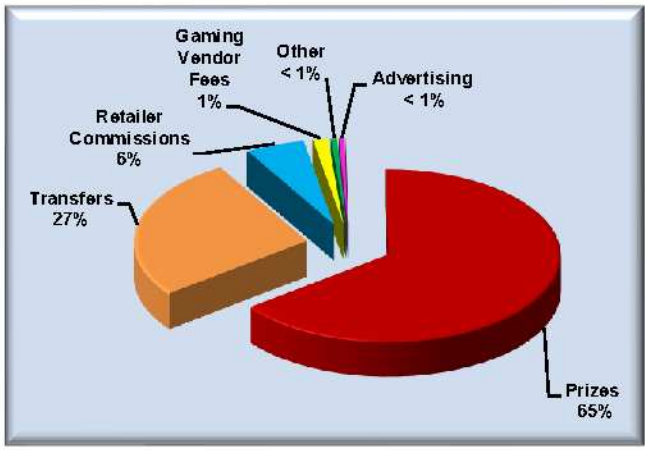
Section 24.121, Florida Statutes, stipulates that funds remaining in the Operating Trust Fund after the transfer to the EETF shall be used for the payment of administrative expenses of the Lottery. These expenses include Draw game expenses, Scratch-Off ticket expenses, advertising, and other expenses required for the day-to-day operations of the Lottery.

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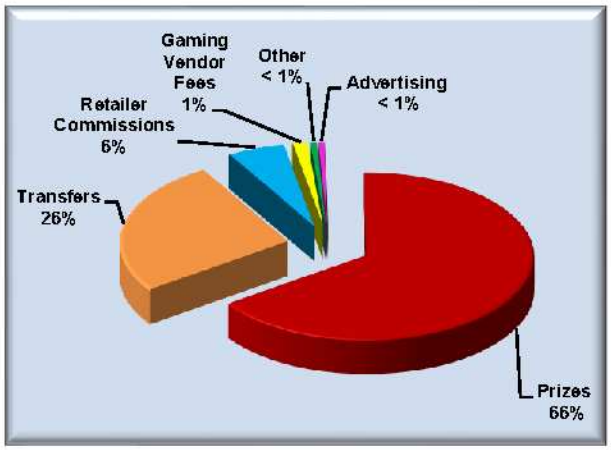
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The following charts show the major components of Lottery operating expenses and transfers as a percentage of ticket sales for the 2019 and 2018 fiscal years:

Operating Expenses and Transfers Fiscal Year 2018-19



Operating Expenses and Transfers Fiscal Year 2017-18



Prizes, commissions, and gaming vendor fees are directly related to sales and fluctuate accordingly. In fiscal year 2019, these expenses changed proportionally; yet as a percentage of total expenses they remained constant. The other expenses, which consisted of advertising, salary and benefits, professional fees, rent, maintenance, and depreciation, increased slightly. Fiscal year 2019, 2018, and 2017 administrative expenses were $82.20 million, $81.20 million, and $80.80 million, respectively.

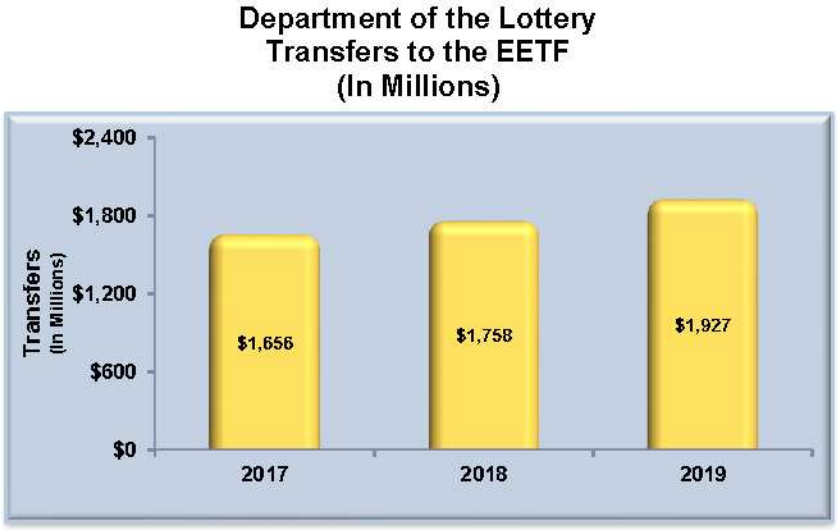
Transfers

Since its inception, the Lottery's total transfers to the EETF were $35.47 billion. The Lottery's contribution to the EETF for fiscal year ended June 30, 2019, was $1.93 billion. The Lottery has contributed over $1 billion for the seventeenth consecutive year.

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The following chart shows the total transfers to the EETF for the past three years:



Economic Factors and Future Impacts

The main economic factors affecting lottery sales are population growth, personal income changes, tourism, and competition for discretionary consumer spending. Florida's unemployment rate dropped from 3.8 percent in fiscal year 2018 to 3.4 percent during fiscal year 2019. In fiscal year 2019, Lottery sales exceeded $7.15 billion, setting new sales records for Draw, Scratch-Off, and total game sales. The Lottery's strategies have revolved around enhancing Draw and Scratch-Off games, increasing retailer penetration in the State, and refreshing the Lottery's brand.

Financial Contact

The Lottery's financial statements and this MD&A are designed to give a general overview to the reader. If you have any questions regarding this report or require additional information, please contact the State of Florida, Department of the Lottery, Director of Accounting, 250 Marriott Drive, Capitol Complex, Tallahassee, Florida 32399.

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BASIC FINANCIAL STATEMENTS

STATEMENTS OF NET POSITION
AS OF JUNE 30, 2019, AND 2018 (in thousands)

	June 30, 2019	June 30, 2018
Assets		
Current Assets:		
Cash and cash equivalents	$ 198,682	$ 179,119
Interest receivable	1,015	510
Accounts receivable, net	54,230	50,693
Inventories	1,209	1,274
Prepaid expenses	424	882
Security deposits	1,832	2,007
Total Current Assets	257,392	234,485
Noncurrent Assets:		
Restricted Assets		
Cash and cash equivalents	51,445	39,223
Deposit with MUSL	33,745	26,676
Investments, grand prize	301,776	291,307
Total Restricted Assets	386,966	357,206
Capital assets, net	7,170	6,987
Total Noncurrent Assets	394,136	364,193
Total Assets	651,528	598,678
Deferred Outflows of Resources		
Pension related items	10,582	10,696
Other postemployment benefits related items	1,386	549
Total Deferred Outflows of Resources	11,968	11,245
Total Assets and Deferred Outflows of Resources	$ 663,496	$ 609,923

The notes to the financial statements are an integral part of these statements.

(Continued)

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STATEMENTS OF NET POSITION

	June 30, 2019	June 30, 2018
Liabilities		
Current Liabilities:		
Accounts payable and accrued liabilities	$ 8,060	$ 7,997
Prizes payable	168,509	157,320
Due to Educational Enhancement Trust Fund	75,454	68,330
Deposits payable	1,853	2,087
Compensated absences payable	765	740
Net pension liability	151	162
Other postemployment benefits liability	556	519
Total Current Liabilities	255,348	237,155
Current Liabilities Payable from Restricted Assets:		
Pending purchase payable	-	675
Grand prizes payable	21,792	21,468
Total Current Liabilities Payable from Restricted Assets	21,792	22,143
Noncurrent Liabilities:		
Grand prizes payable from restricted assets	238,132	241,823
Compensated absences payable	2,849	3,003
Net pension liability	21,858	21,258
Other postemployment benefits liability	29,862	29,728
Total Noncurrent Liabilities	292,701	295,812
Total Liabilities	569,841	555,110
Deferred Inflows of Resources		
Pension related items	2,878	2,070
Other postemployment benefits related items	6,214	4,508
Total Deferred Inflows of Resources	9,092	6,578
Net Position		
Invested in capital assets	7,170	6,987
Restricted for future prizes or special prize promotions	51,445	39,223
Restricted for MUSL	33,745	26,676
Restricted for undistributed appreciation on restricted investments	45,368	26,092
Unrestricted	(53,165)	(50,743)
Total Net Position	84,563	48,235
Total Liabilities, Deferred Inflows of Resources, and Net Position	$ 663,496	$ 609,923

The notes to the financial statements are an integral part of these statements.

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STATEMENTS OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION FOR THE YEARS ENDED JUNE 30, 2019, AND 2018 (in thousands)

	June 30, 2019	June 30, 2018
Operating Revenues		
Ticket sales	$ 7,151,236	$ 6,700,811
Bad debt expense	(1,041)	(1,158)
Terminal fees and miscellaneous	7,513	8,014
Retailer fees	175	208
Total Operating Revenues	7,157,883	6,707,875
Operating Expenses		
Prizes	4,638,488	4,394,400
Retailer commissions	398,162	373,819
Scratch-Off tickets	64,935	63,654
Draw games	38,275	31,863
Advertising	39,649	38,323
Personal services	31,273	31,064
Other contractual services	8,176	8,802
Materials and supplies	2,019	1,904
Depreciation	1,078	1,108
Total Operating Expenses	5,222,055	4,944,937
Operating Income	1,935,828	1,762,938
Nonoperating Revenues (Expenses)		
Interest	8,933	5,551
Investment management fees	(479)	(415)
Net appreciation (depreciation) in fair value of investments	30,405	(3,870)
Property disposition (loss)	5	(13)
Amortization of grand prizes payable	(11,310)	(11,409)
Total Nonoperating Revenues (Expenses), Net	27,554	(10,156)
Income Before Operating Transfers	1,963,382	1,752,782
Transfers to Educational Enhancement Trust Fund	(1,927,054)	(1,758,329)
Change in Net Position	36,328	(5,547)
Net Position, Beginning of Year	48,235	78,397
Implementation effect of GASB Statement No. 75	-	(24,615)
Net Position, Beginning Restated	48,235	53,782
Net Position, End of Year	$ 84,563	$ 48,235

The notes to the financial statements are an integral part of these statements.

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STATEMENTS OF CASH FLOWS
FOR THE YEARS ENDED JUNE 30, 2019, AND 2018 (in thousands)

	June 30, 2019	June 30, 2018
Operating Activities		
Ticket sales	$ 7,146,658	$ 6,689,432
Prizes paid to winners	(4,634,368)	(4,383,135)
Commissions paid and payments to retailers	(398,162)	(373,819)
Paid to vendors for goods and services	(152,468)	(140,442)
Paid to employees	(28,851)	(28,300)
Other operating revenue	7,629	8,184
Net Cash Provided by Operating Activities	1,940,438	1,771,920
Noncapital Financing Activities		
Payments to Educational Enhancement Trust Fund	(1,919,930)	(1,761,647)
Net Cash Used in Noncapital Financing Activities	(1,919,930)	(1,761,647)
Capital and Related Financing Activities		
Purchase of capital assets	(1,256)	(1,844)
Net Cash Used in Capital and Related Financing Activities	(1,256)	(1,844)
Investing Activities		
Cash received from maturity of grand prize investments	21,955	26,712
Cash paid to grand prize winners upon maturity of grand prize investments	(21,955)	(26,712)
Investment income, net of fees	12,533	4,669
Net Cash Provided by Investing Activities	12,533	4,669
Net Increase (Decrease) in Cash and Cash Equivalents	31,785	13,098
Cash and Cash Equivalents, Beginning of Year	218,342	205,244
Cash and Cash Equivalents, End of Year	$ 250,127	$ 218,342
Reconciliation of Income from Operations to Net Cash Provided by Operating Activities:		
Income from operations	$ 1,935,828	$ 1,762,938
Adjustments to reconcile income from operations to net cash provided by operating activities:		
Depreciation	1,078	1,108
Changes in assets and liabilities		
(Increase) decrease in:		
Accounts receivable	(11,466)	(13,042)
Inventories	65	152
Prepaid expenses	458	(882)
Increase (decrease) in:		
Allowance for uncollectible accounts	1,035	706
Accounts payable and accrued liabilities	(171)	4,412
Prizes payable	11,189	13,764
Compensated absences payable	(129)	(45)
Net pension liability and related deferred outflows and inflows	1,511	1,450
Other postemployment benefits liability and related deferred outflows and inflows	1,040	1,359
Net Cash Provided by Operating Activities	$ 1,940,438	$ 1,771,920
Noncash Investing, Capital and Financing Activities:		
Increase/(decrease) in fair value of investments	$ 18,466	$ (17,962)

The notes to the financial statements are an integral part of these statements.

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NOTES TO FINANCIAL STATEMENTS

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

The State of Florida, Department of the Lottery (the Lottery) was established as a State agency with the enactment of the Florida Public Education Lottery Act (the Act) in 1987. The purpose of the Act is "to implement Section 15, Article X of the State Constitution in a manner that enables the people of the State to benefit from significant additional moneys for education and also enables the people of the State to play the best lottery games available."

In evaluating the Lottery as a reporting entity, management has addressed all potential component units for which the Lottery may be financially accountable and, as such, be includable in the Lottery's financial statements. The Lottery is financially accountable if it appoints a voting majority of the organization's governing board and (1) it is able to impose its will on the organization or (2) there is a potential for the organization to provide specific financial benefit to or impose specific financial burden on the Lottery. Additionally, the primary government is required to consider other organizations for which the nature and significance of their relationship with the primary government is such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete. Management's analysis has disclosed no component units that should be included in the Lottery's financial statements.

B. Basis of Presentation

The Lottery is accounted for as a proprietary type enterprise fund. Enterprise funds are used to account for activities that are financed and operated in a manner similar to private business enterprises: (1) where the costs of providing goods and services to the general public on a continuing basis are to be financed through user charges; or (2) where the periodic determination of net income is considered appropriate. The Lottery is reported as an enterprise fund within the State of Florida's Comprehensive Annual Financial Report.

C. Basis of Accounting

Basis of accounting refers to when the revenues, expenses, transfers, related assets, deferred outflows of resources, liabilities, and deferred inflows of resources are recognized in the accounts and reported in the financial statements. The financial statements are prepared on the accrual basis of accounting in accordance with generally accepted accounting principles. Under this method, revenues are recognized when they are earned, and expenses are recognized when they are incurred.

The measurement focus of proprietary fund types is on a flow of economic resources method, which emphasizes the determination of net income, financial position, and cash flows. All

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fund assets and liabilities, current and noncurrent, are accounted for on the Statements of Net Position.

The Lottery's operating revenues and expenses generally result from the sale and marketing of lottery tickets and the payment of related prizes. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

D. Cash and Cash Equivalents

The Lottery considers all highly liquid investments with an original maturity of three months or less when purchased to be cash equivalents. This includes cash in banks, petty cash, balances held by the State Board of Administration (SBA), and pooled investments in the State Treasury.

E. Investments

Florida Statutes authorize the Lottery to invest in certain instruments. The Lottery reports investments at fair value. Fair values for investments that are not publicly quoted are estimated by the investment custodian using independent third party pricing vendors. Details of investments are included in Note 2.

F. Allowance for Doubtful Accounts

The allowance for doubtful accounts is based on an analysis of collectability of accounts receivable, which considers the age of the accounts.

G. Inventories

Supply inventory and promotional items are valued at cost, using the first-in, first-out method. Supply inventory comprised game merchandise, prepaid postage, and prepaid tolls.

H. Prepaid Expenses

Prepaid expenses represent warranty agreements and advanced payments for services paid for during the current year but will not be consumed or used up until a future period.

I. Capital Assets

Capital assets are stated at cost less accumulated depreciation. As required by Chapter 273, Florida Statutes, a capitalization threshold of $1,000 and useful life extending beyond one year are employed for tangible personal property. The Lottery's capitalization threshold

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for intangible assets is $100,000. Depreciation on all capital assets is computed using the straight-line method over the following estimated useful lives:

Data processing equipment	3 to 5 years
Office furniture and fixtures	3 to 15 years
Vehicles and other equipment	3 to 20 years
Software	3 to 15 years

When capital assets are retired or otherwise disposed of, the costs and related accumulated depreciation are removed from the accounts and any resulting gain or loss is reflected in the Statements of Revenues, Expenses, and Changes in Net Position in the period of disposal. See Note 5 for more detailed information on capital assets.

J. Deferred Outflows of Resources

A consumption of net position by the government that is applicable to a future reporting period is presented as a deferred outflow of resources. See Note 9 for more information on deferred outflows of resources.

K. Long-term Liabilities

Refer to Note 7 for information on grand prizes payable, compensated absences payable, postemployment healthcare benefits liability, and net pension liability, along with changes in long-term liabilities. Also, refer to Note 9 for additional information on net pension liability and postemployment healthcare benefits liability.

L. Compensated Absences

Employees earn the right to be compensated during absences for vacation, illness, and unused special compensatory leave earned for hours worked on legal holidays. Compensated absences for annual leave are recorded as a liability when the benefits are earned. Compensated absences for sick leave are calculated based on the vesting method. Within the limits established by law or rule, unused leave benefits are paid to employees upon separation from State service. The cost of vacation and calculated sick leave benefits is accrued in the period in which the benefits are earned. The compensated absences are based on current fiscal year-end salary rates and include employer social security and pension contributions at current rates.

M. Deferred Inflows of Resources

A deferred inflow of resources is an acquisition of net position by the government that is applicable to a future reporting period. See Note 9 for more information on deferred inflows of resources.

N. Net Position

Net position includes categories for invested in capital assets, restricted for undistributed appreciation on restricted investments, restricted for future prizes or special prize promotions,

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restricted for the Multi-State Lottery Association (MUSL), and unrestricted net position resulting from liabilities for which no cash payments will be made. See Note 1.U. for more information on unrestricted net position.

The invested in capital assets category represents the investment in capital assets, recorded at cost less accumulated depreciation.

The restricted for undistributed appreciation on restricted investments category primarily represents the undistributed appreciation for all restricted asset accounts.

The restricted for future prizes or special prize promotions category represents the portion of unclaimed prize obligations legally reverted back to the Lottery and restricted for use in the payment of future prize pools or special prize promotions in accordance with Section 24.115(2), Florida Statutes.

The restricted for MUSL category represents the amount placed into reserve for the Florida Lottery by the MUSL. See Note 6 for more information on MUSL.

O. Revenue Recognition

Lottery games are sold to the public by contracted retailers. Revenue is recognized when Draw game tickets are sold to players and when books of Scratch-Off tickets are settled. Certain games include tickets that entitle the holder to exchange one ticket for another (free tickets). Such tickets are deemed to be replacements and, therefore, are not included in ticket sales.

P. Commissions

Retailers receive a commission of 5 percent on ticket sales. The commission on ticket sales for games is based upon total tickets distributed to the players (including free tickets) which, when compared to revenue, causes the percentage to be slightly higher or lower than 5 percent at any given time. Additionally, retailers are paid commissions through a 1 percent cashing bonus on redemption of tickets (including free tickets).

Q. Prizes

In accordance with the Act, variable percentages of the gross revenue from the sale of Draw and Scratch-Off lottery tickets shall be returned to the public in the form of prizes paid by the Lottery or retailers as authorized.

Prize expense for Draw games is recorded based on prizes won by the players, as revenue is recognized. Any prize that remains unclaimed at the end of a 180-day period following a draw is considered unclaimed.

Prize expense for Scratch-Off games is recorded based on the predetermined prize structure for each game, as revenue is recognized. Any prize that remains unclaimed 60 days after a Scratch-Off game is closed is considered unclaimed.

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Effective July 1, 2005, 80 percent of all unclaimed prize money is deposited in the Educational Enhancement Trust Fund (EETF). The remaining 20 percent of unclaimed prize money is added to the pool from which future prizes are to be awarded or used for special prize promotions and is reported as restricted for future prizes or special prize promotions.

All prizes are recorded at the actual amount except for the annuity-funded prizes, which are paid out on a deferred basis. The actual prize expense for these types of prizes is based on the present value of an annuity using the interest yield on the investments acquired to fund the annuity.

R. Self-Insurance

The Lottery participates in the various self-insurance programs established by the State of Florida for property and casualty losses and employee health insurance. Coverage includes property, general liability, automobile liability, workers' compensation, court-awarded attorney fees, and Federal civil rights actions. The property insurance program self-insures the first $2 million per occurrence for all perils except named windstorm and flood. For named windstorm and flood, the property insurance program self-insures the first $2 million per occurrence but with an annual aggregate retention of $40 million. Commercial excess insurance is purchased for losses over the self-insured retention up to $68.5 million per occurrence for named windstorm and flood losses and $225 million per occurrence for all other perils. Workers' compensation is provided to comply with the applicable law. The employee health and dental insurance program provides for payment of medical claims of employees and covered dependents. Settlements of claims did not exceed insurance coverage in each of the past three fiscal years.

S. Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets, deferred outflows of resources, liabilities, deferred inflows of resources, restricted net position, revenues, and expenses, and disclosures of contingent assets and liabilities. Actual results could differ from those estimates.

T. Bad Debt Expense

Bad debt expense is reported as a reduction in gross revenue. Bad debt expense is recognized when a Lottery retailer's uncollected revenue is past due. The amount of expense is based on an accounts receivable age analysis. The bad debt expense for the fiscal years ended June 30, 2019, and June 30, 2018, was $1,041,000 and $1,158,000, respectively.

U. Unrestricted Net Position Deficit

The unrestricted net position deficits of $53,165,000 and $50,743,000 for the fiscal years ended June 30, 2019, and June 30, 2018, respectively, includes the cumulative effect of the Lottery's postemployment healthcare benefits, compensated absences, and net pension

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liabilities, along with the deferred outflows of resources and deferred inflows of resources for pension and postemployment healthcare benefits related items. As a result of these items being recorded for reporting purposes only and being excluded from the calculation of transfers to the EETF, the effect is a deficit balance in unrestricted net position.

2. CASH AND INVESTMENTS

A. Cash and Cash Equivalents

Cash is held in demand deposits at various financial institutions. These deposits, with a book value of approximately $576,000 at June 30, 2019, and $9,033,000 at June 30, 2018, were insured by either the State's collateral for public deposits in accordance with Section 280.04, Florida Statutes, or Federal depository insurance.

Chapter 280, Florida Statutes, generally requires public funds to be deposited in a Qualified Public Depository, which is a bank or savings association that is designated by the State of Florida Chief Financial Officer (State CFO) as authorized to receive deposits in the State and that meets the collateral requirements. The State CFO determines the collateral requirements and collateral pledging level for each Qualified Public Depository following guidelines outlined in Section 280.04, Florida Statutes, and Chapter 69C-2, Florida Administrative Code. Collateral pledging levels include 25, 50, 110, and 150 percent of a Qualified Public Depository's average daily deposit balance or, if needed, an amount as prescribed by the State CFO. Collateral may be held by another custodian with approval of the State CFO if conditions are met that protect the State's interest. Eligible collateral includes federal, federally-guaranteed, state and local government obligations, corporate bonds, and other securities designated allowable under conditions set by the State CFO.

Florida Statutes provides that if a loss to public depositors is not covered by deposit insurance, demands of payment under any letters of credit, and the proceeds from the sale of securities pledged by the defaulting depository, the difference will be provided by an assessment levied against other Qualified Public Depositories according to a statutory based ratio.

Due to the investing policy of the Lottery, book overdrafts were approximately $3,949,000 at June 30, 2019, and $853,000 at June 30, 2018, representing outstanding prize payment checks and retailer payment checks. These outstanding checks are included as a component of prizes payable and accounts payable. The Lottery has an agreement with a financial institution to honor prize payments and retailer payments, as they are presented to the bank, up to $75 million.

Surplus cash is maintained in the State Treasury's general pool of investments. The State CFO pools funds from all State agencies. Pooled investments with the State Treasury are not registered with the Securities and Exchange Commissions. Oversight of the pooled investments with the State Treasury is provided by the Treasury Investment Council per Section 17.575, Florida Statutes. The authorized investment types are set forth in Section 17.57, Florida Statutes.

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The Lottery's share of this investment pool was approximately $249,551,000 and $209,309,000 at June 30, 2019, and 2018, respectively. Participants contribute to the pool on a dollar basis. These funds are commingled, and a fair value of the pool is determined from the individual values of the securities. The fair value of the securities is summed, and a total pool fair value is determined. The fair value factor is calculated by dividing the pool's total fair value by the pool participant's total cash balances. The fair value factor is the ratio used to determine the fair value of an individual participant's pool balance.

No allocation will be made as to the Lottery's share of the types of investments or their risk categories. The Lottery's share of the assets and liabilities arising from the securities lending agreements administered by the State Treasury will likewise not be carried on the Statements of Net Position since the State Treasury operates on a pooled basis and to do so may give the misleading impression that the Lottery itself has entered into such agreements. For further information, refer to the State of Florida's Comprehensive Annual Financial Report or publications of the State of Florida Department of Financial Services, Office of the Chief Financial Officer.

B. Investments, Grand Prize

The grand prize investments primarily consist of U.S. Government obligations held on the Lottery's behalf by the SBA. Grand prize investments and related grand prizes payable are not presented in current assets or liabilities. They are not part of current operations but instead are restricted assets and liabilities that are held by the Lottery for grand prize winnings to be paid on a deferred basis if the cash payment option is not selected.

Grand prize investments are shown at fair value, and the related grand prizes payable are adjusted to the net present value using the yield on the investments. The difference between the fair value of the investments and the net present value of the grand prizes payable is reflected as restricted for undistributed appreciation on restricted investments in net position. This represents the unrealized gains on the investments. Because these investments are held restrictively for grand prizewinners, this balance is not available for transfer to the EETF.

Interest accreted on grand prize investments during the year is reflected as an increase in the carrying value of grand prizes payable on the Statements of Net Position, and as a nonoperating revenue (expense) on the Statements of Revenues, Expenses, and Changes in Net Position. Net appreciation (depreciation) in fair value of investments is reflected as a nonoperating revenue (expense) on the Statements of Revenues, Expenses, and Changes in Net Position, and includes all changes in fair value that occurred during the year, including purchases, maturities, and sales.

C. Investment Credit Risk

Lottery grand prizewinner investments have been limited to U.S. Government guaranteed securities.

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The State Treasury Investment Pool's current rating by S&P was AA-f as of June 30, 2019.

D. Investment Interest Rate Risk

The investment policy objective is to match maturities of investments with the maturities of the Lottery prizewinner annuities. Therefore, investments are held to maturity after they are purchased thereby eliminating interest rate risk. Listed below are the Lottery's investments in U.S. Treasury Strips (in thousands):

As of June 30, 2019		As of June 30, 2018	
Time to Maturity	**Fair Value**	**Time to Maturity**	**Fair Value**
< 1 year	$ 22,078	< 1 year	$ 21,713
> 1 year to 3 years	43,108	> 1 year to 3 years	41,798
> 3 years to 5 years	42,433	> 3 years to 5 years	39,445
> 5 years to 10 years	98,907	> 5 years to 10 years	92,260
> 10 years to 15 years	54,716	> 10 years to 15 years	58,979
> 15 years to 20 years	21,633	> 15 years to 20 years	19,690
> 20 years to 25 years	13,294	> 20 years to 25 years	12,937
> 25 years	5,607	> 25 years	4,485
Total	**$ 301,776**	**Total**	**$ 291,307**

The effective duration of the State Treasury Investment Pool at June 30, 2019, and June 30, 2018, was approximately 2.71 years and 3.00 years, respectively.

E. Investment Concentration of Credit Risk

Since all long-term investments are in U.S. Government guaranteed securities, the Lottery has not adopted a policy regarding concentration of credit risk.

F. Investment Custodial Credit Risk

Custodial credit risk is defined as the risk that an entity may not recover securities held by another party. The Lottery does not have a formal policy regarding custodial credit risk.

At June 30, 2019, and June 30, 2018, all investments held were either insured or registered and held by the Lottery or its agents in the Lottery's name and thus were not subject to custodial credit risk.

G. Foreign Currency Risk

The Lottery had no exposure to foreign currency risk as of June 30, 2019, and June 30, 2018.

H. Fair Value Hierarchy

The Lottery categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles.

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The Lottery's investments are measured and reported at fair value and classified according to the following hierarchy:

Level 1 – Investments reflect unadjusted quoted prices in active markets for identical assets.

Level 2 – Investments reflect prices that are based on inputs that are either directly or indirectly observable for an asset (including quoted prices for similar assets), which may include inputs in markets that are not considered to be active.

Level 3 – Investments reflect prices based upon unobservable inputs for an asset.

The categorization of investments within the hierarchy is based upon the pricing transparency of this instrument and should not be perceived as the particular investment's risk.

Level 1 – Debt securities classified in Level 1 of the fair value hierarchy are valued by the custodian bank's external pricing vendors using prices quoted in active market for those securities.

Level 2 – Debt securities classified in Level 2 of the fair value hierarchy are valued by the custodian bank's external pricing vendors using pricing methodology that involves the use of evaluation models such as matrix pricing, which is based on a security's relationship to benchmark quoted prices.

Level 3 – Debt securities classified in Level 3 of the fair value hierarchy are valued by the custodian bank's external pricing vendors and are subject to being priced by an alternative pricing source utilizing discounted cash flow models and broker bids, or may have an estimated fair value equal to cost, due to a lack of an independent pricing source.

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The following schedules summarize all investments by fair value hierarchy level at June 30 (in thousands):

		Fair Value Measurements Using		
Investments by fair value level:	**June 30, 2019**	**Quoted prices in active market for identical assets Level 1**	**Significant other observable inputs Level 2**	**Significant unobservable inputs Level 3**
U.S. Treasury Strips	$ 301,776	$ -	$ 301,776	$ -
Pooled Investments with State Treasury	249,551	-	-	249,551
Total securities measured at fair value	$ 551,327	$ -	$ 301,776	$ 249,551

		Fair Value Measurements Using		
Investments by fair value level:	**June 30, 2018**	**Quoted prices in active market for identical assets Level 1**	**Significant other observable inputs Level 2**	**Significant unobservable inputs Level 3**
U.S. Treasury Strips	$ 291,307	$ -	$ 291,307	$ -
Pooled Investments with State Treasury	209,309	-	-	209,309
Total securities measured at fair value	$ 500,616	$ -	$ 291,307	$ 209,309

I. Investment Summary

The following schedule summarizes all investments at June 30 (in thousands):

Investment Type	**June 30, 2019 Carrying Value**	**June 30, 2018 Carrying Value**
U.S. Government Obligations & Federally Guaranteed Obligations	$ 301,776	$ 291,307
Pooled Investments with State Treasury	249,551	209,309
Total Investments	$ 551,327	$ 500,616

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The following schedules reconcile cash and investments to the Statements of Net Position at June 30 (in thousands):

	June 30, 2019			
	Investments	Cash at Financial Institutions	Cash at State Treasury	Totals
Cash and cash equivalents	$ 198,106	$ 330	$ 246	$ 198,682
Restricted cash and cash equivalents	51,445	-	-	51,445
Investments, grand prize	301,776	-	-	301,776
Totals	$ 551,327	$ 330	$ 246	$ 551,903

	June 30, 2018			
	Investments	Cash at Financial Institutions	Cash at State Treasury	Totals
Cash and cash equivalents	$ 170,086	$ 303	$ 8,730	$ 179,119
Restricted cash and cash equivalents	39,223	-	-	39,223
Investments, grand prize	291,307	-	-	291,307
Totals	$ 500,616	$ 303	$ 8,730	$ 509,649

3. ACCOUNTS RECEIVABLE

Accounts receivable as of June 30, consisted of (in thousands):

	2019	2018
Ticket sales receivable	$ 58,355	$ 53,610
Other receivables	-	173
Total receivables	58,355	53,783
Less allowance for doubtful accounts	(4,125)	(3,090)
Accounts receivable, net	$ 54,230	$ 50,693

4. SECURITY DEPOSITS AND DEPOSITS PAYABLE

The Lottery receives certificates of deposit and cashier's checks from certain vendors and retailers in order to secure contract performance. Certificates of deposit are held in trust by the State with any interest earnings being credited to the vendor or retailer. Cashier's checks are held as cash by the Lottery. These deposits are established to reduce the potential financial risk to the Lottery in the event of a breach of contract. The certificates appear on the Statements of Net Position, in assets as security deposits, and in liabilities as deposits

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payable. The checks appear on the Statements of Net Position, in assets as cash, and in liabilities as deposits payable.

5. CAPITAL ASSETS

Changes in capital assets are summarized as follows (in thousands):

	Balance June 30, 2017	2017-18 Increase	2017-18 Decrease	Balance June 30, 2018	2018-19 Increase	2018-19 Decrease	Balance June 30, 2019
Capital assets, not being depreciated:							
Non-amortizable intangibles	$ 3,222	$ 344	$ -	$ 3,566	$ 321	$ -	$ 3,887
Total capital assets, not being depreciated	$ 3,222	$ 344	$ -	$ 3,566	$ 321	$ -	$ 3,887
Capital assets, being depreciated:							
Vehicles and equipment	$ 12,295	$ 1,500	$ (825)	$ 12,970	$ 942	$ (962)	$ 12,950
Intangible assets and other	594	2	-	596	1	-	597
Total capital assets, being depreciated	12,889	1,502	(825)	13,566	943	(962)	13,547
Depreciation:							
Vehicles and equipment	9,571	1,338	(1,080)	9,829	1,038	(959)	9,908
Intangible assets and other	276	40	-	316	40	-	356
Total depreciation	9,847	1,378	(1,080)	10,145	1,078	(959)	10,264
Total capital assets, being depreciated, net	3,042	124	255	3,421	(135)	(3)	3,283
Total capital assets, net	$ 6,264	$ 468	$ 255	$ 6,987	$ 186	$ (3)	$ 7,170

6. MULTI-STATE LOTTERY ASSOCIATION

MUSL is a non-profit government-benefit association created for the purpose of administering joint lottery games. MUSL included 34 state lottery entities, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands during fiscal year 2019. Through membership in the association the Lottery is eligible to participate in Powerball with Powerplay, Mega Millions with Megaplier, and several other Draw games in participating states. The chief executive officer of each member lottery serves on the MUSL board of directors.

As a member of MUSL, the Lottery is required to contribute to various prize reserve funds maintained by MUSL. The prize reserve funds serve as a contingency reserve to protect MUSL from unforeseen prize payments. MUSL periodically reallocates the prize reserve funds among the states based on relative Powerball with Powerplay and Mega Millions with Megaplier sales levels. All remaining funds remitted, and the related interest earnings (net of administrative costs), will be returned to the Lottery upon leaving MUSL, less any portion of unanticipated prize claims that may have been paid from the fund.

As of June 30, 2019, and June 30, 2018, the Lottery had deposits with MUSL of $33,745,088, and $26,675,900, respectively, representing the Lottery's deposits of reserve funds.

A copy of the MUSL financial statements may be obtained by submitting a written request to MUSL, 4400 N.W. Urbandale Drive, Urbandale, Iowa 50322.

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7. LONG-TERM LIABILITIES

A. Grand Prizes Payable

Grand prizes payable at June 30 consisted of (in thousands):

	2019	2018
FLORIDA LOTTO grand prizes (face value)	$ 214,137	$ 229,271
MEGA MONEY grand prizes (face value)	6,733	7,438
Win for Life grand prizes (face value)	4,060	4,216
Lucky for Life grand prizes (face value)	16,950	17,850
Set for Life grand prizes (face value)	840	1,020
Cash Spectacular grand prizes (face value)	200	250
Cash for Life grand prizes (face value)	140	150
Loaded for Life grand prizes (face value)	2,150	2,250
Billion Dollar Blockbuster grand prizes (face value)	5,150	5,700
Gas for Life grand prizes (face value)	144	150
2 Million Dollar Casino Action grand prizes (face value)	1,100	1,200
Million Dollar Holiday grand prizes (face value)	600	650
Week for Life grand prizes (face value)	76,856	78,026
Monopoly grand prizes (face value)	3,420	3,660
Million Wishes grand prizes (face value)	650	700
X's The Cash grand prizes (face value)	6,690	5,020
Flamingo grand prizes (face value)	3,860	4,090
Gold Rush grand prizes (face value)	7,820	8,250
Super Millions grand prizes (face value)	5,040	5,280
$10mm World Class Cash grand prizes (face value)	960	960
$2,000,000 24 Karat Cash grand prizes (face value)	1,920	-
Cash4Life grand prizes (face value)	4,368	-
Jackpot Triple Play grand prizes (face value)	1,536	-
Less imputed interest	(105,400)	(112,840)
Net present value of grand prizes payable	$ 259,924	$ 263,291
Current prizes payable from restricted assets	$ 21,792	$ 21,468
Noncurrent prizes payable from restricted assets	238,132	241,823
Total grand prizes payable	$ 259,924	$ 263,291

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The following depicts by fiscal year the value (in thousands) of the grand prize annuities to pay prizewinners:

Year Ending June 30	Amount
2020	$ 22,297
2021	22,349
2022	22,349
2023	22,349
2024	23,254
2025-2029	114,583
2030-2034	70,360
2035-2039	32,837
2040-2044	23,546
2045-2049	11,400
Grand prizes (face value)	365,324
Less imputed interest	(105,400)
Net present value of grand prizes payable	$ 259,924

B. Compensated Absences Payable

Compensated absences payable at June 30 consisted of (in thousands):

	2019	2018
Current compensated absences	$ 765	$ 740
Noncurrent compensated absences	2,849	3,003
Total	$ 3,614	$ 3,743

C. Changes in Long-Term Liabilities

Changes in long-term liabilities are summarized as follows (in thousands):

	2018-19				
	Balance June 30, 2018	Additions	Reductions	Balance June 30, 2019	Amount Due Within One Year
Grand prizes payable	$ 263,291	$ 18,588	$ (21,955)	$ 259,924	$ 21,792
Compensated absences payable	3,743	-	(129)	3,614	765
Other postemployment benefits liability	30,247	171	-	30,418	556
Pension liability - HIS	5,776	4	-	5,780	151
Pension liability - FRS	15,644	585	-	16,229	-
Total	$ 318,701	$ 19,348	$ (22,084)	$ 315,965	$ 23,264

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	2017-18				
	Balance June 30, 2017	Additions	Reductions	Balance June 30, 2018	Amount Due Within One Year
Grand prizes payable	$ 255,202	$ 34,801	$ (26,712)	$ 263,291	$ 21,468
Compensated absences payable	3,788	-	(45)	3,743	740
Other postemployment benefits liability	8,233	22,014	-	30,247	519
Pension liability - HIS	6,552	-	(776)	5,776	162
Pension liability - FRS	13,658	1,986	-	15,644	-
Total long-term liabilities	$ 287,433	$ 58,801	$ (27,533)	$ 318,701	$ 22,889

8. DUE TO EDUCATIONAL ENHANCEMENT TRUST FUND

In accordance with the Act, effective July 1, 2005, variable percentages of the gross revenue from the sale of Draw games and Scratch-Off lottery tickets as determined by the Lottery, and other earned revenue, excluding application processing fees, shall be deposited in the EETF as provided in Section 24.121, Florida Statutes, as amended. The amount transferred to the EETF was $1,927,054,000 for the fiscal year ended June 30, 2019, (26.9 percent of revenues), and $1,758,329,000 (26.2 percent of revenues) for the fiscal year ended June 30, 2018.

Because the net appreciation in fair value of investments and amortization of grand prizes payable, included in nonoperating revenue and expenses, relate to valuations of the restricted grand prize investments and grand prizes payable, they are excluded from the determination of transfers to the EETF.

Effective July 1, 2005, provisions of the Act relating to the allocation of revenues for public education were revised. The changes in the provisions were designed to maximize the transfers of moneys to the EETF. These revisions resulted in changes in the methodology used to calculate the transfer based on a business model of revenue minus expenses rather than a percent of revenue.

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The amount due to the EETF at June 30, 2019, and June 30, 2018, was as follows (in thousands):

	June 30, 2019	June 30, 2018
Draw ticket sales	$ 2,213,457	$ 2,048,516
Average percent transferred	40%	38%
Transfer of Draw ticket sales [1]	874,956	769,427
Unclaimed Draw ticket prizes	31,042	26,773
Percent transferred	80%	80%
Transfer of unclaimed Draw ticket prizes	24,834	21,418
Scratch-Off ticket sales	4,937,779	4,652,295
Average percent transferred	20%	20%
Transfer of Scratch-Off ticket sales [1]	965,417	917,162
Unclaimed Scratch-Off ticket prizes	54,098	42,767
Percent transferred	80%	80%
Transfer of unclaimed Scratch-Off ticket prizes	43,278	34,214
Nonoperating revenues (expenses), net	27,554	(10,156)
Add:		
Net (appreciation) depreciation in fair value of investments	(30,405)	3,870
Amortization of grand prizes payable	11,310	11,409
Total Nonoperating revenues, net	8,459	5,123
Pension, postemployment healthcare, and compensated absences expenses	2,422	2,763
Terminal fees and miscellaneous revenue	7,688	8,222
Due for the year	1,927,054	1,758,329
Balance due, beginning of year	68,330	71,648
Paid during the year	(1,919,930)	(1,761,647)
Due to Educational Enhancement Trust Fund, June 30	$ 75,454	$ 68,330

[1] Amounts do not foot due to rounding of average percent transferred.

9. PENSIONS AND OTHER POSTEMPLOYMENT BENEFITS

A. Retirement Programs

The Florida Department of Management Services (DMS) administers the State's pension plans referenced below. Financial statements and other required supplementary information for the plans are included in the Florida Department of Management Services' Florida Retirement System Pension Plan and Other State Administered Systems Comprehensive Annual Financial Report (Pension CAFR). Copies of the Pension CAFR can be obtained from the DMS, Division of Retirement (Division), Research and Education Section , P.O. Box 9000, Tallahassee, Florida 32315-9000; by telephone at 844-377-1888 or 850-907-6500; by e-mail at rep@dms.myflorida.com; or at the Division's Web site (www.frs.myflorida.com).

Florida Retirement System. The Florida Retirement System (FRS) is a State-administered cost-sharing multiple-employer retirement plan administered by the DMS that offers members

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(Regular Class, Special Risk Class, and Senior Management Service Class)[1] an initial choice between participating in a defined benefit plan (FRS Pension Plan) or a defined contribution plan (FRS Investment Plan) and one additional choice to change plans before retirement. FRS provisions are established by Chapters 121, 122, and 238, Florida Statutes; Chapter 112, Part IV, Florida Statutes; and Florida Retirement System Rules, Chapter 60S, Florida Administrative Code; wherein eligibility, required employer and employee contributions, and benefits are defined and described in detail. Unless otherwise provided, all employees of participating employers in regularly established positions must be enrolled as members of the FRS or other non-integrated defined contribution plans in lieu of FRS membership.

Benefits in the FRS Pension Plan vest at six years of service for members initially enrolled before July 1, 2011, and at eight years for members initially enrolled on or after July 1, 2011. For members initially enrolled before July 1, 2011, Special Risk Class members are eligible for normal retirement benefits at age 55 and vested or after 25 years of service at any age. All other members initially enrolled before July 1, 2011, are eligible for normal retirement benefits at age 62 and vested or at any age after 30 years of service. For members initially enrolled on or after July 1, 2011, Special Risk Class members are eligible for normal retirement benefits at age 60 and vested or after 30 years of service at any age. All other members initially enrolled on or after July 1, 2011, are eligible for normal retirement benefits at age 65 and vested or at any age after 33 years of service.

Early retirement is available but imposes a penalty for each year a member retires before his or her normal retirement age. Retirement, disability, and death benefits are provided. Retirees with service prior to July 1, 2011, receive annual cost-of-living adjustments. Retirees only with service accrued on or after July 1, 2011, do not receive annual cost-of-living adjustments. Benefits are calculated at retirement based on the age, years of service, accrual value by membership class, and average final compensation (average of highest five fiscal years' salaries if initially enrolled before July 1, 2011, or the average of highest eight fiscal years' salaries if initially enrolled on or after July 1, 2011).

Members of the FRS Pension Plan who reach normal retirement may participate in the Deferred Retirement Option Program (DROP), subject to provisions of Section 121.091(13), Florida Statutes. DROP participants are technically retired, deferring termination and receipt of monthly retirement benefits for up to 60 months. During the period of DROP participation, deferred monthly benefits are held in the FRS Trust Fund and accrue interest.

FRS Investment Plan benefits are established in Part II, Chapter 121, Florida Statutes, and participation is available to all FRS members in lieu of the FRS Pension Plan. Members vest after one year of creditable service for Investment Plan contributions. If an accumulated benefit obligation for service credit originally earned under the FRS Pension Plan is

[1] Regular Class includes members of the FRS who do not qualify for membership in the other classes. Special Risk Class includes members who are employed as law enforcement officers and the Senior Management Service Class includes members in senior management level positions.

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transferred to the FRS Investment Plan, six years or eight years depending upon initial enrollment date of service (including the service credit represented by the transferred funds) is required to be vested for these funds and the earnings on the funds. Benefits under the FRS Investment Plan are based on the account balance at retirement composed of contributions plus investment gains less investment losses and fees. If the member is totally and permanently disabled from all employment, the member can transfer the account balance to the FRS Pension Plan to receive a monthly disability benefit. Employer and employee contributions are a percentage of salary based on membership class. Contributions are directed to individual member accounts and the individual members allocate contributions and account balances among various approved investment choices offered under the plan. Additionally, state agencies are required to make a contribution as a percent of covered payroll that is transferred to the FRS Trust Fund to help amortize the unfunded actuarial liability (UAL). The required UAL contribution rates for the fiscal year ended June 30, 2019, were 3.50 percent for regular class, 10.60 percent for special risk class, and 17.89 percent for senior management service class. The Lottery's contributions for the fiscal years ended June 30, 2019, June 30, 2018, and June 30, 2017, totaled $603,035, $540,210, and $402,691, respectively.

The Florida Legislature established uniform contribution rates for participating FRS employees. FRS employers pay the same contribution rate by membership class regardless of whether the members participate in the FRS Pension Plan or FRS Investment Plan. Contribution rates as a percentage of gross salary are as follows:

Class	Employee Rate Fiscal Year Ended June 30, 2019	Employer Rate Fiscal Year Ended June 30, 2019[1]	Employee Rate Fiscal Year Ended June 30, 2018	Employer Rate Fiscal Year Ended June 30, 2018[1]
Senior Management Service	3.00 percent	24.06 percent	3.00 percent	22.71 percent
Regular	3.00 percent	8.26 percent	3.00 percent	7.92 percent
Special Risk	3.00 percent	24.50 percent	3.00 percent	23.27 percent
DROP - Applicable to members from all of the above classes	0.00 percent	14.03 percent	0.00 percent	13.26 percent

[1] Total employer contribution rates above include 1.66 percent for the fiscal years ended June 30, 2019, and June 30, 2018, for the Retiree Health Insurance Subsidy Program. Also, employer rates, other than for DROP participants, include 0.06 percent for fiscal years ended June 30, 2019, and June 30, 2018, for administration costs of the financial education program and the FRS Investment Plan. Required employee contributions are deducted on a pre-tax basis.

Senior Management Service Optional Annuity Program. Some Lottery employees also participate in the Senior Management Service Optional Annuity Program (SMSOAP). Offered in lieu of FRS participation, the SMSOAP is a defined contribution plan that provides retirement and death benefits to the participant pursuant to Section 121.055, Florida Statutes. Participants have full and immediate vesting of all contributions paid on their behalf to the participating provider companies to invest as directed by the participants. Employees in

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eligible State positions may make an irrevocable election to participate in the SMSOAP in lieu of the Senior Management Service Class. Employers contributed 6.27 percent of covered payroll for July 2016 through June 2019. This contribution rate includes a contribution that would otherwise be paid to the Retiree Health Insurance Subsidy Program (HIS) described below so the SMSOAP retiree is not eligible to receive monthly HIS benefits. Additionally, State agencies are required to make a contribution as a percent of covered payroll that is transferred to the FRS Trust Fund to help amortize the UAL. The required UAL contribution rate for the fiscal year ended June 30, 2019, was 17.89 percent. A participant may contribute by salary reduction an amount not to exceed the percentage contributed by the employer. The Lottery's contributions for the fiscal years ended June 30, 2019, June 30, 2018, and June 30, 2017, totaled $5,456, $25,025, and $47,344, respectively.

Retiree Health Insurance Subsidy Program. The HIS was created by the Florida Legislature in 1987 to assist FRS retirees in paying health insurance costs. HIS is a non-qualified, cost-sharing multiple-employer defined benefit pension plan established under Section 112.363, Florida Statutes. For the fiscal years ended June 30, 2019, 2018, and 2017, eligible retirees or beneficiaries received a monthly HIS payment equal to the number of years of creditable service completed at the time of retirement multiplied by $5. The payments to individual retirees or beneficiaries were at least $30 but not more than $150 per month. To be eligible to receive HIS, an FRS retiree must apply for the benefit, certify health insurance coverage, which can include Medicare, and be approved.

HIS is funded by required contributions from FRS participating employers. For the fiscal years ended June 30, 2019, 2018, and 2017, required contributions were 1.66 percent of payroll for all active employees covered by the FRS, pursuant to Section 112.363, Florida Statutes. For the fiscal years ended June 30, 2019, 2018, and 2017, the Lottery contributed $303,072, $296,152, and $285,895, respectively, in employer contributions to the HIS. HIS contributions are deposited in a DMS trust fund from which HIS payments are authorized. HIS benefits are not guaranteed and are subject to legislative appropriation. If these contributions or appropriation fail to provide full subsidy benefits to all participants, the Legislature may reduce or cancel the subsidy payments.

Deferred Compensation Plan. The Lottery, through the State of Florida, offers its employees a deferred compensation plan created in accordance with Section 457 of the Internal Revenue Code. The plan (refer to Section 112.215, Florida Statutes), available to all regular payroll State employees, permits them to defer a portion of their salaries until future years. The deferred compensation is not available to employees until termination, retirement, death, or an unforeseen emergency.

All amounts of compensation deferred under the plan, all property and rights purchased with those amounts, and all income attributable to those amounts, property, or rights are held in trust for the exclusive benefit of participants and their beneficiaries as mandated by Title 26, Section 457(g)(1), United State Code.

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The Lottery does not contribute to the plan. Participation under the plan is solely at the discretion of the employee.

The State has no liability for losses under the plan but does have the duty of due care that would be required of an ordinary and prudent investor. Pursuant to Section 112.215, Florida Statutes, the Deferred Compensation Trust Fund is created in the State Treasury.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions. For purposes of measuring the net pension liabilities, pension expense, and related deferred outflows/inflows of resources, information about the fiduciary net position of the Plans and additions to/deductions from the Plans' fiduciary net position have been determined on the same basis as they are reported by the DMS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when currently due and payable in accordance with the benefit terms. Investments are reported at fair value. Detailed information about the Plans' fiduciary net position is available in the Pension CAFR.

At June 30, 2019, the Lottery reported a net pension liability of $16,229,921 for its proportionate share of the FRS Pension Plan's net pension liability and $5,779,995 for its proportionate share of the HIS net pension liability, for a total net pension liability of $22,009,916. The net pension liability was measured as of June 30, 2018, and the total pension liability used to calculate the net pension liability was based on actuarial valuations as of July 1, 2018, for the FRS Pension Plan and HIS. The Lottery's proportionate share of the net pension liability was based on 2017-18 fiscal year contributions to the Plans relative to the total 2017-18 fiscal year contributions of all participating members. At June 30, 2018, the Lottery's proportionate share of the FRS Pension Plan net pension liability was 0.053883272 percent, which was a 1.88 percent increase from its proportionate share measured as of June 30, 2017, of 0.052889273 percent. The Lottery's proportionate share of the HIS net pension liability at June 30, 2018, was 0.054610115 percent, which was a 1.09 percent increase from its proportion as of June 30, 2017, of 0.054020990 percent. For the fiscal year ended June 30, 2019, the Lottery recognized pension expense of $3,093,679 for the FRS Pension Plan and $391,991 for the HIS, for pension expense totaling $3,485,670. At June 30, 2019, the Lottery reported deferred outflows of resources and deferred inflows of resources related to the Plans from the following sources:

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FRS Pension Plan

	Deferred Outflows of Resources	Deferred Inflows of Resources
Difference between expected and actual experience	$ 1,374,918	$ 49,903
Changes in assumptions	5,303,149	-
Net difference between projected and actual earnings on pension plan investments	-	1,253,959
Changes in proportion and differences between employer contributions and proportionate share of contributions	987,635	591,987
Employer contributions subsequent to the measurement date	1,674,809	-
Totals	$ 9,340,511	$ 1,895,849

HIS

	Deferred Outflows of Resources	Deferred Inflows of Resources
Difference between expected and actual experience	$ 88,489	$ 9,820
Changes in assumptions	642,807	611,109
Net difference between projected and actual earnings on pension plan investments	3,489	-
Changes in proportion and differences between employer contributions and proportionate share of contributions	203,188	361,701
Employer contributions subsequent to the measurement date	303,072	-
Totals	$ 1,241,045	$ 982,630

The Lottery's contributions subsequent to the measurement date of $1,674,809 for the FRS Pension Plan and $303,072 for the HIS are reported as deferred outflows of resources and will be recognized as a reduction of the total net pension liability in the fiscal year ended June 30, 2020. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year Ending June 30	FRS Pension Plan	HIS	Totals
2020	$ 2,392,436	$ 41,438	$ 2,433,874
2021	1,516,091	41,144	1,557,235
2022	175,544	16,734	192,278
2023	931,978	(13,190)	918,788
2024	648,752	(99,246)	549,506
2025	105,052	(31,537)	73,515
	$ 5,769,853	$ (44,657)	$ 5,725,196

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Actuarial Methods and Assumptions. Actuarial assumptions for both defined benefit cost-sharing plans, the FRS Pension Plan and the HIS, are reviewed annually by the Florida Retirement System Actuarial Assumptions Conference. The most recent experience study for the FRS Pension Plan was completed in 2014 for the period July 1, 2008, through June 30, 2013. Because the HIS is funded on a pay-as-you-go basis, no experience study has been completed for this program.

The total pension liability for FRS Pension Plan and HIS were determined by actuarial valuations as of July 1, 2018, using the entry age normal actuarial cost method. Inflation increases for both plans is assumed at 2.60 percent. Payroll growth for both Plans is assumed at 3.25 percent.

Both the discount rate and the long-term expected rate of return used for FRS Pension Plan investments are 7.00 percent. The projection of cash flows used to determine the discount rate assumed that employee contributions will be made at the current contribution rate and that contributions from participating employers will be made at the statutorily required rates. Based on these assumptions, the FRS Pension Plan's fiduciary net position was projected to be available to make all projected future benefit payments to current active and inactive employees. Therefore, the discount rate for calculating the total pension liability is equal to the long-term expected rate of return and was applied to all periods of projected benefit payments to determine the total pension liability.

Because the HIS uses a pay-as-you-go funding structure, a municipal bond rate of 3.87 percent was used to determine the total pension liability for the plan. Mortality assumptions for both plans were based on the Generational RP-2000 with Projection Scale BB tables (refer to the valuation reports at www.frs.myflorida.com for more information).

There were no changes in benefit terms for either the FRS Pension Plan or the HIS that affected the total pension liability since the prior measurement date. There were no changes between the measurement date and the reporting date which significantly impact the Lottery's proportionate share of the net pension liability, deferred outflows of resources, deferred inflows of resources, and pension expense for either the FRS Pension Plan or the HIS.

The following changes in actuarial assumptions occurred in 2018:

FRS Pension Plan: As of June 30, 2018, the discount rate and the long-term expected rate of return decreased from 7.10 percent to 7.00 percent.

HIS: The municipal rate used to determine total pension liability increased from 3.58 percent to 3.87 percent.

The long-term expected rate of return on FRS Pension Plan investments was determined using a forward-looking capital market economic model, which includes an adjustment for the inflation assumption.

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The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Arithmetic Real Rates of Return
Cash	1.00%	2.90%
Fixed income	18.00%	4.40%
Global equity	54.00%	7.60%
Real estate (property)	11.00%	6.60%
Private equity	10.00%	10.70%
Strategic investments	6.00%	6.00%
	100.00%	

Sensitivity Analysis. The following tables demonstrate the sensitivity of the net pension liability to changes in the discount rate. The sensitivity analysis shows the impact to the Lottery's proportionate share of each plan's net pension liability if the discount rate was 1.00 percent higher or 1.00 percent lower than the current discount rate at June 30, 2018.

FRS Pension Plan			HIS		
1% Decrease 6.00%	Current Discount Rate 7.00%	1% Increase 8.00%	1% Decrease 2.87%	Current Discount Rate 3.87%	1% Increase 4.87%
$ 29,620,286	$ 16,229,921	$ 5,108,431	$ 6,583,077	$ 5,779,995	$ 5,110,582

B. Postemployment Healthcare Benefits

Effective July 1, 2017, the Lottery implemented GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*, for certain postemployment healthcare benefits administered by the State of Florida's State Employees' Group Health Insurance Program (Program) which significantly changed the Lottery's accounting for Other Postemployment Benefits (OPEB).

General Information about the OPEB Plan

Plan Description. The Lottery participates in the Program, a multiple-employer defined benefit plan that provides group health benefits. Pursuant to the provisions of Section 112.0801, Florida Statutes, all employees who retire from the State of Florida are eligible to participate in the Program. Retirees and their eligible dependents shall be offered the same health and hospitalization insurance coverage as is offered to active employees at a premium cost of no more than the premium cost applicable to active employees. A retiree means any officer or employee who retires under a State retirement system or State optional annuity or retirement program or is placed on disability retirement and who begins receiving retirement benefits immediately after retirement from employment. In addition, any officer or employee

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who retires under the Florida Retirement System Investment Plan is considered a "retiree" if he or she meets the age and service requirements to qualify for normal retirement or has attained the age of 59.5 years and has the years of service required for vesting. The State of Florida subsidizes the premium rates paid by retirees by allowing them to participate in the OPEB Plan at reduced or blended group (implicitly subsidized) premium rates for both active and retired employees. These rates provide an implicit subsidy for retirees because retiree healthcare costs are generally greater than active employee healthcare costs. No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement No. 75. The OPEB Plan contribution requirements and benefit terms necessary for funding the OPEB Plan each year is on a pay-as-you-go basis as established by the Governor's recommended budget and the General Appropriations Act. Retirees are required to enroll in the Medicare program for their primary coverage as soon as they are eligible.

Benefits Provided. The OPEB Plan provides healthcare benefits for retirees and their dependents. The OPEB Plan only provides an implicit subsidy as described above.

The total number of OPEB Plan employees covered by the benefit terms at July 1, 2017, were as follows:

Inactive plan members or beneficiaries currently receiving benefits	37,046
Inactive plan members entitled to, but not yet receiving benefits*	-
Active plan members	153,620
Total	190,666

*There are currently zero inactive plan members entitled to but not yet receiving benefits because the Program does not provide a vested termination benefit. As a part of normal retirement, a retiree has 60 days after separation to elect postretirement health coverage. After 60 days, they are no longer entitled to benefits.

Proportionate Share of the Total OPEB Liability

The Program's total OPEB liability of $10,560,332,000 was measured as of June 30, 2018, and was determined by an actuarial valuation as of July 1, 2017. The Lottery's proportionate share of that liability reported at June 30, 2019, was $30,417,848. At June 30, 2018, the Lottery's proportionate share, determined by its proportion of total Lottery employees as compared to total OPEB Plan employees, was 0.288278422 percent, which was a 3.05 percent increase from its proportionate share measured as of June 30, 2017, of 0.279755700 percent.

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***Actuarial Assumptions and Other Inputs*.** The total OPEB liability was determined using the following actuarial assumptions and other inputs, applied to all periods included in the measurement, unless otherwise specified:

Inflation	2.6 percent
Discount rate	3.87 percent
Healthcare cost trend rates	8.8 percent for Preferred Provider Organizations (PPO) and 6.2 percent for Health Maintenance Organizations (HMO) for fiscal years 2018 to 2019, decreasing to an ultimate rate of 3.8 percent for fiscal year 2075 and later years
Retirees' share of benefit-related costs	7.5 percent of projected health insurance premiums for Pre-Medicare eligible and Medicare-Eligible employees

The discount rate was based on the Bond Buyer General Obligation 20-year Municipal Bond Index.

Mortality rates were based on the Generational RP-2000 with Projected Scale BB.

The demographic actuarial assumptions for retirement, disability incidence, and withdrawal used in the July 1, 2017, valuation were based on the results of an actuarial experience study for the period January 1, 2010, through December 31, 2014, adopted by the FRS. The remaining actuarial assumptions (e.g., initial per capita costs, health care cost trends, rate of plan participation, rates of plan election, etc.) used in the July 1, 2017, valuation were based on a review of recent plan experience done concurrently with the July 1, 2017, valuation.

The following changes have been made since the July 1, 2017, valuation:

- The discount rate as of the measurement date for GASB Statement No. 75 purposes was changed to 3.87 percent. The prior GASB Statement No. 75 report used 3.58 percent. The discount rate is based on the 20-year municipal bond rate as of June 28, 2018.

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The Lottery's changes in total OPEB Liability for the fiscal year are as follows:

	Increase(Decrease) Total OPEB Liability
Balance at June 30, 2018	$ 30,246,920
Changes for the year:	
Service cost	1,298,727
Interest	1,153,020
Changes of assumptions or other inputs	(2,685,011)
Employer benefits payments	(534,563)
Changes in proportionate share	938,755
Net changes	170,928
Balance at June 30, 2019	$ 30,417,848

Sensitivity of the Lottery's Share of the Total OPEB Liability to Changes in the Discount Rate. The following table presents the Lottery's proportionate share of the total OPEB liability, as well as what the Lottery's proportionate share of the total OPEB liability would be if it were calculated using a discount rate that is 1.00 percentage point lower (2.87 percent) or 1.00 percentage point higher (4.87 percent) than the current rate:

1% Decrease 2.87%	Current Discount Rate 3.87%	1% Increase 4.87%
$ 36,996,673	$ 30,417,848	$ 25,296,006

Sensitivity of the Lottery's Share of the Total OPEB Liability to Changes in the Healthcare Cost Trend Rates. The following table presents the Lottery's proportionate share of the total OPEB liability, as well as what the Lottery's proportionate share of the total OPEB liability would be if it were calculated using healthcare cost trend rates that are 1.00 percentage point lower or 1.00 percentage point higher than the current healthcare cost trend rates:

1% Decrease	Healthcare Cost Trend Rates	1% Increase
$ 24,604,641	$ 30,417,848	$ 38,220,170

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OPEB Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB.

For the fiscal year ended June 30, 2019, the Lottery recognized OPEB expense of $1,039,014. At June 30, 2019, the Lottery reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

Description	Deferred Outflows of Resources	Deferred Inflows of Resources
Change of assumptions or other inputs	$ -	$ 6,013,542
Changes in proportions and differences between Lottery benefit payments and proportionate share of benefit payments	821,405	200,349
Transactions subsequent to the measurement date	564,536	-
Totals	$ 1,385,941	$ 6,213,891

Of the total amount reported as deferred outflows of resources related to OPEB, $564,536 resulting from transactions (e.g., benefit payments and administrative expense) subsequent to the measurement date and before the end of the fiscal year will be included as a reduction of the total OPEB liability and included in OPEB expense in the year ended June 30, 2020. Other amounts reported as deferred inflows of resources and deferred outflows of resources related to OPEB will be recognized in OPEB expense as follows:

Year Ending June 30	Amount
2020	$ (877,035)
2021	(877,035)
2022	(877,035)
2023	(877,035)
2024	(877,035)
Thereafter	(1,007,311)
Totals	$ (5,392,486)

10. OPERATING LEASES

The Lottery has entered into operating leases for the rental of office and warehouse space for the headquarters and district offices as well as the rental of office equipment. Certain leases are renewable at the option of the Lottery.

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Future minimum rental payments as of June 30, 2019, are scheduled as follows (in thousands):

Year Ending June 30	Headquarters	Districts	Office Equipment	Total
2020	$ 2,724	$ 1,218	$ 63	$ 4,005
2021	2,777	1,031	22	3,830
2022	2,805	1,026	3	3,834
2023	2,834	984	1	3,819
2024	2,862	968	-	3,830
2025-2029	11,850	5,124	-	16,974
2030-2034	-	3,129	-	3,129
Totals	$ 25,852	$ 13,480	$ 89	$ 39,421

Rental expense under all operating leases totaled approximately $3,977,000 and $3,941,000 for the fiscal years ended June 30, 2019, and June 30, 2018, respectively.

11. VENDOR SUPPORT FUNDS

Each of the gaming vendor contracts requires the vendors to provide a fund for marketing support activities as directed by the Lottery. The vendors are required to make deposits into the designated accounts either weekly or monthly and distribute the funds as directed by the Lottery. The funds are used for market research and other expenses directly linked to product sales. Vendor balances committed for marketing research vary with timing of marketing initiatives, industry developments, and changes in technology. Actual cash balances for these funds at June 30, 2006, through June 30, 2019, ranged from $1,058,000 to $5,196,000. Each contract requires that any funds remaining in the accounts at the end of each contract's term will be returned to the Lottery for transfer to the EETF. Historically, no balances have reverted to the Lottery.

Vendor support fund activities are summarized as follows (in thousands):

2018-19 Vendor Support Funds

	Balance June 30, 2018	Additions	Deletions	Balance June 30, 2019
IGT	$ 212	$ 360	$ (155)	$ 417
Scientific Games	4,452	4,740	(5,798)	3,394
Total Vendor Support	$ 4,664	$ 5,100	$ (5,953)	$ 3,811

2017-18 Vendor Support Funds

	Balance June 30, 2017	Additions	Deletions	Balance June 30, 2018
IGT	$ 147	$ 360	$ (295)	$ 212
Scientific Games	5,049	5,200	(5,797)	4,452
Total Vendor Support	$ 5,196	$ 5,560	$ (6,092)	$ 4,664

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12. OTHER COMMITMENTS

The Lottery has contractual agreements under which Draw and Scratch-Off lottery game vendors provide gaming systems, tickets, and related services. The Lottery's Draw gaming vendor was compensated at a rate of 1.0699 percent of net Draw game ticket sales through April 14, 2019. The Draw gaming vendor was compensated at a rate of 0.7384 percent of net Draw and Scratch-Off ticket sales beginning April 15, 2019. The vendor's compensation for Draw games, gaming equipment, and for the provision of full service vending machines for the fiscal years ended June 30, 2019, and 2018, was $38,275,000 and $31,863,000, respectively.

The Lottery's Scratch-Off ticket vendor is currently compensated at rates that range from 0.9746 percent to 2.3421 percent based on ticket price points and total annual sales. Compensation under this agreement and the agreement for the provision of instant ticket vending machines amounted to $64,935,000 for the fiscal year ended June 30, 2019, and $63,654,000 for the fiscal year ended June 30, 2018.

13. LITIGATION

The Lottery is involved in litigation and other claims incidental to the ordinary course of its operations. In the opinion of Lottery management, based on the advice of legal counsel, the ultimate disposition of these lawsuits and claims will not have a material adverse effect on the financial position of the Lottery.

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OTHER REQUIRED SUPPLEMENTARY INFORMATION FOR THE YEARS ENDED JUNE 30

FLORIDA RETIREMENT SYSTEM
Schedule of the Lottery's Proportionate Share of the Net Pension Liability and Related Ratios
Last Ten Fiscal Years [1]

	2018[2]	2017[2]	2016[2]
Lottery's proportion of the net pension liability	0.053883272%	0.052889273%	0.054090117%
Lottery's proportionate share of the net pension liability	$ 16,229,921	$ 15,644,292	$ 13,657,797
Lottery's covered payroll	$ 17,945,878	$ 17,435,001	$ 17,562,079
Lottery's proportionate share of the net pension liability as a percentage of its covered payroll	90.44%	89.73%	77.77%
Plan fiduciary net position as a percentage of the total pension liability	84.26%	83.89%	84.88%

(1) This schedule is intended to report information for ten years. Additional information will be displayed as it becomes available.
(2) The amounts presented for the fiscal year were determined as of 6/30.

Notes to Schedule:
Changes in actuarial assumptions: The inflation rate assumption remained at 2.60% and the payroll growth assumption remained at 3.25%. The long-term expected rate of return was decreased from 7.10% in 2017 to 7.00% in 2018.

Schedule of the Lottery's Contributions
Last Ten Fiscal Years[1]

	2019[2]	2018[2]	2017[2]	2016[2]
Contractually required contribution	$ 1,674,809	$ 1,535,630	$ 1,376,838	$ 1,319,074
Contributions in relation to the contractually required contribution	(1,674,809)	(1,535,630)	(1,376,838)	(1,319,074)
Contribution deficiency (excess)	$ -	$ -	$ -	$ -
Lottery's covered payroll	$ 18,276,513	$ 17,945,878	$ 17,435,001	$ 17,562,079
Contributions as a percentage of covered payroll	9.16%	8.56%	7.90%	7.51%

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2015[2]	2014[2]
0.055549065%	0.054080631%
$ 7,174,907	$ 3,299,714
$ 15,985,814	$ 16,266,000
44.88%	20.29%
92.00%	96.09%

2015[2]	2014[2]
$ 1,354,333	$ 1,184,595
(1,354,333)	(1,184,595)
$ -	$ -
$ 15,985,814	$ 16,266,000
8.47%	7.28%

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RETIREE HEALTH INSURANCE SUBSIDY PROGRAM
Schedule of the Lottery's Proportionate Share of Net Pension Liability
and Related Ratios
Last Ten Fiscal Years [1]

	2018[2]	2017[2]	2016[2]
Lottery's proportion of the net pension liability	0.054610115%	0.054020990%	0.056217445%
Lottery's proportionate share of the net pension liability	$ 5,779,995	$ 5,776,174	$ 6,551,910
Lottery's covered payroll	$ 17,836,604	$ 17,219,001	$ 17,354,507
Lottery's proportionate share of the net pension liability as a percentage of its covered payroll	32.41%	33.55%	37.75%
Plan fiduciary net position as a percentage of the total pension liability	2.15%	1.64%	0.97%

(1) This schedule is intended to report information for ten years. Additional information will be displayed as it becomes available.
(2) The amounts presented for the fiscal year were determined as of 6/30.

Notes to Schedule:
Changes in actuarial assumptions: The municipal rate used to determine total pension liability was increased from 3.58% in 2017 to 3.87% in 2018.

Schedule of the Lottery's Contributions
Last Ten Fiscal Years[1]

	2019[2]	2018[2]	2017[2]	2016[2]
Contractually required contribution	$ 303,072	$ 296,152	$ 285,895	$ 288,150
Contributions in relation to the contractually required contribution	(303,072)	(296,152)	(285,895)	(288,150)
Contribution deficiency (excess)	$ -	$ -	$ -	$ -
Lottery's covered payroll	$ 18,253,617	$ 17,836,604	$ 17,219,001	$ 17,354,507
Contributions as a percentage of covered payroll	1.66%	1.66%	1.66%	1.66%

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	2015[2]		2014[2]
	0.056262384%		0.057588909%
$	5,737,878	$	5,384,704
$	15,969,897	$	16,175,000
	35.93%		33.29%
	0.50%		0.50%

	2015[2]		2014[2]
$	215,070	$	197,280
	(215,070)		(197,280)
$	-	$	-
$	15,969,897	$	16,175,000
	1.35%		1.22%

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Schedule of the Lottery's Proportionate Share of the Total Other Postemployment Benefits (OPEB) Liability and Related Ratios
Last Ten Fiscal Years [1]

	2018[2]	2017[2]
Lottery's proportion of the total OPEB liability	0.288278422%	0.279755700%
Lottery's proportionate share of the total OPEB liability	$ 30,417,848	$ 30,246,920
Lottery's covered payroll	$ 17,945,878	$ 17,435,001
Lottery's proportionate share of the total OPEB liability as a percentage of its covered payroll	169.50%	173.48%
Plan fiduciary net position as a percentage of the total OPEB liability	0.00%	0.00%

(1) This schedule is intended to report information for ten years. Additional information will be displayed as it becomes available.
(2) The amounts presented for the fiscal year were determined as of 6/30.

Notes to Schedule: No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement No. 75 to pay related benefits.

Changes of Assumptions. In 2019, amounts reported as changes of assumptions resulted from a change in the discount rate of return. (Refer to Note 9 to the financial statements for further detail.)

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STATISTICAL SECTION

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Overview

This part of the Lottery's Comprehensive Annual Financial Report provides additional detailed information for use in assessing its financial condition.

Financial Trends – These schedules contain trend information to help assess how the Lottery's financial position has changed over time.

Schedule A-1 - Net Position by Component 68
Schedule A-2 - Changes in Net Position 70
Schedule A-3 - Transfers to EETF, Ticket Sales, Prize Expense, and Retailer Commissions 72

Revenue Capacity – These schedules present information on the Lottery's most significant revenue sources and can assist with evaluating the government's ability to produce its own-source revenues.

Schedule B-1 - Sales by Game 74
Schedule B-2 - Ticket Sales Percentages 75
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AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005745

Net Position by Component
For the Last Ten Fiscal Years
(in thousands)

Schedule A-1

	Fiscal Year			
	2010	2011	2012	2013
Invested in capital assets	$ 1,421	$ 1,248	$ 1,356	$ 3,215
Restricted for undistributed appreciation on restricted investments	109,494	86,237	110,012	67,195
Restricted for MUSL[1]	9,336	15,926	19,995	19,037
Restricted for future prizes or special prize promotions	13,857	18,559	5,238	15,854
Unrestricted	-	-	-	-
Total Net Position	$ 134,108	$ 121,970	$ 136,601	$ 105,301
Percent change from prior year	10%	-9%	12%	-23%

Note: Reporting standards require that net position be reported in three components in the financial statements: net investment in capital assets; restricted; and unrestricted. See Schedule A-2 for changes in net position from year to year.

Source: Florida Lottery, General Accounting

[1] Multi-State Lottery Association

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005746

Schedule A-1

Fiscal Year						
2014	2015	2016	2017	2018	2019	
$ 4,243	$ 5,820	$ 6,106	$ 6,264	$ 6,987	$ 7,170	
58,009	51,800	70,871	40,440	26,092	45,368	
19,817	21,766	22,793	24,177	26,676	33,745	
15,592	21,528	28,268	30,882	39,223	51,445	
-	(19,371)	(20,608)	(23,366)	(50,743)	(53,165)	
$ 97,661	$ 81,543	$ 107,430	$ 78,397	$ 48,235	$ 84,563	
-7%	-17%	32%	-27%	-38%	75%	

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005747

Changes in Net Position
For the Last Ten Fiscal Years
(in thousands)

Schedule A-2

	Fiscal Year			
	2010	2011	2012	2013
Operating Revenues				
Scratch-Off	$ 2,078,133	$ 2,225,676	$ 2,566,991	$ 3,028,527
LOTTO	445,881	411,389	419,040	352,375
FANTASY 5	281,963	282,777	290,672	281,492
PICK 3/CASH 3	304,039	313,270	314,747	324,539
PICK 4/PLAY 4	235,027	235,692	244,711	244,141
RAFFLE	29,334	12,603	-	12,879
MEGA MONEY/LUCKY MONEY/JACKPOT TRIPLE PLAY	92,060	88,971	92,346	89,500
LUCKY LINES	-	45,369	17,692	8,582
MEGA MILLIONS with Megaplier	-	-	-	16,698
POWERBALL with Power Play	434,062	392,969	503,697	654,263
MONOPOLY MILLIONAIRES	-	-	-	-
PICK 2	-	-	-	-
PICK 5	-	-	-	-
CASH4LIFE	-	-	-	-
FAST PLAY	-	-	-	-
Total ticket sales	3,900,499	4,008,716	4,449,896	5,012,996
Bad debt expense	(1,075)	(1,212)	(1,360)	(912)
Net Ticket Sales	3,899,424	4,007,504	4,448,536	5,012,084
Terminal fees and miscellaneous	7,373	7,237	7,465	7,773
Retailer fees	226	199	193	206
Total Operating Revenues	3,907,023	4,014,940	4,456,194	5,020,063
Operating Expenses				
Prizes	2,346,162	2,460,219	2,766,119	3,162,889
Retailer commissions	216,207	223,390	247,690	278,493
Scratch-Off tickets	30,896	35,520	38,906	44,193
Draw games	27,390	27,740	27,622	31,012
Advertising	34,197	33,159	33,540	37,696
Personal services	27,045	27,204	26,139	25,730
Other contractual services	7,474	8,855	8,210	6,801
Materials and supplies	2,309	1,921	1,969	2,156
Depreciation	494	310	446	270
Total Operating Expenses	2,692,174	2,818,318	3,150,641	3,589,240
Operating Income	1,214,849	1,196,622	1,305,553	1,430,823
Non-Operating Revenue (Expenses)				
Interest	6,057	4,893	5,024	3,984
Securities lending income	2,909	3,120	3,007	2,543
Securities lending fees	(1,520)	(1,400)	(824)	(1,090)
Investment management fees	(364)	(284)	(296)	(376)
Net appreciation (depreciation) in fair value of investments	90,875	21,662	60,221	(13,749)
Property disposition (loss)	(4)	(15)	(4)	(60)
Amortization of grand prizes payable	(54,079)	(44,918)	(36,446)	(29,068)
Total Nonoperating Revenues (Expenses), Net	43,874	(16,942)	30,682	(37,816)
Income Before Operating Transfers	1,258,723	1,179,680	1,336,235	1,393,007
Total Transfers to Educational Enhancement Trust Fund	(1,246,794)	(1,191,818)	(1,321,604)	(1,424,307)
Change in Net Position	11,929	(12,138)	14,631	(31,300)
Net Position, Beginning of Year	122,179	134,108	121,970	136,601
Implementation effect of GASB Statements No. 68 & 75	-	-	-	-
Net Position, End of Year	$ 134,108	$ 121,970	$ 136,601	$ 105,301

Source: Florida Lottery, General Accounting

FL-SEN-20-0201-B, 20-0202-A-005748

AMERICAN OVERSIGHT

Schedule A-2

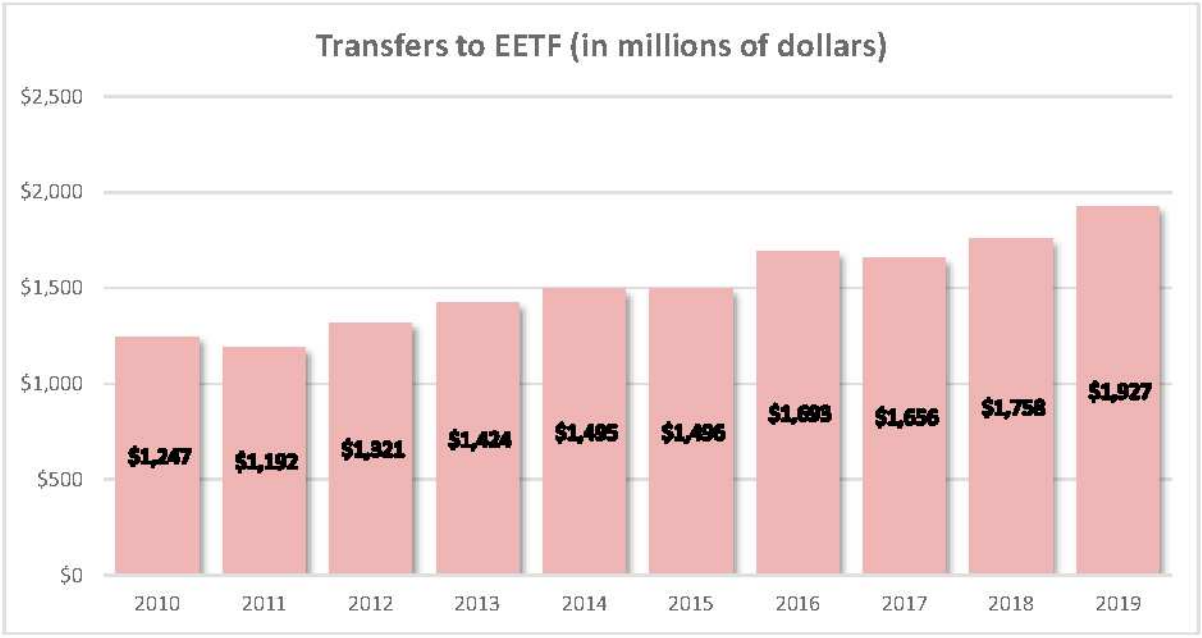
Fiscal Year					
2014	2015	2016	2017	2018	2019
$ 3,417,143	$ 3,723,995	$ 3,954,701	$ 4,243,602	$ 4,652,295	$ 4,937,779
349,114	300,961	291,382	253,039	240,015	223,504
288,237	287,803	296,307	275,663	264,417	258,409
339,636	363,251	379,757	348,724	366,073	380,330
257,752	276,217	291,651	249,312	259,271	253,423
-	-	11,724	11,357	-	-
79,483	103,196	84,881	89,436	74,193	74,632
-	-	-	-	-	-
167,573	147,370	149,950	147,381	220,619	416,963
469,292	375,057	602,001	434,263	474,039	459,392
-	5,481	-	-	-	-
-	-	-	23,931	20,267	20,860
-	-	-	50,996	52,618	54,649
-	-	-	28,775	59,219	50,337
-	-	-	-	17,785	20,958
5,368,230	5,583,331	6,062,354	6,156,479	6,700,811	7,151,236
(1,337)	(1,263)	(1,487)	(1,073)	(1,158)	(1,041)
5,366,893	5,582,068	6,060,867	6,155,406	6,699,653	7,150,195
7,611	7,456	7,439	7,436	8,014	7,513
206	196	181	175	208	175
5,374,710	5,589,720	6,068,487	6,163,017	6,707,875	7,157,883
3,431,092	3,627,939	3,868,970	3,996,632	4,394,400	4,638,488
298,651	311,981	337,007	343,608	373,819	398,162
48,157	51,665	55,591	58,615	63,654	64,935
28,895	29,970	32,650	30,301	31,863	38,275
37,486	37,513	41,180	39,452	38,323	39,649
27,614	27,320	28,379	30,117	31,064	31,273
7,656	8,344	7,941	7,486	8,802	8,176
1,057	2,078	1,662	2,180	1,904	2,019
715	441	959	1,570	1,108	1,078
3,881,323	4,097,251	4,374,339	4,509,961	4,944,937	5,222,055
1,493,387	1,492,469	1,694,148	1,653,056	1,762,938	1,935,828
2,776	4,032	4,695	4,829	5,551	8,933
1,534	997	1,163	-	-	-
(327)	(505)	(645)	-	-	-
(532)	(370)	(405)	(418)	(415)	(479)
13,718	12,604	34,246	(17,825)	(3,870)	30,405
124	64	15	(57)	(13)	5
(22,911)	(18,040)	(14,779)	(12,270)	(11,409)	(11,310)
(5,618)	(1,218)	24,290	(25,741)	(10,156)	27,554
1,487,769	1,491,251	1,718,438	1,627,315	1,752,782	1,963,382
(1,495,409)	(1,496,371)	(1,692,551)	(1,656,348)	(1,758,329)	(1,927,054)
(7,640)	(5,120)	25,887	(29,033)	(5,547)	36,328
105,301	97,661	81,543	107,430	78,397	48,235
-	(10,998)	-	-	(24,615)	-
$ 97,661	$ 81,543	$ 107,430	$ 78,397	$ 48,235	$ 84,563

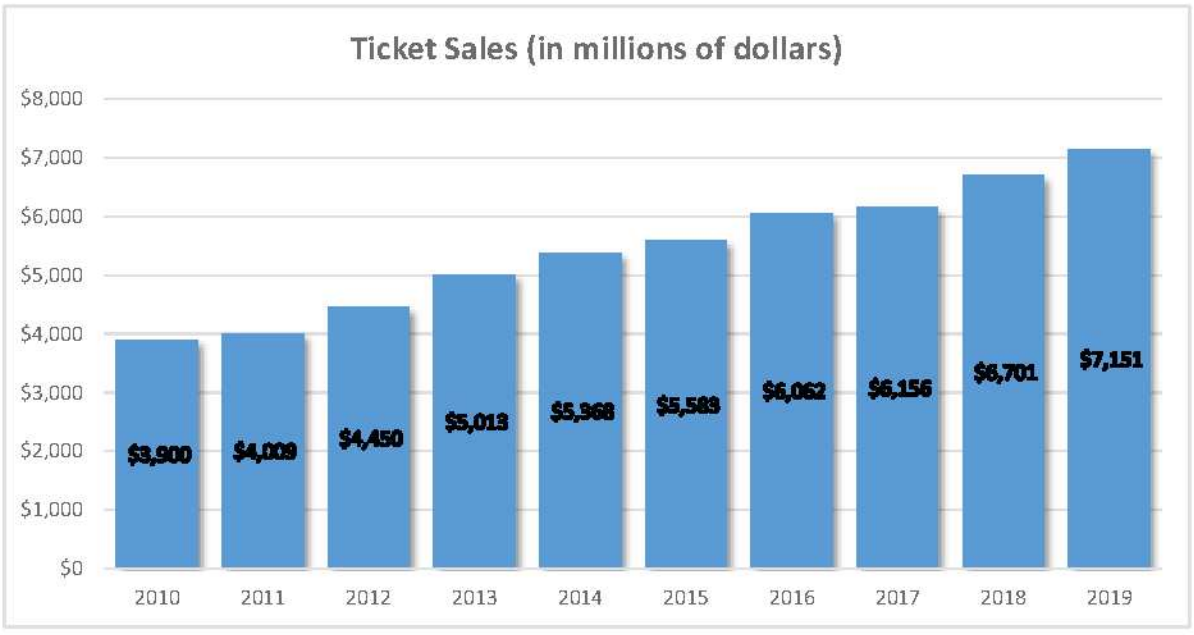
AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005749

Transfers to EETF, Ticket Sales, Prize Expense, and Retailer Commissions
For the Last Ten Fiscal Years

Schedule A-3



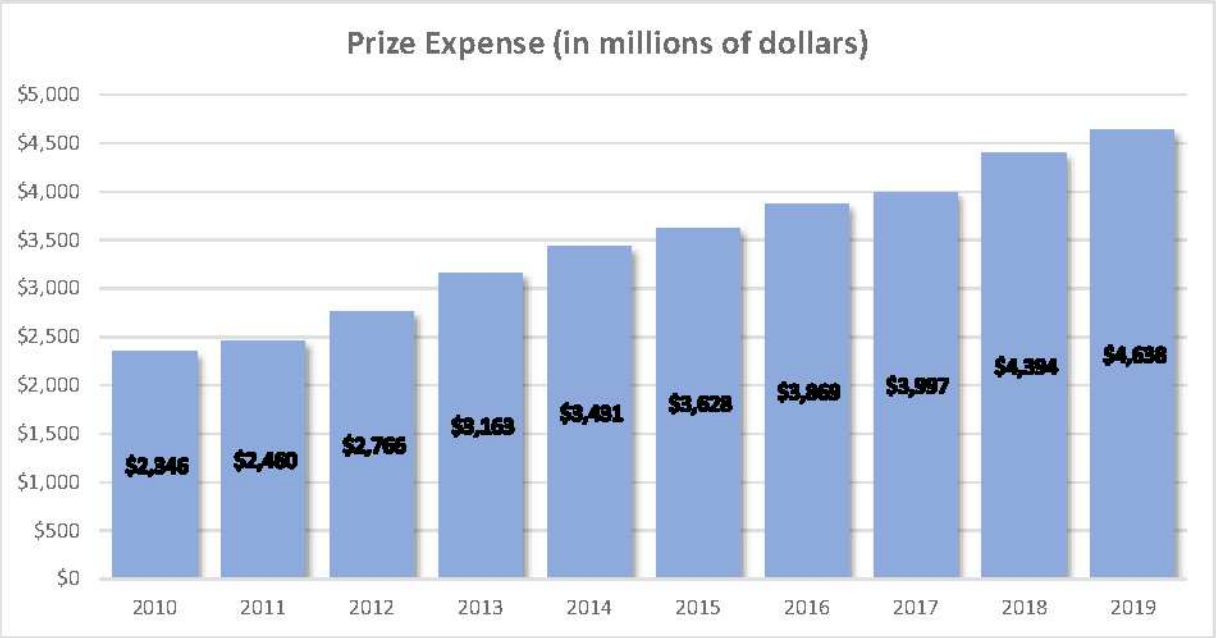


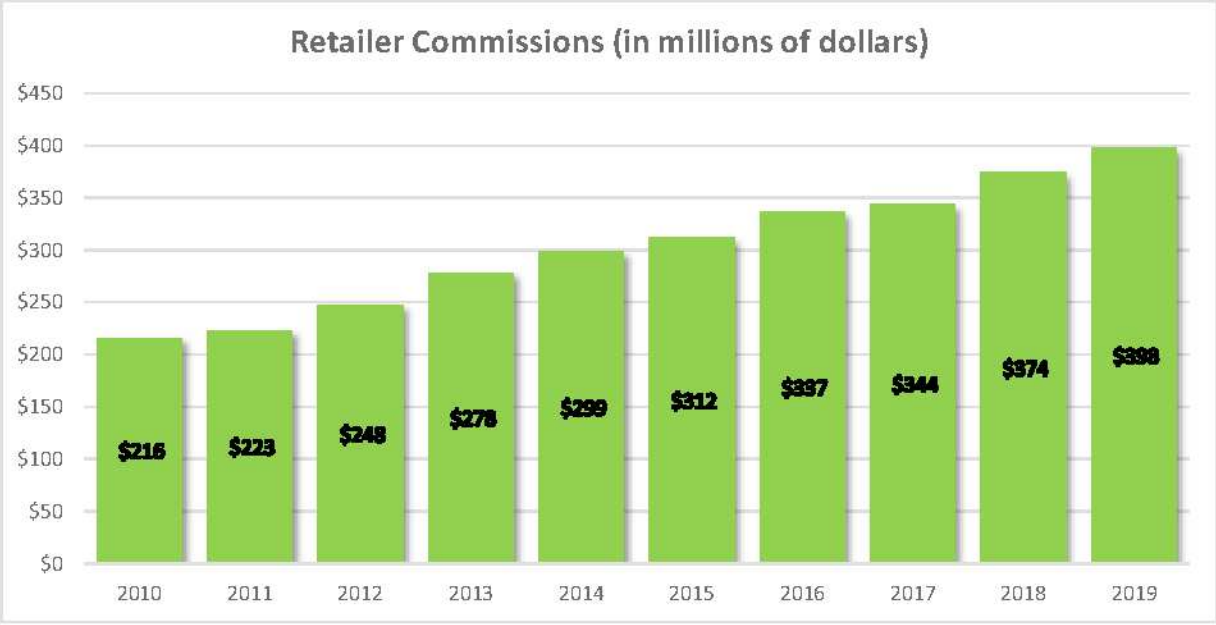
Source: Florida Lottery, General Accounting

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FL-SEN-20-0201-B, 20-0202-A-005750

Schedule A-3

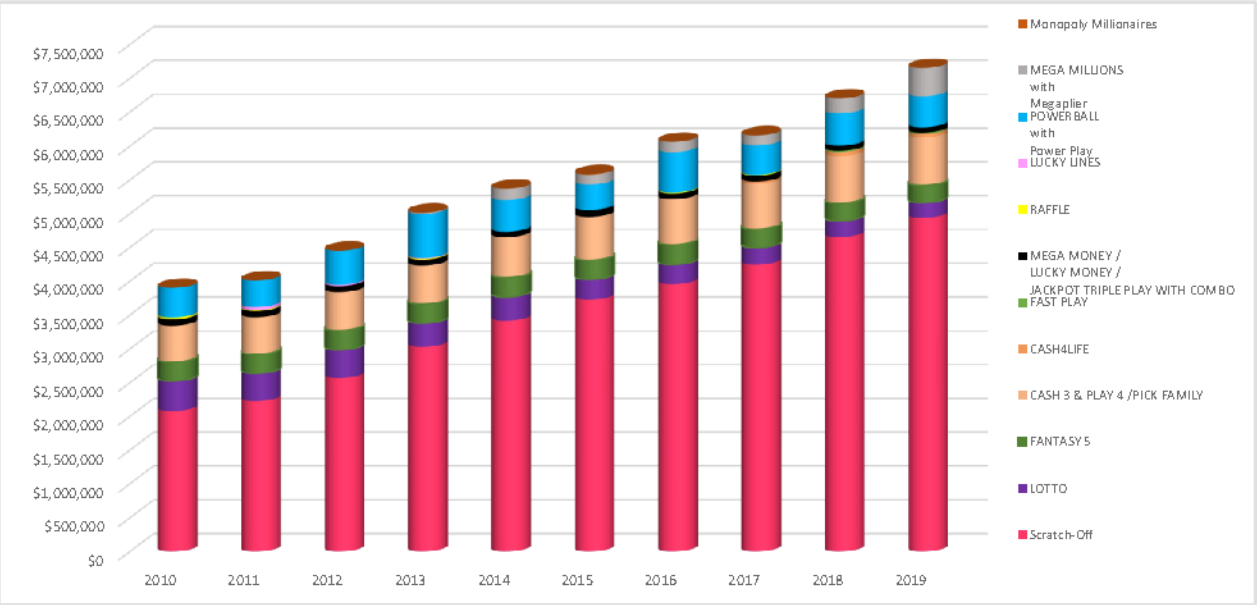




AMERICAN OVERSIGHT

Sales by Game
For the Last Ten Fiscal Years
(in thousands)

Schedule B-1



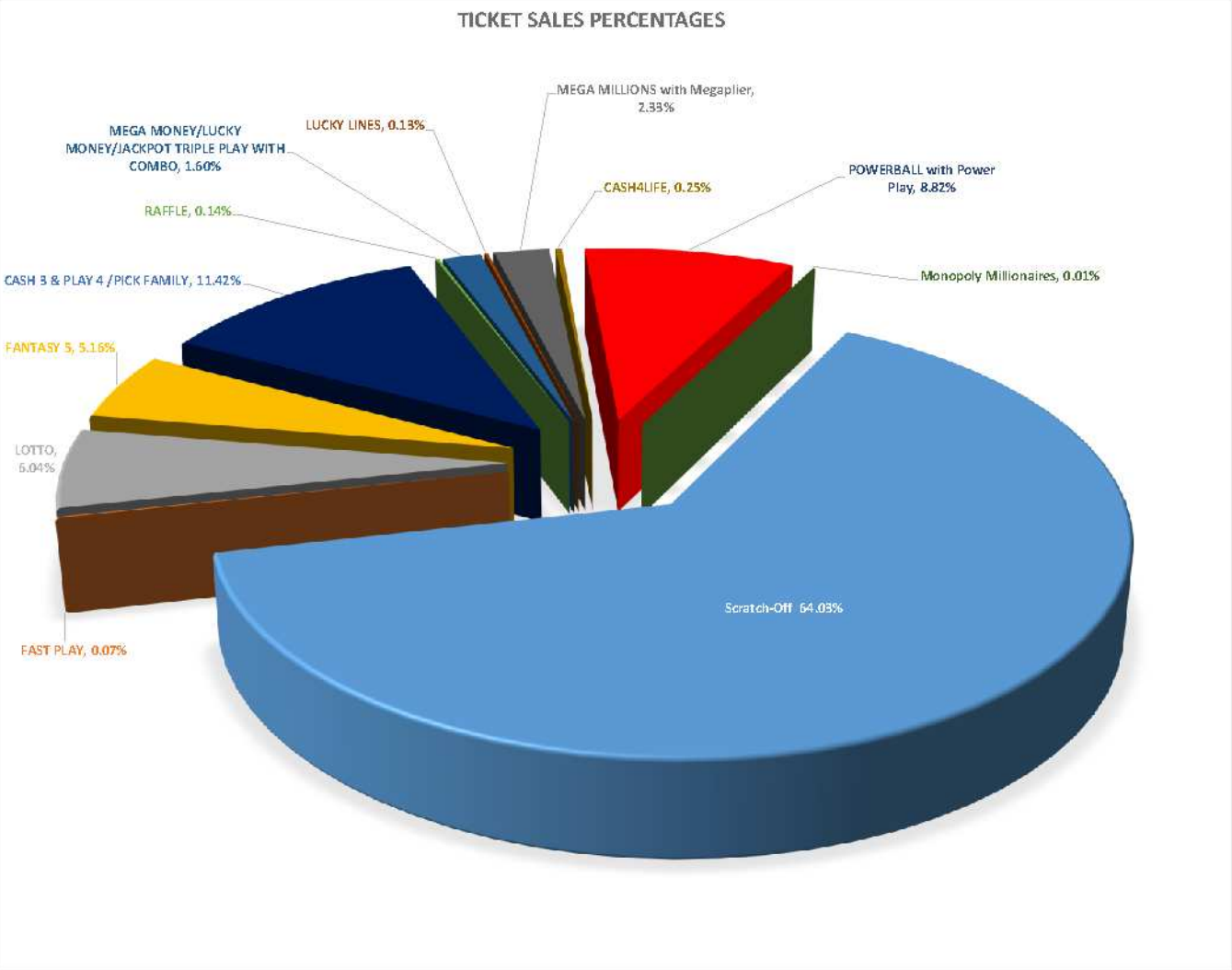
Fiscal Year Ended June 30	Scratch-Off	LOTTO	FANTASY 5	CASH 3 & PLAY 4 /PICK FAMILY	CASH4LIFE	FAST PLAY	MEGA MONEY / LUCKY MONEY / JACKPOT TRIPLE PLAY WITH COMBO	RAFFLE	LUCKY LINES	POWERBALL with Power Play	MEGA MILLIONS with Megaplier	Monopoly Millionaires	Combined Sales
2010	$ 2,078,133	$ 445,881	$ 281,963	$ 539,066	$ -	$ -	$ 92,060	$ 29,334	$ -	$ 434,062	$ -	$ -	$ 3,900,499
2011	2,225,676	411,389	282,777	548,962	-	-	88,971	12,603	45,369	392,969	-	-	4,008,716
2012	2,566,991	419,040	290,672	559,458	-	-	92,346	-	17,692	503,697	-	-	4,449,896
2013	3,028,527	352,375	281,492	568,680	-	-	89,500	12,879	8,582	654,263	16,698	-	5,012,996
2014	3,417,143	349,114	288,237	597,388	-	-	79,483	-	-	469,292	167,573	-	5,368,230
2015	3,723,995	300,961	287,803	639,468	-	-	103,196	-	-	375,057	147,370	5,481	5,583,331
2016	3,954,701	291,382	296,307	671,408	-	-	84,881	11,724	-	602,001	149,950	-	6,062,354
2017	4,243,602	253,039	275,663	672,963	28,775	-	89,436	11,357	-	434,263	147,381	-	6,156,479
2018	4,652,295	240,015	264,418	698,229	59,219	17,784	74,193	-	-	474,039	220,619	-	6,700,811
2019	4,937,779	223,504	258,409	709,262	50,337	20,958	74,632	-	-	459,392	416,963	-	7,151,236

Source: Florida Lottery, General Accounting

AMERICAN OVERSIGHT

Ticket Sales Percentages
For the Last Ten Fiscal Years

Schedule B-2



Source: Florida Lottery, General Accounting

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005753

Scratch-Off Game Launches and Sales by Price Point
For the Last Ten Fiscal Years

Schedule B-3

Price Point	Fiscal Year 2010	2011	2012	2013	2014	2015
			Number of Game Launches			
$1	11	12	12	9	10	10
$2	11	12	14	14	12	12
$3	3	5	5	3	3	2
$5	10	15	12	10	10	10
$10	2	3	3	3	3	4
$20	3	2	2	1	2	1
$25	-	-	-	1	1	1
$30	-	-	-	-	-	-
	40	49	48	41	41	40
			Sales (in thousands)			
$1	$ 170,760	$ 165,628	$ 172,780	$ 182,095	$ 181,772	$ 186,155
$2	328,764	319,795	389,265	426,216	444,056	477,036
$3	124,819	172,642	178,627	198,364	173,207	157,783
$5	404,513	481,494	539,443	605,275	702,937	743,071
$10	297,754	333,783	345,680	411,888	404,989	501,139
$20	680,113	752,334	941,196	829,443	969,861	1,002,548
$25	-	-	-	375,246	540,321	656,263
$30	71,410	-	-	-	-	-
	$ 2,078,133	$ 2,225,676	$ 2,566,991	$ 3,028,527	$ 3,417,143	$ 3,723,995

Source: Florida Lottery, General Accounting

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005754

Schedule B-3

Fiscal Year					
2016	2017	2018	2019	Total	% of Total 2019
Number of Game Launches					
8	9	9	9	99	23.68%
9	11	10	10	115	26.33%
1	3	2	2	29	5.26%
9	11	9	9	105	23.68%
3	4	5	5	35	13.16%
1	2	1	2	17	5.26%
1	1	-	-	5	0.00%
-	-	1	1	2	2.63%
32	41	37	38	407	100.00%
Sales (in thousands)					
$ 196,556	$ 194,399	$ 195,523	$ 169,501	$ 1,815,169	3.43%
502,346	508,240	558,165	564,103	4,517,986	11.42%
135,399	154,243	145,030	158,266	1,598,380	3.21%
875,444	867,577	1,036,310	1,013,246	7,269,310	20.52%
567,977	655,227	821,977	995,395	5,335,809	20.16%
973,527	1,146,288	959,818	1,142,781	9,397,909	23.14%
703,452	717,628	583,135	48,489	3,624,534	0.98%
-	-	352,337	845,998	1,269,745	17.14%
$ 3,954,701	$ 4,243,602	$ 4,652,295	$ 4,937,779	$ 34,828,842	100.00%

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005755

Number of Retailers and Sales by District
For the Last Ten Fiscal Years

Schedule B-4

Number of Retailers by District

	Fiscal Year					
District	2010	2011	2012	2013	2014	2015
Fort Myers	1,238	1,236	1,251	1,252	1,247	1,250
Gainesville	835	838	836	835	842	839
Jacksonville	1,024	1,013	1,009	1,013	1,026	1,016
Miami	3,259	3,265	3,245	3,272	3,231	3,193
Orlando	2,149	2,160	2,168	2,190	2,202	2,179
Pensacola	673	668	672	685	666	658
Tallahassee	380	374	377	387	383	382
Tampa	2,414	2,448	2,472	2,445	2,415	2,363
West Palm Beach	1,221	1,224	1,225	1,249	1,254	1,241
	13,193	13,226	13,255	13,328	13,266	13,121

Source: Department generated from gaming vendor data

Sales by District*
(in thousands)

District	2011	2012	2013	2014	2015
Fort Myers	$ 389,193	$ 436,665	$ 495,289	$ 537,065	$ 565,408
Gainesville	230,462	248,080	272,634	299,433	317,574
Jacksonville	284,052	312,540	359,187	404,505	428,266
Miami	911,981	1,021,417	1,152,468	1,208,118	1,227,125
Orlando	683,344	751,233	850,547	928,474	981,175
Pensacola	243,161	269,702	298,756	309,236	321,788
Tallahassee	121,308	129,598	146,996	167,641	180,174
Tampa	731,470	815,607	907,782	943,959	981,708
West Palm Beach	413,745	465,054	529,337	569,799	580,113
	$ 4,008,716	$ 4,449,896	$ 5,012,996	$ 5,368,230	$ 5,583,331

**Sales by District is not readily available prior to 2011.*

Source: Department generated from gaming vendor data

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005756

Schedule B-4

Fiscal Year			
2016	2017	2018	2019
1,257	1,266	1,262	1,292
829	823	818	818
1,018	1,020	1,022	1,017
3,202	3,172	3,155	3,172
2,183	2,197	2,194	2,180
665	681	703	692
389	386	379	381
2,375	2,355	2,358	2,382
1,245	1,254	1,253	1,272
13,163	13,154	13,144	13,206

2016	2017	2018	2019	Total	% of Total Sales
$ 615,229	$ 628,123	$ 697,588	$ 759,736	$ 5,124,296	10.15%
343,318	356,612	387,452	411,490	2,867,055	5.68%
458,174	477,954	522,998	551,029	3,798,705	7.52%
1,367,195	1,333,364	1,447,985	1,524,352	11,194,005	22.17%
1,050,312	1,071,251	1,157,163	1,227,247	8,700,746	17.23%
351,814	364,132	391,488	432,160	2,982,237	5.91%
189,304	191,233	201,239	218,261	1,545,754	3.06%
1,052,556	1,088,431	1,192,114	1,275,011	8,988,638	17.80%
634,452	645,379	702,784	751,950	5,292,613	10.48%
$ 6,062,354	$ 6,156,479	$ 6,700,811	$ 7,151,236	$ 50,494,049	100.00%

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005757

Demographic and Economic Statistics
For the Last Ten Calendar Years

Schedule C-1

	Population				Personal Income (in millions)	
Year [3]	Florida - April 1	Percent Change from Prior Year	U.S. - July 1	Percent Change from Prior Year	Florida	U.S.
2009	18,687,425	0.39%	304,093,966	0.88%	$ 682,320	$ 12,059,109
2010	18,801,332	0.61%	309,326,085	1.72%	725,801	12,551,597
2011	18,905,070	0.55%	311,580,009	0.73%	766,186	13,326,770
2012	19,074,434	0.90%	313,874,218	0.74%	791,919	14,010,140
2013	19,259,543	0.97%	316,057,727	0.70%	794,797	14,181,095
2014	19,507,369	1.29%	318,386,421	0.74%	858,499	14,991,831
2015	19,815,183	1.58%	320,742,673	0.74%	919,227	15,719,525
2016	20,148,654	1.68%	323,071,342	0.73%	953,261	16,125,143
2017	20,484,142	1.67%	325,147,121	0.64%	1,000,624	16,830,941
2018	20,840,568	1.74%	327,167,434	0.62%	1,054,461	17,584,857

[1] Unemployment Assistance rates are annualized (average of monthly rates).

[2] School enrollment is by state fiscal year and other data are by calendar year, April 1, or July 1.

[3] Demographic data for calendar year 2019 is unavailable as of the issue date of this report.

Note: Historical data are from the: U.S. Department of Commerce ; University of Florida; U.S. Department of Labor; and Florida Department of Education. Forecast data are based on the Florida Demographic Estimating Conference (November 2018), and the National and Florida Economic Estimating Conferences (November 2018).

Source: Florida Department of Financial Services, Bureau of Financial Reporting

AMERICAN OVERSIGHT

FL-SEN-20-0201-B, 20-0202-A-005758

Schedule C-1

Per Capita Personal Income		Unemployment Assistance Rate [1]		Median Age	Public School Enrollment [2]
Florida	U.S.	Florida	U.S.	Florida	Florida
$ 36,512	$ 39,656	10.4%	9.3%	40.4	2,628,754
38,604	40,577	11.1%	9.6%	40.6	2,634,382
40,528	42,772	10.0%	8.9%	40.9	2,643,396
41,517	44,636	8.5%	8.1%	41.0	2,667,830
41,268	44,869	7.2%	7.4%	41.1	2,691,322
44,009	47,087	6.3%	6.2%	41.3	2,720,074
46,390	49,010	5.5%	5.3%	41.5	2,756,127
47,311	49,912	4.8%	4.9%	41.6	2,791,244
48,849	51,764	4.2%	4.4%	41.6	2,817,076
50,597	53,749	3.7%	3.9%	41.7	2,833,115

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FL-SEN-20-0201-B, 20-0202-A-005759

Industry Sector Employment
For Calendar Years 2018 and 2009
(in thousands)

Schedule C-2

	Calendar Year 2018		Calendar Year 2009	
Industry	Employment	Percentage of Total Employment [2]	Employment	Percentage of Total Employment [2]
Health Care and Social Assistance	1,137	12.85%	923	12.60%
Retail Trade	1,132	12.79%	933	12.74%
Accommodation and Food Services	994	11.23%	742	10.13%
Local Government	716	8.09%	747	10.20%
Administrative Support and Waste Services	687	7.76%	482	6.58%
Professional, Scientific, and Technical Services	572	6.46%	435	5.94%
Construction	541	6.11%	397	5.42%
Finance and Insurance	387	4.37%	333	4.55%
Manufacturing	372	4.20%	324	4.42%
Other Services[1]	354	4.00%	301	4.11%
Total	6,892	77.86%	5,617	76.69%

Note: Privacy requirements prevent the state from obtaining and reporting specific information about the largest employers in the state's jurisdiction. Reporting by industry reveals the degree of concentration in the state's total employment base.

In December 2018, Florida's seasonally adjusted total nonagricultural employment was 8,892,000, an increase of 225,800 jobs (+2.6 percent) over the year. Florida's annual job growth rate had been positive for 89 out of 90 months. The only month not positive was due to Hurricane Irma that hit the state in September 2017. In December 2018, all ten major industries gained jobs over the year with professional and business services (+43,200 jobs) gaining the most followed by education and health services (+41,800 jobs).

(1) "Other Services" include the following: Repair and maintenance, automotive repair and maintenance, personal and laundry services, and religious, grantmaking, civic, professional, and similar organizations.

(2) "Employment" is being calculated based on average total employment by industry for each calendar year. Percentages of "Total" employment are based on the following:

	2018	2009
Total non-agricultural employment	8,782	7,235
Total agricultural employment	68	88
Total employment	8,850	7,323

Source: Florida Department of Financial Services, Bureau of Financial Reporting

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Lottery Player Demographics
For the Last 10 Fiscal Years

Schedule C-3

	Fiscal Year					
	2010	2011	2012	2013	2014	2015
Gender						
Male	51%	52%	51%	51%	51%	51%
Female	49%	48%	49%	49%	49%	49%
Age						
18 to 34	25%	25%	26%	24%	24%	25%
35 to 54	39%	47%	38%	39%	38%	38%
55+	36%	28%	36%	37%	38%	37%
Education						
HS or Less	31%	25%	34%	28%	21%	20%
Some Post Secondary	24%	33%	29%	29%	29%	26%
University+	45%	42%	37%	43%	50%	54%
Race						
White	73%	86%	84%	85%	84%	86%
Other	27%	14%	16%	15%	16%	14%
Hispanic						
Yes	16%	24%	23%	22%	21%	21%
No	84%	76%	77%	78%	79%	79%
Income						
<$20K	17%	12%	14%	14%	17%	13%
$20K-$29K	10%	13%	12%	12%	14%	12%
$30K-$49K	23%	28%	26%	26%	25%	25%
$50K-$69K	16%	18%	18%	21%	20%	20%
$70K+	34%	29%	30%	27%	24%	30%

Source: The Lottery's marketing and research firm, Ipsos-Reid, Inc., based on surveys conducted during the fiscal years.

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FL-SEN-20-0201-B, 20-0202-A-005762

Schedule C-3

Fiscal Year			
2016	2017	2018	2019
51%	51%	51%	51%
49%	49%	49%	49%
24%	25%	26%	25%
39%	38%	38%	39%
37%	37%	36%	36%
15%	15%	18%	21%
22%	20%	22%	23%
63%	65%	60%	56%
84%	84%	84%	84%
16%	16%	16%	16%
20%	21%	20%	20%
80%	79%	80%	80%
12%	11%	12%	12%
10%	8%	10%	10%
21%	21%	21%	23%
21%	21%	20%	19%
36%	39%	37%	36%

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FL-SEN-20-0201-B, 20-0202-A-005763

Schedule of Lottery Employees
For the Last Ten Fiscal Years

Schedule D-1

	Fiscal Year					
	2010	2011	2012	2013	2014	2015
Sales:						
Tallahassee	11	11	10	11	11	11
Fort Myers	17	17	18	16	15	17
West Palm Beach	20	20	19	17	19	19
Miami	38	38	36	39	38	37
Pensacola	14	14	13	13	14	14
Jacksonville	14	15	13	16	16	15
Gainesville	13	13	13	13	13	12
Orlando	25	26	26	27	27	26
Tampa	29	31	30	31	30	30
Sales Subtotal	181	185	178	183	183	181
Administrative and Other	242	239	236	220	220	227
Total	**423**	**424**	**414**	**403**	**403**	**408**

Note: Figures above are as of June 30 of the respective fiscal years.

Source: Florida Lottery, General Accounting

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Schedule D-1

Fiscal Year			
2016	2017	2018	2019
11	10	11	11
16	18	18	17
19	18	19	19
38	36	37	38
14	14	15	14
16	15	16	16
13	13	13	14
27	28	27	28
26	31	30	30
180	183	186	187
232	230	233	232
412	**413**	**419**	**419**

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FL-SEN-20-0201-B, 20-0202-A-005765

Operating Indicators
Last Ten Fiscal Years
(dollar values in thousands)

Schedule D-2

	Fiscal Year					
	2010	2011	2012	2013	2014	2015
Scratch-Off Games						
Sales	$2,078,133	$2,225,676	$2,566,991	$3,028,527	$3,417,143	$3,723,995
Prize Expense	$1,487,729	$1,609,232	$1,841,816	$2,207,780	$2,484,259	$2,712,474
Percent of Sales	71.59%	72.30%	71.75%	72.90%	72.70%	72.84%
Vendor Fees	$ 30,896	$ 35,520	$ 38,906	$ 44,193	$ 48,157	$ 51,665
Percent of Sales	1.49%	1.60%	1.52%	1.46%	1.41%	1.39%
Draw Games						
Sales	$1,822,366	$1,783,040	$1,882,905	$1,984,469	$1,951,087	$1,859,336
Prize Expense	$ 910,256	$ 906,303	$ 950,655	$1,015,405	$ 995,240	$ 962,779
Percent of Sales	49.95%	50.83%	50.49%	51.17%	51.01%	51.78%
Vendor Fees	$ 27,390	$ 27,740	$ 27,622	$ 31,012	$ 28,895	$ 29,970
Percent of Sales	1.50%	1.56%	1.47%	1.56%	1.48%	1.61%
Total Games						
Sales	$3,900,499	$4,008,716	$4,449,896	$5,012,996	$5,368,230	$5,583,331
Commissions	$ 216,207	$ 223,390	$ 247,690	$ 278,493	$ 298,651	$ 311,981
Percent of Sales	5.54%	5.57%	5.57%	5.56%	5.56%	5.59%
Administrative Costs	$ 71,519	$ 71,449	$ 70,304	$ 72,653	$ 74,528	$ 75,696
Percent of Sales	1.83%	1.78%	1.58%	1.45%	1.39%	1.36%
Number of Employees	423	424	414	403	403	408
Number of Retailers	13,193	13,226	13,255	13,328	13,266	13,121

Source: Florida Lottery, General Accounting

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Schedule D-2

Fiscal Year			
2016	2017	2018	2019
$3,954,701	$4,243,602	$4,652,295	$4,937,779
$2,880,963	$3,103,450	$3,410,041	$3,629,531
72.85%	73.13%	73.30%	73.51%
$ 55,591	$ 58,615	$ 63,654	$ 64,935
1.41%	1.38%	1.37%	1.32%
$2,107,653	$1,912,877	$2,048,516	$2,213,457
$1,054,995	$ 966,230	$1,051,764	$1,096,540
50.06%	50.51%	51.34%	49.54%
$ 32,650	$ 30,301	$ 31,863	$ 38,275
1.55%	1.58%	1.56%	1.73%
$6,062,354	$6,156,479	$6,700,811	$7,151,236
$ 337,007	$ 343,608	$ 373,819	$ 398,162
5.56%	5.58%	5.58%	5.57%
$ 80,121	$ 80,805	$ 81,201	$ 82,195
1.32%	1.31%	1.21%	1.15%
412	413	419	419
13,163	13,154	13,144	13,206

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Capital Assets by Category
Last Ten Fiscal Years
(in thousands)

Schedule D-3

	Fiscal Year					
	2010	2011	2012	2013	2014	2015
Vehicles and equipment	$ 12,843	$ 12,502	$ 12,693	$ 12,787	$ 11,732	$ 12,754
Intangible assets and other	651	703	763	2,123	2,855	3,000
Total Capital Assets	13,494	13,205	13,456	14,910	14,587	15,754
Less accumulated depreciation	12,073	11,957	12,100	11,695	10,344	9,934
Total Capital Assets, net	$ 1,421	$ 1,248	$ 1,356	$ 3,215	$ 4,243	$ 5,820

Source: Florida Lottery, General Accounting

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FL-SEN-20-0201-B, 20-0202-A-005768

Schedule D-3

Fiscal Year			
2016	2017	2018	2019
$ 11,445	$ 12,295	$ 12,970	$ 12,950
3,319	3,816	4,162	4,484
14,764	16,111	17,132	17,434
8,658	9,847	10,145	10,264
$ 6,106	$ 6,264	$ 6,987	$ 7,170

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AUDITOR GENERAL
STATE OF FLORIDA

Sherrill F. Norman, CPA
Auditor General

Claude Denson Pepper Building, Suite G74
111 West Madison Street
Tallahassee, Florida 32399-1450

Phone: (850) 412-2722
Fax: (850) 488-6975

The President of the Senate, the Speaker of the
House of Representatives, and the
Legislative Auditing Committee

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

We have audited the Department of the Lottery's (Lottery's) internal control over financial reporting as of June 30, 2019, based on criteria established in the *Internal Control – Integrated Framework* (2013), issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

Management's Responsibility for Internal Control Over Financial Reporting

Management is responsible for designing, implementing, and maintaining effective internal control over financial reporting, and for its assessment about the effectiveness of internal control over financial reporting, included in the accompanying **MANAGEMENT'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING**.

Auditor's Responsibility

Our responsibility is to express an opinion on the Lottery's internal control over financial reporting based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether effective internal control over financial reporting was maintained in all material respects.

An audit of internal control over financial reporting involves performing procedures to obtain audit evidence about whether a material weakness exists. The procedures selected depend on the auditor's judgment, including the assessment of the risks that a material weakness exists. An audit includes obtaining an understanding of internal control over financial reporting and testing and evaluating the design and operating effectiveness of internal control over financial reporting based on the assessed risk.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

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Definition and Inherent Limitations of Internal Control Over Financial Reporting

An entity's internal control over financial reporting is a process effected by those charged with governance, management, and other personnel, designed to provide reasonable assurance regarding the preparation of reliable financial statements in accordance with accounting principles generally accepted in the United States of America. An entity's internal control over financial reporting includes those policies and procedures that (1) pertain to the maintenance of records that, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the entity; (2) provide reasonable assurance that transactions are recorded as necessary to permit preparation of financial statements in accordance with accounting principles generally accepted in the United States of America, and that receipts and expenditures of the entity are being made only in accordance with authorizations of management and those charged with governance; and (3) provide reasonable assurance regarding prevention, or timely detection and correction of unauthorized acquisition, use, or disposition of the entity's assets that could have a material effect on the financial statements.

Because of its inherent limitations, internal control over financial reporting may not prevent, or detect and correct, misstatements. Also, projections of any assessment of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies or procedures may deteriorate.

Opinion

In our opinion, the Lottery maintained, in all material respects, effective internal control over financial reporting as of June 30, 2019, based on criteria established in the *Internal Control – Integrated Framework* (2013) issued by COSO.

Report on Financial Statements

We have also audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Lottery, as of and for the fiscal year ended June 30, 2019, and the related notes to financial statements, which collectively comprise the Lottery's basic financial statements, and our report dated December 20, 2019, expressed an unmodified opinion.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Lottery's financial statements are free from material misstatement, we performed tests of the Lottery's compliance with certain provisions of laws, rules, regulations, and contracts, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

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Additional Matters

We noted certain additional matters related to information technology controls and minority retailer participation that we reported to management as Findings 1 and 2 in the ***FINDINGS AND RECOMMENDATIONS*** accompanying this report.

Management's Response to Findings

The Lottery's response to the findings described in the ***FINDINGS AND RECOMMENDATIONS*** accompanying this report is included as ***MANAGEMENT'S RESPONSE***. The Lottery's response was not subjected to the auditing procedures applied in the audit of the financial statements, and accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and to provide an opinion on the effectiveness of the Lottery's internal control but not to provide an opinion on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Lottery's internal control and compliance. Accordingly, this report is not suitable for any other purpose.

Respectfully submitted,



Sherrill F. Norman, CPA
Tallahassee, Florida
December 20, 2019
Audit Report No. 2020-086

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Management's Report on Internal Control Over Financial Reporting

The Florida Lottery's internal control over financial reporting is a process effected by those charged with governance, management, and other personnel, designed to provide reasonable assurance regarding the preparation of reliable financial statements in accordance with accounting principles generally accepted in the United States of America. An entity's internal control over financial reporting includes those policies and procedures that (1) pertain to the maintenance of records that, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the entity; (2) provide reasonable assurance that transactions are recorded as necessary to permit preparation of financial statements in accordance with accounting principles generally accepted in the United States of America, and that receipts and expenditures of the entity are being made only in accordance with authorizations of management and those charged with governance; and (3) provide reasonable assurance regarding prevention, or timely detection and correction of unauthorized acquisition, use, or disposition of the entity's assets that could have a material effect on the financial statements.

Management is responsible for designing, implementing, and maintaining effective internal control over financial reporting. Management assessed the effectiveness of the Florida Lottery's internal control over financial reporting as of June 30, 2019, based on the framework set forth by the Committee of Sponsoring Organizations of the Treadway Commission in the *Internal Control – Integrated Framework* (2013). Based on that assessment, management concluded that, as of June 30, 2019, the Florida Lottery's internal control over financial reporting is effective based on the criteria established in the *Internal Control – Integrated Framework* (2013).

Internal control over financial reporting has inherent limitations. Internal control over financial reporting is a process that involves human diligence and compliance and is subject to lapses in judgment and breakdowns resulting from human failures. Internal control also can be circumvented by collusion or improper management override. Because of its inherent limitations, internal control over financial reporting may not prevent, or detect and correct misstatements. Also, projections of any assessment of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies or procedures may deteriorate.

The Florida Lottery

Randall Hunt

Secretary

December 20, 2019

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FL-SEN-20-0201-B, 20-0202-A-005775

FINDINGS AND RECOMMENDATIONS

ADDITIONAL MATTERS

Finding 1: Information Technology Controls

Information technology (IT) controls are intended to protect the confidentiality, integrity, and availability of data and IT resources. During our audit, we identified the need for enhancements to certain Lottery IT controls. To avoid the possibility of compromising Lottery information, specific details of these issues are not disclosed in this report. However, we have notified appropriate Lottery management of the specific issues.

Without adequate IT controls, the risk is increased that the confidentiality, integrity, and availability of Lottery data and IT resources may be compromised.

Recommendation: We recommend that Lottery management make the necessary IT control enhancements to address the issues identified.

Finding 2: Minority Retailer Participation

Section 24.113, Florida Statutes, requires that 15 percent of the Lottery's retailers be minority business enterprises, as defined in Section 288.703(3), Florida Statutes; however, no more than 35 percent of such retailers shall be owned by the same type of minority person, as defined by Section 288.703(4), Florida Statutes.

In prior audit reports, most recently in our report No. 2019-090 (Finding 2), we disclosed that retailers comprising one minority type totaled more than 35 percent of the total number of the Lottery's minority retailers. Although the Lottery has developed an outreach program to increase retailer participation in under-represented minority groups, our audit disclosed that, contrary to State law, as of June 30, 2019, retailers comprising one minority type totaled approximately 66.8 percent of the total number of minority retailers.

Recommendation: We recommend that the Lottery continue its efforts to increase retailer participation in under-represented minority groups.

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December 20, 2019

Sherrill F. Norman, CPA
Florida Auditor General
Claude Pepper Building, Suite G74
111 West Madison Street
Tallahassee, Florida 32399-1450

Dear Ms. Norman:

The Lottery has received your December 16, 2019, list of preliminary and tentative audit findings and recommendations resulting from your audit of the Lottery's Financial Statements for the fiscal year ended June 30, 2019. Below is our response to each finding and recommendation:

Finding 1: Information Technology Controls
Recommendation: We recommend that Lottery management make the necessary IT control enhancements to address the issues identified.

Lottery's Response: The Lottery has made the necessary enhancements presented by this audit or is in the process of implementing the enhancements. The Lottery has an ongoing process to improve IT controls and will continue to reengineer where necessary to tighten controls.

Finding 2: Minority Retailer Participation
Recommendation: We recommend that the Lottery continue its efforts to increase retailer participation in under-represented minority groups.

Lottery's Response: We will continue to look for opportunities to recruit retailers, including those in under-represented minority groups. We will also continue to work with retailer trade associations to reach out to minority-owned businesses. Finally, our sales force will continue to recruit minority-owned businesses as a part of their standard sales practices.

Thank you for your audit efforts and recommendations. I look forward to receiving your final report.

Sincerely,

Randall Hunt

Randall Hunt
Secretary

cc: Samantha Ferrin, Chief of Staff
Andy Mompeller, Inspector General

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PLAY RESPONSIBLY 18+ FL-SEN-20-0201-B, 20-0202-A-005780

From: Laura Shields <laura.shields@ncsl.org>
Sent: Friday, October 04, 2019 3:21 PM EDT
To: Brandes, Jeff (Web) <BRANDES.JEFF.WEB@flsenate.gov>
CC: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>; Meshil, Melissa <Meshil.Melissa@flsenate.gov>; Douglas Shinkle <douglas.shinkle@ncsl.org>; Kristy Hartman <kristy.hartman@ncsl.org>; Glen Andersen <glen.andersen@ncsl.org>
Subject: Response to Inquiry about Electric Vehicle Legislation
Attachment(s): "Electric Vehicle Legislation.pdf"

Dear Senator Brandes,

Thank you for reaching out to NCSL for information about electric vehicle legislation. My colleague, Doug Shinkle, forwarded me your request. The attached response identifies policy resources and recently enacted state legislation in the areas of electric vehicle fees, charging infrastructure and planning, EV purchasing incentives and requirements for EV infrastructure at multi-family dwellings.

Please let me know if you would like any additional information on this topic. I would be happy to answer any questions you may have.

Sincerely,

Laura Shields
Energy Program Policy Associate
National Conference of State Legislatures
7700 E. First Place, Denver, CO 80230
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Strong States, Strong Nation



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NCSL
NATIONAL CONFERENCE OF STATE LEGISLATURES
Strong States, Strong Nation

Electric Vehicle Legislation

October 4, 2019

Laura Shields, Energy Policy Associate, laura.shields@ncsl.org

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In recent years, several states have enacted legislation to support electric vehicle (EV) deployment. In addition to the recently enacted legislation described below, there are a number of policy toolkits and guides that could be useful in identifying examples of effective state electric vehicle policies. The Department of Energy's Alternative Fuel Database Center (AFDC) provides a comprehensive compilation of laws, regulations and incentives focused on increased adoption of alternative fuel technologies. Such policies often include regulations and incentives that support electric vehicle adoption and infrastructure deployment. The AFDC tool allows you to search for existing electric vehicle laws and incentives by state. The tool also allows you to search for laws and incentives by technology, and regulation type. Additionally, the National Association of State Energy Officials (NASEO) released an electric vehicle Policy Evaluation Rubric in 2018 to assist policy makers by evaluating the effectiveness of various EV-focused policies. Below, you'll find links to additional existing resources as well as a summary of recent state legislative actions focused on electric vehicle fees, charging infrastructure, purchase or lease incentives, and charging capability at multi-family dwellings.

Comprehensive Electric Vehicle Legislation

A number of states have recently enacted comprehensive legislation incentivizing electric vehicle deployment. Such legislation aims to support state charging infrastructure development and electric vehicle adoption.

Maine

Policy Elements: electric vehicle adoption fund; rebate for new vehicle lease/purchase; charging infrastructure fund.

Description: Maine enacted comprehensive electric vehicle legislation that encourages electric vehicle adoption and funds infrastructure growth and development. In particular, the bill establishes a non-lapsing Electric Vehicle Fund to encourage adoption of electric vehicles and support EV purchases in the state. The bill also establishes a rebate program for electric vehicles purchased or leased for at least 36 months. It also supports electric vehicle charging deployment by establishing a non-lapsing Electric Vehicle Charging Infrastructure Fund. House Paper 442 (2019).

Maryland

Policy Elements: increased excise tax exemption; expanded scope of infrastructure coordinating council to include new technologies; extended reporting requirements.

Description: In 2019, Maryland enacted legislation that bolstered existing incentives for electric vehicle adoption and infrastructure. In particular, the bill expanded the state's existing excise tax for electric vehicles, which had previously been determined by the vehicle's battery capacity and capped at $3,000.

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The updated exemption provides for a $3,000 excise tax exemption for all battery electric vehicles, regardless of battery capacity. The legislation also raises the purchase cost cap for the exemption from $60,000 to $63,000. Additionally, the bill expands the state's Electric Vehicle Infrastructure Council to include representatives of fuel cell vehicle manufacturing and infrastructure interests and expands the directives of the Council to include streamlining of hydrogen refueling infrastructure planning and evaluation of total vehicle lifecycle costs. The bill also extends reporting requirements out to 2019. House Bill 1246 (2019).

Oregon

Policy Elements: zero-emission vehicle deployment targets; progress reporting; state agency purchase/lease requirements.

Description: Oregon enacted Senate Bill 1044 in 2019, comprehensive legislation supporting widespread deployment of electric vehicles in the state. In particular, the bill requires the state Department of Energy to submit to the Governor and Legislative committee a biennial report on state adoption of zero-emission vehicles identifying any barriers to adoption in the state, assessing progress toward reducing greenhouse gas emissions from the state's transportation sector and forecasting whether the state is meeting the following zero-emission vehicle deployment targets:

- 50,000 registered ZEVs by 2020;
- 250,000 registered ZEVs by 2025;
- 25% of all motor vehicles registered and 50% of all new motor vehicles sold per year are ZEVs by 2030;
- 90% of new motor vehicles sold per year are ZEVs by 2035.

The report must also assess charging infrastructure as well as the cost of purchasing electric vehicles and offer recommendations if goals are not being met. The bill also requires that 25% of the new vehicles leased or purchased by state agencies be ZEVs by 2025. Senate Bill 1044 (2019).

***Washington**

Policy Elements: Sales and use tax exemptions; removed utility spending restrictions on electric vehicle deployment planning; extension of existing tax credits for leased or purchased vehicles; sales tax exemption for battery purchases (including fuel cell) and infrastructure installation; directs study on barriers to low-income resident adoption; establishes a grant fund aimed at reducing carbon pollution from the transportation sector.

Description: Washington enacted comprehensive electric vehicle legislation in 2019 that removes cost restrictions and provides new funding mechanisms to support electric vehicle deployment in the state. In particular, HB 2042 removed a provision restricting electric utility transportation plans to only include measures that did not increase costs to customers above a certain threshold.

It also extended the existing tax credit for alternative vehicle purchases to cover up to 75% of incremental costs, provides for a tax credit covering up to 50% of the cost to purchase electric vehicle infrastructure and rescinds the previous tax credit expiration date of 2021 and instead provides that such credit will be available so long as funding is available. The bill also provides certain tax exemptions for alternative and hybrid vehicles, including sales and use tax exemptions for vehicles that are purchased or leased within a certain price range. It also amends the existing state sales tax exemption for electric vehicle battery purchases or installation—including infrastructure installation—to include fuel cells and hydrogen fueling stations and exempts the sale of zero-emission buses from sales taxes.

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Additionally, the bill directs the state Department of Commerce to conduct a study on barriers to electric vehicle adoption by lower-income residents, addressing opportunities to overcome such barriers and establishes a Green Transportation capital grant program to help fund projects to reduce carbon emissions from the state's transportation system. House Bill 2042 (2019).

Electric Vehicle Fees

Several states have enacted legislation imposing fees on electric vehicle owners to compensate for declining gas tax revenues resulting from the increasing efficiency of passenger vehicles. NCSL's Electric Vehicle Fee webpage provides information about such state policies, highlighting those states that had enacted relevant legislation as of October 2018. Below you'll find a summary of recent states legislation in this area.

Alabama enacted legislation in 2019 imposing an additional license tax and registration fee on electric vehicle owners of $200 and hybrid vehicles owners of $100 effective January 1, 2020. House Bill 2 (2019).

Arkansas enacted legislation in 2019 that imposes an additional fee on electric and hybrid vehicle owners of $200 and $100 respectively. Senate Bill 336 (2019).

Hawaii enacted legislation in 2019 that imposes an additional fee of $50 on electric and alternative fuel vehicles. Senate Bill 409 (2019).

Illinois enacted legislation in 2019 that assesses an additional $100 fee on electric vehicle owners in lieu of the payment of gasoline taxes, effective 2020. Ill. Rev. Stat. ch. 625 § 5/3-805.

Iowa enacted legislation in 2019 that requires an additional battery electric motor vehicle registration fee starting at $65 annually in 2020, increasing to $97 in 2021, up to $100 in 2022 and every year thereafter. Under the law, hybrid vehicle owners would also owe an additional plug-in hybrid registration fee starting at $32.50 annually in 2020, increasing to $48.75 in 2021, up to $65 in 2022 and every year thereafter. House File 767 (2019).

Kansas enacted legislation in 2019 that increased annual registration fees for hybrid and electric vehicles to $50 and $100 respectively compared to a standard passenger vehicle registration fee of $30 or $40 depending on vehicle weight. House Bill 2214 (2019).

North Dakota enacted legislation in 2019 imposing an additional road use fee on electric and hybrid vehicle owners of $20 and $50 respectively. Senate Bill 2061 (2019).

Ohio enacted legislation in 2019 imposing an additional fee on electric and hybrid vehicle owners of $200 and $100 respectively effective January 1, 2020. House Bill 62 (2019).

Washington was the latest state to enact legislation imposing fees on hybrid and EV owners. However, the fee was designed to support electric vehicle infrastructure and deployment as opposed to compensating for lost gas tax revenues. Washington state had previously exacted an electric vehicle registration renewal fee requiring EV owners to pay an additional $100 fee to compensate for lost gas tax revenue. Wa. Rev. Code 46.17.323. The state's new law requires electric vehicle owners to pay a separate $75 transportation electrification fee due at the time of registration renewal. Additionally, effective October 1, 2019, hybrid vehicle owners are subject to the $75 fee provided the vehicle owner is not subject to the $100 EV registration renewal fee described above. House Bill 2042 (2019).

Wyoming enacted legislation in 2019 increasing the annual registration (decal) fee for electric vehicle owners from $50 to $200, effective July 1, 2019. House Bill 166 (2019).

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Electric Vehicle Infrastructure

Alabama enacted House Bill 2 in 2019, establishing a state Electric Vehicle Transportation Infrastructure Grant Program to be administered by the state department of transportation. The bill also supports charging infrastructure deployment and a growing EV market by directing a certain percentage of an additional EV and hybrid registration fee to fund charging infrastructure until annual registrations of EVs and plug-in hybrids exceed 4% of all registered vehicles in the state. Once this 4% deployment target is reached, additional annual fees on electric vehicles and hybrids decrease by $50 and $25 respectively. House Bill 2 (2019).

California enacted Senate Bill 676 (2019) focusing on electric vehicle grid integration. In particular, the bill requires electric utilities to consider electric vehicle grid integration in their integrated resource planning and community choice aggregators to submit an annual report to the state public utility commission describing how current transportation electrification planning is expected to advance electric vehicle grid integration. It also tasks the state public utility commission with reviewing load-serving entity progress toward advancing electric vehicle grid integration. Senate Bill 676 (2019).

Colorado enacted Senate Bill 77 in 2019, which allows public utilities to recover costs for providing electric vehicle charging ports as a regulated service. It also requires that public utilities apply for utility commission approval to build charging facilities and places certain restrictions on rates for service. Additionally, the retail rate impact of a utility's electric vehicle infrastructure development must not exceed 0.5% of a utility's total annual revenue requirements. Senate Bill 77 (2019).

The state also enacted House Bill 1198 (2019), which modified the Washington's Electric Vehicle Grant Fund to allow for funding to install EV charging stations. It also strengthened funding requirements for the program by providing for continuous appropriation. The fund was previously subject to annual appropriation by the General Assembly. House Bill 1198 (2019).

Hawaii enacted House Bill 1585 (2019), authorizing the state public utility commission to administer a rebate program incentivizing installation of electric vehicle charging stations, including upgrades to existing charging facilities after December 31, 2019, provided the facility or upgrade meets certain statutory requirements. Installations of Level 2 charging stations are eligible for a $4,500 rebate and installations of direct fast charging stations are eligible for a $35,000 rebate. Upgrades to Level 2 charging stations are eligible for a $3,000 rebate and upgrades to direct fast charging station are eligible for a $28,000 rebate. Total rebates are capped at $500,000 per fiscal year. House Bill 1585 (2019).

New Mexico enacted legislation in 2019 that requires public utilities to file an application to expand transportation electrification with the state regulatory commission no later than January 1, 2021. Such applications may include investments or incentives aimed at increasing deployment of electric vehicle charging infrastructure, electrification of public transit, and customer education programming. House Bill 521 (2019).

Nevada amended its existing Electric Vehicle Infrastructure Demonstration Program to authorize incentive payments to public schools that install EV infrastructure or purchase electric vehicles to transport students. The incentives are capped at 75% of the cost of the infrastructure or vehicle. Senate Bill 299 (2019).

Virginia enacted legislation in 2018 requiring electric utilities to submit an annual plan for electric distribution grid transformation projects to the state corporation commission for review and approval. The bill defines electric distribution grid transformation projects to include "*electrical facilities and*

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infrastructure necessary to support electric vehicle charging systems." It also declares that such projects are in the public interest. Senate Bill 966 (2018)**.**

Washington enacted House Bill 1512 which authorizes municipal electric utility and utility district regulators to adopt transportation electrification plans. The bill also authorizes electric utilities regulated by the state public utilities and transportation commission to submit transportation electrification plans that deploy EV supply equipment or otherwise incentivize transportation electrification programing. Costs to consumers associated with such transportation electrification programming is capped at 0.25% above benefits to all consumers. House Bill 1512 (2019).

The state also enacted comprehensive energy efficiency legislation that, in part, requires all new buildings providing on-site parking to provide electric vehicle charging capability. House Bill 1257 (2019).

Rebates, Tax Credits and other Consumer Incentives

Maine, as part of the comprehensive legislation described above, established a rebate program for EV purchases and leases. It also established a non-lapsing Electric Vehicle Fund to support programs that encourage EV adoption in the state. House Paper 442 (2019).

Maryland, as part of the comprehensive legislation described above, Maryland increased the state's existing excise tax for electric vehicles to $3,000 regardless of battery capacity. It also raised the exemption's purchasing cost cap from $60,000 to $63,000.House Bill 1246 (2019).

Vermont, as part of a comprehensive transportation bill, directs the state transportation agency to implement an electric vehicle incentive program that includes a new plug-in electric vehicle lease incentive program. The program must offer incentives to lower-income households and has an expenditure requirement of at least $1.1 million. House Bill 529 (2019).

EV Infrastructure at Multi-Family Housing Units

California passed Senate Bill 638 in 2019 (sent to Governor Newsom for signature on Sept. 20), which would remove the requirement that a lessee seeking to install an electric vehicle charging station maintain a general liability insurance policy of $1,000,000 and instead require the lessee to obtain personal liability coverage not to exceed 10 times annual rent. Senate Bill 638 (2019).

Hawaii enacted House Bill 1585 in 2019, requiring the public utility commission to provide rebates to persons who install a new electric charging vehicle system or upgrade an existing EV charging system. Allows for 'homeowners associations' under the definition of applicant for the program. House Bill 1585 (2019).

Maryland enacted House Bill 1246 in 2019 creating a Maryland Zero Emission Electric Vehicle Infrastructure Council… to assist in developing and coordinating standards for permitting and installation of residential and commercial EV charging stations, including at multi-dwelling units, and develop a recommendation for a statewide EV charging infrastructure plan. House Bill 1246 (2019).

New York passed Senate Bill 5157 in 2019 (awaiting Governor's approval), which provides that no covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a condominium any by laws that prohibits or unreasonably restricts the installation of use of an EV charging station is void. Senate Bill 5157 (2019).

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From: Jlll Trask <jtrask115@gmail.com>
Sent: Thursday, October 03, 2019 6:26 PM EDT
To: Antone, Bruce <Bruce.Antone@myfloridahouse.gov>; Ausley, Loranne <Loranne.Ausley@myfloridahouse.gov>; Avila, Bryan <Bryan.Avila@myfloridahouse.gov>; Bell, Melony <Melony.Bell@myfloridahouse.gov>; Beltran, Mike <Mike.Beltran@myfloridahouse.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Brannan, Chuck <Chuck.Brannan@myfloridahouse.gov>; Brown, Kamia <Kamia.Brown@myfloridahouse.gov>
Subject: RETROACTIVITY FOR AGGRAVATED ASSAULT

October 3, 2019

Hello Governor DeSantis, Representatives and Senators,

I am writing to thank you for working on Criminal Justice Reform this year, i want to bring to your attention a wrong that started on July 1, 1999, Florida's 10-20-life went into effect. "USE A GUN AND YOUR DONE". Little did we know that in this included Aggravated Assault, which in the State of Florida Aggravated Assault is a 3rd degree felony, a verbal threat only. No physical harm could have been done to any victim in order for a person to be charged with aggravated assault. Before being swept up and included in 10-20-life, aggravated assault carried either a fine and probation or 5 years imprisonment, (with gain time). After July 1st 1999 firing a warning shot, no one hurt, the person received 20 years day for day no gain time.

Advance to 2016 17 years later, SB228 is written to correct this wrong. It is unanimously voted on in favor, one news article notes "The 38-0 vote reflects a growing belief by political leaders inflexible minimum mandatory sentencing laws can produce arbitrary and unjust penalties. The new legislation is supported by prosecutors and public defenders and has breezed through three House committees without a dissenting vote". It is passed and good riddens to this horrible sentence for a third degree felony. The people already serving 20 years for aggravated assault, finally had a little glimpse of hope, many already have served over 10 years. But wait, it is not made retroactive, why? A little thing called the "savings clause" this held up relief for approximate 180 people serving 20 years on a third degree felony.

Now we enter November 2018, Amendment 11 is passed by Florida voters, amending the Savings Clause. Prior to the amendment, the Savings Clause prohibited retroactive application of statutes or amendments that made a substantive change to a criminal law. The revision removed the word "amendment" so that only the repeal of a criminal law may not be retroactively applied. This change permits the legislature to retroactively apply an amendment to a criminal statute that decreases a criminal penalty.) Once again the glimmer of hope comes back to those trapped in the FLDOC nightmare a path to relief has been opened! But, once again another road block, called HB7069, halting the possibility for retroactivity on aggravated assault for 2019.

It has been said that after Amendment 11 passed a group of inmates records were reviewed, I know this for a fact as i received a call asking for names. Within the group of names reviewed, two names who were serving 20 years for aggravated assault as result of a plea deal. If retroactivity was granted for aggravated assault they would have benefited. That put the breaks on retroactivity in 2019 for the ones originally charged with aggravated assault. Another news article notes "Concerned that a "technical" constitutional amendment approved by voters last November could unintentionally lead to the repeal of innumerable criminal statutes, a House subcommittee has passed a clarifying bill. A comment was made, "bewildered at what appears to be the apathy of our House Representatives by not making retroactive Senate Bill 228 from 2016 in which aggravated Assault with a Firearm was removed from the mandatory 20-year sentence structure and became a maximum sentence of 5 years. If the sentencing was so harsh back in 2016 that it was reduced, how cruel is it to leave those that were sentenced under the old law without any legislative remedy? We simply cannot understand why House Representatives would not support retroactivity like the voters wanted, making this small simple change by implementing retroactivity on the reduced aggravated assault bill from 2016. This provision would have affected around 150 prisoners, that's than ¼ of 1 percent of the total prison population, hardly a jail break. It feels as if our House Representatives do not care about what the voters wanted when they overwhelmingly voted for retroactivity with the passage of Amendment 11 in the November elections. The passing of this amendment was the signal for legislators to pass retroactive reforms this year, which did not happen".

It is September 2019, Retroactivity must be provided to those who were charged with aggravated assault originally and are serving 20 years mandatory minimum due to the 10-20-life law. Third degree felonies should never have been part of the 10-20-life. If the person was originally charged with aggravated assault, again it is a verbal threat only, out of fear, they threatened to due harm, they had the means in which to do it. But their God given conscious did not allow them to harm anyone, instead out of fear they fired a warning shot to stop the madness from the other person(s). I heard one person say "they did the crime, they can serve the time". Yes the correct time 5 years with gain time, that is what they should serve. The i's have been dotted and all the t's crossed. It is now in your hands, you have the power and it is your moral responsibility to correct this terrible wrong from so long ago. Please do not make them wait any longer for the relief they are deserved.

Respectfully,

Jill Trask
772-521-2770

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Sent from my iPad

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From: Brian Bautista <bautista@thesoutherngroup.com>
Sent: Wednesday, January 29, 2020 12:54 PM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Revised Florida HB 0971 .docx
Attachment(s): "Revised Florida HB 0971 .docx","ATT00001.htm"

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Brian Bautista
The Southern Group
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A bill to be entitled

An act relating to electric bicycles; amending s. 261.03, F.S.; revising the definition of the term "OHM" or "off-highway motorcycle"; amending s. 316.003, F.S.; revising definitions relating to the Florida Uniform Traffic Control Law; defining the term "electric bicycle"; amending s. 316.027, F.S.; revising the definition of the term "vulnerable road user"; amending s. 316.083, F.S.; requiring the driver of a vehicle overtaking an electric bicycle to pass the electric bicycle at a certain distance; amending s. 316.1995, F.S.; expanding exceptions to a prohibition on persons driving certain vehicles on sidewalks and bicycle paths; creating s. 316.20655, F.S.; providing electric bicycle regulations; providing for rights and privileges of electric bicycles and operators of electric bicycles; providing that electric bicycles are vehicles to the same extent as bicycles; providing that electric bicycles and operators of electric bicycles are not subject to specified provisions; requiring manufacturers and distributers, beginning on a specified date, to apply a label containing certain information to each electric bicycle; prohibiting persons from tampering with or modifying electric bicycles for certain

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purposes; providing an exception; requiring electric bicycles to comply with specified provisions of law; requiring electric bicycles to operate in a manner that meets certain requirements; authorizing operators to ride electric bicycles where bicycles are allowed; authorizing municipalities, counties, and agencies to regulate the use of electric bicycles on certain paths; amending ss. 316.613, 316.614, and 320.01, F.S.; revising the definition of the term "motor vehicle"; amending s. 322.01, F.S.; revising the definitions of the terms "motor vehicle" and "vehicle"; amending ss. 324.021, 403.717, and 681.102, F.S.; revising the definition of the term "motor vehicle"; amending s. 320.08, F.S.; conforming a provision to changes made by the act; amending ss. 316.306 and 655.960, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsection (4) of section 261.03, Florida Statutes, is amended to read:

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

(4) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that has a

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seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor, an electric bicycle, or a moped.

Section 2. Present subsections (22) through (104) of section 316.003, Florida Statutes, are redesignated as subsections (23) through (105), respectively, a new subsection (22) is added to that section, and subsection (4) and present subsections (41), (43), (44), (45), and (61) of that section are amended, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(4) BICYCLE.—Every vehicle propelled solely by human power~~, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride~~, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. ~~A person under the age of 16 may not operate or ride upon a motorized bicycle.~~

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(22) ELECTRIC BICYCLE.— A bicycle or tricycle equipped with fully operable pedals, except as provided for in subsection (b), a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

(a) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(b) "Class 2 electric bicycle" means an electric bicycle, with or without operable pedals, equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(c) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

(42) ~~(41)~~ MOPED.—Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive

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system is engaged. If an internal combustion engine is used, the

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displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

(44) ~~(43)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped. For purposes of s. 316.1001, "motor vehicle" has the same meaning as provided in s. 320.01(1)(a).

(45) ~~(44)~~ MOTORCYCLE.—Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include a tractor, a moped, an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(46) ~~(45)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. ~~The term does not include an electric bicycle.~~

(62) ~~(61)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (84)(b) ~~(83)(b)~~, any privately owned way

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or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 3. Paragraph (b) of subsection (1) of section 316.027, Florida Statutes, is amended to read:

316.027 Crash involving death or personal injuries.—

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

(b) "Vulnerable road user" means:

1. A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;

2. A person operating a bicycle, an electric bicycle, a motorcycle, a scooter, or a moped lawfully on the roadway;

3. A person riding an animal; or

4. A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:

a. A farm tractor or similar vehicle designed primarily for farm use;

b. A skateboard, roller skates, or in-line skates;

c. A horse-drawn carriage;

d. An electric personal assistive mobility device; or

e. A wheelchair.

Section 4. Subsection (1) of section 316.083, Florida Statutes, is amended to read:

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316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an appropriate signal as provided for in s. 316.156, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. The driver of a vehicle overtaking a bicycle or other nonmotorized vehicle, or an electric bicycle, must pass the bicycle, ~~or~~ other nonmotorized vehicle, or electric bicycle at a safe distance of not less than 3 feet between the vehicle and the bicycle, ~~or~~ other nonmotorized vehicle, or electric bicycle.

Section 5. Section 316.1995, Florida Statutes, is amended to read:

316.1995 Driving upon sidewalk or bicycle path.—

(1) Except as provided in s. 316.008, s. 316.20655, s. 316.212(8), or s. 316.2128, a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(2) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

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(3) This section does not apply to motorized wheelchairs.

Section 6. Section 316.20655, Florida Statutes, is created to read:

316.20655 Electric bicycle regulations.—

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including s. 316.2065. An electric bicycle is a vehicle to the same extent as a bicycle.

(2) An electric bicycle or an operator of an electric bicycle is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

(3) Beginning on January 1, 2021, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed in a prominent location to each electric bicycle. The label must contain the classification number, top assisted speed, and motor wattage of the electric bicycle.

(4) A person may not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification number required in subsection (3) is replaced after such modification.

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(5) All ~~An~~ electric bicycle components must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission under 16 C.F.R. part 1512.

(6) An electric bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

(7)(a) An operator may ride an electric bicycle where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths.

(b) Following notice and a public hearing, a municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path may restrict or prohibit the operation of an electric bicycle on the path if the municipality, county, or agency finds that such a restriction is necessary in the interest of public safety or to comply with other laws or legal obligations.

Section XXXX

Section 316.003, Florida Statutes, is amended to read:

Section 316.003 Definitions.

(38) MICROMOBILITY DEVICE. —Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters, electric bicycles and bicycles

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as defined in this chapter.

Section XXXX

Section 316.2128, Florida Statutes, is amended to read:

316.2128 Micromobility devices, motorized scooters, and miniature motorcycles; requirements.—

(7)To be eligible and qualified to offer motorized scooters or micromobility devices for hire, the provider shall make a helmet available to its users at the time of each use, including without limitation, by physically attaching a helmet to such device.

Section 7. Paragraph (e) of subsection (2) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(2) As used in this section, the term "motor vehicle" means a motor vehicle as defined in s. 316.003 that is operated on the roadways, streets, and highways of the state. The term does not include:

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(e) A motorcycle, a moped, a ~~or~~ bicycle, or an electric bicycle.

Section 8. Paragraph (a) of subsection (3) of section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.—

(3) As used in this section:

(a) "Motor vehicle" means a motor vehicle as defined in s. 316.003 which is operated on the roadways, streets, and highways of this state. The term does not include:

1. A school bus.

2. A bus used for the transportation of persons for compensation.

3. A farm tractor or implement of husbandry.

4. A truck having a gross vehicle weight rating of more than 26,000 pounds.

5. A motorcycle, a moped, a ~~or~~ bicycle, or an electric bicycle.

Section 9. Paragraph (a) of subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to

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transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, motorized scooters, micromobility devices, personal delivery devices and mobile carriers as defined in s. 316.003, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, electric bicycles, swamp buggies, or mopeds.

Section 10. Subsections (27) and (44) of section 322.01, Florida Statutes, are amended to read:

322.01 Definitions.—As used in this chapter:

(27) "Motor vehicle" means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and electric ~~motorized~~ bicycles as defined in s. 316.003.

(44) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway or operated upon rails or guideway, except a bicycle, motorized wheelchair, or electric ~~motorized~~ bicycle.

Section 11. Subsection (1) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances

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where the context clearly indicates a different meaning:

(1) MOTOR VEHICLE.—Every self-propelled vehicle that is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any personal delivery device or mobile carrier as defined in s. 316.003, bicycle, electric bicycle, or moped. However, the term "motor vehicle" does not include a motor vehicle as defined in s. 627.732(3) when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply; and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.

Section 12. Paragraph (b) of subsection (1) of section 403.717, Florida Statutes, is amended to read:

403.717 Waste tire and lead-acid battery requirements.—

(1) For purposes of this section and ss. 403.718 and 403.7185:

(b) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated in this state, used to transport persons or property and propelled by power other than muscular power. The term does not include traction engines,

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road rollers, vehicles that run only upon a track, bicycles, electric bicycles, mopeds, or farm tractors and trailers.

Section 13. Subsection (14) of section 681.102, Florida Statutes, is amended to read:

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

(14) "Motor vehicle" means a new vehicle, propelled by power other than muscular power, which is sold in this state to transport persons or property, and includes a recreational vehicle or a vehicle used as a demonstrator or leased vehicle if a manufacturer's warranty was issued as a condition of sale, or the lessee is responsible for repairs, but does not include vehicles run only upon tracks, off-road vehicles, trucks over 10,000 pounds gross vehicle weight, motorcycles, mopeds, electric bicycles, or the living facilities of recreational vehicles. "Living facilities of recreational vehicles" are those portions designed, used, or maintained primarily as living quarters and include, but are not limited to, the flooring, plumbing system and fixtures, roof air conditioner, furnace, generator, electrical systems other than automotive circuits, the side entrance door, exterior compartments, and windows other than the windshield and driver and front passenger windows.

Section 14. Section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the

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operation of motor vehicles, mopeds, ~~motorized bicycles as defined in s. 316.003(4),~~ tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(a) Any motorcycle: $10 flat.

(b) Any moped: $5 flat.

(c) Upon registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes specified in this subsection, a nonrefundable motorcycle safety education fee in the amount of $2.50 shall be paid. The proceeds of such additional fee shall be deposited in the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.

(d) An ancient or antique motorcycle: $7.50 flat.

(2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

(a) An ancient or antique automobile, as defined in s. 320.086, or a street rod, as defined in s. 320.0863: $7.50 flat.

(b) Net weight of less than 2,500 pounds: $14.50 flat.

(c) Net weight of 2,500 pounds or more, but less than 349 3,500 pounds: $22.50 flat.

(d) Net weight of 3,500 pounds or more: $32.50 flat.

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(3) TRUCKS.—

(a) Net weight of less than 2,000 pounds: $14.50 flat.

(b) Net weight of 2,000 pounds or more, but not more than 3,000 pounds: $22.50 flat.

(c) Net weight more than 3,000 pounds, but not more than 5,000 pounds: $32.50 flat.

(d) A truck defined as a "goat," or other vehicle if used in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: $7.50 flat. The term "goat" means a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for hauling associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.

(e) An ancient or antique truck, as defined in s. 320.086: $7.50 flat.

(4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT.—

(a) Gross vehicle weight of 5,001 pounds or more, but less than 6,000 pounds: $60.75 flat.

(b) Gross vehicle weight of 6,000 pounds or more, but less than 8,000 pounds: $87.75 flat.

(c) Gross vehicle weight of 8,000 pounds or more, but less

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than 10,000 pounds: $103 flat.

(d) Gross vehicle weight of pounds or more, but 10,000 less than 15,000 pounds: $118 flat.

(e) Gross vehicle weight of pounds or more, but 15,000 less than 20,000 pounds: $177 flat.

(f) Gross vehicle weight of pounds or more, but 20,000 less than 26,001 pounds: $251 flat.

(g) Gross vehicle weight of pounds or more, but 26,001 less than 35,000: $324 flat.

(h) Gross vehicle weight of pounds or more, but 35,000 less than 44,000 pounds: $405 flat.

(i) Gross vehicle weight of pounds or more, but 44,000 less than 55,000 pounds: $773 flat.

(j) Gross vehicle weight of pounds or more, but 55,000 less than 62,000 pounds: $916 flat.

(k) Gross vehicle weight of pounds or more, but 62,000 less than 72,000 pounds: $1,080 flat.

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(l) Gross vehicle weight of 72,000 pounds or more: $1,322 flat.

(m) Notwithstanding the declared gross vehicle weight, a truck tractor used within the state or within a 150-mile radius of its home address is eligible for a license plate for a fee of $324 flat if:

1. The truck tractor is used exclusively for hauling forestry products; or

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2. The truck tractor is used primarily for the hauling of forestry products, and is also used for the hauling of associated forestry harvesting equipment used by the owner of the truck tractor.

(n) A truck tractor or heavy truck, not operated as a for-hire vehicle and which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within the state or within a 150-mile radius of its home address is eligible for a restricted license plate for a fee of:

1. If such vehicle's declared gross vehicle weight is less than 44,000 pounds, $87.75 flat.

2. If such vehicle's declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports from the point of production to the point of primary manufacture; to the point of assembling the same; or to a shipping point of a rail, water, or motor transportation company, $324 flat.

Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers delivered direct to the growers. The department may require any documentation deemed necessary to determine eligibility before issuance of this license plate. For the purpose of this

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paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(a)1. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $13.50 flat per registration year or any part thereof.

2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $68 flat per permanent registration.

(b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery described above over public roads: $44 flat.

(c) A school bus used exclusively to transport pupils to and from school or school or church activities or functions within their own county: $41 flat.

(d) A wrecker, as defined in s. 320.01, which is used to tow a vessel as defined in s. 327.02, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01, or a replacement motor vehicle as defined in s. 320.01: $41 flat.

(e) A wrecker that is used to tow any nondisabled motor

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vehicle, a vessel, or any other cargo unless used as defined in paragraph (d), as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $118 flat.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $177 flat.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: $251 flat.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: $324 flat.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $405 flat.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $772 flat.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $915 flat.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $1,080 flat.

9. Gross vehicle weight of 72,000 pounds or more: $1,322 flat.

(f) A hearse or ambulance: $40.50 flat.

(6) MOTOR VEHICLES FOR HIRE.—

(a) Under nine passengers: $17 flat plus $1.50 per cwt.

(b) Nine passengers and over: $17 flat plus $2 per cwt.

(7) TRAILERS FOR PRIVATE USE.—

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(a) Any trailer weighing 500 pounds or less: $6.75 flat per year or any part thereof.

(b) Net weight over 500 pounds: $3.50 flat plus $1 per cwt.

(8) TRAILERS FOR HIRE.—

(a) Net weight under 2,000 pounds: $3.50 flat plus $1.50 per cwt.

(b) Net weight 2,000 pounds or more: $13.50 flat plus $1.50 per cwt.

(9) RECREATIONAL VEHICLE-TYPE UNITS.—

(a) A travel trailer or fifth-wheel trailer, as defined by s. 320.01(1)(b), that does not exceed 35 feet in length: $27 flat.

(b) A camping trailer, as defined by s. 320.01(1)(b)2.: $13.50 flat.

(c) A motor home, as defined by s. 320.01(1)(b)4.:

1. Net weight of less than 4,500 pounds: $27 flat.

2. Net weight of 4,500 pounds or more: $47.25 flat.

(d) A truck camper as defined by s. 320.01(1)(b)3.:

1. Net weight of less than 4,500 pounds: $27 flat.

2. Net weight of 4,500 pounds or more: $47.25 flat.

(e) A private motor coach as defined by s. 320.01(1)(b)5.:

1. Net weight of less than 4,500 pounds: $27 flat.

2. Net weight of 4,500 pounds or more: $47.25 flat.

(10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;

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35 FEET TO 40 FEET.—

(a) *Park trailers.*—Any park trailer, as defined in s. 320.01(1)(b)7.: $25 flat.

(b) *Travel trailers or fifth-wheel trailers.*—A travel trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b), that exceeds 35 feet: $25 flat.

(11) MOBILE HOMES.—

(a) A mobile home not exceeding 35 feet in length: $20 flat.

(b) A mobile home over 35 feet in length, but not exceeding 40 feet: $25 flat.

(c) A mobile home over 40 feet in length, but not exceeding 45 feet: $30 flat.

(d) A mobile home over 45 feet in length, but not exceeding 50 feet: $35 flat.

(e) A mobile home over 50 feet in length, but not exceeding 55 feet: $40 flat.

(f) A mobile home over 55 feet in length, but not exceeding 60 feet: $45 flat.

(g) A mobile home over 60 feet in length, but not exceeding 65 feet: $50 flat.

(h) A mobile home over 65 feet in length: $80 flat.

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer

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license plate: $17 flat.

(13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or official license plate: $4 flat, except that the registration or renewal of a registration of a marine boat trailer exempt under s. 320.102 is not subject to any license tax.

(14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor vehicle for hire operated wholly within a city or within 25 miles thereof: $17 flat plus $2 per cwt.

(15) TRANSPORTER.—Any transporter license plate issued to a transporter pursuant to s. 320.133: $101.25 flat.

Section 15. Paragraph (a) of subsection (3) of section 316.306, Florida Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—

(3)(a)1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(105) ~~s. 316.003(104)~~. This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

2.a. During the period from October 1, 2019, through

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December 31, 2019, a law enforcement officer may stop motor vehicles to issue verbal or written warnings to persons who are in violation of subparagraph 1. for the purposes of informing and educating such persons of this section. This sub-subparagraph shall stand repealed on October 1, 2020.

b. Effective January 1, 2020, a law enforcement officer may stop motor vehicles and issue citations to persons who are driving while using a wireless communications device in a handheld manner in violation of subparagraph 1.

Section 16. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(84)(a) or (b) ~~s. 316.003(83)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 17. This act shall take effect July 1, 2020.

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AMERICAN OVERSIGHT

From: Hillsborough County GOP <admin@hillsborough.gop>
Sent: Friday, November 22, 2019 7:09 AM EST
To: Brandes, Jeff (Web) <Brandes.Jeff.Web@flsenate.gov>
Subject: RPOF 2019 Statesman's Dinner with President Trump!

Jeff --

Tickets are now available for the 2019 RPOF Statesman's Dinner with **President Trump** & **Governor DeSantis**.

The event will be held on Sat, Dec 7th in Miami, and you must RSVP by Fri, Nov 29 th.

Click one of the links for tickets.

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Tickets are available at: https://florida.gop/2019statesmanstickets/

Volunteer at our *HCRP Office*

And in The Field

5118 N. 56th Street #115, Tampa, FL 33610

Call to volunteer, 813-621-7909, admin@hillsborough.gop

Monday - Friday, *10:00 A.M. - 4:00 P.M.*

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FL-SEN-20-0201-B, 20-0202-A-005818

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deliver Republican messages and elect local Republicans.

Thank You!

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This email was sent to brandes.jeff.web@flsenate.gov. To stop receiving emails, click here.
You can also keep up with Hillsborough County GOP on Twitter.

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AMERICAN OVERSIGHT

From: Slosberg, Emily <Emily.Slosberg@myfloridahouse.gov>
Sent: Tuesday, January 21, 2020 4:37 PM EST
To: !ALL LEGISLATORS & STAFFs <ALLLEGISLATORS&STAFFs@leg.state.fl.us>
CC: Anderson, Jack <Jack.Anderson@myfloridahouse.gov>
Subject: SAVE THE DATE - CELEBRATING 100 YEARS OF WOMEN'S SUFFRAGE

Good Afternoon,

Please join us in celebrating the 100th anniversary of women's suffrage in the United States. This event will take place on the 22nd floor of the Capitol on Wednesday, February 12, from 8:00 – 10:00 AM. "Keep Roaring On: "1920 – 2020" will honor the many significant contributions of women to the State of Florida. This event is free and open to the public—feel free to invite your friends. Coffee and breakfast will be served.

Please RSVP to Jack.Anderson@myfloridahouse.gov.

I look forward to seeing you there!

AMERICAN OVERSIGHT



—

Representative Emily Slosberg
State Representative, District 91
Florida House of Representatives
Capitol Phone: (850) 717-5091

AMERICA OVERSIGHT

District Phone: (561) 496-5940
Emily.Slosberg@myfloridahouse.gov

Warning: Florida has a broad public records law. Most written communications to or from elected officials and state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public records and shall only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida. If you do not want your email address released in response to a public records request, do not contact me by email. Instead, contact my office by phone or in writing.

AMERICAN OVERSIGHT

From: Firehouse Cultural Center <info@firehouseculturalcenter.org>
Sent: Friday, January 24, 2020 2:04 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Save The Date! Scrapers & Card Makers - Take Printmaking Class get Remix for Free, Boogie w Back Beat

101 1st Avenue NE
Ruskin, Florida 33570
Phone : 813-645-7651
Fax: 813-645-7657
www.firehouseculturalcenter.org

Relief Print Making Multiple Impressions

Four - 3 hour Classes:
Wed.s 9:30 a.m. - 12:30 p.m.
January 29 - February 19

A printmaking class for beginning to advanced students. Learn how to create relief prints by carving linoleum blocks. Explore the individual and collaborative possibilities of using multiple carved printing blocks multiple times on the same piece of paper.

Book this class and Take a Remix Class for Free!

Information/Reservation

Firehouse Links

- Welcome
- Donate Now
- Classes
- Events
- Summer Camp
- Theatre & Improv Classes
- Room Rentals
- Figure Drawing Group
- About Us
- Contact Us
- Become a Member
- Firehouse Pub

Operating Hours

9:00 am - 5:00 pm
Monday thru Friday

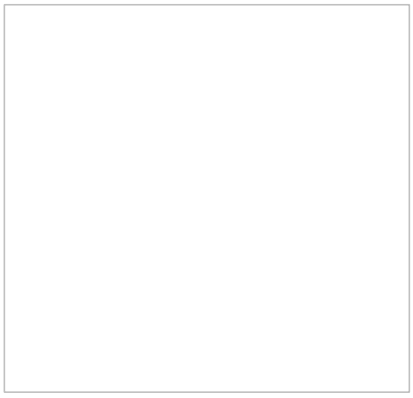
Weekend ShowTime's Vary

Follow us on Twitter
Like us on Facebook
Find us on Google+

AMERICAN OVERSIGHT

TBone Hamilton & Blues All Stars

Saturday, Feb. 1 at 7:30pm



Greg Poulos, Bryan Lee, Bob Menzies & TBone Hamilton

Information/Reservation

SAVE THE DATE

Saturday, March 7th
7:00pm - 11:00pm

Information/Reservation

WPHX Radio Fundraiser

Friday, Jan. 31 at 7:00pm

Hey you cool people come out to support your local radio.

Back Beat Band
will have us movin & groovin

Suggested $10 at door or call 813-645-7651

Show some Peace & Love with Raffles and Prizes

Wear your bell bottoms & plat-form shoes

SEE You Groovy Cats at the Firehouse!

Classes

AMERICAN OVERSIGHT

Upstairs/Downstairs: The Tampa Bay Hotel Theater

In partnership with H.B. Plant Museum

Sunday, Feb. 2 at 3:00

Pauline Smith, Telegraph Operator, 1913

Tampa Bay Hotel, Henry Plant's grandest luxury railroad resort hotel, opened in 1891 at the height of America's Gilded Age. More than 300 employees for the opulent hotel to run smoothly. Step back in time & enjoy the single-character performances that brings two turn-of-the-century Hotel staff members to life.

FREE EVENT

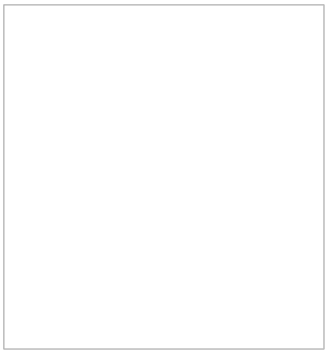
Seats Limited Reserve Now!

Information/Reservation

Literary Class

New Dates
Feb. 4 - March 10

This class creates & reinforces creative confidence



Storytelling 1.0 for beginning writers and those who love to write. 'I never thought I could write but this class showed me I could'.

Information/Reservation

Poetry

Saturday, February 8
9:30am - 11:00am
Free

Writing the love poem.

Information/Reservation

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Marvel Comics:
Hammered A Thor & Loki Play

Multiple Shows & Matinees
Feb. 7 - 9
Feb. 14 - 16

Information/Reservation

ReMix

Work in the style of Artists displayed at Tampa Museum of Art

Tuesday, Feb. 18
6:00pm - 8:30pm
Alma Thomas

Tuesday, March 17
6:00pm - 8:30pm
Paintings from Antiquity

Information/Reservation

Become a FCC Member and SAVE!

Firehouse Pub seating is communal, which means you may have other guests at your table. As a courtesy to the artists we recommend arriving no later than thirty minutes before show time. Reservations are made when tickets are purchased. Tickets are non-refundable.***Adult Beverages & Refreshments available***. No outside food or beverages allowed.

Firehouse Cultural Center | 1st Avenue NE | Ruskin | Florida 33570 | 813-645-7651
www.firehouseculturalcenter.org

Firehouse Cultural Center is a not-for-profit 501 (c) (3), cultural arts center serving South Hillsborough County. Contributions are tax deductible within the limits of the law.

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Firehouse Cultural Center
101 1st Ave NE
Ruskin FL 33570

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AMERICAN OVERSIGHT

From: Jeff Branch <jbranch@flcities.com>
Sent: Friday, January 31, 2020 3:14 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
CC: Meshil, Melissa <Meshil.Melissa@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: SB 1148 E-Bikes

Sen. Brandes,

Thank you for taking my call and agreeing to removing the language of concern to our municipalities. Per our discussion, listed below is the language we would like removed from SB 1148:

Lines 211 – 217:

(b) Following notice and a public hearing, a municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path may restrict or prohibit the operation of an electric bicycle on the path if the municipality, county, or agency finds that such a restriction is necessary in the interest of public safety or to comply with other laws or legal obligations.

As always, I look forward to our continue work on Transportation issues.

Jeff

AMERICAN OVERSIGHT

From: Becky Afonso <becky@floridabicycle.org>
Sent: Friday, January 03, 2020 12:11 PM EST
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>; Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>; Brandes, Jeff (Web) <BRANDES.JEFF.WEB@flsenate.gov>
CC: Becky Afonso <becky@floridabicycle.org>
Subject: SB 1148
Attachment(s): "2020 Bicycle Amendments.docx"

Melissa and Zach,

I do hope both of you and Senator Brandes had a wonderful holiday break. I also wish to thank the Senator again for meeting with me prior to Christmas to discuss SB 1148.

The Florida Bicycle Association is supportive of SB 1148 and HB 971. During our conversation on December 20, I asked the Senator to consider a few amendments to SB 1148 (attached as well):

Regarding bicycle helmets:
316.2065 Bicycle regulations (current)–
(2)(d) A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203. ~~A helmet purchased before October 1, 2012, which meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department may continue to be worn by a bicycle rider or passenger until January 1, 2016.~~* As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.

*FBA recommends an amendment to SB 1148 and HB 971 to strike out the language above due to the years in the current statute being past.

Regarding bicycle seat height:
316.003 Definitions (current) –
(4) BICYCLE.—Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include ~~such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or~~* a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.

* FBA recommends an amendment to SB 1148 and HB 971 to strike out the language above due to the restriction being imposed prior to the popularity of adult recumbents and recumbent tricycles. FBA has been informed by membership that insurance companies will not insure their recumbent bicycles or tricycles due to this restriction. These bicycles may be valued at $2,000 or more. The deletion has been discussed with the Florida Department of Transportation and is felt to be the best way to adjust the definition as opposed to creating definitions with every advance in technology.

Regarding current Bicycle definition and proposed Electric Bicycle definitions and Micro Mobility devices:
316.003 Definitions (current) –
(4) BICYCLE.—Every vehicle propelled solely by human power, ~~and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride~~*, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.

***SB 1148 and HB 971 propose the above strikeout language to current Bicycle statute** (FBA is recommending the highlighted language to be stricken, see above.)

SB 1148 and HB 971 provide the following for Electric Bicycle definitions:
(22) ELECTRIC BICYCLE.—A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications: (a) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour. (b) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour. (c) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

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(language highlighted to demonstrate need for amendment)

316.003 Definitions (current) –
(38) MICROMOBILITY DEVICE.—Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.*
(language highlighted to demonstrate need for amendment)

*FBA recommends an amendment to SB 1148 and HB 971 to change Micromobility Device definition to reflect a **Class 2 Electric Bicycle** as only the proposed Class 1 and Class 2 Electric Bicycle definitions would match up best with the Bicycle definition proposed by SB 1148 and HB 971 because both these Classes keep human power in the definition.

I appreciate your time and consideration of these proposed amendments. If you have any questions, please don't hesitate to contact me.

Happy 2020!
Becky

Becky Afonso
Executive Director, Florida Bicycle Association
813-748-1513
PO Box 2452, Oldsmar, FL 34677
Like Us on Facebook - Follow Us on Twitter
Let's Ride Together - Join FBA!



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Regarding bicycle helmets:
316.2065 Bicycle regulations (current)–
(2)(d) A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203. ~~A helmet purchased before October 1, 2012, which meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department may continue to be worn by a bicycle rider or passenger until January 1, 2016.~~* As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.

*FBA recommends an amendment to SB 1148 and HB 971 to strike out the language above due to the years in the current statute being past.

Regarding bicycle seat height:
316.003 Definitions (current) –
(4) BICYCLE.—Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include ~~such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or~~* a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.

* FBA recommends an amendment to SB 1148 and HB 971 to strike out the language above due to the restriction being imposed prior to the popularity of adult recumbents and recumbent tricycles. FBA has been informed by membership that insurance companies will not insure their recumbent bicycles or tricycles due to this restriction. These bicycles may be valued at $2,000 or more. The deletion has been discussed with the Florida Department of Transportation and is felt to be the best way to adjust the definition as opposed to creating definitions with every advance in technology.

Regarding current Bicycle definition and proposed Electric Bicycle definitions and Micro Mobility devices:
316.003 Definitions (current) –
(4) BICYCLE.—Every vehicle propelled solely by human power, ~~and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride~~*, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.

***SB 1148 and HB 971 propose the above strikeout language to current Bicycle statute** (FBA is recommending the highlighted language to be stricken, see above.)

SB 1148 and HB 971 provide the following for Electric Bicycle definitions:
(22) ELECTRIC BICYCLE.—A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications: (a) "Class 1 electric bicycle" means an electric bicycle equipped

with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour. (b) “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour. (c) “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.
(language highlighted to demonstrate need for amendment)

316.003 Definitions (current) –
(38) MICROMOBILITY DEVICE.—Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.*
(language highlighted to demonstrate need for amendment)

*FBA recommends an amendment to SB 1148 and HB 971 to change Micromobility Device definition to reflect a Class 2 Electric Bicycle as only the proposed Class 1 and Class 2 Electric Bicycle definitions would match up best with the Bicycle definition proposed by SB 1148 and HB 971 because both these Classes keep human power in the definition.

AMERICAN OVERSIGHT

From: Ogonoski, Adam
Sent: Thursday, January 16, 2020 11:11 AM EST
To: Baxley, Dennis <Baxley.Dennis@flsenate.gov>
CC: McClain, Matthew <McClain.Matthew@flsenate.gov>; Roberts, Dawn <Roberts.Dawn@flsenate.gov>; Vause, Diane <Vause.Diane@flsenate.gov>
Subject: SB 1354 Agenda Request Letter
Attachment(s): "SB 1354 EE Agenda Request.pdf"

Hello All,

Please see the attached agenda request for Senate Bill 1354 – Statewide Voter Registration Application. Senator Brandes kindly requests this bill be placed on agenda at Chair Baxleys' convenience.

Thank you,
Adam Ogonoski

AMERICAN OVERSIGHT

The Florida Senate

Committee Agenda Request

To: Senator Dennis Baxley
Committee on Ethics and Elections

Subject: Committee Agenda Request

Date: January 13, 2019

I respectfully request that **Senate Bill #1354**, relating to **Statewide Voter Registration Application**, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Jeff Brandes
Florida Senate, District 24

AMERICAN OVERSIGHT

From: Kirk Bailey <KBailey@aclufl.org>
Sent: Monday, January 27, 2020 10:41 AM EST
To: Baxley, Dennis <Baxley.Dennis@flsenate.gov>; Braynon, Oscar <BRAYNON.OSCAR@flsenate.gov>; Diaz, Manny <Diaz.Manny@flsenate.gov>; Passidomo, Kathleen <Passidomo.Kathleen@flsenate.gov>; Powell, Bobby <Powell.Bobby@flsenate.gov>; Rodriguez, Jose <Rodriguez.Jose@flsenate.gov>; Stargel, Kelli (Web) <STARGEL.KELLI.WEB@flsenate.gov>
CC: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Kara Gross <KGross@aclufl.org>; Roberts, Dawn <ROBERTS.DAWN@flsenate.gov>; Vause, Diane <VAUSE.DIANE@flsenate.gov>
Subject: SB 1354 Statewide Voter Registration Application - ACLU Letter in Support
Attachment(s): "Testimony_ACLU_SB 1354.pdf"

Chair Baxley and members of the Senate Ethics & Elections committee,
Please find attached our comments in support of SB 1354, Statewide Voter Registration Application. Thank you for your attention to this bill and please let us know if have any questions or need further information.

Kirk Bailey | Political Director |American Civil Liberties Union of Florida |786.363.2713 | kbailey@aclufl.org
Pronouns: he, him, his

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AMERICAN OVERSIGHT

January 24, 2020

DELIVERED VIA EMAIL

Ethics & Elections Committee
Florida Senate
The Capitol
Tallahassee, FL 32399

RE: Written Testimony – SB 1354

Dear Chairman Baxley and members of the committee:

On behalf of more than 130,000 members and supporters state-wide, the American Civil Liberties Union (ACLU) of Florida provides this written testimony on SB 1354, re: Statewide Voter Registration Application. We respectfully request that this testimony be included in the record of the meeting and made available to the public in the committee packet/record meeting notes.

Further, we support SB 1354 in substance, with the following observations.

In order to achieve a fair and uniform electoral process, the uniform statewide voter registration application needs to be concise, readily understandable and easy to complete. An excess of questions lends to confusion and difficulties designing a voter registration form that is readily understandable and easy to use by individual Floridians who wish to participate in our electoral process. Prior to SB 7066, question #2 of the pre-2019 form asked individuals to "*affirm that I am not a convicted felon, or if I am, my right to vote has been restored.*" The present legislation (SB 1354) eliminates additional questions required by SB 7066 and nearly conforms the wording of the form to its pre-2019 version. We note that the proposed wording in SB 1354 is not an exact match to the pre-2019 form, stating "*I affirm I have never been convicted of a felony or, if I have been, my rights relating to voting have been restored.*" (line 23-25).

While there seems to be no substantive difference between the pre-2019 prior form and the proposed new language, the statutory wording varies slightly. While this may just be a drafting oversight, we are concerned that, because of the difference, someone might assert that a new form needs to be promulgated instead of reverting back to the pre-2019 form. This would delay implementation and add further confusion for voters. In order to ensure that upon the effective date of the legislation the pre-2019 form can continue to be used without interruption we respectfully request that the statutory language conform to the pre-2019 form that is presently in use.

Thank you for your consideration of the above and please do not hesitate to contact me at kbailey@aclufl.org (786) 363-2713, if you have any questions or would like any additional information.

Sincerely,

Kirk Bailey
Political Director

Cc: Sen. Jeff Brandes

ACLU Florida

4343 W. Flagler St.
Miami, FL
(786) 363-2713
aclufl.org

Kirk Bailey
Political Director

AMERICAN OVERSIGHT

From: Marcus, Julie <jmarcus@votepinellas.com>
Sent: Friday, January 31, 2020 12:00 PM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: SB 1372 - Elections

Vanessa –

As we discussed on the phone -

- The FSE supports ***inserting*** the following language in Section 5.

  "Notwithstanding the qualifying period prescribed in this section, a qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period."

  Same language that is in F.S. 99.061(8).

- The FSE support ***keeping*** "not earlier than noon of the 71st day, or" (line 135). No strikethrough.

Please let me know if you have any questions.

Thank you for your time and consideration.

Julie

Julie K. Marcus, Chief Deputy
Representing Deborah Clark, Supervisor of Elections, Pinellas County
13001 Starkey Road
Largo, Florida 33773
Phone:(727) 464-5710 ~ Fax:(727) 453-3058
jmarcus@votepinellas.com

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. -- F.S. 668.6076

Conforme a la legislación de Florida, las direcciones de correo electrónico son registros públicos. Si no desea que su correo electrónico se divulgue como respuesta a una solicitud de registros públicos, no envíe un correo electrónico a esta entidad. En su lugar, póngase en contacto con esta oficina por teléfono o por escrito. -- F.S. 668.6076

AMERICAN OVERSIGHT

From: Marcus, Julie <jmarcus@votepinellas.com>
Sent: Friday, January 31, 2020 10:37 AM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: SB 1372 - Elections

Vanessa –

Could you give me a call when you get a moment, please. Concerning SB 1372, filed by Senator Brandes.

727-464-5710

Thanks,
Julie

Julie K. Marcus, Chief Deputy
Representing Deborah Clark, Supervisor of Elections, Pinellas County
13001 Starkey Road
Largo, Florida 33773
Phone:(727) 464-5710 ~ Fax:(727) 453-3058
jmarcus@votepinellas.com

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. -- F.S. 668.6076

Conforme a la legislación de Florida, las direcciones de correo electrónico son registros públicos. Si no desea que su correo electrónico se divulgue como respuesta a una solicitud de registros públicos, no envíe un correo electrónico a esta entidad. En su lugar, póngase en contacto con esta oficina por teléfono o por escrito. -- F.S. 668.6076

AMERICAN OVERSIGHT

From: Ogonoski, Adam
Sent: Thursday, January 16, 2020 11:04 AM EST
To: Baxley, Dennis <Baxley.Dennis@flsenate.gov>
CC: McClain, Matthew <McClain.Matthew@flsenate.gov>; Roberts, Dawn <Roberts.Dawn@flsenate.gov>; Vause, Diane <Vause.Diane@flsenate.gov>
Subject: SB 1372 Agenda Request Letter
Attachment(s): "SB 1372 EE Agenda Request.pdf"

Hello All,

Please see the attached agenda request for Senate Bill 1372 – Elections. Senator Brandes kindly requests this bill be placed on agenda at Chair Baxley's convenience.

Thank you,
Adam Ogonoski

AMERICAN OVERSIGHT

The Florida Senate

Committee Agenda Request

To: Senator Dennis Baxley
Committee on Ethics and Elections

Subject: Committee Agenda Request

Date: January 13, 2019

I respectfully request that **Senate Bill #1372**, relating to **Elections**, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Jeff Brandes
Florida Senate, District 24

AMERICAN OVERSIGHT

From: Ogonoski, Adam
Sent: Thursday, February 06, 2020 10:49 AM EST
To: Simmons, David <SIMMONS.DAVID@flsenate.gov>
CC: Cibula, Thomas <Cibula.Thomas@flsenate.gov>; Butler, Joyce <Butler.Joyce@flsenate.gov>; Clarke, Valerie <Clarke.Valerie@flsenate.gov>
Subject: SB 1372 Agenda Request Letter
Attachment(s): "SB 1886 JU Agenda Request.pdf"

Hello All,

Please see the attached agenda request for Senate Bill 1886 – Grandparent Visitation Rights. Senator Brandes kindly requests this bill be placed on agenda at Chair Simmons' convenience.

Thank you,
Adam Ogonoski

AMERICAN OVERSIGHT

The Florida Senate

Committee Agenda Request

To: Senator David Simmons
Committee on Judiciary

Subject: Committee Agenda Request

Date: February 6, 2020

I respectfully request that **Senate Bill #1886**, relating to **Grandparent Visitation Rights,** be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Jeff Brandes
Florida Senate, District 24

AMERICAN OVERSIGHT

From: Ogonoski, Adam
Sent: Tuesday, February 04, 2020 10:20 AM EST
To: Simmons, David <SIMMONS.DAVID@flsenate.gov>
CC: Cibula, Thomas <Cibula.Thomas@flsenate.gov>; Butler, Joyce <Butler.Joyce@flsenate.gov>; Clarke, Valerie <Clarke.Valerie@flsenate.gov>
Subject: SB 1372 Agenda Request Letter
Attachment(s): "SB 1372 JU Agenda Request.pdf"

Hello All,

Please see the attached agenda request for Senate Bill 1372 – Elections. Senator Brandes kindly requests this bill be placed on agenda at Chair Simmons' convenience.

Thank you,
Adam Ogonoski

AMERICAN OVERSIGHT

The Florida Senate

Committee Agenda Request

To: Senator David Simmons
Committee on Judiciary

Subject: Committee Agenda Request

Date: February 4, 2020

I respectfully request that **Senate Bill #1372**, relating to **Elections**, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Jeff Brandes
Florida Senate, District 24

AMERICAN OVERSIGHT

From: Evan Power <Evan@rambaconsulting.com>
Sent: Monday, February 03, 2020 9:25 AM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: SB 1372 talk sheet
Attachment(s): "SB1372 Talk Sheet.docx"

Attached is a talk sheet for 1372

Thanks!

Evan

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SB 1372 by Senator Brandes
Senate Ethics and Elections Committee
February 3 - 4:00pm

This explains the strike all.

This bill was brought to me by the Florida Supervisors of Elections to handle some technical issues that need to be addressed in Florida's election laws. There are five issues in this bill:

First, in last year's bill we allowed canvassing of mail petitions up to 22 days prior to the early voting to deal with the increased volume of vote by mail ballots. What we didn't do was extend when the Supervisors needed to complete their Logistics & Accuracy Testing to prior to the canvassing taking place, so the bill moves this testing to 25 days before the start of early voting (was 10 days).

Second, last year we extended many of the time frames for vote by mail for regular elections to give voters more time to return their ballots. We did not change those for Mail Only Elections, which we match up with this bill.

We remove the requirement to duplicate over-voted ballots in the law. Today's technology counts them as over-votes already and are not counted, and if a ballot needs to be duplicated because it was damaged or is otherwise flawed, then it is unnecessary to spend the time to duplicate an over-voted ballot.

Fourth, we allow state committeeman and women to prequalify 14 days before qualifying week just like any other candidate. Currently they were only allowed to qualify during qualifying week which added additional workload during a Supervisor's qualifying week. (in the bill as filed it eliminates the start date, which could allow people to qualify years in advance - the strike all matches it up with the two week prequalifying times of other candidates)

Last, we fix a conflict in 101.043 where one section of law says you can confirm the residency of a voter using their drivers license and the next paragraph says you cannot use the address to confirm their legal residence. This strikes the inconsistency and leaves the law that when you use a Drivers License or I.D. card and your address matches it confirms your legal residency for voting. As a side note and a reminder, of the twelve valid forms of photo ID allowed under Florida law only these two I mentioned have an address - the remaining 10 either do not have or have no requirement under law to have a voters residence address on them. (the bill as filed inadvertently eliminated too much of the language in the bill, and we cleaned that up with the strike all)

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From: Zachariah Chou <zachariahchou@gmail.com>
Sent: Thursday, January 09, 2020 12:48 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: SB 1372 Voter ID Provision

Good afternoon,

My name is Zachariah Chou and I am writing a freelance op-ed for The Guardian. I wanted to ask you about your recently filed bill.

Concerning the striking out of "The address appearing on the identification presented by the elector may not be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence," I wanted to ask what is the intention behind this change and if the addresses on the IDs will need to match where people are registered.

Additionally, in what instances would a person's address need to be confirmed or challenged?

Best,
Zachariah Chou

--
PLEASE NOTE: Florida public records law is extremely broad. In accordance with Florida State Statutes (F.S. 119), email addresses and any/all information contained herein may constitute public records. If you do not wish your private information released in a public records request, you are hereby advised not to send messages to this entity.

AMERICAN OVERSIGHT

From: Pam Cassidy <ffrp@mail.com>
Sent: Wednesday, January 15, 2020 10:43 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: SB 1716 and Proposed Amendment
Attachment(s): "OffenderReentryProgramAmendment 1.10.2020.pdf","WORD Cover letter for Senators 1.10.2020.docx"

Dear Senator Jeff Brandes:

Greetings:

My name is Pam Cassidy

First, I would like to thank you and voice my support, as well as all of my family's, support for SB 1716, introduced by you. This bill would reduce prison costs millions over the next few years, not to mention, the reuniting of many with their loving family. We have prayed very hard for something like this to be introduced. We now pray with all of our hearts it is passed. You can put a face to the name by looking at the 'Wasted Minds' article by Gatehouse Media. My son Roger Cassidy is one they interviewed who is taking classes at Tomoka through Stetson University.

Second is to inform you of Initiative 19-04, a proposed Florida Constitutional Amendment titled the "Offender Reentry Program" Amendment (ORPA) sponsored by Floridians For Redeemable People (FFRP). ORPA will add to Article IV, section 8 of the Florida Constitution, a subsection (c): "Offender Reentry Program" and will extend the authority of the Commission on Offender Review to review individuals, including juveniles, currently ineligible for parole for "Reintegration Status"—think of it as parole, but a completely new and distinct release mechanism. Eligible individuals will have an opportunity to earn Reintegration Status by completing certain requisites set by the Commission. Individuals will demonstrate personal merit through institutional conduct and by focusing on prolonged and sustained participation in educational and rehabilitative programming. We ask that you read the attached cover letter and the reasoning behind it (ORPA Manifesto), both attached hereto. Also attached in the Manifesto you will find a copy of the Petition 19-04. We are positioning ourselves to have this amendment placed on the 2022 ballot.

Thank you for your time.

Thank you

Help Support Proposed Amendment 19-04, Offender Reentry Program Amendment
Pam Cassidy, Chairperson
Floridians For Redeemable People
P O Box 520337
Longwood, Fl 32752
407-576-2649

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THE

OFFENDER REENTRY PROGRAM

AMENDMENT

MANIFESTO

Citizen Initiative 19-04 for a Proposed
Florida Constitutional Amendment

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THE

OFFENDER REENTRY PROGRAM

AMENDMENT

Citizen Initiative 19-04 for a Proposed
Florida Constitutional Amendment

A Criminal Justice Reform
By Roger C. Cassidy

Sponsored by:

Floridians For Redeemable People
P.O. Box 520337
Longwood, Florida 32752
ffrp@mail.com
(407) 576-2649

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Introduction

Shortcomings in Florida's current criminal justice policies foster an oppressive and hopeless prison culture. For example, Florida provides inadequate educational and rehabilitative programming opportunities for incarcerated individuals in general, but especially for individuals with lengthy sentences. Further, Florida offers no incentives for incarcerated individuals to participate in available programs and no review mechanism for their early release under any circumstance. Such policies, taken together, have led to a myriad of complications such as mental health issues, violence, drug use, death by drug overdose, and suicide inside Florida's prisons. Moreover, these policies, the result of decades of overly punitive sentencing, have resulted in sky-high recidivism rates for individuals after release from prison and a growing yearly corrections budget approaching 3 billion dollars annually.

The Offender Reentry Program Amendment (**ORPA**) is a proposed Florida Constitutional Amendment sponsored by *Floridians For Redeemable People* (FFRP) and introduced via Citizen Initiative 19-04. Initiative 19-04 is a growing movement by Floridians exhausted by the Legislature's inaction, year after year, on the issues of mass incarceration in the sunny State of Florida and the high percentage of tax dollars spent housing individuals sentenced to overly punitive prison terms that harm, rather than help, individuals and the community.

ORPA will add to Article IV, section 8 of the Florida Constitution, a subsection (c): "Offender Reentry Program." This subsection will extend the authority of the Florida Commission on Offender Review (the Commission) to review individuals pursuant to a new form of supervised release termed "Reintegration Status." **ORPA**'s purpose is two-fold: (1) to foster a prison culture conducive to rehabilitation, and (2) to provide a review mechanism for individuals which incentivizes self-betterment through prolonged and sustained participation in

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educational and/or rehabilitative programming. **ORPA** will provide a legal mechanism for the redemption of rehabilitated individuals, the restoration of families, and the successful reintegration of redeemed people back into society.

What follows here is a brief explanation of why **ORPA** is necessary (Part 1), an overview and key features (Part 2), and a preliminary financial impact statement (Part 3). Initiative 19-04 is attached at Appendix A. For more information, visit Floridians For Redeemable People on Facebook or contact:

Floridians For Redeemable People
P.O. Box 520337
Longwood, Florida 32752
ffrp@mail.com
(407) 576-2649

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Part 1

Why **ORPA** is Necessary: A Description of Problem Areas

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No Review Mechanism for Florida's Incarcerated

Florida is one of only a handful of states in the nation that has no review mechanism or active parole system, but has the third largest prison population in the country.[1] In general, Florida provides no review mechanism or parole for ANY offender under ANY sentence under ANY circumstance for offenses committed after October 1, 1983.[2] The Florida Commission on Offender Review[3] (FCOR) exists primarily for the purposes of reviewing for parole consideration those individuals who remain incarcerated for offenses committed prior to October 1, 1983 (less than 4,600 remaining offenders out of nearly 100,000, *see* n. 2) and supervising those previously incarcerated individuals who are on parole.[4]

Over the past few decades, the Florida Legislature has steadily increased general penalties for crimes, removed sentencing discretion from judges by creating numerous minimum mandatory sentencing schemes, and decreased the amount of gain time incarcerated individuals can earn thereby removing incentives for program participation. The result is more individuals are spending more time incarcerated under very long sentences[5] with no legal mechanism to provide them an opportunity for early release.[6] The Florida Department of Corrections (FDC) has further exacerbated these circumstances by providing minimal opportunities for self-betterment and rehabilitation, especially for incarcerated individuals serving lengthy sentences. The effects are an oppressive prison culture and dire system of punishment that churns out a twenty-five to thirty percent inmate recidivism[7] rate,[8] while keeping those serving lengthy sentences in a hopeless state of repression.

The trend in criminal justice policies focused on increasing the punitive nature of sentencing can be traced back to the opioid scare of the late 1970s and the crack cocaine epidemic of the 1980s. In efforts to combat the drug crises, the Florida Legislature declared a

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"War on Drugs," a policy of enhanced penalties for drug possession,[9] generally, and harsh mandatory minimum sentences for specific drug offenses under the so-called "drug trafficking" law.[10] The Florida Legislature, in 1982, created the Sentencing Commission, which developed the Florida Sentencing Guidelines that became effective on October 1, 1983.[11] Prior to the Guidelines, "courts sentenced in accordance with provisions of law that permitted a wide range of judicial discretion in the sentencing decision."[12] Judges, upon sentencing defendants, were permitted to "not impose a sentence of imprisonment *unless, after considering the nature and the circumstances of the crime and the prior criminal record, if any,* of the defendant, the court [found] that *imprisonment* [*was*] *necessary for the protection of the public because. . .*"[13] of various circumstances.[14] After the Guidelines went into effect, judges' authority to exercise their discretion in the length of sentence to impose was generally limited within a range provided for by a scoresheet contained in the Guidelines.[15] Judges could impose a departure sentence either downward or upward *only* under specific delineated reasons.[16] The Legislature, simultaneously with the implementation of the Guidelines, abolished parole for defendants whose offenses occurred on or after October 1, 1983.[17] When these changes occurred there were approximately 20,000 inmates in Florida prisons.[18]

During the 1990s, the Florida Legislature—following the lead of the Federal government and then-President Bill Clinton's campaign for increased sentencing and mandatory minimum laws through the Violent Crime Control Act (of 1994) and decreased access to federal court review of federal and state convictions and sentences via the Anti-Terrorism and Effective Death Penalty Act (of 1996)—took a more rigid "tough on crime" stance, enacting policies creating mandatory minimum sentencing schemes under catchy labels such as "The Reoffender Act,"[19] "10-20-Life,"[20] and "Three Strikes,"[21] and by decreasing the amount of gain time incarcerated

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individuals could earn under any other sentence.[22] During its 1997 session, the Florida Legislature further ratcheted up the punitive nature of sentencing by implementing a new sentencing policy titled "the Criminal Punishment Code" (CPC). At the time the CPC took effect, the prison population had already increased to approximately 70,000 inmates[23]—a three hundred and fifty percent increase over 1983's total. The CPC replaced the sentencing Guidelines[24] and took effect on October 1, 1998. The CPC remains the current sentencing policy in place and states, "The primary purpose of sentencing is to punish the offender. Rehabilitation is a desired goal of the criminal justice system but is subordinate to the goal of punishment."[25]

Over the past four decades, the wholesale increase in general penalties, the passage of mandatory minimum sentencing schemes, and the decrease in the amount of gain time incarcerated individuals may earn coupled with the abolishment of parole, coincide with the increased sentences being served, the explosion of the prison population, and the overall hopeless situation many individuals find themselves in within Florida's correctional system.[26] These overly punitive and antiquated sentencing laws implemented decades ago do a disservice to both those individuals under sentence and the State of Florida in general. Such sentencing policies are not geared toward the betterment of individuals or the community at large, but to the "goal of punishment," and neither reflect the needs or values of today's society nor heed current criminological studies that show most people age out of criminal behavior and do not pose the same risks to public safety as they grow older.[27] Some of the practical effects of such harsh policies are: the FDC's incarcerated population ballooned from approximately 20,000 in 1980 to nearly 100,000 in 2019—*a five hundred percent increase*[28]—and Florida subsequently expanded the FDC's prison-industrial complex by building 46 new prisons and 34 new smaller facilities

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between 1987 and 2011,[29] and has a total of 143 facilities statewide,[30] resulting in a current FDC fiscal budget of over 2.7 billion dollars.[31]

Lack of Sufficient Programs Offered in the FDC

It is difficult for incarcerated individuals to enter existing educational and rehabilitative programs within the FDC, when they can be found at all. The reason for this is two-fold: (1) well-meaning individuals and organizations too often encounter difficulties in bringing programs into the FDC, and (2) there is a severe shortage of state funds or will to support such programs.

For example, the Horizon Communities in Prison Faith and Character Base program[32] is offered at Tomoka Correctional Institution (TCI) in Daytona Beach, Florida. Designated program dormitories are set up within the institution where visiting community volunteers teach courses and classes on victim impact, anger management, drug and alcohol counseling, character development, life skills, employability, and personal finance. The program has 260 available beds within the 1,300-bed TCI. The program has for years attempted to expand, not only inside TCI, but also to other institutions. In the twenty years of Horizons' existence, it has been successful in expanding into only four other institutions in the state with a total bed space for approximately 700 inmates.[33]

Another example is the Community Education Project (CEP)[34] at TCI sponsored by Stetson University in Deland, Florida. Professors at Stetson University created and brought the CEP to TCI in 2015. The CEP, after much work, now offers college credit-bearing courses to TCI students. The CEP currently has a student body of 25 students at TCI—25 out of the hundreds of individuals at Tomoka and thousands of others across the state who would benefit from similar programs.[35] This particular higher education in prison program was brought about solely by the

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dedication of Stetson University's CEP professors, and the accreditation was made possible by both Stetson University and a monetary grant provided by the Laughing Gull Foundation.[36]

The overarching problem is that the FDC does not seek out such programs or generally provide such programming opportunities to incarcerated individuals, especially for those serving lengthy sentences,[37] even while studies consistently show that providing incarcerated individuals education opportunities, rehabilitative programs, and marketable job skills drastically decrease recidivism rates[38] and benefit society in common sense ways such as reuniting the family unit and paying taxes. Moreover, most programs offered within the FDC are developed and geared toward incarcerated individuals with three years or less remaining on their sentence. I argue that educational and rehabilitative programming should be available to all individuals regardless of length of sentence remaining so that the benefits may be absorbed into the prison culture.

Programs such as those mentioned above struggle to gain or retain a foothold in the FDC because the FDC has been legislatively sanctioned to foster a punitive atmosphere of punishment and repression, not rehabilitation and redemption. (*See* n. 25 and accompanying text.) The overall oppressive and hopeless nature of Florida corrections can, thus, be attributed to there being no current review/release mechanism in place for those serving non-parolable sentences and the lack of educational and rehabilitative opportunities. The interconnectedness of these two problems areas—the lack of hope of any type of early release and the lack of opportunities for educational and rehabilitative programming—cannot be overstated, as they go hand-in-hand. Such deeply engrained problems are of a structural dimension and require a "bottom-up" approach to correct, thus validating the appropriateness of this citizen initiative.[39] A Florida Constitutional Amendment is necessary both to bring about the needed change that has not been and is not being addressed

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sufficiently by the Florida Legislature and to ensure that such problems do not again overtake the corrective processes of Florida's criminal justice system.

ORPA's Purpose

As stated, **ORPA**'s purpose is two-fold: (1) to foster a "prison culture" conducive to education and rehabilitation by *creating a demand* for such opportunities, and (2) to provide an incentive for individuals to seek such opportunities by creating a safety-valve to allow the supervised release of individuals, including juveniles, who have both served significant portions of their sentences and proven themselves worthy of a second chance through prolonged and sustained participation in educational and/or rehabilitative programming. These purposes may be achieved by extending the authority of the existing FCOR to review eligible incarcerated individuals, including juveniles, sentenced to non-parolable terms, and to release on "Reintegration Status" those who qualify by meeting certain requisites.

ORPA follows in the footsteps of Florida Constitutional Amendment 4, the Voting Restoration Amendment, which Floridians recently voted into law in November 2018. Whereas Amendment 4 restores voting rights to ex-offenders, **ORPA** seeks to educate and rehabilitate individuals while they are incarcerated. **ORPA** is the bottom-up approach to fulfilling the top-down change to criminal justice policy that many law makers and judges in this state agree needs to be done—safely decrease the prison population, lower recidivism rates, and lessen the burden on tax payers due to excessive and very long sentences.

How **ORPA** Will Work

ORPA will incentivize individuals to seek out betterment opportunities while incarcerated. This, in turn, will create a demand for more educational and rehabilitative programming in the FDC, which will be in line with the FDC's stated vision of "Inspiring

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success by transforming one life at a time."[40] The FDC will be obligated to come up to speed with societal standards—there will be a need for new programs to fill the demand of the incentivized individuals. Sponsors of educational and rehabilitative programs will no longer struggle to provide such programming opportunities, but will be welcomed to implement those programs within carceral spaces. Incarcerated individuals will be incentivized to "clean up their act" by having real opportunities for redemption, motivating many individuals to take responsibility for their actions and moving them to participate in available programs. By focusing on these positive endeavors, incarcerated individuals will develop the knowledge, skills, habits, and self-confidence necessary to successfully reenter and reintegrate into society—positive habits become lifestyle. These positive habits will be developed not only for use in society, but also will be reflected within the penitentiary setting, creating an atmosphere that will facilitate positive influences on other individuals just arriving in prison.

This positive atmosphere will have an even further reaching and secondary effect of helping to alleviate those hopeless conditions that lead to violence and drug use, which are the primary factors contributing to the many deaths recently occurring in Florida prisons.[41] Moreover, those hopeless conditions that lead negative personality characteristics for incarcerated individuals and prison officials alike[42] will be reconciled with new incentives and the implementation of educational, vocational, and rehabilitative programs geared toward the individual's release, resulting in a less dangerous and stressful "prison culture"—hope fosters motivation, determination, and change.

Nearly every year, individual senators in Florida who are privy to the problem of mass incarceration draft and sponsor proposed legislative bills to address the issue.[43] The Legislature thereafter displays a cursory concern and minimal effort toward this problem—a problem

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recognized by prominent Florida judges[44]—by leaving these proposed bills wrapped up in legislative committees without a vote, or by the end of the debate over House and Senate versions of bills, they are gutted so that they are but shells of the original bills and miss the original intent. [45] The yearly regular legislative sessions end with no action taken or the enactment of a shell bill. It is the inaction of the Florida Legislature on the issues of meaningful criminal justice reforms addressing overly punitive sentencing, no review/release mechanism, and the corresponding mass incarceration problem that has made necessary **ORPA**'s movement to create incentivized programming and a right to review for those individuals who meet certain requisites.

When we speak of efforts at criminal justice reform we need to be aware of who is the focus of such efforts and cognizant of the realities these individuals face. One in every one hundred Florida citizens is incarcerated (the current incarceration rate in Florida is over 833 per 100,000),[46] and the recidivism rate of the FDC's releases is nearly one-third. These are our mothers and fathers, sons and daughters, our childhood friends. What they face and what is at stake is what every incarcerated individual deals in: Time. Time is the most precious resource in humanity's existence that cannot be renewed or replenished. Sand cannot be put back into the hourglass, and if lawmakers could be made to understand that incarcerated individuals will strive to obtain some of their precious time back, and those lawmakers give a time incentive for the completion of certain qualifying educational and rehabilitative programming to earn some of it back, it would change from within the entire dynamic of Florida corrections and the current "prison culture." However, as it is, many lose hope in Florida's current broken system that primarily warehouses people and throws away the key. We can give incarcerated individuals a fighting chance for redemption and restoration, but we must go about it wisely.

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Johnny: A Case Study

The following depicts the profile of the average Florida prisoner:[47]

Johnny was nineteen years old when he got caught in an armed trafficking offense and was sentenced to twenty-five years in state prison. He has two young children, four years and three years old, and, unfortunately, the children's mother was also arrested while he faced his charges before trial. The children were held in custody of the Department of Children and Families, awaiting a court order for termination of parental rights to be placed in permanent foster homes. Johnny scores out with a ninth grade education, but has no practical knowledge or skills besides street life and dope dealing. Johnny's dad is in prison, and now he's in prison at the front-end of a fresh twenty-five year sentence. When Johnny initially arrived to his permanent institution, his first roommate was a middle-aged man serving a life sentence who had been down for twenty-one years with no hope of being released. He lives the gang life within prison, sells dope, and robs old and vulnerable inmates for their canteen and property now and again. He's back and forth to confinement, but it's all "part of the game." Johnny saw how his roommate lived, that he made some money, and fell easily into the same lifestyle. Johnny will one day be released back into the community likely with, still, no practical or job-related skills, but hardened by a thug mentality and lifestyle that is not conducive to living in society. Will he become another statistic, a recidivist? Who will become his victim(s)? What about his children? *How* do we break this cycle?

Now, imagine this scenario: Johnny goes to prison and sees his roommate working a program, involved in his family's life, and receiving the necessary education and skills training to live a lawful life outside of prison. The same roommate, the same life sentence, but the difference: there's a policy in place that has given the incarcerated individual an incentive to

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rehabilitate—a chance for early release. His whole outlook has changed. He strives. Over the days and years, his positive habits have become his lifestyle that he can take with him back into society. And his actions are noticed by those around him. He's a good influence on his roommate—Johnny or any other young adult just coming into the system—and now that young person falls in line with that influence. By having a release mechanism in place—by offering HOPE to incarcerated individuals—we can imagine the contrast between these two scenarios and the ripple effect that such policies would create: costs to society becoming benefits that carry over to subsequent generations.[48]

Real examples like this are what the general public need to hear about and policy makers need to understand: We need to connect the dots between no hope in our state prisons to the violence inside that spills over into society, to all the recent deaths by drug overdoses in Florida's prisons, to broken families in society from a cyclical system that churns out an extremely high recidivist rate.

ORPA is a Beacon of Hope for those who want a better life, a second chance. Our nation was built upon second chances by those tired, poor, huddled masses yearning to breathe free. Our states were created in that image. Our communities are bound by this common thread: the fostering of hope and the opportunity of redemption and second chances for those who diligently seek them. This movement gives voice to those many incarcerated individuals trying to find or hang onto hope and who would thrive under hopeful circumstances. Mass incarceration, oppression of individuals, and a reflection of moral disregard for the lives of those who seek better is neither what our society was built upon nor what we as a society are about. Initiative 19-04 moves to action our cause to remedy the situation in Florida where the government's function to address our concerns over unviable criminal justice policies remains unaddressed. This is the

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way our society evolves in the face of governmental oppression: We the People put a "check" on that system. By ORPA's passage into law, we will be putting the "correction" into Florida's criminal justice system and the Florida Department of Corrections that has too long been missing.

Personal Story

My name is Roger Cassidy and I wrote **ORPA** contained in Initiative 19-04. I created this initiative because right now there is no parole or other review/release mechanism in Florida for incarcerated individuals sentenced after October 1, 1983 (*see* n. 17), and that, coupled with the lack of sufficient educational and rehabilitative opportunities within the FDC, especially for those with lengthy sentences, creates the oppressive and hopeless atmosphere reflected in the prison culture, which carries over into society—I have seen it and I have lived it for nearly twenty years. The primary purpose of **ORPA** is to provide a safety valve to the criminal justice system to allow for the review/release of incarcerated individuals who have both served a significant portion of their sentence and successfully participated in extensive betterment programming, which will give them the skills, tools, and confidence necessary to successfully reenter society.

I became addicted to drugs at the age of nineteen. For the next three years, my life was a series of ups and downs, but the weight of addiction finally throttled my positive efforts and I crashed into an abyss. In June 1998, at the age of twenty two, I was charged with multiple non-violent property crimes. One of the burglary offenses was of a pawn shop, and recorded footage from a Sheriff's helicopter was televised and showed me on the roof in the middle of the morning while under the influence of drugs and alcohol. During my sentencing hearing, I requested that the court and the state prosecutor allow me to enter into and complete a drug

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rehabilitation program of the court's choice. The court, following the prosecutor's recommendation, denied my request and subsequently sentenced me to twenty-seven months incarceration pursuant to a plea deal my public defender arranged with the state prosecutor. The court, however, recommended in its written judgment that I be classified to the "Tier" drug treatment program within the FDC.

In October 1998, upon my initial screening into the FDC, I also requested to be sent to the Tier program, which is no longer offered. After interviews by a psychologist and drug counselor, I was recommended for the Tier Four program—the longest and most intensive program offered. Instead of being placed in the program, I was classified to a work camp where I worked Monday through Friday for the Department of Transportation (FDOT) on an odd assortment of jobs. Through the use of contracted FDOT inmate labor crews, I worked on roadways and in parks cutting down and clearing bush, mowing, and essentially helped provide an income for the FDC. During these daily excursions into the public, inmates had contacts drop off drugs; mostly marijuana and crack cocaine. I personally had random people throw money and dope to me while working on the side of a roadway more times than I can count. During my time in the FDC while working on the FDOT inmate labor crews, there was hardly a day I did not have dope or access to it.

On January 7, 2000, I received a disciplinary report for a random drug urinalysis that I tested positive for marijuana and cocaine. I spent sixty days in "the box" and then was sent back to work on the FDOT inmate labor crews. At every six-month classification review, I renewed my request to be placed in the Tier program. Each time, I was informed bed space was not available. I was released from the FDC in September 2000, still a drug addict with virtually no clean time under my belt and no personal betterment achieved.

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Subsequently, in July 2001, at the age of twenty five, I was arrested for robbing a convenience store with a pocketknife while under the influence. The victim was not touched, but a verbal threat was made. I was charged with robbery with a deadly weapon for taking 61 dollars for drug money. I'd never before been charged with a violent crime. The state prosecutor, Thomas Hastings, Jr., offered no plea deal and I was put to trial. After the jury returned a verdict of guilty as charged, Mr. Hastings successfully sought to have me sentenced pursuant to the Prison Releasee Reoffender Punishment Act (PRRPA). The PRRPA is a mandatory minimum sentencing statute where the judge's authority to exercise sentencing discretion by considering the specific facts of a case and imposing an informed and appropriate penalty is removed.

The PRRPA is an exceptionally harsh sentencing statute, as it completely removes sentencing discretion from the judicial branch of government (judge) and places it in the executive branch (prosecutor), as it mandates that

> (a) . . . .
>
> 3. If the state attorney determines that a defendant is a prison releasee reoffender . . . the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is *not eligible for sentencing under the sentencing guidelines and must be sentenced as follows*:
> **a. For a felony punishable by life, by a term of imprisonment for life;**
> b. For a felony of the first degree, by a term of imprisonment of 30 years;
> c. For a felony of the second degree, by a term of imprisonment of 15 years; and
> d. For a felony of the third degree, by a term of imprisonment of 5 years.
>
> **(b) A person sentenced under paragraph (a) shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. Any person sentenced under paragraph (a) must serve 100 percent of the court-imposed sentence.**

Section 775.082(9)(a)3, *Florida Statutes* (2001)(emphasis added)

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The court sentenced me to life without the possibility of parole. I am now within the nineteenth year of my walking death sentence.

During my time of incarceration, I have struggled to find betterment opportunities. Program availability is the main issue. The lack of bed space prioritizes those incarcerated individuals with short sentences. I have, however, been able to earn certificates as Peer Health Counselor, Master of Wellness, and Inmate Teaching Assistant (for GED students). After many requests over an extended period of time, I was able to enter and complete a Faith and Character Base Reentry Program. Currently, I work during the day as a certified Inmate Law Clerk and attend college credit bearing courses through Stetson University's Community Education Project. My most important accomplishment, however, is being drug free.

I was fortunate during my time of need to have someone who cared about my well-being and brought hope to me when I had none. They took the time to convince me that I could overcome my drug addiction and not be defined by my circumstances. They told me something that has stuck with me ever since: everyone they ever knew who had been addicted to drugs, particularly crack cocaine, ended up either in prison or dead. That statement had a profound effect on me. I realized I had a choice to live clean or die an addict in prison. I made a promise to that person and to myself that I would never use drugs again. As of February 14, 2020, I am sixteen years drug free.

I have also come to realize that no matter what good I do or how reformed I become within the fences, there is no further hope for redemption in Florida's current criminal justice system. By my sentence, I have been discarded as irredeemable, not fit for society. There is no review mechanism in the current system to deem me otherwise. I'd always heard the saying, "Be the change you want to see in the world." I want to help bring hope into a hopeless place. To

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make a difference in the lives of others who are not as fortunate as I was to have someone on their side in their time of need. And to provide a mechanism for review of those incarcerated individuals who prove themselves rehabilitated. By creating a right to review mechanism to apply to everyone—*everyone* will have a chance to become redeemable.

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Part 2

ORPA Overview, Key Features, and Function

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ORPA Overview

ORPA will add to Article IV, section 8 of the Florida Constitution, a subsection (c): "Offender Reentry Program." This subsection will extend the authority of the Florida Commission on Offender Review (the Commission) to review/release individuals currently ineligible for parole pursuant to a new form of supervised release, termed "Reintegration Status." This was necessary because the Commission already has its rules and procedures for paroling those who were sentenced prior to October 1, 1983—procedures that are unfair and inequitable. However, if **ORPA** only extended "parole" to those who are ineligible, it would have extended such an "act of grace" and not a "right" to review. Moreover, had **ORPA** included those who are under the old parole system, it would have necessarily forced the Commission to rewrite its rules and procedures to comply with it. This would "substantially alter or perform the function of multiple branches of government" so as to possibly run afoul of the Florida constitution's "single subject" requirement for initiative-based changes in law.[49] Thus, that scenario was avoided by creating the new term "Reintegration Status" and leaving it up to the Commission to create the procedures by which they must carry out the new constitutional mandate. That said, **ORPA** does include specific language essential for the Commission to actually review and release individuals on Reintegration Status.

Key Features

Reasonable requisites

Subsection (c)(2) Applicability, includes the requirement that

> The Florida Commission on Offender Review *shall* make available *to all* eligible offenders a reentry program and *shall place all qualifying offenders* on Reintegration Status. The Florida Commission on Offender Review *shall* annually place *a minimum of three percent of the total* of the Florida Department of Corrections' offender population on Reintegration Status.

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Proposed subsection (c), Article IV, section 8, *Florida Constitution* (emphasis added). In addition, in subsection (c)(4)b., the term "Qualifying Offender" is defined as "A person who has met both the eligibility requirement and the reasonable requisites of the Florida Commission on Offender Review." These requirements, taken together, will mandate the Commission to set "reasonable" requisites that incarcerated individuals can actually attain in order for the Commission to meet that mandate. That said, if the Commission were to ONLY release the required 3% yearly, that number would be roughly 2,850 and would decrease slightly year over year. Still, the FDC's population would be decreased by roughly 27% in ten years. We're talking significant savings to State of Florida (taxpayers) when you consider it costs the state $27,000/yr. average to house someone in the FDC allowing the state to allocate the funding to other important areas of concern such as public schools, infrastructure, and etc. Moreover, the Commission could use this amendment as a safety valve at any time to decrease the overall prison population to whatever level it or other authority deems necessary or desirable.

Incarcerated individuals will be required to serve a minimum of half of their court-imposed sentence—in many cases a significant amount of time.[50] However, those individuals will have a real and obtainable opportunity for release that they otherwise would not have.

Ineligibility of certain offenders

(c)(4)a. Eligible offender. Individuals under "a sentence of death or a sentence for capital sexual battery" are ineligible for Reintegration Status. This is due to the fact that society generally frowns upon individuals with such sentences. It was the bare minimum necessary to omit from eligibility in order to appeal to the masses to vote **ORPA** into law. As for not going further and excluding those individuals convicted of murder, it is because there are many people incarcerated for such offenses (whether premeditated, felony murder, murder in principle), and to

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deny them all a chance for Reintegration Status would both decrease the support from within the fences and their families and supporters and, just as importantly, create a tension within the fences between those eligible and ineligible individuals. Such tensions could lead to violence for those who are eligible. Sustainability had to be considered and sensibility used in recognition of real people with real lives at stake in a hopeless situation.

Requirement that the Commission annually place a minimum of 3% of offenders on Reintegration Status

(c)(2) Applicability. Subsection a. This provision mandates the Commission to "annually place a minimum of three percent of the total of the Florida Department of Corrections' offender population on Reintegration Status." The logic behind this provision is simple: the Commission will not be able to put off individuals who qualify indefinitely. It was the only way to provide a guarantee that the amendment will be an effective review/release mechanism. Meaning, the Commission cannot set qualifications so stringent that no one can meet them and the Commission will actually be required to release those who meet the qualifications they set.

Purpose of Reintegration Status as opposed to Parole

The Commission has rules and procedures in place for parole qualification, review dates, presumptive parole release dates, supervision, etc.[51] Had **ORPA** required the Commission to change these, it would have created the possibility that the Florida supreme court, upon issuing its advisory opinion, would find that **ORPA** ran afoul of the "single subject" inquiry. The single subject requirement disallows a constitutional amendment by initiative to either "encompass more than one subject" or "substantially alter or affect multiple branches of government."[52] To be safe, **ORPA** neither creates a new division of the Commission nor imposes requirements necessitating the Commission to rewrite its existing rules and procedures. It will be up to the Commission to write its own rules and procedures to comply with **ORPA**.

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ORPA is primarily for those who are not eligible for parole under the old system, including juveniles. That said, there may be Equal Protection challenges down the road from those under the old parole system concerning the "new" constitutional right to review being applicable to them as well; such a successful challenge would be welcomed as those persons under the old parole system would then be eligible for Reintegration Status. It is, by design, a way to replace the old broken parole system without directly challenging it or doing away with it—it's an upgrade.

ORPAs Function

***ORPA** will transform Florida's criminal justice system from the bottom up by creating demand for educational and rehabilitative programming*

One of **ORPA**'s most important aspects is that it will create the demand for educational and rehabilitative programming within the FDC. **ORPA**'s passage into law will create a demand for programs to be implemented within the FDC. By shifting the focus from mass incarceration warehousing of human beings to that of educational and rehabilitative opportunities it will transform the criminal justice system from one of retribution and oppression to one of rehabilitation and redemption. Providing such opportunities to incarcerated individuals with a real chance of release will help alleviate hopeless situations, which result in violence, drug use, and high recidivism rates.

***ORPA** will restore families and parity in Florida's criminal justice system*

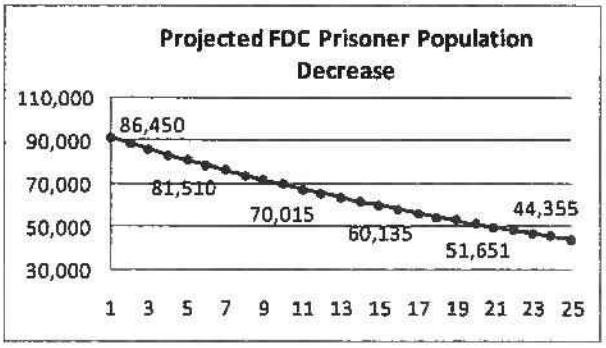
By providing rehabilitated individuals a chance for redemption, it will foster restoration of families and successful reintegration, helping to enfranchise those who otherwise would have no voice. Recent studies show that racial disparity in sentencing is a real and credible threat to the fair dispensing of sentences in Florida.[53] **ORPA** will level the playing field by offering each and every

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incarcerated individual the opportunity to stand on their own merit to earn supervised release on Reintegration Status.

***ORPA** will safely decrease the prison population by 27% in ten years*

ORPA is a safe and sustainable way to decrease the prison population. Releasing on Reintegration Status *only* the required 3% of the inmate population annually will equate to 2,850 the first year (based on a current inmate population of 95,000), and will gradually decrease year over year. By the Commission releasing only the minimum 3%, after five years the total inmate population will be decreased by 14% to 81,500 and after ten years by 27% to 70,015. (*See* Illustration, at right). **ORPA**'s projected decrease of the FDC's population is also in line with a growing number of policy experts and advocacy organizations, as reported by the Sentencing Project,[54] calling for a substantial decrease in the prison population, and a recent article in the *Tampa Bay Times*, in which Mark Inch, Secretary, Department of Corrections, was reported as expressing concern over the conditions in Florida's prisons being compared to that of New Mexico Santa Fe's penitentiary in 1980, when it was overtaken by inmates, and scores of officers and inmates alike were injured and killed. Moreover, the Commission could at any time adjust this mechanism to decrease the prison population to a level it or other authority deems necessary or safe.



In sum, **ORPA** is a safe and sustainable way to decrease the prison population that can be varied by rate up or down by the Commission according to the needs of society and **ORPA**'s success.

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Part 3

ORPA Preliminary Financial Impact Statement

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Preliminary Financial Analysis

Financial considerations pertaining to new staffing responsibilities of the Commission are analyzed based on the Commission's requirement of releasing 2,850 incarcerated individuals in the first year,[1] caseload standards for parole and probation officials, and current salaries. It is recommended, although not mandated, that the Commission create a new division within its existing structure, which could be named the Florida Division of Offender Reintegration ("the DOOR").

Front-end costs

ORPA will require the release of approximately 2,850 incarcerated individuals in the first year, decreasing slightly year-to-year, and create a supervisory responsibility of the Commission requiring a budgetary commitment on the front-end, estimated as follows:

- 75 new hires:[2]
  - 60 added parole examiners (ideally, one assigned to each major correctional facility)
  - 45 added supervisory and supportive staff

@ $60,000 (avg. annual salary w/benefits)[3]

105 * $60,000 = $6,300,000

[1] Costs are based on **ORPA**'s requirement of three percent of the total FDC population estimated at 2,850 being released in the first year on Reintegration Status. (Proposed) Article IV, section 8(2)(c), *Florida Constitution.*

[2] Staffing considerations were calculated using the "Caseload Standards for Parole and Probation (September 2006)." Bill Burrell. Temple University; "The American Probation and Parole Association (1991). *Issue Paper on Caseload Standards* (Cited in <https://www.appa-net.org/eweb/docs/APPA/stances/ip_CSPP.pdf>) Adult caseloads for parole officers is estimated based on evidence-based practice under an administrative/low risk/moderate to high risk/intensive model. 200 cases seem to be the median number of cases under this model of spectrum of risk.

[3] The average parole officer salary in Florida is $54,533 as of November 25, 2019, and ranges between $48,439 and $60,628 depending on location and other various factors. <http://www.salary.com> Accessed 30 Dec. 2019.

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- Additional office space and equipment $680,000

Total front-end costs $5,000,000

Back-end savings

The 2,850 individuals released the first year on Reintegration Status will create a back-end savings of $27,000 per individual[4] resulting in savings of

- 2,850 individuals placed on Reintegration Status
  - @ $27,000/year housing (cost savings) $76,950,000

Back-end revenue +

  - @ $720/year (current rate of supervision) $2,052,000

Total back-end savings $79,002,000

As these figures suggest, by releasing the minimum required 3% of the incarcerated population annually, even with 105 new parole examiners and field officers at the high end of the average salary spectrum, would result in a net savings to the State of Florida of $80 million in the first year. This figure, dependent upon the total number of individuals the Commission releases, will compound exponentially year over year with additional individuals placed on Reintegration Status. After five years, **ORPA** will have saved the state $364,230,000 and created revenue in the amount of $9,712,800, for a total back-end savings of $373,942,800.

Timing and Support

As for **ORPA**'s timing, it is the PERFECT time. Citizens of Florida are familiar with the voting process and initiative petitions, particularly having just gone through it last year—the Amendment 4, Voting Rights Restoration, was big news and passed into law. **ORPA** follows

[4] Cost estimates based on figures taken from the Florida Commission on Offender Review Annual Report: 2016-17.

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directly in the footprints of Amendment 4, and it just makes sense. Moreover, the political climate is perfect—everyone, including the general public, knows that the broken system needs to be fixed.

What is needed in order to get this initiative to the next level is pretty straightforward: get the cause to the masses. Through social media, news publications, and networking we can accomplish this. FFRP has already been contacted by several committees, organizations, and individuals who have shown interest in our cause:

- ACLU, Florida Chapter
- African American Reentry Program
- Campaign for Prison Reform
- Families Ministering Families
- Florida Action Committee
- Florida Cares Charity
- Florida Democratic Voter Registration Committee of Brevard County
- Reform Alliance
- Stan Van Gundy (ex-head coach of the Orlando Magic and Detroit Pistons, current NBA analyst)
- The Action Committee
- The Ambassador Project at Everglades CI
- Women's League of Voters, Florida Chapter

We are attempting to get politically minded people involved. We have reached out to the Reform Alliance, recently created by Meek Mill, Jay Z, and sports professionals who are lobbying for criminal justice reform. They have responded that they look forward to collaboration with us. We have spoken with Mr. Stan Van Gundy, ex-head coach of the Orlando Magic and Detroit Pistons. He is adamant about **ORPA** making sense both in its timing and aim.

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He is in contact with Mr. Desmond Meade who created and successfully ran the Amendment 4 campaign. We are currently attempting to get Mr. Meade on board with our movement.

Conclusion

ORPA is a workable solution to the growing threat of mass incarceration and is in line with reforms suggested by leading studies on Florida's criminal justice system. **ORPA** will offer a time incentive to Florida's incarcerated population and encourage prolonged participation in betterment programming. The demand for betterment programs will transform the FDC from a breeding ground for violence and drug use into a place of rehabilitation. **ORPA** will provide the opportunity for incarcerated individuals to stand on their own merit to demonstrate rehabilitation and bring parity to Florida's criminal, justice system. **ORPA** can be adjusted up or down by the Commission based on the qualifiers; however, the Commission cannot set standards so high that they are unattainable. Finally, **ORPA** is a safe and cost-effective way to decrease the prison population.

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Notes

[1] Cyrus O'Brien, "Florida Criminal Justice Reform: Understanding the Challenges and Opportunities" (2017), *Project on Accountable Justice,* Ed. Deborrah Brodsky, Florida Institute of Government, Florida State University, 3; 12. <http://projectonaccountablejustice.org>. Accessed 2 Jan. 2020.

[2] Due to a convoluted legislative body of criminal law, there are exceptions to the general rule of no parole, as follows: Any offender who (1) committed a first-degree murder, a felony murder, or the crime of making, possessing, throwing, projecting, placing, or discharging a destructive device (or the attempt of) prior to May 25, 1994; (2) committed any other capital felony prior to October 1, 1995; (3) committed a continuing criminal enterprise prior to June 17, 1993; (4) any inmate who committed a murder of a law enforcement officer (or any other specified officer) prior to January 1, 1990; (5) committed a murder of a justice or judge prior to October 1, 1990; (6) elected to be sentenced outside the guidelines for felonies committed prior to July 1, 1984; and (7) received a habitual felony offender sentence prior to October 1, 1988. As of May 31, 2016, there were approximately 4,552 offenders eligible for parole. What is Parole?, Florida Commission on Offender Review 2014. <https://www.fcor.state.fl.us/>. Accessed 10 Feb. 2019.

[3] In 1996, the Florida Parole Commission was renamed the Florida Commission on Offender Review.

[4] The Commission's responsibilities are framed as such: "The Commission on Offender Review performs a vital role in Florida's criminal justice system by preserving the autonomy needed in post-release decisions affecting inmates and ex-offenders. The commission functions as a quasi-judicial, decision-making body. Commissioners preside over approximately 36 meetings annually at the central office in Tallahassee and at various locations throughout the state as required by statute. During these public proceedings, the commission make a variety of determinations regarding parole and other releases." <https://jobs.myflorida.com>. Accessed 2 Jan. 2020.

[5] The *Project on Accountable Justice* defines very long sentences as twelve years or longer. ("Most people currently in prison are serving very long sentences.") O'Brien, at 5.

[6] For an in-depth report and fact-based analysis of Florida's Correctional System and contrast with other state's correctional systems, See O'Brien, "Project on Accountable Justice." <http://projectonaccountablejustice.org>

[7] The FDC defines "inmate recidivism" as a return to prison, as the result of either a new conviction or a violation of post-release supervision, within three years of their prison release date. In 2009, inmate recidivism was 27.6%, and in 2015, 24.7%. "Florida Prison Recidivism Report: Releases from 2010 to 2017." Florida Department of Corrections, Mark S. Inch. Office of Strategic Initiatives. June 2019 <https://www.dc.state.fl.us/>. Accessed 10 Feb. 2019. It is worth noting that a leading national study (that included Florida) used a model for recidivism based solely on arrests for new offenses regardless of whether they resulted in a new prison

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sentence, and the numbers were 63.5% and 60.2% in 2011 and 2015, respectively. "2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)." U.S. Department of Justice, Office of Programs, *Bureau of Justice Statistics.* Mariel Alper, Ph.D., and Matthew R. Durose, BJS Statisticians Joshua Markman, former BJS Statistician. May 2018.

[8] Statistics taken from "Corrections Foundation Annual Report: Fiscal Year 17-18." <http://www.correctionsfoundation.org>. Accessed 31 Dec. 2018. For more information regarding the FDC's recidivism tracking, see the "Recidivism Report." <https://www.dc.state.fl.us>.

[9] The Legislature has increased penalties for drug offenses in 1987, 1989, 1992, 1994, and on other occasions. For the legislative history, *see* generally, chapter 893, *Florida Statutes*. For a fuller description of Florida's War on Drugs and the increasingly punitive nature of its criminal justice system, see Heather Schoenfeld, "The War on Drugs, the Politics of Crime, and Mass Incarceration in the United States," *The Journal of Gender, Race and Justice* (April 2012), 315-352.

[10] Section 893.135(3), *Florida Statutes* (1979)(Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.)(". . . any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole prior to serving the mandatory minimum term of imprisonment prescribed by this section. *A person sentenced to a mandatory minimum term of imprisonment under this section is not eligible for any form of discretionary early release, except pardon or executive clemency or conditional medical release under s. 947.149, prior to serving the mandatory minimum term of imprisonment.*")(emphasis added)

[11] "The Sentencing Guidelines Commission [] proposed a rule of criminal procedure to implement sentencing guidelines in order to comply with the action of the Legislature in its passage of section 921.001, Florida Statutes (1983). . . . The purpose of sentencing guidelines is to establish a uniform set of standards to guide the sentencing judge in the sentence decision-making process. The guidelines represent a synthesis of current sentencing theory and historic sentencing practices throughout the state. Sentencing guidelines are intended to eliminate unwarranted variation in the sentencing process by reducing the subjectivity in interpreting specific offense-and offender-related criteria and in defining their relative importance in the sentencing decision." *In re Rules of Criminal Procedure (Sentencing Guidelines),* 439 So.2d 848; 1983 Fla. LEXIS 3193 No. 63962 Sep. 8, 1983.

[12] William H. Burgess, III, *Florida Sentencing,* 2018-19 ed. (2019), §2:1.

[13] Section 921.005(1)(a), *Florida Statutes* (1983).

[14] Sections 921.005(1)(a)1-2, (b)1-9, *Florida Statutes* (1983).

[15] *See* Rules 3.988(a)-(i), *Florida Statutes* 1983).

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[16] Section 921.0016, *Florida Statutes* (1988); Rule 3.701(d), *Florida Rules of Criminal Procedure* (1983).

[17] "By its terms, Chapter 947 of the Florida Statutes (providing for parole) did not apply to offenders sentenced pursuant to the guidelines. §921.001(10), Fla. Stat. (1987). However, the sentencing guidelines also expressly provided that the guidelines did not apply to first-degree murder (and other "capital felonies") committed after October 1, 1983. §921.001(4)(a), Fla. Stat. (1987)." *Lawton v. State,* 109 So.3d 825, 827 (Fla. 3d DCA 2013)(parentheticals in original).

[18] U.S. Department of Justice, Bureau of Justice Statistics, *Prisoners in State and Federal Institutions on December 31, 1980.*

[19] Section 775.082(9), *Florida Statutes* (1997)(Mandatory minimum sentences for certain offenders previously released from prison).

[20] Section 775.087(2), *Florida Statutes* (1999)(Mandatory minimum sentences for those in possession of a firearm during commission of offense).

[21] Section 775.084(3)(c), *Florida Statutes* (1999)(Mandatory minimum sentences for those with two prior convictions classified as violent).

[22] Florida's history of gain time is complex. For purposes herein, it is sufficient to note that pursuant to the "Stop Turning Out Prisoners Act" of 1995, the Legislature required all offenders whose offenses occurred on or after October 1, 1995, must serve a minimum of eighty-five percent of their sentence. For an understanding of the complexities of Florida's gain time past and present, see sections 944.275, 944.278, 944.28, 944.281, 944.291, *Florida Statutes* (2018).

[23] *Florida Almanac 2000-2001* (Pelican Publishing Company, Inc. 2000), 280.

[24] For a thorough history of Florida sentencing pre- and post-Guidelines and CPC, *see* William H. Burgess, III, *Florida Sentencing,* §§2:1-2:33; 3:1-3:40.

[25] Section 921.002(b), *Florida Statutes* (1998).

[26] For an in-depth report and fact-based analysis of Florida's Correctional System and contrast with other state's correctional systems. O'Brien, "Florida Criminal Justice Reform: Understanding the Challenges and Opportunities." Available at: <http://projectonaccountablejustice.org>. *See also* John Pfaff. "Locked In: The True Causes of Mass Incarceration and How to Achieve Real Reform." New York: Basic Books. 2017.

[27] "In general, as people age, they are much less likely to engage in crime." O'Brien, at 12.

[28] While Florida's resident population increased from 9,739,982 to 20,612,439 between 1980 and 2016, an increase of just over one hundred percent, the FDC offender population increased by five hundred percent during the same time period. Figures pulled from U.S. Department of

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Justice, Bureau of Justice Statistics, *Prisoners in State and Federal Institutions on December 31, 1980*; *Florida Almanac 2000-2001* (Pelican Publishing Company, Inc. 2000), 280; *The World Almanac and Book of Facts 2018* (infobase November 2017), 568.

[29] Figures taken from O'Brien, "Florida Criminal Justice Reform: Understanding the Challenges and Opportunities." <http://projectonaccountablejustice.org>. Accessed on 2 Jan. 2020.

[30] "Florida Department of Corrections." <https://en.m.wikipedia.org>. Accessed 6 Jan. 2020.

[31] Florida Department of Corrections 2018-2019 Budget Overview. <https://www.dc.state.fl.us>.

[32] The Horizon Communities in Prison is paid for and sponsored by outside volunteers. Ike and Mickey Griffin founded the program based on a program model in Brazil and implemented the program at TCI in 1999.

[33] At present, Wakulla, Everglades, and Lowell Correctional Institutions are the only other institutions to offer the Horizon Communities program. Each institution has one designated dormitory designed to hold between 132 and 158 offenders apiece.

[34] Stetson University/Community Education Project. "Our Mission: The Community Education Project is a non-profit multi-disciplinary college in prison program at Stetson University committed to offering quality liberal arts education and learning opportunities in Florida prisons. Access to a liberal arts education offers incarcerated individuals meaningful opportunities for personal growth and intellectual engagement, which benefits our community as a whole." <https://stetson.edu/other/cep/>.

[35] The only other program in the FDC similar to the CEP is a partnership between FDC and Florida Gateway College (FGC) at Columbia Correctional Institution. On May 20, 2019, the FDC announced "the first class of [47] college graduates from the Florida Gateway College (FGC) Second Chance Pell Program . . . The first of Florida's graduates participated in a traditional graduation ceremony at Columbia Correctional Institution Annex in Lake City, Florida on May 17. . . . The Second Chance Pell Pilot Program offers Pell Grant eligibility to inmates selected and supervised by FDC who are eligible for upcoming release *within the next five years*." "FDC Held Groundbreaking Inmate College Graduation." <www.dc.state.fl.us/comm./press/2019/05-20-Graduation.html>. The CEP and the Horizons Communities are two rare examples of programs within the FDC that do not limit participation to individuals with short sentences; however, these programs are severely limited in their financial capabilities to provide opportunities for many participants. (*See* n. 31, above, and accompanying text.)

[36] The In 2018, the Laughing Gull Foundation awarded the CEP a $230,000 grant over a three-year period. One of the Laughing Gull Foundation's aims is to increase incarcerated students' access to college courses. <http://www.laughinggull.org>.

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[37] Section 944.7065, Florida Statutes (2018) "Transition course for inmates" states: "In an effort to ensure that inmates released from the Department of Corrections successfully reenter the community, beginning December 1, 2002, each inmate released from incarceration by the department must complete a 100-hour comprehensive transition course that covers job readiness and life management skills." Said ex-Secretary of FDC Julie Jones, "The more prepared our inmates are for release, the more likely they will gain employment and become contributing members in their local communities." The FDC, on June 18, 2017, launched the COMPASS 100. According to the information provided on NorthEscambia.com, "COMPASS 100 is an integrative curriculum for inmates nearing release, allowing them to develop targeted and personalized life skills in combination with their current educational courses and substance abuse treatment." "Florida Department of Corrections Launches Compass 100." <http://www.CenturyNorthEscambia.com>. Accessed 24 Feb. 2019.

The COMPASS 100 textbook states, "*COMPASS 100* is a 100-hour, comprehensive, individualized community readiness course that covers job readiness and life management skills for all residents releasing from the Florida Department of Corrections . . . .

"Individuals within three (3) years of release are eligible to participate in COMPASS 100 and it is *mandatory* that *COMPASS 100* be completed prior to EOS." COMPASS 100-Hybrid Navigator's Guide 2016 Florida Department of Corrections, 2 (emphasis in original). As the workbook states, the curriculum focuses on individuals within three years of release; however, it should be noted that the failure of an individual to complete, or even participate in, the program will not stop them from being released at their end of sentence date. From my experience, it is the individuals with longer sentences who are more open to participation in such programs. I argue that programs offered in the FDC should be available to *all* individuals to create a restorative prison culture and positive habits and individuals will develop into positive lifestyles and facilitate their successful reintegration back into the community.

[38] Education's role in recidivism reduction is substantial. One study shows that providing correctional education opportunities reduce the likelihood of returning to prison by 43%. <http://www.socialsolutions.com/blog/educations-role-recidivism>. October 18, 2016. Accessed 31 Dec. 2018. According to a report by PRIDE (Prison Rehabilitative Industries and Diversified Enterprises), only 9.89% of PRIDE's former workers recidivate. PRIDE is an FDC sponsored corporation that provides training in diversified fields such as garment and apparel, furniture manufacturing, vehicle restoration, and metal fabricating. PRIDE utilizes a labor force of approximately 3,000, mostly low and medium custody, inmates for contracted jobs and pay begins at twenty cents/hour and tops out at fifty-five cents/hour. <http://www pride-enterprises.org>. Accessed 31 Dec. 2018.

[39] Florida's state criminal justice system is divided in a 3-tiered order of authority that can be compared to a pyramid. First (the top tier), is the state Constitution, second, legislation in the form of statutes, and third, court opinions that interpret and apply those authorities to the specific facts of individual cases. Those court opinions then take on the force of law (precedent) and are applied to subsequent cases containing the same or similar factual circumstances. All law and authority flows from the Constitution and all legislation and court opinions must adhere to the fundamental principles contained in the Constitution. Citizen initiatives, however, are

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"grassroots" movements for the people by the people, which, by definition, are bottom-up approaches to changes in the law.

[40] On the FDC's website, at the very top of the page these words hang over all else. <www.dc.state.fl.us>. Accessed 6 Jan. 2020.

[41] "More inmates died in Florida prisons last year than in any other year on record . . . [t]he tally, 427 inmate deaths in 2017 . . . showed a 20 percent increase over previous years." Howard Simon, executive director of the Florida American Civil Liberties Union, said, "Florida prisons are full of addicts and drug offenders, due to Florida's mandatory sentencing laws." John Rivera, executive director of the union representing prison guards, said, "You have inmates that have nothing to look forward to, very little hope." Sarah Blaskey. "Record number of inmates died in Florida last year. And they died younger than past years." January 21, 2018. <https://www.miamiheraldnews.com/news/local/community/miami-dade/article195837959.html>. Accessed Jan. 25, 2019.

[42] As reported in the *Tampa Bay Times,* FDC Secretary Mark Inch was recognized as being aware of FDC's "cultural issues," and comparing the conditions in Florida's prisons to that New Mexico State Penitentiary at Santa Fe in 1980, where 12 correctional officers were taking hostage and 33 inmates were murdered. The *Times* reports that Mark Inch, during a meeting in his conference room in Tallahassee's Farris Bryant building, "point[ed] to a white board on the wall and a graph that show[ed] how Florida's prison system had 'gone from excellence, to satisfactory to marginal'—just as New Mexico's did." Moreover, "At a recent training for lieutenants and captains in the officer corps, the instructor asked them to do some self-reflection and write down three negative personality characteristics they have developed since taking [] leadership position[s]. He read down the list of answers: 'low regard toward humanity and the world,' 'inability to vent or relieve stress,' 'started drinking,' 'short tempered,' 'no sleep,' 'attitude change at home almost caused my divorce.'" "Florida prisons can't go on like this, new chief says." Mary Ellen Klas. *Tampa Bay Times.* Dec. 1, 2019. <https://www-tampabay-com.cdn.ampproject.org. Accessed 7 Jan. 2020. These are real examples of how criminal justice policies affect the prison culture and, in turn, those working in the correctional field and, in turn, society at large.

[43] For examples of proposed legislative bills that have failed to garner a vote in the last decade, visit our Facebook page at Floridians For Redeemable People.

[44] For examples of cases requiring mandatory minimum sentences, which include sentencing judges' opinions as to propriety of such sentences, visit our Facebook page at Floridians For Redeemable People.

[45] "It costs the state about 22,000 each year for each inmate" Gloria, Cat. "Legislators Drop Proposal that Would Reduce Prison Terms for Nonviolent Offenders." *WUFT News* May 1, 2019. <https://www.wuft.org/news/2019/05/01/legislators-drop-proposals-that-would-reduce-prison-terms-for-nonviolent-offenders/>. In February, there was a push from the Florida Senate through the Public Safety Bill 642 to increase the amount of gain-time nonviolent offenders could earn, which would have required nonviolent offenders to serve a minimum of two-thirds of

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their sentences instead of 85%, as is the current law. However, the House refused to allow the provision in their final version, HB 7125, which covered such various acts as redacting mandatory minimum sentences for selling horse meat and reducing the offense severity of certain crimes relating to keeping a gambling house or possessing certain gambling apparatuses. The Senate gain-time provision would have cut the prison population by 7,596 non-violent offenders in the first year, which would have amounted to $167,112,000 in savings to the state.

[46] Figure taken from Jarmusz, T.S. 5/8/2019. "Stetson Professors Venture to Prison to Educate Inmates." *Daytona Beach News Journal online.* <https://www.newsjournalonline.com/news/20190508/stetson-professors-venture-to-prison-to-educate-inmates>, citing a prisonpolicy.org report. Accessed 10 May 2019.

[47] O'Brien points out that the profile of the average Florida prisoner serving a very long sentence is not only an individual with property or drug offenses, but is designated as "violent" as well. This profile makes up 83% of the prison population. O'Brien, at 11.

[48] Julian Savulescu, a world-renown geneticist, has argued that environment can profoundly affect biology, and that these genetic changes may be passed on to the next generation. *See* Savulescu, Julian. "Genetic Interventions and the Ethics of Enhancement of Human Beings." *The Oxford Handbook of Bioethics.* Ed. Bonnie Steinbock (Oxford University Press 2007). pp. 521-535. *See also* "It Can't Be Fixed Because It's Not Broken." *Disability Incarcerated: Imprisonment and Disability in the United States and Canada.* "When people get out of prison, many leave with what has been termed 'Post-Incarceration Syndrome' (PICS), which are understandable responses to living in oppressive, restrictive, violent, and dehumanizing environment. [Terrence] Gorski defines PICS as a cluster of symptoms that are usually present in prisoners and ex-prisoners caused by long periods of incarceration. Prolonged incarceration where there is a lack of education and no job training or "rehabilitation," coupled with punishment, ensures that people coming out of prison are worse off than when they went into prison." p. 171.

[49] "Article XI, section 3, of the Florida Constitution provides that any proposed citizen initiative amendment 'shall embrace but one subject and matter directly connected therewith.' Art. XI, 3, Fla. Const. 'In evaluating whether a proposed amendment violates the single-subject requirement, the Court must determine whether it has a 'logical and natural oneness of purpose.'' *Advisory Op. to Att'y Gen. re Amend. to Bar Gov't from Treating People Differently Based on Race in Pub. Educ.,* 778 So.2d 888, 891-92 (Fla. 2000)(quoting *Fine v. Firestone,* 448 So.2d 984, 990 (Fla. 1984)). This single-subject rule prevents a proposal 'from engaging in either of two practices: (a) logrolling; or (b) substantially altering or performing the functions of multiple branches of state government.'" *Advisory Opinion to the Attorney General Re Use Of Marijuana for Debilitating Medical Conditions,* 181 So.3d 471, 477 (Fla. 2015)(quoting *Advisory Op. to Att'y Gen. re Water & Land Conservation,* 123 So.3d 47, 50 (Fla. 2013)).

[50] ORPA's requirement of individuals serving half of their court-imposed sentence coincides with the Rules of Executive Clemency for those serving mandatory minimum sentences, and is even more stringent than the requirement for individuals serving a standard term-of-years

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sentences, which is the completion of one-third of their court-imposed sentences. See Rule 8(A), *Rules of Executive Clemency* (Commutation of Sentence).

[51] See generally section 947, Florida Statutes (2019).

[52] *See* n. 48, above.

[53] A recent study conducted by Florida State University on criminal justice reveals sentencing disparities based on race within Florida's 18 judicial circuits, specifically finding that "In Florida's criminal justice system, your ZIP code and the color of your skin can sometimes matter more than your behavior." O'Brien, at 8. The disparities reported are profound: "When racial and jurisdictional differences compound, the disparities can be astounding. Black adults in the 19th Circuit (Okeechobee) are 110 times more likely to be incarcerated for drugs that white adults in Palm Beach. Put another way, if the general populations were equivalent, for every white prisoner incarcerated for drugs from Palm Beach there would be 110 black prisoners from Okeechobee." O'Brien, at 9.

[54] "The growing recognition of the scale and urgency of mass incarceration is now voiced by leaders as diverse as Sen. Corey Booker and former House Speaker Newt Gingrich. A growing number of policy experts and advocacy organizations are now calling for a 50 percent cut in the U.S. prison population within the next 15 years. These include the UCLA, the #Cut50 initiative led by Van Jones, and Just Leadership USA—a national group led by formerly incarcerated individuals . . . . But the sobering reality is that at the pace of decline since 2009, it will take until 2093 to cut the U.S. prison population by 50%." "Can We Wait 75 Years to Cut the Prison Population in Half?: Expediting the end of mass incarceration will require accelerating the end of the Drug War and scaling back sentences for serious crimes." Nazgol Ghandnoosh, Ph.D. March 8, 2018. Available at <sentencingproject.org>. Accessed 7 Jan. 2020.

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APPENDIX A

PROPOSED FLORIDA CONSTITUTIONAL AMENDMENT PETITION FORM

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CONSTITUTIONAL AMENDMENT PETITION FORM

Note:

- *All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.*
- *Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]*
- *If all requested information on this form is not completed, the form will not be valid.*

Your name: _____

Please Print Name *as it appears on your Voter Information Card*

Your address: _____

City: _____ **Zip:** _____ **County:** _____

☐ Please change my legal residence address on my voter registration record to the above residence address (check box, if applicable).

Voter Registration Number: _____ **or Date of Birth:** _____

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

BALLOT TITLE: Offender Reentry Program Amendment

BALLOT SUMMARY: Extends the Florida Commission on Offender Review's authority to develop a standardized offender reentry program, to place on supervised release (reintegration status) all qualifying offenders, including juvenile offenders, who have both served minimum sentence requirement and demonstrated an ability to live lawful, productive lives in society, and to terminate reintegration status of offenders who meet all obligations. Capital sexual offenders and death sentenced offenders are ineligible.

ARTICLE AND SECTION BEING CREATED OR AMENDED: Amends Article IV, section 8.

FULL TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT:

SECTION 8. Clemency.—

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the custodian of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of two members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.

(1) Offender Reentry Program. The Florida Commission on Offender Review shall develop a standardized offender reentry program for all eligible offenders and shall place on reintegration status all qualifying offenders, including juvenile offenders, who have both served the minimum sentence requirement and demonstrated an ability to live lawful, productive lives in society as determined by the Florida Commission on Offender Review and consistent with the objectives of rehabilitation.

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(2) Applicability.

a. The Florida Commission on Offender Review shall make available to all eligible offenders a reentry program and shall place all qualifying offenders on reintegration status. The Florida Commission on Offender Review shall annually place a minimum of three percent of the total of the Florida Department of Corrections' offender population on reintegration status.

b. Eligibility. An offender who meets the definition of eligible offender as defined in this section shall have the right to qualify for reintegration status. Offenders who are eligible for parole prior to the effective date of this amendment shall not be eligible for reintegration status.

c. Qualification. An offender who meets both the eligibility requirement and the reasonable requisites of the Florida Commission on Offender Review shall qualify for reintegration status and shall have the right to be placed on reintegration status. Qualifying offenders shall be placed on reintegration status within a reasonable time or not later than six months after meeting the reasonable requisites.

d. Notice. An offender who may meet the eligibility requirement shall be given notice in writing of the reasonable requisites for qualification as determined by the Florida Commission on Offender Review and no later than two years before meeting the eligibility requirement, when practicable due to length of sentence remaining. Offenders may complete the reasonable requisites at any time during their court-imposed sentence.

(3) Termination of reintegration status. An offender on reintegration status shall remain thereon for the remainder of their court-imposed sentence unless terminated by proper authority. The Florida Commission on Offender Review shall terminate reintegration status of offenders who have met all obligations of their supervised release, and paid all fines, fees, restitution, or other costs, as determined by the Florida Commission on Offender Review.

(4) Definitions. For purposes of this section, the following terms shall have the stated meanings:

a. Eligible offender. Regardless of any mandatory minimum court-imposed sentence: a person under sentence or cumulative sentences totaling 40 years or less for any non-capital offense(s) who has served one half of the court-imposed sentence; a person under sentence or cumulative sentences totaling more than 40 years for any non-capital offense(s) who has served 20 years of the court-imposed sentence; a person under sentence for life or for life and a term of years for any non-capital offense(s) who has served 20 calendar years of the court-imposed sentence; or a person under any sentence for a capital felony except a sentence of death or a sentence for capital sexual battery who has served 25 calendar years of the court-imposed sentence.

b. Qualifying offender. A person who has met both the eligibility requirement and the reasonable requisites of the Florida Commission on Offender Review.

c. Reintegration status. The state of a person on supervised release from the Florida Department of Corrections under the terms and conditions set by the Florida Commission on Offender Review.

(5) This amendment shall take affect one year from the date it is voted into law.

_____ X_____

DATE OF SIGNATURE **SIGNATURE OF REGISTERED VOTER**

Initiative petition sponsored by:

Floridians for Redeemable People
P.O. Box 520337
Longwood, Florida 32752

If paid petition circulator is used:

Circulator's name: _____

Circulator's address: _____

_____

For Official Use Only

Serial Number: 19-04
Date Approved: 3/12/2019

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FLORIDIANS FOR REDEEMABLE PEOPLE

Floridians For Redeemable People
P.O. Box 520337
Longwood, Florida 32752
Email: ffrp@mail.com
Phone: (407) 576-2649

A Political Committee dedicated to:

Redemption of Rehabilitated *Individuals*
Restorations of *Families*
Reintegration of Redeemed into *Society*

Dear Senator Jeff Brandes

Greetings. This letter is to inform you of Initiative 19-04, a proposed Florida Constitutional Amendment titled the "Offender Reentry Program" Amendment (**ORPA**) sponsored by Floridians For Redeemable People (FFRP). **ORPA** will add to Article IV, section 8 of the Florida Constitution, a subsection (c): "Offender Reentry Program" and will extend the authority of the Commission on Offender Review to review individuals, including juveniles, currently ineligible for parole for "Reintegration Status"—think of it as parole, but a completely new and distinct release mechanism. Eligible individuals will have an opportunity to earn Reintegration Status by completing certain requisites set by the Commission. Individuals will demonstrate personal merit through institutional conduct and by focusing on prolonged and sustained participation in educational and rehabilitative programming. We ask that you read the text of the proposed amendment (Initiative 19-04 petition)[1] and the reasoning behind it (**ORPA** Manifesto), both attached hereto.

This movement follows in the footsteps of last year's Amendment the Voting Restoration Amendment. Whereas Amendment 4 restored voting rights to ex-offenders, **ORPA** seeks to motivate individuals while they are incarcerated to participate in rehabilitative programming that will prepare them for reintegration with society. **ORPA** is a practical way to address the incarcerated population as a whole—those under sentence for non-violent and violent offenses—without resorting to using labels. Initiative 19-04 is a bottom-up approach to lessen the burden on tax payers due to excessive and overly punitive sentences, safely decrease the prison population, and lower recidivism rates.

The proposed criminal justice bills for this legislative session (particularly SB-1308), do not go far enough, as they are only for individuals sentenced for "non-violent" offenses and individuals who

[1] The 19-04 petition may be obtained at the Division of Elections website: https://dos.elections.myflorida.com/initiatives/.

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FL-SEN-20-0201-B, 20-0202-A-005892

Floridians For Redeemable People
P.O. Box 520337
Longwood, Florida 32752
Email: ffrp@mail.com
Phone: (407) 576-2649



A Political Committee dedicated to:

Redemption of Rehabilitated *Individuals*
Restorations of *Families*
Reintegration of Redeemed into *Society*

were 24 years old or younger on the date of their offenses and sentenced to non-capital life sentences. It is generally feared that the minimal measures taken now through these bills will be the only measures taken. Criminal reform must cross the plain to those under mandatory minimum sentences and life sentences as **ORPA** does, and this is the year for such reforms.[2]

Why ORPA is necessary:

- Right now there is **NO parole** in Florida for **ANYONE** under **ANY** circumstance under **ANY** sentence after October 1, 1983, with few exceptions for capital offenses up to October I, 1995.
- **ORPA** will create participatory demand for educational and rehabilitative programming within the FDC by incentivizing individuals to seek such programming, transforming the current system from one of mass incarceration and the warehousing of human beings into one of reentry programs and rehabilitating individuals with a real chance of redemption
- **ORPA** will shift focus from mass incarceration and warehousing to one of rehabilitation and reentry and will add elements of hope to the prison culture and redemption to the criminal justice system, which have too long been missing
- **ORPA** will give individuals a chance for redemption, safely decrease the current incarcerated population by 27% in ten years, foster the restoration of families and the successful reintegration of redeemed people back into society, and help to enfranchise those who would otherwise have no voice
- **ORPA** will safely decrease the incarcerated population and will save the State of Florida hundreds of millions of dollars yearly

With 176,000 individuals incarcerated in Florida at a rate of 833/100,000 (http://www.prisonpolicy.org), nearly everyone in this state has a friend or family member who has been affected by incarceration. These are our mothers and fathers, sons and daughters, our childhood friends. We can give them a fighting chance for redemption and restoration. For more information please visit us at Facebook at *Floridians For Redeemable People*. If you have any questions, concerns, suggestions, please contact me above. Thank you and God bless you and our community.

[2] It is worth noting that ORPA could be as a legislative bill to amend sections 775.082, 775.084 944.70 (Conditions for release from incarceration), 944.705 (Release orientation program), 9447065 (Transition course for inmates), 944.803 (Faith- and character-based programs), 946,501 (Inmate Labor and Correctional Work Programs), and 947.1405 (Conditional release program), to implement this reform.

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FL-SEN-20-0201-B, 20-0202-A-005893

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From: French Brown <FBrown@deanmead.com>
Sent: Wednesday, January 08, 2020 5:14 PM EST
To: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: SB 802 - Marketable Record Title Act
Attachment(s): "MRTA talk sheet.docx"

Vanessa,

On behalf of the Real Property, Probate, and Trust Law Section of the Florida Bar, attached is a one pager for the Senator regarding SB 802 – Marketable Record Title Act (Perry), which will be heard in Senate Innovation, Industry, and Technology next Monday afternoon.

If you or the Senator have any questions, please do not hesitate to reach out.

French Brown
850-459-0992 (Mobile)

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Support Senate Bill 802 / House Bill 733

Marketable Record Title Act (MRTA)

SUMMARY: The bill makes 2 revisions to the Marketable Record Title Act to clarify how restrictions and easements are extended and preserved, and it adds a new provision to MRTA that provides a procedure for the formal elimination of "discriminatory covenants" such as those that were found in Tallahassee's Betton Hills neighborhood this summer and provides a for a public recording to evidence the extinguishment.

SECTION BY SECTION SUMMARY

Section 1. Clarifies that recordings in the public records that are intended to extend an easement, restriction or other interest that affects real property beyond 30 years must include an affirmative statement of the parties' intention to make the extension.

Section 2. Clarifies the application of MRTA to zoning, building, and development permits based on the 3rd District Court of Appeals holding in *Save Calusa Trust v. St. Andrews Holdings* (2016), *cert. denied* by Florida Supreme Court. The bill preserves conditions imposed by zoning, land development regulations and building codes.

Section 3. Defines "discriminatory restrictions" and provides new procedures to formally extinguish of "discriminatory restrictions." Allows the board of directors of an owner's association to remove discriminatory restrictions by majority vote.

Section 4. Provides a conforming change to recognize the changes associated with *Save Calusa Trust v. St. Andrews Holdings*.

Section 5. Provides an affirmative statement that the technical changes are to clarify existing law.

Section 6. Provides a one-year grace period to permit a property owner to file a notice to preserve an easement or restriction.

Section 7. Is a bill drafting edit and instructions to the Division of Law Revision.

Section 8. Provides for an effective date.

AMERICAN OVERSIGHT

From: Carson Bennett <carsonbennett17@gmail.com>
Sent: Saturday, February 01, 2020 2:10 PM EST
To: benacquisto.lizbeth@flsenste.gov <benacquisto.lizbeth@flsenste.gov>; Simpson, Wilton (Web) <SIMPSON.WILTON.WEB@flsenate.gov>; Bradley, Rob <BRADLEY.ROB@flsenate.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Passidomo, Kathleen <Passidomo.Kathleen@flsenate.gov>; Shannon, Jay <Shannon.Jay@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>
Subject: SB810 & SB 1394

Hello all:

I'd like for you to please think about these two bulls being introduced. One is about a tax of tobacco products and another is about restriction of delivery of tobacco products.

I'd like for you guys to please listen to constituents on these issues. A tax on these products is going to cause me, someone who vapes more money. I understand a tax on regular tobacco, but when the term "tobacco products" is used, it's a blanket statement that covers across the board, vape products, smoking, smokeless tobacco. Regular loose leaf tobacco or combustible tobacco causes more hard than smokeless tobacco or vaping products and we should be encouraging smokers to change to vaping because we know there is proof of lowered health concerns when it comes to vaping.

Now, the concern over health with vaping is not my point. My point is that it's going to cost me, the consumer, more for the products that I use by choice. It is a luxury and is a vice, but I choose to use it instead of combustible tobacco. What's going to happen is this will cause me to find ways around the tax, which I have already thought of several ways. This will not solve any problems in the state of Florida and I feel as though this tax will only cause more damage. Small businesses will be forced to close, like vape shops who help people to stop smoking and damaging their lungs with tar, chemicals, and residue from combusting tobacco.

Vape shops should be protected. We NEED vape shops around. Let me tell you why: It's because vape shops main purpose is to defeat smoking and defeat big tobacco. I understand the state makes money from taxes on tobacco products already, and I know vape products hurt the state's tax revenue which could be why these laws are even being decided on. These taxes will destroy vape shops because there is less incentive to start vaping and stop smoking if it's more expensive for consumers.

These laws are not consumer friendly or small business friendly. I think that's where it's drawing the line and overreaching in my opinion. I don't think it's fair for us to be overtaxed due to state overreach and state corporate greed. I work harder for the amount of money I make and if it's going to cost me more, I live close enough to Alabama that I can just drive over the state line and I'd rather my taxes go to them than Florida. I don't have to buy my products in Florida and I won't continue to if it costs more. For what? To pay you more, for something you don't work for? No thanks, I won't have it. I have friends who drive into Florida from Alabama who can buy products for me instead of me going there. There's plenty of options for me to stop buying products in Florida if that's the case.

Instead of my taxes going to you, they'll go elsewhere.

Instead of you being voted back in this year, we can vote you back out. We vape and we vote. Don't forget that. You represent US and our needs and wants. You represent the constituents who voted you in and have the power to vote you back out.

Signed,
Carson Bennett
Pensacola, FL

AMERICAN OVERSIGHT

From: Fowler, Jessica <Jessica.Fowler@fldoe.org>
Sent: Monday, February 10, 2020 3:56 PM EST
Subject: SBOE - Feb. 12, Tallahassee
Attachment(s): "Proposed B.E.S.T. Standards.pdf"

Good afternoon, Education Committee Members + Partners!

On behalf of **Commissioner Richard Corcoran** and the **Florida Department of Education (FDOE)**, we would like to inform you of the **State Board of Education (SBOE) Meeting** that is taking place this week, on Wednesday, February 12, at 9:00 am EST, at FDOE in Tallahassee. Please see the agenda and meeting details HERE. You can also watch the meeting live online via the Florida Channel. If you are interested in joining us in person, we would love to have you! Please RVSP to Jessica.Fowler@fldoe.org by Tuesday, Feb. 11.

Additionally, the **Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards** were released Friday, Jan. 31 and will be on the agenda during this meeting. They are available online HERE. You can also find more information on the Standards and the revision process in the attached memo from Chancellor Oliva to district Superintendents.

If you have any questions, please let us know!

Best,
Jes

Jessica A. Fowler
Legislative Affairs
Florida Department of Education
325 West Gaines Street, Room 1522
Tallahassee, FL 32399
O: 850-245-5037
C: 850-508-9896
Jessica.Fowler@fldoe.org

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State Board of Education

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Members
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Tom Grady
Michael Olenick
Ryan Petty
Joe York

FLORIDA DEPARTMENT OF EDUCATION
fldoe.org

Richard Corcoran
Commissioner of Education

MEMORANDUM

Contact Information:
Kathy Nobles
850-245-0423
Kathy.Nobles@fldoe.org
DPS: 2020-17

DATE: January 31, 2020

TO: School District Superintendents

FROM: Jacob Oliva

SUBJECT: **Proposed Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards**

One year ago today, Governor DeSantis issued Executive Order 19-32 to eliminate Common Core, develop a roadmap to have the #1 standards in the nation, increase curricular quality, streamline testing, raise the bar for civic literacy and become the most literate state in the nation.

On January 24, 2020, Governor DeSantis announced that he approved the roadmap to adopt the B.E.S.T. Standards in English language arts (ELA) and mathematics for grades K-12, which are posted along with summary documents at www.fldoe.org/standardsreview. The State Board of Education will take action to adopt the proposed standards on February 12, 2020, at their meeting in Tallahassee.

Over the past year, the department collaborated with colleagues and the public across Florida to develop these standards. Florida teacher experts participated in 154 virtual and 11 face-to-face meetings. National content experts and more than 80 Florida-based education stakeholder groups provided input. Nine Florida Standards Listening Tour stops were held around the state last October to collect public comments, and over 100,000 reviews were made online by the public on drafts of new standards.

Through these immense and important efforts, you will find that the B.E.S.T. Standards:

- Were created by Florida experts and eliminate Common Core;
- Are content-rich and developmentally appropriate;
- Go back-to-basics, building a foundation in the early grades;
- Are understandable, concise and set clear expectations for students, teachers and parents;
- Imbed Civics throughout K-12 and include the only Civics reading list for ELA in the nation;
- Include the only comprehensive K-12 reading list in the nation;
- Offer flexibility for teachers with a focus on great content; and
- Include clear expectations for progression year-to-year through great course alignment.

Once adopted, teacher professional development will begin, a new instructional materials adoption process will be conducted and new test development activities will commence. By 2022-2023, all new standards will be taught, classroom materials will be aligned and new statewide assessments will measure a baseline of their impact.

We appreciate all of the contributions of school district staff and teachers to bring you the B.E.S.T. Standards, and we look forward to working with you on successful implementation.

JACOB OLIVA
CHANCELLOR OF PUBLIC SCHOOLS

AMERICAN OVERSIGHT

From: Jameson, PK <PK.Jameson@LASPBS.STATE.FL.US>
Sent: Thursday, January 16, 2020 12:03 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
CC: Thompson, Vanessa <Thompson.Vanessa@flsenate.gov>
Subject: sc19-1341.pdf
Attachment(s): "sc19-1341.pdf"

FYI

AMERICAN OVERSIGHT

Supreme Court of Florida

No. SC19-1341

ADVISORY OPINION TO THE GOVERNOR RE: IMPLEMENTATION OF AMENDMENT 4, THE VOTING RESTORATION AMENDMENT.

January 16, 2020

PER CURIAM.

By letter dated August 9, 2019, Governor Ron DeSantis requested the opinion of the justices of this Court as to the interpretation of a portion of the Florida Constitution upon a question affecting his executive powers and duties. We have jurisdiction. *See* art. IV, § 1(c), Fla. Const.

Specifically, the Governor requests advice regarding the meaning of certain language that was added to article VI, section 4 of the Florida Constitution by the approval on November 6, 2018, of an initiative petition—commonly referred to as "Amendment 4"—that restores the voting rights of certain convicted felons "upon completion of all terms of sentence including parole or probation." Art. VI, § 4(a), Fla. Const. The Governor asks whether the phrase "all terms of sentence" encompasses legal financial obligations (LFOs)—fines, restitution, costs, and

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fees—ordered by the sentencing court. We answer in the affirmative, concluding that "all terms of sentence" encompasses not just durational periods but also all LFOs imposed in conjunction with an adjudication of guilt.

The Governor's letter in relevant part states:

> I request your interpretation of whether "completion of all terms of sentence" encompasses financial obligations, such as fines, fees and restitution ("legal financial obligations" or "LFOs") imposed by the court in the sentencing order.
>
> Prior to Amendment 4's placement on the ballot, this Court was asked to determine whether the amendment met the legal requirements under Florida's Constitution. On March 6, 2017, during a colloquy between the justices and Amendment 4's sponsor, Floridians for a Fair Democracy ("Sponsor"), this Court was assured the Amendment presented a "fair question" and "clear explanation" to voters. Transcript of Oral Argument at 2, *Advisory Op. to the Attorney General Re: Voting Restoration Amend.*, 215 So. 3d 1202 (Fla. 2017) (Nos. SC16-1785 and SC16-1981). Addressing a question posed by Justice Polston as to whether "completion of [all] terms" included "full payment of any fines," the Sponsor responded, "Yes, sir . . . All terms means all terms within the four corners." *Id.* at 4. Justice Lawson similarly asked, "You said that terms of sentence includes fines and costs . . . that's the way it's generally pronounced in criminal court, would it also include restitution when it was ordered to the victim as part of the sentence?" *Id.* at 10. The Sponsor answered, "Yes." *Id.* Justice Pariente posited the inclusion of fees, fines, and restitution as part of the completion of sentence "would actually help the state because if fines, costs and restitution are a requirement . . . for those that want to vote, there's a big motivation to pay unpaid costs, fines and restitution." *Id.* at 11. Ultimately, the Court found Amendment 4 clearly and unambiguously informed voters the chief purpose of the proposed amendment was to "automatically restore voting rights to felony offenders, except those convicted of murder or felony sexual offenses, *upon completion of all terms of their sentence*." *Advisory Op.*, 215 So. 3d at 1208 (emphasis added).

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In alignment with the colloquy with the Florida Supreme Court, after Amendment 4 was approved by voters, the ACLU of Florida, League of Women Voters of Florida, LatinoJustice, and the Florida Rights Restoration Coalition delivered a letter to former Secretary of State Ken Detzner regarding implementation of Amendment 4. Exhibit 1, December 13, 2018 Letter. In part, the letter explained,

> The phrase "completion of all terms of sentence" includes any period of incarceration, probation, parole and financial obligations imposed as part of an individual's sentence. *The financial obligations may include restitution and fines, imposed as part of a sentence or a condition of probation under existing Florida statute. Fees not specifically identified as part of a sentence or a condition of probation are therefore not necessary for 'completion of sentence' and thus, do not need to be paid before an individual may register.* We urge the Department to take this view in reviewing eligibility of individuals registered to vote as outlined in Chapter 98, Florida Statutes.

Ex. 1, p. 3 (emphasis added).

During the 2019 Legislative Session, legislators in both chambers debated legislative implementation of Amendment 4. Ultimately, both chambers passed CS/SB 7066 and, on June 28, 2019, I signed it into law. *See* Ch. 2019-162, Laws of Fla. In relevant part, chapter 2019-162, section 25, Laws of Florida, creating section 98.0751, Florida Statutes, provided guidance on restoration of voting rights and determination of ineligibility pursuant to the amendment of Article VI, section 4 of the Florida Constitution. Section 98.0751, Florida Statutes, defines "[c]ompletion of all terms of sentence" as "any portion of a sentence that is contained in the four corners of the sentencing document." § 98.0751(2)(a), Fla. Stat. (2019). The Legislature provided five categories of terms included in the sentencing document: . . . (5) full payment of LFOs ordered by the court as part of the sentence. *See* § 98.0751(2)(a)l.-5., Fla. Stat. (2019).

On June 15, 2019, Luis Mendez filed a complaint in the Northern District of Florida seeking injunctive and declaratory relief and mandamus challenging chapter 2019-162, Laws of Florida. In

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part, Mendez alleges chapter 2019-162, Laws of Florida, violates Article VI, section 4 of the Florida Constitution because it adds requirements for the restoration of voting rights above what was prescribed in the Florida Constitution. Additional complaints were filed by numerous plaintiffs, including organizations referenced above, alleging provisions of chapter 2019-162, Laws of Florida violate the First, Eighth, Fourteenth and Twenty-Fourth Amendments of the United States Constitution. These challenges are only directed at chapter 2019-162, Laws of Florida, and do not question the constitutionality of Article VI, section 4 of the Florida Constitution.

Article IV, section 1(a) of the Florida Constitution prescribes the supreme executive power shall be vested in the Governor, that he "shall take care that the laws be faithfully executed" and "transact all necessary business with the officers of government." Article IV, section 6 of the Florida Constitution places direct administration and supervision of all functions of the executive branch, including the Department of State, under the constitutional authority of the Governor. *See also* § 20.02(3), Fla. Stat. (the administration of any executive branch entity shall at all times be ["]under the constitutional executive authority of the Governor"); § 20.10, Fla. Stat. (creating the Department of State, headed by the Secretary of State who is appointed by the Governor). Furthermore, the Secretary of State is the chief elections officer with the responsibility to maintain uniformity in the interpretation and implementation of voter registration and election laws. *See* § 97.012, Fla. Stat.

. . . .

I, as Governor of Florida, . . . want to ensure the proper implementation of Article VI, section 4 of the Florida Constitution and, if applicable, chapter 2019-162, Laws of Florida. This includes the ability to direct the Department of State to fully implement Article VI, section 4 of the Florida Constitution by determining whether a convicted felon has completed *all* terms of their sentence, including the satisfaction of LFOs. I will not infringe on the proper restoration of an individual's right to vote under the Florida Constitution.

Understanding there is ongoing litigation in federal court challenging chapter 2019-162, Laws of Florida under the First, Eighth, Fourteenth and Twenty-Fourth Amendments of the United States Constitution, I do not ask this Court to address any issues regarding chapter 2019-162, Laws of Florida or the United States Constitution.

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> Therefore, I respectfully request an opinion of the Justices of the Supreme Court of Florida as to the question of whether "completion of all terms of sentence" under Article VI, section 4 of the Florida Constitution includes the satisfaction of all legal financial obligations—namely fees, fines and restitution ordered by the court as part of a felony sentence that would otherwise render a convicted felon ineligible to vote.

Letter from Governor Ron DeSantis to Chief Justice Charles T. Canady dated August 9, 2019, at 1-4 (some alterations in original) (footnote omitted).

After concluding that the Governor's request was within the purview of article IV, section 1(c) of the Florida Constitution, we agreed to exercise our discretion to provide an advisory opinion. We also permitted interested parties to file briefs and to present oral argument before the Court. *See* art. IV, § 1(c), Fla. Const.[1] During oral argument, counsel for the Governor made clear that the Governor requests advice solely as to the narrow question of whether the phrase

1. Timely initial briefs were submitted by the following: (1) Governor Ron DeSantis; (2) The Florida Senate; and Bill Galvano, in his official capacity as President of the Florida Senate; (3) The Florida House of Representatives; (4) Secretary of State, Laurel M. Lee; (5) Adam Richardson; (6) Mark R. Schlakman, joined by The Florida Association of Criminal Defense Lawyers; (7) Fair Elections Center; (8) The American Civil Liberties Union Foundation of Florida, American Civil Liberties Union Foundation, NAACP Legal Defense and Educational Fund, Inc., Brennan Center for Justice at NYU School of Law, Florida State Conference of Branches and Youth Units of the NAACP, Orange County Branch of the NAACP, and League of Women Voters of Florida; (9) Jennifer LaVia and Carla Laroche; and (10) Bonnie Raysor, Diane Sherrill, and Lee Hoffman.

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"all terms of sentence" includes LFOs ordered by the sentencing court. We answer only that question.

The arguments presented by the interested parties generally fall into one of two categories. On the one hand, the Governor, the Florida Senate, the Florida House of Representatives, and the Secretary of State (collectively, the State Parties) all argue that "all terms of sentence" includes all LFOs ordered by the sentencing judge. They largely rely on plain language, case law, and the common understanding of penalties imposed for criminal acts. On the other hand, the remaining interested parties (collectively, the Non-State Parties) present varying arguments against some or all LFOs being included within the scope of "all terms of sentence." Some Non-State Parties argue that "all terms of sentence" refers to durational periods rather than to obligations and thus contemplates only periods of imprisonment and supervised release. Others assume that "all terms of sentence" refers to obligations including some LFOs, but they argue for the exclusion of certain LFOs. These latter Non-State Parties focus on what they label as punitive aspects of a sentence and on what they consider to be the technical components of a criminal sentence.

The answer to the Governor's question largely turns on whether "all terms of sentence" encompasses all obligations or only durational periods. We conclude that the phrase, when read and understood in context, plainly refers to obligations

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and includes "all"—not some—LFOs imposed in conjunction with an adjudication of guilt. Before explaining our opinion, we briefly address our jurisdiction as well as the Secretary of State's concerns that the events leading up to the adoption of Amendment 4 and the subsequent legal challenges to chapter 2019-162 amount to a "bait and switch" attempt to amend our State's governing document.

JURISDICTION

Article IV, section 1(c) of the Florida Constitution authorizes the Governor to "request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting the governor's executive powers and duties." Upon receiving such a request, "the justices shall determine whether the request is within the purview of article IV, section 1(c)." Fla. R. App. P. 9.500(b). Here, we readily concluded that the Governor's question is answerable. In particular, the question affects the Governor's constitutional responsibility to "take care that the laws be faithfully executed," art. IV, § 1(a), Fla. Const., and the exercise of his clemency powers, art. IV, § 8(a), Fla. Const.

Certain Non-State Parties nevertheless question our jurisdiction, but their arguments are meritless. These Non-State Parties argue, for example, that it is inappropriate for this Court to issue an advisory opinion on the constitutionality of a statute and that the Governor in effect impermissibly seeks advice regarding the

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necessity or validity of chapter 2019-162 and the interpretation of its provisions. But neither the existence of chapter 2019-162 nor the possibility that our advice may touch upon that legislation precludes us from answering the Governor's question. Indeed, though the Governor's request does not ask us directly to address the constitutionality of chapter 2019-162, we note that this Court since 1968[2] has issued advisory opinions to the Governor addressing the validity of legislation that affected his executive powers and duties. *E.g.*, *In re Advisory Opinion of Governor Civil Rights*, 306 So. 2d 520, 521-22 (Fla. 1975) (concluding that the Florida Correctional Reform Act of 1974—an act that had already been signed into law and that purported to reinstate the civil rights of convicted felons under certain circumstances—"constitute[d] a clear infringement upon the constitutional power of the Governor to restore civil rights").[3] In any event, given the narrow question presented here, we need not address chapter 2019-162.

---

2. The 1968 Constitution for the first time permitted interested parties to be heard in advisory opinion cases. *See In re Advisory Opinion to Governor*, 243 So. 2d 573, 576 (Fla. 1971) (examining the constitutionality of a proposed corporate income tax and recognizing that "Section 1(c), Article IV, Constitution of 1968, enlarged to some extent the power of this Court to be of assistance"); *Opinion to the Governor*, 239 So. 2d 1, 8 (Fla. 1970) (examining the constitutionality of the 1970 General Appropriations Act and recognizing that it was "noteworthy that in the 1968 constitutional revision, authority and direction were given this Court to permit interested persons to be heard").

3. *Civil Rights* reiterated this Court's long-held view "that the power of pardon is reposed exclusively in the . . . executive" and is not to be infringed upon by the other branches. 306 So. 2d at 522; *see also Sullivan v. Askew*, 348 So. 2d

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These Non-State Parties additionally argue among other things that the Governor's request impermissibly concerns the duties of his subordinates rather than his sole authority. But in *Advisory Opinion to Governor—1996 Amendment 5 (Everglades)*, 706 So. 2d 278, 280-81 (Fla. 1997), this Court's conclusion that the question there fell "within the purview of article IV, section 1(c)" was based in part on the fact that the constitutional amendment at issue directly affected the Governor's constitutional duty to faithfully execute the laws, including the duty to provide certain agencies "with direction as to their enforcement responsibilities." Here, the Governor's question about the meaning of Amendment 4 similarly affects among other things his general constitutional duties, including the duty to provide the Department of State with necessary direction regarding the implementation of voter registration laws.

The Governor's request satisfies the requirements of article IV, section 1(c).

AMENDMENT 4—BACKGROUND

Prior to Amendment 4's adoption, article VI, section 4(a) of the Florida Constitution permanently disenfranchised all felons absent a grant of executive clemency. *See Richardson v. Ramirez*, 418 U.S. 24, 54 (1974) ("[T]he exclusion

---

312, 315 (Fla. 1977) (noting that article IV, section 8 of the Florida Constitution "vest[ed] sole, unrestricted, unlimited discretion exclusively in the executive" in restoring civil rights).

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of felons from the vote has an affirmative sanction in § 2 of the Fourteenth Amendment . . . .”). The text of Amendment 4, which amended article VI, section 4, provided in pertinent part:

> Article VI, Section 4. **Disqualifications.—**
>
> (a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.
>
> (b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights.

In 2016—two years before the voters approved Amendment 4—this Court was asked by the Attorney General whether Amendment 4 met the legal requirements for placement on the ballot. *Advisory Op. to Att’y Gen. re Voting Restoration Amendment*, 215 So. 3d 1202 (Fla. 2017). This Court unanimously answered in the affirmative. *Id.* at 1209. In its brief to this Court arguing in support of Amendment 4 being placed on the ballot, Amendment 4’s sponsor, Floridians for a Fair Democracy (the Sponsor), asserted: “Specifically, the drafters intend that individuals with felony convictions, excluding those convicted of murder or a felony sexual offense, will automatically regain their right to vote *upon fulfillment of all obligations imposed under their criminal sentence*.” Initial Brief of Sponsor at 2, *Advisory Op. to Att’y Gen. re Voting Restoration*

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Amendment, 215 So. 3d 1202 (Fla. 2017) (Nos. SC16-1785 & SC16-1981) (emphasis added). In other words, the Sponsor intended that "all terms" refer to obligations, not durational periods. No briefs were submitted in opposition to Amendment 4.

Oral argument in that case took place on March 6, 2017. During the oral argument, counsel for the Sponsor stated—consistent with the Sponsor's brief—that the operative language in Amendment 4 "means all matters—anything that a judge puts into a sentence." As noted in the Governor's letter, that oral argument involved discussion of LFOs—including fines, costs, and restitution—as well as the process for confirming payment of LFOs. Counsel for the Sponsor summed up by reiterating that Amendment 4 was intended to be "a restoration of voting rights under these specific conditions." It is beyond dispute that the Sponsor expressed the intention that "all terms of sentence" include all LFOs ordered by the sentencing judge.

As the Secretary notes here, the Sponsor advertised a similar message to the voting public via its "Paid Political Advertisement" website. *See* Initial Brief of Secretary of State at 7, and App. at 33-68. Among other things, the website states in bold-italicized text that "Amendment 4 restores the eligibility to vote to people with past felony convictions who ***fully complete*** their entire sentence – including any probation, parole, and restitution – before earning back the eligibility to vote."

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As the Secretary also notes, similar messages were disseminated by some of the very same nonprofit organizations that are currently involved in the lawsuits challenging chapter 2019-162 and that now argue to this Court that "all terms of sentence" simply refers to durational periods. *See* Initial Brief of Secretary at 9. For example, the American Civil Liberties Union Foundation of Florida (ACLU of Florida) in its 2018 voter guide informed voters that Amendment 4 "includ[ed] any probation, parole, fines, or restitution." *See id.* at 7, and App. at 69. Indeed, the ACLU of Florida and other organizations along with the Sponsor spread a consistent message before and after Amendment 4's adoption. As noted in the Governor's letter, the signatories of the December 2018 letter to then-Secretary Detzner asserting in part that Amendment 4 required payment of "financial obligations imposed as part of an individual's sentence" included the ACLU of Florida as well as Florida Rights Restoration Coalition, the organization that, according to the Secretary, created the Sponsor.[4]

Although the representations to this Court and to the public close the door on any credible suggestion that "all terms of sentence" was *intended* by the Sponsor to refer only to durational periods, we need not address whether Amendment 4

4. In a subsequent March 2019 letter to current Secretary Lee, those same organizations and others identified themselves as the "organizations that led the effort to pass Amendment 4." *See* Initial Brief of Governor at 5, and App. at 8, 12.

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involved a "bait and switch" attempt to amend our State's constitution. Indeed, our opinion is based not on the Sponsor's subjective intent or campaign statements, but rather on the objective meaning of the constitutional text. The language at issue, read in context, has an unambiguous "ordinary meaning" that the voters "would most likely understand," *Everglades*, 706 So. 2d at 283, to encompass obligations including LFOs. The Sponsor's expressed intent and campaign statements simply are consistent with that ordinary meaning that would have been understood by the voters.

ANALYSIS

The Governor asks whether the phrase "all terms of sentence," as used in article VI, section 4, encompasses LFOs imposed by the sentencing court. The interpretation of a constitutional provision involves "a question of law." *Crist v. Fla. Ass'n of Criminal Def. Lawyers, Inc.* (*FACDL*), 978 So. 2d 134, 139 (Fla. 2008). In interpreting constitutional language, "this Court follows principles parallel to those of statutory interpretation. First and foremost, this Court must examine the actual language used in the Constitution. If that language is clear, unambiguous, and addresses the matter in issue," then our task is at an end. *Graham v. Haridopolos*, 108 So. 3d 597, 603 (Fla. 2013) (quoting *FACDL*, 978 So. 2d at 139-40).

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But this Court has sometimes suggested that the first step in construing a constitutional provision may involve something other than determining the objective meaning of the text. *See, e.g.*, *Williams v. Smith*, 360 So. 2d 417, 419 (Fla. 1978) ("In construing the Constitution, we first seek to ascertain the intent of the framers and voters, and to interpret the provision before us in the way that will best fulfill that intent."). We believe that such statements can be misleading because they may be understood to shift the focus of interpretation from the text and its context to extraneous considerations. And such extraneous considerations can result in the judicial imposition of meaning that the text cannot bear, either through expansion or contraction of the meaning carried by the text. We therefore adhere to the "supremacy-of-text principle": "The words of a governing text are of paramount concern, and what they convey, in their context, is what the text means." Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 56 (2012).

We also adhere to the view expressed long ago by Justice Joseph Story concerning the interpretation of constitutional texts (a view equally applicable to other texts): "[E]very word employed in the constitution is to be expounded in its plain, obvious, and common sense, unless the context furnishes some ground to control, qualify, or enlarge it." Joseph Story, *Commentaries on the Constitution of the United States* 157-58 (1833), *quoted in* Scalia & Garner, *Reading Law* at 69.

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This Court in construing constitutional language approved by the voters often "looks to dictionary definitions of the terms because we recognize that, 'in general, a dictionary may provide the popular and common-sense meaning of terms presented to the voters.' " *Advisory Op. to Att'y Gen. re Use of Marijuana for Certain Med. Conditions*, 132 So. 3d 786, 800 (Fla. 2014) (quoting *Everglades*, 706 So. 2d at 282). The dictionary meaning of the word "terms," when viewed in isolation, can refer either to multiple durational periods or to multiple obligations or conditions. *See The American Heritage Dictionary* 1796 (5th ed. 2011) (defining "term" as "[a] limited or established period of time that something is supposed to last, as . . . a prison sentence"; and as "a condition").

But the fact that the word "terms" itself can carry different meanings does not render the phrase "all terms of sentence," as used in Amendment 4, susceptible to more than one natural reading. *See Smith v. United States*, 508 U.S. 223, 233 (1993) ("[A] single word cannot be read in isolation . . . ."). As the Supreme Court has explained, "[I]t is a 'fundamental principle of statutory construction (and, indeed, of language itself) that the meaning of a word cannot be determined in isolation, but must be drawn from the context in which it is used.' " *Textron Lycoming Reciprocating Engine Div., Avco Corp. v. United Auto., Aerospace, Agric. Implement Workers of Am., Int'l Union*, 523 U.S. 653, 657 (1998) (quoting *Deal v. United States*, 508 U.S. 129, 132 (1993)). And when viewed in context,

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"all terms of sentence" has only one natural reading—one that refers to all obligations, not just durational periods.

As the Governor and others correctly note, Amendment 4 refers to the voting disqualification arising from "a felony conviction" and later refers to "all terms of" the singular "sentence" resulting from that singular conviction. *See* art. VI, § 4(a), Fla. Const. We know from its explicit reference to "parole or probation" that Amendment 4 uses the term "sentence" to designate more than just imprisonment. And an overall "sentence"—as that word is used in Amendment 4—is naturally viewed as having only one durational term rather than multiple durational terms.

For example, in *Ramirez*, in which the Supreme Court concluded that the Fourteenth Amendment affirmatively authorizes felon disenfranchisement, the Court despite referring collectively to the respondents' "terms of incarceration and parole," 418 U.S. at 34, referred in the singular to an individual felon having "completed the serving of his term," 418 U.S. at 55; *see also id.* at 56-57 (Marshall, J., dissenting) ("Each of the respondents . . . had fully served his term of incarceration and parole."). It would be entirely unnatural, of course, to say that a felon convicted of a singular felony had "completed the serving of his terms" when the time of his incarceration and parole had been completed. Although a singular, overall "sentence" naturally has only one durational term (albeit sometimes with

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distinct components), it can have multiple conditions or obligations—i.e., "terms." Indeed, that is the only natural reading of "all terms of sentence."

Certain Non-State Parties advance various arguments for why we should in fact read the words "all terms" to refer solely to durational periods. We are not persuaded by their arguments.

At first blush, the strongest argument advanced by these Non-State Parties is a contextual one. They note that Amendment 4 does not expressly mention LFOs but does mention "parole or probation," which are forms of supervised release that, like incarceration, can each be said to have a durational "term." They thus argue that those two forms of supervised release provide an "illustrative list" to guide this Court "in [its] interpretation of" Amendment 4. *White v. Mederi Caretenders Visiting Servs. of Se. Fla., LLC*, 226 So. 3d 774, 784 (Fla. 2017). This line of reasoning, however, is ultimately premised upon two canons of construction that do not apply in this context.

First, under the *expressio unius est exclusio alterius* canon, "the mention of one thing implies the exclusion of another." *Id.* at 781. But this Court has noted that "[g]enerally, it is improper to apply *expressio unius* to a statute in which the Legislature used the word 'include,' " as that is "a word of expansion, not one of limitation." *Id.* Here, the phrase "parole or probation" comes immediately after the word "including."

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Second, under the *ejusdem generis* canon, "where general words or phrases follow an enumeration of specific words or phrases, 'the general words are construed as applying to the same kind or class as those that are specifically mentioned.' " *Marijuana for Certain Med. Conditions*, 132 So. 3d at 801 (quoting *Fayad v. Clarendon Nat'l Ins. Co.*, 899 So. 2d 1082, 1088-89 (Fla. 2005)). Application of the canon thus requires that the enumeration of specifics precede the general words. But Amendment 4 involves the exact opposite: the specific words ("parole or probation") follow the general words ("all terms").

A glaring problem with the arguments advanced by these Non-State Parties is that their preferred reading of Amendment 4 effectively renders superfluous the words "all terms of" in the constitutional text. These Non-State Parties interpret Amendment 4 as if it had *omitted* the words "all terms of" and simply read: "upon completion of sentence including parole or probation." The words "all terms of" serve no meaningful purpose under the reading advanced by these Non-State Parties. This Court, of course, ordinarily avoids interpretations that "render any language superfluous." *Dep't of Envtl. Prot. v. Millender*, 666 So. 2d 882, 886 (Fla. 1996). Indeed, just as we do not "add words" to a constitutional provision, we are similarly "not at liberty to . . . ignore words that were expressly placed there at the time of adoption of the provision." *Pleus v. Crist*, 14 So. 3d 941, 945 (Fla. 2009).

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In the end, Amendment 4 was not drafted to require completion of "the term of sentence including parole or probation." Nor was it drafted to require completion of "all terms of . . . incarceration, probation, and parole." *Johnson v. Governor of State of Fla.*, 405 F.3d 1214, 1216 (11th Cir. 2005) (describing the status of members of plaintiff class in that case). Amendment 4 was drafted to require completion of "all terms of sentence." Art. VI, § 4(a), Fla. Const. That language—which appears to be new to Florida jurisprudence—has only one natural reading.

Perhaps not coincidentally, certain courts—in the specific context of rejecting various challenges to re-enfranchisement schemes that require payment of certain LFOs—have used language similar to "all terms of sentence" to refer to obligations. These cases further undercut the argument that Amendment 4 refers only to durational periods. They demonstrate that phrases such as "all terms of sentence" are naturally understood to encompass more than durational periods.

Most notably, the Supreme Court of Washington used nearly identical language to that at issue here in upholding against certain attacks a re-enfranchisement scheme that required a felon to complete "all requirements of the sentence, including any and all legal financial obligations." *Madison v. Washington*, 163 P.3d 757, 763 (Wash. 2007) (quoting Wash. Rev. Code 9.94A.637(1)(a) (2004)). The LFO requirement there specifically included costs

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and fees. *Id.* at 761 n.1. In describing the respondents who were suing to have their voting rights restored, the court noted that each "has satisfied *all of the terms of his sentence, with the exception of full payment of his LFOs*." *Id.* at 762 (emphasis added); *see also State v. Donaghe*, 256 P.3d 1171, 1178 (Wash. 2011) ("In *Madison* . . . , we upheld the disenfranchisement of felons who have satisfied the terms of their sentences, except for paying legal financial obligations."). *Madison*'s reference to "all of the terms of" a singular, overall "sentence" refers to requirements or obligations in addition to durational periods. 163 P.3d at 762.

Two Circuit Courts of Appeals have used somewhat similar language in a related context. *See Johnson v. Bredesen*, 624 F.3d 742, 745, 749 (6th Cir. 2010) (rejecting certain challenges to Tennessee's re-enfranchisement scheme that required felons to among other things have paid all restitution, and describing *Madison* as having upheld "a statute conditioning re-enfranchisement on completion of all terms of felons' sentences, including full payment of their financial legal obligations"); *Harvey v. Brewer*, 605 F.3d 1067, 1070, 1079 (9th Cir. 2010) (rejecting certain challenges to Arizona's re-enfranchisement scheme that required felons to among other things have paid all fines and restitution, and concluding that the state had "a rational basis for restoring voting rights only to those felons who have completed the terms of their sentences, which includes the

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payment of any fines or restitution orders"—that is, "only those who have satisfied their debts to society through fulfilling the terms of a criminal sentence").

The similar language used by these courts—all in the specific context of felon re-enfranchisement—underscores that the phrase "all terms of sentence" naturally encompasses obligations. Indeed, in the unrelated context of lawyer discipline, the Supreme Court of South Carolina used a similar phrase in a similar manner. *See In re Allmon*, 753 S.E.2d 544, 545 (S.C. 2014) ("Respondent shall complete all terms of his criminal sentence, including payment of restitution and completion of probation, prior to filing a Petition for Reinstatement.").

We conclude that "all terms of sentence" plainly encompasses not only durational terms but also obligations and therefore includes all LFOs imposed in conjunction with an adjudication of guilt. As explained next, we reject as overly technical the arguments advanced by certain Non-State Parties that Amendment 4 encompasses only some LFOs.

One Non-State Party argues that costs and fees are categorically excluded from "all terms of sentence" because those LFOs do not bear any of the hallmarks of a "sentence." Another Non-State Party argues that Amendment 4 includes only those LFOs mentioned in Florida Rule of Criminal Procedure 3.986(d) (Form for Sentencing) and excludes all LFOs listed in any of rule 3.986's other forms (e.g., Form for Restitution Order (rule 3.986(g)). But these Non-State Parties improperly

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view the phrase "all terms of sentence" as a term of art that turns on a nuanced legal analysis of the word "sentence." Indeed, their attempts to isolate and parse the word "sentence" to carve out certain LFOs improperly interprets that word "in a technical sense" absent any "suggest[ion]" in the text of Amendment 4 that the word was to be given something other than its "most usual and obvious meaning." *Wilson v. Crews*, 34 So. 2d 114, 118 (Fla. 1948) (quoting *City of Jacksonville v. Glidden Co.*, 169 So. 216, 217 (Fla. 1936)). These opponents also implausibly suggest that the voters who adopted Amendment 4 would have understood the comprehensive phrase "all terms" to include only those terms that courts deem "punitive." Here, "the natural and popular meaning in which," *id.*, the voters would understand the broad phrase "all terms of sentence" is that it includes all obligations imposed in conjunction with an adjudication of guilt.

The word "sentence" is not defined in the Florida Constitution or seemingly anywhere in the Florida Statutes. But the word is defined in various dictionaries. *See, e.g.*, Sentence, *Black's Law Dictionary* 1569 (10th ed. 2014) ("The judgment that a court formally pronounces after finding a criminal defendant guilty; the punishment imposed on a criminal wrongdoer"). The word is also defined in Florida Rule of Criminal Procedure 3.700(a) to mean "the pronouncement by the court of the penalty imposed on a defendant for the offense of which the defendant has been adjudged guilty." Rule 3.701(b)(2) later explains that punishment is the

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"primary" but not the sole "purpose of sentencing." That rule also uses the words "penalty" and "sanction." Fla. R. Crim. P. 3.701(b)(3)-(4).

As one example of why the word "sentence" cannot be construed in an overly technical fashion here, Amendment 4 expressly includes "parole" within its scope, and yet courts have explicitly or implicitly distinguished parole from a "sentence." *E.g.*, *Ramirez*, 418 U.S. at 26 (noting that the respondents had "completed the service of their respective sentences and paroles"). It is for a similar reason—among many others—that the answer to the Governor's question cannot be limited to any one form set forth in rule 3.986. Indeed, parole cannot be captured by any of those forms. Parole, of course, is granted, and its terms set, by the Florida Commission on Offender Review, not by a sentencing judge. *See generally* chs. 947-49, Fla. Stat. (2019). In other words, parole is not "pronounce[d] by the court." Fla. R. Crim. P. 3.700(a).

Amendment 4 thus uses the word "sentence" in its plain, common sense. And it does so in the context of the broad phrase "all terms of sentence." Absent any suggestion in the context of Amendment 4 that the word "sentence" carries a technical meaning restricting its scope, there is no basis to conclude that "all terms of sentence" excludes any LFOs ordered by the sentencing judge. Indeed, an abundance of statutory and case law supports the conclusion that fines, restitution,

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and fees and costs all comfortably fit within the ordinary meaning of "all terms of sentence."

Beginning with restitution, this Court has referred to that obligation as part of a "sentence," and even as "punishment." *See, e.g.*, *Noel v. State*, 191 So. 3d 370, 375 (Fla. 2016) ("The 'purpose of restitution is not only to compensate the victim, but also to serve the rehabilitative, deterrent, and retributive goals of the criminal justice system.' " (quoting *State v. Hawthorne*, 573 So. 2d 330, 333 (Fla. 1991))); *Kirby v. State*, 863 So. 2d 238, 244 (Fla. 2003) (recognizing "the trial court's statutory obligation to impose restitution as part of the criminal sanction"); *Glaubius v. State*, 688 So. 2d 913, 914 (Fla. 1997) ("As part of his sentence, he was also ordered to pay restitution to Beall's."); *State v. Champe*, 373 So. 2d 874, 880 (Fla. 1978) ("Punishment in the form of restitution is not a novel concept . . . ."). Indeed, the Supreme Court itself has noted that "[s]entencing courts are required to impose restitution as part of the sentence for specified crimes." *Manrique v. United States*, 137 S. Ct. 1266, 1270 (2017). Certain legislative enactments also support including restitution within the meaning of "all terms of sentence." *See, e.g.*, § 812.15(7), Fla. Stat. (2019) ("The court shall, in addition to any other sentence authorized by law, sentence a person convicted of violating this section to make restitution as authorized by law."); § 921.0026(2)(e),

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Fla. Stat. (2019) (authorizing downward departure sentences if "[t]he need for payment of restitution to the victim outweighs the need for a prison sentence").

An analysis of fines looks remarkably similar. Indeed, this Court has referred to fines as part of a "sentence." *E.g.*, *Morganti v. State*, 573 So. 2d 820, 821 (Fla. 1991) ("A lawful sentence may comprise several penalties, such as incarceration, probation, and a fine."); *see id.* ("[A] sentence of five and one-half years' incarceration, eighteen months' probation, and a $10,000 fine is clearly not a more severe sentence than fifteen years' incarceration."). So, too, has the Supreme Court. *See S. Union Co. v. United States*, 567 U.S. 343, 349-50 (2012) (observing that criminal fines "undeniably" fall within the purview of a "sentence"). And, again, certain legislative enactments support including fines within the ordinary meaning of "all terms of sentence." *See, e.g.*, § 775.083(1), Fla. Stat. (2019) ("A person who has been convicted of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment described in s. 775.082 . . . .").

Lastly, although fees and costs can reasonably be said to differ in many respects from restitution and fines, various court pronouncements and statutory provisions similarly support including them within the scope of Amendment 4's phrase "all terms of sentence." *See, e.g.*, *Osterhoudt v. State*, 214 So. 3d 550, 551 (Fla. 2017) ("[T]rial courts must individually pronounce discretionary fees, costs,

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and fines during a sentencing hearing to comply with due process requirements."); *Rollman v. State*, 887 So. 2d 1233, 1234 (Fla. 2004) ("[T]he same sentencing judge pronounced Rollman's sentence, which imposed ten years in prison, ten years of probation, and the payment of restitution and court costs."); *Bassett v. State*, 23 So. 3d 236, 236 (Fla. 2d DCA 2009) ("Bassett was sentenced to five years' prison to be followed by five years' probation. As part of his sentence he was ordered to pay certain costs and fees."); § 27.52(1)(b)1., Fla. Stat. (2019) (authorizing the court to "[a]ssess the application fee [for the appointment of a public defender] as part of the sentence"); § 435.07(1)(b), Fla. Stat. (2019) (referring to "any fee, fine, fund, lien, civil judgment, application, costs of prosecution, trust, or restitution" ordered by the court "as part of the judgment and sentence"); § 633.107(1), Fla. Stat. (2019) (similar).

This Court's decision in *Jackson v. State*, 983 So. 2d 562 (Fla. 2008), is instructive. *Jackson* among other things clarified the definition of a "sentencing error" for purposes of Florida Rule of Criminal Procedure 3.800(b). After noting that the commentary to rule 3.800 technically distinguished "orders of probation, orders of community control, [and] cost and restitution orders" from "the sentence itself," 983 So. 2d at 572 (quoting Fla. R. Crim. P. 3.800 court cmt.), *Jackson* construed "*a defendant's sentence*" to encompass the various "*orders* entered as a result of the sentencing process"—i.e., those "related to the ultimate sanctions

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imposed, whether involving incarceration, conditions of probation, or costs," *id.* at 572-73; *see also Kirby*, 863 So. 2d at 244 (referring to "the trial court's statutory obligation to impose restitution as part of the criminal sanction").

Amendment 4's use of the broad phrase "all terms of sentence" can only reasonably be understood to similarly encompass "the ultimate sanctions imposed," including "costs." *Jackson*, 983 So. 2d at 573. Or in the words of the Sponsor's counsel, the phrase encompasses "all obligations" or "all matters."

CONCLUSION

We answer Governor DeSantis's question by stating that it is our opinion that the phrase "all terms of sentence," as used in article VI, section 4, has an ordinary meaning that the voters would have understood to refer not only to durational periods but also to all LFOs imposed in conjunction with an adjudication of guilt. We express no opinion on any question other than the narrow one presented to us.

It is so ordered.

CANADY, C.J., and POLSTON, LAWSON, and MUÑIZ, JJ., concur.
LABARGA, J., concurs in result and dissents in part with an opinion.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

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LABARGA, J., concurring in result and dissenting in part.

I concur with the majority's ultimate decision that the phrase "all terms of sentence," as used in article VI, section 4 (Amendment 4), encompasses all "legal financial obligations" (LFOs) imposed by the sentencing judge. I do not concur, however, with the majority's conclusion that the phrase "all terms of sentence," as used in Amendment 4, "has an ordinary meaning that the voters would have understood" to include LFOs. Nor do I concur with the majority's strict adherence to the application of the theory referred to as the "supremacy-of-text principle" to the exclusion of available extrinsic evidence that would assist the Court in elucidating the meaning of the text in question.

According to the majority, it adheres to the "supremacy-of-text principle": "The words of a governing text are of paramount concern, and what they convey in this context, is what the text means." Majority op. at 14 (quoting Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 56 (2012)). Context is the operative word of this theory. As explained by Justice Scalia in his dissent in *King v. Burwell*, 135 S. Ct. 2480, 2497 (2015), "[S]ound interpretation requires paying attention to the whole law, not homing in on isolated words or even isolated sections. Context always matters." As noted by the majority, the discussion of this approach to interpretation of constitutional texts, later coined "textualism," dates back to as early as the 1800s when Justice Joseph Story, who

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served on the United States Supreme Court from 1812 to 1845, emphasized that in interpreting the Constitution, every word must be afforded its "plain, obvious, and common sense" meaning, "unless the text furnishes some ground to control, qualify, or enlarge it." Majority op. at 14. Since that time, textualism has been advocated by justices such as Hugo Black and, in recent history, Antonin Scalia, an ardent supporter of the theory. To be sure, it is a sound theory of interpretation which, in most instances, proves to be determinative. My concern is with its strict disapproval of consideration of extrinsic sources which, in some instances, such as in this case, prove to be not only helpful, but dispositive.

The problem usually arises when the constitutional language in question is uncertain. In such situations, the majority suggests referring to dictionary definitions because "in general, a dictionary may provide the popular and common-sense meaning of terms presented to the voters." Majority op. at 15 (quoting *In re Advisory Op. to Atty. Gen.*, 132 So. 3d 786, 800 (Fla. 2014)). As more fully discussed below, in many instances it is not that simple.

Indeed, this Court has considered other avenues to construe a constitutional provision when the text is unclear or ambiguous. One such avenue is to seek to ascertain the intent of the framers and voters, an approach which, as discussed later, proved to be not only helpful, but determinative in this case.

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This Court has long observed that "[t]he fundamental object to be sought in construing a constitutional provision is to ascertain the intent of the framers and the provision must be construed or interpreted in such manner as to fulfill the intent of the people, never to defeat it. Such a provision must never be construed in such manner as to make it possible for the will of the people to be frustrated or denied." *Gray v. Bryant*, 125 So. 2d 846, 852 (Fla. 1960); *see also In re Senate Joint Resolution of Legislative Apportionment 1176,* 83 So. 3d 597, 599 (Fla. 2012) ("When interpreting constitutional provisions, this Court endeavors to ascertain the will of the people in passing the amendment."); *Zingale v. Powell*, 885 So. 2d 277, 282 (Fla. 2004) ("[T]his Court endeavors to construe a constitutional provision consistent with the intent of the framers and the voters." (quoting *Carib. Conserv. Corp. v. Fla. Fish & Wildlife Conserv. Comm'n*, 838 So. 2d 492, 501 (Fla. 2003))); *Williams v. Smith*, 360 So. 2d 417, 419 (Fla. 1978) ("[I]n construing the Constitution, we first seek to ascertain the intent of the framers and voters, and to interpret the provision before us in the way that will best fulfill that intent.").

In taking issue with this consistently applied approach, the majority contends "that such [extraneous considerations] can be misleading because they may be misunderstood to shift the focus of interpretation from the text and its context to such extraneous considerations. And such extraneous considerations can result in the judicial imposition of meaning that the text cannot bear, either through

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expansion or contraction of the meaning carried by the text." Majority op. at 14. Thus, according to the majority's approach, clear and unambiguous extrinsic evidence of the true intent of the framers and voters, such as the evidence available in this case, must be disregarded. I respectfully disagree.

Textualist abhorrence of consideration of the intent of the framers of a constitutional or statutory provision has been persistently and stubbornly present throughout the theory's history. Justice Oliver Wendell Holmes, for instance, was quite explicit on the question of intent: "[W]e ask, not what this man meant, but what those words would mean in the mouth of a normal speaker of English, using them in the circumstances in which they were used . . . . We do not inquire what the legislature meant; we ask only what the statute means." Oliver Wendell Holmes, *The Theory of Legal Interpretation*, 12 Harv. L. Rev. 417-19 (1899).

I agree with the majority that the lodestar of constitutional and statutory interpretation should be, in the first instance, the application of the words of the governing text read in context. However, the analysis should provide some allowance for consideration of the intent of the framers and voters in instances where it will assist in elucidating the meaning of the text in question.

The majority opinion in this case extensively refers to reliable and unambiguous extrinsic evidence that is dispositive of any question concerning whether the phrase "all terms of sentence" encompasses all LFOs imposed by the

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sentencing judge. Nevertheless, in strict adherence to the "supremacy-of-text principle," the majority has chosen to disregard this revealing and helpful extrinsic evidence and rely strictly on its interpretation of the meaning of "all terms of sentence."

The majority opened its opinion with Governor DeSantis's letter of August 9, 2019, requesting this advisory opinion. The letter, includes, inter alia, the responses by counsel for the sponsor of Amendment 4, Floridians for a Fair Democracy, to questions posed by Justices Polston and Lawson during oral argument in 2017. Arguably, these exchanges provide the most helpful revelations concerning what "completion of all terms of sentence" encompassed. Justice Polston pointedly asked whether "completion of [all] terms" included "full payment of any fines," and counsel for the sponsor responded: "Yes, sir . . . all terms mean all terms within the four corners." Majority op. at 2. Justice Lawson similarly asked, "You said that terms of sentence includes fines and costs . . . that's the way it's generally pronounced in criminal court, would it also include restitution when it is ordered to the victim as part of a sentence?" Counsel answered, "Yes." Majority op. at 2.

The majority opinion also includes revelations made in the sponsor's brief, which clearly express the sponsor's intention that payment of all LFOs would be required. The sponsor's brief asserted: "Specifically, the drafters intend that

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individuals with felony convictions, excluding those convicted of murder or a felony sexual offense, will automatically regain their right to vote upon fulfillment of all obligations imposed under their criminal sentence." Majority op. at 10. The majority summed up the sponsor's position with the following statement: "In other words, the Sponsor *intended* that 'all terms' refer to obligations, not durational periods. No briefs were submitted in opposition to Amendment 4." Majority op. at 11 (emphasis added).

As a follow-up, the majority included a similar statement, made during oral argument, that the operative language in Amendment 4 "means all matters—anything that a judge puts into a sentence." Majority op. at 11. The majority added:

> As noted in the Governor's letter, that oral argument involved discussion of LFOs—including fines, costs, and restitution—as well as the process for confirming payment of LFOs. *Counsel for the Sponsor summed up by reiterating that Amendment 4 was intended to be "a restoration of voting rights under these specific conditions." It is beyond dispute that the Sponsor expressed the intention that "all terms of sentence" include all LFOs ordered by the sentencing judge*.

Majority op. at 11 (emphasis added).

In further consideration of the sponsor's intent, the majority opinion included an advertisement from the sponsor's paid political website which included the following assurances to prospective voters in bold-italicized text: "Amendment 4 restores the eligibility to vote to people with past felony

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convictions who fully complete their entire sentence – including any probation, parole, and restitution – before earning back the eligibility to vote." Majority op. at 11.

Finally, the majority included in its opinion the American Civil Liberties Union Foundation of Florida's 2018 voter guide which informed voters that Amendment 4 "includ[ed] any probation, parole, fines, or restitution." Majority op. at 12.

The majority wraps up its discussion of these "extraneous considerations" with the following revealing statement: "The Sponsor's expressed intent and campaign statements *simply are consistent with that ordinary meaning that would have been understood by voters*." Majority op. at 13 (emphasis added).

This evidence clearly resolves any question regarding the meaning of the phrase "all terms of sentence" and should not be excluded from consideration. Surely, if the text in this case had said, "all terms of sentence, *including payment in full of all financial obligations imposed by the court,*" or conversely, "*upon completion of all terms of incarceration of the sentence*," consideration of extrinsic sources, including dictionaries, would not have been necessary. Unfortunately, for whatever reason, it did not.

Moreover, textualism, for all its usefulness, is less reliable when the text in question, such as the four-word text in this case, is not sufficiently developed to

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allow its full meaning to be discernable. In such instances, consideration of unambiguous extrinsic evidence is essential to determine the meaning of the text in question. Unfortunately, given the majority's decision today setting forth the so-called "supremacy-of-text principle" as the law of constitutional and statutory interpretation in Florida, such valuable extrinsic evidence will no longer be afforded its due consideration. While I agree that the initial step in resolving questions of constitutional and statutory interpretation should be to carefully examine the words of the governing text in context, I disagree with the summary exclusion from consideration of extrinsic credible information that would assist in determining the meaning of the text—including the intent of the framers and voters as we have consistently done in the past.

Indeed, without the existence and consideration of the extrinsic evidence concerning the intention of the sponsor and others involved in the process of proposing Amendment 4, based on this record, I could not concur with the majority based solely on the theory that "the only objective evidence for the intent of a text is what the text says understood in context"—not in this case.

Accordingly, I concur with the majority's ultimate decision that the phrase "all terms of sentence" encompasses all "legal financial obligations." I am able to do so only because the extrinsic evidence presented concerning the sponsor's intent assisted me. I dissent to the majority's position that the phrase "all terms of

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sentence" is unambiguous and that the voters would "most likely understand" it to include all LFOs—without more. I also dissent to the majority's unbending application of the "supremacy-of-text principle" to Florida law, to the exclusion of available extrinsic evidence that would assist the Court in construing constitutional and statutory provisions.

Original Proceedings – Advisory Opinion to the Governor

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for The Honorable Ron DeSantis, Governor of Florida

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AMERICAN OVERSIGHT

From: Alex Foxx <foxxa3720@gmail.com>
Sent: Saturday, December 07, 2019 6:13 PM EST
To: Berman, Lori <Berman.Lori@flsenate.gov>; Bracy, Randolph <Bracy.Randolph@flsenate.gov>; Braynon, Oscar <BRAYNON.OSCAR@flsenate.gov>; Cruz, Janet <Cruz.Janet@flsenate.gov>; Farmer, Gary <Farmer.Gary@flsenate.gov>; Gibson, Audrey <GIBSON.AUDREY@flsenate.gov>; Montford, Bill <MONTFORD.BILL@flsenate.gov>; Pizzo, Jason <Pizzo.Jason@flsenate.gov>; Powell, Bobby <Powell.Bobby@flsenate.gov>; Rader, Kevin <Rader.Kevin@flsenate.gov>; Rodriguez, Jose <Rodriguez.Jose@flsenate.gov>; Rouson, Darryl <Rouson.Darryl@flsenate.gov>; Stewart, Linda <Stewart.Linda@flsenate.gov>; Taddeo, Annette <Taddeo.Annette@flsenate.gov>; Thurston, Perry <Thurston.Perry@flsenate.gov>; Torres, Victor <Torres.Victor@flsenate.gov>; Albritton, Ben <Albritton.Ben@flsenate.gov>; Baxley, Dennis <Baxley.Dennis@flsenate.gov>; Bean, Aaron <BEAN.AARON@flsenate.gov>; Benacquisto, Lizbeth <BENACQUISTO.LIZBETH@flsenate.gov>; Bradley, Rob <BRADLEY.ROB@flsenate.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Broxson.Doug <Broxson.Doug@flsenate.gov>; Diaz, Manny <Diaz.Manny@flsenate.gov>; Flores, Anitere <FLORES.ANITERE@flsenate.gov>; Gainer, George <Gainer.George@flsenate.gov>; Galvano, Bill <GALVANO.BILL@flsenate.gov>; Gruters, Joe <Gruters.Joe@flsenate.gov>; Harrell, Gayle <Harrell.Gayle@flsenate.gov>; Hooper, Ed <Hooper.Ed@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Lee, Tom <LEE.TOM@flsenate.gov>; Mayfield, Debbie <Mayfield.Debbie@flsenate.gov>; Passidomo, Kathleen <Passidomo.Kathleen@flsenate.gov>; Perry, Keith <Perry.Keith@flsenate.gov>; Simmons, David <SIMMONS.DAVID@flsenate.gov>; Simpson, Wilton <SIMPSON.WILTON@flsenate.gov>; Stargel, Kelli <STARGEL.KELLI@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>; Book, Lauren <Book.Lauren@flsenate.gov>
Subject: Scientific Evidence Omitted from Bear Management Plan
Attachment(s): "BB_Hab_Mgmt_Guide.pdf","Habitat Modifications_BWU.pdf","Chief Inspector General Letter_2nd Update.pdf"

Dear Senators,

Please see attached letter to Chief Inspector General and supporting documents. Attached is a copy of the Black Bear Habitat Management Guidelines for Florida, a document published by the Florida Fish and Wildlife Conservation Commission in 2001. At the very least, I would urge you to become familiar with the highlighted sections within the first few pages. This document was published before accelerating longleaf pine projects were considered. The information within this document corroborates well with the articles written for Bear Warriors United, also attached.

Please tune in to The Florida Channel on the morning of December 11, 2019 to hear testimony from Karl Ambrose, Founder, Independent Black Bear Group.

Agenda for FWC Commissioner Meeting, Wednesday, December 11th:

https://myfwc.com/about/commission/commission-meetings/december-2019/ :

Staff Report – Bear Management Plan
Staff is seeking approval of the draft update of the Bear Management Plan. The draft plan includes results from new research, updates on management activities, a new section on population management options, as well as other changes. The presentation to the Commission will provide an overview of the draft update as well as feedback received from stakeholder groups and the public.

Thank you for your attention in this matter.

Sincerely,

Alexis Foxx
Independent Black Bear Group

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Black Bear Habitat Management Guidelines for Florida

David S. Maehr, Thomas S. Hoctor,
Luther J. Quinn, and Judith S. Smith

Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600

2001

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Black Bear Habitat Management Guidelines for Florida

Technical Report No. 17

David S. Maehr
Thomas S. Hoctor
Luther J. Quinn
Judith S. Smith



2001

Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600

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This report is the result of a project supported by the Florida Fish and Wildlife Conservation Commission's Nongame Wildlife Trust Fund. It has been reviewed for clarity, style, and typographical errors, but has not received peer review. Any opinions or recommendations in this report are those of the authors and do not represent policy of the Commission.

Suggested citation:

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Abstract

The fragmented and patchy arrangement of black bear (*Ursus americanus floridanus*) populations throughout Florida is a daunting management challenge in this developed state. Successful management prescriptions must consider highly variable food habits as well as the effects of fire, timber management, and expanding development on this Threatened species. Saw palmetto (*Serenoa repens*) appears to be the single-most important food that is also common in all of the species' subpopulations. Fire may be the most important abiotic influence on bear nutrition, reproduction, and mortality. Winter burns have the potential to alter the fruiting phenology of important food plants and can cause direct mortality on neonatal cubs. Highways are problematic because they isolate bear populations, create travel barriers, and cause direct mortality. Opportunities for secure den sites and escape cover are likely more numerous in large patches of older forests. The limited use of hollow trees as den sites in Florida is likely linked to the relatively young age of most of Florida's forests. Generally, most widely used forest management practices (i.e., prescribed fire, herbicides, clear-cutting) are compatible with bear habitat management, especially if conducted in the context of large forests. Population viability analyses indicate that small populations such as those found in Highlands County and in the Greater Chassahowitzka Ecosystem are likely doomed to extinction without management intervention that promotes or restores landscape connectivity with other, larger populations. A metapopulation approach is recommended because the protection and reconnection of isolated population fragments will enhance the survival probabilities of the smallest populations as well as those of the entire population. The black bear would make an excellent flagship species for a statewide approach to ecosystem and landscape restoration.

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INTRODUCTION

The relation between the Florida black bear (*Ursus americanus floridanus*) and saw palmetto (*Serenoa repens*) epitomizes the complexities and challenges in developing habitat management guidelines for the Southeast's largest land mammal. Both species were once widespread throughout Florida, but now exhibit patchy distributions throughout the state. Both species provide keystone processes for the ecosystems in which they reside: the black bear as a seed disperser (Maehr 1984*a*, 1997*a*) and saw palmetto as preferred food and cover for hundreds of animal species (Maehr and Layne 1996*a,b*). The black bear lives at low density, but has extensive movement capabilities. Saw palmetto frequently grows profusely in dense thickets, but its heavy-seeded fruits require the transportation services of a large vertebrate to facilitate dispersal (Maehr and Layne 1996*a,b*, Abrahamson 1999). The fruit and heart of saw palmetto are depended upon by bears like few other plant species in Florida (Maehr and Brady 1982*a*, 1984*a,b*; Maehr and DeFazio 1985) (Table 1), and impenetrable thickets of saw palmetto provide bears with the most frequently used den cover in the state. Both species are affected by, and dependent upon, fire for the maintenance of environmental conditions that promote proper nutrition and reproduction (Maehr and Brady 1982*a*, Tanner et al. 1996, Abrahamson 1999). Today, both species face the threat of unmitigated harvest of saw palmetto fruit for the production of pharmaceutical products to treat human prostate hypertrophy (Maehr and Layne 1996*a,b*, Abrahamson 1999)—and Florida's human population continues to grow by about 700 each day (Royse 1997). Although the black bear can use a wide variety of plant communities and is still found in 50 of Florida's 67 counties (Brady and Maehr 1985), it is no exaggeration to suggest that the future of both the bear and this key element of its habitat are intertwined.

After more than two decades of research by state and federal agencies and universities, it is likely that most of the environmental conditions preferred, tolerated, or avoided by the Florida black bear have been described. With a distribution that ranged from the central Keys to the Okefenokee Swamp, and from the Perdido River to Daytona Beach, the black bear was one of Florida's most cosmopolitan animals. It could be argued that it would be easier to describe those habitats bears avoid than to characterize those habitats bears use. Today, the species in Florida is an obligate forest animal (Maehr and Wooding 1992, Maehr 1997*a*), and the state's largest populations are associated with large tracts of forest centered on public land. The purpose of this report is to synthesize the literature relevant to black bear habitat use in Florida, to synthesize literature relevant to the ecology and management of biotic communities used by bears in the southeastern coastal plain, and to offer guidelines that can serve as a practical handbook for the management of Florida black bear habitat.

Myers and Ewel, in their classic 1990 text, *Ecosystems of Florida,* recognized 13 major ecosystem categories in the state. Among these, the black bear was listed as a resident species in five: flatwoods and dry prairies (Abrahamson and Hartnett 1990), scrub and high pine (Myers 1990), south Florida rockland (Snyder et al. 1990), swamps (Ewel 1990), and mangroves (Odum and McIvor 1990). Another five ecosystems were implicated as black bear habitat by virtue of overlapping distribution (Maehr 1984*b*): temperate hardwood forests (Platt and Schwartz 1990), freshwater marshes (Kushlan 1990), dunes and maritime forests (Johnson and Barbour 1990), salt marshes (Montague and Wiegert 1990), and inshore marine habitats (Livingston 1990). Only lakes (Brenner et al. 1990), rivers and springs

Table 1. Dominant foods, by frequency of occurrence, in diets of the Florida black bear. Food items are listed in descending order of importance within each study area (across rows).

Location	Reference	Food 1	Food 2	Food 3
Osceola National Forest	Maehr and Brady 1982*a*	Saw palmetto	Swamp tupelo	Yellow jacket
Apalachicola National Forest	Maehr and Brady 1984*b*	Swamp tupelo	Odorless bayberry	Saw palmetto
Florida	Maehr and Brady 1984*a*	Saw palmetto	Sabal palm	Fire flag
Florida	Maehr and DeFazio 1985	Saw palmetto	Swamp tupelo	Acorns
Southwest Alabama	Dusi et al. 1987	Acorns	Corn	Beetles
Central Florida	Roof 1997	Acorns	Saw palmetto	Sabal palm
Okefenokee National Wildlife Refuge	Scheick 1999	Saw palmetto	Acorns	Swamp tupelo
South Florida	Maehr 1997*a*	Saw palmetto	Sabal palm	Brazilian pepper
Eglin Air Force Base	Stratman 1998	Acorns	Saw palmetto	Beetles

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(Nordlie 1990), and coral reefs (Jaap and Hallock 1990) appear insufficient, in and of themselves, to support the species. Nonetheless, landscape features such as rivers, springs, and lakes may be important components of habitats occupied by the black bear in Florida. Even coastal regions were noted for their attractiveness to bears by several early naturalists (Chapman 1894, Bangs 1898, Bartram 1766), but this may have been as much a function of bear distribution as it was a human preference for more scenic and less insect-infested regions of the state.

In pre-Columbian North America, the black bear was one of the most abundant large mammals in the forests of the east (Bakeless 1961). This was true also for Florida—the black bear was commonly observed by early explorers and naturalists throughout the territory. Indeed, observations of the species from as far south as Matecumbe Key in Monroe County (De Pourtales 1877), the origin of the subspecific type specimen emanating from Key Biscayne (Merriam 1896), the consumption of crocodile (*Crocodylus actus*) eggs by bears in the Everglades (Moore 1953), and unpublished accounts of black bears excavating sea turtle (Family Chelonidae) nests near Daytona Beach (C. Chappell, Florida Fish and Wildlife Conservation Commission [FWC] personal communication), point to a cosmopolitan distribution that transcends the simple availability of forest. The black bear was common throughout Florida until the late nineteenth century, when it became restricted to large isolated tracts (Maynard 1883, Hamilton 1941, Davis 1943). As late as 1959 (Hall and Kelson 1959), nonetheless, all of peninsular Florida was still recognized as the range of the subspecies. Early- to mid-twentieth century population centers were Royal Palm State Park in the Everglades (Safford 1919), Okefenokee Swamp (Harper 1927), east coast scrublands (Howell 1929), Lee County (Hamilton 1941), Highlands County (Rand and Host 1942), Welaka (Moore 1946, 1949), Gulf Hammock (Pearson 1954), Volusia County (Harlow 1959), Palm Valley (Ivey 1959), Paisley (Harlow 1962*a*), Ormond Beach and Panama City (Smith 1971), and Collier County (Layne 1974). The black bear was still considered a part, albeit rare, of the fauna of the west-central Florida phosphate lands, where a remnant population occurred in Sarasota and Manatee counties (Layne et al. 1977). While all current estimates of its modern Florida distribution emphasize the strong relation between bears and forest cover (Maehr 1984*b*, Brady and Maehr 1985, Maehr and Wooding 1992, Wooding et al. 1994), the presettlement landscape in the state likely supported the species in every available terrestrial and shallow wetland habitat. Today, the species is still found in 50 of Florida's 67 counties (Brady and Maehr 1985).

Despite the widespread occurrence of the black bear in Florida, most estimates of even the largest populations were small to modest (Rand and Host 1942; Cahalane 1948; U.S. Department of Interior 1969, 1979; Schemnitz 1972, 1974). The totaling of such estimates yielded statewide populations of some several hundred animals (Frye et al. 1950, Harlow 1962*a*, Smith 1971, Pelton and Nichols 1972, East 1977). This is in contrast to modern population estimates that have been based on radio-telemetry studies throughout the state, and which have been used by the U.S. Fish and Wildlife Service to deny petitions to federally list the Florida black bear as Threatened (U.S. Fish and Wildlife Service 1998*b*). In its review of the petition, the U.S. Fish and Wildlife Service (1998*b*) recognized 9 separate populations of the Florida subspecies, including populations in Alabama ($N = 50$), Apalachicola National Forest and vicinity ($N > 400$), Big Cypress Swamp ($N = 390$), Chassahowitzka ($N < 20$), Eglin Air Force Base ($N = 60$–100), Highlands County ($N = 85$), Ocala National Forest ($N =$ "several hundred"), and Osceola National Forest/Okefenokee Swamp ($N = 1{,}200$), as well as the St. Johns population for which no estimate was given. In addition, these findings suggested that Green Swamp in Polk County had the potential to support 24–48 bears, but currently does not support a population. The wide distribution of populations that vary according to ecological regions and in size by an order of magnitude presents a unique management challenge. Some populations, such as Chassahowitzka and Highlands County, have been portrayed as declining (Cox et al. 1994, U.S. Fish and Wildlife Service 1998*a*), whereas others, such as Osceola/Okefenokee and south Florida (including Big Cypress Swamp), have relatively large populations that may be increasing. Layne (1974) recognized Big Cypress Swamp as the population center of the south Florida population more than 2 decades ago. Maehr's (1997*a*) estimate of over 1,000 for the south Florida bear population includes Collier County, where complaints of nuisance bears increased steadily during the last decade of the twentieth century (J. Schortemeyer, FWC, personal communication). Clearly, no single set of management guidelines is appropriate for all populations in Florida. On the other hand, before European settlement, Florida's black bears interacted as a single population unit without any known demographic barriers. This perspective may have important ramifications for future bear habitat management in Florida as both habitat fragmenting and landscape restoration efforts continue in this development state.

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Habitat Use

"The concept of habitat—fundamental to the study of ecology and management of wild populations—is centuries old.... Broadly defined, habitat is the place an organism lives or where you can find it..." (Schoen 1990, 143). This clearly led to the observation by the outspoken West Virginia black bear biologist and philosopher, Joe Rieffenberger, that black bear habitat is, simply, "where you find them" (paraphrase from many black bear workshops). Schoen (1990, 146) went on to observe that,

> ...many species of bears have relatively broad habitat requirements. A recurrent theme of many papers covering a variety of bear species and geographical regions is that mortality increases, and populations decline as forest clearing and roads penetrate bear habitat. However, bears can generally accommodate substantial human activity and some habitat alteration if humans can tolerate their presence without killing them.... Because human tolerance for bears is generally low, inaccessible, forested habitat appears to be a prerequisite for their continued existence near or adjacent to human populations....

Habitat management for the black bear is further complicated because they are most appropriately considered as landscape species, which means their habitat is not a specific vegetation type but rather an interspersion of various vegetation associations that occur across and within regions (Rogers and Allen 1987, Harris and Kangas 1988, Schoen 1990). Hillman and Yow (1986, 126) suggested that U.S. Forest Service managers should focus on 6 habitat elements: "freedom from constant human access, diversity, hard mast, soft mast and forage, dens, and key areas." They suggested that black bears should be relatively easy to incorporate into forest management plans because the species has such generalized habitat requirements and adapts well to variable habitat conditions.

More has likely been written about black bear use of available habitat than any other aspect of its ecology, and few agree on the most important aspects of this variable and how to quantify it (McLaughlin and Maehr 1986). Despite this, the information tells us relatively little about black bear habitat requirements. For example,

> The best bear range in Florida is a mixture of flatwoods, swamps, scrub-oak, ridges, bayheads and hammock habitats thoroughly interspersed. These types of vegetation possess the most varied food conditions in greatest abundance (McDaniel 1974, 157).

One needs only to glance at the rich literature on bear diets to see that the family Ursidae exhibits extreme variation among and within taxa (Eisenberg 1981). The black bear exemplifies the generalist ursid in terms of diet, which is a reflection of its very broad tolerance for a variety of plant communities. As observed earlier, it may be a simpler matter to develop a list of foods bears do not eat (i.e., citrus) versus a comprehensive list of foods they do eat. What one derives from a close examination of the literature is not a list of habitats the black bear prefers, but a suggestion of the amount of forest cover necessary to support a population (Hellgren and Maehr 1992). For example, preserves of less than 10,000 ha may be insufficient to support black bear populations unless they are adjacent to larger tracts of occupied habitat (Maehr and Hellgren 1992). This issue will be developed further in the discussion of landscape issues and the Florida black bear.

Are any habitat use patterns of particular importance to managers? Certainly the issue of outright loss may override any other habitat issue, particularly when one considers the fact that Florida has more imperiled species and ecosystems than any other southeastern state (Ricketts et al. 1999). Florida is also highly ranked in national and continental analyses of environmental impacts and setting conservation priorities (Noss and Peters 1995). Jonkel and Cowan (1971) may have been the first to suggest that microhabitat variables are less important than regional landscape characteristics in their study of the black bear in the spruce-fir forest, an ecosystem that dominates the north-central Rocky Mountains Terrestrial Ecoregion (Ricketts et al. 1999) and includes parts of Montana, Idaho, Washington, Alberta, and British Columbia. This is clearly a very large region. Many studies have concluded that black bear habitat preferences are simply a function of food availability (Hatler 1967, Beeman 1975, Amstrup and Beecham 1976, Garshelis 1978, Fuller and Keith 1980, Carlock et al. 1983, Kendall 1983, Irwin and Hammond 1985, Grenfell and Brody 1986, Pelchat and Ruff 1986, Young and Beecham 1986, Elowe 1987, Rogers 1987*a*, Hellgren and Vaughan 1988,

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Mykytka and Pelton 1990, Noyce and Coy 1990, Raine and Kansas 1990, Smith and Pelton 1990, Schwartz and Franzmann 1991, Samson and Huot 1998), that the species can exhibit extensive spatial overlap and sharing of resources (Horner and Powell 1990), and that management should focus on maintaining a diverse array of available plant communities (Smith and Pelton 1990), especially because oaks (*Quercus* spp.) (often considered a key food source [Rogers 1976]) are frequently not reliable acorn producers (Beck 1977; Arimond 1979; Grenfell and Brody 1983, 1986; Smith and Pelton 1990; Reagan 1991). Samson and Huot (1998) found that female black bears drawn out of a park due to a paucity of soft mast–producing habitat were more vulnerable to human-related mortality. Although small sanctuaries may provide nutritional and survival benefits to local black bear populations (Beringer et al. 1998), preserves that are intended to support all of the habitat needs of wide-ranging species must consider the complex of seasonal habitats that are utilized in concordance with fruiting phenology. Such dynamics also occur in Florida. For example, black bears routinely abandoned core habitat areas and occasionally moved more than 20 km to access distant saw palmetto fruit (Maehr 1996). These movements often involved traveling through private land and crossing highways.

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Food Habits

Martin et al. (1951, 1) observed that,

> As the wilderness gave way to farms and factories, deer, bear, wild turkey, and chickadees have had to adapt themselves to altered conditions. And the remarkable thing is that most wildlife species could and did adjust. The secret of success in this shift from primitive to artificial...conditions is largely in the food habits of wildlife.

More is likely known about the diet of the Florida black bear than any other aspect of its natural history. Although latitude may be a more powerful predictor of regional den entrance patterns, diet has been implicated as a proximate determinant of den entry date (Schooley et al. 1994) and as the primary factor determining reproductive success in the black bear (Rogers 1976). Mast failures can result in reduced litter size, interrupted reproductive cycles, and low cub survival (Rogers 1976, Eiler 1981, Beck 1991), and have been implicated in litter abandonment and wide-ranging movements of prematurely independent cubs and yearlings (Fair 1977).

Food habits studies have been conducted in every major population in the state as well as in adjoining states. The most detailed analyses were conducted in south Florida (Maehr 1997*a*), where 739 scats revealed the typical pattern of a plant- and insect-dominated diet. In this subtropical environment the two most common palms, saw palmetto and sabal palm (*Sabal palmetto*), dominated all other foods consumed. Both saw palmetto and sabal palm provided fat-rich seeds during fall and starchy apical meristems throughout the year. No single insect predominated the invertebrate portion of the diet; however, a variety of wasps and ants accounted for about 20% of the frequency of foods in every season. In the other extreme of the state, Stratman (1998) and Stratman and Pelton (1999) found that saw palmetto and insects, especially beetles, provided similar year-round nutrition on Eglin Air Force Base in the northwestern panhandle. Further, Stratman determined that saw palmetto fruit was preferred over acorns when both were available. In nearby Alabama, acorns were the dominant fall and winter foods, whereas corn and herbaceous plant parts were important during spring and summer (Dusi et al. 1987). Insects also appeared to be important year-round. In central Florida, Roof (1997) identified saw palmetto as prominent fruit and fiber components of bear diets in the central Florida Wekiva River basin bear population. Acorns were most frequently consumed during fall. In north-central Florida, Maehr and Brady (1982*a*) found that saw palmetto far outweighed all other food items (Table 1). Insects, especially beetles and wasps, were of secondary importance. In Apalachicola National Forest, saw palmetto was an element of the fall diet, but its importance was overshadowed by swamp tupelo (*Nyssa biflora*) and odorless bayberry (*Myrica inodora*) (Maehr and Brady 1984*a*). Gallberry (*Ilex glabra*) was an unimportant dietary element despite its abundance in both Apalachicola and Osceola national forests (Maehr and Brady 1984*a*). From statewide perspectives, fruit and fibers of saw palmetto and sabal palm far exceeded all other foods in terms of frequency of occurrence (Maehr and Brady 1984*b*, Maehr and DeFazio 1985). These general patterns were also recognized by Harlow (1961), Williams (1978), and Maehr and Wooding (1992). The only location in which saw palmetto was not a dominant food of the subspecies was outside of the species' range in southwestern Alabama (Dusi et al. 1987).

It is likely that the modern diet of the Florida black bear is nearly identical to that of its precolonial ancestors. However, several exotics, including nine-banded armadillo (*Dasypus novemcinctus*), wild hog (*Sus scrofa*), honey bee (*Apis mellifera*), and Brazilian pepper (*Schinus terebinthefolius*), account for nearly 10% of the black bear's diet today, and sea turtle eggs have become unavailable, due primarily to development of east coast forests (Maehr and DeFazio 1985). Other foods of marine origin such as eggs of American crocodile may still be consumed in extreme south Florida where mangrove forests provide important denning and foraging habitat for the black bear (Maehr 1997*a*).

As in all of the species' range in North America (Pelton 1982), diet quality varies seasonally in Florida. Although the spatial and temporal distributions of food have been examined in Florida, only Maehr (1997*a*) has examined the nutritional characteristics of preferred foods. The patterns found in south Florida are likely representative of the rest of the state. In spring, diet quality is lowest because foods are dominated by high-fiber vegetation. These foods, which include the apical meristem of palms, can, however, be rich in total protein. Summer diets are higher in crude fat with the emergence of soft

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mast such as wild grape (*Vitis* spp.), but protein content is generally low. Fall and winter foods dominated by acorns and fruits of sabal palm and saw palmetto are high in carbohydrates and crude fat, and are critical in supporting successful reproduction in winter (Rogers 1976). It is these foods, in addition to one of the longest growing seasons in occupied black bear range, that may also explain the fast growth-rates and large sizes of bears in Florida (Maehr 1996).

The black bear's diet is dissimilar to that of other native Florida carnivores; however, it exhibits a 42% dietary overlap with the naturalized coyote (*Canis latrans*) (Maehr 1997*a*). The coyote in Florida has been observed to use saw palmetto for both cover (Maehr et al. 1996) and food (Maehr, personal observation; Weeki Wachee State Preserve), and it has been implicated as a potential competitor with the black bear (Maehr 1997*a*). As coyote populations continue to expand in Florida, and as increasing pressure is placed upon saw palmetto fruit by this naturalized omnivore as well as by humans, black bear diets may become locally compromised. Saw palmetto fruit is increasingly used as an herbal remedy for prostatic hypertrophy (enlarged prostate) (Maehr and Layne 1996*a*, Tanner et al. 1996), and the primary source is naturally occurring populations (Abrahamson 1999).

The diet of the black bear in Florida is so variable that it might be easier to list species that it does not consume. One of the more remarkable items on this list, given its increasing presence in the southern portion of the Florida black bear's range and its proximity to abundant bear populations, is citrus. Among the hundreds of items documented in the diet of the species, oranges are not among them.

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Den Ecology

The black bear is the largest cavity nester in the southeastern United States (Maehr 1997*b*). Throughout its range, the species utilizes a variety of sites for day use and reproductive purposes. The activities involved in the construction of ground dens have been recognized as a zoogeomorphological force that affects soil turnover and local erosion (Butler 1995). While hollows in trees may be preferred winter den sites, the black bear's behavioral plasticity permits continued occupancy of relatively young forests when den trees are absent (Carlock et al. 1983). The quality of available den sites is a significant management consideration for some bear populations because, after human disturbance, ground dens are more readily abandoned than are more secure locations (Johnson and Pelton 1979, Pelton et al. 1980). Hamilton and Marchinton (1980) found that bears occupying ground dens in coastal North Carolina were easily aroused from hibernation and usually abandoned such sites. Accordingly, black bears, especially females, prefer cavities in trees to other den sites (Pelton et al. 1980, Wathen 1983, Smith 1986, Wathen et al. 1986). Thick understory cover appears to be a prerequisite for successful natal ground dens (Martorello 1998). In coastal North Carolina, natal ground dens were characterized by 74% shrub canopy coverage, 0.79 m^2-basal area, 74-cm shrub height; 18.2 stems per m^2, mean stem diameter of 0.64 cm, and an overall cover density of 72% (Martorello 1998). Because this landscape is similar to much of Florida in terms of climate, topography, and vegetation, these values may be useful targets for natal den microhabitat in Florida.

Apparently, because most North American forests are relatively young second- or third-growth stands, most black bears use ground dens and utilize a variety of protective cover as a substitute for the more substantial visual and thermal benefits of wood. In Idaho, Michigan, south-central Montana, parts of Tennessee, and Colorado most dens were excavations into hillsides or under tree roots or shrubs (Eubanks 1976, Beecham et al. 1983, Manville 1987, Mack 1990, Beck 1991). Most (89%) Ontario winter dens in second-growth deciduous and boreal forest were excavations—only 2 out of 113 were located in hollow trees (Kolenosky and Strathearn 1987). In Alaska, where black bears may remain in winter dens for more than 240 days, excavated and other ground locations predominated, but use of trees was not uncommon in the virgin timber of a coastal rain forest (Schwartz et al. 1987). Jonkel and Cowan (1971) and Lindzey and Meslow (1976) found that most bear dens in Montana and Washington were in hollow trees. All dens in central Arizona were ground excavations under boulders and protected by dense vegetation (LeCount 1980). In the southern Appalachians, chestnut oak (*Quercus prinus*) was the most frequently used den species (Wathen et al. 1986). Interestingly, even an American chestnut (*Castanea dentata*) snag was used as a den site. The black bear in coastal North Carolina is predominantly a ground nester in forests that were previously heavily logged (Hellgren and Vaughan 1989, Lombardo 1993, Martorello 1998). Taylor (1971) found dens ranging from 2 to 30 m above the ground in a variety of Louisiana wetland tree species. Although Taylor (1971) did not describe the study site in great detail, the diameters of den trees suggest old-growth conditions. Beecham and Rohlman (1994, 211) observed that where soil conditions are not conducive for digging ground dens, "they may depend more on old-growth timber stands for denning sites." Thus, where black bears inhabit seasonally flooded forests such as are found in Louisiana and Florida, the lack of old-growth characteristics may limit bear populations. At the very least, allowing the return of some old-growth characteristics such as large, hollow trees may facilitate population survival and production (Hellgren 1988, Martorello 1998).

All female dens in Ocala National Forest and Apalachicola National Forest were ground nests in dense vegetation (Hardisky and Wooding 1988; Seibert 1993, 1995). In south Florida, nearly all natal dens and winter male dens were located on or near the ground (Maehr 1997*a*). The only exception was the den of a female that utilized the same 2-m-tall cypress stump for 2 consecutive litters. Although south Florida may support the state's largest bear population, it inhabits an area that was heavily logged as little as 50 years ago. With the exception of a few isolated remnants of old-growth, such as Corkscrew Swamp, the forests of the region (as in the rest of the state) are young second-growth that do not provide secure den locations. Remarkably, females have chosen dens in dense mangrove swamps where tidal fluctuations are sufficient to flood dens and cause abandonment of litters (Maehr 1997*a*). In addition, females in south Florida have denned within 1 km of inhabited human dwellings (Maehr 1997*a*).

Secure, insulated dens such as those found in hollow trees may not be needed in Florida to

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ameliorate cold winter temperatures (Johnson et al. 1978, Hellgren and Vaughan 1989), but they may be important for sustained successful reproduction especially in small, isolated populations where human activities occur nearby or within bear-inhabited plant communities. Several studies have noted the propensity for black bears to abandon ground dens when approached by researchers (Poelker and Hartwell 1973, Hamilton and Marchinton 1980, Wathen 1983, Smith 1986, Hardisky and Wooding 1988, Mack 1990, Beecham and Rohlman 1994), a pattern most consistent in southern latitudes, where den occupants are more easily aroused. Den abandonment following disturbance by researchers appears less common in northern latitudes (e.g., Alt 1983). In south Florida, the only denning black bear that allowed approach to within an arm's reach was an adult female that used the hollow stump of a logged cypress tree in Fakahatchee Strand (Maehr, personal observation). In this case the bear lifted her head when researchers peered over the rim of the cavity, but she made no effort to escape. She was, however, too alert to permit handling of her two cubs. In most other instances, ground-nesting bears abandoned dens long before researchers could see them, even if cubs were present. While most females returned to their cubs after an encounter with researchers, some abandoned litters and, at the very least, the absence of the female from a helpless litter rendered cubs vulnerable to predation and thermal compromise. Thus, where ground locations predominate Florida winter dens, protection from physical disturbances near the den should be an important management consideration. Hellgren (1988) and Martorello (1998) both suggested that secure den sites are critical to maintaining productive bear populations, and that dense vegetation at the den is part of this requirement. Thus, in order to maximize bear populations on industrial timber lands or on national forests, silvicultural practices in bear habitat should strive to maintain dense, shrubby vegetation as den habitat, and should consider avoiding intense forest management during the winter denning season when cubs are vulnerable. In particular, burning of potential black bear den habitat should be avoided during winter. Powell et al. (1997, 72) summarized the necessary components of black bear den habitat as "...late successional forest with large trees and forest that protects bears from disturbance by humans, dogs or wild predators such as coyotes."

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The Florida Black Bear and Saw Palmetto

Saw palmetto is clearly the most universal component of the black bear's diet in Florida (Table 1), and it serves as important winter cover for both males and females (Maehr 1997*a*). This plant has already suffered tremendous range contractions as pine flatwoods and dry prairies have been converted to cattle pasture, and saw palmetto was specifically targeted for eradication (Hilmon 1969). In addition, the widespread practice of winter burning may have altered patterns of flowering and fruiting in this diminutive palm (see below). Despite this, saw palmetto is likely the most important biotic component of black bear habitat. One of the most daunting challenges facing managers will be balancing the increasing human demands for saw palmetto fruit with the continuing reliance of the black bear on this ubiquitous plant. Maehr and Layne (1996*b*, 10) asked,

> What impact does the annual disappearance of millions of pounds of a preferred food have on the wildlife species that depend on it? While this kind of harvest is prohibited on most public lands in Florida, private lands ranging in size from one-acre lots to 100,000-acre ranches support this growing industry. No studies have examined the effects of localized, annual palmetto famines on resident wildlife. However, potential impacts include forced shifts to other, perhaps less desirable foods; expansions in home ranges to accommodate alternate food searches; home range abandonments; and local population declines. Highly mobile species such as the black bear may suffer increased exposure to vehicular traffic and higher mortality as some individuals are forced to travel more widely in search of their favorite fall food. Together with loss of palmettos through development and conversion of wildlands to improved pasture, citrus groves, or other types of intensive agriculture, the human harvest of saw palmetto fruit poses an additional threat to the ability of Florida's natural areas to support a diverse fauna.
>
> For a plant as common and widespread as saw palmetto, it seems contradictory to suggest that it deserves special attention. But when one considers the myriad of processes and interrelationships in which it is at the center, saw palmetto emerges as a keystone species in many of Florida's biotic communities. The fact that hundreds of animals depend, in varying degrees, on this diminutive palm, should be reason enough to elevate saw palmetto to the status of live oak, cabbage palm, longleaf pine, and other plants recognized for both their beauty and their value to wildlife.

There is likely no other native mammal in Florida that depends on saw palmetto to the extent that the black bear does.

Saw palmetto, like scrub palmetto (*Sabal etonia*), is a fire-prone palm that can tolerate hot and frequent fires (Abrahamson 1999), as well as grazing by cattle that are compelled to consume its coarse leaves when provided food supplements containing urea-based nitrogen compounds (Tanner at al. 1996). Saw palmetto is found in a wide range of dry environments, but it can tolerate a variety of habitats with high water tables or those bordering wetlands (Brown et al. 1990). Saw palmetto grows slowly (Abrahamson 1995), and some individuals may exceed 500 years of age (Tanner et al. 1996). Saw palmetto has also been a perennial target of range-improvement programs that seek to eradicate it from native prairies and pine flatwoods (Tanner et al. 1988). Many studies of this species have occurred in longleaf pine (*Pinus palustris*)–sandhill communities, where saw palmetto is usually less common than in pine flatwoods and where other mast producing plants are equally scarce (Glitzenstein et al. 1995, Abrahamson and Abrahamson 1996, Gilliam and Platt 1999).

Abrahamson (1999) observed that saw palmetto flowered profusely after each of 3 fires conducted during an 8-year period. Although he equated flowering with reproduction, no measures of fruit production were made. Gholz et al. (1999) found that flowering occurred consistently from year to year, but that fruit production occurred irregularly. Hilmon's (1969) studies, which were conducted in pine habitats utilized by black bears, suggested that saw palmetto responds to burning with vegetative growth, but that fruit production did not resume immediately. He observed that,

> Fire stimulates frond growth during the winter when unburned palmettos are relatively dormant, and plants regain 80% of their

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> crown coverage the first year after burning. Burning reduces the incidence of flowering and fruiting. Flowering increases significantly after 5 years of fire protection and substantial fruit crops are produced after 6 to 9 years of fire protection (Hilmon 1969, iv).

Hilmon's botanical dissertation (the research was not conducted with wildlife in mind) is of tremendous importance for managers of black bear habitat. Florida land management programs in upland sites often call for frequent (~3-year-interval) burns as a means to reduce fuel loads and promote plant diversity. It is likely that current burning programs in Florida occur at a rate and during a time of year that artificially reduces fruit production in Florida's most important black bear food plant. Maximum fruit production is likely obtained in areas that approach or exceed a 10-year burn interval.

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Forest Management and the Florida Black Bear

Fire in Florida Black Bear Habitat

As Christensen (1985, 86) observed,

> ...fires play a significant role in the maintenance of community structure and function, and have been important selective forces in the evolution of plant form and life history.... Fires are patchy phenomena and contribute significantly to temporal and spatial heterogeneity....

The use of fire as a wildlife management tool has a long history in post-Columbian America and likely was used by aboriginal Americans long before recorded history (Komarek 1981). We are aware of few studies that specifically addressed fire as a black bear management tool; however, a number of studies allude to fire as an important habitat variable, and Hamilton (1981) provided the only overview of the effects of this abiotic process on the species. Robbins and Myers (1992) concluded that information is insufficient to determine the effects of burn season on black bear habitat in Florida. Hamilton's (1981) synopsis of the relation between black bear productivity and burning was in keeping with the period's prevailing view of fire as a management tool: short-rotation fires were a valuable influence that facilitated soft mast production, increased habitat heterogeneity, and generally improved conditions for black bears. On the other hand, Hamilton (1981, 132) advised that fire should be "restricted from other areas due to possible detrimental effects on bear den trees, escape cover and hardwood regeneration." Further, Langdon (1981, 145) observed that

> ...successive annual burns imposed when food reserves are low may lower plant vigor to the point that it finally succumbs. Season or frequency of burning may break the reproductive portion of the life cycle of plants and thereby eliminate a species from a given community.

At the very least, managers should be sensitive to the link between the historical pattern of summer fire and the flowering and fruiting phenology of important black bear foods plants such as saw palmetto. An artificial switch to winter burns set at short intervals may override the adaptations that some plants have developed in response to lightning-induced burning that may have occurred over longer intervals than are traditionally practiced in Florida forests.

Stratman (1998) found that fires set at 3- to 5-year intervals encouraged fruit production in huckleberry (*Gaylussacia* spp.), dwarf blueberry (*Vaccinium* spp.), sweet gallberry (*Ilex coriacea*), bitter gallberry (*I. glabra*), and greenbriar (*Smilax* spp.) at Eglin Air Force Base. More than 5 years appeared necessary for blueberry (*Vaccinium* spp.), sparkleberry (*V. arboreum*), blackgum (*Nyssa sylvatica*), persimmon (*Diospyros virginiana*), and other hard mast species to recover from fire. Although saw palmetto was preferred in this area, Stratman (1998) did not report an optimal recovery interval for this species. Nonetheless, it appears that optimal burning frequencies for black bear food production and other habitat characteristics may well exceed standard prescribed fire protocols.

Of Florida's 13,990,000 ha of land area, nearly half (6,700,000 ha) remains forested (Powell et al. 1993). Fire is a naturally occurring force in every forested terrestrial plant community in the state. Maehr and Brady (1982*a*, 569) suggested that, "The effects of burning on black bear foods and food preferences should be investigated further to outline procedures for restoring bear habitats, especially pine flatwoods, to their apparent, historic productivity." The black bear in Florida clearly is a forest obligate, as has been found elsewhere in the southeastern United States (Wooding et al. 1994, Nyland and Pace 1997), but it does not utilize all forests with the same predilection. This pattern is best exemplified by the species' avoidance of sandhill habitats (Wooding and Hardisky 1988), where natural fire most likely occurred with greater frequency than in any other plant community in Florida. Such short intervals between fires likely reduced mast-producing species, such as saw palmetto and oaks, and eliminated escape and denning cover.

Fire Frequency

The original sandhills which covered up to about 20% of the state (Davis 1967) were dominated by the keystone species longleaf pine which, along with wire grass (*Aristida stricta*), sandy well-drained soil, and summer lightning resulted in natural fires that occurred at 1- to 3-year intervals (Wells and Shunk 1931, Parrott 1967, Platt et al. 1988, Stout and Marion 1993). Such frequent fires resulted in the

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creation of parklike understories with scattered turkey oak (*Quercus laevis*)—conditions that apparently do not provide sufficient food or cover for black bears. It could be argued that loss of sandhill communities throughout Florida have had little impact on the black bear. However, widespread distribution of sandhills in the upper peninsula and panhandle suggest that such habitat provided connections between adjacent systems of scrub, swamp, and hammock forests. At the very least, sandhill communities may provide some measure of the forest conditions preferred by the black bear—open, savannalike pinelands are avoided as permanent habitat, whereas closed-canopy forests with dense understories are preferred.

Fire may be the most important factor in maintaining conditions attractive to the black bear in Florida. Timing and frequency of burns can affect structural characteristics of the understory, and, subsequently, black bear habitat. Langdon (1981) found that unburned southern pine forests had higher stem densities than forests that experienced a variety of burning regimes. Conversely, among a variety of treatments, including periodic winter and summer burns, the lowest stem densities were found in pine forests burned on an annual basis (winter or summer). In addition, more frequent fires result in increased mortality of hardwoods such as blackgum and oaks (*Quercus* spp.) (Langdon 1981)—important black bear food plants. Less-frequent summer fires encourage hardwood survival and facilitate vegetative growth of blueberry. Thus, natural fire season burns appear to be optimal for maintaining bear food plants in southern pine forests.

While the complete exclusion of fire in fire-adapted ecosystems may be as detrimental as burning too frequently, where prescribed fire occurs more than once every 6 to 9 years (as suggested by fruiting phenology in post-fire saw palmetto; see Hilmon 1969), habitat suitability for the black bear may decline. Traditional pine flatwoods management for cattle typically involves burning on a 2-year rotation (Wade et al. 1980). This same interval has been recommended for increasing productivity of the northern bobwhite (*Colinus virginianus*) (Moore 1972), an animal that prefers early successional habitats. While frequent fires generally help maintain herbaceous forage plants for species that require early successional habitats and help reduce fuel loads that can support catastrophic fires, such short fire-intervals are not typical in most Florida ecosystems. For example, fires may occur just a few times per century in cypress (*Taxodium distichum*) swamps (Ewel 1990), every 3 to 15 years in south Florida rocklands (Snyder et al. 1990), and less than once every 50 years in hammock forests (Duever et al. 1986). Florida scrub habitats experience a natural fire interval of 10 to 100 years (Myers 1990). Fires may even occasionally occur in mangrove forests as the result of an accumulation of woody debris transported by hurricanes, but these events are rare (Craighead 1971). Although the range in expected fire frequencies is tremendous in various black bear habitats, it is generally recognized that more-frequently burned pine flatwoods have sparse understories and fewer mast-producing species such as saw palmetto and oaks (Harper 1914, Heyward 1939, Edmisten 1963, Moore et al. 1982). In general, dry season fires in Florida have become more destructive to native plant communities where forests have been logged and where water tables have dropped (Hofstetter 1984).

Fire Season

> Florida plant and animal communities have evolved with summer lightning fires (Komarek 1964); thus it is reasonable to assume that out-of-season fires may be disrupting the life cycles of some native plants and animals and perhaps favoring some exotic species (Duever et al. 1986, 216–218).

Perhaps the most graphic example of the threat of out-of-season fires to the black bear is the direct mortality that can result from prescribed burns set during the winter denning period. Such a situation destroyed a litter of cubs in Florida Panther National Wildlife Refuge during the early 1990s (Land 1994). The fate of this litter was known because the denning female was radio-collared. Stratman (1998) also documented the abandonment of a den by an adult female following a prescribed fire on Eglin Air Force Base. It is unknown to what degree the common practice of winter burning has increased Florida black bear mortality throughout the state, especially for bears that den in highly flammable saw palmetto thickets. Pine flatwoods containing saw palmetto were the second most used cover type for denning black bears in south Florida (Maehr 1997*a*). Clewell (1971) and Maehr and Brady (1982*a*) have suggested that winter fires in north Florida pine flatwoods may increase the vegetative spread of saw palmetto while reducing the abundance of other mast producers.

> Apparently, the practice of winter burning encourages rapid regrowth of palmetto as well

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as gallberry (Hughes and Knox 1964, Hough 1965), resulting in a competitive advantage over other flatwoods mast producers such as runner oak (*Quercus pumila*) and blueberry (*Vaccinium* spp.) (A Stockle, pers. commun.). It is likely, due to the higher nutrition and probably greater palatability of these species, that runner oak acorns and blueberries made up most of the fall black bear diet before the advent of intensive timber management in north Florida. With decreased availability of acorns and blueberries in Baker and Columbia counties, bears may have, out of necessity, turned to saw palmetto as their major food source during fall (Maehr and Brady 1982*a*, 568).

This may not, however, be a completely accurate statement inasmuch as fires that may be responsible for these changes were winter prescribed burns. While recent nutritional analyses have suggested that saw palmetto is important from a nutritional standpoint (Maehr 1997*a*), and the dominance of palmetto fruit in bear diets suggests that it is indeed a preferred species, fire is still likely to have altered the availability of this and other foods that could be important dietary components during periodic saw palmetto mast failures. Black bear diets are likely not compromised when feeding solely on saw palmetto fruit, but in years when it is not abundant, other mast-producing species must be available to avoid the negative consequences of reduced caloric intake on reproduction and overwintering condition (Rogers 1976).

Forest and Timber Management

Since the time of Spanish rule, the trend in natural resources use in Florida has been toward increasing intensity (Harris 1980, 310–311):

> Exploitative timbering, suppression of summer fires, and cultivation have brought about great floristic changes in the southeastern forest. Both the removal of large diameter-class hardwoods, and fire suppression, which has occurred both on former hardwood sites and apparently on many former pineland sites as well, have facilitated the increase of second growth (Quarterman and Keever 1962, Knight and McClure 1971). Unfortunately, the increased density and distribution of many hardwoods of marginal value to wildlife has necessitated expensive brush control practices. The proliferation of water oak (*Quercus nigra*) throughout pinelands seems particularly problematic inasmuch as it is an intermediate host for fusiform rust (*Fomes pini*) (Schmidt 1978); furthermore its mast appears to be of marginal value to wildlife (Swindell 1949, Beckwith 1957). A more recent trend involves the reforestation of cutover sites with slash and loblolly pine plantations. The original 25 million ha of open longleaf pine has been reduced to about 10 percent of its original extent (Croker 1979).
>
> About 60 percent of the southeastern land area remains forested today, 90 percent of which is considered commercial (USDA 1978). Of the 80 million ha of forest land in the Southeast (Virginia, North Carolina, Tennessee, Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Florida), slightly more than 70 percent is privately owned. Of this privately owned land, approximately 50 percent is softwood and 50 percent hardwood (USDA 1978). About 280,000 ha of pine are planted annually, bringing the total area of pine plantations to approximately 8 million ha.
>
> The general competition for forest land in the Southeast is intense, despite the high yield of forest products. For example, Florida's forest acreage has been reduced by an average of nearly 50,000 ha per year for the last 25 years (USDA 1978). A recent analysis of land-use dynamics by the Soil Conservation Service identifies a loss of 11.1 million ha, or 12.6 percent, of southeastern forest acreage in the last 8 years. Surprisingly, the losses to urbanization and recreational use account for only a small percentage of the decrease (Dideriksen et al. 1977).

Handley (1979, 333–334) cited Lewis's (1928) observation in the Great Dismal Swamp, Virginia, that,

> When a logging gang goes into a section of the swamp the bears move out and are seen no more until the cutting is finished and the roar of the "skidders," the crash of falling trees and the whistle of the "dinky" locomotives has died away; and then, almost as soon as the tracks are pulled up, they are back again.

On the other hand, a detailed behavioral study in British Columbia indicated that female grizzly bears (*Ursus arctos*) exhibited profound responses to

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logging-truck traffic and did not habituate to the disturbance (Archibald et al. 1987). Similar findings were observed in bottomland forest black bear habitat in Louisiana (Weaver et al. 1990). Further, such reactions may result in abandonment of otherwise productive habitat and a reduction in effective carrying capacity. Where logging activities are not followed by forest regeneration, habitat loss results. The lack of stand replacement helps to explain the modern distributions of the species in Florida (Brady and Maehr 1985), Mississippi (Shropshire 1996), and eastern North America (Maehr 1984*b*). In areas where forests are permitted to regenerate, black bear populations can expand sufficiently so that within 10 years female productivity declines, intraspecific aggression increases, and resident animals expand home ranges in response to declining food resources (Lindzey et al. 1986). Forest management for timber production usually involves the construction of access roads, which are subsequently used by hunters to access local black bear populations (Brody and Stone 1987). Whereas some clearcutting operations may temporarily improve forage conditions for the black bear (Lindzey and Meslow 1977), increased hunter access and concomitant mortality may outweigh the benefits of increased fruit production (Brody and Stone 1987). Similar access issues are evident in other extractive industries such as surface mining for minerals (McLellan 1990).

Even-aged forests and pine plantations have been implicated in reducing the ability of forest lands to support the black bear in Florida (Maehr and Wooding 1992) and elsewhere in the southeastern United States (Perry et al. 1999). Site preparation reduces midstory and shrub layers in pine plantations (Harris et al. 1974) and reduced solar radiation further compromises the ability of masting species to produce fruit (Umber and Harris 1974)—changes that eliminate food and cover needed by the black bear. The most intensive site preparation eliminates almost all woody debris, increases erosion, and promotes loss of nutrients (Vitousek and Matson 1984, Hunter 1990). While erosion is generally not a problem in most of Florida, loss of all woody materials would greatly reduce carpenter ant (*Campanotus floridanus*) and termite populations—important black bear foods—in addition to reducing biodiversity in general. Loss of structural diversity, a common consequence of tree plantations, results in fewer wildlife species (Moore and Allen 1999). In Florida, loss of large downed logs may eliminate preferred female black bear den cover, especially where large hollow trees, extensive saw palmetto thickets, or other dense cover is rare or absent. Young and Beecham (1986) and Zager (1981) cautioned that minimally scarified clearcuts may require 10 to 20 years for bear foods to recover. Studies suggest that bear food production increases quickly after small-scale logging (Rogers 1976, Lindzey and Meslow 1977, Mealy 1977, Zager 1980, Young and Beecham 1986). Clearcuts that include areas greater than 125 m from a forest edge may experience reduced bear use (McLaughlin et al. 1986). In general, fruit production increases from 3 to 5 years following intensive management such as a clearcut or shelterwood cut, but fruit production declines with canopy closure unless silvicultural treatments are regularly applied (Perry et al. 1999).

Bottomland hardwood forests have been recognized as an important component of black bear habitat (Harris and Gosselink 1990). These often linear systems are frequently positioned within a matrix of pine-dominated uplands, and provide hard mast such as acorns and sabal palm fruit and soft mast such as tupelo (*Nyssa* spp.) during fall and early winter, after the availability of saw palmetto fruit has waned. Although water levels can periodically be high in hardwood swamps, the seasonal nadirs in fluctuating hydrology normally occur in late fall and winter as foods in upland sites disappear. In places such as Osceola National Forest, heavy feeding on abundant fall fruits directly precedes selection of den sites and initiation of hibernation (D. Maehr, personal observation). In such pineland-dominated landscapes it is not unusual for black bears to spend more than half the year in hardwood bottomlands. During the latter half of the nineteenth century many of Florida's bottomland forests were drained (Harris and Gosselink 1990). Such activities frequently led to forest clearing. While clearing led to immediate loss of wildlife habitat, the direct impacts were temporary if hydrology was maintained and trees were allowed to regenerate. However, such activities were precursors to the construction of levees and dams—structures intended to create relatively permanent changes for the sake of flood control and agriculture. The responses of native fauna to human activities in bottomland forests follows a gradient ranging from alarm reactions that create stress and subsequent physiological responses such as abnormal reproduction to range restriction that follows reproductive declines—the result of reduced recruitment and range abandonment—to loss of genetic heterogeneity as populations (such as the Florida panther [*Puma concolor coryi*]) become small and isolated (Harris and Gosselink 1990).

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It is virtually a truism that black bears require a variety of successional and habitat types for optimal productivity. Few efforts have been made, however, to quantify habitat variables with viable bear populations. Rogers and Allen (1987) recognized that seasonal variation in movements and habitat use was primarily the result of changing food supplies. Their habitat suitability index model (HSI), however, went beyond simple subjective measures of black bear habitat relations. They observed that,

> Ideally, a measure of cover type interspersion of food and cover resources could be used to evaluate the quality of black bear habitat. Presumably, greater interspersion of cover types providing required resources would reflect habitat of higher suitability than would an equally sized area with low interspersion...1) correlations between a cover type interspersion in relation to habitat quality and black bear response (e.g., improved physiological condition, higher reproductive rates) are undetermined; and 2) black bears are highly mobile and are capable of making long movements in relatively short periods of time. For example, in Minnesota sows with cubs traveling to known sources of food had average movements of 12.1 km/day, whereas, sows without cubs had average movements of 23.2 km/day (Rogers 1987*a*). A 4-year-old male traveling to a familiar feeding area moved at a rate of 7.0 km/hr. Additionally, black bears appear to be capable of learning the locations of food-rich areas that are well outside their home range. Knowledge of these sites may be passed on from generation to generation and movements to them may be extensive. The sites are normally used for a relatively short period of time before the bears return to their normal home range. Therefore, due to the potentially large areas and the mobility of the species, evaluation of cover type interspersion may have little merit in the evaluation for the species.
>
> This model, however, is based on the assumption that overall cover type composition is important in the evaluation of black bear habitat quality. ...for optimal conditions, 7% to 50% of an evaluation area must be in wetland cover types to provide spring food, 25% to 50% of an area must be in cover types that produce summer food, >35% of an area must be in cover types that produce fall foods.

This led Rogers and Allen (1987, 31) to examine seasonal cover type requirements that may be useful for forest managers who wish to promote black bear populations. They concluded the following.

1. Maximum availability of summer food occurs in areas where tree canopies are <25%, and are ≤250 m from forest cover types that compose 25–50% of the evaluation area.
2. Summer foods decrease where nonforested cover types >250 m from forest cover account for >50% of the total evaluation area.
3. Where nonforest accounts for >50% of the area, forest area is reduced, resulting in inadequate cover and reduced access to food.
4. The absence of hard mast reflects poor-quality fall black bear habitat.
5. Maximum availability of fall food occurs when ≥35% of the area is in cover types that have ≥1% canopy cover of hard mast–producing species.

The black bear can also be a significant problem in silvicultural operations because some trees provide edible bark (Poelker and Hartwell 1973). In Washington, the tree-girdling problem was so severe that harvest limits were increased in the early 1970s in order to reduce bear damage to valuable softwood species (Poelker and Parsons 1980). Liberal spring hunting seasons resulted in a 30% annual harvest increase in special damage abatement units and were deemed successful. Black bear depredation on plantation trees has not been documented in Florida.

Herbicides

Although Rogers (1987*a*) advised against the use of broad spectrum herbicides due to the likelihood that bear foods would be negatively impacted, we are unaware of studies that have examined the effects of such chemicals on black bear habitat. Herbicides received scant treatment in each of the last three wildlife techniques manuals (i.e., Giles 1971, Schemnitz 1980, Bookhout 1994). Giles (1971) mentioned herbicides only in passing. Schemnitz (1980) suggested use of chemicals as a means of manipulating habitat for ungulates such as deer (*Odocoileus virginianus*) and elk (*Cervus elaphus*), but also observed that the outcomes of herbicide applications were often unpredictable and more study was warranted. Bookhout (1994) addressed herbicides only from the standpoint of wetlands

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management. Among surveyed users of herbicides, chemical impacts on wildlife were not research priorities (Campbell and Howard 1993).

Herbicides are commonly used in Florida and elsewhere to control exotic species (Johnson and Barbour 1990), maintain rights-of-way easements, improve growing conditions for plantation-grown trees (Monsanto 1994), and create early successional openings for wildlife (Yoakum et al. 1980, Thompson et al. 1991). Herbicides can enhance wildlife habitat by decreasing overstory foliage and enhancing grass and forb production for a variety of species (Yoakum et al. 1980, Thompson et al. 1991). On the other hand, reductions in small mammal abundance can occur as a result of declines in plant and invertebrate foods (Santillo 1987). Increased edge and decreased forest interior can result from herbicide applications at herbaceous/forest interfaces. Such changes might locally increase soft mast production if herbicides are selectively applied to trees and shrubs that are not important bear food plants. Increased light and reduced competition may increase fruit productivity in blueberries and blackberries (*Rubus* spp.); however, these species are often targeted in conifer release efforts. Such local improvement in habitat productivity may, however, be offset if herbicides are administered indiscriminately or if they reduce forest interior conditions needed by black bears for escape cover or denning habitat.

During the early years of herbicide use in forestry operations, their application was viewed as primarily beneficial to early successional species such as white-tailed deer. Wagner and Zasada (1991, 506) captured the production-oriented philosophy of most herbicide applications by observing that,

> Forest managers across North America need to consider the potential effects of forest weeds or noncrop vegetation on nearly every hectare being considered for reforestation or afforestation. Competition for limited environmental resources (light, water, and nutrients) between crop species and noncrop vegetation is one of the primary factors determining the survival and growth of young trees. Therefore, vegetation management is strongly linked to reforestation success and future wood supplies.

This production-oriented perspective has expanded to consider herbicide impacts on more than just edge wildlife species and plant communities. Freedman et al. (1993) noted that after application of glyphosate to kill "silvicultural weeds," raspberry (*Rubus* sp.) was drastically reduced and most individuals of huckleberry, cherry (*Prunus* spp.), and blueberry (woody soft mast–producing shrubs) were killed after initial application. However, within 1 to 2 years raspberries had recovered, and no extinctions of woody shrubs occurred. Apparently, if the duration of suppression is limited, conifer release can occur and still allow vegetation to recover quickly.

> Provided that conifers have been satisfactorily released, the vigorous regeneration of angiosperm shrubs also may not be an important silvicultural problem, and may result in an enhancement of browse present at a suitable height to allow use by ungulates, as well as other wildlife values (Freedman et al. 1993, 2310).

Subsequent studies have examined herbicide use from larger spatial and temporal perspectives. Although Lautenschlager (1993) noted that plant response to herbicide is largely species specific, and that some browse species are 3 to 7 times more abundant after 8 years, he suggested that herbicide use should be examined from a larger spatial scale.

> Regardless of the effects of any silvicultural technique, including conifer release with herbicides, the shape of the forest system is not limited to specific managed forests or treated blocks, but rather to the landscape on which management is practiced. Managers, using a diverse set of tools, can produce a maximum diversity and abundance of wildlife, along with timber yield, if they understand the number of animals and (or) habitats desired, and that treated areas are only part of the total landscape (Lautenschlager 1993, 2297).

Sullivan et al. (1998) noted that plant species richness declined, but shrub diversity and small mammal diversity did not change 5 years after herbicide application. Like Lautenschlager's (1993) study, Sullivan et al. (1998) suggest that temporal considerations are important—short-term reductions in plant diversity and abundance are usually compensated for within a few years after treatment if herbicides are not continually applied.

> Diversity, in fact, may even be enhanced if different types of habitat (such as conifer-dominated stands with associated shrub and

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herbaceous species or areas with extended time periods of early seral plant communities), which support particular wildlife communities, are part of the overall landscape mosaic (Sullivan et al. 1998, 176).

On 3 sites in north Florida, Wilkins et al. (1993) observed that plant response to the herbicide hexazinone (Velpar, DuPont) was species specific and related to application rate, edaphic conditions, and adaptive strategies of resident plant species. In a xeric sandhill in Gilchrist County, several black bear foods (*Quercus, Vaccinium, Rubus*, and *Asimina* [pawpaw]) were reduced over a 3-year period, whereas, *Smilax* (greenbriar; a relatively unimportant bear food) increased over the same time period. In a mesic flatwoods in Alachua County, oaks and gallberry increased, whereas several plants not eaten by bears decreased in percent foliar coverage. In a hydric hammock in Levy County, grapes, oaks, persimmon, and greenbriar decreased, whereas sabal palm increased. Although available herbicides can control many woody plant species (Table 2), managers should be aware of potential toxic effects on nontarget species, including wildlife, and resistance that varies regionally.

Six herbicides are commonly used in forests of the southeastern United States: Arsenal, Krenite, Velpar, Roundup, Tordon, and Garlon (Table 2). In general, if these herbicides are applied using broadcast methods, mortality among many species may occur. Most are used to enhance pine (*Pinus* spp.) seedling establishment or to release young pines from competition (American Cyanamid Co. 1988*a*). In such situations, chemicals are applied in restricted

Table 2. Herbicides commonly used for southeastern U.S. wildlife and forestry applications, and the woody species (trees, vines, and shrubs) that can be controlled with them in Florida. Species highlighted in bold are commonly used by black bears for food. Active ingredient and manufacturer data are from individual manufacturer specimen labels.

Species killed	Arsenal[a]	Garlon[b]	Krenite[c]	Roundup[d]	Tordon[e]	Velpar[f]
Acer spp.	X	X	X	X	X	X
American Beech	X	X		X		
Betula spp.		X		X		
Blackgum	X	X	X	X		X
***Carya* spp.**	X		X	X	X	X
***Celtis* spp.**						X
***Cornus* spp.**	X	X		X	X	X
Cypress	X					
Elderberry				X		
Fraxinus spp.	X	X	X	X		X
***Ilex* spp.**		X				
Lantana					X	
Magnolia spp.		X				X
***Morus* spp.**	X	X				X
Persimmon	X		X	X	X	X
Pinus spp.		X	X	X	X	
Poison ivy	X		X			
***Prunus* spp.**	X	X	X	X		
***Quercus* spp.**	X		X	X	X	X
Redbud				X		
***Rubus* spp.**	X	X	X		X	
Brazilian pepper		X		X		
***Smilax* spp.**	X					
Ulmus spp.		X	X			X
Virginia creeper	X					
***Vitis* spp.**	X		X			
Wax myrtle		X				

[a]Active ingredient is Isopropylamine salt of Imazapyr (American Cyanamid Co. 1988*b*).
[b]Active ingredient is Triclopyr (DowElanco 1993).
[c]Active ingredient is Ammonium salt of Fosamine (DuPont de Nemours and Co. 1992).
[d]Active ingredient is Glyphosate (Monsanto Co. 1997).
[e]Active ingredient is Picloram (DowElanco 1992).
[f]Active ingredient is Hexazinone (DuPont de Nemours and Co. 1995).

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areas or to leaves, bark, or cut stumps of individual plants (American Cyanamid Co. 1988*a*, Monsanto Co. 1994). These chemicals do not present long-term environmental contamination problems, but botanically simplified communities that offer less food and cover for black bears may result if herbicides are applied repeatedly. Most of these products are suggested to be wildlife-friendly; however, because they promote the rapid re-establishment of grasses and forbs—vegetation types that are often equated with productive white-tailed deer and northern bobwhite populations (Anonymous 1990, 1991)—the resulting communities may be less likely to retain attributes that enhance black bear habitat.

Where the black bear is a featured target of management in industrial forest lands, herbicide use should be applied with a landscape perspective in mind (Harris 1984, Lautenschlager 1993, Sullivan et al. 1998). When used in a patchy distribution over both space and time, pine release and reduced competition will be less likely to reduce the use of affected areas by black bears. Reduced structural and species diversity are the intended results of herbicide applications to understory vegetation in pine plantations—the antithesis of most occupied bear habitat in Florida. However, if used for only short time-periods to promote young pine establishment, black bear food plants should not experience long-term declines, especially when the landscape matrix contains biotically diverse habitat patches.

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Exotic Species

Biological invasions are an integral part of global biogeography and explain, in part, much of the biodiversity that we are familiar with on a day-to-day basis, particularly in urban areas. They are also powerful agents of extinction. Indeed, human colonization of North America during the Pleistocene glaciation as little as 10,000 to 12,000 years ago may help explain the pulse of extinctions that resulted in the elimination of at least 40 large mammal species (Noss and Cooperrider 1994). Florida is more impacted by exotic species than any other state in the continental United States (Simberloff et al. 1997, xi)—23% of the flora is of alien origin (Ricketts et al. 1999). While space is insufficient in this report to address the issue of exotics, several species may have relevance to black bear management in Florida. Maehr and DeFazio (1985, 8) observed that,

> ...several introduced species appear to be important foods. Brazilian pepper is a common winter food in south Florida, providing bears with abundant fruits during a period usually characterized by a food shortage. The honey bee, introduced to Florida by early European settlers, is the most commonly eaten insect. Because honey bees are normally obtained at commercial apiaries (beeyards), a serious conflict between black bears and beekeepers has developed (Maehr and Brady 1982*b*). Armadillos are the most common vertebrate in Florida black bear diets. Inasmuch as armadillos are "destroying the organization and productivity of the leaf-mold stratum of the forest" (A. Carr 1983), black bears might be important in regulating armadillo numbers in occupied bear range. Exotics account for 7% of the food items used by bears, and for 9% of total frequency.

Exotic Species and Black Bears

Brazilian pepper is frequently consumed by bears in parts of Florida that escape frequent winter freezes, and it provides a highly nutritious seed that rivals other native foods (Maehr 1997*a*). It is unknown to what degree this dietary supplement has affected bear productivity, but it may reduce weight loss during winter, enhance cub survival, and allow adults to reach breeding condition earlier. The highly invasive Brazilian pepper (Ewel et al. 1982, Loope and Urban 1980), which covers at least 284,708 ha in Florida (Schmitz et al. 1997), presents a problem for managers of natural landscapes because it is increasingly a target for eradication (Ewel et al. 1982, Doren and Jones 1997) at the same time that it may locally increase habitat carrying capacity for the black bear. The black bear itself may be an agent in the spread of this exotic because Brazilian pepper seeds appear to benefit from digestion and dissemination by bears (Maehr 1984*a*). Where intensive eradication efforts are planned on public lands, the potential impact of the loss of this important food should be evaluated. It is likely that the loss of any other exotic plant food would not carry similar consequences.

Melaleuca (*Melaleuca quinquenervia*) is second only to Brazilian pepper in areal coverage of a woody exotic species in south Florida (Schmitz et al. 1997). Although melaleuca is not eaten by bears, nor has it been identified as a negative or positive component of black bear habitat, its wide and expanding distribution has altered forest habitat conditions in south Florida. Indeed, the colonization of wet prairies, native range, and other nonforested habitat, may facilitate bear movement through areas that were previously unforested. However, where melaleuca reaches high stem densities, productive understory food plants such as saw palmetto may become intolerably shaded. Additional study is necessary to accurately describe the relation between melaleuca and the Florida black bear and to determine its actual impacts on Florida biota.

The nine-banded armadillo is the vertebrate most frequently consumed by the black bear (Maehr and DeFazio 1985). During the 1970s the armadillo exhibited a spotty distribution in Florida (Layne 1974), but it is now widespread and one of the state's most abundant mammals (Layne 1997). While the wild hog has been a disruption in Florida's biotic communities (Maffei 1997) since the 1500s (Bakeless 1961), and suggested as a competitor with a variety of native mammals (Layne 1997), it is not uncommon as a part of the black bear's diet (Maehr and DeFazio 1985). Exotic vertebrates may provide occasional supplements to the black bear's predominately vegetable fare, but they appear to be no more than opportunistic nutritional bonuses. Should armadillos and wild hogs ever be successfully controlled in Florida, their loss would likely not negatively impact the black bear.

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HIGHWAYS, DEVELOPMENT, AND THE FLORIDA BLACK BEAR

Maehr (1994, 145) observed that few studies have been conducted that examine development impacts on the black bear:

> Summer homes in the southern Appalachians may leave plenty of good bear habitat but they bring with them seasonally high levels of human activity and many intolerant summer house owners. In New England, ski resorts have a very similar influence, and golf course developments, especially in the southeast, directly eliminate bear habitat. Government subsidized drainage in the coastal plain has reduced the quality of bear habitat and increased human access to these denatured landscapes. Hellgren and Maehr (1992)...indicated that areas smaller than 10,000 ha are unlikely to support a black bear population unless it is adjacent to a larger tract of public-owned land. Examples from other taxa included giant pandas [*Ailuropoda melanoleuca*] living in forest fragments of 10,000 ha and extinctions of mountain lions [*Puma concolor*] in urban California where travel corridors have been lost.

Kautz (1984) recognized the need for effective planning to prevent the continuation of wildlife habitat loss to development in Florida. The challenge is complicated by the

> ...large number of species, the habitat values of different plant community types, and the effects of various perturbations. Florida, for example, is inhabited by more than 150 species of reptiles and amphibians, 425 species of birds, and approximately 80 species of mammals...that are distributed over 17 major habitat types excluding open water estuarine and marine habitats...(Kautz 1984, 121).

Kautz did not specifically analyze the kinds of development that threaten wildlife in Florida, but concluded that development not only caused habitat loss but also fragmentation and isolation of remaining populations. Partial solutions to counteract such losses for the black bear are habitat corridors sufficiently wide to offset edge effects and other disturbances inherent to suburbs and other human developments.

Human activities ranging from industrial development to housing developments have affected bear habitat use, quality, and availability in a variety of ways (Mattson 1990). Highways are perhaps the most obvious of the anthropogenic threats to bears and bear populations (Wooding and Maddrey 1994). Although highways can exact considerable mortality on black bears through vehicle collision, the effects of such losses on populations are unknown. Nonetheless, highway underpasses, advisory road signs, and educational pamphlets for motorists have been employed in an effort to reduce the number of bear/vehicle collisions in Florida (Maehr and Wooding 1992). Highways may influence bear habitat in a more insidious manner by providing hunters access to bears (Wooding and Maddrey 1994), fragmenting habitat, and reducing local and regional carrying capacity (Martorello 1998). Powell et al. (1997) observed that,

> Roads, including logging roads that are gated or otherwise closed, provide hunters and poachers with access to bears (Beringer et al. 1990, Brody 1984, Powell et al. 1992, 1996). Of the black bears harvested in the mountains of North Carolina, 50% and 73% are killed within 0.8 km (1/2 mi) and 1.6 km (1 mi) of a road usable by a four-wheel drive vehicle (Collins 1983).

Several North American black bear populations inhabit forests that are near human settlements and highways. Several locations are notable due to the absence of highway collision as a mortality statistic: Washington (Poelker and Hartwell 1973), Idaho (Beecham and Rohlman 1994), Apalachicola National Forest (Seibert 1993), and coastal North Carolina (Martorello 1998). Most bear populations near highways, however, exhibit some form of vehicle-related mortality, but it is generally not high. Dusi and King (1990) reported a single bear/vehicle collision in a 2-year study of 4 radio-collared bears in southwestern Alabama. Anderson (1997) recorded a single highway mortality among 20 radio-collared black bears in a fragmented, agricultural landscape in Louisiana. And Maehr et al. (1993) and Land (1994) recorded 3 highway mortalities among 60 radio-collared black bears in south Florida—vehicle collision accounted for 30% of the total recorded mortality in this population. Nonetheless, from a behavioral perspective, high-speed, high-volume highways such as interstates appear to diminish

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crossings by black bears, and may result in local reductions in bear abundance (Brody and Pelton 1989).

Ocala National Forest in central Florida is notorious for producing abundant highway mortality statistics for the black bear (Cox et al. 1994). This situation precipitated an examination of wildlife underpasses as a solution to the continuing bear/vehicle collision problem in central Florida. Although bears used an underpass structure incorporated into State Road 46 (Roof and Wooding 1996), the results of the study were equivocal. Bears continued to use unfenced portions of the highway to cross, and there were no significant differences (for all mammal species) in the use of the crossing location during pre- and post-underpass construction surveys. Although underpasses seem to be effective for the Florida panther (Foster 1992, Maehr 1997*b*), and fencing appears to be an important component of the overall design, black bears may not perceive the integrated system of barrier (fence) and passageway (underpass) in the same way that panthers do. Interestingly, when considering relative population densities of the two species, bear use of underpasses in south Florida was an order of magnitude lower than the rate of use exhibited by the Florida panther (Lotz et al. 1997).

Black bears seem less encumbered by apparent landscape barriers as evidence by the long-distance dispersal (including large portions of treeless improved pasture) of a radio-collared male from Collier County to Highlands County (Maehr et al. 1988), the wide-ranging movements of an adult female in northwestern Florida (Wooding et al. 1992), and bears' occasional fence-crossings in sections of Interstate 75 that are far from underpasses (D. Maehr, personal observation). It is possible that the panther is more dependent upon forest cover for making routine movements and dispersal, and that it is apt to climb only when pursued. Thus, bears are less apt to benefit from the intended funneling effect of fences when incorporated into an underpass system.

Roads have also been examined for more subtle effects on bear behavior and demographics. P. C. Carr (1983) suggested that road access in bear habitat should be minimized to protect females from overharvest. Beecham and Rohlman (1994) found that Idaho black bears stayed more than 50 yards (45 m) away from dirt and gravel roads. Seibert (1989) and Beringer et al. (1990) observed that black bears in North Carolina avoided roads with high traffic volume, and were more susceptible to hunting in areas of high road density. Lentz et al. (1980) found that potential responses of black bears to roads occurred from <1 km to >5 km. However, Manville (1983) found that black bears in Michigan used oil pipeline rights-of-way, oil well service lanes, and lumber roads for travel. Maehr (1997*a*) suggested that female panthers are less tolerant of human disturbance and vehicle-related noise because female black bears selected den sites that were closer to roads. Whereas panther natal dens were always >1 km away from a road, some black bears denned within 0.06 km of a road (Maehr 1997*a*). Quigley (1982) found that black bears, especially females, in Great Smoky Mountain National Park avoided areas within 200 m of roads. Female black bears in the Ozark Mountains avoided areas within 240 m of roads (Clark et al. 1993). Kasworm and Manley (1990) found that bears tended to avoid areas within 274 to 914 m of an open road or trail in northwest Montana, depending on the season. They argued that road closures were a necessary management tool for reducing the impacts of roads on black bears and grizzly bears. Martorello (1998) made a similar recommendation for restricting road access in coastal North Carolina bear habitat. Mattson et al. (1987) found that primary roads in Yellowstone National Park not only were avoided by grizzly bears, but that home range shifts by dominant individuals placed subordinate individuals at a competitive disadvantage because they were forced to use habitat adjacent to human developments and human activities. McCutchen (1990) found that black bears in Colorado avoided interactions with humans and developed environments to the extent that otherwise productive habitat was effectively lost to the population. Similar patterns also pertained to back-country grizzly bears, although some individuals became habituated to people (Gunther 1990). Habituated bears became more susceptible to "being removed from the population due to concern for human safety" (Gunther 1990, 77).

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HUMAN-RELATED MORTALITY

The cessation of black bear hunting in 1993 effectively ended nearly 5 centuries of bear harvest by Europeans and their ancestors in Florida and followed the observation by Wooding (1990) that, "In Osceola National Forest...harvests have been excessive. In Apalachicola National Forest, the record high number of bears killed in 1989/90 is cause for concern." Despite this insight, the effects of hunting on eastern bear populations are largely unknown (Maehr 1994). On a local scale, hunting was thought to be the major factor leading to the extirpation of the species from Levy County (Pearson 1954, Cox et al. 1994). According to Beringer et al. (1999, 727),

> Hunting has a large influence on survival rates of black bears (Cowan 1972, Bunnell and Tait 1981, Schwartz and Franzmann 1991), a species with a low reproductive rate (Rogers 1976, Bunnell and Tait 1981, Rogers 1983, 1987*b*, Elowe and Dodge 1989, Schwartz and Franzmann 1991). Therefore, given the low reproductive rate and human-influenced survival (Jonkel and Cowan 1971, Glenn et al. 1976, Kolenosky 1990), conservative harvests are warranted, especially for populations where detailed population data are lacking (Miller 1990).

Although many black bear populations are harvested without negative impact (Burton et al. 1994), there is ample evidence that human harvest can have a depressing influence on bear populations (Poelker and Parsons 1980, Beck 1991). In addition, hunting activity can alter movements and enlarge home ranges (Clevenger 1986), and can push bears toward nocturnal activity (Garris 1983). Males are particularly susceptible to harvest (Bunnell and Tait 1981, 1985; Kolenosky 1986; Beck 1991; Schwartz and Franzmann 1992), primarily due to their more wide-ranging movements. Because there are no current plans to reinitiate bear hunting in Florida, legal harvest is unlikely to influence Florida black bear dynamics in the near future, except in north-central Florida where the population is contiguous with Okefenokee Swamp, Georgia, where hunting still occurs.

Maehr and Wooding (1992, 269) observed that, "Illegal killing and roadkill mortality are probably a significant consideration only at the fringes of occupied range where potential colonizers are eliminated from suitable habitat and small, isolated populations." The relatively recent closings of bear hunting seasons in Florida, coupled with the species' low reproductive rates, may explain, in part, some local population rebounds. Although increased encounters with people as a result of increasing human numbers may also be a factor, steady increases in nuisance complaints in south Florida over the last 2 decades may be the result of a population that has been expanding since the 1960s, when bear seasons were closed statewide. Furthermore, recent trapping success in Osceola National Forest is in sharp contrast to the 6 bears that were caught over a 2-year period in the early 1980s, when fall hunting was legal in Baker and Columbia counties (Brady 1985). Comparable data are unavailable for Apalachicola National Forest, which was closed to hunting in 1993.

Small populations that are not hunted can experience mortality that simulates the numbers lost to harvest alone. In these cases, remaining habitat can be viewed as sanctuaries in the sense of Wharburton (1984), McCullough (1996), Powell et al. (1996), and Beringer et al. (1998). Small populations such as those found in Greater Chassahowitzka Ecosystem and in Highlands County might experience nonhunting-related mortality that could drive them to extinction and impact statewide metapopulation dynamics. McCullough (1996, 5) warned that

> Harvesting could, and likely would, affect a metapopulation in two different but related ways. First, harvest would increase the likelihood of extinction in the habitat patches to which it was applied unless the harvest was completely compensated by reduction in alternative causes of mortality. Complete compensation seems unlikely in most scenarios. Second, harvest would decrease the probability of dispersal. Because harvest changes the two critical variables in metapopulation persistence (local extinction rate and dispersal rate), both in directions inimical to persistence, on the face of it a metapopulation structure could be concluded to have little prospect for sustainable harvest of any magnitude.

Thus, in order to encourage metapopulation dynamics within the Florida black bear, nonharvest-related mortality needs to be considered. Such mortality may be sufficient to prevent dispersal and genetic exchange among subpopulations—especially since young males (the currency of black bear population interchange) are so susceptible to a wide variety of mortality factors.

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Landscape Ecology and Management

Landscape Ecology

Landscape ecology emphasizes broad spatial scales and the interaction between spatial patterning and ecological processes (Turner 1989, Forman 1995). Landscape ecology research has led to a significant broadening in the focus of conservation research, planning, and management (Forman 1987, Pickett et al. 1997), and has become an increasingly important aspect of black bear management (Maehr 1997*a*). The landscape needs of the Florida black bear have been recognized in part for nearly 2 decades (Kautz 1984).

Coupled with the growth of this discipline has been an increasing awareness (within the synthetic discipline of conservation biology) of the spatial needs and landscape considerations involved in protecting viable populations of large carnivores and other wide-ranging species (Schoen 1990, Noss et al. 1996, Samson and Huot 1998). A landscape ecology perspective is necessary due to the importance of habitat heterogeneity and the large spatial scales needed to maintain many species and ecological processes. The effective conservation of wide-ranging species depends on a landscape focus that incorporates natural levels of spatial and temporal heterogeneity while minimizing the negative effects of artificial edges and barriers (Harris et al. 1996).

The black bear can be considered a landscape species because of large-size home ranges and typical dependence on more than one vegetation association or ecological community type (Harris and Kangas 1988, Schoen 1990, Maehr 1997*a*, Samson and Huot 1998). Schoen (1990, 146) explicitly links bear management to landscape ecology:

> In fact, a narrow concept of habitat may be inapplicable for bears, which are wide-ranging creatures of landscapes rather than habitat types per se.... Clearly, the normal movements of bears are so extensive that bear habitat must be evaluated and managed on a landscape scale often exceeding thousands of square kilometers.... Even in large areas, managers should be as concerned about the composition and status of the surrounding habitat as they are about the area they wish to conserve.

Habitat loss and fragmentation are key reasons for landscape-level management. Essentially all bear species have been impacted by habitat loss and fragmentation that have resulted in range contractions, smaller populations, and, frequently, populations that are isolated from one another. Habitat fragmentation refers to the loss of habitat accompanied by a decrease in habitat patch size and increasing isolation between patches and is considered by many biologists to be the greatest global threat to biodiversity conservation (Wilcox and Murphy 1985, Wilcove et al. 1986, Harris and Silva-Lopez 1992).

The direct impact that outright loss of habitat has on black bears is obvious: less habitat means fewer bears. However, effects of fragmentation are more subtle, yet pernicious. As habitat patches become smaller, bear populations also are reduced in size, and populations become more isolated or often completely separated. This reduction in population size and increasing isolation can lead to several processes adversely affecting the survivability of small populations: demographic stochasticity, inbreeding, negative edge effects, and catastrophic events (Harris and Silva-Lopez 1992). Even if a small population does persist, it will probably lose genetic diversity through genetic drift and, therefore, have a reduced ability to survive future environmental changes.

In Florida the significance of landscape ecology principles and landscape management considerations are extremely significant due to rapid human population growth and concomitant habitat loss and fragmentation (Kautz 1984). This rapid loss of habitat has resulted in Florida having the third highest number of threatened and endangered species behind Hawaii and California, and 31 species have been extirpated or become extinct since the arrival of Europeans (Kautz 1993). In addition, at least 44% of Florida's vertebrate species are declining in population (Millsap et al. 1990).

Habitat loss and fragmentation have resulted in vast reductions in the area occupied by black bears. The black bear used to be found throughout North America wherever sufficient forest cover existed, which was essentially everywhere except for prairie, desert, and tundra (Maehr 1984*b*, Pelton 1986). As forests have been cleared for agriculture, industry, and housing, occupied black bear range has receded into more remote, inaccessible areas such as mountainous regions, extreme northern forests, and large swamp

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areas. In the eastern United States, and especially the Southeast, black bear habitat is quickly being relegated to only scattered, large public lands (Pelton 1986).

The range of the Florida black bear shows the same trend of range contraction and fragmentation of populations (Hellgren and Maehr 1992, Cox et al. 1994). Although bears probably occurred throughout most of Florida, several prevalent community types, such as dry prairies, large marshes, and open sandhills, are not primary bear habitat. These plant communities dominate several areas. Sandhills were found in large expanses on the ridge systems from the panhandle through north-central Florida and down the Lake Wales Ridge almost to Lake Okeechobee. Large, marsh-dominated landscapes include the Everglades as well as the headwaters of the St. Johns River, and dry prairies were common in south-central Florida. Bear densities in such areas must have always been fairly low, though bears probably utilized saw palmetto, hammock patches, and wetland strands in dry prairie marsh systems, and oak scrub patches found within sandhills. The Florida black bear is now restricted to approximately 27% of its former range. Currently, at least 7 "more-or-less separate" populations of Florida black bears (U.S. Fish and Wildlife Service 1998*b*) are centered primarily in Florida, with bears also occurring in the Okefenokee region in southeast Georgia and in a small population in southwest Alabama.

In Florida, the bulk of the former and existing range of the Florida black bear, secluded forests vital to bears, are quickly being whittled away and fragmented. Approximately 40% of potential bear habitat in Florida is in public ownership, and private lands are under ever-increasing development pressure as human populations continue to grow. The U.S. Fish and Wildlife Service (1998*b*) suggested that 4 of the populations (Apalachicola, Osceola-Okefenokee, Ocala, and southwest Florida) are viable, though they acknowledge that at least 2 of these (Ocala and southwest Florida) will suffer from continued habitat loss and fragmentation. Land development trends near Jacksonville and in the panhandle (such as a new emphasis on residential development by St. Joe Paper Company) suggest that they also underestimate the future loss of habitat in the other 2 populations. Florida currently has 15 million human residents and is projected to add 3 million more by 2010. In addition, the comprehensive growth management plans for the entire state would allow approximately 100 million people in build-out scenarios. It seems unlikely that Florida will attain such a population; however, the threat of significant habitat loss and fragmentation over the coming decades is severe. In Florida, the rate of annual deforestation has been estimated to be as high as 150,000 acres (60,000 ha) per year (Harris and Scheck 1991), although more recent estimates of rural land loss (including both agricultural lands and natural communities) using aerial photography and satellite imagery indicates that approximately 130,000 acres (50,000 ha) are being destroyed each year through conversion to residential, commercial, and industrial developments (J. Reynolds, University of Florida, personal communication). At this rate at least 25% of private rural lands (over 6 million acres [2.5 million ha]) will be converted to intensive development in the next 50 years.

The pattern of habitat loss may be more important than the actual amount lost. For instance, depending on where habitat loss actually occurs, the smaller bear populations that now exist may be extirpated. Inappropriately placed development can sever areas that now serve as links between various bear populations, or "subpopulations," including the Chassahowitzka, Highlands, St. Johns, Eglin, and southwestern Alabama populations. The importance of maintaining existing and potential connectivity between these smaller populations and the 4 larger "core" populations is discussed in more detail below. Regardless of the outcome of the Vortex-based population viability models presented later in this report and the opinion of the U.S. Fish and Wildlife Service (1998*b*), Cox et al. (1994) determined that a long-term, minimally viable population of 200 black bears would require at least 500,000 to 1,000,000 acres (200,000–400,000 ha) of suitable habitat. Only the Apalachicola, Okefenokee, and southwest Florida populations currently have protected habitat that exceeds the lower end of this threshold. Other estimates indicate that formerly widespread species may need effective populations on the order of at least 500 to 5,000 to maintain long-term viability and evolutionary potential (Franklin 1980, Lande 1995, Noss et al. 1997).

Reserve Design Principles

Well before the popularization of island biogeography theory, wildlife biologists noticed that national parks were not of sufficient size to maintain many wildlife species, especially wide-ranging species (Wright et al. 1933, Shelford 1936, Cahalane 1948). One of the suggestions for improving this situation was to create buffer zones around these parks that would provide a moderate level of security for

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animals that needed more space to meet seasonal habitat requirements or enough space to support a viable population (Wright and Thompson 1934, Shelford 1936).

Island biogeography theory (McArthur and Wilson 1967) helped spur discussion of the relevance of insularity to habitat fragments in continental landscapes (Wilson and Willis 1975, Shafer 1990). Though these discussions also included red herring debates such as SLOSS (single large or several small reserves) (Shafer 1990), conservation biologists and ecologists agreed that to conserve species sensitive to fragmentation and biodiversity, many large and strategically located reserves would be needed (Wilcox and Murphy 1985, Soule and Simberloff 1986). Furthermore, the disciplines of conservation biology and landscape ecology substantiated some of the reserve design principles proposed initially through the application of island biogeography and provided new principles as well (Noss and Cooperrider 1994, Forman 1995). Some of the most commonly considered rules of thumb for reserve design (Thomas et al. 1990, Soule 1991, Noss and Cooperrider 1994, Noss et al. 1997) include the following:

1. Large reserves (or blocks of habitat) are preferable to smaller reserves. Such reserves will tend to have larger blocks of habitat and larger populations of black bear; have more potential for supporting various ecological communities (and therefore more diversity); be resistant and resilient to disturbances; be more likely to support natural, functional disturbance regimes and other ecological processes; and be better insulated from potentially incompatible land uses outside the reserve (Harris 1984, Soule and Simberloff 1986, Thomas et al. 1990, Soule 1991, Noss and Cooperrider 1994, Noss et al. 1997).
2. Functionally interconnected reserves are preferable to isolated reserves. Depending on the situation and species, connectivity could be provided through corridors or landscape linkages providing at least suitable dispersal habitat, or through compatibly managed multiple-use landscapes surrounding reserves. Reserves that are close together may also provide functional connectivity for species that are either able to fly or, as is the black bear, able to traverse the matrix surrounding the reserves (Harris 1984; Noss and Harris 1986; Harris and Scheck 1991; Soule 1991; Noss 1993; Noss and Cooperrider 1994; Noss et al. 1996, 1997; Beier and Noss 1998; Soule and Terborgh 1999).
3. Reserves in contiguous or consolidated blocks are preferable to fragmented blocks. Types of fragmentation within reserves could include roads, inholdings with incompatible land uses, or clear cuts (Harris and Silva-Lopez 1992, Noss and Cooperrider 1994, Noss et al. 1997).
4. Reserves that are roadless, or otherwise inaccessible to humans, are better than conservation areas with roads (Noss and Cooperrider 1994, Noss et al 1996). This principle is born out of the established relationship between areas of high road-density and avoidance of, or absence from, such areas by a number of wide-ranging species sensitive to humans in general or prone to hunting, poaching, and roadkills. These species include the grizzly bear (Mattson et al. 1987, McLellan and Shackleton 1988), wolf (*Canis lupus*) (Thiel 1985, Mech et al. 1988, Mladenoff 1995), elk (Lyon 1983), cougar (*Puma concolor*) (Van Dyke et al. 1986), and black bear (Brody 1984, Brody and Pelton 1989). Black bears clearly respond negatively to the influences of roads (see section on roads and development).
5. Reserves with native carnivores and wide-ranging species are preferred to reserves without these species (Terborgh 1988, Soule 1991, Noss et al 1996). Although the rationale for this principle can be simply aesthetic or programmatic (such as a directive to maintain or restore all native species), sound ecological conservation reasons exist for maintaining and restoring such species and their habitats. Carnivores are often keystone species that affect the structure of entire communities by, for example, controlling seed predators in tropical forests (Terborgh 1988); providing carrion for other species as wolves now do in Yellowstone National Park (K. Murphy, National Park Service, personal communication); or controlling meso-omnivores such as raccoons, opossums, and feral cats that can reduce ground/shrub dwelling and nesting species (Soule 1991). Carnivores can also be important in

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maintaining functional evolutionary relationships between predator and prey (Maehr et al., in press *a*).

6. Species well-distributed across their native range and in several reserves will have a better opportunity to maintain genetic variation and adaptability to environmental changes. This will make them less prone to extinction than species confined to a small portion of their former range (Thomas et al. 1990, Wilcove and Murphy 1991, Noss and Cooperrider 1994, Noss et al. 1997).

Obviously, these principles should be regarded as rules of thumb that can be used as general guidelines for designing reserves and managing habitat for the black bear, as well as for biodiversity and ecological systems. Exceptions are always possible, and options must be weighed carefully when addressing specific situations (Noss et al. 1997).

Along with the development of reserve design principles, the increasing recognition of the need for large areas to maintain wide-ranging species, intact ecological gradients, and ecological integrity have led to integrated regional landscape approaches to conservation (Noss 1983, Harris 1984, Noss and Harris 1986, Noss 1987, Noss and Cooperrider 1994, Harris et al. 1996, Noss et al. 1996, Soule and Terborgh 1999). Regional landscapes reflect the appropriate scale for conservation because they tend to be big enough to comprise diverse, interacting ecosystems; incorporate large natural disturbances; and maintain viable populations of large, wide-ranging species (Noss and Cooperrider 1994, Harris et al. 1996). While research and management at other scales is still important (i.e., autecology, community ecology), landscape ecology is increasingly necessary for addressing the effects of ongoing habitat destruction and fragmentation (Harris et al. 1996). A regional landscape conservation strategy also stresses the importance of interactions between the urban environment, rural lands, and native ecosystems by incorporating planning and management at large spatial and temporal scales so that land uses are effectively integrated to maximize compatibility and ensure the conservation of biological diversity (Harris 1984, Noss and Harris 1986, Harris et al. 1996).

The need for regional landscape approaches to black bear conservation stems from increasing attention on the design and protection of integrated reserve networks that incorporate landscapes apportioned into functional networks of reserves, multiple-use buffer zones, and landscape linkages (Harris 1984, Noss and Harris 1986, Noss and Cooperrider 1994, Harris et al. 1996, Soule and Terborgh 1999). The overarching goals for such systems could include those described by Noss (1996, 95–96):

1. Represent, in a system of protected areas, all native ecosystem types and seral stages.
2. Maintain viable populations of all native species in natural patterns of abundance and distribution.
3. Maintain ecological and evolutionary processes, such as disturbance regimes, hydrological processes, nutrient cycles, and biotic interactions.
4. Design and manage the system to be responsive to short-term and long-term environmental change and to maintain the evolutionary potential of lineages.

Obviously, although such reserve systems include as the primary goal conserving biological diversity, landscape ecology and regional conservation strategies are relevant to conservation efforts for carnivores and other wide-ranging species. This has led to the zoning approach of biosphere reserves and multiple-use modules (see Noss and Cooperrider 1994) wherein core preserves that are protected from exploitation and receive low-intensity human uses are surrounded by increasing human uses. In an article focused on conservation strategies for carnivores in the Rocky Mountains, Noss et al. (1996, 955–956) elucidate the importance of regional conservation approaches:

> The overwhelming message from population viability studies of large carnivores is that conservation planning must be undertaken at vast spatial scales and must consider connectivity.... If maintaining viable populations of species that have large home ranges and are vulnerable to human activities is an objective, then the conservation planner must grapple with the design and management of entire landscapes. Thus a zoning approach has come to dominate conservation strategies for large carnivores. Zoned landscapes should include refugia that are strictly protected, but they will often be dominated by multiple-use lands.

This review's section on black bear habitat management clearly indicates that many reserve design principles and a regional landscape

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conservation approach are applicable to conservation and management for the Florida black bear. Black bears have large home ranges and need diverse plant communities in relatively close proximity to provide seasonally available food sources. Large areas are needed to support viable populations. Black bears also have low reproductive potential, making them potentially sensitive to hunting and poaching pressure. In addition, bears come into conflict with humans due, for example, to apiary depredations, garbage raiding, and occasional livestock depredations. Black bear populations are influenced by major roads and road densities which cause roadkills, fragment bear habitat, and allow hunters and poachers access to bears. Florida black bears are at least partially dependent on natural fire regimes in flatwoods and other fire-adapted habitat types, and these fire regimes are best generated in large, intact landscapes and over long temporal scales. For example, because of the many years required for saw palmetto to regain fruiting productivity after a burn, prescribed fires in bear habitat must be planned over large areas in order to provide a mosaic of fruit-producing palmetto stands. Furthermore, large, well-buffered reserves are easier to manage with prescribed fire than are small reserves surrounded by urban land. Bears are, however, also capable of exploiting, and sometimes benefitting from, some human activities such as timber management that allows effective integration of core areas strictly managed for biodiversity with buffer zones that support low- to moderate-intensity land uses. Finally, the once widespread and abundant Florida black bear has now been fragmented into several isolated populations that are arguably not large enough to support long-term viability of the species. This leads us to a specific list of potentially relevant landscape-management guidelines for conserving the Florida black bear.

Protect and Restore Landscapes with Functional Gradients and Juxtapositions of Natural Communities

Most habitat suitability models for black bears (Rogers and Allen 1987), including Cox et al. (1994) for the Florida black bear, consider plant community diversity (often called habitat diversity). The assumption is that areas with a higher diversity of plant communities used by black bears will have a higher probability of supporting a diverse array of food sources and act as a buffer during mast crop failures (Schoen 1990, Samson and Huot 1998). In Florida most plant communities can be considered primary or secondary bear habitat in landscapes that historically supported gradients of communities that provided resource diversity for bears. Of particular importance are gradients between swamps and upland forests. In many cases, wetland and riparian communities still exist, but uplands have often been converted to uses that either range from being potentially suitable for bears (e.g., pine plantations, dependent on management activities such as the use of prescribed fire and site preparation) to low or no suitability (e.g., most agricultural and other intensive land uses). Therefore, maintenance of existing mosaics of large wetland and upland communities and restoration of such mosaics where feasible should be considered important management objectives for the Florida black bear (as well as for biodiversity conservation as a whole).

Although there may be intact sites with abrupt habitat gradients containing a variety of food sources, bears often have to move long distances seasonally or in response to mast failures to find suitable foraging sites, which can lead to conflicts in human-dominated landscapes. Schoen (1990, 147) observed that,

> Although there may be a reasonable mix of productive foraging sites within a bear's normal range of movements, it may be forced to traverse many habitat types in search of those productive sites. And herein lies one of the most serious problems facing bear managers throughout the world—habitat fragmentation.

Maintaining and restoring relatively intact landscapes that can support such spatially demanding habitat and population requirements such as foraging, denning, and dispersal are relevant to the following guidelines.

Land Use Zoning

Zoning is potentially relevant to conserving black bear populations in Florida (Samson and Huot 1998). This zoning approach is based on 2 primary considerations. First, black bear populations either require or can greatly benefit from "wilderness" conditions that insulate them from human persecution and vehicle collision, and may support other favorable habitat conditions that are not typically found in human-dominated landscapes (Lentz et al. 1980). Second, viable black bear populations may need more space than that found in strictly protected areas, and they may benefit from human activities such as clear-cutting or other human land use activities that create

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successional habitats. Samson and Huot (1998) found that many black bears in a relatively small national park in southeastern Quebec frequently ranged outside the park, either seasonally or in years when certain mast crops failed, to forage in early successional habitats created by clear-cutting on adjacent lands. Bears that ventured out the park were, however, also subject to higher mortality due to hunting, poaching, and vehicle collision. Samson and Huot (1998) recommended 2 complimentary approaches: control the loss of females by closing the fall hunting period, when females were most likely to be out of the park, while maintaining the spring hunt, when more bears were typically harvested anyway; and use prescribed fire to create early successional habitat within the national park.

Although hunting of black bears is currently not permitted in Florida, poaching and other forms of human-related mortality still occur. Furthermore, intense human activities, such as off-road vehicle use, may reduce the quality of potential bear habitat. Establishing sanctuaries, or core habitat, for females may be a useful strategy for re-establishing populations in the southern half of the Big Bend, Green Swamp, and other areas that could contribute to metapopulations dynamics. A zoning approach to black bear management in Florida might limit off-road vehicle use and prohibit the harvest of saw palmetto fruit to protect den sites and food sources. Harris (1984) and Noss and Harris (1986) recommended that multiple-use modules (MUMs) with strictly protected areas and buffer zones can be applied at various scales. For example, red-cockaded woodpecker (*Picoides borealis*) colonies are protected using a small buffer zone where no timber harvest is allowed (Noss and Harris 1986). This area is then surrounded by buffer zones that allow harvest compatible with foraging needs of the species. In regard to black bear habitat management, Florida has essentially no old-growth forest left; therefore, few areas offer large tree cavities, which, when available, tend to be preferred den sites. Also, the availability of thick, shrubby cover for ground nests could, in some cases, conflict with land use practices on private timber lands and the current emphasis of frequent fire regimes on public lands. Allowing old-growth forest to return on strictly protected public lands should be considered a priority. In addition, patches of old-growth allowed to regenerate on multiple-use public lands could serve as den site core areas in landscapes that otherwise provide suitable foraging habitat. The rapid clearing of forested wetland domes and strands on private lands in north Florida (S. Vince, University of Florida, personal communication) and elsewhere in bear habitat is also a potential concern. It might be possible to adopt an incentive approach to maintain and restore core sites on private lands to provide optimal denning sites.

Road Considerations

The susceptibility of black bears to highway mortality in Florida is well-documented. Roads both fragment forested landscapes and increase the likelihood that bears and humans will interact in some way. Although the black bear can survive in areas with roads, landscape management can target restoring bear habitat with as few roads as possible or minimizing the impact of existing and proposed roads. Several papers suggest a relationship between road densities and productive bear habitat (e.g., Brody 1984, Brody and Pelton 1989). Roads cut up blocks of once-isolated bear habitat and almost invariably make these blocks more accessible to humans. This usually means that bears are more susceptible to hunting and poaching (Kellyhouse 1977, Landers et al. 1979, Pelton 1986). The kinds of roads that can influence bear habitat range from unpaved trails through forests, where bears could benefit from mast-producing shrubs or suffer from increased human access, to major highways that bisect occupied range or travel corridors and cause direct mortality due to vehicle collision. In an area of intense hunting pressure in Alaska, 16 of 18 monitored dispersing subadult males were shot next to roads (Schwartz and Franzmann 1992). The maintenance of existing larger roadless areas (Hellgren and Maehr [1992] suggested that 10,000 ha [25,000 acres] may be a minimal size for occupation) on public lands is essential, and restoring roadless areas by closing nonessential roads on public lands should be considered whenever possible. Overall road density is also important. Brody (1984) suggested that black bear populations may not be maintainable in the Appalachians, where road density exceeds 0.8 miles per square mile (0.5 km/km^2). Pelton (1986) recommended that a very conservative approach be taken on planning new roads in bear habitat where road densities exceed 0.5 km per square km. A general guideline is that road densities below 0.5 miles per square mile (0.3 km/km^2) are optimal for core areas. Road densities within buffer zones or multiple-use areas should be under 1 mile per square mile (0.6 km/km^2) (Noss 1992). Florida currently has few areas with road densities below 1 mile per square mile, and many that do exist are found within occupied bear habitat (T. S. Hoctor, University of Florida, unpublished data). On the other hand, if an area is particularly productive and provides

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sufficiently remote habitat for denning and other key behaviors, black bears can exist in the face of extensive road networks. In Florida, Ocala National Forest serves as an example of this phenomenon. The Greater Chassahowitzka Ecosystem bear population, on the other hand, may be sufficiently small that road construction and concomitant development may render it unsustainable. Maintaining roadless areas and areas of low road density on privately owned bear habitat will be difficult without incentives and conservation easements. Impacts to bears in areas with high road densities might be reduced by discouraging poaching through education and law enforcement (Noss and Cooperrider 1994).

Black bears tend to avoid crossing major roads with high traffic-volume, such as interstate highways (Brody and Pelton 1989). All very large blocks (50,000–100,000 acres [20,000–40,000 ha] or greater) of bear habitat with no major roads (Cox et al. 1994) should be maintained. New highway projects in low road density areas should be avoided, and construction of new highways within occupied habitat should also be avoided in general. Widening and intensification of use of existing roads and highways should be monitored in black bear habitat. All roads within the Florida Department of Transportation Intrastate Highway Plan should be assessed for their potential to conflict with black bear conservation, since the plan calls for widening many of these roads in the near future.

The potential utility of road underpasses to reduce roadkills and promote connectivity has been discussed briefly. Although bears may be less prone to use underpasses, they are still one of the few options available to reduce roadkills and maintain or restore habitat integrity, especially in a state with such an intensive, and growing, major road network. New road construction, which facilitates massive growth, new residents, and seasonal migrations of millions of tourists yearly, has averaged about 5 miles (8 km) of new roadway per day for the last 50 years (Harris and Hoctor 1992). The preferred option to ameliorate road impacts would be to build larger elevated road spans or a series of underpasses, similar to those along Interstate 75, instead of narrow, single underpasses like that used on State Road 46 and the one planned for Suncoast Parkway within Annuteliga Hammock CARL Project. Such bridge expanses or underpass arrays would be much more likely to promote use by black bears, as well as a whole suite of sensitive species that may not be able to find or use isolated underpass structures (T. S. Hoctor, University of Florida, unpublished report). Another potentially significant opportunity is the planned widening of many bridges throughout the state (Dan Smith, University of Florida, personal communication). In some cases, black bears use riparian features as movement corridors (Kellyhouse 1977, Mollohan and LeCount 1989, Weaver et al. 1990); therefore, widening bridges in black bear habitat and along potential dispersal corridors may be very important.

Landscape Connectivity and Managing for a Statewide/Rangewide Population

A regional landscape approach to conservation is based on the thesis that an integrated system of reserves would be of greater function than the sum of its parts. Noss (1992, 11) suggested that,

> Connectivity is in many respects the opposite of fragmentation. A reserve system with high connectivity is one where individual reserves are functionally united into a whole that is greater than the sum of its parts.

A connectivity approach to conservation is simply an attempt to protect landscapes from further fragmentation and, where possible, to restore connectivity to culturally altered landscapes. Connectivity should not be used to link populations that were naturally isolated (Noss et al. 1996, 1997; Beier and Noss 1998).

Before the advent of cities, roads, housing developments, and large agricultural areas, bears roamed freely across the landscape. Although not all areas were prime habitat, bears were still capable of dispersing through such places to reach suitable habitat. Furthermore, even in marginal habitats, stepping stones or corridors of suitable habitat occurred. For instance, on sandhills, various sized scrub areas occurred in patches and linear strands. In and of themselves, these patches were probably insufficient to support intrinsically viable populations of bears, but they were sustained by repeated colonization. River systems provide another example. The Withlacoochee River begins in Green Swamp and runs between two ridge systems that once supported vast sandhills. The river incorporates several large expanses of swamp as it runs to the northwest and eventually empties into the Gulf of Mexico. At its outlet is a vast forest of flatwoods, swamp, and hammock. Although bears probably crossed sandhill areas, such rivers constituted the more natural dispersal corridors. The Withlacoochee River probably served as a landscape linkage for a large bear population that used its headwaters delta forest.

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While the previous passage is a speculative illustration of black bear movement through the pre-European Florida landscape, the primary point is that the Florida black bear used to be one large, interacting population. Today, as a result of habitat loss and fragmentation, it functions primarily as a seven-part metapopulation (Levins 1970). It is possible that some populations are completely isolated, but there is also evidence and a strong likelihood that several populations are currently linked through occasional dispersal. In one instance, the Ocala and Okefenokee/Osceola populations may have enough interaction to be considered one population. A recent range map for bear populations in the southeastern United States also suggests that these populations are connected (Wooding et al. 1994). However, current conservation recommendations for the Florida black bear have focused on attempting to protect habitat around the 5 largest populations (southwestern Florida, Ocala, Okefenokee/Osceola, Eglin Air Force Base, and Apalachicola) to provide additional security (Cox et al. 1994). In several cases, Cox recommended Strategic Habitat Conservation Areas for the Florida black bear that include providing some local connectivity. The recommendation for the Okefenokee/Osceola population includes primarily Pinhook Swamp, which would ensure protection of a landscape linkage between Osceola National Forest and Okefenokee National Wildlife Refuge. The recommendation for the Eglin population includes protecting habitat linkages between air force property, Blackwater River State Forest, and Northwest Florida Water Management District lands along the Choctawhatchee River. The Ocala recommendation includes habitat linkages from Ocala National Forest to the Wekiva River conservation lands complex, which contains a high-density bear population (Roof and Wooding 1996), and across the St. Johns River to bear habitat on private timberlands and Tiger Bay State Forest. These areas cover approximately one million acres (400,000 ha) (Cox et al. 1994). We believe that the recommended Strategic Habitat Conservation Areas are essential to effectively conserve the Florida black bear. However, we also believe that there are other opportunities that would enhance the conservation recommendations. Cox et al. (1994) suggested that smaller populations such as Chassahowitzka and Highlands County are too small, potentially too isolated, and too threatened by encroaching development to warrant conservation attention.

> The chances of an area supporting a stable population without recurring immigration is another criterion that should be used to evaluate minimum habitat conservation priorities. The level of immigration required to sustain some of the smaller populations described may be achieved through the establishment of habitat corridors, but required immigration rates may also be higher than habitat corridors alone can provide. The small populations described for Chassahowitzka National Wildlife Refuge, Durbin and Twelvemile swamps, Green Swamp, and other areas would also require major new land conservation efforts in order to provide a sufficient habitat base to sustain these populations for acceptable lengths of time. Cox et al. (1994, 60)

This strategy will most likely ensure the loss of smaller populations/subpopulations, unless land-saving actions are taken quickly to protect or restore components of the Florida black bear metapopulation. We agree that funds, time, and political will to protect everything are limited (Simberloff et al. 1992, Cox et al. 1994), and that options must be weighed carefully, including detailed assessments of opportunities for connectivity and for conserving biological diversity (Noss et al. 1996, Beier and Noss 1998, Dobson et al. 1999).

Recent state and national trends suggest that regional and continental conservation is feasible (Soule and Terborgh 1999). National opinion polls suggest that Americans strongly support efforts to protect green space and wildlife. Florida has followed suit by renewing aggressive land protection efforts by passing the Forever Florida bill, which could provide as much as 300 million dollars per year for conservation efforts through 2010. Congress is close to passing comprehensive, landmark legislation that would fully fund the Land and Water Conservation Fund at 300 million dollars per year, and much of this money is to be funneled to the states for land and water conservation projects. Conservation easements are being increasingly used in Florida, allowing more land to be protected for less money, keeping lands in private ownership and on tax rolls, and reducing management costs, while maintaining land uses compatible with conservation objectives such as black bear habitat. Furthermore, University of Florida recently completed a 4-year modeling effort to identify a statewide ecological network, which may help protect a large, connected reserve system that stretches from the Everglades to the Perdido River in Alabama. The Florida Legislature passed a greenways implementation plan to support these efforts as part of the Florida Forever legislation.

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Recent trends in land conservation efforts in Florida black bear habitat suggest that efforts to conserve the smaller populations may also be feasible. The state recently closed on a 60,000-acre (24,000-ha) acquisition and easement project in the Fisheating Creek basin with Lykes Brothers Corporation. An additional 80,000-acre (32,000-ha) conservation easement in the same area is planned. This project protects habitat that is likely essential to the Highlands County bear population because it secures an important part of existing habitat while protecting connectivity with the larger population south of the Caloosahatchee River. A conservation coalition including The Nature Conservancy is working with large landowners in southern Duval County and St. Johns County to protect a conservation network that may help maintain a bear population in the Durbin and Twelvemile Swamp area despite ongoing development in the region. The Nature Conservancy has also established a conservation partnership with Eglin Air Force Base, Georgia-Pacific, Blackwater River State Forest, and Conecuh National Forest in southern Alabama to integrate conservation and land use activities to conserve biological diversity in that region. These efforts include securing habitat connections that may support the continued existence of the Eglin bear population.

Recent demographic trends and individual phenomena bode well for future bear metapopulation management in Florida. Roadkills and anecdotal evidence suggest that the Apalachicola population is expanding to the east and south through coastal and riverine conservation lands and private timber lands in the Big Bend. Existing conditions and recent experiments in Lower Suwannee National Wildlife Refuge and surrounding lands supported the notion that the area could maintain a bear population (Wooding 1995, 1996). An adult male bear was recently captured on Goethe State Forest in the southern Big Bend and has exhibited a stable home range since capture and collaring in 1999 (D. Maehr, unpublished data). Wooding et al. (1992) documented the movements of an adult female to Alabama and, more recently, a subadult bear from the Eglin population moved to Alabama (M. Sunquist, University of Florida, personal communication), suggesting a dispersal linkage between northwestern Florida and southern Alabama. A relocated adult male bear recently traveled from Putnam County to Brooksville (Greater Chassahowitzka Ecosystem population) covering a straight-line distance of about 130 km through a highly fragmented and denatured landscape. Thus, the idea of a Florida black bear metapopulation is more than an armchair hypothesis.

Seasonal movements and dispersal events are the most important considerations for a connectivity approach to conserving the Florida black bear. After den emergence black bears steadily increase their activity, and their home ranges usually expand accordingly (Rogers 1987*a*). In some areas this can include complete shifts in home ranges as food availability changes and as males seek mates during the summer breeding season (Garshelis and Pelton 1981, Klenner 1987, Wooding and Hardisky 1988, Mollohan and LeCount 1989, Maehr 1997*a*). Such shifts can exceed 20 km (Maehr 1997*a*). In Minnesota, both male and female black bears moved considerable distances out of normal home ranges to utilize more abundant food resources in late summer and fall (Rogers 1987*a*). Trips of up to 83 km, with an average of 29.5 km, were recorded to reach one particular food resource, and one adult male went on a 13-week trip of 201 km, the longest movement recorded for a nondispersing bear (Rogers 1987*a*).

Dispersal refers to the movement of animals from their area of origin (Brown and Gibson 1983). In the black bear, dispersal usually occurs at 2 to 4 years of age (Pelton 1982; Rogers 1987*a,b*). Subadult females usually stay in the immediate area of their mother's home range, whereas subadult males may disperse widely either in response to "social pressure" from resident adult males (Pelton 1982) or due to socially independent factors (Rogers 1987*b*). In a sample of 51 subadults in Alaska, all males dispersed, whereas only 3% of females dispersed (Schwartz and Franzmann 1992). In Minnesota, dispersal distances ranged from 13 to 219 km, with an average of 61 km (Rogers 1987*a,b*). There was also evidence of a dispersal event over 324 km (Rogers 1987*a,b*). In north-central Florida, dispersal of 4 subadult males ranged from 22 to 56 km (Wooding and Hardisky 1988), and another subadult male moved 140 km in southwest Florida (Maehr et al. 1988). The longest known dispersal distance of a subadult female in Florida covered 60 km in southern Florida (Maehr 1997*a*).

Dispersal is an important demographic factor that plays a key role in population regulation (Kemp 1976, Bunnell and Tait 1981, LeCount 1982, Beecham 1983, Rogers 1987*b*). In Alberta, 26 adult males were removed from an experimental study area, and a large number of subadult males quickly moved in to take their territories (Kemp 1976). Other studies indicate that many transient subadult males routinely travel through occupied territories (Beecham 1983, Rogers 1987*a,b*). This ranging behavior of subadult males attempting to establish territories is a key factor in linking regional bear populations.

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Corridors and landscape linkages (areas that link larger core reserves) are common connectivity tools. For bears and other species, these landscape features serve at least three purposes related to connectivity: 1) facilitate daily or seasonal movements; 2) allow dispersal that might facilitate gene flow between populations, buffer small populations, or recolonize vacant areas; and 3) allow range shifts in response to catastrophic events or long-term environmental change (Noss 1993).

Functional connectivity is more likely in corridors that not only support movement, but support home ranges as well (Harrison 1992, Noss and Cooperrider 1994, Noss et al. 1996). Based on the average home range requirements for male Florida black bears, a corridor would have to be at least 13 km wide for a "square" home range or 9 km wide if the home range was twice as long as wide. Landscape linkages could be much bigger. The best regional example is the Pinhook Swamp, which connects Osceola National Forest and Okefenokee National Wildlife Refuge.

Dispersal distance is an important consideration for landscape planning or restoration. Cox et al. (1994) chose 60 km as the average effective dispersal distance for Florida black bears. This value was halved and used to identify primary and secondary habitat surrounding core areas. Based on the known performance of dispersing bears in Florida, this estimate likely underestimates their dispersal capabilities.

The most common argument by those unconvinced of the utility of a landscape connectivity approach is that there is little evidence that corridors "work" (Simberloff et al. 1992). Corridor and connectivity experiments are especially difficult (or even impossible) to conduct at scales relevant to wide-ranging species. Although more evidence is accumulating, there is still a dearth of information on corridor function (Beier and Noss 1998). Observations of animal movement across naturally and culturally fragmented landscapes, however, provide ample evidence of corridor use (Maehr 1990; Harris and Scheck 1991; Beier 1995, 1996; Noss et al. 1996). Kellyhouse (1977) and Weaver et al. (1990) found that black bears used riparian strips to move within fragmented landscapes. In agricultural landscapes, bears restricted movements to wooded areas such as ravines, shelterbelts, and riparian zones (Klenner 1987, Weaver et al. 1990). Where suitable cover was limited in a naturally fragmented landscape, bears used vegetated canyon corridors to make seasonal forays (Mollohan and LeCount 1989). Beecham (1983, 411) concluded that,

> ...migration corridors connecting the study area with other bear habitat to the north and south are critical in maintaining black bear numbers. These corridors tend to funnel dispersing subadult bears through the area, masking the influence of hunting on population size. If the migration corridors are not maintained, a significant decline in bear numbers can be expected unless hunting pressure is reduced.

A strategy that emphasizes broad landscape linkages and maintaining landscapes with low-intensity land uses will generally be more useful and successful for providing connectivity between bear populations than a system of narrow corridors. This view is supported by Noss et al. (1996), who reviewed and discussed the application of landscape conservation techniques for large carnivores.

> Collectively these data suggest that in most cases connectivity will be best provided by broad, heterogeneous linkages, not narrow, strictly defined corridors.... With these in mind, biologists have recommended the retention or restoration of wide habitat linkages between population centers for large carnivores. ...reserves play vital roles in these networks, but so does the surrounding semi-natural matrix. The regional landscape must be considered and managed as a whole. Noss et al. (1996, 958–959)

Some suggest that instead of protecting linkages and pursuing a connectivity approach, intensive management such as translocation should be used (Simberloff et al. 1992). However, this view misses the point that conservation of biological diversity transcends species and even pattern. Soule and Terborgh (1999, 200) claim that,

> Humans and nature can coexist, but peaceful coexistence cannot come about under present conditions. The revival and survival of nature across North America will require the establishment of a network of large nature reserves. Large areas managed for biodiversity are needed to ward off a host of ecological pathologies. Through conservation-oriented management of

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extensive core and multiple-use areas, the vital abiotic and biotic processes that sustain biodiversity can be perpetuated.

The protection of ecological and evolutionary processes such as herbivory, migration, dispersal, gene flow, and predation are just as important and are also essential components of effective biodiversity conservation. A landscape connectivity approach would be, at the very least, an important part of meeting these conservation objectives. It should be the goal of wildlife managers to conserve self-managing systems that sustain natural processes, including evolution, a notion that is as old as the Wildlife Society (Bennitt et al. 1937, Errington and Hamerstrom 1937). Translocation of animals should be avoided when landscape connectivity approaches are still possible. Highly manipulative and artificial strategies should be viewed as last resorts and not blithely accepted as equal alternatives.

Connectivity Beyond Bears

Although this is meant to be a discussion about the applicability of landscape approaches to black bear conservation, it is extremely important to note that bear corridors and landscape linkages could serve many other functions. Bear movement is only a part of a connectivity approach to conserve biodiversity through the maintenance or restoration of natural landscape patterns and processes.

First, the black bear plays a potentially significant role in ecosystem dynamics. This role may not be as important as that of top-level carnivores such as the panther or red wolf, but bears are important seed and nutrient dispersers. Studies show that black bears may improve the germination of seeds that pass through their digestive tracts (Rogers and Applegate 1983, Maehr 1984*a*). Bears may also be particularly important seed dispersers of heavier fruits that cannot be carried by birds (Rogers and Applegate 1983). Therefore, although it is extremely important to design a conservation strategy for the black bear that will protect viable populations, it may also be advisable to maintain smaller populations and facilitate movement into smaller habitat patches. In other words, reserves that do not have bears are missing a potentially important ecological component (not to mention their aesthetic value).

Riparian corridors may be an important part of a linkage system that targets bears. They also tend to have diverse flora and fauna, are highly productive, and can serve as important buffer zones to protect hydrological processes and water quality (Schaefer and Brown 1992). If wide enough, these areas can also serve as important habitat for forest interior bird species and cavity nesters (Harris 1989). Riparian strips could also serve as important habitat and corridors for otters and mink (Harris 1989).

The protection or restoration of landscape connectivity for the Florida black bear may also have important benefits for the Florida panther. Panthers have even larger habitat requirements than do bears, and it is extremely unlikely that any one core area now existing in Florida will be capable of supporting even a minimally viable population (Cox et al. 1994). However, a strategically connected reserve system might protect a viable and ecologically functional population of panthers (Harris and Gallagher 1989, Harris et al. 1996). Finally, the Florida black bear is a flagship and umbrella species that can be an important catalyst for protecting a statewide, integrated system of reserves that will benefit many native species sensitive to habitat fragmentation (Cox et al. 1994). Although managers must realize that umbrella species will never cover the habitat requirements for all species needing conservation attention (Caro and O'Doherty 1999), we tend to agree with Schoen (1990, 152) that, "It is highly probable that if we can maintain a region's capability for supporting bears, we will also have achieved the greater goal of maintaining the earth's biodiversity."

Specific Landscape Conservation Opportunities

The potential for creating an interconnected system of reserves for black bear conservation is very high. A number of active CARL projects will enhance connectivity of Florida black bear populations. The best known of these are the Wekiva River basin and Pinhook Swamp. Although both projects have already resulted in significant habitat protection, neither linkage has been completely protected.

Another linkage of significance is the Etoniah Creek-Camp Blanding landscape linkage between the Osceola-Okefenokee core area and Ocala National Forest. Etoniah Creek CARL Project is the lynchpin, which encompasses 50,000 acres (20,000 ha) between Interlachen and Palatka. In addition, St. Johns River Water Management District has been considering the purchase of land that would connect Etoniah Creek CARL Project to Camp Blanding. To complete the linkage to Osceola National Forest, a span of several miles between Camp Blanding and Raiford Wildlife Management Area (WMA) to the west would need protection. Finally, Raiford WMA is

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connected to Osceola National Forest by a private WMA (Lake Butler). To ensure protection of this area, an easement or other incentives might need to be considered. These areas show up on the maps of Cox et al. (1994) as an area of secondary habitat that links Osceola National Forest with Ocala National Forest. This proposed corridor is a large landscape linkage containing a mosaic of flatwoods, pine plantations, forested wetlands, riparian hammocks, scrub, and sandhill of over 200,000 acres (80,000 ha) that already supports a bear population. Indeed, further research may show that these areas support a single population.

There is also an opportunity to protect linkages from Ocala National Forest to southern Duval County and to northern Brevard County. This region represents an expanse of over 1 million acres (400,000 ha) of occupied and potential bear habitat (Cox et al. 1994). However, less than 10% of this area is in public ownership. Therefore, if the linkages between Ocala National Forest and this St. Johns River bear region are to be protected, the best strategy will most likely be to seek conservation easements or agreements with industrial forest companies. Such action needs to occur quickly because of development pressure from Daytona/Ormond Beach and St. Augustine. Based on present land use, it would be feasible to protect 4 larger core areas (approximately 100,000–200,000 acres [40,000–80,000 ha] each) from north to south that could be connected by corridors from 2 to 5 miles (3–8 km) in width and 5 to 10 miles (8–16 km) long, extending from southeastern Duval County to northern Brevard County. Protection of this landscape, which could be connected with corridors as noted above, may also enhance the survival probability of a small population of bears in Tosohatchee State Reserve (Cox et al. 1994). Connectivity between the Ocala population and the large habitat area east of the St. Johns River is dependent on the maintenance of two linkages across the St. Johns, which were both included in the Strategic Habitat Conservation Area recommendation for the Ocala population (Cox et al. 1994).

The panhandle and the Big Bend region provide an opportunity to enhance the Apalachicola population with linkages to other populations. Cox et al. (1994) estimated that the Big Bend supports up to 1.5 million acres (600,000 ha) of potential bear habitat. It also contains a number of state and federal coastal conservation lands that connect with Greater Chassahowitzka Ecosystem. Inland of these conservation projects is a vast landscape of pine plantations, forested wetlands, and shrub swamps associated with the headwaters of the Aucilla River, San Pedro Bay, Mallory Swamp, the Suwannee River, and Goethe State Forest. Although much of the area is intensively managed, it has very few paved roads and very low human population densities. As is suggested by the apparent growth of the Apalachicola bear population, this entire region could support a large population of bears that is distributed from Apalachicola National Forest to Goethe State Forest. Although it is likely that females will slowly colonize areas to the south, we recommend that the Florida Fish and Wildlife Conservation Commission consider the active establishment of females, as was started in Lower Suwannee National Wildlife Refuge (Wooding 1996). The presence of a radio-collared adult male in Goethe State Forest (D. Maehr, unpublished data) suggests the suitability of the region for black bears.

Goethe State Forest may be the strategic link for restoring connectivity to the small Chassahowitzka population (T. S. Hoctor, University of Florida, unpublished report). The long-term viability of the Chassahowitzka population may depend on such connectivity to a large, stable population. Although much of the land between occupied range in Greater Chassahowitzka Ecosystem and Goethe State Forest is protected, gaps and potential bottlenecks still need protection (i.e., near Homosassa and Crystal rivers, the Crystal River power plant, mouth of the Cross-Florida Barge Canal, and the Withlacoochee River). However, development in this region is rapid, and existing habitat and corridor protection efforts will have to happen in the near future. We also recommend that bear habitat managers consider restoring a bear population in Green Swamp. In a landscape analysis of bear habitat and potential connectivity in the region surrounding the Chassahowitzka core area from the Lower Suwannee River to Ocala National Forest and south to the upper Peace River, Green Swamp contained the largest areas of suitable habitat (T. S. Hoctor, University of Florida, unpublished data). Establishment of a population in Green Swamp, coupled with the protection of key corridors, might create a functional metapopulation in the Chassahowitzka region. A Green Swamp population may also serve as a key node linking the southwest Florida bear population with conspecifics to the north.

The most isolated core population of Florida black bears is in southwest Florida. The re-

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establishment of small populations of bears and connectivity in south-central Florida may be augmented by dispersal from this large population. The highest connectivity priority is the linkage between the Big Cypress core population and the Highlands County subpopulation. Completion of the Fisheating Creek basin conservation project (potentially as much as 180,000 acres [73,000 ha] eventually protected primarily through conservation easements, with 60,000 acres [24,000 ha] recently secured) will be an important milestone, but efforts to protect habitat between Big Cypress National Preserve and the Caloosahatchee River are also essential. Successful protection and restoration of phosphate mines in the Peace River basin could provide additional habitat and connectivity for Green Swamp.

Many of these opportunities for landscape linkages have already been identified by University of Florida as part of the Florida Greenways Project, which used a broad, landscape-based approach to identify a statewide Ecological Network (Carr et al. 1998, Hoctor et al. 2000). Although all of the above suggestions for establishing functional connectivity between various populations (or metapopulations), or even re-establishing statewide/rangewide connectivity, have real potential, in most cases a more thorough analysis needs to be conducted. This work will continue with the application of a model developed for Greater Chassahowitzka Ecosystem (T. S. Hoctor, University of Florida, unpublished data) to a connectivity simulation for Florida's entire bear population.

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POPULATION VIABILITY ANALYSIS

Population viability analysis (PVA) can be a useful tool for modeling the effects of demographics, environmental variability, habitat loss, catastrophes, and genetics on the persistence of small populations (Shaffer 1990; Meffe and Carol 1997, 215; Maehr et al., in press *b*). While management decisions should not be based solely on these simulations, PVAs have become virtual prerequisites to planning for listed species.

We used Vortex Version 8.21 (Miller and Lacy 1999) to simulate various future Florida black bear population scenarios with varying degrees of habitat availability, inbreeding depression, and metapopulation interchange. Population estimates for 9 Florida black bear populations (Tables 3–11) were derived from U.S. Fish and Wildlife Service (1998*b*) and Maehr (1997*a*). In the first 3 iterations of the model each population was simulated independently from the other 8. The final variants modeled a rangewide metapopulation with genetic interchange between adjacent populations. In all variations each model was simulated for 100 years and repeated 100 times. Extinction was defined as no animals in one of either gender. Recolonization of extinct populations was allowed per metapopulation theory. Age of first reproduction was 3 years for females and males, maximum breeding age was 14 years, and the gender ratio at birth was 50:50. All models portrayed breeding as polygynous, with 50% of males in the breeding pool, and 50% of females breeding in any given year. Of those females producing litters, 25% produced 1 cub; 50%, 2 cubs; 20%, 3 cubs; and 5%, 4 cubs. Female mortality was 40% between the ages of 0 and 1 year (SD = 10%), 10% between the ages of 1 and 2 years (SD = 3%), 10% between the ages of 2 and 3 years (SD = 3%), and 5% among adults between the ages 3 and 14 years (SD = 1%). Mortality of males was 40% between the ages of 0 and 1 year (SD = 10%), 10% between the ages of 1 and 2 years (SD = 3%), 20% between the ages of 2 and 3 years (SD = 3%), and 10% among adults

Table 3. The first Alabama black bear population simulation ignored inbreeding depression. The second modeled inbreeding depression with 3.14 lethal equivalents per individual. The third modeled the same inbreeding depression value and added a 5% probability of an annual catastrophe that reduced reproduction by 50% and reduced survival by 10%.

Simulation	Starting Population	Ending Population	Number of Survivors	Probability of Extinction	Growth Rate
1	40	78	100	0.0	0.115
2	40	75	100	0.0	0.095
3	40	75	100	0.0	0.088

Table 4. The first Apalachicola black bear population simulation ignored inbreeding depression. The second modeled inbreeding depression with 3.14 lethal equivalents per individual. The third modeled the same inbreeding depression value and added a 5% probability of an annual catastrophe that reduced reproduction by 50% and reduced survival by 10%.

Simulation	Starting Population	Ending Population	Number of Survivors	Probability of Extinction	Growth Rate
1	400	798	100	0.0	0.116
2	400	798	100	0.0	0.118
3	400	789	100	0.0	0.105

Table 5. The first Big Cypress black bear population simulation ignored inbreeding depression. The second modeled inbreeding depression with 3.14 lethal equivalents per individual. The third modeled the same inbreeding depression value and added a 5% probability of an annual catastrophe that reduced reproduction by 50% and reduced survival by 10%.

Simulation	Starting Population	Ending Population	Number of Survivors	Probability of Extinction	Growth Rate
1	1,000	1,593	100	0.0	0.117
2	1,000	1,593	100	0.0	0.115
3	1,000	1,584	100	0.0	0.107

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Table 6. The first Chassahowitzka black bear population simulation ignored inbreeding depression. The second modeled inbreeding depression with 3.14 lethal equivalents per individual. The third modeled the same inbreeding depression value and added a 5% probability of an annual catastrophe that reduced reproduction by 50% and reduced survival by 10%.

Simulation	Starting Population	Ending Population	Number of Survivors	Probability of Extinction	Growth Rate
1	20	25	100	0.02	0.001
2	20	22	100	0.04	0.070
3	20	18	100	0.0	0.063

Table 7. The first Eglin black bear population simulation ignored inbreeding depression. The second modeled inbreeding depression with 3.14 lethal equivalents per individual. The third modeled the same inbreeding depression value and added a 5% probability of an annual catastrophe that reduced reproduction by 50% and reduced survival by 10%.

Simulation	Starting Population	Ending Population	Number of Survivors	Probability of Extinction	Growth Rate
1	80	97	100	0.0	0.114
2	80	95	100	0.0	0.101
3	80	94	100	0.0	0.093

Table 8. The first Green Swamp black bear population simulation ignored inbreeding depression. The second modeled inbreeding depression with 3.14 lethal equivalents per individual. The third modeled the same inbreeding depression value and added a 5% probability of an annual catastrophe that reduced reproduction by 50% and reduced survival by 10%.

Simulation	Starting Population	Ending Population	Number of Survivors	Probability of Extinction	Growth Rate
1	2	44	100	0.54	0.116
2	2	26	100	0.72	0.064
3	2	25	100	0.71	0.052

Table 9. The first Highlands County black bear population simulation ignored inbreeding depression. The second modeled inbreeding depression with 3.14 lethal equivalents per individual. The third modeled the same inbreeding depression value and added a 5% probability of an annual catastrophe that reduced reproduction by 50% and reduced survival by 10%.

Simulation	Starting Population	Ending Population	Number of Survivors	Probability of Extinction	Growth Rate
1	50	86	100	0.0	0.115
2	50	87	100	0.0	0.099
3	50	86	100	0.0	0.089

Table 10. The first Ocala black bear population simulation ignored inbreeding depression. The second modeled inbreeding depression with 3.14 lethal equivalents per individual. The third modeled the same inbreeding depression value and added a 5% probability of an annual catastrophe that reduced reproduction by 50% and reduced survival by 10%.

Simulation	Starting Population	Ending Population	Number of Survivors	Probability of Extinction	Growth Rate
1	400	597	100	0.0	0.117
2	400	595	100	0.0	0.114
3	400	586	100	0.0	0.104

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Table 11. The first Osceola black bear population simulation ignored inbreeding depression. The second modeled inbreeding depression with 3.14 lethal equivalents per individual. The third modeled the same inbreeding depression value and added a 5% probability of an annual catastrophe that reduced reproduction by 50% and reduced survival by 10%.

Simulation	Starting Population	Ending Population	Number of Survivors	Probability of Extinction	Growth Rate
1	1,200	1,494	100	0.0	0.118
2	1,200	1,499	100	0.0	0.116
3	1,200	1,480	100	0.0	0.108

between the ages of 3 and 14 years (SD = 3%). Environmental variation in reproduction and mortality was considered concordant. The first of each individual population simulation ignored inbreeding depression, the second modeled inbreeding depression with 3.14 lethal equivalents per individual, and the third modeled the same inbreeding depression value and added a 5% probability of an annual catastrophe that reduced reproduction by 50% and reduced survival by 10%. Beginning populations and carrying capacities for all simulations were Alabama, 40 and 80; Apalachicola, 400 and 800; Big Cypress Swamp, 1,000 and 1,600; Greater Chassahowitzka Ecosystem, 20 and 30; Eglin Air Force Base, 80 and 100; Green Swamp, 2 and 100; Highlands County, 50 and 90; Ocala National Forest, 400 and 600; and Osceola National Forest, 1,200 and 1,500. Environmental variation in carrying capacity was set at 5% of the total population. When habitat loss was simulated for a particular population the rate ranged from 1 to 3% per year for 20 years (Tables 12–14).

All populations that were modeled individually exhibited a high probability of surviving for 100 years, except for the colonizing population of Green Swamp (Tables 3–11). Similarly, most populations, with the exception of Green Swamp and Chassahowitzka, maintained numbers near carrying capacity. In the larger established populations that

Table 12. Effects of metapopulation simulation under different scenarios for the Greater Chassahowitzka Ecosystem black bear population.

Simulation	Final Population	Probability of Survival	No. of Simulations Ending in Extinction	Habitat loss?	Probability of Catastrophe	Inbreeding Depression?
1	25	0.98	2	N	0	Y[a]
2	24	0.98	2	N	2	Y[a]
3	9	0.48	52	Y[b]	0	N
4	8	0.47	53	Y[b]	5	N

[a]Inbreeding depression was incorporated as 3.14 lethal equivalents per individual, comprised of 1.57 recessive alelles, and 1.57 lethal equivalents not subject to removal by selection.

[b]Habitat loss (carrying capacity reduction) was simulated as an annual loss of 2% per year for 20 years in Alabama and Chassahowitzka, 3% per year for 20 years in Ocala, and 1% per year for 20 years Big Cypress Swamp, Highlands County, and Green Swamp.

Table 13. Effects of metapopulation simulation under different scenarios for the Green Swamp colonizing black bear population.

Simulation	Final Population	Probability of Survival	No. of Simulations Ending in Extinction	Habitat loss?	Probability of Catastrophe	Inbreeding Depression?
1	73	0.73	27	N	0	Y[a]
2	66	0.66	34	N	2	Y[a]
3	59	0.74	26	Y[b]	0	N
4	56	0.71	29	Y[b]	5	N

[a]Inbreeding depression was incorporated as 3.14 lethal equivalents per individual, comprised of 1.57 recessive alelles, and 1.57 lethal equivalents not subject to removal by selection.

[b]Habitat loss (carrying capacity reduction) was simulated as an annual loss of 2% per year for 20 years in Alabama and Chassahowitzka, 3% per year for 20 years in Ocala, and 1% per year for 20 years Big Cypress Swamp, Highlands County, and Green Swamp.

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Table 14. Effects of metapopulation simulation under different scenarios for the Ocala National Forest black bear population.

Simulation	Final Population	Probability of Survival	No. of Simulations Ending in Extinction	Habitat loss?	Probability of Catastrophe	Inbreeding Depression?
1	591	1.00	0	N	0	Y[a]
2	590	1.00	0	N	2	Y[a]
3	236	1.00	0	Y[b]	0	N
4	237	1.00	0	Y[b]	5	N

[a]Inbreeding depression was incorporated as 3.14 lethal equivalents per individual, comprised of 1.57 recessive alelles, and 1.57 lethal equivalents not subject to removal by selection.

[b]Habitat loss (carrying capacity reduction) was simulated as an annual loss of 2% per year for 20 years in Alabama and Chassahowitzka, 3% per year for 20 years in Ocala, and 1% per year for 20 years Big Cypress Swamp, Highlands County, and Green Swamp.

began with at least 40 animals and had carrying capacities of at least 80, neither inbreeding depression nor the periodic occurrence of reproductive failures and survival declines appeared to affect survival over 100 years. Smaller populations exhibited theoretical problems related to these variables. Statewide, the total population ranged from 4,737 to 4,812 after 100 years (Table 15). Such an increase over current estimates seems possible, given apparent population growth in various portions of Florida black bear range. These results may not be realistic over the long term, given ongoing loss of forest cover in parts of Florida; however, continuing land acquisition and forest recovery in some areas may offset some of these losses.

Metapopulation modeling (Fig. 1) produced similar total population results, but perhaps was more realistic because these simulations incorporated occasional exchange among adjacent populations as is supported by recent dispersal records (Maehr et al. 1988, Wooding et al. 1992), and several included habitat loss, especially in rapidly developing portions of the state. A metapopulation model that allowed interchange and included inbreeding depression, but was otherwise similar to the individual simulations, derived a final population of 4,816 (nearly identical to the sum of individual simulations) (Table 16). Further, the exchange between populations seemed to maintain population productivity where populations were already low. The addition of periodic reproductive failure and declines in survival produced a statewide population decline of about 1%. Removing inbreeding depression, eliminating periodic reproductive failure, and adding habitat loss resulted in a 15% decline in the statewide population. Returning periodic reproductive failure to the latter model created an additional 1% decline. Thus, the most influential variable in this set of simulations appears to be the trend in habitat availability. No other variable produced more than a 1% change in the final outcome of any model.

Within the metapopulation model, simulated habitat loss in areas where human populations are growing rapidly caused reductions of final population size ranging from 19% in Green Swamp, to 60% in Ocala National Forest, to 74% in Greater Chassahowitzka Ecosystem (Tables 12–14). The importance of metapopulation structure is most apparent for Chassahowitzka, where 7 simulations resulted in recolonization after a mean of 2 years following extinction (3 re-extinctions after a mean of 15 years), and for Green Swamp, where 8 recolonizations occurred after a mean of 1 year following extinction (2 re-extinctions after a mean of

Table 15. Total Florida population based on the sums of independent simulations.

Simulation	Total Population
1 No inbreeding depression; no catastrophes	4,812
2 Inbreeding depression; no catastrophes	4,790
3 Inbreeding depression; probability of annual catastrophe = 0.05	4,737

Table 16. Total Florida population based on metapopulation simulations.

Simulation	Total Population
1 Inbreeding depression; no catastrophe	4,816
2 Inbreeding depression; catastrophe	4,784
3 No inbreeding depression; habitat loss; no catastrophe	4,068
4 No inbreeding depression; habitat loss; catastrophe	4,033

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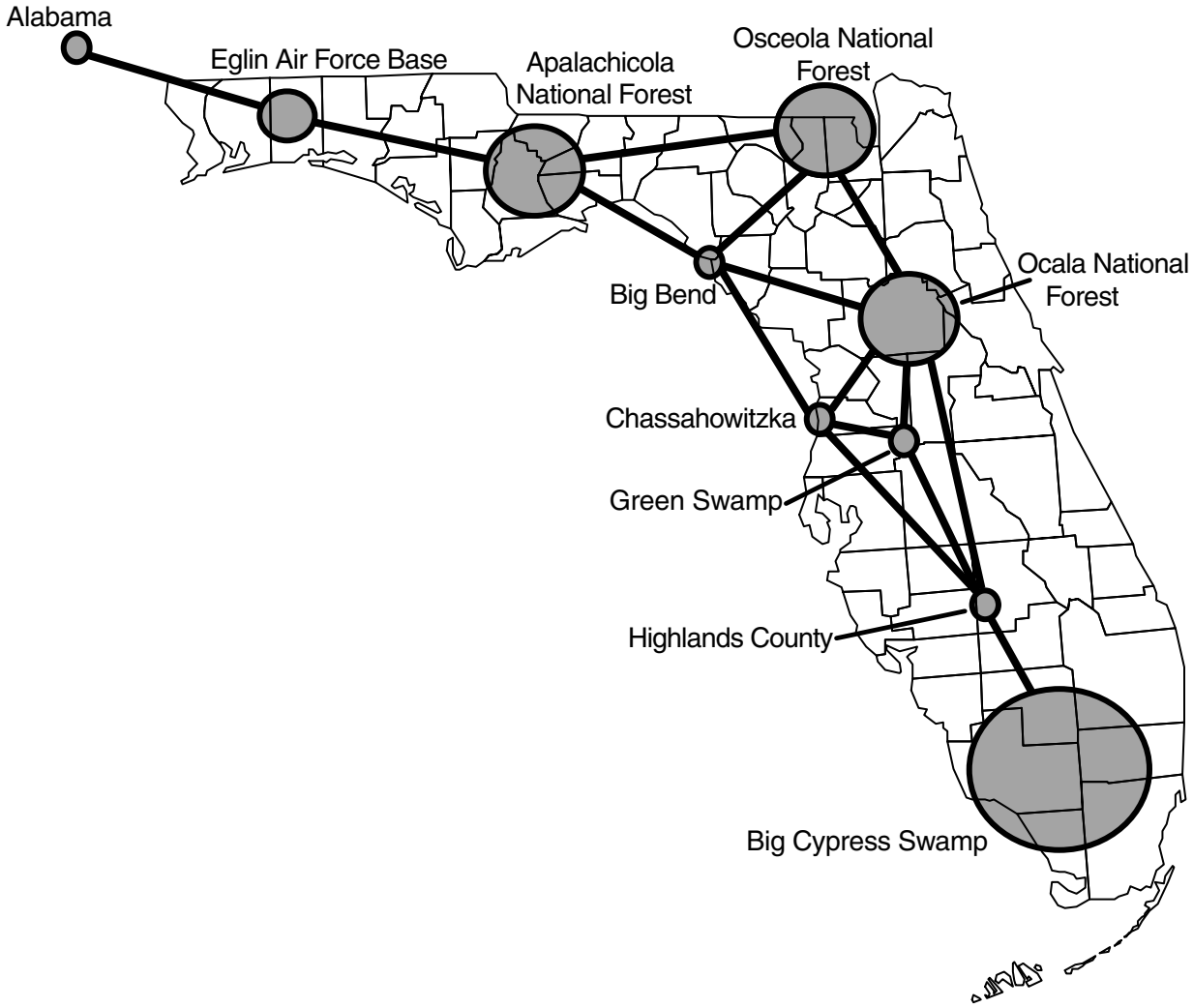


Fig. 1. Hypothetical metapopulation connections between black bear populations in Florida.

5 years). These simulations considered only the potential for natural dispersal to link areas in a metapopulation framework. Other solutions to isolation should also be considered by managers. However, these simulations are based in large measure on theoretical considerations such as the impact of inbreeding on demographics of bear populations. For example, despite clear genetic evidence that the black bear population in Chassahowitzka has been isolated for a considerable time period (M. Cunningham, FWC, personal communication), there has not been a concomitant increase in observed reproductive problems. The basic message in these analyses is that the future for individual bear populations in Florida is not absolutely clear, but that habitat loss should be the primary concern of managers. Further, whereas genetic problems do not yet appear to be a problem for the Florida black bear, these Vortex simulations may have underestimated rates of habitat loss, or they may have been too optimistic with regard to interchange among populations. If nothing else, these simulations can serve as a baseline to which future simulations can be compared as additional genetic and demographic data are collected, and as better estimates of habitat change are developed. Another model that might be instructive to investigate would be a spatially explicit simulation that links the probability of successful dispersal to landscape structure and predicts habitat loss patterns based on human population growth projections and development pressure within particular regions.

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Black Bear Habitat Management Guidelines for Florida

> Until recently, habitat management for bears was really management by default. No longer is this kind of approach acceptable, however. Instead we must clearly define specific, long-term population goals, and then determine what quantity, quality, and juxtaposition of habitats within the larger landscape mosaic are necessary to meet those goals. (Schoen 1990, 150)

Schoen (1990, 152) concluded a review of the status of worldwide bear habitat management with 5 recommendations:

1. quantitatively define the biological requirements of bears;
2. develop, in cooperation with an informed public, objectives for the management and conservation of bear populations and their habitat;
3. develop models to predict the effects of human activities on bear habitat and populations;
4. develop a clear and objective public education program describing bear habitat requirements and the influence of human activities; and
5. recognize the significant impacts on bear populations throughout the world created by the economic, political, and social pressures of the 5 billion people now inhabiting the earth.

Of course the human population of Earth is now more than 6 billion—which emphasizes that bear management is increasingly the challenge of modifying human demands on nature. In a growth state like Florida, this challenge is more acute than in most parts of the black bear's fragmented range. The literature review upon which the following guidelines are based is firmly anchored in empirical studies of black bear behavior and demographics, as well as literature on landscape ecology. Thus, our efforts have addressed only two of the recommendations listed above: defining biological requirements and developing predictive models. Certainly, a strong biological foundation for an agency's management philosophy is a critical component of successful black bear conservation, but human sociological issues will ultimately determine the fate of black bears and the management programs intended to perpetuate them. Perhaps this literature review and the accompanying recommendations can serve as a starting point for an effective program that not only addresses black bear habitat needs, but also addresses the task of communicating this information to the public and developing a strong base of support for statewide management of the species. Nonetheless, several issues emerge as important considerations for managers of the Florida black bear.

Common themes that run through the reports, studies, papers, monographs, theses, and books examined in this review include the following.

1. Black bears are negatively impacted by roads.
2. Black bears require diverse habitats that are sufficiently large to satisfy seasonally changing food requirements.
3. Black bears in Florida utilize many habitats that are evolutionarily adapted to fire.
4. Fire frequency impacts the fruiting phenology and fruiting abundance of many bear food plants, including both hard and soft mast.
5. Fire season is an important determinant of subsequent flowering and fruiting performance of several important bear food plants and successional patterns of black bear habitat.
6. Improperly placed and timed fires can cause mortality to black bear cubs.
7. Saw palmetto is the most important plant to black bears in Florida.
8. Traditional silvicultural methods such as clearcutting can temporarily increase soft mast production, but intensively managed pine plantations and standard site preparation techniques eliminate cover for denning and escape, and reduce the abundance of mast-producing plants and invertebrate food resources.
9. Old-growth forest characteristics tend to offer black bears the most secure habitat conditions, especially with regard to den sites.
10. Black bears prefer tree cavities as den sites, but are capable of successful overwintering and cub-rearing if ground dens are located in dense, well-drained vegetation and are not disturbed.
11. Habitat loss is a generally accepted

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aspect of black bear distribution in Florida; however, some areas appear to be experiencing population growth.
12. Exotic plants appear to have minimal impact on black bear ecology in Florida.
13. Some exotic wildlife species are occasionally eaten by black bears, but only the coyote has the potential to compete with the black bear for food.
14. Legal harvest and poaching of black bears has the potential to reduce population numbers and constrict inhabited range.
15. Some populations may still be recovering from legal bear hunting seasons.
16. Large, interconnected forest systems are the most important landscape features that explain the presence of black bear populations.
17. The black bear is a landscape species that requires regional planning and management to effectively conserve populations.
18. Dispersing animals are critical to maintaining the genetic variability of naturally diverse, evolutionarily adaptable black bear populations.
19. The dispersal capabilities of the black bear may be sufficient to link all of Florida's subpopulations as a single, interacting metapopulation.
20. Connectivity between populations can best be maintained or enhanced by protecting wide swaths (or landscape linkages) of low-intensity, multiple-use landscapes between subpopulations. Although smaller subpopulations such as Chassahowitzka, Highlands County, northeast Florida, and southwest Alabama will be harder to conserve, especially if habitat loss continues, opportunities to maintain or restore connectivity to larger populations are still possible.
21. Black bears are an important component of Florida's native landscapes. Therefore, efforts to maintain small populations may benefit both bear conservation and ecological integrity.
22. Population viability analyses suggest that most of Florida's bear populations are relatively secure for the next 100 years, but that interconnectivity among subpopulations enhances survival probabilities.
23. Black bears will use highway underpasses designed to reduce traffic-related injury and mortality, but such wildlife crossings are not completely practical for the species.
24. Harvest-free sanctuaries appear to be useful tools in maintaining core bear populations that provide the reproduction needed to maintain regional populations.
25. Forest patches that are at least 10,000 ha seem to be minimal units of occupied black bear range.
26. All Florida black bear populations have at least a significant portion of their habitat in private ownership. In addition, all opportunities for connectivity between populations are largely dependent on private lands. Since black bear habitat requirements can be compatible with private land management, conservation easements and agreements are a viable, cost-effective option.
27. The Florida black bear is a flagship species for the conservation of Florida's native landscapes and natural heritage. In this context all populations should be considered important.

Specific Black Bear Habitat Management Guidelines for Florida

1. Because forest patch size seems to be the best predictor of black bear occupation, efforts should be made to maintain forest conditions for Florida's largest bear populations, and to increase available forest cover in the smaller, more marginal populations. Forest patches of 10,000 ha, especially if close to large occupied habitat, appear to be a rule of thumb as a minimal occupied unit. Large forest patches are better capable of withstanding harvest (legal or otherwise), fragmentation, unpredictable food availability, mast failures, and human disturbance.

2. The Florida black bear should be managed as a metapopulation. This requires that the landscape matrix between populations is managed to encourage natural interchange among subpopulations. Corridors and landscape linkages that possess characteristics of occupied home ranges (diverse forest cover, abundant food resources, dense understories for denning and escape) should be protected or restored.

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3. Managers should consider extending the time between prescribed fires in occupied bear range. Short fire rotations (2–3 years) in upland sites may be insufficient to allow important mast-producing species to recover peak fruiting performance (flowering does not equal fruiting). Specifically in habitats where saw palmetto—the most universally important plant in the range of the Florida black bear—is a dominant food, and where it is a featured management target, fire rotations should likely not be more frequent than 10 years. Ecosystem approaches to management on public lands may dictate prescribed fire regimes that are not always optimal for bears (i.e., some public lands include timber harvesting as a primary objective, and others are very close to urban areas). In these cases, a multiple use module (MUM) approach could be applied to create natural, heterogeneous landscapes that also provide high-quality habitat nodes, such as old-growth forest for high-quality den sites, and altered fire regimes to provide dense stands of infrequently burned saw palmetto for food and cover.

4. Palmetto fruit harvesting on public land should be completely prohibited or severely limited in occupied bear range. On the other hand, because of its economic significance, saw palmetto fruit harvesting could be used as an incentive to private landowners to maintain natural conditions that favor the black bear.

5. Prescribed fires in occupied black bear range should be avoided during the winter denning period. Summer, lightning-season fires would not only reduce the potential for causing cub mortality, but would encourage fruit production in many plant species that evolved under a regime of periodic rainy season burns.

6. Forest management in occupied black bear range, or in forests targeted for restoring bear populations, should encourage dense understory vegetation and important mast-producing plants. Intensive site-preparation generally reduces the value of an area to black bears; however, small clearcuts in a larger forest matrix may encourage production of soft mast. Clearcuts larger than 250 m in diameter may discourage bear use even if productive food supplies occur there.

7. Roads are universally detrimental to black bear populations. Wherever possible, logging roads should not only be closed to human access, but reclaimed after timber harvest. Black bear managers should encourage regional developers and highway planners to avoid new roads through black bear habitat. As a general guideline, road densities in bear habitat should preferably be below 1 mile per square mile (0.6 km/km^2).

8. Construction of new highways or intensification of existing highways within bear habitat should be avoided, especially in large blocks of habitat currently without major roads. Road projects planned in bear habitat should require very significant road-crossing and habitat mitigation. Where roads must be built through occupied black bear range, or through potential corridors and landscape linkages, pavement should be elevated to allow for unrestricted travel. Underpasses, because of their equivocal utility to black bears should be used only when other impact-mitigating measures cannot be taken.

9. Managers of black bear populations should encourage forest managers to promote old-growth characteristics in occupied black bear range in Florida. Hollow logs, cavities in large trees, and downed timber provide important winter dens for pregnant females. Such sites are usually more protected from severe flooding and from human disturbance.

10. Because of the species' inherent rarity and slow reproductive rate, hunting can easily reduce black bear densities and cause range constrictions. This fact has led to effective nuisance management in western states, and likely explains the increasing population in north Florida national forests. If hunting seasons for the Florida black bear are reconsidered, regulations should be sufficiently conservative to maintain core populations and allow continued dispersal for maintaining the statewide metapopulation.

11. Managers should develop a bear sanctuary philosophy where important core areas are managed to enhance reproduction and production of dispersing animals that link adjacent populations. Buffer zones would support multiple uses and greater human activity than would be permitted in core or sanctuary areas. Such a strategy is in keeping with black bear social structure, their response to human activity, and the principles of landscape ecology.

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ANNOTATED LITERATURE CITED

Abrahamson, W. G. 1995. Habitat distribution and competitive neighborhoods of two Florida palmettos. Bulletin of the Torrey Botanical Club 122:1–14.
Saw palmetto grows slowly and may form thickets composed of individual plants that may exceed 500 years of age.

Abrahamson, W. G. 1999. Episodic reproduction in two fire-prone palms, *Serenoa repens* and *Sabal etonia* (Palmae). Ecology 80:100–115.
Fire appeared to stimulate flowering in both species. The author suggested that this was a measure of reproductive activity; however, fruiting was not measured. Other research suggests that fruit production does not recover for many years after a fire (see Hilmon 1969).

Abrahamson, W. G., and J. R. Abrahamson. 1996. Effects of a low-intensity winter fire on long-unburned Florida sand pine scrub. Natural Areas Journal 16:171–183.

Abrahamson, W. G., and D. C. Hartnett. 1990. Pine flatwoods and dry prairies. Pages 103–149 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Alt, G. L. 1983. Timing of parturition of black bears (*Ursus americanus*) in northeastern Pennsylvania. Journal of Mammalogy 64:305–307.
Litters were born from 3 to 24 January (about a month earlier than is typical for Florida). Researcher activity did not appear to cause den abandonment.

American Cyanamid Co. 1988*a*. Technical report: loblolly pine management. American Cyanamid Co., Wayne, New Jersey, USA.

American Cyanamid Co. 1988*b*. Arsenal herbicide applicator's concentrate. American Cyanamid Co. Wayne, New Jersey, USA.

Amstrup, S. C., and J. Beecham. 1976. Activity patterns of radio-collared black bears in Idaho. Journal of Wildlife Management 40:340–348.
Females were more active than males in early spring and late fall in west-central Idaho. Phenological patterns of 7 key food plants appeared to govern bear movements and habitat preferences. Females occupied well-defined home ranges that remained stable from year to year and varied from 16.6 to 130.3 km^2. Overlap of home ranges was extensive. Females entered dens between 9 October and 27 November, and emerged from dens in April.

Anderson, D. R. 1997. Corridor use, feeding ecology, and habitat relationships of black bears in a fragmented landscape in Louisiana. Thesis, University of Tennessee, Knoxville, Tennessee, USA.
Telemetry locations (n = 2,417) obtained from 19 radio-collared bears (13 females, 6 males) were used to determine mean annual home-ranges (41.6 km^2 for males, 13.2 km^2 for females). Bears were located more often than expected in corridors and forested tracts and less often than expected in agricultural fields. Males do not seem to be affected as much as females by the level of fragmentation. Fifty-two percent of male tract-to-tract movements and 100% of female tract-to-tract movements were linked with a corridor. A subadult male was the first bear documented to have dispersed out of the study area and was the first bear within the Tensas River basin documented to cross Interstate 20. Seasonal and annual diets were determined from analyses of 249 scats. Agricultural crops comprised 49% of the annual diet by volume. All bears denned in bottomland hardwood habitat, mostly using ground dens. Mean litter size was 1.8 cubs.

Anonymous. 1990. Selective control aids deer habitat. Timberlines 2(1):4.

Anonymous. 1991. Habitat may be aided by herbicide compatible with quail. Timberlines 3(2):4.

Archibald, W. R., R. Ellis, and A. N. Hamilton. 1987. Responses of grizzly bears to logging truck traffic in the Kimsquit River Valley, British Columbia. International Conference on Bear Research and Management 7:251–257.
The impact of truck traffic was studied using sound levels recorded along transects

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perpendicular to a logging road which bisected the home range of 2 radio-collared adult female grizzly bears. Both females were alienated from the zone of hauling activity for 14 hours per day. This area encompassed 3–23% of their home ranges. Both females returned to the zone of hauling activity when logging truck traffic was absent. The authors believe that if a survival cost is associated with avoiding the active hauling zone, grizzly bears will move into the zone and become habituated to the disturbance.

Arimond, S. R. 1979. Fruit production in black bear *Ursus americanus* habitat of northeastern Minnesota. Thesis, University of Minnesota, Duluth, Minnesota, USA.
Low-density stands (<800 trees/ha) showed significantly more total fruit production (blueberry, raspberry, and cherry) than high-density stands (1,000–2,100 trees/ha). Wild sasparilla was more productive in high-density stands, while hazelnut production showed no significant relationship to tree density. Stands with low tree-density constitute a critical component of favorable black bear habitat in Minnesota. Manipulation of tree density to less than 800 trees per hectare creates potentially favorable bear habitat. However, managing for fruit production satisfies only one critical habitat requirement.

Bakeless, J. E. 1961. The eyes of discovery: the pageant of North America as seen by the first explorers. Dover Publications, New York, New York, USA.

Bangs, O. 1898. The land mammals of peninsular Florida and the coast region of Georgia. Proceedings of the Boston Society of Natural History 28:157–235.

Bartram, J. 1766. Diary of a journey through the Carolinas, Georgia, and Florida. *In* F. Harper, editor and annotator. Transactions of the American Philosophical Society Volume 33, Part 1. American Philosophical Society, Philadelphia, Pennsylvania, USA.

Beck, D. E. 1977. Twelve-year acorn yield in southern Appalachian oaks. U.S. Department of Agriculture Forest Service Research Note SE-244:1-8.

Beck, T. D .I. 1991. Black bears of west-central Colorado. Technical Publication No. 39. Colorado Division of Wildlife, Fort Collins, Colorado, USA.
Past hunting pressure created long-lasting demographic effects on this population. Human-caused mortality was the leading cause of death. Mast failures resulted in reduced cub production the following spring.

Beckwith, S .L. 1957. Purple squirrels. Florida Wildlife 11(5):18–20.
Beckwith suggested that acorns preferred by wildlife in Florida are of the wide oak group including live oak and bluejack oak.

Beecham, J. J. 1983. Population characteristics of black bears in west central Idaho. Journal of Wildlife Management 47:405–412.

Beecham, J. J., D. G. Reynolds, and M. G. Hornocker. 1983. Black bear denning activities and den characteristics in west-central Idaho. International Conference on Bear Research and Management 5:79–86.
Den entry and emergence varied among bears and years, and the denning season extended from mid-October through mid-April. Forty-seven of 65 dens were ground dens excavated into a hillside or under the base of a tree, stump, or shrub. Thirteen of 65 dens were located in the base of hollow trees and 5 were in hollow logs or rock cavities. Bears denned at various elevations, slopes, and aspects, and under a variety of canopies. Four instances of den reuse were observed. Concealment was important for bears denning at mid- to low elevations. Protection from exposure to inclement conditions appeared important. In areas where soil conditions are not suitable for excavation, black bears may depend on old-growth timber stands for denning sites.

Beecham, J. J., and J. Rohlman. 1994. A shadow in the forest: Idaho's black bear. University of Idaho Press, Moscow, Idaho, USA.
This book summarizes the results of the Idaho Department of Fish and Game's biological data collected for the development of a comprehensive management program for black bears in 6 geographically separate populations. Timber was the most frequently used

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habitat on the Council study area. Priest Lake bears preferred more diverse habitats created by selection-cut logging and wildfires, with timber areas being second in preference. Bears avoided clearcuts and roads. The authors recommended that forest managers use logging techniques that minimize soil disturbance. Hunting pressure can affect population age structures, with adult males particularly vulnerable. Habitat quality and quantity were important factors controlling population size because they influenced bear reproduction. Forty-five of 56 dens were ground dens dug into a hillside or under the base of a tree, stump, or fallen tree, and 11 were tree dens. Tree dens were found at higher elevations than ground dens, possibly because preferred tree species were found at higher elevations. Dens at lower elevations were located within dense vegetation. Most bears preferred secure areas for denning.

Beeman, L. E. 1975. Population characteristics, movements and activities of the black bear (*Ursus americanus*) in the Great Smoky Mountains National Park. Dissertation, University of Tennessee, Knoxville, Tennessee, USA.

Beier, P. 1995. Dispersal of juvenile cougars in fragmented habitat. Journal of Wildlife Management 59:228–237.
This study in southern California found that cougars in a small population were willing to use explicit, low-quality corridors to get to larger habitat blocks. Guidelines include minimizing nighttime lighting, which seem to negatively affect the ability of cougars to move through potential low-quality corridors.

Beier, P. 1996. Metapopulation models, tenacious tracking, and cougar conservation. Pages 293–323 *in* D. R. McCullough, editor. Metapopulations and wildlife conservation. Island Press, Washington, D.C., USA.
Beier presents an integrated account of all the research on a small cougar population in southern California. The study demonstrated the importance of habitat connectivity for maintaining small populations of cougars in the region. It also outlines the difficulties of maintaining corridors in the face of intense development pressure, and the importance of assuming that connectivity is significant for maintaining populations.

Beier, P., and R. F. Noss. 1998. Do habitat corridors provide connectivity? Conservation Biology 12:1241–1252.
Beier and Noss review much of the literature on experiments to test whether habitat corridors facilitate movement of focal species. They argue that small-scale experiments with experimental nontarget organisms are not very relevant to conservation decisions. Well-designed, observation-based studies can be very useful to demonstrate the importance of corridors for connectivity. Real, natural landscapes tend to be connected, therefore a connectivity approach is the opposite of fragmentation and should be considered desirable unless proven otherwise.

Bennitt, R., J. S. Dixon, V. H. Cahalane, W. W. Chase, and W. L. McAtee. 1937. Statement of policy. Journal of Wildlife Management 1:1–2.

Beringer, J. J., S. G. Seibert, and M. R. Pelton. 1990. Incidence of road crossing by black bears on Pisgah National Forest, North Carolina. International Conference on Bear Research and Management 8:85–92.
This study related the number of times bears crossed roads to the road density within their home range and to the traffic volume associated with the roads. Bears strongly avoided roads with traffic volumes of 10,000+ vehicles per day, and avoided the roads more as road density within home ranges increased. Bears crossed roads with high traffic volumes significantly less often than they crossed roads with traffic volumes less than 100 vehicles per day. Bears crossed roads more frequently during daylight hours than at night. Management implications include the following: high traffic volumes impede bear movements; accessibility that roads provide to hunters may be detrimental to bear populations; impact on the local bear population should be considered before constructing new roads in bear habitat; unused roads should be closed permanently to reduce hunter access and illegal hunting; other roads should be gated and locked.

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Beringer, J., S. G. Seibert, S. Reagan, A. J. Brody, M. R. Pelton, and L. D. Vangilder. 1998. The influence of a small sanctuary on survival rates of black bears in North Carolina. Journal of Wildlife Management 62:727–734.
Hunting-free areas appear to be effective in protecting adult female black bears and promoting reproduction that is need to repopulate adjacent areas where bear hunting occurs. Males that dispersed from sanctuary natal ranges were usually killed. Threats to females using sanctuaries are primarily related to logging and road construction.

Bookhout, T. A. 1994. Research and management techniques for wildlife and habitats. Wildlife Society, Bethesda, Maryland, USA.

Brady, J. R. 1985. Black bear habitat studies. Annual Performance Report. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.
Two years of intensive trapping in Osceola National Forest produced 6 captures of black bears. Although forest management did not appear to reduce food availability, there was no speculation about the role of hunting on this population. "Big Gum Swamp, a large forested wetland dominated by swamp tupelo *(Nyssa biflora)* was a common feature in 5 of 6 home ranges. The swamp provided escape cover during the hunting season for 5 bears, fall food for 4 bears and winter den cover for 2 bears. Bears not using Big Gum Swamp at these times utilized similar areas nearby."

Brady, J. R., and D. S. Maehr. 1985. Distribution of black bears in Florida. Florida Field Naturalist 13:1–7.
The black bear exhibits a patchy distribution in Florida, but is still found in 50 of 67 counties. The species was once widespread throughout the state, and even occurred in the Florida Keys.

Brenner, M., M. W. Binford, and E. S. Deevey. 1990. Lakes. Pages 364–391 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Brody, A. J. 1984. Habitat use by black bears in relation to forest management in Pisgah National Forest, North Carolina. Thesis, University of Tennessee, Knoxville, Tennessee, USA.

Brody, A. J, and M. R. Pelton. 1989. Effects of roads on black bear movements in western North Carolina. Wildlife Society Bulletin 17:5–10.
Bears avoided crossing interstate highways and crossed smaller roads with low traffic volumes more frequently than smaller roads with higher traffic volumes. Bears may react to increases in road densities by shifting the locations of their home ranges to areas of lower road densities.

Brody, A. J., and J. N. Stone. 1987. Timber harvest and black bear population dynamics in a southern Appalachian forest. International Conference on Bear Research and Management 7:243–250.

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Brown, R. B., E. L. Stone, and V. W. Carlisle. 1990. Soils. Pages 35–69 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Bunnell, F. L., and D. E. N. Tait. 1981. Population dynamics of bears—implications. Pages 75–98 *in* C. W. Fowler and T. D. Smith, editors. Dynamics of large mammal populations. John Wiley and Sons, New York, New York, USA.

Bunnell, F. L., and D. E. N. Tait. 1985. Mortality rates of North American bears. Arctic 38:316–323.

Burton, T., D. Koch, D. Updike, and A. Brody. 1994. Evaluation of the potential effects of sport hunting on California black bears. International Conference on Bear Research and Management 9:231–235.
Hunting mortality appears to have little negative impact, and hunting mortality is believed to be compensatory in California, where harvest removes about 8% of the population annually.

Butler, D. R. 1995. Zoogeomorphology: animals as geomorphic agents. Cambridge University Press, New York, New York, USA.

Cahalane, V. H. 1948. The status of mammals in the U.S. national park system. Journal of Mammalogy 29:247–259.

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Campbell, R. A., and C. A. Howard. 1993. Priorities for forestry herbicide application technology research. Canadian Journal of Forestry Research 23:2204–2212.

Carlock, D. M., R. H. Conley, J. M. Collins, P. E. Hale, K. G. Johnson, A. S. Johnson, and M. R. Pelton. 1983. The tri-state black bear study. Technical Report No. 83-9. Tennessee Wildlife Resources Agency. Knoxville, Tennessee, USA.
This was a cooperative project between Tennessee, Georgia, and North Carolina to characterize black bear populations and habitats in the tri-state study region. Management recommendations include the following: regionwide surveys should be established, maintained, standardized, and coordinated; continue and expand the sanctuary system; establish a consistent, stable, and conservative road policy on national forest lands; establish a late hunting season to better protect females; enhance communications between wildlife agencies and hunters; conduct tree den surveys; and enhance tree den availability and hard and soft mast production.

Caro, T. M., and G. O'Doherty. 1999. On the use of surrogate species in conservation biology. Conservation Biology 13:805–814.
A broad review of the use of indicator or focal species to do conservation planning. The authors recommend that such strategies be used conservatively since no umbrella, indicator, or focal species will match up perfectly with the habitat requirements of other species of conservation interest.

Carr, A. 1983. Armadillo dilemma. Animal Kingdom 85(5):40–43.
Carr suggested that armadillos were destroying the leaf-layer fauna of Florida's forests and that predation may help reduce such impacts.

Carr, M., P. Zwick, T. Hoctor, W. Harrell, A. Goethals, and M. Benedict. 1998. Using GIS for identifying the interface between ecological greenways and roadway systems at the state and sub-state scales. Pages 68–77 *in* G. Evink, P. Garrett, D. Ziegler, and J. Berry, editors. Proceedings of the international conference on wildlife ecology and transportation. Florida Department of Transportation, Tallahassee, Florida, USA.

Carr, P. C. 1983. Habitat utilization and seasonal movements of black bears in the Great Smoky Mountains National Park. Thesis. University of Tennessee, Knoxville, Tennessee, USA.

Chapman, F. C. 1894. Remarks on certain land mammals from Florida, with a list of the species known to occur in the state. Bulletin of the American Museum of Natural History 6:333–346.

Christensen, N. L. 1985. Shrubland fire regimes and their evolutionary consequences. Pages 85–100 *in* S. T. A. Pickett and P. S. White, editors. The ecology of natural disturbance and patch dynamics. Academic Press, San Diego, California, USA.

Clark, J. D., J. E. Dunn, and K. G. Smith. 1993. A multivariate model of female black bear habitat use for a geographic information system. Journal of Wildlife Management 57:519–526.
Female black bears used areas within 240 m of roads and >600 m from streams less than expected in the Ozark Mountains of Arkansas.

Clevenger, A. P. 1986. Habitat and space utilization of black bears in Cherokee National Forest, Tennessee. Thesis, University of Tennessee, Knoxville, Tennessee, USA.
Bears used habitat in a fashion typical of the southern Appalachians. Increases in male home ranges were attributed to hunting activities in the national forest. Illegal hunting of this population is exacerbated by easy access into the forest. A nearby sanctuary appeared beneficial to the local bear population.

Clewell, A. F. 1971. The vegetation of the Apalachicola National Forest: an ecological perspective. Contract 38-2249. U.S. Department of Agriculture Forest Service, Atlanta, Georgia, USA.

Cowan, I. M. 1972. The status and conservation of bears (Ursidae) of the world—1970. Pages 343–367 *in* S. Herrero, editor. Bears—their biology and management. International Union for the Conservation of Nature and Natural Resources, New Series 23.

Cox, J., R. Kautz, M. MacLaughlin, and T. Gilbert. 1994. Closing the gaps in Florida's wildlife habitat conservation system. Florida Game and

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Fresh Water Fish Commission, Tallahassee, Florida, USA.

Craighead, F. C. 1971. The trees of south Florida. University of Miami Press, Coral Gables, Florida, USA.

Croker, T. 1979. The longleaf pine story. Journal of Forest History 23:32–43.

Davis, J. H. 1943. The natural features of southern Florida, especially the vegetation and the Everglades. Geological Bulletin 25. Florida Department of Conservation, Florida Geological Survey, Tallahassee, Florida, USA.

Davis, J. H. 1967. General map of natural vegetation of Florida. Institute of Food and Agricultural Science Circular S-178. University of Florida, Gainesville, Florida, USA.

De Pourtales, L. F. 1877. Hints on the origin of the flora and fauna of the Florida Keys. American Naturalist 11:137–144.

Dideriksen, R. I., A. R. Hidlebaugh, and K. O. Schmude. 1977. Potential cropland study. Station Bulletin 578. U.S Department of Agriculture Soil Conservation Service. Washington, D.C., USA.

Dobson, A., K. Ralls, M. Foster, M. E. Soule, D. Simberloff, D. Doak, J. A. Estes, L. S. Mills, D. Mattson, R. Dirzo, H. Arita, S. Ryan, E. A. Norse, R. F. Noss, and D. Johns. 1999. Corridors: reconnecting fragmented landscapes. Pages 129–170 *in* M. E. Soule and J. Terborgh, editors. Continental conservation: scientific foundations of regional reserve networks. Island Press, Washington, D.C., USA
This book chapter contains a review of and recommendations for the use of corridors and other approaches for facilitating connectivity in reserve systems.

Doren, R. F., and D. T. Jones. 1997. Plant management in Everglades National Park. Pages 275–286 *in* D. Simberloff, D. C. Schmitz, and T. C. Brown, editors. Strangers in paradise. Island Press, Covelo, California, USA.

DowElanco. 1992. Tordon 101 mixture. Specimen label. DowElanco, Indianapolis, Indiana, USA.

DowElanco. 1993. Garlon 3A herbicide. Specimen label. DowElanco, Indianapolis, Indiana, USA.

Duever, M. J., J. E. Carlson, J. F. Meeder, L. C. Duever, L. H. Gunderson, L. A. Riopelle, T. R. Alexander, R. L. Myers, and D. P. Spangler. 1986. The Big Cypress National Preserve. Research Report Number 8. National Audubon Society, New York, New York, USA.

DuPont de Nemours and Co. 1992. Krenite S brush control agent. Specimen label. E.I. DuPont de Nemours and Co., Wilmington, Delaware, USA.

DuPont de Nemours and Co. 1995. Velpar herbicide. Specimen label. E.I. DuPont de Nemours and Co., Wilmington, Delaware, USA.

Dusi, J. L., D. T. King, and L. K. Malo. 1987. Ecology of the black bear in southwest Alabama. Final Report, Project W-44. Alabama Department of Conservation and Natural Resources, Alabama Agricultural Experiment Station, and U.S. Department of Interior, Washington, D.C., USA.

Dusi, J. L., and D. T. King. 1990. The black bear in southwestern Alabama. Journal of the Alabama Academy of Science 61:41–49.
Study objectives were to determine the feasibility of delineating ecological characteristics of a low density black bear population. Three areas were looked at: black bear movement ecology in Alabama, black bear population density and distribution, and optimal black bear habitat requirements. The study determined that titi swamps were the most critical habitat. Management suggestions included protection of remaining choice habitat; exclusion of bears from areas where they are causing damage (bee yards, gardens, field crops); removal of the cause of the trouble rather than the nuisance bear; and production of an intensive educational program about bears and other wildlife.

East, B. 1977. Bears. Crown Publishers, New York, New York, USA.

Edmiston, J. E. 1963. The ecology of the Florida pine flatwoods. Dissertation, University of Florida, Gainesville, Florida, USA.

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Eiler, J. H. 1981. Reproductive biology of black bears in the Smoky Mountains of Tennessee. Thesis, University of Tennessee, Knoxville, Tennessee, USA.

Eisenberg, J. F. 1981. The mammalian radiations: an analysis of trends in evolution, adaptation, and behavior. University of Chicago Press, Chicago, Illinois, USA.

Elowe, K. D. 1987. Factors affecting black bear reproductive success and cub survival in Massachusetts. Dissertation, University of Massachusetts, Amherst, Massachusetts, USA.

Elowe, K. D., and W. E. Dodge. 1989. Factors affecting black bear reproductive success and cub survival. Journal of Wildlife Management 53:962–968.

Errington, P. L., and F. N. Hamerstrom Jr. 1937. The evaluation of nesting losses and juvenile mortality of the ring-necked pheasant. Journal of Wildlife Management 1:3–20.

Eubanks, A. L. 1976. Movements and activities of the black bear *(Ursus americanus)* in the Great Smoky Mountains National Park. Thesis, University of Tennessee, Knoxville, Tennessee, USA.

Ewel, J. J., D. S. Ojima, D. A. Karl, and W. F. DeBusk. 1982. Schinus in successional ecosystems of Everglades National Park. Report T-676. National Park Service, Homestead, Florida, USA.

Ewel, K. C. 1990. Swamps. Pages 281–323 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Fair, J. S. 1977. Unusual dispersal of black bear cubs in Utah. Journal of Wildlife Management 42:642–644.
A late freeze and summer drought are thought to have caused a mast failure and subsequent widespread abandonment of black bear cubs in eastern Utah.

Forman, R. T. T. 1987. The ethics of isolation, the spread of disturbance, and landscape ecology. Pages 213–229 *in* M. G. Turner, editor. Landscape heterogeneity and disturbance. Springer-Verlag, New York, New York, USA.
The author outlines some of the significant emerging principles of landscape ecology. He also recommends adoption of the ethics of isolation in land use and conservation planning: "Simply stated, in land use decisions and actions, it is unethical to evaluate an area in isolation from its surrounding or from its development over time. Ethics impel us to consider an area in its broadest spatial and temporal perspectives."

Forman, R. T. T. 1995. Land mosaics: the ecology of landscapes and regions. Cambridge University Press, Cambridge, U.K.
This book is a broad review of the principles of landscape ecology and the relevant literature. It is an excellent source for the principles undergirding the importance of connectivity and landscape-level approaches to conservation.

Foster, M. L. 1992. Effectiveness of wildlife crossings in reducing animal/auto collisions on Interstate 75, Big Cypress Swamp, Florida. Thesis, University of Florida, Gainesville, Florida, USA.
In addition to radio telemetry on 26 bobcats, Foster monitored 4 wildlife crossings with infrared game counters and cameras for periods of 2–16 months. Certain species seem to favor using certain crossings and different species used the crossings at different times of day. Most species exhibited seasonal peaks in the frequencies of crossings. The level and frequency of use of a crossing varied according to the location and configuration of home ranges and movement patterns and density of individuals in the area. Most successful applications of wildlife underpasses have identified wildlife trails and placed crossing structures in or near these traditional paths. The underpass should provide animals with an unobstructed view of the habitat or horizon on the far side of the underpass. Medians should be open rather than covered.

Franklin, I. R. 1980. Evolutionary changes in small populations. Pages 135–149 *in* M. E. Soule and B. A. Wilcox, editors. Conservation biology: an evolutionary-ecological perspective. Sinauer Associates, Sunderland, Massachusetts, USA.

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Freedman, B., R. Morash, and D. MacKinnon. 1993. Short-term changes in vegetation after the silvicultural spraying of glyphosate herbicide onto regenerating clearcuts in Nova Scotia, Canada. Canadian Journal of Forestry Research 23:2300–2311.

Fuller, T. K., and L. B. Keith. 1980. Summer ranges, cover-type use, and denning of black bears near Fort McMurray, Alberta. Canadian Field Naturalist 94:80–83.
Adult females without cubs occupied average areas of 7.5 km^2. Dens were excavated on level ground in stands of mixed aspen and birch, which were likely excavated in previous years. All females denned on or near the periphery of the ranges they occupied during the summer. The proportion of bears excavating dens is correlated with decreasing winter temperatures and the need for increased insulation.

Frye, E. O., B. Piper, and L. Piper. 1950. The black bear...saint or sinner? Florida Wildlife 4(6):6–7, 28.

Garris, S. 1983. Habitat utilization and movement ecology of black bears in Cherokee National Forest. Thesis, University of Tennessee, Knoxville, Tennessee, USA.

Garshelis, D. L. 1978. Movement ecology and activity behavior of black bears in the Great Smoky Mountains National Park. Thesis, University of Tennessee, Knoxville, Tennessee, USA.

Garshelis, D. L., and M. R. Pelton. 1981. Movements of black bears in the Great Smoky Mountain National Park. Journal of Wildlife Management 45:912–925.

Gholz, H. L., D. N. Guerin, and W. P. Cropper. 1999. Phenology and productivity of saw palmetto *(Serenoa repens)* in a north Florida slash pine plantation. Canadian Journal of Forest Research 29:1248–1253.
Although saw palmetto flowers readily after being burned, fruiting does not occur successfully for some time after a fire. The authors suggest that longer than standard fire rotations are appropriate when saw palmetto fruit production is a feature of black bear habitat management in Florida.

Giles, R. H., Jr. 1971. Wildlife management techniques. Third edition, revised. Wildlife Society, Washington, D.C., USA.

Gilliam, F. S., and W. J. Platt. 1999. Effects of long-term fire exclusion on tree species composition and stand structure in an old-growth *Pinus palustris* (longleaf pine) forest. Plant Ecology 140:15–26.

Glenn, L. P., J. W. Lentfer, J. B. Faro, and L. H. Miller. 1976. Reproductive biology of female brown bears, *Ursus arctos,* McNeil River, Alaska. Pages 381–390 *in* M. R. Pelton, J. W. Lentfer, and G. E. Folk, editors. Bears—their biology and management. International Union for the Conservation of Nature and Natural Resources, New Series 40.

Glitzenstein, J. S., W. J. Platt, and D. R. Strong. 1995. Effects of fire regime and habitat on tree dynamics in north Florida longleaf pine savannas. Ecological Monographs 65:441–476.

Grenfell, W. E., and A. J. Brody. 1983. Seasonal foods of black bears in Tahoe National Forest, California. California Fish and Game 69:132–150.

Grenfell, W. E., and A. J. Brody. 1986. Black bear habitat use in Tahoe National Forest, California. International Conference on Bear Research and Management 6:65–72.

Gunther, K. A. 1990. Visitor impact on grizzly bear activity in Pelican Valley, Yellowstone National Park. International Conference on Bear Research and Management 8:73–78.
Gunther used visual observations to determine if human recreational activity affected grizzly bear use of open meadow areas. When the valley was open to visitors, bear activity in areas greater than 500 m from forest cover was significantly reduced and bears avoided areas around occupied back-country campsites. No differences in diurnal hourly activity patterns were observed among open, restricted, and closed periods. Foot parties were more likely to be charged by a grizzly than people on horseback. All incidences in which hikers were charged by bears involved groups of one or two people. Restricting public use during peak grizzly activity time-periods prevents human-caused displacement of bears from productive open habitats, as well as allows

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recreational use and limits opportunities for bear/human encounters. Subadults and females with cubs of the year are more day-active and therefore more vulnerable to disturbance by recreational activity.

Hall, E. R., and K. R. Kelson. 1959. The mammals of North America. Volume II. Ronald Press, New York, New York, USA.

Hamilton, R. J. 1981. Effects of prescribed fire on black bear populations in southern forests. Pages 129–134 *in* G. W. Wood, editor. Prescribed fire and wildlife in southern forests. Belle W. Baruch Forest Science Institute of Clemson University, Georgetown, South Carolina, USA
Hamilton recognized the value of fire in promoting soft mast production, but cautioned that some areas, particularly denning habitat, should be free from fire during sensitive seasons, such as winter when females den.

Hamilton, R. J., and R. L. Marchinton. 1980. Denning and related activities of black bears in the coastal plain of North Carolina. International Conference on Bear Research and Management 4:121–126.
The authors determined that black bear activities in southeastern North Carolina decreased progressively through autumn. Den types included ground nests in dense vegetation and one hollow bald cypress tree. Average denning period was 102 days. Postdenning movements gradually increased, peaking during breeding season. Authors noted that few suitable den trees were available.

Hamilton, W. J., Jr. 1941. Notes on some mammals of Lee County, Florida. American Midland Naturalist 25:686–691.
Hamilton suggested that overhunting eliminated the black bear from this area of west central Florida.

Handley, C. O., Jr. 1979. Mammals of the Dismal Swamp: a historical account. Pages 298–357 *in* P. W. Kirk, editor. The Great Dismal Swamp. University Press of Virginia, Charlottesville, Virginia, USA.

Harlow, R. F. 1959. Tomoka Wildlife Management Area. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.

Harlow, R. F. 1961. Characteristics and status of Florida black bear. Transactions of the North American Wildlife Conference 26:481–495.

Harlow, R. F. 1962*a*. Facts about Florida black bear. Florida Wildlife 15:12–17.

Harper, F. 1927. Mammals of Okefinokee (sic) Swamp. Proceedings of the Boston Society of Natural History 38:191–396.

Harper, R. M. 1914. Geography and vegetation of northern Florida. Florida Geological Survey Annual Report 6:163–451.

Harris, L. D. 1980. Forest and wildlife dynamics in the Southeast. Transactions of the North American Wildlife and Natural Resources Conference 45:307–322.
High regional human population growth and increased agriculture and rangeland are exerting severe pressure on southeastern forest lands. There is a trend of annual loss of forest acreage with the remaining forest being managed more intensively. Loss of former within-stand habitat diversity must be compensated for by between-stand heterogeneity. Planning for wildlife should be an integral part of current reforestation decisions if forests of the future are to be of maximum value to wildlife. Attention should be focused on the role of forest habitats during winter months, when resident wildlife remain more active than northern counterparts and migrants become abundant. Management should focus on time-space interactions in order to ensure habitat quality throughout the year.

Harris, L. D. 1984. The fragmented forest. University of Chicago Press, Chicago, Illinois, USA.
This classic work was one of the first to point out the dangers of increasing artificial patchiness in North America's forests. Wide-ranging forest species, such as bears and panthers, are especially vulnerable to these influences. Among other recommendations, the author stresses the need to manage forests in a mosaic that maintains old-growth conditions for interior-sensitive wildlife.

Harris, L. D. 1989. The faunal significance of fragmentation of southeastern bottomland

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forests. Pages 126–134 *in* D. D. Hook and R. Lea, editors. Proceedings of the symposium: the forested wetlands of the southern United States. General Technical Report SE-50. U.S. Department of Agriculture Forest Service, Southeastern Forest Experiment Station, Asheville, North Carolina, USA.

Harris, L. D., and P. Gallagher. 1989. New initiatives for wildlife conservation, the need for movement corridors. Pages 11–36 *in* G. Mackintosh, editor. In defense of wildlife: preserving communities and corridors. Defenders of Wildlife, Washington, D.C., USA.

Harris, L. D., and J. G. Gosselink. 1990. Cumulative impacts of bottomland hardwood forest conversion on hydrology, water quality, and terrestrial wildlife. Pages 259–322 *in* J. G. Gosselink, L. C. Lee, and T. A. Muir, editors. Ecological processes and cumulative impacts: illustrated by bottomland hardwood wetland ecosystems. Lewis Publishers, Chelsea, Michigan, USA.
Forest loss at local sites may have only a moderate impact on the natural services of bottomland hardwood ecosystems. The cumulative impact of small conversion actions may be significant and include less-frequent flooding during normal weather conditions and higher downstream stages with increasingly unstable streams during severe floods. As watersheds are cleared, erosion increases and streamwater quality decreases. Bottomland hardwood forest loss is first felt by individual species, which suffer abnormalities in reproduction, range restriction, and loss of genetic heterogeneity. Black bears will frequently be among the first that are lost. As the cumulative stress level increases and the whole ecosystem is modified, trophic webs become simplified, biotic community composition and structure are modified, and native species are lost due to invasion by exotic species, parasites, and diseases. The ecosystem collapses and is transformed, with resulting extinctions of native species and depletion of migrant bird populations.

Harris, L. D., and T. S. Hoctor. 1992. Biological Issues. *In* The cross-Florida greenway report. Volume 4. Florida Department of Natural Resources, Tallahassee, Florida, USA.

Harris, L. D., T. Hoctor, D. S. Maehr, and J. Sanderson. 1996. The role of networks and corridors in enhancing the value and protection of parks and equivalent areas. Pages 173–197 *in* R. G. Wright, editor. National parks and protected areas. Blackwell Science, Cambridge, Massachusetts, USA.
The authors suggest that the traditional park paradigm for conserving biodiversity is insufficient, particularly from the perspective of wide-ranging wildlife species and long-term ecosystem change. A landscape approach must be embraced that allows not only movement of individuals and populations over space and time, but that allows entire biotic communities to shift with changing climatic conditions.

Harris, L. D., and P. Kangas. 1988. Reconsideration of the habitat concept. Transactions of the North American Wildlife and Natural Resources Conference 53:137–144.

Harris, L. D., and J. Scheck. 1991. From implications to applications: the dispersal corridor approach to the conservation of biological diversity. Pages 189–220 *in* D. A. Saunders and R. J. Hobbs, editors. Nature conservation 2: the role of corridors. Surrey Beatty and Sons, Chipping Norton, New South Wales, Australia.
This book chapter reviews and explores the application of the corridor concept to the conservation of biological diversity. There are examples of corridors being used in wildlife conservation across the globe and even early in the twentieth century and before. Applications range from using small linear features such as hedgerows to maintain some forest species in predominantly agricultural landscapes, to protecting riparian forests to maintain connectivity in timber plantations, to broader corridors and landscape linkages facilitating regional connectivity.

Harris, L. D., and G. Silva-Lopez. 1992. Forest fragmentation and the conservation of biological diversity. Pages 197–237 *in* P. Fielder and S. Jain, editors. Conservation biology: the theory and practice of nature conservation. Chapman and Hall, New York, New York, USA.

Harris, L. D., L. D. White, J. E. Johnston, and D. G. Milchunas. 1974. Impact of forest plantations

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on north Florida wildlife and habitat. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 28:659–667.
Bird and small mammal abundance and diversity were much greater in mature longleaf pine forests than in nine-year-old slash pine and other mature natural stands. Low-intensity preparation of sites generally resulted in greater numbers of birds and small mammals than the high-intensity plots. In general, high-intensity silvicultural practices reduce biodiversity in Florida pine forests.

Harrison, R. L. 1992. Toward a theory of inter-refuge corridor design. Conservation Biology 6:293–295.
The author argues that corridors may be most effective when they can incorporate habitat that will support individuals of the target species and assesses how wide corridors might need to be to incorporate home ranges of selected large carnivores.

Hatler, D. F. 1967. Some aspects in the ecology of the black bear *(Ursus americanus)* in interior Alaska. Thesis, University of Alaska, Fairbanks, Alaska, USA.

Hellgren, E. C. 1988. Ecology and physiology of a black bear population in the Great Dismal Swamp and reproductive physiology in the captive female black bear. Dissertation, Virginia Polytechnic Institution and State University, Blacksburg, Virginia, USA.

Hellgren, E. C., and D. S. Maehr. 1992. Habitat fragmentation and black bears in the eastern United States. Proceedings of the Eastern Black Bear Workshop on Management and Research 11:154–165.
Habitat fragmentation impacts several biological factors, including reductions in distribution, habitat population size, potential effects on genetic diversity, demographics, range dynamics, and dispersal. Internal habitat fragmentation by roads is of particular interest to managers of hunted black bear populations. Low-density populations and slow rates of population growth increase the susceptibility of bears to local extinctions by making them more vulnerable to stochastic demographic or genetic effects or environmental variation. However, black bears have considerable dispersal abilities, are ecological generalists, do not have highly fluctuating populations, are long-lived, and can exploit modified habitats, which partially mitigates the effects of habitat fragmentation. The dispersal abilities of bears can naturally overcome most geographic barriers to periodically augment many fragmented populations. Fragmented bear populations may become vulnerable to changes in habitat productivity due to climate change. If habitat conditions change, then population dynamics can change. Population models need to include habitat projections if they are to be applicable. Management of human access and activity is paramount for bear populations in fragmented and fissured landscapes.

Hellgren, E. C., and M. R. Vaughn. 1988. Seasonal food habits of black bears in Great Dismal Swamp, Virginia-North Carolina. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 42:295–305.

Hellgren, E. C., and M. R. Vaughan. 1989. Denning ecology of black bears in a southeastern wetland. Journal of Wildlife Management 53:347–353.
Den types included 14 ground nests, 11 excavated ground cavities, 2 ground-level tree cavities, 1 above-ground-level tree cavity, and 1 stump den. Tree den availability was not estimated, although 25% of the study area appeared to contain potential tree dens. Denning was 11–48 days shorter on average than in other regions with mild winter climates. The authors concluded that large den trees may not be necessary for successful denning and reproduction in certain southeastern wetlands because bears can use dense cover and microelevational factors to overwinter. Flooding and human disturbance may be stronger forces affecting den site selection than energetics in regions that have very mild winter climates. Timber harvest probably would decrease the number of available tree dens, but may not seriously affect overall den availability. Hollow trees with diameters >1 m should be left standing. Also, denning chronology of adult females with newborn cubs should be

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considered before winter burns are planned. Den availability is not a problem in southeastern wetlands if bears are provided with habitat patches large enough to offer seclusion from human disturbance.

Heyward, F. 1939. The relation of fire to stand composition of longleaf pine forests. Ecology 20:287–304.

Hillman, L. L., and D. L. Yow. 1986. Timber management for black bear. Eastern Workshop on Black Bear Management and Research 8:125–134.
The authors suggested that black bears need freedom from constant human access, diversity, hard mast, soft mast and forage, dens, and key areas. They suggested that black bears should be relatively easy to incorporate into forest management plans because the species has such generalized habitat requirements and adapts well to varying habitat conditions. They also suggested that connectivity, with "travelways," was important among forest patches.

Hilmon, J. B. 1969. Autecology of saw palmetto (*Serenoa repens* (Batr.) Small). Dissertation, Duke University, Durham, North Carolina, USA.
In this examination of methods to control saw palmetto, Hilmon discovered that this extremely important black bear food plant does not recover its fruiting potential until 6–9 years after a fire. Given the generally short fire rotation prescription on many upland forests in Florida, saw palmetto fruit production may be artificially reduced throughout the state.

Hoctor, T. S., M. H. Carr, and P. D. Zwick. 2000. Identifying a linked reserve system using a regional landscape approach: the Florida ecological network. Conservation Biology 14:984–1000.

Hofstetter, R. H. 1984. The effect of fire on the pineland and sawgrass communities of southern Florida. Pages 465–476 *in* P. J. Gleason, editor. Environments of south Florida: present and past II. Miami Geological Society, Coral Gables, Florida, USA.

Horner, M. A., and R. A. Powell. 1990. Internal structure of home ranges of black bears and analyses of home-range overlap. Journal of Mammalogy 71:402–410.
Female black bears appear tolerant of neighboring adult females and exhibit extensive overlap of habitat in space and time. Home range and habitat analyses must examine more than just the boundaries of use areas in order to understand the dynamics of black bear spatial distribution.

Hough, W. A. 1965. Palmetto and gallberry regrowth following a winter prescribed burn. Georgia Forest Resources Council Paper 31.
Winter fires appear to have a negative influence on the production of important black bear food plants.

Howell, A. H. 1929. Florida's mammals. Nature Magazine 13:338–340, 378–379.

Hughes, R. H., and F. E. Knox. 1964. Response of gallberry to seasonal burning. U.S. Department of Agriculture Forest Service Research Note SE-21.

Hunter, M. L. 1990. Wildlife, forests, and forestry. Prentice Hall, Englewood Cliffs, New Jersey, USA.

Irwin, L. L., and F. M. Hammond. 1985. Managing black bear habitats for food items in Wyoming. Wildlife Society Bulletin 13:477–483.
Fruit production in this area of multiple use can be encouraged in a mosaic of successional stages with the use of <10-ha clearcuts and cutting or burning of aspen. Fire suppression and livestock grazing have created food availability problems by altering successional patterns.

Ivey, R. D. 1959. The mammals of Palm Valley, Florida. Journal of Mammalogy 40:585–591.

Jaap, W. C., and P. Hallock. 1990. Coral reefs. Pages 574–618 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Johnson, A. F., and M. G. Barbour. 1990. Dunes and maritime forests. Pages 429–480 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

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Johnson, K. G., D. O. Johnson, and M. R. Pelton. 1978. Simulation of winter heat loss for a black bear in a closed tree den. Proceedings of the Eastern Workshop on Black Bear Management and Research 4:155–166.

Johnson, K. G., and M. R. Pelton. 1979. Denning behavior of black bears in the Great Smoky Mountains National Park. Proceedings of the Southeastern Association of Fish and Wildlife Agencies 33:239–249.

Jonkel, C. J., and I. M. Cowan. 1971. The black bear in the spruce-fir forest. Wildlife Monographs 27:1–55.
The *Picea-Abies/Pachistima* association was important during all seasons. Clearcut logged areas were avoided. Home ranges were very small compared to those in other regions. Bears den 1.5 months longer than in other regions due to severe winters. Territorial behavior is strongly indicated. Cub survival was high from 0.5 to 1.5 years of age, but the young then rapidly disappear from the population through death and dispersal.

Kasworm, W. F., and T. L. Manley. 1990. Road and trail influences on grizzly bears and black bears in northwest Montana. International Conference on Bear Research and Management 8:79–84.
The study examined 3 grizzly bears and 26 black bears to determine the effects of roads and trails on seasonal habitat use patterns. Grizzly bears avoided habitat within 914 m of open roads and black bears avoided habitat within 274 m of open roads. Trails displaced both species less than open roads; road closures are suggested as a tool for bear habitat management. Grizzly bear avoidance of high-quality habitat near roads and trails may lessen the opportunity for individuals to obtain food and increase intraspecific competition by further forcing bears into limited remote habitat. Black bear tolerance of disturbance may provide an opportunity for black bears to exploit habitat in the relative absence of grizzly bears.

Kautz, R. S. 1984. Criteria for evaluating impacts of development on wildlife habitats. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 38:121–136.
Factors that influence biotic diversity on a site include habitat type, successional stage, habitat island size, presence or absence of connecting corridors, edge effects, interspersion of habitat types, and presence of snags and fallen logs.

Kautz, R. S. 1993. Trends in Florida wildlife habitat, 1936–1987. Florida Scientist 56(1):7–24.

Kellyhouse, D. G. 1977. Habitat utilization by black bears in northern California. International Conference on Bear Research and Management 4:221–227.

Kemp, G. A. 1976. The dynamics and regulation of black bear *Ursus americanus* populations in northern Alberta. International Conference on Bear Research and Management 3:191–197.

Kendall, K. C. 1983. Use of pine nuts by black and grizzly bears in the Yellowstone area. International Conference on Bear Research and Management 5:166–173.
Spring use of pine nuts appeared to be correlated with cone production in the preceding year, while fall use was correlated with the current crop. Most of the nuts eaten by bears came from cones cached by red squirrels. Pine nuts were a nutritious food which was often present in early spring and late fall, when alternate foods were scarce or low in digestible energy and when nutritional requirements of bears were high.

Klenner, W. 1987. Seasonal movements and home range utilization patterns of the black bear, *Ursus americanus*, in western Manitoba. Canadian Field-Naturalist. 101:558–568.
Subadult males had greater home range (506.4 km^2) than subadult (35.2 km^2) or adult females (29.1 km^2). Males used larger seasonal ranges than females and showed much greater variability in utilization patterns. Adult and subadult females showed up to 100% overlap of their home range, indicating that the overlap was both spatial and temporal. Movements in agricultural zones were restricted primarily to wooded areas, ravines, and shelter belts. High mortality and population rates were observed. Klenner recommends a program of preventative measures aimed at protecting apiaries and livestock, along with selective

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removal of problem animals for management and control of depredations by bears in agriculture-forest ecotones, rather than removing or destroying animals at the site of damage. "The removal of resident animals will likely be offset by the recruitment of animals through reproduction by remaining residents and the immigration of bears from adjacent areas."

Knight, H. A., and J. P. McClure. 1971. Florida's timber, 1970. U.S. Department of Agriculture Forest Service, Southeastern Forest Experiment Station Research Bulletin 20.

Kolenosky, G. B. 1986. Effects of hunting on an Ontario black bear population. International Conference on Bear Research and Management 6:45–55.
Hunting reduced population size and lowered the mean age of captured males. Delayed maturation in Ontario black bears and increased vulnerability of females with increased hunting pressure suggest the need for conservative harvest strategies.

Kolenosky, G. G. 1990. Reproductive biology of black bears in east-central Ontario. International Conference on Bear Research and Management 8:385–392.

Kolenosky, G. B., and S. M. Strathearn. 1987. Winter denning of black bears in east-central Ontario. International Conference on Bear Research and Management 7:305–316.
The authors examined 110 dens of black bears in east-central Ontario. Den entrance order was yearlings, pregnant females, solitary females, females with cubs, adult males, and subadults of both sexes. Eighty-nine percent of dens were excavations below ground-level and 84% occurred on well-drained upland sites. Suitable tree dens were scarce in the study area. Smaller dens were energetically more efficient than larger dens. Most dens were only large enough to accommodate the occupants. Den location may be related to social status of the individual. Young bears exhibited greater alertness and abandoned dens more frequently. There was no indication of den reuse. Bears that fed on acorns denned later than those that did not. Males emerged from dens first, females with cubs emerged from dens last. The study recommended closing spring bear hunt season earlier to protect females with cubs.

Komarek, E. V., Sr. 1964. The natural history of lightning. Pages 139–183 *in* Proceedings of the third annual Tall Timbers fire ecology conference. Tall Timbers Research, Tallahassee, Florida, USA.

Komarek, E. V. 1981. History of prescribed fire and controlled burning in wildlife management in the South. Pages 1–14 *in* G. W. Wood, editor Prescribed fire and wildlife in southern forests. Belle W. Baruch Forest Science Institute of Clemson University, Georgetown, South Carolina, USA.
This keynote address stressed the historical role of humans in southeastern United States fire ecology, and suggested that private conservation/research institutions such as Tall Timbers need to be more involved in management of native landscapes.

Kushlan, J. A. 1990. Freshwater marshes. Pages 324–363 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Land, E. D. 1994. Southwest Florida black bear habitat use, distribution, movements, and conservation strategy. Final Report. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.
Habitat use and activity data from 60 radio-instrumented black bears were analyzed. Cabbage palm fruit, Brazilian pepper fruit, ants, and aquatic emergent vegetation were important bear foods in southwest Florida. Average litter size was 1.8. Average annual home range sizes were 57 km^2 for adult females and 303 km^2 for adult males. Poaching and roadkills were responsible for 80% of all mortalities.

Lande, R. 1995. Mutation and conservation. Conservation Biology 9:782–791.
This paper suggests that a population will often have to be much bigger (approximately an order of magnitude larger) than Franklin's (1980) recommendation of an effective population of 500 to maintain genetic diversity and evolutionary potential.

Landers, J. L., R. J. Hamilton, A. S. Johnson, and R. L. Marchinton. 1979. Foods and habitat of black

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bears in southeastern North Carolina. Journal of Wildlife Management 43:143–153.

Langdon, O. G. 1981. Some effects of prescribed fire on understory vegetation in loblolly pine stands. Pages 143–153 *in* G. W. Wood, editor. Prescribed fire and wildlife in southern forests. Belle W. Baruch Forest Science Institute of Clemson University, Georgetown, South Carolina, USA.
Frequent fires in southeastern United States pine forests can create conditions that bears avoid. Higher stem densities of important bear plant foods and escape cover are encouraged when burning frequency is reduced.

Lautenschlager, R. G. 1993. Response of wildlife to forest herbicide applications in northern coniferous ecosystems. Canadian Journal of Forestry Research 23:2286–2299.

Layne, J. N. 1974. The land mammals of south Florida. Pages 386–413 *in* P. J. Gleason, editor. Environments of south Florida: present and past. Memoir 2. Miami Geological Society. Miami, Florida, USA.

Layne, J. N. 1997. Nonindigenous mammals. Pages 157–186 *in* D. Simberloff, D. C. Schmitz, and T. C. Brown, editors. Strangers in paradise. Island Press, Covelo, California, USA.
Some exotics species, such as wild hogs and armadillos, are considered ecological pests in Florida. However, they provide bears with regularly consumed food items.

Layne, J. N., J. A. Stallcup, G. E. Woolfenden, M. N. McCauley, and D. J. Worley. 1977. Fish and wildlife inventory of the seven-county region included in the central Florida phosphate industry areawide environmental impact study. Volume II. Archbold Biological Station, Lake Placid, Florida, USA.
The black bear was an uncommon resident in this area at the time of this document's preparation.

LeCount, A. L. 1980. Some aspects of black bear ecology in the Arizona chaparral. International Conference on Bear Research and Management 4:175–179.
Minimum population density was estimated to be 1 bear per 2 km^2. Subadult male home ranges averaged 42 km^2, adult male home ranges averaged 29 km^2, adult female home ranges averaged 18 km^2, and subadult female home ranges averaged 13 km^2. Home ranges overlapped considerably among adult males. Entry into dens occurred from 1 November through 15 November. Emergence from dens occurred from 15 March though 15 April.

LeCount, A. L. 1982. Characteristics of a central Arizona black bear population. Journal of Wildlife Management 46:861–868.

Lentz, W. M., R. L. Marchinton, and D. M. Carlock. 1980. Black bear habitat in north Georgia: some implications of wilderness designation. Proceedings of the Annual Conference of Southeastern Fish and Wildlife Agencies 34:550–556.
Upland hardwoods away from roads were preferred, especially by denning females. The authors support the idea of bear sanctuaries as refugia from sport hunting, but note that wilderness designation may eliminate some opportunities for active habitat management.

Levins, R. 1970. Extinction. Pages 77–107 *in* M. Gerstenhaber, editor. Some mathematical questions in biology. Lectures on mathematics in the life sciences, Volume 2. American Mathematical Society, Providence, Rhode Island, USA.

Lewis, J. B. 1928. Wild life of the Dismal Swamp. Game and Fish Conservationist 8(November-December):95–98.

Lindzey, F. G., K. R. Barber, R. D. Peters, and E. C. Meslow. 1986. Responses of a black bear population to a changing environment. International Conference on Bear Research and Management 6:57–63.
Varying levels of food abundance caused by normal succession in the vegetative communities of clear-cut areas caused changes to the local bear population. Changes in black bear population size corresponded to changes in food resources. Variations in levels of production, cub survival, recruitment, dispersal of progeny and adults, and conspecific aggression within the population facilitated both growth and decline. Poor nutrition led to termination of pregnancy or the death of

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cubs shortly after birth as well as loss of entire litters after leaving the den. Adults (male and female) emigrated from the island. The authors expected the bear population to continue to decline until the island was logged again, providing greater food resources.

Lindzey, F. G., and E. C. Meslow. 1976. Characteristics of black bear dens on Long Island. Northwest Science 50:36–42.

Lindzey, F. G., and E. C. Meslow. 1977. Home range and habitat use by black bears in southwestern Washington. Journal of Wildlife Management 41:413–425.
Average home range for adult males was 505 ha and for adult females was 235 ha—smaller than home range estimates for bears in other regions of the United States. Richness of habitat presumably allowed the smaller home ranges. Home ranges did not appear to be physically confined by the size of the island. Population density did not affect home range size. Home ranges of sex and age groups overlapped with use of shared areas apparently determined by a social hierarchy. Bears apparently selected areas logged since 1963 over areas logged before 1935. This may be due to availability of soft mast, as fruit-producing shrubs were 7 to 8 times more abundant in recently logged areas. The relationship between bears and clearcuts, based principally on food availability, should be recognized in the formulation of timber management programs that include clearcutting and in the formulation of management plans for the black bear.

Livingston, R. J. 1990. Inshore marine habitats. Pages 549–573 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Lombardo, C. A. 1993. The population ecology of black bears on Camp LeJeune, North Carolina. Thesis, University of Tennessee, Knoxville, Tennessee, USA.

Loope, L. L., and N. H. Urban. 1980. A survey of fire history and impact in tropical hardwood hammocks in the east Everglades and adjacent portions of Everglades National Park. Report T-592. National Park Service, Homestead, Florida, USA.
Burning in subtropical hammocks severely reduces plant diversity. However, diversity increases with hammock recovery and maturation of a period of several decades. The exotic species melaleuca and Brazilian pepper are encouraged by fire.

Lotz, M. A., E. D. Land, and K. G. Johnson. 1997. Evaluation and use of precast wildlife crossings by Florida wildlife. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 51:311–318.
Bear use of wildlife underpasses was much lower (order of magnitude) than that exhibited by the Florida panther, when, in fact, it should have been an order of magnitude higher, given the relative difference in population densities.

Lyon, L. J. 1983. Road density models describing habitat effectiveness for elk. Journal of Forestry 81:592–595.

Mack, J. A. 1990. Black bear dens in the Beartooth Face, south-central Montana. International Conference on Bear Research and Management 8:273–277.
Dens (n = 33) were located on steep slopes at high elevations. Most dens were associated with rock structures. Excavated dens made up 71% of the total. Most bears entered dens between 8 October and 15 October. Twenty percent of radio-collared bears abandoned den sites and relocated to new dens during the two years of study. Security of dens appeared to be important.

Maehr, D. S. 1984*a*. The black bear as a seed disperser in Florida. Florida Field Naturalist 12:40–42.
The black bear in Florida, as elsewhere in its range, provides an important ecosystem function as a seed scarifier and disseminator. Germination of cabbage palm seeds, red bay seeds, and Brazilian pepper seeds were documented. Black bears may distribute more seeds farther than do other mammals because of larger scat volume and potentially extensive daily movements.

Maehr, D. S. 1984*b*. Distribution of black bears in eastern North America. Eastern Workshop on Black Bear Management and Research 7:74.
The original distribution of the black bear in eastern North America was continuous

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and extensive throughout all forested landscapes. Today, the range of the species is very patchy and reflects human development throughout this part of the continent. The map of the modern distribution of black bears in eastern North America was based on a survey of black bear biologists and other qualified persons. Black bears have been extirpated from approximately half of their historic range in the east. The isolation of once-interacting black bear populations may have significant negative impacts on the species. The area of greatest concern appears to be all of the southeastern United States.

Maehr, D. S. 1990. The Florida panther and private lands. Conservation Biology 4:167–170.

Maehr, D. S. 1994. Sustainable development and black bears. Eastern Workshop on Black Bear Management and Research 12:144–147.
Eastern states exhibit a variety of population objectives for the black bear: increase, stability, and decrease. This summary of this workshop discussion raised several questions that need to be addressed in eastern North America. 1) What is a viable population? 2) Is there an area threshold below which black bears disappear? 3) How does habitat quality influence population viability and area requirements? 4) What level of human activity is compatible with bears? 5) How do preserve design and corridors influence bear sustainability? 6) What do we need to know about genetics to properly manage bears? 7) How does poaching affect bear sustainability?

Maehr, D. S. 1996. The comparative ecology of bobcat, black bear and Florida panther in south Florida. Dissertation, University of Florida, Gainesville, Florida, USA.
Similar to Maehr (1997*a*), but includes an appendix that compares black bear mass growth in south Florida with a Mexican bear population at similar latitude. Florida black bears tended to grow faster and reach adult size sooner than conspecifics in Mexico. This is likely due to warmer temperatures, more soil moisture, and a longer growing season in Florida. Such conditions may enhance potential productivity of the bear population.

Maehr, D. S. 1997*a*. The comparative ecology of bobcat, black bear, and Florida panther in south Florida. Bulletin of the Florida Museum of Natural History 40:1–176.
Dietary comparisons indicated low overlap among black bear, bobcat, and Florida panther. Coyotes exhibited a food resource overlap of 0.38 with panthers, 0.43 with black bears, and 0.64 with bobcats. Such high levels of dietary overlap may have negative consequences on large native carnivores. Seasonally changing habitat requirements that compel extensive movements make bears vulnerable to changes in outlying portions of their range. Restricted nutritional opportunities caused by coyote competition may reduce overall bear numbers, but not to the point where black bear persistence will be in jeopardy. Conservation of these species involves the management of landscapes. If meeting the needs of one landscape-level species satisfies the need of the others, then conservation dollars can be more efficiently distributed. Large preserve size is, in and of itself, insufficient for the conservation of large carnivores. Successful conservation of large carnivores depends on lands that are not owned by the public. Corridors between large preserves are used when they are available. Large carnivores use corridors for seasonal movements, dispersal, and protection from anthropogenic disturbances. Planning for wide-ranging species must go beyond the traditional approach of static-boundary nature preserves.

Maehr, D. S. 1997*b*. The Florida panther: life and death of a vanishing carnivore. Island Press, Covelo, California, USA.
Maehr mentions the black bear as the largest cavity nester in Florida.

Maehr, D. S., and J. R. Brady. 1982*a*. Fall food habits of black bears in Baker and Columbia counties, Florida. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 36:565–570.
The authors examined the stomachs of 36 hunter-harvested black bears. Saw palmetto was the most important item in the diet. Other important foods included black gum, gallberry, yellow jackets, and armadillo. Findings support the claim that

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black bears in Florida require a mixture of habitats for their survival. The practice of winter burning may have artificially increased the importance of saw palmetto to bears. The effects of burning on black bear foods and food preferences should be investigated further to outline procedures for restoring bear habitats to their apparent historic productivity. A diverse autumn food supply in Osceola National Forest would reduce the possible deleterious impacts of a saw palmetto mast failure. Substantial differences in food habits between Baker and Columbia counties and Ocala National Forest were noted. The authors suggested the initiation of food habits studies throughout Florida to pinpoint habitats essential to the production of preferred or heavily utilized food sources. This information would allow important food-producing habitats to be acquired or otherwise protected and managed to benefit local black bear populations.

Maehr, D. S., and Brady, J. R. 1982*b*. Florida black bear-beekeeper conflict: 1981 beekeeper survey. American Bee Journal 122:372–375.
Annual losses from black bear depredations on apiaries were estimated at $100,000. The majority of the state experienced a peak in bear depredations in May; south Florida did not experience an annual peak. Electric fences were the preferred method of protection. The cost of an electric fence and regular maintenance is much less than the losses sustained by an unprotected apiary. Electric fences should be required in bear habitat before responses to nuisance complaints are made by Florida Fish and Wildlife Conservation Commission personnel. Differing seasonal rates of depredation should indicate when special attention should be given to apiary protection (March–July in central and north Florida, year-round in south Florida). Brochures should be created to disseminate information to Florida beekeepers.

Maehr, D. S., and J. R. Brady. 1984*a*. Food habits of Florida black bears. Journal of Wildlife Management 48:230–235.
The dominance of plant foods in the diets of black bears in Florida is consistent with studies from other locations. The food items appearing most often and in the greatest volume and frequencies were seasonally available fruits and colonial insects. Because many of the habitats used by bears in Florida produce food throughout the year, substantial shifts in habitat use were not apparent. The use of plants by bears in Florida changes from mostly herbaceous matter in spring to soft mast in summer and hard mast during fall. Spring foods were dominated by cabbage palm hearts, early growths of alligator flag, and saw palmetto hearts. Summer foods were dominated by blueberries, berries of inkberry holly, raspberries, and saw palmetto fruit. Insects provided most of the nonvegetable protein in the summer diet. Fall food dominance varied by region and reflected locally abundant hard mast sources. Diverse habitats are required to satisfy bear diets. The substantial and regional differences in diet appear to be a function of habitat variation and food availability. Mast production must be considered in management of Florida black bears. Forest management practices such as conversion of mast-producing flatwoods and hardwood communities to slash pine plantations and winter burning to control the understory growth may reduce the availability of mast and other foods important to bears.

Maehr, D. S., and J. R. Brady. 1984*b*. Comparison of food habits in two north Florida black bear populations. Florida Scientist 47:171–175.
This study indicated a less diverse habitat in Osceola National Forest than in Apalachicola National Forest. Although saw palmetto was the most important food item in Osceola, it was insignificant in Apalachicola diets. A palmetto mast failure would have minimal impacts on Apalachicola bears because of the availability of fall foods such as odorless bayberry, but could cause an energetic hardship on bears in Osceola.

Maehr, D. S., and J. T. DeFazio. 1985. Foods of black bears in Florida. Florida Field Naturalist 13:8–12.
The authors present a comprehensive list of foods eaten by black bears in Florida. The use of distinctly different foods from a

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variety of plant and animal taxa emphasizes the extremely opportunistic and omnivorous habits of black bears. Less common or unpreferred foods may serve as replacements during years of mast failures or otherwise low food availability. It may be the presence of less commonly eaten foods that distinguishes occupied bear habitat from other apparently suitable forest land. The majority of food items are native plants and animals. However, several introduced species, including Brazilian pepper and honey bees, appear to be important foods.

Maehr, D. S., T. S. Hoctor, and L. D. Harris. In press *a*. Using the Florida panther as a flagship in regional ecological restoration. *In* D. S. Maehr, R. F. Noss, and J. L. Larkin, editors. Large animal restoration challenges for the 21st century. Island Press, Washington, D.C., USA.
Large, wide-ranging carnivores are valuable from a conservation standpoint, not only because they are popular with the public, but because they provide keystone ecological services and drive evolutionary processes.

Maehr, D. S., R. C. Lacy, E. D. Land, O. L. Bass, and T. S. Hoctor. In press *b*. A reassessment of Florida panther population viability analysis and recovery efforts from multiple perspectives. *In* S. R. Beissinger and D. R. McCullough, editors. Population viability analysis. University of Chicago Press, Chicago, Illinois, USA.
Even small populations, such as those of the Florida panther, may have good survival probabilities for 100 years without measurable consequences of inbreeding. This suggests that small populations of the Florida black bear, such as the one inhabiting Greater Chassahowitzka Ecosystem, may have a reasonable probability for persisting in its remnant forests. Establishing or maintaining demographic linkages within a metapopulation framework increases survival prospects for small populations.

Maehr, D. S., E. D. Land, and J. C. Roof. 1993. Southwest Florida black bear habitat use, distribution, movements, and conservation strategy. Annual Report. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.
This study of the southernmost black bear population in eastern North America confirmed the species as an obligate forest animal that used even mangrove swamps for denning and other activities.

Maehr, D. S., and J. N. Layne. 1996*a*. Saw palmetto. Gulfshore Life 26(7):38–41, 56–58.
Saw palmetto is likely a keystone species in Florida by providing food and cover to hundreds of species ranging from insects to black bears. This raises the question of potential impacts on the black bear of palmetto harvest by humans.

Maehr, D. S., and J. N. Layne. 1996*b*. The saw palmetto: Florida's all-purpose plant. The Palmetto 16(4):6–10, 15, 21.
This is an expansion of Maehr and Layne (1996*a*).

Maehr, D. S., J. N. Layne, E. D. Land, J. W. McCown, and J. C. Roof. 1988. Long distance movements of a Florida black bear. Florida Field Naturalist 16:1–6.

Maehr, D. S., R. T. McBride, and J. J. Mullahey. 1996. Status of coyotes in south Florida. Florida Field Naturalist 24:101–107.
An expanding coyote population throughout Florida may have negative impacts on native fauna, such as black bears, because of overlapping habitat and food requirements.

Maehr, D. S., and J. B. Wooding. 1992. Florida black bear. Pages 265–275 *in* S. R. Humphrey, editor. Rare and endangered biota of Florida. Volume 1: mammals. University Press of Florida, Gainesville, Florida, USA.
The authors present a summary of existing literature to this date.

Maffei, M. D. 1997. Management in national wildlife refuges. Pages 267–273 *in* D. Simberloff, D. C. Schmitz, and T. C. Brown, editors. Strangers in paradise. Island Press, Covelo, California, USA.

Manville, A. M. 1983. Human impact on the black bear population in Michigan's Lower Peninsula. International Conference on Bear Research and Management 5:20–33.
Positive effects of humans on bears included changes in hunting regulations possibly resulting in an increasing bear

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population, as well as oil pipeline rights-of-way, oil well service lanes, and lumber roads frequently used by bears as travel routes; early-successional vegetation induced by roadside cutting, commercial lumbering, clear-cutting for deer management projects, and controlled burns; and bee-keeping. Negative effects included loss of habitat due to human encroachment, heavy automobile traffic, hunting aided by service roads, poaching, and disturbances from approaching researchers which caused bears to flee their dens. Average home range was 150.4 km^2 for males and 68.9 km^2 for females. Large landscapes need to be protected from human encroachment.

Manville, A. M. 1987. Den selection and use by black bears in Michigan's northern lower peninsula. International Conference on Bear Research and Management 7:317–322.

Martin, A. C., H. S. Zim, and A. L. Nelson. 1951. American wildlife and plants: a guide to wildlife food habits. McGraw-Hill, New York, New York, USA.

Martorello, D. A. 1998. Ecology of black bears in coastal North Carolina. Dissertation, University of Tennessee, Knoxville, Tennessee, USA.

Mattson, D. J. 1990. Human impacts on bear habitat use. International Conference on Bear Research and Management 8:33–56.
Human-origin bear foods have supplanted native bear foods on some wildlands converted to agriculture. Human intolerance has made most human foods unavailable in bear habitat due to the elimination of bears, and virtually all remaining bear populations depend on wild native foods. Bear populations that rely heavily on human foods do so only in areas where sufficient secure habitat is available. Human-induced changes in wildlands are probably of greater significance to surviving bear populations than is introduction of exotic foods. Humans have disrupted (i.e., through fire control, timber harvest, game management, and atmospheric pollution) otherwise stable, dynamically equilibrated processes in virtually all wildland ecosystems occupied by bears. Increased isolation and fragmentation of bear populations continue. Habitat available to a bear population must be sufficiently large so that perturbations can be averaged across the landscape. Subadult males and adult females tend to forage closer to humans because of their energetic predicament and because more secure sites are often preempted by adult males. Although male bears are typically responsible for most livestock predation, adult females and subadult males are more likely habituated to humans. Elimination of human-habituated bears predictably reduces effective carrying capacity and is more likely to be a factor in preserving bear populations where humans are present in moderate to high densities. If humans desire to preserve viable bear populations, they will either have to accept increased risk of injury associated with preserving habituated animals or continue to crop habituated bears while at the same time preserving large tracts of wildlands free from significant human intrusion.

Mattson, D. J., R. R. Knight, and B. M. Blanchard. 1987. The effects of developments and primary roads on grizzly bear habitat use in Yellowstone National Park, Wyoming. International Conference on Bear Research and Management 7:259–273.
Grizzly bear occupancy of habitat near human facilities was reduced, efficient foraging strategies were disrupted, and cohorts tending to be subordinate or security-conscious were displaced into habitat closer to developments by more dominant cohorts, particularly during summer and fall. Adult females and subadults bore a disproportionate part of costs associated with avoiding roads and developments; therefore, avoidance of developments and roads may have resulted in higher mortality and lower productivity among the adult female cohort.

Maynard, C. J. 1883. The mammals of Florida. Quarterly Journal of the Boston Zoological Society 2:1–8, 17–24, 38–43, 49–50.

McArthur, R. H., and E. O. Wilson. 1967. The theory of island biogeography. Princeton University Press, Princeton, New Jersey, USA.

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McCullough, D. R. 1996. Spatially structured populations and harvest theory. Journal of Wildlife Management 60:1–9.

McCutchen, H. E. 1990. Cryptic behavior of black bears (*Ursus americanus*) in Rocky Mountain National Park, Colorado. International Conference on Bear Research and Management 8:65–72.

McDaniel, J. 1974. Habitat of the black bear in Florida. Eastern Workshop on Black Bear Management and Research 2:157–162.

McLaughlin, C., and D. Maehr. 1986. Evaluating black bear habitat (panel discussion). Eastern Workshop on Black Bear Management and Research 8:185–195.
In Florida, those factors that have led to local population extinctions need to be identified before populations can be successfully restored. Bear habitat analyses in the East address a range of issues from long-term planning, species management, impact assessment, and mitigation.

McLaughlin, C. R., G. J. Matula, and J. H. Hunt. 1986. A draft habitat suitability index model for black bears in the conifer-deciduous forests of New England: its application in Maine. Eastern Workshop on Black Bear Management and Research 8:137–167.
This planning exercise indicated that black bears seldom venture further than 125 m into unforested patches of early successional habitat. The authors recognized the importance of interspersion of habitat types, but cautioned that the relation between black bear ecology and plant community variability is poorly understood. They assumed, however, that bear densities are inversely related to the level of human development.

McLellan, B. N. 1990. Relationships between human industrial activity and grizzly bears. International Conference on Bear Research and Management 8:57–64.
Resource extraction activities can affect individual bears by 1) causing strong, energetically expensive reactions that disrupt normal behavior; 2) displacing bears from areas of human use; 3) altering habitats in which bears live; 4) disrupting the bears' social system; and 5) directly killing bears or increasing mortality rates indirectly by improving access for hunters, poachers, other resource users, and settlers. Increased motorized access that results in a long-term increase in human activity and/or settlement with a consequent increase in bears being shot is the most significant impact of industrial developments. Closing access to bear habitat after job completion is necessary to maintain the bear population at a satisfactory level.

McLellan, B. N., and D. M. Shackleton. 1988. Grizzly bears and resource extraction industries: effects of roads on behavior, habitat use and demography. Journal of Applied Ecology 25:451–460.

Mech, L. D., S. H. Fritts, G. L. Radde, and W. J. Paul. 1988. Wolf distribution and road density in Minnesota. Wildlife Society Bulletin 16:85–87.

Meffe, G. K., and C. R. Carroll. 1997. Principles of conservation biology. Sinauer Associates, Sunderland, Massachusetts, USA.

Merriam, C. H. 1896. Preliminary synopsis of the American bears. Proceedings of the Biological Society 10:65–83.

Miller, P. S., and R. C. Lacy. 1999. Vortex: a stochastic simulation of the extinction process. Version 8 user's manual. Conservation Breeding Specialist Group, Apple Valley, Minnesota, USA.

Miller, S. D. 1990. Population management of bears in North America. International Conference on Bear Research and Management 8:357–373.

Millsap, B., J. Gore, D. Runde, and S. Cerulean. 1990. Setting priorities for the conservation of fish and wildlife species in Florida. Wildlife Monographs 111.

Mladenoff, D. J., T. A. Sickley, R. G. Haight, and A. P. Wydeven. 1995. A regional landscape analysis and prediction of favorable gray wolf habitat in the northern Great Lakes region. Conservation Biology 9:279–294.

Mollohan, C. M., and A. L. LeCount. 1989. Problems of maintaining a viable black bear population in a fragmented forest. Conference on the multiresource management of ponderosa pine

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forests, Northern Arizona University, 14–16 November.

Montague, C. L., and R. C. Wiegert. 1990. Salt marshes. Pages 481–516 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Monsanto Co. 1994. Targeting unwanted brush—and costs—in utility rights-of-way. Monsanto Company, St. Louis, Missouri, USA.

Monsanto Co. 1997. Industrial, turf and ornamental label and MSDS book. Monsanto Company, St. Louis, Missouri, USA.

Moore, J. C. 1946. Mammals from Welaka, Putnam County, Florida. Journal of Mammalogy 27:49–59.

Moore, J. C. 1949. Putnam County and other Florida mammal notes. Journal of Mammalogy 30:57–66.

Moore, J. C. 1953. A mound on a key in Florida Bay. Everglades Natural History 1:67–75.

Moore, S. E., and H. L. Allen. 1999. Plantation forestry. Pages 400–433 *in* M. L. Hunter Jr., editor. Maintaining biodiversity in forest ecosystems. Cambridge University Press, Cambridge, U.K.

Moore, W. H. 1972. Managing bobwhites in the cutover pinelands of south Florida. Pages 56–65 *in* First national bobwhite quail symposium proceedings. Stillwater, Oklahoma, USA.

Moore, W. H., B. F. Swindel, and W. S. Terry. 1982. Vegetation responses to prescribed fire in a north Florida flatwoods forest. Journal of Range Management 35:386–389.

Myers, R. L. 1990. Scrub and high pine. Pages 150–193 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Myers, R. L., and J. J. Ewel, editors. 1990. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Mykytka, J. M., and M. R. Pelton. 1990. Management strategies for Florida black bears based on home range habitat composition. International Conference on Bear Research and Management 8:161–167.
Large swamp systems and surrounding pine flatwoods were major components of bear habitat in north-central Florida. Upland forest cover (pine stands) represented 60% of the composite home range. Wetland forests represented 40% of the composite home range. Road density was a major factor affecting bear vulnerability during hunting seasons (increased access). Preservation and restoration of the interconnectivity of large swamps and forested upland buffers surrounding these swamps (>300 ha), and maintaining longer timber rotation, would encourage use by bears and reduce vulnerability of bears to overharvest. Construction of new roads should be restricted and those that bisect swamp systems and upland buffers should be closed. Forest management practices that promote stand diversity and mast production should be used.

Nordlie, F. G. 1990. Rivers and springs. Pages 392–428 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Noss, R. F. 1983. A regional landscape approach to maintain. Bioscience 33:700–706.

Noss, R. F. 1987. Protecting natural areas in fragmented landscapes. Natural Areas Journal 7:2–13.

Noss, R. F. 1992. The Wildlands Project: land conservation strategy. WildEarth Special Issue:10–25.
The author outlines the theory behind a regional landscape approach for conserving biological diversity, especially large, wide-ranging species that are extremely sensitive to habitat fragmentation and human disturbance. Goals for a reserve system include representing all native ecological communities, maintaining viable populations of all native species, maintaining ecological and evolutionary processes, and maintaining or restoring the potential for response to environmental change such as global warming. The paper also includes various recommendations on the size of reserves, characteristics of core areas and buffer zones, and design considerations for corridors.

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Noss, R. F. 1993. Wildlife corridors. Pages 43–68 *in* D. S. Smith and P. C. Hellmund, editors. Ecology of greenways. University of Minnesota Press, Minneapolis, Minnesota, USA.

Noss, R. F. 1996. Protected areas: how much is enough? Pages 91–120 in R. G. Wright, editor. National parks and protected areas: their role in environmental protection. Blackwell Science, Cambridge, Massachusetts, USA.

Noss, R. F., and C. A. Cooperrider. 1994. Saving nature's legacy: protecting and restoring biodiversity. Defenders of Wildlife and Island Press, Washington, D.C., USA.

Noss, R. F., and L. D. Harris. 1986. Nodes, networks, and MUMs: preserving diversity at all scales. Environmental Management 10:299–309.

Noss, R. F., M. A. O'Connell, and D. D. Murphy. 1997. The science of conservation planning: habitat conservation under the Endangered Species Act. Island Press, Washington, D.C., USA.

Noss, R. F., and R. L. Peters. 1995. Endangered ecosystems of the United States: a status report and plan for action. Defenders of Wildlife, Washington, D.C., USA.

Noss, R. F., H. B. Quigley, M. G. Hornocker, T. Merrill, and P. C. Paquet. 1996. Conservation biology and carnivore conservation in the Rocky Mountains. Conservation Biology 10:949–963.

Noyce, K. V., and P. L. Coy. 1990. Abundance and productivity of bear food species in different forest types of northcentral Minnesota. International Conference on Bear Research and Management 8:169–181.

Nyland, P. D., and R. M. Pace III. 1997. Utility of National Wetlands Inventory data for black bear habitat assessment in coastal Louisiana. Proceedings of the Annual Conference of Southeastern Fish and Wildlife Agencies 51:297–310.
This paper clearly supports the notion that the black bear in the southeastern United States is a forest obligate. They recommend fine tuning future landscape analyses to include tree density and canopy height.

Odum, W. E., and C. C. McIvor. 1990. Mangroves. Pages 517–548 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Parrott, R. T. 1967. A study of wiregrass *(Aristida stricta)* with particular reference to fire. Thesis, Duke University, Durham, North Carolina, USA.

Pearson, P. G. 1954. Mammals of Gulf Hammock, Levy County, Florida. American Midland Naturalist 51:468–480.

Pelchat, B. O., and R. L. Ruff. 1986. Habitat and spatial relationships of black bears in boreal mixed-wood forest of Alberta. International Conference on Bear Research and Management 6:81–92.
Mean sizes of areas occupied by bears when food was scarce were 102 km^2 for males and 39 km^2 for females. Mean sizes of areas when food was abundant were 65 km^2 for males and 19 km^2 for females. Home ranges of females were generally stable in size and location each year regardless of food abundance.

Pelton, M. R. 1982. Black bear. Pages 504–514 *in* J. A. Chapman and G. A. Feldhammer, editors. Wild mammals of North America. Johns Hopkins University Press, Baltimore, Maryland, USA.

Pelton, M. R. 1986. Habitat needs of black bears in the East. Pages 49–53 *in* D. L. Kulhavy and R. N. Conner, editors. Wilderness and natural areas in the eastern United States: a management challenge. Stephen F. Austin State University, Nacagodoches, Texas, USA.

Pelton, M. R., L. E. Beeman, and D. C. Eagar. 1980. Den selection by black bears in Great Smoky Mountains National Park. International Conference on Bear Research and Management 4:149–151.
Bears preferred cavities located high in large trees. Dens were associated with northern hardwood and cove hardwood forests. The average dbh of 7 den trees was 97.1 cm. Inside dimensions of 7 tree dens averaged 218.4 x 59.6 x 62.0 cm. Tree dens are of survival value to bears, offering protection from precipitation, cold temperatures, and human activities. Attention should be given to preserving prime den sites as an important component of black bear management; prime den sites

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may be particularly important in maintaining viable black bear populations in marginal habitat.

Pelton, M. R., and R. G. Nichols. 1972. Status of the black bear (*Ursus americanus*) in the Southeast. Pages 18–23 *in* North American workshop on black bear management and research. New York State Department of Environmental Conservation, Delmar, New York, USA.

Perry, R. W., R. E. Thill, D. G. Peitz, and P. A. Tappe. 1999. Effects of different silvicultural systems on initial soft mast production. Wildlife Society Bulletin 27:915–923.

Pickett, S. T. A., R. S. Ostfeld, M. Shachak, and G. E. Likens, editors. 1997. The ecological basis of conservation: heterogeneity, ecosystems, and biodiversity. Chapman and Hall, New York, New York, USA.

Platt, W. J., G. W. Evans, and S. L. Rathbun. 1988. The population dynamics of a long-lived conifer *(Pinus palustris)*. American Naturalist 131:491–525.

Platt, W. J., and M. W. Scwartz. 1990. Temperate hardwood forests. Pages 194–229 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Poelker, R. J., and H. D. Hartwell. 1973. Black bear of Washington. Washington State Game Department, Olympia, Washington, USA.
This state-produced monograph includes examinations of bear/forest relationships, natural history, and management. Study objectives were to 1) determine why black bears feed on sapwood of coniferous trees (see Poelker and Parsons 1980), 2) determine population densities of black bears in various forest types and forest successional stages, 3) study distribution patterns and the effect of food supplies on these patterns, 4) examine and evaluate available information concerning food habits of black bears, and 5) study the effect of hunter harvest and/or control measures on black bear populations and determine the maximum allowable harvest consistent with good game management principles.

Poelker, R. J., and L. D. Parsons. 1980. Black bear hunting to reduce forest damage. International Conference on Bear Research and Management 4:191–193.
Prior to 1973, the state of Washington had a spring black bear season from 1 April through 30 June, as well as extensive efforts by professional control hunters to attempt to alleviate damage to forest tree reproduction. After 1973 an effort was made to concentrate hunting in problem damage areas, ending the spring hunt and establishing a system of special hunts. Bear harvest increased by 230 animals, suggesting that the sport-hunting program succeeded in harvesting bears in problem areas and preserving bears in nonproblem areas. Field surveys showed that bear damage was reduced or eliminated in most problem areas. They recommended making this system a permanent program for timber protection and also recommended hunting with hound as essential for adequate harvesting of damage-causing bears.

Powell, D. S., J. L. Faulkner, D. R. Darr, Z. Zhu, and D. W. MacCleery. 1993. Forest resources of the United States. General Technical Report RM-234. U.S. Department of Agriculture Forest Service, Washington, D.C., USA.

Powell, R. A., J. W. Zimmerman, and D. E. Seaman. 1992. Evaluation of a black bear sanctuary in the mountains of western North Carolina. Final report. Project W-57. Wildlife Management Division, North Carolina Wildlife Resources Commission.

Powell, R. A., J. W. Zimmerman, and D. E. Seaman. 1997. Ecology and behaviour of North American black bears: home ranges, habitat and social organization. Chapman and Hall, London, England.
This project was a theoretical modeling effort to understand bear habitat use in western North Carolina (despite the suggestion of the title that it covers a wider area). They observed that, “Home ranges should not always be quantified with respect to time that an animal spends, or is predicted to spend, in different places. Most researchers use time to index importance, but what really counts is fitness. For some questions, home ranges need to be quantified by probability

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density functions of energy expenditure or energy acquisition. Ultimately, home ranges should be quantified as probability density functions for contributions to fitness."

Powell, R. A., J. W. Zimmerman, D. E. Seaman, and J. F. Gilliam. 1996. Demographic analyses of a hunted black bear population with access to a refuge. Conservation Biology 10:224–234.
Pisgah Bear Sanctuary in North Carolina provides dispersing bears for hunters and provides some protection for resident bears. The sanctuary may not, however, provide resident bears with enough protection to maintain a viable breeding population within its boundaries. Reducing human access to bears and their habitat appears crucial, either by making large sanctuaries or by eliminating roads.

Quarterman, E., and C. Keever. 1962. Southern mixed hardwood forest: a climax in the southeastern coastal plain. Ecological Monographs 32:167–185.

Quigley, H. B. 1982. Activity patterns, movement ecology, and habitat utilization of black bears in the Great Smoky Mountains National Park, Tennessee. Thesis, University of Tennessee, Knoxville, Tennessee, USA.

Raine, R. M., and J. L. Kansas. 1990. Black bear seasonal food habits and distribution by elevation in Banff National Park, Alberta. International Conference on Bear Research and Management 8:297–304.
The 4 black bear food seasons were defined as 1) den exit to mid-June, horsetails and graminoid vegetation as the dominant food source; 2) mid-June to mid-July, ants and ant larvae as the dominant food source; 3) mid-July to end of August, buffaloberry as the dominant food source; and 4) end of August to den entry, alternate foods such as crowberry, bearberry, and juniper berry as dominant foods. The mean elevation of habitats used during the first three seasons ranged from 1,500 to 1,543 m and increased to 1,694 m during the fourth season.

Rand, A. L., and P. Host. 1942. Mammal notes from Highland (sic) County, Florida: results of the Archbold expeditions: Number 45. Bulletin of the American Museum of Natural History 80:1–21.

Reagan, S. R. 1991. Habitat use by female black bears in a southern Appalachian bear sanctuary. Thesis, University of Tennessee, Knoxville, Tennessee, USA.

Ricketts, T. H., E. Dinerstein, D. M. Olson, C. J. Loucks, W. Eichbaum, D. DellaSala, K. Kavanagh, P. Hedao, P. T. Hurley, K. M. Carney, R. Abell, and S. Walters. 1999. Terrestrial ecoregions of North America: a conservation assessment. Island Press, Covelo, California, USA.

Robbins, L. E., and R. L. Myers. 1992. Seasonal effects of prescribed burning in Florida: a review. Miscellaneous Publication No. 8. Tall Timbers Research, Tallahassee, Florida, USA.

Rogers, L. L. 1976. Effects of mast and berry crop failures on survival, growth, and reproductive success of black bears. Transactions of the North American Wildlife and Natural Resources Conference 41:431–438.
The social system of black bears varies with the distribution and abundance of food and probably serves to increase foraging efficiency, which leads to increased survival and enhanced reproductive success. Failures of berry and mast crops correlate with marked increases in bear damage to farm crops, beehives, and livestock. Assessment of the foods of the black bear makes it apparent that most are available only briefly or are too small and scattered to be gathered rapidly. The few foods that potentially are abundant, long-lasting, and easily secured are dependent upon the annual vagaries of temperature and precipitation, with the result that over much of the range of the black bear there tends to be a surfeit of food in some years and absolute or relative shortages in others. Rogers describes the effects of shortages of mast (*Corylus cornuta*) and berries (*Vaccinium* spp., *Prunus* spp., *Cornus* spp., and *Rubus* spp.) on survival, growth, maturation, and reproductive success of black bears as determined during a 7-year study in the aspen-birch-conifer forests of northeastern Minnesota.

Rogers, L. L. 1987*a*. Effects of food supply and kinship on social behavior, movements, and

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population growth of black bears in northeastern Minnesota. Wildlife Monographs 97:1–72.
Fruit and mast crop failures reduced bear reproductive rates to less than half the biological potential. Cub survival was 59 to 88% depending on the food supply in the year of conception and year of birth. Females first reproduced at 4–8 years of age, depending upon food supply, and produced subsequent litters at 2- to 4-year intervals. Annual cycle of behavior was closely tied to the annual cycle of plant growth and fruiting. Large areas of unbroken habitat are needed when food sources are unreliable. Management considerations include protecting important food sources (e.g., oaks, ash), limiting unspecific herbicides, leaving islands in large clearcuts, leaving hollow trees for den sites, and closing logging roads to limit human access.

Rogers, L. L. 1987*b*. Factors influencing dispersal in the black bear. Pages 75–84 *in* B. D. Chepko-Sade, and Z. T. Halpin, editors. Mammalian dispersal patterns: the effects of social structure on population genetics. University of Chicago Press, Chicago, Illinois, USA.
Male dispersal appears voluntary and not forced by conspecifics. Although male black bear dispersal effectively reduces the potential for inbreeding, this did not seem to be the driving force behind subadult movements away from natal areas. Female black bears tend to establish home ranges adjacent to or within the home ranges of their mothers.

Rogers, L. L., and A. W. Allen. 1987. Habitat suitability index models: black bear, Upper Great Lakes region. U.S. Fish and Wildlife Service Biological Report 82.

Rogers, L. L., and R. D. Applegate. 1983. Dispersal of fruit seeds by black bears. Journal of Mammalogy 64:310–311.
This study compared the germination of seeds retrieved from feces of black bears with germination of seeds of ripe, uneaten fruit from northeastern Minnesota. The habits of swallowing small fruits whole and of traveling long distances could make black bears particularly important dispersers of fruit seeds if enough defecated seeds germinate. Germination rates of seeds from feces were higher than those of seeds in uneaten fruits for all species. Differences were significant in 5 of 8 taxa.

Roof, J. C. 1997. Black bear food habits in the Lower Wekiva River basin. Florida Field Naturalist 25:92–97.
Acorns, saw palmetto, sabal palm, walking sticks, blueberries, tupelo fruit, bessie bugs, and carpenter ants were the most commonly eaten foods. Variation in diet among years was due to differential availability, and suggests the need to maintain diverse food supplies over large areas so that black bears can successfully incorporate spatial and temporal uncertainty into their diets.

Roof, J., and J. Wooding. 1996. Evaluation of S.R. 46 wildlife crossings. Technical Report #54. Florida Cooperative Fish and Wildlife Research Unit, University of Florida, Gainesville, Florida, USA.
This study evaluated an experimental wildlife crossing and adjacent barrier fencing on S.R. 46 near Ocala National Forest. The system was designed to allow black bears to safely cross the highway. Five black bears used the crossing as the result of 50 encounters with the fence or the highway. In 1,033 documented instances in which animals encountered the fence or crossing, 69% did not cross the highway, 27% used the wildlife crossing, and 4% crossed the highway by crawling under the fence or entering at the end. Barrier fencing was effective in keeping bears and other large mammals off the fenced section of highway in the vicinity of the crossing. With a series of crossings, structures should be spaced no further than 1 km apart and should be located at points where bears and other species cross the highway with the greatest frequencies.

Royce, D. 1997. Florida growth slows with fewer retirees arriving. Gainesville Sun 14 August.

Safford, W. E. 1919. Natural history of Paradise Key and the nearby Everglades of Florida. Pages 377–434 *in* Annual report of the Smithsonian Institution for 1917. Smithsonian Institution, Washington, D.C., USA

Samson, C., and J. Huot. 1998. Movements of female black bears in relation to landscape

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vegetation type in southern Quebec. Journal of Wildlife Management 62:718–727.
Declining use of a national park was attributed to a paucity of early successional stands and resulted in increased bear mortality outside of the park. Increasing early successional patches and creating a buffer zone (excluding agriculture and residential development) around the park would reduce bear movements outside of the protected area.

Santillo, D. J. 1987. Response of small mammals and breeding birds to herbicide-induced habitat changes on clearcuts in Maine. Thesis, University of Maine, Orono, Maine, USA.

Schaefer J. M., and M. T. Brown. 1992. Designing and protecting river corridors for wildlife. Rivers 3(1):14–26.

Scheick, B. K. 1999. Black bear diet, movements, and habitat selection in north Florida and south Georgia. Thesis. University of Florida, Gainesville, Florida, USA.
Acorns, saw palmetto, and swamp tupelo dominate the diet of black bears in this population, although some variation occurred between Florida and Georgia. Radio-collared females preferred loblolly forest and cypress swamp over slash pine forest, and tended to use forests that were older than 16 years. Although nutrition in Georgia was superior to north Florida, black bears benefitted in Florida from hunting season closures and corn used to attract deer.

Schemnitz, S. D. 1972. Distribution and abundance of alligator, bear, deer, and panther in the Everglades region of Florida. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.

Schemnitz, S. D. 1974. Populations of bear, panther, alligator, and deer in the Florida Everglades. Florida Scientist 37:156–167.

Schemnitz, S. D. 1980. Wildlife management techniques manual. Fourth edition: revised. Wildlife Society, Washington, D.C., USA.

Schmidt, R. A. 1978. Diseases in forest ecosystems: the importance of functional diversity. Pages 287–315 *in* J. G. Horsfall and E. B. Cowling, editors. Plant diseases: an advanced treatise, 2. How disease develops in populations. Academic Press, New York, New York, USA.

Schmitz, D. C., D. Simberloff, R. H. Hofstetter, W. Haller, and D. Sutton. 1997. The ecological impacts of nonindigenous plants. Pages 39–61 *in* D. Simberloff, D. C. Schmitz, and T. C. Brown, editors. Strangers in paradise, Island Press. Covelo, California, USA.

Schoen, J. W. 1990. Bear habitat management: a review and future perspective. International Conference on Bear Research and Management 8:143–154.

Schooley, R. L., C. R. McLaughlin, G. J. Matula Jr., and W. B. Krohn. 1994. Denning chronology of female black bear: effects of food, weather, and reproduction. Journal of Mammalogy 75:466–477.
Short supplies of hard mast in fall stimulate early den entry of females in poorer condition than when beech nuts are abundant.

Schwartz, C. C., and A. W. Franzmann. 1991. Interrelationship of black bears to moose and forest succession in the northern coniferous forest. Wildlife Monographs 113.
Schwartz and Franzmann compared characteristics of 2 black bear populations living in middle-aged and recently burned forests in Alaska. Population density and sex ratios were similar between areas. Age structures differed, with more yearlings in the recently burned area due to higher cub production and survival. Females in the middle-aged burn area produced litters at an older age and weaned yearlings later than females in the recent-burn area. Cub survival was lower in the middle-aged burn area. Superior growth and reproduction of black bears in the recent-burn area was attributed to greater consumption of moose calves.

Schwartz, C. C., and A. W. Franzmann. 1992. Dispersal and survival of subadult black bears from the Kenai Peninsula, Alaska. Journal of Wildlife Management 56:426–431.
All male subadults dispersed, as opposed to only 3% of females, which tended to establish home ranges adjacent to their mothers'. Larger litters also tended to stay

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together longer. Gender-related differences in dispersal must be considered when managing heavily harvested populations or those that are geographically isolated. In continuous habitat, local overharvest of females can reduce sustained yields; in fragmented habitat an adequate reservoir of females must be maintained to ensure population stability.

Schwartz, C. C., S. D. Miller, and A. W. Franzmann. 1987. Denning ecology of three black bear populations in Alaska. International Conference on Bear Research and Management 7:281–291.
Mean number of days spent in dens varied from 189 to 233. Timing of emergence in the spring and entrance in the fall appeared to be related to weather, snow accumulation and melt, and food availability. Chronology of denning differed among pregnant females and other sex and age groups with overlap occurring among all age and sex groups. Site selection, vegetation type, and den type varied with area and was related to winter weather conditions, soil type, and topography.

Seibert, S. G. 1989. Black bear habitat use and response to roads on Pisgah National Forest, North Carolina. Thesis, University of Tennessee, Knoxville, Tennessee, USA.

Seibert, S. G. 1993. Status and management of black bears in Apalachicola National Forest. Final Report. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.
Minimum bear density for the Apalachicola National Forest was 1 bear/19 km^2. The total population estimate was 126 ± 67 bears. Male bear home ranges averaged 109 ± 46 (SE) km^2. Female home ranges averaged 65 ± 22 km^2. Pregnant females entered dens earlier, emerged later, and denned for longer periods of time than other sex and age classes. Denning periods ranged from 13 to 150 days. Den types of 2 pregnant females included a hollow stump and an excavated ground cavity. Habitat preference was not detected, although freshwater marsh and shrub and brush habitats were avoided. Estimated harvest rate for bears was 42%. Saw palmetto and black gum were the most important fall foods. Management implications include wise management of the remaining large forests in Florida, with forest management limiting the amount of acreage in young plantations at any given time; limiting the amount of mechanical soil disturbance during site-preparation activities; maintaining a variety of stand ages and a diversity of forest types, especially hardwood/cypress swamps; and controlling or discouraging new road construction and road improvements.

Seibert, S. G. 1995. Winter movements and denning of black bears in northwest Florida. Proceedings of the Annual Conference of Southeastern Fish and Wildlife Agencies 49:283–291.

Shafer, C. L. 1990. Nature reserves: island theory and conservation practice. Smithsonian Institution Press, Washington, D.C., USA.

Shaffer, M. L. 1990. Population viability analysis. Conservation Biology 4:39–40.

Shelford, V. E. 1936. Conservation of wildlife. Pages 485–526 *in* A. E. Parkins and J. R. Whitaker, editors. Our natural resources and their conservation. John Wiley and Sons, New York, New York, USA.

Shropshire, C. C. 1996. History, status and habitat components of black bears in Mississippi. Dissertation, Mississippi State University, Mississippi State, Mississippi, USA.
This study examined the historic significance and distribution of the black bear in Mississippi, determined habitat features where reliable sightings of black bears have occurred, determined habitat (occupied and unoccupied) suitable for bear management in Mississippi, and determined landowner and public attitudes regarding black bear management in Mississippi.

Simberloff, D., J. A. Farr, J. Cox, and D. W. Mehlmen. 1992. Movement corridors: conservation bargains or poor investments. Conservation Biology 6:493–504.

Simberloff, D., D. C. Schmitz, and T. C. Brown, editors. 1997. Strangers in paradise: impact and management of nonindigenous species in Florida. Island Press, Covelo, California, USA.

Smith, G. 1971. Florida black bear. Florida Wildlife 25:4–6.

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Smith, T. R. 1986. Activity and behavior of denned black bears in the lower Mississippi River valley. International Conference on Bear Research and Management 6:137–143.
Mean activity level of radio-collared black bears declined from 53% to 29% between mid-October and early December before the denning period began. Denning length ranged from 37 to 141 days. The transition to dormancy began before den entry and a shift in behavior toward activity commenced before den emergence. Mean level of activity of denned bears was significantly lower than that of bears before denning and following den emergence. Nine of 14 cases of den abandonment were attributed to research activities, 4 to flooding, and 1 was unexplained.

Smith, T. R., and M. R. Pelton. 1990. Home ranges and movements of black bears in a bottomland hardwood forest in Arkansas. International Conference on Bear Research and Management 8:213–218.
Smith and Pelton studied movements of 23 radio-collared bears in a remnant bottomland hardwood forest. The size of annual home range was inversely related to habitat diversity and, in adult males, to weight. Typically, bears used significantly larger ranges in summer than in spring or fall–winter. Radio-tagged bears did not disperse from the study area nor did they move far from their natal ranges, indicating that this remnant population is closed. Bears relied almost exclusively on one food type in spring and one in fall–winter, making them vulnerable to annual vagaries in abundance and distribution of these foods. Management strategies should emphasize maintenance of forest diversity to provide alternate sources of fall mast critical to bears when staple mast-producing species fail.

Snyder, J. R., A. Herndon, and W. B. Robertson Jr. 1990. South Florida rockland. Pages 230–280 *in* R. L. Myers and J. J. Ewel, editors. Ecosystems of Florida. University of Central Florida Press, Orlando, Florida, USA.

Soule, M. E. 1991. Land use planning and wildlife maintenance: guidelines for conserving wildlife in an urban landscape. Journal of the American Planning Association 57:313–323.

Soule, M. E., and D. Simberloff. 1986. What do genetics and ecology tell us about the design of nature reserves? Biological Conservation 35:19–40.

Soule, M. E., and J. Terborgh. 1999. Continental conservation: scientific foundations of regional reserve networks. Island Press, Covelo, California, USA.

Stout, I. J., and W. R. Marion. 1993. Pine flatwoods and xeric pine forests of the southern (lower) coastal plain. Pages 373–446 *in* W. H. Martin, S. G. Boyce, and A. C. Echternacht, editors. Biodiversity of the southeastern United States: lowland terrestrial communities. John Wiley and Sons, New York, New York, USA.

Stratman, M. R. 1998. Habitat use and effects of prescribed fire on black bears in northwestern Florida. Thesis, University of Tennessee, Knoxville, Tennessee, USA.

Stratman, M. R., and M. R. Pelton. 1999. Feeding ecology of black bears in northwest Florida. Florida Field Naturalist 27:95–102.
The authors analyzed 259 scats collected on Eglin Air Force Base from 1994 to 1996. Spring diets were dominated by insects and hearts of saw palmetto (*Serenoa repens*). Early summer diets consisted primarily of blueberries (*Vaccinium* spp.). Late summer diets were primarily sweet gallberry (*Ilex coriacea*) and acorns (*Quercus* spp.). Fall food varied per year between saw palmetto fruit and acorns. Seasonal shifts in feeding ecology of black bears on Eglin Air Force Base were similar to other studies. In saw palmetto, starch content decreases and sugar production increases during spring and summer, corresponding to the time when bears consume the largest amount of saw palmetto hearts. Soft mast (blueberries) provides necessary proteins for growth and rebuilding of muscle mass. Bears may be selecting saw palmetto fruit over acorns. Acorns and saw palmetto fruit likely serve as replacements for each other during years of mast failures or low food availability.

Sullivan, T. P., R. G. Wagner, D. G. Pitt, R. A. Lautenschlager, and D. G. Chen. 1998. Changes in diversity of plant and small mammal communities after herbicide application in sub-

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boreal spruce forest. Canadian Journal of Forestry Research 28:168–177.

Swindell, D. E. 1949. Plant communities and other factors affecting deer and turkey populations in Gulf Hammock. Thesis, University of Florida, Gainesville, Florida, USA.

Tanner, G. W., J. J. Mullahey, and D. S. Maehr. 1996. Saw-palmetto: an ecologically and economically important native palm. Circular WEC-109. University of Florida Cooperative Extension Service, Gainesville, Florida, USA.

Tanner, G. W., J. M. Wood, R. S. Kalmbacher, and F. G. Martin. 1988. Mechanical shrub control on flatwoods range in south Florida. Journal of Range Management 41:245–248.

Taylor, D. F. 1971. A radio-telemetry study of the black bear (*Euarctos americanus*) with notes on its history and present status in Louisiana. Thesis, Louisiana State University, Baton Rouge, Louisiana, USA.
One hundred sixty-one black bears from Minnesota were released in Madison, Tensas, and Pointe Coupee parishes in Louisiana. Bears dispersed into 37 parishes in Louisiana and into Texas, Arkansas, and Mississippi. Six bears were radio-collared. Minimum male home ranges were 27,440 acres (11,109 ha); minimum female home ranges averaged 4,866 acres (1,970 ha). Dens were in standing hollow trees. Temperature appeared to be unrelated to denning activities. Taylor concluded that the continued clearing of bottomland hardwood forests will result in a declining bear population.

Terborgh, J. 1988. The big things that run the world—a sequel to E. O. Wilson. Conservation Biology 2:402–403.

Thiel, R. P. 1985. Relationship between road densities and wolf habitat suitability in Wisconsin. American Midland Naturalist 113:404–407.

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Thompson, M. W., M. G. Shaw, R. W. Umber, J. E. Skeen, and R. E. Thackston. 1991. Effects of herbicides and burning on overstory defoliation and deer forage production. Wildlife Society Bulletin 19:163–170.

Turner, M. G. 1989. Landscape ecology: the effect of pattern on process. Annual Review of Ecology and Systematics 20:171–197.

Umber, R. W., and L. D. Harris. 1974. Effects of intensive forestry on succession and wildlife in Florida sandhills. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 28:686–693.

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U.S. Fish and Wildlife Service. 1998*a*. Florida black bear removed from endangered species candidate list. News release, 7 December. U.S. Fish and Wildlife Service, Atlanta, Georgia, USA.

U.S. Fish and Wildlife Service. 1998*b*. Endangered and threatened wildlife and plants; new 12-month finding for a petition to list the Florida black bear. Federal Register 63(235):1–10.

Van Dyke, G. M., R. H. Brocke, H. G. Shaw, B. A. Ackerman, T. H. Hemker, and F. G. Lindzey. 1986. Reactions of mountain lions to logging and human activity. Journal of Wildlife Management 50:95–102.

Vitousek, P. M., and P. A. Matson. 1984. Mechanisms of nitrogen retention in forest ecosystems: a field experiment. Science 225:51–52.

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Wade, D., J. Ewel, and R. Hofstetter. 1980. Fire in south Florida ecosystems. U.S. Department of Agriculture Forest Service General Technical Report SE-17. Southeastern Forest Experiment Station, Asheville, North Carolina, USA.

Wagner, R. G., and J. C. Zasada. 1991. Integrating plant autecology and silvicultural activities to prevent forest vegetation management problems. Forestry Chronicle 67:506–513.

Wathen, W. G. 1983. Reproduction and denning of black bears in the Great Smoky Mountains. Thesis, University of Tennessee, Knoxville, Tennessee, USA.
Average denning period was 113 days. Den types included 25 ground dens and 33 tree dens. Food availability influenced minimum reproductive age, productivity, and cub survival. White oak mast availability was correlated with the percentage of females with newborn cubs in winter dens.

Wathen, W. G., K. G. Johnson, and M. R. Pelton. 1986. Characteristics of black bear dens in the southern Appalachian region. International Conference on Bear Research and Management 6:119–127.
Most dens were located in tree cavities high above ground. Entrance height differed among tree species. Species differed with elevation, macrotopography, and microtopography. Chestnut oaks and northern red oaks comprised 10 of 15 tree dens outside of Great Smoky Mountains National Park. Timber management should be coordinated with den tree use and based on short-term and long-term management strategies. Short-term management should assess the availability of den trees and ensure preservation of individual den trees through careful coordination of logging activities. Long-term considerations should include initiating research to determine site and vegetative characteristics useful in quantitatively classifying and mapping areas with high potential for den tree production. Areas with high potential should be placed in old-growth management compartments or wilderness areas.

Weaver, K. M., D. T. Tabberer, L. U. Moore Jr., G. A. Chandler, J. C. Posey, and M. R. Pelton. 1990. Bottomland forest management for black bears in Louisiana. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 44:342–350.

Wells, B. W., and I. V. Shunk. 1931. The vegetation and habitat factors of coarser sands of the North Carolina Coastal Plain: an ecological study. Ecological Monographs 1:465–520.

Wharburton, G. S. 1984. An analysis of a black bear sanctuary in western North Carolina. Thesis, North Carolina State University, Raleigh, North Carolina, USA.
Wharburton provided equivocal evidence on the effectiveness of sanctuaries as a population management tool in areas where the black bear is hunted.

Wilcove, D. S., C. H. McLellan, and A. P. Dobson. 1986. Habitat fragmentation in the temperate zone. Pages 237–256 *in* M. E. Soule, editor. Conservation biology: the science of scarcity and diversity. Sinauer Associates, Sunderland, Massachusetts, USA.

Wilcove, D. S., and D. D. Murphy. 1991. The spotted owl controversy and conservation biology. Conservation Biology 5:261–262.

Wilcox, B. A., and D. D. Murphy. 1985. Conservation strategy: the effects of fragmentation on extinction. American Naturalist 125:879–887.

Wilkins, R. N., W. R. Marion, D. G. Neavy, and G. W. Tanner. 1993. Vascular plant community dynamics following hexazinone site preparation in the lower Coastal Plain. Canadian Journal of Forestry Research 23:2216–2229.

Williams, L. E., Jr. 1978. Florida black bear. Pages 23–25 *in* J. N. Layne, editor. Rare and endangered biota of Florida. Volume one: Mammals. University Presses of Florida, Gainesville, Florida, USA.

Wilson, E. O., and E. O. Willis. 1975. Applied biogeography. Pages 522–534 *in* M. L. Cody and J. M. Diamond, editors. Ecology and evolution of communities. Belknap Press of Harvard University, Cambridge, Massachusetts, USA.

Wooding, J. B. 1990. Black bear harvest analysis. Final Report. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.
A long history of liberal hunting

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regulations may have threatened the black bear's continued existence in two north Florida national forests. The study noted that the black bear is slow to recover from overharvest and recommended conservative changes to the next year's hunting season. Season dates were delayed in both areas to facilitate female survival.

Wooding, J. B. 1995. Black bear reintroduction planning study. Final Report. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.
In many parts of Florida the black bear is below carrying capacity and is a good candidate for restocking. The Big Bend area, in particular, would be a good place for a preliminary field study.

Wooding, J. B. 1996. Feasibility of stocking black bears in the Big Bend region. Final Report. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.
Two yearling female black bears established home ranges and behaved in a manner that suggests that the Big Bend region is capable of supporting a black bear population. Natural recolonization will likely occur, but it will be a very slow process. The study concludes that a breeding population should be established on Lower Suwannee National Wildlife Refuge.

Wooding, J. B., J. A. Cox, and M. R. Pelton. 1994. Distribution of black bears in the southeastern coastal plain. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 48:270–275.
Most "primary" black bear habitat in the southeastern coastal plain has been eliminated, and most of what remains is privately owned.

Wooding, J. B., and T. S. Hardisky. 1988. Black bear habitat study. Final Performance Report, W-42-35. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.

Wooding, J. B., and R. C. Maddrey. 1994. Impacts of roads on black bears. Eastern Workshop on Black Bear Management and Research 12:124–129.
In most areas highway mortality is readily compensated for by local black bear populations. However, highways cause outright habitat loss and provide hunter access to bear populations, thus increasing the black bear's vulnerability.

Wooding, J. B., S. M. Shea, M. L. Richardson, and D. Y. Dowling. 1992. Movements of a female black bear in northwestern Florida. Florida Field Naturalist 20:46–48.
The authors speculate that the wide-ranging movements (77 km) of an adult female black bear that was originally captured as a nuisance may be related to habitat alteration in her original home range.

Wright, G. M., J. D. Dixon, and B. H. Thompson. 1933. Fauna of the national parks of the United States (Series 1). Government Printing Office, Washington, D.C., USA.

Wright, G. M., and B. H. Thompson. 1934. Fauna of the national parks of the United States (Series 2). Government Printing Office, Washington, D.C., USA.

Yoakum, J., W. P. Dasmann, H. R. Sanderson, C. M. Nixon, and H. S. Crawford. 1980. Habitat improvement techniques. Pages 329–403 *in* S. D. Schemnitz, editor. Wildlife management techniques manual. Fourth edition. The Wildlife Society, Washington, D.C., USA.

Young, D. D., and J. J. Beecham. 1986. Black bear habitat use at Priest Lake, Idaho. International Conference on Bear Research and Management 6:73–80.
Habitat use was determined from radio locations of 9 adult bears. Black bears preferred selectively logged areas during spring, summer, and fall; clearcuts were avoided during all seasons. Females preferred forested habitats and avoided roads. Males used timber and roads in proportion to their availability. Food production should be maintained or enhanced using a let-burn fire management policy and prescribed burns. Food production should be maintained or improved on logged sites. Soil scarification should be minimized to prevent damage to vegetatively reproducing food species. Disturbances to bears should be minimized by coordinating logging activities with seasonal habitat use patterns of bears. Timber should be retained near potential

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or existing feeding areas, leaving patches of timber or strips within cutting units. Clearcuts with irregular borders provide greater cover. Coordinate logging activities to maintain an acceptable mix of different aged cutting units. Leave mature standing trees in cutting units.

Zager, P. 1980. The influence of logging and wildfire on grizzly bear habitat in northwestern Montana. Dissertation, University of Montana, Missoula, Montana, USA.

Zager, P. 1981. Northern Selkirk Mountains grizzly bear habitat survey, 1981. Idaho Panhandle National Forests, Contract Report, Coeur d'Alene, Idaho, USA.

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Supplemental Literature Not Cited In Text

Applegate, R. D., et al. 1979. Germination of cow parsnip seed from grizzly bear feces. Journal of Mammalogy 60:655.
Rates of germination of seeds which passed through the digestive tracts of bears were higher than those that did not. Bears are also important dispersal mechanisms.

Beeman, L. E. 1971. Seasonal food habits of the black bear in the Smoky Mountains of Tennessee and North Carolina. Thesis, University of Tennessee, Knoxville, Tennessee, USA.
Analyses of scat and stomachs collected during 1969 and 1970 indicated that herbaceous species were most common in spring, and soft mast was most common in fall. Animal foods were not common. Colonial insects were found in small amounts. Food habits of cubs were similar to those of adults. Direct relationships were found between garbage consumption and increased camping and picnicking by people.

Beeman, L. E., and M. R. Pelton. 1980. Seasonal foods and feeding ecology of black bears in the Smoky Mountains. International Conference on Bear Research and Management 4:141–147.
Seventy-five stomachs and 1,025 scats from black bears in Great Smoky Mountains National Park were examined between June 1969 and January 1972. Diets consisted of 81% plant matter (grasses, other herbaceous leaves, stems, squawroot [*Conopholis americana*], huckleberries [*Gaylussacia* spp.], black cherry [*Prunus serotina*], acorns [*Quercus* spp.], blackberries [*Rubus* spp.], and blueberries [*Vaccinium* spp.]); 11% animal matter (predominantly Coleoptera and Hymenoptera); 6% artificial food of human origin; and 2% debris.
Spring diet was 90% grasses and other herbaceous stems and leaves and 10% squawroot. Summer diet consisted primarily of fruits and seeds. Early fall diet consisted of a variety of fruits. Late fall was a critical season and diet was primarily oak, hickory, and beech mast. Overall, the diet had high carbohydrate content, but low protein. Bear mortality, due to both legal and illegal means, increased during years of low mast production.

Black Bear Conservation Committee. 1992. Black bear management handbook for Louisiana, Mississippi, and East Texas.
The Louisiana black bear (*U. a. luteolus*) is jeopardized by habitat alteration and/or reduction. Forest management practices that can be advantageous to black bears are also compatible with normal management activities and are beneficial to other wildlife species. This text lists agricultural management practices that can enhance black bear habitat. Additional management strategies should focus on protection through prevention and resolution of human/bear conflicts and on public education.

Bowman, J. L., M. J. Chamberlain, B. D. Leopold, and H. A. Jacobson. 1996. An evaluation of two censusing techniques to estimate black bear population size on White River National Wildlife Refuge, Arkansas. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 50:614–621.
Bowman et al. describe techniques which could be used to monitor bear population response to habitat change: hunter surveys of bear sighting during two-day deer hunt with Peterson-Lincoln estimator and cameras triggered by infrared monitors using both CAPTURE and Minta-Mangel mark-resight model. CAPTURE was the most reliable estimate, although flaws in the data collection were present in all estimates.

Clark, J. D., and F. T. Van Manen. 1992. Geographic information systems and black bear habitat analyses. Proceedings of the Eastern Black Bear Workshop on Management and Research 11:137–153.
Clark and Van Manen discuss different approaches to modeling, including habitat suitability indices, cumulative effects, and biometric models for habitat analyses using GIS.

Conti, J. A., D. J. Forrester, and J. R. Brady. 1983. Helminths of black bears in Florida. Proceedings of the Helminthological Society of Washington 50:252–256.
Fourteen species of helminth parasites were observed in examinations of 46 black bears.

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Observations included 12 nematodes, 1 trematode, and 1 acanthocephalan. The mean number of parasite species per bear was 4, with no significant differences observed among sexes and ages. Mean intensities were significantly higher in males.

Doan-Crider, D. L., and E. C. Hellgren. 1996. Population characteristics and winter ecology of black bears in Coahuila, Mexico. Journal of Wildlife Management 60:398–407.
Doan-Crider and Hellgren studied the Serranias del Burro population from 1991 to 1994. They captured 42 bears and collared 28. All pregnant females denned, 2 of 5 females with yearlings denned, and all other bears remained active throughout the winter. Dates of den entry and exit were late December and late April, respectively. The study estimated survival of adult females, cubs, and subadult males. Population density was estimated at 0.35 bears/km^2. The area could serve as a source of bears for relocation/emigration to western Texas.

Eason, T. H. 1995. Weights and morphometrics of black bears in the southeastern United States. Thesis, University of Tennessee, Knoxville, Tennessee, USA.
Eason found evidence of weight variance and morphometric differences in black bears supporting subspecies demarcations, but also found evidence that subspecies demarcations may not account for all of the morphometric variation found in black bears in the eastern United States. Differences were not correlated with regional habitat quality indices as measured by crop yields, latitude, actual evapotranspiration, and soil fertility. Black bears may respond temporally to habitat quality at a subregional level.

Eiler, J. H. 1981. Reproductive biology of black bears in the Smoky Mountains of Tennessee. TWRA Technical Report No. 81-4. University of Tennessee.
Denning of bears in the Smoky Mountains averaged 114 days, starting in the first 3 weeks of December and ending in April. Dens were usually located in trees. Average litter size during 1979-80 was 2.5 cubs. Breeding activity was observed during the last week of June and the first 3 weeks of July. Minimum reproductive age was 4 to 5 years.

Foster, G. W., and T. A. Cames. 1995. Chewing lice, *Trichodectes pinquis euarctidos*, from a black bear in Florida. Florida Field Naturalist 23:17–18.

Hardisky, T. S., and J. B. Wooding. 1988. Black bear habitat study. Final Performance Report, Statewide Wildlife Research. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.
This report was based on 9 bears captured and radio-collared in Ocala National Forest. Habitat use appeared to shift with changes in food availability. Study animals used densely vegetated areas for winter bedding. Tentative mean home range sizes were 99 ± 19 (SE) km^2 for males and 28 ± 7 (SE) km^2 for females.

Harlow, R. F. 1962*b*. Osteometric data for the Florida black bear. Florida Scientist 25:257–273.

Harris, L. D. 1988. The nature of cumulative impacts on biotic diversity of wetland vertebrates. Environmental Management 12:675–693.
Wetlands help maintain the biotic diversity within and among vertebrate populations. Environmental perturbations can interact to reduce biotic diversity. Habitat fragmentation can have severe effects at all levels, reducing the usable range of the larger habitat generalists while threatening the genetic integrity of small, isolated populations. Impacts must be assessed on a landscape or regional scale to produce informed management decisions. Harris concludes that a system of replicate wetland reserves that are allowed to interact naturally with the surrounding landscape will be more effective in preserving biotic diversity than will isolated sanctuaries.

Harris, L. D. 1999. Remembering Florida's ancient forests: old Florida in words and pictures. Special Bulletin. Summer. Florida Defenders of the Environment.
This pictorial examination of Florida's ancient forests suggests that the state was richly populated with extensive forests that included very large trees. These trees likely supported a different set of animal communities that required old-growth conditions.

Harris, L. D., and P. Kangas. 1979. Designing future landscapes from principles of form and function.

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Pages 725–729 *in* National Conference on Applied Techniques for Analysis and Management of the Visual Resources. General Technical Report PSW-35. U.S. Department of Agriculture Forest Service, Washington, D.C., USA.

Future landscapes will consist of a gradient of types ranging from wilderness areas to totally "humanized" environments. The future environment will necessarily serve multiple functions. The landscape level of hierarchy has been neglected by the disciplines of ecology and planning. By coupling basic principles of form and function with the demands of future society we may leave behind a planned rather than a default environment.

Hellgren, E. C., and M. R. Vaughan. 1994. Conservation and management of isolated black bear populations in the southeastern Coastal Plain of the United States. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 48:276–285.

Hellgren and Vaughan offer a strategy for maintaining large, contiguous forest tracts with minimal human disturbance. The authors indicate that identification, maintenance, and enhancement of key habitat patches, such as pocosins and mesic islands, are also important. They suggest the use of remote sensing data to identify corridors to be targeted for conservation. Large tracts of occupied bear range serve as reservoirs for black bear reproduction and dispersal into smaller, more fragmented habitats. Determining female survival rates and maintaining contiguous forest blocks are the most critical conservation needs. A second strategy consists of restricting human access.

Hunt, C. L. 1984. Behavioral responses of bears to tests of repellents, deterrents, and aversive conditioning. Thesis, University of Montana, Bozeman, Montana, USA.

Deterrents and repellents were tested on 31 free-ranging black bears visiting baits at a sanitary landfill. Ammonia and male human urine deterred most bears from eating. Test responses were the result of the effect of a stimulus on an individual bear, dominance activities by other bears at the site, and availability of natural foods in the area. Certain bears appeared to tolerate the more noxious deterrents or returned repeatedly following tests of the triggered repellents. Stimuli can be developed that will repel most bears. Inclusion of an odor cue with a repellent stimulus seemed to increase its effectiveness. Effective stimuli appeared to reduce aggression in subsequent encounters. Bears not repelled or submissive in response to a stimulus were more aggressive during later encounters.

Irvine, J. E., B. L. Legendre, and H. P. Fanguy. 1983. Selective bear damage and deterioration in sugarcane varieties. The Sugar Journal 46(3):25–26.

Selection by bears among varieties of sugarcane was "especially evident"at farms near Atchafalaya swamp of southern Louisiana.

Kasbohm, J. W., M. R. Vaughan, and J. G. Kraus. 1994. Black bear harvest and nuisance behavior in response to gypsy moth infestation. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 48:261–269.

Gypsy moth infestation from 1987 to 1990 resulted in widespread defoliation and acorn failure. The number of bears harvested during infestation increased from pre-infestation numbers. The proportion of females harvested also increased. These increases may have resulted from increased bear movements in fall and greater bear susceptibility to hunting during infestation. Nuisance behavior was not affected by canopy loss or acorn failure. Defoliation enhanced soft mast production and may have allowed bears to avoid turning to high levels of nuisance activity that might be expected during conventional hard mast failures.

Kordek, W. S. 1973. An investigation of the structure, stability, and movements of Pennsylvania black bear with particular emphasis on Pike County. Thesis, Pennsylvania State University, State College, Pennsylvania, USA.

Survival rate was 68% for males and 71% for females in Pike County. A pattern of reproductive synchrony was apparent. Females were observed to have a more restricted range than males. Survivability

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statewide for males was determined to be 63.3% in 1971 and 67.8% in 1972 and 70.4% and 77.0% for females during the same periods.

Landers, J. L., R. J. Hamilton, A. S. Johnson, and R. L. Marchinton. 1979. Foods and habitat of black bears in southeastern North Carolina. Journal of Wildlife Management 43:143–153.
Landers et al. analyzed 732 fecal droppings and 28 stomach contents and radio-monitored 10 bears. They determined that bears in the region need large areas with a variety of habitat types to meet annual food and cover requirements.

LeCount, A. L. 1986. Black bear field guide: a manager's manual. Special Report No. 16. Arizona Game and Fish.
A basic management guide including how to recognize sign; capture, immobilization, and transportation methodology; marking devices; collection of data and biological samples; and handling of bear depredation problems.

Lentz, W. M., R. L. Marchinton, and R. E. Smith. 1983. Thermodynamic analysis of northeastern Georgia black bear dens (*Ursus americanus*). Journal of Wildlife Management 47:545–550.
Denning locations of selected bears captured from 1 July 1972 through 15 November 1976 were revealed through the use of radio collars. A metal cylinder holding a propane lantern was used to measure relative heat retention. Ninety-six percent of the heat retention of a den was accounted for by three variables: bedchamber height (59%), thickness of wood surrounding the bed chamber (26%), and whether the entrance was on the top or side of the den cavity (11%).

Maddrey, R. C., and M. R. Pelton. 1995. Black bear damage to agricultural crops in coastal North Carolina. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 49:570–579.
Hunting can be used to reduce bear densities and thus reduce bear/farmer conflict and bad public relations. Bear/farmer conflict occurs due to habitat fragmentation and agricultural development. Bears will use fragmented habitat and the nonforested habitat matrix if food resources are high in the matrix.

McCullough, D. R. 1981. Population dynamics of the Yellowstone grizzly bear. Pages 173–196 *in* Dynamics of large mammal populations. John Wiley and Sons, New York, New York, USA.
McCullough analyzed and synthesized the available data on the Yellowstone population of *Ursus arctos horribilis* and offered an alternative interpretation of the dynamics of the population. The study includes segments on total population size, recruitment of juvenile classes, cause of suppression of recruitment, sex ratios, time lags, expected response of the population to exploitation, MSY and population stability, and comparison with other Yellowstone grizzly bear models.

Mealey, S. P. 1977. Method for determining grizzly bear habitat quality and estimating consequences of impacts on grizzly bear habitat quality. Final draft. U.S. Department of Agriculture Forest Service, Region 1, Missoula, Montana, USA.

Miller, D. A., H. A. Jacobson, and B. D. Leopold. 1994. Effects of vegetation composition and land-use variables on bait station visitations by black bears. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 48:252–260.
The authors investigated influences of habitat characteristics on bait station visitations. Vegetation and land-use variables were evaluated using overstory, midstory, and understory vegetation composition at bait stations visited and not visited by black bears on two islands in Arkansas. The site-specific variables measured had no influence on the probability of a bait station being visited.

Miller, D. A., B. D. Leopold, and H. A. Jacobson. 1995. Use of bait stations to monitor black bear populations in the Mississippi alluvial valley. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 49:560–569.
Experimental bait station surveys were conducted from May to August to evaluate effect of bait type, sampling duration, and sampling month on bait station visitation rates by black bears. The authors

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recommend conducting bait station surveys in August using fish. Bait station surveys should be conducted annually where visitation rates allow monitoring of population trends and every 3–5 years in areas of low bear density to provide baseline distributional information.

Modafferi, R. D. 1982. Black bear movements and home range study. Alaska Department of Fish and Game.
Population identity, density, habitat use, sex and age composition, vulnerability to hunting, and behavior of black bears were determined from 60 live-captured bears (41 individual bears, 30 radio collared). Movement patterns are related to habitat use, feeding strategy, and reproductive behavior. Large bodies of saltwater, large glaciers, and extensive snowfields were not barriers to movement.

Mykytka, J. M., and M. R. Pelton. 1988. Evaluation of four standard home range methods based on movements of Florida black bear. Pages 159–164 *in* Tenth international symposium on biotelemetry. Department of Zoology, University of Arkansas, Fayetteville, Arkansas, USA.
Home range data from 8 Florida black bears were utilized to evaluate the convex polygon, the modified minimum area, the elliptical or bivariate normal model, and the harmonic mean measure of activity model. None of the models accurately delineated the areas used by all 8 bears. A method's ability to estimate home range size and describe boundaries of space used depended upon the degree of conformance of the locational data to the assumptions of the methods.

Newton, M. 1975. Constructive use of herbicides in forest resource management. Journal of Forestry 73:329–336.

Pence, D. B., J. M. Crum, and J. A. Conti. 1983. Ecological analyses of helminth populations in the black bear, *Ursus americanus*, from North America. Journal of Parasitology 69:933–950.
Faunal similarity was determined using a data base of 23 helminth species from 104 black bears collected in the southeastern United States. Studies such as this may lead to a more decisive means of delineating predictive models for the parasite species involved in epidemics.

Pursley, D. 1974. History and status of black bear in West Virginia. Thesis, West Virginia University, Parkersburg, West Virginia, USA.
A strong protective attitude towards the black bear existed among state residents. The West Virginia Department of Natural Resources should initiate information and education programs to inform the public about the contemporary status of black bears, including present and potential problems, bear research projects, and management goals. Pursley recommended research goals that included evaluation of black bear activities with regard to roads, livestock grazing, apiaries, and other agricultural areas; seasonal movements; and vegetational and physical components of existing bear habitat. Management goals should include preservation of existing bear habitat, evaluations of potential black bear habitat, and reintroduction of bears into suitable areas.

Radwan, M. A. 1969. Chemical composition of the sapwood of four tree species in relation to feeding by the black bear. Forest Science 15:11–16.
The contents of sugars, nitrogen, and mineral elements of 4 tree species were determined on 2 areas in western Washington. One area was subject to considerable damage by black bears and the other showed very little damage. Total sugars and ash were the only components which seemed to be related to bear preference. Chemical analysis alone was not sufficient to explain the problem of bears feeding on tree sapwood.

Rogers, L. L. 1977. Social relationships, movements, and population dynamics of black bears in northeastern Minnesota. Dissertation, University of Minnesota, Minneapolis, Minnesota, USA.
Rogers describes social relationships and population dynamics of black bears in northeastern Minnesota, based on a 7-year telemetry study. One hundred eleven individuals were collared and monitored. Rogers compared social interactions between related and unrelated adults. Findings emphasized the annual cycle of behavior and changes in behavior that occur as young

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bears grow to maturity and establish permanent ranges. Rogers concluded that family members behave in ways that benefit close kin in accordance with kinship theory.

Rogers, L. L., D. W. Kuehn, A. W. Erickson, E. M. Harger, L. J. Verne, and J. J. Ozoga. 1976. Characteristics and management of black bears that feed in garbage dumps, campgrounds, or residential areas. International Conference on Bear Research and Management 3:169–175.
More males than females were found to supplement their diets with garbage. Females that supplemented their diets with garbage had higher than average numbers of cubs per litter than females that did not.

Rogers, L. L., and S. M. Rogers.1976. Parasites of bears: a review. International Conference on Bear Research and Management 3:411–430.
This is a summary of the available information for 77 species of parasites including species of host, pathological effects, whether hosts were captive or wild, and proportion of infected bears from a given geographical region.

Scott, M. G. 1991. Body fat prediction, nutrition and reproduction of black bears in the interior highlands of Arkansas. Thesis, University of Arkansas, Fayetteville, Arkansas, USA.
Easily measured and reliable indices to predict body fat in black bears are necessary for evaluation of the nutritional condition of live and harvested animals, as well as for the standardization of physiological indicators in nutrition research. Techniques to predict body fat in other animals appear to have little predictive value for black bears. Because body fat is strongly correlated with body water, new techniques such as isotope dilution may hold some promise for future attempts to estimate fat stores in bears.

Stirling, I., C. Jonkel, P. Smith, R. Robertson, and D. Cross. 1977. The ecology of the polar bear (*Ursus maritimus*) along the western coast of Hudson Bay. Occasional Paper Number 33. Canadian Wildlife Service.
This paper summarizes 10 years of data collected by the Canadian Wildlife Service and the Manitoba Department of Renewable Resources and Transportation Services. It includes a summary of historical records of polar bears in the Manitoba area, development of polar bear management in Manitoba, and documentation of bear-man problems in the Churchill area. Two hundred twenty-seven polar bears were ear-tagged and 23 were radio collared. Movement data and tag returns show that bears move on to the newly formed ice in early November and winter on the ice to the north and east of the Cape Churchill area, returning to the southern Manitoba coast in late July to August when the final ice remnants dissipate. A crude population estimate of the Churchill area was 308 bears. The polar bear problem in the Churchill area should be reduced once the garbage problem is resolved. Additional management options in Manitoba include establishment of an annual harvest and utilization of polar bears as a tourist attraction.

Tisch, E. L. 1961. Seasonal food habits of the black bear in the Whitefish Range of northwestern Montana. Thesis, Montana State University, Bozeman, Montana, USA.
Tisch examined 815 scats and 4 stomachs to determine the food habits of black bears in the Whitefish Range. Spring foods were predominantly herbaceous. Summer foods were herbaceous until the middle of July, when fruits matured. Berries and pine-nuts comprised most of the fall diet. Plant material occurred in 99.9% of the samples, insects in 45.3%, mammals in 5.0%, and birds occurred in 0.4%. There was an apparent correlation between the availability of huckleberry and its intake by bears in the fall.

van Manen, F. T., and M. R. Pelton. 1997. A GIS model to predict black bear habitat use. Journal of Forestry 95(8):6–12.
Possible consequences of forest management were assessed to produce habitat use models using GIS data of forest types, and male and female black bear habitat use on the nearly 500-km^2 Tellico Ranger District of the Cherokee National Forest in eastern Tennessee. Several variables were used to describe habitat use by female bears (overstory vegetation type, proximity to streams, elevation, aspect, stand age richness, proximity to improved roads, and proximity to human activity

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sites) and male bears (overstory vegetation type, overstory vegetation richness, understory vegetation type, proximity to streams, aspect, landform index, proximity to improved roads, and proximity to human activity sites). Elevation accounted for most variation in the female habitat use model, while most variation in the male model was explained by proximity to human activity sites.

Willey, C. H. 1974. Aging black bears from first premolar tooth sections. Journal of Wildlife Management 38:97–100.
The first premolar was ascertained to be equally as reliable as the canine tooth as an age indicator of black bears. Advantages of the first premolar over the canine include ease of collection, near elimination of tooth replacement costs, and increased sample size.

Willey, R. D., J. W. Butfiloski, and T. T. Fendley. 1996. Population characteristics and female denning of black bears in a managed South Carolina forest. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 50:599–608.
Radio-tracked adult females in a managed forest in the mountains of South Carolina exhibited a mean litter size of 2.3 (n = 7); suspected mean age at primiparity was 4 years, and interbirth interval was 2.2 years. These parameters suggested a productive population and good-quality habitat. Dens included ground nests, root systems, tree cavities, brush piles, and hollow logs. Most dens were associated with early successional communities.

Wooding, J. B. 1987. Black bear hibernation study. Final Performance Report. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.
Wooding investigated hibernation by using serum levels of urea and creatinine collected from 24 bears. There was no significant difference in the urine/creatinine ratio between serum collected December–March and that collected April–November. Low urea levels, believed a result of a low-protein diet, limit the usefulness of the urea/creatinine ratio as an indication of hibernation. Hibernation in Florida black bears may be restricted to females producing cubs.

Wooding, J. B., and B. J. Bakata. 1996. Litter size and age of first breeding of Florida black bears. Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies 50:609–613.
Wooding and Bakata examined 139 female reproductive tracts. Corpora lutea occurred in 81 of the tracts. Most females (75%) bred initially when 2.5 years old and the remainder at 3.5 years. Their results were "comparable to those found in other productive areas of eastern North America."

Wooding, J. B., and T. S. Hardisky. 1987. Black bear population index and estimation development. Final Performance Report. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida, USA.
Bait stations were not effective as a population estimate due to low visitation rate. Bear track counts conducted on Ocala National Forest from 1983 to 1986 were analyzed. This method is sensitive only to major changes in the mean number of tracks observed. The authors present recommendations for estimating bear population trends with track counts and an evaluation of mast production on Ocala National Forest.

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Washington, D.C. 20240

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KARL AMBROSE AND ALEXIS FOXX
16451 Hardeman Jct
Weeki Wachee, FL 34614
352-258-6701 faunasafeaquatic@gmail.com 352-585-4878 foxxa@hotmail.com

December 4, 2019

Ms. Melinda Miguel
Chief Inspector General
400 S. Monroe Street, Suite 1902
Tallahassee, FL 32399

Dear Ms. Miguel,

In our letter dated January 28, 2019, we expressed our concerns regarding Thomas Eason, Ph.D., then Director of Habitat and Species Conservation of the Florida Fish and Wildlife Conservation Commission (FWC). We stated our concern that Dr. Eason had deliberately misled the public while testifying under oath on October 1, 2015 regarding Florida's black bear population and habitat. In our follow-up letter dated March 22, 2019, we reiterated our concerns and furnished additional evidence about the way bears are being mismanaged in the state.

During the intervening months, our concerns have escalated as our knowledge and evidence of mismanagement have increased. Motivated by the incongruities, misleading and false information in the 2019 draft Bear Management Plan (the Plan), we have uncovered crucial variables that have been deliberately omitted, therefore misleading the public.

While habitat manipulations and frequent fire intervals and winter burning have been largely rationalized away as being inconsequential despite the published, peer-reviewed literature stating otherwise, other variables which also affect the bears have been completely ignored. Our evidence strongly suggests that the dispersal of bears has been caused by the agency itself through the running of hunting dogs on public land. We have illustrated, through Wildlife Management Area (WMA) maps and dog-running dates, that bears are being pushed out of primary bear habitat and being dispersed into less suitable habitat and even into residential areas. This is occurring nearly six (6) months per year on public lands.

There is little question that increases in human-bear conflict and vehicle-bear collisions have been the product of FWC and partner agency actions, especially since around 2010, whether through mismanagement of bear habitat or expansion of dog-running on public lands. We suspect that the combination of these variables has been responsible for bear

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dispersal, leading to increased human-bear conflicts and vehicle-bear collisions. We touched on this in our last letter, but the evidence is now too overwhelming to dismiss. We have witnessed how the Florida black bear is being affected by these activities, but it is now apparent that the maps fortify our suspicions.

Once again, we are requesting a legislative investigation into the agency's words and deeds with respect to the public and the Florida black bear. The FWC is the agency that is entrusted by the people of the state to protect our wildlife under the Public Trust Doctrine, while upholding public safety. Instead, it is clear that this agency has been responsible for increasing human-bear conflicts and vehicle collisions, both of which are serious public safety issues. Ignoring these public safety and mismanagement issues will not make them disappear.

We are attaching a series of questions that should assist you in the investigatory process, as well as a sampling of supporting documentation and supplementary materials.

Thank you for your attention to this very important matter. Please reach out to us with any questions or concerns you may have.

Respectfully,

Karl Ambrose
Alexis Foxx

Independent Black Bear group

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Investigatory Questions

1. On April 30, 2010, U.S. Forest Service with the cooperation of FWC, The Nature Conservancy, and Tall Timbers, proposed to start modifying the forests in the Bear Management Units (BMUs) where bears are most abundant. That same year, they expanded where deer, small game, and foxes and coyotes could be chased and hunted with dogs, which also include areas where the bears are most abundant. **We would like to know why the Florida public was not informed, and why this information was not included in the 2012 Florida Black Bear Management Plan.** These two variables, modifying habitat **and adding an invasive species to the landscape where bears are most abundant**, are significant. In the interest of transparency, it should have been stated that habitat manipulations and expanded dog-running could disperse bears, leading to increased human-bear conflict and vehicle-bear collisions (See Figure 1, p. 2 in supporting document: *Habitat Modifications within the Forests and Effects on the Florida Black Bear*. See also the planned prescribed burning maps in Figure 11, p. 13 and FWC's slide titled: "Bears may explore new areas if food is limited." This slide should have been included in the 2012 Florida Black Bear Management Plan. It demonstrates that FWC is aware that their policies can result in bears dispersing. Why weren't they included in the Bear Management Plan?)
2. We have physical evidence that shows that during dog-running season, Florida black bears are being moved out of the areas where they are most abundant (See supporting documentation. Study title: *Demographics of the Apalachicola Subpopulation of Bears*). Bears were also dispersed during the accelerating longleaf pine projects and continue to be dispersed during prescribed burning. Why are these crucial variables not mentioned in the 2019 draft Bear Management Plan? **The Plan must not be implemented until this question is adequately addressed for the Florida public. It is both a mismanagement issue and a serious public safety issue.**
3. As stated in our letter dated January 28, 2019, Thomas Eason, Ph.D. misled the public while under oath by stating that Florida has "awesome" bear habitat. He also omitted important and relevant information pertaining to the destruction of saw palmetto berries (Please refer to **Thomas Eason, Ph.D. Misleads the Public While Under Oath).** We would like an inquiry into why Dr. Eason misled the public while under oath.

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Supporting Documentation

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Thomas Eason, Ph.D. Misleads the Public While Under Oath

Dr. Eason was misleading the Judge and the State of Florida during the injunction hearing on October 1, 2015. He indicated that state land managers are protecting saw palmetto (*Serenoa repens*) berries. He failed to mention the three national forests, Apalachicola, Osceola, and Ocala. We have documentation that land managers are obliterating *Serenoa repens* all over these three national forests, in which three of our largest bear subpopulations are located.

Note: The roller chopping and mulching was destroying all of the spring bear food as well. This is still occurring in Osceola national forest. They are destroying three important food sources: gallberry (*Ilex glabra*), blueberry (*Vaccinium* species), and saw palmetto berry (*Serenoa repens*) due to accelerating longleaf pine restoration projects in northeast Florida.

This alone could cause bear dispersal in the northern Bear Management Unit.

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA

CASE NUMBER: 2015-CA-1781

SPEAK UP WEKIVA, INC.
and CHARLES W. O'NEAL,

Plaintiffs,

vs.

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION,

Defendant.
- -

Tallahassee, Florida

October 1, 2015

1:30 p.m.

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Q You've heard also some real brief testimony and there's been a lot of allegations in the press by Mr. O'Neal that the big issue and what would solve the whole problem with bears is that we've got a lot of people out there stealing palmetto berries.

If we did something -- well, first of all, have we taken action to address the palmetto berry issue? And would that solve all of the issues with regards to black bears?

A Yes. We've taken action to address the palmetto berry harvest. It has never happened on state parks, to my knowledge. We stopped any harvest on lands that we manage about ten years ago and then we've recently worked with the Florida Forest Service to close any permits that they had to allow palmetto berry harvest on state lands.

Excerpt of Dr. Thomas Eason's testimony regarding saw palmetto berries

So one direct way is Florida is blessed with a lot of awesome people and a lot of awesome bear habitat and they, in many places, come right up next to each other. Central Florida's a great example.

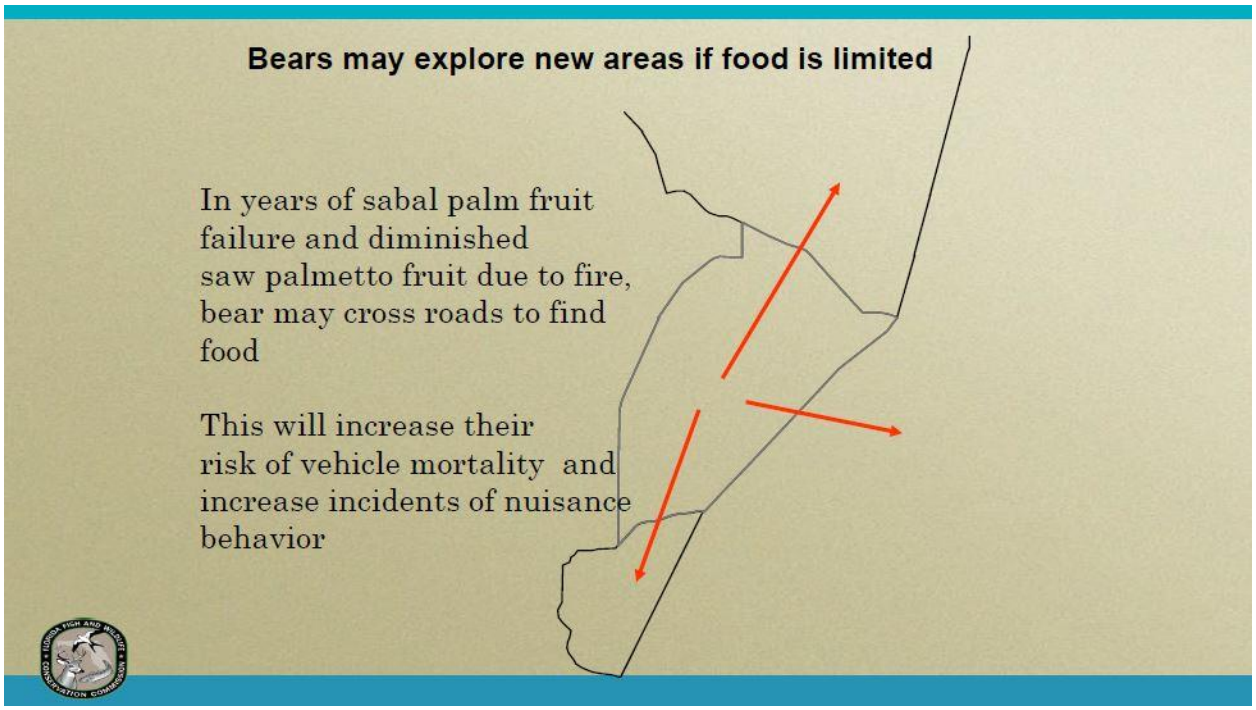
Excerpt of Dr. Thomas Eason's testimony regarding bear habitat. He failed to mention that primary bear habitat was being destroyed throughout the state. Shortly after this, he mentioned the "large home ranges" of male bears being "over 60,000 acres" in Florida. This is a very large home range, which indicates **poor habitat and food sources**. The more abundant the food sources, the smaller the home range. Frequent mention was also made of the "expanding" bear population. Bears are known to travel widely when natural food sources are scarce, but FWC fails to mention this fact. Instead, it is inferred or directly stated

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to be equated with a growing bear population. This is not necessarily the case and is **highly misleading** to a public who would not know otherwise.

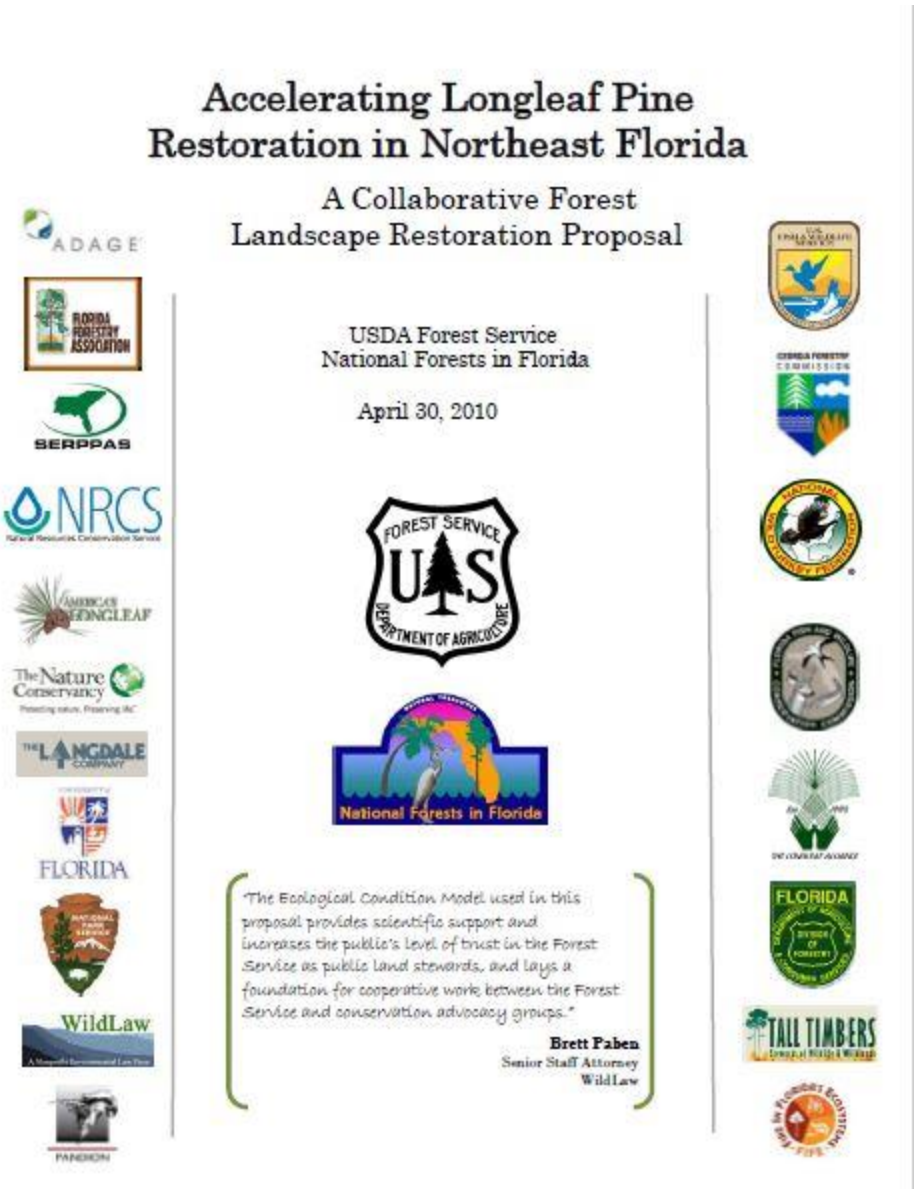
The 2019 draft Bear Management Plan states that bear range has expanded to 49% of historic range. This is very misleading. Bears are being dispersed by prescribed burning and other habitat manipulations, the running of hunting hounds (October through April), bombing in Ocala National Forest including the dropping of live ordnance, ATVs, and other human activities of millions of visitors. Why is none of this information in the Plan?

In reference to the 2019 draft Bear Management Plan on page 54: Just because bears are being "seen" more now (by camera in many cases) doesn't mean their range has expanded. Their natural food sources may be scarce, so they have to travel farther to find food. On page 58, this is even correctly stated. There is an admission that human-bear conflict increases when natural foods are scarce. See also Table 11, Action item 3.1.15 on page 59.



FWC slide indicating that bears may disperse when food sources are scarce.

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Accelerating Longleaf Pine Restoration in Northeast Florida

A Collaborative Forest Landscape Restoration Proposal

USDA Forest Service
National Forests in Florida

April 30, 2010

"The Ecological Condition Model used in this proposal provides scientific support and increases the public's level of trust in the Forest Service as public land stewards, and lays a foundation for cooperative work between the Forest Service and conservation advocacy groups."

Brett Paben
Senior Staff Attorney
WildLaw

Document cover. Excerpts describing habitat manipulations follow. FWC was aware (see logo on cover), yet they failed to disclose this information to the public, nor did they include it in the Bear Management Plan.

Groundcover Restoration - Healthy LLP Ecosystems harbor some of the richest biological diversity in the country, most of which occurs on the forest floor in the form of grasses and herbaceous vegetation. Many wildlife and plant species, however, begin to decline as sunlight is shaded by an overly dense forest canopy or midstory. Saw palmetto, a naturally occurring shrub in LLP flatwoods, usually occurs in sparse clumps. However, when LLP forests are fire suppressed, saw palmetto densities increase dramatically and replace the diverse understory. When the density of saw palmetto exceeds 33% cover, imperiled grassland birds such as Bachman's sparrow, Henslow's sparrow and bobwhite are no longer present. A common and effective method of reducing saw palmetto coverage and increasing grass and herbaceous species is to use a single pass roller chopper followed closely by the application prescribed fire. Timber stands with high basal areas of small diameter pines will be thinned, chopped, and burned on a 2-3 year rotation, stimulating the grass and herbaceous ground cover. During the 10 year period of this proposal, 21,000 acres will be treated by roller chopping to restore native groundcover.

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Need to Restore Groundcover – Due to historic fire suppression and altered fire regimes, saw palmetto and woody shrubs have become dominant in many pine flatwoods of the U.S. southeastern coastal plain, including those on the ONF. This has led to the degradation of large, remaining portions of the pine flatwoods. Areas of the ONF that haven't been recently burned or have not burned with at least one moderately severe fire within the last ten years are now dominated by saw palmetto and/or woody shrubs. This has suppressed or eliminated the original groundcover normally dominated by bunch grasses and forbs. Approximately 21,000 acres of groundcover restoration will be accomplished by light roller drum chopping of overly abundant saw palmetto with this proposal, see page 22 of the Landscape Strategy (Available at ftp2.fs.fed.us/incoming/r8/Florida/CFLR/CFLRLandscapeStrategy.docx). These activities will benefit 38 of 39 sensitive plant species from the R8 Regional Forester's list that are known or considered likely to occur on the ONF, as well as 36 species of amphibians, 49 species of reptiles and 51 species of land birds.

Overview of Pine Flatwoods Ecology - Pine flatwoods, their pyrogenic groundcover, and associated wildlife evolved with regularly occurring lightning fires on a 2–3 year interval. In fact, the reproductive strategies of many flatwoods species (including LLP) depend on such frequent fires. In ECM Tiers 1 and 2, frequent prescribed fire that mimics the natural fire return interval and severity prevents a shift in the understory from native grasses and forbs to saw palmetto and woody shrubs, and prevents the less fire tolerant slash pine from invading and dominating LLP sites. On the ONF only 14,148 acres are currently in Tier 1 and 2 and require only the application of prescribed fire to maintain desired future conditions. In the absence of frequent fire the percent cover of saw palmetto and woody shrub species dramatically increases, resulting in decline of herbaceous cover and diversity and shift to lower quality ECM Tiers 3-5.



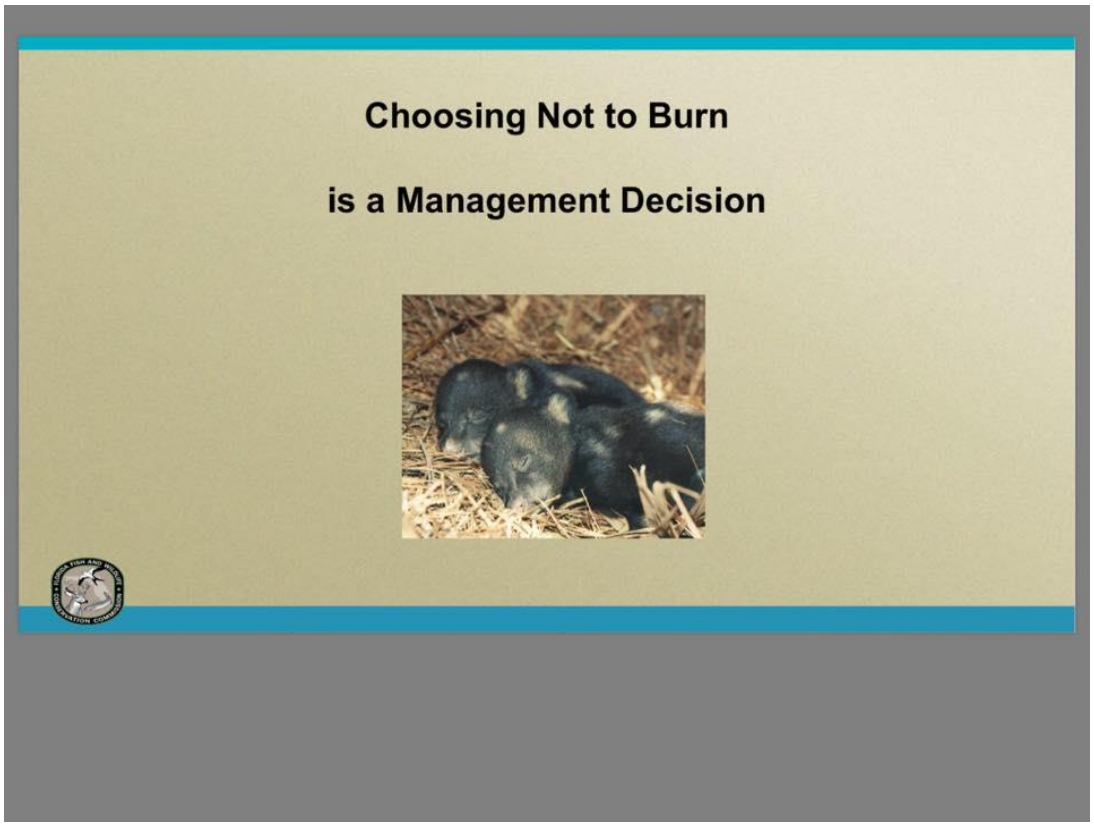


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Email from David Telesco

See last paragraph of email from Dave Telesco, below. In it, he acknowledges that the Florida Black Bear Management Plan is but one document that "guides how FWC manages bears." In other words, other agencies do not have to abide by it. It is merely a suggestion.

Note how Mr. Telesco trivializes the impact that habitat modifications, specifically prescribed fire, has on bears. He does not acknowledge the scope or aggressiveness of recent habitat modifications for accelerating longleaf pine projects (from 2010 onward) including clearcutting and prescribed burning. Nor does he acknowledge the effects they have on bears and formerly primary bear habitat. This is in contrast to the scientific literature. Please see the attached Habitat Modifications document for more information and citations. For the sake of transparency, this and planned prescribed burn maps should be in the Bear Management Plan. It is highly relevant to the management of Florida black bears and their habitat. The public deserves to know. FWC is the agency entrusted by the people of the state to protect Florida's wildlife for all.



FWC acknowledges that bear cubs may succumb to fire during winter prescribed burns.

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From: "Telesco, David" <david.telesco@MyFWC.com>
Date: March 15, 2016 at 12:59:21 PM EDT
To: Karl Ambrose <faunasafeaquatic@gmail.com>
Cc: "Eason, Thomas" <Thomas.Eason@MyFWC.com>, "Knox, Carol" <carol.knox@MyFWC.com>
Subject: RE: National Forest Core BMU'S

Karl,

I am Sarah's supervisor and am aware of your inquiries to our agency regarding bears. Before responding to your most recent email to Thomas, I checked with Sarah to get more details on your interactions with her.

Your correspondence with our Division Director seems to imply that you are not receiving adequate customer service from my employee, which concerned me. After reviewing Sarah's correspondence with you, I saw that she has responded to over 100 emails you have sent to her since May of 2015, and all provided you with thorough, professional, and prompt answers. It is clear to me that she has spent considerable time and effort to provide you with assistance. In the future, if you have concerns about any of my employees' performances, please feel free to contact me so that I can address it.

Your most recent inquiry regarding whether there were any requests from the Federal government to hunt bears required Sarah to seek out multiple staff members who may have had contact with Federal partners, and that is why you did not receive an immediate response. I reviewed and agree with her response, we are not aware of any request from the Federal government to hunt bears.

The 2012 Florida Black Bear Management Plan is only one document that guides how FWC manages bears. The Plan was not written to supersede or replace other agency documents that relate to managing bear habitat, such as the U.S. Forest Service. Our Plan does acknowledge forest management and its effect on bear habitat, but does not go into detail on specific management prescriptions by partner agencies. The displacement of bears by prescribed fire is temporary, and because different forest units are burned on different schedules, bears have an opportunity to move from an area currently being burned to another that is not. As Sarah indicated to you in a previous email, forest management practices as a whole are beneficial to bears, even if they temporarily displace bears.

Sincerely,

David Telesco
Bear Management Program Coordinator
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street, 6B
Tallahassee, FL 32399
(850)922-4330

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Inquiry to FWC About Dogs on the Landscape

The following email sent to Sarah Barrett on Feb. 23, 2016 was not even acknowledged. This is when Karl started to realize there was a dog problem in the forest.

From: Karl Ambrose <faunasafeaquatic@gmail.com>
Date: February 23, 2016 at 1:04:30 PM EST
To: Sarah Barrett <Sarah.barrett@myfwc.com>
Subject: Impact Studies

Hi Sarah,

It's been a while. I hope you are doing well.

I was wondering if you or anyone else have done any impact studies or written any articles on the effects of running dogs in our BMU's.

If so, where can I obtain those?

Have a wonderful day.

GO BEARS!

Sincerely,

Karl

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Study title: Demographics of the Apalachicola Subpopulation of Bears

We have physical evidence that shows during deer-dog season, Florida black bears are dispersing out of the areas where they are most abundant (Study title: Demographics of the Apalachicola Subpopulation of Bears).

Each yellow dot represents the location of one radio-collared female bear, with each photo showing the different locations of one bear. Notice how the bears are close to US98 and residential areas. The bears are south of Tate's Hell State Forest, and some have crossed US98 as well as State Road 65.

Note: Since Apalachicola National Forest is primarily longleaf pine habitat, the bears in the "Apalachicola Subpopulation of Bears" are actually in Tate's Hell.

This is not mentioned in the 2019 draft Black Bear Management Plan. This information is highly relevant from a management perspective as well as a public safety perspective. The draft cannot move forward until this is adequately addressed for the Florida public.

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All Inboxes

Siri found new contact info
Walter McCown add...

From: Walter McCown
To: Karl Ambrose Hide

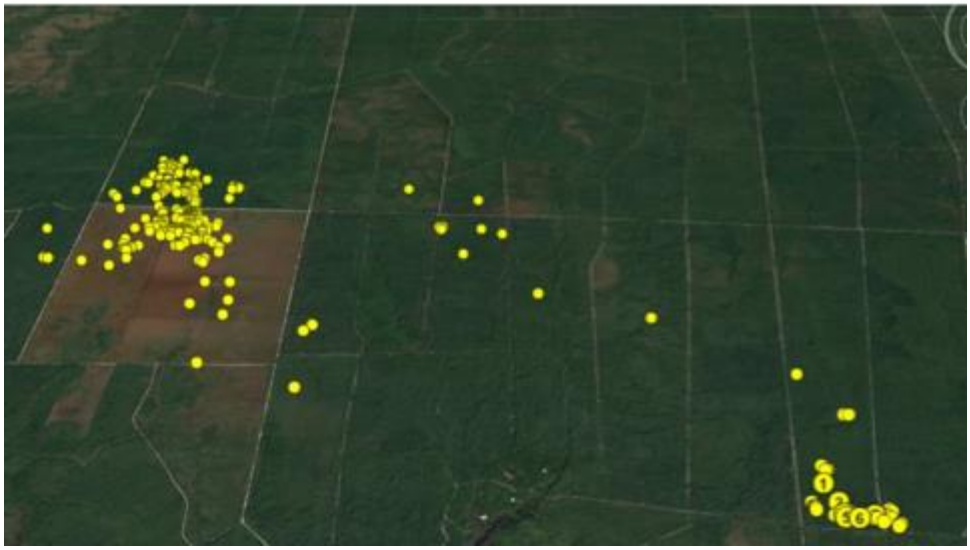
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Tate's Bears

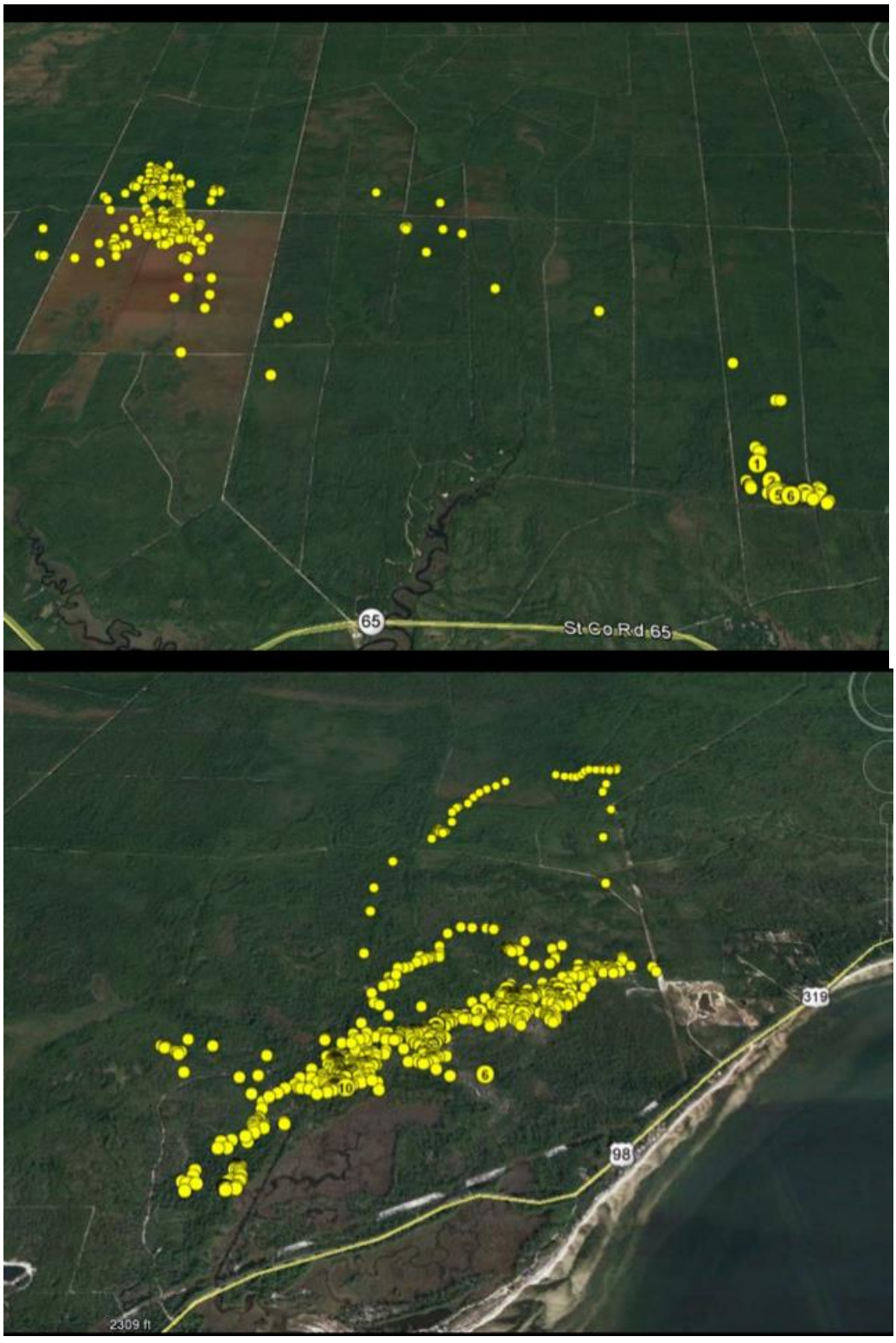
December 6, 2016 at 4:58 PM
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Karl, as promised, here are all the locations for our 15 female bears for Nov 1-Nov 30, 2016. The last 10 locations for each are numbered 1-10. Everybody seems to be doing OK – some movements as they fatten for the winter and having cubs. Enjoy.

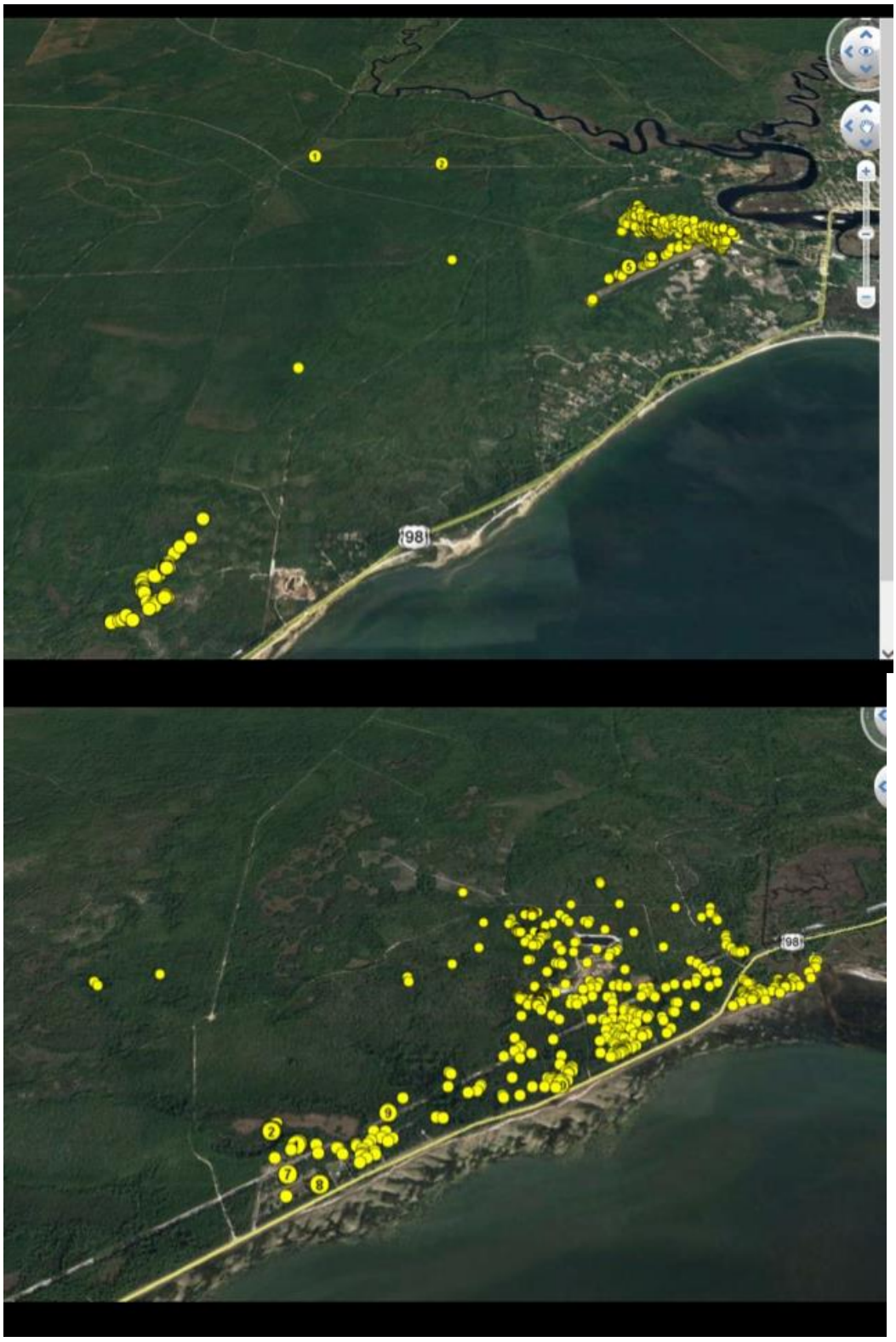
Walter McCown
Bear Research Coordinator
Office: 352-334-4214
Cell: 352.258.4444
Fish & Wildlife Research Institute
Florida Fish & Wildlife Conservation Commission
1105 S.W. Williston Rd., Gainesville, FL 32601-9044
Visit us at: www.MyFWC.com



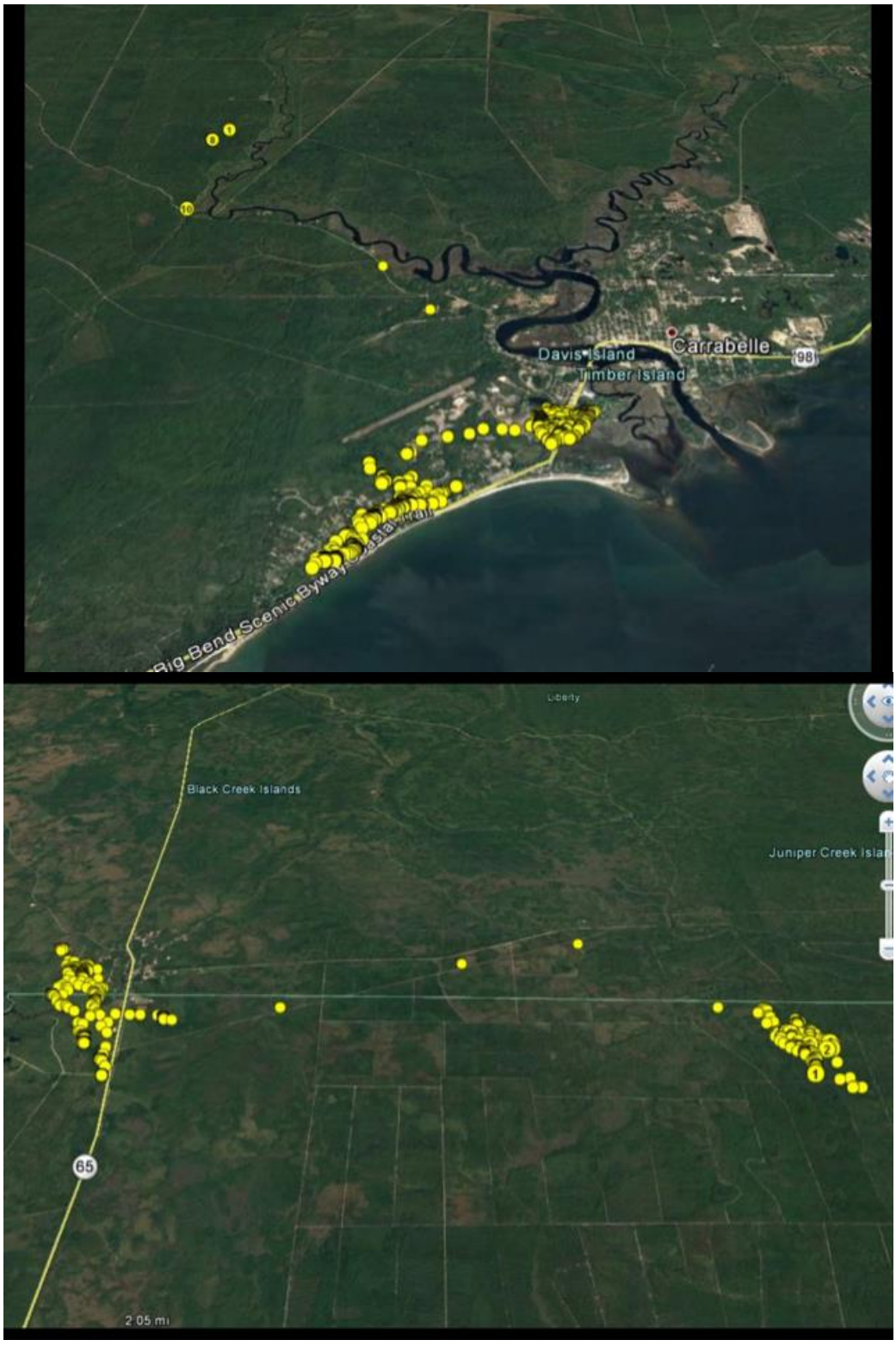
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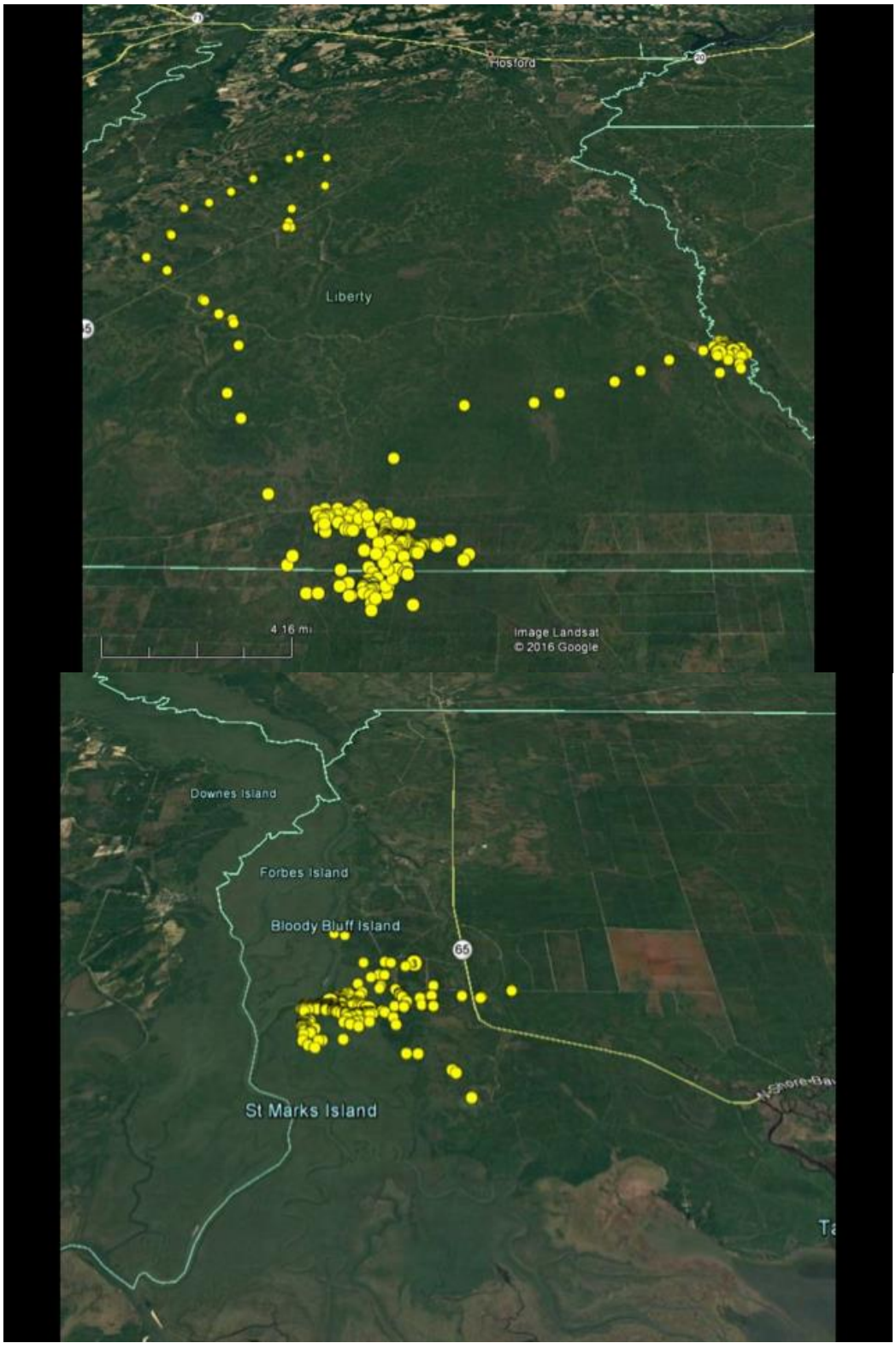
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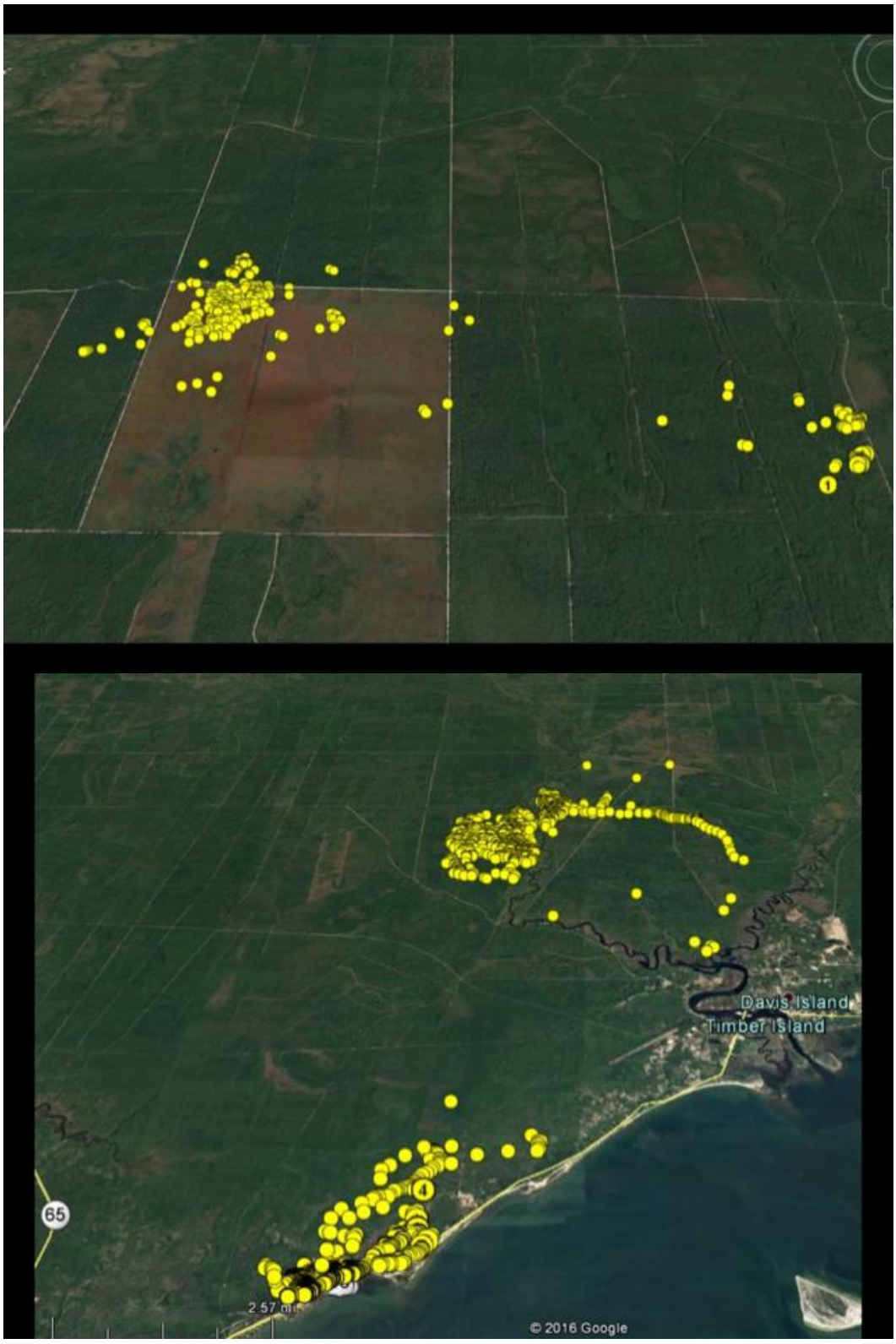
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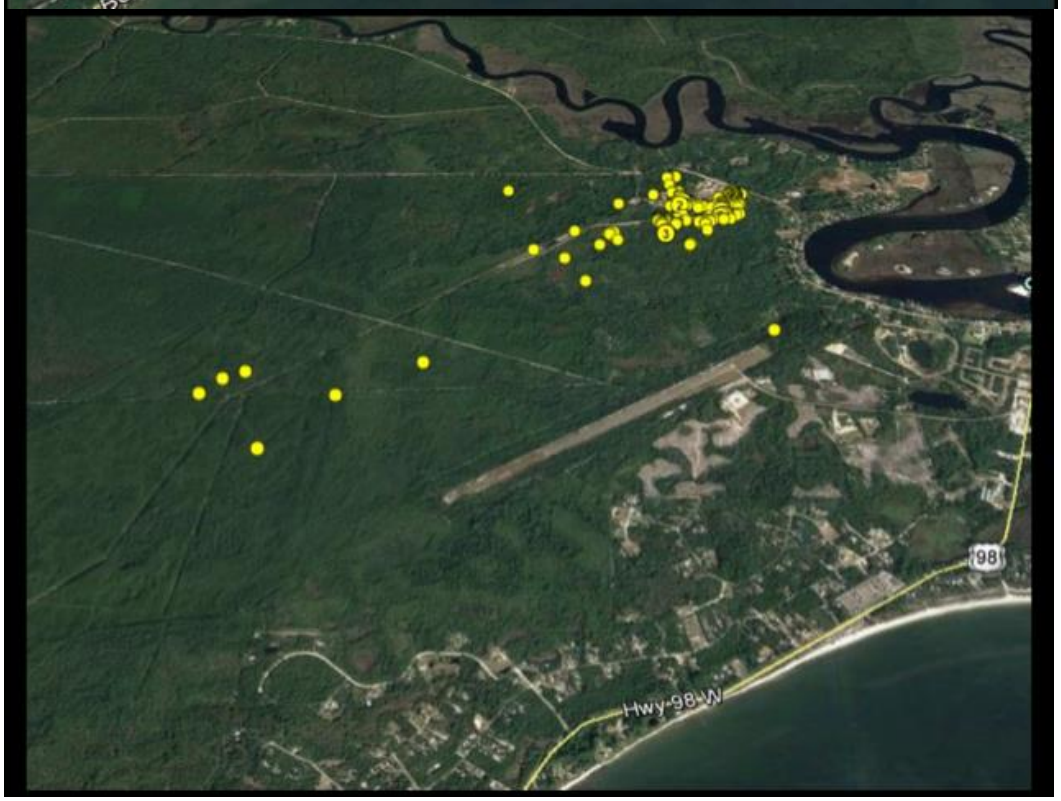


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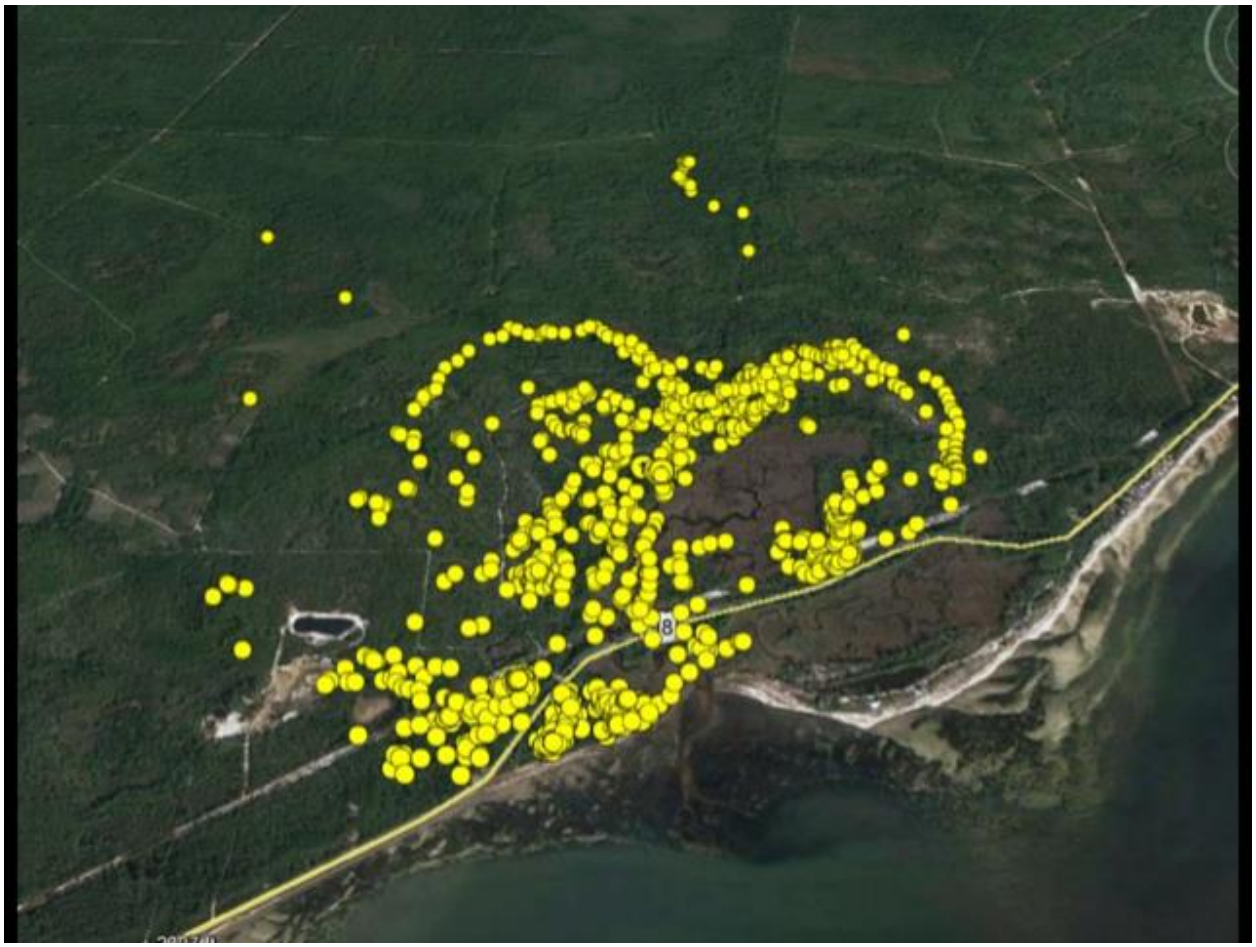


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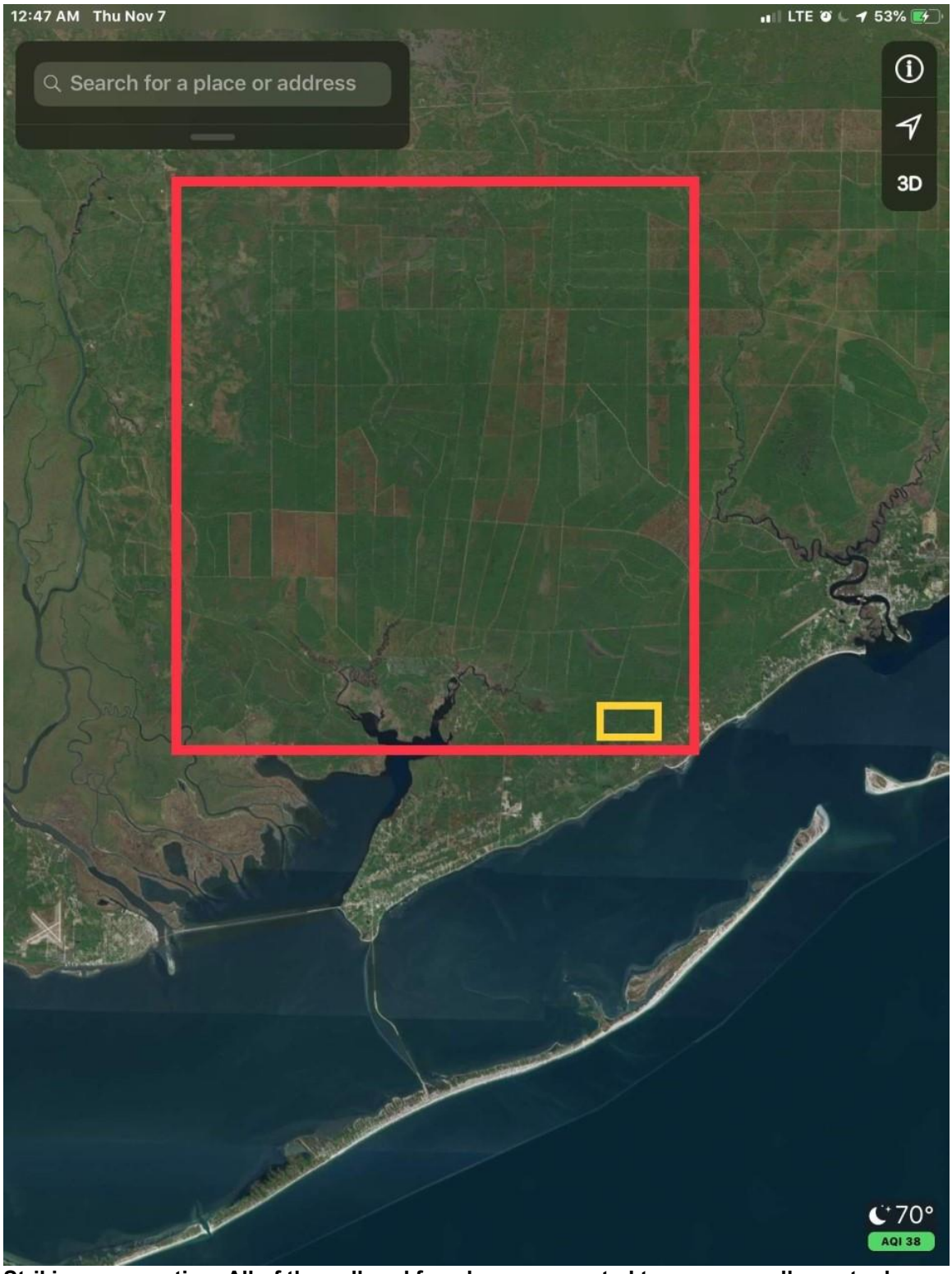




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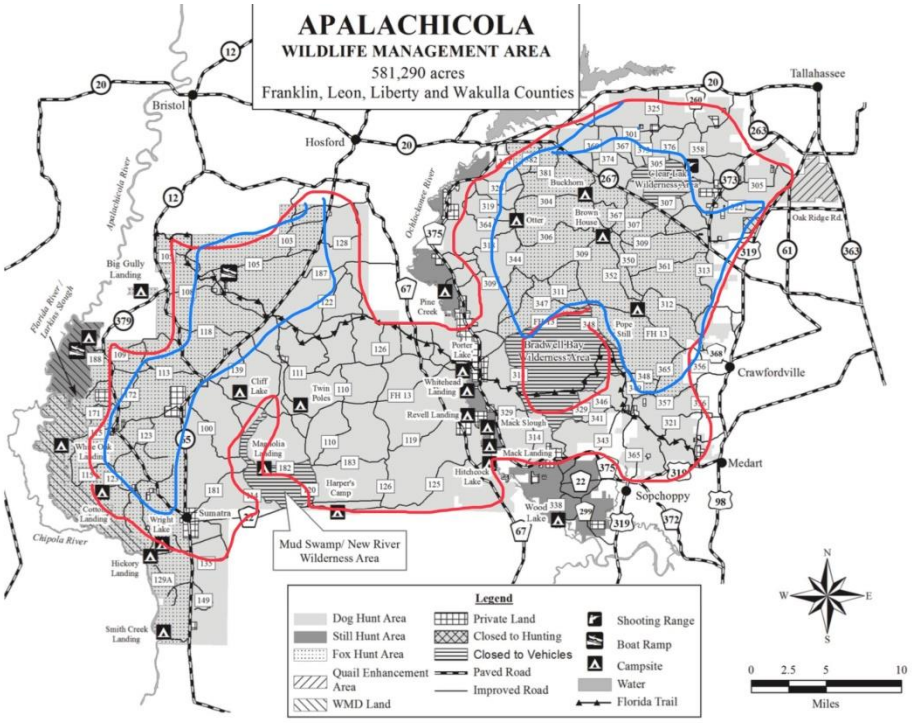
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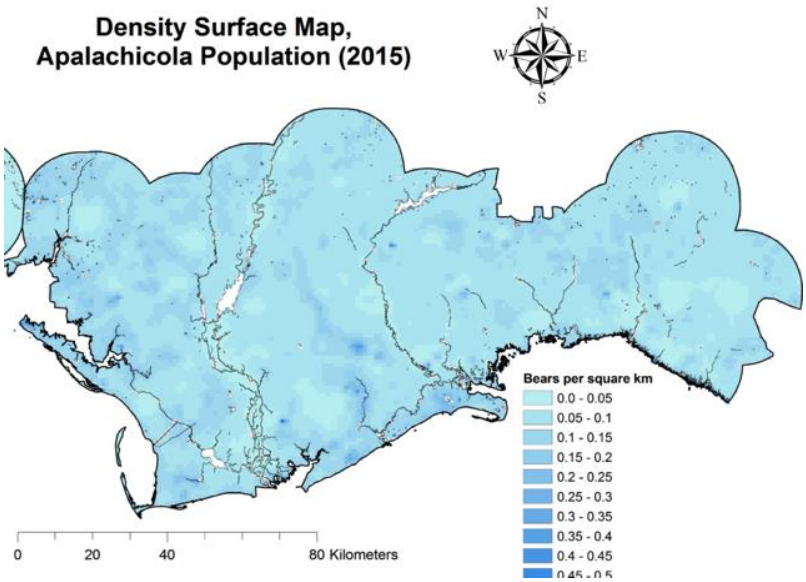
Striking perspective: All of the collared females congregated to a very small area to den (yellow rectangle), in response to dog-running in the forest north of there.

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Dog-Running Areas and Density Maps

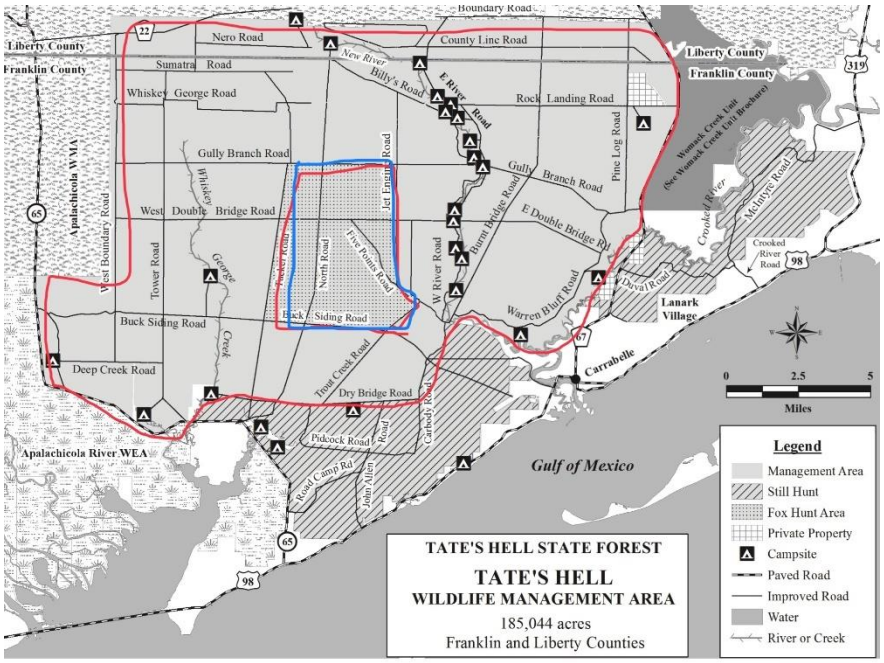


Hunting with free-roaming dogs (dog-running) is permitted in the designated areas. Red outline is where dog-running is allowed. Blue indicates where dog hunting is also allowed at night.



As can be seen from this map, bear density is very low in Apalachicola National Forest.

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Red outline is where dog-running is allowed. Blue indicates where dog hunting is also allowed at night.

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East Panhandle Bear Management Unit

Counties: Bay, Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and Washington (Figure 15)

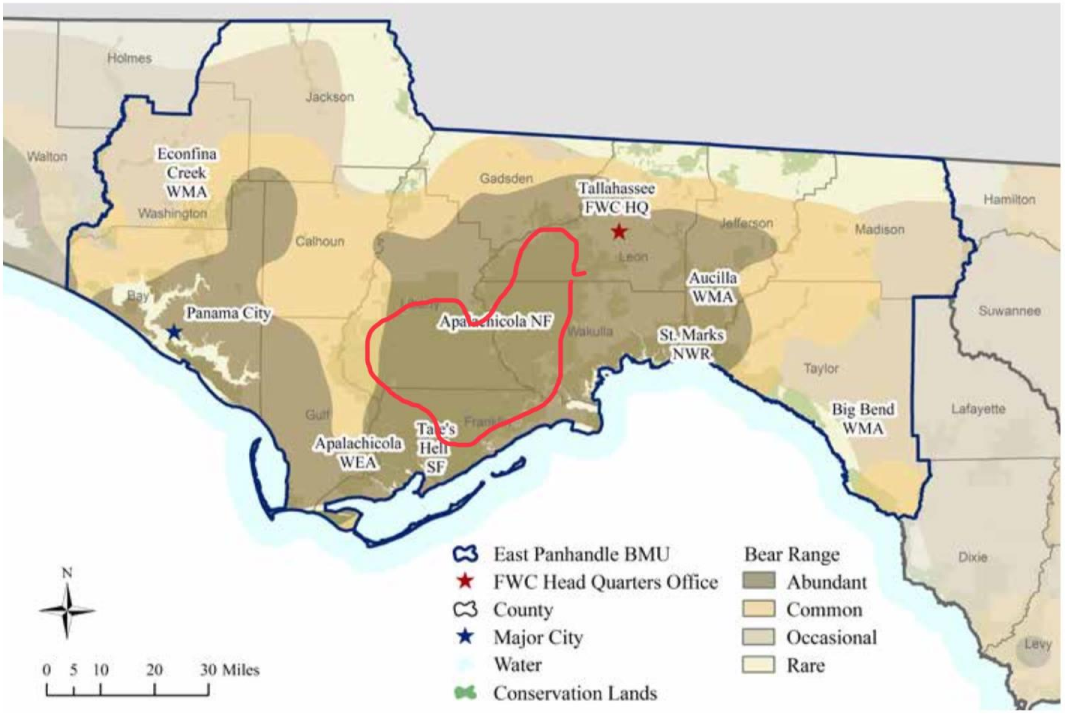


Figure 15. Bear range (FWC, unpublished data, 2019) and Conservation Lands (FNAI 2019) in the East Panhandle BMU.

Subpopulation Description:

Bears in the East Panhandle BMU (EPBMU) are part of the Apalachicola subpopulation, named after the Apalachicola NF, which encompasses a large portion of occupied bear range in this BMU. The Apalachicola subpopulation abundance estimates have increased significantly from 2002 (Simek et al. 2005) to 2015 (Humm et al. 2017) (Table 21). It is one of three Florida subpopulations with over 1,000 adult bears and is above the minimum abundance objective of 570 adult bears (Table 6); therefore, the management objective is to maintain the number of adult bears in this BMU.

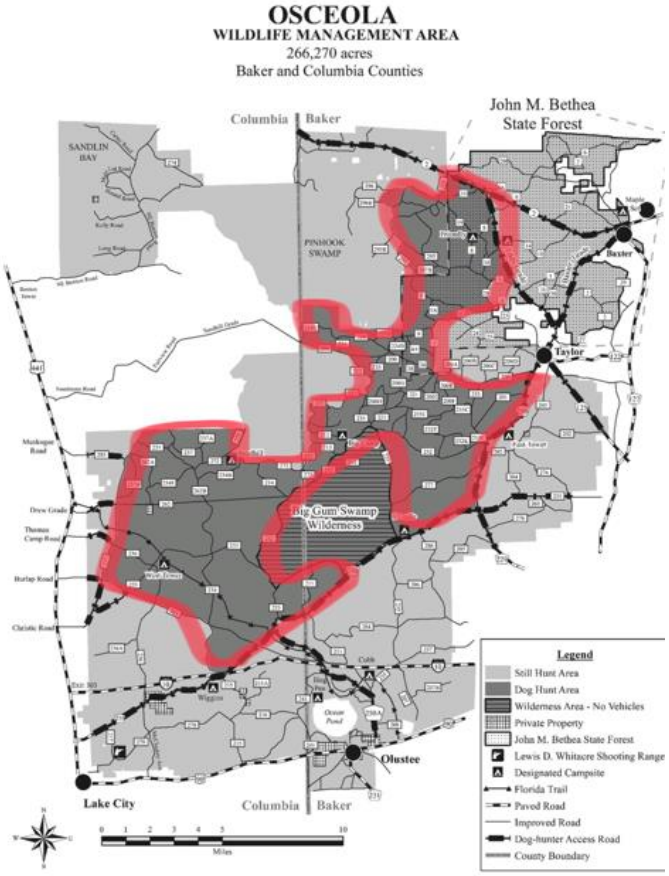
Table 21. Subpopulation abundance estimates from 2002 (Simek et al. 2005), 2015 (Humm et al. 2017), and predicted abundance in 2027 (FWC 2017) in the East Panhandle BMU.

2002 Estimate (Mean)	2015 Estimate (Mean)	Percent change (2002 to 2015)	2027 Predicted Estimate (Mean)
568	1,060	+86.6%	2,611

DRAFT

As can be seen by the maps, dog-running is occurring in areas where bears are most abundant. This is not even addressed in the 2012 Bear Management Plan or the 2019 draft. Dog-running was expanded, especially with respect to time extensions, in 2010. None of this was mentioned in the Bear Management Plan. Until this is properly addressed in the Plan, it cannot be approved.

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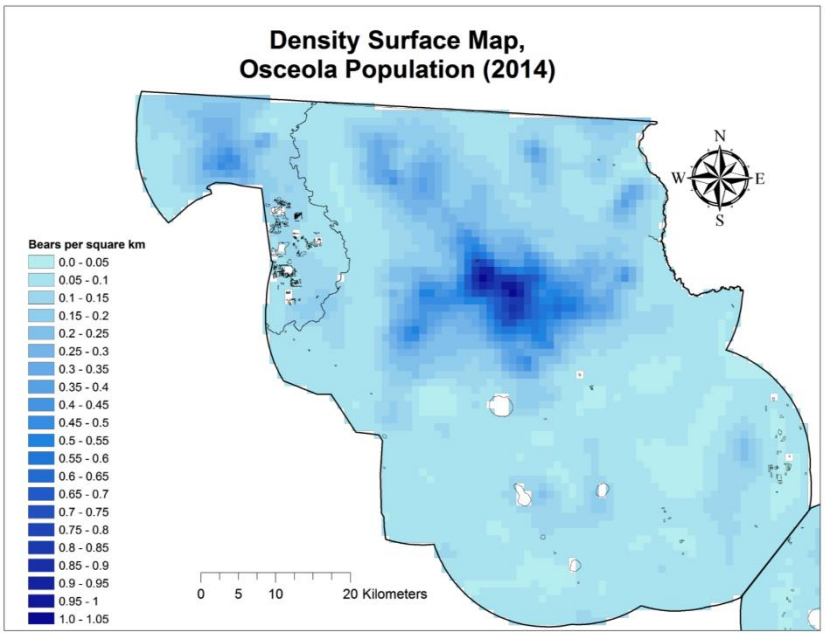
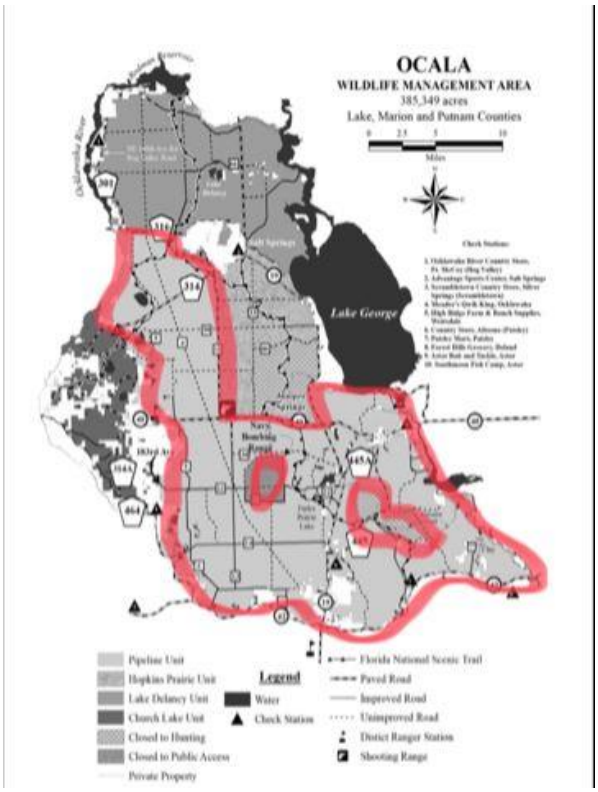


Figure 11. Density surface map for the Osceola study area, Florida. The map was based on a positive relationship between bear density and percent soft and hard mast-producing forest and distance to major roads.

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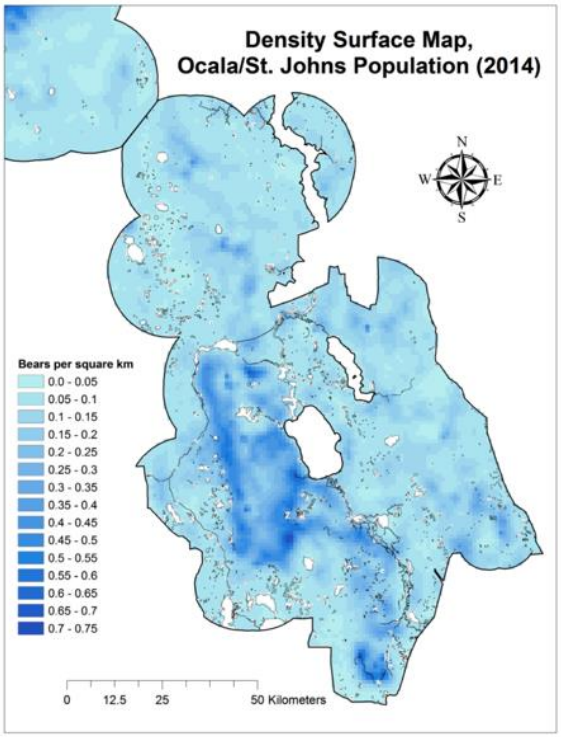


Figure 9. Density surface map for the Ocala/St. Johns study area, Florida. The map was based on an interaction between percent soft and hard mast producing cover and distance to water.

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This email is important because it shows that they already started practicing with dogs and it shows that the bears are moving south. It's a document that shows the bears are being dispersed.

Note:
Dave Telesco had stated in the most recent bear webinars (10/24/19 and 10/25/19) that acorns are not that important to the Florida black bear. Were Walt's observations based on scat that he observed which contained acorns, or was this pure speculation? Regardless, we believe that the bears are being dispersed by the dog hunting occurring both within Apalachicola National Forest and Tate's Hell State Forest.

From: "McCown, Walter" <Walter.McCown@MyFWC.com>
Date: November 7, 2016 at 2:50:21 PM EST
To: bearmanagement <bearmanagement@MyFWC.com>, Karl Ambrose <faunasafeaquatic@gmail.com>
Subject: RE: Contact with David

Hi Karl, I have attached the 10 most recent locations for each of our 16 females. I fiddled with the magnifications and center points of the maps to try to capture a landmark to help orient you. I might not have been successful on all maps. If you can't see all 10 locations it is because the missing locations are under the visible locations. Except for F615 all bears reported today so these locations are near-current. We quit getting GPS locations from F615 on 10/4/2016. We walked in on her VHF signal a few times since then and know that she is still alive and mobile. Just a collar that went bad. It happens.

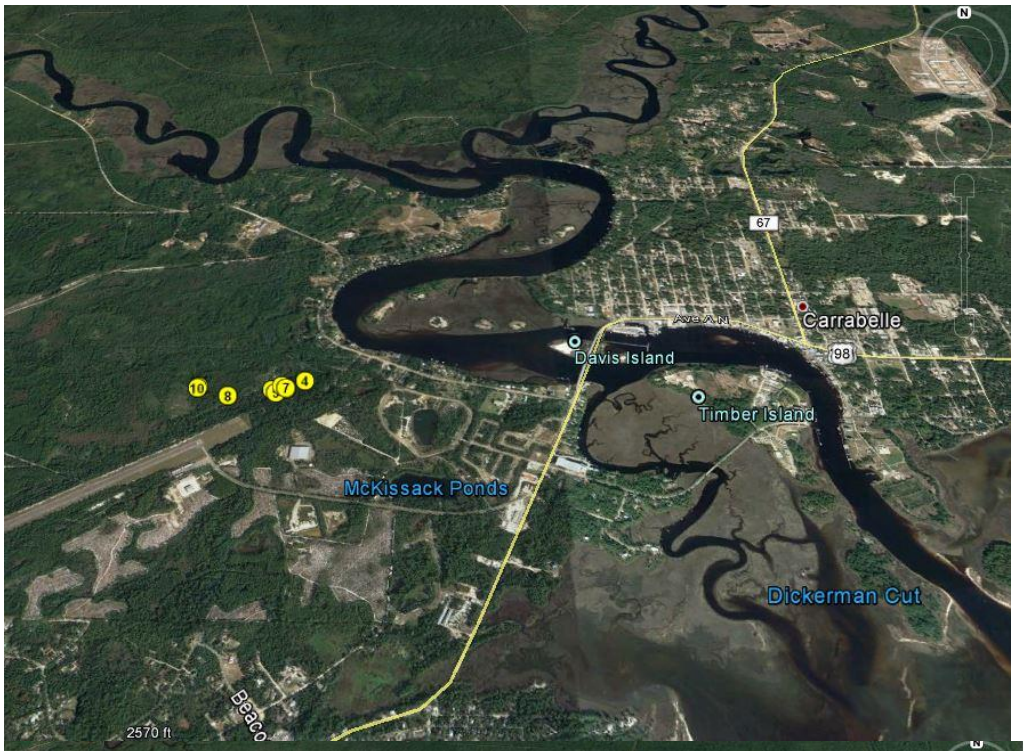
Several bears have come south to avail themselves of the acorns growing in the coastal oaks along US-98. Previously, 3-4 bears have even been located south of US-98 (although only of these bears show a 10 most recent location south of 98) .

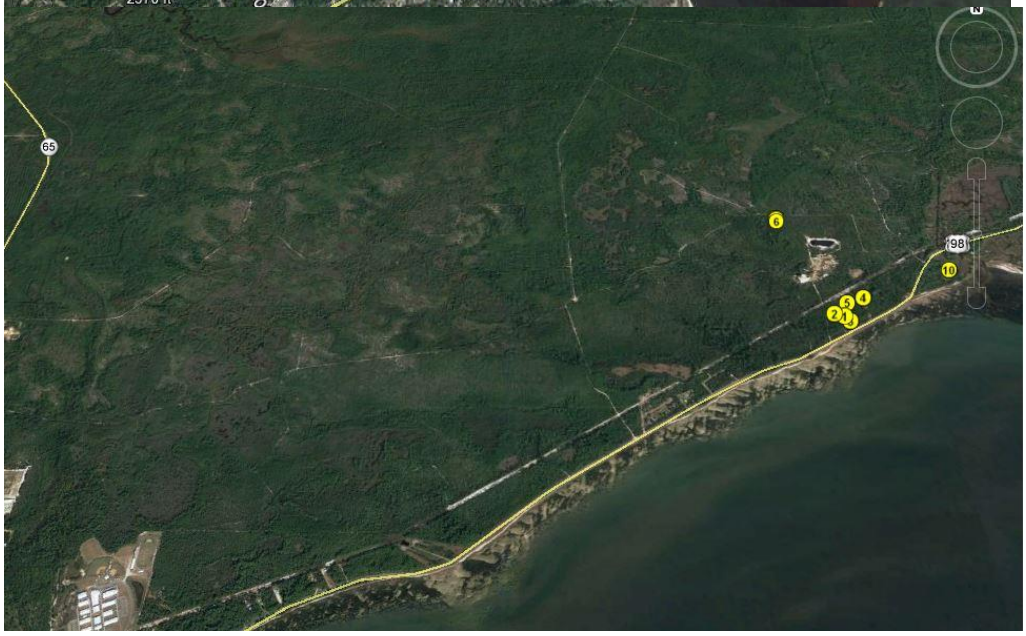
I have been trying to figure out what F613, F607, and F608 are doing in that unattractive brown-looking stuff in the middle of Tate's Hell. Each of them have spent the better part of 3 weeks in there. It is part of a wet prairie restoration project and all the trees were clear cut and then the area was roller-chopped a couple of times and burned 2 springs ago - according to Florida Forest Service and then left to regenerate. Our biologist up there sent me a photo in which I could discern smilax and (I think) gall berry that bears might be eating. Whatever it is, bears approve of it.

Regards,

Walt McCown

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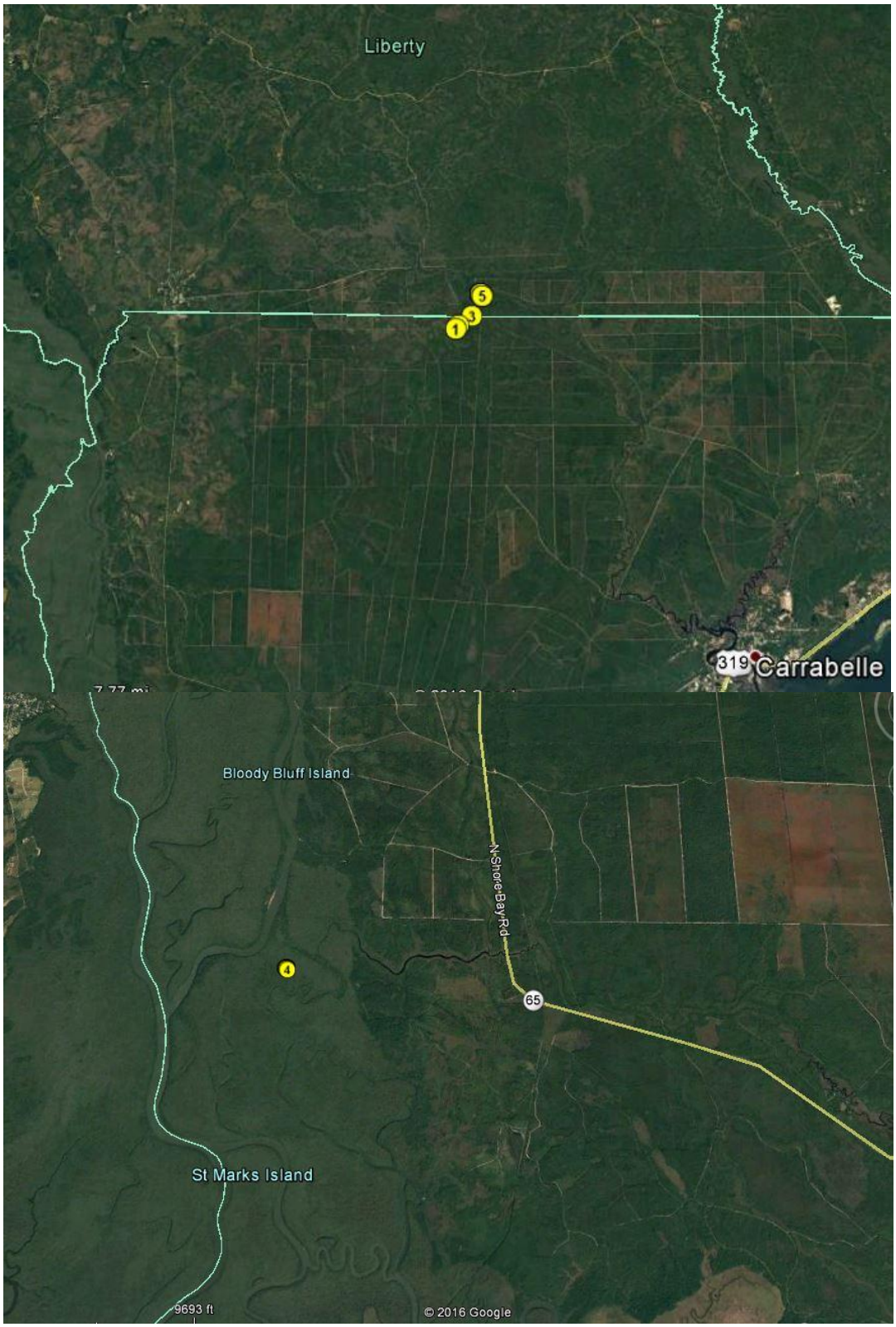




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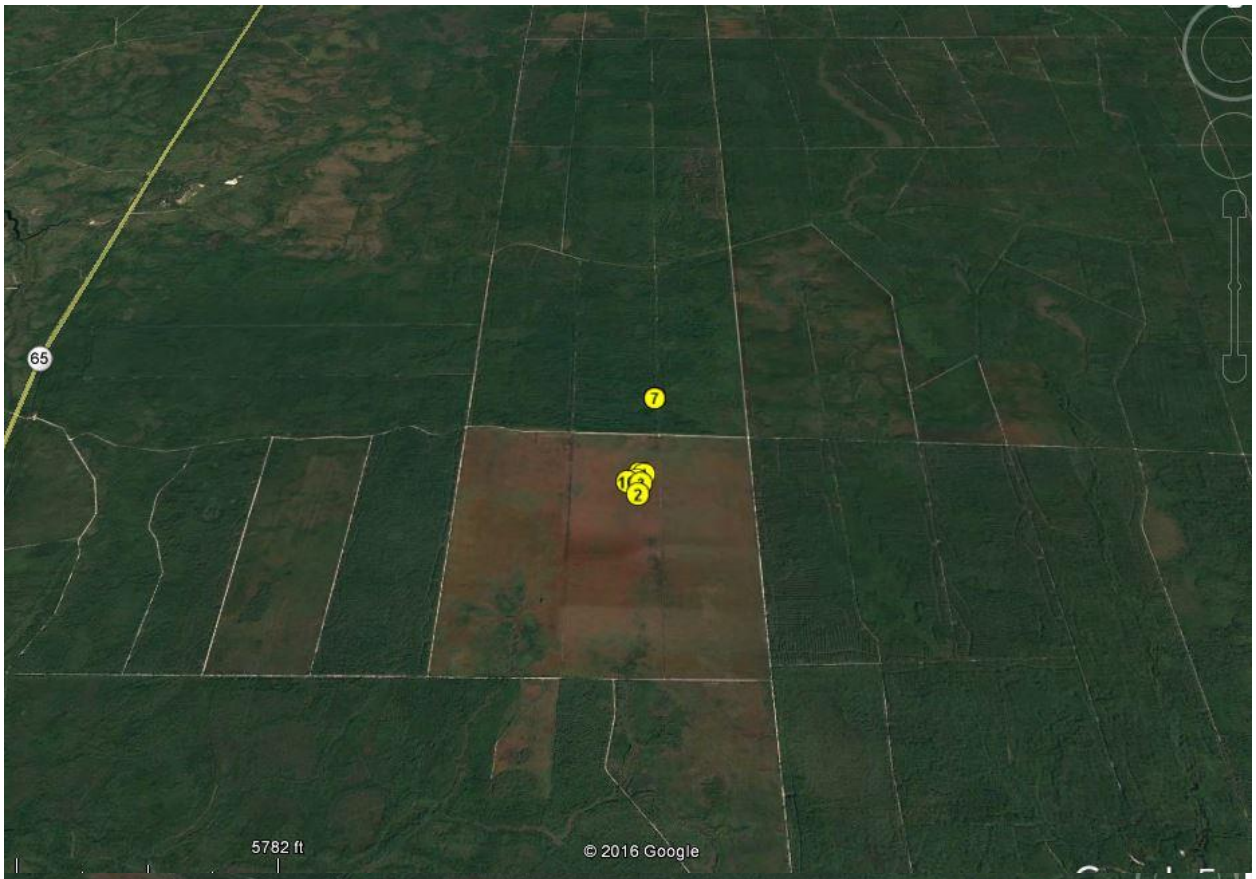
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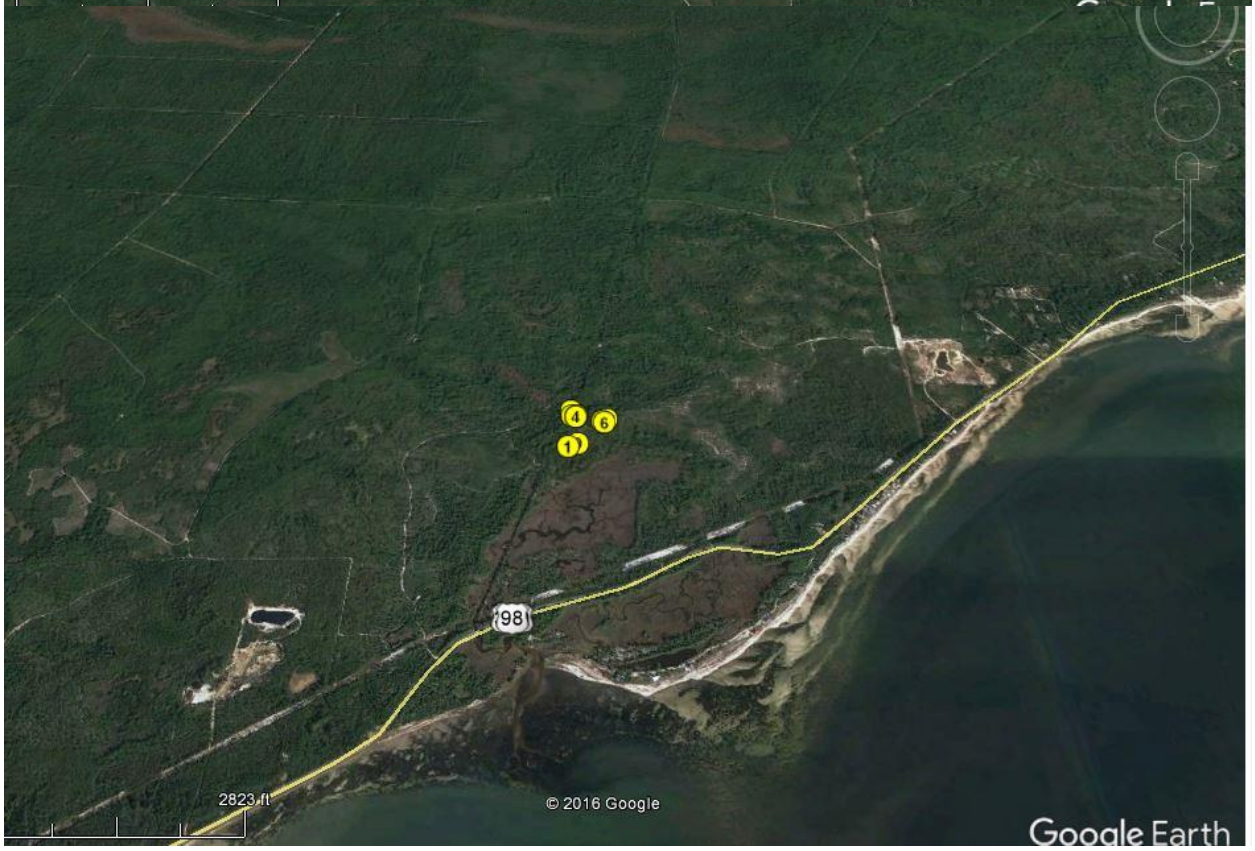


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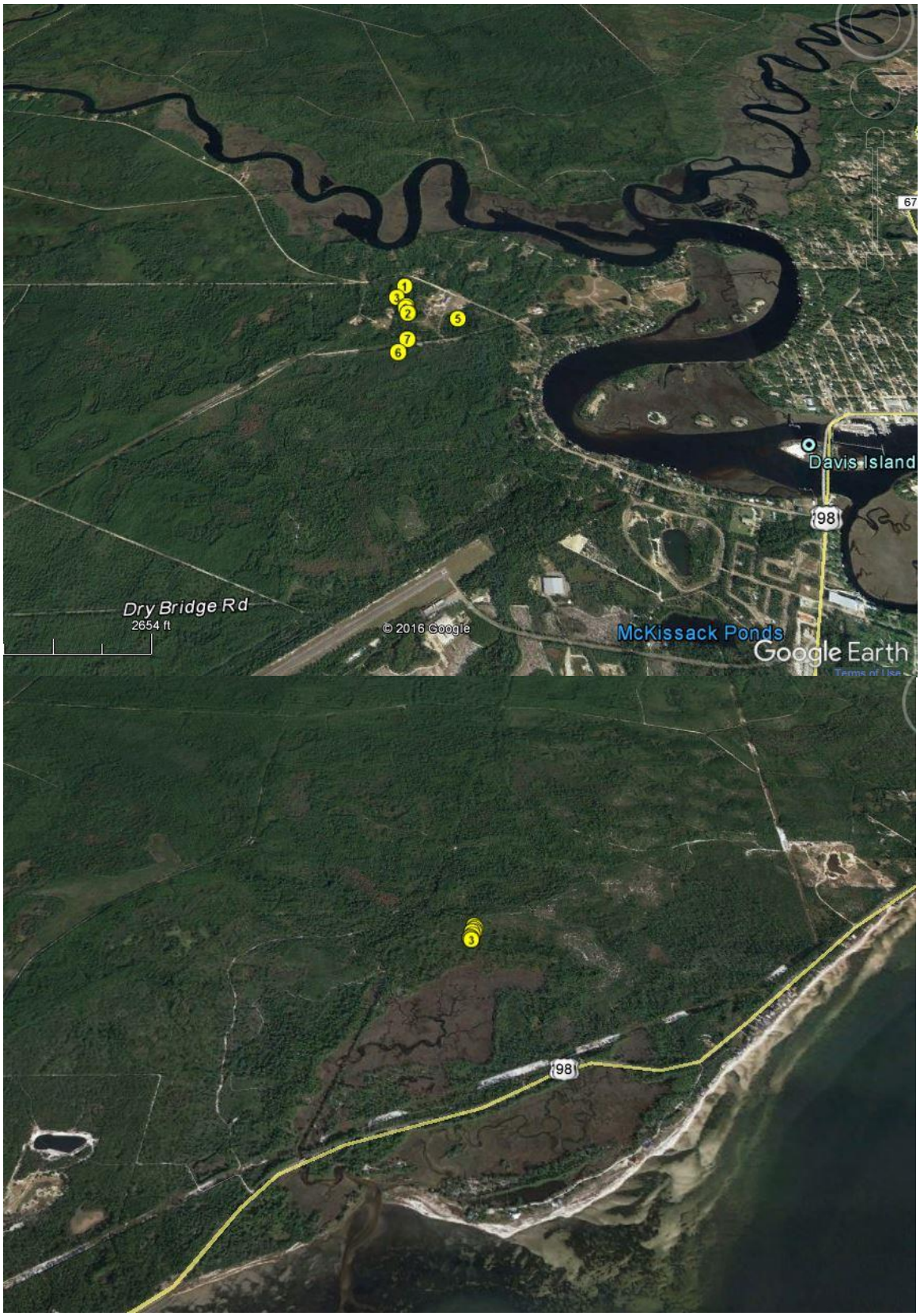


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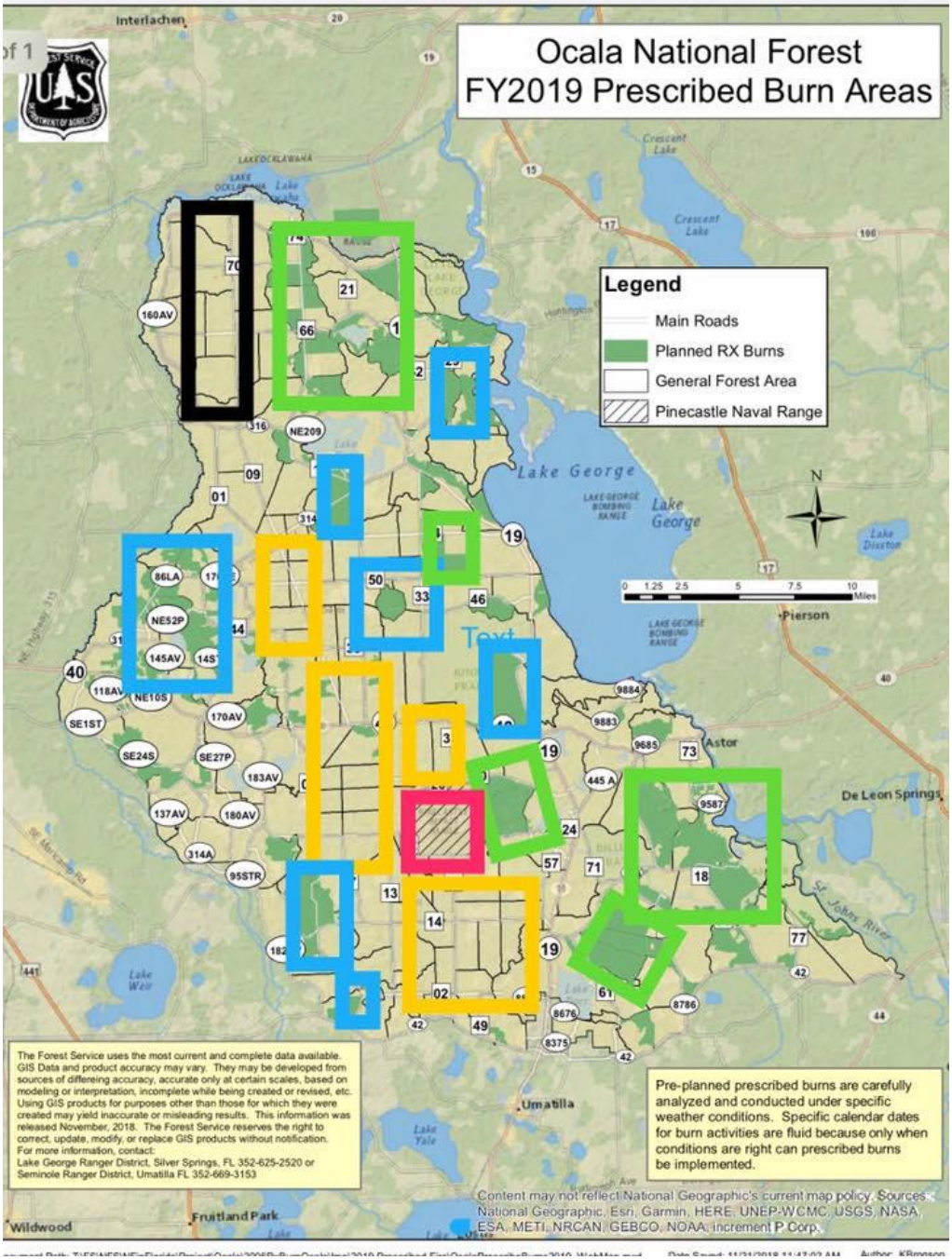


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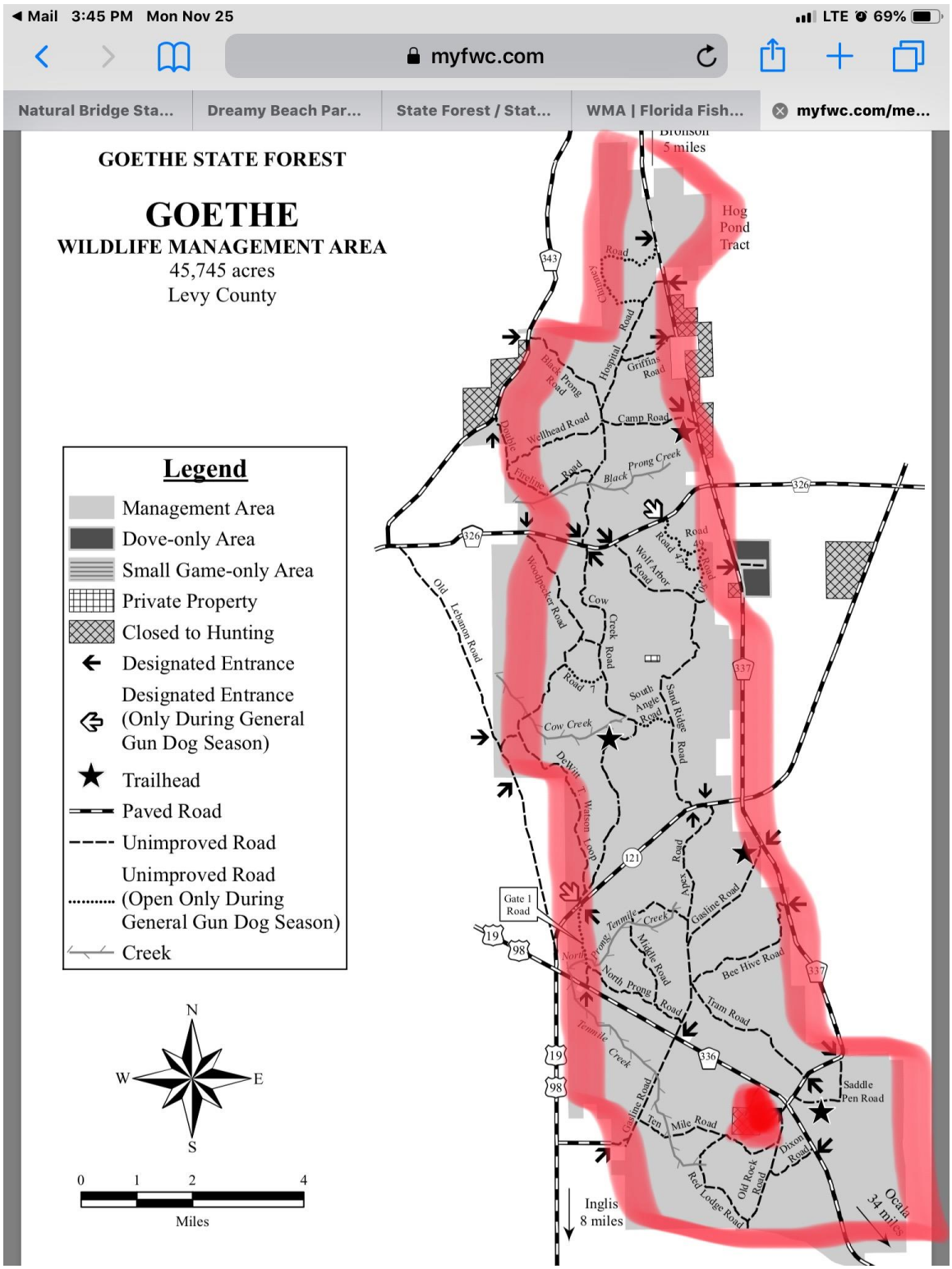
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Miscellaneous Maps



This 2019 burn map of Ocala National Forest depicts areas of dog-running (yellow), the Navy bombing range (red), a clearcut area (black), and burning (green).

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This map is important because it shows that the entire Goethe State Forest is open to hunting with dogs. Goethe is commonly where FWC translocates orphaned cubs after they have been rehabilitated.

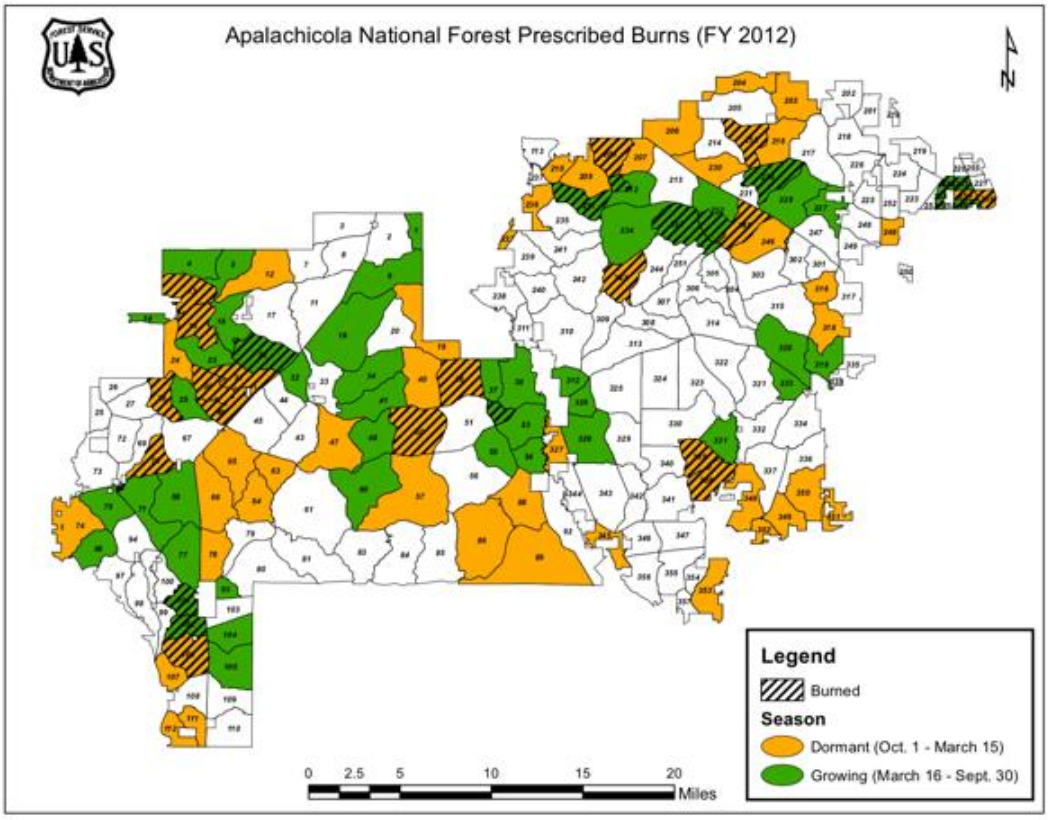
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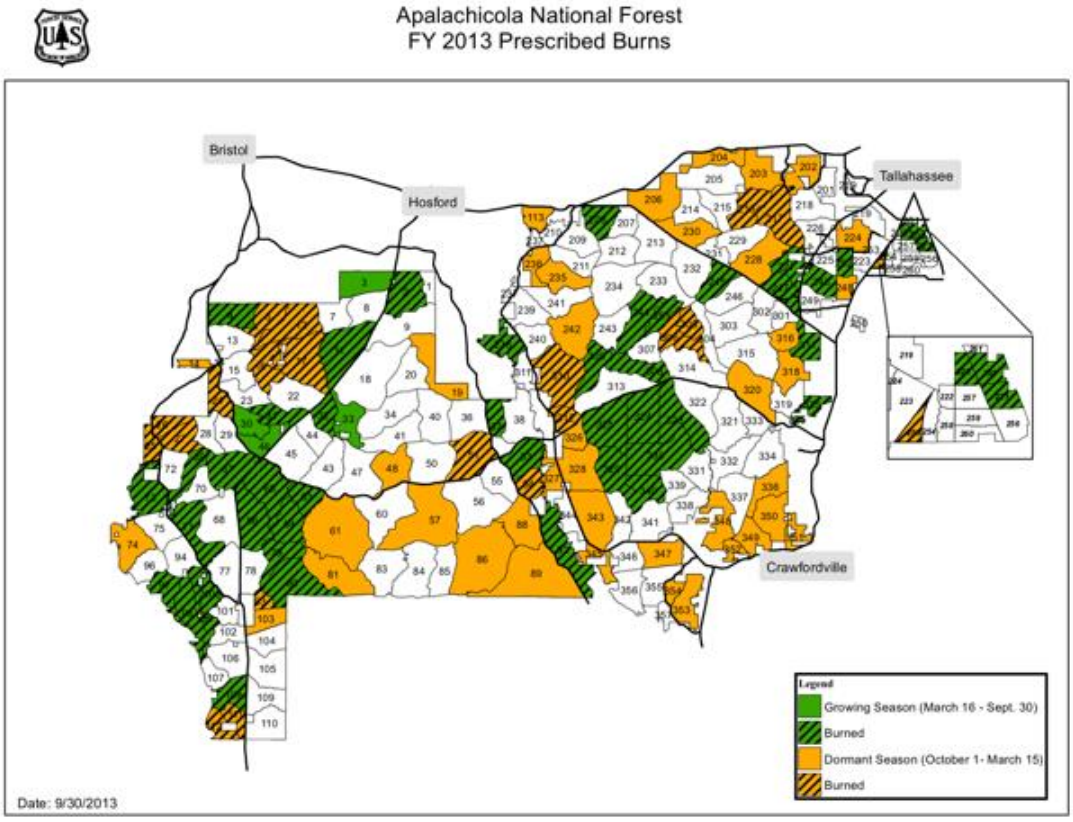
Burn Maps Apalachicola National Forest

The following maps show where burning has occurred within Apalachicola National Forest. These are burn maps from 2012, 2013, 2014, and 2015. The green areas are where burns occurred during growing season, whereas the orange areas indicate where winter burning was performed.

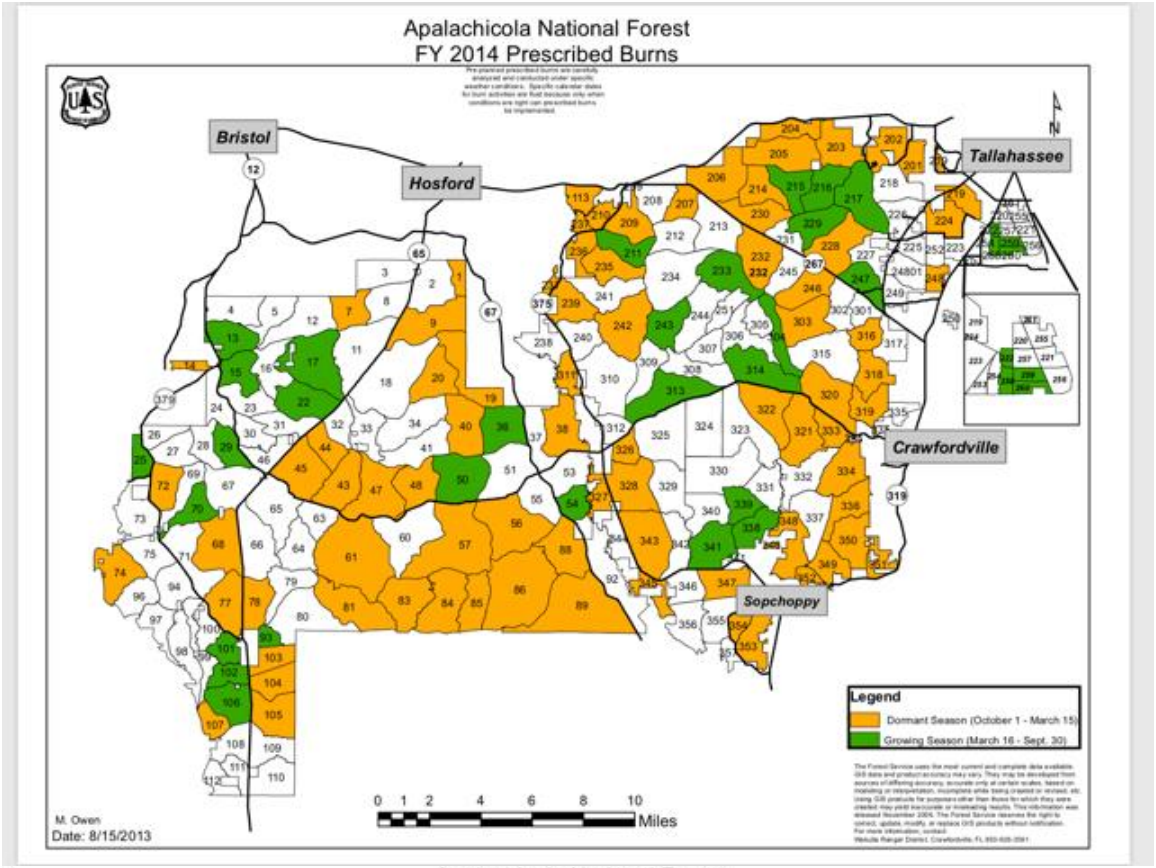
Winter is dennning season for bears, when they become less active (den or hibernate) and when females have cubs. Over ¼ of the forest was burned every year. This is not in the Bear Management Plan. Habitat manipulations affecting Florida black bears to this extent should be in the Plan.

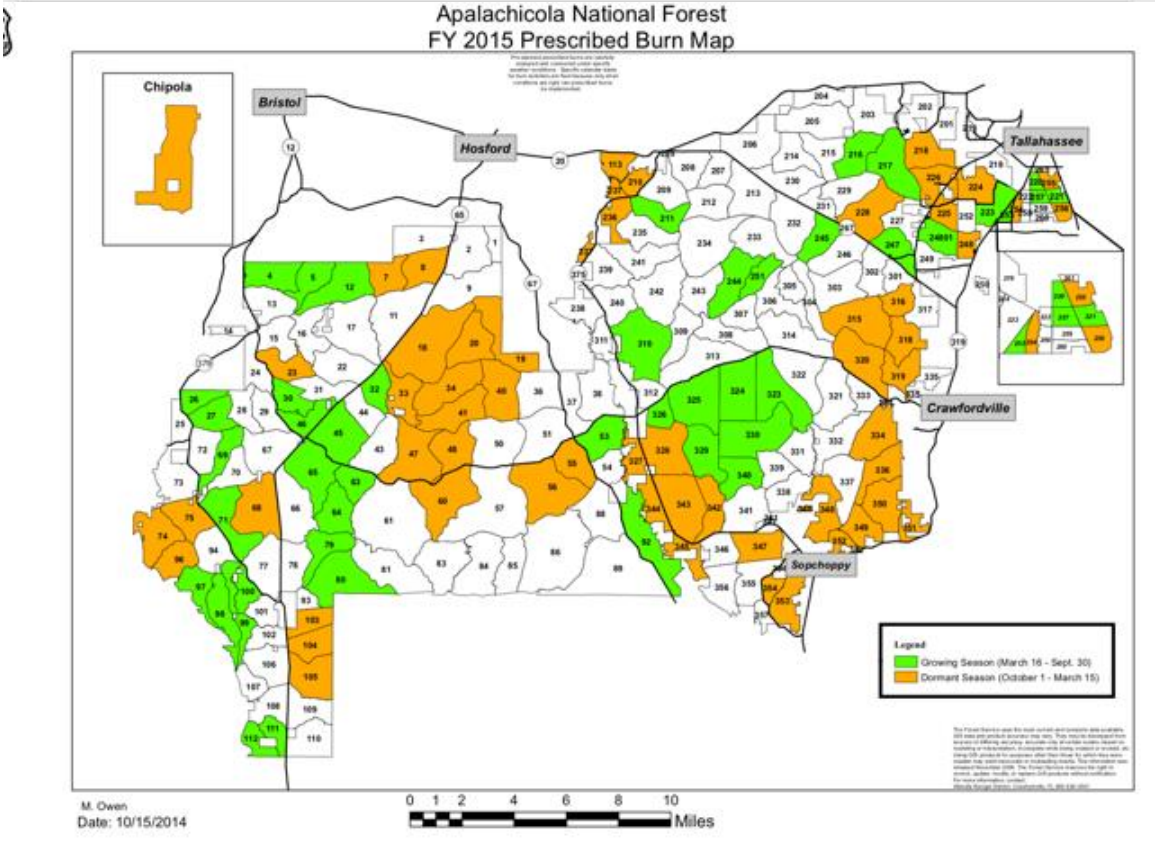
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Miscellaneous Photos



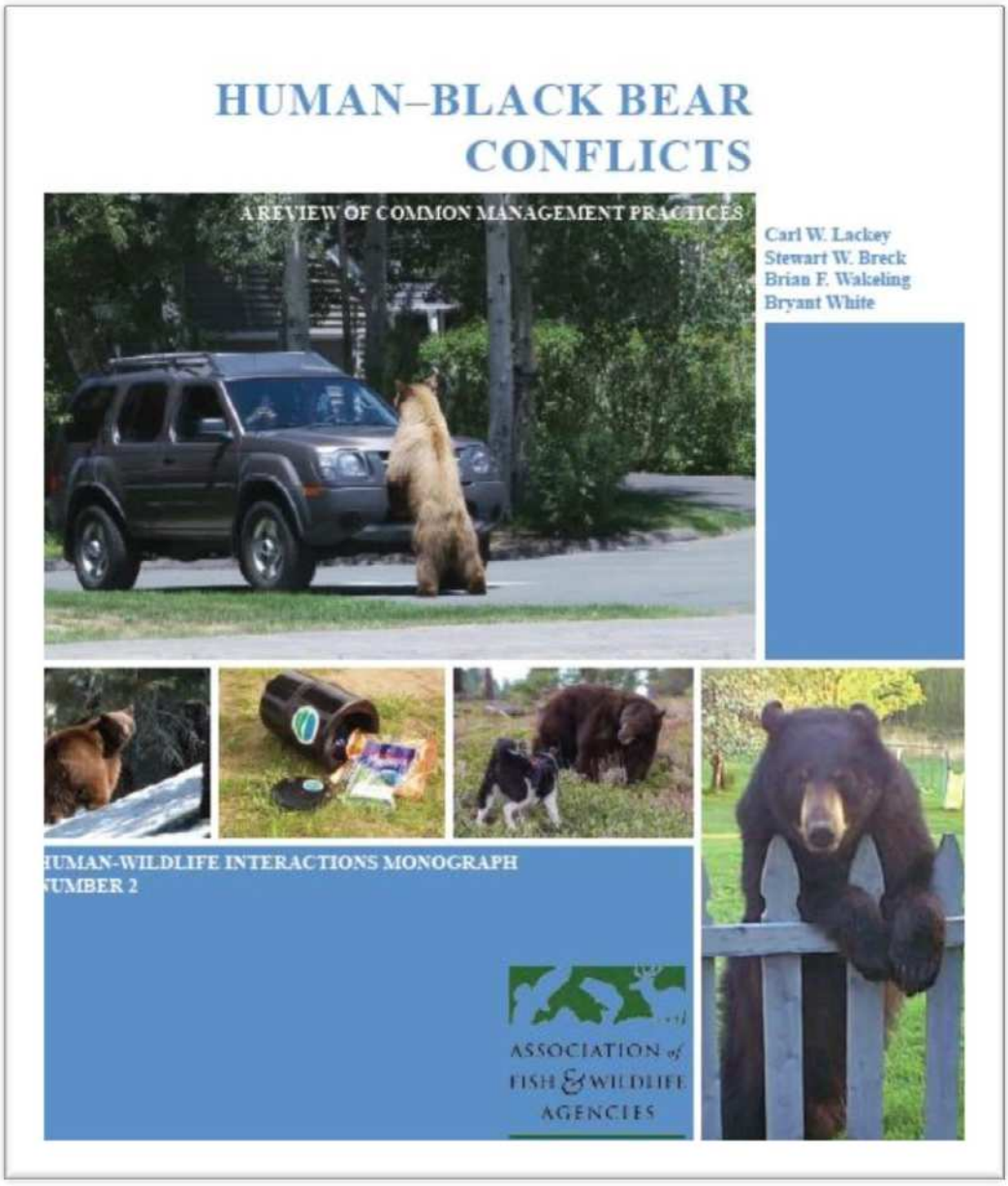


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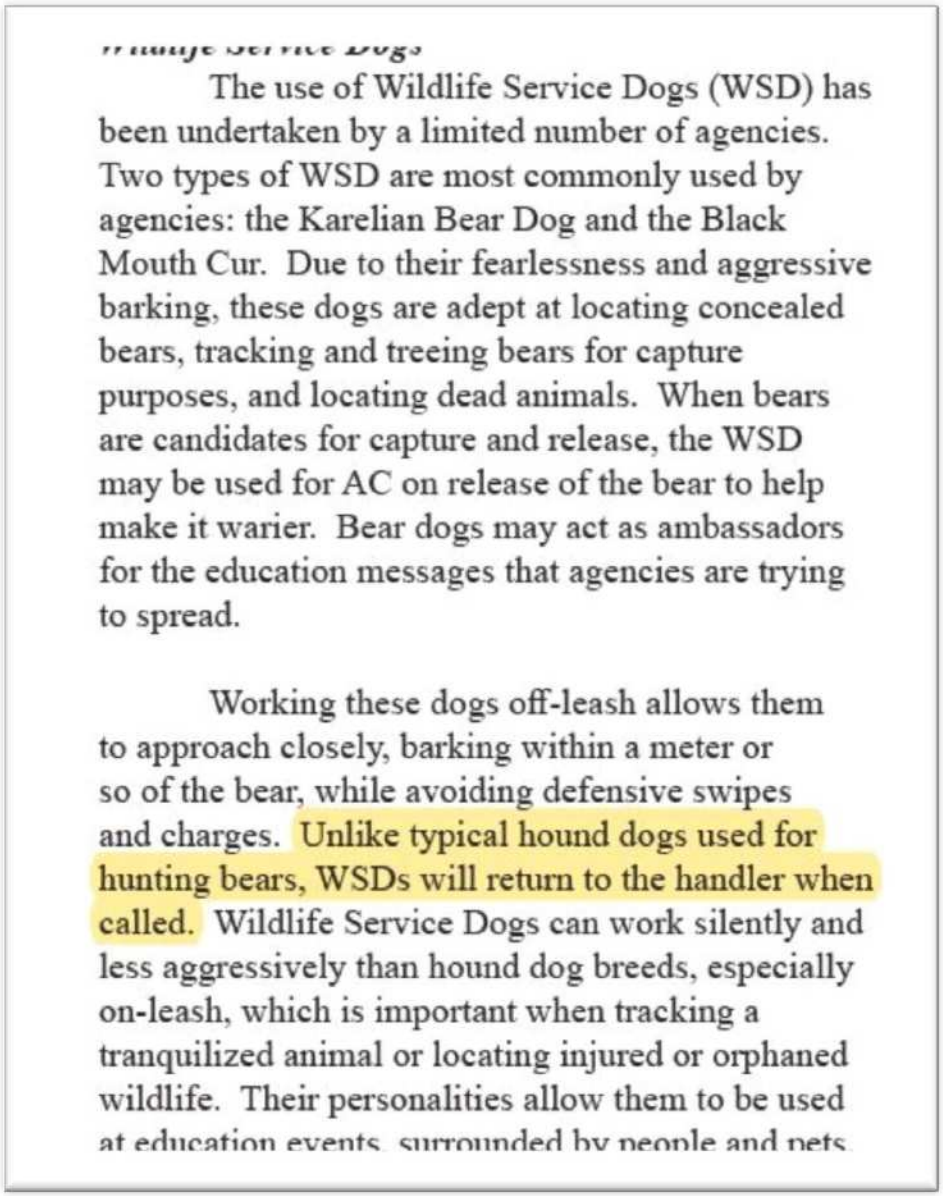


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Cover of Lackey, et al. (2018)

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Wildlife Service Dogs

The use of Wildlife Service Dogs (WSD) has been undertaken by a limited number of agencies. Two types of WSD are most commonly used by agencies: the Karelian Bear Dog and the Black Mouth Cur. Due to their fearlessness and aggressive barking, these dogs are adept at locating concealed bears, tracking and treeing bears for capture purposes, and locating dead animals. When bears are candidates for capture and release, the WSD may be used for AC on release of the bear to help make it warier. Bear dogs may act as ambassadors for the education messages that agencies are trying to spread.

Working these dogs off-leash allows them to approach closely, barking within a meter or so of the bear, while avoiding defensive swipes and charges. Unlike typical hound dogs used for hunting bears, WSDs will return to the handler when called. Wildlife Service Dogs can work silently and less aggressively than hound dog breeds, especially on-leash, which is important when tracking a tranquilized animal or locating injured or orphaned wildlife. Their personalities allow them to be used at education events, surrounded by people and pets

This comment from Lackey et al. (2018) acknowledges that hunting dogs cannot be controlled. They are free to roam to trample on delicate ecosystems and to harm, harass, pursue, and molest wildlife, including bears.

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Hound hunters line the forest roads

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HABITAT MODIFICATION THREATS

to the

FLORIDA BLACK BEAR

Linda Conway Duever
Conway Conservation, LLC
10952 NW Hwy 320
Micanopy, FL 32667
352/466-4136
LindaDuever@gmail.com

January 20, 2019



A report submitted to

Bear Warriors United
PO Box 622621
Oviedo, FL 32762
407/702-3576
BearWarriorsUnited@gmail.com

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The Florida black bear (*Ursus americanus floridanus*) is an iconic keystone species whose fate is intricately interrelated with that of its habitat. These wide-ranging omnivorous seed-dispersers establish the food sources their offspring will need, then train their cubs to search for those resources seasonally. Because black bears opportunistically eat a wide variety of foods and roam over large convoluted areas of landscape to do so, precisely defining, measuring, or evaluating their habitat is challenging. Examining current habitat quantity and quality carefully is nevertheless critical because we are raising a generation of orphaned, displaced, injured, relocated, and garbage- and bait-addicted bears who lack the training and experience to use suboptimal habitat efficiently.

Biologists are taught to look at four factors to determine whether a landscape provides suitable habitat for a given species: space, food, shelter, and breeding sites. In seeking to understand what is going on with Florida black bear habitat, we need to examine each of these factors in terms of past, current, and future extent and quality.

SPACE

Viewed simply, habitat space can be seen as the area of the landscape supporting vegetation types historically used by bears. Flatwoods, forested wetlands, and scrub are the most important of these, but bears often utilize other natural communities.

The areal extent of bear habitat is constantly being reduced through urbanization and related processes. Human population growth replaces forests with buildings, concrete, and lawns. Highway and airport expansions cover more and more habitat with asphalt and adjacent lawn-covered clear zones, terminals, and service areas. The coastal wildlands where bears used to seasonally seek seafoods and fruits like hogplums, cocoplums, and seagrapes have been bulldozed for hotels, restaurants, and parking lots. More habitat is removed for rural homes, farm buildings, livestock enclosures, tracks and arenas, intensive agriculture, solar farms, mines, shooting ranges, campgrounds, and borrow pits. Irrigated bahiagrass pastures for grass-fed beef are now replacing native rangelands. As land is modified to accommodate such uses, bear habitat is obliterated.

Vast areas of additional land are becoming increasingly less accessible to bears due to fragmentation and human disturbance. Expanding networks of roads, fences, and housing developments prevent bears from moving across the landscape to escape disturbance and/or take advantage of seasonal resources. As bears attempt to negotiate these barriers, they are subject to high rates of roadkill and “nuisance bear” destruction or removal demanded by residents unaccustomed to co-existing with wildlife.

People moving into the wildland interface disrupt bear foraging habits by attracting them into their yards with unsecured garbage cans, pet and livestock foods, greasy barbecue grills, bird feeders, unharvested garden produce, and poorly secured chicken coops.

Even within the forests and preserves shaded green on maps, human disturbance severely limits the areas where bears can live normally. Wide swaths are cleared for transmission lines and pipelines, then left unrestored and/or kept open with herbicides. Land management activities, often involving heavy machinery or burning, disrupt peaceful environments, stressing and displacing bears. OHVs roar through many areas so frequently that animals abandon them. Game baiting stations and beehives in remote

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locations draw bears into destructive behavior that leads to them being killed or removed. Both legal and illegal hunting, facilitated by modern electronics, traumatize bears with gunshots and dog harassment. Unwanted hounds dumped into the forests prolong this stress. Even well meaning hikers may alarm and distract wild animals. Irresponsible tourists harass wildlife and leave trash that attracts bears to picnic areas, subjecting them to plastic ingestion and/or "nuisance" removal.

FOOD

Natural forests vary greatly in their ability to provide adequate quantities of nutritious bear foods at the times they are most needed. Multiple land management trends are now modifying "preserved" habitat in ways that further reduce bear food availability.

Most of Florida's core bear habitat is actually managed for timber production, rather than wildlife. On these de facto tree farms, heavy machinery is used to prepare sites for planting high-yield pine varieties. This often involves bedding that turns up berry-producing shrubs and piles them in rows. Many areas are sprayed with herbicide to discourage shrub competition as the timber grows. Thinning the stand causes additional soil and groundcover gouging, scraping, crushing, and compacting. Eventually the remaining trees are clearcut and hauled away, thereby repeatedly draining the forest of nutrients and leaving vast expanses of mangled debris, which may or may not then be burned before more pines are planted. These repeated cycles of disturbance prevent natural understory recovery by depleting native soil seed banks.

Burning a mosaic of vegetation types/ages during the natural lightning fire season produces ideal bear habitat, Unfortunately, most land managers have fallen into the habit of burning in the fall-winter, which is severely degrading to natural groundcover and the bear food it provides. Burning after October destroys the spring crop of blueberries baby cubs delight in as they learn to eat solid foods.

Roller-chopping and similar mechanical treatments are now widely applied to natural lands with insufficient regard for longterm impacts. In fall-winter such treatments have shortterm impacts similar to off-season burning. The longterm effect on bear food is greater since chopping up the rhizomes decreases saw palmetto berry production for decades.

Managing for red-cockaded woodpeckers is the current fashion amongst sandhill and flatwoods managers, but good rcw habitat is not good bear habitat. Pursuing a vision of vast seas of wiregrass dotted with mighty pines, managers remove too many of the wrong kinds of oaks, thereby greatly reducing acorn crops and forcing acorn-seeking bears into suburban backyards. They also tend to push fires and machines too deep into drainageways instead of encouraging pyrodiversity to create the berry-producing shrub thickets bears need. Firebreaks are usually plowed through the edges most valuable to bears.

Uncontrolled recreation impinges on bear food supplies in some areas. OHVs plow up dry wetlands, which decreases their ability to provide crayfish and other high-protein foods during the wet season. The growing popularity of "wildcrafting" encourages humans to compete with bears for mushrooms, berries, and the like. Improved regulations are decreasing palmetto berry picking problems, but largescale commercial harvest is ongoing.

Increasing populations of feral hogs root through the landscape, competing for bear food, damaging habitat, and encouraging invasion by an expanding number of aggressive non-native non-food-producing plants. Careless overuse of herbicides to control such invasives does even more damage to native vegetation.

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Insects, especially bee larvae, but also including palmetto weevils, striped walkingsticks, bessie bugs, and many others, are important sources of the high-protein food bears need to reproduce optimally. But we are now in the midst of an "insect apocalypse" as widespread pesticide spraying, destruction of native vegetation, and other impacts are causing arthropod numbers to plummet.

Other forms of pollution and the algal blooms they promote affect bears along with humans and other wildlife as climate change intensifies droughts, wildfires, floods, and storms, impacting food sources for all of us.

SHELTER

As big conspicuous animals that have been hunted by humans for centuries, whether legally or illegally, bears do not like to wander far from cover. Recent trends away from natural habitat mosaics and towards industrial-style large-block land management thus leave extensive areas in the centers of open habitat polygons virtually useless to bears. This impacts the recovery potential of large clearcuts and burns because the berry-carrying bears only deposit seeds close to forest edges.

Bears need caves, hollows, or dense thickets to bed down in for winter "hibernation". During cold north Florida winters, they may actually go into a coma-like state during this period, whereas in south Florida they just become lethargic. Regardless, each bear needs a protected hidden bed for this long winter nap. They typically choose a dense clump of the ancient palmettos most often targeted for roller-chopping destruction. If the palmettos are spared chopping and the site is burned during the winter, these patches of extremely flammable vegetation go up in flames and the groggy bear is evicted into a conflagration.

BREEDING SITES

Female bears need safe places to give birth to and nurture their young. They typically do so in their palmetto-clump winter denning sites, where the baby bears are less likely to successfully escape fire than the more mobile adults.

To prevent excessive inbreeding and maintain longterm genetic health, an occasional bear needs to leave his home territory and join a distant population. This requires permeable landscapes with safe movement corridors between core habitat areas. Instead, urbanization keeps further restricting bear movement.

Cover Illustration is an Alamy stock photo supplied by Bear Warriors United.

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Habitat modifications within the forests and effects on the Florida black bear

Alexis Foxx

Introduction

In 2015, the Florida Fish and Wildlife Conservation Commission (FWC) voted to hold a Florida black bear hunt for the first time since 1994. In 2012, this subspecies of American black bear was removed from the state's threatened species list. Although the seven genetically distinct and geographically isolated subpopulations continued being squeezed by development and an exploding human population which had surpassed 20 million in 2015, up from over 14 million in 1994, the public was led to believe that the bear population was "large and growing," which was leading to increased vehicle strikes and human-bear interactions as bears dispersed into neighborhoods and roadways. The population was then believed to be hovering at approximately 3,000 bears.

By FWC's own admission, the 2015 Florida black bear hunt was *not* intended to decrease the incidence of human-bear conflict. Nor, by FWC's own admission, was a bear hunt "necessary" to decrease the population. Hunting, per the North American Model of Wildlife Conservation, is designed to attain maximum sustainable yield and therefore strives to maintain at least slightly increasing populations of "game" species.

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The population goal is highly dependent on cultural carrying capacity, which is the population level of a given species that humans will tolerate on the landscape. When asked, bear biologists admitted these facts at the 17th Annual Umatilla Wildlife (formerly Black Bear) Festival in 2016, as well as during a bear stakeholder group meeting that same year. However, something about the situation with the Florida black bear seemed different.

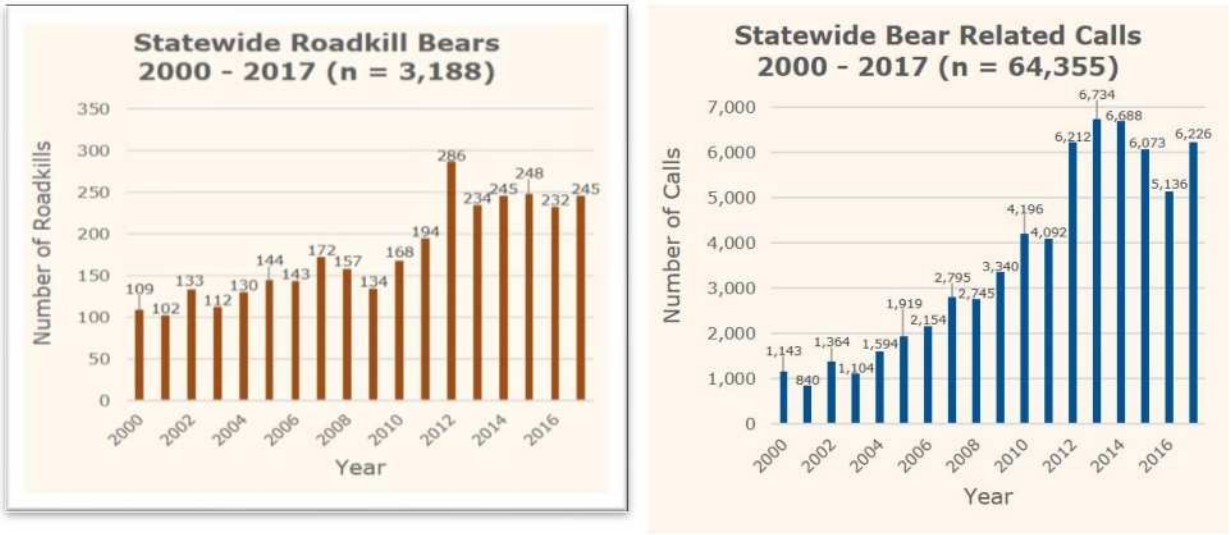


Figure 1. Number of bears killed on roads (left) and bear-related calls by year (2000-2017). From FWC website https://myfwc.com/wildlifehabitats/wildlife/bear/numbers/

Observing the data from Figure 1, the trend in both roadkill bears and bear-related calls is obvious. For example, there was a dramatic increase in bear-related calls in 2010 compared to previous years. The calls climbed even higher between 2012-2014 and 2017 saw a dramatic increase once again. The pattern is similar for roadkill bears, with the number of bears killed on roads annually approaching 200 in 2011 and maintaining at a level above 200 each year thereafter. What could possibly be the cause of this increase?

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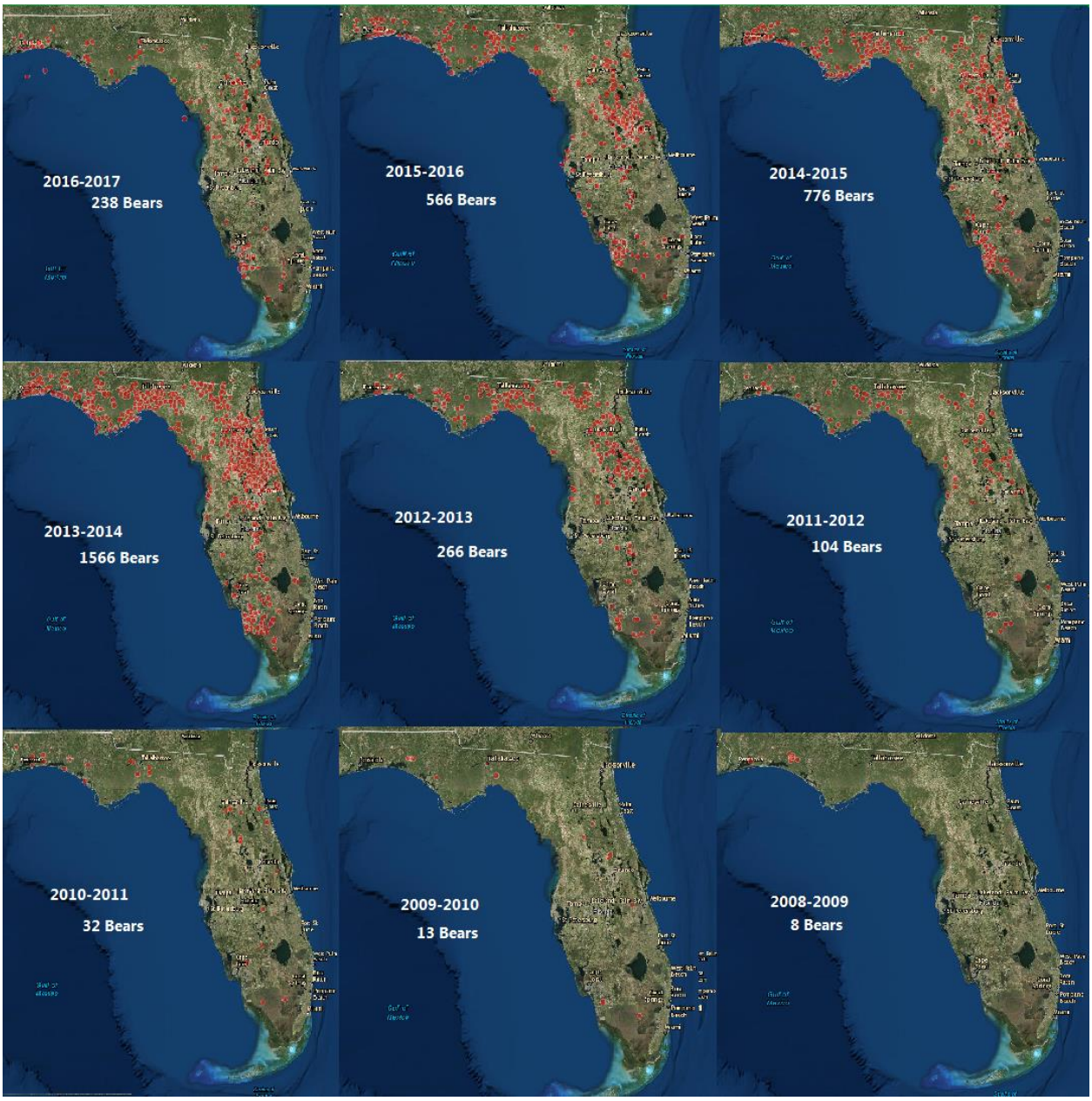


Figure 2. Bear sightings reports. Each red dot corresponds to a bear sighting. Notice the dramatic increase between the 2010-2011 and 2013-2014 pictographs.

One thing seemed certain: the population of bears in Florida was not suddenly "growing and expanding" to this degree. These upticks in roadkill bears, nuisance bear calls and complaints could not possibly be due to a sudden increase in bear numbers, nor could the growing and expanding human population fully account for the spikes at these particular times. Bears have one of the lowest reproductive rates of any mammal with a population growth rate between 0-2% per year. Typically, a female will produce an average of two cubs every two years. However, she may not produce young for 3-4 years if insufficient food is available to support the pregnancy. In addition, Florida black bears have the highest cub mortality of any black bear population in the country at over 55 percent. This is not even taking into consideration mortality related to these habitat

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manipulations. For example, there have been documented cases of mothers forced to abandon their cubs and of cubs perishing in fires (see Stratman, 1998; Weaver, 2000).

Accelerating Longleaf Pine Restoration

What was causing this pattern of increased nuisance complaints, vehicular collisions, and bear sightings? In 2010, accelerating longleaf pine (*Pinus palustris*)/wiregrass restoration projects began. Besides being a major disruption to the bears with home ranges in and around these areas, the bulldozing, clear-cutting, roller-chopping, mulching, and prescribed burning destroyed much of the bears' food supply and primary habitat.

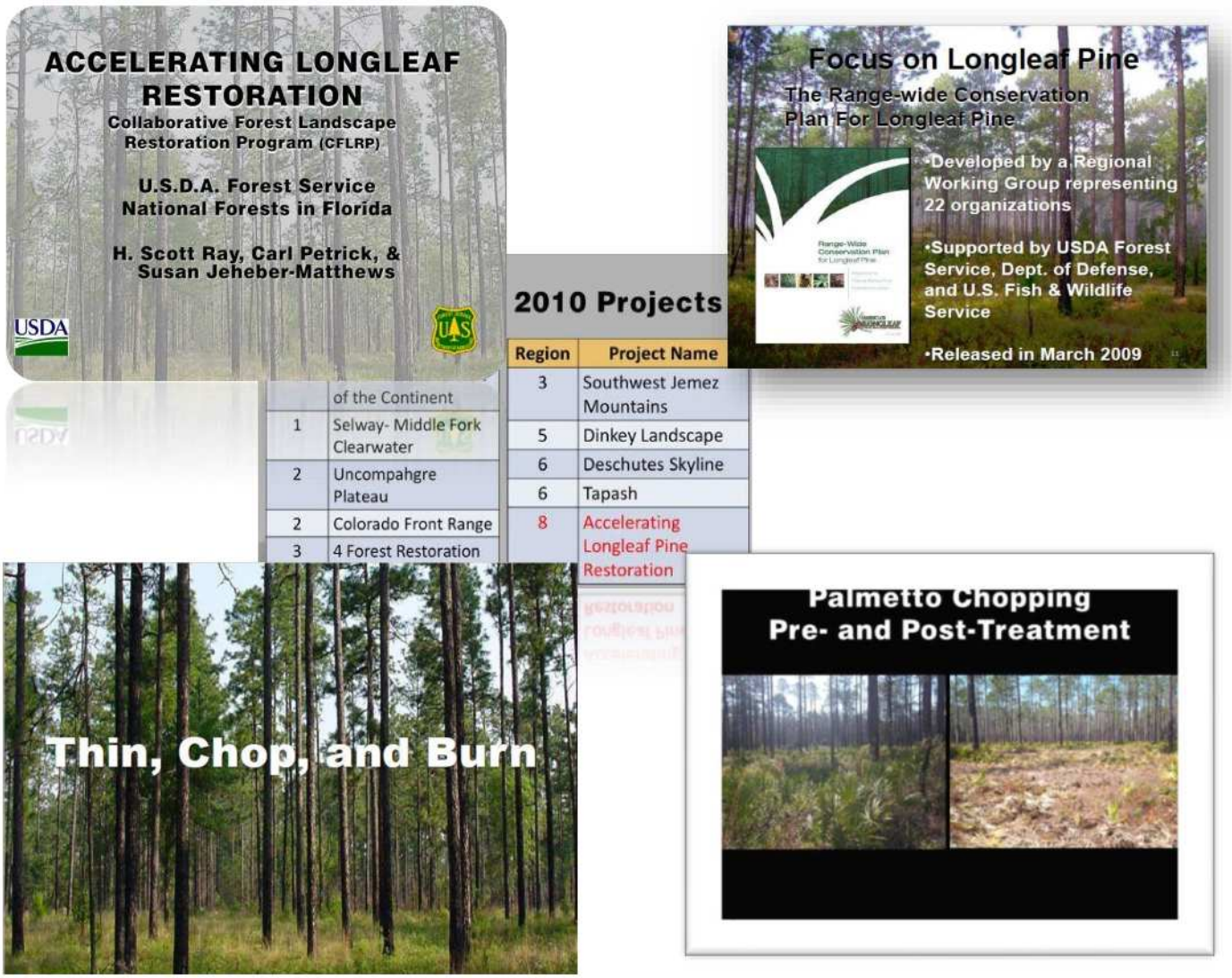


Figure 3. Slides from Ray, Petrick, & Jeheber-Matthews (n.d.)

Bears require dense cover for habitat as well as certain food sources. Frequent burning is often done in the winter instead of during growing season when lightning strikes are naturally more likely to cause a forest fire. Plants are killed before they have had a

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chance to mature or before they have set sufficient seed to ensure population recovery. Much of the bears' food sources require less frequent fire intervals. For example, *Vaccinium* species (blueberries) are maximized at approximately 4 years, whereas stands of saw palmetto (*Serenoa repens*) at least 5 years of age are required for cover as well as food. Burning certain areas in the winter equates to very little to no natural foods for bears in the spring and in many cases, in the summer and fall as well.

Saw palmetto plants are very important to the Florida black bear. Besides using the stands for cover, black bears eat the berries in the fall and also consume the hearts of the plant. Shortly before the 2015 black bear hunt, the state stopped issuing permits to pick saw palmetto berries because it was believed that this was leading to a shortage of food for bears. On July 17, 2018, the Florida Department of Agriculture and Consumer Services, along with the Endangered Plant Advisory Council, added saw palmetto to the commercially exploited plant list. While berry picking was certainly problematic, it was only part of what was happening.

The 2017 spike in bear nuisance complaints can be explained by the widespread, increased frequency and intensity of prescribed burning throughout the state. A record number of controlled burns occurred in the winter of 2017. There were 81,174 authorized prescribed burns encompassing 2 million acres of land, according to Florida Forest Service data provided to the Southern Fire Exchange.

Unfortunately, this disruption and bear habitat destruction causes bears to move around more in search of food and sufficient habitat, which often leads them into trouble with humans. The movement of bears into residential areas as they forage for food, for example, makes it appear as if there are "too many" bears and that they are so "overpopulated" that they are "dispersing" onto roadways and into neighborhoods where, incidentally, unsecured trash and other attractants can often be found. With an insufficient supply of natural foods, hungry bears also end up at hunters' bait stations where they are unwelcome.

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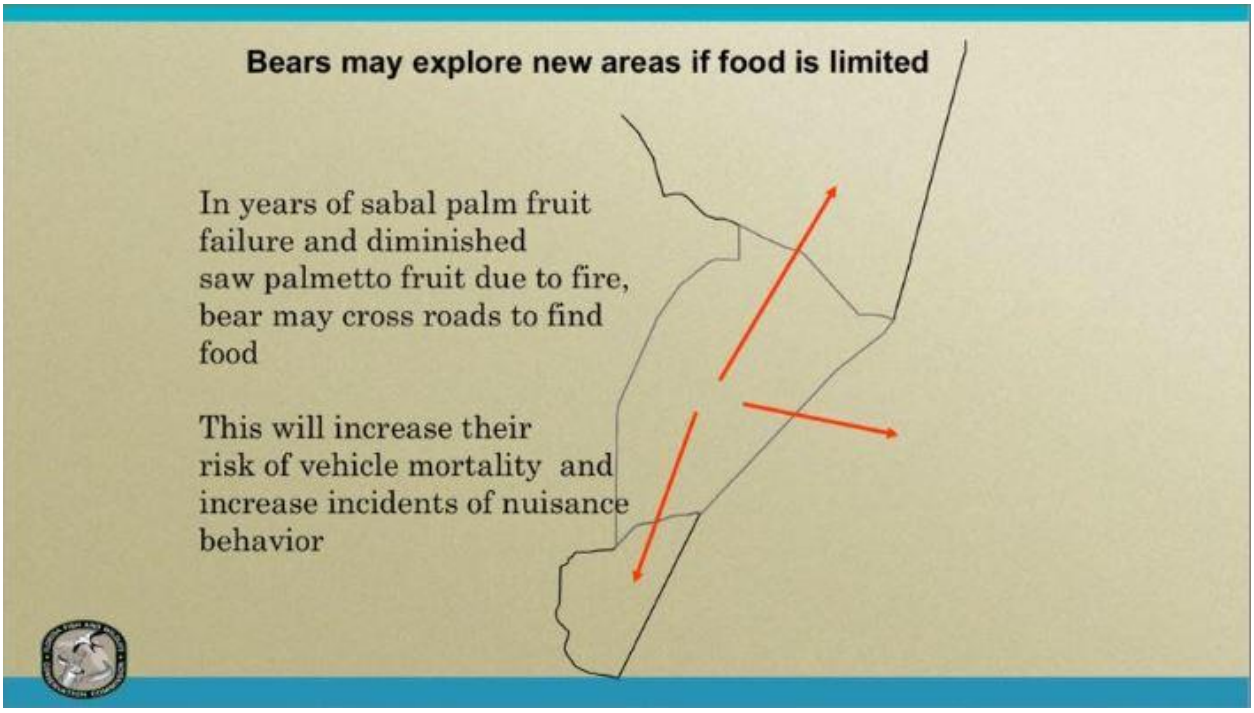


Figure 4. Bears disperse when food is limited. Courtesy of FWC.

Some examples of habitat modifications in Florida

Most (78%) of the bears killed during the 2015 Florida black bear hunt were killed on private property. While bears prefer natural over human-provided food sources, something was driving the bears to hunter bait stations. In fact, hunters had been complaining that bears were getting into their bait stations, which was one driving factor leading to the hunt.

The Lake Mary human-bear conflicts in 2014 through 2016 correlate with approximately 63,000 acres bulldozed in the southern part of Ocala National Forest. The bears in the southern part of the forest were displaced due to habitat modifications taking place. It is conceivable that many bears translocated further south into the Lake Mary area. If they had traveled north, they would most likely have encountered bears already established in their territories. It is believed that over 150 bears were displaced as a result of these forest activities, including burning and removal of acorn-producing oak trees, a much-needed source of calories for bears during the autumn months.

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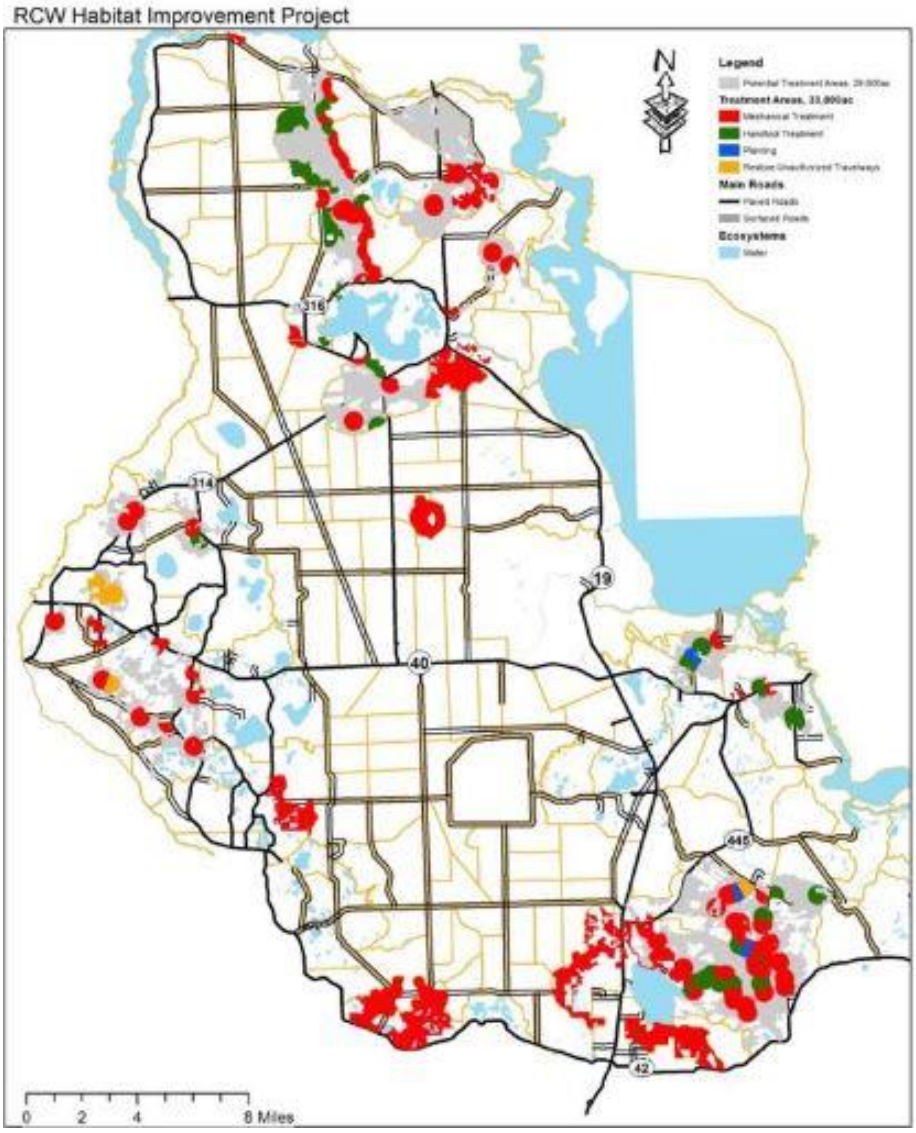


Figure 5. Habitat Improvement Project treatment areas within Ocala National Forest for the federally-protected red-cockaded woodpecker. The red indicates areas of mechanical treatment, while green is hand-tool treatment. From Ramirez, 2015.

In February of 2017, the FWC released 3 orphaned yearlings into Goethe State Forest, about a week before a large prescribed burn of approximately 1.6 km^2 (395 acres) in the northern part of the forest. A large bulldozed area was nearby. In the southern part of the forest, roller-chopping had recently occurred. After the burn, at least one yearling was seen in a residential/farming area east of the northern tip of the forest around

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Figure 6. Goethe State Forest in Feb. 2017. In the top left photo, results of roller-chopping can be seen. The photos beneath that show a large bulldozed area. The photos on the right show results of prescribed burning. All photos taken on the same day.

Williston. Residents were threatening to kill the young bear. Another or perhaps the same yearling was later seen wandering through residential neighborhoods traveling north. It is possible that this was a cub from the Santa Rosa area (see below) attempting to get back home.

In Gulf Breeze, Santa Rosa county in February of 2017, the mother of these three yearlings was killed by FWC when she defensively attacked a dog and man after he got between the bear and his dog. Eglin Air Force Base is burned every 2-3 years, and it

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was confirmed that roller-chopping and burning were occurring during that time in the Eglin area.



Figure 7. The destruction of saw palmettos at St. Sebastian River State Park, 2017.

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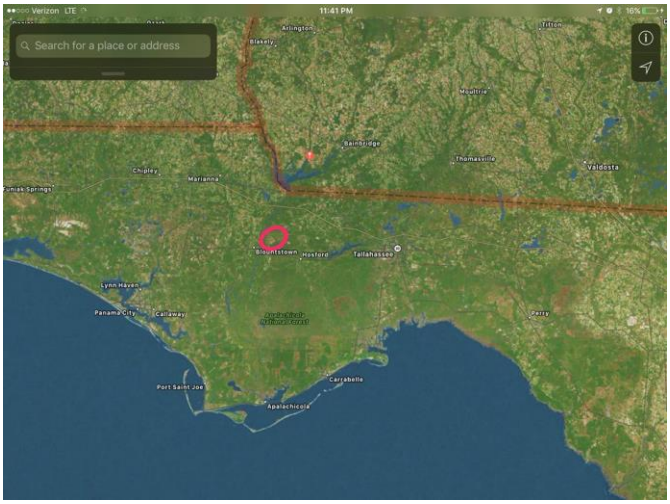




Figure 8. Top: Large bulldozed area, eastern panhandle. Bottom left shows location. Bottom right: The area circled is older bulldozed land seen in the photo above. Rectangle area shows more recent bulldozed land.



Figure 9. Large clear-cut in Ocala National Forest in February, 2017.



Figure 10. Photos from Rock Springs Run, January 2018

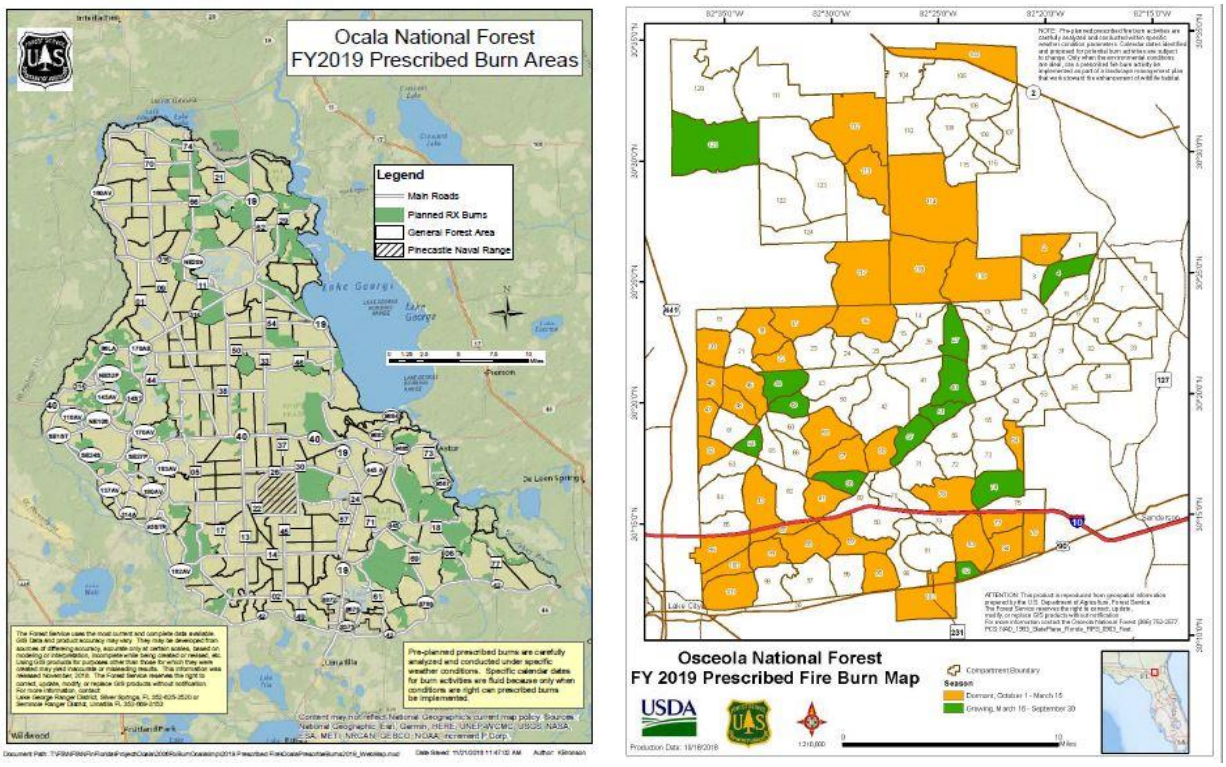


Figure 11. Maps for planned prescribed burning within each of the three national forests in Florida. Upper left: Planned prescribed burns are in green. Upper right: Orange areas are planned burns for October 1-March 15, while green areas are planned growing season burns, March 16-September 30. Bottom: Tan areas are planned burns for October 1-March 15, while green areas are planned growing season burns, March 16-September 30. Maps from USDA Forest Service website.

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Original Research Article

Microhabitat features influencing habitat use by Florida black bears

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ABSTRACT

Understanding fine-scale habitat needs of species and the fac
neous use of habitat within home range would help identify lim
habitat management practices. This information is especially im
living in fragmented habitats where resources may be scarcer
uted than in contiguous habitats. Using bihourly Global Positi
data collected from 10 individuals during 2011–2014, we inve
tures of areas within home ranges that received high vs. low
black bears (*Ursus americanus floridanus*) in north-central, Flo
receiving high and low levels of use by bears based on their utilization distributions estimated with the dynamic Brownian bridge movement model, and performed vegetation sampling at bear locations within high- and low-use areas. Using univariate analyses and generalized linear mixed models, we found that (1) canopy cover, visual obstruction, and hardwood density were important in defining high-use sites; (2) the probability of high use was positively associated with principal components that represented habitat closer to creeks and with high canopy and shrub cover and higher hardwood densities, likely characteristic of forested wetlands; and (3) the probability of high use was, to a lesser extent, associated with principal components that represented habitat with high canopy cover, high pine density, and low visual obstruction and hardwood density; likely representing sand pine and pine plantations. Our results indicate that the high bear-use sites were in forested wetlands, where cover and food resources for bears are likely to occur in higher abundance. Habitat management plans whereby bears are a focal species should aim to increase the availability and quality of forested wetlands.
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Figure 12. Example of habitat mismanagement at Camp Blanding. After recommending no burning in forested wetlands, a winter burn is conducted in the forested wetlands. https://youtu.be/TcxJBNZRMEA

Discussion

This report is in no way meant to be an exhaustive compilation of bear habitat areas and potential bear habitat areas that have been modified or otherwise destroyed in the state of Florida. Rather, the examples provided are but a small sample depicting a much larger phenomenon that has been occurring throughout the state for a number of years.

Effects on Habitat

Accelerated longleaf pine restoration projects have been in process throughout the state since 2010, and this has necessarily destroyed primary bear habitat. Areas of dense cover and impenetrable vegetation limiting visibility and hindering access by humans and dogs are necessary for day beds and escape cover. With the dearth of large expanses of contiguous forest or mountainous, inaccessible forested terrain in Florida, the presence of escape cover is even more crucial for bears. As the Florida Black Bear Management Plan (2012) states, the use of fire reduces vegetation and negatively impacts bears.

For thousands of years, Native Americans used fire to clear the land to, among other things, improve hunting. Early European settlers used fire to clear the land for agriculture and cattle production. Together with the effects of lightning strikes, this

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cumulative utilization of fire encouraged the growth of longleaf pine over other community types. In the quest to rapidly restore longleaf pine/wiregrass forests to pre-Columbian times throughout Florida, land managers have greatly amplified the deleterious effects fire has had on bears and many other native wildlife species.

Longleaf pine/wiregrass ecosystems, with their open canopy and park-like appearance, do not provide bears the habitat of "very thick cover" (Telesco, Fish & Wildlife Conservation Commission Bear Management Webinar) required for their ability to thrive. Rather, these areas serve merely as corridors and as secondary bear habitat at best.

With the focus on eradication of oaks, restoration to longleaf pine/wiregrass forests often equates to the lack of large (>20 inches dbh) trees. The presence of large trees in bear habitat for safe climbing is vital. Bears have evolved to climb trees to escape danger, and females will often choose the largest tree in the area for a denning site (Weaver, 2000). Cubs sometimes fall from trees with slippery, shaggy, or scaly bark (such as longleaf pine, which has scaly bark evolved to slough off during fires). Therefore, mothers strongly select trees with sturdy, creviced bark as refuge trees (Rogers, 1993).

Ideally, scattered large trees should be available throughout the forest to afford escape opportunities for bears. Cover is essential for thermal regulation as well, and the importance of this in the heat and humidity of Florida cannot be overemphasized. Understanding the distinction between habitat types and the effects these projects have and will continue to have on Florida black bear subpopulations, as well as the individuals within them, is crucial when discussing and implementing bear habitat management in Florida.

Effects on Food

Black bears are not as resilient when it comes to their food supply as commonly thought. It is erroneously believed that when preferred foods are scarce, bears will be able to find sufficient foods to sustain them because they are omnivores. During hard and soft mast failures, black bears are much more likely to come into contact with humans. In artificially creating these mast failures, we have seen an increase in human-bear conflicts, vehicle-bear collisions, and bear sightings. As Moyer et al. (2007) have stated, bears' space requirements (particularly those of females with cubs) increase greatly during years of mast failures, and also possibly in response to other unfavorable environmental conditions.

Research has shown that certain foods that are important to bears require ≥5 years following fire to produce significant yields. Fire rotations of 10-23 years during growing seasons have been recommended for bear habitat. This kind of approach has been recommended for the adequate maintenance of saw palmetto habitat for carnivores in south Florida (see Stratman & Pelton, 2007). Fruit production in saw palmetto can be

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delayed for 6-9 years following a fire. It has been suggested that maintaining a mosaic of burned habitats with a diversity of burn ages would be optimum for black bears.

Besides its effects on saw palmetto fruit and other soft mast, frequent burning suppresses the growth of mid-story oaks (*Quercus* spp.). By itself, this oak suppression could negatively impact the long-term survival of bear populations in the Southeastern Coastal Plain. According to Clark (2004), bears could not survive without oak mast; black bear reproduction and mortality are directly linked to the accessibility of oak mast. It has been shown to affect population growth, bear numbers, fall feeding movements, and denning chronology (Weaver, 2000).

Conclusion

Florida black bears and bear populations are suffering from the effects of widespread and accelerating habitat modifications and frequent burning. Once the projects are completed, frequent fire intervals will continue to negatively impact bears into the foreseeable future. These impacts will be heightened by burning during winter months (see ***Figure 11*** for example of burn plans in the three national forests).

Burning and destruction of bear food and primary bear habitat results in bears dispersing, potentially increasing human-bear conflicts and vehicle collisions. As Rogers (1993) has stated, when and where food is scarce, black bears may wander far beyond their home range and even “sometimes beyond the normal range of the species.” If primary bear habitat is decreasing to this extent, the bear subpopulations are inevitably decreasing as well.

Habitat manipulations are not the only threat to bear habitat or populations. According to Murphy et al. (2017), the Big Cypress subpopulation, which is supposedly the second largest in the state, is in danger of potentially rising sea levels and increasing urban development. The South-Central subpopulation (now estimated at <100 bears) is in imminent danger of heading into an extinction vortex if habitat fragmentation and loss continue at expected rates. More than 50% loss of available habitat is expected in the coming decades. All measures of genetic diversity are low, which makes this subpopulation vulnerable. Of course, the Chassahowitzka subpopulation at perhaps 11-17 individuals is in peril as well and in imminent danger of disappearing.

One migrant per generation (~6.3 years) is the general rule for the prevention of genetic deterioration in wild populations, but at least 3 are usually needed to increase variation and influence population fitness (Murphy et al., 2017). We do not see this kind of genetic interchange between any of the bear subpopulations.

Many lives have been senselessly lost due to misinformation and mismanagement of the lands as well as this large and charismatic species which has been under immense anthropogenic pressure. Florida is exquisitely unique with respect to its ecology, habitat types, topography, and climate. In addition, it is the third most populous state in the

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nation. Adding these intensive habitat modifications to the mix, the pressures exerted on the Florida black bear are unparalleled.

According to Weaver (2000), the greater the quality of bear habitat, the less chance of human-bear conflict. With shortages of natural foods comes an increase in complaints of bears getting into garbage or causing property damage. Because bears are an umbrella species, other wildlife as well as people would be the beneficiaries of efforts to properly manage bear habitat. All of the factors discussed need to be considered in black bear management moving forward, allowing the precautionary principle to guide our actions.

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February 15, 2019

Katrina Shadix
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PO Box 622621
Oviedo, FL 32762

Re: Legal Review of Florida Black Bear Delisting by FWC from Threatened Status

Dear Katrina,

Please see my attached memorandum regarding the FWC delisting of the Florida Black Bear. It is my legal opinion that the Florida Black Bear was improperly delisted by FWC. It is my further legal opinion that the FWC administrative rules governing species designated as "threatened" pursuant to the Florida Endangered and Threatened Species Act, section 379.2291, Florida Statutes constitute an invalid exercise of legislative power. FWC improperly implemented the statutory mandate set forth in the Act with respect to "threatened" species. My determination is based on the very explicit statutory mandate that a species becomes legally threatened when it is likely to become endangered due to ongoing habitat modification. The FWC rules governing threatened species do not adequately address the environmental problem of habitat modification.

Sincerely yours,

Lesley Blackner

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FWC's Erroneous Implementation of the Florida Endangered and Threatened Species Act as It Pertains to the Florida Black Bear

BEAR WARRIORS UNITED is a Florida not-for-profit established in 2016 for the purpose of protecting the Florida Black Bear and its habitat. The Bear Warriors Mission Statement provides: We pledge ourselves to Saving Bear Lives. We will pursue and accomplish our mission by:

*Ending the hunting of bears

*Expanding love and appreciation of bears through education

*Establishing bear refuges

*Reducing negative bear-human interactions.

*Supporting bear protection legislation

*Protecting and improving bear habitat

THE FLORIDA BLACK BEAR

The Florida Black Bear (*Ursus americanus floridanus*) "is a unique subspecies of the American black bear (*Ursus americanus*) that historically ranged throughout Florida and the southern portions of adjoining states." See Florida Black Bear Management Plan (Florida Fish and

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Wildlife Conservation Commission 2012) ("FWC Black Bear Plan") at p. 1. Today, the Florida Black Bear only occupies a small portion of its historic range.

The Florida Black Bear was listed as a Threatened species by the State of Florida in 1974 and de-listed in 2012. FWC authorized a hunt of the Florida Black Bear in 2015 and sold 3,776 permits. FWC reports that 304 bears were killed during a three day October hunt. See 2015 Florida Black Bear Hunt Summary Report.

The FWC Black Bear Plan states that "[b]ears are solitary, reclusive and live at relatively low densities over large landscapes--characteristics that make a direct count of bears infeasible." FWC Black Bear Plan at p. 7. The Plan further finds that "[t]he large spatial requirements of bears, fragmented nature of the bear population, and increasing human development that leads to conflicts will play significant roles in the future of bears in Florida." Id. at p. 1.

Florida Law Governing the Florida Black Bear

Section 379.2291, Florida Statutes, established the "Florida Endangered and Threatened Species Act" ("Act"). The Act's Declaration of Policy provides, in relevant part:

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> The Legislature recognizes that the State of Florida harbors a wide diversity of fish and wildlife and that it is the policy of this state to conserve and wisely manage these resources, with particular attention to those species defined by the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, or the United States Department of Interior, or successor agencies, as being endangered or threatened. As Florida has more endangered and threatened species than any other continental state, it is the intent of the Legislature to provide for research and management to conserve and protect these species as a natural resource.

§379.2291(2), Fla. Stat. The Act defines "Threatened species" to mean:

> any species of fish and wildlife naturally occurring in Florida which may not be in immediate danger of extinction, but which exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification of its environment.

§379.2291(3)(c), Fla. Stat.

In 2011, FWC promulgated Rule 68A-270001 to declare the "purpose and intent" of Rule Chapter 68A, which implements the Act. Rule 68A-270001 provides in relevant part:

> (1) The purpose and intent of this rule chapter, in concert with an objective that lawful nature-based recreational activities may be managed to be compatible with such

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> species protection measures, is to conserve or improve the status of endangered and threatened species in Florida to effectively reduce the risk of extinction through the use of a science-informed process that is objective and quantifiable, that accurately identifies endangered and threatened species that are in need of special actions to prevent further imperilment, that identifies a framework for developing management strategies and interventions to reduce threats causing imperilment, and that will prevent species from being threatened to such an extent that they become regulated and managed under the federal Endangered Species Act of 1973, as amended, 16 U.S.C. §1531 et seq.

In 2011, FWC promulgated Rule 68A-27.001 to establish definitions for Rule Chapter 68A. Rule 68A-27.001(3) provides a definition for "State-designated Threatened Species."

In January 2017, FWC amended Rule 68A-27.0012, which establishes "Procedure for Listing and Removing Species from Florida's Endangered and Threatened Species List." The 2017 rule revision was adopted "to remove a subsection of the rule referring to a moratorium that is no longer in effect."

In January 2017, FWC amended Rule 68A-27.007, which establishes "Permits and Authorizations for the Take of Florida Endangered and Threatened Species." This rule was first established in 2010 and has been

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revised in 2013, 2015, 2016 and 2017. "Take" is defined in Rule 68A-27.001(4) as:

> to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. The term "harm" in the definition of take means an act which actually kills or injures fish or wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. The term "harass" in the definition of take means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering.

In July 2015, Rule 68A-4.009, which provides for "Florida Black Bear Conservation" was adopted by FWC. This rule allows FWC to authorize and/or forbid any person to "take, possess, injure, shoot, collect, or sell black bear or their parts…" 68A-4.009(1).

FWC is not complying with Florida Law

Section 120.52(8), Fla. Stat. defines "invalid exercise of delegated legislative authority "as "action which goes beyond the powers, functions, and duties delegated by the Legislature." The provision further states that:

> [a] grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a

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> specific law to be implemented is also required. An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy. Statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than implementing or interpreting the specific powers and duties conferred by the enabling statute.

This language was intended to restrict agency rulemaking. *State Bd. of Trustees of the Internal Improvement Trust Fund v. Day Cruise Ass'n*, 794 so.2d 696, 699 (Fla. 1st DCA 2001).

Rulemaking by FWC relating to state endangered and threatened species is governed by Chapter 120, Florida Statutes. *Wilkinson v. Florida Fish and Wildlife Commission*, 853 So.1088 (Fla. 1st DCA 2003).

FWC rules relating to threatened species constitute an invalid exercise of legislative power because they fail to conform to the rulemaking requirements established in §120.54(3)(a)1, Fla. Stat., as required by § 120.52(8)(b), Fla. Stat. Specifically, the rules at issue fail to make "a reference to the grant of rulemaking authority pursuant to which the rule is adopted; and a reference to the section or subsection of the Florida Statutes

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or the Laws of Florida being implemented or interpreted[]" as required by §120.54(3)(a)1, Fla. Stat. Although the contested rules reference rulemaking authority from the Florida Constitution, Article IV, Section 9, they fail to reference *any* statutory rulemaking authority, rending the contested rules invalid. *State of Florida, Dept. of Financial Services v. Brown*, 108 So.3d 723 (1st DCA 2013).

Although the Florida Endangered and Threatened Species Act, § 379.2291, Fla. Stat. expressly provides that a threatened species is one that "exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification of its environment[,]" §379.2291(3)(c), Fla. Stat., the contested rules fail to follow the statute's plain language. The contested rules do not address the Legislature's determination that "increased stress as a result of further modification of its environment" is a key element in determining which species are to be classified as threatened. This key provision is ignored in the rules. Thus, the contested rules improperly modify and contravene the Act, in violation of §120.52(8)(c), Fla. Stat.:

a. Rule 68A-270001, which establishes the "purpose and intent" of FWC's Endangered and Threatened Species program, fails to include, require and/or provide for "the increased stress as a result of further

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modification of its environment" upon "state-designated threatened species," as required by § 379.2291, Fla. Stat.

b. Rule 68A-27001(3), which establishes FWC's administrative definition of "state-designated threatened species," fails to include, require and/or provide for any analysis of "increased stress as a result of further modification of [a species'] environment[,]" as required by § 379.2291, Fla. Stat. Instead, the rule erroneously fixates on an agency determination based upon "reduction in population size" (Rule 68A-27001(3)(a)), *or* "geographic range" (Rule 68A-27001(3)(b)), *or* "extreme fluctuations" (Rule 68A-27001(3)(c)) *or* "very small or restricted" population size (Rule 68A-27001(3)(d)). The rule thus violates §120.52(8)(c), Fla. Stat.

c. Rule 68A-27.0007, which establishes "permits and authorizations for the take of Florida endangered and threatened species, fails to include, require and/or provide for any required analysis of "increased stress as a result of further modification of [a species'] environment[,]" as required by §379.2291, Fla. Stat., in violation of §120.52(8)(c), Fla. Stat.

d. Rule 68A-27.0012, which establishes "Procedure for Listing and Removing Species from Florida's Endangered and Threatened Species List[,]" does not include, require and/or provide for analysis of "increased

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stress as a result of further modification of [a species'] environment" into the FWC procedure for determining whether a species should be listed or de-listed as threatened. Subsection 68A-27.0012(2)(a) erroneously fails to incorporate, require and/or provide for analysis of "increased stress as a result of further modification of [a species'] environment[,]" in its criteria for designating those species to whom the state threatened designation shall not apply, in contravention of § 379.2291, Fla. Stat. Similarly, subsection 68A-27.0012(2)(b), which requires evaluation requests for a state designated threatened species, does not include any criteria requiring analysis of "increased stress as a result of further modification of [a species'] environment[,]" in its criteria of those species to whom the state threatened designation shall not apply, in contravention of § 379.2291, Fla. Stat. Subsection 68A-27.0012(2)(c) provides a procedure for "[determining when changes in listing status are warranted," yet fails to include any requirement for analyzing "increased stress as a result of further modification of [a species'] environment[,]" in its evaluation criteria for those species to whom the state threatened designation shall not apply, in contravention of § 379.2291, Fla. Stat. The "Biological vulnerability screening" protocol set forth in 68A-27.0012(2)(c)(1) for determining if a state designated threatened species merits a listing status change establishes

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a "final biological score" that fails to include any assessment of whether there is "increased stress as a result of further modification of its environment" to a species under review, again in contravention of § 379.2291, Fla. Stat. Finally, the "Biological Status Review" protocol set forth in 68A-27.0012(2)(c)2 fails to incorporate any assessment or consideration of whether there is "increased stress as a result of further modification of its environment" to a state designated threatened species under review, again in contravention of § 379.2291, Fla. Stat.

Rule 68A-4.009, entitled "Florida Black Bear Conservation" was adopted as a new rule in August 2012, after the erroneous de-listing of the Florida Black Bear as a threatened species. This contested rule thus violates § 120.52(8), Fla. Stat. because the de-listing of the bear was unlawful.

RELIEF REQUESTED

In a spirit of cooperation and good faith, Bear Warriors United asks the FWC to grant the following relief:

a. FWC enters into new rulemaking necessary to lawfully implement section 379.2291, Florida Statutes in connection with "threatened species."

b. Rescind the de-listing of the Florida Black Bear from threatened status.

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Respectfully submitted,

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AMERICAN OVERSIGHT

From: W Logan <waltlogan@hotmail.com>
Sent: Friday, January 17, 2020 4:30 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Senate bill 1128 ; impairment of contract ?

Dear Senator,

Recently we became condo owners in a community that restricts rental activity. Senate bill 1128 appears to be an effort to negate that restriction which is part of the overall contract which includes the declaration of condominium and present rules established under the authority of the declaration.

The concept of freeing owners from contract provisions in condominium communities is not new to Florida. Back in the mid 1970s the legislature passed a law negating escalation clauses in leases associated with condominium property.

In Fleeman v Case 342 So2nd 815 (Fl 1976) the Florida Supreme Court held that such contractual matters were protected by the contract clause of the Florida Constitution. The Court ruled the statute unconstitutional as an invasion of contractual agreements.

Upon reading Senate Bill 1128 it appears that application of the terms of the bill might well fall under Fleeman as impairment of contract. Please consider having legal staff review the question prior to further consideration of the bill.

The retro / contract clause question could be remedied with a short sentence added to the bill noting that the bill only applies prospectively. The principle of law that contracts incorporate the law at the time of entering the contract would be upheld.

Regards , Walt Logan

Sent from my iPad

AMERICAN OVERSIGHT

From: Thompson, Vanessa
Sent: Friday, January 03, 2020 3:29 PM EST
To: Joey.West@charter.com <Joey.West@charter.com>
Subject: Senator Brandes - Adult Use Marijuana Draft
Attachment(s): "Adult Use Draft 1.3.20 for Senator Brandes (with comments).docx"

Hi Joey,

Thanks for the heads up on the Senator's interview today.

Attached you will find the almost complete draft of the marijuana bill. You will not see substantial changes in the language moving forward before the bill is filed – only technical things.

Hopefully this gives you something concrete to go off of.

Please let me know if you need anything at all.

Best,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

AMERICAN OVERSIGHT

24-00725-20

A bill to be entitled

An act relating to the availability of marijuana for adult use; amending s. 212.08, F.S.; revising the sales tax exemption for the sale of marijuana and marijuana delivery devices to only include sales to qualified patients or caregivers; amending s. 381.986, F.S.; revising provisions related to the licensure and functions of medical marijuana treatment centers (MMTCs); requiring the Department of Health to adopt by rule certain operating standards and procedures; requiring the department to adopt by rule a certain MMTC registration form; specifying registration requirements; providing that a registration expires within a specified timeframe; specifying that registration is not sufficient for certain operations; requiring an MMTC to obtain separate operating licenses for certain operations; specifying application requirements for MMTCs to obtain cultivation licenses and processing licenses; providing for the expiration of and renewal of such licenses; requiring an MMTC to obtain a facility permit before cultivating or processing marijuana in the facility; authorizing MMTCs licensed to cultivate or process marijuana to use contractors to assist with the cultivation and processing of marijuana under certain conditions; providing for the destruction of certain marijuana byproducts within a specified timeframe after their production; authorizing MMTCs licensed to cultivate and process marijuana to

Commented [GO1]: Vanessa, this draft incorporates the language given to us by the Criminal Justice Committee (I've highlighted those portions to make it easier for you to review. I've also left the outstanding comments and questions for you to share with the Senator. This bill still needs to go through a final technical edit so I'm sharing this with you now and will release the final edited version this afternoon. If the Senator wants to make any changes, please let me know as soon as possible today, otherwise you will need to put in a redraft request once we've release the bill to you guys.

Thanks!
Oaj

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wholesale marijuana to other registered MMTCs under certain circumstances; prohibiting an MMTC from transporting or delivering marijuana outside of its property without a transportation license; providing requirements for the cultivation and the processing of marijuana; deleting the requirement that each MMTC produce and make available for purchase at least one low-THC cannabis product; deleting tetrahydrocannabinol limits for edibles; requiring an MMTC that holds a license for processing to test marijuana before it is sold in addition to when it is dispensed; deleting obsolete language; revising marijuana packaging requirements; providing application requirements for an MMTC to obtain a retail license; providing for the expiration and renewal of such licenses; requiring an MMTC to obtain a facility permit before selling, dispensing, or storing marijuana in the facility; requiring the facility to cease certain operations under certain circumstances; prohibiting a dispensing facility from repackaging or modifying marijuana that has already been packaged for sale, with certain exceptions; authorizing a retail licensee to contract with an MMTC that has a transportation license to transport marijuana for the retail licensee under certain circumstances; prohibiting onsite consumption or administration of marijuana at a dispensing facility; revising requirements for the dispensing of marijuana; requiring a licensed retail MMTC to include specified

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information on a label for marijuana or a marijuana delivery device dispensed to a qualified patient or caregiver; authorizing an MMTC to sell marijuana to an adult 21 years of age or older under certain circumstances; requiring MMTC employees to verify the age of such buyers using specified methods; prohibiting an MMTC from requesting or storing any personal information of a buyer other than to verify the buyer's age; deleting a provision prohibiting an MMTC from dispensing or selling specified products; providing application requirements for an MMTC to obtain a transportation license; providing marijuana transportation requirements; prohibiting the transportation of marijuana on certain properties; prohibiting the transportation of marijuana in a vehicle that is not owned or leased by a licensee or the licensee's contractor or appropriately permitted by the department; providing a process for the issuance and cancellation of vehicle permits; requiring that each permitted vehicle be GPS monitored; specifying that a permitted vehicle transporting marijuana is subject to inspection and search without a search warrant by specified persons; authorizing an MMTC licensed to transport marijuana and marijuana delivery devices to deliver or contract for the delivery of marijuana to other MMTCs, to qualified patients and caregivers within this state, and to adults 21 years of age or older within this state; establishing that a county or municipality may

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not prohibit deliveries of marijuana to qualified patients and caregivers within the county or municipality; requiring an MMTC delivering marijuana or a marijuana delivery device to a qualified patient or his or her caregiver to verify the identity of the qualified patient; requiring an MMTC delivering marijuana to an adult 21 years of age or older to verify his or her age; requiring the department to adopt certain rules for the delivery of marijuana; authorizing MMTCs to use contractors to assist with the transportation of marijuana, but providing that an MMTC is responsible for the actions and operations of such a contractor which are related to the transportation of marijuana; requiring an MMTC to know the location of all of its marijuana products at all times; requiring principals and employees of a contractor to register with the department and receive an MMTC employee identification card before participating in the operations of the MMTC; providing for the permitting of cultivation, processing, dispensing, and storage facilities; requiring the department to adopt by rule a facility permit application form; requiring the department to inspect a facility before issuing a permit; requiring the department to issue or deny a facility permit within a specified timeframe; providing for the expiration of facility permits; requiring the department to inspect a facility for compliance before the renewal of a facility permit; requiring an MMTC to cease applicable

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operations if a facility's permit expires or is suspended or revoked; requiring cultivation facilities and processing facilities to be insured with specified hazard and liability insurance; providing cultivation facility and processing facility requirements; preempting to the state all matters regarding the permitting and regulation of cultivation facilities and processing facilities; requiring dispensing facilities and storage facilities to be insured with specified hazard and liability insurance; providing dispensing facility and storage facility requirements; clarifying that a county or a municipality may prohibit a dispensing facility from being located in its jurisdiction but may not prohibit a licensed retail MMTC or its permitted storage facility from being located in such county's or municipality's jurisdiction if the MMTC is delivering marijuana to qualified patients; prohibiting the department from issuing a facility permit for a dispensing facility in a county or municipality that adopts a specified ordinance; authorizing a county or municipality to levy a local tax on a dispensing facility; providing that local ordinances may not result in or provide for certain outcomes; authorizing the department to adopt specified requirements by rule; requiring the department to adopt rules to administer the registration of certain MMTC principals, employees, and contractors; requiring an MMTC to apply to the department for the registration of certain persons

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before hiring or contracting with any such person; requiring the department to adopt by rule a registration form that includes specified information; requiring the department to register persons who satisfy specified conditions and issue them MMTC employee identification cards; requiring a registered person and the MMTC to update the department within a specified timeframe if certain information or the person's employment status changes; authorizing the department to contract with vendors to issue MMTC employee identification cards; requiring the department to inspect an MMTC and its facilities upon receipt of a complaint and to inspect each permitted facility at least biennially; authorizing the department to conduct additional inspections of a facility under certain circumstances; authorizing the department to impose administrative penalties on an MMTC for violating certain provisions; requiring the department to refuse to renew an MMTC's cultivation, processing, retail, or transportation license under certain circumstances; revising provisions related to penalties and fees to conform to changes made by the act; providing construction; conforming provisions to changes made by the act; creating s. 381.990, F.S.; authorizing an adult 21 years of age or older to purchase, possess, use, transport, or transfer to another adult 21 years of age or older marijuana products and marijuana delivery devices under certain circumstances; providing that such marijuana products

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or marijuana delivery devices must be purchased from an MMTC licensed by the department for the retail sale of marijuana and registered with the Department of Business and Professional Regulation (DBPR) for sale of marijuana for adult use; clarifying that a private property owner may restrict the smoking or vaping of marijuana on his or her property but may not prevent his or her tenants from using marijuana by other means; providing that certain provisions do not exempt a person from prosecution for a criminal offense related to impairment or intoxication related to the use of marijuana and do not relieve a person from any legal requirement to submit to certain tests to detect the presence of a controlled substance; requiring the Department of Agriculture and Consumer Services to conduct a study on the advisability of allowing the cultivation of marijuana by members of the public for private use, including use of a specified model; requiring the department to report the results of the study to the Governor and the Legislature by a specified date; amending s. 893.13, F.S.; amending s. 893.13, F.S.; authorizing a person 21 years of age or older to possess marijuana products in a specified amount and to deliver marijuana products to another person 21 years of age or older, under certain circumstances; providing criminal penalties for the delivery or possession of marijuana products by a person younger than 21 years of age under certain circumstances; creating s. 893.1352, F.S.; providing

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legislative intent; providing for the retroactive applicability of s. 893.13, F.S.; requiring certain sentences for specified offenses; requiring sentence review hearings for individuals serving certain sentences for specified crimes; providing resentencing procedures; requiring the waiver of certain conviction-related fines, fees, and costs under certain circumstances; amending s. 893.147, F.S.; authorizing a person 21 years of age or older to possess, use, transport, or deliver, without consideration, a marijuana delivery device to a person 21 years of age or older; providing criminal penalties for a person younger than 21 years of age who possesses, uses, transports, or delivers, without consideration, a marijuana delivery device to a person 21 years of age or older; creating s. 943.0586, F.S.; defining terms; authorizing an individual convicted of certain crimes to petition the court for expunction of his or her criminal history under certain circumstances; requiring the individual to first obtain a certificate of eligibility from the Department of Law Enforcement; requiring the department to adopt rules establishing the procedures for applying for and issuing such certificates; requiring the department to issue a certificate under certain circumstances; providing for the expiration of the certificate; providing requirements for the petition for expunction; providing penalties; providing for the court's authority over its own

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procedures, with an exception; requiring the court to order the expunction of a criminal history record under certain circumstances; clarifying that expunction of certain criminal history records does not affect eligibility for expunction of other criminal history records; providing procedures for processing expunction petitions and orders; providing that a person granted an expunction may lawfully deny or fail to acknowledge the underlying arrest or conviction, with exceptions; providing that a person may not be deemed to have committed perjury or otherwise held liable for giving a false statement if he or she fails to recite or acknowledge an expunged criminal history record; amending s. 893.15, F.S.; conforming a provision to changes made by the act; providing effective dates.

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

Section 1. Paragraph (l) of subsection (2) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(2) EXEMPTIONS; MEDICAL.—

(l) Marijuana and marijuana delivery devices, as defined in

Commented [GO2]: This may trigger a tax bill -- need to discuss with Finance & Tax Committee. It's not explicitly authorizing a tax but by revising this exemption, the effect will be that adult use marijuana may be taxed. If the intent is to impose a tax, perhaps the Senator should prescribe the amount in a separate tax bill.

Commented [RJ3R3]: Please see: s. 19(d)(2)c., Art. VII of the State Constitution, which provides that decreasing or eliminating a state tax or fee exemption or credit falls within the definition of "raise."

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s. 381.986, are exempt from the taxes imposed under this chapter when they are purchased by a qualified patient or a caregiver, as those terms are defined in s. 381.986.

Section 2. Paragraphs (d) through (h), (j), and (k) of subsection (1), paragraph (b) of subsection (3), paragraph (f) of subsection (4), paragraphs (a) and (f) of subsection (5), paragraph (b) of subsection (6), subsections (8) through (12), paragraphs (a), (b), (c), and (e) of subsection (14), and subsection (17) of section 381.986, Florida Statutes, are amended to read:

381.986 Medical use of marijuana.—

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

(d) "Edibles" means commercially produced food items made with marijuana oil, but no other form of marijuana, that are produced and dispensed by a medical marijuana treatment center (MMTC).

(e) "Low-THC cannabis" means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from an MMTC ~~a medical marijuana treatment center~~.

(f) "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which

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are dispensed from an MMTC ~~a medical marijuana treatment center~~ for medical use by a qualified patient.

(g) "Marijuana delivery device" means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana into the human body, ~~and~~ which object is dispensed from an MMTC ~~a medical marijuana treatment center~~ for medical use by a qualified patient; however, such objects ~~except that delivery devices~~ that are intended solely for the medical use of marijuana by smoking need not be dispensed from an MMTC and ~~a medical marijuana treatment center in order to~~ qualify as marijuana delivery devices.

(h) "Marijuana testing laboratory" means a facility certified by the department pursuant to s. 381.988 which ~~that~~ collects and analyzes marijuana samples from an MMTC ~~a medical marijuana treatment center and has been certified by the department pursuant to s. 381.988~~.

(j) "Medical use" means the acquisition, possession, use, delivery, transfer, or administration of marijuana authorized by a physician certification. The term does not include:

1. Possession, use, or administration of marijuana that was not purchased or acquired from an MMTC ~~a medical marijuana treatment center~~.

2. Possession, use, or administration of marijuana in the form of commercially produced food items other than edibles or of marijuana seeds.

3. Use or administration of any form or amount of marijuana in a manner that is inconsistent with the qualified physician's directions or physician certification.

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4. Transfer of marijuana to a person other than the qualified patient for whom it was authorized or the qualified patient's caregiver on behalf of the qualified patient.

5. Use or administration of marijuana in the following locations:

a. On any form of public transportation, except for low-THC cannabis not in a form for smoking.

b. In any public place, except for low-THC cannabis not in a form for smoking.

c. In a qualified patient's place of employment, except when permitted by his or her employer.

d. In a state correctional institution, as defined in s. 944.02, or a correctional institution, as defined in s. 944.241.

e. On the grounds of a preschool, primary school, or secondary school, except as provided in s. 1006.062.

f. In a school bus, a vehicle, an aircraft, or a motorboat, except for low-THC cannabis not in a form for smoking.

6. The smoking of marijuana in an enclosed indoor workplace as defined in s. 386.203(5).

(k) "Physician certification" means a qualified physician's authorization for a qualified patient to receive marijuana and a marijuana delivery device from an MMTC ~~a medical marijuana treatment center~~.

(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

(b) A qualified physician may not be employed by, or have any direct or indirect economic interest in, a medical marijuana treatment center (MMTC) or marijuana testing laboratory.

(4) PHYSICIAN CERTIFICATION.—

(f) A qualified physician may not issue a physician

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certification for more than three 70-day supply limits of marijuana or more than six 35-day supply limits of marijuana in a form for smoking. The department shall quantify by rule a daily dose amount with equivalent dose amounts for each allowable form of marijuana dispensed by a medical marijuana treatment center (MMTC). The department shall use the daily dose amount to calculate a 70-day supply.

1. A qualified physician may request an exception to the daily dose amount limit, the 35-day supply limit of marijuana in a form for smoking, and the 4-ounce possession limit of marijuana in a form for smoking established in paragraph (14)(a). The request shall be made electronically on a form adopted by the department in rule and must include, at a minimum:

a. The qualified patient's qualifying medical condition.

b. The dosage and route of administration that was insufficient to provide relief to the qualified patient.

c. A description of how the patient will benefit from an increased amount.

d. The minimum daily dose amount of marijuana that would be sufficient for the treatment of the qualified patient's qualifying medical condition.

2. A qualified physician must provide the qualified patient's records upon the request of the department.

3. The department shall approve or disapprove the request within 14 days after receipt of the complete documentation required by this paragraph. The request shall be deemed approved if the department fails to act within this time period.

(5) MEDICAL MARIJUANA USE REGISTRY.—

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(a) The department shall create and maintain a secure, electronic, and online medical marijuana use registry for physicians, patients, and caregivers as provided under this section. The medical marijuana use registry must be accessible to law enforcement agencies, qualified physicians, and medical marijuana treatment centers (MMTCs) to verify the authorization of a qualified patient or a caregiver to possess marijuana or a marijuana delivery device and record the marijuana or marijuana delivery device dispensed. The medical marijuana use registry must also be accessible to practitioners licensed to prescribe prescription drugs to ensure proper care for patients before medications that may interact with the medical use of marijuana are prescribed. The medical marijuana use registry must prevent an active registration of a qualified patient by multiple physicians.

(f) The department may revoke the registration of a qualified patient or caregiver who cultivates marijuana or who acquires, possesses, or delivers marijuana from any person or entity other than an MMTC ~~a medical marijuana treatment center~~.

(6) CAREGIVERS.—

(b) A caregiver must:

1. Not be a qualified physician and not be employed by or have an economic interest in a medical marijuana treatment center (MMTC) or a marijuana testing laboratory.

2. Be 21 years of age or older and a resident of this state.

3. Agree in writing to assist with the qualified patient's medical use of marijuana.

4. Be registered in the medical marijuana use registry as a

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caregiver for no more than one qualified patient, except as provided in this paragraph.

5. Successfully complete a caregiver certification course developed and administered by the department or its designee, which must be renewed biennially. The price of the course may not exceed $100.

6. Pass a level 2 background screening pursuant to chapter 435 ~~subsection (9)~~, unless the patient is a close relative of the caregiver. In addition to the disqualifying offenses specified in s. 435.04(2) and (3), a person may not serve as a caregiver if he or she has an arrest awaiting final disposition for; has been found guilty of, regardless of adjudication; or has entered a plea of nolo contendere or guilty to an offense under chapter 837, chapter 895, or chapter 896 or a similar law of another jurisdiction.

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

~~(a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.~~

~~1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are~~

Commented [GO4]: Revised because we took out the background screening requirements under subsection (9)

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~~authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017, and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).~~

~~2. The department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, under the following parameters:~~

~~a. As soon as practicable, but no later than August 1, 2017, the department shall license any applicant whose application was reviewed, evaluated, and scored by the department and which was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014; which had one or more administrative or judicial challenges pending as of January 1, 2017, or had a final ranking within one point of the highest final ranking in its region under former s. 381.986, Florida Statutes 2014; which meets the requirements of this section; and which provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating marijuana within 30 days after registration as a medical marijuana treatment center.~~

~~b. As soon as practicable, the department shall license one applicant that is a recognized class member of Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed~~

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~~under this sub-subparagraph is exempt from the requirement of subparagraph (b)2.~~

~~c. As soon as practicable, but no later than October 3, 2017, the department shall license applicants that meet the requirements of this section in sufficient numbers to result in 10 total licenses issued under this subparagraph, while accounting for the number of licenses issued under sub-subparagraphs a. and b.~~

~~3. For up to two of the licenses issued under subparagraph 2., the department shall give preference to applicants that demonstrate in their applications that they own one or more facilities that are, or were, used for the canning, concentrating, or otherwise processing of citrus fruit or citrus molasses and will use or convert the facility or facilities for the processing of marijuana.~~

~~4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.~~

~~5. Dispensing facilities are subject to the following requirements:~~

~~a. A medical marijuana treatment center may not establish or operate more than a statewide maximum of 25 dispensing facilities, unless the medical marijuana use registry reaches a~~

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~~total of 100,000 active registered qualified patients. When the medical marijuana use registry reaches 100,000 active registered qualified patients, and then upon each further instance of the total active registered qualified patients increasing by 100,000, the statewide maximum number of dispensing facilities that each licensed medical marijuana treatment center may establish and operate increases by five.~~

~~b. A medical marijuana treatment center may not establish more than the maximum number of dispensing facilities allowed in each of the Northwest, Northeast, Central, Southwest, and Southeast Regions. The department shall determine a medical marijuana treatment center's maximum number of dispensing facilities allowed in each region by calculating the percentage of the total statewide population contained within that region and multiplying that percentage by the medical marijuana treatment center's statewide maximum number of dispensing facilities established under sub-subparagraph a., rounded to the nearest whole number. The department shall ensure that such rounding does not cause a medical marijuana treatment center's total number of statewide dispensing facilities to exceed its statewide maximum. The department shall initially calculate the maximum number of dispensing facilities allowed in each region for each medical marijuana treatment center using county population estimates from the Florida Estimates of Population 2016, as published by the Office of Economic and Demographic Research, and shall perform recalculations following the official release of county population data resulting from each United States Decennial Census. For the purposes of this subparagraph:~~

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~~(I) The Northwest Region consists of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.~~

~~(II) The Northeast Region consists of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee, and Union Counties.~~

~~(III) The Central Region consists of Brevard, Citrus, Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia Counties.~~

~~(IV) The Southwest Region consists of Charlotte, Collier, DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee, Okeechobee, and Sarasota Counties.~~

~~(V) The Southeast Region consists of Broward, Miami-Dade, Martin, Monroe, and Palm Beach Counties.~~

~~c. If a medical marijuana treatment center establishes a number of dispensing facilities within a region that is less than the number allowed for that region under sub-subparagraph b., the medical marijuana treatment center may sell one or more of its unused dispensing facility slots to other licensed medical marijuana treatment centers. For each dispensing facility slot that a medical marijuana treatment center sells, that medical marijuana treatment center's statewide maximum number of dispensing facilities, as determined under sub-subparagraph a., is reduced by one. The statewide maximum number of dispensing facilities for a medical marijuana treatment center that purchases an unused dispensing facility slot is~~

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~~increased by one per slot purchased. Additionally, the sale of a dispensing facility slot shall reduce the seller's regional maximum and increase the purchaser's regional maximum number of dispensing facilities, as determined in sub-subparagraph b., by one for that region. For any slot purchased under this sub-subparagraph, the regional restriction applied to that slot's location under sub-subparagraph b. before the purchase shall remain in effect following the purchase. A medical marijuana treatment center that sells or purchases a dispensing facility slot must notify the department within 3 days of sale.~~

~~d. This subparagraph shall expire on April 1, 2020.~~

~~If this subparagraph or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end, the provisions of this subparagraph are severable.~~

~~(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement~~

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~~training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:~~

~~1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.~~

~~2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.~~

~~3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.~~

~~4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.~~

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~~5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.~~

~~6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.~~

~~7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.~~

~~a. Upon approval, the applicant must post a $5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a $2 million performance bond.~~

~~b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the administration of this section.~~

~~8. That all owners, officers, board members, and managers~~

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~~have passed a background screening pursuant to subsection (9).~~

~~9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.~~

~~10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:~~

~~a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;~~

~~b. Efforts to recruit minority persons and veterans for employment; and~~

~~c. A record of contracts for services with minority business enterprises and veteran business enterprises.~~

~~(c) A medical marijuana treatment center may not make a wholesale purchase of marijuana from, or a distribution of marijuana to, another medical marijuana treatment center, unless the medical marijuana treatment center seeking to make a wholesale purchase of marijuana submits proof of harvest failure to the department.~~

(a)~~(d)~~ Department responsibilities.—The department shall do all of the following:

1. Adopt by rule all of the following:

a. Operating standards for the cultivation, processing, packaging, and labeling of marijuana.

b. Standards for the sale of marijuana.

c. Procedures and requirements for all of the following:

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(I) The registration and registration renewal of medical marijuana treatment centers (MMTCs).

(II) The issuance and renewal of cultivation, processing, retail, and transportation operating licenses.

(III) The issuance and renewal of cultivation, processing, dispensing, and storage facility permits and of vehicle permits.

(IV) The registration of all principals, employees, and contractors of an MMTC who will participate in the operations of the MMTC.

(V) The issuance of MMTC employee identification cards to registered principals, employees, and contractors of MMTCs.

2. Establish, maintain, and control a computer software tracking system that traces marijuana from seed to sale and allows real-time, 24-hour access by the department to data from all MMTCs ~~medical marijuana treatment centers~~ and marijuana testing laboratories. The tracking system must allow for integration of other seed-to-sale systems and, at a minimum, include notification of when marijuana seeds are planted, when marijuana plants are harvested and destroyed, and when marijuana is transported, sold, stolen, diverted, or lost. Each MMTC must ~~medical marijuana treatment center shall~~ use the seed-to-sale tracking system established by the department or integrate its own seed-to-sale tracking system with the seed-to-sale tracking system established by the department. Each MMTC ~~medical marijuana treatment center~~ may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system. The department may contract with a vendor to establish the seed-to-sale tracking system. The vendor selected by the department may not have a contractual relationship with the department to

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perform any services pursuant to this section other than the seed-to-sale tracking system. The vendor may not have a direct or indirect financial interest in an MMTC ~~a medical marijuana treatment center~~ or a marijuana testing laboratory.

(b) Registration.—

1. The department shall adopt by rule an MMTC registration form that must require at least all of the following:

a. The applicant's full legal name.

b. The physical address of each location where the applicant will apply for a facility permit to cultivate, process, dispense, or store marijuana.

c. The name, address, and date of birth of the applicant's principals.

d. The name, address, and date of birth of the applicant's current employees and contractors who will participate in the operations of the MMTC.

e. The operation or operations in which the applicant intends to engage, which may include one or more of the following:

(I) Cultivation.

(II) Processing.

(III) Retail sales.

(IV) Transportation.

2. To be registered as an MMTC, an applicant must submit all of the following to the department:

a. The applicant's completed registration form.

b. Personnel registration application forms, as described in subsection (9), for all principals, employees, and contractors listed on the applicant's registration form who will

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participate in the operations of the MMTC. The department may not register the applicant as an MMTC until all principals, employees, and contractors listed on the applicant's registration form have registered with the department and are issued MMTC employee identification cards.

c. Proof that all principals listed on the applicant's registration form who will not participate in the operations of the MMTC have passed a level 2 background screening pursuant to chapter 435 within the previous year.

d. Proof that the MMTC has the capability to comply with seed-to-sale tracking system requirements.

e. Proof of the applicant's financial ability to maintain operations for the duration of the registration.

f. A $500,000 performance and compliance bond, or a $1 million performance and compliance bond if the MMTC intends to cultivate or process marijuana, which will be forfeited if the MMTC fails to comply with:

(I) Registration requirements in this subsection during the registration period; or

(II) Material requirements of this section which are applicable to the functions the applicant intends to perform, as indicated on the registration form.

3. A registration expires 2 years after the date it is issued.

4. In addition to obtaining registration pursuant to this paragraph, an MMTC must obtain an operating license for each operation it will perform as provided in paragraph (c), paragraph (d), or paragraph (f), as applicable.

(c) Cultivation licenses and processing licenses.—

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1. A registered MMTC may apply for a cultivation license or a processing license. When applying, the MMTC shall provide the department with at least all of the following:

a. A completed cultivation license or processing license application form.

b. The physical address of each location where marijuana will be cultivated, processed, or stored.

c. As applicable to the requested license or licenses:

(I) Proof of an established infrastructure, or the ability to establish an infrastructure in a reasonable amount of time, which is designed for cultivation, processing, testing, packaging, and labeling marijuana; maintaining the infrastructure's security; and preventing the theft or diversion of any marijuana.

(II) Proof that the applicant possesses the technical and technological ability to cultivate and test or process and test marijuana.

d. Proof of operating procedures designed to secure and maintain accountability for all marijuana and marijuana-related byproducts that come into the applicant's possession, and to comply with the required seed-to-sale tracking system.

2. Cultivation licenses and processing licenses expire 2 years after the date they are issued. To renew a license, the licensee must meet all of the requirements for initial licensure; must provide all of the documentation required under subparagraph 1.; and must not have any uncorrected substantial violations of the standards adopted by department rule for the cultivation, processing, testing, packaging, and labeling of marijuana.

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3. Before beginning cultivation or processing at any location, the licensee must obtain a facility permit from the department for that location pursuant to paragraph (g).

4. Licensees under this subsection may use contractors to assist with the cultivation or processing of marijuana, as applicable, but the licensee is ultimately responsible for all of the operations performed by each contractor relating to the cultivation or processing of marijuana and is responsible for maintaining physical possession of the marijuana at all times. All work done by a contractor must be performed at a location that has a facility permit issued by the department. A licensee using a contractor must register any principal or employee of a contractor who will be participating in the operations of the licensee as provided in subsection (9). Such principal or employee may not begin participating in the operations of the licensee until he or she has received an MMTC employee identification card from the department.

5. All marijuana byproducts that cannot be processed or reprocessed must be destroyed by the cultivation licensee or the processing licensee or their respective contractors within 30 days after the production of the byproducts.

6. Licensees under this subsection may wholesale marijuana only to other registered MMTCs. Before wholesaling marijuana, the wholesaling MMTC shall provide the purchasing MMTC with documentation showing that the marijuana meets the testing, packaging, and labeling requirements of this section. The purchasing MMTC shall review such documentation to determine that the marijuana is in compliance with this section before taking possession of the marijuana.

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7. Transportation or delivery of marijuana outside of the property owned by a licensee under this subsection may be performed only by an MMTC that holds a transportation license issued pursuant to paragraph (f).

~~(c) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and~~

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~~subparagraphs (b)1. and 2.~~

~~1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana treatment center. To accommodate a change in ownership:~~

~~a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.~~

~~b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days before the date of change of ownership.~~

~~c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.~~

~~d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application shall be deemed incomplete and shall be withdrawn from further consideration and the fees shall be forfeited.~~

~~Within 30 days after the receipt of a complete application, the department shall approve or deny the application.~~

~~2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds~~

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~~with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.~~

~~3. A medical marijuana treatment center may not enter into any form of profit-sharing arrangement with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.~~

~~4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9).~~

~~5. Each medical marijuana treatment center must adopt and enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.~~

8.~~6.~~ When growing marijuana, a licensed cultivation MMTC ~~medical marijuana treatment center~~:

a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

b. Shall ~~Must~~ grow marijuana within an enclosed permitted cultivation facility ~~structure~~ and in a room separate from any other plant.

c. Shall ~~Must~~ inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter

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581 and any rules adopted thereunder.

d. Shall ~~Must~~ perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

~~7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.~~

9.~~8.~~ An MMTC ~~A medical marijuana treatment center~~ that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. ~~Edibles may not contain more than 200 milligrams of tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles may have a tetrahydrocannabinol potency variance of no greater than 15 percent. Edibles may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. MMTCs ~~Medical marijuana treatment centers~~ may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

~~9. Within 12 months after licensure, a medical marijuana~~

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~~treatment center must demonstrate to the department that all of its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection until it demonstrates to the department that such facility has met this requirement.~~

~~10. A medical marijuana treatment center that produces prerolled marijuana cigarettes may not use wrapping paper made with tobacco or hemp.~~

10.~~11.~~ When processing marijuana, a licensed processing MMTC shall ~~medical marijuana treatment center must~~:

a. Process the marijuana within an enclosed permitted processing facility ~~structure~~ and in a room separate from other plants or products.

b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans. The department shall determine by rule the requirements for the ~~medical marijuana treatment centers to~~ use of such solvents or gases by MMTCs ~~exhibiting potential toxicity to humans~~.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

Commented [GO5]: This was added last year and was missing from the draft you sent -- does the Senator want to strike it or keep it as-is in standing text? We've struck it for now, but please advise if the Senator wants to keep it as-is.

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d. Test the processed marijuana using a medical marijuana testing laboratory before it is sold or dispensed. Results must be verified and signed by two MMTC ~~medical marijuana treatment center~~ employees. Before selling, wholesaling, or dispensing, the MMTC shall ~~medical marijuana treatment center must~~ determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select a random sample from edibles available for purchase in a dispensing facility, which must ~~shall~~ be tested by the department to determine that the edible meets the potency requirements of this section and~~,~~ is safe for human consumption~~,~~ and that the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate. An MMTC ~~A medical marijuana treatment center~~ may not require payment from the department for the sample. An MMTC shall ~~A medical marijuana treatment center must~~ recall edibles,

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including all edibles made from the same batch of marijuana, which fail to meet the potency requirements of this section, which are unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. An MMTC shall ~~The medical marijuana treatment center must~~ retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. An MMTC shall ~~The medical marijuana treatment center must~~ contract with a marijuana testing laboratory to perform audits on the MMTC's ~~medical marijuana treatment center's~~ standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. An MMTC ~~A medical marijuana treatment center~~ shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. An MMTC ~~A medical marijuana treatment center~~ may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification~~, but in no event later than July 1, 2018~~.

e. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

f. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

(I) That the marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.

(II) The name of the MMTC ~~medical marijuana treatment~~

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~~center~~ from which the marijuana originates.

(III) The batch number and harvest number from which the marijuana originates and the date that the marijuana is sold or dispensed.

(IV) ~~The name of the physician who issued the physician certification.~~

~~(V) The name of the patient.~~

~~(VI)~~ The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products marketed by or to children.

(V) ~~(VII)~~ The recommended dose.

(VI) ~~(VIII)~~ A warning that it is illegal to transfer ~~medical~~ marijuana to a ~~another~~ person younger than 21 years of age.

(VII) ~~(IX)~~ A marijuana universal symbol developed by the department.

11. ~~12.~~ The MMTC that packages the marijuana ~~medical marijuana treatment center~~ shall include in each package an ~~a patient package~~ insert with information on the specific product dispensed related to:

a. Clinical pharmacology.

b. Indications and use.

c. Dosage and administration.

d. Dosage forms and strengths.

e. Contraindications.

f. Warnings and precautions.

g. Adverse reactions.

12. ~~13.~~ In addition to the packaging and labeling requirements specified in subparagraphs 10. and 11. ~~and 12.~~,

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marijuana in a form for smoking must be packaged in a sealed receptacle with a legible and prominent warning to keep the receptacle away from children and a warning that states that marijuana smoke contains carcinogens and may negatively affect health. Such receptacles for marijuana in a form for smoking must be plain, opaque, and white without depictions of the product or images other than the MMTC's ~~medical marijuana treatment center's~~ department-approved logo and the marijuana universal symbol.

13.~~14.~~ The department shall adopt rules to regulate the types, appearance, and labeling of marijuana delivery devices dispensed from an MMTC ~~a medical marijuana treatment center~~. The rules must require marijuana delivery devices to have an appearance consistent with medical use.

14.~~15.~~ Each edible must ~~shall~~ be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. ~~Where practical,~~ Each edible must ~~shall~~ be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs 10. and 11. ~~and 12.~~, edible receptacles must be plain, opaque, and white without depictions of the product or images other than the MMTC's ~~medical marijuana treatment center's~~ department-approved logo and the marijuana universal symbol. The receptacle must also include a list of all the edible's ingredients, storage instructions, information on the estimated amount of time for the edible to take effect, an expiration date, a legible and prominent warning to keep the receptacle away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

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(d) Retail licenses.—

1. A registered MMTC may apply for a retail license. When applying, the MMTC must provide the department with at least all of the following:

a. A completed retail license application form.

b. A statement by the applicant which indicates whether the applicant intends to dispense by delivery. A retail licensee may not deliver marijuana without also obtaining a transportation license pursuant to paragraph (f).

c. The physical address of each location where the applicant will dispense or store marijuana.

d. Identifying information for all other current or previous retail licenses held by the applicant or any of the applicant's principals.

e. Proof of operating procedures designed to secure and maintain accountability for all marijuana that the applicant receives and possesses, to ensure that only the allowed amount of marijuana is sold or dispensed, to ensure that the specified type of marijuana is correctly dispensed to a qualified patient or his or her caregiver pursuant to a physician certification, and to monitor the medical marijuana patient registry and electronically update the registry with dispensing information.

2. A retail license expires 2 years after the date it is issued. The retail licensee must apply for license renewal before the expiration date. To renew a license, a retail licensee must meet all of the requirements for initial licensure; must provide all of the documents required under paragraph (b); and must not have any outstanding substantial violations of the applicable standards adopted by department

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rule.

3. Before beginning to sell, dispense, or store marijuana, the licensee shall obtain a facility permit from the department for each location where marijuana will be sold, dispensed, or stored. If a facility's permit expires or is suspended or revoked, the MMTC must cease all applicable operations at that facility until the department inspects the facility and renews or reinstates the facility's permit.

4. A dispensing facility may not repackage or modify marijuana that has already been packaged for sale by a cultivation licensee or processing licensee, unless the repackaging is of unprocessed marijuana; is done in accordance with instructions from the cultivator; and is documented in the required seed-to-sale tracking system.

5. A retail licensee may contract with an MMTC that has a transportation license to transport marijuana between properties owned by the retail licensee, to deliver the marijuana for sale or dispensing, and to pick up returns of marijuana.

6. Onsite consumption or administration of marijuana at a dispensing facility is prohibited.

7.~~16.~~ When dispensing marijuana or a marijuana delivery device, a licensed retail MMTC ~~medical marijuana treatment center~~:

a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

b. May not dispense more than one ~~a~~ 70-day supply of

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marijuana within any 70-day period to a qualified patient or caregiver and~~.~~ may not dispense more than one 35-day supply of marijuana in a form for smoking within any 35-day period to a qualified patient or caregiver. A 35-day supply of marijuana in a form for smoking may not exceed 2.5 ounces unless an exception to this amount is approved by the department pursuant to paragraph (4)(f).

c. Shall require ~~Must have~~ the MMTC's ~~medical marijuana treatment center's~~ employee who dispenses the marijuana or a marijuana delivery device to enter into the medical marijuana use registry his or her name or unique employee identifier.

d. When dispensing to a qualified patient or caregiver, shall ~~must~~ verify that the qualified patient and, if applicable, the caregiver~~, if applicable,~~ each have an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card; that~~,~~ the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient;~~,~~ and that the physician certification has not already been filled.

e. When dispensing to a qualified patient or caregiver, shall label the marijuana or the marijuana delivery device with the name of the physician who issued the physician certification and the name of the patient for whom the certification was issued before it is dispensed.

f.~~e.~~ May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may ~~only~~ be dispensed only to the qualified patient's caregiver.

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g. May sell marijuana to an adult 21 years of age or older pursuant to s. 381.990, provided that the MMTC is registered with the Department of Business and Professional Regulation pursuant to that section. When selling marijuana pursuant to that section, the employee selling the marijuana must determine that the appearance of the buyer is such that a prudent person would believe the buyer to be 21 years of age or older or must carefully check the buyer's driver license, identification card issued by this state or another state of the United States, passport, or United States Armed Services identification card to determine the buyer's age. Other than for the purpose of determining a buyer's age, an MMTC may not request or store any personal information provided by the buyer.

h.~~f.~~ May not dispense or sell any ~~other type of cannabis,~~ alcohol~~,~~ or illicit drug-related product~~, including pipes or wrapping papers made with tobacco or hemp, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification~~.

i.~~g.~~ ~~Must,~~ Upon dispensing the marijuana or marijuana delivery device to a qualified patient or caregiver, shall record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

j.~~h.~~ Shall ~~Must~~ ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized MMTC ~~medical marijuana treatment center~~ employees.

Commented [GO6]: These changes were made last year and not in your draft. We've struck it since the surrounding language was struck in your draft. Please advise if the Senator does not want to strike this language.

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(e)~~(f)~~ Security.—To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, an MMTC ~~a medical marijuana treatment center~~ shall do all of the following:

1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms.~~; and~~

b. Maintain a video surveillance system that records continuously, 24 hours a day, and meets all of the following criteria:

(I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms.

(II) Cameras are fixed in entrances and exits to the premises in a place that allows recording~~, which shall record~~ from both indoor and outdoor, or ingress and egress, vantage points.

(III) Produces recorded images that ~~must~~ clearly and accurately display the time and date of recording.

c.~~(IV)~~ Retain video surveillance recordings for at least 45 days or longer upon the request of a law enforcement agency.

2. Ensure that the MMTC's ~~medical marijuana treatment center's~~ outdoor premises have sufficient lighting from dusk until dawn.

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3. Ensure that the indoor premises where dispensing occurs include ~~includes~~ a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and the area where dispensing occurs. An MMTC ~~A medical marijuana treatment center~~ may not display products or dispense marijuana or marijuana delivery devices in the waiting area.

4. Cease dispensing ~~Not dispense from its premises~~ marijuana or ~~a~~ marijuana delivery devices from its premises ~~device~~ between the hours of 11 p.m. ~~9 p.m.~~ and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.

5. Store marijuana in a secured, locked room or a vault.

6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises ~~at all times~~ where cultivation, processing, or storing of marijuana occurs, at all times.

7. Require each employee or contractor to wear a photo identification badge at all times while on the premises.

8. Require each visitor to wear a visitor pass at all times while on the premises.

9. Implement an alcohol and drug-free workplace policy.

10. Report to a local law enforcement agency within 24 hours after the MMTC ~~medical marijuana treatment center~~ is notified or becomes aware of the theft, diversion, or loss of marijuana.

(f) Transportation licenses; vehicle permits.—

1. A registered MMTC may apply for a transportation

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1248 license. When applying, the MMTC shall provide the department
1249 with at least all of the following:
1250 a. The physical address of the MMTC's place of business.
1251 b. Proof that the MMTC has a documentation system in
1252 accordance with the required seed-to-sale tracking system,
1253 including transportation manifests, for transporting marijuana
1254 between licensed facilities and to qualified patients.
1255 Transportation manifests may be electronically stored and
1256 presented.
1257 c. Proof of the MMTC's compliance with health and
1258 sanitation standards for the transportation of marijuana.
1259 d. Proof that all marijuana transported between licensed
1260 facilities will be transported in tamper-evident shipping
1261 containers.
1262 2. An MMTC with a transportation license may not transport
1263 marijuana on the property of an airport, a seaport, a spaceport,
1264 or any property of the Federal Government.
1265 3. An MMTC with a transportation license may transport
1266 marijuana and marijuana delivery devices only in a vehicle that
1267 is owned or leased by the MMTC or the MMTC's contractor and for
1268 which a valid vehicle permit has been issued by the department.
1269 4. An MMTC with a transportation license may obtain a
1270 vehicle permit upon submission of an application. The MMTC must
1271 designate as the driver for each permitted vehicle an employee
1272 or contracted employee who is registered with the department and
1273 who is authorized to possess marijuana when not on the property
1274 of the MMTC. Such designation must be displayed in the vehicle
1275 at all times. Each permitted vehicle must be GPS monitored. A
1276 vehicle permit remains valid and does not expire unless the MMTC

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or its contractor disposes of the permitted vehicle or the MMTC's registration or transportation license is transferred, canceled, not renewed, or revoked by the department. The department shall cancel a vehicle permit upon the request of the MMTC or its contractor.

5. When transporting marijuana, a permitted vehicle is subject to inspection and search without a search warrant by authorized employees of the department, sheriffs, deputy sheriffs, police officers, or other law enforcement officers to determine that the MMTC is operating in compliance with this section.

6. An MMTC with a transportation license may deliver, or contract for the delivery of, marijuana and marijuana delivery devices to other MMTCs, to qualified patients and caregivers within this state, and to adults 21 years of age or older within this state. A county or municipality may not prohibit deliveries of marijuana and marijuana delivery devices to qualified patients within the county or municipality. Deliveries may be made only to the qualified patient who placed the order or his or her caregiver. When delivering to a qualified patient or caregiver, an MMTC or its contractor shall verify the identity of the qualified patient upon placement of the delivery order and, again, upon delivery. When delivering marijuana to an adult 21 years of age or older, an MMTC or its contractor shall verify the age of the buyer upon placement of the order and, again, upon delivery. In order to verify the age of the buyer, the MMTC must determine that the appearance of the buyer is such that a prudent person would believe the buyer to be 21 years of age or older or must carefully check the buyer's driver license,

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identification card issued by this state or another state of the United States, passport, or United States Armed Services identification card to determine the buyer's age. The department shall adopt rules specific to the delivery of marijuana which include both of the following:

a. Procedures for verifying the age and identity of the person submitting and receiving a delivery, as appropriate, including required training for delivery personnel.

b. A maximum dispensary value for all marijuana and currency that may be in the possession of a registered MMTC employee or contractor while he or she makes a delivery. The maximum value established by rule may not be less than $5,000.

7. Licensees under this subsection may use contractors to assist with the transportation of marijuana, but the licensee is ultimately responsible for all of the actions and operations of each contractor relating to the transportation of marijuana and must know the location of all marijuana at all times. To participate in the operations of a licensee under this subsection, a principal or employee of a contractor contracted by the licensee must first register with the department and be issued an MMTC employee identification card.

(g) Facility permits.—

1. Before cultivating, processing, dispensing, or storing marijuana at any location, an MMTC shall apply to the department for the applicable facility permit for that facility. The department shall adopt by rule an application form. Upon receiving a request for a permit from a licensee, the department shall inspect the facility for compliance with this section and rules adopted hereunder, and, upon a determination of

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compliance, shall issue a permit to the facility. The department shall issue or deny a facility permit within 30 days after receiving the request for the permit.

2. A facility permit expires 2 years after the date it is issued. Each facility must be inspected by the department for compliance with this section and department rules before the facility's permit is renewed.

3. If a facility permit expires or is suspended or revoked, the MMTC must cease all applicable operations at that facility until the department inspects the facility and renews or reinstates the facility's permit.

4. Cultivation facilities and processing facilities:

a. Shall maintain insurance with at least $1 million of hazard and liability insurance per location; and

b. Must be secure, closed to the public, and, unless an ordinance allows the facility to be located closer, must be located at least 1,000 feet away from any existing public or private elementary or secondary school, a child care facility as defined in s. 402.302, or a licensed service provider offering substance abuse services.

5. All matters regarding the permitting and regulation of cultivation facilities and processing facilities, including the location of such facilities, are preempted to the state.

6. Dispensing facilities and storage facilities:

a. Shall maintain insurance with at least $500,000 of hazard and liability insurance for each facility where marijuana is dispensed or stored; and

b. Unless an ordinance allows the facility to be located closer, must be located at least 1,000 feet away from any

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existing public or private elementary or secondary school, child care facility as defined in s. 402.302, or licensed service provider offering substance abuse services.

7. The governing body of a county or municipality, by ordinance, may prohibit or limit the number of dispensing facilities located within its jurisdiction but may not prohibit an MMTC with a retail license or its permitted storage facility from being located within its jurisdiction if the licensee is delivering or contracting to deliver marijuana within that jurisdiction. The department may not issue a facility permit for a dispensing facility in a county or municipality in which the board of county commissioners or other local governing body, as applicable, has adopted such an ordinance. A county or municipality may not require, request, or accept financial contributions or similar benefits from MMTCs, but, in addition to other taxes authorized by law, a county or municipality may levy a local business tax on a dispensing facility. An ordinance adopted by a municipality or county pursuant to this paragraph may not do any of the following:

a. Provide exclusive access to one or several individuals or entities to operate dispensing facilities within the jurisdiction.

b. Prohibit specific individuals or entities from operating a dispensing facility within the jurisdiction if the ordinance allows dispensing facilities to operate in the jurisdiction.

c. Prohibit the delivery of marijuana within the jurisdiction by a properly licensed MMTC located within the jurisdiction.

8. The department may adopt by rule additional requirements

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for the permitting of cultivation, processing, dispensing, and storage facilities to ensure the sanitary, safe, and secure cultivation, processing, dispensing, storage, and sale of marijuana.

~~To ensure the safe transport of marijuana and marijuana delivery devices to medical marijuana treatment centers, marijuana testing laboratories, or qualified patients, a medical marijuana treatment center must:~~

~~1. Maintain a marijuana transportation manifest in any vehicle transporting marijuana. The marijuana transportation manifest must be generated from a medical marijuana treatment center's seed-to-sale tracking system and include the:~~

~~a. Departure date and approximate time of departure.~~

~~b. Name, location address, and license number of the originating medical marijuana treatment center.~~

~~c. Name and address of the recipient of the delivery.~~

~~d. Quantity and form of any marijuana or marijuana delivery device being transported.~~

~~e. Arrival date and estimated time of arrival.~~

~~f. Delivery vehicle make and model and license plate number.~~

~~g. Name and signature of the medical marijuana treatment center employees delivering the product.~~

~~(I) A copy of the marijuana transportation manifest must be provided to each individual, medical marijuana treatment center, or marijuana testing laboratory that receives a delivery. The individual, or a representative of the center or laboratory, must sign a copy of the marijuana transportation manifest acknowledging receipt.~~

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~~(II) An individual transporting marijuana or a marijuana delivery device must present a copy of the relevant marijuana transportation manifest and his or her employee identification card to a law enforcement officer upon request.~~

~~(III) Medical marijuana treatment centers and marijuana testing laboratories must retain copies of all marijuana transportation manifests for at least 3 years.~~

~~2. Ensure only vehicles in good working order are used to transport marijuana.~~

~~3. Lock marijuana and marijuana delivery devices in a separate compartment or container within the vehicle.~~

~~4. Require employees to have possession of their employee identification card at all times when transporting marijuana or marijuana delivery devices.~~

~~5. Require at least two persons to be in a vehicle transporting marijuana or marijuana delivery devices, and require at least one person to remain in the vehicle while the marijuana or marijuana delivery device is being delivered.~~

~~6. Provide specific safety and security training to employees transporting or delivering marijuana and marijuana delivery devices.~~

(h) Advertising.—An MMTC ~~A medical marijuana treatment center~~ may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:

1. An MMTC dispensing facility ~~The dispensing location of A medical marijuana treatment center~~ may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensing facility ~~dispensary~~ by the

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licensee's business name, a department-approved trade name, or a department-approved logo. An MMTC's ~~A medical marijuana treatment center's~~ trade name and logo may not contain wording or images commonly associated with marketing targeted toward children ~~or which promote recreational use of marijuana~~.

2. An MMTC ~~A medical marijuana treatment center~~ may engage in Internet advertising and marketing under the following conditions:

a. All advertisements must be approved by the department.

b. An advertisement may not have any content that specifically targets individuals under the age of 18, including cartoon characters or similar images.

c. An advertisement may not be an unsolicited pop-up advertisement.

d. Opt-in marketing must include an easy and permanent opt-out feature.

(i) Online retail catalogs.—Each retail MMTC ~~medical marijuana treatment center~~ that dispenses marijuana and marijuana delivery devices shall make available to the public on its website:

1. Each marijuana and low-THC product available for purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.

2. The price for a 30-day, 50-day, and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase.

3. The price for each marijuana delivery device available

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for purchase.

4. If applicable, any discount policies and eligibility criteria for such discounts.

(j) Sourcing of marijuana for medical use.—MMTCs ~~Medical marijuana treatment centers~~ are the sole source from which a person ~~qualified patient~~ may legally obtain marijuana.

(k) Rulemaking.—The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(9) MEDICAL MARIJUANA TREATMENT CENTER PERSONNEL; REGISTRATION; EMPLOYEE IDENTIFICATION CARDS.—

(a) The department shall adopt rules to administer the registration of medical marijuana treatment center (MMTC) principals, employees, and contractors who participate in the operations of an MMTC. Before hiring or contracting with any individual who is not registered with the department or who does not possess a current MMTC employee identification card, an MMTC must apply to the department to register that person as an MMTC employee. The department shall adopt by rule a form for such applications for registration, which must require the applicant to provide all of the following:

1. His or her full legal name, social security number, date of birth, and home address.

2. A full-face, passport-type, color photograph of the applicant taken within the 90 days immediately preceding submission of the application.

3. Proof that he or she has passed a level 2 background screening pursuant to chapter 435 within the previous year.

4. An indication as to whether the applicant will be authorized by the MMTC to possess marijuana while not on MMTC

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property.

(b) Once the department has received a completed application form from an MMTC, the department shall register the principal, employee, or contractor associated with the MMTC and issue him or her an MMTC employee identification card that, at a minimum, includes all of the following:

1. The employee's name and the name of the MMTC that employs him or her.

2. The employee's photograph, as required under paragraph (a).

3. The expiration date of the card, which must be 1 year after the date it is issued.

4. An indication of whether the employee is authorized by the MMTC to possess marijuana while not on MMTC property.

(c) If any information provided to the department for the registration of an MMTC principal, employee, or contractor or in the application for an MMTC employee identification card changes or if the registered person's employment status with the MMTC changes, the registered person and the MMTC must provide the department with the new information or status within 7 days after the change.

(d) The department may contract with one or more vendors for the purpose of issuing MMTC employee identification cards under this subsection.

~~BACKGROUND SCREENING.—An individual required to undergo a background screening pursuant to this section must pass a level 2 background screening as provided under chapter 435, which, in addition to the disqualifying offenses provided in s. 435.04, shall exclude an individual who has an arrest awaiting final~~

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~~disposition for, has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to an offense under chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction.~~

~~(a) Such individual must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.~~

~~(b) Fees for state and federal fingerprint processing and retention shall be borne by the individual. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(c) for records provided to persons or entities other than those specified as exceptions therein.~~

~~(c) Fingerprints submitted to the Department of Law Enforcement pursuant to this subsection shall be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification program. Any arrest record identified shall be reported to the department.~~

(10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS; ADMINISTRATIVE ACTIONS.—

(a) ~~The department shall conduct announced or unannounced inspections of medical marijuana treatment centers to determine compliance with this section or rules adopted pursuant to this~~

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~~section.~~

~~(b) The department shall inspect a medical marijuana treatment center~~ Upon receiving a complaint or notice that a ~~the~~ medical marijuana treatment center (MMTC) has dispensed marijuana containing mold, bacteria, or another ~~other~~ contaminant that may cause or has caused an adverse effect to human health or the environment, the department shall inspect the MMTC, its facilities, and, as appropriate, any cultivation or processing facility of the MMTC from which the batch of marijuana was purchased.

(b) ~~(c)~~ The department shall conduct at least a biennial inspection of each MMTC ~~medical marijuana treatment center~~ to evaluate its ~~the medical marijuana treatment center's~~ records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(c) The department shall conduct at least a biennial inspection of each permitted facility. The department may conduct additional announced or unannounced inspections of a permitted facility within reasonable hours in order to ensure compliance with this section and rules adopted hereunder.

(d) The Department of Agriculture and Consumer Services and the department shall enter into an interagency agreement to ensure cooperation and coordination in the performance of their obligations under this section and their respective regulatory and authorizing laws. The department, the Department of Highway Safety and Motor Vehicles, and the Department of Law Enforcement may enter into interagency agreements for the purposes specified in this subsection or subsection (7).

(e) The department shall publish a list of all approved

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MMTCs ~~medical marijuana treatment centers~~, medical directors, and qualified physicians on its website.

(f) The department may impose administrative penalties, including reasonable fines not to exceed $10,000, on an MMTC ~~a medical marijuana treatment center~~ for any of the following violations:

1. Violating this section or department rule.

2. Failing to maintain qualifications for approval.

3. Endangering the health, safety, or security of a qualified patient or an adult purchasing marijuana pursuant to s. 381.990.

4. Improperly disclosing personal and confidential information of the qualified patient.

5. Attempting to procure MMTC ~~medical marijuana treatment center~~ approval by bribery, fraudulent misrepresentation, or extortion.

6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of an MMTC ~~a medical marijuana treatment center~~.

7. Making or filing a report or record that the MMTC ~~medical marijuana treatment center~~ knows to be false.

8. Willfully failing to maintain a record required by this section or department rule.

9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties.

10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of an MMTC ~~a medical~~

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~~marijuana treatment center~~.

11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of an MMTC ~~a medical marijuana treatment center~~.

12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of an MMTC ~~a medical marijuana treatment center~~ suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.

13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

14. Failing to adequately determine the age of a buyer who is not a qualified patient or caregiver.

(g) The department may suspend, revoke, or refuse to renew an MMTC's registration, operating licenses, and any vehicle permits or facility permits ~~a medical marijuana treatment center license~~ if the MMTC ~~medical marijuana treatment center~~ commits any of the violations specified in paragraph (f).

(h) The department shall refuse to renew the cultivation, processing, retail, or transportation license of an MMTC that has been issued such a license and has not begun to cultivate, process, dispense, or transport marijuana, as applicable, by the date that the MMTC is required to renew such license.

(i)~~(h)~~ The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(11) PREEMPTION.—Regulation of cultivation, processing, and

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delivery of marijuana by medical marijuana treatment centers (MMTCs) is preempted to the state except as provided in this subsection.

(a) An MMTC ~~A medical marijuana treatment center~~ cultivating or processing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school.

(b)1. A county or municipality may, by ordinance, ban MMTC ~~medical marijuana treatment center~~ dispensing facilities from being located within the boundaries of that county or municipality. A county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality.

2. A municipality may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, MMTC ~~medical marijuana treatment center~~ dispensing facilities located within the boundaries of that municipality. A county may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, all such dispensing facilities located within the unincorporated areas of that county. Except as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465. A municipality or county may not charge an MMTC ~~a medical marijuana treatment center~~ a license or permit

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fee in an amount greater than the fee charged by such municipality or county to pharmacies. A dispensing facility location approved by a municipality or county pursuant to former s. 381.986(8)(b), Florida Statutes 2016, is not subject to the location requirements of this subsection.

(c) An MMTC ~~A medical marijuana treatment center~~ dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community.

(d) This subsection does not prohibit any local jurisdiction from ensuring that MMTCs ~~medical marijuana treatment center~~ facilities comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code.

(12) PENALTIES.—

(a) A qualified physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if he or she ~~the qualified physician~~ issues a physician certification for the medical use of marijuana for a patient without a reasonable belief that the patient is suffering from a qualifying medical condition.

(b) A person who fraudulently represents that he or she has a qualifying medical condition to a qualified physician for the purpose of being issued a physician certification commits a

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misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c)1. A person ~~qualified patient~~ who uses marijuana, not including low-THC cannabis, or a caregiver who administers marijuana, not including low-THC cannabis, in plain view of or in a place open to the general public is subject to a civil fine not exceeding $100.

2. A person who uses marijuana, not including low-THC cannabis, ~~;~~ in a school bus, a vehicle, an aircraft, or a boat; or on the grounds of a school except as provided in s. 1006.062, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A person ~~qualified patient or caregiver~~ who cultivates marijuana or who purchases ~~or acquires~~ marijuana from any person or entity other than a medical marijuana treatment center (MMTC) violates s. 893.13 and is subject to the penalties provided therein.

Commented [GO7]: Revised per CJ Committee

~~(e)1. A qualified patient or caregiver in possession of marijuana or a marijuana delivery device who fails or refuses to present his or her marijuana use registry identification card upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless it can be determined through the medical marijuana use registry that the person is authorized to be in possession of that marijuana or marijuana delivery device.~~

~~2. A person charged with a violation of this paragraph may not be convicted if, before or at the time of his or her court or hearing appearance, the person produces in court or to the clerk of the court in which the charge is pending a medical~~

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~~marijuana use registry identification card issued to him or her which is valid at the time of his or her arrest. The clerk of the court is authorized to dismiss such case at any time before the defendant's appearance in court. The clerk of the court may assess a fee of $5 for dismissing the case under this paragraph.~~

(e) ~~(f)~~ A caregiver who violates any of the applicable provisions of this section or applicable department rules, for the first offense, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and, for a second or subsequent offense, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(f) ~~(g)~~ A qualified physician who issues a physician certification for marijuana or a marijuana delivery device and receives compensation from an MMTC ~~a medical marijuana treatment center~~ related to the issuance of a physician certification for marijuana or a marijuana delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1)(n).

(g) ~~(h)~~ A person transporting marijuana or marijuana delivery devices on behalf of an MMTC ~~a medical marijuana treatment center~~ or marijuana testing laboratory who fails or refuses to present a transportation manifest, whether in paper or electronic format, upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(h) ~~(i)~~ Persons and entities conducting activities authorized and governed by this section and s. 381.988 are subject to ss. 456.053, 456.054, and 817.505, as applicable.

(i) ~~(j)~~ A person or entity that cultivates, processes,

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distributes, sells, or dispenses marijuana, as defined in s. 29(b)(4), Art. X of the State Constitution, and is not licensed as an MMTC ~~a medical marijuana treatment center~~ violates s. 893.13 and is subject to the penalties provided therein. This paragraph does not apply to a transfer of marijuana products or marijuana which is authorized by this section, s. 381.990, or s. 893.13.

(j) ~~(k)~~ A person who manufactures, distributes, sells, gives, or possesses with the intent to manufacture, distribute, sell, or give marijuana or a marijuana delivery device that he or she holds out to have originated from a licensed MMTC ~~medical marijuana treatment center~~ but that is counterfeit commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term "counterfeit" means marijuana; a marijuana delivery device; or a marijuana or marijuana delivery device container, seal, or label which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a licensed MMTC ~~medical marijuana treatment center~~ and which thereby falsely purports or is represented to be the product of, or to have been distributed by, that licensed MMTC ~~medical marijuana treatment facility~~.

(k) ~~(l)~~ Any person who possesses or manufactures a blank, forged, stolen, fictitious, fraudulent, counterfeit, or otherwise unlawfully issued medical marijuana use registry identification card commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or

Commented [GO8]: Added per CJ Committee

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any other ~~provision of~~ law, but subject to the requirements of this section, a qualified patient and the qualified patient's caregiver may purchase from a medical marijuana treatment center (MMTC) for the patient's medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than a 70-day supply of marijuana, or the greater of 4 ounces of marijuana in a form for smoking or an amount of marijuana in a form for smoking approved by the department pursuant to paragraph (4)(f), at any given time and all marijuana purchased must remain in its original packaging.

(b) Notwithstanding paragraph (a), s. 893.13, s. 893.135, s. 893.147, or any other ~~provision of~~ law, a qualified patient and the qualified patient's caregiver may purchase and possess a marijuana delivery device intended for the medical use of marijuana by smoking from a vendor other than an MMTC ~~a medical marijuana treatment center~~.

(c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other ~~provision of~~ law, but subject to the requirements of this section, an approved MMTC ~~medical marijuana treatment center~~ and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of marijuana or a marijuana delivery device as provided in this section, s. 381.988, s. 381.990, and by department rule. For the purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

(e) A licensed MMTC ~~medical marijuana treatment center~~ and its owners, managers, and employees are not subject to licensure

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or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of marijuana or a marijuana delivery device, as provided in this section, in s. 381.988, and by department rule.

~~(17) Rules adopted pursuant to this section before July 1, 2020, are not subject to ss. 120.54(3)(b) and 120.541. Notwithstanding paragraph (8)(e), a medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification pursuant to s. 381.988, but in no event later than July 1, 2020. This subsection expires July 1, 2020.~~

Section 3. Section 381.990, Florida Statutes, is created to read:

381.990 Adult use of marijuana.—

(1) A person 21 years of age or older may purchase marijuana products containing up to 2,000 milligrams of tetrahydrocannabinol; up to 2.5 ounces of marijuana in a form for smoking; and one or more marijuana delivery devices, as defined in s. 381.986, provided that such marijuana products, marijuana, and marijuana delivery devices are purchased from a medical marijuana treatment center (MMTC) that is licensed by the department pursuant to s. 381.986 for the retail sale of marijuana and is registered by the Department of Business and Professional Regulation for the sale of marijuana for adult use. A violation of this subsection is punishable as provided in s. 893.13.

(2) A person who purchases marijuana products, marijuana in

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a form for smoking, or marijuana delivery devices in accordance with subsection (1) may possess, use, transport, and transfer, without consideration, to a person 21 years of age or older such products or devices. However, a person may not possess at any given time marijuana products that contain, in total, more than 2,000 milligrams of tetrahydrocannabinol or more than 4.0 ounces of marijuana in a form for smoking. A violation of this subsection is punishable as provided in s. 893.13.

(3) This section does not limit the ability of a private property owner to restrict the smoking or vaping of marijuana on his or her private property; however, a landlord may not prevent his or her tenants from possessing or using marijuana by other means.

(4) This section does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the use of marijuana or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

Section 4. Effective July 1, 2020, the Department of Agriculture and Consumer Services shall conduct a study on the potential harms and benefits of allowing the cultivation of marijuana by members of the public for private use, including the use of a cooperative model. The department shall report the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2021.

Section 5. Subsection (3) and paragraphs (a) and (b) of subsection (6) of section 893.13, Florida Statutes, are amended to read:

Commented [GO9]: Revised per CJ Committee

Commented [GO10]: Added since we changed effective date to January 1, 2021. Please advise if you would rather this report be due July 1, 2021.

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893.13 Prohibited acts; penalties.—

(3)(a) A person 21 years of age or older may deliver, without consideration, to another person 21 years of age or older:

1. Marijuana products that contain a total of 2,000 milligrams or less of tetrahydrocannabinol; and

2. A quantity of 2.5 ounces or less of cannabis, as defined in this chapter.

(b) A person younger than 21 years of age who delivers, without consideration, to another person marijuana products that contain a total of 2,000 milligrams or less of tetrahydrocannabinol or a quantity of 2.5 ounces or less of cannabis, as defined in this chapter, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for a first conviction of a violation of this paragraph and commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a second or subsequent conviction of a violation of this paragraph ~~who delivers, without consideration, 20 grams or less of cannabis, as defined in this chapter, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. As used in this subsection, the term "cannabis" does not include the resin extracted from the plants of the genus Cannabis or any compound manufacture, salt, derivative, mixture, or preparation of such resin~~.

(6)(a) Except as otherwise provided in this subsection, a person may not be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner or pursuant to a valid

Commented [GO11]: Section added

Commented [GO12R12]: May need to revise the offense severity ranking chart – we're looking into this now.

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

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prescription or order of a practitioner while acting in the course of his or her professional practice or to be in actual or constructive possession of a controlled substance except as otherwise authorized by this chapter. A person who violates this provision commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b)1. A person 21 years of age or older may possess marijuana products that contain a total of 2,000 milligrams or less of tetrahydrocannabinol and may possess 4.0 ounces or less of cannabis, as defined in this chapter ~~If the offense is the possession of 20 grams or less of cannabis, as defined in this chapter, the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. As used in this subsection, the term "cannabis" does not include the resin extracted from the plants of the genus Cannabis, or any compound manufacture, salt, derivative, mixture, or preparation of such resin~~.

2. A person under 21 years of age who possesses marijuana products that contain a total of 2,000 milligrams or less of tetrahydrocannabinol or who possesses 4 ounces or less of cannabis, as defined in this chapter, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for a first conviction of a violation of this paragraph, and a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a second or subsequent conviction of a violation of this paragraph.

Section 6. Section 893.1352, Florida Statutes, is created to read:

893.1352 Retroactive application of s. 893.13.—

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(1) It is the intent of the Legislature to retroactively apply amendments to s. 893.13 to certain persons who were convicted of possession of cannabis, before January 1, 2021.

(2) As used in this section, a reference to "former s. 893.13, Florida Statutes 2020," is a reference to s. 893.13 as it existed at any time before January 1, 2021.

(3)(a) A person who was convicted of a violation of former s. 893.13, Florida Statutes 2020, by possessing 4 ounces or less of cannabis as defined in chapter 893, but was not sentenced under that section before January 1, 2021, must be sentenced in accordance with s. 775.082, s. 775.083, or s. 775.084, for the degree of offense as provided for in s. 893.13.

(b) A person who was convicted of a violation of former s. 893.13, Florida Statutes 2020, by possessing 4 ounces or less of cannabis as defined in chapter 893, was sentenced before January 1, 2021, to a term of imprisonment or probation pursuant to former s. 893.13, Florida Statutes 2020, and who is serving the term of imprisonment or probation on or after January 1, 2021, must have an opportunity for a sentence review hearing. If the person requests a sentence review hearing, he or she must be resentenced in accordance with paragraph (c).

(c) Resentencing under this section must occur in the following manner:

1. The Department of Corrections shall notify the person described in paragraph (b) of his or her eligibility to request a sentence review hearing.

2. A person seeking sentence review under this section may submit an application to the court of original jurisdiction requesting that a sentence review hearing be held. The

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sentencing court retains original jurisdiction for the duration of the sentence for the purpose of this review.

3. A person who is eligible for a sentence review hearing under this section is entitled to representation by legal counsel. If the person is indigent and unable to employ counsel, the court shall appoint counsel under s. 27.52. Determination of indigence and costs of representation is as provided in ss. 27.52 and 938.29.

4. Upon receipt of a request for a sentence review hearing, the court of original jurisdiction shall hold such a hearing to determine if the person meets the criteria for resentencing under this section. If the court determines by a preponderance of the evidence that the person is currently serving a sentence for a violation of former s. 893.13, Florida Statutes 2020, and that the violation was for possession of cannabis in the amount of 4 ounces or less, the court shall resentence the person in accordance with this section. If the court determines that the person does not meet the criteria for resentencing under this section, the court must provide written findings as to why the person does not meet the criteria.

5. If the court finds that the underlying facts of the person's conviction that is subject to resentencing are classified as a crime under s. 893.13, the person must be resentenced to a term that would not exceed the maximum sentence provided by that section. The person is entitled to receive credit for his or her time served.

6. If the court finds that the underlying facts of the person's conviction that is subject to resentencing are not classified as a crime under s. 893.13, the person must be

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resentenced to time served and released from supervision as soon as reasonably possible.

(4) Notwithstanding any other law, a person who has been convicted of a crime under former s. 893.13, Florida Statutes 2020, and whose offense would not be classified as a crime under s. 893.13, must have all fines, fees, and costs related to such conviction waived.

Section 7. Present subsections (5), (6), and (7) of section 893.147, Florida Statutes, are redesignated as subsections (6), (7), and (8), respectively, a new subsection (5) is added to that section, and subsections (1), (2), and (4) of that section are amended, to read:

893.147 Use, possession, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia, specified machines, and materials.—

(1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as provided in subsection (5), it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia:

(a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter; or

(b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

Any person who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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(2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except as provided in subsection (5), it is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

(a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this act; or

(b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this act.

Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as provided in subsection (5), it is unlawful to use, possess with the intent to use, or manufacture with the intent to use drug paraphernalia, knowing or under circumstances in which one reasonably should know that it will be used to transport:

(a) A controlled substance in violation of this chapter; or

(b) Contraband as defined in s. 932.701(2)(a)1.

Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) ACTS INVOLVING A MARIJUANA DELIVERY DEVICE.—

(a) A person 21 years of age or older may possess, use,

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transport, or deliver, without consideration, to a person 21 years of age or older a marijuana delivery device, as defined in s. 381.986.

(b) A person younger than 21 years of age who possesses, uses, transports, or delivers, without consideration, to a person 21 years of age or older a marijuana delivery device, as defined in s. 381.986, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 for a first conviction of a violation of this paragraph, and a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a second or subsequent conviction of a violation of this paragraph.

Section 8. Section 943.0586, Florida Statutes, is created to read:

943.0586 Cannabis expunction.—

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

(a) "Cannabis" has the same meaning as provided in chapter 893.

(b) "Expunction" has the same meaning and effect as provided in s. 943.0585.

(c) "Former s. 893.13, Florida Statutes 2020," is a reference to s. 893.13 as it existed at any time before January 1, 2021.

(2) ELIGIBILITY.—Notwithstanding any other law, a person is eligible to petition a court to expunge a criminal history record for the conviction of former s. 893.13, Florida Statutes 2020, if:

(a) The person received a withhold of adjudication or adjudication of guilt for a violation of former 893.13, Florida

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Statutes 2020, for the possession of cannabis;

(b) The person possessed 4 ounces or less of cannabis; and

(c) The person is no longer under court supervision related to the disposition of arrest or alleged criminal activity for which the petition to expunge pertains.

(3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court to expunge a criminal history record under this section, a person seeking to expunge a criminal history record must apply to the department for a certificate of eligibility for expunction. The department shall adopt rules to establish procedures for applying for and issuing a certificate of eligibility for expunction.

(a) The department shall issue a certificate of eligibility for expunction to a person who is the subject of a criminal history record under this section, if that person:

1. Satisfies the eligibility criteria in subsection (2);

2. Has submitted to the department a written certified statement from the appropriate state attorney or statewide prosecutor which confirms the criminal history record complies with the criteria in subsection (2);

3. Has submitted to the department a certified copy of the disposition of the charge to which the petition to expunge pertains; and

4. Remits a $75 processing fee to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless the executive director waives such fee.

(b) A certificate of eligibility for expunction is valid for 12 months after the date of issuance stamped by the department on the certificate. After that time, the petitioner

Commented [GO16]: Fee bill needed - could also consider removing this fee

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must reapply to the department for a new certificate of eligibility. The petitioner's status and the law in effect at the time of the renewal application determine the petitioner's eligibility.

(4) PETITION.—Each petition to expunge a criminal history record must be accompanied by:

(a) A valid certificate of eligibility issued by the department.

(b) The petitioner's sworn statement that he or she:

1. Satisfies the eligibility requirements for expunction in subsection (2); and

2. Is eligible for expunction to the best of his or her knowledge.

(5) PENALTIES.—A person who knowingly provides false information on such sworn statement commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) COURT AUTHORITY.—

(a) The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent that such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section.

(b) A court of competent jurisdiction shall order a criminal justice agency to expunge the criminal history record of a person who complies with this section. The court may not order a criminal justice agency to expunge a criminal history record under this section until the person seeking to expunge a

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criminal history record has applied for and received a certificate of eligibility under subsection (3).

(c) Expunction granted under this section does not prevent the person who receives such relief from petitioning for the expunction or sealing of a later criminal history record as provided for in ss. 943.0583, 943.0585, and 943.059, if the person is otherwise eligible under those sections.

(7) PROCESSING OF A PETITION OR AN ORDER.—

(a) In judicial proceedings under this section, a copy of the completed petition to expunge shall be served upon the appropriate state attorney or the statewide prosecutor and upon the arresting agency; however, it is not necessary to make any agency other than the state a party. The appropriate state attorney or the statewide prosecutor and the arresting agency may respond to the court regarding the completed petition to expunge.

(b) If relief is granted by the court, the clerk of the court shall certify copies of the order to the appropriate state attorney or the statewide prosecutor and the arresting agency. The arresting agency shall forward the order to any other agency to which the arresting agency disseminated the criminal history record information to which the order pertains. The department shall forward the order to expunge to the Federal Bureau of Investigation. The clerk of the court shall certify a copy of the order to any other agency which the records of the court reflect has received the criminal history record from the court.

(c) The department or any other criminal justice agency is not required to act on an order to expunge entered by a court if such order does not comply with the requirements of this

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section. Upon receipt of such an order, the department shall notify the issuing court, the appropriate state attorney or statewide prosecutor, the petitioner or the petitioner's attorney, and the arresting agency of the reason for noncompliance. The appropriate state attorney or statewide prosecutor shall take action within 60 days to correct the record and petition the court to void the order. No cause of action, including contempt of court, may arise against any criminal justice agency for failure to comply with an order to expunge if the petitioner for such order failed to obtain the certificate of eligibility as required by this section or such order does not otherwise comply with the requirements of this section.

(8) EFFECT OF CANNABIS EXPUNCTION ORDER.—

(a) The person who is the subject of a criminal history record that is expunged under this section may lawfully deny or fail to acknowledge the arrests and convictions covered by the expunged record, except if the person who is the subject of the record:

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, s. 943.059, or s. 943.0585;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for

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Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, persons with disabilities, or the elderly;

6. Is seeking to be employed or licensed by the Department of Education, any district school board, any university laboratory school, any charter school, any private or parochial school, or any local governmental entity that licenses child care facilities;

7. Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial Services; or

8. Is seeking to be appointed as a guardian pursuant to s. 744.3125.

(b) A person who has been granted an expunction under this section and who is authorized under paragraph (a) to lawfully deny or fail to acknowledge the arrests and convictions covered by an expunged record may not be held under any law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge an expunged criminal history record.

Section 9. Section 893.15, Florida Statutes, is amended to read:

893.15 Rehabilitation.—Any person who violates s. 893.13(6)(a) ~~or (b)~~ relating to possession may, in the discretion of the trial judge, be required to participate in a substance abuse services program approved or regulated by the Department of Children and Families pursuant to the provisions

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of chapter 397, provided the director of such program approves the placement of the defendant in such program. Such required participation shall be imposed in addition to any penalty or probation otherwise prescribed by law. However, the total time of such penalty, probation, and program participation shall not exceed the maximum length of sentence possible for the offense.

Section 10. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2021.

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From: Thompson, Vanessa
Sent: Wednesday, December 04, 2019 1:59 PM EST
To: election@votepinellas.com <election@votepinellas.com>
Subject: Senator Brandes - Legislation
Attachment(s): "billdraft75627.elections.docx","billdraft74537.ballots.doc"

Supervisor Clark,

Senator Brandes has been asked to file 2 pieces of legislation that he would like to run by you before doing anything.

At your convenience, would you be able to review and let us know your thoughts?

Thank you so much,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

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23-00493-20

A bill to be entitled

An act relating to ballot collection practices; amending s. 104.0616, F.S.; defining terms; prohibiting a person from knowingly collecting a vote-by-mail ballot from another person; providing a penalty; providing exceptions; prohibiting any person from providing or offering to provide, and any person who accepts, a pecuniary or other benefit in exchange for handling a vote-by-mail ballot; providing an exception; providing a penalty; amending s. 101.62, F.S.; restricting who an elector may designate to pick up a vote-by-mail ballot to conform to changes made by the act; providing an effective date.

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

Section 1. Section 104.0616, Florida Statutes, is amended to read:

104.0616 Vote-by-mail ballots and voting; violations.—

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

(a) "Caregiver" means a person who provides medical or health care assistance to a voter in a residence, nursing home facility, hospice facility, assisted living facility, residential care facility, adult day care center, or adult foster care home.

(b) "Collects" or "collecting" means to gain possession or control of a vote-by-mail ballot.

(c) "Household member" means a person who resides at the same residence as a voter.

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(d) "Immediate family" means a person's spouse or the parent, child, grandparent, or sibling of the person or the person's spouse.

(2) Any person who knowingly collects a vote-by-mail ballot from another person, regardless of whether the ballot has been voted, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This subsection does not apply to:

(a) An election official, a United States Postal Service employee, or any other person who is authorized by law to transmit United States mail so long as the official, employee, or other person is engaged in official duties within the scope of employment.

(b) A caregiver, a household member, a legal guardian, or a member of the immediate family of a voter.

(3) Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing the ~~more than two~~ vote-by-mail ballot of another person ~~ballots per election in addition to his or her own ballot or a ballot belonging to an immediate family member~~, except as provided in ss. 101.6105-101.694 and not including the ballot of another person if an individual is a caregiver, a household member, a legal guardian, or a member of the immediate family of the voter, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or~~,~~ s. 775.083~~, or s. 775.084~~.

Section 2. Paragraph (c) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

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101.62 Request for vote-by-mail ballots.—

(4)

(c) The supervisor shall provide a vote-by-mail ballot to each elector by whom a request for that ballot has been made by one of the following means:

1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor or any other address the elector specifies in the request.

2. By forwardable mail, e-mail, or facsimile machine transmission to absent uniformed services voters and overseas voters. The absent uniformed services voter or overseas voter may designate in the vote-by-mail ballot request the preferred method of transmission. If the voter does not designate the method of transmission, the vote-by-mail ballot shall be mailed.

3. By personal delivery before 7 p.m. on election day to the elector, upon presentation of the identification required in s. 101.043.

4. By delivery to a designee on election day or up to 9 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated by the elector must be the elector's caregiver, a household member, a legal guardian of the elector, or a member of the elector's immediate family ~~may not pick up more than two vote-by-mail ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family~~. For purposes of this section, the terms "caregiver," "household member," and "immediate family" have the same meaning as defined in s. 104.0616 ~~means the designee's spouse or the parent, child,~~

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~~grandparent, or sibling of the designee or of the designee's spouse~~. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship, or if the designee is a caregiver, household member, or legal guardian of the elector. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

5. Except as provided in s. 101.655, the supervisor may not deliver a vote-by-mail ballot to an elector or an elector's designee ~~immediate family member~~ on the day of the election unless there is an emergency, to the extent that the elector will be unable to go to his or her assigned polling place. If a vote-by-mail ballot is delivered, the elector or his or her designee shall execute an affidavit affirming to the facts which allow for delivery of the vote-by-mail ballot. The department shall adopt a rule providing for the form of the affidavit.

Section 3. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

24-01581-20

A bill to be entitled

An act relating to elections; amending s. 101.043, F.S.; deleting a provision that prohibits the use of an address appearing on identification presented by an elector at the polls as a basis to confirm or otherwise challenge an elector's legal residence; amending s. 101.5612, F.S.; revising the timeframes for conducting public preelection testing of automatic tabulating equipment; amending s. 101.5614, F.S.; removing the requirement that duplicate ballots be made of vote-by-mail ballots containing overvoted races; amending s. 101.6103, F.S.; revising the timeframe in which the supervisor of elections must mail ballots in elections conducted under the Mail Ballot Election Act; amending s. 103.091, F.S.; expanding the timeframe within which candidates for political party executive committees may qualify for office; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.—

(1)

(b) If the picture identification does not contain the signature of the elector, an additional identification that provides the elector's signature shall be required. ~~The address appearing on the identification presented by the elector may not~~

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~~be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence.~~ The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the elector's signature. The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

Section 2. Subsection (2) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(2) On any day not more than 25 ~~10~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. If the ballots to be used at the polling place on election day are not available at the time of the testing, the supervisor may conduct an additional test not more than 10 days before election day. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication on the supervisor of elections' website and once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting the notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and

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location of the public preelection test to each candidate qualifying with that office and obtain a signed receipt that the notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each candidate to contact the county supervisor of elections as to the time and location of the public preelection test. The supervisor or the municipal elections official shall, at least 30 ~~15~~ days before ~~prior to~~ the commencement of early voting as provided in s. 101.657, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee shall not interfere with the normal operation of the canvassing board.

Section 3. Paragraph (a) of subsection (4) of section 101.5614, Florida Statutes, is amended to read:

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101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. ~~Likewise,~~ A duplicate ballot must also ~~shall~~ be made of ~~a vote-by-mail ballot containing an overvoted race or~~ a marked vote-by-mail ballot in which every race is undervoted, including ~~which shall include~~ all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

Section 4. Subsection (1) of section 101.6103, Florida Statutes, is amended to read:

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection (7), the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector entitled to vote in the election not sooner than the 40th ~~20th~~ day before the election and not later than the 10th day before

AMERICAN OVERSIGHT

the date of the election. All such ballots shall be mailed by first-class mail. Ballots shall be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked "Do Not Forward."

Section 5. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the primary election in each year a presidential election is held. The terms begin ~~shall commence~~ on the first day of the month following each presidential general election,~~;~~ but the names of candidates for political party offices may ~~shall~~ not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections no ~~not earlier than noon of the 71st day, or~~ later than noon of the 67th day~~,~~ preceding the primary election. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

Section 6. This act shall take effect July 1, 2020.

AMERICAN OVERSIGHT

From: Thompson, Vanessa
Sent: Wednesday, October 02, 2019 9:16 AM EDT
To: onaugle@mpp.org <onaugle@mpp.org>
Subject: Senator Brandes Draft Marijuana Legislation
Attachment(s): "Brandes Adult Use.DOCX"

Hi Olivia,

Senator Brandes asked that I send our draft marijuana legislation your way.

The Senator is hoping to get your thoughts on the bill overall and potentially talk through a taxing structure.

Please let me know if you need anything else. I look forward to speaking with you in the near future.

Kind Regards,

Vanessa Thompson
Legislative Assistant to State Senator Jeff Brandes
Thompson.Vanessa@flsenate.gov
District: (727) 563-2100
Capitol: (850) 487-5024
Jeff Brandes – District 24

AMERICAN OVERSIGHT

By Senator Brandes

24-00500-19 20191322__

A bill to be entitled

An act relating to the availability of marijuana for ~~medical~~adult use; amending s. 381.986, F.S.; redefining the term "medical use" to include the possession, use, or administration of marijuana in a form for smoking; conforming a provision to changes made by the act; revising provisions related to the licensure of and functions of medical marijuana treatment centers (MMTCs); requiring the Department of Health to adopt by rule certain operating standards and procedures; requiring the department to adopt by rule a certain MMTC registration form; specifying registration requirements, including the submission of a specified performance and compliance bond that may be forfeited for failure to comply with certain provisions; requiring an applicant for an MMTC to submit registration forms for certain principals, employees, and contractors listed on the application; prohibiting the department from registering an applicant as an MMTC until such principals, employees, and contractors are registered and issued MMTC employee identification cards; providing for expiration of an MMTC registration; specifying that a registered MMTC must obtain separate operating licenses for the cultivation, processing, dispensing, and transportation of marijuana; specifying application requirements for an MMTC to obtain cultivation licenses and processing licenses; providing for the expiration of and renewal of such

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licenses; specifying that an MMTC facility must obtain a facility permit before cultivating or processing marijuana; authorizing an MMTC licensed to cultivate or process marijuana to use contractors to assist with the cultivation and with the processing of marijuana under certain conditions; providing for the destruction of marijuana byproducts within a specified timeframe after their production; providing requirements for the cultivation and for the processing of marijuana; removing the requirement that each MMTC produce and make available for purchase at least one low-THC cannabis product; removing tetrahydrocannabinol limits for edibles; requiring a licensed processing MMTC to test marijuana before it is sold or dispensed; providing marijuana packaging requirements; providing application requirements for an MMTC to obtain a retail license; providing for the expiration of and renewal of such licenses; requiring an MMTC to obtain a facility permit before dispensing and before storing marijuana; prohibiting onsite consumption of or administration of marijuana at a dispensary facility; providing requirements for the dispensing of marijuana; deleting a provision prohibiting an MMTC from dispensing or selling specified products; providing application requirements for an MMTC to obtain a transportation license; providing marijuana transportation requirements; providing a process for the issuance and cancellation of vehicle permits; requiring that each permitted

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vehicle be GPS-monitored; specifying that a permitted vehicle is subject to inspection and search without a search warrant by specified persons when transporting marijuana; authorizing an MMTC licensed to transport marijuana and marijuana delivery devices to deliver or contract for the delivery of marijuana to other MMTCs and to qualified patients and caregivers within this state; requiring a person delivering marijuana and a marijuana delivery device to a qualified patient or his or her caregiver to verify the identity of the qualified patient; establishing that a county or municipality may not prohibit deliveries of marijuana to qualified patients and caregivers within the county or municipality; requiring the department to adopt certain rules for the delivery of marijuana; providing for the permitting of cultivation, processing, dispensary, and storage facilities; requiring the department to adopt by rule a facility permit application form; requiring the department to issue or deny a facility permit within a specified timeframe; providing for the expiration of facility permits; requiring the department to inspect a facility for compliance before the renewal of a facility permit; requiring an MMTC to cease applicable operations if a facility's permit expires or is revoked; requiring cultivation facilities and processing facilities to be insured with specified hazard and liability insurance; providing cultivation facility and processing facility requirements; preempting to the state all matters

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regarding the permitting and regulation of cultivation facilities and processing facilities; requiring dispensary facilities and storage facilities to be insured with specified hazard and liability insurance; providing dispensary facility and storage facility requirements; clarifying that a county or a municipality may prohibit a dispensary facility from being located in its jurisdiction, but may not prohibit a licensed retail MMTC or its permitted storage facility from being located in such county's or municipality's jurisdiction if the MMTC is delivering marijuana to qualifying patients; prohibiting the department from issuing a facility permit for a dispensary facility in a county or municipality that adopts a certain ordinance; authorizing a county or municipality to levy a local tax on a dispensary facility; authorizing the department to adopt specified requirements by rule; requiring the department to adopt rules to administer the registration of certain MMTC principals, employees, and contractors by a specified date; requiring an MMTC to apply to the department for the registration of certain persons before hiring or contracting with any such person; requiring the department to adopt by rule a registration form that includes specified information; requiring the department to register persons who meet specified conditions and issue MMTC employee identification cards; requiring a registered person and the MMTC to

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update the department within a specified timeframe if the person's employment status changes; authorizing the department to contract with vendors to issue MMTC employee identification cards; requiring the department to inspect an MMTC and its facilities upon a complaint and to biennially inspect each permitted facility; authorizing the department to conduct additional inspections of a facility; conforming a provision to changes made by the act; establishing that each MMTC licensed by the department before a specified date may continue operations under s. 381.986, F.S. (2018), and any rules adopted thereunder until the department is able to register MMTCs and to issue operational licenses and facility permits under this act; requiring the department to register such licensed MMTC and issue it cultivation, processing, retail, and transportation licenses and the appropriate facility and vehicle permits as soon as practicable; providing for the expiration of such registration, operating licenses, and facility permits; providing an effective date.

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

Section 1. Paragraph (l) of subsection (2) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the

Commented [LD1]: New. This will allow medical marijuana to remain tax free while recreational marijuana will be taxed.

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storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(2) EXEMPTIONS; MEDICAL.—

(l) Marijuana and marijuana delivery devices, as defined in s. 381.986, are exempt from the taxes imposed under this chapter when purchased by a qualified patient or caregiver, as defined in s. 381.986.

Commented [LD2]: new.

Section 21. Paragraph (j) of subsection (1) and subsections (8), (9), (10), and (17) of section 381.986, Florida Statutes, are amended to read:

381.986 Medical use of marijuana.—

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

(j) "Medical use" means the acquisition, possession, use, delivery, transfer, or administration of marijuana authorized by a physician certification. The term does not include:

1. Possession, use, or administration of marijuana that was not purchased or acquired from a medical marijuana treatment center.

2. Possession, use, or administration of marijuana in ~~a form for smoking, in~~ the form of commercially produced food items other than edibles~~,~~ or of marijuana seeds ~~or flower, except for flower in a sealed, tamper-proof receptacle for vaping~~.

3. Use or administration of any form or amount of marijuana in a manner that is inconsistent with the qualified physician's directions or physician certification.

4. Transfer of marijuana to a person other than the qualified patient for whom it was authorized or the qualified

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patient's caregiver on behalf of the qualified patient.

5. Use or administration of marijuana in the following locations:

a. On any form of public transportation, except for low-THC cannabis.

b. In any public place, except for low-THC cannabis.

c. In a qualified patient's place of employment, except when permitted by his or her employer.

d. In a state correctional institution, as defined in s. 944.02, or a correctional institution, as defined in s. 944.241.

e. On the grounds of a preschool, primary school, or secondary school, except as provided in s. 1006.062.

f. In a school bus, a vehicle, an aircraft, or a motorboat, except for low-THC cannabis.

For the purposes of this subparagraph, the exceptions for low-THC cannabis do not include the smoking of low-THC cannabis.

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) ~~The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.~~

~~1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which~~

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~~meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017, and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).~~

~~2. The department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, under the following parameters:~~

~~a. As soon as practicable, but no later than August 1, 2017, the department shall license any applicant whose application was reviewed, evaluated, and scored by the department and which was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014; which had one or more administrative or judicial challenges pending as of January 1, 2017, or had a final ranking within one point of the highest final ranking in its region under former s. 381.986, Florida Statutes 2014; which meets the requirements of this section; and which provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating marijuana within 30 days after registration as a medical marijuana treatment center.~~

~~b. As soon as practicable, the department shall license one applicant that is a recognized class member of *Pigford v.*~~

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~~*Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed under this sub-subparagraph is exempt from the requirement of subparagraph (b)2.~~

~~c. As soon as practicable, but no later than October 3, 2017, the department shall license applicants that meet the requirements of this section in sufficient numbers to result in 10 total licenses issued under this subparagraph, while accounting for the number of licenses issued under sub-subparagraphs a. and b.~~

~~3. For up to two of the licenses issued under subparagraph 2., the department shall give preference to applicants that demonstrate in their applications that they own one or more facilities that are, or were, used for the canning, concentrating, or otherwise processing of citrus fruit or citrus molasses and will use or convert the facility or facilities for the processing of marijuana.~~

~~4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.~~

~~5. Dispensing facilities are subject to the following requirements:~~

~~a. A medical marijuana treatment center may not establish~~

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~~or operate more than a statewide maximum of 25 dispensing facilities, unless the medical marijuana use registry reaches a total of 100,000 active registered qualified patients. When the medical marijuana use registry reaches 100,000 active registered qualified patients, and then upon each further instance of the total active registered qualified patients increasing by 100,000, the statewide maximum number of dispensing facilities that each licensed medical marijuana treatment center may establish and operate increases by five.~~

~~b. A medical marijuana treatment center may not establish more than the maximum number of dispensing facilities allowed in each of the Northwest, Northeast, Central, Southwest, and Southeast Regions. The department shall determine a medical marijuana treatment center's maximum number of dispensing facilities allowed in each region by calculating the percentage of the total statewide population contained within that region and multiplying that percentage by the medical marijuana treatment center's statewide maximum number of dispensing facilities established under sub-subparagraph a., rounded to the nearest whole number. The department shall ensure that such rounding does not cause a medical marijuana treatment center's total number of statewide dispensing facilities to exceed its statewide maximum. The department shall initially calculate the maximum number of dispensing facilities allowed in each region for each medical marijuana treatment center using county population estimates from the Florida Estimates of Population 2016, as published by the Office of Economic and Demographic Research, and shall perform recalculations following the official release of county population data resulting from each~~

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~~United States Decennial Census. For the purposes of this subparagraph:~~

~~(I) The Northwest Region consists of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.~~

~~(II) The Northeast Region consists of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee, and Union Counties.~~

~~(III) The Central Region consists of Brevard, Citrus, Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia Counties.~~

~~(IV) The Southwest Region consists of Charlotte, Collier, DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee, Okeechobee, and Sarasota Counties.~~

~~(V) The Southeast Region consists of Broward, Miami-Dade, Martin, Monroe, and Palm Beach Counties.~~

~~c. If a medical marijuana treatment center establishes a number of dispensing facilities within a region that is less than the number allowed for that region under sub-subparagraph b., the medical marijuana treatment center may sell one or more of its unused dispensing facility slots to other licensed medical marijuana treatment centers. For each dispensing facility slot that a medical marijuana treatment center sells, that medical marijuana treatment center's statewide maximum number of dispensing facilities, as determined under sub-subparagraph a., is reduced by one. The statewide maximum number~~

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~~of dispensing facilities for a medical marijuana treatment center that purchases an unused dispensing facility slot is increased by one per slot purchased. Additionally, the sale of a dispensing facility slot shall reduce the seller's regional maximum and increase the purchaser's regional maximum number of dispensing facilities, as determined in sub-subparagraph b., by one for that region. For any slot purchased under this sub-subparagraph, the regional restriction applied to that slot's location under sub-subparagraph b. before the purchase shall remain in effect following the purchase. A medical marijuana treatment center that sells or purchases a dispensing facility slot must notify the department within 3 days of sale.~~

~~d. This subparagraph shall expire on April 1, 2020.~~

~~If this subparagraph or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end, the provisions of this subparagraph are severable.~~

~~(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The~~

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~~department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:~~

~~1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.~~

~~2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.~~

~~3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.~~

~~4. The ability to secure the premises, resources, and~~

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~~personnel necessary to operate as a medical marijuana treatment center.~~

~~5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.~~

~~6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.~~

~~7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.~~

~~a. Upon approval, the applicant must post a $5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a $2 million performance bond.~~

~~b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the~~

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~~administration of this section.~~

~~8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).~~

~~9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.~~

~~10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:~~

~~a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;~~

~~b. Efforts to recruit minority persons and veterans for employment; and~~

~~c. A record of contracts for services with minority business enterprises and veteran business enterprises.~~

~~(c) A medical marijuana treatment center may not make a wholesale purchase of marijuana from, or a distribution of marijuana to, another medical marijuana treatment center, unless the medical marijuana treatment center seeking to make a wholesale purchase of marijuana submits proof of harvest failure to the department.~~

~~(d)~~ *Department responsibilities.*—The department shall:

1. Adopt by rule:

a. Operating standards for the cultivation, processing, packaging, and labeling of marijuana;

b. Standards for the sale of marijuana; and

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c. Procedures and requirements for:

(I) The registration and registration renewal of medical marijuana treatment centers (MMTCs);

(II) The issuance and renewal of cultivation, processing, retail, and transportation operating licenses;

(III) The issuance and renewal of cultivation, processing, dispensary, and storage facility permits and of vehicle permits;

(IV) The registration of all principals, employees, and contractors of an MMTC who will participate in the operations of the MMTC; and

(V) The issuance of MMTC employee identification cards to registered principals, employees, and contractors of MMTCs.

2. Establish, maintain, and control a computer software tracking system that traces marijuana from seed to sale and allows real-time, 24-hour access by the department to data from all MMTCs ~~medical marijuana treatment centers~~ and marijuana testing laboratories. The tracking system must allow for integration of other seed-to-sale systems and, at a minimum, include notification of when marijuana seeds are planted, when marijuana plants are harvested and destroyed, and when marijuana is transported, sold, stolen, diverted, or lost. Each MMTC must ~~medical marijuana treatment center shall~~ use the seed-to-sale tracking system established by the department or integrate its own seed-to-sale tracking system with the seed-to-sale tracking system established by the department. Each MMTC ~~medical marijuana treatment center~~ may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system. The department may contract with a vendor to establish the seed-to-sale tracking system. The vendor selected by the department

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may not have a contractual relationship with the department to perform any services pursuant to this section other than the seed-to-sale tracking system. The vendor may not have a direct or indirect financial interest in an MMTC ~~a medical marijuana treatment center~~ or a marijuana testing laboratory.

(b) *Registration.*—

1. The department shall adopt by rule an MMTC registration form that must, at a minimum, require an applicant to provide:

a. Its full legal name;

b. The physical address of each location where it will apply for a facility permit to cultivate, process, dispense, or store marijuana;

c. The name, address, and date of birth of its principals;

d. The name, address, and date of birth of its current employees and contractors who will participate in the operations of the MMTC; and

e. The operation or operations in which it intends to engage, which may include one or more of the following:

(I) Cultivation.

(II) Processing.

(III) Retail.

(IV) Transportation.

2. To be registered as an MMTC, an applicant must submit to the department:

a. The applicant's completed registration form;

b. Personnel registration forms, as described in subsection (9), for all principals, employees, and contractors listed on the applicant's registration form who will participate in the operations of the MMTC. The department may not register the

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applicant as an MMTC until all principals, employees, and contractors listed on the applicant's registration form have registered with the department and are issued MMTC employee identification cards;

c. Proof that all principals listed on the applicant's registration form who will not participate in the operations of the MMTC have passed a level 2 background screening pursuant to chapter 435 within the previous year;

d. Proof that the MMTC has the capability to comply with seed-to-sale tracking system requirements;

e. Proof of the applicant's financial ability to maintain operations for the duration of the registration; and

f. A $1 million performance and compliance bond, to be forfeited if the MMTC fails to comply with:

(I) Registration requirements in this subsection during the registration period; or

(II) Material requirements of this section which are applicable to the functions the applicant intends to perform, as indicated on the registration form.

3. A registration expires 2 years after the date issued.

4. An MMTC must obtain an operating license for each operation it will perform. Registration as an MMTC is not sufficient to cultivate, process, dispense, or transport marijuana.

(c) *Cultivation licenses and processing licenses.*—

1. A registered MMTC may apply for a cultivation license, a processing license, or both. When applying, the MMTC must provide the department, at a minimum, all of the following:

a. A completed cultivation license or processing license

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application form.

b. The physical address of each location where marijuana will be cultivated, processed, or stored.

c. Proof of an established infrastructure or the ability to establish an infrastructure in a reasonable amount of time which is designed for cultivation, processing, testing, packaging, and labeling marijuana and to maintain the infrastructure's security and prevent the theft or diversion of any marijuana, as applicable to the license or licenses requested.

d. Proof that the applicant possesses the technical and technological ability to cultivate and test marijuana or process and test marijuana, as applicable to the license or licenses requested.

e. Proof of operating procedures designed to secure and maintain accountability for all marijuana and marijuana-related byproducts that come into the applicant's possession, and to comply with the required seed-to-sale tracking system.

2. Cultivation licenses and processing licenses expire 2 years after the date issued. In order to renew a license, the licensee must meet all of the requirements for initial licensure; must provide all of the documentation required under subparagraph 1.; and must not have any uncorrected substantial violations of the standards adopted by department rule for the cultivation, processing, testing, packaging, and labeling of marijuana.

3. Before beginning cultivation or processing at any location, the licensee must obtain a facility permit from the department for that location pursuant to paragraph (g).

4. Licensees under this subsection may use contractors to

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assist with the cultivation or processing of marijuana, as applicable, but the licensee is ultimately responsible for all of the operations performed by each contractor relating to the cultivation or processing of marijuana and is responsible for the physical possession of all marijuana. All work done by a contractor must be performed at a location with a facility permit issued by the department. All principals and employees of contractors who participate in the operations of the licensee must be registered with the department and issued MMTC employee identification cards.

5. All marijuana byproducts that cannot be processed or that cannot be reprocessed must be destroyed by the cultivation licensee or processing licensee or its contractor within 30 days after the production of the byproducts.

6. Licensees under this subsection may wholesale marijuana only to other registered MMTCs.

7. Transportation or delivery of marijuana outside of the property owned by a licensee under this subsection may be performed only by an MMTC that holds a transportation license issued pursuant to paragraph (f).

~~(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A~~

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~~licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.~~

~~1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana treatment center. To accommodate a change in ownership:~~

~~a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.~~

~~b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days before the~~

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~~date of change of ownership.~~

~~c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.~~

~~d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application shall be deemed incomplete and shall be withdrawn from further consideration and the fees shall be forfeited.~~

~~Within 30 days after the receipt of a complete application, the department shall approve or deny the application.~~

~~2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.~~

~~3. A medical marijuana treatment center may not enter into any form of profit-sharing arrangement with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.~~

~~4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9).~~

~~5. Each medical marijuana treatment center must adopt and~~

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~~enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.~~

8.~~6.~~ When growing marijuana, a licensed cultivation MMTC ~~medical marijuana treatment center~~:

a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

b. Must grow marijuana within an enclosed permitted cultivation facility ~~structure~~ and in a room separate from any other plant.

c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.

d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

~~7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.~~

9.~~8.~~ An MMTC ~~A medical marijuana treatment center~~ that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. ~~Edibles may not contain more than 200 milligrams of~~

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~~tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles may have a potency variance of no greater than 15 percent. Edibles may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. MMTCs ~~Medical marijuana treatment centers~~ may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

~~9. Within 12 months after licensure, a medical marijuana treatment center must demonstrate to the department that all of its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection until it demonstrates to the department that such facility has met this requirement.~~

10. When processing marijuana, a licensed processing MMTC ~~medical marijuana treatment center~~ must:

a. Process the marijuana within an enclosed permitted processing facility ~~structure~~ and in a room separate from other plants or products.

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b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans. The department shall determine by rule the requirements for MMTCs ~~medical marijuana treatment centers~~ to use such solvents or gases exhibiting potential toxicity to humans.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

d. Test the processed marijuana using a medical marijuana testing laboratory before it is sold or dispensed. Results must be verified and signed by two MMTC ~~medical marijuana treatment center~~ employees. Before dispensing, the MMTC ~~medical marijuana treatment center~~ must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human

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consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select a random sample from edibles available for purchase in a dispensing facility which shall be tested by the department to determine that the edible meets the potency requirements of this section, is safe for human consumption, and the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate. An MMTC ~~A medical marijuana treatment center~~ may not require payment from the department for the sample. An MMTC ~~A medical marijuana treatment center~~ must recall edibles, including all edibles made from the same batch of marijuana, which fail to meet the potency requirements of this section, which are unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The MMTC ~~medical marijuana treatment center~~ must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. The MMTC ~~medical marijuana treatment center~~ must contract with a marijuana testing laboratory to perform audits on the MMTC's ~~medical marijuana treatment center's~~ standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. An MMTC ~~A medical marijuana treatment center~~ shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. An MMTC ~~A medical~~

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~~marijuana treatment center~~ may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification~~, but in no event later than July 1, 2018~~.

e. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

f. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

(I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.

(II) The name of the MMTC ~~medical marijuana treatment center~~ from which the marijuana originates.

(III) The batch number and harvest number from which the marijuana originates and the date sold or dispensed.

~~(IV) The name of the physician who issued the physician certification.~~

~~(V) The name of the patient.~~

(IV) ~~(VI)~~ The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products marketed by or to children.

(V) ~~(VII)~~ The recommended dose.

(VI) ~~(VIII)~~ A warning that it is illegal to transfer medical marijuana to another person.

(VII) ~~(IX)~~ A marijuana universal symbol developed by the department.

11. The MMTC that packages the marijuana ~~medical marijuana treatment center~~ shall include in each package a patient package

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insert with information on the specific product dispensed related to:

a. Clinical pharmacology.

b. Indications and use.

c. Dosage and administration.

d. Dosage forms and strengths.

e. Contraindications.

f. Warnings and precautions.

g. Adverse reactions.

12. Each edible shall be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. Where practical, each edible shall be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs 10. and 11., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the MMTC's ~~medical marijuana treatment center's~~ department-approved logo and the marijuana universal symbol. The receptacle must also include a list all of the edible's ingredients, storage instructions, an expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

(d) *Retail licenses.*—

1. A registered MMTC may apply for a retail license. When applying, the MMTC must provide the department, at a minimum, all of the following:

a. A completed retail license application form.

b. A statement by the applicant indicating whether the applicant intends to dispense by delivery. A retail licensee may

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not deliver marijuana without also obtaining a transportation license pursuant to paragraph (f).

c. The physical address of each location where marijuana will be dispensed or stored.

d. Identifying information for all other current or previous retail licenses held by the applicant or any of the applicant's principals.

e. Proof of operating procedures designed to secure and maintain accountability for all marijuana that the applicant receives and possesses; to ensure that the allowed amount of marijuana and the specified type of marijuana is correctly dispensed to a qualified patient or his or her caregiver pursuant to a physician certification; and to monitor the medical marijuana patient registry and electronically update the registry with dispensing information.

2. A retail license expires 2 years after the date it is issued. The retail licensee must apply for a renewed license before the expiration date. In order to renew a license, a retail licensee must meet all of the requirements for initial licensure; must provide all of the documents required under paragraph (a); and must not have any outstanding substantial violations of the applicable standards adopted by department rule.

3. Before beginning to dispense or store marijuana, the licensee must obtain a facility permit from the department for each location where marijuana will be dispensed or stored. If a facility's permit expires or is suspended or revoked, the MMTC must cease all applicable operations at that facility until the department inspects the facility and renews or reinstates the

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facility's permit.

4. A dispensary facility may not repackage or modify marijuana that has already been packaged for dispensary sale by a cultivation licensee or processing licensee, unless the repackaging is of unprocessed marijuana and is done in accordance with instructions from the cultivator and such repackaging is documented in the required seed-to-sale tracking system.

5. A retail licensee may contract with an MMTC that has a transportation license to transport marijuana between properties owned by the retail licensee, to deliver the marijuana ~~to the residence of a qualified patient~~, and to pick up returns of marijuana.

6. Onsite consumption or administration of marijuana at a dispensary facility is prohibited.

7.~~13.~~ When dispensing marijuana or a marijuana delivery device, a licensed retail MMTC ~~medical marijuana treatment center~~:

a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

b. May not dispense more than a 70-day supply of marijuana ~~to a qualified patient or caregiver~~.

c. Must have the MMTC's ~~medical marijuana treatment center's~~ employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.

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d. Unless dispensing pursuant to s. 381.990, ~~M~~must verify that the qualified patient and the caregiver, if applicable, each have an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.

e. Unless dispensing pursuant to s. 381.990, ~~M~~must label the marijuana or the marijuana delivery device with the name of the physician who issued the physician certification and the name of the patient for whom the certification was issued before it is dispensed.

f.~~e.~~ May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.

g. May sell marijuana to an adult 21 years of age or older pursuant to s. 381.990. When selling marijuana pursuant to s. 381.990, the employee selling the marijuana must determine that the appearance of the buyer is such that a prudent person would believe the buyer to be 21 years of age or older or must carefully check the buyer's driver license, identification card issued by this state or another state of the united states, passport, or United States Armed Services identification card to determine the buyer's age. Prior to selling marijuana pursuant to this sub-subparagraph, an MMTC must be authorized to make such sales by the Department of Business and Professional Regulation. In order to obtain such authorization an MMTC must

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demonstrate: XXXXXXX.

hg.~~f.~~ May not dispense or sell any ~~other type of cannabis,~~ alcohol~~,~~ or illicit drug-related product~~, including pipes, bongs, or wrapping papers, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification~~.

ih.~~g.~~ Must, upon dispensing the marijuana or marijuana delivery device to a qualified patient or caregiver, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

ji.~~h.~~ Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized MMTC ~~medical marijuana treatment center~~ employees.

(e)~~(f)~~ *Security.*—To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, an MMTC ~~a medical marijuana treatment center~~ shall:

1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; and

b. Maintain a video surveillance system that records continuously 24 hours a day and meets the following criteria:

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(I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms.

(II) Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points.

(III) Recorded images must clearly and accurately display the time and date.

(IV) Retain video surveillance recordings for at least 45 days or longer upon the request of a law enforcement agency.

2. Ensure that the MMTC's ~~medical marijuana treatment center's~~ outdoor premises have sufficient lighting from dusk until dawn.

3. Ensure that the indoor premises where dispensing occurs includes a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and area where dispensing occurs. An MMTC ~~A medical marijuana treatment center~~ may not display products or dispense marijuana or marijuana delivery devices in the waiting area.

4. Not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.

5. Store marijuana in a secured, locked room or a vault.

6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the

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premises at all times where cultivation, processing, or storing of marijuana occurs.

7. Require each employee or contractor to wear a photo identification badge at all times while on the premises.

8. Require each visitor to wear a visitor pass at all times while on the premises.

9. Implement an alcohol and drug-free workplace policy.

10. Report to local law enforcement within 24 hours after the MMTC ~~medical marijuana treatment center~~ is notified or becomes aware of the theft, diversion, or loss of marijuana.

(f) *Transportation licenses; vehicle permits.*—

1. A registered MMTC may apply for a transportation license. When applying, the MMTC must provide the department, at a minimum, all of the following:

a. The physical address of the MMTC's place of business.

b. Proof of a documentation system in accordance with the required seed-to-sale tracking system, including transportation manifests, for transporting marijuana between licensed facilities and to qualified patients.

c. Proof of health and sanitation standards for the transportation of marijuana.

d. Proof that all marijuana transported between licensed facilities will be transported in tamper-evident shipping containers.

2. Marijuana may not be transported on the property of an airport, a seaport, a spaceport, or any property of the Federal Government.

3. A transportation licensee may transport marijuana and marijuana delivery devices only in a vehicle that is owned or

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leased by the licensee or a contractor of the licensee and for which a valid vehicle permit has been issued by the department.

4. A vehicle permit may be obtained by an MMTC holding a transportation license upon submission of an application. The MMTC must designate as the driver for each permitted vehicle an employee or contracted employee who is registered with the department and who is authorized to possess marijuana when not on the property of the MMTC. Such designation must be displayed in the vehicle at all times. Each permitted vehicle must be GPS-monitored. A vehicle permit remains valid and does not expire unless the MMTC or its contractor disposes of the permitted vehicle or the MMTC's registration or transportation license is transferred, canceled, not renewed, or revoked by the department. The department shall cancel a vehicle permit upon the request of the MMTC or its contractor.

5. When transporting marijuana, a permitted vehicle is subject to inspection and search without a search warrant by authorized employees of the department, sheriffs, deputy sheriffs, police officers, or other law enforcement officers to determine that the MMTC is operating in compliance with this section.

6. An MMTC with a transportation license may deliver, or contract for the delivery of, marijuana and marijuana delivery devices to other MMTCs, ~~and~~ to qualified patients and caregivers within this state, and to adults over the age of 21 within this state. When delivering to a qualified patient or caregiver, an MMTC or its contractor must verify the identity of the qualified patient upon placement of the delivery order and again upon delivery. When delivering marijuana to an adult age 21 or older,

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the an MMTC or its contractor must verify the age of the buyer upon placement of the order and again upon delivery. In order to verify the age of the buyer, the MMTC must determine that the appearance of the buyer is such that a prudent person would believe the buyer to be 21 years of age or older or must carefully check the buyer's driver license, identification card issued by this state or another state of the united states, passport, or United States Armed Services identification card to determine the buyer's age. Deliveries may only be made to the same qualified patient who placed the order or his or her caregiver. A county or municipality may not prohibit deliveries of marijuana and marijuana delivery devices to qualified patients within the county or municipality. The department shall adopt rules specific to the delivery of marijuana ~~to qualified patients and caregivers~~. Such rules must include:

a. Procedures for verifying the age and identity of the person submitting and receiving a delivery, as appropriate, including required training for delivery personnel; and

b. A maximum dispensary value for all marijuana and currency that may be in the possession of a registered MMTC employee or contractor while he or she makes a delivery. The value established by rule may not be less than $5,000.

7. Licensees under this subsection may use contractors to assist with the transportation of marijuana, but the licensee is ultimately responsible for all of the actions and operations of each contractor relating to the transportation of marijuana and must know the location of all marijuana at all times. All principals and employees of contractors contracted by a licensee under this subsection who will participate in the operations of

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the licensee must be registered with the department and issued MMTC employee identification cards.

(g) *Facility permits.*—

1. Before cultivating, processing, dispensing, or storing marijuana at any location, an MMTC must apply to the department for the applicable facility permit for that facility. The department must adopt by rule an application form. Upon receiving a request for a permit from a licensee, the department shall inspect the facility for compliance with this section and rules adopted hereunder, and, upon a determination of compliance, shall issue a permit to the facility. The department must issue or deny the facility permit within 30 days after receiving the request for a permit.

2. A facility permit expires 2 years after the date it is issued. Each facility must be inspected by the department for compliance with this section and rules adopted hereunder before the facility's permit is renewed.

3. If a facility permit expires or is suspended or revoked, the MMTC must cease all applicable operations at that facility until the department inspects the facility and renews or reinstates the facility's permit.

4. Cultivation facilities and processing facilities must be:

a. Insured with at least $1 million of hazard and liability insurance per location; and

b. Secure, closed to the public, and unless an ordinance allows the facility to be located within 1,000 feet, be located at least 1,000 feet away from any existing public or private elementary or secondary school, a child care facility as defined

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in s. 402.302, or a licensed service provider offering substance abuse services.

5. All matters regarding the permitting and regulation of cultivation facilities and processing facilities, including the location of such facilities, are preempted to the state.

6. Dispensary facilities and storage facilities must be:

a. Insured with at least $500,000 of hazard and liability insurance for each facility where marijuana is dispensed or stored; and

b. Located at least 1,000 feet away from any existing public or private elementary or secondary school, child care facility as defined in s. 402.302, or licensed service provider offering substance abuse services.

7. The governing body of a county or municipality may, by ordinance, prohibit or limit the number of dispensary facilities ~~from being~~ located within its jurisdiction but may not prohibit an MMTC with a retail license or its permitted storage facility from being located within its jurisdiction if the licensee is delivering or contracting to deliver marijuana ~~to qualifying patients~~ within the jurisdiction. The department may not issue a facility permit for a dispensary facility in a county or municipality where the board of county commissioners of that county or the city council or other legislative body of that municipality has adopted such an ordinance. A county or municipality may levy a local business tax on a dispensary facility. An ordinance adopted by a municipality or county pursuant to this paragraph may not:

a. Provide exclusive access to one or several individuals or entities to operate dispensary facilities within the

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jurisdiction.

b. Prohibit specific individuals or entities from operating a dispensary facility within the jurisdiction if the ordinance allows dispensary facilities to operate in the jurisdiction.

c. Prohibit the delivery of marijuana ~~to qualifying patients~~ within the jurisdiction by a properly licensed MMTC located within the jurisdiction.

8. The department may adopt by rule additional requirements for the permitting of cultivation, processing, dispensary, and storage facilities to ensure the sanitary, safe, and secure cultivation, processing, dispensing, storage, and sale of marijuana.

~~(g) To ensure the safe transport of marijuana and marijuana delivery devices to medical marijuana treatment centers, marijuana testing laboratories, or qualified patients, a medical marijuana treatment center must:~~

~~1. Maintain a marijuana transportation manifest in any vehicle transporting marijuana. The marijuana transportation manifest must be generated from a medical marijuana treatment center's seed-to-sale tracking system and include the:~~

~~a. Departure date and approximate time of departure.~~

~~b. Name, location address, and license number of the originating medical marijuana treatment center.~~

~~c. Name and address of the recipient of the delivery.~~

~~d. Quantity and form of any marijuana or marijuana delivery device being transported.~~

~~e. Arrival date and estimated time of arrival.~~

~~f. Delivery vehicle make and model and license plate number.~~

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~~g. Name and signature of the medical marijuana treatment center employees delivering the product.~~

~~(I) A copy of the marijuana transportation manifest must be provided to each individual, medical marijuana treatment center, or marijuana testing laboratory that receives a delivery. The individual, or a representative of the center or laboratory, must sign a copy of the marijuana transportation manifest acknowledging receipt.~~

~~(II) An individual transporting marijuana or a marijuana delivery device must present a copy of the relevant marijuana transportation manifest and his or her employee identification card to a law enforcement officer upon request.~~

~~(III) Medical marijuana treatment centers and marijuana testing laboratories must retain copies of all marijuana transportation manifests for at least 3 years.~~

~~2. Ensure only vehicles in good working order are used to transport marijuana.~~

~~3. Lock marijuana and marijuana delivery devices in a separate compartment or container within the vehicle.~~

~~4. Require employees to have possession of their employee identification card at all times when transporting marijuana or marijuana delivery devices.~~

~~5. Require at least two persons to be in a vehicle transporting marijuana or marijuana delivery devices, and require at least one person to remain in the vehicle while the marijuana or marijuana delivery device is being delivered.~~

~~6. Provide specific safety and security training to employees transporting or delivering marijuana and marijuana delivery devices.~~

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(h) *Advertising.*—An MMTC ~~A medical marijuana treatment center~~ may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:

1. An MMTC dispensary facility ~~The dispensing location of A medical marijuana treatment center~~ may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensary by the licensee's business name, a department-approved trade name, or a department-approved logo. An MMTC's ~~A medical marijuana treatment center's~~ trade name and logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana.

2. An MMTC ~~A medical marijuana treatment center~~ may engage in Internet advertising and marketing under the following conditions:

a. All advertisements must be approved by the department.

b. An advertisement may not have any content that specifically targets individuals under the age of 18, including cartoon characters or similar images.

Commented [LD4]: Keep at 18 or make 21?

c. An advertisement may not be an unsolicited pop-up advertisement.

d. Opt-in marketing must include an easy and permanent opt-out feature.

(i) *Online retail catalogs.*—Each retail MMTC ~~medical marijuana treatment center~~ that dispenses marijuana and marijuana delivery devices shall make available to the public on its website:

1. Each marijuana and low-THC product available for

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purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.

2. The price for a 30-day, 50-day, and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase.

3. The price for each marijuana delivery device available for purchase.

4. If applicable, any discount policies and eligibility criteria for such discounts.

(j) *Sourcing of marijuana for medical use.*—MMTCs ~~Medical marijuana treatment centers~~ are the sole source from which a qualified patient may legally obtain marijuana.

Commented [LD5]: Adults also?

(k) *Rulemaking.*—The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(9) MEDICAL MARIJUANA TREATMENT CENTER PERSONNEL; REGISTRATION; EMPLOYEE IDENTIFICATION CARDS.—

(a) By October 3, 2019, the department shall adopt rules to administer the registration of MMTC principals, employees, and contractors who participate in the operations of an MMTC. Before hiring or contracting with any individual who is not registered with the department or who does not possess a current MMTC employee identification card, an MMTC must submit to the department an application to register that person as an MMTC employee. The department shall adopt by rule a form for such applications which requires the applicant to provide all of the following:

1. His or her full legal name, social security number, date

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of birth, and home address.

2. A full-face, passport-type, color photograph of the applicant taken within the 90 days immediately preceding registration.

3. Proof that he or she has passed a level 2 background screening pursuant to chapter 435 within the previous year.

4. Whether the applicant will be authorized by the MMTC to possess marijuana while not on MMTC property.

(b) Once the department has received a completed application from an MMTC, the department shall register the principal, employee, or contractor associated with the MMTC and issue him or her an MMTC employee identification card that, at a minimum, includes all of the following:

1. The employee's name and the name of the MMTC that employs him or her.

2. The employee's photograph, as required under paragraph (a).

3. The expiration date of the card, which is 1 year after the date of its issuance.

4. Whether the employee is authorized by the MMTC to possess marijuana while not on MMTC property.

(c) If any information provided to the department for the registration of an MMTC principal, employee, or contractor or in the application for an MMTC employee identification card changes or if the registered person's employment status with the MMTC changes, the registered person and the MMTC must update the department with the new information or status within 7 days after the change.

(d) The department may contract with one or more vendors

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for the purpose of issuing MMTC employee identification cards under this subsection.

~~(9) BACKGROUND SCREENING.—An individual required to undergo a background screening pursuant to this section must pass a level 2 background screening as provided under chapter 435, which, in addition to the disqualifying offenses provided in s. 435.04, shall exclude an individual who has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to an offense under chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction.~~

~~(a) Such individual must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.~~

~~(b) Fees for state and federal fingerprint processing and retention shall be borne by the individual. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.~~

~~(c) Fingerprints submitted to the Department of Law Enforcement pursuant to this subsection shall be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification~~

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~~program. Any arrest record identified shall be reported to the department.~~

(10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS; ADMINISTRATIVE ACTIONS.—

~~(a) The department shall conduct announced or unannounced inspections of medical marijuana treatment centers to determine compliance with this section or rules adopted pursuant to this section.~~

(a) ~~(b)~~ The department shall inspect an MMTC and its facilities, as appropriate, ~~a medical marijuana treatment center~~ upon receiving a complaint or notice that the MMTC ~~medical marijuana treatment center~~ has dispensed marijuana containing mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.

(b) ~~(c)~~ The department shall conduct at least a biennial inspection of each MMTC ~~medical marijuana treatment center~~ to evaluate the MMTC's ~~medical marijuana treatment center's~~ records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(c) The department shall conduct at least a biennial inspection of each permitted facility. The department may conduct additional announced or unannounced inspections of a permitted facility within reasonable hours in order to ensure compliance with this section and rules adopted under this section.

(d) The Department of Agriculture and Consumer Services and the department shall enter into an interagency agreement to ensure cooperation and coordination in the performance of their obligations under this section and their respective regulatory

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and authorizing laws. The department, the Department of Highway Safety and Motor Vehicles, and the Department of Law Enforcement may enter into interagency agreements for the purposes specified in this subsection or subsection (7).

(e) The department shall publish a list of all approved MMTCs ~~medical marijuana treatment centers~~, medical directors, and qualified physicians on its website.

(f) The department may impose reasonable fines not to exceed $10,000 on an MMTC ~~a medical marijuana treatment center~~ for any of the following violations:

1. Violating this section or department rule.

2. Failing to maintain qualifications for approval.

3. Endangering the health, safety, or security of a qualified patient or adult purchasing marijuana pursuant to s. 381.990.

4. Improperly disclosing personal and confidential information of the qualified patient.

5. Attempting to procure MMTC ~~medical marijuana treatment center~~ approval by bribery, fraudulent misrepresentation, or extortion.

6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of an MMTC ~~a medical marijuana treatment center~~.

7. Making or filing a report or record that the MMTC ~~medical marijuana treatment center~~ knows to be false.

8. Willfully failing to maintain a record required by this section or department rule.

9. Willfully impeding or obstructing an employee or agent

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of the department in the furtherance of his or her official duties.

10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of an MMTC ~~a medical marijuana treatment center~~.

11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of an MMTC ~~a medical marijuana treatment center~~.

12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of an MMTC ~~a medical marijuana treatment center~~ suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.

13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

(g) The department may suspend, revoke, or refuse to renew an MMTC's registration, operating ~~a medical marijuana treatment center~~ license, and any vehicle permits or facility permits if the MMTC ~~medical marijuana treatment center~~ commits any of the violations in paragraph (f).

(h) the department shall refuse to renew the cultivation, processing, retail, or transportation license of an MMTC that has been issued such a license and has not to cultivate, process, dispense, or transport marijuana, respectively, by the date that the MMTC is required to renew such license.

(i) ~~(h)~~ The department may adopt rules pursuant to ss.

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120.536(1) and 120.54 to implement this subsection.

~~381.986 Medical use of marijuana.—~~

(12) PENALTIES.—

(a) A qualified physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the qualified physician issues a physician certification for the medical use of marijuana for a patient without a reasonable belief that the patient is suffering from a qualifying medical condition.

(b) A person who fraudulently represents that he or she has a qualifying medical condition to a qualified physician for the purpose of being issued a physician certification commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A qualified patient who uses marijuana, not including low-THC cannabis, or a caregiver who administers marijuana, not including low-THC cannabis, in plain view of or in a place open to the general public; in a school bus, a vehicle, an aircraft, or a boat; or on the grounds of a school except as provided in s. 1006.062, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A qualified patient or caregiver who cultivates marijuana or who purchases or acquires marijuana from any person or entity other than a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.

(e)1. A qualified patient or caregiver in possession of marijuana or a marijuana delivery device who fails or refuses to present his or her marijuana use registry identification card

Commented [LD6]: added

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upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless it can be determined through the medical marijuana use registry that the person is authorized to be in possession of that marijuana or marijuana delivery device.

2. A person charged with a violation of this paragraph may not be convicted if, before or at the time of his or her court or hearing appearance, the person produces in court or to the clerk of the court in which the charge is pending a medical marijuana use registry identification card issued to him or her which is valid at the time of his or her arrest. The clerk of the court is authorized to dismiss such case at any time before the defendant's appearance in court. The clerk of the court may assess a fee of $5 for dismissing the case under this paragraph.

(f) A caregiver who violates any of the applicable provisions of this section or applicable department rules, for the first offense, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and, for a second or subsequent offense, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Commented [LD7]: Review these to determine which are still applicable.

(g) A qualified physician who issues a physician certification for marijuana or a marijuana delivery device and receives compensation from a medical marijuana treatment center related to the issuance of a physician certification for marijuana or a marijuana delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1)(n).

(h) A person transporting marijuana or marijuana delivery devices on behalf of a medical marijuana treatment center or

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marijuana testing laboratory who fails or refuses to present a transportation manifest upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(i) Persons and entities conducting activities authorized and governed by this section and s. 381.988 are subject to ss. 456.053, 456.054, and 817.505, as applicable.

(j) A person or entity that cultivates, processes, distributes, sells, or dispenses marijuana, as defined in s. 29(b)(4), Art. X of the State Constitution, and is not licensed as a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.

Commented [LD8]: Still applicable?

(k) A person who manufactures, distributes, sells, gives, or possesses with the intent to manufacture, distribute, sell, or give marijuana or a marijuana delivery device that he or she holds out to have originated from a licensed medical marijuana treatment center but that is counterfeit commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term "counterfeit" means marijuana; a marijuana delivery device; or a marijuana or marijuana delivery device container, seal, or label which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a licensed medical marijuana treatment center and which thereby falsely purports or is represented to be the product of, or to have been distributed by, that licensed medical marijuana treatment facility.

(l) Any person who possesses or manufactures a blank, forged, stolen, fictitious, fraudulent, counterfeit, or

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otherwise unlawfully issued medical marijuana use registry identification card commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14) EXCEPTIONS TO OTHER LAWS.—

Commented [LD9]: added

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's caregiver may purchase from a medical marijuana treatment center for the patient's medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than a 70-day supply of marijuana, or the greater of 4 ounces of marijuana in a form for smoking or an amount of marijuana in a form for smoking approved by the department pursuant to paragraph (4)(f), at any given time and all marijuana purchased must remain in its original packaging.

(b) Notwithstanding paragraph (a), s. 893.13, s. 893.135, s. 893.147, or any other provision of law, a qualified patient and the qualified patient's caregiver may purchase and possess a marijuana delivery device intended for the medical use of marijuana by smoking from a vendor other than a medical marijuana treatment center.

(c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved medical marijuana treatment center and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of marijuana or a marijuana delivery device as provided in this section, s. 381.988, s. 381.990, and by department rule. For the

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purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

(d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a certified marijuana testing laboratory, including an employee of a certified marijuana testing laboratory acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana as provided in this section, in s. 381.988, and by department rule.

(e) A licensed medical marijuana treatment center and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of marijuana or a marijuana delivery device, as provided in this section, in s. 381.988, and by department rule.

(f) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of marijuana or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

(g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section and pursuant to policies and procedures established pursuant to s. 1006.62(8), school personnel may possess marijuana that is obtained for medical use pursuant to this

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section by a student who is a qualified patient.

(h) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a research institute established by a public postsecondary educational institution, such as the H. Lee Moffitt Cancer Center and Research Institute, Inc., established under s. 1004.43, or a state university that has achieved the preeminent state research university designation under s. 1001.7065 may possess, test, transport, and lawfully dispose of marijuana for research purposes as provided by this section.

Section 3. Section 381.990 of the Florida Statutes is created to read:

381.990 Adult Use of Marijuana.-

(1) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law but subject to the requirements of this section an adult 21 years of age or older may purchase from a medical marijuana treatment center licensed for retail sale by the department pursuant to s. 381.986 and authorized for sale of marijuana for adult use by the Department of Business and Professional Regulation, possess, use, and transport up to a 70 day supply of marijuana or 2.5 ounces of marijuana in a form for smoking and one or more marijuana delivery devices, as defined in s. 381.986. This section does not authorize any person or entity other than a medical marijuana treatment center to cultivate or sell marijuana. Marijuana authorized by this section may not be used in any public place. This section does not limit the ability of a private property owner to restrict the use of marijuana on his or her private property.

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Section 3. This act shall take effect upon becoming a law.

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From: Hall, Mary <mahall@sfwmd.gov>
Sent: Wednesday, January 15, 2020 4:28 PM EST
To: Galvano, Bill <GALVANO.BILL@flsenate.gov>; Oliva, Jose <Jose.Oliva@myfloridahouse.gov>
CC: desantis.opengov@eog.myflorida.com <desantis.opengov@eog.myflorida.com>; chris.spencer@laspbs.stae.fl.us <chris.spencer@laspbs.stae.fl.us>; Bello, Melissa <Melissa.Bello@LASPBS.STATE.FL.US>; Cramer, Kim <Kim.Cramer@laspbs.state.fl.us>; Tondee, Renee <Renee.Tondee@LASPBS.STATE.FL.US>; Williams, Jared <Jared.Williams@LASPBS.STATE.FL.US>; Glassner, David <David.Glassner@LASPBS.STATE.FL.US>; Simmons, David <SIMMONS.DAVID@flsenate.gov>; Collins, Carlecia <COLLINS.CARLECIA@flsenate.gov>; Vickers, Lisa <VICKERS.LISA@flsenate.gov>; Meyer, Reynold <MEYER.REYNOLD@flsenate.gov>; Bradley, Rob <BRADLEY.ROB@flsenate.gov>; Simpson, Wilton <SIMPSON.WILTON@flsenate.gov>; cindy.kynoch@laspbs.fl.us <cindy.kynoch@laspbs.fl.us>; DeLoach, Jamie <Jamie.DeLoach@LASPBS.STATE.FL.US>; shettle.john@flsenate.gov <shettle.john@flsenate.gov>; mcswain.ross@flsenate.gov <mcswain.ross@flsenate.gov>; Mayfield, Debbie <Mayfield.Debbie@flsenate.gov>; Powell, Bobby <Powell.Bobby@flsenate.gov>; Betta, Gino <Gino.Betta@LASPBS.STATE.FL.US>; Montford, Bill <MONTFORD.BILL@flsenate.gov>; Albritton, Ben <Albritton.Ben@flsenate.gov>; Rogers, Ellen <ROGERS.ELLEN@flsenate.gov>; Hooper, Ed <Hooper.Ed@flsenate.gov>; Rader, Kevin <Rader.Kevin@flsenate.gov>; McVaney, Joe <McVaney.Joe@flsenate.gov>; Magar, MaryLynn <MaryLynn.Magar@myfloridahouse.gov>; Gormley, Carol <Carol.Gormley@myfloridahouse.gov>; Cummings, Travis <Travis.Cummings@myfloridahouse.gov>; Eagle, Dane <Dane.Eagle@myfloridahouse.gov>; Pridgeon, Eric <Eric.Pridgeon@LASPBS.STATE.FL.US>; Trexler, Alicia <Alicia.Trexler@LASPBS.STATE.FL.US>; Kramer, Trina <Trina.Kramer@LASPBS.STATE.FL.US>; Raschein, Holly <Holly.Raschein@myfloridahouse.gov>; Roth, Rick <Rick.Roth@myfloridahouse.gov>; Pigott, Scarlet <Scarlet.Pigott@LASPBS.STATE.FL.US>; Ingoglia, Blaise <Blaise.Ingoglia@myfloridahouse.gov>; Payne, Bobby <Bobby.Payne@myfloridahouse.gov>; Williamson, Heather <Heather.Williamson@myfloridahouse.gov>; Harrington, Tiffany <Tiffany.Harrington@myfloridahouse.gov>; Clemons, Chuck <Chuck.Clemons@myfloridahouse.gov>; Raschein, Holly <Holly.Raschein@myfloridahouse.gov>; Moore, Alexandra <Alexandra.Moore@myfloridahouse.gov>; Bradley, Rob <BRADLEY.ROB@flsenate.gov>; Cummings, Travis <Travis.Cummings@myfloridahouse.gov>; Benacquisto, Lizbeth <BENACQUISTO.LIZBETH@flsenate.gov>; Book, Lauren <Book.Lauren@flsenate.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Braynon, Oscar <BRAYNON.OSCAR@flsenate.gov>; Gibson, Audrey <GIBSON.AUDREY@flsenate.gov>; Magar, MaryLynn <MaryLynn.Magar@myfloridahouse.gov>; McGhee, Kionne <Kionne.McGhee@myfloridahouse.gov>; Simpson, Wilton <SIMPSON.WILTON@flsenate.gov>; Trumbull, Jay <Jay.Trumbull@myfloridahouse.gov>; Watson, Barbara <Barbara.Watson@myfloridahouse.gov>; Williamson, Jayer <Jayer.Williamson@myfloridahouse.gov>; Yarborough, Clay <Clay.Yarborough@myfloridahouse.gov>; noah.valenstein@dep.state.fl.us <noah.valenstein@dep.state.fl.us>; adam.blalock@dep.state.fl.us <adam.blalock@dep.state.fl.us>; frank.powell@dep.state.fl.us <frank.powell@dep.state.fl.us>; edward.c.smith@dep.state.fl.us <edward.c.smith@dep.state.fl.us>; James, Stephen M <stephen.m.james@dep.state.fl.us>; jack.furney@dep.state.fl.us <jack.furney@dep.state.fl.us>; jennifer.g.adams@dep.state.fl.us <jennifer.g.adams@dep.state.fl.us>; kristine.p.morris@dep.state.fl.us <kristine.p.morris@dep.state.fl.us>; dholnes@broward.org <dholnes@broward.org>; Bill.Truex@CharlotteCountyFL.gov <Bill.Truex@CharlotteCountyFL.gov>; Bill.McDaniel@colliercountyfl.gov <Bill.McDaniel@colliercountyfl.gov>; TStanley@myglades.com <TStanley@myglades.com>; bocc3@hendryfla.net <bocc3@hendryfla.net>; Whandley@highlandsfl.gov <Whandley@highlandsfl.gov>; dist4@leegov.com <dist4@leegov.com>; hjenkins@martin.fl.us <hjenkins@martin.fl.us>; district3@miamidade.gov <district3@miamidade.gov>; boccdis3@monroecounty-fl.gov <boccdis3@monroecounty-fl.gov>; tburroughs@co.okeechobee.fl.us <tburroughs@co.okeechobee.fl.us>; Mayor@ocfl.net <Mayor@ocfl.net>; Viviana.Janer@oseola.org <Viviana.Janer@oseola.org>; DKerner@pbcgov.org <DKerner@pbcgov.org>; billbraswell@polk-couty.net <billbraswell@polk-couty.net>; TownsendC@stlucieco.org <TownsendC@stlucieco.org>; BCB Board Members <BCBBoardMembers@sfwmd.gov>; Bergeron, Ronald <Ronald.Bergeron@MyFWC.com>; Butler, Ben <bbutler@sfwmd.gov>; Goss, Chauncey <cgoss@sfwmd.gov>; Martinez, Charlie <cmartinez@sfwmd.gov>; Meads, Cheryl <cmeads@sfwmd.gov>; Roman, Charlette <croman@sfwmd.gov>; Steinle, Jay <jsteinle@sfwmd.gov>; Thurlow-Lippisch, Jacqui <jthurlowlippisch@sfwmd.gov>; Wagner, Scott <swagner@sfwmd.gov>; Executive Management Team <ExecutiveManagementTeam@sfwmd.gov>; Byrd, Rosie <rbyrd@sfwmd.gov>
Subject: South Florida Water Management District Fiscal Year 2020-2021 Preliminary Budget
Attachment(s): "South Florida Water Management District FY2020-21 Preliminary Budget.pdf"

Dear Honorable President Galvano, Honorable Speaker Oliva, and Legislative Committee Chairs,

The South Florida Water Management District respectfully submits its Fiscal Year 2020-2021 Preliminary Budget. You may find the Fiscal Year 2020-2021 Preliminary Budget Submission and other related financial information on our web page by clicking on the link herein: Budget & Finance Reports | South Florida Water Management District.

Drew Bartlett
Executive Director
South Florida Water Management District
3301 Gun Club Road, West Palm Beach, FL 33406
Phone 561-682-6993
dbartlett@sfwmd.gov

Florida enjoys a broad public records law. Any e-mails sent to or from this address will be subject to review by the public unless exempt by law.

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South Florida Water Management District

Fiscal Year 2020-2021

Preliminary Budget Submission

Pursuant to Section 373.535, Florida Statutes

January 15, 2020

3301 Gun Club Road
West Palm Beach, FL 33406
Telephone 561-686-8800 or Facsimile 561-682-6442
1-800-432-2045 (within FL only)

Website: www.sfwmd.gov

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South Florida Water Management District

3301 Gun Club Road
West Palm Beach, FL 33406
(561) 686-8800

Website: www.sfwmd.gov

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SOUTH FLORIDA WATER MANAGEMENT DISTRICT

January 15, 2020

The Honorable Bill Galvano
President of the Senate
409 The Capitol
Tallahassee, FL 32399-1100

The Honorable Jose R. Oliva
Speaker of the House of Representatives
420 The Capitol
Tallahassee, FL 32399-1300

Subject: **South Florida Water Management District Preliminary Budget Submission for Fiscal Year 2020-2021**

Dear President Galvano, Speaker Oliva, and Legislative Committee Chairs:

Pursuant to Section 373.535, Florida Statutes, the South Florida Water Management District (District) Governing Board respectfully submits a preliminary budget for October 1, 2020 – September 30, 2021 (Fiscal Year 2020-2021) of $1,023,069,964. This preliminary budget continues to support priorities identified by the Legislature and implement Governor DeSantis' Achieving More Now for Florida's Environment Executive Order.

Our preliminary budget demonstrates our commitment to the District's mission of ecosystem restoration, flood protection, and water supply. Please contact Candida Heater at cheater@sfwmd.gov or (561)682-6486 if you have questions about our submission.

Thank you,

Drew Bartlett
Executive Director

Enclosure

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I. FOREWORD

This Preliminary Budget report has been prepared to satisfy the requirements of Senate Bill 1986 (Chapter 2012-126, Laws of Florida), which made significant revisions to sections 373.503, 373.535 and 373.536, Florida Statutes (F.S.), and provided the Legislature additional oversight of the water management districts' budgets. This report provides the Legislature with a comprehensive budget that allows for an analysis that coincides with the annual legislative session and enables the Legislature to review the effectiveness of the districts' utilization of taxpayer resources to meet core mission responsibilities. The Preliminary Budget also provides a fiscal analysis determination regarding the progress of each District in meeting its 20-year projected water supply demands, including funding for alternative sources and conservation. The report will highlight projects dedicated to supporting the districts' core missions of water supply, water quality, flood protection and floodplain management, and natural systems.

The content and format of this report were developed collaboratively by the staffs of the Executive Office of the Governor (EOG), Senate, House of Representatives, Florida Department of Environmental Protection (FDEP), and all five water management districts. The report's standardized format utilizes six statutorily identified District program areas listed below.

- Water Resources Planning and Monitoring
- Land Acquisition, Restoration, and Public Works
- Operation and Maintenance of Lands and Works
- Regulation
- Outreach
- District Management and Administration

The Legislature may annually review the Preliminary Budget for each District. On or before March 1 of each year, the President of the Senate and the Speaker of the House of Representatives may submit comments regarding the Preliminary Budget to the districts and provide a copy of the comments to the EOG. Each District is required to respond to any comments in writing on or before March 15 of each year to the President of the Senate, the Speaker of the House of Representatives, and the EOG. If, following such review, the Legislature does not take any further action on or before July 1 of each year, a water management district may proceed with Tentative Budget development.

In compliance with statutory requirements, the South Florida Water Management District submits this January 15 Preliminary Budget for review to the President of the Senate, the Speaker of the House of Representatives, and the chairs of each legislative committee and subcommittee having substantive or fiscal jurisdiction over water management districts, as determined by the President of the Senate or the Speaker of the House of Representatives.

Standardized definitions and acronyms that may help the reader in reviewing this document have been provided on the Department of Environmental Protection's website at https://floridadep.gov/water-policy/water-policy/documents/wmd-budget-definitions-and-acronyms.

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II. INTRODUCTION

A. History of All Water Management Districts

Due to extreme drought and shifting public focus on resource protection and conservation, legislators passed four major laws in 1972: The Environmental Land and Water Management Act, the Comprehensive Planning Act, the Land Conservation Act, and the Water Resources Act. Collectively, these policy initiatives reflected the philosophy that land use, growth management and water management should be joined.

Florida's institutional arrangement for water management is unique. The Florida Water Resources Act of 1972 (WRA) (Chapter 373, F.S.) granted Florida's five water management districts broad authority and responsibility. Two of the five districts existed prior to the passage of the WRA (South Florida and Southwest Florida), primarily as flood control agencies. Today, however, the responsibilities of all five districts encompass four broad categories: water supply (including water allocation and conservation), water quality, flood protection and floodplain management, and natural systems.

The five regional water management districts, established by the Legislature and recognized in the Florida Constitution, are set up largely on hydrologic boundaries. Water management districts are funded by ad valorem taxes normally reserved for local governments using taxing authority which emanates from a constitutional amendment passed by Floridians in 1976. The water management districts are governed regionally by boards appointed by the Governor and confirmed by the Senate. There is also general oversight at the state level by the Department of Environmental Protection.

In Florida, water is a resource of the state, owned by no one individual, with the use of water overseen by water management districts acting in the public interest. Florida law recognizes the importance of balancing human needs for water with those of Florida's natural systems.

Each of Florida's five water management districts has a history that cannot be completely detailed here. South Florida's subtropical extremes of hurricane, flood and drought, combined with efforts to populate this "new frontier," led the U.S. Congress to adopt legislation creating the Central and Southern Florida Flood Control (C&SF) Project in 1948, the largest civil works project in the country at that time.

The C&SF Project's primary goal was to serve the needs of the region's growing agricultural and urban populations and to protect and manage water resources. The United States Army Corp of Engineers (USACE) would, over the following decades, design and build a vast network of levees, canals and other improved waterways, and water control structures designed to help manage the often-unpredictable weather extremes of the region. Construction began in 1949 and continued for more than 20 years.

In 1949, the Florida Legislature created the Central and Southern Florida Flood Control District (FCD) to act as the local sponsor for this federal project by operating and maintaining the water control network system.

Throughout its history, the agency evolved to meet gubernatorial and legislative direction. After the Florida Water Resources Act of 1972 greatly expanded the responsibilities of the existing FCD, it was renamed the South Florida Water Management District in 1976, and new boundaries were drawn to encompass the region's primary water sheds.

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Together, these unique organizations work with state agencies and local governments to ensure there are adequate water supplies to meet growing demands while: protecting and restoring the water resources of the state; addressing water quality issues; protecting natural systems in Florida through land acquisition, land management, and ecosystem restoration; and promoting flood protection. For additional information, interested readers should review the districts' websites and contact officials at each District. The South Florida Water Management District's website is *sfwmd.gov*.

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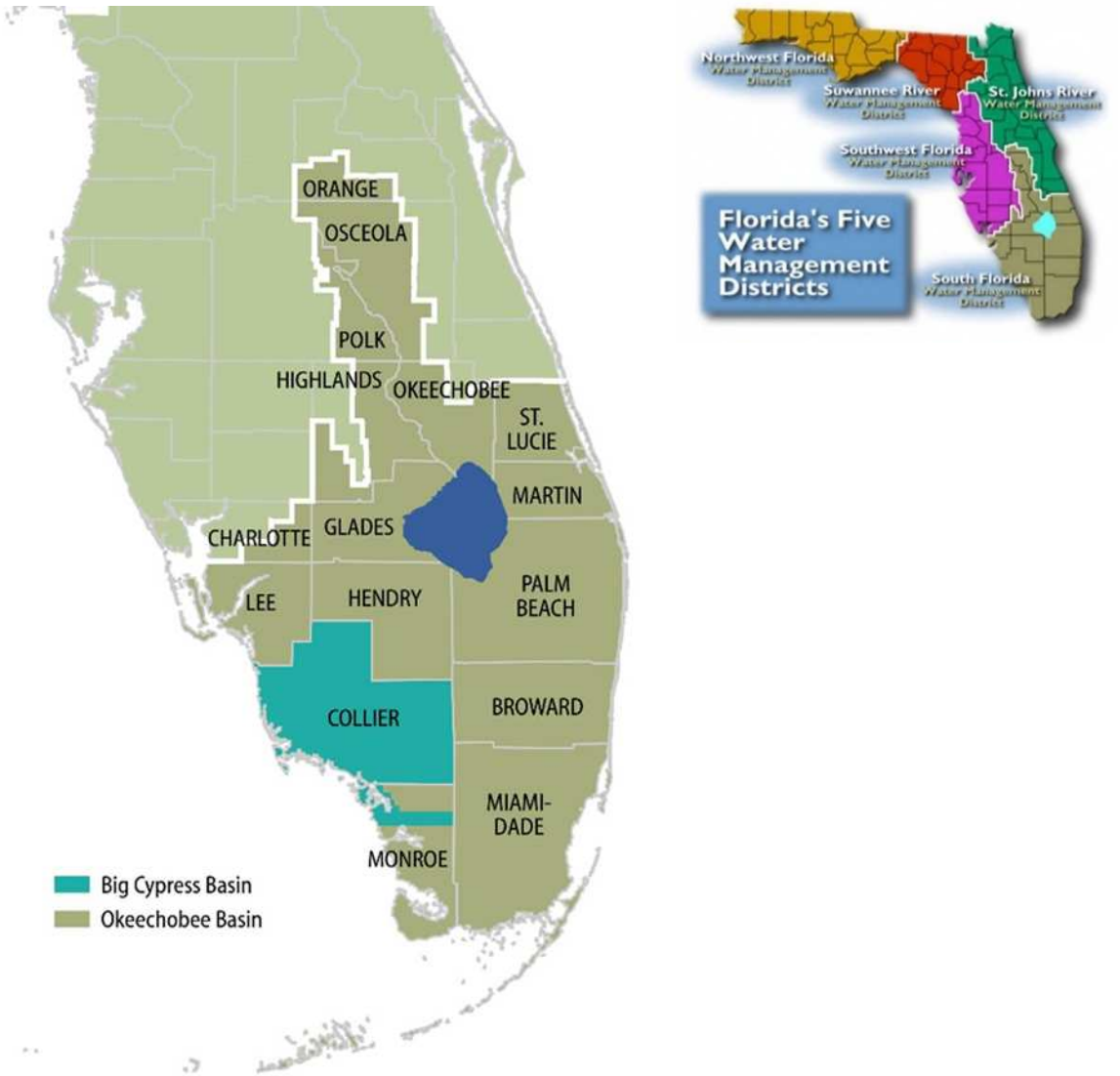
II. INTRODUCTION

B. Overview of the District

The South Florida Water Management District includes about 30 percent of the state's total area, 18,000 square-miles, serving and protecting 8.7 million people. The District encompasses all or part* of the 16 counties, spanning from Orlando to Key West including:

Broward	Charlotte*	Collier	Glades
Hendry	Highlands*	Lee	Martin
Miami-Dade	Monroe	Okeechobee*	Orange*
Osceola *	Palm Beach	Polk*	St. Lucie

Figure 1. District Map



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There are two primary basins contained within the District's boundaries, the **Okeechobee Basin** and the **Big Cypress Basin.** The Okeechobee Basin is based on the sprawling Kissimmee-Okeechobee-Everglades ecosystem, which stretches from Central Florida's Chain of Lakes to Lake Okeechobee and south to the Florida Keys. It includes the 700,000 acres within the Everglades Agricultural Area, the heavily developed southeast coast and Everglades National Park. The Okeechobee Basin includes 15 of the 16 counties. The Okeechobee Basin excludes Collier County and a small portion of mainland Monroe County.

The Big Cypress Basin includes all of Collier County and a small portion of mainland Monroe County, including the Big Cypress National Preserve and the 10,000 Islands. The Big Cypress Basin primarily provides flood control and stormwater management to the citizens of Collier County and works in cooperation with Collier County and other local governments on water resource, water resource development, and alternative water supply issues.

Governing Board

The District's Governing Board sets policy and direction for the entire agency. The Governing Board is composed of nine members appointed from specific geographic areas within the District. The members are appointed by the Governor and confirmed by the Florida Senate. Appointments are made on a staggered basis as vacancies occur. Board members serve without salary for a term of four years. The Governing Board elects its own officers, including a chairman and vice-chairman.

Legislation creating water management districts established two basin boards within the boundaries of the District. The Big Cypress Basin Board oversees water resource issues within Collier County and a small portion of mainland Monroe County. It is chaired by the District's Governing Board member representing that area along with five Basin residents appointed by the Governor and confirmed by the Florida Senate. Big Cypress Basin Board members serve terms of three years and receive no compensation. The Okeechobee Basin Board (the District's nine-member Governing Board) oversees water resource issues within the remaining counties.

Executive Office

The Governing Board appoints the agency's Executive Director and the Inspector General. The Florida Senate confirms the Executive Director. The Executive Director is responsible for administering the directives of the board and managing day-to-day District activities. The Inspector General is responsible for reviewing and evaluating internal controls to ensure the fiscal accountability of the agency, and for conducting financial and performance audits.

General Responsibilities

The District's responsibilities have expanded significantly since 1949 when it was originally created by the legislature as the Central and Southern Florida Flood Control District tasked with providing flood control at the core of its mission. The District now operates and maintains the C&SF Project, develops and implements water supply plans, conducts ecosystem research and monitoring, regulates water use, manages land acquisition and implements water quality improvement and ecosystem restoration plans.

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To meet these core mission responsibilities, the District's proposed staffing for the Fiscal Year 2020-21 Preliminary Budget is 1,475 regular full-time equivalent (FTE) positions. District staff is located at facilities across the District's 16-county jurisdiction to provide the public more direct and responsive access to permitting and other agency functions. These facilities include eight field stations located in Big Cypress Basin (Naples), Clewiston, Fort Lauderdale, Homestead, Miami, Okeechobee, St. Cloud, and West Palm Beach and four service centers located in Big Cypress Basin (Naples), Fort Myers, Okeechobee, and Orlando. The District's central headquarters are located in West Palm Beach. The District's annual budget is funded predominantly by state sources and property taxes as well as federal and local revenue, licenses, permit fees, grants, investment earnings, and reserve balances.

The District's major responsibilities are highlighted below:

Operations and Maintenance

The District's operations and maintenance consists of activities to effectively manage the primary canals and associated structures in South Florida. Operation and maintenance program activities include the C&SF Project, as well as the Big Cypress Basin, as authorized by Chapter 373 F.S. and as directed by the USACE Regulation Schedule. Activities include the operation and maintenance of a multi-purpose water management system comprising of approximately 2,179 miles of canals and 2,131 miles of levees/berms, 87 pumping stations, 781 water control structures and weirs, and 621 project culverts, which send water south and through waterways eastward and westward to both coasts.

Regulatory

The District has a number of regulatory programs designed to manage and protect regional water resources, including wetlands, rivers, lakes, estuaries, and groundwater supplies. The South Florida Water Management District's responsibilities are shared with the DEP and other state and local governments.

The types of permits issued by the District are listed below.

- **Environmental Resource Permits (ERPs)** regulate certain land use or construction activities that could affect wetlands or alter surface water flows that can contribute to water pollution. The District regulates residential and commercial developments, roadway construction and agriculture while the DEP regulates power plants, ports, wastewater treatment plants and single-family home projects.

  An ERP covers activities such as dredging and filling in wetlands or surface waters, constructing flood protection facilities, providing storm water containment and treatment, site grading, building dams or reservoirs and other activities affecting state waters.

- **Everglades Works of the District (EWOD) Permits** are required of landowners or entities within or discharging to drainage basins in the Everglades Agricultural Area (EAA) or C-139 Basin to reduce phosphorus flowing from the EAA or C-139 Basin into the Everglades. An EWOD Permit outlines targeted reductions in phosphorus as well as monitoring and reporting requirements and Best Management Practices (BMPs) for private and public landowners in these basins.

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- **Consumptive Water Use Permits** allow the holder to withdraw a specified amount of water, either from the ground (aquifers), or a canal, lake or river (surface waters). These water use permits are typically used for public supply, agricultural and nursery plant irrigation, golf course irrigation, commercial use, dewatering/mining activities and power generation. Water uses not covered by these permits include domestic uses, home irrigation and water used for firefighting.

- **Well Construction Permits** ensure that wells are built by licensed water well contractors and conform to water well construction permit standards. Unless exempt, a well construction permit must be obtained from the District or an agency delegated by the District prior to the construction, repair, modification or abandonment of any water well, test well or monitor well within the District's jurisdiction. A consumptive use permit may be required before the well construction permit can be issued. The District regulates the location, construction, repair, and abandonment of water wells in Monroe and Charlotte Counties, and for wells larger than 12 inches in diameter in Broward County. The District has delegated the location construction, repair, and abandonment of water wells in its remaining counties to their respective health departments or other delegated agencies. The dates when these agreements were signed between the District and the Health Departments are listed in Chapter 40E-3 and provided below.
    - Hendry and Osceola – April 18, 2005
    - Collier, Glades, Orange, Palm Beach, Polk – May 11, 2005
    - Broward – June 8, 2005
    - Miami-Dade – June 10, 2005
    - City of Cape Coral – August 10, 2005
    - Lee – September 13, 2005
    - Highlands, Okeechobee, Martin, St. Lucie – May 13, 2010
- **Right of Way Permits** protect the South Florida Water Management District's ability to effectively and safely use the canal and levee rights of way in the regional system while providing for compatible public and private uses such as docks, fences or walkways. The regional system includes canals and levees, major rivers and lakes, water conservation areas, the works of the Big Cypress Basin and certain other canals and rights of way.

Water Resource System

The **Kissimmee Basin** encompasses more than two dozen lakes in the Kissimmee Chain of Lakes, their tributary streams and associated marshes and the Kissimmee River and floodplain. The basin, which defines the northern-most region of the District, forms the headwaters of Lake Okeechobee and the Everglades. Major initiatives in the Kissimmee Basin are: the Kissimmee River Restoration Project which includes construction projects, the Kissimmee River Restoration Evaluation Program, and the Kissimmee Chain of Lakes and Kissimmee Upper Basin Monitoring and Assessment Project. Other programs and activities are associated with these projects, including ecosystem restoration, evaluation of restoration efforts, aquatic plant management, land management, water quality improvement, and water supply planning. The 56-mile channelized (C-38) Kissimmee River connects Lake Kissimmee and Lake Okeechobee. So far, three backfilling phases are now complete, and continuous water flow has been re-established to 24 miles of the meandering Kissimmee River.

Lake Okeechobee—meaning "big water" in the Seminole Indian language—spans 730 square-miles and is the largest lake in the southeastern United States. Lake Okeechobee and its

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wetlands are at the center of the Greater Everglades Watershed, which stretches from the headwaters of the Kissimmee River, through the Everglades and, finally, into Florida Bay. Lake Okeechobee restoration efforts are underway pursuant to the Northern Everglades and Estuaries Protection Program, under which the Lake Okeechobee Protection Program was expanded to strengthen protection for the Northern Everglades, restoring and preserving the Lake Okeechobee watershed and the Caloosahatchee and St. Lucie estuaries.

The **Caloosahatchee River and Estuary** extends 70 miles, from Lake Okeechobee west to San Carlos Bay on Florida's southwest coast. Programs to improve the estuarine habitat, water quality, and water supply include minimum flows and levels, the Northern Everglades and Estuaries Protection Program, and implementation of the Comprehensive Everglades Restoration Plan, as well as local BMPs and stormwater retrofit projects.

The **Lower Charlotte Harbor** watershed covers more than 2,230 square-miles in the lower west coast region of Florida, including the Cape Coral and Fort Myers metropolitan areas. Goals for restoring, protecting and managing the surface water resources of the watershed are outlined in the lower Charlotte Harbor watershed SWIM plan.

The **Estero Bay** watershed includes Central and Southern Lee County, and parts of Northern Collier and Western Hendry counties. The Estero Bay watershed assessment contains proposed management practices to improve water quality and to improve the timing and volume of freshwater inputs.

The **Indian River Lagoon** is a series of three distinct, but interconnected, estuarine systems, which extend 156 miles from Ponce Inlet to Jupiter Inlet on Florida's east coast. The District and the St. Johns River Water Management District share responsibility for restoring and protecting this lagoon. Components of the Indian River Lagoon – South Restoration Project will benefit the quantity, quality, and timing and flows of water for the Indian River Lagoon and the St. Lucie River and Estuary.

The **St. Lucie River and Estuary** includes the north fork and south fork of the St. Lucie River. The south fork of the St. Lucie River connects with the 152-mile Okeechobee waterway. Programs and initiatives to improve the timing, distribution, quality, and volume of freshwater entering the estuary include the Indian River Lagoon - South Restoration Project and the Northern Everglades and Estuaries Protection Program, as well as local BMPs and stormwater retrofit projects.

The 240 square-mile **Loxahatchee River** watershed covers parts of Palm Beach and Martin Counties and includes the communities of Hobe Sound, Tequesta, Jupiter, Jupiter Island, Jupiter Inlet Colony, Jupiter Farms, Juno Beach, and Palm Beach Gardens. To improve and protect the Loxahatchee River and Estuary, the District is implementing plans and initiatives in partnership with other agencies and organizations, including the DEP, the Loxahatchee River Management Coordinating Council, and Loxahatchee River District. These include the Loxahatchee River Initiative, the Loxahatchee River National Wild and Scenic River Management Plan, the 2002 technical documentation to support development of minimum flows and levels for the northwest fork of the Loxahatchee River, the 2010 Loxahatchee River Science Plan, and the 2006 Restoration Plan for the northwest fork of the Loxahatchee River and its 2011 addendum.

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The **Lake Worth Lagoon** watershed covers more than 450 square miles that contribute flows to Lake Worth and South Lake Worth in Palm Beach County. Goals for restoring and managing the watershed are found in the Lake Worth Lagoon Management Plan.

Within the historical **Everglades**, three **Water Conservation Areas** (WCAs*)* and the Everglades National Park preserve about half of the original Everglades, which covered nearly 11,000 square-miles of South Florida. The WCAs are located in the western portions of Palm Beach, Broward and Miami-Dade Counties and encompass 1,337 square-miles. Everglades Restoration programs and projects include: research projects; implementation of the Comprehensive Everglades Restoration Plan (CERP); RECOVER (REstoration COordination and VERification); the Long-Term Plan for Achieving Water Quality Goals for the Everglades Protection Area Tributary Basins, the Northern Everglades and Estuaries Protection Program; Restoration Strategies, which includes additional water quality improvement projects to assist existing stormwater treatment areas to achieve the Everglades phosphorus criterion; and water supply planning.

Biscayne Bay is a subtropical estuary that includes 428 square-miles of marine ecosystem and 938 square-miles of watershed along the coast of Miami-Dade and northeastern Monroe counties. Projects to restore and preserve Biscayne Bay are included in the implementation of the Comprehensive Everglades Restoration Plan. The Nearshore Central Biscayne Bay Water Reservation has been adopted as part of CERP.

Florida Bay and Estuary comprise a shallow inner-shelf lagoon between the southern tip of the Florida mainland and the Florida Keys where fresh water from the Everglades mixes with the salty waters from the Gulf of Mexico to form an estuary. There are nearly 1,000 square-miles of interconnected basins and 200 mangrove islands in the bay and estuary. Through implementation of the Comprehensive Everglades Restoration Plan, the District is focused on changing freshwater flow and improving the water quality and ecology of Florida Bay.

The **Big Cypress Basin** includes the natural lands of the Corkscrew Swamp and Sanctuary, the Big Cypress National Preserve, the Florida Panther National Wildlife Refuge, the Fakahatchee Strand, the Corkscrew Regional Ecosystem Watershed, Picayune Strand State Forest, and the 10,000 Islands. Programs include the Big Cypress Basin Watershed Management Plan, stormwater projects, and other capital improvements projects to store additional water, recharge groundwater, and improve water quality in Naples Bay.

The **Western Basins** region, comprised of the Feeder Canal Basin and the C-139 Annex, is part of a Water Resource Evaluation effort to evaluate potential hydrologic and water quality improvements in upstream flows from lands and water bodies within the Feeder Canal drainage basin, C-139 Annex drainage basin.

Comprehensive Everglades Restoration Plan (CERP)

The Comprehensive Everglades Restoration Plan provides a framework and guide to restore, protect, and preserve the water resources of Central and Southern Florida, including the Everglades. It covers 16 counties over an 18,000 square-mile area and centers on an update of the C&SF Project. The goal of CERP is to capture fresh water that now flows unused to the ocean and the gulf and redirect it to areas that need it most. Most of the water will be devoted to environmental restoration; the remaining water will benefit cities and farmers by enhancing water supplies for the South Florida economy.

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II. INTRODUCTION

For more than fifty years, the C&SF Project has performed its designed function well, but it has had unintended adverse effects on the unique and diverse South Florida ecosystem. Improvements through structural and operational modifications to the C&SF Project will improve the quality, quantity, timing and distribution of water deliveries for the environment; improve protection of the aquifer; improve the integrity, capability, and conservation of urban and agricultural water supplies; and improve other water-related purposes.

The Water Resources Development Acts provided the USACE with the authority to re-evaluate the performance and impacts of the C&SF Project and to recommend improvements and/or modifications to the project in order to restore the South Florida ecosystem and to provide for other water resource needs. The resulting plan was designed to capture, store and redistribute fresh water previously lost to tide and to regulate the quality, quantity, timing, and distribution of water flows.

The CERP was approved by Congress as a framework for Everglades Restoration under Title VI, Section 601 of the Water Resources Development Act of 2000. The CERP includes more than 60 major components and will vastly increase storage and water supply for the environment, as well as for urban and agricultural needs, while maintaining the current levels of service for flood control provided by the C&SF Project. In the Water Resources Development Act of 2007 (WRDA 2007), Congress authorized three CERP Projects for construction – Indian River Lagoon South – Phase 1, Site 1 Impoundment (Fran Reich Preserve), and Picayune Strand Restoration. In WRDA of 2014, Congress authorized another four CERP Projects for construction - Caloosahatchee River (C-43) West Basin Storage Reservoir, Biscayne Bay Coastal Wetlands, Broward County Water Preserve Areas, and C-111 Spreader Canal Western Project.

In the Water Resources Development Act of 2016 (WRDA 2016), Congress authorized the Central Everglades Planning Project (CEPP). This project implements increments of six components included in the Comprehensive Everglades Restoration Plan to accomplish the restoration objectives by improving the quantity, quality, timing and distribution of water flows to Water Conservation Area 3, Everglades National Park and Florida Bay, with ancillary benefits to the St. Lucie and Caloosahatchee estuaries, while increasing water supply for municipal and agricultural users while maintaining flood protection. In the Water Resources Development Act of 2018 (WRDA 2018), Congress authorized the EAA Reservoir.

Section 373.1501, F.S., provides a legislative finding that the CERP is important for restoring the Everglades ecosystem and for sustaining the environment, economy, and social well-being of South Florida. Furthermore, this section ensures that all project components are consistent with the balanced policies and purposes of Chapter 373, F.S., and specifically Section 373.026, F.S. In Subsection 373.026(8)(b), F.S., the DEP is directed to collaborate with the District and to approve each project component with or without amendments within a specified time frame. CERP components will be implemented through the execution of multiple projects. CEPP project components will take more than 30 years to construct and will be cost-shared equally among the federal government and local sponsors, of which the District is the major local sponsor.

Northern Everglades Initiative

In 2007, the Florida legislature substantially expanded the Lake Okeechobee Protection Act to the Northern Everglades and Estuaries Protection Program (NEEPP) (Section 373.4595, F.S.). As required by the NEEPP, the coordinating agencies, comprising the District, DEP, and the

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Florida Department of Agriculture and Consumer Services (FDACS), developed Watershed Protection Plans for the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds to identify and implement programs and projects necessary to achieve water quality and quantity objectives for the watersheds. Water quality objectives are based on Total Maximum Daily Loads (TMDLs) established by the DEP, while storage targets are aimed at achieving appropriate water levels in Lake Okeechobee and target salinities within the estuaries. The coordinating agencies last updated the Lake Okeechobee Protection Plan in 2014, and the St. Lucie and the Caloosahatchee River Watershed Protection Plans in 2015.

In recent years, DEP adopted the Basin Management Action Plans (BMAPs) for Lake Okeechobee (2014), St. Lucie Estuary (2013), and Caloosahatchee Estuary (2012), which are designed to implement nutrient reductions established by the TMDLs for these Northern Everglades basins. During the 2016 legislative session, the Florida legislature amended NEEPP to strengthen provisions for implementing the respective BMAPs and further clarify the roles and responsibilities, coordination, implementation, and reporting efforts among the coordinating agencies. In accordance with the current NEEPP legislation, DEP takes the lead on water quality protection measures through BMAPs adopted pursuant to Section 403.067, F.S.; the District takes the lead on hydrologic improvements pursuant to the Watershed Protection Plans; and FDACS takes the lead on agricultural interim measures, BMPs, and other measures adopted pursuant to Section 403.067, F.S. DEP has published the Florida Statewide Annual Report on Total Maximum Daily Loads, Basin Management Action Plans, Minimum Flows or Minimum Water Levels and Recovery or Prevention Strategies on its website pursuant to Section 403.0675, F.S. This report, published by July 1 each year beginning in 2018, includes the status of protection and restoration actions through total maximum daily loads, basin management action plans, minimum flows or minimum water levels and recovery or prevention strategies. Visit *www.floridadep.gov/star* for more information.

District Everglades

The Everglades Construction Project was the first major step in Everglades Restoration and a requirement of the Everglades Forever Act (EFA), passed by the Florida Legislature in 1994. It is also one of the largest environmental restoration public works projects in the nation. The cost associated with implementing the Everglades Construction Project is shared among the District, state and federal governments. The major funding sources identified in the Everglades Forever Act were ad valorem property taxes, agricultural privilege taxes, state land funds, federal funds, Alligator Alley toll revenues, and other environmental mitigation funds.

The EFA directed the District to implement regulatory source control programs in all areas tributary to the Everglades Protection Area (EPA) to reduce phosphorus in stormwater runoff. The District was also required to acquire land, then design, permit, construct and operate a series of treatment wetlands, referred to as Everglades Stormwater Treatment Areas (STAs), to reduce phosphorus levels from stormwater runoff and other sources before it enters the EPA. The STAs, which were originally planned to consist of approximately 40,000 acres, were expanded by approximately 5,000 acres in 2006 and 12,000 acres in 2012 for a current total of approximately 57,000 acres of effective treatment area.

Despite the success of the STAs and source control programs in removing phosphorus from stormwater, the existing STAs in combination with Best Management Practices had not achieved compliance with the Everglades numeric phosphorus criterion. To address this issue, the District, the Florida Department of Environmental Protection, and the United States Environmental Protection Agency engaged in technical discussions starting in 2010. The

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primary objectives were to establish a Water Quality Based Effluent Limit (WQBEL) for phosphorus in discharges from Everglades STA that would achieve compliance with the State of Florida's numeric phosphorus criterion in the EPA and to identify a suite of additional water quality projects to work in conjunction with the existing STAs to meet the WQBEL.

Based on this collaborative effort, a suite of projects that would achieve the WQBEL were identified in 2012 and are prescribed by DEP consent orders associated with EFA and National Pollutant Discharge Elimination System permits. Under the District's Restoration Strategies Program, the projects have been divided into three flow paths - Eastern, Central, and Western. The identified projects primarily consist of Flow Equalization Basins (FEBs), STA expansions, and associated infrastructure and conveyance improvements. The primary purpose of FEBs is to attenuate peak stormwater flows prior to delivery to STAs, while the primary purpose of STAs is to utilize biological processes to reduce phosphorus concentrations in order to achieve the WQBEL. Some of the key components are listed below, several of which are operational, in the design phase, or under construction:

- The Eastern flow path contains STA-1E and STA-1W. The additional water quality projects for this flow path include the L-8 FEB with approximately 45,000 acre-feet of storage and an STA expansion of approximately 6,500 acres (5,900 acres of effective treatment area) that will operate in conjunction with STA-1W. The L-8 FEB was complete in 2017 and is operating. The first phase of the STA-1W Expansion (4,300 acres of effective treatment area) was substantially completed in December 2018. The second phase of the STA-1W Expansion is currently being designed, all land acquisition for the expansion has been acquired. Three conveyance improvement projects have been completed to date: S-5AS Structure Modifications were completed in May 2016, the L-8 Divide Structure (G-541) was completed in July 2016, and the S-375 Expansion (G-716) was completed in April 2017. Construction of the Bolles East Canal component of the G-341 Related Conveyance Improvements is currently underway, and survey work to support the design of the remaining conveyance components is ongoing. Design of STA-1E Repairs and Modifications is ongoing.

- The Central flow path contains STA-2 (including Compartment B) and STA-3/4. The additional project for this flow path is the A-1 FEB with approximately 60,000 acre-feet of storage that attenuates peak stormwater flows prior to delivery to STA-2 and STA-3/4. A-1 FEB operations began in November 2015.

- The Western flow path contains STA-5/6 (including Compartment C). There are two additional projects planned, the C-139 FEB which will have approximately 11,000 acre-feet of storage and internal improvements within STA-5/6 to increase the effective treatment area by approximately 800 acres. Design activities for the C-139 FEB started in 2018 and construction is scheduled for completion by 2023. STA-5/6 internal improvements are ongoing, using district in-house staffing resources and equipment providing a significant cost savings versus contracting the project out to external vendors and is expected to be completed by December 2020.

Water Supply

The District encompasses nearly 18,000 square miles divided into five distinct planning regions: Upper Kissimmee (now made part of the Central Florida Water Initiative [CFWI] planning area), Lower Kissimmee, Upper East Coast, Lower East Coast and Lower West Coast. Development of comprehensive water supply plans customized to each region is key to identifying and

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understanding current and future water needs. Based on a 20-year outlook, these plans provide detailed, basin-specific information and recommended actions. The plans highlight areas where historically used sources of water will not be adequate to meet future demands and evaluate several water source options – including water conservation and alternative water supply – to meet those demands.

The 2005 Florida Legislature enacted the Water Protection and Sustainability Program. This precedent-setting law encourages cooperation between municipalities, counties and the state's five water management districts to protect and develop water supplies in a sustainable manner. Water management districts promote and support local government alternative water supply projects that support smart growth and reduce the use of fresh ground and surface water supplies, such as aquifers and lakes for a sustainable future.

Other District Programs

The District's responsibilities extend far beyond regulatory programs, Everglades restoration, water supply plan implementation, and flood control operations.

Partnership and coordination with other levels of government and other agencies help to support water resource development projects, development of alternative water supplies, water conservation, reuse, and stormwater management goals.

Research, data collection, and analysis help ensure District projects and programs are effective. Emergency operations and management is a cornerstone of District operations, especially during the hurricane season or in times of drought. The District is also a leader in melaleuca, aquatic weed, and other exotic pest and plant control.

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C. Mission and Guiding Principles of the District

The Governing Board has adopted the following Mission Statement and has made it an integral part of its overall strategic budget philosophy and structure:

The Mission of the South Florida Water Management District is to safeguard and restore South Florida's water resources and ecosystems, protect our communities from flooding, and meet the region's water needs while connecting with the public and stakeholders.

The District has established a goal that acts as a guiding principle for each of the four areas of responsibility (AORs). To guide the agency in meeting its mission-critical responsibilities, strategic priorities support core missions encompassing the AORs and include:

Restoration of Water Resources and Ecosystems – Safeguarding and Restoring South Florida's Delicate Ecosystem (Natural Systems / Restoration) through the strategic priority:

Expediting critical Everglades restoration projects by:

- Advancing the 29 Key Everglades Restoration Projects identified in Governor DeSantis' *Achieving More Now for Florida's Environment* Executive Order 2019-12,
- Maximizing use of available water storage features, such as reservoirs and flow equalization basins (FEBs),
- Implementing solutions to improve water quality treatment, reduce nutrient loads and reduce the likelihood of harmful algal blooms,
- Managing invasive exotic and nuisance vegetation, and
- Increasing access and recreational opportunities on public lands, when it does not conflict with restoration efforts.

Flood Protection – Protecting South Florida's Communities from Flooding, Ensuring and Management Water Flow through the strategic priority:

Refurbishing, replacing, improving and managing the components of our water management system by:

- Implementing flood protection infrastructure refurbishment projects,
- Incorporating new works into water management system operations,
- Operating the water management system to meet flood protection and water supply needs into the future considering sea level rise and the impacts of a changing climate,
- Coordinating with the U.S. Army Corps of Engineers on infrastructure inspections and results,
- Coordinating with state/federal partners and assisting local governments to determine level of flood protection, and
- Optimizing infrastructure maintenance by adhering to, or exceeding, industry standards and best practices.

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Water Supply – Ensuring Water for South Florida's Communities through the strategic priority:

Meeting the water needs of the environment and preparing for current and future demands of water users by:

- Encouraging development of alternative water supply projects to diversify water supply,
- Planning for region's water resource needs with consideration for challenges of climate change and sea level rise,
- Developing and implementing regional water supply plans in coordination with local governments and the public,
- Promoting water conservation measures,
- Utilizing regulatory permitting and compliance authority, and
- Using water reservation and minimum flow & minimum water level authorities to protect water for natural systems.

In addition to the four Areas of Responsibility (AORs), described above, the District has an additional strategic priority:

Public Engagement & Administration – Delivering efficient and cost-effective services through the strategic priority:

Ensuring South Florida taxpayers receive efficient and effective customer service by:

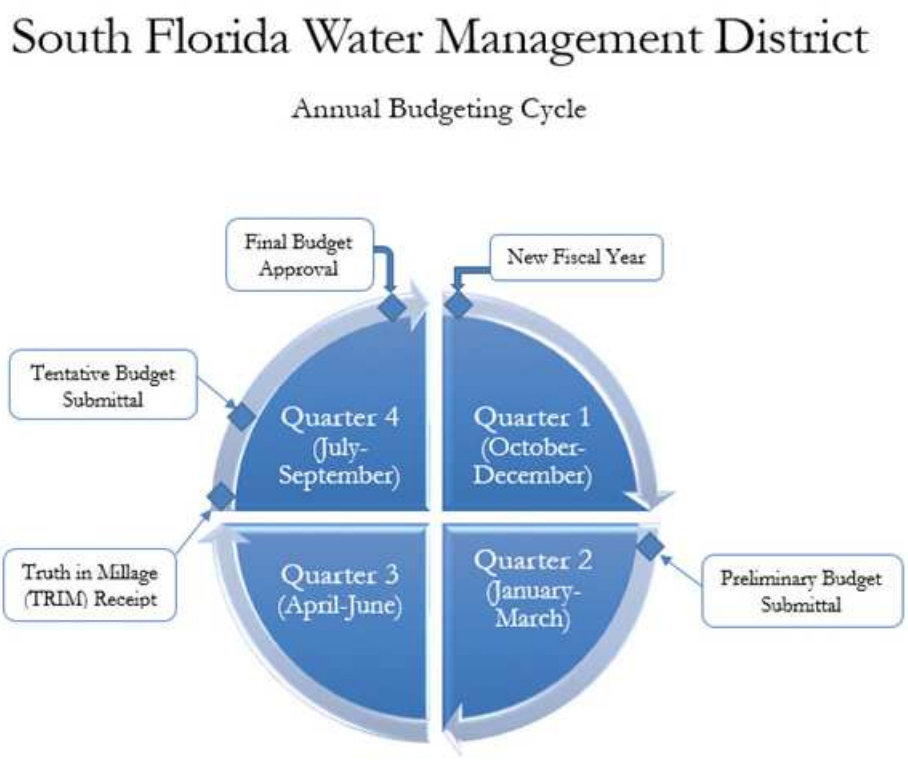
- Focusing resources on core functions, minimizing administrative costs and measuring performance,
- Ensuring accountability, transparency and public involvement in agency decisions, and
- Employing and developing a high-quality, diverse workforce.

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D. Development of the District Budget

This District's fiscal year runs from October 1 through September 30. The budget development process takes place throughout the fiscal year with guidance from the Governing Board. All meetings of the Governing Board, its committees and subcommittees are advertised to provide the public with an opportunity to discuss issues and concerns prior to the adoption of the budget. The chart below shows the cyclical nature of this process.



Prior to adoption of the final budget and in compliance with Section 200.065, F.S., the District will advise all county property appraisers within its jurisdiction, as required by the Truth in Millage (TRIM) process, of the proposed millage rates for Fiscal Year 2020-21, as well as the rolled-back rates and the date, time, and location of the public hearings on the matter.

The District will hold two TRIM public hearings in September. The first public hearing will take place on Thursday, September 10, 2020, at 5:15 P.M. at District Headquarters located at 3301 Gun Club Road, West Palm Beach, Florida. The second and final public hearing will take place on Tuesday, September 22, 2020, at 5:15 P.M., also at District Headquarters located at 3301 Gun Club Road, West Palm Beach, Florida. Written disapprovals of any provision in the Tentative Budget by the EOG or Legislative Budget Commission must be received by September 15, 2020, at least five business days prior to the final budget adoption hearing.

The District's Fiscal Year 2020-21 Preliminary Budget is designed to stay within the District's means and meet statutory mandates. The District continues to operate on a pay-as-you-go basis without new debt. The Preliminary Budget maintains an operating profile consistent with Fiscal Year 2019-20 and in-line with current revenue levels to ensure sustainability.

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E. Budget Guidelines

The District developed its budget under the previously established guidelines which include:

- Reviewing, on an ongoing basis, personnel, programs and activities to ensure that each District is meeting its core mission areas without raising costs for the taxpayers they serve,
- Ensuring that District employee benefits are consistent with those provided to state employees,
- Continuing District implementation plans for the beneficial use of excess fund balances; and
- Avoiding new debt.

The District's specific guidelines developed by the Governing Board and management staff include budget preparation assumptions approved by the Governing Board and include:

- Focus on core mission to safeguard and restore South Florida's water resources and ecosystems while protecting communities from flooding and meeting the region's present and future water supply needs through activities and projects supporting Governor DeSantis' ***Achieving More Now for Florida's Environment***, such as refurbishment of the Central and South Florida flood control system,
- Implement efficiencies that reduce operational expenses, non-core costs and administrative overhead,
- Direct funding to restoration and public works,
- Continue implementation plans for beneficial use of Reserves,
- Maintain an adequate reserve balance for emergencies, and
- Issue no additional debt.

Statutory authority in Subsection 373.536(5)(c), Florida Statutes, states that the Legislative Budget Commission (LBC) may reject district Tentative budget proposals based on the statutory thresholds described below. The thresholds in this Preliminary Budget are presented below for informational purposes.

- A single purchase of land in excess of $10 million, except for land exchanges.
    - The District **does not** have a single purchase of land in excess of $10 million in the Preliminary Budget.
- Any cumulative purchase of land during a single fiscal year in excess of $50 million.
    - The District **does not** have a cumulative purchase of land in excess of $50 million in the Preliminary Budget.

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- Any issuance of debt on or after July 1, 2012.
    - The District **does not** have any issuance of debt in the Preliminary Budget.
- Any individual variances in a district's Tentative Budget in excess of 25 percent from a district's Preliminary Budget.
    - Not Applicable for Preliminary Budget Submittal.
- Any program expenditures as described in Subsection 373.536(5)(e)4.e,(Outreach) and f. (Management and Administration) in excess of 15 percent of a district's total budget.
    - The District's Outreach and Management and Administration programs **do not** exceed 15 percent of the District's total budget as illustrated below.

State Program	FY2020-21 Preliminary Budget	% of Total Budget
5.0 Outreach	$1,122,971	0.1%
6.0 District Management & Administration	$39,108,329	3.8%
Grand Total (Programs 1.0 through 6.0)	**$1,023,069,964**	**100%**
5.0 & 6.0 Total	**$40,231,300**	**3.9%**

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F. Budget Development Calendar and Milestones

Date	Activity
October 1st	New Fiscal Year Begins.
October	Preliminary Budget Development Begins.
October – December	Present draft Preliminary Budget to the Governing Board.
December	Preliminary Budget due to DEP for review.
January 1st	TRIM Certification of Compliance or Noncompliance with Section 200.065, F.S. due to the Department of Financial Services (s. 373.503(6), F.S.)
January 15th	Preliminary Budget due to Legislature (s. 373.535(1)(a), F.S.)
March 1st	Legislative Preliminary Budget comments due to the districts (s. 373.535(2)(b), F.S.)
March 15th	Districts must provide written response to any legislative comments (s. 373.535(2)(b), F.S.)
April – May	District continues evaluation and refinement of the budget.
June 1st	Estimates of taxable values from the county property appraisers are received by the District.
July 1st	If no action is taken by the Legislature, development of the Tentative Budget proceeds (s. 373.535(2)(c), F.S.) Property Appraisers provide certified taxable values to Districts – TRIM (ss. 193.023, F.S. & 200.065(1)).
July 15th or sooner	District Governing Board adopts the proposed millage rates and approves the August 1st submittal of the Tentative Budget pursuant to s. 373.536(2), F.S. on July 11th.
July 15th	Tentative Budget due to DEP for review.
August 1st	Tentative Budget due to the Governor and Legislature as well as Secretary of the DEP and governing bodies of each county in the district (s. 373.536(5)(d), F.S.)
August (TBD)	Tentative Budget presented to legislative staff.
August 4th (day 35 of TRIM cycle)	TRIM – DR-420 forms shall be submitted to county property appraisers (s. 200.065(2)(b), F.S.)

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Date	Activity
September 5th	Comments on the Tentative Budget due from legislative committees and subcommittees (s. 373.536(5)(f), F.S.)
September 8th	Tentative Budget is posted on the District's official website 2 days prior to the public hearings (s. 373.536(5)(d), F.S.)
September 10th	Public hearing at 5:15 p.m. to adopt the Tentative Budget and Tentative Millage Rates at the SFWMD District Headquarters located at 3301 Gun Club Road, West Palm Beach, FL 33406 (ss. 373.536(3) and 200.065(2)(c), F.S.)
September 15th	Certify by resolution the Everglades and C-139 agricultural privilege tax roll to the tax collector of each county in which a portion of the EAA/C-139 is located (ss. 373.4592(6)(b) and 373.4592(7)(b), F.S.) Submit DR-408A Certificate to Non-Ad Valorem Assessment Rolls to the county tax collectors.
September 22nd	Public hearing at 5:15 p.m. to adopt the Final Budget and Final Millage Rates at the SFWMD District Headquarters located at 3301 Gun Club Road, West Palm Beach, FL 33406 (ss. 373.536(3) and 200.065(2)(d), F.S.)
September 25th	Submit copies of the resolution adopting the millage rates and budget to the property appraisers/tax collectors within 3 days after adoption (s. 200.065(4), F.S.)
September 30th	District Fiscal Year Ends.
October 1st	District Fiscal Year Begins
October 2nd	District submits the Adopted Budget for current fiscal year to the Legislature (s. 373.536(6)(a)1, F.S.)
October 22nd	District submits TRIM certification package to the Department of Revenue (s. 200.068, F.S.)

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III. BUDGET HIGHLIGHTS

A. Current Year Accomplishments and Efficiencies

This budget, submitted January 15, has been drafted after one quarter of the current fiscal year. Thus, this section will be completed in the Tentative Budget to include all the major Fiscal Year 2019-20 accomplishments. Below are highlights of what has been accomplished this fiscal year to date and what is anticipated to be completed during the remainder of Fiscal Year 2019-20.

Accomplishments

1.0 Water Resources Planning and Monitoring

This program includes all water management planning, including water supply planning, development of minimum flows and levels, and other water resources planning; research, data collection, analysis, and monitoring; and technical assistance (including local and regional plan and program review).

Water Supply

- Water Supply Plan Updates –
    - Lower West Coast (LWC): Completed final calibration and scenario application of the West Coast Floridan Model and final calibration, peer review, and scenario application of the LWC Surficial Aquifer System/Intermediate Aquifer System Model, including conducting modeling public workshops.
    - Lower Kissimmee Basin (LKB): The Governing Board approved the 2019 LKB Water Supply Plan Update in December 2019. This included completion of the draft plan, conducting a public workshop and comment period, and revising the draft to address public comment.
    - Upper East Coast (UEC): Initiated the 5-Year update to the UEC Water Supply Plan. Established internal team and held internal kick-off meeting and conducted public stakeholder kick-off workshop. Developed demand projections through 2040, continued coordination with the SJRWMD, and completed several draft chapters in support of the 2021 UEC Update.
    - Central Florida Water Initiative (CFWI): Completed the Public Draft of the 2020 CFWI RWSP update and anticipate approval by the Governing Board in November 2020. Completed final calibration, model documentation, scenario application, and model application documentation of the East Central Florida Transient Expanded (ECFTX) Model.
- CFWI Well Drilling and Data Collection - Completed construction of one Upper Floridan aquifer well; two Lower Floridan aquifer wells; and two Avon Park Permeable Zone wells as part of CFWI Data Monitoring and Investigation Team (DMIT) efforts.
- Completed the draft and final updates to the 2019 saltwater interface maps in SFWMD's coastal aquifers.
- Hosted Water Conservation Expo at District headquarters. This conservation themed seminar attracted participants from local governments, utilities, agriculture,

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manufacturers, other water users and interested public and discussed studies, research and experiences on the importance of conserving water.

- Cooperative Funding Program (CFP) – Staff implemented the FDEP Alternative Water Supplies grant program and the Water Protection and Sustainability grant program for Fiscal Year 2019-20. The grant programs have funded AWS and water conservation projects, which have completion dates out to Fiscal Year 2024-25.

Big Cypress Basin

- Execute Big Cypress Basin (BCB) Regional Partnership agreements (work to be completed Fiscal Year 2020-21) to provide cost-share funding for flood control and/or water quality improvements:
    - City of Naples Beach Restoration and Water Quality Improvement project
    - Collier County – Cocohatchee/Palm River Conveyance Improvement – improving downstream flood control conditions
    - Collier County – Griffin Road Area Improvements
    - Collier County – Gordon River Water Quality Park improvements (aka Freedom Park)
    - Conservancy of SWFL – Filter marsh expansion
    - Audubon Florida Corkscrew Swamp Sanctuary – monitoring enhancement
- Administer five interlocal contracts for services including the Collier County surface water and ground water monitoring, Rookery Bay National Estuarine Reserve for shared water quality monitoring, SR 29 Canal maintenance and the Collier County Secondary System MOU.
- Administer interlocal contracts for water quality improvement projects for Lake Trafford

Water Quality

- South Florida Environmental Report (SFER): Completed internal and external peer review of draft sections of the 2020 SFER. The final 2020 SFER is scheduled to be published and submitted to the Governor, Legislature, and other key stakeholders on March 1. This report serves as the District's mandated Annual Consolidated Report required of Water Management Districts (Section 373.036(7), Florida Statutes (F.S.)) and consolidates peer-reviewed research, data analyses, financial updates, a searchable database of environmental projects, annual permit reports, and project status updates.

- Laboratory Information Management System (LIMS) Upgrade: The LIMS client server was upgraded to a fully supported web-based system (version 12.8). To increase efficiency in the field to collect environmental samples and provide better interoperability of electronic field data transmission to the laboratory, an upgraded field deployed mobile data collection application was rolled out to agency wide organizations. Originally, the mobile app was limited in use. The upgraded system will enhance the process to submit environmental samples to the District's laboratory from many organizations (District and external researchers, contractors, and universities) that submitted paper copies of field collected information that required time-consuming transcription upon submission to the laboratory.
- Automated Temperature Monitoring System: The laboratory management team identified the need for an automated temperature monitoring system to improve staff

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efficiencies and program quality and reduce liabilities. All laboratory refrigerators, freezers and ovens require daily temperature logs to comply with NELAC certification requirements; and all temperatures must be stable within specified ranges. Further, all temperature measurement devices must be calibrated or replaced annually. This has been accomplished with paper logs and replaceable thermometers. Non-weekday monitoring has been accomplished with max/min thermometers. To modernize this process, the laboratory management team identified several suppliers of systems which would fully automate the process and assure constant monitoring and alerts for any exceedances. At the end of Fiscal Year 2018-19, a PO was issued to MESA labs to implement their system. Installation is scheduled for early December 2019. This new system will eliminate the daily task of manually recording 25 temperature-controlled devices and provide for annual calibration services.

- Automated Plate Reader: As part of the ongoing laboratory capital replacement plan, a BioTek Synergy 2 plate reader was recently purchased and deployed in the laboratory. This instrument is used for measurement of Microcystin LR by the Competitive Enzyme-Linked Immunosorbent Assay (ELISA) technique and for measurement of Alkaline Phosphate Activity (APA). This equipment will assist with improving the capabilities of the SFWMD to support the Governor's Water Quality Initiatives outlined in the Governor's Executive Order (EO) 19-12 and facilitate monitoring and analytical support to the Florida Department of Environmental Protection (FDEP) and other state and federal agencies tasked with oversight of blue-green algae blooms, cyanobacteria and nutrient pollution programs. For this replacement, the new instrument was upgraded from the existing filter-based fluorometer to a monochromator-based fluorescence system to allow greater sensitivity and flexibility in method development. This flexibility allows for the design of a new procedure for measurement of phycocyanin which is of interest in monitoring algae and algae blooms. Together with chlorophyll-a, chlorophyll-b and pheophytin by our existing HPLC Method, this suite of measurements will provide a good indication of the dominant type of algae blooms. Method development for phycocyanin is in progress. The new instrument is also expandable and capable of incorporating an automated micro imaging system for scanning purposes or an automated reagent dispenser to allow for development of compatible high throughput procedures.
- Expanded Water Quality Monitoring: The Water Quality Bureau is supporting EO 19-12, Achieving More Now for Florida's Environment, by expanding water quality monitoring in Lake Okeechobee, in the Northern Everglades Basins, in the C51/L8 Basin Upstream Tributaries, and in the St. Lucie and Caloosahatchee River Basins. Expanded monitoring encompasses adding new monitoring locations, increasing frequency of monitoring, and increasing analytical parameters. Additionally, the Water Quality Bureau will be expanding its continuous monitoring network by adding new remote continuous data sondes in the Lake Worth Lagoon and in Lake Okeechobee. The goal is to transmit real time data via telemetry to District Scientists. Laboratory and remote data will assist scientists with better predicting and analyzing blue green algae bloom conditions.

Applied Sciences

- Completed Caloosahatchee River Estuary (CRE) Minimum Flows and Minimum Water Levels Rule Making, including holding several meetings with stakeholders to share information and a public meeting to present the recommendations to the Governing Board. Completed draft plan for the CRE MFL Recovery Strategy monitoring.

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- Edited by D. Childers, E. Gaiser and L. Ogden, the Oxford University Press released the seminal review of The Coastal Everglades; a nine-chapter description of the dynamics of social-ecological transformation in the south Florida landscape. District co-authors include Fred Sklar, Mark Cook, Carlos Coronado, Chris Madden and Walter Wilcox.

- Published updated Lake Okeechobee Watershed Research and Water Quality Monitoring Plan in the 2020 South Florida Environmental Report. The Plan describes recently completed and ongoing work and proposes research, monitoring, and modeling that will help the State of Florida achieve the Lake Okeechobee total daily maximum load for total phosphorus.

- Implemented drawdown of East Lake Tohopekaliga requested by the Florida Fish and Wildlife Commission (FWC) and approved by USACE. The project is a habitat improvement project that will be completed by June 2020.

- Completed the August 2020 annual Lake Okeechobee Submerged Aquatic Vegetation (SAV) mapping.

- Developed an improved Lake Okeechobee stage envelope target, which will be used as a performance measure by RECOVER in evaluating projects that may affect lake stages, either CERP-related or the upcoming Lake Okeechobee System Operation Manual (LOSOM). Currently under review with RECOVER staff.

Hydrology and Hydraulics

Canal Conveyance Analyses and Structure Flow Ratings

- Completed the C-1W, C-1N Belaire canal conveyance evaluations as well as the assembling of background information and hydraulic design evaluation of C-14.

- Completed the calibration and validation of the Upper Kissimmee MIKESHE (an integrated hydrological modelling system for building and simulating surface and groundwater flow). Completed the model simulations needed to evaluate conveyance of the Upper Kissimmee canal system along with proposed structural improvements; completed the draft report.

- Completed the compilation and review of the background design information and original design conditions for several canal reaches including the C-111.

- Completed the conveyance evaluation of the L-29 borrow canal.

- Completed flow rating development, calibration and/or verification for over 35 new structures and resolved Flow Rating issues at over 22 structures.

Hydraulic Design and Technical Review

- Completed hydraulic design for S-333N structure.

- Completed the sizing and initial S-49 spillway replacement and initiated the S-65D spillway replacement study using Computational Fluid Dynamics (CFD).

- Completed hydraulic design for replacement culverts at L-61/L-50 Crossing.

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- Analyzed and developed conceptual hydraulic designs for the S-332 B & C Pump stations replacement project.

- Perform in-depth technical reviews of hydraulic, hydrologic and geotechnical designs/studies for over 20 priority agency projects including A2 STA SOW, A2 FEB Preliminary Seepage Analysis, LOWRP, and C-43 Reservoir.

- Conducted reviews of plans and specifications in support of the Herbert Hoover Dike Culvert Replacement project.

Water Control Plans/Operation Plans/VDUP

- Developed or reviewed Operating Manual and Operation Plans for several critical assets and district projects. Completed revised Operation Plans for C-4 Impoundment, STA5/6 and Lakeside Ranch STA.

- Completed water control regulation schedule conversion to NAVD88 vertical datum at 19 water bodies and engaged the USACE.

- Quarterly Report and Presentation - C-111 Spreader Canal Western Project Phase 1.

- Prepared and circulated Monthly Dynamic Position Analysis (DPA) for complete water management system, Mid-Months DPA to support High Water Emergency operations.

- Developed a methodology and associated tool for Maximum Allowable Gate Opening at gravity water control structures.

Everglades Restoration and USACE Support - Modeling and Analyses

- Provided modeling support to complete the USACE Combined Operational Plan (COP) effort including the development of the first real-time operating protocol (the Tamiami Trail Flow Formula) the realizes a new restoration-based operational protocol as originally envisioned in CERP planning two decades ago. Also complemented implementation and began application of the highly detailed 15-minute MDRSM model for use in flood evaluation.

Flood Protection Level of Service and Sea Level Rise

- Identified capital projects and initiatives based on the findings of the Flood Protection Level of Service Study for specific watersheds in Big Cypress Basin.

- Initiated Flood Protection Level of Service Assessment for Broward County and Miami-Dade County.

- Initiated the tidal structure assessment project to determine the relative susceptibility of 27 low-lying tidal structures to sea level rise and to prioritize mitigation strategies for the most susceptible.

- Initiated system resilience initiatives with improvements to controls at coastal structures.

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Everglades and Estuaries Protection

- Initiated Rule Development to amend Chapter 40E-61, of the Florida Administrative Code, relative to the Lake Okeechobee Watershed and for the Caloosahatchee and St. Lucie River Watersheds as directed by NEEPP. Section 373.4595, F.S.

- Initiated the expansion of the water quality monitoring networks in the Northern Everglades to ensure appropriate representative data to evaluate trends, identify water quality issues, prioritize resources, measure potential water quality impacts of activities to SFWMD projects/works, and assist in selection of appropriate technologies, projects, and solutions to address issues. The expanded network will also support FDEP's Basin Management Action Plan in the Northern Everglades and the Blue-Green Algae Task Force recommendations.

2.0 Land Acquisition, Restoration, and Public Works

This program includes the development and construction of all restoration capital projects, including water resource development projects/water supply development assistance, water control projects, and support and administrative facilities construction; cooperative projects; land acquisition and the restoration of lands and water bodies.

Everglades Water Quality Improvement

- Received approval from FDEP for STA-1W Expansion #1 flow-through based on results of startup water quality monitoring.
- Completed construction of STA-5/6 Cells 2A and 3A internal improvement grading to allow for sustainable vegetation and improved treatment performance.
- STA-3/4 Energy Dissipators placed immediately downstream of the 17 inflow culverts to the STA to deflect the inflow and dissipate the energy allowing EAV to grow closer to the distribution canal and prevent short-circuiting.
- Completed Feasibility Study for STA-5/6 Connection to Lake Okeechobee, which will identify the volume of Lake Okeechobee water that can be sent to STA-5/6 and still meet the Water Quality-Based Effluent Levels, and initiated design based on findings.
- Complete design of STA1W Expansion #2 by mid spring 2020.
- Initiated construction of the G-341 Bolles Canal East Canal Segment 4. Construction of STA-3/4 Energy Dissipaters and STA-1E Cell 5 and 7 Internal Improvements is planned to start January and February 2020 respectively.
- Initiated monitoring for an upstream monitoring network in the C-51 West Basin to identify nutrient sources to Stormwater Treatment Area (STA) 1 East and devise appropriate strategies towards achieving Water Quality-based Effluent Limits for the Eastern Flow-path of the Southern Everglades.
- Conducted in-depth Best Management Practice (BMP) inspections for priority permit basins in the Everglades Agricultural Area to develop tailored approaches to reduce phosphorus nutrients in STA inflows; quality assurance analyses of permittee-collected data procedures, and BMP research.
- Initiated evaluation of sub-regional source control projects to address priority areas in the S-5A Sub-basin.

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Comprehensive Everglades Restoration Plan

- Central Everglades Planning Project (CEPP) - Completed design and initiated construction for the removal of Old Tamiami Trail to reduce impediments to sheetflow. Completed construction of S-333N to improve the delivery efficiency of moving water south from Water Conservation Area (WCA) 3A into Everglades National Park. Successfully negotiated with Florida Crystals for an early termination of leased fields under the expedited construction schedule for the STA component of the EAA Reservoir Project. Completed construction of the A-2 STA Clearing, Grubbing and Muck Removal. Construction of the A-2 STA Inflow/Outflow Canal is planned to start May 2020. Coordinating with the USACE on completion of the Assistant Secretary of the Army's CEPP Post Authorization Change Report (PACR) Review Assessment by May 2020. Executed the Pre-Partnership Credit Agreements for the CEPP North, South and New Water components to preserve program implementation construction credit. Execution of the CEPP South Project Partnership Agreement for implementation of the CEPP components that reduce constraints in sending water from WCA 3A to Everglades National Park on track for completion by July 2020.

- Completed design and initiated construction of the C-43 Reservoir S-470 Pump Station, reservoir embankment and associated structures. Developed the C-43 Reservoir Post Authorization Report for inclusion in WRDA 2020 to ensure adequate federal program spending authority to complete construction of the C-43 Reservoir project.

- Completed the Loxahatchee River Watershed Restoration Project 1501 Compliance Report and received Secretarial Order of Approval from FDEP. Released the Draft Project Implementation Report for public and agency review. Released the Final Project Implementation Report for public and agency review and inclusion in WRDA 2020.
- Completed construction of the C-44 STA Cells 1-3 & Hydration Pump Station S-401T. Identified alignment for the C-23 to C-44 Interconnect (southern diversion) and initiated documentation to include this feature into an Integral Determination Report to ensure program work-in-kind credit and amend the IRL-S Project Partnership Agreement, by December 2019. Determined final footprints and the remaining land acquisition required for the C-23/C-24 Reservoirs and STAs and initiated design activities.
- Release of the Final Project Implementation Report on track for public and agency review and inclusion in WRDA 2020 in February 2020. Execution of the Pre-Partnership Credit Agreement for the Lake Okeechobee Watershed Restoration Project to preserve ASR implementation program construction credit is anticipated in early 2020.

- Initiated design of the remaining components of the Biscayne Bay Coastal Wetlands Phase I L-31E Flow Way and the Cutler Flow Way. Design is expected to be completed in Fiscal Year 2020-21. Developed a cost share agreement with Miami-Dade County for design of the Biscayne Bay Coastal Wetlands Phase I Cutler Flow Way. Acquired 4 tracts containing 34.58 acres for the Biscayne Bay Coastal Wetlands Phase 1 Project in Miami-Dade County. The District is working to acquire the remaining 2 tracts needed in the Biscayne Bay Coastal Wetlands Phase I Project during this fiscal year.

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- Developed a Grant Work Plan with FDEP to utilize State appropriations for the Biscayne Bay Coastal Wetlands Phase II planning project. Completed development of the Project Management Plan and initiated project scoping for the Biscayne Bay Coastal Wetlands Phase II project. Kick off for the Biscayne Bay Coastal Wetlands Phase II planning project is expected in July of 2020.

- Completed plan formulation and evaluation for the C-111SD project resulting in a Tentatively Selected Plan to replace the temporary S332B and S332C Pump Stations. Developed the C-111 South Dade Post Authorization Change Report for congressional approval in WRDA 2020 to replace the temporary S332B and S332C Pump Stations. Acquired 12 tracts containing 23.08 acres for the C-111 South Dade Southern Glades Project in Miami-Dade County. The District continues to acquire the remaining land interests needed in the C-111 South Dade Project from willing sellers. Deviation to operate S20 structure, part of the C111 SCW Project, was approved. The deviation will modify operations by up to 0.5 feet for the next two years to increase water stages in the model lands.

- Completed the Broward County Water Preserve Area geotechnical investigations and seepage modeling to support design of the C-11 Impoundment. Initiated power line relocation, removed site debris, and conducted soil sampling in preparation for C-11 Impoundment construction.

- Initiated construction of the Picayune Strand Restoration Project (PSRP) Project Miller Road and Tram removal. Continued plugging of the Stair Step discharge canal. Completed modeling for the Southwest Protection Feature and initiated design for the conveyance features under US 41 and County Road 92. Design/build contracts to be awarded in January 2020. The District continues to acquire the remaining land interests needed in the Fakahatchee component of the Picayune Strand Project.

- Updated the South Florida Ecosystem Restoration Integrated Delivery Schedule to sequence and advance key ecosystem restoration projects to provide more system-wide operational flexibility to better manage Lake Okeechobee, reduce undesirable discharges to the northern Estuaries and send additional flow to the central Everglades including Everglades National Park.

- Completed project scoping with the USACE on the Lake Okeechobee System Operation Manual (LOSOM) and initiated project plan formulation.

- Lead the effort to update the RECOVER Northern Estuaries Salinity Performance Measure (PM). It has been 12 years since the PM was last updated. New modeling approaches and current available data on the indicators are being used to improve the accuracy and usefulness of the PM. The PM is scheduled to go out for review and be finalized early in 2020 for use in the LOSOM update. LOSOM will just be one of the CERP uses of this PM.

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- RECOVER scientists, working with the Interagency Modeling Team (IMT), completed the computer modeling of the performance measures and indicators associated with the Comprehensive Everglades Restoration Plan (CERP) requirement to conduct an Interim Goals and Interim Targets (IGIT) analysis. This multi-agency effort will assist decision-makers with the timing, planning and implementation of CERP projects, inform adaptive management actions, and identify uncertainties that need further study to assure restoration success. The assessment of the IGIT modeling output is expected to be completed by January 2020.

- Completed design of the Loxahatchee Impoundment Landscape Assessment (LILA) Improvements.

- Took over responsibility for Phase 2 of the Decomp Physical Model from USACE. In Phase 2, active vegetation management techniques are being used to restore connectivity between degraded sloughs in WCA-3B, allowing increased propagation of flow in the Everglades landscape. In Phase 1, increased flow was shown to shift algal communities and reduce canal exports of phosphorus downstream. Phase 2 is exploring the implications of algal shifts and canal backfilling. The Decomp Physical Model project will continue through Fiscal Year 2020-21.

Northern Everglades and Estuaries Protection Program (NEEPP)

- Construction completion of the Brighton Valley Northern Everglades Public-Private Partnership (NE-PPP) Project is on schedule for December 2019. This project will treat rainfall and excess water pumped from the C-41A canal on approximately 8,142 acres of private agriculture lands. It is estimated that the project will treat an average of 39,765 acre-feet of water per year with an estimated average water quality benefit of 3.2 metric tons of total phosphorus and 27.3 metric tons of total nitrogen per year.
- Completion of the Lake Okeechobee Watershed Protection Plan Update is on schedule for publication March 2020. Initiated the St. Lucie River Watershed Protection Plan Update planned for publication in 2021.
- Initiated planning and conceptual design of the Flow Equalization Basin (FEB) and C-43 Water Quality Treatment and Testing Facility Project – Phase II Field-Scale Cells Study at the ~1,800-acre Boma property, along the Caloosahatchee River (C-43 Canal).
- Initiated Brady Ranch FEB & Aquifer Storage and Recovery (ASR) Feasibility Study, which will evaluate the project location and water availability to develop project alternatives and inform future design within the ~1,800-acre property in the Lake Okeechobee watershed.
- Initiated design of Grassy Island FEB & ASR Project.
- Commenced operations of the constructed 670-acre Lake Hicpochee Hydrologic Enhancement Project in the Caloosahatchee River Watershed. Initiated evaluation of project alternatives for a ~2,400-acre expansion; draft Design Documentation Report (DDR) planned for completion by summer 2020.
- Initiated the C43 Water Quality Feasibility Study in a public process to investigate technology options and identify three conceptual alternatives to provide additional treatment and improve water quality entering and/or leaving the C-43 Reservoir.
- Reviewed USACE biological assessment (BA) and system operating manual (SOM) for the Kissimmee River Restoration Project Headwaters Revitalization regulation schedule for the S-65 water control structure at the outlet of Lakes Kissimmee, Cypress, and Hatchineha. Approval of the schedule is anticipated in mid- to late-2020, after completion of project construction by USACE.

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- The District initiated rulemaking to amend Chapter 40E-61 of the Florida Administrative Code (40E-61), also known as the Lake Okeechobee Works of the District Basin rule, to address the legislative directives in Section 373.4595, Florida Statutes or NEEP. The Office of Counsel, in conjunction with Regulatory staff, will draft rule text based on statutory requirements and public feedback. The Office of Counsel anticipates final rule adoption by the end of Fiscal Year 2020. The legislature required the District at a minimum to:
  - Amend Chapter 40E-61 of the Florida Administrative Code to be consistent with NEEPP and Section 403.067, Florida Statues;
  - Adopt new rules for the Caloosahatchee and St. Lucie River Watersheds;
  - Provide a water quality monitoring program for nonpoint source dischargers required to monitor under Section 403.067, Florida Statutes; and
  - Provide for the results of that monitoring to be reported to the coordinating agencies.

3.0 Operations and Maintenance of Lands and Works

This program includes all operation and maintenance of facilities, flood control and water supply structures, lands, and other works authorized by Chapter 373, F.S.

Field Operations

- Cleared approximately 2.8 miles of canal bank along C-40 for an upcoming FWC muck removal project.

- Completed 825 planned preventative maintenance activities on District infrastructure including pump stations, gravity control structures, electrical and instrumentation components, canals, levees, fleet vehicles and heavy equipment.

- Performed repair and grading of 380 miles of roads.

- To ensure proper operation of the District flood control system, 7,291 cubic yards of aquatic vegetation were removed from canals.

- To control invasive plants and protect the integrity of District levees, 11 acres of terrestrial vegetation were mechanically removed.

- District pump stations collectively pumped 331,402 acre/feet of water from October through November 12, 2019.

- Planning the installation of 17 energy dissipaters at the inflow structures for STA 3/4 consisting of 8,300 Tons of rip rap and 9,160 Tons of bedding stone.

- Planning the installation of filter fabric, bedding stone and rip rap along 5,350 linear feet of STA 1 East to complete erosion repairs from Hurricane Irma. This will include approximately 12,220 Tons of rip rap, 4,160 Tons of bedding stone and 3,000 sq. yds. of sod.

- Planning to clear 5,000 feet of woody vegetation, construct 20,000 linear feet of levee, install four culverts and excavate and haul 133,000 Tons of fill material for the Allapattah Flatts Wetland Restoration project.

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- Planning the installation of three 60" x 80' culverts at L-50 and L-61.
- Planning the replacement of the G-78 culverts.
- Planning the stabilization of 300 feet of bank along the east side of C-38 south of S-65A.
- Planning in-house backup generator replacement at 5 water control structures.
- Planning the overhaul of 10 engines, six pumps and one gearbox from District pump stations.
- Planning 10 major gate overhauls and two hydraulic cylinder overhauls at District structures.
- Planning hazardous tree, debris and trash removal from 2.5 miles along the Golden Gate Main Canal.
- Through October 31, 2019, processed 55 permit applications and issued 39 Right-of-Way Occupancy Permits/Modifications. This monthly average would yield 660 applications and 468 permits for Fiscal Year 2019-20.
- Continued with day-to-day routine helicopter maintenance.

Engineering and Construction

- Completed construction of S-72 Structure Refurbishment, L-8 Dupuis Culvert Replacements, S-151 Replacement, S-140 PS Refurbishment, WPB Paint Shop Facility, Big Cypress Basin (BCB) Remote Monitoring and Communications Phase 3, Culvert 8 Pump Attachment, Gate Overhaul Fall Protection Installations, Tower Program Repairs, and the C-100A Tree Removal Segment 7.
- Initiated construction of the Nubbin Slough STA Repairs, G-420/G-420S PS Modifications, G-370/G-372/G-310/G-335 Tower Grounding Modifications, Microwave Tower Loop Radio Replacements, IT Shelter Replacements at Miami Field Station & Miami South Towers, S-40/S-41/S-44 Refurbishments, S-169W Structure Replacement, BCB Electrification Phase 1, L-50 Culvert, FTL Field Station Overhead Crane, Kissimmee SCADA Site Replacements, Miller Weir #3 Gate Replacement, and S-176 Roller Gate Conversion.
- Completed design of the C-139 Annex Restoration Phase 2 and Agricultural Area Stormwater Rerouting, S-135 By-pass Culvert Abandonment, S-179 Roller Gate Conversion, G-310 & G-335 Trash Rakes, S-319 & S-362 Generator Replacement and Relocation, Loxahatchee Impoundment Landscape Assessment (LILA) Improvements, BCB Electrification Phase 2, and Homestead & Okeechobee Project Culvert Replacements.
- Initiated design of the STA-1W Levee Modifications, Storm Surge Protection for Miami-Dade Coastal Structures, L-31N Miami-Dade Curtain Wall, BCB SCADA Sites, BCB Canal Improvements, WPBFS Sandblast Facility, St. Cloud and Clewiston Project Culvert Replacements, HHD (S-285 & S-290) SCADA Automation, G-404 Roof Replacement, and Okeechobee & Clewiston Field Station Replacements.

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- Inspection Programs: The Structure Inspection Program (SIP) completed 138 multi-disciplined engineering inspections which assist in identifying capital projects & maintenance items. Another 37 inspections were completed through the Roof, Tower and Bridge inspection programs. There were 75 overhead crane inspections & 241 vibration analyses completed.

- Unscheduled Requests: During the year, around 140 unscheduled requests are received. These typically involve urgent maintenance/repair of the District's water control system, and include issues with major pump stations, water control structures, roofs, manatee protection systems, and miscellaneous issues (e.g., towers, erosion, permits, fuel, generators, seawalls, levees, canal banks, bridges, field station facilities).

- Planning to complete over 250 Surveying/Mapping service requests for the current year.

- Managed contract surveying services supporting the EAA Reservoir/STA Canal Conveyance Modeling efforts on ~100 miles of segments along the Miami Canal, North New River and L13, L14, and L15 Canal Segments.

- Managed contract surveying services supporting Canal Conveyance Modeling efforts on ~80 miles of segments along the C6, C18 and L29 Canal Segments.

Real Estate

- Acquired 4 tracts containing 4.92 acres for the Shingle Creek Project in Orange County.

- Received 3rd and final installment payment from Palm Beach County and conveyed all remaining interest in Tract W9100-176 ("Pero Farms" property).

- Processed 6 release of reservations applications.

- Extended 5-year cattle grazing lease on 4,466.34 acres in Okeechobee County.

Land Resources

- Treated 2,324 acres for invasive upland and wetland vegetation to maintain the ecological function and values of native plant communities on conservation lands. The majority of contracted exotic plant control work will occur during quarters three and four with a goal of treating 60,000 acres of District-managed lands for exotic vegetation.

- Managed contracts for biological control development and implementation resulting in six releases of approximately 40,500 Old World climbing fern defoliating moths within the Kissimmee River floodplain. Additional targets for Fiscal Year 2019-20 include 200 releases of water hyacinth leaf hoppers, 250 releases of agents to control Old World climbing fern, and 100 releases of the recently approved agent for control of Brazilian pepper.

- The District's Python Management Program removed 223 Burmese pythons in the first 40 days of Q1 Fiscal Year 2019-20, bringing the total number of animals removed since the project's inception to 2,696. The program goal for removed pythons during Fiscal Year 2019-20 is 1,500 pythons.

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- Two green iguana removal projects were initiated on District canals to assess efficacy of standard iguana control techniques to reduce levee damage.

- In collaboration with the University of Florida, the District completed four invasive animal survey routes within the Everglades footprint, with a goal of completing 24 systematic surveys during Fiscal Year 2019-20. The data collected from these surveys allows the District to detect population trends of priority invasive animals as well as trends for native wildlife.

- Completion of thirteen (13) planned hazardous and exotic vegetation removal projects in Homestead, Okeechobee, West Palm Beach and Big Cypress Basin Areas. Completion of sixteen (16) aerial projects to treat exotic vegetation on District properties.

- Coordinate efforts with the Florida Fish and Wildlife Commission and the Army Corps of Engineers for aquatic treatments of the Alligator Chain of Lakes and Lake Okeechobee, while considering other methods of treatment. Mechanically harvested one hundred and twenty (120) acres of floating vegetation in Lake Kissimmee. Working with Dr. Leary (Univ. of Florida) to evaluate mechanical harvesting cost/benefit analysis.

- Treated 616 acres of undesirable vegetation and planted 90 acres of emergent vegetation within the District Stormwater Treatment Area (STA) system

- Conducted prescribed burns on 2,618 acres of fire-dependent plant communities and wetlands on District acquired conservation and project lands during quarter 1 to maintain and improve the ecological values associated with these habitat types. Acres of prescribe burning completed to date represent 16% of the established prescribe burn goal (16,000 acres) for the year.

- Abiaki Prairie Wetland Restoration Project: Conducted ongoing, monthly regulatory teleconferences with USACE/EPA/FWS to facilitate project permitting, completed draft 2020 exotic and nuisance vegetation treatment plan for phases 1 and 2 of the restoration project, completed planting of lateral 15 habitat islands, and completed site preparation activities for the planting of 500 acres of native ground cover in January 2020 in phase 1 of the wetland restoration project.

- Administered 44 cattle grazing leases on conservation and project lands as a cost-effective land management tool to manage herbaceous vegetation on public lands, developed land management and BMP requirements for 1 new grazing lease, and monitored BMP compliance to assure grazing activities are carried out in an environmentally appropriate manner.

- Provided recreation opportunities including hiking, camping, hunting, fishing, bicycling, wildlife viewing, and equestrian use on over 686,000 acres of District lands.

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Hydrology and Hydraulics

- Processed 88,500 station days (242 station years) of real-time data (out of a projected 1.2M station days for a full year).
- Completed quality assurance on over 320 legally mandated sites (2,300 station-days out of a projected 28,000 station-days for a full year).
- Extended the historical records and improved data acquisition of Next Generation Weather Radar rainfall, Geostationary Operational Environmental Satellite solar radiation, potential and reference evapotranspiration (ET) parameters, and generated an extra 10 instantaneous and daily flow single time series.
- Performed 9 discharge measurements (stream gaging), site visits, and reconnaissance trips (8 for rating improvements and 1 for a sediment trap study) maximizing opportunity to secure measurements based on weather conditions.

Information Technology Operations

- All critical SCADA sites will be on the Emerson Ovation System
- SCADA Design, Installation, and Maintenance
    - Perform 1,715 preventative maintenance site visits
    - Perform 992 site repairs
    - Complete 23 NAVD88 datum conversions
    - Perform equipment installation / upgrades consisting of RTU program upgrades at 210 sites, Solar Panel upgrades at 44 sites, and Bird Deterrent installation at 32 sites
    - Complete 3 site rebuilds
    - Complete 15 Motorola ACE 3600 new and upgraded sites, 35 Campbell CR1000 new and upgraded sites, 50 panel builds
    - Participate in 31 construction project design reviews
    - Complete 47 field certifications

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General Services

- Planning the replacement of the B-2 air condition chiller.
- Planning the renovations and repairs on the B-1 headquarters restrooms, breakroom and Communication media room.
- Planning the replacement of the parking lot lights with energy efficient LED lights.
- Working with FP&L on the installation of Electric Vehicle charging stations for public and staff use.
- Completing the replacement of analog security cameras at all Field Stations, FOC and Headquarters with new digital cameras.
- Planning the replacement of the Access Control System security, badge reader upgrade and replacement.
- Planning the replacement of the perimeter protection systems at the West Palm Beach and Ft. Lauderdale Field Stations.

Emergency Management

- Prepared the District for response to Hurricane Dorian, including activation and staffing of the District's Emergency Operations Center.

Human Resources

- Held fire prevention training throughout the District; led annual fire evacuation drill of entire Headquarters campus.
- Conducted onsite safety training including CPR, AED, First Aid and Secure Motor Vehicle Loading at multiple locations.

Operations

- Operating the water management system 24/7/365 to meet flood control and water supply needs.
- Maximizing use of available water storage features to attenuate runoff and meet seasonal demands. The L8 FEB was filled to 16.4 feet NGVD in October 2019 as the wet season ended and the dry season began.
- Enhanced weather equipment and applications to leverage the advances in weather reporting and forecasting and to make informed operational decisions to provide better levels of flood control and in drier conditions providing water supply to affected communities.
- Provided increased monitoring and operations to accommodate the S-72 structure emergency repairs for the duration of the Fiscal Year 2019-20 dry season.

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- Continuing efforts to upgrade the hardware and software of our SCADA system to utilize the latest technologies available today. The SCADA Replacement Project is steadily progressing and in the process of adding and testing additional structures across the District to the new system each week. Working with our District SCADA team and the consultant, to ensure the initial requirements and system redundancies are fully implemented as intended to ensure the robustness of our SCADA system.

- Working with SCADA and Construction to fast-track the S-476 pump operations in the new SCADA system currently being developed.

- Continuing to work with Engineering regarding the Okeechobee Field Station relocation design. Providing the Office of Operations with needs, input, and guidance for the design and implementation of a 24/7 fully operable Backup Control Center to be located within the new Okeechobee Field Station.

- Provide 298 Special District and local governments Operational Coordination calls for extreme weather and rainfall events.

4.0 Regulation

This program includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration and enforcement, and any delegated regulatory program.

Regulatory Streamlining and Consistency

- Participated in discussions on updates to the Operating Agreement with FDEP and the other Water Management Districts.

- Water Use staff continue to participate in Central Florida Water Initiative (CFWI) Regulatory Team's Uniform Agricultural Demands Workgroup (led by FDACS). This Workgroup is charged with developing a tool that can be used to calculate uniform agricultural demands for agricultural permits in the CFWI area.

- Water Use staff are actively participating on the CFWI Regulatory Team and the ongoing rule development process led by FDEP. The Regulatory Team is tasked with, among other things, establishing consistent rules and regulations for the three water management districts within the CFWI area. Staff reviews draft rules, provides input and attends publicly noticed workshops.

- Regulation staff coordinated with the Information Technology team to implement new software for a complete update of permit and post permit compliance database. Currently finishing permitting, migrating data and compliance for ERP which is scheduled to be completed in the first half of Fiscal Year 2019-20 at which time the water use aspect of the system will be addressed.

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Application Review and Public Involvement

- Application Reviews – the District will provide timely evaluation and review of an estimated 2,400 Environmental Resource and 1,900 Water Use Permit Applications (including transfers).

- Public Involvement – Continue to host quarterly public meetings to provide opportunities for the public to comment on pending Water Use and Environmental Resource Permit applications.

- Staff has held numerous outreach meetings throughout the course of the year with various governmental entities. Staff also continues to work on several projects throughout the District such as the Central Florida Water Initiative (CFWI) and the Kissimmee Water Reservation Project.

- Water Use Staff have enhanced the level of coordination with Water Supply Planning to further strengthen the linkage as described in the FDEP guidance memorandum on the subject. These enhancements include staff review of utility profiles, and increased coordination on the review of utility profiles, and increased coordination on the review of conservation plans and population projections.

- Water Use staff engage in monthly telephone conferences with regulatory staff from SJRWMD and SWFWMD to coordinate the review of proposed withdrawals in one district which may impact resources in another district as stipulated in the Memorandum of Understanding executed by the three water management districts on October 24, 2000.

ePermitting

- Regulation staff will coordinate with the Information Technology team to transition the ePermitting external interface to the Permitting Portal (Pega) application, providing one location for permitting/application submittals, review, post-permit tracking, and document retrieval for both Environmental Resource Permits (ERPs) and Consumptive Use Permits (CUPs).

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5.0 Outreach

This program includes all environmental education activities, such as water conservation campaigns and water resource education; public information activities; all lobbying activities relating to local, regional, state, and federal governmental affairs; and all public relations activities, including public service announcements and advertising in any media.

- Planned, conducted and hosted two major public events commemorating priority projects as part of Governor DeSantis' "Achieve More Now for Florida's Environment" Executive Order:

- Oct. 25 (Groundbreaking Event) – Caloosahatchee River (C-43) West Basin Storage Reservoir Project Event with Governor DeSantis as keynote speaker

    - a milestone restoration effort to improve water quality in the Caloosahatchee River and Estuary.

- Nov. 8 (Ribbon-Cutting Event) – C-44 Stormwater Treatment Area with Governor DeSantis as keynote speaker

    - a milestone restoration effort to improve water quality in the St. Lucie River and Estuary, providing water quality improvements before the U.S. Army Corps of Engineers completes the reservoir.

- Created 13 new videos for SFWMD-TV.

- Wrote and disseminated news releases as well as created Op Eds, letters to the editor, public officials' talking points and speeches. Developed presentations for Governing Board members and Executive team as well as numerous topical fact sheets for the public.

- External website received 698,200+ page-views during this quarter.

- Improved website accessibility in tandem with IT for ADA-certification.

- Retooled existing FTE to create a Digital and Social Media Strategist position. Social media program currently has 5,503 Facebook followers and 15,041 Twitter followers. Relaunched Flickr and launched Instagram.

- Post meeting materials for publicly noticed Governing Board Meetings

- Hosted several emergency livestreams in preparation for Hurricane Dorian

- Hosted public engagement events on Everglades Restoration project priorities for Governor DeSantis

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6.0 District Management and Administration

This program includes all governing and basin board support; executive support; management information systems; unrestricted reserves; and general counsel, ombudsman, human resources, budget, finance, audit, risk management, and administrative services.

Administrative Services

Finance

- The Finance Bureau has coordinated and spearheaded the two-year-plus effort of obtaining reimbursement funding from the Federal Emergency Management Agency (FEMA) as well as the Florida Department of Emergency Management (FDEM) related to Hurricane Irma. The District has received over $4 million thus far and has additional claims of approximately $19 million, which are currently being reviewed by these agencies. Some of the Project Worksheets related to District claims involve permanent restoration, which hasn't been fully completed by the District and thus the receipt of such claims is uncertain. The Finance Bureau continually pursues every legal opportunity to maximize FEMA reimbursement funding and satisfies formal (as well as informal) FEMA/FDEM requests for additional information in a timely manner.

- Asset Management - Annual Physical Asset Inventory expected to be greater than 98 percent find rate. Anticipate processing greater than 4,000 units for disposal with the majority being sold via online auction. Revenue from sales of surplus assets projected to be greater than $400,000.

- CAFR – The District plans to issue the CAFR on time and receive a "clean" opinion from the external auditors with respect to financial reporting, federal and state grant accounting and internal controls. The Finance Bureau is expected to earn the GFOA's Certificate of Achievement for Excellence in Financial Reporting for the 31st consecutive year.

Budget

- Coordinated and developed the Fiscal Year 2020-21 Preliminary Budget.

- Updated the five-year reserve allocation plan for the Fiscal Year 2020-21 Preliminary Budget, identifying funds from accumulated reserves to implement the priorities of the Governing Board in support of critical water resource projects.

- Received Compliance Certification of Truth in Millage (TRIM) submittal from the Florida Department of Revenue for the Fiscal Year 2019-20 Budget.

- Coordinated the update of future cost estimates for new works of the District for water management systems operations.

- Updated the 5-year forecast and presented the draft Preliminary Fiscal Year 2020-21 Basin Budget to the Big Cypress Basin Board.

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Projects & Processes

- Leading the District's Team effort to implement SAP Material Resource Planning (MRP) module. To date, five field stations are on-line with automatic parts orders into newly established warehouse operations. Effort includes bringing scanner capabilities into the field station warehouse operations that fully automate the receiving, inventorying and issuing of parts through the use of parts and work order bar coding.

- Reviewed and developed alignment of the performance metrics for the District's 2018 Strategic Plan, Annual Work Plan (SFER VOL II Chapter 2), the DEP Water Management District Performance metrics and the annual Budget Performance metrics. Revisions included elimination of some metrics and adding others to better measure the District's execution of its long-term goals. Strategic Plan was submitted and accepted by the Governing Board on schedule. Completed redesign effort of the existing FY19 Strategic Plan and incorporated a new automated web-based public comment review process into the Strategic Plan development approach.

Human Resources

- Implemented agency-wide reorganization, effective 11/2019 with impacts to Finance, Budget, IT and HR.

- Delivered 2020 Annual Healthcare Renewal with no increase to the District in partnership with our insurance broker, Gehring Group.

- Implement new Recruitment & Onboarding System.

- Refinement of Fidelity retirement accounts; (removal of the 401A account).

- Begin offering new training curricula: Effective Management for new supervisors, Teambuilding, Respect in the Workplace.

Procurement Bureau

- All Contracts and Purchasing Specialists completed the Florida Certified Contract Manager (FCCM) training in order to obtain certification through the Florida Department of Management Services, Division of State Purchasing. Certification requires successful completion of eight online training modules, a two-day instructor-led training and a final assessment. All professional procurement staff are now FCCM certified.

- The Purchasing unit processed 760 purchase orders during the first month of Fiscal Year 2019-2020. The Purchasing unit will establish additional price agreements for alternate automotive and heavy equipment. These price agreements will support the Material Requirements Planning (MRP) project for field operations.

- The Contracts & Purchasing unit issued fifteen (15) solicitations the first month of the new Fiscal Year 2019-2020. Among those solicitations was the CEPP New Waters STA A-2 Distribution Canal Clearing, Grubbing and Much Removal, to clear and grub approximately 240 acres of EAA agricultural vegetation located on the future EAA A2 STA site.

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- A Design/Build solicitation was issued for the new Okeechobee Field Station. Eight (8) responses are currently under evaluation. A recommendation to enter into contract negotiations with the top ranked firms is anticipated to be taken to the District's Governing Board for approval in March 2020.

- Procurement's Small Business Enterprise (SBE) unit participated in an outreach event to showcase how to do business with the District. Staff met with attendees to distribute vendor registration and SBE certification applications and provide information about current & upcoming solicitations. The event was hosted by the School District of Palm Beach County. The intent of the event is to educate small, minority and women-owned businesses on how to do business with all public agencies in Palm Beach County.

- Central Master Data Management will partner with IT and Process and Projects to implement SAP Bill of Materials (BOMs) across Field Operations for vehicles. The basic functions of BOMs include maintaining the list of components required to maintain and repair a piece of equipment, provides accurate parts ordering, and increases staff efficiencies. The BOM project has direct ties to the MRP project as it ensures parts are available for planned and/or corrective maintenance. Once BOMs for vehicles is implemented across all Field Stations other equipment types will be added.

Information Technology

- Release the SAP SuccessFactors Employee Central, Recruiting and Onboarding modules. New employees will be able to complete their new employee forms (e.g. I9, W2, benefits) electronically prior to their first day of employment. This will bring many needed efficiencies to the paper onboarding processes used today.

- Water Quality parameters (i.e. Phosphorus, Nitrogen, Chlorophyll) will be added to the processing by exception automation tool. These features will be integrated into the Graphical Verification Analysis (GVA) application.

- Complete the overbuild network for the South Loop.

- Complete the Windows 10 Rollout and Desktop Refresh within the Wide Area Network (100% complete for all locations).

General Counsel

- Office of Counsel was recently realigned to better provide the District with comprehensive legal support for implementing the District's mission, including the Governor's environmental and Everglades restoration priorities. The realignment organized the Office in two distinct substantive sections, one that focuses on the District's mission to champion Everglades restoration and environmental policy, and the other that concentrates on the District's general agency legal needs and civil litigation matters.

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Office of Inspector General

Fiscal Year 2019-20 Q1

- Completed, or substantially completed, 4 audit projects.
- Commenced 3 audit projects.
- Completed quarterly Audit Recommendations Follow-Up reports.
- Coordinated execution of new contract for financial statement audit services.
- Submitted Fiscal Year 2019-20 Audit Plan to Audit and Finance Committee for Approval.
- Perform other projects and administrative activities per the annual audit plan.

Fiscal Year 2019-20 ANTICIPATED

- Complete 8 to 10 audit and review projects.
- Evaluate all complaints regarding allegation of fraud, waste, mismanagement, misconduct, and other abuses in the District, and perform investigations as deemed necessary.
- Complete quarterly Audit Recommendations Follow-Up reports.
- Coordinate financial statement audit with external accounting firm.
- Complete other projects and administrative activities per the annual audit plan.

Efficiencies

The District continues to evaluate programs to increase efficiency and effectiveness and maximize the use of funds spent on protecting and improving the state of Florida's water resources.

1.0 Water Resources Planning and Monitoring

- The Water Quality Bureau (WQB) has continued implementation of a process for providing agency-level review and support on requests for water quality monitoring, laboratory analyses, and other bureau support services leading to more responsive customer service, more comprehensive quality assurance and more complete data management plans. The entire process is under the umbrella of the Bureau's Environmental Monitoring Review Team (EMRT) which has been comprehensively redesigned with multi-disciplinary expertise and professional process coordination to provide effective technical support to District programs and projects.
- Successfully negotiated with FDEP the permit reporting requirements for four projects (Buttermilk Packingham Slough, C-4 Emergency Detention Basin, G-160 and G-161) from annual to quinquennial, resulting in cost and staffing resource savings.

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2.0 Land Acquisition, Restoration, and Public Works

- Implemented cooperative partnership between Miami-Dade County and the district to cost share design services expenses for the Biscayne Bay Coastal Wetlands Phase I Cutler Wetlands Component.

- Implemented routine coordination meetings with Florida Power and Light regarding restoration project utility requirements that have led to an increase in productive communications and issue resolution.

- The Permitting Acquisition and Compliance Section implemented a standardized process for developing Biological Services Scopes of Work (SOW) and in-house expertise training goals. The process includes standardized SOW language and tasks to maintain consistencies across contracts, which will assist staff in evaluating vendor effectiveness and efficiency and in evaluating the efficient use of in-house staff resources versus outside vendors. In-house staff has and will continue to be trained in biological services tasks, including but not limited to: wildlife surveys, wetland evaluation and delineations, and other licensed services (e.g. Gopher tortoise agent, Florida burrowing owl agent, increasing levels of qualified manatee observers, Qualified caracara observers, etc.) to maximize effective use of in-house staff in the performance of project-related tasks. The goal of the standardized process is to provide management with cost and schedule efficiencies for consideration in project staff utilization, budgeting and schedule decisions.

- Evaluated floating cattail tussocks with Unmanned Aerial Vehicles, saving time and effort from observing them by boat.

3.0 Operation and Maintenance of Lands and Works

Land Resources

- In collaboration with other Bureaus, implemented DBHYDRO Insights database to track and communicate STA operations and water quality treatment data during decision making meetings.

- Initiated substantial program alignments between District and FWC python management programs including standardization of program requirements and substantial expansion of the Everglades Cooperative Invasive Species Management Area (ECISMA) research coordination to develop interagency research priorities for python management.

- Managed the District's volunteer program which is expected to provide 4,211 hours of volunteer time performing functions such as trail and facility maintenance, water-way clean-ups, campground host activities, and providing environmental education programs by the end of quarter 1. This program will provide in-kind services valued at $101,232 at the standard volunteer rate of $24.04 per hour.

Field Operations

- Pumps are being utilized to hydrate the treatment cells to facilitate grow-in of the wetland plants, which in turn will allow the treatment cells to be placed into operation once the permit start-up criteria have been met.

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Engineering and Construction

- Equipment, training, staffing, and cost-savings advancements were made towards Operation of Unmanned Aerial Systems (UAS) Drone and Hydrographic surveying standardization.

4.0 Regulation

- Water Use and ERP staff continue to work with applicants in the pre-application and pre-submittal phases of the permitting process in an effort to reduce the number of requests for additional information (RAI) letters and the overall length of time a permit application is in-house prior to final action. This effort has resulted in a reduction in the time applications are in-house.

- ePermitting - Increased electronic submittals from 85 percent to 86 percent of all application submittals. Outreach efforts continued to promote the use of ePermitting. Staff continued to provide training for the regulated community and internal staff to increase skill level and familiarity with ePermitting with increasing use of live training via the web.

- Water Use Bureau staff established a Public Water Supply Task Force where client relationship managers have been assigned to utilities in various geographic areas. These employees are building relationships by working very closely with the utility to get them fully in compliance in a positive and collaborative manner. The level of Public Water Supply utility compliance continues to increase since implementation of this effort.

- Water Use Compliance staff continue to work with permittees to train them (including in field, hands on training) on the use of ePermitting for compliance submittals. The number of water use compliance submittals submitted through ePermitting continues to increase since implementation of this effort.

- Both Environmental Resource Permitting (ERP) and Consumptive Use Permitting (CUP) authorizations are meeting FDEP's established quarterly performance metrics goals of 25 days for ERPs and 33 days for CUPs.

5.0 Outreach

- Brought professional video/streaming capability in-house with existing staff instead of contractors

- Implemented GovDelivery for efficient information distribution to the public

- Developed 3 new products:
    - Daily morning clip reports
    - Monthly Governing Board agenda summary sheet
    - EAA Progress Fact Sheet

- Provided all uniformed staff with updated and consistent SFWMD branded uniforms

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- Created Water Resource Accountability and Collaboration (WRAC)

6.0 District Management & Administration

- Continued developing efficiency methods to develop the Annual Work Plan for the South Florida Environmental Report. Project Management performance is measured using industry standard earned value measurement system that integrates measurements of project milestones, planned versus actual expenditures and change management. Enhanced SAP Earned Value Report that gives anyone at the District the ability to measure earned value performance with a single easy to run report in SAP. District-wide Process Management System that provides monthly efficiency and effectiveness metric performance measurements across the District's core processes. The metric measurement system acts as a single database for semi-automated data-based reporting in fulfillment of numerous legal reporting requirements (SFER Report, Annual Work Plan Report, Governor Performance Metric report, DEP Water Management Metric Reports).

- Directed data-mining process across all the District's databases to ensure that the FL-SOLARIS Facility Inventory Tracking System (FITS) Report was updated, QA/QC'd and delivered to State of Florida Department of Management Services (DMS) over thirty days prior to the June deadline. Removed enormous amounts of District FTE effort from the old report development method by working with the GIS Section to create an automation tool that determines tax rates of each facility directly from District GIS databases. Utilized SAP Business Warehouse capabilities to preliminarily pull most of the required data fields from SAP and sent these reports to the Team members to review. These efforts considerably reduced the District FTE time required to develop, update, and review the report this year.

- The Central Master Data Management (CMDM) unit Partnered with IT and Process and Projects to implement SAP Materials Requirements Planning (MRP) across Field Operations for an initial inventoried materials list. The basic functions of MRP include inventory requirements planning, inventory control (maintaining low inventory levels), bill of materials processing, and automated requisitioning and purchasing activities. Upcoming MRP activities include bringing other District facilities online with MRP, increasing the number of inventoried materials on MRP, and implementing non-stock MRP types.

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III. BUDGET HIGHLIGHTS

B. Goals, Objectives and Priorities

Chapter 373, F.S., authorizes the District to direct a wide range of initiatives, programs, and actions. These responsibilities are grouped under four core mission areas by statute: water supply, water quality, flood protection and floodplain management, and natural systems.

The District's objective in developing its budget is ensuring South Florida taxpayers receive efficient and effective customer service and protect the region's water resources. To that end, the District's available resources in the Fiscal Year 2020-21 Preliminary Budget are allocated to advance the 29 Key Everglades Restoration Projects identified in Governor DeSantis' ***Achieving More Now for Florida's Environment*** in addition to ensuring support of key activities within its core mission: restoration of water resources and ecosystems, flood protection, water supply and natural systems / water quality.

The Strategic Plan is a key component of the District's integrated business cycle. It establishes the overall policy direction and strategic priorities set by the Governing Board to carry out the agency's core mission responsibilities. Serving as the agency blueprint for long-term planning and implementation, the Strategic Plan provides overarching guidance in development of the annual budget and work plan and the success indicators used for measuring progress.

The District has developed and the Governing Board has approved the Fiscal Year 2020-2025 Strategic Plan, which is available online at *www.sfwmd.gov*. This Strategic Plan reflects the District's commitment to meeting the four core mission areas outlined below.

1. Restoration of Water Resources and Ecosystems (Natural Systems / Water Quality): Safeguarding and Restoring South Florida's Delicate Ecosystem.

2. Flood Protection: Protecting South Florida's Communities from Flooding, Ensuring and Managing Water Flow.

3. Water Supply: Ensuring Water for South Florida's Communities.

4. Public Engagement & Administration: Delivering Efficient and Cost-Effective Services on Behalf of South Florida Citizens.

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III. BUDGET HIGHLIGHTS

Area of Responsibility (AOR)	Strategic Plan Goal	Fiscal Year 2020-21 Preliminary Budget
Restoration of Water Resources and Ecosystems (Natural Systems / Water Quality): Expediting critical Everglades restoration projects by:	• Advancing the 29 Key Everglades Restoration Projects identified in Governor DeSantis' *Achieving More Now for Florida's Environmen*t Executive Order • Maximizing use of available water storage features, such as reservoirs and flow equalization basins (FEBs) • Implementing solutions to improve water quality treatment, reduce nutrient loads and reduce the likelihood of harmful algal blooms • Managing invasive exotic and nuisance vegetation • Increasing access and recreational opportunities on public lands, when it does not conflict with restoration efforts	$606,134,408
Flood Protection: Refurbishing, replacing, improving and managing the components of our water management system by:	• Implementing flood protection infrastructure refurbishment projects • Incorporating new works into water management system operations • Operating the water management system to meet flood protection and water supply needs into the future considering sea level rise and the impacts of a changing climate • Coordinating with the U.S. Army Corps of Engineers on infrastructure inspections and results • Coordinating with state/federal partners and assisting local governments to determine level of flood protection • Optimizing infrastructure maintenance by adhering to, or exceeding, industry standards and best practices	$167,391,438
Water Supply: Meeting the water needs of the environment and preparing for current and future demands of water users by:	• Encouraging development of alternative water supply projects to diversify water supply • Planning for region's water resource needs with consideration for challenges of climate change and sea level rise • Developing and implementing regional water supply plans in coordination with local governments and the public • Promoting water conservation measures • Utilizing regulatory permitting and compliance authority • Using water reservation and minimum flow & minimum water level authorities to protect water for natural systems	$210,435,789
Public Engagement & Administration: Ensuring South Florida taxpayers receive efficient and effective customer service by:	• Focusing resources on core functions, minimizing administrative costs and measuring performance • Ensuring accountability, transparency and public involvement in agency decisions • Employing and developing a high-quality, diverse workforce	$39,108,329

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III. BUDGET HIGHLIGHTS

C. Budget Summary

1. Overview

The Fiscal Year 2020-21 Preliminary Budget demonstrates the District's commitment to protecting Florida's water and restoring water resources. The District continues to focus on mission critical areas, completing District projects and funding capital investment in the region.

The Fiscal Year 2020-21 Preliminary Budget is $1,023,069,964 which is $33,273,310 (3.4 percent) higher than the Adopted Fiscal Year 2019-20 Budget of $989,796,654. The increase is primarily due to additional state funds from the Governor's 2020 Proposed Budget, and fund balance included in the budget for projects. The District's largest revenue sources are state sources ($435,535,207), ad valorem property taxes ($286,938,400), and prior year cash balances ($226,773,544).

The Fiscal Year 2020-21 Preliminary Budget includes $286,938,400 of ad valorem property tax revenue. This estimated ad valorem revenue is based on rolled-back millage rates with modest estimated growth in new construction to offset the reduction from the Value Adjustment Board petition hearing decisions. Estimated ad valorem revenues are $286,938,400 (28 percent) of total projected revenue sources, compared to $284,266,900 (28.7 percent) of the Fiscal Year 2019-20 Adopted Budget.

Total anticipated state sources in the Fiscal Year 2020-21 Preliminary Budget are $435,535,207 (42.6 percent) and the total estimated federal sources are $9,411,305 (0.9 percent). In the Fiscal Year 2019-20 Adopted Budget, the total state sources are $424,711,718 (42.9 percent) and the federal sources are $9,155,354 (0.9 percent).

The revenue sources that make up the remaining portion of the Fiscal Year 2020-21 Preliminary Budget are agricultural privilege taxes, permit fees, reserves, and other sources for $290,715,852 which represent 28.4 percent of the total budget, up from the $269,833,482 or 27.3 percent of the Fiscal Year 2019-20 Adopted Budget for the same revenue sources, due to the higher allocated reserves.

In accordance with Section 373.536(5), F.S., the District is submitting this Fiscal Year 2020-21 Preliminary Budget for legislative review on January 15, 2020. The table on the following page provides a summary of the source and use of funds, fund balance, and workforce and includes a comparison of the Fiscal Year 2019-20 Adopted Budget to the Fiscal Year 2020-21 Preliminary Budget.

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III. BUDGET HIGHLIGHTS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SOURCE AND USE OF FUNDS, RESERVES AND WORKFORCE
Fiscal Years 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21

	Fiscal Year 2019-20 (Adopted)	New Issues (Increases)	Reductions	Fiscal Year 2020-21 (Preliminary Budget)
SOURCE OF FUNDS				
Estimated Beginning Reserves @ 9/30/2019	$ 340,799,242	$ 65,086,256	$ -	$ 405,885,498
District Revenues	348,327,197	2,553,511	-	350,880,708
Debt	-	-	-	-
Local Revenues	1,829,200	-	(1,360,000)	469,200
State Revenues	424,711,718	10,823,489	-	435,535,207
Federal Revenues	9,155,354	255,951	-	9,411,305
Unearned / Unavailable Revenue @ 9/30/2019	-	-	-	-
SOURCE OF FUND TOTAL	**$ 1,124,822,711**	**$ 78,719,207**	**$ (1,360,000)**	**$ 1,202,181,918**
USE OF FUNDS				
Salaries and Benefits	$ 147,298,781	$ 2,290,565	$ -	$ 149,589,346
Other Personal Services	199,705	-	-	$ 199,705
Contracted Services	110,034,983	15,632,443	(22,693,651)	$ 102,973,775
Operating Expenses	138,524,736	15,183,631	(9,766,885)	$ 143,941,482
Operating Capital Outlay	59,290,837	19,836,518	(20,534,546)	$ 58,592,809
Fixed Capital Outlay	413,342,718	83,802,888	(28,964,218)	$ 468,181,388
Interagency Expenditures (Cooperative Funding)	29,477,430	535,862	(22,031,422)	$ 7,981,870
Debt	30,372,127	-	(17,875)	$ 30,354,252
Reserves - Emergency Response	61,255,337	-	-	$ 61,255,337
USE OF FUNDS TOTAL	**$ 989,796,654**	**$ 137,281,907**	**$ (104,008,597)**	**$ 1,023,069,964**
Unearned / Unavailable Revenue @ 9/30/2019 (Estimated)				
	$ -		$ -	$ -
				-
				-
				-
TOTAL UNEARNED REVENUE	**$ -**	**$ -**	**$ -**	**$ -**
RESERVES (ESTIMATED @ 9/30/2019)				
Nonspendable	$ 20,597,011	$ -	$ -	$ 20,597,011
Restricted	342,596,657	-	(198,544,409)	144,052,248
Committed	14,462,695	-	-	14,462,695
Assigned	28,229,135	-	(28,229,135)	-
Unassigned	-	-	-	-
TOTAL RESERVES	**$ 405,885,498**	**$ -**	**$ (226,773,544)**	**$ 179,111,954**
WORKFORCE				
Authorized Position (Full-Time Equivalents/FTE)	1,475	-	-	1,475
Contingent Worker (Independent Contractors)	-	-	-	-
Other Personal Services (OPS)	3	-	-	3
Intern	-	-	-	-
Volunteer	-	-	-	-
TOTAL WORKFORCE	**1,478**	**-**	**-**	**1,478**

Reserves:
Nonspendable - amounts required to be maintained intact as principal or an endowment
Restricted - amounts that can be spent only for specific purposes like grants or through enabling legislation
Committed - amounts that can be used only for specific purposes determined and set by the District Governing Board
Assigned - amounts intended to be used for specific contracts or purchase orders
Unassigned - available balances that may be used for a yet to be determined purpose in the general fund only

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III. BUDGET HIGHLIGHTS

Notes:

1) Beginning fund balance is derived from prior year ending fund balances in preparation of the next reporting cycle.

Reserves Fiscal Year 2018-19 - Total Governmental Funds - Estimated	**$**	**476,159,591**
Plus Total Net Position Fiscal Year 2018-19 - Internal Service Funds		12,471,625
Subtotal Total Beginning Reserves/Net Assets Fiscal Year 2018-19		488,631,216
Less Carryforward Encumbrances from Non-Reimbursement Funds		(147,831,974)
Beginning Estimated Reserves Available for Allocation Fiscal Year 2019-20	**$**	**340,799,242**

2) Uses of Funds (New Issues - Increases) include $168,710,720 in funds that will be rebudgeted in Fiscal Year 2020-21 (see below).

Rebudget Items		Amount
EAA Storage Reservoir Conveyance Improvements and Stormwater Treatment Area (STA)	$	94,006,040
Hurricane/Emergency Reserves	$	61,255,337
C-139 Annex Restoration	$	5,000,000
S-332 B/C Design	$	4,111,095
Tax Collector & Property Appraiser Fees	$	2,716,308
Governing Board Priorities	$	700,000
Restoration Strategies Science Plan	$	450,000
Boma Cost to Cure (State Road 80 Widening)	$	261,940
Restoration Strategies Source Control	$	200,000
Vegetation Exotics Cell 17/18	$	10,000
Grand Total	**$**	**168,710,720**

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2. Adequacy of Fiscal Resources

Evaluation of Fiscal Resources Over a Five-Year Horizon:

The evaluation of fiscal resources over a five-year span is required to ensure sustainable funding for all projects and plans set forth by the District. This evaluation includes the District's long-term funding plan, demonstrating the District's ability to adequately address the core mission AORs.

The District's Fiscal Year 2020-21 Preliminary Budget of $1,023,069,964 and future years horizon is focused on ongoing progress in environmental restoration and water resource projects throughout South Florida while ensuring the District continues to deliver on its mission-critical responsibilities, strategic priorities of flood control, water supply, water quality and natural systems.

Fiscal Year 2020-21 Preliminary Budget development was discussed October through January. There are several revenue and resource uncertainties such as growing health insurance costs, assurance of outstanding federal revenues from the USACE for OMRR&R cost share, the impacts of Value Adjustment Board (VAB) petition hearings, New Construction growth of Ad Valorem, and appropriations from the 2020 Legislative Session. District staff will continue to work with the Governing Board, FDEP and USACE on these uncertainties during the remainder of the budget development cycle up through the adoption of the Fiscal Year 2020-21 budget. Pending the closing of Fiscal Year 2018-19 Additional direction on usages of reserve balances and any recurring revenues to implement the District's mission-critical responsibilities may be discussed prior to the Fiscal Year 2020-21 tentative and final budget adoption in September. For the current Fiscal Year 2020-21 development and future budgets, the District will align available sources to focus support of Governor DeSantis' Achieving More Now for Florida's Environment Executive Order.

As illustrated in the long-term funding plan graph presented later in this section, over the next five-years, the District's reserve balances have been dedicated to multi-year projects/efforts necessary to improve the quantity, quality, timing and distribution of water in the Northern and Southern Everglades and implementation of improvements to support the operation and maintenance of the water management system. The District's projected recurring revenues are projected to be equivalent to its operating expenses.

District Revenue Sources:

Ad Valorem Tax Revenue

The District continues the commitment to deliver on our core mission functions while delivering efficient and cost-effective services on behalf of South Florida taxpayer investments. Fiscal Year 2020-21 Preliminary Budget estimates $286,938,400 which is $2,671,500 more than the Fiscal Year 2019-20 Adopted revenue of $284,266,900. The estimated increase of $2,671,500 includes conservative new construction growth estimates and moderate impacts from Value Adjustment Board petition hearing impacts. As part of the anticipated recurring revenue sources, the following five-year expenditure and revenue financial forecast table includes revenue growth estimates based on the Office of Economic and Demographic Research (EDR) estimates. The growth in ad valorem revenue is used to

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fund Operations and Maintenance of new facilities projected to come online and refurbishment projects in support of the Operations and Maintenance capital program of the water management system.

The District's work is achieved through ad valorem revenues and continued support from the Florida Legislature through state appropriations. The District also relies on federal and local funding sources, reserve balances, fees, investment earnings and agricultural privilege taxes to deliver the current level of service to our customers.

State Revenue Sources

The District's 2020-21 Preliminary Budget contains $435,535,207 in state revenue sources: $102,624,918 from prior year state appropriations, $7,012,200 from Florida Fish and Wildlife Conservation Commission, $200,000 Everglades License Tag, $124,230 from FDACS for prescribed burns and $322,939,991 proposed new state revenues released by the Governor in November to be evaluated during the upcoming 2020 Legislative Session. The proposed Legislative funding includes the continuation of land management, the Restoration Strategies Plan for addressing Everglades water quality, Comprehensive Everglades Restoration Plan (CERP) projects such as the Everglades Agricultural Area Storage Reservoir, C-43 West Basin Storage Reservoir, planning of future CERP projects, and for Northern Everglades & Estuaries Protection Program projects such as Dispersed Water Management and the Lakeside Ranch Stormwater Treatment Area.

Future state revenue source requests are consistent to support multi-year restoration projects such as Restoration Strategies, CERP in accordance with the integrated delivery schedule, dispersed water management recurring operational requirements and Northern Everglades. The Everglades restoration state appropriations are classified as recurring over this five-year horizon in support of the Governor's Executive Order 19-12.

Future state sources for non-project related expenses such as land acquisition trust fund for land management and dispersed water management operations and Florida Fish and Wildlife Conservation Commission revenues for exotic and aquatic plant control are classified as recurring state sources to cover recurring expenses.

The District works cooperatively with FDEP prior to the Legislative Session to provide the upcoming multi-year project needs through a legislative budget request as well as with Florida Fish and Wildlife to identify upcoming exotic and aquatic plant control work plan tasks. The District's funding requests to the Florida Legislature support continued commitment to Everglades Restoration for Restoration Strategies, CERP, NEEPP and land management.

Other Revenue Sources

Other sources include environmental resource, water use, compliance and right-of-way permit fees, lease revenue, investment earnings, local and federal sources, surplus sale of District property. Fiscal Year 2020-21 projected forecasts include increases in ERP and Right of Way permits of $130,000 based on permit trends and activity. Federal revenues from USACE are forecasted to increase in Fiscal Year 2020-21 by $1,673,236 and continue to increase over the five-year horizon for the OMRR&R cost share, mostly for CERP new works planned to come online over the next five years. The receipt of federal revenues from USACE continue to have uncertainties. Other Federal revenue forecasts have declined

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$1.4 million from NRCS, FEMA, and DOI from Fiscal Year 2019-20 due to coverage of one-time project activities.

Accumulated Reserves

The District categorizes Reserves into two groups to aid with Governing Board discussions - **with** restrictions and **without** restrictions.

- With Restrictions – fund balances that Governing Board has limited allocation authority due to pre-defined restrictions.

- Without Restrictions – fund balances that Governing Board has discretionary allocation authority.

The District's total unaudited prior year accumulated Reserves at this time is $405,885,498. The $405,885,498 is comprised of $20,597,011 of non-spendable Reserves, $254,915,958 of Reserves with restrictions and $130,372,529 of Reserves without restrictions. The $20,597,011 of non-spendable funds represents the value of inventory on hand such as fuel and chemicals, and wetlands mitigation permanent fund for long term land management on specific wetland mitigation projects and bank. The non-spendable funds are not available to be used on projects and have not been included in the Long-Term Funding Graph nor the District's 5-Year Reserve Allocation.

The remaining reserve balance amount of $385,288,487 is available for usage towards funding the Districts future budgets, but some of the funds have restrictions on their usages. $254,915,958 of the available Reserves with restrictions may only be used on expenses as defined by the source. Balances are listed below and are included in the Projected Utilization of Reserves Table:

Core Mission	Designations (Description of Restrictions)	Total Projected Designated Amounts at September 30, 2020
RESTRICTED		
WS WQ NS	Alligator Alley Tolls, Everglades License Tag Balances	3,724,321
WS WQ FP NS	Indian River Lagoon Estuarine Projects (IRL Tag)	5,971
WS WQ FP NS	Land Management (Lease Revenue)	12,741,576
WS WQ FP NS	Mitigation - Lakebelt/Wetland	54,979,866
WS WQ FP NS	Hurricane/Emergency Reserves*	45,512,602
WS WQ FP NS	Big Cypress Basin	3,062,787
WS WQ FP NS	Self-Insurance Programs**	11,592,530
WS FP	S-332 B, C, D Replacement Payment from USACE	4,111,095
WS WQ NS	Future Land Acquisition (Surplus Land Sales Revenues)	8,284,319
WS WQ NS	Florida Bay Seagrass Monitoring	529,951
WS WQ NS	Senate Bill 10 Projects Pursuant to 375.041 (3)(b)4 F.S	94,366,265
WQ NS	Boma Improvements - FDOT SR80 Widening	261,940
	RESTRICTED SUBTOTAL	**239,173,223**
ASSIGNED		
WS WQ FP NS	Hurricane/Emergency Reserves	15,742,735
	ASSIGNED SUBTOTAL	**15,742,735**
TOTAL		**254,915,958**

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$130,372,529 of the available reserves are without restrictions. There is $241,229 retained. Balances are listed below and are included in the Projected Utilization of Reserves Table:

Core Mission	Designations (Description of Restrictions)	Total Projected Designated Amounts at September 30, 2020
RESTRICTED		
WS WQ NS	Executive Priorities	700,000
WS WQ FP NS	NEEPP & EFA Source Controls	5,600
WS WQ FP NS	Budget Stabilization & Future Expenditures to be Determined by the Board	241,229
WS WQ FP NS	Tax Collector & Property Appraiser Fees	1,472,728
WS WQ FP NS	O&M New Works	4,670,020
WS WQ FP NS	O&M Operations Decision Support System	200,000
WS WQ FP NS	O&M Clewiston Field Station Rehabilitation	1,600,000
WS WQ FP NS	Modeling (Water Quality, Emergency Modeling)	350,000
WS WQ FP NS	Scientific Support	59,250
WS FP	O&M Canal Conveyance Program	300,000
WS FP	O&M Okeechobee Field Station	10,026,415
WS WQ NS	Restoration Strategies	83,691,692
WQ FP NS	KRREP Fish Telemetry Study	69,000
WQ FP NS	Kissimmee River Restoration Evaluation Lower Basin, Gardner Cobb & Lake Okeechobee Aerial Imagery	37,500
	RESTRICTED SUBTOTAL	**103,423,434**
COMMITTED		
WS WQ FP NS	O&M New Works	662,695
WS WQ FP NS	O&M Operations Decision Support System	200,000
WS WQ FP NS	O&M Clewiston Field Station Rehabilitation	11,800,000
WS FP	O&M Canal Conveyance Program	800,000
WS FP	O&M Flood Protection Level of Service	1,000,000
	COMMITTED SUBTOTAL	**14,462,695**
ASSIGNED		
WS WQ NS	Scientific Support	75,000
WS WQ FP NS	NEEPP & EFA Source Controls	50,000
WS WQ FP NS	Tax Collector & Property Appraiser Fees	1,243,580
WS WQ FP NS	O&M New Works	4,753,220
WS WQ FP NS	O&M Flood Protection Level of Service	800,000
WS WQ FP NS	Maintenance (Facilities & Equipment)	2,000,000
WS WQ FP NS	Modeling (Water Quality, Emergency Modeling)	107,500
WS WQ FP NS	Records Management	125,000
WS WQ FP NS	Information Technology (Security, Financial System Upgrade)	1,837,500
WS NS	Water Supply	900,000
WS WQ NS	Restoration Strategies	200,000
WQ NS	Water Quality - IT Nutrient Support	301,600
NS	C-51 Sediment Trap Survey	93,000
	ASSIGNED SUBTOTAL	**12,486,400**
TOTAL		**130,372,529**

The Fiscal Year 2020-21 Preliminary Budget includes $226,773,544 from accumulated Reserves; $40,164,352 are Reserves without restrictions and $186,609,192 are Reserves with restrictions. At the Governing Board's direction, $61,255,337 of restricted Reserves are maintained annually to address hurricane/tropical weather impacts or emergencies.

It is assumed at the end of the five-year plan, the Hurricane/Emergency Reserves of $61,255,337 will be re-appropriated within each fiscal year and remain available in addition to the $36,072,060 retained (excludes the $20,597,011 non-spendable), unless needed or appropriated by the Governing Board prior to the Adopted Budget. More detail on the retained balances follow.

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Long-term Funding Plan

The District continues to look for efficiencies and cost saving measures. The District has also taken measures, as indicated in the 5-Year Reserve Allocation, to set aside sufficient reserve balances. To stay abreast of future increases, the District has developed a financial forecast to project estimated long-term revenue and expenditures for the operations and maintenance and monitoring of newly completed restoration projects, Everglades Restoration, flood control system capital refurbishment, Big Cypress Basin operations, and Restoration Strategies. The District's reserve balances have been dedicated to multi-year projects/efforts necessary to improve the quantity, quality, timing and distribution of water in the Northern and Southern Everglades and implementation of improvements to support the operation and maintenance of the water management system. Additionally, at any time and in accordance with Chapter 373, F.S., the District Governing Board may also change the priorities and usages of the remaining cash balances as the 5-Year reserves allocations are planned usages.

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III. BUDGET HIGHLIGHTS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PROJECTED UTILIZATION OF RESERVES
PRELIMINARY BUDGET - Fiscal Year 2020-21

Core Mission	Designations (Description of Restrictions)	Total Projected Designated Amounts at September 30,	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	Remaining Balance
	NONSPENDABLE							
n/a	Inventory Reserve - General Fund	0	0	0	0	0	0	0
n/a	Inventory Reserve - Okeechobee Basin	5,304,020	0	0	0	0	0	5,304,020
n/a	Inventory Reserve - Big Cypress Basin	210,440	0	0	0	0	0	210,440
n/a	Wetlands Mitigation Permanent Fund (principal portion)	15,082,551	0	0	0	0	0	15,082,551
	NONSPENDABLE SUBTOTAL	**20,597,011**	**0**	**0**	**0**	**0**	**0**	**20,597,011**
	RESTRICTED							
WS WQ NS	Future Land Acquisition (Surplus Land Sales Revenues)	8,284,319						8,284,319
WS WQ NS	Alligator Alley Tolls, Everglades License Tag Balances	1,033,070						1,033,070
WS WQ NS	Tax Collector & Property Appraiser Fees	1,472,728	1,472,728					
WS WQ NS	Boma Improvements - FDOT SR80 Widening	261,940	261,940					
WS WQ NS	KRREP Fish Telemetry Study	69,000	69,000					
WS WQ NS	Kissimmee River Restoration Evaluation Lower Basin, Gardner Cobb & Lake Okeechobee Aerial Imagery	96,750	96,750					
WS WQ FP NS	Land Management (Lease Revenue)	10,159,640	1,278,912	687,220	687,220	687,220	687,220	6,131,848
WS WQ FP NS	Mitigation - Lakebelt/Wetland	50,069,866	22,682,625	6,780,371	4,780,371	4,780,371	4,780,371	6,265,756
WS WQ FP NS	NEEPP & EFA Source Controls	5,600	5,600					
WS WQ FP NS	Budget Stabilization & Future Expenditures to be Determined by the Board	6,090,109	700,000					5,390,109
WS WQ FP NS	Hurricane/Emergency Reserves	45,512,602	45,512,602					
WS WQ FP NS	Big Cypress Basin	3,568,370	2,328,448					1,239,922
WS WQ FP NS	Self-Insurance Programs	11,592,530	569,795	569,795	569,795	569,795	569,795	8,743,555
WS WQ FP NS	S-332 B,C,D Replacement Payment from USACE	4,111,095	4,111,095					
WS WQ FP NS	O&M New Works	3,062,252	2,106,456	637,918	317,878			
WS WQ FP NS	O&M Operations Decision Support System	400,000	200,000	200,000				
WS FP	O&M Canal Conveyance Program	1,100,000	300,000	400,000	400,000			
WS FP	O&M Okeechobee Field Station	10,026,415	4,963,207	4,563,208	500,000			
WS WQ NS	Restoration Strategies	83,077,871	15,814,211	60,128,242	7,135,418			
WS WQ NS	Florida Bay Seagrass Monitoring	529,951	115,000	115,000	115,000	115,000	69,951	
WS WQ NS	Clewiston Field Station Rehabilitation	13,400,000	1,600,000	6,800,000	4,500,000	500,000		
WS WQ NS	Senate Bill 10 Projects Pursuant to 375.041(3)(b)4 F.S	94,006,040	94,006,040					
WS WQ FP NS	Modeling (Water Quality, Emergency Modeling)	350,000	350,000					
	RESTRICTED SUBTOTAL	**348,280,148**	**198,544,409**	**80,881,754**	**19,005,682**	**6,652,386**	**6,107,337**	**37,088,579**
	COMMITTED							
WS WQ FP NS	Budget Stabilization & Future Expenditures to be Determined by the Board	0						
WS WQ FP NS	O&M New Works	2,270,463		769,540	383,000	411,040	706,883	
WS WQ FP NS	O&M Operations Decision Support System	200,000		200,000				
WS FP	O&M Canal Conveyance Program	800,000		400,000	400,000			
WS FP	O&M Flood Protection Level of Service	1,000,000		500,000	500,000			
	COMMITTED SUBTOTAL	**4,270,463**	**0**	**1,869,540**	**1,283,000**	**411,040**	**706,883**	**0**
	ASSIGNED							
WS WQ NS	Tax Collector & Property Appraiser Fees	1,243,580	1,243,580					
WS WQ FP NS	NEEPP & EFA Source Controls	50,000	50,000					
WS WQ FP NS	Hurricane/Emergency Reserves*	15,742,735	15,742,735					
WS WQ FP NS	O&M New Works	4,753,220	4,753,220					
WS WQ FP NS	O&M Flood Protection Level of Service	800,000	800,000					
WS NS	Restoration Strategies	200,000	200,000					
NS	C-51 Sediment Trap Survey	93,000	93,000					
WQ NS	Water Quality - IT Nutrient Support	301,600	301,600					
WS NS	Water Supply	900,000	900,000					
WS WQ NS	Scientific Support	75,000	75,000					
WS WQ FP NS	Information Technology (Security, Financial System Upgrade)	1,837,500	1,837,500					
WS WQ FP NS	Maintenance (Facilities & Equipment)	2,000,000	2,000,000					
WS WQ FP NS	Modeling (Water Quality, Emergency Modeling)	107,500	107,500					
WS WQ FP NS	Records Management	125,000	125,000					
	ASSIGNED SUBTOTAL	**28,229,135**	**28,229,135**	**0**	**0**	**0**	**0**	0
	UNASSIGNED							
WS WQ FP NS	Economic Stabilization Fund	0	0	0	0	0	0	0
	UNASSIGNED SUBTOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	TOTAL	**401,376,757**	**226,773,544**	**82,751,294**	**20,288,682**	**7,063,426**	**6,814,220**	**57,685,590**
	Remaining Fund Balance at Fiscal Year End	**174,603,213**	**91,851,919**	**71,563,237**	**64,499,810**	**57,685,590**	**0**	

Assumes Hurricane/Emergency Reserves are re-appropriated each fiscal year unless needed.

WS = Water Supply: WQ = Water Quality: FP = Flood Protection: NS = Natural Systems

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III. BUDGET HIGHLIGHTS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
USE OF RESERVES
Fiscal Year 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21

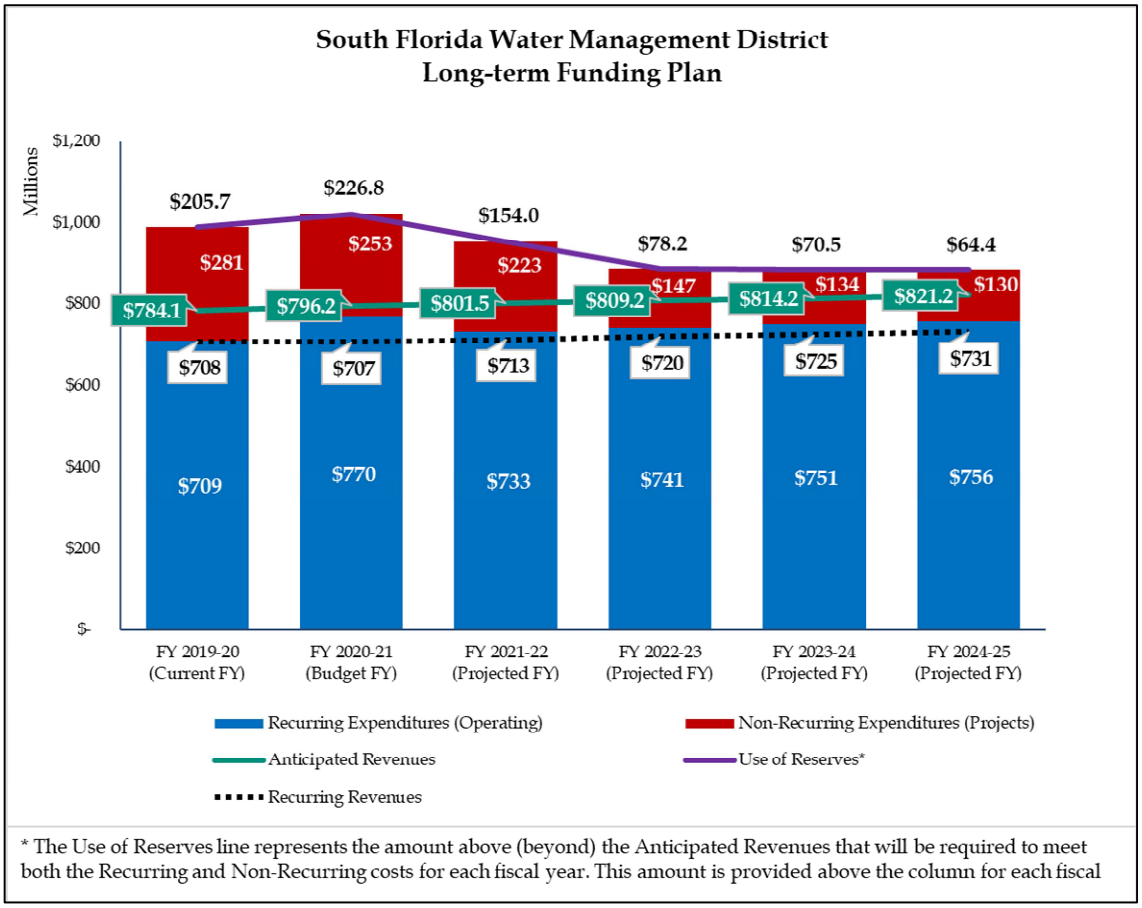
	PRELIMINARY BUDGET - Fiscal Year 2020-21	SOURCES OF FUNDS						
		District Revenues	Reserves	Debt	Local	State	Federal	TOTAL
1.0 Water Resources Planning and Monitoring	51,660,435	4,313,518	-	-	-	115,000	-	4,428,518
2.0 Land Acquisition, Restoration and Public Works	590,300,595	18,544,049	-	-	-	94,006,040	-	112,550,089
3.0 Operation and Maintenance of Lands and Works	319,000,727	100,900,467	-	-	-	-	4,111,095	105,011,562
4.0 Regulation	21,876,907	7,500	-	-	-	-	-	7,500
5.0 Outreach	1,122,971	-	-	-	-	-	-	-
6.0 District Management and Administration	39,108,329	2,532,295	-	-	-	-	-	4,775,875
TOTAL	1,023,069,964	128,541,409	-	-	-	94,121,040	4,111,095	226,773,544

	USES OF FUNDS									
	Salaries and Benefits	Other Personal Services	Contracted Services	Operating Expenses	Operating Capital Outlay	Fixed Capital Outlay	Interagency Expenditures (Cooperative Funding)	Debt	Reserves	TOTAL
1.0 Water Resources Planning and Monitoring	-	-	2,070,850	734,668	8,000	-	1,615,000	-	-	4,428,518
2.0 Land Acquisition, Restoration and Public Works	13,093	-	2,989,156	36,000	150,800	109,006,040	355,000	-	-	112,550,089
3.0 Operation and Maintenance of Lands and Works	582,921	-	1,440,000	9,595,894	25,238,313	6,899,097	-	-	61,255,337	105,011,562
4.0 Regulation	-	-	-	7,500	-	-	-	-	-	7,500
5.0 Outreach	-	-	-	-	-	-	-	-	-	-
6.0 District Management and Administration	-	-	1,275,000	2,813,375	687,500	-	-	-	-	4,775,875
TOTAL	596,014	-	7,775,006	13,187,437	26,084,613	115,905,137	1,970,000	-	61,255,337	226,773,544

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III. BUDGET HIGHLIGHTS

Below is a graph that displays the Fiscal Year 2020-21 Preliminary Budget and proposed expense and revenue growth through Fiscal Year 2024-25. The bars represent expenses and the lines represent the projected revenues with the use of Reserves filling in for the revenue gap. The information in the graph below shows the rates at which Reserves (not including Nonspendable) are projected to being spent down, with an assumption of $97,327,397 fund balance retained due to restricted, committed, or assigned uses after Fiscal Year 2024-25. The $97,327,397 includes $61,255,337 for Emergency Reserves; $8,284,319 for future land acquisitions from sale of surplus land sales, $3,724,321 for Everglades License Tag and Alligator Alley for conservation and protection of the Everglades; $6,762,038 lake belt mitigation funds to cover lake belt committee priorities, C-139 restoration project and land management as well as wetlands mitigation funds to cover future land management on wetlands projects and banks; $7,512,308 from lease revenues including leases on lands purchased with federal funds; $734,339 of Big Cypress Basin funds for the Basin Board to allocate for priorities; $8,743,555 to cover actuarially determined Self-Insurance Liabilities and Office of Insurance Regulation Health Insurance Claims requirements; $69,951 for Florida Bay Seagrass Monitoring and $241,229 for budget stabilization, to cover unanticipated revenue shortages or costs, and for future allocation by the District Governing Board for priorities. The $61,255,337 hurricane/emergency reserve is shown re-budgeted every year in anticipation of not having to utilize the authority.



* The Use of Reserves line represents the amount above (beyond) the Anticipated Revenues that will be required to meet both the Recurring and Non-Recurring costs for each fiscal year. This amount is provided above the column for each fiscal

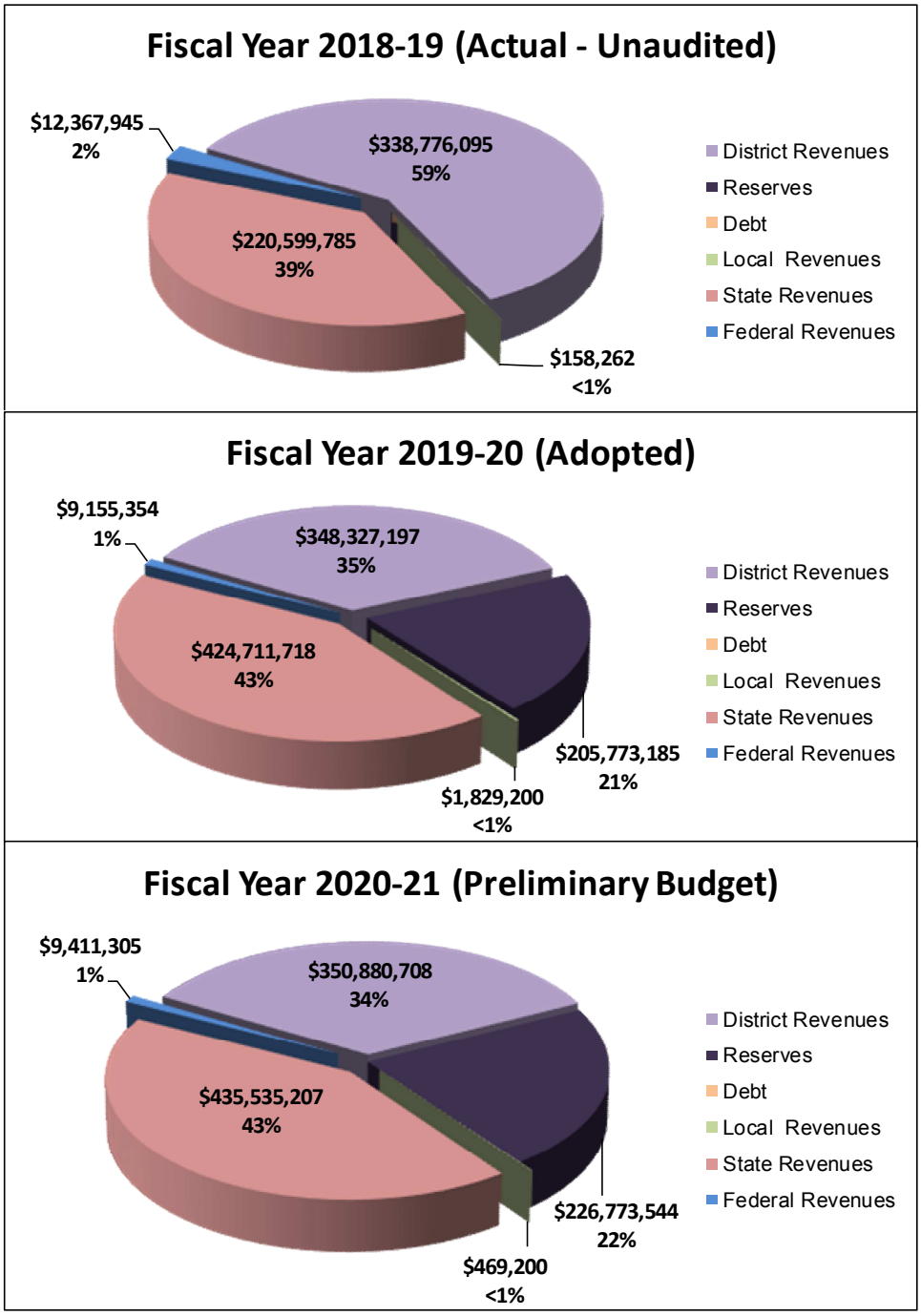
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III. BUDGET HIGHLIGHTS

C. Budget Summary

3. Source of Funds Three-Year Comparison

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PRELIMINARY BUDGET - Fiscal Year 2020-21
REVENUES BY SOURCE



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III. BUDGET HIGHLIGHTS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SOURCE OF FUNDS COMPARISON FOR THREE FISCAL YEARS
Fiscal Years 2018-19 (Actual - Unaudited) 2019-20 (Adopted) 2020-21 (Preliminary)
PRELIMINARY BUDGET - Fiscal Year 2020-21

SOURCE OF FUNDS	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
District Revenues	338,776,095	348,327,197	350,880,708	2,553,511	1%
Reserves	-	205,773,185	226,773,544	21,000,359	10%
Debt - Certificate of Participation (COPS)	-	-	-	-	
Local Revenues	158,262	1,829,200	469,200	(1,360,000)	-74%
State General Revenues	1,739,018	143,951,131	55,479,520	(88,471,611)	-61%
Land Acquisition Trust Fund	144,249,244	267,297,123	369,417,007	102,119,884	38%
FDEP/EPC Gardinier Trust Fund	-	-	-	-	
P2000 Revenue	-	-	-	-	
FDOT/Mitigation	-	-	-	-	
Water Management Lands Trust Fund	-	-	-	-	
Water Quality Assurance (SWIM) Trust Fund	-	-	-	-	
Florida Forever	-	-	-	-	
Save Our Everglades Trust Fund	71,581,837	3,188,625	668,382	(2,520,243)	-79%
Alligator Alley Tolls	-	2,567,118	2,495,080	(72,038)	-3%
Other State Revenue	3,029,686	7,707,721	7,475,218	(232,503)	-3%
Federal Revenues	12,367,945	9,080,354	9,411,305	330,951	4%
Federal through State (FDEP)	-	75,000	-	(75,000)	-100%
SOURCE OF FUND TOTAL	**571,902,087**	**989,796,654**	**1,023,069,964**	**33,273,310**	3%

District Revenues include

Ad Valorem	278,722,633	284,266,900	286,938,400
Ag Privilege Tax	11,375,073	11,045,990	11,045,000
Permit & License Fees	8,935,771	3,520,700	3,441,000
Miscellaneous Revenues	39,742,618	49,493,607	49,456,308

REVENUES BY SOURCE	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
District Revenues	$338,776,095	$348,327,197	$350,880,708	2,553,511	1%
Reserves	$0	$205,773,185	$226,773,544	21,000,359	10%
Debt	$0	$0	$0	-	
Local Revenues	$158,262	$1,829,200	$469,200	(1,360,000)	-74%
State Revenues	$220,599,785	$424,711,718	$435,535,207	10,823,489	3%
Federal Revenues	$12,367,945	$9,155,354	$9,411,305	255,951	3%
TOTAL	$571,902,087	$989,796,654	$1,023,069,964	33,273,310	3%

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III. BUDGET HIGHLIGHTS

C. Budget Summary

4. Major Source of Funds Variances

This narrative describes major revenue variances between the Adopted Budget for Fiscal Year 2019-20 and the Preliminary Budget for Fiscal Year 2020-21 by revenue source.

District Revenues

- Estimated ad valorem revenues in the Preliminary Budget increased by $2.6 million (0.9 percent) over the current fiscal year. The Fiscal Year 2020-21 Preliminary Budget estimates Ad Valorem Taxes of $286.9 million which is $2.6 million more than the Fiscal Year 2019-20 Adopted Ad Valorem Taxes of $284.3 million. The estimated increase of $2.6 is the net impact of new construction growth and reductions from Value Adjustment Board petition hearings.

- Estimated non-ad valorem Agricultural privilege taxes in the Fiscal Year 2020-21 Preliminary Budget is the same amount as the Fiscal Year 2019-20 Adopted Budget.

- The permit, license and fees category contain right of way, water use permit and environmental resource permit fees. The budget for permit fees shows a net decrease of $79,700 from the current budget. Estimates for ERP and Right of Way permits are higher by $100,000 and $30,000 respectively. Compliance fees amount of $209,700 was moved to miscellaneous revenues below. Lake Belt mitigation funds are not included and will be budgeted for activities based on the actions of the Lake Belt Mitigation Committee. The District administers the Lake Belt Mitigation Trust Fund pursuant to Section 373.41495, F.S.

- Miscellaneous revenues reflect an estimated $49.5 million in Fiscal Year 2020-21 which is the same as was reflected in the Fiscal Year 2019-20 Adopted Budget. The components of the estimated $49.5 million include $34.5 million for the District's Health/Self Insurance contribution, $7.9 million for Investment Earnings, $6 million for Leases, $330,000 for Sale of District Assets/Property, $209,700 for Compliance Fees, and $446,000 of miscellaneous sources.

Reserves

- The appropriated reserves included in the Fiscal Year 2020-21 Preliminary Budget increased $21 million (10 percent) from the amount used in Fiscal Year 2019-20 Adopted Budget based on updated project needs and timelines for Restoration Strategies and Everglades Restoration.

Debt

- The Fiscal Year 2020-21 Preliminary Budget includes no new debt.

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Local Revenues

- At this time, funds expected from cooperative agreements with local agencies decreased by $1.4 million. That change includes a cooperative agreement with Miami-Dade County for $1.3 million on Cutler Bay Wetland design for Fiscal Year 2019-20, which at this time is expected to be executed in the current year. Staff has not yet determined what, if any, amount will be in Fiscal Year 2020-21. Also, $60,000 was moved to Other State Revenues for the Model Archive project with the other Water Management Districts and the State.

State Revenues

- General revenues of $55.5 million in the Preliminary Budget decreased by $88.5 million from the Adopted Budget. This decrease is due to removal of the 2019 Legislative Session Specific Appropriations 1640 (Everglades Restoration $69.7 million), 1642A (Lake Okeechobee Watershed $50 million), 1641 (Northern Everglades and Estuaries $4.7 million). These amounts net against rebudget of $40 million of 1642A and $15 million from the Governor's proposed 2020 budget. $0.5 million remains for Corbett Levee from the 2016 Legislative Session Specific Appropriation 1600A and proposed new funding (SA1621) of $1.7 million for NEEPP for Grassy Island FEB project.

- Land Acquisition Trust Fund amount of $369.4 million is $102.1 million (38.2 percent) higher than the Adopted Budget. The increase is due to inclusion of the Governor's proposed budget for 2020 state appropriations. Included in this amount is $254.6 million for CERP (SA 1620) including $140.5 million for C-43 Reservoir, $32 million recurring funds for Restoration Strategies, $64 million for the Everglades Agricultural Area Storage Reservoir Conveyance Improvements and Stormwater Treatment Area, $4 million for CERP Planning and $11.9 million for land acquisition and $3 million for C-44/C-23 Interconnect. $45.3 million (SA1621) for NEEPP which includes $28.5 million for Dispersed Water Management Program. Also included are $2.3 million for land management, $5 million (SA 1616) for Dispersed storage and $62.1 million rebudget of Fiscal Year 2019-20 appropriations balance.

- Save Our Everglades Trust Fund (SOETF) amount of $668,382 shows a decrease of $2.5 million (79 percent) in the Fiscal Year 2020-21 Preliminary Budget. This variance resulted from removal of 2019 State Appropriation 1640 ($3 million) for CERP and a grant ($188,625), and addition of the Governor's proposed budget ($668,382) for Restoration Strategies Regional Water Quality Plan.

- The budget for Alligator Alley tolls is $2.5 million, 2.8 percent decrease over the Fiscal Year 2019-20 Adopted Budget and is based on the amount in the Memorandum of Agreement with the state.

- Other state revenue of $7.5 million decreased by $232,503 (3 percent) from Fiscal Year 2019-20 Adopted Budget. The decrease is due primarily to removal of $300,000 of Water Protection and Sustainability Trust funds appropriated in the current year. The Other State revenue category includes $7.4 million from FWC for vegetation management, $124,230 from FDACS for prescribe burns and $278,788 of License Tag revenue for Everglades and Indian River Lagoon.

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Federal Revenues

- Federal revenues in the Fiscal Year 2020-21 Preliminary Budget decrease by $255,951 or 2.8 percent from the Adopted Budget. A grant from NRCS decreased by $1,057,685 million as did a DOI grant for $284,600 and $75,000 from FEMA for a total reduction of $1,417,285 for the three grants. Federal funds increased by $1,673,236 in projected funds to be reimbursed from the USACE for Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) Costs related to completed CERP and foundation projects. This increase reflects the calculated revenue based on reimbursement agreements with the USACE.

AMERICAN OVERSIGHT

III. BUDGET HIGHLIGHTS

C. Budget Summary

5. Source of Funds by Program (Actual – Audited)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SOURCE OF FUNDS BY PROGRAM
Fiscal Year 2018-19 (Actual - Unaudited)
PRELIMINARY BUDGET - Fiscal Year 2020-21

SOURCE OF FUNDS	Water Resources Planning and Monitoring	Land Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	District Management and Administration	Fiscal Year 2018-19 (Actual - Unaudited)
District Revenues	44,727,770	13,027,475	219,831,155	21,125,432	1,399,854	38,664,409	338,776,095
Reserves	-	-	-	-	-	-	-
Debt - Certificate of Participation (COPS)	-	-	-	-	-	-	-
Local Revenues	42,790	95,000	20,472	-	-	-	158,262
State General Revenues	-	1,739,018	-	-	-	-	1,739,018
Land Acquisition Trust Fund	-	141,931,421	2,317,823	-	-	-	144,249,244
FDEP/EPC Gardinier Trust Fund	-	-	-	-	-	-	-
P2000 Revenue	-	-	-	-	-	-	-
FDOT/Mitigation	-	-	-	-	-	-	-
Water Management Lands Trust Fund	-	-	-	-	-	-	-
Water Quality Assurance (SWIM) Trust Fund	-	-	-	-	-	-	-
Florida Forever	-	-	-	-	-	-	-
Save Our Everglades Trust Fund	-	71,581,837	-	-	-	-	71,581,837
Alligator Alley Tolls	-	-	-	-	-	-	-
Other State Revenue	309,553	249,256	2,465,214	5,663	-	-	3,029,686
Federal Revenues	300,000	2,379,481	9,681,691	-	-	6,773	12,367,945
Federal through State (FDEP)	-	-	-	-	-	-	-
SOURCE OF FUND TOTAL	**45,380,113**	**231,003,488**	**234,316,355**	**21,131,095**	**1,399,854**	**38,671,182**	**571,902,087**

District Revenues include	
Ad Valorem	278,722,633
Ag Privilege Tax	11,375,073
Permit & License Fees	8,935,771
Miscellaneous Revenues	39,742,618

REVENUES BY SOURCE	Water Resources Planning and Monitoring	Land Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	District Management and Administration	Fiscal Year 2018-19 (Actual - Unaudited)
District Revenues	44,727,770	13,027,475	219,831,155	21,125,432	1,399,854	38,664,409	338,776,095
Reserves	-	-	-	-	-	-	-
Debt	-	-	-	-	-	-	-
Local Revenues	42,790	95,000	20,472	-	-	-	158,262
State Revenues	309,553	215,501,532	4,783,037	5,663	-	-	220,599,785
Federal Revenues	300,000	2,379,481	9,681,691	-	-	6,773	12,367,945
TOTAL	45,380,113	231,003,488	234,316,355	21,131,095	1,399,854	38,671,182	571,902,087

AMERICAN OVERSIGHT

III. BUDGET HIGHLIGHTS

C. Budget Summary

5. Source of Funds by Program (Adopted)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SOURCE OF FUNDS BY PROGRAM
Fiscal Year 2019-20 (Adopted)
PRELIMINARY BUDGET - Fiscal Year 2020-21

SOURCE OF FUNDS	Water Resources Planning and Monitoring	Land Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	District Management and Administration	Fiscal Year 2019-20 (Adopted)
District Revenues	44,521,600	55,623,410	191,447,573	21,495,646	1,089,274	34,149,694	348,327,197
Reserves	7,888,145	95,871,736	98,091,209	272,200	125,000	3,524,895	205,773,185
Debt - Certificate of Participation (COPS)	-	-	-	-	-	-	-
Local Revenues	300,000	1,300,000	229,200	-	-	-	1,829,200
State General Revenues	-	143,451,131	500,000	-	-	-	143,951,131
Land Acquisition Trust Fund	-	262,447,123	4,850,000	-	-	-	267,297,123
FDEP/EPC Gardinier Trust Fund	-	-	-	-	-	-	-
P2000 Revenue	-	-	-	-	-	-	-
FDOT/Mitigation	-	-	-	-	-	-	-
Water Management Lands Trust Fund	-	-	-	-	-	-	-
Water Quality Assurance (SWIM) Trust Fund	-	-	-	-	-	-	-
Florida Forever	-	-	-	-	-	-	-
Save Our Everglades Trust Fund	-	3,188,625	-	-	-	-	3,188,625
Alligator Alley Tolls	660,455	906,663	1,000,000	-	-	-	2,567,118
Other State Revenue	71,457	500,000	7,136,264	-	-	-	7,707,721
Federal Revenues	858,032	1,336,456	6,885,866	-	-	-	9,080,354
Federal through State (FDEP)	-	-	75,000	-	-	-	75,000
SOURCE OF FUND TOTAL	**54,299,689**	**564,625,144**	**310,215,112**	**21,767,846**	**1,214,274**	**37,674,589**	**989,796,654**

District Revenues include	
Ad Valorem	284,266,900
Ag Privilege Tax	11,045,990
Permit & License Fees	3,520,700
Miscellaneous Revenues	49,493,607

REVENUES BY SOURCE	Water Resources Planning and Monitoring	Land Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	District Management and Administration	Fiscal Year 2019-20 (Adopted)
District Revenues	44,521,600	55,623,410	191,447,573	21,495,646	1,089,274	34,149,694	348,327,197
Reserves	7,888,145	95,871,736	98,091,209	272,200	125,000	3,524,895	205,773,185
Debt	-	-	-	-	-	-	-
Local Revenues	300,000	1,300,000	229,200	-	-	-	1,829,200
State Revenues	731,912	410,493,542	13,486,264	-	-	-	424,711,718
Federal Revenues	858,032	1,336,456	6,960,866	-	-	-	9,155,354
TOTAL	54,299,689	564,625,144	310,215,112	21,767,846	1,214,274	37,674,589	989,796,654

AMERICAN OVERSIGHT

III. BUDGET HIGHLIGHTS

C. Budget Summary

5. Source of Funds by Program (Preliminary Budget)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SOURCE OF FUNDS BY PROGRAM
Fiscal Year 2020-21 (Preliminary Budget)
PRELIMINARY BUDGET - Fiscal Year 2020-21

SOURCE OF FUNDS	Water Resources Planning and Monitoring	Land Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	District Management and Administration	Fiscal Year 2020-21 (Preliminary Budget)
District Revenues	43,617,750	55,749,131	194,188,995	21,869,407	1,122,971	34,332,454	350,880,708
Reserves	4,428,518	112,550,089	105,011,562	7,500	-	4,775,875	226,773,544
Debt - Certificate of Participation (COPS)	-	-	-	-	-	-	-
Local Revenues	240,000	-	229,200	-	-	-	469,200
State General Revenues	1,650,072	53,329,448	500,000	-	-	-	55,479,520
Land Acquisition Trust Fund	-	367,067,007	2,350,000	-	-	-	369,417,007
FDEP/EPC Gardinier Trust Fund	-	-	-	-	-	-	-
P2000 Revenue	-	-	-	-	-	-	-
FDOT/Mitigation	-	-	-	-	-	-	-
Water Management Lands Trust Fund	-	-	-	-	-	-	-
Water Quality Assurance (SWIM) Trust Fund	-	-	-	-	-	-	-
Florida Forever	-	-	-	-	-	-	-
Save Our Everglades Trust Fund	-	668,382	-	-	-	-	668,382
Alligator Alley Tolls	773,758	721,322	1,000,000	-	-	-	2,495,080
Other State Revenue	138,788	200,000	7,136,430	-	-	-	7,475,218
Federal Revenues	811,549	15,216	8,584,540	-	-	-	9,411,305
Federal through State (FDEP)	-	-	-	-	-	-	-
SOURCE OF FUND TOTAL	**51,660,435**	**590,300,595**	**319,000,727**	**21,876,907**	**1,122,971**	**39,108,329**	**1,023,069,964**

District Revenues include	
Ad Valorem	286,938,400
Ag Privilege Tax	11,045,000
Permit & License Fees	3,441,000
Miscellaneous Revenues	49,456,308

REVENUES BY SOURCE	Water Resources Planning and Monitoring	Land Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	District Management and Administration	Fiscal Year 2020-21 (Preliminary Budget)
District Revenues	43,617,750	55,749,131	194,188,995	21,869,407	1,122,971	34,332,454	350,880,708
Reserves	4,428,518	112,550,089	105,011,562	7,500	-	4,775,875	226,773,544
Debt	-	-	-	-	-	-	-
Local Revenues	240,000	-	229,200	-	-	-	469,200
State Revenues	2,562,618	421,986,159	10,986,430	-	-	-	435,535,207
Federal Revenues	811,549	15,216	8,584,540	-	-	-	9,411,305
TOTAL	51,660,435	590,300,595	319,000,727	21,876,907	1,122,971	39,108,329	1,023,069,964

AMERICAN OVERSIGHT

C. Budget Summary

6. Proposed Millage Rates

Ongoing policy direction is to levy rolled-back millage rates. In accordance with Florida Statute, the rolled-back millage rate is calculated in the following manner:

> *The form on which the certification is made shall include instructions to each taxing authority describing the proper method of computing a millage rate which, exclusive of new construction, additions to structures, deletions, increases in the value of improvements that have undergone a substantial rehabilitation which increased the assessed value of such improvements by at least 100 percent, property added due to geographic boundary changes, total taxable value of tangible personal property within the jurisdiction in excess of 115 percent of the previous year's total taxable value, and any dedicated increment value, will provide the same ad valorem tax revenue for each taxing authority as was levied during the prior year less the amount, if any, paid or applied as a consequence of an obligation measured by the dedicated increment value. That millage rate shall be known as the "rolled-back rate." [Excerpt from section 200.065(1), F.S.]*

When certified property values are received from the property appraisers in July, the datum from all counties in the District's jurisdiction is compiled and calculated to determine the rolled-back rates for the District. The annual property tax cycle known as TRIM (Truth in Millage) as defined by Florida Statute begins with the certification of taxable values every July 1st so taxing authorities can determine the millage rates to levy ad valorem taxes.

The District continues the commitment to deliver on our core mission functions while delivering efficient and cost-effective services on behalf of South Florida taxpayer investments. The Fiscal Year 2020-21 Preliminary Budget estimates $286,938,400 which is $2,671,500 more than the Fiscal Year 2019-20 Adopted revenue of $284,266,900. The estimated increase of $2,671,500 includes conservative new construction growth estimates and moderate impacts from Value Adjustment Board petition hearings.

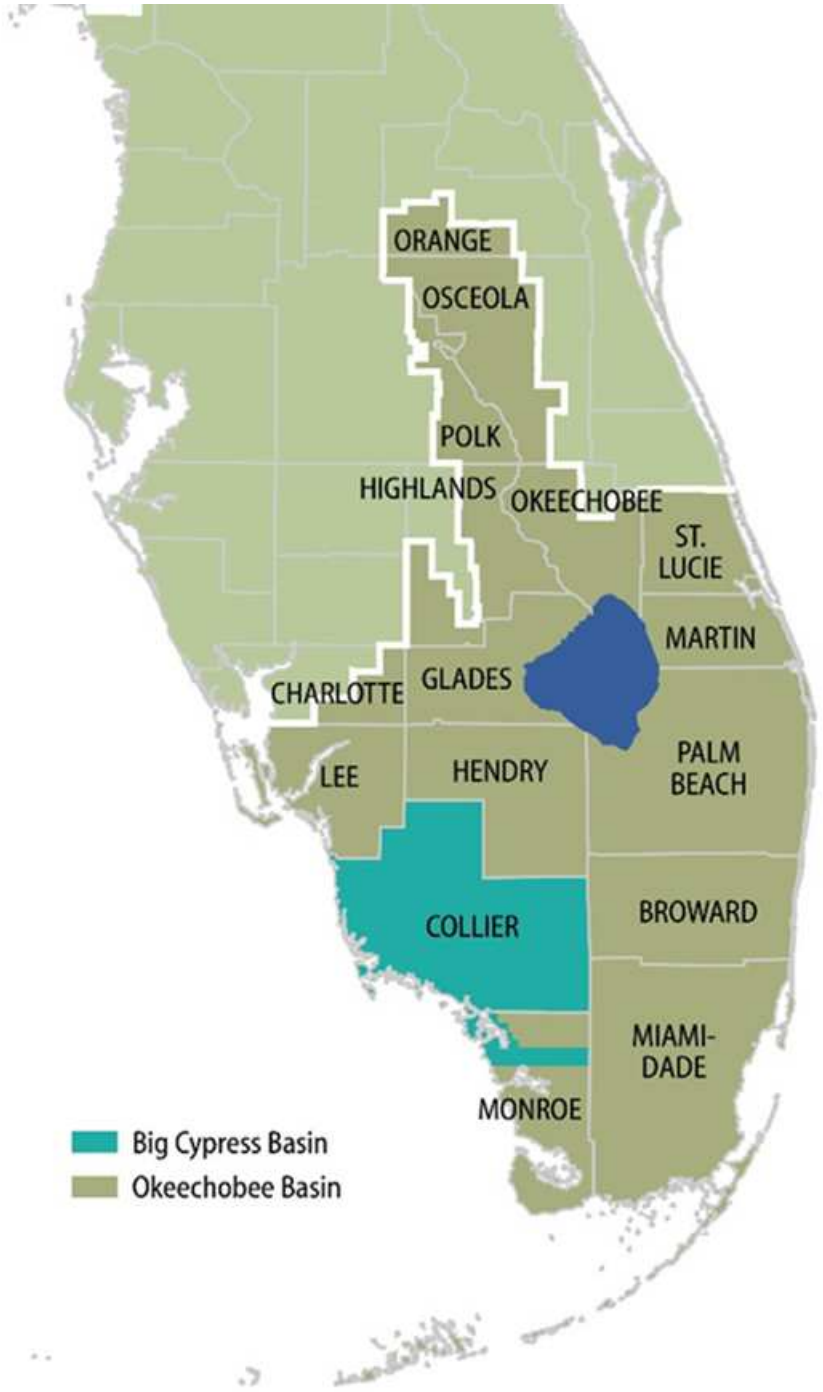
Pursuant to section 373.503(3), F.S., taxes levied by each (water management district) Governing Board may be separated into a millage necessary for the purposes of the District and a millage necessary for financing basin functions. The tax levies of the South Florida Water Management District are set by the Governing Board for each of the two basins within the District: the Okeechobee Basin and the Big Cypress Basin. Each basin millage rate is then combined with an overall "District-at-large" millage rate which determines the total millage to be assessed upon property owners within each basin.

The following table illustrates the estimated ad valorem tax revenue for the Fiscal Year 2020-21 Preliminary Budget. The net increase of 0.9 percent over the current year adopted ad valorem tax revenue is the combined result of conservative new construction growth, and a moderate impact from the Value Adjustment Board (VAB) petition hearings.

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FL-SEN-20-0201-B, 20-0202-A-006335

III. BUDGET HIGHLIGHTS

The estimated rolled-back millage rates in the following table for Fiscal Year 2020-21 are based on a combination of estimated data from the Office of Economic and Demographic Research and trend analysis. Actual rolled-back millage rates will be calculated in July following the certification of tax rolls by each county property appraiser in the District's jurisdiction.



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FL-SEN-20-0201-B, 20-0202-A-006336

III. BUDGET HIGHLIGHTS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
THREE-YEAR AD VALOREM TAX COMPARISON
Fiscal Years 2018-19, 2019-20 and 2020-21
Preliminary Budget - January 15, 2020

DISTRICT-AT-LARGE			
Ad valorem Tax Comparison	FY 2018-19 (Adopted)	FY 2019-20 (Adopted)	FY 2020-21 (Estimated RBR)
Ad Valorem Taxes	$115,888,100	$118,827,400	$119,933,200
Millage rate	0.1209	0.1152	0.1118
Rolled-back Rate	0.1209	0.1152	0.1118
Percent of Change of Rolled-back Rate	0.0%	0.0%	0.0%
Gross Taxable Value for Operating Purposes	$1,008,994,126,224	$1,074,466,475,379	$1,117,445,134,394
Net New Taxable Value	$18,810,505,385	$22,798,377,232	$18,564,876,052
Adjusted Taxable Value	$990,183,620,839	$1,051,668,098,147	$1,098,880,258,342

OKEECHOBEE BASIN			
Ad valorem Tax Comparison	FY 2018-19 (Adopted)	FY 2019-20 (Adopted)	FY 2020-21 (Estimated RBR)
Ad Valorem Taxes	$114,566,750	$117,378,410	$118,448,500
Millage rate	0.1310	0.1246	0.1209
Rolled-back Rate	0.1310	0.1246	0.1209
Percent of Change of Rolled-back Rate	0.0%	0.0%	0.0%
Gross Taxable Value for Operating Purposes	$920,583,448,698	$981,293,391,938	$1,020,545,127,828
Net New Taxable Value	$16,732,651,304	$20,860,933,397	$16,934,347,185
Adjusted Taxable Value	$903,850,797,394	$960,432,458,541	$1,003,610,780,643

EVERGLADES CONSTRUCTION PROJECT (OKEECHOBEE BASIN)			
Ad valorem Tax Comparison	FY 2018-19 (Adopted)	FY 2019-20 (Adopted)	FY 2020-21 (Estimated RBR)
Ad Valorem Taxes	$36,469,000	$37,399,100	$37,719,400
Millage rate	0.0417	0.0397	0.0385
Rolled-back Rate	0.0417	0.0397	0.0385
Percent of Change of Rolled-back Rate	0.0%	0.0%	0.0%
Gross Taxable Value for Operating Purposes	$920,583,448,698	$981,293,391,938	$1,020,545,127,828
Net New Taxable Value	$16,732,651,304	$20,860,933,397	$16,934,347,185
Adjusted Taxable Value	$903,850,797,394	$960,432,458,541	$1,003,610,780,643

BIG CYPRESS BASIN			
Ad valorem Tax Comparison	FY 2018-19 (Adopted)	FY 2019-20 (Adopted)	FY 2020-21 (Estimated RBR)
Ad Valorem Taxes	$10,393,650	$10,661,990	$10,837,300
Millage rate	0.1231	0.1192	0.1165
Rolled-back Rate	0.1231	0.1192	0.1165
Percent of Change of Rolled-back Rate	0.0%	0.0%	0.0%
Gross Taxable Value for Operating Purposes	$88,410,677,526	$93,173,083,441	$96,900,006,566
Net New Taxable Value	$2,077,854,081	$1,937,443,835	$1,630,528,867
Adjusted Taxable Value	$86,332,823,445	$91,235,639,606	$95,269,477,699

TOTAL OKEECHOBEE BASIN (District-at-Large + Basins)			
Ad valorem Tax Comparison	FY 2018-19 (Adopted)	FY 2019-20 (Adopted)	FY 2020-21 (Estimated RBR)
Ad Valorem Taxes	$256,769,442	$263,204,910	$265,701,100
Millage rate	0.2936	0.2795	0.2712
Rolled-back Rate	0.2936	0.2795	0.2712
Percent of Change of Rolled-back Rate	0.0%	0.0%	0.0%
Gross Taxable Value for Operating Purposes	$920,583,448,698	$981,293,391,938	$1,020,545,127,828
Net New Taxable Value	$16,732,651,304	$20,860,933,397	$16,934,347,185
Adjusted Taxable Value	$903,850,797,394	$960,432,458,541	$1,003,610,780,643

TOTAL BIG CYPRESS BASIN (District-at-Large + Basin)			
Ad valorem Tax Comparison	FY 2018-19 (Adopted)	FY 2019-20 (Adopted)	FY 2020-21 (Estimated RBR)
Ad Valorem Taxes	$20,548,058	$21,061,990	$21,237,300
Millage rate	0.2440	0.2344	0.2283
Rolled-back Rate	0.2440	0.2344	0.2283
Percent of Change of Rolled-back Rate	0.0%	0.0%	0.0%
Gross Taxable Value for Operating Purposes	$88,410,677,526	$93,173,083,441	$96,900,006,566
Net New Taxable Value	$2,077,854,081	$1,937,443,835	$1,630,528,867
Adjusted Taxable Value	$86,332,823,445	$91,235,639,606	$95,269,477,699

AMERICAN OVERSIGHT

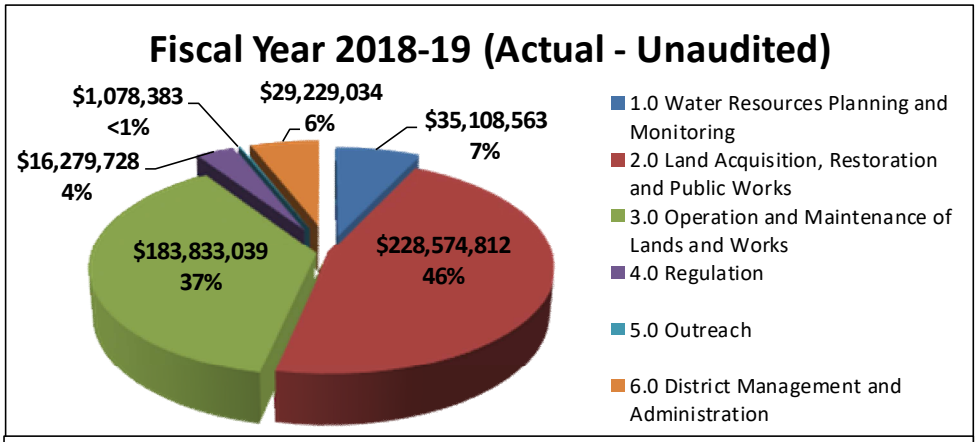
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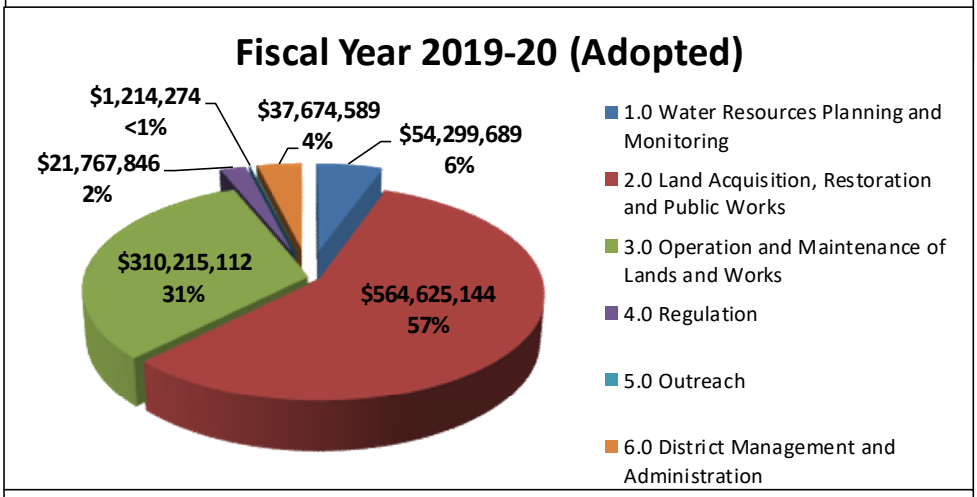
III. BUDGET HIGHLIGHTS

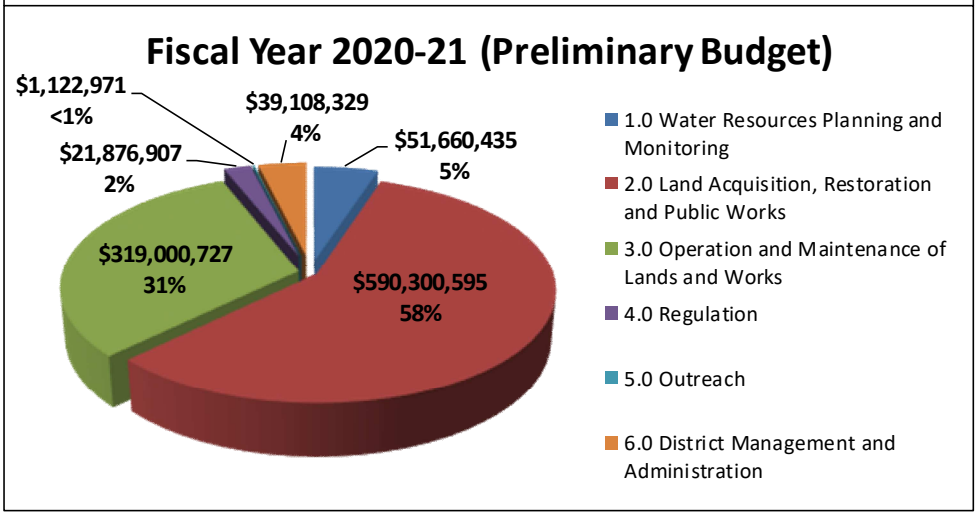
C. Budget Summary

7. Use of Funds by Program Three-Year Comparison

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PRELIMINARY BUDGET - Fiscal Year 2020-21
EXPENDITURES BY PROGRAM







AMERICAN OVERSIGHT

III. BUDGET HIGHLIGHTS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

THREE-YEAR EXPENDITURE SUMMARY BY PROGRAM

Fiscal Years 2018-19 (Actual - Unaudited) 2019-20 (Adopted) 2020-21 (Preliminary)

PRELIMINARY BUDGET - Fiscal Year 2020-21

PROGRAMS, ACTIVITIES AND SUB-ACTIVITIES	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
1.0 Water Resources Planning and Monitoring	**$35,108,563**	**$54,299,689**	**$51,660,435**	**-$2,639,254**	**-4.9%**
1.1 - District Water Management Planning	8,266,396	21,043,705	18,605,447	-2,438,258	-11.6%
1.1.1 Water Supply Planning	3,435,732	15,602,487	13,792,925	-1,809,562	-11.6%
1.1.2 Minimum Flows and Levels	316,529	337,129	332,999	-4,130	-1.2%
1.1.3 Other Water Resources Planning	4,514,135	5,104,089	4,479,523	-624,566	-12.2%
1.2 - Research, Data Collection, Analysis and Monitoring	23,840,704	29,993,945	29,776,670	-217,275	-0.7%
1.3 - Technical Assistance	214,062	218,692	220,059	1,367	0.6%
1.4 - Other Water Resources Planning and Monitoring Activities	0	0	0	0	
1.5 - Technology and Information Services	2,787,401	3,043,347	3,058,259	14,912	0.5%
2.0 Land Acquisition, Restoration and Public Works	**$228,574,812**	**$564,625,144**	**$590,300,595**	**$25,675,451**	**4.5%**
2.1 - Land Acquisition	0	0	0	0	
2.2 - Water Source Development	1,252,648	18,339,784	244,971	-18,094,813	-98.7%
2.2.1 Water Resource Development Projects	288,025	218,424	223,520	5,096	2.3%
2.2.2 Water Supply Development Assistance	964,623	18,121,360	21,451	-18,099,909	-99.9%
2.2.3 Other Water Source Development Activities	0	0	0	0	
2.3 - Surface Water Projects	224,946,079	544,321,958	588,075,126	43,753,168	8.0%
2.4 - Other Cooperative Projects	734,117	266,220	267,043	823	0.3%
2.5 - Facilities Construction and Major Renovations	0	0	0	0	
2.6 - Other Acquisition and Restoration Activities	0	0	0	0	
2.7 - Technology and Information Services	1,641,968	1,697,182	1,713,455	16,273	1.0%
3.0 Operation and Maintenance of Lands and Works	**$183,833,039**	**$310,215,112**	**$319,000,727**	**$8,785,615**	**2.8%**
3.1 - Land Management	10,775,674	27,666,266	29,302,288	1,636,022	5.9%
3.2 - Works	123,405,924	225,796,608	226,922,942	1,126,334	0.5%
3.3 - Facilities	4,460,358	4,027,189	5,243,585	1,216,396	30.2%
3.4 - Invasive Plant Control	23,855,390	29,205,431	33,730,160	4,524,729	15.5%
3.5 - Other Operation and Maintenance Activities	4,831,093	5,502,946	5,651,394	148,448	2.7%
3.6 - Fleet Services	7,245,930	8,218,066	8,276,048	57,982	0.7%
3.7 - Technology and Information Services	9,258,670	9,798,606	9,874,310	75,704	0.8%
4.0 Regulation	**$16,279,728**	**$21,767,846**	**$21,876,907**	**$109,061**	**0.5%**
4.1 - Consumptive Use Permitting	4,216,040	5,274,382	5,369,608	95,226	1.8%
4.2 - Water Well Construction Permitting and Contractor Licensi	0	0	0	0	
4.3 - Environmental Resource and Surface Water Permitting	8,156,362	8,776,364	9,004,606	228,242	2.6%
4.4 - Other Regulatory and Enforcement Activities	591,806	4,550,893	4,561,148	10,255	0.2%
4.5 - Technology and Information Services	3,315,520	3,166,207	2,941,545	-224,662	-7.1%
5.0 Outreach	**$1,078,383**	**$1,214,274**	**$1,122,971**	**-$91,303**	**-7.5%**
5.1 - Water Resource Education	0	0	0	0	
5.2 - Public Information	1,051,383	1,182,774	1,091,471	-91,303	-7.7%
5.3 - Public Relations	0	0	0	0	
5.4 - Cabinet & Legislative Affairs	27,000	31,500	31,500	0	0.0%
5.5 - Other Outreach Activities	0	0	0	0	
5.6 - Technology and Information Services	0	0	0	0	
SUBTOTAL - Maior Programs (excluding Management and Administration)	*$464,874,525*	*$952,122,065*	*$983,961,635*	*$31,839,570*	*3.3%*
6.0 District Management and Administration	**$29,229,034**	**$37,674,589**	**$39,108,329**	**$1,433,740**	**3.8%**
6.1 - Administrative and Operations Support	23,680,836	30,914,707	32,348,447	1,433,740	4.6%
6.1.1 - Executive Direction	653,958	819,243	817,946	-1,297	-0.2%
6.1.2 - General Counsel / Legal	2,809,403	2,946,310	2,999,689	53,379	1.8%
6.1.3 - Inspector General	853,635	842,063	847,859	5,796	0.7%
6.1.4 - Administrative Support	5,295,558	11,461,713	11,614,601	152,888	1.3%
6.1.5 - Fleet Services	0	0	0	0	
6.1.6 - Procurement / Contract Administration	1,900,397	1,967,835	1,987,056	19,221	1.0%
6.1.7 - Human Resources	1,605,428	1,607,340	1,641,741	34,401	2.1%
6.1.8 - Communications	326,698	428,740	428,740	0	0.0%
6.1.9 - Technology and Information Services	10,235,759	10,841,463	12,010,815	1,169,352	10.8%
6.2 - Computer/Computer Support	0	0	0	0	
6.3 - Reserves	0	0	0	0	
6.4 - Other - (Tax Collector / Property Appraiser Fees)	5,548,198	6,759,882	6,759,882	0	0.0%
TOTAL	**$494,103,559**	**$989,796,654**	**$1,023,069,964**	**$33,273,310**	**3.4%**

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C. Budget Summary

8. Major Use of Funds Variances

The table below illustrates major variances between the Adopted Budget for Fiscal Year 2019-20 and the Preliminary Budget 2020-21 highlighting significant variances at the program level. Each of these major variances is explained below the table.

Expenditures by Program	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
1.0 Water Resources Planning and Monitoring	$54,299,689	$51,660,435	($2,639,254)	-4.9%
2.0 Land Acquisition, Restoration and Public Works	$564,625,144	$590,300,595	$25,675,451	4.5%
3.0 Operation and Maintenance of Lands and Works	$310,215,112	$319,000,727	$8,785,615	2.8%
4.0 Regulation	$21,767,846	$21,876,907	$109,061	0.5%
5.0 Outreach	$1,214,274	$1,122,971	($91,303)	-7.5%
6.0 District Management and Administration	$37,674,589	$39,108,329	$1,433,740	3.8%
Total	**$989,796,654**	**$1,023,069,964**	**$33,273,310**	**3.4%**

1.0 Water Resources Planning and Monitoring

The Fiscal Year 2020-21 Preliminary Budget is $51.7 million, which is a 4.9 percent ($2.6 million) decrease from the Fiscal Year 2019-20 Adopted Budget of $54.3 million. The reduction is primarily due to decreases in Fixed Capital Outlay ($1.9 million) for Central Florida Water Initiatives in the current budget. In addition, model development for Coastal Resilience ($950,000) was moved from Contracted Services in this program to Operations & Maintenance of Lands and Works Program. Interagency Expenditures decrease ($455,810) is due primarily to removal of fund balance in the current budget planned for Indian River Lagoon initiatives. Operating Capital Outlay decrease ($69,500) results from one-time funding to be used for equipment purchase in the current year. Operating Expense decrease ($128,500) is primarily for tools, field and lab supplies expected to be acquired in the current year for monitoring and assessment. The only increase is in Salaries & Benefits ($420,073) and is due to turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased.

2.0 Land Acquisition, Restoration and Public Works

The program's Fiscal Year 2020-21 Preliminary Budget is $590.3 million, which is $25.7 million, or a 4.5 percent increase from the Adopted Budget for Fiscal Year 2019-20 of $564.6 million. The increase of $61.2 million in Fixed Capital Outlay, as well as decreases in Contracted Services ($3.1 million), Operating Expenses ($4.2 million), Operating Capital Outlay ($7.4 million), and Interagency Expenditures ($21 million), totaling $36 million, are primarily due to new and prior year state appropriated funding, as well as shifts in state and one-time fund balance cash flow requirements across the expense categories for the implementation of CERP/CEPP, Restoration Strategies, NEEPP, and Alternative Water Supply. Increases in Salaries and Benefits ($239,516) are due to turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased.

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3.0 Operation and Maintenance of Lands and Works

The program's Fiscal Year 2020-21 Preliminary Budget is $319 million, which is a $8.8 million, or a 2.8 percent increase from the Adopted Budget for Fiscal Year 2019-20 of $310.2 million. The largest increase is in Operating Capital Outlay of $6 million and is primarily due to the additional Lake Belt Mitigation funds for the on-going design and construction on the C-139 Annex Restoration project in addition to Operations and Maintenance Refurbishment Program projects moving into the design phase. Increases in Operating Expenses of ($9.7 million) are primarily due to new works of the District coming online as well as ongoing repairs and maintenance of the C&SF System and Operations and Maintenance Refurbishment Program. Contracted Services decreased ($3.7 million) primarily due to the decrease in multi-year project needs for the Operations Decision Support System, the Vertical Datum (NAVD88) upgrades, Lake Belt Monitoring needs and planning and field investigations for coastal resiliency projects. An overall decrease in Fixed Capital Outlay of ($4.4 million) reflects the Operations and Maintenance Refurbishment Programs multi-year project cash flow requirements for completion, continuation of design and construction requirements for the first-year construction for projects underway. Salaries and Benefits has a 1.6 percent ($1.1 million) increase due to additional staff being allocated to support the program and turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased.

4.0 Regulation

The program's Fiscal Year 2020-21 Preliminary Budget is $21.9 million, which represents a $109,061 or a 0.5% increase from the Adopted Budget for Fiscal Year 2019-20 of $21.7 million. The increase is primarily attributed to ($326,761) in Salaries and Benefits due to turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased. There was also an increase in Operating Expenses ($59,500) tied to flight operation service costs. There is a reduction in Contracted Services ($277,200) due to the Regulation software upgrade to the e-Permitting system eliminating the need for IT consulting services and has offset a large majority of other increased costs.

5.0 Outreach

The program's Fiscal Year 2020-21 Preliminary Budget is $1.1 million, which is a $91,303 or a 7.5 percent decrease from the Adopted Budget for Fiscal Year 2019-20 of $1.2 million. The variance is due primarily to a ($125,000) decrease in Contracted Services for a one-time outreach activity. Increases in Salaries and Benefits ($33,697) are due to turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased.

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6.0 District Management and Administration

The program's Fiscal Year 2020-21 Preliminary Budget is $39.1 million, which is a $1.4 million or a 3.8 percent increase from the Adopted Budget for Fiscal Year 2019-20 of $37.7 million. The increase is a result of a ($687,500) increase in Operating Capital Outlay primarily due to telemetry equipment. There is a ($563,480) increase in Contracted Services for IT consulting services for enterprise software development, a ($15,236) increase in Operating Expenses for computer software maintenance, and a ($167,434) increase in Salaries and Benefits due to turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased. Also, the budgeted salaries for vacant positions in the FY2020-21 Preliminary budget were increased based on the job study.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

A. Program and Activity Definitions, Descriptions and Budget

This section provides the Fiscal Year 2020-21 Preliminary Budget organized by program and activity. The water management districts are responsible for six program areas pursuant to Subsection 373.536(5)(e)4, Florida Statutes: Water Resources Planning and Monitoring; Land Acquisition, Restoration, and Public Works; Operation and Maintenance of Works and Lands; Regulation; Outreach; and District Management and Administration.

The following information is provided for all PROGRAMS:

- Program by Expenditure Category
- Source of Funds
- Rate, Operating and Non-Operating
- Workforce
- Reductions - New Issues Summary

In addition, for each PROGRAM, ACTIVITY, and SUB-ACTIVITY, narratives include a Program Title, District Description, Changes and Trends, Budget Variances and Major Budget Items.

The following information is provided for each ACTIVITY and SUB-ACTIVITY:

- Activity (or Sub-activity) by Expenditure Category
- Source of Funds
- Operating and Non-Operating Expenses

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

PROGRAM BY EXPENDITURE CATEGORY

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

PRELIMINARY BUDGET - Fiscal Year 2020-21

ALL PROGRAMS

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
1.0 Water Resources Planning and Monitoring	$ 33,077,943	$ 36,397,565	$ 35,108,563	$ 54,299,689	$ 51,660,435	$ (2,639,254)	-4.9%
2.0 Land Acquisition, Restoration and Public Works	$ 232,590,513	$ 219,088,122	$ 228,574,812	$ 564,625,144	$ 590,300,595	$ 25,675,451	4.5%
3.0 Operation and Maintenance of Lands and Works	$ 183,166,583	$ 197,364,366	$ 183,833,039	$ 310,215,112	$ 319,000,727	$ 8,785,615	2.8%
4.0 Regulation	$ 17,845,349	$ 17,419,301	$ 16,279,728	$ 21,767,846	$ 21,876,907	$ 109,061	0.5%
5.0 Outreach	$ 1,116,242	$ 1,069,116	$ 1,078,383	$ 1,214,274	$ 1,122,971	$ (91,303)	-7.5%
6.0 District Management and Administration	$ 26,147,786	$ 27,019,673	$ 29,229,034	$ 37,674,589	$ 39,108,329	$ 1,433,740	3.8%
TOTAL	**$ 493,944,416**	**$ 498,358,143**	**$ 494,103,559**	**$ 989,796,654**	**$ 1,023,069,964**	**$ 33,273,310**	**3.4%**

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 133,509,179	$ 132,031,614	$ 138,381,052	$ 147,298,781	$ 149,589,346	$ 2,290,565	1.6%
Other Personal Services	$ 229,797	$ 214,455	$ 211,979	$ 199,705	$ 199,705	$ -	0.0%
Contracted Services	$ 36,761,448	$ 31,824,544	$ 44,761,593	$ 110,034,983	$ 102,973,775	$ (7,061,208)	-6.4%
Operating Expenses	$ 73,957,255	$ 90,878,202	$ 82,203,113	$ 138,524,736	$ 143,941,482	$ 5,416,746	3.9%
Operating Capital Outlay	$ 19,650,792	$ 24,486,413	$ 23,801,024	$ 59,290,837	$ 58,592,809	$ (698,028)	-1.2%
Fixed Capital Outlay	$ 188,636,035	$ 174,698,343	$ 163,248,458	$ 413,342,718	$ 468,181,388	$ 54,838,670	13.3%
Interagency Expenditures (Cooperative Funding)	$ 9,170,385	$ 13,814,322	$ 11,102,715	$ 29,477,430	$ 7,981,870	$ (21,495,560)	-72.9%
Debt	$ 32,029,525	$ 30,410,250	$ 30,393,625	$ 30,372,127	$ 30,354,252	$ (17,875)	-0.1%
Reserves - Emergency Response	$ -	$ -	$ -	$ 61,255,337	$ 61,255,337	$ -	0.0%
TOTAL	**$ 493,944,416**	**$ 498,358,143**	**$ 494,103,559**	**$ 989,796,654**	**$ 1,023,069,964**	**$ 33,273,310**	**3.4%**

SOURCE OF FUNDS

Fiscal Year 2020-21

	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Salaries and Benefits	$ 145,787,119	$ 596,014	$ -	$ -	$ 803,045	$ 2,403,168	$ 149,589,346
Other Personal Services	$ 199,705	$ -	$ -	$ -	$ -	$ -	$ 199,705
Contracted Services	$ 15,406,769	$ 7,775,006	$ -	$ 240,000	$ 79,316,510	$ 235,490	$ 102,973,775
Operating Expenses	$ 112,863,138	$ 13,187,437	$ -	$ 229,200	$ 11,034,909	$ 6,626,798	$ 143,941,482
Operating Capital Outlay	$ 15,139,031	$ 26,084,613	$ -	$ -	$ 17,365,365	$ 3,800	$ 58,592,809
Fixed Capital Outlay	$ 26,082,951	$ 115,905,137	$ -	$ -	$ 326,193,300	$ -	$ 468,181,388
Interagency Expenditures (Cooperative Funding)	$ 5,047,743	$ 1,970,000	$ -	$ -	$ 822,078	$ 142,049	$ 7,981,870
Debt	$ 30,354,252	$ -	$ -	$ -	$ -	$ -	$ 30,354,252
Reserves - Emergency Response	$ -	$ 61,255,337	$ -	$ -	$ -	$ -	$ 61,255,337
TOTAL	**$ 350,880,708**	**$ 226,773,544**	**$ -**	**$ 469,200**	**$ 435,535,207**	**$ 9,411,305**	**$ 1,023,069,964**

RATE, OPERATING AND NON-OPERATING

Fiscal Year 2020-21

	Workforce	Rate (Salary without benefits)	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	1,475	$ 102,312,289	$ 149,589,346	$ -	$ 149,589,346
Other Personal Services	3	$ 199,705	$ 199,705	$ -	$ 199,705
Contracted Services	-	$ -	$ 95,651,862	$ 7,321,913	$ 102,973,775
Operating Expenses			$ 102,786,328	$ 41,155,154	$ 143,941,482
Operating Capital Outlay			$ 32,986,214	$ 25,606,595	$ 58,592,809
Fixed Capital Outlay			$ 352,276,251	$ 115,905,137	$ 468,181,388
Interagency Expenditures (Cooperative Funding)			$ 6,406,870	$ 1,575,000	$ 7,981,870
Debt			$ 30,354,252	$ -	$ 30,354,252
Reserves - Emergency Response			$ -	$ 61,255,337	$ 61,255,337
TOTAL			**$ 770,250,828**	**$ 252,819,136**	**$ 1,023,069,964**

WORKFORCE

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

WORKFORCE CATEGORY	Fiscal Year					Adopted to Preliminary 2019-20 to 2020-21	
	2016-17	2017-18	2018-19	2019-20	2020-21	Difference	% Change
Authorized Positions	1475	1475	1475	1475	1475	-	0.0%
Contingent Worker	0	0	0	0	0	-	-
Other Personal Services	4	4	4	3	3	-	0.00%
Intern	0	0	0	0	0	-	-
Volunteer	0	0	0	0	0	-	-
TOTAL WORKFORCE	**1479**	**1479**	**1479**	**1478**	**1478**	**-**	**0.00%**

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See the Program and Activity information that follows for details regarding the six program areas that comprise this budget.

AMERICAN OVERSIGHT
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IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES SUMMARY
PRELIMINARY BUDGET - Fiscal Year 2020-21

	1.0 Water Resources Planning and Monitoring	2.0 Land Acquisition, Restoration and Public Works	3.0 Operation and Maintenance of Lands and Works	4.0 Regulation	5.0 Outreach	6.0 District Management and Administration	TOTAL
Reductions							
Salaries and Benefits	0	0	0	0	0	0	0
Other Personal Services	0	0	0	0	0	0	0
Contracted Services	(2,045,803)	(15,127,637)	(5,018,011)	(277,200)	(125,000)	(100,000)	(22,693,651)
Operating Expenses	(162,000)	(4,251,027)	(5,353,858)	0	0	0	(9,766,885)
Operating Capital Outlay	(77,500)	(19,638,546)	(818,500)	0	0	0	(20,534,546)
Fixed Capital Outlay	(1,932,314)	(17,419,905)	(9,611,999)	0	0	0	(28,964,218)
Interagency Expenditures (Cooperative Funding)	(669,212)	(21,362,210)	0	0	0	0	(22,031,422)
Debt	0	(17,875)	0	0	0	0	(17,875)
Reserves - Emergency Response	0	0	0	0	0	0	0
	(4,886,829)	**(77,817,200)**	**(20,802,368)**	**(277,200)**	**(125,000)**	**(100,000)**	
New Issues							
Salaries and Benefits	420,073	239,516	1,103,084	326,761	33,697	167,434	2,290,565
Other Personal Services	0	0	0	0	0	0	0
Contracted Services	1,572,600	12,029,181	1,367,182	0	0	663,480	15,632,443
Operating Expenses	33,500	42,600	15,032,705	59,500	0	15,326	15,183,631
Operating Capital Outlay	8,000	12,274,000	6,867,018	0	0	687,500	19,836,518
Fixed Capital Outlay	0	78,588,894	5,213,994	0	0	0	83,802,888
Interagency Expenditures (Cooperative Funding)	213,402	318,460	4,000	0	0	0	535,862
Debt	0	0	0	0	0	0	0
Reserves - Emergency Response	0	0	0	0	0	0	0
	2,247,575	**103,492,651**	**29,587,983**	**386,261**	**33,697**	**1,533,740**	

	1.0 Water Resources Planning and Monitoring	2.0 Land Acquisition, Restoration and Public Works	3.0 Operation and Maintenance of Lands and Works	4.0 Regulation	5.0 Outreach	6.0 District Management and Administration	TOTAL
NET CHANGE							
Salaries and Benefits	420,073	239,516	1,103,084	326,761	33,697	167,434	2,290,565
Other Personal Services	0	0	0	0	0	0	0
Contracted Services	(473,203)	(3,098,456)	(3,650,829)	(277,200)	(125,000)	563,480	(7,061,208)
Operating Expenses	(128,500)	(4,208,427)	9,678,847	59,500	0	15,326	5,416,746
Operating Capital Outlay	(69,500)	(7,364,546)	6,048,518	0	0	687,500	(698,028)
Fixed Capital Outlay	(1,932,314)	61,168,989	(4,398,005)	0	0	0	54,838,670
Interagency Expenditures (Cooperative Funding)	(455,810)	(21,043,750)	4,000	0	0	0	(21,495,560)
Debt	0	(17,875)	0	0	0	0	(17,875)
Reserves - Emergency Response	0	0	0	0	0	0	0
	(2,639,254)	**25,675,451**	**8,785,615**	**109,061**	**(91,303)**	**1,433,740**	

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IV. PROGRAM ALLOCATIONS

1.0 Water Resources Planning and Monitoring

This program includes all water management planning, including water supply planning, development of minimum flows and levels, and other water resources planning; research, data collection, analysis, and monitoring; and technical assistance (including local and regional plan and program review).

District Description

This program encompasses a broad scope of activities including water supply planning, minimum flows and levels and other water resources planning. This includes the stormwater projects, cooperative funding, water supply plan development, hydrogeologic data collection, Caloosahatchee peer review, nutrient budget analysis for the St. Lucie watershed, research and monitoring and support of St. Lucie and Caloosahatchee Rivers watershed protection plan implementation, Florida Bay trend assessments and modeling, and Indian River Lagoon National Estuary Program. The program also supports research, data collection and analysis and monitoring for ongoing C&SF project, water quality monitoring, flood protection level of service modeling and analysis, STA operations and monitoring, everglades research and evaluation.

Continuing efforts include implementing and updating the plans described above as required, monitoring inflow and nutrient loading to Lake Okeechobee and the Northern Estuaries, and evaluating progress towards meeting the new phosphorus criterion for the Everglades, as well as levels and limits set by the Everglades Settlement Agreement.

Working proactively on the “front end” of the planning and evaluation processes, collaboratively addressing water resource issues, and building successful alliances continues to be an important policy direction. Since the adoption of the Community Planning Act the number of requests for technical assistance has increased.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

PROGRAM BY EXPENDITURE CATEGORY

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

PRELIMINARY BUDGET - Fiscal Year 2020-21

1.0 Water Resources Planning and Monitoring

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 22,349,174	$ 21,989,363	$ 22,699,898	$ 24,761,260	$ 25,181,333	$ 420,073	1.7%
Other Personal Services	$ 105,203	$ 99,022	$ 118,223	$ 136,580	$ 136,580	$ -	0.0%
Contracted Services	$ 1,693,339	$ 1,495,716	$ 1,533,775	$ 5,760,134	$ 5,286,931	$ (473,203)	-8.2%
Operating Expenses	$ 3,167,782	$ 3,770,608	$ 4,325,931	$ 15,413,210	$ 15,284,710	$ (128,500)	-0.8%
Operating Capital Outlay	$ 221,648	$ 244,847	$ 455,279	$ 546,965	$ 477,465	$ (69,500)	-12.7%
Fixed Capital Outlay	$ -	$ 884,412	$ 601,617	$ 1,932,314	$ -	$ (1,932,314)	-100.0%
Interagency Expenditures (Cooperative Funding)	$ 5,540,797	$ 7,913,597	$ 5,373,840	$ 5,749,226	$ 5,293,416	$ (455,810)	-7.9%
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 33,077,943	$ 36,397,565	$ 35,108,563	$ 54,299,689	$ 51,660,435	$ (2,639,254)	-4.9%

SOURCE OF FUNDS

Fiscal Year 2020-21

	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Salaries and Benefits	$ 24,401,629	$ -	$ -	$ -	$ 308,863	$ 470,841	$ 25,181,333
Other Personal Services	$ 136,580	$ -	$ -	$ -	$ -	$ -	$ 136,580
Contracted Services	$ 1,622,939	$ 2,070,850	$ -	$ 240,000	$ 1,194,753	$ 158,389	$ 5,286,931
Operating Expenses	$ 14,325,223	$ 734,668	$ -	$ -	$ 188,349	$ 36,470	$ 15,284,710
Operating Capital Outlay	$ 100,300	$ 8,000	$ -	$ -	$ 365,365	$ 3,800	$ 477,465
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ 3,031,079	$ 1,615,000	$ -	$ -	$ 505,288	$ 142,049	$ 5,293,416
Debt	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL	$ 43,617,750	$ 4,428,518	$ -	$ 240,000	$ 2,562,618	$ 811,549	$ 51,660,435

RATE, OPERATING AND NON-OPERATING

Fiscal Year 2020-21

	Workforce	Rate (Salary without benefits)	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	235	$ 17,667,818	$ 25,181,333	$ -	$ 25,181,333
Other Personal Services	1	$ 136,580	$ 136,580	$ -	$ 136,580
Contracted Services	-	-	$ 2,892,101	$ 2,394,830	$ 5,286,931
Operating Expenses			$ 3,906,360	$ 11,378,350	$ 15,284,710
Operating Capital Outlay			$ 469,465	$ 8,000	$ 477,465
Fixed Capital Outlay			$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)			$ 3,793,416	$ 1,500,000	$ 5,293,416
Debt			$ -	$ -	$ -
Reserves - Emergency Response			$ -	$ -	$ -
TOTAL			$ 36,379,255	$ 15,281,180	$ 51,660,435

WORKFORCE

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

WORKFORCE CATEGORY	Fiscal Year					Adopted to Preliminary 2019-20 to 2020-21	
	2016-17	2017-18	2018-19	2019-20	2020-21	Difference	% Change
Authorized Positions	232	238	244	235	235	-	0.00%
Contingent Worker	0	0	0	0	0	-	-
Other Personal Services	1	1	1	1	1	-	0.0%
Intern	0	0	0	0	0	-	-
Volunteer	0	0	0	0	0	-	-
TOTAL WORKFORCE	233	239	245	236	236	-	0.00%

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IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
1.0 Water Resources Planning and Monitoring
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

	FY 2019-20 Budget (Adopted)		**235**	**54,299,689**	
	Reductions				
Issue	Description	Issue Amount	Workforce	Category Subtotal	Issue Narrative
Salaries and Benefits			-	-	
Other Personal Services				-	
Contracted Services				(2,045,803)	
1	Decrease in C&SF Monitoring & Assessment	(480,000)			Removal of one time fund balance for sediment discharge in St.Lucie/Caloosahatchee ($450,000); BCB Structure Rate development reduced ($60,000) netted against increase for Actual ET Data Acquisition $30,000.
2	Decrease in Central Florida Coordination	(245,476)			Central Florida Water Initiative project balance for on-going work in the current year is not included in the FY21 budget at this time ($245,476).
3	Decrease in Everglades Research & Evaluation - Ecosystem Response to Hydrology	(6,000)			Tree Island Nutrient Analysis contract is budgeted for the current year but not next year ($6,000).
4	Decrease in Everglades Research & Evaluation - Multi-Disciplinary Research	(121,827)			Fund balance for Active Marsh Improvement in Water Conservation Area budget in the current year was removed from the Preliminary budget ($121,827).
5	Decrease in Lake Okeechobee In-Lake Assessment	(172,500)			Lake Okeechobee In Lake Assessment shows a decrease in fund balance for Lake Okeechobee Sediment Map & Nutrient Flux (150,000) and Lake Okeechobee/St Lucie/Caloosahatchee Algae Bloom ($65,000). These decreases netted against an increase of $42,500 for Lake Okeechobee Aerial Imagery resulting in an overall decrease of $172,500.
6	Decrease in Regional Modeling - Model Implementation/Applications	(950,000)			Model development for Coastal Resilience which was moved to Operations and Maintenance of Lands & Works Program ($800,000) and BCB LOS model refinement ($150,000).
7	Decrease in Regional Modeling - Model Maintenance/Enhance	(50,000)			Reduction in funds for Emergency Modeling Tool which is also in the current year budget ($50,000).
8	Decrease in SLR & IRL Development/Implementation Source Control Strategies	(20,000)			Fund balance decrease in Source Control Strategies is for NEEPP SLRW ($20,000).
Operating Expenses				(162,000)	
9	Decrease in Central Florida Coordination	(30,000)			Reduction in travel and other operating estimates for Central Florida Water Initiative for next year ($30,000).
10	Decrease in Everglades Program Support	(77,000)			Float equipment planned to be acquired in the current year ($67,100).
11	Decrease in Lake Worth Lagoon Local Initiatives	(55,000)			Equipment, parts and supplies for SCADA Still Well planned to be acquired in the current year ($55,000).
Operating Capital Outlay				(77,500)	
12	Decrease in Caloosahatchee River & Estuary - Estuary Protection Plan	(3,500)			Chlorophyll Probe planned to be acquired this year ($3,500).
13	Decrease in Lake Okeechobee Water Quality Assessment and Reporting	(34,000)			Streamgauge field equipment for Lakeside Ranch planned to be purchased in the current year ($34,000).
14	Decrease in Lake Worth Lagoon Local Initiatives	(40,000)			Equipment for SCADA Still Well planned to be acquired in the current year($40,000).
Fixed Capital Outlay				(1,932,314)	
15	Decrease in Central Florida Coordination	(1,857,314)			Staff has not yet determined how much of the current year fund balance for the Central Florida Coordination Project may need to be in the FY21 budget ($1,857,314).
16	Decrease in Lake Worth Lagoon Local Initiatives	(75,000)			Monitoring contract for SCADA Still Well planned for the current year($75,000). Possible coded to the incorrect expense category.
Interagency Expenditures (Cooperative Funding)				(669,212)	
17	Decrease in Indian River Lagoon License Tag Program	(169,212)			Decrease in Indian River Tag Program due to available fund balance at this time ($169,212).
18	Decrease in Local Initiatives - Indian River Lagoon Initiatives Team	(500,000)			Fund balance being used in the current year for Indian River Lagoon initiatives ($500,000).
Debt				-	
Reserves				-	
	TOTAL REDUCTIONS		-	(4,886,829)	

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IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
1.0 Water Resources Planning and Monitoring
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

New Issues					
Issue	Description	Issue Amount	Workforce	Category Subtotal	
Salaries and Benefits			-	420,073	Salaries and Benefits increased in the FY2020-21 Preliminary budget for various reasons. Turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased.
1	Increase in Total Fringe Benefits	290,708			
2	Increase in Total Salaries and Wages	129,365			
Other Personal Services				-	
Contracted Services				1,572,600	
3	Increase in Everglades Construction Project - Analysis & Interpretation	250,000			Water Quality Modeling support for this Everglades project ($250,000).
4	Increase in Hydrogeologic Data Gathering	600,000			Funding for USGS Monitor Well Network, Wellhead surveys ($600,000).
5	Increase in Lake Okeechobee WOD	5,000			Slight increase in contractual services for the Northern Everglades and Estuaries Protection Program ($5,000).
6	Increase in Lake Worth Lagoon Local Initiatives	93,000			Funding for C-51 sediment trap analysis (93,000).
7	Increase in Regional Water Quality Monitoring - Analytical Services Internal	80,000			IT support for Upgrade to Horizon Field App ($80,000).
8	Increase in Regional Water Quality Monitoring - Assessment & Reporting	221,600			Development and analysis of new Nutrient Load Program ($221,600).
9	Increase in Regional Water Quality Monitoring - Field Operations Internal	23,000			C-44 Project STA water quality monitoring contractual services ($23,000).
10	Increase in Water Supply Plan Development	300,000			Funds for update to Water Supply Cost Estimation Survey ($300,000).
Operating Expenses				33,500	
11	Increase in Big Cypress Basin	10,000			Increase in ground and surface water monitoring in Collier County ($10,000).
12	Increase in Caloosahatchee River & Estuary - Estuary Protection Plan	3,500			Water quality instrumentation for the Estuary Protection Plan ($3,500).
13	Increase in Florida Bay and Florida Keys Applied Research & Model Development	10,000			Nitrogen assessment ($5,000) and increase in travel for field work in Florida Bay ($5,000).
14	Increase in Regional Water Quality Monitoring - Analytical Services External	3,000			Planned lab supplies for Allapattah restoration ($3,000).
15	Increase in Regional Water Quality Monitoring - Field Operations Internal	7,000			Funds for C-44 Project STA lab supplies ($4,000) and field supplies for Allapattah restoration ($3,000).
Operating Capital Outlay				8,000	
16	Increase in Lake Okeechobee In-Lake Assessment	8,000			Sediment corer for continual in-house sediment sample collections to evaluate sediment/nutrient fluxes and cyanobacterial dynamics.
Fixed Capital Outlay				-	
Interagency Expenditures (Cooperative Funding)				213,402	
17	Increase in Big Cypress Basin	99,302			Increase funding for intergovernmental projects in Collier County ($99,302).
18	Increase in C&SF Monitoring & Assessment	49,200			increase in USGS groundwater core network monitoring ($49,200).
19	Increase in Florida Bay and Florida Keys Applied Research & Model Development	17,000			Increase in funds for Lakes Trophic Dynamics ($17,000).
20	Increase in Hydrogeologic Data Gathering	15,500			increase in USGS groundwater core network data gathering ($49,200).
21	Increase in Loxahatchee River and Estuary Applied Research & Model Development	1,200			Increase for USGS surface water Loxahatchee MFLs ($1,200).
22	Increase in Regional Water Quality Monitoring - Field Operations Internal	26,500			Funds for C-44 mercury lab analysis ($16,000) and fish collection ($10,500).
23	Increase in SLR & IRL Applied Research & Model Development	2,900			Increase for USGS surface water Indian River Lagoon ($2,900).
24	Increase in SLR & IRL Estuary Protection Plan	1,800			Increase for USGS surface water St. Lucie Estaury ($1,800).
Debt				-	
Reserves				-	
		TOTAL NEW ISSUES	0	2,247,575	
1.0 Water Resources Planning and Monitoring Total Workforce and Preliminary Budget for FY 2020-21			235	$ 51,660,435	

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Changes and Trends

In the Fiscal Year 2019-20 Adopted Budget this program reflected an increase in Operating Expenses due to the way our actual insurance expenditures post through payroll, an accounting practice which is continued in the Fiscal Year 2020-21 Preliminary Budget. Postings are based on where staff charges versus where staff is budgeted, coupled with budgeting the Districts full insurance exposure. Fixed Capital Outlay increases over the last several fiscal years are a result of the construction of three monitoring wells for the Central Florida Water Initiative (CFWI). Contracted services increased in Fiscal Year 2019-20 with one-time funding for Operations Emergency Operations Model Forecasting tool, interagency model archiving efforts and mitigation funding in the water conservation area.

This program represents a continued level of service consistent with Fiscal Year 2019-20.

Updates to the District's regional water supply plans have been initiated or planned. The five-year update to the Lower East Coast was completed in the first quarter of Fiscal Year 2018-19. The schedule for completion of the five-year updates are Lower Kissimmee Basin in Fiscal Year 2019-20; CFWI in Fiscal Year 2020-21; Upper East Coast in Fiscal Year 2020-21 and Lower West Coast in Fiscal Year 2022-23.

Budget Variances

The Fiscal Year 2020-21 Preliminary Budget is $51.7 million, which is a 4.9 percent ($2.6 million) decrease from the Fiscal Year 2019-20 Adopted Budget of $54.3 million. The reduction is primarily due to decreases in Fixed Capital Outlay ($1.9 million) for Central Florida Water Initiatives in the current budget. In addition, model development for Coastal Resilience ($950,000) was moved from Contracted Services in this program to Operations & Maintenance of Lands and Works Program. Interagency Expenditures decrease ($455,810) is due primarily to removal of fund balance in the current budget planned for Indian River Lagoon initiatives. Operating Capital Outlay decrease ($69,500) results from one-time funding to be used for equipment purchase in the current year. Operating Expense decrease ($128,500) is primarily for tools, field and lab supplies expected to be acquired in the current year for monitoring and assessment. The only increase is in Salaries & Benefits ($420,073) and is due to turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased. Also, the budgeted salaries for vacant positions in the FY2020-21 Preliminary budget were increased based on the job study.

Major Budget Items for this program include the following:

- Major Projects under this program are funded with Salaries and Benefits (included in the Salaries and Benefits number above) and Contracted Services.

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IV. PROGRAM ALLOCATIONS

Major Budget Items not found in The Major Project Table are provided by budget category below:

- Salaries and Benefits ($25.2 million) (235 FTEs).
- Other Personal Services ($136,580) (1 OPS).
- Contracted Services:
    - C&SF Monitoring Assessment ($671,160)
    - Everglades Construction – Analysis and Interpretation ($279,500).
    - Everglades Research & Evaluation ($469,000)
    - Hydrogeologic Data Gathering ($846,365).
    - Lake Okeechobee Upstream Monitoring ($534,888)
    - Lake Okeechobee In-Lake Assessment ($460,331)
    - Lake Worth Lagoon Initiatives ($100,000).
    - Modeling & Scientific Support ($152,765).
    - Regional Modeling ($448,841).
    - Regional Water Quality Monitoring ($470,182).
    - Water Supply Plan Development ($300,000).
- Operating Expense:
    - Water Supply Program Support ($10.6 million) for Self-Insurance Programs (comprised of health insurance, workers compensation, property insurance, general liability).
    - Everglades Program Support ($1.9 million), which includes:
        - Property appraiser and tax collector fees ($1.2 million).
    - Big Cypress Basin ground and surface water monitoring ($145,000).
    - Caloosahatchee River & Estuary - Estuary Protection Plan ($269,040).
    - Everglades Construction Project - Operations Monitoring ($128,611).
    - Florida Bay and Florida Keys Applied Research & Model Development ($133,283).
    - Modeling & Scientific Support – IT Support ($997,923).

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- Regional Water Quality Monitoring ($637,391)

- Operating Capital Outlay:
  - Lake Okeechobee In-Lake Assessment ($373,365)
  - Regional Water Quality Monitoring ($96,500)

- Interagency Expenditures:
  - Big Cypress Basin ($2.8 million), which includes:
    - Intergovernmental Local Agreement Projects, including Collier County Settlement Agreement ($2.5 million)
    - Lake Trafford Watershed Monitoring ($250,000).
  - C&SF Project Monitoring and Assessment ($987,635), which includes:
    - USGS Ground Water and Surface Water Core Network Monitoring ($944,681).
  - Florida Bay and Florida Keys Applied Research & Model Development ($505,500).
  - Hydrogeologic Data Gathering ($326,476).
  - Indian River Lagoon License Tag Program ($78,788).
  - Regional Water Quality Monitoring ($446,526).

AMERICAN OVERSIGHT

1.1 District Water Management Planning *- Local and regional water management and water supply planning, minimum flows and levels, and other long-term water resource planning efforts. The District Water Management Plans developed pursuant to Section 373.036, F.S., are the District-wide planning documents which encompass other levels of water management planning.*

District Description

Five planning areas, which together encompass the entire District, address the unique resources and needs of each region. Regional water supply plans have been prepared and approved by the Governing Board for these areas. The water supply plans forecast water demands over a 20-year planning horizon and identify programs and projects to ensure that adequate and sustainable water supplies are available to meet existing and future water supply needs while protecting the environment and water resources. Water supply plans are required to identify specific water resource and water supply development projects to meet future demands.

The plans identify a series of water source options for each of the planning areas. The options are as prescribed by Section 373.709, F.S., Regional Water Supply Planning, and incorporate traditional and alternative water supply projects, including water conservation, to meet existing and future reasonable-beneficial uses while sustaining water resources and related natural systems of each planning area. The District is implementing its updated regional water supply plans, which are updated every five years, over a 20-year planning horizon. The Upper East Coast Plan was updated in Fiscal Year 2015-16. The Lower West Coast Plan was updated in Fiscal Year 2017-18. The Lower East Coast Plan was updated in Fiscal Year 2018-19 and the Lower Kissimmee Basin Plan Update is scheduled for completion in Fiscal Year 2019-20. The District's Upper Kissimmee Basin is included in the Central Florida Water Initiative (CFWI) planning area. The CFWI is a collaborative effort between three water management districts with other agencies and stakeholders to address current and long-term water supply needs in a five-county area of Central Florida where the three districts' boundaries meet. In November 2015, the Governing Boards of the three districts approved the 2015 CFWI Regional Water Supply Plan (RWSP), including the 2035 Water Resources Protection and Water Supply Strategies Plan. Development of the 2020 update for the CFWI RWSP began in Fiscal Year 2016-17 and is scheduled for completion in Fiscal Year 2020-21.

Local governments are required to adopt water supply facilities work plans and incorporate them into their comprehensive plans within 18 months of the respective regional water supply plan update being approved by the Governing Board. The water supply facilities work plans are then reviewed for their consistency with the water supply plans. All proposed comprehensive plan amendments are reviewed to ensure that there is sufficient water to accommodate the proposed amendment as well as all the local government's other demands.

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IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
1.1 District Water Management Planning

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 6,127,769	$ 6,248,753	$ 3,607,005	$ 4,144,790	$ 4,174,432	$ 29,642	0.7%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 293,482	$ 209,830	$ 207,835	$ 366,476	$ 514,000	$ 147,524	40.3%
Operating Expenses	$ 291,514	$ 462,045	$ 341,773	$ 11,122,207	$ 11,050,707	$ (71,500)	-0.6%
Operating Capital Outlay	$ 87,833	$ 67,581	$ -	$ 43,500	$ -	$ (43,500)	-100.0%
Fixed Capital Outlay	$ -	$ 884,412	$ 568,832	$ 1,932,314	$ -	$ (1,932,314)	-100.0%
Interagency Expenditures (Cooperative Funding)	$ 3,528,186	$ 5,534,831	$ 3,540,951	$ 3,434,418	$ 2,866,308	$ (568,110)	-16.5%
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 10,328,784	$ 13,407,452	$ 8,266,396	$ 21,043,705	$ 18,605,447	$ (2,438,258)	-11.6%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 16,371,719	$ 2,154,940	$ -	$ -	$ 78,788	$ -	$ 18,605,447

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ 4,174,432	$ -	$ 4,174,432
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ 121,000	$ 393,000	$ 514,000
Operating Expenses		$ 164,885	$ 10,885,822	$ 11,050,707
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ 1,366,308	$ 1,500,000	$ 2,866,308
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ 5,826,625	$ 12,778,822	$ 18,605,447

Changes and Trends

This activity represents a continued level of service consistent with Fiscal Year 2019-20.

In the Fiscal Year 2018-19 Adopted Budget, this program reflected an increase in Operating Expenses due to the way our actual insurance expenditures post through payroll an accounting practice which is continued in the Fiscal Year 2020-21 Preliminary Budget. Postings are based on where staff charges expenditures versus where staff is budgeted, coupled with budgeting the District's full insurance exposure. There is a slight increase in Salaries and Benefits due to an increase in FRS employer contributions.

Budget Variances

This activity has an 11.6 percent ($2.4 million) decrease in comparison to the Fiscal Year 2018-19 Adopted Budget of $21 million. Salaries and Benefits increase of $29,642 is due to increase in FRS employer contributions. The Contracted Services increase of $147,524 resulted from the Water Supply Cost Estimation Study and C-51 Sediment Trap Analysis; Operating Expenses decrease of $71,500 is due to the multi-year funding requirement for the SCADA Still Well/Platform project and Operating Capital Outlay decrease of $43,500 is also due to the multi-year funding requirement for the SCADA Still Well/Platform project and a Chlorophyll Probe. Fixed Capital Outlay decrease of $1,932,314 resulted primarily from the CFWI project and are explained in sub-activity 1.1.1 below and Interagency Expenditures decrease of $568,110 in Indian River Lagoon initiatives.

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Major Budget Items for this activity include the following:

- Salaries and Benefits ($4.2 million).
- Contracted Services:
  - Lake Worth Lagoon Initiatives ($100,000).
  - Water Supply Cost Estimation Study update ($300,000).
- Operating Expense:
  - Water Supply Program Support ($10.6 million) for Self-Insurance Programs (comprised of health insurance, workers compensation, property insurance, general liability).
  - Big Cypress Basin ground and surface water monitoring ($145,000).
  - Caloosahatchee River & Estuary Protection Plan ($269,040).
- Interagency Expenditures:
  - Big Cypress Basin ($2.8 million), which includes:
    - Intergovernmental Local Agreement Projects ($1.5 million)
    - Collier County Settlement Agreement ($1 million)
    - Lake Trafford Watershed Monitoring ($250,000).
  - Indian River Lagoon License Tag Program ($78,788).

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1.1.1. Water Supply Planning - Long-term planning to assess and quantify existing and reasonably anticipated water supply needs and sources, and to maximize the beneficial use of those sources, for humans and natural systems. This includes water supply assessments developed pursuant to Section 373.036, F.S., and regional water supply plans developed pursuant to Section 373.0361, F.S.

District Description

Long-term planning to assess and quantify existing and reasonably anticipated water supply needs and sources, and to maximize the beneficial use of those sources, for humans and natural systems. This includes water supply assessments developed pursuant to Section 373.036, F.S., and regional water supply plans developed pursuant to Section 373.0361, F.S. Five planning areas, which together encompass the entire District, address the unique resources and needs of each region. Regional water supply plans have been prepared and approved by the Governing Board for these areas. The water supply plans forecast water demands over a 20-year planning horizon and identify recommended sources and projects to satisfy those demands. Implementation of recommendations is essential to ensuring that sufficient quantities of water will be available when needed.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
1.1.1 Water Supply Planning

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 3,020,483	$ 3,261,282	$ 2,492,492	$ 2,745,040	$ 2,768,268	$ 23,228	0.8%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 216,806	$ 122,992	$ 172,809	$ 345,476	$ 400,000	$ 54,524	15.8%
Operating Expenses	$ 48,423	$ 150,367	$ 201,599	$ 10,654,657	$ 10,624,657	$ (30,000)	-0.3%
Operating Capital Outlay	$ 53,306	$ 36,115	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ 884,412	$ 568,832	$ 1,857,314	$ -	$ (1,857,314)	-100.0%
Interagency Expenditures (Cooperative Funding)	$ 423,392	$ 428,290	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 3,762,410	$ 4,883,458	$ 3,435,732	$ 15,602,487	$ 13,792,925	$ (1,809,562)	-11.6%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 13,492,925	$ 300,000	$ -	$ -	$ -	$ -	$ 13,792,925

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 2,768,268	$ -	$ 2,768,268
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 100,000	$ 300,000	$ 400,000
Operating Expenses	$ 775	$ 10,623,882	$ 10,624,657
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 2,869,043	$ 10,923,882	$ 13,792,925

Changes and Trends

This activity represents a continued level of service consistent with Fiscal Year 2019-20. In the Fiscal Year 2019-20 Adopted Budget, this program reflected an increase in Operating Expenses due to the way our actual insurance expenditures post through payroll (an accounting practice which is continued in the Fiscal Year 2020-21 Preliminary Budget.) Postings are based on where staff charges versus where staff is budgeted, coupled with budgeting the Districts full insurance exposure. The continued implementation of the CFWI monitoring well project has resulted in fluctuations to Fixed Capital Outlay and Contracted

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Services over the five-year period. This is because access agreements with public and private entities are required to be in place prior to well installation, and the timeliness of securing such agreements is highly variable. The decrease in Interagency Expenditures is due to end of hydrogeologic data gathering project with Department of Interior. Updates to the District's regional water supply plans have been initiated or planned. The five-year update to the Lower East Coast was completed in Fiscal Year 2018-19. The schedule for completion of the five-year updates are Lower Kissimmee Basin in Fiscal Year 2019-20; CFWI in Fiscal Year 2020-21; Upper East Coast in Fiscal Year 2020-21 and Lower West Coast in Fiscal Year 2022-23.

Budget Variances

This sub-activity has a 11.6 percent ($1.8 million) decrease from the Fiscal Year 2019-20 Adopted Budget of $15.6 million. Fixed Capital Outlay decrease of $1,857,314 in CFWI is because these funds are planned to be used in the current year and a determination has not yet been made of how much may need to be brought into next year's budget. Contracted Services increased by a net of $54,524 due primarily to planned updates to the Water Supply Cost Estimation Study.

Major Budget Items for this sub-activity include the following:

- Salaries and Benefits ($2.8 million).

Major Projects that are funded with Salaries and Benefits (included in the salaries and benefits number above) and Contracted Services.

Project Name	Salaries and Benefits	Other Personal	Contracted Services	Operating Expenses	Operating Capital	Fixed Capital Outlay	Interagency Expenditures	Debt	Reserves	Grand Total
Central Florida Water Initiative	$ 825,687	$ -	$ 25,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 850,687
Grand Total	**$ 825,687**	**$ -**	**$ 25,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 850,687**

The following are the other Major Budget items not included in Major Projects:

- Operating Expense:
    - Water Supply Program Support ($10.6 million) for Self-Insurance Programs (comprised of health insurance, workers compensation, property insurance, general liability).

One item is funded with Reserves without restrictions – Water Supply Cost Estimation Study ($300,000).

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1.1.2 Minimum Flows and Levels - The establishment of minimum surface and ground water levels and surface water flow conditions required to protect water resources from significant harm, as determined by the District Governing Board.

District Description

The establishment of minimum flows and minimum water levels (MFLs) for lakes, rivers, wetlands, estuaries, and aquifer are required to protect water resources from significant harm, as determined by the District Governing Board. MFLs identify the point at which further withdrawals will cause significant harm to the state's surface water and ground water resources. MFL criteria are adopted by Section 373.042, F.S. For waterbodies that do not currently meet the MFL criteria, each water management district must develop a recovery strategy that outlines a plan to meet MFL criteria. A prevention strategy must be developed if it is expected that an MFL will not be met within the next 20-year planning horizon [Subsection 373.0421(2), F.S.].

To date, nine MFLs have been adopted within District boundaries, which includes 40 different MFL compliance monitoring sites. In 2001, MFLs were adopted for the Caloosahatchee River, Lake Okeechobee, Everglades (Water Conservation Areas 1, 2 and 3, Everglades National Park, and the Rotenberger and Holey Land Wildlife Management Areas), Biscayne Aquifer, and Lower West Coast Aquifers (Tamiami, Sandstone, and Mid-Hawthorn). In 2002, an MFL was adopted for the St. Lucie River and Estuary, and in 2003 an MFL was adopted for the Northwest Fork of the Loxahatchee River. In 2006, MFLs were adopted for Lake Istokpoga and Florida Bay. The District has adopted several water reservation rules and restricted allocation area rules, as discussed below, to provide resource protection to multiple waterbodies since 2006. The District periodically re-evaluates adopted MFL criteria to ensure continued protection of natural systems. In 2014, the District conducted a re-evaluation of MFL criteria for Florida Bay. The results of the re-evaluation indicated that the existing MFL criteria and prevention strategy are sufficient to protect the existing resources within Florida Bay.

From 2011-2017, District scientists completed a comprehensive assessment of the science and research for the Caloosahatchee River Estuary (CRE) to re-evaluate the MFL. District scientists used a resource-based approach, which involved using multiple ecological indicators in the CRE to evaluate their responses to low flow conditions during the dry season. An MFL technical support document was also developed in 2017. This MFL technical document was subject to a scientific peer review by an independent panel of experts. Overall, the peer review was very positive and did not identify any major deficiencies. In 2018, District staff began the rule development process and held two separate public rule development workshops. In September of 2018 the Governing Board adopted recommended MFL rule language. A rule challenge was filed, and a two-day administrative hearing occurred at the end of October 2018. In March of 2019, the Administrative Law Judge ruled in favor of the District and determined that the proposed rule was a valid exercise of delegated authority. Notwithstanding, in April 2019, the Governing Board directed staff to further engage with stakeholders and to consider additional mathematical and statistical approaches for the MFL. Three additional public workshops were held on May 31, June 20, and September 20, 2019. In October 2019, the Governing Board adopted revised MFL rule language. This adopted MFL rule language became effective on December 9, 2019.

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Water Reservations and Restricted Allocation Areas: In addition to MFLs, the District has established water reservations and restricted allocation areas by rule to protect water for the natural system. Water reservations serve to reserve water for the protection of fish and wildlife or public health and safety [Subsection 373.223(4), F.S.]. Water reservations can be used to aid in a recovery or prevention strategy for an established MFL waterbody.

To date, the District has adopted five water reservations. The first two of these were adopted in 2009 for Picayune Strand and Fakahatchee Estuary. In 2010, a water reservation was adopted for the North Fork of the St Lucie River. In 2013 and 2014, two water reservations were adopted in support of Comprehensive Everglades Restoration Plan (CERP) projects. These include a water reservation for Nearshore Central Biscayne Bay, which was adopted in 2013, in support of the CERP Biscayne Bay Coastal Wetlands (Phase 1) Project, and the Caloosahatchee River (C-43) West Basin Storage Reservoir water reservation, adopted in 2014, to help promote a more balanced and healthy salinity regime for the Caloosahatchee River. In 2015, the District continued rulemaking for establishment of water reservations for the Kissimmee River and floodplain, and Kissimmee Chain of Lakes (Upper Chain of Lakes and Headwater Revitalization Lakes). Two public workshops were held to update stakeholders on the Kissimmee rulemaking process. The draft rule and its supporting technical document have been released for public review and comment. After the last public workshop, the District received multiple public comments from various stakeholder groups, which are in the process of being incorporated into revised technical criteria. In 2016, the District developed a modeling tool to assist with addressing the fish and wildlife issues and other technical concerns received during the public comment period. Staff continues to perform technical evaluations to address these comments. In 2018-2019, additional public workshops are planned to address the technical issues and revise the draft rules where necessary.

Like water reservations, Restricted Allocation Areas (RAAs) are another water resource protection tool that is implemented for geographic areas where water allocations from specific water resources are limited. Additional allocations beyond the established limitation are restricted or prohibited because there is a lack of water available to meet the projected needs, to protect water for natural systems and future restoration projects or is part of an MFL Recovery or Prevention Strategy. RAAs' traditional water sources beyond the specified limitations are not relied upon to be available to meet the projected needs of a region. RAA criteria are based on Subsection 373.223(1), F.S., which specifies a three-prong test used for issuing consumptive use permits. RAAs adopted since 1981 for specific areas of the District are listed in Sub-Activity 3.2.1 of the *Applicant's Handbook for Water Use Permit Applications*, which is incorporated by reference into Chapter 40E-2, Florida Administrative Code. The RAAs include the Lake Istokpoga/Indian Prairie Canal System; L-1, L-2 & L-3 Canal System; C-23, C-24 & C-25 Canal System; North Palm Beach/Loxahatchee River Watershed Waterbodies and Lower East Coast Everglades Waterbodies; Lake Okeechobee and Lake Okeechobee Service Area; and Floridan Wells in Martin and St. Lucie Counties.

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IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
1.1.2 Minimum Flows and Levels

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 432,046	$ 342,858	$ 313,529	$ 337,129	$ 332,999	$ (4,130)	-1.2%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 20,000	$ 69,689	$ 3,000	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 452,046	$ 412,547	$ 316,529	$ 337,129	$ 332,999	$ (4,130)	-1.2%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 332,999	$ -	$ -	$ -	$ -	$ -	$ 332,999

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 332,999	$ -	$ 332,999
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ -	$ -	$ -
Operating Expenses	$ -	$ -	$ -
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 332,999	$ -	$ 332,999

Changes and Trends

Within the last five years, funding in this sub-activity has decreased overall due to a reduction in needed FTEs and contractual needs associated with Peer Reviews and Statements of Estimated Regulatory Costs evaluations.

Budget Variances

This sub-activity has a 1.2 percent ($4,130) decrease between the Fiscal Year 2019-20 Adopted Budget and the Fiscal Year 2020-21 Preliminary Budget due to less staff time needed in support of this activity.

Major Budget Items for this sub-activity include the following:

- Salaries and Benefits ($332,999).

There are no items funded with Reserves.

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1.1.3 Other Water Resource Planning - District water management planning efforts not otherwise categorized above, such as comprehensive planning, watershed assessments and plans, SWIM planning, and feasibility studies.

District Description

Other water resource planning includes a variety of efforts in the planning phase such as activities under the Northern Everglades Watershed Protection Plans, the South Miami-Dade Water Management Plan, the South Lee County Watershed Plan, and the Estero Bay Watershed management strategies. Planning efforts also include implementation of state appropriation supported flood mitigation, stormwater improvement, restoration, and water quality projects.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
1.1.3 Other Water Resource Planning

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 2,675,240	$ 2,644,613	$ 800,984	$ 1,062,621	$ 1,073,165	$ 10,544	1.0%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 56,676	$ 17,149	$ 32,026	$ 21,000	$ 114,000	$ 93,000	442.9%
Operating Expenses	$ 243,091	$ 311,678	$ 140,174	$ 467,550	$ 426,050	$ (41,500)	-8.9%
Operating Capital Outlay	$ 34,527	$ 31,466	$ -	$ 43,500	$ -	$ (43,500)	-100.0%
Fixed Capital Outlay	$ -	$ -	$ -	$ 75,000	$ -	$ (75,000)	-100.0%
Interagency Expenditures (Cooperative Funding)	$ 3,104,794	$ 5,106,541	$ 3,540,951	$ 3,434,418	$ 2,866,308	$ (568,110)	-16.5%
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 6,114,328	$ 8,111,447	$ 4,514,135	$ 5,104,089	$ 4,479,523	$ (624,566)	-12.2%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 2,545,795	$ 1,854,940	$ -	$ -	$ 78,788	$ -	$ 4,479,523

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 1,073,165	$ -	$ 1,073,165
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 21,000	$ 93,000	$ 114,000
Operating Expenses	$ 164,110	$ 261,940	$ 426,050
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ 1,366,308	$ 1,500,000	$ 2,866,308
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 2,624,583	$ 1,854,940	$ 4,479,523

Changes and Trends

Continuing efforts include implementing and updating the Plans described above as required, monitoring inflow and nutrient loading to Lake Okeechobee and the Northern Estuaries and evaluating progress towards meeting the phosphorus criterion for the Everglades as well as levels and limits set by the Everglades Settlement Agreement. In Fiscal Year 2019-20 the Applied Research and Coastal Watersheds activities were moved from Program Activity 1.1.3 to 1.2 causing reductions across most of the expense categories. However, Lake Worth Lagoon (LWL) Local Initiatives is currently trending upwards in the Contracted Services category as are Big Cypress Basin Intergovernmental Projects within the Interagency Expenditures category.

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Budget Variances

This sub-activity has a 12.2 percent ($624,566) decrease between the Fiscal Year 2019-20 Adopted Budget and the Fiscal Year 2020-21 Preliminary Budget. In Fiscal Year 2019-20 the Applied Research and Coastal Watersheds activities were moved from Program Activity 1.1.3 to 1.2 causing reductions across most of the expense categories. The increases in Salaries and Benefits ($10,544) due to projected increase in FRS employer contributions and Contracted Services ($93,000) for the LWL Local Initiatives C-51 Sediment Trap Analysis. However, these increases are offset by decreases in Operating Expenses ($41,500) for LWL Monitoring supplies, equipment, and services; Operating Capital Outlay ($43,500) for Monitoring Equipment; Fixed Capital Outlay ($75,000) for LWL Monitoring; and an overall decrease in Interagency Expenditures ($568,110) primarily in the Indian River Lagoon (IRL) License Tag Program and IRL National Estuary Program.

Major Budget Items for this sub-activity include the following:

- Salaries and Benefits ($1.1 million).
- Operating Expenses:
    - Big Cypress Basin ($145,000) for Groundwater Monitoring and Surface Water Quality Monitoring.
    - Caloosahatchee River & Estuary Protection Plan ($269,040), which includes:
        - Boma Cost to Cure project ($261,940)
- Contracted Services:
    - Lake Worth Lagoon Local Initiatives ($100,000) for C-51 Sediment Trap Survey and Analysis.
- Interagency Expenditures:
    - Big Cypress Basin ($2.8 million), which includes:
        - Intergovernmental Local Agreement Projects ($1.5 million).
        - Collier County Settlement Agreement ($1 million).
        - Lake Trafford Watershed Monitoring ($250,000).
    - Indian River Lagoon License Tag Program in Martin, Palm Beach, and St. Lucie counties ($78,788).

Item funded with Reserves without restrictions is C-51 Sediment Trap Survey ($93,000)

Items funded with Reserves with restrictions include Big Cypress Basin (BCB)-Intergovernmental Local Agreement Projects ($1.5 million) and Boma Improvement-FDOT SR80 Widening ($261,940).

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1.2 Research, Data Collection, Analysis and Monitoring *- Activities that support District water management planning, restoration, and preservation efforts, including water quality monitoring, data collection and evaluation, and research.*

District Description

Activities that support South Florida Water Management District (District) water management planning, restoration, and preservation efforts, including water quality monitoring, data collection and evaluation, and research. This agency work includes research, modeling, environmental monitoring, and assessment activities that support various regulatory-driven mandates/agreements and comply with federal and state-issued permits such as Everglades Settlement Agreement/Consent Decree, Clean Water Act, Comprehensive Everglades Restoration Plan, Everglades Forever Act, Restoration Strategies, Environmental Resource Permitting, and the Northern Everglades and Estuaries Protection Program (NEEPP).

Program-related activities include comprehensive monitoring and laboratory analysis; quality assurance/quality control; data management; hydrologic modeling; water quality and ecological modeling; remote sensing; operational monitoring for the Central and Southern Florida Project and Everglades Stormwater Treatment Areas (STAs); Geographic Information Systems development; applied research (field and laboratory); Best Management Practices (BMP) technologies; pollutant load reduction goals development; and technical reporting and publication.

In 2012, the State of Florida and the U.S. Environmental Protection Agency reached consensus on new Restoration Strategies for further improving water quality in the Everglades. These strategies build upon the existing projects, and further improve the quality of stormwater entering the Everglades. The strategies are anticipated to achieve compliance with the total phosphorus water quality standard established for the Everglades (www.sfwmd.gov/restorationstrategies). In September 2012, the Department of Environmental Protection (DEP) issued the District Consent Orders associated with Everglades STA permits, which outline a suite of projects with deadlines for completion. The identified projects primarily consist of reservoirs referred to as flow equalization basins, STA expansions, and associated infrastructure and conveyance improvements. These projects, several of which are completed and operational, are being designed and constructed at a total cost of approximately $880 million. Pursuant to the DEP Consent Orders, the District is also implementing a Science Plan for the Everglades STAs to investigate the critical factors that collectively influence phosphorus removal and better understand the ability to meet the phosphorus removal goals and the sustainability of STA performance at low phosphorus concentrations.

The NEEPP mandates the coordination of agencies, which includes the District, DEP, and Florida Department of Agriculture and Consumer Services to develop and implement Watershed Protection Plans for Lake Okeechobee and the Caloosahatchee and St. Lucie River watersheds. The Lake Okeechobee Watershed Protection Plan was initially developed in 2004 and has been subsequently updated in 2007, 2011, and 2014. The Phase II Technical Plan for the Lake Okeechobee Watershed Construction Project was completed in 2008. The Caloosahatchee and St. Lucie River Watershed Protection Plans were developed in 2009 and updated in 2012 and 2015. The Plans include nutrient source controls (e.g., BMPs) and several sub-regional and regional technologies, such as STAs and alternative treatment technologies, to improve the quality of water within the watersheds and of the water delivered downstream to Lake Okeechobee and the Northern Estuaries. Several measures are also included in the Plans to improve water levels within Lake Okeechobee, and the quantity and timing of

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discharges from the Lake and its downstream estuaries to achieve more desirable salinity ranges. These measures include reservoirs, aquifer storage and recovery wells, and dispersed water management projects. In addition, the Plans include respective Research and Water Quality Monitoring Programs for the Lake and Estuaries that include water quality and ecological monitoring and assessment, and related research studies.

Central and South Florida (C&SF) monitoring and assessment is the performance of field measurements, data collection, and instrument maintenance used to monitor flow conditions in support of flood control operations and analysis. This is performed at all C&SF sites and structures.

Pursuant to Chapter 2005-36, Laws of Florida, and Subsection 373.036 (7), F.S., the District in cooperation with the DEP, publishes and submits the S*outh Florida Environmental Report* (SFER) to the Florida legislature, governor, and other key stakeholders on March 1 each year (www.sfwmd.gov/science-data/sfer). This unified reporting details the restoration, management, and protection activities associated with the Kissimmee Basin, Northern Everglades (Lake Okeechobee, St. Lucie Estuary, and Caloosahatchee Rivers and Estuaries), and the Southern Everglades. Other agency reporting requirements, including annual plans and reports required of all Florida water management districts as well as those mandated in the federal and state-issued permits, are also incorporated to enhance reporting efficiencies.

Continuing efforts include monitoring to determine progress toward meeting Lake Okeechobee phosphorus loading targets, the phosphorus criterion for the Everglades, as well as levels and limits set by the Everglades Settlement Agreement. Other monitoring activities include Lake Okeechobee ecological monitoring; assessment of downstream effects of the STAs; assessment of the hydrologic needs of the Everglades (as mandated by the Everglades Forever Act); system-wide conditions monitoring under REstoration COordination & VERification (RECOVER); and monitoring support for CERP projects.

The Everglades STAs continue to show excellent annual performance. During Water Year 2019 (May 1, 2018 to April 30, 2019), the combined STAs treated approximately 1.4 million acre-feet of water; reducing flow-weighted mean phosphorus concentration to 23 parts per billion. During this water year, the STAs removed 179 metric tons of TP, which is 81 percent of the phosphorus load. To date, the STAs combined have removed approximately 2,783 metric tons of phosphorus that otherwise would have gone to the Everglades Protection Area.

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IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
1.2 Research, Data Collection, Analysis and Monitoring

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 14,745,042	$ 14,035,576	$ 17,257,741	$ 18,468,820	$ 18,842,972	$ 374,152	2.0%
Other Personal Services	$ 105,203	$ 99,022	$ 118,223	$ 136,580	$ 136,580	$ -	0.0%
Contracted Services	$ 1,261,438	$ 1,167,556	$ 1,176,100	$ 5,256,853	$ 4,636,126	$ (620,727)	-11.8%
Operating Expenses	$ 1,976,785	$ 2,396,806	$ 2,995,896	$ 3,313,419	$ 3,256,419	$ (57,000)	-1.7%
Operating Capital Outlay	$ 127,935	$ 177,266	$ 427,070	$ 503,465	$ 477,465	$ (26,000)	-5.2%
Fixed Capital Outlay	$ -	$ -	$ 32,785	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ 2,012,611	$ 2,378,766	$ 1,832,889	$ 2,314,808	$ 2,427,108	$ 112,300	4.9%
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 20,229,014	$ 20,254,992	$ 23,840,704	$ 29,993,945	$ 29,776,670	$ (217,275)	-0.7%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 23,967,713	$ 2,273,578	$ -	$ 240,000	$ 2,483,830	$ 811,549	$ 29,776,670

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 18,842,972	$ -	$ 18,842,972
Other Personal Services	$ 136,580	$ -	$ 136,580
Contracted Services	$ 2,634,296	$ 2,001,830	$ 4,636,126
Operating Expenses	$ 2,763,891	$ 492,528	$ 3,256,419
Operating Capital Outlay	$ 469,465	$ 8,000	$ 477,465
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ 2,427,108	$ -	$ 2,427,108
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 27,274,312	$ 2,502,358	$ 29,776,670

Changes and Trends

Overall funding for the last few years has moderately fluctuated in this activity. Increases in all budget categories from Fiscal Year 2016-17 to Fiscal Year 2020-21 Preliminary Budget are solely due to differences between actual-audited expenditures and planned budgets. The Fiscal Year 2020-21 Preliminary Budget decreased primarily to fund Expanded Monitoring efforts.

Budget Variances

This activity has a 0.7 percent ($217,275) decrease between the Fiscal Year 2019-20 Adopted Budget and the Fiscal Year 2020-21 Preliminary budget. The decrease in Contracted Services ($620,727) resulted from model development for Coastal Resilience ($950,000) was moved from Contracted Services in this program to Operations & Maintenance of Lands and Works Program. The decrease in Operating Expenses ($57,000) is due primarily to the completion of one-time maintenance and repair of monitoring related equipment. The decrease in Operating Capital Outlay ($26,000) is a result of a one-time streamguaging field equipment purchase completed in the current fiscal year. These decreases are offset by increases in Salaries and Benefits ($374,152) due to turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. In addition to Interagency Expenditures ($112,300) increasing for USGS groundwater and surface water monitoring network.

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Major Budget Items for this activity include the following:

- Salaries and Benefits ($18.8 million).
- Other Personal Services:
  - On-going C&SF Monitoring and Assessment ($96,064).
  - LTP STA O&M – Monitoring and Assessment ($27,966).
  - Lake Okeechobee Water Quality Assessment & Reporting ($12,550).
- Contracted Services:
  - C&SF Monitoring and Assessment ($671,160).
  - Everglades Research & Evaluation ($469,000).
  - Everglades Construction Project – Analysis & Interpretation ($279,500).
  - Hydrogeologic Data Gathering ($846,365).
  - Lake Okeechobee In-Lake Assessment ($460,331).
  - Regional Modeling Process Improvement and Maintenance ($448,841).
  - Regional Water Quality Monitoring: Analytical Services, Assessment & Reporting, Field Operations, and SFER ($470,182).
- Operating Expenses:
  - Everglades Program Support ($1.9 million), which includes:
    - Property Appraiser and Tax Collector fees ($1.2 million). Expenses for the Everglades Forever Act property appraiser and tax collector fees are captured here to properly tie the cost of collecting the tax to the associated fund and activities.
  - Everglades Construction Project - Operations Monitoring ($128,611).
  - Everglades Research & Evaluation - ($91,786)
  - Florida Bay and Florida Keys Applied Research and Model Development ($133,283).
  - Regional Water Quality Monitoring ($729,127).

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- Operating Capital Outlay:
  - Regional Water Quality Monitoring ($96,500), which includes:
    - Lab Analysis and Compliance for Organics, Sediment, and Water ($40,500).
    - Field Operations ($56,000).
  - Lake Okeechobee In-Lake Assessment ($373,365)
- Interagency Expenditures:
  - C&SF Monitoring and Assessment ($987,635).
  - Florida Bay and Florida Keys Applied Research and Model Development ($505,500).
  - Hydrogeologic Data Gathering ($326,476).
  - Regional Water Quality Monitoring ($446,526).

Items funded with Reserves without restrictions are Tax Collector & Property Appraiser Fees ($472,728); Kissimmee River Restoration Evaluation Lower Basin, Gardner Cobb & Lake Okeechobee Aerial Imagery (59,250); NEEPP & EFA Source Controls ($25,000); Water Quality - IT Nutrient Support (301,600); Water Supply designated amount for USGS monitor well network activities and a cost estimation study ($600,000) and Modeling (Water Quality, Emergency Modeling) ($350,000).

Items funded with Reserves with restrictions are Mitigation – Lake Belt/Wetland designated amount for Water Conservation Area Active Marsh Improvement project ($350,000) and Florida Bay Seagrass Monitoring ($115,000).

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1.3 Technical Assistance *- Activities that provide local, state, tribal, and federal planning support, including local government comprehensive plan reviews, DRI siting, and Coastal Zone Management efforts.*

District Description

Activities that provide local, state, tribal, and federal planning support, including local government comprehensive plan reviews, DRI siting, and Coastal Zone Management efforts. The District provides technical assistance to local governments on their local comprehensive plans, ten-year water supply facilities work plans, and related documents. This technical assistance is provided through several means:

- Provide technical support to local government planners and officials when comprehensive plans are evaluated and updated.
- Review and comment on significant water resource issues for proposed amendments to local government comprehensive plans.
- Provide expertise on District programs for local government community planning efforts, as well as coordination with the Regional Planning Councils, Florida Department of Economic Opportunity (FDEO), Florida Department of Transportation (FDOT) and DEP.
- Provide comments on projects reviewed through the State Clearinghouse and developments of regional impact.
- Work with local governments to ensure consistency between local government ten-year water supply facilities work plans and the District's regional water supply plans.
- Conduct technical assistance workshops with local governments throughout the District as needed and provided assistance to local governments regarding ten-year water supply facility work plans.
- Consistent with the Community Planning Act adopted during the 2011 session of the Florida Legislature and the Community Development Act adopted during the 2015 session of the Florida Legislature, emphasis is being placed on providing technical assistance to local governments. Reviews of proposed amendments to local government comprehensive plans focus on addressing impacts to significant state water resources.
- Working proactively on the "front end" of the planning and evaluation processes, collaboratively addressing water resource issues, and building successful alliances continues to be important. Since the adoption of the Community Planning Act the number of requests for technical assistance has increased. In addition, local governments are in the process of evaluating and updating their comprehensive plans. This includes evaluations of existing adopted Water Supply Work Plans and identifying needed comprehensive plan amendments.

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IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
1.3 Technical Assistance

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 198,548	$ 201,466	$ 214,062	$ 218,692	$ 220,059	$ 1,367	0.6%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 198,548	$ 201,466	$ 214,062	$ 218,692	$ 220,059	$ 1,367	0.6%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 220,059	$ -	$ -	$ -	$ -	$ -	$ 220,059

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 220,059	$ -	$ 220,059
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ -	$ -	$ -
Operating Expenses	$ -	$ -	$ -
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 220,059	$ -	$ 220,059

Changes and Trends

Over the last five years, funding in this sub-activity remained relatively stable. This activity represents a continued level of service consistent with Fiscal Year 2019-20.

Budget Variances

This activity has a 0.6 percent ($1,367) increase in Salaries and Benefits from the Fiscal Year 2019-20 Adopted Budget of $218,692 due to a projected FRS employer contributions.

Major Budget Items for this activity include the following:

- Salaries and Benefits ($220,059).

There are no items funded with Reserves.

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1.4 Other Water Resources Planning and Monitoring Activities - *Water resources planning, and monitoring activities not otherwise categorized above.*

District Description

All Water Resources and Planning activities are captured within other activities not necessitating utilization of this "Other" activity component.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
1.4 Other Water Resource Planning and Monitoring Activities

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ -	$ -	$ -
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ -	$ -	$ -

No funding has been budgeted to the activity for the last five years. All Water Resources and Planning activities are captured within other sub-activities.

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1.5 Technology and Information Services *- This activity includes computer hardware and software, data lines, computer support and maintenance, IT consulting services, data centers, network operations, web support and updates, desktop support, and application development associated with this Program and related activities.*

District Description

This activity includes computer hardware and software, data lines, computer support and maintenance, IT consulting services, data centers, network operations, web support and updates, desktop support, and application development that support the Water Resources Planning and Monitoring program and related activities.

Information technology items (salaries, contractors, hardware / software maintenance, and other operating costs) are directly charged to operational activities of District core functions where there is a clear linkage between the operational activity and the information technology system, application or staff that is used to support the operational activities.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
1.5 Technology and Information Services

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 1,277,815	$ 1,503,568	$ 1,621,090	$ 1,928,958	$ 1,943,870	$ 14,912	0.8%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 138,419	$ 118,330	$ 149,840	$ 136,805	$ 136,805	$ -	0.0%
Operating Expenses	$ 899,483	$ 911,757	$ 988,262	$ 977,584	$ 977,584	$ -	0.0%
Operating Capital Outlay	$ 5,880	$ -	$ 28,209	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 2,321,597	$ 2,533,655	$ 2,787,401	$ 3,043,347	$ 3,058,259	$ 14,912	0.5%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 3,058,259	$ -	$ -	$ -	$ -	$ -	$ 3,058,259

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ 1,943,870	$ -	$ 1,943,870
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ 136,805	$ -	$ 136,805
Operating Expenses		$ 977,584	$ -	$ 977,584
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ 3,058,259	$ -	$ 3,058,259

Changes and Trends

Over the past five years, Salaries and Benefits have fluctuated, but is higher in the Adopted and Preliminary Budget than it was five years ago because staff was centralized into IT for geospatial and SCADA operations in Fiscal Year 2017-18. This sub-activity represents a continued level of service over the past five years.

AMERICAN OVERSIGHT

Budget Variances

This activity has a 0.5 percent ($14,192) increase from the Fiscal Year 2019-20 Adopted Budget of $3 million due to an increase of 0.8 percent ($14,192) in Salaries and Benefits for projected FRS employer contributions.

Major Budget Items for this activity include the following:

- Salaries and Benefits ($1.9 million).
- Contracted Services:
  - Modeling and Scientific Support - IT Support ($136,805), which includes:
    - Computer consulting services ($96,185), enterprise resource support and IT security.
    - Copier/printer leases ($40,620).
- Operating Expenses:
  - Modeling and Scientific Support - IT Support ($977,584) which includes:
    - Software maintenance ($800,233).
    - Hardware maintenance ($53,775).
    - Communication service ($87,586).

There are no items funded with Reserves.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

2.0 Land Acquisition, Restoration and Public Works

This program includes the development and construction of all restoration capital projects, including water resource development projects / water supply development assistance, water control projects, and support and administrative facilities construction; cooperative projects; land acquisition; and the restoration of lands and water bodies.

District Description

The District oversees the development and construction of all restoration capital projects including surface water projects pertaining to Restoration Strategies, the CERP, and the NEEPP, as well as water supply development assistance through cooperative funding for Alternative Water Supply (AWS).

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

PROGRAM BY EXPENDITURE CATEGORY

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

PRELIMINARY BUDGET - Fiscal Year 2020-21

2.0 Land Acquisition, Restoration and Public Works

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 12,590,952	$ 13,310,370	$ 18,515,059	$ 17,344,653	$ 17,584,169	$ 239,516	1.4%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 18,028,614	$ 16,804,395	$ 31,708,199	$ 86,608,647	$ 83,510,191	$ (3,098,456)	-3.6%
Operating Expenses	$ 4,572,420	$ 5,229,104	$ 9,777,345	$ 8,588,768	$ 4,380,341	$ (4,208,427)	-49.0%
Operating Capital Outlay	$ 11,032,561	$ 13,557,710	$ 12,773,815	$ 24,575,346	$ 17,210,800	$ (7,364,546)	-30.0%
Fixed Capital Outlay	$ 151,261,824	$ 134,454,550	$ 120,838,232	$ 374,030,351	$ 435,199,340	$ 61,168,989	16.4%
Interagency Expenditures (Cooperative Funding)	$ 3,074,617	$ 5,321,743	$ 4,568,537	$ 23,105,252	$ 2,061,502	$ (21,043,750)	-91.1%
Debt	$ 32,029,525	$ 30,410,250	$ 30,393,625	$ 30,372,127	$ 30,354,252	$ (17,875)	-0.1%
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 232,590,513	$ 219,088,122	$ 228,574,812	$ 564,625,144	$ 590,300,595	$ 25,675,451	4.5%

SOURCE OF FUNDS

Fiscal Year 2020-21

	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Salaries and Benefits	$ 17,139,878	$ 13,093	$ -	$ -	$ 415,982	$ 15,216	$ 17,584,169
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Contracted Services	$ 2,508,550	$ 2,989,156	$ -	$ -	$ 78,012,485	$ -	$ 83,510,191
Operating Expenses	$ 4,296,739	$ 36,000	$ -	$ -	$ 47,602	$ -	$ 4,380,341
Operating Capital Outlay	$ 60,000	$ 150,800	$ -	$ -	$ 17,000,000	$ -	$ 17,210,800
Fixed Capital Outlay	$ -	$ 109,006,040	$ -	$ -	$ 326,193,300	$ -	$ 435,199,340
Interagency Expenditures (Cooperative Funding)	$ 1,389,712	$ 355,000	$ -	$ -	$ 316,790	$ -	$ 2,061,502
Debt	$ 30,354,252	$ -	$ -	$ -	$ -	$ -	$ 30,354,252
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL	$ 55,749,131	$ 112,550,089	$ -	$ -	$ 421,986,159	$ 15,216	$ 590,300,595

RATE, OPERATING AND NON-OPERATING

Fiscal Year 2020-21

	Workforce	Rate (Salary without benefits)	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	158	$ 12,455,104	$ 17,584,169	$ -	$ 17,584,169
Other Personal Services	-	$ -	$ -	$ -	$ -
Contracted Services	-	$ -	$ 81,658,880	$ 1,851,311	$ 83,510,191
Operating Expenses			$ 1,047,373	$ 3,332,968	$ 4,380,341
Operating Capital Outlay			$ 17,210,800	$ -	$ 17,210,800
Fixed Capital Outlay			$ 326,193,300	$ 109,006,040	$ 435,199,340
Interagency Expenditures (Cooperative Funding)			$ 1,986,502	$ 75,000	$ 2,061,502
Debt			$ 30,354,252	$ -	$ 30,354,252
Reserves - Emergency Response			$ -	$ -	$ -
TOTAL			$ 476,035,276	$ 114,265,319	$ 590,300,595

WORKFORCE

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

WORKFORCE CATEGORY	Fiscal Year					Adopted to Preliminary 2019-20 to 2020-21	
	2016-17	2017-18	2018-19	2019-20	2020-21	Difference	% Change
Authorized Positions	128	122	144	158	158	-	0.00%
Contingent Worker	0	0	0	0	0	-	-
Other Personal Services	0	0	0	0	0	-	-
Intern	0	0	0	0	0	-	-
Volunteer	0	0	0	0	0	-	-
TOTAL WORKFORCE	128	122	144	158	158	-	0.00%

AMERICAN OVERSIGHT
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IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
2.0 Land Acquisition, Restoration and Public Works
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

	FY 2019-20 Budget (Adopted)		**158**	**564,625,144**	
	Reductions				
Issue	Description	Issue Amount	Workforce	Category Subtotal	Issue Narrative
Salaries and Benefits			-	-	
Other Personal Services				-	
Contracted Services				(15,127,637)	
1	Decrease in Biscayne Bay Coastal Wetlands	(2,570,854)			Decrease resulting from one-time prior-year state appropriations and one-time fund-balance funding in FY2019-20.
2	Decrease in Brady Ranch	(700,000)			Decrease due to one-time fund balance funding to initiate feasibility study, planning, and design for Brady Ranch FEB/ASR.
3	Decrease in C-111/Modified Water Deliveries/Combined System Operating Pl	(151,000)			Decrease due to completion of grant agreement with Department of Interior for a field test at S-356.
4	Decrease in Caloosahatchee River & Estuary Projects	(16,000)			Decrease due to completion of Boma Bioassays Mesocosms Project Phase 1.
5	Decrease in Central Everglades Planning Project	(102,893)			Decrease due to shift in prior-year and new state appropriated funding requirements across expense categories for the EAA Storage Reservoir Conveyance Improvements and STA.
6	Decrease in CERP Planning	(1,000,000)			Decrease due to reduced allocation of new state appropriations for CERP Planning.
7	Decrease in Indian River Lagoon - South	(25,000)			Decrease due to C-44 Reservoir & STA transfer to operations and maintenance.
8	Decrease in Lake Okeechobee Regional Phosphorus Control Project	(5,100)			Decrease due to Lakeside Ranch STA transfer to operations and maintenance.
9	Decrease in Lake Okeechobee Watershed	(10,000,000)			Decrease due to anticipated reduction in new state appropriated funding for this project.
10	Decrease in LTP STA O&M - STA Capital Construction	(300,000)			Decrease due to one-time fund balance funding to initiate planning and design for C-43 Bioassays & Mesocosms Project Phase 2 and STA 5/6 Connection to Lake Okeechobee.
11	Decrease in WCA3 Decomp & Sheetflow Evaluation	(256,790)			Decrease due to one-time fund balance funding for USGS Decomp Physical Model Hydrologic and Biogeochemistry monitoring.
Operating Expenses				(4,251,027)	
12	Decrease in C-111/Modified Water Deliveries/Combined System Operating Pl	(10,800)			Decrease due to completion of grant agreement with Department of Interior for a field test at S-356.
13	Decrease in C-43 Basin Storage Reservoir	(53,550)			Decrease due to C-43 Reservoir small pump station transfer to operations and maintenance.
14	Decrease in Caloosahatchee River & Estuary Projects	(3,500)			Decrease due to completion of Boma Bioassays Mesocosms Project Phase 1.
15	Decrease in Central Everglades Planning Project	(3,295,000)			Decrease resulting from Old Tamiami Trail project being fully funded in FY2019-20.
16	Decrease in Indian River Lagoon - South	(888,177)			Decrease due to C-44 Reservoir & STA transfer to operations and maintenance.
Operating Capital Outlay				(19,638,546)	
17	Decrease in Biscayne Bay Coastal Wetlands	(1,300,000)			Decrease due to reduction of one-time funding from Miami-Dade County for Biscayne Bay Coastal Wetlands Cutler Design.
18	Decrease in C-111/Modified Water Deliveries/Combined System Operating Pl	(2,800)			Decrease due to completion of grant agreement with Department of Interior for a field test at S-356.
19	Decrease in Central Everglades Planning Project	(7,810,000)			Decrease due to shift in prior-year and new state appropriated funding requirements across expense categories for the EAA Storage Reservoir Conveyance Improvements and STA.
20	Decrease in CERP Planning	(7,522,159)			Decrease due to shift in funding requirements across expense categories for CERP/CEPP Projects.
21	Decrease in Kissimmee River Restoration - Integrated Ecosystem Studies	(3,587)			Reduction in capital equipment requirement in support of the Kissimmee River Restoration monitoring.
22	Decrease in LTP STA O&M - STA Capital Construction	(3,000,000)			Decrease due to reduced one-time fund balance funding for STA Capital Construction ($3 million) offset by new appropriated funding in this category for Brady Ranch STA/FEB ($2.5 million)

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006374

IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
2.0 Land Acquisition, Restoration and Public Works
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

Reductions					
Issue	Description	Issue Amount	Workforce	Category Subtotal	Issue Narrative
Fixed Capital Outlay				(17,419,905)	
23	Decrease in C-43 Basin Storage Reservoir	(500,000)			Decreased cash flow requirement in this expense category for C-43 Basin Storage Reservoir construction.
24	Decrease in Caloosahatchee River & Estuary Projects	(1,200,000)			Decreased cash flow requirement in this expense category for Lake Hicpochee Hydrologic Restoration project.
25	Decrease in Indian River Lagoon - South	(1,188,625)			Decreased cash flow requirement in this expense category for C44/C23 Interconnect.
26	Decrease in Lakeside Ranch Stormwater Treatment Area	(14,531,280)			Decreased cash flow requirement in this expense category for project under construction.
Interagency Expenditures (Cooperative Funding)				(21,362,210)	
27	Decrease in Alternative Water Supply - District-wide	(18,100,000)			Decreased one-time state appropriation and associated cost-match funding for Alternative Water Supply Program.
28	Decrease in Caloosahatchee River & Estuary Projects	(3,000,000)			Decreased one-time NEEPP state appropriated funding.
29	Decrease in CERP RECOVER	(27,000)			Decreased cash flow requirements for monitoring associated with the Loxahatchee Impoundment Landscape Assessment project.
30	Decrease in Indian River Lagoon - South	(13,500)			Decrease due to C-44 Reservoir & STA transfer to operations and maintenance.
31	Decrease in Lake Okeechobee Regional Phosphorus Control Project	(63,500)			Decrease due to Lakeside Ranch STA transfer to operations and maintenance.
32	Decrease in WCA3 Decomp & Sheetflow Evaluation	(158,210)			Decrease due to one-time fund balane funding for USGS Decomp Physical Model Fish Communities monitoring.
Debt				(17,875)	
33	Decrease in CERP Program Management & Support	(7,989)			Decreased COPS Debt Service for CERP projects.
34	Decrease in Expedited Projects Program Support	(9,886)			Decreased COPS Debt Service for EFA projects.
Reserves				-	
		TOTAL REDUCTIONS	-	(77,817,200)	

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IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
2.0 Land Acquisition, Restoration and Public Works
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

New Issues					
Issue	Description	Issue Amount	Workforce	Category Subtotal	
Salaries and Benefits			-	239,516	Salaries and Benefits increased in the FY2020-21 Preliminary budget for various reasons. Turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased.
1	Increase in Total Fringe Benefits	111,365			
2	Increase in Total Salaries and Wages	128,151			
Other Personal Services				-	
Contracted Services				12,029,181	
3	Increase in Dispersed Water Management	10,945,546			Increased allocation of NEEPP state appropriations for DWM Public Private Partnerships.
4	Increase in Kissimmee River Restoration - Integrated Ecosystem Studies	609,595			Increase resulting from New Works monitoring activities post-Kissimmee River Restoration.
5	Increase in USACE Monitoring	467,840			Increase is primarily due New Works activities for Groundwater Exchange Monitoring and Modeling (GEMM) of Coastal Florida Bay ($435,000), as well increased monitoring resulting from the transfer to operations and maintenance of CERP components in Biscayne Bay Coastal Wetlands - Cutler ($15,000), C-44 STA ($5,000), and Picayune Strand ($12,840)
6	Increase in EFA Reg Source Control Program	6,200			Increase in one-time cash flow requirement for EFA source control activities.
Operating Expenses				42,600	
7	Increase in Kissimmee River Restoration - Integrated Ecosystem Studies	6,000			Increase resulting from New Works for waste removal services post-Kissimmee River Restoration.
8	Increase in USACE Monitoring	36,600			Increase results from new Coastal Florida Bay GEMM activities ($30,000) and Biscayne Bay Coastal Wetlands L31E components transfer to operations and maintenance ($6,600).
Operating Capital Outlay				12,274,000	
9	Increase in Brady Ranch	2,500,000			Increase due to new state appropriated funding for Brady Ranch STA/FEB ($2.5 million)
10	Increase in Caloosahatchee River & Estuary Projects	9,700,000			Increase due to new state appropriated funding for C-43 Bioassays & Mesocosm Phase II/Boma FEB ($10.0 million) offset by a decrease of one-time fund balance funding ($2.8 million), as well new state appropriated funding for Lake Hicpochee Hydrologic Enhancement project ($2.5 million).
11	Increase in Kissimmee River Restoration - Hydrologic Monitoring	61,000			Increase resulting from New Works for monitoring equipment post-Kissimmee River Restoration.
12	Increase in Lakeside Ranch Stormwater Treatment Area	1,000			Increase in capital equipment requirement for Lakeside Ranch Phase 2.
13	Increase in USACE Monitoring	12,000			Increase in capital equipment requirement for Biscayne Bay Coastal Wetlands Cutler.
Fixed Capital Outlay				78,588,894	
14	Increase in Biscayne Bay Coastal Wetlands	11,000,000			Increase due to allocation of new state appropriated funding for Biscayne Bay Coastal Wetlands Cutler.
15	Increase in Central Everglades Planning Project	44,805,869			Increase due new state appropriation ($64.0 million) offset by a reduction of prior-year state appropriations ($19.2 million) for EAA Storage Reservoir Conveyance Improvements and STA.
16	Increase in CERP Planning	3,311,766			Increase due new state appropriation ($11.9 million) offset by a reduction of one-time fund balance funding ($8.6 million) for CERP land acquisition.
17	Increase in Restoration Strategies Projects	19,471,259			Increase resulting from prior-year and new state appropriations for Restoration Strategies projects under construction, including STA-1W Expansion #2, G-341 Conveyance Improvements, STA-1E Modifications, and C-139 FEB.
Interagency Expenditures (Cooperative Funding)				318,460	
18	Increase in CERP Adaptive Assessment & Monitoring	75,000			Increase due to one-time fund balance funding for a Lake Okeechobee Benthic Macroinvertebrate Study.
19	Increase in USACE Monitoring	243,460			Increase is primarily due new activities for Groundwater Exchange Monitoring and Modeling (GEMM).
Debt				-	
Reserves				-	
	TOTAL NEW ISSUES		0	103,492,651	
2.0 Land Acquisition, Restoration and Public Works Total Workforce and Preliminary Budget for FY 2020-21			158	$ 590,300,595	

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006376

Changes and Trends

The Florida Legislature continues its commitment to Everglades Restoration through continued appropriations for Restoration Strategies, CERP, NEEPP, and Alternative Water Supply. In 2016, House Bill 989 (Chapter 2016-201), the Legislature stated its commitment to long-term funding for Everglades restoration, primarily those that reduce harmful discharges to the St. Lucie River and Caloosahatchee River estuaries, providing up to $200 million annually for the implementation of CERP, Long Term Plan, and NEEPP. From this funding, $32 million would be appropriated annually for Restoration Strategies through Fiscal Year 2023-24, up to $100 million for CERP, including the Comprehensive Everglades Planning Project (CEPP), and the remainder for NEEPP. In 2017, through Senate Bill 10 (Chapter 2017-10), the Legislature reinstated the commitment made in the 2016 House Bill 989 and provided an additional $33 million for the District to work with the USACE for a Post-Authorization Change Report and to acquire land or negotiate leases to implement the Everglades Agricultural Area (EAA) storage reservoir project, and authorized an additional $64 million in recurring appropriations starting in Fiscal Year 2018-19 to implement the EAA storage reservoir and other restoration projects as identified above.. In 2019, Governor DeSantis and the Florida Legislature emphasized the State's commitment to restoration and appropriated an unprecedented $373.2 million for restoration, including $2.5 million for Nubbin Slough STA (reported in Program 3.0), and continues in Fiscal Year 2020-21 with the Governor's Recommended Budget, which includes $318.6 million for restoration.

Expenditure increases between Fiscal Year 2016-17 and Fiscal Year 2018-19 in Salaries and Benefits reflect the recategorization of 14 FTE positions from Program 4.0 to this program due to the reduction of regulatory activities associated with the source control function, which supports restoration and protection efforts under the EFA and Restoration Strategies, and reallocation of eight FTE positions from Program 3.0 to implement restoration projects, as well as increases in healthcare benefit costs and FRS contributions.

Expenditure increases and decreases between Fiscal Year 2016-17 and Fiscal Year 2018-19 in Contracted Services, Operating Expenses, Operating Capital Outlay, and Fixed Capital Outlay primarily reflect shifts in project phases as they move through planning, design, and construction.

Increases in Interagency Expenditures between Fiscal Year 2016-17 and Fiscal Year 2018-19 reflect the completion of projects in the District's Cooperative Funding Program.

Decreases between Fiscal Year 2016-17 and Fiscal Year 2018-19 in Debt resulted from refinancing Certificates of Participation.

A detailed description of variances, changes and trends, and major budget items for District Everglades and CERP is contained in the District Specific Programs on pages 220-228.

AMERICAN OVERSIGHT

Budget Variances

The Fiscal Year 2020-21 Preliminary Budget has a 4.5 percent ($25.3 million) increase from the Fiscal Year 2019-20 Adopted Budget of $564.6 million. The increase is primarily within the Surface Water Projects (Activity 2.3).

Contracted Services decreased 3.9 percent ($3.4 million) primarily due to decreases in prior year and new state appropriated funding for CERP Lake Okeechobee Watershed Restoration Project ($10 million), CERP Biscayne Bay Coastal Wetlands ($1.5 million), and CERP Planning ($1 million), decreases in one-time fund balance funding for CERP Biscayne Bay Coastal Wetlands ($1.1 million), C-43 Bioassays & Mesocosms Project Phase 2 ($700,000), STA 5/6 Connection to Lake Okeechobee ($300,000), C-51W Upstream Monitoring ($302,350), and WCA3 Decomp & Sheetflow Evaluation ($256,790), as well as decreases in federal funding due to completion of grant agreement with the US Department of the Interior for S-356 Field Test ($151,000). The decreases are offset by increased new state appropriations for NEEPP-Dispersed Water Management Projects ($10.9 million) and increased cash flow requirements for New Works monitoring activities post-Kissimmee River Restoration ($609,595) and CERP project components ($467,840).

Operating Expenses decreased 49.2 percent ($4.2 million) primarily due to reduced cash flow requirements in this expense category for CEPP South – Old Tamiami Trail Relocation Project ($3.3 million) and the transfer of the C-44 Reservoir/STA Project to operations and maintenance ($888,177).

Operating Capital Outlay decreased 30.0 percent ($7.4 million) primarily due to reduced cash flow requirements in this category for CERP/CEPP Everglades Agricultural Area Reservoir Conveyance Improvements and Stormwater Treatment Area ($7.8 million) and CERP Planning ($7.5 million), as well as a decreases in one-time local funding for CERP Biscayne Bay Coastal Wetlands Cutler Design ($1.3 million) and one-time fund balance funding for STA capital construction ($500,000); offset by increased new state appropriated funding for NEEPP Caloosahatchee River & Estuary Projects ($9.7 million).

Fixed Capital Outlay increased 16.4 percent ($61.2 million) due to increased new and prior year state appropriated funding in this expense category for CERP/CEPP, including the EAA Storage Reservoir Conveyance Improvements and STA ($44.8 million), Biscayne Bay Coastal Wetlands ($11 million), and CERP Planning ($3.3 million); and Restoration Strategies ($19.5 million). Increases are offset by a reduction in cash flow requirements in this category for the Lakeside Ranch STA ($14.5 million), Lake Hicpochee Hydrologic Restoration ($1.2 million), C-44/C-23 Interconnect ($1.2 million), and Caloosahatchee (C-43) Basin Storage Reservoir ($500,000).

Interagency expenditures decreased 91.1 percent ($21 million) primarily due to reduced state appropriations for Alternative Water Supply ($17.8 million) and District match ($300,000), in addition to Northern Everglades – Caloosahatchee River Restoration Project ($3 million). Other decreases are due to reduced cash flow requirements in this expense category for monitoring associated with CERP WCA3 Decomp & Sheetflow Evaluation ($158,210) and RECOVER ($27,000), as well as decreases due to the transfer of project components to operations and maintenance for the C-44 Reservoir & STA ($13,500) and Lakeside Ranch STA ($63,500). Decreases are offset by new monitoring activities for CERP Adaptive Assessment ($75,000) and New Works Groundwater Exchange Monitoring and Modeling ($243,460).

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

Major Budget Items for this program include the following:

- Salaries and Benefits ($17.6 million) (158 FTEs).
- Projects in The Major Project Table of this program are listed in sub-activity 2.3 Surface Water Projects ($499.3 million).
- Contracted Services:
    - Projects in The Major Project Table ($44.7 million)
    - Dispersed Water Management (DWM), including payments to service providers, monitoring, and DWM on public lands ($33.5 million).
    - Restoration Strategies Science Plan and Source Control Activities ($2.5 million).
    - Kissimmee River Restoration – Integrated Ecosystem Studies in support of the Restoration Evaluation Program ($814,345).
    - CERP monitoring post-construction (USACE Monitoring) for Biscayne Bay Coastal Wetlands Deering, C-111 Spreader Canal, and Picayune Strand Faka Union and Miller Pump Stations ($638,450).
    - CERP WCA-3 Decompartmentalization and Sheetflow Enhancement Part 1 Project for sampling and laboratory analysis in support of Decompartmentalization Physical Model testing ($210,715).
    - CERP Monitoring and Assessment Plan, including C-111 Spreader Canal Downstream Impacts ($150,000).
    - Kissimmee River Restoration Hydrologic Monitoring ($140,000).
    - Indian River Lagoon – South for C-44 Reservoir and STA Transitional Monitoring ($114,733).
    - Computer consulting services for enterprise resource support and IT security ($114,003).
- Operating Expenses:
    - CERP Indirect Support ($3.3 million).
    - Software and hardware maintenance, communications service, and IT support ($611,566).
    - CERP WCA-3 Decompartmentalization and Sheetflow Enhancement Part 1 Project for sampling and laboratory analysis in support of Decompartmentalization Physical Model testing ($113,371).

AMERICAN OVERSIGHT

- Operating Capital Outlay:
    - Projects in The Major Project Table ($17 million).
- Fixed Capital Outlay:
    - Projects in The Major Project Table ($435.2 million).
- Interagency Expenditures:
    - CERP Adaptive Assessment and Monitoring ($725,902)
    - USACE Monitoring post-construction for Biscayne Bay Coastal Wetlands Deering, C-111 Spreader Canal, and Picayune Strand Faka Union and Miller Pump Stations ($619,550).
    - CERP RECOVER - Loxahatchee Impoundment Landscape Assessment (LILA) ($213,000).
    - CERP WCA-3 Decompartmentalization and Sheetflow Enhancement Part 1 Project for monitoring activities in support of Decompartmentalization Physical Model ($116,790).
    - Kissimmee River Restoration – Integrated Ecosystem Studies Riverwoods Field Lab ($261,760).
- Existing Debt Payment: ($30.4 million).

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

2.1 Land Acquisition *- The acquisition of land and facilities for the protection and management of water resources. This activity category does not include land acquisition components of "water resource development projects," "surface water projects," or "other cooperative projects."*

District Description

Land acquisition is within the program where the project resides.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
2.1 - Land Acquisition

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ -	$ -	$ -
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ -	$ -	$ -

No funding has been budgeted to the activity for the last five years.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006381

IV. PROGRAM ALLOCATIONS

2.2 Water Source Development *- Water resource development projects and regional or local water supply development assistance projects designed to increase the availability of water supplies for consumptive use.*

District Description

Water resource development projects, including the development of models supporting regional water supply plan updates, and regional or local water supply development assistance projects designed to increase the availability of water supplies for consumptive use.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
2.2 - Water Source Development

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 225,738	$ 261,497	$ 307,120	$ 233,357	$ 238,544	$ 5,187	2.2%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 12,500	$ 12,500	$ -	$ -	$ -	$ -	-
Operating Expenses	$ 2,813	$ 588	$ 728	$ 6,427	$ 6,427	$ -	0.0%
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ 616,875	$ 3,100,855	$ 944,800	$ 18,100,000	$ -	$ (18,100,000)	-100.0%
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 857,926	$ 3,375,440	$ 1,252,648	$ 18,339,784	$ 244,971	$ (18,094,813)	-98.7%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 244,971	$ -	$ -	$ -	$ -	$ -	$ 244,971

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 238,544	$ -	$ 238,544
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ -	$ -	$ -
Operating Expenses	$ 6,427	$ -	$ 6,427
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 244,971	$ -	$ 244,971

Changes and Trends

The District has historically provided funding to local governments, special districts, utilities, homeowners associations, water users, agriculture and other public and private organizations for stormwater, alternative water supply and water conservation projects that are consistent with the agency's core mission. In Fiscal Year 2019-20 the Florida Department of Environmental Protection through the Alternative Water Supplies grant allocated $11,556,600 for construction or implementation of eight alternative water supply and twelve water conservation projects with cooperating entities. The projects are anticipated to be completed between December 2019 and June 2025. Additionally, in Fiscal Year 2019-20, Water Protection and Sustainability Program funding of $300,000, which requires a 50/50 cost match of $300,000 by the District, was allocated for construction or implementation of three alternative water supply and two water conservation projects with cooperating entities.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006382

Budget Variances

The Fiscal Year 2020-21 Preliminary Budget represents a decrease of 98.7 percent ($18.1 million) from the Fiscal Year 2019-20 Adopted Budget primarily in Interagency Expenditures due to removal of state appropriations for water supply and water resources development projects planned to be implemented in the current year.

Major Budget Items for this activity include the following:

- Salaries and Benefits ($238,544).

There are no items funded with Reserves.

AMERICAN OVERSIGHT

2.2.1 Water Resource Development Projects - Regional projects designed to create, from traditional or alternative sources, an identifiable, quantifiable supply of water for existing and/or future reasonable-beneficial uses. These projects do not include the construction of facilities for water supply development, as defined in Subsection 373.019(21), Florida Statutes. Such projects may include the construction, operation, and maintenance of major public works facilities that provide for the augmentation of available surface and ground water supply or that create alternative sources of supply. Water resource development projects are to be identified in water management district regional water supply plans or district water management plans, as applicable.

District Description

Regional water supply plans and updates thereto have been prepared and approved by the Governing Board for five planning regions that collectively cover the entire District: Lower East Coast, Lower West Coast, Upper East Coast, Upper Kissimmee Basin and Lower Kissimmee Basin. The Upper Kissimmee Basin is included in the Central Florida Water Initiative (CFWI) planning area and water supply plan. The water supply plans project water demands over at least a 20-year planning horizon and identify strategies to meet existing and future needs, including Water Resource Development projects. The water supply plans are updated every five years.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
2.2.1 Water Resource Development Projects

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 189,720	$ 229,176	$ 287,297	$ 211,997	$ 217,093	$ 5,096	2.4%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 12,500	$ 12,500	$ -	$ -	$ -	$ -	-
Operating Expenses	$ 2,813	$ 588	$ 728	$ 6,427	$ 6,427	$ -	0.0%
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 205,033	$ 242,264	$ 288,025	$ 218,424	$ 223,520	$ 5,096	2.3%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 223,520	$ -	$ -	$ -	$ -	$ -	$ 223,520

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ 217,093	$ -	$ 217,093
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ 6,427	$ -	$ 6,427
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ 223,520	$ -	$ 223,520

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006384

Changes and Trends

In Fiscal Year 2019-20, the District completed final calibration and scenario application of the West Coast Floridan Model and final calibration, peer review, and scenario application of the LWC Surficial Aquifer System/Intermediate Aquifer System Model, including conducting modeling public workshops; initiated the 5-Year update to the UEC Water Supply Plan including holding a public workshop and completing several draft chapters; completed the Public Draft of the 2020 CFWI RWSP update and public review comment period and completed final calibration, model documentation, scenario application, and model application documentation of the East Central Florida Transient Expanded (ECFTX) Model; completed construction of one Upper Floridan aquifer well, two Lower Floridan aquifer wells, and two Avon Park Permeable Zone wells as part of CFWI Data Monitoring and Investigation Team (DMIT) efforts; completed the 2019 Update to the saltwater interface maps in SFWMD's coastal aquifers; and continued monitoring of groundwater levels, including the United States Geological Survey groundwater monitoring network, to support water management activities and calibration of groundwater models. In addition, the District completed the 2019 update to the Lower Kissimmee Basin Water Supply Plan.

In Fiscal Year 2020-21, the District will complete the 2020 update to the CFWI Regional Water Supply Plan and the 2021 update of the Upper East Coast Water Supply Plan; compile data sets for simulations of the transient, density-dependent East Coast Floridan Model to support five-year updates to the Upper and Lower East Coast water supply plans; continue well drilling and monitoring as part of the CFWI DMIT efforts; and, continue monitoring of groundwater levels, including the United States Geological Survey groundwater monitoring network, to support water management activities and calibration of groundwater models.

Salaries and Benefits amounts change from year to year as staff redirect time between various activities and programs. Contracted Services decreased from Fiscal Year 2016-17 to Fiscal Year 2018-19 due to completion of a water supply plan implementation study.

Budget Variances

The Fiscal Year 2020-21 Preliminary Budget represents an increase of 2.3 percent ($5,096) from the Fiscal Year 2019-20 Adopted Budget in Salaries and Benefits due to increases in FRS contributions.

Major Budget Items for this sub-activity include the following:

- Salaries and Benefits ($217,093).

There are no items funded with Reserves.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006385

2.2.2 Water Supply Development Assistance - Financial assistance for regional or local water supply development projects. Such projects may include the construction of facilities included in the term "water supply development" as defined in Subsection 373.019(21), Florida Statutes.

District Description

Coordination of financial assistance requests for regional or local water supply development projects. Such projects may include the construction of facilities included in the term "water supply development" as defined in Section 373.019(21), Florida Statutes.

Local governments, water users, and water utilities are primarily responsible for implementing water supply development. The Water Protection and Sustainability Program, created during the 2005 legislative session, strengthened the link between water supply plans and local government comprehensive plans and a cost-sharing program for alternative water supply projects when funding is budgeted by the state. In addition, the legislation included requirements for the water supply development component of the regional water supply plans by making the plans more specific. The intent is to make the plans more useful to local water suppliers in developing alternative water supplies, and then provide permitting and funding incentives to local water suppliers to build projects included in the plan.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
2.2.2 Water Supply Development Assistance

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 36,018	$ 32,321	$ 19,823	$ 21,360	$ 21,451	$ 91	0.4%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ 616,875	$ 3,100,855	$ 944,800	$ 18,100,000	$ -	$ (18,100,000)	-100.0%
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 652,893	$ 3,133,176	$ 964,623	$ 18,121,360	$ 21,451	$ (18,099,909)	-99.9%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 21,451	$ -	$ -	$ -	$ -	$ -	$ 21,451

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	(Recurring - all revenues)	(Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 21,451	$ -	$ 21,451
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ -	$ -	$ -
Operating Expenses	$ -	$ -	$ -
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 21,451	$ -	$ 21,451

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006386

Changes and Trends

Over the last few years where funding has been allocated for Interagency Expenditures (Cooperative Funding), the District has provided funding to local governments, special districts, utilities, homeowners associations, water users and other public and private organizations for stormwater, alternative water supply and water conservation projects that are consistent with the agency's core mission. In Fiscal Year 2019-20, the Florida Department of Environmental Protection through the Alternative Water Supplies grant allocated $11,556,600 for construction or implementation of eight alternative water supply and twelve water conservation projects with cooperating entities. The projects are anticipated to be completed between December 2019 and June 2025. In Fiscal Year 2019-20, Water Protection and Sustainability Program funding of $300,000, which requires a 50/50 cost match of $300,000 by the District, was allocated for construction or implementation of three alternative water supply and two water conservation projects with cooperating entities. Interagency Expenditures decreased for Fiscal Year 2020-21 because it is not yet known what amounts will be available from state appropriations for water supply. (See Appendix VIII for more detail).

Budget Variances

The Fiscal Year 2020-21 Preliminary Budget represents a decrease of 99.9 percent ($18.1 million) in Interagency Expenditures from the Fiscal Year 2019-20 Adopted Budget due to removal of prior-year state appropriation for water supply and water resource development grant.

Major Budget Items for this sub-activity include the following:

- Salaries and Benefits ($21,451).

There are no items funded with Reserves.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006387

2.2.3 Other Water Source Development Activities - Water resource development activities and water supply development activities not otherwise categorized above.

District Description

All Water Source Development activities are captured within other sub-activities not necessitating utilization of this "Other" sub-activity component.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
2.2.3 Other Water Source Development Activities

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ -	$ -	$ -
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ -	$ -	$ -

No funding has been budgeted to the activity for the last five years.

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2.3 Surface Water Projects *- Projects that restore or protect surface water quality, flood protection, or surface water-related resources through the acquisition and improvement of land, construction of public works, and other activities.*

District Description

Those projects that restore or protect surface water quality, flood protection, or surface water-related resources through the acquisition and improvement of land, construction of public works, and other activities. Surface Water Projects include the Kissimmee River Restoration Project, design and implementation of the NEEPP, Everglades Forever Act (EFA) projects, Critical Restoration Projects, and the CERP, including the Central Everglades Planning Project.

The Kissimmee Basin encompasses more than two dozen lakes in the Kissimmee Chain of Lakes, their tributary streams and associated marshes and the Kissimmee River and floodplain. The basin forms the headwaters of Lake Okeechobee and the Everglades. The Kissimmee River Restoration Project includes restoration of the Kissimmee River and floodplain by backfilling the C-38 flood control canal and restoring the natural river channel and flood plain. Continued activities include remaining real estate requirements, construction of project features including canal backfilling and protection of water for the natural system.

Activities associated with the NEEPP include continued implementation of the Lake Okeechobee, St. Lucie River, and Caloosahatchee River Watershed Protection Plans. Specific activities include: implementation of Dispersed Water Management Projects to retain water and nutrients; evaluation of regulatory source control programs in support of NEEPP; continuation of partnerships with agriculture and urban communities to implement Best Management Practices; and implementation of a variety of source control, restoration, and water quality and storage projects.

The Dispersed Water Management program continues to provide opportunities to partner with other entities on water retention/storage projects. Existing projects include interim water retention projects on District lands, cooperative partnerships with private landowners, Northern Everglades Payment for Environmental Services (NE-PES) on ranch lands, and water farming pilots on fallow citrus lands, primarily in the Northern Everglades region. Through these projects, 126,470 acre-feet of storage is currently available to help offset any necessary regulatory releases from Lake Okeechobee; a potential 222,310 acre-feet of storage is in various stages of planning, design, or construction.

The District Everglades Program is focused on the District's responsibilities outlined in the Everglades Forever Act (EFA) as well as the settlement agreement. The EFA directed the District to acquire land and to design, permit, construct and operate STAs to reduce phosphorus levels in stormwater runoff and other sources before it enters the Everglades Protection Area. The goal of the District Everglades Program is to contribute to Everglades restoration by improving water quality, hydrology and ecology.

The Comprehensive Everglades Restoration Plan (CERP) contains more than 60 major components that involve the creation of approximately 217,000 acres of reservoirs and wetland-based water treatment areas. These components will vastly improve the quantity, quality, timing, and distribution of water for the South Florida environment. In addition, implementation of CERP will improve or sustain water supplies for urban and agricultural needs, while maintaining current C&SF Flood Control Project purposes. CERP includes pilot projects to test technologies, such as Aquifer Storage and Recovery wells (ASR) and seepage management

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methods, which are essential to the implementation of CERP. CERP also includes seven Critical Restoration Projects, for which Project Cooperative Agreements were executed by the USACE and the District.

The EFA and CERP surface water projects are unique to the South Florida Water Management District. As such, separate narratives and programmatic spreadsheets for each of these projects are provided in the section titled "District Specific Programs and Activities" on pages 220-228.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
2.3 - Surface Water Projects

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 11,103,951	$ 11,945,589	$ 17,070,230	$ 15,948,463	$ 16,165,696	$ 217,233	1.4%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 17,894,433	$ 16,666,608	$ 31,590,337	$ 86,494,644	$ 83,396,188	$ (3,098,456)	-3.6%
Operating Expenses	$ 4,035,815	$ 4,594,562	$ 9,157,562	$ 7,970,775	$ 3,762,348	$ (4,208,427)	-52.8%
Operating Capital Outlay	$ 11,020,703	$ 13,543,670	$ 12,773,815	$ 24,575,346	$ 17,210,800	$ (7,364,546)	-30.0%
Fixed Capital Outlay	$ 151,261,824	$ 134,454,550	$ 120,838,232	$ 374,030,351	$ 435,199,340	$ 61,168,989	16.4%
Interagency Expenditures (Cooperative Funding)	$ 2,321,492	$ 1,829,412	$ 3,122,278	$ 4,930,252	$ 1,986,502	$ (2,943,750)	-59.7%
Debt	$ 32,029,525	$ 30,410,250	$ 30,393,625	$ 30,372,127	$ 30,354,252	$ (17,875)	-0.1%
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 229,667,743	$ 213,444,641	$ 224,946,079	$ 544,321,958	$ 588,075,126	$ 43,753,168	8.0%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 53,523,662	$ 112,550,089	$ -	$ -	$ 421,986,159	$ 15,216	$ 588,075,126

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 16,165,696	$ -	$ 16,165,696
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 81,544,877	$ 1,851,311	$ 83,396,188
Operating Expenses	$ 429,380	$ 3,332,968	$ 3,762,348
Operating Capital Outlay	$ 17,210,800	$ -	$ 17,210,800
Fixed Capital Outlay	$ 326,193,300	$ 109,006,040	$ 435,199,340
Interagency Expenditures (Cooperative Funding)	$ 1,911,502	$ 75,000	$ 1,986,502
Debt	$ 30,354,252	$ -	$ 30,354,252
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 473,809,807	$ 114,265,319	$ 588,075,126

Changes and Trends

The Florida Legislature continues its commitment to Everglades Restoration through continued appropriations for Restoration Strategies, CERP, and NEEPP. In 2016, House Bill 989 (Chapter 2016-201), the Legislature reaffirmed its commitment to long-term funding for Everglades restoration, primarily those that reduce harmful discharges to the St. Lucie River and Caloosahatchee River estuaries, providing up to $200 million annually for the implementation of CERP, Long Term Plan, and NEEPP. From this funding, $32 million would be appropriated annually for Restoration Strategies through Fiscal Year 2023-24, up to $100 million for CERP, including the Comprehensive Everglades Planning Project (CEPP), and the remainder for NEEPP. In 2017, through Senate Bill 10 (Chapter 2017-10), the Legislature reinstated the commitment made in the 2016 House Bill 989 and provided an additional $33 million for the District to work with the USACE for a Post-Authorization Change Report and to acquire land or negotiate leases to implement the Everglades Agricultural Area (EAA) storage reservoir project, and authorized an additional $64 million in recurring appropriations starting in Fiscal Year 2018-19 to implement the EAA storage reservoir and other restoration projects as identified above.. In 2019, Governor DeSantis and the Florida Legislature emphasized the State's commitment to restoration and appropriated an unprecedented $373.2 million for restoration, including $2.5

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million for Nubbin Slough STA (reported in Program 3.0), and continues in Fiscal Year 2020-21 with the Governor's Recommended Budget, which includes $318.6 million for restoration.

Expenditure increases between Fiscal Year 2016-17 and Fiscal Year 2018-19 in Salaries and Benefits reflect the recategorization of 14 FTE positions from Program 4.0 to this program due to the reduction of regulatory activities associated with the source control function, which supports restoration and protection efforts under the EFA and Restoration Strategies, and reallocation of eight FTE positions from Program 3.0 to implement restoration projects, as well as increases in healthcare benefit costs and FRS contributions.

Expenditure increases and decreases between Fiscal Year 2016-17 and Fiscal Year 2018-19 in Contracted Services, Operating Expenses, Operating Capital Outlay, and Fixed Capital Outlay primarily reflect shifts in project phases as they move through planning, design, and construction.

Increases in Interagency Expenditures between Fiscal Year 2016-17 and Fiscal Year 2018-19 reflect the completion of projects in the District's Cooperative Funding Program.

Decreases between Fiscal Year 2016-17 and Fiscal Year 2018-19 in Debt resulted from refinancing Certificates of Participation.

Budget Variances

The Fiscal Year 2020-21 Preliminary Budget represents a net increase of 8.0 percent ($43.4 million) from the Fiscal Year 2019-20 Adopted Budget primarily due to:

Contracted Services decreased 3.9 percent ($3.4 million) primarily due to decreases in prior year and new state appropriated funding for CERP Lake Okeechobee Watershed Restoration Project ($10 million), CERP Biscayne Bay Coastal Wetlands ($1.5 million), and CERP Planning ($1 million), decreases in one-time fund balance funding for CERP Biscayne Bay Coastal Wetlands ($1.1 million), C-43 Bioassays & Mesocosms Project Phase 2 ($700,000), STA 5/6 Connection to Lake Okeechobee ($300,000), C-51W Upstream Monitoring ($302,350), and WCA3 Decomp & Sheetflow Evaluation ($256,790), as well as decreases in federal funding due to completion of grant agreement with the US Department of the Interior for S-356 Field Test ($151,000). The decreases are offset by increased new state appropriations for NEEPP-Dispersed Water Management Projects ($10.9 million) and increased cash flow requirements for New Works monitoring activities post-Kissimmee River Restoration ($609,595) and CERP project components ($467,840).

Operating Expenses decreased 53.0 percent ($4.2 million) primarily due to reduced cash flow requirements in this expense category for CEPP South – Old Tamiami Trail Relocation Project ($3.3 million) and the transfer of the C-44 Reservoir/STA Project to operations and maintenance ($888,177).

Operating Capital Outlay decreased 30.0 percent ($7.4 million) primarily due to reduced cash flow requirements in this category for CERP/CEPP Everglades Agricultural Area Reservoir Conveyance Improvements and Stormwater Treatment Area ($7.8 million) and CERP Planning ($7.5 million), as well as a decreases in one-time local funding for CERP Biscayne Bay Coastal Wetlands Cutler Design ($1.3 million) and one-time fund balance funding for STA capital construction ($500,000); offset by increased new state appropriated funding for NEEPP Caloosahatchee River & Estuary Projects ($9.7 million).

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Fixed Capital Outlay increased 16.4 percent ($61.2 million) due to increased new and prior year state appropriated funding in this expense category for CERP/CEPP, including the EAA Storage Reservoir Conveyance Improvements and STA ($44.8 million), Biscayne Bay Coastal Wetlands ($11 million), and CERP Planning ($3.3 million); and Restoration Strategies ($19.5 million). Increases are offset by a reduction in cash flow requirements in this category for the Lakeside Ranch STA ($14.5 million), Lake Hicpochee Hydrologic Restoration ($1.2 million), C-44/C-23 Interconnect ($1.2 million), and Caloosahatchee (C-43) Basin Storage Reservoir ($500,000).

Interagency expenditures decreased 59.7 percent ($2.9 million) primarily due to reduced state appropriations for Northern Everglades – Caloosahatchee River Restoration Project ($3 million). Other decreases are due to reduced cash flow requirements in this expense category for monitoring associated with CERP WCA3 Decomp & Sheetflow Evaluation ($158,210) and RECOVER ($27,000), as well as decreases due to the transfer of project components to operations and maintenance for the C-44 Reservoir & STA ($13,500) and Lakeside Ranch STA ($63,500). Decreases are offset by new monitoring activities for CERP Adaptive Assessment ($75,000) and New Works Groundwater Exchange Monitoring and Modeling ($243,460).

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Major Budget Items for this activity include the following:

- Salaries and Benefits ($16.2 million).

The Major Projects table below includes projects that are funded with Salaries and Benefits (included in Salaries and Benefits number above), Contracted Services, Operating Expenses, Operating Capital Outlay, and Fixed Capital Outlay.

Project Name	Salaries and Benefits	Other Personal Services	Contracted Services	Operating Expenses	Operating Capital Outlay	Fixed Capital Outlay	Interagency Expenditures	Debt	Reserves	Grand Total
Restoration Strategies Future Projects	$ 499,378	$ -	$ -	$ -	$ -	$ 47,000,000	$ -	$ -	$ -	$ 47,499,378
STA-1W Expansion #2 (Restoration Strategies)	$ 162,549	$ -	$ -	$ -	$ -	$ 18,668,382	$ -	$ -	$ -	$ 18,830,931
NEEPP Grassy Island FEB/ASR	$ -	$ -	$ -	$ -	$ 2,000,000	$ -	$ -	$ -	$ -	$ 2,000,000
NEEPP Lakeside Ranch STA Phase II	$ 171,135	$ -	$ -	$ -	$ -	$ 1,500,000	$ -	$ -	$ -	$ 1,671,135
NEEPP Brady Ranch STA/FEB	$ -	$ -	$ -	$ -	$ 2,500,000	$ -	$ -	$ -	$ -	$ 2,500,000
NEEPP Lake Hicpochee Hydrologic Enhcmt Project Ph 2	$ -	$ -	$ -	$ -	$ 2,500,000	$ 300,000	$ -	$ -	$ -	$ 2,800,000
NEEPP C-43 Biossays & Mesocosms Ph II / Boma FEB	$ -	$ -	$ -	$ -	$ 10,000,000	$ -	$ -	$ -	$ -	$ 10,000,000
CERP Everglades Restoration Land Acquisition	$ -	$ -	$ -	$ -	$ -	$ 11,900,000	$ -	$ -	$ -	$ 11,900,000
CERP Planning	$ -	$ -	$ 4,700,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,700,000
CERP-Lake Okeechobee Watershed Restoration Project	$ 158,879	$ -	$ 40,000,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 40,158,879
Caloosahatchee River C-43 West Basin Storage Reservoir	$ 661,609	$ -	$ -	$ -	$ -	$ 140,000,000	$ -	$ -	$ -	$ 140,661,609
CERP - C-44/C-23 Interconnect	$ -	$ -	$ -	$ -	$ -	$ 3,000,000	$ -	$ -	$ -	$ 3,000,000
CERP Biscayne Bay Coastal Wetlands Ph1	$ 134,070	$ -	$ -	$ -	$ -	$ 11,000,000	$ -	$ -	$ -	$ 11,134,070
Everglades Agricultural Area (EAA) Storage Reservoir Conveyance Imprvmt & Stormwater Treatment Area (STA)	$ 613,394	$ -	$ -	$ -	$ -	$ 201,830,958	$ -	$ -	$ -	$ 202,444,352
Grand Total	**$ 2,401,014**	**$ -**	**$ 44,700,000**	**$ -**	**$ 17,000,000**	**$ 435,199,340**	**$ -**	**$ -**	**$ -**	**$ 499,300,354**

- Contracted Services:
  - Projects in the Major Projects table above ($44.7 million)
  - Dispersed Water Management (DWM), including payments to service providers, monitoring, and DWM on public lands ($33.5 million).
  - Restoration Strategies Science Plan and Source Control Activities ($2.5 million).
  - Kissimmee River Restoration – Integrated Ecosystem Studies in support of the Restoration Evaluation Program ($814,345).
  - CERP monitoring post-construction (USACE Monitoring) for Biscayne Bay Coastal Wetlands Deering, C-111 Spreader Canal, and Picayune Strand Faka Union and Miller Pump Stations ($638,450).
  - CERP WCA-3 Decompartmentalization and Sheetflow Enhancement Part 1 Project for sampling and laboratory analysis in support of Decompartmentalization Physical Model testing ($210,715).
  - CERP Monitoring and Assessment Plan, including C-111 Spreader Canal Downstream Impacts ($150,000).
  - Kissimmee River Restoration Hydrologic Monitoring ($140,000).
  - Indian River Lagoon – South for C-44 Reservoir and STA Transitional Monitoring ($114,733).

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- Operating Expenses:
    - CERP Indirect Support ($3.3 million).
    - CERP WCA-3 Decompartmentalization and Sheetflow Enhancement Part 1 Project for sampling and laboratory analysis in support of Decompartmentalization Physical Model testing ($113,371).
- Operating Capital Outlay:
    - Projects in the table above ($17 million).
- Fixed Capital Outlay:
    - Projects in the table above ($435.2 million).
- Interagency Expenditures:
    - CERP Adaptive Assessment and Monitoring ($725,902).
    - USACE Monitoring post-construction for Biscayne Bay Coastal Wetlands Deering, C-111 Spreader Canal, and Picayune Strand Faka Union and Miller Pump Stations ($619,550).
    - CERP RECOVER - Loxahatchee Impoundment Landscape Assessment (LILA) ($213,000).
    - CERP WCA-3 Decompartmentalization and Sheetflow Enhancement Part 1 Project for monitoring activities in support of Decompartmentalization Physical Model ($116,790).
    - Kissimmee River Restoration – Integrated Ecosystem Studies Riverwoods Field Lab ($261,760).
    - Existing Debt Payment: ($30.4 million)

Items funded with Reserves without restrictions include: Restoration Strategies ($16 million), NEEPP & EFA Source Control ($30,600), Kissimmee River Restoration Evaluation Program (KRREP) Fish Telemetry Study ($69,000), A portion of Kissimmee River Restoration Evaluation Lower Basin, Gardner Cobb & Lake Okeechobee Aerial Imagery ($37,500), Budget Stabilization & Future Expenditures to be Determined by the Board for CERP Planning ($700,000), Scientific Support for CERP Adaptive Assessment ($75,000), and O&M New Works for Biscayne Bay Coastal Wetlands Deering, C-111 Spreader Canal, and Picayune Strand Faka Union and Miller Pump Stations ($1.6 million).

Items funded with Reserves with restrictions include: Senate Bill 10 Projects pursuant to Subsection 373.041(3)(b)4, Florida Statutes for Everglades Agricultural Area Storage Reservoir Conveyance Improvements and Stormwater Treatment Area ($94 million), and Mitigation – Lake Belt/Wetland for personnel services in support of Restoration Strategies ($13,093).

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2.4 Other Cooperative Projects *- Any non-water source development cooperative effort under this program area between a water management district and another organization. This does not include projects resulting in capital facilities that are owned or operated by the water management district.*

District Description

Any non-water source development cooperative effort under this program area between a water management district and another organization.

This activity includes non-water source development cooperative water conservation efforts between the District and other organizations. The District's water conservation program components are organized into regulatory, voluntary and incentive-based, and education and marketing initiatives, and are designed to build on and complement successful water conservation initiatives at the local, state, and national levels. The program is dynamic and adaptable, with an on-going commitment to explore and consider additional water-saving opportunities, technologies, research, and partnerships.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
2.4 - Other Cooperative Projects

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 253,260	$ 194,002	$ 232,456	$ 191,220	$ 192,043	$ 823	0.4%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ 504	$ 856	$ 202	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ 136,250	$ 391,476	$ 501,459	$ 75,000	$ 75,000	$ -	0.0%
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 390,014	$ 586,334	$ 734,117	$ 266,220	$ 267,043	$ 823	0.3%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 267,043	$ -	$ -	$ -	$ -	$ -	$ 267,043

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 192,043	$ -	$ 192,043
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ -	$ -	$ -
Operating Expenses	$ -	$ -	$ -
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ 75,000	$ -	$ 75,000
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 267,043	$ -	$ 267,043

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Changes and Trends

The District has historically provided funding to local governments, special districts, utilities, homeowners associations, water users, agriculture and other public and private organizations for stormwater, alternative water supply and water conservation projects that are consistent with the agency's core mission. In Fiscal Year 2019-20, the Florida Department of Environmental Protection through the Alternative Water Supplies grant allocated $11,556,600 for construction or implementation of eight alternative water supply and twelve water conservation projects with cooperating entities. The budget for these projects is shown in section 2.2.2. The Interagency Expenditures decreased in Fiscal Year 2019-20 for the Water Savings Incentive Program and the remaining funding is for the Florida Automated Weather Network (FAWN).

Budget Variances

The Fiscal Year 2020-21 Preliminary Budget represents an increase of 0.3 percent ($823) from the Fiscal Year 2018-19 Adopted Budget in Salaries and Benefits due to increases in FRS contributions.

Major Budget Items for this activity include the following:

- Salaries and Benefits ($192,043).
- Interagency Expenditures (Cooperative Funding):
    - Florida Automated Weather Network (FAWN) ($75,000).

There are no items funded with Reserves.

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2.5 Facilities Construction and Major Renovations *– The proposed work for the facilities improvement program includes project management, permitting, and conceptual, preliminary, and detailed engineering for the development and preparation of contract plans and specification for the construction of planned replacement, improvement, or repair to the District's administrative and field station facilities.*

District Description

The facilities improvement program includes project management, permitting, and conceptual, preliminary, and detailed engineering for the development and preparation of contract plans and specification for the construction of planned replacement, improvement, or repair to the District's administrative and field station facilities. Funding for this activity is budgeted in Program 3, Activities 3.3 and 3.5.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
2.5 - Facilities Construction and Major Renovations

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ -	$ -	$ -
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ -	$ -	$ -
Operating Expenses	$ -	$ -	$ -
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ -	$ -	$ -

No funding has been budgeted to the activity for the last five years.

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IV. PROGRAM ALLOCATIONS

2.6 Other Acquisition and Restoration Activities *- Acquisition and restoration activities not otherwise categorized above, such as capital improvement projects associated with administrative and operational facilities.*

District Description

Acquisition and restoration activities not otherwise categorized above, such as capital improvement projects associated with administrative and operational facilities. These projects are captured in Program 3, Activity 3.2.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

ACTIVITY BY EXPENDITURE CATEGORY

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

PRELIMINARY BUDGET - Fiscal Year 2020-21

2.6 - Other Acquisition and Restoration Activities

Fiscal Year 2020-21

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING

Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ -	$ -	$ -
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ -	$ -	$ -

No funding has been budgeted to the activity for the last five years.

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FL-SEN-20-0201-B, 20-0202-A-006398

2.7 Technology and Information Services *- This activity includes computer hardware and software, data lines, computer support and maintenance, IT consulting services, data centers, network operations, web support and updates, desktop support, and application development associated with this Program and related activities.*

District Description

This activity includes computer hardware and software, data lines, computer support and maintenance, IT consulting services, data centers, network operations, web support and updates, desktop support, and application development associated with this Program and related activities.

Information technology items (salaries, contractors, hardware / software maintenance, and other operating costs) are directly charged to operational activities of district core functions where there is a clear linkage between the operational activity and the information technology system, application or staff that is used to support the operational activities.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
2.7 - Technology and Information Services
Fiscal Year 2020-21

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 1,008,003	$ 909,282	$ 905,253	$ 971,613	$ 987,886	$ 16,273	1.7%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 121,681	$ 125,287	$ 117,862	$ 114,003	$ 114,003	$ -	0.0%
Operating Expenses	$ 533,288	$ 633,098	$ 618,853	$ 611,566	$ 611,566	$ -	0.0%
Operating Capital Outlay	$ 11,858	$ 14,040	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 1,674,830	$ 1,681,707	$ 1,641,968	$ 1,697,182	$ 1,713,455	$ 16,273	1.0%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 1,713,455	$ -	$ -	$ -	$ -	$ -	$ 1,713,455

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 987,886	$ -	$ 987,886
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 114,003	$ -	$ 114,003
Operating Expenses	$ 611,566	$ -	$ 611,566
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 1,713,455	$ -	$ 1,713,455

Changes and Trends

This sub-activity represents a continued level of service consistent with the past five years.

Budget Variances

The Fiscal Year 2020-21 Preliminary Budget represents an increase of 1.0 percent ($16,273) from the Fiscal Year 2019-20 Adopted Budget which is for Salaries and Benefits due to increases in FICA and FRS retirement contributions.

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IV. PROGRAM ALLOCATIONS

Major Budget Items for this activity include the following:

- Salaries and Benefits ($987,886).
- Contracted Services:
    - Lake Okeechobee IT Support for computer consulting services for enterprise resource support and IT security ($114,003).
- Operating Expenses:
    - Lake Okeechobee IT Support for software and hardware maintenance, communications service, and IT support ($611,566).

There are no items funded with Reserves.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006400

IV. PROGRAM ALLOCATIONS

3.0 Operation and Maintenance of Lands and Works

This program includes all operation and maintenance of facilities, flood control and water supply structures, lands, and other works authorized by Chapter 373, F.S.

District Description

This program contains field operations, right-of-way, engineering and construction, land management, recreation and public use, upland and wetland species invasive management. Additional activities include canal/levy and aquatic plant management, stormwater treatment area operations, infrastructure management, facilities and hydrology/hydraulics and includes all operation and maintenance of facilities, flood control and water supply structures, lands, and other works authorized by Chapter 373, F.S.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

PROGRAM BY EXPENDITURE CATEGORY

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

PRELIMINARY BUDGET - Fiscal Year 2020-21

3.0 Operation and Maintenance of Lands and Works

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 65,224,451	$ 63,689,971	$ 64,042,510	$ 70,162,797	$ 71,265,881	$ 1,103,084	1.6%
Other Personal Services	$ 52,599	$ 45,233	$ 21,536	$ -	$ -	$ -	-
Contracted Services	$ 13,113,769	$ 10,096,307	$ 8,642,235	$ 14,017,656	$ 10,366,827	$ (3,650,829)	-26.0%
Operating Expenses	$ 59,645,874	$ 74,366,732	$ 59,334,526	$ 94,807,939	$ 104,486,786	$ 9,678,847	10.2%
Operating Capital Outlay	$ 7,200,708	$ 9,227,760	$ 8,823,285	$ 31,968,378	$ 38,016,896	$ 6,048,518	18.9%
Fixed Capital Outlay	$ 37,374,211	$ 39,359,381	$ 41,808,609	$ 37,380,053	$ 32,982,048	$ (4,398,005)	-11.8%
Interagency Expenditures (Cooperative Funding)	$ 554,971	$ 578,982	$ 1,160,338	$ 622,952	$ 626,952	$ 4,000	0.6%
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ 61,255,337	$ 61,255,337	$ -	0.0%
TOTAL	$ 183,166,583	$ 197,364,366	$ 183,833,039	$ 310,215,112	$ 319,000,727	$ 8,785,615	2.8%

SOURCE OF FUNDS

Fiscal Year 2020-21

	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Salaries and Benefits	$ 68,687,649	$ 582,921	$ -	$ -	$ 78,200	$ 1,917,111	$ 71,265,881
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Contracted Services	$ 8,740,454	$ 1,440,000	$ -	$ -	$ 109,272	$ 77,101	$ 10,366,827
Operating Expenses	$ 77,272,406	$ 9,595,894	$ -	$ 229,200	$ 10,798,958	$ 6,590,328	$ 104,486,786
Operating Capital Outlay	$ 12,778,583	$ 25,238,313	$ -	$ -	$ -	$ -	$ 38,016,896
Fixed Capital Outlay	$ 26,082,951	$ 6,899,097	$ -	$ -	$ -	$ -	$ 32,982,048
Interagency Expenditures (Cooperative Funding)	$ 626,952	$ -	$ -	$ -	$ -	$ -	$ 626,952
Debt	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ 61,255,337	$ -	$ -	$ -	$ -	$ 61,255,337
TOTAL	$ 194,188,995	$ 105,011,562	$ -	$ 229,200	$ 10,986,430	$ 8,584,540	$ 319,000,727

RATE, OPERATING AND NON-OPERATING

Fiscal Year 2020-21

	Workforce	Rate (Salary without benefits)	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	749	$ 47,705,942	$ 71,265,881	$ -	$ 71,265,881
Other Personal Services	-	$ -	$ -	$ -	$ -
Contracted Services	-	$ -	$ 8,735,755	$ 1,631,072	$ 10,366,827
Operating Expenses			$ 87,242,043	$ 17,244,743	$ 104,486,786
Operating Capital Outlay			$ 13,105,801	$ 24,911,095	$ 38,016,896
Fixed Capital Outlay			$ 26,082,951	$ 6,899,097	$ 32,982,048
Interagency Expenditures (Cooperative Funding)			$ 626,952	$ -	$ 626,952
Debt			$ -	$ -	$ -
Reserves - Emergency Response			$ -	$ 61,255,337	$ 61,255,337
TOTAL			$ 207,059,383	$ 111,941,344	$ 319,000,727

WORKFORCE

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

WORKFORCE CATEGORY	Fiscal Year					Adopted to Preliminary 2019-20 to 2020-21	
	2016-17	2017-18	2018-19	2019-20	2020-21	Difference	% Change
Authorized Positions	754	758	750	748	749	1	0.13%
Contingent Worker	0	0	0	0	0	-	-
Other Personal Services	1	1	1	0	0	-	-
Intern	0	0	0	0	0	-	-
Volunteer	0	0	0	0	0	-	-
TOTAL WORKFORCE	755	759	751	748	749	1	0.13%

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
3.0 Operation and Maintenance of Lands and Works
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

	FY 2019-20 Budget (Adopted)		**749**	**310,215,112**	
	Reductions				
Issue	Description	Issue Amount	Workforce	Category Subtotal	Issue Narrative
Salaries and Benefits			-	-	
Other Personal Services				-	
Contracted Services				(5,018,011)	
1	Decrease in Biocontrol Exotic Plant	(661,536)			The reduction is due to funding being re-aligned to correct CI State Group (Operating Expense).
2	Decrease in Canal/Levee Maintenance	(2,125,000)			The reduction is due to one-time funding of Coastal Resiliency and the C-100A project.
3	Decrease in Capital Works Projects	(825,000)			The reduction is due to the decreased need for the Operations Decision Support System project.
4	Decrease in Contamination Assessments	(5,307)			The reduction is due to funding being re-aligned to correct CI State Group (Operating Expense).
5	Decrease in Land Stewardship Restoration & Monitoring	(703,500)			The reduction is due to the decreased need for funding for Dade/Broward Levee and Lake Belt Monitoring.
6	Decrease in LTP STA O&M - Structure Inspections	(50,000)			The reduction is due to a reduced need in the STA Structure Inspection Program needs.
7	Decrease in Public Use and Security	(47,000)			The reduction is due to the completion of renovation projects for public use.
8	Decrease in Telemetry Maintenance	(668)			The reduction is due to a decreased need for funding Merritt Pump Station monitoring stations.
9	Decrease in Water Management System & NAVD88	(600,000)			The reduction is due to the completion of the NAVD88 project.
Operating Expenses				(5,353,858)	
10	Decrease in C&C Data Log RTU New Installations	(650)			The reduction is due to the re-alignment of funding within O&M for current needs.
11	Decrease in Canal Maintenance	(7,914)			The reduction is due to the re-alignment of funding within O&M for current needs.
12	Decrease in Emergency Management	(5,083)			The reduction is due to funding being re-aligned to correct activity.
13	Decrease in Land Stewardship Mechanical Vegetation Control	(60,000)			The reduction is due to the re-alignment of funding within O&M for current needs.
14	Decrease in Land Stewardship Restoration & Monitoring	(652,685)			The reduction is due to the decreased need for the C-139 Annex Restoration project while under construction.
15	Decrease in Levee Maintenance	(19,774)			The reduction is due to the re-alignment of funding within O&M for current needs.
16	Decrease in Long Tern Plan Stormwater Treatment Areas (LTP STA) O&M	(924,000)			The reduction was due to the completion of the G-310, G-335, G-370 and G-372 Grounding Modification project's.
17	Decrease in LTP STA O&M - Contamination	(73,100)			The reduction is due to the cyclical needs for the STA air permits and fuel tank storage and inspections.
18	Decrease in Prescribed Burn	(500)			The reduction is due to the re-alignment of funding within O&M for current needs.
19	Decrease in Pump Station Modification	(1,125,000)			The reduction is due to the G-420, G-20S and G-422 modification project construction needs.
20	Decrease in Structure Maintenance	(22,617)			The reduction is due to the re-alignment of funding within O&M for current needs.
21	Decrease in Structure Overhaul	(204,138)			The reduction is due to the decreased need in the Gate Overhaul Program for the C&SF structures.
22	Decrease in Structure/Bridge Modification/Repairs	(2,114,748)			The reduction was due the one time funding for S-29 Coastal Resilience project planning & design.
23	Decrease in Telemetry Maintenance	(117,649)			The reduction is due to the re-alignment of funding within O&M for current needs.
24	Decrease in Tree Management	(26,000)			The reduction is due to the re-alignment of funding within O&M for current needs.
Operating Capital Outlay				(818,500)	
25	Decrease in Pump Station Modification	(50,000)			The reduction is due to the S-2, S-3, S-4 Pump Refurbishment project design being moved out.
26	Decrease in Structure Maintenance	(90,500)			The reduction is due to one-time funding of BCB Field Station equipment needs.
27	Decrease in Structure/Bridge Modification/Repairs	(678,000)			The reduction is due to one-time funding of Coastal Resilience Storm Surge Protection and S-169 Relocation project finishing design phase.
Fixed Capital Outlay				(9,611,999)	
28	Decrease in Capital Works Projects	(2,500,000)			The reduction is due to the one-time funding for the Nubbin-Slough STA repairs project.
29	Decrease in Communication and Control	(255,000)			The reduction is due to the next phase of design and construction on the IT South Shelters project, S-331 Communication Center and BCB Communications System Improvements projects.
30	Decrease in Project Culvert Replacement/Repairs/Modification	(675,837)			The reduction is due to the completion of the L-8 Dupuis Area Culverts project.
31	Decrease in Structure/Bridge Modification/Repairs	(6,069,351)			The reduction is from completion of construction of S-151 Replacement, BCB Electrification & Remote Operations & S-72/S-75 Spillway Refurbishments.
32	Decrease in Water Management System & NAVD88	(111,811)			The reduction is for completion of NAVD88 project.
Interagency Expenditures (Cooperative Funding)				-	
Debt				-	
Reserves				-	
	TOTAL REDUCTIONS		-	(20,802,368)	

AMERICAN OVERSIGHT
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IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
3.0 Operation and Maintenance of Lands and Works
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

New Issues					
Issue	Description	Issue Amount	Workforce	Category Subtotal	
Salaries and Benefits			1	1,103,084	Salaries and Benefits increased in the FY2020-21 Preliminary budget for various reasons. Turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased.
1	Increase in Total Fringe Benefits	571,304			
2	Increase in Total Salaries and Wages	531,780			
Other Personal Services				-	
Contracted Services				1,367,182	
3	Increase in Flood Protection LOS and Sea Level Rise Resiliency	1,075,000			The increase is due to funding for Coastal Resilience and Flood Protection Level of Service.
4	Increase in Levee Maintenance	10,900			The increase is for the Lakeside Ranch STA and Ten Mile Creek Levee maintenance.
5	Increase in O&M Program Support	5,307			The increase is due to additional funding needed for the Remote Operations Vehicle (ROV) supporting the underwater inspection program.
6	Increase in Pumping Operations	115,000			The increase is for additional funding supporting the L63N and Kissimmee ASR Well monitoring.
7	Increase in Security Management	10,975			The increase is due to additional funding for the Districts security systems.
8	Increase in Structure Inspections	50,000			The increase is due to additional funding in support of the cyclical C&SF Structure Inspection Program.
9	Increase in Survey Support	100,000			The increase is due to the additional surveying needs for District lands.
Operating Expenses				15,032,705	
10	Increase in Aquatic Plant Control	210,521			The increase is due to new works coming online for the C-44 STA.
11	Increase in Biocontrol Exotic Plant	661,536			The increase is due to funding being re-aligned to correct CI State Group (Operating Expense).
12	Increase in Canal/Levee Maintenance	940,000			The increase is due to additional funding needed for the next phase of the BCB Canal Improvements project.
13	Increase in Communication and Control	2,450,000			The increase is due to additional funding needed for the next phase of the Manatee Gate Control Panel Replacements project.
14	Increase in Construction	900			The increase is due to funding that was re-directed from other O&M STA activities.
15	Increase in Contamination Assessments	172,450			The increase is due to additional funding needed in support of District air and environmental permits and fees.
16	Increase in Exotic Plant Control	4,126,081			The increase is due to additional new works coming online for Picayune Strand vegetation management.
17	Increase in Field Station Maintenance	9,610			The increase is due to additional funding needed for new works coming online.
18	Increase in Land Stewardship Equipment & Infrastructure Maintenance	77,000			The increase is due to additional funding needs for Lake Belt L-30 Structure Maintenance and road and culvert maintenance for Southern CREW.
19	Increase in Land Stewardship Interim Lands - Administration	3,200			The increase is due to additional funding needs for interim lands support and administration.
20	Increase in LTP STA O&M - Compliance	267			The increase is due to funding that was re-directed from other O&M STA activities.
21	Increase in LTP STA O&M - Pump Station Maintenance	29,412			The increase is due to funding that was re-directed from other O&M STA activities.
22	Increase in LTP STA O&M - Pump Station Modification/Repairs	3,760,580			The increase is due to construction needs for the STA G-310/G-335 Trash Rake Replacement.
23	Increase in Movement of Water	950			The increase is due to funding that was re-directed from other O&M STA activities.
24	Increase in Mowing	142,164			The increase is due to funding that was re-directed from other O&M activities.
25	Increase in Legacy	50			The increase is due to funding that was re-directed from other O&M activities.
26	Increase in O&M Fleet Overhead	610			The increase is due to funding that was re-directed from other O&M activities.
27	Increase in O&M IT Support	8,178			The increase is due to funding that was re-directed from other O&M activities.
28	Increase in O&M Program Support	333,500			The increase is due to O&M new investments for the field stations.
29	Increase in Preventative Maintenance & Operational Plan	1,208,250			The increase is due to the additional funding in support of maintenance and replacement needs for the Headquarters and EOC building.
30	Increase in Public Use and Security	2,500			The increase is due to funding that was re-directed from other O&M activities.
31	Increase in Pump Station Maintenance	30,738			The increase is due to additional funding needed for new works coming online.
32	Increase in Pump Station Maintenance - Fleet	39,960			The increase is due to the re-alignment to the correct functional are for work being done on the Fleet supporting the Pump Stations.
33	Increase in Pumping Operations	667,255			The increase is due to additional funding needed for new works coming online for the C-44 STA and Pump Station, Kissimmee and L63N ASR wells.
34	Increase in Safety Management	5,083			The increase is due to funding being re-aligned to correct activity.
35	Increase in Security Management	79,764			The increase is due to the repairs needed for the District's security system and software upgrades.
36	Increase in Terrestrial Plant Control	72,146			The increase is due to additional funding needed for new works coming online.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
3.0 Operation and Maintenance of Lands and Works
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

New Issues					
Issue	Description	Issue Amount	Workforce	Category Subtotal	
Operating Capital Outlay				6,867,018	
37	Increase in Aquatic Plant Control	35,000			The increase is due to the new works coming online for the C-44 STA project for equipment and vehicles in support.
38	Increase in Communication and Control	2,822,000			The increase is due to the design and construction ramp up on the FAES Tower and Microwave Backbone Radio Upgrades.
39	Increase in Land Stewardship Restoration & Monitoring	3,000,000			The increase is due to the additional funding for the C-139 Annex Restoration construction project.
40	Increase in O&M Program Support	757,400			The increase is due to additional funding for the Districts fleet and equipment replacement and repair.
41	Increase in Pump Station Maintenance	146,218			The increase is due to the new works coming online for the S-356 and C-111 South Dade projects for equipment and vehicles in support.
42	Increase in Security Management	6,400			The increase is due to additional funding needed for security equipment for B-1 HQ.
43	Increase in Telemetry Maintenance	100,000			The additional funding is due to funding needed for the next phase of the SCADA Upgrades project.
Fixed Capital Outlay				5,213,994	
44	Increase in LTP STA O&M - Pump Station Modification/Repairs	652,611			The increase is due to the construction of the S-319 & S-362 Generator Replacement and Relocation project and the on-going automation upgrades to the STA's.
45	Increase in O&M Facility Construction	755,640			The increase is due to the additional funding needed for the next phases of the Clewiston Field Station and Okeechobee Field Station replacements along with the on-going construction for the Homestead Field Station.
46	Increase in Pump Station Modification	3,797,345			The increase is due to the next year of construction on the S-5A Pump Station Refurbishment project.
47	Increase in Security Management	8,398			The increase is due to additional funding needed for the on-going replacement of the security access control panels.
Interagency Expenditures (Cooperative Funding)				4,000	
48	Increase in LTP STA O&M - Compliance	4,000			The increase is due to additional funding needed for the Restoration Strategies STA1-W compliance assessment.
Debt				-	
Reserves				-	
	TOTAL NEW ISSUES		1	29,587,983	
3.0 Operation and Maintenance of Lands and Works Total Workforce and Preliminary Budget for FY 2020-21			750	$ 319,000,727	

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006404

Changes and Trends

Salaries and Benefits decreased between Fiscal Year 2016-17 and Fiscal Year 2018-19 due to staff reallocation in support of new project initiatives within the agency. Some of the major decreases in Contracted Services between Fiscal Year 2016-17 to Fiscal Year 2018-19 are due to the pass-through funding for the CEMEX land acquisition funded with Lake Belt Mitigation. Fixed Capital Outlay has had an upward trend over the last three years as projects have moved from design to construction, as well as the pass-through funding for the CEMEX land acquisition completion. Increases and decreases within Contracted Services, Operating Expenses, Operating Capital Outlay and Fixed Capital Outlay between Fiscal Year 2016-17 and Fiscal Year 2018-19 are primarily due to the phases of projects within the Operations and Maintenance Refurbishment program as they move from planning, design and construction. The Operations and Maintenance Refurbishment program has also shown a steady increase over the last five years due to funding being redirected to support the aging system infrastructure along with the ongoing commitment to implement refurbishment plans for operational and capital projects such as critical water control structures and pump stations. The program continues with over $60 million allocated in the Fiscal Year 2020-21 Preliminary Budget for priority projects and activities critical to the strength and condition of the C&SF, STAs and BCB which continue to be a Governing Board core mission priority.

For the Fiscal Year 2020-21 Preliminary Budget, one of the major increases in funding in this activity is tied the C-139 Annex Restoration Project. Funding for the C-139 Annex Restoration Project has varied from year to year as the project goes through its different phases of planning, design, and construction. Land management activities continue to be funded using ad valorem, mitigation, state revenues from the Land Acquisition Trust Fund, and lease revenues. Land Acquisition Trust Fund revenues have allowed the District to maintain the level of service by funding maintenance and land management needs. Lease revenue that is generated from lands acquired through the Save Our Everglades Trust Fund and generated using Federal grant funds is being used to support land management activities and reduce ad valorem expenditures.

Land management activities continue to be funded through a variety of sources including ad valorem, mitigation funds, state revenues from the Land Acquisition Trust Fund and lease revenues. The Legislature has provided Land Acquisition Trust Fund for land management and vegetation management activities. This funding is located within Operating Expenses ($2.2 million) and Contracted Services ($190,272).

The Hurricane/Emergency Reserve is $61.3 million and is re-budgeted each year.

Additional new infrastructure coming online, due to CERP, NEEPP and Restoration Strategies projects completing construction, continues to affect the Operations and Maintenance of Lands and Works budget. Funding is required for the overall operations and maintenance of the new sites along with staffing to support the new infrastructure. Over the next few years, major projects being completed are the C-44 STA and Pump Station, Caloosahatchee River (C-43) West Basin Storage Reservoir, Everglades Agricultural Area Storage Reservoir Conveyance Improvements and Stormwater Treatment Area, Lakeside Ranch Phase 2, Lake Hicpochee, Picayune Strand Restoration along with several Restoration Strategies project completions. This new infrastructure will continue to have financial affects through all activities within 3.0.

AMERICAN OVERSIGHT

Budget Variances

This program has a 2.8 percent ($8.8 million) increase from the Fiscal Year 2019-20 Adopted Budget of $310.2 million. The largest increase is in Operating Capital Outlay 18.9 percent ($6 million) and is primarily due to the additional Lake Belt Mitigation funds for the on-going design and construction on the C-139 Annex Restoration project. Increases in Operating Expenses 10.2 percent ($9.7 million) are primarily due to new works of the District coming online as well as ongoing repairs and maintenance of the C&SF System and Operations and Maintenance Refurbishment Program. Contracted Services decreased 26.0 percent ($3.7 million) primarily in support of multi-year needs for the Operations Decision Support System, initial planning and field investigations for coastal resiliency projects, and completion of the Vertical Datum (NAVD88) project. In the Fiscal Year 2020-21 Preliminary Budget, there is an overall decrease in Fixed Capital Outlay of 11.8 percent ($4.4 million) which reflects the Operations and Maintenance Refurbishment Programs multi-year project cash flow requirements for design, construction and completion. Salaries and Benefits has a 1.6 percent ($1.1 million) increase due to additional staff being allocated to support the program and turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased. Also, the budgeted salaries for vacant positions in the FY2020-21 Preliminary budget were increased based on the job study.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

Major Budget Items for this program include the following:

- Salaries and Benefits ($71.3 million) (749 FTEs).
- Projects budgeted in this program are in tables in 3.1 & 3.2 sub-activity of this program ($77 million).
- Reserves – Hurricane/Emergency Reserve ($61.3 million).
- Contracted Services:
  - Projects listed in 3.2 sub activity table ($2.1 million).
  - Telemetry and Electronics Maintenance ($1.7 million), which includes:
    - SCADA Stillingwell & Platform Program ($1 million).
  - Structure Inspections ($1.6 million).
  - Structure and Pump Station Maintenance ($868,843).
  - Operations & Maintenance Program Support ($822,222).
  - Computer consulting services ($556,010), enterprise resource support and IT security.
  - Public Use and Security ($200,272).
  - Capital Projects Works - Operations Decision Support System (ODSS) Upgrades ($200,000).
  - Land Stewardship Restoration and Monitoring ($173,500).
  - Permitting support - Right of Way ($172,752).
  - Aquatic Plant Control ($140,000).
- Operating Expenses:
  - Exotic Plant Control ($18.3 million), which includes:
    - The District anticipates $2 million from the U.S. Fish and Wildlife Service in federal funding for lygodium and melaleuca treatments within the Loxahatchee Refuge.
  - Self-Insurance Programs (comprised of health insurance, workers compensation, property insurance, general liability) ($14.0 million).
  - Projects listed in 3.1 & 3.2 sub activity tables ($15.1 million).
  - Movement of Water/Pumping Operations ($9.5 million).

AMERICAN OVERSIGHT

- Structure & Pump Station Maintenance/Modification ($8.6 million), which includes:
    - Pump & Engine Overhaul Program ($1.7 million).
    - C-1 Connector Canal Control Gate ($1 million).
    - G-420, G-420S, G-422 Modifications ($625,000).
    - Gate & Cylinder Overhaul Program ($358,014).
    - Project Culvert In-Kind Replacement Program ($200,000).
    - Fall Protection and Generator Replacement Programs ($150,000).
- Aquatic Plant Control/ LTP STA O&M ($6.2 million).
- Fleet vehicle fuel, oil, lubricants, repairs, parts and supplies ($5.3 million).
- Maintenance of Canals/Levees ($5.8 million).
- Software maintenance ($2.5 million).
- Terrestrial Plant Control/ LTP STA O&M ($2.5 million).
- Maintenance of the C&SF and STA Structure Operations ($2.3 million).
- Telemetry and Electronics Maintenance ($1.7 million), which includes:
    - Microwave Tower Repair Program ($250,000).
- Exotic Animal Management ($1.1 million).
    - Python Elimination Program in support of Governor DeSantis priority initiative ($1.1 million).
- Utilities ($942,005).
- Public Use and Security/ LTP STA O&M ($762,050).
    - The District plans to continue partnerships with state agencies such as Florida Fish and Wildlife Conservation Commission (FWC) for enhanced patrols on District and project lands.
- Land Stewardship Equipment and Infrastructure Maintenance ($749,598).
- Electrical and general maintenance contractual services ($684,146).
- Land Stewardship Interim Lands – Administration/PILT ($540,862).
- Security Management ($465,979).
- Land Stewardship Mechanical Vegetation Control ($243,000).

AMERICAN OVERSIGHT

- Operating Capital Outlay:
  - Projects listed in 3.1 & 3.2 sub activity tables ($28 million).
  - Structure & Pump Station Maintenance/Modification ($5.9 million), which includes:
    - S-332 B & C Pump Station Replacement-Planning ($4.1 million).
  - O&M Program Support/Replacement Field Station Equipment ($3 million).
  - Telemetry Maintenance for SCADA Upgrades ($1 million).
  - Replacement of laboratory equipment ($103,600).
- Fixed Capital Outlay:
  - Projects listed in 3.2 sub activity table ($30.2 million).
  - Clewiston Field Station Rehabilitation ($1.6 million).
  - STA Automation Upgrades ($869,000).
  - Lake Belt Land Acquisition Mitigation; Future land acquisition as approved by Lake Belt Mitigation Plan, Pennsuco Willing Sellers ($335,890).
- Interagency Expenditures:
  - Exotic / Aquatic / Terrestrial plant control activities ($422,500).
  - Structure & Pump Station Maintenance ($173,952).
  - Fish collection and laboratory services ($30,500).

AMERICAN OVERSIGHT

3.1 Land Management *- Maintenance, custodial, and restoration efforts for lands acquired through federal, state and locally sponsored land acquisition programs.*

District Description

Maintenance, custodial, public use improvements, and restoration efforts for lands acquired through Save Our Rivers, Preservation 2000, Florida Forever, or other land acquisition programs. The District manages lands in accordance with the objectives of these programs and in accordance with Section 373.1391, F.S. There are two major land management initiatives:

- Conservation Lands - The Conservation lands management objectives require that these lands be restored to and maintained in a native state and condition and be available for resource-based recreation such as hiking, camping, horseback riding, boating, hunting and fishing. The maintenance and restoration needs for these properties usually involve the control of invasive exotic vegetation, removal of ditches and levees needed to restore the natural flow of water, utilization of prescribed fire, and the control of woody vegetation through mechanical means as necessary to restore and manage native plant communities. In areas of severe degradation, habitats may be restored through the direct planting of native plant species.

- Water Resource Project Lands - Interim land management responsibilities for water resource project lands is to provide basic land management services for properties acquired by the District for future water resource projects, including CERP and other projects until the land is needed for construction. These lands will ultimately be used as stormwater treatment areas, surface water reservoirs, ground water recharge areas, and / or buffer lands between constructed projects and lands under private ownership. These lands are not specifically acquired or designated for environmental enhancement, restoration or preservation purposes, and generally have limited recreational value due to previous and sometimes on-going agricultural use.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

ACTIVITY BY EXPENDITURE CATEGORY

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

PRELIMINARY BUDGET - Fiscal Year 2020-21

3.1 - Land Management

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 4,237,349	$ 4,633,110	$ 4,664,177	$ 4,610,962	$ 4,627,919	$ 16,957	0.4%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 2,484,801	$ 3,079,915	$ 1,382,617	$ 1,519,466	$ 768,966	$ (750,500)	-49.4%
Operating Expenses	$ 2,200,762	$ 2,892,113	$ 3,238,477	$ 4,199,948	$ 3,569,513	$ (630,435)	-15.0%
Operating Capital Outlay	$ 283,659	$ 164,442	$ 324,183	$ 17,000,000	$ 20,000,000	$ 3,000,000	17.6%
Fixed Capital Outlay	$ 5,240,833	$ 562,310	$ 1,166,220	$ 335,890	$ 335,890	$ -	0.0%
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 14,447,404	$ 11,331,890	$ 10,775,674	$ 27,666,266	$ 29,302,288	$ 1,636,022	5.9%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 7,632,209	$ 21,364,546	$ -	$ 15,000	$ 274,502	$ 16,031	$ 29,302,288

OPERATING AND NON-OPERATING

Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 4,627,919	$ -	$ 4,627,919
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 748,966	$ 20,000	$ 768,966
Operating Expenses	$ 3,103,051	$ 466,462	$ 3,569,513
Operating Capital Outlay	$ -	$ 20,000,000	$ 20,000,000
Fixed Capital Outlay	$ -	$ 335,890	$ 335,890
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 8,479,936	$ 20,822,352	$ 29,302,288

Changes and Trends

The decreases in Contracted Services and Fixed Capital Outlay between Fiscal Year 2016-17 to Fiscal Year 2018-19 are due to the budgeting and expending of the pass-through funding for the CEMEX land acquisition funded with Lake Belt Mitigation.

For the Fiscal Year 2020-21 Preliminary Budget, one of the major increases in Operating Capital Outlay is tied to the C-139 Annex Restoration Project. Funding for the C-139 Annex Restoration Project has increased over the last two years as the project goes through its different phases of planning, design, and construction. Land management activities continue to be funded using ad valorem, mitigation, state revenues from the Land Acquisition Trust Fund, and lease revenues. Land Acquisition Trust Fund revenues have enabled the District to maintain the level of service by funding maintenance and land management needs. Lease revenue generated from lands acquired through the Save Our Everglades Trust Fund and Federal grant funds is being used to support land management activities so that existing ad valorem funds can be used in support of other District priorities.

Budget Variances

This activity has a 5.9 percent ($1.6 million) increase from the Fiscal Year 2019-20 Adopted Budget of $27.7 million. This is primarily due to a net increase of 17.6 percent ($3 million) in Operating Capital Outlay for the continued construction work on the C-139 Annex Restoration ($20 million). The increases were offset by a 49.4 percent ($750,500) decrease in Contracted Services and a 15 percent ($630,435) decrease in Operating Expenses primarily due to the shift in spending categories of the C-139 Annex Restoration project.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006411

Major Budget Items for this activity include the following:

- Salaries and Benefits ($4.6 million).

Major projects that are funded with Salaries and Benefits (included in the salaries and benefits number above), Operating Expenses and Operating Capital Outlay.

Project Name	Salaries and Benefits	Other Personal	Contracted Services	Operating Expenses	Operating Capital	Fixed Capital Outlay	Interagency Expenditures	Debt	Reserves	Grand Total
C-139 Annex Restoration	$ 515,024	$ -	$ -	$ 905,000	$ 20,000,000	$ -	$ -	$ -	$ -	$ 21,420,024
Grand Total	**$ 515,024**	**$ -**	**$ -**	**$ 905,000**	**$ 20,000,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 21,420,024**

- Contracted Services:
  - Land Stewardship Restoration and Monitoring ($173,500).
  - Public Use and Security ($200,272).
  - Land Stewardship Interim Lands – Administration ($195,694).
  - Land Stewardship Equipment and Infrastructure Maintenance ($128,000).
  - Land Stewardship Program Support ($46,500).
  - Land Stewardship Mechanical Vegetation Control ($25,000).
- Operating Expenses:
  - C-139 Annex Restoration Project in table above ($905,000).
  - Public Use and Security/ LTP STA O&M ($762,050).
    - The District plans to continue partnerships with state agencies such as Florida Fish and Wildlife Conservation Commission (FWC) for enhanced patrols on District and project lands.
  - Land Stewardship Equipment and Infrastructure Maintenance ($749,598).
  - Land Stewardship Interim Lands – Administration/PILT ($540,862).
  - Land Stewardship Mechanical Vegetation Control ($243,000).
  - Land Stewardship Restoration and Monitoring ($138,682).
  - Prescribed Burn ($174,230).
  - Land Stewardship Program Support ($56,041).

AMERICAN OVERSIGHT

- Operating Capital Outlay:
  - C-139 Annex Restoration Project in table above ($20 million).

- Fixed Capital Outlay:
  - Lake Belt Land Acquisition Mitigation; Future land acquisition as approved by Lake Belt Mitigation Plan, Pennsuco Willing Sellers ($335,890).

Items funded with Reserves with restrictions are Mitigation – Lake Belt /Wetland for ongoing work for C-139 Annex Restoration project, pass-through funding to the Miami-Dade Limestone Products Association for Dade-Broward Levee L-30 structure maintenance and monitoring, as well as prior year Wetlands Mitigation for Pennsuco Willing Sellers and associated costs ($21.2 million). Land Management (Lease Revenue) for public use and security, restoration, monitoring and vegetation management, land acquisition and appraisal for leases ($152,519).

Item funded with Reserves without restrictions is O&M New Works for FWC law enforcement support in C-44 STA ($12,500).

AMERICAN OVERSIGHT

3.2 Works *- The maintenance of flood control and water supply system infrastructure, such as canals, levees, and water control structures. This includes electronic communication and control activities.*

District Description

The expanded works of the District are an integral part of the operations and maintenance of the C&SF Project, STA, BCB and the operations of new facilities and structures from completed CERP and Restoration Strategies projects. The District's operations and maintenance consists of activities to effectively manage the primary canals and associated structures in South Florida. Operation and maintenance program activities include the C&SF Project, as well as the Big Cypress Basin, as authorized by Chapter 373 F.S. and the USACE. Activities include the operation and maintenance of a multi-purpose water management system comprising of approximately 2,179 miles of canals and 2,131 miles of levees/berms, 87 pumping stations, 781 water control structures and weirs, and 621 project culverts, which send water south and through waterways eastward and westward to both coasts.

Most portions of the system were constructed 30-50 years ago and are reaching the end of their design life. Consequently, major refurbishment of various components of the Flood Control Project will be required to sustain the viability of the system.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
3.2 - Works

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 45,138,077	$ 43,382,217	$ 43,199,921	$ 48,182,897	$ 49,056,315	$ 873,418	1.8%
Other Personal Services	$ 19,982	$ 5,770	$ -	$ -	$ -	$ -	-
Contracted Services	$ 9,177,699	$ 5,468,365	$ 6,223,569	$ 10,572,775	$ 8,323,007	$ (2,249,768)	-21.3%
Operating Expenses	$ 31,662,305	$ 43,110,678	$ 25,311,248	$ 53,732,408	$ 57,634,377	$ 3,901,969	7.3%
Operating Capital Outlay	$ 6,187,325	$ 8,195,530	$ 7,865,063	$ 14,850,978	$ 17,858,096	$ 3,007,118	20.2%
Fixed Capital Outlay	$ 32,133,378	$ 38,797,071	$ 40,239,996	$ 37,028,261	$ 32,621,858	$ (4,406,403)	-11.9%
Interagency Expenditures (Cooperative Funding)	$ 282,228	$ 268,889	$ 566,127	$ 173,952	$ 173,952	$ -	0.0%
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ 61,255,337	$ 61,255,337	$ -	0.0%
TOTAL	$ 124,600,994	$ 139,228,520	$ 123,405,924	$ 225,796,608	$ 226,922,942	$ 1,126,334	0.5%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 145,918,250	$ 76,129,034	$ -	$ 214,200	$ 500,000	$ 4,161,458	$ 226,922,942

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 49,056,315	$ -	$ 49,056,315
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 6,870,687	$ 1,452,320	$ 8,323,007
Operating Expenses	$ 42,902,093	$ 14,732,284	$ 57,634,377
Operating Capital Outlay	$ 12,947,001	$ 4,911,095	$ 17,858,096
Fixed Capital Outlay	$ 26,058,651	$ 6,563,207	$ 32,621,858
Interagency Expenditures (Cooperative Funding)	$ 173,952	$ -	$ 173,952
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ 61,255,337	$ 61,255,337
TOTAL	$ 138,008,699	$ 88,914,243	$ 226,922,942

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Changes and Trends

Salaries and Benefits decreased between Fiscal Year 2016-17 and Fiscal Year 2018-19 due to staff reallocation in support of new project initiatives within the agency. Increases and decreases within Contracted Services, Operating Expenses, Operating Capital Outlay and Fixed Capital Outlay between Fiscal Year 2016-17 and Fiscal Year 2018-19 are primarily due to the phases of projects within the Operations and Maintenance Refurbishment program as they move from planning, design and construction. The Operations and Maintenance Refurbishment program has also shown a steady increase over the last five years due to the aging systems infrastructure along with the ongoing commitment to implement refurbishment plans for operational and capital projects such as critical water control structures and pump stations. The program continues with over $60 million allocated in the Fiscal Year 2020-21 Preliminary Budget for priority projects and activities critical to the strength and condition of the C&SF, STAs and BCB and continues to be a Governing Board core mission priority.

New projects that have completed construction and the operations and maintenance of that new infrastructure (new works) have been steadily increasing our recurring expenditures over the past five years. The Reserves for Emergency Response is re-budgeted each year.

Budget Variances

This activity has a 0.5 percent ($1.1 million) increase from the Fiscal Year 2019-20 Adopted Budget of $225.8 million.

The largest increase is in Operating Capital Outlay 20.2 percent ($3 million) which is primarily due to the cash flow requirements of projects within the Operations and Maintenance Refurbishment program including the Microwave Backbone Radio upgrades, FAES Tower Replacement and SCADA upgrades. Operating Expenses increased 7.3 percent ($3.9 million) primarily due to the additional funding needed for the operations and maintenance of the new works projects coming online and additional funding for the maintenance and repair of the C&SF system and Operations and Maintenance Refurbishment program. Salaries and Benefits increased 1.8 percent ($873,418) due to staff allocation in support of new works coming online and the Operations and Maintenance Refurbishment program.

The decreases in Contracted Services 21.3 percent ($2.3 million) are primarily due to the decrease in one-time funding for the Vertical Datum upgrade (NAVD88) and funding in support of Coastal Resiliency. Additionally, decreases in Fixed Capital Outlay 11.9 percent ($4.4 million) are primarily due to the shift in spending categories tied to the projects that are part of the Operations and Maintenance Refurbishment program. As the projects move from design and construction to completion, spending categories change.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

Major Budget Items for this activity include the following:

- Salaries and Benefits ($49.1 million).

Major Projects that are funded with Salaries and Benefits (included in the salaries and benefits number above), Contracted Services, Operating Expenses, Operating Capital Outlay and Fixed Capital Outlay.

Project Name	Salaries and Benefits	Other Personal	Contracted Services	Operating Expenses	Operating Capital	Fixed Capital Outlay	Interagency Expenditures	Debt	Reserves	Grand Total
BCB Cypress Canal Control Structure 1	$ 75,403	$ -	$ -	$ -	$ -	$ 250,000	$ -	$ -	$ -	$ 325,403
BCB Structures Monitorng & Control Upgrade	$ -	$ -	$ -	$ -	$ -	$ 500,000	$ -	$ -	$ -	$ 500,000
BCB Canal Improvements	$ -	$ -	$ -	$ 1,540,000	$ -	$ -	$ -	$ -	$ -	$ 1,540,000
C-100A Canal Rehabilitation	$ 23,926	$ -	$ 450,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 473,926
C-40 Dredge & Bank Stabilization	$ 65,113	$ -	$ -	$ 500,000	$ -	$ -	$ -	$ -	$ -	$ 565,113
FAES Tower Replacement	$ 23,574	$ -	$ -	$ -	$ 1,667,000	$ -	$ -	$ -	$ -	$ 1,690,574
G-310, G-335 Trash Rake Replace/Waterproof	$ 49,436	$ -	$ -	$ 4,317,580	$ -	$ -	$ -	$ -	$ -	$ 4,367,016
G-93 New Control Building	$ 23,919	$ -	$ -	$ -	$ 200,000	$ -	$ -	$ -	$ -	$ 223,919
Gate Control Panel Replacement	$ -	$ -	$ -	$ 2,500,000	$ -	$ -	$ -	$ -	$ -	$ 2,500,000
Generator Replacement Program	$ 21,840	$ -	$ -	$ 300,000	$ -	$ -	$ -	$ -	$ -	$ 321,840
Homestead FS Buildings Replacement	$ 91,516	$ -	$ -	$ -	$ -	$ 2,000,000	$ -	$ -	$ -	$ 2,091,516
Microwave Tower Structural Repairs	$ -	$ -	$ -	$ 100,000	$ -	$ -	$ -	$ -	$ -	$ 100,000
Okeechobee FS Administration Building Replacement	$ 73,365	$ -	$ -	$ -	$ -	$ 4,963,207	$ -	$ -	$ -	$ 5,036,572
S-135 By-Pass Culvert Repair & Dike Replacment	$ 19,845	$ -	$ -	$ -	$ -	$ 750,000	$ -	$ -	$ -	$ 769,845
S-169 Relocation - Planning and Design	$ 159,956	$ -	$ -	$ -	$ 4,172,000	$ -	$ -	$ -	$ -	$ 4,331,956
S-2, S-3, S-4, S-7 and S-8 Monitor Panel Updates	$ 13,299	$ -	$ -	$ -	$ -	$ 750,000	$ -	$ -	$ -	$ 763,299
S-331, S-332B,C & D S-356 and S-357 Communication System Upgrade	$ 39,186	$ -	$ -	$ -	$ -	$ 5,000,000	$ -	$ -	$ -	$ 5,039,186
S-40, S-41 and S-44 Gate/Lift Hoist Replacement	$ 46,827	$ -	$ -	$ 4,400,000	$ -	$ -	$ -	$ -	$ -	$ 4,446,827
S-5A Refurbishment	$ 72,669	$ -	$ -	$ -	$ -	$ 11,108,485	$ -	$ -	$ -	$ 11,181,154
Information Technology (IT) Shelters	$ 115,230	$ -	$ -	$ -	$ -	$ 1,675,000	$ -	$ -	$ -	$ 1,790,230
J.W. Corbett Levee Improvement	$ -	$ -	$ -	$ 500,000	$ -	$ -	$ -	$ -	$ -	$ 500,000
Level of Service (LOS) Flood Protection	$ 302,745	$ -	$ 1,600,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,902,745
Microwave Radio Replacements	$ -	$ -	$ -	$ -	$ 1,955,000	$ -	$ -	$ -	$ -	$ 1,955,000
S-319 Automatic Transfer Switch Replacement	$ 13,280	$ -	$ -	$ -	$ -	$ 2,500,000	$ -	$ -	$ -	$ 2,513,280
WPB FS Maintenance Systems Replacements	$ 40,713	$ -	$ -	$ -	$ -	$ 656,166	$ -	$ -	$ -	$ 696,879
Grand Total	**$ 1,271,842**	**$ -**	**$ 2,050,000**	**$ 14,157,580**	**$ 7,994,000**	**$ 30,152,858**	**$ -**	**$ -**	**$ -**	**$ 55,626,280**

- Contracted Services:
  - Projects listed in table above ($2.1 million)
  - Telemetry & Electronics Maintenance ($1.7 million).
    - SCADA Stillingwell & Platform Program ($1 million).
  - Structure Inspections ($1.6 million).
  - Structure & Pump Station Maintenance ($868,843).
  - Operations & Maintenance Program Support ($822,222).
  - Maintenance of Canals/Levees ($816,488)
  - Canal Conveyance Studies Program ($540,000)
  - Capital Projects Works – Operations Decision Support System (ODSS) ($200,000).
  - Movement of Water/Pumping Operations ($159,240).

AMERICAN OVERSIGHT

- Operating Expenses:
  - Projects listed in table above ($14.2 million).
  - Self-Insurance Programs (comprised of health insurance, workers compensation, property insurance, general liability) ($14 million).
  - Movement of Water/Pumping Operations ($9.5 million).
  - Structure & Pump Station Maintenance/Modification ($8.6 million), which includes:
    - Pump & Engine Overhaul Program ($1.7 million).
    - C-1 Connector Canal Control Gate ($1 million).
    - G-420, G-420S, G-422 Modifications ($625,000).
    - Fall Protection Improvements ($150,000).
    - Gate & Cylinder Overhaul Program ($358,014).
    - Project Culvert In-Kind Replacement Program ($200,000).
  - Maintenance of Canals/Levees ($5.8 million).
  - Maintenance of the C&SF and STA Structure Operations ($2.3 million).
  - Telemetry & Electronics Maintenance ($1.7 million), which includes:
    - Microwave Tower Repair Program ($250,000).
  - Operations & Maintenance C&SF New Initiatives ($620,000).
- Operating Capital Outlay:
  - Projects listed in table above ($8 million).
  - Structure & Pump Station Maintenance/Modification ($5.9 million), which includes:
    - S-332 B & C Pump Station Replacement-Planning ($4.1 million).
  - O&M Program Support ($3 million) for Replacement of Field Station Equipment and Fleet Replacements.
  - Telemetry Maintenance for SCADA Upgrades ($1 million).
- Fixed Capital Outlay:
  - Projects listed in table above ($30.2 million).
  - Clewiston Field Station Rehabilitation ($1.6 million).
  - STA Automation Upgrades ($869,000).

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FL-SEN-20-0201-B, 20-0202-A-006417

- Interagency Expenditures:
    - Structure & Pump Station Maintenance ($173,952).
        - Multi Water Management Districts Gate Overhaul Program
- Reserves – Emergency Response:
    - Hurricane/Emergency Reserve ($61.3 million): With our core mission of flood control and the importance of being able to provide for emergency response, the District is exposed to risks that could potentially limit and/or divert resources from other core missions, thereby reducing the level of service provided to its constituents. The purpose of these Reserves is to set aside funding to address unforeseen and unexpected events and emergencies and to meet unforeseen demand in service delivery costs or unexpected expenditures related to flood control and emergency response. These funds are included in the District budget each year in the Reserves category.

The utilization of the Hurricane/Emergency Reserve is limited to the following circumstances:

- When a state of emergency is declared by the Governor of Florida or the President of the United States,
- The Governing Board determines through a resolution that an emergency or other circumstance has arisen,
- The emergency or unanticipated need directly impacts the citizens and / or environment within District boundaries, or
- Structural emergencies for which remedial action cannot wait until the next fiscal year. The Hurricane/Emergency Reserve shall not be appropriated for recurring expenditures or other expenditures that can be addressed through the normal budgeting process.

Items funded with Reserves with restrictions include: The Hurricane/Emergency Reserve ($61.3 million), the S-332 B, C, D Replacement Payment from USACE for Pump Station Design ($4.1 million), Big Cypress Basin Canal Improvements ($828,448), O&M New Works for Picayune Strand-Faka Union Pump Station, C-44 Reservoir Pump Station ($336,022), and Bank Stabilization after Tree Removal ($100,000).

Items funded with Reserves without restrictions include: O&M Canal Conveyance Program ($300,000), O&M Flood Protection Level of Service ($800,000) , O&M Okeechobee Field Station Replacement ($5 million), Clewiston Field Station Rehabilitation ($1.6 million), O&M Operations Decision Support System ($200,000), Modeling - Water Quality, Emergency Modeling ($100,000), O&M New Works for BBCW L-31E, C-44 STA, C-111 South Dade ($734,925), and Maintenance - Facilities & Equipment ($800,000).

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

3.3 Facilities - The operation and maintenance of District support and administrative facilities.

District Description

The operation and maintenance of District support and administrative facilities. This activity includes management and maintenance of both owned and leased administrative buildings for the purposes of operating and maintaining District lands and works. Included in these services is maintenance of the work environment and space management. The mission is to provide expertly managed facilities and the delivery of timely, cost effective services, supplies and solutions that enhance accountability and support the accomplishment of the agency's mission.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
3.3 - Facilities

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 749,686	$ 791,687	$ 772,496	$ 698,971	$ 707,117	$ 8,146	1.2%
Other Personal Services	$ 32,617	$ 38,632	$ 13,500	$ -	$ -	$ -	-
Contracted Services	$ 116,897	$ 164,643	$ 73,893	$ 73,200	$ 73,200	$ -	0.0%
Operating Expenses	$ 3,045,988	$ 3,561,902	$ 3,142,153	$ 3,249,718	$ 4,457,968	$ 1,208,250	37.2%
Operating Capital Outlay	$ 26,768	$ 58,552	$ 55,923	$ 1,800	$ 1,800	$ -	0.0%
Fixed Capital Outlay	$ -	$ -	$ 402,393	$ 3,500	$ 3,500	$ -	0.0%
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 3,971,956	$ 4,615,416	$ 4,460,358	$ 4,027,189	$ 5,243,585	$ 1,216,396	30.2%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 4,043,585	$ 1,200,000	$ -	$ -	$ -	$ -	$ 5,243,585

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 707,117	$ -	$ 707,117
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 73,200	$ -	$ 73,200
Operating Expenses	$ 3,257,968	$ 1,200,000	$ 4,457,968
Operating Capital Outlay	$ 1,800	$ -	$ 1,800
Fixed Capital Outlay	$ 3,500	$ -	$ 3,500
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 4,043,585	$ 1,200,000	$ 5,243,585

Changes and Trends

This activity reflects a continued level of service over the five-year period.

Budget Variances

This activity has a 30.2 percent ($1.2 million) increase from the Fiscal Year 2019-20 Adopted Budget of $4 million. Increase is due to a 37.2 percent ($1.2 million) increase in Operating Expenses for maintenance projects, and a 1.2 percent ($8,146) increase in Salaries and Benefits for FRS retirement contributions.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

Major Budget Items for this activity include the following:

- Salaries and Benefits ($707,717).
- Contracted Services:
  - Preventative Maintenance & Operational Plan ($73,200) which includes:
    - Reconfiguration and installation services ($73,200).
- Operating Expenses:
  - Preventative Maintenance & Operational Plan ($4.5 million) which includes:
    - Utilities ($942,005).
    - Electrical and general maintenance contractual services ($684,146).
    - Janitorial services and waste disposal services ($527,952).
    - Recurring facility maintenance, inspection, and utility expenses such as air conditioning maintenance, elevator maintenance and exterior grounds maintenance ($441,824).
    - Building lease payments for the service centers and warehouse storage ($177,850).

Item funded with Reserves without restrictions in this activity includes Maintenance – Facilities and Equipment ($1.2 million).

AMERICAN OVERSIGHT
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3.4 Invasive Plant Control - The treatment of invasive upland and aquatic plants in District waterways or district-owned property, to improve water abatement, maintain navigability, improve water quality, or aid in the preservation, restoration, or protection of environmentally sensitive lands.

District Description

The treatment of invasive upland and aquatic plants in District waterways or District-owned property, to improve water abatement, maintain navigability, improve water quality, or aid in the preservation, restoration, or protection of environmentally sensitive lands. This activity includes management of invasive exotic and aquatic vegetation within Florida sovereign submerged lands (including lakes, rivers, and wetlands) and District properties including canals, lakes, and right-of-ways, of the Central and Southern Florida Flood Control Project, STAs and conservation and project lands. This maintenance is accomplished through in-house and contracted herbicidal, mechanical, and biological control methods. This activity works primarily to ensure conveyance capacity within canals and water bodies and provides for the continued surveillance of water bodies and lands for early detection and control of invasive plants.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
3.4 - Invasive Plant Control

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 3,984,040	$ 3,359,224	$ 3,406,192	$ 3,826,794	$ 3,907,775	$ 80,981	2.1%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 427,224	$ 564,983	$ 288,352	$ 851,536	$ 190,000	$ (661,536)	-77.7%
Operating Expenses	$ 15,992,376	$ 16,442,832	$ 19,560,016	$ 24,102,101	$ 29,172,385	$ 5,070,284	21.0%
Operating Capital Outlay	$ -	$ 188,702	$ 149,299	$ 2,500	$ 37,500	$ 35,000	1400.0%
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ 264,829	$ 302,510	$ 451,531	$ 422,500	$ 422,500	$ -	0.0%
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 20,668,469	$ 20,858,251	$ 23,855,390	$ 29,205,431	$ 33,730,160	$ 4,524,729	15.5%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 12,804,949	$ 6,306,232	$ -	$ -	$ 10,211,928	$ 4,407,051	$ 33,730,160

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 3,907,775	$ -	$ 3,907,775
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 190,000	$ -	$ 190,000
Operating Expenses	$ 27,904,404	$ 1,267,981	$ 29,172,385
Operating Capital Outlay	$ 37,500	$ -	$ 37,500
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ 422,500	$ -	$ 422,500
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 32,462,179	$ 1,267,981	$ 33,730,160

AMERICAN OVERSIGHT

Changes and Trends

Vegetation management operations have historically been outsourced for all conservation land management activities and conducted in-house by field station staff for all C&SF project works. Over time, as Everglades Construction Project components have come online, field station staff that support the C&SF works invasive plant control have been increasingly re-directed to assist with the operations of the ECP Stormwater Treatment Areas, resulting in more outsourcing of invasive plant control activities. As more new works come online, there should be corresponding net increases in required vegetation management operations. The District has continued support in state funding from Florida Fish and Wildlife Conservation Commission (FWC) Bureau of Invasive Plant Management for aquatic plant management activities in sovereign waters and for upland exotic management on conservation lands managed by the District's Vegetation Management Section.

Between Fiscal Year 2016-17 and Fiscal Year 2018-19 Operating Expenses actual expenditures increased due to the Loxahatchee Refuge increased Intergovernmental Funding.

Budget Variances

This activity has a 15.5 percent ($4.5 million) increase from the Fiscal Year 2019-20 Adopted Budget of $29.2 million. This is primarily due to a net increase of 21 percent ($5.1 million) in Operating Expenses, as well as, a net increase of 1,400 percent ($35,000) in Operating Capital Outlay and an increase of 2.1 percent ($80,981) in Salaries and Benefits. The increases were offset by a 77.7 percent ($661,536) decrease in Contracted Services due to better aligning the budget expenditures to the appropriate expenditure category. The District continues to use wetlands mitigation and lease revenues to support exotic plant control.

Major Budget Items for this activity include the following:

- Salaries and Benefits ($3.9 million).
- Contracted Services:
  - Exotic Plant Control ($50,000).
  - Aquatic Plant Control ($140,000).

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- Operating Expenses:
  - Exotic Plant Control ($18.3 million), which includes:
    - The District anticipates $2 million from the U.S. Fish and Wildlife Service in federal funding for lygodium and melaleuca treatments within the Loxahatchee Refuge.
  - Biocontrol Exotic Plant ($661,536).
  - Aquatic Plant Control/ LTP STA O&M ($6.2 million).
  - Terrestrial Plant Control/ LTP STA O&M ($2.5 million).
  - Contracted Land Management Services ($389,000).
  - Exotic Animal Management ($1.1 million).
    - Python Elimination Program in support of Governor DeSantis priority initiative ($1.1 million).
- Operating Capital Outlay:
  - Aquatic Plant Control ($37,500)
- Interagency Expenditures:
  - Biocontrol Exotic Plant ($300,000).
  - Aquatic Plant Control ($62,500).
  - Terrestrial Plant Control ($60,000).

Items funded with Reserves with restriction include Land Management (Lease Revenue) for Exotic plant control ($1 million), Mitigation – Lake Belt/Wetland ($1.1 million), O&M New Works for Picayune Strand – Merritt, Miller and Faka Union pump stations ($3.8 million).

Reserves without restrictions are used to fund O&M New Works for the C-44 Reservoir and STA and BBCW L-31E ($321,663).

AMERICAN OVERSIGHT

3.5 Other Operation and Maintenance Activities *- Operations and maintenance activities not categorized above, such as right-of-way management and other general maintenance activities.*

District Description

Operations and maintenance activities not categorized above, such as right-of-way management and other general maintenance activities. The activities include emergency management, security, field station support, and compliance with permits issued by the federal and state regulatory agencies for District restoration projects (including wetland mitigation monitoring, water quality monitoring and reporting, planning and administrative support of release of reservations, right-of-way's permitting and enforcement for both STAs and C&SF projects). Use of District lands is authorized through a leasing process or through issuance of a right-of-way occupancy permit. This protects the District's proprietary interest on canal and levee rights-of-way.

The role of the District Right of Way function is to protect the District's ability to utilize the "Works of the District" for the purposes for which they were acquired, while providing for other appropriate compatible public and private uses. Generally, the "Works of the District" include: the canal and levee rights-of-way of the Central and Southern Florida Flood Control Project, the canals and other works of the Big Cypress Basin, and other canals and right-of-way in which the District has acquired a property interest such as the Everglades Construction Project, Stormwater Treatment Areas and Comprehensive Everglades Restoration Plan.

The mission of the District's Emergency Management Program is to prevent or minimize, prepare for, respond to, and recover from emergencies or disasters that threaten life or property within the boundaries of the South Florida Water Management District. These activities ensure that the District can accomplish its mission during adverse conditions.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006424

IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
3.5 - Other Operation and Maintenance Activities

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 3,362,299	$ 3,563,726	$ 3,951,397	$ 4,554,856	$ 4,593,500	$ 38,644	0.8%
Other Personal Services	$ -	$ 831	$ 8,036	$ -	$ -	$ -	-
Contracted Services	$ 38,476	$ 69,708	$ 141,786	$ 253,689	$ 264,664	$ 10,975	4.3%
Operating Expenses	$ 447,759	$ 496,099	$ 486,104	$ 542,399	$ 622,430	$ 80,031	14.8%
Operating Capital Outlay	$ 116,596	$ 135,772	$ 101,090	$ 113,100	$ 119,500	$ 6,400	5.7%
Fixed Capital Outlay	$ -	$ -	$ -	$ 12,402	$ 20,800	$ 8,398	67.7%
Interagency Expenditures (Cooperative Funding)	$ 7,914	$ 7,583	$ 142,680	$ 26,500	$ 30,500	$ 4,000	15.1%
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 3,973,044	$ 4,273,719	$ 4,831,093	$ 5,502,946	$ 5,651,394	$ 148,448	2.7%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 5,643,394	$ 8,000	$ -	$ -	$ -	$ -	$ 5,651,394

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 4,593,500	$ -	$ 4,593,500
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 105,912	$ 158,752	$ 264,664
Operating Expenses	$ 608,414	$ 14,016	$ 622,430
Operating Capital Outlay	$ 119,500	$ -	$ 119,500
Fixed Capital Outlay	$ 20,800	$ -	$ 20,800
Interagency Expenditures (Cooperative Funding)	$ 30,500	$ -	$ 30,500
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 5,478,626	$ 172,768	$ 5,651,394

Changes and Trends

Over the past few years, this activity has increased due to new infrastructure coming online. Overall in the Fiscal Year 2020-21 Preliminary Budget, this activity represents a continued level of service over the five-year period.

Budget Variances

This activity has an overall 2.7 percent ($148,448) increase from the Fiscal Year 2019-20 Adopted Budget of $5.5 million. This activity has a 15.1 percent ($4,000) increase in Interagency Expenditures for contractual laboratory activities, a 0.8 percent ($38,644) increase in Salaries and Benefits due to an estimated increase in FRS retirement contributions. There is also a 5.7 percent ($6,400) increase in Operating Capital Outlay for security hardware, a 14.8 percent ($80,031) increase in Operating Expenses for security maintenance and parts, and a 4.3 percent ($10,975) increase in Contractual Services for security services.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

Major Budget Items for this activity include the following:

- Salaries and Benefits ($4.6 million).
- Contracted Services:
  - Permitting ($172,252) which includes:
    - Right of way permitting support ($153,752).
- Operating Expenses:
  - Security Management ($465,979) which includes
    - Security Services and Equipment ($465,979).
  - Long Term Plan Stormwater Treatment Area Operations & Maintenance – Compliance ($133,107) which includes:
    - Laboratory tools and activities ($133,107).
- Operating Capital Outlay:
  - Long Term Plan Stormwater Treatment Area Operations & Maintenance – Compliance ($103,600) which includes:
    - Replacement of laboratory equipment ($103,600).
  - Security Management ($15,900) which includes:
    - Security Equipment ($15,900)
- Interagency Expenditures:
  - Long Term Plan Stormwater Treatment Area Operations & Maintenance – Compliance ($30,500) which includes:
    - Fish collection and laboratory services ($30,500).

Items funded with Reserves without Restrictions in this activity are for O&M New Works for Restoration Strategies STA1-W Exp #1 ($8,000).

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006426

3.6 Fleet Services - *This activity includes fleet services support to all District programs and projects.*

District Description

This activity includes fleet services support to all District programs and projects. Management and maintenance of the District's fleet of motor vehicles and watercraft are included in this activity. The District's fleet includes automobiles, light trucks, medium and heavy trucks, construction equipment (i.e., cranes, excavators, bulldozers, etc.), marine equipment (e.g., boats, airboats, boat engines, etc.), trailers, tractors, mowers and small utility and all-terrain vehicles.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
3.6 - Fleet Services

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 2,529,553	$ 2,965,381	$ 3,013,575	$ 2,931,174	$ 2,948,586	$ 17,412	0.6%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ 745	$ -	$ -	$ -	-
Operating Expenses	$ 3,657,055	$ 4,147,860	$ 4,203,069	$ 5,286,892	$ 5,327,462	$ 40,570	0.8%
Operating Capital Outlay	$ 183,530	$ 15,073	$ 28,541	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 6,370,138	$ 7,128,314	$ 7,245,930	$ 8,218,066	$ 8,276,048	$ 57,982	0.7%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 8,272,298	$ 3,750	$ -	$ -	$ -	$ -	$ 8,276,048

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 2,948,586	$ -	$ 2,948,586
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ -	$ -	$ -
Operating Expenses	$ 5,327,462	$ -	$ 5,327,462
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 8,276,048	$ -	$ 8,276,048

Changes and Trends

The Fiscal Year 2020-21 Preliminary Budget represents a continued level of service budget with a net increase of 0.7 percent ($57,982) from the Fiscal Year 2019-20 Adopted Budget. From Fiscal Year 2016-17 to Fiscal Year 2018-19, the District has worked to more accurately capture our expenditures in Fleet Services thus showing the increase in expenditures over that timeframe. The past five years reflects the consolidation of a previously decentralized spending pattern providing a better financial trend for evaluation.

Budget Variances

This activity has a 0.7 percent ($57,982) increase from the Fiscal Year 2019-20 Adopted Budget of $8.2 million. This increase is primarily due to a 0.8 percent ($40,570) increase in Operating Expenses for fleet parts and supplies and a 0.6 percent increase ($17,412) in Salaries & Benefits for an estimated increase in FRS retirement contributions.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

Major Budget Items for this activity include the following:

- Salaries and Benefits ($2.9 million).
- Operating Expenses:
  - Aquatic Plan Control – Fleet ($428,232) which includes:
    - Fleet vehicle fuel ($221,454)
  - Automotive - Departments Outside O&M ($971,665) which includes:
    - Fleet vehicle fuel ($388,721)
    - Fleet parts and supplies ($366,000)
  - Land Stewardship Equipment & Infrastructure Maintenance – Fleet ($341,764) which includes:
    - Fleet vehicle fuel ($127,731)
    - Fleet parts and supplies ($135,096)
  - Levee Management Fleet – ($1,158,767) which includes:
    - Fleet vehicle fuel ($700,036)
    - Fleet parts and supplies ($298,172)
  - Pumping Operations Fleet – ($418,200) which includes:
    - Fleet vehicle fuel ($120,027)
    - Fleet parts and supplies ($66,254)
  - Structure Maintenance Fleet – ($652,436) which includes:
    - Fleet vehicle fuel ($340,649)
    - Fleet parts and supplies ($196,934)
    - Telemetry Maintenance ($251,258)
    - Fleet vehicle fuel ($178,464)
    - Fleet parts and supplies ($47,755)

Items funded with Reserves with and without Restrictions in this activity are equipment maintenance for O&M New Works for the C-44 Pump Station ($3,750).

AMERICAN OVERSIGHT

3.7 Technology and Information Services *- This activity includes computer hardware and software, data lines, computer support and maintenance, IT consulting services, data centers, network operations, web support and updates, desktop support, and application development associated with this Program and related activities.*

District Description

This activity includes computer hardware and software, data lines, computer support and maintenance, IT consulting services, data centers, network operations, web support and updates, desktop support, and application development that support the Water Resources Planning and Monitoring program and related activities.

Information technology items (salaries, contractors, hardware / software maintenance, and other operating costs) are directly charged to operational activities of District core functions where there is a clear linkage between the operational activity and the information technology system, application or staff that is used to support the operational activities.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
3.7 - Technology and Information Services

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 5,223,447	$ 4,994,626	$ 5,034,752	$ 5,357,143	$ 5,424,669	$ 67,526	1.3%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 868,672	$ 748,693	$ 531,273	$ 746,990	$ 746,990	$ -	0.0%
Operating Expenses	$ 2,639,629	$ 3,715,248	$ 3,393,459	$ 3,694,473	$ 3,702,651	$ 8,178	0.2%
Operating Capital Outlay	$ 402,830	$ 469,689	$ 299,186	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 9,134,578	$ 9,928,256	$ 9,258,670	$ 9,798,606	$ 9,874,310	$ 75,704	0.8%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 9,874,310	$ -	$ -	$ -	$ -	$ -	$ 9,874,310

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 5,424,669	$ -	$ 5,424,669
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 746,990	$ -	$ 746,990
Operating Expenses	$ 3,702,651	$ -	$ 3,702,651
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 9,874,310	$ -	$ 9,874,310

Changes and Trends

The Fiscal Year 2020-21 Preliminary Budget represents a continued level of service with a net increase of $75,704 (0.8 percent).

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FL-SEN-20-0201-B, 20-0202-A-006429

Budget Variances

This activity has a 0.8 percent ($75,704) increase from the Fiscal Year 2019-20 Adopted Budget of $9.9 million due to a 1.3 percent ($67,526) increase in Salaries and Benefits, primarily as a result of FRS contributions. There is also a 0.2 percent ($8,178) increase in Operating Expenses due to an increase in software maintenance.

Major Budget Items for this activity include the following:

- Salaries and Benefits ($5.4 million).
- Contracted Services:
  - O&M IT Support ($746,990) which includes:
    - Computer consulting services for enterprise resource support and IT security. ($556,010)
    - Copier/printer lease ($162,480).
- Operating Expenses:
  - O&M IT Support ($3.7 million) which includes:
    - Software maintenance ($2.5 million).
    - Desktop computer / monitor replacements ($544,000).
    - Communication service ($350,344).
    - Hardware maintenance ($215,099).

There are no items funded with Reserves in this activity.

AMERICAN OVERSIGHT

4.0 Regulation

This program includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration and enforcement, and any delegated regulatory program.

District Description

This program includes all permitting functions of the District, including water use permitting, water well construction permitting and well contractor licensing, and environmental resource permitting. These activities are designed to ensure that water and related natural resources in the District are protected and conserved. Also included are permit compliance and enforcement activities, administration of water shortage rules and other activities necessary to support the District's regulatory responsibilities.

Water Use staff are actively participating on the CFWI Regulatory Team and the ongoing rule development process led by DEP. Staff reviews draft rules, provides input and attends the publicly noticed workshops, sub team and steering committee meetings.

Water Use Bureau staff established a Public Water Supply Task Force where client relationship managers have been assigned to utilities in various geographic areas. These employees continue building relationships by working very closely with the utility to get them fully in compliance in a positive and collaborative manner. The level of Public Water Supply utility compliance continues to increase since implementation of this effort.

The on-going Environmental Resource and Surface Water Permitting activity produces technical evaluation of proposed stormwater water management systems at a continued level of service to ensure water quantity, water quality, and environmental criteria are met. All permit applications must be processed within statutorily established time frames. Compliance reviews of issued permits and enforcement actions for unauthorized works, including the activities listed above, are all ongoing efforts.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006431

IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

PROGRAM BY EXPENDITURE CATEGORY

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

PRELIMINARY BUDGET - Fiscal Year 2020-21

4.0 Regulation

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 16,128,986	$ 15,544,887	$ 14,472,743	$ 15,999,349	$ 16,326,110	$ 326,761	2.0%
Other Personal Services	$ 71,995	$ 70,200	$ 72,220	$ 63,125	$ 63,125	$ -	0.0%
Contracted Services	$ 396,501	$ 261,606	$ 509,380	$ 549,070	$ 271,870	$ (277,200)	-50.5%
Operating Expenses	$ 1,187,218	$ 1,444,963	$ 1,225,385	$ 5,156,302	$ 5,215,802	$ 59,500	1.2%
Operating Capital Outlay	$ 60,649	$ 97,645	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 17,845,349	$ 17,419,301	$ 16,279,728	$ 21,767,846	$ 21,876,907	$ 109,061	0.5%

SOURCE OF FUNDS

Fiscal Year 2020-21

	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Salaries and Benefits	$ 16,326,110	$ -	$ -	$ -	$ -	$ -	$ 16,326,110
Other Personal Services	$ 63,125	$ -	$ -	$ -	$ -	$ -	$ 63,125
Contracted Services	$ 271,870	$ -	$ -	$ -	$ -	$ -	$ 271,870
Operating Expenses	$ 5,208,302	$ 7,500	$ -	$ -	$ -	$ -	$ 5,215,802
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Debt	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL	$ 21,869,407	$ 7,500	$ -	$ -	$ -	$ -	$ 21,876,907

RATE, OPERATING AND NON-OPERATING

Fiscal Year 2020-21

	Workforce	Rate (Salary without benefits)	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	163	$ 11,237,307	$ 16,326,110	$ -	$ 16,326,110
Other Personal Services	2	$ 63,125	$ 63,125	$ -	$ 63,125
Contracted Services	-	$ -	$ 257,700	$ 14,170	$ 271,870
Operating Expenses			$ 1,333,372	$ 3,882,430	$ 5,215,802
Operating Capital Outlay			$ -	$ -	$ -
Fixed Capital Outlay			$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)			$ -	$ -	$ -
Debt			$ -	$ -	$ -
Reserves - Emergency Response			$ -	$ -	$ -
TOTAL			$ 17,980,307	$ 3,896,600	$ 21,876,907

WORKFORCE

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

WORKFORCE CATEGORY	Fiscal Year					Adopted to Preliminary 2019-20 to 2020-21	
	2016-17	2017-18	2018-19	2019-20	2020-21	Difference	% Change
Authorized Positions	191	188	164	164	163	(1)	-0.6%
Contingent Worker	0	0	0	0	0	-	-
Other Personal Services	2	2	2	2	2	-	0.0%
Intern	0	0	0	0	0	-	-
Volunteer	0	0	0	0	0	-	-
TOTAL WORKFORCE	193	190	166	166	165	(1)	-0.6%

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
4.0 Regulation
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

	FY 2019-20 Budget (Adopted)		**163**	**21,767,846**	
	Reductions				
Issue	Description	Issue Amount	Workforce	Category Subtotal	Issue Narrative
Salaries and Benefits				-	
Other Personal Services				-	
Contracted Services				(277,200)	
1	Decrease in Environmental Resource Permitting	(5,000)			Associated with Pilot Contract Services within Environmental Resource Permitting.
2	Decrease in Regulation IT Support	(272,200)			The decrease shown is due to the anticipated elimination of IT Consulting services in support of the Regulation Permiting Database Project.
Operating Expenses				-	
Operating Capital Outlay				-	
Fixed Capital Outlay				-	
Interagency Expenditures (Cooperative Funding)				-	
Debt				-	
Reserves				-	
	TOTAL REDUCTIONS		-	(277,200)	

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
4.0 Regulation
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

New Issues					
Issue	Description	Issue Amount	Workforce	Category Subtotal	
Salaries and Benefits			-	326,761	Salaries and Benefits increased in the FY2020-21 Preliminary budget for various reasons. Turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased.
1	Increase in Total Fringe Benefits	135,304			
2	Increase in Total Salaries and Wages	191,457			
Other Personal Services				-	
Contracted Services				-	
Operating Expenses				59,500	
3	Increase in Environmental Resource Permitting	52,000			An overall programmatic increase due to Permitting and Compliance related activities. Specifically, a Main Rotor Gearbox Overhaul is necessary for compliance flights
4	Increase in Water Use Compliance	1,500			Utilized for Training on Groundwater Modeling
5	Increase in Water Use Permitting	6,000			Utilized for Training on Pump Calibrations and Inspections
Operating Capital Outlay				-	
Fixed Capital Outlay				-	
Interagency Expenditures (Cooperative Funding)				-	
Debt				-	
Reserves				-	
	TOTAL NEW ISSUES		0	386,261	
4.0 Regulation					
Total Workforce and Preliminary Budget for FY 2020-21			163	$ 21,876,907	

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006434

Changes and Trends

The Fiscal Year 2020-21 Preliminary Budget represents a continued level of service with a net increase of 0.5 percent ($109,061) from the Fiscal Year 2019-20 Adopted Budget of $21.8 million. The decrease in Salaries and Benefits between Fiscal Year 2015-16 to Fiscal Year 2018-19 is due to the reduction of the number of FTEs in Southern and Northern Everglades Nutrient Source Control Program. In the Fiscal Year 2019-20 Adopted Budget, this program reflected an increase in Operating Expenses due to the way our actual insurance expenditures post through payroll. Postings are based on where staff charges versus where staff is budgeted, coupled with budgeting the Districts full insurance exposure.

Also starting in Fiscal Year 2018-19 the decision was made to move the Southern and Northern Everglades Nutrient Source Control Program that was previously included in Activity 4.4 (Other Regulatory Enforcement Activities) to Activity 1.2 (Research, Data Collection, Analysis and Monitoring) and Activity 2.3 (Surface Water Projects), based on a reevaluation of the activities, their purpose, and changes in applicable statutory requirements.

The activities that were moved to Activity 2.3 are SFWMD-specific programs rather than the state-wide delegated programs. They are associated with restoration and protection efforts under the Everglades Forever Act and Restoration Strategies mandated to meet water quality standards in the Southern Everglades.

The activities that were moved to Activity 2.1 were moved as a result of changes in Florida Statutes, the Northern Everglades and Estuaries Protection Program (NEEPP), that relinquished specific regulatory responsibilities to FDACS, leaving SFWMD with activities that support water management planning, restoration and preservation efforts, including monitoring and data evaluation.

The proposed funding level supports the review of an average of 475 water use permit applications and numerous compliance investigations per quarter.

The proposed funding level supports the review of an average of 625 environmental and surface water permit applications and numerous compliance investigations per quarter and staying current with construction certifications.

Budget Variances

The increase is primarily attributed to ($326,761) in Salaries and Benefits due to turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased. Also, the budgeted salaries for vacant positions in the FY2020-21 Preliminary budget were increased based on the job study., There was also an increase in Operating Expenses ($59,500) tied to flight operation service costs. There is a reduction in Contracted Services ($277,200) due to the Regulation software upgrade to the e-Permitting system eliminating the need for IT consulting services and has offset a large majority of other increased costs.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

Major Budget Items for this program include the following:

- Salaries and Benefits ($16.3 million) (163 FTEs)
- Other Personal Services:
    - Water Use Permitting contractor support for permit administration ($24,000)
    - Environmental Resource Permitting contract support for permit application processing ($39,125)
- Contracted Services
    - Water Use Permitting for publishing legal notices of receipt of application for individual consumptive use permits ($29,850)
    - Environmental Resource Permitting ($70,900), which includes:
        - Contract Pilot Services ($43,000)
        - Contract support for ePermitting scanning ($19,750)
    - Regulation IT Support ($148,205), which includes:
        - Computer consulting services ($104,200)
        - Copier/printer leases ($44,005)
- Operating Expenses:
    - Environmental Resource Permitting ($327,795), which includes:
        - Aircraft fuel and annual maintenance costs for routine compliance flights for staff to do aerial inspections to determine the start of construction to permitted sites, monitor the construction of surface water management systems, and locate any sites that are doing work without the appropriate permits in place. Wetland and natural preserve areas are also inspected to detect if any changes or impacts have occurred ($293,795).
        - Credit Card Processing and County Recording Fees for permit application payment ($34,000)
    - Regulation Program Support for self-insurance programs (comprised of health insurance, workers compensation, property insurance, general liability) ($3.9 million)
    - Regulation IT Support ($957,022), which includes:
        - Software maintenance ($764,881)
        - Hardware maintenance ($58,257)
        - Communication Services ($94,884)

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IV. PROGRAM ALLOCATIONS

4.1 Consumptive Use Permitting - The review, issuance, renewal, and enforcement of water use permits.

District Description

The review, issuance, renewal, and enforcement of water use permits. Consumptive use permitting is a state-mandated activity assigned to the water management districts. The objective of this activity is to ensure safe, efficient, equitable, and reliable development and utilization of the state's water resources. This includes the review, issuance, renewal, and enforcement of water use permits. The major components are to review and to prepare recommendations for permit applications for all consumptive uses of water within the District boundaries; and complete post-permit compliance reviews of priority projects based on staffing resources.

This activity also includes pre-permit planning, permit issuance, dispute resolution, litigation support, criteria and rule development, Coastal Zone Management support, automation and administrative support, and rulemaking to update consumptive use permit rules to implement the regulatory recommendations of the District's regional water supply plans.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
4.1 - Consumptive Use Permitting

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 4,567,074	$ 4,262,793	$ 4,155,453	$ 5,216,572	$ 5,304,298	$ 87,726	1.7%
Other Personal Services	$ 24,000	$ 34,965	$ 35,503	$ 24,000	$ 24,000	$ -	0.0%
Contracted Services	$ 27,050	$ 25,903	$ 24,283	$ 29,850	$ 29,850	$ -	0.0%
Operating Expenses	$ 2,597	$ 1,017	$ 801	$ 3,960	$ 11,460	$ 7,500	189.4%
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 4,620,721	$ 4,324,678	$ 4,216,040	$ 5,274,382	$ 5,369,608	$ 95,226	1.8%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 5,362,108	$ 7,500	$ -	$ -	$ -	$ -	$ 5,369,608

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 5,304,298	$ -	$ 5,304,298
Other Personal Services	$ 24,000	$ -	$ 24,000
Contracted Services	$ 29,850	$ -	$ 29,850
Operating Expenses	$ 3,960	$ 7,500	$ 11,460
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 5,362,108	$ 7,500	$ 5,369,608

Changes and Trends

The Fiscal Year 2020-21 Preliminary Budget represents a continued and consistent level of service with a net increase of 1.8 percent ($95,226). The proposed funding level supports the review of an average of 475 permit applications and numerous compliance investigations per quarter. The Water Use Bureau initiated and continues to implement the Public Water Supply (PWS) Task Force comprised of water use compliance analysts with the objective of

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collaborating with PWS permittees by encouraging involvement and open dialogue on PWS compliance issues. The level of compliance has increased because of this on-going effort.

Water Use staff are actively participating on the CFWI Regulatory Team and the ongoing rule development process led by DEP. Staff reviews draft rules, provides input and attends the publicly noticed workshops, sub team and steering committee meetings.

Budget Variances

This activity has a 1.8 percent ($95,226) increase from the Fiscal Year 2019-20 Adopted Budget of $5.3 million due to a 1.7 percent ($87,726) increase in Salaries and Benefits. Additionally, Operating expenses increased by 189.4% ($7,500) for Groundwater Modeling and Pump Calibration and Inspection training.

Major Budget Items for this activity include the following:

- Salaries and Benefits ($5.3 million)
- Other Personal Services:
    - Water Use Permitting contractor support for the permit administration effort ($24,000)
- Contracted Services:
    - Water Use Permitting for publishing legal notice of receipt of application for individual consumptive use permits ($29,850)
- Operating Expenses
    - Water Use Compliance for Pump Calibration and Inspection training ($1,500)
    - Water Use Permitting for Groundwater Modeling training ($6,000)

The items with Reserves without restrictions are for Water Use permitting and compliance training related to Pump Calibration and Inspection and Groundwater Modeling ($7,500).

AMERICAN OVERSIGHT

4.2 Water Well Construction Permitting and Contractor License - *The review, issuance, renewal, and enforcement of water well construction permits and regulation of contractor licensing.*

District Description

There is no funding for this activity, although there is regulatory authority in consumptive use permitting for these activities not delegated to other agencies. Well Construction Permits ensure that wells are built by licensed water well contractors and conform to water well construction permit standards. Unless exempt, a well construction permit must be obtained from the District or an agency delegated by the District prior to the construction, repair, modification or abandonment of any water well, test well or monitor well within the District's jurisdiction. A consumptive use permit may be required before the well construction permit can be issued. The District regulates the location, construction, repair, and abandonment of water wells in Monroe and Charlotte Counties, and for wells larger than 12 inches in diameter in Broward County. The District has delegated the location construction, repair, and abandonment of water wells in its remaining counties to their respective health departments or other delegated agencies. The dates when these agreements were signed between the District and the Health Departments are listed in Chapter 40E-3 and provided below.

- Hendry and Osceola – April 18, 2005
- Collier, Glades, Orange, Palm Beach, Polk – May 11, 2005
- Broward – June 8, 2005
- Miami-Dade – June 10, 2005
- City of Cape Coral – August 10, 2005
- Lee – September 13, 2005
- Highlands, Okeechobee, Martin, St. Lucie – May 13, 2010

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
4.2 - Water Well Construction Permitting and Contractor Licensing

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ -	$ -	$ -
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ -	$ -	$ -

No funding has been budgeted to the activity for the last five years.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

4.3 Environmental Resource and Surface Water Permitting - The review, issuance, and enforcement of environmental resource and surface water permits.

District Description

This state-mandated activity involves the review, issuance, compliance, and enforcement of Environmental Resource Permits (ERP). The objective is to ensure that land development projects and wetland dredge and fill activities do not cause adverse environmental, water quality, or water quantity impacts, and to take necessary compliance action when permit requirements are not met. This activity includes technical review and evaluation of construction plans for proposed development activities, field inspection of project sites requesting permits or wetland determinations, compliance review of project sites, preparation of technical staff reports, and review of Sovereign Submerged Lands authorizations associated with Environmental Resource Permits. This activity also includes pre-permit planning, permit issuance, dispute resolution, litigation support, criteria and rule development, site certifications, coastal zone consistency reviews, and automation support. This on-going activity produces technical evaluations of proposed stormwater water management systems at a continued level of service to ensure compliance with water quantity, water quality, and environmental criteria. All permit applications must be processed within established time frames. Compliance reviews of issued permits and enforcement actions for unauthorized works, including the activities listed above, are all ongoing efforts.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
4.3 - Environmental Resource and Surface Water Permitting

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 7,845,793	$ 7,363,857	$ 7,859,827	$ 8,385,544	$ 8,566,786	$ 181,242	2.2%
Other Personal Services	$ 39,959	$ 27,199	$ 36,717	$ 39,125	$ 39,125	$ -	0.0%
Contracted Services	$ 17,415	$ 8,040	$ 22,147	$ 75,900	$ 70,900	$ (5,000)	-6.6%
Operating Expenses	$ 235,605	$ 391,301	$ 237,671	$ 275,795	$ 327,795	$ 52,000	18.9%
Operating Capital Outlay	$ 50,000	$ 97,645	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 8,188,772	$ 7,888,042	$ 8,156,362	$ 8,776,364	$ 9,004,606	$ 228,242	2.6%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 9,004,606	$ -	$ -	$ -	$ -	$ -	$ 9,004,606

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ 8,566,786	$ -	$ 8,566,786
Other Personal Services		$ 39,125	$ -	$ 39,125
Contracted Services		$ 70,900	$ -	$ 70,900
Operating Expenses		$ 327,795	$ -	$ 327,795
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ 9,004,606	$ -	$ 9,004,606

AMERICAN OVERSIGHT

Changes and Trends

The Fiscal Year 2020-21 Preliminary Budget represents a continued and consistent level of service with a net increase of 2.6 percent ($228,242). The proposed funding level supports the review of an average of 625 permit applications and numerous compliance investigations per quarter and staying current with construction certification.

Budget Variances

This activity has a 2.6 percent ($228,242) increase from the Fiscal Year 2019-20 Adopted Budget of $8.8 million and is primarily due to a 2.2 percent ($181,242) increase in Salaries and Benefits due to an estimated increase in FRS contributions. There is also a 18.9% percent ($52,000) increase in Operating Expenses which is associated with flight operation service costs. These figures were offset by a 6.6 percent ($5,000) decrease in Contracted Services for Environmental Resource Permitting.

Major Budget Items for this activity include the following:

- Salaries and Benefits ($8.6 million)
- Operating Expenses:
    - Environmental Resource Permitting ($327,795), which includes:
        - Aircraft fuel and annual maintenance costs for routine compliance flights for staff to do aerial inspections to determine the start of construction to permitted sites, monitor the construction of surface water management systems, and locate any sites that are doing work without the appropriate permits in place. Wetland and natural preserve areas are also inspected to detect if any changes or impacts have occurred ($293,795)
        - Credit Card Processing and County Recording Fees for permit application payment ($34,000)
- Other Personal Services
    - Environmental Resource Permitting contract support for application processing ($39,125)
- Contracted Services
    - Environmental Resource Permitting ($70,900), which includes:
        - Contract Pilot Services ($43,000)
        - Contract support for ePermitting scanning ($19,750)

There are no items funded with Reserves.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006441

IV. PROGRAM ALLOCATIONS

4.4 Other Regulatory and Enforcement Activities - *Regulatory and enforcement activities not otherwise categorized above.*

District Description

This category is intended to include other District regulatory programs and activities not otherwise described in Activities 4.1 through 4.3, which is the overall management and administrative support for all regulation activities described under Program 4.0.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
4.4 - Other Regulatory and Enforcement Activities

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 2,450,779	$ 2,310,445	$ 575,674	$ 608,453	$ 618,708	$ 10,255	1.7%
Other Personal Services	$ 8,036	$ 8,036	$ -	$ -	$ -	$ -	-
Contracted Services	$ 173,174	$ 99,371	$ 8,385	$ 22,915	$ 22,915	$ -	0.0%
Operating Expenses	$ 76,601	$ 78,297	$ 7,747	$ 3,919,525	$ 3,919,525	$ -	0.0%
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 2,708,590	$ 2,496,149	$ 591,806	$ 4,550,893	$ 4,561,148	$ 10,255	0.2%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 4,561,148	$ -	$ -	$ -	$ -	$ -	$ 4,561,148

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ 618,708	$ -	$ 618,708
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ 8,745	$ 14,170	$ 22,915
Operating Expenses		$ 44,595	$ 3,874,930	$ 3,919,525
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ 672,048	$ 3,889,100	$ 4,561,148

Changes and Trends

In the Fiscal Year 2019-20 Adopted Budget, this program reflected an increase in Operating Expenses due to the way our actual insurance expenditures post through payroll. Postings are based on where staff charges versus where staff is budgeted, coupled with budgeting the Districts' full insurance exposure. The decrease in Salaries and Benefits between Fiscal Year 2016-17 to Fiscal Year 2018-19 is due to the reduction of the number of FTEs by 83.8 percent. Starting in Fiscal Year 2018-19 the decision was made to move the Southern and Northern Everglades Nutrient Source Control Program that was previously included in this activity to Activity1.2 (Research, Data Collection, Analysis and Monitoring) and Activity 2.3 (Surface Water Projects), based on a reevaluation of the activities, their purpose, and revisions to statutory requirements resulting in a reduction of Salaries and Benefits and Contracted Services.

The activities that were moved to Activity 2.3 are SFWMD-specific programs rather than the state-wide delegated programs. They are associated with restoration and protection efforts under the Everglades Forever Act and Restoration Strategies mandated to meet water quality standards in the Southern Everglades.

AMERICAN OVERSIGHT

The activities that were moved to Activity 2.1 were moved as a result of changes in Florida Statutes, the Northern Everglades and Estuaries Protection Program (NEEPP), that relinquished specific regulatory responsibilities to FDACS, leaving SFWMD with activities that support water management planning, restoration and preservation efforts, including monitoring and data evaluation.

This activity is primarily the overall management and administrative support for all regulation activities described under category 4.0.

Budget Variances

This activity has a 0.2 percent ($10,255) increase from the Fiscal Year 2019-20 Adopted Budget of $4.6 million and is due to a 1.7 percent ($10,255) increase in Salaries and Benefits.

Major Budget Items for this activity are included in the following:

- Salaries and Benefits ($618,708)
- Operating Expenses:
    - Regulation Program Support for self-insurance programs (comprised of health insurance, workers compensation, property insurance, general liability) ($3.9 million)

There are no items funded with Reserves.

AMERICAN OVERSIGHT

4.5 Technology and Information Services *- This activity includes computer hardware and software, data lines, computer support and maintenance, IT consulting services, data centers, network operations, web support and updates, desktop support, and application development associated with this Program and related activities.*

District Description

Information technology items (salaries, contractors, hardware / software maintenance, and other operating costs) are directly charged to operational activities of District core functions where there is a clear linkage between the operational activity and the information technology system, application or staff that is used to support the operational activities.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
4.5 - Technology and Information Services

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 1,265,340	$ 1,607,792	$ 1,881,789	$ 1,788,780	$ 1,836,318	$ 47,538	2.7%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 178,862	$ 128,292	$ 454,565	$ 420,405	$ 148,205	$ (272,200)	-64.7%
Operating Expenses	$ 872,415	$ 974,348	$ 979,166	$ 957,022	$ 957,022	$ -	0.0%
Operating Capital Outlay	$ 10,649	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 2,327,266	$ 2,710,432	$ 3,315,520	$ 3,166,207	$ 2,941,545	$ (224,662)	-7.1%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 2,941,545	$ -	$ -	$ -	$ -	$ -	$ 2,941,545

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 1,836,318	$ -	$ 1,836,318
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 148,205	$ -	$ 148,205
Operating Expenses	$ 957,022	$ -	$ 957,022
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 2,941,545	$ -	$ 2,941,545

Changes and Trends

This sub-activity represents a continued level of service over the past five years.

Budget Variances

This activity has a 7.1 percent ($224,662) decrease from the Fiscal Year 2019-20 Adopted Budget of $3.2 million primarily due to a 64.7 percent decrease ($272,200) in Contracted Services for funding of the Regulation software upgrade to the ePermitting System. This is offset by a slight increase of 2.7% ($47,538) associated with Salaries and Benefits due to an estimated increase in FRS contributions.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006444

IV. PROGRAM ALLOCATIONS

Major Budget Items for this activity include the following:

- Salaries and Benefits ($1.8 million)
- Contracted Services:
    - Regulation IT Support ($148,205)
- Operating Expenses:
    - Regulation IT Support ($957,022), which includes:
        - Software Maintenance ($764,881)
        - Hardware Maintenance ($58,257)
        - Communication Services ($94,884)

There are no items funded with Reserves.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006445

5.0 Outreach

This program includes all environmental education activities, such as water conservation campaigns and water resource education; public information activities; activities relating to local, regional, state, and federal governmental affairs; and all public relations activities, including public service announcements and advertising in any media.

District Description

This program provides clear concise and consistent information regarding District missions, functions, programs, project and other operational aspects. Environmental activities are designed to reach broad audiences in an effort to provide increased awareness of flood control and water management resources issues and other roles / responsibilities of the District among the more than 8 million residents in South Florida. The District works to leverage opportunities for earned (free) media and outreach through the creation and distribution of e-newsletters and via the District's website, which contains updated information about priority programs and water resource related issues.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

PROGRAM BY EXPENDITURE CATEGORY

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

PRELIMINARY BUDGET - Fiscal Year 2020-21

5.0 Outreach

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 1,026,861	$ 1,026,634	$ 1,008,353	$ 1,002,554	$ 1,036,251	$ 33,697	3.4%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 34,144	$ 4,162	$ 7,656	$ 158,880	$ 33,880	$ (125,000)	-78.7%
Operating Expenses	$ 49,339	$ 38,320	$ 35,374	$ 52,840	$ 52,840	$ -	0.0%
Operating Capital Outlay	$ 5,898	$ -	$ 27,000	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 1,116,242	$ 1,069,116	$ 1,078,383	$ 1,214,274	$ 1,122,971	$ (91,303)	-7.5%

SOURCE OF FUNDS

Fiscal Year 2020-21

	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Salaries and Benefits	$ 1,036,251	$ -	$ -	$ -	$ -	$ -	$ 1,036,251
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Contracted Services	$ 33,880	$ -	$ -	$ -	$ -	$ -	$ 33,880
Operating Expenses	$ 52,840	$ -	$ -	$ -	$ -	$ -	$ 52,840
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Debt	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL	$ 1,122,971	$ -	$ -	$ -	$ -	$ -	$ 1,122,971

RATE, OPERATING AND NON-OPERATING

Fiscal Year 2020-21

	Workforce	Rate (Salary without benefits)	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	9	$ 717,341	$ 1,036,251	$ -	$ 1,036,251
Other Personal Services	-	$ -	$ -	$ -	$ -
Contracted Services	-	$ -	$ 33,880	$ -	$ 33,880
Operating Expenses			$ 52,840	$ -	$ 52,840
Operating Capital Outlay			$ -	$ -	$ -
Fixed Capital Outlay			$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)			$ -	$ -	$ -
Debt			$ -	$ -	$ -
Reserves - Emergency Response			$ -	$ -	$ -
TOTAL			$ 1,122,971	$ -	$ 1,122,971

WORKFORCE

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

WORKFORCE CATEGORY	Fiscal Year					Adopted to Preliminary 2019-20 to 2020-21	
	2016-17	2017-18	2018-19	2019-20	2020-21	Difference	% Change
Authorized Positions	10	9	9	9	9	-	0.0%
Contingent Worker	0	0	0	0	0	-	-
Other Personal Services	0	0	0	0	0	-	-
Intern	0	0	0	0	0	-	-
Volunteer	0	0	0	0	0	-	-
TOTAL WORKFORCE	10	9	9	9	9	-	0.0%

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006447

IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
5.0 Outreach
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

		FY 2019-20 Budget (Adopted)		**9**	**1,214,274**
		Reductions			
Issue	Description	Issue Amount	Workforce	Category Subtotal	Issue Narrative
Salaries and Benefits				-	
Other Personal Services				-	
Contracted Services				(125,000)	
1	Decrease in Public Information	(125,000)			Public Engagement and Outreach related materials are not being budgeted for in this upcoming fiscal year.
Operating Expenses				-	
Operating Capital Outlay				-	
Fixed Capital Outlay				-	
Interagency Expenditures (Cooperative Funding)				-	
Debt				-	
Reserves				-	
		TOTAL REDUCTIONS		-	(125,000)

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
5.0 Outreach
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

New Issues					
Issue	Description	Issue Amount	Workforce	Category Subtotal	
Salaries and Benefits			-	33,697	Salaries and Benefits increased in the FY2020-21 Preliminary budget for various reasons. Turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased.
1	Increase in Total Fringe Benefits	11,431			
2	Increase in Total Salaries and Wages	22,266			
Other Personal Services				-	
Contracted Services				-	
Operating Expenses				-	
Operating Capital Outlay				-	
Fixed Capital Outlay				-	
Interagency Expenditures (Cooperative Funding)				-	
Debt				-	
Reserves				-	
	TOTAL NEW ISSUES		0	33,697	
5.0 Outreach					
Total Workforce and Preliminary Budget for FY 2020-21			9	$ 1,122,971	

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006449

Changes and Trends

The decrease in Contracted Services between Fiscal Year 2016-17 to Fiscal Year 2018-19 is due to a contractual agreement for federal legislative services administered through the DEP not being executed in either Fiscal Year 2017-18 or Fiscal Year 2018-19. However, the position is currently funded in Fiscal Year 2019-20 and Fiscal Year 2020-21. Over the past few years, with a streamlined District organization it remains important to assess the potential impact of state and federal legislative activity and keep Executive staff and the Governing Board informed. This activity represents a continuation level of service consistent with prior Fiscal Years.

Budget Variances

The variance is due primarily to a ($125,000) decrease in Contracted Services for a one-time outreach activity. Increases in Salaries and Benefits ($33,697) are due to turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased. Also, the budgeted salaries for vacant positions in the FY2020-21 Preliminary budget were increased based on the job study.

Major Budget Items for this program include the following:

- Salaries and Benefits ($1 million) (9 FTEs).
- Contracted Services:
    - Lobby/Legislative Affairs for the District's share of a contractual agreement for federal legislative services administered through the Florida Department of Environmental Protection ($27,000).
    - Public Information for media related services ($6,880).
- Operating Expenses:
    - Public Information ($48,340), which includes:
        - Media related equipment and Outreach services ($41,170).

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006450

IV. PROGRAM ALLOCATIONS

5.1 Water Resource Education *- Water Management District activities and media publications that present factual information on the nature, use, and management of water resources (including water supply and demand management). This program also includes teacher education and training activities.*

District Description

Water management District activities and media publications that present factual information on the nature, use, and management of water resources (including water supply and demand management). This program also includes teacher education and training activities.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

ACTIVITY BY EXPENDITURE CATEGORY

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

PRELIMINARY BUDGET - Fiscal Year 2020-21

5.1 - Water Resource Education

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING

Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ -	$ -	$ -
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ -	$ -	$ -

No funding has been budgeted to the activity for the last five years.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

5.2 Public Information *- All public notices regarding water management district decision-making and Governing Board, basin board, and advisory committee meetings, public workshops, public hearings, and other District meetings; and factual information provided to the public and others by a water management district regarding District structure, functions, programs, budget, and other operational aspects of the District.*

District Description

This outreach component is designed to reach broad audiences in an effort to provide increased awareness of flood control and water management resource issues and the roles/ responsibilities of the District among the 8.7 million residents in South Florida. This includes the development and distribution of publications, public service programming, public meetings, presentations, water resource education, media relations, social media, and content management of the agency website to provide clear, concise, and consistent information regarding District mission, structure, functions, programs, projects and other operational aspects. The District works to leverage opportunities for earned (free) media and outreach through the creation and distribution of e-newsletters and via the District's website, which contains updated information about priority programs and water resource related issues.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
5.2 - Public Information

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 1,026,093	$ 1,026,634	$ 1,008,353	$ 1,002,554	$ 1,036,251	$ 33,697	3.4%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 7,144	$ 4,162	$ 7,656	$ 131,880	$ 6,880	$ (125,000)	-94.8%
Operating Expenses	$ 44,995	$ 29,820	$ 35,374	$ 48,340	$ 48,340	$ -	0.0%
Operating Capital Outlay	$ 5,898	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 1,084,130	$ 1,060,616	$ 1,051,383	$ 1,182,774	$ 1,091,471	$ (91,303)	-7.7%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 1,091,471	$ -	$ -	$ -	$ -	$ -	$ 1,091,471

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ 1,036,251	$ -	$ 1,036,251
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ 6,880	$ -	$ 6,880
Operating Expenses		$ 48,340	$ -	$ 48,340
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ 1,091,471	$ -	$ 1,091,471

Changes and Trends

This activity's budget over the past few years reflects a steady and even trend. With the elimination of outreach materials contracts in 2020-21, the Budget represents a continued level of service consistent with prior Fiscal Years.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006452

Budget Variance

This activity has a 7.7 percent ($91,303) decrease from the Fiscal Year 2019-20 Adopted Budget of $1.2 million. The variance is due primarily to a $125,000 decrease in Contracted Services for a one-time outreach activity.

Major Budget Items for this activity include the following:

- Salaries and Benefits ($1 million)
- Contracted Services:
    - Public Information for media related services ($6,880).
- Operating Expenses:
    - Public Information ($48,340), which includes:
        - Media related equipment and Outreach services ($41,170).

There are no items funded with Reserves.

AMERICAN OVERSIGHT

5.3 Public Relations *- Water management district activities, advertising, and publications with the purpose of swaying public opinion about the District or a water management issue, countering criticisms of the District, or engendering positive feelings toward the District.*

District Description

Proposed water management district activities, advertising, and publications with the purpose of swaying public opinion about the District or a water management issue, countering criticisms of the District, or engendering positive feelings toward the District.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
5.3 - Public Relations

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ -	$ -	$ -
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ -	$ -	$ -

No funding has been budgeted to the activity for the last five years.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006454

IV. PROGRAM ALLOCATIONS

5.4 Cabinet and Legislative Affairs *- Influencing or attempting to influence legislative action or non-action through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature. (See s. 11.045, Florida Statutes) For purposes of the standard budget reporting format, this definition includes Federal legislative action or non-action.*

District Description

This outreach component provides information and support to state and federal elected and appointed officials and staff regarding water management initiatives and priorities. It includes the District's federal legislative program, which works with congressional members and staff, as well as the District's state legislative program, which works with the Florida Legislature, its committees, and off-session coordination with legislatively appointed committees and delegations.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
5.4 - Cabinet & Legislative Affairs

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 768	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 27,000	$ -	$ -	$ 27,000	$ 27,000	$ -	0.0%
Operating Expenses	$ 4,344	$ 8,500	$ -	$ 4,500	$ 4,500	$ -	0.0%
Operating Capital Outlay	$ -	$ -	$ 27,000	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 32,112	$ 8,500	$ 27,000	$ 31,500	$ 31,500	$ -	0.0%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 31,500	$ -	$ -	$ -	$ -	$ -	$ 31,500

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ -	$ -	$ -
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 27,000	$ -	$ 27,000
Operating Expenses	$ 4,500	$ -	$ 4,500
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 31,500	$ -	$ 31,500

Changes and Trends

The decrease in Contracted Services between Fiscal Year 2016-17 to Fiscal Year 2018-19 is due to a contractual agreement for federal legislative services administered through the DEP not being executed in either Fiscal Year 2017-18 or Fiscal Year 2018-19. However, the position is currently funded in Fiscal Year 2019-20 and Fiscal Year 2020-21. Over the past few years, with a streamlined District organization it remains important to assess the potential impact of state and federal legislative activity and keep Executive staff and the Governing Board informed. The decrease in staff in the 5.4 Cabinet and Legislative Affairs Program is due to the redirection of staff to other public information areas. This activity represents a continuation level of service consistent with prior Fiscal Years.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006455

Budget Variances

This activity has no change from the Fiscal Year 2019-20 Adopted Budget.

Major Budget Items for this activity include the following:

- Contracted Services:

  Lobby/Legislative Affairs for the District's share of a contractual agreement for federal legislative services administered through the DEP ($27,000).

There are no items funded with Reserves.

AMERICAN OVERSIGHT

5.5 Other Outreach Activities - *Outreach activities not otherwise categorized above.*

District Description

Outreach activities not otherwise categorized above.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
5.5 - Other Outreach Activities

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ -	$ -	$ -
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ -	$ -	$ -

No funding has been budgeted to the activity for the last five years.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006457

5.6 Technology and Information Services *- This activity includes computer hardware and software, data lines, computer support and maintenance, IT consulting services, data centers, network operations, web support and updates, desktop support, and application development associated with this Program and related activities.*

District Description

This activity includes computer hardware and software, data lines, computer support and maintenance, IT consulting services, data centers, network operations, web support and updates, desktop support, and application development associated with this Program and related activities.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
5.6 - Technology and Information Services

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ -	$ -	$ -
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ -	$ -	$ -

No funding has been budgeted to the activity for the last five years.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006458

IV. PROGRAM ALLOCATIONS

6.0 District Management and Administration

This program includes all governing and basin board support; executive support; management information systems; unrestricted Reserves; and general counsel, ombudsman, human resources, budget, finance, audit, risk management, and administrative services.

District Description

This program encompasses the business functions necessary to operate the District, including executive direction, legal services, internal audit services, budget, finance, procurement, human resources, risk management and other administrative support.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

PROGRAM BY EXPENDITURE CATEGORY

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

PRELIMINARY BUDGET - Fiscal Year 2020-21

6.0 District Management and Administration

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 16,188,755	$ 16,470,389	$ 17,642,489	$ 18,028,168	$ 18,195,602	$ 167,434	0.9%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 3,495,081	$ 3,162,358	$ 2,360,348	$ 2,940,596	$ 3,504,076	$ 563,480	19.2%
Operating Expenses	$ 5,334,622	$ 6,028,475	$ 7,504,552	$ 14,505,677	$ 14,521,003	$ 15,326	0.1%
Operating Capital Outlay	$ 1,129,328	$ 1,358,451	$ 1,721,645	$ 2,200,148	$ 2,887,648	$ 687,500	31.2%
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 26,147,786	$ 27,019,673	$ 29,229,034	$ 37,674,589	$ 39,108,329	$ 1,433,740	3.8%

SOURCE OF FUNDS

Fiscal Year 2020-21

	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Salaries and Benefits	$ 18,195,602	$ -	$ -	$ -	$ -	$ -	$ 18,195,602
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Contracted Services	$ 2,229,076	$ 1,275,000	$ -	$ -	$ -	$ -	$ 3,504,076
Operating Expenses	$ 11,707,628	$ 2,813,375	$ -	$ -	$ -	$ -	$ 14,521,003
Operating Capital Outlay	$ 2,200,148	$ 687,500	$ -	$ -	$ -	$ -	$ 2,887,648
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Debt	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL	$ 34,332,454	$ 4,775,875	$ -	$ -	$ -	$ -	$ 39,108,329

RATE, OPERATING AND NON-OPERATING

Fiscal Year 2020-21

	Workforce	Rate (Salary without benefits)	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	161	$ 12,528,777	$ 18,195,602	$ -	$ 18,195,602
Other Personal Services	-	$ -	$ -	$ -	$ -
Contracted Services	-	$ -	$ 2,073,546	$ 1,430,530	$ 3,504,076
Operating Expenses			$ 9,204,340	$ 5,316,663	$ 14,521,003
Operating Capital Outlay			$ 2,200,148	$ 687,500	$ 2,887,648
Fixed Capital Outlay			$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)			$ -	$ -	$ -
Debt			$ -	$ -	$ -
Reserves - Emergency Response			$ -	$ -	$ -
TOTAL			$ 31,673,636	$ 7,434,693	$ 39,108,329

WORKFORCE

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

WORKFORCE CATEGORY	Fiscal Year					Adopted to Preliminary 2019-20 to 2020-21	
	2016-17	2017-18	2018-19	2019-20	2020-21	Difference	% Change
Authorized Positions	160	160	164	161	161	-	0.0%
Contingent Worker	0	0	0	0	0	-	-
Other Personal Services	0	0	0	0	0	-	-
Intern	0	0	0	0	0	-	-
Volunteer	0	0	0	0	0	-	-
TOTAL WORKFORCE	160	160	164	161	161	-	0.0%

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006459

IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
6.0 District Management and Administration
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

		FY 2019-20 Budget (Adopted)	**161**	**37,674,589**	
		Reductions			
Issue	Description	Issue Amount	Workforce	Category Subtotal	Issue Narrative
Salaries and Benefits			(1)	-	
Other Personal Services				-	
Contracted Services				(100,000)	
1	Decrease in Desktop Technology	(100,000)			Decrease in one-time purchase of a replacement software application.
Operating Expenses				-	
Operating Capital Outlay				-	
Fixed Capital Outlay				-	
Interagency Expenditures (Cooperative Funding)				-	
Debt				-	
Reserves				-	
		TOTAL REDUCTIONS	(1)	(100,000)	

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

South Florida Water Management District
REDUCTIONS - NEW ISSUES
6.0 District Management and Administration
Fiscal Year 2020-21
Preliminary Budget - January 15, 2020

New Issues					
Issue	Description	Issue Amount	Workforce	Category Subtotal	
Salaries and Benefits			-	167,434	Salaries and Benefits increased in the FY2020-21 Preliminary budget for various reasons. Turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased.
1	Increase in Total Fringe Benefits	140,719			
2	Increase in Total Salaries and Wages	26,715			
Other Personal Services				-	
Contracted Services				663,480	
3	Increase in Administration - Records Management	125,000			Increase in records management consulting services.
4	Increase in IT Executive Direction	350,000			Increase in Software licenses for proprietary software based on number of users.
5	Increase in SAP Solutions Center	188,480			Increase in Enterprise Software development services.
Operating Expenses				15,326	
6	Increase in IT Business Support	15,326			Increase is the software maintenance fees based on number of users and licenses.
Operating Capital Outlay				687,500	
7	Increase in Network Support	687,500			Increase in SCADA replacement hardware.
Fixed Capital Outlay				-	
Interagency Expenditures (Cooperative Funding)				-	
Debt				-	
Reserves				-	
	TOTAL NEW ISSUES		0	1,533,740	
6.0 District Management and Administration Total Workforce and Preliminary Budget for FY 2020-21			160	$ 39,108,329	

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006461

Changes and Trends

The increase in Salaries and Benefits between Fiscal Year 2016-17 and Fiscal Year 2018-19 is due primarily to vacancies being filled increasing actual expenditures. The increase in Salaries and Benefits between Fiscal Year 2018-19 and Fiscal Year 2019-20 is due to budgeting the full authority of the FTEs. Furthermore, the increase in Salaries and Benefits between Fiscal Year 2019-20 and Fiscal Year 2020-21 is due to an increase in FRS contribution. The decrease in Contracted Services between Fiscal Year 2016-17 and Fiscal Year 2018-19 is due primarily to external legal services not being required as in prior years. The increase in Operating Expenses between Fiscal Year 2016-17 and Fiscal Year 2018-19 is due primarily to the way our actual insurance expenditures post through payroll. Postings are based on where staff charges versus where staff is budgeted. In the Fiscal Year 2018-19 Adopted budget this program illustrated an increase in Operating Expenses due to the way our actual insurance expenditures post through payroll, an accounting practice which is continued in the Fiscal Year 2020-21 Preliminary Budget.

Budget Variances

Program 6.0 has a 3.8 percent increase ($1.4 million) due to a 31.2 percent ($687,500) increase in Operating Capital Outlay due primarily to telemetry equipment. There also is a 19.2 percent ($563,480) increase in Contracted Services for IT consulting services for enterprise software computer software maintenance and a 0.1 percent ($15,326) increase in Operating Expenses for computer software maintenance and a 0.9 percent ($167,434) increase in Salaries and Benefits due to turnover in positions and the hiring process, forecasted increase in FRS contributions and a job study. The job study was conducted comparing the District to other governmental agencies across the State of Florida, resulting in select job categories increasing to more competitive levels while FTEs at or above the job study levels were not increased. Also, the budgeted salaries for vacant positions in the FY2020-21 Preliminary budget were increased based on the job study.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

Major Budget Items for this program are included in the following:

- Salaries and Benefits: ($18.2 million) (161 FTEs).
- Contracted Services:
  - Application Development ($708,333) for IT Consulting Services.
  - Administration – Records Management ($180,000), Budget Development/Report ($65,000), Employment Staffing ($76,500) & Purchasing Services ($50,750), which includes:
    - Advertising services – ($115,000).
  - Legal Services ($498,004), which includes:
    - Legal and technical support services ($364,000).
- Operating Expenses:
  - Maintenance, Monitor, Evaluate/Report Insurance Plans ($6.4 million) for Self-Insurance Programs (comprised of health insurance, workers compensation, property insurance, general liability) ($6.4 million).
  - IT Business Support ($2.4 million), which includes:
    - Computer Software maintenance ($1.8 million).
    - Hardware maintenance ($621,458).
  - Tax Collector/Property Appraiser ($6.8 million) for Commissions and property appraiser fees of associated with collection of District-wide ad valorem taxes are shown in this activity.
- Operating Capital Outlay:
  - IT Executive Direction ($97,000), Network Support ($1,333,858), Systems Administration ($1.5 million), which includes:
    - Computer Hardware Equipment ($1.6 million).

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

6.1 Administrative and Operations Support *- Executive management, executive support, Governing Board support, basin board support, ombudsman, inspector general, general counsel, human resources, insurance, risk management, finance, accounting, procurement, budget, and vehicle pool.*

District Description

This activity supports and plays a key role in accomplishing District goals and objectives by providing executive direction, financial and human resources expertise, legal advice, counsel and representation, procurement, risk management, and general support functions. The mission of the administrative bureaus is to provide the highest quality and cost-effective human, business, and technical services, with a commitment to maximize transparency and demonstrate accountability to the public. These activities are vital for effective management, informed decision-making and mandatory/statutory compliance and to help ensure the organization can accomplish its mission in a timely, planned, cost effective and organized fashion.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.1 - Administrative and Operations Support

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 16,188,521	$ 16,470,389	$ 17,642,489	$ 18,028,168	$ 18,195,602	$ 167,434	0.9%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 3,495,081	$ 3,162,358	$ 2,360,348	$ 2,940,596	$ 3,504,076	$ 563,480	19.2%
Operating Expenses	$ 289,074	$ 876,755	$ 1,956,354	$ 7,745,795	$ 7,761,121	$ 15,326	0.2%
Operating Capital Outlay	$ 1,129,328	$ 1,358,451	$ 1,721,645	$ 2,200,148	$ 2,887,648	$ 687,500	31.2%
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 21,102,004	$ 21,867,953	$ 23,680,836	$ 30,914,707	$ 32,348,447	$ 1,433,740	4.6%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 29,816,152	$ 2,532,295	$ -	$ -	$ -	$ -	$ 32,348,447

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 18,195,602	$ -	$ 18,195,602
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 2,073,546	$ 1,430,530	$ 3,504,076
Operating Expenses	$ 4,688,038	$ 3,073,083	$ 7,761,121
Operating Capital Outlay	$ 2,200,148	$ 687,500	$ 2,887,648
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 27,157,334	$ 5,191,113	$ 32,348,447

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006464

Changes and Trends

The increase in Salaries and Benefits between Fiscal Year 2016-17 and Fiscal Year 2018-19 is due primarily to vacancies being filled increasing actual expenditures. The increase in Salaries and Benefits between Fiscal Year 2018-19 and Fiscal Year 2019-20 is due to budgeting the full authority of the FTEs. Furthermore, the increase in Salaries and Benefits between Fiscal Year 2019-20 and Fiscal Year 2020-21 is primarily due to an increase in FRS contribution. The decrease in Contracted Services between Fiscal Year 2016-17 and Fiscal Year 2018-19 is due primarily to external legal services not being required as in prior years. The increase in Operating Expenses between Fiscal Year 2016-17 and Fiscal Year 2018-19 is due primarily to the way our actual insurance expenditures post through payroll. Postings are based on where staff charges versus where staff is budgeted, coupled with budgeting the Districts' full insurance exposure.

Budget Variances

Activity 6.1 has a 4.6% percent increase ($1.4 million) due to a 31.2 percent ($687,500) increase in Operating Capital Outlay due primarily to telemetry equipment. There also a 19.2 percent ($563,480) increase in Contracted Services for IT consulting services for enterprise software and a 0.2 percent ($15,326) increase in Operating Expenses for computer software maintenance and a 0.9 percent ($167,434) increase in Salaries and Benefits due to an estimated increase in FRS employer contributions.

Major Budget Items for this sub-activity are included in the following:

- Salaries and Benefits ($18.2 million).
- Contracted Services:
    - Application Development ($708,333) for IT Consulting Services.
    - Administration – Records Management ($180,000), Budget Development/Report ($65,000), Employment Staffing ($76,500), and Purchasing Services ($50,750), which includes:
        - Advertising services – ($115,000).
    - Legal Services ($498,004), which includes:
        - Legal and technical support services ($364,000).

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006465

- Operating Expenses:
    - Maintenance, Monitor, Evaluate/Report Insurance Plans ($6.4 million) Self-Insurance Programs (comprised of health insurance, workers compensation, property insurance, general liability).
    - IT Business Support ($2.4 million), which includes:
        - Computer Software maintenance ($1.8 million).
        - Hardware maintenance ($621,458).
    - Administrative Support (-$2,280,991), which includes:
        - CERP Indirect Staff Support credits (-$3.3 million); the CERP indirect Staff Support credits is an offset to the expenditure in the CERP activity, resulting in a negative expenditure in this sub-activity.
- Operating Capital Outlay:
    - IT Executive Direction ($97,000), Network Support ($1,333,858), Systems Administration ($1.5 million), which includes:
        - Computer Hardware Equipment ($1.6 million).

There are no items funded with Reserves.

AMERICAN OVERSIGHT

6.1.1 Executive Direction - This sub-activity includes the executive office, Governing Board and executive services support, and the Office of the Ombudsman. Agency-wide direction is provided in a manner consistent with the policy direction of the Governing Board, DEP, the Florida Legislature, and the Executive Office of the Governor.

District Description

This sub-activity includes the executive office, Governing Board and executive services support, and the Office of the Ombudsman. Agency-wide direction is provided in a manner consistent with the policy direction of the Governing Board, the DEP, the Florida Legislature, and the Executive Office of the Governor. The executive direction sub-activity provides agency-wide direction in a manner consistent with the policy direction of the Governing Board, the DEP, the Florida Legislature, and the Executive Office of the Governor.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.1.1 - Executive Direction

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 394,694	$ 339,172	$ 646,237	$ 801,419	$ 800,122	$ (1,297)	-0.2%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ 14,328	$ 12,837	$ 7,721	$ 17,824	$ 17,824	$ -	0.0%
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 409,022	$ 352,009	$ 653,958	$ 819,243	$ 817,946	$ (1,297)	-0.2%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 817,946	$ -	$ -	$ -	$ -	$ -	$ 817,946

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 800,122	$ -	$ 800,122
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ -	$ -	$ -
Operating Expenses	$ 17,824	$ -	$ 17,824
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 817,946	$ -	$ 817,946

Changes and Trends

This sub-activity represents a continued level of service consistent with the past five years; however, Salaries and Benefits have increased during the period from Fiscal Year 2016-17 to Fiscal Year 2018-19 primarily due to vacancies being filled increasing actual expenditures.

Budget Variances

This sub-activity has a 0.2 percent ($1,297) increase from the Fiscal Year 2019-20 Adopted Budget of $819,243 due to a decrease of 0.2 percent ($1,297) in Salaries and Benefits.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

Major Budget Items for this sub-activity are included in the following:

- Salaries and Benefits ($800,122).
- Operating Expenses:
    - Agency Management and Coordination ($17,824), which includes:
        - District Travel ($17,724).

There are no items funded with Reserves.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006468

6.1.2 General Counsel/Legal - The Office of the General Counsel provides professional legal advice, representation, rulemaking services, research, preventative law, and counsel to the District's Governing Board, Executive Team and its component units. The office's responsibilities include matters relating to contracts, land management and personnel matters.

District Description

The General Counsel program represents the District in all legal matters including, environmental, regulatory, water supply and real estate. Legal services are delivered by providing advice to the Governing Board and District staff and by representing the District before the Florida Division of Administrative Hearings and in both state and federal courts.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.1.2 - General Counsel / Legal

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 2,255,352	$ 2,233,586	$ 2,497,435	$ 2,365,495	$ 2,418,874	$ 53,379	2.3%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 1,144,199	$ 928,206	$ 266,769	$ 498,004	$ 498,004	$ -	0.0%
Operating Expenses	$ 39,967	$ 36,420	$ 45,199	$ 82,811	$ 82,811	$ -	0.0%
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 3,439,518	$ 3,198,212	$ 2,809,403	$ 2,946,310	$ 2,999,689	$ 53,379	1.8%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 2,999,689	$ -	$ -	$ -	$ -	$ -	$ 2,999,689

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 2,418,874	$ -	$ 2,418,874
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 498,004	$ -	$ 498,004
Operating Expenses	$ 82,811	$ -	$ 82,811
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 2,999,689	$ -	$ 2,999,689

Changes and Trends

This activity has represented a consistent level of service over the last five years with a slight shift in funding from Salaries and Benefits to Contracted Services for specialized outside counsel, however with a decrease in contractual legal services in Fiscal Year 2018-19.

Budget Variances

This sub-activity has a 1.8 percent ($53,379) increase from the Fiscal Year 2019-20 Adopted Budget of $2.9 million due to an increase in Salaries and Benefits primarily due to estimated increases in FRS contributions.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006469

IV. PROGRAM ALLOCATIONS

Major Budget Items for this sub-activity include the following:

- Salaries and Benefits ($2.4 million).
- Contracted Services:
  - Legal Services ($498,004), which includes:
    - Legal and technical support services ($364,000).
- Operating Expenses:
  - Legal Services ($82,811), which includes:
    - Books and Subscriptions ($15,000)
    - District travel ($22,299).

There are no items funded with Reserves.

AMERICAN OVERSIGHT

6.1.3 Inspector General - The Office of the Inspector General serves as a primary point for the coordination of activities that promote accountability, effectiveness, and efficiency, and prevent and detect fraud and abuse in the District.

District Description

The Inspector General program provides citizens living within the boundaries of the South Florida Water Management District, including their Governing Board, elected representatives, and District management, with an independent view of operations through objective and professional audits, investigations, reviews, and evaluations of the economy, efficiency and effectiveness of taxpayer-financed programs.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.1.3 - Inspector General

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 597,594	$ 641,906	$ 683,575	$ 654,575	$ 660,371	$ 5,796	0.9%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 201,600	$ 160,000	$ 160,648	$ 170,000	$ 170,000	$ -	0.0%
Operating Expenses	$ 10,817	$ 11,347	$ 9,412	$ 17,488	$ 17,488	$ -	0.0%
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 810,011	$ 813,253	$ 853,635	$ 842,063	$ 847,859	$ 5,796	0.7%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 847,859	$ -	$ -	$ -	$ -	$ -	$ 847,859

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 660,371	$ -	$ 660,371
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 170,000	$ -	$ 170,000
Operating Expenses	$ 17,488	$ -	$ 17,488
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 847,859	$ -	$ 847,859

Changes and Trends

This sub-activity represents a continued level of service consistent with Fiscal Year 2019-20 and the past five years.

Budget Variances

This sub-activity has a 0.7 percent ($5,796) increase from the Fiscal Year 2019-20 Adopted Budget of $842,063 due primarily to an increase of 0.9 percent ($5,769) in Salaries and Benefits for an estimated increase in FRS employer contributions.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

Major Budget Items for this sub-activity include the following:

- Salaries and Benefits ($660,371).
- Contracted Services:
  - Perform Audits and Investigations ($170,000), which includes:
    - Auditing services ($160,000).
- Operating Expenses:
  - Perform Audits and Investigations ($17,488), which includes:
    - Travel and training ($12,576).

There are no items funded with Reserves.

AMERICAN OVERSIGHT

6.1.4 Administrative Support - This sub-activity includes finance, budget, accounting, risk management, and document services which provides Districtwide print and mail services, all aspects of records management and imaging services.

District Description

The administrative support program includes all governing and basin board support; budget, finance, risk management, business operations support, intergovernmental programs, administrative services and fleet services, which include flight operations support and administrative vehicle support costs.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.1.4 - Administrative Support

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 5,862,360	$ 5,748,840	$ 6,029,002	$ 6,655,263	$ 6,683,151	$ 27,888	0.4%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 156,659	$ 241,341	$ 143,254	$ 347,810	$ 472,810	$ 125,000	35.9%
Operating Expenses	$ (2,179,908)	$ (1,520,904)	$ (906,529)	$ 4,458,640	$ 4,458,640	$ -	0.0%
Operating Capital Outlay	$ 59,493	$ -	$ 29,831	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 3,898,604	$ 4,469,277	$ 5,295,558	$ 11,461,713	$ 11,614,601	$ 152,888	1.3%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 10,919,806	$ 694,795	$ -	$ -	$ -	$ -	$ 11,614,601

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 6,683,151	$ -	$ 6,683,151
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 192,280	$ 280,530	$ 472,810
Operating Expenses	$ 1,385,557	$ 3,073,083	$ 4,458,640
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 8,260,988	$ 3,353,613	$ 11,614,601

Changes and Trends

The increase in Operating Expenses between Fiscal Year 2016-17 and Fiscal Year 2018-19 is due primarily to the way our actual insurance expenditures post through payroll. Postings are based on where staff charges versus where staff is budgeted, coupled with budgeting the Districts' full insurance exposure. Additionally, the Operating Expenses reflect accounting for the CERP Indirect Staff Support credits, which are offset between this sub-activity and the CERP activity resulting in negative expenditures in this sub-activity for Fiscal Year 2016-17 through Fiscal Year 2018-19.

Budget Variances

This sub-activity has a 1.3 percent ($152,888) increase from the Fiscal Year 2019-20 Adopted Budget of $11.5 million. The increases included a 35.9 percent ($125,000) increase in Contractual Services for Records Management consulting, and a 0.4 percent ($27,888) increase in Salaries and Benefits due to FRS employer contributions.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

Major Budget Items for this sub-activity include the following:

- Salaries and Benefits ($6.7 million).
- Contracted Services:
    - Administration - Records Management ($180,000), Budget Development ($65,000), and Comprehensive Annual Financial Report ($11,900) and Maintenance, Monitor, Evaluate/Report Insurance Plans ($176,910) which includes:
        - Contracted Services for Actuarial, Advertising and Professional Services ($178,500).
- Operating Expenses:
        - Maintenance, Monitor, Evaluate/Report Insurance Plans ($6.4 million) for Self-Insurance programs.
    - Administrative Support (-$2,280,991), which includes:
        - CERP Indirect Staff Support credits (-$3.3 million); the CERP indirect Staff Support credits is an offset to the expenditure in the CERP activity, resulting in a negative expenditure in this sub-activity.

Items funded with Reserves with restrictions are Self Insurance Programs ($569,795), which included a portion of property insurance and a portion of workers compensation.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006474

6.1.5 Fleet Services - This sub-activity includes fleet services support to all District programs and projects.

District Description

This sub-activity includes fleet services support to all District programs and projects.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.1.5 - Fleet Services

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ -	$ -	$ -
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ -	$ -	$ -

No funding has been budgeted to the activity for the last five years.

AMERICAN OVERSIGHT

6.1.6 Procurement/Contract Administration - This sub-activity supports all procurement activities to purchase goods and services.

District Description

The procurement program purchases goods and services from vendors throughout the state and nationwide. These purchase orders and agreements are governed by the agency's commitment to quality, cost effectiveness, efficiency and fairness in a competitive arena as well as adherence to applicable statutes, rules and regulations.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.1.6 - Procurement / Contract Administration

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 1,504,321	$ 1,828,489	$ 1,835,127	$ 1,901,335	$ 1,920,556	$ 19,221	1.0%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 13,332	$ 20,325	$ 27,933	$ 50,750	$ 50,750	$ -	0.0%
Operating Expenses	$ 17,048	$ 18,331	$ 37,337	$ 15,750	$ 15,750	$ -	0.0%
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 1,534,701	$ 1,867,145	$ 1,900,397	$ 1,967,835	$ 1,987,056	$ 19,221	1.0%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 1,987,056	$ -	$ -	$ -	$ -	$ -	$ 1,987,056

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 1,920,556	$ -	$ 1,920,556
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 50,750	$ -	$ 50,750
Operating Expenses	$ 15,750	$ -	$ 15,750
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 1,987,056	$ -	$ 1,987,056

Changes and Trends

This sub-activity represents a nominal decrease from Fiscal Year 2018-19 and represents a continued level of service consistent over the past five years. The increase in Contracted Services over the five-year period is due to advertising services which was moved in Fiscal Year 2016-17 from Operating Expenses to Contracted Services and varies in expenditures based on the amount and type of solicitation advertising requested each year.

Budget Variances

This sub-activity has a 1.0 percent ($19,221) increase from the Fiscal Year 2019-20 Adopted Budget of $2 million due to a 1.0 percent ($19,221) increase in Salaries and Benefits due to projected FRS retirement contribution increases.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006476

IV. PROGRAM ALLOCATIONS

Major Budget Items for this sub-activity are included in the following:

- Salaries and Benefits ($1.9 million).
- Contracted Services:
    - Purchasing Services ($50,570), which includes:
        - Advertising ($45,000)
        - Contracted Services for procurement card compliance audit ($5,250).
- Operating Expenses:
    - Purchasing Services ($15,750):
        - Travel, memberships and training ($12,600).

There are no items funded with Reserves.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006477

6.1.7 Human Resources - This sub-activity provides human resources support for the District.

District Description

The human resource program helps the District achieve its goals and objectives by attracting and retaining a high quality, diverse workforce; and by providing guidance, service and development that enables employee success.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.1.7 - Human Resources

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 1,174,396	$ 1,365,008	$ 1,420,858	$ 1,429,671	$ 1,464,072	$ 34,401	2.4%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 98,830	$ 137,867	$ 106,257	$ 76,500	$ 76,500	$ -	0.0%
Operating Expenses	$ 17,742	$ 26,456	$ 78,313	$ 101,169	$ 101,169	$ -	0.0%
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 1,290,968	$ 1,529,331	$ 1,605,428	$ 1,607,340	$ 1,641,741	$ 34,401	2.1%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 1,641,741	$ -	$ -	$ -	$ -	$ -	$ 1,641,741

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 1,464,072	$ -	$ 1,464,072
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 76,500	$ -	$ 76,500
Operating Expenses	$ 101,169	$ -	$ 101,169
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 1,641,741	$ -	$ 1,641,741

Changes and Trends

This sub-activity represents a nominal decrease from Fiscal Year 2018-19 and represents a continued level of service consistent over the past five years. The variance in Contracted Services over the five-year period is due to advertising services which varies in expenditures based on the amount and type of recruitment advertising requested each year. The variance in operating expenses over the five-year period is due to relocation which varies in expenditures based on where new employees are recruited from. Additionally, in Fiscal Year 2016-17 and Fiscal Year 2017-18 a computer software expense for a recruiting module was moved from this activity to the Technology and Information Services activity. In Fiscal Year 2018-19 the budget for consulting services was increased.

Budget Variances

This sub-activity has a 2.1 percent ($34,401) increase from the Fiscal Year 2019-20 Adopted Budget of $1.6 million due to a 2.4 percent ($34,401) increase in Salaries and Benefits due to an estimated increase in FRS contributions.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006478

IV. PROGRAM ALLOCATIONS

Major Budget Items for this sub-activity include the following:

- Salaries and Benefits ($1.5 million).
- Contracted Services:
    - Employment Staffing ($76,500), which includes:
        - Advertising ($50,000)
        - Professional services ($26,500).
- Operating Expenses
    - Employee Staffing ($68,999), which includes:
        - Relocation Expenses ($41,500).
        - Training ($10,908).

There are no items funded with Reserves.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006479

6.1.8 Communications - This sub-activity includes telecommunications for the District.

District Description

The telecommunications sub-activity provides District staff with telephone equipment, cellular telephones, service, and data lines.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.1.8 - Communications

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ 324,963	$ 229,806	$ 326,698	$ 428,740	$ 428,740	$ -	0.0%
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 324,963	$ 229,806	$ 326,698	$ 428,740	$ 428,740	$ -	0.0%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 428,740	$ -	$ -	$ -	$ -	$ -	$ 428,740

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ 428,740	$ -	$ 428,740
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ 428,740	$ -	$ 428,740

Changes and Trends

This sub-activity represents a continued level of service over the past five years with a steady increase in Operating Expenses over the past two years resulting from an increase in communication utility services.

Budget Variances

This sub-activity has no change from the Fiscal Year 2019-20 Adopted Budget.

Major Budget Items for this sub-activity include the following:

- Operating Expenses:
    - Telecommunications ($428,740) for phones, data lines, local and long-distance services.

There are no items funded with Reserves.

AMERICAN OVERSIGHT

6.1.9 Technology and Information Services - This sub-activity includes computer hardware and software, data lines, computer support and maintenance, IT consulting services, data centers, network operations, web support and updates, desktop support, and application development associated with this Program and related activities.

District Description

This sub-activity includes oversight and direction of computer services, computer hardware and software, data lines, computer support and maintenance, IT consulting services, data centers, network operations, web support and updates, desk top support, and application development.

A large portion of this activity's budget is related to maintenance and support of the District's hardware and software; systems engineering; as well as managing, maintaining, and enhancing the District's computer infrastructure. This infrastructure includes a substantial microwave network that ties together all remote sites throughout the District's 16-county jurisdiction.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PROGRAM BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.1.9 - Technology and Information Services

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 4,399,804	$ 4,313,388	$ 4,530,255	$ 4,220,410	$ 4,248,456	$ 28,046	0.7%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ 1,880,461	$ 1,674,619	$ 1,655,487	$ 1,797,532	$ 2,236,012	$ 438,480	24.4%
Operating Expenses	$ 2,044,117	$ 2,062,462	$ 2,358,203	$ 2,623,373	$ 2,638,699	$ 15,326	0.6%
Operating Capital Outlay	$ 1,069,835	$ 1,358,451	$ 1,691,814	$ 2,200,148	$ 2,887,648	$ 687,500	31.2%
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 9,394,217	$ 9,408,920	$ 10,235,759	$ 10,841,463	$ 12,010,815	$ 1,169,352	10.8%

SOURCE OF FUNDS	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
Fiscal Year 2020-21	$ 10,173,315	$ 1,837,500	$ -	$ -	$ -	$ -	$ 12,010,815

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ 4,248,456	$ -	$ 4,248,456
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ 1,086,012	$ 1,150,000	$ 2,236,012
Operating Expenses	$ 2,638,699	$ -	$ 2,638,699
Operating Capital Outlay	$ 2,200,148	$ 687,500	$ 2,887,648
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 10,173,315	$ 1,837,500	$ 12,010,815

Changes and Trends

Over the past few years, this sub-activity has increased due to the consolidation of technical positions within the District, to the IT Bureau. Operating Capital Outlay has increased over time due to increases in computer hardware for technology infrastructure upgrades and end of life network component replacements. Contracted Services also increased over the five-year period due to specialized information technology needs. The District has purchased new computer equipment instead of leasing which is more cost effective. There is no change to the level of service of this sub-activity from the Fiscal Year 2019-20 Adopted Budget.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006481

Budget Variances

This sub-activity has a 10.8 percent ($1.2 million) increase from the Fiscal Year 2019-20 Adopted Budget of $10.8 million due to a 0.6 percent ($15,236) increase in Operating Expenses primarily from computer software and hardware maintenance, a 31.2 percent ($687,500) increase in Operating Capital Outlay for telemetry equipment, a 24.4 percent ($438,480) increase in Contracted Services primarily for IT consulting services for enterprise software development and software licenses and a 0.7 percent ($28,046) increase in Salaries and Benefits due to an estimated increase in FRS employer contributions.

Major Budget Items for this sub-activity include the following:

- Salaries and Benefits ($4.2 million).
- Contracted Services:
    - Applications Development ($708,333), Desktop Technology ($29,000), Geospatial Services ($16,180), IT Business support ($95,795), IT Executive Direction ($417,720) and SAP Solutions Center ($878,292), which includes:
        - Computer consulting services (enterprise resource support, and IT security) ($1.7 million).
        - Software licenses ($150,000).
- Operating Expenses:
    - IT Business Support ($2.4 million), which includes:
        - Software maintenance ($1.8 million).
        - Hardware maintenance ($621,458).
- Operating Capital Outlay:
    - IT Executive Direction ($97,000), Network Support ($1.3 million), and Systems Administration ($1.5 million), which includes:
        - Computer Hardware Equipment ($1.6 million).

Items funded with Reserves without restrictions are Information Technology (Security, Financial System Upgrade ($1,837,500), which the designated amounts are for IT Consulting Services for Enterprise System updates, equipment and software licenses.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

6.2 Computer/Computer Support - Computer hardware and software, computer support and maintenance, computer reserves / sinking fund.

District Description

Computer hardware and software, computer support and maintenance, computer reserves / sinking fund.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.2 - Computer/Computer Support

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 234	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 234	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ -	$ -	$ -
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ -	$ -	$ -

Changes and Trends

There is no funding for this activity. Only historical activity is presented.

Budget Variances

There is no funding for this activity. Only historical activity is presented.

Major Budget Items for this activity include the following:

- None.

AMERICAN OVERSIGHT

6.3 Reserves - This activity is included in the District's General Fund Deficiencies Reserve.

District Description

This activity is included in the District's General Fund Deficiencies Reserve.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.3 - Reserves

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	-

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ -	$ -	$ -	$ -	$ -	$ -	$ -

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

		Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits		$ -	$ -	$ -
Other Personal Services		$ -	$ -	$ -
Contracted Services		$ -	$ -	$ -
Operating Expenses		$ -	$ -	$ -
Operating Capital Outlay		$ -	$ -	$ -
Fixed Capital Outlay		$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)		$ -	$ -	$ -
Debt		$ -	$ -	$ -
Reserves - Emergency Response		$ -	$ -	$ -
TOTAL		$ -	$ -	$ -

No funding has been budgeted to the activity for the last five years.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006484

6.4 Other – (Tax Collector / Property Appraiser Fees)

District Description

This activity is comprised of county tax collector and property appraiser fees. Tax collector fees are calculated as a percent of taxes collected by the tax collector on behalf of the District. Property appraiser fees are based on the District's share of responsibility for the respective property appraisers operating budgets. These fees are calculated by each respective county office in accordance with Florida Statutes.

The District pays fees and commissions to the offices of the Property Appraisers and Tax Collectors of each county within the District for services provided annually for tax roll preparation, tax collections, and distributions. The Property Appraiser fees are calculated by applying the ratio of District ad valorem taxes as a proportion of the total taxes levied by each county for the preceding fiscal year against each county Property Appraiser's budget. The Tax Collector commissions are calculated as three percent of the amount of ad valorem property taxes collected and remitted on assessed valuation up to $50 million, and two percent on the balance above that first threshold. Fees and commissions are set by Florida Statutes and are non-negotiable.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACTIVITY BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
6.4 - Other - (Tax Collector / Property Appraiser Fees)

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ -	$ -	$ -	$ -	$ -	$ -	-
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Contracted Services	$ -	$ -	$ -	$ -	$ -	$ -	-
Operating Expenses	$ 5,045,548	$ 5,151,720	$ 5,548,198	$ 6,759,882	$ 6,759,882	$ -	0.0%
Operating Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Fixed Capital Outlay	$ -	$ -	$ -	$ -	$ -	$ -	-
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -	$ -	$ -	$ -	-
Debt	$ -	$ -	$ -	$ -	$ -	$ -	-
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	-
TOTAL	$ 5,045,548	$ 5,151,720	$ 5,548,198	$ 6,759,882	$ 6,759,882	$ -	0.0%

SOURCE OF FUNDS Fiscal Year 2020-21	District Revenues	Reserves	Debt	Local Revenues	State Revenues	Federal Revenues	TOTAL
	$ 4,516,302	$ 2,243,580	$ -	$ -	$ -	$ -	$ 6,759,882

OPERATING AND NON-OPERATING
Fiscal Year 2020-21

	Operating (Recurring - all revenues)	Non-operating (Non-recurring - all revenues)	TOTAL
Salaries and Benefits	$ -	$ -	$ -
Other Personal Services	$ -	$ -	$ -
Contracted Services	$ -	$ -	$ -
Operating Expenses	$ 4,516,302	$ 2,243,580	$ 6,759,882
Operating Capital Outlay	$ -	$ -	$ -
Fixed Capital Outlay	$ -	$ -	$ -
Interagency Expenditures (Cooperative Funding)	$ -	$ -	$ -
Debt	$ -	$ -	$ -
Reserves - Emergency Response	$ -	$ -	$ -
TOTAL	$ 4,516,302	$ 2,243,580	$ 6,759,882

Changes and Trends

The increase in Operating Expenses between Fiscal Year 2016-17 and Fiscal Year 2018-19 is due primarily due to the increase in Property Appraiser fees and Tax Collector commissions for processing, collecting and distributing ad valorem taxes for the District. The fees and commissions are increasing because the District's proportion of each county is going up based on the total taxable value and the amount of ad valorem levy being processed.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006485

Budget Variances

This activity has no change from the Fiscal Year 2019-20 Adopted Budget of $6.8 million. Tax collector and property appraiser fees are budgeted on an annual basis using the methods described above.

Major Budget Items for this activity include the following:

The following are Major Budget Items not included in The Major Project Table:

- Operating Expenses:
    - Tax Collector/Property Appraiser ($6.8 million) for commissions and property appraiser fees associated with collection of District-wide ad valorem taxes are shown in this activity ($6.8 million). Expenses for the Everglades Forever Act remain in Activity 1.2 (Research, Data Collection, Analysis and Monitoring) to properly tie the cost of collecting the tax to the associated fund and activities.

Items funded with Reserves without restrictions include Tax Collector & Property Appraiser Fees ($2.2 million).

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

B. District Specific Programs

1. District Springs Program

Not Applicable to South Florida Water Management District

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006487

IV. PROGRAM ALLOCATIONS

B. District Specific Programs

2. District Everglades Program

District Description

The District Everglades Program is focused on the District's responsibilities outlined in the Everglades Forever Act (EFA) as well as the settlement agreement. The EFA directs the District to design, permit, construct and operate Stormwater Treatment Areas (STAs) to reduce phosphorus levels in stormwater runoff and other sources before it enters the Everglades Protection Area. The goal of the District Everglades Program is to contribute to Everglades restoration by improving water quality, hydrology and ecology.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PROGRAM BY EXPENDITURE CATEGORY
Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21
PRELIMINARY BUDGET - Fiscal Year 2020-21
District Everglades Program

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 15,430,623	$ 15,373,779	$ 18,466,864	$ 18,340,725	$ 18,661,451	$ 320,726	1.7%
Other Personal Services	$ 8,036	$ 8,036	$ 8,036	$ 27,966	$ 27,966	$ -	0.0%
Contracted Services	$ 3,975,722	$ 2,468,095	$ 5,172,823	$ 5,324,177	$ 5,102,550	$ (221,627)	-4.2%
Operating Expenses	$ 12,258,871	$ 12,858,176	$ 16,717,064	$ 14,226,990	$ 16,943,149	$ 2,716,159	19.1%
Operating Capital Outlay	$ 1,600,959	$ 3,473,029	$ 4,959,377	$ 3,132,830	$ 132,830	$ (3,000,000)	-95.8%
Fixed Capital Outlay	$ 44,963,367	$ 36,041,233	$ 22,821,726	$ 48,913,512	$ 69,037,382	$ 20,123,870	41.1%
Interagency Expenditures (Cooperative Funding)	$ 664,225	$ 725,174	$ 959,484	$ 26,500	$ 30,500	$ 4,000	15.1%
Debt	$ 17,713,288	$ 16,925,359	$ 16,854,074	$ 16,796,698	$ 16,786,812	$ (9,886)	-0.1%
Reserves - Emergency Response	$ -	$ -	$ -	$ 3,000,000	$ 3,000,000	$ -	0.0%
TOTAL	**$ 96,615,091**	**$ 87,872,881**	**$ 85,959,448**	**$ 109,789,398**	**$ 129,722,640**	**$ 19,933,242**	**18.2%**

Changes and Trends

The Everglades Forever Act (EFA), passed by the Florida Legislature in 1994, directed the District to implement regulatory source control programs in all areas tributary to the Everglades Protection Area (EPA) to reduce phosphorus in stormwater runoff. The District was also required to acquire land, then design, permit, construct and operate a series of treatment wetlands, referred to as Everglades Stormwater Treatment Areas (STAs), to reduce phosphorus levels from stormwater runoff and other sources before it enters the EPA.

AMERICAN OVERSIGHT

IV. PROGRAM ALLOCATIONS

In 2012, the State of Florida and the U.S. Environmental Protection Agency reached consensus on new Restoration Strategies for further improving water quality in the Everglades, which build upon the existing projects and further improve the quality of stormwater entering the Everglades. On September 10, 2012, DEP issued the District consent orders associated with EFA and National Pollutant Discharge Elimination System (NPDES) permits, which outlined a suite of projects with deadlines for completion. The ultimate goal of the new water quality improvement features is to further reduce phosphorus concentrations and assist in achieving compliance with State water quality standards. The identified projects primarily consist of reservoirs referred to as flow equalization basins (FEBs), STA expansions, and associated infrastructure and conveyance improvements. The EFA was amended in 2013 by the Florida Legislature to include the 2012 Restoration Strategies Regional Water Quality Plan. These projects will be designed and constructed through December 31, 2024 at a total cost of approximately $880 million.

The Florida Legislature continues its commitment to Everglades Restoration as evidenced through the passage of House Bill 989 in 2016 (Chapter 2016-201) and Senate Bill 10 in 2017 (Chapter 2017-10), providing a recurring $32 million appropriation for the implementation of the projects required by the Everglades Forever Act through Fiscal Year 2023-24.

Expenditure increases between Fiscal Year 2016-17 and Fiscal Year 2018-19 in Salaries and Benefits reflect the recategorization of 14 FTE positions from Program 4.0 to this program due to the reduction of regulatory activities associated with the source control function, which supports restoration and protection efforts under the EFA and Restoration Strategies, as well as increases in healthcare benefit costs and FRS contributions.

Increases and decreases between Fiscal Year 2016-17 and Fiscal Year 2018-19 in Contractual Services, Operating Expenses, Operating Capital Outlay, Fixed Capital Outlay, and Interagency Expenditures represent the shift in cash flow requirements across the various expense categories for the implementation of Restoration Strategies Projects as they move from Planning, Design, Construction, and Operations and Maintenance.

Decreases between Fiscal Year 2016-17 and Fiscal Year 2018-19 in Debt resulted from refinancing Certificates of Participation.

Budget Variances

The Fiscal Year 2020-21 Preliminary Budget has a 18.2 percent ($19.9 million) increase from the Fiscal Year 2019-20 Adopted Budget of $109.8 million.

The major variances in expense categories are:

Operating Expenses increased 19.1 percent ($2.7 million) primarily due to increased cash flow requirements for structure modifications, repairs, and replacements ($3.7 million), offset by a reduction in STA operations and maintenance ($1 million).

Operating Capital Outlay decreased 95.8 percent ($3 million) primarily due to reduced one-time fund balance funding for STA capital construction.

Fixed Capital Outlay increased 41.1 percent ($20.1 million) due to increased new and prior year state appropriated funding in this expense category for Restoration Strategies, including STA1-W Expansion #2.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006489

IV. PROGRAM ALLOCATIONS

Major Budget Items for this Specific Program include the following:

- Salaries and Benefits ($18.7 million).

The table below includes projects that are funded with Salaries and Benefits (included in the salaries and benefits number above), Contracted Services, Operating Expenses and Fixed Capital Outlay. The projects listed on the following page are also addressed in their respective state programs.

Project Name	Salaries and Benefits	Other Personal	Contracted Services	Operating Expenses	Operating Capital	Fixed Capital Outlay	Interagency Expenditures	Debt	Reserves	Grand Total
Restoration Strategies Future Projects	$ 499,378	$ -	$ -	$ -	$ -	$ 47,000,000	$ -	$ -	$ -	$ 47,499,378
STA-1W Expansion #2 (Restoration Strategies)	$ 162,549	$ -	$ -	$ -	$ -	$ 18,668,382	$ -	$ -	$ -	$ 18,830,931
G-310, G-335 Trash Rake Replace/Waterproof	$ 49,436	$ -	$ -	$ 4,317,580	$ -	$ -	$ -	$ -	$ -	$ 4,367,016
S-319 Automatic Transfer Switch Replacement	$ 13,280	$ -	$ -	$ -	$ -	$ 2,500,000	$ -	$ -	$ -	$ 2,513,280
Grand Total	**$ 724,643**	**$ -**	**$ -**	**$ 4,317,580**	**$ -**	**$ 68,168,382**	**$ -**	**$ -**	**$ -**	**$ 73,210,605**

Other Major Budget Items:

- Contracted Services:
  - Restoration Strategies Science Plan and Source Control activities ($2.5 million)
  - STA Operations and Maintenance, including vegetation management, structure inspection program, site management and STA permit-required monitoring ($1.5 million).
  - STA science and evaluation, including optimization and performance, source controls and BMP studies, and monitoring and recovery of impacted areas in the Everglades ($808,064).
  - Expanded Monitoring for C-51W Upstream ($308,550)
- Operating Expenses:
  - Projects in the table above ($4.3 million).
  - STA Operations and Maintenance, including vegetation management, structure inspection program, site management and STA permit-required monitoring ($10.4 million).
  - STA science and evaluation, including optimization and performance, source controls and BMP studies, and monitoring and recovery of impacted areas in the Everglades ($2.2 million).
- Operating Capital Outlay:
  - STA Operations and Maintenance, including vegetation management, structure inspection program, site management and STA permit-required monitoring ($132,830).

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- Fixed Capital Outlay:
    - Projects in the table above ($68.2 million).
    - STA Operations and Maintenance, including STA modifications, repair, and replacement ($869,000).
- Debt:
    - Debt service payments ($16.8 million).
- Reserves:
    - Hurricane/Emergency Reserves for the Stormwater Treatment Areas. ($3 million).

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B. District Specific Programs

3. Comprehensive Everglades Restoration Plan (CERP)

District Description

The CERP contains 68 major components that involve the creation of reservoirs, wetland-based water quality treatment areas and other features. These components will vastly improve the quantity, quality, timing, and distribution of water for the South Florida environment. Benefits will be widespread and include improvements in:

- Lake Okeechobee.
- The Caloosahatchee River and Estuary.
- The St. Lucie River and Estuary.
- The Indian River Lagoon.
- Loxahatchee Watershed, River and Estuary.
- Lake Worth Lagoon.
- Biscayne Bay and Biscayne National Park.
- Florida Bay.
- Picayune Strand.
- Big Cypress National Preserve.
- The Everglades Protection Area, including:
    - The Loxahatchee National Wildlife Refuge (WCA-1).
    - Water Conservations Areas 2 and 3.
    - Everglades National Park.

In addition, implementation of the CERP will improve and sustain water supplies for urban and agricultural needs, while maintaining current C&SF Flood Control Project purposes.

The CERP includes pilot projects to test technologies, such as aquifer storage and recovery and seepage management methods, which are essential to the implementation of CERP. The CERP also includes seven critical restoration projects, for which Project Cooperation Agreements were executed and the projects constructed by the USACE and the District.

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IV. PROGRAM ALLOCATIONS

The CERP program encompasses:

- Planning and Evaluation.
- Pre-construction Engineering and Design.
- Real Estate Acquisition.
- Environmental Remediation and Mitigation.
- Permitting.
- Capital Construction.
- Operations and Maintenance, Repair, Rehabilitation and Replacement of Constructed Facilities.
- A Science-Based Adaptive Assessment and Monitoring Effort.
- Program Management Activities.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

PROGRAM BY EXPENDITURE CATEGORY

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

PRELIMINARY BUDGET - Fiscal Year 2020-21

Comprehensive Everglades Restoration Plan Program

	Fiscal Year 2016-17 (Actual - Audited)	Fiscal Year 2017-18 (Actual - Audited)	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Salaries and Benefits	$ 6,494,172	$ 7,588,529	$ 6,910,880	$ 6,932,510	$ 7,069,974	$ 137,464	2.0%
Other Personal Services	$ -	$ -	$ -	$ -	$ -	$ -	
Contracted Services	$ 2,103,605	$ 4,124,564	$ 8,446,202	$ 59,366,985	$ 45,260,448	$ (14,106,537)	-23.8%
Operating Expenses	$ 3,183,941	$ 3,660,156	$ 4,650,971	$ 7,750,071	$ 3,502,544	$ (4,247,527)	-54.8%
Operating Capital Outlay	$ 9,402,101	$ 10,635,166	$ 7,974,709	$ 16,694,959	$ 60,000	$ (16,634,959)	-99.6%
Fixed Capital Outlay	$ 79,064,356	$ 62,962,098	$ 66,155,798	$ 310,301,948	$ 367,730,958	$ 57,429,010	18.5%
Interagency Expenditures (Cooperative Funding)	$ 998,637	$ 1,306,243	$ 1,139,627	$ 1,180,902	$ 1,057,192	$ (123,710)	-10.5%
Debt	$ 14,316,237	$ 13,484,891	$ 13,539,551	$ 13,575,429	$ 13,567,440	$ (7,989)	-0.1%
Reserves - Emergency Response	$ -	$ -	$ -	$ -	$ -	$ -	
TOTAL	**$ 115,563,049**	**$ 103,761,647**	**$ 108,817,738**	**$ 415,802,804**	**$ 438,248,556**	**$ 22,445,752**	**5.4%**

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Changes and Trends

Implementation of the CERP began with Water Resources Development Act of 2000 and the execution of the Design Agreement between the USACE and the District in May 2000. The Design Agreement covers the terms and conditions for 50-50 cost-share on the costs for planning, design, development of construction plans and specifications, engineering during construction, adaptive assessment and monitoring and several CERP programmatic activities. In August of 2009, the District and the USACE executed the "Master Agreement for Cooperation in Constructing and Operating, Maintaining, Repairing, Replacing and Rehabilitating Projects Authorized to be undertaken pursuant to the Comprehensive Everglades Restoration Plan" (CERP Master Agreement). The CERP Master Agreement covers the terms and conditions for 50-50 cost-share on the costs for real estate acquisition and construction of CERP projects, as well as costs for long-term operation, maintenance, repair, replacement and rehabilitation (OMRR&R) of those projects. In 2007, Congress passed the Water Resources Development Act (WRDA) that authorized the Indian River Lagoon, Picayune Strand Restoration, Melaleuca Eradication and Other Exotic Plants and Site 1 Impoundment projects. In 2014, Congress passed the Water Resources Reform and Development Act (WRRDA) that authorized four additional CERP projects: Caloosahatchee (C-43) West Basin Storage Reservoir, Biscayne Bay Coastal Wetlands - Phase I, C-111 Spreader Canal Western and Broward County Water Preserve Areas. In the Water Resources Development Act of 2016 (WRDA 2016), Congress authorized the Central Everglades Planning Project. In the Water Resources Development Act of 2018 (WRDA 2018), Congress authorized the EAA Reservoir and Stormwater Treatment Area.

From 2000 through 2019, the District and the USACE maintained the 50-50 cost-share balance under the Design Agreement with no requirement for cash payments to the USACE. The balance was maintained by development and management of annual work plans that allocated the necessary planning and design work and expenditures between the District and the USACE. The District and USACE continue to work closely in managing the Design Agreement and CERP Master Agreement work and expenditures to maintain the 50-50 cost-share balance without the District being required to make cash contributions to the USACE. In 2004, the District initiated design and construction of several CERP projects. In recent years, the District focused available resources on six major construction projects: C-111 Spreader Canal Western, C-44 Reservoir Pump Station and Stormwater Treatment Area, Biscayne Bay Coastal Wetlands - Phase 1, Picayune Strand Restoration, the Caloosahatchee (C-43) West Basin Storage Reservoir, and the Central Everglades Project. The preliminary Fiscal Year 2020-21 Budget includes new and prior years State Appropriations funding of $376 million for planning, design, construction and land acquisition for the Everglades Agricultural Area Storage Reservoir Conveyance Improvements and Stormwater Treatment Area, the Caloosahatchee (C-43) West Basin Storage Reservoir, the C-44 / C-23 interconnect, Biscayne Bay Coastal Wetlands Cutler Wetlands and project planning. The completed project features of the Biscayne Bay Coastal Wetlands - Phase I (Deering Estate Flow-way and portions of the L-31E Flow-way), C-111 Spreader Canal Western Project and Picayune Strand Restoration (Merritt Pump Station and Faka Union Pump Station and Miller Pump Station) projects, Site 1 Phase 1 Project and the Melaleuca Eradication and Other Exotic Plants Project are now in the post-construction Operation and Maintenance phase.

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Increases and decreases between Fiscal Year 2016-17 and Fiscal Year 2018-19 in Contractual Services, Operating Expenses, Operating Capital Outlay, Fixed Capital Outlay, and Interagency Expenditures represent the shift in cash flow requirements across the various expense categories for the implementation of CERP Projects as they move from Planning, Design, Construction, and Operations and Maintenance.

Budget Variances

The Fiscal Year 2020-21 Preliminary Budget of $438.2 million is a 5.4 percent ($22.4 million) increase from the Fiscal Year 2019-20 Adopted Budget of $415.8 million.

The major variances in expense categories are:

Contracted Services decreased 23.8 percent ($14.1 million) primarily due to a decrease in the Lake Okeechobee Watershed Protection Program ($10 million).

Operating Expenses decreased 54.8 percent ($4.2 million) primarily due to a decrease in cash flow requirements for the Old Tamiami Trail Road Removal and new works for the C-44 Reservoir Pump Station and Stormwater Treatment Area operational, testing, and monitoring phase.

Operating Capital Outlay increased 99.6 percent ($16.6 million) primarily due to reduced cash flow requirements the Everglades Agricultural Area Storage Reservoir Conveyance Improvements and Stormwater Treatment Area and reduced requirements for CERP planning design and engineering.

Fixed Capital Outlay increased 18.5 percent ($57.4 million) due to increased primarily due to increased cash flow requirements the Everglades Agricultural Area Storage Reservoir Conveyance Improvements and Stormwater Treatment Area.

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IV. PROGRAM ALLOCATIONS

Major Budget Items for this Specific Program include the following:

- Salaries and Benefits ($7.1 million).

The table below includes projects that are funded with Contracted Services, Operating Expenses and Fixed Capital Outlay. The projects listed below are also addressed in their respective state programs.

Project Name	Salaries and Benefits	Other Personal	Contracted Services	Operating Expenses	Operating Capital	Fixed Capital Outlay	Interagency Expenditures	Debt	Reserves	Grand Total
CERP Everglades Restoration Land Acquisition	$ -	$ -	$ -	$ -	$ -	$ 11,900,000	$ -	$ -	$ -	$ 11,900,000
CERP Planning	$ -	$ -	$ 4,700,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,700,000
CERP-Lake Okeechobee Watershed Restoration Project	$ 158,879	$ -	$ 40,000,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 40,158,879
Caloosahatchee River (C-43) West Basin Storage Reservoir	$ 661,609	$ -	$ -	$ -	$ -	$ 140,000,000	$ -	$ -	$ -	$ 140,661,609
CERP - C-44/C-23 Interconnect		$ -	$ -	$ -	$ -	$ 3,000,000	$ -	$ -	$ -	$ 3,000,000
CERP Biscayne Bay Coastal Wetlands Phase 1	$ 134,070	$ -	$ -	$ -	$ -	$ 11,000,000	$ -	$ -	$ -	$ 11,134,070
Everglades Agricultural Area (EAA) Storage Reservoir Conveyance Improvements and Stormwater Treatment Area (STA)	$ 613,394	$ -	$ -	$ -	$ -	$ 201,830,958	$ -	$ -	$ -	$ 202,444,352
Grand Total	**$ 1,567,952**	**$ -**	**$ 44,700,000**	**$ -**	**$ -**	**$ 367,730,958**	**$ -**	**$ -**	**$ -**	**$ 413,998,910**

Additional major budget items to implement the CERP in Fiscal Year 2020-21 include continued design, construction, and other activities for projects.

- Contracted Services:
  - RECOVER and adaptive assessment and monitoring ($156,000).
  - WCA-3 Decompartmentalization and Sheetflow Enhancement Part 1 Project ($210,715) for sampling and laboratory analysis in support of Decompartmentalization Physical Model testing.
  - CERP Planning – $4.7 million.
- Operating Expenses:
  - Program indirect support ($3.3 million).
- Fixed Capital Outlay:
  - CERP future land acquisition ($11.9 million).
- Interagency Expenditures:
  - RECOVER and adaptive assessment and monitoring ($938,902).
  - WCA-3 Decompartmentalization and Sheetflow Enhancement Part 1 Project ($116,790) for sampling and laboratory analysis in support of Decompartmentalization Physical Model testing.
- Debt:
  - Debt service payments ($13.6 million).

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IV. PROGRAM ALLOCATIONS

C. Program Allocations by Area of Responsibility

Subsection 373.535(1)(a)2., Florida Statutes, requires the District to report the total estimated amount in the District budget for each area of responsibility (AOR). All programs and activities at water management districts are categorized by four AORs: water supply, water quality, flood protection and floodplain management, and natural systems.

Expenditures in the four AORs are provided only at the program level. These AOR (water supply, water quality, flood protection and floodplain management, and natural systems) expenditures are estimates only and have been allocated among the programs, since a project may serve more than one purpose.

Therefore, the AOR expenditures should be viewed only as one indication of whether the District is adequately addressing each AOR.

The following tables provide the AOR expenditures for Fiscal Years 2018-19 (Actual – Unaudited), 2019-20 (Adopted Budget) and 2020-21 (Preliminary Budget).

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IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

PROGRAMS, ACTIVITIES AND SUBACTIVITIES BY AREA OF RESPONSIBILITY

Fiscal Year 2018-19 (Actual - Unaudited)

PRELIMINARY BUDGET - Fiscal Year 2020-21

PROGRAMS, ACTIVITIES AND SUB-ACTIVITIES	Fiscal Year 2018-19 (Actual - Unaudited)	Water Supply	Water Quality	Flood Protection	Natural Systems
1.0 Water Resources Planning and Monitoring	**$35,108,563**	**$6,864,755**	**$18,000,729**	**$1,716,616**	**$8,526,463**
1.1 - District Water Management Planning	8,266,396	X	X	X	X
1.1.1 Water Supply Planning	3,435,732	X			X
1.1.2 Minimum Flows and Levels	316,529	X			X
1.1.3 Other Water Resources Planning	4,514,135	X	X	X	X
1.2 - Research, Data Collection, Analysis and Monitoring	23,840,704	X	X	X	X
1.3 - Technical Assistance	214,062	X			X
1.4 - Other Water Resources Planning and Monitoring Activities	0				
1.5 - Technology & Information Services	2,787,401		X		X
2.0 Land Acquisition, Restoration and Public Works	**$228,574,812**	**$33,673,763**	**$74,708,035**	**$10,015,623**	**$110,177,391**
2.1 - Land Acquisition	0				
2.2 - Water Source Development	1,252,648	X			
2.2.1 Water Resource Development Projects	288,025	X			
2.2.2 Water Supply Development Assistance	964,623	X			
2.2.3 Other Water Source Development Activities	0				
2.3 - Surface Water Projects	224,946,079	X	X	X	X
2.4 - Other Cooperative Projects	734,117	X			
2.5 - Facilities Construction and Major Renovations	0				
2.6 - Other Acquisition and Restoration Activities	0				
2.7 - Technology & Information Service	1,641,968		X	X	X
3.0 Operation and Maintenance of Lands and Works	**$183,833,039**	**$45,096,326**	**$31,170,852**	**$88,681,574**	**$18,884,287**
3.1 - Land Management	10,775,674	X	X	X	X
3.2 - Works	123,405,924	X	X	X	X
3.3 - Facilities	4,460,358	X	X	X	X
3.4 - Invasive Plant Control	23,855,390	X	X	X	X
3.5 - Other Operation and Maintenance Activities	4,831,093	X	X	X	X
3.6 - Fleet Services [2]	7,245,930	X	X	X	X
3.7 - Technology & Information Services [1]	9,258,670	X	X	X	X
4.0 Regulation	**$16,279,728**	**$5,860,244**	**$2,561,001**	**$4,026,925**	**$3,831,558**
4.1 - Consumptive Use Permitting	4,216,040	X			
4.2 - Water Well Construction Permitting and Contractor Licensing	0				
4.3 - Environmental Resource and Surface Water Permitting	8,156,362	X	X	X	X
4.4 - Other Regulatory and Enforcement Activities	591,806	X	X	X	X
4.5 - Technology & Information Service	3,315,520	X	X	X	X
5.0 Outreach	**$1,078,383**	**$280,443**	**$265,980**	**$265,980**	**$265,980**
5.1 - Water Resource Education	0				
5.2 - Public Information	1,051,383	X	X	X	X
5.3 - Public Relations	0				
5.4 - Cabinet & Legislative Affairs	27,000	X	X	X	X
5.5 - Other Outreach Activities	0				
5.6 - Technology & Information Service	0				
SUBTOTAL - Major Programs (excluding Management and Administration)	*$464,874,525*				
6.0 District Management and Administration	**$29,229,034**				
6.1 - Administrative and Operations Support	23,680,836				
6.1.1 - Executive Direction	653,958				
6.1.2 - General Counsel / Legal	2,809,403				
6.1.3 - Inspector General	853,635				
6.1.4 - Administrative Support	5,295,558				
6.1.5 - Fleet Services	0				
6.1.6 - Procurement / Contract Administration	1,900,397				
6.1.7 - Human Resources	1,605,428				
6.1.8 - Communications	326,698				
6.1.9 - Technology & Information Services	10,235,759				
6.2 - Computer/Computer Support	0				
6.3 - Reserves	0				
6.4 - Other - (Tax Collector / Property Appraiser Fees)	5,548,198				
TOTAL	**$494,103,559**				

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IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

PROGRAMS, ACTIVITIES AND SUBACTIVITIES BY AREA OF RESPONSIBILITY

Fiscal Year 2019-20 (Adopted)

PRELIMINARY BUDGET - Fiscal Year 2020-21

PROGRAMS, ACTIVITIES AND SUB-ACTIVITIES	Fiscal Year 2019-20 (Adopted)	Water Supply	Water Quality	Flood Protection	Natural Systems
1.0 Water Resources Planning and Monitoring	**$54,299,689**	**$19,175,201**	**$20,870,211**	**$2,327,313**	**$11,926,964**
1.1 - District Water Management Planning	21,043,705	X	X	X	X
1.1.1 Water Supply Planning	15,602,487	X			X
1.1.2 Minimum Flows and Levels	337,129	X			X
1.1.3 Other Water Resources Planning	5,104,089	X	X	X	X
1.2 - Research, Data Collection, Analysis and Monitoring	29,993,945	X	X	X	X
1.3 - Technical Assistance	218,692	X			X
1.4 - Other Water Resources Planning and Monitoring Activities	0				
1.5 - Technology & Information Services	3,043,347		X		X
2.0 Land Acquisition, Restoration and Public Works	**$564,625,144**	**$115,755,723**	**$145,071,687**	**$3,687,005**	**$300,110,729**
2.1 - Land Acquisition	0				
2.2 - Water Source Development	18,339,784	X			
2.2.1 Water Resource Development Projects	218,424	X			
2.2.2 Water Supply Development Assistance	18,121,360	X			
2.2.3 Other Water Source Development Activities	0				
2.3 - Surface Water Projects	544,321,958	X	X	X	X
2.4 - Other Cooperative Projects	266,220	X			
2.5 - Facilities Construction and Major Renovations	0	X	X	X	X
2.6 - Other Acquisition and Restoration Activities	0				
2.7 - Technology & Information Service	1,697,182		X	X	X
3.0 Operation and Maintenance of Lands and Works	**$310,215,112**	**$77,493,959**	**$41,710,562**	**$156,630,842**	**$34,379,749**
3.1 - Land Management	27,666,266	X	X	X	X
3.2 - Works	225,796,608	X	X	X	X
3.3 - Facilities	4,027,189	X	X	X	X
3.4 - Invasive Plant Control	29,205,431	X	X	X	X
3.5 - Other Operation and Maintenance Activities	5,502,946	X	X	X	X
3.6 - Fleet Services [2]	8,218,066	X	X	X	X
3.7 - Technology & Information Services [1]	9,798,606	X	X	X	X
4.0 Regulation	**$21,767,846**	**$7,680,453**	**$3,699,533**	**$5,386,858**	**$5,001,002**
4.1 - Consumptive Use Permitting	5,274,382	X			
4.2 - Water Well Construction Permitting and Contractor Licensing	0				
4.3 - Environmental Resource and Surface Water Permitting	8,776,364	X	X	X	X
4.4 - Other Regulatory and Enforcement Activities	4,550,893	X	X	X	X
4.5 - Technology & Information Service	3,166,207	X	X	X	X
5.0 Outreach	**$1,214,274**	**$310,878**	**$301,132**	**$301,132**	**$301,132**
5.1 - Water Resource Education	0				
5.2 - Public Information	1,182,774	X	X	X	X
5.3 - Public Relations	0				
5.4 - Cabinet & Legislative Affairs	31,500	X	X	X	X
5.5 - Other Outreach Activities	0				
5.6 - Technology & Information Service	0				
SUBTOTAL - Major Programs (excluding Management and Administration)	*$952,122,065*				
6.0 District Management and Administration	**$37,674,589**				
6.1 - Administrative and Operations Support	30,914,707				
6.1.1 - Executive Direction	819,243				
6.1.2 - General Counsel / Legal	2,946,310				
6.1.3 - Inspector General	842,063				
6.1.4 - Administrative Support	11,461,713				
6.1.5 - Fleet Services	0				
6.1.6 - Procurement / Contract Administration	1,967,835				
6.1.7 - Human Resources	1,607,340				
6.1.8 - Communications	428,740				
6.1.9 - Technology & Information Services	10,841,463				
6.2 - Computer/Computer Support	0				
6.3 - Reserves	0				
6.4 - Other - (Tax Collector / Property Appraiser Fees)	6,759,882				
TOTAL	**$989,796,654**				

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IV. PROGRAM ALLOCATIONS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

PROGRAMS, ACTIVITIES AND SUBACTIVITIES BY AREA OF RESPONSIBILITY

Fiscal Year 2020-21 (Preliminary Budget)

PRELIMINARY BUDGET - Fiscal Year 2020-21

PROGRAMS, ACTIVITIES AND SUB-ACTIVITIES	Fiscal Year 2020-21 (Preliminary Budget)	Water Supply	Water Quality	Flood Protection	Natural Systems
1.0 Water Resources Planning and Monitoring	**$51,660,435**	**$17,907,941**	**$20,549,032**	**$2,090,742**	**$11,112,721**
1.1 - District Water Management Planning	18,605,447	X	X	X	X
1.1.1 Water Supply Planning	13,792,925	X			X
1.1.2 Minimum Flows and Levels	332,999	X			X
1.1.3 Other Water Resources Planning	4,479,523	X	X	X	X
1.2 - Research, Data Collection, Analysis and Monitoring	29,776,670	X	X	X	X
1.3 - Technical Assistance	220,059	X			X
1.4 - Other Water Resources Planning and Monitoring Activities	0				
1.5 - Technology & Information Services	3,058,259		X		X
2.0 Land Acquisition, Restoration and Public Works	**$590,300,595**	**$105,748,097**	**$155,599,777**	**$2,631,470**	**$326,321,251**
2.1 - Land Acquisition	0				
2.2 - Water Source Development	244,971	X			
2.2.1 Water Resource Development Projects	223,520	X			
2.2.2 Water Supply Development Assistance	21,451	X			
2.2.3 Other Water Source Development Activities	0				
2.3 - Surface Water Projects	588,075,126	X	X	X	X
2.4 - Other Cooperative Projects	267,043	X			
2.5 - Facilities Construction and Major Renovations	0	X	X	X	X
2.6 - Other Acquisition and Restoration Activities	0				
2.7 - Technology & Information Service	1,713,455		X	X	X
3.0 Operation and Maintenance of Lands and Works	**$319,000,727**	**$78,745,954**	**$44,857,610**	**$156,988,659**	**$38,408,504**
3.1 - Land Management	29,302,288	X	X	X	X
3.2 - Works	226,922,942	X	X	X	X
3.3 - Facilities	5,243,585	X	X	X	X
3.4 - Invasive Plant Control	33,730,160	X	X	X	X
3.5 - Other Operation and Maintenance Activities	5,651,394	X	X	X	X
3.6 - Fleet Services [2]	8,276,048	X	X	X	X
3.7 - Technology & Information Services [1]	9,874,310	X	X	X	X
4.0 Regulation	**$21,876,907**	**$7,745,273**	**$3,701,929**	**$5,402,420**	**$5,027,285**
4.1 - Consumptive Use Permitting	5,369,608	X			
4.2 - Water Well Construction Permitting and Contractor Licensing	0				
4.3 - Environmental Resource and Surface Water Permitting	9,004,606	X	X	X	X
4.4 - Other Regulatory and Enforcement Activities	4,561,148	X	X	X	X
4.5 - Technology & Information Service	2,941,545	X	X	X	X
5.0 Outreach	**$1,122,971**	**$288,524**	**$278,149**	**$278,149**	**$278,149**
5.1 - Water Resource Education	0				
5.2 - Public Information	1,091,471	X	X	X	X
5.3 - Public Relations	0				
5.4 - Cabinet & Legislative Affairs	31,500	X	X	X	X
5.5 - Other Outreach Activities	0				
5.6 - Technology & Information Service	0				
SUBTOTAL - Major Programs (excluding Management and Administration)	*$983,961,635*				
6.0 District Management and Administration	**$39,108,329**				
6.1 - Administrative and Operations Support	32,348,447				
6.1.1 - Executive Direction	817,946				
6.1.2 - General Counsel / Legal	2,999,689				
6.1.3 - Inspector General	847,859				
6.1.4 - Administrative Support	11,614,601				
6.1.5 - Fleet Services	0				
6.1.6 - Procurement / Contract Administration	1,987,056				
6.1.7 - Human Resources	1,641,741				
6.1.8 - Communications	428,740				
6.1.9 - Technology & Information Services	12,010,815				
6.2 - Computer/Computer Support	0				
6.3 - Reserves	0				
6.4 - Other - (Tax Collector / Property Appraiser Fees)	6,759,882				
TOTAL	**$1,023,069,964**				

AMERICAN OVERSIGHT

V. SUMMARY OF STAFFING LEVELS

This section summarizes workforce levels at the District from Fiscal Year 2016-17 to Fiscal Year 2020-21.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SUMMARY OF WORKFORCE

Fiscal Years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21

PRELIMINARY BUDGET - Fiscal Year 2020-21

PROGRAM	WORKFORCE CATEGORY	2016-17 to 2020-21							Adopted to Preliminary 2019-20 to 2020-21	
		Difference	% Change	2016-17	2017-18	2018-19	2019-20	2020-21	Difference	% Change
All Programs	Authorized Positions	-	0.00%	1,475	1,475	1,475	1,475	1,475	-	0.00%
	Contingent Worker	-		-	-	-	-	-	-	
	Other Personal Services	(1)	-25.00%	4	4	4	3	3	-	0.00%
	Intern	-		-	-	-	-	-	-	
	Volunteer	-		-	-	-	-	-	-	
	TOTAL WORKFORCE	(1)	-0.07%	1,479	1,479	1,479	1,478	1,478	-	0.00%
Water Resources Planning and Monitoring	Authorized Positions	3	1.29%	232	238	244	235	235	-	0.00%
	Contingent Worker	-		-	-	-	-	-	-	
	Other Personal Services	-	0.00%	1	1	1	1	1	-	0.00%
	Intern	-		-	-	-	-	-	-	
	Volunteer	-		-	-	-	-	-	-	
	TOTAL WORKFORCE	3	1.29%	233	239	245	236	236	-	0.00%
Land Acquisition, Restoration and Public Works	Authorized Positions	30	23.44%	128	122	144	158	158	-	0.00%
	Contingent Worker	-		-	-	-	-	-	-	
	Other Personal Services	-		-	-	-	-	-	-	
	Intern	-		-	-	-	-	-	-	
	Volunteer	-		-	-	-	-	-	-	
	TOTAL WORKFORCE	30	23.44%	128	122	144	158	158	-	0.00%
Operation and Maintenance of Lands and Works	Authorized Positions	(5)	-0.66%	754	758	750	748	749	1	0.13%
	Contingent Worker	-		-	-	-	-	-	-	
	Other Personal Services	(1)	-100.00%	1	1	1	-	-	-	
	Intern	-		-	-	-	-	-	-	
	Volunteer	-		-	-	-	-	-	-	
	TOTAL WORKFORCE	(6)	-0.79%	755	759	751	748	749	1	0.13%
Regulation	Authorized Positions	(28)	-14.66%	191	188	164	164	163	(1)	-0.61%
	Contingent Worker	-		-	-	-	-	-	-	
	Other Personal Services	-	0.00%	2	2	2	2	2	-	0.00%
	Intern	-		-	-	-	-	-	-	
	Volunteer	-		-	-	-	-	-	-	
	TOTAL WORKFORCE	(28)	-14.51%	193	190	166	166	165	(1)	-0.60%
Outreach	Authorized Positions	(1)	-10.00%	10	9	9	9	9	-	0.00%
	Contingent Worker	-		-	-	-	-	-	-	
	Other Personal Services	-		-	-	-	-	-	-	
	Intern	-		-	-	-	-	-	-	
	Volunteer	-		-	-	-	-	-	-	
	TOTAL WORKFORCE	(1)	-10.00%	10	9	9	9	9	-	0.00%
District Management and Administration	Authorized Positions	1	0.63%	160	160	164	161	161	-	0.00%
	Contingent Worker	-		-	-	-	-	-	-	
	Other Personal Services	-		-	-	-	-	-	-	
	Intern	-		-	-	-	-	-	-	
	Volunteer	-		-	-	-	-	-	-	
	TOTAL WORKFORCE	1	0.63%	160	160	164	161	161	-	0.00%

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VI. PERFORMANCE MEASURES

This section presents a selection of process performance measurements that were developed through a joint effort with the Department of Environmental Protection and all five water management districts. These measures reflect three of the core mission areas of the District – natural systems, water quality, and water supply – as well as mission support activities. The information is reported as of the end of Fiscal Year 2018-19 and is in a standard format developed for this report.

Overall Goal: The District budget ensures core missions and prioritized programs are administered both effectively and efficiently.

AMERICAN OVERSIGHT

VI. PERFORMANCE MEASURES

A. Natural Systems

Primary Goal: To restore the hydrology of natural systems and improve water quality of natural systems.

- Natural System Objective 1: Maintain the integrity and functions of water resources and related natural systems.
    - Number of Minimum Flows and Minimum Water Levels (MFLs) and Reservations, by water body type, established annually (fiscal year) and cumulatively.
    - Number and percentage of water bodies meeting their adopted MFLs.

South Florida Water Management District
PERFORMANCE MEASURES - NATURAL SYSTEMS
Fiscal Year 2018-19 End of Year Performance Data
Preliminary Budget - January 15, 2020

Natural System Primary Goal: To restore the hydrology of natural systems and improve water quality of natural systems.

NS Objective 1: Maintain the integrity and functions of water resources and related natural systems		
Annual Measures	**Fiscal Year 18-19**	
Number of MFLs and Reservations, by water body type, established annually (fiscal year) and cumulatively	**Annual**	**Cumulative**
Aquifer	0	14
Estuary	0	6
Lake	0	2
River	0	2
Spring	0	0
Wetland	0	21
Number and percentage of water bodies meeting their adopted MFLs	**Annual**	**Percent**
Number of water bodies meeting MFLs	17	42.50%
Number of water bodies with adopted MFLs	40	

- Natural System Objective 2: Restore or improve degraded water resources and related natural systems to a naturally functioning condition.
    - For water bodies not meeting their adopted MFLs, the number and percentage of those water bodies within an adopted or approved recovery prevention strategy.

South Florida Water Management District
PERFORMANCE MEASURES - NATURAL SYSTEMS
Fiscal Year 2018-19 End of Year Performance Data
Preliminary Budget - January 15, 2020

Natural System Primary Goal: To restore the hydrology of natural systems and improve water quality of natural systems.

NS Objective 2: Restore or improve degraded water resources and related natural systems to a naturally functioning condition.		
Annual Measures	**Fiscal Year 18-19**	
For water bodies not meeting their adopted MFLs, the number and percentage of those water bodies with an adopted recovery or prevention strategy.	**Annual**	**Percent**
Number of water bodies with an adopted recovery or prevention strategy	23	100.00%
Number of water bodies supposed to have an adopted recovery or prevention strategy	23	

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FL-SEN-20-0201-B, 20-0202-A-006503

VI. PERFORMANCE MEASURES

B. Water Quality

Primary Goal: To achieve and maintain surface water quality standards.

- Water Quality Objective 1: Identify the efficiency of permit review, issuance and relative cost of permit processing.
    - For closed applications, median time to process Environmental Resource Permits (ERPs) by permit type and total.
    - For ERPs, cost to issue permit for all permit types.
    - For ERPs, in-house application to staff ratio for all permit types.

South Florida Water Management District
PERFORMANCE MEASURES - WATER QUALITY
Fiscal Year 2018-19 End of Year Performance Data
Preliminary Budget - January 15, 2020

Water Quality Primary Goal: To achieve and maintain surface water quality standards

WQ Objective 1: Identify the efficiency of permit review, issuance and relative cost of permit processing.

Quarterly Measures	Quarter 1		Quarter 2		Quarter 3		Quarter 4		FY 2018-19 Annualized Performance	
For closed applications, the median time to process ERP by permit type and total.	Median		Median		Median		Median		Median	
Exemptions and noticed general permits	16.00		14.00		14.00		18.00		16.00	
Individually processed permits	21.00		22.00		22.00		23.00		23.00	
All authorizations combined	20.00		19.00		20.00		22.00		21.00	
For ERPs, cost to issue permit for all permit types	**Number**	**Cost/Permit**	**Number**	**Cost/Permit**	**Number**	**Cost/Permit**	**Number**	**Cost**	**Number**	**Cost/Permit**
Total cost	$415,922.22	$577.67	$265,311.17	$360.48	$271,061.17	$342.68	$288,036.95	$334.93	$1,240,331.51	$399.21
Number of permits	720		736		791		860		3,107	
For ERP, In-House Application to Staff Ratio for All Permit Types	**Number**	**Ratio**	**Number**	**Ratio**	**Number**	**Ratio**	**Number**	**Ratio**	**Number**	**Ratio**
Total number of open applications	720	28.02	736	43.29	791	46.53	860	48.64	3,107	40.15
Number of staff for the permit area	25.70		17.00		17.00		17.68		77.38	

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VI. PERFORMANCE MEASURES

C. Water Supply

Primary Goal: To ensure a safe and adequate source of water for all users.

- Water Supply Objective 1: Increase available water supplies and maximize overall water use efficiency to meet identified existing and future needs.
    - Districtwide, estimated amount of water (million gallons per day_ made available through projects that the District has constructed or contributed funding to, excluding conservation projects.
    - Uniform residential per capita water use (Public Supply) by District (gallons per capita per day).

South Florida Water Management District
PERFORMANCE MEASURES - WATER SUPPLY
Fiscal Year 2018-19 End of Year Performance Data
Preliminary Budget - January 15, 2020

Water Supply Primary Goal: To ensure a safe and adequate source of water for all users

WS Objective 1: Increase available water supplies and maximize overall water use efficiency to meet identified existing and future needs.	
Annual Measure	Fiscal Year 2017-18*
District-wide, the quantity (mgd) of the 2010-2030 Public Supply increase in demand that has been met, excluding water conservation projects	MGD
	263.64
Uniform residential per capita water use (Public Supply) by District (gallons per capita per day).	79
	79.00

* FY18 latest data available FY19 collected Jan 2020

- Water Supply Objective 2: To identify the efficiency of permit review and issuance and relative cost of permit processing.
    - For closed applications, median time to process Consumptive Use Permits (CUPs) by permit type and total.
    - For CUPs, cost to issue permit for all permit types.
    - For CUPs, in-house application to staff ratio for all permit types.

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VI. PERFORMANCE MEASURES

South Florida Water Management District
PERFORMANCE MEASURES - WATER SUPPLY
Fiscal Year 2018-19 End of Year Performance Data
Preliminary Budget - January 15, 2020

Water Supply Primary Goal: To ensure a safe and adequate source of water for all users

WS Objective 2: To identify the efficiency of permit review and issuance and relative cost of permit processing.

Quarterly Measures	Quarter 1		Quarter 2		Quarter 3		Quarter 4		FY 2018-19 Annualized Performance	
For closed applications, the median time to process CUP by permit type and total.	Median		Median		Median		Median		Median	
Individually processed permits (all sizes)	5.00		4.00		6.00		6.00		6.00	
All authorizations combined	6.00		4.00		6.00		6.00		7.00	
For CUPs, cost to issue permit for all permit types (BPM and Metric - Report Quarterly Measures)	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost
Total cost	$282,306.00	$588.14	$210,966.57	$404.15	$211,087.31	$367.11	$192,312.67	$340.38	$896,672.55	$418.61
Number of permits	480		522		575		565		2,142	
For CUP, In-House application to staff ratio for all permit types (Metric - Report Quarterly Measures)	Number	Ratio	Number	Ratio	Number	Ratio		Ratio	Number	Ratio
Total number of open applications	480	27.27	522	38.38	575	40.78	571	44.61	2,148	36.97
Number of staff for the permit area	17.60		13.60		14.10		12.80		58.10	

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FL-SEN-20-0201-B, 20-0202-A-006506

VI. PERFORMANCE MEASURES

D. Mission Support

Primary Goal: Support District core programs both effectively and efficiently.

- Mission Support Objective 1: To assess the ongoing costs of administrative and support operations in order to achieve optimal efficiency to minimize costs.
    - Administrative costs as a percentage of total expenditures (cumulative totals reported for each quarter during a fiscal year).

South Florida Water Management District
PERFORMANCE MEASURES - MISSION SUPPORT
Fiscal Year 2018-19 End of Year Performance Data
Preliminary Budget - January 15, 2020

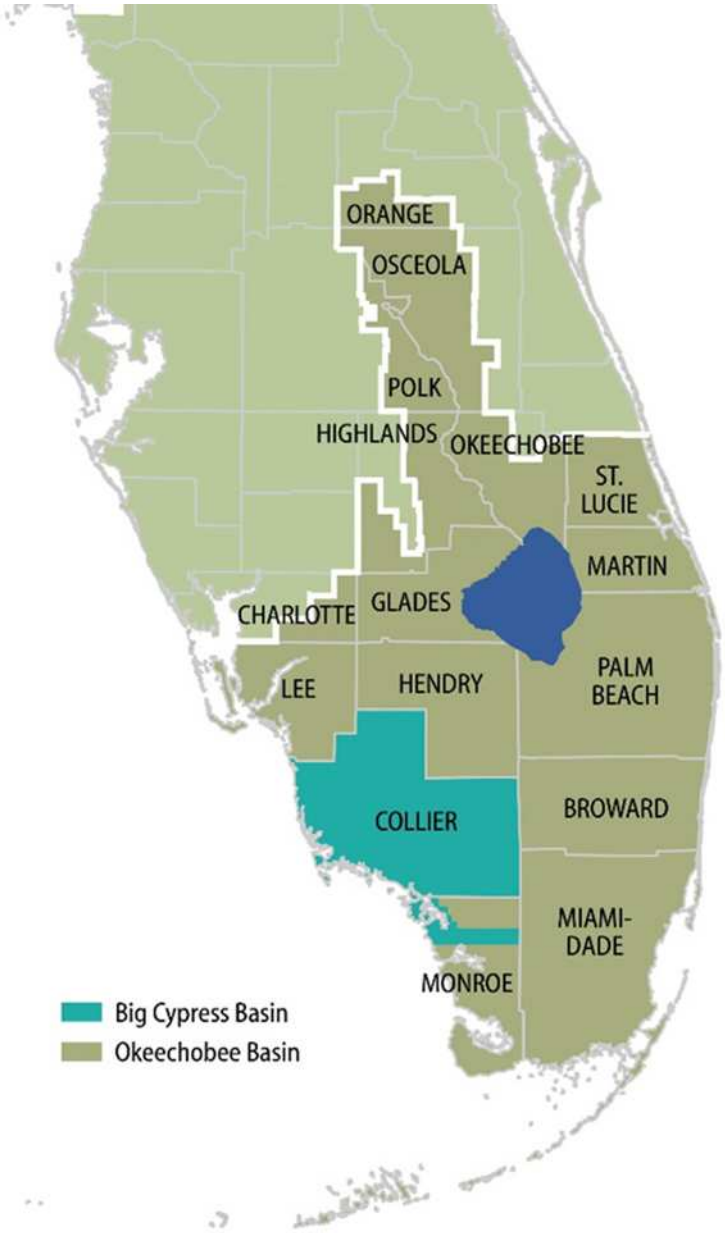
Mission Support Primary Goal: Support District core programs both effectively and efficiently.

MS Objective 1: To assess the ongoing costs of administrative and support operations in order to achieve optimal efficiency to minimize costs.		
Annual Measure	Fiscal Year 2018-19	
Administrative Costs (State 5-6) as a Percentage of Total Expenditures (report cumulative totals for each quarter during a fiscal year)	Number	Percentage
Administrative Costs (State 5-6)	$37,881,824	7.60%
Total expenditures (State 1-6)	$498,392,954	

AMERICAN OVERSIGHT

VII. BASIN BUDGETS

The Florida State Legislature enacted the Water Resources Act in 1972 which divided the state into five regional Water Management Districts defined along natural hydrologic boundaries. This Act (Chapter 373) also greatly expanded the responsibilities of the Districts. Further definition of water management roles was established as a result of a legislative amendment resulting in the establishment of two basin boards within the South Florida Water Management District. The basins were named Okeechobee Basin and Big Cypress Basin.



VII. BASIN BUDGETS

A. Big Cypress Basin

The Big Cypress Basin encompasses all of Collier and a small portion of mainland Monroe counties. The basin also includes the natural lands of the Corkscrew Swamp and Sanctuary, the Big Cypress National Preserve, the Florida Panther National Wildlife Refuge, the Fakahatchee Strand, the Corkscrew Regional Ecosystem Watershed, Picayune Strand State Forest, and the 10,000 Islands. Programs include the Big Cypress Basin Watershed Management Plan, stormwater projects, and other capital improvements projects to store additional water, recharge groundwater, and improve water quality in Naples Bay.

Property owners within the Big Cypress Basin were most recently assessed through the Fiscal Year 2019-20 Adopted Budget the aggregate rolled-back millage rate of 0.2344 mills which is comprised of the District-at-large rolled-back millage rate of 0.1152 mills and the Big Cypress Basin rolled-back millage rate of 0.1192 mills.

The Fiscal Year 2020-21 proposed rolled-back millage rate for the property owners within the Big Cypress Basin is 0.2283 mills which is comprised of the District-at-large rolled-back millage rate of 0.1118 mills and the Big Cypress Basin rolled-back millage rate of 0.1165 mills. The impact of the proposed rolled-back millage rate is a savings of $0.61 per $100,000 taxable value for property owners within the Big Cypress Basin. Final millage rates and budget for the proposed Fiscal Year 2020-21 Big Cypress Basin Budget will be presented for discussion and approval by the Basin Board in August and will be presented for discussion and adoption by the District Board in September 2020.

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006509

VII. BASIN BUDGETS

ACTUAL UNAUDITED - REVENUES, EXPENDITURES, AND PERSONNEL BY PROGRAM FOR FISCAL YEAR 2018-19

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Big Cypress Basin

	Water Resource Planning and Monitoring	Land Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	Management and Administration	TOTAL
REVENUES							
Non-dedicated Revenues							
Reserves							
Ad Valorem Taxes							
Permit & License Fees							
Local Revenues							
State General Revenue							
Miscellaneous Revenues							
Non-dedicated Revenues Subtotal							$ -
Dedicated Revenues							
District Revenues	$ 1,824,918	$ 563	$ 8,815,368	$ -	$ -	$ 297,810	$ 10,938,659
Reserves	-	-	-	-	-	-	$ -
Debt - Certificate of Participation (COPS)	-	-	-	-	-	-	$ -
Local Revenues	-	-	-	-	-	-	$ -
State General Revenues	-	-	-	-	-	-	$ -
Land Acquisition Trust Fund	-	-	-	-	-	-	$ -
FDEP/EPC Gardinier Trust Fund	-	-	-	-	-	-	$ -
P2000 Revenue	-	-	-	-	-	-	$ -
FDOT/Mitigation	-	-	-	-	-	-	$ -
Water Management Lands Trust Fund	-	-	-	-	-	-	$ -
Water Quality Assurance (SWIM) Trust Fund	-	-	-	-	-	-	$ -
Florida Forever	-	-	-	-	-	-	$ -
Save Our Everglades Trust Fund	-	-	-	-	-	-	$ -
Alligator Alley Tolls	-	-	-	-	-	-	$ -
Other State Revenue	-	-	-	-	-	-	$ -
Federal Revenues	-	-	198,822	-	-	-	$ 198,822
Federal through State (FDEP)	-	-	-	-	-	-	$ -
Dedicated Revenues Subtotal	1,824,918	563	9,014,190	-	-	297,810	$ 11,137,481
TOTAL REVENUES	$ 1,824,918	$ 563	$ 9,014,190	$ -	$ -	$ 297,810	$ 11,137,481
EXPENDITURES							
Salaries and Benefits	$ 460,945	$ 563	$ 1,762,074	$ -	$ -	$ -	$ 2,223,582
Other Personal Services	-	-	-	-	-	-	$ -
Contracted Services	60,573	-	444,725	-	-	-	$ 505,298
Operating Expenses	134,288	-	2,253,507	-	-	297,810	$ 2,685,605
Operating Capital Outlay	-	-	1,391,002	-	-	-	$ 1,391,002
Fixed Capital Outlay	-	-	2,596,423	-	-	-	$ 2,596,423
Interagency Expenditures	1,169,112	-	203,720	-	-	-	$ 1,372,832
Debt	-	-	-	-	-	-	$ -
Reserves	-	-	-	-	-	-	$ -
TOTAL EXPENDITURES	$ 1,824,918	$ 563	$ 8,651,451	$ -	$ -	$ 297,810	$ 10,774,742
PERSONNEL							
Full-time Equivalents	4	0	23	0	0	0	27
Contract/Other	0	0	0	0	0	0	0
TOTAL PERSONNEL	4	0	23	0	0	0	27

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006510

VII. BASIN BUDGETS

ADOPTED BUDGET - REVENUES, EXPENDITURES, AND PERSONNEL BY PROGRAM FOR FISCAL YEAR 2019-20

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Big Cypress Basin

	Water Resource Planning and Monitoring	Land Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	Management and Administration	TOTAL
REVENUES							
Non-dedicated Revenues							
Reserves							
Ad Valorem Taxes							
Permit & License Fees							
Local Revenues							
State General Revenue							
Miscellaneous Revenues							
Non-dedicated Revenues Subtotal							$ -
Dedicated Revenues							
District Revenues	$ 3,056,415	$ -	$ 7,547,565	$ -	$ -	$ 340,671	$ 10,944,651
Reserves	1,039,495	-	2,000,000	-	-	-	$ 3,039,495
Debt - Certificate of Participation (COPS)	-	-	-	-	-	-	$ -
Local Revenues	-	-	-	-	-	-	$ -
State General Revenues	-	-	-	-	-	-	$ -
Land Acquisition Trust Fund	-	-	-	-	-	-	$ -
FDEP/EPC Gardinier Trust Fund	-	-	-	-	-	-	$ -
P2000 Revenue	-	-	-	-	-	-	$ -
FDOT/Mitigation	-	-	-	-	-	-	$ -
Water Management Lands Trust Fund	-	-	-	-	-	-	$ -
Water Quality Assurance (SWIM) Trust Fund	-	-	-	-	-	-	$ -
Florida Forever	-	-	-	-	-	-	$ -
Save Our Everglades Trust Fund	-	-	-	-	-	-	$ -
Alligator Alley Tolls	-	-	-	-	-	-	$ -
Other State Revenue	-	-	-	-	-	-	$ -
Federal Revenues	-	-	-	-	-	-	$ -
Federal through State (FDEP)	-	-	-	-	-	-	$ -
Dedicated Revenues Subtotal	4,095,910	-	9,547,565	-	-	340,671	$ 13,984,146
TOTAL REVENUES	$ 4,095,910	$ -	$ 9,547,565	$ -	$ -	$ 340,671	$ 13,984,146
EXPENDITURES							
Salaries and Benefits	$ 742,202	$ -	$ 1,815,658	$ -	$ -	$ -	$ 2,557,860
Other Personal Services	-	-	-	-	-	-	$ -
Contracted Services	556,000	-	153,326	-	-	-	$ 709,326
Operating Expenses	147,010	-	3,454,781	-	-	340,671	$ 3,942,462
Operating Capital Outlay	-	-	457,800	-	-	-	$ 457,800
Fixed Capital Outlay	-	-	1,603,500	-	-	-	$ 1,603,500
Interagency Expenditures	2,650,698	-	62,500	-	-	-	$ 2,713,198
Debt	-	-	-	-	-	-	$ -
Reserves	-	-	2,000,000	-	-	-	$ 2,000,000
TOTAL EXPENDITURES	$ 4,095,910	$ -	$ 9,547,565	$ -	$ -	$ 340,671	$ 13,984,146
PERSONNEL							
Full-time Equivalents	7	0	20	0	0	0	27
Contract/Other	0	0	0	0	0	0	0
TOTAL PERSONNEL	7	0	20	0	0	0	27

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006511

VII. BASIN BUDGETS

PRELIMINARY BUDGET - REVENUES, EXPENDITURES, AND PERSONNEL BY PROGRAM FOR FISCAL YEAR 2020-21

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Big Cypress Basin

	Water Resource Planning and Monitoring	Land Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	Management and Administration	TOTAL
REVENUES							
Non-dedicated Revenues							
Reserves							
Ad Valorem Taxes							
Permit & License Fees							
Local Revenues							
State General Revenue							
Miscellaneous Revenues							
Non-dedicated Revenues Subtotal							$ -
Dedicated Revenues							
District Revenues	$ 2,503,507	$ -	$ 8,195,872	$ -	$ -	$ 340,671	$ 11,040,050
Reserves	1,500,000	-	2,828,448	-	-	-	$ 4,328,448
Debt - Certificate of Participation (COPS)	-	-	-	-	-	-	$ -
Local Revenues	-	-	-	-	-	-	$ -
State General Revenues	-	-	-	-	-	-	$ -
Land Acquisition Trust Fund	-	-	-	-	-	-	$ -
FDEP/EPC Gardinier Trust Fund	-	-	-	-	-	-	$ -
P2000 Revenue	-	-	-	-	-	-	$ -
FDOT/Mitigation	-	-	-	-	-	-	$ -
Water Management Lands Trust Fund	-	-	-	-	-	-	$ -
Water Quality Assurance (SWIM) Trust Fund	-	-	-	-	-	-	$ -
Florida Forever	-	-	-	-	-	-	$ -
Save Our Everglades Trust Fund	-	-	-	-	-	-	$ -
Alligator Alley Tolls	-	-	-	-	-	-	$ -
Other State Revenue	-	-	-	-	-	-	$ -
Federal Revenues	-	-	-	-	-	-	$ -
Federal through State (FDEP)	-	-	-	-	-	-	$ -
Dedicated Revenues Subtotal	4,003,507	-	11,024,320	-	-	340,671	$ 15,368,498
TOTAL REVENUES	$ 4,003,507	$ -	$ 11,024,320	$ -	$ -	$ 340,671	$ 15,368,498
EXPENDITURES							
Salaries and Benefits	$ 750,497	$ -	$ 1,857,663	$ -	$ -	$ -	$ 2,608,160
Other Personal Services	-	-	-	-	-	-	$ -
Contracted Services	346,000	-	253,326	-	-	-	$ 599,326
Operating Expenses	157,010	-	4,591,531	-	-	340,671	$ 5,089,212
Operating Capital Outlay	-	-	1,505,800	-	-	-	$ 1,505,800
Fixed Capital Outlay	-	-	753,500	-	-	-	$ 753,500
Interagency Expenditures	2,750,000	-	62,500	-	-	-	$ 2,812,500
Debt	-	-	-	-	-	-	$ -
Reserves	-	-	2,000,000	-	-	-	$ 2,000,000
TOTAL EXPENDITURES	$ 4,003,507	$ -	$ 11,024,320	$ -	$ -	$ 340,671	$ 15,368,498
PERSONNEL							
Full-time Equivalents	7	0	20	0	0	0	27
Contract/Other	0	0	0	0	0	0	0
TOTAL PERSONNEL	7	0	20	0	0	0	27

AMERICAN OVERSIGHT

VII. BASIN BUDGETS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SOURCES, USES, AND WORKFORCE COMPARISON FOR THREE FISCAL YEARS

Fiscal Years 2018-19 (Actual - Unaudited) 2019-20 (Adopted) 2020-21 (Preliminary)

PRELIMINARY BUDGET - Fiscal Year 2020-21

Big Cypress Basin

AD VALOREM TAX COMPARISON BIG CYPRESS BASIN	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	(Preliminary -- Adopted)	(Preliminary -- Adopted)
Ad Valorem Taxes	$ 10,149,330	$ 10,440,284	$ 10,654,300		
New Construction Estimate	$ 244,320	$ 221,706	$ 183,000		
Millage Rate	0.1231	0.1192	0.1165		
Rolled-Back Rate	0.1231	0.1192	0.1165		
Percent Change from Rolled-Back Rate	0.0%	0.0%	0.0%		
Current Year Gross Taxable Value for Operating Purposes	$88,410,677,526	$93,173,083,441	$96,900,006,566	$ 3,726,923,125	4.0%
Current Year Net New Taxable Value	$2,077,854,081	$1,937,443,835	$1,630,528,867	$ (306,914,968)	-15.8%
Current Year Adjusted Taxable Value	$86,332,823,445	$91,235,639,606	$95,269,477,699	$ 4,033,838,093	4.4%

SOURCE OF FUNDS	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Non-dedicated Source of Funds					
Reserves	-	-	-	-	-
Ad Valorem Taxes	-	-	-	-	-
Permit & License Fees	-	-	-	-	-
Local Revenues	-	-	-	-	-
State General Revenue	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-
Non-dedicated Source of Funds Subtotal	-	-	-	-	-
Dedicated Source of Funds					
District Revenues	$ 10,938,659	$ 10,944,651	$ 11,040,050	$ 95,399	0.9%
Reserves	-	3,039,495	4,328,448	1,288,953	42.4%
Debt - Certificate of Participation (COPS)	-	-	-	-	-
Local Revenues	-	-	-	-	-
State General Revenues	-	-	-	-	-
Land Acquisition Trust Fund	-	-	-	-	-
FDEP/EPC Gardinier Trust Fund	-	-	-	-	-
P2000 Revenue	-	-	-	-	-
FDOT/Mitigation	-	-	-	-	-
Water Management Lands Trust Fund	-	-	-	-	-
Water Quality Assurance (SWIM) Trust Fund	-	-	-	-	-
Florida Forever	-	-	-	-	-
Save Our Everglades Trust Fund	-	-	-	-	-
Alligator Alley Tolls	-	-	-	-	-
Other State Revenue	-	-	-	-	-
Federal Revenues	198,822	-	-	-	-
Federal through State (FDEP)	-	-	-	-	-
Dedicated Source of Funds Subtotal	11,137,481	13,984,146	15,368,498	1,384,352	9.9%
SOURCE OF FUNDS TOTAL	$ 11,137,481	$ 13,984,146	$ 15,368,498	$ 1,384,352	9.9%
USE OF FUNDS					
Salaries and Benefits	$ 2,223,582	$ 2,557,860	$ 2,608,160	$ 50,300	2.0%
Other Personal Services	-	-	-	-	-
Contracted Services	505,298	709,326	599,326	(110,000)	-15.5%
Operating Expenses	2,685,605	3,942,462	5,089,212	1,146,750	29.1%
Operating Capital Outlay	1,391,002	457,800	1,505,800	1,048,000	228.9%
Fixed Capital Outlay	2,596,423	1,603,500	753,500	(850,000)	-53.0%
Interagency Expenditures	1,372,832	2,713,198	2,812,500	99,302	3.7%
Debt	-	-	-	-	-
Reserves	-	2,000,000	2,000,000	-	0.0%
USE OF FUNDS TOTAL	$ 10,774,742	$ 13,984,146	$ 15,368,498	$ 1,384,352	9.9%
WORKFORCE					
Authorized Positions	27	27	27	-	0.0%
Contingent Worker	-	-	-	-	-
Other Personal Services	-	-	-	-	-
TOTAL WORKFORCE	27	27	27	-	0.0%

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006513

VII. BASIN BUDGETS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

THREE YEAR USES OF FUNDS BY PROGRAM

Fiscal Years 2018-19 (Actual - Unaudited) 2019-20 (Adopted) 2020-21 (Preliminary)

BIG CYPRESS BASIN

PROGRAMS AND ACTIVITIES	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
1.0 Water Resources Planning and Monitoring	**1,824,918**	**4,095,910**	**4,003,507**	**(92,403)**	**-2.3%**
1.1 - District Water Management Planning	1,674,168	3,294,620	3,408,595	113,975	3.5%
1.1.1 Water Supply Planning	-	8,704	8,740	36	0.4%
1.1.2 Minimum Flows and Levels	-	-	-	-	
1.1.3 Other Water Resources Planning	1,674,168	3,285,916	3,399,855	113,939	3.5%
1.2 - Research, Data Collection, Analysis and Monitoring	150,750	801,290	594,912	(206,378)	-25.8%
1.3 - Technical Assistance	-	-	-	-	
1.4 - Other Water Resources Planning and Monitoring Activities	-	-	-	-	
1.5 - Technology & Information Services	-	-	-	-	
2.0 Land Acquisition, Restoration and Public Works	**563**	**-**	**-**	**-**	
2.1 - Land Acquisition	-	-	-	-	
2.2 - Water Source Development	-	-	-	-	
2.2.1 Water Resource Development Projects	-	-	-	-	
2.2.2 Water Supply Development Assistance	-	-	-	-	
2.2.3 Other Water Source Development Activities	-	-	-	-	
2.3 - Surface Water Projects	563	-	-	-	
2.4 - Other Cooperative Projects	-	-	-	-	
2.5 - Facilities Construction and Major Renovations	-	-	-	-	
2.6 - Other Acquisition and Restoration Activities	-	-	-	-	
2.7 - Technology & Information Service	-	-	-	-	
3.0 Operation and Maintenance of Lands and Works	**8,651,451**	**9,547,565**	**11,024,320**	**1,476,755**	**15.5%**
3.1 - Land Management	107,134	160,000	110,000	(50,000)	-31.3%
3.2 - Works	7,442,054	8,138,818	9,599,334	1,460,516	17.9%
3.3 - Facilities	39,870	64,938	73,222	8,284	12.8%
3.4 - Invasive Plant Control	780,407	867,457	915,905	48,448	5.6%
3.5 - Other Operation and Maintenance Activities	106,462	178,461	182,222	3,761	2.1%
3.6 - Fleet Services	175,524	137,891	143,637	5,746	4.2%
3.7 - Technology & Information Services	-	-	-	-	
4.0 Regulation	**-**	**-**	**-**	**-**	
4.1 - Consumptive Use Permitting	-	-	-	-	
4.2 - Water Well Construction Permitting and Contractor Licensing	-	-	-	-	
4.3 - Environmental Resource and Surface Water Permitting	-	-	-	-	
4.4 - Other Regulatory and Enforcement Activities	-	-	-	-	
4.5 - Technology & Information Service	-	-	-	-	
5.0 Outreach	**-**	**-**	**-**	**-**	
5.1 - Water Resource Education	-	-	-	-	
5.2 - Public Information	-	-	-	-	
5.3 - Public Relations	-	-	-	-	
5.4 - Cabinet & Legislative Affairs	-	-	-	-	
5.5 - Other Outreach Activities	-	-	-	-	
5.6 - Technology & Information Service	-	-	-	-	
SUBTOTAL - Major Programs (excluding Management and Administration)	*10,476,932*	*13,643,475*	*15,027,827*	*1,384,352*	*10.1%*
6.0 District Management and Administration	**297,810**	**340,671**	**340,671**	**-**	**0.0%**
6.1 - Administrative and Operations Support	-	-	-	-	
6.1.1 - Executive Direction	-	-	-	-	
6.1.2 - General Counsel / Legal	-	-	-	-	
6.1.3 - Inspector General	-	-	-	-	
6.1.4 - Administrative Support	-	-	-	-	
6.1.5 - Fleet Services	-	-	-	-	
6.1.6 - Procurement / Contract Administration	-	-	-	-	
6.1.7 - Human Resources	-	-	-	-	
6.1.8 - Communications	-	-	-	-	
6.1.9 - Other	-	-	-	-	
6.2 - Computers / Computer Support	-	-	-	-	
6.3 - Reserves	-	-	-	-	
6.4 - Other (Tax Collector / Property Appraiser Fees)	297,810	340,671	340,671	-	0.0%
GRAND TOTAL	**10,774,742**	**13,984,146**	**15,368,498**	**1,384,352**	**9.9%**

AMERICAN OVERSIGHT

VII. BASIN BUDGETS

B. Okeechobee Basin

The Okeechobee Basin is based on the sprawling Kissimmee-Okeechobee-Everglades ecosystem, which stretches from Central Florida's Chain of Lakes to Lake Okeechobee and south to the Florida Keys. It includes the 700,000 acres within the Everglades Agricultural Area, the heavily developed southeast coast and Everglades National Park. The Okeechobee Basin encompasses whole or parts of 15 of the 16 counties (excludes Collier County) within the District's boundaries of central and southern Florida.

Property owners within the Okeechobee Basin were most recently assessed through the Fiscal Year 2019-20 Adopted Budget at the aggregate rolled-back millage rate of 0.2795 mills which is comprised of the District-at-large rolled-back millage rate of 0.1152 mills, the Okeechobee Basin rolled-back millage rate of 0.1246 mills and the Everglades Construction Project rolled-back millage rate of 0.0397 mills.

The Fiscal Year 2020-21 proposed rolled-back millage rate for the property owners within the Okeechobee Basin is 0.2712 mills which is comprised of the District-at-large rolled-back millage rate of 0.1118 mills, the Okeechobee Basin rolled-back millage rate of 0.1209 mills, and the Everglades Construction Project rolled-back millage rate of 0.0385 mills. The impact of the proposed rolled-back millage rate is a savings of $0.83 per $100,000 taxable value for property owners within the Okeechobee Basin. Final millage rates and budget for the proposed Fiscal Year 2020-21 Budget will be presented for discussion and adoption by the District Board in September 2020.

AMERICAN OVERSIGHT

VII. BASIN BUDGETS

ACTUAL UNAUDITED - REVENUES, EXPENDITURES, AND PERSONNEL BY PROGRAM FOR FISCAL YEAR 2018-19

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Okeechobee Basin

	Water Resource Planning and Monitoring	Land Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	Management and Administration	TOTAL
REVENUES							
Non-dedicated Revenues							
Reserves							
Ad Valorem Taxes							
Permit & License Fees							
Local Revenues							
State General Revenue							
Miscellaneous Revenues							
Non-dedicated Revenues Subtotal							$ -
Dedicated Revenues							
District Revenues	$ 4,233,622	$ 10,573,139	$ 102,175,333	$ -	$ -	$ 2,582,649	$ 119,564,743
Reserves	-	-		-	-	-	$ -
Debt - Certificate of Participation (COPS)	-	-	-	-	-	-	$ -
Local Revenues	-	-	-	-	-	-	$ -
State General Revenues	-	-	-	-	-	-	$ -
Land Acquisition Trust Fund	-	-	-	-	-	-	$ -
FDEP/EPC Gardinier Trust Fund	-	-	-	-	-	-	$ -
P2000 Revenue	-	-	-	-	-	-	$ -
FDOT/Mitigation	-	-	-	-	-	-	$ -
Water Management Lands Trust Fund	-	-	-	-	-	-	$ -
Water Quality Assurance (SWIM) Trust Fund	-	-	-	-	-	-	$ -
Florida Forever	-	-	-	-	-	-	$ -
Save Our Everglades Trust Fund	-	-	-	-	-	-	$ -
Alligator Alley Tolls	-	-	-	-	-	-	$ -
Other State Revenue	-	-	-	-	-	-	$ -
Federal Revenues	-	646,233	5,441,425	-	-	-	$ 6,087,658
Federal through State (FDEP)	-	-	-	-	-	-	$ -
Dedicated Revenues Subtotal	4,233,622	11,219,372	107,616,758	-	-	2,582,649	$ 125,652,401
TOTAL REVENUES	$ 4,233,622	$ 11,219,372	$ 107,616,758	$ -	$ -	$ 2,582,649	$ 125,652,401
EXPENDITURES							
Salaries and Benefits	$ 1,376,730	$ 5,234,161	$ 41,632,028	$ -	$ -	$ 5,407	$ 48,248,326
Other Personal Services	26,299	-	-	-	-	-	$ 26,299
Contracted Services	113,139	889,396	3,765,308	-	-	-	$ 4,767,843
Operating Expenses	42,060	399,245	22,887,428	-	-	2,577,242	$ 25,905,975
Operating Capital Outlay	65,869	1,361,108	6,161,303	-	-	-	$ 7,588,280
Fixed Capital Outlay	-	1,840,414	29,294,509	-	-	-	$ 31,134,923
Interagency Expenditures	2,609,525	1,495,048	280,106	-	-	-	$ 4,384,679
Debt	-	-	-	-	-	-	$ -
Reserves	-	-	-	-	-	-	$ -
TOTAL EXPENDITURES	$ 4,233,622	$ 11,219,372	$ 104,020,682	$ -	$ -	$ 2,582,649	$ 122,056,325
PERSONNEL							
Full-time Equivalents	14	41	503	0	0	0	558
Contract/Other	0	0	0	0	0	0	0
TOTAL PERSONNEL	14	41	503	0	0	0	558

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006516

VII. BASIN BUDGETS

ADOPTED BUDGET - REVENUES, EXPENDITURES, AND PERSONNEL BY PROGRAM FOR FISCAL YEAR 2019-20

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Okeechobee Basin

	Water Resource Planning and Monitoring	Land Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	Management and Administration	TOTAL
REVENUES							
Non-dedicated Revenues							
Reserves							
Ad Valorem Taxes							
Permit & License Fees							
Local Revenues							
State General Revenue							
Miscellaneous Revenues							
Non-dedicated Revenues Subtotal							$ -
Dedicated Revenues							
District Revenues	$ 3,740,654	$ 6,388,238	$ 108,187,873			$ 2,054,272	$ 120,371,037
Reserves	1,465,848	7,745,522	50,957,597			1,000,000	$ 61,168,967
Debt - Certificate of Participation (COPS)	-	-	-	-	-	-	$ -
Local Revenues	-	-	214,200	-	-	-	$ 214,200
State General Revenues	-	-	-	-	-	-	$ -
Land Acquisition Trust Fund	-	-	-	-	-	-	$ -
FDEP/EPC Gardinier Trust Fund	-	-	-	-	-	-	$ -
P2000 Revenue	-	-	-	-	-	-	$ -
FDOT/Mitigation	-	-	-	-	-	-	$ -
Water Management Lands Trust Fund	-	-	-	-	-	-	$ -
Water Quality Assurance (SWIM) Trust Fund	-	-	-	-	-	-	$ -
Florida Forever	-	-	-	-	-	-	$ -
Save Our Everglades Trust Fund	-	-	-	-	-	-	$ -
Alligator Alley Tolls	-	-	-	-	-	-	$ -
Other State Revenue	-	-	-	-	-	-	$ -
Federal Revenues	-		3,784,578	-	-	-	$ 3,784,578
Federal through State (FDEP)	-	-	-	-	-	-	$ -
Dedicated Revenues Subtotal	5,206,502	14,133,760	163,144,248	-	-	3,054,272	$ 185,538,782
TOTAL REVENUES	$ 5,206,502	$ 14,133,760	$ 163,144,248	$ -	$ -	$ 3,054,272	$ 185,538,782
EXPENDITURES							
Salaries and Benefits	$ 1,858,309	$ 4,680,684	$ 45,116,407	$ -	$ -	$ -	$ 51,655,400
Other Personal Services	26,300	-	-	-	-	-	$ 26,300
Contracted Services	2,114,389	4,911,651	5,106,499	-	-	-	$ 12,132,539
Operating Expenses	180,333	1,047,439	33,711,993	-	-	3,054,272	$ 37,994,037
Operating Capital Outlay	77,500	72,387	13,200,848	-	-	-	$ 13,350,735
Fixed Capital Outlay	75,000	2,908,339	25,321,947	-	-	-	$ 28,305,286
Interagency Expenditures	874,671	513,260	173,952	-	-	-	$ 1,561,883
Debt	-	-	-	-	-	-	$ -
Reserves	-	-	40,512,602	-	-	-	$ 40,512,602
TOTAL EXPENDITURES	$ 5,206,502	$ 14,133,760	$ 163,144,248	$ -	$ -	$ 3,054,272	$ 185,538,782
PERSONNEL							
Full-time Equivalents	17	45	489	0	0	0	551
Contract/Other	0	0	0	0	0	0	0
TOTAL PERSONNEL	17	45	489	0	0	0	551

AMERICAN OVERSIGHT
FL-SEN-20-0201-B, 20-0202-A-006517

VII. BASIN BUDGETS

PRELIMINARY BUDGET - REVENUES, EXPENDITURES, AND PERSONNEL BY PROGRAM FOR FISCAL YEAR 2020-21

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Okeechobee Basin

	Water Resource Planning and Monitoring	Land Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	Management and Administration	TOTAL
REVENUES							
Non-dedicated Revenues							
Reserves							
Ad Valorem Taxes							
Permit & License Fees							
Local Revenues							
State General Revenue							
Miscellaneous Revenues							
Non-dedicated Revenues Subtotal							$ -
Dedicated Revenues							
District Revenues	$ 3,098,634	$ 6,451,041	$ 105,117,971	$ -	$ -	$ 2,054,272	$ 116,721,918
Reserves	96,489	1,646,145	53,045,715	-	-	1,000,000	$ 55,788,349
Debt - Certificate of Participation (COPS)	-	-	-	-	-	-	$ -
Local Revenues	-	-	214,200	-	-	-	$ 214,200
State General Revenues	-	-	-	-	-	-	$ -
Land Acquisition Trust Fund	-	-	-	-	-	-	$ -
FDEP/EPC Gardinier Trust Fund	-	-	-	-	-	-	$ -
P2000 Revenue	-	-	-	-	-	-	$ -
FDOT/Mitigation	-	-	-	-	-	-	$ -
Water Management Lands Trust Fund	-	-	-	-	-	-	$ -
Water Quality Assurance (SWIM) Trust Fund	-	-	-	-	-	-	$ -
Florida Forever	-	-	-	-	-	-	$ -
Save Our Everglades Trust Fund	-	-	-	-	-	-	$ -
Alligator Alley Tolls	-	-	-	-	-	-	$ -
Other State Revenue	-	-	-	-	-	-	$ -
Federal Revenues		-	8,743,500	-	-	-	$ 8,743,500
Federal through State (FDEP)	-	-	-	-	-	-	$ -
Dedicated Revenues Subtotal	3,195,123	8,097,186	167,121,386	-	-	3,054,272	$ 181,467,967
TOTAL REVENUES	$ 3,195,123	$ 8,097,186	$ 167,121,386	$ -	$ -	$ 3,054,272	$ 181,467,967
EXPENDITURES							
Salaries and Benefits	$ 1,896,389	$ 5,198,010	$ 45,709,015	$ -	$ -	$ -	$ 52,803,414
Other Personal Services	26,300	-	-	-	-	-	$ 26,300
Contracted Services	221,290	2,345,404	3,737,131	-	-	-	$ 6,303,825
Operating Expenses	98,073	111,712	34,221,862	-	-	3,054,272	$ 37,485,919
Operating Capital Outlay	8,000	130,800	13,394,966	-	-	-	$ 13,533,766
Fixed Capital Outlay	-	-	29,371,858	-	-	-	$ 29,371,858
Interagency Expenditures	945,071	311,260	173,952	-	-	-	$ 1,430,283
Debt	-	-	-	-	-	-	$ -
Reserves	-	-	40,512,602	-	-	-	$ 40,512,602
TOTAL EXPENDITURES	$ 3,195,123	$ 8,097,186	$ 167,121,386	$ -	$ -	$ 3,054,272	$ 181,467,967
PERSONNEL							
Full-time Equivalents	17	49	490	0	0	0	556
Contract/Other	0	0	0	0	0	0	0
TOTAL PERSONNEL	17	49	490	0	0	0	556

AMERICAN OVERSIGHT

VII. BASIN BUDGETS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SOURCES, USES, AND WORKFORCE COMPARISON FOR THREE FISCAL YEARS

Fiscal Years 2018-19 (Actual - Unaudited) 2019-20 (Adopted) 2020-21 (Preliminary)

PRELIMINARY BUDGET - Fiscal Year 2020-21

Okeechobee Basin

AD VALOREM TAX COMPARISON OKEECHOBEE BASIN	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Ad Valorem Taxes	$ 112,484,232	$ 114,883,109	$ 116,478,500		
New Construction Estimate	$ 2,082,518	$ 2,495,301	$ 1,970,000		
Millage Rate	0.1310	0.1246	0.1209		
Rolled-Back Rate	0.1310	0.1246	0.1209		
Percent Change from Rolled-Back Rate	0.00%	0.00%	0.00%		
Current Year Gross Taxable Value for Operating Purposes	$ 920,583,448,698	$ 981,293,391,938	$ 1,020,545,127,828	$ 39,251,735,890	4.0%
Current Year Net New Taxable Value	$ 16,732,651,304	$ 20,860,933,397	$ 16,934,347,185	$ (3,926,586,212)	-18.8%
Current Year Adjusted Taxable Value	$ 903,850,797,394	$ 960,432,458,541	$ 1,003,610,780,643	$ 43,178,322,102	4.5%

SOURCE OF FUNDS	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
Non-dedicated Source of Funds					
Reserves	-	-	-	-	-
Ad Valorem Taxes	-	-	-	-	-
Permit & License Fees	-	-	-	-	-
Local Revenues	-	-	-	-	-
State General Revenue	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-
Non-dedicated Source of Funds Subtotal	-	-	-	-	-
Dedicated Source of Funds					
District Revenues	$ 119,564,743	$ 120,371,037	$ 116,721,918	$ (3,649,119)	-3.0%
Reserves	-	61,168,967	55,788,349	(5,380,618)	-8.8%
Debt - Certificate of Participation (COPS)	-	-	-	-	-
Local Revenues	-	214,200	214,200	-	0.0%
State General Revenues	-	-	-	-	-
Land Acquisition Trust Fund	-	-	-	-	-
FDEP/EPC Gardinier Trust Fund	-	-	-	-	-
P2000 Revenue	-	-	-	-	-
FDOT/Mitigation	-	-	-	-	-
Water Management Lands Trust Fund	-	-	-	-	-
Water Quality Assurance (SWIM) Trust Fund	-	-	-	-	-
Florida Forever	-	-	-	-	-
Save Our Everglades Trust Fund	-	-	-	-	-
Alligator Alley Tolls	-	-	-	-	-
Other State Revenue	-	-	-	-	-
Federal Revenues	6,087,658	3,784,578	8,743,500	4,958,922	131.0%
Federal through State (FDEP)	-	-	-	-	-
Dedicated Source of Funds Subtotal	125,652,401	185,538,782	181,467,967	(4,070,815)	-2.2%
SOURCE OF FUNDS TOTAL	$ 125,652,401	$ 185,538,782	$ 181,467,967	$ (4,070,815)	-2.2%
USE OF FUNDS					
Salaries and Benefits	$ 48,248,326	$ 51,655,400	$ 52,803,414	$ 1,148,014	2.2%
Other Personal Services	26,299	26,300	26,300	-	0.0%
Contracted Services	4,767,843	12,132,539	6,303,825	(5,828,714)	-48.0%
Operating Expenses	25,905,975	37,994,037	37,485,919	(508,118)	-1.3%
Operating Capital Outlay	7,588,280	13,350,735	13,533,766	183,031	1.4%
Fixed Capital Outlay	31,134,923	28,305,286	29,371,858	1,066,572	3.8%
Interagency Expenditures	4,384,679	1,561,883	1,430,283	(131,600)	-8.4%
Debt	-	-	-	-	-
Reserves	-	40,512,602	40,512,602	-	0.0%
USE OF FUNDS TOTAL	$ 122,056,325	$ 185,538,782	$ 181,467,967	$ (4,070,815)	-2.2%
WORKFORCE					
Authorized Positions	558	551	556	5	0.9%
Contingent Worker	-	-	-	-	-
Other Personal Services	-	-	-	-	-
TOTAL WORKFORCE	558	551	556	5	0.9%

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VII. BASIN BUDGETS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

THREE YEAR USES OF FUNDS BY PROGRAM

Fiscal Years 2018-19 (Actual - Unaudited) 2019-20 (Adopted) 2020-21 (Preliminary)

OKEECHOBEE BASIN

PROGRAMS AND ACTIVITIES	Fiscal Year 2018-19 (Actual - Unaudited)	Fiscal Year 2019-20 (Adopted)	Fiscal Year 2020-21 (Preliminary Budget)	Difference in $ (Preliminary -- Adopted)	% of Change (Preliminary -- Adopted)
1.0 Water Resources Planning and Monitoring	**4,233,622**	**5,206,502**	**3,195,123**	**(2,011,379)**	**-38.6%**
1.1 - District Water Management Planning	1,833,554	306,013	133,862	(172,151)	-56.3%
1.1.1 Water Supply Planning	40,960	66,173	67,305	1,132	1.7%
1.1.2 Minimum Flows and Levels	14,683	-	-	-	
1.1.3 Other Water Resources Planning	1,777,911	239,840	66,557	(173,283)	-72.2%
1.2 - Research, Data Collection, Analysis and Monitoring	2,400,068	4,900,489	3,061,261	(1,839,228)	-37.5%
1.3 - Technical Assistance	-	-	-	-	
1.4 - Other Water Resources Planning and Monitoring Activities	-	-	-	-	
1.5 - Technology & Information Services	-	-	-	-	
2.0 Land Acquisition, Restoration and Public Works	**11,219,372**	**14,133,760**	**8,097,186**	**(6,036,574)**	**-42.7%**
2.1 - Land Acquisition	-	-	-	-	
2.2 - Water Source Development	347,833	-	-	-	
2.2.1 Water Resource Development Projects	3,033	-	-	-	
2.2.2 Water Supply Development Assistance	344,800	-	-	-	
2.2.3 Other Water Source Development Activities	-	-	-	-	
2.3 - Surface Water Projects	10,452,580	14,133,760	8,097,186	(6,036,574)	-42.7%
2.4 - Other Cooperative Projects	418,959	-	-	-	
2.5 - Facilities Construction and Major Renovations	-	-	-	-	
2.6 - Other Acquisition and Restoration Activities	-	-	-	-	
2.7 - Technology & Information Service	-	-	-	-	
3.0 Operation and Maintenance of Lands and Works	**104,020,681**	**163,144,248**	**167,121,386**	**3,977,138**	**2.4%**
3.1 - Land Management	4,822,117	4,638,655	4,638,417	(238)	0.0%
3.2 - Works	84,658,329	142,950,322	146,222,525	3,272,203	2.3%
3.3 - Facilities	388,050	470,593	473,485	2,892	0.6%
3.4 - Invasive Plant Control	6,157,048	5,977,340	6,608,773	631,433	10.6%
3.5 - Other Operation and Maintenance Activities	1,772,841	2,080,092	2,099,743	19,651	0.9%
3.6 - Fleet Services	6,222,296	7,027,246	7,078,443	51,197	0.7%
3.7 - Technology & Information Services	-	-	-	-	
4.0 Regulation	**-**	**-**	**-**	**-**	
4.1 - Consumptive Use Permitting	-	-	-	-	
4.2 - Water Well Construction Permitting and Contractor Licensing	-	-	-	-	
4.3 - Environmental Resource and Surface Water Permitting	-	-	-	-	
4.4 - Other Regulatory and Enforcement Activities	-	-	-	-	
4.5 - Technology & Information Service	-	-	-	-	
5.0 Outreach	**-**	**-**	**-**	**-**	
5.1 - Water Resource Education	-	-	-	-	
5.2 - Public Information	-	-	-	-	
5.3 - Public Relations	-	-	-	-	
5.4 - Cabinet & Legislative Affairs	-	-	-	-	
5.5 - Other Outreach Activities	-	-	-	-	
5.6 - Technology & Information Service	-	-	-	-	
SUBTOTAL - Major Programs (excluding Management and Administration)	*119,473,675*	*182,484,510*	*178,413,695*	*(4,070,815)*	*-2.2%*
6.0 District Management and Administration	**2,582,649**	**3,054,272**	**3,054,272**	**-**	**0.0%**
6.1 - Administrative and Operations Support	5,407	-	-	-	
6.1.1 - Executive Direction	-	-	-	-	
6.1.2 - General Counsel / Legal	-	-	-	-	
6.1.3 - Inspector General	-	-	-	-	
6.1.4 - Administrative Support	5,407	-	-	-	
6.1.5 - Fleet Services	-	-	-	-	
6.1.6 - Procurement / Contract Administration	-	-	-	-	
6.1.7 - Human Resources	-	-	-	-	
6.1.8 - Communications	-	-	-	-	
6.1.9 - Other	-	-	-	-	
6.2 - Computers / Computer Support	-	-	-	-	
6.3 - Reserves	-	-	-	-	
6.4 - Other (Tax Collector / Property Appraiser Fees)	2,577,242	3,054,272	3,054,272	-	0.0%
GRAND TOTAL	**122,056,324**	**185,538,782**	**181,467,967**	**(4,070,815)**	**-2.2%**

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VIII. APPENDICES

A. Related Reports

The following table includes a list of reports provided to the state that support the District's annual Service Budget. Also included are due dates and contact information.

The mandated Consolidated Annual Report (CAR) is satisfied by the South Florida Water Management District utilizing the South Florida Environmental Report (SFER) – Volume II. This is a major consolidation effort authorized by the Florida Legislature in 2005-36, Laws of Florida, and Subsection 373.036(7), Florida Statutes. The SFERs for current and historical years are posted on the District's website at *www.sfwmd.gov/sfer*.

The following table is supplemented with the list of reports consolidated into the three-volume SFER (due annually on March 1) that are provided to the state and linked to the Tentative Budget submission (due annually on August 1).

PLAN / REPORT / ACTIVITY [1]	DUE DATE	CONTACT	E-MAIL ADDRESS TELEPHONE
Preliminary Budget Submission	Annually January 15	Candida Heater	cheater@sfwmd.gov 561-682-6486
Tentative Budget Submission	Annually August 1st	Candida Heater	cheater@sfwmd.gov 561-682-6486
VOLUME I – THE SOUTH FLORIDA ENVIRONMENT			
South Florida Hydrology and Water Management - Volume I, Chapter 2 A water year review of the South Florida regional water management system along with the impacts from hydrologic variation. This chapter fulfills requirements in the Everglades Forever Act (EFA; Section 373.4592(13), F.S.) and Northern Everglades and Estuaries Protection Program (NEEPP) legislation (Section 373.4595(6), F.S.).	Annually March 1	Chelsea Qiu Violeta Ciuca	cqiu@sfwmd.gov 561-682-6196 vciuca@sfwmd.gov 561-682-2611
Water Quality in the Everglades Protection Area - Volume I, Chapter 3A Provides (1) an assessment of water quality within the Everglades Protection Area (EPA) for the water year, (2) numerous reporting requirements under the EFA, (3) a preliminary assessment of total phosphorus (TP) criterion achievement, and (4) an annual update of the comprehensive overview of nitrogen and phosphorus concentrations and loads throughout the EPA. This chapter fulfills	Annually March 1	Paul Julian II (DEP)	Paul.Julian@dep.state.fl.us 239-344-5605

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PLAN / REPORT / ACTIVITY [1]	DUE DATE	CONTACT	E-MAIL ADDRESS TELEPHONE
requirements in the EFA (Sections 373.4592(4)(d)5 and 373.4592(13), F.S.) and NEEPP legislation (Section 373.4595(6), F.S.).			
Mercury and Sulfur Environmental Assessment for the Everglades - Volume I, Chapter 3B Provides an assessment of mercury and sulfur status within the EPA and reporting requirements of the EFA. This chapter fulfills requirements in the EFA (Sections 373.4592(4)(d)5 and 373.4592(13), F.S.) and NEEPP legislation (373.4595(6), F.S.).	Annually March 1	Paul Julian II (DEP)	Paul.Julian@dep.state.fl.us 239-344-5605
Nutrient Source Control Programs - Volume I, Chapter 4 A water year review of regional nutrient source control program status and related activities in major watersheds within the Southern Everglades. This chapter fulfills requirements in the EFA (Section 373.4592(13), F.S.).	Annually March 1	Danielle Taylor Youchao Wang	dtaylor@sfwmd.gov 561-682-2375 ywang@sfwmd.gov 561-682-2895
Restoration Strategies – Design and Construction Status of Water Quality Improvement Projects - Volume I, Chapter 5A Provides the status of the current Restoration Strategies projects for the water year, in accordance with the EFA and National Pollutant Discharge Elimination System (NPDES) permits and associated consent orders. This chapter fulfills requirements in the EFA (Sections 373.4592(4)(d)5 and 373.4592(13), F.S.).	Annually March 1	Robert Shuford	rshufor@sfwmd.gov 561-681-8800 x2155
Performance and Operation of the Everglades Stormwater Treatment Areas - Volume I, Chapter 5B Assessments of each Everglades Stormwater Treatment Area (STA) and individual flow-way treatment performance, information on STA operational status, maintenance activities and enhancements, and updates on applied scientific studies relevant to the STAs. This chapter fulfills requirements in the EFA	Annually March 1	Michael Chimney	mchimney@sfwmd.gov 561-682-6523

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VIII. APPENDICES

PLAN / REPORT / ACTIVITY [1]	DUE DATE	CONTACT	E-MAIL ADDRESS TELEPHONE
(Sections 373.4592(4)(d)5 and 373.4592(13), F.S.).			
Restoration Strategies Science Plan Implementation - Volume I, Chapter 5C Report on the Science Plan for the Everglades STAs intended to integrate and synthesize information to effectively communicate scientific findings and understanding of the plan results to management and stakeholders; cover the progress of the Science Plan implementation; and incorporate the status and findings of research, monitoring, and modeling efforts outlined in the plan. This chapter fulfills requirements in the EFA (Sections 373.4592(4)(d)5 and 373.4592(13), F.S.).	Annually March 1	Tom James	tjames@sfwmd.gov (561) 682-6356
Everglades Research and Evaluation - Volume I, Chapter 6 A summary of Everglades research and evaluation key findings during the water year, presented within five main fields: (1) hydrology, (2) wildlife ecology, (3) plant ecology, (4) ecosystem ecology, and (5) landscape patterns and ecology. This chapter fulfills requirements in the EFA (Sections 373.4592(4)(d)5 and 373.4592(13), F.S.).	Annually March 1	Fred Sklar	fsklar@sfwmd.gov 561-682-6504
Status of Nonindigenous Species - Volume I, Chapter 7 A water year status report on nonindigenous species programs that provides updates on priority invasive species, programmatic overviews of regional invasive species initiatives, and key issues linked to managing and preventing biological invasions in South Florida ecosystems. This chapter fulfills requirements in the EFA (Section 373.4592(13), F.S.).	Annually March 1	LeRoy Rodgers	lrodgers@sfwmd.gov 561-682-2773
Northern Everglades and Estuaries Protection Program Annual Progress Report - Volume I, Chapter 8A	Annually March 1	Stacey Ollis Anthony Betts Ximena Pernett	sollis@sfwmd.gov 561-682-2039 abetts@sfwmd.gov

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PLAN / REPORT / ACTIVITY [1]	DUE DATE	CONTACT	E-MAIL ADDRESS TELEPHONE
In accordance with Section 403.0675, F.S. and NEEPP legislation (Section 373.4595(6), F.S.), this report (in conjunction with Chapters 8B and 8C) comprises the NEEPP Annual Progress Report for the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds. The report also documents the status of DEP's Lake Okeechobee, Caloosahatchee Estuary, and St. Lucie River and Estuary basin management action plans (BMAPs), and Florida Department of Agriculture and Consumer Services' (FDACS') implementation of the agricultural nonpoint source best management practices (BMPs) in the Northern Everglades watersheds. It also contains an annual accounting of expenditure of Save Our Everglades Trust Fund (SOEFT) funds and includes the NEEPP Fiscal Year 2018-19 Annual Work Plan. This chapter also fulfills requirements set forth in the EFA (Section 373.4592(13), F.S. and Section 403.0675, F.S.). This chapter has an associated appendix for the 2020 SFER that contains the Lake Okeechobee Watershed Protection Plan Update.			561-682-6354 xpernett@sfwmd.gov 561-682-2928
Lake Okeechobee Watershed Annual Report - Volume I, Chapter 8B In accordance with NEEPP legislation (Section 373.4595(6), F.S.), this report (in conjunction with Chapter 8A) comprises the NEEPP Annual Progress Report for the Lake Okeechobee Watershed. The report covers the water year status update on the Lake Okeechobee Watershed Research and Water Quality Monitoring Program. This chapter also fulfills requirements set forth in the EFA (Section 373.4592(13), F.S.).	Annually March 1	Zach Welch Joyce Zhang	zwelch@sfwmd.gov 561-682-2824 jzhang@sfwmd.gov 561-682-6341
St. Lucie and Caloosahatchee River Watershed Annual Report - Volume I, Chapter 8C	Annually March 1	Amanda Kahn	akahn@sfwmd.gov 561-682-6402

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VIII. APPENDICES

PLAN / REPORT / ACTIVITY [1]	DUE DATE	CONTACT	E-MAIL ADDRESS TELEPHONE
In accordance with NEEPP legislation (Section 373.4595(6), F.S.), this report (in conjunction with Chapter 8A) comprises the NEEPP Annual Progress Report for the St. Lucie River and Caloosahatchee River watersheds. The report covers the water year status update on the St. Lucie River and Caloosahatchee River watershed research and water quality monitoring programs. This chapter also fulfills requirements set forth in the EFA (Section 373.4592(13), F.S.).			
Kissimmee River Restoration and Basin Initiatives - Volume I, Chapter 9 A water year status report on activities within the Kissimmee River Basin that include ecosystem restoration, ecological data collection and evaluation, hydrologic modeling, and adaptive management of water and land resources.	Annually March 1	Joseph Koebel Steve Bousquin	jkoebel@sfwmd.gov 561-682-6925 sbousqu@sfwmd.gov 561-682-2719
Volume I Peer and Public Review Process and Products - Volume I, Appendix 1-1 A document provides comments and responses produced for the *2020 South Florida Environmental Report* peer and public review process, which is conducted as required by Subparagraph 373.4592(4)(d)5, F.S.	Annually March 1	Kim Chuirazzi	kchuiraz@sfwmd.gov 561-682-2425
Comprehensive Everglades Restoration Plan Annual Report – 470 Report - Volume I, Appendix 1-2 In accordance with Section 373.470(7), F.S., this annual report provides required yearly Comprehensive Everglades Restoration Plan (CERP) financial reporting and status of CERP implementation.	Annually March 1	Gregory Rogers	grogers@sfwmd.gov 561-682-6199
Everglades Forever Act Annual Financial Report - Volume I, Appendix 1-3 Pursuant to Section 373.45926(3), F.S., as amended by Section 33 of	Annually March 1	Julie Maytok	jmaytok@sfwmd.gov 561-682-6027

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PLAN / REPORT / ACTIVITY [1]	DUE DATE	CONTACT	E-MAIL ADDRESS TELEPHONE
Chapter 2011-34, this annual report presents required yearly financial reporting on the Everglades Trust Fund and EFA implementation status. This appendix also fulfills requirements set forth in the EFA (Section 373.4592(14), F.S.).			
SFER VOLUME II – DISTRICT ANNUAL PLANS AND REPORTS			
Fiscal Year 2018-19 Fiscal and Performance Accountability Report - Volume II, Chapter 2 Implementation status report for the Strategic Plan and resulting Annual Work Plan, including activity summaries and success indicators for the District's programs and projects during the fiscal year. This chapter fulfills Section 373.199(7)(c), F.S.	Annually March 1	Rich Sands	rsands@sfwmd.gov 561-682-2902
2019 Priority Waterbodies List and Schedule - Volume II, Chapter 3 In accordance with Section 373.042(2)a, F.S., and Chapter 40E-8 and Section 62-40.473(9), Florida Administrative Code (F.A.C.), annually identifies waterbodies for which minimum flows and minimum water levels (MFLs) and water reservations must be established or updated.	Annually March 1	Toni Edwards	tedwards@sfwmd.gov 561-682-6387
Fiscal Year 2020 Five-Year Capital Improvements Plan - Volume II, Chapter 4 In accordance with Sections 373.536(6)(a)3, 373.536(6)(a)4, and 216.043, F.S., this annual report of the District's capital projects covers all the agency's programs, includes project-level detail, and shows projected expenditures and corresponding funding sources for the five-year reporting period.	Annually March 1	Julie Maytok	jmaytok@sfwmd.gov 561-682-6027
Five-Year Water Resource Development Work Program - Volume II, Chapter 5A In accordance with Subparagraph 373.536(6)(a)4, F.S., the projected five-year period financial costs and water supply benefits for	Annually March 1	Nancy Demonstranti Stacey Adams	ndemonst@sfwmd.gov 561-682-2563 shayford@sfwmd.gov 561-682-2577

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PLAN / REPORT / ACTIVITY [1]	DUE DATE	CONTACT	E-MAIL ADDRESS TELEPHONE
implementing the District's regional water supply plans, as well as status report of the water resource development efforts in the fiscal year are reported. In addition, this annual report also summarizes the alternative water supply projects funded by the District, including the quantity of water made available, agency funding and total cost as required by Section 373.707(8)(n), formally included previously as SFER Volume II Chapter 5B. It also contains Projects Associated with a Prevention or Recovery Strategy for Fiscal Year 2019-2020 through Fiscal Year 2023-2024, which was previously in a separate appendix.			
Projects Associated with a Basin Management Action Plan for Fiscal Year 2019-2020 through Fiscal Year 2023-2024 – Volume II, Appendix 5A-1 Pursuant to Section 373.036(7)(b)8, F.S., this appendix provides a list of projects associated with BMAPs along with their planned implementation costs.	Annually March 1	Stacey Ollis Ansley Marr	sollis@sfwmd.gov 561-682-2039 amarr@sfwmd.gov 561-682-6419
Projects in the Five-Year Work Program with Grading for Each Watershed, Water Body, or Water Segment – Volume II, Chapter 5B Pursuant to Section 373.036(7)(b)9, F.S., annual report containing a grade for each watershed, water body, or water segment for which projects are located that are associated with BMAPs, MFLs, alternative water supply, and the Cooperative Funding Program (CFP) representing the level of impairment and violations of adopted MFLs.	Annually March 1	Don Medellin	dmedelli@sfwmd.gov 561-682-6340
Florida Forever Work Plan, 2020 Annual Update - Volume II, Chapter 6A As required by Subsection 373.199(7)(b)4, F.S., this annual report summarizes current projects	Annually March 1	Ray Palmer	rpalmer@sfwmd.gov 561-682-2246

AMERICAN OVERSIGHT

PLAN / REPORT / ACTIVITY [1]	DUE DATE	CONTACT	E-MAIL ADDRESS TELEPHONE
eligible for funding under the Florida Forever Act (Chapter 259.105, F.S.), as well as projects eligible for state acquisition monies from the appropriate account or trust fund under Subsection 373.139(3)(c), F.S., for land acquisition, water resource development, stormwater management, water body restoration, recreational facility construction, public access improvements, and invasive plant control.			
Land Stewardship Annual Report – Volume II, Chapter 6B As required by Subsection 373.199(7)(a), F.S., this annual report summarizes the management and maintenance of lands acquired under the Save Our Rivers Program, Florida Forever Trust Fund, Preservation 2000, and Save Our Everglades Trust Fund on a perpetual basis and lands acquired for CERP and other water resource projects on an interim basis.	Annually March 1	Maria Dessources Jim Schuette Steve Coughlin	mdessour@sfwmd.gov 561-924-5310 x3338 jschuett@sfwmd.gov 561-682-6055 scoughli@sfwmd.gov 561-682-2603
Mitigation Donation Annual Report - Volume II, Chapter 7 In accordance with Subparagraph 373.414(1)(b)2, F.S., this annual report provides a summary on endorsed mitigation projects, including the available mitigation reserves and expenditures, and a description of restoration and management activities.	Annually March 1	Robert Hopper	rhopper@sfwmd.gov 561-682-2784
SFER VOLUME III – ANNUAL PERMIT REPORTS			
Comprehensive Everglades Restoration Plan Regulation Act Projects - Volume III, Chapter 2 Annual report to comply with various reporting conditions required by permits issued by DEP under the Comprehensive Everglades Restoration Plan Regulation Act (CERPRA; Section 373.1502, F.S.).	Annually March 1	Chris King Nirmala Jeyakumar	ctking@sfwmd.gov 561-682-2723 njeyaku@sfwmd.gov 561-682-6471
Everglades Forever Act Projects - Volume III, Chapter 3	Annually March 1	Nirmala Jeyakumar	njeyaku@sfwmd.gov 561-682-6471

AMERICAN OVERSIGHT

VIII. APPENDICES

PLAN / REPORT / ACTIVITY [1]	DUE DATE	CONTACT	E-MAIL ADDRESS TELEPHONE
Annual report to comply with various reporting conditions required by permits issued by DEP under the EFA (Section 373.4592, F.S.).		Chris King	ctking@sfwmd.gov 561-682-2723
Northern Everglades and Estuaries Protection Program Projects - Volume III, Chapter 4 Annual report to comply with various reporting conditions required by permits issued by DEP under NEEPP legislation (Section 373.4595, F.S.).	Annually March 1	Nirmala Jeyakumar Chris King	njeyaku@sfwmd.gov 561-682-6471 ctking@sfwmd.gov 561-682-2723
Environmental Resource Permitting Projects - Volume III, Chapter 5 Annual report to comply with various reporting conditions required by permits issued by DEP under the Environmental Resource Permit Program legislation (Chapter 373, Part IV, F.S. and Title 62, F.A.C.).	Annually March 1	Nirmala Jeyakumar Chris King	njeyaku@sfwmd.gov 561-682-6471 ctking@sfwmd.gov 561-682-2723
Regional Water Supply Plan	Every Five Years	Thomas Colios	tcolios@sfwmd.gov 561-682-6944
SWIM Plans	**Not Applicable to SFWMD**		
Five-Year Water Resource Development Work Program	Annually October	Nancy Demonstranti	ndemonst@sfwmd.gov 561-682-2563
Strategic Plan	Annually	Rich Sands	rsands@sfwmd.gov 561-682-2902

[1] Based on 2020 SFER chapter titles and content and 2020 SFER Lead Author List.

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B. Alternative Water Supply Funding

Pursuant to Subsection 373.707(6)(a)., F.S., the District has reviewed its funding for alternative water supply (AWS) projects, as summarized below. For Fiscal Year 2020-21 Preliminary Budget, there is $0 of funding from the Water Protection and Sustainability Trust Fund included in the below table.

A summary of the alternative water supply projects by funding type has not yet been determined. In his Fiscal Year 2020-21 Budget, the Governor proposed $40 million in Specific Appropriation 1622 be provided to continue a water supply and water resource development grant program to help communities plan for and implement conservation, reuse and other water supply and water resource development projects. Priority funding will be given to the areas with greatest need and for projects that provide the greatest benefit. All viable alternative water supply resources shall be identified and researched to provide an assessment of funding needs critical to supporting Florida's growing economy.

Alternative Water Supply Funding in
Fiscal Year 2020-21 Preliminary Budget

Funding Source	Amount of Funding	Percent of Total
District Funding for AWS	$0	0%
State Funding for AWS	$0	0%
Total Funding for AWS	**$0**	**0%**

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C. Outstanding Debt

In November 2006, the District issued $546,120,000 in Certificates of Participation (COPs) to fund the construction of Everglades Restoration projects. COPs are statutorily authorized tax-exempt certificates. In February 2016, the District advanced refunded $442,025,000 of the outstanding balance of the Series 2006 COPs. This refunding was financed through the issuance of the Series 2015 Refunding COPs with a par value of $385,425,000. The economic gain on the refunding is a net present value savings of $72.2 million. The remaining outstanding principle balance at the end of Fiscal Year 2018-19 was $361,360,000.

The status of the District's Series 2015 COPs is summarized below as of September 30, 2019.

Current Debt Service Requirements on Existing Debt planned for Fiscal Year 2019-20:

Series	Original Issue Amount	Maturity	Principal	Interest	Total Requirements
COPs 2015	$385,425,000	2037	$ 12,935,000	$ 17,437,125	$ 30,372,125

Future Debt Service Requirements on Existing Debt:

Series	Fiscal Year	Principal	Interest	Total Requirements
COPs 2015	2020-21	13,580,000	16,774,250	30,354,250
	2021-22 thru 2025-26	78,760,000	72,709,750	151,469,750
	2026-27 thru 2030-31	100,420,000	50,418,750	150,838,750
	2031-32 thru 2035-36	126,500,000	23,548,500	150,048,500
	2036-37	29,165,000	729,125	29,894,125
		$348,425,000	**$164,180,375**	**$512,605,375**

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VIII. APPENDICES

D. Consistency Issues for Fiscal Year 2020-21

1. Prior Fiscal Years' Summary

In Fiscal Year 2011-12, the five water management districts agreed to and implemented a tiered management classification and performance metrics.

In Fiscal Year 2012-13 the management tiers were re-evaluated based on District size, scope, and programs of each District. The tiers are set at SFWMD Tier 1, SWFWMD and SJRWMD at Tier 2, and NWFWMD and SRWMD at Tier 3. The Tier 2 and Tier 3 districts have all adopted common pay grades, which facilitates the development of more consistent nomenclature for positions. Initially, the Tier 2 districts achieved pay grade consistency for approximately 50 jobs, particularly jobs in information technology, engineering and science.

Additionally, the performance metrics were evaluated annually and in Fiscal Year 2014-15 were finalized to include 7 CUP, 9 ERP, 1 Mission Support, 3 Natural Systems, and 3 Water Supply metrics for a total of 25 combined quarterly and annual metrics.

In addition to the structure, nomenclature, and performance metrics standards, the districts also adopted the Department of Management Services (DMS) Minimum Equipment Replacement Criteria. For cars and pickup trucks, a Replacement Eligibility Factor (REF) is determined by considering the age of the vehicle, mileage, condition, lifetime maintenance costs, downtime, most recent annual maintenance cost, and cost per mile. For trucks, tractors, mowers, trailers, and other equipment, a mileage (hours) / age threshold is established. If an asset exceeds the REF or replacement threshold, it is eligible for replacement.

The water management districts evaluated their fleet and equipment replacement policies, compared them to the state's criteria, and adopted the state's minimum equipment replacement criteria (floor) or established criteria more stringent than the state.

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FL-SEN-20-0201-B, 20-0202-A-006532

E. Consistency Issues for Fiscal Year 2020-21

2. Current Fiscal Years' Summary

a) Staff Levels/Reorganization

Each water management district continues to evaluate its organizational structure and staffing levels as it focuses on its core mission.

The Preliminary Budget for SFWMD maintains a steady staffing level of 1,475 FTEs.

The SFWMD executive management hold regular meetings to review vacant positions and the justification for their need. Selections for all positions approved for hire are typically hired at or below the budgeted salary amount. Routine oversight and reporting to ensure staffing resources support the agency's operational needs in the most efficient manner.

b) Health Insurance

The water management districts continue to explore options individually, as well as collectively, to standardize benefits and control health insurance costs for both the employee and employer. The District continues to explore plan design options and cost saving measures that have a greater impact on health plan costs through implementing tighter pharmacy management and establishing incentives for the employees to utilize lower costs benefits, while offering alternative options that are low cost for both the employer and employee. Staff will continue to work with Cigna staff for potential plan design changes to provide to the Governing Board for future options in controlling health insurance costs for the District as well as not impact the employee's premiums. Prior plan design changes remain in effect and are being evaluated for positive fiscal impact:

- Managers contribute towards dental premiums,
- Implement the final phase of retiree's paying for their full premiums that the Governing Board approved last year,
- Mandatory use of CVS Pharmacy Network for all maintenance medications,
- Tele/Virtual Medicine included at $0 Copay,
- Emergency Room Copay increased to $200 per visit,
- Transition Life & Disability Coverage to CIGNA, and
- Expansion of existing Disease Management Program.

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c) Contract and Lease Renewals

District report on progress of price of concessions from vendors.

Water Management Districts continue to examine their existing contracts and seek price concessions from their vendors. Each water management district is encouraged, regarding contracts or lease agreements, to seek these same price concessions from their vendors for existing contracts. When considering lease agreements, office space should be utilized in the most efficient manner possible with a focus on saving taxpayer dollars.

Every year, as applicable, the Districts requests every firm under a continuing contract hold their labor rates for any renewal period remaining in the contract term. For example, twenty of the twenty-seven firms to date have agreed to maintain their rates for a two-year renewal period for Professional Engineering Services for Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) and Restoration Services.

Negotiated cost savings and cost avoidance are also realized through various competitive procurements of both commodities and services. Savings attributed to specific contracts include the elimination of an annual escalator or negotiation of labor rates and other direct costs. The District also realizes saving through piggy-backing the same rates and conditions from intergovernmental cooperative purchases.

Regarding office space leases, the District currently leases office space to DEP at its headquarters in West Palm Beach. The current leased space is nearly 18,000 square feet and is updated annually based on the actual square footage needed and offset by the District's occupancy at DEP's facility located at the Benton Building in Ft. Pierce, FL which is currently less than 1,000 square feet. For Fiscal Year 2020-21, the District anticipates receiving $366,348 in revenue from this lease and an additional $359,590 of lease revenue from PBSO.

For the remaining lease agreements, the SFWMD at the beginning negotiated price concessions on the earliest years of the lease terms. The price concessions were realized, and the remaining years terms call for negotiated inflationary increases. The leased spaces are for Service Centers located in Orange and Lee Counties where the District does not own suitable facilities.

The District is utilizing its owned office space in the most efficient manner possible by leasing out available space. Below are additional locations with leased space and the annual income generated.

- Available space in Fort Myers Service Center is being leased to the Edison & Ford Winter Estates resulting in $108,899 in revenue,

- The Daycare facility on Head Quarters Campus is leased resulting in $113,758 in revenue.

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IX. CONTACTS



South Florida Water Management District

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West Palm Beach, FL 33406
Telephone 561-686-8800 or Facsimile 561-682-6442
1-800-432-2045 (within FL only)

Website: www.sfwmd.gov

Executive Team

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IX. CONTACTS

South Florida Water Management District

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Benjamin Butler
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Big Cypress Basin

Governing Board Members

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croman@sfwmd.gov

Marielle Nageon de Lestang,
Vice Chair
mnageond@sfwmd.gov

Daniel F. Waters
dwaters@sfwmd.gov

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From: Adrian Moore <adriantmoore@gmail.com>
Sent: Thursday, October 31, 2019 1:37 PM EDT
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Sports betting
Attachment(s): "Brandes Sports Betting ATM.docx","ATT00001.txt"

Comments embedded

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Adrian
~~~~~~~~~~~~~~~~
Dr. Adrian Moore
Vice President, Reason Foundation
661/477-3107
On Twitter @reasonpolicy
Sent from my iPad, so please excuse any autocomplete non-sequiturs

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~~~~~~~~~~~~~~~~

24-00720-20

A bill to be entitled

An act relating to; providing an effective date.

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

Section 1. Chapter 547, Florida Statutes, consisting of sections XXXXXX, is created to read:

CHAPTER 547

SPORTS WAGERING

547.001 Definitions.—

(1) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by or played in connection with a public or private institution that offers educational services beyond the secondary level.

(2) "Division" means the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.

(3) "Facility" means a facility at which a pari-mutuel permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities.

(4) "Licensee" means a pari-mutuel permitholder that holds a sports wagering license issued by the division under this chapter.

(5) "Online sports pool" means a sports betting operation in which wagers on sports events are made through computers or mobile or interactive devices and accepted through an online gaming system.

(6) "Operator" means:

1. A licensee operating a sports pool or online sports pool; or

Commented [PJ1]: waiting until this is more or less finalized before drafting the title provisions

Commented [PJ2]: waiting until this is more or less finalized before completing the directory clause

Commented [PJ3]: will this include greyhound tracks after 2021 or do we need to add language specifically including them?

This potential issue would need to be addressed elsewhere in the bill as well.

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

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2. A permittee operating an online sports pool on behalf of a licensee.

(7) "Permittee" means an entity that holds a permit issued by the division to operate an online sports pool.

(8) "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event.

(9) "Sports event" means any professional sport or athletic event, any Olympic or international sports competition event, and any collegiate sports or athletic event, or any portion thereof, including but not limited to the individual performance statistics of athletes in a sports event or combination of sports events. The term does not include:

(a) Any college sports or athletic event that takes place in this state;

(b) Any event in which any college team from this state participates; or

(c) Any games in a collegiate tournament in which some of the games in the tournament take place in this state.

(10) "Sports pool" means the business of accepting wagers on any sports event by any system or method of wagering other than pari-mutuel, as defined in s. 550.02, including, but not limited to, single-game bets, teaser bets, parlays, over-under, moneyline, pools, proposition bets, exchange wagering, in-game wagering, in-play bets, and straight bets.

(11) "Sports wagering lounge" means a designated area wherein a sports pool is operated by a licensee at the licensee's facility.

Commented [AM4]: These three stipulations not needed.

Commented [PJ5]: Most states don't have this specific restriction, but NJ does. Not sure if you want to include it or not.

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547.002 Sports wagering authorized.—Notwithstanding any other law, a person who is 21 years of age or older may wager money or any other thing of value on a sports event if the wager is placed with an operator and the person is physically present in this state.

547.003 Authority of division.—The division shall administer this chapter and regulate the operation of sports pools and online sports pools under this chapter and the rules adopted pursuant thereto, and shall:

(1) Adopt rules to implement this chapter, including, but not limited to, rules:

(a) Requiring a licensee to maintain a specified amount of cash reserves;

(b) Relating to the acceptance of wagers on a series of sports events;

(c) Setting a limit on the maximum wager that an operator may accept from any single person on a single sports event;

(d) Regulating the types of wagering tickets that may be used and the method of issuing such tickets;

(e) Regulating the method of accounting operators must use and what records must be kept;

(f) Regulating the use of credit and checks by persons placing wagers;

(g) Requiring certain protections for persons placing wagers; and

(h) Requiring the display of signage relating to gambling addiction that must be present in sports wagering lounges.

(2) Conduct investigations and monitor the operation of sports pools and online sports pools.

Commented [AM6]: Strike this

Commented [AM7]: Take this out of here and put in the list of agency needs to make a rule about. Requirements for operators to provide warnings about gambling addiction and info on where to get help.

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(3) Review the books, accounts, and records of any current or former operator.

(4) Suspend or revoke any license or permit issued under this chapter, after hearing, for any violation of this chapter or the administrative rules adopted pursuant thereto. In lieu of suspending or revoking a license or permit, the division may impose a civil penalty against the licensee or permittee for a violation of this chapter or any rule adopted by the division. Unless otherwise indicated, a civil penalty imposed under this section may be up to $1,000 per violation for each count or separate offense.

(a) The division may require operators to remit fines and assessments by electronic funds transfer.

(b) All penalties collected by the division under this paragraph must be deposited in the General Revenue Fund.

(5) Take testimony, issue summons and subpoenas for any witness, and issue subpoenas duces tecum in connection with any matter within its jurisdiction.

547.004 Sports wagering licenses; online sports pool operator permits.—

(1) A pari-mutuel permitholder may apply to the division for a sports wagering license. A sports wagering license may be issued only to a licensed pari-mutuel permitholder and, except for wagers placed through an online sports pool, the licensee may accept wagers only at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities.

(2) A person may apply to the division for an online sports pool operator permit. Unless the permittee is also a licensee, a

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permittee may only operate an online sports pool on behalf of a licensee.

(3) All applications submitted pursuant to this section must be on a form prescribed by the division and adopted by rule.

(4) An operator must annually renew a license or permit issued under this section.

(5) The application fee and renewal fee for a license or permit issued or renewed under this section is $100,000.

547.005 Occupational licenses.—A person employed or otherwise working in a sports wagering lounge while the lounge is conducting wagering must hold a valid sports wagering employee occupational license issued by the division. Food service, maintenance, and security employees with a current pari-mutuel occupational license and a current background check will not be required to have a sports wagering employee occupational license.

(1) A licensee may not employ or allow to work in a sports wagering lounge any person unless such person holds a valid occupational license.

(2) The division shall establish, by rule, a schedule for the renewal of sports wagering occupational licenses. Sports wagering occupational licenses are not transferable.

(3) Persons seeking sports wagering occupational licenses, or renewal thereof, shall make application on forms prescribed by the division. Applications for sports wagering occupational licenses must contain all of the information the division, by rule, may determine is required to ensure eligibility.

(4) The division shall adopt rules regarding sports

Commented [PJ8]: Amendment 5 fee.

I couldn't find the specific fee for an online sports pool permit but it seemed like they were both $100k

Commented [PJ9]: New Jersey requires occupational licenses, but I lifted the requirements, etc for this section from the cardroom statute

Commented [AM10]: Strike this occupational license section. Require operators to do background checks and provide iD and have all ready for inspection by regulators.

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wagering occupational licenses.

(5) The division may deny, declare ineligible, or revoke any sports wagering occupational license if the applicant or holder thereof has been found guilty or had adjudication withheld in this state or any other state, or under the laws of the United States of a felony or misdemeanor involving forgery, larceny, extortion, conspiracy to defraud, or filing false reports to a government agency, racing or gaming commission or authority.

(6) Fingerprints for all sports wagering occupational license applications shall be taken in a manner approved by the division and then shall be submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a criminal records check upon initial application and at least every 5 years thereafter. The division may by rule require an annual record check of all renewal applications for a sports wagering occupational license. The cost of processing fingerprints and conducting a record check shall be borne by the applicant.

(7) The sports wagering employee occupational license fee may not exceed $50 for any 12-month period.

547.006 Sports pools; online sports pools.—

(1) A sports pool or online sports pool may not be offered by any person other than a licensee or a permittee operating an online sports pool on behalf of a licensee. Any person who violates this subsection is subject to a civil penalty of up to $10,000, in addition to any other penalty provided by law.

(2)(a) A licensee may not operate a sports pool or online sports pool, and a permittee may not operate an online sports

Commented [PJ11]: potential fee issue

Commented [PJ12]: amendment 5 fee issue

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pool on behalf of a licensee, unless a sports wagering lounge is established and has commenced operation at the licensee's facility. However, an applicant for a sports wagering license may petition the division to commence operation of a sports pool at a temporary location at the facility, and accept wagers via an online sports pool, during the pendency of construction of a sports wagering lounge at the applicant's facility.

(b) A licensee may only accept wagers from persons who are 21 years of age or older and:

1. Are physically present in the sports wagering lounge;

2. Are submitting a wager using an online sports pool; or

3. Are submitting a wager through one or more self-service kiosks located within the licensee's facility.

(3)(a) A licensee may apply to the division for a permit to operate an online sports pool in addition to operating a sports pool at the licensee's facility.

(b) A licensee or permittee offering an online sports pool may have up to three individually branded websites for the purposes of offering an online sports pool, each which may have an accompanying mobile application bearing the same brand as the website.

(c) Until a permit is received from the division, an applicant may not make a website or application available to the public, and may not accept wagers unless the wagers are strictly for testing purposes and nothing of value is wagered or exchanged.

(d) A licensee permitted to operate an online sports pool may enter into an agreement with another permittee so that the permittee may operate the online sports pool on the licensee's

Commented [AM13]: Put "or" after this semicolon

Commented [AM14]: Remove limit on number of websites.

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behalf. The terms of such agreement must be approved by the division before the agreement is valid. A permittee may not operate an online sports pool on behalf of more than one licensee.

(e) The server or other equipment used by an operator to accept wagers at a sports pool or online sports pool must be located at the licensee's facility.

(4) Operators may provide promotional credits, incentives, bonuses, complimentaries, or similar benefits designed to induce a person to wager.

547.007 Prohibitions.—

(1)(a) The following persons are prohibited from having any ownership interest in or control of a licensee or a facility in which a sports wagering lounge is located, and may not place a wager on a sports event that is overseen by the person's sports governing body based on publicly available information:

1. An athlete, a coach, a referee, or a director of a sport's governing body or any of such body's member teams.

2. A person who is a direct or indirect legal or beneficial owner of 10 percent or greater of a sports governing body or any of such body's member teams.

3. A sports governing body or any of such body's member teams.

4. A person who holds a position of authority or influence sufficient to exert influence over the participants in a sports event, including, but not limited to, a coach, manager, handler, or trainer.

5. A person with access to certain types of exclusive information on any sports event overseen by his or her sports

Commented [AM15]: This will be over ridden by Lotto merge. But can't require operators to have own servers and IT people!

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governing body.

6. A person identified by any lists of prohibited persons provided to the division by a sports governing body.

(b) This subsection does not apply to any person who is a direct or indirect owner of a sports governing body member team and:

1. Has less than 10 percent direct or indirect ownership interest in a licensee; or

2. The shares of such person are registered pursuant to s. 12 of the Securities Exchange Act of 1934 and the value of the ownership of such team represents less than one percent of the person's total enterprise value.

(c) A person who violates this subsection is subject to a civil penalty of up to $1,000.

(2) An operator shall adopt procedures to prevent persons who are prohibited from wagering on sports events under subsection (1) from wagering on sports events. Additionally, an operator may not accept wagers from any person whose identity is known to the operator and:

(a) Who is the director, officer, owner, or employee of the operator or any relative of such person living in the same household as the operator;

(b) Who has access to nonpublic confidential information held by the operator; or

(c) Who is an agent or proxy for another person.

(3) An operator must obtain personally identifiable information from any person who places any single wager for $10,000 or greater on a sports event while physically present at the facility.

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FL-SEN-20-0201-B, 20-0202-A-006547

(4) An operator must promptly notify the division of any of the following:

(a) A criminal or disciplinary proceeding commenced against the operator or any of its employees in connection with the operations of a sports pool or online sports pool.

(b) Abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event.

(c) Conduct that has the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including, but not limited to, match fixing.

(d) Suspicious or illegal wagering activities, including, but not limited to, the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, agents to place wagers, or false identification.

547.008 Unclaimed winnings.—If a person does not claim a winning wager within 1 year after the wager is graded, the obligation of the operator to pay the winnings expires and the funds shall be distributed as follows:

(1) For wagers placed in a sports pool or an online sports pool operated by a licensee, the licensee shall retain 50 percent and remit the remaining 50 percent to the General Revenue Fund.

(2) For wagers placed in an online sports pool operated on behalf of a licensee by a permittee, the licensee and the permittee shall retain a total of 50 percent, apportioned between them pursuant to the terms of the operating agreement, and the remaining 50 percent to the General Revenue Fund.

547.009 Tax rates.—

Commented [PJ16]: amendment 5 issues.

The tax rates here are the same as NJ. The requirements relating to payments I lifted from slot machines.

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(1) The tax rate on the sums received by a licensee from a sports pool, less only the total of all sums actually paid out as winnings to patrons, is 8.5 percent.

(2) The tax rate on the sums received by a licensee or permittee from an online sports pool, less only the total of all sums actually paid out as winnings to patrons of an online sports pool, is 13 percent.

(3) Payment for the tax on sports wagering revenues imposed by this section shall be paid to the division. The division shall deposit these sums with the Chief Financial Officer, to the credit of the General Revenue Fund. The licensee or permittee shall remit to the division payment for the tax on sports wagering revenues. Such payments shall be remitted by 3 p.m. on the 5th day of each calendar month for taxes imposed and collected for the preceding calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. the first Monday following the weekend. The licensee or permittee shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing all sports wagering activities for the preceding calendar month and such other information as may be prescribed by the division.

(4) A licensee or permittee who fails to make tax payments as required under this section is subject to an administrative penalty of up to $10,000 for each day the tax payment is not remitted. All administrative penalties imposed and collected shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation. If any

Commented [AM17]: Tax rates too high. Same as sales tax.

Commented [PJ18]: NJ has taxes placed in the state revenue fund. The slot machine taxes under Florida law go to the Educational Enhancement Trust Fund/Pari-mutuel Wagering Trust Fund.

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licensee or permittee fails to pay penalties imposed by order of the division under this subsection, the division may suspend, revoke, or refuse to renew the license of permit of the licensee or permittee.

Section 2. This act shall take effect October 1, 2020.

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FL-SEN-20-0201-B, 20-0202-A-006550

From: Moya, Elizabeth <Elizabeth.Moya@fldoe.org>
Sent: Friday, January 31, 2020 4:22 PM EST
To: Moya, Elizabeth <Elizabeth.Moya@fldoe.org>
CC: Ochs, Jared <Jared.Ochs@fldoe.org>; Swonson, Bethany <Bethany.Swonson@fldoe.org>
Subject: Standards: Proposed B.E.S.T. Standards Now Available
Attachment(s): "Proposed B.E.S.T. Standards.pdf"

Dear Senator,
Please see the exciting news below.

From: Oliva, Jacob
Sent: Friday, January 31, 2020 3:14 PM
Subject: Proposed B.E.S.T. Standards Now Available

Dear DOE Team:

Thank you so much for being an active part of our standards review process. We are pleased to announce that the proposed B.E.S.T. Standards are now available at www.fldoe.org/standardsreview. Feel free to share the attached memorandum.

Sincerely,
Jacob Oliva
Chancellor of Public Schools

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State Board of Education

Andy Tuck, *Chair*
Marva Johnson, *Vice Chair*
Members
Ben Gibson
Tom Grady
Michael Olenick
Ryan Petty
Joe York

FLORIDA DEPARTMENT OF EDUCATION
fldoe.org

Richard Corcoran
Commissioner of Education

MEMORANDUM

Contact Information:
Kathy Nobles
850-245-0423
Kathy.Nobles@fldoe.org
DPS: 2020-17

DATE: January 31, 2020

TO: School District Superintendents

FROM: Jacob Oliva

SUBJECT: **Proposed Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards**

One year ago today, Governor DeSantis issued Executive Order 19-32 to eliminate Common Core, develop a roadmap to have the #1 standards in the nation, increase curricular quality, streamline testing, raise the bar for civic literacy and become the most literate state in the nation.

On January 24, 2020, Governor DeSantis announced that he approved the roadmap to adopt the B.E.S.T. Standards in English language arts (ELA) and mathematics for grades K-12, which are posted along with summary documents at www.fldoe.org/standardsreview. The State Board of Education will take action to adopt the proposed standards on February 12, 2020, at their meeting in Tallahassee.

Over the past year, the department collaborated with colleagues and the public across Florida to develop these standards. Florida teacher experts participated in 154 virtual and 11 face-to-face meetings. National content experts and more than 80 Florida-based education stakeholder groups provided input. Nine Florida Standards Listening Tour stops were held around the state last October to collect public comments, and over 100,000 reviews were made online by the public on drafts of new standards.

Through these immense and important efforts, you will find that the B.E.S.T. Standards:

- Were created by Florida experts and eliminate Common Core;
- Are content-rich and developmentally appropriate;
- Go back-to-basics, building a foundation in the early grades;
- Are understandable, concise and set clear expectations for students, teachers and parents;
- Imbed Civics throughout K-12 and include the only Civics reading list for ELA in the nation;
- Include the only comprehensive K-12 reading list in the nation;
- Offer flexibility for teachers with a focus on great content; and
- Include clear expectations for progression year-to-year through great course alignment.

Once adopted, teacher professional development will begin, a new instructional materials adoption process will be conducted and new test development activities will commence. By 2022-2023, all new standards will be taught, classroom materials will be aligned and new statewide assessments will measure a baseline of their impact.

We appreciate all of the contributions of school district staff and teachers to bring you the B.E.S.T. Standards, and we look forward to working with you on successful implementation.

JACOB OLIVA
CHANCELLOR OF PUBLIC SCHOOLS

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From: Securian Financial | Benefit Scout <benefitscout@securian.com>
Sent: Thursday, October 17, 2019 11:06 AM EDT
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: State of Florida employee life insurance







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From: Securian Financial | Benefit Scout <benefitscout@securian.com>
Sent: Friday, October 04, 2019 2:07 PM EDT
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: State of Florida employee life insurance



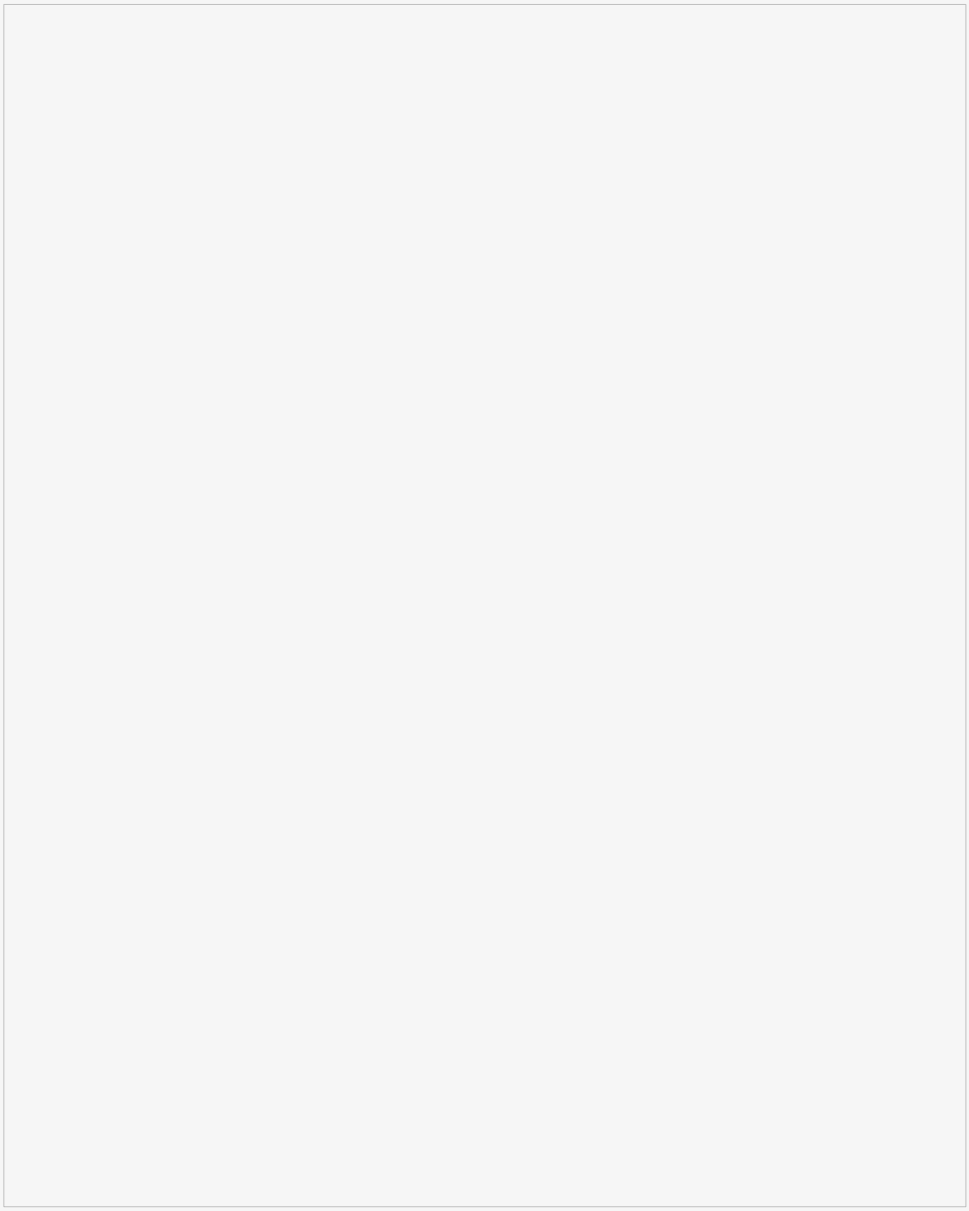
Securian Financial

AMERICAN OVERSIGHT

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From: Hillsborough County GOP <admin@hillsborough.gop>
Sent: Friday, October 04, 2019 3:18 PM EDT
To: Brandes, Jeff (Web) <Brandes.Jeff.Web@flsenate.gov>
Subject: Stop the Madness Rally & Protest-Mon 1:00 P.M.

Jeff --



Please join Congressman Matt Gaetz as he leads a Pinellas County Rally in support for our President, Donald J. Trump!

Please bring signs and flags. Remember, we are the party of good manners… nothing rude or distasteful please! This is a positive event and opportunity to have your voice heard.

We suggest Noon arrival due to St. Petersburg down-town traffic.

Car pool if you can…bring friends.

To Register: https://www.eventbrite.com/e/stop-the-madness-tampa-bay-registration-75320211781?aff=ebdssbeac

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Volunteer at our *HCRP Office*

And in The Field

5118 N. 56th Street #115, Tampa, FL 33610

Call to volunteer, 813-621-7909, admin@hillsborough.gop

Monday - Friday, *10:00 A.M. - 4:00 P.M.*

Support your Party

Become a sustaining member by donating

$5, $10, $20, $100 or any amount. Your contributions help

deliver Republican messages and elect local Republicans.

Thank You!

----->*Click Here to Donate*<-----

www.Hillsborough.GOP

Hillsborough County GOP

http://www.hillsborough.gop/

Hillsborough County Republican Party · 5118 N 56th St, Suite 115, Tampa, FL 33610, United States
This email was sent to brandes.jeff.web@flsenate.gov. To stop receiving emails, click here.
You can also keep up with Hillsborough County GOP on Twitter.

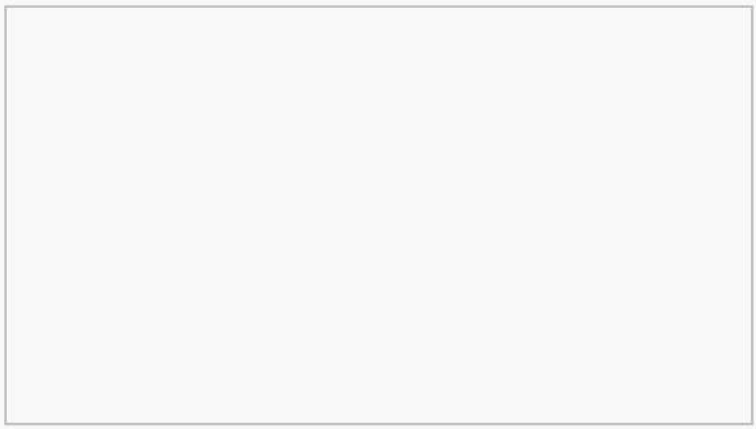
Created with NationBuilder, software for leaders.

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From: Peter Schorsch <peterschorsch@floridapolitics.com>
Sent: Wednesday, January 29, 2020 5:47 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Sunburn — The morning read of what's hot ☀☀ in Florida politics — 1.29.20 — Burnin' today: Bloomberg, Biden, DeSantis, Cate, Fried, Scott

AMERICAN OVERSIGHT

New Florida shock poll puts Mike Bloomberg at No. 2 behind Joe Biden in Dem. primary— A St. Pete Polls survey conducted Sunday and Monday among 2,590 Democratic voters showed **Biden** with a commanding 41% lead and **Bloomberg** — not **Elizabeth Warren** or **Bernie Sanders** — lands in second with 17% support.



Michael Bloomberg is now second behind Joe Biden in a surprising new poll of Florida Democrats.

The results show a sharp contrast to another national **Quinnipiac University poll** showing Bloomberg in fourth place with 8% support.

Though the results only represent Florida voters, they are still significant. Not only is Florida a major swing state and a big pick up in the primary, St. Pete Polls was the first to predict Trump winning Florida in 2015 and to predict Gov. **Ron DeSantis** beating former Agriculture Commissioner **Adam Putnam** in 2018.

The poll suggests Bloomberg's surge in attention to Florida in recent weeks might be paying off.

The St. Pete Polls survey put Sanders in third place with 9%, followed by Warren with 7%. Former South Bend Indiana Mayor **Pete Buttigieg** trailed with 6%, followed by Sen. **Amy Klobuchar** with 5%. **Andrew Yang** and **Tom Steyer** bottomed out the survey with 2% support. Undecided voters accounted for 10% of the survey.

Biden performed best among black voters, with 57% saying they would vote for him. He performed the worst among white, non-Hispanic voters with only 33% support.

Bloomberg performed the best among Hispanic voters with 21% support and worst among black voters with just 13%.

A new "He Said, She Said" ... Horse show adventures! — Michelle and I begin the latest episode by recapping **Ella**'s first show with her horse, Biscuit. It was the final wish of Michelle's father **Benjamin Todd,** to purchase his granddaughter a horse.

We talk #TheVillagesAfterDark, our hotel, and some misconceptions about "America's Friendliest Hometown."

Our first guest, **Jimmy Miller,** talks about the tragic death of basketball legend **Kobe Bryant**, his legacy, and factors that may have handicapped Bryant's career.

Next, Democratic communications pro **Kevin Cate** joins the podcast from the campaign trail in California, to give us a preview of the Iowa Caucus. Cate serves as **Tom Steyer**'s campaign consultant.

When asked, "What is on the minds of the Democratic Party one week out from the Iowa Caucus?" Cate says impeachment is not No. 1. Pocketbook issues like health care are top of mind, as well as defeating **Donald Trump**.

Cate reflects about life in the campaign trail, making TV ads, and why he is confident Steyer is the right man for the job.

As for the best Democrat in the race, we give hot takes on Iowa, and who is Michelle's favorite in the Florida Democratic primary. Spoiler alert: It's not Sanders.

Please, listen and subscribe to He Said, She Said at **Apple Podcasts**, **Google Play** and **Stitcher**.

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Today's Sunrise

The Senate is taking up a controversial bill forcing minors to get permission from their parents to get an abortion. The House is also considering a bill that says your genetic information is off-limits to insurance companies.

Also, on Sunrise:

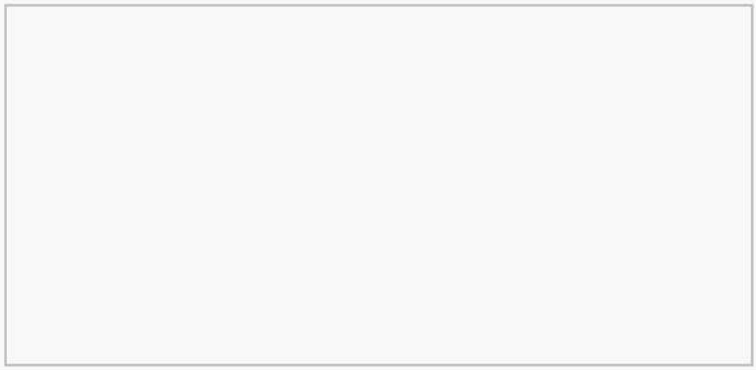
— Agriculture Commissioner **Nikki Fried** is fuming over a bill that would move the state energy office from her agency to one controlled by the Governor. Fried calls it a partisan power grab

— In the aftermath of Hurricane Michael, Chief Financial Officer **Jimmy Patronis** says it's time to change the culture in Tallahassee and put consumers over the insurance industry.

— A House subcommittee approves two new gun bills: One making it easier to bring concealed weapons to church; the other allows local elected officials to be armed during official meetings (where guns are prohibited for everyone else).

— Our daily tribute to Florida Man (and Woman): A guy who stole to pay for his ankle monitor and a woman who used her minivan to drive her teenage son to a robbery.

To listen, **click on the image below**:



Situational awareness

—**@RealDonaldTrump**: Really pathetic how @FoxNews is trying to be so politically correct by loading the airwaves with Democrats like **Chris Van Hollen**, the no-name Senator from Maryland. He has been on forever playing up the Impeachment Hoax. Dems wouldn't even give Fox their low ratings debates. ... So, what the hell has happened to @FoxNews. Only I know! **Chris Wallace** and others should be on Fake News CNN or MSDNC. How's **Shep Smith** doing? Watch, this will be the beginning of the end for Fox, just like the other two which are dying in the ratings. Social Media is great!

—**@DavidJollyFL**: GOP Senators are beginning to act as though they are genuinely concerned this could spin out of control for them, and for Trump.

—**@JustinAmash**: **Hunter Biden** is like a lot of unimpressive people in public life, including the Trumps — trading on his name for power. But if Trump believed an illegality occurred, then why didn't the administration open a proper DOJ investigation instead of pushing Ukraine for an announcement?

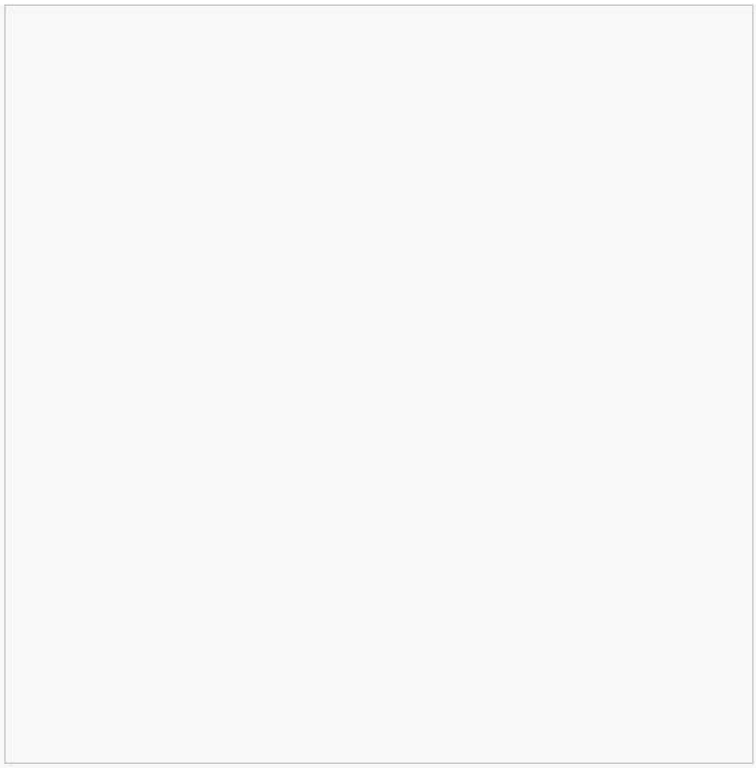
—**@JohnAnzo**: So let me get my head around this.**Rick Scott**, who as a health care executive, was fined a billion dollars for Medicare Fraud — the largest fine in history — is the attack dog on corruption? Priceless.

—**@DWStweets**: We can't get 75% of Americans to agree on much of anything, but 3 out of 4 voters agree: the Senate trial needs witnesses. Nobody will get a fair trial unless the jury hears from witnesses firsthand.

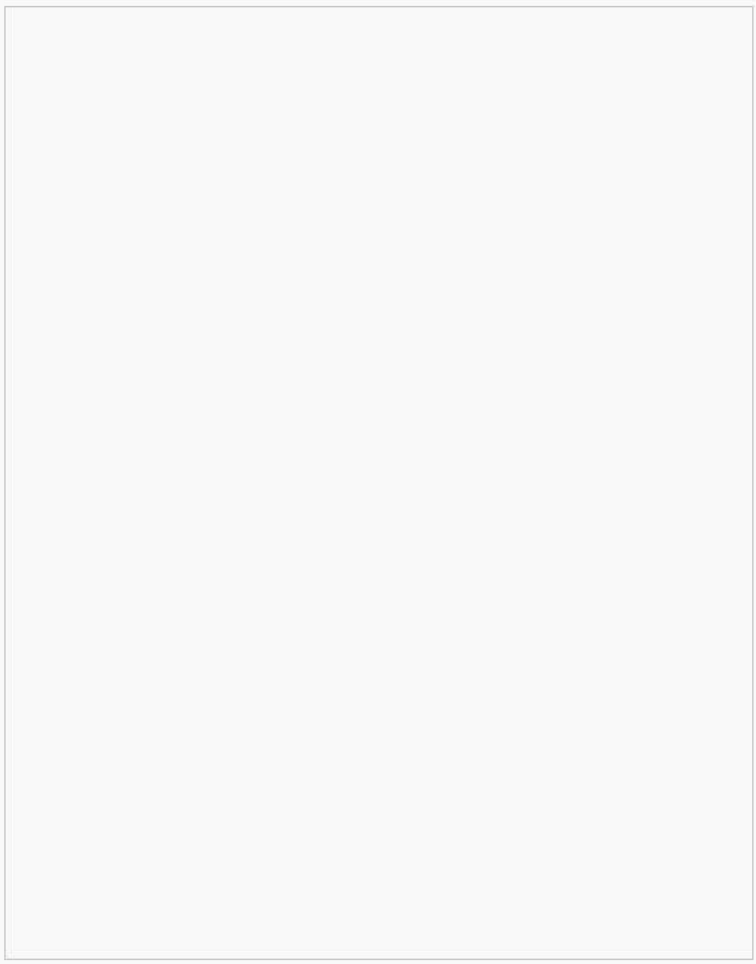
—**@nikkifried**: "We know that for a decade Republicans have had no problem with the office being where it is, as long as it was run by a Republican. But now that a Democrat sits in this office, the first woman ever elected to this office, it suddenly needs to be moved."

Tweet, tweet:

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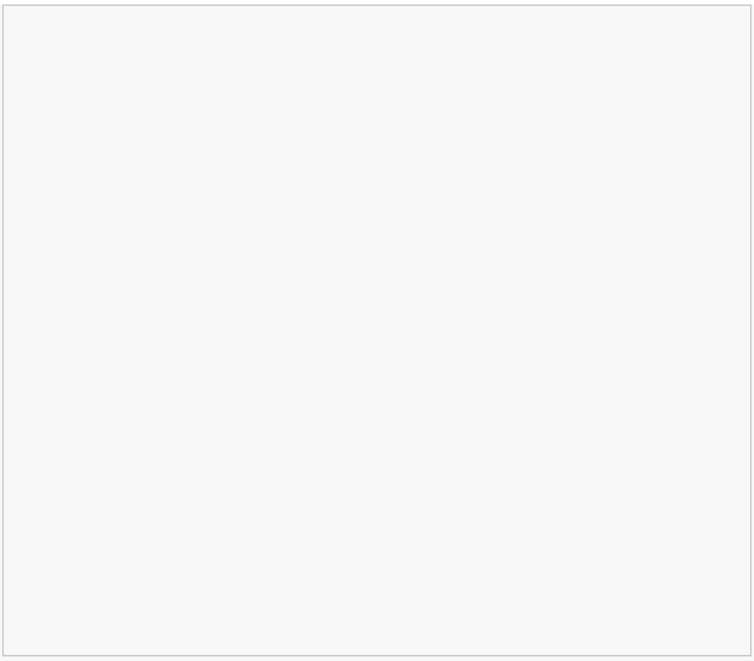


Tweet, tweet:



Tweet, tweet:

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—**@SShawFL**: I fought hard for Criminal Justice Reform during my time in the #FLHouse. Today's second committee stop for HB 615 moves us one step closer to giving juveniles in this state a second chance. #flapol

Days until

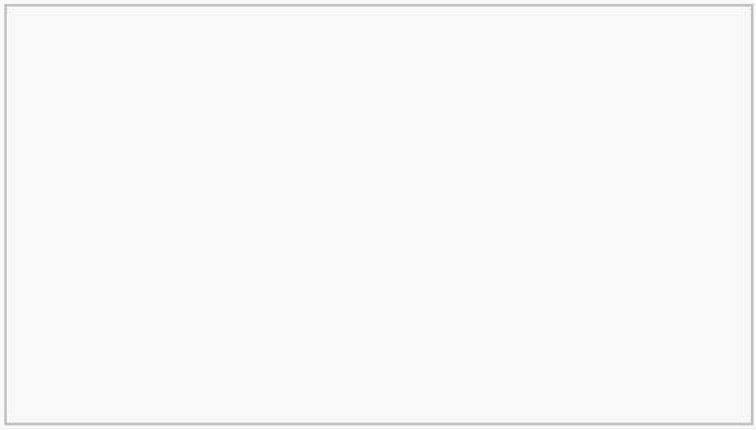
New Brexit deadline — 2; Super Bowl LIV in Miami — 4; Great American Realtors Day — 5; Iowa Caucuses — 5; Eighth Democratic presidential debate in Manchester — 9; Capitol Press Corps press skits — 12; New Hampshire Primaries — 13; Pitchers and catchers begin reporting for MLB Spring Training — 13; South Beach Wine and Food Festival — 21; Ninth Democratic presidential debate in Las Vegas — 21; **Roger Stone**'s sentencing — 22; Nevada caucuses — 24; "Better Call Saul" Season 5 premiers — 25; 10th Democratic presidential debate in Charleston — 27; South Carolina Primaries — 31; Super Tuesday — 34; Last day of 2020 Session (maybe) — 44; Florida's presidential primary — 48; "No Time to Die" premiers — 68; Florida TaxWatch Spring Board Meeting begins — 77; TaxWatch Principal Leadership Awards — 78; Florida Chamber Summit on Prosperity and Economic Opportunity — 107; "Top Gun: Maverick" premiers — 149; Democratic National Convention in Milwaukee begins — 166; **Christopher Nolan**'s "Tenet" premiers — 170; 2020 Summer Olympics in Tokyo start — 177; Florida primaries for 2020 state legislative/congressional races — 202; First Presidential Debate in Indiana — 244; Republican National Convention begins in Charlotte — 208; First Vice Presidential debate at the University of Utah — 252; Second Presidential Debate scheduled at the University of Michigan — 260; Third presidential debate at Belmont — 267; 2020 General Election — 279.

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Top story

"**The starting gun for 2024': Rick Scott drops Iowa bomb on Biden**" via Mark Caputo of POLITICO Florida — Scott inserted himself into the Democratic presidential primary by launching an Iowa ad campaign trashing both the impeachment of Trump and former Vice President Biden ahead of the state's caucuses. But the ad campaign really wasn't just about the 2020 presidential race or the caucuses — it's the starting gun for 2024, when Scott has let it be known he's interested in running for the White House. "If you put $19,000 in Des Moines on TV, it's definitely Scott putting a toe in 2024," said **David "DJ" Johnson**, a GOP consultant. "And there's one thing we know about Scott: After he puts a toe in, then comes the foot. Then comes the whole leg."

To watch the ad, **click on the image below**:

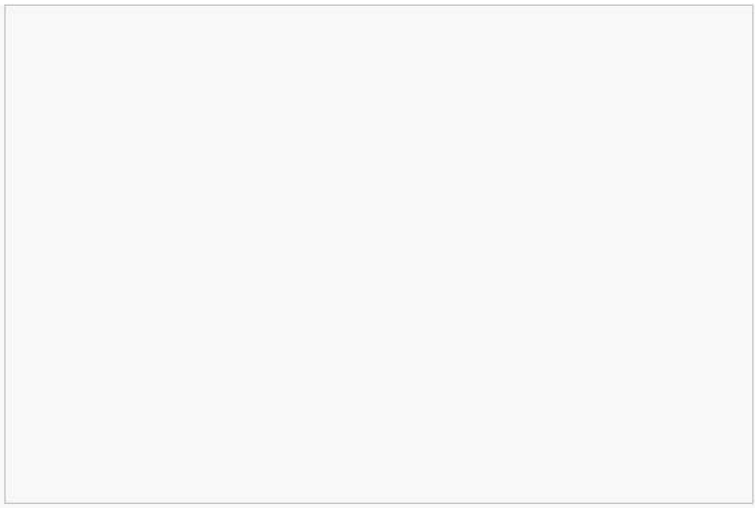


Dateline: Tally

Assignment editors — Gov. **Ron DeSantis** and Florida Department of Law Enforcement Commissioner **Rick Swearingen** will make a major announcement, 8:20 a.m. at Walt Disney World Swan and Dolphin Resort, Dolphin Meeting Space — American Seminar Room, 1500 Epcot Resorts Boulevard, Lake Buena Vista.

"**Nikki Fried to Ron DeSantis: Lay off Energy office**" via Samantha Gross of the Tampa Bay Times — She was reacting to an effort to move the state's Office of Energy from under her purview to the Department of Environmental Protection. The effort, in the form of a proposed committee bill, passed out of the Agriculture & Natural Resources Appropriations Subcommittee by a 10-1 vote. Three of the four Democrats on the committee voted yes on the bill, but despite their votes, Fried maintained that the bill is "partisan punishment." "This bill puts party before state, and puts the governor before Floridians," she said, noting that the Office of Energy went untouched while Republican Agriculture Commissioner **Adam Putnam** was in office. "Now that a Democrat sits in this office, it suddenly needs to be moved."

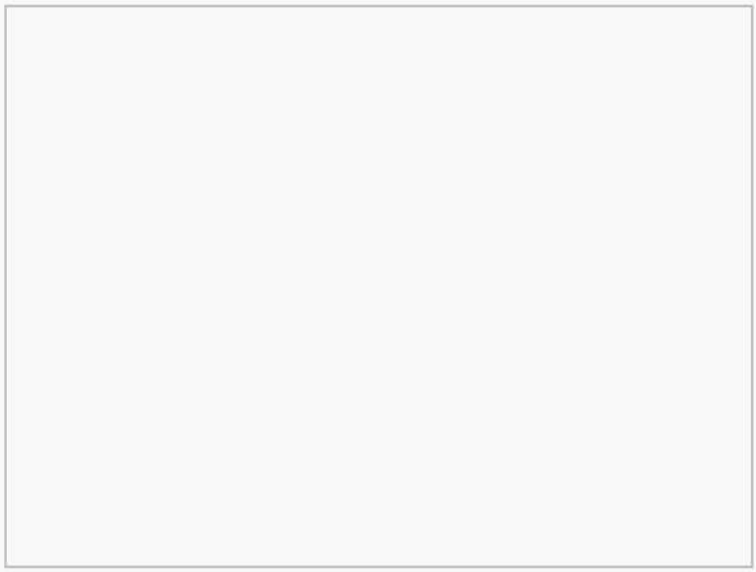
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Nikki Fried is blasting Ron DeSantis for attempting to move the Office of Energy away from her agency.

"**Bill Galvano pledges 'meaningful' pay raise for state workers**" via James Call of the Tallahassee Democrat — **Galvano** told the Tallahassee Democrat the Senate would include a "meaningful" pay increase for state workers when it begins budget negotiations with the House. "The Senate budget, scheduled to be released by the end of the week, will include a meaningful investment in across-the-board salary increases for our hardworking state employees," Galvano said. Last month, the Bradenton Republican would only commit to having his budget chairs look at the issue. While an impasse exists in negotiations for a new three-year contract between the state and, for instance, social workers, wildlife officers, clerical and other staff, neither House Speaker **José Oliva** nor DeSantis has backed a pay raise for all state employees.

"**Florida Sheriffs sound alarm about 'Truth in Sentencing'**" via AG Gancarski of Florida Politics — With several bills in play that would reduce or mitigate current sentencing policy, Florida Sheriffs had their say defending mandatory minimum sentences. The Florida Sheriffs Association announced the launch of a Truth in Sentencing report and its likewise-new Florida Sheriffs Research Institute. With live proposals for everything from changing mandatory minimums on drug policy to early release for old and infirm inmates, and a crisis in the prison system guiding the reform push, the Sheriffs' message is that what they are doing works despite these systemic stressors. FSA President and Pinellas County Sheriff **Bob Gualtieri** lauded the research institute, saying it "makes certain the full impact of our current laws is properly assessed."



Florida sheriffs gather to formally release their Truth in Sentencing report, the first product of the newly launched Florida Sheriffs Research Institute. Image via Florida Sheriffs/Facebook.

Students visit The Capitol to fight for higher-education vouchers— A handful of students appeared at the House Appropriations Subcommittee on Higher Education to fight for EASE, a voucher program for full-time Florida students who attend SACS-accredited, independent, nonprofit universities and colleges. During the committee's budget exercise, there was a discussion on severe cuts to these student grants. The budget released in committee this week keeps funding at the current year's levels. Students expressed sincere thanks to the lawmakers for supporting EASE. "I'm 26 years old. I have two young daughters, and I am a full-time student. Your support for EASE is really important to all of us," said **Ashley Hawks**, a Keiser University student. " It's allowed me to provide a better life for my kids."

"**Industry calls on lawmakers to reform lawsuit abuse**" via Amy O'Connor of the Insurance Journal — At the top of the list for advocates are reforms to curb what they say are abuses of the state's legal system that

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are hurting insurers' bottom line. **Paul Handerhan**, president of the Federal Association for Insurance Reform (FAIR), said two bills had been introduced, both sponsored by Sen. **Jeff Brandes**, that would target first-party litigation abuses. Senate Bill 914 would provide that for certain attorney fees awarded for claims arising under property insurance policies, the maximum fee a court may award is a lodestar fee and prohibit the court from considering contingency risk or using a contingency risk multiplier. SB 1634 would revise requirements for the civil remedy notice provided to insurers and the Department of Financial Services.

"**Communications tax cut would help more low-income Floridians get connected**" via Florida Politics — Currently, cities and counties can set their own communications services tax rate. This has led to more than 400 different jurisdictions, each with their own tax rate. While those rates can vary wildly, they are rarely inexpensive. In most cases, the communications services tax costs customers two-and-a-half times as much as sales tax. The high rates disproportionally impact low-income Floridians, many of whom are hit multiple times a month, as the charge shows up on bills for cellphones, broadband internet and cable television. Bills from Sen. Travis Hutson (SB 1174) and Rep. **Jason Fischer** (HB 701) aim to bring some stability — and relief — to Floridians by replacing the current patchwork structure and setting a statewide cap on the tax.

"**Appeals court weighs Florida law on felon voting rights**" via Bobby Caina Calvan and Kate Brumback of The Associated Press — Lawyers for the state of Florida are asking a federal appeals court to set aside a ruling that allowed some felons to regain access to the ballot box despite owing fines and other legal debts. Florida Republicans, led by DeSantis, argue that only felons who have completed all conditions of their sentences should be allowed to vote. He and GOP lawmakers say that to regain the right to vote, former felons must not only serve their time but also pay all fines and other legal financial obligations. The case before the Atlanta-based 11th U.S. Circuit Court of Appeals could be consequential because of the razor-thin margins that sometimes decide election contests in Florida — a perennial battleground state.

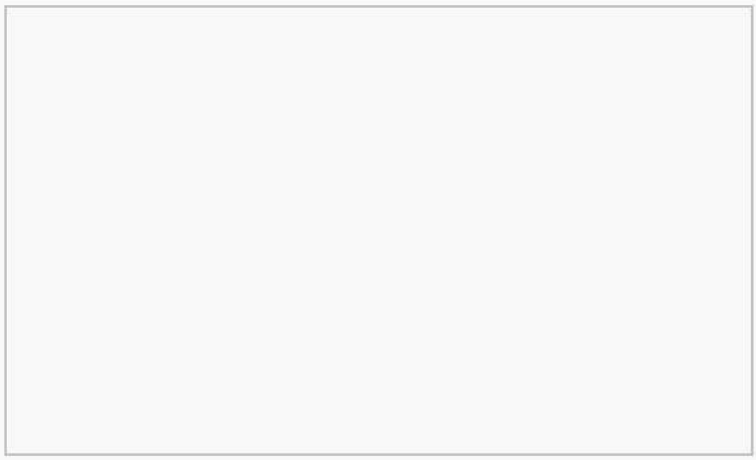
Assignment editors — LeadingAge and Greenberg Traurig will hold a reception to honor the Florida Legislature, 5:30 p.m., The DoubleTree by Hilton, 101 South Adams Street, Oasis Pool Deck — 4th Floor, Tallahassee.

Assignment editors — The Florida Assisted Living Association will hold its annual cocktail reception for legislators, 5:30 p.m., TCC Capitol Center, 300 West Pensacola Street, Tallahassee.

Assignment editors — Catholic Bishops of Florida host the 45th Annual Red Mass, 6 p.m., Co-Cathedral of St. Thomas More, 900 W. Tennessee Street, Tallahassee.

Legislation

Legislation aligns with Governor's water spending plans, for now— The House Agriculture and Natural Resources Appropriations Subcommittee's plan for water quality and Everglades spending closely mirrors Gov. **Ron DeSantis**' budget request. However, committee Chair **Holly Raschein** says the lawmakers aren't keen on funding the Governor's priority with recurring dollars, Bruce Ritchie of POLITICO Florida reports. "We have a policy that we stick pretty wholeheartedly to of not tying the hands of future Legislatures," Raschein said. DeSantis outlined his request for $625 million in water funding last year and said he hoped lawmakers would include recurring funds in the budget so his office wouldn't have to fight for the money every year. The House plan comes in at $646.8 million and includes $29.2 million in local water projects that DeSantis didn't include in his budget.



The Florida Legislature aligns with Ron DeSantis' water requests, for the time being.

House health care plan measures in at $38.8 billion— The House Health Care Appropriations Subcommittee has put forward a $38.8 billion health care spending plan for the 2020-21 fiscal year, **Alexandra Glorioso** of POLITICO Florida reports. The proposal is $60.5 million more than DeSantis requested in his budget. Included in the House plan is a provision that would cut Medicaid retroactive

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FL-SEN-20-0201-B, 20-0202-A-006566

eligibility permanent. Chair **MaryLynn Magar** said the cut, which will free up $104 million, is needed to pay for other priorities such as a bump in nursing home reimbursements.

"**House, Senate seek to curb prison guard turnover**" via Ana Ceballos of the News Service of Florida — The pilot program would move one-third of Florida's prisons from 12-hour shifts to 8.5-hour workdays to address worker fatigue, Corrections Secretary **Mark Inch** has told lawmakers. Making the change would require the state to hire 292 full-time officers, which would cost taxpayers $29 million, according to a budget request from the Department of Corrections. The Senate proposal would fully fund the program, while the House's budget proposal would provide $13.6 million for the change. That would allow hiring 174 employees and moving one-fifth of prisons to the 8.5-hour shifts, according to the House proposal.

House plan would boost nursing home money" via the News Service of Florida — Introduced by House Health Care Appropriations Chairwoman Magar, the proposed budget would keep Medicaid funding for hospitals at current-year spending levels. The proposal for the 2020-2021 fiscal year would pump an additional $44.8 million to increase rates the state pays nursing homes to care for Medicaid patients. "The nursing center funding increase in the House budget is critical for our members as the cost of delivering high-quality care continues to rise," Florida Health Care Association spokeswoman **Kristen Knapp** said in a prepared statement.

"**Senate bill to compensate wrongfully convicted man clears Judiciary Committee**" via Sarah Mueller of Florida Politics — Jacksonville resident **Clifford Williams** was exonerated in March 2019 after spending 43 years in prison for a crime he didn't commit. He's not eligible for compensation under current law despite the decades behind bars because of two prior felony convictions. A bill sponsored by Senate Minority Leader **Audrey Gibson** (SB 28) would give Williams about $2.15 million in restitution for the time he served in prison. Williams and his nephew **Hubert Nathan Myers** were arrested in 1976 for the murder of **Jeanette Williams**, no relation, and the attempted murder of her domestic partner. Williams was initially sentenced to death, but his sentence was commuted to life in prison after four years on death row.

"**Senate panel OK's Lauren Book ban on declawing cats**" via Ryan Nicol of Florida Politics — The Senate Agriculture Committee approved a measure from Sen. **Lauren Book** (SB 48) that would ban declawing cats with a 4-1 vote Tuesday. The approval comes after the bill was temporarily postponed in mid-January. Republican Sen. **George Gainer**, the committee's Vice Chair, was the sole no vote. Book and others who spoke in support argue the procedure causes problems for the cats' long-term health. "It's a common misconception that declawing causes no harm, and that's it's as simple as cutting off a cat's fingernails," Book said. "It would be like if we took our own hands and cut off the first joint in our fingers."

"**Senate advances Ben Albritton's bill to revitalize broadband expansion**" via Renzo Downey of Florida Politics — The bill (SB 1166) would create the Florida Office of Broadband within the Department of Economic Opportunity (DEO) and make it the lead agency on high-speed internet installation. Broadband coverage blankets many urban areas, providing homeowners and businesses with high-speed internet. "In other parts of the state, especially in rural areas, the ability for somebody to access high quality, or quite frankly sometimes low-quality broadband, is not available," the Wauchula Republican said. The Senate Commerce and Tourism Committee gave full approval to the proposal and an amendment defining "underserved" as 10 megabits per second download speeds and at least one megabit per second upload speeds.

"**Senate panel OKs bill to create scholarship fund for students at Florida's HBCUs**" via Byron Dobson of the Tallahassee Democrat — The Senate Education Committee unanimously cleared the bill (SB 876), sponsored by Democratic Leader **Audrey Gibson**, which would establish the Historically Black Colleges and Universities Matching Endowment Scholarship Program. Her bill is identical to one (HB 383) introduced by Rep. **Delores Hogan Johnson**, which was OK'd by the House Higher Education and Career Readiness Subcommittee. Both bills must clear two more committees in their respective chambers before they can go to the floors for final votes. Under the proposed legislation, the Legislature would appropriate $2 million to be deposited into the Student Financial Assistance Trust Fund, administered by the Florida Department of Education.

Bill Montford hemp program bill gets TP'd — The Senate Agriculture Committee temporarily postponed Montford's measure, which would have altered the state hemp program set up during the 2019 Session. That program was established under the Department of Agriculture to authorize the cultivation of hemp. Montford's legislation would have made clear that hemp extract sold in violation of the law's existing requirements "shall be considered adulterated or misbranded." The term "hemp extract" would also not include seeds "recognized as safe by the United States Food and Drug Administration." And the bill bars the sale of products made from hemp extract to those under 18 years of age. The measure was on the committee's schedule for Tuesday afternoon, but that meeting ended without lawmakers taking up the bill.

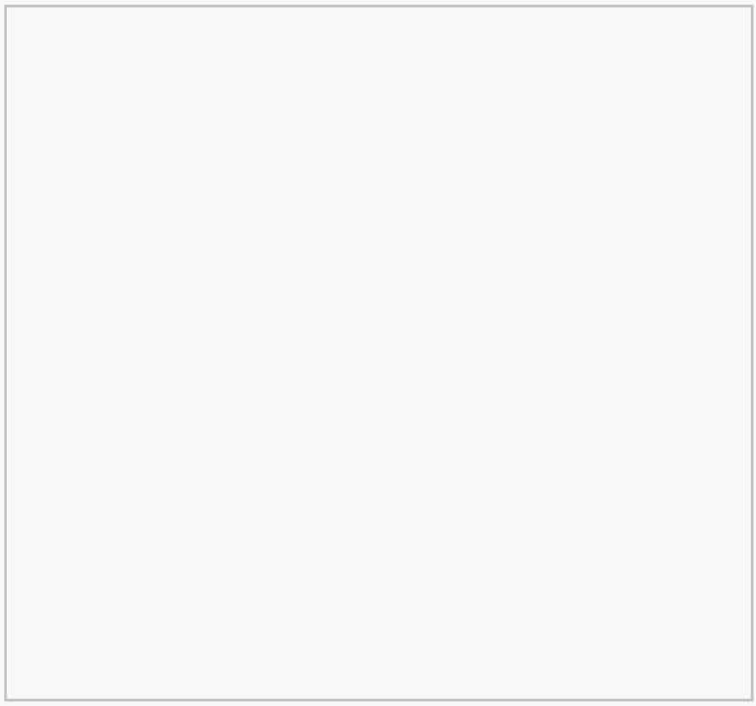
"**Lawmakers tackle heat strokes among student-athletes**" via Bobby Cania Calvan of The Associated Press — As it stands, high schools aren't required to have lifesaving devices and equipment available at the sidelines. That includes the absence of tubs that can be used to help quickly cool student-athletes showing signs of heat stress. Many coaches and other team personnel lack training on how to recognize "exertional heat stroke," or EHS, and how to administer emergency care. A bill endorsed unanimously by the Senate Education Committee would set standards for monitoring conditions that might put students at higher risk. At

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a minimum, it would require schools to have containers large enough to accommodate students' bodies — tubs or even inflatable kiddie pools — filled with cold water that can be used to cool down an overheating student rapidly.

"**House eyes environmental money, chops VISIT FLORIDA**" via Jim Turner of the News Service of Florida — DeSantis would get more than the $625 million he requested for environmental projects, Florida Forever would see a funding cut and VISIT FLORIDA would be shuttered, under parts of a House budget proposal. The House is proposing $4.1 billion in the agriculture and natural resources part of the budget, up 3.7% from the current fiscal year, which ends June 30. The proposal includes $646.8 million for DeSantis' requested environmental projects. The House proposal includes $318.3 million for Everglades restoration, nearly $4 million less than what DeSantis requested. The House also wants $122 million for wastewater and stormwater grants, which includes efforts to get property owners off septic tanks, $28 million below the governor's proposal.

"**Craft distilleries bill advances in House**" via Jacob Ogles of Florida Politics — A change in law letting distilleries to bottle drinks in more sizes cleared its first hurdle in the Florida House. Rep. **Holly Raschein**, a Key West Republican, stressed the legislation aims to free more Florida-based distilleries up to take advantage of market needs. The bill (HB 1165) does this by repealing statutes related to wine and cider container size limitations, and by specifying restaurant patrons may take home a partially consumed bottle of wine with the purchase of a meal. The legislation passed in the House Business and Professions Subcommittee, where it was one of the multiple pieces of legislation aimed at lifting restrictions on alcohol businesses.



Cheers: Holly Raschein's craft brewery bill advances.

"**Occupational license deregulation bill continues to move in House**" via AG Gancarski of Florida Politics — HB 1193, from Rep. **Blaise Ingoglia**, is billed as the Occupational Freedom and Opportunity Act. The legislation attempts to push through reforms long sought by free marketeers, including DeSantis. "This is almost the exact same bill you heard last Session," Ingoglia said of the deregulation package. Mold remediation is out of the bill, and barbers now are required 400 hours of training, which is a condition the sponsor said would not compromise student aid. The bill allows for reciprocal licensing from different states. A wide swath of professions, ranging from cosmetology to interior design, would be affected in the legislation. Auctioneers, barbers, and geologists would have fewer education requirements, with nutritionists and boxing announcers seeing some licensing requirements eliminated completely.

"**Fire chiefs seeking help in drone bills**" via Scott Powers of Florida Politics — The House Agriculture and Natural Resources Appropriations Subcommittee swiftly approved HB 659, which would allow the use of drones by wildlife and forestry officials to monitor invasive species encroachment on public lands and to help manage and fight wildfires. The second provision is identical to one added to the Senate counterpart of the bill in a committee hearing. At both stops, the Florida Fire Chiefs' Association spoke up with an "us too" request, citing the same rationales for drones' use in structure fires that had been cited for the wildfires amendment: that the aerial camera devices could help firefighters understand what is going on with the fires, and that the drones could help improve safety for firefighters at the scene.

"**Second House panel approves specialty license plate bill**" via Ryan Nicol of Florida Politics — The House Transportation and Tourism Appropriations Subcommittee unanimously approved a measure that would create specialty tags for a trio of out-of-state universities. The House Transportation and

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Infrastructure Subcommittee already signed off on the bill, leaving just one more stop until it clears the committee process. Sponsoring the legislation (HB 1135) is Rep. **James Grant**, an Auburn University alumnus. In addition to Auburn, specialty license plates would be approved for two other out-of-state schools — the University of Alabama and the University of Georgia.

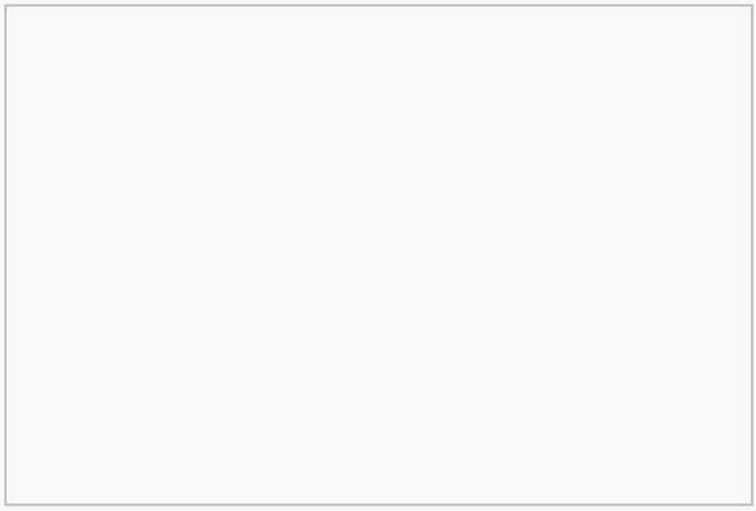
"**Church, local official gun bills backed**" via Jim Saunders of the News Service of Florida — A House panel approved a measure that would allow people to carry concealed weapons at religious institutions that share properties with schools. The House Criminal Justice Subcommittee also approved a separate bill that would allow county commissioners, school board members, and elected city officials to be armed at their public meetings. State law generally allows people to carry concealed weapons at religious institutions, but it bars being armed on school properties. That has effectively meant that people cannot carry guns to churches or synagogues that meet at places with schools. The measure (HB 1437) would allow religious institutions to authorize people with concealed-weapons licenses to carry guns at such locations.

"**College athlete compensation a hit in House**" via Jim Turner of the News Service of Florida — With few questions and little comment, the House Workforce Development & Tourism Subcommittee approved a bill (PCB WTS 20-01) that would establish a "bill of rights" as college athletes would be able to earn compensation for their "name, image, likeness or persona." The proposal, being watched by the National Collegiate Athletic Association, maintains that pay for on-field performance would remain prohibited. State colleges and universities have not taken a public stand on the House proposal.

Pigman seeks to modernize health care

State Rep. **Cary Pigman** joined nearly 200 Certified Registered Nurse Anesthetists (CRNA) at a news conference at The Capitol to emphasize the role of Advanced Practice Registered Nurses (APRN) within the state's health care system — increasing access to health care, lowering costs and maintaining the quality of care.

The Okeechobee Republican recently filed **HB 607**, which seeks to allow APRNs, CRNAs and nurse practitioners to practice to the full extent of their training without physician supervision and protocols.



Rep. Cary Pigman touts his bill to give nurses more independence to provide health care.

HB 607 has the support of House Speaker **José Oliva,** who has made this issue a priority, as the country faces a rising population of seniors and a shortage of up to 55,000 physicians nationwide.

"I have called out the health care industrial complex because I believe it can do better for patients — consumers of health care services," Oliva said. "I made clear my support for independent practice for APRNs because it will improve access and affordability for patients. With the endless sea of white coats flooding the Capitol and the support from statewide businesses and organizations, I am assured that the House is on the right path by prioritizing HB 607."

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Today in Capitol

The House Children, Families & Seniors Subcommittee meets, 8 a.m., Room 12, House Office Building.

The House Civil Justice Subcommittee meets, 8 a.m., Room 404, House Office Building.

The House Oversight, Transparency & Public Management Subcommittee meets, 8 a.m., Morris Hall, House Office Building.

The House PreK-12 Appropriations Subcommittee meets, 8 a.m., Reed Hall, House Office Building.

The House Local Administration Subcommittee meets, 8 a.m., Room 212, Knott Building.

The Senate Agriculture, Environment and General Government Appropriations Subcommittee meets, 9 a.m., Room 110, Senate Office Building.

The Senate Criminal and Civil Justice Appropriations Subcommittee meets to consider a bill by committee Chair Brandes that would allow older inmates to be released from state prisons, 9 a.m., Room 37, Senate Office Building.

The Senate Education Appropriations Subcommittee meets to discuss the 2020-2021 budgets for the Department of Education, the Office of Early Learning, and the state university system Board of Governors, 9 a.m., Room 412, Knott Building.

The Senate Transportation, Tourism and Economic Development Appropriations Subcommittee meets to extend VISIT FLORIDA's authorization through 2028, 11 a.m., Room 110, Senate Office Building.

The Senate Health and Human Services Appropriations Subcommittee meets at 11 a.m., Room 412, Knott Building.

The House Appropriations Committee meets, 12:30 p.m., Room 212, Knott Building.

The Senate Rules Committee meets to consider a measure that would repeal the Constitution Revision Commission, 1:30 p.m., Room 110, Senate Office Building.

The House will hold a floor session, 3:30 p.m.

The Senate will hold a floor session, 4 p.m.

Assignment editors — DeSantis will deliver remarks for Emergency Management Day, joined by First Lady DeSantis and Division of Emergency Management Director **Jared Moskowitz**, 11 a.m., 4th-Floor Rotunda.

Assignment editors — Girls from the PACE Center for Girls will head to Tallahassee to meet with local representatives and talk about the impact Pace has had on their lives in the annual "PACE Day at The Capitol," 8 a.m., 22nd floor.

Assignment editors — First Lady **Casey DeSantis** will deliver remarks during "PACE Day at the Florida Capitol," 8:30 a.m., 22nd Floor.

Assignment editors — Attorney General **Ashley Moody** and Department of Juvenile Justice Secretary **Simone Marstiller** will join the PACE Center for Girls for a news conference as part of "Pace Day at the Capitol," 11:45 a.m., 22nd Floor.

Gov. Club buffet

Cuban black bean soup (rice and onions-side); mixed garden salad with dressings; Cuban avocado salad; tropical fruit salad; deli board with lettuce, tomatoes, cheeses and breads; picadillo; cumin lime chicken; Cuban fried pork chops; yucca with mojo; island zucchini; cilantro lime rice; tres leches cake for dessert.

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Statewide

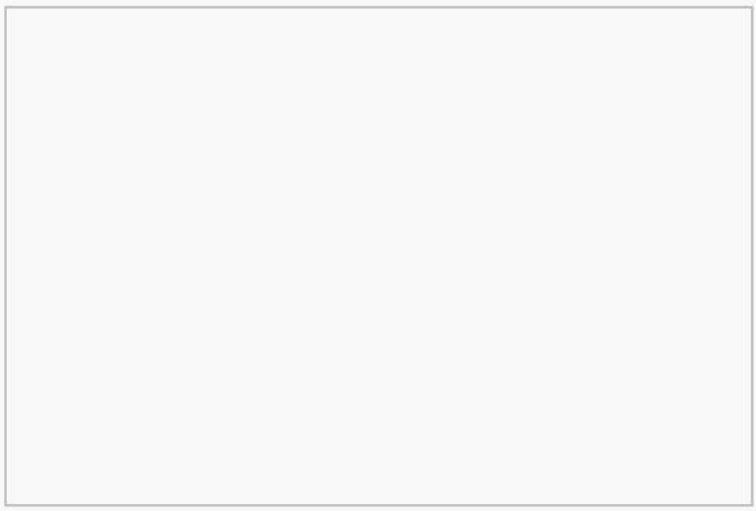
"Fifth Third Bank to halt donations to school voucher program over LGBTQ discrimination" via Scott Powers of Florida Politics — Reps. **Carlos Guillermo Smith** and **Anna Eskamani**, Orlando Democrats on the front lines of fighting for LGBTQ rights and against discrimination, announced the Cincinnati-based bank announced on Twitter they will no longer be donating to Florida's Step Up for Students scholarship programs until "more inclusive policies have been adopted by all participating schools to protect the sexual orientation of all our students."

Shaw's prolific year

Former state Rep. **Sean Shaw** has had an extremely productive year. Despite losing the Attorney General's race — even though he received over 3.7 million votes, more than any other Democratic AG candidate in history — Shaw is continuing his public service for Floridians. He has stayed involved in both state and national politics as well as turning his focus on several progressive issues as founder of "People Over Profits," an organization with the mission of putting "working people first."

Recently, I had an opportunity to speak with Shaw, catching up on what has been, for him, a very prolific year.

"Since the campaign, I've made it a priority to spend more time on the water. I bought a saltwater boat and try to take it out as much as I can. My first love will always be fishing and it's therapeutic for me. It's funny because I've realized that politics was both my work and a hobby — and I needed some life balance. I think they call it self-care now."



Sean Shaw is having a very busy year.

Shaw is currently working with Vanguard Attorneys, a personal injury firm based in Ybor City. His Vanguard office was the old call time room from Shaw's AG race.

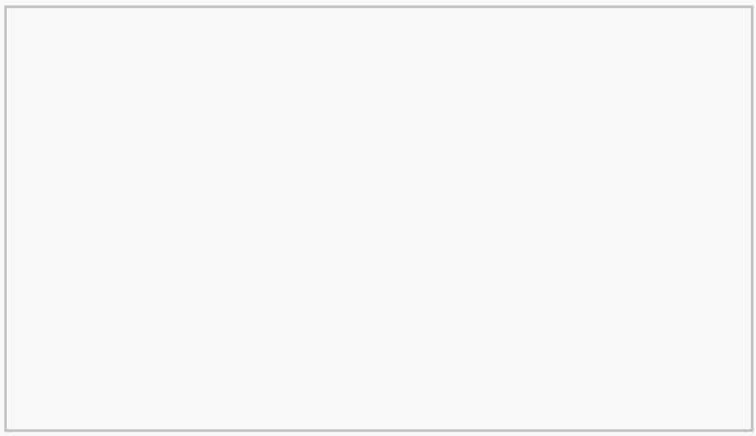
He's also been remarkably busy with projects across the state: The new firm, People Over Profits, and hosting a weekly radio show (Vanguards of Democracy).

Shaw was also an early supporter of Mayor Buttigieg: "I knew he was different. I've come to understand he is the kind of leader this country needs. I reached out to endorse him because I believe he has the right ideas to address important issues like criminal justice reform through his Douglass Plan, affordable health care, and the student loan crisis."

AMERICAN OVERSIGHT

Mother Nature

"**Harmful algal blooms pose serious long-term health risks for Floridians**" via Walter Bradley and Howard Simon of the South Florida Sun-Sentinel — The causes of HABs are no mystery: expanding residential and commercial development and agribusiness — particularly cattle, poultry and the dairy industry — contribute to the increasing flow of nitrogen and phosphorus that spawn HABs in Lake Okeechobee and on the east and west coasts. And as our state's population continues to swell there are increased burdens on water treatment plants and septic systems. Media reports of fouled beaches, fish kills, and the stench of HABs are not good for tourism — about 10% of Florida's economy. But even more concerning, our health is at risk. DeSantis' Blue-Green Algae Task Force made several sensible recommendations, though some of the Task Force's proposals could have gone further.



Algal blooms are posing significant long-term risks to human health.

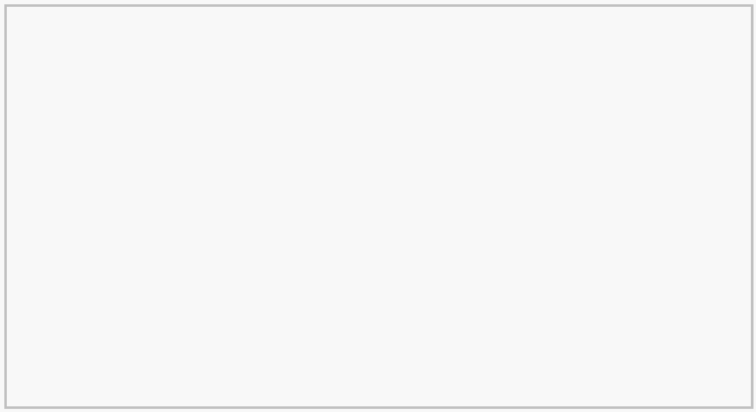
"**Powerful Caribbean earthquake shakes buildings in Jamaica, Cuba — even downtown Miami**" via Jacqueline Charles, Bianca Padró Ocasio and Joey Flechas of the Miami Herald — At 2:10 p.m., a strong earthquake struck about 6 miles beneath the surface in the open water between Jamaica and Cuba with more force than the 2010 earthquake that devastated Haiti, a quake that occurred only 15 miles away from Port-au Prince. The quake struck along the border between the Caribbean and North American tectonic plates, a crack that stretches from Hispañola to Guatemala. Brief tsunami warnings were issued for multiple northern Caribbean islands. Several aftershocks occurred fewer than 50 miles from the Cayman Islands, whose residents felt the impact from at least four tremors through the afternoon. The most powerful of them registered a 6.1 magnitude about 35 miles southeast of Grand Cayman just before 5 p.m.

2020

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"**A primary from the right? Not in Donald Trump's GOP**" via Elaina Plott of The New York Times — Such is the nature of the Republican primary season in the Trump era: self-proclaimed outsiders marketing themselves as loyalists to a man who is now the ultimate insider. Challenges to incumbents from the right are nothing new. But whereas conservative primary candidates once fashioned their campaigns as referendums on reckless federal spending or the elitist sensibilities of leadership, their pitches are much simpler now, carte blanche offerings of complete and total fealty to the President. And with Trump's stranglehold on his party, their targets are much fewer, too.

"**Why Biden scaled back in New Hampshire**" via Mark Caputo and Trent Spiner of POLITICO — Biden's New Hampshire media buys, events and overall footprint indicate it's the early state that's getting relatively short shrift so he can more effectively contest the other three states with nominating contests before Super Tuesday. The former vice president's campaign stresses he's not writing off New Hampshire, that he has more major endorsements here than any other candidate, and visited Friday and Saturday. But in recent weeks, Biden has intensified his focus on the two states whose caucuses bookend the Granite State's Feb. 11 primary — Iowa and Nevada — according to those familiar with the campaign's strategy.



Joe Biden is scaling back some in New Hampshire.

"**Celebrity star-power fuels Bernie Sander's final Iowa sprint**" via Holly Otterbein of POLITICO — The luminaries cut across the culture, from politics to music to movies and more. Congresswoman **Alexandria Ocasio-Cortez**, filmmaker and liberal stalwart **Michael Moore**, actor **Kendrick Sampson**, and recording artists **Bon Iver** and Vampire Weekend are among those who have or will be stumping for him. The roster of celebrity surrogates is designed to bring out young and unlikely voters to events: A Friday rally featuring Ocasio-Cortez and Moore, which Sanders couldn't attend because he was in Washington for the impeachment trial, drew an estimated 800-plus people. Overall, nearly 6,000 attended events in Iowa held by Sanders, Ocasio-Cortez and Moore over the last few days, according to the campaign.

"**Elizabeth Warren announces endorsements from Florida educators**" via Scott Powers of Florida Politics — Warren has the endorsements of 63 teachers and educators around Florida, including **Johanna López**, an Orange County School Board Member. López had been a Colonial High School teacher in Orange County before being elected to the school board. Another endorsement is **Susan Smith**, President Emeritus of the Democratic Progressive Caucus of Florida and a former teacher. The announcement denotes activity by Warren's Florida campaign, one of the largest and busiest among Democrats in the Sunshine State, though she and other Democrats continue to personally largely ignore Florida while pursuing voters in Iowa, New Hampshire and other early primary and caucus states.

"**Pete Buttigieg campaign faces personnel issues as Iowa caucuses approach**" via Tarini Parti and Dustin Volz of The Wall Street Journal — **Nadia Singer**, the talent director for the campaign responsible for identifying potential new hires, parted ways with the former South Bend, Indiana, Mayor's team earlier this month. Singer, who previously worked at question-and-answer website Quora Inc. and Facebook Inc., was seen as part of a cadre of Silicon Valley hires by Buttigieg. Her contract employment ended abruptly after she relocated to South Bend from San Francisco. Two cybersecurity aides also left the campaign around the same time. The campaign described the staffers as midlevel. A spokesman for the campaign said Singer's contract ended because the campaign is fully staffed and not hiring during the primaries.

AMERICAN OVERSIGHT

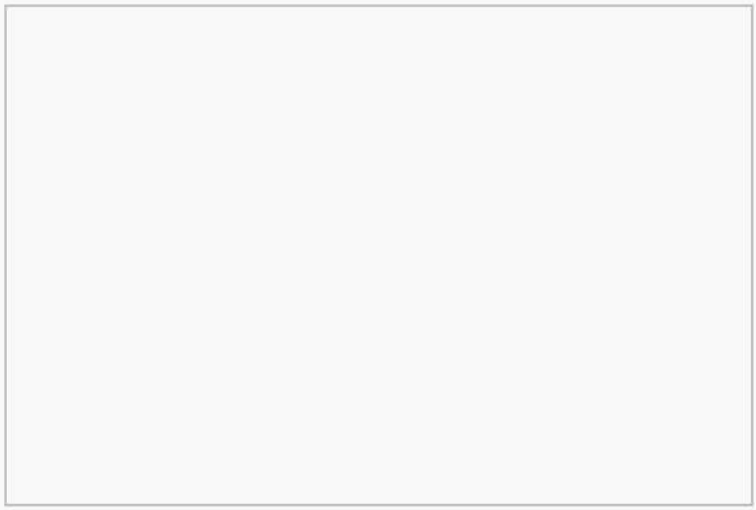
Is good-enough enough for Biden?

As much as any campaign in recent history, notes **Mark Leibovitz in The New York Times Magazine**, Biden's candidacy has been "defined by the alternative."

The former vice president is not a socialist, and he's not Trump.

However, the longtime Senator and two-term VP is well known, "for better and worse."

Biden keeps hammering the point that he is best equipped to keep Trump to a one-term presidency — an "aberration" — and avoid a "downward transformation" if Trump wins reelection.



Joe Biden refuses to change his brand for the campaign.

"You know, I've been around a long time, that's the bad news," Biden told Leibovitz in one of his favored bad news/good news constructions. "But the good news is, I've also been around a long time. The bad news is that everybody knows me. The good news is everybody knows me."

There is one foundational element in Biden's candidacy: survival. Despite everything — including himself — he remains the front-runner in the race, weathering "any number of doomsday predictions and things that felt fateful in the moment."

That is the point Biden tries to make, he is still here, and will endure. Despite all the naysayers and "smart-as-hell people" who were wrong about the race.

"The Biden hierarchy comprises a fairly conventional mix of established Democratic operatives, White House veterans and Biden loyalists," Leibowitz writes. "They tend to be older, male and more than a bit swampy (consultants, the stray lobbyist, and people you've seen talking if you watch cable news)."

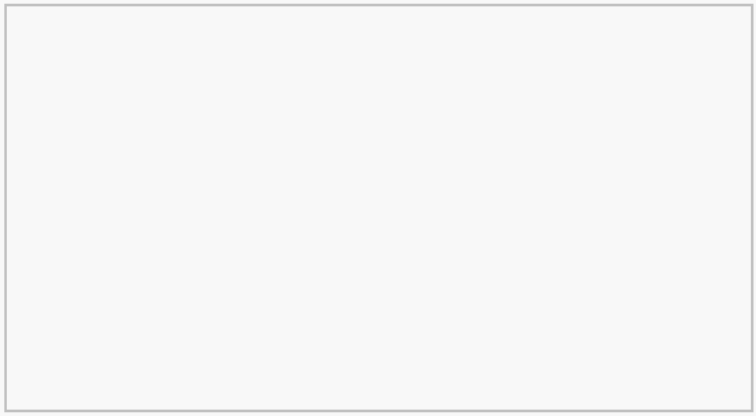
It was clear from the start that Biden would be attacked as the "rickety embodiment of a bygone Democratic establishment." But any attempt at a makeover to pacify the more progressive wing of the Party would fall flat. Biden's campaign knew that, rejected any ad hoc repackaging, and embraces who Biden is.

Nevertheless, any Democratic candidate will face merciless attacks: "He has already, and he is still here."

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Peachy

"New Quinnipiac poll: 75% of American voters want impeachment witnesses" via Scott Powers of Florida Politics — Broken down by party, even Republican respondents favored witnesses, with a plurality of 49% saying yes, and 42% saying no. Ninety-five percent of Democrats said yes. Seventy-five percent of independent voters said yes. At least 60% of every demographic group broken out in the poll — men or women; white, black or Hispanic voters; voters of each age bracket — said yes, there should be witnesses. The poll was released minutes after the White House defense team concluded its defense of Trump, sending the trial to the next step, question-and-answer sessions set for Wednesday and Thursday. The question of whether the Senate will call witnesses would not be taken up before Friday.



A large majority of Americans want witnesses in the Senate impeachment trial.

"Donald Trump and Lev Parnas discussed Scott in secret recording" via Steve Contorno of the Tampa Bay Times — The conversation was captured in an 83-minute video obtained by Reuters from **Parnas**' attorney **Joseph Bondy**. About halfway through the recording, Parnas mentioned he lived in Florida, prompting Trump to ask how Scott, then Florida's Governor, was faring in his U.S. Senate campaign. "Rick Scott's good," said Parnas, who was indicted in October on charges that he and his business partner, **Igor Fruman**, steered hundreds of thousands of dollars in illegal campaign contributions from foreign donors. Both are now key figures in Trump's impeachment proceedings. "Is he going to win?" Trump asks. Parnas responded: "It's going to be close, but I think we're going to pull it out."

"Marco Rubio and Rick Scott both use impeachment trial for political gain" via Alex Daugherty of the Miami Herald — As the President's defense team ended its opening arguments, **Rubio**'s campaign sent an email to supporters with the subject line "Take notes like Marco!" The email promises to send supporters who donate at least $35 a quill pen with the Senator's name on it. In contrast, Scott, who is also sending fundraising pitches related to the impeachment trial, has publicly defended the President and complained about arguments made by Democrats. He's even going on offense on Trump's behalf in Iowa, running a TV ad from Jan. 31 to Feb. 3 titled "Biden Got Away With It."

Former Donald Trump Chief of Staff John Kelly tells Sarasota crowd 'I believe John Bolton'" via Zac Anderson of the Sarasota Herald-Tribune — "If **John Bolton** says that in the book, I believe John Bolton," said retired Gen. **Kelly**, who served as Trump's chief of staff for 18 months. Kelly spoke at the Van Wezel Performing Arts Hall as part of the Ringling College Library Association Town Hall lecture series. The general worked with Bolton during his time as chief of staff, which ended in early 2019. Kelly said Bolton is an honest person. "Every single time I was with him ... he always gave the President the unvarnished truth," Kelly said of Bolton, who has become a figure of intense interest in the impeachment inquiry.

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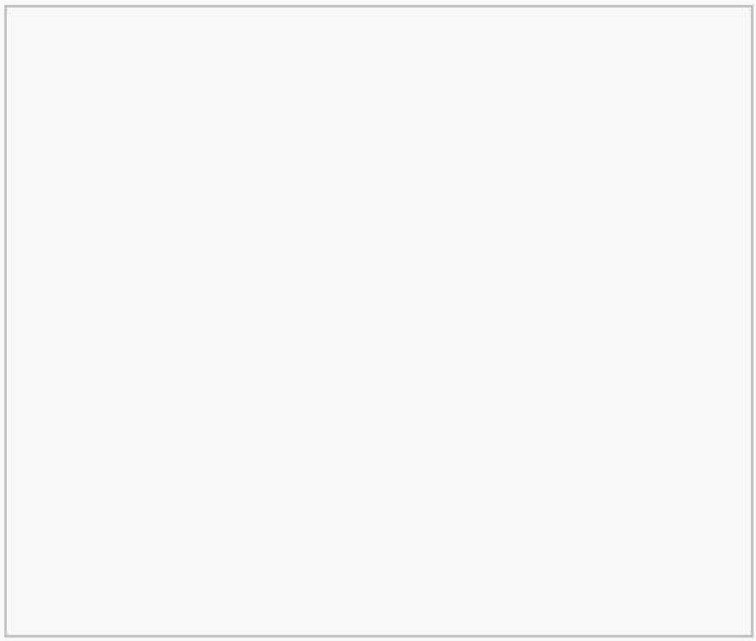
D.C. matters

"**Attorney Chris Kise to help Nicolás Maduro administration fight U.S. sanctions**" via Ryan Nicol of Florida Politics — **Kise**, the attorney who turned over key documents in the ethics case against former Tallahassee **Andrew Gillum**, is now representing a member of the Maduro government. Kise is listed on a Foreign Agents Registration Act (FARA) form to work on behalf of Venezuelan Attorney General **Reinaldo Muñoz Pedroza**, who was appointed Attorney General by Maduro. However, the United States no longer recognizes Maduro's government as legitimate. FARA requires individuals or firms doing work on behalf of a foreign principal to register with the U.S. government. Foley & Lardner, the law firm Kise works for, is listed as the registrant on the form received by the U.S. Department of Justice.

"**House Democrats unveil $4.7B Puerto Rico aid bill**" via Jennifer Scholtes of POLITICO Florida — While the House plans to pass the measure next week, the legislation is expected to wither thereafter, since the White House has already said Trump will not sign the aid package, **H.R. 5687 (116)**. A senior administration official has accused Democrats of proposing the bill "for completely political purposes." Text of the measure comes exactly one month from the start of the seismic sequence that cast thousands of Puerto Ricans into shelters. House Appropriations Chairwoman **Nita Lowey** said more support for Puerto Rico "is clearly needed," beyond the broader disaster aid bill the president signed last summer; new legislation provides "targeted assistance" to specifically help recover from the havoc wrought by the recent earthquakes.

"**Rick Wilson hits back at 'phony outrage' from 'MAGA herd'**" via Spectator USA — The fuss is about a widely shared clip from CNN's **Don Lemon** show, which pro-Trump Twitter has been having conniptions over. In the video, **Wilson**, Lemon, and **Wajahat Ali** laugh themselves silly while mocking the stupidity of Trump and the 'credulous boomer rubes' who support him. The backlash has been fierce. Wilson was unapologetic: "Once again, the MAGA tough guy 'fuck your feelings' crowd demonstrates that what really drives them is a grinding social anxiety fueled by a weaponized and monetized outrage machine." Wilson suggested what set the White House off was "Trump hates being called out for his utter ignorance of the world; all the phony outrage at me is just Trump fundraising grifters milking the MAGA herd."

Tweet, tweet:



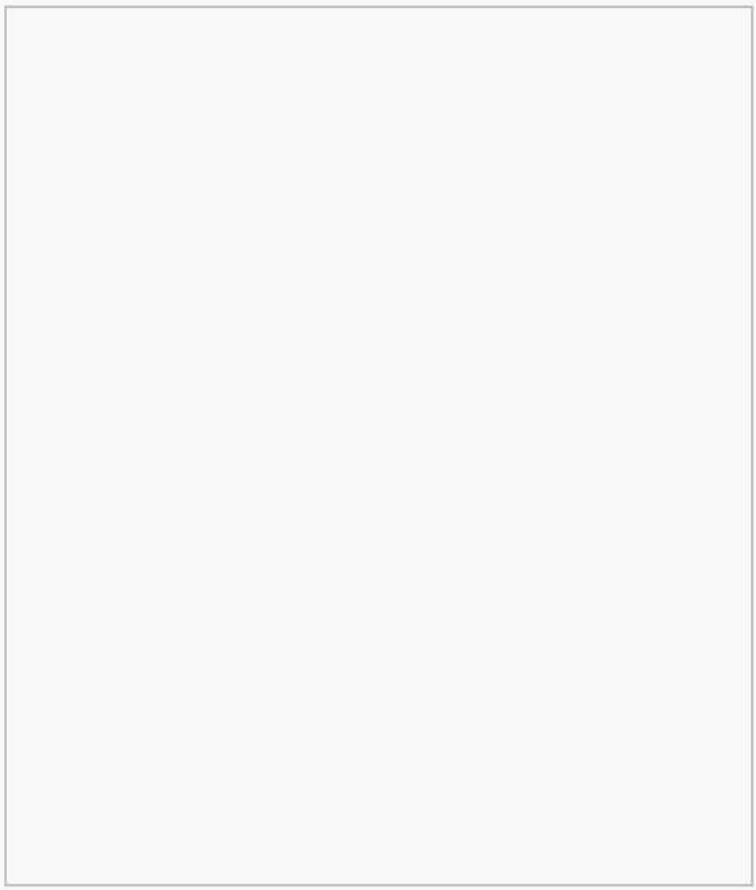
Assignment editors — Responding to Congressman **Ross Spano** voting against bipartisan legislation to bring down the costs of prescription drugs, a group of Floridians will deliver a giant bill to his office for the $26,547,383,200, which Florida residents pay for prescription drugs every year, 11 a.m., Spano's Brandon Office, 10101 Bloomingdale Ave., Suite 202, Riverview.

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The trail

"**'Keep Our Constitution Clean' edges closer to signature threshold**" via Drew Wilson of Florida Politics — A proposed ballot amendment that would make it harder for future constitutional amendments to pass has added nearly 70,000 petition signatures over the past week. Keep Our Constitution Clean, the political committee sponsoring the amendment, had 753,542 valid petition signatures as of Tuesday evening, according to the Florida Division of elections website. The current total is an increase of 67,513 signatures since Thursday and puts the proposal within striking distance of making the 2020 ballot. It takes 766,200 signatures to make the ballot, a number pegged to 8% of votes cast in the most recent presidential election. The committee must produce the remaining 12,658 signatures by Feb. 1 to go before voters in the November general election.

"**Ashley Moody hosting Florida GOP fundraiser at Universal Studios**" via Drew Wilson of Florida Politics — The invite lists Moody as the host for a "Universal Orlando Family Weekend" Feb. 21-23. It also lists RPOF as the beneficiary of the fundraiser. The invitation was merely a "save the date" and didn't offer further details on the weekend getaway, though it does provide contact information for potential attendees to get updates. Moody's fundraiser is one of the few scheduled for February, as lawmakers face a fundraising blackout during the Legislative Session. The prohibition doesn't apply to political parties. The fundraiser announcement also comes after RPOF posted healthy fundraising numbers for the fourth quarter of last year.

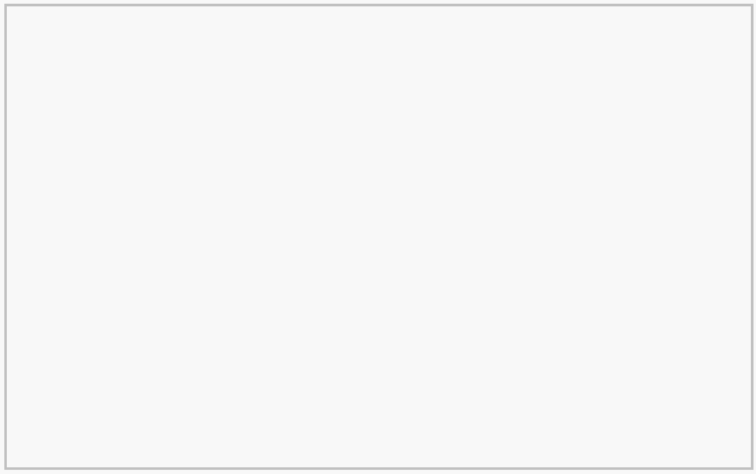


"**Putnam Schools Superintendent endorses Judson Sapp for CD 3**" via Drew Wilson of Florida Politics — Clay County Republican **Sapp** landed another endorsement for his bid to succeed retiring U.S. Rep.**Ted Yoho** in Florida's 3rd Congressional District. His latest backer is Putnam County Superintendent of Schools **Rick Surrency**, who weighed in on the crowded CD 3 Republican primary. "Judson Sapp is the common sense, conservative leader we need in Congress. He has deep roots in Putnam County and understands our needs. Judson Sapp will work with our local leaders to keep moving Putnam County in the right direction," Surrency said. Sapp, who primaried Yoho in 2018, was an early entrant in CD 3. However, the Republican field has ballooned in the weeks since Yoho announced he would forego a fifth term representing the North Central Florida district.

AMERICAN OVERSIGHT

Local

"Nate Monroe: The JEA storm" via the Florida Times-Union — The JEA board of directors, in one of its final acts, fired former chief executive officer **Aaron Zahn** for cause, agreeing with two dozen findings by city lawyers that he engaged in "willful misconduct," "gross negligence" and breached his fiduciary obligations to the city-owned utility, while adding there may be additional evidence and testimony of more troubling conduct attorneys didn't have time to investigate. It will take JEA years to repair the damage done. And it will take longer because too many executives who served under Zahn remain. They lent their credibility to Zahn's phony financial projections, and they served as mouthpieces for Zahn's public lies. There is more cleaning to be done.



Former JEA CEO Aaron Zahn made a mess that will take a long time to clean up.

"Full JEA board to leave by end of February" via the Florida Times-Union — The news from Mayor**Lenny Curry**'s office comes after months of discussion of possibly privatizing JEA. The board ended those talks and canceled the invitation to negotiate process with potential bidders in December after criticism mounted from the public and the City Council. Curry's statement read: "I've talked to **Fred Newbill**, **Camille Lee-Johnson**, **Dane Grey** and **Henry Brown** and each informed me it is their desire to end their service with the JEA Board of Directors. I have asked all board members, including **April Green,** who resigned earlier today, to continue to serve until the end of February, and all agreed. **Kelly Flanagan** will also continue her service until her term expires on February 28th.

"Hillsborough transit meeting goes off the rails during quarrel over contracts" via Caitlin Johnson of the Tampa Bay Times — Tempers flared between two board members as one of them — city of Tampa appointee **Kathleen Shanahan** — stood up and walked out after accusing county commissioner**Pat Kemp** of pushing her own agenda. The group was left unable to do business for lack of a quorum. "That's her whole point, was to not have the vote," Shanahan said. The dispute arose over a $405,000 contract during a board committee meeting, but it revealed deeper divisions over the agency's process for hiring outside vendors. The staff recommended awarding Connetics Transportation Group a two-year contract to evaluate bus routes and schedules and help the agency plan a long-term vision.

"Florida seeks to reinstate death penalty for Joseph Smith, Carlie Brucia's killer" via Carlos Munoz of the Sarasota Herald-Tribune — Prosecutors are seeking death again for **Smith**, one of Southwest Florida's most notorious convicted murderers, after the Florida Supreme Court ordered the trial court to reinstate another death row inmate's non-unanimous death-penalty verdict. **Carlie Brucia**'s father, **Joseph Brucia**, said he welcomed the motion to reinstate the death verdict of a "monster." "I don't think it should have been challenged in the first place," he said. "I am glad we are back on the road again so we can get some closure for this thing and let this monster get what he deserves." Brucia said he is aggravated that the latest court matters haven't been resolved promptly and wrote to former Florida Attorney General **Pam Bondi** and others.

"Scooter rental dispute goes to Supreme Court" via the News Service of Florida — A dispute about a Panama City Beach decision to ban the rental of motorized scooters has gone to the Florida Supreme Court. Classy Cycles, Inc. filed a notice that is a first step in asking the Supreme Court to take up the issue after a November ruling by the 1st District Court of Appeal upheld the ban. The appeals-court decision rejected arguments that Panama City Beach did not have the power to ban a business unless it is a legal nuisance and that such restrictions are "preempted" by state laws. The case stems from two ordinances passed in 2017 to prohibit the overnight rental of scooters and to completely prohibit scooter rentals effective Sept. 8, 2020.

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Opinions

"**The John Bolton report**" via The Wall Street Journal editorial board —Bolton's book draft implicates Trump more closely to ordering a delay in military aid to Ukraine is hardly a surprise and won't — and shouldn't — change the impeachment result. It does, however, complicate the trial task for Republican Senators, and our advice is for Trump's former national security adviser to tell the public now what he says in his book. Whoever leaked the book's contents wants to use Bolton to turn the Senate impeachment trial into a larger political drama. But we've known Bolton long enough to doubt that he'd want to sandbag Republican Senators or the President. He's a straight-shooter, even if he sometimes aims right between the eyes. The book's contents put GOP Senators in a tight political spot.

"**Joe Henderson: Pam Bondi's impeachment defense overlooked some facts**" via Florida Politics — There are a couple of overriding points here. A): Hunter Biden is a private citizen, not the President of the United States. Try as they might to show otherwise, Biden is not on trial. The Senate is deciding whether to remove Trump from office (spoiler alert: it won't happen). Whatever happens on that front has nothing to do with Biden. B): Threatening to withhold nearly $400 million in congressionally approved military aid to Ukraine until Trump got a public announcement of a corruption investigation against Biden sounds like an abuse of power to me. And former National Security Adviser Bolton and former Trump Chief of Staff Kelly appear to feel the same way. Those facts aren't going away.

"**Legislative raiding of affordable housing fund**" via the Citrus County Chronicle editorial board — Citrus County has a service economy, heavy on tourism, and service jobs are notoriously low-paying. Workers wanting a good life need a dependable job, affordable housing, and a convenient way to get to work. Lack of affordable housing affects economic development as well. Florida has had a great program since 1992 called the Sadowski Affordable Housing Trust Fund. The problem? Twelve times, legislators have raided Sadowski funds for various uses including to balance the state budget. And though we shouldn't have to make laws to ensure that legislators do the right thing, in the current session, SB 306 and HB 381 would essentially prohibit them from sweeping monies from the trust to the general fund.

"**Supreme Court becomes an outlier on the death penalty**" via the Tampa Bay Times editorial board — The Florida Supreme Court has taken another step backward with a ruling that could restore the state's status as a national outlier on the death penalty. In a stunning move, the court reversed a previous decision that required unanimous jury recommendations in death penalty sentences. The ruling defies legal precedent and common sense, and legislators should be wary of taking this bait and making a similar mistake. Looking to apply the U.S. Supreme Court decision, the Florida Supreme Court ruled in October 2016 that juries must establish each "aggravating factor" in a capital case, and that trial courts could impose a death sentence only on the unanimous recommendation of a jury.

"**John Johnson, Skip Braziel: Professional licensing is rigorous for a reason**" via Florida Politics — DeSantis said that changing the Sunshine State's occupational licensing laws will be at the top of his legislative agenda. These are laws that set the requirements to become and remain a member of various professions in our society. We ask Florida leaders to be mindful of potential unintended consequences for professions — and the professionals in them — that oversee systems vital to Floridians' safety, health, and financial interests. To that end, any conversation around licensing reform would be well-served to acknowledge that for some professions, rigorous licensing is not only desirable, but appropriate and necessary. Surely, the need to maintain rigorous licensing standards for certain professions is a common-sense idea on which all sides can agree in this important debate.

"**Extend and expand Gulf Reef Fish Survey to keep Florida fishing**" via Kellie Ralston for the Pensacola News Journal — The Survey's current funding is slated to end in 2020. Yet, the fishing community desperately needs this important data collection tool to not only continue but expand throughout Florida to ensure generations of fishing enthusiasts may continue to enjoy our state's natural resources for years to come. Without this funding, the recent, significant gains for Florida fisheries management risk a devastating step backward for our more than four million anglers. FWC is considering a 45-day 2020 Gulf Red Snapper season. A 45-day season that would have been unheard of just a few short years ago is now possible due to the thousands of Florida anglers participating in the Gulf Reef Fish Survey.

AMERICAN OVERSIGHT

Movements

Carlos Curbelo joins political team for Miami's NBC affiliate — Curbelo signed on as an NBC contributor following his defeat in the 2018 contest for Florida's 26th Congressional District. Now, NBC 6 in Miami will showcase the former lawmaker in the lead-up to the 2020 election. "More than ever, our local news viewers want to know how the decisions made in Washington will impact their lives and communities," said **Jorge Carballo**, the station's president and General Manager. "Carlos' extensive knowledge in policymaking and deep familiarity with South Florida issues, makes him an ideal contributor to our political team." Curbelo added a statement of his own, saying, "It's an honor to bring my experience and knowledge as an analyst to the community I've lived in my entire life."

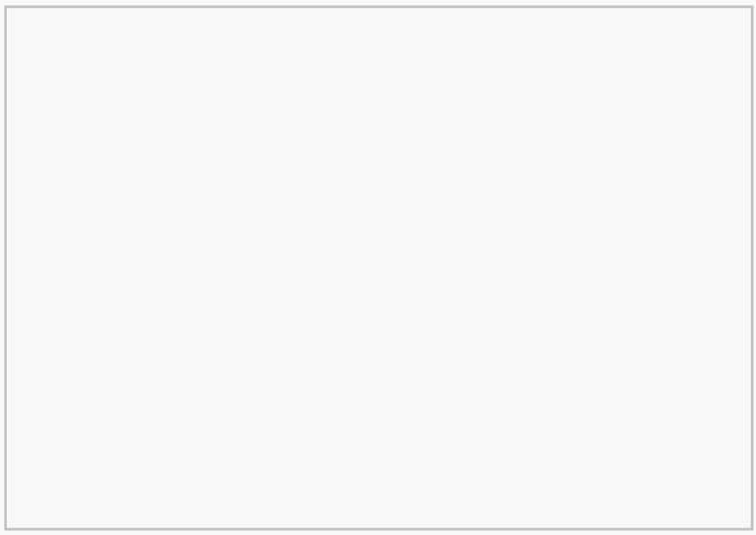
Carlos Curbelo has a new gig with NBC 6 Miami.

Ileana Ros-Lehtinen registers to represent UAE — Former U.S. Rep. **Ros-Lehtinen** registered as a foreign agent lobbying on behalf of the United Arab Emirates. Ros-Lehtinen served in Congress for decades before announcing she would not run for reelection in 2018. Since giving up her seat, the South Florida Republican has worked for Akin Gump Strauss Hauer & Feld. She became eligible to work as a lobbyist this month, which marks a year since she exited Congress. The disclosure says she will "provide outreach to U.S. government officials and counsel on policy issues related to a number of issues including, among others: export controls and sanctions, trade policies, human rights, U.S. foreign and defense policies, foreign media registration, and strengthening trilateral relations and regional security."

AMERICAN OVERSIGHT

Aloe

"**Oreo is releasing a red, white, and blue 'Team USA' cookie**" via Tess Koman of Delish — Per the Instagram account @JunkFoodLeaks, "Olympics-themed Oreo sporting" cookies are on their way. The cookies — which will be stuffed with red, white, and blue crème, because of course they will — are going to taste just about the same as a regular Oreo, but they'll be oh so patriotic when you crack them open! The account goes on to describe the amount of crème we're talking about here. After all, these Oreos will *technically* be triple-stuffed: "The Olympic Oreos are standard and have as much crème/calories as a Mega Stuf Oreo, so nothing too groundbreaking." Another element of note, though? "Your tongue might change colors with this one." There you have it, folks: Cookies with fifty stars stamped into the crème will soon be on shelves wherever Oreos are sold ... probably.

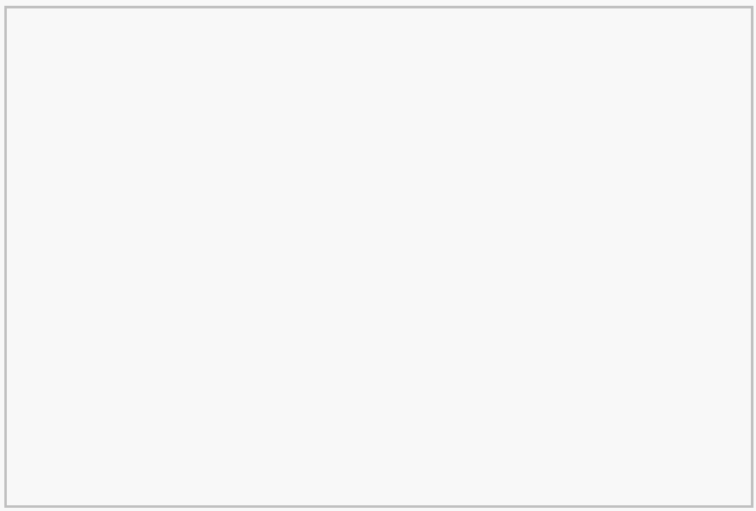


Oreos get patriotic. Image via @JunkFoodLeaks.

AMERICAN OVERSIGHT

Super Bowl'ing

"Rashad Fenton once worked concessions at Dolphins Stadium; Now he's in the Super Bowl via Manuel Madrid of the Miami New Times — The remarkable nature of his journey isn't lost on **Fenton**. He went from being a Carol City Chief to a Kansas City Chief, from selling concessions at Hard Rock Stadium (then Sun Life Stadium) to preparing to face the San Francisco 49ers this Sunday in Super Bowl LIV. "It's too surreal. I don't think I would've ever imagined it happening like this," Fenton tells New Times. "It's crazy because I'm still trying to get my head around it. I'm still trying to normalize everything."



Rashad Fenton took a winding road, from selling concessions at Dolphins Stadium to playing there in Super Bowl LIV.

"The most VIP Super Bowl weekend costs $1.5M, includes butler" via Kelli Kennedy of The Associated Press — No place caters to the rich and famous quite like glitzy Miami. The city's most luxurious hotels, clubs and restaurants are offering over-the-top packages to entice big spenders looking for action. One package includes a four-day cruise around the Caribbean on a private yacht after the game for $720,000. On Location Experiences' **Sam Soni** says their top Super Bowl package last year in Atlanta went for $17,500. This year's top-tier packages in Miami are $20,000 to $35,000 and include game tickets, a pregame party and show by **Darius Rucker** and a chance to mingle with football legends like **Dan Marino** and **Marcus Allen**. "We've seen just unprecedented sales for that product," Soni said.

"Locking up sex workers during Super Bowl week won't end sex trafficking" via Scott Greenberg of the South Florida Sun-Sentinel — Here's the problem: the empirical evidence shows no causal or correlative link between sex trafficking and the Super Bowl. It never has. As George Washington University criminology professor **Ron Weitzer** put it, "It's become a circle of stories that get rehashed; it really is a myth." The truth is that sex trafficking happens in the U.S. every day. The Super Bowl myth is a distraction. Raised annually by politicians and media, it does more harm than good, misleading the public, misallocating resources, and imposing unreasonable expectations on police. The harm is borne in large measure by sex workers. Sex traffickers go unpunished.

Happy birthday

Best wishes to **Umar Sattar.**

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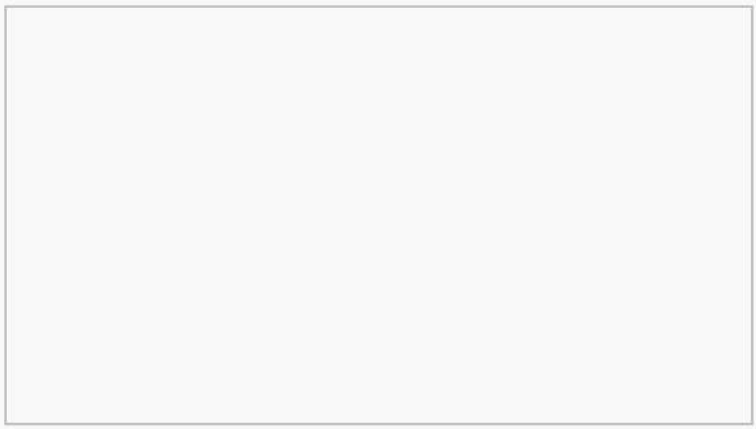
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From: Peter Schorsch <peterschorsch@floridapolitics.com>
Sent: Wednesday, January 29, 2020 5:47 AM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Sunburn — The morning read of what's hot ☀☀ in Florida politics — 1.29.20 — Burnin' today: Bloomberg, Biden, DeSantis, Cate, Fried, Scott

AMERICAN OVERSIGHT

New Florida shock poll puts Mike Bloomberg at No. 2 behind Joe Biden in Dem. primary— A St. Pete Polls survey conducted Sunday and Monday among 2,590 Democratic voters showed **Biden** with a commanding 41% lead and **Bloomberg** — not **Elizabeth Warren** or **Bernie Sanders** — lands in second with 17% support.



Michael Bloomberg is now second behind Joe Biden in a surprising new poll of Florida Democrats.

The results show a sharp contrast to another national **Quinnipiac University poll** showing Bloomberg in fourth place with 8% support.

Though the results only represent Florida voters, they are still significant. Not only is Florida a major swing state and a big pick up in the primary, St. Pete Polls was the first to predict Trump winning Florida in 2015 and to predict Gov. **Ron DeSantis** beating former Agriculture Commissioner **Adam Putnam** in 2018.

The poll suggests Bloomberg's surge in attention to Florida in recent weeks might be paying off.

The St. Pete Polls survey put Sanders in third place with 9%, followed by Warren with 7%. Former South Bend Indiana Mayor **Pete Buttigieg** trailed with 6%, followed by Sen. **Amy Klobuchar** with 5%. **Andrew Yang** and **Tom Steyer** bottomed out the survey with 2% support. Undecided voters accounted for 10% of the survey.

Biden performed best among black voters, with 57% saying they would vote for him. He performed the worst among white, non-Hispanic voters with only 33% support.

Bloomberg performed the best among Hispanic voters with 21% support and worst among black voters with just 13%.

A new "He Said, She Said" ... Horse show adventures! — Michelle and I begin the latest episode by recapping **Ella**'s first show with her horse, Biscuit. It was the final wish of Michelle's father **Benjamin Todd,** to purchase his granddaughter a horse.

We talk #TheVillagesAfterDark, our hotel, and some misconceptions about "America's Friendliest Hometown."

Our first guest, **Jimmy Miller,** talks about the tragic death of basketball legend **Kobe Bryant**, his legacy, and factors that may have handicapped Bryant's career.

Next, Democratic communications pro **Kevin Cate** joins the podcast from the campaign trail in California, to give us a preview of the Iowa Caucus. Cate serves as **Tom Steyer**'s campaign consultant.

When asked, "What is on the minds of the Democratic Party one week out from the Iowa Caucus?" Cate says impeachment is not No. 1. Pocketbook issues like health care are top of mind, as well as defeating **Donald Trump**.

Cate reflects about life in the campaign trail, making TV ads, and why he is confident Steyer is the right man for the job.

As for the best Democrat in the race, we give hot takes on Iowa, and who is Michelle's favorite in the Florida Democratic primary. Spoiler alert: It's not Sanders.

Please, listen and subscribe to He Said, She Said at **Apple Podcasts**, **Google Play** and **Stitcher**.

AMERICAN OVERSIGHT

Today's Sunrise

The Senate is taking up a controversial bill forcing minors to get permission from their parents to get an abortion. The House is also considering a bill that says your genetic information is off-limits to insurance companies.

Also, on Sunrise:

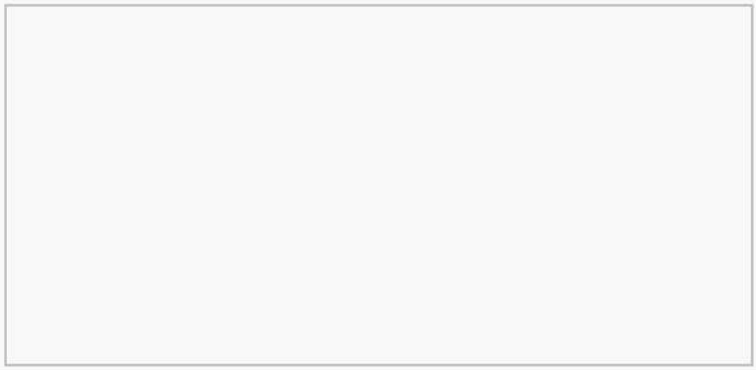
— Agriculture Commissioner **Nikki Fried** is fuming over a bill that would move the state energy office from her agency to one controlled by the Governor. Fried calls it a partisan power grab

— In the aftermath of Hurricane Michael, Chief Financial Officer **Jimmy Patronis** says it's time to change the culture in Tallahassee and put consumers over the insurance industry.

— A House subcommittee approves two new gun bills: One making it easier to bring concealed weapons to church; the other allows local elected officials to be armed during official meetings (where guns are prohibited for everyone else).

— Our daily tribute to Florida Man (and Woman): A guy who stole to pay for his ankle monitor and a woman who used her minivan to drive her teenage son to a robbery.

To listen, **click on the image below**:



Situational awareness

—**@RealDonaldTrump**: Really pathetic how @FoxNews is trying to be so politically correct by loading the airwaves with Democrats like **Chris Van Hollen**, the no-name Senator from Maryland. He has been on forever playing up the Impeachment Hoax. Dems wouldn't even give Fox their low ratings debates. ... So, what the hell has happened to @FoxNews. Only I know! **Chris Wallace** and others should be on Fake News CNN or MSDNC. How's **Shep Smith** doing? Watch, this will be the beginning of the end for Fox, just like the other two which are dying in the ratings. Social Media is great!

—**@DavidJollyFL**: GOP Senators are beginning to act as though they are genuinely concerned this could spin out of control for them, and for Trump.

—**@JustinAmash**: **Hunter Biden** is like a lot of unimpressive people in public life, including the Trumps — trading on his name for power. But if Trump believed an illegality occurred, then why didn't the administration open a proper DOJ investigation instead of pushing Ukraine for an announcement?

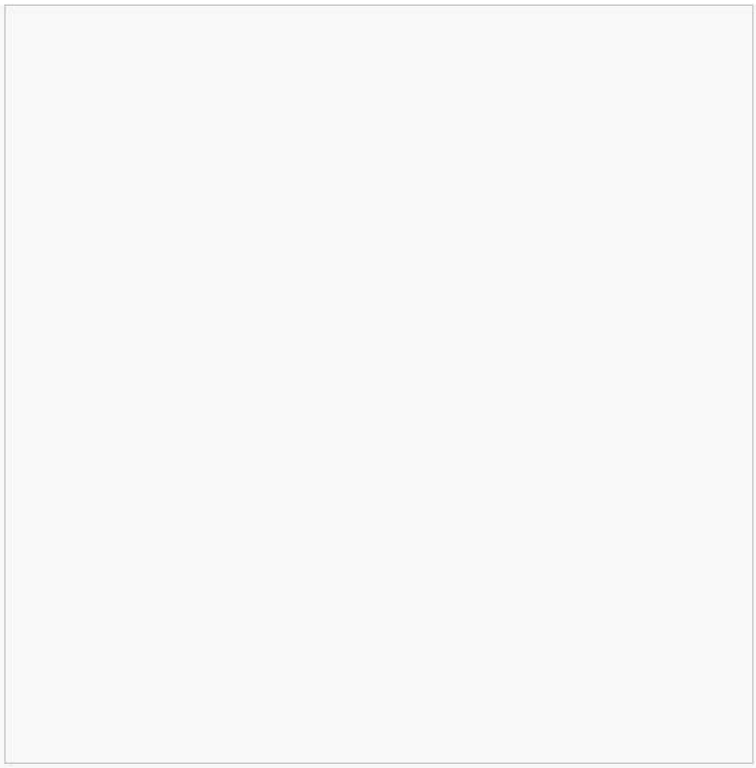
—**@JohnAnzo**: So let me get my head around this.**Rick Scott**, who as a health care executive, was fined a billion dollars for Medicare Fraud — the largest fine in history — is the attack dog on corruption? Priceless.

—**@DWStweets**: We can't get 75% of Americans to agree on much of anything, but 3 out of 4 voters agree: the Senate trial needs witnesses. Nobody will get a fair trial unless the jury hears from witnesses firsthand.

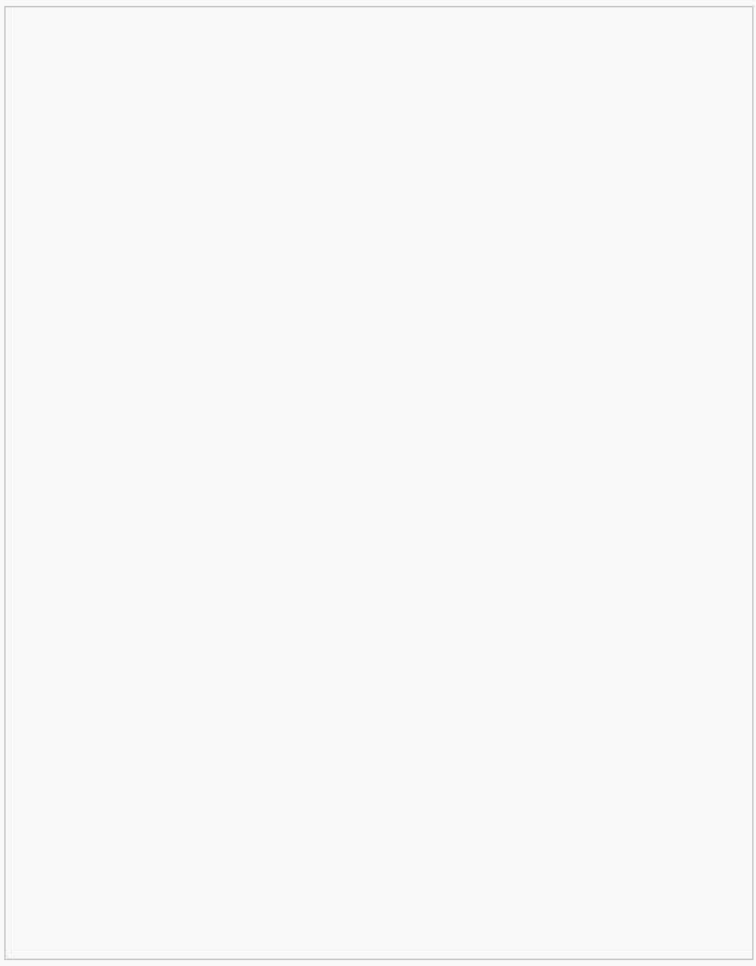
—**@nikkifried**: "We know that for a decade Republicans have had no problem with the office being where it is, as long as it was run by a Republican. But now that a Democrat sits in this office, the first woman ever elected to this office, it suddenly needs to be moved."

Tweet, tweet:

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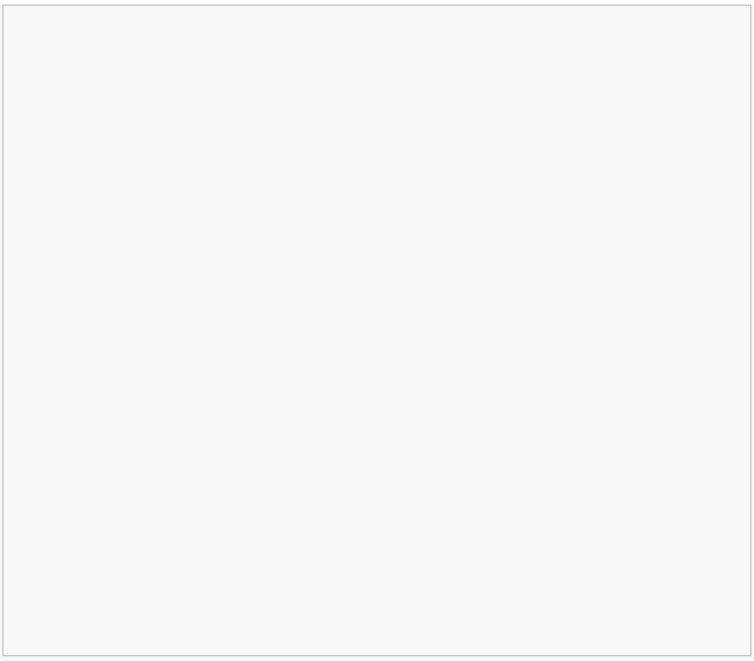


Tweet, tweet:



Tweet, tweet:

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—**@SShawFL**: I fought hard for Criminal Justice Reform during my time in the #FLHouse. Today's second committee stop for HB 615 moves us one step closer to giving juveniles in this state a second chance. #flapol

Days until

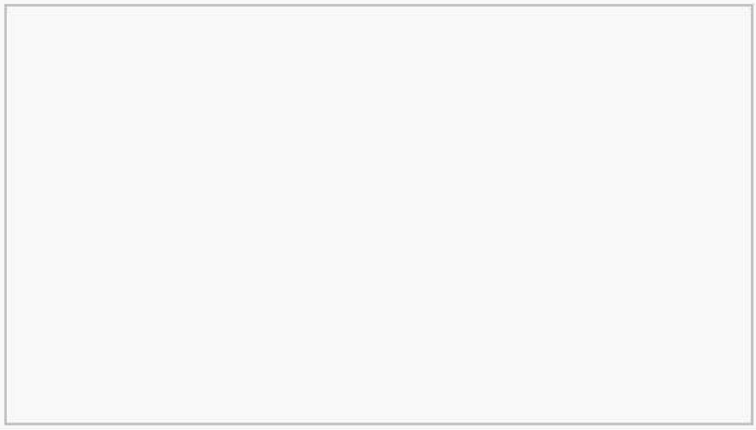
New Brexit deadline — 2; Super Bowl LIV in Miami — 4; Great American Realtors Day — 5; Iowa Caucuses — 5; Eighth Democratic presidential debate in Manchester — 9; Capitol Press Corps press skits — 12; New Hampshire Primaries — 13; Pitchers and catchers begin reporting for MLB Spring Training — 13; South Beach Wine and Food Festival — 21; Ninth Democratic presidential debate in Las Vegas — 21; **Roger Stone**'s sentencing — 22; Nevada caucuses — 24; "Better Call Saul" Season 5 premiers — 25; 10th Democratic presidential debate in Charleston — 27; South Carolina Primaries — 31; Super Tuesday — 34; Last day of 2020 Session (maybe) — 44; Florida's presidential primary — 48; "No Time to Die" premiers — 68; Florida TaxWatch Spring Board Meeting begins — 77; TaxWatch Principal Leadership Awards — 78; Florida Chamber Summit on Prosperity and Economic Opportunity — 107; "Top Gun: Maverick" premiers — 149; Democratic National Convention in Milwaukee begins — 166; **Christopher Nolan**'s "Tenet" premiers — 170; 2020 Summer Olympics in Tokyo start — 177; Florida primaries for 2020 state legislative/congressional races — 202; First Presidential Debate in Indiana — 244; Republican National Convention begins in Charlotte — 208; First Vice Presidential debate at the University of Utah — 252; Second Presidential Debate scheduled at the University of Michigan — 260; Third presidential debate at Belmont — 267; 2020 General Election — 279.

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Top story

"**The starting gun for 2024': Rick Scott drops Iowa bomb on Biden**" via Mark Caputo of POLITICO Florida — Scott inserted himself into the Democratic presidential primary by launching an Iowa ad campaign trashing both the impeachment of Trump and former Vice President Biden ahead of the state's caucuses. But the ad campaign really wasn't just about the 2020 presidential race or the caucuses — it's the starting gun for 2024, when Scott has let it be known he's interested in running for the White House. "If you put $19,000 in Des Moines on TV, it's definitely Scott putting a toe in 2024," said **David "DJ" Johnson**, a GOP consultant. "And there's one thing we know about Scott: After he puts a toe in, then comes the foot. Then comes the whole leg."

To watch the ad, **click on the image below**:

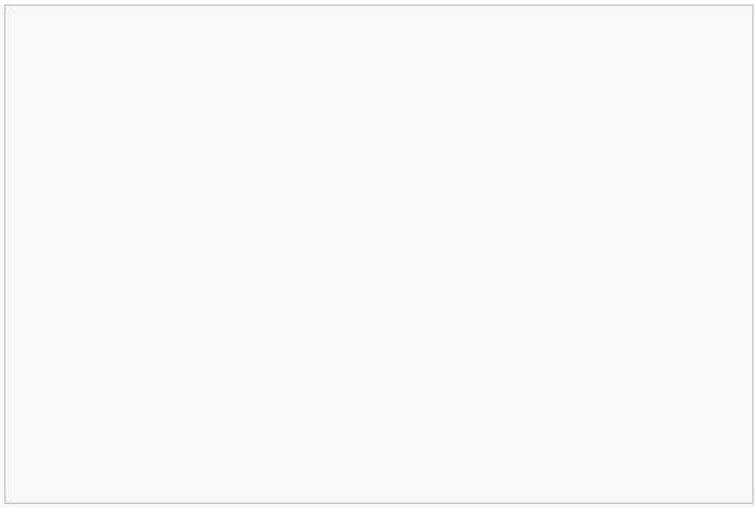


Dateline: Tally

Assignment editors — Gov. **Ron DeSantis** and Florida Department of Law Enforcement Commissioner **Rick Swearingen** will make a major announcement, 8:20 a.m. at Walt Disney World Swan and Dolphin Resort, Dolphin Meeting Space — American Seminar Room, 1500 Epcot Resorts Boulevard, Lake Buena Vista.

"**Nikki Fried to Ron DeSantis: Lay off Energy office**" via Samantha Gross of the Tampa Bay Times — She was reacting to an effort to move the state's Office of Energy from under her purview to the Department of Environmental Protection. The effort, in the form of a proposed committee bill, passed out of the Agriculture & Natural Resources Appropriations Subcommittee by a 10-1 vote. Three of the four Democrats on the committee voted yes on the bill, but despite their votes, Fried maintained that the bill is "partisan punishment." "This bill puts party before state, and puts the governor before Floridians," she said, noting that the Office of Energy went untouched while Republican Agriculture Commissioner **Adam Putnam** was in office. "Now that a Democrat sits in this office, it suddenly needs to be moved."

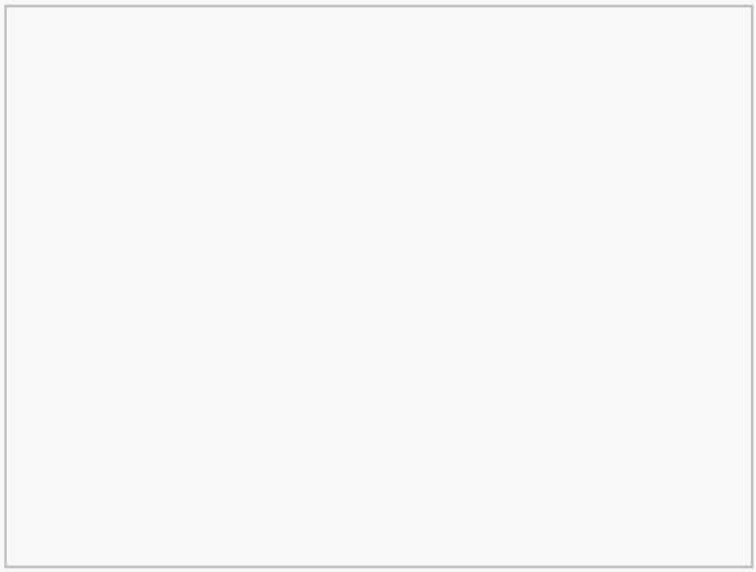
AMERICAN OVERSIGHT



Nikki Fried is blasting Ron DeSantis for attempting to move the Office of Energy away from her agency.

"**Bill Galvano pledges 'meaningful' pay raise for state workers**" via James Call of the Tallahassee Democrat — **Galvano** told the Tallahassee Democrat the Senate would include a "meaningful" pay increase for state workers when it begins budget negotiations with the House. "The Senate budget, scheduled to be released by the end of the week, will include a meaningful investment in across-the-board salary increases for our hardworking state employees," Galvano said. Last month, the Bradenton Republican would only commit to having his budget chairs look at the issue. While an impasse exists in negotiations for a new three-year contract between the state and, for instance, social workers, wildlife officers, clerical and other staff, neither House Speaker **José Oliva** nor DeSantis has backed a pay raise for all state employees.

"**Florida Sheriffs sound alarm about 'Truth in Sentencing'**" via AG Gancarski of Florida Politics — With several bills in play that would reduce or mitigate current sentencing policy, Florida Sheriffs had their say defending mandatory minimum sentences. The Florida Sheriffs Association announced the launch of a Truth in Sentencing report and its likewise-new Florida Sheriffs Research Institute. With live proposals for everything from changing mandatory minimums on drug policy to early release for old and infirm inmates, and a crisis in the prison system guiding the reform push, the Sheriffs' message is that what they are doing works despite these systemic stressors. FSA President and Pinellas County Sheriff **Bob Gualtieri** lauded the research institute, saying it "makes certain the full impact of our current laws is properly assessed."



Florida sheriffs gather to formally release their Truth in Sentencing report, the first product of the newly launched Florida Sheriffs Research Institute. Image via Florida Sheriffs/Facebook.

Students visit The Capitol to fight for higher-education vouchers— A handful of students appeared at the House Appropriations Subcommittee on Higher Education to fight for EASE, a voucher program for full-time Florida students who attend SACS-accredited, independent, nonprofit universities and colleges. During the committee's budget exercise, there was a discussion on severe cuts to these student grants. The budget released in committee this week keeps funding at the current year's levels. Students expressed sincere thanks to the lawmakers for supporting EASE. "I'm 26 years old. I have two young daughters, and I am a full-time student. Your support for EASE is really important to all of us," said **Ashley Hawks**, a Keiser University student. " It's allowed me to provide a better life for my kids."

"**Industry calls on lawmakers to reform lawsuit abuse**" via Amy O'Connor of the Insurance Journal — At the top of the list for advocates are reforms to curb what they say are abuses of the state's legal system that

AMERICAN OVERSIGHT

are hurting insurers' bottom line. **Paul Handerhan**, president of the Federal Association for Insurance Reform (FAIR), said two bills had been introduced, both sponsored by Sen. **Jeff Brandes**, that would target first-party litigation abuses. Senate Bill 914 would provide that for certain attorney fees awarded for claims arising under property insurance policies, the maximum fee a court may award is a lodestar fee and prohibit the court from considering contingency risk or using a contingency risk multiplier. SB 1634 would revise requirements for the civil remedy notice provided to insurers and the Department of Financial Services.

"**Communications tax cut would help more low-income Floridians get connected**" via Florida Politics — Currently, cities and counties can set their own communications services tax rate. This has led to more than 400 different jurisdictions, each with their own tax rate. While those rates can vary wildly, they are rarely inexpensive. In most cases, the communications services tax costs customers two-and-a-half times as much as sales tax. The high rates disproportionally impact low-income Floridians, many of whom are hit multiple times a month, as the charge shows up on bills for cellphones, broadband internet and cable television. Bills from Sen. Travis Hutson (SB 1174) and Rep. **Jason Fischer** (HB 701) aim to bring some stability — and relief — to Floridians by replacing the current patchwork structure and setting a statewide cap on the tax.

"**Appeals court weighs Florida law on felon voting rights**" via Bobby Caina Calvan and Kate Brumback of The Associated Press — Lawyers for the state of Florida are asking a federal appeals court to set aside a ruling that allowed some felons to regain access to the ballot box despite owing fines and other legal debts. Florida Republicans, led by DeSantis, argue that only felons who have completed all conditions of their sentences should be allowed to vote. He and GOP lawmakers say that to regain the right to vote, former felons must not only serve their time but also pay all fines and other legal financial obligations. The case before the Atlanta-based 11th U.S. Circuit Court of Appeals could be consequential because of the razor-thin margins that sometimes decide election contests in Florida — a perennial battleground state.

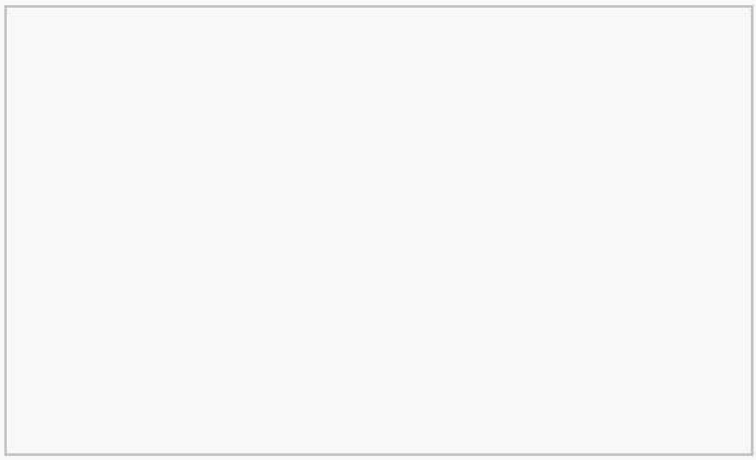
Assignment editors — LeadingAge and Greenberg Traurig will hold a reception to honor the Florida Legislature, 5:30 p.m., The DoubleTree by Hilton, 101 South Adams Street, Oasis Pool Deck — 4th Floor, Tallahassee.

Assignment editors — The Florida Assisted Living Association will hold its annual cocktail reception for legislators, 5:30 p.m., TCC Capitol Center, 300 West Pensacola Street, Tallahassee.

Assignment editors — Catholic Bishops of Florida host the 45th Annual Red Mass, 6 p.m., Co-Cathedral of St. Thomas More, 900 W. Tennessee Street, Tallahassee.

Legislation

Legislation aligns with Governor's water spending plans, for now— The House Agriculture and Natural Resources Appropriations Subcommittee's plan for water quality and Everglades spending closely mirrors Gov. **Ron DeSantis**' budget request. However, committee Chair **Holly Raschein** says the lawmakers aren't keen on funding the Governor's priority with recurring dollars, Bruce Ritchie of POLITICO Florida reports. "We have a policy that we stick pretty wholeheartedly to of not tying the hands of future Legislatures," Raschein said. DeSantis outlined his request for $625 million in water funding last year and said he hoped lawmakers would include recurring funds in the budget so his office wouldn't have to fight for the money every year. The House plan comes in at $646.8 million and includes $29.2 million in local water projects that DeSantis didn't include in his budget.



The Florida Legislature aligns with Ron DeSantis' water requests, for the time being.

House health care plan measures in at $38.8 billion— The House Health Care Appropriations Subcommittee has put forward a $38.8 billion health care spending plan for the 2020-21 fiscal year, **Alexandra Glorioso** of POLITICO Florida reports. The proposal is $60.5 million more than DeSantis requested in his budget. Included in the House plan is a provision that would cut Medicaid retroactive

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eligibility permanent. Chair **MaryLynn Magar** said the cut, which will free up $104 million, is needed to pay for other priorities such as a bump in nursing home reimbursements.

"**House, Senate seek to curb prison guard turnover**" via Ana Ceballos of the News Service of Florida — The pilot program would move one-third of Florida's prisons from 12-hour shifts to 8.5-hour workdays to address worker fatigue, Corrections Secretary **Mark Inch** has told lawmakers. Making the change would require the state to hire 292 full-time officers, which would cost taxpayers $29 million, according to a budget request from the Department of Corrections. The Senate proposal would fully fund the program, while the House's budget proposal would provide $13.6 million for the change. That would allow hiring 174 employees and moving one-fifth of prisons to the 8.5-hour shifts, according to the House proposal.

House plan would boost nursing home money" via the News Service of Florida — Introduced by House Health Care Appropriations Chairwoman Magar, the proposed budget would keep Medicaid funding for hospitals at current-year spending levels. The proposal for the 2020-2021 fiscal year would pump an additional $44.8 million to increase rates the state pays nursing homes to care for Medicaid patients. "The nursing center funding increase in the House budget is critical for our members as the cost of delivering high-quality care continues to rise," Florida Health Care Association spokeswoman **Kristen Knapp** said in a prepared statement.

"**Senate bill to compensate wrongfully convicted man clears Judiciary Committee**" via Sarah Mueller of Florida Politics — Jacksonville resident **Clifford Williams** was exonerated in March 2019 after spending 43 years in prison for a crime he didn't commit. He's not eligible for compensation under current law despite the decades behind bars because of two prior felony convictions. A bill sponsored by Senate Minority Leader **Audrey Gibson** (SB 28) would give Williams about $2.15 million in restitution for the time he served in prison. Williams and his nephew **Hubert Nathan Myers** were arrested in 1976 for the murder of **Jeanette Williams**, no relation, and the attempted murder of her domestic partner. Williams was initially sentenced to death, but his sentence was commuted to life in prison after four years on death row.

"**Senate panel OK's Lauren Book ban on declawing cats**" via Ryan Nicol of Florida Politics — The Senate Agriculture Committee approved a measure from Sen. **Lauren Book** (SB 48) that would ban declawing cats with a 4-1 vote Tuesday. The approval comes after the bill was temporarily postponed in mid-January. Republican Sen. **George Gainer**, the committee's Vice Chair, was the sole no vote. Book and others who spoke in support argue the procedure causes problems for the cats' long-term health. "It's a common misconception that declawing causes no harm, and that's it's as simple as cutting off a cat's fingernails," Book said. "It would be like if we took our own hands and cut off the first joint in our fingers."

"**Senate advances Ben Albritton's bill to revitalize broadband expansion**" via Renzo Downey of Florida Politics — The bill (SB 1166) would create the Florida Office of Broadband within the Department of Economic Opportunity (DEO) and make it the lead agency on high-speed internet installation. Broadband coverage blankets many urban areas, providing homeowners and businesses with high-speed internet. "In other parts of the state, especially in rural areas, the ability for somebody to access high quality, or quite frankly sometimes low-quality broadband, is not available," the Wauchula Republican said. The Senate Commerce and Tourism Committee gave full approval to the proposal and an amendment defining "underserved" as 10 megabits per second download speeds and at least one megabit per second upload speeds.

"**Senate panel OKs bill to create scholarship fund for students at Florida's HBCUs**" via Byron Dobson of the Tallahassee Democrat — The Senate Education Committee unanimously cleared the bill (SB 876), sponsored by Democratic Leader **Audrey Gibson**, which would establish the Historically Black Colleges and Universities Matching Endowment Scholarship Program. Her bill is identical to one (HB 383) introduced by Rep. **Delores Hogan Johnson**, which was OK'd by the House Higher Education and Career Readiness Subcommittee. Both bills must clear two more committees in their respective chambers before they can go to the floors for final votes. Under the proposed legislation, the Legislature would appropriate $2 million to be deposited into the Student Financial Assistance Trust Fund, administered by the Florida Department of Education.

Bill Montford hemp program bill gets TP'd — The Senate Agriculture Committee temporarily postponed Montford's measure, which would have altered the state hemp program set up during the 2019 Session. That program was established under the Department of Agriculture to authorize the cultivation of hemp. Montford's legislation would have made clear that hemp extract sold in violation of the law's existing requirements "shall be considered adulterated or misbranded." The term "hemp extract" would also not include seeds "recognized as safe by the United States Food and Drug Administration." And the bill bars the sale of products made from hemp extract to those under 18 years of age. The measure was on the committee's schedule for Tuesday afternoon, but that meeting ended without lawmakers taking up the bill.

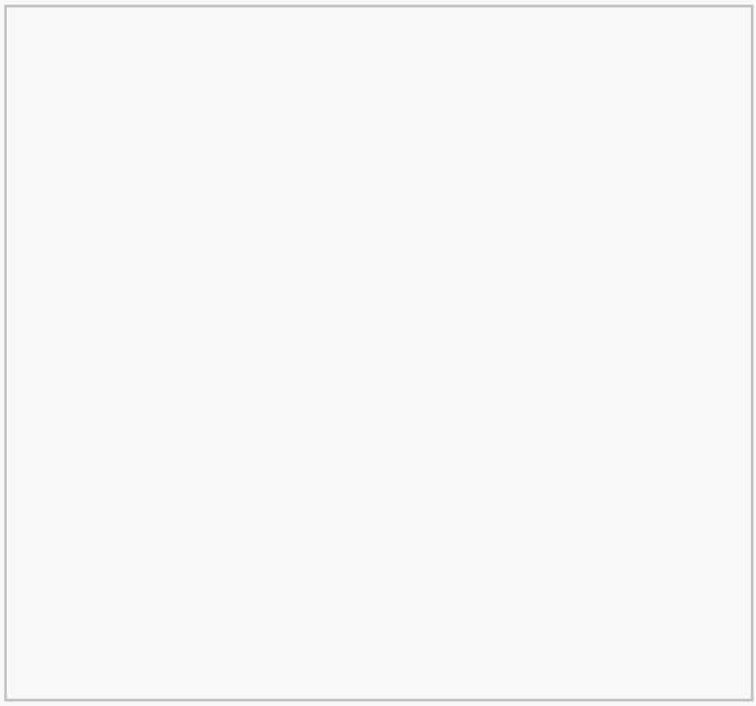
"**Lawmakers tackle heat strokes among student-athletes**" via Bobby Cania Calvan of The Associated Press — As it stands, high schools aren't required to have lifesaving devices and equipment available at the sidelines. That includes the absence of tubs that can be used to help quickly cool student-athletes showing signs of heat stress. Many coaches and other team personnel lack training on how to recognize "exertional heat stroke," or EHS, and how to administer emergency care. A bill endorsed unanimously by the Senate Education Committee would set standards for monitoring conditions that might put students at higher risk. At

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a minimum, it would require schools to have containers large enough to accommodate students' bodies — tubs or even inflatable kiddie pools — filled with cold water that can be used to cool down an overheating student rapidly.

"**House eyes environmental money, chops VISIT FLORIDA**" via Jim Turner of the News Service of Florida — DeSantis would get more than the $625 million he requested for environmental projects, Florida Forever would see a funding cut and VISIT FLORIDA would be shuttered, under parts of a House budget proposal. The House is proposing $4.1 billion in the agriculture and natural resources part of the budget, up 3.7% from the current fiscal year, which ends June 30. The proposal includes $646.8 million for DeSantis' requested environmental projects. The House proposal includes $318.3 million for Everglades restoration, nearly $4 million less than what DeSantis requested. The House also wants $122 million for wastewater and stormwater grants, which includes efforts to get property owners off septic tanks, $28 million below the governor's proposal.

"**Craft distilleries bill advances in House**" via Jacob Ogles of Florida Politics — A change in law letting distilleries to bottle drinks in more sizes cleared its first hurdle in the Florida House. Rep. **Holly Raschein**, a Key West Republican, stressed the legislation aims to free more Florida-based distilleries up to take advantage of market needs. The bill (HB 1165) does this by repealing statutes related to wine and cider container size limitations, and by specifying restaurant patrons may take home a partially consumed bottle of wine with the purchase of a meal. The legislation passed in the House Business and Professions Subcommittee, where it was one of the multiple pieces of legislation aimed at lifting restrictions on alcohol businesses.



Cheers: Holly Raschein's craft brewery bill advances.

"**Occupational license deregulation bill continues to move in House**" via AG Gancarski of Florida Politics — HB 1193, from Rep. **Blaise Ingoglia**, is billed as the Occupational Freedom and Opportunity Act. The legislation attempts to push through reforms long sought by free marketeers, including DeSantis. "This is almost the exact same bill you heard last Session," Ingoglia said of the deregulation package. Mold remediation is out of the bill, and barbers now are required 400 hours of training, which is a condition the sponsor said would not compromise student aid. The bill allows for reciprocal licensing from different states. A wide swath of professions, ranging from cosmetology to interior design, would be affected in the legislation. Auctioneers, barbers, and geologists would have fewer education requirements, with nutritionists and boxing announcers seeing some licensing requirements eliminated completely.

"**Fire chiefs seeking help in drone bills**" via Scott Powers of Florida Politics — The House Agriculture and Natural Resources Appropriations Subcommittee swiftly approved HB 659, which would allow the use of drones by wildlife and forestry officials to monitor invasive species encroachment on public lands and to help manage and fight wildfires. The second provision is identical to one added to the Senate counterpart of the bill in a committee hearing. At both stops, the Florida Fire Chiefs' Association spoke up with an "us too" request, citing the same rationales for drones' use in structure fires that had been cited for the wildfires amendment: that the aerial camera devices could help firefighters understand what is going on with the fires, and that the drones could help improve safety for firefighters at the scene.

"**Second House panel approves specialty license plate bill**" via Ryan Nicol of Florida Politics — The House Transportation and Tourism Appropriations Subcommittee unanimously approved a measure that would create specialty tags for a trio of out-of-state universities. The House Transportation and

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Infrastructure Subcommittee already signed off on the bill, leaving just one more stop until it clears the committee process. Sponsoring the legislation (HB 1135) is Rep. **James Grant**, an Auburn University alumnus. In addition to Auburn, specialty license plates would be approved for two other out-of-state schools — the University of Alabama and the University of Georgia.

"**Church, local official gun bills backed**" via Jim Saunders of the News Service of Florida — A House panel approved a measure that would allow people to carry concealed weapons at religious institutions that share properties with schools. The House Criminal Justice Subcommittee also approved a separate bill that would allow county commissioners, school board members, and elected city officials to be armed at their public meetings. State law generally allows people to carry concealed weapons at religious institutions, but it bars being armed on school properties. That has effectively meant that people cannot carry guns to churches or synagogues that meet at places with schools. The measure (HB 1437) would allow religious institutions to authorize people with concealed-weapons licenses to carry guns at such locations.

"**College athlete compensation a hit in House**" via Jim Turner of the News Service of Florida — With few questions and little comment, the House Workforce Development & Tourism Subcommittee approved a bill (PCB WTS 20-01) that would establish a "bill of rights" as college athletes would be able to earn compensation for their "name, image, likeness or persona." The proposal, being watched by the National Collegiate Athletic Association, maintains that pay for on-field performance would remain prohibited. State colleges and universities have not taken a public stand on the House proposal.

Pigman seeks to modernize health care

State Rep. **Cary Pigman** joined nearly 200 Certified Registered Nurse Anesthetists (CRNA) at a news conference at The Capitol to emphasize the role of Advanced Practice Registered Nurses (APRN) within the state's health care system — increasing access to health care, lowering costs and maintaining the quality of care.

The Okeechobee Republican recently filed **HB 607**, which seeks to allow APRNs, CRNAs and nurse practitioners to practice to the full extent of their training without physician supervision and protocols.

Rep. Cary Pigman touts his bill to give nurses more independence to provide health care.

HB 607 has the support of House Speaker **José Oliva,** who has made this issue a priority, as the country faces a rising population of seniors and a shortage of up to 55,000 physicians nationwide.

"I have called out the health care industrial complex because I believe it can do better for patients — consumers of health care services," Oliva said. "I made clear my support for independent practice for APRNs because it will improve access and affordability for patients. With the endless sea of white coats flooding the Capitol and the support from statewide businesses and organizations, I am assured that the House is on the right path by prioritizing HB 607."

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Today in Capitol

The House Children, Families & Seniors Subcommittee meets, 8 a.m., Room 12, House Office Building.

The House Civil Justice Subcommittee meets, 8 a.m., Room 404, House Office Building.

The House Oversight, Transparency & Public Management Subcommittee meets, 8 a.m., Morris Hall, House Office Building.

The House PreK-12 Appropriations Subcommittee meets, 8 a.m., Reed Hall, House Office Building.

The House Local Administration Subcommittee meets, 8 a.m., Room 212, Knott Building.

The Senate Agriculture, Environment and General Government Appropriations Subcommittee meets, 9 a.m., Room 110, Senate Office Building.

The Senate Criminal and Civil Justice Appropriations Subcommittee meets to consider a bill by committee Chair Brandes that would allow older inmates to be released from state prisons, 9 a.m., Room 37, Senate Office Building.

The Senate Education Appropriations Subcommittee meets to discuss the 2020-2021 budgets for the Department of Education, the Office of Early Learning, and the state university system Board of Governors, 9 a.m., Room 412, Knott Building.

The Senate Transportation, Tourism and Economic Development Appropriations Subcommittee meets to extend VISIT FLORIDA's authorization through 2028, 11 a.m., Room 110, Senate Office Building.

The Senate Health and Human Services Appropriations Subcommittee meets at 11 a.m., Room 412, Knott Building.

The House Appropriations Committee meets, 12:30 p.m., Room 212, Knott Building.

The Senate Rules Committee meets to consider a measure that would repeal the Constitution Revision Commission, 1:30 p.m., Room 110, Senate Office Building.

The House will hold a floor session, 3:30 p.m.

The Senate will hold a floor session, 4 p.m.

Assignment editors — DeSantis will deliver remarks for Emergency Management Day, joined by First Lady DeSantis and Division of Emergency Management Director **Jared Moskowitz**, 11 a.m., 4th-Floor Rotunda.

Assignment editors — Girls from the PACE Center for Girls will head to Tallahassee to meet with local representatives and talk about the impact Pace has had on their lives in the annual "PACE Day at The Capitol," 8 a.m., 22nd floor.

Assignment editors — First Lady **Casey DeSantis** will deliver remarks during "PACE Day at the Florida Capitol," 8:30 a.m., 22nd Floor.

Assignment editors — Attorney General **Ashley Moody** and Department of Juvenile Justice Secretary **Simone Marstiller** will join the PACE Center for Girls for a news conference as part of "Pace Day at the Capitol," 11:45 a.m., 22nd Floor.

Gov. Club buffet

Cuban black bean soup (rice and onions-side); mixed garden salad with dressings; Cuban avocado salad; tropical fruit salad; deli board with lettuce, tomatoes, cheeses and breads; picadillo; cumin lime chicken; Cuban fried pork chops; yucca with mojo; island zucchini; cilantro lime rice; tres leches cake for dessert.

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Statewide

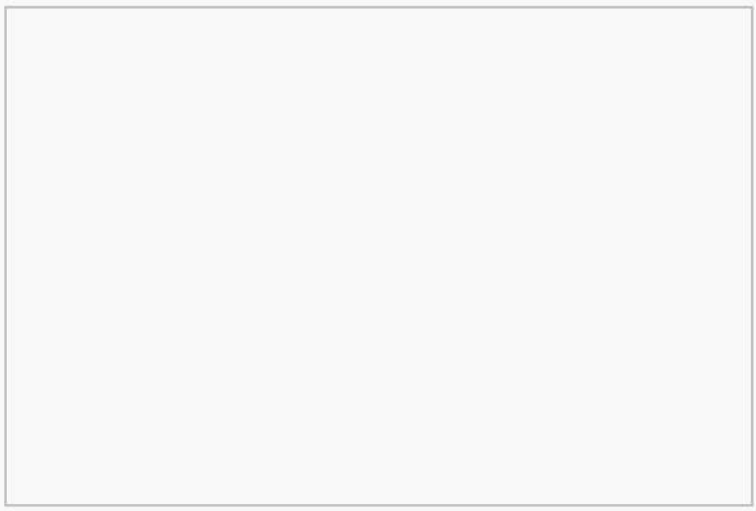
"Fifth Third Bank to halt donations to school voucher program over LGBTQ discrimination" via Scott Powers of Florida Politics — Reps. **Carlos Guillermo Smith** and **Anna Eskamani**, Orlando Democrats on the front lines of fighting for LGBTQ rights and against discrimination, announced the Cincinnati-based bank announced on Twitter they will no longer be donating to Florida's Step Up for Students scholarship programs until "more inclusive policies have been adopted by all participating schools to protect the sexual orientation of all our students."

Shaw's prolific year

Former state Rep. **Sean Shaw** has had an extremely productive year. Despite losing the Attorney General's race — even though he received over 3.7 million votes, more than any other Democratic AG candidate in history — Shaw is continuing his public service for Floridians. He has stayed involved in both state and national politics as well as turning his focus on several progressive issues as founder of "People Over Profits," an organization with the mission of putting "working people first."

Recently, I had an opportunity to speak with Shaw, catching up on what has been, for him, a very prolific year.

"Since the campaign, I've made it a priority to spend more time on the water. I bought a saltwater boat and try to take it out as much as I can. My first love will always be fishing and it's therapeutic for me. It's funny because I've realized that politics was both my work and a hobby — and I needed some life balance. I think they call it self-care now."



Sean Shaw is having a very busy year.

Shaw is currently working with Vanguard Attorneys, a personal injury firm based in Ybor City. His Vanguard office was the old call time room from Shaw's AG race.

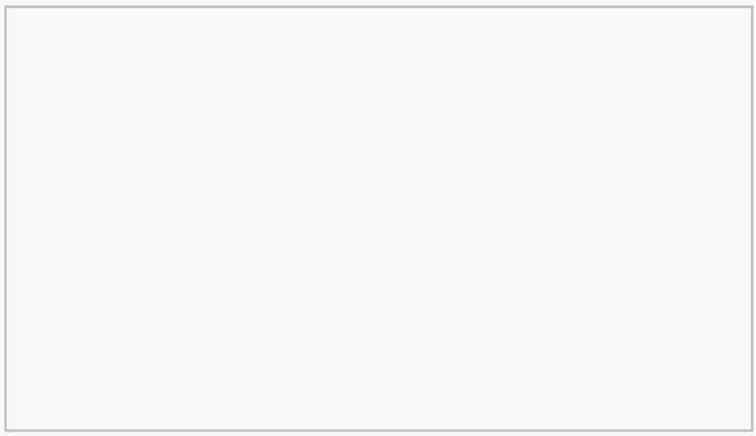
He's also been remarkably busy with projects across the state: The new firm, People Over Profits, and hosting a weekly radio show (Vanguards of Democracy).

Shaw was also an early supporter of Mayor Buttigieg: "I knew he was different. I've come to understand he is the kind of leader this country needs. I reached out to endorse him because I believe he has the right ideas to address important issues like criminal justice reform through his Douglass Plan, affordable health care, and the student loan crisis."

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Mother Nature

"**Harmful algal blooms pose serious long-term health risks for Floridians**" via Walter Bradley and Howard Simon of the South Florida Sun-Sentinel — The causes of HABs are no mystery: expanding residential and commercial development and agribusiness — particularly cattle, poultry and the dairy industry — contribute to the increasing flow of nitrogen and phosphorus that spawn HABs in Lake Okeechobee and on the east and west coasts. And as our state's population continues to swell there are increased burdens on water treatment plants and septic systems. Media reports of fouled beaches, fish kills, and the stench of HABs are not good for tourism — about 10% of Florida's economy. But even more concerning, our health is at risk. DeSantis' Blue-Green Algae Task Force made several sensible recommendations, though some of the Task Force's proposals could have gone further.



Algal blooms are posing significant long-term risks to human health.

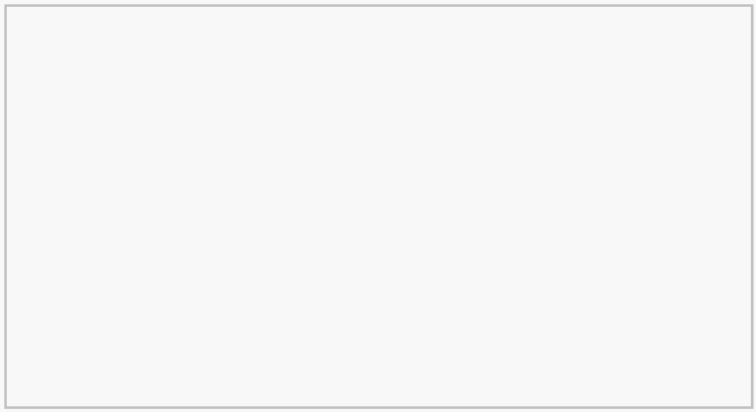
"**Powerful Caribbean earthquake shakes buildings in Jamaica, Cuba — even downtown Miami**" via Jacqueline Charles, Bianca Padró Ocasio and Joey Flechas of the Miami Herald — At 2:10 p.m., a strong earthquake struck about 6 miles beneath the surface in the open water between Jamaica and Cuba with more force than the 2010 earthquake that devastated Haiti, a quake that occurred only 15 miles away from Port-au Prince. The quake struck along the border between the Caribbean and North American tectonic plates, a crack that stretches from Hispañola to Guatemala. Brief tsunami warnings were issued for multiple northern Caribbean islands. Several aftershocks occurred fewer than 50 miles from the Cayman Islands, whose residents felt the impact from at least four tremors through the afternoon. The most powerful of them registered a 6.1 magnitude about 35 miles southeast of Grand Cayman just before 5 p.m.

2020

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"**A primary from the right? Not in Donald Trump's GOP**" via Elaina Plott of The New York Times — Such is the nature of the Republican primary season in the Trump era: self-proclaimed outsiders marketing themselves as loyalists to a man who is now the ultimate insider. Challenges to incumbents from the right are nothing new. But whereas conservative primary candidates once fashioned their campaigns as referendums on reckless federal spending or the elitist sensibilities of leadership, their pitches are much simpler now, carte blanche offerings of complete and total fealty to the President. And with Trump's stranglehold on his party, their targets are much fewer, too.

"**Why Biden scaled back in New Hampshire**" via Mark Caputo and Trent Spiner of POLITICO — Biden's New Hampshire media buys, events and overall footprint indicate it's the early state that's getting relatively short shrift so he can more effectively contest the other three states with nominating contests before Super Tuesday. The former vice president's campaign stresses he's not writing off New Hampshire, that he has more major endorsements here than any other candidate, and visited Friday and Saturday. But in recent weeks, Biden has intensified his focus on the two states whose caucuses bookend the Granite State's Feb. 11 primary — Iowa and Nevada — according to those familiar with the campaign's strategy.



Joe Biden is scaling back some in New Hampshire.

"**Celebrity star-power fuels Bernie Sander's final Iowa sprint**" via Holly Otterbein of POLITICO — The luminaries cut across the culture, from politics to music to movies and more. Congresswoman **Alexandria Ocasio-Cortez**, filmmaker and liberal stalwart **Michael Moore**, actor **Kendrick Sampson**, and recording artists **Bon Iver** and Vampire Weekend are among those who have or will be stumping for him. The roster of celebrity surrogates is designed to bring out young and unlikely voters to events: A Friday rally featuring Ocasio-Cortez and Moore, which Sanders couldn't attend because he was in Washington for the impeachment trial, drew an estimated 800-plus people. Overall, nearly 6,000 attended events in Iowa held by Sanders, Ocasio-Cortez and Moore over the last few days, according to the campaign.

"**Elizabeth Warren announces endorsements from Florida educators**" via Scott Powers of Florida Politics — Warren has the endorsements of 63 teachers and educators around Florida, including **Johanna López**, an Orange County School Board Member. López had been a Colonial High School teacher in Orange County before being elected to the school board. Another endorsement is **Susan Smith**, President Emeritus of the Democratic Progressive Caucus of Florida and a former teacher. The announcement denotes activity by Warren's Florida campaign, one of the largest and busiest among Democrats in the Sunshine State, though she and other Democrats continue to personally largely ignore Florida while pursuing voters in Iowa, New Hampshire and other early primary and caucus states.

"**Pete Buttigieg campaign faces personnel issues as Iowa caucuses approach**" via Tarini Parti and Dustin Volz of The Wall Street Journal — **Nadia Singer**, the talent director for the campaign responsible for identifying potential new hires, parted ways with the former South Bend, Indiana, Mayor's team earlier this month. Singer, who previously worked at question-and-answer website Quora Inc. and Facebook Inc., was seen as part of a cadre of Silicon Valley hires by Buttigieg. Her contract employment ended abruptly after she relocated to South Bend from San Francisco. Two cybersecurity aides also left the campaign around the same time. The campaign described the staffers as midlevel. A spokesman for the campaign said Singer's contract ended because the campaign is fully staffed and not hiring during the primaries.

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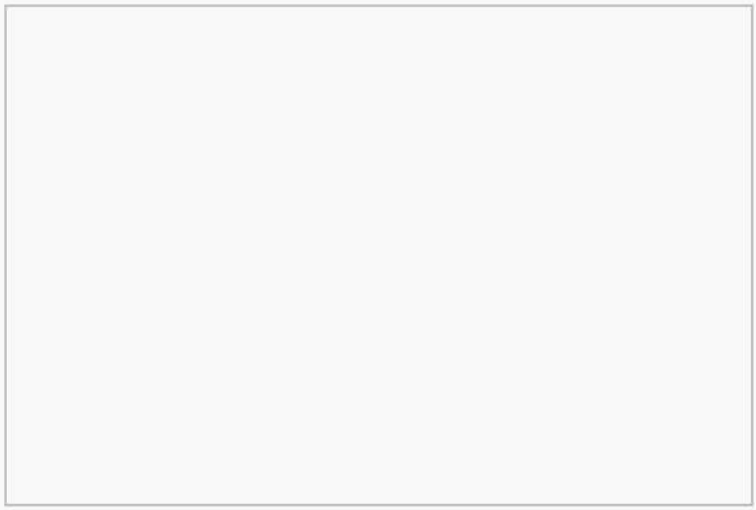
Is good-enough enough for Biden?

As much as any campaign in recent history, notes **Mark Leibovitz in The New York Times Magazine**, Biden's candidacy has been "defined by the alternative."

The former vice president is not a socialist, and he's not Trump.

However, the longtime Senator and two-term VP is well known, "for better and worse."

Biden keeps hammering the point that he is best equipped to keep Trump to a one-term presidency — an "aberration" — and avoid a "downward transformation" if Trump wins reelection.



Joe Biden refuses to change his brand for the campaign.

"You know, I've been around a long time, that's the bad news," Biden told Leibovitz in one of his favored bad news/good news constructions. "But the good news is, I've also been around a long time. The bad news is that everybody knows me. The good news is everybody knows me."

There is one foundational element in Biden's candidacy: survival. Despite everything — including himself — he remains the front-runner in the race, weathering "any number of doomsday predictions and things that felt fateful in the moment."

That is the point Biden tries to make, he is still here, and will endure. Despite all the naysayers and "smart-as-hell people" who were wrong about the race.

"The Biden hierarchy comprises a fairly conventional mix of established Democratic operatives, White House veterans and Biden loyalists," Leibowitz writes. "They tend to be older, male and more than a bit swampy (consultants, the stray lobbyist, and people you've seen talking if you watch cable news)."

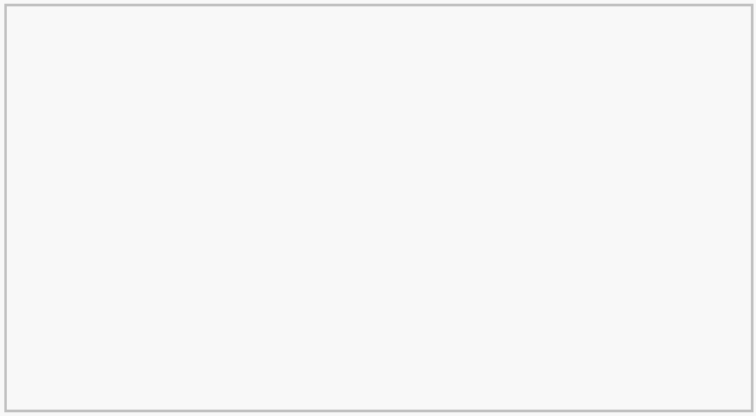
It was clear from the start that Biden would be attacked as the "rickety embodiment of a bygone Democratic establishment." But any attempt at a makeover to pacify the more progressive wing of the Party would fall flat. Biden's campaign knew that, rejected any ad hoc repackaging, and embraces who Biden is.

Nevertheless, any Democratic candidate will face merciless attacks: "He has already, and he is still here."

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Peachy

"New Quinnipiac poll: 75% of American voters want impeachment witnesses" via Scott Powers of Florida Politics — Broken down by party, even Republican respondents favored witnesses, with a plurality of 49% saying yes, and 42% saying no. Ninety-five percent of Democrats said yes. Seventy-five percent of independent voters said yes. At least 60% of every demographic group broken out in the poll — men or women; white, black or Hispanic voters; voters of each age bracket — said yes, there should be witnesses. The poll was released minutes after the White House defense team concluded its defense of Trump, sending the trial to the next step, question-and-answer sessions set for Wednesday and Thursday. The question of whether the Senate will call witnesses would not be taken up before Friday.



A large majority of Americans want witnesses in the Senate impeachment trial.

"Donald Trump and Lev Parnas discussed Scott in secret recording" via Steve Contorno of the Tampa Bay Times — The conversation was captured in an 83-minute video obtained by Reuters from **Parnas**' attorney **Joseph Bondy**. About halfway through the recording, Parnas mentioned he lived in Florida, prompting Trump to ask how Scott, then Florida's Governor, was faring in his U.S. Senate campaign. "Rick Scott's good," said Parnas, who was indicted in October on charges that he and his business partner, **Igor Fruman**, steered hundreds of thousands of dollars in illegal campaign contributions from foreign donors. Both are now key figures in Trump's impeachment proceedings. "Is he going to win?" Trump asks. Parnas responded: "It's going to be close, but I think we're going to pull it out."

"Marco Rubio and Rick Scott both use impeachment trial for political gain" via Alex Daugherty of the Miami Herald — As the President's defense team ended its opening arguments, **Rubio**'s campaign sent an email to supporters with the subject line "Take notes like Marco!" The email promises to send supporters who donate at least $35 a quill pen with the Senator's name on it. In contrast, Scott, who is also sending fundraising pitches related to the impeachment trial, has publicly defended the President and complained about arguments made by Democrats. He's even going on offense on Trump's behalf in Iowa, running a TV ad from Jan. 31 to Feb. 3 titled "Biden Got Away With It."

Former Donald Trump Chief of Staff John Kelly tells Sarasota crowd 'I believe John Bolton'" via Zac Anderson of the Sarasota Herald-Tribune — "If **John Bolton** says that in the book, I believe John Bolton," said retired Gen. **Kelly**, who served as Trump's chief of staff for 18 months. Kelly spoke at the Van Wezel Performing Arts Hall as part of the Ringling College Library Association Town Hall lecture series. The general worked with Bolton during his time as chief of staff, which ended in early 2019. Kelly said Bolton is an honest person. "Every single time I was with him ... he always gave the President the unvarnished truth," Kelly said of Bolton, who has become a figure of intense interest in the impeachment inquiry.

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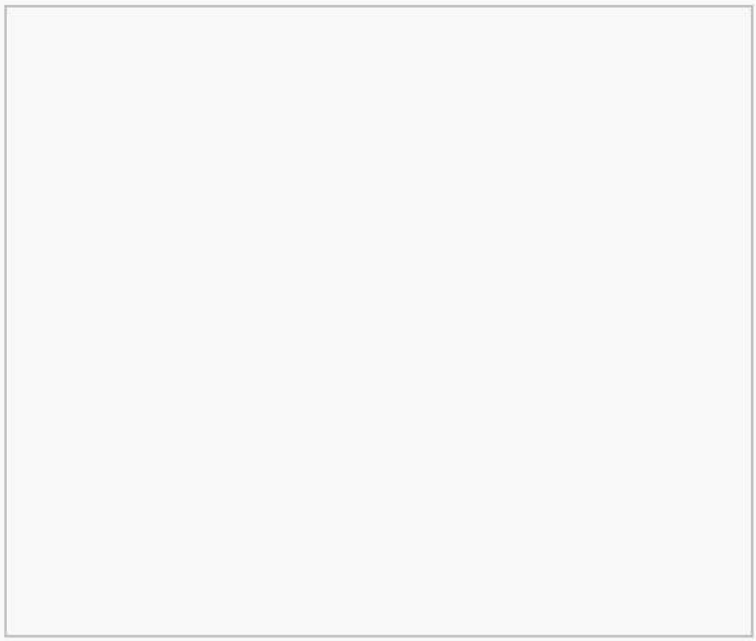
D.C. matters

"**Attorney Chris Kise to help Nicolás Maduro administration fight U.S. sanctions**" via Ryan Nicol of Florida Politics — **Kise**, the attorney who turned over key documents in the ethics case against former Tallahassee **Andrew Gillum**, is now representing a member of the Maduro government. Kise is listed on a Foreign Agents Registration Act (FARA) form to work on behalf of Venezuelan Attorney General **Reinaldo Muñoz Pedroza**, who was appointed Attorney General by Maduro. However, the United States no longer recognizes Maduro's government as legitimate. FARA requires individuals or firms doing work on behalf of a foreign principal to register with the U.S. government. Foley & Lardner, the law firm Kise works for, is listed as the registrant on the form received by the U.S. Department of Justice.

"**House Democrats unveil $4.7B Puerto Rico aid bill**" via Jennifer Scholtes of POLITICO Florida — While the House plans to pass the measure next week, the legislation is expected to wither thereafter, since the White House has already said Trump will not sign the aid package, **H.R. 5687 (116)**. A senior administration official has accused Democrats of proposing the bill "for completely political purposes." Text of the measure comes exactly one month from the start of the seismic sequence that cast thousands of Puerto Ricans into shelters. House Appropriations Chairwoman **Nita Lowey** said more support for Puerto Rico "is clearly needed," beyond the broader disaster aid bill the president signed last summer; new legislation provides "targeted assistance" to specifically help recover from the havoc wrought by the recent earthquakes.

"**Rick Wilson hits back at 'phony outrage' from 'MAGA herd'**" via Spectator USA — The fuss is about a widely shared clip from CNN's **Don Lemon** show, which pro-Trump Twitter has been having conniptions over. In the video, **Wilson**, Lemon, and **Wajahat Ali** laugh themselves silly while mocking the stupidity of Trump and the 'credulous boomer rubes' who support him. The backlash has been fierce. Wilson was unapologetic: "Once again, the MAGA tough guy 'fuck your feelings' crowd demonstrates that what really drives them is a grinding social anxiety fueled by a weaponized and monetized outrage machine." Wilson suggested what set the White House off was "Trump hates being called out for his utter ignorance of the world; all the phony outrage at me is just Trump fundraising grifters milking the MAGA herd."

Tweet, tweet:



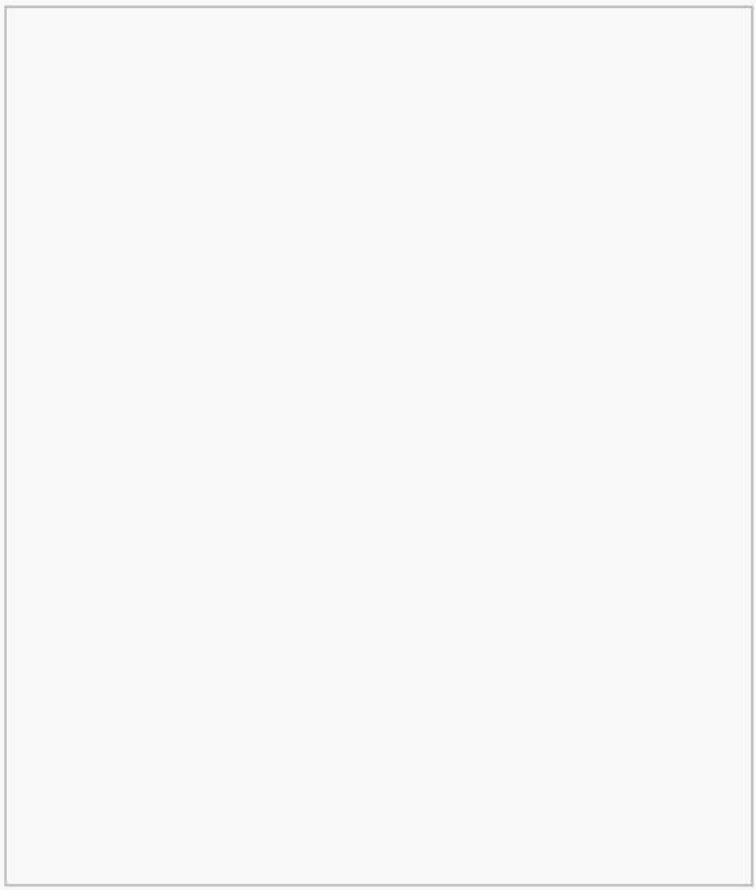
Assignment editors — Responding to Congressman **Ross Spano** voting against bipartisan legislation to bring down the costs of prescription drugs, a group of Floridians will deliver a giant bill to his office for the $26,547,383,200, which Florida residents pay for prescription drugs every year, 11 a.m., Spano's Brandon Office, 10101 Bloomingdale Ave., Suite 202, Riverview.

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The trail

"**'Keep Our Constitution Clean' edges closer to signature threshold**" via Drew Wilson of Florida Politics — A proposed ballot amendment that would make it harder for future constitutional amendments to pass has added nearly 70,000 petition signatures over the past week. Keep Our Constitution Clean, the political committee sponsoring the amendment, had 753,542 valid petition signatures as of Tuesday evening, according to the Florida Division of elections website. The current total is an increase of 67,513 signatures since Thursday and puts the proposal within striking distance of making the 2020 ballot. It takes 766,200 signatures to make the ballot, a number pegged to 8% of votes cast in the most recent presidential election. The committee must produce the remaining 12,658 signatures by Feb. 1 to go before voters in the November general election.

"**Ashley Moody hosting Florida GOP fundraiser at Universal Studios**" via Drew Wilson of Florida Politics — The invite lists Moody as the host for a "Universal Orlando Family Weekend" Feb. 21-23. It also lists RPOF as the beneficiary of the fundraiser. The invitation was merely a "save the date" and didn't offer further details on the weekend getaway, though it does provide contact information for potential attendees to get updates. Moody's fundraiser is one of the few scheduled for February, as lawmakers face a fundraising blackout during the Legislative Session. The prohibition doesn't apply to political parties. The fundraiser announcement also comes after RPOF posted healthy fundraising numbers for the fourth quarter of last year.

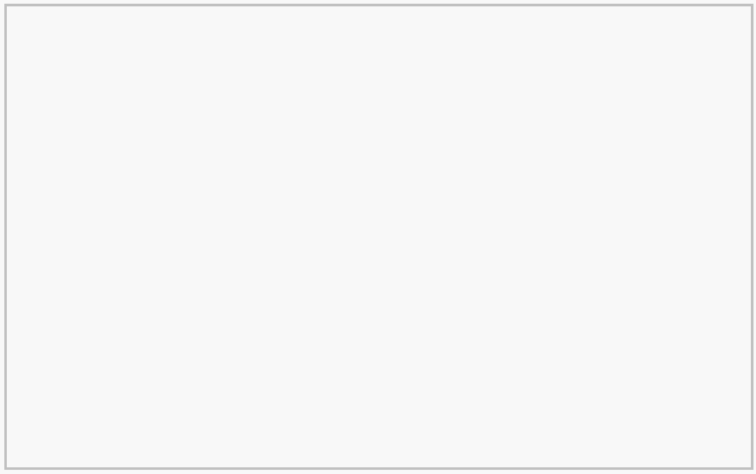


"**Putnam Schools Superintendent endorses Judson Sapp for CD 3**" via Drew Wilson of Florida Politics — Clay County Republican **Sapp** landed another endorsement for his bid to succeed retiring U.S. Rep.**Ted Yoho** in Florida's 3rd Congressional District. His latest backer is Putnam County Superintendent of Schools **Rick Surrency**, who weighed in on the crowded CD 3 Republican primary. "Judson Sapp is the common sense, conservative leader we need in Congress. He has deep roots in Putnam County and understands our needs. Judson Sapp will work with our local leaders to keep moving Putnam County in the right direction," Surrency said. Sapp, who primaried Yoho in 2018, was an early entrant in CD 3. However, the Republican field has ballooned in the weeks since Yoho announced he would forego a fifth term representing the North Central Florida district.

AMERICAN OVERSIGHT

Local

"Nate Monroe: The JEA storm" via the Florida Times-Union — The JEA board of directors, in one of its final acts, fired former chief executive officer **Aaron Zahn** for cause, agreeing with two dozen findings by city lawyers that he engaged in "willful misconduct," "gross negligence" and breached his fiduciary obligations to the city-owned utility, while adding there may be additional evidence and testimony of more troubling conduct attorneys didn't have time to investigate. It will take JEA years to repair the damage done. And it will take longer because too many executives who served under Zahn remain. They lent their credibility to Zahn's phony financial projections, and they served as mouthpieces for Zahn's public lies. There is more cleaning to be done.



Former JEA CEO Aaron Zahn made a mess that will take a long time to clean up.

"Full JEA board to leave by end of February" via the Florida Times-Union — The news from Mayor **Lenny Curry**'s office comes after months of discussion of possibly privatizing JEA. The board ended those talks and canceled the invitation to negotiate process with potential bidders in December after criticism mounted from the public and the City Council. Curry's statement read: "I've talked to **Fred Newbill**, **Camille Lee-Johnson**, **Dane Grey** and **Henry Brown** and each informed me it is their desire to end their service with the JEA Board of Directors. I have asked all board members, including **April Green,** who resigned earlier today, to continue to serve until the end of February, and all agreed. **Kelly Flanagan** will also continue her service until her term expires on February 28th.

"Hillsborough transit meeting goes off the rails during quarrel over contracts" via Caitlin Johnson of the Tampa Bay Times — Tempers flared between two board members as one of them — city of Tampa appointee **Kathleen Shanahan** — stood up and walked out after accusing county commissioner **Pat Kemp** of pushing her own agenda. The group was left unable to do business for lack of a quorum. "That's her whole point, was to not have the vote," Shanahan said. The dispute arose over a $405,000 contract during a board committee meeting, but it revealed deeper divisions over the agency's process for hiring outside vendors. The staff recommended awarding Connetics Transportation Group a two-year contract to evaluate bus routes and schedules and help the agency plan a long-term vision.

"Florida seeks to reinstate death penalty for Joseph Smith, Carlie Brucia's killer" via Carlos Munoz of the Sarasota Herald-Tribune — Prosecutors are seeking death again for **Smith**, one of Southwest Florida's most notorious convicted murderers, after the Florida Supreme Court ordered the trial court to reinstate another death row inmate's non-unanimous death-penalty verdict. **Carlie Brucia**'s father, **Joseph Brucia**, said he welcomed the motion to reinstate the death verdict of a "monster." "I don't think it should have been challenged in the first place," he said. "I am glad we are back on the road again so we can get some closure for this thing and let this monster get what he deserves." Brucia said he is aggravated that the latest court matters haven't been resolved promptly and wrote to former Florida Attorney General **Pam Bondi** and others.

"Scooter rental dispute goes to Supreme Court" via the News Service of Florida — A dispute about a Panama City Beach decision to ban the rental of motorized scooters has gone to the Florida Supreme Court. Classy Cycles, Inc. filed a notice that is a first step in asking the Supreme Court to take up the issue after a November ruling by the 1st District Court of Appeal upheld the ban. The appeals-court decision rejected arguments that Panama City Beach did not have the power to ban a business unless it is a legal nuisance and that such restrictions are "preempted" by state laws. The case stems from two ordinances passed in 2017 to prohibit the overnight rental of scooters and to completely prohibit scooter rentals effective Sept. 8, 2020.

AMERICAN OVERSIGHT

Opinions

"**The John Bolton report**" via The Wall Street Journal editorial board —Bolton's book draft implicates Trump more closely to ordering a delay in military aid to Ukraine is hardly a surprise and won't — and shouldn't — change the impeachment result. It does, however, complicate the trial task for Republican Senators, and our advice is for Trump's former national security adviser to tell the public now what he says in his book. Whoever leaked the book's contents wants to use Bolton to turn the Senate impeachment trial into a larger political drama. But we've known Bolton long enough to doubt that he'd want to sandbag Republican Senators or the President. He's a straight-shooter, even if he sometimes aims right between the eyes. The book's contents put GOP Senators in a tight political spot.

"**Joe Henderson: Pam Bondi's impeachment defense overlooked some facts**" via Florida Politics — There are a couple of overriding points here. A): Hunter Biden is a private citizen, not the President of the United States. Try as they might to show otherwise, Biden is not on trial. The Senate is deciding whether to remove Trump from office (spoiler alert: it won't happen). Whatever happens on that front has nothing to do with Biden. B): Threatening to withhold nearly $400 million in congressionally approved military aid to Ukraine until Trump got a public announcement of a corruption investigation against Biden sounds like an abuse of power to me. And former National Security Adviser Bolton and former Trump Chief of Staff Kelly appear to feel the same way. Those facts aren't going away.

"**Legislative raiding of affordable housing fund**" via the Citrus County Chronicle editorial board — Citrus County has a service economy, heavy on tourism, and service jobs are notoriously low-paying. Workers wanting a good life need a dependable job, affordable housing, and a convenient way to get to work. Lack of affordable housing affects economic development as well. Florida has had a great program since 1992 called the Sadowski Affordable Housing Trust Fund. The problem? Twelve times, legislators have raided Sadowski funds for various uses including to balance the state budget. And though we shouldn't have to make laws to ensure that legislators do the right thing, in the current session, SB 306 and HB 381 would essentially prohibit them from sweeping monies from the trust to the general fund.

"**Supreme Court becomes an outlier on the death penalty**" via the Tampa Bay Times editorial board — The Florida Supreme Court has taken another step backward with a ruling that could restore the state's status as a national outlier on the death penalty. In a stunning move, the court reversed a previous decision that required unanimous jury recommendations in death penalty sentences. The ruling defies legal precedent and common sense, and legislators should be wary of taking this bait and making a similar mistake. Looking to apply the U.S. Supreme Court decision, the Florida Supreme Court ruled in October 2016 that juries must establish each "aggravating factor" in a capital case, and that trial courts could impose a death sentence only on the unanimous recommendation of a jury.

"**John Johnson, Skip Braziel: Professional licensing is rigorous for a reason**" via Florida Politics — DeSantis said that changing the Sunshine State's occupational licensing laws will be at the top of his legislative agenda. These are laws that set the requirements to become and remain a member of various professions in our society. We ask Florida leaders to be mindful of potential unintended consequences for professions — and the professionals in them — that oversee systems vital to Floridians' safety, health, and financial interests. To that end, any conversation around licensing reform would be well-served to acknowledge that for some professions, rigorous licensing is not only desirable, but appropriate and necessary. Surely, the need to maintain rigorous licensing standards for certain professions is a common-sense idea on which all sides can agree in this important debate.

"**Extend and expand Gulf Reef Fish Survey to keep Florida fishing**" via Kellie Ralston for the Pensacola News Journal — The Survey's current funding is slated to end in 2020. Yet, the fishing community desperately needs this important data collection tool to not only continue but expand throughout Florida to ensure generations of fishing enthusiasts may continue to enjoy our state's natural resources for years to come. Without this funding, the recent, significant gains for Florida fisheries management risk a devastating step backward for our more than four million anglers. FWC is considering a 45-day 2020 Gulf Red Snapper season. A 45-day season that would have been unheard of just a few short years ago is now possible due to the thousands of Florida anglers participating in the Gulf Reef Fish Survey.

AMERICAN OVERSIGHT

Movements

Carlos Curbelo joins political team for Miami's NBC affiliate — Curbelo signed on as an NBC contributor following his defeat in the 2018 contest for Florida's 26th Congressional District. Now, NBC 6 in Miami will showcase the former lawmaker in the lead-up to the 2020 election. "More than ever, our local news viewers want to know how the decisions made in Washington will impact their lives and communities," said **Jorge Carballo**, the station's president and General Manager. "Carlos' extensive knowledge in policymaking and deep familiarity with South Florida issues, makes him an ideal contributor to our political team." Curbelo added a statement of his own, saying, "It's an honor to bring my experience and knowledge as an analyst to the community I've lived in my entire life."

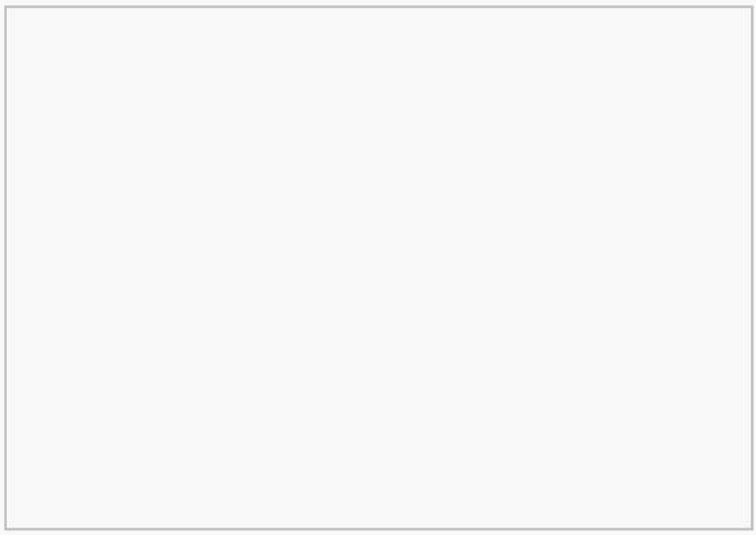
Carlos Curbelo has a new gig with NBC 6 Miami.

Ileana Ros-Lehtinen registers to represent UAE — Former U.S. Rep. **Ros-Lehtinen** registered as a foreign agent lobbying on behalf of the United Arab Emirates. Ros-Lehtinen served in Congress for decades before announcing she would not run for reelection in 2018. Since giving up her seat, the South Florida Republican has worked for Akin Gump Strauss Hauer & Feld. She became eligible to work as a lobbyist this month, which marks a year since she exited Congress. The disclosure says she will "provide outreach to U.S. government officials and counsel on policy issues related to a number of issues including, among others: export controls and sanctions, trade policies, human rights, U.S. foreign and defense policies, foreign media registration, and strengthening trilateral relations and regional security."

AMERICAN OVERSIGHT

Aloe

"**Oreo is releasing a red, white, and blue 'Team USA' cookie**" via Tess Koman of Delish — Per the Instagram account @JunkFoodLeaks, "Olympics-themed Oreo sporting" cookies are on their way. The cookies — which will be stuffed with red, white, and blue crème, because of course they will — are going to taste just about the same as a regular Oreo, but they'll be oh so patriotic when you crack them open! The account goes on to describe the amount of crème we're talking about here. After all, these Oreos will *technically* be triple-stuffed: "The Olympic Oreos are standard and have as much crème/calories as a Mega Stuf Oreo, so nothing too groundbreaking." Another element of note, though? "Your tongue might change colors with this one." There you have it, folks: Cookies with fifty stars stamped into the crème will soon be on shelves wherever Oreos are sold ... probably.

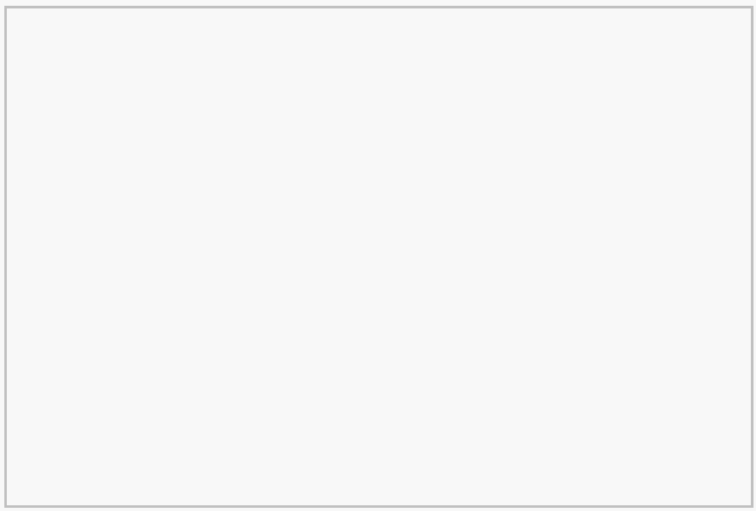


Oreos get patriotic. Image via @JunkFoodLeaks.

AMERICAN OVERSIGHT

Super Bowl'ing

"Rashad Fenton once worked concessions at Dolphins Stadium; Now he's in the Super Bowl via Manuel Madrid of the Miami New Times — The remarkable nature of his journey isn't lost on **Fenton**. He went from being a Carol City Chief to a Kansas City Chief, from selling concessions at Hard Rock Stadium (then Sun Life Stadium) to preparing to face the San Francisco 49ers this Sunday in Super Bowl LIV. "It's too surreal. I don't think I would've ever imagined it happening like this," Fenton tells New Times. "It's crazy because I'm still trying to get my head around it. I'm still trying to normalize everything."



Rashad Fenton took a winding road, from selling concessions at Dolphins Stadium to playing there in Super Bowl LIV.

"The most VIP Super Bowl weekend costs $1.5M, includes butler" via Kelli Kennedy of The Associated Press — No place caters to the rich and famous quite like glitzy Miami. The city's most luxurious hotels, clubs and restaurants are offering over-the-top packages to entice big spenders looking for action. One package includes a four-day cruise around the Caribbean on a private yacht after the game for $720,000. On Location Experiences' **Sam Soni** says their top Super Bowl package last year in Atlanta went for $17,500. This year's top-tier packages in Miami are $20,000 to $35,000 and include game tickets, a pregame party and show by **Darius Rucker** and a chance to mingle with football legends like **Dan Marino** and **Marcus Allen**. "We've seen just unprecedented sales for that product," Soni said.

"Locking up sex workers during Super Bowl week won't end sex trafficking" via Scott Greenberg of the South Florida Sun-Sentinel — Here's the problem: the empirical evidence shows no causal or correlative link between sex trafficking and the Super Bowl. It never has. As George Washington University criminology professor **Ron Weitzer** put it, "It's become a circle of stories that get rehashed; it really is a myth." The truth is that sex trafficking happens in the U.S. every day. The Super Bowl myth is a distraction. Raised annually by politicians and media, it does more harm than good, misleading the public, misallocating resources, and imposing unreasonable expectations on police. The harm is borne in large measure by sex workers. Sex traffickers go unpunished.

Happy birthday

Best wishes to **Umar Sattar.**

AMERICAN OVERSIGHT

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204 37th Avenue North, #182
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From: Peter Schorsch <peterschorsch@floridapolitics.com>
Sent: Tuesday, February 04, 2020 6:10 AM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Sunburn — The morning □ read of what's hot ☀☀ in Florida politics — 2.4.20 — Burnin' today: Iowa, Book, Fried, Moody, DeSantis, Leek, Gruters

AMERICAN OVERSIGHT

Lawmakers are lacing up their walking shoes as Sen. **Lauren Book** and her Lauren's Kids Foundation prepare a multiday walk at the Capitol for child sexual abuse awareness.

That event intends to honor the 42 million survivors of child sexual abuse living in the U.S. Treadmills will be placed inside The Capitol where lawmakers, abuse survivors and others will take turns walking from noon Tuesday until noon Thursday.

Lauren's Kids, led by Sen. Lauren Book, will have treadmills set up in The Capitol. It's an extension of her annual Walk in My Shoes event. Image via Tallahassee Democrat.

Among the elected officials joining Book for the walk is Agriculture Commissioner **Nikki Fried**, Attorney General **Ashley Moody**, Sens. **Aaron Bean**, **Wilton Simpson**, **Annette Taddeo** and **Tom Wright**, and Rep. **Melony Bell**.

The Capitol walk is an extension of Lauren's Kids' annual "Walk in My Shoes" event, a multiday trek between Key West and Tallahassee.

During the 2019 Session, Book's foundation switched things up and used the Capitol to host the walk. Book says she chose Tallahassee for the walk due to its pivotal role in improving the lives of those affected by abuse.

"I've always found that this is a place where true change takes place," Book said.

"It's just become such a special piece for me in watching these survivors grow into becoming thriving individuals that does not allow this to define them."

During Regular Session, as in 2019, the event would be held in April for Sexual Assault Awareness Month. But with lawmakers meeting early due to the election year, Book's event got bumped up as well.

Several other groups also plan to walk on behalf of survivors. That includes police officers who have responded to abuse allegations, as well as trauma therapists walking one minute for each client they've seen over the year.

Book says she can still vividly remember the day she first disclosed her own abuse as a child.

"It was a bad time. It was a really difficult time."

Book started Lauren's Kids to help other abuse survivors get help and support. When the group launched its first Walk in My Shoes event, Book said she used it to "shed the bad" stemming from the trauma she experienced.

With more attention and support rallied for the issue, Book says attendees see it as something fully empowering.

"You can heal, you can survive, and you will thrive if you do the work," Book said.

"I wish that I had a model for that when I was growing up. It's remarkable when you see these kids. And I think there's this perception that 'we're broken, we're always going to be broken.' And that's not what they have. When I look at the kids today who come out and walk with us, they're proud. They're proud that they're creating a different identity, a different family, a different world for themselves."

The multiday event will stream at LaurensKids.org.

AMERICAN OVERSIGHT

Today's Sunrise

On today's Sunrise:

— A Senate committee approves raising the legal age for vaping and smoking from 18 to 21, but as things became a bit complicated, the issue gets split into two separate bills.

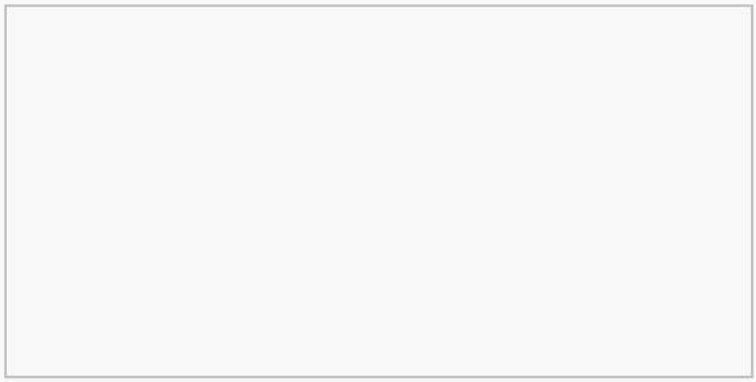
— A House committee votes to shine a light on impact fees charged by local governments

— A proposal to punish doctors who perform gender selection surgery on minors is workshopped but does not get a vote. And that's about all it will get this Session.

— While Hurricane Dorian didn't do any real damage to Florida, customers of Duke Energy will be paying anyway. The PSC votes on a Dorian surcharge that will cost consumers about $170 million over the next year.

— And the story of Florida Man, who was charged with attempted murder after police identified him by DNA in his own sock.

To listen, **click on the image below**:



Situational awareness

—**@MarcoRubio**: If House votes to impeach, the Senate decides not just guilt or innocence, but also whether removal is in the nations best interest EVEN IF (not EVEN THOUGH) Article I could be proven, removal would not serve the nations best interest; Article II is a joke.

—**@DeFede**: I'm about an hour into the Cable network Caucus coverage, and I'm more convinced than ever this is the dumbest system imaginable. How can I say this nicely: F&@# Iowa.

—**@Cameron_Kasky**: I am at my first caucus ever, and the fact that this is how we do our politics is genuinely laughable. I had no idea how childish it was. Our democracy is an elementary school dodgeball game.

Tweet, tweet:

AMERICAN OVERSIGHT

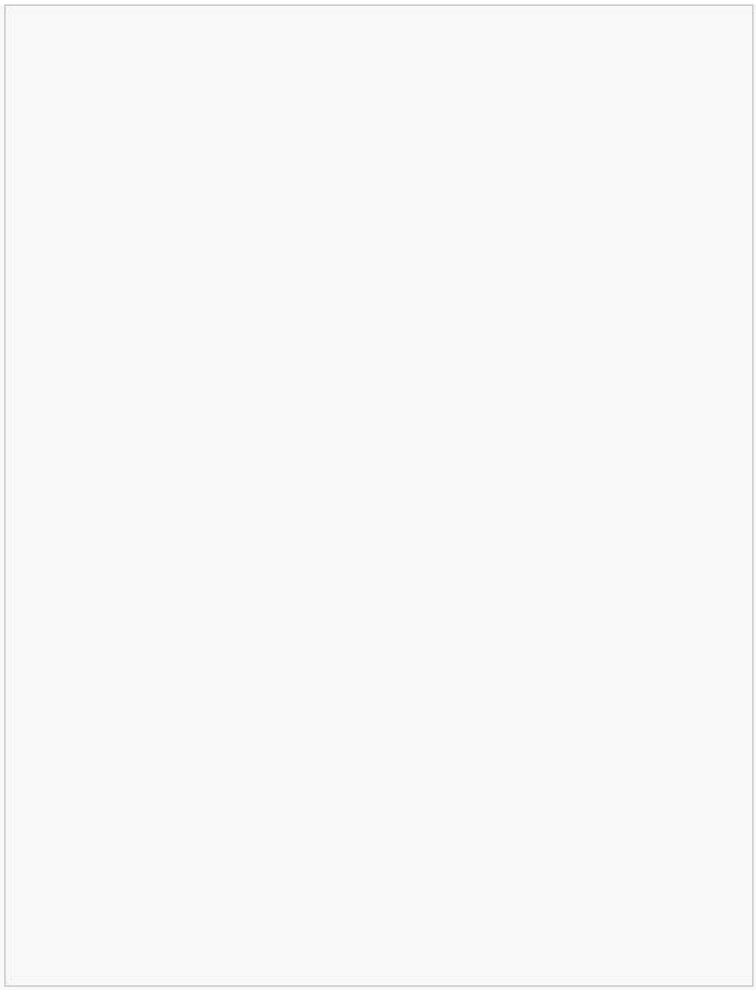
—**@SMurphyCongress**: Proud that **@Mike2020** recognizes the importance of Florida and is already investing here. As Florida goes, so goes the nation. Thank you for your continued focus on gun violence,

—**@TheRickWilson**: I just heard the news that**Rush Limbaugh** has advanced lung cancer. I'm going to show you how this should be done: I wish Rush a speedy and complete recovery from his cancer. Human being pro-tip: don't wish cancer on *anyone* ... even on your adversaries.

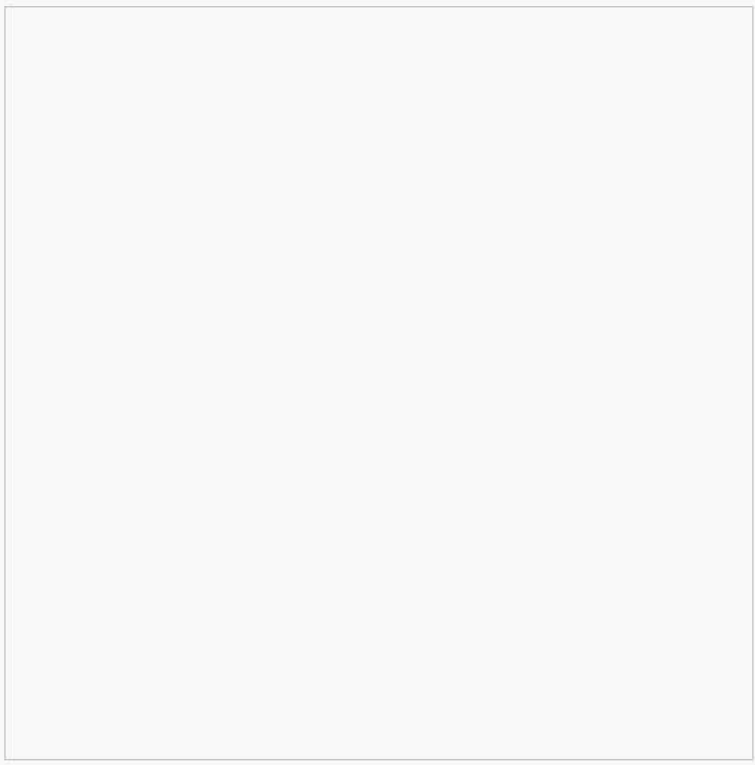
—**@Fineout**: So apparently a Fla Senate committee is having tough time figuring out how to pass bills in the aftermath of the 2/3 tax/fee requirement #FLLeg passed — gee if someone at the time had suggested that legislators did not fully explain/figure out how it would work ... oh wait ...

Tweet, tweet:

AMERICAN OVERSIGHT



Tweet, tweet:



—**@CarlosGSmith**: Thanks to the moms, transgender Floridians, + REAL medical experts who shared stories in opposition to HB 1365 — a bill that criminalizes lifesaving care for trans youth. HB 1365 is procedurally DEAD for 2020 Session! Let's stay vigilant to ensure it never sees the light of day!

Tweet, tweet:

AMERICAN OVERSIGHT

Days until

Eighth Democratic presidential debate in Manchester — 3; Capitol Press Corps press skits — 6; New Hampshire Primaries — 7; Pitchers and catchers begin reporting for MLB Spring Training — 7; South Beach Wine and Food Festival — 15; Ninth Democratic presidential debate in Las Vegas — 15; **Roger Stone**'s sentencing — 16; Nevada caucuses — 18; "Better Call Saul" Season 5 premiers — 19; 10th Democratic presidential debate in Charleston — 21; South Carolina Primaries — 25; Super Tuesday — 28; Last day of 2020 Session (maybe) — 38; Florida's presidential primary — 42; "No Time to Die" premiers — 62; Florida TaxWatch Spring Board Meeting begins — 71; TaxWatch Principal Leadership Awards — 72; Florida Chamber Summit on Prosperity and Economic Opportunity — 101; "Top Gun: Maverick" premiers — 143; Democratic National Convention in Milwaukee begins — 160; **Christopher Nolan**'s "Tenet" premiers — 164; 2020 Summer Olympics in Tokyo start — 171; Florida primaries for 2020 state legislative/congressional races — 196; First Presidential Debate in Indiana — 238; Republican National Convention begins in Charlotte — 202; First Vice Presidential debate at the University of Utah — 246; Second Presidential Debate scheduled at the University of Michigan — 254; Third presidential debate at Belmont — 261; 2020 General Election — 273.

Top story

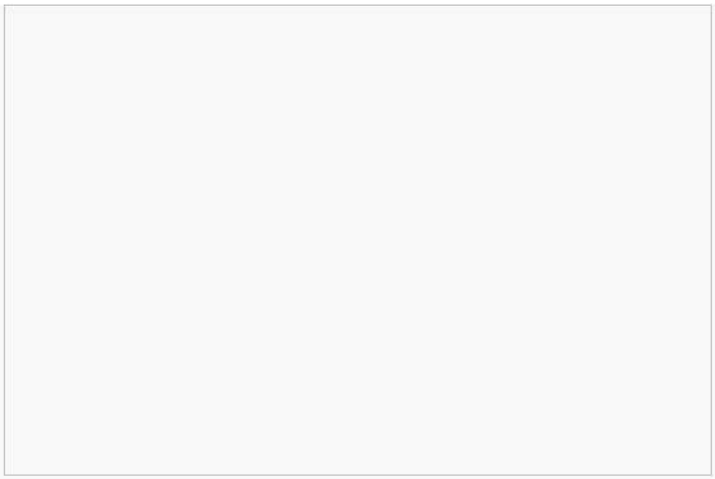
"**Democrats lay big caucus egg: No results from Iowa election**" via Steve Peoples and Thomas Beaumont of the Associated Press — Democratic party officials in Iowa worked furiously Tuesday to deliver the delayed results of their first-in-the-nation caucus, as frustrated presidential candidates claimed momentum and plowed ahead in their quest for the White House. Technology problems and reporting "inconsistencies" kept Iowa Democratic Party officials from releasing results from Monday's caucus, the much-hyped kickoff to the 2020 primary. It was an embarrassing twist after months of promoting the contest as a chance for Democrats to find some clarity in **a jumbled field with no clear front-runner**.

Instead, caucus day ended with no winner, no official results and many fresh questions about whether Iowa can retain its coveted "first" status.

State party officials said final results would be released later Tuesday and offered assurances that the problem was not a result of "a hack or an intrusion." Officials were conducting quality checks and verifying results, prioritizing the integrity of the results, the party said in a statement. The statement came after tens of thousands of **voters spent hours Monday night** sorting through a field of nearly a dozen candidates who had spent much of the previous year fighting to win the opening contest of the 2020 campaign and, ultimately, the opportunity to take on President Donald Trump this fall.

>>>Trump campaign reaction: "Democrats are stewing in a caucus mess of their own creation with the sloppiest train wreck in history. It would be natural for people to doubt the fairness of the process. And these are the people who want to run our entire health care system? Tonight President Trump posted a record performance in the well-run GOP Iowa caucuses with record turnout for an incumbent." — **Brad Parscale**, Trump 2020 campaign manager

AMERICAN OVERSIGHT

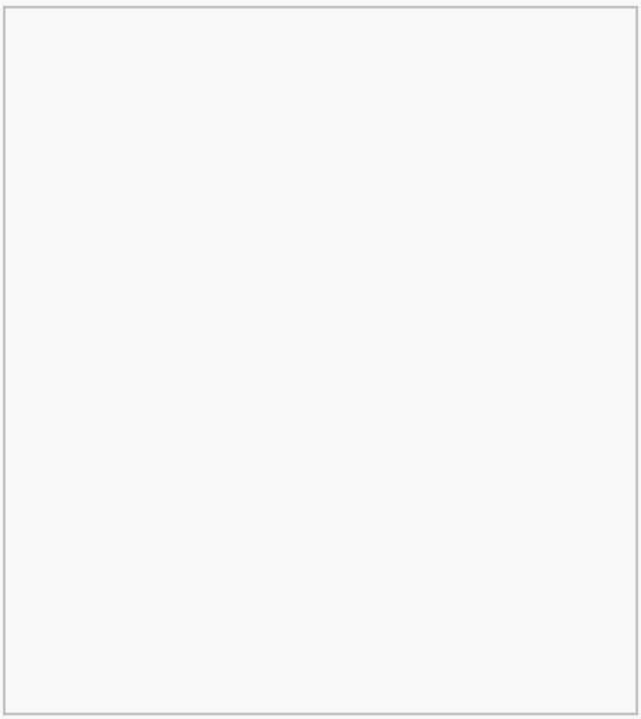


Local residents check-in after arriving at an Iowa Democratic caucus at a high school.

"**The 1,600 volunteers who were supposed to make the Iowa Caucuses run smoothly**" via Sydney Ember of the New York Times — As part of a set of reforms following the 2016 election, the Iowa Democratic Party introduced an app intended to make reporting numbers on caucus night easier. But there was a problem with the much ballyhooed innovation: Most people didn't use it. According to more than a dozen Iowa Democratic Party officials, county chairmen and volunteers involved in running precincts, many precinct leaders ignored the party's request that they download the app before caucus night or found the process of installing it too cumbersome. Instead, as they had always done, they planned to call their precinct results in. But some found it took hours for any of the dozens of people at party headquarters in Des Moines to pick up the phone to receive the results. What followed was an epic collapse of the rickety system Iowa has relied on for decades to tabulate the results of a largely analog electoral contest.

"**'It kind of failed us': With eyes of the world on Iowa, another hiccup in American democracy**" via Isaac-Stanley Becker of The Washington Post — Sean Bagniewski, chair of the Polk County Democratic Party, said that local officials were aware of problems with the app since last Thursday and that they had requested state officials resolve the problems — to no avail. "We knew the app was a problem last Thursday,' Bagniewski said. When local party officials asked the state party about issues they had with the app, they were referred to a 'dedicated staffer' who was not able to solve the problems, he said. "We had had so many complaints about the app that we started telling our chairs that if they were having problems with the app then you should call in the results,' Bagniewski said. The state party did not provide any training on how to use the app, he said, adding that while the caucus trainings are done at the county level, the app itself came from the state level."

Check out the front page of the New York Post:



AMERICAN OVERSIGHT

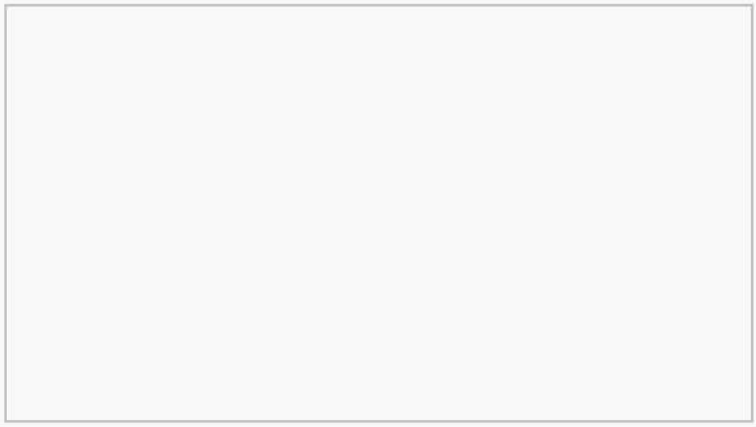
Dateline: Tally

Happening today — Gov. **Ron DeSantis** and the Florida Cabinet will take up several matters, including proposals to purchase more than 5,700 acres in Sarasota County and 17 acres in Columbia County through the Florida Forever land conservation program, 9 a.m., Cabinet Meeting Room.

"**Liberal women's groups plan Capitol protest against parental consent for abortions**" via Ryan Nicol of Florida Politics — The National Women's Liberation group is helping to promote the protest. The group describes itself as "a multiracial feminist group for women who want to fight male supremacy and gain more freedom for women." The group lists abortion and birth control access among its top priorities. Planned Parenthood, Women's March Florida, Indivisible and other liberal group supporters are organizing the protest. The gathering is scheduled for 3 p.m. "The Florida Senate is voting on SB 404, the forced parental consent bill, and we need to act," National Women's Liberation wrote in a release. "We're doing everything we can to get supporters like you to help stop this bad bill and protect our access to abortion."

"**Tom Leek on stopping trial lawyer scare tactics**" via the Florida Chamber — On the latest edition of the Chamber's "Bottom Line," state Rep. **Leek** explains why it's important to put consumers ahead of billboard lawyers — particularly those that are deploying scare tactics aimed at seniors. Rep. Leek's legal advertising bill, CJS2, will be heard today in the Civil Justice Subcommittee. The Chamber is joining DeSantis and legislative leaders like Leek to take on billboard trial lawyers, which can cost the average family $4,442 each year in lawsuit abuse "taxes."

To view Leek on "Bottom Line," **click on the image below**:



Legislation

"**Bill that would restrict medical treatments for transgender youth lies dormant**" via Samantha Gross of the Miami Herald — After lively and emotional debate on both sides of the issue, a bill that would make it a felony for doctors to provide minors with hormone therapy or to perform sex reassignment surgery will likely not see its first hearing. The bill would have carried a maximum penalty of a $10,000 fine or 15 years in prison. The House Health Quality Subcommittee held a workshop filled with hours of testimony both for and against the bill. Chair **Colleen Burton**, announced at the end that it would be the last time the committee meets.

"**Is eight enough? Senate joins House in school board term limit debate**" via Jeffrey Solochek of the Tampa Bay Times — A push for school board term limits overcame a significant hurdle as a Florida Senate committee advanced legislation that would ask voters to force board members from office after eight consecutive years. What makes the Ethics and Elections Committee's party-line vote on SJR 1216 notable is sponsor Sen. **Joe Gruters**' agreement to scale back his proposed limit to eight years from the original 12 he sought. In the past two Legislative Sessions, the limits concept ran aground in the Senate, where members were more insistent on longer terms. "Eight years aligns with the current term limits in place," Gruters told the panel. "It would provide consistency among elected officials."

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Joe Gruters is looking to scale back his school board term limit bill to eight years from the original 12.

Affordable housing bill clears Senate committee— The Senate Community Affairs Committee voted 4-0 in favor of a bill that would allow large cities to remove impact fees for new affordable housing developments, POLITICO Florida reports. "My original draft was a little bit more aggressive and dealt with truly affordable and low income," bill sponsor Sen. **Jason Pizzo** said. "Unfortunately, the appetite over in the other House is not there right now — I'm told — for the lower-income folks." SB 856 initially aimed to slash property taxes for developers of low-income and workforce housing developments in larger counties.

"**St. Pete tried to abolish super PACs. Jeff Brandes wants to end that**," via Mary Ellen Klas of the Miami Herald — **Brandes** introduced the amendment to SB 1372, a bill he filed to update elections law sought by the Florida Association of Supervisors of Elections. But instead of limiting his bill to the supervisors' fixes, he used it to take aim at a 2017 ordinance passed by the St. Petersburg City Council that abolishes super PACs and prohibits spending by foreign-influenced corporations in city elections. The Brandes amendment, which received bipartisan support on a voice vote of the Senate Ethics and Elections Committee, would ban cities and counties from "adopting any limitation or restriction" on contributions to political committees or expenditures from political committees in city elections.

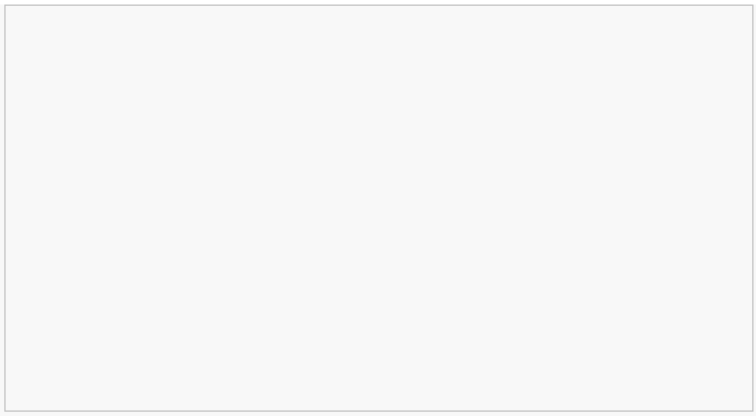
"**Legislature has plans to end tourist tax subsidies for professional sports team**" via James Call of the Tallahassee Democrat — Legislation filed this year (HB 1369) would repeal the Professional Sports Franchise Program created with the birth of the Miami Marlins — and which now has local governments on the hook for about another quarter-billion dollars in subsidies through 2038. Rep. **Cary Pigman** told the House Ways and Means Committee that it's time to have a robust discussion about these taxpayer-funded projects. They often don't deliver the return in economic development promised by the teams and leave the municipalities scrambling to pay for other government services, he said.

CST cut a heavy lift— A bill that would cap the communications services tax statewide is facing strong opposition, **Matt Dixon** of POLITICO Florida reports. SB 1174 would override local tax rates and set the maximum CST at 4%, down from the current cap of 5.1% by 2022. Local governments say the change would slash local government revenues by as much as $200 million. Though the measure was approved by its first committee Monday, bill sponsor Sen. **Travis Hutson** said its future is uncertain. Hutson said the cut might be included in a broader tax-cut package the House and Senate are negotiating.

"**Tighter restrictions on impact fees are one step closer to House passage**" via Janelle Irwin Taylor of Florida Politics — Impact fees are charged to developers and builders meant to cover costs associated with upgrading or increasing public facilities and infrastructure to accommodate population growth associated with the new development. The House Ways and Means Committee cleared the bill (HB 637). Under existing impact fee guidelines, counties, municipalities, or special districts can impose impact fees on new development using a calculation that assumes the need for additional facilities or infrastructure. The bill, sponsored by Pinellas County Republican Rep. **Nick DiCeglie**, would require local governments to calculate the fees using the most recent and localized data available within the previous 36 months, a requirement that does not currently exist.

"**Senators back stamping out smoking in parks**" via the News Service of Florida — A Senate committee approved a proposal that seeks to let local governments decide if they want to ban smoking at their public parks. The Innovation, Industry and Technology Committee backed the measure (SB 630), which would allow cities and counties to restrict smoking within the boundaries of parks further. Bill sponsor **Debbie Mayfield** said the proposal is intended to keep local parks "a healthy environment" for residents and children. "Additionally, cigarette butts are one of the most littered items in our parks, which becomes a hazard to our wildlife," Mayfield said.

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Debbie Mayfield wants to stamp out smoking from public parks.

"**Vaping pulled out of Tobacco 21 bill and put in new bill; both pass Senate panel** via Scott Powers of Florida Politics — The result is that the age increase for vaping now is included in SB 1394, new legislation filed to incorporate the vaping component, and is on a separate track from SB 810, which now only deals with increasing the age for smoking. But, along the way, SB 810's sponsor, Sen. **David Simmons**, found himself battling two challenges. First, bringing vaping under state regulation with any teeth would require a regulatory fee of $50, meaning the issue would have to be dealt with in a separate bill, one that eventually will require a two-thirds majority approval in both chambers of the Legislature. Simmons addressed that by stripping vaping out of SB 810 and putting it into SB 1394.

"**How size violence in black, Hispanic communities**" via the News Service of Florida — A House panel approved a proposal that would create a task force to investigate the root causes of violence in black and Hispanic communities in Florida. Bill sponsor **Shevrin Jones** said the 10-member task force would be similar to the Marjory Stoneman Douglas High School Public Safety Commission, which was created after the 2018 mass shooting in Parkland to improve school safety. But under Jones' proposal (HB 201), the task force would be charged with investigating systemic failures and causes of "high crime rates and gun violence incidents in urban core neighborhoods and communities."

"**Bills cracking down on shark finning, bear poaching advance in Senate**" via Scott Powers of Florida Politics — Despite some audience consternation about what the bill might do to the legal shark fishing trade in Florida, SB 680, banning the export and import and restricting the sales of shark fins won committee approval. At the same time, sponsor Sen. **Travis Hutson** promised to work with fishermen to find ways to protect legal shark fishing. He amended the bill to exempt licensed commercial fishers in Florida but made clear there still was more work to do to ease the legal fishing community's concerns. "Everybody has made it clear: it's not as simple as catch-and-release. There's a lot more going on here," Hutson said. SB 688, Sen. **Tom Wright**'s bill to tough penalties against bear poaching, faced no such resistance.

Today in Capitol

Realtor days — Nearly a thousand Florida Realtors are gathering in Tallahassee through Wednesday for the Great American Realtor Days (GARD) event, advocating for issues impacting homeowners, Realtors, and the real estate industry.

Happening today — Florida Home Builders Association Day on the Hill continues, 8 a.m., Hotel Duval, Autograph Collection, 415 N Monroe Street, Tallahassee.

Happening today — Walmart Day At the Capitol — Health and Wellness Fair, 8:30 a.m., 2nd floor Rotunda.

Assignment editors — Floridians, including first-generation refugees and their families, will hold a news conference celebrating the contribution of refugees and share their stories with state lawmakers as part of Florida Celebrates Refugee Day, 11 a.m., 4th-floor Rotunda.

Assignment editors — Last month, the House unanimously passed CS/HB 7011, which establishes a set of criteria implemented "to better protect student-athletes participating in athletics during hot weather and avoid preventable injury or death … " A group of outdoor construction and agriculture workers will hold a news conference with Sens. **Geraldine Thompson** and **José Javier Rodriguez** to ask lawmakers for similar protections, 11:30 a.m., Room 304C, Senate Press Room.

Happening today — The League of Women Voters of Florida will host a news conference on the 2020 U.S. Census and its consequences for the state, 11:30 a.m., steps of the Old Capitol.

Happening today — Sen. **Ben Albritton**, Rep. **Tina Polsky,** and a bipartisan group of lawmakers representing the area around Lake Okeechobee will join Mayors and local advocates for an announcement on water quality issues impacting Southwest and South Florida, noon, 4th-floor Rotunda.

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Happening today — Florida Keys Day, a reception highlighting the Florida Keys, 1 p.m., Capitol Courtyard.

Happening today — The Florida African American Ministers Alliance (FAAMA) is hosting a news conference to denounce attacks on the Florida Tax Credit Scholarship , 1:30 p.m. 4th-floor Rotunda.

The House Health Market Reform Subcommittee meets to consider HB 1163 from Rep.**Colleen Burton**, which seeks exemptions to the Certificate of Need regulatory process for specified intermediate care facilities for people with developmental disabilities, 8 a.m., Room 306, House Office Building.

The House Insurance & Banking Subcommittee meets to consider HB 771 from Rep.**Erin Grall**, which seeks to repeal the state's long-standing no-fault auto insurance system, 8 a.m., Room 404, House Office Building.

The House PreK-12 Innovation Subcommittee meets to consider HB 737 from Rep.**Kimberly Daniels**, which requires public schools to hold a daily moment of silence, 8 a.m., Reed Hall, House Office Building.

The House Justice Appropriations Subcommittee meets to consider HB 199 from Reps.**Tracie Davis** and **Scott Plakon**, which seeks to end the statute of limitations for child sex-abuse victims to bring about criminal cases against their abusers, 9 a.m., Morris Hall, House Office Building.

The House Workforce Development & Tourism Subcommittee meets to consider HB 1297 from Rep.**Will Robinson**, which seeks to make several changes to drug-free workplace programs, 9 a.m., Room 12, House Office Building.

The Senate Agriculture Committee and the House Agriculture & Natural Resources Subcommittee meet to consider SB 1876 and HB 1063 from Sen. **Bill Montford**, Reps. **Brad Drake** and **Ralph Massullo**, which seek to make changes in the state hemp program, Senate meeting at 9 a.m., Room 301, Senate Office Building. House meeting at noon, Room 12, House Office Building.

The Senate Commerce and Tourism Committee meets to consider SB 474 from Sen.**Ben Albritton**, which seeks to cut or eliminate regulations on a series of professions such as hair braiders, hair wrappers and interior designers, 9 a.m., Room 110, Senate Office Building.

The Senate Criminal Justice Committee meets to consider several bills, including SB 1018 from Sen.**Linda Stewart**, which seeks to boost criminal penalties for indecent exposure, 9 a.m., Room 37, Senate Office Building.

The Senate Health Policy Committee meets to consider the confirmation of the Department of Health Secretary **Scott Rivkees**, who is also serving as state surgeon general, 9 a.m., Room 412, Knott Building.

The House Higher Education Appropriations Subcommittee meets to consider PCB HEA 20-01, which seeks to restrict sponsorship of athletic facilities at state colleges and universities, 10 a.m., Room 212, Knott Building.

The House Business & Professions Subcommittee meets to consider HB 363 from Rep.**Sam Killebrew**, which seeks to end "rent-to-own" pet leasing arrangements for dogs and cats, noon, Room 212, Knott Building.

The House Government Operations & Technology Appropriations Subcommittee meets to consider HB 1011 from Reps. **Jason Fischer** and **Mike La Rosa**, which seeks to preempt cities and counties from regulating vacation rental properties, noon, Morris Hall, House Office Building.

The House Health Care Appropriations Subcommittee meets to consider HB 6031 from Rep.**Cary Pigman**, which seeks to remove the $1 million lifetime coverage limit for children enrolled in the Florida Healthy Kids program, noon, Room 404 House Office Building.

The House Transportation & Infrastructure Subcommittee meets to consider HB 6083 from Reps.**Ana Maria Rodriguez** and **Blaise Ingoglia**, which seeks to revoke state authorization of red-light cameras, noon, Reed Hall, House Office Building.

The Senate Banking and Insurance Committee meets to consider SB 924 from Sen.Brandes, which seeks to make it harder to file "bad faith" claims against insurance companies, 12:30 p.m., Room 412, Knott Building.

The Senate Children, Families and Elder Affairs Committee meets to consider SB 152, also from Brandes, which seeks to add "dental therapists" as an additional type of health care provider, 12:30 p.m., Room 301 Senate Building.

The Senate Judiciary Committee meets to consider SB 1354 from Brandes, which seeks to make changes to the statewide voter registration application process as well as address the eligibility of felons to vote, 12:30 p.m., Room 110, Senate Office Building.

The Senate is scheduled for a floor session to consider SB 404 from Sen.**Kelli Stargel**, which seeks to

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require parental consent before minors can have abortions, 3 p.m. Senate Chamber.

The House Children, Families & Seniors Subcommittee meets to consider HB 835 from Reps.**Matt Willhite** and Plakon, which seeks to increase the state's efforts to address Alzheimer's disease and dementia-related disorders, as well as create the post of dementia director in the Department of Elder Affairs, 3:30 p.m., Room 12, House Office Building.

The House Civil Justice Subcommittee meets to consider HB 319 from Rep.**Clay Yarborough**, which seeks to develop a "Florida Guide to a Healthy Marriage," to be posted on court clerks' websites and possibly as printed copies distributed to marriage-license applicants, 3:30 p.m., Room 404, House Office Building.

The House Oversight, Transparency & Public Management Subcommittee meets to consider HJR 1325, a constitutional amendment from Rep. **Vance Aloupis**, which seeks to end the public campaign-financing system available to statewide political candidates, 3:30 p.m., Morris Hall, House Office Building.

The House PreK-12 Appropriations Subcommittee meets to consider HB 23 from Reps.**Dan Daley** and **Mike Gottlieb**, which seeks to mandate public schools to have panic alarms for emergencies, 3:30 p.m., Reed Hall, House Office Building.

Happening today — The 2020 Senate Reunion celebrates the legacy of former lawmakers and their collective service to the state of Florida, 3:45 p.m., Senate Chamber.

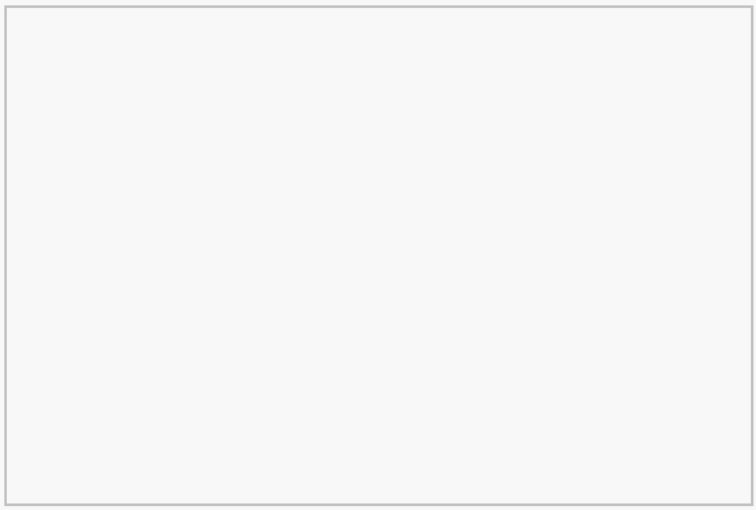
Gov. Club buffet

New England clam chowder; mixed garden salad with dressings; Caesar salad with grilled chicken; tomato, cucumber, red onion, and feta salad; deli board, lettuce, tomatoes, cheeses, and breads; Ronnie's fried chicken; Nana's meatloaf with mushroom sauce; grilled salmon with lemon piccata sauce; buttermilk mashed potatoes; braised collard greens; corn and okra; peach cobbler for dessert.

Statewide

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"**Florida's new judges 'all think the same,' Ron DeSantis' top lawyer says**" via Lawrence Mower of the Tampa Bay Times — DeSantis appointed 56 judges during his first year in office, more than half of them women and nearly 40% of them minorities. But they're identical in one respect: They all share the same strict judicial philosophy, said DeSantis' general counsel, **Joe Jacquot**. This commonality was revealed when the judges recently attended the Florida Judicial College program, a course required of all new judges, Jacquot said during a Federalist Society convention in Orlando. "I heard back from several of them who talked about the diversity in the room," Jacquot recounted. "But they said, 'We all think the same.' So that's great." Jacquot's comments provided a rare behind-the-scenes glimpse at how the governor chooses his jurists.



Joe Jacquot, Gov. Ron DeSantis' general counsel, gives a glimpse into the judicial nominating process.

"**Marco Rubio criticizes banks for halting voucher contributions, says they're seeking 'wokeness points'**" via Annie Martin of the Orlando Sentinel — U.S. Sen.**Rubio** criticized Fifth Third and Wells Fargo banks in a statement on Monday, saying the companies were seeking "'wokeness' points from the radical left" after they halted contributions to Florida's most extensive voucher program unless the state prohibits private schools that receive the money from discriminating against LGBTQ students. The banks' decision came after the Orlando Sentinel reported Jan. 23 that more than $105 million from the Florida Tax Credit Scholarship Program, which pays for low-income children to attend private schools, went to campuses with anti-LGBTQ policies last year. The program is funded by companies that receive dollar-for-dollar tax write-offs for their contributions.

"**A change in Florida's rules of court just made work life easier for women**" via Michael Molina Florida Phoenix — The new rule creates a presumption that attorneys arguing lawsuits are entitled to continuances — that is, procedural delays — to accommodate parental leave when they give birth or adopt. "This rule will remove an obstacle to anyone who wants to be both an engaged parent and a successful litigator," **Kimberly Hosley** of The Orlando Law Group, president-elect of the nonpartisan Florida Association of Women Lawyers, told the Florida Phoenix. "As studies show, women are not given the opportunity to be lead trial counsel at the same rate as men. Some think that is because of the fear that their lead counsel could potentially be unavailable at the time of trial due to childbirth or maternity leave," Hosley said.

"**Florida to debut high school civics test**" via Jeffrey Solochek of the Tampa Bay Times — In a memo to school district superintendents, K-12 Chancellor **Jacob Oliva** announced that the test would be available in the spring for schools to pilot on a voluntary basis. "Pilot exam results will not affect graduation requirements or school accountability," Oliva wrote. "The department will report on which districts and schools participate in the pilot, and on student participation and pass rates." Although not required at this point, the department is encouraging students taking U.S. government or economics courses to take the test. The department would provide the exam to the districts and allow them to offer it either via computer or paper. The test would take 100 minutes and could be spread over two sessions.

AMERICAN OVERSIGHT

Water fight

A group of scientists, academics, local businesses, green industry professionals, and local leaders concerned about protecting the state's water quality have joined together to launch Floridians for Water Quality Protection, a coalition set up to fight and advocate for water and waterways.

Floridians for Water Quality Protection will focus on the current assortment of local fertilizer ordinances — several of them conflicting — which they say is among the main reasons Florida is still struggling with water quality problems.

A new coalition is trying to make sense out of fertilizer regulations to protect Florida waterways.

As evidence of the continuing failure of local ordinances to impact these issues, the group points out the 2018 increase in algae blooms and red tides.

"The State of Florida essentially has 410 cities with their own rules and regulations or nothing at all when it comes to local fertilizer ordinances," said director of agronomy of Massey Services **Eric Brown**, Ph.D. in a statement. "This has essentially created a conflicting — and sometimes very confusing — patchwork of local fertilizer ordinances that are not based on science and are doing more harm than good when it comes to our water quality."

Others argue that local ordinances often go against proven science and independent, third-party data, as well as Florida statute.

"In many places, the county may have completely different rules than what's in the city or vice versa, revealing the abject failure of local control to meaningfully address this issue, however well-intended," said **Mac Carraway**, executive director of the Environmental Research and Education Foundation, Inc. "These ordinances simply ignore the established peer-reviewed findings that healthy lawns and landscapes contribute little if anything to runoff."

For more information on Floridians for Water Quality Protection, visit **ProtectFlaWater.com**, follow **@ProtectFlaWater** and like **FB.com/ProtectFlaWater**.

Mother nature

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Happening today — The Florida Public Service Commission meets to consider a proposal allowing Duke Energy Florida to collect $171.3 million from customers to cover costs related to Hurricane Dorian, 9:30 a.m., Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee.

"**Agriculture Commissioner fires, takes consultants tied to sugar farmers off Lake O panel**" via Tyler Treadway of TC Palm — The department had a $35,000 contract calling for firm President Thomas K. MacVicar and two employees, William Baker and Lennart "Len" Lindahl, to help with "monitoring, understanding and influencing the water-related issues important to agriculture in South Florida." ... Fried terminated the contract "because it's at her discretion to do so," spokesman Franco Ripple told TCPalm in an email. "It's great news that Commissioner Fried has listened to Floridians who are sick and tired of business as usual and finally decided to do the right thing," U.S. Rep. Brian Mast, who has called for both lower lake levels and firing MacVicar, said in an email.

"**Water management district backs Everglades deal**" via the News Service of Florida — The South Florida Water Management District has approved a plan to buy about 20,000 acres in the Everglades, a deal that would block exploratory oil drilling on part of the property. The district's Board of Governors on Saturday approved purchasing the land from Kanter Real Estate LLC. DeSantis last month announced the proposed acquisition, after years of litigation about potential oil drilling on part of the Kanter property in Broward County. The state Department of Environmental Protection obtained an option to buy the 20,000 and wanted to assign the option to the water management district, according to an agenda for Saturday's meeting.

"**Ray Rodrigues questions Drew Bartlett's effectiveness as SFWMD Executive Director**" via Florida Politics — When Bartlett came before the House Agriculture and Natural Resources Subcommittee, Rodrigues questioned why Bartlett failed to request authorization for the Lake Okeechobee Watershed Restoration Project (LOWRP) from the U.S. Army Corps of Engineers. At the time, Bartlett said he needed to discuss an unrelated project — the Everglades Agricultural Area Reservoir — before he could send the request to the Corps. Rodrigues isn't buying it. "What is disappointing is that on November 14, 2019, the South Florida Water Management District (SFWMD) discussed the LOWRP. At the meeting's end, you were asked by SFWMD Board Chairman Chauncey Goss if you understood their direction to write the letter. In response, you responded 'absolutely," the Estero Republican wrote in a letter dated Jan. 29.

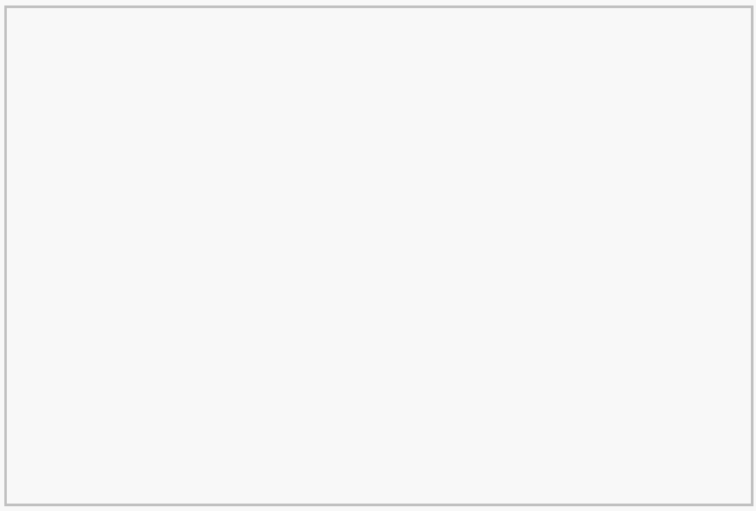
Drew Bartlett is coming under fire for his perceived lack of effectiveness as SFWMD Executive Director.

"**Current Florida panther roadkill pace would double state record**" via Chad Gillis of the Fort Myers News-Press — Drivers are on pace to kill 72 Florida panthers this year after six road kills were recorded in January. That would more than double the current record of 34 vehicle deaths set in 2016. But scientists and panther advocates say that's unlikely to happen. Road kills often occur in bursts, and weeks can pass between road kills when the pace is slower. "The data shows we don't keep this pace per month," said Florida Fish and Wildlife Conservation Commission panther biologist **Dave Onorato**. "We kind of go through these spurts, and then we go through some dry spells."

"**1,400 pounds of shark fins found by wildlife inspectors in Miami**" via NBC 6 South Florida — Wildlife inspectors found dried shark fins in Miami worth upward of $1 million. The 18 boxes of fins were found at a port in Miami on a shipment believed to have originated in South America and that was likely headed to Asia, U.S. Fish and Wildlife Service officials said. The commercial value of the seized shipment is believed to be between $700,000 and $1 million, officials said.

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"**Bernie Sanders won the race for Democratic donors in 2019**" via Kevin Schaul, Anu Narayanswamy, Reuben Fischer-Baum and Michelle Ye Hee Lee of The Washington Post — **Sanders** had 1.4 million donors from across the country. Sanders, who is surging in the polls as Iowa's caucuses open, entered 2020 with at least $18 million — more than any of his Democratic rivals who are not self-funded billionaires. Democratic candidates tended to draw the most donor support from their home states, but the U.S. Senator built a sprawling donor base from coast to coast. Sanders's donor base spiked in the final quarter of 2019, when he garnered hundreds of thousands of new donors — a remarkable political revival for the candidate, who had a slow summer and whose heart attack in October raised doubts about how long he would remain in the race.



Bernie Sanders is the big money winner for 2019.

"**Sanders once likened poor whites to Blacks under apartheid**" via Marc Caputo and Laura Barrón-López of POLITICO — At a 1986 public forum, Sanders said poor Vermonters "are the equivalent of blacks in South Africa. They don't vote; they aren't involved, they don't care about the issues," according to the Bennington Banner in Vermont. Sanders amended his statement after one observer on stage commented about his "pretty fiery oratory." "Obviously, the analogy is not true," Sanders then responded, "because in South Africa, the blacks are not invisible — they are beginning to stand up." At the time of his remarks, Vermont's population was about 99 percent white and about 0.2 percent black.

"**Michael Bloomberg campaign launches anti-gun violence bus tour in Orlando, opens first Florida field office**" via Steven Lemongello of the Orlando Sentinel — On a night when other presidential campaigns were out in force across a cold and wintry Iowa, volunteers and organizers for the **Bloomberg** presidential campaign put the finishing touches on its first field office in Florida, complete with a bus ready to roll out on a multistate tour centered on ending gun violence. Field organizer **Dan Larson** drilled the last screws into the "Mike Bloomberg" sign at the entrance to the former City Arts building on S. Orange Ave. Bloomberg, the financial billionaire and former New York City Mayor, had skipped the contentious Iowa Democratic caucuses and early primary states for a risky but potentially delegate-rich strategy of focusing on the larger states voting in March, including Florida.

First in Sunburn — Former state Rep. Robert Asencio switches endorsement from Joe Biden to Bloomberg — Following the Iowa Caucuses and the release of Democratic candidateBloomberg's plan to support Puerto Rico, **Asencio** is changing his endorsement from **Biden** to support Bloomberg. "While many leaders offer empty words and meaningless rhetoric, Mike Bloomberg is offering a substantive plan that would ensure long term security for Puerto Rico," Asencio said. "As a Puerto Rican, I knew after seeing his plan that he was the best choice to be the next President. Given his record on Puerto Rico, I trust he will take the action we need to improve life for my friends and family on the Island." Last week, Bloomberg laid out a plan to invest in infrastructure and revitalization of Puerto Rico, while also endorsing statehood.

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SOTU

Several members of Florida's congressional delegation have announced the guests they are bringing to the State of the Union tonight. Many of them are bringing people connected to the causes they support or issues they care about. Here's a round of those who have announced who they're bringing.

Republican U.S. Sen. **Marco Rubio** is bringing prominent Uyghur human rights activist **Rushan Abbas** and Lt. Gov. **Jeanette Núñez** as his guests.

Democratic U.S. Rep. **Stephanie Murphy** is bringing high school student **Mimi (Xiaoyi) Chen** of Longwood. Chen won a State of the Union essay contest earlier this month.

Democratic U.S. Rep. **Val Demings** is Orlando Commissioner **Bakari Burns** as her guest. He is the CEO of a community health center.

Democratic U.S. Rep. **Darren Soto** is bringing Puerto Rican native **Jessica Carrillo**. She and her mother relocated to Florida in the aftermath of Hurricane Maria.

Democratic U.S. Rep. **Charlie Crist** of St. Petersburg is bringing 18-year-old **Taylor McKenny**, a Type 1 diabetic and activist.

Democratic U.S. Rep. **Ted Deutch** is bringing **Alan T. Brown**. Brown has quadriplegia and has dedicated his life to improving the lives of people living with paralysis.

Democratic U.S. Rep. **Lois Frankel** is bringing **Annette Mayer**, a South Floridian who works at a local independent pharmacy.

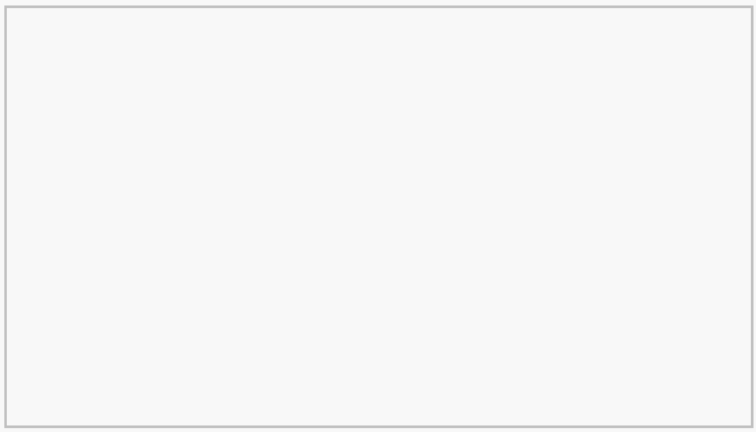
Democratic Rep. **Debbie Wasserman Schultz** is bringing Cooper City high school student **Emily Kaufman.** Kaufman has Type 1 diabetes.

Democratic U.S. Rep. **Debbie Mucarsel-Powell** is bringing 16-year-old student researcher and scientific diver in-training from Key West, **Marsella Munoz**.

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Peachy

"Donald Trump trial closing arguments aim at voters, history" via Lisa Mascaro and Eric Tucker of The Associated Press — Closing arguments Monday in **Trump**'s impeachment trial were directed more toward history than to sway the outcome, one final chance to influence public opinion and set the record ahead of his expected acquittal in the Republican-led Senate. The House Democratic prosecutors drew on the Founding Fathers and common sense to urge senators — and Americans — to see that Trump's actions are not isolated. Still, a pattern of behavior that, left unchecked, will allow him to "cheat"' in the 2020 election. The President's defense countered the Democrats have been out to impeach Trump since the start of his presidency, nothing short of an effort to undo the 2016 election and to try to shape the next one, as early primary voting begins Monday in Iowa.

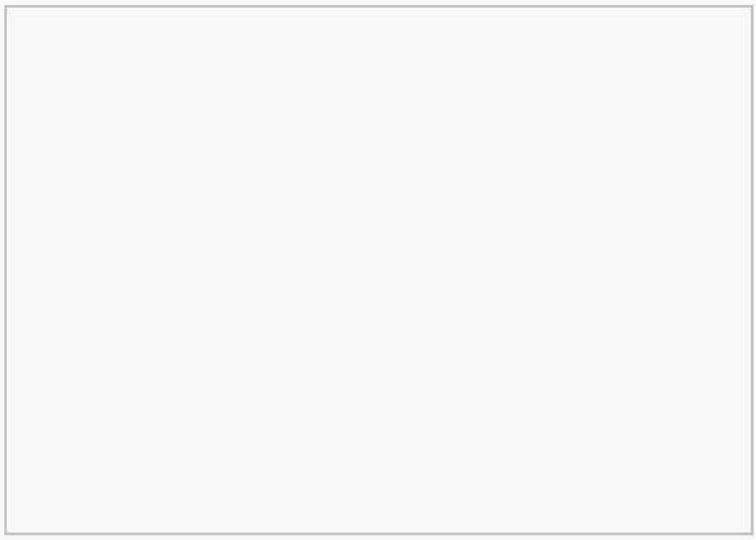


Adam Schiff closes the Donald Trump impeachment trial by attempting to put it in a historical context.

AMERICAN OVERSIGHT

D.C. matters

"**Trump and Nancy Pelosi haven't spoken in months**" via Manu Raju of CNN — According to a**Pelosi** spokesman, the two had not spoken since the October 16 meeting in which Trump insulted Pelosi, including calling her a "third-grade politician," before she and other top Democrats walked out and later accused Trump of having a "meltdown." That meeting was supposed to be about Syria. The lack of communication comes amid Trump's impeachment proceedings but is all the more remarkable given the number of high-profile events that have impacted the U.S. during that time, including the killing of top Iranian commander **Qasem Soleimani** and ISIS leader **Abu Bakr al-Baghdadi**. Trump said he would likely have a difficult time working with Democrats after his expected acquittal vote.



Donald Trump and Nancy Pelosi haven't spoken in months.

"**Ex-U. S. Rep. Corrine Brown continues appeal of fraud conviction, prison time**" via Steve Patterson of the Florida Times-Union — Former U.S. Rep. **Brown** is taking the appeal of her fraud conviction a step beyond the panel that upheld her conviction last month. A lawyer for the 12-term Democratic congresswoman, now serving a five-year prison sentence, asked last week to challenge her conviction in front of the entire 21-judge 11th U.S. Circuit Court of Appeals. A three-judge panel rejected the appeal last month, but attorney **William Mallory Kent** argued that decision conflicted with precedents and that "consideration by the full court is necessary to secure and maintain uniformity of decisions." Kent had argued Brown deserved a new trial because U.S. District Judge **Timothy Corrigan** removed a juror who said the "Holy Spirit" had told him Brown was innocent.

The trail

Happening today — The Florida Supreme Court will hear arguments on two proposed constitutional amendments, seeking to allow recreational marijuana and prevent possession of assault-style weapons, 9 a.m., Florida Supreme Court, 500 South Duval St., Tallahassee.

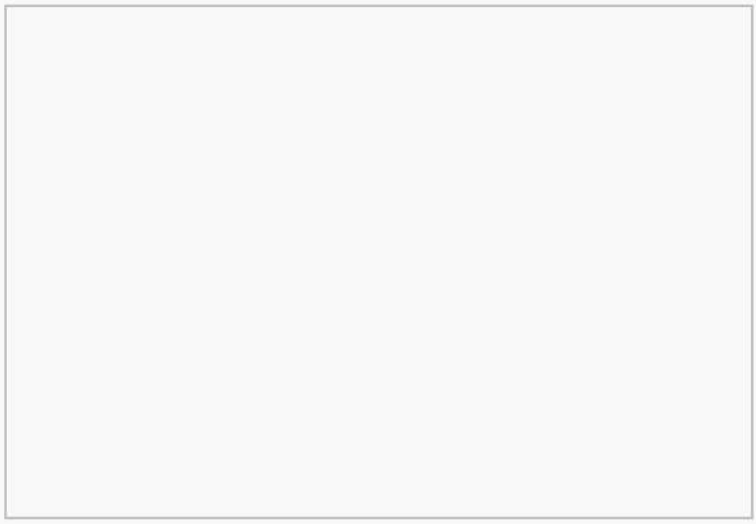
First in Sunburn — Navy veteran Todd Chase enters CD 3 race— Chase, a Navy veteran and conservative business leader, is now the latest Republican to enter the race for Florida's 3rd Congressional District, currently held by **Ted Yoho**. To announce his candidacy, Chase released a 90-second campaign launch video, "The Pilot." "As a local leader, I fought, oftentimes alone, to remind other leaders who they work for," said Chase, who holds a Harvard MBA. "I'm running for Congress to bring conservative values, backed by real-world experience, to Washington where politicians spend too much time attacking each other instead of attacking the challenges that stand between us and our future." A Jacksonville University graduate, Chase had previously served as the "lone conservative" on the Gainesville City Commission.

To view Chase's campaign launch video, **click on the image below**:

AMERICAN OVERSIGHT

"Darren Soto enters 2020 with $290K in campaign coffer" via Scott Powers of Florida Politics — Democratic Rep. Soto's campaign picked up $155,500 during the fourth quarter of 2019 and entered the election year with $290,848 in cash to support his reelection bid in Florida's 9th Congressional District. Soto is seeking a third term in the district representing southern Osceola County, south Orange County, and eastern Polk County. He posted modest campaign fundraising for an incumbent but remained comfortably well-endowed compared to any of his challengers. In the fourth quarter, his campaign cashed political action committee checks totaling $105,500 and checks from individual supporters for another $50,030. That put him at $498,203 raised with $290,808 left in the bank.

"Turning Point USA founder Charlie Kirk endorses Anna Paulina Luna in CD 13 contest" via Janelle Irwin Taylor of Florida Politics — **Kirk**, founder and president of the pro-Trump Turning Point USA and chair of Students for Trump, is endorsing **Luna** for Congress. Luna is running in the Republican primary in hopes of taking out Democratic incumbent Crist. "Anna is a true fighter for our country! We need more like her! Check out her run for Congress, critical to help patriots like her," Kirk wrote in an announcement. Turning Point USA is a far-right conservative nonprofit that seeks to increase conservative engagement among high school and college students and actively rallies against what the group sees as an influx of liberalism in academic settings and an erosion of freethinking principles.



Charlie Kirk makes an endorsement in CD 13.

"Greg Steube closes 2019 with $187K on hand for reelection campaign" via Jacob Ogles of Florida Politics — Throughout the year, he raised $332,268 in new contributions. But that wasn't the only fundraising tied to **Steube** that took place last year. Political committee activity showed he might be interested in extending his influence beyond Florida's 17th Congressional District. The Greg Steube Victory Fund, a committee separate from the Congressman's campaign, also raised $22,700 in 2019. By year's end, all that money went either to Steube's campaign ($12,400), to 9Seven Consulting ($500), or to the Getting Republicans Elected for Generations PAC ($9,800). GREG PAC spent money on 9Seven and services from **Alex Blair**, Steube's campaign manager. Consider it a sign the Sarasota pol wants groundwork laid to help elect other Republicans to the House.

"Perry Thurston endorses Shevrin Jones in SD 35 contest" via Ryan Nicol of Florida Politics —**Jones** is one of five Democrats competing in the left-leaning district. Serial candidate **Josue Larose** has also filed as a Republican. **Thurston**'s support is another signal that state Democrats are getting behind Jones' candidacy. Term-limited Sen. **Oscar Braynon**, who currently holds the SD 35 seat, already backed Jones to serve as his successor. Last month, Jones also courted an endorsement from U.S. Rep. **Debbie Wasserman Schultz** of Florida's 23rd Congressional District.**Andrew Gillum**'s political committee, Forward Florida, is supporting Jones as well. "As both a colleague representing Broward County and a

AMERICAN OVERSIGHT

friend, I've known Shevrin for many years and have seen his fierce commitment to the people of South Florida firsthand," Thurston said.

Happening tonight:

and

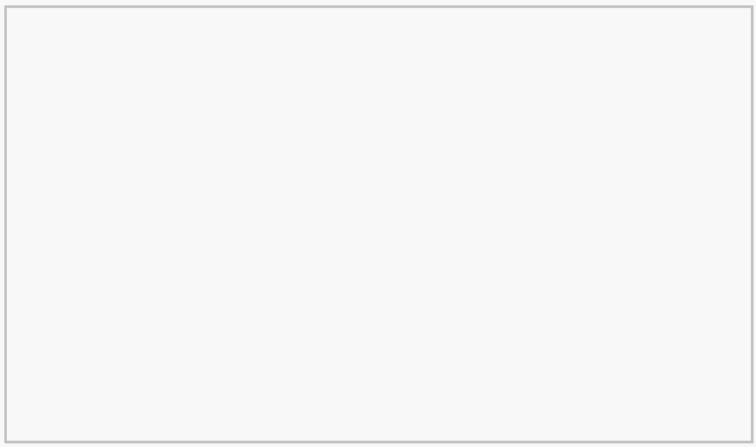
AMERICAN OVERSIGHT

"Matt Caldwell, running for Lee Property Appraiser, trashes Florida GOP efforts in 2018" via Jacob Ogles of Florida Politics — **Caldwell** said that despite victories at the ballot box in 2018, results overall disappointed. "What is indisputable is that the party has never recovered from Crist and **Jim Greer**, and I think that fact had a lot to do with how weak our showing was in our statewide elections overall." Caldwell will also run for Lee County State Committeeman. That would put him in position to run for a statewide position with the party, and rumors in Lee County have swirled he wants to be state chair. "For now, I will say, I'm just looking to make myself available," he said.

Local

AMERICAN OVERSIGHT

"**Attorney: Mar-a-Lago checkpoint crasher is mentally ill**" via Terry Spencer of The Associated Press — The Connecticut opera singer who drew gunfire when she smashed an SUV through security checkpoints outside Trump's Florida home is mentally ill and wasn't taking her medication before leading a trooper on a wild chase, her attorney told a judge Monday. Attorney **David Roth** did not elaborate on **Hannah Roemhild**'s illness, but Palm Beach County Judge **Ted Booras** agreed to have her seen by a psychologist before holding another hearing. Roemhild, 30, will remain jailed without bail on charges that include aggravated assault on a law enforcement officer from last Friday's chase through Palm Beach and past security outside Trump's Mar-a-Lago resort and home. Roemhild refused to appear in court.



Lawyers for Hannah Roemhild, who is accused of driving through checkpoints outside Donald Trump's Florida home Mar-a-Lago, say she is mentally ill.

"**al-Qaida in Yemen claims responsibility for NAS Pensacola shooting**" via Samy Magdy of The Associated Press — al-Qaida's branch in Yemen claimed responsibility Sunday for last year's deadly shooting at the Naval Air Station Pensacola by an aviation student from Saudi Arabia. The shooter, 2nd Lt. Mohammed **Saeed Alshamrani**, was a member of the Saudi Air Force in training at the base. He opened fire inside a classroom at the base on Dec. 6, killing three people and wounding two sheriff's deputies before one of the deputies killed him. Eight others were also hurt. al-Qaida in the Arabian Peninsula, or AQAP, released a video claiming the attack. SITE Intelligence Group, which tracks messaging by militant groups, reported the claim.

"**Osceola sheriff's letter said Aramis Ayala hindered Nicole Montalvo case. 'Blatant lies,' she says**" via Monivette Cordeiro and Cristóbal Reyes of the Orlando Sentinel — Sheriff **Russ Gibson** accused Orange-Osceola State Attorney **Ayala** of hindering the investigation into **Montalvo**'s killing by directing her staff not to assist detectives in obtaining evidence from the suspects' phones or testimony from a key witness — a claim Ayala called "complete blatant lies." In a letter to DeSantis, the Osceola sheriff alleged "inaction" by Ayala's office was due to Ayala's "desire to advance her position against the death penalty" and asked for her removal from the case. Two days after Gibson's letter, DeSantis reassigned the case to Ocala-based State Attorney **Brad King**. Ayala vehemently denied Gibson's accusations. "Unfortunately, the attorney general and the governor based their perspective and decision on whatever action needed to be taken on lies."

"**From $1 to $1,500: Cost of alleged nepotism just went up for former Midway Mayor Wanda Range**" via Jeff Schweers of the Tallahassee Democrat — The Florida Commission on Ethics took a rare step in changing an administrative law judge's recommended $1 fine in favor of $1,500 against a former Midway Mayor who voted to appoint her first cousin to step into her role whenever she couldn't perform her duties. If the purpose of a fine is "to deter future disobedience of the law," the commission ruled in its final decision, made public last week, then "the issuance of a merely nominal penalty … is not reasonable." The decision wraps up an ethics case that began with complaints filed by residents of Midway against their former Mayor, Range, in 2017 and 2018.

"**Six big Tampa Bay projects racing to be ready for Super Bowl 55**" via Richard Danielson of the Tampa Bay Times — St. Petersburg Pier, the new $92 million Pier and its 26-acre redeveloped site are projected to make their debut in the spring; JW Marriott, 510 Water St., Tampa; Midtown Tampa, the $550 million project about two miles south of Raymond James Stadium has been 20 years in the making; Haya Hotel, the $52 million Hotel Haya in Ybor City is projected to open this spring; Museum of the American Arts and Crafts Movement, the opening date for the ambitious five-story, 137,000-square-foot Museum it is currently projected to be early this spring; Hyatt House/Hyatt Place hotels, southeast corner of N Florida Avenue and E Kennedy Boulevard, Tampa, is projected for the first quarter of 2021.

AMERICAN OVERSIGHT

Top Opinion

"**The moment is now for LGBTQ equality in Florida schools and everyday life**" via the Orlando Sentinel editorial board — House Bill 45 revises the eligibility requirements for a private school to get state voucher money. If only Florida's other problems were this simple to remedy. Like, say, convincing Florida's legislative leaders that it's finally time to end state-sanctioned discrimination. State Rep. **Jennifer Sullivan**, who heads the House Education Committee, is quite fine with discrimination against gay kids, saying if parents don't like it, they can find another school. "Not every school is going to be the best fit for every student. That's one of the great things about a choice program: that a parent has that opportunity to go to multiple schools and see what culture is going to best benefit that student." Got that? Discrimination = culture.

Opinions

"**After witness vote, a Senate only Caligula could love**" via John Micek of Florida Phoenix — The next time someone tells you that the U.S. Senate is the world's greatest deliberative body, your answer should be no longer than two words: Marco Rubio. "Just because actions meet a standard of impeachment does not mean it is in the best interest of the country to remove a President from office," Rubio wrote in a post before the Senate voted along party lines to reject calling witnesses. Or you can answer "**Lamar Alexander**." Alexander agreed Trump "did something inappropriate, but I don't agree he did anything akin to treason, bribery, high crimes and misdemeanors. I think there's a big gap there." The world's greatest deliberative body? Hardly. It's a Senate that only a Roman emperor could love.

"**Lamar Alexander's finest hour**" via The Wall Street Journal editorial board — The Tennessee Republican listened to the evidence and arguments from both sides, and then he offered his sensible judgment: Even if Trump did what House managers charge, it still isn't enough to remove a President from office. This isn't an abdication. It's a wise judgment based on what Trump did and the rushed, partisan nature of the House impeachment. Alexander's statement made two other crucial points. The first concerns the damage that partisan removal of Trump would do to the country. "Our founding documents provide for duly elected presidents who serve with 'the consent of the governed,' not at the pleasure of the United States Congress. Let the people decide."

"**The death of growth management in Florida — a sequel**" via the Orlando Sentinel editorial board — This year's proposal, backed by state House Rep. **James Grant**, is ostensibly related to guarding private property rights, which are protected by the U.S. Constitution's Fifth Amendment. It says the government can take someone's property for a public purpose, but the property owner must receive "just compensation." Florida law goes further. Even if the government doesn't actually take possession of someone's property, the owner might be entitled to some compensation if a government regulation or ordinance unfairly restricts the property's use. Under Grant's bill, if there's a settlement, or if the property owner wins, "similarly situated" property owners would be able to get in on the action. No one is quite sure what "similarly situated" means.

"**Permanent alimony needs to come to an end**" via Alex Andrade for the Pensacola News Journal — I'm proud to sponsor legislation in the 2020 Session seeking to reform Florida's outdated alimony system. This reform is designed to accomplish several goals. First, lifetime alimony must be eliminated. Lifetime alimony has created a culture of dependency; one ex-spouse can rely on another for monthly support until death. In 2020, our laws should focus on encouraging long-term self-sufficiency. Second, our legislation creates clearer guidelines for alimony rulings, allowing for parties to anticipate their outcomes without the need to undergo drawn-out alimony battles in court. Third, we establish an absolute right to retire for alimony payors. These reforms, among others, aim to let ex-spouses move on and no longer remain connected to a failed marriage.

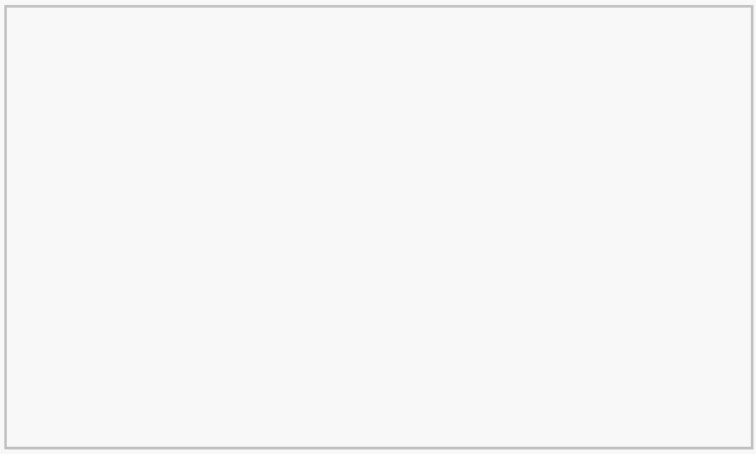
Movements

"**Senate panel approves Eric Silagy, others for State University System Board of Governors**" via Ryan Nicol of Florida Politics — The Senate Education Committee signed off on a series of executive appointments, including a move to place Florida Power & Light (FPL) President and CEO **Eric Silagy** on the State University System (SUS) Board of Governors. The Committee reviewed four DeSantis appointments to that board at a Monday afternoon hearing. The panel also approved the appointments for **Brian Lamb**, **Steven M. Scott** and **Kent Stermon**. Those approvals were unanimous. The members' respective terms will end on Jan. 6, 2026. Monday's stop was their first. The Senate Ethics and Elections Committee is also slated to review the appointments before they go up for a vote by the full Senate.

AMERICAN OVERSIGHT

Aloe

"FSU alum, Chiefs player celebrates Super Bowl win by paying off dog adoption fees" via Curt Weller of the Tallahassee Democrat — **Derrick Nnadi** is a former Florida State defensive tackle who started for Kansas City as the Chiefs rallied to beat the San Francisco 49ers 31-20 in Super Bowl LIV in Miami Gardens. Along with former FSU offensive lineman **Cameron Erving**, they are the 38th and 39th FSU alumni in program history to win a Super Bowl. Within hours of winning it all, Nnadi made the most of the moment. In the wake of the win, he announced that he's paying the adoption fees for all the dogs currently living at KC Pet Project. Nnadi had been helping KCPP find homes for homeless animals all season through his Derrick Nnadi Foundation, but this commitment takes his pledge to another level.



FSU alum, Chiefs player Derrick Nnadi, celebrates his Super Bowl win by paying adoption fees for shelter dogs.

"Super Bowl MVP Patrick Mahomes joined by Make-A-Wish recipient at Disney World Parade" via Benjamin VanHoose of People — **Mahomes** is feeling the Disney magic. On Monday — just hours after he led the Kansas City Chiefs to a win over the San Fransisco 49ers at the Super Bowl — the quarterback, 24, made the trip to Walt Disney World to take part in an extravagant parade. According to a Disney Parks Blog news release, 10-year-old **Nathaniel** of Austin, Texas, got to take part in the parade with the NFL star, as 17 other Make-A-Wish children were also along to visit the Magic Kingdom. Disney Parks donated $1 million to Make-A-Wish as part of the celebration. The Disney Parks Blog announced the victory trip on Instagram, showing highlights from the big game with "When You Wish Upon a Star" from the 1940 Disney film Pinocchio playing over it.

"The Kaiseki Chef's Table experience at Epcot's Takumi-Tei is Disney's hottest new foodie splurge" via Amy Drew Thompson of the Orlando Sentinel — Purple flowers, red tomato, golden bee pollen studded with black sesame, all piled atop a lush, green nest of frisée dressed with leek. Alongside, a petite carapace — tamagogani — nestles as if hiding in seaweed washed up on the sandy beach beneath. The hefty treasure of snow crab leg, its naked meat an alluring stalk few could finesse from the shell sat at the center. A tiny claw crowned the dish; in its pincer, a radiant pink scroll of housemade tsukemono — watermelon radish — its color entirely natural. It was apt that my opportunity to sample the delicately beautiful dishes and drinks at Disney's Takumi-Tei fell amid the Epcot International Festival of the Arts, as this serene, sophisticated space is nothing if not artful.

Happy birthday

How could we forget to wish the incredible**Katie Webb** of Colodny Fass a happy birthday? She's a Golden Rotunda winner and one of the top lobbyists in the industry. Our sincere apologies. Celebrating today are **Dan Barrow** of Veterans Florida, **Dan Berger**, former Sen. **Dwight Bullard**, and **Joel Greenberg**.

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From: Peter Schorsch <peterschorsch@floridapolitics.com>
Sent: Tuesday, February 04, 2020 6:10 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Sunburn — The morning □ read of what's hot ☀☀ in Florida politics — 2.4.20 — Burnin' today: Iowa, Book, Fried, Moody, DeSantis, Leek, Gruters

AMERICAN OVERSIGHT

Lawmakers are lacing up their walking shoes as Sen. **Lauren Book** and her Lauren's Kids Foundation prepare a multiday walk at the Capitol for child sexual abuse awareness.

That event intends to honor the 42 million survivors of child sexual abuse living in the U.S. Treadmills will be placed inside The Capitol where lawmakers, abuse survivors and others will take turns walking from noon Tuesday until noon Thursday.

Lauren's Kids, led by Sen. Lauren Book, will have treadmills set up in The Capitol. It's an extension of her annual Walk in My Shoes event. Image via Tallahassee Democrat.

Among the elected officials joining Book for the walk is Agriculture Commissioner **Nikki Fried**, Attorney General **Ashley Moody**, Sens. **Aaron Bean**, **Wilton Simpson**, **Annette Taddeo** and **Tom Wright**, and Rep. **Melony Bell**.

The Capitol walk is an extension of Lauren's Kids' annual "Walk in My Shoes" event, a multiday trek between Key West and Tallahassee.

During the 2019 Session, Book's foundation switched things up and used the Capitol to host the walk. Book says she chose Tallahassee for the walk due to its pivotal role in improving the lives of those affected by abuse.

"I've always found that this is a place where true change takes place," Book said.

"It's just become such a special piece for me in watching these survivors grow into becoming thriving individuals that does not allow this to define them."

During Regular Session, as in 2019, the event would be held in April for Sexual Assault Awareness Month. But with lawmakers meeting early due to the election year, Book's event got bumped up as well.

Several other groups also plan to walk on behalf of survivors. That includes police officers who have responded to abuse allegations, as well as trauma therapists walking one minute for each client they've seen over the year.

Book says she can still vividly remember the day she first disclosed her own abuse as a child.

"It was a bad time. It was a really difficult time."

Book started Lauren's Kids to help other abuse survivors get help and support. When the group launched its first Walk in My Shoes event, Book said she used it to "shed the bad" stemming from the trauma she experienced.

With more attention and support rallied for the issue, Book says attendees see it as something fully empowering.

"You can heal, you can survive, and you will thrive if you do the work," Book said.

"I wish that I had a model for that when I was growing up. It's remarkable when you see these kids. And I think there's this perception that 'we're broken, we're always going to be broken.' And that's not what they have. When I look at the kids today who come out and walk with us, they're proud. They're proud that they're creating a different identity, a different family, a different world for themselves."

The multiday event will stream at LaurensKids.org.

AMERICAN OVERSIGHT

Today's Sunrise

On today's Sunrise:

— A Senate committee approves raising the legal age for vaping and smoking from 18 to 21, but as things became a bit complicated, the issue gets split into two separate bills.

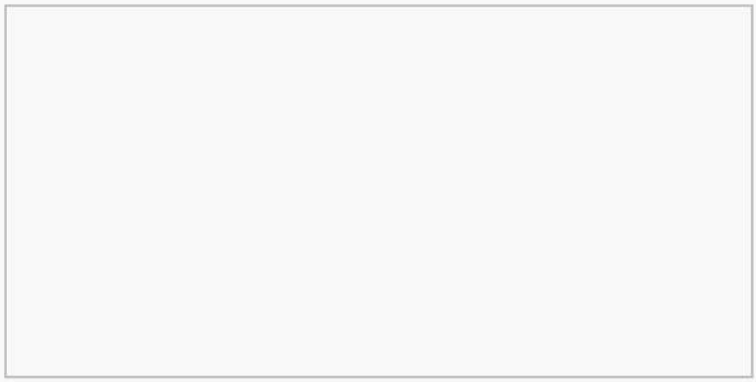
— A House committee votes to shine a light on impact fees charged by local governments

— A proposal to punish doctors who perform gender selection surgery on minors is workshopped but does not get a vote. And that's about all it will get this Session.

— While Hurricane Dorian didn't do any real damage to Florida, customers of Duke Energy will be paying anyway. The PSC votes on a Dorian surcharge that will cost consumers about $170 million over the next year.

— And the story of Florida Man, who was charged with attempted murder after police identified him by DNA in his own sock.

To listen, **click on the image below**:



Situational awareness

—**@MarcoRubio**: If House votes to impeach, the Senate decides not just guilt or innocence, but also whether removal is in the nations best interest EVEN IF (not EVEN THOUGH) Article I could be proven, removal would not serve the nations best interest; Article II is a joke.

—**@DeFede**: I'm about an hour into the Cable network Caucus coverage, and I'm more convinced than ever this is the dumbest system imaginable. How can I say this nicely: F&@# Iowa.

—**@Cameron_Kasky**: I am at my first caucus ever, and the fact that this is how we do our politics is genuinely laughable. I had no idea how childish it was. Our democracy is an elementary school dodgeball game.

Tweet, tweet:

AMERICAN OVERSIGHT

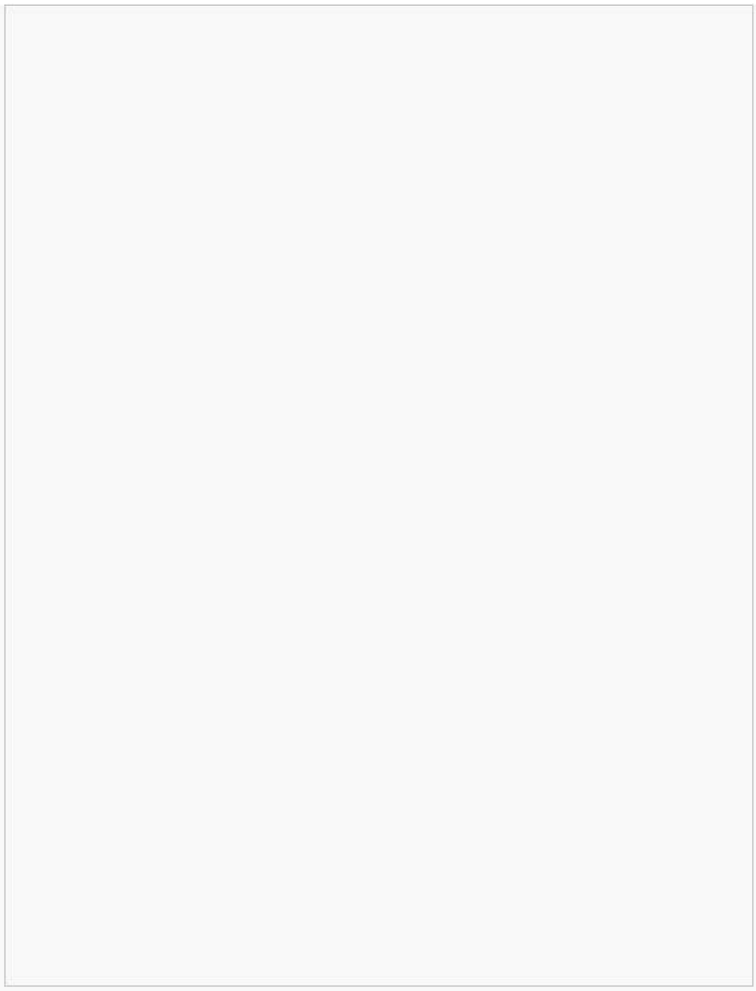
—**@SMurphyCongress**: Proud that **@Mike2020** recognizes the importance of Florida and is already investing here. As Florida goes, so goes the nation. Thank you for your continued focus on gun violence,

—**@TheRickWilson**: I just heard the news that**Rush Limbaugh** has advanced lung cancer. I'm going to show you how this should be done: I wish Rush a speedy and complete recovery from his cancer. Human being pro-tip: don't wish cancer on *anyone* ... even on your adversaries.

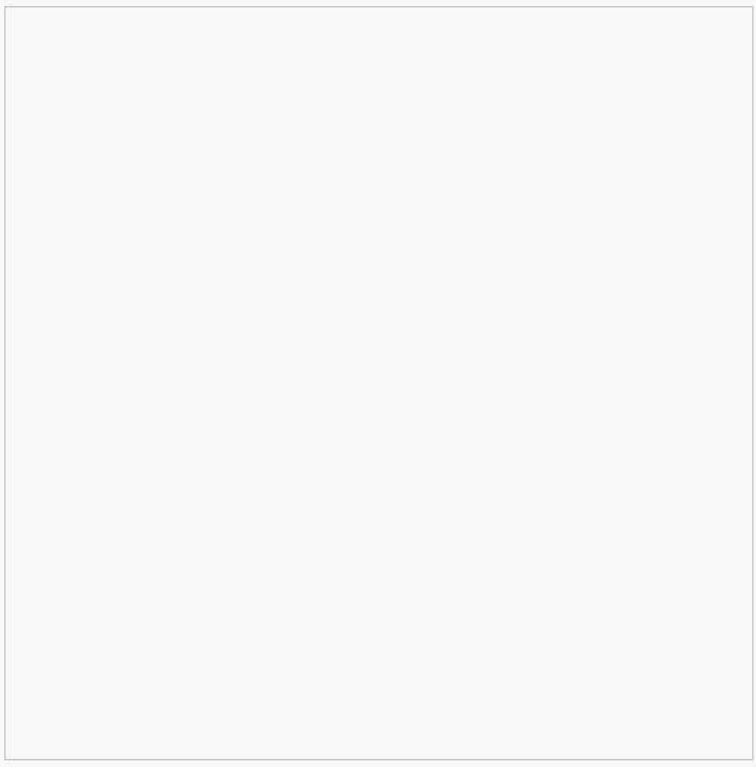
—**@Fineout**: So apparently a Fla Senate committee is having tough time figuring out how to pass bills in the aftermath of the 2/3 tax/fee requirement #FLLeg passed — gee if someone at the time had suggested that legislators did not fully explain/figure out how it would work ... oh wait ...

Tweet, tweet:

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Tweet, tweet:



—**@CarlosGSmith**: Thanks to the moms, transgender Floridians, + REAL medical experts who shared stories in opposition to HB 1365 — a bill that criminalizes lifesaving care for trans youth. HB 1365 is procedurally DEAD for 2020 Session! Let's stay vigilant to ensure it never sees the light of day!

Tweet, tweet:

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Days until

Eighth Democratic presidential debate in Manchester — 3; Capitol Press Corps press skits — 6; New Hampshire Primaries — 7; Pitchers and catchers begin reporting for MLB Spring Training — 7; South Beach Wine and Food Festival — 15; Ninth Democratic presidential debate in Las Vegas — 15; **Roger Stone**'s sentencing — 16; Nevada caucuses — 18; "Better Call Saul" Season 5 premiers — 19; 10th Democratic presidential debate in Charleston — 21; South Carolina Primaries — 25; Super Tuesday — 28; Last day of 2020 Session (maybe) — 38; Florida's presidential primary — 42; "No Time to Die" premiers — 62; Florida TaxWatch Spring Board Meeting begins — 71; TaxWatch Principal Leadership Awards — 72; Florida Chamber Summit on Prosperity and Economic Opportunity — 101; "Top Gun: Maverick" premiers — 143; Democratic National Convention in Milwaukee begins — 160; **Christopher Nolan**'s "Tenet" premiers — 164; 2020 Summer Olympics in Tokyo start — 171; Florida primaries for 2020 state legislative/congressional races — 196; First Presidential Debate in Indiana — 238; Republican National Convention begins in Charlotte — 202; First Vice Presidential debate at the University of Utah — 246; Second Presidential Debate scheduled at the University of Michigan — 254; Third presidential debate at Belmont — 261; 2020 General Election — 273.

Top story

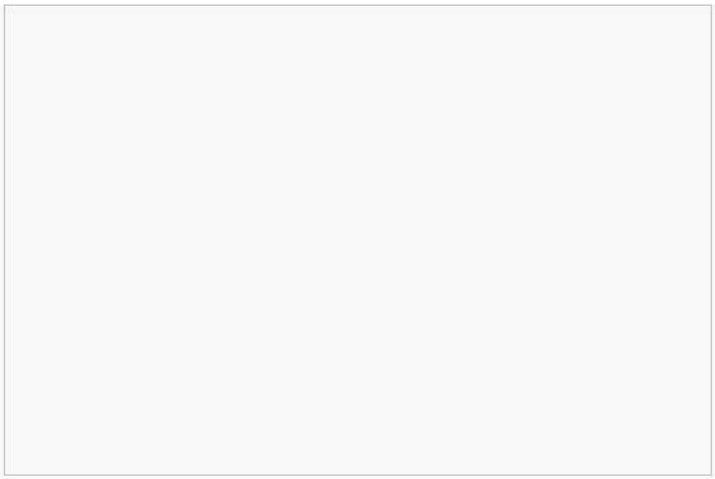
"**Democrats lay big caucus egg: No results from Iowa election**" via Steve Peoples and Thomas Beaumont of the Associated Press — Democratic party officials in Iowa worked furiously Tuesday to deliver the delayed results of their first-in-the-nation caucus, as frustrated presidential candidates claimed momentum and plowed ahead in their quest for the White House. Technology problems and reporting "inconsistencies" kept Iowa Democratic Party officials from releasing results from Monday's caucus, the much-hyped kickoff to the 2020 primary. It was an embarrassing twist after months of promoting the contest as a chance for Democrats to find some clarity in **a jumbled field with no clear front-runner**.

Instead, caucus day ended with no winner, no official results and many fresh questions about whether Iowa can retain its coveted "first" status.

State party officials said final results would be released later Tuesday and offered assurances that the problem was not a result of "a hack or an intrusion." Officials were conducting quality checks and verifying results, prioritizing the integrity of the results, the party said in a statement. The statement came after tens of thousands of **voters spent hours Monday night** sorting through a field of nearly a dozen candidates who had spent much of the previous year fighting to win the opening contest of the 2020 campaign and, ultimately, the opportunity to take on President Donald Trump this fall.

>>>Trump campaign reaction: "Democrats are stewing in a caucus mess of their own creation with the sloppiest train wreck in history. It would be natural for people to doubt the fairness of the process. And these are the people who want to run our entire health care system? Tonight President Trump posted a record performance in the well-run GOP Iowa caucuses with record turnout for an incumbent." — **Brad Parscale**, Trump 2020 campaign manager

AMERICAN OVERSIGHT

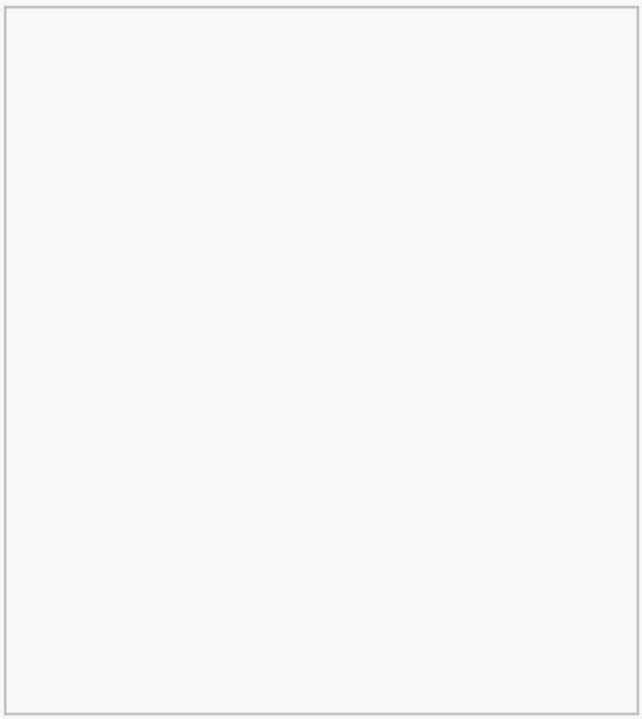


Local residents check-in after arriving at an Iowa Democratic caucus at a high school.

"**The 1,600 volunteers who were supposed to make the Iowa Caucuses run smoothly**" via Sydney Ember of the New York Times — As part of a set of reforms following the 2016 election, the Iowa Democratic Party introduced an app intended to make reporting numbers on caucus night easier. But there was a problem with the much ballyhooed innovation: Most people didn't use it. According to more than a dozen Iowa Democratic Party officials, county chairmen and volunteers involved in running precincts, many precinct leaders ignored the party's request that they download the app before caucus night or found the process of installing it too cumbersome. Instead, as they had always done, they planned to call their precinct results in. But some found it took hours for any of the dozens of people at party headquarters in Des Moines to pick up the phone to receive the results. What followed was an epic collapse of the rickety system Iowa has relied on for decades to tabulate the results of a largely analog electoral contest.

"**'It kind of failed us': With eyes of the world on Iowa, another hiccup in American democracy**" via Isaac-Stanley Becker of The Washington Post — Sean Bagniewski, chair of the Polk County Democratic Party, said that local officials were aware of problems with the app since last Thursday and that they had requested state officials resolve the problems — to no avail. "We knew the app was a problem last Thursday,' Bagniewski said. When local party officials asked the state party about issues they had with the app, they were referred to a 'dedicated staffer' who was not able to solve the problems, he said. "We had had so many complaints about the app that we started telling our chairs that if they were having problems with the app then you should call in the results,' Bagniewski said. The state party did not provide any training on how to use the app, he said, adding that while the caucus trainings are done at the county level, the app itself came from the state level."

Check out the front page of the New York Post:



AMERICAN OVERSIGHT

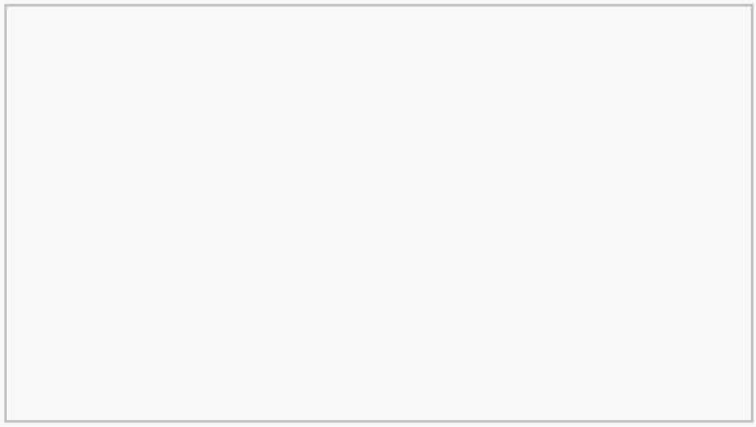
Dateline: Tally

Happening today — Gov. **Ron DeSantis** and the Florida Cabinet will take up several matters, including proposals to purchase more than 5,700 acres in Sarasota County and 17 acres in Columbia County through the Florida Forever land conservation program, 9 a.m., Cabinet Meeting Room.

"**Liberal women's groups plan Capitol protest against parental consent for abortions**" via Ryan Nicol of Florida Politics — The National Women's Liberation group is helping to promote the protest. The group describes itself as "a multiracial feminist group for women who want to fight male supremacy and gain more freedom for women." The group lists abortion and birth control access among its top priorities. Planned Parenthood, Women's March Florida, Indivisible and other liberal group supporters are organizing the protest. The gathering is scheduled for 3 p.m. "The Florida Senate is voting on SB 404, the forced parental consent bill, and we need to act," National Women's Liberation wrote in a release. "We're doing everything we can to get supporters like you to help stop this bad bill and protect our access to abortion."

"**Tom Leek on stopping trial lawyer scare tactics**" via the Florida Chamber — On the latest edition of the Chamber's "Bottom Line," state Rep. **Leek** explains why it's important to put consumers ahead of billboard lawyers — particularly those that are deploying scare tactics aimed at seniors. Rep. Leek's legal advertising bill, CJS2, will be heard today in the Civil Justice Subcommittee. The Chamber is joining DeSantis and legislative leaders like Leek to take on billboard trial lawyers, which can cost the average family $4,442 each year in lawsuit abuse "taxes."

To view Leek on "Bottom Line," **click on the image below**:



Legislation

"**Bill that would restrict medical treatments for transgender youth lies dormant**" via Samantha Gross of the Miami Herald — After lively and emotional debate on both sides of the issue, a bill that would make it a felony for doctors to provide minors with hormone therapy or to perform sex reassignment surgery will likely not see its first hearing. The bill would have carried a maximum penalty of a $10,000 fine or 15 years in prison. The House Health Quality Subcommittee held a workshop filled with hours of testimony both for and against the bill. Chair **Colleen Burton**, announced at the end that it would be the last time the committee meets.

"**Is eight enough? Senate joins House in school board term limit debate**" via Jeffrey Solochek of the Tampa Bay Times — A push for school board term limits overcame a significant hurdle as a Florida Senate committee advanced legislation that would ask voters to force board members from office after eight consecutive years. What makes the Ethics and Elections Committee's party-line vote on SJR 1216 notable is sponsor Sen. **Joe Gruters**' agreement to scale back his proposed limit to eight years from the original 12 he sought. In the past two Legislative Sessions, the limits concept ran aground in the Senate, where members were more insistent on longer terms. "Eight years aligns with the current term limits in place," Gruters told the panel. "It would provide consistency among elected officials."

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Joe Gruters is looking to scale back his school board term limit bill to eight years from the original 12.

Affordable housing bill clears Senate committee— The Senate Community Affairs Committee voted 4-0 in favor of a bill that would allow large cities to remove impact fees for new affordable housing developments, POLITICO Florida reports. "My original draft was a little bit more aggressive and dealt with truly affordable and low income," bill sponsor Sen. **Jason Pizzo** said. "Unfortunately, the appetite over in the other House is not there right now — I'm told — for the lower-income folks." SB 856 initially aimed to slash property taxes for developers of low-income and workforce housing developments in larger counties.

"**St. Pete tried to abolish super PACs. Jeff Brandes wants to end that**," via Mary Ellen Klas of the Miami Herald — **Brandes** introduced the amendment to SB 1372, a bill he filed to update elections law sought by the Florida Association of Supervisors of Elections. But instead of limiting his bill to the supervisors' fixes, he used it to take aim at a 2017 ordinance passed by the St. Petersburg City Council that abolishes super PACs and prohibits spending by foreign-influenced corporations in city elections. The Brandes amendment, which received bipartisan support on a voice vote of the Senate Ethics and Elections Committee, would ban cities and counties from "adopting any limitation or restriction" on contributions to political committees or expenditures from political committees in city elections.

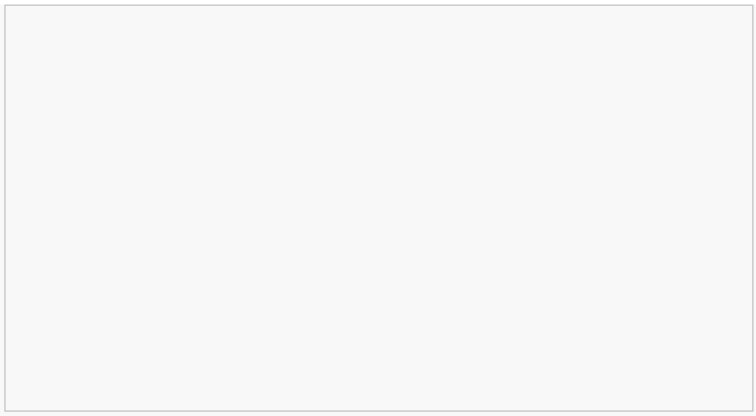
"**Legislature has plans to end tourist tax subsidies for professional sports team**" via James Call of the Tallahassee Democrat — Legislation filed this year (HB 1369) would repeal the Professional Sports Franchise Program created with the birth of the Miami Marlins — and which now has local governments on the hook for about another quarter-billion dollars in subsidies through 2038. Rep. **Cary Pigman** told the House Ways and Means Committee that it's time to have a robust discussion about these taxpayer-funded projects. They often don't deliver the return in economic development promised by the teams and leave the municipalities scrambling to pay for other government services, he said.

CST cut a heavy lift— A bill that would cap the communications services tax statewide is facing strong opposition, **Matt Dixon** of POLITICO Florida reports. SB 1174 would override local tax rates and set the maximum CST at 4%, down from the current cap of 5.1% by 2022. Local governments say the change would slash local government revenues by as much as $200 million. Though the measure was approved by its first committee Monday, bill sponsor Sen. **Travis Hutson** said its future is uncertain. Hutson said the cut might be included in a broader tax-cut package the House and Senate are negotiating.

"**Tighter restrictions on impact fees are one step closer to House passage**" via Janelle Irwin Taylor of Florida Politics — Impact fees are charged to developers and builders meant to cover costs associated with upgrading or increasing public facilities and infrastructure to accommodate population growth associated with the new development. The House Ways and Means Committee cleared the bill (HB 637). Under existing impact fee guidelines, counties, municipalities, or special districts can impose impact fees on new development using a calculation that assumes the need for additional facilities or infrastructure. The bill, sponsored by Pinellas County Republican Rep. **Nick DiCeglie**, would require local governments to calculate the fees using the most recent and localized data available within the previous 36 months, a requirement that does not currently exist.

"**Senators back stamping out smoking in parks**" via the News Service of Florida — A Senate committee approved a proposal that seeks to let local governments decide if they want to ban smoking at their public parks. The Innovation, Industry and Technology Committee backed the measure (SB 630), which would allow cities and counties to restrict smoking within the boundaries of parks further. Bill sponsor **Debbie Mayfield** said the proposal is intended to keep local parks "a healthy environment" for residents and children. "Additionally, cigarette butts are one of the most littered items in our parks, which becomes a hazard to our wildlife," Mayfield said.

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Debbie Mayfield wants to stamp out smoking from public parks.

"**Vaping pulled out of Tobacco 21 bill and put in new bill; both pass Senate panel** via Scott Powers of Florida Politics — The result is that the age increase for vaping now is included in SB 1394, new legislation filed to incorporate the vaping component, and is on a separate track from SB 810, which now only deals with increasing the age for smoking. But, along the way, SB 810's sponsor, Sen. **David Simmons**, found himself battling two challenges. First, bringing vaping under state regulation with any teeth would require a regulatory fee of $50, meaning the issue would have to be dealt with in a separate bill, one that eventually will require a two-thirds majority approval in both chambers of the Legislature. Simmons addressed that by stripping vaping out of SB 810 and putting it into SB 1394.

"**How size violence in black, Hispanic communities**" via the News Service of Florida — A House panel approved a proposal that would create a task force to investigate the root causes of violence in black and Hispanic communities in Florida. Bill sponsor **Shevrin Jones** said the 10-member task force would be similar to the Marjory Stoneman Douglas High School Public Safety Commission, which was created after the 2018 mass shooting in Parkland to improve school safety. But under Jones' proposal (HB 201), the task force would be charged with investigating systemic failures and causes of "high crime rates and gun violence incidents in urban core neighborhoods and communities."

"**Bills cracking down on shark finning, bear poaching advance in Senate**" via Scott Powers of Florida Politics — Despite some audience consternation about what the bill might do to the legal shark fishing trade in Florida, SB 680, banning the export and import and restricting the sales of shark fins won committee approval. At the same time, sponsor Sen. **Travis Hutson** promised to work with fishermen to find ways to protect legal shark fishing. He amended the bill to exempt licensed commercial fishers in Florida but made clear there still was more work to do to ease the legal fishing community's concerns. "Everybody has made it clear: it's not as simple as catch-and-release. There's a lot more going on here," Hutson said. SB 688, Sen. **Tom Wright**'s bill to tough penalties against bear poaching, faced no such resistance.

Today in Capitol

Realtor days — Nearly a thousand Florida Realtors are gathering in Tallahassee through Wednesday for the Great American Realtor Days (GARD) event, advocating for issues impacting homeowners, Realtors, and the real estate industry.

Happening today — Florida Home Builders Association Day on the Hill continues, 8 a.m., Hotel Duval, Autograph Collection, 415 N Monroe Street, Tallahassee.

Happening today — Walmart Day At the Capitol — Health and Wellness Fair, 8:30 a.m., 2nd floor Rotunda.

Assignment editors — Floridians, including first-generation refugees and their families, will hold a news conference celebrating the contribution of refugees and share their stories with state lawmakers as part of Florida Celebrates Refugee Day, 11 a.m., 4th-floor Rotunda.

Assignment editors — Last month, the House unanimously passed CS/HB 7011, which establishes a set of criteria implemented "to better protect student-athletes participating in athletics during hot weather and avoid preventable injury or death … " A group of outdoor construction and agriculture workers will hold a news conference with Sens. **Geraldine Thompson** and **José Javier Rodriguez** to ask lawmakers for similar protections, 11:30 a.m., Room 304C, Senate Press Room.

Happening today — The League of Women Voters of Florida will host a news conference on the 2020 U.S. Census and its consequences for the state, 11:30 a.m., steps of the Old Capitol.

Happening today — Sen. **Ben Albritton**, Rep. **Tina Polsky,** and a bipartisan group of lawmakers representing the area around Lake Okeechobee will join Mayors and local advocates for an announcement on water quality issues impacting Southwest and South Florida, noon, 4th-floor Rotunda.

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Happening today — Florida Keys Day, a reception highlighting the Florida Keys, 1 p.m., Capitol Courtyard.

Happening today — The Florida African American Ministers Alliance (FAAMA) is hosting a news conference to denounce attacks on the Florida Tax Credit Scholarship , 1:30 p.m. 4th-floor Rotunda.

The House Health Market Reform Subcommittee meets to consider HB 1163 from Rep.**Colleen Burton**, which seeks exemptions to the Certificate of Need regulatory process for specified intermediate care facilities for people with developmental disabilities, 8 a.m., Room 306, House Office Building.

The House Insurance & Banking Subcommittee meets to consider HB 771 from Rep.**Erin Grall**, which seeks to repeal the state's long-standing no-fault auto insurance system, 8 a.m., Room 404, House Office Building.

The House PreK-12 Innovation Subcommittee meets to consider HB 737 from Rep.**Kimberly Daniels**, which requires public schools to hold a daily moment of silence, 8 a.m., Reed Hall, House Office Building.

The House Justice Appropriations Subcommittee meets to consider HB 199 from Reps.**Tracie Davis** and **Scott Plakon**, which seeks to end the statute of limitations for child sex-abuse victims to bring about criminal cases against their abusers, 9 a.m., Morris Hall, House Office Building.

The House Workforce Development & Tourism Subcommittee meets to consider HB 1297 from Rep.**Will Robinson**, which seeks to make several changes to drug-free workplace programs, 9 a.m., Room 12, House Office Building.

The Senate Agriculture Committee and the House Agriculture & Natural Resources Subcommittee meet to consider SB 1876 and HB 1063 from Sen. **Bill Montford**, Reps. **Brad Drake** and **Ralph Massullo**, which seek to make changes in the state hemp program, Senate meeting at 9 a.m., Room 301, Senate Office Building. House meeting at noon, Room 12, House Office Building.

The Senate Commerce and Tourism Committee meets to consider SB 474 from Sen.**Ben Albritton**, which seeks to cut or eliminate regulations on a series of professions such as hair braiders, hair wrappers and interior designers, 9 a.m., Room 110, Senate Office Building.

The Senate Criminal Justice Committee meets to consider several bills, including SB 1018 from Sen.**Linda Stewart**, which seeks to boost criminal penalties for indecent exposure, 9 a.m., Room 37, Senate Office Building.

The Senate Health Policy Committee meets to consider the confirmation of the Department of Health Secretary **Scott Rivkees**, who is also serving as state surgeon general, 9 a.m., Room 412, Knott Building.

The House Higher Education Appropriations Subcommittee meets to consider PCB HEA 20-01, which seeks to restrict sponsorship of athletic facilities at state colleges and universities, 10 a.m., Room 212, Knott Building.

The House Business & Professions Subcommittee meets to consider HB 363 from Rep.**Sam Killebrew**, which seeks to end "rent-to-own" pet leasing arrangements for dogs and cats, noon, Room 212, Knott Building.

The House Government Operations & Technology Appropriations Subcommittee meets to consider HB 1011 from Reps. **Jason Fischer** and **Mike La Rosa**, which seeks to preempt cities and counties from regulating vacation rental properties, noon, Morris Hall, House Office Building.

The House Health Care Appropriations Subcommittee meets to consider HB 6031 from Rep.**Cary Pigman**, which seeks to remove the $1 million lifetime coverage limit for children enrolled in the Florida Healthy Kids program, noon, Room 404 House Office Building.

The House Transportation & Infrastructure Subcommittee meets to consider HB 6083 from Reps.**Ana Maria Rodriguez** and **Blaise Ingoglia**, which seeks to revoke state authorization of red-light cameras, noon, Reed Hall, House Office Building.

The Senate Banking and Insurance Committee meets to consider SB 924 from Sen.Brandes, which seeks to make it harder to file "bad faith" claims against insurance companies, 12:30 p.m., Room 412, Knott Building.

The Senate Children, Families and Elder Affairs Committee meets to consider SB 152, also from Brandes, which seeks to add "dental therapists" as an additional type of health care provider, 12:30 p.m., Room 301 Senate Building.

The Senate Judiciary Committee meets to consider SB 1354 from Brandes, which seeks to make changes to the statewide voter registration application process as well as address the eligibility of felons to vote, 12:30 p.m., Room 110, Senate Office Building.

The Senate is scheduled for a floor session to consider SB 404 from Sen.**Kelli Stargel**, which seeks to

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require parental consent before minors can have abortions, 3 p.m. Senate Chamber.

The House Children, Families & Seniors Subcommittee meets to consider HB 835 from Reps.**Matt Willhite** and Plakon, which seeks to increase the state's efforts to address Alzheimer's disease and dementia-related disorders, as well as create the post of dementia director in the Department of Elder Affairs, 3:30 p.m., Room 12, House Office Building.

The House Civil Justice Subcommittee meets to consider HB 319 from Rep.**Clay Yarborough**, which seeks to develop a "Florida Guide to a Healthy Marriage," to be posted on court clerks' websites and possibly as printed copies distributed to marriage-license applicants, 3:30 p.m., Room 404, House Office Building.

The House Oversight, Transparency & Public Management Subcommittee meets to consider HJR 1325, a constitutional amendment from Rep. **Vance Aloupis**, which seeks to end the public campaign-financing system available to statewide political candidates, 3:30 p.m., Morris Hall, House Office Building.

The House PreK-12 Appropriations Subcommittee meets to consider HB 23 from Reps.**Dan Daley** and **Mike Gottlieb**, which seeks to mandate public schools to have panic alarms for emergencies, 3:30 p.m., Reed Hall, House Office Building.

Happening today — The 2020 Senate Reunion celebrates the legacy of former lawmakers and their collective service to the state of Florida, 3:45 p.m., Senate Chamber.

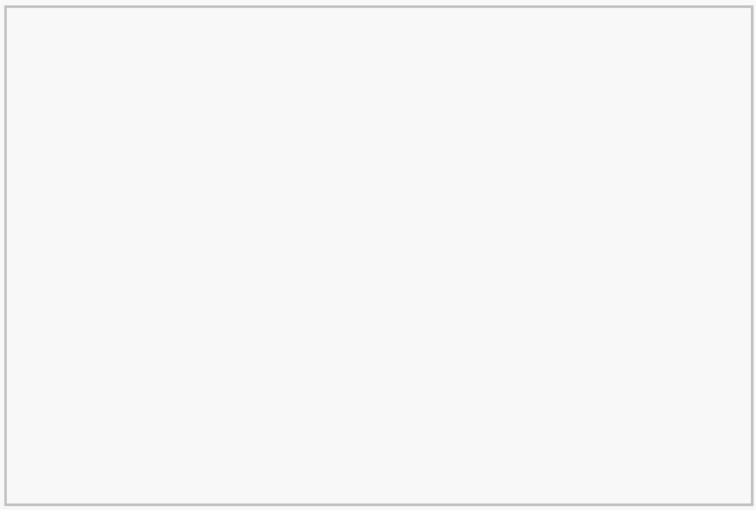
Gov. Club buffet

New England clam chowder; mixed garden salad with dressings; Caesar salad with grilled chicken; tomato, cucumber, red onion, and feta salad; deli board, lettuce, tomatoes, cheeses, and breads; Ronnie's fried chicken; Nana's meatloaf with mushroom sauce; grilled salmon with lemon piccata sauce; buttermilk mashed potatoes; braised collard greens; corn and okra; peach cobbler for dessert.

Statewide

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"**Florida's new judges 'all think the same,' Ron DeSantis' top lawyer says**" via Lawrence Mower of the Tampa Bay Times — DeSantis appointed 56 judges during his first year in office, more than half of them women and nearly 40% of them minorities. But they're identical in one respect: They all share the same strict judicial philosophy, said DeSantis' general counsel, **Joe Jacquot**. This commonality was revealed when the judges recently attended the Florida Judicial College program, a course required of all new judges, Jacquot said during a Federalist Society convention in Orlando. "I heard back from several of them who talked about the diversity in the room," Jacquot recounted. "But they said, 'We all think the same.' So that's great." Jacquot's comments provided a rare behind-the-scenes glimpse at how the governor chooses his jurists.



Joe Jacquot, Gov. Ron DeSantis' general counsel, gives a glimpse into the judicial nominating process.

"**Marco Rubio criticizes banks for halting voucher contributions, says they're seeking 'wokeness points'**" via Annie Martin of the Orlando Sentinel — U.S. Sen.**Rubio** criticized Fifth Third and Wells Fargo banks in a statement on Monday, saying the companies were seeking "'wokeness' points from the radical left" after they halted contributions to Florida's most extensive voucher program unless the state prohibits private schools that receive the money from discriminating against LGBTQ students. The banks' decision came after the Orlando Sentinel reported Jan. 23 that more than $105 million from the Florida Tax Credit Scholarship Program, which pays for low-income children to attend private schools, went to campuses with anti-LGBTQ policies last year. The program is funded by companies that receive dollar-for-dollar tax write-offs for their contributions.

"**A change in Florida's rules of court just made work life easier for women**" via Michael Molina Florida Phoenix — The new rule creates a presumption that attorneys arguing lawsuits are entitled to continuances — that is, procedural delays — to accommodate parental leave when they give birth or adopt. "This rule will remove an obstacle to anyone who wants to be both an engaged parent and a successful litigator," **Kimberly Hosley** of The Orlando Law Group, president-elect of the nonpartisan Florida Association of Women Lawyers, told the Florida Phoenix. "As studies show, women are not given the opportunity to be lead trial counsel at the same rate as men. Some think that is because of the fear that their lead counsel could potentially be unavailable at the time of trial due to childbirth or maternity leave," Hosley said.

"**Florida to debut high school civics test**" via Jeffrey Solochek of the Tampa Bay Times — In a memo to school district superintendents, K-12 Chancellor **Jacob Oliva** announced that the test would be available in the spring for schools to pilot on a voluntary basis. "Pilot exam results will not affect graduation requirements or school accountability," Oliva wrote. "The department will report on which districts and schools participate in the pilot, and on student participation and pass rates." Although not required at this point, the department is encouraging students taking U.S. government or economics courses to take the test. The department would provide the exam to the districts and allow them to offer it either via computer or paper. The test would take 100 minutes and could be spread over two sessions.

AMERICAN OVERSIGHT

Water fight

A group of scientists, academics, local businesses, green industry professionals, and local leaders concerned about protecting the state's water quality have joined together to launch Floridians for Water Quality Protection, a coalition set up to fight and advocate for water and waterways.

Floridians for Water Quality Protection will focus on the current assortment of local fertilizer ordinances — several of them conflicting — which they say is among the main reasons Florida is still struggling with water quality problems.

A new coalition is trying to make sense out of fertilizer regulations to protect Florida waterways.

As evidence of the continuing failure of local ordinances to impact these issues, the group points out the 2018 increase in algae blooms and red tides.

"The State of Florida essentially has 410 cities with their own rules and regulations or nothing at all when it comes to local fertilizer ordinances," said director of agronomy of Massey Services **Eric Brown**, Ph.D. in a statement. "This has essentially created a conflicting — and sometimes very confusing — patchwork of local fertilizer ordinances that are not based on science and are doing more harm than good when it comes to our water quality."

Others argue that local ordinances often go against proven science and independent, third-party data, as well as Florida statute.

"In many places, the county may have completely different rules than what's in the city or vice versa, revealing the abject failure of local control to meaningfully address this issue, however well-intended," said **Mac Carraway**, executive director of the Environmental Research and Education Foundation, Inc. "These ordinances simply ignore the established peer-reviewed findings that healthy lawns and landscapes contribute little if anything to runoff."

For more information on Floridians for Water Quality Protection, visit **ProtectFlaWater.com**, follow **@ProtectFlaWater** and like **FB.com/ProtectFlaWater**.

Mother nature

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Happening today — The Florida Public Service Commission meets to consider a proposal allowing Duke Energy Florida to collect $171.3 million from customers to cover costs related to Hurricane Dorian, 9:30 a.m., Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee.

"**Agriculture Commissioner fires, takes consultants tied to sugar farmers off Lake O panel**" via Tyler Treadway of TC Palm — The department had a $35,000 contract calling for firm President Thomas K. MacVicar and two employees, William Baker and Lennart "Len" Lindahl, to help with "monitoring, understanding and influencing the water-related issues important to agriculture in South Florida." ... Fried terminated the contract "because it's at her discretion to do so," spokesman Franco Ripple told TCPalm in an email. "It's great news that Commissioner Fried has listened to Floridians who are sick and tired of business as usual and finally decided to do the right thing," U.S. Rep. Brian Mast, who has called for both lower lake levels and firing MacVicar, said in an email.

"**Water management district backs Everglades deal**" via the News Service of Florida — The South Florida Water Management District has approved a plan to buy about 20,000 acres in the Everglades, a deal that would block exploratory oil drilling on part of the property. The district's Board of Governors on Saturday approved purchasing the land from Kanter Real Estate LLC. DeSantis last month announced the proposed acquisition, after years of litigation about potential oil drilling on part of the Kanter property in Broward County. The state Department of Environmental Protection obtained an option to buy the 20,000 and wanted to assign the option to the water management district, according to an agenda for Saturday's meeting.

"**Ray Rodrigues questions Drew Bartlett's effectiveness as SFWMD Executive Director**" via Florida Politics — When Bartlett came before the House Agriculture and Natural Resources Subcommittee, Rodrigues questioned why Bartlett failed to request authorization for the Lake Okeechobee Watershed Restoration Project (LOWRP) from the U.S. Army Corps of Engineers. At the time, Bartlett said he needed to discuss an unrelated project — the Everglades Agricultural Area Reservoir — before he could send the request to the Corps. Rodrigues isn't buying it. "What is disappointing is that on November 14, 2019, the South Florida Water Management District (SFWMD) discussed the LOWRP. At the meeting's end, you were asked by SFWMD Board Chairman Chauncey Goss if you understood their direction to write the letter. In response, you responded 'absolutely," the Estero Republican wrote in a letter dated Jan. 29.

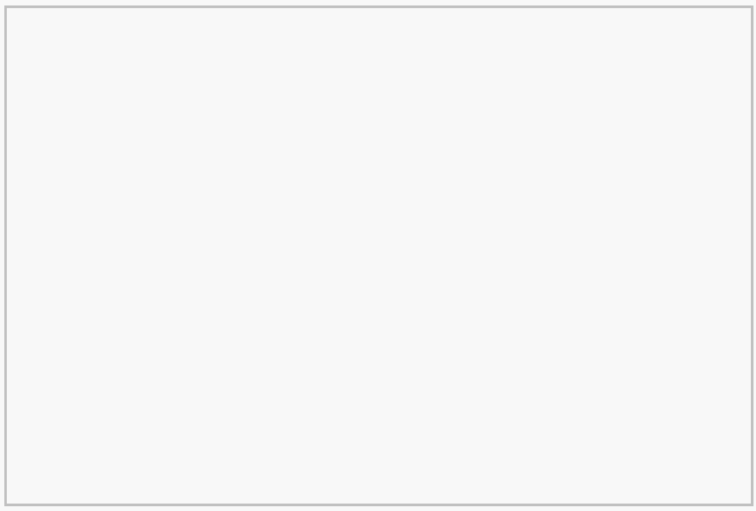
Drew Bartlett is coming under fire for his perceived lack of effectiveness as SFWMD Executive Director.

"**Current Florida panther roadkill pace would double state record**" via Chad Gillis of the Fort Myers News-Press — Drivers are on pace to kill 72 Florida panthers this year after six road kills were recorded in January. That would more than double the current record of 34 vehicle deaths set in 2016. But scientists and panther advocates say that's unlikely to happen. Road kills often occur in bursts, and weeks can pass between road kills when the pace is slower. "The data shows we don't keep this pace per month," said Florida Fish and Wildlife Conservation Commission panther biologist **Dave Onorato**. "We kind of go through these spurts, and then we go through some dry spells."

"**1,400 pounds of shark fins found by wildlife inspectors in Miami**" via NBC 6 South Florida — Wildlife inspectors found dried shark fins in Miami worth upward of $1 million. The 18 boxes of fins were found at a port in Miami on a shipment believed to have originated in South America and that was likely headed to Asia, U.S. Fish and Wildlife Service officials said. The commercial value of the seized shipment is believed to be between $700,000 and $1 million, officials said.

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"**Bernie Sanders won the race for Democratic donors in 2019**" via Kevin Schaul, Anu Narayanswamy, Reuben Fischer-Baum and Michelle Ye Hee Lee of The Washington Post — **Sanders** had 1.4 million donors from across the country. Sanders, who is surging in the polls as Iowa's caucuses open, entered 2020 with at least $18 million — more than any of his Democratic rivals who are not self-funded billionaires. Democratic candidates tended to draw the most donor support from their home states, but the U.S. Senator built a sprawling donor base from coast to coast. Sanders's donor base spiked in the final quarter of 2019, when he garnered hundreds of thousands of new donors — a remarkable political revival for the candidate, who had a slow summer and whose heart attack in October raised doubts about how long he would remain in the race.



Bernie Sanders is the big money winner for 2019.

"**Sanders once likened poor whites to Blacks under apartheid**" via Marc Caputo and Laura Barrón-López of POLITICO — At a 1986 public forum, Sanders said poor Vermonters "are the equivalent of blacks in South Africa. They don't vote; they aren't involved, they don't care about the issues," according to the Bennington Banner in Vermont. Sanders amended his statement after one observer on stage commented about his "pretty fiery oratory." "Obviously, the analogy is not true," Sanders then responded, "because in South Africa, the blacks are not invisible — they are beginning to stand up." At the time of his remarks, Vermont's population was about 99 percent white and about 0.2 percent black.

"**Michael Bloomberg campaign launches anti-gun violence bus tour in Orlando, opens first Florida field office**" via Steven Lemongello of the Orlando Sentinel — On a night when other presidential campaigns were out in force across a cold and wintry Iowa, volunteers and organizers for the **Bloomberg** presidential campaign put the finishing touches on its first field office in Florida, complete with a bus ready to roll out on a multistate tour centered on ending gun violence. Field organizer **Dan Larson** drilled the last screws into the "Mike Bloomberg" sign at the entrance to the former City Arts building on S. Orange Ave. Bloomberg, the financial billionaire and former New York City Mayor, had skipped the contentious Iowa Democratic caucuses and early primary states for a risky but potentially delegate-rich strategy of focusing on the larger states voting in March, including Florida.

First in Sunburn — Former state Rep. Robert Asencio switches endorsement from Joe Biden to Bloomberg — Following the Iowa Caucuses and the release of Democratic candidateBloomberg's plan to support Puerto Rico, **Asencio** is changing his endorsement from **Biden** to support Bloomberg. "While many leaders offer empty words and meaningless rhetoric, Mike Bloomberg is offering a substantive plan that would ensure long term security for Puerto Rico," Asencio said. "As a Puerto Rican, I knew after seeing his plan that he was the best choice to be the next President. Given his record on Puerto Rico, I trust he will take the action we need to improve life for my friends and family on the Island." Last week, Bloomberg laid out a plan to invest in infrastructure and revitalization of Puerto Rico, while also endorsing statehood.

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SOTU

Several members of Florida's congressional delegation have announced the guests they are bringing to the State of the Union tonight. Many of them are bringing people connected to the causes they support or issues they care about. Here's a round of those who have announced who they're bringing.

Republican U.S. Sen. **Marco Rubio** is bringing prominent Uyghur human rights activist **Rushan Abbas** and Lt. Gov. **Jeanette Núñez** as his guests.

Democratic U.S. Rep. **Stephanie Murphy** is bringing high school student **Mimi (Xiaoyi) Chen** of Longwood. Chen won a State of the Union essay contest earlier this month.

Democratic U.S. Rep. **Val Demings** is Orlando Commissioner **Bakari Burns** as her guest. He is the CEO of a community health center.

Democratic U.S. Rep. **Darren Soto** is bringing Puerto Rican native **Jessica Carrillo**. She and her mother relocated to Florida in the aftermath of Hurricane Maria.

Democratic U.S. Rep. **Charlie Crist** of St. Petersburg is bringing 18-year-old **Taylor McKenny**, a Type 1 diabetic and activist.

Democratic U.S. Rep. **Ted Deutch** is bringing **Alan T. Brown**. Brown has quadriplegia and has dedicated his life to improving the lives of people living with paralysis.

Democratic U.S. Rep. **Lois Frankel** is bringing **Annette Mayer**, a South Floridian who works at a local independent pharmacy.

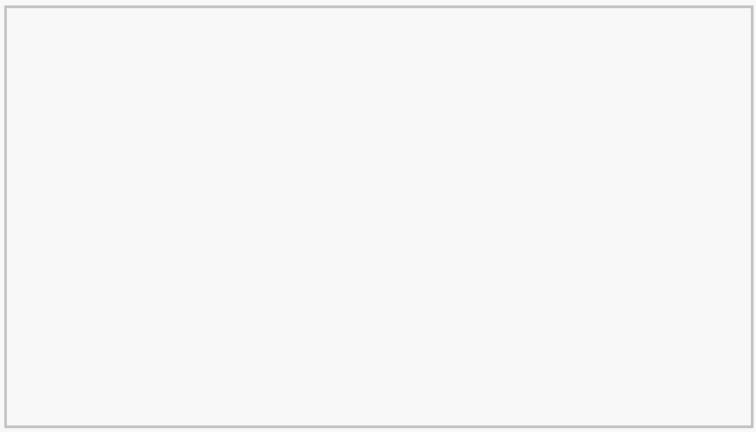
Democratic Rep. **Debbie Wasserman Schultz** is bringing Cooper City high school student **Emily Kaufman.** Kaufman has Type 1 diabetes.

Democratic U.S. Rep. **Debbie Mucarsel-Powell** is bringing 16-year-old student researcher and scientific diver in-training from Key West, **Marsella Munoz**.

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Peachy

"Donald Trump trial closing arguments aim at voters, history" via Lisa Mascaro and Eric Tucker of The Associated Press — Closing arguments Monday in **Trump**'s impeachment trial were directed more toward history than to sway the outcome, one final chance to influence public opinion and set the record ahead of his expected acquittal in the Republican-led Senate. The House Democratic prosecutors drew on the Founding Fathers and common sense to urge senators — and Americans — to see that Trump's actions are not isolated. Still, a pattern of behavior that, left unchecked, will allow him to "cheat"' in the 2020 election. The President's defense countered the Democrats have been out to impeach Trump since the start of his presidency, nothing short of an effort to undo the 2016 election and to try to shape the next one, as early primary voting begins Monday in Iowa.

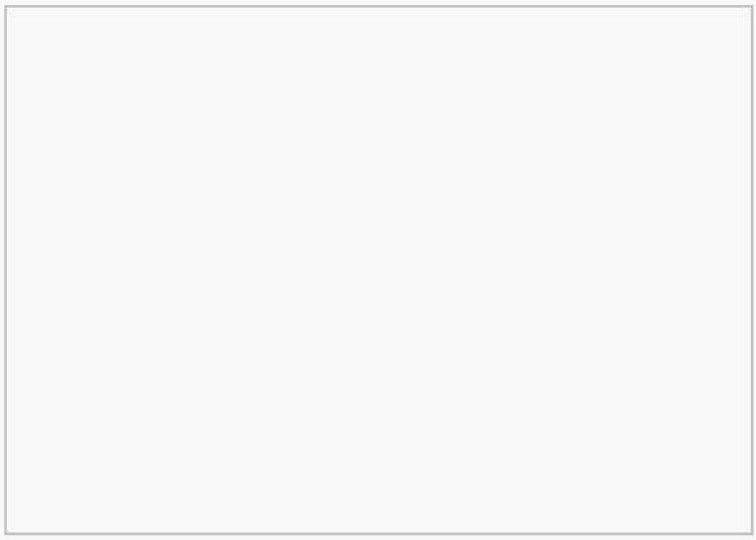


Adam Schiff closes the Donald Trump impeachment trial by attempting to put it in a historical context.

AMERICAN OVERSIGHT

D.C. matters

"**Trump and Nancy Pelosi haven't spoken in months**" via Manu Raju of CNN — According to a**Pelosi** spokesman, the two had not spoken since the October 16 meeting in which Trump insulted Pelosi, including calling her a "third-grade politician," before she and other top Democrats walked out and later accused Trump of having a "meltdown." That meeting was supposed to be about Syria. The lack of communication comes amid Trump's impeachment proceedings but is all the more remarkable given the number of high-profile events that have impacted the U.S. during that time, including the killing of top Iranian commander **Qasem Soleimani** and ISIS leader **Abu Bakr al-Baghdadi**. Trump said he would likely have a difficult time working with Democrats after his expected acquittal vote.



Donald Trump and Nancy Pelosi haven't spoken in months.

"**Ex-U. S. Rep. Corrine Brown continues appeal of fraud conviction, prison time**" via Steve Patterson of the Florida Times-Union — Former U.S. Rep. **Brown** is taking the appeal of her fraud conviction a step beyond the panel that upheld her conviction last month. A lawyer for the 12-term Democratic congresswoman, now serving a five-year prison sentence, asked last week to challenge her conviction in front of the entire 21-judge 11th U.S. Circuit Court of Appeals. A three-judge panel rejected the appeal last month, but attorney **William Mallory Kent** argued that decision conflicted with precedents and that "consideration by the full court is necessary to secure and maintain uniformity of decisions." Kent had argued Brown deserved a new trial because U.S. District Judge **Timothy Corrigan** removed a juror who said the "Holy Spirit" had told him Brown was innocent.

The trail

Happening today — The Florida Supreme Court will hear arguments on two proposed constitutional amendments, seeking to allow recreational marijuana and prevent possession of assault-style weapons, 9 a.m., Florida Supreme Court, 500 South Duval St., Tallahassee.

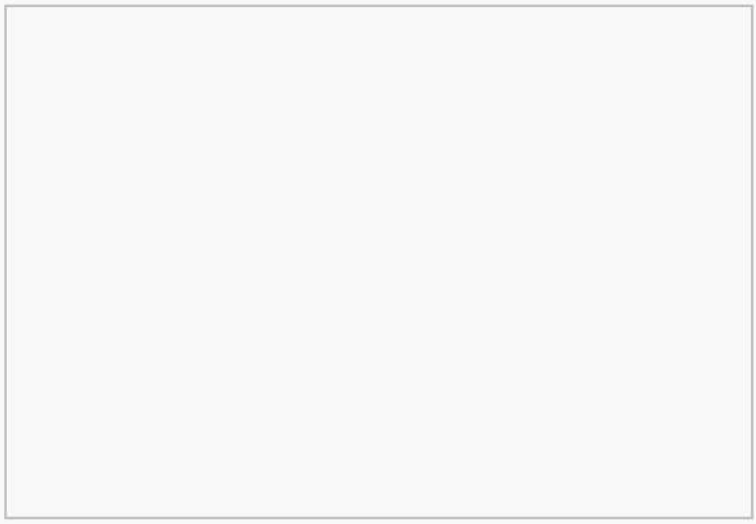
First in Sunburn — Navy veteran Todd Chase enters CD 3 race— Chase, a Navy veteran and conservative business leader, is now the latest Republican to enter the race for Florida's 3rd Congressional District, currently held by **Ted Yoho**. To announce his candidacy, Chase released a 90-second campaign launch video, "The Pilot." "As a local leader, I fought, oftentimes alone, to remind other leaders who they work for," said Chase, who holds a Harvard MBA. "I'm running for Congress to bring conservative values, backed by real-world experience, to Washington where politicians spend too much time attacking each other instead of attacking the challenges that stand between us and our future." A Jacksonville University graduate, Chase had previously served as the "lone conservative" on the Gainesville City Commission.

To view Chase's campaign launch video, **click on the image below**:

AMERICAN OVERSIGHT

"Darren Soto enters 2020 with $290K in campaign coffer" via Scott Powers of Florida Politics — Democratic Rep. Soto's campaign picked up $155,500 during the fourth quarter of 2019 and entered the election year with $290,848 in cash to support his reelection bid in Florida's 9th Congressional District. Soto is seeking a third term in the district representing southern Osceola County, south Orange County, and eastern Polk County. He posted modest campaign fundraising for an incumbent but remained comfortably well-endowed compared to any of his challengers. In the fourth quarter, his campaign cashed political action committee checks totaling $105,500 and checks from individual supporters for another $50,030. That put him at $498,203 raised with $290,808 left in the bank.

"Turning Point USA founder Charlie Kirk endorses Anna Paulina Luna in CD 13 contest" via Janelle Irwin Taylor of Florida Politics — **Kirk**, founder and president of the pro-Trump Turning Point USA and chair of Students for Trump, is endorsing **Luna** for Congress. Luna is running in the Republican primary in hopes of taking out Democratic incumbent Crist. "Anna is a true fighter for our country! We need more like her! Check out her run for Congress, critical to help patriots like her," Kirk wrote in an announcement. Turning Point USA is a far-right conservative nonprofit that seeks to increase conservative engagement among high school and college students and actively rallies against what the group sees as an influx of liberalism in academic settings and an erosion of freethinking principles.



Charlie Kirk makes an endorsement in CD 13.

"Greg Steube closes 2019 with $187K on hand for reelection campaign" via Jacob Ogles of Florida Politics — Throughout the year, he raised $332,268 in new contributions. But that wasn't the only fundraising tied to **Steube** that took place last year. Political committee activity showed he might be interested in extending his influence beyond Florida's 17th Congressional District. The Greg Steube Victory Fund, a committee separate from the Congressman's campaign, also raised $22,700 in 2019. By year's end, all that money went either to Steube's campaign ($12,400), to 9Seven Consulting ($500), or to the Getting Republicans Elected for Generations PAC ($9,800). GREG PAC spent money on 9Seven and services from **Alex Blair**, Steube's campaign manager. Consider it a sign the Sarasota pol wants groundwork laid to help elect other Republicans to the House.

"Perry Thurston endorses Shevrin Jones in SD 35 contest" via Ryan Nicol of Florida Politics —**Jones** is one of five Democrats competing in the left-leaning district. Serial candidate **Josue Larose** has also filed as a Republican. **Thurston**'s support is another signal that state Democrats are getting behind Jones' candidacy. Term-limited Sen. **Oscar Braynon**, who currently holds the SD 35 seat, already backed Jones to serve as his successor. Last month, Jones also courted an endorsement from U.S. Rep. **Debbie Wasserman Schultz** of Florida's 23rd Congressional District.**Andrew Gillum**'s political committee, Forward Florida, is supporting Jones as well. "As both a colleague representing Broward County and a

AMERICAN OVERSIGHT

friend, I've known Shevrin for many years and have seen his fierce commitment to the people of South Florida firsthand," Thurston said.

Happening tonight:

and

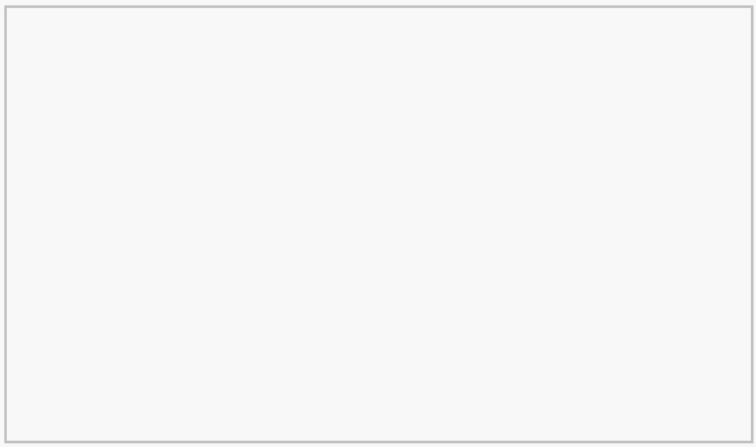
AMERICAN OVERSIGHT

"Matt Caldwell, running for Lee Property Appraiser, trashes Florida GOP efforts in 2018" via Jacob Ogles of Florida Politics — **Caldwell** said that despite victories at the ballot box in 2018, results overall disappointed. "What is indisputable is that the party has never recovered from Crist and **Jim Greer**, and I think that fact had a lot to do with how weak our showing was in our statewide elections overall." Caldwell will also run for Lee County State Committeeman. That would put him in position to run for a statewide position with the party, and rumors in Lee County have swirled he wants to be state chair. "For now, I will say, I'm just looking to make myself available," he said.

Local

AMERICAN OVERSIGHT

"**Attorney: Mar-a-Lago checkpoint crasher is mentally ill**" via Terry Spencer of The Associated Press — The Connecticut opera singer who drew gunfire when she smashed an SUV through security checkpoints outside Trump's Florida home is mentally ill and wasn't taking her medication before leading a trooper on a wild chase, her attorney told a judge Monday. Attorney **David Roth** did not elaborate on **Hannah Roemhild**'s illness, but Palm Beach County Judge **Ted Booras** agreed to have her seen by a psychologist before holding another hearing. Roemhild, 30, will remain jailed without bail on charges that include aggravated assault on a law enforcement officer from last Friday's chase through Palm Beach and past security outside Trump's Mar-a-Lago resort and home. Roemhild refused to appear in court.



Lawyers for Hannah Roemhild, who is accused of driving through checkpoints outside Donald Trump's Florida home Mar-a-Lago, say she is mentally ill.

"**al-Qaida in Yemen claims responsibility for NAS Pensacola shooting**" via Samy Magdy of The Associated Press — al-Qaida's branch in Yemen claimed responsibility Sunday for last year's deadly shooting at the Naval Air Station Pensacola by an aviation student from Saudi Arabia. The shooter, 2nd Lt. Mohammed **Saeed Alshamrani**, was a member of the Saudi Air Force in training at the base. He opened fire inside a classroom at the base on Dec. 6, killing three people and wounding two sheriff's deputies before one of the deputies killed him. Eight others were also hurt. al-Qaida in the Arabian Peninsula, or AQAP, released a video claiming the attack. SITE Intelligence Group, which tracks messaging by militant groups, reported the claim.

"**Osceola sheriff's letter said Aramis Ayala hindered Nicole Montalvo case. 'Blatant lies,' she says**" via Monivette Cordeiro and Cristóbal Reyes of the Orlando Sentinel — Sheriff **Russ Gibson** accused Orange-Osceola State Attorney **Ayala** of hindering the investigation into **Montalvo**'s killing by directing her staff not to assist detectives in obtaining evidence from the suspects' phones or testimony from a key witness — a claim Ayala called "complete blatant lies." In a letter to DeSantis, the Osceola sheriff alleged "inaction" by Ayala's office was due to Ayala's "desire to advance her position against the death penalty" and asked for her removal from the case. Two days after Gibson's letter, DeSantis reassigned the case to Ocala-based State Attorney **Brad King**. Ayala vehemently denied Gibson's accusations. "Unfortunately, the attorney general and the governor based their perspective and decision on whatever action needed to be taken on lies."

"**From $1 to $1,500: Cost of alleged nepotism just went up for former Midway Mayor Wanda Range**" via Jeff Schweers of the Tallahassee Democrat — The Florida Commission on Ethics took a rare step in changing an administrative law judge's recommended $1 fine in favor of $1,500 against a former Midway Mayor who voted to appoint her first cousin to step into her role whenever she couldn't perform her duties. If the purpose of a fine is "to deter future disobedience of the law," the commission ruled in its final decision, made public last week, then "the issuance of a merely nominal penalty … is not reasonable." The decision wraps up an ethics case that began with complaints filed by residents of Midway against their former Mayor, Range, in 2017 and 2018.

"**Six big Tampa Bay projects racing to be ready for Super Bowl 55**" via Richard Danielson of the Tampa Bay Times — St. Petersburg Pier, the new $92 million Pier and its 26-acre redeveloped site are projected to make their debut in the spring; JW Marriott, 510 Water St., Tampa; Midtown Tampa, the $550 million project about two miles south of Raymond James Stadium has been 20 years in the making; Haya Hotel, the $52 million Hotel Haya in Ybor City is projected to open this spring; Museum of the American Arts and Crafts Movement, the opening date for the ambitious five-story, 137,000-square-foot Museum it is currently projected to be early this spring; Hyatt House/Hyatt Place hotels, southeast corner of N Florida Avenue and E Kennedy Boulevard, Tampa, is projected for the first quarter of 2021.

AMERICAN OVERSIGHT

Top Opinion

"**The moment is now for LGBTQ equality in Florida schools and everyday life**" via the Orlando Sentinel editorial board — House Bill 45 revises the eligibility requirements for a private school to get state voucher money. If only Florida's other problems were this simple to remedy. Like, say, convincing Florida's legislative leaders that it's finally time to end state-sanctioned discrimination. State Rep. **Jennifer Sullivan**, who heads the House Education Committee, is quite fine with discrimination against gay kids, saying if parents don't like it, they can find another school. "Not every school is going to be the best fit for every student. That's one of the great things about a choice program: that a parent has that opportunity to go to multiple schools and see what culture is going to best benefit that student." Got that? Discrimination = culture.

Opinions

"**After witness vote, a Senate only Caligula could love**" via John Micek of Florida Phoenix — The next time someone tells you that the U.S. Senate is the world's greatest deliberative body, your answer should be no longer than two words: Marco Rubio. "Just because actions meet a standard of impeachment does not mean it is in the best interest of the country to remove a President from office," Rubio wrote in a post before the Senate voted along party lines to reject calling witnesses. Or you can answer "**Lamar Alexander**." Alexander agreed Trump "did something inappropriate, but I don't agree he did anything akin to treason, bribery, high crimes and misdemeanors. I think there's a big gap there." The world's greatest deliberative body? Hardly. It's a Senate that only a Roman emperor could love.

"**Lamar Alexander's finest hour**" via The Wall Street Journal editorial board — The Tennessee Republican listened to the evidence and arguments from both sides, and then he offered his sensible judgment: Even if Trump did what House managers charge, it still isn't enough to remove a President from office. This isn't an abdication. It's a wise judgment based on what Trump did and the rushed, partisan nature of the House impeachment. Alexander's statement made two other crucial points. The first concerns the damage that partisan removal of Trump would do to the country. "Our founding documents provide for duly elected presidents who serve with 'the consent of the governed,' not at the pleasure of the United States Congress. Let the people decide."

"**The death of growth management in Florida — a sequel**" via the Orlando Sentinel editorial board — This year's proposal, backed by state House Rep. **James Grant**, is ostensibly related to guarding private property rights, which are protected by the U.S. Constitution's Fifth Amendment. It says the government can take someone's property for a public purpose, but the property owner must receive "just compensation." Florida law goes further. Even if the government doesn't actually take possession of someone's property, the owner might be entitled to some compensation if a government regulation or ordinance unfairly restricts the property's use. Under Grant's bill, if there's a settlement, or if the property owner wins, "similarly situated" property owners would be able to get in on the action. No one is quite sure what "similarly situated" means.

"**Permanent alimony needs to come to an end**" via Alex Andrade for the Pensacola News Journal — I'm proud to sponsor legislation in the 2020 Session seeking to reform Florida's outdated alimony system. This reform is designed to accomplish several goals. First, lifetime alimony must be eliminated. Lifetime alimony has created a culture of dependency; one ex-spouse can rely on another for monthly support until death. In 2020, our laws should focus on encouraging long-term self-sufficiency. Second, our legislation creates clearer guidelines for alimony rulings, allowing for parties to anticipate their outcomes without the need to undergo drawn-out alimony battles in court. Third, we establish an absolute right to retire for alimony payors. These reforms, among others, aim to let ex-spouses move on and no longer remain connected to a failed marriage.

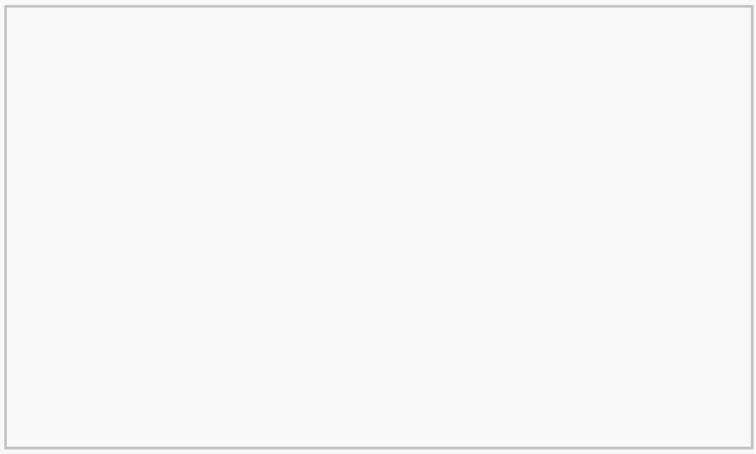
Movements

"**Senate panel approves Eric Silagy, others for State University System Board of Governors**" via Ryan Nicol of Florida Politics — The Senate Education Committee signed off on a series of executive appointments, including a move to place Florida Power & Light (FPL) President and CEO **Eric Silagy** on the State University System (SUS) Board of Governors. The Committee reviewed four DeSantis appointments to that board at a Monday afternoon hearing. The panel also approved the appointments for **Brian Lamb**, **Steven M. Scott** and **Kent Stermon**. Those approvals were unanimous. The members' respective terms will end on Jan. 6, 2026. Monday's stop was their first. The Senate Ethics and Elections Committee is also slated to review the appointments before they go up for a vote by the full Senate.

AMERICAN OVERSIGHT

Aloe

"**FSU alum, Chiefs player celebrates Super Bowl win by paying off dog adoption fees**" via Curt Weller of the Tallahassee Democrat — **Derrick Nnadi** is a former Florida State defensive tackle who started for Kansas City as the Chiefs rallied to beat the San Francisco 49ers 31-20 in Super Bowl LIV in Miami Gardens. Along with former FSU offensive lineman **Cameron Erving**, they are the 38th and 39th FSU alumni in program history to win a Super Bowl. Within hours of winning it all, Nnadi made the most of the moment. In the wake of the win, he announced that he's paying the adoption fees for all the dogs currently living at KC Pet Project. Nnadi had been helping KCPP find homes for homeless animals all season through his Derrick Nnadi Foundation, but this commitment takes his pledge to another level.



FSU alum, Chiefs player Derrick Nnadi, celebrates his Super Bowl win by paying adoption fees for shelter dogs.

"**Super Bowl MVP Patrick Mahomes joined by Make-A-Wish recipient at Disney World Parade**" via Benjamin VanHoose of People — **Mahomes** is feeling the Disney magic. On Monday — just hours after he led the Kansas City Chiefs to a win over the San Fransisco 49ers at the Super Bowl — the quarterback, 24, made the trip to Walt Disney World to take part in an extravagant parade. According to a Disney Parks Blog news release, 10-year-old **Nathaniel** of Austin, Texas, got to take part in the parade with the NFL star, as 17 other Make-A-Wish children were also along to visit the Magic Kingdom. Disney Parks donated $1 million to Make-A-Wish as part of the celebration. The Disney Parks Blog announced the victory trip on Instagram, showing highlights from the big game with "When You Wish Upon a Star" from the 1940 Disney film Pinocchio playing over it.

"**The Kaiseki Chef's Table experience at Epcot's Takumi-Tei is Disney's hottest new foodie splurge**" via Amy Drew Thompson of the Orlando Sentinel — Purple flowers, red tomato, golden bee pollen studded with black sesame, all piled atop a lush, green nest of frisée dressed with leek. Alongside, a petite carapace — tamagogani — nestles as if hiding in seaweed washed up on the sandy beach beneath. The hefty treasure of snow crab leg, its naked meat an alluring stalk few could finesse from the shell sat at the center. A tiny claw crowned the dish; in its pincer, a radiant pink scroll of housemade tsukemono — watermelon radish — its color entirely natural. It was apt that my opportunity to sample the delicately beautiful dishes and drinks at Disney's Takumi-Tei fell amid the Epcot International Festival of the Arts, as this serene, sophisticated space is nothing if not artful.

Happy birthday

How could we forget to wish the incredible**Katie Webb** of Colodny Fass a happy birthday? She's a Golden Rotunda winner and one of the top lobbyists in the industry. Our sincere apologies. Celebrating today are **Dan Barrow** of Veterans Florida, **Dan Berger**, former Sen. **Dwight Bullard**, and **Joel Greenberg**.

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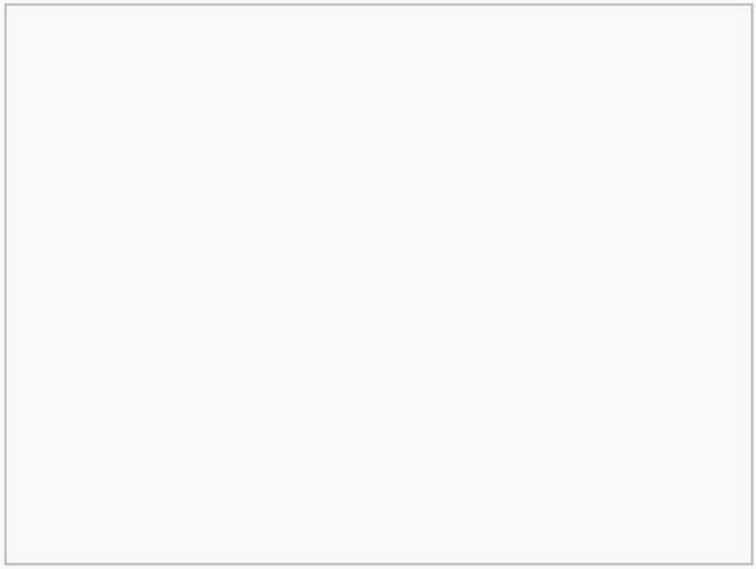
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From: Peter Schorsch <peterschorsch@floridapolitics.com>
Sent: Monday, October 28, 2019 4:47 AM EDT
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Sunburn — The morning read of what's hot ☕ ☕ in Florida politics — 10.28.19 — Burnin' today: Florida Chamber, DeSantis, Faraj-Johnson, O'Rourke, Meade

The Florida Chamber of Commerce's **Future of Florida Forum** starts today in Orlando.

From infrastructure and workforce education, to tourism and criminal justice, the annual event promises a comprehensive look at all the challenges Florida will face in the coming years.

Over two days, elected officials, business leaders and state agency heads will update attendees on the state of the state.



For the next two days, the Florida Chamber will examine the state's future.

Monday's lineup includes Chief Financial Officer **Jimmy Patronis**, who will speak about cyber fraud; Agriculture Commissioner **Nikki Fried**, who will focus on the emerging hemp industry; and Attorney General **Ashley Moody**, who will outline state constitutional issues.

The 2019 edition of the forum will also provide insight into the progress the state has made — and the challenges it still faces — since the release of the Chamber's Florida 2030 research project annual event since the release of the Florida Chamber's Florida 2030 project.

The massive research project measured numerous metrics affecting the quality of life in the Sunshine State, including high school graduation rates, employment trends, poverty, housing sales and tourism.

While there are many positive trends in the economy and in educational attainment, there is still adversity to overcome. This week, the Florida Chamber will go beyond the raw numbers to look at what the state and private business can do to make sure Florida is on track for a bright future.

Future of Florida Forum to feature educational trailer on drug abuse — The Florida Chamber of Commerce will welcome the Rx Abuse Leadership Initiative (RALI) of Florida and the RALI CARES educational trailer to the Future of Florida Forum. RALI Florida is an alliance of local, state, and national organizations committed to addressing the epidemic of substance misuse in the state. The RALI CARES trailer provides A3 an interactive experience within the setting of a teenager's bedroom. Attendees will learn from retired law enforcement about the possible warning signs of substance misuse, with a particular emphasis on issues in the business setting. The Forum begins today from 11 a.m. to 5:30 p.m. and continues on Tuesday from 7:30 a.m. to 2 p.m. at the Hyatt Regency Grand Cypress, One Grand Cypress Boulevard, Orlando.

AMERICAN OVERSIGHT

Today's Sunrise

Florida's teachers' union is coming to the Florida Capitol, part of a statewide bus tour with 50 stops in every corner of the state to talk about funding for public schools.

Also, on today's Sunrise:

— Another day ... another photo emerges showing Gov. **Ron DeSantis** with the two South Florida businessmen indicted by federal prosecutors in New York on charges of funneling foreign money into U.S. political campaigns.

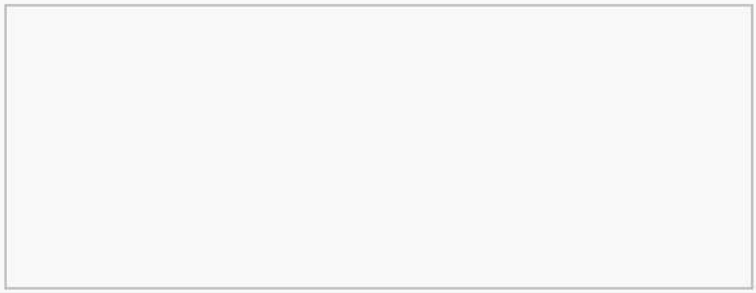
— The Florida Chamber Foundation starts its two-day "Future of Florida Forum" in Orlando, with a roster of high-profile state leaders on the dais.

— Two Republican Senators team up to file a bill requiring Florida employers to use the federal E-Verify system on all new hires. Big business doesn't like it, and it's a rare day when the Legislature does something they don't like.

— The Governor and state lawmakers will spend a lot of time during the 2020 Legislative Session talking about the environment, but Sierra Club's **Frank Jackalone** says it may already be too late to save Florida (as we know it). Sunrise takes a deep dive into some very gloomy predictions.

— A true Florida couple: A Pinellas County man and woman have been arrested on drug possession charges after deputies in Texas discovered methamphetamine disguised as laundry detergent during a traffic stop on Interstate 10.

To listen, **click on the image below**:



Situational awareness

—**@realDonaldTrump** (Oct. 22, 2012): Stop congratulating Obama for killing **[**Osama**] bin Laden**. The Navy SEALs killed bin Laden. #debate

—**@SenRickScott**: **[Abu Bakr al-] Baghdadi**'s death is great news for the security of the US & our allies. To our enemies, this is a reminder that there's nowhere you can go, there's nowhere you can hide. We won't stop until justice is served. Today the world is a little safer, a little kinder, a little more free.

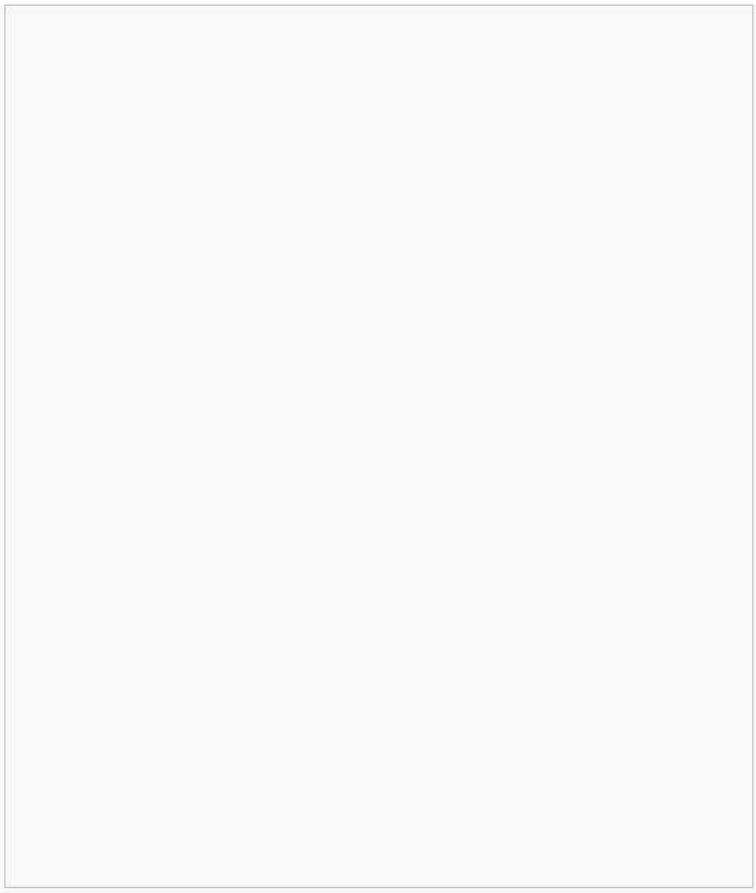
—**@MarcoRubio**: The U.S. operation which killed the founder & leader of#ISIS is a very significant achievement which ALL Americans should take pride in & the world should be grateful for. It will not end ISIS, but it is a major blow to its propaganda & recruitment efforts.

—**@NoahGrayCNN**: A source familiar tells me President **[Donald] Trump** is expected to sit in a suite behind home plate here at Nats park tonight for Game 5 of the World Series with "friendly members of Congress" including Congressman **Steve Scalise**, Sen. **Lindsay Graham**, and Congressman **Matt Gaetz**.

—**@BillGalvano**: Glad to hear President **[Donald] Trump** announce the successful raid against Islamic State leader Abu Bakr al-Baghdadi. I'm grateful for our courageous Special Operations Forces, our intelligence community, and all others involved in the successful mission last night.

Tweet, tweet:

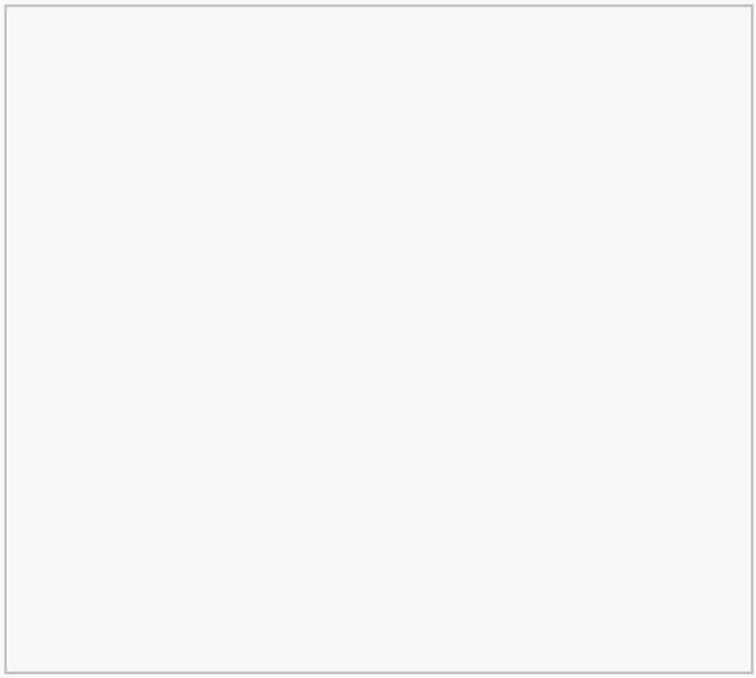
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—**@AGAshleyMoody**: The @DEAHQ National Rx Drug #TakeBackDay is over, but my commitment to fight the opioid crisis and stop teen vaping remains strong. I want to thank everyone who participated today, and if you would like to learn more about how to join our fight, visit doseofrealityfl.com

—**@JimmyPatronis**: Proud to join members of @FloridaPBA to talk about an important issue — their access to vital PTSD benefits. These brave men & women put their lives on the line to protect FL & that's why we fought for essential benefits to help with the challenges of their profession.

Tweet, tweet:



—**@LoriBerman**: Today, we ought to #PauseWithPittsburgh and remember the lives of those taken from us at the #TreeofLifeSynagogue in an anti-Semitic act of violence and hate. The love, faith, and peace they demonstrated throughout their lives is their legacy- love will always triumph over hate.

Tweet, tweet:

AMERICAN OVERSIGHT

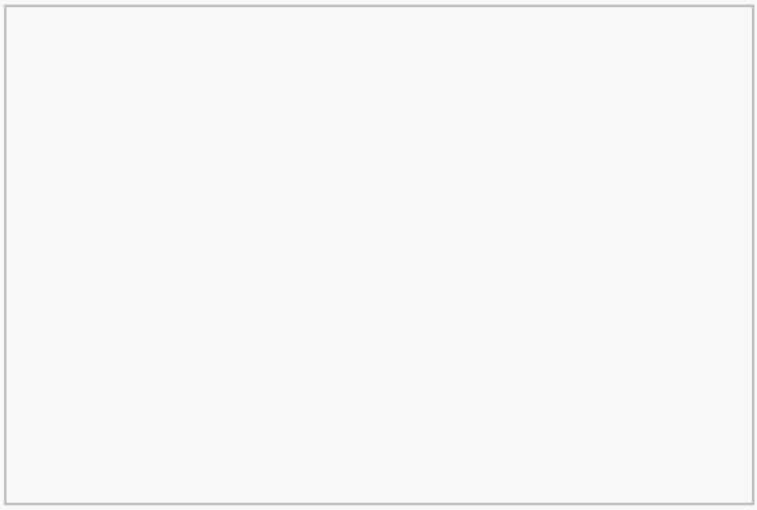
—**@SkipFoster**: Seeing FSU -1 vs. Canes? Hmmmm.

Days until

The Florida Chamber's Insurance Summit — 7; 2019 General Election — 8; 3rd Annual Florida Internet and Television FITCon starts — 10; "The Mandalorian" premieres — 15; New season of "The Crown" streaming on Netflix — 20; Fifth Democratic debate — 23; "Frozen 2" debuts — 25; TaxWatch 40th Annual Meeting — 35; "The Rise of Skywalker" premiers — 53; College Football National Championship — 77; 2020 Session begins — 78; Florida TaxWatch State of the TaxPayer Dinner in Tallahassee — 79; Super Bowl LIV in Miami — 97; Great American Realtors Day — 98; Iowa Caucuses — 98; New Hampshire Primaries — 106; Last day of 2020 Session (maybe) — 136; Florida's presidential primary — 141; "Black Panther 2" debuts — 191; 2020 Summer Olympics in Tokyo begin — 270; Florida primaries for 2020 state legislative/congressional races — 302; First Vice Presidential debate at the University of Utah — 345; First Presidential Debate scheduled at the University of Michigan — 353; Second presidential debate at Belmont — 360; 2020 General Election — 372.

First in Sunburn

"**Personnel note: Alia Faraj-Johnson opens own firm**" via Peter Schorsch of Florida Politics —**Faraj-Johnson**, a veteran of the**Jeb Bush** administration who was most recently with Hill+Knowlton Strategies, is hanging out her own shingle. Tallahassee-based Alia Strategic Group will offer strategic counsel, political consulting, crisis communications and media relations, among other services … "Launching Alia Strategic Group gives me the ability to provide strategic communications services to political candidates and elected officials along with my existing corporate clients," she said. "I'm also excited that I will be able to continue collaborating with Hill+Knowlton Strategies on several high profile accounts as we head into the 2020 Legislative Session."

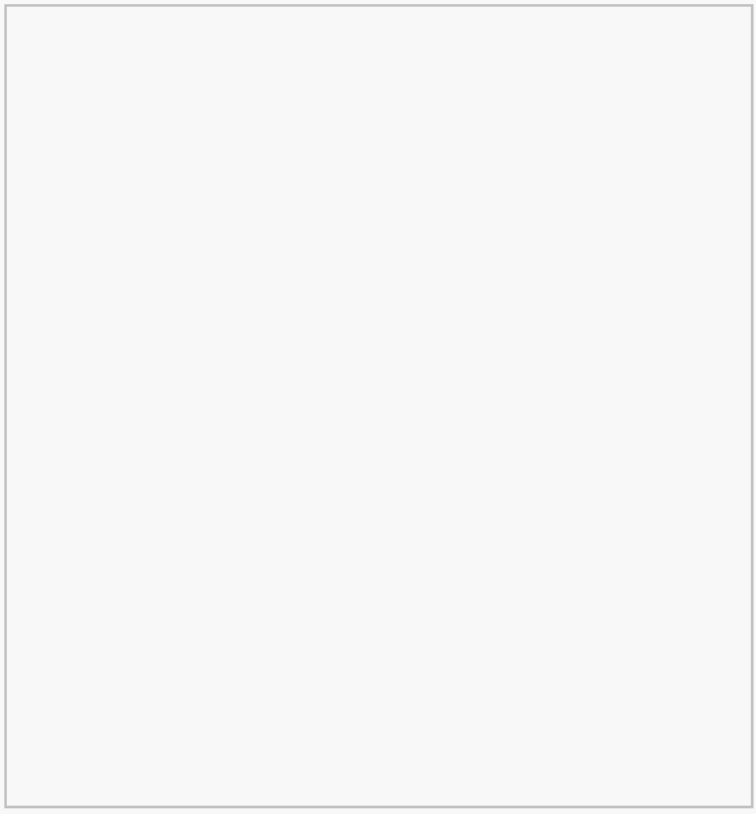


Congratulations to communications veteran Alia Faraj-Johnson, who is hanging out her own shingle.

Dateline: Tally

AMERICAN OVERSIGHT

ICYMI — "Arrested Rudy Giuliani associates were VIPs at Ron DeSantis' inauguration" via Steve Contorno of the Tampa Bay Times — Pictures taken at the Jan. 8 inauguration show **Lev Parnas** and **Igor Fruman** mingling in an area cordoned off for an exclusive crowd of dignitaries, elected officials, lobbyists and family. They are wearing suits and sunglasses as they rub elbows with some of Florida's most influential people. Their proximity to the festivities wasn't a coincidence. In last-minute preparations before DeSantis was sworn in, the head of his inauguration team told event organizers to reserve seats near the front for a select group of people. Parnas and Fruman were on the list.



Happening today — Lt. Gov. **Jeanette Núñez** will take part in a panel discussion on domestic violence, 10 a.m., Florida International University, Graham Center, 11200 S.W. Eighth St., Miami.

"Peter O'Rourke investigation blindsides Florida GOP" via Matt Dixon of POLITICO Florida — A blistering federal report accusing **O'Rourke** of wrongdoing had rocked the Republican Party of Florida and raised questions about whether officials knew about the investigation when they chose O'Rourke to lead the Party. DeSantis put him in charge of the state Party in August at the urging ofTrump. The 100-page O'Rourke report landed on a Republican Party already gripped with infighting and coping with an underwhelming response to its Statesman's Dinner, a big annual fundraiser that has yet to attract a keynote speaker and is drawing fewer sponsors than expected. "People are mostly shocked," said a campaign consultant who has long worked with the state Party.

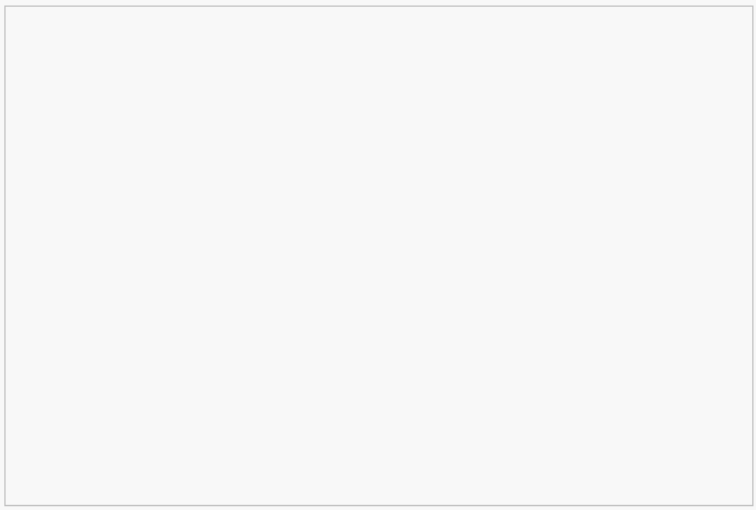
Byron Donald honors Donald Trump at South Carolina forum — State Rep. **Donalds** presented the 2019 Bipartisan Justice Award to **Trump**, who was the keynote speaker at the Second Step Presidential Justice Forum in Columbia, South Carolina. Donalds is the Director of Political Outreach and Strategy of the 2020 Bipartisan Justice Center, the forum's host. "President Trump's leadership on the issue of criminal justice reform has been tremendous," Donalds said. "He has clearly seen how important it is for us to take a good, hard look at the ways our justice system is failing both victims and offenders and make bold changes to balance the scales of justice."

"Florida pre-K issues leave lawmakers with long to-do list" via Emily Mahoney of the Tampa Bay Times — According to a 2018 analysis of states' preschool programs done by Rutgers University's National Institute for Early Education Research, Florida only meets two out ten national "quality standards" for its program. Florida does not require its preschool teachers to have bachelor's degrees, for example. Despite its importance, preschool has not historically received much of the education policy spotlight in the state Legislature compared to K-12 or higher education — and it definitely receives less funding. But early education advocates are hopeful that the 2020 Legislative Session will change that. The first hurdle lawmakers will likely have to address is the disagreement on how to measure students' success.

"Joe Gruters tilts at 'dark money' windmill" via Lauren Ritchie of the Orlando Sentinel — So-called "dark money" donations that don't have to be reported to campaign finance authorities is a two-edged sword — it can be used to help a candidate or to smear one anonymously. **Gruters** wants to stop this practice. "Right now, legislators can't take a cup of coffee from a lobbyist without breaking the law, but here, someone can run $50,000 through the process and use it against you or on your behalf, and no one will know," the

AMERICAN OVERSIGHT

Republican Senator. Gruters for the fourth year in a row has filed a bill that would stop allowing campaign donations to flow through one political committee after another, getting progressively "cleaner" and unidentifiable even after the first rinse.



'It's a mockery of the system': Joe Gruters is taking another stab at eliminating dark money in campaigns. Image via Colin Hackley.

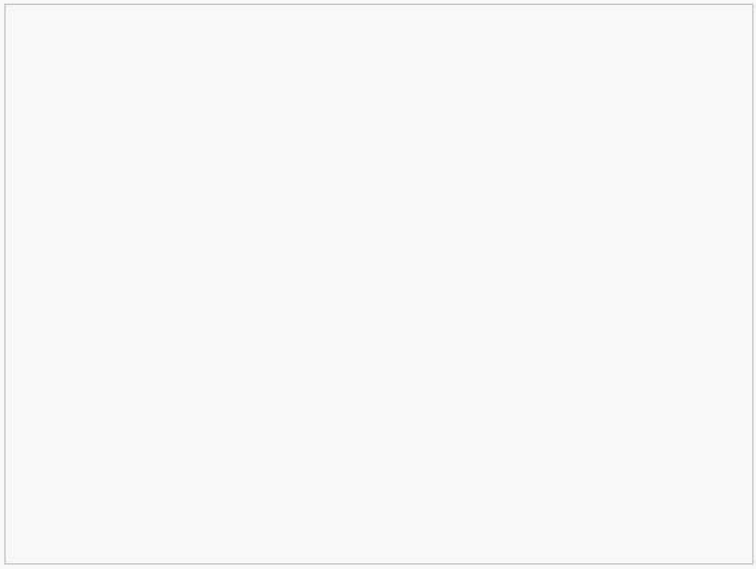
"**Jennifer Webb files three Gulf Beaches infrastructure spending bills**" via Janelle Irwin Taylor of Florida Politics — The first (HB 2421) is an appropriations request for $1 million. If approved, it would pay for sewer Inspection after the construction of a new sanitary sewer force main under and adjacent to Gulf Blvd. The project would also reduce or eliminate the potential for sanitary sewer overflows. The second bill (HB 2423) is the most significant request, $2.5 million for road construction that would also take place after the city's new sewer force main is complete. The last (HB 2425) is an appropriations request for $1.3 million that would pay for "citywide curb and roadway improvements to include 115th Ave. Roadway Improvement and for the Dolphin Drive Curbing and Roadway Improvement, which are "shovel ready."

Delegation meeting — The Leon County legislative delegation meets for a public hearing ahead of the 2020 Legislative Session, 5 p.m., Leon County Courthouse Commission Chamber, 301 South Monroe St., Tallahassee.

AMERICAN OVERSIGHT

Happening today

The Florida Education Association "Fund Our Future" bus tour enters its second week with events in Leon County and a full schedule of stops, ending the week in Hernando County. Today, the tour will take part in a Little Free Library dedication, 10:15 a.m. Eastern time, Pineview Elementary School, 2230 Lake Bradford Road, Tallahassee.

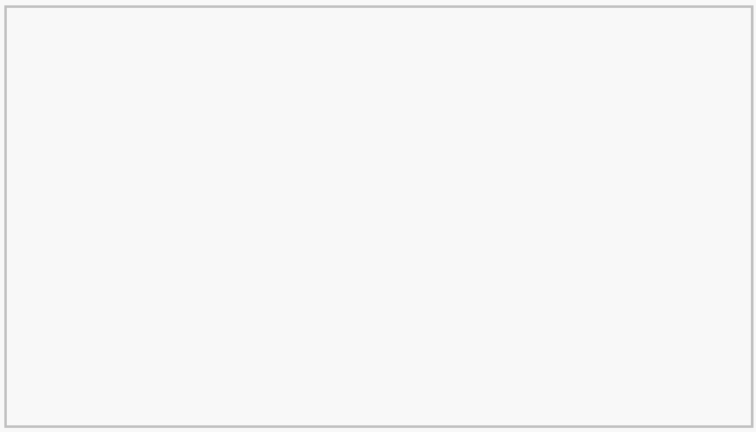


The next stop on the FEA bus tour — Tallahassee.

Also — The Associated Industries of Florida holds its annual conference; scheduled speakers include DeSantis; Attorney General Moody; Agriculture Commissioner Fried; Sen. **Bill Montford**; Reps. Jason Shoaf and Randy Maggard; Enterprise Florida President and CEO **Jamal Sowell**; and state Chief Resilience Officer **Julia Nesheiwat**, 9 a.m., Augustus B. Turnbull III Florida State Conference Center, 555 West Pensacola St., Tallahassee.

AMERICAN OVERSIGHT

"Amendment 4 confusion remains as leader of campaign plans to cast his first vote in Orlando" via Steven Lemongello of the Orlando Sentinel — As **Desmond Meade** prepares to vote next month for the first time, thousands of former felons like him can't go to the polls, and many only think they can't. "We get calls throughout the state from people who are unsure about whether they can vote because of fines and fees," said Meade, who spearheaded the Amendment 4 push last year to restore voting rights to ex-felons. "And we analyze their files, and we come to find out … they don't have any fees or fines." The election calendar presses on anyway. And early voting in for the city elections in Orlando begins whether the state is ready or not.



Desmond Meade — the leader of the campaign that successfully passed Amendment 4 — is preparing to cast his first vote. Image via Getty.

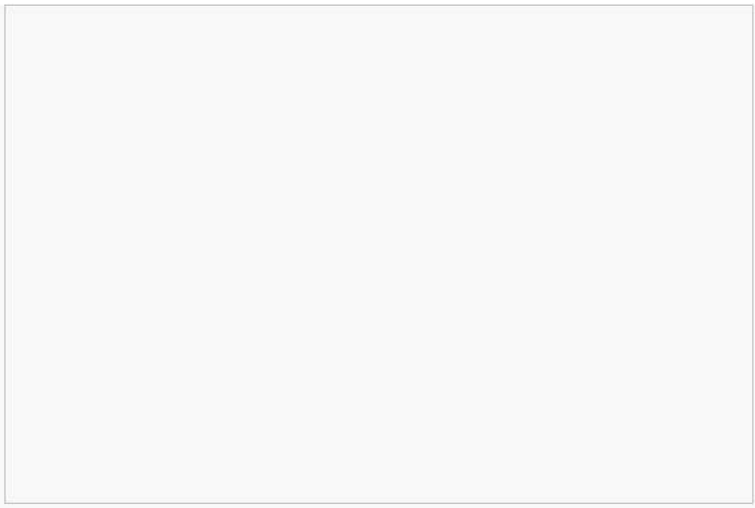
"Judge: Florida Corrections Department incorrect in censorship of magazine, must pay $1.2 million" via James Call of the Tallahassee Democrat — Prison Legal News, a criminal-justice magazine for inmates, was awarded $1.2 million in attorney fees by a federal-district court in Tallahassee. The nine-year-old lawsuit centered on the Florida Department of Corrections rejection of all issues of the 72-page publications based on the content of its advertisements. Florida is the only state which censors the 30-year old publication because of ads for phone services, pen-pals and postage stamps. Four years ago, the district court held that DOC's censorship guidelines did not violate First Amendment rights but that they did violate Prison Legal News' due process rights when officials failed to provide adequate notice the magazine was rejected.

"Divvying up Medicaid patients could spark debate" via Christine Sexton of the News Service of Florida — An algorithm that dictates assignment of many Medicaid patients to health plans could cause another high-stakes tussle among plans that have received an estimated $90 billion worth of contracts to manage care in Florida's Medicaid program. The state Agency for Health Care Administration submitted a report this month outlining options the Legislature could consider to make the process more "equitable" for health plans. If approved by lawmakers, the proposals could help managed-care plans that entered Florida's market as a result of a process that led to awarding Medicaid contracts last year.

"In vacuum of state anti-discrimination laws, some employers act to protect LGBTQ workers" via Bailey Gallion of FLORIDA TODAY — For lesbian, gay, bisexual and transgender employees in Florida, finding workplace acceptance is a tricky thing — without state laws to protect them from discrimination, they must rely on employers to protect them and create an accepting environment. Some local employers accomplish that. Others don't. Under state law, employers can still fire LGBT (lesbian, gay, bisexual or transgender) employees due to their sexual orientation or gender identity. But employers are improving, activists say; many have adopted anti-discrimination policies stating they won't discriminate against LGBT employees. Brevard School District, for example, passed a nondiscrimination policy for LGBT teachers, students and staff in July. But many private schools don't have any such policy.

Spotted — Marc Dunbar in "Legalized sports betting is expanding nationally and Vegas supports the effort" via Republic Online (Kansas) —Dunbar, a Florida-based attorney in the gaming industry, said … high tax rates hurt operators, and therefore consumers. He pointed out that sophisticated computer technology allows operators to detect trends and balance risk — as well as protect consumers … Dunbar said "regulatory or tax handcuffs" will aid exploitation. "You need only look around the world to see ways that it can happen — if not sports betting, then lottery or horse racing," he said. "If you don't allow tech companies to invest in more product, they will not be able to be as sophisticated as the people who want to cheat the game."

AMERICAN OVERSIGHT

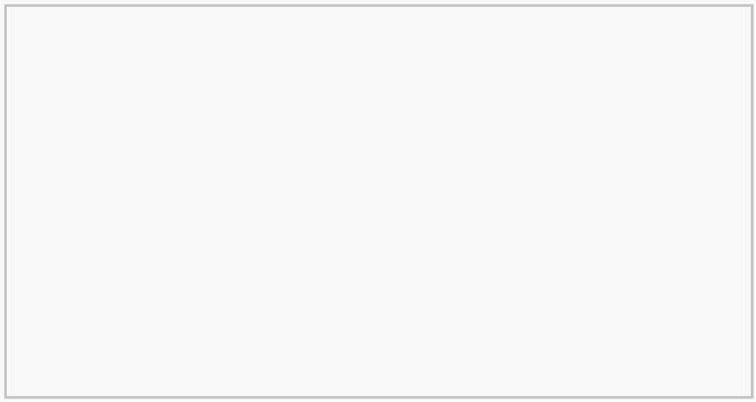


Gaming industry attorney Mark Dunbar says high tax rates hurt operators, and the costs are passed on to consumers.

"**For 40 years TaxWatch has promoted fiscal prudence**" via Steve Bornhoft of 850 Business Magazine — Florida TaxWatch each year presents Principal Leadership Awards to nine educators — three each at the elementary, middle and high school level — who have brought about transformational change in once-struggling schools. And, for 30 years, it has celebrated, with TaxWatch Productivity Awards, state employees who find ways to improve services, increase efficiencies and save tax dollars. Public education is a chief focus; in every county in Florida, the school district is the largest or second-biggest employer. "It's big business, but most of the time, the people running our schools have no business acumen," said TaxWatch President and CEO **Dominic Calabro**. Other priorities for TaxWatch include Everglades restoration; economic development; maintenance of Florida's environmental quality and infrastructure expansion and upkeep.

Mother nature

"**Insurance policyholders being left behind following major storms**" via Craig Drillich for the South Florida Sun-Sentinel — The Florida Association of Public Insurance Adjusters (FAPIA) is concerned about a recent statement by the state's top state insurance regulator that he struggled to "think of a single instance" where an insurance company had failed to timely pay a claim within 90 days, as required by law. This statement is deeply disturbing, particularly since data provided by the insurers confirm that to this day over 100,000 Floridians are still waiting for their Hurricane Michael (2018), Irma (2017) and even Matthew (2016) claims to be paid and resolved. The truth is that there is only one entity controlling the purse strings and deciding what will be paid and when it will be paid and that is the insurance company.



Insurance companies hold all the cards when it comes to the payout of hurricane claims, leaving policyholders on the hook.

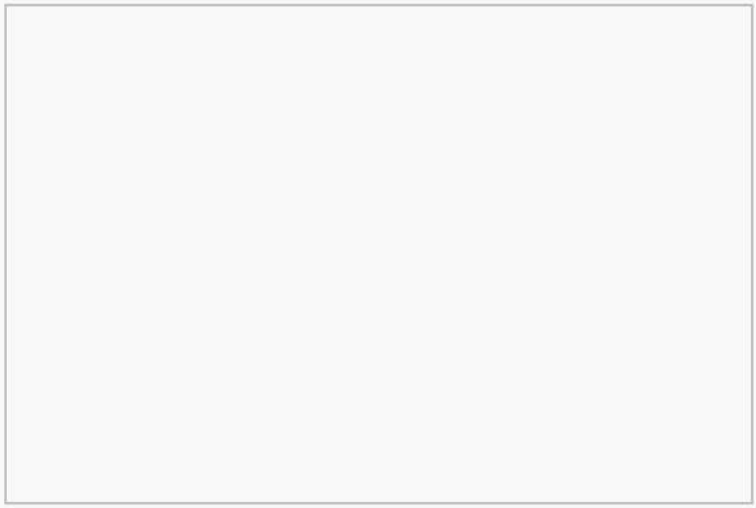
"**'Words can't really describe it': Port St. Joe still bears physical, mental scars from Michael**" via CD Davidson-Hiers of the Tallahassee Democrat — Michael hit during high school principal **Josh Dailey**'s first year leading the same school he graduated from. "We're still dealing with the effects every single day," Dailey said. He sat in his office in Port St. Joe High School and recalled the days just after the Category 5 hurricane. "Words can't really describe it." A year later, the school, which was built in 1968, still has a roof missing and issues with mold. The district estimates more than $15 million in damages. Throughout the community, from a church on the water to a historically black neighborhood in the north, the struggle continues.

AMERICAN OVERSIGHT

Peachy

"**Judge says impeachment inquiry is legal and justifies disclosing grand jury material**" via Tammy Kupperman, Joan Biskupic, Ariane de Vogue and Manu Raju of CNN — A federal judge gave a legal endorsement to the House Democrats' impeachment probe into Trump and ordered the Justice Department to release grand jury information redacted from special counsel **Robert Mueller**'s investigation. The ruling is a blow to the Trump administration's claims that the House is not conducting a valid impeachment inquiry since there's been no formal vote to authorize the probe. In a lengthy opinion, Chief Judge **Beryl Howell** of the U.S. District Court in Washington, D.C., said the House clearly is conducting an impeachment inquiry. " (A)n impeachment trial is an exercise of judicial power," Howell wrote.

"**Gordon Sondland told House panels Trump's Ukraine pressure was quid pro quo**" via Rebecca Ballhaus of The Wall Street Journal — **Sondland**, the U.S. ambassador to the European Union, told House committees that he believed Ukraine agreeing to open investigations into Burisma Group — a gas company where Democrat **Joe Biden**'s son once served on the board — and into alleged 2016 election interference was a condition for a White House meeting between Trump and Ukrainian President **Volodymyr Zelenskiy**. Asked by a lawmaker whether that arrangement was a quid pro quo, Sondland cautioned that he wasn't a lawyer but said he believed the answer was yes. Trump has repeatedly denied the existence of a quid pro quo related to his push for Ukraine to open investigations.



Gordon Sondland tells the House that Donald Trump's Ukraine pressure was indeed a quid pro quo.

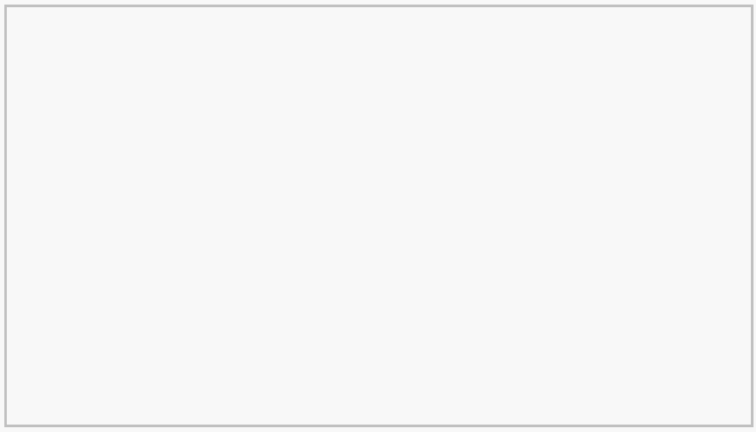
"**In impeachment inquiry, Republican lawmakers ask questions about whistleblower, loyalty to Trump and conspiracy theories**" via Greg Miller and Rachel Bade of The Washington Post — Republican lawmakers have used the congressional impeachment inquiry to gather information on a CIA employee who filed a whistleblower complaint, press witnesses on their loyalty to Trump and advance conspiratorial claims that Ukraine was involved in the 2016 election. The Republicans have refrained during hearings from explicitly accusing the individual of filing the explosive complaint with the U.S. intelligence community's inspector general two months ago. But the questions have been interpreted as an attempt "to unmask the whistleblower," whose identity is shielded under federal law. Republicans appear to be seeking ways to discredit the whistleblower as well as other witnesses "by trying to dredge up any information they can," one official said.

"**Vern Buchanan's impeachment balancing act**" via Zach Anderson of the Sarasota Herald-Tribune — "Do you think the process that the President's going through in Washington is fair?" **Buchanan** asked the crowd at the Sarasota Republican Club's monthly meeting. "No!" audience members yelled out. "It's the most disastrous thing I've ever seen," Buchanan said. "There's no due process, everything's held secretively. It's unbelievable. They get witnesses in there, then they leak out whatever information they want to put out to the process." Buchanan's comments reflect a common GOP complaint about the closed-door meetings that are being used to gather witness testimony in advance of public hearings. The reality is that while Buchanan is a critic of the impeachment process, he also is not out front trying to disrupt the process.

AMERICAN OVERSIGHT

D.C. matters

"**With Trump expected at Game 5, the Nationals and MLB prepare for a presidential visit**" via Chelsea Janes and Adam Kilgore of The Washington Post — Presidential visits are part of D.C. baseball tradition. Trump will attend his first Nationals game as President, but he will not throw out the first pitch. Trump does not plan to arrive in time to see that first pitch; he is planning to arrive after the game begins. Trump made that decision to alleviate the crush of fans entering the ballpark with higher security constraints. The past few days have included coordination among the Nationals, league officials and the White House advance staff to plan for the President's visit.



Donald Trump attends Game 5 of the World Series but breaks with tradition by not throwing the first pitch.

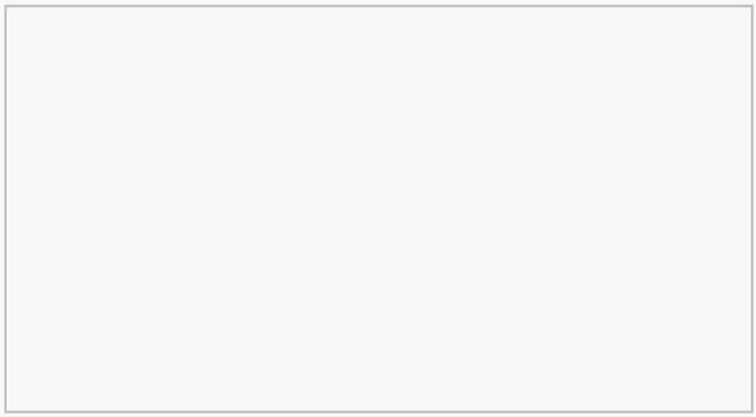
"**Who will take up Francis Rooney's environmental mantle? Advocates hope climate, water quality remain priorities**" via Amy Bennett Williams of the Fort Myers News-Press — Environmentally,**Rooney** was a rare bird. A former oil company executive who sponsored an offshore drilling ban, a one-time climate change denier who became a carbon tax champion, Rooney was a dyed-in-the-wool Republican politician who ecological advocates describe with profound affection — and growing wistfulness. Professor **Mike Savarese**, the program coordinator of FGCU's Marine and Earth Science department, has worked with Rooney on climate change issues. He describes the congressman as a rebel with the courage of his convictions, "incredibly committed, with idealism and a lot of integrity to stand up for climate," Savarese said — "the only one in the House that's really stepped up to do this." Even the environmental advocates who don't rave about Rooney acknowledge that he ran against the current Republican grain.

AMERICAN OVERSIGHT

2020

"**How South Florida's exotic cast of political characters fuels Trump's reelection bid**" via Mark Caputo of POLITICO — Campaign manager **Brad Parscale** is a new resident of Fort Lauderdale, where the campaign's chief pollster, **Tony Fabrizio**, and on-again, off-again adviser **Roger Stone** also reside. Two of Trump's lawyers representing him amid his impeachment saga, **Jane** and **Martin Raskin**, hail from Coral Gables. Mar-a-Lago, is not far from the Boca Raton offices of the National Enquirer — which went so far as to spearhead a "catch and kill" propaganda scheme in 2016 to hush women who allegedly had affairs with Trump — and the influential conservative publication Newsmax, whose CEO, **Christopher Ruddy**, has known Trump for years.

"**How Trump's campaign manager — South Florida's Brad Parscale — learned to navigate and thrive in the inner circle**" via Michelle Ye Hee Lee, Michael Scherer, Josh Dawsey and Anu Narayanswamy of The Washington Post — When Parscale was looking for advice about how to navigate Washington, D.C., after running the digital strategy for Trump's upstart presidential campaign in 2016, the brash political newcomer turned to a Beltway power couple. **Katie Walsh** and **Mike Shields**, both former chiefs of staff at the RNC, advised him on how to make the most of his new perch, he said. Since then, the three have helped each other flourish inside the Republican Party ecosystem, recommending each other's services to top GOP officials and candidates. Together, the trio have broad influence across the party — drawing millions of dollars from 23 party committees and organizations since the beginning of 2017, according to campaign finance filings and people familiar with their work.



Brad Parscale is among the cast of characters from South Florida that are fueling Donald Trump's reelection bid.

"**'We are asking you to dig deep': Joe Biden seeks to steady finances as allies fret**" via Shane Goldmacher of The New York Times — In a memo to top bundlers this week, Biden's campaign manager, **Greg Schultz**, sought to allay growing concerns that Biden is facing a cash crunch and won't be able to stay competitive with his rivals. "We will have the resources we need to execute our plan," Schultz wrote. "We're asking you to dig deep." The Biden campaign is racing to contain the fallout from revelations that his campaign is spending more money than it is taking in. Biden's cash on hand — $9 million — is a fraction of what **Bernie Sanders** ($33.7 million) and **Elizabeth Warren** ($25.7 million) have banked. He even has less on hand than Mayor **Pete Buttigieg** and Senator **Kamala Harris**, who are well behind him in the polls.

The trail

Happening tonight:

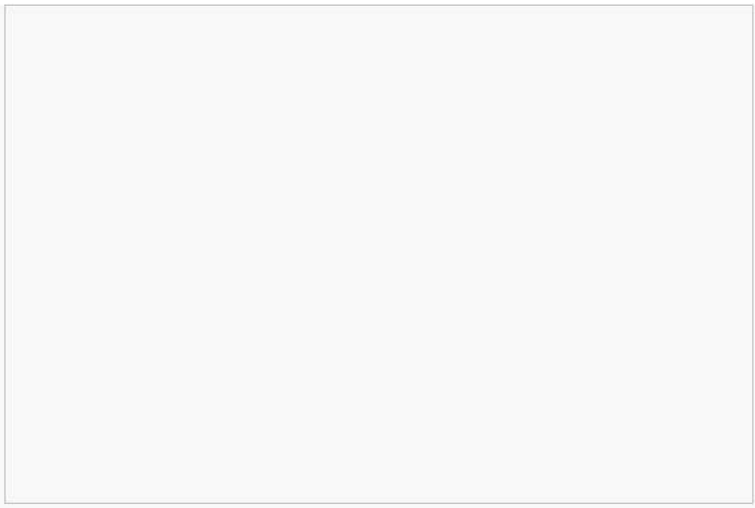
AMERICAN OVERSIGHT

"**Pro-Trump Republican leader considers election challenge to Parkland Senator who voted to reinstate Scott Israel as sheriff**" via Anthony Man of the South Florida Sun-Sentinel —**Joe Budd**, an early and continuing supporter of Trump, said he's considering a 2020 election challenge to state Sen.**Kevin Rader** after the Senator voted this week against removing**Scott Israel** as Broward County sheriff. "The people deserve a choice," Budd said in an interview. He said he hasn't thought about running until all the attention started being paid to the Israel case. "I really expected Kevin would have broken with the party, being that's in his district," Budd said.

"**David Fairey takes on Tommy Gregory, Florida's 'broken system' in state House campaign**" via Ryan Callihan of the Bradenton Herald — "We tell our kids all the time that they need to get involved if they want to change the system," said **Fairey**, who is running as a Democrat against first-term Rep.**Gregory** in House District 73, which includes parts of eastern Manatee and Sarasota counties. And Fairey, who works as a CFO at a Sarasota-based internet marketing company, says he has firsthand knowledge of just how broken the system is. A lack of affordable housing and the weight of student loan debt are issues that Fairey is familiar. Solving issues surrounding gun safety, health care and economic reform are Fairey's top priorities. Democrat, Republican or independent, Fairey says, these are issues that everyone wants to figure out.

"**Tensions over Broward sheriff's ouster preview brutal election campaign ahead**" via Steve Bousquet of the South Florida Sun-Sentinel — **Scott Israel** was removed after 22 Senate Republicans and three Democrats decided he was guilty of incompetence and neglect of duty for his agency's handling of two mass shootings. The evidence showed that eight deputies refused to charge the school and confront the gunman. But the Senate's own expert concluded that those were individual failures that did not justify removing Israel from office. Parkland families disagree. Broward's chief law enforcement officer is chosen in partisan elections, and today's Broward is a majority-minority community where 39 percent of Democratic voters self-identify as black. Scott's core argument of "don't take my vote" is sure to resonate across Broward.

AMERICAN OVERSIGHT



The contentious removal of former Broward County Sheriff Scott Israel may just be a foreshadowing for an equally contentious 2020 race. Image via Colin Hackley.

"**This Miami commissioner gave a candidate in another district a six-figure check**" via Joey Flechas of the Miami Herald — Having a strong political alliance could be priceless to some elected officials, but Miami Commissioner **Ken Russell** has put his number on it — $150,000. In September, Russell pumped the six-figure sum into the political committee for **Eleazar Meléndez**, the commissioner's former chief of staff and a candidate in the District 1 race. Russell moved the money from his committee, Turn the Page, to Meléndez's committee, Vision with Action. Russell has raised $584,000 for his committee since it opened in 2018, with $100,000 of that coming from his abandoned congressional run in 2018. The donation to Meléndez is the committee's single largest expenditure, and it's this municipal election's most public case of a sitting commissioner involving himself in another district race.

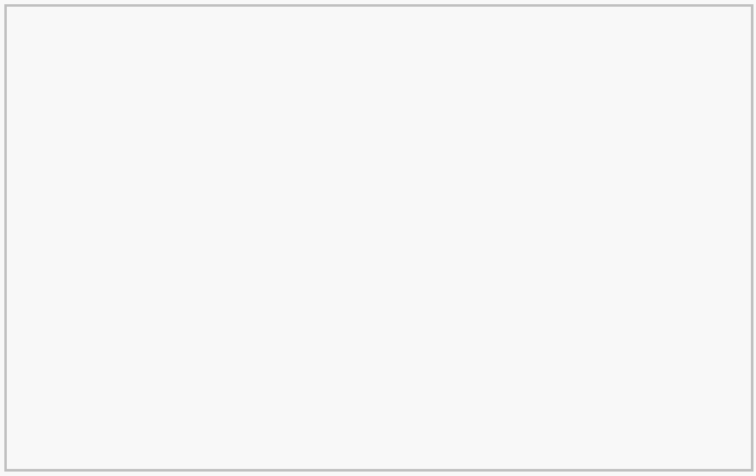
"**With experience and baggage, Alex Diaz la Portilla runs for Miami's District 1 seat**" via Joey Flechas of the Miami Herald — Vying for the most local level of public office, **Diaz de la Portilla** said he's on the path toward victory. "Experience matters," Diaz de la Portilla said. "This is not an entry-level job." Diaz de la Portilla might have the most experience and money, but he also carries the most baggage. He was arrested in Boston seven years ago after police said he acted "belligerently" when he and a guest were told to leave after they ignored orders to stop smoking in a hotel room. His ex-wife accused him of stalking after they separated. Public records show that in January, a home he owned with his ex-wife was foreclosed — a "personal matter" stemming from a bad divorce, he says. A mortgage foreclosure sale has been delayed due to a court battle over attorneys' fees.

Local

AMERICAN OVERSIGHT

"**No real help' available for thousands struggling in Central Florida's opioid crisis, research finds**" via Kate Santich of the Orlando Sentinel — Prescriptions for opioids have plummeted in Central Florida in the past 18 months, but the number of overdose deaths is down only modestly because of a "flood" of powerful illicit fentanyl into the region. Those are the key findings of a sweeping report by UCF researchers for Project Opioid, an initiative launched in January. "All of the complications involved with this boil down to a simple math problem," said **Kendall Cortelyou-Ward**, director of the health care informatics master's program at the University of Central Florida. There are too many people that have opioid-use disorder — some 69,000 in our region — and there's not enough medication-assisted treatment for them.

"**JEA executives' retention bonuses seen by some as incentive to sell utility**" via Christopher Hong of the Florida Times-Union — Thirteen senior administrators at JEA, including CEO **Aaron Zahn**, who has led the charge to explore privatization, are all in line to receive six-figure bonuses if JEA is sold. The bonuses are equal to each member's salary, putting Zahn's at $524,000. JEA describes the payouts as "retention bonuses" that could help prevent a brain-drain of employees from leaving as the utility faces an unknown future. However, some council members are concerned that people deeply involved in the decision-making process have so much to gain from a certain outcome. "It's concerning because it's evidence there's an incentive to sell the JEA," said City Councilwoman **Randy DeFoor**.



A retention bonus for executives like JEA CEO Aaron Zahn may be coming in the utility's privatization.

"**The gut check Jacksonville's consolidated government needs**" via Nate Monroe of the Florida Times-Union — "Mayor **John Peyton** leveraged the power of consolidation to implement a high-fiber governing diet," **Chris Hand** writes in the 50th-anniversary update to "A Quiet Revolution," a detailed accounting of Jacksonville's transformation into a consolidated government in the late 1960s. Hand believes in consolidation, but his contributions to this new edition add a much-needed and grounded assessment of Jacksonville's modern history — including giving voice to skeptics and noting consolidation's failures, particularly for black residents. This should help keep the book relevant as more people vocally question the much-touted reform that made Jacksonville one of the most populous cities in America. A straightforward reckoning of consolidation's promises and its reality has long been overdue.

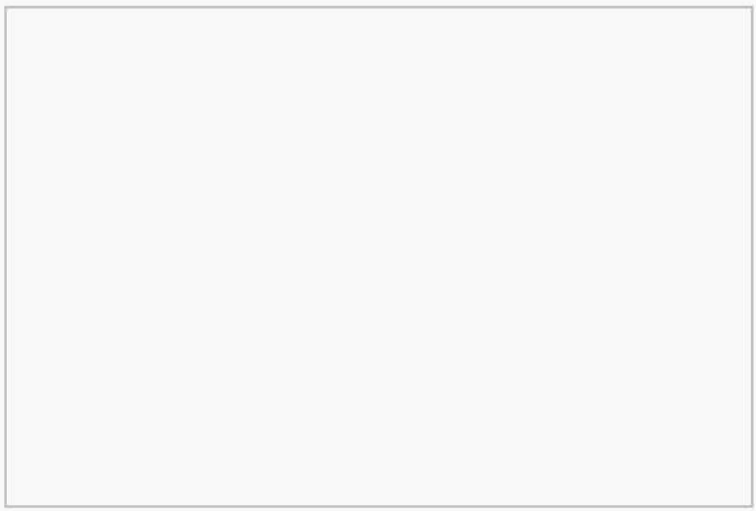
AMERICAN OVERSIGHT

More local

"I-4 Ultimate: Delays, overruns and deaths plague project" via Kevin Spear of the Orlando Sentinel — Today, the 21-mile and $2.3 billion rebuilding of Interstate 4 through metro Orlando is slogging through rising costs to an uncertain finish date, with crews working day and night under the pall of repeated worker fatalities. "The construction process is now more than an inconvenience, it is endangering the lives of commuters, workers and visitors," said U.S. Rep. **Stephanie Murphy**, a Democrat whose district covers the interstate from Sanford to Orlando. "We cannot tolerate any more delays. FDOT should be working with the contractor to ensure the project is completed promptly and safely." Countless drivers can't wait until the work is done, having had enough already of white-knuckle driving.

"Warning Icon warns of abuse and neglect in nursing homes, including two in Pensacola" via Melanie Payne of the Fort Myers News-Press — Floridians trying to the right nursing home will no longer have to wonder if there's been a recent incident of abuse, neglect or exploitation. When they look up the nursing home on the Medicare website, they'll see an icon with a red circle surrounding a hand, palm forward and fingers up, in the "stop" position. The icon is the brainchild of the Centers for Medicare and Medicaid Services (CMS), the government agency that maintains the Nursing Home Compare website. The icon will appear for one year on the information page of nursing homes where a patient was harmed because of neglect or was physically, mentally or sexually abused.

"Rush Limbaugh, Gay Hart Gaines to be honored at Palm Beach event" via Ryan Nicol of Florida Politics — The National Review Institute is set to honor conservative radio host **Limbaugh** and Republican fundraiser and activist **Gaines** at its annual Buckley Prize Dinner. That dinner is named after conservative thought leader **William F. Buckley**, who launched the institute as well as the National Review magazine. This year, the group will hold the dinner at The Breakers in Palm Beach. The Buckley Prize Dinner will kick off Wednesday evening with a 6 p.m. reception, followed by the dinner and award presentations. According to the group's organizers, about 450 people are expected to attend the dinner.



The National Review Institute will honor conservative firebrand Rush Limbaugh at its annual Buckley Prize Dinner.

"Black Republicans form new group, ready to be 'hated' to win Trump reelection" via Abraham Mahshie for the Palm Beach Post — The idea came to her while watching African American pundits on MSNBC and CNN. "They speak as though they're representing or speaking for the whole beehive community of African Americans," said **Cheryle Davis-Darrell**, president of the newly formed Black African American Republicans Club of the Palm Beaches, or BAARC. That's when she came to a realization: "I don't think that way. A lot of people that I know don't feel that way." The longtime courthouse volunteer, guardian ad litem, and volunteer dispatcher at the Palm Beach County Sheriff's Office felt she could do more for the party than just attend Trump rallies.

AMERICAN OVERSIGHT

Opinions

"**The zombie campaign**" via Olivia Nuzzi of New York magazine — To anyone paying attention — the army of political professionals more wired to observe shortcomings than are those likely to actually vote for Biden or anyone else — it looks, unmistakably, like it's happening again. His vulnerabilities are close to the surface. It's not just his age itself. It's his tendency to misspeak, his inartful debating style, and — most of all — his status as a creature from another time in the Democratic Party. It's not just that the Biden of yesteryear sometimes peeks out from behind the No. 1 **Obama** Stan costume. It's that the Biden of today is expected to hold his former self accountable to the new standards set by a culture that's prepared to reject him.

"Progressives, Hispanics are not 'Latinx'" via Giancarlo Sopo for USA Today — Gender-nonconforming Americans should be treated with compassion and respect. If someone wants to be called Latinx, that is fine, but the label should not be forced upon all Latinos. Hispanic Americans face plenty of challenges. The last thing we need are progressives "wokesplaining" how to speak Spanish.

"**Joe Henderson: Despite opposition, open primary concept has some good points**" via Florida Politics — The question of whether to open primaries to all registered voters has done the impossible. Republicans and Democrats are actually united around something besides mom and apple pie. They oppose open primaries. Republicans filed a legal brief against the "All Voters Vote" proposal. While there certainly are flaws in any open primary plan, I don't agree that it would decimate voter choice. It would reduce party control over these elections, though. It also might give candidates a way out of conforming to the ideological checklist we have now. Deep blue progressive Democrats or NRA-regimented Republicans might not have oversized influence. There should be a way to maintain primary integrity without freezing out about a quarter of the registered voters.

Movements

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Personnel note: Beth Frady joins Department of Transportation — In an email, **Frady** announced she was leaving the Department of Highway Safety and Motor Vehicles, where she's been Communications Director for the last four years, to work at FDOT beginning today. Frady also has been the Director of Public Relations for Enterprise Florida, where her then-boss — **Ken Lawson** — said she was "a dynamic communications professional who handles media relations with aplomb and coolness." She also was Deputy Communications Director for the Department of Business and Professional Regulation, and an Accounts Coordinator at RB Oppenheim Associates, according to her LinkedIn page.

New and renewed lobbying registrations:

Brian Ballard, **Christina Brodeur**, **Mathew Forrest**, **Kathy San Pedro**, Ballard Partners: American Hotel and Lodging Association, Give America Hope, eMerge Americas, Habilitation Center for the Handicapped, Hope Statistics

Patrick Bell, The Legis Group: Adams Sanitation, Town of Jay

Andrew Ciafardini, Buchanan Ingersoll & Rooney: Fidelity National Information Services

Michael Corcoran, **Matt Blair**, **Andrea Tovar**, Corcoran Partners: American Academy of Matrimonial Lawyers Florida Chapter, Palm Beach County

David Custin, David R. Custin & Associates: FALCONTRUST AIR, Mbeach Consulting & Solutions

Mary DeLoach, The Southern Group: HISTORIC TOURS OF AMERICA, Ocean Reef Club

Jason Gonzalez, Shutts & Bowen: U.S. Chamber Institute for Legal Reform

Scott Jenkins, Carlton Fields: Summit Industries Corporation d/b/a School Check IN

Joel Overton, **James Card**, Larry J. Overton & Associates: South Broward Hospital District

James Spratt, CAS Governmental Services: Sunshine State Biomass Cooperative

Dawn White: Baptist Health South Florida

Ian Whitney: City of Tampa

Aloe

"**'Joker' becomes the highest-grossing R-rated film ever**" via Frank Pallotta of CNN Business — The film, which stars **Joaquin Phoenix** as a troubled man who turns into a killer clown, has made roughly $788 million at the worldwide box office, Warner Bros. confirmed on Friday. That is enough to eclipse the record set by "Deadpool," which made $783 million globally when it came out in 2016. The film may be the highest-grossing R-rated film globally, but it still has a long way to before beating the highest-grossing R-rated film domestically. That record still belongs to **Mel Gibson**'s biblical drama "The Passion of the Christ," which made $370 million in North America in 2004. "Joker" has so far made $259 million in the U.S.

Tweet, tweet:

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"**Florida's favorite Halloween candy and other ways people spend money on the holiday**" via Dian Zhang of GateHouse Media — Americans' Halloween spending is projected to drop slightly, according to the National Retail Federation's annual survey conducted by Prosper Insights & Analytics. With an estimated $8.8 billion spent on candy, costumes, decorations and greeting cards, it's still expected to be the third-highest figure in the survey's 15-year history, just off the peak of $9.1 billion in 2017 and last year's $9 billion. The average shopper plans to spend $86.27 this year, down 52 cents from last year. Every region seems to have a favorite sweet, so CandyStore.com released a map showing each state's top pick. In Florida, Skittles was the most popular candy, having sold 563,882 pounds. Ranking second and third are Snickers and Reese's Cups.

"**You won't want to leave to giant guitar hotel once you see its most amazing feature**" via Connie Ogle of the Miami Herald — We told you the pool was going to be ridiculous. And we were so right. But it's even better than we imagined, and not just because apparently mermaids are floating around there waiting for you to throw them a fish or something. The pool is part of the Bora Bora experience, and we are obsessed with the Bora Bora experience, where you rent a "cabana" for day use. These are "cabanas" in the sense that the guitar is a "hotel" — which is to say not at all because both are SO MUCH MORE than we ever could have hoped for. The Bora Bora experience comes with a private bathroom, a private plunge pool and butler service.

The most amazing feature of the guitar-shaped Seminole Hard Rock Hollywood just might be the Bora Bora pool.

AMERICAN OVERSIGHT

Happy birthday

Celebrating today is one of the Legislature's best, Rep. **Byron Donalds**. Also celebrating today is **Jim Daughton** of Metz Husband Daughton, **Jonathan Foerster**, and the legendary **Bill Pfeiffer.**

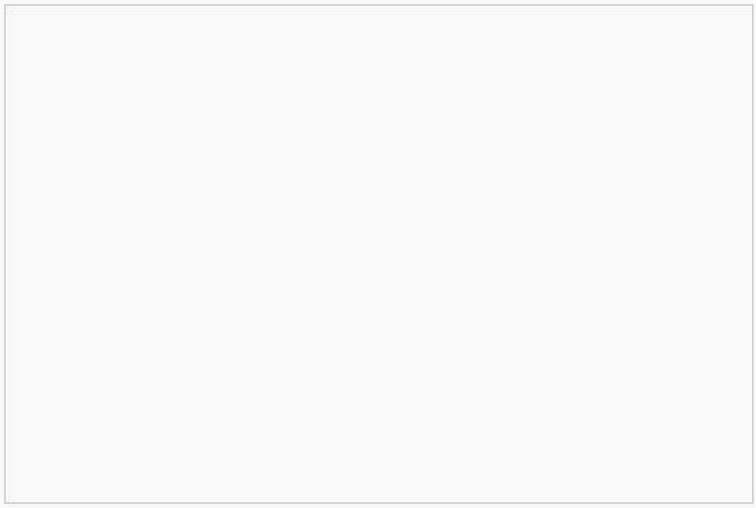
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From: Peter Schorsch <peterschorsch@floridapolitics.com>
Sent: Thursday, October 31, 2019 4:00 AM EDT
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: Sunburn — The morning □ read of what's hot □ □ in Florida politics — 10.31.19 — Burnin' today: Halloween, DeSantis, Morgan, trick-or-treaters, Patronis

Happy Halloween, Sunburn readers.

In case you missed it, here is **Ella Joyce**'s Not-So-Scary Halloween Display for 2019.



The sky cooperated with photographer Kimberly DeFalco to give the house an ominous look.

and

All sorts of stuff going on in the graveyard.

and



AMERICAN OVERSIGHT

There are now 75 Mickey-jacks in Ella's Pumpkin Patch.

Our display was written up in the local newspaper —"**Skeletons, pumpkins, lighted homes dress up these Halloween displays**" via the Tampa Bay Times

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Be sure to read this fun Halloween-themed blog post from FP's Janelle Irwin — "**The complete cynic's guide to Halloween safety, brought to you by Florida Politics' snarkiest mom**."

This is always a must-read for those in the Influence Industry —"**Halloween is brought you by these Florida lobbyists and political associations**" via Florida Politics — The witching hour is upon us. Halloween is expected to leave Florida Retailers are flush with cash. In fact, the National Retail Federation expects celebrators to spend a record high of $86 apiece. While retailers supply the costumes and candy, they're not the only interest that helps Floridians have a happy Halloween. Here are the lobbyists and political associations that make the holiday the best it can be.

If you enjoy today's Halloween edition of Sunburn, please take five seconds to Like it on Facebook or Retweet it.

Sunburn will be off Friday so that our staff and their families can fully enjoy the holiday. The morning read of what's hot in Florida politics will return to inboxes Monday.

AMERICAN OVERSIGHT

Today's Sunrise

Sunrise gives an update on election security in Florida. The Russians hacked into two county databases during the 2016 election, and the Secretary of State's office is spending millions of dollars to try to prevent a recurrence in 2020. However, details of what exactly is being done are not forthcoming.

Also, on today's Sunrise:

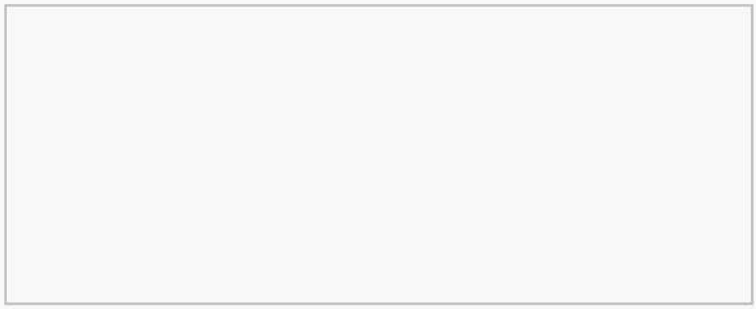
— Gov. **Ron DeSantis** says the upcoming Legislative Session could be better known as the Year of the Teacher. Teachers Hope it's true — but after the way they've been treated in Tallahassee in the past couple of decades, they remain cautiously doubtful.

— Mega-attorney **John Morgan**'s $15 minimum wage constitutional amendment had cleared a significant hurdle. They have enough signatures to make the ballot. But there's still a way to go.

— It's Halloween! While kids fill bags with candy, the real treat goes to retailers. The holiday for ghosts and ghouls is a major economic driver in the Sunshine State.

— More Florida Men madness: A Vero Beach man in a MAGA cap says the hat was slapped off his head by another man who proceeded to spit on him, saying: "You should go back to Russia, you f**ing communist."

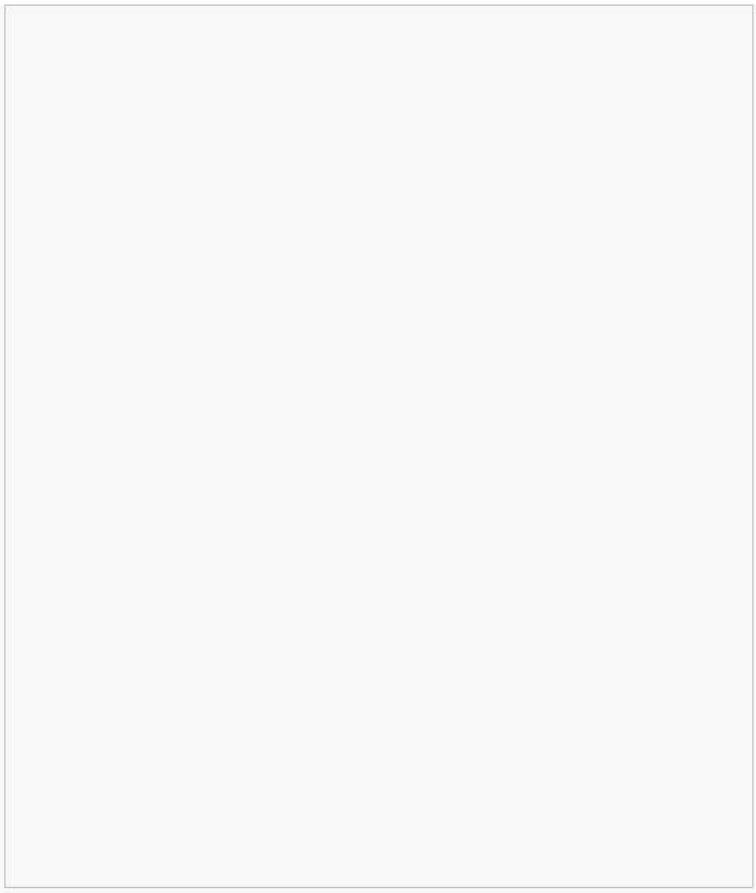
To listen, **click on the image below**:



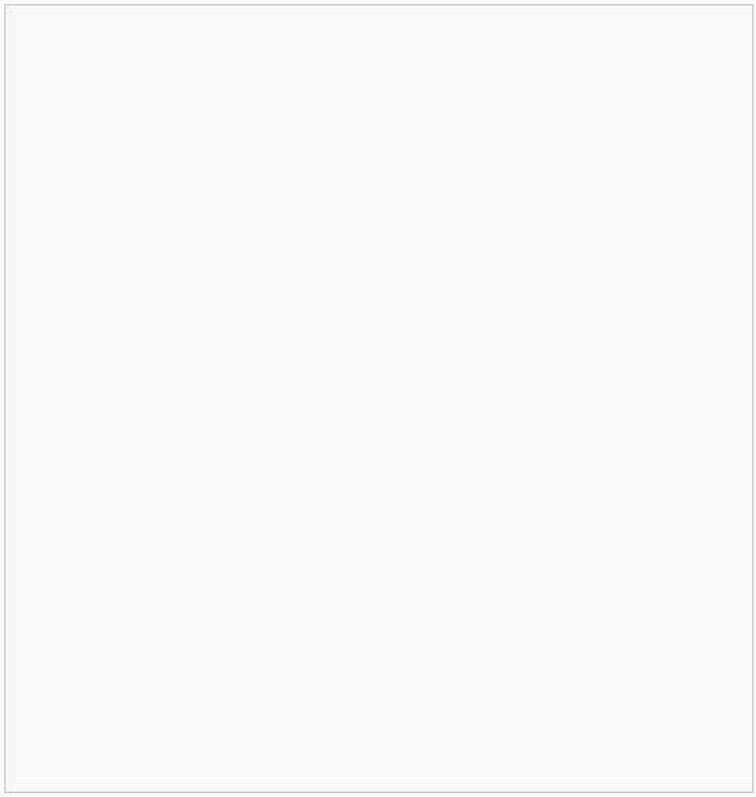
Situational awareness

Tweet, tweet:

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Tweet, tweet:



—@**Fineout**: Notice to @GovRonDeSantis administration @AHCA_FL — There is no obligation for a reporter to tell your PR office ahead of time if a reporter is going to a public meeting ... And it's fascinating that a state agency official will spend time after a public meeting to talk to all the lobbyists gathered there but said she couldn't talk to reporters without a PR person present

Tweet, tweet:

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—**@LMower3**: A @MyFDOT official just told toll roads task force members NOT to ask questions about whether 300+ miles of toll roads are needed. That's not their job, he said. Instead, they should just come up with some recommendations for the roads.

—**@BDS_Supt**: Baker Acted 3 students today- that's 97 since Aug. We need help & 13 months after MICHAEL have rec'd ZERO mental health $$ from Fed Disaster/FEMA. Waiting could literally kill us!

—**@JakeAFarmer**: At lunch @Jyapo and I got a lot of weird looks. even a "this is so weird to me" comment with him in his @GatorsFB gear & me in my @GeorgiaFootball gear ... we're the college football version of **W.** & **Ellen**.

—**@CHeathWFTV**: How to celebrate#NationalCandyCornDay 1. Place candy corn in a bowl 2. Pour bowl into trash 3. Repeat as necessary

—**@ChristmasCountdown**: Two more days until you can't tell me not to talk about Christmas yet.

Days until

The Florida Chamber's Insurance Summit — 4; 2019 General Election — 5; 3rd Annual Florida Internet and Television FITCon starts — 7; "The Mandalorian" premieres — 12; New season of "The Crown" streaming on Netflix — 17; Fifth Democratic debate — 20; "Frozen 2" debuts — 22; Next government shutdown (maybe) — 22; TaxWatch 40th Annual Meeting — 32; "The Rise of Skywalker" premiers — 50; College Football National Championship — 74; 2020 Session begins — 75; Florida TaxWatch State of the TaxPayer Dinner in Tallahassee — 76; Super Bowl LIV in Miami — 94; Great American Realtors Day — 95; Iowa Caucuses — 95; New Hampshire Primaries — 103; Last day of 2020 Session (maybe) — 133; Florida's presidential primary — 138; "Black Panther 2" debuts — 188; 2020 Summer Olympics in Tokyo begin — 265; Florida primaries for 2020 state legislative/congressional races — 299; First Vice Presidential debate at the University of Utah — 342; First Presidential Debate scheduled at the University of Michigan — 350; Second presidential debate at Belmont — 357; 2020 General Election — 369.

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Top story

The Florida Retail Federation is expecting record-high spending this year for Halloween.

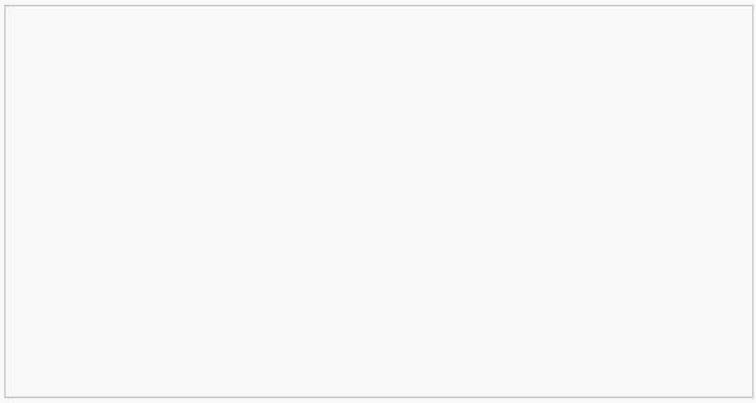
— **Survey says …**: The National Research Federation conducted a survey of shoppers this year who indicated average planned spending of more than $86 each on things like candy, decorations and costumes.

— **Big bucks**: The 2019 spending forecast is the third-highest record for the Halloween season, with 2017 being the peak.

— **Sweet tooth**: Nearly all Halloween shoppers will purchase candy this month, with 95 percent indicating they'd be ready to hand out sweets to trick-or-treaters in their neighborhoods. Nearly three-quarters of Halloween shoppers said they would purchase decorations, and more than two-thirds plan to buy costumes.

— **Quote**: "Whether you're passing out candy to trick-or-treaters, hosting a party or searching for the perfect costume this season, Florida families can find their Halloween needs at Florida's retail businesses," said **Scott Shalley**, President and CEO of the Florida Retail Federation.

"**Florida's favorite stores** — from the big box brands to the family-owned businesses on Main Street — are ready to deliver this Halloween," he added.



Florida retailers expect Halloween spending to scare up a record.

Dateline: Tally

"**Florida GOP leaders begin calling for Peter O'Rourke's ousting**" via Jacob Ogles of Florida Politics— Top GOP officials within the Republican Party of Florida expressed anger at reports of internal friction. Now, at least eight state board members have called for the termination of Executive Director **Peter O'Rourke**. As negative publicity continues to pile, more are openly speaking of taking corrective action. Text messages shared with Florida Politics show more than eight state board members have called on the removal of the executive director. At least one state board member suggested the party call **George Riley**, who served as executive director in 2016 when Republicans carried Florida for President **Donald Trump,** to replace O'Rourke.

"**Jimmy Patronis looks to Ron DeSantis on financial regulator**" via Jim Turner of the News Service of Florida — Chief Financial Officer **Patronis** is deferring to DeSantis about how to proceed with hiring a new top financial regulator. Patronis rejected any insinuation he was in a compromised position in the pending hire, after earlier this year championing the hiring and firing of former Office of Financial Regulation Commissioner **Ronald Rubin**. The series of events drew heavy attention, in part because Rubin was accused of sexual harassment. DeSantis, Patronis, Attorney General **Ashley Moody** and Agriculture Commissioner **Nikki Fried** will choose a successor to Rubin. But Patronis said he is awaiting the lead of DeSantis on the issue.

AMERICAN OVERSIGHT

On hiring a new state financial regulator, Jimmy Patronis is going to take his cue from Ron DeSantis.

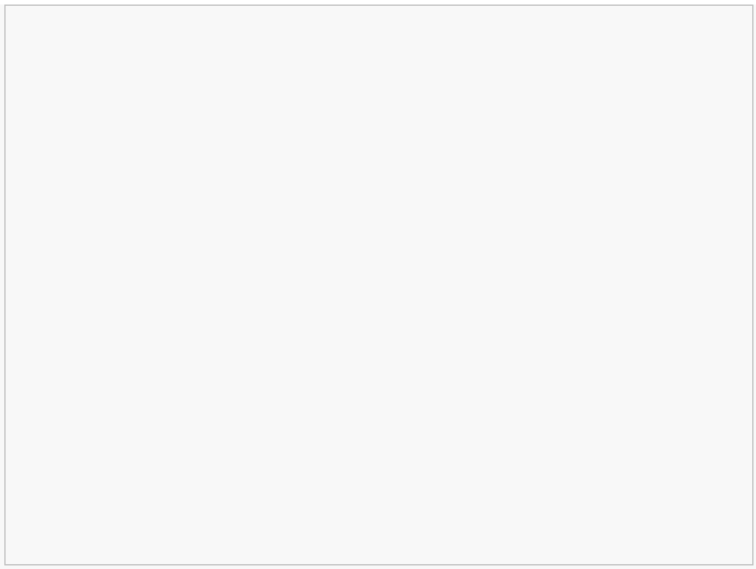
"**Alex Andrade's bill would end mandatory sentences for nonviolent drug offenses**" via Jim Lytle of the Pensacola News Journal — Currently, Florida law requires mandatory sentences for drug crimes no matter any mitigating circumstances in the case. **Andrade**'s bill is a companion bill to a proposal by Sen.**Rob Bradley**. It aims at removing mandatory minimums for drug possession if the person convicted was not engaged in violence when they were arrested, and they're not already convicted felons. The bill also increases the amount of drugs a person must be found with for that person to be charged with drug trafficking rather than just possession. Andrade's bill also allows for a person with a mandatory sentence to ask the court to reconsider their original sentence under the new law.

"**After cop handcuffed 6-year-olds at Orlando school, lawmaker seeks ban on arresting kids under 12**" via Monivette Cordeiro of the Orlando Sentinel — Six-year-old**Kaia Rolle** still has nightmares more than a month after she was arrested at her school. Her grandmother **Meralyn Kirkland** said the first-grader has reverted to wetting the bed in the weeks since Orlando police Officer **Dennis Turner** handcuffed her and another 6-year-old at Lucious & Emma Nixon Academy Sept. 19. Kaia was taken to a juvenile jail on a battery charge for kicking and punching school employees during a tantrum, police said. During a Wednesday press conference at the Orange-Osceola State Attorney's Office, Kirkland said she was supporting SB 578, a bill filed by state Sen. **Randolph Bracy** Jr. that would prohibit children younger than 12 from being arrested, except for under extreme circumstances.

"**'Safeguards' eyed for college athlete proposals**" via the News Service of Florida — After scoring a victory when the NCAA governing board moved toward letting college athletes make endorsement money, Florida lawmakers are looking to add "safeguards" to legislative proposals filed for the 2020 session. Before the NCAA's announcement, four Florida lawmakers had filed bills aimed at allowing college athletes to cash in on their names, images and likenesses. One of the bill sponsors, Rep. **Chip LaMarca**, said he would look to add a financial-literacy education requirement, along with prohibitions on endorsements for recruiting and transfer advantages. "I am cautiously optimistic about this news from the NCAA," LaMarca said in a statement.

"**Jackie Toledo asks fellow lawmakers for $1.5M for TBARTA**" via Janelle Irwin Taylor of Florida Politics — **Toledo** filed HB 2483 this week along with an appropriations request for the funding. It would pay for a nearly $300,000 salary and benefits package for TBARTA Executive Director **David Green**. It also includes more than $987,000 for additional staff salaries and benefits, including technical support, financial administration and oversight, grants management and administration, marketing and public relations, project management and human resources administration. Another $213,214 would go to expenses for rent and utilities, phone and internet, travel and parking, training, printing and copying, office supplies, postage, office furniture and equipment and various other fees and expenses. The requested appropriation is for nonrecurring funds.

AMERICAN OVERSIGHT



Jackie Toledo is asking for $1.5 million for Tampa Bay's transit agency.

What Tim Stapleton is reading —Nurse practitioners renewing push for independence— The Florida Association of Nurse Practitioners will redouble its efforts to gain independence from physicians in the wake of Hurricane Michael, **Alexandra Glorioso** of POLITICO Florida reports. During a discussion at a state Medical Advisory Committee meeting, FANP Chair **Stan Whittaker** said the region had far fewer doctors today than when the Category 5 storm hit last year, leaving many patients without adequate access to health care. "It's an overwhelming obstacle," he said. "We're just not getting any options." However, he said allowing nurse practitioners to open solo practices could alleviate at least some of the burden.

Statewide

"**Consumer index reveals Florida residents feel concerned about U.S. economy**" via WJCB — As the holiday shopping season approaches, some Florida residents are feeling more pessimistic about the economy. The University of Florida released its monthly consumer sentiment index is at 96.1, which is down half a point from a month ago. The index ranges from 2 to 150, and four out of the five categories that were gauged have lost ground. The study found that residents were concerned about the long-term health of the U.S. economy.

"**Florida among worst states to survive a recession in 2020**" via Brendan Ward of the Tampa Bay Business Journal — A recent report from FitSmallBusiness.com found Florida to be one of the worst states to survive a recession in 2020. The study used a variety of factors to create an overall score that was then used to create the rankings. Florida ranked as the eighth-worst state to survive a recession in 2020, coming in at No. 42. The Sunshine State managed a score of 26.025, compared to the top state, which scored 35.375. FitSmallBusiness.com ran a similar report in 2017, the last time the U.S. feared a looming recession. In that report, Florida ranked as the 14th best state to survive a recession. Now two years later, it dropped 28 spots.

"**Florida students see drops in reading scores**" via Jessica Bateman of WLRN — Across the country and throughout Florida, students performed worse on the 2019 National Assessment of Educational Progress (NAEP) than the same tests two years ago. The exams are given every other year to a representative sample of fourth and eighth-graders by the National Center for Education Statistics (NCES), a division of the U.S. Department of Education. Florida public schools saw significant drops in reading performance from 2017, a shift that was reflected nationwide. Students across the board saw decreases in reading performance, except for the very strongest readers, NCES reported.

Happening today — Florida Education Association President **Fedrick Ingram** will deliver a speech on student success at Hawthorne Middle-High School, 21403 SE 69th Ave., Hawthorne. The FEA visit to the school — part of its continuing statewide bus tour — will be 1:15 p.m.

"**School on the day after Halloween? Boooooo, petitions say**" via Austen Erblat of the South Florida Sun-Sentinel — More than 200,000 people from school districts across Florida — and more than a million people nationwide — have signed online petitions calling for no school on the day after Halloween. It's not clear how many of those who signed petitions are students, but "a lot" would be a good guess. "There's nothing scary about the fact that over 2,000 kids and teens have come to Change.org to say that they want the school day after Halloween off," said **Michael Jones**, managing director of campaigns at Change.org. "This is a major trend, and we hope schools listen and give students a treat. We encourage students to start their own petitions to make their voices heard in their own school districts."

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Over one million people have signed a Change.org petition calling for a day off from school on the day after Halloween. Image via Quoron Walker of the Courant Community.

Nikki Fried announces $500,000 'Food Recovery Grant' legislation — The Agriculture Commissioner this week toured Pero Family Farms, a fifth-generation family farm, then announced new legislation creating a $500,000 grant program to "support and promote food recovery efforts between local farms and food banks,' a news release said. "By helping move leftover produce from fields to food banks, we can reduce food waste (and) break the cycle of food insecurity," she said. Farmworkers and local nonprofit volunteers often collect leftover produce from farm fields for distribution through food banks. Fried's legislation, to be filed in the 2020 Legislative Session, will help promote the food recovery program to more nonprofit organizations.

Trick or treating? FDLE has a few safety tips — The Florida Department of Law Enforcement wants kids to have a fun and safe Halloween, and it has a few tips for parents that could prevent something truly scary from happening while they're out collecting candy. FDLE says parents should have the names and contact info for all trick-or-treaters in their child's group. If a child gets lost, getting them home is a lot easier if they know to call 911 in an emergency and can recite their full name, address and telephone number — just make sure they know not to hand that information out to strangers. Kids should also be encouraged to use crosswalks and sidewalks. Finally, parents can download the FDLE app for up-to-date public safety information.

Taxes are tricky

AMERICAN OVERSIGHT

Is Halloween candy a trick or a treat? Both, if you're buying it in Florida! Groceries are generally exempt from the Florida sales tax, but candy can get confusing. Most of the candy that trick-or-treaters collect, and adults hand out (and eat), is subject to the 6 percent state sales tax and any applicable local option sales tax, so long as it costs at least ten cents. Other food items that are "similar to candy" are also taxable, including candy apples, chewing gum and breath mints (except those containing aspirin, laxative, or antacids), cotton candy, fruit-flavored sticks, jelly beans, licorice, and lollipops.

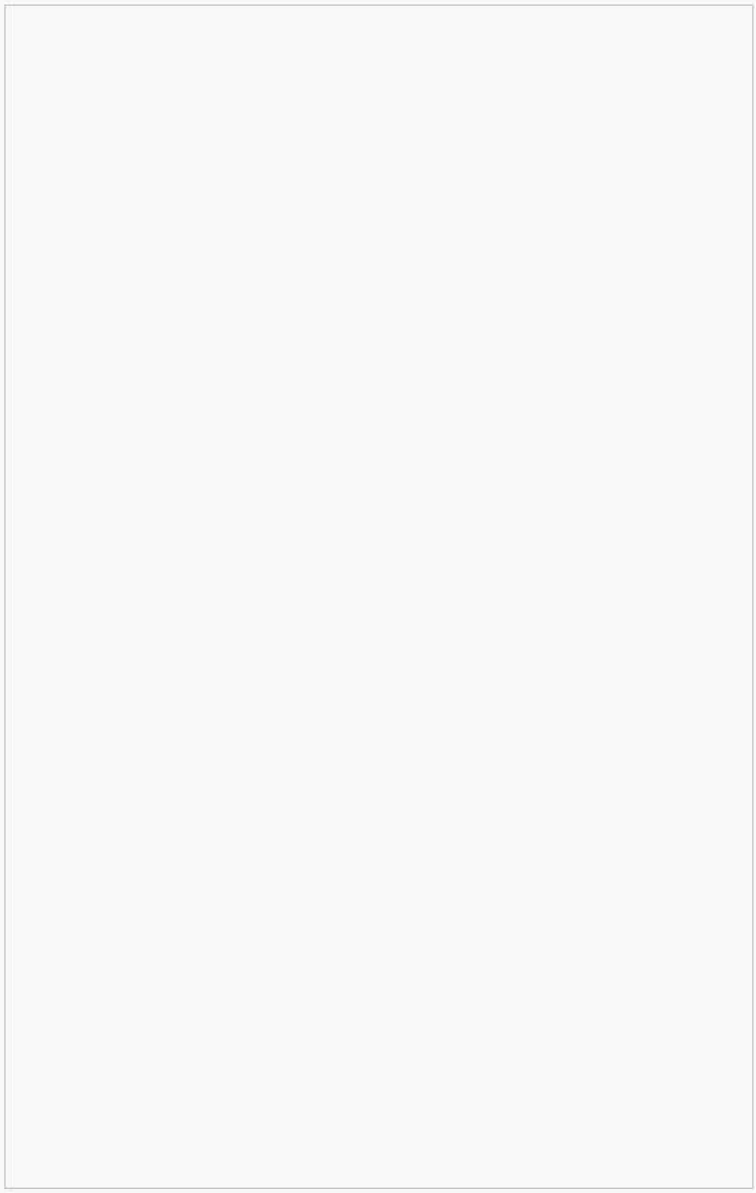
Then it gets tricky. Chocolate and glazed or sugarcoated fruit are taxable, but chocolate chips and glazed fruit are exempt when "advertised or normally sold for use in cooking or baking." Frosting, powdered sugar, and items used to decorate baked goods are also exempt.

One of these treats is a trick: marshmallow candy is taxable; marshmallows are exempt.

Ice cream and frozen yogurt are exempt if sold in containers larger than one pint, but it is taxable if sold in pints (sorry, Ben & Jerry) or smaller sizes. Popsicles, fudgsicles, frozen fruit bars, and other frozen novelties are taxable.

These goodies for trick-or-treaters are a real treat, as they are tax-free: cookies (even if chocolate-coated), nutrition bars, cracker jacks, fruit rollups, chips, cheese puffs, granola and cereal bars, nuts, and pretzels. All these treats can be covered in chocolate, candy, honey, or yogurt and remain tax-free.

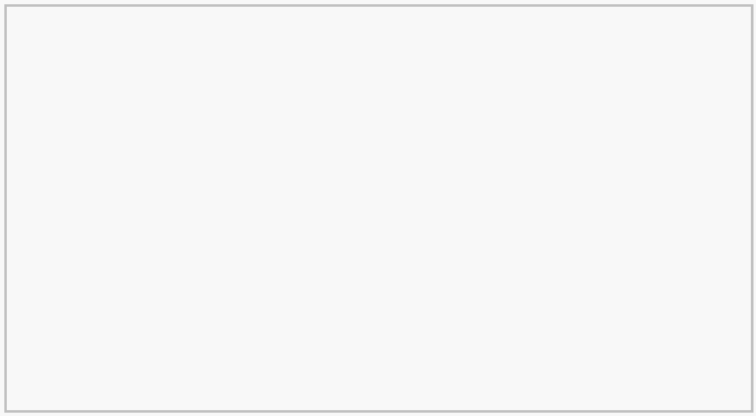
If you want to celebrate Halloween with something truly scary, read the Florida Administrative Code concerning the taxation of groceries.



AMERICAN OVERSIGHT

Mother nature

"Judge ready to wade into water war" via Jim Saunders of the News Service of Florida — Senior U.S. Circuit Court of Appeals Judge **Paul J. Kelly**, appointed as a special master by the U.S. Supreme Court, will weigh whether Georgia uses too much water from a river system that flows into Apalachicola Bay. Kelly's ultimate recommendation to the Supreme Court could help determine whether Florida will be successful in its attempt to get a cap on Georgia's water usage from the Apalachicola-Chattahoochee-Flint system. "As Georgia has drastically increased its consumption of upstream waters, especially along the Flint River for agricultural purposes, the amount of water flowing into the Apalachicola has shrunk dramatically. This has had the predictable effect: The Apalachicola has suffered, and its oyster fisheries, in particular, have collapsed," Florida's attorneys wrote.



The Florida-Georgia water war is heating up, with Apalachicola Bay's oyster fields on the line.

"Florida DEP issues notice of intent to allow exploratory drilling in Apalachicola River basin" via Jeff Schweers of the Tallahassee Democrat — Cholla Petroleum of Dallas applied for permission two months before Hurricane Michael to sink six exploratory wells between 13,600 feet and 14,200 feet between Dead Lakes and the Apalachicola River in Calhoun County. The exploratory drilling would punch into the Floridan aquifer, which environmentalists said could put the water supply for the Panhandle at risk of contamination. **Alvaro Linero**, the DEP's program administrator for Oil and Gas, sent an email to**William Lawson**, the oil company's vice president for land that it intends to publish a notice of intent to issue the permits.

"FWC is trying to keep 'zombie deer' out of Florida with new regulations" via Emma Green of WBBH — Chronic wasting disease affects the nervous system of deer, elk, moose, caribou and all other members of the deer family. The deadly disease is thought to spread through direct contact with bodily fluids or by drinking contaminated water, according to the CDC. There's a low risk of transmission to humans, but the CDC said the barrier between species might not fully protect hunters from contracting CWD. Because the disease has spread to 26 states, the FWC is trying to reduce the risk of it coming here. Under Executive Order 19-41, deer-family carcasses may not be imported into the state except for legally hunted white-tailed deer from Georgia or Alabama, unless CWD spreads to those states.

"Creepy and crawly creatures from under the sea: Researchers share Halloween favorites" via Charles Duncan of the Miami Herald — Researchers who have been diving down into the ocean's depths with the Office of Ocean Exploration at the National Oceanic and Atmospheric Administration shared some of their favorite Halloween photos. "Can't very well have a countdown to a Halloween start to an Okeanos mission without at least one creepy-crawly critter ... like a sea spider! Despite their name, sea spiders (or pycnogonids) are not actually true spiders," the researchers said on Facebook, sharing a photo of a seemingly faceless creature that could star in a horror movie. Another post shows a deep-sea squid lurking above one of the team's remotely operated vehicles as it traverses the ocean floor.

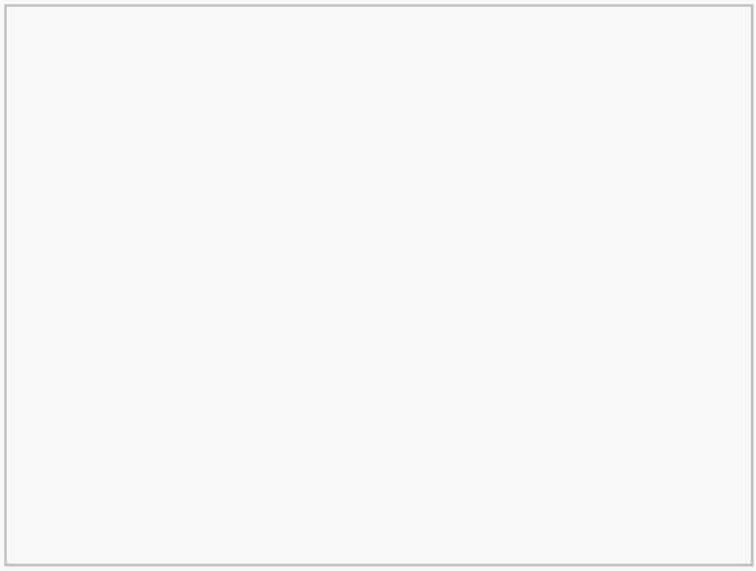
—"Need a little Halloween scare? Here are 10 Florida creatures to send chills down your spine" via Amy Bennett Williams of the Fort Myers News-Press

Meanwhile ... "Subtropical storm Rebekah forms in north Atlantic" via The Associated Press — Rebekah has formed in the north Atlantic but currently poses no threats to land. The U.S. National Hurricane Center says the storm was centered about 745 miles west of the Azores, a Portuguese island chain. Rebekah has maximum sustained winds of 45 mph and is moving east at 13 mph. Forecasters expect the storm to weaken to a post-tropical cyclone as it approaches the Azores on Thursday or Friday. There are no coastal watches or warnings in effect.

AMERICAN OVERSIGHT

Peachy

"**Florida voters oppose impeaching and removing Donald Trump, but favor congressional impeachment investigation, poll shows**" via Anthony Man of the South Florida Sun-Sentinel — The poll shows 53 percent of Florida voters oppose impeaching and removing Trump, with 42 percent supporting. The New York Times Upshot/Siena College poll also found 49 percent of Florida voters support the impeachment inquiry being conducted by the House, with 44 percent opposing the inquiry. Women are more supportive of impeachment and removal than men. Among men, it's 38 percent in support, and 57 percent opposed. Among women, 46 percent to 48 percent. Majorities of black and Hispanic voters support impeachment and removal. White voters are opposed. Among whites, 32 percent in support and 63 percent opposed. Among black voters, 67 percent are in favor, and 15 percent opposed. Among Hispanics, the split is 53 to 42 percent.



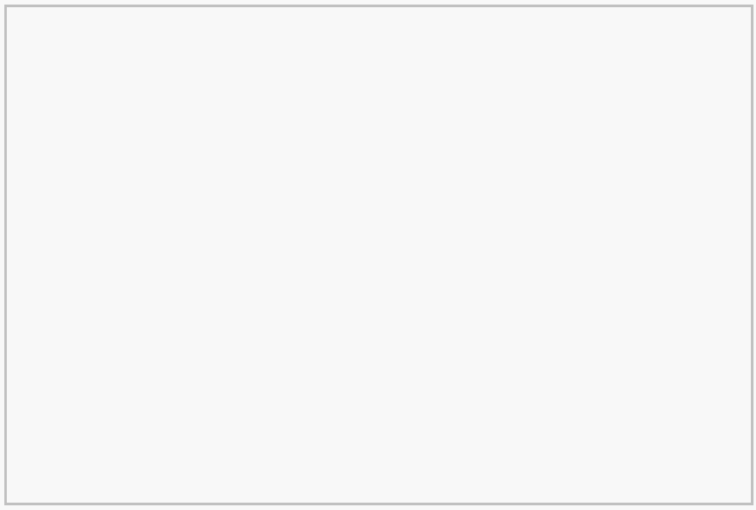
Florida voters oppose impeaching Donald Trump, but favor the continuing investigation to get to the truth.

"**House impeachment inquiry summons John Bolton, central figure in Ukraine drama**" via Nicholas Fandos and Adam Goldman of the New York Times — **Bolton**'s lawyer responded by saying that Bolton was "not willing to appear voluntarily," declining to specify what his client would do should he be subpoenaed. The possibility of Bolton's appearance set up what could be a marquee interview of the House's month-old impeachment inquiry, featuring a fiery foreign policy veteran who is said to have been deeply alarmed by what he saw unfolding around him concerning Ukraine. His deputies have testified that Bolton, who left the White House in September amid disagreements with the president, resisted Trump's attempts to pressure Ukraine into opening investigations of Democrats, and warned that **Rudolph W. Giuliani**, the president's personal lawyer, was a "hand grenade who's going to blow everybody up."

"**Democrats, once wary of partisan impeachment inquiry vote, unite as politics shift**" via Sheryl Gay Stolberg and Catie Edmondson of The New York Times — The striking turnabout reflects Democrats' growing confidence that the public is behind their fact-finding mission into Trump's dealings with Ukraine. It comes after weeks of bombshell revelations confirmed an anonymous whistle-blower's assertion that Trump withheld military aid from Ukraine as part of a pressure campaign to enlist the country to smear his political rivals. The shift also reflects **Nancy Pelosi**'s close hold on and keen instincts about her fractious caucus, and the rapidly evolving politics of impeachment. The result is that Democrats appear ready to call the bluff of the White House and Republicans, who have clamored for a vote to authorize the impeachment process but now staunchly opposed to the Democrats' resolution laying out rules to govern it.

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"Trump trolls the press corps aboard Air Force One with 'gross' Halloween lunch" via Elizabeth Vaughn of Red State — Journalists were stunned after being served their lunch and photos of the mystery meal went viral. ENM News reported that "No one has any idea what this "gross," Halloween-themed Air Force One press lunch is supposed to be." CNN correspondent **Michelle Kosinski** described the meal as "a stuffed orange bell pepper carved like a spooky jack o' lantern, with salad, tomatoes, and an unknown dish sitting in the corner of the tray." The Gateway Pundit's **Jim Hoft** wrote that "Air Force One serves them the garbage Halloween lunch they deserve!



Donald Trump trolls the press corps with this Air Force One Halloween lunch, which many called 'gross.'

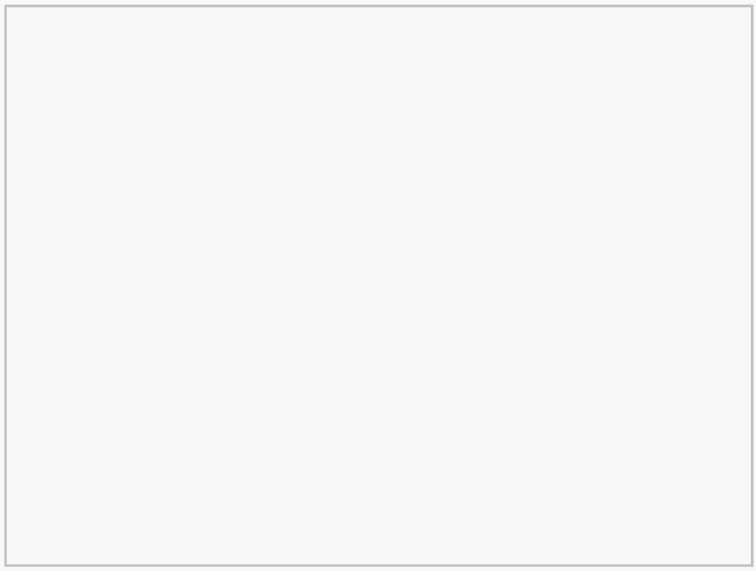
"Are Trump's policies causing kids in Miami to lose their health insurance?" via Ben Conarck of the Miami Herald — A national spike in children going without health insurance is especially bad in Florida and Miami-Dade County, partly because of a "chilling effect" for immigrant families who hesitate to enroll their children in public assistance programs because they worry about deportation, a new report found. That's one of three factors likely driving the rise in children without insurance in Miami-Dade, where 7 percent of children were uninsured in 2018, according to the report by the Georgetown University Center for Children and Families. About 41,500 kids are uninsured in Miami-Dade, which ranks ninth in the country for the total number of uninsured children by county, according to the report.

"Florida voted to end daylight saving time, but we're still falling back this weekend via Kimberly Miller of the Palm Beach Post — Floridians will join most of the nation when they turn their clocks back an hour Sunday, despite legislative momentum to end the practice. While state lawmakers in Tallahassee approved a bill in 2018 that would allow Florida to remain on daylight saving time year-round, it only works if Congress amends U.S. code to enable it. Sens. **Marco Rubio** and **Rick Scott** reintroduced the so-called Sunshine Protection Act in March to end the twice-annual time changes and have picked up notable co-sponsors, including Tennessee Republican **Lamar Alexander** and Sen. **Patty Murray** of Washington. For now, the only power individual states have is to opt-out of daylight saving time, putting them on standard time permanently.

"Michael Waltz wants special U.S. visas for Kurdish fighters" via Scott Powers of Florida Politics — **Waltz** and Democratic U.S. Rep. **Jason Crow** of Colorado jointly sponsored a bill seeking to extend the Special Immigrant Visa program to Syrian Kurdish fighters who assisted in counter-ISIS operations in Syria, and who now are on the run after Trump pulled American forces and gave Turkey the green light to invade Kurdish areas in Syria. House Resolution 4873, the Syrian Partner Protection Act, would extend the Special Immigrant Visa program to Syrian Kurdish fighters who assisted in counter-ISIS operations. The bill is co-sponsored by Republican U.S. Rep. **Don Bacon** of Maine and Democratic U.S. Reps. **Earl Blumenauer** of Oregon, **Jim Langevin** of Rhode Island, and **Seth Moulton** of Massachusetts.

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"Twitter to stop accepting all political ads on the platform globally" via Sara Fisher of Axios — Twitter CEO **Jack Dorsey** said the tech giant would no longer accept political advertising of any kind on its platform. Tech companies have come under fire as of late for policies around how they police political ads. According to Dorsey, more specifics about the policy will be published by Twitter on Nov. 15. The policy will go into effect on Nov. 22. In his tweets, Dorsey said that the reasoning for the policy change is in part because Twitter acknowledges that a tech platform's unique ability to distribute ads in a highly targeted manner, and with easily tested and customizable messaging, is different from the advertising opportunity on broadcast TV.



After Facebook comes under fire, Twitter CEO Jack Dorsey announces a ban on political ads.

>>>**Trump campaign reacts**: "Twitter just walked away from hundreds of millions of dollars of potential revenue, a very dumb decision for their stockholders. Will Twitter also be stopping ads from biased liberal media outlets who will now run unchecked as they buy obvious political content meant to attack Republicans? This is yet another attempt to silence conservatives since Twitter knows President Trump has the most sophisticated online program ever known." — **Brad Parscale**, Trump 2020 campaign manager

"Ex-Joe Biden aide forms Unite the Country super PAC" via Theodoric Meyer and Maggie Severns of POLITICO — A former Biden aide has filed paperwork to form a super PAC, called Unite the Country, that is set to boost the former vice president with millions of dollars in spending in the 2020 Democratic presidential primary. **Larry Rasky**, who worked on two of Biden's previous presidential bids, is listed as the treasurer for the new pro-Biden group. Several other high-profile Biden supporters — including Florida operative **Steve Schale**, a **Barack Obama** campaign alumnus who was involved in efforts to draft Biden into the 2016 presidential race; **Mark Riddle**, a Democratic operative; and **Julianna Smoot**, Obama's former national finance director — have also been in talks to lead the super PAC.

"Kamala Harris to slash staff, restructure campaign as she hemorrhages cash" via Christopher Cadelago and Scott Bland of POLITICO — **Harris** is dramatically restructuring her campaign by redeploying staffers to Iowa and laying off dozens of aides at her Baltimore headquarters as she struggles to resuscitate her beleaguered presidential bid. The moves come as Harris is hemorrhaging cash and in danger of lacking the resources to mount a competitive bid against better-funded rivals in Iowa. The overhaul will touch nearly every facet of Harris' operation, with layoffs or redeployments coming at headquarters, as well as in New Hampshire, Nevada, and her home state of California, a Super Tuesday prize that her advisers once viewed as a big asset.

"The surprise voting bloc Bernie Sanders is banking on to win the nomination" via Laura Barrón-López and Holly Otterbein of POLITICO — The fact that Biden is counting on strong support from African Americans is widely known. Less understood is the similar bet that **Sanders** is making on Latino voters: His campaign believes that by driving up turnout among Latinos, as well as young and working-class voters of all ethnicities, he can build out the electorate, bring new voters into the fold, and expand the 15 to 20 percent of Democratic voters who zealously support the democratic socialist. There's also the reality that Sanders probably can't win the Democratic nomination without Latinos, since his campaign is relying on a strong finish in states such as Nevada and California.

"Elizabeth Warren's note top-dollar fundraiser pledge includes big caveat" via Brian Slosysko and Will Weissert of The Associated Press — The Massachusetts Senator has become a leading Democratic presidential candidate in part because she has pledged to forgo events with high-dollar donors, which has resonated with progressives who believe wealthy donors have outsized political influence. But **Warren** has a notable exception for fundraisers that take in big money for her party, a practice she plans to continue if she becomes the Democratic nominee to take on Trump. Democratic leaders say Warren isn't honest about her fundraising plans if she were to become the nominee. They say she can't tell voters she is personally

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shunning big-dollar fundraisers while simultaneously headlining state and national party events at which she would raise millions of dollars from major donors supporting her bid.

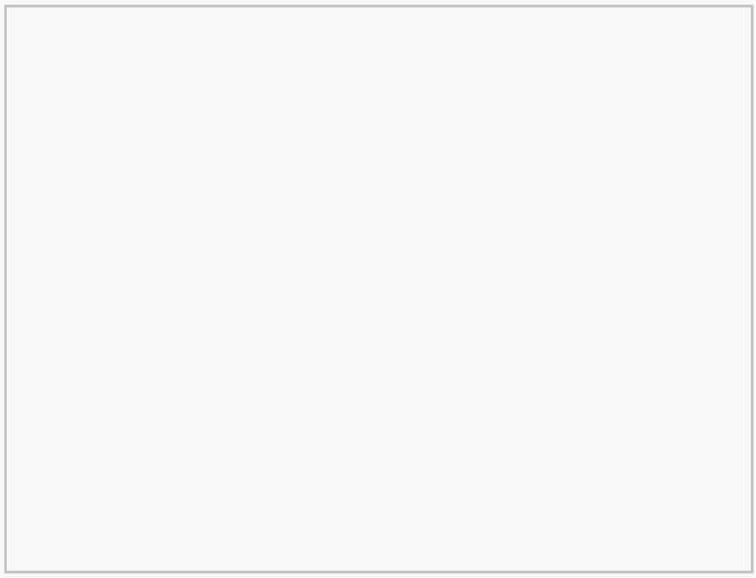
"**Democratic group targets local races in bid to beat Donald Trump**" via Chad Day and Ken Thomas of the Wall Street Journal — The city council race in the beachfront town of Rockledge isn't typically on the target board for a major Democratic super PAC. But this fall, voters are seeing a raft of Facebook, YouTube and Hulu ads funded by the deep-pocketed Priorities USA. The ads are part of a $4 million strategy that Priorities USA hopes will help a Democratic challenger defeat Trump next year. They don't advocate for any candidate or political party or hot-button issue. They simply encourage eligible voters to check their registration and show up to the polls next week in local elections. The digital ads are targeting Democratic strongholds, where Trump won narrowly, like Pinellas County.

FDP staffs up

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The Florida Democratic Party is continuing to make staffing moves of the 2020 election with the hopes of avoiding the struggles the party faced back in 2018. The party earned just one statewide win last cycle to go with several other near misses in state legislative races.

"We know that in the past, we haven't invested in voter registration and field efforts early enough, and we are learning from that mistake by continuing to expand our field staff," FDP Chair **Terrie Rizzo** said in announcing the moves. The staff changes include a trio of promotions as well as new hires.



Terrie Rizzo and the Florida Democratic Party staffs up.

— **Clifton Addison** is leaving his post as FDP Deputy Political Director to move into a new role as the party's Coalitions Director. Addison is a former Chief Legislative Aide to state Sen. **Geraldine Thompson**.

— **Ella Coffee** will become the new Deputy Statewide Engagement Director for FDP. Coffee currently serves as one of eight Community Engagement Directors for the group. She formerly worked for the Hillsborough County Supervisor of Elections.

— **Keith Hardy** will be making an identical move, transitioning from a Community Engagement Director into sharing Deputy Statewide Engagement Director duties with Coffee. Hardy was hired by the party to work in Northwest Florida back in 2018.

— **Onto the new hires, Jocelyn Mund Kelly** is coming on as a Campus Organizing Director. She did fieldwork for the 2012 **Barack Obama** presidential campaign before taking on organizing efforts for the Democratic Congressional Campaign Committee, two Florida's governor's races, and other campaigns.

— **Wendy Williams** is being hired as the Deputy Director for Party Affairs. Williams has a background in business administration and marketing. She's also served as Chair of both the Florida Democratic Party's Small County Coalition and the Citrus County Democratic Executive

— **Brendan Bargmann** will take on the role of Deputy Finance Director for North and Central Florida. He previously served as Finance Director in the 2018 contest in New Jersey's 2nd Congressional District. That race saw Democratic candidate **Jeff Van Drew** flip a previously red seat by more than six percentage points.

— **The party is also adding** a trio of Regional Field Directors in **Luis Zaldivar**, **Adrian Koster** and **Alejandro Levy**. Zaldivar has worked on pushing public health programs in Latin America and Northeast Florida. Koster has served as a Field Director for U.S. Rep. **Debbie Mucarsel-Powell** of Florida's 26th Congressional District. Levy most recently worked as the Miami coach for Organizing Corps 2020.

The new hires add to dozens of field organizers already added throughout the year. FDP leadership is hoping these hires can propel Democrats in 2020. Reported dysfunction over at the Republican Party of Florida may give them hope. But with the 2018 results still fresh, Florida Democrats will need to prove it on the field.

The trail

Save the date:

AMERICAN OVERSIGHT

Levy firefighters endorse Joe Harding— The Levy County Firefighters endorsed **Harding** in the race to replace term-limited Rep. **Charlie Stone**. "Joe Harding cares deeply about the safety of our citizens in House District 22," said **Katy Yanok**, Union President for Levy Fire Rescue. "Joe will be fully engaged and do everything in his power to keep our streets safe and secure." Harding is running against **Russ Randall** in the Republican primary. Heading into October, Harding held the fundraising lead with $97,000 in the bank while Randall had about $80,000 on hand.

"**Democratic candidate Ricky Junquera celebrates campaign kickoff in HD 118 race**" via Ryan Nicol of Florida Politics — **Junquera** is celebrating the official launch of his House District 118 campaign after holding a campaign kickoff fundraiser in Miami. Junquera announced his desire to take on incumbent GOP state Rep. **Anthony Rodriguez** in early October. Rodriguez is a freshman in the House who flipped the seat from former Democratic state Rep. **Robert Asencio**. "In the Florida State House, we have an opportunity to show up for the working class, and I'll do just that," Junquera said. "From traffic to toll roads, and health care to wages, I will find ways to bring both sides together to fight for all of us." The event, which was held at Grubhouse Gastrobar & Grill in Miami, will aim to help Junquera make a splash in his first month of fundraising as a candidate.

"**With latest endorsement, Robert Blackmon confronts pain of drug addicts**" via Janelle Irwin Taylor of Florida Politics — St. Pete City Council candidate **Blackmon** is touting new endorsements from two former Tampa Bay Buccaneer players. In a video shared to Facebook, former defensemen **Keith McCants** and **Stylez G. White** offered their support for who they described as "one of the greatest guys" they know. McCants has led a troubled life since leaving the NFL after a six-season career. He has been arrested more than a dozen times, in the Tampa Bay area and in his home state of Alabama, for possession of crack cocaine. It seemed odd at first that Blackmon would publicly push an endorsement from a man with a criminal record, but McCants symbolizes the plight of many residents.

To watch the video, **click on the image below**:

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"TV firebrand Jeanine Pirro to appear at Seminole GOP fundraiser" via the Orlando Sentinel —**Pirro**, a Fox News personality known for her fierce defense of Trump, is scheduled to appear next month at a fundraiser named for the president and held by the Seminole County Republican Party. She will join Republicans at the event on Nov. 12 at 6 p.m. at the Friendly Confines restaurant in the Altamonte Mall.

Local

"Jeffrey Epstein's injuries look more like murder than suicide, noted pathologist says" via Julie Brown of the Miami Herald — A private forensic pathologist hired by **Mark Epstein** to oversee his brother's autopsy bolsters what conspiracy theorists have suggested for months: that the evidence does not support the finding that **Jeffrey Epstein** killed himself. Dr. **Michael Baden**, one of the world's leading forensic pathologists, viewed Jeffrey Epstein's body and was present at the autopsy, held Aug. 11 — the day after Epstein was found dead. Baden described Epstein's jail cell, the ligature he allegedly used to hang himself, and his own suspicions that federal authorities have not conducted a thorough probe into Epstein's cause and manner of death. "They rushed the body out of the jail, which they shouldn't do because that destroys the evidence," Baden told the Herald.

Jeffrey Epstein's death looked more like murder than suicide, says a prominent forensics expert.

"Miami cops' overtime security jobs lead to rampant misconduct, city report" warns via Jerry Iannelli of the Miami New Times — For years, critics have warned that Miami-area cops continue to get into trouble while working security in bars and clubs in the Magic City's already chaotic night life scene. But the public has not quite known how frequently off-duty officers find themselves in trouble. In a scathing report, the City of Miami Civilian Investigative Panel (CIP), a board of Miami residents that investigates police issues, says it found at least 40 alleged misconduct incidents that occurred during off-duty assignments between 2017 and 2018. Among the incidents, the CIP found allegations of everything from poor record-keeping to cops arresting people who had pissed off bar owners — all the way to claims of excessive force and violence.

"Broward sheriff fires deputy accused of punching suspect handcuffed to a hospital bed" via David Neal and Devoun Cetoute of the Miami Herald — Broward Sheriff **Gregory Tony** said a 30-day suspension for Deputy **Jorge Sobrino** originally was recommended to him after an internal affairs investigation by the Professional Standard Commission, which is comprised of civilians, BSO union members and sheriff's office command staff. But after seeing the evidence, Tony decided that wouldn't do. The union that represents Broward deputies doesn't agree. "We are going to vigorously fight this," said **Jeff Bell**, president of the Broward Sheriff's Office Deputies Association. Bell says two captains, two lieutenants, and one sergeant gave sworn statements saying Sobrino was within the use-of-force guidelines. Sobrino, 24, also has been charged in Broward County criminal court with misdemeanor battery.

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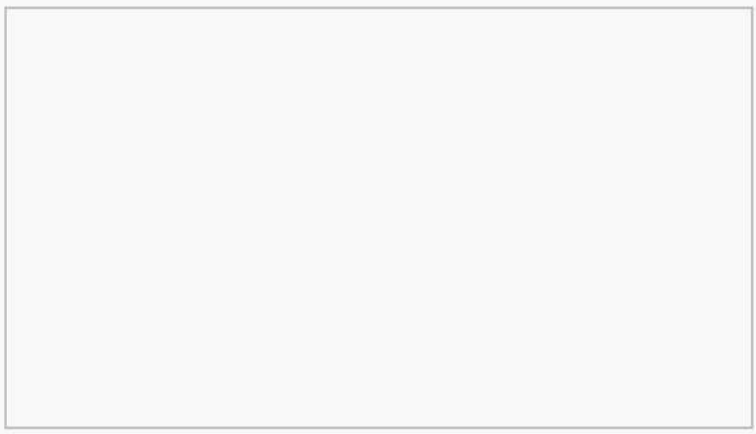
"**John Thrasher addresses recent rash of crimes on FSU campus; says police patrols have been increased**" via Byron Dobson of the Tallahassee Democrat — Florida State University police have beefed up patrols near residence halls following a rash of personal crimes on campus, FSU President **Thrasher** said in a campuswide email. Thrasher worked to reassure the campus community and parents student safety is a top priority. The email comes on the heels of an incident at 6:45 a.m. Monday, when a student was robbed near Gilchrist Hall, a residence hall on campus. FSUPD investigators charged **Rodney Jermaine Joyner,** 36, with robbery with a weapon, aggravated battery using a deadly weapon and attempted kidnapping in the commission of a felony. Joyner is not affiliated with the university, police said in a release.

"**Florida fast train to connect Miami cruise port with Orlando**" via The Associated Press — Brightline will build a station at PortMiami by 2020. The Virgin Trains will ultimately connect a crucial 170-mile stretch from West Palm Beach to Orlando and its theme parks. It's scheduled to open in 2022. Another station in Aventura has been approved, and the company is working with Boca Raton to add a station there. PortMiami is home to 22 cruise lines and served more than 5.5 million travelers last year.

"**Bill Carlson wanted to go on international trade missions with agency he now wants to defund** via Charlie Frago of the Tampa Bay Times — Over a July lunch at the downtown University Club, **Carlson** told the Tampa Economic Development Council's chief executive he wanted to go on future international trade missions organized by the agency. According to **Craig J. Richard**, the agency's CEO, Carlson started by telling him there was a new City Council with new ideas. The council's new role included international travel, Richard said Carlson told him, and left the impression there would be negative consequences for the council's $538,000 annual contract with the city if those ideas weren't adopted. Carlson made it "crystal clear," Richard said. "Look there's going to be some changes. These are my ideas. Get with the program." Carlson said Richard is lying.

"**Jacksonville Housing Authority board votes to fire CEO Fred McKinnies**" via David Bauerlein of the Florida Times-Union — The Jacksonville Housing Authority board voted Wednesday afternoon to terminate **McKinnies** as the agency's president and CEO. The vote followed an Inspector General's report that found McKinnies had sexual relationships with two employees over a yearslong period while he had responsibility "directly or indirectly" for those employees' evaluations, salary increases and a promotion. The investigation determined that one of the sex acts between McKinnies and an employee occurred at the authority's main office during work hours.

"**Pulse memorial and museum design announced**" via Kate Santich of the Orlando Sentinel — Vowing to create a "sanctuary of hope and healing," the onePULSE Foundation announced Wednesday a design for the Pulse memorial that includes a tranquil reflecting pool and 49 trees encircling the remains of the club and a towering museum a half-mile away that "rises like a budding flower." "Together, we have an opportunity to reclaim a place from terror and darkness and create a new reality, one that brings people together in celebration of joy and love," said **Thomas Coldefy**, principal of Coldefy & Associates, the French urban architectural firm that teamed with Orlando-based HHCP Architects and a group of planners, designers and artists for the winning concept.



A rendering of the winning design for the National Pulse Memorial. Image via OnePULSE Foundation/Coldefy & Associés/RDAI.

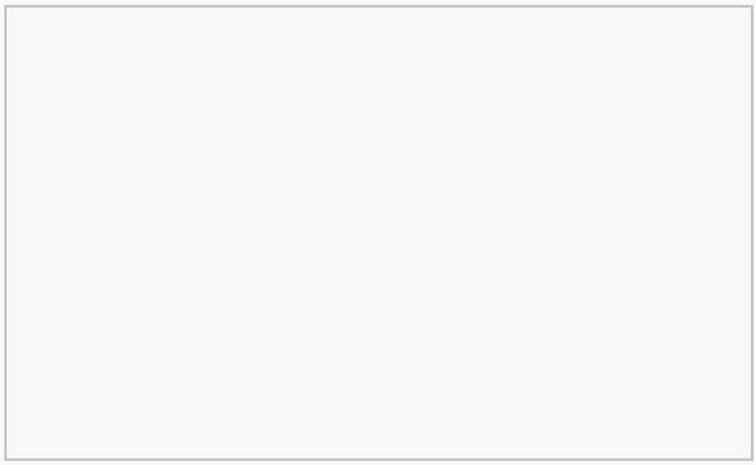
"**Seminole Tax Collector Joel Greenberg launches tirade against County Chairman Brenda Carey, county attorney**" via Martin Comas of the Orlando Sentinel —**Greenberg** unleashed an early-morning attack against **Carey** on Facebook, accusing her of spending more time living in North Carolina than in Seminole. He thereby accused Carey of not only violating the state's homestead exemption law but also making her ineligible to serve on the County Commission, alleging her home in Seminole is not her permanent legal home for most months of the year. Carey and her husband, **Fairley**, also have a home in Caswell County, N.C., according to state records. Seminole Property Appraiser **David Johnson** said he checked out Carey's homestead exemption and determined she can legally claim her Seminole home as her primary residence.

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"Spanish River High principal whose Holocaust remarks ignited furor fired" via Andrew Marra of the Palm Beach Post — Palm Beach County public schools fired former Spanish River High School Principal **William Latson**, four months after comments he made about the Holocaust prompted a national outcry. By a 5-2 vote, county school board members approved the veteran principal's termination Wednesday on the grounds that he violated the school district's code of ethics and the state's code of professional conduct for school principals. But the official justification for Latson's termination was not the explosive comments that drew international attention but his failure to return messages from district officials in the days after his comments became public

More local

"Here's why Halloween is the deadliest day of the year for child pedestrians" via Christopher Ingraham of the Washington Post — The real threat to kids on Oct. 31 is much more mundane: traffic. Children are three times more likely to be struck and killed by a car on the holiday than any other day of the year. A Washington Post analysis found that 54 pedestrians younger than 18 were struck and killed by an automobile on Halloween from 2004 through 2018. That compares with 16 on a typical day. In absolute terms, the likelihood of a child being killed by a car on Halloween is still extremely low, given the hundreds of millions of trick-or-treaters who went out during the period analyzed. But the holiday nonetheless stands out sharply when charted against every other day.



Halloween is one of the most dangerous nights for child pedestrians.

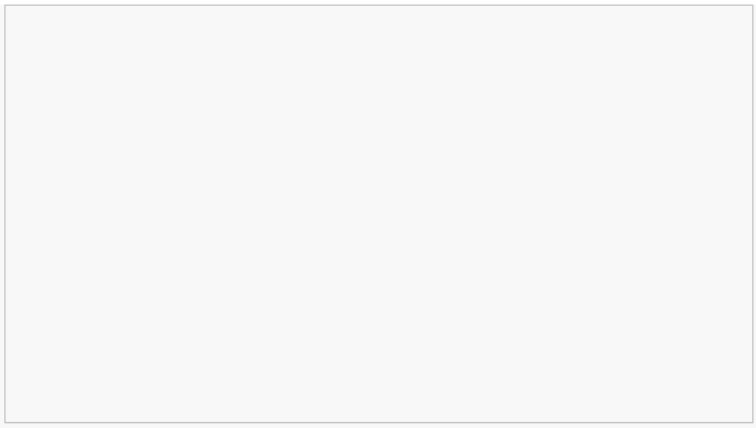
"Haunted Florida: These 5 cemeteries are worth the trip" via Laura Jazmin Tolliver of GateHouse Florida — The Devil's Chair at the Lake Helen-Cassadaga Cemetery, located in a town known for psychics and spiritualists, is said to belong to the devil. Tolomato Cemetery, a haunted burial ground built on an ancient Native Indian village in St. Augustine, may give you a glimpse of the Ghost Bride — buried in her wedding gown. Orlando is known for theme park goers, but if you're looking for a free scare, pull up to the Greenwood Cemetery. The Key West Cemetery, in a 19-acre area, was built in its current location in 1847 after an 1846 hurricane washed dead bodies from the former beachside burial ground out of the coastal dunes on Whitehead Point near the West Martello Towers.

Someone after my own heart — "This Scenic Hills house has 1,200 pumpkin decorations on display in the front yard" via Annie Blanks of the Pensacola News Journal — It's a rainy, windy day before Halloween at **Teresa Nelson**'s house in Scenic Hills, but the full-time massage therapist, wife and mother of three is outside in her front yard placing pumpkin plates on a wooden shelf. Cars drive by slowly, one after the other, stopping momentarily to reach out the window and take pictures. Donning an orange pumpkin costume (complete with a stem and leaf hat), Nelson doesn't mind. "We realized a long time ago we don't need a speed bump on this road, 'cause everyone slows down to look at our house and take pictures," Nelson said, waving at passersby.

"Hillsborough Sheriff issues Halloween warning to sex offenders" via Daniel Figueroa of the Tampa Bay Times — Sheriff **Chad Chronister** and deputies are going door-to-door, visiting the homes of registered sex offenders to make sure they understand the rules and comply. Registered sex offenders are not allowed to hand out candy or decorate for Halloween and must turn porch lights off. "If a porch light is not on," Chronister said in a video posted to YouTube, "don't go knocking at that door." Chronister offered additional trick-or-treat tips in his PSA video. Chronister said parents should stay with younger children or have older children travel in groups and know the route. He also said children should wear bright and reflective items with comfortable shoes. Masks should not block their eyesight.

To view the video, click on the image below:

AMERICAN OVERSIGHT



—"Halloween 2019: Everything you need to know about trick-or-treating, haunted houses and all Halloween happenings in Brevard" via FLORIDA TODAY

—"Halloween freebies and deals: plenty of treats around Orlando" via Trevor Frazier of the Orlando Sentinel

—"These are the safest and most dangerous cities to trick or treat. And Miami's rank .." via Howard Cohen of the Miami Herald

—"South Florida's Halloween weather will be warm but not spooky" via Austen Erblat of the South Florida Sun-Sentinel

—"Halloween forecast for Tallahassee: it may be a dark and stormy night for trick or treating" via Alicia Devine and Randi Atwood of the Tallahassee Democrat

—"Halloween 2019: from trick-or-treating to haunted hikes, everything you want to know about Halloween on the Treasure Coast" via TC Palm

—"'I love to scare people': West Palm's spookiest Halloween house will frighten even the most stouthearted" via Larry Keller of the Palm Beach Post

—"How to keep your dog safe and calm on Halloween night" via the South Florida Sun-Sentinel

Spotted — St. Pete Beach's venerable Don CeSar Hotel on The Washington Post list of 13 haunted hotels across the U.S.: "The Don CeSar … proves that lovers parted by life can come together in death. **Thomas Rowe**, who built the Pink Palace, fell hard for a Spanish opera star during a trip to London. However, her parents disapproved of the couple and whisked Lucinda back to Spain. In the hotel lobby, Rowe built a replica courtyard and fountain of their rendezvous spot. The distinguished couple — he in a white suit and Panama hat, she in a Spanish peasant dress — often promenade hand-and-hand around the property before disappearing … Rowe lived on the fifth floor, a hotbed of activity including swinging doors and mysterious knocks."

—"Hit the Halloween wall? Here's when Christmas celebrations kick in at the theme parks" via Dewayne Bevil of the Orlando Sentinel

AMERICAN OVERSIGHT

Opinions

"Cuban democratic socialists: AOC-backed group is actually a communist 'impostor" via Giancarlo Sopo for The Blaze — A group of Cuban democratic socialists have a message for their American counterparts: You are either secret communists, or you are profoundly ignorant. In an open letter, nine democratic socialists on the island blasted the Democratic Socialists of America, the U.S. group that counts Reps. Alexandria Ocasio-Cortez (D-N.Y.) and Rashida Tlaib (D-Mich.) among its members, for supporting the island's Communist government.

"**A $15 minimum wage for Florida? You're darn right you deserve a vote**" via Scott Maxwell of the Orlando Sentinel — Next year, Floridians will likely vote on whether to raise the minimum wage to $15. I'm not here to tell you how to vote. Support higher wages if you want. Or blast the proposal to smithereens. All I want to say is that assuming enough citizens sign valid petitions to get this on the ballot, you absolutely deserve the chance to vote on it. And don't you dare let any politician tell you otherwise.

"**Lawmakers should spend money to protect land as voters intended**' via Aliki Moncrief for the Tampa Bay Times — On Nov. 4, as we celebrate the five-year anniversary of the Water and Land Conservation Amendment, we also reiterate the same message voters sent to lawmakers five years ago: seize this opportunity to fully fund Florida Forever. The Water and Land Conservation Amendment was intended to create a baseline for funding for programs like Florida Forever — a floor, not a ceiling. Our state budget should reflect voters' values and priorities, and by approving Amendment 1, we hoped that we would clear a path for our lawmakers to shoot for the stars. Unfortunately, five years later, we are still waiting on a Florida Forever budget that simply meets the historical baseline.

Influence

Gunster named top corporate law firm by Forbes — The firm, one of Florida's oldest and largest full-service business law firms, was named to the Forbes list of "America's Top Corporate Law Firms 2019." This year, Forbes and Statista selected firms based on an independent survey from a large sample of lawyers and legal professionals. Out of the thousands of corporate law firms in the United States, Gunster was one of only 243 recognized. Gunster's Real Estate practice was the most recommended.

New and renewed lobbying registrations:

Alexandria Bickley: Department of Environmental Protection

Thomas Hobbs, Ramba Consulting Group: City of Holmes Beach

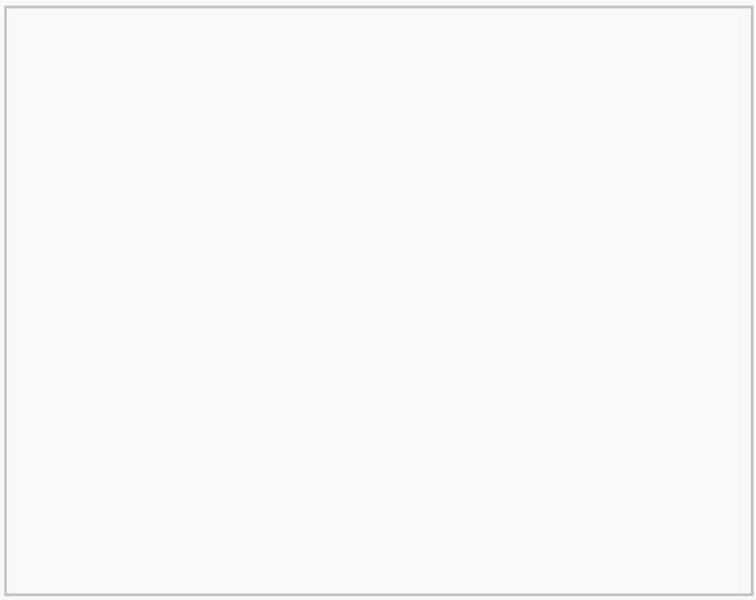
Lauren Jackson, Ericks Consultants: JM Family Enterprises

Robert Schenck, The Legis Group: TBV

AMERICAN OVERSIGHT

Aloe

"**A Samsung flip phone-style foldable device is looking more and more likely**" via Patrick Holland of CNET — At the 2019 Samsung Developer Conference in San Jose, there was nary a word about the Fold — until the keynote turned to One UI 2, a software overlay for the company's phones, tablets and smartwatches. When showing off One UI 2, Samsung showed a mock-up of a phone that folded in half horizontally, kind of like a flip phone. This wasn't a formal announcement of a new Galaxy Fold 2 or a Galaxy Fold Square. But it does validate a story claiming that Samsung's next foldable phone would fold inward to become a compact square. The graphic on the screen showed what for all intents and purposes is a 2019 take on what a flip phone would look like.



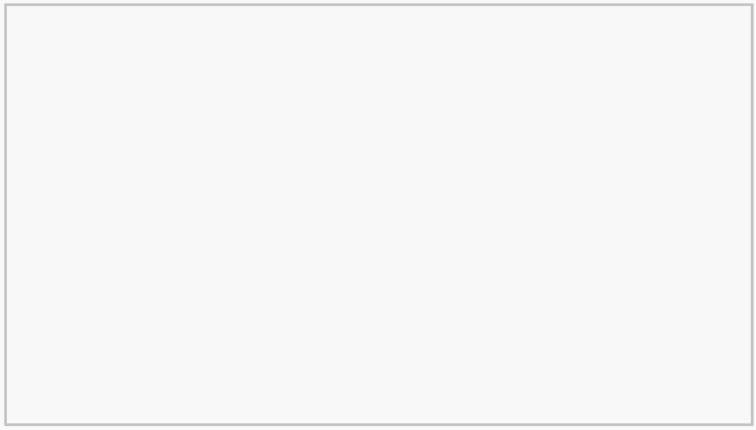
Back to the future: Samsung is hinting at a foldable flip phone.

"**HBO announces new 'Game of Thrones' prequel, 'House of the Dragon'**" via Sophie Lewis of CBS News — "House of the Dragon," will be set 300 years before the events of the original show and tell the story of House Targaryen. It features the tagline "Fire will Reign," and will be based on **George R.R. Martin**'s book "Fire & Blood." The show, which has been ordered straight to series, will be written by**Ryan Condal**. Martin, who wrote the books on which "Game of Thrones" is based, is set to co-executive produce. Ten episodes have been ordered for the series so far. **Miguel Sapochnik**, who won an Emmy for directing the "Battle of the Bastards" episode, will be a co-showrunner, and will also direct the pilot and other episodes. **Vince Gerardis** will join Spochnik, Condal, and Martin as an executive producer.

AMERICAN OVERSIGHT

Trick or treat

"A brief Halloween history of pets in costumes" via Jen Miller of Vox — Of the $9 billion Americans are expected to spend on Halloween this year, $480 million of that is on our pets, according to the National Retail Foundation. That's up from $5.8 billion total and $220 million on pets in 2010 … The greyhound of Louis XI, king of France from 1423 to 1483, wore a red velvet collar with 20 pearls and 11 rubies, and Louis's successor, Charles VIII, had robes made for his dog and marmot, according to Medieval Pets. Queen Victoria dressed her dog in a "scarlet jacket and blue trousers" … In the 1910s, **Harry Whittier Frees** took pictures of cats getting married, cats at a picnic, a dog watering flowers, and a dog sewing pants that were used in postcards, kids' books, and magazines. From 1929 to 1931, MGM made "All Barkie" Dogville Comedies that featured dogs doing very human things like dancing and going to war. The National Retail Federation predicts that the most popular costumes this year for cats and dogs will be pumpkin, hot dog, bumblebee, devil, cat, dog, lion, Star Wars characters, superhero, and ghost.



Of the $9 billion Americans expect to spend on Halloween, nearly $480 million of that will be on pets.

"Google predicts the most popular Halloween costumes. And Florida may surprise you" via Howard Cohen of the Miami Herald — For Halloween, half the fun in picking a costume is going out as something you are not. Maybe this is why the angel costume is going to be Florida's most popular costume choice, according to Google Trends data curated by AT&T. The survey looked at 2018's top Halloween costumes — the "Baywatch" lifeguard look was deemed Florida's pick last year, perhaps owing to the proximity of the made in Miami Beach movie version of the TV series — and the 2019 Google data on trending costumes. But Florida Man's going to be an angel this year? That's, uh, inspired. That's how it goes with these surveys, though.

"How much candy would it take to kill you? About 262 Halloween treats, scientists say" via Donovan Harrell of McClatchy — Scientists developed a test called the LD50 to determine the strength of potentially deadly substances … "It stands for lethal dose 50 percent," toxicologist **Hans Plugge** told The Wall Street Journal. "You take 10 rats, feed them a dose, and if five of them die, you've determined the LD50. It's pretty straightforward." When it comes to candy, a typical "fun-sized" treat contains about 9.3 grams of sugar … The average adult would have to eat around 5.4 pounds of sugar — at one time — for it to be potentially deadly, according to the ACS. That would translate to about 262 pieces of "fun size" candy, according to the video. As for the kids celebrating Halloween, it's unlikely that the average American child around the age of 10 could eat a lethal amount of candy, Plugge told The Wall Street Journal. "More than likely, they'd throw up before reaching the lethal dose," Plugge said.

"Teal pumpkins make Halloween less tricky for kids with food allergies" via Tove Danovich of NPR — Having a teal pumpkin on the doorstep (teal being the color of food allergy awareness) is a way to signal to people with food allergies that this is a safe home for trick-or-treating, says **Jennifer Norris**, president of the Food Allergy Community of East Tennessee (FACET), which started the project. In addition to handing out candy, houses that display teal pumpkins also have bowls of nonfood items such as glow sticks, stickers or Dracula teeth. "We don't want to be the Grinch of Halloween at all," says Norris. "We don't want to take candy away from the people who can have it."

AMERICAN OVERSIGHT

Happy birthday

Happy birthday to the incredibly talented, always-awesome-to-work-with **Allison Aubuchon**, Step Up For Students' **Jon East**, Public Service Commissioner **Andrew Fay**, and our old friend **Harold Hedrick.**

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St. Petersburg, FL 33704

AMERICAN OVERSIGHT

From: Vause, Diane <VAUSE.DIANE@flsenate.gov>
Sent: Monday, February 03, 2020 12:34 PM EST
To: Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; !HSE Public Integrity and Ethics Committee <!HSEPublicIntegrityandEthicsCommittee@myfloridahouse.gov>; !HSE State Affairs Committee <!HSEStateAffairsCommittee@myfloridahouse.gov>; Mackintosh, Andrew <MACKINTOSH.ANDREW@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate District 28 (Passidomo) <SenateDistrict28Passidomo@flsenate.gov>; Senate District 30 (Powell) <SenateDistrict30Powell@flsenate.gov>; Senate District 35 (Braynon) <SenateDistrict35Braynon@flsenate.gov>; Senate District 36 (Diaz) <SenateDistrict36Diaz@flsenate.gov>; Senate District 37 (Rodriguez) <SenateDistrict37Rodriguez@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Sergeant's Office <SenateSergeant'sOffice1@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>
Subject: SUPPLEMENTAL (EE) Meeting Materials available: EE 02/03/20; 4:00 pm

The committee meeting materials have been updated in Session Organizer.

Amendments have been added for the following bill agenda item:

TAB	SENATE BILL	**BARCODE#**
#11	SB 1372	402364
		807962

AMERICAN OVERSIGHT

From: Redig, Tamra <Redig.Tamra@flsenate.gov>
Sent: Monday, February 10, 2020 12:11 PM EST
To: Frier, Nancy <FRIER.NANCY@flsenate.gov>; Hay, Timothy <HAY.TIMOTHY@flsenate.gov>; Moore, Alexandra <Alexandra.Moore@myfloridahouse.gov>; Senate Committee - Governmental Oversight and Accountability <SenateCommittee-GovernmentalOversightandAccountability@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>; Williamson, Heather <Heather.Williamson@myfloridahouse.gov>; Grissom, William <GRISSOM.WILLIAM@flsenate.gov>; Harrington, Tiffany <Tiffany.Harrington@myfloridahouse.gov>; Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 29 (Rader) <SenateDistrict29Rader@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 04 (Bean) <SenateDistrict04Bea@flsenate.gov>; Senate District 15 (Torres) <SenateDistrict15Torre@flsenate.gov>; Denson, Tori <Tori.Denson@myfloridahouse.gov>; Mackintosh, Andrew <MACKINTOSH.ANDREW@flsenate.gov>; Senate Committee - Approp. Sub. Agr, Env., & Gen. Gov. <SenateCommittee-Approp.Sub.AgrEnv&GenGovt@flsenate.gov>; Smith, Melissa <Melissa.Smith@myfloridahouse.gov>; Crawford, Lindsay <Crawford.Lindsay@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 39 (Flores) <SenateDistrict39Flores@flsenate.gov>; Senate District 02 (Gainer) <SenateDistrict02Gainer@flsenate.gov>; Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>; Senate District 25 (Harrell) <SenateDistrict25Harrell@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate District 17 (Mayfield) <SenateDistrict17Mayfield@flsenate.gov>; Senate District 03 (Montford) <SenateDistrict03Montford@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 19 (Rouson) <SenateDistrict19Rouson@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate Committee - Community Affairs <SenateCommittee-CommunityAffairs@flsenate.gov>; Senate Committee - Commerce and Tourism <SenateCommittee-CommerceandTourism@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Health Policy <SenateCommittee-HealthPolicy@flsenate.gov>; Senate Committee - Infrastructure and Security <SenateCommittee-InfrastructureandSecurity@flsenate.gov>; Senate Committee - Military and Veterans Affairs and Space <SenateCommittee-MilitaryandVeteransAffairsandSpace@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>
Subject: SUPPLEMENTAL Meeting Materials available: GO 02/10/20 1:30 p.m.

The committee meeting materials have been updated in Session Organizer.

Amendments have been added for the following bill agenda items:

TAB

17 SB 1872 – Amendment to Amendment (117964)
18 SB 1874 – Amendment to Amendment (961478)

From: Redig, Tamra <Redig.Tamra@flsenate.gov>
Sent: Friday, February 7, 2020 1:55 PM
To: Frier, Nancy <FRIER.NANCY@flsenate.gov>; Hay, Timothy <HAY.TIMOTHY@flsenate.gov>; Moore, Alexandra <Alexandra.Moore@myfloridahouse.gov>; Senate Committee - Governmental Oversight and Accountability <SenateCommittee-GovernmentalOversightandAccountability@flsenate.gov>; Senate Majority Office <SenateMajorityOffice@flsenate.gov>; Senate Minority Office <SenateMinorityOffice@flsenate.gov>; Senate Services Center <SenateServicesCenter1@leg.state.fl.us>; Williamson, Heather <Heather.Williamson@myfloridahouse.gov>; Grissom, William <GRISSOM.WILLIAM@flsenate.gov>; Harrington, Tiffany <Tiffany.Harrington@myfloridahouse.gov>; Senate District 16 (Hooper) <SenateDistrict16Hooper@flsenate.gov>; Senate District 29 (Rader) <SenateDistrict29Rader@flsenate.gov>; Senate District 26 (Albritton) <SenateDistrict26Albritton@flsenate.gov>; Senate District 04 (Bean) <SenateDistrict04Bea@flsenate.gov>; Senate District 15 (Torres) <SenateDistrict15Torre@flsenate.gov>; Denson, Tori <Tori.Denson@myfloridahouse.gov>; Mackintosh, Andrew <MACKINTOSH.ANDREW@flsenate.gov>; Senate Committee - Approp. Sub. Agr, Env., & Gen. Gov. <SenateCommittee-Approp.Sub.AgrEnv&GenGovt@flsenate.gov>; Smith, Melissa <Melissa.Smith@myfloridahouse.gov>; Crawford, Lindsay <Crawford.Lindsay@flsenate.gov>; Senate District 12 (Baxley) <SenateDistrict12Baxley@flsenate.gov>; Senate District 24 (Brandes) <SenateDistrict24Brandes@flsenate.gov>; Senate District 39 (Flores) <SenateDistrict39Flores@flsenate.gov>; Senate District 02 (Gainer) <SenateDistrict02Gainer@flsenate.gov>; Senate District 23 (Gruters) <SenateDistrict23Gruters@flsenate.gov>; Senate District 25 (Harrell) <SenateDistrict25Harrell@flsenate.gov>; Senate District 20 (Lee) <SenateDistrict20Lee@flsenate.gov>; Senate District 17 (Mayfield) <SenateDistrict17Mayfield@flsenate.gov>; Senate District 03 (Montford) <SenateDistrict03Montford@flsenate.gov>; Senate District 38 (Pizzo) <SenateDistrict38Pizzo@flsenate.gov>; Senate District 19 (Rouson) <SenateDistrict19Rouson@flsenate.gov>; Senate District 22 (Stargel) <SenateDistrict22Stargel@flsenate.gov>; Senate Committee - Community Affairs <SenateCommittee-CommunityAffairs@flsenate.gov>; Senate Committee - Commerce and Tourism <SenateCommittee-CommerceandTourism@flsenate.gov>; Senate Committee - Criminal Justice <SenateCommittee-CriminalJustice@flsenate.gov>; Senate Committee - Ethics and Elections <SenateCommittee-EthicsandElections@flsenate.gov>; Senate Committee - Health Policy <SenateCommittee-HealthPolicy@flsenate.gov>; Senate Committee - Infrastructure and Security <SenateCommittee-InfrastructureandSecurity@flsenate.gov>; Senate Committee - Military and Veterans Affairs and Space <SenateCommittee-MilitaryandVeteransAffairsandSpace@flsenate.gov>; Senate District 07 (Hutson) <SenateDistrict07Hutson@flsenate.gov>

AMERICAN OVERSIGHT

Subject: Meeting Materials available: GO 02/10/20 1:30 p.m.

The committee meeting materials are now available in Session Organizer for the **02/10/20 1:30pm Governmental Oversight and Accountability Committee** meeting.
In Session Organizer, click on the Committee Agendas tab and select the desired meeting.

- Select and view documents individually:
  - Select an agenda item;
  - Select an associated document in the Details Pane: Amendment, Bill Analysis, Presentation (Other), etc.
  - The selected document is displayed in the Document Viewer.
- Produce a full packet, with bookmarks:
  - Click File > Print Packet > All Bills;
  - In the Packet Builder dialog, verify that Pre-set is set to Committee Packet;
  - Click the Create PDF button;
  - View, Save, or Print.

For your convenience, bill introducers who are not members of this committee are listed below, and their respective tabs are noted:

Non-member Introducers		Tab Numbers
Senator	Baxley	10, 12
Senator	Brandes	13, 14
Senator	Flores	15
Senator	Gainer	4
Senator	Gruters	2
Senator	Harrell	3
Senator	Hutson	17, 18
Senator	Lee	8
Senator	Mayfield	1
Senator	Montford	9
Senator	Pizzo	16
Senator	Rouson	11
Senator	Stargel	6
Committee	Comm Affairs	10
Committee	Commerce Tourism	1
Committee	Criminal Justice	5, 13, 14, 16
Committee	Ethics and Elections	9
Committee	Health Policy	3
Committee	Infrastructure Security	4, 6
Committee	Mil Vet Aff Space	7

AMERICAN OVERSIGHT

From: Emily Brown <Emily.Brown@cfxway.com>
Sent: Thursday, October 24, 2019 12:06 PM EDT
To: Meshil, Melissa <Meshil.Melissa@flsenate.gov>
CC: Hinebaugh, Dennis <hinebaugh@cutr.usf.edu>
Subject: Swan Specs
Attachment(s): "Memo_Disney Swan.pdf","SwanFAVProposal.pdf","Swan_2019Resort Area Map.pdf"

Hi Melissa,

It was nice to speak to you this morning. I have attached a one-pager for the Walt Disney Swan and Dolphin as a potential site for the 2020 Florida Automated Vehicles Summit. I have also attached a copy of their proposal for your review. Remember Experient may be able to accommodate an overnight stay if the Senator has not yet reserved his accommodations for his time in Orlando next week.

I look forward to hearing from you tomorrow. If you have any questions in the meantime, don't hesitate to call.

Respectfully,

Emily

Emily Brown
Manager of Public Affairs
Central Florida Expressway Authority
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AMERICAN OVERSIGHT

2020 Florida Automated Vehicle Summit – Orlando: Walt Disney World Swan and Dolphin

CFX is host agency for the 2020 Florida Automated Vehicle Summit. The last time Orlando served as host-city for the FAV Summit was 2014 when it was held at Disney's Coronado Springs Resort.

In accordance with the terms outlined in the MOU, CFX worked with Experient to send out an RFP to hotel properties in Central Florida. The responses were carefully reviewed, and three sites were toured by representatives from CFX, THEA and CUTR to evaluate which property best met the needs for the Summit. The properties included the Rosen Shingle Creek, Walk Disney World Swan and Dolphin and the Renaissance Orlando at SeaWorld.

Following the site visits, the properties were ranked as follows:

1) Rosen Shingle Creek
2) Walt Disney World Swan and Dolphin
3) Renaissance Orlando at Sea World

Walt Disney World Swan and Dolphin

The Walt Disney Swan and Dolphin is a Marriott Bonvoy property located between Epcot and Disney's Hollywood Studios at Walt Disney World. The property features multiple on-site recreation amenities with additional amenities connected by Disney's transportation system.

There is ample meeting space to accommodate the general sessions, breakouts and exhibit space. The conference space was easily accessible from the hotel rooms.

Parking is limited at this property; the event team would identify overflow parking solutions. On-site demo space is also limited; however, Wide World of Sports is available to use as a demonstration area for an additional cost. Attendees would be shuttled from the conference hotel to Wide World of Sports using Disney's approved transportation partners. Any other road closures would for demos would require permitted through Reedy Creek.

The Walt Disney Swan and Dolphin can accommodate our event on **November 4-6, 2020**. Details regarding room rates, F&B minimums and concessions are outlined below. The event proposal for Walt Disney World Swan and Dolphin is attached for your reference.

Supplier	Nov 4-6, 2020 ELECTION WEEK	Resort Fee	F&B Minimum	Rental and Other Costs	Concessions
Walt Disney World Swan and Dolphin	$239	$30/day	$55,000	WAIVED	* The Lake Terrace IS AVAILABLE for your Reception * They are telling me that it should not be a problem for you guys to use a section of the parking lot for a demo area * Regarding partnering with Wide World of Sports to have a testing area – You can use that. Rebecca from Disney would need more specifics i.e. dates/times etc, set ups and just what the general idea of the demo – KEEP IN MIND – there would be a charge AND you would need transportation – you would HAVE to use Disney transportation partners * You can use their Built in Reg Desk * They have no problem adding one breakout room – they are working on a diagram – but they can add a breakout * They can increase the per diem number of rooms to 30.

AMERICAN OVERSIGHT

Epcot® Resort Area Dining

A Big River Grille & Brewing Works
Enjoy award-winning handcrafted ales and outdoor dining. **L, D, S, $$**

B Cape May Cafe
Fresh seafood, carved meats and pasta. Dinner seafood buffet & character dining for breakfast.
B, D, $$, R

C Captain's Grille
An American grill serving steaks and seafood. Traditional breakfast.
B, L, D, $$, R

D ESPN® Club
The ultimate in sports entertainment. Burgers, wings, salads and a full service bar. **L, D, S, $$**

E Flying Fish
Signature seafood with extraordinary flavors. **D, $$$,R**

F Yachtsman Steakhouse
A New England themed sophisticated steakhouse. **D, $$$, R**

G Ale & Compass
Enjoy morning coffee and pastries or an evening cocktail in our open atmosphere. **S, $**

H Beach Club Marketplace
Morning coffee, fresh baked pastries, Soup, salads, sandwiches, flatbreads.
B, L, D, S, $

I Beaches And Cream Soda Shop
Old-fashioned favorites served with beach-side charm. **L, D, S, $**

J Boardwalk Bakery
Pastries, sandwiches, salads, desserts.
B, L, D, S, $

K Boardwalk Joe's
Coffee, snacks, beer, wine, non-alcoholic drinks. **S, $**

L Funnel Cake Cart
Relive the taste and flavor of a timeless era. **D, S, $**

M The To-Go Cart
All-American favorites with all the fixin's, beverages and more! **L, D, S, $**

N Hurricane Hanna's
Outdoor dining, hamburgers, sandwiches, salads and a full-service bar. **L, S, $**

O Leaping Horse Libations
Frozen drinks, snacks, full-service bar.
S, $

P Pizza Window
Fresh hand-tossed made to order, to-go. **L, D, $**

V Ample Hills Creamery
Treat yourself to a tasty cone straight out of this turn-of-the-century take on the ice cream parlor. **S, $**

Z Trattoria al Forno
Italian cuisine prepared using Old-World techniques. **B, D, $$$**

Epcot® Resort Area Entertainment

Q AbracadaBAR
Once a secret lounge of illusion, there's magic in every concoction at this sophisticated social club.

R Atlantic Dance
An elegant nightclub that plays a variety of hot sounds and music videos. *Must be 21 or older to enter.*

S Jellyrolls
Dueling-piano and sing-along bar featuring current hits and old favorites. *Must be 21 to enter.*

T Midway Games & More
Win great prizes! Also, don't miss special performers in action along the BoardWalk.

U Seabreeze Point
A lakeside meeting place along the path to the Epcot® International Gateway.

W Belle Vue Lounge
Morning: coffee, fresh pastries.
Evening: full bar, lake-front view, board games, radio programs.

X Crew's Cup
Join us for your favorite libation while enjoying a burger, steak, salad or appetizer. Serving until midnight.

Y Martha's Vineyard
Candle-lit lounge, located off the beaten path, featuring appetizers, wines, beers, and spirits.

Epcot® Resort Area Shopping

I Beach Club Market Place
Great looking swim and sportswear, groceries, sundries and Disney merchandise.

BB Disney's Character Carnival
Children's and infants' apparel, stationery, Disney Character plush, toys, accessories.

CC Dundy 's Sundries
Disney Vacation Club logo merchandise, gifts, sundries.

DD Fittings & Fairing Clothes & Notions
Sophisticated nautical wear for the whole family. Disney Character merchandise.

EE Screen Door General Store
Snacks, beverages, Disney Character souvenirs, home décor.

GG Thimbles & Threads
BoardWalk logo merchandise, adult and golf apparel.

HH Wyland Galleries
A classic gallery of marine life featuring internationally renowned artist Wyland and others.

Epcot® Resort Area Recreation

JJ Bayside Marina
Bicycle, boat and Sea Raycer by Sea Ray® rentals.

KK Fishing Excursions & Specialty Cruises
For info on specialty cruises and guided bass fishing, call (407) WDW-PLAY.

LL Fantasia Gardens
2 unique courses for all the mini-golf masters in your family.

MM Surrey Bike Rental
Try a spin around the lake on a bicycle built for two or four!

Transportation

Boats Epcot® and Disney's Hollywood Studios® are just a short boat ride away from the Epcot® Resort Area.
See map below for pickup/drop-off points. *Marked by this symbol.*

Buses Available to and from Disney's Animal Kingdom® Theme Park, the Magic Kingdom® Park, and Disney Springs®.

On Foot Scenic walkways lead to both Epcot® and Disney's Hollywood Studios®. *See map for location.*

Disney Vacation Club Information Center DVC

WALT DISNEY WORLD SWAN AND DOLPHIN LEGEND

Swan Locations = **Orange**
Dolphin Locations = **Green**

WALT DISNEY WORLD SWAN AND DOLPHIN

Signature Dining

1 Todd English's bluezoo
Cuisine from Celebrity Chef Todd English. AAA Four Diamond rating. Multi-award winner of Wine Spectator's Award of Excellence. **D, $$$, R**

2 Shula's Steak House
Critics' choice for Orlando's Best High-End Steak House and multi-award winner of Wine Spectator's Award of Excellence. **D, $$$, R**

3 Il Mulino New York Trattoria
Traditional Italian cuisine from the Abruzzi region of Italy served in a dynamic, rustic trattoria. **D, $$$, R**

4 Kimonos
Experience the art of sushi, karaoke, and an intimate atmosphere in our authentic Japanese sushi restaurant. **D, $$**

Casual Dining

5 Garden Grove
Join your favorite Disney Characters for breakfast every Saturday and Sunday, and every evening for dinner. Perfect for family dining. **B, L, D, S, $$, R *(dinner only)***

6 Cabana Bar And Beach Club
Poolside restaurant with South Beach flair. **L, D, $**

7 Fresh Mediterranean Market
Savor fresh, made-to-order menu items in our Mediterranean-style market. **B, L, $$, R**

8 The Fountain
Crisp salads, custom grilled burgers, and a delectable array of sandwiches and desserts. Take-away homemade or soft-serve ice cream. **L, D, S, $**

Quick Service

9 Picabu
A fun, vibrant restaurant offering America's favorite foods. Self-service dining and sundries. **Open 24 hours.**
B, L, D, S, $

10 Splash
Lunch and snacks just steps from the pool and white sand beach. Sandwiches, pizza, salads, burgers, fries. **L, S, $**

11 Java Bar
Enjoy a coffee, pastry, or a refreshing beverages. **B, S, $**

Shopping

12 Daisy's Garden
Find sundries and the newest selection of Disney merchandise.

13 Sugar³
A colorful candy store that will satisfy any craving. **$**

14 Disney Cabanas
Find Disney souvenirs, clothing and more.

15 Galleria Sottil
Presenting the artwork of world-renowned artists along with the featured art of Luis Sottil.

16 Lamonts
Upscale resort wear for men and women.

Entertainment

17 Cabana Beach Hut
Swan paddle boat rentals. Sunscreen and pool needs.

18 Lobby Lounge
Enjoy morning coffee and fresh pastries or an evening cocktail in this comfortable, open atmosphere.

1 Todd English's bluezoo lounge
Whether a prelude to dinner or as the evening's entertainment, this trendy hot-spot is the ideal place to be.

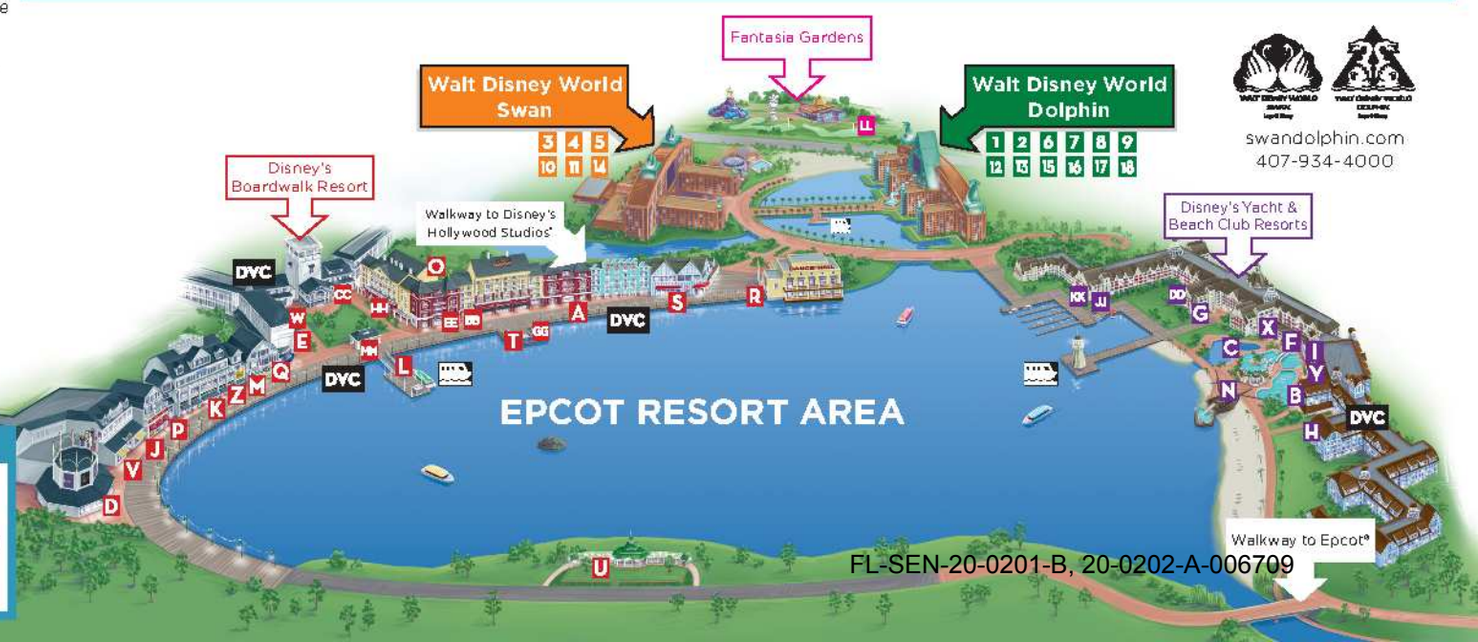
2 Shula's Steak House Lounge
Experience the Miami Dolphins 1972 perfect season. Catch games on one of the many sports channels.

3 Il Mulino New York Trattoria Lounge
Comfortable surroundings, wines from Italy and beyond.

4 Kimonos Lounge
Sake, cocktails, Karaoke nightly.

TODD ENGLISH'S bluezoo

Recognized by: USA TODAY 10 BEST TRAVEL — TOP 10 FOODIE SPOT



swandolphin.com
407-934-4000

DINING LEGEND

B=Breakfast | **L**=Lunch | **D**=Dinner | **S**=Snacks

Pricing per person:
$=14.99 & under | $$=15-35.99 | $$$=36-59.99 | $$$$=60 & up
(Pricing guide based on average, including beverages but excluding tax and gratuity.)

R Reservations: Please Call **(407) WDW-DINE**

AMERICAN OVERNIGHT

FL-SEN-20-0201-B, 20-0202-A-006709

Experience Our Award-Winning Signature Dining











Parent's Night Out!

Receive two complimentary hours at Camp Dolphin for kids ages 4-12 while you dine* at Todd English's bluezoo, Il Mulino New York Trattoria, Shula's Steak House, or during a 75-minute treatment at Mandara Spa.

Dial ext. 55 for dinner reservations, and ext. 4241 for Camp Dolphin Reservations. *Space is limited.**

Offer is per child, per paid adult entree.

AMERICAN OVERSIGHT

Signature Dining

Enjoy fresh seafood in an energetic atmosphere. AAA Four Diamond Award winner and multi-award winner of Wine Spectator's Award of Excellence. Open for dinner. ***Dolphin - Lower Level***

Shula's serves the best beef money can buy, The SHULA CUT*, in addition to the freshest seafood, and 3-5 lb. live Maine lobsters. Open for dinner. ***Dolphin - Lobby Level***

Traditional Italian cuisine, served in a dynamic rustic trattoria. Features a diverse offering of exciting dishes, prepared from original Italian recipes. Open for dinner. ***Swan - Lobby Level***

Experience the art of sushi, nightly karaoke, and an intimate atmosphere in our authentic Japanese sushi restaurant. Open for dinner. ***Swan - Lobby Level***

Character Dining

Disney characters featured nightly for dinner and for breakfast on Saturdays and Sundays. Open for breakfast, lunch and dinner. ***Swan - Lobby Level*** *Characters & times subject to change without notice.*

Casual Dining

Savor fresh, made-to-order menu items from our Mediterranean-style market. Open for breakfast and lunch. ***Dolphin - Lower Level***

Crisp salads, custom grilled burgers, and a delectable array of sandwiches and desserts. Take away homemade or soft serve ice cream. Open for lunch and dinner. ***Dolphin - Lower Level***

Sleek and contemporary, this is the perfect place for lunch or dinner. Then transition into evening with specialty cocktails at the illuminated bar. Open seasonally. ***Dolphin - Poolside***

Lounges

Relax and enjoy morning coffee and freshly prepared pastries, or an evening cocktail in this comfortable, open atmosphere. Open mornings and evenings. ***Dolphin - Lobby Level***

Experience the resurgence of hand-made classic cocktails in our chic lounge, along with the area's finest champagnes, wines and cordials. Light menu offered. Open evenings. ***Dolphin - Lower Level***

A cozy atmosphere with leather chairs, plenty of sports channels to choose from, and a selection of fine wine, beers, specialty cocktails, and after-dinner drinks. Open evenings. ***Dolphin - Lower Level***

Comfortable surroundings, wines from Italy and beyond, and great classic cocktails invite you to relax and unwind. Light menu offered. Open evenings. ***Swan - Lobby Level***

The perfect mixture of fun and flavor! Enjoy nightly karaoke and one of our unique cocktail creations. Open evenings. ***Swan - Lobby Level***

Quick Service

A curious gallery of evocative art and America's favorite foods. Self-service dining and sundries. **Open 24 hours a day.** ***Dolphin - Lower Level***

Custom made sandwiches, fresh pizza, snacks, and ice cream, just steps from the Swan lap pool and white sand beach. Open seasonally. ***Swan - Poolside***

An inviting setting to enjoy a variety of coffees, a selection of freshly prepared pastries or an assortment of other refreshing beverages. Open mornings and most afternoons. ***Swan - Lobby Level***

Dining Reservations **407.934.1609** | Todd English's bluezoo **407.934.1111**
Shula's Steak House **407.934.1362** | Il Mulino New York Trattoria **407.934.1199**
swandolphinrestaurants.com

Epcot® Resort Area Guide Map



THE WALT DISNEY WORLD
SWAN AND DOLPHIN



FL-SEN-20-0201-B, 20-0202-AA-006710

swandolphin.com

WALT DISNEY WORLD SWAN AND DOLPHIN

FLORIDA AUTOMATED VEHICLE SUMMIT 2020



CENTRAL FLORIDA EXPRESSWAY AUTHORITY

.

Central Florida Expressway Authority

4974 ORL Tower Road, Orlando, FL 32807

WALT DISNEY WORLD SWAN

WALT DISNEY WORLD DOLPHIN

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WALT DISNEY WORLD SWAN AND DOLPHIN

FLORIDA AUTOMATED VEHICLE SUMMIT 2020

We want to thank you for the opportunity to present ourselves and showcase our property for your Florida Automated Vehicle Summit 2020 in November.

Please review this electronic proposal along with details for planning your next program at the Walt Disney World Swan and Dolphin.

We look forward to partnering together with you to ensure your event's success at The Walt Disney World Swan and Dolphin.

Sincerely,
Randi Ferlito



CENTRAL FLORIDA EXPRESSWAY AUTHORITY

WALT DISNEY WORLD SWAN

WALT DISNEY WORLD DOLPHIN

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GUEST ROOM BLOCK

	Tue 11/03	Wed 11/04	Thu 11/05	Fri 11/06
Rooms	10	162	162	10

Date	Room Type	Rooms	Rate
Nov 03 - 07, 2020	Swan	344	$239.00

TERMS AND CONDITIONS

Rates are not inclusive of Resort Service Package. Room rates are quoted exclusive of state and local taxes, which are currently 12.5%. Please note: we do not hold rooms out of inventory without a signed agreement.

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RESORT SERVICE PACKAGE

$30 per night Resort Service Package includes:

- Enhanced in-room high-speed wireless Internet
- $30 off spa services of $175 or more during each night of your visit (1) offer per room, per night
- 2 bottles of water refreshed daily
- Unlimited access to our health clubs, including our fitness on-demand video wall and on-demand Peloton spin bicycles
- Additional complimentary daily fitness class and fun resort activities for all ages
- Unlimited domestic long distance and local, toll-free & credit card calls
- A complimentary S'mores Kit given to each guest, for every night of their stay when they attend Campfire & S'mores in the evening
- Unlimited complimentary Swan Paddle Boat rides

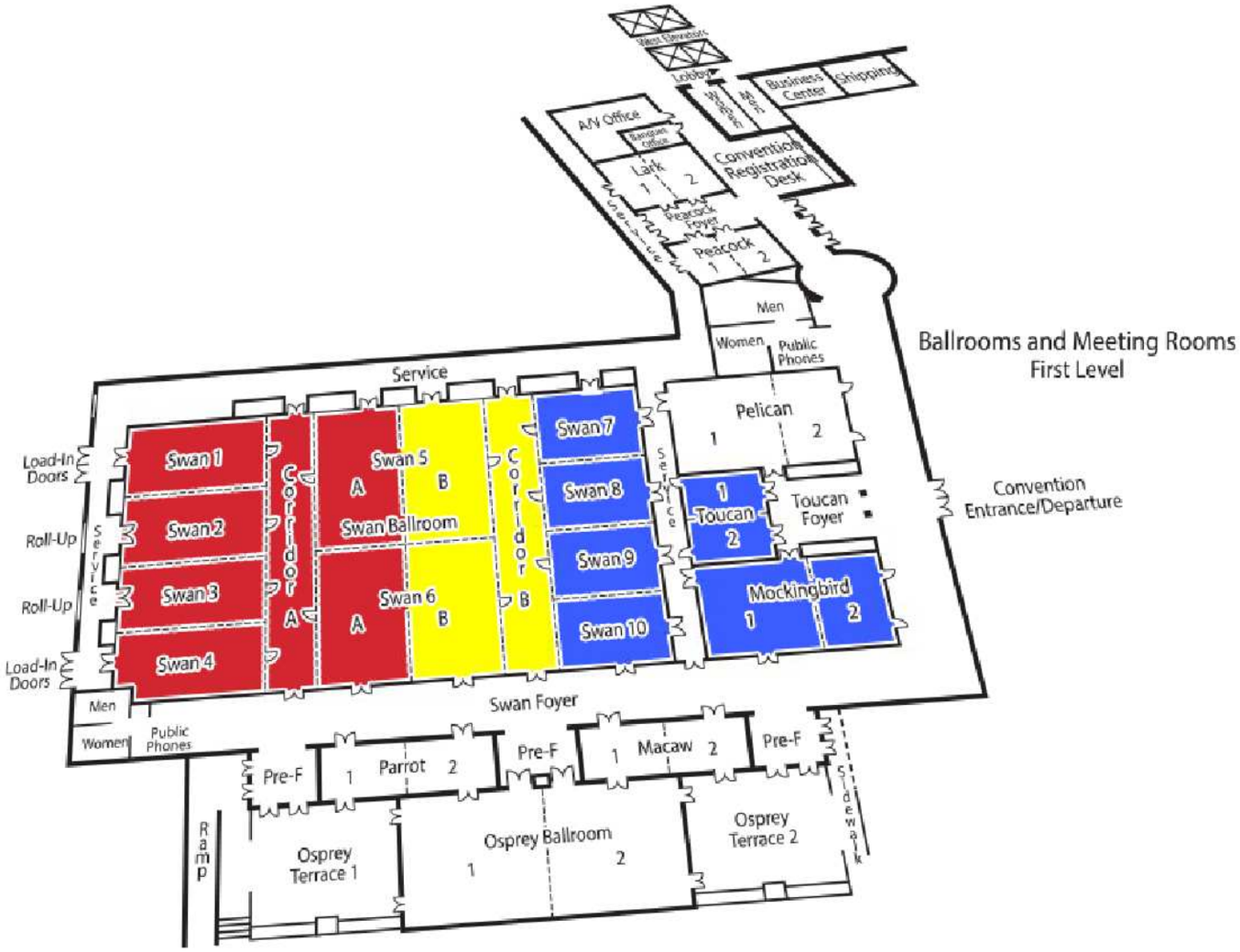
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FL-SEN-20-0201-B, 20-0202-A-006714

AGENDA & PROPOSED SPACE - SWAN LOBBY LEVEL

- General Session/Meals/Breakout
- Breakouts
- Breakouts



View Colored Agenda

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FOOD AND BEVERAGE MINIMUM

Your food and beverage minimum will be $55,000.00 before 25% service charge and 6.5% sales tax.

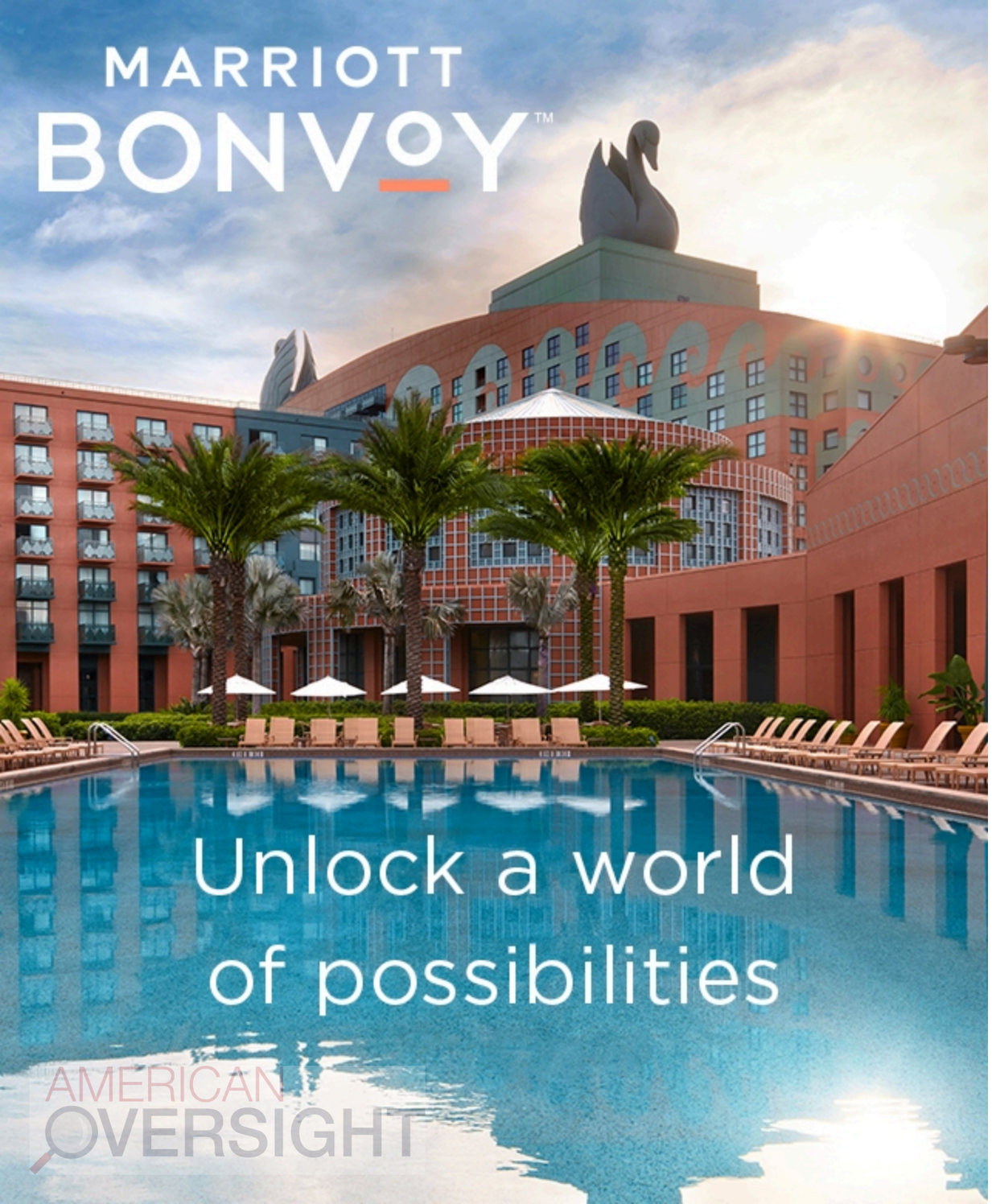
The Walt Disney World Swan and Dolphin provides a premier culinary experience with an award-winning team, comprised of chefs from all over the world. Our renowned catering staff has earned national recognition for exceptional service and our signature Visionary Innovative Banquet Events *(V.I.B.E.)*.

This diverse array of expertise expands our culinary capabilities and results in impressive, signature dining events.

Catering Information | Catering Menus



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Earn points for the eligible meetings and events you plan at the Walt Disney World Swan and Dolphin.

- Earn up to 60,000 points per event on eligible room, food, beverages and audio/visual charges. *(2 points per $1 USD)*.
- Earn up to 20,000 airline miles per event instead of points.
- Get 10 Elite Qualifying Nights *(EQNs)* with your first meeting. **That's Silver Elite status!**
- Earn 1 EQN for every additional 20 room nights you book — up to 20 EQNs per contract

Marriott Bonvoy

FL-SEN-20-0201-B, 20-0202-A-006717





AN IDEAL LOCATION



Additional Local Options

- All-New Walt Disney World Dolphin Lobby featuring fuel our All-New Grab and Go plus Phins our all-new upscale lobby bar
- 2,270 guest rooms featuring Westin's Heavenly® Beds and Baths
- 333,000 sq. ft. of meeting space, including four ballrooms
- 110,500 sq. ft. of contiguous but divisible indoor exhibit space
- Pacific Hall, 50,000 sq. ft. of open space with 26-ft-high ceilings
- 87 meeting and breakout rooms
- The Balinese-inspired Mandara Spa
- 18 restaurants and lounges on-site, including Todd English's bluezoo, Shula's Steak House and Il Mulino New York Trattoria
- Over 40 more restaurants and lounges within walking distance
- Two full-service business centers | On-site AV and DMC
- WestinWORKOUT® | Complimentary fitness classes & activities

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RECENT RENOVATIONS

The Walt Disney World Dolphin lobby has undergone a $12 million re-design as the final stage of the largest makeover in the resort's history. The new lobby has been completely transformed into a sleek contemporary space and feature new dining and beverage options.

This was the completion of a $140 million project which also included the transformation of all guest rooms, along with upgrades to the hotel's meeting space. The new food and beverage options include Phins, an upscale bar and fuel, a quick service café and market offering coffee, sandwiches and more.



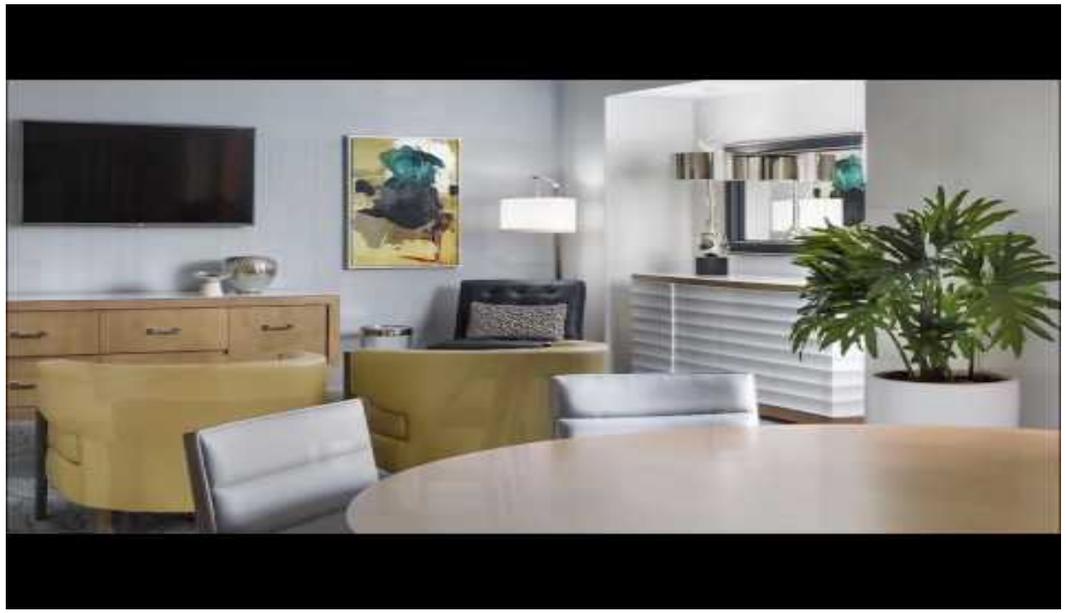
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FL-SEN-20-0201-B, 20-0202-A-006719





ACCOMMODATIONS



We've completely redesigned every one of our 2,270 guest rooms in the complex as part of our $140 million project. Our all-new accommodations feature a beautiful combination of whites, blues and grays creating a tasteful ambiance coupled with upgraded furniture, chrome fixtures and the latest technology.

The centerpiece of the room is the famous Westin Heavenly® Bed with its all-white custom-designed pillow-top mattress where your attendees will wake up refreshed and ready to get their day started.

Suite Floor Plans

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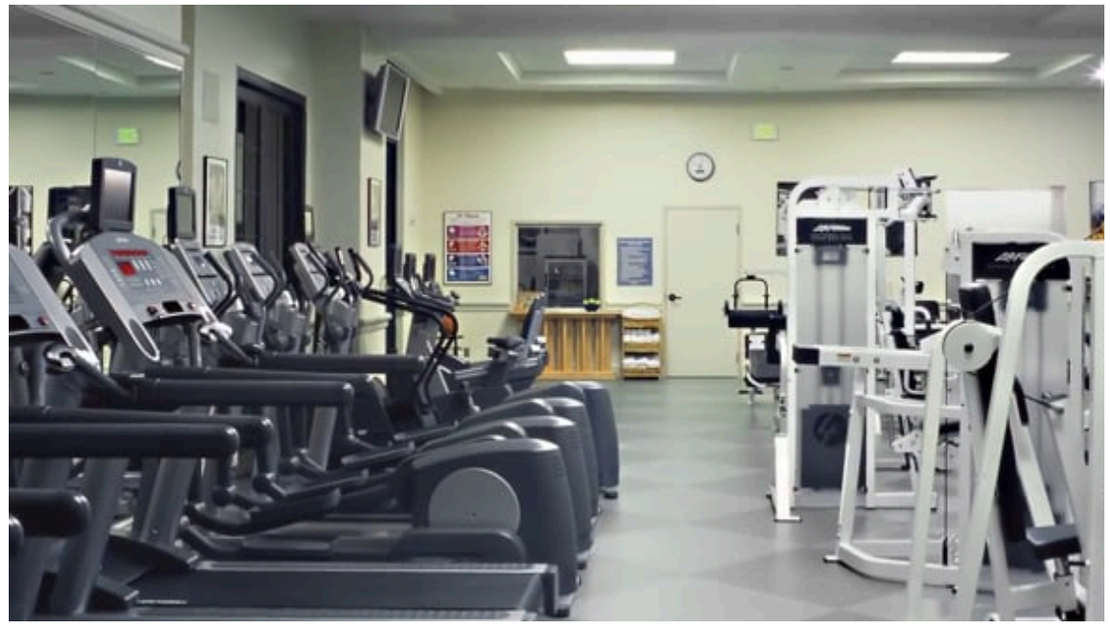
RECREATION

The Walt Disney World Swan and Dolphin has a wide variety of recreational options for attendees including five sparkling pools, including a grotto pool with water slide, plus a beautiful white sand beach. This tropical playground even offers seasonal live entertainment, swan paddle boat rentals, scheduled activities and fitness classes for all ages.

For those who want to stay fit on the road, we also offer two 24-hour, state-of-the-art fitness centers equipped to satisfy even the most demanding fitness enthusiast. Or if Golf is more your passion make sure to take advantage of advance tee times on nearby championship Walt Disney World® golf course.

Golf Information | Resort Activities

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MANDARA SPA

A 10,500-square-foot sanctuary for the senses, Mandara captures the essence of our Balinese heritage while charting a path to the New World – a journey that touches on regional influences infused into unparalleled Mandara experiences.

Immerse yourself in a Mandara moment and escape to a temple of relaxation. Explore the interior gardens: our intimate Tea Garden, a unique sitting and sipping room; or the Meditation Garden, which features our signature “Meru Temple.”

These exotic retreats provide a destination where mind, body and soul meet for spa and salon services as luxurious as therapeutic, as relaxing as results-oriented. Transcend. Transform. Trust the Moment.

Spa Brochure



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DISNEY BENEFITS

- Walt Disney World® Theme Park Events
- Disney Event Group | Disney Institute
- Exclusive convention Walt Disney World® Theme Park ticket pricing
- Extra Magic Hours | FastPass+
- On-site character dining
- Advance tee times on three nearby Walt Disney World® golf courses.
- Complimentary Walt Disney World® theme park transportation
- Complimentary parking at Disney® theme parks with room key
- Walking distance to both Epcot® and Disney's Hollywood Studios®
- Private viewing of nightly fireworks at Epcot®
- Disney's Wide World of Sports® Complex for sporting events, team building, and themed functions
- Exciting nightlife nearby including Disney's BoardWalk® and Disney Springs®

On the Horizon

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ON-SITE DINING OPTIONS

With 18 restaurants and lounges on-site, including the famed Todd English's bluezoo, Shula's Steak House and Il Mulino New York Trattoria, attendees are sure to treat themselves to some of the highest-rated eateries in Central Florida.

If your attendees are looking for a one-of-a-kind dining experience they came to the right place.

Whether it's the freshest seafood, juiciest steaks, the most authentic pasta or anything in between even attendees with the most refined palates are sure to be pleased with our award-winning signature dining options.

Restaurant Info.





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BARS & LOUNGES

Attendees can unwind by sipping on custom-crafted cocktails, a glass of vintage wine, or even a frosty mug of our very own exclusively brewed Phins and Feathers beer, in one of our many well appointed bars or lounges. These areas provide the perfect place to network with colleagues or to enjoy a cold one after a long day of meetings.





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FL-SEN-20-0201-B, 20200202-A-006725





MEETING RESOURCES - COMPLEX

A recipient of the prestigious Meetings & Conventions Hall of Fame Award, the Walt Disney World Swan and Dolphin is a nationally respected and recognized leader in the convention resort arena. Ideally located in the heart of Walt Disney World, the resort offers 2,270 guest rooms and over 333,000 square feet of meeting and convention/exhibit space. With space for events from 15 to 15,000 attendees we have a space for every need.

- 333,000+ sq. ft. of total meeting space, including four ballrooms
- 110,500 sq. ft. of contiguous but divisible convention space
- 128,190 sq. ft. of outdoor function space
- Pacific Hall, 50,000 sq. ft. of open space with 26-ft-high ceilings
- 87 meeting and breakout rooms



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Detailed Floor Plans | 360 Degree Photos



- **Disney Event Group** - Services include: Disney branded entertainment, Disney character meet & greets, show directors, script writers, producers, décor, set design, special effects and more.
- **Hello Florida** - Services include: airport transportation, theme parties and entertainment, sports-related outings, teambuilding events, companion and children's programs, daytime tours to area attractions and more.
- **PSAV** - The largest pool of audiovisual professionals in the industry.
- **Mears Transportation Company** - Mears owns a fleet of over 950 vehicles, including deluxe motor coaches, luxury limousines, town cars, shuttle vans and taxis.
- **GES Exposition Services** - GES provides every possible exhibitor and/or show management service, from sophisticated signage and entrance treatments, to furniture and equipment rentals.
- **11th Hour Business Center** - offers a wide array of conference solutions including graphic design, pre-conference printing and large format branding. We also provide office equipment rentals
- **Xponet** - offers a variety of high-speed internet and digital signage services scalable to any sized program.
- **Mandara Spa** - Discover the beauty of the renewed Mandara Spa and an ethos encompassing well-being from around the world.

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TRANSPORTATION

Approximately 20 minutes away from the Walt Disney World Swan and Dolphin, the Orlando International Airport (MCO) is the perfect choice when flying into Orlando. More than 900 flights bring over 98,000 passengers through the award-winning Orlando International Airport every day. With numerous flight options, convenient highway access and a central location, traveling to and from Orlando is easy.

Transportation for shuttle service to and from Orlando International Airport. A roundtrip shuttle is $38.00 per person.

Current Standard Parking Rates:
Self-Parking - $25.00 (plus tax) per vehicle per day
Valet - $35.00 (plus tax) per vehicle per day.

Attendees can also take advantage of complimentary transportation to and from Walt Disney World® Theme Parks and attractions.

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FL-SEN-20-0201-B, 20-0202-A-006728

THANK YOU

We are excited about the opportunity to host Florida Automated Vehicle Summit 2020 and will do everything possible to assist you in making it a resounding success.

Please do not hesitate to contact me directly at randi.ferlito@marriott.com or 407-934-4643 with any additional questions or to arrange for a personal site tour of Walt Disney World Swan and Dolphin.

Thank you again for your consideration.

Sincerely,

Randi Ferlito



Senior Sales Manager
Walt Disney World Swan and Dolphin

Addenda: The rates, terms and conditions being quoted by Hotel are contingent upon the assumption that the Hotel contract and other Hotel-generated forms will be the sole operative documents.







WALT DISNEY WORLD SWAN

WALT DISNEY WORLD DOLPHIN

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From: Courtemanche, Richard <RCourtemanche@floridabar.org>
Sent: Wednesday, February 12, 2020 10:34 AM EST
To: Cox, Angela <coxa@clayclerk.com>; Haughwout, Carol <careypd@pd15.org>; Carolyn Timmann <CTimmann@martinclerk.com>; Williams, Charles <lfudge@jud12.flcourts.org>; Coxe, Henry <hmc@bedellfirm.com>; Hankinson, James <hankinsonj@leoncountyfl.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Sanchez, Lilly A <lsanchez@thelsfirm.com>; Meshil, Melissa <Meshil.Melissa@flsenate.gov>; Suskauer, Michelle R <michelle@dkrpa.com>; de la O, Miguel <mdelao@jud11.flcourts.org>; Sonnett, Neal R <nrslaw@sonnett.com>; Renner, Paul M <prenner@milamhoward.com>; Ralph Larizza (larizzar@sao7.org) <larizzar@sao7.org>; Richard Doran <rdoran@ausley.com>; Bradley, Robert <rob@claylawyers.com>; Weinberg, Morris <sweinberg@zuckerman.com>; Lindsey, Warren W <warren@warrenlindseylaw.com>
Subject: Teleconference
Attachment(s): "200206 TC Minutes.pdf","Florida Bar Legislative Update - February 7, 2020.doc"

On behalf of Co-Chairs Suskauer and Coxe, we want to thank those who participated in the call last week, and we missed those who were unable to attend.

A copy of the minutes and the latest update from the Bar's Legislative Counsel is attached.

Thanks.

Rick Courtemanche
Deputy General Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
850-561-5788 (Direct)
800-342-8060 Ext. 5788 (Toll-Free)
rcourtemanche@floridabar.org



Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

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The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

SPECIAL COMMITTEE ON CRIMINAL JUSTICE
Teleconference
Thursday, February 6, 2020 2:00 p.m.- 3:00 p.m.

ACTION MINUTES

I. Call to Order
Meeting was called to order by Co-Chair Suskauer at 2:00 p.m.

II. Attendance
A. *Committee:* Co-Chair Michelle Suskauer, Co-Chair Hank Coxe, Judge Angela Cox, Richard Doran, Judge Jimmy Hankinson, Carey Haughwout, RJ Larizza, Warren Lindsey, Lilly Sanchez, Neal Sonnett, Carolyn Timmann, Judge Charles Williams.

B. *Bar Staff:* Deputy General Counsel Rick Courtemanche.

C. *Others:* Pamela Burch Fort. The Commerce Group.

III. Update on Proposed Criminal Justice Bills
Pamela Burch Fort, Bar Legislative Advisor from The Commerce Group gave an update on the bills of interest for criminal justice through week 4 of the legislative session.

IV. Committee White Papers
Deputy General Counsel Rick Courtemanche gave an update on the status of bills which the committee was asked to provide subject-matter expertise/white papers on.

V. Legislative Priorities.
- RJ Larizza gave an update of the legislative priorities of the Florida Prosecuting Attorneys Assn.
- Carey Haughwout gave an update of the legislative priorities of the Florida Public Defenders' Assn.
- Carolyn Timmann gave an update on the priorities of the Court Clerks.
- Hank Coxe and Judge Hankinson gave an update on the FCS Criminal Court Steering Committee report on speedy trial.
- Warren Lindsey gave an update on the priorities of the Criminal Law Section.

VI. New Business.

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None

VII. Adjournment

Co-Chair Suskauer adjourned the meeting at 3:00 p.m.

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MHD
METZ, HUSBAND & DAUGHTON, PA

DOUGLAS S. BELL
JAMES R. DAUGHTON, JR.
PATRICIA B. GREENE*
WARREN H. HUSBAND
ALLISON LIBY-SCHOONOVER*
AIMEE DIAZ LYON
STEPHEN W. METZ**
ANDREW T. PALMER*
PIERCE SCHUESSLER*

*Governmental Consultant-
Not a Member of the Florida Bar
**Of Counsel

REPLY TO:

Post Office Box 10909
Tallahassee, Florida 32302-2909

119 South Monroe Street, Suite 200
Tallahassee, Florida 32301-1591

Telephone: (850) 205-9000
Facsimile: (850) 205-9001

MEMORANDUM

TO: Lawrence E. Sellers, Chair
The Florida Bar Legislation Committee

FROM: Jim Daughton
Aimee Diaz Lyon

DATE: February 7, 2020

SUBJECT: Legislative Update – Week Four

Despite national politics serving as the focus this week, the Legislature quietly and swiftly completed week four of the nine-week legislative session. The House subcommittee process wound down, the respective Appropriations Committees passed budgets, scores of interest groups held their "Days at the Capitol" and the legislature completed its work for the week just ahead of bad weather moving through Tallahassee.

Following is a summary of key information and issues of interest to The Florida Bar.

State Courts System Budget

This week the House and Senate Appropriations Committees passed their respective budget proposals in anticipation of final action by each Chamber next week. Following this action, legislative leaders and staff must decide on how to reconcile the overall budget allocation disparities before the budget conference can begin.

Below is a chart depicting the current status of appropriations issues important to the judicial branch.

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Issues	Senate Criminal & Civil Justice Appropriations Subcommittee	House Justice Appropriations Subcommittee	State Courts System LBR Request
Timely Resolution of Cases Initiatives	$5,050,069 (64 FTEs)	-0-	$13,512,798 (157 FTEs)
Court Interpreting Resources & Remote Technology	$5,005,356 (37 FTEs)	$1,735,889 (17 FTEs)	$5,470,209 (40.5 FTEs)
2nd District Court of Appeals Courthouse Construction	$20 million	$21 million	$21 million
Problem Solving Court Database	$308,542 (2 FTEs)	$581,568 (4 FTEs)	$581,568 (4 FTEs)
Family Court Operational Support	$317,446 (2 FTEs)	$317,446 (2 FTEs)	$317,446 (2 FTEs)
Certification of Additional Judges	$2,139,090 (15 FTEs)	$3,418,513 (21 FTEs)	$3,496,422 (22 FTEs)
Appellate Judiciary Travel	$125,000	$125,000	$125,000
Appellate Court Security	$516,139	$516,139 (6.5 Marshalls)	$516,139
Judicial Data Management for Florida Courts Statewide Network (CJNet)	$448,696	$448,696	$448,696
Bar Dues Proviso	*Each agency, at the discretion of the agency head, may expend funds provided in this act for bar dues and for legal education courses for employees who are required to be a*	*Each agency, at the discretion of the agency head, may expend funds provided in this act for bar dues*	

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	member of the Florida Bar as a condition of employment.	*and for legal education courses for employees who are required to be a member of the Florida Bar as a condition of employment.*	

Link to Senate Appropriations Bill, SB 2500:
http://www.flsenate.gov/Session/Bill/2020/2500
Link to House Appropriations Bill, HB 5001:
http://www.flsenate.gov/Session/Bill/2020/5001

Circuit & County Court Judges – *Differing House & Senate Budget Conforming Bills Emerge*

On February 5th, the House Appropriations Committee passed **HB 5301** which aligns with the Supreme Court's certification opinion for new judges. The House bill creates 10 new circuit and county judge positions – 4 new circuit judges in the First (1), Ninth (2), and Fourteenth (1) Circuits and 6 new county court judges for Hillsborough County (4), Lee County (1), and Orange County (1).

Also on February 5th, the Senate Appropriations Committee heard a proposed bill, **SPB 7050**. As filed, the Senate's conforming bill creates five new circuit judge positions – two new judges in the 9th Judicial Circuit, one judge in the 1st Judicial Circuit, one judge in the 14th Judicial Circuit, and one judge in the 4th Judicial Circuit.

The Senate Appropriations Act, **SB 2500**, also contains proviso language which recommends the five additional circuit court judgeships are contingent upon the passage of SPB 7050. Senator David Simmons (R-Altamonte Springs) offered an amendment SPB 7050 which creates the aforementioned 5 new circuit judge positions and creates one new county court judge in Orange County. The amendment also specifies that all of the new judgeships will be appointed, rather than elected.

Both bills are now ready for consideration by the full Senate and House. HB 5301 and SB 2500 are scheduled for Chamber floor discussion in the House and Senate, respectively, on February 12th. SB 7050 has yet to be scheduled for the Senate floor.

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Link to HB 5301: http://www.flsenate.gov/Session/Bill/2020/5301
Link to SPB 7050: http://www.flsenate.gov/Session/Bill/2020/7050
Link to SB 2500: http://www.flsenate.gov/Session/Bill/2020/2500

Legislation of Interest to The Florida Bar

Judicial Nominating Commissions – *No Action*

SB 86 by Senator Perry Thurston (D-Fort Lauderdale) and **HB 379** by Rep. Al Jacquet (D-Lantana) reinstate the composition of the judicial nominating commissions as it existed in § 20(5), Fla. Const. and § 43.29, Fla. Stat. (2000). Currently, the governor appoints nine members to each of the 26 JNCs. Three of those members are from a list recommended from The Florida Bar. Under the legislation, the governor would only appoint three members to each nine-member nominating commission. Three other members would be appointed by The Florida Bar, and then the six members of each JNC panel would select the remaining three members.

Link to SB 86: http://www.flsenate.gov/Session/Bill/2020/86
Link to HB 379: http://www.flsenate.gov/Session/Bill/2020/379

Public Records Exemption for County Attorneys & Assistant County Attorneys – *No Movement This Week*

HB 63 by Rep. Randy Maggard (R-Dade City) and **SB 248** by Senator Ed Hooper (R-Clearwater) provide an exemption from the public records requirements for personal identifying and location information of current and former county attorneys and assistant county attorneys and their spouses & children.

SB 248 has cleared all of its committees of reference and is on the calendar of bills ready to be scheduled for floor consideration. HB 63 has not been heard by any committees.

Link to HB 63: http://www.flsenate.gov/Session/Bill/2020/63
Link to SB 248: http://www.flsenate.gov/Session/Bill/2020/248

Public Records Exemption for Judicial Assistants – *No Movement This Week*

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SB 128 by Senator Tom Wright (R-New Smyrna Beach) and **HB 479** by Rep. Elizabeth Fetterhoff (R-DeLand) provide an exemption from the public records requirements for certain identifying and location information of current and former judicial assistants and their spouses and children. The legislation provides for the retroactive application of the exemption.

SB 128 has cleared all of its committees of reference and is on the calendar of bills ready to be scheduled for floor consideration. HB 479 has two committee hearings remaining.

Link to SB 128: http://www.flsenate.gov/Session/Bill/2020/128
Link to HB 479: http://www.flsenate.gov/Session/Bill/2020/479

Constitution Revision Commission Proposals – *Senate Bill Scheduled for Floor Debate*

SJR 142 by Senator Jeff Brandes (R-St. Petersburg) and **HJR 301** by Rep. Brad Drake (R-Eucheeanna) would abolish the CRC entirely and remove any statutory references to the Commission. The proposals would require a change to the Florida Constitution approved by the voters. After passing the full House, HJR 301 resides in the Senate awaiting action. SJR 142 is on the Senate Special Order Calendar for consideration by the full Senate on February 12th.

HB 303 filed separately by Rep. Drake would repeal all statutory references to the Constitution Revision Commission once any constitutional amendment abolishing the CRC is passed by voters. After passing the full House, HB 303 resides in the Senate awaiting action.

SJR 176 by Senator Jose Javier Rodriguez (D-Miami) limits any amendment to the Constitution proposed by the Constitution Revision Commission to "one subject and matter connected therewith." Under current law, each proposal of the Commission may embrace multiple subjects, and the Commission may even propose a singular revision of the entire Constitution. The Senate joint resolution would be voted on by the voters in 2020 and, if approved, would apply to the next CRC which is slated to meet in 2037, in advance of placing measures on the 2038 ballot. SJR 176 has one committee hearing remaining in the Rules Committee.

A parallel constitutional ballot initiative is seeking to make it harder to amend Florida's Constitution by having voters approve constitutional amendments twice in two elections, instead of one election, in order for them to officially take effect. On January 30th, the state Division of Elections announced that the Keep Our Constitution Clean political committee had met

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the legal requirement for submitting the necessary amount of petition signatures. The political committee submitted 769,769 valid petition signatures, over and above the 766,200 signature requirement. The committee submitted the requisite number of signatures prior to the deadline of Saturday, February 1st. The political committee will now also need Florida Supreme Court approval of the proposed ballot wording. If the Florida Supreme Court approves the proposal's wording, the initiative will go on the November 2020 ballot.

Link to SJR 176: http://www.flsenate.gov/Session/Bill/2020/176
Link to SB 142: http://www.flsenate.gov/Session/Bill/2020/142
Link to HB 301: http://www.flsenate.gov/Session/Bill/2020/301
Link to HB 303: http://www.flsenate.gov/Session/Bill/2020/303
Link to Amendment 19-08:
https://dos.elections.myflorida.com/initiatives/

Court Jurisdiction – *House Committee Bill Officially Receives Bill Number*

SB 1510 by Senator Jeff Brandes (R-St. Petersburg) revises the jurisdiction of circuit courts and the authority of county court judges temporarily designated to preside over circuit court cases. As originally filed, the bill also transferred jurisdiction for appeals of final administrative orders of local government code enforcement boards from the circuit court to the district court of appeal.

SB 1510 has two committee hearings remaining – Appropriations Subcommittee on Criminal and Civil Justice and Appropriations Committee.

SB 1510 was amended to limit the scope of the original bill. Originally, the bill provided district courts of appeal jurisdiction to hear appeals of decisions of county courts in criminal and civil cases and to hear appeals relating to a variety of administrative decisions and noncriminal infractions. The amended bill does not transfer to the district courts of appeal the appellate jurisdiction of circuit courts to hear administrative decisions and appeals relating to noncriminal infractions.

The House Judiciary Committee proposal relating to appellate court jurisdiction has been officially introduced as **HB 7059** and is identical to the Senate proposal.

HB 7059 has been introduced and referred to the Appropriations Committee.

Link to SB 1510: http://www.flsenate.gov/Session/Bill/2020/1510

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Link to HB 7059: http://www.flsenate.gov/Session/Bill/2020/7059

Statewide Council on Prosecutorial Misconduct – *No Action*

SB 262 by Senator Randolph Bracy (D-Orlando) creates the Statewide Council on Prosecutorial Misconduct within the Department of Legal Affairs. The council will provide recommendations and findings relating to prosecutorial misconduct to the Department of Lawyer Regulation within The Florida Bar and to the Supreme Court's Chief Justice. The council's membership includes four prosecutors, four public defenders or assistant public defenders, a district court of appeal judge, and two county or circuit court judges. By January 14th of each year, the council is required to submit an annual report to the Governor, Legislature, and Chief Justice summarizing the council's recommendations and findings during the previous calendar year.

There has been no action this session on SB 262 and a House companion bill has not been filed to-date.

Link to SB 262: http://www.flsenate.gov/Session/Bill/2020/262

Legal Notices – *House Bill Passes Last Committee/Senate Bill Gets First Hearing Next Week*

HB 7 by Rep. Randy Fine (R-Palm Bay) and **SB 1340** by Senator Joe Gruters (R-Sarasota) provide for the website publication of legal notices, provide criteria for such publication, authorize fiscally constrained counties to use publicly accessible websites to publish the legally required advertisements and public notices, and require governmental agencies to provide specified notice to residents concerning the alternative methods of receiving legal notices. The House adopted technical amendments to the bill which clarify that the publication requirement only applies to a governmental entity who uses a website to publish notices, and that the notice of proposals for any public-private partnership still has to be published in the Florida Administrative Register and in the local county in which the project would be located. The House also amended the language dealing with notices for property tax increases.

On February 6th, HB 7 passed the State Affairs Committee by a vote of 14 to 9 and the bill is now on the calendar of bills ready for Chamber consideration. SB 1340 is scheduled to be heard in the Judiciary Committee on February 11th.

Link to HB 7: http://www.flsenate.gov/Session/Bill/2020/7

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Link to SB 1340: http://www.flsenate.gov/Session/Bill/2020/1340

Legal Advertising – *House Committee Bill Introduced*

The legislature is also considering certain restrictions of legal advertising. While generally in the purview of the Florida Supreme Court, some state legislatures across the country have passed specific restrictions on legal advertising, typically under unfair and deceptive practices statutes. Senator Tom Wright (R-New Smyrna Beach) filed **SB 1288** pertaining to the solicitation of legal services. Specifically, the bill focuses on advertisements featuring "medical alerts" or "consumer alerts" using the names or logos of a regulatory agency.

There was no movement on the Senate legislation. On February 4th, the House Civil Justice Subcommittee heard PCB CJS 20-02 on legal advertising and voted to introduce the bill officially as HB 7083.

HB 7083 prohibits legal advertisements from containing information on the use, sale, or transfer of protected health information for purposes of soliciting legal services. Specifically, the proposed bill:

- Prohibits a person who submits a legal advertisement for publication, broadcast, or dissemination, or who pays for or otherwise sponsors a legal advertisement from:
  - Failing to clearly and conspicuously disclose the sponsor of the advertisement;
  - Displaying federal or state government agency logos in a manner implying affiliation with a that agency;
  - Including terminology implying that the product has been recalled when it has not been;
- Requires a legal advertisement to clearly disclose the warning, "Do not stop taking a prescribed medication without first consulting your doctor," if the advertisement solicits clients who may allege injury from a prescription drug; and
- Prohibits a person from using, obtaining, selling, transferring, or disclosing to another person without written authorization protected health information to solicit legal services.

The proposed bill also creates a cause of action for a person who suffers a physical injury as a result of a legal advertisement's violation of these provisions and authorizes compensatory damages, attorney fees, and court costs. Additionally, the Department of Legal Affairs or a state attorney may bring an action to enjoin any person who has violated these provisions, or

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may bring an action on behalf of one or more consumers or governmental entities for actual damages caused by a violation of these provisions.

Link to SB 1288: http://www.flsenate.gov/Session/Bill/2020/1288
Link to HB 7083: http://www.flsenate.gov/Session/Bill/2020/7083

Trial Court Security – *House Bill Passes Committee*

HB 131 by Rep. Stan McClain (R-Ocala) and **SB 118** by Senator Joe Gruters (R-Sarasota) require each county sheriff to coordinate with the board of county commissioners and the chief judge of the judicial circuit to develop a comprehensive court security plan for trial court facilities. The sheriff retains authority over the implementation of security, and the chief judge retains decision-making authority to protect due process rights. The legislation also clarifies that sheriffs and their deputies, employees, and contractors are officers of the court when providing security for court facilities.

On February 6th, HB 131 passed the Judiciary Committee by a vote of 15 to 0. The committee adopted an amendment which clarified that the chief judge retains broad decision-making authority to ensure the protection of due process rights. The Senate bill is now in its final committee, the Appropriations Committee.

Link to SB 118: http://www.flsenate.gov/Session/Bill/2020/118
Link to HB 131: http://www.flsenate.gov/Session/Bill/2020/131

Jury Service – *House Bill Passes Another Committee*

SB 738 by Senator Gayle Harrell (R-Stuart) and **HB 393** by Rep. Charlie Stone (R-Ocala) require students between 18 and 21 years of age who are actively enrolled as a full-time student in high school or at any state university, private postsecondary educational institution, Florida College System institution, or career center to be excused from jury service upon request.

SB 738 is now in the Rules Committee, its final committee reference. On February 6th, HB 393 passed the Education Committee by a vote of 15 to 0 and has one final hearing in the Judiciary Committee.

Link to SB 738: http://www.flsenate.gov/Session/Bill/2020/738
Link to HB 393: http://www.flsenate.gov/Session/Bill/2020/393

Early Childhood Courts – *HB 1105 Advances This Week*

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SB 236 by Senator Lauren Book and **HB 449** by Rep. Amber Mariano (R-Port Richey) create a new problem-solving court to support an Early Childhood Court (ECC) program for cases involving children under the age of three and uses specialized dockets, multidisciplinary teams, evidence-based treatment and a non-adversarial approach. Currently, there are 22 ECC sites throughout Florida serving 350 children aged 0-3. The legislation expands ECC access while standardizing procedures for the court throughout the state.

SB 236 has two remaining committee references – the Appropriations Subcommittee on Criminal and Civil Justice and the Appropriations Committee. HB 449 has not been heard in committees.

SB 1324 by Senator Wilton Simpson (R-Trilby) makes a number of changes to the child welfare laws. Among the provisions, the bill:

- Requires circuit and county court dependency judges to receive education relating to the value of secure attachments, stable placements and the impact of trauma on children in out-of-home care.
- Codifies the creation and establishment of Early Childhood Court (ECC) programs in the circuit courts that serve cases involving children typically under the age of three by using specialized dockets, multidisciplinary teams, evidence-based treatment and a non-adversarial approach.
- Requires DCF to notify the court of any report to the central abuse hotline that involves a child under court jurisdiction.
- Provides circumstances under which a court may remove a child and place he or she in out-of-home care if a child was placed in the child's own home with an in-home safety plan or was reunited with a parent with an in home safety plan.

A comparable bill, **HB 1105** by Rep. Josie Tomkow (R-Polk City), also encourages placement stability of children by requiring training to be offered to dependency court judges that informs them of the benefits of stable placements and related issues. The House bill also requires judges to consider certain factors related to placement stability when determining whether to change a child's placement. Further, the bill required judges to be notified of all central abuse hotline reports that are accepted for an investigation and when the report involves a child over whom the court has jurisdiction.

SB 1324 is now in the full Appropriations Committee. On February 5th, HB 1105 passed the Appropriations Committee by a vote of 26 to 0 and has one hearing remaining in the Health and Human Services Committee.

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Link to SB 236: http://www.flsenate.gov/Session/Bill/2020/236
Link to HB 449: http://www.flsenate.gov/Session/Bill/2020/449
Link to SB 1324: http://www.flsenate.gov/Session/Bill/2020/1324
Link to HB 1105: http://www.flsenate.gov/Session/Bill/2020/1105

Judicial Travel Reimbursement – *House Bill Introduced*

SB 1392 by Senator David Simmons (R-Altamonte Springs) revises the provisions governing the payment of subsistence and travel reimbursement for Supreme Court justices who designate an official headquarters other than the headquarters of the Supreme Court. Most importantly, the bill authorizes district court of appeal judges who reside within 50 miles of his or her DCA headquarters and meet certain other criteria to have an appropriate facility in their county of residence designated as their official headquarters. The Senate bill was amended to authorize the Chief Justice to set policies and parameters for the use of alternative headquarters and travel reimbursement by eligible justices. Additionally, the Senate bill specifies that its provisions control over any conflicting provision in the travel-reimbursement statute that applies to all state employees and officers.

SB 1392 has two remaining committees of reference – the Appropriations Subcommittee on Criminal and Civil Justice and Appropriations Committee.

The House Judiciary Committee bill relating to appellate court headquarters and travel has been officially introduced as **HB 7057**. The House bill is identical to the Senate proposal and has been referred to the Appropriations Committee.

Link to SB 1392: http://www.flsenate.gov/Session/Bill/2020/1392
Link to HB 7057: http://www.flsenate.gov/Session/Bill/2020/7057

Legislative Session Communication

The preceding bills and any other newly-filed bills are tracked each week and are available to monitor on The Florida Bar Legislation Committee's website: https://www.floridabar.org/member/legact/legact001/

Moreover, each week during the legislative session each member of the Board of Governors will receive a brief legislative update which will also be posted to the Legislation Committee's website.

AMERICAN OVERSIGHT

From: Rep. Anna V. Eskamani <anna@annaforflorida.com>
Sent: Sunday, October 06, 2019 2:14 PM EDT
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Thank you for an incredible 2020 Campaign Kickoff!

AMERICAN OVERSIGHT

Dear Jeff,

On Thursday night we officially kicked off our 2020 Re-Election Campaign!

The event saw nearly 200 people from all walks of life come together to help propel our movement forward. **We raised more than $32,000 from hundreds of individual donations, and sent a strong message to any and all opponents that *we are just getting started*.**

Click on the links below to see photos from our 2020 Kickoff, and feel free to share photos with your social media networks too!

Event Photos from Emily Wray

Photo Booth by Macbeth Studio

Black & White Photos by Juliano Rodriguez

Click Here To Watch Our Recorded Program via Facebook Live

We know that the stakes for 2020 could not be higher. **Major elections are on the line and people are struggling.** Right here in House District 47 there are families losing their Medicaid coverage, a veteran looking for affordable housing options, and kids too scared to go to school because of gun violence. Folks in our state are still discriminated against for being LGBTQ, women's rights are under attack, healthcare access is not well-funded or affordable, and climate change is very, very real.

But we are actually doing something about it, and we will *not stop* until every working Floridian has a wage they can live on. Until every business, no matter its size, has a fair chance to succeed. Until every Floridian can access health care without the risk of going into debt. Until we can walk our precious beaches and waterways, confident they will be there for our grandchildren to enjoy.

We will not stop until the promise of equality is shared by everyone, regardless of what bathroom they use or whom they choose to love.

We will not stop, and I am grateful to be in this fight with you by my side.

Onward,

Contribute

Connect With Us:

Facebook

Twitter

Contact Info:

Anna For Florida
P.O. Box 536154
Orlando, FL 32853-6154
United States

unsubscribe

Political ad paid for and approved by Anna V. Eskamani, Democrat, for Florida House 47

AMERICAN OVERSIGHT

From: Kristina Gabriel <kristinagabriel@gmail.com>
Sent: Tuesday, December 10, 2019 8:26 PM EST
To: Albritton, Ben <Albritton.Ben@flsenate.gov>; Baxley, Dennis <Baxley.Dennis@flsenate.gov>; Bean, Aaron <BEAN.AARON@flsenate.gov>; Benacquisto, Lizbeth <BENACQUISTO.LIZBETH@flsenate.gov>; Bradley, Rob <BRADLEY.ROB@flsenate.gov>; Brandes, Jeff <BRANDES.JEFF@flsenate.gov>; Broxson.Doug <Broxson.Doug@flsenate.gov>; Diaz, Manny <Diaz.Manny@flsenate.gov>; Flores, Anitere <FLORES.ANITERE@flsenate.gov>; Gainer, George <Gainer.George@flsenate.gov>; Galvano, Bill <GALVANO.BILL@flsenate.gov>; Gruters, Joe <Gruters.Joe@flsenate.gov>; Harrell, Gayle <Harrell.Gayle@flsenate.gov>; Hooper, Ed <Hooper.Ed@flsenate.gov>; Hutson, Travis <HUTSON.TRAVIS@flsenate.gov>; Lee, Tom <LEE.TOM@flsenate.gov>; Mayfield, Debbie <Mayfield.Debbie@flsenate.gov>; Passidomo, Kathleen <Passidomo.Kathleen@flsenate.gov>; Perry, Keith <Perry.Keith@flsenate.gov>; Simmons, David <SIMMONS.DAVID@flsenate.gov>; Simpson, Wilton <SIMPSON.WILTON@flsenate.gov>; Stargel, Kelli (Web) <STARGEL.KELLI.WEB@flsenate.gov>; Wright, Tom <Wright.Tom@flsenate.gov>
Subject: This letter is regarding Alimony Reform in 2020 and HB 843.

To: Governor DeSantis and ALL Republican Members of the Florida Senate:

Please, as Republican Members of our Florida Senate, do not sponsor a 2020 bill that corresponds to HB 843.

We need alimony reform, but not via a bill such as HB 843.

Representative Andrade should have first sponsored a neutral task force to research positive outcomes so that we can reach due process for all Floridians. He has turned his back on more than half his constituency: women and children.

If you consider alimony reform without proper mediation for all cases, you will plunge tens of thousands of women and children into poverty.

Legislatures who help pass a bill such as this will lose their female voters. Please protect the women who voted for you and, indirectly, your under-aged and future Republican constituency. The Republican Party does not need to lose voters over a reckless alimony bill, especially since we are a major swing state that determines national level elections.

It is reckless to apply one generic formula to all cases. It is reckless on the part of Rep. Andrade to conclude his single equation for alimony duration addresses the number of child rearing years that still exist for the alimony recipient or the many other needs unique to each family. It is simply irresponsible on the part of our legislatures to even consider HB 843. Alimony Reform is really a form of Economic Public Policy and should be treated as such. The thoughtless alimony reform Rep. Andrade is seeking to put into practice does not take into consideration current needs of the alimony recipient nor does it take into consideration the burden it would place on the economic stability of Floridians or the State of Florida. Nor does it address the female Republican voter and the future of the Republican Party.

Please do not let this happen. We need an independent and unbiased research group to facilitate the necessary changes going forward.

Respectfully, Kristina Gabriel

AMERICAN OVERSIGHT

From: SENATE MAJORITY (REPUBLICAN) OFFICE <SENATE.MAJORITY@flsenate.gov>
Sent: Thursday, December 12, 2019 4:10 PM EST
To: Senators and District Staff – All Republican <SenateRepublicanMembersAll@flsenate.gov>
CC: Senate President's Office <SenatePresident'sOffice1@flsenate.gov>; SENATE MAJORITY (REPUBLICAN) OFFICE <SENATE.MAJORITY@flsenate.gov>
Subject: This Week in the Senate: December 9 – 13, 2019
Attachment(s): "This Week in the Senate Dec. 9 - 13.pdf","12.10 Sen. Stargel.JPG","12.9 IIT.JPG","12.9 Sen. Hooper.JPG","12.10 HP.JPG","SB 7020 Graphic.jfif"

Senators,

Attached is This Week in the Senate for December 9 – 13, 2019 and photos highlighting this week's events. Please do not hesitate to share this information with your constituents. Our office is available to assist you should you have any questions.

Sincerely,

The Senate Majority Office
330 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100
850.487.5184 (o)
850.487.5842 (f)

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THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

KATHLEEN PASSIDOMO
Majority Leader

THIS WEEK IN THE FLORIDA SENATE
December 9 – 13, 2019

Legislation to Create Permanent Staging Areas for Emergencies Passes First Senate Committee



Senate Proposed Bill (SPB) 7020: *Emergency Staging Areas* passed the Senate Committee on Infrastructure and Security, chaired by Senator Tom Lee. The legislation provides for the plan, design and construction of permanent Staging Areas for Emergencies (SAFE) as part of Florida's Turnpike System. SPB 7020 aims to create a reliable and consistent approach to emergency staging and ensure that nothing stands in the way of critical supplies and assistance reaching communities struck by a natural disaster or an emergency situation. The staging areas created through this legislation would be large enough to accommodate the staging of a significant amount of emergency-related supplies and equipment; provide space in support of emergency preparedness and evacuation activities, such as fuel reserve capacity; and could be used during non-emergency periods for commercial motor vehicle parking.

Bill to Combat Animal Abuse Passes Committee

The Senate Committee on Criminal Justice, chaired by Senator Keith Perry, unanimously approved Senate Bill 522: *Cruelty to Dogs,* by Senator Joe Gruters. SB 522 prohibits a person from restraining a dog outside and unattended during a natural disaster, such as a hurricane, and defines this offense as a first degree misdemeanor. It is reported that a startling number of dog deaths occurred during Hurricanes Irma and Michael. This legislation intends to ensure dogs are not neglected in times of a natural disaster.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

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Pro-First Responder Bills Advance



Two bills aimed at benefiting first responders were unanimously approved in Senate committees. Senate Bill 476: *Law Enforcement Vehicles,* by Senator Ed Hooper, passed the Senate Committee on Innovation, Industry, and Technology, chaired by Senator Wilton Simpson. This legislation ensures law enforcement officers have the ability to park their patrol cars at their homes without fear of penalties or fines from homeowners or condominium associations. SB 476 targets a problem that arose after a Clearwater police officer was threatened with daily fines by her homeowners association for parking her squad car outside of her home.

In the Senate Committee on Community Affairs, chaired by Senator Anitere Flores, Senators voted to approve Senate Bill 484: *First Responder Property Tax Exemption,* by Senator David Simmons. This legislation expands the First Responder Property Tax Exemption to include a law enforcement officer or firefighter who, prior to residing in Florida, was employed in another state and sustained a permanent disability while serving in the line of duty. Currently, the First Responder Property Tax Exemption is only afforded to first responders who sustain a disability in the line of duty while in Florida. The Florida Senate stands with our first responders and will fight for legislation that ensures they feel welcome in our communities and neighborhoods throughout the Sunshine State.

Measure to Require Parental Consent for Abortions Advances



Senate Bill 404: *Parental Consent for Abortion,* by Senator Kelli Stargel, passed the Senate Committee on Health Policy, chaired by Senator Gayle Harrell. The legislation requires a parent or guardian give consent before a physician can perform an abortion on a minor, with the exception of medical emergencies. SB 404 also allows for a minor to petition any circuit court in the area where she resides for a waiver of consent in order to obtain an abortion. The legislation aims to strengthen family units and ensure parental or guardian involvement and guidance in major decisions of their minor daughter during unplanned pregnancies. SB 406, accompanying legislation which exempts the name of minors using the court waiver process from being disclosed in public records, also passed the Committee on Health Policy.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

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Committee Approves Legislation to Save Florida ABLE, Inc. Program from Repeal

The Senate Committee on Children, Families, and Elder Affairs unanimously voted to approve Senate Bill 828: *Florida ABLE Program*, by Senator Lizbeth Benacquisto. The bill saves Florida ABLE, Inc., the direct-support organization that administers the Florida ABLE Program, from repeal. The Florida ABLE Program was created in 2015 to encourage and assist individuals and families with tax-free savings and investment to support individuals with unique abilities in maintaining health, independence, and quality of life. The program serves over 4,000 Florida Families and helps families with children with unique abilities to better prepare for the future.

Committee Approves Bill to "Keep Our Graduates Working"

As student loan debt continues to climb, Senate Bill 356: *Keep Our Graduates Working Act,* by Senator Travis Hutson, prevents a healthcare practitioner or other individual from losing their professional license, certificate, registration, or permit solely on the basis of defaulting on a student loan payment. The bill does not forgive any student debt or remove the ability to suspend or revoke a health care practitioner's license for other violations specified in law. The *Keep Our Graduates Working Act* passed unanimously in the Senate Committee on Innovation, Industry, and Technology, chaired by Senator Wilton Simpson.



Senate Subcommittees Review Governor DeSantis' Budget Recommendations

Senate appropriations subcommittees reviewed Governor Ron DeSantis' $91.4 billion budget proposal for the 2020-2021 fiscal year. The Governor's recommended budget includes significant funding for priorities areas of: education, hurricane recovery, tax relief for Floridians, Everglades restoration and water quality protection, health and human services, transportation and economic development, public safety and elections security.

Over the course of the upcoming Legislative Session, the Senate will take these recommendations into consideration and work with the House of Representatives and Governor DeSantis to pass a balanced budget while funding our state's critical needs and continuing to keep taxes low.

Welcome to the Florida Senate

This week the Florida Senate welcomed the following groups to the Capitol:

Florida Association of Postsecondary Schools and Colleges
Florida Farm Bureau
State Prevention Coalitions

AMERICAN OVERSIGHT

From: SENATE MAJORITY (REPUBLICAN) OFFICE <SENATE.MAJORITY@flsenate.gov>
Sent: Thursday, February 06, 2020 2:48 PM EST
To: Senators and District Staff – All Republican <SenateRepublicanMembersAll@flsenate.gov>
CC: Senate President's Office <SenatePresident'sOffice1@flsenate.gov>; SENATE MAJORITY (REPUBLICAN) OFFICE <SENATE.MAJORITY@flsenate.gov>
Subject: This Week in the Senate: Feb. 3 - 7
Attachment(s): "2.3 Sen. Diaz.jpg","2.6 Sen. Stargel.JPG","2.4 Sen. Simpson.jpg","Overall Budget Graphic.jpg","2.4 Sen. Hooper.jpg","2.4 Senate Reunion.jpg","This Week in the Senate Feb. 3 - 7.pdf"

Senators,

Attached is This Week in the Senate for February 3 – 7, 2020 and photos highlighting this week's events. Please do not hesitate to share this information with your constituents. Our office is available to assist you should you have any questions.

Sincerely,

The Senate Majority Office
330 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100
850.487.5184 (o)
850.487.5842 (f)

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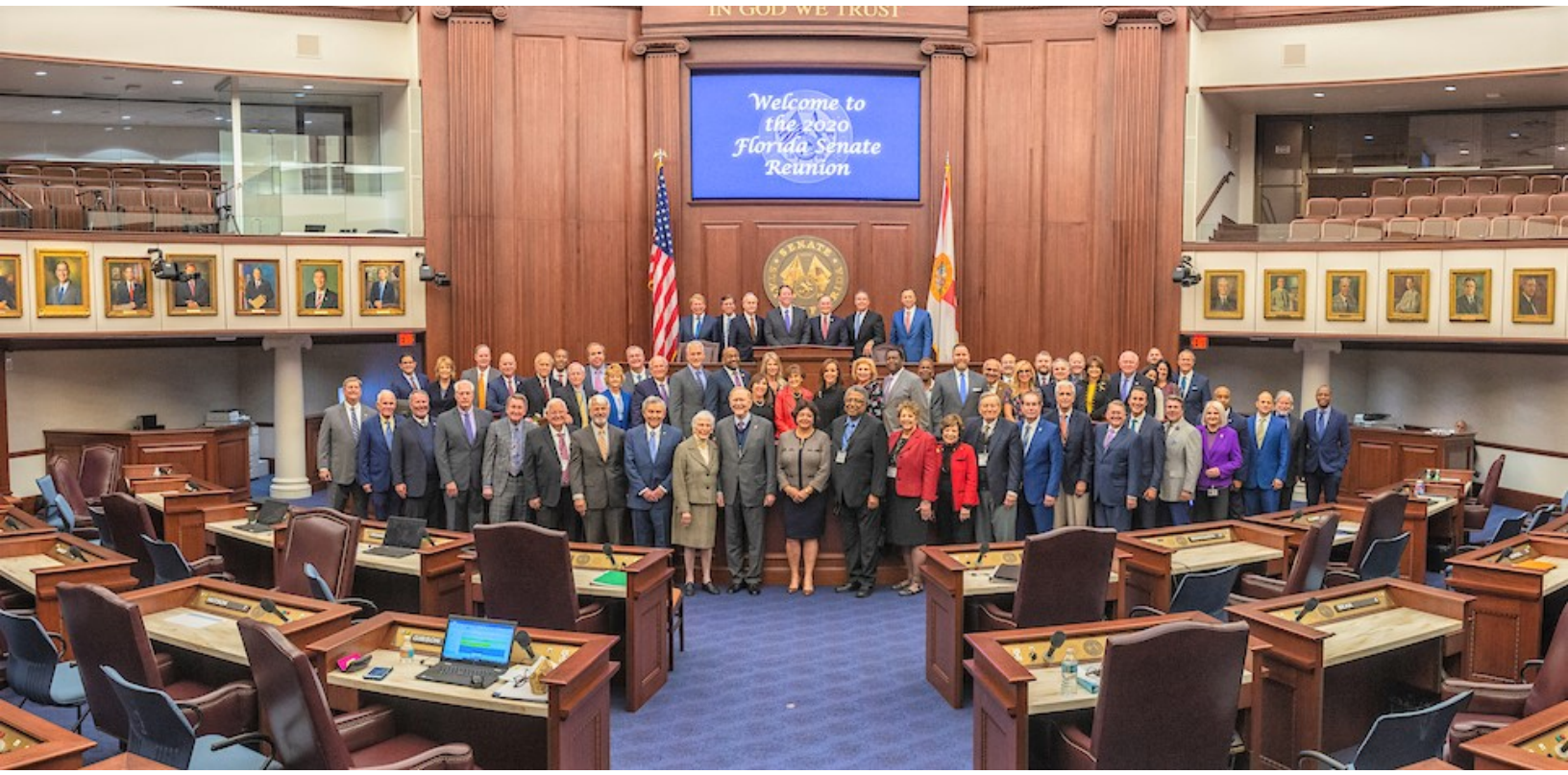


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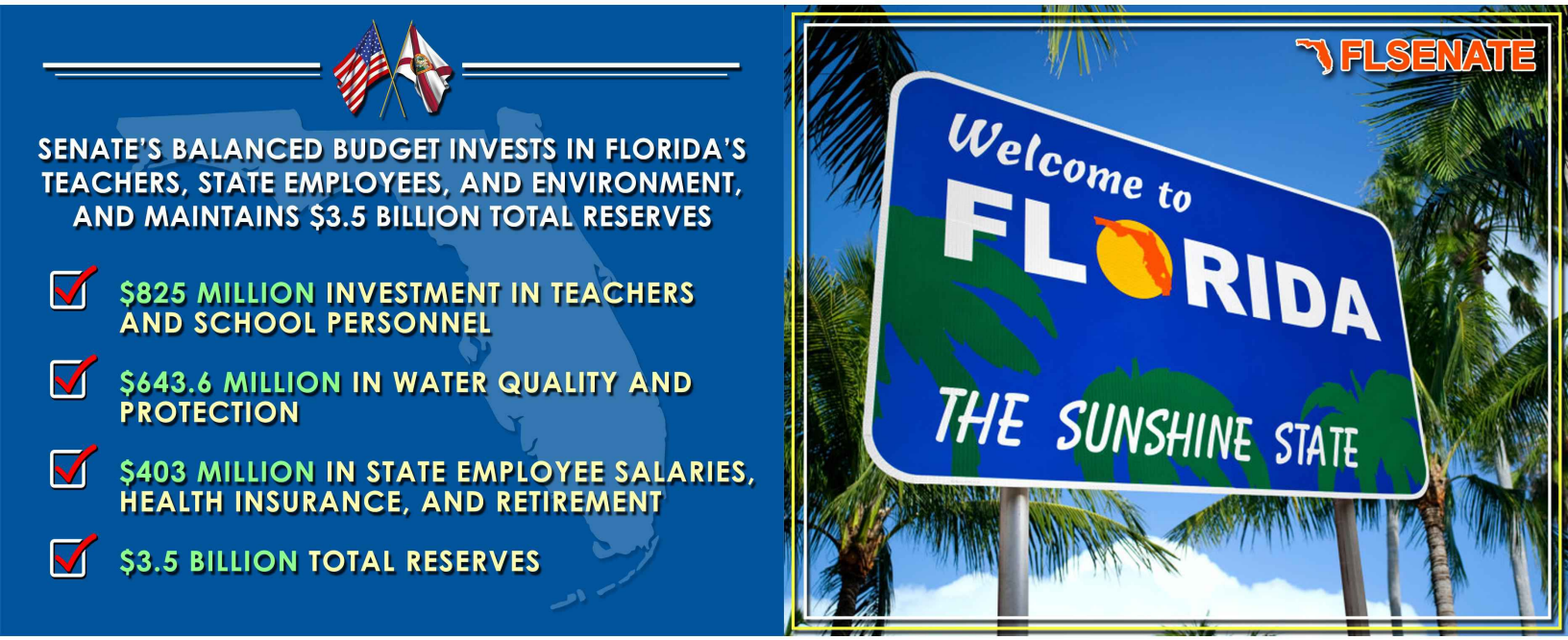




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Senate's Website: *www.flsenate.gov*

KATHLEEN PASSIDOMO
Majority Leader

THIS WEEK IN THE FLORIDA SENATE
February 3 – 7, 2020

Senate Approves Measure to Secure Parental Consent for Abortions, Protect Infants Born Alive



The Florida Senate approved Senate Bill 404: *Abortion* by Senator Kelli Stargel. This legislation requires a parent or guardian give consent before a physician can perform an abortion on a minor, with the exception of medical emergencies. SB 404 allows a minor to petition any circuit court in the area where she resides for a waiver of consent in order to obtain an abortion. This legislation also increases the penalty from a first-degree misdemeanor to a third-degree felony if a health care practitioner fails to provide an infant born alive after an attempted abortion with the same quality and level or care as any other newborn.

SB 404 aims to strengthen family units and ensure parental or guardian involvement and guidance in major decisions of their minor daughter during unplanned pregnancies. SB 406, accompanying legislation that exempts the name of minors using the court waiver process from being disclosed in public records, also passed in the Senate.

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Appropriations Committee Approves 2020-2021 Balanced Budget, Maintains $3.5 Billion in Reserves



The Senate Committee on Appropriations, chaired by Senator Rob Bradley, passed Senate Proposed Bill 2500: *Appropriations*, a proposed state budget for the 2020-2021 fiscal year. The proposed Senate budget invests in Florida's teachers, state employees, and environment while maintaining $3.5 billion in total reserves. The state budget includes $500 million for a new Teacher Salary Increase Allocation, along with $325 million in increased flexible funding through the Base Student Allocation, which districts can invest in teachers and school district personnel. $643.6 million is appropriated to address water quality and protection in order to restore and preserve Florida's unique environment. The Senate budget also invests in hardworking state employees with $403 million to fund across-the-board salary increases for state employees, as well as health insurance and retirement benefits. Additionally, the Florida Senate's budget continues to prioritize critical areas such as hurricane recovery, tax relief for Floridians, protection for Florida's vulnerable populations, health and human services, transportation and elections security.

Legislation Working to Divert Girls from Juvenile Justice System Passes Senate



Senate Bill 1056: *PACE Center for Girls* by Senator Wilton Simpson unanimously passed the Florida Senate. This legislation creates Florida statute authorizing the Department of Juvenile Justice to contract with PACE Center for Girls to provide services including education, counseling, training, and advocacy to girls and young women as an alternative to commitment and institutionalization. This legislation would also allow for future recurring funding for these services, provided funds are appropriated.

The PACE Center for Girls (PACE) is a non-profit organization whose mission is to provide girls and young women an opportunity for a better future and is recognized as a national model for reducing recidivism and improving school success, employment, and self-sufficiency. PACE has 21 centers in Florida, which serve over 3,000 girls and young women per year.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

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Legislation to Strengthen School Safety Advances



The Senate Committee on Infrastructure and Security, chaired by Senator Tom Lee, approved Senate Bill 7040: *Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission,* presented by Education Committee Chair Manny Diaz, Jr. The legislation builds on school safety and security by addressing the recommendations of the Marjory Stoneman Douglas High School Public Safety Commission and strengthening mental health coordination, accountability, and compliance oversight authority. The bill seeks to add additional safeguards and clarifications related to the Coach Aaron Feis guardian program training; safe school officer authority and training; school safety reporting and planning; school safety oversight and accountability; and school-based juvenile diversions programs. Improving the safety and security of Florida's schools remains a priority to the Florida Senate.

Pro-Law Enforcement Legislation Passes Senate



The Florida Senate unanimously voted to approve Senate Bill 476: *Law Enforcement Vehicles,* by Senator Ed Hooper. This legislation ensures law enforcement officers have the ability to park their patrol cars at their homes without fear of penalties or fines from homeowners or condominium associations. SB 476 targets an issue that arose after a Clearwater police officer was threatened with daily fines by her homeowners association for parking her squad car outside of her home. The Florida Senate stands with our law enforcement and is committed to ensuring they feel welcome in our communities and neighborhoods throughout the Sunshine State.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

Welcome to the Florida Senate

This week the Florida Senate welcomed the following groups to the Capitol:

Alzheimer's Association
Florida Agricultural & Mechanical University
Florida Economic Development Council
Florida International University
Florida Keys Day
Florida Latina Institute
Florida Realtors
Florida Senate Reunion
Lauren’s Kids
League of Women Voters of Florida
Miami-Dade County

AMERICAN OVERSIGHT

From: SENATE MAJORITY (REPUBLICAN) OFFICE <SENATE.MAJORITY@flsenate.gov>
Sent: Thursday, January 23, 2020 5:16 PM EST
To: Senators and District Staff – All Republican <SenateRepublicanMembersAll@flsenate.gov>
CC: Senate President's Office <SenatePresident'sOffice1@flsenate.gov>; SENATE MAJORITY (REPUBLICAN) OFFICE <SENATE.MAJORITY@flsenate.gov>
Subject: This Week in the Senate: Jan. 21-24
Attachment(s): "1.21 Sen Perry.JPG","1.22 Sen Gruters.JPG","1.22 Sen Bradley.JPG","1.21 CJ.JPG","1.22 Sen Bean.JPG","1.21 HP.JPG","1.22 Rules.JPG","This Week in the Senate Jan. 21-24.pdf"

Senators,

Attached is This Week in the Senate for January 21 – 24, 2020 and photos highlighting this week's events. Please do not hesitate to share this information with your constituents. Our office is available to assist you should you have any questions.

Sincerely,

The Senate Majority Office
330 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100
850.487.5184 (o)
850.487.5842 (f)

AMERICAN OVERSIGHT



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THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

KATHLEEN PASSIDOMO
Majority Leader

THIS WEEK IN THE FLORIDA SENATE
January 21 - 24, 2020

Florida Senate Passes Measure Urging Congress to Improve Veteran Health Care Access



The Florida Senate unanimously voted to send Senate Memorial 420: *VA MISSION Act of 2018,* by Senator Manny Diaz, Jr., to the United States Congress. This memorial urges Congress and the United States Department of Veterans Affairs to ensure the implementation of the VA MISSION Act of 2018. The purpose of the VA MISSION Act of 2018 is to overhaul existing law on veteran health care to improve access to care for veterans, consolidate many community care programs, and expand eligibility for comprehensive assistance for family caregivers of veterans. This memorial sends a message to Congress that Florida is committed to supporting and protecting the more than 1.5 million veterans living in Florida.

Senate Appropriations Committee Reviews Governor's Budget Recommendations

The Senate Committee on Appropriations, chaired by Senator Rob Bradley, received a presentation on Governor Ron DeSantis' Budget Recommendations for Fiscal Year 2020-2021. The Governor's $91.4 billion budget proposal includes significant funding for priority areas of: education, hurricane recovery, tax relief for Floridians, Everglades restoration, protection for valuable water resources, health and human services, transportation and elections security. The Florida Senate is currently putting together budget recommendations and will consider the recommendations presented during this committee by the Governor's budget chief. The Senate will work with the House of Representatives and Governor DeSantis to pass a balanced budget that best serves the citizens of Florida.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

Bill to Provide Insurance Coverage for Children in Need of Hearing Aids Advances

Senate Bill 1006: *Coverage for Hearing Aids for Children* by Senator Dennis Baxley unanimously passed the Senate Committee on Banking and Insurance, chaired by Senator Doug Broxson. This legislation requires individual health insurance plans to provide coverage for hearing aids for children and young adults ages 21 and younger. SB 1006 requires policies to provide a minimum coverage limit of $3,500 per ear within a 24-month period. It is estimated that approximately 1,700 children who have been diagnosed with hearing loss will benefit from this legislation.

Measure to Require Parental Consent for Abortions Advances to Senate Floor



Senate Bill 404: *Parental Consent for Abortion*, by Senator Kelli Stargel, passed the Senate Committee on Rules, chaired by Senator Lizbeth Benacquisto. This legislation requires a parent or guardian give consent before a physician can perform an abortion on a minor, with the exception of medical emergencies. SB 404 allows a minor to petition any circuit court in the area where she resides for a waiver of consent in order to obtain an abortion. This legislation also increases the penalty from a first-degree misdemeanor to a third-degree felony if a health care practitioner fails to provide an infant born alive after an attempted abortion with the same quality and level or care as any other newborn.

SB 404 aims to strengthen family units and ensure parental or guardian involvement and guidance in major decisions of their minor daughter during unplanned pregnancies. SB 406, accompanying legislation that exempts the name of minors using the court waiver process from being disclosed in public records, also passed the Committee on Rules.

Committee Approves Bill to Help Save Lives of Police Canines



The Senate Committee on Health Policy, chaired by Senator Gayle Harrell, unanimously approved Senate Bill 842: *Injured Police Canines* by Senator Tom Wright. This bill allows for a canine injured in the line of duty to be transported in an emergency vehicle to a veterinary clinic or hospital if no person requires medical attention or transport when the canine needs it. SB 842 also authorizes Emergency Medical Technicians and paramedics to provide emergency medical care to the injured police canine at the scene of the emergency or while being transported.

AMERICAN OVERSIGHT

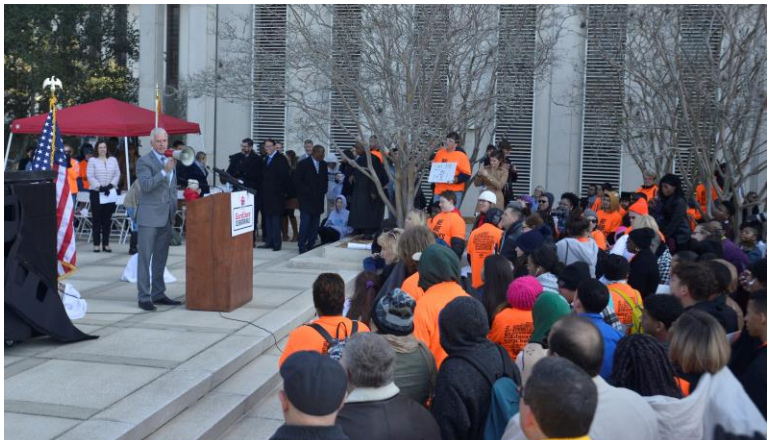
Legislation Increasing Penalties for Crimes Against Firefighters Passes Committee

Senate Bill 1142: *Offenses Against Firefighters* by Senator Ed Hooper unanimously passed the Senate Committee on Criminal Justice, chaired by Senator Keith Perry. This legislation increases the penalty for an individual, who commits first, second, or third degree murder or attempted murder against a firefighter, to life imprisonment without eligibility for release. Similar penalties are currently in place for murder or attempted murder of a law enforcement officer and other specified officers. Florida's firefighters put their lives on the line each day to protect our communities, and the Florida Senate is proud to support legislation in order to protect them.

Welcome to the Florida Senate

This week the Florida Senate welcomed the following groups to the Capitol:

Alpha Kappa Alpha Sorority, Incorporated
Brevard County
Citrus County Chamber of Commerce
Florida Cattlemen's Association
Florida Coalition of Advanced Practice Nurses
Florida Conference of Black State Legislators
Florida Occupational Therapy Association
Florida Trucking Association
Florida Women's Political Network
Hispanic Chamber of Commerce of Metro Orlando
Junior League of Florida
Marion County
Space Florida (Florida Space Day)
Step Up For Students
University of West Florida
Visit Florida (Tourism Day)



Senator Keith Perry joins President Bill Galvano and Senator Manny Diaz, Jr. at the Step Up For Students Rally supporting the Gardiner Scholarship for students with unique abilities.

AMERICAN OVERSIGHT

From: SENATE MAJORITY (REPUBLICAN) OFFICE <SENATE.MAJORITY@flsenate.gov>
Sent: Thursday, January 30, 2020 4:25 PM EST
To: Senators and District Staff – All Republican <SenateRepublicanMembersAll@flsenate.gov>
CC: Senate President's Office <SenatePresident'sOffice1@flsenate.gov>; SENATE MAJORITY (REPUBLICAN) OFFICE <SENATE.MAJORITY@flsenate.gov>
Subject: This Week in the Senate: Jan. 27 - 31
Attachment(s): "1.29 Sen Stargel.JPG","1.29 Sen Hooper & Sen Perry.JPG","SPB 2500 Education Graphic.jpg","SPB 2500 Environment Graphic.jpg","1.28 Sen Albritton.JPG","1.28 Sen Passidomo.jpg","SB 7020 Graphic.jpg","This Week in the Senate Jan. 27-31.pdf"

Senators,

Attached is This Week in the Senate for January 27 – 31, 2020 and photos highlighting this week's events. Please do not hesitate to share this information with your constituents. Our office is available to assist you should you have any questions.

Sincerely,

The Senate Majority Office
330 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100
850.487.5184 (o)
850.487.5842 (f)

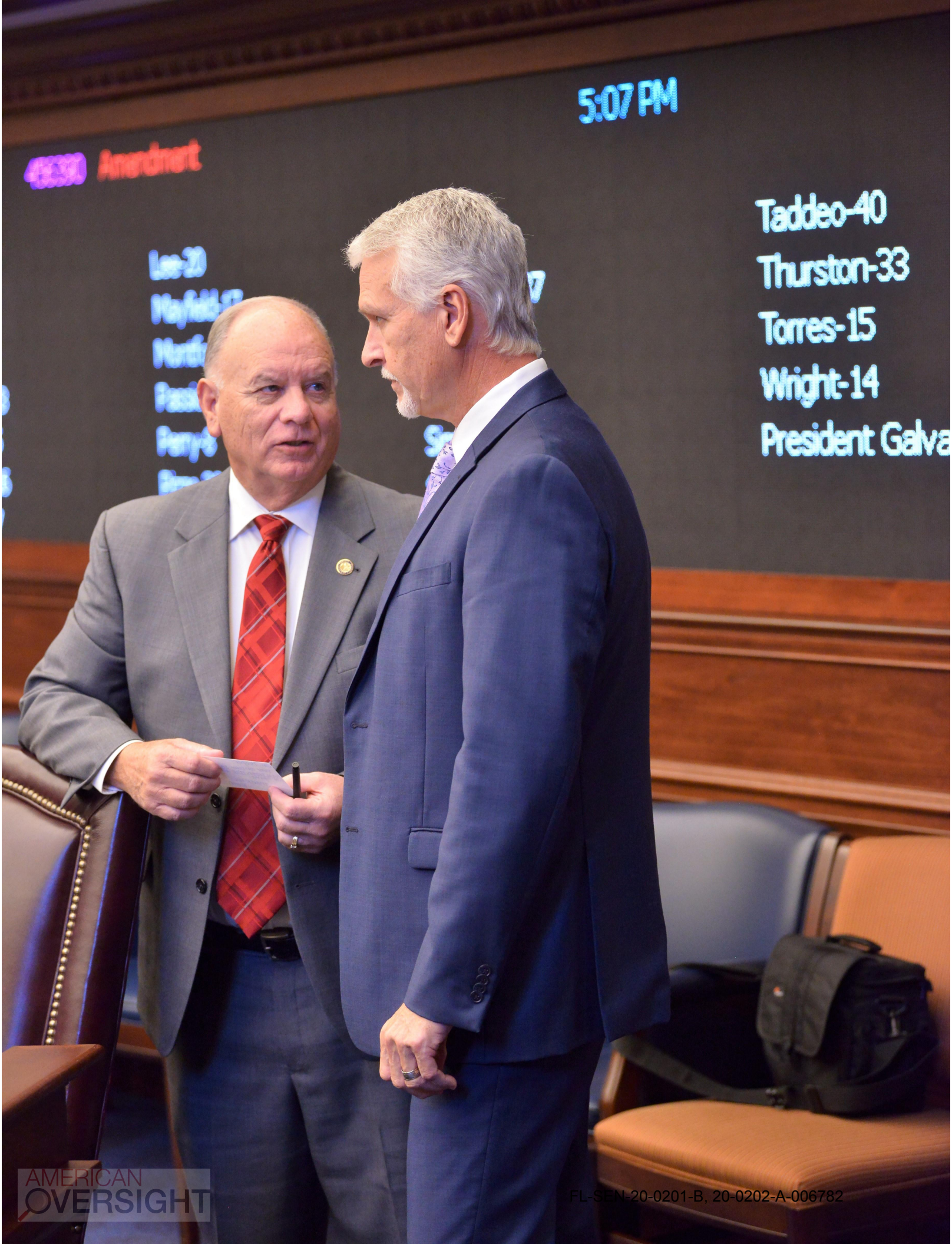
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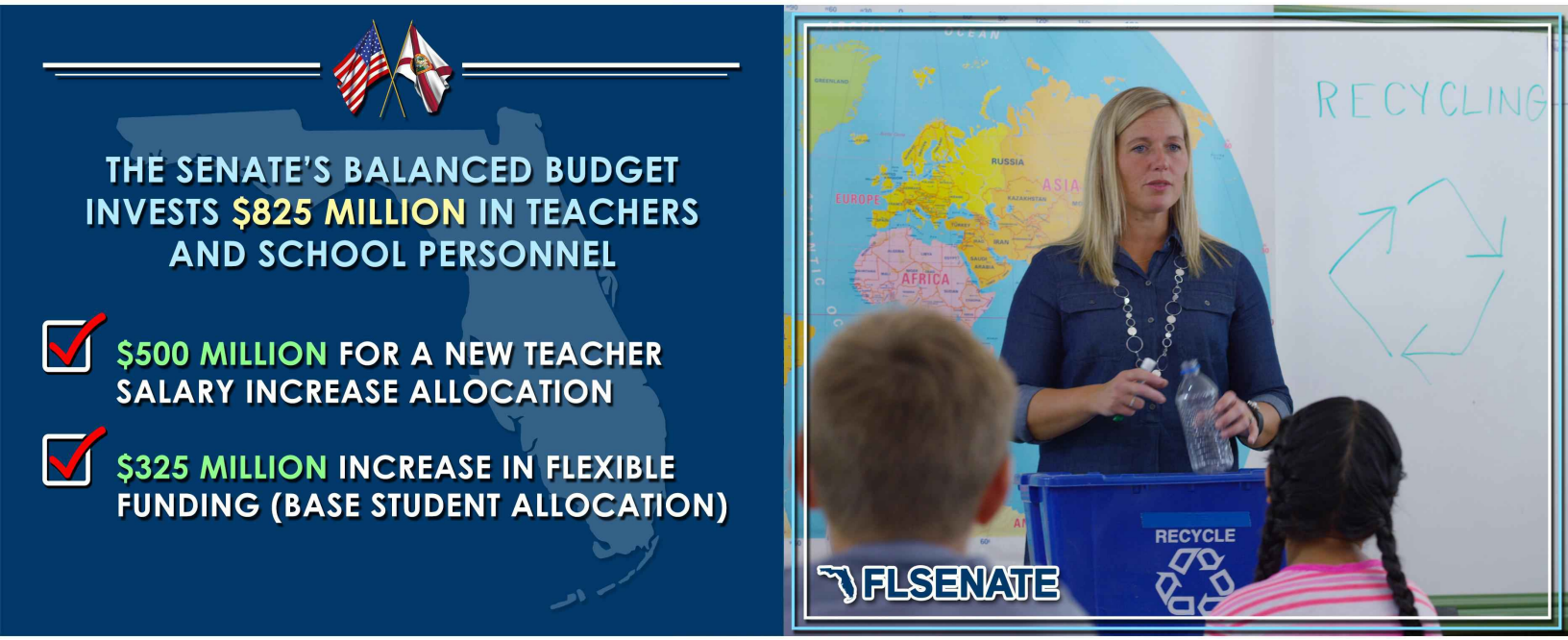
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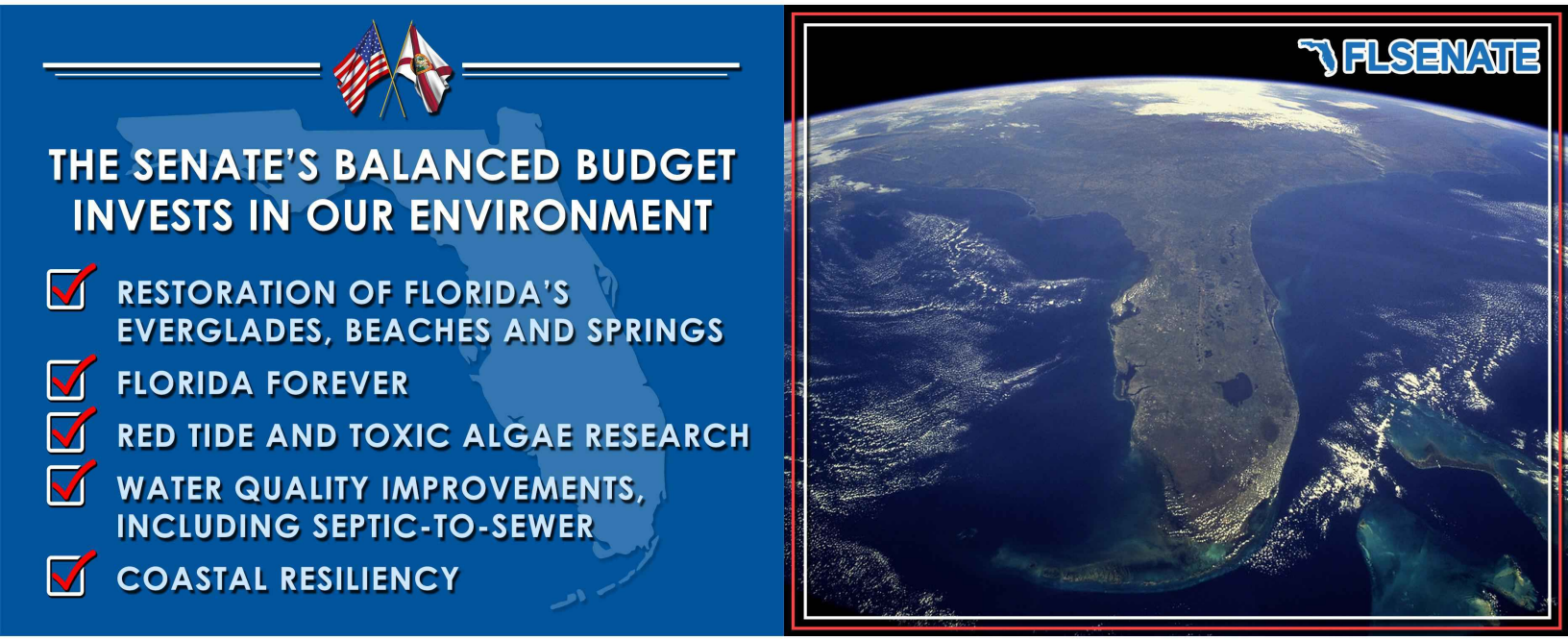
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THE FLORIDA SENATE

SENATE MAJORITY OFFICE

Location
330 Senate Office Building

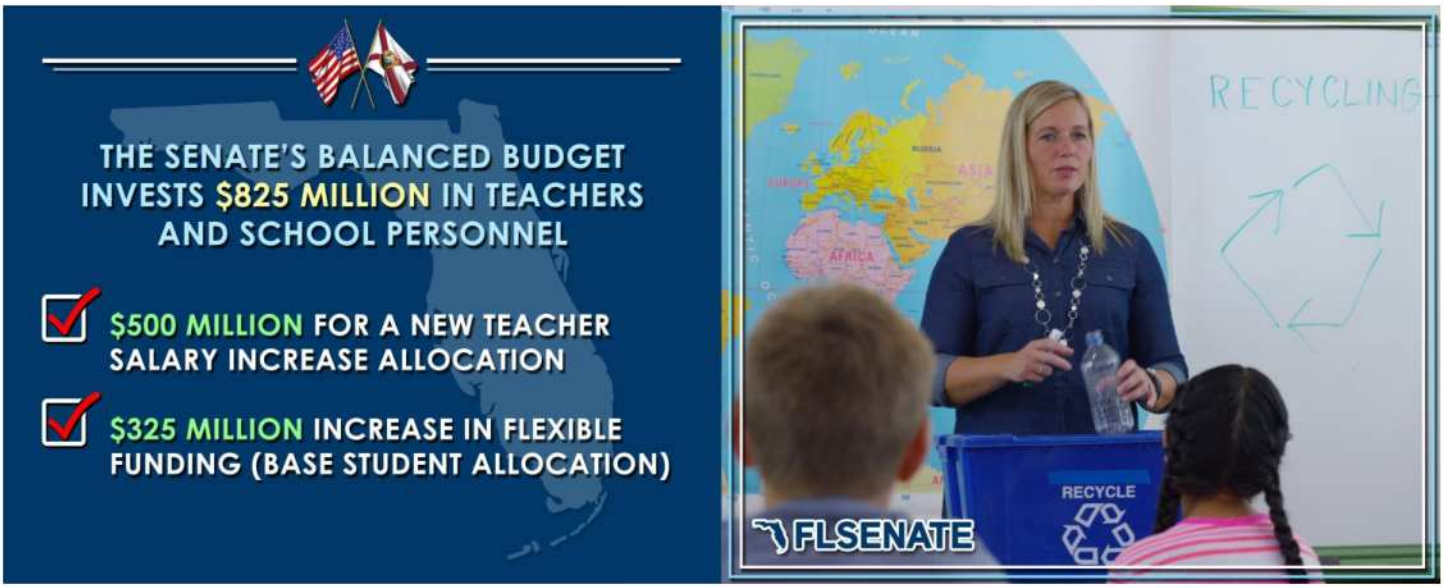
Mailing Address
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(850) 487-5184
FAX (850) 487-5842

Senate's Website: *www.flsenate.gov*

KATHLEEN PASSIDOMO
Majority Leader

THIS WEEK IN THE FLORIDA SENATE
January 27 – 31, 2020

Senate Releases Proposed State Budget for 2020-2021, Invests in Florida's Teachers, Environment



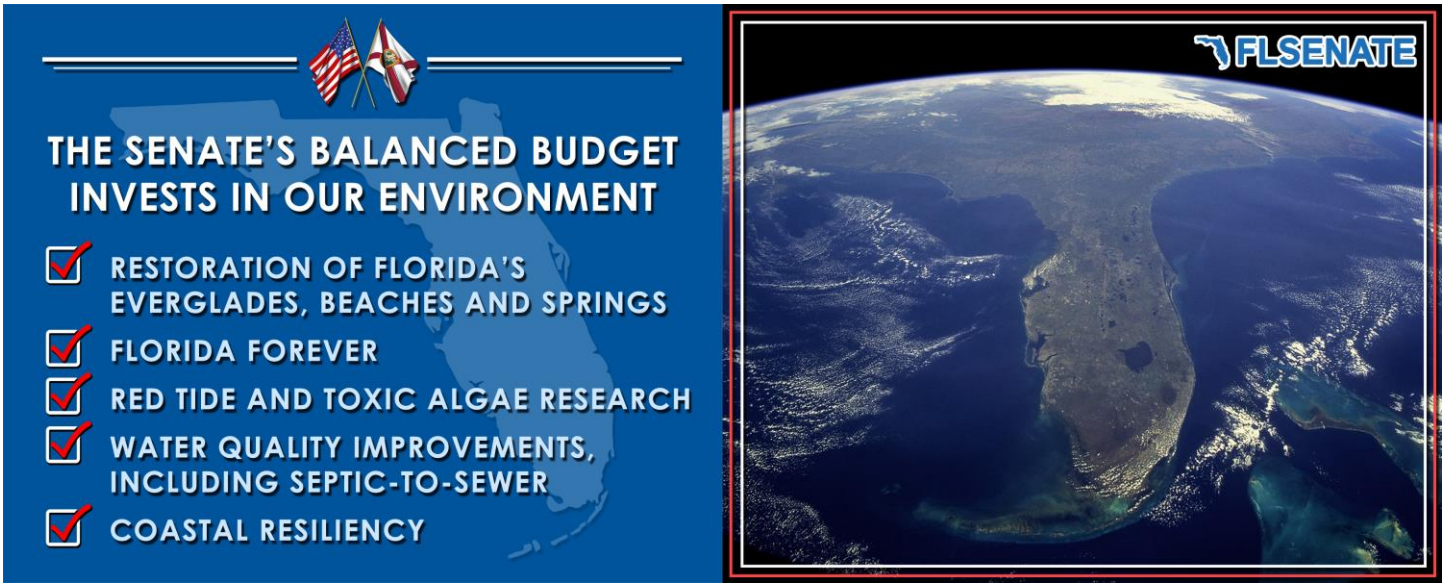
The Florida Senate Committee on Appropriations, chaired by Senator Rob Bradley, released Senate Proposed Bill 2500, *General Appropriations Act*, a proposed state budget for the 2020-2021 fiscal year. The proposed Senate budget builds on a continued investment in elevating neighborhood public schools and ensuring our teachers are taken care of by dedicating $500 million in a new Teacher Salary Increase Allocation, along with $325 million in increased flexible funding through the Base Student Allocation, which districts can invest in teachers and school district personnel.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

Florida's environment and water quality remains a priority to the Florida Senate. With $643.6 million in funding for water quality and protection, the Florida Senate is working to restore and preserve Florida's unique environment through storage and treatment projects North of Lake Okeechobee, Red Tide and toxic algae research, septic-to-sewer conversions, and the development of coastal resiliency planning.



SPB 2500 also prioritizes critical areas such as hurricane recovery, tax relief for Floridians, protection for Florida's vulnerable populations, health and human services, transportation, and elections security, while still maintaining $3.5 billion total in reserves. The Senate will work with the House of Representatives and Governor DeSantis to pass a balanced budget that best serves the citizens of Florida.

Committee Advances Legislation to Deliver Broadband Internet Access to Rural Florida



Senate Bill 1166: *Broadband Internet Service*, by Senator Ben Albritton, unanimously passed out of the Commerce and Tourism Committee. This legislation aims to bring reliable broadband internet connectivity to rural areas throughout Florida. Specifically, SB 1166 creates the Florida Office of Broadband within the Department of Economic Opportunity to lead efforts for high-speed internet installation within or adjacent to Multi-use Corridors of Regional Economic Significance. Delivering high-speed internet to Florida's Heartland will help to revitalize rural communities, improve regional connectivity, boost business and educational opportunities, and enhance the quality of life for Floridians throughout the state.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

Bill to Protect Vulnerable Senior Citizens Passes Committee



The Senate Committee on Judiciary, chaired by Senator David Simmons, approved Senate Bill 994: *Guardianship*, by Senator Kathleen Passidomo. This legislation seeks to reform the state's guardianship program to better protect elderly individuals no longer able to care for themselves. SB 994 adds additional factors for a court to consider when appointing a guardian, revises the requirements for a petition for the appointment of a guardian, and prohibits a guardian from consenting to or signing a Do Not Resuscitate order or taking other serious actions on behalf of a ward without court approval.

These additional safeguards are in response to a case in Orlando where a guardian signed Do Not Resuscitate orders against the wishes of the wards and without approval or knowledge of the wards' families. The Florida Senate is committed to protecting our most vulnerable populations and putting an end to elderly abuse.

Measure to Create Permanent Emergency Staging Areas Advances

Senate Bill 7020: *Emergency Staging Areas*, by the Senate Committee on Infrastructure and Security and presented by Senator Tom Lee, unanimously passed the Appropriations Subcommittee on Transportation, Tourism, and Economic Development, chaired by Senator Travis Hutson. The legislation provides for the plan, design and construction of permanent Staging Areas for Emergencies (SAFE) as part of Florida's Turnpike System.



SB 7020 aims to create a reliable and consistent approach to emergency staging and ensure that nothing stands in the way of critical supplies and assistance reaching communities struck by a natural disaster or an emergency situation. The staging areas created through this legislation would be designed to accommodate the staging of a significant amount of emergency-related supplies and equipment; provide space in support of emergency preparedness and evacuation activities, such as fuel reserve capacity; and could be used during non-emergency periods for commercial motor vehicle parking.

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

Welcome to the Florida Senate

This week the Florida Senate welcomed the following groups to the Capitol:

AMI Kids
Autism Society of Florida Center for Autism and Related Disabilities
Big Brothers Big Sisters
Florida Association of Nurse Anesthetists
Florida Association of School Administrators
Florida Coalition for Children & Department of Children and Families
Florida Conference of Catholic Bishops
Florida Dental Hygienists' Association
Florida Division of Emergency Management
Florida Division of Historical Resources
Florida Gulf Coast University
Florida Sheriffs Association
National Association of Social Workers - Florida Chapter
Pace Center for Girls, Inc.
Polk County
United Way of Florida (Children's Week and Florida Senior Day)
University of Florida/IFAS 4-H Youth Development and Florida 4-H Foundation
University of North Florida

BILL GALVANO
President of the Senate

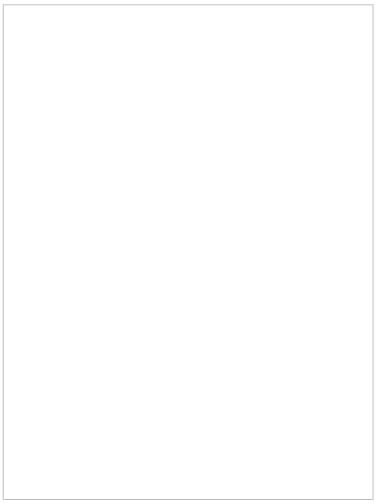
DAVID SIMMONS
President Pro Tempore

AMERICAN OVERSIGHT

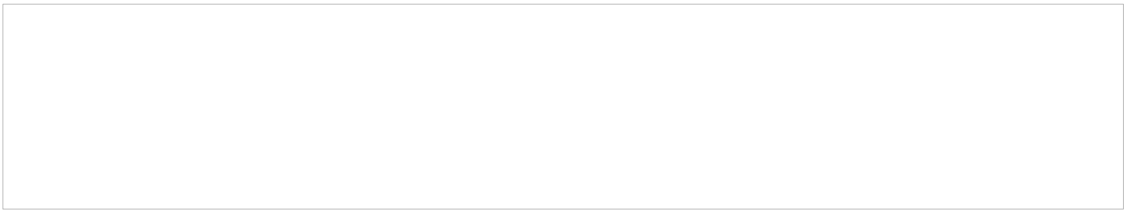
From: Volusia GOP <volusiarepublicans@recvc.org>
Sent: Thursday, January 16, 2020 10:00 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Trump Victory needs you this Saturday

Volusia County GOP Executive Committee

Friend



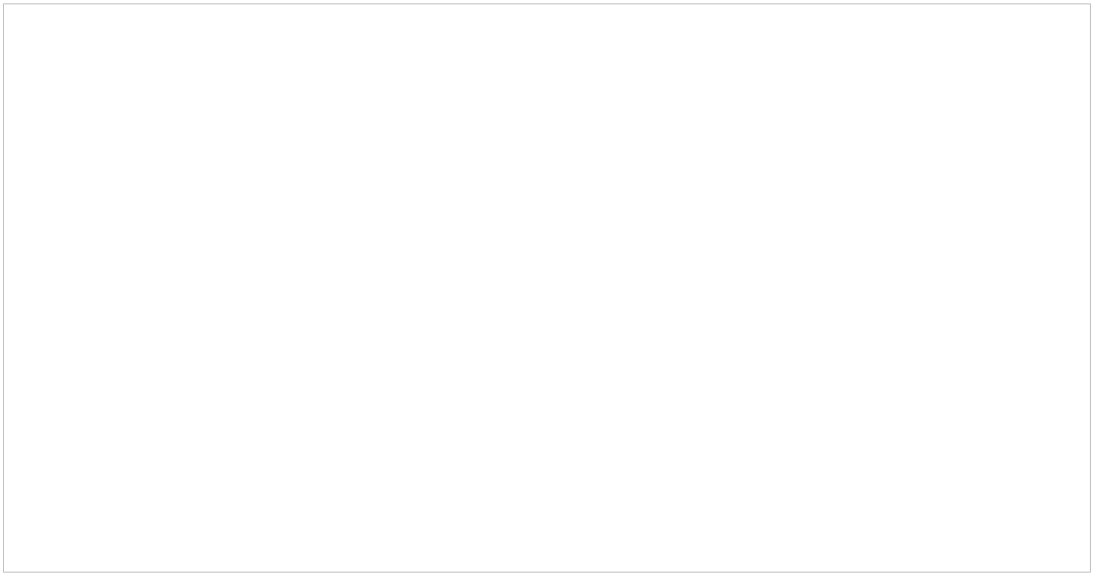
Paul Deering



We need President Trump us now more than ever!

And our remarkable, transformational President needs US

NOW MORE THAN EVER!



Trump Victory is inviting you to join a National Day of Action event this **Saturday January 18th from 11 am to 1 pm at the Springhill Suites Hotel, 512 Flagler Avenue in New Smyrna Beach.**

AMERICAN OVERSIGHT

You are the last line of defense in saving America...

from socialism, terrorism, political mischief and deep state skullduggery.

Join Trump Victory Florida State Voter Registration Director and Regional Field Coordinator Sandi Hodgden to learn more on how you can be part of the solution.

Sign up to become a Trump Team Leader, an essential part of the team that will deliver a landslide for America in November!

Click this button to give us your RSVP:

DAY OF ACTION

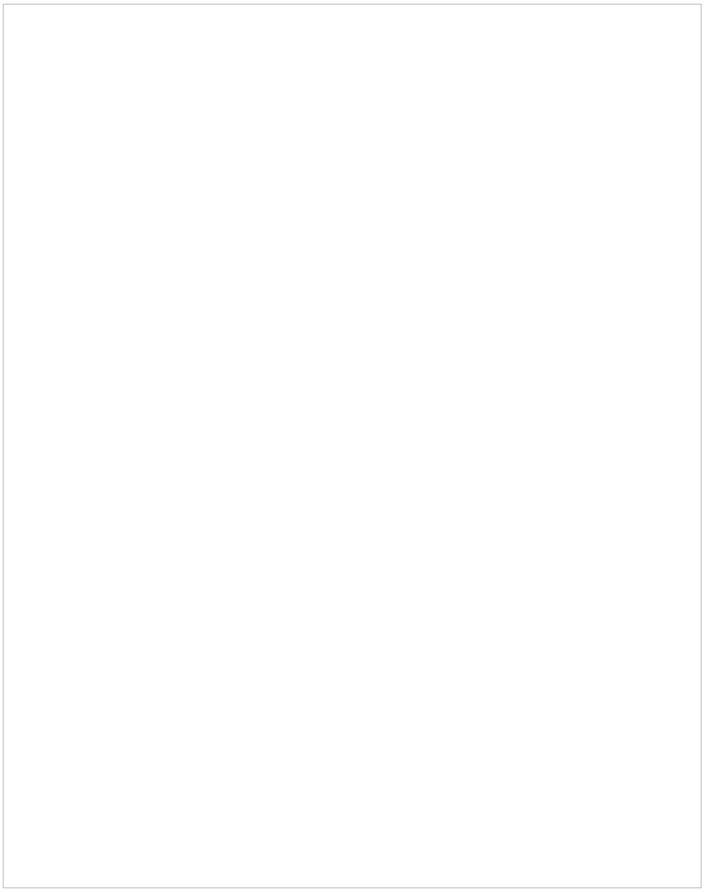
SEE YOU SATURDAY!

QUESTIONS?

CONTACT SANDI HODGDEN AT 715-741-1957

Get ready for the sequel to Trump Talk Live!
TRUMP TALK NOW debuts 7 pm Thursday, January 23rd

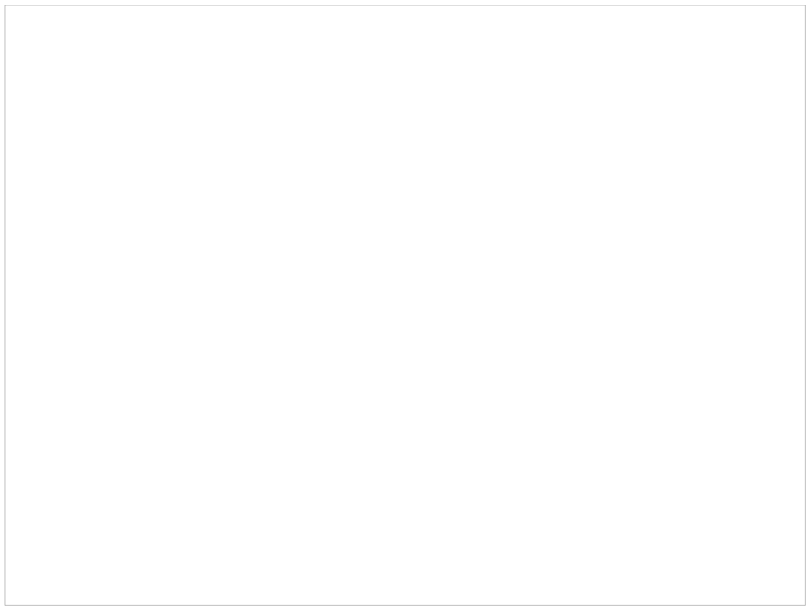
in front of a live audience at Volusia Top Gun.



Our Special guests are Rep. Mike Waltz & Clint Lorance, a former Army Lt. Clint Lorance who was recently pardoned by the President.

Make plans to arrive early and have dinner with us at the Double Barrel Grill as we resume our fearless truth-telling about America's transformational 45th President.

AMERICAN OVERSIGHT



Host Vic Baker (on right) & Co-host Joe Fieldus (on left) return for this MAGA KAG America First revival.

You can also watch us live each week by going to TRUMP TALK NOW on Facebook

RSVP HERE

Click here to Donate

Volusia County Supervisor of Elections

Lisa Lewis needs poll workers!

AMERICAN OVERSIGHT





AMERICAN OVERSIGHT

Let's Keep America Great

and Keep Volusia Republican Red!

Paul Deering

Volusia County Republican Chairman

Volusia GOP
http://www.volusiacountyrepublicans.org/

REPUBLICAN EXECUTIVE COMMITTEE OF VOLUSIA COUNTY · PO Box 9096, Daytona Beach, FL 32120, United States
This email was sent to brandes.jeff@flsenate.gov. To stop getting these, click here.

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Created by Ron Robinson/CivicMerit with NationBuilder.

AMERICAN OVERSIGHT

From: Sirois, Tyler <Tyler.Sirois@myfloridahouse.gov> on behalf of Rinaldi, Angelique <Angelique.Rinaldi@myfloridahouse.gov>
Sent: Thursday, January 16, 2020 7:47 PM EST
Subject: UPDATED AGENDA - YOU'RE INVITED - BREVARD COUNTY DAY AT THE CAPITOL - JANUARY 21, 2020
Attachment(s): "UPDATED Brevard Day Final Agenda.pdf"

All Florida Legislators are invited to attend Brevard County Day at The Capitol on January 21, 2020

Please join us for the below schedule of events for Brevard County Day at the Capitol on January 21, 2020!

January 21

8:30 a.m. – 9:30 a.m. **Continental Breakfast & Brevard Delegation Legislative Update, Historic Capitol Museum Senate Chamber**

9:00 a.m. – 5:00 p.m. **Informational and interactive displays on Third Floor Rotunda**

11:30 a.m. – 1:00 p.m. **Brevard County Day at The Capitol Luncheon, Historic Capitol Museum Senate Chamber**

1:30 p.m. – 3:00 p.m. **Brevard Briefings, 116 Knott Building (new location)**

3:00 p.m. – 4:00 p.m. **House Chamber Tour**

3:30 p.m. – 5:00 p.m. **Senate Chamber Tour**

Please click here to register.

We look forward to seeing you there!

Angelique Rinaldi
Legislative Assistant
District: 321-449-5111
Tallahassee: 850-717-5051

Representative Tyler I. Sirois, District 51
Florida House of Representatives

AMERICAN OVERSIGHT

Brevard County Day at The Capitol
Tallahassee, Florida

Tuesday, January 21, 2020

Mission Statement: To showcase Brevard County's economic, cultural, and environmental contributions to the State of Florida and raise awareness on issues important to Florida's Space Coast.

Schedule of Events:

Tuesday, January 21, 2020

8:30 a.m. – 9:30 a.m. Historic Capitol Museum Senate Chamber	Continental Breakfast & Legislative Update
9:30 a.m. – 11:30 a.m.	House and Senate Member Meetings
11:30 a.m. – 1:00 p.m. Historic Capitol Museum Senate Chamber	Brevard County Day at The Capitol Luncheon
1:30 p.m. – 3:00 p.m. 116 Knott	Brevard Briefings 1:30-2:00 p.m. - John Truitt, Florida Department of Environmental Protection 2:00-2:30 p.m. - Frank DiBello, Space Florida 2:30-3:00 p.m. - Dana Young, VISIT FLORIDA
3:00 p.m. – 4:00 p.m.	House Chamber Tour
3:30 p.m. – 5:00 p.m.	Senate Chamber Tour

AMERICAN OVERSIGHT

Brevard Briefings:



John Truitt
Deputy Secretary for Regulatory Programs, Florida Department of Environmental Protection

John Truitt is the Deputy Secretary for Regulatory Programs. Previously, Truitt served as DEP's Chief Advisor for Environmental and Regulatory Policy. He also served Floridians as a Chief Prosecuting Attorney and section manager at the Department of Health, a Chief Advisor to a Commissioner at the Public Service Commission and a Chief Attorney at the Office of Public Counsel.

Prior to his legal career serving the state of Florida, Truitt served in the U.S. Army on two occasions, including an extended combat tour in Iraq.

Truitt earned his law degree with a focus on environmental and land use law from Florida State University's College of Law.



Frank DiBello
President/CEO, Space Florida

Frank DiBello, Space Florida President and CEO, was selected in May 2009 to lead Space Florida, which is the principal state agency for aerospace-related economic development, and the Space Authority for the State of Florida. In his position, he develops and executes programs designed to attract, retain and grow aerospace business across the state. Additionally, Mr. DiBello focuses on Florida aerospace workforce development and retention as well as international partnership development.

Mr. DiBello holds more than 50 years of direct aerospace, defense and emerging space industry-related experience. Frank spent more than 20 years at KPMG, in various management positions where he was responsible for guiding the firm's aerospace industry consulting practice, heavily focused on support of major aerospace merger, acquisitions and consolidations. He founded KPMG's Space Industry Practice—focused on new space businesses, taking major satellite programs to Wall Street for financing and led the effort to develop commercial uses of the International Space station (ISS).

Mr. DiBello served on President Reagan's Private Sector Survey on Cost Control, also known as the Grace Commission, and was responsible for management of the teams reviewing the Departments of the Army, Navy, Air Force, Office of the Secretary of Defense, and NASA.

AMERICAN OVERSIGHT

The Commission produced recommendations on ways to save $424 billion of waste in the Federal Government over three years. For his service to the Nation in this Commission, he was presented with a Presidential Citation.

Mr. DiBello formed SpaceVest, a Venture Capital Firm focused on investments in companies taking defense and space technologies to commercial applications and markets. He later served as President and CEO of Constellation Communications, International (CCI), which held an Iridium-class license from the FCC, where he planned and raised the financing for a global satellite network for mobile broadband communication services.

Prior to Space Florida, Mr. DiBello was President and CEO of Florida's Aerospace Finance Corporation (FAFC), established by the Florida Legislature to assist financing the infrastructure needs of new and established companies for the aerospace space, and aviation markets.

Mr. DiBello has been involved in multiple civic, social and industry volunteer organizations. He founded the Washington Space Business Roundtable and was appointed to serve on a number of critical defense and space commissions and committees. For his work as President of the Board of the USO Metropolitan Washington, he received the Medal for Distinguished Public Service, the Department of Defense's highest civilian honor.

Mr. DiBello has taught at the Defense Systems Management College and International Space University. He received his Bachelor of Science in Mathematics from Villanova University, and did graduate work at American and George Washington Universities.



Dana Young
President/CEO, VISIT FLORIDA

As VISIT FLORIDA's President and Chief Executive Officer, Dana Young leads Florida's official destination marketing organization in partnership with its Board of Directors and the statewide tourism industry.

Throughout her career, Dana has served in leadership positions working to cultivate and protect Florida's exceptional business climate and a world-class quality of life. As an attorney at Fowler, White, Boggs, P.A. in Tampa, she represented a broad spectrum of businesses, landowners, and individuals in areas of regulatory compliance, permitting, zoning, and administrative law proceedings. Dana served in the Florida House from 2010 through 2016, rising to Majority Leader for the 2015 and 2016 legislative sessions. In 2016, she was elected to the Florida Senate, where she represented parts of western Hillsborough County for two years. Dana was recommended for the VISIT FLORIDA position by Governor Ron DeSantis and was unanimously approved by the VISIT FLORIDA Board of Directors on January 7, 2019. In addition to her duties as President and CEO, she is a member of the U.S. Travel Association's Chairman's Circle.

AMERICAN OVERSIGHT

Dana is a sixth-generation Floridian and was born and raised in Tallahassee. She received her undergraduate degree in Political Science from Florida State University and, in pursuit of her interest in law and public policy, graduated from the University of Virginia School of Law in 1993. In her free time, Dana enjoys spending time in natural Florida and tarpon fishing with her husband, Matt, and two daughters, Alexandra and Carson.

AMERICAN OVERSIGHT

From: Kate Whatley <kate@socialforces.com>
Sent: Sunday, November 03, 2019 3:54 PM EST
To: Brandes, Jeff <Brandes.Jeff@flsenate.gov>
CC: Alexis Quintal <aquintal22@gmail.com>
Subject: Visiting from Pinellas on “Advertising Day”

Dear Senator Brandes,
Several other members from the American Advertising Federation (AAF) - Tampa Bay and I will be visiting Tallahassee with other AAF members from around the State on November 5th for “Advertising Day.” The AAF has chapters across the United States, and Florida chapters will be sending about 50 representatives to Tallahassee to discuss our advertising interests, goals, and contributions to the Florida economy.

Our representatives from Tampa Bay would like to set up a brief appointment with you on November 5th. I can be reached by email at kate@socialforces.com and directly on my mobile phone via call or text at 813-545-8560.

Thank you in advance for your time!

KATE WHATLEY
CEO // SOCIAL FORCES
813 545 8560 // LinkedIn // Visit SOFO

Social Forces is a certified Woman-Owned Business, Woman Owned Small Business and is part of the Goldman Sachs '10,000 Small Businesses' 2019 National Cohort.

AMERICAN OVERSIGHT

From: Rep. Anna V. Eskamani <anna@annaforflorida.com>
Sent: Tuesday, February 11, 2020 8:43 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Volunteer with #TeamAnna this Saturday!

AMERICAN OVERSIGHT

Dear Jeff,

This Saturday we are co-hosting a **Day of Action in House District 47** along with Moms Demand Action, March For Our Lives Florida, and Equality Florida Action PAC focused on gun violence prevention and the November 2020 elections. You can learn more and RSVP here.

We must honor those who are no longer with us through action, and elect candidates who support common sense gun safety legislation -- *versus those that bend to the influence of the gun lobby.*

RSVP FOR OUR DAY OF ACTION HERE

I am proud to be a leading voice in the Florida House on gun safety issues and to file legislation that would keep guns out of the hands of domestic abusers. We must be bold and fearless in our efforts to reduce gun violence, and ensure that **constituents are engaged and ready to vote this November**.

Volunteer with us this Saturday from 10:00am - 2:00pm to knock on doors in House District 47. You can share the Facebook event here, and RSVP to attend at this link. Our canvass starting location will be shared with you as the date gets closer.

I hope to see you there, and please consider inviting your family and friends too!

With gratitude,

Connect With Us:

Facebook

Twitter

Contact Info:

Representative Anna V. Eskamani

PO Box 536154

Orlando, FL 32853

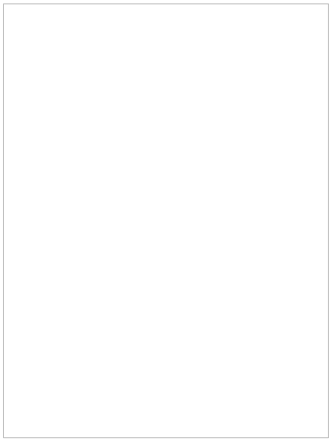
unsubscribe

AMERICAN OVERSIGHT

From: Volusia GOP <volusiarepublicans@recvc.org>
Sent: Tuesday, February 11, 2020 9:42 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Watch for your Florida Presidential Primary Ballot in mail

Volusia County GOP Executive Committee

Friend --

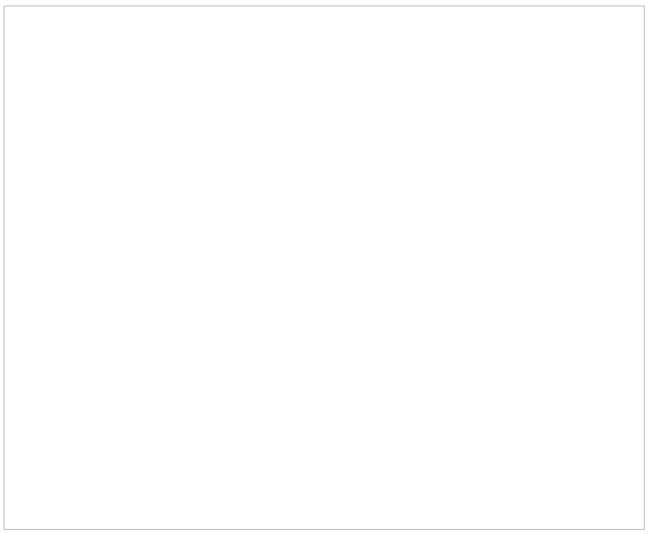


PAUL DEERING

VOLUSIA COUNTY REPUBLICAN CHAIRMAN



AMERICAN OVERSIGHT



Together, let's **KEEP VOLUSIA RED and KEEP AMERICA GREAT!**

Volusia GOP
http://www.volusiacountyrepublicans.org/

REPUBLICAN EXECUTIVE COMMITTEE OF VOLUSIA COUNTY · PO Box 9096, Daytona Beach, FL 32120, United States
This email was sent to brandes.jeff@flsenate.gov. To stop getting these, click here.

Paid for by Republican Executive Committee of Volusia County and not authorized by any candidate or candidate's committee. Contributions or gifts to RECVC are not tax deductible. Unless otherwise prohibited by applicable law or as specifically directed by the donor, all contributions will be deposited into the RECVC federal account. Such other contributions will be handled in accordance with applicable law. RECVC, PO Box 9096, Daytona Beach, FL 32120.

Created by Ron Robinson/CivicMerit with NationBuilder.

From: Andrea Mercado <info@newfloridamajority.org>
Sent: Tuesday, November 26, 2019 4:31 PM EST
To: Hubbard, Zachary <Hubbard.Zachary@flsenate.gov>
Subject: We are proud of our members!

AMERICAN OVERSIGHT

Zachary,

This past weekend, I saw one of the most beautiful moments since I've been at the New Florida Majority.

Over 200 of our members got together to talk about what's at stake next year. Member delegates from 6 counties participated in our endorsement process by voting for the candidate they thought was best for our communities. It was an empowering sight to witness our people standing in line for the chance to cast a ballot and have a voice, especially when many of them are not allowed to vote in national elections. It was democracy in action.

We want to share what that process was like. Click on the video to watch this historic moment.

We believe in building independent political power rooted in Black and Brown communities. Together we will advance towards a Florida where we all can thrive, and a nation where we all belong. Exercising collective governance to back a candidate we believe will fight for our communities is part of that process — even when we know at the end of the day it's not about the candidate — it's about the power we are building together.

If you want to get involved text WARRENFL to 90975.

Join the movement to reclaim democracy in 2020.

Forward in Victory,
Andrea Mercado
Executive Director
New Florida Majority

New Florida Majority
10800 Biscayne Blvd. Ste. 1050
Miami, FL 33161 United States
unsubscribe

AMERICAN OVERSIGHT

From: Joe Buscaino, 15th Council District <info@la15th.com>
Sent: Friday, October 04, 2019 4:11 PM EDT
To: Brandes, Jeff (Web) <Brandes.Jeff.Web@flsenate.gov>
Subject: Weekly Newsletter: Italian American Heritage Month, State of Emergency for Homelessness, Sidewalk Rebate Program Open and More...

LA 15th Council District

Jeff --

OCTOBER IS ITALIAN AMERICAN HERITAGE MONTH

Little_Italy2.PNG

Friday, October 4th, 2019 - 6:00 PM to 7:00 PM

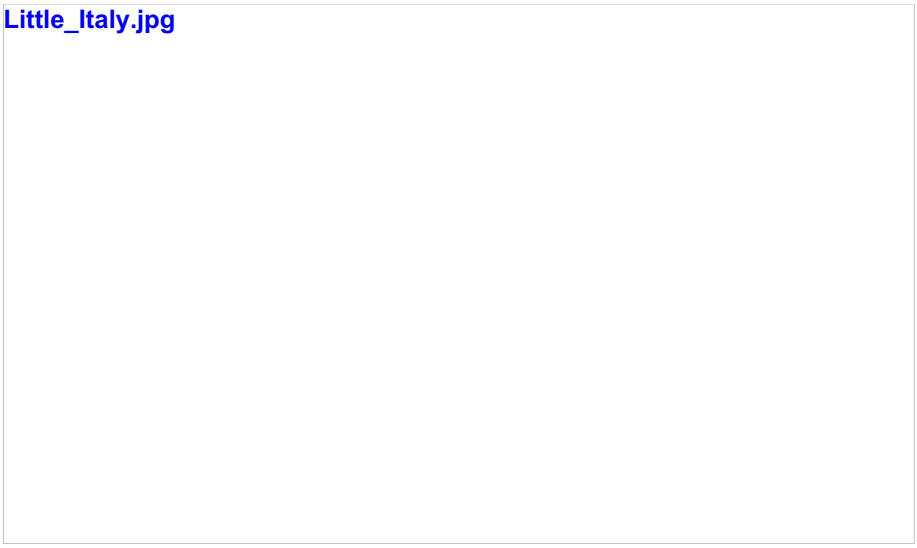
Tune in at Facebook.com/JoeBuscaino tonight at 6 PM as Councilmember Buscaino honors five Italian Americans for their contributions to the City of Los Angeles at the annual Italian American Heritage Celebration.

Saturday, October 5th, 2019 - 5:00 PM to 10:00 PM

Come and celebrate Los Angeles' Historic Little Italy Sign Unveiling and Festa! The event will feature vendors, Live Entertainment, Authentic Italian Food, Beer and Wine Garden, Bocce Ball and more! All are invited. There is no admission fee. Food vendor tickets will be available for purchase. Vendors include: A1 Imported Groceries, Big Nick's Pizza, Buono's Pizza, Italian American Club, Joseph's Bakery, J.Trani's Ristorante, Lattes on Location, Paciugo Gelato, Pirozzi's Italian Deli, Raffaello Ristorante, San Pedro Brewing Co., San Antonio Winery, San Pedro Fish Market, and Sebastian's Mediterranean Cuisine. MORE INFO...

AMERICAN OVERSIGHT

Little_Italy.jpg



READ: SOME OFFICIALS WANTS A STATE OF EMERGENCY FOR HOMELESSNESS

Regional_Homelessness.jpg



Last week Councilmember Buscaino introduced a resolution calling on Governor Newsom to declare a state of emergency for homelessness. If an earthquake displaced 130,000 people in California, how long would it take to house displaced residents? Why are we treating homelessness differently?

By Gale Holland, *Los Angeles Times*

Facing a deepening quagmire over homeless encampments, Los Angeles elected officials are increasingly looking to sweeping statewide initiatives to shake loose solutions. The latest proposal from Los Angeles County Supervisor Mark Ridley-Thomas and City Councilman Joe Buscaino would have the governor declare a state of emergency on homelessness in California.

Supporters view such a declaration as a novel strategy to free up state and federal funding typically reserved for natural disasters, such as earthquakes or wildfires, and to suspend or streamline the regulatory hurdles that often slow down shelter and housing development. It also could block NIMBY opponents from using environmental reviews to sue and delay or block homeless facilities

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from opening. CONTINUE READING...

APPLY TODAY: SAFE SIDEWALKS LA REBATE PROGRAM OPEN

Safe_Sidewalks.PNG

The City's Sidewalk Rebate Program re-opened on October 1, 2019. The program will accept new applications for a limited time, based on available funding. Property owners must apply with the City to participate in the program, then pay for their own repairs. Once certified by the City that the repairs are ADA-compliant, the property owner then receives the City's valuation offer amount, up to $10,000. For more information on the Rebate Program, please go to sidewalks.lacity.org/rebates to review the program's Frequently Asked Questions. APPLY...

OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH

DV_Awareness.PNG

October is Domestic Violence Awareness Month. Councilmember Buscaino toured Rainbow Services with Rainbow Services Executive Director Elizabeth Eastlund this week. Rainbow Services provides shelter and support to anyone impacted by domestic violence including emergency and crisis assistance, transitional and community housing, supportive services, and education. They also lead in advocacy and innovative practices.

What Is Domestic Violence?
Does your partner ever….

- Insult, demean or embarrass you with put-downs?
- Control what you do, who you talk to or where you go?
- Look at you or act in ways that scare you?
- Push you, slap you, choke you or hit you?
- Stop you from seeing your friends or family members?

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- Control the money in the relationship? Take your money or Social Security check, make you ask for money or refuse to give you money?
- Make all of the decisions without your input or consideration of your needs?
- Tell you that you're a bad parent or threaten to take away your children?
- Prevent you from working or attending school?
- Act like the abuse is no big deal, deny the abuse or tell you it's your own fault?
- Destroy your property or threaten to kill your pets?
- Intimidate you with guns, knives or other weapons?
- Attempt to force you to drop criminal charges?
- Threaten to commit suicide, or threaten to kill you?

If you answered 'yes' to even one of these questions, you may be in an unhealthy or abusive relationship. Don't hesitate to chat or call us (1-800-799-7233) if anything you read raises a red flag about your own relationship or that of someone you know.

Break the Cycle also provides more information about patterns of abuse and behaviors commonly experienced by youth in dating relationships.

If you are in danger call 911. Or reach the National Domestic Violence Hotline at 1-800-799-7233 or TTY 1-800-787-3224.

THIS WEEK IN THE COMMUNITY

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This_Week_in_the_Community.png



1. Councilmember Buscaino participated in the 38th Annual Watts Towers Day of the Drum and the 43rd Annual Simon Rodia Watts Towers Jazz Festival at the Watts Towers.

2. Two new electrical top handlers were on display at the Port of Los Angeles for Clean Air Day.

3. Team Buscaino toured the Banning Pool, a Los Angeles Recreation and Parks facility that is open year-round!

4. Councilmember Buscaino and Team Buscaino joined in the festivities at the United Way's Fall into Literacy event where Valero presented a $563,000 check to United Way to fund the event in future years.

5. Did you know Team Buscaino proactively drives the district picking up trash and submitting 311 requests? Check out some of the items they picked up off the streets this week.

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6. Centro CHA partnered with Councilmember Buscaino to host a Citizenship Workshop at the Wilmington Senior Center. Centro CHA was able to help 70 Wilmington residents in a single day with their paperwork, free of charge.

7. Thank you, Bureau of Street Services, for working to make the sidewalks and streets in Council District 15 safe! The Bureau repaired an unsafe sidewalk at Palos Verdes Street and 6th St. in San Pedro this week.

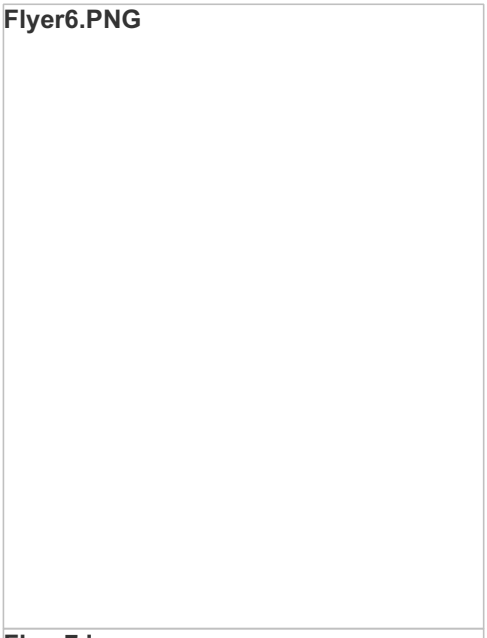
8. Team Buscaino partnered with State and Federal officials to host the second Opportunity Zones Workshop in Council District 15. Over 50 people attended the meeting at the Wilmington Senior Center including a representative from the Governor's office.

9. Team Buscaino attended the parent meeting atWeigand Elementary School in Watts to recruit parents for the pilot valet drop off and pick up program the office is working on with LAPD and the Urban Peace Institute.

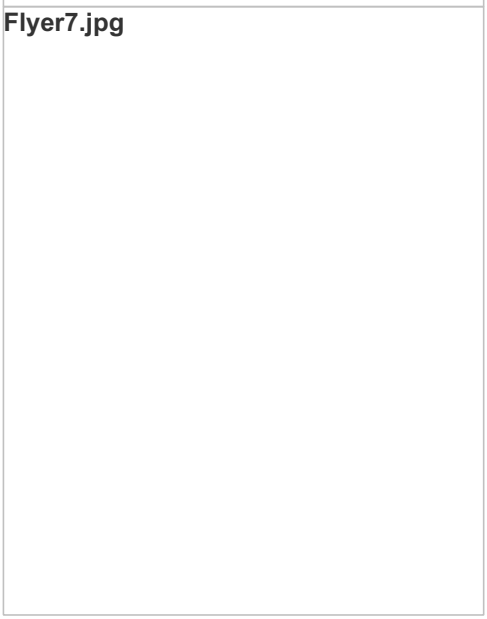
10. Team Buscaino participated in the Clean Air Action Plan Update at Port of Long Beach.

COMMUNITY EVENTS

Flyer6.PNG



Flyer7.jpg



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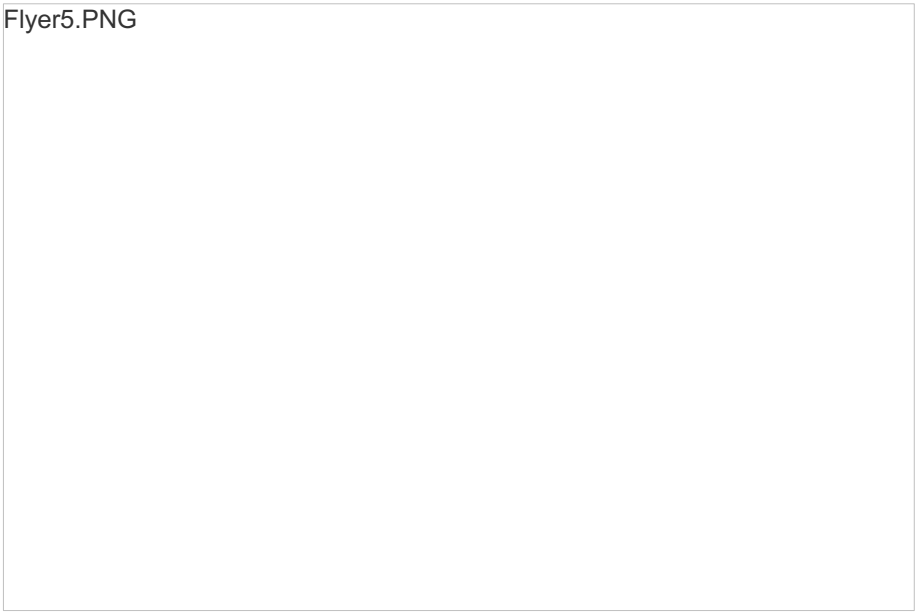
Flyer3.PNG

Flyer4.PNG

Flyer2.PNG

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Flyer1.PNG



Flyer5.PNG

PHOTO OF THE WEEK

AMERICAN OVERSIGHT

James_Dimon.jpg

In Memoriam, James Dimon (1963-2019). James set the bar for being involved in the community and his contributions will have a lasting effect in San Pedro. We love you and miss you JD. If you or someone you know is experiencing suicidal thoughts please call National Suicide Prevention Lifeline at 800-273-TALK (800-273-8255) to reach a trained counselor today.

Joe Buscaino, 15th Council District
http://www.la15th.com/

LA 15th Council District · United States
This email was sent to brandes.jeff.web@flsenate.gov. To stop receiving emails, click here.
You can also keep up with Joe Buscaino, 15th Council District on Twitter or Facebook.

Created with NationBuilder, the essential toolkit for leaders.

From: Senate Committee on Rules <Senate.Rules@flsenate.gov>
Sent: Thursday, November 14, 2019 10:56 AM EST
To: Senate - All <Senate-All@flsenate.gov>; !ALL OLS USERS <ALLOLSUSERS@leg.state.fl.us>; !ALL OLITS USERS <ALLOLITSUSERS@leg.state.fl.us>; Birtman, Stephanie <Stephanie.Birtman@myfloridahouse.gov>; Dubose, Kathy <DUBOSE.KATHY@leg.state.fl.us>; Plante, Ken <PLANTE.KEN@leg.state.fl.us>; Loscialo, Tina <LOSCIALO.TINA@leg.state.fl.us>; Gunter, Sandi <GUNTER.SANDRA@leg.state.fl.us>; Ennis, Connie <ENNIS.CONNIE@leg.state.fl.us>
Subject: Weekly Schedule for December 9-13, 2019
Attachment(s): "December 9-13, 2019.docx.pdf"

AMERICAN OVERSIGHT

WEEKLY SCHEDULE OF SENATE MEETING TIME ALLOCATIONS

December 9-13, 2019

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
December 9, 2019	**December 10, 2019**	**December 11, 2019**	**December 12, 2019**	**December 13, 2019**
	10:00am-12:00pm (Group I) Agriculture 301S Commerce & Tourism 110S Criminal Justice 37S Health Policy 412K	**10:00am-12:00pm (Group VII)** Mil.Vet. Affairs & Space 37S Rules 110S	**10:00am-12:00pm(Group VIII)** Appropriations 412K	
1:30-3:30pm (Group III) Education 412K Gov.Oversight Account. 301S Innovation Indust. Tech. 110S **4:00-6:00pm (Group IV)** Community Affairs 301S Env. & Natural Resources 37S Ethics & Elections 412K Infrastructure & Security 110S	**2:00-4:00pm (Group II)** Banking & Insurance 412K Child.Families Elder Aff. 301S Judiciary 110S	**1:30-3:30pm (Group V)** Sub/Ag.Env.Gen.Govt. 110S Sub/Criminal Civ. Justice 37S Sub/Education 412K **4:00-6:00pm (Group VI)** Finance & Tax 401S Sub/Health Hum. Services 412K Sub/Trans.Tour.Econ.Dev. 110S	**1:30-3:30pm (Group IX)** Jt. Adm. Procedures 301S Jt. Pub. Coun. Oversight 12H Jt. Leg. Auditing 306H	

AMERICAN OVERSIGHT

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From: Senate Committee on Rules <Senate.Rules@flsenate.gov>
Sent: Thursday, January 16, 2020 3:51 PM EST
To: Senate - All <Senate-All@flsenate.gov>; !ALL OLS USERS <ALLOLSUSERS@leg.state.fl.us>; !ALL OLITS USERS <ALLOLITSUSERS@leg.state.fl.us>; Birtman, Stephanie <Stephanie.Birtman@myfloridahouse.gov>; Dubose, Kathy <DUBOSE.KATHY@leg.state.fl.us>; Plante, Ken <PLANTE.KEN@leg.state.fl.us>; Loscialo, Tina <LOSCIALO.TINA@leg.state.fl.us>; Gunter, Sandi <GUNTER.SANDRA@leg.state.fl.us>; Ennis, Connie <ENNIS.CONNIE@leg.state.fl.us>
Subject: Weekly Schedule for Week 3 of the 2020 Regular Session
Attachment(s): "Week 3 January 27-31, 2020.docx.pdf"

AMERICAN OVERSIGHT

WEEKLY SCHEDULE OF SENATE MEETING TIME ALLOCATIONS

Week 3
January 27-31, 2020

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
January 27, 2020	**January 28, 2020**	**January 29, 2020**	**January 30, 2020**	**January 31, 2020**
	8:30-10:30am (Group V) Sub/Ag.Env.Gen.Govt. 110S Sub/Criminal Civ. Justice 37S Sub/Education 412K **11:00am-1:00pm (Group VI)** Finance & Tax 401S Sub/Health Hum Services 412K Sub/Trans.Tour.Econ.Dev 110S	**9:00-10:30am (Group V)** Sub/Ag.Env.Gen.Govt. 110S Sub/Criminal Civ. Justice 37S Sub/Education 412K **11:00am-12:30pm (Group VI)** Sub/Health Human Services 412K Sub/Trans.Tour.Econ.Dev. 110S		
1:30-3:30pm (Group III) Education 412K Gov.Oversight Account. 301S Innovation Indust. Tech. 110S **4:00-6:00pm (Group IV)** Community Affairs 301S Env. & Natural Resources 37S Ethics & Elections 412K Infrastructure & Security 110S **15 minutes after completion of Group IV-until completion** Special Order Calendar Group 401S	**1:30-3:30pm (Group I)** Agriculture 301S Commerce & Tourism 110S Criminal Justice 37S Health Policy 412K **4:00-6:00pm (Group II)** Banking & Insurance 412K Child.Families Elder Aff. 301S Judiciary 110S	**1:30-3:30pm (Group VII)** Mil.Vet. Affairs & Space 37S Rules 110S **4:00-6:00pm SITTING** **15 minutes after completion of Sitting-until completion** Special Order Calendar Group 401S		

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Sent: Wednesday, January 22, 2020 10:12 AM EST
To: Senate - All <Senate-All@flsenate.gov>; !ALL OLS USERS <ALLOLSUSERS@leg.state.fl.us>; !ALL OLITS USERS <ALLOLITSUSERS@leg.state.fl.us>; Birtman, Stephanie <Stephanie.Birtman@myfloridahouse.gov>; Dubose, Kathy <DUBOSE.KATHY@leg.state.fl.us>; Plante, Ken <PLANTE.KEN@leg.state.fl.us>; Loscialo, Tina <LOSCIALO.TINA@leg.state.fl.us>; Gunter, Sandi <GUNTER.SANDRA@leg.state.fl.us>; Ennis, Connie <ENNIS.CONNIE@leg.state.fl.us>
Subject: Weekly Schedule for Week 4 of the 2020 Regular Session
Attachment(s): "Week 4 February 3-7, 2020.docx.pdf"

AMERICAN OVERSIGHT

WEEKLY SCHEDULE OF SENATE MEETING TIME ALLOCATIONS

Week 4
February 3-7, 2020

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
February 3, 2020	**February 4, 2020**	**February 5, 2020**	**February 6, 2020**	**February 7, 2020**
	9:00-11:00am (Group I) Agriculture 301S Commerce & Tourism 110S Criminal Justice 37S Health Policy 412K	**9:30-11:30am (Group VII)** Mil.Vet. Affairs & Space 37S Rules 110S	**9:00am-12:00pm (Group VIII)** Appropriations 412K	
1:30-3:30pm (Group III) Education 412K Gov.Oversight Account. 301S Innovation Indust. Tech. 110S **4:00-6:00pm (Group IV)** Community Affairs 301S Env. & Natural Resources 37S Ethics & Elections 412K Infrastructure & Security 110S **15 minutes after completion of Group IV-until completion** Special Order Calendar Group 401S	**12:30-2:30pm (Group II)** Banking & Insurance 412K Child.Families Elder Aff. 301S Judiciary 110S **3:00-4:30pm SITTING** **3:45pm SENATE REUNION**	**1:00-6:00pm (Group VIII)** Appropriations 412K	**1:30-6:00pm SITTING** **15 minutes after completion of Sitting-until completion** Special Order Calendar Group 401S	

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To: Senate - All <Senate-All@flsenate.gov>; !ALL OLS USERS <ALLOLSUSERS@leg.state.fl.us>; !ALL OLITS USERS <ALLOLITSUSERS@leg.state.fl.us>; Birtman, Stephanie <Stephanie.Birtman@myfloridahouse.gov>; Dubose, Kathy <DUBOSE.KATHY@leg.state.fl.us>; Plante, Ken <PLANTE.KEN@leg.state.fl.us>; Loscialo, Tina <LOSCIALO.TINA@leg.state.fl.us>; Gunter, Sandi <GUNTER.SANDRA@leg.state.fl.us>; Ennis, Connie <ENNIS.CONNIE@leg.state.fl.us>
Subject: Weekly Schedule for Week 5 of the 2020 Regular Session
Attachment(s): "Week 5 February 10-14, 2020.docx.pdf"

AMERICAN OVERSIGHT

WEEKLY SCHEDULE OF SENATE MEETING TIME ALLOCATIONS

Week 5
February 10-14, 2020

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
February 10, 2020	**February 11, 2020**	**February 12, 2020**	**February 13, 2020**	**February 14, 2020**
	10:00am-12:00pm (Group I) Agriculture 301S Commerce & Tourism 110S Criminal Justice 37S Health Policy 412K	**10:00am-3:30pm SITTING**	**10:00-11:30am (Group V)** Sub/Ag.Env.Gen.Govt. 110S Sub/Criminal Civ. Justice 37S Sub/Education 412K	**10:00am-12:00pm SITTING**
1:30-3:30pm (Group III) Education 412K Gov.Oversight Account. 301S Innovation Indust. Tech. 110S **4:00-6:00pm (Group IV)** Community Affairs 301S Env. & Natural Resources 37S Ethics & Elections 412K Infrastructure & Security 110S **15 minutes after completion of Group IV-until completion** Special Order Calendar Group 401S	**2:00-4:00pm (Group II)** Banking & Insurance 412K Child.Families Elder Aff. 301S Judiciary 110S	**4:00-6:00pm (Group VII)** Mil.Vet. Affairs &Space 37S Rules 110S	**12:30-2:00pm (Group VI)** Finance &Tax 401S Sub/Health Hum. Services 412K Sub/Trans.Tour.Econ.Dev. 110S **2:30-6:00pm SITTING**	

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From: Senate Committee on Rules <Senate.Rules@flsenate.gov>
Sent: Thursday, February 06, 2020 3:11 PM EST
To: Senate Committee on Rules <Senate.Rules@flsenate.gov>; Senate - All <Senate-All@flsenate.gov>; !ALL OLS USERS <ALLOLSUSERS@leg.state.fl.us>; !ALL OLITS USERS <ALLOLITSUSERS@leg.state.fl.us>; Birtman, Stephanie <Stephanie.Birtman@myfloridahouse.gov>; Dubose, Kathy <DUBOSE.KATHY@leg.state.fl.us>; Plante, Ken <PLANTE.KEN@leg.state.fl.us>; Loscialo, Tina <LOSCIALO.TINA@leg.state.fl.us>; Gunter, Sandi <GUNTER.SANDRA@leg.state.fl.us>; Ennis, Connie <ENNIS.CONNIE@leg.state.fl.us>
Subject: Weekly Schedule for Week 6 of the 2020 Regular Session
Attachment(s): "Week 6 February 17-21, 2020.docx.pdf"

AMERICAN OVERSIGHT

WEEKLY SCHEDULE OF SENATE MEETING TIME ALLOCATIONS

Week 6
February 17-21, 2020

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
February 17, 2020	**February 18, 2020**	**February 19, 2020**	**February 20, 2020**	**February 21, 2020**
	10:00am-12:00pm (Group I) Agriculture 301S Commerce & Tourism 110S Criminal Justice 37S Health Policy 412K	**10:00am-12:00pm (Group VII)** Mil.Vet. Affairs & Space 37S Rules 110S	**9:00am-6:00pm (Group VIII)** Appropriations 412K **15 minutes after completion of Appropriations-until completion** Special Order Calendar Group 401S	
1:30-3:30pm (Group III) Education 412K Gov.Oversight Account. 301S Innovation Indust. Tech. 110S **4:00-6:00pm (Group IV)** Community Affairs 301S Env. & Natural Resources 37S Ethics & Elections 412K Infrastructure & Security 110S **15 minutes after completion of Group IV-until completion** Special Order Calendar Group 401S	**1:30-3:30pm (Group V)** Sub/Ag.Env.Gen.Govt. 110S Sub/Criminal Civ. Justice 37S Sub/Education 412K **4:00-6:00pm (Group VI)** Finance & Tax 401S Sub/Health Hum. Services 412K Sub/Trans.Tour.Econ.Dev. 110S	**1:30-3:30pm (Group II)** Banking & Insurance 412K Child.Families Elder Aff. 301S Judiciary 110S **4:00-6:00pm SITTING**		

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From: Senate Committee on Rules <Senate.Rules@flsenate.gov>
Sent: Wednesday, October 23, 2019 5:48 PM EDT
To: Senate - All <Senate-All@flsenate.gov>; !ALL OLS USERS <ALLOLSUSERS@leg.state.fl.us>; !ALL OLITS USERS <ALLOLITSUSERS@leg.state.fl.us>; Birtman, Stephanie <Stephanie.Birtman@myfloridahouse.gov>; Dubose, Kathy <DUBOSE.KATHY@leg.state.fl.us>; Plante, Ken <PLANTE.KEN@leg.state.fl.us>; Loscialo, Tina <LOSCIALO.TINA@leg.state.fl.us>; Gunter, Sandi <GUNTER.SANDRA@leg.state.fl.us>; Ennis, Connie <ENNIS.CONNIE@leg.state.fl.us>
Subject: Weekly Schedules for November 4-8 and November 11-15, 2019
Attachment(s): "November 4-8, 2019.docx.pdf","November 11-15, 2019.docx.pdf"

AMERICAN OVERSIGHT

WEEKLY SCHEDULE OF SENATE MEETING TIME ALLOCATIONS

November 11-15, 2019

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
November 11, 2019	**November 12, 2019**	**November 13, 2019**	**November 14, 2019**	**November 15, 2019**
VETERANS DAY	**10:30am-12:00pm (Group I)** Agriculture 301S Commerce & Tourism 110S Criminal Justice 37S Health Policy 412K	**10:00-11:30am (Group VII)** Mil.Vet. Affairs & Space 37S Rules 110S	**10:00am-12:00pm (Group VIII)** Appropriations 412K	
	1:30-3:00pm (Group II) Banking & Insurance 412K Child.Families Elder Aff. 301S Judiciary 110S **3:30-5:00pm (Group III)** Education 412K Gov.Oversight Account. 301S Innovation Indust. Tech. 110S	**1:00-2:15pm (Group V)** Sub/Ag.Env.Gen.Govt. 110S Sub/Criminal Civ. Justice 37S Sub/Education 412K **2:30-3:45pm (Group VI)** Finance & Tax 401S Sub/Health Hum. Services 412K Sub/Trans.Tour.Econ.Dev. 110S **4:00-5:30pm (Group IV)** Community Affairs 301S Env. & Natural Resources 37S Ethics & Elections 412K Infrastructure & Security 110S	**1:30-3:30pm (Group IX)** Jt. Adm. Procedures 301S Jt. Pub. Coun. Oversight 12H Jt. Leg. Auditing 306H	

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WEEKLY SCHEDULE OF SENATE MEETING TIME ALLOCATIONS

November 4-8, 2019

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
November 4, 2019	**November 5, 2019**	**November 6, 2019**	**November 7, 2019**	**November 8, 2019**
	10:00am-12:00pm (Group I) Agriculture 301S Commerce & Tourism 110S Criminal Justice 37S Health Policy 412K	**10:00am-12:00pm (Group VII)** Mil.Vet. Affairs & Space 37S Rules 110S	**10:00am-12:00pm(Group VIII)** Appropriations 412K	
1:30-3:30pm (Group III) Education 412K Gov.Oversight Account. 301S Innovation Indust. Tech. 110S **4:00-6:00pm (Group IV)** Community Affairs 301S Env. & Natural Resources 37S Ethics & Elections 412K Infrastructure & Security 110S	**2:00-4:00pm (Group II)** Banking & Insurance 412K Child.Families Elder Aff. 301S Judiciary 110S	**1:30-3:30pm (Group V)** Sub/Ag.Env.Gen.Govt. 110S Sub/Criminal Civ. Justice 37S Sub/Education 412K **4:00-6:00pm (Group VI)** Finance & Tax 401S Sub/Health Hum. Services 412K Sub/Trans.Tour.Econ.Dev. 110S	**1:30-3:30pm (Group IX)** Jt. Adm. Procedures 301S Jt. Pub. Coun. Oversight 12H Jt. Leg. Auditing 306H	

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REMEMBER: THE OFFICIAL CALENDAR IS PRINTED BY THE SECRETARY OF THE SENATE.
THIS TENTATIVE SCHEDULE IS SUBJECT TO CHANGE.

From: Senate Committee on Rules <Senate.Rules@flsenate.gov>
Sent: Friday, December 13, 2019 8:41 AM EST
To: Senate - All <Senate-All@flsenate.gov>; !ALL OLS USERS <ALLOLSUSERS@leg.state.fl.us>; !ALL OLITS USERS <ALLOLITSUSERS@leg.state.fl.us>; Birtman, Stephanie <Stephanie.Birtman@myfloridahouse.gov>; Dubose, Kathy <DUBOSE.KATHY@leg.state.fl.us>; Plante, Ken <PLANTE.KEN@leg.state.fl.us>; Loscialo, Tina <LOSCIALO.TINA@leg.state.fl.us>; Gunter, Sandi <GUNTER.SANDRA@leg.state.fl.us>; Ennis, Connie <ENNIS.CONNIE@leg.state.fl.us>
Subject: Weekly Schedules for Weeks 1 and 2 of the 2020 Regular Session
Attachment(s): "Week 1 January 13-17, 2020.pdf","Week 2 January 20-24, 2020.docx.pdf"

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WEEKLY SCHEDULE OF SENATE MEETING TIME ALLOCATIONS

Week 1
January 13-17, 2020

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
January 13, 2020	**January 14, 2020**	**January 15, 2020**	**January 16, 2020**	**January 17, 2020**
	9:30-11:00am SITTING **11:00am JOINT SESSION**	**8:30-10:00am (Group VII)** Mil.Vet. Affairs & Space 37S Rules 110S **10:30am-12:30pm (Group II)** Banking & Insurance 412K Child.Families Elder Aff. 301S Judiciary 110S	**10:00am-12:00pm(Group VIII)** Appropriations 412K **15 minutes after completion of Appropriations-until completion** Special Order Calendar Group 401S	
1:00-3:00pm (Group III) Education 412K Gov.Oversight Account. 301S Innovation Indust. Tech. 110S **3:30-5:30pm (Group IV)** Community Affairs 301S Env. & Natural Resources 37S Ethics & Elections 412K Infrastructure & Security 110S	**2:30-4:30pm (Group I)** Agriculture 301S Commerce & Tourism 110S Criminal Justice 37S Health Policy 412K	**1:30-3:30pm (Group V)** Sub/Ag.Env.Gen.Govt. 110S Sub/Criminal Civ. Justice 37S Sub/Education 412K **4:00-6:00pm (Group VI)** Finance &Tax 401S Sub/Health Hum. Services 412K Sub/Trans.Tour.Econ.Dev. 110S		

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REMEMBER: THE OFFICIAL CALENDAR IS PRINTED BY THE SECRETARY OF THE SENATE.
THIS TENTATIVE SCHEDULE IS SUBJECT TO CHANGE.

WEEKLY SCHEDULE OF SENATE MEETING TIME ALLOCATIONS

Week 2
January 20-24, 2020

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
January 20, 2020	**January 21, 2020**	**January 22, 2020**	**January 23, 2020**	**January 24, 2020**
Martin Luther King, Jr. Day	**10:00-11:30am (Group I)** Agriculture 301S Commerce & Tourism 110S Criminal Justice 37S Health Policy 412K	**8:30-10:00am (Group VII)** Mil.Vet. Affairs & Space 37S Rules 110S **10:30am-12:00pm SITTING**	**10:00am-12:00pm(Group VIII)** Appropriations 412K **15 minutes after completion of Appropriations-until completion** Special Order Calendar Group 401S	
	12:00-1:30pm (Group II) Banking & Insurance 412K Child.Families Elder Aff. 301S Judiciary 110S **2:30-4:00pm (Group III)** Education 412K Gov.Oversight Account. 301S Innovation Indust. Tech. 110S **4:30-6:00pm (Group IV)** Community Affairs 301S Env. & Natural Resources 37S Ethics & Elections 412K Infrastructure & Security 110S	**1:30-3:30pm (Group V)** Sub/Ag.Env.Gen.Govt. 110S Sub/Criminal Civ. Justice 37S Sub/Education 412K **4:00-6:00pm (Group VI)** Finance & Tax 401S Sub/Health Hum. Services 412K Sub/Trans.Tour.Econ.Dev. 110S	**2:30-4:30pm (Group IX)** Joint Select Committee on Collective Bargaining 412K	

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REMEMBER: THE OFFICIAL CALENDAR IS PRINTED BY THE SECRETARY OF THE SENATE.
THIS TENTATIVE SCHEDULE IS SUBJECT TO CHANGE.

From: Sirois, Tyler <Tyler.Sirois@myfloridahouse.gov> on behalf of Rinaldi, Angelique <Angelique.Rinaldi@myfloridahouse.gov>
Sent: Monday, January 06, 2020 2:52 PM EST
Subject: YOU'RE INVITED - BREVARD COUNTY DAY AT THE CAPITOL - JANUARY 21, 2020
Attachment(s): "Brevard Day Agenda_Final.pdf"

All Florida Legislators are invited to attend Brevard County Day at The Capitol on January 21, 2020

Please join us for the below schedule of events for Brevard County Day at the Capitol on January 21, 2020!

January 21

8:30 a.m. – 9:30 a.m. **Continental Breakfast & Brevard Delegation Legislative Update, Historic Capitol Museum Senate Chamber**
9:00 a.m. – 5:00 p.m. **Informational and interactive displays on Third Floor Rotunda**
11:30 a.m. – 1:00 p.m. **Brevard County Day at The Capitol Luncheon, Historic Capitol Museum Senate Chamber**
1:30 p.m. – 3:00 p.m. **Brevard Briefings, 17 House Office Building**
3:00 p.m. – 4:00 p.m. **House Chamber Tour**
3:30 p.m. – 5:00 p.m. **Senate Chamber Tour**

Please click here to register.

We look forward to seeing you there!

Angelique Rinaldi
Legislative Assistant
District: 321-449-5111
Tallahassee: 850-717-5051

Representative Tyler I. Sirois, District 51
Florida House of Representatives

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Brevard County Day at The Capitol
Tallahassee, Florida

Tuesday, January 21, 2020

Mission Statement: To showcase Brevard County's economic, cultural, and environmental contributions to the State of Florida and raise awareness on issues important to Florida's Space Coast.

Schedule of Events:

Tuesday, January 21, 2020

8:30 a.m. – 9:30 a.m. Historic Capitol Museum Senate Chamber	Continental Breakfast & Legislative Update
9:30 a.m. – 11:30 a.m.	House and Senate Member Meetings
11:30 a.m. – 1:00 p.m. Historic Capitol Museum Senate Chamber	Brevard County Day at The Capitol Luncheon
1:30 p.m. – 3:00 p.m. 17 HOB	Brevard Briefings 1:30-2:00 p.m. - Noah Valenstein, Florida Department of Environmental Protection 2:00-2:30 p.m. - Frank DiBello, Space Florida 2:30-3:00 p.m. - Dana Young, VISIT FLORIDA
3:00 p.m. – 4:00 p.m.	House Chamber Tour
3:30 p.m. – 5:00 p.m.	Senate Chamber Tour

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Brevard Briefings:



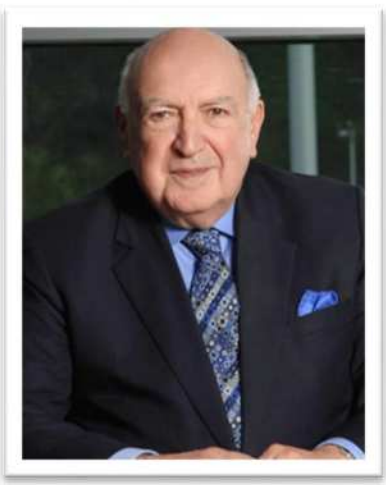
Noah Valenstein
Secretary, Florida Department of Environmental Protection

Noah Valenstein was appointed Secretary of the Florida Department of Environmental Protection by Governor Rick Scott on May 23, 2017 and reappointed by Governor Ron DeSantis on February 15, 2019. He returned to DEP with nearly 15 years of public service experience with governmental agencies and a passion for natural resource protection.

Noah most recently served as executive director for the Suwannee River Water Management District, where he oversaw the protection and conservation of water and land resources across 15 counties. His previous experience includes working on environmental, agricultural and energy issues in the Executive Office of the Governor and Florida House of Representatives, as well as with several of Florida's leading environmental nonprofit groups.

With a strong belief in the power of partnerships, Noah is focused on building relationships between diverse groups of stakeholders, including environmental and agricultural groups as well as local communities and businesses. He's built a reputation of bringing groups together to overcome obstacles and work toward a shared goal of environmental protection, and is committed to continuing in this spirit of partnership and service as DEP Secretary.

Noah was born in Gainesville, Florida, and graduated with honors from the University of Florida's School of Natural Resources and Environment. He also holds a law degree from Florida State University. Noah resides in Tallahassee with his wife, Jennifer, and daughter, Ava.



Frank DiBello
President/CEO, Space Florida

Frank DiBello, Space Florida President and CEO, was selected in May 2009 to lead Space Florida, which is the principal state agency for aerospace-related economic development, and the Space Authority for the State of Florida. In his position, he develops and executes programs designed to attract, retain and grow aerospace business across the state. Additionally, Mr. DiBello focuses on Florida aerospace workforce development and retention as well as international partnership development.

Mr. DiBello holds more than 50 years of direct aerospace, defense and emerging space industry-related experience. Frank spent more than 20 years at KPMG, in various management positions

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where he was responsible for guiding the firm's aerospace industry consulting practice, heavily focused on support of major aerospace merger, acquisitions and consolidations. He founded KPMG's Space Industry Practice—focused on new space businesses, taking major satellite programs to Wall Street for financing and led the effort to develop commercial uses of the International Space station (ISS).

Mr. DiBello served on President Reagan's Private Sector Survey on Cost Control, also known as the Grace Commission, and was responsible for management of the teams reviewing the Departments of the Army, Navy, Air Force, Office of the Secretary of Defense, and NASA. The Commission produced recommendations on ways to save $424 billion of waste in the Federal Government over three years. For his service to the Nation in this Commission, he was presented with a Presidential Citation.

Mr. DiBello formed SpaceVest, a Venture Capital Firm focused on investments in companies taking defense and space technologies to commercial applications and markets. He later served as President and CEO of Constellation Communications, International (CCI), which held an Iridium-class license from the FCC, where he planned and raised the financing for a global satellite network for mobile broadband communication services.

Prior to Space Florida, Mr. DiBello was President and CEO of Florida's Aerospace Finance Corporation (FAFC), established by the Florida Legislature to assist financing the infrastructure needs of new and established companies for the aerospace space, and aviation markets.

Mr. DiBello has been involved in multiple civic, social and industry volunteer organizations. He founded the Washington Space Business Roundtable and was appointed to serve on a number of critical defense and space commissions and committees. For his work as President of the Board of the USO Metropolitan Washington, he received the Medal for Distinguished Public Service, the Department of Defense's highest civilian honor.

Mr. DiBello has taught at the Defense Systems Management College and International Space University. He received his Bachelor of Science in Mathematics from Villanova University, and did graduate work at American and George Washington Universities.



Dana Young
President/CEO, VISIT FLORIDA

As VISIT FLORIDA's President and Chief Executive Officer, Dana Young leads Florida's official destination marketing organization in partnership with its Board of Directors and the statewide tourism industry.

Throughout her career, Dana has served in leadership positions working to cultivate and protect Florida's exceptional business climate and a world-class quality of life. As an attorney at Fowler,

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White, Boggs, P.A. in Tampa, she represented a broad spectrum of businesses, landowners, and individuals in areas of regulatory compliance, permitting, zoning, and administrative law proceedings. Dana served in the Florida House from 2010 through 2016, rising to Majority Leader for the 2015 and 2016 legislative sessions. In 2016, she was elected to the Florida Senate, where she represented parts of western Hillsborough County for two years. Dana was recommended for the VISIT FLORIDA position by Governor Ron DeSantis and was unanimously approved by the VISIT FLORIDA Board of Directors on January 7, 2019. In addition to her duties as President and CEO, she is a member of the U.S. Travel Association's Chairman's Circle.

Dana is a sixth-generation Floridian and was born and raised in Tallahassee. She received her undergraduate degree in Political Science from Florida State University and, in pursuit of her interest in law and public policy, graduated from the University of Virginia School of Law in 1993. In her free time, Dana enjoys spending time in natural Florida and tarpon fishing with her husband, Matt, and two daughters, Alexandra and Carson.

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From: Rep. Anna V. Eskamani <anna@annaforflorida.com>
Sent: Monday, January 27, 2020 8:30 AM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Your Official 2020 Legislative Update: Week 2

Dear Jeff,

We are back in Tallahassee for Week 3 of the 2020 Legislative Session! Below you will find your update from Week 2, along with a few recent news articles I encourage you to read and share.

Keep in mind that that our Weekly Updates our thorough but will never be all encompassing to what happens during the 2020 Legislative Session. Please consider keeping up to date with us in real time through our social media accounts including Facebook, Twitter, and Instagram. You can also watch Committee Meetings and Floor Sessions live on the Florida Channel.

I also wanted to lift up the most recent earthquake in Puerto Rico. If you are able to donate towards relief efforts, please do. Here is one organization to consider donating to.

Now onto to your Weekly Legislative Session Update--

RECENT ARTICLES TO READ

Disabled families in Florida fear cuts – for good reason | Commentary

Insulin prices are skyrocketing. Why won't the Florida House act?

Florida cities sued opioid makers. Now lawmakers might go after the cities.

Anti-LGBT Florida schools getting school vouchers

Gay-friendly companies financially support anti-LGBTQ Florida private schools

STANDING WITH OUR AIRPORT WORKERS

Before leaving for Tallahassee last week we stopped by Hannibal Square in Winter Park to celebrate MLK Day. We then attended a press conference at the Orlando International Airport in support of our airport workers who are advocating for increased wages and benefits. According to the union SEIU, 78% of the contract workers are making less than $20,000 a year, with some making a little as $5.25 an hour plus tips. If there's any airport that can improve working conditions, I know it's ours.

UPDATE ON ELECTIONS SECURITY

We've received a few emails from constituents about elections security. Last week the FBI announced a new policy that mandates the "notification of a chief state election official and local election officials of cyber threats to local election infrastructure." Increasing election security is a priority for local, state and federal officials in Florida and millions of tax dollars are being spent to shore up election security and to reassure voters that your votes will count.

Last week Orange County Supervisor of Elections Bill Cowles hosted his own press conference, stating that: "We've heeded the warning from 2016, Florida was the first state to have all of the counties use the Albert server, to monitor traffic coming in and out of our system, from that standpoint, we also have done penetration studies, we've built firewalls and changes, things we would not want to share." Election officials also highlight that Florida uses paper rather than digital ballots, which provides more protection from interference.

For those who do not know, Albert sensors function as a low-cost intrusion detection system and are being provided to state and local government agencies by the nonprofit Center for Internet Security (CIS).

Florida's Presidential Primary is March 17. The deadline to register to vote in that election is February 18.

PUSHING FOR EQUITABLE TAX POLICY

Our first Ways & Means meeting for the 2020 Legislative Session will take place later today, but we are *always* talking about taxes.

Last week the Orlando Sentinel wrote about the latest efforts by corporations to avoid paying taxes -- which you can read about here. We continue to advocate for a rollback of the $500 million tax refund the state's largest corporations are benefiting from, especially since those funds can be used for teacher pay, reducing the waitlist for disabilities, and many other public needs.

ADVOCATING FOR LOCAL CONTROL OF SUNSCREEN CHEMICALS

The Florida Legislature continues to preempt local governments from establishing their own ordinances, with the target this time focused on a bill that would block local governments from regulating over-the-counter drugs and cosmetics. The focus of the bill are two chemicals commonly found in sunscreen: oxybenzone and octinoxate. These chemicals have been found to damage the Florida Reef, with some

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concerns of its impact on human skin too. Key West banned the chemicals, leading to corporations wanting to preempt their ban.

We oppose this bill, asked the sponsor questions, sponsored an amendment to allow exemptions for local governments that border the Florida Reef, and ultimately voted the bill down. It still passed the Committee and is set to pass the Florida Senate.

One highlight from the committee was when my Republican colleague mentioned climate change-- you can watch that moment and my reaction by clicking on the video below.

SUPPORTING YOUTH SPORTS

This past week we presented and passed a funding request crafted by local constituents to help support youth sports in Central Florida. The first draft of Florida's state budget should be released soon-- we'll keep you posted when that budget comes out.

We also continue to advocate for affordable housing trust dollars to not be raided, and to support both arts and culture funding along with an increase of mental health funding.

FLORIDA COALITION AGAINST DOMESTIC VIOLENCE UPDATE

The Florida Coalition Against Domestic Violence (FCADV) plays a critical role in our state. Unfortunately there have been deep concerns around the organizations salary structure, as their longtime president and CEO Tiffany Carr was paid $761,000 in one year, raising eyebrows and questions on the organization's financial decision making. The Florida Department of Children and Families (DCF) started a review of the coalition's finances last summer, but have not been able to "move forward" with an audit for more than a year because FCADV will not hand over documents the department is requesting.

We sent a letter to House leadership last year asking for the legislature to investigate the misuse of funds. Shortly thereafter Tiffany Carr announced her retirement and then last week their interim CEO announced that she was stepping down. Now a bill is moving through the Florida House that would dissolve FCADV, which you can learn more about here.

We also wanted to lift up a new bill moving through the Senate focused on improving accountability with DCF, which you can learn more about here.

MEETING WITH CONSTITUENTS & ADVOCACY GROUPS

Last week we had over 40 meetings with constituents and advocacy groups at our Tallahassee Office! This included arts and culture organizations, Junior League, Earth Justice, space industry leaders, tourism advocates, librarians, AAUW, formerly incarcerated women, K9s for Warriors, and many more. We also welcomed both the Winter Park Chamber of Commerce and the Florida Babe Ruth Baseball League 12U All-Star Team to the Florida House from the House Floor!

Thank you for visiting us, and for inspiring us to be the best advocate for Florida!

PROTECTING OUR PUBLIC WORKERS

The Florida Legislature is fast-tracking House Bill 1, a bill that targets public workers and their ability to unionize by requiring employees to submit signed membership authorizations to employers to verify their intent to join a union before any membership dues can be collected. Employees would also be required to reauthorize union membership annually and unions must terminate membership upon written request from employees without asking any questions.

This bill would impact police, fire fighters, teachers, and other public employees. As a daughter of working class immigrants I know how important unions have been to our nation's history and to Florida's economy. We questioned the bill, filed an amendment, and debated it too. The bill ultimately passed along a mostly party line vote, with one Republican voting against it. You can watch my debate against the bill by clicking on the video below.

ARTS & CULTURE DAY IN THE FLORIDA CAPITOL

It was mentioned earlier that we welcomed more than 40 organizations to the Florida Capitol last week, and one of those groups was the Florida Cultural Alliance and our local arts and culture leaders! It was absolutely fantastic to speak to our state's arts leaders and to continue the push for arts and culture funding in Florida with advocates by our side.

MARKING THE ANNIVERSARY OF ROE V. WADE

The fight to protect access to a safe and legal abortion in Florida continues. Not only did we mark the 47th anniversary of Roe v. Wade with a major rally last week, but we also saw Senate Bill 404 -- forced parental consent legislation -- move through its final committee in the Florida Senate. The bill is set to be heard in the Florida Senate this week.

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On Friday I did a live interview with NPR's *Florida Roundup* about this bill and the hidden agenda by those who oppose abortion to use SB404 as a vehicle towards banning abortion in the state. You can listen to that interview here.

DEFENDING HOME RULE

Last week outside the House chamber doors myself, Rep. Ben Diamond, Rep. Joy Goff-Marcell, Rep. Carlos Guillermo Smith, Rep. Gerladine Thompson, Rep. Richard Stark, and Rep. Javier Fernandez joined forces to roll out a package of repealer bills designed to restore home rule in Florida. Coining the package as a "Repeal-A-Thon," we were joined by local officials, advocates, and directly impacted members of the community, addressing the legislature's aggressive preemption agenda and the corporate special interests behind the proposal. You can watch the launch at this link.

FIGHTING FOR LGBTQ EQUALITY

We continue to advocate for LGBTQ equality in Florida, and want to lift up the latest investigative piece by the Orlando Sentinel focused on Florida funding anti-LGBTQ voucher schools with public dollars. You can learn more here and here. Our legislation -- House Bill 45 -- would ban this type of discriminatory behavior from happening, but the bill hasn't been placed on the agenda of its first committee of reference yet. Here are two easy steps you can take to help this bill get a hearing:

1. If you do not live in HD47, call your State House Representative and ask that they co-sponsor HB45. Click here to identify your State House Representative.
2. Contact the Chairman of the bill's first committee stop and ask that that HB45 be given a hearing. Click here for contact information.

MOMS DEMAND ACTION IN TALLAHASSEE

It was fantastic to welcome Moms Demand Action to Tallahassee and to meet with hundreds of gun safety advocates from across the state. Thank you for your incredible work and advocacy.

DEATH PENALTY DECISION AND CRIMINAL JUSTICE REFORM

The Florida Supreme Court said Thursday it erred in 2016 when it ruled a jury must be unanimous in deciding a convicted murderer should be sentenced to death, announcing a dramatic legal reversal that could affect dozens of death row cases. It remains unclear if lawmakers will again change the death penalty law but the opinion caused an immediate outcry among criminal justice reform advocates. They called the decision a retreat on a critical element for ensuring justice in cases in which the death penalty is being sought. You can read more here.

SPEAKING AT FLORIDA STATE UNIVERSITY

Before heading back home last week, I served on a Democratic Women's Panel with the College Democrats at FSU. We had a fantastic conversation, and it is always such a treat to spend time with our local college students.

HOUSE DISTRICT 47 PAGE & DOCTOR OF THE DAY

We were thrilled this past week to welcome a House District 47 family to the Florida Capitol!

Many thanks to Sabrin who served in the Legislature's Page & Messenger program and to her dad Dr. Mo Azam who served as our Doctor of the Day! Grateful to have such incredibly engaged constituents, and we hope the whole family had a fantastic time in the Florida Capitol!

EVENTS IN HOUSE DISTRICT 47

This weekend was a busy one back in House District 47. We attended three events on Saturday including kicking off Rollins College's Day of Service, saying hello to the League of Women Voters of Orange County, and attending the 12th Annual Human Trafficking Awareness Day event. Remember: Floridians and visitors should visit YouCanStopHT.com for additional resources on how to spot traffickers and trafficking victims.

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UPCOMING EVENTS IN HOUSE DISTRICT 47

We have quite a few events coming up and encourage you to consider joining us at Orlando's Dragon Parade! You can learn more by clicking on the graphic below and can see all of our upcoming events at this link .

Onward,

PS: 16 years ago on Friday we lost our Mom after a long fight with cancer. I think about her every second-- her resilience, her joy, her deep generosity and sacrifice. Everything I am or hope to be I owe to her. Her death is a constant reminder to honor those who are no longer with us through action, today and everyday. You can read more about her story here. Love you Mom.

Connect With Us:

Facebook

Twitter

Contact Info:

Representative Anna V. Eskamani
1507 E. Concord Street
Orlando, FL 32803
United States

unsubscribe

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From: Rep. Anna V. Eskamani <anna@annaforflorida.com>
Sent: Monday, February 03, 2020 11:19 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Your Official 2020 Legislative Update: Week 3

Dear Jeff,

We are back in Tallahassee for Week 4 of the 2020 Legislative Session! Below you will find your update from Week 3, along with a few upcoming events we invite you to join us for!

Keep in mind that that our Weekly Updates our thorough but will never be all encompassing to what happens during the 2020 Legislative Session. Please consider keeping up to date with us in real time through our social media accounts including Facebook, Twitter, and Instagram. You can also watch Committee Meetings and Floor Sessions live on the Florida Channel.

We wanted to take a moment to honor Terry DeCarlo who passed away last week after a courageous fight with cancer. Terry was on the frontlines following the Pulse nightclub shooting, and will be forever remembered for his love, compassion, and commitment to equality.

UPCOMING EVENTS

Team Anna will be volunteering at three upcoming community events. We encourage you to learn more by clicking on their respective graphics below.

Now onto to your Weekly Legislative Session Update--

FIGHTING AGAINST DISCRIMINATION IN FLORIDA'S VOUCHER SCHOOL PROGRAM

We continue to advocate for LGBTQ inclusivity in Florida's private voucher school program.

Two weeks ago the Orlando Sentinel reported that at least 14 percent of Florida's nearly 147,000 scholarship students attended private schools last year where homosexuality was condemned or, at a minimum, unwelcome. As stated in the Orlando Sentinel, "The Sentinel found 83 schools that refuse to admit LGBTQ students or could expel them if their sexual orientation or gender identity were discovered. Some also refuse to educate students whose parents are gay or to hire staff who are gay. Another 73 schools call being gay or transgender a biblical sin but do not explain how those views play out in admissions or student discipline decisions."

We filed legislation back in August 2019 to help address this problem and eliminate LGBTQ discrimination as a predetermination of admission into a tax-credit funded private school. The bill has yet to be given a hearing, and since then more companies have decided to end their contributions into this program, signaling frustration with the voucher system's inaction on addressing LGBTQ inclusivity for children and their families.

The decision by companies to end their contributions into the tax-credit program has forced leaders in the Department of Education (DOE) to address discrimination concerns. We are continuing dialogue with DOE and Republican colleagues to find a solution that ensures the safety of all students. This week already, we have seen Step Up For Students release a statement that mentions LGBTQ students and are hearing from parents that schools are being contacted to change their policies. Unfortunately it's been reported that Step Up For Students has removed their annual report from their website, hiding their donor list. As you may already know, the voucher system lacks transparency and this past week my colleagues passed a bill that would lead to even less oversight.

Our efforts to find common ground have not stopped some from attempting to polarize the situation, leading to politicians like Senator Marco Rubio sending a tweet designed to distract everyone from the main goal: ***protecting all of our kids***.

STATE BUDGET BEGINS TO BE RELEASED

The only constitutional duty of the legislature is to pass a budget, and that process has officially begun. The Florida Senate and House released budget proposals last Thursday that are about $1.4 billion apart, leaving our two chambers with less than six weeks to work out the differences. Click here to learn more about the proposed budgets.

In regard to teacher pay: The Senate's bill that lays out the framework for statewide teacher raises, Senate Bill 62, is up for a hearing on Wednesday in the Appropriations committee. There are some key differences between the House and Senate on how teacher raises should work. The Florida Senate on Thursday also released a proposed $92.8 billion spending plan for 2020-21 that includes a 3% pay raise for state employees and additional money for public school teachers and corrections officers.

SECOND CHANCES FOR CLEMENTE AGUIRRE

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Clemente Aguirre was found guilty of murder in the 2004 stabbing deaths of former neighbors Cheryl Williams and Carole Bareis. Aguirre has always professed his innocence, and originally told police he knew nothing about the murders because he was an immigrant from Honduras and feared being deported. But then later in the day he confessed to discovering the bodies and was soon thereafter convicted and sentenced to death in 2006. In 2016 — thanks to a legal team, the Innocence Project, and new evidence — the Florida Supreme Court unanimously overturned the conviction based on new evidence, including DNA testing of several pieces of evidence that implicated another suspect. This session we have filed a claims bill for Aguirre so that he can have a second chance at life.

Keep in mind that several important and bipartisan criminal justice reform related bills will be heard this week. This includes The Tammy Jackson Act (HB 1259) and Urban Core Gun Violence Task Force (HB 201) both by Rep. Jones, as well as Detention of Children (HB 421) by Rep. Alexander, which would prohibit children behind held in adult jails while waiting for their day in court.

Drivers license suspension reform will also be addressed with Fines & Fees (HB 903) by Rep. Donalds. Meanwhile, the Florida Sheriffs Association is actively working to undermine these bipartisan efforts.

WELCOMING EQUALITY FLORIDA TO TALLAHASSEE

We joined LGBTQ advocates last Monday to rally for equality legislation and against a proposed ban on medical treatments for transgender children, calling the push misguided and harmful. You can read more here.

This has been a tough session for LGBTQ equality. Last Tuesday a Florida House committee passed a bill that would partially repeal 20 years of local LGBTQ rights laws. Today another committee heard a bill to jail doctors for providing life-saving care to vulnerable transgender teens (which by the way, is seen to be linked to suicide rates among trans-youth) but after compelling Q&A by lawmakers and powerful personal testimony the bill is dead. **Deep gratitude to House District 47 constituents Sally and Asher who came to Tallahassee to testify today, too**.

PROGRESS ON THE U-VISA SYSTEM

The Miami Police Department has enacted changes to how it treats immigrant victims of crime in response to an investigation by Reveal from The Center for Investigative Reporting. The story found that dozens of law enforcement agencies across the country routinely undermine visa protections for immigrants. Last session we brought up these concerns while debating SB168, and are pleased to see Miami Police Department making changes. We encourage all law enforcement agencies to do the same.

MEETING WITH ADVOCACY GROUPS

Last week we had over 40 meetings with different advocacy organizations and constituents. This included AARP, constructions groups, engineers, youth organizations, FFA, Central Florida Association of Women Lawyers, YMCA Youth in Government, foster care advocacy groups, AMI, and so much more! We also met with anti-abortion activists, and though we might not agree on everything we were able to find common ground on the importance of supporting pre-natal and post-natal care. I even had the chance to connect with my alma mater, University High School! ***Go Cougars!***

SUPPORTING FLORIDA'S NATIONAL GUARD

Last week we met with Maj. Gen. James O. Eifert and his team to talk about funding needs for the Florida National Guard. We are lucky to have an armory for the National Guard in HD47, and are committed to making sure our soldiers are well supported by the state when they are home.

DEFENDING HOME RULE

We continue to stand as proud advocates for local control and home rule, this time questioning and debating HB305-- legislation that would preempt local governments from providing their own protections for employment. You can watch my full debate against this bill here .

EARNED INCOME TAX CREDIT FOR WORKING FAMILIES

Last week stood in solidarity with our Democratic colleagues and advocates in support of two bills: one focused on an Earned Income Tax Credit and the second on Paid Family Leave. It's critically important that Florida focus on legislation that will make life easier for working families, and we will always do our part to lift up these policy ideas.

INTERFAITH COALITION FOR REPRODUCTIVE HEALTH & JUSTICE BREAKFAST

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Last week a legislative prayer breakfast was hosted by the Interfaith Coalition for Reproductive Health and Justice focused on lifting up faith voices who support reproductive rights and abortion access. The breakfast featured a handful of lawmakers and a room full of advocates.

Unfortunately abortion rights in Florida are at risk and tomorrow the Florida Senate will vote on SB 404, the forced parental consent bill. Click here to listen to my live interview with NPR's Florida Roundup to learn more about this bill and the hilden agenda by those who oppose abortion to use SB404 as a vehicle towards banning abortion in the state.

SUPPORTING & MEETING WITH OUR BREWERIES

It was wonderful to meet with breweries from House District 47 in Tallahassee and to connect with our Mainstreet Orlando leaders too! We love our small businesses, and are committed to building an economy that supports you and your growth!

CHILDREN'S DAY AT THE CAPITOL

This week was Children's Day at the Capitol and many youth-focused groups traveled to the Capitol. That included foster-youth advocacy organizations, early-ed experts, and Pace Center for Girls!

AFFORDABLE HOUSING RALLY

We continue to maintain our fierce advocacy for affordable housing and are focused on protecting the affordable housing trust funds, lifting up the needs of renters, and supporting are local governments in their efforts to diversify the supply of affordable housing options. We also joined advocates for a press conference lifting up all of these issues and more.

Unfortunately the Florida House's first draft budget raids $240 million from the affordable housing trust funds, though the Senate's draft budget does keep the trust fund fully in tact.

PROTECTING OUR WATER

Florida's Chief Economist Amy Baker warned state leaders that water shortages are coming unless action is taken to excel the state's water quality restoration goals. Meanwhile, the South Florida Water Management District has approved a plan to buy about 20,000 acres in the Everglades, a deal that would block exploratory oil drilling on part of the property. We continue to monitor Nestle requesting to increase their water pumping permit in Ginnie Springs, knowing that a bill to set a pumping fee for water was temporarily postponed in the Senate.

UPDATE ON THE FLORIDA COALITION AGAINST DOMESTIC VIOLENCE (FCADV)

Last week we were pleased to see GOP leadership of the Florida House take our concerns of funding at FCADV seriously, leading to an investigative hearing at the Public, Integrity, & Ethics Committee. Bipartisanship is possible, and we're proud to be a facilitator of it.

NATIONAL GUN VIOLENCE SURVIVORS WEEK

This week we honor the second National Gun Violence Survivors Week, a week focused on sharing and amplifying the stories of gun violence survivors who live with the impact of gun violence every day of the year. Early February marks the approximate time that gun deaths in the United States surpass the number of gun deaths experienced by our peer countries in an entire calendar year. Tragically, America's gun death rate is 11 times greater than that of our peer countries. We continue to support common sense gun safety legislation and wanted to make sure you saw that the Ban Assault Weapons Now (BAWN) citizen-led ballot amendment campaign will be now focused on collecting enough petitions by 2022 versus 2020.

Meanwhile, the legislator continues to make citizen-led ballot amendments much more difficult. They did the same last legislative session too, and you can read more here.

EVENTS BACK IN HOUSE DISTRICT 47

We had a busy weekend back in HD47! While I was in Tallahassee Lauren from our team attended Rollins College's inaugural State of the College address. Once I was back home, I met with a local foster youth advocate in our district, stopped by the Central Florida Muslim Business Expo, and spent time with volunteers in Downtown Orlando feeding and clothing the homeless. I also attended and spoke at Eatonville's annual Zora! festival, and spent time with Limbitless at UCF!

That's your weekly update for now! Thank you for trusting me to serve you in the Florida House!

Onward,

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From: Rep. Anna V. Eskamani <anna@annaforflorida.com>
Sent: Sunday, February 09, 2020 9:37 PM EST
To: Brandes, Jeff <BRANDES.JEFF@flsenate.gov>
Subject: Your Official 2020 Legislative Update: Week 4

Dear Jeff,

We are now back in Tallahassee for Week 5 of the 2020 Legislative Session! Below you will find your update from Week 4, along with a few upcoming events we invite you to join us for.

Missed a weekly update? Click on these respective links to catch up: Week 1, Week 2, Week 3.

Keep in mind that our Weekly Updates our thorough but will never be all encompassing to what happens during the 2020 Legislative Session. Please consider keeping up to date with us in real time through our social media accounts including Facebook, Twitter, and Instagram. You can also watch Committee Meetings and Floor Sessions live on the Florida Channel.

Special thanks to those who joined us for Orlando's Annual Dragon Day Parade earlier today, too!

UPCOMING EVENTS

Team Anna will be attending two upcoming community events. We encourage you to learn more by clicking on their respective graphics below.

WATERMARK WAVE AWARD

Thank you Watermark Online readers for nominating us to be Favorite Local Politician AND Favorite Local Ally for Equality! It's an honor to be your advocate, both in Central Florida and Tallahassee! Online voting is open now until Friday and you can vote for the final winners via this link. Cast your ballot soon — it's good practice for November!

Now onto to your Weekly Legislative Session Update--

AID TO PUERTO RICO

On Friday the Democratic-controlled U.S. House passed a $20 billion-plus aid package for Puerto Rico, where a swarm of earthquakes last month set back the island territory's slow, troubled recovery from the hurricane devastation of 2017. Unfortunately, the White House has promised to veto the legislation, charging the island's government of mismanagement and weak financial controls. As we continue to wait for action by the federal government, here's a quick way you can give towards Puerto Rican relief efforts .

ENSURING LGBTQ PROTECTION FOR ALL FLORIDIANS

This has been a whirlwind week for LGBTQ equality in Florida.

The ongoing work to advocate for LGBTQ inclusivity in Florida's private voucher school program has continued for us. Three weeks ago the Orlando Sentinel reported that at least 14 percent of Florida's nearly 147,000 scholarship students attended private schools last year where homosexuality was condemned or, at a minimum, unwelcome. As stated in the Orlando Sentinel, "The Sentinel found 83 schools that refuse to admit LGBTQ students or could expel them if their sexual orientation or gender identity were discovered. Some also refuse to educate students whose parents are gay or to hire staff who are gay. Another 73 schools call being gay or transgender a biblical sin but do not explain how those views play out in admissions or student discipline decisions."

We filed legislation back in August 2019 to help address this problem and eliminate LGBTQ discrimination as a predetermination of admission into a tax-credit funded private school. The bill has yet to be given a hearing, and since then more companies have decided to end their contributions into this program, signaling frustration with the voucher system's inaction on addressing LGTBQ inclusivity for children and their families. Recently Fifth-Third Bank returned to the voucher system, signaling an internal agreement was made between their company and AAA (the voucher processing organization). It should be noted that the agreement did not include any commitment on LGBTQ inclusivity.

Last week we joined others in meeting with Step Up For Students, the state's larger voucher processing organization. It was a good meeting, and I am hopeful that a solution will be found soon that ensures no child in who participates in Florida's voucher system will face discrimination. Here's a Twitter thread from the Orlando Sentinel that outlines some of these recent events too.

In addition to advocating for LGBTQ inclusivity within Florida's voucher system, another committee heard a bill to jail doctors for providing life-saving care to vulnerable transgender teens (which by the way, is seen to be linked to suicide rates among trans-youth). After compelling Q&A by lawmakers and powerful personal testimony the bill is dead. Deep gratitude to House District 47 constituents Sally and Asher who came to Tallahassee to testify. Representative Amy Mercado-- who is the mom of a transgender daughter-- also shared

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powerful personal testimony that you can watch here.

Later in the week, House Speaker Jose Oliva was asked questions from the media about the Competitive Workforce Act, popular bipartisan bill that would ban LGBTQ discrimination in the state. The Speaker said it wasn't a major problem-- leading to more pressing questions from reporters. You can watch the full interaction here.

STATE BUDGET TO BE DEBATED

The only constitutional duty of the legislature is to pass a balanced budget. Last week lawmakers in their respective appropriation committee presented and debated both the House and Senate budget proposals. This week we will debate the different budget silos on the House Floor.

Some of our state funding priorities include increased pay for all teachers and support staff, state raises, affordable housing, arts and culture funding, mental health funding, reducing the APD waitlists, securing additional judges for Circuit 9, fully funding the needs of our National Guard, supporting our caregivers, and so much more. You can click here to learn more about the proposed budgets.

LIFTING UP MENTAL HEALTH

Since 2008, more than 60,000 U.S. veterans have taken their own lives, with more than half of those deaths via firearms. This is a heart wrenching statistic, and reinforces why investment into mental health programs for Floridians of all ages and backgrounds matters. It also once more elevates the all-too-common connection between suicide and gun access.

PROTECTING OUR WATER

The South Florida Water Management District has officially approved a plan to buy about 20,000 acres in the Everglades, a deal that would block exploratory oil drilling on part of the property. This is great news, but we still have a lot of work to do in protecting Florida's natural resources. We spoke to WFSU about this last week, and you can listen to our radio interview at this link. The legislature is also moving forward a bill that would increase sewage spills fines, creating more harsh penalities.

Last week the Florida House also passed a modest but important bill that would increase the penalties for anyone who killed black bears out of season. The bill (HB 327) would make it a first-degree misdemeanor to kill a bear or possess a freshly killed bear during a closed season, up from a second-degree misdemeanor. (Of course, we would prefer bears not be hunted at all).

WELCOMING LEAGUE OF WOMEN VOTERS TO FLORIDA

It was wonderful to welcome the League of Women Voters of Florida (LWVF) to Tallahassee last week! As a longtime League member myself, it's always a joy to discuss hot topics and dive deep into policy with our LWVF members!

TRANSPORTATION UPDATE

In Orange County there continues to be dialogue over the consideration of a new penny sales tax to go towards transportation. But in Tallahassee that option for local governments is being tested in the Florida Supreme Court. Four Florida Supreme Court justices heard oral arguments on Wednesday over whether or not the tax intended to improve Hillsborough County's infrastructure is constitutional. Since Jan. 1, more than $207 million in collected sales tax has been sitting dormant. You can learn more here. Meanwhile, we met with the Florida Department of Transportation (FDOT) to touch base on state transportation projects taking place in House District 47, including the I4 Ultimate Project. You can see a breakdown of these projects in the photo below. Right now FDOT is spending a little over $72 million in transportation projects in our district.

BREWERIES AND DOGS

As you might already know, dogs are not allowed inside of breweries in Florida, though legislation moving in our chamber could change that. You can read the Orlando Sentinel's review of this issue here, and know that we fully support allowing dogs to be in our breweries, giving small businesses decision making power on if, when, and where dogs would be welcome.

REDUCING PLASTIC WASTE

We are proud to sponsor legislation to restore home rule on the regulation of plastics, allowing local cities and counties to control plastic usage in their communities. This is our second session in a row sponsoring this bill, and we joined advocates from Surfrider and other organizations for Rise Above Plastic and to push for proactive environmental protection policies. The event not only focused on our bill but advocates were also supporting efforts to limit smoking on beaches and public parks, along with other environmentally focused bills.

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MAKING ORLANDO AN AUTISM FRIENDLY CITY

It was amazing to meet with the Center for Autism and Related Disabilities in our Tallahaasee office this past week, to learn more about their impact, budgetary needs, and plans to push Orlando towards becoming an Autism Friendly City! CARD has our full support to help make this a reality.

TAXES & WORKERS PROTECTIONS

This past week we saw the Orlando Sentinel publish a series of articles focused on different tax breaks corporations are lobbying for. This includes a $2 million tax break for rental car companies and a window manufacturer. The Orlando Sentinel also dived deep into a major preemption bill that is being pushed by Florida's tourism and restaurant industry. You can read that article here, and watch our debate against that bill here.

In related news, Florida's tourism industry created a PAC to fight John Morgan's $15 minimum wage amendment on the 2020 ballot. The new political action committee, called Save Florida Jobs, has raised $50,000 from the National Restaurant Association and $5,000 from Red Lobster. Read more here.

REFUGEE RESETTLEMENT

Last week we met with refugees who came to the Florida Capitol to advocate in support of refugee resettle programs. These programs are fully funded by the federal government, but it is important that state leaders support resettlement programs and to welcome refugees.

ADVOCACY VISITS

Last week we met with more than 30 advocacy groups at our Tallahassee office! This included our local realtors, dentists, nurses, environmental advocates, cultural organizations, faith-based organizations, and so much more! Thank you for coming to see us in the Florida Capitol!

DIAPER ACCESS FOR ALL

We are proud to be advocates for diaper access, to support eliminating sales tax on diapers, and to organize diaper banks in House District 47. Last week we had the chance to meet with leaders from the National Diaper Bank Network, and will be visiting a local Diaper Bank back in Central Florida soon, too!

State of the Latina & Florida Muslim Day at the Capitol

It was an honor to stand shoulder-to-shoulder with our latinas/latinx community members for Florida's 3rd Annual State of the Latina, and to host a press conference to mark Florida Muslim Day at the Capitol! Our state's diversity is its strength.

WELCOMING MAYOR BUDDY DYER

It was wonderful to get a surprise visit from Orlando Mayor Buddy Dyer, and to have Mayor Jerry Demings in Tallahassee. We are proud to work hand-in-hand with local governments in an effort to solve some of our region's most challenging problems.

ALZHEIMER'S AWARENESS

This past week also marked Alzheimer's Awareness Day at the Capitol. Florida has the second-highest prevalence of people with Alzheimer's, with 540,000 residents diagnosed. It is critically important that we support those directly impacted and their families through both policy and funding. Thank you for coming to see us, for sharing your stories, and for being such incredible advocates.

FIGHTING FOR HOME RULE

This past week the Orlando Weekly published an in-depth report on the fight for home rule in Florida, and how corporations have used preemption as a means to eliminate local ordinances they don't like for their bottom line. We firmly believe that the best government is a

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government that's closer to people and it's important for voters to understand how much of your local rights, how much local control has already been lost.

CRIMINAL JUSTICE REFORM

This week saw a major day of action with formerly incarcerated people and families of the incarcerated coming to the Florida Capitol to share their story and support criminal justice reform. It was an honor to meet families and hear their stories-- we are proud to support improvements to our state prisons and policies that focus on rehabilitation versus only incarceration.

FLORIDA WOMEN'S LEGISLATIVE CAUCUS MEETING

I love finding opportunities to work across the aisle with our Republican colleagues and am proud to serve in the Florida Women's Legislative Caucus! During last week's meeting we focused on upcoming women's suffrage events and discussed potential legislation to endorse as a Caucus.

ABORTION ACCESS UPDATE

Senate Bill 404 has passed the Florida Senate and will be heard in the Florida House soon. Click here to listen to my live interview with NPR's Florida Roundup to learn more about this bill and the hilden agenda by those who oppose abortion to use SB404 as a vehicle towards banning abortion in the state.

In related news, a so-called "parents' bill of rights" (HB 1059) is one step closer to the House floor after being approved by a committee Thursday. You can read more about this bill here, but know that it could limit sexual education in schools in cases where a parent objects to the subject matter and could make it easier for parents to opt-out of vaccinating their children. It also potentially endangers LGBTQ youth.

MATERNAL MORTALITY RATES

Florida ranks 32nd out of the 50 U.S. states in terms of the highest maternal mortality rates. The state had a maternal death rate of 28.1 per 100,000 live births from 2013 to 2017, according to federal data released by America's Health Rankings. According to the Orlando Sentinel, Orange County lags behind in reducing maternal mortality rates too. You can read more here but know that we are never not talking about prenatal and postnatal care, and are committed to increasing access to health care for all expecting parents.

TESTING IN MULTIPLE LANGUAGES & EDUCATIONAL STANDARDS

We are co-sponsors on bipartisan legislation to allow Florida's students to take state tests in their native language and though the bill is incredibly popular among lawmakers and stakeholders, it has not received one hearing in the Florida House. Meanwhile, the Department of Education is ending Common Core and are in the process of putting into place "B.E.S.T. Standards." DeSantis is calling his plan a "return to the basics of reading, writing, and arithmetic"-- you can read more about these new standards here and here.

On Thursday, the LeRoy Collins Institute released a study on Florida's charter schools. According to the institute, the report, labeled "Florida Charter Schools: Not as Good, Or as Bad, as Advertised," offered mixed marks on charter schools delivering "both good and not good news to critics and supporters of charter schools alike." You can read that report here.

BACK HOME IN HOUSE DISTRICT 47

It was a busy week back in House District 47! Our team attended a panel discussion at the Central Florida International Trade Office, we attended an event hosted at Rollins College by March For Our Lives, joined United Against Poverty for a strategic planning session, and supported Harbor House by marching in Walk a Mile In Her Shoes .

I got back to the district late on Thursday and spent my day meeting with constituents and speaking at Monarch Learning Academy in College Park! On Saturday we stopped by Paws in the Park and Elevation Scholars' preliminary interviews. We also joined Florida USAR Task Force 4 to learn more about our local emergency responders and how they need our support via the Florida Legislature.

SERVING OUR CONSTITUENTS

We are proud to support our constituents no matter the issue or challenge. Please be sure to always reach out if we can be of service, and never be afraid to ask for help.

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Before we close your Weekly Legislative Session Update we wanted to honor the fact that this Friday will be the two year mark of the shooting at Marjory Stoneman Douglas High School. We honor those who are no longer with us through action.

Onward,

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